

**First Judicial District  
Philadelphia Family Court  
Domestic Relations Division**

**2011 State of the Court**

**Overview and Organization**

Under the leadership of Administrative Judge Kevin M. Dougherty and Supervising Judge Margaret T. Murphy, twelve judges of the Court of Common Pleas preside in Philadelphia Family Court's Domestic Relation Division, which is responsible for cases involving child support, spousal support, custody, divorce and domestic violence. Deputy Court Administrator, Mary Lou Baker, is responsible for managing over 30 units and approximately 400 professional and support staff.

## **Domestic Relations Division**

### **Mission Statement**

The Domestic Relations Division of the First Judicial District (FJD) of Pennsylvania's mission is to efficiently administer cases involving paternity establishment, child and spousal support, divorce, child custody and domestic violence. The Domestic Relations Division utilizes state of the art case management techniques that enhance timely case processing, increase performance measures, collect child support, establish paternity and secure medical support for children. Most importantly the Domestic Relations Division is devoted to bringing justice to the public it serves.

### **Responsibilities**

The Domestic Relations Division has varied responsibilities in responding to complaints and petitions that can be broadly categorized under: Divorce, Child Custody, Domestic Violence and Child and Spousal Support.

- I. DIVORCE:** The Domestic Relations Division has jurisdiction over all facets of divorce proceedings. These include the entry of decrees in divorce and annulments and resolutions of all economic claims arising from divorce actions. Domestic Relations Judges hear all divorce motions; including motions for discovery, substituted service, specific relief, and enter orders approving grounds for divorce. Economic claims arising from divorce actions, such as equitable distribution, alimony, and counsel fees and costs are initially heard by Divorce Masters, who conduct non-record hearings. If an agreement is not reached before the Divorce Master, a proposed Order and Decree is issued and a party may file for a trial *de novo* before a Domestic Relations Judge. In 2011, there were 1,887 new Complaints in Divorce filed and there were 1,670 Divorce Decrees entered. In addition to the new Divorce Complaints, there were an additional 12,467

divorce related pleadings (contested and uncontested) filed within the Domestic Relations Division.

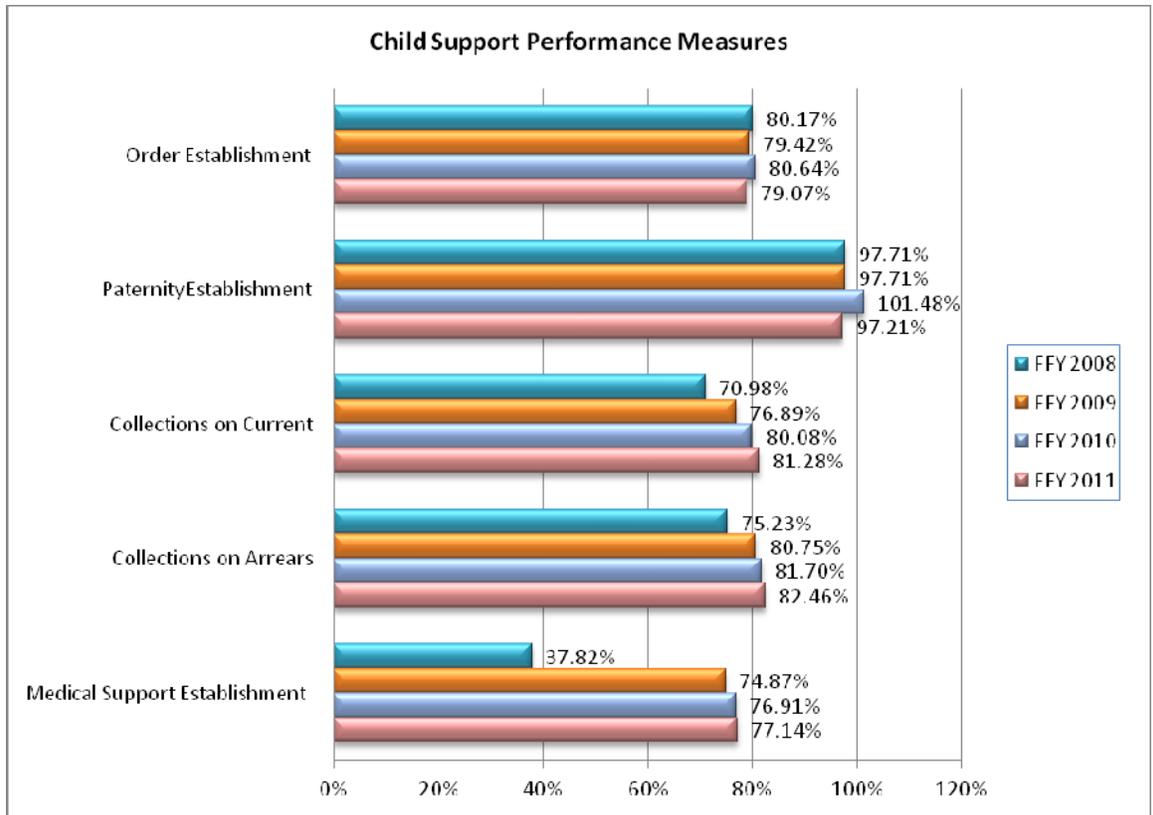
- II. CUSTODY:** Resolution of child custody disputes is one of the more sensitive and emotionally charged functions of the Domestic Relations Division. Custody complaints are initially referred to the Custody Unit and conferences or hearings are conducted by Custody Masters. Mediation is available to parties who are seeking an opportunity to amicably resolve their custody disputes. Domestic Relations Judges conduct hearings in claims for primary physical custody, contempt of custody orders, expedited and emergency matters and exceptions to proposed orders for partial custody and visitation. In 2011, custody petitions totaled 25,717 including 12,492 new Complaints in Custody, plus petitions for modifications, contempt and interim relief. The number of individual custody cases processed totaled 11,190, with approximately 27,000 custody events being conducted in Domestic Relations.

In 2011, there were significant modifications to the statutes governing child custody matters. DR Administrators, as well as Custody Masters worked closely with the Judiciary to review existing policies and procedures and to modify them to be in compliance with the newly implemented statutes and rules.

- III. DOMESTIC VIOLENCE:** The Domestic Violence Unit is a *pro se* filing unit designed to provide assistance to victims of domestic violence. The Domestic Violence Unit conducts interviews with petitioners and prepares Protection from Abuse (PFA) Petitions, which are then submitted to Domestic Relations Judges for review and, if appropriate, the entry of a Temporary PFA Order. Domestic Relations Division Judges hear cases involving domestic violence between family members, or between parties who have had an intimate relationship. Domestic Relations Judges also conduct hearings to vacate or extend restraining orders, and in contempt of PFA orders, both criminal and civil. In 2011, PFA petitions seeking the entry of an order totaled 11,714 and 12,028 cases were processed, in addition to the contempt cases and modifications filed.

Judges assigned to the Domestic Relations Division conduct criminal trials every Tuesday and Thursday at the Criminal Justice Center on cases charging defendants with indirect criminal contempt for violation of a protection order entered pursuant to the Protection from Abuse Act. In 2011, Domestic Relations Judges conducted more than 4,400 hearings in criminal abuse cases.

- IV. SUPPORT:** Child and spousal support cases have three components: 1) establishment of paternity; 2) determination of the support obligation; and 3) enforcement.
- **Paternity:** For children born out of wedlock, establishment of paternity is the first step toward determining the child support obligation. Paternity can be established in one of four ways: 1) voluntary acknowledgement of paternity (AOP); 2) genetic testing; 3) default paternity establishment; and 4) in hospital paternity establishment. As of December 31, 2011, there were more than 78,000 children associated with a Philadelphia County IV-D case that were born out of wedlock. Of this figure, more than 69,000 children (nearly 87%) had paternity resolved.
  - **Determination of the Support Obligation:** When there is an obligation to provide child support, spousal support, or *alimony pendente lite*, the amount of the support award is determined pursuant to the Pennsylvania Support Guidelines, which are set forth in the PA Rules of Civil Procedure. The Support Conference Officers and Support Masters conduct conferences and hearings regarding the entry of support orders. Domestic Relations Judges conduct Exceptions hearings, Motion hearings and Contempt hearings and enter final orders for support. In 2011, there were 40,355 support filings, including approximately 22,390 new complaints in support.
  - **Improved Performance Measures Resulting in Increased Child Support Enforcement Funding:** With assistance from the Department of Public Welfare's Bureau of Child Support Enforcement, the Domestic Relations Division has taken great strides to improve federal child support performance standards. Philadelphia County has exceeded federal standards in three of the five measures as of federal fiscal year 2011.



The five primary performance measures utilized by the federal and state government to measure program performance improved steadily from December 2008 to December 2011 as noted below:

Performance Measures	December 2008	December 2011	Increase
Support Order Establishment	80.17%	79.25%	-0.92 points
Paternity Establishment	87.99%	86.82%	-1.17 points
Current Collections	74.28%	80.78%	6.50 points
Arrears Collections	59.95%	63.62%	3.67 points
Medical Support Establishment	36.80%	74.60%	37.80 points

- **Enforcement and Support Collections:** Domestic Relations child support collections were \$172,539,227 in 2011. Of the total collections \$11,787,772 represented welfare collections on behalf of the Pennsylvania Department of Public Welfare.

- **Driver's License Project:** Staff worked to populate thousands of obligors' demographic screens with their PA driver's license number which accounted for a substantial increase in cases where the obligor's license was suspended. This action resulted in increased support collections. Additionally, the PA Driver License statewide match criteria was updated after Philadelphia Domestic Relations made suggestions, resulting in increased volume of matches statewide and increased support collections.
- **AEI - Administrative Enforcement in Interstate Cases** was implemented to allow other states to request specific enforcement remedies, such as Financial Institution Data Match (FIDM) and Driver License Suspension, against delinquent defendants who do not have an intergovernmental case in Philadelphia.
- **New Thrift Savings Plan (TSP):** seizing retirement accounts of civilian and military personnel working for the federal government who have delinquent support arrears.
- **Garnishment of Accounts Containing Federal Benefits:** Veterans Administration benefits, Social Security benefits including Supplemental Security Income, Railroad Retirement benefits, Civil Service Retirement System benefits, and Federal Employee Retirement benefits are no longer exempt from the FIDM and financial asset garnishment process.
- **Passports** for defendants who pay their case in full, upon on-line notification by Domestic Relations, can now be released much faster by the Department of State (overnight in some cases) instead of the normal 4-6 week process.
- **Support Establishment/Support Compliance Units:** In 2011, the responsibility of hearing all support modification conferences was shifted from the Support Establishment Unit to the Support Compliance Unit. This allows the Support Establishment Unit to focus exclusively on establishing orders on cases without a support order.
- **Domestic Relations Division Night Court:** The Domestic Relations Division continued to offer night court, which operates each Wednesday until 7:00 PM, to give domestic relations customers an opportunity to resolve their child support issues such as preparing and filing generic pleadings and making support payments during non-traditional hours without taking time off from work. Night court support collections increased by 54.62%, during 2011.

- **FJD Inter-divisional MOU, Administrative Bench Warrant Review, & Automated Case Closure (ACCOM):** As outlined in the Inter-divisional Memorandum of Understanding (MOU), the Domestic Relations Division, Pre Trial Services of the Criminal Division, and the Bureau of Child Support Enforcement demonstrated continued success executing Domestic Relations bench warrants. The combination of the MOU, the administrative bench warrant review process, and ACCOM has enabled the Domestic Relations Division to successfully manage and dispose of outstanding bench warrants. During 2011, 2,787 bench warrants were issued and 2,615 (94%) bench warrants were disposed. The Domestic Relations reduced the overall number of outstanding bench warrants by 9.8%.
- **Domestic Relations Division Technological Advancement:** The Domestic Relations Division purchased stationary and mobile video equipment: 1) reduce or eliminate the necessity of transferring incarcerated litigants from prisons to the domestic relations courthouse for hearings; 2) to allow face-to-face communication between the Philadelphia Judiciary, Masters, and Conference Officers with out-of-state litigants in support and custody actions; and, 3) as part of the Continuity of Operations Plan (COOP).
- **Networking for Jobs and Ex-offender Reentry Program:** The partnership and the coordinated efforts of the Pennsylvania Bureau of Child Support Enforcement, Educational Data Systems, Inc., and the Networking for Jobs Program has enabled 72% of the defendants referred to the program by the court to find jobs that had an average hourly wage of \$9.77 and 47% of those jobs provided medical benefits. 20% of the defendants referred to the program had misdemeanor criminal backgrounds and 34% had felony criminal backgrounds. During 2011, this program was recognized locally, regionally, and nationally for reaching the support collection milestone of \$13,156,109.

## V. Pennsylvania Child Support Enforcement System (PACSES) Enhancements

- **Performance Improvement Module (PIM) – Phase IV:** Previously case notes were available as read-only in PIM. With Phase IV enhancements, workers now have the ability to add case notes in PIM that will update PACSES almost immediately. Additionally, the Performance Dashboard allows all PIM users to view and compare county, state, regional, and national performance statistics.

- **Payment Score Calculator:** Beginning 10/01/11, PIM was updated to include a payment score calculator for predicating the probability of a noncustodial parent paying at least 80% of the current monthly support obligation in the three months following the entry or modification of a support order.
- **Electronic Income Withholding Orders (eIWO):** During 2011, the number of employers participating in eIWO steadily increased. As of November, 2011, there were more than 700 employers participating in eIWO for a total monthly value of \$10.6 million.
- Philadelphia DR staff participated in several statewide workgroups (Debt Type Consolidation, Mail Alert Workgroup, Intergovernmental Workgroup) designed to review the current PACSES application and make recommendations to improve and streamline the process.

## VI. Facilities:

- **Children's Waiting Room:** Improved policies and procedures to enhance security and safety of children and families serviced. Secured two (2) new cribs to meet the new Federal Regulations safety standards. Training provided for Children's Waiting Room staff in security issues.
- **Eastern DRAP:** In March, 2011, the Philadelphia Domestic Relations Division hosted a meeting of the eastern region of the Domestic Relations Association of Pennsylvania (DRAP). The meeting included representatives from 16 counties, Office of Child Support Enforcement (OCSE), Bureau of Child Support Enforcement (BCSE), and the Pennsylvania Child Support Training Institute (PACSETI). Topics of discussion ranged from proposed legislation changes, including new child support guidelines, to enhancements to the PACSES system. The meeting proved to be a successful exchange of ideas and information.
- **Annual Domestic Relations Association of Pennsylvania (DRAP) Conference:** The annual statewide meeting of the Domestic Relations Association of Pennsylvania (DRAP) was held in Harrisburg, Pa. in September 2011. Edward Lehmann served as the Conference Chair; Karen Leone served as Registration Chair, and Fred Keller served as Entertainment Chair. Other staff members from Philadelphia County were instrumental in planning and coordinating this highly successful event.

<b>Philadelphia Family Court</b>				
<b>Domestic Relations Division</b>				
<b>Calendar Years 2009-2011</b>				
<b>Total DR Filings</b>				
		<b>2009</b>	<b>2010</b>	<b>2011</b>
<b>Custody Filings</b>	Custody/Confirm Custody	7,667	6,780	7,608
	Partial Custody/Visitation	555	582	535
	Modify Custody	4,209	4,188	4,358
	Contempt of Custody	2,013	2,105	2,055
	<b>Subtotal</b>	<b>14,444</b>	<b>13,655</b>	<b>14,556</b>
	Custody Exceptions	111	79	73
	Motions & Other Filings	9,473	10,701	9,077
	<b>Total Custody Filings</b>	<b>24,028</b>	<b>24,435</b>	<b>23,706</b>
<b>Support Filings</b>	New Complaints	19,931	18,373	22,390
	Modifications	12,650	11,489	10,771
	Contempt Petitions	10,876	10,343	4,471
	Support Exceptions	1,058	1,022	997
	Support Motions	1,596	1,733	1,726
	<b>Total Support Filings</b>	<b>46,111</b>	<b>42,960</b>	<b>40,355</b>
<b>Domestic Violence</b>	<b>New Petitions</b>	<b>11,695</b>	<b>11,623</b>	<b>11,714</b>
<b>Divorce</b>	New Petitions	1,877	1,928	1,887
	Misc. Filings (Contested & Uncontested)	11,720	12,541	12,467
	<b>Total Divorce Filings</b>	<b>13,597</b>	<b>14,469</b>	<b>14,354</b>
	<b>Total DR Filings</b>	<b>95,431</b>	<b>93,487</b>	<b>90,129</b>
<b>Total DR Petitions Processed</b>				
		<b>2009</b>	<b>2010</b>	<b>2011</b>
<b>Custody Support</b>	Interim, Master and Judicial	30,183	34,147	35,998
	Establishment only. Disposition of contempt and motion hearings are not counted on statewide child support system - PACSES	30,570	31,512	27,696
<b>Domestic Violence</b>	Interim & Final	32,788	33,278	33,839
<b>Divorce</b>	Final & Interim Orders only	3,856	3,728	3,673
	<b>Total DR Dispositions</b>	<b>97,397</b>	<b>102,655</b>	<b>101,206</b>

**DR Quick Facts**

Performance Measures Support Orders

Open IV-D Cases (As of 12/11)	96,576
# Active Children in Open Cases (As of 12/11)	133,479
(Average 1.38 Children/Case)	

Collections (OCSE 34A)

	<u>FFY 2005</u>	<u>FFY 2006</u>	<u>FFY 2007</u>	<u>FFY 2008</u>	<u>FFY 2009</u>	<u>FFY 2010</u>	<u>FFY 2011</u>
TANF Collections	\$95,350,391	\$100,114,383	\$102,641,409	\$103,353,530	\$94,625,336	\$88,331,720	\$80,958,401
Non-TANF Collections	<u>99,366,900</u>	<u>100,820,468</u>	<u>99,972,423</u>	<u>101,539,560</u>	<u>98,842,279</u>	<u>96,252,996</u>	<u>94,101,106</u>
Total Collections	\$194,717,291	\$200,934,851	\$202,613,832	\$204,893,090	\$193,467,615	\$184,584,716	175,059,507

Collections (OCSE 34A)

	<u>Cal Yr. 2005</u>	<u>Cal Yr. 2006</u>	<u>Cal Yr. 2007</u>	<u>Cal Yr. 2008</u>	<u>Cal Yr. 2009</u>	<u>Cal Yr. 2010</u>	<u>Cal Yr. 2011</u>
TANF Collections	\$95,973,497	\$101,711,480	\$101,949,628	\$102,685,304	\$93,811,519	\$86,336,247	\$79,488,619
Non-TANF Collections	<u>99,540,316</u>	<u>100,887,886</u>	<u>100,401,005</u>	<u>100,727,765</u>	<u>98,561,903</u>	<u>95,663,732</u>	<u>93,050,607</u>
Sub-Total	\$195,513,813	\$202,599,366	\$202,350,633	\$203,413,069	\$192,373,422	\$181,999,979	172,539,226
Non IV-D Collections	<u>5,802,121</u>	<u>6,298,348</u>	<u>6,446,123</u>	<u>6,470,308</u>	<u>6,295,838</u>	<u>6,466,605</u>	<u>5,124,689</u>
Total Collections	\$201,315,934	\$208,897,714	\$208,796,756	\$209,883,377	\$198,669,260	\$188,466,584	177,663,915

Philadelphia Collections Per Day (OCSE 34A)

	<u>FFY 2005</u>	<u>FFY 2006</u>	<u>FFY 2007</u>	<u>FFY 2008</u>	<u>FFY 2009</u>	<u>FFY 2010</u>	<u>FFY 2011</u>
TANF Collections	\$376,879	\$395,709	\$394,775	\$394,479	\$362,549	\$338,436	\$310,185
Non-TANF Collections	<u>392,755</u>	<u>398,500</u>	<u>384,509</u>	<u>387,556</u>	<u>378,706</u>	<u>368,785</u>	<u>360,541</u>
Total Collections	\$769,634	\$794,209	\$779,284	\$782,035	\$741,255	\$707,221	670,726

Average Annual Collections Per Case (OCSE 34A)

	<u>Cal Yr. 2005</u>	<u>Cal Yr. 2006</u>	<u>Cal Yr. 2007</u>	<u>Cal Yr. 2008</u>	<u>Cal Yr. 2009</u>	<u>Cal Yr. 2010</u>	<u>Cal Yr. 2011</u>
Average TANF Collections/Case	\$1,535	\$1,606	\$1,647	\$1,679	\$1,605	\$1,574	\$1,467
Average Non-TANF Collections/Case	3,713	3,864	3,906	3,985	4,096	4,107	4,160
Average Total Collections/Case	\$2,188	\$2,265	\$2,309	\$2,354	\$2,332	\$2,329	2,254

Average Monthly Collections Per Case (OCSE 34A)

	<u>FFY 2006</u>	<u>FFY 2007</u>	<u>FFY 2008</u>	<u>FFY 2009</u>	<u>FFY 2010</u>	<u>FFY 2011</u>
Average TANF Collections/Case	\$131	\$137	\$141	\$133	\$133	\$125
Average Non-TANF Collections/Case	320	321	334	340	340	348
Average Total Collections/Case	\$187	\$191	\$198	\$193	\$195	\$191

Accumulated Arrears Owed for all Federal Fiscal Years (OCSE 157 FFY 2011)

Philadelphia	178,284,680
Pennsylvania	1,036,759,812

Current Staff (As of 12/23/11 payroll)

Full-Time IV-D Employees	358
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Part-Time IV-D Employees	0
Full-Time General Employees	47
Part-Time General Employees	0
District Attorney Employees	14

**(con't) DR Quick Facts**

Unemployment Rate

- In Pennsylvania, there are 499,000 unemployed and 5,854,000 employed. The total labor force is 6,353,000 persons (November 2011).
- As of November 2011, Philadelphia unemployment rate is 10.8% and Pennsylvania's rate is 7.9%.

TANF Assistance Statistics

- Number of PA TANF Cash Grants – 219,973 (TANF + GA + Blind = 288,882)
  - Number of PA Medical Assistance Grants – 2.2 million (children & adults)
  - The number of PA receiving TANF has dropped more than 60,000 from 2005 through 2008
  - CHIP will service 194,439 children
- Source: <http://listserv.dpw.state.pa.us/Scripts/wa.exe?A1=ind11&L=ma-food-stamps-and-cash-stats> Data as of 12-31-11

PACSES Forms Generation Process

- Over 400 different Child Support related forms are printed by PACSES

World Population – 7 Billion

- Daily change +215,120/day
  - +255 People born every minute (+367,000/day)
  - -106 People die every minute (-153,000/day)
- Source: US Census Bureau

**Record Low for Marriages**

- Barely half of all adults in the U.S.—a record low—are married,
- The median age at first marriage has never been higher for brides (26.5 years) and grooms (28.7), reports a new PEW Research Center analysis of U.S. Census data.
- The number of new marriages in the U.S. declined by 5% between 2009 and 2010, a sharp one-year drop that may or may not be related to the economy.