



CALIFORNIA STATE AUDITOR

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FACT SHEET

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The California State Auditor released the following report today:

Sacramento and Marin Superior Courts

Both Courts Need to Ensure That Family Court Appointees Have Necessary Qualifications, Improve Administrative Policies and Procedures, and Comply With Laws and Rules

BACKGROUND

Every superior court in each of California's 58 counties has jurisdiction over family law matters typically within their family courts. Judges assigned to the family courts decide various family law matters, such as the dissolution of marriages, and where child custody or a determination of the legal relationship between natural or adoptive parents and a child is at issue, the family court may issue an order for child custody and visitation. At the Sacramento family court, where more than 92,500 family law cases were filed during the four-year period we reviewed, its staff conducted mediations and certain evaluations that the family court ordered and the court appointed private mediators, evaluators, and minor's counsel. In contrast, the Marin family court, which opened 2,352 cases that involved child custody and visitation during the same four-year period, had staff who performed only child custody and visitation mediations and it appoints private evaluators and minor's counsel to contested child custody and visitation cases. The Family Code requires family courts to design all child custody and visitation orders to reflect what is in the best interest of the child.

KEY FINDINGS

Our audit of the Sacramento and Marin County Superior Courts' processes for identifying, assessing, and evaluating court appointees in child custody disputes during the four-year period—from April 1, 2006 through March 31, 2010—revealed the following:

- The Sacramento County Superior Court could not demonstrate that its staff performing mediations and evaluations and the private mediators, evaluators, and minor's counsel it appoints are qualified or trained.
- The Marin County Superior Court could not demonstrate that the mediators always met the minimum qualifications or training requirements and that its private evaluators were qualified and met certain training requirements. Further, the family court did not ensure that minor's counsel were qualified before making appointments.
- Although both family courts have a process for reviewing and resolving complaints about their mediators or evaluators, neither court kept logs of complaints received. In addition, both family courts did not consistently follow processes for dealing with complaints about their mediators.
- Even though courts may pay for minor's counsel when it determines that the parties cannot pay, both courts need to improve their processes. The Sacramento family court did not always make the legally required determination about the parties' ability to pay and the Marin Superior Court did not have a policy outlining the costs it reimburses.

KEY RECOMMENDATIONS

We make numerous recommendations to the Sacramento and Marin County Superior and Family Courts to ensure that the individuals who provide mediation and evaluation services and who act as minor's counsel in cases before these family courts are qualified and trained. Further, we recommend that both the Sacramento and Marin family courts track all complaints properly and review them promptly and keep a log of complaints they receive. Moreover, both family courts need to improve their policies and rules for receiving, reviewing, and resolving complaints. We also recommend that the Sacramento Superior Court improve billing procedures and for determining and reviewing parties' ability to pay appointing minor's counsel costs.

