

# FAMILY COURT IMPROVEMENT AND THE ART OF GRANTSMANSHIP: A JUDGE'S PERSPECTIVE

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Many American courts face funding obstacles as they try to create and implement unified family court processes that have not been part of the traditional family court adversarial process. To create new staff positions, build and equip adequate facilities, and create and implement innovative programs, grant funding may be available to supplement what local and state governments provide. While social science research confirms that children are adversely affected by exposure to high-conflict family litigation and domestic violence, many communities have few affordable and available resources to address these issues. This article presents lessons and principles that one court learned as it applied for a grant to design programs for high-conflict families and families with domestic violence history.

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A major obstacle that many court systems face as they try to create unified family courts (UFCs) is funding staff positions and programs that are not strictly adjudicatory. State budgets are stretched and taxed to address other nonlegal needs and problems. Many legislators are not lawyers and they lack firsthand experience with court processes. Implementation of a UFC requires an infrastructure of staff who have training to deal with families in crisis and who have adequate technology and physical facilities. In order for courts to create new staff positions and build adequate facilities to house and equip those programs, and in order to develop innovative programs that have not traditionally been a part of the court process, they often have to resort to seeking funds from private foundations and other public funding sources.

Although the Florida legislature has been relatively generous in funding the implementation of family courts as envisioned by the Florida Supreme Court, those funds are not sufficient to fulfill each of the elements of that model.<sup>1</sup> Even with the local funding supplement that Miami-Dade County gives to its Circuit Court, the court lacks the funds to create, operate, and evaluate new initiatives. One of the benefits of participating in an international interdisciplinary organization such as the Association of Family and Conciliation Courts (AFCC) is the opportunity to learn about innovative programs that other jurisdictions launch, study, and operate. However, obtaining funding to launch a new program is a daunting challenge for courts.

This article presents lessons and principles our Miami-Dade Circuit Court learned about the art of “grantsmanship” as we developed an idea for a new project.

## DEVELOP AN IDEA FOR A NEW PROGRAM

The birth of a new program starts with an idea. Through county funding, the family division of our Miami-Dade Circuit Court<sup>2</sup> includes a family court services unit staffed with several

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mental health professionals, who provide short-term social assistance to families and referrals to community and government social service resources to address their nonlegal needs. During recent years, the supervisor of that unit and I have learned at AFCC educational meetings about early triage programs established in several other courts to identify and assess the needs of children in high-conflict families and then refer those families to appropriate nonlegal resources in their community to address their nonlegal needs. Our community, like many others, lacks sufficient affordable social service providers to address the needs of these families, many of whom lack the resources to pay private providers.

We know that families suffer when the court systems that address their legal problems are fragmented, leading to unnecessary delays in adjudication and providing court-based services, different courts issuing conflicting orders, repeated interviews of children by different examiners, failure to adequately address substance abuse and addiction, and failure to protect persons at risk of domestic violence. Children whose parents are in high-conflict family litigation are more likely than their peers to have lower academic performance, social achievement, and psychological adjustment than children with low-conflict parents (Amato, 2001; Milardo, 2000). Children involved in high-conflict family disputes are more likely to experience depression, antisocial behavior, impulsive/hyperactive behavior, and school behavior problems (Cherlin et al., 1998). There is also research examining the negative effect of observing violence in the home environment. Children exposed to parental violence are more likely to assault their siblings and parents, commit violent crimes outside the family, and assault their own intimate partners than children who have not witnessed violence between their parents.

There is widespread agreement that children benefit from low-conflict relations between their parents. Children who grow up in intact, but high-conflict families have diminished emotional well-being compared to children whose parents are in a low-conflict relationship. Indeed, domestic violence can be very destructive to children's development (Future of Children, 1999). While the data unequivocally show a direct relationship between violence and poor outcome, there are in fact very few resources to address these issues and the resources that are available are not well coordinated.

We also learned about a parenting coordination process that other jurisdictions implemented and report as being helpful to high-conflict families. However, many of those families, who are the "frequent fliers" in family court, do not have the resources to pay private providers for those services. Almost every year our court has to struggle for funds to retain our family court services unit staff positions, so it was obvious that we would have to look outside of state or local government funding to implement these new programs.

### **IDENTIFY A POTENTIAL FUNDING SOURCE**

The first challenge was to identify potential funding sources. As a large urban court, the Circuit Court for Miami-Dade County is fortunate in having a member of the court administration staff who is familiar with research to identify potential funding sources and revenue streams for court-based projects. She assists the judges in identifying potential resources and in applying for grant funding, and a member of her staff oversees the performance of grant contracts in which the court is involved.

The court's grants writer identified a potential source for a planning grant to enable us to design an early triage, differentiated case management program, namely the Children's Trust, which has revenues of approximately 85 million dollars yearly, based on a half-mill

property tax,<sup>3</sup> to fund programs that offer high-quality services to improve the lives of children and families in the community. The Trust strongly encourages active community collaboration and creative approaches to funding services for children according to evidence-based practices. The grants writer recommended a two-step plan: first, to seek the funds to design the program or project (the planning grant) and then to seek the funds to implement it. Many organizations that fund such programs or projects, including the Children's Trust, will grant sufficient funds to launch the program or project. However, these organizations do not provide long-term operating monies. So the planning process should contemplate how long-range funding needs will be addressed.

For a court that does not have an in-house grants writer, the task may be more daunting, but it can nevertheless be accomplished through collaborating with an outside resource. The National Center for State Courts makes available a variety of consulting services for courts. Larger community-based nonprofit organizations usually have staff who have experience in procuring and administering grants. Collaborating with community providers from the birth of the idea offers the opportunity to build community support for those programs from ground zero. Their support will be critical to later sustainability.

### **JUDGES SHOULD PLAY A LEADERSHIP ROLE**

The second challenge, within my own court, was to persuade our chief judge that this project to develop more effective case management processes for families and to help build community resources to address the nonlegal needs that are related to their legal issues had merit, that it should be implemented and should be a priority for the efforts of our court's grants writer. The chief judge of the court designated a team of judges and court administration staff as the court's representatives to write the application for the grant and participate in administration of the project.

Judicial leadership is critical to a project such as this. One of the Trust's guiding principles is to invest wisely in partnerships and systems of care to create change and earn the community's trust. In our community, fortunately, the credibility and prestige of judicial office generally garners the community's trust. So when a judge asks community providers to participate in a project such as this, those providers rarely say no. Moreover, the purpose of this project was to implement a court process that should produce better outcomes for children and families who participate in that process. Therefore, it was important for judges with experience involving high-conflict families, families with a history of domestic violence, and knowledge about how court processes impact those children and families to be actively involved throughout the grant process.

### **BE PREPARED TO SELL YOUR PROJECT TO POTENTIAL GRANT SOURCES**

Analyzing the mission and known practices of the funding source is as important as the merit of the project itself. A project may have tremendous potential, but if it does not fit the purpose of the funding entity, it will not be funded. With that in mind, the court team assembled an initial partnership that included key community providers, government agencies, and an evaluator affiliated with a local university. The community partnership is led by a private, not-for-profit, 501(c)3 community organization, the Advocate Program, Inc.,

whose mission is to increase the level of public safety for the citizens of Florida through the provision of quality supervision, education, and counseling services. The Advocate Program has distinguished itself, not only by its size and diversity, but also by its performance and has assumed leadership roles in many domestic violence and general anti-violence initiatives, both locally and nationally. It is the designated fiscal agent for the grant and would house the service partnership staff, who would be employed with grant funds.

During the planning process, as the planning team met to build the structure of the application, the initial idea of enhancing the family division's case management process expanded into a broader concept of providing wraparound services for **all** high-conflict families and families with a history of domestic violence, whether the families are involved in domestic relations litigation or not. This expanded scope of the project happened to more suitably fit the mission of the Children's Trust and, more importantly, would provide a much greater service to the community than a program that would be limited to families who are involved in litigation.

### **IDENTIFY YOUR EVALUATOR EARLY IN THE PLANNING PROCESS**

The evaluation plan is a key component of a grant proposal. Organizations that provide grant funding generally want to fund projects that are designed to accomplish outcomes which can be measured objectively. These organizations are accountable to their members and funding sources for funds that they dedicate to grant-funded projects. Therefore, in planning the application, it is important to select a credible evaluator or evaluation team that has expertise in the subject matter of the project as well as the research skills to design the measuring instruments and later compile the results. The evaluator should be a part of the grant team early in the process. The grant application presents the available research concerning the social problem it addresses, the hypothesis for the project, and the anticipated outcome. By including the evaluator in the planning process, the project can be designed to collect outcome data that can be used later to demonstrate results when seeking long-term funding for the program or project.

The expertise of members, the core team, and the evaluator will complement one another in planning and designing the program. Creating the various tools and instruments to document and implement the pilot project and planning efforts was the first major task of our service partnership staff and the partners. One member of our core team is a domestic relations judge who has particular training and experience in recognizing and dealing with issues presented by people who abuse alcohol and drugs. He led us to include in the documentation questions that are designed to identify families who have that issue and a mechanism for providers to deal with parents who arrive for a visitation session appearing to be impaired. The core team developed the protocol to be used when a parent arrives for a visitation session appearing to be impaired by alcohol or drugs. The information we obtain about families that are affected by substance abuse issues will be useful as we begin to plan a drug court model for domestic relations cases in our court.

### **DEVELOP THE APPLICATION AS A TEAM EFFORT**

A quick Google search for "writing grant applications" yields a number of Web sites that contain useful tips and advice for writers of grant applications.<sup>4</sup> Making this a team effort

spreads the workload, takes advantage of team members' individual areas of expertise, and invests those who will participate in implementing the project or program in the idea from its inception.

The partners and evaluator for our project met regularly to develop an application that described the project in terms of the Trust's stated guiding principles and values. The team quickly decided that the first step should be seeking a planning grant, which had the broad purpose of developing a system of care that addresses the unmet needs of children at the inception of contact with the court, domestic violence shelters, and first responders and that provides evidence-based services. Central to the grant proposal was the core belief that a more rapid resolution of family disputes and greater access to community services will decrease the traumatic experiences for children whose parents are involved in domestic violence and/or high-conflict family cases and/or who have sought services through domestic violence shelters. The system of care the team envisioned included early triage of family law cases with children to identify and assess children who are at risk. After determining needs, service referrals might include: psychological or psychiatric evaluations and treatment; safe exchange, supervised visitation, or therapeutic supervised visitation; parenting coordination; counseling; onsite child care at court; substance abuse evaluation and treatment programs; vocational counseling; special educational services; and other services essential for a child's well-being.

Completing the application was a collaborative effort of the core team, led by the court's grants writer. The application identified major unfulfilled needs of these high-conflict families, which include early triaging of family law cases with children, identifying children in domestic violence shelters, and identifying at-risk children through the community's first responders in order to identify children who are at risk at the earliest opportunity. Program staff would screen and assess the children and their families, then make available appropriate referrals and referrals to evidence-based services. As we identified those needs, we built the community partnership to include agencies and providers who would later, through the planning process, define components of programs that would be designed to address the needs. During the application process, the Children's Trust conducted several meetings for applicants to meet and learn about the Trust's operations and the expectations of its grantees. Members of the core team attended those meetings to learn, not only from Trust representatives, but also from other Trust-funded community partnerships.

Our application was submitted, and we anxiously awaited the response.

### **PLAN THE ORAL PRESENTATION**

The application process may include an invitation to make an oral presentation to representatives of the funding organization. The team should designate a member who is recognized and well-regarded in the community, who will present the proposal succinctly and convincingly, and who is prepared to answer any questions about the application. The oral presentation provides an opportunity to clarify or expand upon any aspects of the application that the applicant wants to emphasize and to try to convince the decision makers of the worthiness of the project.

After many months, the Children's Trust invited our grant team to present the project at one of its meetings. The team decided that the lead judge should make the oral presentation, with other team members visibly present to lend support and to be available to answer

questions at the meeting. The Trust staff welcomed the presentation. From their questions, it was obvious that they had carefully read our application and had given it considerable thought. From the reception that I, as the lead judge, received from the Trust representatives at the meeting, it was clear that the prestige and credibility of the judicial office carried great weight. For example, during the presentation, I mentioned that families who required supervised visitation services and could not afford to pay privately for those services at that time had to wait at least 2 months for their first available appointment. Two months without seeing a parent is an eternity in the life of a young child. The executive director of the Trust immediately responded by telling us that the Trust would fund those services, even though providing supervised visitation services was not the primary focus of our written grant application.<sup>5</sup>

Presentations at AFCC meetings about courts using early triage processes to apply differentiated case management principles to domestic relations cases persuaded me that we should implement those processes in our family court. The first task in making that idea a reality was to persuade decision makers within the court that the idea had merit and that staff should give it priority status among other projects that would compete for funding.

Then we anxiously awaited the formal response to our application. Within a short period of time we learned that we would receive all of the funding that we had sought. The next task was negotiating the specific terms of the contract, with advice from the court's legal department. The primary partners signed the contract with the Trust, and then various agreements were executed among participating partners to complete the legal structure for the project.

## **DESIGN A SYSTEM OF GOVERNANCE**

An early task for the core team of the project was to design a system of governance. From the inception, the Trust encouraged expanding participation of additional community partners, each of whom would contribute particular knowledge, skills, resources, and prestige. The partnership expanded rapidly, and it was apparent that, as in any other large organization, leadership should be provided by a relatively small, representative group (an executive board) that would meet regularly to consider and be responsible for deciding major issues related to the project. The executive board determined at its first meeting the intervals at which it would meet and set a schedule of meeting dates for the next few months so that members could program them into their already busy schedules. The board is responsible for timely complying with all of the terms of the grant contract. The board then scheduled a series of half-day meetings for the full partnership for the full term of the planning project so that partners could plan their schedules well in advance to be available for those meetings.

## **HIRE KNOWLEDGEABLE STAFF FOR THE PROJECT**

As soon as the application is filed, it is important for the core team to identify the skill sets and expertise that primary staff should bring to the project and to begin to identify possible candidates for these positions. When a grant contract is awarded, often the contract requires a series of accomplishments that must be completed and delivered to the funding organization or agency at specific dates. Therefore, it is important to have the essential members of the team ready to begin work as soon after the commencement date as possible. Very early in the process, staff recommended hiring an experienced facilitator to organize

and conduct the meetings of the full partnership. They identified and engaged a facilitator, whose expertise includes facilitation and consensus building services to guide collaborative processes, giving advice on agenda elements, consulting with recalcitrant parties, and providing outside resource suggestions. The executive committee agreed with that recommendation. The facilitator leads monthly meetings of representatives of the 45 partnership members. She developed a Web site for the project, and all documentation for the project and reports of the monthly meetings are posted on the Web site.<sup>6</sup> Thus, members of the partnership, and anyone else who is interested in the project, can readily view its progress and direction as the program is developed.

## **PLAN FOR SUSTAINABILITY**

Because private grant funding is most often limited to designing and initially implementing innovative programs, it is essential to plan for sustainability from the inception of the project. Several elements are essential:

### **THE EVALUATION**

A good evaluation will measure objectively whether the project met expectations. The evaluator who is involved throughout the planning and execution process will help design the means and modes of gathering data that will later be compiled to assess the outcome.

### **MARKETING AND PUBLIC RELATIONS**

Building court and community support for the project is essential and can be accomplished by various means, even without having to hire a marketing professional to perform that service. The community partners provide a means of reaching their constituency for support. Launching a new program that is designed to address significant social problems is a newsworthy event, so local media should be engaged at an appropriate time. Community partners are active in their professional milieu, and they can present the project at their professional and other community meetings. Local commissioners and legislators are often willing to visit new programs and projects, especially during election seasons. At the same time, judges who are directly involved in the project should engage their colleagues and staff to support its development.

### **BE VIGILANT IN THE SEARCH FOR OPERATIONAL FUNDING**

Everyone who is involved in the initial project should be on the alert for potential long-term funding opportunities. Ideally, early data would confirm the thesis of the project and its continued operation could be accomplished within the existing court budget. In that event, the task of advocates for the program would be much easier—the issue then may be whether the court should continue to operate the particular program or project. If continued operation of the program will require additional funds, then advocates for the program should research potential sources for federal, state, and/or local funds.

During the planning phase of our project, key staff learned about a federal funding opportunity: grants for projects related to prevention of juvenile delinquency. From our court's statistics, we knew that the most significant combination of related family law case

types is dissolution of marriage and delinquency cases involving the children from those families. Members of the executive committee recently collaborated in completing the application for funding by a grant from the Office of Juvenile Justice and Delinquency Prevention.

With funding from that source, and hopefully additional funding for implementation from the Children's Trust, Miami-Dade's Family Court will have been a catalyst in developing a system of care that identifies children in need of services when they come in contact with domestic violence shelters, law enforcement, and the court system. As a result, all children and youth in Miami-Dade County will be screened for exposure to high conflict and domestic violence, and those children who are identified and their families will have access to comprehensive and coordinated services.

## EPILOGUE

I am pleased to report that the Children's Trust agreed to grant this project funding in the amount of \$1,100,000 for the calendar year 2008. The program is now known as "Bridging Families and Communities." With this budget, the program will hire three mental health consultants and six care coordinators, in addition to the present staff, to service approximately 400 families during 2008. It is expected that the program will be fully operational by late February 2008. OJJDP did not grant any funds for this program this year. However, their staff's comments about our application will help our project staff when preparing a new application to be submitted for its next funding cycle.

## NOTES

1. See *In re* Report of Family Court Steering Comm., 794 So. 2d 518 (Fla. 2001) (articulating the vision of the court).

2. Like many large metropolitan court systems, the Miami-Dade Circuit Court has five specialized trial divisions: criminal, general jurisdiction (civil), probate, family (domestic relations), and juvenile.

3. See The Children's Trust, *Because All Children Are Our Children*, <http://www.thechildrenstrust.org> (last visited Nov. 26, 2007).

4. See, e.g., SchoolGrants: Grant Writing Tips, [http://www.schoolgrants.org/grant\\_tips.htm](http://www.schoolgrants.org/grant_tips.htm) (last visited Nov. 26, 2007); Non-Profit Guides: Guidelines, <http://www.npguides.org/guide/index.html> (last visited Nov. 26, 2007).

5. Through two community providers who are partners in the project, having this additional funding enables our court to now provide those services for needy families beginning within 2 weeks from the date the court orders supervised visitation.

6. See Janice M. Fleischer, *Flash Resolutions*, <http://www.flashresolutions.com/projects/ChildrensTrust> (last visited Nov. 26, 2007).

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*Judge Kreeger has served as a circuit judge in the 11th Judicial Circuit (Miami-Dade County) for 15 years, during most of which she has been assigned to the Family Division. She served on the Florida Supreme Court's Steering Committee on Children and Families in the Courts and chaired the Pro Se and Case Management Sub-committees of that Steering Committee. She served as a member of the Supreme Court Committee on Privacy and Court Records and presently chairs the Committee on Access to Court Records and the Florida Court Technology Commission. She has organized and taught numerous portions of continuing judicial education and continuing legal education programs, primarily in regard to aspects of family law and the family court process, in Florida, at the National Judicial College, as well as internationally. She has authored articles on family law and the conflicts between rights of privacy and public records laws and has served as a member of various other legislative and court committees. She presently is a lead judge for a community team that procured a grant to design an action plan for children from high-conflict families. Finally, she is a candidate for the Masters of Judicial Sciences degree from the National Judicial College and the University of Nevada-Reno.*