

The Supreme Court of Montana
Office of the Court Administrator

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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 program has two components:

Informal Domestic Relations Trials (IDRTs):

As per Rule 17 of the Montana Supreme Court, the Informal Domestic Relations Trial process is now the default across Montana for all domestic relations cases where at least one party is self-represented.

The following progress has been made:

- The Branch surveyed all district judges and standing masters about their experience with IDRT and received 22 responses. The feedback was primarily positive and reflected some challenges and questions that have come up as districts implement this new process.
- The Branch is planning a CLE focused on the IDRT process in partnership with the State Law Library.

The Montana Family Transition Project:

The Branch, through a contract with the Montana Legal Services Association, provides 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 also have access to legal advice in preparation for mediation and a child support calculation. The program accepts court-ordered cases from select districts and self-referred cases from across Montana.

The following progress has been made:

- Of the 43 cases that have proceeded to mediation so far, parties reached full agreement in seventeen cases, partial agreement in seven cases, and no agreement in eleven. This puts the program at a 69% success rate. Eight cases are currently in progress, and MLSA continues to receive a steady stream of interest in the program.
- The program now accepts court-ordered cases from the 13th, 22nd, 8th, 18th, 9th, 21st, 4th, 20th, 11th, and 19th Districts.
- MLSA has analyzed data collected from April 2023 to April 2024 about how cases are coming to the program and what roadblocks exist to completing mediation. This is what we learned:
 - About 60% of cases are ordered to the program from the courts, and about 40% are self-referred. This is valuable because it tells us that we are succeeding in reaching parties that may not yet be involved in the court system.
 - Most parties who contacted MLSA about the Family Transition Project found out about the program from the courts. This includes people who were ordered to the program directly and those who received a flyer from their clerk's office. Other notable referrals sources include friends/family members and the self-help law centers.
 - The largest number of cases came from Cascade and Gallatin counties, followed closely by Flathead and Missoula counties, and then Yellowstone. At least one case has also come from Beaverhead, Chouteau, Glacier, Hill, Lake, Lewis & Clark, Lincoln, Minner, Park, Pondera, Ravalli, Sanders, and Silver Bow counties.
 - In cases that didn't complete the mediation progress, the most common reason was that one or more parties didn't follow up with the intake/referral process or never contacted the program at all. There were also a small number of clients who withdrew from the program. Only 10 cases couldn't be served because of ineligibility.
- The Branch and MLSA staff are using this data and feedback from our referral sources to continue to improve the program's processes and resources.

Please let me know if you need additional information.

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