

Montgomery County Circuit Court Research Bulletin

FY2012 Case Processing Performance - Domestic Relations

Case Processing Performance - Overview

Table C.1 provides the number of original domestic relations (DR) case terminations and the average case time (ACT) by case termination status for FY04 through FY12. As the first column of the table indicates, the number of original DR terminations nearly doubled from 4,386 in FY04 to 8,532 in FY12. The court's overall DR case processing performance in terms of the percent of cases closed within the 365-day time standard improved by one percentage point from 93% in FY11 to 94% in FY12, the highest since FY04. In addition, over 99% of DR cases terminated in FY12 were closed within the 24-month standard. Thus, the court's DR case processing performance met the state-defined goals of closing 90% of cases within 12 months and 98% within 24 months.

The overall ACT for FY12 terminations was 141 days, 3 days shorter than that of FY11 (144 days). The FY12 ACT among within-terminations was 119 days, which is similar to FY11, and the ACT among over-standard terminations was 478 days, 20 days shorter than the FY11 ACT (498 days) and the shortest since FY04. Under the 24-month standard, the FY12 ACT among within- and over-standard terminations was 141 days (a day longer than the FY11 ACT) and 846 days (the shortest since FY04), respectively. The observed improvement in the court's DR case processing performance may be in part due to the change in Section 7-103 of the Family Law Article of the Maryland Code, enacted on October 1, 2011, which eliminated the voluntary separation as a ground for absolute divorce and shortened the separation period from two years to one year for all divorce cases.

Table C.1 Number of Domestic Relations Case Terminations FY04-FY12

Fiscal Year	Total Terminations N ACT*		12-month Standard						24-month Standard					
			Within-Standard Terminations			Over-Standard Terminations			Within-Standard Terminations			Over-Standard Terminations		
			N	%	ACT	N	%	ACT	N	%	ACT	N	%	ACT
FY04	4,386	129	4,047	92%	98	339	8%	499	4,362	100%	124	24	<1%	1,043
FY05	5,364	173	4,818	90%	133	546	10%	534	5,316	99%	164	48	1%	1,255
FY06	6,368	154	5,820	91%	123	548	9%	493	6,337	100%	151	27	<1%	872
FY07	6,722	157	6,066	90%	118	656	10%	522	6,666	99%	150	56	1%	988
FY08**	(510)	155	(460)	90%	117	(50)	10%	505	(508)	>99%	152	2	<1%	946
FY09	7,440	148	6,841	92%	117	599	8%	505	7,393	>99%	148	47	<1%	916
FY10	7,776	150	7,182	92%	121	594	8%	494	7,737	99%	146	39	<1%	927
FY11	8,034	144	7,491	93%	119	543	7%	498	8,992	>99%	140	42	<1%	950
FY12	8,532	141	7,998	94%	119	534	6%	478	8,513	>99%	141	19	<1%	846

Maryland domestic relations case time standards and goals: 12 and 24 months and 90% for 12-month and 98% for 24-month within-standard terminations

* ACT = Average Case Time (in days)

** The full domestic caseload for FY08 was 7,673. The 510 cases for which performance data is provided represent a random sampling of the total FY08 caseload.

Differentiated Case Management (DCM) Track Analysis

Table C.2 summarizes the number and distribution of DR cases and their case processing performance (percent of cases closed within- and over-standard and corresponding ACTs) under the 12- and 24-month time standards by the court's DCM track. While the composition of FY12 terminations by Track closely resembles that of FY10 and FY11, the majority of the FY11-FY12 improvements derive from Track 1, which increased by 242 cases from 2,333 cases in FY11 to 2,575 in FY12, Track 2 (an increase of 119 cases from 809 to 928) and Track N (an increase of 95 cases from 3,547 to 3,642). Over 70% of the originally terminated DR cases were either Track 1 (30%) or Track N (43%) and another 20% of the case terminations were from Track 0 (10%) and Track 2 (11%). Cases in these tracks, except for those in Track 2, are characterized with a relatively short ACT (Track 0: 56 days, Track 1: 150 days, and Track N: 93 days) and thus a high percentage of within-standard terminations (96% for Track 1 cases and 99% for cases in Tracks 0 and N).

Over 80% of the cases terminated (7,030 of 8,532 cases, 83%) in FY12 are cases assigned to Tracks 0, 1, or N, 99% of which were closed within the 365-day time standard. The remaining 17% (1,501 cases) were assigned to Track 2, 3, or 4 (1,320 cases in FY11 and 1,425 cases in FY10). Cases in those tracks are characterized with a substantially larger ACT (269 days, 319 days and 502 days) and thus a much lower within-standard termination rate (76%, 63%, and 50%, respectively) than Tracks 1, 0, and N cases. While the court's DR case processing performance has been above the statewide goals, this is largely because of the large portion of DR cases assigned to Tracks 0, 1, and N.

Table C.2 FY12 Domestic Relations Case Terminations by Termination Status (Within or Over the 12- and 24-month Standards) and Track

DCM Track	Overall Terminations			Within-Standard Terminations				Over-Standard Terminations			
	N	% of Total	ACT*	N	% of WST*	% of Track	ACT*	N	% of OST*	% of Track	ACT*
12-month Standard											
Track 0	814	10%	56	813	10%	>99%	55	1	<1%	<1%	437
Track 1	2,575	30%	150	2,499	31%	97%	140	76	14%	3%	474
Track 2	928	11%	269	708	9%	76%	210	220	41%	24%	460
Track 3	567	7%	319	357	4%	63%	220	210	39%	37%	488
Track 4	6	<1%	502	3	<1%	50%	255	3	1%	50%	749
Track N	3,642	43%	93	3,618	45%	99%	90	24	4%	1%	529
Total	8,532	100%	141	7,998	100%	94%	119	534	100%	6%	478
24-month Standard											
Track 0	814	10%	56	814	10%	100%	56	0	0%	0%	0
Track 1	2,575	30%	150	2,572	30%	>99%	149	3	16%	<1%	902
Track 2	928	11%	269	925	11%	>99%	268	3	16%	<1%	797
Track 3	567	7%	319	559	7%	99%	313	8	42%	1%	792
Track 4	6	<1%	502	5	0%	83%	395	1	5%	17%	1,034
Track N	3,642	43%	93	3,638	43%	>99%	92	4	21%	<1%	902
Total	8,532	100%	141	8,513	100%	>99%	139	19	100%	<1%	846

* ACT = Average Case Time, in days; WST = Within-Standard Terminations; OST = Over-Standard Terminations.

Note: Percentages do not always add to 100% due to rounding.

Main Charge Analysis

Of the DR cases terminated during FY12, 46% had a main charge associated with the dissolution of marriage, including absolute divorce (44%), limited divorce (2%), and annulment of marriage (less than 1%), as observed in FY11 and FY12; among cases with over-standard terminations, the percentage of divorce-related cases was much greater (86% in FY12, 80% in FY11, 81% in FY10). In addition to the separation period required by law for parties before they proceed to divorce, since divorce cases normally involve custody/access and property/financial issues, it may be reasonable to expect some of the divorce cases to take longer than others.

Trial Postponement Analysis

As observed in the past, 2% of the cases terminated in FY12 experienced at least one trial postponement. Those postponed cases were found almost exclusively among Tracks 2 and 3 because of the nature and complexity of the issues in those cases. In addition, 16% of the over-standard cases had at least one trial postponement. 'Discovery/ADR Incomplete and/or Discovery Disputes/Additional Time Needed to Prepare', 'Witness Unavailable - New Witness Identified', 'Calendar Conflict', and 'Illness/Medical Emergency or Death' remained as the top 4 most commonly used trial postponement reasons for FY12 accounting for at least 50% of the reasons.

Future Analyses and Next Steps

- ◆ Part of the Family Law Article of the Maryland Code was amended in October 2011, eliminating the 2-year separation period. It is expected that the change would improve the case processing performance of divorce cases. The court plans to analyze the FY13 data when it is available based on the case filing date before and after October 1, 2011 to determine whether there are any improvements in case processing efficiency due to the rule change.
- ◆ Review the DR over-standard cases without trial postponements, which account for 84% of over-standard cases in FY12 and FY11, and identify factors or circumstances that led to their over-standard termination status with particular attention to the timing of scheduled events, number and types of issues involved and the ripeness of the case at the time of filing.
- ◆ Investigation of divorce-related cases in terms of the number, types, and complexity (if we can measure) of issues involved and how those issues impact the progress of the cases may provide additional insights into how such factors impact case processing time.
- ◆ Closely review the case processing performance of cases assigned to Tracks 2, 3, and 4 (contested divorce cases) according to the DR DCM plan and identify at which point(s) of their progression, cases started to falter.
- ◆ Based on the analysis of divorce cases, review and coordinate data quality check procedures of open and closed divorce cases among QC, Family Division Case Managers, and Court Researchers. Also, based on the analysis of results, review and revise if necessary the current DR DCM plan and its guidelines to assist Family Case Managers and the QC staff when they review and audit the progress of divorce cases.
- ◆ The court has discussed the importance of analyzing DR performance against newly developed model time standards for state trial courts. These time standards provide an overall standard as well as several intermediate time standards by which a court can examine its performance. Prior to measuring the court's performance against these time standards, the technical requirements need to be defined in order to accurately capture the data used to inform the time standards. The court is currently working to develop these technical requirements.