

The Supreme Court of Montana
Office of the Court Administrator

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April 11, 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 second 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:

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:

- The first Informal Domestic Relations Trial in Montana was held on April 8, 2022, and both parties provided either positive or neutral responses to all survey items. IDRTs for other cases had been scheduled earlier in the year but did not move forward due to early

resolution or one party failing to appear. More IDRTs are scheduled for April and beyond.

- Judges and Standing Masters in all pilot districts have created and implemented processes for informing parties about the IDRT option throughout the filing and scheduling process.
- The Branch held an information session for Self-Help Law Center staff. The Missoula and Law Library Self-Help Law Centers now include IDRT information in all parenting plan and dissolution packets.
- A dedicated IDRT web page can now be found on the court website (www.idrt.mt.gov), which will be continually updated as the program develops.
- The Branch is in the process of contracting with a videographer to create a promotional video aimed at potential IDRT parties.
- The Branch developed a survey and data collection plan with staff from each pilot Court.

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:

- Branch and MLSA staff met with all pilot districts to discuss the proposed mediation process and how best to craft the program plan to address the needs of each district.
- Branch and MLSA staff met with many mediation stakeholders around the state with the goal of seeking insight and forming early partnerships.
- The Branch and MLSA, in collaboration with the Courts, have developed template orders and letters for judges and standing masters to use when referring a case.
- The Branch identified older cases in the pilot districts that could be well-served by this program with the aim of closing those cases first. The pilot districts are in the process of selecting appropriate cases from that group.
- The 19th Judicial District referred two cases to the program. The MLSA staff person appointed to handle program intake spoke with one party from each case and determined that neither of them wished to mediate. Since it is essential to the voluntary nature of mediation that all parties agree to proceed, both processes have been referred back to the Court for further hearings.
- A hiring announcement introducing the program and detailing mediator requirements has been distributed through two major mediation listserves (including the Montana Mediation Association) and will continue to be posted and circulated as widely as possible. There has been early interest and support from mediators around the state. Hiring will take place on a rolling basis, with the first interviews expected to take place shortly.
- The Branch and MLSA have developed a mediator training plan and are in the process of contracting with expert trainers throughout the state. Initial training is expected to take place in May.

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