

**REPORT ON
SACRAMENTO COUNTY
FAMILY COURT PROCESS**

JANUARY 2016

by

California Protective Parents Association

www.protectiveparents.com

916-233-8381

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INTRODUCTION

California Protective Parents Association (CPPA) is a non-profit organization dedicated to protecting the safety and human rights of children and their protective parents litigating in family court. CPPA was formed in 1999 in response to a crisis in the family courts of California in which children who disclosed parental abuse were taken away from their safe parents and placed in the custody of their identified abusers. Since its inception, CPPA has conducted research and educated law makers on the need to reform the family courts to protect the safety and due process rights of all family court litigants, and bring accountability to those working in the family law courts.

In 2012, CPPA commenced a family court watch project in the Sacramento County Family Court (William Ridgeway Family Relations Courthouse) to analyze particular aspects of the court's functioning and the handling of family violence issues.

For this project, volunteers were solicited from volunteer organizations, law schools, and the California State University in Sacramento. To control for bias, persons with any type of active court case were excluded as volunteers. Volunteers were required to attend an in-person orientation and training and were asked to commit to one three-hour court session per week for three months, on either the morning or afternoon calendar, depending upon their availability. Volunteers were instructed on how to complete a 10-page observation form for the court proceeding that they were randomly assigned to attend. The form was divided into various categories including due process, judicial conduct, child custody, domestic violence, and child abuse. Volunteers turned completed forms in to the project manager, who recorded responses on spreadsheets. Volunteers were assigned to courtrooms in a manner that allowed them to observe different judges and cases with a variety of issues being litigated.

This was a random study covering a three-year period, meaning that courtrooms were observed randomly based on volunteers' availability. The open court proceedings that were observed included a variety of family court matters such as restraining order requests, marriage dissolution, spousal support, paternity, child custody, child visitation, and child support. A total of 1,126 hearings were attended with completed observation forms turned in and recorded. Through the observation process, some information is unknown to the observer and this is reflected in the supporting figures and graphs as an unknown quantity. The information could be obtained through access to the court records, which is limited on paternity cases, but this was beyond the scope of the current study.

The following is an in-depth analysis of the data, examining a wide variety of issues related to family court litigation.

Court-Related Findings

Two major court-related findings were notable, lack of a court record of the hearing and imbalanced legal representation at the hearing.

In 77 percent of the cases observed, no court reporter was present to record the hearing. Without a record of a hearing, litigants are essentially precluded from appealing a ruling, and may also be precluded from filing administrative complaints for professional misconduct against court-connected personnel, or criminal complaints for perjured testimony.

In 52 percent of the cases observed where representation is known (475 cases) neither litigant had an attorney. In 24 percent of the cases observed where representation is known (218 cases) one litigant was represented by counsel and the other was self-represented. In those cases where one party was unrepresented, the court observer reported that that party appeared disadvantaged in 28.9 percent of the time (63 cases).

Other court-related issues included lengthy litigation and accepting hearsay information.

In determining the length of litigation, 41.2 percent of cases lasted over three years.

When a hearsay objection was raised regarding a report by a court appointee, that objection was overruled nearly two thirds of the time, preventing the possibility of an evidentiary hearing to challenge the report.

Child Custody and Visitation Findings

Custody and visitation was more frequently requested by men (52%) than women (36%). When requested, changes were made to custody orders in only 25 percent of the cases and changes were made to visitation orders in 39 percent of the cases.

For all child custody and visitation requests observed, only 16 children (less than 2 percent of the observed cases) were requested to testify in court. Of those, only 8 children actually testified.

Domestic Violence Findings

Of the 1,126 cases observed, 161 cases (14%) involved domestic violence allegations. Mostly women (71%) requested restraining orders and 74 percent of all restraining orders requested were granted. However, in 27 percent of cases where a restraining order was granted, the judge ordered contact between the parties despite the restraining order (**note:** 52 percent were for child exchanges).

The following issues were observed regarding victim safety:

In 15 percent of the domestic violence cases where a request for termination was made by the restrained party, the restraining order was terminated.

There were 13 cases (35.1%) where domestic violence was alleged, but no change was made to custody or visitation.

Only 18 percent of protected parties left the courtroom prior to the abuser.

In 51% of the cases when a requested restraining order was granted, the judge failed to tell the restrained party that the restraining order requires a relinquishment of firearms.

Child Abuse Findings

Of the 1,126 cases observed, 80 cases (7%) involved child abuse allegations. In 32% of the child abuse allegation cases, the court ordered an investigation by Child Protective Services (58%), by a Family Court evaluator (11%), or by a Family Court mediator (11%).

The following issues were observed regarding child victim safety:

For 23 children, the court ordered contact with the alleged offender (29% of the cases). In only 19% of the cases was the alleged offender ordered to have no contact with the alleged child victim.

Of the alleged child abuse cases, 20% of litigants alleged child *sexual* abuse (16 children). Where data was tracked, the court observers never heard the judge order a child sexual abuse evaluation investigation in these child sexual abuse cases, as required by law under Family Code section 3118.

In 8% of cases, there was an increase in custody or visitation for a party against whom there were prior or current allegations of domestic violence. In 34% of cases, the party accused of abuse who received an increase in custody or visitation was the petitioning party.

FINDINGS

Court-Related Findings

Gender differences

Slightly over half of petitioners were female; judges were overwhelmingly male (81%) (see Figure 1. Petitioner's and Judge's Gender).



Figure 1. Petitioner's and Judge's Gender

Recorded hearings

In the overwhelming majority of cases (77%), the proceedings were not recorded by a court reporter, thus precluding the ability to appeal an unwanted order.

- In 17% of cases, the proceedings were recorded (see Figure 2. Recorded by Court Reporter).
- In 39% of cases in which the proceedings were recorded, both parties were represented (see Figure 3. Representation).
- Custody, visitation, and child support were the most frequent issues litigated when hearings were recorded by a court reporter (see Figure 4. Issues Litigated).

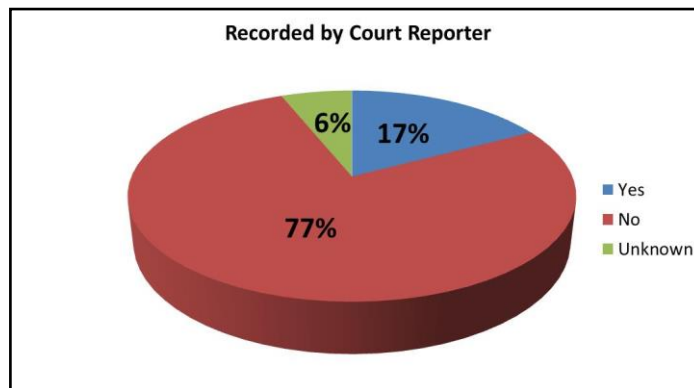


Figure 2. Recorded by Court Reporter

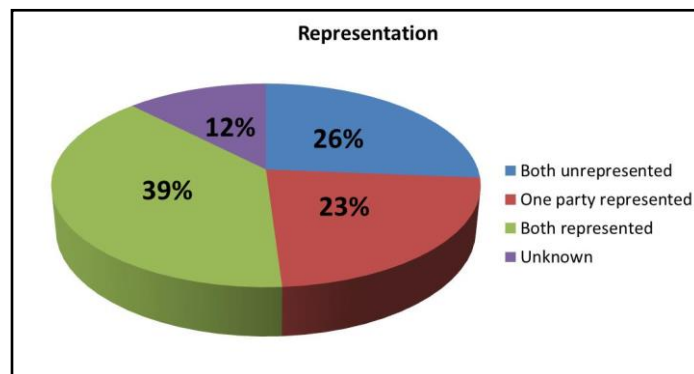


Figure 3. Representation

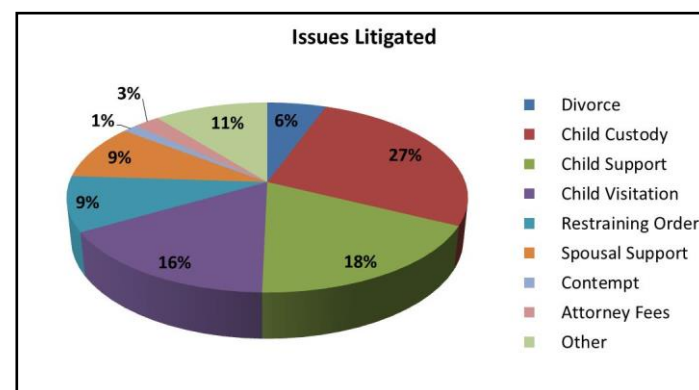


Figure 4. Issues Litigated

Legal representation

In over half of the cases observed, neither party was represented by counsel.

- The remaining cases were divided equally, with both parties being represented in 24% of the cases, and in 24% of the cases with only one party having legal representation (see Figure 5. Representation - Using Just Known Data).
- The imbalance in representation is contrary to Family Code Section 2030 which states that “the court shall ensure that each party has access to legal representation” throughout the proceedings. When only one party was represented, twice as frequently it was the male party who was represented and the female party who was not (see Figure 6. Gender).
- In 28.9% of the cases in which only one party was represented, court observers reported that the unrepresented party appeared disadvantaged because of the lack of representation.

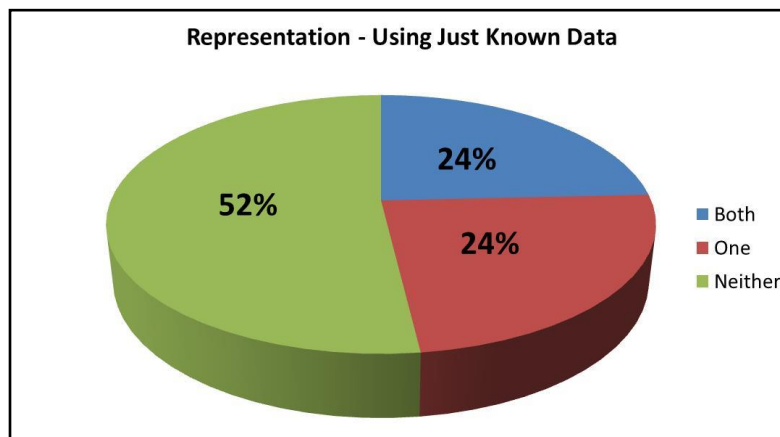


Figure 5. Representation - Using Just Known Data

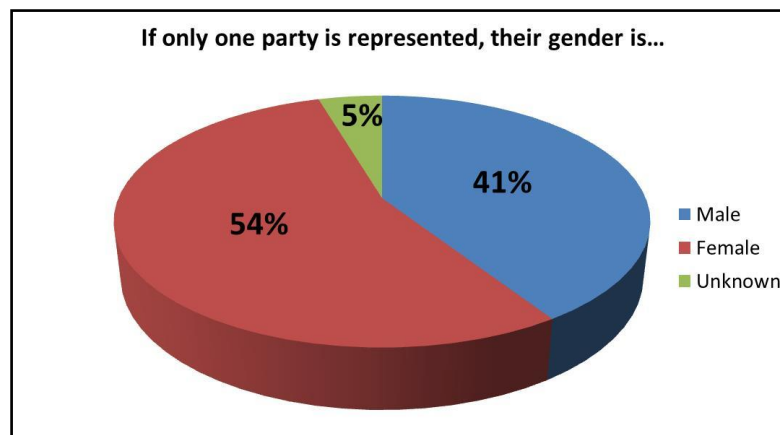


Figure 6. Gender

Equal opportunity to speak

In over three quarters of cases (78%), the parties were given an equal opportunity to speak (see Figure 7. Equal Opportunity to Speak). However, when parties were not given an equal opportunity to speak:

- 37% of the parties were not represented (see Figure 8. Representation).
- 27% of the parties were unequally represented (see Figure 8. Representation).

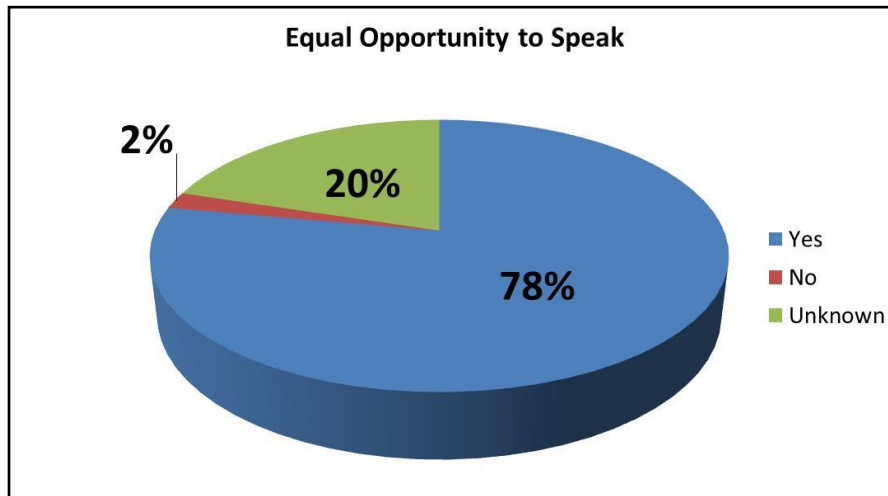


Figure 7. Equal Opportunity to Speak

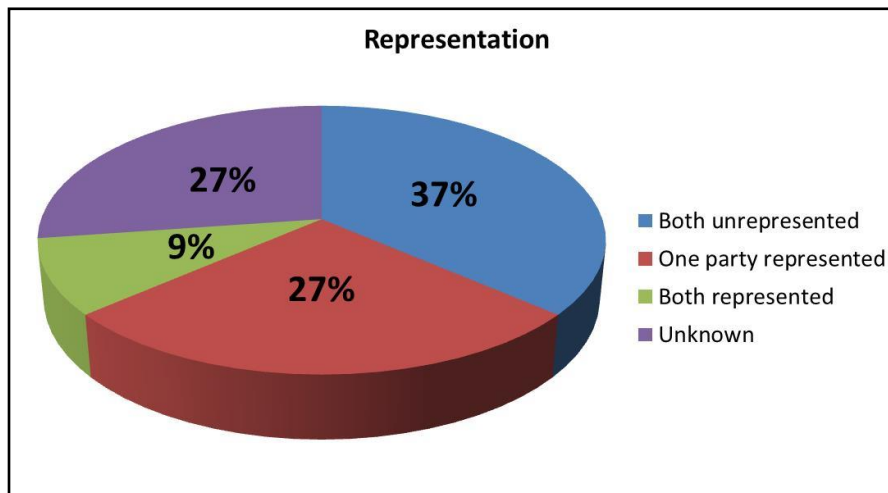


Figure 8. Representation

Length of litigation

In a majority of the cases (64%), no stipulation was presented to the court and the case proceeded to a hearing (see Figure 9. Case Stipulations). In a substantial number of cases (41%), hearings were continued (see Figure 10. Case Continuations). Continuation of cases causes hardship on parties who must take time off from work and find child care in order to attend hearings. For parties paying attorneys, costs skyrocket when cases are continued. The cost to litigants is incalculable when cases remain unresolved for years on end.

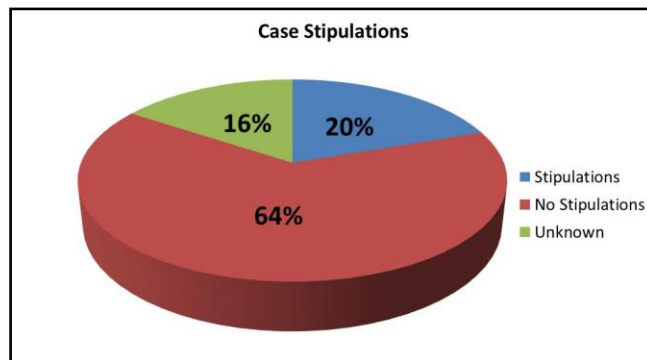


Figure 9. Case Stipulations

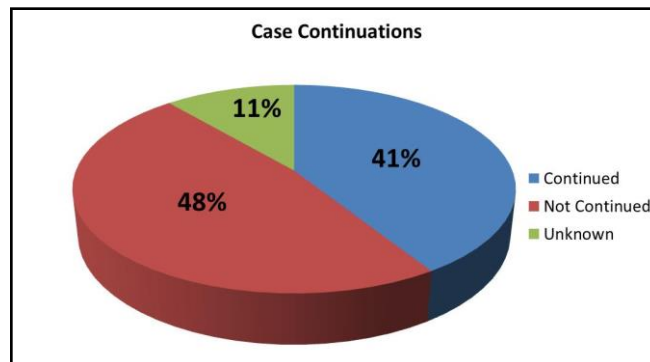


Figure 10. Case Continuations

In 66 % of the cases, the length of the case could be determined. Of those cases, half remained in litigation for over two years, 41% lasted over three years, and 26% lasted over five years cumulatively (see Figure 11. Length of Time Cases Litigated).

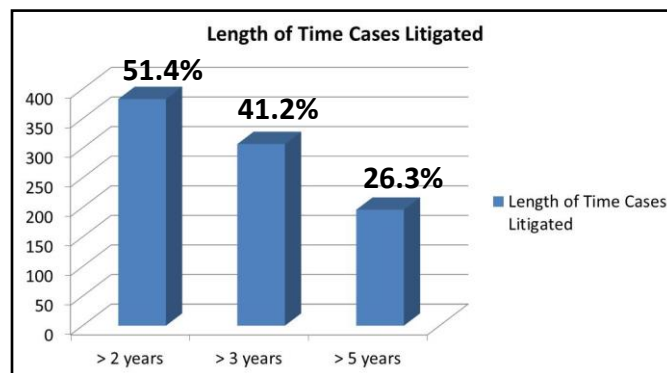


Figure 11. Length of Time Cases Litigated

Issues litigated

Child custody was the issue most litigated (26%), followed by child visitation (19%) and child support (17%) (see Figure 12. Issues Litigated). The same issues were found in cases lasting 5 years or more, with child custody as the most litigated issue (32%) (see Figure 13. Issues Litigated > 5 Years).

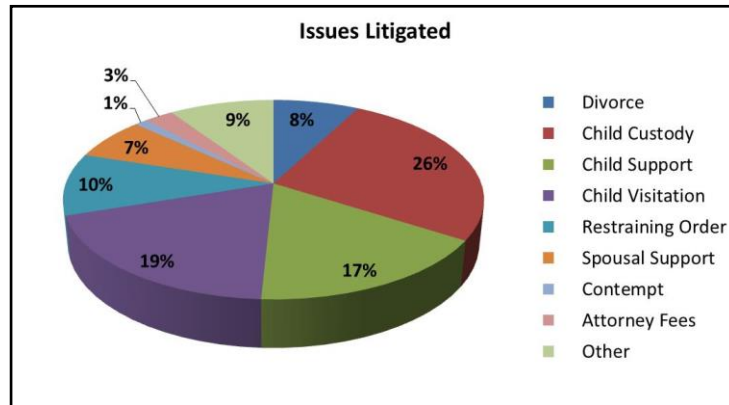


Figure 12. Issues Litigated

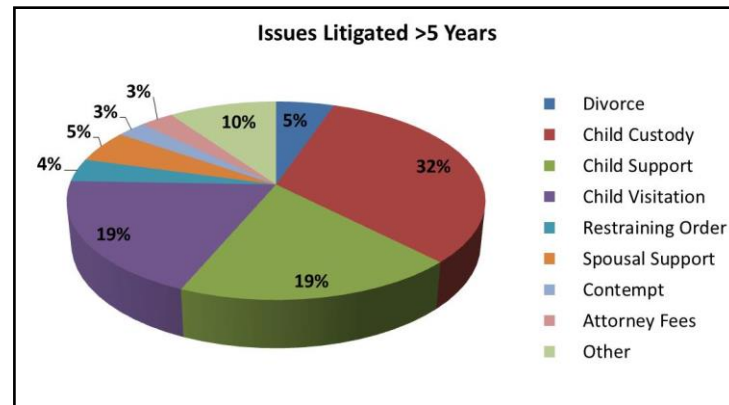


Figure 13. Issues Litigated > 5 Years

Judges' conduct

The vast majority of judges (92%) were rated as courteous by court observers (see). In only 1.24 % of the 1,126 cases were there in-chambers discussions. However, in 64.29% of those in-chamber discussions, a party to the litigation was excluded from the in-chambers discussion.

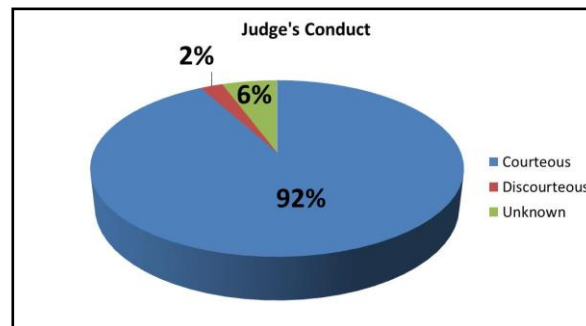


Figure 14. Judge's Conduct

Reports by court professionals

Most of the time litigants did not object to the judge considering reports by court appointees (65%) (see Figure 15. Objections to Reports). Most self-represented litigants do not know that they can, and/or do not know how to raise an objection. However, when an objection was raised to a report, the reasons were based on hearsay (39%) or lack of authentication of the report (31%) (see Figure 16. Reasons for Objections to Reports). In those cases in which hearsay objections were made, in no case was the author of the report present to be examined and cross examined (see Figure 17. Examination Opportunity Provided).

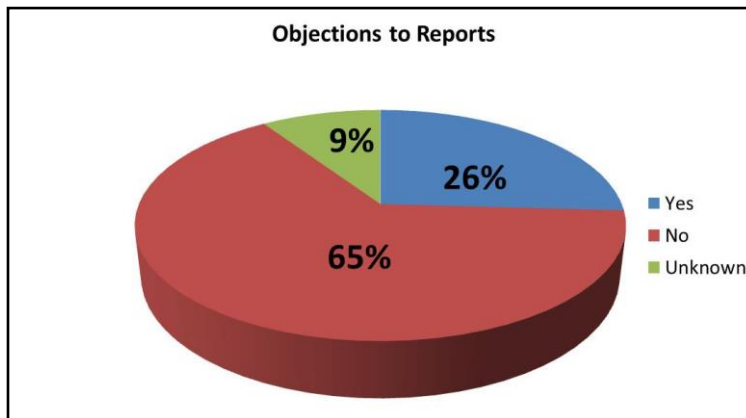


Figure 15. Objections to Reports

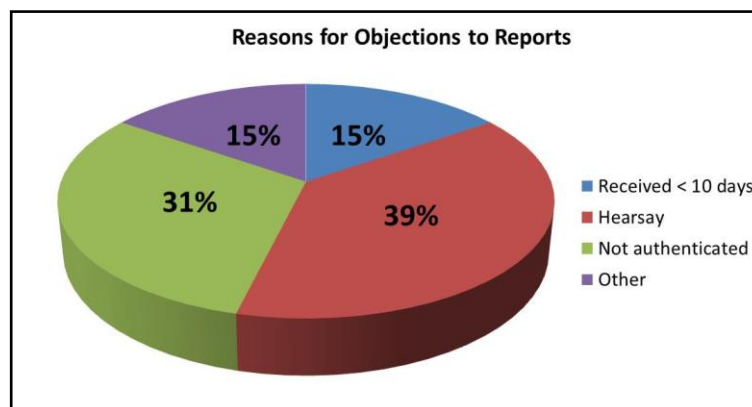


Figure 16. Reasons for Objections to Reports

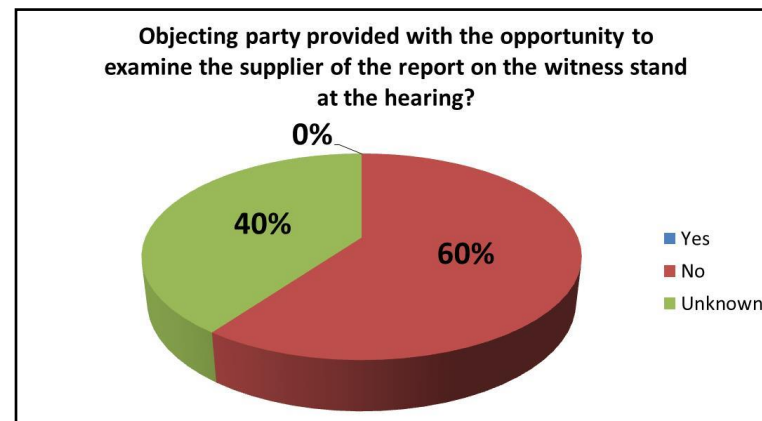


Figure 17. Examination Opportunity Provided

Objections

Objections to reports were overruled nearly two thirds of the time of the 23 applicable cases (see Figure 18. Ruling on Objections to Reports). Over half of hearsay objections were overruled and nearly half of objections regarding lack of authentication were overruled (see Figure 19. Relationship to Rulings on Objections). In 60% of the cases, the objecting party was not provided an opportunity to examine the supplier of the report (see Figure 20. Examination of Report Supplier).

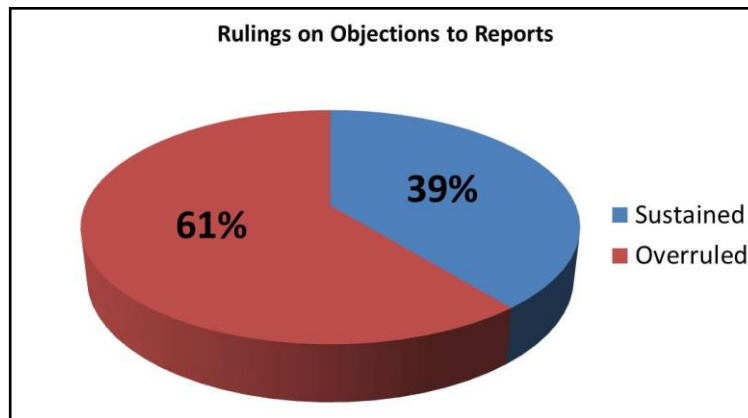


Figure 18. Ruling on Objections to Reports

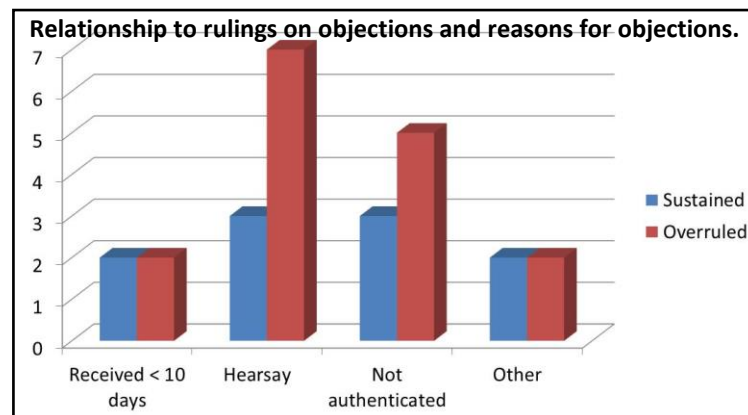


Figure 19. Relationship to Rulings on Objections

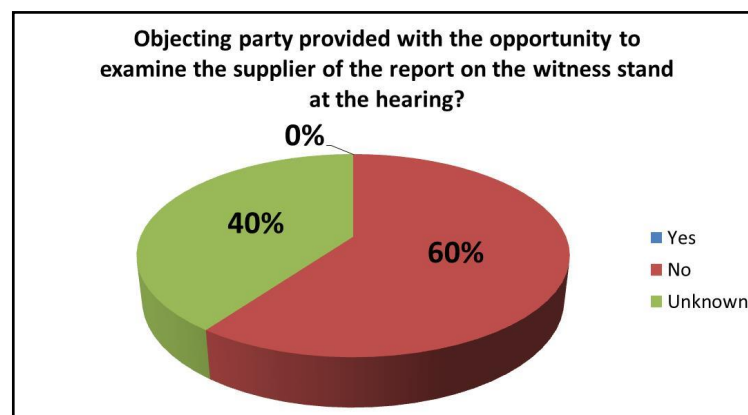


Figure 20. Examination of Report Supplier

Objections (continued)

In only 10% of cases was a future hearing date set for the author of the report to be examined (see Figure 21. Future Hearing Date).

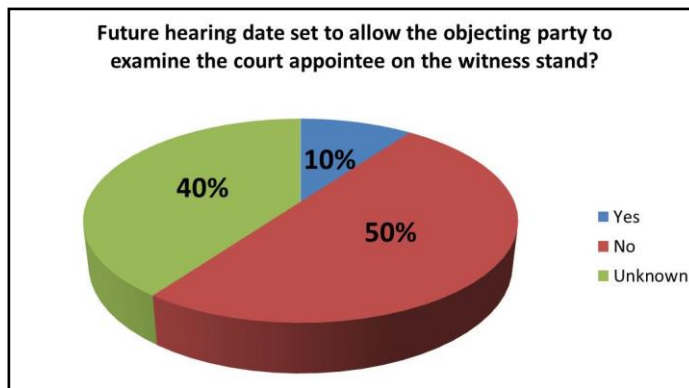


Figure 21. Future Hearing Date

For other instances of hearsay objections (not related to report testimony), the court heard the information over the objection of the party in 38% of cases (see Figure 22. Information Considered Over Hearsay Objection). In 67% of the cases, the court set a future hearing date to allow for the presentation of evidence and witnesses (see Figure 23. Future Hearing Date Scheduled).

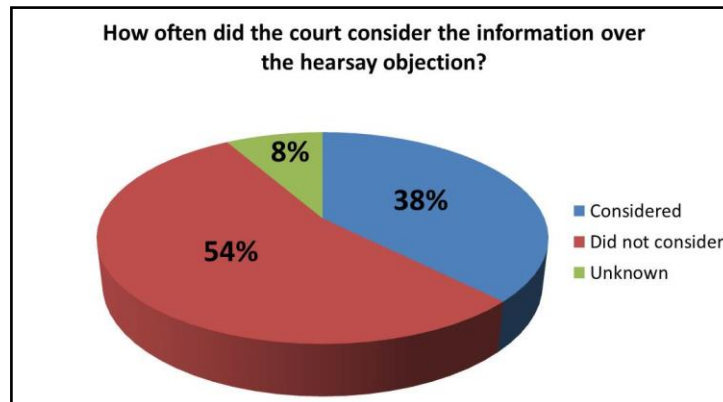


Figure 22. Information Considered Over Hearsay Objection

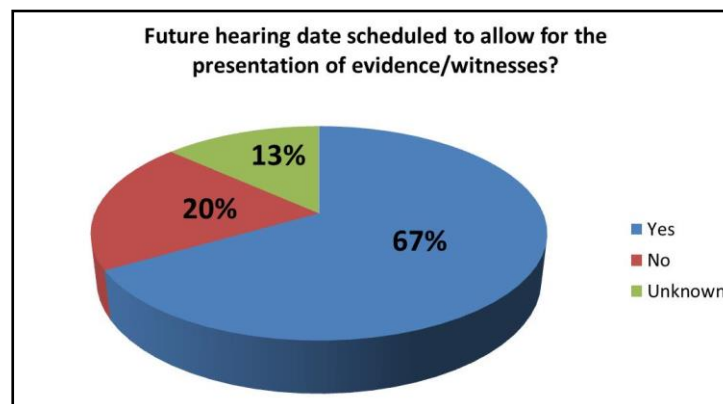


Figure 23. Future Hearing Date Scheduled

Child Custody and Visitation Findings

Child custody orders were requested in 27.35% of the cases observed. Child visitation orders were requested in 30.37% of the cases observed. And both child custody and visitation orders were requested in 11.63% of the cases observed.

Of the litigants requesting custody orders, 52% were male, 36% were female (see Figure 24. Gender - Custody Orders). Similar results were observed for the request for visitation order (see Figure 25. Gender - Visitation Orders) and for both custody and visitation order requests (see Figure 26. Gender - Custody & Visitation Orders).

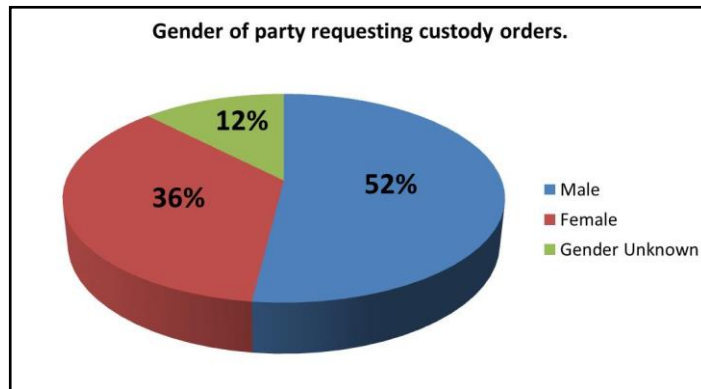


Figure 24. Gender - Custody Orders

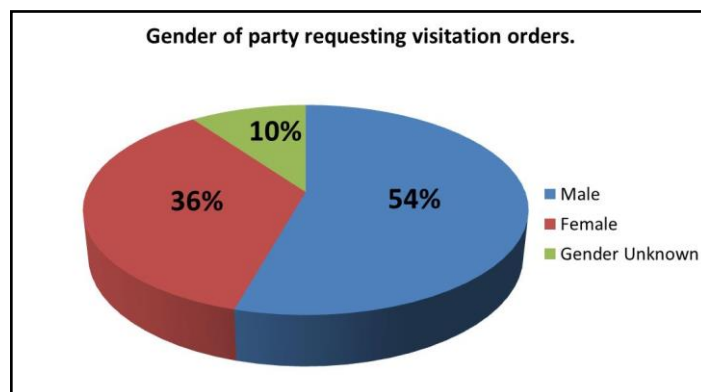


Figure 25. Gender - Visitation Orders

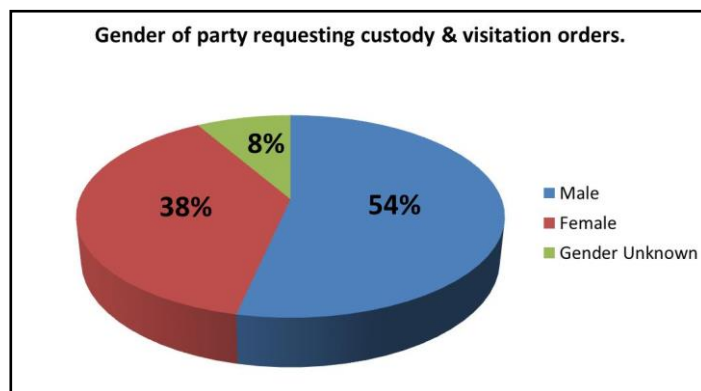


Figure 26. Gender - Custody & Visitation Orders

Child custody and visitation (continued)

The reasons for requesting custody and visitation orders were, in order of frequency: relocation (10%), child abuse (9%), child’s developmental stage (9%), child’s wishes (7%), domestic violence (6%), educational issues (5%) and behavioral issues (5%) (see Figure 27. Reasons for Requesting Custody/Visitation Orders). The largest category was identified as “other” (49%) which included a request for orders based solely on the desire to gain more custody or visitation or with no reason given. It appears these orders may have been made without a required change of circumstances.

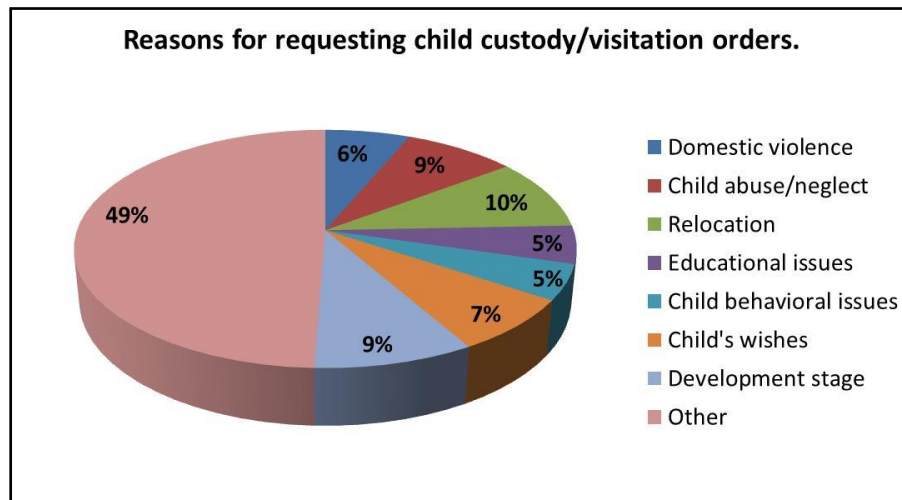


Figure 27. Reasons for Requesting Custody/Visitation Orders

When custody orders were requested, a change was made 25% of the time (see Figure 28. Changes to Custody).

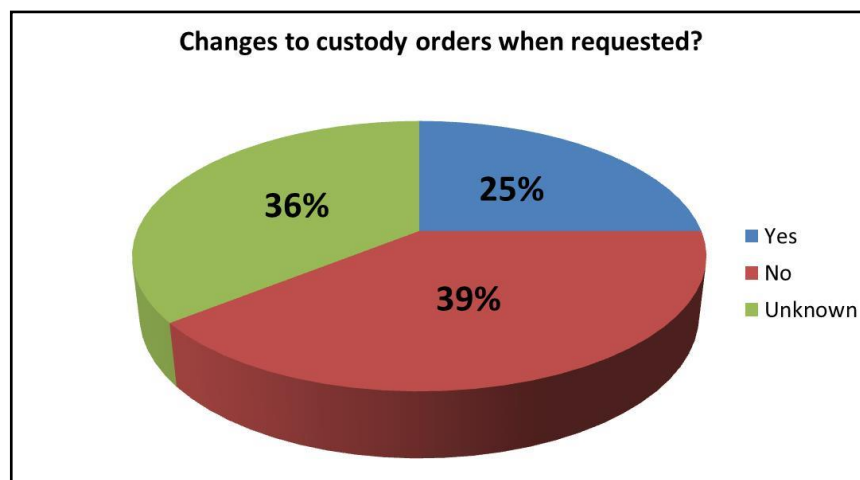


Figure 28. Changes to Custody

Child custody and visitation (continued)

When visitation orders were requested, a change was made 39% of the time (see Figure 29. Changes to Visitation). When both custody and visitation orders were requested, a change was made to both custody and visitation in only 12% of the cases (see Figure 30. Changes to Custody & Visitation).

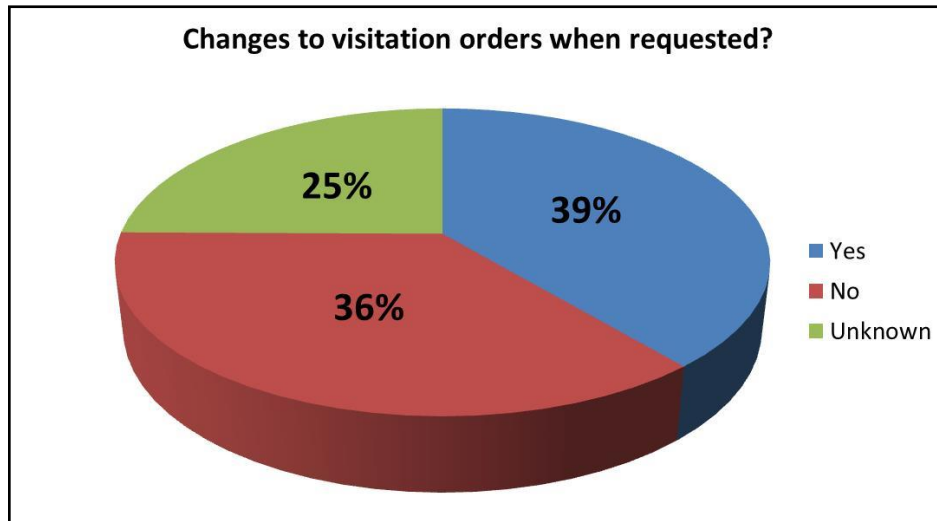


Figure 29. Changes to Visitation

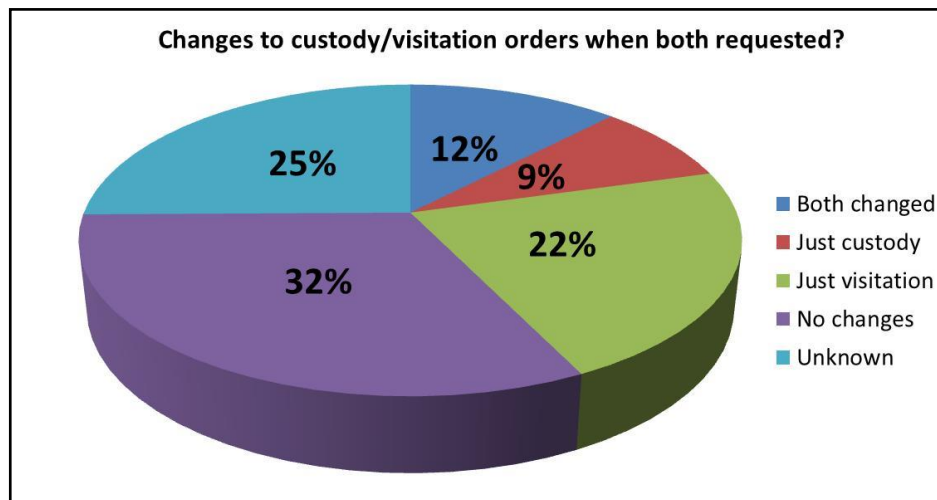


Figure 30. Changes to Custody & Visitation

Child's input

A child involved in the litigation was requested to appear before the court, to give input, in less than 2% of the observed cases. Of those cases:

- No child under age 10 gave input to the court and an equal number (25% each) of children between ages 11-14 and over 14 gave input to the court (see Figure 31. Age of Child Testifying).
- In 50% of cases, the child gave input on the witness stand and no cases were documented in which the child gave in-chambers or remote access input (see Figure 32. Location of Examination).
- In 12% of cases, a party was refused the ability to question the child giving input (see Figure 33. Refused Examination).

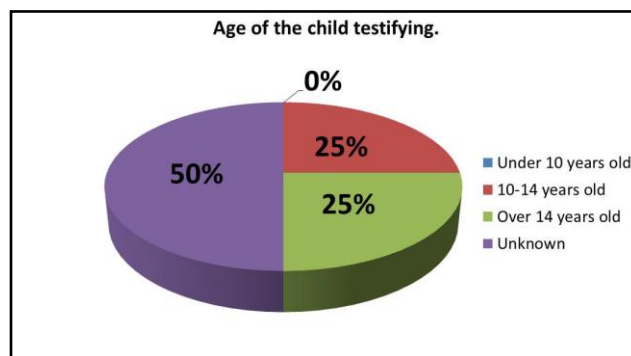


Figure 31. Age of Child Testifying

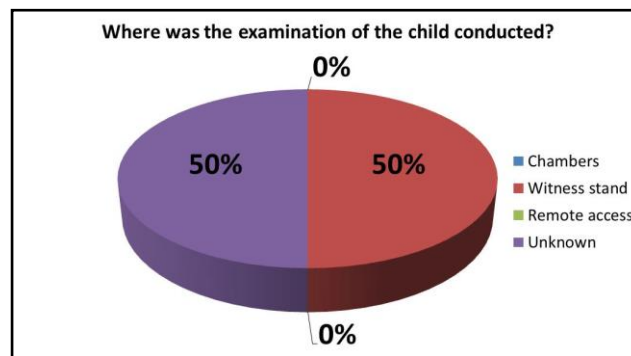


Figure 32. Location of Examination

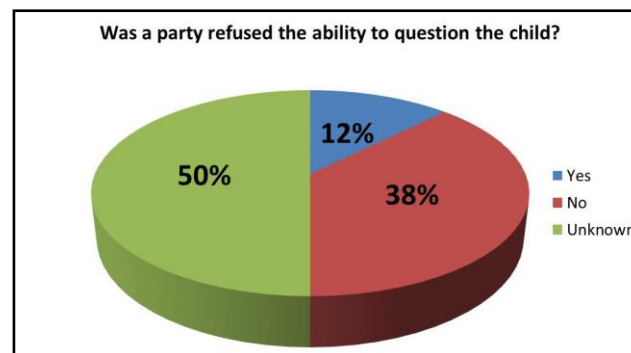


Figure 33. Refused Examination

Denials of requests for child's input

In 50% of cases in which the judge was asked to receive input from the child, the judge granted the request and in 19% of the cases, the request was denied. In 25% of cases, the determination of whether or not to receive input from the child was reserved for a future hearing. (See Figure 34. Judge's Decision on Child's Input).

The most common reasons for denial of a request for the child's input was the child's age, the order of no contact with the abuser, or that the court found that there was no need for the child's input (see Figure 35. Reasons for Denial of Child's Input).

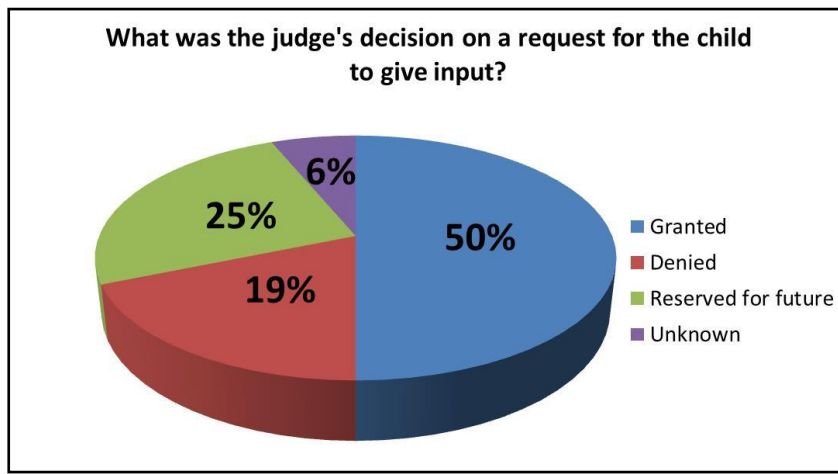


Figure 34. Judge's Decision on Child's Input

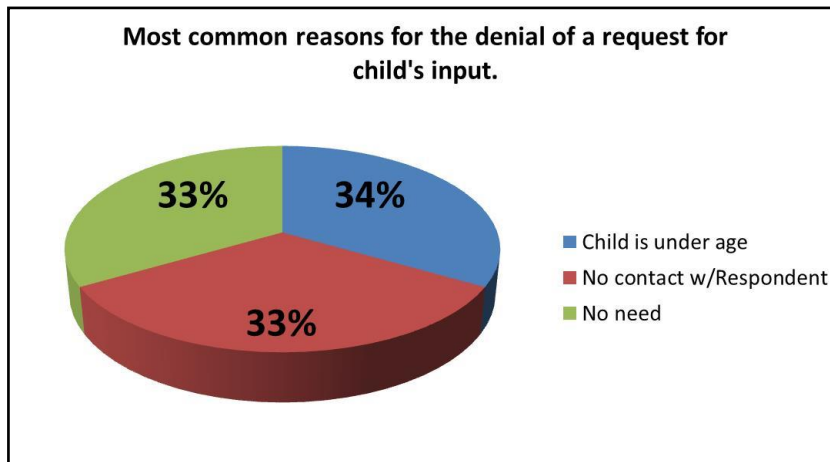


Figure 35. Reasons for Denial of Child's Input

Custody and child support

A request for a change in custody or visitation orders was accompanied by a request for a change in child support in 15.03% of the observed cases. In 23.13% of cases, a party requesting an increase in custody or parenting time was reported to be in arrears in child support.

In 53% of cases, the party requesting a change in child support was the primary custodial parent and in 37% of cases, the non-primary custodial parent was making the request (see Figure 36. Request for Change in Child Support).

Child support was increased for the parent receiving increased custody or visitation in only 25% of the cases when it was requested (see Figure 37. Visitation and Child Support). (**Note:** Because child support is normally heard in a separate department from custody and visitation, these statistics only represent cases in which child support was heard in custody court.) From this data, it appears custody litigation is often fueled by a desire to reduce child support obligations.

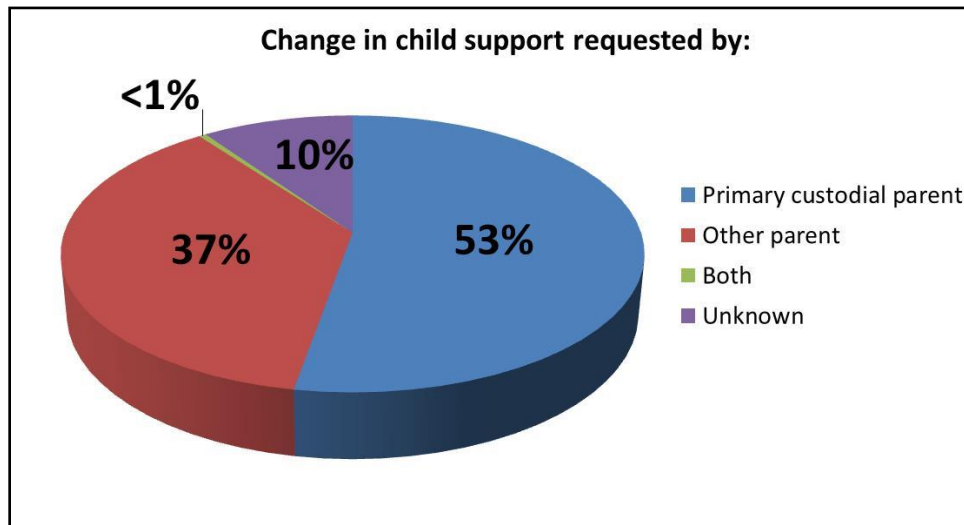


Figure 36. Request for Change in Child Support

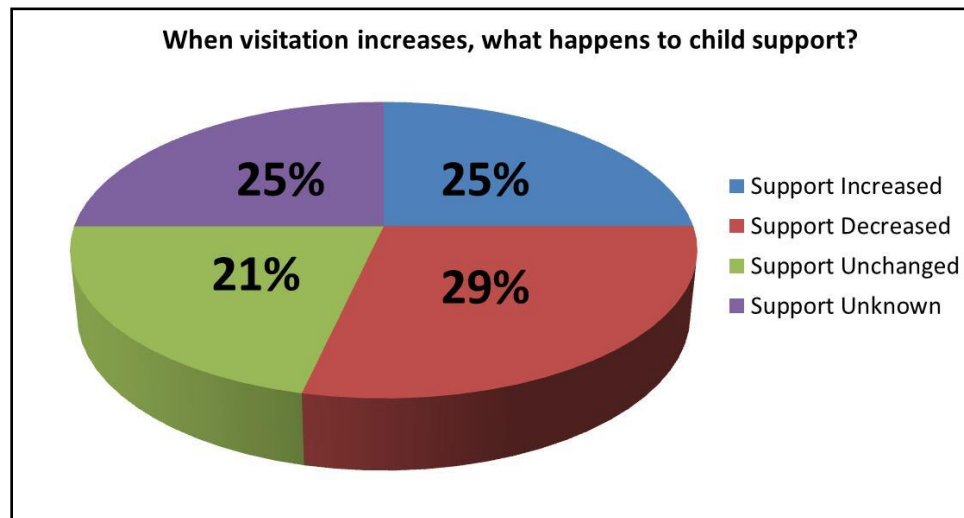


Figure 37. Visitation and Child Support

Reasons for requested change to custody/visitation orders

The reasons for a request to change custody, visitation, or both are outlined in Figure 38.
Reasons for Requesting Change Orders.

Changes to custody/visitation orders related to the reasons for requesting a change in orders.

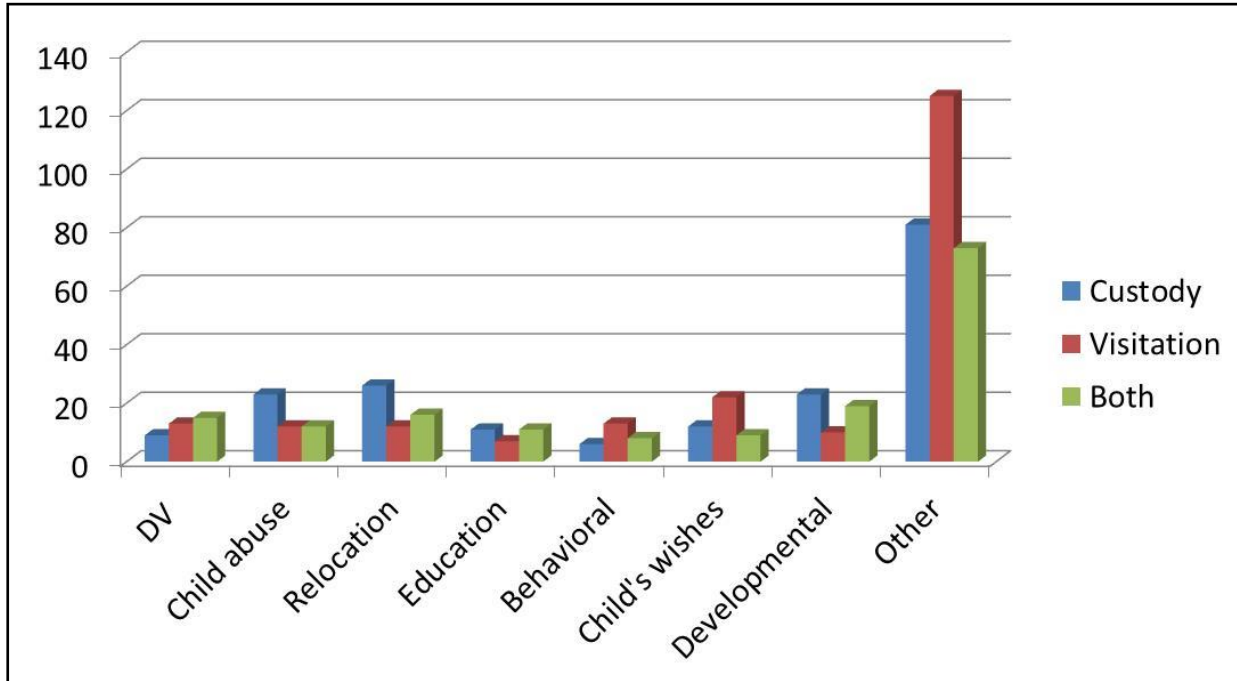


Figure 38. Reasons for Requesting Change Orders

Allegations of both domestic violence and child abuse

In 14% of the 1,126 cases (161 cases), only domestic violence allegations were raised (see Figure 39. Domestic Violence). In 7% of the 1,126 cases (80 cases), only child abuse allegations were raised (see Figure 40. Child Abuse). In 2.75% of the observed cases, issues of both domestic violence and child abuse were raised.

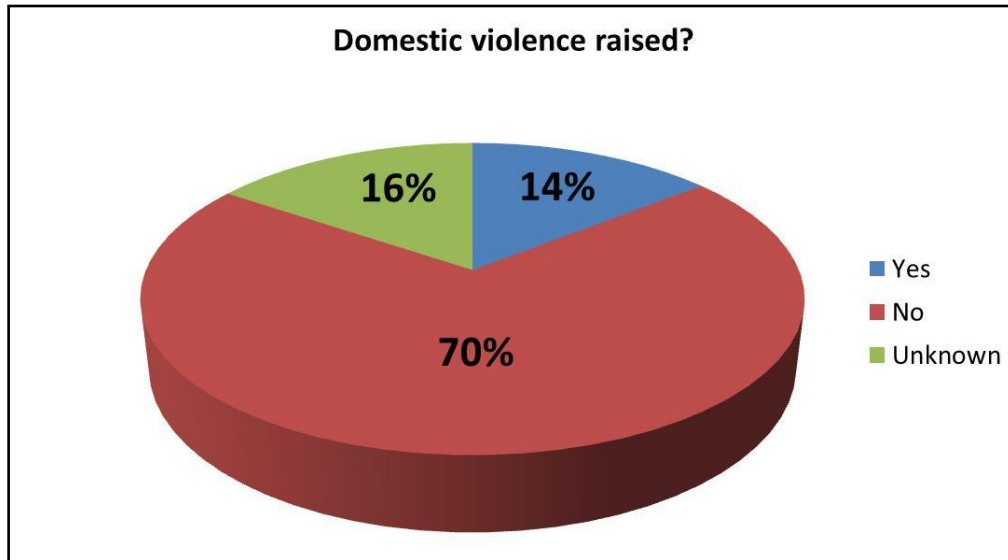


Figure 39. Domestic Violence

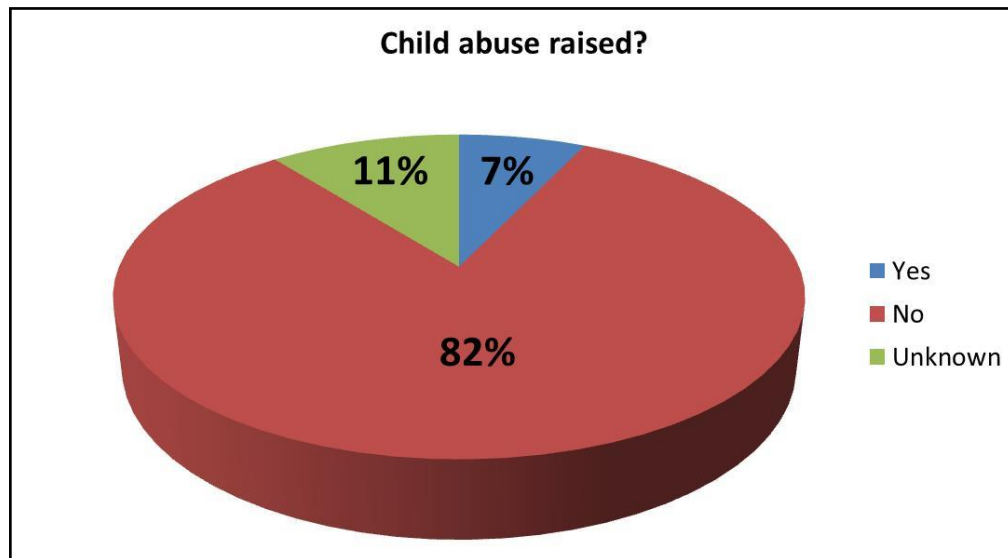


Figure 40. Child Abuse

Domestic Violence Findings

When a restraining order was in place, the petitioner was protected in 67% of the observed cases (see Figure 41. Protected Party). The protected party was female in 76% of the cases where a restraining order was in place (see Figure 42. Gender of Protected Party). In 15% of the cases, the restraining order was terminated at the restrained party's request (see Figure 43. Termination of Restraining order).

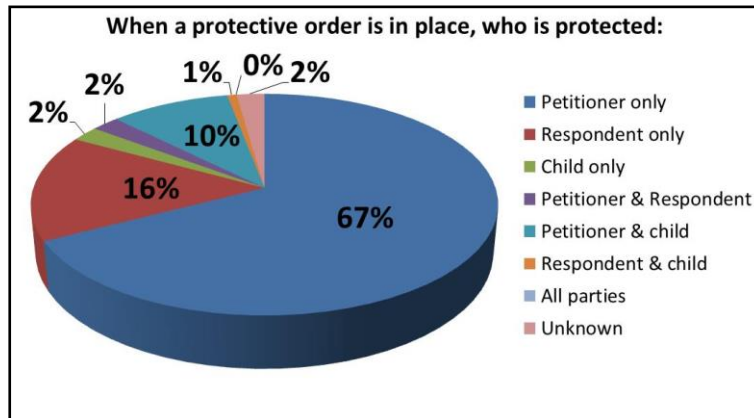


Figure 41. Protected Party

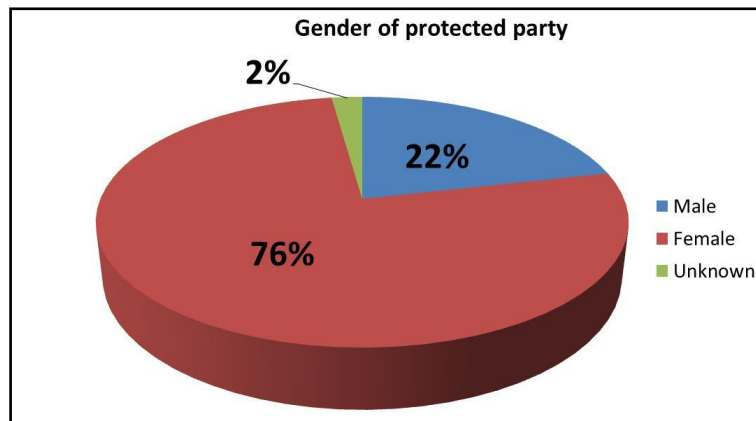


Figure 42. Gender of Protected Party

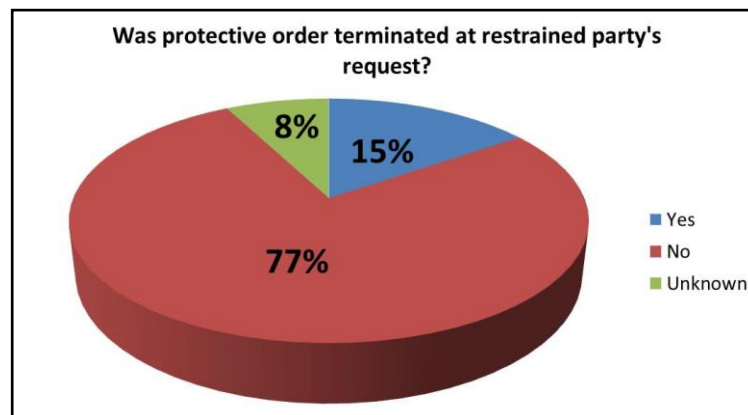


Figure 43. Termination of Restraining order

Domestic violence (continued)

When domestic violence was raised during a hearing, 71% of the parties who raised the issue were female (see Figure 44. Gender of Party Raising Allegation). Of the allegations raised, 37% were of physical abuse, 37% were of verbal/psychological abuse, and 10% were of stalking (see Figure 45. Type of DV Alleged). The party alleging domestic violence was accused by the alleged abuser of fabricating, exaggerating, or using the allegation for a tactical advantage in 22% of cases; in 45% of cases, this accusation was not made (see Figure 46. Other Party Allege Abuse).

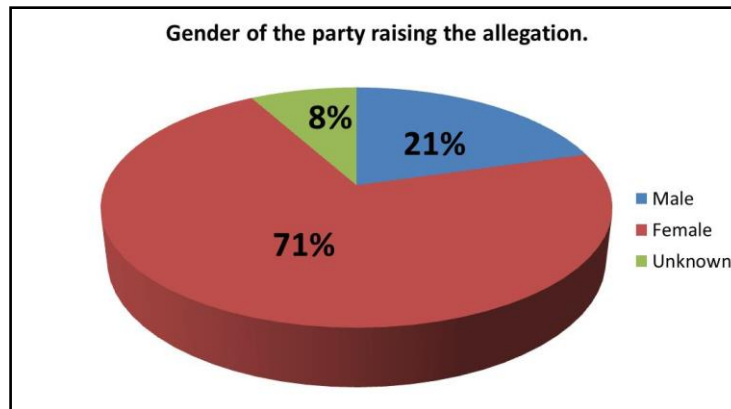


Figure 44. Gender of Party Raising Allegation

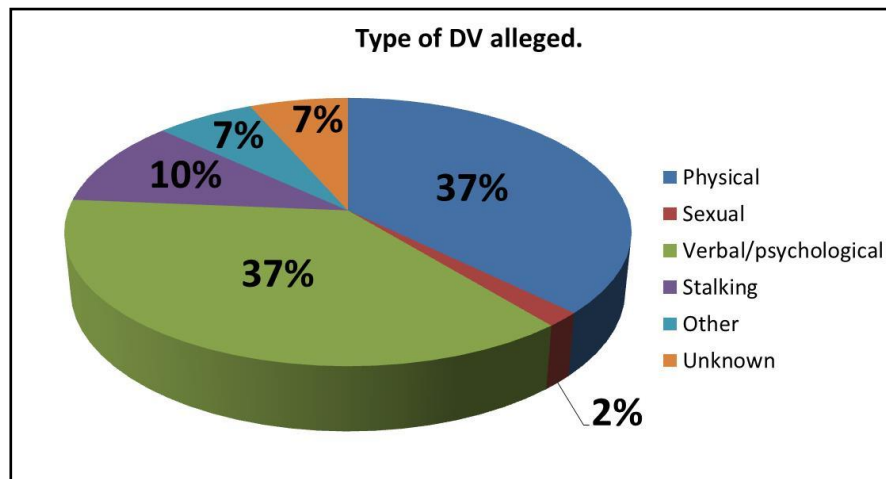


Figure 45. Type of DV Alleged

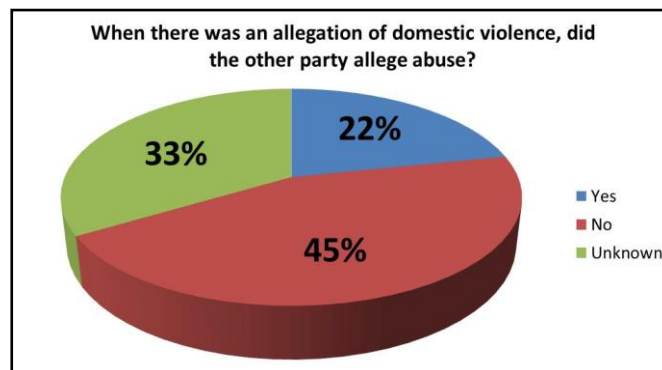


Figure 46. Other Party Allege Abuse

Domestic violence (continued)

The requests for restraining orders were granted 74% of the time and denied 18% of the time (see Figure 47. Restraining order Granted or Denied). The denials were mostly due to insufficient evidence or failing to meet the burden of proof required (see Figure 48. Reasons for Denial of Restraining order). When a requested restraining order was granted, the judge explained the conditions in 73% of cases, but did not explain the conditions of the restraining order, as required by law, in 17% of cases (see Figure 49. Conditions Explained).

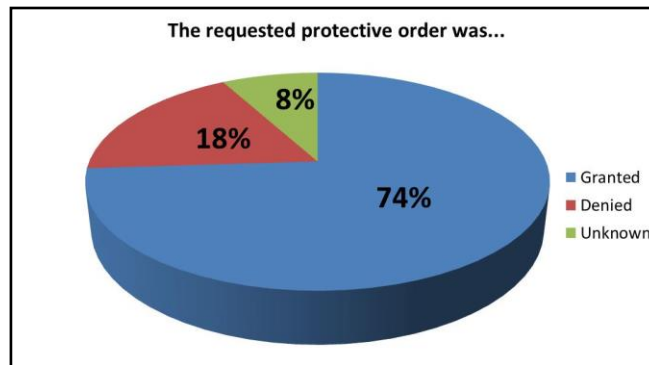


Figure 47. Restraining order Granted or Denied

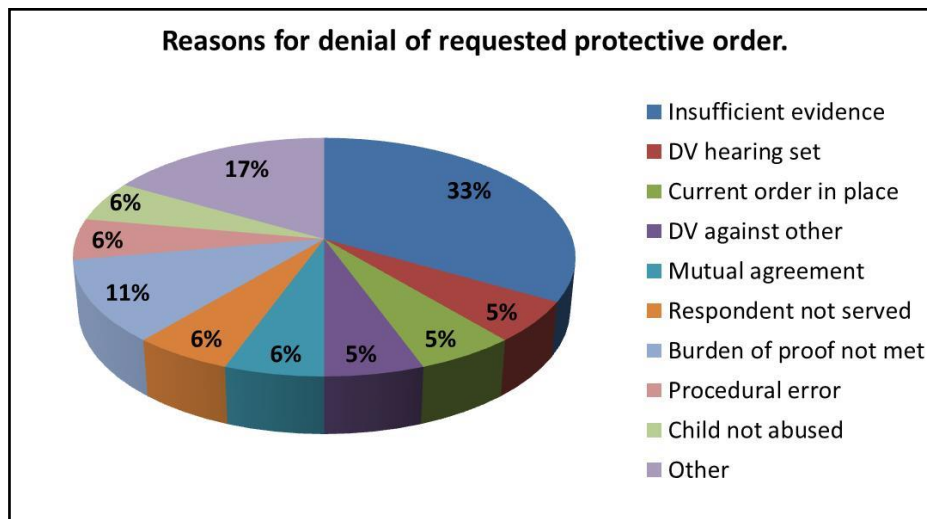


Figure 48. Reasons for Denial of Restraining order

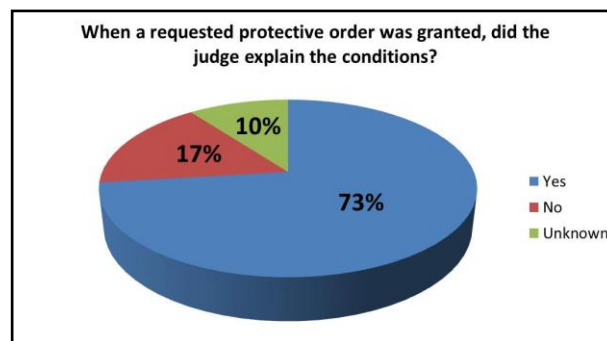


Figure 49. Conditions Explained

Domestic violence (continued)

When a requested restraining order was granted, in 27% of the cases the judge ordered contact between the parties, despite the restraining order (see Figure 50. Contact Ordered).

In over half of those cases, the reason for ordering contact with the restrained party was for child exchanges. In 37% of cases, the parties were required to attend mediation. (It is unknown whether the parties were advised of the provision to meet separately in mediation.) (See Figure 51. Reasons for Continued Contact.)

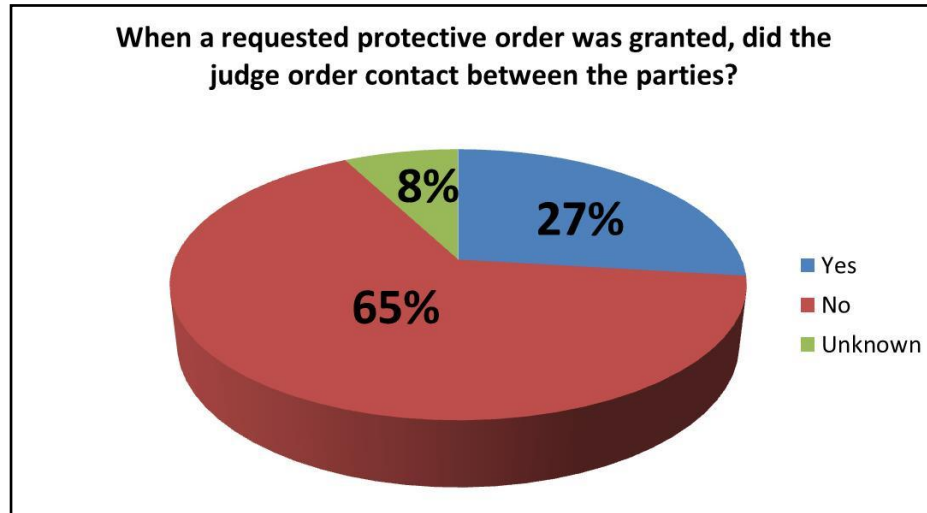


Figure 50. Contact Ordered

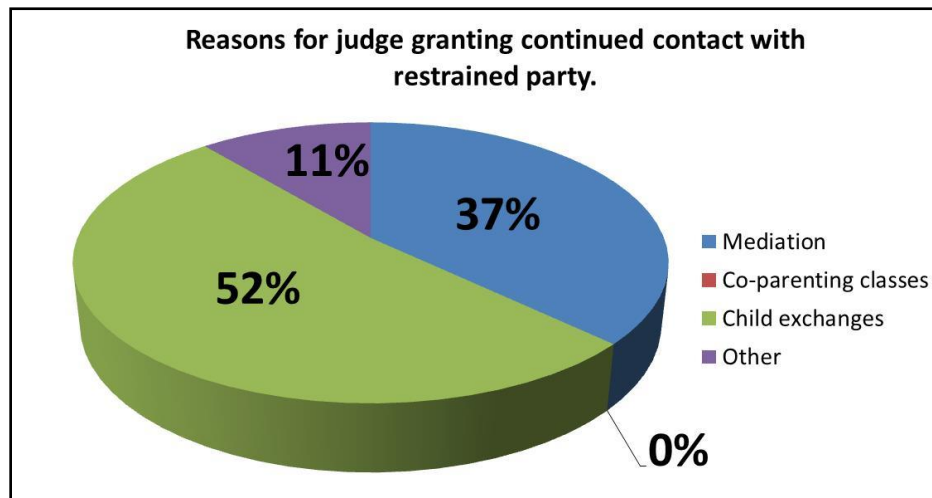


Figure 51. Reasons for Continued Contact

Domestic violence (continued)

When an initial request was made to change custody or visitation due to allegations of domestic violence (37 cases), a change was made in 43.3% of the cases and no change was made in 13 of the cases, which comprises 35.1% of the cases (see Figure 52. Changes to Custody or Visitation).

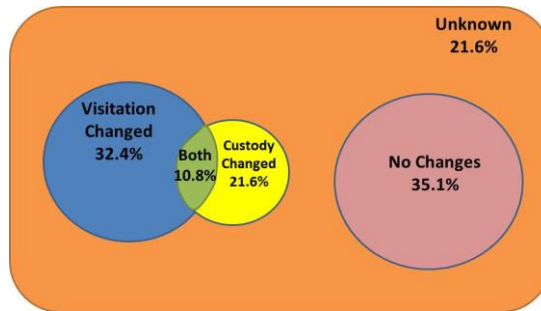


Figure 52. Changes to Custody or Visitation

Custody or visitation was terminated in only 7.14% of cases. Supervised visitation was ordered in 21.62% of cases. In 29.73% of the cases, the case was continued without any change.

In only 18% of the cases did the court ensure victim safety by providing for the protected party to leave the courtroom before the abuser and in 55% of cases, the court did not ensure victim safety (see Figure 53. Leave Courtroom).

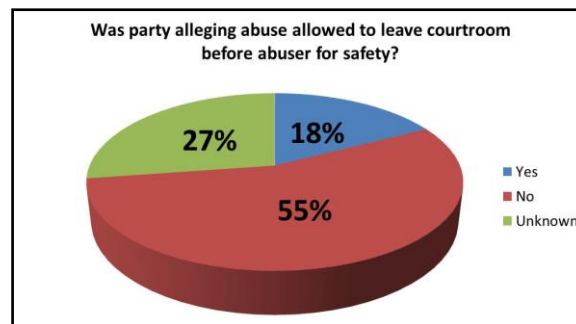


Figure 53. Leave Courtroom

In 51% of the cases when a requested restraining order was granted, the judge failed to tell the restrained party that the restraining order requires a relinquishment of firearms (see Figure 54. Relinquishment of Firearms).

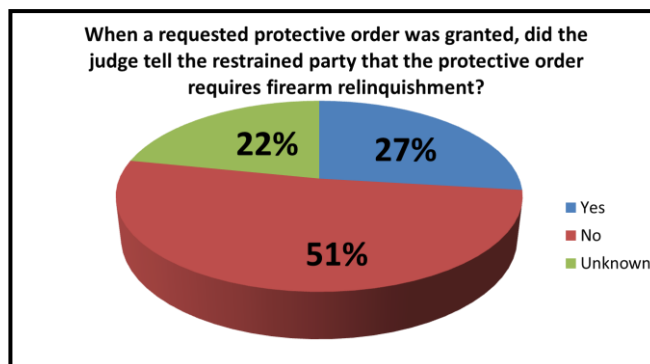


Figure 54. Relinquishment of Firearms

Child Abuse Findings

Child abuse allegations were made in 80 cases and were equally raised by male and female parties (see Figure 55. Gender of Party Raising Allegation). The types of abuse alleged were: physical (36%), sexual (18%), and verbal (14%) (see Figure 56. Type of Abuse Alleged). The ages of the allegedly abused children were (see Figure 57. Age Range of Alleged Victim):

- 21% of the allegedly abused children were ages 0-4
- 25% of the allegedly abused children were ages 5-10
- 17% of the allegedly abused children were ages 11-14
- 8% of the allegedly abused children were over 14 years of age

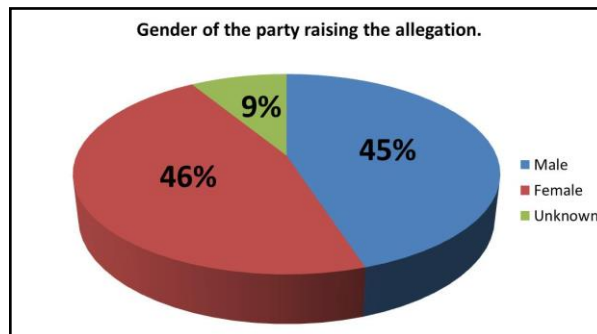


Figure 55. Gender of Party Raising Allegation

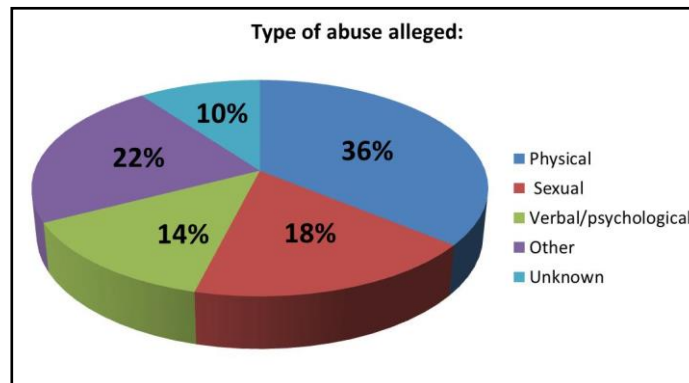


Figure 56. Type of Abuse Alleged

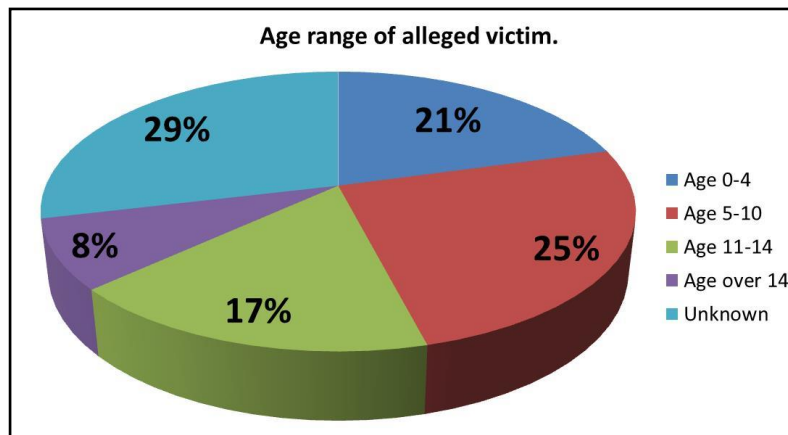


Figure 57. Age Range of Alleged Victim

Child abuse (continued)

In 34% of the child abuse cases, there was a prior report to law enforcement of the alleged child abuse (see Figure 58. Prior Reporting to Law Enforcement). (There is no information regarding the outcome of the law enforcement report.) In 32% of the child abuse cases, the court ordered an investigation (see Figure 59. Investigative Report).

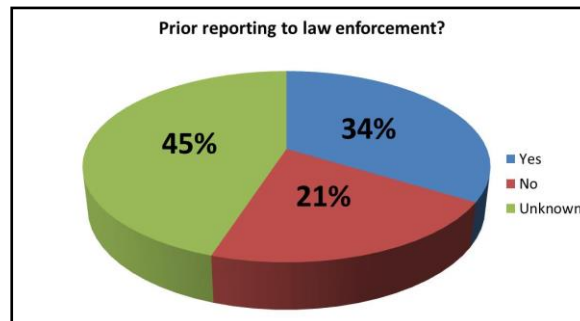


Figure 58. Prior Reporting to Law Enforcement



Figure 59. Investigative Report

The investigation was ordered to be conducted (see Figure 60. Conducting an Investigation):

- in 58% of cases, by Child Protective Services.
- in an equal number of cases, by a Family Court evaluator (11%) or Family Court mediator (11%).
- in only 4% of cases, by a multi-disciplinary interview center or law enforcement agent to investigate the alleged crimes.

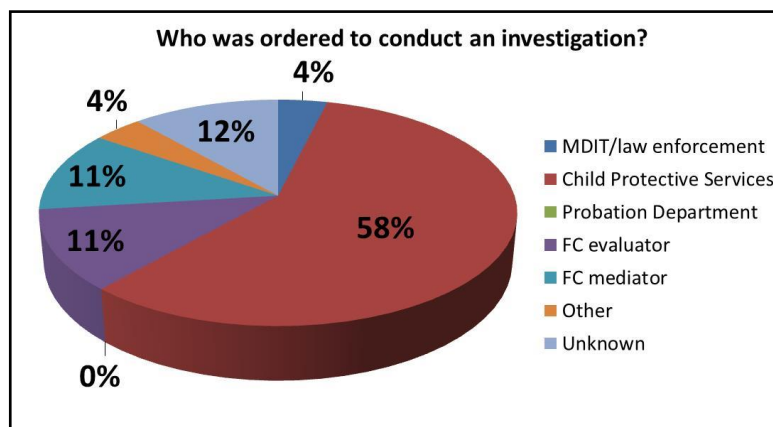


Figure 60. Conducting an Investigation

Child abuse (continued)

For 23 children, the court ordered contact with the alleged offender (29% of the cases). In only 19% of the cases was the alleged offender ordered to have no contact with the alleged child victim (see Figure 61. Contact with Alleged Abuser). In Figure 62. Relationship of Contact to Type of Abuse, the contact ordered, as it relates to the type of abuse, is depicted. In Figure 63. Relationship of Abuse to Contact Ordered, the type of abuse, as it relates to the type of contact ordered, is depicted.

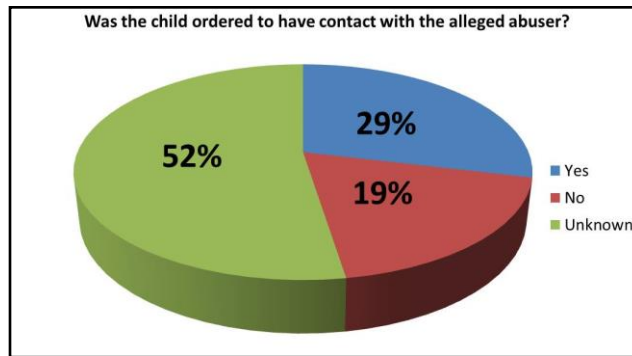


Figure 61. Contact with Alleged Abuser

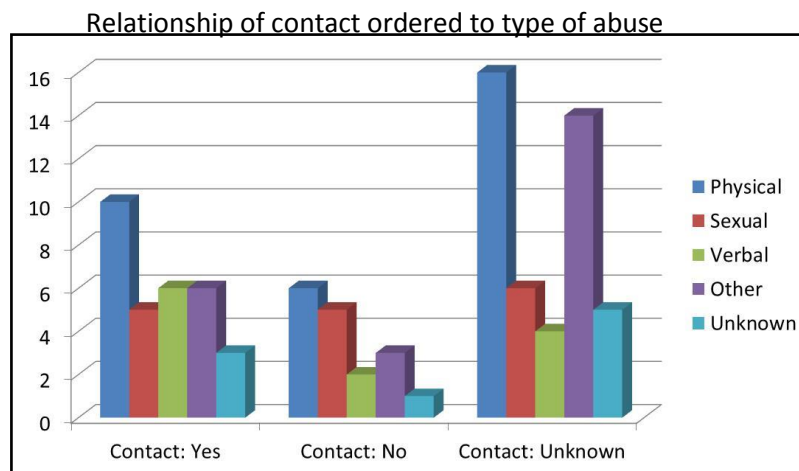


Figure 62. Relationship of Contact to Type of Abuse

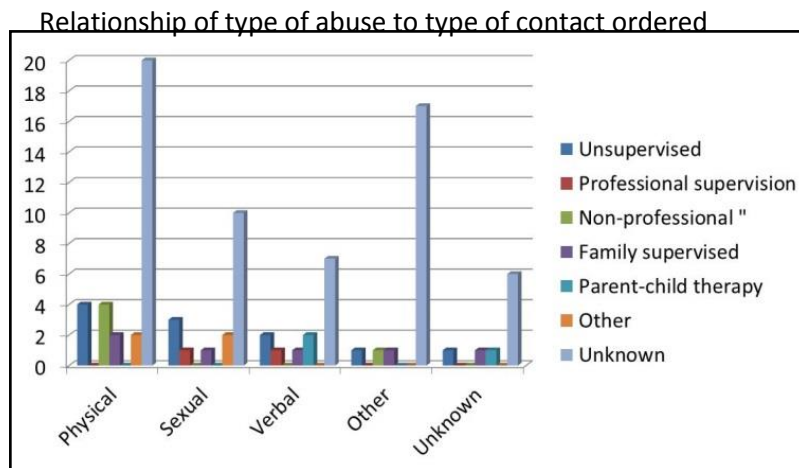


Figure 63. Relationship of Abuse to Contact Ordered

Child abuse (continued)

Of the alleged child abuse cases, 20% of litigants alleged child *sexual* abuse (16 children). Where data was tracked, the court observers never heard the judge order a child sexual abuse evaluation investigation in these child sexual abuse cases, as required by law under Family Code section 3118 (see Figure 64. FC §3118 Evaluation).

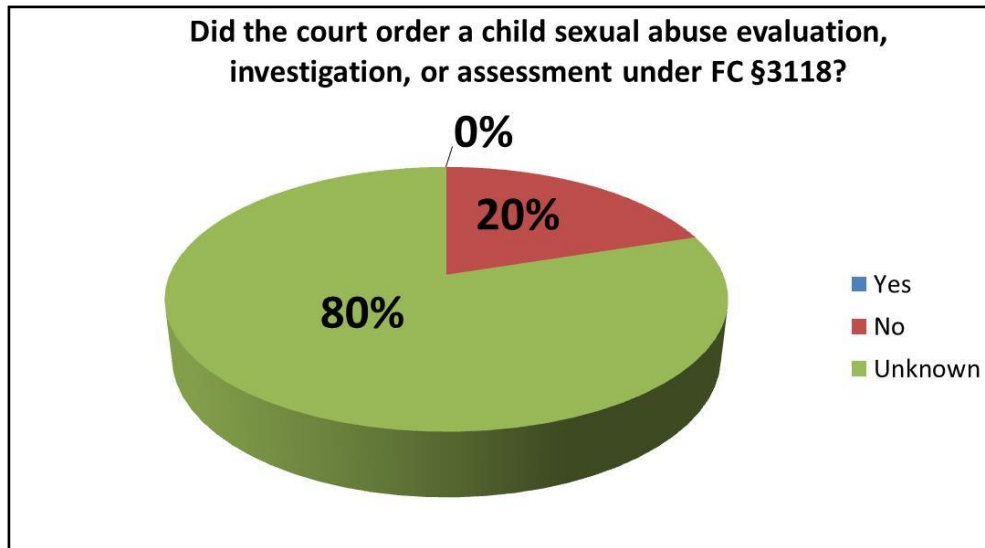


Figure 64. FC §3118 Evaluation

In 26% of alleged child abuse cases, the alleged abuser accused the reporting party of fabricating, exaggerating, alienating, or using the allegation for tactical advantage and in 49% of the cases, the reporting party was not accused (see Figure 65. Accusation Against Reporting Party).

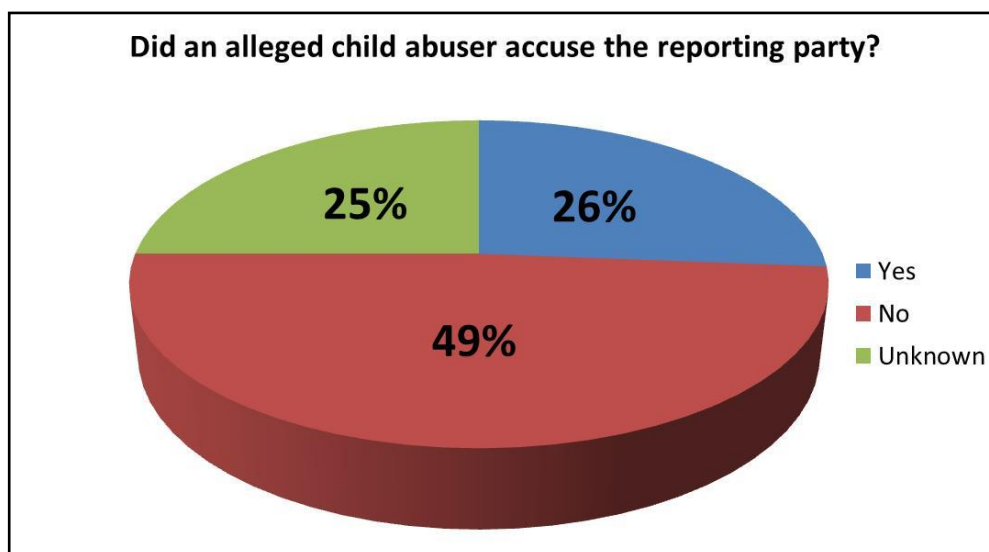


Figure 65. Accusation Against Reporting Party

Child abuse (continued)

When child abuse/neglect was a reason given for requesting custody or visitation orders, the custody or visitation orders were changed 34% of the time when allegations of child abuse or neglect were raised. In 51% of cases, no change was made at that time. (See Figure 66. Changes to Orders.) In 36.17 % of the cases, the case was continued without any change to the existing custody or visitation orders. Supervised visitation was ordered in 17.02% of the cases.

Some of the reasons that parties request modifications to the existing custody/visitation orders are outlined in Figure 67. Reasons for Requesting Changes.

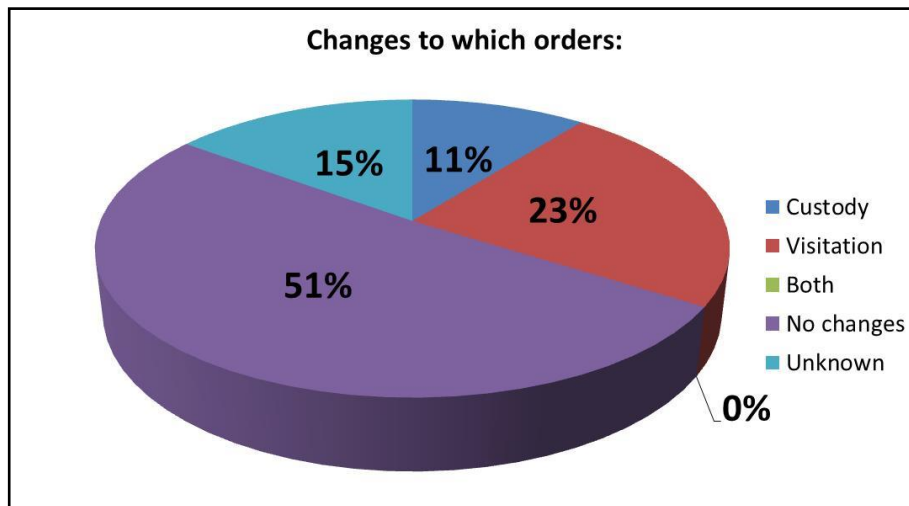


Figure 66. Changes to Orders

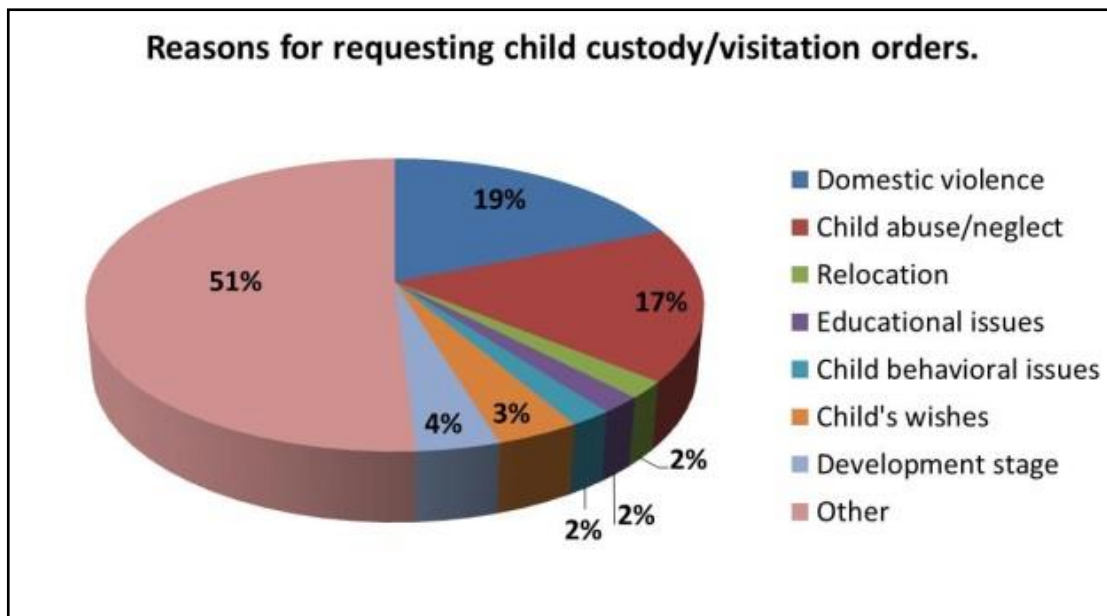


Figure 67. Reasons for Requesting Changes

Supervised visitation

For all categories of reasons for supervised visitation orders:

- Males were order to supervised visitation in 58% of the cases and females were ordered to supervised visitation in 36% of the cases (see Figure 68. Gender of Supervised Party).
- In 51% of the cases, there was no increase in custody or visitation to the accused party and in 8% of cases, there was an increase in custody or visitation for a party against whom there were prior or current allegations of domestic violence (see Figure 69. Increase in Custody/Visitation for Abuser).
- In 34% of cases, the party accused of abuse who received an increase in custody or visitation was the petitioning party (see Figure 70. Increased Custody or Visitation for Petitioner).

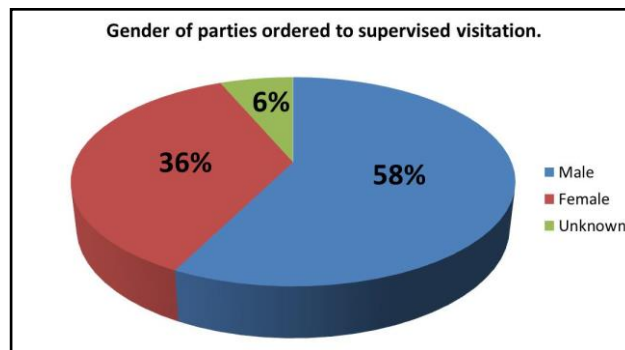


Figure 68. Gender of Supervised Party

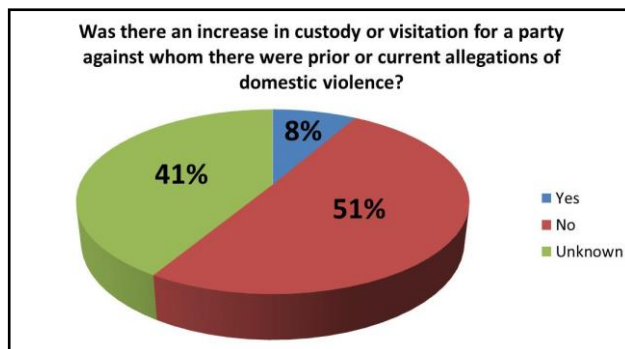


Figure 69. Increase in Custody/Visitation for Abuser

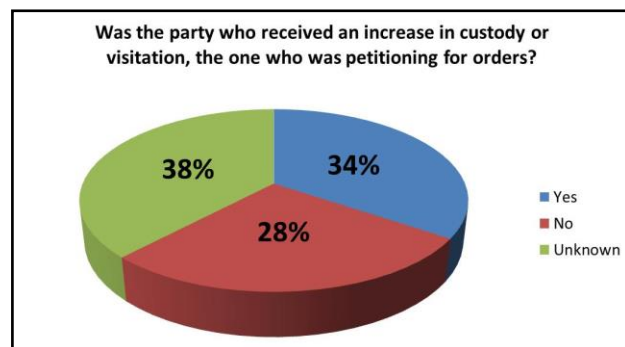


Figure 70. Increased Custody or Visitation for Petitioner

RECOMMENDATIONS

The Sacramento County Family Court judges are to be commended on their courtesy, provision for an equal opportunity for parties to speak in court, and transparency (as demonstrated by few in-chambers discussions).

Recommendations for improvement are as follows.

Court Process

1. It is highly recommended that all hearings are recorded and that litigants have access to the recordings at a low cost to ensure due process.
2. It is recommended that the court ensure both parties are represented when one party has resources to hire an attorney, pursuant to Family Code section 2030.
3. It is recommended that a study be conducted on cases lasting over 3 years, to determine the issues litigated, which drain both court and litigants' resources. Understanding the issues will result in the development of solutions.
4. It is recommended that in-chambers discussions be eliminated entirely, except for child interviews with a court reporter present.
5. It is recommended that any report from a court-appointed or court-connected professional be provided to litigants in a timely manner, pursuant to Family Code section 3111, with ample time for review of the report prior to the review hearing.
6. It is recommended that an evidentiary hearing on the facts in evidence be held to provide litigants and/or their attorneys the opportunity to examine and cross examine the author of the report and any and all persons whose hearsay information was relied upon in the report. It is also recommended that self-represented litigants be advised of the option of evidentiary hearings.

Custody and Visitation

1. It is recommended that children be provided the opportunity to give input directly to the judge, if they wish to do so, on situations affecting their custody and visitation, as per Family Code section 3042. It is also recommended that judges consider using remote access for interviewing children, for example, closed-circuit television.
2. It is recommended that judges consider granting a child's wishes, unless the child expresses a desire to live with a parent whom the child has previously accused of child abuse, or who is an habitual substance abuser, or is a dominant aggressor of domestic violence.

3. It is recommended that child support and parenting time be independent factors to prevent non-custodial parents from requesting increased visitation solely for a decrease in child support.

Domestic Violence

1. It is recommended that restraining orders not be terminated, except as initiated by the victim, and only after counseling has been completed to assist the victim in ending the violence in their relationship.
2. It is recommended that judges consistently explain the terms and conditions of any granted restraining orders.
3. It is recommended that judges make clear the firearm relinquishment requirements on the restraining order to ensure the safety of any person restrained by a domestic violence order of protection, pursuant to Family Code section 6389.
4. It is recommended that judges ensure victim safety when the parties leave the courtroom, by having the restrained party remain in the courtroom for at least 15 minutes after the victim leaves.

Child Abuse

1. It is recommended that judges ensure safety for all child victims when a restraining order has been granted. Children who witness domestic violence or who are direct domestic violence victims, as defined by Family Code sections 6203 and 6211, also require immediate and long-term protection from dominant aggressors of violence.
2. It is recommended that all allegations of crimes of child physical or sexual abuse be thoroughly investigated by law enforcement or multi-disciplinary interview teams.
3. It is recommended that, when allegations of crimes of domestic violence or child abuse have been made, the judge receive all law enforcement reports and criminal background checks before any hearing.
4. It is recommended that judges order evaluations, investigations, or assessments for all child sexual abuse allegations, as required under Family Code section 3118.
5. It is recommended that, when a child has reported a crime of domestic violence or child sexual abuse to law enforcement or when there is a preponderance of the evidence that a child has been the victim of such crimes, the information is forwarded to the District Attorney's office for assignment of a Victim/Witness Advocate for the child, to ensure safety for child victims regardless of whether the case is prosecuted.