

2017

Case Time Processing Report



Montgomery County Circuit Court

*"Administering Justice in an
Honest, Fair, and Efficient,
Manner."*

Montgomery County Circuit Court

Fiscal Year 2017 Case Time Processing Report

Abstract

The Montgomery County Circuit Court's annual case processing report evaluates the court's case processing performance in relation to the Maryland time standards, identifies factors that may have impacted performance, and highlights strategies to improve case management processes and ultimately the administration of justice. In September 2016, the court began analyzing its Fiscal Year 2017 (FY17) case processing performance by producing quarterly results, which are shared with the court leadership team as well as judges and department managers. More frequent reviews and discussions of case processing times provide the court an opportunity to build its data analytic capacity and understand the value of data as a core component of court administration. The quarterly case processing performance reviews also aim to inform and engage personnel at all levels of the organization in dialog about case management. While these discussions often result in additional questions and the need for more detailed analyses, they also create opportunities to generate new ideas for improving performance and case management.

In FY17, a total of 16,760 original terminations¹ comprised of civil (5,298), criminal (2,107), family law-other (7,945), family law-limited divorce (292), juvenile delinquency (894), child in need of assistance (CINA) (181), and termination of parental rights (TPR) (43) cases were analyzed. Of the 181 CINA cases, 158 are shelter and 23 are non-shelter cases.

The Montgomery County Circuit Court's FY17 case processing analysis is performed using cases that reached the case stop event defined by the Maryland Judiciary's circuit court time standards. 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 FY16 and FY17 are as follows:

Table 1. Montgomery County Circuit Court Case Processing Performance (% of Cases Terminated within the Time Standards), FY16 and FY17

Case Type	Time Standard	Performance Goal	FY16	FY17	FY16-FY17 Difference
Civil, foreclosure	730 days	98%	96%	96%	0%
Civil, general	548 days	98%	98%	98%	0%
Criminal	180 days	98%	92%	89%	-3%
Family, limited divorce	730 days	98%	98%	98%	0%
Family, other	365 days	98%	94%	95%	1%
Juvenile delinquency	90 days	98%	95%	96%	1%
CINA shelter	30 days	100%	77%	99%	22%
CINA non-shelter	60 days	100%	92%	100%	8%
TPR	180 days	100%	100%	100%	0%

Between FY16 and FY17, civil-foreclosure, civil general, family-limited divorce and TPR case processing performance remained unchanged. Family-other, juvenile delinquency, CINA shelter, and CINA non-shelter made improvements in performance. Criminal performance declined by 3 percentage points from

¹ Cases with the following sub-types are excluded from the statewide case assessment analysis: 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.

92% in FY16 to 89% in FY17. In FY17, civil general, family-limited divorce, CINA non-shelter and TPR cases met their respective statewide performance goals.

The court continues to actively manage its caseload, monitor its case processing performance, and implement improvement initiatives as necessary. Recognizing the importance of continuous case management, the court looks forward to continued collaboration with the Maryland Judiciary on efforts that provide access to case processing data and results from statewide applications. Montgomery County Circuit Court's commitment to continued dialog and use of data will ensure that quality justice is administered to county residents in the most efficient and effective manner.

Fiscal Year 2017 Case Processing Time Report

Data Quality Review Procedures

Data quality review is a core function of the Montgomery County Circuit Court. The review is performed throughout the year with additional data quality checks conducted for the annual case assessment analysis.

Data Quality Procedures Performed on the FY2017 Case Assessment Data

Court Administration and Clerk of the Court personnel conducted audits of originally closed cases and checked the accuracy of assessment-related court docket entries. Designated court personnel also performed additional data quality reviews during the data preparation period to obtain the most accurate FY17 case assessment data.

Data Processing (DP) staff compiled FY17 assessment data into case type-specific data tables. These tables contain 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 (QC) staff, Administrative Aides, and court research personnel to ensure its accuracy, and to identify possible reasons for cases closing over-standard. Notes compiled by QC staff on over-standard terminations and questionable case information were shared with research personnel.

The court research personnel performed additional data quality checks on the case assessment data. Their primary focus was on the calculation of case processing time and cases closing noticeably beyond the time standards. Research staff coordinated with case management and quality control staff to further explore questionable case information. 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. All questionable case information was reconciled following coordination with clerk and quality control personnel.

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 uncovered as it relates to inactivating, reactivating, or closing a case as well as docket codes used to capture time standards' suspension events. Questionable case information was noted in relation to party representation status and date of service. Also, certain programming logic to extract cases and case events was reviewed and modified to more closely align with the time standard requirements defined by the Maryland Judiciary (e.g., the inclusion of body attachment as a suspension event in juvenile delinquency cases).

The Montgomery County Circuit Court continues to review and revise its policies and practices related to the review and reconciliation of questionable case information. 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 and report on case and court management.

Fiscal Year 2017 Case Processing Time Report

Overview

This overview provides Montgomery County Circuit Court's case processing performance, caseload and select workload figures for Fiscal Year 2017 (FY17).

Case Processing Performance

The court examined its FY17 case processing performance based on 16,760 original terminations as defined by the Maryland Judiciary's circuit court time standards.

- The court's FY17 performance in family limited divorce, civil general, CINA non-shelter, and TPR cases met their respective Maryland Judiciary-defined case processing performance goals.
- Between FY16 and FY17, the court's processing performance of CINA shelter cases increased by 22 percentage points from 77% to 99%.
- Civil, family-other, and juvenile delinquency case processing performance either maintained or slightly improved processing performance between FY16 and FY17 while criminal performance slightly decreased.

Caseload

During FY17, Montgomery County Circuit Court processed 35,484 filings including 21,832 original filings and 13,652 reopened filings. The court also processed 35,074 terminations including 21,627 original and 13,447 reopened terminations. The court processed 137 more filings (<1%) and 1,662 fewer terminations (-4%) in FY17 compared to FY16.

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 decreased from 104% in FY16 to 99% in FY17.²

- Between FY16 and FY17, the clearance rates for all case types decreased except for criminal, which increased slightly from 98% to 99%.

Table 2. Montgomery County Circuit Court Filings and Terminations (original and reopened), and Clearance Rate by Case, FY16 and FY17³

	Criminal		Civil		Family Law		Juvenile		Total	
	FY16	FY17	FY16	FY17	FY16	FY17	FY16	FY17	FY16	FY17
Filings	6,670	6,565	11,421	10,950	14,705	14,868	2,551	3,101	35,347	35,484
Terminations	6,531	6,518	12,705	11,112	14,941	14,428	2,492	3,016	36,669	35,047
Clearance Rate	98%	99%	111%	101%	102%	97%	98%	97%	104%	99%

² It may be useful to perform additional analyses of the clearance rates by separating original and reopened filings/terminations as well as examining the rates by case sub-type.

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.

Workload – Hearings and Trials

During FY17, Montgomery County Circuit Court set 8,430 trials and 60,280 hearings and held 1,503 trials and 41,108 hearings.

- The court **set** 45 fewer trials (<1%) and 2,314 more hearings (4%) in FY17 than it did in FY16. The numbers of trials and hearings set increased for criminal and juvenile delinquency cases but decreased for civil and family cases between FY16 and FY17.
- The court **held** 4 fewer trials (<1%) and 1,533 more hearings (4%) in FY17 than it did in FY16. The number of trials held declined in all case types except juvenile, and the number of hearings held increased for juvenile and criminal case types.

Table 3. Montgomery County Circuit Court Trials and Hearings Set and Held by Case Type, FY16 and FY17

	Criminal		Civil*		Family Law		Juvenile		Total	
	FY16	FY17	FY16	FY17	FY16	FY17	FY16	FY17	FY16	FY17
Trials										
Set	2,965	3,027	1,200	1,054	2,167	2,081	2,143	2,268	8,475	8,430
Held	216	203	262	253	946	939	83	108	1,507	1,503
Hearings										
Set	16,336	18,353	9,433	9,374	23,403	22,458	8,794	10,095	57,966	60,280
Held	12,294	13,473	4,186	4,031	15,448	14,739	7,647	8,865	39,575	41,108

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

Foreclosure and All Other Civil General Case Processing Performance

This section provides Montgomery County Circuit Court's FY17 processing performance for foreclosure and all other civil general cases. Analyses contained in this section also focus on hearing and trial postponements and recommendations for the court and for the Maryland Judiciary's Case Management Subcommittee. The table below displays the court's historical case processing performance and additional metrics related to case progress.

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

	Case Time Definitions	Percentage Within Standard	Average Case Processing Time	Additional Statewide Measures
Foreclosure* and All Other Civil General Cases	<u>Case Time Start:</u> Filing of Case.	<u>State-Set Goals (FY2015 – FY2017):</u> ▲ Foreclosures: 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: 98% within 548 days, 18 months	Foreclosures: FY2015: 334 days FY2016: 319 days FY2017: 321 days	FY2005: 45 days FY2006: 42 days FY2007: 40 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> Foreclosures: FY2015: 98% FY2016: 96% FY2017: 96% All Other Civil General: FY2015: 98% FY2016: 98% FY2017: 98%	All Other Civil General: FY2015: 188 days FY2016: 185 days FY2017: 185 days	FY2008: 41 days FY2009: 52 days FY2010: 43 days† FY2011: 30 days♦ FY2012: 33 days♦ FY2013: 31 days FY2014: 29 days FY2015: 35 days FY2016: 36 days FY2017: 35 days
<p>* Foreclosure cases are defined by the following action codes: Deed of Trust, Mortgage, Foreclosure, Petition to Foreclosure, and Condo Lien. Rights of Redemption cases are not considered foreclosures for the case assessment analysis and are included in the all other civil general case category.</p> <p>† FY2010 – FY2017 figures were calculated using all civil terminations whereas CY2001-FY2009 figures were calculated using a random sample of the civil termination population.</p> <p>▲ In FY2016, the Maryland Judicial Council approved implementation of separate time standards for foreclosure and all other civil general cases. For comparison purposes, the court applied these new time standards to FY2015 civil case terminations.</p> <p>♦ In CY2001, CY2002, CY2003, FY2011, and FY2012, the Maryland Judiciary requested that courts exclude foreclosures from their civil case processing performance analysis.</p>				

Foreclosure and All Other Civil General Case Processing Performance

In FY17, Montgomery County Circuit Court processed a total of 5,298 civil cases including 1,749 (33%) foreclosure cases and 3,549 (67%) other civil general cases. The overall FY17 civil terminations reflect a 10% reduction from FY16, which totaled 5,856 terminations with 38% (N = 2,238) identified as foreclosures. In FY16, the Maryland Judicial Council implemented two case time standards for civil cases. 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 have a 548-day (18-month) time standard with a goal of 98% closing within-standard.

Table A.1 provides the number of original terminations and the average case time (ACT) by termination status for foreclosure and all other civil general cases for FY15, FY16 and FY17. The court processed 1,749 foreclosure cases in FY17, 96% of which closed within two years from filing. The court also processed 3,549 other civil general cases of which 3,473 closed within 18 months from filing meeting the statewide performance goal. The overall ACT for FY17 foreclosure cases is 321 days, slightly higher than that obtained for FY16 (319 days) and below FY15 (334 days). The overall ACT for all other civil general cases remained relatively unchanged when compared to FY15 and FY16 at 185 days.

Table A.1 Number of Foreclosure and All Other Civil General Case Terminations and Processing Performance, FY15-FY17

Case Sub Type (Time Standard)	Fiscal Year	Total Terminations		Within-Standard Terminations			Over-Standard Terminations		
		N	ACT*	N	%	ACT*	N	%	ACT*
Foreclosure Cases (24 Months, 730 days)	FY15	2,562	334	2,514	98%	323	48	2%	915
	FY16	2,238	319	2,159	96%	299	79	4%	884
	FY17	1,749	321	1,680	96%	296	69	4%	939
All Other General Civil Cases (18 Months, 548 days)	FY15	3,544	187	3,468	98%	175	76	2%	779
	FY16	3,618	185	3,541	98%	174	77	2%	687
	FY17	3,549	185	3,473	98%	173	76	2%	733

* ACT = Average Case Time (in days)

Table A.2 Distribution of Over-Standard All Other Civil General Cases by Clock Time (days), FY15-FY17

Foreclosures	N	Mean	Median	Percentile						
				5	10	25	75	90	95	Max
FY15	48	915	880	734	736	792	943	1,178	1,374	1,578
FY16	79	884	871	744	754	808	918	1,043	1,147	1,254
FY17	69	939	877	743	756	791	1,050	1,195	1,298	1,524
Non-Foreclosure, Civil General	N	Mean	Median	Percentile						
				5	10	25	75	90	95	Max
FY15	76	779	651	553	557	581	844	1,348	1,357	1,526
FY16	77	687	607	557	564	573	708	870	1,412	1,599
FY17	76	733	665	555	567	601	817	992	1,156	1,492

Table A.2 displays the distribution of over-standard foreclosure and all other civil general terminations for the past three fiscal years. The number of foreclosure cases that closed over-standard increased between FY15 and FY17 by 44% from 48 to 69 cases. There was a slight reduction in over-standard foreclosure terminations between FY16 and FY17 (13%). The median processing days among over-standard foreclosure terminations has remained relatively stable over the past three fiscal years (ranging by no more than 9 days).

Among all other civil general terminations, the most noticeable difference in over-standard terminations for the past three fiscal years relates to the number of terminated cases *with case times greater than 1,000 days*. The overall number of over-standard terminations has remained unchanged between FY15 and FY17 (76-77 terminations). The FY16 median over-standard processing time is lower (607 days) when compared to FY15 (651 days) and FY17 days (665). It is between the 75th and 90th percentiles where the case time of the over-standard FY16 cases are noticeably lower (708 – 890 days) than case times for FY15 and FY17 (817 – 1,348 days). The court may want to compare the volume and age of pending caseload at the end of FY16 vs. FY15 and FY17 to understand variations in the distribution of case age of over-standard

terminations. Despite these differences, the performance of all other civil general cases has remained stable at 98%.

Figure A.1 Civil Resolution Profiles, FY15-FY17

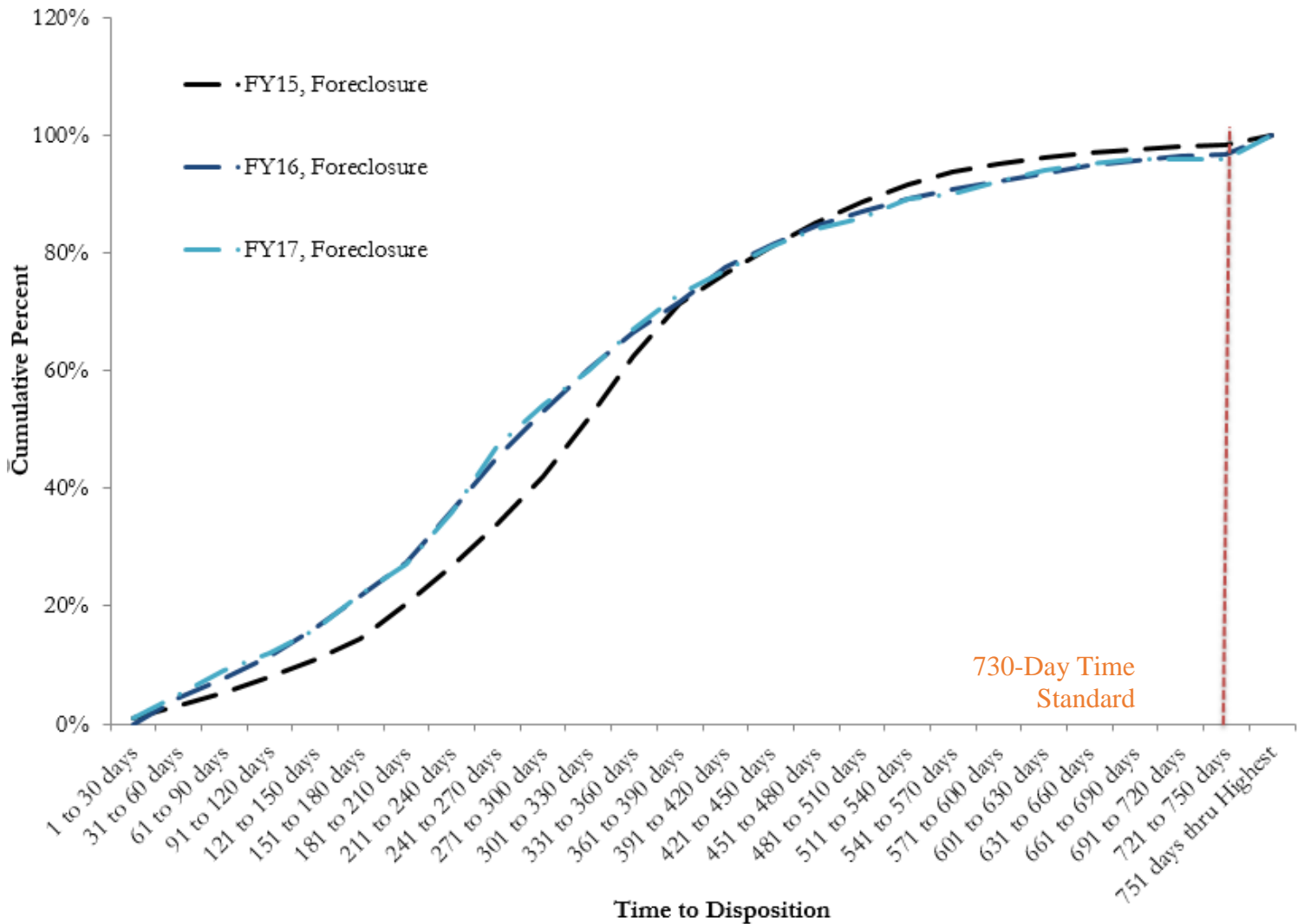


Figure A.1 displays resolution profiles for foreclosure cases closed between FY15 and FY17.⁴ Ideally, resolutions profiles have a high arch early in the life of a case indicating efficiency in processing. A higher percentage of FY17 and FY16 foreclosure cases compare to FY15 closed earlier in the case process up until day 450. Beginning at day 451, the trend flipped and a lower percentage of FY17 and 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 past three fiscal years (96% - FY16 and FY17 vs. 98% - FY15). Further discussion about the foreclosure caseload is provided below; however, additional analyses may be of interest to better understand the shift in foreclosure case processing performance between FY15 and FY16-17.

⁴ Resolution profiles for all other civil general terminations between FY15 and FY17 follow the same trend, which is expected given comparable performance and case processing times. As such, the profiles are not displayed.

Foreclosure Caseload⁵

Between FY11 and FY14, original foreclosure filings increased by 188% (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). As a result, the percentage of foreclosure terminations among all civil terminations⁶ increased from 36% in FY14 to 43% in FY15 since civil, non-foreclosure terminations also decreased by 13% (from 4,302 to 3,730 terminations) between FY14 and FY15. In FY16, the representation of foreclosures among civil terminations declined to 40% due to a decline (12%) in foreclosure terminations between FY15 and FY16 and because of little change in civil non-foreclosure terminations (3,730 and 3,774, respectively). In FY17, the representation of foreclosures further declined to 32% of all civil terminations as foreclosure terminations continued to decline by 26% (foreclosure filings declined by 36%). In FY17, original foreclosure filings and terminations totaled 1,283 and 1,847, respectively, resulting in a clearance rate of 144%. The FY17 clearance rate is higher than the FY15 and FY16 rates (121% and 125%, respectively). Clearance rates greater than 100% indicate that for the past three years the court has been addressing a portion of its backlogged foreclosure cases, likely those associated with a 188% increase in foreclosure filings between FY11 and FY14.

The FY17 foreclosure case processing performance is comparable to FY16 with 96% of cases closing within-standard, which is below that realized in FY15 (98%). The decline in performance may be the result of a greater percentage of backlogged cases being part of the FY17 termination caseload. The overall average case processing time for foreclosure cases is slightly higher in FY17 (321 days) than in FY16 (319 days). The increase in the overall average case time is driven by an increase in processing time among the over-standard cases from 884 days in FY16 to 939 days in FY17, which further supports the correlation between performance and the clearing out of backlogged cases in FY17.

All Other Civil General Case Terminations by DCM Track⁷

There are nine tracks defined in Montgomery County Circuit Court's Civil Differentiated Case Management (DCM) plan.⁸ Table A.3 shows the number of case terminations, the percentage of cases closed within the 548-day 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 and, separately, cases assigned to an Advanced Science and Technology Adjudication Resource track (ASTAR, Tracks 7 and 8) are combined.

⁵ This supplemental analysis of foreclosure filings and terminations includes a different population than included as part of the annual case assessment. For instance, Rights of Redemption cases are considered foreclosures in the court's filing and termination foreclosure figures.

⁶ The civil terminations figure excludes Register of Wills terminations, which total 4,318 in FY14 and 3,672 in FY15.

⁷ Table A.3 focuses on civil general case performance by DCM track because foreclosure cases are generally assigned to Track N (the single exception in FY17 is 430369V, which is assigned Track 0).

⁸ For additional information about the DCM plans including detailed descriptions of the DCM tracks, please visit the court's website at <http://www.montgomerycountymd.gov/circuitcourt/attorneys/dcm.html>.

Table A.3 All Other Civil General Case Processing Performance by Termination Status and DCM Track, FY17

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)	637	18%	69	624	98%	18%	53	20	2%	26%	821
Track 0 (No Discovery)	567	16%	141	563	99%	16%	135	8	1%	10%	886
Track 2 (1/2 to 1 day trial)	1,205	34%	178	1,194	99%	34%	173	1	1%	1%	716
Track 3 (2 to 3 day trial)	964	27%	273	935	97%	27%	260	23	3%	30%	678
Track 4 (More than 3 days trial or intensive motions)	147	4%	320	131	89%	4%	271	19	11%	25%	724
Tracks 5 & 6 (B&T)	28	1%	238	26	93%	1%	207	6	7%	8%	642
Tracks 7 & 8 (ASTAR)	1	<1%	1,100	0	0%	---	---	1	100%	1%	1,100
Total	3,549	100%	185	3,473	98%	100%	173	76	2%	100%	733

* 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.

Cases assigned to Tracks N, 2, and 3 represent close to 80% of FY17 civil general terminations. The processing performance of cases assigned to Tracks N, 0, and 2 met or exceeded the statewide performance goal. Track 3 performance reached 97% comparable to FY15 and FY16. There were more FY17 cases assigned to Track 4 (147 versus 115 (FY16) and 123 (FY15)) and a higher percentage of Track 4 cases closing within-standard (89% versus 83% (FY16) and 87% (FY15)) compared to the previous two fiscal years.

All Other Civil General Case Terminations by Postponements⁹

Overall, 16% (864) of the 5,298 foreclosure and other civil general cases closed during FY17 had at least one hearing or trial postponement compared to 15% (887 of 5,856) of cases closed during FY16 and 14% (872 of 6,106) of cases closed during FY15. Twenty-four percent of all other civil general cases were postponed compared to less than 2% (1.7%, 29 cases) of foreclosure cases. Accordingly, the following postponement analysis focuses on all other civil general cases.

Of the postponed civil general cases, 94% closed within the 548-day time standard (as shown in Table A.4 below). Postponed civil general cases assigned to Tracks N and 0 continued to meet the 98% performance goal while those assigned to the other DCM Tracks fell below the goal. The court may want to examine postponements among cases assigned to Tracks 2, 3 and 4 to better understand the connection between postponements and performance. In contrast, 99% of cases without postponements closed within the time standard.

The court granted a total of 1,772 hearing and trial postponements among the 835 postponed cases, averaging 2 postponements per case. Among the postponed cases, 47% have one postponement, 28% have two postponements, and another 25% have three or more postponements. In FY17, 78% of postponed, over-standard civil case terminations (42 of 54) were postponed two or more times.

The overall average case processing time among postponed civil general cases is more than double that for cases that are not postponed (323 versus 142 days, respectively). Among postponed cases, the average

⁹ 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.

case time for over-standard cases is 694 days compared to 297 days for within-standard cases. Interestingly, the average case time for postponed, over-standard cases is *shorter* than that for over-standard cases without postponements (694 compared to 829 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.¹⁰

Table A.4 All Other Civil General Case Terminations by Postponements, Termination Status and DCM Track, FY17

With Postponements										
DCM Track	Total Terminations	Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
		% of			% of			% of		
		N	Total Track	ACT*	N	Track	ACT*	N	Track	ACT*
Track N	637	12	2%	156	12	100%	156	0	---	---
Track 0	567	94	17%	219	92	98%	206	2	2%	787
Track 2	1,205	275	23%	270	265	96%	253	10	4%	721
Track 3	964	346	36%	366	323	93%	346	23	7%	640
Track 4	147	96	65%	427	80	83%	368	16	17%	723
Tracks 5 & 6	28	11	39%	386	9	82%	329	2	18%	642
Tracks 7 & 8	1	1	100%	1,100	0	0%	---	1	100%	1,100
Total	3,549	835	24%	323	781	94%	297	54	6%	694
Without Postponements										
DCM Track	Total Terminations	Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
		% of			% of			% of		
		N	Total Track	ACT*	N	Track	ACT*	N	Track	ACT*
Track N	637	625	98%	67	612	98%	51	13	2%	821
Track 0	567	473	83%	125	471	>99%	122	2	<1%	986
Track 2	1,205	930	77%	151	929	>99%	150	1	<1%	662
Track 3	964	618	64%	221	612	99%	215	6	1%	365
Track 4	147	51	35%	119	51	100%	119	0	---	---
Tracks 5 & 6	28	17	61%	142	17	100%	142	0	---	---
Tracks 7 & 8	1	0	---	---	---	---	---	0	---	---
Total	3,549	2,714	76%	142	2,692	99%	137	22	1%	829

* ACT = Average case time, in days.

The most frequently cited postponement reasons among the 835 postponed cases (regardless of track) include: “Discovery/ADR Incomplete and/or Discovery Disputes/Additional Time Needed to Prepare” (48% all of postponements; 50% of postponements in over-standard cases); “Calendar Conflict” (17% all of postponements, 20% of postponements in over-standard cases); “Letter/Line of Agreement Received (Automatic USE Only)” (8% of all postponements; 2% of postponements in over-standard cases); “Party(s) Did Not Receive Notice of Court Date” (7% of all postponements; 5% of postponements in over-standard cases); and “Settlement, Plea or Reconciliation in Progress” (5% of all postponements; 5% of postponements in over-standard cases).

¹⁰ Over 50% (12 of 22) of the over-standard civil general cases without postponements are foreclosure rights of redemption actions.

Recommendations for Montgomery County Circuit Court

- *Information Sharing.* FY17 case processing performance results will be communicated to the Montgomery County Circuit Court civil bench, civil bar, as well as pertinent clerk and administration personnel.
- *Analysis.* Foreclosure case processing performance has remained relatively stable across the past two fiscal years at 96%, which is two percentage points below the performance goal. The court may want to perform additional analyses related to the shift that occurred in the foreclosure resolutions profiles from FY15 to FY16/FY17.
 - A preliminary analysis of the 69 over-standard FY17 foreclosure cases was performed. Approximately, 86% of FY17 over-standard foreclosure cases have at least one order deferring closure pursuant to Maryland Rule 14-207 or a re-referral for surplus funds. The average number of deferrals among the over-standard foreclosure cases that have at least one deferral granted is 3.80.
 - 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 by termination status.
 - The number of orders deferring dismissal pursuant to Maryland Rule 14-207.
 - 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.
 - It may be useful for the court to review the National Center for State Courts (NCSC) Civil Justice Initiative (CJI) to determine if any recommendations detailed should be considered as the court works to not only sustain but improve current civil case management practices and performance.

Recommendations for the Case Management Subcommittee

- *Technical Assistance.* Please clarify the reason for excluding Rights of Redemption cases from the 730-day Foreclosure time standard.
- *Strategic.* It may be useful to review the National Center for State Courts (NCSC) Civil Justice Initiative (CJI) to determine if any recommendations detailed are worth considering statewide.
- *Developing a Working Group to Perform Additional Analyses and Inform Case Management.* Establish a working group to develop a statistical reporting guide that assists courts in their efforts to monitor case processing, workload, case management, and court operations performance. The guide will: 1) identify Odyssey and dashboard reporting tools available to support routine analyses of case and court performance; 2) describe how to review and discuss results across these different metrics and over time; 3) suggest additional, more detailed analyses to better understand the high-level performance results; and 4) offer templates to translate results into tables and graphics that clearly explain the performance results for court users.

Criminal Case Processing Performance

This section provides Montgomery County Circuit Court's FY17 case processing performance for criminal cases including analyses of hearing and trial postponements and recommendations for the court and for the Maryland Judiciary's Case Management Subcommittee. The table below displays the court's historical case processing performance and additional metrics related to case progress.

B. Criminal Case Processing Definitions and Summary

Case Time Definitions	Percentage Within-Standard and Average Case Processing Time	Additional Statewide Measures	
<u>Case Time Start:</u> First appearance of defendant or an entry of appearance by counsel	Percent Within 6-month (180 days) Standard (<u>State-Set Goal: 98%</u>) CY2001: 96% CY2002: 91% CY2003: 90%	<u>Arrest/Service to Filing^{‡§}:</u> CY2001: 121 days CY2002: 138 days CY2003: 124 days FY2005: 125 days FY2006: 121 days FY2007: 112 days FY2008: 116 days*	<u>Verdict to Sentence[‡]:</u> CY2001: 24 days CY2002: 46 days CY2003: 51 days FY2005: 108 days FY2006: 88 days FY2007: 97 days FY2008: 75 days*
<u>Case Time Stop[†]:</u> CY2001 – FY2008: Disposition (PBJ, Stet, NP, NG, Sentencing, NCR finding) FY2009 – FY2016: Disposition (Plea or Verdict, Stet, Nolle Prosequi, Reverse Waiver Granted, NCR Finding)	FY2005: 90% FY2006: 90% FY2007: 89% FY2008: 86%* FY2009: 96% FY2010: 95% FY2011: 96% FY2012: 96% FY2013: 95% FY2014: 94% FY2015: 94% FY2016: 92% FY2017: 89%	FY2009: 104 days FY2010: 117 days FY2011: 117 days FY2012: 132 days FY2013: 110 days FY2014: 144 days FY2015: 137 days FY2016: 120 days FY2017: 129 days	FY2009: 99 days FY2010: 18 days FY2011: 18 days FY2012: 19 days FY2013: 22 days FY2014: 21 days FY2015: 23 days FY2016: 19 days FY2017: 18 days
<u>Case Time Suspension Events:</u> <ul style="list-style-type: none"> • Failure to Appear/Bench Warrant • Mistrial • NCR Evaluation • Competency Evaluation • Petition for Reverse Waiver • Interlocutory Appeal • Military Leave • Pre-Trial Sentencing Treatment • Psychological Evaluation • Problem-Solving Court Diversion • Postponement due to DNA/Forensic Testing 	<u>Average Case Processing Time:</u> CY2001: N/A CY2002: 89 days CY2003: 89 days FY2005: 86 days FY2006: 84 days FY2007: 92 days FY2008: 94 days* FY2009: 77 days FY2010: 80 days FY2011: 62 days FY2012: 66 days FY2013: 73 days FY2014: 70 days FY2015: 75 days FY2016: 81 days FY2017: 93 days	<u>Filing to First Appearance[‡]:</u> CY2001: 12 days CY2002: 18 days CY2003: 15 days FY2005: 19 days FY2006: 18 days FY2007: 15 days FY2008: 17 days* FY2009: 13 days FY2010: 12 days FY2010: 18 days FY2011: 18 days FY2012: 14 days FY2013: 17 days FY2014: 17 days FY2015: 18 days FY2016: 17 days FY2017: 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-FY17 assessments whereas it was measured from the first appearance to sentencing for the CY01-FY08 assessments.

‡ Additional statewide measures for CY2001-FY2009 were calculated based on random samples of the case population whereas the FY2010-FY2017 figures were calculated using all 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 negative 'Arrest to Filing' times from the FY14 data, 127 from the FY15 data, 125 from the FY16 data, and 97 from the FY17 data resulted in an average of 155 days, 150 days, 133 days, and 137 days, respectively.

Overall Criminal Case Terminations

During Fiscal Year 2017 (FY17), Montgomery County Circuit Court processed 2,110 original criminal case terminations, 21 fewer than FY16 (2,131 terminations) and 121 fewer than FY15 (2,252 terminations). The current analysis is based on 2,107 cases with valid case start and stop dates.¹¹ Table B.1 presents the court's criminal case processing performance since FY09 when the statewide criminal time standard was changed to measure the 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 and FY17.

Table B.1 Number of Criminal Case Terminations and Processing Performance, FY09-FY17

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
FY17	2,107	93	1,877	89%	69	230	11%	290

* ACT = average case time (in days)

The court's criminal case processing performance measured in terms of the percentage of cases closed within the 180-day time standard declined to 94% in FY14 and FY15 from 95-96% between FY09 and FY13. The performance further declined to 92% in FY16 and 89% in FY17. The average case processing times for all cases, those closed within-standard and over-standard, also increased between FY14 and FY17.

Table B.2 Distribution of Over-Standard Criminal Cases by Clock Time (days), FY10-FY17

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
FY17	230	290	260	184	194	216	321	423	487	1,024

Table B.2 compares the distribution of over-standard case terminations for FY10 through FY17. The number of cases that are over-standard increased by 29% from 126 in FY15 to 162 in FY16 after gradual increases beginning in FY12. While the number of overall terminations slightly declined between FY16 and FY17, the number of over-standard terminations increased by 42% to 230 in FY17. The mean and median days of the over-standard cases also increased between the two fiscal years. The increased average case time in FY17 is largely due to the presence of a 1,024-day case termination; without it, the FY17 average case time among over-standard terminations is 287 days. The 13-day increase in the median case

¹¹ Four cases were excluded from the analysis because they were filed prior to January 2001. Any cases filed before January 2001, when the Maryland case time standards were adopted, are removed from analysis.

time between FY16 and FY17 indicates that FY17 experienced a greater portion of over-standard terminations that took longer to process (over 270 days) than previous years.

Figure B.1 Criminal Case Over-Standard Terminations, FY17

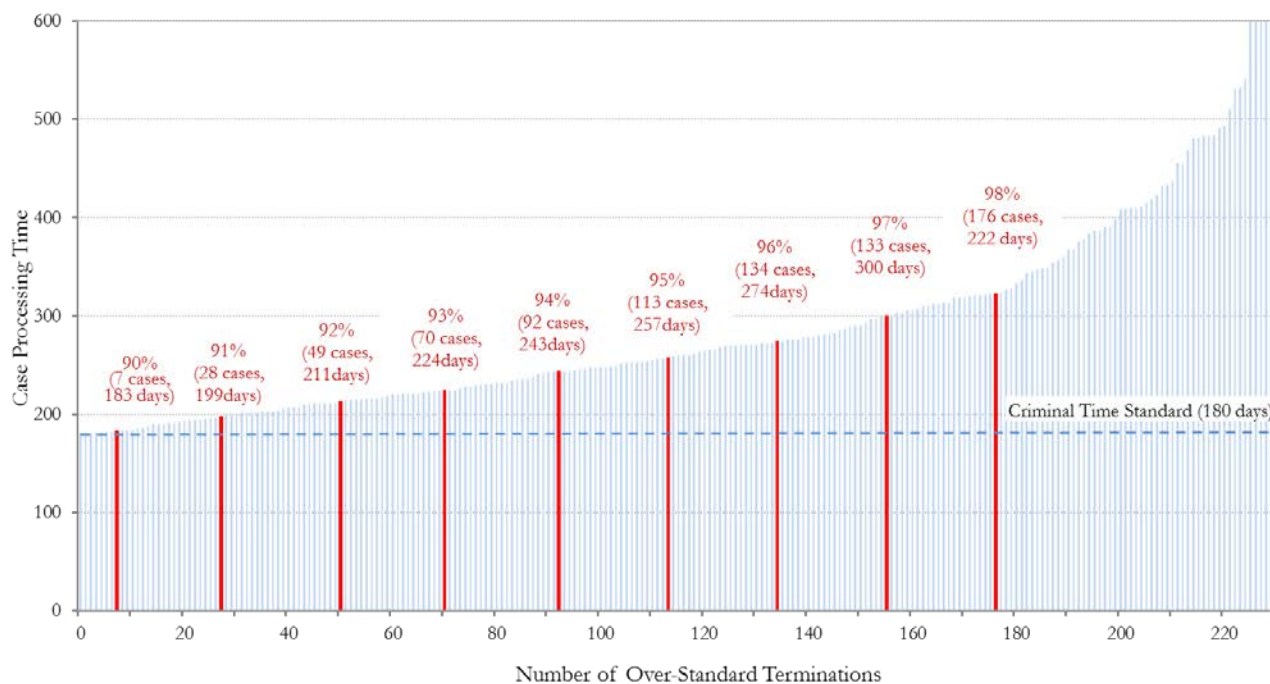


Figure B.1 presents the distribution of over-standard terminations by case time for FY17. The vertical lines reflect the number of cases that the court would need to terminate within 180-days to reach the identified within-standard percentage. If the court were to improve the observed FY17 performance to the FY16 level of 92% (at least 91.5%), 50 additional cases with case times ranging from 181 to 211 days would need to be closed within the 180-day time standard. To improve the performance beyond 92%, for each additional percentage point, the court would need to process 21 to 22 over-standard cases within the time standard. Thus, to reach 93%, the court would need to process 21 more over-standard cases ranging from 213 to 224 days within the 180-day standard. To meet the statewide performance goal of 98%, the court would need to close within-standard 177 of the 230 (77%) currently over-standard cases, whose case times reach 322 days.

Case Terminations by DCM Track

The Montgomery County Circuit Court's Criminal Differentiated Case Management (DCM) plan has the following four tracks.¹²

Track 1: District Court jury demands and appeals (960 terminations in FY17, 966 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 (259 terminations in FY17, 258 in FY16, 266 in FY15, 309 in FY14, 344 in FY13, 313 in FY12 and 432 in FY11)

¹² The track descriptions are based on the Criminal DCM plan (July 2003, 2nd edition). The plan was revised in July 2010 with minimal differences in the track descriptions between the two versions. The FY2017 data also included one Track N case, which was filed in 1974 before the track was eliminated. This case is excluded from the analysis because it was filed before 2001.

Track 3: Indictments and Informations, defendant on bond/writ status (572 terminations in FY17, 611 in FY16, 758 in FY15, 664 in FY14, 683 in FY13, 693 in FY12 and 774 in FY11)

Track 4: Complex Indictments and Informations (316 terminations in FY17, 289 in FY16, 315 in FY15, 253 in FY14, 263 in FY13, 234 in FY12 and 274 in FY11)

Table B.3 presents the FY17 criminal case processing performance, the average case time and the percentage of cases closed within-standard, as well as the distribution of terminations by DCM Track. Compared to FY16, the number of overall terminations declined slightly (0.8%) in FY17 due to a decrease in Track 3 terminations (39 terminations or a 6% decline), which was somewhat cancelled out by an increase in Track 4 terminations (27 terminations or a 9% increase). However, the distribution of terminated cases by DCM Track in FY17 is still comparable to that of FY16.

Table B.3 Criminal Case Processing Performance by DCM Track and Termination Status, FY17

	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	960	46%	64	927	49%	97%	59	33	14%	3%	228
Track 2	259	12%	81	240	13%	93%	68	19	8%	7%	251
Track 3	572	27%	95	517	28%	90%	74	55	24%	10%	294
Track 4	316	15%	187	193	10%	61%	108	123	53%	39%	311
Total	2,107	100%	93	1,877	100%	89%	69	230	100%	11%	290

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

† Excludes one Track 0 and five Track N cases.

In terms of case processing performance, the performance of Track 1 cases, which has been the only track where its performance exceeded the statewide goal of 98%, declined to 97% in FY17. The number of over-standard terminations in Track 1 more than doubled in FY17 (33 terminations) compared to FY16 (13 terminations), and the overall average case time increased by 10 days from 54 to 64 days during that period. Similarly, the case processing performance of Track 2 terminations declined between FY16 and FY17. The overall case time increased by 11 days, and the percentage of within-standard terminations declined from 97% to 93%. The case processing performance of Track 4 terminations similarly declined in FY17. The number of Track 4 over-standard terminations increased 43% from 86 to 123 between FY16 and FY17 and the percentage of within-standard terminations decreased by 9 percentage points from 70% to 61%. In comparison, the decline in the FY17 Track 3 performance was modest; a single percentage point decline from 91% in FY16 to 90% in FY17.

Figure B.2 displays track-specific performance within an historical context. The figure reveals that the observed FY17 decline in Tracks 1 and 2 began in FY16 while the Track 3 decline began in FY15. The performance of Track 4 case terminations experienced a few relatively large declines, first between FY11 and FY12, second between FY15 and FY16, and third between FY16 and FY17. The observed decline in Track 4 performance for the past two fiscal years, 16 percentage points in total, is rather substantial.

Figure B.2 Criminal Case Processing Performance by DCM Track, FY09-FY17



The overall criminal case processing performance is largely determined by 1) the composition of terminated cases by DCM Track, in particular, the percentages of Track 1 and Track 4 terminations, 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 Track 4 cases remained at 14%. 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 maintained its FY15 processing performance for each DCM track, the overall performance for FY16 would have been 95%, slightly better than that of FY15 (94%). However, the court's criminal overall performance for FY16 declined by 2-percentage points due to the substantial decline in the performance of cases in Tracks 3 and 4. Similarly, while the percentage of Track 1 terminations further increased from 45% in FY16 to 46% in FY17, the percentage of Track 4 terminations also increased from 14% to 15%. With this composition, had the court achieved the FY15 performance, the court's overall performance for FY17 would have been 95%. However, due to the declined performance in all tracks, the observed performance is 89% despite a relatively favorable case composition.

Case Processing Performance by Case Sub-type

Table B.4 presents the case processing performance by case sub-type for FY17. In the past, the case processing performance of District Court jury demands and appeals either met or exceeded the 98% within-standard goal; however, in FY17, the performance of appeals failed to meet the goal. Specifically, the performance of both bindover-appeals and DC VOP appeals declined below the performance goal to 96% and 97%, respectively. In FY11 and FY12, indictments were the only sub-type in criminal cases not

meeting the 98% goal. In FY13, the performance of informations also went below the 98% mark and further declined to 95% in FY14. In FY15, the case processing performance of informations improved and met the 98% performance goal, but in FY16 it declined to 94% and remained unchanged in FY17. The case processing performance of indictments, which has been in decline from 93% in FY11 to 88% in FY15 further declined by 4 percentage points to 84% in FY16 and by an additional 6 percentage points to 78% in FY17.

Table B.4 Criminal Case Processing Performance by Case Sub-Type and Termination Status, FY17

Case Sub-type	Total Terminations			Within-Standard Terminations				Over-Standard Terminations		
	N	%	ACT*	N	%	ACT	% WST*	N	%	ACT
Indictment	776	37%	139	602	32%	92	78%	174	76%	303
Information	371	18%	71	348	19%	57	94%	23	10%	283
Bindover-Jury	98	5%	40	97	5%	38	99%	1	0%	232
Bindover-Appeal	792	38%	67	762	41%	60	96%	30	13%	224
DC VOP Appeal	70	3%	73	68	4%	66	97%	2	1%	294
Total	2,107	100%	93	1,877	100%	69	89%	230	100%	290

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

A supplemental analysis of the court's criminal case processing performance by DCM Track and case sub-type (information and indictment cases) for FY16 and FY17 was performed. The results are as follows:

- In FY16, 100% of information and 96% of indictment cases in Track 2 were terminated within the time standard. In FY17, both percentages declined to 94% and 92%, respectively.
- In FY17, 86% of Track 3 indictments were terminated within the 180-day time standard compared to 89% in FY16 and 92% in FY15. In contrast, Track 3 terminations closing within standard in FY17 slightly improved to 96% from 93% in FY16 (99% in FY15).
- In FY17, the percentage of Track 4 indictments within-standard to 59% from 70% in FY16 (76% in FY15). In contrast, the percentage of Track 4 informations within-standard slightly improved to 77% in FY17 from 74% in FY16 (85% in FY15).

Case Terminations by Postponements

The analysis of postponements for FY17 includes both trial and hearing postponements. Table B.5 compares the case processing performance of cases with postponements and 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 FY17 cases with postponements, 79% were closed within the time standard compared to 85% in FY16 and 89% in FY15. In FY15, cases in Track 1 met the 98% goal even with postponements; however, the performance declined to 96% in FY16 and to 89% in FY17. The performance of those in other tracks continued to decline between FY15 and FY17: Track 2 from 96% in FY15 to 88% in FY17, Track 3 from 91% to 84%, and Track 4 from 72% to 57%.

Of the 2,107 cases terminated in FY17, 49% (1,024 cases) had neither a hearing nor a trial postponement (49% in FY16). The remaining 1,083 cases with at least one hearing or trial postponement experienced 3,237 postponements in total, averaging 3.0 postponements per case (2.6 in FY16). Seventeen percent (365 cases) of the 1,083 cases had one postponement (21% in FY16), of which all but 8 (98%) closed within the time standard. Twelve percent (256 cases) had two postponements, of which 38 cases (15%) closed over the time standard. As the number of postponements increases, the likelihood of an over-standard termination rises. With three postponements, 21% of 141 cases were terminated over the 180-

day time standard. With four postponements, 30% were over-standard, and with six postponements more than half (55%) of FY17 criminal terminations were over the time standard.¹³

Table B.5 Criminal Case Terminations by Postponements, Termination Status and DCM Track, FY17

<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	960	296	31%	107	263	89%	92	33	11%	228
Track 2	259	165	64%	110	146	88%	91	19	12%	251
Track 3	572	338	59%	130	284	84%	98	54	16%	296
Track 4	316	284	90%	198	161	57%	111	123	43%	311
Total	2,107	1,083	51%	138	854	79%	97	229	21%	290
<u>Terminations Without Trial and Hearing Postponements</u>										
Track 1	960	664	69%	45	664	100%	45	0	0%	0
Track 2	259	94	36%	32	94	100%	32	0	0%	0
Track 3	572	234	41%	46	233	>99%	45	1†	<1%	193
Track 4	316	32	10%	88	32	100%	88	0	0%	0
Total	2,107	1,024	49%	46	1023	>99%	45	1	<1%	193

† In this case that resulted in an over-standard termination (129613C) 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 (193 days) slightly exceeded the 180-day standard.

In terms of postponement reasons reported for FY17, the most frequent are: “Discovery Incomplete and/or Discovery Disputes - Additional Time Needed to Prepare” (1,197 occurrences, 37%, 31% in FY16), followed by “Calendar Conflicts” (556 occurrences, 17%, 19% in FY16). Combined, these two reasons account for 54% of all postponement reasons (50% in FY16). The next three most frequently cited reasons are: “Settlement, Plea or Reconciliation in Progress” (443 occurrences, 14%), “New Counsel Sought or Has Entered their Appearance or Not Appointed” (288 occurrences, 9%), and “Illness, Medical Emergency or Death” (143 occurrences, 4%). These top five reasons account for 81% of all postponement reasons. Four of these five reasons were also identified as the top five reasons for postponements in FY16, FY15 and FY14.¹⁴ 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, is associated with at least 40% of the over-standard terminations.

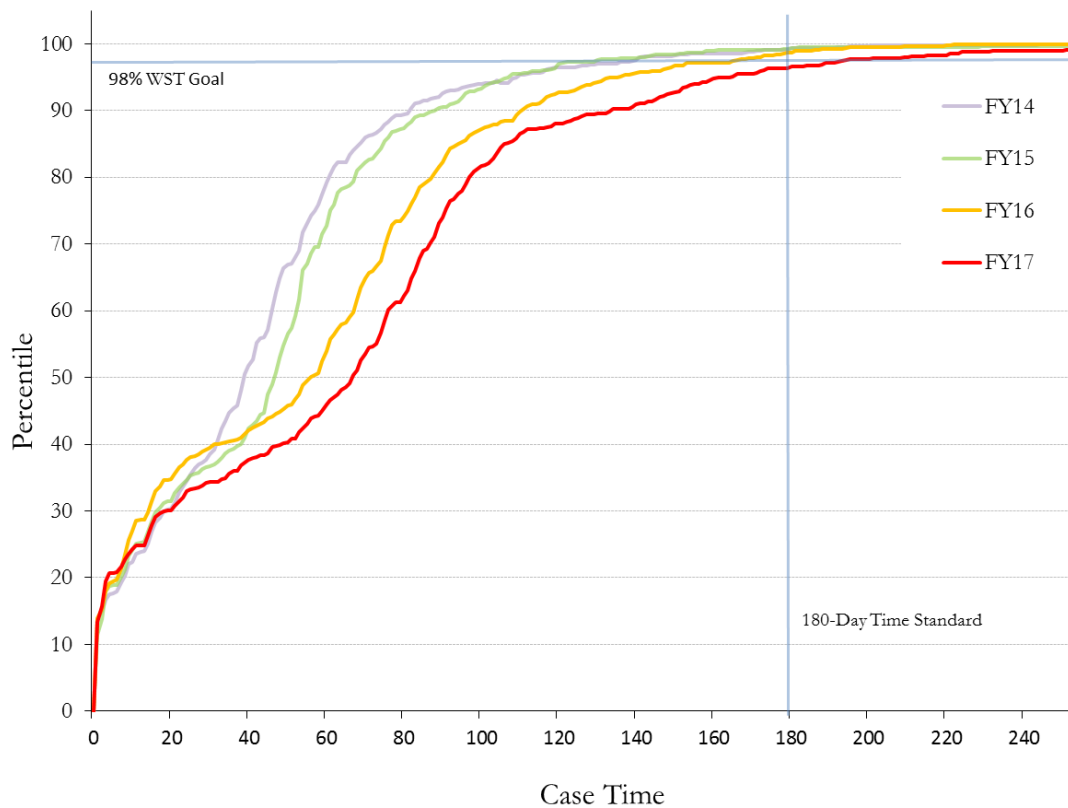
Criminal Resolution Profiles by DCM Track

Figures B.3-B.5 compares the resolution profiles of Tracks 1, 2 and 4 for FY14-FY17, respectively. The faded red vertical and horizontal lines on the figure indicate the 180-day statewide time standard and the 98% within-standard performance goal, respectively. The intersection of the vertical line and profile indicates the percentage of cases terminated within the time standard. The comparison of the profiles indicates how and when the court’s FY17 case processing performance diverges from those of previous years, resulting in less favorable performance.

¹³ A case with multiple postponements could be closed within-standard when many 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 suspension event.

¹⁴ “Witness Unavailable - New Witness Identified” is the fifth reason identified in FY14-16 but not in FY17. Instead, ‘Illness, Medical Emergency or Death’ was included in FY17.

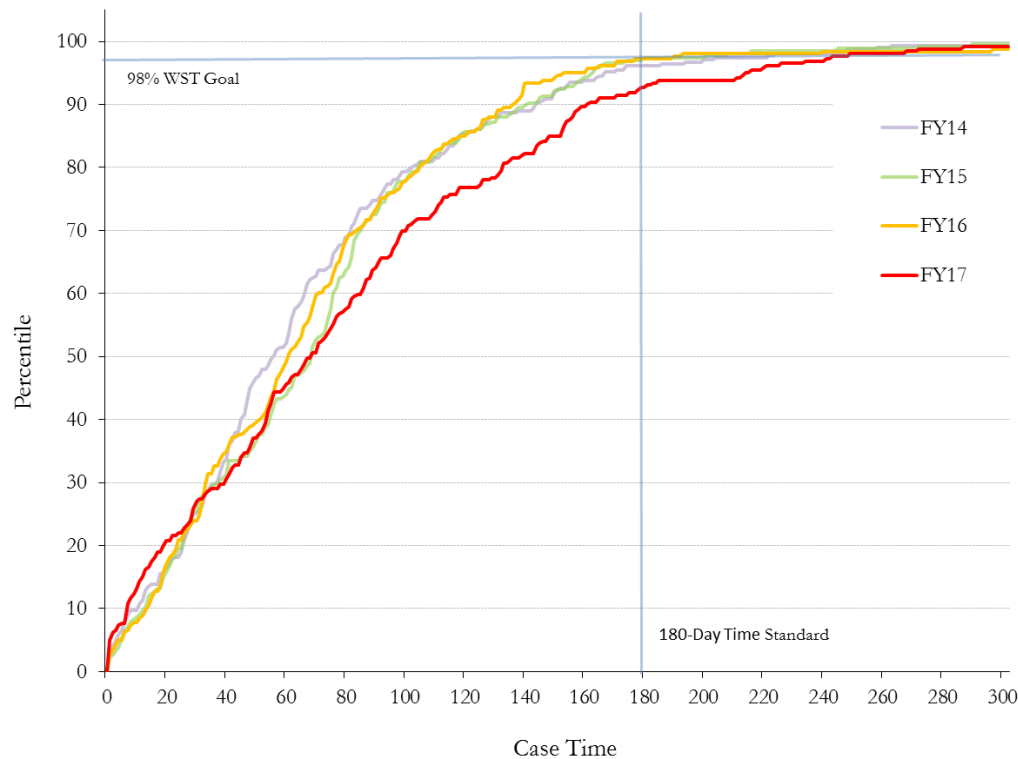
Figure B.3 Resolution Profiles of Criminal Cases in Track 1, FY14 - FY17



The profiles of Track 1 cases in FY14 and FY15 (Figure B.4) exhibits a steep increase up to the 90th percentile, where 90% of cases were closed within 80 days in FY14 and FY15. However, the FY16 profile, which follows the FY14 and FY15 profiles for the first 30 days becomes less steep (with an inflection point around the 40th percentile). This flattening of the profile indicates that the court took additional time to process a given number of cases. The FY17 profile follows the FY16 profile but becomes less steep earlier around the 25th day. In addition, the profile becomes less steep sooner (around the 110th day) resulting in Track 1 cases falling short of the 98% performance goal.

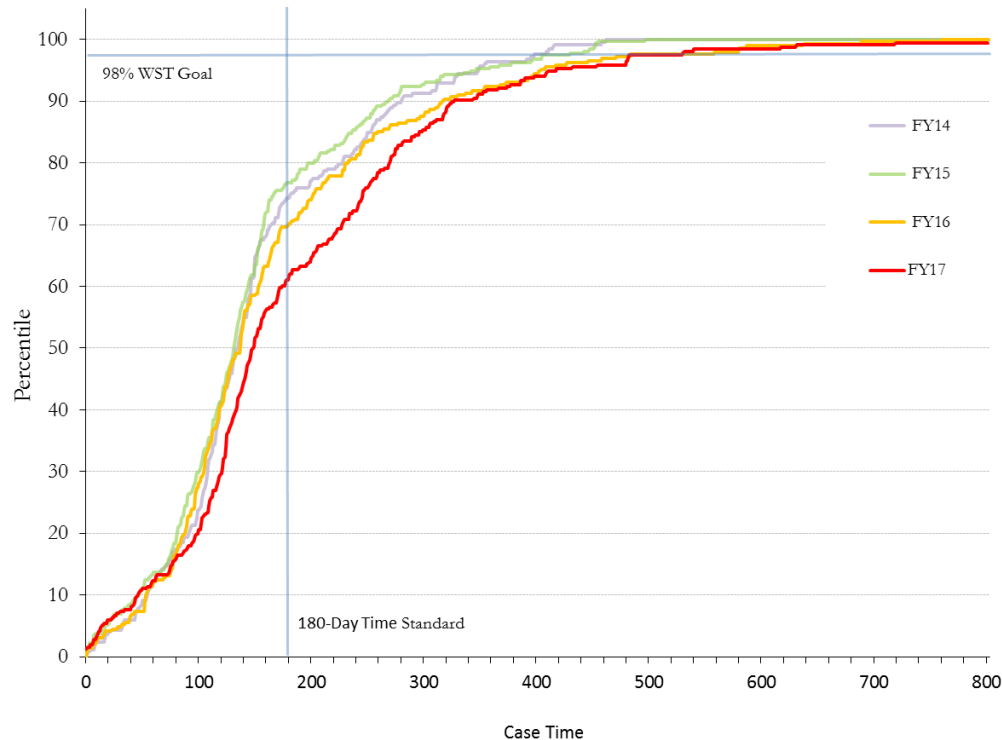
The resolution profiles of Track 2 cases displayed in Figure B.4 indicate that the FY17 profile diverges from the others around the 80th day. Specifically, in FY14 through FY16, the court increased its case disposition rate between the 60th and 80th day period and was able to close 80% of cases by the 100th day. In contrast, in FY17, the court was processing 10 percent fewer cases during this period.

Figure B.4 Resolution Profiles of Criminal Cases in Track 2, FY14 - FY17



Similarly, the FY17 Track 4 profile (shown in Figure B.5) starts diverging from the other profiles around the 100th day. The gap between the FY17 and the rest of the fiscal years further widens around the 160th day where the slope of the FY17 profile becomes less steep while others maintain their same, higher slope.

Figure B.5 Resolution Profiles of Criminal Cases in Track 4, FY14 - FY17



Recommendations for Montgomery County Circuit Court

- *Information Sharing:* FY17 case processing performance results will be shared with the Montgomery County Circuit Court criminal bench, bar, as well as clerks and court administration staff.
- *Information Gathering:* Strengthen the communication with Criminal Department, Courtroom Clerks, Assignment Office, Quality Control, Administrative Aids, and DCM Coordinator to identify any case processing-related issues and events that may have impacted the court's timely processing of criminal cases.
- *Analysis:*¹⁵ Expand the court's case processing performance analysis by identifying the possible causes of observed changes in criminal performance. Meet with stakeholders to identify analytic topics of interest and develop possible actions to address the issues. Discuss the proposed analyses with the court leadership team. The possible in-depth analyses include:
 - Indictment (Tracks 3 and 4) and Track 4 information cases: Examine their progress against the court's Criminal DCM plan. In response to the observed shift in Track 4 performance, identify at which stage/event cases start to deviate from the plan and the factors that may be associated with deviation.
 - Over-standard case terminations in Track 1 appeal cases and Track 2 cases in general: Identify factors that may have led to their over-standard termination status such as potential changes in the court's policy regarding management of appeals and in its Criminal DCM plan, as well as any changes in filing of appeals.

Recommendation for the Case Management Subcommittee

- *Technical Assistance.* It is recommended that clarity be provided on how to determine the competency suspension start in a District Court appeal or jury trial prayer case where the evaluation of the competency was ordered by the District Court prior to the case arriving in the circuit court. One possible suspension start date is the time when a scheduled event is postponed due to the unavailability of the evaluation results.
- *Developing a Working Group to Perform Additional Analyses and Inform Case Management.* Establish a working group to develop a statistical reporting guide that assists courts in their efforts to monitor case processing, workload, case management, and court operations performance. The guide will: 1) identify Odyssey and dashboard reporting tools available to support routine analyses of case and court performance; 2) describe how to review and discuss results across these different metrics and over time; 3) suggest additional, more detailed analyses to better understand the high-level performance results; and 4) offer templates to translate results into tables and graphics that clearly explain the performance results for court users.

¹⁵ The Administrative Judge of the court in collaboration with the DCM Coordinator have been engaged in discussions with the judges as well as justice stakeholders about criminal case processing performance. Efforts are underway to address those factors likely contributing to recent declines in performance.

Family Law Case Processing Performance

This section provides Montgomery County Circuit Court's FY17 processing performance for family law cases including analyses of hearing and trial postponements and recommendations for the court and the Maryland Judiciary's Case Management Subcommittee. The table below provides the court's historical case processing performance and associated metrics related to case progress.

C. Family Law Case Processing Definitions and Summary

Family Law Case Time Definitions	Percentage Within-Standard	Average Case Processing Time	Previous Time Standards and Additional Statewide Measures	
<u>Case Time Start:</u> Case Filing	<u>State-Set Goals</u> <u>(FY2014 –FY2017):</u> Limited Divorce Cases:	Limited Divorce Cases: FY2014: 235 days FY2015: 326 days FY2016: 319 days FY2017: 319 days	<u>State-Set Goals</u> <u>(FY2010-FY2016)</u> 90% within 12 months 98% within 24 months	<u>Average Case Processing Time:</u> FY2010: 150 days FY2011: 144 days FY2012: 141 days FY2013: 142 days FY2014: 147 days FY2015: 141 days FY2016: 145 days FY2016: 144 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: FY2014: 146 days FY2015: 134 days FY2016: 139 days FY2017: 138 days	12-month standard: FY2010: 92% FY2011: 93% FY2012: 94% FY2013: 94% FY2014: 93% FY2015: 94% FY2016: 93%	
<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: FY2014: 99% FY2015: 99% FY2016: 98% FY2017: 98% Other Family Law Cases: FY2014: 94% FY2015: 95% FY2016: 94% FY2017: 95%		24-month standard: FY2010: >99% FY2011: >99% FY2012: >99% FY2013: >99% FY2014: >99% FY2015: >99% FY2016: >99%	<u>Additional Measure - Filing to Service/Answer†:</u> FY2010: 36 days FY2011: 49 days FY2012: 48 days FY2013: 48 days FY2014: 48 days FY2015: 32 days FY2016: 41 days FY2017: 40 days

†The additional measure was calculated based on a random sample for FY2001 through FY2009. The FY10-FY17 figures were calculated using all valid terminations.

Overall Family Law Case Terminations

In FY17, Montgomery County Circuit Court processed 8,237 cases including 292 limited divorce and 7,945 other family law cases, and all cases are included in the present analysis. The FY17 number is smaller than FY16 (8,492 terminations) but slightly larger than FY15 (8,176 terminations). For the FY14 case assessment analysis, the Maryland Judiciary adopted new time standards and associated goals for family law cases: a 24-month standard for limited divorce cases¹⁶ (with a 98% performance goal) and a 12-month standard for all other family law cases (with a 98% performance goal).

¹⁶ According to the Maryland Judiciary's time standards, limited divorce cases are identified as such at the time of filing whereas in the FY14 analysis, the court identified limited divorce cases at the time of case stop or the time of the limited divorce judgment. Accordingly, the court's family law case processing performance between FY14 and FY15-FY17 is not comparable under the new time standards.

Table C.1 provides the number of original case terminations and the average case time for limited divorce cases and other family law cases by case termination status for FY17. Of the 292 limited divorce cases terminated during FY17, all but five (98%) closed within two years of filing and met the 98% goal. Of the 7,945 other family law cases processed in FY17, 7,547 (95%) closed within a year of filing, one percentage point higher than FY16 (94%).

Table C.1 Number of Family Law Case Terminations and Processing Performance under the New Standards, FY17

Case Sub Type (Time Standard)	Total Terminations		Within-Standard Terminations			Over-Standard Terminations		
	N	ACT*	N	%	ACT*	N	%	ACT*
Limited Divorce Cases (24 Months)	292	303	287	98%	293	5	2%	913
All other FL Cases (12 Months)	7,945	138	7,547	95%	120	398	5%	483
Total	8,237		7,834			403		

* ACT = Average Case Time (in days)

To compare the court's FY17 overall family case processing performance with that of previous years, we combined the limited divorce and other family law cases and assessed the performance under the old 12-month time standard (See Table C.2). The court's overall family law case processing performance has been consistent, closing 93-94% of cases within the standard since FY11. The overall average case time for FY17 is 144 days, a day shorter than FY16.

Table C.2 Number of Family Law Case Terminations and Processing Performance under the Old 12-Month Time Standard (90% Within-Standard Termination Goal), FY06-FY17

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
FY17	8,237	144	7,727	94%	121	510	6%	484

* ACT = Average Case Time (in days)

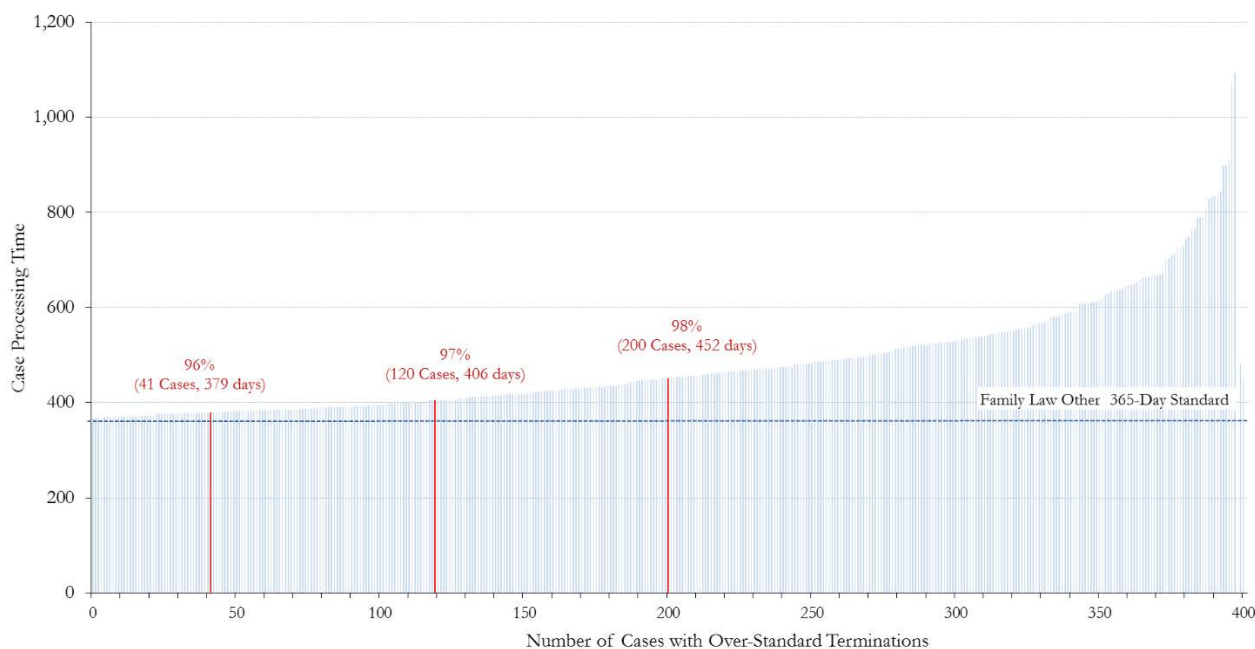
** The full domestic caseload for FY08 was 7,673. The 510 cases for which performance data is provided represent a random sampling of the total FY08 caseload.

The number of original family law case terminations, which was 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, the second highest termination caseload after FY12 (8,532). However, in FY17, terminations declined to 8,237 yet still the third highest caseload since FY06.

Distribution of Over-Standard Other Family Law Cases

The number of over-standard other family law case terminations decreased by 15% (72) from 470 in FY16 to 398 in FY17 as the overall terminations decreased by 262 between the two fiscal years. Figure C.1 presents the distribution of 398 over-standard other family law terminations for FY17. The figure also shows how many additional over-standard cases, with their case times ranging from 366 to 1,092 days, would need to be terminated within the 365-day standard to improve the court's case processing performance. The case time of these over-standard cases ranges with the average and median case times of 483 and 452 days, respectively.

Figure C.1 Other Family Law Case Over-Standard Terminations, FY17



As shown in Figure C.1, to improve the FY17 case processing performance from 95 to 96%, the court would need to terminate 41 additional over-standard cases (with their case times ranging from 366 to 379 days) within 365 days. To further improve the performance by another percentage point to 97%, the court would need to terminate an additional 79 over-standard cases (with their case times up to 406 days) within the time standard. To meet the goal of 98%, the court would need to terminate another 80 over-standard cases (with their case times up to 452 days and totaling 200 over-standard cases) within the time standard. Thus, meeting the performance goal would require the court to reduce the number of over-standard terminations by half.

Case Terminations by DCM Track

Montgomery County Circuit Court's Family Differentiated Case Management (DCM) plan provides the following six tracks. The number of original terminations (limited divorce and other family law cases combined) that the court processed in FY17 as well as the those for FY10-FY16 are reflected by DCM track.

Track 0: Uncontested divorce without summons – 1,040 terminations in FY17 (1,070 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 – 2,600 terminations in FY17 (2,555 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 – 819 terminations in FY17 (769 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 or Physical Custody– 612 terminations in FY17 (599 in FY16, 570 in FY15, 573 in FY14, 552 in FY13, 567 in FY12; 516 in FY11; 551 in FY10)

Track 4: “Complex” 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 – 3 terminations in FY17 (4 in FY16, 6 in FY15, 9 in FY14, 3 in FY13, 6 in FY12; 5 in both FY11 and FY10)¹⁷

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 – 3,163 terminations in FY17 (3,495 in FY16, 3,685 in FY15, 3,559 in FY14, 3,581 in FY13, 3,642 in FY12; 3,547 in FY11; 3,339 in FY10)

One of the notable changes in the number of terminations by DCM track is the increase in Track 0 terminations, which increased from 700-800 per year between FY10 and FY15 to over 1,000 in FY16 and FY17. The increase presumably resulted from the change in the state divorce law that took place on October 1st, 2015 to remove the one-year waiting period for the couples with no minor children who mutually consent to divorce and agree on a property division. This increase appears to have resulted in the observed increase in FY16 terminations. However, in FY17, this increase was largely offset by the equally large decline in terminations in Track N cases – 336 between FY16 and FY17. This reduction resulted from a change in the court’s policy on filings of some Track N cases. Under the new policy, implemented in January 2017, some petitions such as waiver of court costs, which were filed as separate cases, are no longer treated as such and are now filled as pleadings within the substantive case.

Table C.3 presents the number and distribution of case terminations and their case processing performance by DCM Track for limited divorce and other family law cases. The top portion of the table provides the performance of limited divorce cases. Compared to FY16, the FY17 performance of Tracks 2 and 3 terminations improved from 98% to 100% and 94% to 95%, respectively.

The bottom half of the table presents the DCM Track-specific case processing performance of other family law cases. As observed in previous years, 84-85% of the overall terminations are comprised of cases in Tracks 0, 1, and N with relatively high performance. In FY16, the performance of Track 1 declined from 100% to 95% and in FY17, the percentage slightly improved to 97%. The remaining 15-16% of the terminated cases are contested divorce, custody, and other family law cases in Tracks 2, 3 and 4 with a much low case processing performance. The case processing performance of Track 2 cases, which improved from 79% to 80% between FY15 and FY16, remained at the FY16 level in FY17. The performance of Track 3 cases, which declined by one percentage point from 70% in FY15 to 69% in FY16 bounced back to the FY15 level in FY17. There were three Track 4 cases terminated during FY17, and one of them closed within-standard.

¹⁷ As of January 2016, the court no longer assigns newly filled cases to Track 4. Cases meeting certain criteria including case complexity are now processed by the court’s One-Family-One-Judge (1F1J) procedure.

Table C.3 Family Law Case Processing Performance by DCM Track and Termination Status, FY17

Table C-5: Family Law Case Processing Performance by DCM Track and Termination Status, FY19											
DCM Track	Overall Terminations			Within-Standard Terminations				Over-Standard Terminations			
	N	% of	ACT*	N	% of	% of	ACT*	N	% of	% of	ACT*
		Total			WST	Track			OST	Track	
Limited Divorce Cases (24 months)											
Track 0	4	1%	171	4	1%	100%	171	0	0%	0%	0
Track 1	111	38%	155	111	39%	100%	155	0	0%	0%	0
Track 2	83	28%	332	83	29%	100%	332	0	0%	0%	0
Track 3	92	32%	464	87	30%	95%	438	5	100%	5%	913
Track 4	0	0%		0	0%	NA	0	0	0%	NA	0
Track N	2	1%	170	2	1%	100%	170	0	0%	0%	0
Total	292	100%	303	287	100%	98%	293	5	100%	2%	913
All Other Family Law Cases (12 months)											
Track 0	1,036	13%	59	1,033	14%	100%	58	3	1%	0%	419
Track 1	2,489	31%	156	2,426	32%	97%	148	63	16%	3%	453
Track 2	736	9%	266	586	8%	80%	213	150	38%	20%	475
Track 3	520	7%	302	366	5%	70%	219	154	39%	30%	499
Track 4	3	0%	548	1	0%	33%	334	2	1%	67%	655
Track N	3,161	40%	92	3,135	42%	99%	89	26	7%	1%	496
Total	7,945	100%	138	7,547	100%	95%	120	398	100%	5%	483

* ACT = Average Case Time (in days)

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

The overall case processing performance of family law cases reflects the composition of two groups of cases and their performance: 1) Tracks 0, 1 and N cases that account for over 80% of the total terminations and have superior performance; and 2) Tracks 2, 3 and 4 cases that have less favorable performance. For the court to further improve its performance, a closer look at the second group of cases needs to be undertaken. Since the number of Track N terminations may continue to decline (or at least may not increase), the performance of the latter group may impact the overall performance unless the number of Track 0 terminations continues to increase.

Case Terminations by Postponements

The postponement analysis includes hearing and trial postponements.¹⁸ Of the 292 limited divorce cases closed during FY17, 105 (36%, 39% in FY16, and 35% in FY15) experienced postponements and five cases, all Track 3, resulted in an over-standard termination (95% within-standard, 95% in FY16 and 99% in FY15). Among the 187 cases terminated without postponements, all (10%) 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 clearer in FY17 than in previous years.

Table C.4 presents the number, percentage and average case time by termination status and DCM Track for other family law cases with and without postponements. Of the 7,945 originally terminated other family law cases in FY17, 1,038 cases (13%) had one or more postponements. Overall, 77% of these postponed cases closed within the 365-day time standard. Even with postponements, 98% of cases in Track 0 closed within-standard, compared to 95% of Track N and 88% of Track 1 cases with postponements closed within-standard. For Tracks 2 and 3 cases, the percentage is substantially lower at 56% and 49%, respectively.

¹⁸ Due to programming changes in the court's case management system in July 2013, any hearing postponements docketed prior to that date were not captured in the current data. Accordingly, the number of postponements reported 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 Other Family Law Case Terminations by Postponements, Termination Status, and DCM Track, FY17

<u>Terminations With Postponements</u>										
DCM Track	Total Terminations	Overall Terminations % of Total			Within-Standard Terminations % of			Over-Standard Terminations % of		
		N	Track	ACT*	N	Track	ACT*	N	Track	ACT*
Track 0	1,036	120	12%	95	118	98%	90	2	2%	389
Track 1	2,489	249	10%	211	220	88%	178	29	12%	459
Track 2	736	209	28%	354	117	56%	248	92	44%	490
Track 3	520	191	37%	387	93	49%	260	98	51%	508
Track 4	3	3	100%	548	1	33%	334	2	67%	655
Track N	3,161	266	8%	202	252	95%	188	14	5%	441
Total	7,945	1,038	13%	257	801	77%	188	237	23%	491
<u>Terminations Without Postponements</u>										
DCM Track	Total Terminations	Overall Terminations % of Total			Within-Standard Terminations % of			Over-Standard Terminations % of		
		N	Track	ACT*	N	Track	ACT*	N	Track	ACT*
Track 0	1,036	916	88%	55	915	>99%	54	1	<1%	481
Track 1	2,489	2,240	90%	150	2206	98%	145	34	2%	448
Track 2	736	527	72%	231	469	89%	204	58	11%	453
Track 3	520	329	63%	253	273	83%	205	56	17%	484
Track 4	3	0	0%		0	NA	0	0	NA	0
Track N	3,161	2,895	92%	82	2,883	>99%	80	12	<1%	560
Total	7,945	6,907	87%	120	6746	98%	112	161	2%	471

* ACT = Average case time, in days.

The bottom half of Table C.4 shows the court's case processing performance for the remaining 6,907 (87%) other family law cases terminated without postponements. Overall, 98% of non-postponed cases were closed within-standard (97% in FY16 and 98% in FY15). As observed in previous years, at least 98% of the cases in Tracks 0, 1, and N were closed within the 365-day time standard, meeting or exceeding the performance goal. In FY17, only 89% and 83% of Tracks 2 and 3 cases were closed within 365 days even without postponements.

As observed in the past, for contested absolute divorce cases (most of which are assigned to Tracks 2 or 3), postponements, while playing a major role in determining their case time, are not a sole factor impacting timely disposition. In total, Tracks 2 and 3 have 114 cases that resulted in over-standard terminations without any postponements. There are also 31 such cases in Track 1. While MD Rule 2-507 addresses issues related to unsuccessful service and extended case inactivity, an additional analysis may be needed to identify factors responsible for cases closing over-standard. Reducing the number of over-standard terminations by 147 would have improved the overall case processing performance to 97% in FY17.

Another possibility to improve the overall case processing performance may be to address postponements in Track 1 and N cases since, without postponements, most of the cases close within the time standard. By reducing the number of over-standard terminations in these postponed cases, performance would improve by a percentage point and 42 over-standard terminations would be within-standard.

In FY17, 92% of postponed other family law cases had one or two postponements. Cases without postponements are likely to close within the time standard with only 2% closing over-standard. With one postponement, however, the likelihood of an over-standard termination increases to 16% (see Table C.5);

with two postponements, 30% of cases were closed over-standard; with 3 or more postponements, the likelihood of an over-standard termination reaches at least 50%. Among contested divorce cases (Tracks 2, 3 and 4), 16% were closed over-standard without any postponements; 37% with one postponement, 59% with two postponements, and 80% with three or more postponements.

Table C.5 Other Family Law* and Contested Divorce Case Terminations by the Number of Postponements and Over-Standard Termination Status, FY17

Number of Postponements	All Cases			Contested Divorce		
	N	Over-Standard Terminations		N	Over-Standard Terminations	
		N	%		N	%
0	6,907	161	2%	742	114	13%
1	729	117	16%	164	97	37%
2	224	68	30%	37	54	59%
3	36	21	58%	7	15	68%
4	35	18	51%	3	14	82%
5 or more	14	13	93%	0	12	100%
Total	7,945	398	5%	953	306	24%

* Excludes limited divorce cases.

In terms of reasons for postponing court events, the top three have remained unchanged over the past three fiscal years: “Calendar Conflicts” (18% of the total postponement reasons in FY17 and FY16 and 16% in FY15), “Discovery/ADR Incomplete” (18%, 16% in FY16 and 15% in FY15), and “Letter/Line of Agreement Received” (12% in FY17 and FY16 and 14% in FY15). In FY15 and FY16, the fourth most prevalent postponement reason was “Weather/Court Emergencies/Administrative Court Closure” (8% in FY16 and 6% in FY15) while in FY17 it was “Illness, Medical Emergency or Death” (6%). These top four postponement reasons accounted for 55% of all the postponement reasons. “Calendar Conflicts” and “Discovery/ADR Incomplete” are also two of the most frequently cited postponement reasons and account for 18% and 23% of the reasons among over-standard terminations, respectively.

Case Terminations by Main Charge

Table C.6 presents the number and percentage of case terminations in FY15, FY16 and FY17 by the main charge, which is the first charge listed on the filed complaint. To make the comparison across fiscal years possible, the Maryland Judiciary’s original 365-day time standard was applied to all family law cases, including limited divorce cases. Since limited divorce cases under the assessment are designated as such at the time of filing and may later be amended to absolute divorce cases, they are combined with absolute divorce cases in the table. As observed in FY15 and FY16, 45% of the cases terminated in FY17 had absolute or limited divorce as their main charge. In FY14 and FY15, uniform support and name change were the second and third most common charges. In FY16 and FY17, custody surpassed uniform support and name change. The cases with these four main charges account for 79-80% of the family law cases terminated in FY15-FY17.

Table C.6 Case Terminations by Main Charge under the Old 12-Month Time Standard and Sub-Type at Closure, FY15-FY17

Main Charge	All Terminations				Over-Standard Terminations				% Over-Standard		
	FY17	FY16	FY15		FY17	FY16	FY15		FY17	FY16	FY15
	N	%*	%*	%*	N	%*	%*	%*	%†	%†	%†
Divorce (Absolute and Divorce)	3,747	45%	45%	45%	408	80%	71%	71%	11%	11%	12%
Custody	1,212	15%	13%	10%	69	14%	22%	11%	6%	11%	7%
Change of Name	841	10%	11%	11%	6	1%	1%	1%	1%	1%	1%
Uniform Support	754	9%	10%	13%	5	1%	1%	1%	1%	<1%	<1%
Appt. of Guardian	554	7%	6%	6%	7	1%	5%	1%	1%	5%	1%
Paternity	352	4%	5%	6%	3	1%	1%	1%	1%	1%	1%
Waive Court Costs	249	3%	4%	4%	0	0%	0%	0%	0%	0%	0%
URESA	219	3%	2%	3%	7	1%	<1%	<1%	3%	<1%	<1%
Enroll Foreign Decree	84	1%	1%	1%	0	0%	0%	0%	0%	0%	0%
Amend Marriage License	67	1%	<1%	<1%	0	0%	0%	0%	0%	0%	0%
Amend Birth Certificate	36	<1%	1%	1%	0	0%	0%	<1%	0%	0%	2%
Visitation	33	<1%	<1%	1%	3	1%	0%	0%	9%	0%	0%
Notice to Take Deposition	18	<1%	<1%	<1%	0	0%	0%	<1%	0%	0%	0%
Misc. Petition	17	<1%	<1%	1%	0	0%	0%	0%	0%	0%	0%
Support	15	<1%	<1%	<1%	2	<1%	0%	<1%	13%	0%	10%
Other	39	<1%	<1%	<1%	0	0%	<1%	0%	0%	3%	3%
Total	8,237	100%	100%	100%	510	100%	100%	100%	6%	7%	6%

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

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

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

While less than half of the family law cases terminated over the past three fiscal years are divorce-related cases, these cases represent 80% of over-standard cases in FY17 (71% in FY16 and 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 indicate, 11-12% of divorce cases result in over-standard terminations, indicating that they have a substantially higher likelihood of closing over-standard when examined by applying the original 365-day time standard to all family law cases

Special Immigrant Juvenile Status (SIJS) Case Processing Performance

In FY16, the court focused on improving its processing performance of cases where a Petition for Special Immigrant Juvenile Status (SIJS) was filed. Due to the nature of the cases where parties attempt to establish legal residency of unaccompanied non-citizen children during the process of determining custody or appointing a guardian, additional time is required to serve their birth parents and/or guardians who often reside outside of the country.

Table C.7 compares the case processing performance of cases with and without a SIJS request for FY16 and FY17.¹⁹ As shown in the top portion of the table, of the 8,205 other family law cases originally terminated in FY16, 385 were identified as having a SIJS request docket entry. The case processing

¹⁹ Most of SIJS cases have either custody or appointment of guardianship as a main charge. In FY16, there were seven SIJS family law cases that were neither custody nor guardianship. In FY17, there were three such cases. They are excluded from the analysis.

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, respectively. However, in FY17, the performance of SIJS cases substantially improved and is nearly identical to that of non-SIJS custody and guardianship cases despite the increased caseload (69 terminations, a 18% increase). This improvement is largely due to the special assignment of judges and magistrates to hear those cases and the implementation of additional case management processes to advance the cases without delay.

Table C.7. Other-FL Case Processing Performance by SIJS Status for Custody and Guardianship Cases, FY16 and FY17*

	FY16								
	Overall			SIJS			Non-SIJS		
	Total	OST†	%WST†	Total	OST	%WST	Total	OST	%WST
Custody	1,114	127	89%	260	84	68%	854	43	95%
Appt. of Guardian	501	26	95%	118	22	81%	383	4	99%
Total	1,615	153	91%	378	106	72%	1,237	47	96%
	FY17								
	Overall			SIJS			Non-SIJS		
	Total	OST	%WST	Total	OST	%WST	Total	OST	%WST
Custody	1,212	69	94%	302	17	94%	841	52	94%
Appt. of Guardian	554	7	99%	145	4	97%	402	3	99%
Total	1,766	76	96%	447	21	95%	1,243	55	96%

* Analysis excludes 10 SIJS family law cases that are neither custody nor guardianship cases (seven in FY16 and three in FY17).

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

Recommendations for Montgomery County Circuit Court

- *Information Sharing:* FY17 case processing performance results will be shared with the Montgomery County Circuit Court family law bench and bar, as well as clerks and court administration staff.
- *Information Gathering:* Strengthen communication and collaboration with the Family Department, Assignment Office, Quality Control, Administrative Aides, DCM Coordinator, and Family Division Services Coordinator and Family Case Managers to identify any case processing-related issues and events that may or may not have impacted the court's processing of family law cases.
- *Data Development:* To improve analysis of the court's case processing performance and the identification of factors impacting performance, explore how best to create a case management data repository. The repository should include open as well as closed cases, and data elements related to hearings and trials held.
- *Analysis:* Meet with Family Division Services staff and the DCM Coordinator to identify analytic topics that align with department initiatives and perform additional, in-depth analyses focusing on:
 - Over-standard terminations without postponements – Identify possible factors that contributed to the cases closing over-standard. Review the progress of these cases in relation to the Family DCM plan and identify at which point(s) their performance begins to falter.
 - Tracks 2 and 3 cases – Perform an additional analysis of over-standard cases in Tracks 2 and 3 and identify possible interventions to improve their case processing performance.

- Postponed Track 1 and N cases – Explore the factors and circumstances that contributed to these cases closing over-standard.
- Continue monitoring/reviewing the processing of SIJS and One-Family-One-Judge (1F1J) cases.

Recommendations for the Case Management Sub-Committee

- *Developing a Working Group to Perform Additional Analyses and Inform Case Management.* Establish a working group to develop a statistical reporting guide that assists courts in their efforts to monitor case processing, workload, case management, and court operations performance. The guide will: 1) identify Odyssey and dashboard reporting tools available to support routine analyses of case and court performance; 2) describe how to review and discuss results across these different metrics and over time; 3) suggest additional, more detailed analyses to better understand the high-level performance results; and 4) offer templates to translate results into tables and graphics that clearly explain the performance results for court users.

Recommendations for Working Group Initiatives-Future Statewide Performance Analyses

- As mentioned in previous reports, it is recommended that the subcommittee consider excluding family case sub-types with limited judicial involvement such as enrollment of foreign judgment, name change, 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,²⁰ which was jointly approved by the Conference of State Court Administrators, the American Bar Association, the Conference of Chief Justices, and the National Association for Court Management.
- It is recommended that the subcommittee develop a working group or support an initiative to examine the feasibility of performing a sub-analysis of attorney representation status at the time of disposition (i.e., case stop). The Maryland Assessment Application has two data fields: Defendant Represented by Stop Date and Plaintiff Represented by Stop Date that capture information about representation status. Given court and public interest in the issue of self-represented litigants and the impact on court resources and case processing, it would be useful to discuss how best to operationalize and analyze these data elements. First-level discussions and analysis could focus on:
 - Determinations of representation status at the time of case filing, disposition, any major court event(s), and/or any time while the case was open.
 - Certain family law cases may need to be excluded from the representation analysis such as those that close quickly after filing (i.e., enrollment of foreign judgment/decreed).
 - Number and percentage of cases where no parties are represented, one party is represented, and both parties are represented.

²⁰ Van Duizend, R, Steelman, D, and Suskin, L. 2012. Model Time Standards for State Trial Courts. National Center for State Courts, Williamsburg, VA.

Juvenile Delinquency Case Processing Performance

This section provides Montgomery County Circuit Court's FY17 case processing performance for juvenile delinquency cases. This section also contains analyses of hearing and trial postponements and recommendations for the court and for the Maryland Judiciary's Case Management Subcommittee. The table below displays the court's historical case processing performance and additional metrics related to case progress.

D. Juvenile Delinquency Case Processing Definitions and Summary

	Case Time Definitions	Percent Closed Within 3-month (90 day) Time Standard	Additional Statewide Measures†	
Juvenile Delinquency	<u>Case Time Start:</u> First appearance of respondent or entry of appearance by counsel.	<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% FY2017: 96%	<u>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 FY2017: 113 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 FY2017: 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 FY2017: 23 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 FY2017: 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, postponements 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 based on a random sample except for the average case processing time. However, for FY2010 through FY2017, the additional measures were calculated 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.

Overall Juvenile Delinquency Case Terminations

In FY17, the Montgomery County Circuit Court reached disposition in (or otherwise closed) 894 juvenile delinquency cases, reflecting a 12% increase from the 801 terminations in FY16. Since FY14, the number of delinquency terminations has been increasing after a large decline (41%) between FY12 and FY14. Between FY14 and FY17, case terminations increased by over half (51%). Original delinquency filings also increased from 669 to 783 between FY14 and FY15 (17%) and then to 883 in FY16 (a 13% increase over FY15). Between FY16 and FY17, delinquency filings continued to increase by 9% to 960.

The Maryland Judiciary's time standard and performance goal for juvenile delinquency cases is to reach disposition within 90 days of the first appearance of the respondent or an 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 and Processing Performance, FY04-FY17

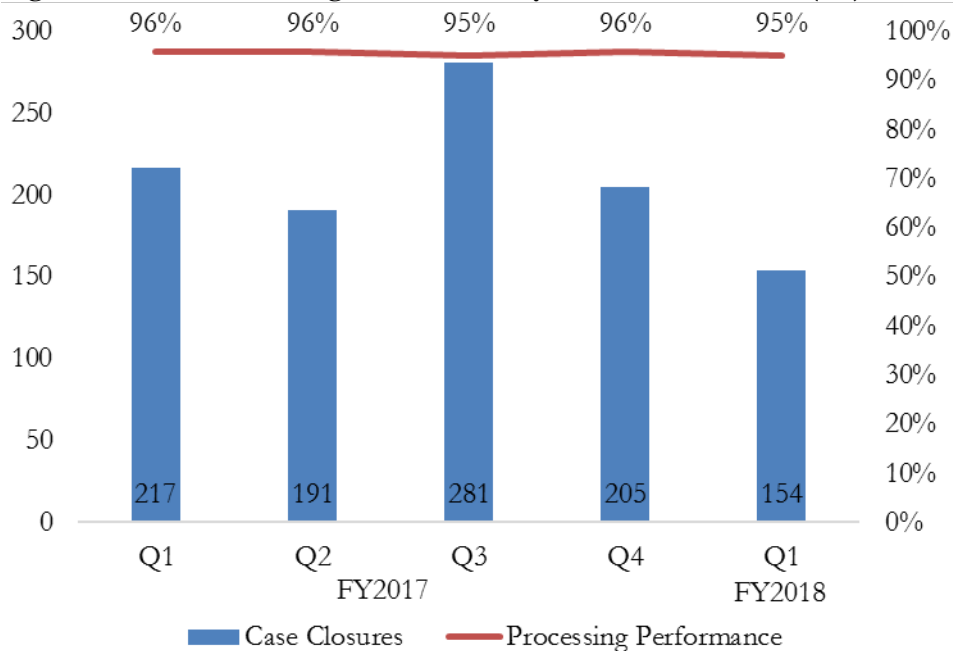
Fiscal Year	Terminations		Within-Standard Terminations 3-month (90 days) Standard			Over-Standard Terminations 3-month (90 days) Standard		
	N	ACT*	N	% of Total	ACT*	N	% of Total	ACT*
FY04	1,521	43	1,490	98%	39	31	2%	198
FY05	1,431	40	1,416	99%	39	15	1%	122
FY06	1,651	40	1,634	99%	39	17	1%	143
FY07	1,485	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	894	50	860	96%	47	34	4%	131

* ACT = Average Case Time

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

For the past two years, the court has examined case processing performance each fiscal quarter. One goal in performing this analysis quarterly is to encourage the court's use of data to inform judicial administration and case management. The preliminary quarterly results (displayed in Figure D.1) are shared with court personnel at all levels of the organization. Having access to quarterly performance data affords the court an opportunity to explore and respond to results more quickly instead of at the end of a fiscal year when opportunities for improvement within the performance year have passed.

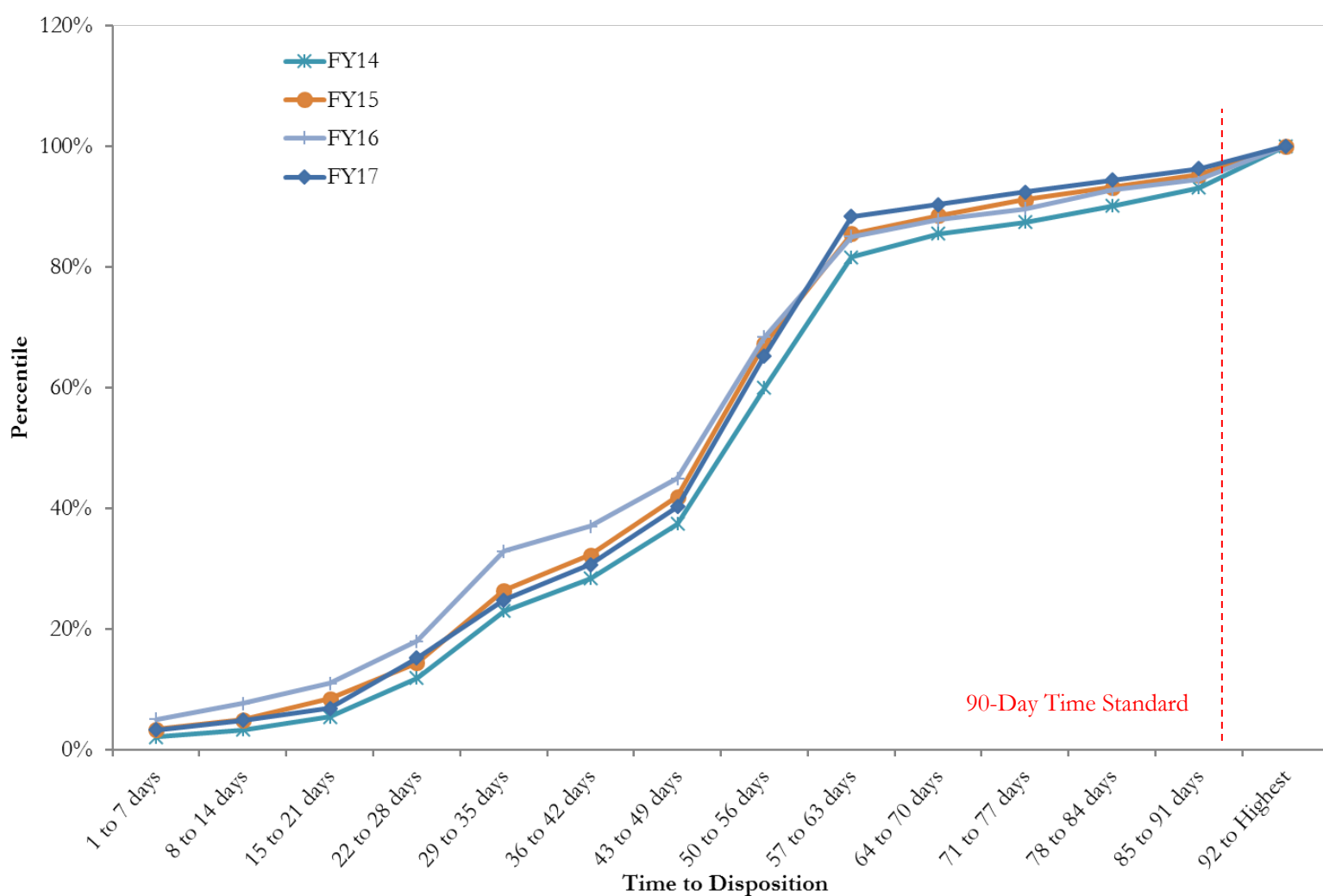
Figure D.1 Case Processing Performance by Quarter, FY17-FY18 (Q1)



Quarterly case processing performance across FY17 remained rather stable hovering around 96%. Over the past five fiscal years, juvenile delinquency annual performance reached 95-96% in all but FY12 (92%). The overall average case processing time (ACT) for FY17 delinquency terminations is 50 days, which is comparable to FY16 and slightly improved from FY15 (52 days). The within-standard ACT increased from 45 days to 47 days between FY16 and FY17 while the ACT for over-standard cases decreased from 134 to 131 days. 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 FY18 (July 1, 2017-September 30, 2017). Of the 154 cases that reached case stop, 95% closed within the 90-day time standard (n = 146).

Figure D.2 provides an alternative view of juvenile delinquency case processing. The figure displays the resolution profiles of juvenile delinquency cases closed within defined time periods. The FY14 resolution profile trails behind the profiles for FY15 through FY17. Sixty-five percent of FY17 delinquency terminations reached disposition by day 56, which is slightly lower than among the FY15 and FY16 profiles (67% and 68%, respectively). However, a slightly higher percentage of delinquency cases closed by day 77 in FY17 (92%) compared to the previous three fiscal years (FY14: 87%; FY15: 91%; FY16: 90%). For the court to meet the case processing performance goal of 98%, an additional 17 cases in FY17 would need to close within the 90-day time standard. Among the cases closed over-standard in FY17, this would mean that cases with processing times between 91 and 113 days would need to be addressed. Addressing these over-standard cases would likely require review of the court's case management practices especially for those cases closing more than a few days over the time standard (which is 13 of the 17 over-standard cases). That said, 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 judicial administration.

Figure D.2 Termination Profiles of Juvenile Delinquency Cases, FY14-FY17



Case Terminations by DCM Track

The Montgomery County Circuit Court Juvenile Differentiated Case Management (DCM) plan has two separate tracks for delinquency cases based on detention 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 majority (82%) 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 average case time (53 days) than Track 1 cases (40 days), which is consistent with the statutory disposition timelines for each of the detention statuses (44 days for detained respondents and 90 days for respondents in a non-detained status).

As found in previous fiscal years, Track 1 delinquency cases disposed in FY17 met the statewide performance goal. In contrast, among Track 2 cases, 96% of cases 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 Juvenile Delinquency Case Terminations by Termination Status (Within or Over the 3-month Standard) and Track, FY17

DCM Track	Overall Terminations			Within-Standard Terminations				Over-Standard Terminations			
	N	% of Total	ACT*	N	% of WST*	% of Track	ACT*	N	% of OST*	% of Track	ACT*
Track 1	162	18%	40	160	19%	99%	39	2	6%	1%	114
Track 2	732	82%	53	700	81%	96%	49	32	94%	4%	132
Total	894	100%	50	860	100%	96%	47	34	100%	4%	131

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

Case Terminations by Postponements

The postponement analysis reflects cases with at least one hearing or trial postponement. In FY17, 53% of disposed delinquency cases had a least one postponement compared to 46% in FY16 and FY14 and 50% in FY15. Of the FY17 postponed cases, 93% closed within the 90-day time standard. Cases without postponements met the performance goal by closing 99% within the time standard. While postponements did not impact the performance of Track 1 cases (as it relates to the time standard), for Track 2 cases, only those without postponements met the performance goal.

Among FY17 postponed delinquency cases, 55% (FY16: 63%) were postponed once; 30% (FY16: 24%) twice; and 16% (FY16: 13%) three or more times. Ninety-four percent of the over-standard juvenile delinquency cases were postponed. Seventy-two percent (23/32) of the over-standard, postponed delinquency cases had two or more postponements (pre-adjudication, adjudication, and/or disposition), whereas 43% of within-standard postponement cases had two or more hearing postponements.

Table D.3 Juvenile Delinquency Case Terminations by Postponements, Termination Status (Within or Over the 3-month Standard), and Track, FY17

<u>With Postponements</u>										
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	162	102	63%	47	100	98%	45	2	2%	114
Track 2	732	376	51%	60	346	92%	54	30	8%	131
Total	894	478	53%	57	446	93%	52	32	7%	130
<u>Without Postponements</u>										
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	162	60	37%	30	60	100%	30	--	--	--
Track 2	732	356	49%	45	354	99%	44	2	1%	138
Total	894	416	47%	43	414	99%	42	2	1%	138

* ACT = Average case time, in days.

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

The primary reason for postponing a case is “Calendar Conflicts” (33% overall; 28% among over-standard cases). Other reasons for postponing cases include: “Discovery/ADR Incomplete and/or Discovery

Disputes/Additional Time Needed to Prepare” (13% overall; 24% among over-standard cases); “Reports and Evaluations Not Completed/Re-Evaluation Ordered” (14%; 11% among over-standard cases); “Parent Not Present” (11% overall; 10% among over-standard cases); and “Increase/Decrease Court Time/Track Change/to Trail Behind another Case” (3% overall; 7% among over-standard cases).

A Closer Look: Track 2 (Non-Detained) Cases

Table D.4 Juvenile Delinquency Track 2 Cases by Termination Status containing a Disposition Finding (N = 353), FY17

Termination Status	N	Time to Adjudication (in days)		Time to Disposition (in days)	
		Mean	Median	Mean	Median
Over-Standard	30	65	55	68	60
Within-Standard	323	48	55	4	0
Total	353	49	55	9	0

The focus of this supplemental analysis is on 353 of the 732 Track 2 delinquency cases that had a disposition finding of ‘found delinquent’ or ‘found not delinquent’.²¹ For these cases, the average and median times between case start and the adjudication finding (Time to Adjudication) and between the adjudication finding and disposition finding (Time to Disposition) were calculated. According to Maryland Rule 11-114(b)(1), an adjudication for non-detained respondents shall be held within 60 days after the preliminary inquiry. Disposition for non-detained respondents is to occur no later than 30 days after the conclusion of the adjudication hearing (Maryland Rule 11-115(a)). As shown in Table D.4, the average time to adjudication is 49 days (Median = 55 days) and the average time to disposition is 9 days (Median: 0 days). Among the cases closed within the time standard, the average time to adjudication is close to the overall average and the time to disposition is less than half the overall average at 4 days. In contrast, over-standard cases reached adjudication in 65 days on average, which is over the recommended time guideline of 60-days and reached disposition in 68 days, which is more than double the 30-day time guideline.^{22,23} In fact, 20% (6 cases) of the 30 over-standard Track 2 delinquency cases reached adjudication in more than 60 days and 83% fell short of the 30-day disposition time guidelines. Cases closing over-standard have a slightly higher percentage of respondents being found Not Delinquent at disposition (33%; 10/30) than cases closing within-standard (27%; 87/323). This supplemental analysis in addition to a review of the over-standard, Track 2 delinquency cases is meant to support currently ongoing discussions about improvement opportunities that may exist in juvenile case processing.²⁴

Recommendations for Montgomery County Circuit Court

- *Information Sharing.* FY17 case processing performance results will be discussed with Montgomery County Circuit Court personnel. The court may also want to share juvenile performance results with justice stakeholders including the Department of Juvenile Services and collaborate on the identification of possible improvement initiatives.

²¹ The median and average case processing times of the remaining 379 Track 2 cases with no disposition finding are 50 and 47 days, respectively.

²² The median values for ‘Time to Adjudication’ across Track 2 performance groups suggests that the over-standard performance group has some cases performing similarly to within-standard cases up to adjudication while another set of cases are noticeably beyond the 60-day time guideline by Adjudication.

²³ It is important to note that the supplemental and preliminary analysis conducted did not exclude time associated with extraordinary cause or good cause postponements, which are recognized by the Maryland Rules. However, the analysis does exclude time associated with Maryland time standard suspension events.

²⁴ Family Division Services is currently reviewing all over-standard, Track 2 delinquency cases.

- *Data Review.* Coordinate with the Family Division Services Coordinator, Deputy Family Division Services Coordinator, and Supervising Family and Juvenile Case Manager on the review of over-standard, Track 2 juvenile delinquency cases to identify possible case management improvement opportunities.
- *Data Reports.* Discuss with the Family Division Services Coordinator, Deputy Family Division Services Coordinator, and Supervising Family and Juvenile Case Manager the types of case processing performance analyses that they would find most useful to inform case management.

Recommendations for the Case Management Subcommittee

- *Technical Assistance.* Clarification is requested on the juvenile petition-types that are to be measured against the Maryland Judiciary's delinquency case time standard. Montgomery County Circuit Court has excluded juvenile civil citations in its juvenile delinquency case assessment analysis since the inception of reporting case processing performance in 2001. The court has only measured juvenile delinquency performance for cases with a delinquency petition filed.²⁵
- *Recommendations for Working Group Initiatives-Future Statewide Performance Analyses.* It is recommended that the subcommittee work closely with or establish a working group that collaborates with the AOC's Department of Juvenile and Family Services on the identification of more detailed juvenile-related performance metrics. The court has found it useful to examine delinquency case processing performance by detention status and in accordance with statutory timelines for adjudication and disposition. Being able to segment case processing performance across the life of a case allows users to better understand where they may need to focus their case management strategies and improvement initiatives.
- *Developing a Working Group to Perform Additional Analyses and Inform Case Management.* Establish a working group to develop a statistical reporting guide that assists courts in their efforts to monitor case processing, workload, case management, and court operations performance. The guide will: 1) identify Odyssey and dashboard reporting tools available to support routine analyses of case and court performance; 2) describe how to review and discuss results across these different metrics and over time; 3) suggest additional, more detailed analyses to better understand the high-level performance results; and 4) offer templates to translate results into tables and graphics that clearly explain the performance results for court users.

²⁵ Scope of Issue: Montgomery County Circuit Court had 11 cases with a juvenile civil petition for alcohol and tobacco offenses filed in FY17, which is approximately 1% of the juvenile (delinquency and civil petition) caseload.

Child Welfare Case Processing Performance

This section provides Montgomery County Circuit Court's FY17 case processing performance for child welfare cases. This section also contains analyses of hearing and trial postponements and recommendations for the court and for the Maryland Judiciary's Case Management Subcommittee. The table below displays the court's historical case processing performance and additional metrics related to case progress.

E. Child Welfare Case Processing Definitions and Summary

Case Type	Case Time Definitions	Within-Standard Percentage	Average Case Processing Time
CINA Shelter	<u>Case Time Start:</u> Shelter Care Hearing, CINA Petition Granted.	<u>Performance Goal:</u> 100% within 30 days FY2005: 71% FY2015: 57% FY2006: 70% FY2016: 77% FY2007: 60% FY2017: 99% FY2008: 80% FY2009: 69% FY2010: 80% FY2011: 79% FY2012: 74% FY2013: 72% FY2014: 81%	FY2005: 30 days FY2015: 33 days FY2006: 30 days FY2016: 31 days FY2007: 35 days FY2017: 23 days FY2008: 27 days FY2009: 34 days FY2010: 26 days FY2011: 27 days FY2012: 28 days FY2013: 34 days FY2014: 27 days
	<u>Case Time Stop:</u> Adjudication.		
CINA Non-Shelter	<u>Case Time Start:</u> Service of CINA Petition.	<u>Performance Goal:</u> 100% within 60 days FY2005: 97% FY2015: 100% FY2006: 76% FY2016: 92% FY2007: 88% FY2017: 100% FY2008: 90% FY2009: 81% FY2010: 97% FY2011: 100% FY2012: 98% FY2013: 66% FY2014: 89%	FY2005: 34 days FY2015: 33 days FY2006: 52 days FY2016: 40 days FY2007: 44 days FY2017: 32 days FY2008: 43 days FY2009: 56 days FY2010: 39 days FY2011: 35 days FY2012: 38 days FY2013: 48 days FY2014: 41 days
	<u>Case Time Stop:</u> Adjudication.		
TPR	<u>Case Time Start:</u> TPR Petition Filed.	<u>Performance Goal:</u> 100% within 180 days FY2005: 60% FY2015: 100% FY2006: 56% FY2016: 100% FY2007: 42% FY2017: 100% FY2008: 61% FY2009: 95% FY2010: 82% FY2011: 97% FY2012: 97% FY2013: 96% FY2014: 100%	FY2005: 179 days FY2015: 133 days FY2006: 169 days FY2016: 144 days FY2007: 208 days FY2017: 139 days FY2008: 187 days FY2009: 145 days FY2010: 150 days FY2011: 115 days FY2012: 157 days FY2013: 142 days FY2014: 150 days
	<u>Case Time Stop:</u> Final Order of Guardianship entered.		

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 FY17, 181 child in need of assistance (CINA) cases had their adjudication hearing held (or otherwise reached the qualifying case stop event), including 158 CINA shelter cases and 23 CINA non-shelter cases. The state-defined time standard for CINA shelter cases is 30 days from the date when the petition for continued shelter care is granted to the date when the adjudication hearing is held (i.e., started, not completed). The time standard for CINA non-shelter cases is 60 days from service of the parent(s), guardian(s), and/or custodian to the date when the adjudication hearing is held (i.e., started, not completed). The Maryland Judiciary's performance goals for CINA shelter and non-shelter cases are that all cases reach the identified stop event (adjudication or dismissal) within their respective time standards.

CINA Shelter Case Processing Performance

Montgomery County Circuit Court's CINA shelter case processing performance reached 99% in FY17, which is a noticeable increase from 77% in FY16 and 57% in FY15. FY17 performance is the highest achieved by the court since monitoring performance against the Maryland Judiciary's time standard. The number of over-standard cases reduced by 96% between FY15 and FY17 from 52 cases in FY15 to 2 cases in FY17. The overall average case time (ACT) for FY17 CINA shelter cases is 23 days, an improvement over the past two fiscal years. The reduction in FY17 case processing time is due to the increased volume of cases closed within-standard with an average case time of 22 days.

Table E.1 Number of CINA Shelter Case Terminations and Processing Performance, FY05-FY17

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
FY17	158	23	156	99%	22	2	1%	73

* ACT = Average Case Time (in days)

The overall improvement in CINA shelter case performance is related to modifications made to the juvenile postponement policy implemented in September 2015 (see Figure E.1). The within-standard percentage increased immediately following the implementation of the revised postponement policy from 63% in FY16, Q1 to 72% in FY16, Q2. The impact of the policy on performance grew as exposure expanded to newly filed CINA shelter cases. Between FY16, Q4 and FY17, Q4, CINA shelter performance reached 98-100%.

Figure E.1. CINA Shelter – Number of Closed Cases and Case Processing Performance by Quarter, FY15, Q4 - FY17

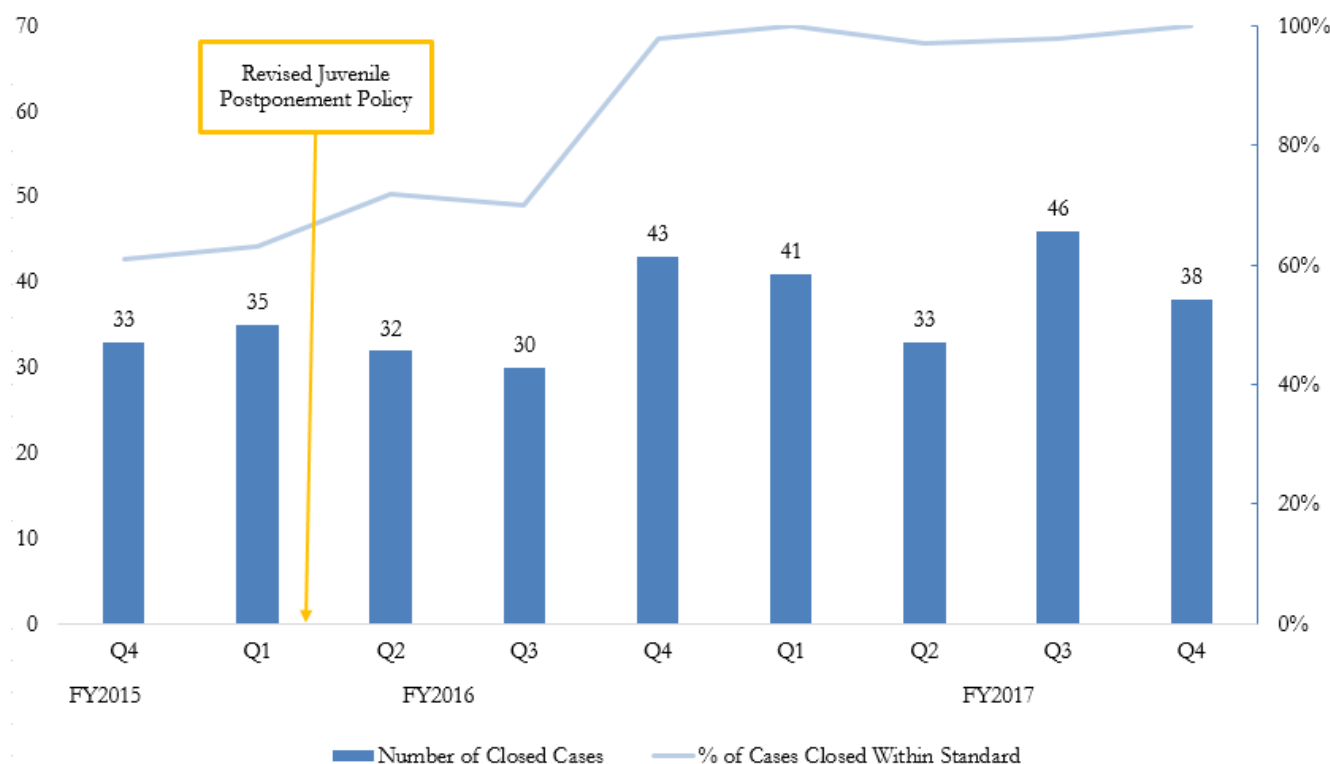
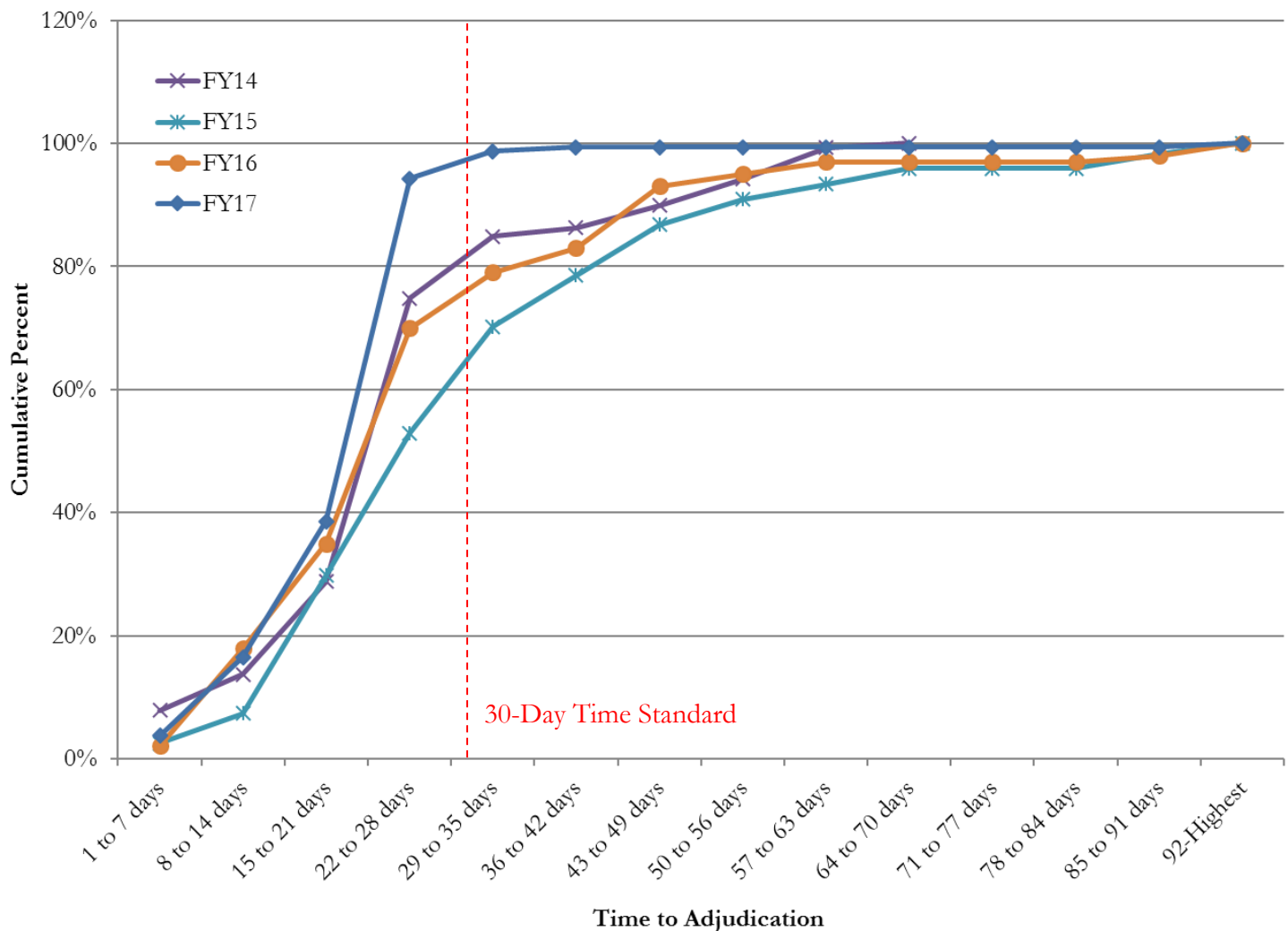


Figure E.2 provides the resolution profiles of CINA shelter cases. The profiles reflect the cumulative percentages of FY14-FY17 cases that reached adjudication by specified time periods. The resolution profile for FY17 compared to the FY14-FY16 profiles further highlights the improved case management by the court. For example, by day 28, 94% of FY17 CINA shelter cases reached adjudication compared to 53% of FY15 cases. By day 35, 99% of FY17 cases reached adjudication compared to 70% of FY15. The two over-standard FY17 CINA shelter cases took 42 and 103 days to adjudicate.

Figure E.2 CINA Shelter Resolution Profiles, FY14-FY17



CINA Shelter Case Terminations and Postponements

The postponement analysis includes both hearing and trial (i.e., adjudication hearing) postponements. While it is recognized that adjudicatory postponements have a direct impact on case processing performance, multiple non-adjudicatory hearing postponements may ultimately postpone the adjudicatory hearing and thereby impact case processing performance. Overall, 62% (98/158) of FY17 CINA shelter cases had at least one postponement compared to 80% in FY15 and 61% in FY16. Of the postponed cases, 70% had one hearing postponement (44% in FY15; 52% in FY16), 26% had two (41% in FY15; 38% in FY16), and 4% had three (9% in FY15; 3% in FY16). In FY15 and FY16, 5-6% of cases had four or five postponements whereas in FY17 no case had more than three postponements. As shown in Table E.3, all CINA shelter cases without postponements closed within the 30-day standard. Among the postponed cases, 98% closed within the 30-day time standard. This contrasts with the results from FY16 and FY15 when only 63% and 46%, respectively of postponed CINA shelter cases closed within the 30-day standard.

While the percentage of cases with at least one postponement is comparable between FY16 and FY17 (61% and 62%, respectively), the percentage of cases postponed once they are over-standard has dramatically improved over the past three fiscal years. Cases with one postponement closing over-standard reduced from 39% in FY15 and 42% in FY16 to 3% in FY17. The reduction achieved suggests

that efforts have been made by the court to reduce the length of postponements, thereby improving case processing performance.

Table E.2 CINA Shelter Case Terminations by Postponements and Termination Status, FY17

Postponement Status	Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
	N	%	ACT*	N	% of Overall	ACT*	N	% of Overall	ACT*
With Postponements	98	62%	24	96	98%	23	2	2%	73
Without Postponements	60	38%	19	60	100%	21	---	---	---
Total	158	100%	23	156	99%	22	2	1%	73

* ACT = Average Case Time (in days)

Among CINA shelter cases with postponements, the most frequently cited postponement reasons are “Calendar Conflicts” (55 of 131 postponements (42%); no postponed over-standard cases have this postponement reason) followed by “System-Generated Initial Trial Date Not Conformed to Counsels’ Availability” (47 of 131 postponements (36%); 1 of 2 postponed over-standard cases have this reason).²⁶

The relationship between postponements and case processing performance is complex. Therefore, it is important for courts to not only monitor all postponements but also ensure that event dates are reset to the earliest date possible. The presence of a postponement in a case without an understanding of the type (e.g., adjudicatory or non-adjudicatory), the reason, or the length of postponement is of limited value when attempting to understand impacts on case processing performance.

CINA Non-Shelter Case Processing Performance

Table E.3 displays the case processing performance for CINA non-shelter cases between FY05 and FY17. The within-standard percentage for CINA non-shelter cases is 100%, which is similar to FY15 and eight percentage points above FY16. The average case time is 32 days for FY17 compared to 40 days for FY16 and 33 days in FY15. A preliminary, quarterly analysis of CINA non-shelter performance for FY18 (Q1, July 1, 2017 - September 30, 2017) reveals a continued, high performing trend. Since the FY18, first quarter caseload (13 terminations) represents over half of the entire FY17 caseload, the court may want to pay attention to the number of non-shelter filings to determine if any shifts in resources are required.

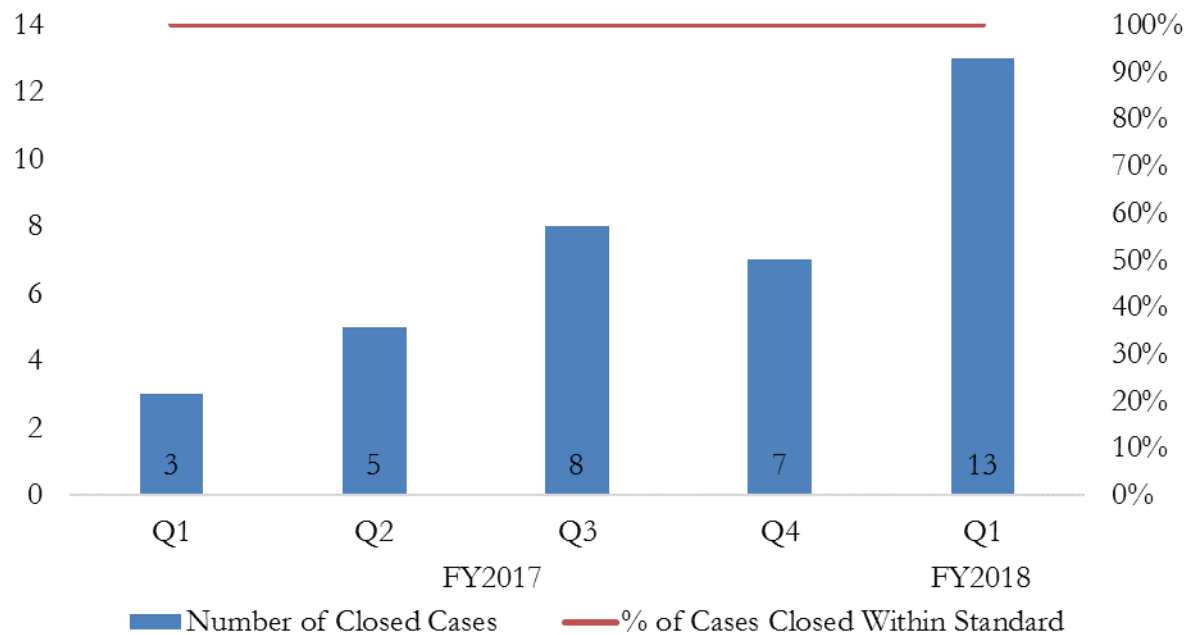
²⁶ The other postponed over-standard case has “Discovery/ADR Incomplete and/or Discovery Disputes/Additional Time Needed to Prepare” as the reason for the postponement.

Table E.3 Number of CINA Non-Shelter Case Terminations and Processing Performance, FY05-FY17

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
FY17	23	32	23	100%	32	--	--	--

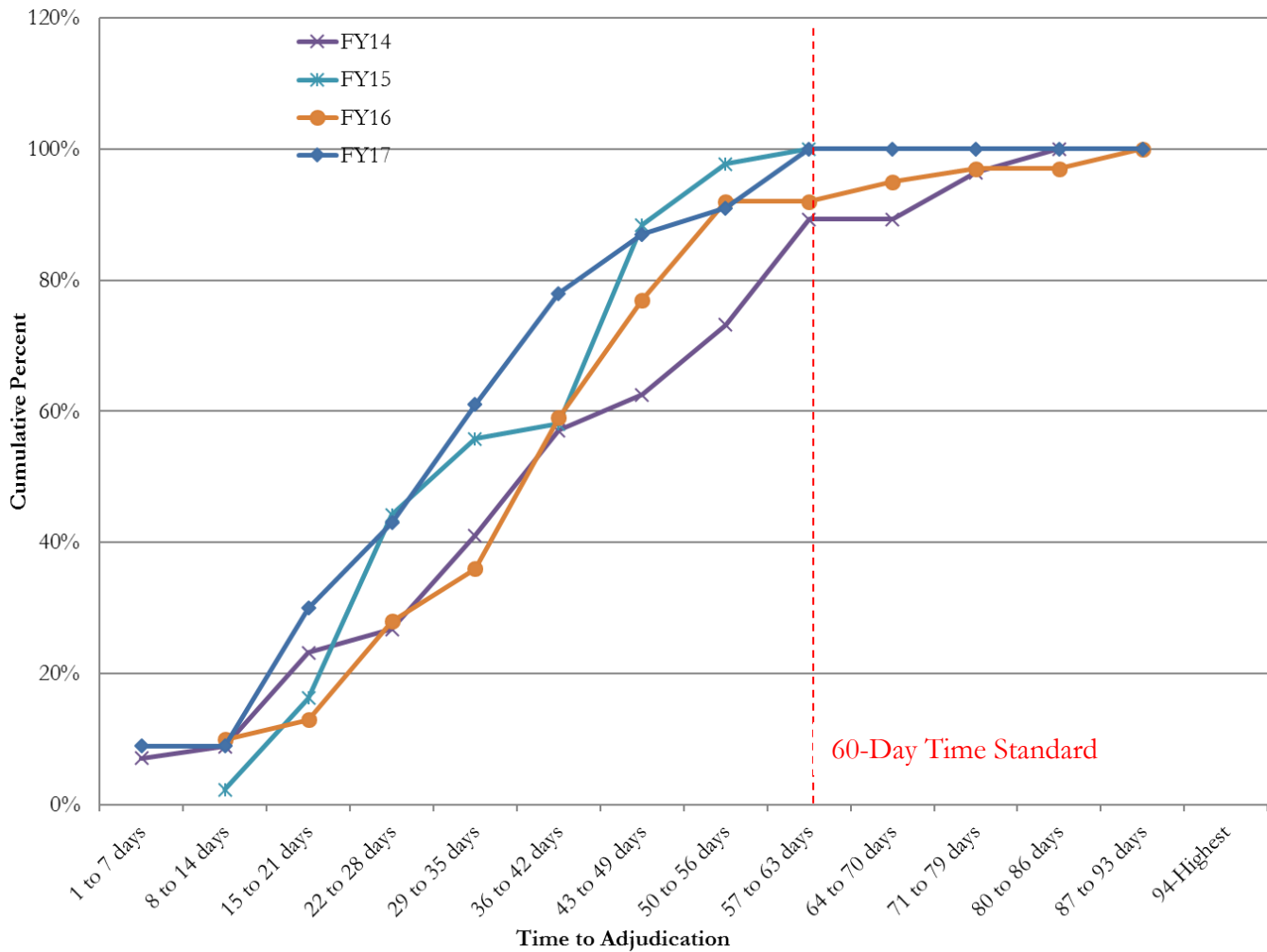
* ACT = Average Case Time (in days)

Figure E.3. CINA Non-Shelter Case Processing Performance by Quarter, FY17 and FY18-Quarter 1



As shown in Figure E.4, compared to previous fiscal years, the FY17 resolution profile exhibits a steep slope to day 35, reflecting efficiency in case processing. In FY17, a higher or comparable percentage of CINA non-shelter cases closed across most of the segmented time periods when compared to FY14-FY16.

Figure E.4 CINA Non-Shelter Resolution Profiles, FY14-FY17



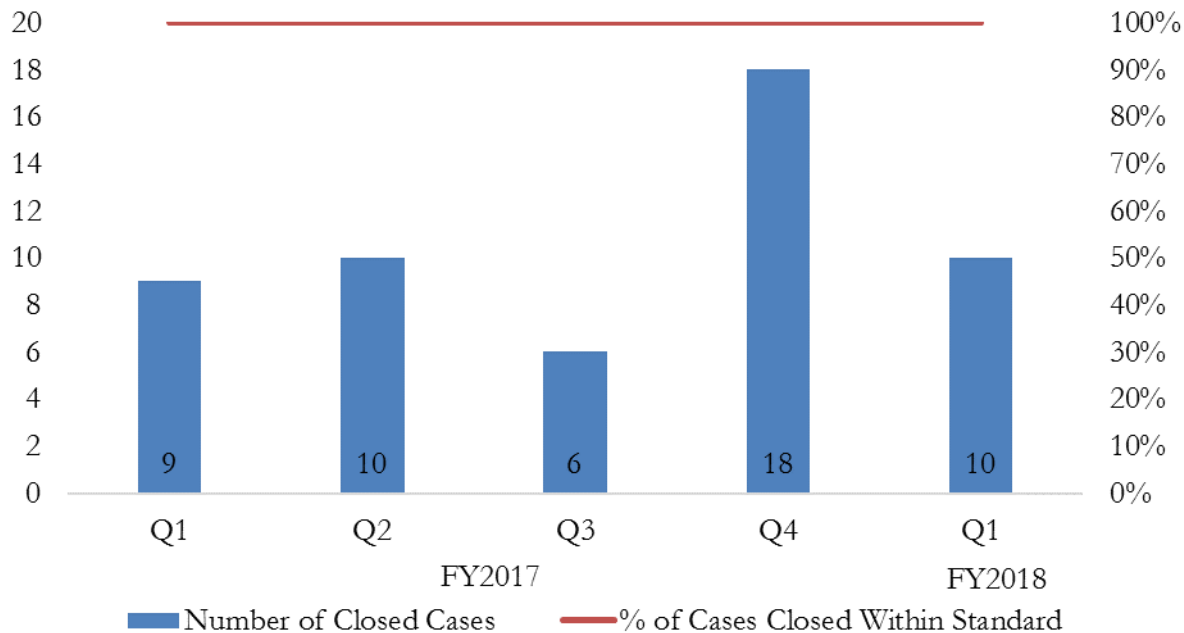
CINA Non-Shelter Case Terminations by Postponements

In FY17, 39% of CINA non-shelter cases had at least one postponement (9 of 23), and all closed within the 60-day time standard. Of the postponed cases, 44% had either one or two postponements ($n = 8$ cases) and 11% ($n = 1$) had three postponements. The average case processing time for postponed non-shelter cases is 37 days compared to 28 days for those with no postponements. The most frequently cited postponement reason across all postponements ($n = 15$) is “Computer Generated Trial Date Not Conformed to Counsels’ Availability” (47%, 7 of 15) followed by “Calendar Conflicts” (33%, 5 of 15).

Termination of Parental Rights (TPR) Case Processing Performance

The court's analysis of its FY17 TPR case processing performance began in September 2016, at the end of FY17, Quarter 1. Court research staff analyzed case processing performance quarterly for TPR cases that reached the defined case stop event. The preliminary, quarterly results for FY17 as well as the first quarter of FY18 are as follows:

Figure E.5 Number of TPR Case Terminations and Performance by Quarter, FY17-FY18 (Quarter 1)



These preliminary results were shared with the court leadership team and the judges. 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 FY15 and FY17. The overall FY17 case processing performance for TPR cases mirrors the performance achieved during each quarter. Montgomery County Circuit Court met the performance goal for TPR cases, which is for all (100%) cases to have the final order of guardianship entered (or otherwise disposed) within 180 days of filing. The overall, average case time is 139 days, which is 5 days fewer than FY16 (144 days) and 6 days higher than FY15 (133 days).

Achieving compliance with Family Law section 5-319(a)(1)²⁷ underscores the value that the court places on demonstrating efficient and effective case management principles. A key component to the court's effective management of TPR cases is the use of mediation, which is ordered following the scheduling conference. Mediation was attended in 25 of 43 (58%) TPR cases closed in FY17, and an agreement (full or partial) was reached in 60% of the cases that attended mediation.²⁸

²⁷ 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.

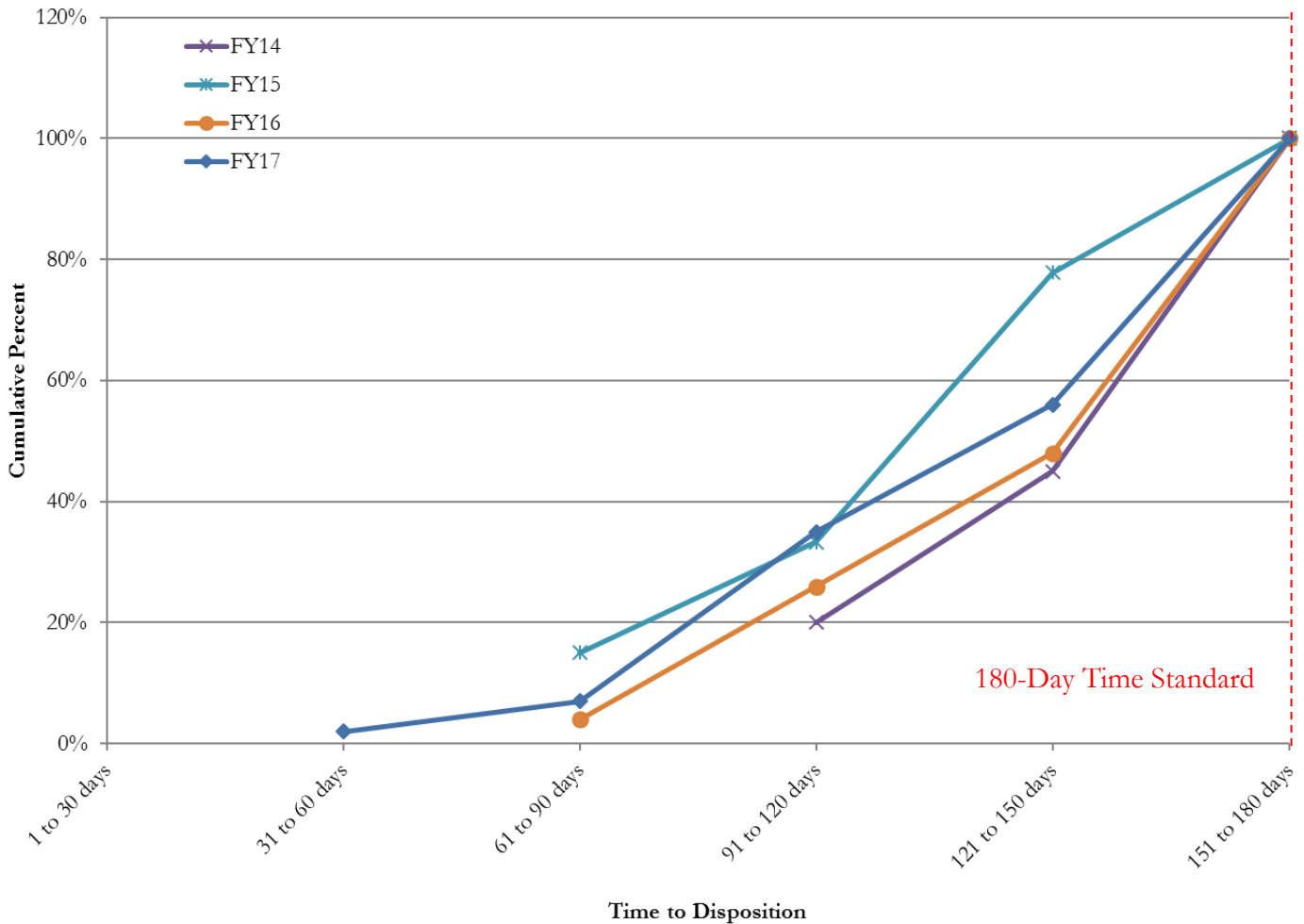
²⁸ Mediation-related data was obtained from Family Division Services.

Table E.4 Number of TPR Case Terminations and Processing Performance, FY05-FY17

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	---	---	---
FY17	43	139	43	100%	139	---	---	---

* ACT = average case time (in days)

Figure E.6 TPR Resolution Profiles, FY14-FY17



TPR Case Resolution Profiles

Figure E.6 displays the cumulative percentages of FY14-FY17 TPR cases closed within defined time segments. In FY14, the first TPR case closed on the 92nd day. In contrast, 15% of FY15 and 4% of FY16 TPR cases closed by day 90. In FY17, 2% of cases closed by day 60 and a total of 7% closed by day 90. For the past four fiscal years, the resolution profiles converged by the 180th day whereby 100% of all cases reached the Judiciary's defined case stop event.

TPR Case Terminations by Postponements

In FY17, 67% of TPR cases had at least one postponement (29 of 43) compared to 35% in FY16 (2 of 23) and 52% in FY15 (14 of 27). Despite having as many as four postponements, all FY17 cases closed within the 180-day time standard. The average case processing time for postponed TPR cases is 153 days compared to 110 days for TPR cases with no postponements. Of the 29 postponed cases in FY17, over half (62%) had no more than one postponement and the most frequently cited postponement reason is 'Computer Generated Trial Date (Did Not) Conform to Counsels' Availability' (53.5%, 23 of 43 postponement reasons).

Recommendations for Montgomery County Circuit Court

- *Information Sharing.* FY17 case processing performance results will be communicated to the Montgomery County Circuit Court juvenile bench and juvenile bar, as well as pertinent clerk and administrative personnel. The court may want to share child welfare performance results with justice stakeholders including Department of Health and Human Services and collaborate on the identification of possible improvement initiatives.
- *Analysis.* With such short statutorily defined time guidelines, ongoing monitoring of active and recently closed child welfare cases is critical. Coordination and collaboration with the Family Judge-In-Charge, the Family Division Services Coordinator, Deputy Family Division Services Coordinator, Permanency Planning Liaison, and Supervising Family and Juvenile Case Manager will continue to ensure data is available and accessible to inform case progress and the development of improvement initiatives.

Recommendations for the Case Management Subcommittee

- *Recommendations for Working Group Initiatives-Future Statewide Performance Analyses.* Since a large portion of the court's case processing activity related to child welfare cases occurs post-adjudication, it is recommended that the subcommittee establish a working group or coordinate an initiative with the AOC's Department of Juvenile and Family Services (DJFS) to expand the analysis of child welfare case processing performance.
 - The AOC's DJFS has been collecting and reporting on post-adjudication child welfare timeliness measures for several years. With their interest in engaging courts in this reporting, the time may be appropriate to coordinate statewide discussions drawing upon the lessons learned from the annual case assessment analysis.
- *Developing a Working Group to Perform Additional Analyses and Inform Case Management.* Establish a working group to develop a statistical reporting guide that assists courts in their efforts to monitor case processing, workload, case management, and court operations performance. The guide will: 1) identify Odyssey and dashboard reporting tools available to support routine analyses of case and court performance; 2) describe how to review and discuss results across these different metrics and over time; 3) suggest additional, more detailed analyses to better understand the high-level performance

results; and 4) offer templates to translate results into tables and graphics that clearly explain the performance results for court users.