



MONTGOMERY
COUNTY
CIRCUIT
COURT

FY2016 CASE TIME PROCESSING REPORT

“Administering Justice in an Honest, Fair, and Efficient Manner.”
December 2016

FY2016 Case Time Processing Report

Abstract

The Montgomery County Circuit Court's case processing performance for Fiscal Year 2016 (FY16) is performed using cases that reached the case stop event defined by the Maryland Judiciary's circuit court time standards.¹ In FY16, a total of 17,475 original, valid terminations comprised of civil (5,856), criminal (2,124), family law (FL) (8,492), juvenile delinquency (801), child in need of assistance (CINA) (179), and termination of parental rights (TPR) (23) cases were analyzed. Of the 179 CINA cases, 140 are shelter cases and 39 are non-shelter cases.

A key measure of the annual case processing analysis is the percentage of cases terminated within the state-defined time standard. The court's processing performance by case type (the time standard and percentage goal) for FY15 and FY16 are as follows:

Table 1. Montgomery County Circuit Court Case Processing Performance (% of Cases Terminated within the Time Standards), FY15 and FY16

Case Type	Time Standard	% Goal	FY16	FY15	Difference
Civil, foreclosure	730 days	98%	96%	98%	-2%
Civil, general	548 days	98%	98%	98%	0%
Criminal	180 days	98%	92%	94%	-2%
Family law, limited divorce	730 days	98%	98%	99%	-1%
Family law, other	365 days	98%	94%	95%	-1%
Juvenile delinquency	90 days	98%	95%	95%	0%
CINA shelter	30 days	100%	77%	57%	20%
CINA non-shelter	60 days	100%	92%	100%	-8%
TPR	180 days	100%	100%	100%	0%

Between FY15 and FY16, juvenile delinquency, civil-general, and TPR case processing performance remained unchanged. All other case types except CINA Shelter decreased in their performance between the two fiscal years. The marked increase in CINA Shelter case processing performance is likely due in part to the implementation of a revised extraordinary cause postponement process that occurred in the first quarter of FY16. In FY16, civil-general, family-limited divorce, and TPR cases met the Maryland Judiciary's performance goals for case processing.

The court continues to manage its caseload aggressively and to implement improvement initiatives as necessary. The court has begun analyzing case processing performance quarterly and sharing those results with court personnel. One of the goals in performing and sharing this analysis quarterly is to encourage the court to view data and performance measurement as a core component of court administration. The quarterly discussions aim to inform and ideally engage personnel (at all levels of the organization) in dialog about case management and court operations. These preliminary discussions do not necessarily lead to the exact reason why or the solution for a lower than expected performance result (in a quarter); however, they do offer an opportunity for court personnel to brainstorm possible factors contributing to the performance results. 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 the following sub-case types are excluded from the assessment: adoption, asbestos, cases filed prior to 1/1/2001, domestic violence, friendly suit, general liens, homeowners association, Lis Pendens, peace order, recorded judgment, reopened, restricted (sealed and expunged), transfers from other jurisdictions for probation, and voluntary placement.

FY2016 Recommendations for the Case Management Sub-Committee

Policy

- {Criminal} 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. One possible suspension start date is the time when a scheduled event is postponed due to the unavailability of the evaluation results
- {Family} As mentioned in previous report, it is recommended that the sub-committee consider excluding family case sub-types with limited judicial involvement such as enrollment of foreign judgment, name change, a petition for the filing of fee waiver, and a petition for emergency psychological evaluation, etc. Excluding these sub-types 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 Standards, 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.
- {Juvenile Delinquency} Clarification is requested on whether juvenile cases where a civil citation (e.g., alcohol and tobacco offenses) is filed are to be assessed against the Maryland Judiciary's delinquency case time standard. Montgomery County Circuit Court has excluded juvenile cases where a civil citation has been filed since reporting the court's case processing performance in 2001. The court has only examined its juvenile delinquency processing performance for cases where a delinquency petition has been filed.
 - The court has contacted a couple of jurisdictions and, based on brief discussions, it appears that those courts examine case processing performance for all juvenile (J) cases (except Peace Orders), and do not differentiate juvenile cases by petition/citation type (delinquency or civil citation) within their case management system.
 - The need for clarification on this issue was communicated to the AOC's Court Operations Department in October 2016.

Strategic

- The court encourages the sub-committee's involvement in the development of a data quality, reporting, analysis plan to support continued monitoring and analysis of case processing, workload, case management, and court operations in preparation for and following Odyssey implementation.
- The court is interested in the sub-committee's insight on the recommendations put forth by the Civil Justice Improvements Committee's 'Achieving Civil Justice for All' (<http://iaals.du.edu/sites/default/files/documents/publications/cji-report.pdf>) and any suggested directions for local courts as it relates to the case management of civil litigation.
- 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.
- It is requested that the sub-committee/Court Operations Department recognize the various, practical CINA scenarios that exist which impact respondent placement status and/or the clear identification of case start and stop dates in accordance with the Maryland time standards. These practical scenarios have been documented in previous case time processing reports submitted by the court. We hope that

such scenarios will be considered as courts transition to analyzing/reporting on child welfare case processing information in Odyssey.

FY2016 Case Time Processing 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 FY2016 Case Assessment Data

Court administration and clerk personnel conducted audits of originally closed cases and routinely check 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 FY16 case assessment data.

Data Processing (DP) staff compiled the cases closed in FY16 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, and court research personnel to ensure its accuracy, and to identify possible reasons for cases closing over-standard. Review of the FY16 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 FY2016 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 noticeably 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. Questionable case information was frequently noted in relation to party representation status and date of service. Also, certain programming logic used to extract cases for analysis needs to be reviewed and (if necessary) modified to more closely align with the time standard requirements defined by the Maryland Judiciary. The Montgomery County Circuit Court has 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 ensure confidence in the information being used to inform case and court management.

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 FY16 data.

Future Data Quality and Case Management Considerations

Montgomery County Circuit Court has found that several data quality checks are required to ensure that case processing times are accurately obtained and aligned with the Maryland Time Standards. This data quality review and the subsequent performance-related analyses are all performed outside of the court's case management system (similar to other courts' use of the Maryland Judiciary's Assessment Application). Therefore, having such an application that contains the full complement of terminated cases (as opposed to a sample) available once we transition to MDEC is critical to support the court's and Maryland Judiciary's strategic goals of accountability and the continued improvement of systems and processes.

The court encourages that as applications are researched and purchased by the Maryland Judiciary, attention is given to not only the case processing analyses and the data quality reviews/corrections required to support those analyses but also additional analyses that aim to expand courts' use of data to guide more effective and efficient court and case management.

FY2016 Case Time Processing Report

Performance, Caseload, and Workload Overview

This overview provides Montgomery County Circuit Court's case processing performance, caseload and workload for Fiscal Year 2016 (FY16).

FY16 Case Processing Performance

The court examined its FY16 case processing performance based on 17,475 original terminations as defined by the Maryland Judiciary's circuit court time standards.²

- The court's FY16 performance in family law-limited divorce, civil-general (non-foreclosure), and TPR cases met their respective Maryland Judiciary-defined case processing performance goals.
- In FY16, the court's case processing performance in CINA shelter increased by 20 percentage points from FY15.
- In FY16, the court's case processing performance in civil-foreclosure, criminal, family-other law, and CINA non-shelter declined from FY15.

FY16 Caseload

During FY16, Montgomery County Circuit Court processed 35,347 filings, including 22,182 original filings and 13,165 filings of reopened cases. The court also processed 36,669 terminations, including 23,324 original and 13,345 reopened terminations. The court processed 86 fewer filings (<1%) and 1,103 more terminations (3%) in FY16 compared to FY15.

- Case Clearance Rate describes how well the court is keeping up with its incoming caseload. The rate is calculated by dividing terminations by filings for a given period. Clearance Rates over 100% indicate that the court is reducing its backlog. The overall case clearance rate increased from 100% in FY15 to 104% in FY16.
 - Between FY15 and FY16, the clearance rates for all case types except criminal increased. The criminal clearance rate reduced from 100% in FY15 to 98% in FY16. The civil clearance rate increased most notably from 102% to 111%.

Table 2. Montgomery County Circuit Court Filings and Terminations (original and reopened), and Clearance Rate by Case, FY15 and FY16³

	Criminal		Civil		Family Law		Juvenile		Total	
	FY15	FY16	FY15	FY16	FY15	FY16	FY15	FY16	FY15	FY16
Filings	6,480	6,670	11,906	11,421	14,583	14,705	2,464	2,551	35,433	35,347
Terminations	6,497	6,531	12,109	12,705	14,668	14,941	2,292	2,492	35,566	36,669
Clearance Rate	100%	98%	102%	111%	101%	102%	93%	98%	100%	104%

² Cases with the following sub-case types are excluded from the assessment: adoption, asbestos, cases filed prior to 1/1/2001, domestic violence, friendly suit, general liens, homeowners association, Lis Pendens, peace order, recorded judgment, reopened, restricted (sealed and expunged), transfers from other jurisdictions for probation, and voluntary placement.

³ Criminal cases include District Court appeals and JTPs, civil cases include Register of Wills, District Court appeals and JTPs, and juvenile cases include juvenile delinquency, CINA, and TPR.

FY16 Workload – Hearings and Trials

During FY16, Montgomery County Circuit Court set 8,475 trials and 57,966 hearings and held 1,507 trials and 39,575 hearings.

- The court **set** 791 more trials (10%) and 2,261 more hearings (4%) in FY16 than it did in FY15. Across all case types, the numbers of trials and hearings set increased in FY16.
- The court **held** 92 more trials (7%) and 1,762 more hearings (5%) in FY16 than it did in FY15. The number of trials held declined in family and juvenile case types, and the number of hearings held increased in all case types.

Table 3. Montgomery County Circuit Court Trials and Hearings Set and Held by Case Type, FY15 and FY16

	Criminal		Civil*		Family Law		Juvenile		Total	
	FY15	FY16	FY15	FY16	FY15	FY16	FY15	FY16	FY15	FY16
Trials										
Set	2,884	2,965	1,164	1,200	1,947	2,167	1,689	2,143	7,684	8,475
Held	272	216	266	262	803	946	74	83	1,415	1,507
Hearings										
Set	16,186	16,336	9,237	9,433	22,318	23,403	7,964	8,794	55,705	57,966
Held	11,966	12,294	4,060	4,186	14,874	15,448	6,913	7,647	37,813	39,575

*Civil hearings include Register of Wills (No trials were set or held for Register of Wills cases).

Foreclosure and All Other Civil General Case Terminations Fiscal Year 2016 Case Terminations

This section provides the court's FY16 processing performance for foreclosure and all other civil general cases. The table below provides the court's historical case processing performance and additional metrics related to case progress. Also discussed are analyses of hearing and trial postponements and recommendations for Montgomery County Circuit Court.

A. Foreclosure and All Other Civil General Case Processing Definitions and Summary

	Case Time Definitions	Percentage of Cases Closed within Time Standards	Average Case Processing Time	Additional Measures
Foreclosure* and All Other Civil General Cases	<u>Case Time Start:</u> Filing of Case.	<u>State-Set Goals (FY2015 – FY2016):</u> ▲ Foreclosure Cases: 98% within 730 days, 24 months		<u>Filing to Service or Answer, whichever comes first:</u> CY2001: 49 days ♦ CY2002: 44 days ♦ CY2003: 33 days ♦
	<u>Case Time Stop:</u> Disposition, dismissal, or judgment.	All Other Civil General Cases: 98% within 548 days, 18 months	Foreclosure Cases: FY2015: 334 days FY2016: 319 days	FY2005: 45 days FY2006: 42 days FY2007: 40 days FY2008: 41 days FY2009: 52 days
	<u>Case Time Suspension Events:</u> Bankruptcy, non-binding arbitration, interlocutory appeal, body attachment, military leave, mistrial, stay for receivership, and foreclosure mediation.	<u>Montgomery County:</u> Foreclosure Cases: FY2015: 98% FY2016: 96%	All Other Civil General Cases: FY2015: 188 days FY2016: 185 days	FY2010: 43 days † FY2011: 30 days ♦ FY2012: 33 days ♦
		All Other Civil General Cases: FY2015: 98% FY2016: 98%		FY2013: 31 days FY2014: 29 days FY2015: 35 days FY2016: 36 days

* Foreclosure cases include those with the following action codes: Deed of Trust, Mortgage, Foreclosure, Petition to Foreclosure, and Condo Lien. Rights of Redemption cases are not considered foreclosures and included in the civil general category.

† 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.

▲ The Maryland Judiciary Case Management Sub-committee created separate time standards for foreclosure and all other civil general cases to be applied to FY16 civil case terminations. For comparison purposes, we applied these new time standards to FY15 civil case terminations.

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

Foreclosure and All Other Civil General Case Processing Performance

In FY16, Montgomery County Circuit Court processed a total of 5,856 civil cases including 2,238 (38%) foreclosure cases and 3,618 (62%) other civil general cases. The overall FY16 civil terminations reflect a 4% reduction over the FY15 terminations, which totaled 6,106 with 42% (N = 2,562) identified as foreclosures. For the FY16 caseload assessment, the Maryland Judicial Council approved a new case time standard and associated performance goal for foreclosure cases. Specifically, foreclosure cases are subject

to a two-year (24-month, 730 day) case time standard with a goal of 98% closing within-standard. All other civil general cases will continue to be assessed against the 548 day (18-month) time standard with a goal of 98% closing within-standard.

Table A.1 provides the number of original case terminations and the average case time (ACT) for foreclosure and all other civil general cases by case termination status for FY16. The court processed 2,238 foreclosure cases during FY16, of which 96% closed within two years, falling slightly short of the 98% performance goal. The court also processed 3,618 non-foreclosure civil general cases of which 3,541 (98%) were closed within 548 days (18 months), meeting the performance goal.

Table A.1 Number of Foreclosure and All Other Civil General Case Terminations under the New Standards, FY16

Case Sub Type (Time Standard)	Total Terminations		Within-Standard Terminations			Over-Standard Terminations		
	N	ACT*	N	%	ACT*	N	%	ACT*
Foreclosure Cases (24 Months, 730 days)	2,238	319	2,159	96%	299	79	4%	884
All Other General Civil Cases (18 Months, 548 days)	3,618	185	3,541	98%	174	77	2%	687

* ACT = Average Case Time (in days)

Table A.2 Number of Civil Case Terminations and Case Processing Performance under the Original 548-Day Time Standard, FY04-FY16

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
FY16	5,856	236	5,544	95%	210	312	5%	706

* 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.

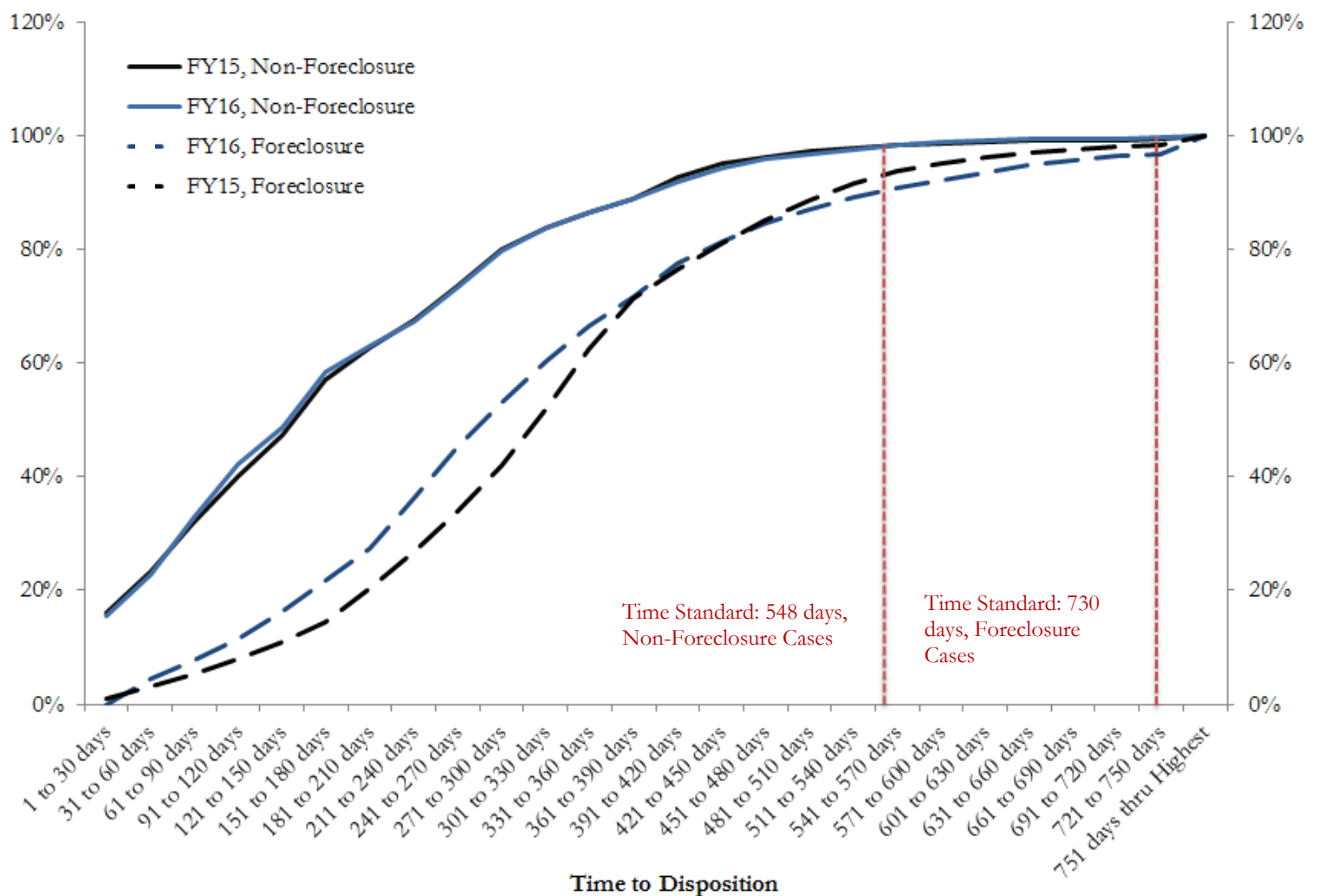
† The FY11 and FY12 case processing performance is based on data that includes foreclosures though they were excluded from the statewide case assessment.

To compare the court's FY16 overall civil case processing performance with that of previous years, we used the original 18-month (548-day) time standard (see Table A.2). The court's overall civil case processing performance decreased from 97% in FY14 to 95% in FY15 and FY16. The overall ACT for

FY16 terminations is 236 days, thirteen days shorter than that for FY15 terminations (249 days). The ACT among within-standard terminations is 210 days, seventeen days shorter than that for FY15, and the ACT among over-standard terminations is 706 days, 3 days shorter than that for FY15. It is important to note that a shorter number of average case processing days between fiscal years does not necessarily guarantee a better within-standard percentage. The distribution of case times across terminations impacts the resulting within-standard percentage and average case time.

Figure A.1 displays resolution profiles for non-foreclosure (civil, general) and foreclosure cases closed between FY15 and FY16. Ideally, the resolution profile for a particular fiscal year has a high arch indicating prompt resolution. FY15 and FY16 civil general performance follow similar tracks. A slightly different pattern emerges for foreclosure cases. A higher percentage of FY16 foreclosure cases closed earlier in the case process up until day 450. Beginning at day 451, the trend flipped and a lower percentage of FY16 foreclosure cases closed compared to FY15. The tracking of foreclosure cases aligns with the difference observed in the within-standard percentages (730 day time standard) for the two fiscal years (96% - FY16, foreclosure vs. 98% - FY15, foreclosure).

Figure A.1 Non-Foreclosure (All Other Civil General) and Foreclosure Resolution Profiles, FY15-FY16



Civil General Case Terminations by DCM Track⁴

There are nine tracks defined in the Montgomery County Circuit Court's Civil Differentiated Case Management (DCM) plan.⁵ Table A.3 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). Civil general cases assigned to Tracks N, 2, and 3 represent 80% of FY16 civil, non-foreclosure terminations. It is important to note that in previous fiscal years Rights of Redemption cases were treated as foreclosures resulting in Tracks 0, 2, and 3 representing the bulk of non-foreclosure civil tracked cases. However, as a result of recent changes to the civil time standards and the inclusion of Rights of Redemption cases in the civil general category, Track N cases are more prevalent in FY16 than Track 0 cases.

Table A.3 All Other Civil General Case Terminations by Termination Status and DCM Track, FY16

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)	829	23%	185	809	98%	23%	174	20	2%	26%	692
Track 0 (No Discovery)	559	16%	139	551	99%	16%	131	8	1%	10%	711
Track 2 (1/2 to 1 day trial)	1,209	33%	189	1,208	>99%	34%	189	1	<1%	3%	599
Track 3 (2 to 3 day trial)	880	24%	267	857	97%	24%	255	23	3%	29%	657
Track 4 (More than 3 days trial or intensive motions)	115	3%	383	96	83%	3%	323	19	17%	24%	684
Tracks 5 & 6 (B&T)	25	1%	479	19	76%	1%	335	6	24%	8%	934
Tracks 7 & 8 (ASTAR)	1	<1%	487	1	100%	<1%	487	0	0%	---	---
Total	3,618	100%	185	3,541	98%	100%	174	77	2%	100%	687

* 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. Track 3 performance reached 97% in FY16 similar to FY15. There were fewer cases assigned to Track 4 (115 versus 123) and a lower percentage of cases closing within-standard (83% versus 87%) in FY16 compared to FY15.

The processing performance of FY16 foreclosure cases is 96%, which is below that obtained in FY15 (98%). For FY15, there were a total of 2,562 foreclosure cases (as defined by the FY16 Maryland time standard). Of which, 48 closed over the 730 day time standard with an average case processing time of 334 days (median case processing time of 326 days). The average case processing times of within- and over-standard FY15 foreclosure cases are 323 and 915 days, respectively. In contrast, there are a total of 2,238 foreclosure terminations in FY16 with an average case processing time of 319 days (median case

⁴ Table A.3 focuses on civil general case performance by DCM track because in FY16 foreclosure cases are all assigned to Track N.

⁵ 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>.

processing time of 288 days). The within- and over-standard average case processing times are 299 and 884 days, respectively.

Foreclosure Caseload

Between FY11 and FY14, original foreclosure filings increased by 184% (from 989 to 2,850). While filings decreased by 17% between FY14 and FY15 (to 2,355), original foreclosure terminations increased by 16% (from 2,453 to 2,852). In particular, 36% of FY14 civil terminations were foreclosures compared to 43% of the FY15 civil terminations. In FY16, foreclosures represent 40% of all civil terminations and foreclosure filings and terminations decreased between FY15 and FY16 (15% and 12%, respectively). The court's foreclosure clearance rate in FY16 is 125% compared to 121% in FY15. For the past two years, the court has been closing out a portion of its backlogged cases. With a reduction in original foreclosure filings between FY15 and FY16, the court was able to address more of its backlogged cases in FY16.

Non-Foreclosure Civil General Case Terminations by Postponements⁶

Overall, 15% (887) of the 5,856 civil general cases closed during FY16 had at least one hearing or trial postponement compared to 14% (872 of 6,106) of cases closed during FY15. Twenty-four percent of non-foreclosure civil general cases were postponed compared to one percent of foreclosure cases. It is interesting to note that the lower foreclosure case processing performance compared to civil general cases is not driven by postponements given that foreclosures tend to have limited courtroom (hearing) time. Therefore, the following postponement analysis focuses on non-foreclosure civil general cases given the higher prevalence of postponements.

Table A.4 FY16 Civil General Non-Foreclosure Case Terminations by Postponements, Termination Status (Within or Over the 548-day Standard), and Track

		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	559	130	18%	205	126	97%	190	4	3%	674
Track 2	1,209	295	24%	275	294	>99%	273	1	<1%	599
Track 3	880	315	39%	353	293	93%	330	22	7%	652
Track 4	115	88	66%	427	70	80%	374	18	20%	634
Tracks 5 & 6	25	19	67%	534	13	68%	349	6	32%	934
Tracks 7 & 8	1	1	100%	487	1	100%	487	0	---	---
Track N	829	11	2%	189	11	100%	189	0	---	---
Total	3,618	859	24%	313	808	94%	290	51	6%	679

⁶ The FY16 civil general 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.

Table A.4 FY16 Civil General Non-Foreclosure Case Terminations by Postponements, Termination Status (Within or Over the 548-day Standard), and Track, Continued

		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	559	429	77%	119	425	99%	113	4	1%	747
Track 2	1,209	914	76%	162	914	100%	162	0	---	---
Track 3	880	565	64%	217	564	>99%	216	1	<1%	739
Track 4	115	27	23%	239	26	96%	186	1	4%	1,599
Tracks 5 & 6	25	6	24%	306	6	100%	306	0	---	---
Tracks 7 & 8	1	0	---	---	0	---	---	0	---	---
Track N	829	818	99%	85	798	98%	71	20	2%	648
Total	3,618	2,759	76%	145	2,733	99%	140	26	1%	703

* ACT = Average case time, in days.

Of the postponed non-foreclosure civil cases, 94% 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 1,680 hearing and trial postponements among the 859 postponed, non-foreclosure civil general cases, averaging almost 2 postponements per case. Among the postponed cases, 50% have one postponement, 28% have two postponements, and another 22% have three or more postponements. In FY16, 86% of postponed, over-standard civil case terminations (44 of 51) were postponed two or more times.

The overall, average case time among postponed, non-foreclosure civil general cases is more than double that for cases that are not postponed (313 versus 145 days, respectively). Among postponed cases, the average case time for over-standard cases is 679 days compared to 290 days for within-standard cases. The average case time for postponed, over-standard cases is *shorter* than that for over-standard cases with no postponements (679 compared to 703 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.

The most frequently cited postponement reasons among the 859 postponed cases (regardless of track) include: ‘Discovery/ADR Incomplete and/or Discovery Disputes/Additional Time Needed to Prepare’ (41% all postponements; 51% postponements in over-standard cases); ‘Calendar Conflict’ (17% all postponements, 13% postponements in over-standard cases); ‘Letter/Line of Agreement Received (Automatic USE Only)’ (7% all postponements; 2% postponements in over-standard cases); and ‘Party(s) Did Not Receive Notice of Court Date’ (7% all postponements; 2% postponements in over-standard cases). While the postponement reason of ‘Illness/Medical Emergency or Death’ represents only 5% of all postponement reasons, it represents 9% of the postponement reasons among over-standard cases. Similarly, the postponement reason ‘Pending Motions to be Heard or Ruled on’ represents only 2% of all postponement reasons but 7% of the postponement reasons in over-standard cases.

Recommendations for Montgomery County Circuit Court

Information Sharing

- FY16 case processing performance results will be shared with the Montgomery County Circuit Court judges as well as clerks and court administration staff.

Analysis

- Identify potential areas and issues to investigate based on users' information/intelligence gathering and results from the current analysis. Meet with pertinent, internal stakeholders to identify analytic topics of interest. Discuss the proposed analyses with the Clerk of the Court and Court Administrator (as appropriate).
 - A preliminary analysis of the 79 over-standard foreclosure cases was performed and discussed with Quality Control staff and the Administrative Aides. The preliminary analysis revealed that approximately 65% of FY16 over-standard foreclosure cases have at least one order deferring closure pursuant to 14-207. The average (and median) number of deferrals among the over-standard foreclosures with at least one deferral granted is four (4). Additional analyses that the court may want to explore related to foreclosures (for both over- and within-standard cases) include:
 - The number of Foreclosure Non-Compliance notices (Date of HP Code 1642) by termination status.
 - The number of orders deferring dismissal pursuant to 14-207 (HP Code 1767).
 - The time between final ratification of sale and the final order of ratification of the auditor's report.
 - The number of re-referrals by terminations status.
 - The average time lapsed from case filing to the first motion to defer case closure.
 - The average time lapsed from the first motion to defer closure to case closure.
- Planning for the transition to Odyssey by reviewing the court's DCM tracks to determine if alternative configurations are needed and the implications of such modifications.

Database Modifications and Development

- Modify the Aequitas databases to allow for cleaned QC data to be captured on a daily basis. QC Case Notes should also be included in the Aequitas database as opposed to a separate database. These changes will allow court researcher staff to perform quarterly analysis on cleaned case assessment data.
- To improve analysis of the courts' case processing performance, in particular, to identify the possible causes of observed changes in the performance, develop a database of assessment-eligible cases that contains open and closed cases by combining the court's Open Case and Aequitas databases. Also, using information captured/distributed weekly (aligning with PerfoNew metrics), establish a caseload/workload database of filings, terminations, hearings/trials set and held to be reported and reviewed quarterly.

Criminal Case Terminations

Fiscal Year 2016 Case Terminations

This section provides the court's FY16 processing performance for criminal cases. The table below provides the court's historical case processing performance and metrics related to case progress. Also discussed are analyses of hearing and trial postponements and recommendations for Montgomery County Circuit Court.

B. Criminal Case Processing Definitions and Summary: Case Flow Assessment Standard and Montgomery County Measures

Criminal Case Time Definitions	Statewide Measurements	Montgomery County Measurements	
<u>Case Time Start:</u> First appearance of defendant or entry of appearance by counsel	Percent Within 6-month (180 days) Standard (<u>State-Set Goal: 98%</u>)	<u>Arrest/Service to Filing[‡]:</u>	<u>Verdict to Sentence[‡]:</u>
	CY 2001: 96%	CY 2001: 121 days	CY 2001: 24 days
	CY 2002: 91%	CY 2002: 138 days	CY 2002: 46 days
	CY 2003: 90%	CY 2003: 124 days	CY 2003: 51 days
<u>Case Time Stop[†]:</u> CY2001 – FY2008: Disposition (PBJ, Stet, NP, NG, Sentencing, NCR finding)	FY 2005: 90%	FY 2005: 125 days	FY 2005: 108 days
	FY 2006: 90%	FY 2006: 121 days	FY 2006: 88 days
	FY 2007: 89%	FY 2007: 112 days	FY 2007: 97 days
	FY 2008: 86%*	FY 2008: 116 days*	FY 2008: 75 days*
FY2009 – FY2016: Verdict (Plea/Verdict, Stet, NP, Reverse Waiver Granted, NCR Finding)	FY 2009: 96%	FY 2009: 104 days	FY 2009: 99 days
	FY 2010: 95%	FY 2010: 117 days	FY 2010: 18 days
	FY 2011: 96%	FY 2011: 117 days	FY 2011: 18 days
	FY 2012: 96%	FY 2012: 132 days	FY 2012: 19 days
<u>Case Time Suspension Events:</u>	FY 2013: 95%	FY 2013: 110 days	FY 2013: 22 days
• Failure to Appear/Bench Warrant	FY 2014: 94%	FY 2014: 144 days	FY 2014: 21 days
• Mistrial	FY 2015: 94%	FY 2015: 137 days	FY 2015: 23 days
• NCR Evaluation	FY 2016: 92%	FY 2016: 120 days	FY 2016: 19 days
• Competency Evaluation	<u>Average Case Processing Time:</u>	<u>Filing to First Appearance[‡]:</u>	
• Petition for Reverse Waiver	CY 2001: N/A	CY 2001: 12 days	
• Interlocutory Appeal	CY 2002: 89 days	CY 2002: 18 days	
• Military Leave	CY 2003: 89 days	CY 2003: 15 days	
• Pre-Trial Sentencing Treatment	FY 2005: 86 days	FY 2005: 19 days	
• Psychological Evaluation	FY 2006: 84 days	FY 2006: 18 days	
• Problem-Solving Court Diversion	FY 2007: 92 days	FY 2007: 15 days	
• Postponement due to DNA/Forensic Testing	FY 2008: 94 days*	FY 2008: 17 days*	
	FY 2009: 77 days	FY 2009: 13 days	
	FY 2010: 80 days	FY 2010: 12 days	
	FY 2011: 62 days	FY 2010: 18 days	
	FY 2012: 66 days	FY 2011: 18 days	
	FY 2013: 73 days	FY 2012: 14 days	
	FY 2014: 70 days	FY 2013: 17 days	
	FY 2015: 75 days	FY 2014: 17 days	
	FY 2016: 81 days	FY 2015: 18 days	
		FY 2016: 17 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-FY16 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-FY16 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 case was filed, the original arrest date 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, 127 cases from the FY15 data, and 125 cases from FY16 data with the negative arrest to filing time from the calculation resulted in the average of 155 days, 150 days, and 133 days, respectively.

Overall Criminal Case Terminations

During Fiscal Year 2016 (FY16), Montgomery County Circuit Court processed 2,131 original criminal case terminations, 121 fewer terminations than FY15 (2,252 terminations). The current analysis is based on the 2,124 cases with valid case start and stop dates.⁷ 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, followed by a slight decline in FY16.

Table B.1 Number of Criminal Case Terminations and Case Processing Performance, FY10-FY16

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
FY16	2,124	81	1,962	92%	64	162	8%	286

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

* ACT = average case time (in days)

The court's criminal case processing performance measured in terms of the percent of cases closed within the 180-day time standard, which remained unchanged at 94% between FY14 and FY15, declined to 92% in FY16. The average case time (ACT) for the cases closed over the standard increased by 14 days to 286 days in FY16 from 272 days in FY15 whereas the ACT among cases closed within the standard increased by 1 day from 63 to 64 days. As a result, the ACT for all cases increased by 6 days to 81 days in FY16.

Table B.2 Distribution of Over-Standard Criminal Cases by Clock Time (days), FY10-FY16

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
FY16	162	286	247	182	190	211	322	428	533	760

Table B.2 compares the distribution of over-standard case terminations (OST) for FY10 through FY16. The number of cases that are over-standard jumped by 29% from 126 in FY15 to 162 in FY16 after gradual increases beginning in FY12. The median days of the OSTs remained unchanged at 247 days between FY15 and FY16; in fact, the distribution of the case time by percentile is identical up to the 50th percentile (median) between the two fiscal years. However, the case time of the FY16 OST at 75th percentile and above is greater than that of FY15, in particular at and above 90th percentile. As a result, the ACTs of FY16 over-standard cases are substantially greater (286 days) than that of FY15 (272 days). Thus,

⁷ Six terminations were excluded from the analysis because of a missing valid case start date because they were dismissed as a result of a defendant's failing to appear. One case was removed from the analysis because it was filed in 1974. Any cases filed before January 2001, when the Maryland casetime standards were adopted, are removed from analysis.

the FY16's over-standard cases are characterized with their increased number and the presence of a handful of extremely long case processing times. Figure B.1, which compares the distributions of over-standard cases for FY14, FY15 and FY16, also shows the unique features of the distribution of the FY16 cases.

Figure B.1 Criminal Case Terminations that are over the 6-month standard, FY14, FY15 and FY16

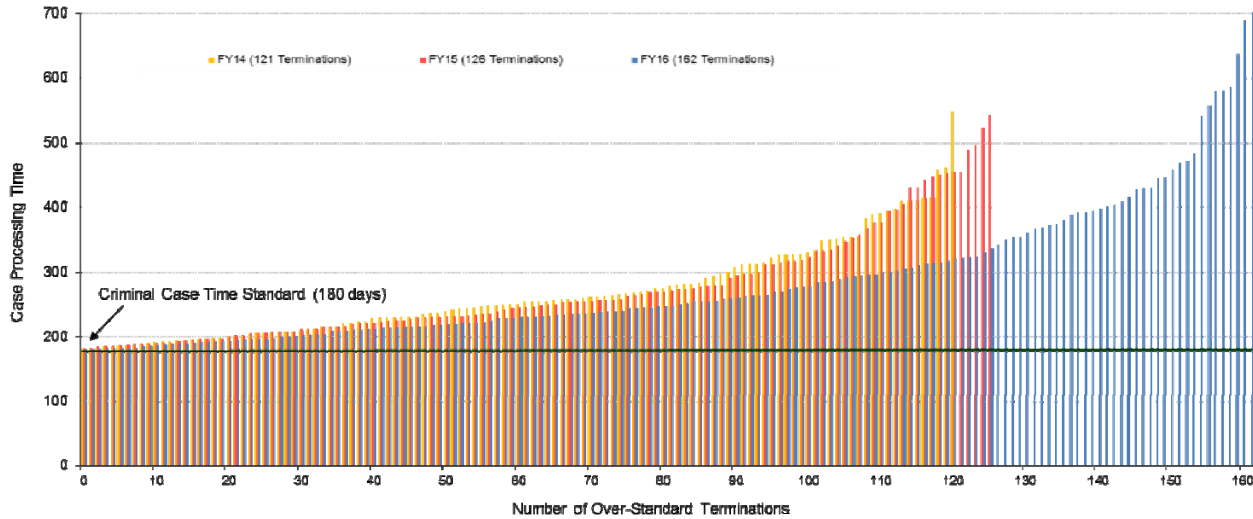
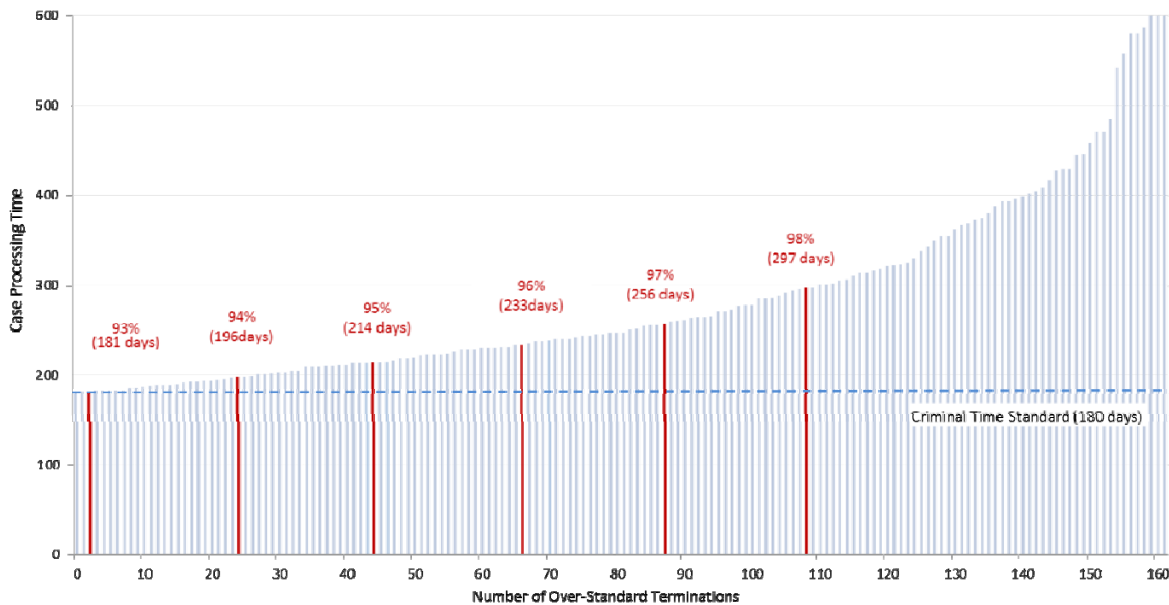


Figure B.2 Criminal Case Over-Standard Terminations, FY16



If the court were to improve the observed FY16 performance within-standard terminations (WST) of 92% (92.4%) to the FY15 level of 94% (or at least 93.5%), 24 additional cases, whose case time ranges from 181 to 196 days, would need to be closed within the 180-day time standard. To improve the performance beyond 94%, for each additional percentage point, the court would need to process 21 to 22 additional over-standard cases within the time standard. Thus, to reach 95% WST, the court would need to process 22 additional over-standard cases ranging from 197 to 214 days, within the 180-day standard, and meeting the 96% mark would require terminations of 21 additional over-standard cases that took as long as 233

days. Finally, to meet the state goal of 98% (or at least 97.5%), the court would need to close within-standard 109 of 162 (68%) of the over-standard cases, whose case time is as long as 297 days. While improving the case processing performance by one or two percentage points may be feasible, improving the performance to 98% would require substantial efforts by the court in its processing of criminal cases.

Case Terminations by Track

The Montgomery County Circuit Court's criminal DCM plan has the following four tracks.⁸

Track 1: District Court jury demands and appeals (966 terminations in FY16, 903 in FY15, 862 in FY14, 793 in FY13, 940 in FY12 and 1,208 in FY11)

Track 2: Indictments and Informations, defendant locally incarcerated (258 terminations in FY16, 266 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 (611 terminations in FY16, 758 in FY15, 664 in FY14, 683 in FY13, 693 in FY12 and 774 in FY11)

Track 4: Complex Indictments and Informations (289 terminations in FY16, 315 in FY15, 253 in FY14, 263 in FY13, 234 in FY12 and 274 in FY11)

Table B.3 presents the FY16 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 terminated cases by the DCM Track, 45% of the FY16 terminations are from Track 1 (40% in FY15), 12% from Track 2 (12% in FY15), 29% from Track 3 (34% in FY15), and 14% from Track 4 (14% in FY15). In terms of case processing performance, as also observed in FY14 and FY15, Track 1 is the only track where performance exceeded the statewide goal of 98%. The case processing performance of Tracks 2 remained unchanged at 97%. However, the case processing of Tracks 3 and 4 cases declined substantially between FY15 and FY16 from 95% to 91% and 77% to 70%, respectively.

Table B.3 Criminal Case Processing Performance by DCM Track and Termination Status, FY16

	Total 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	966	45%	54	953	49%	99%	52	13	8%	1%	201
Track 2	258	12%	70	251	13%	97%	64	7	4%	3%	306
Track 3	611	29%	89	555	28%	91%	71	56	35%	9%	267
Track 4	289	14%	167	203	10%	70%	106	86	53%	30%	309
Total	2,124	100%	81	1,962	100%	92%	64	162	100%	8%	286

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

† Excludes one Track 0 and five Track N cases.

The overall criminal case processing performance is largely determined by: 1) the composition of terminated case by DCM Track, in particular that of Track 1 and Track 4, and 2) the case processing performance of Track 4 cases. The composition of Track 1 cases increased from 40% in FY15 to 45% in FY16 while that of Track 4 remained at 14%. Thus from the case composition point of view, we would expect the court's criminal case processing performance to improve in FY16. In fact, had the court

⁸ 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. The FY16 data also included one Track N case, which was filed in 1974 before the track was eliminated. This case excluded from the analysis because it was filed before 2001.

maintained its FY15 processing performance for each DCM track, the overall performance for FY16 would have been 95%, slightly better than that of FY15. As indicated above, however, the court's criminal overall performance for FY16 instead declined by 2-percentage points due to the substantial decline in the performance of cases in Track 3, as well as those in Track 4.

Further improving case processing performance of cases in Tracks 2 and 3, as well as those in Track 1, though accounting for nearly 85% of the court's criminal case terminations, would result in a limited improvement in the overall criminal performance because over half of the over-standard cases are Track 4. Thus, the key to improvement of the court's criminal case processing performance still rests upon the management of Track 4 cases while maintaining or improving the performance of cases in other tracks.

Case Processing Performance by Case Sub-type

Table B.4 presents the FY16 criminal case processing performance by case sub-type for FY16. The performance of cases originating from the District Court, including jury trial prays and appeals, either meets or exceeds the 98% within-standard goal in FY16, as well as in previous years. In FY11 and FY12, indictments were the only sub-type that failed to meet the 98% state goal. In FY13, the performance of informations also went below the 98% mark, which further declined to 95% in FY14. In FY15, the case processing performance of informations improved, meeting the 98% time standard goal, but in FY16 it declined to 94%. The case processing performance of indictments, which has been in decline from 93% in FY11, and 88% in FY15, further declined by 4 percentage-points to 84% in FY16.

Table B.4 Criminal Case Processing Performance by Case Sub-Type and Termination Status, FY16

Case Sub-type	Total Terminations			Within-Standard Terminations				Over-Standard Terminations		
	N	%	ACT*	N	%	ACT	% WST*	N	%	ACT
Indictment	814	38%	119	686	35%	86	84%	128	79%	299
Information	343	16%	68	322	16%	56	94%	21	13%	255
Bindover-Jury	130	6%	34	129	7%	33	99%	1	1%	182
Bindover-Appeal	746	35%	58	736	38%	56	99%	10	6%	205
DC VOP Appeal	91	4%	49	89	5%	46	98%	2	1%	193
Total	2,124	100%	81	1,962	100%	64	92%	162	100%	286

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

Case Processing Performance by Case Sub-type and DCM Track

Between FY14 and FY15, the composition of information and indicted case terminations remained virtually unchanged. While the performance of informations improved by three percentage points to 98%, any improvement in the FY15's overall processing performance were offset by the Track 4's declining performance. In FY16, the performance of both Tracks 3 and 4, mostly consisting of indictments and informations, declined, resulting in the two percentage point decline in the overall performance. Cross tabulation of the criminal DCM Track and case sub-type indicates as follows:

- In FY16, 41 of 386 Track 3 indictments were terminated over-standard, resulting in 11% over-standard termination rate (compared to 8% in FY15).
- In FY16, 80 of 265 Track 4 indictments were terminated over-standard, resulting in 30% over-standard termination rate (compared to 24% in FY15).
- In FY16, 15 of 225 Track 3 informations were terminated over-standard, resulting in 7% over-standard termination rate (compared to 1% in FY15).
- In FY16, 6 of 23 Track 4 informations were terminated over-standard, resulting in 26% over-standard termination rate (compared to 15% in FY15).

Thus, given the number of cases (both overall and over-standard), improving the court's criminal case processing performance largely hinges upon addressing the case processing of Tracks 3 and 4 indictment cases and Track 3 informations cases. In particular, the court may want to focus on the decline in the performance of Track 3 informations cases in FY16 since it was exceeded the 98% performance goal in FY15.

Case Terminations by Postponements

The analysis of postponements for FY16 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. 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, 85% were closed within the time standard (89% in FY15). In FY15, cases in Track 1 met the 98% goal even with postponements; however, in FY16, the performance declined to 96%. The performance of those in other tracks also declined in FY16: Track 2 from 96% to 95%, Track 3 from 91% to 85%, and Track 4 from 72% to 64%.

Table B.5 Criminal Case Terminations by Postponements, Termination Status and DCM Track, FY16

<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	966	304	31%	87	291	96%	81	13	4%	201
Track 2	258	153	59%	94	146	95%	84	7	5%	306
Track 3	611	375	61%	117	320	85%	91	55	15%	269
Track 4	289	241	83%	181	155	64%	111	86	36%	309
Total	2,124	1,073	51%	120	912	85%	90	161	15%	286
<u>Terminations Without Trial and Hearing Postponements</u>										
Track 1	966	662	69%	39	662	100%	39	0	0%	0
Track 2	258	105	41%	36	105	100%	36	0	0%	0
Track 3	611	236	39%	45	235	100%	44	1†	>1%	182
Track 4	289	48	17%	92	48	100%	92	0	0%	0
Total	2,124	1,051	49%	42	1050	100%	42	1	>1%	182

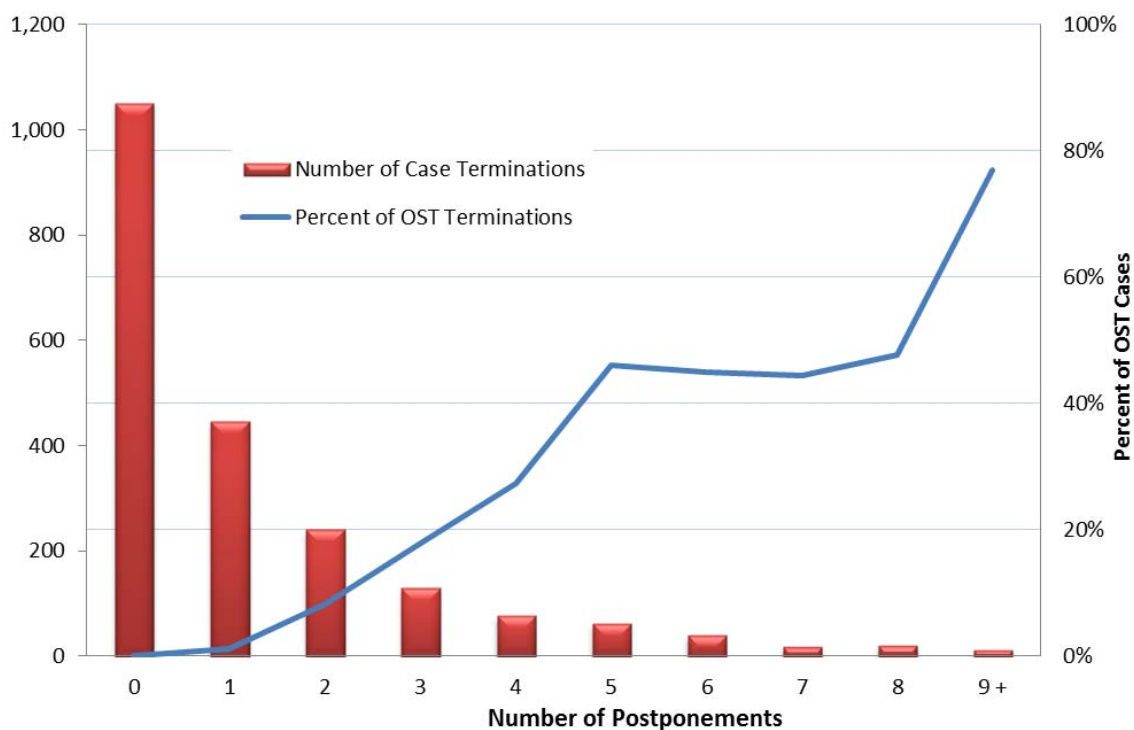
† In this case that resulted in over-standard termination (126738C) without any postponements, the defendant failed to appear at the pre-trial hearing (his attorney appeared), and a bench warrant was issued. Even though the time the defendant was on warrant was subtracted from the overall case time, the resultant case time (182 days) slightly exceeded the 180-day standard.

Of the 2,124 cases terminated in FY16, 49% (1,051 cases) had neither a hearing nor a trial postponement. Twenty-one percent (442 cases) had one postponement, of which all but 5 (99%) had a within-standard termination, and 11% had two postponements. As the number of postponements increases, the likelihood of over-standard termination rises. With two postponements, 8% of 240 cases were terminated over the 180-day time standard. As shown in Figure B.3, as the number of postponements increases up to 5, the percent of over-standard case terminations also increases up to 46%. After 5 postponements, the percent of over-standard terminations remains unchanged until the 9th postponement when the percent jumps to 77%.⁹ Similar observations were made on the FY15 terminations. Clearly, analyzing the impact of postponements for case processing performance requires additional information on postponements such

⁹ 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.

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.

Figure B.3. Number of Criminal Case Terminations and Percent of Over-Standard Case Terminations by Postponement, FY16



Of the 2,796 trial and hearing postponement reasons reported for FY16, the two most-frequently used reasons are ‘Discovery Incomplete and/or Discovery Disputes - Additional Time Needed to Prepare’ (863 occurrences, 31%) and ‘Calendar Conflicts’ (535 occurrences, 19%), account for 50% all postponement reasons (40% in FY15). Including the next three most-frequently cited reasons - ‘Plea in Progress’ (422 occurrences, 15%), ‘New Counsel Sought or Has Entered their Appearance or Not Appointed’ (280 occurrences, 10%), and ‘Witness Unavailable - New Witness Identified’ (100 occurrences, 4%), the top-5 reasons account for close to 80% of all postponement reasons. Those five reasons were also identified as the top five reasons for postponements in FY15 and FY14. In addition, of the five top postponement reasons, all but one, ‘Plea in Progress’, which may be more likely associated with hearing postponements than trial postponements, are associated with over 30% of the over-standard terminations.

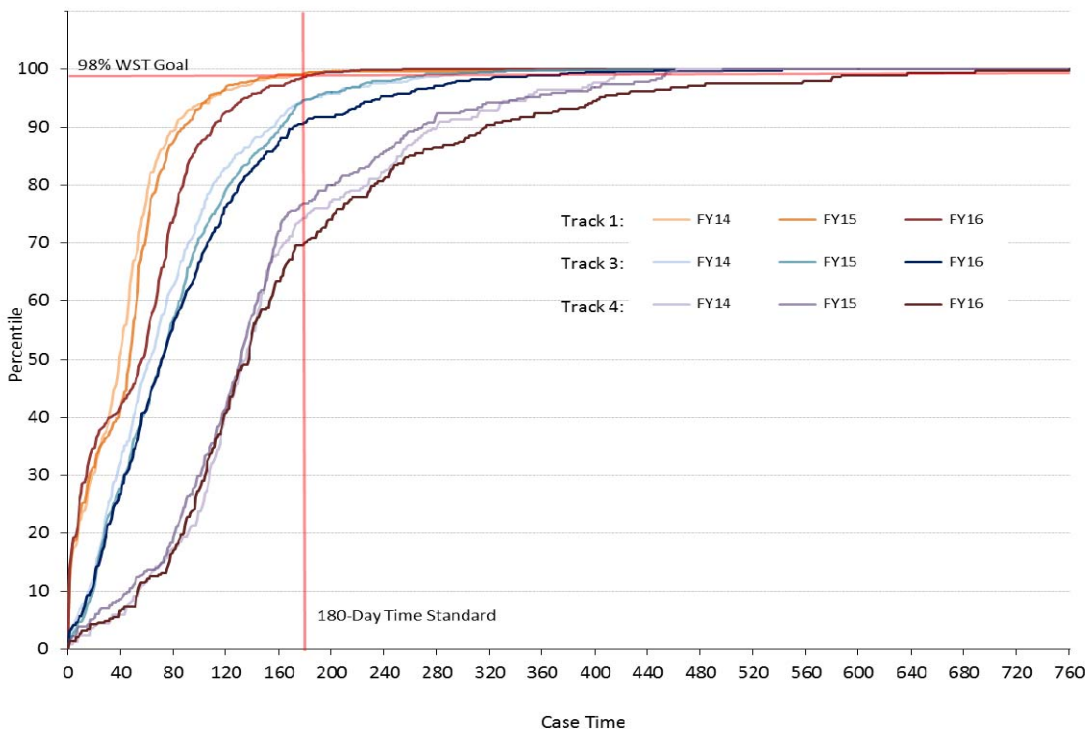
Criminal Termination Profiles

Figure B.4 compares the normalized cumulative case resolution profile of criminal cases in Tracks 1, 3 and 4 for FY16. As a comparison, the profiles of FY14 and FY15 are also included. The faded red vertical and horizontal lines on the figure indicate the 180-day statewide time standard and the 98% within-standard terminations (WST) goal. The intersection of the vertical 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. However, the FY16 profile is less steep than that of FY14 and FY15, indicating that the court took additional time to process a given number of cases though it processed 98% of caseload by 180th day.

The profiles of Track 3 cases for FY15 and FY16 are nearly identical up to the 60th percentile, after which the FY16 profile starts lagging. The profile of Track 4 cases is distinctively different, including a less steep curve for the first 80 days followed by a constant increase in resolution until the 160th day and a much less steep slope thereafter. As observed among Track 3 profiles, the FY16 Track 4 profile closely resembles that of FY14 and FY15 up to the 60th percentile, after which it starts lagging, crossing the 180-day standard at the 70th percentile.

Figure B.4 Resolution Profiles of Criminal Cases in Track 1, 3 and 4, FY14 - FY16



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 days 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 track-specific termination profiles for FY14-15 indicates that the court's FY16 case processing performance in all tracks except for those in Track 2 (not shown) somewhat faltered in the mid-range section and was never able to catch up with FY14 or FY15 by the 180th day except for in Track 1.

Recommendations for Montgomery County Circuit Court

Information Sharing

- FY16 case processing performance results will be shared with the Montgomery County Circuit Court judges as well as clerks and court administration staff.

Database Modifications and Development

- Modify the Aequitas databases to allow for cleaned QC data to be captured on a daily basis. QC Case Notes should also be included in the Aequitas database as opposed to a separate database. These changes will allow court researcher staff to perform quarterly analysis on cleaned case assessment data.
- To improve analysis of the courts' case processing performance, in particular, to identify the possible causes of observed changes in the performance, develop a database of assessment-eligible cases that contains open and closed cases by combining the court's Open Case and Aequitas databases. Also, using information captured/distributed weekly (aligning with PerfoNew metrics), establish a caseload/workload database of filings, terminations, hearings/trials set and held to be reported and reviewed quarterly.

Analysis

- Identify potential areas and issues to investigate based on business users' information/intelligence gathering and results from the current analysis. Meet with pertinent, internal stakeholders to identify analytic topics of interest. Discuss the proposed analyses with the Clerk of the Court and Court Administrator (as appropriate). The possible in-depth analyses include:
 - Conduct an in-depth analysis of indictment (Tracks 3 and 4) and information (mainly Track 3) cases against 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. For example, we may not be able to expect an early case resolution from many Track 4 cases, which normally requires an extended time to complete discovery. However, once discovery is complete, Track 4 cases are expected to proceed to pretrial and motions hearings at about the same speed with cases in Tracks 2 and 3. However, as shown on Figure B.4, the resolution profile of Track 4 cases becomes less steep around 160th day. Accordingly, the court may want to compare the characteristics of cases closed within 160 days and those closed over 160 days and investigate the possible causes those delayed case termination.
 - Analyze over-standard case terminations in Tracks 1 and 2 to identify factors that led to their over-standard terminations.
 - Given that the FY16 criminal original clearance rate less than 100% (that is, the court processed more original filings than terminations), identify possible reasons for the

declined performance in FY16.

- Planning for the transition to Odyssey by reviewing the court's DCM tracks to determine if alternative configurations are needed and the implications of such modifications.

Limited Divorce and Other Family Law Case Terminations

Fiscal Year 2016 Case Terminations

This section provides the court's FY16 processing performance for family law cases. The table below provides the court's historical case processing performance and metrics related to case progress. Also discussed are analyses of hearing and trial postponements and recommendations for Montgomery County Circuit Court.

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	
<u>Case Time Start:</u> Case Filing	<u>State-Set Goals</u> (FY2014 –FY2015): Limited Divorce Cases:	Limited Divorce Cases: FY 2014: 235 days FY 2015: 326 days FY 2016: 319 days	<u>State-Set Goals</u> (CY 2001-FY 2013) 90% within 12 months 98% within 24 months	<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 FY 2016: 145 days
<u>Case Time Stop:</u> Disposition, Dismissal, or Judgment. Judgment in limited divorce cases if the limited divorce is the only issue.	98% within 24 months Other Family Law Cases: 98% within 12 months	Other Family Law Cases: FY 2014: 146 days FY 2015: 134 days FY 2016: 139 days	12-month standard: FY 2010: 92% FY 2011: 93% FY 2012: 94% FY 2013: 94% (FY 2014: 93%) (FY 2015: 94%) (FY 2016: 93%)	<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 FY 2016: 41 days
<u>Case Time Suspension Events:</u> Bankruptcy stay, Interlocutory appeal, Body attachment, Military leave, Collaborative law, and No service in child support cases after 90 days from filing.	<u>Montgomery County:</u> Limited Divorce Cases: FY 2014: 99% FY 2015: 99% FY 2016: 98% Other Family Law Cases: FY 2014: 94% FY 2015: 95% FY 2016: 94%		24-month standard: FY 2010: >99% FY 2011: >99% FY 2012: >99% FY 2013: >99% (FY 2014: >99%) (FY 2015: >99%) (FY 2016: >99%)	

†The additional measure was calculated by Data Processing based on its sample population for FY2001 through FY2009. The FY2010-16 figures are based on the data used for the caseload analysis.

Overall Family Law Case Terminations

In FY16, Montgomery County Circuit Court processed 8,494 family law (FL) case terminations, of which all but two were eligible for the analysis.¹⁰ The number of terminations analyzed for FY16 is 8,492, 316 (4%) more than FY15 (8,176 terminations) and 463 more than FY14 (8,029 terminations). For the FY14 caseload assessment, the Maryland Judiciary adopted new time standards and associated goals for FL

¹⁰ Those two cases were filed prior to 2001 (in October 1977 and February 1978) and were excluded from the analysis per the Maryland Judiciary's time standards exclusion requirements.

cases: a 24-month standard for limited divorce (LTD) cases¹¹ (with a goal of 98% of cases terminated within the standard) and a 12-month goal for all other FL (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 LTD cases and Other-FL cases by case termination status for FY16. The court processed 287 LTD cases during FY16 (23 fewer than FY15 (310 terminations)), of which all but seven (98%) were closed within two years. While the court's FY16 performance has met the 98% goal, it declined by one percentage point from FY15 (99%). The court also processed 8,205 Other-FL cases in FY16 (339 more than FY15 (7,866 terminations)), of which 7,735 (94%) were closed within one year and the remaining 470 closed over the standard. The court's case processing performance of Other-FL cases also declined by one percentage point from FY15 (95%) to 94%.

Table C.1 Number of Family Law Case Terminations under the New Standards, FY16

Case Sub Type (Time Standard)	Total Terminations		Within-Standard Terminations			Over-Standard Terminations		
	N	ACT*	N	%	ACT*	N	%	ACT*
Limited Divorce Cases (24 Months)	287	319	280	98%	307	7	2%	792
All other FL Cases (12 Months)	8,205	139	7,735	94%	118	470	6%	484
Total†	8,492		8,015			477		

* ACT = Average Case Time (in days)

† Excludes two cases removed from the analysis.

To compare the court's FY16 overall FL case processing performance with that of previous years, we combined the LTD and Other-FL cases and assessed the performance under 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 the standard since FY11, and FY16 was no exception, resulting in 93% of the terminations closed within 12 months. The overall average case time (ACT) for FY16 is 145 days, four days longer than that of FY15, reflecting the ACT among over-standard terminations (488 days) 15 days greater than that of FY15 (the ACT among within-standard terminations remained unchanged at 120 days).

The total number of original terminations, which was generally on a steady rise since early-2000s, has been in decline since FY12. In FY16 the number of terminations increased by 316 (4%) to 8,492, second most after that of FY12 (8,532). In the following analysis, we will examine the composition of those terminations in terms of the DCM track and main charge to identify the correlates and impact of the increased terminations on the overall case processing performance.

¹¹ 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.

Table C.2 Number of Family Law Case Terminations under the Old 12-Month Time Standard, FY06-FY16

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
FY16	8,492	145	7,915	93%	120	577	7%	488

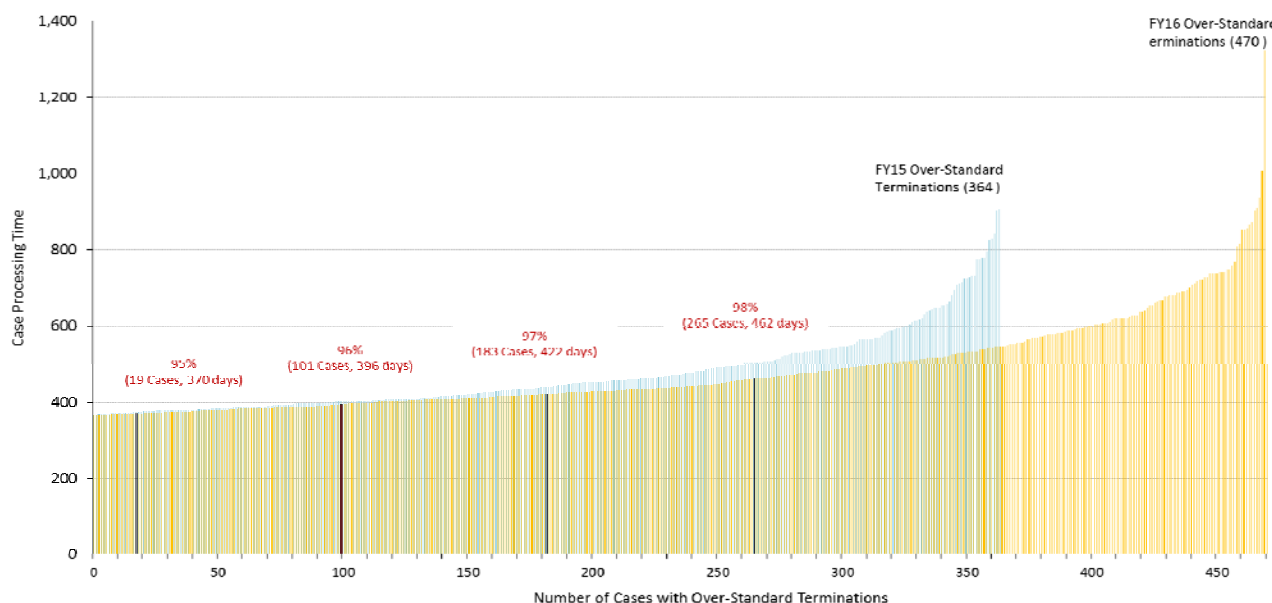
Maryland family law case time standard and goal (obsolete): 12 months and 90% within-standard terminations

* 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.

Figure C.1 presents the distributions of the 470 Other-FL cases that were terminated over-standard in FY16 and 364 over-standard terminations in FY15. 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 in FY16. First, the number of over-standard terminations increased by 29% (106) from 364 in FY15 to 470 in FY16, which accounts for nearly one third of the overall increase in terminations between the two fiscal years. Second, the longest FY16 case time was 1,321 days, compared with 905 days for FY15. While a large increase in over-standard terminations and the presence of cases with a longer case time are concerning, they may also be a sign of the court's additional efforts to process old, pending (backlogged) caseload.

Figure C.1 FL Case Over-Standard Terminations, FY15 and FY16



It appears that improving the current performance of 94% to 95% (or at least 94.5%) might be relatively easy; it requires 19 additional over-standard cases (with case times up to 370 days) to close within 365 days.

However, to further improve the performance by another percentage point to 96%, the court would need to terminate an additional 82 over-standard cases (with case times up to 396 days) within-standard. To meet the goal of 98%, the court would need to more than double the number of over-standard cases (265 cases with the case time of 462 days) closing within the time standard.

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 (1,070 terminations (LTD and Other-FL cases combined) in FY16, 889 in FY15, 839 in FY14, 773 in FY13, 814 in FY12; 824 in FY11; 749 in FY10)

Track 1: Uncontested divorce with summons (2,555 terminations in FY16, 2,255 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 (769 terminations in FY16, 771 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 (599 terminations in FY16, 570 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 (4 terminations in FY16, 6 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 (3,495 terminations in FY16, 3,685 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 LTD and Other-FL cases. In FY15, cases in all tracks met or exceeded the 98% performance goal. In FY16, the case processing performance of Track 2 cases declined from 99% to 98% though still meeting the performance goal (see the top portion of the table). However, the performance of Track 3 cases declined from 98% in FY15 to 94% in FY16. Since the composition of terminated cases by DCM track among LTD cases did not change substantially, the decline in the overall case processing performance appears to have largely resulted from the declined performance of Track 3 and to a lesser extent that of Track 2 case terminations, both of which in combination account for over 60% of the overall case terminations.

Table C.3 Family Law Case Terminations by Termination Status (Within or Over the Standards), and Track, and Case Type, FY16

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*
Limited Divorce cases (24 months)											
Track 0	6	2%	175	6	2%	100%	175	0	0%	0%	NA
Track 1	102	36%	179	102	36%	100%	179	0	0%	0%	NA
Track 2	95	33%	375	93	33%	98%	366	2	29%	2%	819
Track 3	83	29%	438	78	28%	94%	416	5	71%	6%	781
Track 4	1	0%	322	1	0%	100%	322	0	0%	0%	NA
Track N	0	0%	NA	0	0%	0%	NA	0	0%	0%	NA
Total	287	100%	319	280	100%	98%	307	7	100%	2%	792
Other FL cases (12 months)											
Track 0	1,064	13%	60	1,064	14%	100%	60	0	0%	0%	0
Track 1	2,453	30%	169	2,321	30%	95%	152	132	28%	5%	467
Track 2	674	8%	267	541	7%	80%	216	133	28%	20%	474
Track 3	516	6%	307	355	5%	69%	220	161	34%	31%	499
Track 4	3	0%	534	0	0%	0%	0	3	1%	100%	534
Track N	3,495	43%	92	3,454	45%	99%	87	41	9%	1%	508
Total	8,205	100%	139	7,735	100%	94%	118	470	100%	6%	484

* 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 Other-FL cases. As observed in FY15, 85% of the FY16 terminations are either Track 0 (13%, 11% in FY15), Track 1 (30%, 27% in FY15) or Track N (43%, 47% in FY15) cases. In FY15, the performance of these tracked cases met or exceeded the 98% performance goal. In FY16, however, while cases in Tracks 0 and N maintained their FY15 performance, that of Track 1 declined from 100% in FY15 to 95% in FY16.

The remaining 15% of the FY15 cases are contested divorce, custody, and other family cases (Tracks 2, 3 and 4) with a much lower case processing performance. While the case processing performance of Track 2 cases improved from 79% to 80%, that of Track 3 cases declined by one percentage point from 70% to 69%. There were three Track 4 cases terminated during FY16, and all were closed over-standard.

The overall case processing performance of the Other-FL cases declined from 95% in FY15 to 94% in FY16. 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 superior 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.

However, in FY16, the performance of Track 1 cases, one of the major tracks of the 'high performance' group, declined by three percentage points with the number of over-standard terminations more than doubled from 50 to 132. If the performance of Track 1 cases had remained at the FY15 level, the overall case processing performance for FY16 would have been 97%. We also note that between FY15 and FY16, the number of Track 1 terminations increased by 309 (27%) from 2,144 to 2,453, whereas the

number of original Track 1 filings only increased by 78.¹² The observed discrepancy between the original filings and terminations seems to indicate that the court may have been reducing the backlog by more efficiently processing ‘old’ cases than before. Needless to say, additional ‘old’ case terminations would normally result in a declined case processing performance.

Case Terminations by Postponements

As done in the previous year’s report, this year’s analysis of postponements includes hearing and trial postponements.¹³ Of the 287 LTD cases closed during FY16, 111 (39%, 35% in FY15) experienced postponements, and five cases resulted in an over-standard termination (95% within-standard terminations, 99% in FY15). Among the 176 cases without postponements, all but two (99%) were closed within the 730-day time standard. While limited divorce cases are likely to close within the 730-day time standard with or without postponements, the impact of postponements on the case processing performance was more strongly felt in FY16 than in previous years.

Table C.4 presents the number, percentage, and ACT by termination status and DCM Track for Other-FL cases with and without postponements. Of the 8,205 originally terminated cases in FY16, 1,040 cases (13%, 12% in FY15) had one or more postponements. Even with postponements, 100% of cases in Track 0 (99% in FY15) were closed within-standard. In FY15, 94% of Track N and 91% of Track 1 cases with postponements were closed within the time standard; however, in FY16, 91% of Track N and 86% of Track 1 with postponements were closed within the standard. In FY15, 65% of Track 2 and 44% of Track 3 cases with postponements were closed within-standard; the case processing performance of these cases slightly improved in FY16 with 68% for Track 2 and 49% for Track 3. As a result, the overall performance of cases with postponements remains unchanged between FY15 and FY16 at 78%.

The bottom half of the table shows the court’s case processing performance of the remaining 7,165 (87%) of Other-FL cases terminated without postponements. Overall, 97% of those cases were closed within-standard, nearly meeting the statewide 98% goal and 1 percentage point lower than that of FY15 (98%). As observed in previous years, at least 99% of the cases in Tracks 0, 4, and N were closed within the 1-year standard, exceeding the 98% goal. In FY15, 98% of Track 1 cases without postponements were also closed within the time standard; in FY16, however, the percentage declined to 96%. Only 86% and 81% of Tracks 2 and 3 cases were closed within the time even without postponements in FY16. Thus, as observed in the past, for contested absolute divorce cases (most of which are assigned to Track 2 or 3), postponements, while playing a major role in determining their case time, are not a sole factor impacting their timely disposition. There are also 95 such cases in Track 1 (31 in FY15). While MD Rule 2-507 related issues such as unsuccessful service and extended case inactivity may be considered as possible factors for over-standard terminations of those cases, an additional analysis is needed to identify factors responsible for their case processing performance.

¹² Numbers of original filings are based on the court’s Data Processing Department. Since the caseload assessment excludes certain types of cases, which are included in the filing court, in a strict sense these cases should also be removed from the filings to make the number of filings and terminations comparable.

¹³ Due to the programming changes in the court’s case management system in July 2013, any postponements docketed prior to that date were not captured in the current data. Accordingly, the number of postponements reported in the report may be underestimated. In fact, one of the two cases terminated over-standard without any suspensions had a postponement in May 2013.

Table C.4 All Other FL Case Terminations by Trial and Hearing Postponements, Termination Status (Within or Over the 12-month Standard), and Track, FY16

Terminations <u>With</u> Postponements										
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	1,064	103	10%	82	103	100%	82	0	0%	0
Track 1	2,453	256	10%	230	219	86%	181	37	14%	518
Track 2	674	220	33%	338	150	68%	257	70	32%	512
Track 3	516	192	37%	389	94	49%	254	98	51%	518
Track 4	3	3	100%	534	0	0%	0	3	100%	534
Track N	3,495	266	8%	234	241	91%	208	25	9%	487
Total	8,205	1040	13%	269	807	78%	199	233	22%	513
Terminations <u>Without</u> Postponements										
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	1,064	961	90%	57	961	100%	57	0	0%	0
Track 1	2,453	2,197	90%	162	2102	96%	149	95	4%	447
Track 2	674	454	67%	232	391	86%	200	63	14%	430
Track 3	516	324	63%	259	261	81%	208	63	19%	470
Track 4	3	0	0%	NA	0	0%	NA	0	0%	NA
Track N	3,495	3,229	92%	80	3213	>99%	78	16	<1%	540
Total	8,205	7,165	87%	120	6928	97%	108	237	3%	455

* ACT = Average case time, in days.

Similar to FY14 and FY15, in FY16 over 90% of Other-FL cases with postponements had one or two postponements. As stated above and shown in Tables C.4 and C.5, cases without postponements are likely to close within the time standard with only 3% likelihood of over-standard terminations. With one postponement, however, the likelihood of over-standard terminations increases to 13% (see Table C.5); with two postponements, 34% of cases were closed over-standard; with three or more postponements, the likelihood of over-standard terminations reaches at least 70%. Among contested divorce cases (Tracks 2, 3 and 4), 16% were closed over-standard without any postponements; 26% with one postponement, 53% with two postponements, and 79% with three 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), FY16

Number of Postponements	N	All Cases Over-Standard Terminations		N	Contested Divorce Over-Standard Terminations	
		N	%		N	%
0	7165	237	3%	778	126	16%
1	756	99	13%	258	68	26%
2	195	66	34%	97	51	53%
3	57	42	74%	39	34	87%
4	22	16	73%	14	11	79%
5 or more	10	10	100%	7	7	100%
Total	8,205	470	6%	1,193	297	25%

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

In terms of reasons for postponing court events, as observed in FY14 and FY15, ‘Calendar Conflicts’ (18% of the total postponement reasons, 16% in FY15), ‘Discovery/ADR Incomplete’ (16%, 15% in FY15), ‘Letter/Line of Agreement Received’ (12%, 14% in FY15), and ‘Weather/Court Emergencies/Administrative Court Closure’ (8%, 6% in FY15) were four of the top five postponement reasons, accounting for 54% of the postponement reasons. In FY14 and FY15, the fifth reason was ‘Witness Unavailable/New Witness Identified’ (10% in FY15), which was replaced by ‘Illness, Medical Emergency or Death’ in FY16 (6%, 5% in FY15).

‘Calendar Conflicts’ and ‘Discovery/ADR Incomplete’ are also two of the most frequently cited reasons associated with over-standard terminations, both accounting for 20% of postponement reasons associated with over-standard terminations, followed by ‘Illness, Medical Emergency or Death’ (9%), ‘Letter/Line of Agreement Received’ (8%), and ‘Weather/Court Emergencies/Administrative Court Closure’ (7%), accounting for 64% of postponement reasons associated with over-standard terminations.

Case Terminations by Main Charge

Table C.6 presents the number and percentage of case terminations in FY14, FY15 and FY16 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 LTD cases which are currently under the 24-month time standard. As observed in the past, over 40% of the cases terminated in FY16 had absolute divorce as their main charge. In FY14 and FY15, uniform support and name change were the second and third most common charges; in FY16, custody surpassed the two. The cases with these four main charges account for 75-76% of the FL cases terminated in FY16, as well as in FY14 and FY15.

Table C.6 Case Terminations by Main Charge under the 12-Month Time Standard and Sub-Type at Closure, FY14-FY16

Main Charge	All Terminations				Over-Standard Terminations				% Over-Standard		
	FY16		FY15	FY14	FY16		FY15	FY14	FY16	FY15	FY14
	N	%*	%*	%*	N	%*	%*	%*	%†	%†	%†
Divorce Absolute	3,505	41%	42%	43%	299	52%	77%	79%	9%	11%	12%
Custody	1,114	13%	10%	10%	127	22%	11%	8%	11%	7%	5%
Change of Name	925	11%	11%	10%	6	1%	1%	<1%	1%	1%	0%
Uniform Support	870	10%	13%	13%	4	1%	1%	2%	<1%	<1%	1%
Appt. of Guardian	501	6%	6%	5%	26	5%	1%	<1%	5%	1%	0%
Paternity	400	5%	6%	7%	4	1%	1%	3%	1%	1%	3%
Waive Court Cost	367	4%	4%	4%	0	0%	0%	0%	0%	0%	0%
Divorce Limited	293	3%	2%	2%	109	19%	<1%	6%	37%	25%	23%
URESAs	204	2%	3%	3%	1	<1%	<1%	1%	<1%	<1%	3%
Enroll Foreign Decree	75	1%	1%	2%	0	0%	0%	0%	0%	0%	1%
Amend Birth Certificate	57	1%	1%	0%	0	0%	<1%	0%	0%	2%	0%
Misc. Petition	42	<1%	1%	0%	0	0%	0%	0%	0%	0%	0%
Visitation	35	<1%	1%	1%	0	0%	0%	<1%	0%	0%	2%
Amend Marriage License	33	<1%	<1%	<1%	0	0%	0%	0%	0%	0%	0%
Support	18	<1%	<1%	<1%	0	0%	<1%	0%	0%	10%	0%
Notice to Take Deposition	18	<1%	<1%	<1%	0	0%	<1%	0%	0%	0%	0%
Other	35	<1%	<1%	<1%	1	<1%	0%	0%	3%	3%	0%
Total	8,492	100%	100%	100%	577	100%	100%	100%	7%	6%	7%

* 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.

As observed in FY14 and 15, less than half (44%) of the FL cases terminated in FY16 had a main charge associated with absolute divorce (42%) and limited divorce (3%), and annulment of marriage (less than 1%). In contrast, these cases are over-represented among cases with over-standard terminations; 71% of the cases with over-standard terminations are of cases associated with dissolution of marriages (84% in FY15). 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 (9% for absolute divorce cases and 37% for limited divorce cases). We note that the percent of over-standard custody cases increased from 7% in FY15 to 11% in FY16, surpassing that of absolute divorce cases, which declined from 11% to 9%.

Special Immigrant Juvenile Status (SIJS) Case Processing Performance

One type of FL cases that the court focused on improving its case processing during FY16 is those with a Special Immigrant Juvenile Status (SIJS) petition. Due to the nature of the cases where parties attempt to establish legal residency of unaccompanied alien children in the process of establishing custody or appointing a guardian, additional time was required to serve their birth parents and/or guardians who often reside outside the county. Processing of these cases was delayed until the court created a specialized docket. Of the 8,205 Other-FL cases originally terminated during FY16, 385 were with a docket entry of the Special Immigrant Juvenile Status Request (docket code 1854). As shown on Table C. 7, most of the cases were either appointment of guardianship or custody.

Table C.7. Other-FL Case Processing Performance by SIJS Status for Custody and Guardianship Cases, FY16

	FY16									FY15		
	Overall			SIJS			Non-SIJS			Overall		
	Total	OST*	%WST*	Total	OST	%WST	Total	OST	%WST	Total	OST	%WST
Custody	1,114	127	89%	260	84	68%	854	43	95%	845	55	93%
Appt. of Guardian	501	26	95%	118	22	81%	383	4	99%	483	6	99%
Other	6,590	317	95%	7	2	71%	6,583	315	95%	6,538	303	95%
Total	8,205	470	94%	385	108	72%	7,820	362	95%	7,866	364	95%

* OST: Over-standard terminations; %WST: Percent within-standard terminations (the percent of cases terminated within the 12-month time standard).

Also shown on the table, the case processing performance of SIJS cases is substantially lower compared to non-SIJS cases: only 68% of custody cases and 81% of guardianship cases closed within the 12-month time standard, compared with 95% and 99% of non-SIJS custody and guardianship cases. In addition, the performance (95%) and size (7,820 cases) of all non-SIJS case terminations fairly resemble those of FY15 overall case terminations (95%, 7,866 cases).¹⁴ Accordingly, we suspect that the increased cases terminations in FY16 and a slight decline in case processing performance may have resulted from the court's efforts to process some of the backlogged SIJS cases during FY16.

¹⁴ It is likely that FY15 data also includes some SIJS cases.

Recommendations for Montgomery County Circuit Court

Information Sharing

- FY16 case processing performance results will be shared with the Montgomery County Circuit Court judges as well as clerks and court administration staff.

Database Modifications and Development

- Modify the Aequis databases to allow for cleaned QC data to be captured on a daily basis. QC Case Notes should also be included in the Aequis database as opposed to a separate database. These changes will allow court researcher staff to perform quarterly analysis on cleaned case assessment data.
- To improve analysis of the courts' case processing performance, in particular, to identify the possible causes of observed changes in the performance, develop a database of assessment-eligible cases that contains open and closed cases by combining the court's Open Case and Aequis databases. Also, using information captured/distributed weekly (aligning with PerfoNew metrics), establish a caseload/workload database of filings, terminations, hearings/trials set and held to be reported and reviewed quarterly.

Analysis

- Identify potential areas and issues to investigate based on business users' information/intelligence gathering and results from the current analysis. Meet with pertinent, internal stakeholders to identify analytic topics of interest. Discuss the proposed analyses with the Clerk of the Court and Court Administrator (as appropriate). The possible in-depth analyses include:
 - Cases resulting in over-standard terminations without postponements – Identify possible factors that contributed to their over-standard termination. In particular, examine cases with regard to 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, and any other potential issues that might have been impacting the progress of cases.
 - 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.
 - Cases with particular designations or in a specialized docket such as SIJS and one family one judge (1F1J) - Review and identify if case complexities associated with such a designation may have impacted the processing of those cases (positively or negatively).
 - Planning for the transition to Odyssey by reviewing the court's DCM tracks to determine if alternative configurations are needed and the implications of such modifications.

Juvenile Delinquency Case Terminations

Fiscal Year 2016 Case Terminations

This section provides the court's FY16 processing performance for juvenile delinquency cases. The first table provides the court's historical case processing performance and additional metrics related to case progress. Also discussed in this section are analyses of hearing and trial postponements and recommendations for Montgomery County Circuit Court.

D. Juvenile Delinquency Case Processing Definitions and Summary

	Juvenile Delinquency Case Time Definitions	Percent Within 3-month (90 day) Time Standard	Additional Measures†	
Juvenile Delinquency Case Time Standards and Additional Measures	<u>Case Time Start:</u> First appearance of respondent or entry of appearance by counsel. <u>Case Time Stop:</u> Disposition (jurisdiction waived, dismissal, stet, probation, found delinquent/found not delinquent, nolle prosequi, change of venue).	<u>State-Set Goal:</u> 98% <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% FY2016: 95%	<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 FY2016: 105 days	<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 FY2016: 64 days
			<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 FY2016: 22 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 FY2016: 50 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 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 a random sample extract except for the average case processing time. However, for FY2010 through FY2016, 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). For other additional measures (e.g., Filing to First Appearance) suspension time was not excluded.

Juvenile Delinquency Case Processing Performance

In Fiscal Year 2016 (FY16), the Montgomery County Circuit Court reached disposition in (or otherwise closed) 801 juvenile delinquency cases, reflecting a 28% increase from FY15 (628 terminations) and a 35% increase from FY14 (594 terminations). The FY15-FY16 increase in terminations is the greatest single year percentage increase in delinquency terminations since the 15% increase that occurred between FY05 and FY06. The increase in delinquency terminations corresponds with an increase in original delinquency filings that began in FY14. Original delinquency filings increased from 669 to 783 between FY14 and FY15 (17%) and then to 883 in FY16 (a 13% increase over FY15). Delinquency filings and terminations have been increasing since FY14 after a declining trend that began in FY09.

The Maryland Judiciary's time standard and performance goal for juvenile delinquency cases are to reach disposition within 90 days of first appearance of the respondent or entry of appearance by respondent's counsel in at least 98% of the fiscal year's delinquency terminations.

Table D.1 Number of Juvenile Delinquency Case Terminations, FY04-FY16

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
FY16	801	50	757	95%	45	44	5%	134
FY17								
(1 st Qtr.)	217	49	209	96%	46	8	4%	130

* ACT = Average Case Time

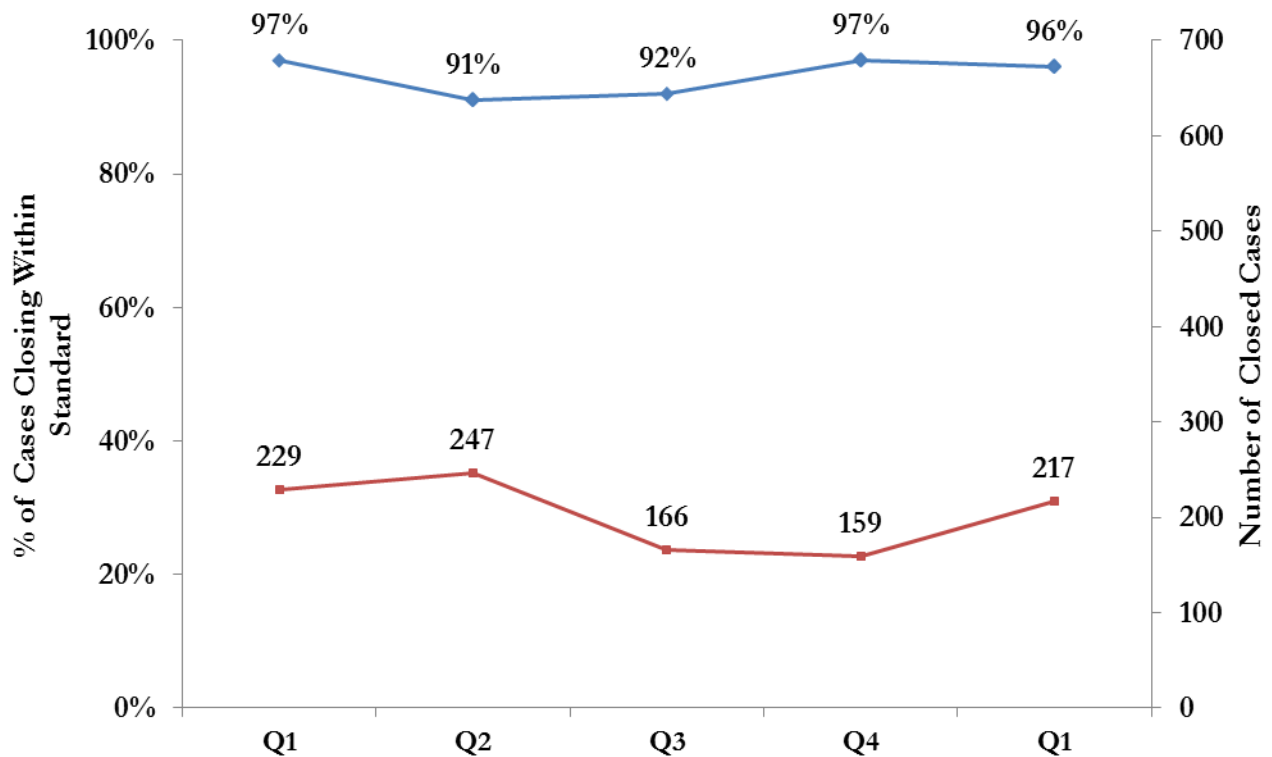
** The full juvenile delinquency caseload for FY08 is 1,492 cases.

The court's analysis of its FY16 case processing performance began in the first quarter of the fiscal year. At that time, court research staff analyzed case processing performance for all juvenile delinquency cases that reached disposition or otherwise closed between July 1, 2015 and September 30, 2015. The result was as follows:

- Juvenile Delinquency: 97% within the 90-day time standard (N = 229)

These preliminary results were shared with court administration and clerk staff, as well as all circuit court judges. Case processing performance was then examined quarterly throughout FY16 and FY17-Quarter 1 (as shown in Figure D.1).

Figure D.1 Case Processing Performance by Quarter, FY16-FY17



While case processing performance ebbed and flowed across the fiscal year, the end of year performance reached 95% in FY16 comparable to FY15 and an improvement over FY14 (92%). In fact, over the past five fiscal years, juvenile delinquency has maintained performance at 95% in all but one fiscal year. The overall average case (processing) time (ACT) improved slightly to 50 days in FY16 from 52 days in FY15 and 55 days in FY14. The FY16 decrease in the overall ACT is impacted by both the decrease in the ACT for within- and over-standard cases. The ACT for within-standard cases improved slightly from 47 days in FY15 and 45 days in FY16. The over-standard ACT improved more noticeably (by 9%) from 148 days to 134 days between FY15 and FY16, respectively.

A preliminary analysis was performed of juvenile delinquency cases that reached disposition or otherwise closed (e.g., due to a dismissal) within the first quarter of FY17 (July 1, 2016-September 30, 2016). Of the 217 cases that reached case stop, 96% closed within the 90-day time standard (n = 209). As shown in Figure D1, fluctuations in case processing performance across quarters is anticipated and the results for FY17-Quarter 1 should be considered preliminary as not all data quality checks have been performed.

Figure D.2 Termination Profiles of Juvenile Delinquency Cases, FY14-FY16

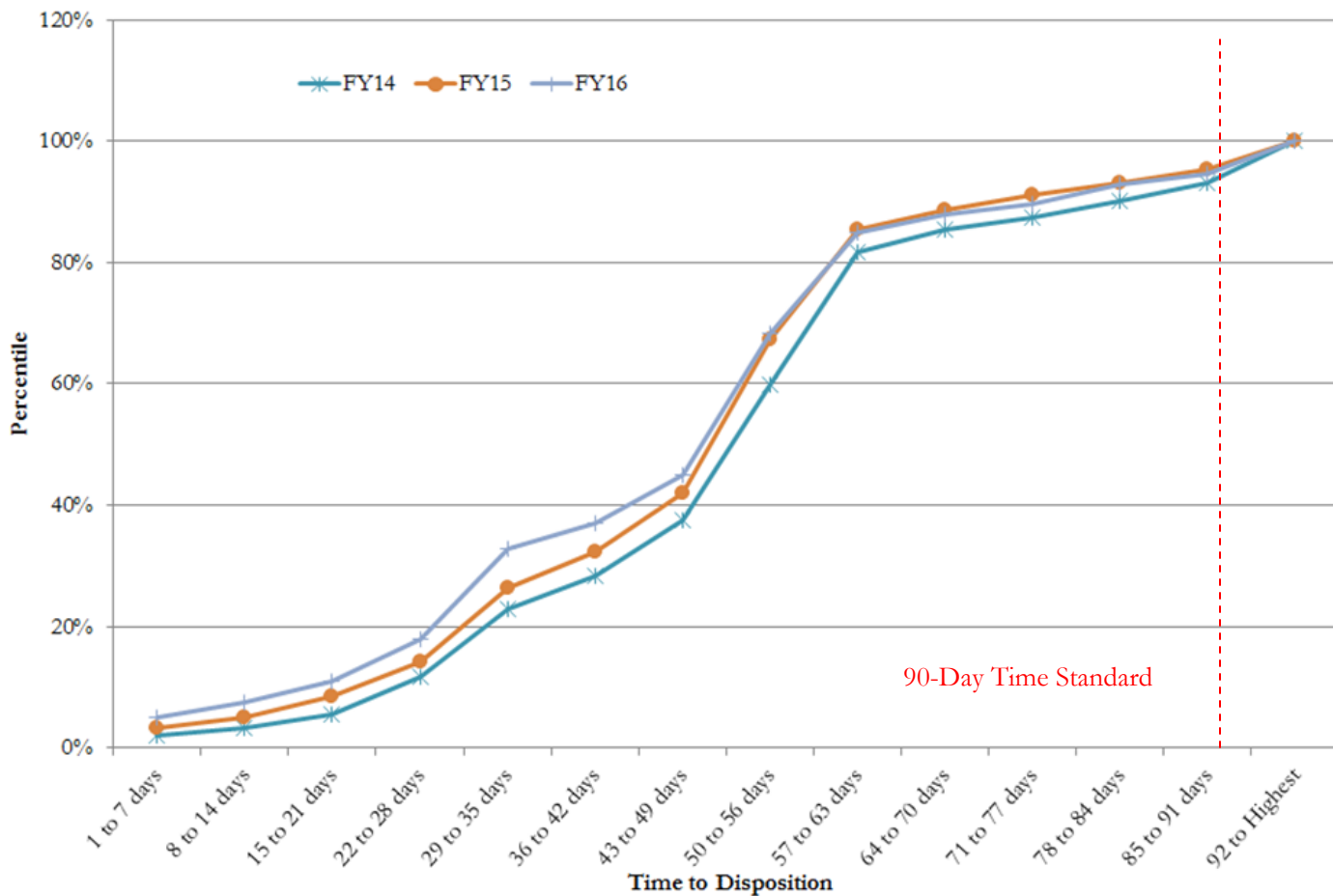


Figure D.2 provides an alternative view of the processing of juvenile delinquency cases. The figure tracks the (cumulative) percent of delinquency cases that reached disposition (or otherwise closed) within defined time periods. The FY14 resolution profile trails behind the profiles for FY15 and FY16 profiles. Over two-thirds of FY16 delinquency terminations reached disposition by day 56, which is comparable to FY15. Close to 90% of FY16 delinquency terminations reached closure by day 77. In order for the court to meet the case processing performance goal, an additional 28 cases would need to close within the 90-day time standard. Among the cases closed over-standard in FY16, this would mean that cases with a processing time of between 92 and 119 days would need to be addressed, which would likely require close case management scrutiny especially for those cases closing more than a few days over the time standard (which is 24 of the 28 over-standard cases). There are valid reasons why cases close over the time standard, and therefore the court is not advocating an “efficient at any cost approach” but rather the need to balance efficient and effective outcomes both of which are critical for quality case management and quality justice.

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. The vast majority (83%) 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 (53 days) than Track 1 cases (36 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 FY16, 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 FY16 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	% of ACT*	N	% of WST*	% of Track	% of ACT*	N	% of OST*	% of Track	% of ACT*
Track 1	139	17%	36	137	18%	99%	34	2	5%	1%	164
Track 2	662	83%	53	620	82%	94%	47	42	95%	6%	132
Total	801	100%	50	757	100%	95%	45	44	100%	5%	134

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

Juvenile Delinquency Case Terminations by Postponements

In FY16, the percentage of postponed delinquency cases is comparable to FY14 (46%) and slightly lower than FY15 (50%). Of the postponed cases, 91% closed within the 90-day time standard. FY16 cases without postponements were no more than a percentage point below the performance goal. All Track 1 cases (with and without postponements) met the performance goal. Track 2 cases without postponements were a percentage point below the performance goal. Seventy-five percent of the over-standard juvenile delinquency cases in FY16 were postponed.

Among FY16 postponed delinquency cases, 63% were postponed once; 24% postponed twice; and 13% postponed three to six times. Sixty-four percent (21/33) of the over-standard, postponed delinquency cases had two or more hearing postponements (pre-adjudication, adjudication, and/or disposition), whereas 34% of within-standard postponement cases had two or more hearing postponements.

The primary reason for postponing a hearing is ‘Calendar Conflicts’ (40%; 13% 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’ (12%); ‘Discovery/ADR Incomplete and/or Discovery Disputes/Additional Time

Needed to Prepare' (11%); 'Illness/Medical Emergency or Death' (9%); 'Defendant has underlying charges pending' (8%); 'Pre-Disposition Treatment program/conditions not completed (8%); and 'Parent not Present' (8%).

Table D.3 FY16 Juvenile Delinquency Case Terminations by Postponements, Termination Status (Within or Over the 3-month Standard), and Track

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 1	139	82	59%	43	80	98%	40	2	2%	164
Track 2	662	288	44%	62	257	89%	53	31	11%	139
Total	801	370	46%	59	337	91%	50	33	9%	140
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 1	139	57	41%	26	57	100%	26	---	---	---
Track 2	662	374	56%	45	363	97%	43	11	3%	115
Total	801	431	54%	43	420	97%	41	11	3%	115

* 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

- FY16 case processing performance results will be shared with the Montgomery County Circuit Court judges as well as clerks and court administration staff.

Database Modifications and Development

- Modify the Aequitas databases to allow for cleaned QC data to be captured on a daily basis. QC Case Notes should also be included in the Aequitas database as opposed to a separate database. These changes will allow court researcher staff to perform quarterly analysis on cleaned case assessment data.
- To improve analysis of the courts' case processing performance, in particular, to identify the possible causes of observed changes in the performance, develop a database of assessment-eligible cases that contains open and closed cases by combining the court's Open Case and Aequitas databases. Also, using information captured/distributed weekly (aligning with PerfoNew metrics), establish a caseload/workload database of filings, terminations, hearings/trials set and held to be reported and reviewed quarterly.

Analysis

- Identify potential areas and issues to investigate based on business users' information/intelligence gathering and results from the current analysis. Meet with pertinent, internal stakeholders to identify analytic topics of interest. Discuss the proposed analyses with the Clerk of the Court and Court Administrator (as appropriate).
 - Coordinate with the Family Division Services Coordinator, Deputy Family Division

Services Coordinator, and Supervising Family and Juvenile Case Manager on the data that they would find useful to monitor case processing performance between first appearance and adjudication, as well as between adjudication and disposition as it relates to statutory timelines (Maryland Rules 11-114.b.1, 11-114.b.2, and 11-115.a; Courts sec. 3-8A-15(d)(6)(ii) ¹⁵ for non-detained youth and detained youth. Special consideration will need to be given to the treatment of extra-ordinary cause postponements.

- Planning for the transition to Odyssey by reviewing the court's DCM tracks to determine if alternative configurations are needed and the implications of such modifications.

¹⁵ 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.

Child Welfare Case Terminations Fiscal Year 2016 Case Terminations

E. Child Welfare Case Processing Definitions and Summary

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% FY2016: 77%	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 FY2016: 31 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% FY2016: 92%	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 FY2016: 40 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% FY2016: 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 FY2016: 144 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 2016 (FY16), 179 child in need of assistance (CINA) cases had their adjudication hearing held (or otherwise reached the qualifying case stop event), including 140 CINA shelter cases and 39 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(s) 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 FY16 case processing performance began in September 2015, the first quarter of the fiscal year. Court research staff analyzed case processing performance for all CINA cases that reached the case stop event.

Figure E.1. CINA Shelter Case Processing Performance by Quarter, FY16 and FY17-Quarter1

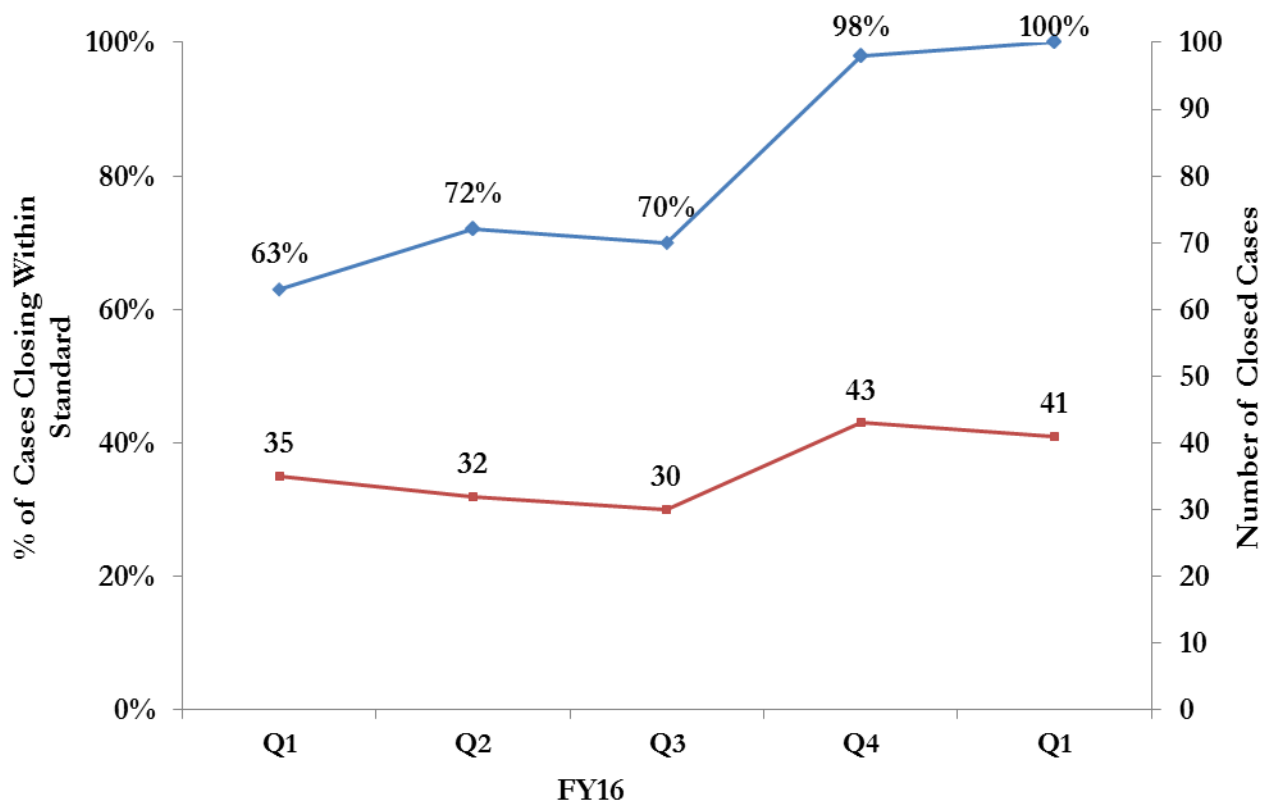
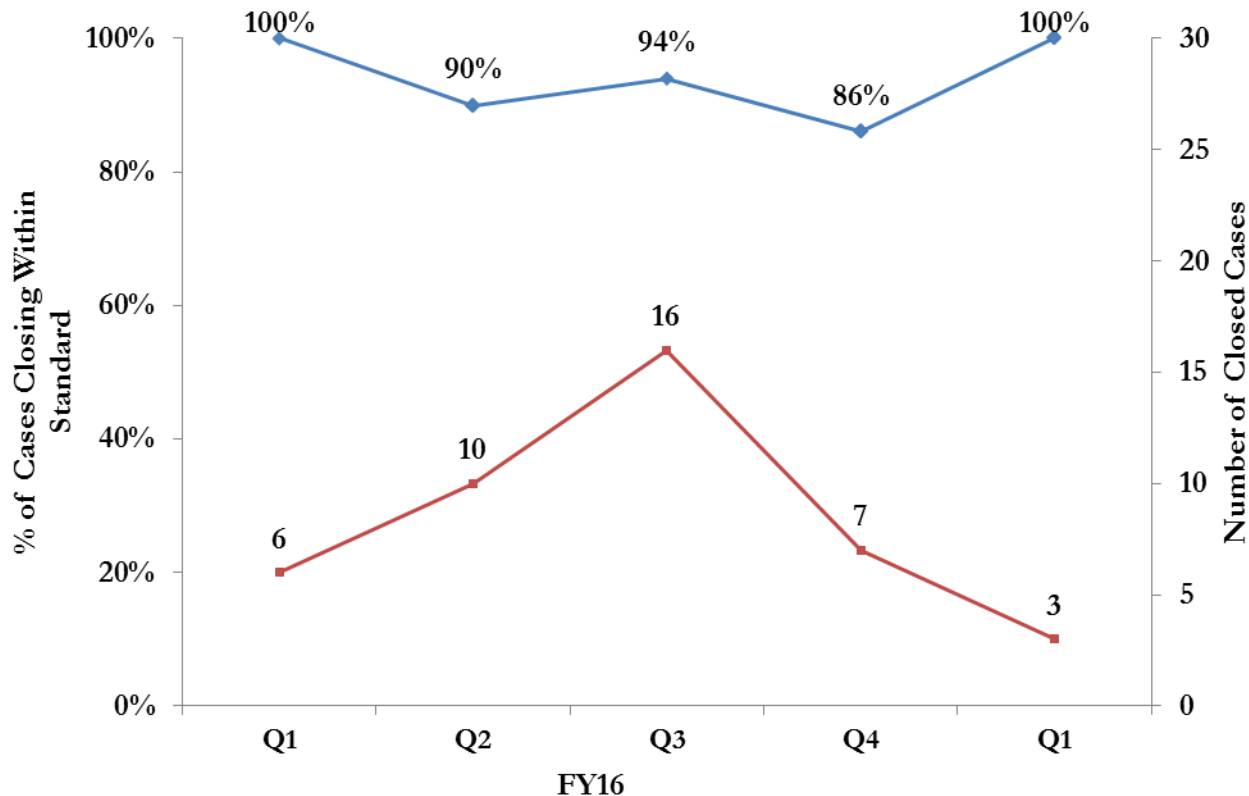


Figure E.2. CINA Non-Shelter Case Processing Performance by Quarter, FY16 and FY17-Quarter1



These preliminary results were shared with court administration and clerk staff as well as judges and magistrates. 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 2016.

CINA Shelter Case Processing Performance

Montgomery County Circuit Court's CINA shelter case processing performance reached 77% in FY16. This is a noticeable increase from the court's FY15 performance of 57% yet still below the FY14 performance of 81%, which was the highest performance achieved since the court began reporting child welfare case processing performance in FY05. 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 FY16 case processing performance approaches the performance achieved in FY11 (79%).

The number of over-standard cases reduced by 38% between FY15 and FY16 from 52 to 32 cases. The overall average case time (ACT) for the FY16 CINA shelter cases is 31 days, which is a slight decrease from FY15 (33 days). The within-standard average case time is comparable to FY15 while the over-standard average case time is noticeably above at 64 days. However, given the noticeably higher number of cases closing within-standard in FY16 compared to FY15 (108 vs. 69, respectively), the overall average case time is impacted more by the within-standard average case times compared to the over-standard average case times.

Table E.1 Number of CINA Shelter Case Terminations FY05-FY16

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
FY16	140	31	108	77%	21	32	23%	64

* ACT = Average Case Time (in days)

When a preliminary analysis was performed based on data from the first quarter of FY16 (July 1-September 30, 2015), only 63% (22) of 35 cases closed within the 30-day time standard. However, as shown in Figure E.1, the court's case processing performance in the remaining three quarters improved dramatically, in particular in the fourth quarter, reaching 98%.

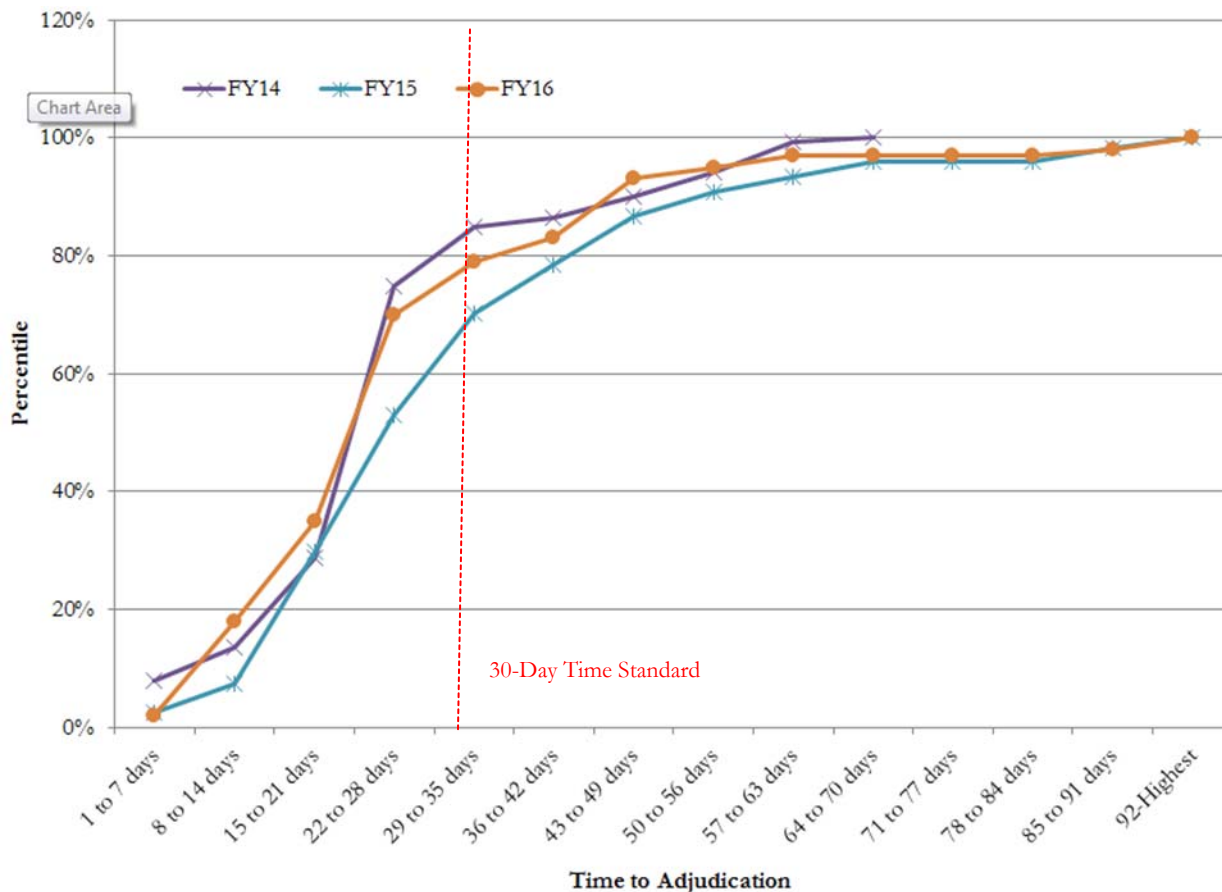
Figure E.3 CINA Shelter – Resolution Profiles, FY14 through FY16

Figure E.3 provides the resolution profiles of CINA shelter cases – the cumulative percentages of cases that reached adjudication by a specified time period for FY14 through FY16. In the profiles for FY14 and FY16, at least 70% of the CINA shelter cases reached case stop by day 28. The FY15 profile is more comparable and less efficient as it relates to case processing performance. It took the court 92 days and beyond (216 days) to adjudicate the last case in FY16.

CINA Shelter Case Terminations and Hearing Postponements

Overall, 86 of the 140 (61%) CINA shelter cases that reached adjudication during FY16 had at least one hearing postponement, compared to 80% in FY15. Of the cases that had postponements, 52% had one hearing postponement (44% in FY15), 38% had two (41% in FY15), 3% had three (9% in FY15), and 6% had four or five postponements (5% in FY15). 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.

As shown in the table below, all CINA shelter cases without postponements closed within the 30-day standard. Among the postponed cases, 63% closed within the 30-day time standard. This contrasts the results from last year when 46% postponed CINA shelter cases closed within the 30-day standard and FY14 when 74% closed within-standard. Of the 43 cases that contain one postponement, 58% closed within-standard, comparable to FY15 when 60% closed within-standard but much lower than FY14 when 92% closed within-standard. In FY16, all over-standard postponed CINA Shelter cases (n = 32) had an extraordinary cause postponement and experienced a total of 61 postponements.

Table E.2 FY16 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									
140	86	61%	39	54	63%	24	32	37%	64
Without Postponements									
140	54	39%	19	54	100%	19	---	---	---

* ACT = Average Case Time (in days)

Among all the CINA Shelter cases with postponements, the most frequently cited postponement reasons are ‘Calendar Conflicts’ (75 of 144 postponements (52%); 20 of 61 postponements contained in over-standard cases (33%)), followed by ‘Discovery/ADR Incomplete and/or Discovery Disputes/Additional Time Needed to Prepare’ ((23, 16%) all postponements; 15 of 61 (25%) 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.

CINA Non-Shelter Case Processing Performance

Table E.3 displays the case processing performance for CINA non-shelter cases between FY05 and FY16. The within-standard percent for CINA non-shelter cases that held adjudication or otherwise reached case stop in FY16 is 92%, eight percentage points down from 100% in FY15 when the court's CINA non-shelter performance achieved the Maryland Judiciary's performance goal for the second time. The average case time was 40 days for FY16, compared to 33 days in FY15 and comparable to 41 days in FY14. The within-standard average case time increased from 33 days to 37 days between FY15 and FY16.

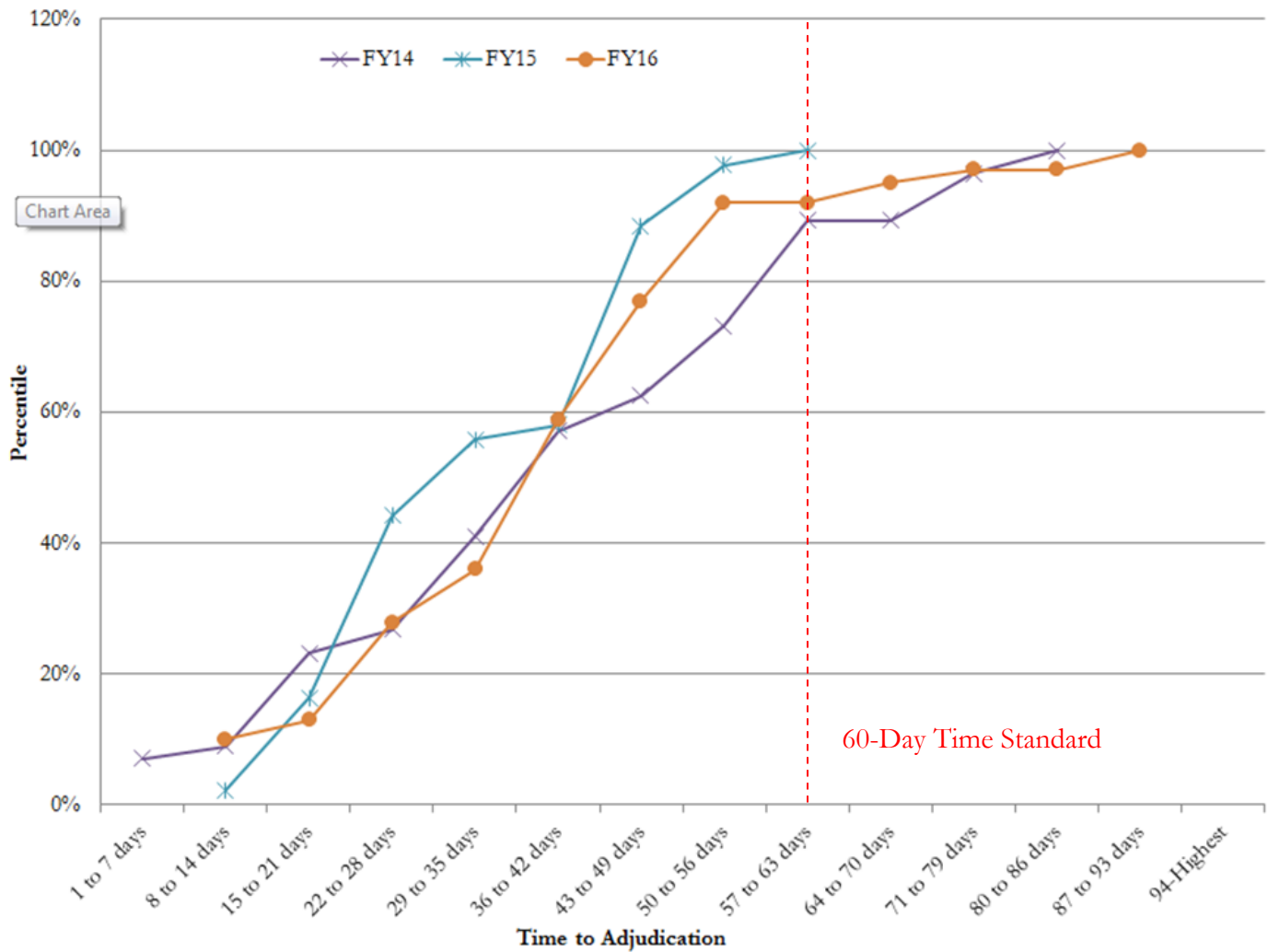
Table E.3 Number of CINA Non-Shelter Case Terminations FY05-FY16

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	--	--	--
FY16	39	40	36	92%	37	3	8%	77

* ACT = Average Case Time (in days)

As shown in Figure E.4, compared to other years, the FY16 resolution profile exhibits a slope that is less steep up to day 35, indicating that the FY16 cases were taking longer to reach adjudication during the period. Between 36 and 56 days, the FY16 profile surpasses others except for the FY15 profile, suggesting more efficient processing of cases. However, beyond the 56th day, the court's FY16 processing performance falters, as exhibited by the rather flat line, reaching 100% in 87-93 days, the second worst after FY13 (not shown). Clearly, if the court had been able to maintain the processing performance that it exhibited during the 29-56 day period, it might have been able to process all Non-Shelter cases before the 60th day. It is worthwhile to investigate what happened to the last 8% of the CINA Non-Shelter caseload that the court was unable to process within the 60-day time standard.

Figure E.4 CINA Non-Shelter – Resolution Profiles, FY14 through FY16



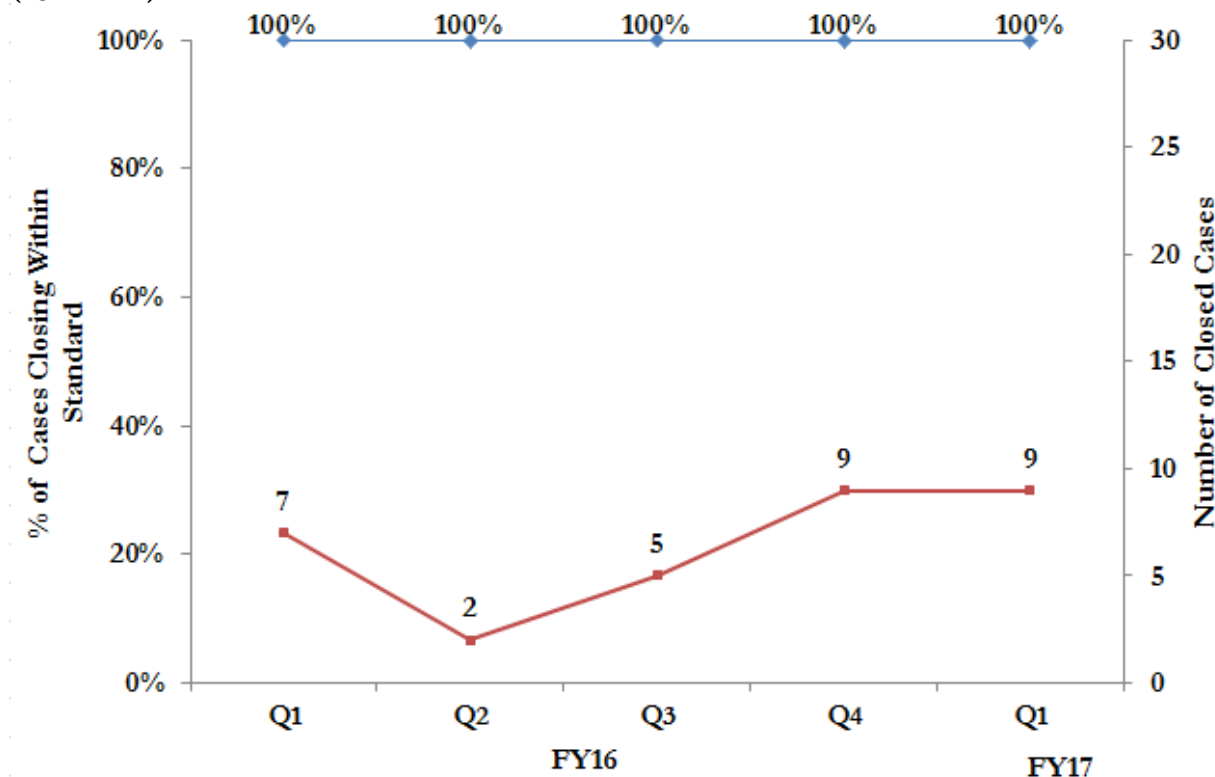
CINA Non-Shelter Case Terminations by Postponements

In FY16, 46% of CINA non-shelter cases had at least one postponement (18 of 39), and 83% (15 of 18) of those cases closed within-standard. The average case processing time for postponed CINA non-shelter cases is 48 days compared to 34 days for CINA non-shelter cases with no postponements. Of the 18 postponed cases in FY16, over half (56%) had one postponement and the remaining (n = 8) had between two and four postponements. The most frequently cited postponement reason across all postponements (n = 32) is ‘Calendar Conflicts’ (44% (14 of 32) of all postponed CINA non-shelter cases; 57% (4 of 7) of over-standard postponed non-shelter cases).

Termination of Parental Rights (TPR) Case Processing Performance

Similar to CINA cases, the court's analysis of its FY16 TPR case processing performance began in September 2015, at the end of FY16-Quarter 1. Court research staff analyzed case processing performance quarterly for TPR cases that reached the case stop event. The preliminary, quarterly results for FY16 as well as the first quarter of FY17 are as follows:

Figure E.5 Number of TPR Case Terminations and Performance by Quarter, FY16-FY17 (Quarter 1)



These preliminary results were shared with court administration and clerk staff as well as with the judges and magistrates. Table E.4 provides the number and performance of TPR cases that had their final order of guardianship entered or otherwise reached case stop between FY2005 and FY2016 (FY05-FY16). The full fiscal year case processing performance for TPR cases mirrors the performance achieved during each quarter of the fiscal year. Similar to FY14 and FY15, 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) is 144 days, which is 11 days higher than FY15 and 6 days shorter than FY14.

Achieving compliance with Family Law section 319(a)(1), which requires issuance of the final order of guardianship within 180 days of filing¹⁶, 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 may be 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.

¹⁶ 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.

Table E.4 Number of TPR Case Terminations, FY05-FY16

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	---	---	---
FY16	23	144	23	100%	144	---	---	---

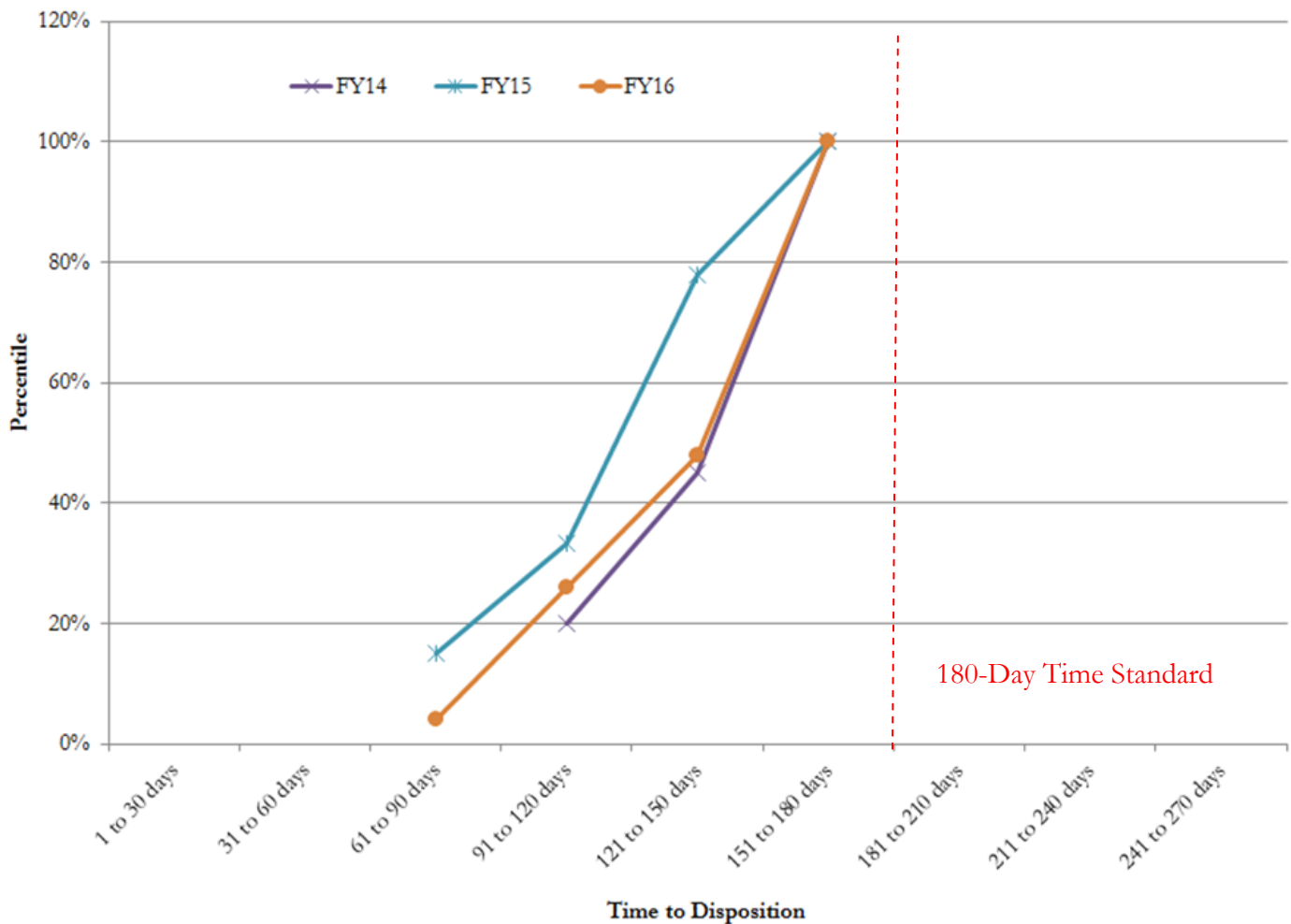
* ACT = average case time (in days)

As noted above, 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 FY17 (July 1, 2016-September 30, 2016). All TPR cases are within the 180-day time standard (n = 9). If we assume a similar sized caseload to that achieved in FY16, the first quarter caseload of FY17 represents approximately 39% of the entire, estimated FY17 caseload.

TPR Case Resolution Profiles

Figure E.6 displays the cumulative percentages of TPR cases that closed within defined time categories for FY14 through FY16. In FY14, it wasn't until the 92nd day that the first TPR case closed. In contrast, 15% of FY15 and 4% of FY16 TPR cases closed by day 90. In FY15, 78% of TPR cases reached closure by day 150 compared to 48% of FY16 cases. For the past six fiscal years, the resolution profiles converged by 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).

Figure E.6 TPR Resolution Profiles, FY14 through FY16



TPR Case Terminations by Postponements

In FY16, 35% of TPR cases had at least one postponement (8 of 23) compared to 52% in FY15 (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 164 days compared to 134 days for TPR cases with no postponements. Of the 8 postponed cases in FY16, over half (62.5%) had two postponements and the most frequently cited postponement reason is due to ‘Computer Generated Trial Date Conformed to Counsels’ Availability’ (45%, 5 of 11 postponement reasons).

Recommendations for Montgomery County Circuit Court

Information Sharing

- FY16 case processing performance results will be shared with the Montgomery County Circuit Court judges as well as clerks and court administration staff.

Database Modifications and Development

- Modify the Aequitas databases to allow for cleaned QC data to be captured on a daily basis. QC Case Notes should also be included in the Aequitas database as opposed to a separate database. These changes will allow court researcher staff to perform quarterly analysis on cleaned case assessment data.
- To improve analysis of the courts' case processing performance, in particular, to identify the possible causes of observed changes in the performance, develop a database of assessment-eligible cases that contains open and closed cases by combining the court's Open Case and Aequitas databases. Also, using information captured/distributed weekly (aligning with PerfoNew metrics), establish a caseload/workload database of filings, terminations, hearings/trials set and held to be reported and reviewed quarterly.

Analysis

- Identify potential areas and issues to investigate based on business users' information/intelligence gathering and results from the current analysis. Meet with pertinent, internal stakeholders to identify analytic topics of interest and develop possible actions to address the issues. Discuss the proposed analyses with the Clerk of the Court and Court Administrator (as appropriate).
 - Understanding the reasons for variations in CINA performance, particularly in the shelter cases in general and over-standard non-shelter cases, will likely require continued examination and monitoring 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.
- Planning for the transition to Odyssey by reviewing the court's DCM tracks to determine if alternative configurations are needed and the implications of such modifications.

Technical

- 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.