



FY2015 Case Time Processing Report

Circuit Court for Montgomery County

The Montgomery County Circuit Court's Fiscal Year 2015 Case Time Processing Report Abstract

The Montgomery County Circuit Court's case processing performance for Fiscal Year 2015 (FY15) is performed using cases that reached the case stop event defined by the Maryland Judiciary's circuit court time standards.¹ In FY15, a total of 17,345 original, valid terminations comprised of civil (6,106), criminal (2,242), family law (FL) (8,176), juvenile delinquency (628), child in need of assistance (CINA) (166), and termination of parental rights (TPR) (27) cases were analyzed. Of the 166 CINA cases, 121 are shelter cases and 45 are non-shelter cases.

A key measure of the annual case processing analysis is the percentage of cases terminated within the state-defined time standards. Between FY14 and FY15, juvenile delinquency case processing performance improved to 95%, criminal case processing performance maintained at 94%, and declines were experienced in civil and CINA shelter case processing performance. The Maryland Judiciary modified the FL time standard in FY14. FL case processing performance is assessed against two different time standards: 1) 98% of non-limited divorce FL cases are to reach disposition within 365 days from filing; and 2) 98% of limited divorce cases are to reach disposition within 730 days from filing. The court's FY15 FL performance is 95% for all non-limited divorce cases, and 99% for limited divorce cases. The court met or exceeded the Judiciary's performance goals for CINA Non-Shelter, TPR, and FL limited-divorce cases.

The court continues to manage its caseload aggressively and to implement improvement initiatives as necessary; court staff are cognizant of continual opportunities for improvement. For example, as a result of declines in CINA shelter case processing performance, the court modified and implemented a revised postponement policy and is performing a Juvenile DCM review. Montgomery County Circuit Court's commitment to continued dialog and review of differentiated case management practices will ensure that quality justice is administered to county residents in the most efficient and effective manner.

¹ Cases with following sub-case types are excluded from the assessment: adoption, asbestos, consent, domestic violence, federal tax lien, foreclosures, friendly suit, homeowners association, lien, Lis Pendens, recorded judgment, peace order, transfers from other jurisdictions for probation, voluntary placement, reopened, and restricted (sealed) cases.

The Montgomery County Circuit Court's Fiscal Year 2015 Case Processing Time Report Data Quality Review Procedures

Data quality review is a core function of the Montgomery County Circuit Court. While the review is performed throughout the year, additional data quality checks are conducted for the annual case assessment analysis. Provided below is a brief overview of the court's data quality review processes.

Data Quality Procedures Performed Specifically on the FY2015 Case Assessment Data

Court administration and clerk personnel conducted audits of originally closed cases and routinely checked the accuracy of the court's docket entries. Designated court personnel also performed additional data quality reviews during the data preparation period to obtain the most accurate FY15 case assessment data.

Data Processing (DP) staff compiled the cases closed in FY15 into case type-specific databases (Microsoft (MS) Access tables), which contains all mandatory and optional data fields defined by the Maryland Judiciary's case time standard data requirements. The data collected is reviewed by Quality Control staff, Administrative Aides, Court Administration staff including court research personnel to ensure its accuracy, and to identify possible reasons for cases closing over-standard. Review of the FY15 data primarily focused on cases with missing suspension start or stop dates. In particular, missing suspension start and stop dates were identified by comparing case assessment data contained in the MS Access tables, the court's case management system, actual case files and occasionally the court record as captured by *CourtSmart*. Questionable case information was discussed with court staff for reconciliation.

Additional Data Quality Review Procedures Performed on the FY2015 Case Assessment Data

The court research personnel performed additional data quality checks on the case assessment data. Their primary focus was on missing or questionable case assessment event dates, the calculation of the case time, and cases closing beyond the identified time standards. All reviews were conducted initially by checking the case assessment information against the data contained in the court's case management system and then with the actual case files and by listening to digital recordings of court events when necessary. When questionable case information was identified, quality control and management staff were contacted for reconciliation (when appropriate).

Characteristics of the Questionable Data Uncovered during the Data Quality Reviews

During this fiscal year's review of the case assessment data, questionable case information was associated with the use of incorrect docket codes to identify a particular court event and

to inactivate or close a case, as well as missing suspension start and/or end dates. Also, certain programming logic used to extract cases for analysis needs to be modified to more closely align with the data and time standard requirements defined by the Maryland Judiciary. The Montgomery County Circuit Court implemented several policies and practices to ensure the accuracy of its case information and to reconcile questionable case information when it exists. Maintaining the integrity of the court record is of critical importance to the court and necessary to uphold public trust and confidence.

In the past, Montgomery County Circuit Court reported and analyzed only trial postponements because the court did not record reasons for hearing postponements in its case management system. Cognizant of the need to report hearing postponements and their reasons, the court began collecting hearing postponement reasons in July 2013. Since the current data extraction logic only reports postponements when they are accompanied by a reason, any postponements without such a reason, most of which are hearing postponements that occurred prior to July 2013, were not captured in the FY15 data. In FY14, the impact of not capturing postponed cases was noticeable for cases with relatively long case time such as civil-general and family law cases. For example, in the original FY14 FL data, of the 526 cases terminated over-standard (based on the obsolete 365-day time standard), 214 cases (41%) were identified as having at least one postponement. However, through the review of the remaining 312 cases without postponements, we identified an additional 59 cases that had experienced a hearing postponement prior to July 2013, indicating that 22% of postponed cases were incorrectly identified as cases without postponements. By including those 59 cases, the percent of postponed cases (273 cases) among over-standard cases increases to 52% from 41%. In the FY15 data, of the 497 over-standard cases, 279 (56%) had at least one postponement. Of the remaining 218 over-standard cases without postponements, only four cases had postponement(s) before July 2013. While the additional four cases would increase the percentage of postponed cases among over-standard cases by one percentage point to 23% from 22%, the issue of missing postponements in the FY15 data does not appear to be as widespread as in the FY14 data.

Civil Case Terminations

Fiscal Year 2015 Case Terminations

Case Type	Case Time Definitions	Within-Standard Percentage	Case Time
Civil	<u>Case Time Start:</u> Filing of case. <u>Case Time Stop:</u> Disposition, dismissal, or judgment.	<u>Performance Goal:</u> 98% within 548 days CY2001: 95% ▲ CY2002: 94% ▲ CY2003: 94% ▲ FY2005: 95% FY2006: 95% FY2007: 94% FY2008*: 95% FY2009: 96% FY2010: 96% FY2011: 98% ▲ FY2012: 98% ▲ FY2013: 95% FY2014: 97% FY2015: 95%	<u>Filing to Service or Answer, whichever comes first†:</u> CY2001: 49 days ▲ CY2002: 44 days ▲ CY2003: 33 days ▲ FY2005: 45 days FY2006: 42 days FY2007: 40 days FY2008: 41 days FY2009: 52 days FY2010: 43 days† FY2011: 30 days ▲ FY2012: 33 days ▲ FY2013: 31 days FY2014: 29 days FY2015: 35 days <u>Average Case Processing Time†:</u> CY2001: N/A ▲ CY2002: 291 days ▲ CY2003: 285 days ▲ FY2005: 206 days FY2006: 209 days FY2007: 222 days FY2008: 213 days FY2009: 226 days FY2010: 241 days FY2011: 162 days ▲ FY2012: 158 days ▲ FY2013: 217 days FY2014: 214 days FY2015: 249 days

Note: Civil case time is suspended for bankruptcy, non-binding arbitration, interlocutory appeal, body attachment, military leave, mistrial, stay for receivership, and foreclosure mediation.

* FY08 is based on a sample of 509 civil cases.

† Beginning in FY2010, the figures displayed in this table were calculated by court research staff using all civil terminations whereas CY2001-FY2009 figures were calculated by the court's data processing (DP) department using a random sample of the civil termination population, which may explain some of the differences between fiscal years. Differences may also exist because at the time of DP's calculation not all data quality changes were incorporated into the data used for the performance analysis.

▲ In CY2001, CY2002, CY2003, FY2011, and FY2012, the Maryland Judiciary requested that courts exclude foreclosures from its civil case processing performance analysis.

Civil Case Processing Performance

In Fiscal Year 2015 (FY15), the Montgomery County Circuit Court processed 6,106 civil cases, which is a 2% decrease from the 6,242 civil cases processed in FY14. The Maryland Judiciary's civil case time standard is to close 98% of cases within 548 days (18 months) from the filing of the complaint. Despite large fluctuations in the number of civil cases processed between FY04 and FY15, the court's civil case processing performance is comparatively stable, ranging between 94% and 97%. The court's FY14 case processing performance improved by two percentage points to 97% compared to 95% in FY13. In FY15, performance returned to 95%. The two percentage point difference between FY14 and FY15 civil performance is primarily due to an increase in a prevalence of foreclosure cases among civil terminations. In FY14, foreclosures represented 37% of all civil terminations, compared to 45% in FY15. The overall civil average case processing time increased by 35 days with an increase in the within-standard average case time and a slight decrease in the over-standard average case time.

Table A.1 Number of Civil Case Terminations and Case Processing Performance, FY04-FY15

Fiscal Year	Terminations		Within-Standard Terminations			Over-Standard Terminations		
	N	ACT*	N	% of Total	ACT*	N	% of Total	ACT*
FY04	3,415	198	3,271	96%	173	144	4%	774
FY05	6,022	206	5,742	95%	173	280	5%	898
FY06	5,545	209	5,283	95%	174	262	5%	915
FY07	6,320	222	5,936	94%	173	384	6%	978
FY08**	7,243	213	485	95%	176	24	5%	952
FY09	7,746	226	7,425	96%	205	321	4%	716
FY10	10,079	241	9,670	96%	222	409	4%	699
FY11†	10,534	260	9,925	94%	234	609	6%	684
FY12†	6,381	227	5,996	94%	195	385	6%	718
FY13	5,763	217	5,476	95%	189	287	5%	749
FY14	6,242	214	6,052	97%	198	190	3%	711
FY15	6,106	249	5,826	95%	227	280	5%	709

* ACT = Average Case Time, in days.

** The FY08 case processing performance is based on a random sample of 509 cases, while in other years the performance was calculated based on the data that included all eligible case terminations.

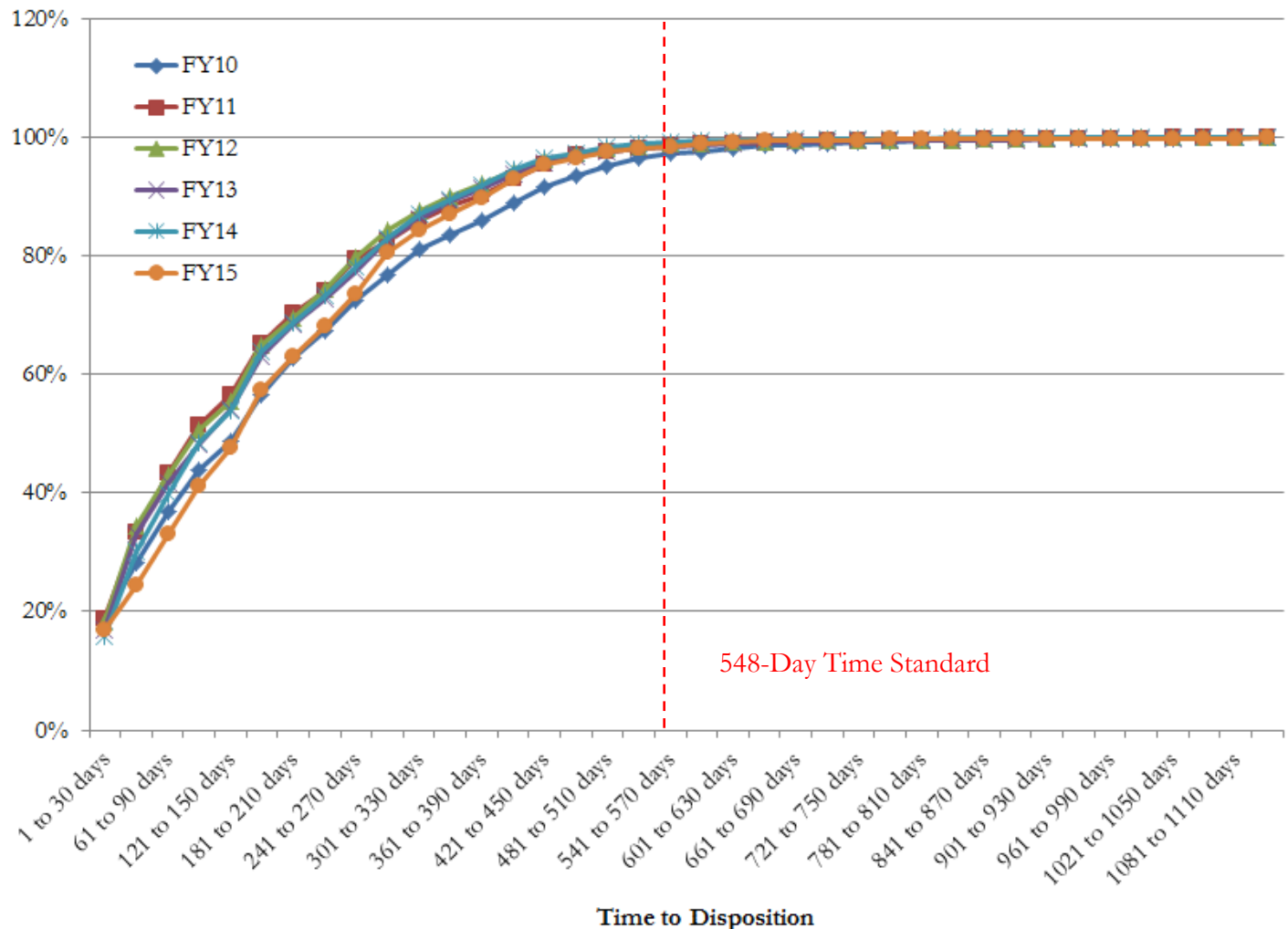
† The FY11 and FY12 case processing performance is based on data that includes foreclosures though they were excluded from the statewide case assessment.

When foreclosure cases are excluded from the analysis, 98% of the FY15 civil cases were closed within the 548-day time standard, meeting the Maryland Judiciary's performance goal. The civil non-foreclosure case processing performance has improved from 92% in FY08 to 99% in FY14, meeting the statewide performance goal for the last five fiscal years.

Figure A.1 displays resolution profiles for non-foreclosure civil cases closed between FY10 and FY15. Ideally, the resolution profile for a particular fiscal year has a high arch indicating prompt resolution with all cases closing by the 548-day civil time standard. This figure reveals that FY15 case processing performance slightly lagged behind the previous five fiscal

years until day 151 when performance improved over FY10. Similar to the previous four fiscal years, 98% of non-foreclosure civil cases closed between the 481st and 540th day.

Figure A.1 Non-Foreclosure Civil Resolution Profiles, FY10-FY15



Case Terminations by DCM Track

There are nine tracks defined in the Montgomery County Circuit Court’s Civil Differentiated Case Management (DCM) plan.² Table A.2 shows the number of case terminations, the percentage of cases closed within the statewide time standard, and the average case time by termination status and DCM track. For simplicity purposes, the cases assigned to a Business and Technology track (B&T, Tracks 5 and 6) are combined as are those assigned to an Advanced Science and Technology Adjudication Resource track (ASTAR, Tracks 7 and 8). Cases assigned to Tracks 0, 2, and 3 represent 79% of FY15 civil, non-foreclosure terminations.

² For additional information about the DCM plans including detailed descriptions of the DCM tracks, please visit the court’s website at <http://www.montgomerycountymd.gov/circuitcourt/attorneys/dcm.html>.

Table A.2 Civil Case Terminations by Termination Status and DCM Track, FY15

DCM Track (Description)	Overall Terminations			Within-Standard Terminations				Over-Standard Terminations			
	N	% of Total	ACT*	N	% of Track	% of WST*	ACT*	N	% of Track	% of OST*	ACT*
Track N (Non-Litigation)	547	16%	19	547	100%	17%	19	0	0%	---	---
Track 0 (No Discovery)	607	18%	149	594	98%	18%	136	13	2%	20%	729
Track 2 (1/2 to 1 day trial)	1,206	36%	187	1,198	99%	36%	184	8	1%	13%	642
Track 3 (2 to 3 day trial)	857	25%	283	832	97%	25%	267	25	3%	39%	797
Track 4 (More than 3 days trial or intensive motions)	123	4%	340	107	87%	3%	281	16	13%	25%	734
Tracks 5 & 6 (B&I)	21	1%	300	19	90%	1%	261	2	10%	3%	674
Tracks 7 & 8 (ASTAR)	1	<1%	87	1	100%	<1%	87	0	0%	---	---
Total (Excluding Foreclosures)	3,362	100%	184	3,298	98%	100%	173	64	2%	100%	744
Track N Foreclosures	2,744	45%	329	2,528	92%	43%	297	216	8%	77%	699
Total (Including Foreclosures)	6,106	100%	249	5,826	95%	100%	227	280	5%	100%	709

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

Note: DCM Track determination is as of the date of data extraction.

The processing performance of cases assigned to Tracks N (non-foreclosure), 0 (cases with no discovery), and 2 (cases with 1/2 to 1 day of trial) exceeded the statewide performance goal. The performance results for these Tracks are comparable to the past four fiscal years. In FY14, Track 3 performance improved to 98% and decreased slightly to 97% in FY15. In FY14, Track 4 case processing performance reached 91%, whereas in FY15 it decreased to 87% (136 versus 123 total cases, respectively).

The processing performance of FY14 foreclosure cases is 93%, which is a noticeable improvement over the FY12 and FY13 performance (83% and 87%, respectively). FY15 foreclosure case processing performance declined slightly to 92%. Since FY11, original foreclosure filings have increased. Between FY11 and FY14, foreclosure filings increased by 188%. While filings decreased by 17% between FY14 and FY15 original foreclosure terminations increased by 16%. In particular, 37% of FY14 civil terminations were foreclosure petitions compared to 45% of the FY15 civil terminations. With an original foreclosure clearance rate in FY15 of 119%, the court is closing out a portion of the cases filed in years prior to FY15. In fact, 80% of the court's FY15 foreclosure terminations were filed prior to FY15, and 10% of those filings closed over the 548-day time standard.

Non-Foreclosure Civil Case Terminations by Postponements³

Overall, 14% (872) of the 6,106 civil cases closed during FY15 had at least one hearing or trial postponement. Twenty-five percent of non-foreclosure civil cases were postponed compared to one percent of foreclosure cases. Therefore, the remaining analysis focuses on non-foreclosure civil cases given the higher prevalence of postponements.

Table A.4 FY15 Civil Case Terminations by Postponements, Termination Status (Within or Over the 548-day Standard), and Track (Excluding Foreclosures)

With Postponements										
DCM Track	Total Terminations	Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
		N	% of Total Track	ACT*	N	% of Track	ACT*	N	% of Track	ACT*
Track 0	607	112	18%	223	105	94%	194	7	6%	669
Track 2	1,206	294	24%	284	289	98%	278	5	2%	604
Track 3	857	333	39%	346	319	96%	334	14	4%	626
Track 4	123	81	66%	404	67	83%	343	14	17%	695
Tracks 5 & 6	21	14	67%	357	12	86%	304	2	14%	674
Tracks 7 & 8	1	0	---	---	0	---	---	0	---	---
Track N	547	10	2%	161	10	100%	161	0	---	---
Total	3,362	844	25%	312	802	95%	294	42	5%	656
Without Postponements										
DCM Track	Total Terminations	Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
		N	% of Total Track	ACT*	N	% of Track	ACT*	N	% of Track	ACT*
Track 0	607	495	82%	132	489	99%	124	6	1%	799
Track 2	1,206	912	76%	156	909	>99%	155	3	<1%	705
Track 3	857	524	61%	242	513	98%	226	11	2%	961
Track 4	123	42	34%	215	40	95%	176	2	5%	1,001
Tracks 5 & 6	21	7	33%	187	7	100%	187	0	---	---
Tracks 7 & 8	1	1	100%	87	1	100%	87	0	---	---
Track N	547	537	98%	17	537	100%	17	0	---	---
Total	3,362	2,518	75%	141	2,496	99%	134	22	1%	912

* ACT = Average case time, in days.

³ The FY14 civil postponement analysis includes both hearing and trial postponements. The capturing of hearing and trial postponements only occurs for cases with postponement reasons. The court began collecting postponement reasons for hearing postponements on July 1, 2013. Any postponed hearing prior to July 1, 2013 will not be reflected in the data.

Of the postponed non-foreclosure civil cases, 95% closed within the 548-day time standard. In contrast, 99% of cases without postponements closed within the time standard. The court granted a total of 1,635 hearing and trial postponements among the 844 postponed, non-foreclosure civil cases, averaging 1.9 postponements per case. Among the postponed cases, 50% have one postponement, 29% have two postponements, and another 21% have three or more postponements. In FY15, 81% of postponed, over-standard civil case terminations (34 of 42) were postponed two or more times.

The overall, average case time among postponed, non-foreclosure civil cases is more than double that for cases that are not postponed (312 versus 141 days, respectively). Among postponed cases, the average case time for over-standard cases is 656 days compared to 294 days for within-standard cases. As observed in previous fiscal years, the average case time for postponed, over-standard cases is *shorter* than that for over-standard cases with no postponements (656 compared to 912 days). Some of the reasons cases without postponements close over-standard include multiple stay orders and extensions of those stay orders due to a resolution pending for a petition for declaratory relief, a decision pending from the Court of Special Appeals for another case, or awaiting service of a foreign defendant.

Over half (66%) of the complex, Track 4 civil cases were postponed in FY15. The most frequently cited postponement reasons among the 844 postponed cases (regardless of track) include: “Discovery/ADR Incomplete and/or Discovery Disputes/Additional Time Needed to Prepare” (39% all postponements; 44% postponements in over-standard cases); “Calendar Conflict” (19% all postponements, 19% postponements in over-standard cases); and “Letter/Line of Agreement Received (Automatic USE Only)” (7% all postponements; 5% postponements in over-standard cases). While the postponement reason of “Illness/Medical Emergency or Death” represents only 5% of all postponement reasons, it represents 14% of the postponement reasons among over-standard cases.

As noted in previous years, the relationship between postponements and case processing performance is complex. Capturing additional information about the frequency, type, and length of postponements may help the court better understand the impact of postponements on case processing performance.

Recommendations for Montgomery County Circuit Court

Information Sharing

- FY15 case processing performance results will be communicated to the Montgomery County Circuit Court civil bench, civil bar, as well as pertinent clerk and administration personnel.

Analysis

- Discussions with the court will occur about whether additional analyses related to civil case processing should be undertaken.
 - Analysis focused on over-standard civil terminations, both foreclosure and non-foreclosure terminations. Since only one percent of foreclosure cases experienced any postponements, an analysis of over-standard foreclosure terminations should focus on the process of processing foreclosure cases, in

particular, those filed before FY15. The court may want to review the progress of those cases and identify particular court event(s) and/or foreclosure process(es) during which the progress of those cases slowed down. Regarding non-foreclosure cases, since 99% of such cases were closed within-standard when no postponements were involved, the analysis should focus on postponements in terms of their characteristics and whether and how they impacted the case processing time.

- Analysis focused on case processing performance and the DCM guidelines may be of interest. Specifically, it may be useful to examine the length of time to reach key court events (such as the scheduling hearing, pre-trial, trial, and disposition (complaint resolution)) as defined by the DCM guidelines, as well as comparing case processing performance across different disposition types.
- As a good practice, the court should continue to assess whether MD Rule 2-508 related to “continuance” is being rigorously applied. It may be useful to see whether postponements of (DCM) events like settlement conferences increase or decrease the likelihood that a case will close beyond standard.
- Discussions with the court will occur about the usefulness of analyzing civil performance against newly developed Model Time Standards for State Trial Courts.⁴ These time standards provide an overall standard as well as several intermediate time standards by which a court can examine its performance.

Recommendations for the Case Management Sub-Committee

Information Sharing

- It is recommended that the statewide case assessment report be made available on the Maryland Judiciary’s internet site, and that local courts’ case assessment reports be shared on the Maryland Judiciary’s intranet site (CourtNet).

Developing a Working Group to Perform Additional Analyses or Inform MDEC Case Management Monitoring

- It is recommended that the sub-committee develop a working group to examine the feasibility of performing a sub-analysis of attorney representation status at the time of disposition (i.e., case stop). The Maryland Assessment Application has two data fields: Defendant Represented by Stop Date and Plaintiff Represented by Stop Date that capture information about representation status. Given court and public interest in the issue of self-represented litigants and the impact on court resources and case processing, it would be useful to discuss how best to operationalize and analyze these data elements. First-level discussions and analysis could focus on:
 - Determinations of representation status when there are multiple parties involved.
 - Determinations of representation status at the time of case filing, disposition, any major court event(s), and/or any time while the case was open.
 - Certain civil cases may need to be excluded from the representation analysis such as those that close quickly after filing.

⁴ See <http://www.ncsc.org/Services-and-Experts/Technology-tools/~media/Files/PDF/CourtMD/Model-Time-Standards-for-State-Trial-Courts.ashx>

- Number and percentage of cases where no parties are represented, one party is represented, and both parties are represented.
- It is recommended that the sub-committee develop a working group to discuss additional measures that may be useful when assessing the impact of civil DCM plans and associated business practices that are currently or planned to be implemented per Maryland Rule 16-202(b). It is also recommended that those measures be incorporated in the DCM plan templates as a key component of effective case management to guide courts. These discussions would ultimately help inform the development, analysis, and reporting of DCM-related measures within Odyssey.

Criminal Case Terminations

Fiscal Year 2015 Case Terminations

B. Criminal Case Processing Definitions and Summary

	Criminal Case Time Definitions	Statewide Measurements	Additional Montgomery County Measurements	
Criminal Case Flow Assessment Standard and Montgomery County Measures	<u>Case Time Start:</u> First appearance of defendant or entry of appearance by counsel	Percent Within 6-month (180 days) Standard	<u>Arrest/Service to Filing^{‡§}:</u>	<u>Verdict to Sentence[‡]:</u>
			CY 2001: 121 days	CY 2001: 24 days
			CY 2002: 138 days	CY 2002: 46 days
			CY 2003: 124 days	CY 2003: 51 days
		<u>State-Set Goal: 98%</u>	FY 2005: 125 days	FY 2005: 108 days
	<u>Case Time Stop[‡]:</u> CY2001 – FY2008:	CY 2001: 96%	FY 2006: 121 days	FY 2006: 88 days
	Disposition (PBJ, Stet, NP, NG, Sentencing, NCR finding)	CY 2002: 91%	FY 2007: 112 days	FY 2007: 97 days
		CY 2003: 90%	FY 2008*: 116 days	FY 2008*: 75 days
	FY2009 – FY2015:	FY 2005: 90%	FY 2009: 104 days	FY 2009: 99 days
	Verdict (Plea/Verdict, Stet, NP, Reverse Waiver Granted, NCR finding)	FY 2006: 90%	FY 2010: 117 days	FY 2010: 18 days
		FY 2007: 89%	FY 2011: 117 days	FY 2011: 18 days
		FY 2008*: 86%	FY 2012: 132 days	FY 2012: 19 days
		FY 2009: 96%	FY 2013: 110 days	FY 2013: 22 days
		FY 2010: 95%	FY 2014: 144 days	FY 2014: 21 days
		FY 2011: 96%	FY 2015: 137 days	FY 2015: 23 days
		FY 2012: 96%		
	<u>Case Time Suspension Events:</u> Failure to appear/bench warrant, mistrial, NCR evaluation, competency evaluation, petition for reverse waiver, interlocutory appeal, military leave, pre-trial sentencing treatment, psychological evaluation, and DNA/Forensic testing	FY 2013: 95%	<u>Filing to First Appearance[‡]:</u>	
		FY 2014: 94%	CY 2001: 12 days	
		FY 2015: 94%	CY 2002: 18 days	
			CY 2003: 15 days	
		<u>Average Case Processing Time:</u>	FY 2005: 19 days	
		CY 2001: N/A	FY 2006: 18 days	
		CY 2002: 89 days	FY 2007: 15 days	
		CY 2003: 89 days	FY 2008*: 17 days	
		FY 2005: 86 days	FY 2009: 13 days	
		FY 2006: 84 days	FY 2010: 12 days	
		FY 2007: 92 days	FY 2010: 18 days	
	FY 2008*: 94 days	FY 2011: 18 days		
	FY 2009: 77 days	FY 2012: 14 days		
	FY 2010: 80 days	FY 2013: 17 days		
	FY 2011: 62 days	FY 2014: 17 days		
	FY 2012: 66 days	FY 2015: 18 days		
	FY 2013: 73 days			
	FY 2014: 70 days			
	FY 2015: 75 days			

* FY08 results are based on a sample of 505 case terminations.

† Due to the change in the criminal case time standard in 2009, the case time was measured from the first appearance to verdict for the FY09-FY15 Assessments whereas it was from the first appearance to sentencing for the CY01-FY08 Assessments.

‡ Additional Montgomery County measures for CY01-FY09 were calculated by Data Processing based on samples. The FY10-FY15 measures were calculated by using all the valid observations.

§Note that the Arrest to Filing measure may not accurately reflect the time from arrest to case filing; when a defendant is rearrested after the filing of the case, the original arrest date associated with the case is overwritten with the new arrest date in the case management system, resulting in a negative arrest to filing time. Removing 113 cases from the FY14 data and 127 cases from the FY15 data that aligned with this scenario from the calculation resulted in the average of 155 days and 150 days, respectively.

Overall Criminal Case Terminations

During Fiscal Year 2015 (FY15), Montgomery County Circuit Court processed 2,252 original criminal case terminations, 140 additional terminations than FY14 (2,112 terminations). The current analysis is based on the 2,242 cases with valid case start and stop dates.⁵ Table B.1 presents the court's criminal case processing performance since FY09 when the statewide criminal time standard was changed to measure the case time from the first appearance of the defendant to verdict. The number of criminal cases terminated declined from 2,701 in FY11 to 2,183 in FY12 and 2,083 in FY13 but slightly increased to 2,242 in FY15.

Table B.1 Number of Criminal Case Terminations and Case Processing Performance, FY10-FY15

Fiscal Year	Terminations		Within-Standard Terminations			Over-Standard Terminations		
	N	ACT*	N	%	ACT	N	%	ACT
FY09	2,478	77	2,372	96%	68	106	4%	270
FY10	2,607	80	2,486	95%	71	121	5%	263
FY11	2,701	62	2,603	96%	53	98	4%	284
FY12	2,183	66	2,089	96%	56	94	4%	278
FY13	2,083	73	1,970	95%	62	113	5%	271
FY14	2,094	70	1,973	94%	58	121	6%	267
FY15	2,242	75	2,116	94%	63	126	6%	272

Maryland criminal case time standard and goal: 6 months (180 days) and 98% within-standard terminations

* ACT = average case time (in days)

Between FY14 and FY15, the court's criminal case processing performance measured in terms of the percent of cases closed within the 180-day time standard remained unchanged at 94%. However, the FY15 average case time (ACT) for all cases, those closed within the standard, and those closed over the standard increased by 5 days to 75 days, 63 days and 272 days, respectively.

Table B.2 Distribution of Over-Standard Criminal Cases by Clock Time (days), FY10-FY15

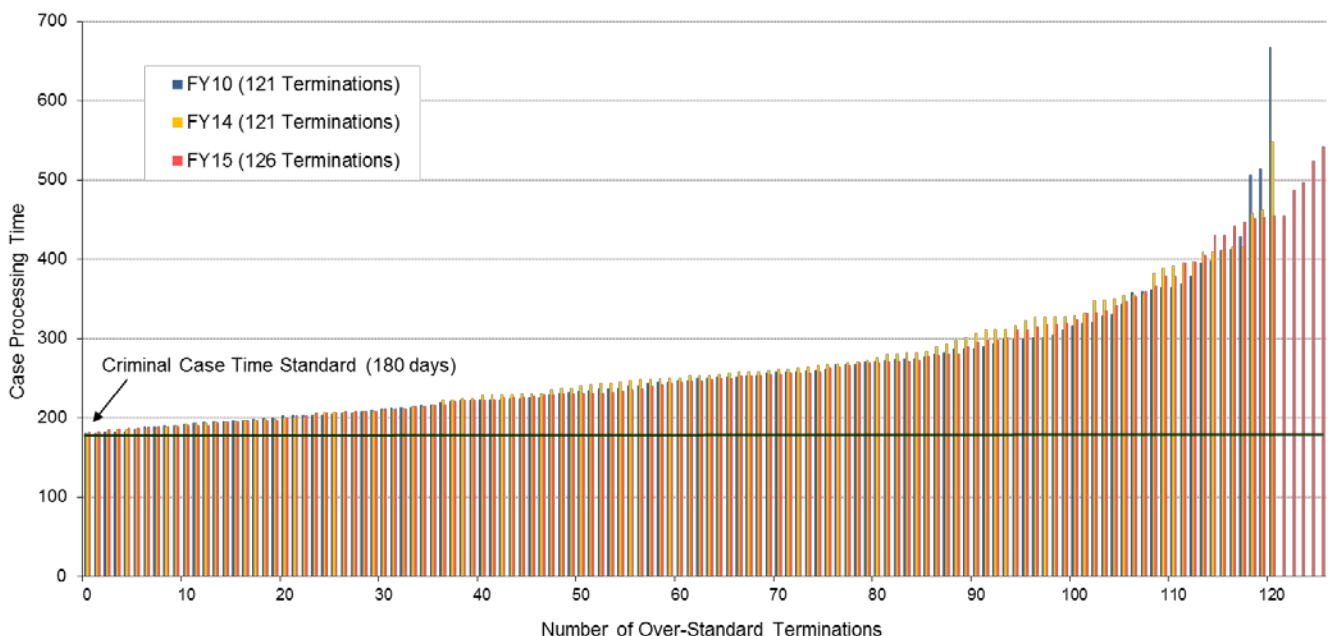
Fiscal Year	N	Mean	Median	Percentile						
				5	10	25	75	90	95	Max
FY10	121	263	247	186	193	211	287	362	399	667
FY11	98	284	262	188	199	225	339	390	437	612
FY12	94	283	254	184	187	210	311	411	474	844
FY13	113	271	252	186	191	220	309	365	394	540
FY14	121	267	250	186	193	209	309	388	411	548
FY15	126	272	247	187	190	211	317	413	454	543

Table B.2 compares the distribution of over-standard case terminations (OST) for FY10 through FY15. The number of OST cases declined between FY10 and FY12 by 22% from 121 to 94 as the number of overall terminations declined, only to increase to 113 in FY13. The number of OST cases returned to the FY10 level in FY14 and slightly increased in FY15.

⁵ Ten terminations were excluded from the analysis because of a missing valid case start date due to 1) a case being dismissed as a result of a defendant's failing to appear or 2) a defendant on bench warrant status who has never appeared before the court and was determined to have died, or when the State determined they would not pursue the case.

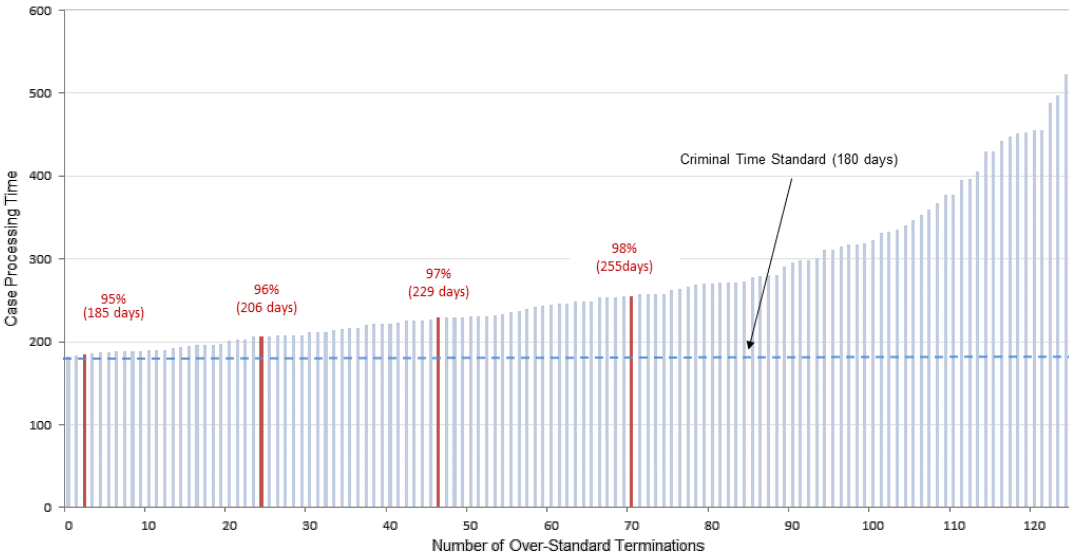
Figure B.1 compares the distributions of OST cases for FY10, FY14, and FY15. In FY10 and FY14, the court had the same number of OST cases (121) even though the court had 500 more case terminations in FY10 than in FY14. The distribution of OST cases during these two years is nearly identical for the first 80 or so cases; for the remaining 40 OST cases, the case time for FY14 is 10-15 days greater except for the last few cases. The difference is also shown in Table B.2.; the 75th, 90th, and 95th percentile figures for FY14 are 12 to 26 days longer than those in FY10. Between FY14 and FY15, the number of OST cases slightly increased, reflecting the increase in the number of overall terminations between the two fiscal years. However, the case time of the last ten percentiles (90th and 95th) in FY15 is substantially greater than those in FY14 as also shown in the table. The increase in the number of cases with a longer case time is also reflected in the average case time, which increased from 263 days in FY10 to 267 in FY14 and 272 in FY15.

Figure B.1 Criminal Case Terminations that are over the 6-month standard, FY10, FY14, and FY15



As shown in Figure B.2, if the court were to improve the observed FY15 performance of 94% (94.4%) within-standard terminations (WST) to the FY13 level of 95% (or at least 94.5%), the court would need to increase the number of WST cases by at least three from 2,116 to 2,119. The case time of the first three OST cases ranges from 182 to 185 days. To improve the performance beyond 95% by each percentage point would require the court to dispose of an additional 22 or 23 OST cases within the time standard. Thus, to reach 96 percent WST, the court would need to process OST cases ranging from 186 to 206 days within the 180-day standard, and meeting the 97% mark would require terminations of an additional 23 OST cases that took as long as 229 days. Finally, to meet the state goal of 98% (or at least 97.5%), the court would need to close within-standard more than half of the OST cases (70 cases), whose case time is as long as 255 days. While improving the performance from 94% to 95% may be feasible, improving the performance by another three percentage points to 98% would require substantial efforts by the court in its processing of criminal cases.

Figure B.2 Criminal Case Over-Standard Terminations, FY15



Case Terminations by Track

The Montgomery County Circuit Court’s criminal DCM plan has the following four tracks.⁶

Track 1: District Court jury demands and appeals (903 terminations in FY15, 862 in FY14, 793 in FY13, 940 in FY12 and 1,208 in FY11)

Track 2: Indictments and Informations, defendant locally incarcerated (266 terminations in FY15, 309 in FY14, 344 in FY13, 313 in FY12 and 432 in FY11)

Track 3: Indictments and Informations, defendant on bond/writ status (758 terminations in FY15, 664 in FY14, 683 in FY13, 693 in FY12 and 774 in FY11)

Track 4: Complex Indictments and Informations (315 terminations in FY15, 253 in FY14, 263 in FY13, 234 in FY12 and 274 in FY11)

Table B.3 presents the FY15 criminal case processing performance - the average case time (ACT) and the percent of cases closed within-standard - by the DCM Track. In terms of the distribution of case terminations by the DCM Track, 40% (903 terminations) of the FY15 terminations are from Track 1, 12% (266) from Track 2, 34% (758) from Track 3, and 14% (315) from Track 4. As also observed in FY14, Track 1 is the only track whose performance exceeded the statewide goal of 98%. The case processing performance of Tracks 2 and 3

⁶ The track descriptions are based on the criminal DCM plan (July 2003, 2nd edition); however, it is important to note that the criminal DCM plan was revised in July 2010. There are minimal differences in the track descriptions between the July 2003 and July 2010 versions of the criminal DCM plan. The FY15 data also included one Track N case, which was filed in 1990 before the track was abolished. The track of the case was reassigned to Track 3 in the present analysis. FY14, FY12 and FY11 data also included the following “outside-the-Track” cases: one Track 0 and five Track N cases (FY14), one Track 0 and two Track N cases (FY12), and 13 Track 0 cases (FY11). Accordingly, the sum of the numbers of cases by DCM Tracks 1 through 4 does not necessarily match the total terminations reported under Table B.1.

cases are slightly below the goal (97% and 95%, respectively) whereas the case processing performance of Track 4 cases is substantially lower at 77%, though it improved by three percentage points from FY14.

Table B.3 Criminal Case Processing Performance by DCM Track and Termination Status, FY14 and FY15

	Total Terminations			Within-Standard Terminations				Over-Standard Terminations			
	N	% of Total	ACT*	N	% of WST*	% of Track	ACT	N	% of OST*	% of Track	ACT
FY14†											
Track 1	862	41%	42	856	43%	99%	41	6	5%	1%	235
Track 2	309	15%	68	297	15%	96%	61	12	10%	4%	246
Track 3	664	32%	75	628	32%	95%	66	36	30%	5%	245
Track 4	253	12%	154	188	10%	74%	109	65	54%	26%	282
Total	2,088	100%	70	1,966	100%	94%	58	121	100%	6%	260
FY15											
Track 1	903	40%	45	897	42%	99%	44	6	5%	1%	306
Track 2	266	12%	72	259	12%	97%	67	7	6%	3%	250
Track 3	758	34%	81	719	34%	95%	73	39	31%	5%	243
Track 4	315	14%	148	241	11%	77%	106	74	59%	23%	287
Total	2,242	100%	75	2,116	100%	94%	63	126	100%	6%	272

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

† Excludes one Track 0 and five Track N cases.

As indicated in previous reports, the overall criminal case processing performance is largely influenced by: 1) the composition of case terminations by DCM Track, in particular that of Track 1 and Track 4, and 2) the case processing performance of Track 4 cases. As Table B.1 shows, the overall criminal case processing performance, which declined by one percentage point from 95% to 94% between FY13 and FY14, remained unchanged at 94% in FY15. Between FY14 and FY15, the performance of Tracks 2 and 4 slightly improved while that of Tracks 1 and 3 remained unchanged. Also between the two fiscal years, the composition of cases in Tracks 1 and 2 slightly declined and that of Tracks 3 and 4 increased. With these changes, the overall performance improved by 0.2 percentage points from 94.2% to 94.4% between FY14 and FY15. *With all other factors held constant*, the observed slight increase in the case processing performance is due to the improved performance in Tracks 2 and 4. In fact, had the court maintained the composition of cases by Track observed in FY14 also in FY15, its FY15 overall performance would have increased to 95% (94.9%).

Further improving case processing performance of cases in Tracks 2 and 3, though accounting for nearly 50% of the court's criminal case terminations, would result in a limited improvement in the overall criminal performance because their performance is already close to the 98% goal. For instance, even if the court improves its case processing performance of Tracks 2 and 3 cases (97% and 95% respectively) to the state goal of 98% in FY15, the overall criminal case processing performance would only improve to 95%. If all of the cases in Tracks 1, 2, and 3 were closed within-standard, the overall performance would increase to 97%. Thus, the key to improvement of the court's criminal case processing performance ultimately rests upon the management of Track 4 cases.

Under the scenario of Tracks 2 and 3 case terminations meeting the 98% goal, and assuming the current composition of the criminal cases by Track remains unchanged, the Track 4 case processing performance would need to improve by 15 percentage points to 92% to meet the

State's goal. This would require the court to terminate within-standard an additional 49 OST cases in Track 4, with their case time ranging from 183 to 280 days.

Case Terminations by Case Sub-type

Table B.4 presents the analysis of criminal cases by case sub-type and termination status for FY14 and FY15. As noted above, processing performance of cases originating from the District Court (Track 1), including jury trial prays and appeals, either meets or exceeds the 98% within-standard goal in FY15. In FY11 and FY12, indictments were the only sub-type that failed to meet the 98% state goal. In FY13, the performance of informations went below the 98% mark and further declined to 95% in FY14. However, in FY15, the case processing performance of informations improved, meeting the 98% time standard goal. The case processing performance of indictments, which declined from 93% in FY11 to 89% in FY13 and FY14, slightly declined to 88% in FY15.

Table B.4 Criminal Case Processing Performance by Case Sub-Type and Termination Status, FY14 and FY15

Case Sub-type	Total Terminations			Within-Standard Terminations				Over-Standard Terminations		
	N	%	ACT*	N	%	ACT	% WST*	N	%	ACT
FY14										
Indictment	815	39%	105	723	37%	84	89%	92	76%	271
Information	412	20%	60	391	20%	50	95%	21	17%	245
Bindover-Jury	132	6%	40	130	7%	34	98%	2	2%	432
Bindover-Appeal	580	28%	44	575	29%	42	99%	5	4%	242
DC VOP Appeal	155	7%	43	154	8%	42	99%	1	1%	201
Total	2,094	100%	70	1,973	100%	58	94%	121	100%	267
FY15										
Indictment	913	41%	112	801	38%	90	88%	112	89%	270
Information	427	19%	59	419	20%	55	98%	8	6%	277
Bindover-Jury	79	4%	40	78	4%	36	99%	1	1%	353
Bindover-Appeal	673	30%	47	668	32%	45	99%	5	4%	296
DC VOP Appeal	150	7%	43	150	7%	43	100%	0	0%	0
Total	2,242	100%	75	2,116	100%	63	94%	126	100%	272

ACT: Average Case Time, in days; WST: within-standard

Between FY14 and FY15, the percentage of information and indicted case terminations remained virtually unchanged. While the performance of informations improved by three percentage points to 98%, any improvement on overall processing performance appears to have been offset by the Track 4's declining performance in certain case sub-types. Cross tabulation of the criminal DCM Track and case sub-type indicates that 70 of the 289 Track 4 indictments were terminated over-standard, resulting in 19% over-standard termination rate compared with 7% among Track 3 indictments (35 of 450 terminations) and 4% Track 2 indictments (7 of 173). While Track 4 informations also have a high over-standard termination percentage (15%), since the number of such cases is small (25 cases), the impact of improving the processing of Track 4 information cases on the overall case processing performance is minimal. Thus, improving the court's criminal case processing performance largely hinges upon addressing the case processing of indictment cases, in particular those in Tracks 3 and 4.

Case Terminations by Postponements

The analysis of postponements for FY15 includes both trial and hearing postponements. Table B.5 compares the case processing performance of cases with postponements and of those without postponements by termination status for FY15. As observed in previous years, among cases without postponements, virtually all cases, even among those in Track 4, closed within the 180-day time standard.

Among the cases with postponements, 89% were closed within the time standard. Cases in Track 1 met the 98% goal even with postponements. The performance of those in other tracks, though having failed to meet the goal, improved from FY14; Track 2 cases improved from 93% in FY14 to 96% in FY15, Track 3 from 90% to 91%, and Track 4 from 67% to 72%.

Table B.5 Criminal Case Terminations by Postponements, Termination Status and DCM Track, FY15

<u>Terminations With Trial and Hearing Postponements</u>										
DCM Track	Total Terminations	Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
		N	% of Track	ACT*	N	%	ACT*	N	%	ACT*
Track 1	903	259	29%	75	254	98%	71	5	2%	300
Track 2	266	177	67%	91	170	96%	84	7	7%	250
Track 3	758	433	57%	108	395	91%	95	38	10%	242
Track 4	315	260	83%	160	186	72%	110	74	33%	287
Total	2,242	1,129	50%	110	1,005	89%	90	124	12%	272
<u>Terminations Without Trial and Hearing Postponements</u>										
Track 1	903	644	71%	33	643	100%	33	1†	>1%	333
Track 2	266	89	33%	34	89	100%	34	0	0%	0
Track 3	758	325	43%	46	324	100%	45	1†	>1%	257
Track 4	315	55	17%	92	55	100%	92	0	0%	0
Total	2,242	1,113	50%	40	1,111	100%	40	2	>1%	295

* ACT = Average case time, in days.

† In one of the two cases without postponements that resulted in over-standard termination (123300C), the defendant failed to appear at the scheduling hearing (his attorney appeared), and a bench warrant was issued. Even though the time the defendant was on warrant was subtracted from the overall case time, the resultant case time (257 days) exceeded the 180-day standard. In the other case (124001C), the defendant, who was an out-of-state resident, pled guilty at the pretrial hearing, but due to the terms of an agreement between the State and the defendant, the court deferred the acceptance of plea to the sentencing hearing, which was set a year later, resulting in the case time of 333 days.

The ratio of terminations with postponements to cases without postponements is evenly split. Of the 2,242 cases terminated in FY15, 50% (1,113 cases) had neither a hearing nor a trial postponement. Twenty-one percent (472 cases) had one postponement, of which all but 4 (99%) had a within-standard termination, and 12% had two postponements. As the number of postponements increases, the likelihood of within-standard termination declines. With two-three postponements, 92% of 393 cases (18% of all the FY15 cases) were terminated within the 180-day time standard. With four postponements, only 77% of 105 cases (5%) were closed within the time standard. Acquiring a few more postponements reduces the likelihood of within-standard termination by ten percentage points. Thus, with five-six postponements, the percent of within-terminations declines to 68% (84 cases (4%)); with seven-eight postponements, the likelihood declines to 53% (49 cases (2%)). Among the

26 cases (only 1% of all FY15 cases) with nine or more postponements, only 31% (8 cases) were terminated within the time standard.⁷

Among the cases with postponements that experienced over-standard terminations, the likelihood of over-standard terminations increases as the number of postponements increases, from 4% with one postponement to 54% with five postponements. However, for cases with six or more postponements, the likelihood of over-standard terminations does not increase but fluctuates between 45% and 63% as the number of postponements increases. Clearly, analyzing the impact of postponements for case processing performance requires additional information on postponements such as type (trial versus hearing postponements), length, timing, the reason/context for the postponement, and presence of other postponements, to obtain a more accurate and precise picture of postponements and their impact on the case processing. Another issue to be considered is that some postponements of hearings, in particular status hearings, may have been associated with case time suspensions such as competency, NCR, and forensic test results. Unless those postponements are identified and removed from the analysis, the impact of postponements on the case processing performance, in particular case time, may be underestimated.

Of the 2,169 trial and hearing postponement reasons reported for FY15, the two most-frequently used reasons are 'Discovery Incomplete and/or Discovery Disputes - Additional Time Needed to Prepare' (501 occurrences, 23%) and 'Calendar Conflicts' (400 occurrences, 18%), account for over 40% all postponement reasons. Including the next three most-frequently cited reasons - 'Plea in Progress' (377 occurrences, 17%), 'New Counsel Sought or Has Entered their Appearance or Not Appointed' (227 occurrences, 10%), and 'Witness Unavailable - New Witness Identified' (123 occurrences, 6%), the top-5 reasons account for close to 75% of all postponement reasons. Those five reasons were also identified as the top five reasons for postponements in FY14. In addition, of the five postponement reasons, all but one, 'Plea in Progress', which may be more likely associated with hearing postponements than trial postponements, are associated with over 20% of the over-standard terminations.

Criminal Termination Profiles

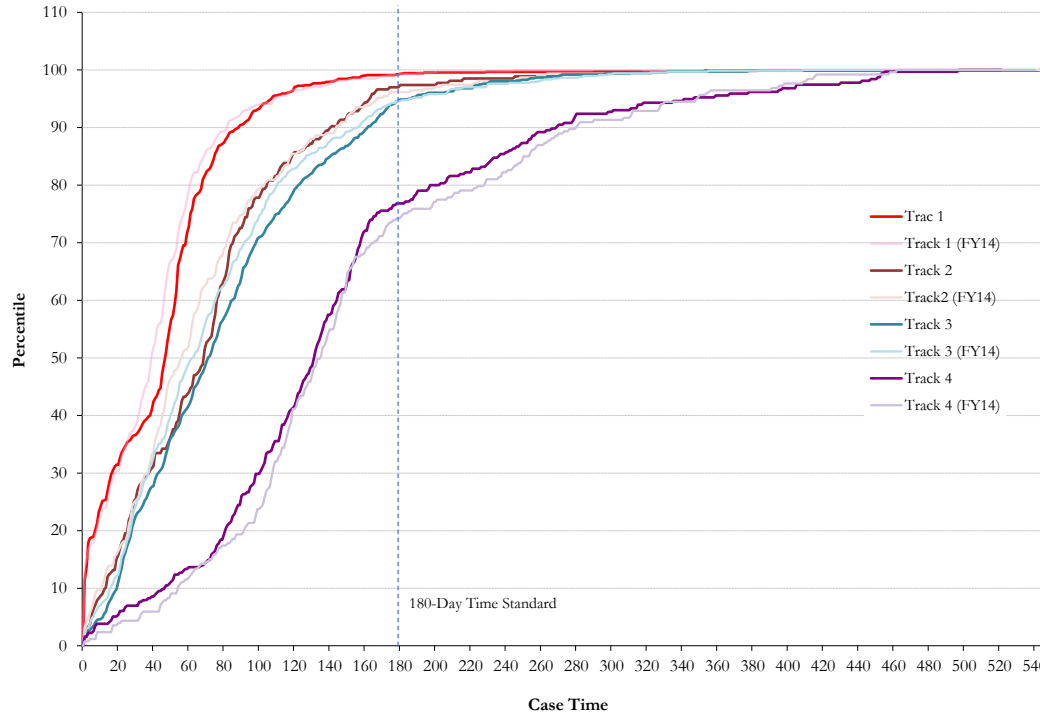
Figure B.3 compares the normalized cumulative case resolution profile of FY15 criminal cases by Track. As a comparison, the profiles of FY14 are also included. The light blue dotted vertical line on the figure indicates the 180-day statewide time standard, and the intersection of the line and profile indicates the percent of cases terminated within the time standard.

The profile of Track 1 cases, over 99% of which were closed within the time standard, exhibits a steep increase up to the 90th percentile, where 90% of cases were closed within 80 days. The profiles of Tracks 2 and 3 cases are nearly identical for the first 70 days but diverge slightly thereafter where Track 2 cases show quicker case resolution than Track 3 cases. The profile of Track 4 cases is distinctively different, including a slow resolution for

⁷ A case with multiple postponements could be closed within-standard when the majority of the postponements occurred while the case time was suspended. For example, when a court orders a competency/mental evaluation and postpones a status hearing because the psychological report for the competency evaluation is not ready, such a postponement will not impact the case time because of the case time suspension due to the pending competency evaluation.

the first 80 days followed by a constant increase in resolution until the 160th day and a much less steep slope thereafter.

Figure B.3 Resolution Profiles of Criminal Cases by Track, FY14 and FY15



The comparison of the termination profile of Track 4 cases with those of other tracks suggests that improvement is needed to expedite resolution of Track 4 cases in two areas. First, the court may want to investigate the possibility of early resolution in Track 4 cases during the first 80 days as it does in other tracks in terms of completing discovery and exploring plea agreements. Second, the court may want to consider developing ways to dispose of cases with a case time over 160 days at the same rate that it does before the 160th day to extend the line between the 80th and 160th farther to reach the 180-day line at a higher percentage of case terminations. If Track 4 cases closely follow the current DCM Plan, the only activity after day 90 is the trial, which must start between day 110 and 140. Clearly, Track 4 cases with their case time 160 or longer experienced multiple postponements or some other reasons that made their case time extend beyond 140th day. Examining the progress of those cases and identifying and addressing the issues responsible for their extended case time may also result in the improvement of Track 4's within-standard termination by an additional 10 percentage points.

The comparison of the FY14 and FY15 Track-specific termination profiles indicates that the court's FY15 case processing performance in all Tracks but those in Track 4 somewhat faltered in the mid-range section though it eventually caught up by the 180th day. For cases in Tracks 1 and 2, the FY15 profiles are below the FY14 between the 30th and the 110th day, indicating that the court was terminating a lower percent of cases in FY15 than in FY14 during that period. For Track 3 cases, the court's case processing performance started faltering on the 40th day and finally caught up with the FY14 level on the 75th day. The only

exception is the Track 4 cases; their profile indicates that the court's performance was as good as or better than its FY14 level from the beginning to the 360th day.

Recommendations for Montgomery County Circuit Court

- *Information Sharing:* FY15 case processing performance results will be shared with the Montgomery County Circuit Court criminal bench, criminal bar, as well as pertinent clerk and administration personnel.
- *Analysis:* Convene a working group that consists of the DCM coordinator, QC staff and researchers to review assessment results, identify potential areas to be addressed, and conduct more detailed analyses. One area that may warrant a further analysis is the cases that involve competency, which tends to extend the case time with a number of status hearings until the court determines the defendant's competency. Review those cases to determine whether the issue of competency was recognized by the court and parties and that a competency finding was entered on the record to satisfy the competency issue.
- *Analysis:* Conduct an in-depth analysis of indictment and Track 4 information cases per the court's criminal DCM plan. Identify at which DCM stages cases start to deviate from the plan and the factors that may be associated with the deviation and case closure over the 180-day time standard. Review the results in light of current DCM policy on scheduling and postponements of Track 4 cases and discuss modifications, if necessary.
- *Data Collection:* Break down the number of postponements by hearing versus trial postponements. Identify and flag postponements that occurred during case time suspensions, so that they are removed from the analysis.
- *Data Collection:* Continued dialog will occur with Quality Control and Data Programming staff to ensure that programming logic aligns with defined case time standards requirements, as well as to ensure that all staff have access to the appropriate data files for review and analysis purposes.

Recommendation for the Case Management Sub-Committee

Technical Assistance

- It is recommended that clarity be provided on how to determine the competency suspension start in a District Court appeal or jury trial prayer case where the evaluation of the competency was ordered by the District Court prior to the case arriving in the circuit court.

Information Sharing

- It is recommended that the statewide case assessment report be made available on the Maryland Judiciary's internet site, and that local courts' case assessment reports be shared on the Maryland Judiciary's intranet site (CourtNet).
 - It is also recommended that the sub-committee identify courts that consistently meet/exceed the criminal time standard and create opportunities for them to share their best practices with other courts.

Developing a Working Group to Perform Additional Analyses or Inform MDEC Case Management Monitoring

- It is recommended that the sub-committee develop a working group to discuss additional measures that may be useful when assessing the impact of criminal DCM plans and associated business practices that are currently or planned to be implemented

per Maryland Rule 16-202(b). It is also recommended that those measures be incorporated in the DCM plan templates as a key component of effective case management to guide courts. These discussions would ultimately help inform the development, analysis, and reporting of DCM-related measures within Odyssey.

Family Law Case Terminations

Fiscal Year 2015 Case Terminations

C. Family Law Case Processing Definitions and Summary

	Family Law Case Time Definitions	Percentage of Cases Closed within Time Standards	Average Case Processing Time	Previous Time Standards and Associated Measures
Family Law Case Standards and Montgomery County Measures	<u>Case Time Start:</u> Filing of Case.			<u>State-Set Goals (CY 2001-FY 2013)</u> 90% within 12 months 98% within 24 months
	<u>Case Time Stop:</u> Disposition, dismissal, or judgment. Judgment in limited divorce cases if the limited divorce is the only issue.	<u>State-Set Goals (FY2014 – FY2015):</u> Limited Divorce Cases: 98% within 24 months Other Family Law Cases: 98% within 12 months <u>Montgomery County:</u> Limited Divorce Cases: FY 2014: 99% FY 2015: 99% Other Family Law Cases: FY 2014: 94% FY 2015: 95%	Limited Divorce Cases: FY 2014: 235 days FY 2015: 326 days Other Family Law Cases: FY 2014: 146 days FY 2015: 134 days	12-month standard: FY 2010: 92% FY 2011: 93% FY 2012: 94% FY 2013: 94% (FY 2014: 93%) (FY 2015: 94%) 24-month standard: FY 2010: >99% FY 2011: >99% FY 2012: >99% FY 2013: >99% (FY 2014: >99%) (FY 2015: >99%) <u>Average Case Processing Time:</u> FY 2010: 150 days FY 2011: 144 days FY 2012: 141 days FY 2013: 142 days FY 2014: 147 days FY 2015: 141 days <u>Additional Measure - Filing to Service/Answer†:</u> FY 2010: 36 days FY 2011: 49 days FY 2012: 48 days FY 2013: 48 days FY 2014: 48 days FY 2015: 32 days
†The additional measure was calculated by Data Processing based on its sample population for FY2001 through FY2009. The FY2010-15 figures are based on the data used for the caseload analysis.				

Overall Family Law Case Terminations

In FY15, Montgomery County Circuit Court processed 8,176 family law (FL) case terminations eligible for the analysis, 147 more (1.8%) than FY14 (8,029 terminations) and 32 more terminations than FY13 (8,144 terminations). For the FY14 caseload assessment, the Maryland Judiciary adopted new time standards and associated goals for FL cases: a 24-month standard for limited divorce cases⁸ (with a goal of 98% of cases terminated within the standard) and a 12-month goal for all other FL cases (with a goal of 98% within-standard terminations). Table C.1 provides the number of original case terminations and the average case time (ACT) for limited divorce cases and all other FL cases by case termination status for FY15. The court processed 310 limited divorce cases during FY15, of which all but three (99%) were closed within two years, exceeding the 98% goal. The court also processed 7,866 all other FL case terminations in FY15, of which 7,502 (95%) were closed within the one year.

Table C.1 Number of Family Law Case Terminations under the New Standards, FY15

Case Sub Type (Time Standard)	Total Terminations		Within-Standard Terminations			Over-Standard Terminations		
	N	ACT*	N	%	ACT*	N	%	ACT*
Limited Divorce Cases (24 Months)	310	326	307	99%	322	3	1%	769
All other FL Cases (12 Months)	7,866	134	7,502	95%	118	364	5%	472

* ACT = Average Case Time (in days)

To compare the court's FY15 overall FL case processing performance with that of previous years, we used the old 12-month time standard (See Table C.2). The court's overall FL case processing performance has been consistent, closing 93-94% of cases within a year since FY11. The overall ACT for FY15 terminations is 141 days, six days shorter than that for FY14 terminations (147 days). The ACT among within-standard terminations is 120 days, four days shorter than that for FY14, and the ACT among over-standard terminations is 473 days, eight days shorter than that for FY14.

Table C.2 Number of Family Law Case Terminations under the Old 12-Month Time Standard, FY06-FY15

Fiscal Year	Total Terminations		Within-Standard Terminations			Over-Standard Terminations		
	N	ACT*	N	%	ACT*	N	%	ACT*
FY06	6,368	154	5,820	91%	123	548	9%	493
FY07	6,722	157	6,066	90%	118	656	10%	522
FY08**	(510)	155	(460)	90%	117	(50)	10%	505
FY09	7,440	148	6,841	92%	117	599	8%	505
FY10	7,776	150	7,182	92%	121	594	8%	494
FY11	8,034	144	7,491	93%	119	543	7%	498
FY12	8,532	141	7,998	94%	119	534	6%	478
FY13	8,144	142	7,670	94%	122	474	6%	469
FY14	8,029	147	7,503	93%	124	526	7%	481
FY15	8,176	141	7,679	94%	120	497	6%	473

Maryland family law case time standard and goal (obsolete): 12 months and 90% within-standard terminations

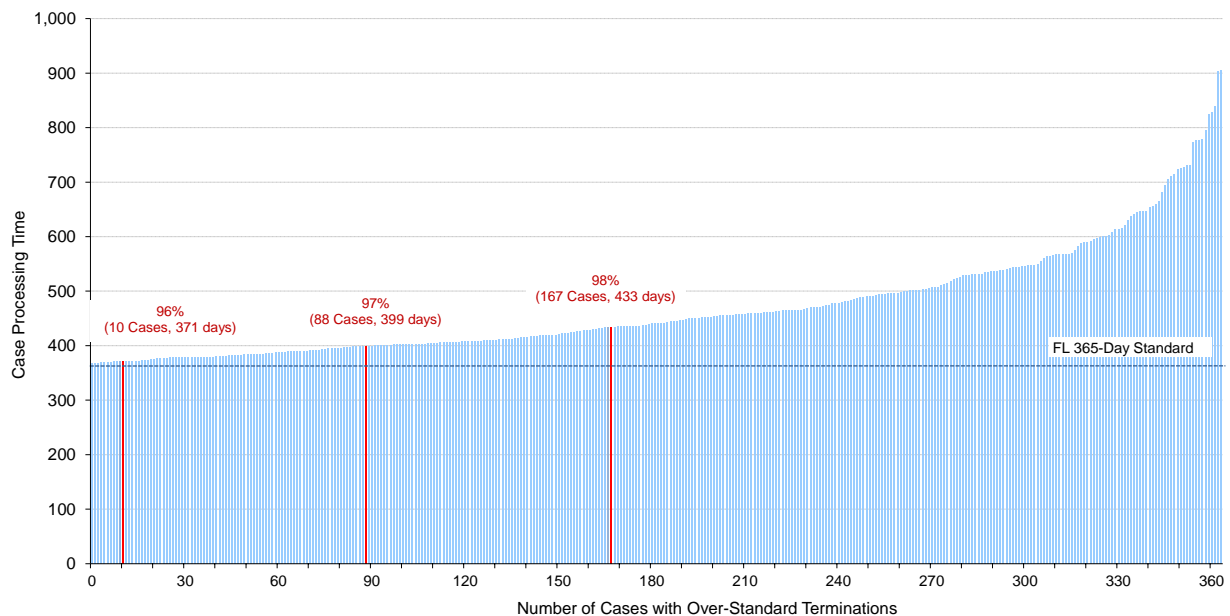
* ACT = Average Case Time (in days)

** 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.

⁸ For FY15, the Maryland Judiciary defined that limited divorce cases are identified as such at the time of filing whereas in the FY14 analysis, we identified limited divorce cases at the time of case stop or the time of judgment of limited divorce. Accordingly, the court's FL case processing performance between FY14 and FY15 under the new standards is not comparable.

Figure C.1 presents the distribution of the 364 of the non-limited divorce FL cases that were terminated over-standard. The figure also shows how many additional over-standard cases would need to be terminated within the 365-day standard to improve the court's case processing performance. Improving the current performance of 94% to 96% (or at least 95.5%) would require an additional 10 over-standard cases with the case time up to 371 days to be terminated within 365 days. To further improve the performance by another percentage point to 97%, the court would need to terminate an additional 78 over-standard cases with the case time up to 399 days within-standard. To meet the goal of 98%, the court would need to double the number of over-standard cases (167 cases with the case time of 433 days) to be terminated within the time standard.

Figure C.1 FL Case Over-Standard Terminations, FY15



Case Terminations by DCM Track

Montgomery County Circuit Court's FL Differentiated Case Management (DCM) plan provides the following six tracks:

- Track 0: Uncontested divorce without summons (889 terminations in FY15, 839 in FY14, 773 in FY13, 814 in FY12; 824 in FY11; 749 in FY10)
- Track 1: Uncontested divorce with summons (2,255 terminations in FY15, 2,268 in FY14, 2,449 in FY13, 2,575 in FY12; 2,333 in FY11; 2,263 in FY10)
- Track 2: Divorce with no physical custody issues and limited discovery (771 terminations in FY15, 801 in FY14, 786 in FY13, 928 in FY12; 809 in FY11; 869 in FY10)
- Track 3: Divorce with physical custody issues and/or moderate discovery (570 terminations in FY15, 573 in FY14, 552 in FY13, 567 in FY12; 516 in FY11; 551 in FY10)

Track 4: “Judge Track” divorce reserved for cases involving extensive property holdings, complicated business valuations, significant assets held in various forms, pensions, alimony and other support issues along with custody, visitation and divorce (6 terminations in FY15, 9 in FY14, 3 in FY13, 6 in FY12; 5 in both FY11 and FY10)

No Track (“Track N”): Cases with other issue(s) such as guardianships, uniform support, change of name, paternity, URESA, emergency psychological evaluation, and waiver of court costs (3,685 terminations in FY15, 3,559 in FY14, 3,581 terminations in FY13, 3,642 in FY12; 3,547 in FY11; 3,339 in FY10)

Table C.3 presents the number and distribution of FL cases and their case processing performance by DCM Track for limited divorce and all other FL cases. As noted above, there were 310 FL cases with the limited divorce subtype, and all but three cases were terminated within the 24-month standard (99% within-standard terminations), exceeding the statewide goal of 98% within-standard terminations. As shown on the top half of the table, all Tracks met or exceeded the 98% performance goal.

Table C.3 Family Law Case Terminations by Termination Status (Within or Over the Standards), and Track, and Case Type, FY15

DCM Track	N	Overall Terminations		Within-Standard Terminations (WST)				Over-Standard Terminations (OST)			
		% of Total	ACT*	N	% of WST	% of Track	ACT*	N	% of OST	% of Track	ACT*
Limited Divorce cases (24 months)											
Track 0	7	2%	371	7	2%	100%	371	0	0%	0%	0
Track 1	111	36%	197	111	36%	100%	197	0	0%	0%	0
Track 2	98	32%	368	97	32%	99%	364	1	33%	1%	763
Track 3	94	30%	430	92	30%	98%	423	2	67%	2%	772
Track 4	0	0%	NA	0	0%	0%	NA	0	0%	0%	NA
Track N	0	0%	NA	0	0%	0%	NA	0	0%	0%	NA
Total	310	100%	326	307	100%	99%	322	3	100%	1%	769
Other FL cases (12 months)											
Track 0	882	11%	62	880	12%	>99%	61	2	1%	<1%	386
Track 1	2,144	27%	154	2,094	28%	98%	147	50	14%	2%	432
Track 2	673	9%	264	530	7%	79%	213	143	39%	21%	453
Track 3	476	6%	300	335	4%	70%	216	141	39%	30%	500
Track 4	6	0%	532	1	0%	17%	321	5	1%	83%	574
Track N	3,685	47%	94	3,662	49%	99%	91	23	6%	1%	480
Total	7,866	100%	134	7,502	100%	95%	118	364	100%	5%	472

* ACT = Average Case Time (in days)

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

The bottom half of the table presents the DCM Track-specific case processing performance of non-limited divorce FL cases. Of those cases terminated during FY15, 85% are either Track 0 (11%), 1 (27%) or N (47%) cases with their performance meeting or exceeding the statewide goal of 98% of cases terminated within the 365-day standard. The remaining 15% of the cases are contested divorce, custody, and other family cases (Tracks 2, 3 and 4) with a much lower case processing performance, ranging from 17% to 79%. Consequently, the overall case processing performance of the non-limited divorce cases was 95%. As observed in previous years, the court’s overall FL case processing performance is a reflection of the composition of two groups of FL: one group of cases consisting of Tracks 0, 1, and N that

constitute over 80% of the total terminations and are characterized with favorable performance; and the other group of cases largely consisting of Tracks 2, 3, and 4 cases, or contested divorce cases, characterized with less favorable performance. Since the case processing performance of less complex cases has already met or exceeded the 98% goal, for the court to further improve its performance, the majority of the over-standard cases in Tracks 2, 3, and 4 need to be closed within-standard.

Case Terminations by Postponements

As in the previous year's report, this year's analysis of postponements also includes hearing and trial postponements. Of the 310 limited divorce cases closed during FY15, 110 (35%) experienced postponements, and only one case that resulted in an over-standard termination (99% within-standard terminations). Thus with or without postponements, limited divorce cases are likely to close within the 730-day time standard. The comparison of ACT between cases with and without postponements indicates that having postponements would increase the case time on average by 152 days (56%) from 272 to 424 days.

Table C.4 presents the number, percentage, and ACT by the termination status and DCM Track for all other FL cases with and without postponements. Of the 7,866 cases, 906 cases (12%) had one or more postponements. Even with postponements, 99% of cases in Track 0, 94% of Track N and 91% of Track 1 cases were closed within-standard. In contrast, only 65% of Track 2, 44% of Track 3, and 0% of Track 4 cases with postponements were closed within-standard.

Table C.4 All Other FL Case Terminations by Trial and Hearing Postponements, Termination Status (Within or Over the 12-month Standard), and Track, FY15

<u>Terminations With Postponements</u>										
DCM Track	Total Terminations	Overall Terminations % of Total			Within-Standard Terminations % of			Over-Standard Terminations % of		
		N	Track	ACT*	N	Track	ACT*	N	Track	ACT*
Track 0	882	92	10%	92	91	99%	88	1	1%	382
Track 1	2,144	221	10%	208	202	91%	186	19	9%	449
Track 2	673	207	31%	332	134	65%	253	73	35%	477
Track 3	476	165	35%	407	73	44%	267	92	56%	519
Track 4	6	5	83%	574	0	0%	0	5	100%	574
Track N	3,685	216	6%	216	203	94%	200	13	6%	465
Total	7,866	906	12%	265	703	78%	199	203	22%	494
<u>Terminations Without Postponements</u>										
DCM Track	Total Terminations	Overall Terminations % of Total			Within-Standard Terminations % of			Over-Standard Terminations % of		
		N	Track	ACT*	N	Track	ACT*	N	Track	ACT*
Track 0	882	790	90%	58	789	>99%	58	1	<1%	390
Track 1	2,144	1,923	90%	148	1,892	98%	143	31	2%	421
Track 2	673	466	69%	234	396	85%	200	70	15%	429
Track 3	476	311	65%	243	262	84%	201	49	16%	466
Track 4	6	1	17%	321	1	100%	321	0	0%	0
Track N	3,685	3,469	94%	86	3,459	>99%	85	10	<1%	498
Total	7,866	6,960	88%	117	6,799	98%	109	161	2%	443

* ACT = Average case time, in days.

The bottom half of the table shows the court's case processing performance of the remaining 6,960 (88%) cases terminated without postponements. Overall, 98% of those cases were closed within-standard, thus meeting the statewide 98% goal. In particular, at least 99% of the cases in Tracks 0, 4, and N were closed within the 1-year standard, exceeding the 98% goal. In comparison, only 85% and 84% of Tracks 2 and 3 cases were closed within the time even without postponements. Thus, for contested absolute divorce cases (most of which are assigned to Tracks 2 and 3), postponements, while playing a major role in determining their case time, are not a sole factor impacting their timely disposition. There are also 31 such cases in Track 1. While MD Rule 2-507 related issues such as unsuccessful service and extended case inactivity may be considered as a possible factor for over-standard terminations of those cases, an additional analysis is needed to identify factors responsible for their case processing performance.

Similar to FY14, in FY15 over 90% of non-limited divorce FL cases with postponements had one or two postponements. As stated above and shown in Table C.5, cases without postponements are likely to close within the time standard with only 2% likelihood of over-standard terminations. With one postponement, the likelihood of over-standard terminations increases to 16%; with two postponements, 37% of cases were closed over-standard; with three or more postponements, the likelihood of over-standard terminations is at least 66%. Among contested divorce cases, 15% were closed without any postponements; 36% with one postponement and 79% with 3 or more postponements.

Table C.5 All Other FL Case Terminations* by the Number of Trial and Hearing Postponements, Termination Status (Over the 12-month Standard), All Cases and Contested Divorce Cases (Tracks 2, 3, and 4), FY15

Number of Postponements	All Cases			Contested Divorce		
	N	Over-Standard Terminations		N	Over-Standard Terminations	
		N	%		N	%
0	6,960	161	2%	778	119	15%
1	702	111	16%	268	96	36%
2	148	55	37%	71	44	62%
3	37	22	59%	24	19	79%
4	11	8	73%	8	5	63%
5 or more	8	7	88%	6	6	100%
Total	7,866	364	5%	1,155	289	25%

* Excludes divorce cases that are limited divorce as defined by the caseload assessment.

As observed in FY14, 'Calendar Conflicts' (16% of the total postponement reasons in FY15), 'Discovery/ADR Incomplete' (15%), 'Letter/Line of Agreement Received' (14%), 'Witness Unavailable/New Witness Identified' (10%) and 'Weather/Court Emergencies/Administrative Court Closure' (6%) were the top five postponement reasons, accounting for 60% of the postponement reasons. 'Calendar Conflicts' and 'Discovery/ADR Incomplete' are also two of the most frequently cited reasons associated with over-standard terminations; 37% of the former and 38% of the latter reason are associated with over-standard terminations. Other postponement reasons with relatively high occurrences and associated with over-standard terminations at a high percentage include 'Illness, Medical Emergency or Death' (53 occurrences, 58% of the cases with this postponement reason resulting in over-standard terminations), 'Settlement, Plea or Reconciliation In Progress' (40 occurrences, 65%), 'Reports And Evaluations not

Completed/Evaluation Reordered' (24 occurrences, 54%), 'New Complaints/Petitions/3rd Party Comp/Consolidation Pend/Comp Not At Issue/Ripe' (21 occurrences, 62%).

Case Terminations by Main Charge

Table C.6 presents the number and percentage of case terminations in FY13, FY14, and FY15 by the main charge, the first charge listed on the case's charge list. To make the comparison across fiscal years possible, the original 12-month standard was applied to all FL cases, including limited divorce cases. As observed in the past, over 40% of the cases terminated in FY15 had absolute divorce as their main charge, followed by uniform support (13%), name change (11%) and custody (10%). The cases with these four main charges account for three quarters of the FL cases terminated in FY15, as well as in FY13 and FY14.

Table C.6 Case Terminations by Main Charge under the 12-Month Time Standard and Sub-Type at Closure, FY13-FY15

Main Charge	All Terminations				Over-Standard Terminations				% Over-Standard		
	FY15		FY14	FY13	FY15		FY14	FY13	FY15	FY14	FY13
	N	%*	%*	%*	N	%*	%*	%*	%†	%†	%†
Divorce Absolute	3,426	42%	43%	44%	383	77%	79%	83%	11%	12%	11%
Uniform Support	1,033	13%	13%	12%	4	1%	2%	1%	<1%	1%	1%
Change of Name	930	11%	10%	9%	7	1%	<1%	<1%	1%	<1%	<1%
Custody	845	10%	10%	10%	55	11%	8%	7%	7%	5%	4%
Appt. of Guardian	483	6%	5%	5%	6	1%	<1%	<1%	1%	<1%	<1%
Paternity	457	6%	7%	7%	3	1%	3%	3%	1%	3%	2%
Waive Court Cost	309	4%	4%	4%	0	0%	0%	0%	0%	0%	0%
URESA	210	3%	3%	2%	1	<1%	1%	1%	<1%	3%	2%
Divorce Limited	136	2%	2%	2%	35	7%	6%	4%	26%	23%	15%
Enroll Foreign Decree	95	1%	2%	1%	0	0%	0%	0%	0%	1%	0%
Amend Birth Certificate	56	1%	0%	1%	1	<1%	0%	0%	2%	0%	0%
Misc. Petition	43	1%	0%	1%	0	0%	0%	0%	0%	0%	0%
Visitation	42	1%	1%	1%	0	0%	<1%	0%	0%	2%	0%
Amend Marriage License	39	<1%	<1%	1%	0	0%	0%	0%	0%	0%	0%
Support	20	<1%	<1%	<1%	2	<1%	0%	0%	10%	0%	0%
Annulment of Marriage	12	<1%	<1%	<1%	1	<1%	0%	<1%	8%	0%	6%
Other	40	<1%	<1%	<1%	0	0%	0%	<1%	0%	0%	<1%
Total	8,176	100%	100%	100%	498	100%	100%	100%	6%	7%	6%

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

* Percentage of overall terminations and that of over-standard cases, respectively.

† Percentage of terminations with a given main charge that resulted in over-standard terminations.

Overall, less than half (44%) of the FL cases terminated in FY15 had a main charge associated with absolute divorce (42%), limited divorce (2%), and annulment of marriage (less than 1%). In contrast, these cases are over-represented among cases with over-standard terminations; 84% of the cases with over-standard terminations are absolute divorce cases and limited divorce cases. Because divorce cases typically involve custody/access and property/financial issues, it may be reasonable to expect some of these cases to take longer than others. As the last three columns of the table also indicate, those cases have a substantially higher likelihood of closing over-standard when examined by applying the original 365-day time standard to all FL cases (11% for absolute divorce cases and 26% for

limited divorce cases in FY15). Custody and support cases also have a high percentage (7% and 10% respectively) of over-standard terminations.

Recommendations for Montgomery County Circuit Court

- *Information Sharing:* FY15 case processing performance results will be shared with the Montgomery County Circuit Court family law bench, family law bar, as well as pertinent clerk and administration personnel.
- *Analysis:* Review the case processing performance of cases in Tracks 2, 3, and 4 (contested divorce cases). Specifically:
 - The cases resulting in over-standard terminations without postponements – Review the case progress in light of the FL DCM plan and identify at which point(s) in their case process that performance begins to falter. In particular, examine the following issues:
 - MD Rule 2-507-related issues (service and/or inactivity)
 - The current multi-stage approach in resolving contested divorce cases and associated business processes in terms of time required to complete each process
 - Any other potential issues that might have been impacting the progress of cases
 - The over-standard termination cases with postponements – Examine the differential impact of hearing and trial postponements and the cumulative impact of multiple postponements on the case processing performance.
 - Based on the analysis mentioned above, develop mechanisms to actively monitor the progress of contested divorce cases.

Recommendations for the Case Management Sub-Committee

- *Information Sharing:* It is recommended that the statewide case assessment report be made available on the Maryland Judiciary's internet site, and that local courts' case assessment reports be shared on the Maryland Judiciary's intranet site (CourtNet).
 - It is further recommended that the sub-committee identify circuit courts that consistently meet/exceed the family time standards, in particular in their processing of contested divorce cases, and create opportunities for them to share their best practices with other courts.

Developing a Working Group to Perform Additional Analyses or Inform MDEC Case Management Monitoring

- It is recommended that the sub-committee develop a working group to discuss additional measures that may be useful when assessing the impact of family DCM plans and associated business practices that are currently or planned to be implemented per Maryland Rule 16-202(b). It is also recommended that those measures be incorporated in the DCM plan templates as a key component of effective case management to guide courts. These discussions would ultimately help inform the development, analysis, and reporting of DCM-related measures within Odyssey.

Recommendations for Working Group Initiatives-Future Statewide Performance Analyses

- It is recommended that the sub-committee develop a working group to analyze the merit of the 730-day time standard for limited divorce cases given the rationale that this time

standard is needed because limited divorces are filed with not only the intent of receiving an absolute divorce but also often times before the statutorily-required separation period is over. See Appendix A for a preliminary analysis performed by Montgomery County Circuit Court to inform this working group discussion.

- It is recommended that the sub-committee consider excluding additional case sub-types from the family case processing analysis. The Maryland Time Standards exclude certain types of cases from the annual assessment analysis for a variety of reasons one of which is limited judicial involvement. However, the caseflow assessment data for family law cases includes a large number of cases that normally close immediately after filing such as enrollment of foreign judgment, name change, a petition for the filing of fee waiver, and a petition for emergency psychological evaluation, etc. In Montgomery County Circuit Court, those cases consist of over 80% of family terminations. Excluding those cases and focusing on cases involved in dissolution, divorce, and/or allocation of parental responsibility would not only focus attention on those cases requiring a substantial amount of judicial resources but also align with national standards such as the Model Time Standards⁹, which was jointly approved by the Conference of State Court Administrators, the American Bar Association, the Conference of Chief Justices, and the National Association for Court Management.
- It is recommended that the sub-committee develop a working group to examine the feasibility of performing a sub-analysis of attorney representation status at the time of disposition (i.e., case stop). The Maryland Assessment Application has two data fields: Defendant Represented by Stop Date and Plaintiff Represented by Stop Date that capture information about representation status. Given court and public interest in the issue of self-represented litigants and the impact on court resources and case processing, it would be useful to discuss how best to operationalize and analyze these data elements. First-level discussions and analysis could focus on:
 - Determinations of representation status at the time of case filing, disposition, any major court event(s), and/or any time while the case was open.
 - Certain family cases may need to be excluded from the representation analysis such as those that close quickly after filing (i.e., enrollment of foreign judgment/decreed).
 - Number and percentage of cases where no parties are represented, one party is represented, and both parties are represented.

⁹ Van Duizend, R, Steelman, D and Suskin, L. 2012. Model Time Standards for State Trial Courts. National Center for State Courts, Williamsburg, VA.

Juvenile Delinquency Case Terminations Fiscal Year 2015 Case Terminations

	Juvenile Case Time Definitions	Percent Within 3-month (90 day) Standard	Additional Montgomery County Measurements†	
Juvenile Delinquency Case Standards and Montgomery County Measures			<u>Original Offense Date to Filing:</u> FY2005: 109 days FY2006: 101 days FY2007: 112 days FY2008*: 116 days FY2009: 103 days FY2010: 102 days FY2011: 96 days FY2012: 101 days FY2013: 91 days FY2014: 124 days FY2015: 133 days	<u>Average Case Processing Time:</u> FY2005: 40 days FY2006: 40 days FY2007: 41 days FY2008*: 46 days FY2009: 47 days FY2010: 45 days FY2011: 46 days FY2012: 45 days FY2013: 49 days FY2014: 55 days FY2015: 52 days
	<u>Case Time Start:</u> First appearance of respondent or entry of appearance by counsel.	<u>State-Set Goal:</u> 98%	<u>Filing to First Appearance:</u> FY2005: 24 days FY2006: 21 days FY2007: 22 days FY2008*: 25 days FY2009: 32 days FY2010: 40 days FY2011: 23 days FY2012: 15 days FY2013: 13 days FY2014: 22 days FY2015: 22 days	
	<u>Case Time Stop:</u> Disposition (jurisdiction waived, dismissal, stet, probation, found delinquent/found not delinquent, nolle prosequi).	<u>Montgomery County:</u> FY2005: 99% FY2006: 99% FY2007: 98% FY2008*: 95% FY2009: 96% FY2010: 96% FY2011: 97% FY2012: 95% FY2013: 95% FY2014: 92% FY2015: 95%	<u>Filing to Case Stop:</u> FY2005: 70 days FY2006: 75 days FY2007: 77 days FY2008*: 69 days FY2009: 72 days FY2010: 81 days FY2011: 68 days FY2012: 60 days FY2013: 62 days FY2014: 70 days FY2015: 67 days	

Note: Juvenile delinquency case time is suspended for a body attachment being issued, mistrial, general psychological evaluation, petition for waiver to adult court, competency evaluation, pre-disposition investigation report order, pre-disposition treatment program, interlocutory appeal, postponed due to DNA/forensic evidence unavailable, and military leave.

* FY08 results are based on a sample of 510 juvenile delinquency cases.

† For CY2001-CY2003 and FY2005-FY2009, the additional measures were calculated by Data Processing (DP) based on its sample except for the average case processing time. However, for FY2010 through FY2014, the additional measures were calculated by court research staff using the full population of juvenile delinquency case terminations. For the additional measure "Filing to Case Stop" suspension time was subtracted from the raw case time (where appropriate).

Juvenile Delinquency Case Processing Performance

In Fiscal Year 2015 (FY15), the Montgomery County Circuit Court reached disposition in (or otherwise closed) 628 juvenile delinquency cases, reflecting a 6% increase from FY14. This is the second greatest increase in delinquency terminations since the 15% increase that occurred between FY2005 and FY2006. Prior to FY15, the number of delinquency petitions filed with the court had decreased by 53% from 1,311 petitions filed in FY10 to 613 petitions filed in FY14. In FY15, the number of delinquency petitions filed increased to 746, reflecting a 22% increase over the number of FY14 delinquency petitions.

The Maryland Judiciary's performance goal and time standard for juvenile delinquency cases are to have 98% of delinquency cases reach disposition within 90 days from the first appearance of the respondent or entry of respondent's counsel.

Table D.1 Number of Juvenile Delinquency Case Terminations, FY04-FY15

Terminations			Within-Standard Terminations			Over-Standard Terminations		
			3-month (90 days) Standard			3-month (90 days) Standard		
Fiscal Year	N	ACT*	N	% of Total	ACT*	N	% of Total	ACT*
FY04	1,521	43	1,490	98%	39	31	2%	198
FY05	1,431	40	1,416	99%	39	15	1%	122
FY06	1,651	40	1,634	99%	39	17	1%	143
FY07	1,485	41	1,455	98%	40	30	2%	119
FY08**	(510)	46	(484)	95%	42	(26)	5%	127
FY09	1,384	47	1,324	96%	43	60	4%	134
FY10	1,316	45	1,261	96%	42	55	4%	113
FY11	1,092	46	1,059	97%	44	33	3%	111
FY12	1,006	45	953	95%	42	53	5%	115
FY13	861	49	815	95%	45	46	5%	125
FY14	594	55	549	92%	49	45	8%	128
FY15	628	52	595	95%	47	33	5%	148
<i>FY16</i>								
<i>(1st Qtr.)</i>	<i>227</i>	<i>50</i>	<i>217</i>	<i>96%</i>	<i>46</i>	<i>10</i>	<i>4%</i>	<i>137</i>

* ACT = Average Case Time

** The full juvenile caseload for FY08 is 1,492.

The court's analysis of its FY15 case processing performance began in January 2015. At the mid-point of the fiscal year, court research staff analyzed case processing performance for all juvenile delinquency cases that reached disposition or otherwise closed. The result is as follows:

- Juvenile Delinquency: 94% within the 90-day time standard (N = 327)

These preliminary results were shared with court administration and clerk staff and ultimately with the juvenile bench and bar, as well as the Family Judge In-Charge. In looking at the results for the full fiscal year, the court's juvenile delinquency case processing performance returned to a 95% performance level, which is comparable to that achieved in

FY12 and FY13. The court improved its juvenile delinquency case processing performance by three percentage points when compared to FY14 (92%).

The overall ACT decreased by three days from 55 days in FY14 to 52 days in FY15. The FY15 decrease in the overall ACT is driven by the decrease in the ACT for within-standard cases, which reduced from 49 days to 47 days. The over-standard ACT increased by 20 days between FY14 and FY15 due to a few cases with particularly long case processing times.¹⁰

A preliminary analysis was performed of juvenile delinquency cases that reached disposition or otherwise reached case stop within the first quarter of FY16 (July 1, 2015-September 30, 2015). Of the 227 that reached termination, 96% closed within the 90-day time standard (n = 217). If we assume a similar sized caseload to that achieved in FY15, the first quarter caseload of FY16 represents approximately 36% of the entire, estimated FY16 caseload.

Figure D.1 Termination Profiles of Juvenile Delinquency Cases, FY10-FY15

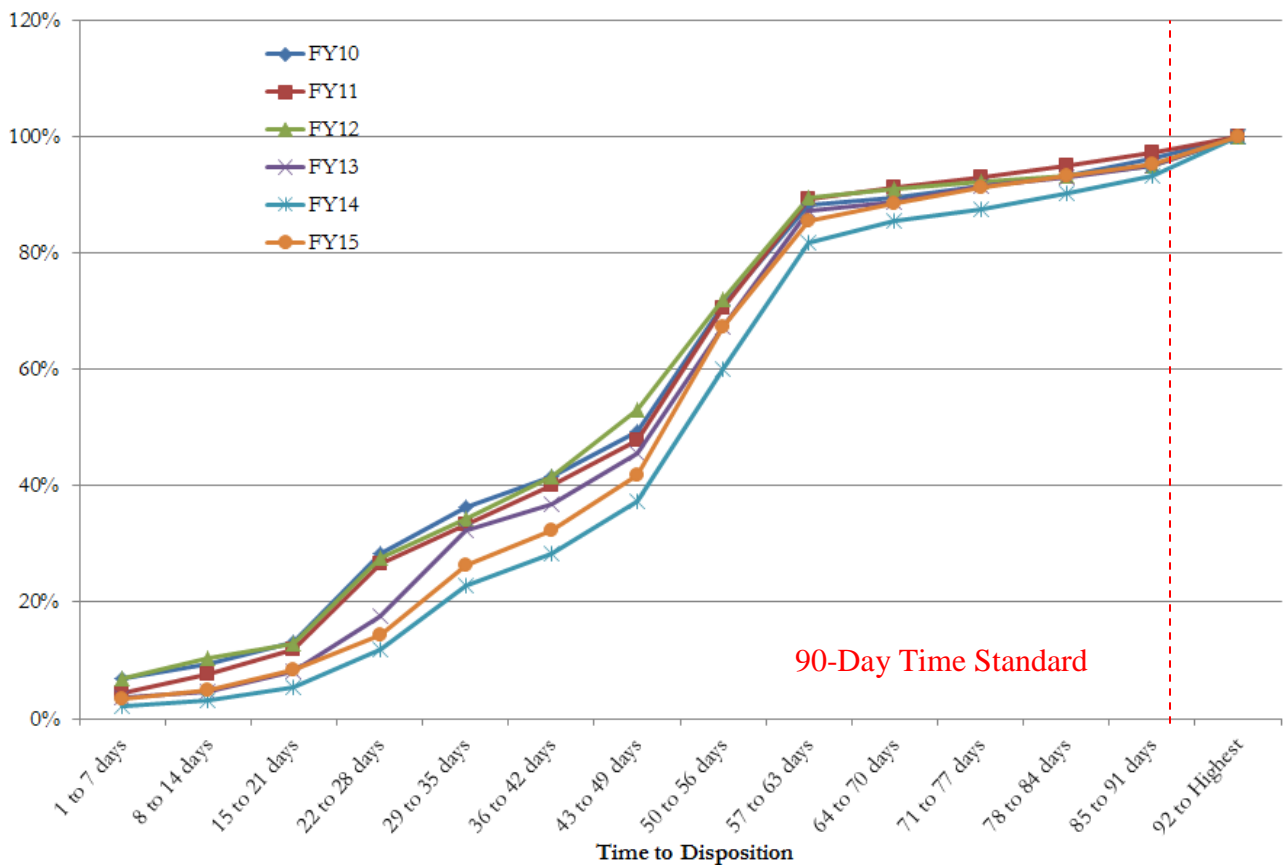


Figure D.1 provides an alternative view of the processing of juvenile delinquency cases. The figure displays the (cumulative) percentages of delinquency cases that concluded disposition (or otherwise closed) within defined time periods. As noted last year, the FY14 resolution profile trails behind the profiles for FY10 through FY13. Between FY10 and FY13, no less than 87% of cases reached disposition by day 63, which is comparable to FY15 (86%).

¹⁰ See 6J13129, 6J13135, and 6J13403.

Case Terminations by DCM Track

The Montgomery County Circuit Court juvenile DCM plan has two separate tracks for delinquency cases based on custody status:

Track 1: Delinquent detention/shelter care

Track 2: Delinquent non-detention

Table D.2 provides the number of delinquency cases closed by termination status (within- and over-standard) and DCM track. Similar to previous years, the vast majority (87%) of juvenile delinquency cases are associated with Track 2 (non-detention) at the time of disposition (or case closure), with the remaining associated with Track 1 (detention). On average, Track 2 cases have a longer overall ACT (54 days) than Track 1 cases (37 days), which is consistent with the statutory timelines for each of the custody statuses (44 days for detained respondents and 90 days for respondents in a non-detained status).

Similar to previous fiscal years, in FY15, Track 1 delinquency cases met the performance goal. In contrast, among the Track 2 cases, 94% closed within the 90-day time standard. The case processing performance of juvenile delinquency cases largely hinges upon how the court processes its Track 2 cases.

Table D.2 FY15 Juvenile Delinquency Case Terminations by Termination Status (Within or Over the 3-month Standard) 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*
Track 1	84	13%	37	83	14%	99%	36	1	3%	1%	91
Track 2	544	87%	54	512	86%	94%	48	32	97%	6%	150
Total	628	100%	52	595	100%	95%	47	33	100%	5%	148

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

Juvenile Delinquency Case Terminations by Postponements

In FY15, the percentage of postponed delinquency cases is slightly higher than FY14 (50% versus 46%). Of the postponed cases, 92% closed within the 90-day time standard. FY15 cases without postponements met the performance goal. All Track 1 and Track 2 cases without postponements closed within the time standard. Seventy-nine percent of the over-standard juvenile delinquency cases in FY15 were postponed.

Among FY15 postponed delinquency cases, 65% were postponed once; 23% postponed twice; and 12% postponed three to six times. Over 50% of the over-standard, postponed delinquency cases had two or more hearing postponements (pre-adjudication/adjudication/disposition), whereas less than a third of within-standard postponement cases had two or more hearing postponements.

The primary reason for postponing a hearing (non-adjudicatory/adjudicatory) is ‘Calendar Conflicts’ (40%; 27% among postponements in over-standard cases). Other than ‘Calendar Conflicts’, the most frequently cited postponement reasons among over-standard juvenile delinquency cases include: ‘Reports and Evaluations Not Completed/Re-Evaluation Ordered’ (10%); ‘Discovery/ADR Incomplete and/or Discovery Disputes/Additional Time Needed to Prepare’ (8%); ‘Illness/Medical Emergency or Death’ (8%); ‘New Counsel Sought or Has Entered Their Appearance or Not Appointed’ (8%) and ‘Due to Preliminary Matters’ (8%).

Table D.3 FY15 Juvenile Delinquency Case Terminations by Postponements, Termination Status (Within or Over the 3-month Standard), and Track

<u>With Postponements</u>										
DCM Track	Total Terminations	Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
		N	% of Total Track	ACT*	N	Track	ACT*	N	Track	ACT*
Track 1	84	58	69%	43	57	98%	42	1	2%	91
Track 2	544	257	47%	64	232	90%	54	25	10%	158
Total	628	315	50%	60	289	92%	51	26	8%	156
<u>Without Postponements</u>										
DCM Track	Total Terminations	Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
		N	% of Total Track	ACT*	N	Track	ACT*	N	Track	ACT*
Track 1	84	26	31%	22	26	100%	22	---	---	---
Track 2	544	287	53%	46	280	98%	44	7	2%	119
Total	628	313	50%	44	306	98%	42	7	2%	119

* ACT = Average case time, in days.

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

Recommendations for Montgomery County Circuit Court

Information Sharing

- FY15 case processing performance results will be communicated to the Montgomery County Circuit Court juvenile bench, juvenile bar, as well as pertinent clerk and administrative personnel.

Data Collection

- Continued dialog will occur with Quality Control and Data Programming staff to ensure that programming logic aligns with defined case time standards requirements, as well as to ensure that all staff have access to the appropriate data files for review and analysis purposes.
- *Analysis:* A preliminary, more in-depth analysis of over-standard Track 2 cases has been performed (see Table D.4) among cases where the respondent was found involved. The analysis examines the average length of time between case start and adjudication, between adjudication and disposition, and total case time among this sub-group of

respondents.¹¹ In FY15, among over-standard, Track 2 cases, the average length of time to adjudication is 65 days, whereas the average length of time to disposition is 96 days (median days = 55). Additional analyses may be useful to more clearly understand the reasons behind the longer case processing time spent between adjudication and disposition when compared against the 30-day statutory timeline (Maryland Rule 11-115.a) for non-detained youth.

Table D.4 Track 2 Over-standard Cases where Respondents are Found Involved: Average Time between Case Start and Adjudication, Adjudication and Disposition, and Overall (Preliminary)

	Total Number of Eligible Over- Standard Cases	Average Time: Case Start to Adjudication	Average Time: Adjudication to Disposition	Total Average Case Time
FY11	25	55	57	112
FY12	46	53	63	116
FY13	38	75	49	124
FY14	39	69	58	127
FY15	24	65	96	160*

Note: The ‘Average Time: Adjudication to Disposition’ is skewed due to three cases with case processing times from adjudication to disposition ranging from 253 days to 500 days. The court has reviewed these cases and will communicate the findings to the pertinent internal and external stakeholders.

* In FY15, the two average values do not exactly total to the average case time (overall) because there is one case where the disposition finding was made a day before the final disposition order entered closing the case.

- *Policy:* Provided below is a preliminary analysis of Track 1 (detained) case processing performance against the current and two alternate time standards.¹² As reported in the main text of this report, 99% of Track 1 cases met the performance goal and reached disposition (or otherwise closed) by the 90th day. However, if we apply a 44-day time standard and a 74-day time standard to all Track 1 cases, the performance reduces to 69% and 92%, respectively. As Montgomery County Circuit Court defines additional measures by which to examine the effectiveness of its juvenile case management practices, it may be useful to discuss whether some of these additional time standards should be more routinely examined and reported.

¹¹ It is important to note that “adjudication” is identified to have occurred on the date when the respondent was found involved, and “disposition” is identified to have occurred on the date when the respondent was found to be delinquent or not delinquent. A finding of delinquent or not delinquent may occur on the same day as an adjudication hearing when the notice of a separate disposition hearing has been waived.

¹² According to the Maryland Rules, courts are expected to reach adjudication within 30 days from the date on which the court ordered continued detention for detained respondents (Maryland 11-114.b.2) and 60 days from the date the juvenile petition is served on the respondent (unless a waiver petition is filed) for non-detained respondents (Maryland Rule 11-114.b.1). With regard to disposition, the Maryland Rules state that disposition should be reached no later than 14 days after the adjudication hearing (Courts section 3-8A-15(d)(6)(ii)) for detained youth and no later than 30 days after the conclusion of the adjudication hearing (Maryland Rule 11-115.a.) for non-detained respondents.

Table D.5 Preliminary Analysis – Alternate Track 1 Case Processing Performance

Time Standards	% Within-Standard		Average Case Time					
			Within-Standard		Over-Standard		Overall	
	FY14	FY15	FY14	FY15	FY14	FY15	FY14	FY15
90-day (Current)	98%	99%	33	36	97	91	34	36
44-day (per statute/MD Rule)	77%	69%	24	24	67	64	34	36
74-day (per statute/MD Rule, detention status switch)	94%	92%	31	32	90	84	34	36

Recommendations for the Case Management Sub-committee

Information Sharing

- It is recommended that the statewide case assessment report be made available on the Maryland Judiciary’s internet site, and that local courts’ case assessment reports be shared on the Maryland Judiciary’s intranet site (CourtNet).

Developing a Working Group to Perform Additional Analyses or Inform MDEC Case Management Monitoring

- It is recommended that the sub-committee develop a working group to discuss additional measures that may be useful when assessing the impact of juvenile delinquency DCM plans and associated business practices that are currently or planned to be implemented per Maryland Rule 16-202(b). It is also recommended that those measures be incorporated in the DCM plan templates as a key component of effective case management to guide courts. These discussions would ultimately help inform the development, analysis, and reporting of DCM-related measures within Odyssey.

Technical Case Assessment Application Modification

- It is requested that the sub-committee consider making a recommendation to JIS to assess the feasibility of implementing a ‘flag’ or indicator within the case assessment application to identify juvenile delinquency cases that remain in a detained status (from case start to case stop), remain in a non-detained status (from case start to case stop), and that switch between detention status (prior to case stop). This information will allow courts to examine case processing performance against statutory timelines that differ depending on the detention status of respondents. Further, this information is useful as courts progress in their use of data to assess compliance with statutory timelines and DCM plans. For an example of the analysis that can be performed with this additional information, please refer to Appendix B.
- It is requested that the sub-committee consider making a recommendation to JIS to assess the feasibility of implementing an additional measure of ‘Time between Adjudication and Disposition’ and to ensure that any suspension time is excluded from the calculation of this newly created variable as well as the currently available, optional variable ‘C_AdjudicationTime’ (as contained in the AOC’s Case Assessment Application). It would also be useful to have a sort feature for the finding(s) made at adjudication and disposition (i.e., Involved/Not Involved and Found Delinquent/Found Not Delinquent). Once created, it would be useful to have a report that displays the average time between these key court events (or findings). For an example of the

analysis that can be performed with these additional variables, please refer to Appendix C.

Child Welfare Case Processing Performance Fiscal Year 2015

Case Type	Case Time Definitions	Within-Standard Percentage	Average Case Time
CINA Shelter	<u>Case Time Start:</u> Shelter Care Hearing, CINA Petition Granted. <u>Case Time Stop:</u> Adjudication.	<u>Performance Goal:</u> 100% within 30 days FY2005: 71% FY2006: 70% FY2007: 60% FY2008: 80% FY2009: 69% FY2010: 80% FY2011: 79% FY2012: 74% FY2013: 72% FY2014: 81% FY2015: 57%	FY2005: 30 days FY2006: 30 days FY2007: 35 days FY2008: 27 days FY2009: 34 days FY2010: 26 days FY2011: 27 days FY2012: 28 days FY2013: 34 days FY2014: 27 days FY2015: 33 days
CINA Non-Shelter	<u>Case Time Start:</u> Service of CINA Petition. <u>Case Time Stop:</u> Adjudication.	<u>Performance Goal:</u> 100% within 60 days FY2005: 97% FY2006: 76% FY2007: 88% FY2008: 90% FY2009: 81% FY2010: 97% FY2011: 100% FY2012: 98% FY2013: 66% FY2014: 89% FY2015: 100%	FY2005: 34 days FY2006: 52 days FY2007: 44 days FY2008: 43 days FY2009: 56 days FY2010: 39 days FY2011: 35 days FY2012: 38 days FY2013: 48 days FY2014: 41 days FY2015: 33 days
TPR	<u>Case Time Start:</u> TPR Petition Filed. <u>Case Time Stop:</u> Final Order of Guardianship entered.	<u>Performance Goal:</u> 100% within 180 days FY2005: 60% FY2006: 56% FY2007: 42% FY2008: 61% FY2009: 95% FY2010: 82% FY2011: 97% FY2012: 97% FY2013: 96% FY2014: 100% FY2015: 100%	FY2005: 179 days FY2006: 169 days FY2007: 208 days FY2008: 187 days FY2009: 145 days FY2010: 150 days FY2011: 115 days FY2012: 157 days FY2013: 142 days FY2014: 150 days FY2015: 133 days
Note: CINA shelter and non-shelter case processing time is suspended for military leave and FTA/Body Attachment (beginning in FY11). TPR case processing time is suspended for interlocutory appeal and military leave.			

Child In Need of Assistance (CINA) Case Processing Performance

In Fiscal Year 2015 (FY15), 166 child in need of assistance (CINA) cases had their adjudication hearing held (or otherwise reached the qualifying case stop event), including 121 CINA shelter cases and 45 CINA non-shelter cases. The state-defined time standard for CINA shelter cases is 30 days from the date when the petition for continued shelter care is granted to the date when the adjudication hearing is held (i.e., started, not completed). The time standard for CINA non-shelter cases is 60 days from service of the parent(s), guardian(s), and/or custodian to the date when the adjudication hearing is held (i.e., started, not completed). The Maryland Judiciary's performance goals for CINA shelter and non-shelter cases are that all cases reach the identified stop event (adjudication or dismissal) within their respective time standards.

The court's analysis of its FY15 case processing performance began in January 2015. At the mid-point of the fiscal year, court research staff analyzed case processing performance for all CINA cases that reached the case stop event. The results are as follows:

- CINA Shelter: 57% within the 30-day time standard (N = 46)
- CINA Non-Shelter: 89% within the 60-day time standard (N = 28)

These preliminary results were shared with court administration and clerk staff and ultimately with the juvenile bench and bar, as well as the Family Judge In-Charge. As a result of ongoing discussions among all key stakeholders, modifications were made to the court's postponement policy.

The remaining analysis of CINA case processing performance focuses on the entire fiscal year of 2015.

CINA Shelter Case Processing Performance

Montgomery County Circuit Court's CINA shelter case processing performance reached 57% in FY15. This is a noticeable decrease from the court's FY14 performance, which was the highest performance achieved since the court began reporting child welfare case processing performance in FY2005. Historically, CINA shelter performance has fluctuated. It increased from about 70% in FY05 and FY06 to 80% in FY08, FY10, and FY14. Case processing returned to its FY05/FY06-performance levels in FY12 and FY13. The FY15 case processing performance is comparable to that achieved in FY07 (60%).

The results reveal that in FY15 over-standard shelter cases were more prevalent, resulting in poorer case processing performance; however, these cases did not necessarily take longer to process. The number of over-standard FY15 cases is double that obtained in FY14. The overall average case time (ACT) for the FY15 CINA shelter cases is 33 days, which is an increase of six days over the average days reported in FY14 (27 days). Nevertheless, the within- and over-standard average case times decreased by one day between FY14 and FY15 (from 22 days to 21 days and from 49 days to 48 days, respectively).

Table E.1 Number of CINA Shelter Case Terminations FY05-FY15

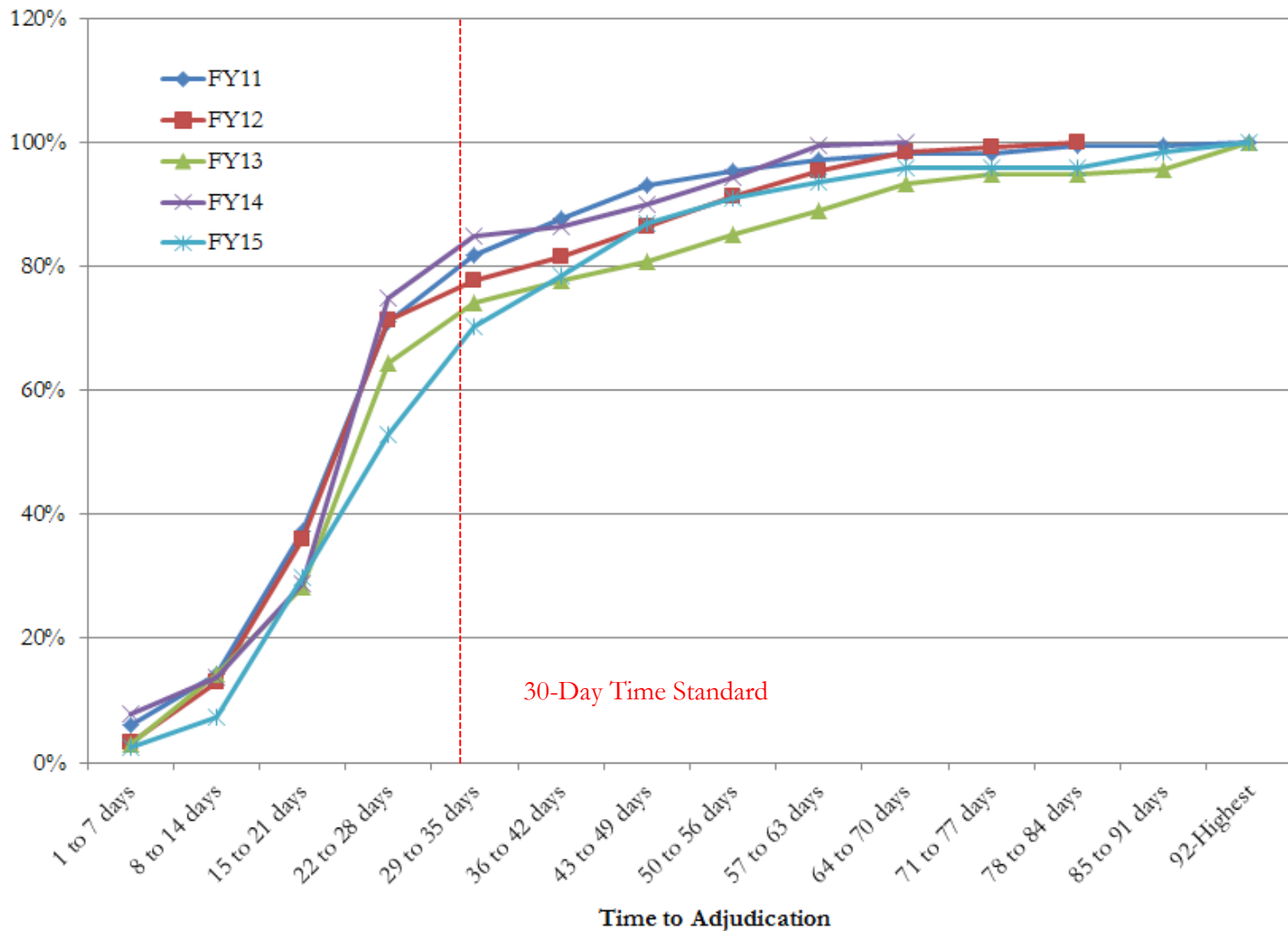
Fiscal Year	Terminations		Within-Standard Terminations			Over-Standard Terminations		
	N	ACT*	N	% of Total	ACT*	N	% of Total	ACT*
FY05	258	30	182	71%	20	76	29%	55
FY06	192	30	135	70%	19	57	30%	57
FY07	215	35	130	60%	19	85	40%	60
FY08	173	27	139	80%	21	34	20%	52
FY09	238	34	165	69%	23	73	31%	58
FY10	131	26	105	80%	21	26	20%	47
FY11	169	27	134	79%	21	35	21%	49
FY12	125	28	93	74%	20	32	26%	51
FY13	135	34	97	72%	22	38	28%	64
FY14	139	27	113	81%	22	26	19%	49
FY15	121	33	69	57%	21	52	43%	48
<i>FY16</i>								
<i>(1st Qtr.)</i>	<i>35</i>	<i>45</i>	<i>22</i>	<i>63%</i>	<i>22</i>	<i>13</i>	<i>37%</i>	<i>85</i>

* ACT = Average Case Time (in days)

A preliminary analysis was performed of the first quarter of FY16 (July 1-September 30, 2015). Among the 35 CINA shelter cases that reached adjudication or case stop in the first quarter for FY16, 63% (22) closed within the 30-day time standard. It is important to note that if we assume a similar sized caseload to that achieved in FY15, the first quarter caseload of FY16 represents approximately 29% of the entire, estimated FY16 caseload.

Figure E.1 provides the resolution profiles of CINA shelter cases – the cumulative percentages of cases that reached adjudication by a specified time period for FY11 through FY15. In the profiles for FY11, FY12, and FY14, at least 71% of the CINA shelter cases reached case stop by day 28. The FY13 and FY15 profiles are more comparable. The percentage of cases resolving is generally lower in FY15 compared to FY13 until day 35 when the trend reverses. The time period where the greatest difference in resolution occurred among FY13 and FY15 CINA shelter cases is between day 22 and day 28 where only 54% of CINA shelter cases reached resolution in FY15 compared to 64% in FY13. All FY15 CINA shelter cases reached adjudication (or otherwise reached the case stop event) by day 119 whereas it wasn't until day 126 when all FY13 CINA shelter cases reached case stop.

Figure E.1 CINA Shelter – Resolution Profiles, FY11 through FY15



CINA Shelter Case Terminations and Hearing Postponements

Overall, 97 of the 121 (80%) CINA shelter cases that reached adjudication during FY15 had at least one hearing postponement. Forty-four percent of cases had one hearing postponement compared to 41% that had two, 9% that had three, and 5% that had four or five postponements. Historically, only adjudicatory hearing postponements were reported and analyzed for the annual case processing analysis because they were believed to have the greatest impact on case processing performance. While it is recognized that multiple non-adjudicatory hearing postponements may ultimately postpone the adjudicatory hearing and thereby impact case processing performance, it is possible to have one or multiple non-adjudicatory hearing postponements and the case to remain within the time standard, which is rarely the case with an adjudicatory hearing postponement.

Among postponed CINA shelter cases, 46% closed within the 30-day time standard and 54% closed outside of it. This contrasts the results from last year when 74% of postponed CINA shelter cases closed within the 30-day standard compared to 26% that closed over the

time standard. Of the 43 cases that contain one postponement, 60% closed within-standard while 40% closed over-standard. This is a noticeable shift from FY14. Among the 64 cases that had one postponement in FY14, 92% closed within-standard while only 8% closed over-standard. In FY15, all over-standard postponed CINA Shelter cases (n = 52) had an extraordinary cause postponement, and the most prevalent postponement reason chosen was ‘Calendar Conflicts’ (23, 44%).

Table E.2 FY15 CINA Shelter Case Terminations by Postponements and Termination Status (Within or Over the 30-day Standard)

Total Terminations				Within-Standard Terminations			Over-Standard Terminations		
N	N	%	ACT*	N	% of Overall	ACT*	N	% of Overall	ACT*
With Postponements									
121	97	80%	36	45	46%	23	52	54%	48
Without Postponements									
121	24	20%	18	24	100%	18	0	0%	---

* ACT = Average Case Time (in days)

Similar to previous fiscal years, the most frequently cited postponement reasons are ‘Calendar Conflicts’ (89 of 173 postponements (51%); 54 of 101 postponements contained in over-standard cases (53%)), followed by ‘Party Not Present’ (27, 16%) all postponements; 12 (12%) postponements contained in over-standard cases).

The relationship between postponements and case processing performance is complex. Having information about the frequency, type, reason, and length of postponements will help the court better understand the impact of such extensions on case processing performance.

CINA Non-Shelter Case Processing Performance

Table E.3 displays the case processing performance for CINA non-shelter cases between FY05 and FY15. The within-standard percentage for CINA non-shelter cases that held adjudication or otherwise reached case stop in FY15 is 100%, which is an 11 percentage point improvement in performance above that achieved in FY14 (89%) and a 34 percentage point improvement from FY13 (66%). The average case time was 33 days in FY15 compared to 41 days in FY14 and 48 days in FY13. The within-standard average case time also decreased from 36 to 33 days between FY14 and FY15. For the second time since reporting CINA non-shelter performance (the first time being in FY11), the court achieved the Maryland Judiciary’s performance goal and reached adjudication (or the valid case stop event) for all cases within the time standard and in accordance with Maryland Rule 11-114.b.1. Further, the court performed a preliminary analysis of the first quarter of FY16, and all non-shelter cases had reached adjudication or were otherwise disposed within the 60-day time standard (n = 6). If we assume a similar sized caseload to that achieved in FY15, the first quarter caseload of FY16 represents approximately 13% of the entire, estimated FY16 caseload.

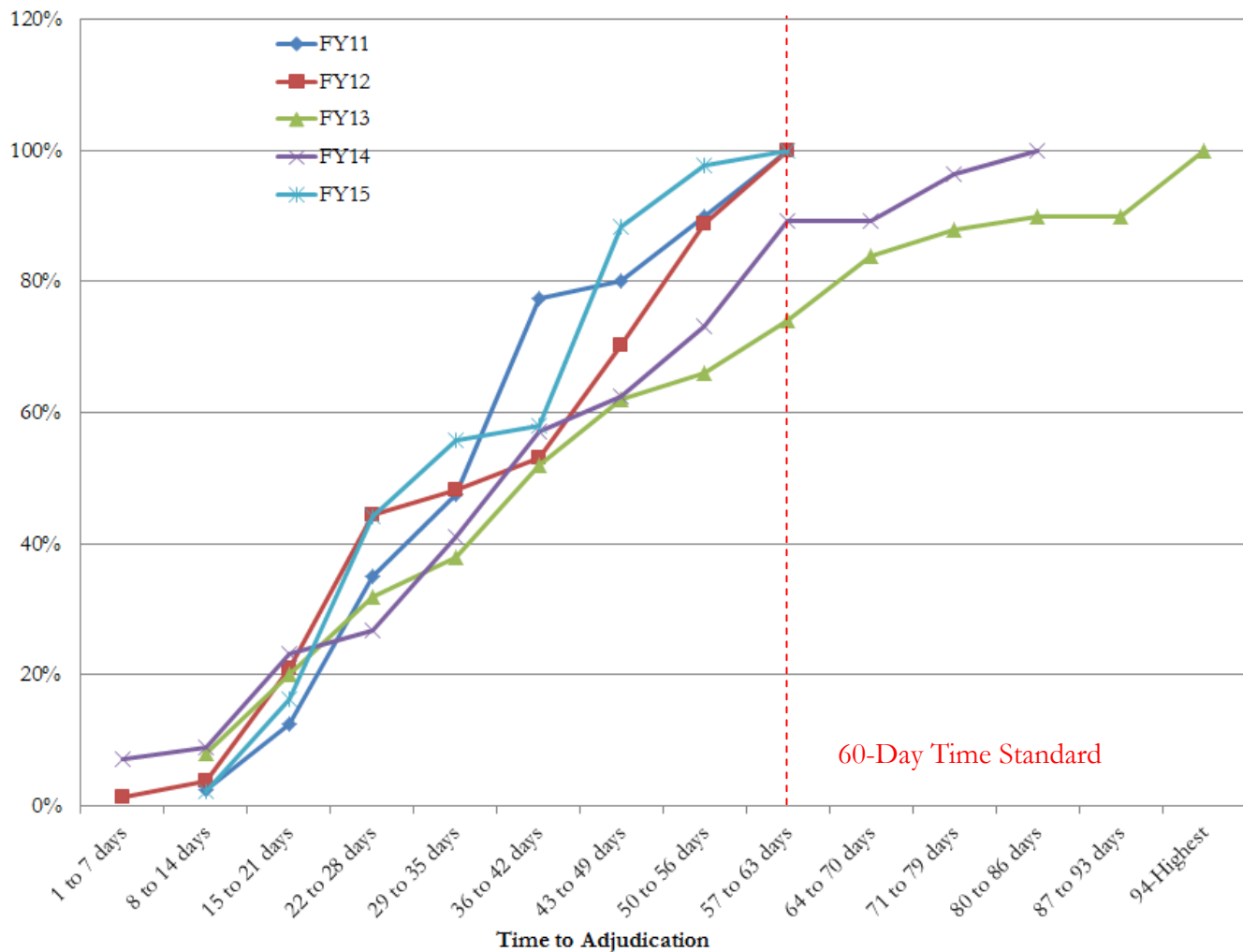
Table E.3 Number of CINA Non-Shelter Case Terminations FY05-FY15

Fiscal Year	Terminations		Within-Standard Terminations			Over-Standard Terminations		
	N	ACT*	N	% of Total	ACT*	N	% of Total	ACT*
FY05	61	34	59	97%	33	2	3%	64
FY06	51	52	39	76%	41	12	24%	87
FY07	48	44	42	88%	39	6	13%	76
FY08	73	43	66	90%	37	7	10%	105
FY09	64	56	52	81%	36	12	19%	140
FY10	62	39	60	97%	37	2	3%	82
FY11	40	35	40	100%	35	0	0%	---
FY12	81	38	79	98%	38	2	2%	64
FY13	50	48	33	66%	31	17	34%	80
FY14	56	41	50	89%	36	6	11%	79
FY15	45	33	45	100%	33	--	--	--
<i>FY16</i>								
<i>(1st Qtr.)</i>	<i>6</i>	<i>29</i>	<i>6</i>	<i>100%</i>	<i>29</i>	<i>--</i>	<i>--</i>	<i>--</i>

* ACT = Average Case Time (in days)

As shown in Figure E.2, compared to FY11 and FY12, the FY13 resolution profile exhibits a slope that is less steep indicating that the FY13 cases were taking longer to reach adjudication. The resolution profile for FY14 and FY15 non-shelter cases reveals that a higher percentage reached adjudication (or case stop) earlier in the case process. The most noticeable difference in the resolution profiles between FY14 and FY15 occur between day 22 and day 28 as well as following day 43. By day 35, 56% of CINA non-shelter cases reached adjudication (or case stop) in FY15 compared to 41% in FY14. By day 58, all FY15 non-shelter cases reached adjudication (or case stop) whereas in FY14 resolution of all cases did not occur until day 83.

Figure E.2 CINA Non-Shelter – Resolution Profiles, FY11 through FY15



CINA Non-Shelter Case Terminations by Postponements

In FY15, 60% of CINA non-shelter cases had at least one postponement (27 of 45), and all cases regardless of whether they were postponed or not closed within the 60-day time standard. The average case processing time for postponed CINA non-shelter cases is 40 days compared to 23 days for CINA non-shelter cases with no postponements. Of the 27 postponed cases in FY15, the majority (74%) had one postponement, and the most frequently cited postponement reason is due to ‘Calendar Conflicts’ (71%, 24/34).

Termination of Parental Rights (TPR) Case Processing Performance

Similar to CINA cases, the court’s analysis of its FY15 TPR case processing performance began in January 2015. At the mid-point of the fiscal year, court research staff analyzed case processing performance for TPR cases that reached the case stop event. The result is as follows:

- TPR: 100% within the 180-day time standard (N = 12)

These preliminary results were shared with court administration and clerk staff and ultimately with the juvenile bench and bar, as well as the Family Judge In-Charge. Table E.5 provides the number and performance of TPR cases that had their final order of guardianship entered or otherwise reached case stop between FY2005 and FY2015 (FY05-FY15). The full fiscal year case processing performance for TPR cases mirrors the performance achieved within the first six months of the fiscal year. Similar to FY14, Montgomery County Circuit Court met the performance goal for TPR cases, which is for all (100%) cases to have their final order of guardianship entered (or otherwise reach case stop) within 180 days of filing. The overall, average case time (ACT) decreased by 17 days from 150 days among FY14 cases to 133 days among FY15 cases.

Achieving compliance with Family Law section 319(a)(1), which requires issuance of the final order of guardianship within 180 days of filing¹³, underscores the commitment taken by the judges, as well as administration and clerk staff in ensuring the effective management of these cases. A key component to the court's effective management of TPR cases is the use of mediation, which is ordered following the scheduling conference. Mediation was ordered in 18 of the 27 TPR cases (67%), and an agreement was reached in all cases except one where the case was ultimately dismissed.

Table E.5 Number of TPR Case Terminations, FY05-FY15

Fiscal Year	Terminations		Within-Standard Terminations			Over-Standard Terminations		
	N	ACT*	N	% of Total	ACT*	N	% of Total	ACT*
FY05	40	179	24	60%	129	16	40%	255
FY06	18	169	10	56%	127	8	44%	222
FY07	31	208	13	42%	134	18	58%	260
FY08	70	187	43	61%	128	27	39%	282
FY09	39	145	37	95%	143	2	5%	196
FY10	67	150	55	82%	127	12	18%	255
FY11	37	115	36	97%	112	1	3%	235
FY12	37	157	36	97%	154	1	3%	260
FY13	27	142	26	96%	138	1	4%	241
FY14	20	150	20	100%	150	---	---	---
FY15	27	133	27	100%	133	---	---	---
<i>FY16</i>								
<i>(1st Qtr.)</i>	<i>7</i>	<i>126</i>	<i>7</i>	<i>100%</i>	<i>126</i>	<i>--</i>	<i>--</i>	<i>--</i>

* ACT = average case time (in days)

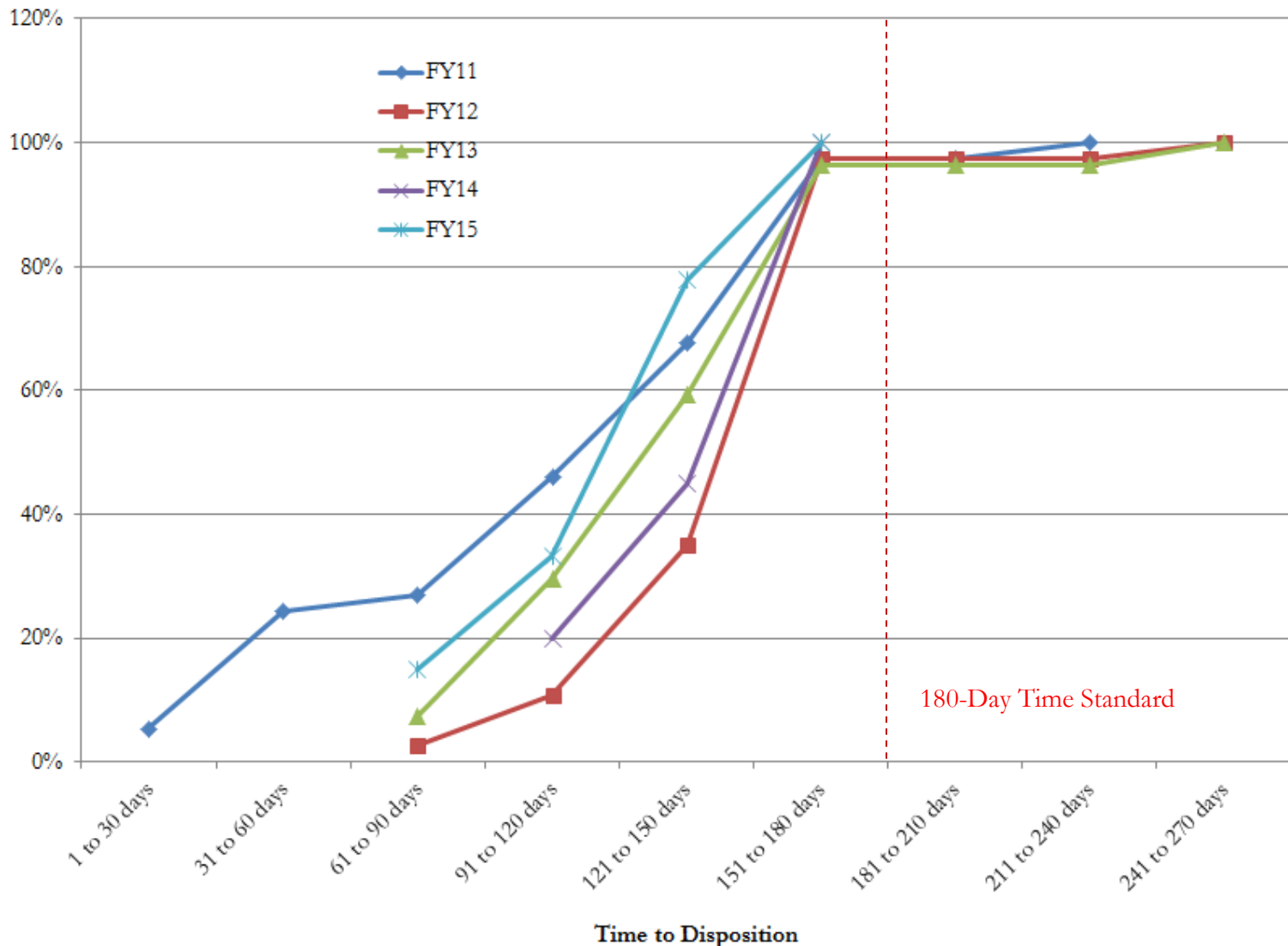
A preliminary analysis was performed of TPR cases that had their final order of guardianship entered (or otherwise reached case stop) within the first quarter of FY16 (July 1, 2015-September 30, 2015). All TPR cases are within the 180-day time standard (n = 7). If we assume a similar sized caseload to that achieved in FY15, the first quarter caseload of FY16 represents approximately 26% of the entire, estimated FY16 caseload.

¹³ The Family Law section allows for the postponement of the TPR trial for good cause shown as determined by the Administrative Judge or his/her designee.

TPR Case Resolution Profiles

Figure E.3 displays the cumulative percentages of TPR cases that closed within defined time categories for FY11 through FY15. In FY14, it wasn't until the 92nd day that the first TPR case closed. In contrast, 15% of FY15 TPR cases closed by day 90. The resolution profiles converge around the 180th day whereby 96-100% of all cases had their final order of guardianship entered or otherwise reached the defined case stop event (per the Maryland Judiciary's time standards). In FY15, a greater percentage of TPR cases reached case stop earlier in the case process compared to previous fiscal years.

Figure E.3 TPR Resolution Profiles, FY11 through FY15



TPR Case Terminations by Postponements

In FY15, 52% of TPR cases had at least one postponement (14 of 27), and all cases regardless of postponement status closed within the 180-day time standard. The average

case processing time for postponed TPR cases is 144 days compared to 121 days for TPR cases with no postponements. Of the 14 postponed cases in FY15, over half (57%) had one postponement and the most frequently cited postponement reason is due to 'Judge Unable To Reach Court Event Due to Illness, Scheduling Conflict, etc.' (36%, 8 of 22 postponement reasons).¹⁴

Recommendations for Montgomery County Circuit Court

Information Sharing

- FY15 case processing performance results will be communicated to the Montgomery County Circuit Court juvenile bench, juvenile bar, as well as pertinent clerk and administrative personnel.

Analysis

- Understanding the reasons for variations in CINA performance, particularly in the shelter cases, will likely require an examination of case characteristics of filed and adjudicated CINA cases, as well as the impact of changes in the court's business practices related to these cases.
 - With the recent implementation of a revised postponement policy, court research staff will perform an analysis of changes in case processing performance pre- and post-implementation of the new policy.
 - Given that the court met the CINA non-shelter and TPR performance goals, it may be useful to analyze and identify those case management practices/strategies that helped the court meet those goals.
 - Further, court research staff will continue to discuss additional analyses of interest with the DCM Coordinator, as well as Juvenile/Family Division Services staff.
- *Data Collection:* Break down the number of postponements by hearing versus trial postponements. Identify and flag those postponements requiring an extraordinary cause finding.
 - Continued dialog will occur with Quality Control and Data Programming staff to ensure that programming logic aligns with defined case time standards requirements, as well as to ensure that all staff have access to the appropriate data files for review and analysis purposes.

Recommendations for the Case Management Sub-committee

Information Sharing:

- It is recommended that the statewide case assessment report be made available on the Maryland Judiciary's internet site, and that local courts' case assessment reports be shared on the Maryland Judiciary's intranet site (CourtNet).

Developing a Working Group to Perform Additional Analyses or Inform MDEC Case Management Monitoring

¹⁴ Because judge unavailability speaks to a possible resource issue, additional review of these postponed cases will occur (see 06-Z-14-000002, postponement of service status hearing via a memo; 06-Z-14-000017, postponement of scheduling hearing, twice for judge unavailability (sibling cases: 06-Z-14-000018 and 06-Z-14-000016); 06-Z-15-000004, postponement of service status hearing via a memo).

- It is recommended that the sub-committee develop a working group to discuss additional measures that may be useful when assessing the impact of CINA/TPR DCM plans and associated business practices that are currently or planned to be implemented per Maryland Rule 16-202(b). It is also recommended that those measures be incorporated in the DCM plan templates as a key component of effective case management to guide courts. These discussions would ultimately help inform the development, analysis, and reporting of DCM-related measures within Odyssey.

Recommendation to the Maryland Judiciary's Court Operations Department's Circuit Courts Caseflow Training Manual

- It is requested that practical CINA scenarios (see examples in Appendix D) be added to the Court Operations Department's Circuit Courts Caseflow Training Manual, Section VI Contents sub-heading 'CINA Application-Related FAQs' to increase, if not uphold, the consistent measurement and reporting of child welfare cases statewide. These scenarios, if approved, are meant to provide circuit court users with additional information about how the Maryland Time Standards measure CINA case processing performance.

Recommendations for Working Group Initiatives-Future Statewide Performance Analyses

- It is recommended that the sub-committee develop a working group to identify future directions for the Maryland Judiciary's case management performance measurement efforts statewide whether focused on the post-adjudication period, the development of intermediate time standards, and/or resource documents to assist courts in their efforts to utilize performance metrics as they strive to manage their caseloads in accordance with statutory timelines and their case management plans. Examples of post-disposition timeliness measures that are currently monitored by the Maryland Judiciary's Foster Care Court Improvement Project (FCCIP) and could be a resource for courts as they monitor their child welfare case management activities are:
 - *Time to First Permanency Hearing*
 - *Time to Subsequent Permanency Planning Hearings*
 - *Time to Permanent Placement*
 - *Time to Termination of Parental Rights (TPR) Petition*
 - *Time to Termination of Parental Rights*
- It is recommended that the sub-committee discuss the possibility of differentiating adjudication from non-adjudication hearing postponements or, in the alternate, adding a flag to indicate whether or not an extraordinary cause finding was made in the CINA case. Courts frequently link case processing inefficiency with the granting of postponements; however, in order to have a more informed discussion about this linkage additional information needs to be made available on the type, length, and reasons for postponements (for example).
 - As an example, for Montgomery County Circuit Court, 80% of FY15 CINA shelter cases have at least one postponement (any type) and 46% of those postponed cases closed within the 30-day time standard. In contrast, 59 of the 121 CINA shelter cases (49%) have an extraordinary cause postponement, which is a postponement that requires an extraordinary cause finding to move the adjudication hearing past the 30-day timeline, and only 12% of those postponed cases closed within the 30-day time standard. A sub-analysis of these postponements including their postponement reasons can offer useful information to courts as they attempt to better understand

and address efficiency gaps. This type of sub-analysis can also help inform the application of the court's postponement policy.

APPENDICES

Appendix A. Family Law Limited Divorce Cases

As an example of the working group analysis that could be performed, Montgomery County Circuit Court reviewed the 310 limited divorce cases identified in our data. Thirty-four (11%) had the grounds that would not require the 1-year separation (such as cruelty/vicious conduct). Among the cases that required the 1-year separation, the average waiting time was 260 days excluding those that were filed after the separation period. Thus, it seems that providing the full 365-day cushion might be viewed as too generous. Accordingly, we suggest that the working group analyze the data of limited divorce cases and report back to the sub-committee for the appropriateness of applying the 730-day time standard to the limited divorce cases.

The analysis should group limited divorced cases as defined by the caseload assessment into at least two categories: cases where parties later modified their complaint to absolute divorce before their original closure and those cases where no such changes were made before the cases' original closure. The analysis should also control for the grounds for divorce, case complexity (uncontested versus contested, the number of related charges such as access/custody, alimony and/or property/finance issues), and the timing of filing in relation to the expiration of the separation period (the number of days between the date of filing and the date when the separation period ended). Providing descriptive statistics of the case time (mean, median, percentiles, range etc.) would be sufficient. Detailed examination of over-standard cases in terms of possible factors and issues responsible for over-standard terminations may of interest. Furthermore, for the cases filed prior to the expiration of the separation period, it may be interesting to recalculate their case time by excluding the time between the filing and the expiration of the separation period.

In addition, among non-limited divorce cases with a valid separation date in our data, about 10% of the cases (302/2,999) were filed before the separation period was over with the average waiting time of 202 days. Again if the rationale for applying the 730-day standard is to make an accommodation for the separation period, those cases should also have been examined under the same time standard. Accordingly, we would recommend that the sub-committee request the working group to conduct a similar analysis and report back to the sub-committee to what extent non-limited divorces cases were filed before the separation period was over and what the average waiting period was.

It may be of interest to reconsider the possibility of creating a case time suspension for such cases between filing of the initial complaint and the end of the separation period in divorce cases where an absolute divorce was granted. Alternatively, one could treat those "switching" cases and those filed prior to the expiration of the separation period as exceptions, exclude them from the regular assessment pool, and analyze them separately.

Appendix B. Juvenile Delinquency Cases

As an example of the additional analysis that could be performed to measure juvenile delinquency case processing performance against statutory timelines and DCM guidelines, please refer to the preliminary analysis described below.

According to the Maryland Rules, courts are expected to reach adjudication within 30 days from the date on which the court ordered continued detention for detained respondents (Maryland 11-114.b.2) and 60 days from the date the juvenile petition is served (unless a waiver petition is filed) for non-detained respondents (Maryland Rule 11-114.b.1). With regard to disposition, the Maryland Rules state that disposition is to be reached no later than 14 days after the adjudication hearing (Courts section 3-8A-15(d)(6)(ii)) for detained youth and no later than 30 days after the conclusion of the adjudication hearing (Maryland Rule 11-115.a.) for non-detained respondents.

To more closely examine the Montgomery County Circuit Court's juvenile delinquency case processing performance against statutory timelines, additional indicators to identify detention status are necessary in the Maryland Judiciary's Case Assessment Application. Once these indicators are available, courts can examine their performance against statutory timelines, which will ultimately help inform their case management practices.

When focused on detained youth (only), Montgomery County Circuit Court's juvenile delinquency case processing performance is 99% against the 90-day standard; 69% against the 44-day time standard; and 92% against the 74-day standard. While the court exceeds the Maryland Judiciary's time standard performance goal, when compared to statutory timelines, the court's performance is not as strong. As courts continue to identify and implement measures to inform their compliance with established case management practices, which are routinely developed in accordance with statutory timelines, it becomes that much more important for such additional measures and analyses to be made available to the court's executive team.

Preliminary Analysis – Alternate Track 1 Case Processing Performance

Case Time Standards	% Within-Standard		Average Case Time					
			Within-Standard		Over-Standard		Overall	
	FY14	FY15	FY14	FY15	FY14	FY15	FY14	FY15
90-day time standard (Current)	98%	99%	33	36	97	91	34	36
44-day time standard (Alternate, Suggested)	77%	69%	24	24	67	64	34	36
74-day time standard (Alternate, Suggested)	94%	92%	31	32	90	84	34	36

A few additional notes about the 44-day and 74-day time standards:

- The 44-day time standard may not be appropriate for all Track 1 cases given that a number of these cases begin in a non-detained posture. In the preliminary analysis performed approximately a quarter of the Track 1 cases (22%) switched from a non-detained to a detained status prior to disposition. Of these “switch” status cases (n

- = 18), 50% closed over the 44-day standard compared to 26% of cases that were filed on a detained status and remained in that status through to disposition. These “switch” status cases ideally should be measured against a 74-day time standard. Allowing 60-days to adjudication for detained youth should only be applied when (for example) a respondent is non-detained at case start and at some point pre-adjudication, the court orders detention (e.g., home electronic monitoring). At the time when detention is ordered, the court does not have another 30 days to hold adjudication but rather a maximum allowable time of 60 days.
- It is suggested that the 74-day time standard would either be applied to all Track 1 cases or to “switch” status cases only.
 - It is suggested that the 44-day time standard apply only to those cases that remained in a detained status from case start to case stop.

Appendix C. Juvenile Delinquency Cases

A preliminary analysis of over-standard Track 2 cases has been performed (see Table below) for respondents found involved. The analysis examines the average length of time between case start and adjudication, between adjudication and disposition, and total case time among this sub-group of respondents.¹⁵ In FY15, among over-standard, Track 2 cases, the average length of time to adjudication is 65 days, whereas the average length of time to disposition is 96 days (median days = 55).

Track 2 Over-standard Cases where Respondents are Found Involved: Average Time between Case Start and Adjudication, Adjudication and Disposition, and Overall (Preliminary)

	Total Number of Eligible Over- Standard Cases	Average Time: Case Start to Adjudication	Average Time: Adjudication to Disposition	Total Average Case Time
FY11	25	55	57	112
FY12	46	53	63	116
FY13	38	75	49	124
FY14	39	69	58	127
FY15	24	65	96	160*

Note: The 'Average Time: Adjudication to Disposition' is skewed due to three cases with case processing times from adjudication to disposition ranging from 253 days to 500 days. The court has reviewed these cases and will communicate the findings to the pertinent internal and external stakeholders.

* In FY15, the two average values from case start to adjudication and adjudication to disposition do not exactly total to the average case time (overall) because there is one case where the disposition finding was made a day before the final disposition order was entered closing the case.

¹⁵ It is important to note that “adjudication” is identified to have occurred on the date when the respondent was found involved, and “disposition” is identified to have occurred on the date when the respondent was found to be delinquent or not delinquent. A finding of delinquent or not delinquency may occur at an adjudication hearing when the notice of a separate disposition hearing has been waived.

Appendix D. CINA Cases

Provided below are suggested scenarios to include in the Maryland Judiciary's Court Operations Caseflow Training Manual related to CINA case processing performance.

Scenario 1: CINA case begins with a hearing on a shelter petition. The respondent's attorney appears, and the judge orders the respondent continued shelter care (or grants the shelter petition) at an initial hearing. The initial hearing is postponed and is dismissed at the hearing scheduled on the postponed date. Application of the Case Time Standard: Since the judge ordered continued shelter care (or granted the shelter petition) at the initial hearing, which is the CINA shelter case start date, the case is considered a shelter case, and the case start date is at the initial hearing.

Scenario 2: CINA case begins with a hearing on a shelter petition. The respondent and parent(s) are served, and the judge orders the respondent continued in shelter care at the initial hearing. Case proceeds as a shelter case. At the adjudication hearing an agreement is placed on the record, the facts are sustained, and the respondent is determined not to be in need of assistance. The respondent is placed in the care and custody of the parent, and the case is dismissed. Application of the Case Time Standard: Even though the respondent is not found to be in need of assistance and is placed in the care and custody of the parent, the case is still considered shelter (in that it proceeded as a shelter case between case start and case stop). The case start date is the date of the initial hearing where the petition for continued shelter care is granted.

Scenario 3: CINA case begins with a hearing on a shelter petition. At the hearing, the respondent's attorney, parent, and parent's attorney are present and served. The petitioner files an oral motion to dismiss, which is granted. The case closes. Application of the Case Time Standard: This case entered the court system on a shelter petition. However, there is no granting of the shelter petition as the petition was dismissed. Even though the case does meet the start date criteria for a non-shelter case (i.e., service of parent, guardian, and/or custodian), the case is considered a shelter case that was dismissed with no valid start date. Therefore, this type of CINA case would not be considered valid for calculating case time and would be excluded from the analysis.

Scenario 4: CINA case begins with a hearing on a shelter petition. At the initial hearing, the respondent and parents appeared and were served. The judge ordered the respondent to continue in shelter care. At a subsequent hearing prior to adjudication, the judge orders that the respondent be returned home with his/her parent. An agreement was placed on the record at a subsequent, pre-adjudication hearing, and the court placed the respondent with his/her parent. Application of the Case Time Standard: This case began as a shelter care case but switched to non-shelter. Given the non-shelter case start date occurred at the initial shelter care hearing (when the respondent and parents were served), the event date of that initial hearing is the start date for this case. The case continued in a non-shelter posture through to the case stop date, which means that the 60-day time standard should be applied in this case.

Scenario 5: CINA case begins on a CINA petition (i.e., non-shelter). At the initial hearing, the court determines that the parties have not been served. If no parties have been served,

the judge may reset the hearing and have the parties properly served. A request is made for an emergency hearing, which is granted. At the emergency hearing, the respondent's attorney, parent, and parent's attorney appeared. The court places the respondent in shelter care. On a subsequent date, the case is called for an adjudication hearing where an agreement is placed on the record. Court finds neglect, and the respondent is found CINA. Application of the Case Time Standard: This case began as a non-shelter case and switched to a shelter case. According to the time standards, the case start date for a shelter case is the date where the petition for continued shelter care was granted. While that defined start date did not happen in this case, the judge did place the respondent in shelter care at the emergency hearing, which is a valid shelter case start date. Since the case continued in a shelter posture through to adjudication, the case is considered shelter.