

The Supreme Court of Montana
Office of the Court Administrator

Beth McLaughlin
Court Administrator



301 South Park
P.O. Box 203005
Helena, Montana 59620-3002
Telephone (406) 841-2950
FAX (406) 841-2955

July 22, 2022

TO: Ryan Osmundson
Governor's Budget Director

Rep. Bill Mercer
Section D Interim Committee

FROM: Beth McLaughlin
Supreme Court Administrator

RE: HB632 Quarterly Update

As required by HB632, Section 21, the Judicial Branch must report quarterly on program implementation, expenditure of funds, and measurable outcomes. The Branch was allocated \$944,721 in HB632 to streamline and expediate the processing of family law matters, which were delayed by the COVID-19 pandemic. The funding is supporting early mediation and simplified case processing for self-represented and low-income litigants.

The expenditure during the third quarter reflects the Project Administrator's salary and staff time from the service provider for the program, Montana Legal Services Association.

The program has two components:

Informal Domestic Relations Trials (IDRTs):

The Branch has implemented simplified domestic relations trials, which allow litigants to agree to an informal process that does not adhere to the formal court process, in the 1st Judicial District (Lewis and Clark and Broadwater counties), the 4th Judicial District (Missoula and Mineral counties), and the 12th Judicial District (Hill, Chouteau, and Liberty counties).

The following progress has been made:

- IDRTs continue to be scheduled across the pilot districts as parties and the Court consent. Five IDRTs have been completed and were set but did not move forward due to early resolution, continuance, or one party failing to appear.

- The Branch has received valuable feedback from parties who have experienced the IDRT process through completed surveys and an interview.
- Judges and Standing Masters in all pilot districts have identified a staff point person for their cases. The Branch has discussed data collection and program support options with all point people and will continue to check in with them regularly.
- The Branch continues to work with districts to ensure that parties are aware of this new option. An IDRT flyer (attached) has been developed with the help of a graphic designer, and it's been distributed to judges, court staff, and Self-Help Law Centers. The Branch has also contracted with a videographer to create a promotional video aimed at potential IDRT parties. Production is set to begin this summer.
- The Branch held an information session for Montana Legal Services Association.
- Other judicial districts have expressed interest in joining the IDRT pilot. The Branch is developing an implementation guide including the history of the project, insights from the field, and templates.

The Montana Family Transition Project:

The Branch, through a contract with the Montana Legal Services Association, will provide family law mediators in certain cases where litigants meet financial requirements, are self-represented, and need a parenting plan as part of the domestic relations case. Through MLSA, litigants will also receive legal advice before mediation. The pilot districts are the 8th Judicial District (Cascade County), the 13th Judicial District (Yellowstone County), the 18th Judicial District (Gallatin County), and the 19th Judicial District (Lincoln County).

The following progress has been made:

- Ten applicants have accepted a spot on the inaugural mediation team and five others are in the contracting process. The Branch and MLSA are delighted to have attracted a robust group of people who are dedicated to supporting parents as they make decisions about the next stage of life for their children and themselves. This team includes three mentors (highly experienced family mediators who will support the rest of the team), nine skilled mediators, and three trainees (individuals who have relevant backgrounds and training but have not yet had the opportunity to mediate family cases). They represent a large swath of Montana, based in Billings, Bozeman, Big Sky, Libby, Kalispell, Harlem, Whitefish, Missoula, and Helena. Some have private mediation practices, some are lawyers, some have backgrounds in social work and other professions, and all have extensive training and experience with families in transition and the mediation process. Applications and inquiries continue to trickle in, and the Branch will reach out to those applicants as the program expands.
- The Branch and MLSA have refined the mediator training plan in response to the needs of the initial team and will work toward completing training and being ready to handle a stream of referrals in the fall.
- MLSA has begun the recruitment process for contract attorneys who will provide advice to parties prior to mediation.
- The Branch and MLSA have provided additional resources to the pilot counties as they develop their internal referral processes.
- An outreach plan has been developed for pre-filing referrals. By connecting with local family therapists, faith leaders, OPA field staff, domestic violence advocates, and other

community partners, the Branch hopes to encourage parents who have not yet utilized the Courts to consider mediation first, with the goal of reducing the burden of new cases in pilot districts.

Please let me know if you need additional information.

Cc: Justice Beth Baker
Emma Schmelzer, Project Manager
Cathy Duncan, Legislative Fiscal Analyst
Montana Legal Services Association