

2020

Case Processing Performance Analysis



Montgomery County Circuit Court
January 2021

Montgomery County Circuit Court

Fiscal Year 2020 Case Time Processing Report

Abstract

Montgomery County Circuit Court's annual case processing report evaluates the court's case processing performance for Fiscal Year 2020 (FY20) against the Maryland Judiciary's case processing time standards and identifies factors that may have impacted performance and its changes. In September 2018, the court began analyzing its case processing performance by quarter to provide court leadership and management with more current information. More frequent and timely reviews and discussions of case processing provide the court with opportunities to build and improve its data analytic capacity and to 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 court about data-informed management of cases processing and court operations.

Montgomery County Circuit Court's FY20 case processing analysis is performed using 12,727 originally-terminated cases defined by the Maryland Judiciary's circuit court time standards during the fiscal year, including 895 civil foreclosure cases, 3,613 civil other cases, 1,304 criminal, 226 family limited-divorce cases, 6,147 other family cases, 374 juvenile delinquency, 122 child in need of assistance (CINA) shelter cases, 21 CINA non shelter cases, and 25 termination of parental rights (TPR) cases¹. Due to limited court operations caused by the COVID-19 pandemic since mid-March 2020, the number of case terminations examined for analysis declined by 17% (2,518 terminations) in FY20 from 15,245 in FY19.

One of the key measures of the case processing analysis is the percentage of cases terminated within the Maryland Judiciary's-defined time standard. The court's processing performance by case type (the time standard and percentage goal) for FY19 and FY20 are as follows:

Table 1. Montgomery County Circuit Court Case Processing Performance (% of Cases Terminated within the Time Standards), FY19 and FY20

Case Type	Time Standard	Performance Goal	FY19	FY20	FY19-FY20 Difference
Civil, foreclosure	730 days	98%	94%	94%	0%
Civil, general	548 days	98%	98%	98%	0%
Criminal	180 days	98%	91%	92%	1%
Family, limited divorce	730 days	98%	99%	98%	-1%
Family, other	365 days	98%	94%	95%	1%
Juvenile delinquency	90 days	98%	95%	93%	-2%
CINA shelter	30 days	100%	97%	94%	-3%
CINA non-shelter	60 days	100%	100%	100%	0%
TPR	180 days	100%	95%	100%	5%

¹ The following groups of cases are excluded from the statewide case assessment analysis: adoption, asbestos, domestic violence, friendly suit, general liens, homeowners' association, Lis Pendens, peace order, recorded judgment, reopened cases, restricted (sealed and expunged) cases, cases transfers from other jurisdictions for probation, cases filed prior to January 1, 2001, and voluntary placement.

Between FY19 and FY20, the court's case processing performance remained unchanged in civil foreclosure, civil general and CINA non-shelter cases. The performance improved in criminal, family other, and TPR cases whereas it declined in family-limited divorce, juvenile delinquency and CINA shelter cases. In FY20, civil general, family-limited divorce, CINA non-shelter and TPR cases met their respective statewide performance goal.

The court continues to actively manage its caseload by monitoring its case processing performance and implementing improvement initiatives as necessary though its operations have been constrained during the pandemic period. However, despite limited resources, the court continues to use data to ensure that quality justice is administered to county residents in the most efficient and effective manner.

Fiscal Year 2020 Case Processing Time Report Data Quality Review Procedures

Data quality review is one of the core functions 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 FY2020 Case Assessment Data

Court Administration and the Clerk of the Court personnel conducted case audits of originally-closed cases and checked the accuracy of key case information, including the caseflow assessment-related data elements.² As described below, designated court personnel prepared the data for the assessment and performed additional data quality reviews during the data preparation period to further improve the accuracy of case assessment data. However, in FY20, due to additional tasks to handle emergency situations caused by the pandemic, the court was not able to perform some of the data quality check operations.

The court's Data Processing (DP) staff compiles assessment data into case type-specific data tables. These tables contain all mandatory and optional data elements defined by the Maryland Judiciary's caseflow assessment standards. The data is reviewed by Quality Control (QC), Differentiated Case Management (DCM) Coordinator, Family Division Services (FDS) and court research personnel to ensure its accuracy, and to identify possible reasons for cases closing over-standard.

Court researchers perform additional data quality checks on the case assessment data during quarterly performance reviews as well as at the end of the fiscal year. Their primary focus is to verify the case processing time calculated by DP and to review cases with processing time beyond the time standards. If necessary, the researchers work with FDS, QC and DCM Coordinator to further investigate questionable case information. All reviews are conducted initially by checking the case assessment information against the data in the court's case management system and then with the actual case files or by listening to digital recordings of court events when necessary.

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 critical to the court and is necessary to ensure confidence in the information used to inform and report on case and court management.

² Of the cases used for the FY20 caseflow assessment, 100% of 1,304 criminal and 374 juvenile delinquency cases, 98% of 4,508 civil cases (including foreclosure cases), 97% of 6,373 family cases (including limited-divorce cases), and 96% of 161 child-welfare cases (CINA and TPR cases) were audited at case disposition.

Fiscal Year 2020 Case Processing Time Report Overview

This overview provides Montgomery County Circuit Court's case processing performance, caseload and select workload figures for Fiscal Year 2020 (FY20).

Case Processing Performance

Montgomery County Circuit Court examined its FY20 case processing performance based on 12,727 original terminations as defined by the Maryland Judiciary's circuit court time standards. The court processed 2,518 (17%) fewer terminations in FY20 than FY19 (15,245 original terminations).

- The court's FY19 performance in civil-general, family-limited divorce, CINA non-shelter, and TPR cases met their respective Maryland Judiciary-defined case processing performance goal.
- The case processing performance in criminal, family-other, and TPR cases improved between FY19 and FY20. The most notable percentage point increase occurred in TPR cases, which improved to 100% from 95%.
- The case processing performance in civil-foreclosure, civil-general, and CINA non-shelter cases remained unchanged between FY19 and FY20.
- The case processing performance in family-limited divorce, juvenile delinquency, and CINA shelter cases declined between FY19 and FY20. The most notable percentage point decline occurred in juvenile delinquency cases, which declined to 94% from 97%.

Caseload – Filings and Terminations (Original, Reopened, and Total)

Table 2 provides the numbers of filings, terminations, and the clearance rates by case type for original cases, reopened cases, and total (original and reopened) cases for FY19 and FY20. In FY20, Montgomery County Circuit Court processed 29,663 filings including 17,781 original filings and 11,882 reopened filings. The court also processed 28,712 terminations including 17,114 original and 11,598 reopened terminations. In FY20, due to its reduced operations caused by the COVID-19 pandemic, the court received 4,715 fewer filings (a 14% decline from FY19 (34,378 filings) and 5,413 fewer terminations (a 16% decline from FY19 (34,125 terminations)).

The court's original filings declined by 15% from 20,987 to 17,781 between FY19 and FY20. Juvenile cases had the highest decline by 35% from 1,159 to 757, followed by criminal cases, which declined by 21% from 1,884 to 1,493. Both civil and family filings declined by more than 1,000 cases (1,051 and 1,362, respectively). The decline in original terminations is slightly larger than that of filings. Overall, original terminations declined by 18% (3,707 cases) from 20,821 to 17,114 between FY19 and FY20. Again, the percent decline in juvenile and criminal original terminations is substantially larger, a 41% and 28% decline, respectively. Both civil and family original terminations declined more than 1,300 cases between FY19 and FY20. As a result, in criminal and juvenile cases where original terminations declined at a rate greater than the original filings, the clearance rates declined by 10-percentage points from 101% to 91% and from 103% to 93% respectively between FY19 and FY20.

Table 2. Montgomery County Circuit Court Filings and Terminations and Clearance Rate by Case Type, FY19 and FY20

	Civil*		Criminal		Family		Juvenile**		Total	
	FY19	FY20	FY19	FY20	FY19	FY20	FY19	FY20	FY19	FY20
Original										
Filings	9,635	8,584	1,884	1,493	8,309	6,947	1,159	757	20,987	17,781
Terminations	9,560	8,242	1,895	1,365	8,172	6,801	1,194	706	20,821	17,114
Clearance Rate	99%	96%	101%	91%	98%	98%	103%	93%	99%	96%
Reopened										
Filings	2,006	1,837	4,410	4,035	5,486	4,467	1,489	1,543	13,391	11,882
Terminations	1,953	1,810	4,325	3,861	5,581	4,474	1,445	1,453	13,304	11,598
Clearance Rate	97%	99%	98%	96%	102%	100%	97%	94%	99%	98%
Total										
Filings	11,641	10,421	6,294	5,528	13,795	11,414	2,648	2,300	34,378	29,663
Terminations	11,513	10,052	6,220	5,226	13,753	11,275	2,639	2,159	34,125	28,712
Clearance Rate	99%	96%	99%	95%	100%	99%	100%	94%	99%	97%

* Civil case filings and terminations include those of Register of Wills.

**Juvenile case filings and terminations include delinquency, child in-need of assistance and termination of parental rights petitions.

Source: Montgomery County Circuit Court, Data Processing Department

Overall, the court's reopened filings declined by 11% (1,509 cases) from 13,391 in FY19 to 11,882 in FY20. Family case filings declined by 19% (1,019 cases), accounting for over two-thirds (68%) of the FY19-20 reduction. In contrast, the reduction in civil and criminal cases was less than 10% (8% and 9% reductions, respectively), and juvenile filings increased by 4% (54 cases). The court's reopened terminations declined by 13% (1,706 cases), and 65% of the overall decline was accounted for by that of family reopened terminations, which declined by 20% from 5,581 to 4,474 cases between FY19 and FY20. Civil and criminal reopened terminations also declined by 7% (143 cases) and 11% (464 cases), respectively. Reopened terminations of juvenile cases increased by 1% (8 cases). In criminal and family reopened cases, the clearance rate slightly declined due to terminations being unable to keep up with filings. Also, in juvenile where the increase in reopened filings is larger than that of terminations, the clearance rate declined from 97% to 93%. In contrast, in civil cases where reopened filings declined more than reopened terminations, its clearance rate increased from 97% to 99%.

Between FY19 and FY20, total (original and reopened) filings declined by 14% from 34,378 to 29,663 and total terminations declined by 16% from 34,125 to 28,712. Family cases accounted for 50% of reduced filings and 46% of reduced terminations, civil cases for 26% and 27%, and criminal cases for 16% and 18%. In criminal and family cases, the reduction in total filings and terminations resulted from reductions in both original and reopened filings and terminations, respectively. In contrast, 86-90% of the reduction in total filings and terminations in civil cases and all reductions in juvenile cases are due to reduced original filings and terminations, respectively.

Workload –Trials and Hearings (Set and Held)

During FY20, Montgomery County Circuit Court set 7,840 trials and 60,199 hearings and held 1,226 trials and 34,630 hearings. Compared to FY19, the numbers of trials and hearings set in FY20 increased by 6% (456 trials) and 7% (3,867 hearings), respectively, whereas the numbers of held declined by 14% (201 trials) and 5% (2,008 hearings). The observed increases in settings of trials and hearings were likely due to the court's emergency operations in response to the pandemic, which resulted in cancelling and rescheduling of a large number of trials and hearings between mid-March and June 2020.

Between FY19 and FY20, the numbers of trials set in criminal and juvenile cases declined by 11% (2,458 criminal trials and 1,401 juvenile adjudicatory hearings). In contrast, the numbers of trials set in civil and family cases increased by 16% (1,285 civil trials) and 39% (family trials and merits hearings), respectively. The reduction in trials set in criminal and juvenile cases was most likely due to the reduced case filings in FY20 (combined with the fact that their statutorily-defined timelines make rescheduling of trials hard) and the moratorium on jury trials place on criminal cases during the emergency period. The number of hearings set in criminal cases also declined by 6% (1,149 hearings) while those of civil and family increased by 15% (1,259 civil hearing and 3,243 family hearings) despite their declined filings in FY20. The number of juvenile hearings set also increased by 6% (514 hearings).

As indicated above the number of trials held declined by 14% (201 trials) between FY19 and FY20. Fifty-seven percent (114 trials, a 12% decline) of the reduction occurred in family cases, 48 in civil cases (a 21% decline), 29 in criminal (an 18% decline) and 10 in juvenile cases (a 9% declined). The number of hearings held also declined in three case types, including criminal (1,622 hearings), civil (424) and family (265), totaling 2,311 fewer hearings held in FY20. In contrast, the number of hearings held increased by 5% (333 hearings) in juvenile cases. Overall, the number hearings held declined by 5% (2,008 hearings) between FY19 and FY20.

Table 3. Montgomery County Circuit Court Trials and Hearings Set and Held by Case Type, FY19 and FY20

	Civil*		Criminal		Family Law		Juvenile		Total	
	FY19	FY20	FY19	FY20	FY19	FY20	FY19	FY20	FY19	FY20
Trials										
Set	1,112	1,285	2,752	2,458	1,945	2,696	1,575	1,401	7,384	7,840
Held	231	183	157	128	930	816	109	99	1,427	1,226
Hearings										
Set	8,668	9,927	17,814	16,665	21,443	24,686	8,407	8,921	56,332	60,199
Held	3,225	2,801	13,038	11,416	14,032	13,767	6,343	6,646	36,638	34,630

*Civil hearings include Register of Wills (Two trials were set or held for Register of Wills cases).

Source: Montgomery County Circuit Court, Data Processing Department (all case types except for juvenile: PeforNew, Juvenile: FY2020 Annual Report)

Foreclosure and All Other Civil General Case Processing Performance

This section provides Montgomery County Circuit Court's fiscal year 2020 (FY20) case processing performance for foreclosure and all other civil general cases, including analyses of performance by DCM track and by hearing and trial postponements. The table below displays the court's historical case processing performance and additional metrics.

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>State-Set Goals (FY2015 – FY2020):[▲]</u>		<u>Filing to Service or Answer, whichever comes first:</u>
	<u>Case Time Start:</u> Filing of Case.	Foreclosures: 98% within 730 days, 24 months		CY2001: 49 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 FY2018: 291 days FY2019: 299 days FY2020: 302 days	CY2002: 44 days* CY2003: 33 days* FY2005: 45 days FY2006: 42 days FY2007: 40 days FY2008: 41 days FY2009: 52 days FY2010: 43 days [†]
	<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% FY2018: 95% FY2019: 94% FY2020: 94%	All Other Civil General: FY2015: 188 days FY2016: 185 days FY2017: 185 days FY2018: 184 days FY2019: 184 days FY2020: 192 days	FY2011: 30 days* FY2012: 33 days* FY2013: 31 days FY2014: 29 days FY2015: 35 days FY2016: 36 days FY2017: 35 days FY2018: 37 days FY2019: 39 days FY2020: 35 days
		All Other Civil General: FY2015: 98% FY2016: 98% FY2017: 98% FY2018: 98% FY2019: 98% FY2020: 98%		

* 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 as foreclosures for the Maryland Judiciary's caseload assessment purposes and are instead included in the 'all other civil general' case category.

[†] FY2010 – FY2020 figures were calculated using all civil terminations whereas CY2001-FY2009 figures were calculated using a random sample of the civil termination population.

[▲] 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.

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

Foreclosure and All Other Civil General Case Processing Performance

In FY20, Montgomery County Circuit Court processed 4,508 civil cases,³ including 895 (20%) foreclosure cases and 3,613 (80%) other civil general cases. The overall terminations declined by 10% (504 terminations) from FY19 (5,012 terminations). Foreclosure case terminations declined by 25% (292 terminations) from 1,187 terminations in FY19, and other civil general case terminations declined by 6% (212 terminations) from 3,825 terminations. In FY16, the Maryland Judicial Council implemented two case time standards for civil cases, one for foreclosure cases and the other for the remaining civil cases ('all other civil general' 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 through FY20. Of the 895 foreclosure cases terminated in FY20, 94% closed within the 2-year time standard, at the level with FY19 but four-percentage points down from FY15. The court also processed 3,613 other civil general cases of which 3,537 (98%) closed within 18 months from filing, meeting the statewide 98% performance goal. The overall ACT for foreclosure cases in FY20 is 302 days, three days longer than FY19 (299 days). While the within-standard ACT declined by 3 days, that of over-standard increased by 141 days. The overall ACT for all other civil general terminations in FY20 is 192 days, eight days longer than that of FY19 (184 days). While the over-standard ACT for FY20 is 752, one day shorter than FY19, the within-standard increase by 6 days to 180 days.

Table A.1 Number of Foreclosure and All Other Civil General Case Terminations and Processing Performance, FY15-FY20

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
	FY18	1,269	291	1,207	95%	259	62	5%	917
	FY19	1,187	299	1,113	94%	250	74	6%	1,037
	FY20	895	302	843	94%	247	52	6%	1,181
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
	FY18	3,632	184	3,547	98%	172	85	2%	684
	FY19	3,825	184	3,757	98%	174	68	2%	753
	FY20	3,613	192	3,537	98%	180	76	2%	752

* ACT = Average Case Time (in days)

Between FY15 and FY19, the number of foreclosure terminations decreased by 54% (1,375 cases) from 2,562 to 1,187 cases. In contrast, the number of over-standard foreclosure terminations increased by the same magnitude (54%, 26 cases) from 48 to 74 cases during the same period.

³ The figure does not include two civil-other cases excluded from the assessment because they were filed prior to January 1, 2001 per Maryland Judiciary's caseload assessment case exclusion criteria.

Assuming the court's foreclosure case processing operations did not change substantially or even improved their efficiency, the conflicting trends between overall and over-standard foreclosure terminations between FY15-19 suggest a shift in the composition of foreclosure cases where the share of more complex cases increased over time. In contrast, between FY19 and FY20, the number of foreclosure case terminations and that of over-standard terminations declined by 25% and 30%, respectively, largely because of the moratorium placed on proceedings of foreclosures of residential properties and the rights of redemption of tax sales of residential properties pending in the circuit courts.⁴

All Other Civil General Case Terminations by DCM Track⁵

Montgomery County Circuit Court's Civil Differentiated Case Management (DCM) plan has the following nine tracks.⁶

- Track N:** Administratively tracked/non-litigation.
- Track 0:** District Court appeals, Injunctions, Mechanic's Liens, Restraining Orders, Administrative Appeals, Mandamus Cases, Declaratory Relief, Forfeiture (money or vehicles), Landlord and Tenant Jury Demands and Appeals, and Sale in Lieu of Partition (excluding divorce)
- Track 2:** Expedited - ½ to 1 day trial estimate
- Track 3:** Routine - 1 to 2 day trial estimate
- Track 4:** Complex - 4 or more days of trial estimate or intensive motions.
- Track 5:** B&T Expedited - immediate service
- Track 6:** B&T Standard
- Track 7:** Advanced Science and Technology Adjudication Resource (ASTAR) Expedited - immediate service
- Track 8:** ASTAR Standard

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. The cases assigned to Business and Technology (B&T, Tracks 5 and 6) tracks and cases assigned to Advanced Science and Technology Adjudication Resource (ASTAR, Tracks 7 and 8) tracks are combined, respectively, because of the small number of cases in each track category.

Cases assigned to Tracks N, 0, 2, and 3 represent 97% of civil general terminations (97% in FY19). The case processing performance of cases in those tracks is generally high. In FY 20, Tracks N, 0 and 2 terminations either met or exceeded the statewide performance goal of 98% within the 548-day termination. Track 3 performance also reached 97%. The remaining three percent of terminations (101 terminations) were found in Track 4 (98, 92 in FY19) and B&T Track (Tracks 5 and 6, 13 terminations, 19 in FY19). Because the cases in these tracks are more complex than those

⁴ [COVID-19 UPDATE: Foreclosure and eviction cases will not move through the courts amid COVID-19 | Maryland Courts \(state.md.us\)](https://www.montgomerycountymd.gov/cct/departments/dcm.html)

⁵ Table A.3 focuses on civil general case performance by DCM track because all FY19 foreclosure case terminations are assigned to Track N. The only exception is 412218V (Foreclosure owner occupied), which was assigned to Track N between 11/30/2015 and 12/20/2016 and then subsequently assigned to Track 2.

⁶ For additional information about the DCM plans including detailed descriptions of the DCM tracks, please visit the court's website at <https://montgomerycountymd.gov/cct/departments/dcm.html>.

in other tracks, their within-standard processing performance is substantially lower at 87% (Track 4, 86% in FY19) and 77% (B&T Track, 79% in FY19), respectively. As a result, the performance of Tracks 4 and B&T case terminations and the percentage of those cases within the overall case terminations largely determine the overall performance of other civil cases.

Table A.3 All Other Civil General Case Processing Performance by Termination Status and DCM Track, FY20

DCM Track	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	728	20%	57	720	99%	20%	50	8	1%	11%	636
Track 0	395	11%	151	387	98%	11%	138	8	2%	11%	740
Track 2	1,431	40%	193	1,411	99%	40%	185	20	1%	26%	803
Track 3	948	26%	283	924	97%	26%	272	24	3%	32%	731
Track 4	98	3%	413	85	87%	2%	354	13	13%	17%	797
Tracks 5 & 6 (B&T)	13	<1%	457	10	77%	<1%	378	3	23%	4%	721
Tracks 7 & 8 (ASTAR)	0	0%	--	0	0%	0%	--	0	0%	0%	--
Total	3,613	100%	192	3,537	98%	100%	180	76	2%	100%	752

* 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.

Foreclosure and All Other Civil General Case Terminations by Postponements⁷

Of the 4,508 foreclosure and other civil general cases (895 foreclosure cases and 3,613 other civil cases) that were originally terminated during FY20, 18% (830 cases) had at least one hearing or trial postponement (17% in FY19), 93% of which terminated within the respective time standard (730 days for foreclosure cases and 548 days for other civil general cases). Of the remaining 82% of the 4,508 cases closed without postponements (3,678 cases including 879 foreclosure cases and 2,799 other civil cases, see Tables A.4.1 and A.4.2), 98% terminated within the respective time standard.⁸

Table A.4.1 and 2 provide the case processing performance of foreclose and other civil general cases by postponement status and by DCM Track. As the top section of Table A.4.1 shows, 98% (879 cases) of 895 foreclosure cases closed with no postponement. However, 45 cases (5%) closed over standard. While only 2% (16) of 895 foreclosure cases closed in FY20 had at least one postponement, their performance is markedly low; only 56% (9 of 16) of cases closed within the 730-day time standard.

⁷ The FY20 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 hearings prior to July 1, 2013 will not be reflected in the data.

⁸ A total of 68 of 3,678 case terminations without postponements, including 45 foreclosure and 23 other civil general case terminations, were over-standard. Some of the reasons cases without postponements close over-standard include multiple deferral of case dismissal pursuant to MD Rule 14-207 in foreclosure cases, deferral of case dismissal due to MD Rule 2-507 after case inactivity, and multiple services/alternative services followed by default.

Table A.4.1 Foreclosure and All Other Civil General Case Terminations by Postponement Status, DCM Track and Termination Status, FY20

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*
Terminations Without Trial and Hearing Postponements										
Track N	894	878	98%	293	834	95%	245	44	5%	1,189
Track 2	1	1	100%	761	0	0%	--	1	100%	761
Total	895	879	98%	293	834	95%	245	45	5%	1,180
Terminations With Trial and Hearing Postponements										
Track N	894	16	2%	767	9	56%	439	7	44%	1,187
Track 2	1	0	0%	--	0	0%	--	0	0%	--
Total	895	16	2%	767	9	56%	439	7	44%	1,187

* ACT = Average case time, in days.

Table A.4.2 All Other Civil General Case Terminations by Postponement Status, DCM Track and Termination Status, FY20

Termination Status, FY 20

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*
Terminations Without Trial and Hearing Postponements										
Track N	728	725	>99%	56	717	99%	49	8	1%	636
Track 0	395	309	78%	126	306	99%	120	3	1%	794
Track 2	1,431	1,092	76%	161	1,086	99%	157	6	1%	843
Track 3	948	658	69%	233	652	99%	229	6	1%	651
Track 4	98	13	13%	128	13	100%	128	0	0%	--
Tracks 5 & 6	13	2	15%	227	2	100%	227	0	0%	--
Tracks 7 & 8	0	0	0%	--	0	0%	--	0	0%	--
Total	3,613	2,799	77%	147	2,776	99%	142	23	1%	714
Terminations With Trial and Hearing Postponements										
Track N	728	3	<1%	268	3	100%	268	0	0%	--
Track 0	395	86	22%	237	81	94%	208	5	6%	708
Track 2	1,431	339	24%	299	325	96%	278	14	4%	786
Track 3	948	290	31%	397	272	94%	373	18	6%	757
Track 4	98	85	87%	456	72	85%	395	13	15%	797
Tracks 5 & 6	13	11	85%	499	8	73%	416	3	27%	721
Tracks 7 & 8	0	0	0%	--	0	0%	--	0	0%	--
Total	3,613	814	23%	346	761	93%	317	53	7%	768

* ACT = Average case time, in days.

Among other civil general cases (Table A.4.2), 23% (814) had at least one hearing or trial postponement. However, 93% of them still closed within the 548-day time standard. In the past, Track 2 cases, even with postponements, met the 98% performance goal. In FY20, the performance fell below the 98% goal to 96%, slightly higher than that (94%) of Tracks 0 and 3 with

postponements. Postponed cases in Track N met the performance goal although there are only three cases. The performance of complex cases with postponements is substantially lower at 85% (Track 4) and 73% (B&T Track). As observed in the past, the overall average case processing time among postponed cases is more than double that of cases that were not postponed (439 versus 1,197 days among foreclosure cases and 346 versus 768 days among other civil general cases).

The court granted 28 hearing and trial postponements to the 16 foreclosure cases, averaging 1.8 postponements per case, and 1,649 postponements to the 814 other general civil cases, averaging 2.0 postponements per case. Among the postponed cases, 45% have one postponement, 32% have two postponements, and the remaining 23% have three or more postponements. Among other general civil cases, 99% of the cases with one postponement postponed closed within the 548-day time standard whereas among foreclosure cases, only 63% of the cases with a single postponement closed within the 730-day time standard.

The most frequently reported postponement reasons among the 830 postponed cases (regardless of DCM Track) include:

- “Discovery/ADR Incomplete and/or Discovery Disputes/Additional Time Needed to Prepare” (44% of all of postponements; 44% of postponements of over-standard cases); 12% resulting in over-standard terminations)
- “Calendar Conflict” (18% all of postponements, 26% of postponements of over-standard cases); 17% resulting in over-standard terminations)
- “Party(s) Did Not Receive Notice of Court Date” (11% of all postponements; 7% of over-standard cases); 7% resulting in over-standard terminations)
- “Weather/Court Emergency/Administrative Court Closure” (8% of all postponements; 1% of over-standard cases); 1% resulting in over-standard terminations)

Combined, those four postponement reasons account for 90% of postponements and 77% of postponement reasons associated with over-standard terminations.

Recommendations for Montgomery County Circuit Court

- *Information Sharing.* FY20 case processing performance results will be communicated to the Montgomery County Circuit Court civil bench, civil bar, as well as pertinent court staff.
- *Additional Data Analysis.* Separately analyze the FY20 case processing performance for the pre-COVID and COVID periods. Compare the performance of each period with that of previous years’ performance to assess the impact of the pandemic on the court’s case processing performance and to provide the court with information to prepare for the post-COVID operations.
- *Stakeholder Engagement.* Through coordination with Court Administration, DCM Coordinator, Quality Control and other subject matter experts, identify the most useful performance metrics/standards to examine current and forecast future case management/workload trends.
- *Data Access, Analytics and Repository 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/metrics repository, as well as to develop useful performance metrics. The repository should include open as well as closed cases, and data elements related to hearings and trials held.

Criminal Case Processing Performance

This section provides Montgomery County Circuit Court's Fiscal Year 2020 (FY20) case processing performance for criminal cases, including analyses of performance by DCM track and by hearing and trial postponements. The table below displays the court's historical case processing performance and additional metrics.

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 (State-Set Goal: 98%) CY2001: 96% CY2002: 91% CY2003: 90% FY2005: 90% FY2006: 90% FY2007: 89% FY2008: 86%* FY2009: 96% FY2010: 95% FY2011: 96%	<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* 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 FY2018: 94 days FY2019: 81 days FY2020: 80 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* 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 FY2018: 24 days FY2019: 29 days FY2020: 37 days
<u>Case Time Stop[†]:</u> CY2001 – FY2008: Disposition (PBJ, Stet, NP, NG, Sentencing, NCR finding) FY2009 – FY2019: Disposition (Plea or Verdict, Stet, Nolle Prosequi, Reverse Waiver Granted, NCR Finding)	<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 FY2018: 100 days FY2019: 91 days FY2020: 91 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	 FY2011: 18 days FY2012: 14 days FY2013: 17 days FY2014: 17 days FY2015: 18 days FY2016: 17 days FY2017: 17 days FY2018: 16 days FY2019: 13 days FY2020: 10 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 			

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

† Due to the change in the criminal case time standard in FY09, the case time was measured from the first appearance to verdict for the FY09-FY20 assessments, whereas it was measured from the first appearance to sentencing for the CY01-FY08 assessments.

‡ Additional statewide measures for CY01-FY09 were calculated based on random samples of the case population, whereas the FY10-FY20 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 since the original arrest date is overwritten with the date in the case management system when a defendant is rearrested after the case was filed, resulting in a negative 'Arrest to Filing' time. Excluding those observations with negative 'Arrest to Filing' days in the calculation resulted in an average of 155 days in FY14 (113 cases removed), 150 days in FY15 (127 removed), 133 days in FY16 (125 removed), 137 days in FY17 (97 removed), 104 days in FY18 (136 removed), 90 days in FY19 (128 removed), and 87 days in FY20 (103 removed), respectively.

Overall Criminal Case Terminations

During Fiscal Year 2020 (FY20), Montgomery County Circuit Court processed 1,331 criminal case terminations, a 30-percent decline (572 terminations) from FY19 (1,903 terminations) and continuing the declining trend since FY15 (2,252 terminations). The current analysis is based on 1,304 cases that met the Judiciary's caseflow assessment criteria.⁹ Table B.1 presents the court's criminal case processing performance since FY09 when the statewide criminal time standard was changed to measure the criminal case processing time from the first appearance of the defendant to verdict. FY19 is the first reporting year with fewer than 2,000 terminations since FY05 when Maryland Judiciary initiated the statewide caseflow assessment. In FY20, due to the curtailed court operations caused by COVID-19, the number of criminal case termination further declined to 1,304.

Table B.1 Number of Criminal Case Terminations and Processing Performance, FY09-FY20

Fiscal Year	Terminations		Within-Standard Terminations			Over-Standard Terminations		
	N	ACT*	N	%	ACT	N	%	ACT
2009	2,478	77	2,372	96%	68	106	4%	270
2010	2,607	80	2,486	95%	71	121	5%	263
2011	2,701	62	2,603	96%	53	98	4%	284
2012	2,183	66	2,089	96%	56	94	4%	278
2013	2,083	73	1,970	95%	62	113	5%	271
2014	2,094	70	1,973	94%	58	121	6%	267
2015	2,242	75	2,116	94%	63	126	6%	272
2016	2,124	81	1,962	92%	64	162	8%	286
2017	2,107	93	1,877	89%	69	230	11%	290
2018	2,058	100	1,825	89%	75	233	11%	291
2019	1,892	92	1,717	91%	70	175	9%	302
2020	1,304	91	1,196	92%	73	108	8%	292

* ACT = average case time (in days)

As the table's shaded columns indicate, the court's criminal case processing performance measured in terms of the percentage of cases closed within the 180-day time standard exhibits a general decline from 95-96% between FY09 and FY13 to 94% in FY14 and FY15, to 92% in FY16 and to 89% in FY17 and FY18. However, the performance improved to 91% in FY19 and to 92% in FY20. The average case times (ACT) for all cases and those closed over-standard improved from 92 to 91 days in FY20 and from 302 to 292 days, respectively between FY19 and FY20; however, ACT of within-standard cases declined from 70 to 73 days between the two fiscal years.

Case Terminations by DCM Track

The Montgomery County Circuit Court's Criminal Differentiated Case Management (DCM) plan has the following four tracks for criminal cases.¹⁰

Track 1: District Court jury demands and appeals

Track 2: Indictments and Informations, defendant locally incarcerated

Track 3: Indictments and Informations, defendant on bond/writ status

⁹ Of the 27 cases excluded from the analysis, seven cases were removed due to the lack of valid start date (case dismissed due to defendant failing to appear at a scheduling hearing). Another 29 cases were removed because of their filing date prior to January 1, 2001 per Maryland case time standard case selection criteria.

¹⁰ 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.

Track 4: Complex Indictments and Informations

As noted in the FY19 report and shown on Figure B.1, the composition of case terminations by DCM Track substantially shifted between FY17 and FY18 when the number of Track 1 terminations declined by 34% and that of Track 3 increased 31%, surpassing Track 1 terminations. The number of Track 1 terminations further declined by 24% in FY19 and that of Track 3 declined also by 8%. In FY20, while terminations declined in all tracks, since the decline of Track 1 terminations was greater than that of Track 2, their termination counts became virtually same (327 (Track 1) vs. 321 (Track2), each accounting for 25% of the overall FY20 terminations.

Figure B.1 Criminal Case Terminations by DCM Track, FY09-FY20

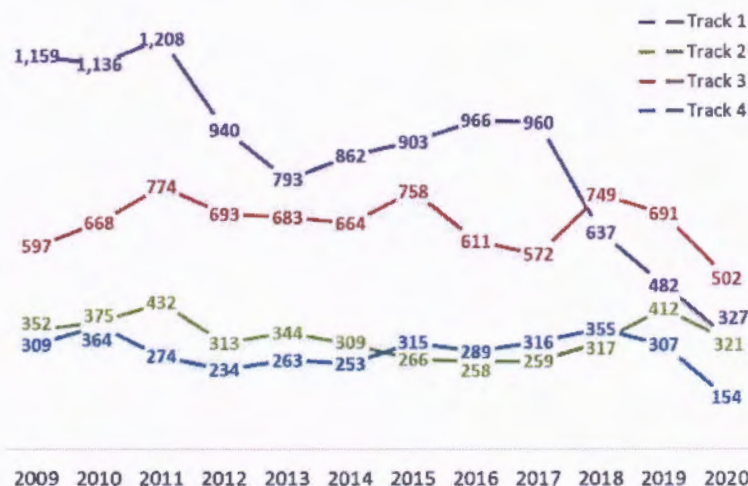


Table B.3 presents the DCM Track-specific criminal case processing performance, the average case time (ACT), and the percentage of cases closed within-standard for FY20. As noted above, the composition of Track 1 cases in the overall criminal case terminations substantially declined between FY17 and FY20. From the case processing point of view, reduced Track 1 terminations is significant since it has been the only track with performance having met or exceeded the statewide performance goal. Fortunately, reduced Track 1 terminations were accompanied by: 1) increased Track 2 and 3 terminations, 2) improved performance of Tracks 1, 3 and 4 terminations, and 3) reduced terminations in Track 4 cases in FY19. As a result, the overall criminal case processing performance slightly improved from 89% in FY18 to 91% in FY19. In FY20, since the share of Track 4 terminations further declined to 12% from 16% in FY19, the overall performance increased by one percentage point to 92%.

Table B.3 Criminal Case Processing Performance by DCM Track and Termination Status, FY20

	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	327	25%	37	326	27%	>99%	37	1	1%	<1%	233
Track 2	321	25%	91	304	25%	95%	81	17	17%	5%	275
Track 3	502	38%	96	471	39%	94%	84	31	28%	6%	282
Track 4	154	12%	190	95	8%	62%	120	59	54%	38%	303
Total	1,304	100%	91	1,196	100%	92%	73	108	100%	8%	292

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

Case Processing Performance by Case Sub-type

Table B.4 presents the case processing performance by case sub-type for FY20. Compared to FY19, the case processing performance of all case subtypes except for that of information, which declined from 96% to 94%, improved in FY20. District Court (DC) jury demands and appeals exceeded the 98% within-standard goal. The performance of indictment cases slightly improved from 84% to 86%.

Table B.4 Criminal Case Processing Performance by Case Sub-Type and Termination Status, FY20

Case Sub-type	Total Terminations			Within-Standard Terminations				Over-Standard Terminations		
	N	%	ACT*	N	%	ACT	% WST*	N	%	ACT
Indictment	652	50%	126	562	47%	99	86%	90	83%	300
Information	325	25%	75	308	26%	65	94%	17	17%	251
Bindover-Jury	54	4%	28	54	5%	28	100%	0	0%	--
Bindover-Appeal	254	19%	41	253	21%	40	>99%	1	1%	233
DC VOP Appeal	19	1%	16	19	2%	16	100%	0	0%	--
Total	1,304	100%	91	1,196	100%	73	92%	108	100%	292

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

Table B.5 provides the case processing performance of information and indictment cases by DCM Track for FY16-20. The performance of information declined to 94% in FY20 from 96% in FY19 after it improved from 93% in FY18. Between FY16 and FY19, the case processing performance of Track 2 information cases declined from 100% to 96% whereas that of Track 3 and Track 4 improved from 93% to 98% and from 74% to 81%, respectively, resulting in the overall improvement of the performance of from 94% to 96%. However, in FY20, the performance declined in all tracks, in particular, among Track 4 information cases, which declined by 19-percentage points to 62%. While it is likely the decline is related to limited court operations caused by COVID-19, additional analysis is needed to confirm the statement and to understand the mechanisms or processes that caused the decline.

Table B.5 Criminal Case Processing Performance by Case Sub-Type and DCM Track, FY16-FY20

Information:	FY16	FY17	FY18	FY19 (Terminations)	FY20 (Terminations)
Track 2	100%	94%	98%	96% (136)	95% (108)
Track 3	93%	96%	94%	98% (297)	97% (204)
Track 4	74%	77%	78%	81% (27)	62% (13)
Overall	94%	94%	93%	96% (460)	94% (325)
Indictment:					
Track 2	96%	92%	92%	92% (276)	94% (213)
Track 3	89%	86%	89%	93% (394)	92% (298)
Track 4	70%	59%	62%	64% (280)	62% (141)
Overall	84%	78%	81%	84% (950)	86% (652)

The case processing performance of indictments, which declined from 93% in FY11 to 78% in FY17 but improved to 84% in FY19, further improved to 86% in FY20. The performance of Track 2 indictment cases, which declined from 96% to 92% between FY16 and FY17, improved to 94% in FY20. The performance of Track 3 indictment improved from 89% in FY16 to 93% in FY19 with a slight decline to 92% in FY20. The performance of Track 4 indictment which declined from 70% in FY16 to 59% in FY17, improved to 64% in FY19 but slightly declined to 62% in FY20.

However, since Track 4 terminations declined by 50% compared to Track 2 (23%) and Track 3 (24%), the overall performance improved to 86% in FY20.

Case Terminations by Trial and Hearing Postponements

Table B.6 compares the case processing performance of cases with postponements and those without them by termination status and by DCM Track. As shown in the top half of the table, 556 (43%) of the 1,304 cases terminated in FY20 had neither a hearing nor a trial postponement. As the last two column sections of the table indicate, without postponements, all cases except for one,¹¹ closed within the 180-day time standard.

Among the cases with postponements, 86% closed within the time standard in FY20, compared to 84% in FY19. The performance of postponed Track 1 cases was 99%, exceeding the 98% performance goal. The performance of cases with postponements in Tracks 2 and 3 is 92% and 90%, respectively, and that of Track 4 cases with postponements, which account 94% of Track 4 cases, was 59%:

Table B.6 Criminal Case Processing Performance by Postponement Status and DCM Track, FY20

DCM Track	Total Terminations	Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
		N	%	ACT*	N	%	ACT*	N	%	ACT*
Terminations Without Trial and Hearing Postponements										
Track 1	327	217	66%	23	217	100%	23	0	0%	--
Track 2	321	121	38%	45	121	99%	45	0	0%	--
Track 3	502	208	41%	48	208	>99%	48	1	<1%	196
Track 4	154	10	6%	87	10	100%	87	0	0%	--
Total	1,304	556	43%	39	556	>99%	38	1	<1%	196
Terminations With Trial and Hearing Postponements										
Track 1	327	110	34%	66	109	99%	64	1	1%	233
Track 2	321	200	62%	119	183	92%	105	17	9%	275
Track 3	502	294	59%	130	264	90%	112	30	10%	285
Track 4	154	144	94%	197	85	59%	123	59	41%	303
Total	1,304	748	57%	130	641	86%	103	107	14%	293

Those 748 cases with at least one postponement experienced 1,962 postponements in total, averaging 2.6 postponements per case (2.8 in FY19). The average number of postponements among the cases closed within the time standard are 2.2 (2.3 in FY19), compared to 5.3 among those closed over the standard (5.5 in FY19). Thirty-eight percent (287 cases) of the 748 cases with postponements had one postponement (38% in FY19), of which all but four (99%) closed within the time standard. Twenty-three percent (175 cases) had two postponements (24% in FY19), of which 164 (94%) closed within the time standard. Thus, solely from the number of postponement point of view, limiting hearing and trial postponement to one would guarantee meeting the 98% performance goal.¹² As the number of postponements increases, the performance declines. With three postponements (13%, of postponed cases), 80% (75 of 94 cases) closed within the time standard; among cases with four postponements (11% of postponed cases), 72% (60 of 83 cases)

¹¹ In a single over-standard termination case without postponements (127060C), which was filed in April 2015, the defendant was under warrant since she failed to appear at a plea hearing until she was served in April 2020. Since the case was re-started from the beginning with pretrial, etc., it resulted in an over-standard termination.

¹² Another way to improve the case processing performance may be to increase the composition of cases with no or one postponement while allowing a small number of cases to have two or more postponements.

closed within the standard; with five postponements (6% of postponed cases), 64% (28 of 44 cases) closed within the standard; with six to eight postponement (6% of postponed cases), 60% (29 of 48 cases) closed within the standard. Among the cases with nine or more postponements (17 cases), only two (12%) closed within the 180-day time standard.¹³

In terms of postponement reasons reported for FY20, the most frequent reasons include: “Discovery Incomplete and/or Discovery Disputes - Additional Time Needed to Prepare” (597 of 1,963 occurrences, 31% in FY19), followed by “Calendar Conflicts” (397 occurrences, 20%, 19% in FY19). Combined, these two reasons account for 51% of all postponement reasons (50% in FY19). The next three most frequently cited reasons are: “Settlement, Plea or Reconciliation in Progress” (250 occurrences, 13%), “New Counsel Sought or Has Entered their Appearance or Not Appointed” (214 occurrences, 11%), and “Illness, Medical Emergency or Death” (83 occurrences, 4%). These top five reasons account for 79% of all postponement reasons.

Recommendations for Montgomery County Circuit Court

- *Information Sharing.* FY20 case processing performance results will be shared with the Montgomery County Circuit Court criminal bench, bar, as well as clerks and court administration staff.
- *Additional Data Analysis.* Separately analyze the FY20 case processing performance for the pre-COVID and COVID periods. Compare the performance of each period with that of previous years’ performance to assess the impact of the pandemic on the court’s case processing performance and to provide the court with information to prepare for the post-COVID operations.
- *Stakeholder Engagement.* Through coordination with Court Administration, DCM Coordinator, Quality Control and other subject matter experts, identify the most useful performance metrics/standards to examine current and forecast future case management/workload trends.
- *Data Access, Analytics and Repository 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/metrics repository, as well as to develop useful performance metrics. The repository should include open as well as closed cases, and data elements related to hearings and trials held.
- *Information Gathering.* Strengthen the communication with Criminal Department, Courtroom Clerks, Assignment Office, Quality Control, Administrative Aides, and DCM Coordinator to identify any case processing-related issues and events that may have impacted the court’s timely processing of criminal cases.

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.

Family-Law Case Processing Performance

This section provides Montgomery County Circuit Court's fiscal year 2020 (FY20) processing performance for family-law cases including limited-divorce cases and other family law cases. The analysis also assesses the impact of hearing and trial postponements on the case processing performance and compares the performance by DCM track. 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> (FY2014 –FY2018): Limited Divorce: 98% within 24 months	Limited Divorce Cases: FY2014: 235 days FY2015: 326 days FY2016: 319 days FY2017: 319 days FY2018: 315 days FY2019: 299 days	<u>State-Set Goals</u> (FY2010-FY2014) 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
<u>Case Time Stop:</u> Disposition, Dismissal, or Judgment of Absolute or Limited Divorce (divorce cases)	Other Family Law: 98% within 12 months	Other family-law Cases: FY2014: 146 days FY2015: 134 days FY2016: 139 days FY2017: 138 days FY2018: 153 days FY2019: 144 days	12-month standard: FY2010: 92% FY2011: 93% FY2012: 94% FY2013: 94% FY2014: 93% FY2015: 94% FY2016: 93% FY2017: 94% FY2018: 93% FY2019: 93% FY2020: 93%	FY2015: 141 days FY2016: 145 days FY2017: 144 days FY2018: 158 days FY2019: 150 days FY2020: 154 days
<u>Case Time Suspension Events:</u> Bankruptcy stay, Interlocutory appeal, Body attachment, Military leave, Collaborative law, Stay for Receivership, and No service after 90 days from filing (child support cases)	<u>Montgomery County:</u> Limited Divorce Cases: FY2014: 99% FY2015: 99% FY2016: 98% FY2017: 98% FY2018: 98% FY2019: 99% Other family-law Cases: FY2014: 94% FY2015: 95% FY2016: 94% FY2017: 95% FY2018: 94% FY2019: 94%			<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 FY2018: 48 days FY2019: 46 days FY2020: 34 days
			24-month standard: FY2010: >99% FY2011: >99% FY2012: >99% FY2013: >99% FY2014: >99% FY2015: >99% FY2016: >99% FY2017: >99% FY2018: >99% FY2019: >99% FY2020: >99%	

†The additional measure was calculated based on a random sample for FY2001 through FY2009. The FY10-FY20 figures were calculated using all valid terminations.

Overall Family Law Case Terminations

In FY20, Montgomery County Circuit Court processed 6,401 original terminations of family-law cases eligible for the caseload assessment, including 233 limited divorce and 6,168 other family-law cases. The present analysis is based on 226 limited divorce and 6,147 other family-law cases that met the Maryland Judiciary-defined case selection criteria,¹⁴ totaling 6,373 terminations. The FY20 termination count is 1,205 cases (16%) fewer than FY19 and is the lowest since FY07, slightly above that of FY06 (6,368 terminations, see Table C.2).

Since FY14 the Maryland Judiciary has been using two time standards and associated goals for family-law cases: a 24-month standard for limited divorce cases¹⁵ with a 98% performance goal and a 12-month standard for all other family-law cases with a 98% performance goal. 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 FY20. Of the 226 limited divorce cases terminated during FY20, all but four (98%, 99% in FY19) closed within the two-year time standard, meeting the 98% performance goal. Of the 6,373 other family-law cases terminated in FY20, 95% (5,813) closed within a year of filing (94% in FY19).

Table C.1 Number of Family-Law Case Terminations and Processing Performance under the New Standards, FY20

* ACT = Average Case Time (in days)

Case Sub Type (Time Standard)	Total Terminations		Within-Standard Terminations			Over-Standard Terminations		
	N	ACT*	N	%	ACT*	N	%	ACT*
Limited Divorce Cases (24 Months)	226	339	222	98%	329	4	2%	910
All other FL Cases (12 Months)	6,147	147	5,813	95%	128	334	5%	485
Total	6,373	154	6,035	95%	135	338	5%	490

To evaluate the court's FY20 overall family case processing performance with that of previous 10 years, we combined the limited divorce and other family-law cases and assessed the performance under the old 12-month time standard. 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 FY20 is no exception with 94% of case terminations within the time standard with average case time (ACT) of 154 days, 4 days longer than FY19.

Case Terminations by DCM Track

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

Track 0: Uncontested divorce without summons

Track 1: Uncontested divorce with summons

Track 2: Divorce with no physical custody issues and limited discovery

¹⁴ Twenty one cases (seven limited divorce and 14 other family-law cases) were excluded from the FY20 analysis. Of those cases, four family-law cases were excluded from the analysis since they were filed before January 1, 2001. The remaining 17 cases were excluded because judgment of absolute or limited divorce (the Judiciary-defined case closure) occurred prior to FY20. Due to post-judgment issues filed prior to the divorce judgment, they remained open until those issues were disposed.

¹⁵ 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.

Track 3: Divorce with physical custody issues and/or moderate discovery

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 divorce¹⁶

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

Table C.2 presents the number and distribution of 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 Track-specific performance of limited divorce cases. The performance remained unchanged between FY19 and FY20 except for Track 3 where the performance improved from 96% to 97%. However, the overall performance declined by one percentage point to 98% because of the shift in the composition of case terminations by Track between FY19 and FY20 where the percent of Track 1 (100% within-standard terminations in both years) declined from 40% to 30% and that of Track 3 (96% in FY19 and 97% in FY20) increased from 29% to 39%.

Table C.2 Family Law Case Processing Performance by DCM Track and Termination Status, FY20

DCM Track	Overall Terminations			Within-Standard Terminations				Over-Standard Terminations			
	N	% of Total	ACT*	N	% of WST	% of Track	ACT*	N	% of OST	% of Track	ACT*
Limited Divorce Cases (24 months)											
Track 0	2	1%	97	2	1%	100%	97	0	0%	0%	--
Track 1	67	30%	163	67	30%	100%	163	0	0%	0%	--
Track 2	68	30%	385	67	30%	99%	371	1	25%	1%	1,279
Track 3	89	39%	442	86	39%	97%	430	3	75%	3%	787
Track 4	0	0%	--	0	0%	0%	--	0	0%	0%	--
Track N	0	0%	--	0	0%	0%	--	0	0%	0%	--
Total	226	100%	339	222	100%	98%	329	4	100%	2%	910
All Other family-law Cases (12 months)											
Track 0	1,046	17%	64	1,046	18%	100%	64	0	0%	0%	--
Track 1	2,097	34%	172	2,020	35%	96%	160	77	23%	4%	476
Track 2	504	8%	263	400	7%	79%	213	104	31%	21%	456
Track 3	356	6%	320	250	4%	70%	235	106	32%	30%	520
Track 4	0	0%	--	0	0%	0%	--	0	0%	0%	--
Track N	2,144	35%	108	2,097	36%	98%	100	47	14%	2%	481
Total	6,147	100%	147	5,813	100%	95%	128	334	100%	5%	485

* ACT = Average Case Time (in days)

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

The bottom half of the table presents the DCM Track-specific case processing performance of other family-law cases. The composition of case terminations by Track was virtually unchanged between FY19 and FY20 even though the number of terminations declined by more than 1,000. Track-specific case processing performance also remained unchanged or slightly improved between FY19 and FY20. As a result, the overall performance improved from 94% in FY19 to 95% in FY20.

¹⁶ As of January 2016, the court no longer assigns newly filed cases to Track 4. However, cases meeting certain criteria including case complexity are now processed by the court's One-Family-One-Judge (1F1J) procedure without the Track 4 assignment. As of 12/10/19, the court has designated 143 family-law cases as '1F1J'.

Case Terminations by Postponements

Of the 226 limited divorce cases closed in FY20, 41% (93 cases) had at least one postponement compared to 28% (80) in FY19. Of those 93 postponed cases, only four cases, one Track 2 and three Track 3, resulted in over-standard terminations. Ninety-six percent of postponed cases terminated within-standard, compared to 95% in FY19. In contrast, all 133 limited-divorce cases terminated without postponements closed within the 730-day time standard.

Table C.3 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 6,147 terminated cases in FY20, 871 cases (14%) had one or more postponements (13% in FY19). Overall, 83% of these postponed cases closed within the 365-day time standard compared to 76% in FY19. Even with postponements, 100% of cases in Track 0 closed within-standard (98% in FY19), compared to 92% of Track N (95% in FY19) and 93% of Track 1 cases (87% in FY19) with postponements closed within-standard. For Track 2 and 3 cases, the percentage is substantially lower at 61% and 51%, respectively (54% and 47% in FY19).

Table C.3 Other Family-Law Case Terminations by Postponements, Termination Status, and DCM Track, FY20

DCM Track	Total Terminations	Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
		% of Total			% of			% of		
		N	Track	ACT*	N	Track	ACT*	N	Track	ACT*
Terminations With Postponements										
Track 0	1,046	193	18%	99	193	100%	99	0	0%	0
Track 1	2,097	255	12%	214	236	93%	194	19	7%	462
Track 2	504	129	26%	339	79	61%	254	50	39%	475
Track 3	356	141	40%	400	72	51%	258	69	49%	548
Track 4	0	0	0%	--	0	0%	--	0	0%	--
Track N	2,144	153	7%	225	140	92%	204	13	8%	454
Total	6,147	871	14%	239	720	83%	183	151	17%	505
Terminations Without Postponements										
Track 0	1,046	853	82%	56	853	100%	56	0	0%	0
Track 1	2,097	1,842	88%	166	1,784	97%	155	58	3%	481
Track 2	504	375	74%	237	321	86%	203	54	14%	439
Track 3	356	215	60%	268	178	83%	226	37	17%	469
Track 4	0	0	0%	--	0	0%	--	0	0%	--
Track N	2,144	1,991	93%	99	1,957	98%	92	34	2%	491
Total	6,147	5,276	86%	132	5,093	97%	120	183	3%	468

* ACT = Average case time, in days.

The bottom half of Table C.3 shows the court's case processing performance for the remaining 5,276 (86%) other family-law cases terminated without postponements. Overall, 97% of cases without postponements closed within-standard (96% in FY19). At least 98% of the cases in Tracks 0 and N closed within the 365-day time standard, meeting or exceeding the performance goal, followed by that of Track 1 (97%), Track 2 (86%) and Track 3 (83%).

In terms of reasons for postponements among family-other case terminations (1,295 postponements, 1,352 in FY19), the FY20's most frequently-cited reason was 'Weather/Court Emergency/Administrative Court Closure', which accounted for 24% (311 occurrences) of all the postponement reasons. The next three postponement reasons are those top three reasons that

appeared in the past five fiscal years, including ‘Calendar Conflicts’ (20% (254 occasions) in FY 20, 21% in FY19), ‘Discovery/ADR Incomplete’ (16% (211), 19% in FY10), and ‘Letter/Line of Agreement Received’ (8% (106) 10% in FY19). Combined, these four postponement reasons accounted for 68% of all the postponement reasons in FY20 (58% in FY19).

Special Immigrant Juvenile Status (SIJS) Case Processing Performance

Since FY16, the court has focused on improving the processing of cases with a petition for Special Immigrant Juvenile Status (SIJS). Due to the nature of cases (mostly custody or guardianship cases) where parties attempt to establish legal residency of unaccompanied non-citizen children, additional time is required to serve their birth parent(s) and/or guardian(s), who often reside outside of the court’s jurisdiction, often outside of the country.

Table C.4 Custody and Guardianship Cases Processing Performance by SIJS Status, FY16 – FY20*

	Overall Terminations				OST†				%WST†		
	Overall	SIJS	Non-SIJS	%SIJS	Overall	SIJS	Non-SIJS	%SIJS	Overall	SIJS	Non-SIJS
Total											
FY16	1,615	378	1,237	23%	153	106	47	69%	91%	72%	96%
FY17	1,766	447	1,243	25%	76	21	55	28%	96%	95%	96%
FY18	1,944	754	1,256	39%	139	66	73	47%	93%	91%	95%
FY19	1,815	595	1,220	33%	113	44	69	39%	94%	93%	94%
FY20	1,537	578	959	38%	88	36	52	41%	94%	94%	95%
Custody											
FY16	1,114	260	854	23%	127	84	43	66%	89%	68%	95%
FY17	1,212	302	841	25%	69	17	52	25%	94%	94%	94%
FY18	1,535	612	853	40%	133	63	70	47%	91%	90%	92%
FY19	1,374	511	863	37%	102	38	64	37%	93%	93%	93%
FY20	1,167	528	639	45%	79	31	48	39%	93%	94%	92%
Guardianship											
FY16	501	118	383	24%	26	22	4	85%	95%	81%	99%
FY17	554	145	402	26%	7	4	3	57%	99%	97%	99%
FY18	548	142	403	26%	6	3	3	50%	99%	98%	99%
FY19	441	84	357	19%	11	6	5	55%	98%	93%	99%
FY20	370	50	320	14%	9	5	4	56%	98%	90%	99%

* Analysis excludes SIJS family-law cases that are neither custody nor guardianship cases (two in FY20, three in FY19, eight in FY18, 10 in FY17 and seven in FY16).

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

Table C.4 compares the case processing performance of two subtypes of other family-law cases – guardianship and custody cases – with and without a SIJS request for FY16-FY20.¹⁷ As shown in the left portion of the table, the number of guardianship and custody cases increased by 20% from 1,615 in FY16 to 1,944 in FY18 as the number of cases with a SIJS petition (‘SIJS cases’) nearly doubled from 378 to 754, increasing their share from 23% to 39%, while the number of non-SIJS custody and guardianship cases remained virtually unchanged. The overall terminations declined from 1,815 in FY19 and to 1,537 in FY20. While the FY19 decline was caused mostly by the decline

¹⁷ Most 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, three in FY17, eight in FY18 and three in FY19. They are excluded from the analysis.

in the SIJS custody cases, the FY20 decline was largely the result of decline in non-SIJS cases. As a result, the percent of SIJS petitions increased from 33% in FY19 to 38% in FY20.

The last two sections of the table compare the number of over-standard terminations and the percent of within-standard terminations between SIJS and non-SIJS cases. In FY16, while SIJS cases represented only 23% of overall terminations of custody and guardianship cases, 69% of over-standard terminations were SIJS cases. In contrast, in FY20, 41% of over-standard terminations were SIJS cases, slightly higher than 38%, their share in overall terminations. Among custody cases, the percent of SIJS cases among over-standard terminations is 39%, six percentage points lower than that of the overall terminations (45%) with the better case processing performance (94%) than that of non-SIJS cases (92%). Among guardianship cases, 56% of over-standard terminations are SIJS cases whereas they account for only 14% of the overall guardianship case terminations. Since the number of SIJS guardianship cases is substantially smaller (nine in FY20 and 11 in FY19), the impact of over-standard terminations is minimal. Nevertheless, it may be worthwhile to investigate the circumstances that resulted in their over-standard terminations among guardianship cases since the performance declined to 90% in FY20 from 93% in FY19 and from 98% in FY18.

Recommendations for Montgomery County Circuit Court

- *Information Sharing:* FY20 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 have impacted the court's processing of family-law cases. Discuss with court staff to develop measures to address those issues.
- *Stakeholder Engagement:* Through coordination with Court Administration, DCM Coordinator, Quality Control and other subject matter experts, identify the most useful performance metrics/standards to examine current and forecast future case management/workload trends.
- *Additional Data Analysis:* Separately analyze the FY20 case processing performance for the pre-COVID and COVID periods. Compare the performance of each period with that of previous years' to assess the impact of the pandemic on the court's case processing performance and to provide the court with information to prepare for the post-COVID operations.
- *Data Access, Analytics and Repository 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/metrics repository, as well as to develop useful performance metrics. The repository should include open as well as closed cases, and data elements related to hearings and trials held.

Juvenile Delinquency Case Processing Performance

This section provides Montgomery County Circuit Court's fiscal year 2020 (FY20) case processing performance for juvenile delinquency cases, including analyses of performance by hearing and trial postponements and by DCM track. The table below displays the court's historical case processing performance and additional metrics.

D. Juvenile Delinquency Case Processing Definitions and Summary

	Case Time Definitions	Percent Closed Within Time Standard	Additional Statewide Measures†	
Juvenile Delinquency	<u>Case Time Start:</u> First appearance of respondent or entry of appearance by counsel. <u>Case Time Stop:</u> Disposition (jurisdiction waived, dismissal, stet, probation, found delinquent/ found not delinquent, nolle prosequi, change of venue).	<u>State-Set Goal:</u> 98% Within Time Standard (3-month (90 day)) <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% FY2018: 97% FY2019: 95% FY2020: 93%	<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 FY2018: 101 days FY2019: 122 days FY2020: 129 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 FY2018: 62 days FY2019: 61 days FY2020: 81 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 FY2018: 22 days FY2019: 25 days FY2020: 25 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 FY2018: 48 days FY2019: 48 days FY2020: 53 days

Notes: 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. From FY2010 through FY2020, 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 the other additional measures, suspension time was not excluded.

Overall Juvenile Delinquency Case Terminations

In FY20, the Montgomery County Circuit Court disposed (or otherwise closed) 374 juvenile delinquency cases, 179 cases fewer than FY19 (a 32% decline). This decrease follows that of previous years, including a 21% decline between FY17 and FY18 (from 894 to 704) and another 21% decline between FY18 and FY19 (from 704 to 553). Between FY17 and FY20, the number of juvenile delinquency case terminations decreased by 58%.

The Maryland Judiciary's juvenile delinquency time standard is to reach disposition within 90 days of the first appearance of the respondent or an entry of appearance by respondent's counsel. The performance goal is that at least 98% of the fiscal year's delinquency terminations meet the 90-day time standard. In FY20, juvenile delinquency case processing performance was 93%, a two-percentage decline from FY19 and the lowest since FY15 (the second lowest after FY14 (92%)).

Table D.1 Number of Juvenile Delinquency Case Terminations and Processing Performance, FY04-FY20

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
FY18	704	48	681	97%	45	23	3%	120
FY19	553	48	523	95%	44	30	5%	116
FY20	374	53	346	93%	47	28	7%	133

* ACT = Average Case Time

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

The overall average case processing time (ACT) for FY20 delinquency terminations is 53 days, 5 days longer than that of FY19 and FY18, two days shorter than that of FY14. The ACT for within- and over-standard terminations are 47 days and 133 days, respectively, comparable to those in 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. As observed in the past, nearly 80% of juvenile delinquency cases are Track 2 (non-detention) at the time of case termination with the remaining 20% in Track 1 (detention).¹⁸ As noted above, the number of terminations is substantially lower in FY20. In FY20 the court processed 297 Track 2 terminations, compared to 617 in FY18 and to 444 in FY19, and 77 Track 1 terminations, compared to 87 in FY18 to 109 in FY19.

Table D.2 Juvenile Delinquency Case Terminations by Termination Status and Track, FY20

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	77	21%	36	76	22%	99%	35	1	4%	1%	114
Track 2	297	79%	58	270	78%	91%	50	27	96%	9%	134
Total	374	100%	53	346	100%	93%	47	28	100%	7%	133

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

On average, Track 2 cases have a longer overall average case time (58 days in FY20, 53 days in FY19) than Track 1 cases (36 days in FY20, 31 days in FY19). Among Track 1 delinquency cases, all but one (99%, 98% in FY19) closed within the 90-day time standard, exceeding the statewide 98% performance goal. In contrast, Track 2 performance has been in decline since FY18; the performance dropped to 94% in FY19 from 97% in FY18, which further dropped to 91% in FY20. Thus, the court's juvenile delinquency case processing performance largely hinges upon how the court processes its Track 2 cases.

The average case processing time (ACT) markedly increased in FY20 from FY19. The overall ACT increased by 5 days in both Track 1 (from 31 to 36 days) and in Track 2 (from 53 to 58 days). Among cases within-standard terminations, the ACT of Track 1 cases increased by 6 days from 29 to 35 compared to a 2-day increase among Track 2 cases for within-standard terminations. Among cases over-standard terminations, the ACT of Track 2 cases increased by 19 days from 115 in FY19 to 134 days in FY20.¹⁹

Case Terminations by Postponements

In FY20, 51% of delinquency cases had a least one hearing or trial postponement, a 6-percentage point increase from FY19. Among postponed cases, within-standard performance declined to 87% in FY20 from 90% in FY19, corresponding to the decline among Track 2 case terminations from 87% to 85%. Overall, cases without postponements met the performance goal by closing 98% within the time standard; however, the performance of Track 2 cases without postponements declined to 97% in FY20 from 98% in FY19 whereas that of Track 1 improved from 98% to 100%. In the past, cases without postponements almost always met the performance goal, regardless of their track assignment.

¹⁸ Differentiated Case Management Track Assignment does not change post-Adjudication.

¹⁹ Because of the small observations (two in FY19 and one in FY20), the comparison of ACT for Track 1 over-standard termination cases was not made.

Table D.3 Juvenile Delinquency Case Terminations by Postponements, Termination Status (Within or Over the 3-month Standard), and Track, FY20

With Postponements										
DCM Track	Total Terminations	Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
		N	% of Total Track	ACT*	N	% of Track	ACT*	N	% of Track	ACT*
Track 1	77	37	48%	43	36	97%	41	1	3%	114
Track 2	297	152	51%	65	129	85%	53	23	15%	131
Total	374	189	51%	61	165	87%	51	24	13%	130
Without Postponements										
DCM Track	Total Terminations	Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
		N	% of Total Track	ACT*	N	% of Track	ACT*	N	% of Track	ACT*
Track 1	77	40	52%	30	40	100%	30	0	0%	--
Track 2	297	145	49%	50	141	97%	47	4	3%	151
Total	374	185	49%	46	181	98%	43	4	2%	151

* ACT = Average case time, in days.

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

Among the postponed delinquency cases in FY20, 67% (66% in FY19) were postponed once; 19% (21% in FY19) twice; and the remaining 14% (13% in FY19) three or more times. In FY20 all but four of 28 over-standard terminations (24 terminations, 86%) had at least one postponement (80% in FY19). The primary reason for postponing a case is "Calendar Conflicts" (33% overall; 35% among over-standard cases). Other reasons for postponing cases include: "Discovery/ADR Incomplete and/or Discovery Disputes/Additional Time Needed to Prepare" (6% overall; 18% among over-standard cases); "Reports and Evaluations Not Completed/Re-Evaluation Ordered" (15%; 8% among over-standard cases); and "Party(s) not Present" (12% overall; 8% among over-standard cases).

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

This analysis examines 197 of the 297 Track 2 delinquency cases that had disposition of 'Found Delinquent' or 'Found Not Delinquent'.²⁰ For these cases, the average and median time between case start and the adjudication (Time to Adjudication) and the time between the adjudication and disposition (Time to Disposition) were calculated. According to Maryland statutes, adjudication for non-detained respondents is to be held within 60 days after the preliminary inquiry (Rule 11-114(b)(1)), and disposition for non-detained respondents is to occur no later than 30 days after the conclusion of the adjudication hearing (Rule 11-115(a)).

As shown in Table D.4, the average time to adjudication is 50 days (median: 53 days), and the average time to disposition is 13 days (median: 1 day), both within the statutory requirements. Among the cases closed within the time standard, the average time to adjudication is 48 days (median: 52 days) and the time to disposition is 5 days, less than half the overall average (median: 0 day). However, among over-standard cases, the time to adjudication is 64 (median 56 days), 4 days

²⁰ The average case processing time of the remaining 100 Track 2 cases with no disposition finding is 47 and 52 days, respectively. All cases except three were closed within the 90-day time standard.

beyond the 60-day guideline, and the time to disposition is 69 days (median: 42 days), more than twice the 30-day guideline and 19 days longer than the FY19 average (50 days).²¹

Table D.4 Juvenile Delinquency Track 2 Cases by Termination Status containing a Disposition Finding, FY20

Termination Status	N	Time to Adjudication (in days)		Time to Disposition (in days)	
		Mean	Median	Mean	Median
Within-Standard	173	48	52	5	0
Over-Standard	24	64	56	69	42
Total	197	50	53	13	1

Cases closing over-standard have a higher percentage of respondents being found Not Delinquent at disposition (38%, 9/24, 41% in FY19) than cases closing within-standard (21%, 37/173, 17% in FY19).

Recommendations for Montgomery County Circuit Court

- *Information Sharing.* FY20 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.
- *Data Review and Report.* Continue working with Family Division Services staff to identify possible case management improvement opportunities for Track 2 cases. Discuss with the department possible types of case processing performance analyses that they would be most useful to inform/support case management.
- *Data Access, Analytics and Repository 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/metrics repository, as well as to develop useful performance metrics. The repository should include open as well as closed cases, and data elements related to hearings and trials held.
- *Additional Data Analysis.* Separately analyze the FY20 case processing performance for the pre-COVID and COVID periods. Compare the performance of each period with that of previous years' performance to assess the impact of the pandemic on the court's case processing performance and to provide the court with information to prepare for the post-COVID operations.
- *Additional Data Analysis.* Examine how the role of the Juvenile Magistrate may impact/support juvenile case processing performance. The analysis plan is to be coordinated with the Family Services Coordinator, Supervising Case Manager and Juvenile Magistrate and may include the performance during: 1) pre-COVID period (baseline), 2) COVID period and 3) post-COVID periods.
- *Stakeholder Engagement.* Through coordination with Court Administration, DCM Coordinator, Quality Control and other subject matter experts, identify the most useful performance metrics/standards to examine current and forecast future case management/workload trends.

²¹ It is important to note that the analysis did not exclude time associated with extraordinary cause or good cause postponements, which are recognized by the Maryland Rules. However, the current analysis does exclude time associated with case time suspension events defined by Maryland Judiciary.

Child Welfare Case Processing Performance

This section provides Montgomery County Circuit Court's fiscal year 2020 (FY20) case processing performance for child welfare cases, including Child in Need of Assistance (CINA) cases (shelter and non-shelter) and Termination of Parental Rights (TPR) cases. The section also contains performance analyses by hearing and trial postponements. The table below displays the court's historical case processing performance.

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>Case Time Stop:</u> Adjudication	<u>Performance Goal:</u> 100% within 30 days			
		FY2005: 71%	FY2013: 72%	FY2005: 30 days	FY2013: 34 days
		FY2006: 70%	FY2014: 81%	FY2006: 30 days	FY2014: 27 days
		FY2007: 60%	FY2015: 57%	FY2007: 35 days	FY2015: 33 days
		FY2008: 80%	FY2016: 77%	FY2008: 27 days	FY2016: 31 days
		FY2009: 69%	FY2017: 99%	FY2009: 34 days	FY2017: 23 days
		FY2010: 80%	FY2018: 95%	FY2010: 26 days	FY2018: 22 days
		FY2011: 79%	FY2019: 97%	FY2011: 27 days	FY2019: 22 days
		FY2012: 74%	FY2020: 94%	FY2012: 28 days	FY2020: 25 days
CINA Non-Shelter	<u>Case Time Start:</u> Service of CINA Petition <u>Case Time Stop:</u> Adjudication	<u>Performance Goal:</u> 100% within 60 days			
		FY2005: 97%	FY2013: 66%	FY2005: 34 days	FY2013: 48 days
		FY2006: 76%	FY2014: 89%	FY2006: 52 days	FY2014: 41 days
		FY2007: 88%	FY2015: 100%	FY2007: 44 days	FY2015: 33 days
		FY2008: 90%	FY2016: 92%	FY2008: 43 days	FY2016: 40 days
		FY2009: 81%	FY2017: 100%	FY2009: 56 days	FY2017: 32 days
		FY2010: 97%	FY2018: 98%	FY2010: 39 days	FY2018: 33 days
		FY2011: 100%	FY2019: 100%	FY2011: 35 days	FY2019: 25 days
		FY2012: 98%	FY2020: 100%	FY2012: 38 days	FY2020: 21 days
TPR	<u>Case Time Start:</u> TPR Petition Filed <u>Case Time Stop:</u> Final Order of Guardianship entered	<u>Performance Goal:</u> 100% within 180 days			
		FY2005: 60%	FY2013: 96%	FY2005: 179 days	FY2013: 142 days
		FY2006: 56%	FY2014: 100%	FY2006: 169 days	FY2014: 150 days
		FY2007: 42%	FY2015: 100%	FY2007: 208 days	FY2015: 133 days
		FY2008: 61%	FY2016: 100%	FY2008: 187 days	FY2016: 144 days
		FY2009: 95%	FY2017: 100%	FY2009: 145 days	FY2017: 139 days
		FY2010: 82%	FY2018: 100%	FY2010: 150 days	FY2018: 138 days
		FY2011: 97%	FY2019: 95%	FY2011: 115 days	FY2019: 130 days
		FY2012: 97%	FY2020: 100%	FY2012: 157 days	FY2020: 117 days

Note: CINA shelter and non-shelter case processing time is suspended for military leave and FTA/Body Attachment (beginning in FY11). TPR case processing time is suspended for interlocutory appeal and military leave.

Child in Need of Assistance (CINA) Case Processing Performance

During FY20, 143 child in need of assistance (CINA) cases, including 122 CINA shelter cases and 21 CINA non-shelter cases, had their adjudication hearing held (or otherwise reached the qualifying case stop event). The Maryland Judiciary-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 started. The time standard for CINA non-shelter cases is 60 days from service of the parent(s), guardian(s), or custodian(s) to the date when the adjudication hearing is started. The Maryland Judiciary's performance goals for CINA shelter and non-shelter cases are that *all* cases (100%) 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, the highest achieved since FY05 when the court started monitoring its performance. Subsequently, the performance declined to 95% in FY18 but improved to 97% in FY19 even though the number of overall terminations increased by 17% (26 terminations) from 152 to 178 between FY18 and FY19. In FY20, however, the performance declined by three-percentage points to 94% even though the number of terminations declined by 31% to 122. In terms of the overall average case time (ACT), FY19's overall and over-standard ACTs are shorter than those of FY 17 and among the shortest since FY05. In FY20, the overall ACT increased by 3 days and the over-standard ACT doubled to 82 days from 41 days in FY19.

Table E.1 Number of CINA Shelter Case Terminations and Processing Performance, FY05-FY20

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
FY18	152	22	144	95%	21	8	5%	50
FY19	178	22	173	97%	21	5	3%	41
FY20	122	25	115	94%	22	7	6%	82

* ACT = Average Case Time (in days)

As noted in the last year's report, the recent improvement in CINA shelter case performance is attributed to modifications made to the juvenile postponement policy implemented in September 2015. While the observed decline in the performance in FY20 is assumed to be caused by the

curtailed court operations due to COVID-19, additional analysis is needed to confirm the observation.

CINA Shelter Case Terminations and Postponements

The analysis of postponements and their impact on the case processing performance includes both hearing and trial (adjudication hearing) postponements. While postponements of adjudicatory hearings have a direct impact on the performance, multiple non-adjudicatory hearing postponements may result in postponing the adjudicatory hearing, thus also impacting the case time. As shown on Table E.2, 67% (82 cases) of 122 CINA shelter cases had at least one postponement in FY20 (also 67% in FY19). Seven of the 82 CINA shelter cases with postponements (9%) resulted in over-standard terminations whereas all 58 CINA shelter cases without postponements closed within the 30-day standard.

Table E.2 CINA Shelter Case Terminations by Postponements and Termination Status (Within or Over the 30-day Standard), FY20

Postponement Status	Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
	N	%	ACT*	N	% of Overall	ACT*	N	% of Overall	ACT*
With Postponements	82	67%	27	75	91%	22	7	9%	82
Without Postponements	40	33%	21	40	100%	21	0	0%	--
Total	122	100%	22	115	94%	22	7	6%	82

* ACT = Average Case Time (in days)

Of the 82 postponed cases, 70% (58 cases) had one postponement (58% in FY19), 23% (19 cases) had two postponements (33% in FY19), and five cases (6%) had three postponements (8% in FY19), totaling 111 postponements. Of those postponements reported in FY20, the most-frequently cited reasons were "System-Generated Initial Trial Date Not Conformed to Counsels' Availability" reported in 63 postponements (57%), followed by "New Counsel Sought or Has Entered Their Appearance Or Not Appointed" (12 postponements, 11%), "Calendar Conflicts" (11, 10%) and "Disc/ADR Incomplete and/or Disc Disputes/Additional Time Needed to Prepare"(11, 10%).

Table E.3 CINA Shelter Case Terminations with Postponements by Termination Status, FY15-20

	Overall Terminations	Terminations with Postponement(s)		Within-Standard Terminations		Over-Standard Terminations	
		N	%	N	% of Overall	N	% of Overall
FY15	121	97	80%	45	46%	52	54%
FY16	140	86	61%	54	63%	32	37%
FY17	158	98	62%	96	98%	2	2%
FY18	152	92	61%	84	91%	8	9%
FY19	178	120	67%	115	96%	5	4%
FY20	122	82	67%	75	91%	7	9%

Table E.3 presents the number of CINA shelter cases closed with postponement(s) by termination status from FY15 to FY20, exhibiting the court's improved CINA shelter performance since FY17. FY20 performance is comparable to that of FY18 in terms of the percent of over-standard terminations among terminations with postponements (9%) and FY19 in terms of the percent of terminations with postponements (67%).

CINA Non-Shelter Case Processing Performance

Table E.4 displays the case processing performance for CINA non-shelter cases between FY05 and FY20. The performance has been over 99% since FY15 except for FY16 when it dropped to 92%. In FY20, the court had 21 CINA non-shelter case terminations, all of which were processed within the Judiciary's 60-day time standard. The average case time is 29 days for FY20, the second shortest after that of FY19 (25 days).

Table E.4 Number of CINA Non-Shelter Case Terminations and Processing Performance, FY05-FY20

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	0	0%	--
FY16	39	40	36	92%	37	3	8%	77
FY17	23	32	23	100%	32	0	0%	--
FY18	45	33	44	>99%	33	1	<1%	66
FY19	30	25	30	100%	25	0	0%	--
FY20	21	29	21	100%	29	0	0%	--

* ACT = Average Case Time (in days)

CINA Non-Shelter Case Terminations by Postponements

In FY20, 11 (52%) of the 21 cases CINA non-shelter cases had at least one trial (adjudication) or hearing postponement, and all 11 closed within the 60-day time standard. Of the 11 postponed cases, two had one postponement, seven had two postponements and the remaining two had three postponements. The average case processing time for postponed non-shelter cases was 31 days, only five days longer than 26 days of those without postponements. In contrast, in FY19 the difference in the average case processing time of non-shelter cases with and without postponements was 17 days (28 days and 11 days for those with and without postponements, respectively). The most frequently cited postponement reason in FY20 was 'Due to Preliminary Matters' (nine

postponements), followed by 'Party(s) not Present'; 'Calendar Conflicts' (six postponements) and 'Computer Generated Trial Date Not Conformed to Counsels' Availability' (five postponements).

Termination of Parental Rights (TPR) Case Processing Performance

In FY20, Montgomery County Circuit Court processed 25 TPR case terminations. Table E.5 displays the court's TPR case processing performance between FY05 and FY20. In FY20, the court disposed all 25 cases within the 180-day time standard, meeting the Judiciary's performance goal of 100% within-standard terminations. The overall average case time is 117 days for FY20, which is 18 days shorter than that of FY19 (135 days). The table shows the court's commitment and efforts to process TPR cases expeditiously, which started since FY11 when the number of over-standard cases dropped to 1.

Table E.5 Number of TPR Case Terminations and Processing Performance, FY05-FY20

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	0	0%	--
FY15	27	133	27	100%	133	0	0%	--
FY16	23	144	23	100%	144	0	0%	--
FY17	43	139	43	100%	139	0	0%	--
FY18	32	133	32	100%	133	0	0%	--
FY19	22	135	21	95%	130	1	5%	239
FY20	25	117	25	100%	117	0	0%	--

* ACT = average case time (in days)

TPR Case Terminations by Postponements

In FY20, eight (32%) of 25 TPR cases had at least one trial (adjudication) or hearing postponement compared to 17 cases (77%) in FY19. The average case processing time for postponed TPR cases is 157 days compared to 98 days for those with no postponements (in FY19, they were 148 days and 92 days, respectively). Of the eight postponed cases in FY20, four had one postponement, two cases had two and another two had three postponements. Of the 14 postponements, the most frequently cited postponement reasons are 'Calendar Conflicts' and 'Party(s) not Present', each accounting for four postponements, followed by 'Computer Generated Trial Date (Did Not Conform to Counsels' Availability' (three postponements).

Recommendations for Montgomery County Circuit Court

- *Information Sharing.* FY20 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 the Department of Health and Human Services and collaborate on the identification of possible improvement initiatives.

- *Analysis.* 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 (as needed).
- *Data Access, Analytics and Repository 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/metrics repository, as well as to develop useful performance metrics. The repository should include open as well as closed cases, and data elements related to hearings and trials held.
- *Additional Data Analysis.* Separately analyze the FY20 case processing performance for the pre-COVID and COVID periods. Compare the performance of each period with that of previous years' performance to assess the impact of the pandemic on the court's case processing performance and to provide the court with information to prepare for the post-COVID operations.
- *Stakeholder Engagement.* Through coordination with Court Administration, DCM Coordinator, Quality Control and other subject matter experts, identify the most useful performance metrics/standards to examine current and forecast future case management/workload trends.