



“A smaller number of courts means that the remaining courts and judicial officers will be processing double the caseload and everything will slow down, services to children and families will suffer.”

--Attorney, Alliance for Children's Rights

Further cuts to the Judiciary budget will hit Family Court the hardest, leaving children, parents and families without access to justice during emotionally difficult and often dangerous periods. While criminal defendants have the right to a speedy trial, family court litigants don't have this protection and will suffer more delays than ever.

In addition to staff cuts and court closures, the newly-implemented Elkins rule is going to add additional burden to an overwhelmed system. Beginning in 2011, this requirement says that all family law cases involving temporary or interim orders must have an evidentiary hearing— or a “mini-trial.” Because many of these matters were previously decided between parties and their council outside the courtroom, a 60% increase in requests for motions is now expected.

The court budget cutbacks will especially affect people who cannot afford legal representation and have relied on court-appointed attorneys. Of the approximately 200,000 divorce petitions filed in California annually, 70-80% of those cases involves at least one self-represented litigant. Legal self-help centers in courthouses are closing due to funding, effectively obliterating the notion of fair and equal access to justice for all.

How do cuts impact access to Justice?

- **Self-representation** is particularly prevalent in family law cases such as divorce, custody, child services and paternity. Litigants now have restricted access to self-help resources like legal aid centers.
- **The cutback of clerk hours** places additional pressure on people handling their own cases to meet stringent filing and court deadlines. Working parents will be forced to potentially take multiple days off work in a tough economy just to file papers – or risk losing rights like custody.
- **In some family courts**, the number of service windows at family court has been reduced, causing wait times of 5-6 hours just to speak to a clerk or deliver documents.

How are cutbacks hurting families?

- **About 57 million Americans**, one-third of them children, qualify for free legal help, but half or more who seek help are turned away because of insufficient resources due to cuts.
- **Self-represented** litigants are left unadvised to navigate legally and factually complex matters, such as child and spousal support, restraining orders, child custody and division of property, where a single error can have devastating effects on families.
- **The increased hearings** associated with the Elkins rule equates to a higher financial burden for litigants as lawyer fees increase to reflect the costs for additional hearing preparation and court visits.
- **Without the help of a clerk**, simple errors on filings could go unnoticed and result in the rejection of a filing and delays in a case.
- **Increased wait times** and overloaded judicial calendars translate to more visits to a court that offers fewer services.
- **With 91,000 divorces** heard each year in LA County Superior Court, a divorce that now takes one year to finalize could soon take three years to resolve, and even longer if a case is contested. Add in child support complications, and the divorce process could easily take five years or more.