

Association of Family and Conciliation Courts
California Chapter
Declaration of Public Health Crisis

Whereas, it is the Mission of AFCC to improve the lives of children and families through the resolution of family conflict.

Whereas, it is the Vision of AFCC to promote a justice system in which all professions work collaboratively through education, support and access to services to achieve the best possible outcome for children and families.

Whereas, among the Values AFCC seeks to promote are innovation in addressing the needs of families and children in conflict and the empowerment of families to resolve conflict and make decisions about their future.

Whereas, every year, the number of children who are affected by the Court system increases. California courts reported 455,000 family law filings in 2006. These included 158,000 filings for dissolution of marriage. The 297,000 other filings include petitions for child support and domestic violence protective orders. Over 35% of children born each year in California are born outside of marriage. The volatility of these relationships make court intervention likely. In addition, 1 in 2 children born to married partners are likely to interface with the family court based on the historical 50% divorce rate in California.

Whereas, according to 2006 census data, California has approximately 9,551,877 children (26.2% of the population). It is estimated that at least half of those children (4,775,939) have been touched by/involved in the Court system as a result of their parents' actions (e.g. separation, divorce, domestic violence, paternity, dependency, or guardianships). Approximately 18% of children under 18 in California (as of 2007) are estimated to be involved in child support enforcement caseloads.

Whereas, the children of California are also affected by the family court because of the increased incidents of domestic violence, the increased number of paternity proceedings, the steady percentage

of the divorce rate. In a 2007 judicial workload assessment, judicial workload for family law cases and other petitions had increased from 2004 to 2007 and currently makes up 64 percent of the family and juvenile workload in the courts. The resources of each court need to be allocated in a manner that meets the needs of the court's family law caseload.

Whereas, the children of California are also affected by the steady increase in self represented litigants who may not have access to the same resources available to children whose parents are represented by counsel. In a survey of all judicial officers hearing family law cases, the judicial officers reported seeing at least one self-represented litigant in 75 percent of the cases they heard. They also estimated that at least one party was self-represented in 89 percent of Domestic Violence Prevention Act hearings and 93 percent of child support hearings.

Whereas many of the children of California have interaction with several forms of court intervention, including the family court, the probate court, and the dependency and delinquency system. In 2007 judicial workload assessment, it is estimated that family, juvenile dependency and delinquency, and probate workload increased by 3 to 6 percent from 2004 to 2007, with 30 to 44 courts experiencing growth in either or all family, juvenile or probate workload.

Whereas, the resources allocated to family law cases involving children do not reflect the ratio of family cases to the overall work of the court. This is ineffective and ultimately unacceptable. There are approximately 175 "full time equivalent" judicial officers hearing family law cases and responsible for the one-half million new filings and petitions in family law every year, as well as all the cases still in the court system. The Administrative Office of the Courts estimates a need for 459 full time equivalent family law judicial officers: 2.6 times as many judicial officers as currently serve in family law.

It is vital that we "reframe" this problem and create more realistic remedies to meet the needs of California's children.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED THAT, The Board of the California Chapter of the Association of Family and Conciliation Courts declares that there is a clear and present danger to the public health of the children of this State based on our society's failure to adequately address the impact of child custody proceedings upon children as a chronic, system-wide, statewide, public health crisis which impacts the previous, current and future generations of California's most precious resource- its children.

NOW, THEREFORE, BE IT RESOLVED THAT, The Board of the California Chapter of the Association of Family and Conciliation Courts calls upon the Governor, the State Legislature and the Judicial Branch to devote adequate resources to meet the needs of the children who are impacted by this public health crisis.

NOW, THEREFORE, BE IT RESOLVED THAT, The Board of the California Chapter of the Association of Family and Conciliation Courts calls upon all the stakeholders in the family court system, including but not limited to all relevant sectors of the Judicial Council of California, the State Bar of California, particularly its Family Law & Juvenile Law Sections, the Association of Certified Family Law Specialists, the American Academy of Matrimonial Lawyers to join the California Chapter of the Association of Family and Conciliation Courts in identifying this public health crisis and demanding that adequate, immediate and sustained resources be funded to address these concerns by all aspects of the public and private sectors whose stewardship of trust includes the welfare of the children of California.

NOW, THEREFORE, BE IT RESOLVED THAT, The Board of the California Chapter of the Association of Family and Conciliation Courts will review legislation, and funding/resource issues that could impact children in family law courts, taking into account this clear and present danger to the children of California. And for this constituency which has no voice, we resolutely rally for change.