

OVERVIEW

Audit of the Family Court Complaints Process

Report No. 02-23, December 2002

Summary

This audit was conducted pursuant to Senate Concurrent Resolution No. 82, S.D. 1, H.D. 1 of the 2002 Regular Session. The resolution requested the Auditor to conduct an audit of the Family Court's complaints process. The request for the audit was prompted by legislative concerns over the alleged loss of user confidence in the Family Court's ability to be a fair arbiter of issues and the perceived unfairness in the system. The resolution also requested that the Auditor review complaints at the courts and from the public and summarize the nature of the complaints.

The Judiciary is separate and distinct from, but equal to, the executive and legislative branches of government. The Family Court's jurisdiction includes legal matters involving families and children such as delinquency, status offenses, abuse and neglect, parental rights, adoption, guardianship, divorces, and custody. Section 571-11, Hawaii Revised Statutes, establishes the Family Court as a division of the circuit courts.

Various processes have been made available by the Judiciary and other state agencies to address complaints in court-related matters. The Commission on Judicial Conduct deals with complaints against judges. The Office of the Disciplinary Counsel covers complaints against attorneys and reports to the Disciplinary Board of the Judiciary. The State Ethics Commission investigates alleged ethics violations of state employees. The judicial appeals process addresses individuals who disagree with the results of a case or wish to complain about a court's ruling. For each of these complaints processes, specific statutes or rules describe how various aspects such as complaints initiation, subject matter, standards to measure conduct, and resolution are to be handled.

We reviewed complaints recorded at the Family Court and complaints solicited from the public by our office. We did not assess the validity of these complaints nor investigate any allegation in the complaints. We found few complaints at the Family Court, but limits to our access to correspondence files reduced our ability to determine whether our assessment was reliable. Complaints submitted by the public to our office were numerous but seemed to be directed at changing a case's outcome.

We found that the Family Court lacks a system to manage complaints and direct complainants to an appropriate agency resulting in inconsistent complaint resolution. In addition, court staff lack adequate policies and procedures and sufficient training to guide them in providing consistent answers and resolution to complainants. Inconsistent handling of complaints reduces the Family Court's opportunities for improving court services. Complaints may contain valuable



feedback to improve program effectiveness. The State's civil service reform provides a framework for a public complaints process.

The Judiciary implemented the service centers, concierge desks, and "we value your opinion" surveys to improve customer service. An increase in self-represented litigants adds to complexities for the court and results in the need for more user-friendly and effective customer service processes. We found that legal obstacles, and the lack of policies, procedures, and training contribute to hindering the staff's effectiveness in providing customer service and in informing the public about the court system. We also found the survey to be one-sided and poorly administered. While initial evaluations of the service centers and surveys showed positive results, our review indicates that the programs are no longer effective in meeting customer needs and should be re-evaluated.

Recommendations and Response

We recommended that the Family Court develop policies and procedures for handling complaints and train staff in all complaints processes available to the public. The Judiciary should use the State's civil service reform as a guide in developing a public complaints process, which should include procedures for documenting and recording complaints. We also recommended that the Family Court better inform the public about available complaints processes through detailed brochures. Finally, we also recommended the Judiciary revise its public opinion surveys to include in-court experiences, analyze all data collected on the surveys, re-establish data measurement guidelines for its service centers, and re-evaluate the effectiveness of the service centers.

The Judiciary responded that it appreciated our efforts, found our recommendations helpful, and will seriously consider them in light of available resources. However, the Judiciary disagreed with certain observations relating to our limits to file access and found no evidence to indicate its service centers were ineffective in executing the functions for which it was created.

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