

# MONTGOMERY COUNTY CIRCUIT COURT



## FAMILY DIVISION SERVICES TWENTY FIRST ANNUAL REPORT FY19

## **Table of Contents**

<b>Executive Summary.....</b>	<b>Page 3</b>
<b>Introduction.....</b>	<b>Page 4</b>
<b>Overview .....</b>	<b>Page 6</b>
<b>Family Law.....</b>	<b>Page 6</b>
<b>Caseload.....</b>	<b>Page 6</b>
<b>Workload.....</b>	<b>Page 6</b>
<b>Supportive Services.....</b>	<b>Page 11</b>
<b>Juvenile Law.....</b>	<b>Page 23</b>
<b>Caseload.....</b>	<b>Page 27</b>
<b>Workload.....</b>	<b>Page 28</b>
<b>Support Services.....</b>	<b>Page 29</b>
<b>Conclusion.....</b>	<b>Page 31</b>

## **EXECUTIVE SUMMARY**

During FY19, the Family Division continued to work on improving and enhancing services offered to the residents of Montgomery County. As discussed throughout the report, the highly coordinated family and juvenile services that are integrated into a differentiated case management system provides flexibility and early opportunities for case resolution to the litigants of this court.

Through the dedication of the bench, which decided sensitive family and juvenile matters, and the employees of the Family Division, who worked diligently to provide services designed to support the court in its mission, the court achieved a primary goal of providing continuity of services in a timely and efficient manner.

The foundation for all services delivered by the Family Division is a carefully designed case management system which provides sequential service delivery that facilitates timely, informed and organized dispute resolution to those who come before the Court. In FY19, the Family and Juvenile bench and support personnel worked on the following:

- 16,443 filings (9,468 original and 6,075 matters reopened by motion).
- 21,256 hearings on juvenile and family law matters.
- 1,599 trial matters (930 trials, 579 merits hearings in family and 90 adjudications in juvenile).
- 192 mediations of child welfare dependency matters, permanency plan, and termination of parental rights cases with a resolution rate of 67%.
- 148 mediations of family law custody/access matters with a 68% resolution rate.
- 447 evaluations, assessments, review and investigations of family law matters.
- 519 facilitations of family law matters with an 73% resolution rate.
- 9,822 litigants served by the Family Law Self Help Center.
- 2,197 persons ordered to co-parenting education.
- 64 cases ordered to supervised visitation.

This workload was managed by 11 judges, 5 magistrates and the 31 employees in the Family Division, who worked in concert to help resolve the 16,443 matters filed during FY19.

## INTRODUCTION

The mission of the Circuit Court for Montgomery County is to serve the Sixth Judicial Circuit residents in the determination of litigation in serious criminal matters and more substantive civil cases in accordance with the Constitution, to adjudicate domestic and child support cases and to administer justice in a fair, timely and efficient manner.

The Twenty First Annual Report of the operation of the Family Division of the Circuit Court for Montgomery County details the Division's efforts to support this mission. It also illustrates how the Family Division works effectively to meet the demand for timely and meaningful services, while continuously enhancing these services.

As part of these efforts, the Court has supported the Family Division in achieving its goals as mandated by Maryland Rule 16-307. Under that Rule, subject to the availability of funds, the services component of the Family Division must provide the following:

- Mediation in custody and visitation matters
- Custody investigations and assessments
- Mental Health Evaluations and evaluations for alcohol and drug abuse
- Information services, including procedural assistance to self-represented litigants
- Information regarding lawyer referral services
- Parenting coordination services as permitted by Rule 9-205.2
- Co-Parenting seminars
- Any additional family support services for which funding is provided

Continually updating and enhancing services and processes to better serve the litigants of Montgomery County is a challenge embraced by the Court. The following services and processes are illustrative of those efforts during FY19:

Family Law Self Help Center Extended Hours - In order to provide self-represented litigants with enhanced access to cost free legal information, the Family Law Self Help Center expanded its hours of operation, beginning March 7, 2017. The Center is now open every Tuesday evening until 8:00 p.m. The number of self-represented litigants utilizing the evening hour service in FY19 was 568.

One Family/One Judge - The court initiated its One Family/One Judge (1F1J) protocol in FY16. The purpose of this program is to promote more lasting and positive outcomes for families, while encouraging continued compliance with court orders entered in the most complex family matters. During FY19, the court worked to maintain a balanced caseload by

closely monitoring existing 1F1J matters and carefully designating new matters. Under this protocol, the predictability and continuity of having a single judge hear the case is ensured and families benefit.

Consistent with the five-year strategic plan issued by the Administrative Office of the Courts and with the strong leadership provided by the Administrative Judge, the Family Judge-in-Charge, and the Court Administrator, programs provided by Family Division Services will continue to provide significant and meaningful service to the residents of Montgomery County, Maryland. In its continuing efforts to provide excellent service, the Family Division has the following goals and objectives:

- Protect and serve the best interests of the children and families in our community.
- Provide means by which litigants become aware of their rights and responsibilities and have access to information to assist them with judicial procedures.
- Develop appropriate support services for families to ensure that the process reduces conflict and introduce the parties to problem-solving techniques to help reduce future litigation.
- Provide continuity of case management by case assignment to a case manager, magistrate and/or a judge.
- Provide differentiated case management through appropriate track assignment and require compliance with Family Division differentiated case management guidelines and timelines.

The combined efforts of many people are required to achieve these goals and objectives. In FY19, the Family Division was structured as follows:

- Seven Judges assigned to hear family cases on a full-time basis, two judges assigned to hear primarily juvenile delinquency matters and two judges each assigned to hear family cases and child welfare cases on a 50% rotating basis.
- Five Magistrates, including one part-time magistrate assigned to hear matters limited to one day or less, including child support enforcement matters, scheduling hearing, *pendente lite* hearings and uncontested divorces, among other things. During FY19, no magistrates heard juvenile causes in Montgomery County.
- One Family Division Coordinator
- One Deputy Family Division Coordinator
- Four Family Division Case Managers
- Two Juvenile Case Mangers
- One Permanency Planning Liaison shared with the Circuit Court for Frederick County
- One Supervising Case Manager
- One Adoption/Guardianship Case Manager
- Five Family Law Self Help Center Attorneys
- One Senior Court Evaluator and nine full and one part-time Court Evaluator
- Two Office Assistants and one Administrative Assistant

- One part-time Adult Guardianship Liaison
- Contractual Service Providers: Attorney Facilitators for the Family Law Facilitation Program; Mediators for the Juvenile Child Welfare Mediation Program; Mediators for the Family Law Custody/Access Mediation Program, and Visitation Observers for the Supervised Visitation Program.

## **OVERVIEW**

During FY19, 9,468 original actions (8,309 family law actions and 1,159 juvenile causes) were filed in the Circuit Court for Montgomery County. Additionally, a total of 6,975 cases were reactivated by new motions (5,486 family law actions and 1,489 juvenile causes). As the court worked toward resolution of these sensitive matters, it held 21,256 hearings. The bulk of this report will explore how these matters were handled inside the differentiated case management system (DCM) and what resources were brought to bear to resolve these matters in a timely, equitable and resource appropriate manner.

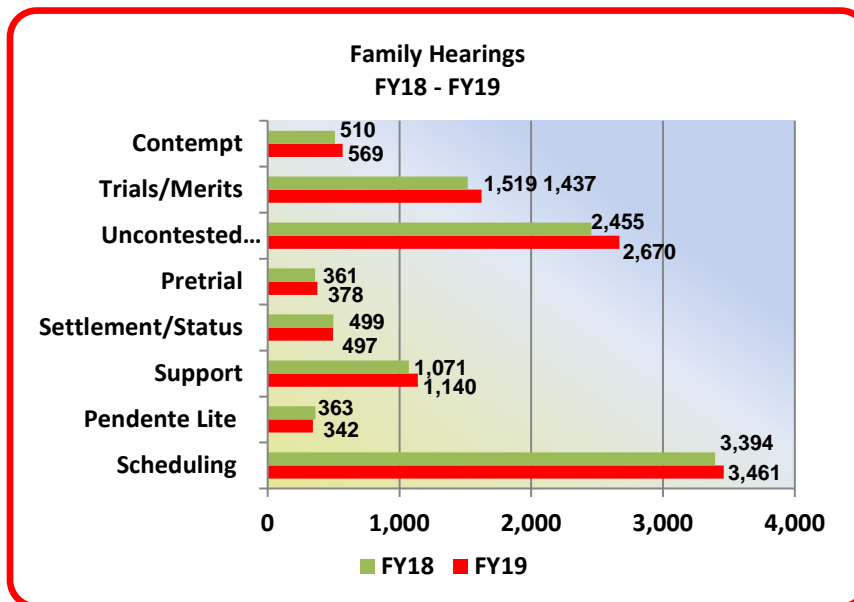
## **FAMILY LAW**

### **Caseload**

The 8,309 original and 5,486 reopened family law cases filed during FY19, typically sought more than one form of relief, including absolute and limited divorce, annulment, alimony, custody, visitation (access), child support, paternity, appointment of guardian for minors and disabled individuals, adoption, change of name and domestic violence protection. During FY19 a total of 14,030 hearings were held.

## Workload

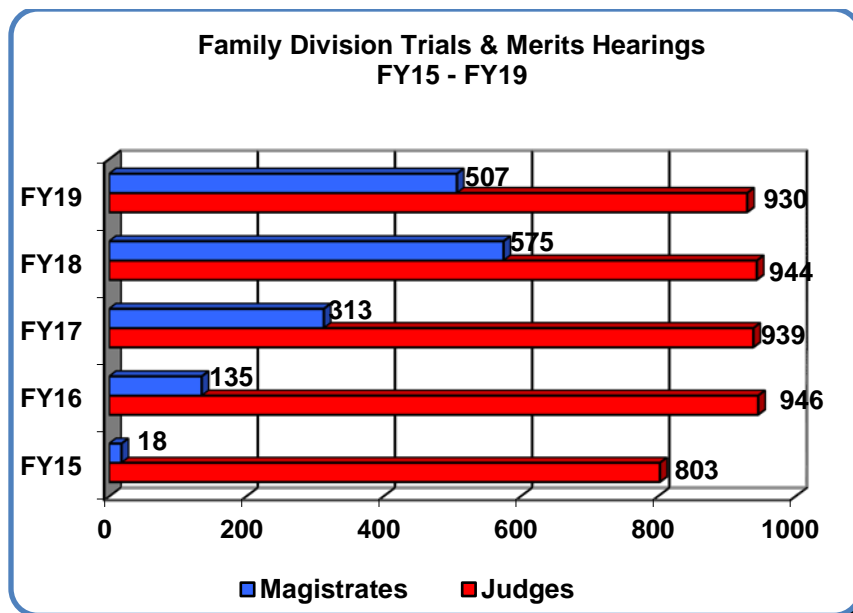
The following chart illustrates the workload of the court as it moved cases through its DCM system:



During FY19, almost all hearing types increased slightly from FY18 levels, except for trials and merits, which were slightly lower. The number of trials and merits in the past two fiscal years remained higher than previous fiscal years due in part to the volume of Special Immigrant Juvenile Status requests being heard by one of the Court's special magistrates.

The majority of cases heard at the scheduling hearing stage never reached the trial/merits stage. This aligns with the function of DCM, which is to offer litigants the opportunity to resolve cases in a timely manner, and at the earliest juncture possible, without the increased emotional and financial strain associated with taking a case to trial.

Trials and Merits: In FY19 a total of 1,437 trials and merits hearings were conducted by the court. These numbers represent a slight decrease from FY18, but are consistent with the increase within the magistrate's offices seen since FY17. This continues to be in large measure due to the increased number of Special Immigrant Juvenile Status requests heard by one of the Court's special magistrates. Nevertheless, as was the case in FY18, the proportion of trial events heard by judges to magistrates remains high. Even with the increase in merits heard at the magistrate level in the past two fiscal years, 57% of these events were conducted by judges.



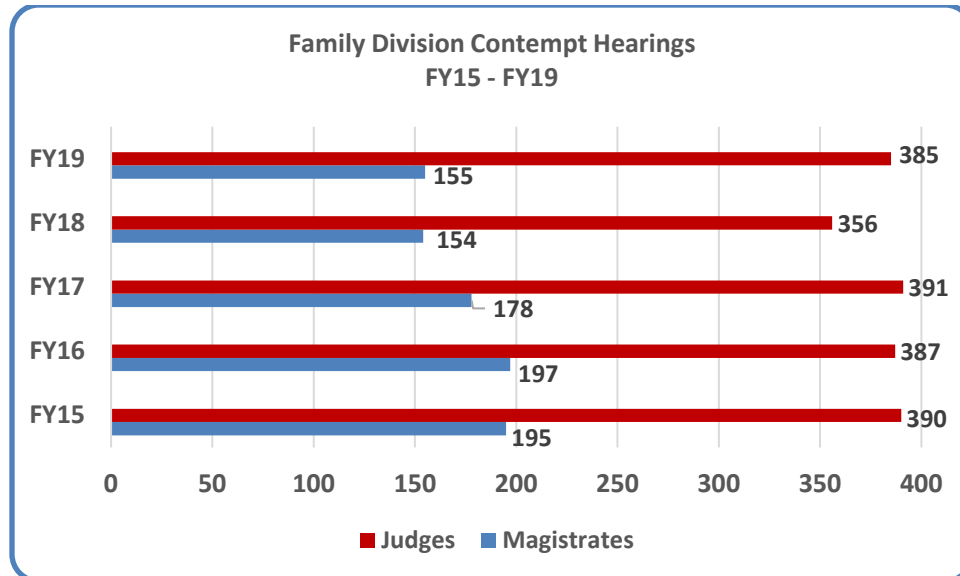
Uncontested Divorces: In FY19, the court conducted 2,671 uncontested divorces, which was a 8% increase from FY18 and is on average with the past five fiscal years. These uncontested divorce hearings, which are conducted by magistrates, provide parties who agree on all legal issues with an efficient case resolution process.

Pendente Lite Hearings: The total number of *pendente lite* hearings held annually has remained consistent over the last 5 fiscal years, ranging from a low of 342 (FY19) to a high of 402 (FY17). Magistrates heard 85% of these hearings.

Support Hearings: In FY19, 1,372 support hearings were conducted, which is a 10% increase over the average of the last five years. Almost all of the support hearings were conducted by a single special magistrate, which conserved judicial resources for more intensive cases.

Contempt Hearings: During the course of the last five fiscal years, the court conducted 2,817 contempt hearings. Of that number nearly 70% were conducted by judges and 30% were conducted by magistrates. Levels of hearings remained consistent until FY18, when hearings decreased 10% from FY17. In FY19, the number of contempt hearings increased by 10%.





Special Immigrant Juvenile Status Hearings: Special Immigrant Juvenile Status is a designation under the US Immigration and Nationality Act of 1990, which allows certain minor, unmarried and unaccompanied alien children to obtain temporary immigration relief and possibly lawful permanent residency<sup>1</sup>. As part of this process specific factual findings must be made by a *state* juvenile court in a predicate order before the immigration phase of the case proceeds in front of the United States Citizenship and Immigrations Services.

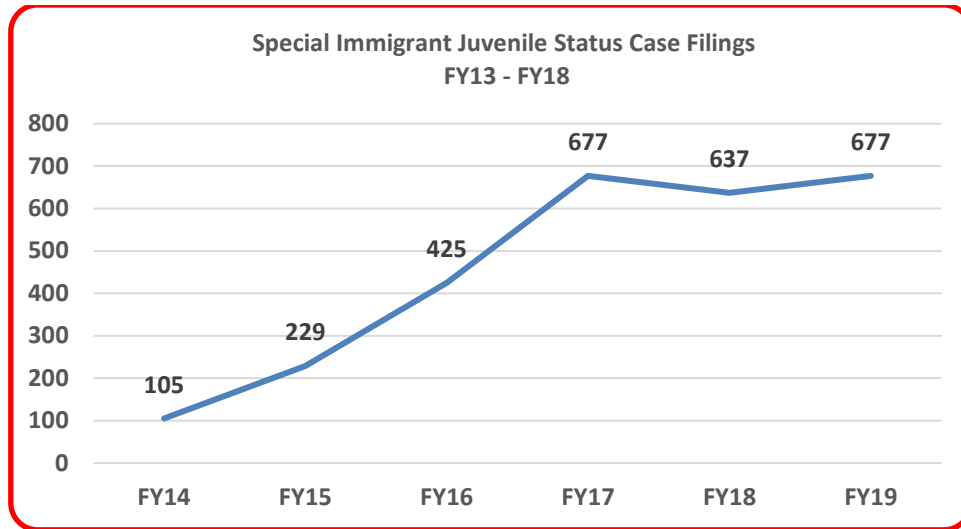
To be eligible to apply for this status, the following findings must first be made in the state courts' predicate order:

- The child is under the age of 21
- The child is unmarried
- The child is found to be dependent on the juvenile court
- Reunification with a parent is not viable due to neglect, abuse or abandonment
- It is not in the child's best interests to be returned to his/her country of origin.

During the last five fiscal years, applications for the predicate findings have increased substantially, as indicated by the following chart.

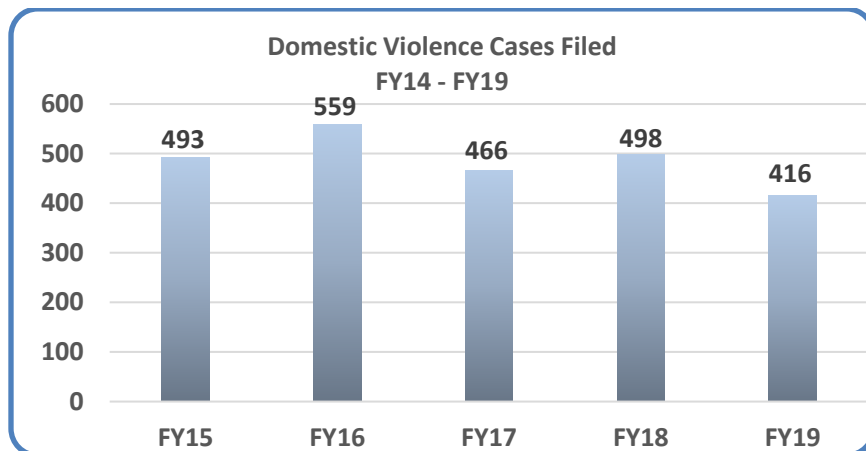
---

<sup>1</sup> *Immigration and Nationality Act 8 U.S.C. sec 1101 et. Seq.*

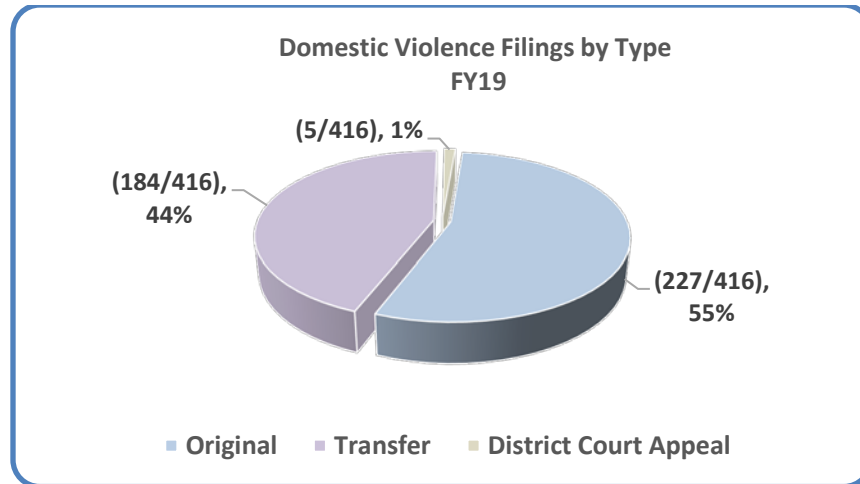


In FY19, a total of 677 requests were filed, which represents a 5% increase from FY18. Of these requests filed, nearly 90% were in custody cases and 11% were in guardianship cases. These numbers represent a continuing trend to file such requests in custody cases instead of guardianship cases.

**Domestic Violence:** People in Montgomery County who may be the victims of domestic violence can access relief through the court system on a round-the-clock basis. A petition for protection from domestic violence may be filed in either the District Court or the Circuit Court during normal business hours. After hours and on weekends, petitioners can seek emergency protective orders via the District Court Commissioner. If relief is granted by the District Court Commissioner, the further temporary protective order hearing is set before the District Court. Statistical information regarding domestic violence filings in the Circuit Court is as follows:



In FY19, there was nearly a 17% decline in domestic violence filings in relation to the average number received during the previous five years. The filings originated as follows in the Circuit Court:



Since 2009, parties have been able to seek services at the Montgomery County Family Justice Center, located within a few blocks of the District and Circuit Courts. This Center, which is a multi-agency endeavor, allows abused persons seeking legal relief to present their case via video feed to either the District Court or the Circuit Court, thereby avoiding the potential strain of attending court in person. Additionally, within the Center, the abused party may seek services for his/her children and himself/herself, including but not limited to safety planning, legal advocacy, counseling, shelter placement and an off-site Child Assessment Center. Of the hearings held during FY19, a total of 21 were video *ex-parte* hearings originating from the Family Justice Center, which represents a 41% decrease from FY18.

### **Supportive Services**

#### **Case Management**

The Family DCM Plan provides the structural framework and scheduling guidelines for divorce and custody cases, providing services and differing levels of court resources appropriate to the complexity of the issues presented. The goal of DCM is to bring about the appropriate resolution of a case at the earliest possible stage. This is accomplished by providing services like co-parenting skills training, assistance for self-represented litigants, and alternative dispute resolution well in advance of trial or merits hearings.

To ensure that cases are receiving the appropriate resources and that filings are in a proper posture for scheduled hearings, Family Division Case Managers monitor the open and active caseload, serving as liaisons between the public, Family judges, magistrates and providers of these resources and services. At the time of filing, every case is permanently assigned to an

individual case manager to ensure continuity from filing through merits and any post-judgment actions. Case managers perform the following functions over the life of every case:

- Review and prepare new cases for scheduling hearing before the Family Division magistrates;
- Review case files in advance of hearings for critical events and throughout the life of the case to identify unresolved issues that might prevent the case from moving forward;
- Review motions prior to submission for ruling to ensure that they are legally sufficient and in a proper posture to proceed on the scheduled date. By identifying and helping the court bring those issues to resolution on an expedited basis, the case managers can preserve valuable court and litigant time and resources;
- Have extensive contact with the public, who call or otherwise contact them regarding the status of their cases.

Additionally, the Family Division employs an Adoption/Guardianship Case Manager who provides intensive case management support to the sensitive matters presented in adoption, guardianship and trust cases. By assisting attorneys and petitioners in perfecting petitions and exhibits, the adoption/guardianship case manager helps to ensure that cases are in a proper posture for ruling.

Regarding guardianship matters, Montgomery County is experiencing an increase in its population of persons aged 65 or older, both in terms of numbers and overall percentage of the general population.<sup>2</sup> . In 2015, 146,200 (14%) of the county's total population was comprised of persons aged 65 years and older<sup>3</sup>. Given these changes, more guardianship cases are anticipated to be filed with the Montgomery County Circuit Court. As case filings increase, additional court oversight and monitoring will be necessary to facilitate appropriate management of these cases.

---

<sup>2</sup> *Montgomery County Circuit Court FY2016 Annual Statistical Digest*, p. 15.

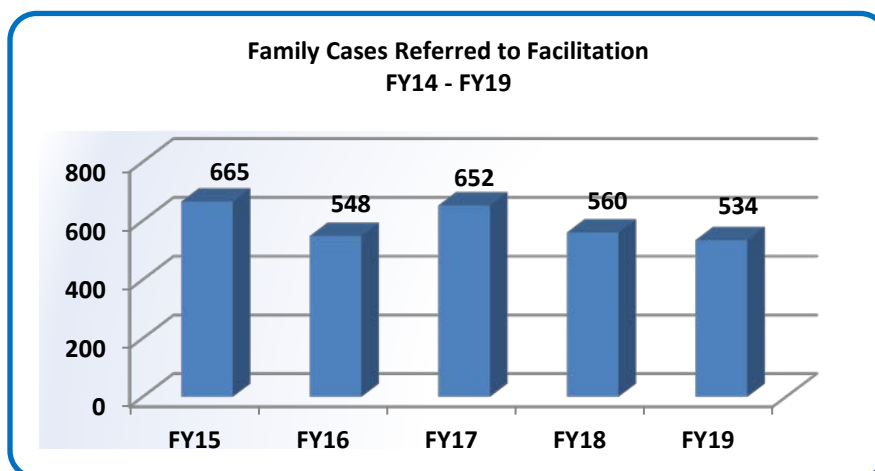
<sup>3</sup> *Ibid*

Pursuant to a sub-grant from the Administrative Office of the Courts, the court began the Adult Guardianship Special Assistant Project toward the end of FY14. Under this program, the court utilizes the services of trained volunteer Guardianship Special Assistants, who perform two basic functions: (1) assisting the guardian in providing care for the disabled adult by identifying available resources and services that would be of benefit to the ward and (2) assisting the court in monitoring the case by visiting the ward twice quarterly and submitting a report. The Adult Guardianship Liaison is tasked with recruiting, training and monitoring volunteers, identifying cases that would benefit from this service, and matching volunteers to cases.

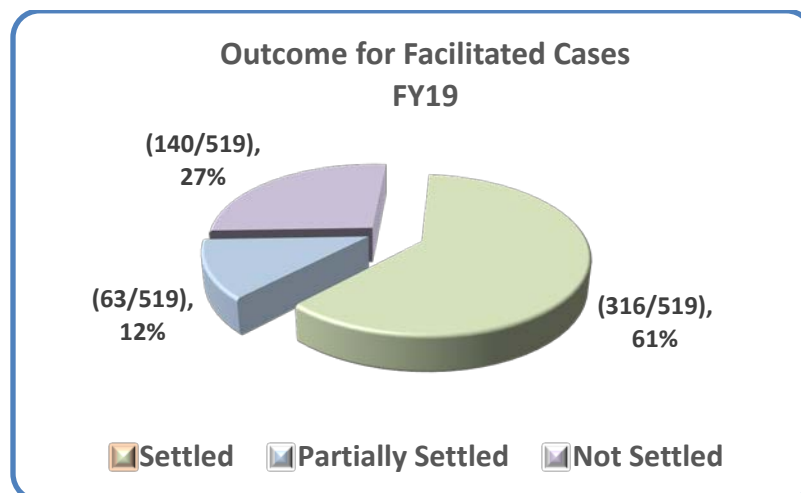
Since the implementation of this program, the court is able to obtain additional information regarding the status and needs of the disabled adult, which in turn enhances the judicial decision-making process. Additionally, many guardians, who are typically family members, may be unaware of the range of services available in the community to assist the ward (the person over whom they have guardianship). Having access to additional resources is critical to enhancing the life of the ward, easing the strain on the guardian and maximizing the ward's assets.

### Facilitation Program

The Facilitator Program serves litigants in family matters and continues to be staffed by experienced practicing attorneys who make themselves available at a significantly reduced fee paid by the court to attempt settlement in cases at an early stage of the proceedings. Potential cases are identified by the Family Division Magistrates at the scheduling hearing and referred to a facilitator, who is available in the courthouse for immediate assistance. Facilitators are available to the court from the beginning of scheduling hearings at 8:30 a.m. daily and frequently remain until the early afternoon to provide this service. If a settlement is reached, the parties return to the Magistrate and an agreement is placed on the record.



In FY19, a total of 534 cases were referred to a facilitator, indicating a 5% decrease from referrals in FY18. Of the 534 cases ordered, 15 did not proceed to facilitation. For the remaining 519 cases, 73% reached a full or partial agreement. By completely resolving or at least narrowing issues, the facilitators have proven to be instrumental in conserving judicial resources that would otherwise be expended on those cases.



### **Child Custody/Access Mediation**

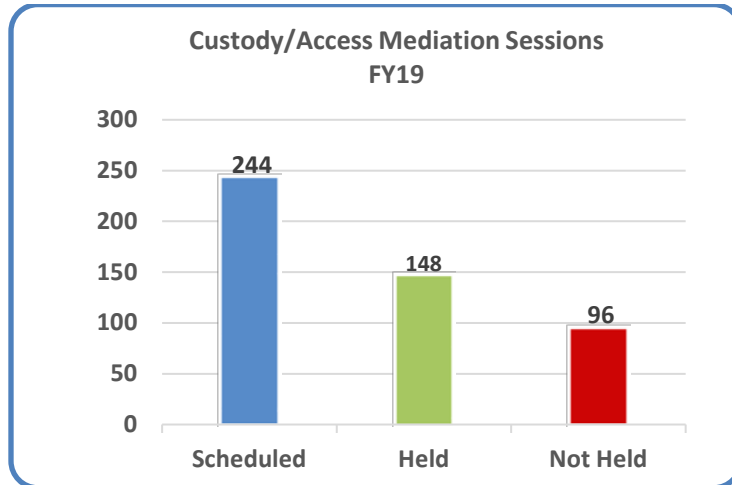
Since the inception of the Family Division, custody/access mediation has been an integral and important part of the Family Differentiated Case Management Plan. By offering an early alternative to traditional adversarial processes, litigants are afforded the opportunity to resolve their custody and/or access issues in a more self-determining, cost efficient and less stressful manner.

Mediation consists of a single three-hour session. Only cases where both parties are self-represented, or both parties are represented by attorneys, are eligible for mediation. In cases where both parties are represented by attorneys, the attorneys are required to attend the mediation session with their clients. By having counsel involved in the process, immediate feedback can be provided to the court.

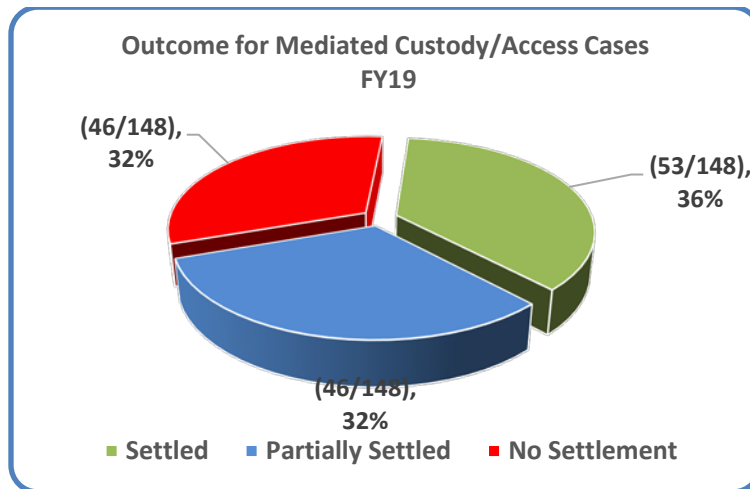
Parties report the results of their mediation on the record at a status hearing in front of a Family Division Magistrate. This occurs immediately following the mediation session. If a full or partial agreement is reached, it is placed on the record and appropriate future court dates, may be immediately removed when appropriate.

Referral to mediation occurs at the scheduling hearing. Optimally, if co-parenting skills enhancement seminars are ordered, mediation is scheduled to occur after the classes. The DCM plan for family cases placed mediation after the co-parenting skills sessions, as court-ordered mediation may be more successful when parties are given the opportunity to learn, and hopefully utilize, the skills presented in the co-parenting sessions in mediation.

Parties report directly to the Family Division from the scheduling hearing and participate (separately) in a face-to-face intake session with a trained staff member. If the mediation process is deemed inappropriate, the mediation date is removed the same day, which results in more mediator availability.



As indicated above, 148 (82%) of scheduled events proceeded to mediation. For the cases that were scheduled but failed to mediate, 23 cases settled prior to mediation, 20 cases were postponed and 51 were inappropriate referrals. For those cases that mediated, outcomes were as follows:



**Supervised Visitation**

The court's supervised visitation has been operational since 2013. This service is offered without cost to the parties. Each participating family is scheduled for a maximum of six visits conducted over three months. Each visit is one hour and 30 minutes in length, with an additional 15 minutes before and after the visit for transfer and a feedback session.

When a case is ordered to supervised visitation, parties are sent to the Family Division for an intake interview during which they are interviewed separately. At each interview the guidelines of the program are reviewed and signed by the parties. Visitation dates are scheduled and a visitation observer is assigned. The visitation observers are licensed social workers and the same observer generally conducts every scheduled visit in a case.

Visitation occurs on the weekends at a facility used during the week primarily by the Department of Health and Human Services for its child welfare cases. Security personnel are present throughout all scheduled visits and a staggered entry and departure schedule is used so that parties have no contact with one another.

After each visit, the observer conducts a 15-minute feedback session with the visiting parent and submits a visitation observation report to the Family Division Coordinator. These reports are made available to the litigants and the court when the cycle of scheduled visits is completed. A review hearing, which typically occurs 120 days from the date of entry of the order, is held to review the progress of the parties and determine the parameters of future visitation. In FY19, a total of 64 families were ordered into the program. Several families had more than one cycle of visits.

### **Assessment/Evaluation**

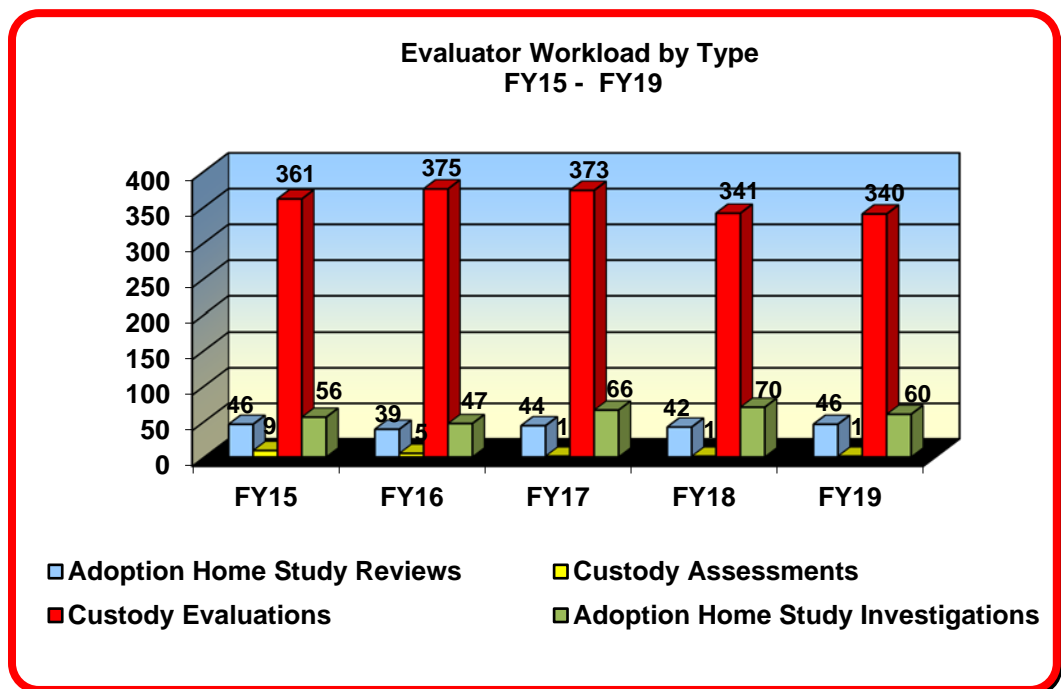
Court evaluators conduct assessments and evaluations in contested custody and visitation matters in family cases and serve as presenters for the Co-Parenting Skills Enhancement classes. Staff evaluators participate in settlement/status conference proceedings and, when necessary, testify at custody merits trials. They also conduct adoption home study investigations and review home studies provided by agencies or independent contractors. At the court's request, the court evaluators also conduct other special issue investigations. A Senior Court Evaluator oversees the evaluators and the Family Division's Co-Parenting Skills Enhancement program.

The court evaluators continue to offer two levels of services in contested family cases involving custody and child access: a full evaluation and a more limited assessment. The Family DCM plan incorporates the time necessary to complete assessments (45 to 60 days) and evaluations (60 to 90 days) ordered at the scheduling conference into the Scheduling Order generated for a case. If they are ordered to participate in an evaluation or assessment, parties are referred to Family Division Services after the scheduling hearing for an intake interview. The intake process affords the evaluator an opportunity to gather preliminary information about the case and assess the needs of the parties and /or children. If inquiry reveals the necessity for the more in-depth evaluation, an assessment order may be promptly upgraded to an evaluation order.



The custody/access assessment involves the evaluator meeting with the litigants and child(ren) in each home and attending the settlement/status conference to make an oral presentation. Participation in this event begins with an oral summary of the concerns of the parties and progresses through the evaluator's observations with explanatory comments and recommendations.

The custody/access evaluation is an in-depth evaluation that includes all aspects of an assessment, as well as information obtained as a result of contacts with third parties with knowledge of the family at issue, and a review of documents obtained during the course of the evaluation. The evaluator provides an oral report at the settlement hearing, transcripts of which are made available to counsel and parties. If the parties cannot reach an agreement at the settlement/status hearing or prior to merits, the evaluator may testify at the hearing on the merits.



In FY19, 447 matters were completed by the court evaluators, demonstrating minimal variance from the number of matters completed in FY18. Services offered by the court evaluators are extremely labor intensive. Each custody evaluation takes approximately 40 hours to complete. Additionally, each adoption investigation requires 20 hours to bring it to completion and adoption reviews require about 5 hours. The court evaluators also devote many work hours to conducting intakes, testifying in court, teaching co-parenting classes and participating in peer consultation/group supervision (a requirement of maintaining clinical licensure).

### **Co-Parenting Skills Enhancement Program**

The Co-Parenting Skills Enhancement Program is taught by the Court's staff evaluators. The sessions are provided to separated, divorced or never-married litigants in Montgomery County, as well as to residents who are litigating in another county or state. The purpose of the program is to enhance parents' skills in navigating the tumultuous emotions often associated with a dramatic family reorganization, or simply a change in an access plan for the child or children at issue. The class also strives to impress upon litigants the importance of focusing their time and efforts on their children, rather than on the conflict with the opposing party.

The program consists of two three-hour sessions presented in the courthouse. The classes are generally offered twice a month in the evening, although there are day classes scheduled on a quarterly basis.

All classes are made available to Spanish-speaking participants, with an interpreter providing simultaneous interpretation of the sessions. Spanish-speaking participants are now scheduled automatically from the scheduling hearing. Interpreters for other languages are arranged individually by the Family Division, as availability permits.

In FY19, a total of 2,197 parties were ordered to attend co-parenting classes, which represents a 14% decrease from the average of the previous four years (n=2,565). As evidenced from the below breakdown, nearly three quarters of litigants attended the classes as ordered.

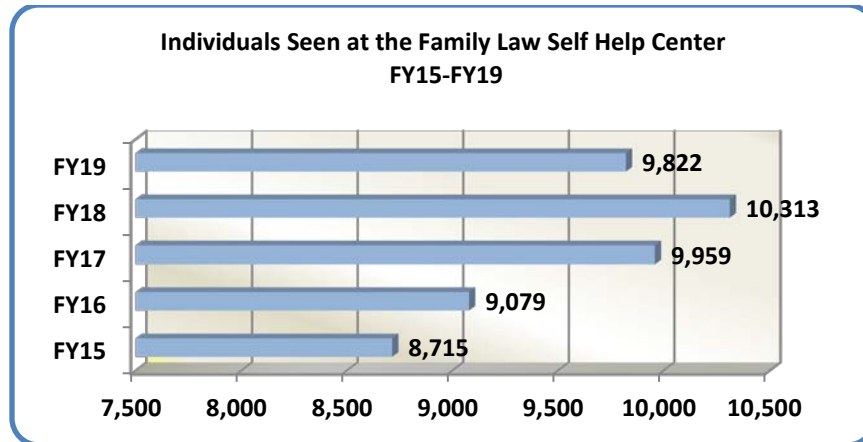
- 1,571 (72%) attended
- 426 (20%) failed to attend
- 160 people (7%) cancelled prior to the beginning of classes (due to dismissal/settlement).

Of the 1,571 persons who attended the classes, there was a nearly equal number of plaintiffs and defendants. This mirrors the ratio seen in the last two fiscal years, and may represent the significance that litigants place upon this service, regardless of whether or not they filed an initial action.

### **Family Law Self Help Center**

The Family Law Self Help Center is a critical resource for self-represented litigants involved in family cases in the Circuit Court. These litigants, who may not be able to afford counsel and therefore must represent themselves, rely on the legal expertise of the center's staff to help guide them through their case. The Center's staff consists of five attorneys and a legal assistant who is fluent in Spanish. The Center assists litigants with simple custody, access, divorce and child support matters, as well as guardianship issues and juvenile expungements.

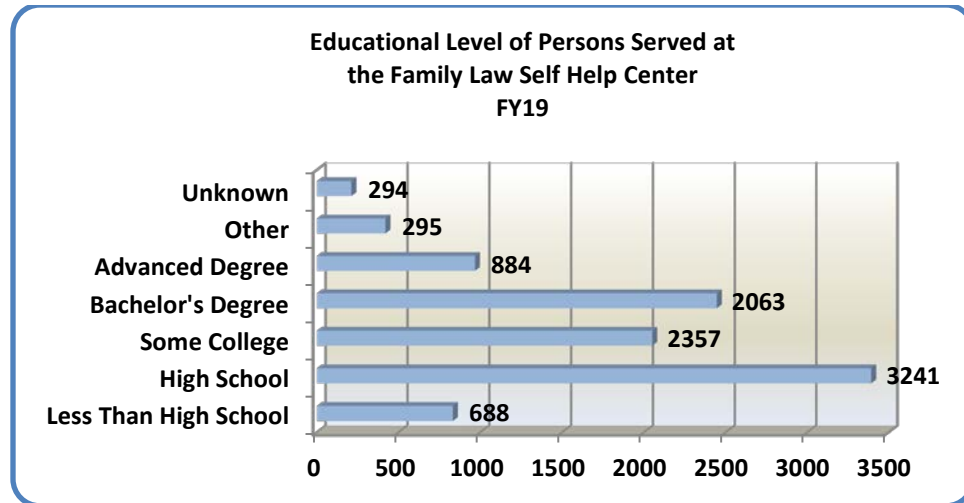
Since the second half of fiscal year 2017, the Center has been providing evening hours on Tuesdays to accommodate the needs of people unable to utilize services during regular business hours. In FY19, the Center served 569 litigants during the evening hours.



Overall, the Family Law Self Help Center saw 9,822 litigants in FY19. This number represented a decrease of people seen from FY18 which, as seen in the above graph, was a particularly busy year. Despite the minimal decline over this past fiscal year from the previous one, the Center remains a robust program that has served close to 50,000 people over the past five fiscal years.

During FY19, 5,154, or 52%, of individuals seeking service from the Center had annual household income levels less than \$30,000.00. Those with an annual household income level of \$30,000 to \$49,999 comprised 26% (n=2,553) of persons served, while 9% (n=884) had an annual household income of \$50,000 to \$69,000. Those with an income between \$70,000 and \$99,000 constituted 5% (n=491), and those with an income over \$100,000 accounted for 4% (n=393) of clients visiting the Center. Persons with an unknown income constituted 393, or 4%, of litigants seen at the center. These percentage breakdowns are consistent with FY18 income level figures.

Of the 9,822 people who utilized the Center in FY19, educational levels varied significantly. For example, 7% had less than a high school diploma, while 33% possessed a high school diploma. On the college level, 24% had some college and 21% had a college degree. People with advanced degrees made up 9% of those seeking services and 6% identified their educational level as “other” or “unknown.” These breakdowns are similar to FY18 and demonstrate a consistency in the overall educational background of litigants over time, while also illustrating that utilization of the Center is not reserved for people with a particular level of education.



Accurate communication with those whose first language is not English is critical to successful service delivery within the Family Law Self Help Center. The challenge of working with a linguistically diverse population is addressing pressing legal issues in a manner that is understandable and meaningful to the litigant. Similar to FY18, 39% of clients seeking assistance from the Family Law Self Help Center spoke a language other than English. 87% of the overall non-English speakers' primary language was Spanish. These data have remained consistent over several years and demonstrate the ongoing need for the Clinic to be able to provide services in a multitude of languages using telephonic or in-person interpreting assistance.

As in prior years, women comprised the majority of the clients seeking services from the Family Law Self Help Center. For several fiscal years, the percentage ratio of women to men remained static at approximately 60:40.

Finally, expanding and publicizing legal services for self-represented litigants through community organizations and the court's web site appears to be reaching those litigants in need of this service. A collaborative, supportive relationship is maintained with the staff attorneys for the Bar Foundation Pro Bono Program and Legal Aid Bureau. The Bar Association members continue to assist the court's program with coverage during staff attorney absences, and the Legal Aid Bureau continues to be a source of case referral.

The Legal Aid Bureau does not maintain office hours in the court. They do, however, continue to take family cases, particularly those cases involving contested custody. The Family Law Self Help Center makes many referrals to the Legal Aid Bureau. A number of those cases seeking referred assistance do not, unfortunately, fall within the guidelines to qualify for their service.

Staff in Family Division Services and the Family Law Self Help Center routinely make referrals to specific agencies based upon the needs of those requesting assistance. Printed information is also available at numerous locations within the Circuit Court. This

information advises the public about available legal assistance, as well as community-based services.

### **Referral in General**

Informational pamphlets, brochures and notices are displayed in the Family Division Suite, the Law Library, in the Co-Parenting sessions and in the waiting area of a suite of offices on the third floor of the Circuit Court. Suite 1500 houses all the staff for the Domestic Violence Assistance program and a representative of the Abused Persons Program, an Office of the County Department of Health and Human Services. A variety of the written resource material is available in Spanish as well as English. The website for Montgomery County Circuit Court also provides links to various services available to the public.

Additionally, the Montgomery County Bar Association Lawyer Referral Service has a presence in the courthouse and connects interested litigants with pro bono and low bono legal representation through a screening and referral process.

### **Domestic Violence Assistance**

A Domestic Violence Assistance (DVA) program began in the Family Division of the Montgomery County Circuit Court in October 1999. While minimal services were available in the Circuit Court in previous years, a goal of the Family Division was met when an organized, consistent level of services was created through this program. The program's focus addresses abuse issues and victim safety for spouses and intimate partners of the offender. Arrangements were finalized with the House of Ruth and Women's Law Center to provide staff for the Domestic Violence Assistance Program through application of grant funding with the Administrative Office of the Courts. Space is allocated in the Montgomery County Circuit Court for this service and representatives of the Abused Persons Program of the Montgomery County Department of Health and Human Services. The DVA staff performs an intake interview with the individual seeking services. Services provided include court appearances, protective orders, appeals, peace orders, *ex-parte* hearing accompaniments, modifications, civil contempt and criminal accompaniments. Those not eligible for these services can receive information and/or assistance with completion of court forms.

The project represents victims of domestic violence at protective order, contempt and modification hearings in the Circuit Court. DVA also provides representation in a limited number of cases in the District Court for Montgomery County. In addition to legal representation, DVA staff provides other services including case preparation, safety planning, advocacy, coordination with other agencies, in particular the Abused Persons Program of the Montgomery County Department of Health and Human Services, referrals to community-based organizations and criminal hearing accompaniment. DVA staff conducts in-depth intakes, consisting of a needs assessment, agency referral, inquiry into the abuse incident and any history of abuse. DVA staff provides an assessment of potential lethal conduct, a safety plan, answers to family law questions, information about filing criminal charges, and assistance with completion of forms and the court process in general.

Regular DVA staff consists of three attorneys and a paralegal with the House of Ruth and, one advocate from the Abused Persons Program.

### **Montgomery County Family Justice Center**

As was briefly discussed on page 11, the Family Justice Center opened its doors in 2009. In addition to offering the option to video conference the court hearing so that the victim does not have to leave the Center, it also offers a myriad of services to others seeing assistance. The Family Justice Center offers needs assessments, initial protective order services, legal services, counseling services, emergency services, child support enforcement and investigative services. The ability to provide an array of services for both adults and children in one location serves to ease the stress and confusion that is frequently seen in domestic violence and other high conflict family cases.

### **Collaborative Services**

#### ***Abused Persons Program Montgomery County Health and Human Services***

Montgomery County Health and Human Services, through the Abused Persons Program, provides regularly scheduled part time assistance in the Circuit Court Family Division to address safety issues and coordination of county services. A Victim Advocate Worker identifies the needed services through a detailed interview process. Office space is provided in the Montgomery County Circuit Court adjacent to the Domestic Violence Assistance personnel. This location facilitates coordinated assistance for county residents seeking domestic violence assistance.

#### ***Genetic Testing Program***

Detailed procedures have been developed to promptly ascertain genetic testing results for paternity cases. In cooperation with the Office of Child Support Enforcement, testing is available through that agency at a considerably reduced cost to the litigants.

#### ***Alcohol and Drug Testing Program***

A testing and monitoring program exists as a result of collaboration between Montgomery County Health and Human Services, Office of Addiction Services and the court. A testing facility is accessible to litigants and substance testing is offered to Montgomery County residents at a substantially reduced cost when necessary. Arrangements have been made for the Family Division to assume responsibility for the cost of the testing, where appropriate. The timeliness of testing and reporting of results is frequently crucial to the determination of primary issues in cases before the family court. The secured testing facility of the Office of Addiction Services is within walking distance of the Circuit Court and court referral is virtually immediate.

### ***Video-Conferencing Technology for Domestic Violence Cases***

Montgomery County Circuit Court has been actively involved in offering video-conferencing *ex-parte*/temporary protective order hearings for victims of domestic violence. This initiative was a collaborative effort among the Montgomery County Sheriff's Office, the District Court, the Circuit Court, and, as was discussed above, the Montgomery County Family Justice Center, to ensure successful implementation. The video-conferencing technology, which allows the judges to preside over the initial *ex-parte* hearings while the petitioner is physically located at the Family Justice Center, provides an added sense of comfort to the victims. In FY19, a total of 36 hearings were conducted by video-conference.

## **JUVENILE LAW**

The Juvenile Court is responsible for oversight of the following types of cases: Delinquency, Children in Need of Assistance (CINA), Termination of Parental Rights, Voluntary Placements and Petitions for Peace Orders. These matters, which are governed by strict statutory timeframes<sup>4</sup>, require a high degree of judicial oversight by the court. The need for swift disposition and close and continuous supervision of these complex matters results in multiple hearings prior to adjudication and repeated review hearings over the life of a case.

Proceedings in juvenile court are not criminal in nature and dispositions are not punishment<sup>5</sup>. While the goal of the law is rehabilitative, timeframes that trigger when the rehabilitative process must occur are tight.

---

<sup>4</sup>*Statutory timeframes for a non-sheltered or non-detained Respondent are contained in Md. Rule 11-114.b*

<sup>5</sup>*Courts Article, Section 3-8A-02.*

CINA matters operate under the same swift time standards and the court is faced with an equally complex set of factors that it must consider when a child who is alleged to be in need of assistance is before the court<sup>6</sup>.

Multiple hearings compressed into a short timeframe, coupled with the small size of the juvenile bar, have presented a scheduling challenge to both the court and the parties. These combined factors have at times impeded high efficiency case flow and compliance with statutory time standards. The court is charged with meting out fair, timely and meaningful justice under extremely tight statutory timeframes and its most significant obligation is to meet this burden for the benefit of the children, the families and the victims.

One avenue the court uses to meet this obligation is to make its dockets as predictable and time responsive as possible for all stakeholders, while managing court resources efficiently. Accordingly, over the years, the number of judges serving in juvenile has expanded, contracted and changed in order to be responsive to the needs of the community. Similarly, docket structure has been refined to reflect changes in the DCM system which serves as the underpinning of the court structure and which facilitates the court's fulfillment of its obligations. Because it is a best practice to maximize judicial continuity for a child and their family during the pendency of their case, the court implemented case management measures to help ensure that delinquency and child welfare cases come before the trial judge for subsequent reviews and permanency planning hearings. As a result, a docket structure change allowing two judges to share a Family and Juvenile rotation has ensured that families involved in child welfare matters stay with the same judge. These changes have added a much-needed level of continuity to these complex and long-lived matters.

---

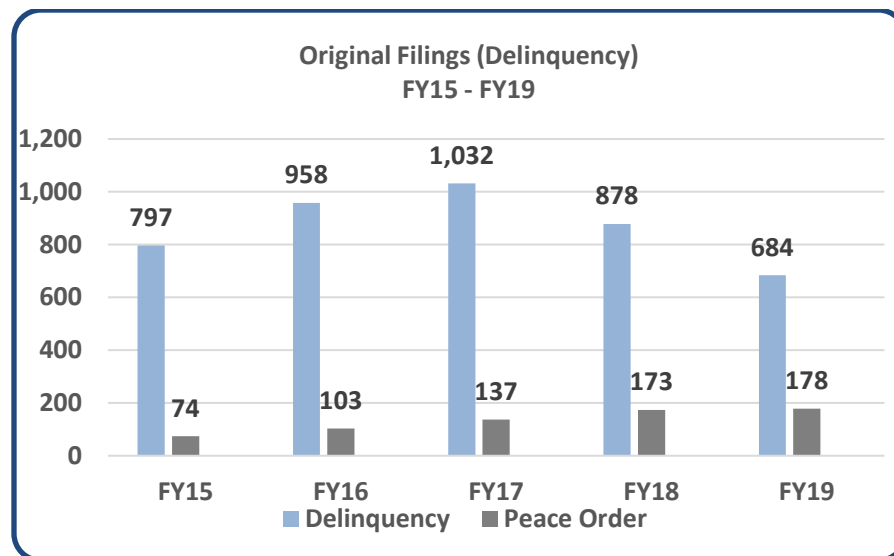
<sup>6</sup> *Courts Article section 3-802*



## Caseload

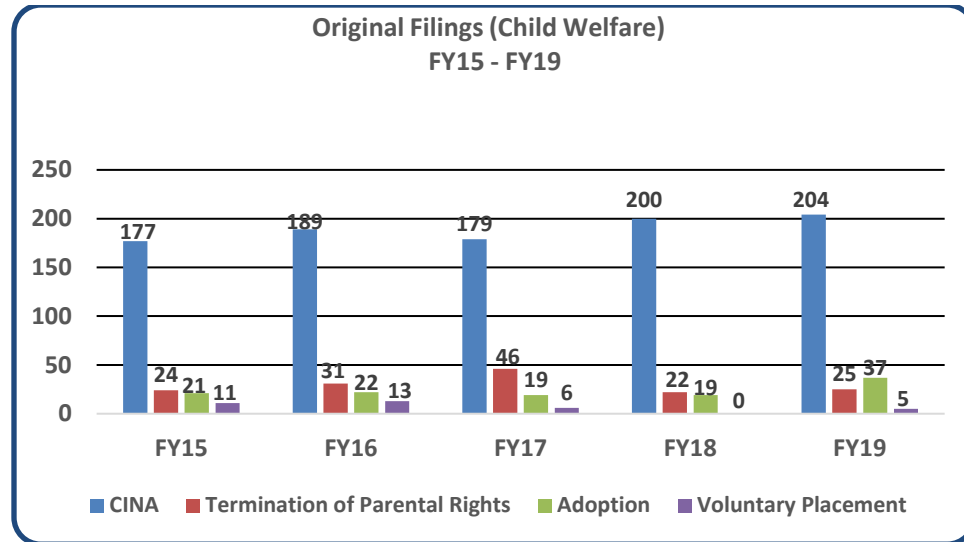
The two major components of juvenile caseload are Children in Need of Assistance petitions (CINA) and Delinquency petitions. In FY19 a total of 1,159 original juvenile matters were filed with the court. This number represents an 8% decrease from FY18, when 1,292 original juvenile matters were filed with the court. The 1,489 reopened filings represented a 8% decrease from the 1,571 reopened filings in FY18.

In FY19, a total of 884, petitions categorized as juvenile delinquency matters were filed. Of those petitions, 72 were miscellaneous petitions, 612 were delinquency petitions and 178 were peace order petitions. In FY18, delinquency petitions dropped by 15% from the previous two fiscal years, but peace order petitions increased by 26%. In FY19, delinquency petitions dropped by 23%, while peace order petitions increased by 21%. Consistent with eight of the last ten fiscal years, no CINS (Child in Need of Supervision) petitions were filed.



The remaining juvenile petitions filed in FY19 were child welfare matters. The number of adoptions increased by 51% from FY18, while the number of CINA petitions, at 204 original matters filed, was almost equal to FY18, when 200 matters were filed. The 25 TPR petitions filed in FY19 represent almost the same amount as filed in FY18, when 22 petitions were filed.

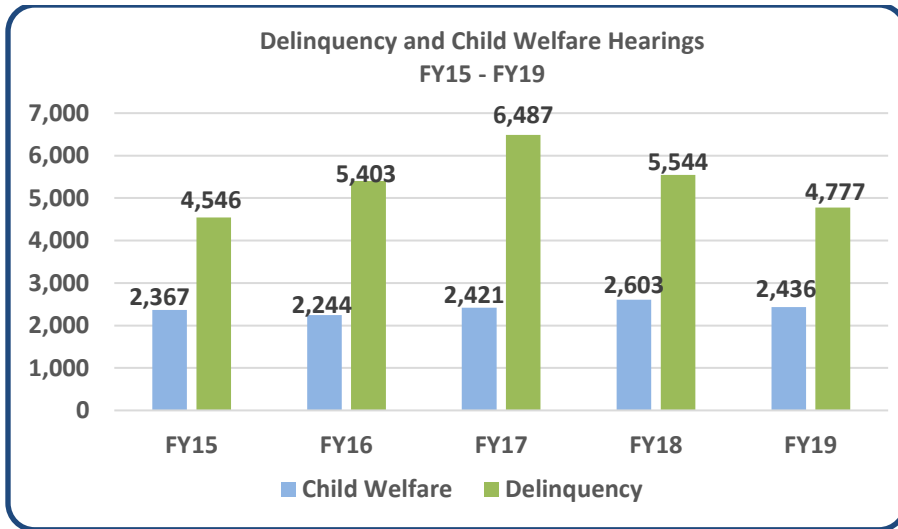
Voluntary Placement allows parents of a significantly disabled child to enter into an agreement with the Department of Health and Human Services for placement of that child. Over the previous two fiscal years there had been a significant decline in Voluntary Placement filings. In FY17 the number of Voluntary Placement petitions filed dropped 53%, with a total of 6 filings. In FY18, no Voluntary Placement petitions were filed. In FY19, there were 5 petitions filed.



### **Workload**

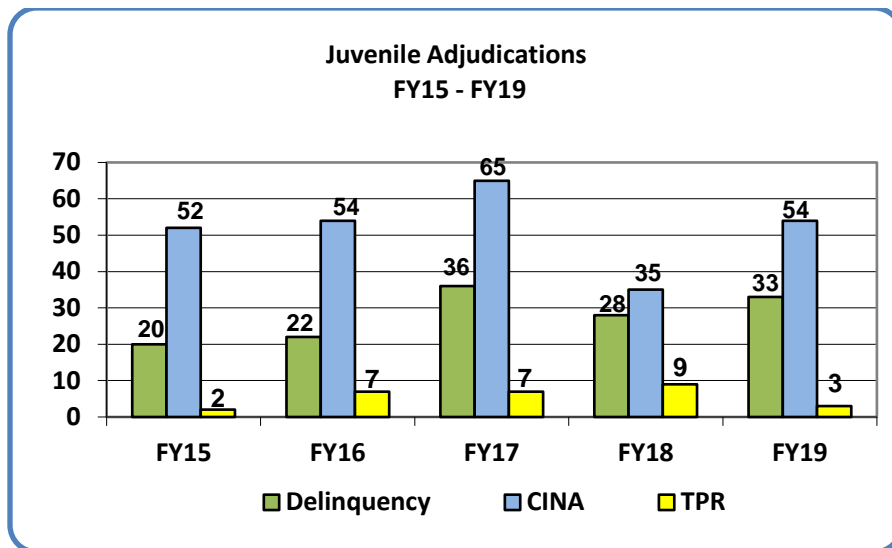
Statistics regarding original and reopened filings capture only a portion of the juvenile court's workload. The need for close and continuous supervision of the progress of children under the court's jurisdiction, especially in child welfare matters, results in repeated review hearings. By way of illustration, while only 12% of total juvenile filings in FY19 were child welfare matters, over 45% of all hearings held were for child welfare matters. This is consistent with the oversight exercised by the court in these sensitive matters, which can span the course of several years.

Additionally, for child welfare matters, regular 6-month review, permanency planning or permanency planning review hearings are automatically scheduled in court at the previous hearing. Because of this, reopened filings are not required to set the vast majority of child welfare matters post disposition, unlike delinquency.



In FY19, 4777 delinquency hearings and 2,436 child welfare hearings were conducted for a total of 7,213 hearings. This change represents a decrease of 22% from FY18 when 8,147 hearings were held. These figures do not include adjudicatory hearings or trials

Another noteworthy measure is how many matters proceeded to adjudication or trial. In FY19, 33 delinquency, 54 CINA and 3 TPR matters proceeded to adjudication or trial. This total of 90 trial events represents a 20% increase from FY18, which had a particularly low level of trials, when 77 such events were held. Within the group, delinquency adjudications increased by 16%, CINA adjudications increased by 36%, and TPR trials by 13%. Please note that these numbers do not distinguish between cases filed in one fiscal year that might be adjudicated in the next fiscal year, but rather, reflect a snapshot of trial volume.



While the focus of juvenile law is rehabilitative, the Court may, pursuant to Courts. Art. sec. 3-8A-06, waive its exclusive original jurisdiction over a Respondent whom it finds to be an unfit subject for juvenile rehabilitative measures<sup>7</sup>. This is an infrequent event in Juvenile Court. In FY19, a total of 612 actual delinquency cases were filed (number does not include miscellaneous petitions, civil citations and peace orders). Of that number, only 12 cases were subject to waiver petitions. Of these 12 petitions, 4 were granted, 2 were denied, 4 were withdrawn, and 2 were dismissed by the State. The fact that so few youth are waived to adult court demonstrates an aspect of the rehabilitative nature of juvenile justice.

There are options for youth to be maintained in the community while awaiting adjudication. Eligible youth, who come before the court on detention hearings, may be placed on community detention, including electronic monitoring, global positioning monitoring (GPS), or at The Evening Reporting Center (ERC). Also, youth who are detained at disposition pending placement, are subject to an in-court review following the 25<sup>th</sup> day on which they are detained for the offense for which they were adjudicated delinquent. This hearing is set at disposition and the cycle repeats every 25 days until the child is placed. While this increases the workload for the court and the bar, it helps ensure that children who are awaiting much needed rehabilitative services do not languish in a detention facility.

Similarly, the Adoption and Safe Families Act, signed into law in 1997, requires adherence to timelines that make permanency the paramount focus for children in the child welfare system. The court automatically sets 6-month review hearings (from the date of shelter) and permanency planning hearings at disposition. By setting the permanency planning hearing at the dispositional stage, the bar and the court have greater calendar flexibility than when these hearings are not set in until later, which in turn increases compliance with statutory deadlines.

The court has continued to focus on issuing final orders in TPR cases within the 180-day timeframe pursuant to Family Law Article Section 5-319. Service status hearings ensure that the issue of service is handled as expeditiously as possible.

These hearings have been highly successful, boosting compliance with case processing time standards in termination of parental rights cases significantly. Currently, these hearings are only held once in court, with subsequent service issues addressed in chambers by the Family Judge in Charge, the Permanency Planning Liaison and the County Attorney.

---

<sup>7</sup> *The court may waive the exclusive jurisdiction conferred by Section 3-8A-03 with respect to a petition alleging delinquency by (1) a child who is 15 years old or older or (2) a child who has not reached his 15th birthday, but who is charged with committing an act which if committed by an adult would be punishable by death or life imprisonment. Courts sec. 3-8A-06(a). The court may not waive its jurisdiction under this section unless it determines, from a preponderance of the evidence presented at the hearing, that the child is an unfit subject for juvenile rehabilitative measures. Courts sec. 3-8A-06(d).*

## **Crossover Youth Practice Model**

In April 2017, the court implemented the Crossover Youth Practice Model (CYPM). The model was developed by the Center for Juvenile Justice Reform at the Georgetown University McCourt School of Public Policy to improve outcomes for youth who are dually involved in the child welfare and juvenile justice systems. CYPM applies to youth who are the subject of a CINA petition and/or receiving Child Welfare Services (CWS) in-home services and who are subsequently arrested, cited or diverted by the police. Once a youth is identified as crossover, CWS and DJS begin to collaborate immediately. An information sharing agreement is signed by DJS, DHHS and family members so that participants can share information, exchange ideas, and participate in ongoing case planning. When a case involving a crossover youth is filed with the court, the case is designated CYPM and processed in accordance with the CYPM protocol. Whenever possible, the same judge will hear the delinquency and child welfare matters and parties in both matters will be notified to be present.

During FY19, 7 respondents were designated as crossover youth/CYPM.

## **Supportive Services**

### **Case Management**

The success of the Juvenile DCM Plan is dependent upon the active role played by the two Case Managers for Juvenile Causes and their Supervising Case Manager. The function of a juvenile case manager ranges from the preparation of pre-trial dockets, scheduling of expedited hearings when a child's situation requires adjustment on an urgent basis, screening of CINA cases in advance of court-ordered mediation, and scheduling of mediators for those events.

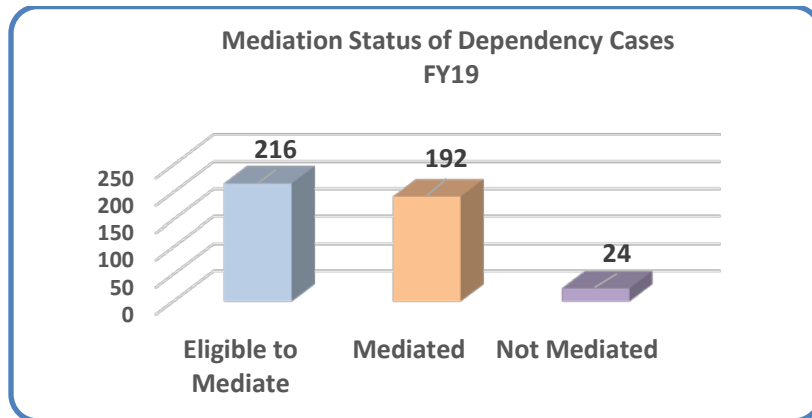
A case manager is permanently assigned to a child at the time the first delinquency or peace order petition is filed. When a CINA petition is filed, a case manager is assigned to the entire family on a permanent basis. This assures continuity and familiarity with a child or family's specific issues and legal history. Additionally, this role serves as a pivotal link between the juvenile bar and the court.

### **Permanency Planning Liaison**

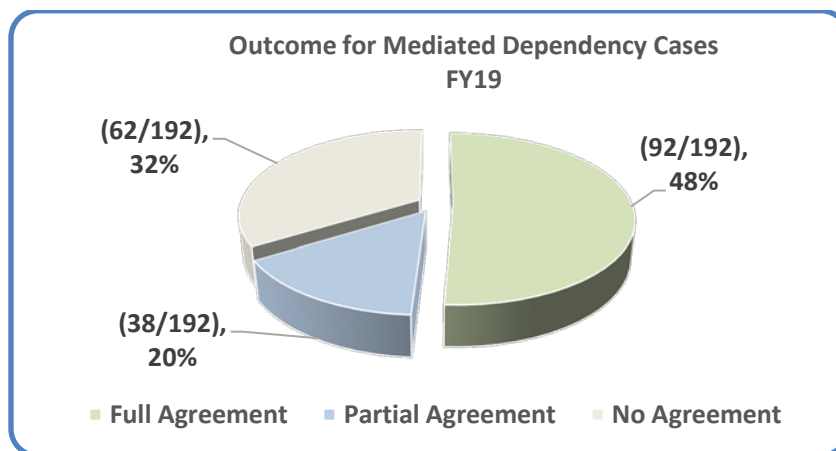
The position of Permanency Planning Liaison was created for each judicial circuit to provide case management of permanency issues in dependency cases, including ensuring compliance with federal requirements under the Adoption and Safe Families Act. The liaison monitors permanency issues and compliance in both Montgomery County and Frederick County, splitting her time equally between the two jurisdictions.

## Dependency Mediation

The Juvenile Dependency Mediation Program allows CINA cases to be resolved by a pre-trial settlement conference date scheduled two to four weeks after the case's initiation in court.



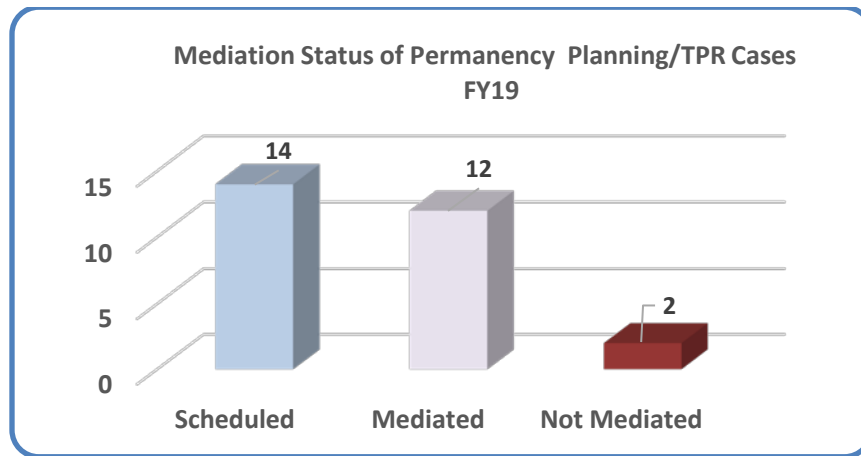
In FY19, 216 cases were eligible for mediation. Of that number, 192 (89%) proceeded to mediation. For those cases that mediated, 48% reached a full agreement and 20% reached a partial agreement, for a combined settlement rate of 68%. This represents a trend upward in settlement rates from FY18, when 66% of cases reached an agreement and FY17, when 63% of cases reached an agreement.



For the 24 cases that did not mediate, 3 resolved before or at pretrial via agreement or dismissal. It is clear that the pre-trial/mediation model is useful given that nearly 50% of all cases resolved or reached a full or partial agreement. Both events are a valuable method for reuniting families and/or providing services quickly to facilitate that reunification or provision of another stable living situation for a child in need of assistance.

## Permanency/TPR Mediation

Post-disposition mediation was developed as a voluntary self-referral by parties or at the direction of a judge at any stage post-adjudication to resolve issues associated with establishing permanency for a child in an out-of-home placement. This could range from helping to determine the custodial structure for a child whose family is ready for reunification but cannot agree as to the living arrangements, to mediation of a TPR case.



In FY19 a total of 14 cases were scheduled for mediation and 12 cases proceeded. Of those matters that mediated, 2 were permanency planning matters and 10 were TPR matters. Of the 12 mediated cases, 5 (42%) reached a full agreement.

## CONCLUSION

Montgomery County has a diverse and growing population with expanding needs. The court strives to meet the needs of this ever changing population through continual self-analysis and review of its processes. This ongoing assessment helps the court to recognize the need for adaptations and to ensure that adaptations that are put into place are efficient, transparent, understandable and meaningful to those the court serves.

Moving into the next fiscal year, the Family Division is working on implementing technology to improve wait times for unrepresented litigants accessing services at the Family Law Self Help Center. The Division is also enhancing its efforts to build partnerships and increase communication with stakeholders by developing trainings to be presented in the community. The Co-Parenting Skills Enhancement classes will be updated to ensure that litigants are receiving the most relevant and useful information available to them. Finally, employees of the Family Division will continue to engage in trainings and educational opportunities to assure the highest level of service to litigants and others who may come to court.

The court's ability to meet new challenges each year, while still fulfilling its mission of administering justice in a fair, timely and efficient manner, speaks to the strength and stability of the court in general, as well as to the effectiveness of its employees as public servants, in particular.