



Program Brief



Strategies for Court Collaboration With Service Communities

Many of today's court cases—such as divorce, custody, domestic violence, child abuse and neglect, juvenile delinquency, drunken driving, guardianship, drug possession, and a variety of misdemeanor quality-of-life offenses—involve individuals with medical, psychological, and social problems. These cases are increasing in number and pose particular challenges for courts. Traditional court processes were designed to make specific decisions; they were not designed to address the underlying social and psychological problems that lead these cases to court. Consequently, the decisions that courts craft based on law and precedent are not always effective. Although individual cases are disposed, they are not truly resolved because the underlying issues are not addressed. The result is that the problems often resurface as new cases.

In response, courts are experimenting with a variety of innovative programs that focus on closer collaboration with the service communities in their jurisdictions. These programs vary considerably from jurisdiction to jurisdiction and by different types of cases within a jurisdiction, but they all stress a collaborative, multidisciplinary,

Richard R. Nedelkoff, Director

www.ojp.usdoj.gov/BJA

November 2002



About BJA

The Bureau of Justice Assistance was established in 1984 as a component of the Office of Justice Programs, U.S. Department of Justice. BJA provides leadership and resources to state, local, and tribal governments and communities to reduce crime, violence, and drug abuse and to strengthen the nation's criminal justice system. BJA provides this assistance through formula and discretionary grants, training and technical assistance, publications, and the BJA web site.

For Further Information

For information about service coordination strategies, contact:

National Center for State Courts (NCSC)

300 Newport Avenue
Williamsburg, VA 23185
1-800-616-6164
Fax: 757-564-2022
Web site: www.ncsconline.org

The full monograph on which this program brief is based, *Court Responses to Individuals in Need of Service: Promising Components of a Service Coordination Strategy for Courts*, is available from NCSC.

Bureau of Justice Assistance

810 Seventh Street NW.
Washington, DC 20531
202-616-6500
Fax: 202-305-1367
Web site: www.ojp.usdoj.gov/BJA

For publications and information on other BJA-funded programs, contact:

Bureau of Justice Assistance Clearinghouse

P.O. Box 6000
Rockville, MD 20849-6000
1-800-688-4252
Web site: www.ncjrs.org

Clearinghouse staff are available Monday through Friday, 8:30 a.m. to 7 p.m. eastern time. Ask to be placed on the BJA mailing list.

This document was prepared by the National Center for State Courts, under grant number 1994-MU-CX-0004, awarded by the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

problem-solving approach to address the underlying issues of individuals appearing in court.

The most formal and comprehensive versions of these programs are the specialized “problem-solving courts” developed to address domestic violence, drug abuse, family matters, mental illness, quality-of-life crimes such as shoplifting and vandalism, and so forth.¹ Although subject matter jurisdiction varies across these problem-solving courts, they all have service coordination as a core feature of their operation. Service coordination begins early in the process, often post-arrest, to determine eligibility for programs and the need for prompt, specialized services. Some problem-solving courts are preadjudicatory and diversion oriented and others require a plea before a treatment plan is implemented. In either model, however, considerable service coordination has usually taken place by the time a treatment order is entered. Given their concentration on service coordination, these problem-solving courts offer a starting point to explore promising court practices that integrate treatment services with judicial case processing to address the service needs of individuals in courts.

This exploration was a focus of the Models of Effective Court-Based Service Delivery for Children and Their Families project. The project included field research in eight jurisdictions: Sacramento Superior and Municipal Courts in California; the Mental Health Court in Broward County, Florida; the Jefferson Family Court in Louisville, Kentucky; the Circuit Court (including its drug courts) in Kalamazoo, Michigan; the Youth Part of Manhattan's Criminal Court in New York County, New York; the Oregon Judicial Department and Integrated Family Courts in Deschutes and Jackson Counties; the Richland County Family Court in Columbia, South Carolina; and the King County Unified Family Court in Seattle, Washington. The field research was

supplemented with a literature review and a telephone survey of 50 courts as a preliminary step to obtain basic information on court coordination of services.

The information from the project's data collection efforts underscores that a single model of service coordination is inappropriate. Jurisdictions vary considerably in their local legal and service cultures and resources. What works for one jurisdiction may need significant modification to work in another. In recognition of this variation, the project focused not on specific models but on broader service coordination goals and strategies for achieving the goals. This approach allows each jurisdiction to assess its current service coordination needs and develop a strategy to address these needs given local jurisdiction culture and resources.

Goals of Service Coordination: A Court's Perspective

Interviews with both court and service agency professionals revealed that service coordination issues are integrally linked to other court goals. Thus, examining them apart from other court performance issues (such as court timeliness, fairness, and independence) is artificial. Service coordination performance goals are particularly challenging for courts because they often involve issues that cannot be addressed by courts alone. To accomplish their service coordination goals, courts often must reach out to other community entities.

Trial Court Performance Standards With Commentary articulates court responsibilities in five categories: (1) access to justice; (2) expedition and timeliness; (3) equality, fairness, and integrity; (4) independence and accountability; and (5) public trust and confidence.² These categories provide a framework for identifying service coordination issues that need to be addressed by the court, often in consultation with service agency representatives. For example:

- ◆ **Access to justice.** Are there court policies, procedures, or practices that affect accessibility to services? What accommodations can the court make on its own or in concert with appropriate service agencies to facilitate access to services? What types of services are not available to individuals in court? What can be done to ensure access to needed services?
- ◆ **Expedition and timeliness.** Are case management procedures in place that ensure the timely identification, acquisition, and provision of services? Does the court order services without knowing whether the services are actually available?
- ◆ **Equality, fairness, and integrity.** Are existing services available equally to individuals in court who need them? Do recommended service plans address the specific needs of individual clients? Are court orders requiring services clear?
- ◆ **Independence and accountability.** To what extent are available resources used efficiently and fairly and with what outcomes? Do the court, client, service agencies, and others understand their respective responsibilities? What information about the client do service agencies and the court share? How is the information made available?
- ◆ **Public trust and confidence.** What do judges, court staff, service providers, attorneys, and, most importantly, clients see as working well or needing improvement with regard to service coordination?

These kinds of issues point out that service coordination is a comprehensive court activity; it does not occur only during certain stages of the court process. This more comprehensive approach to service coordination is characteristic of the emerging problem-solving approach.

Promising Components of an Effective Service Coordination Strategy

The nine promising components that follow are based on themes that emerged from interviews with court and service agency professionals at the field research sites—primarily courts with a problem-solving approach. The components address both policy-level and case-level issues. Jurisdictions can choose to adapt one component to improve coordination in a particular area or use the entire list of components to systematically build a comprehensive approach to service coordination. Because each jurisdiction's legal and service cultures and resources vary, it is expected that jurisdictions will modify the generic components to best fit their needs.

Promising Component 1: Acknowledged court role in service coordination. A clear policy that acknowledges expectations regarding the court's role in service coordination creates a strong foundation on which to build the operating framework for court and service agency interactions. Some jurisdictions acknowledge the court's service coordination role in statutes (e.g., Oregon's Family Law Act 1997), court rules (e.g., Administrative Order establishing the Broward County Mental Health Court in Florida), mission statements (e.g., Jefferson Family Court in Kentucky), or other task force and special issue documents (e.g., policy statement drafted by the Massachusetts Supreme Judicial Court's Standing Committee on Substance Abuse). Acknowledgment provides guidance and justification for courts as they become involved in service issues.

Promising Component 2: Judicial leadership. Court leadership is essential for maintaining the coordination and financial support necessary for court-related service initiatives and daily activities. It is key to fruitful interactions between the judicial and service systems and thus a necessary component of a quality service delivery system for court

populations. Individuals from the field research sites reinforced the importance of judicial leadership across the board. Even in jurisdictions in which service coordination reform efforts began outside the courthouse doors, those involved in the efforts noted that the reforms “did not have legs” until a judge was willing to champion them.

Promising Component 3: An active policy committee of stakeholders. Most of the study sites had some type of formal or informal policy committee (e.g., Criminal Justice Cabinet in Sacramento, California; Family Court Advisory Committee in Jefferson County, Kentucky; Local Family Law Advisory Committees in Deschutes and Jackson Counties, Oregon; Mental Health Task Force in Broward County, Florida) to discuss issues of relevance to all entities involved in providing services to court populations. The committees varied in terms of structure, members, and specific tasks, but they all had the common goal of establishing better communications between and among various system components involved in service coordination.

Promising Component 4: Case-level service coordinators. Service coordination for court populations involves exchanges of information and individuals across boundaries. The boundaries can be within the courts themselves (e.g., juvenile courts, family courts, criminal courts) or within large executive branch agencies (e.g., divisions of health, mental health, income assistance, or children's services). The boundaries can also be those that separate courts, executive agencies, and not-for-profit service providers. The study sites all had some version of a case-level coordinator to overcome the problems resulting from many individuals involved in multiple exchanges concerning the same and related cases. Probation intake and supervision officers serve as case coordinators in many courts; some problem-solving courts have identified specific case-level coordinators such as the resource

coordinator in New York's Midtown Community Court; the family court support worker in Louisville's Jefferson Family Court, and the family court advocate in Oregon's Integrated Family Courts. The case-level service coordinator can be a court employee or a service agency employee. Some jurisdictions have both: a court employee to liaise with service agencies and service agency representatives to liaise with the court.

Promising Component 5: Centralized access to service network. The effectiveness of individuals and teams that provide case-level service coordination is directly related to what they know about the range and quality of available services. The maze of local service providers and available programs can be daunting even to those familiar with the service community. A central resource is needed to provide current information about services available in a jurisdiction to help ensure timely access to and delivery of appropriate services.

The central resource can take different forms: printed, electronic, human, or some combination. For example, Kentucky's Cabinet for Families and Children, Cabinet for Health Services, and Cabinet for Workforce Development maintain an online directory of services at the state level. Service providers can update information about their programs, and new providers can add information online. The directory lists more than 18,000 providers and 45,000 services.

At the local level, some jurisdictions (e.g., Louisville, Kentucky) house multiple service organizations, or at least their intake services, in one neighborhood location. Service representatives work together to serve families. Information on services and their availability is shared, improving access to appropriate services and avoiding duplication and fragmentation of services. Such centers provide a convenient place for court officials to maintain contact with service

agency professionals through case interactions (see Promising Component 4).

A variation on the neighborhood resource center is the collocation of a resource center and the court facility—essentially moving the neighborhood center inside the courthouse doors. The obvious advantage of this arrangement is that referrals or mandates for services can be carried out immediately. The sixth floor of New York's Midtown Community Court houses representatives of a variety of services to respond to defendants' needs with regard to substance abuse, housing, health, education, employment, and so forth. The representatives, in turn, are connected to a wider network of service providers in the community. Information about services is shared easily among the various service representatives and with the court's resource coordinator, who makes service recommendations to the judge for each case. This may all be accomplished before releasing an individual from the court's custody.

Promising Component 6: Active court monitoring of compliance with orders. When court orders clearly state specific services and timelines, compliance by parties and service agencies is easier to achieve and is easier for the court to monitor. One of the best ways to determine whether the order was clear and the services rendered were beneficial to the client is to ask the client. Direct questioning of the client, in addition to reliance on service provider updates, will give the court a good barometer of the effectiveness of service plans. Some courts also schedule a separate "compliance" calendar. Exchanging information in court regarding compliance creates accountability for all involved. This is a regular feature of problem-solving courts and was observed in several project sites (e.g., the Mental Health Court in Broward County, Florida; the drug courts in Kalamazoo, Michigan; the Youth Part of Manhattan's Criminal Court in New York).

Promising Component 7: Routine collection and use of data. Data are essential for self-assessment.

Typically, courts collect data that relate to organizational efficiency (e.g., timeliness of case processing) and effectiveness (e.g., low trial rates). Courts traditionally do not compile information on individuals who use or are in need of its services, much less the services provided by system partners. Data collection designed to understand court and service agency interactions expands this traditional approach to consider questions such as what populations have access to services, are orders with service provisions complied with, and are the services effective. A court that has embraced this new paradigm is the Midtown Community Court in New York. Its information system is accessible to everyone connected with a case, and information is entered into the system as it is obtained, providing the judge with considerable information about a defendant as early as the defendant's first appearance. Once the defendant is seen, the information system tracks his or her progress and compliance with court orders. System data also can be used to evaluate the effectiveness of sanctions and treatment services for various populations.

Promising Component 8: Creative use of resources.

Creative strategies are often necessary to obtain funds for improving service coordination for court populations. When the Jefferson Family Court was started in Louisville, Kentucky, sufficient resources to fund all the new positions were not available. To overcome the problem, the Cabinet for Families and Children (the state social services agency) and the Seven Counties Services (a local mental health organization) "loaned" four social workers to the court. These positions were gradually absorbed by the state's Administrative Office of the Courts over subsequent years.

Another approach that stretches resources is the effective use of volunteers. The well-known court appointed special advocate (CASA) and other guardian ad litem programs are primary examples. Such

programs can originate from various quarters. In Richland County, South Carolina, the volunteer program began as an advisory board of the Junior League with the support of the local bar association and the administrative judge of the family court. The program started with 15 volunteers and now includes a full-time staff of 8, a part-time staff of 4, and approximately 300 volunteers who represent more than 1,300 children.

Another example of an innovative funding strategy is Oregon's Family Law Account, included in legislation that establishes the state's family court programs (Family Law Act, 1997, § 3.440). The Family Law Account provides that the fund administrator (the state court administrator) may accept and deposit contributions of funds and assistance from any source, public or private. Once authorized, a program like the Family Law Account may be used as a source of incentive funding by state policy bodies to encourage innovation or replication of proven programs through demonstration grants.

Other strategies used by jurisdictions include piecing together funding from a variety of sources such as federal and private grants, state and local taxes, fines, user fees, and pooled resources from several budgets; reassigning work among staff to make coordination possible; and bringing media attention to a specific community problem to build public support for initiatives.

Promising Component 9: Training and education related to service coordination. There are

fundamental differences that contribute to poor communication and conflict between the justice and social services systems with respect to system goals, service priorities, and language. Judges typically do not understand the working environments of diagnostic and rehabilitative professionals. Conversely, managers of social services agencies and individuals who provide social services at the case level are rarely conversant with the factors that determine either the policy behavior of judges or how

a judge handles case management and decisionmaking in the courtroom. Training and education are needed to overcome these likely barriers to cross-system coordination. A training model discussed during a meeting of judges and service providers in one of the project sites called for a “case study” approach. During the training session, participants could identify the issues posed by a specific case, discuss why the issues might be different for different participants, and explain how each would respond to the issues. The theory behind this approach is that focusing training seminars on real-life problems of judges and service providers ensures relevance and interest. The discussion format provides an opportunity to pinpoint miscommunications, explain misunderstandings, and reconcile differences in organizational values and priorities that cause conflict and system malfunctions.

Impact of Service Coordination for Courts

The consequences of ineffective service delivery today will place even greater and more complex demands on the courts and service delivery systems in the future. Creating bridges to services directly from the court now will result in long-term benefits for all individuals who work in or are affected by the court system.

Although the theoretical and philosophical debate about the proper role of the court in service coordination should and does continue to be debated in scholarly articles, it should not overshadow efforts to look for areas of agreement on service coordination issues at the local jurisdictional level. This is essentially the approach taken by the initiators of problem-solving courts. By bringing together a variety of stakeholders to discuss common problems, alternative approaches for addressing the problems are conceived. Jurisdictions can determine what aspects of the problem-solving approach they agree on and what principles and methods they can adapt to make their current service coordination efforts more effective.

Notes

1. The term “problem-solving courts” refers to court dockets and calendars dedicated to specific cases, such as domestic violence and drug abuse, as well as stand-alone courts.
2. Bureau of Justice Assistance, 1997, *Trial Court Performance Standards With Commentary*, Washington, DC: U.S. Department of Justice, NCJ 161570. Available online at www.ncjrs.org/pdffiles/161570.pdf.