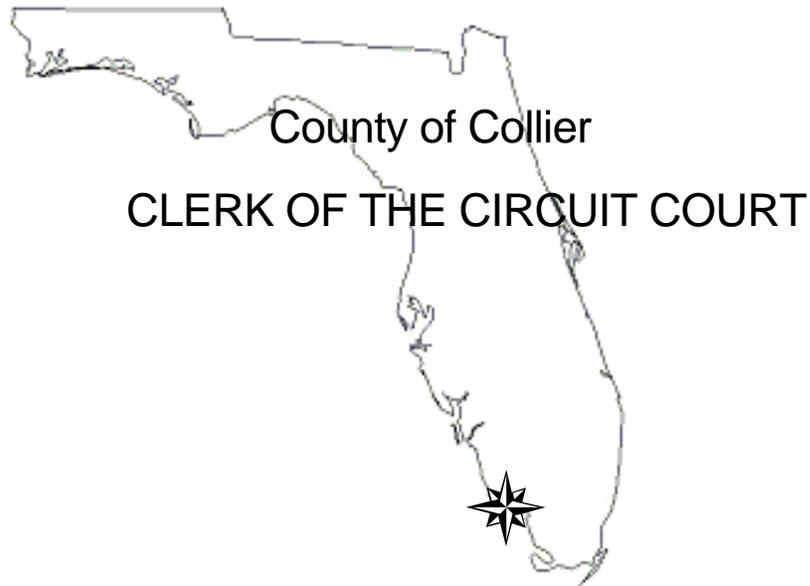


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Article V – Domestic Violence



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Article V – Domestic Violence

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Background Information

Audit Purpose, Objectives, & Scope

The purpose of this audit was to review for compliance all applicable provisions of Article V as well as all statutory requirements referencing the Domestic Violence Department.

The specific objectives of this review were to evaluate procedures, applicable statutes and appropriate Article V revisions as well as the Instructions for Florida Supreme Court Approved Family Law Form 12.980(b), Petition for Injunction for Protection against Domestic Violence; Instructions for Florida Supreme Court Approved Family Law Form 12.980(n), Petition for Injunction for Protection against Dating Violence; Instructions for Florida Supreme Court Approved Family Law Form 12.980(q), Petition for Injunction for Protection against Sexual Violence; Instructions for Florida Supreme Court Approved Family Law Form 12.980(f), Petition for Injunction for Protection against Repeat Violence.

The scope of this advisory was limited to determine the compliance to presently revised Article V and appropriate statutes (F.S. 741.30; F.S. 784; F.S. 28)

Audit Methodology & Procedures

This audit was performed in accordance with generally accepted government auditing standards. We interviewed the Assistant Director Civil Court and Domestic Violence personnel. We observed the Domestic Violence personnel through all applicable processes as well as court procedures. We reviewed statutes, policies and procedures, and the Collier County related Article V procedures. We observed the processes, examined the records and tested for compliance. We verified statutory requirements, Article V requirements and departmental procedures.

Background

Article V of the Florida Constitution provides for the judicial branch of state government, including its structure, functions, responsibilities and governance. Significant changes were made to Article V in 1972, when Florida voters approved a major court restructuring to provide for a more unified and cohesive trial court system. The 1972 amendment designated funding responsibilities of the counties, the state, and court users. Over time, as the Office of Program Policy Analysis and Government Accountability (OPPAGA) reported, *“state and county governments disagreed on how much each should contribute; county governments believed that the state should assume a larger share of the cost that occurred.”* According to the Florida Association of Counties, to this end, after *“20 years of unsuccessful pleading with the Legislature to assume more of the costs of its court system, Florida county leaders were compelled to pursue an amendment to the state constitution.”* This amendment, referred to as Revision 7, was passed in 1998 and assigns specific cost responsibilities to the state.

The amendment gave the state four years to implement Revision 7, primarily due to the fact that no one had ever collected the data required under the revision. The data are necessary to create the funding formulas, i.e., to produce the units of dollars to fund the court system and the correlating amounts to be collected. A cost analysis was conducted to determine the intake required to effectively fund the system. Once the costs were determined it became obvious that the Clerks are faced with the tasks of generating sufficient revenue to sustain necessary functions. The historical formula to increase revenue is to increase output, decrease costs and/or increase efficiency. The Clerk of the Circuit Court in Collier County has asked the Internal Audit Department to review applicable departments to determine possibilities of increasing efficiency.

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Findings

1. Implement Document Imaging system to reduce manual input

All procedures of Domestic Violence have been tested and observed during 11/29/04 – 12/02/04, follow up interviews were concluded by February 2005. We have tested for compliance of statutes and procedures and noted all findings below.

The Domestic Violence Department is charged with entering and copying the same information numerous times into the present automated system.

The Domestic Violence process begins with the initial petition being filed. The next step is to prepare the petition for an initial review through the judge. This initial review currently requires the creation of four separate documents from which the judge will choose his/her order. After review by the judge those documents are returned to the Domestic Violence department, including the signed order stating that either a hearing should be set, a Temporary Injunction should be filed, or the petition is denied. If a hearing is set or a temporary injunction has been granted, a Domestic Violence Clerk creates further documents to prepare for the ensuing court hearing. During the hearing a Final Judgment may be delivered, or a re-hearing is set.

Not only does the present system require repetitive data entry, but also a disproportionate amount of manual checking and rechecking of entered dates, hearings and previous records.

The current workflow would be significantly improved with the implementation of the Domestic Violence Document Imaging System. A significant cost effective improvement to the current Domestic Violence workflow could be accomplished by:

1. Eliminating redundant data entry,
2. Auto generating and populating court documents,
3. Electronically routing and tracking documents,
4. Using electronic and digital signatures,
5. Auto creating a comprehensive audit trail,
6. Providing easy access and use,
7. Allowing easier additions and / or modifications
8. Communicating with the existing and future Court system.

In addition to the above-described redundant data entries, each court hearing requires the presence of multiple court clerks to allow for time to exit the courtroom to make copies and stamp/seal all court orders prior to their issuance. The Document Imaging System should reduce the number of court clerks required to produce and seal orders in the courtroom. Orders could then be produced and sealed in the courtroom at the time of the hearings.

RECOMMENDATION:

Implementation of the Document Imaging System as scheduled by December 2005 would aid in increasing productivity and efficiency in the Domestic Violence Department. The planned Document Imaging System would eliminate redundant data entry; in essence court clerks would no longer be forced to enter data multiple times to allow for the necessary documents (in some cases four separate documents) to be created. Rather the system would create required predetermined documents with entry of relevant data. The scheduled Document Imaging System would automatically route and track documents and expiration of court orders eliminating any manual tickler files. In addition the Document Imaging System will aid in the courtroom process through the creation of electronic signature and communications with existing and future Court systems including the transfer of data to and from other constitutional officers as well as state agencies. The automation of the courtroom may allow for staff reductions, as court hearings no longer require a multitude of clerks in attendance.

2. Filing fees not requested

One of the Clerk's responsibilities is to maximize collection of revenues. As revenues cannot be arbitrarily raised, all legislatively approved sources of revenue should be considered. One such resource can be found as specified in statute 741.30(2)(a).

As per statute 741.30 (2)(a) Notwithstanding any other provision of law, the assessment of a filing fee for a petition for protection against domestic violence is prohibited effective October 1, 2002. However, subject to legislative appropriation, the clerk of the circuit court may, on a quarterly basis, submit to the Office of the State Courts Administrator a certified request for reimbursement for petitions for protection against domestic violence issued by the court, at the rate of \$40 per petition. The request for reimbursement shall be submitted in the form and manner prescribed by the Office of the State Courts Administrator. From this reimbursement, the clerk shall pay any law enforcement agency serving the injunction the fee requested by the law enforcement agency; however, this fee shall not exceed \$20.

RECOMMENDATION:

As fines, fees, services charges and court costs are important sources of revenue. All avenues of collection possibilities should be investigated and implemented. Implementing the quarterly reimbursement requests would allow the Domestic Violence Department to offset some of their costs and should be reviewed for feasibility. Considering the latest Domestic Violence petitions for the quarter ending March 2005 totaled 256 the reimbursement received would total \$10,240 without law enforcement agency share.

Courts Director's Response:

OSCA hasn't had funds to reimburse for DV

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Conclusion

During the course of this audit it was noted that after completion of Domestic Violence cases as files were prepared to be stored all attached printouts were removed from the folders and placed in the recycle bins. As some of these printouts may contain confidential information it is recommended to place all removed copies in the “to be shredded bins” where they can safely be shredded without exposing the Clerk to any possible litigation. While most information may be public record, with concerns of identity theft and confidentiality of juvenile records, it is not only prudent but also preventive to shred all information removed from Domestic Violence files.

Productivity and efficiency could be increased for the Domestic Violence department if the planned court system is implemented as scheduled. As we tested all parts of F.S 741.30; F.S. 784; F.S. 28 as well as relevant Article V portions we noted any discrepancies in this Audit Report. Those sections not commented on are found to be in compliance with applicable rules, procedures, statutes and Article V provisions. All forms currently used by the Domestic Violence department are authorized and according to Statutes and/or Administrative Order.

While there has been concern that the Clerk’s staff performs functions not statutorily delegated to the Clerk’s office this audit has not identified any such tasks.

Implementing Florida Statute 29.008 (1)(f)2 would aid in the achievement of all before mentioned recommendations:

All computer networks, systems and equipment, including computer hardware and software, modems, printers, wiring, network connections, maintenance, support staff or services including any county-funded support staff located in the offices of the circuit court, county courts, state attorneys, and public defenders, training, supplies, and line charges necessary for an integrated computer system to support the operations and management of the state courts system, the offices of the public defenders, the offices of the state attorneys, and the offices of the clerks of the circuit and county courts and the capability to connect those entities and reporting data to the state as required for the transmission of revenue, performance accountability, case management, data collection, budgeting, and auditing purposes. The integrated computer system shall be operational by July 1, 2006, and, at a minimum, permit the exchange of financial, performance accountability, case management, case disposition, and other data across multiple state and county information systems involving multiple users at both the state level and within each judicial circuit and be able to electronically exchange judicial case background data, sentencing scoresheets, and video evidence information stored in integrated case management systems over secure networks. Once the integrated system becomes operational, counties may reject requests to purchase communication services included in this subparagraph not in compliance with standards, protocols, or processes adopted by the board established pursuant to s. 29.0086.