

2023

State of the Court Report

MONTGOMERY COUNTY CIRCUIT COURT

MONTGOMERY COUNTY CIRCUIT COURT | 50 Maryland Avenue, Rockville, Maryland 20850

Please accept Montgomery County Circuit Court's Fiscal Year 2023 (FY23) State of the Court Report. Prepared under the direction of Administrative Judge James A. Bonifant, and in coordination with Karen A. Bushell, Clerk of the Court, and Tim Sheridan, Court Administrator, the Report provides information on court operations, the Court's facilities, and recently undertaken initiatives. The 29 judges and magistrates and over 330 courthouse employees remain focused on the Court's mission to provide fair, effective, and efficient justice to the more than one million residents of Montgomery County, MD and to all who come to our court. The information presented confirms the positive work being done, but also provides the data needed for the Court to determine what new initiatives should be implemented to meet future challenges.

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Section I. Identifying Information

- a. Montgomery County Circuit Court
- b. Montgomery County/Rockville
- c. Most Proximate/Completed Fiscal Year (FY): 2023
- d. Report Submission Date: October 13, 2023
- e. Staffing (as of submission date): Judges & Magistrates; Personnel reporting to the Clerk of the Court; Personnel reporting to the Court Administrator

Judges and Magistrates: 29 (Full-Time – 29)

Judges – 23 active judges including the Administrative Judge (24 positions authorized, one (1) vacancy during $\frac{1}{2}$ of the reporting period)

Magistrates – Six (6) Magistrates, including five (5) Family Magistrates and one (1) Juvenile Magistrate

Department	Full-Time	Temporary	Contractual	Total
Clerk of the Court (including six (6)				
Staff Spanish Interpreters)	13			13
Support Services (formerly Central				
Files and Exhibits)	10			10
Civil Department	30		1	31
Courtroom Clerks Department	35	3		38
Criminal Department	19			19
Family Department	34			34
Finance Department	5			5
Juvenile Department	15			15
Land Records/License (non-judicial)	36			36
Total	197	3	1	201

Clerk of the Court: 201 (Full-time – 197, Temporary – 3, Contractual – 1)

Court Administration: 130 (Full-Time - 126, Part-Time - 4)*

Division/Office	Full-Time	Part-Time	Total
Court Administration	6		6
Special Magistrates	1		1
Administrative Aides	1		1
Assignment Office	14		14
Business Data Quality & MDEC Analysts	7		7
Criminal & Civil Case Managers	3		3
Family Division Services (including 22 grant-funded)	35	1	36
Family Magistrate Staff	7		7
Judicial Assistants	24		24
Jury Office	4		4
Law Library	2	2	4
Problem Solving Courts (including 2 grant-funded)	4		4
Research & Performance (Partially grant-funded)	2		2
Senior Judges' Administrative Aide	2		2
Technical Services	12		12
Trust Office	2	1	3
Total	126	4	130

* Note: Contractual employees are not included.

Section II. Executive Summary

During Fiscal Year (FY) 2023, the Montgomery County Circuit Court opened 15,462 new matters and closed out 15,608. The Court reopened approximately 8,000 cases and closed a similar number of reopened cases. Each week the Court received more than 2,500 electronically filed envelopes and routinely completed the processing of all envelopes within two business days. Comparing FY23 to FY22, the Court terminated 1,300 more cases in FY23.

In addition, the court processed over 9,000 business licenses, issued more than 5,400 marriage licenses, and performed over 2,000 marriage ceremonies. The Court's Family Law Self-Help Center served nearly 10,000 individuals. The Court's law library responded to more than 8,000 requests for information. Building on the success of the Juvenile Social Worker Program established in 2021, the Court hired a full-time juvenile social worker in March 2023. The Court's Drug Court and Mental Health Court continue to succeed with many graduates proving that when appropriate, there are alternative ways to addressing criminal matters that benefit the individual and the community.

Although appreciating the importance of all case types, the Administrative Judge continued to closely monitor criminal, custody, juvenile, and CINA matters. The Court's Research and Performance Department provided monthly reports showing the number of new filings, terminations, and pending caseload in these case types. The Administrative Judge held weekly meetings with key members of the courthouse staff to review cases scheduled to begin within the following weeks to confirm: i) that the most appropriate cases were assigned priority when judicial resources were limited; and, ii) that the appropriate number of jurors were summoned. The meeting allows the Administrative Judge and Assignment Commissioner to identify which cases need to be reassigned and to confirm what information regarding the reassigned case needs to be provided to the new judge.

The Court's efforts proved effective. In FY23:

- The Court produced a clearance rate of 101% for original filings in all case types.
- Case terminations in civil, criminal, and family case types were approximately equivalent to prepandemic levels. Except for CINA and TPR matters, the number of terminations in all case types increased in FY23 over FY22 by more than 5%. (The low number of CINA/TPR cases results in wide percentage variations when comparing one year to another.)
- For the first eight months of 2023, the Court's Jury Commissioner reported the Court conducted 154 jury trials, nearly 20 jury trials per month. And in 2023, the Court's juror utilization rate was 72%, meaning of the 11,730 jurors summoned, 8,470 were sent to courtrooms for voir dire questioning.

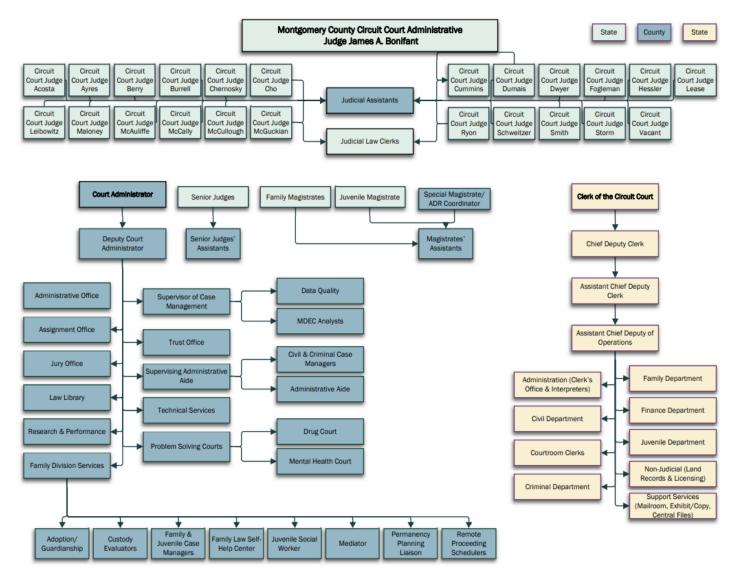
Nevertheless, challenges remain. The Court's case processing rate, though improving in FY23 when compared to other years after the pandemic, continues to fall below time standards. The Court's pending caseload of original filings continues to far exceed the caseload prior to the pandemic. The overall pending caseload was 7,764 cases as of June 30, 2019, and is 9,245 as of June 30, 2023. The Court has 300 more pending criminal matters and 800 more pending family matters. The case processing rate and the pending caseload are a result of the Court not being able to address matters during court closures caused by Covid-19, the Court having four fewer active judges than statutorily allotted due to retirement, and implementing MDEC during the year coming out of the pandemic.

The Court is aware that following methodology developed by the National Center for State Courts, over the next year the pending caseload in criminal, custody, and juvenile matters is expected to increase: i) criminal matters from 1,031 to 1,069; ii) custody matters from 1,622 to 1,898; and iii) juvenile matters from 177 to 219. The Court continues to experience significant increases in Special Immigrant Juvenile Status cases.

To meet this increasing demand, the Court intends to continue to regularly review its processes and workload to identify external and internal factors that impact operations. The Court will: 1) complete develop of reporting in real time to enhance communication between chambers and all court departments; 2) rely upon the experience and expertise of its senior judges who provide numerous hours as presiding judges at trials and resolution conferences; and 3) provide more resources to mediation and facilitation. The Court will continue to advocate for additional judge and magistrate positions. The Court's facility easily accommodates additional judicial officers, and the demand justifies it.

Going forward, Court leadership will continue to promote staff awareness of and commitment to the importance of recording and utilizing data to understand and manage workflow and caseloads. But at the same time, leadership will uphold the understanding that the Court is not merely processing cases but serving the residents of Montgomery County with legal matters that greatly affect their lives.

Section III. Organizational Chart



Section IV. Positions, Projects & Initiatives

Courthouse Diversity, Equity, and Inclusion (DEI)

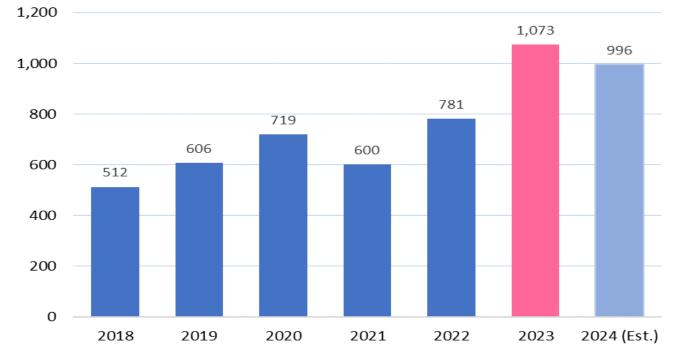
- Discussions are ongoing to further the Court's DEI initiatives. The goals of this initiative are to increase
 awareness and understanding of diversity and inclusion among the staff and to promote the concept so
 that it becomes part of the Court's human resource management initiatives. The Court wants to ensure
 that employees and the public perceive that the Court is sensitive to their needs related to diversity and
 inclusivity.
- The Law Library plans to revise library messaging, signage, and collection policies to provide improved access for marginalized and diverse patrons.

Special Immigrant Juvenile Status (SJIS) Matters

The number of new Special Immigrant Juvenile Status (SIJS) petitions filed with the Montgomery County Circuit Court more than doubled since 2018. In FY23, the number of SJIS petitions totaled 1,073, which is 292 more than in FY22, a 37% increase in the past year. (See the table below.) To address the escalating SIJS caseload, the Court implemented several measures during FY23:

- **Provided Training:** The Court designated an additional magistrate to hear SIJS matters, allowing the Court to add more SIJS hearings across the magistrates' dockets.
- **Introduced a Special Docket**: The Court established a new docket on Thursday afternoons, specifically designed for cases involving respondents who are on the verge of aging out.
- **Enhanced Communication:** The Court initiated a new process which sends out non-compliance notices to counsel and parties to promptly resolve deficiencies, thereby reducing delays and ensuring that SIJS cases are in the proper posture for hearing.
- **Established a Full-Time SIJS Case Manager Position**: To ensure the efficient processing of SIJS cases, the SIJS Case Manager role was expanded to full-time. The expansion has been vital in guaranteeing appropriate management of the burgeoning SIJS cases.

During the upcoming year, the Court will continue to monitor the number of cases filed and determine whether additional initiatives need to be implemented.



The number of New SIJS Petitions Filed, FY2018-2023 and FY2024 (Estimated).

Source: Montgomery County Circuit Court SIJS Database

Maintaining & Managing the Court Records

In FY23, the primary project goals of the Clerk's Office regarding records management have been: (1) to provide the most efficient means for attorneys and parties to file their pleadings with the Court per Maryland Title 20 Rules related to electronic filing; and, (2) to scan and catalog physical case jackets and exhibits, as well as to dispose of them after they are scanned, in alignment with the Maryland Judiciary's Records Retention Schedule.

Electronic Filings

- Starting in October 2021, and in compliance with Maryland Title 20 Rules, the Clerk's Office crosstrained clerks to process Odyssey File & Serve (OFS) envelopes in addition to their regular tasks.
 - Several reports are utilized to enable even the busiest departments to keep track of their processing of OFS envelopes.
 - Despite facing some challenges in January 2023 following holiday staffing shortages, the Court made significant progress in processing OFS envelopes this fiscal year. The number of pending envelopes dropped substantially from 1,444 with an average pending length of 1.64 days for the week ending January 18, 2023 to 41 with an average pending length of 0.3 days for the week ending August 16, 2023.
 - The above achievement is notable considering the Montgomery County Circuit Court consistently ranks among the top three circuit courts in the state in terms of filing volume, along with Baltimore and Prince George's County Circuit Courts.

• Self-represented litigants (SRLs) also have the option of filing electronically. The Court is tracking 149 cases in which self-represented litigants (SRLs) have submitted filings electronically, which represents an 86% increase compared to the same period last year.

E-Service

• The Clerk's Office and Court Administration's Assignment Office continue to electronically serve Orders, Notices, and other court documents back to filers and their service contacts, resulting in more than 9,300 envelopes served in the eight weeks between June 26 and August 22, 2023.

Document Scanning

- Electronic access tools for parties are only valuable when documents and exhibits in cases have been scanned successfully into Odyssey.
 - To date, over 12,000 cases have been scanned. Each case encompasses a varying number of documents, ranging from a single document to thousands.
 - Clerks have also scanned over 9,000 Civil pleading exhibits since September 2022.
 - The Court's Trust Office is also scanning documents and linking them to probate cases to support parties' ease of access to case information and to create a comprehensive electronic court record.

Reorganizing the Electronic Record

- The Clerk's Office faces the challenge of accommodating 30 years' worth of files with limited storage space. To address this, the Clerk took advantage of Maryland Rule 301(a)(1) and Maryland Rule 20-106(D)(5), which authorizes the disposal of paper files that have been scanned and digitized into Odyssey's case management system.
 - In FY23, the Court completed three cycles of scanning, verification, and destruction of older, physical case files and exhibits, including those from an off-site warehouse.
 - This initiative is critical given a flood incident that occurred over the December 24 & 25, 2022 weekend, which resulted in several weeks of cleanup efforts in the damaged areas, including the Court's exhibit storage room. The flood necessitated the Court to contract with an abatement company to restore over 800 files. The Sheriff's Office provided invaluable assistance, both with quick detection of the broken pipes and with providing secured space to house exhibits.

Mediation & Alternate Dispute Resolution

Onsite Mediator Position

- To better ensure efficient case management and to facilitate early case resolution in custody cases, the Court created the position of an in-house mediator.
 - In light of the more compressed time frame for custody/access mediation and Alternative Dispute Resolution (ADR), the in-house mediator contacted parties in cases in which pleadings indicate a strong likelihood of settlement, often allowing for the entry of a consent order before any court proceedings.

- The in-house mediator also meets with parties and counsel on the day of trial if the judicial officer scheduled to preside over the trial believed the case would benefit from mediation or facilitation.
- Since the establishment of this position, the in-house mediator has mediated 165 cases, with 103 (62%) of them resulting in a partial or full settlement. Further, of the 62 cases mediated that did not reach an initial settlement, six (6) eventually settled because of follow-up mediation.

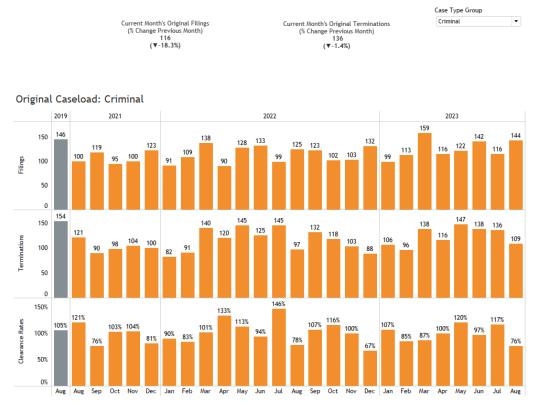
Custody/Access Mediation and Facilitation Programs

- In FY23, the Court's Family Division Services experienced a substantial increase in the utilization of existing mediation and facilitation programs, largely due to an increased number of referrals from Family Magistrates.
 - A total of 268 custody/access mediation sessions were conducted, of which 110 resulted in full agreements and 41 in partial agreements.
 - The court conducted 245 facilitation sessions, of which 143 reached full agreements and 5 reached partial agreements.
 - The Court also provided mediation services in 59 CINA/TPR case matters, resulting in 59 sessions being held, of which 28 full agreements and 13 partial agreements were reached.

Case flow & Workflow Management

Administrative Judge's Caseload Metrics

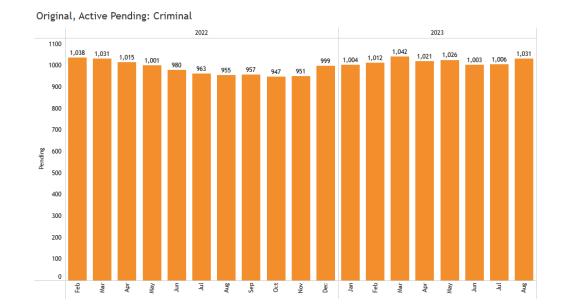
- Since assuming the position of Administrative Judge in July 2021, Judge Bonifant has made data utilization a top priority for monitoring and improving the Court's case flow and workflow.
 - Each month the Court's Research and Performance Department prepares a report showing the number of filings, terminations, and pending caseload in criminal, family-custody, juvenile delinquency, and CINA cases.
 - Looking forward, the monthly report also projects expected future caseload calculated using a methodology developed by the National Center for State Courts.
 - To facilitate easy access to this information, the Court's Research & Performance team developed a Caseload Dashboard to support continuous access to caseload metrics and projected pending caseload updated with near-real-time data. The Dashboard is presented below. Further implementation is in progress.
 - The Court's overarching vision is to make these fundamental caseload metrics readily available to all judicial officers and personnel, thereby empowering them to effectively monitor the Court's caseload and workload and to reassign judicial resources when necessary.



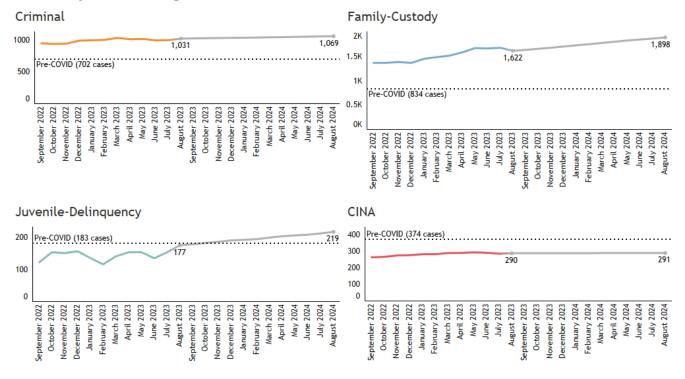
Caseload Dashboard: Filings, terminations, and clearance rates.

Caseload Dashboard: Pending Caseload and Pending Projections





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NCSC Projections - Original Caseload

Civil & Criminal Case Management – Case Categorization and Track Assignment Project

- Aligned with the Administrative Judge's vision for more efficient and effective case assignment and management, the Court created positions for Civil and Criminal Case Managers. These support personnel are tasked with screening cases at initiation by reviewing and categorizing newly filed cases into groups based on case characteristics such as charges/causes of action.
 - Utilizing the current Differentiated Case Management (DCM) plans, each civil and criminal case is assigned a case manager. To gain as much information about a case as possible as it progresses, the case managers review the files, attend court proceedings, and communicate with counsel regarding case status. The information received plays a significant role in case prioritization and limiting the need for judicial involvement until necessary.
 - In addition, this initiative is designed to achieve several key objectives including improved case processing performance, reduction of over-standard cases, increased jury utilization, and more efficient use of judicial resources.

Calendar Management

- The Assignment Office has worked closely with the MDEC Calendar Configuration Analyst to effectively monitor the Court's schedule and support the Administrative Judge's scheduling prioritization efforts.
 - With assistance from the Court's Technical Services Department, the Court receives data extracted from Odyssey, which is then used to populate a spreadsheet that provides all the trial schedules for the next 4-8 weeks. This data extract allows the Court to identify trial availability for all twenty-four members of the bench, eliminating the need to review multiple Odyssey reports. This data is key to finalizing the judges' hearing and trial schedules.
 - In addition, the data extract ensures the accuracy of trial assignments during prioritization meetings with the Administrative Judge since the data incorporates the Court's trial capacity rules, which are not available from any Odyssey reports.
 - Moreover, the extract provides information on special assignment sessions, such as Family Duty, Civil Duty, Civil Motions, etc. These details can be challenging to compile from Odyssey reports due to the necessity of reviewing multiple calendars.
 - Court personnel also use this information when updating the Court's prep sheets for the following days' docket.

Local MDEC Analyst's Positions

- Following the implementation of MDEC, the Court established two positions of MDEC Configuration Analyst to navigate and optimize the system's capabilities. These positions are critical in a larger court where local configurations are needed to align with operations and business processes.
 - The MDEC Calendar Configuration Analyst configures the Court's calendars and sessions in alignment with the judges' calendar rotations and the magistrates' schedules. The analyst also ensures compliance with local calendar session rules. The analyst maintains a record of session change requests and charts of the current session configuration for all the Court's calendars. The analyst has the ability within Odyssey to build the judicial rotation schedule in advance through Odyssey's Session Builder process.

- The MDEC Case Plan Analyst maintains local changes associated with Odyssey's Case Plans functionality. This role includes the maintenance of a local configuration change log and a configuration spreadsheet for all case plans that captures each case plan's design and layout. Case Plan audits are performed every six months to identify any undocumented changes or updates to the configurations.
- While Differentiated Case Management (DCM) is a statewide application, efficient case management varies from one court to another. Accordingly, having onsite expertise in navigating Odyssey's scheduling view and its process builder is indispensable for ensuring efficient case management.
- Further, the combination of case plans and session configuration allows the Court to schedule hearings and trials through the scheduling view, an approach utilized solely (at this time) by the Court. This capability is further complemented by the flexibility to manually set hearings as needed, ensuring strict adherence to DCM guidelines and court hearing/trial rules.
- As the Maryland Judiciary fully transitions to MDEC in 2024, Montgomery County Circuit Court looks forward to sharing its experiences with these modules with other courts statewide. Such collaborative opportunities underscore one of the benefits of a statewide system as courts aim to improve case processing efficiency and standardize processes.

Case Data Quality Management

- Starting in June 2023, the Court's Business and Data Quality (BDQ) Office began a collaboration with Research & Performance (R&P) and Technical Services (TS) to develop an application to facilitate the tracking of questionable case information and its subsequent correction when needed.
 - Prior to the Odyssey transition, the data quality reporting process was to send a weekly e-mail of questionable case information to departments in the Clerk's Office, as well as Court Administration offices on issues such as 1) inaccurate case status, 2) missing courtroom work, 3) use of generic case event codes, 4) motions not forwarded to a Judge/Magistrate, 5) hearing(s) needing to be removed or set, etc.
 - Transitioning to a new case management system, coupled with its limited automated functionality to prevent inaccurate data entry, has increased the volume of questionable case information. Consequently, it has become increasingly important for the Court to evaluate and modify the questionable case information workflow -- that is, moving away from reliance on e-mail as the primary mode for logging questionable case information.
 - By collaborating with R&P and TS, BDQ personnel are drafting requirements for a workflow solution designed to communicate and track questionable case information. This initiative underscores the Court's commitment to quality case information management.

Juvenile Court Services

- In March 2023, a full-time social worker was hired to work in the Juvenile Court. The success of the Juvenile Social Work Intern Program, which was launched in 2021, underscored the need for this new position.
 - The social worker, who is part of the Court's Family Division Services, provides oversight of the Intern Program, carries a caseload, and ensures the integrity of the program.

- The goals of the position include developing programs and interventions to support youth in the juvenile court to ultimately reduce recidivism and help youth lead more productive lives upon case closure.
- The social worker has been instrumental in implementing a virtual Conflict Resolution Course for youth that is provided twice per month. She also played a significant role in collaborating with Drug Court staff and participants, creating opportunities for youth either actively engaging in substance abuse or at risk of doing so to attend a series of Drug Court sessions to help them better understand the potential impact of substance abuse on their lives and identify ways to overcome their substance abuse.
- The Court began work on the creation of an internal database to track the impact of programs and case management on the recidivism rate among juveniles. Further development and utilization of the database is planned for FY24.

Court Public Assistance

Family Law Self-Help Center – Expansion of Services

- With the full return to in-person assistance for self-represented litigants after COVID-19 emergency operations, the Family Law Self-Help Center quickly recognized that additional staffing was necessary to accommodate the multiple methods of providing services that had been initiated during the pandemic.
 - The new methods of service delivery such as telephone assistance and scheduling regular appointments that had not been considered before the COVID pandemic, led to a substantial increase in self-represented litigants seeking help from the Center's staff attorneys, necessitating the onboarding of another part-time attorney.
 - Additionally, the Self-Help Center began assisting litigants with name changes earlier in 2023, a service that had previously been unavailable.
 - These service deliveries resulted in almost 10,000 self-represented litigants visiting the Self-Help Center in FY23, approaching the highest number of clients ever served during a fiscal year.

Law Library

- Montgomery County Circuit Court Law Library is a public law library that provides legal research services and resources to the court, local legal community, and members of the public.
 - In FY23, the Law Library answered 8,090 questions, a 160% increase from mid-pandemic numbers in FY21 reflecting an increase of 6% over last year. Of these questions, over half (51%) were asked by members of the public such as self-represented litigants. Additionally, librarians provided these public patrons with 937 targeted referrals to court departments, community services, and pro- and low-bono services.
 - In FY23, librarians provided 2,298 instances of technical assistance, in addition to supporting parties in cases with remote proceedings as the library has two remote proceedings rooms ("Zoom Rooms"). Other technical assistance includes helping patrons with database searches,

case searches in Odyssey, electronically filing of documents, and other basic computer/emailrelated tasks such as attaching a document to an email.

- In FY23, the Court upgraded the Law Library's LexisNexis database access plan to Lexis+, which includes a tool called Code Compare, allowing patrons to efficiently conduct legislative history research. Prior to this year, only judges and court staff were able to digitally overlay recent Maryland statutory and regulatory changes by using Westlaw Edge's Statutes Compare tool. Now the public and local bar can do the same using Lexis+ on Law Library computers.
- The map of the Law Library was redesigned for clarity and now includes the library's MDEC Business Center computers, Zoom rooms, and Low Vision Reader.
- Throughout this past fiscal year, the Law Library provided several customized and in-depth legal research training classes on topics such as Maryland treatises, legislative history, and Westlaw searching for various court departments and chamber staff.
- New in FY23, the Law Library started an internal court newsletter, *Just Ask!* This newsletter aims to teach court employees about how Law Library services and resources can aid their roles in the court and assist the public.

Alternate Filing Methods, Licensing & Land Records Services

- Although the Court reopened fully to the public in 2021, it continued its practice of accepting pleadings in outside drop boxes, which are open 24 hours 7 days a week.
- License staff also continue to swear notaries outside by appointment, although patrons can also be accommodated in the courthouse without an appointment.
 - License staff have been performing a greater number of marriage ceremonies each day with the couple and up to 8 guests. In FY23, close to 2,049 ceremonies were performed, 5,425 marriage licenses were processed, and 15,550 marriage certificates were distributed.
- Although the public has been allowed into the courthouse for several months, Land Records staff continue to meet parties outside to receive and return documents for recording.
 - In FY23, Land Records mailed over 20,000 business license applications, issued 9,028 business licenses and initiated the electronic filing of business licenses. Land Records also recorded 659,689 land instruments.

Problem-Solving Court Practices

Develop safe, structured housing for participants

- This initiative supports the Problem-Solving Court's goal of providing free housing to Mental Health Court participants.
- Harmony House started its operations in early FY23 with the capacity to accommodate up to 6 individuals enrolled in the problem-solving court program. The program provides individuals with a safe living environment while they await placement in long-term housing, often through a Residential

Rehabilitation Program. This invaluable resource prevents many participants from prolonged incarceration.

- Harmony House serves participants from both the District Court and Circuit Court Problem Solving Courts.
- A Housing Care Coordinator is assigned to oversee the medication regimen of each resident, monitoring their intake twice daily.
- There is no cost to live in the house.
- Residents must adhere to the medication schedules, complete chores, maintain the cleanliness of their rooms, attend daily check-ins with the Housing Care Coordinator to discuss prosocial activities planned for the day, and observe quiet hours from 10:00 p.m. to 6:00 a.m.

Review incentives for Drug Court and Mental Health Court

- Beginning in August 2022, Problem-Solving Court case managers explored several applications to allow Problem-Solving Court participants to cash-in rewards for short-term goals for a "prize" of their choosing.
 - The Problem-Solving Court team decided to utilize "Kudos Kash." This is printed "money" that is awarded to participants.
 - Case managers keep track of the money awarded in the event it is lost. Participants can then cash it in for various rewards such as gift cards, days of credit, passes to leave court early, or appear virtually. An overview of how it works is shown below.

Earning "Kudos Kash"	
Behavior/Action Taken	Reward
Best Dressed	\$5
Exceptional court appearance	\$5
Words of the Week	\$10
Positive group participation	\$10 or
	\$15 or
	\$20 or
	Prize Wheel
	(Depends on level of
	contribution)
Progress in treatment	\$15
Achieving a difficult goal	\$15
Taking initiative	\$15
Positive participation in sober housing	\$10 or \$15
Supporting peers	\$10
Positive attitude	\$10
Handling a difficult situation	\$10

Earning "Kudos Kash"

Kudos Kash Prizes

\$10 gift card	\$10	
\$15 gift card	\$15	
\$20 gift card	\$20	
Leave court early	\$25	
Virtual court pass	\$25	
Credit for 4 hours of	\$25	
community service		
Five days of credit	\$50	

Prize Wheel Rewards

- Sobriety Anniversary90 Days of Compliance

Gift Card Rewards

- Phase Advancements
- Participant of the Month Service Award •
- •

Section V. Operations

Court Technology

- In FY23, the Court's Technical Services Department started accepting online payments for courtroom audio, increasing customer confidence and trust. Previously payments were made via check or over the phone.
- As part of migrating the Court's technology to the statewide system, the Technical Services Department worked with the AOC's JIS to complete electrical, network, and Wi-Fi installations in both towers of the Judicial Center. During FY23, the department completed the migration of e-mail, Zoom, and applications to the AOC's infrastructure.
- An AT&T cellular repeater system was installed in the Court's South Tower. The system enhanced cell phone service reliability and was free of charge to the Court.
- CourtSmart and virtual server hardware and backup systems were upgraded, increasing data security.
- Technical Services solicited for and contracted with eScribers, Inc. to provide quality transcription services well within the AOC's specified pricing limits.
- Technical Services is seeking the County and/or AOC funding of up to \$3 million for audio/video upgrades in both towers of the Judicial Center to allow for increased access to justice via telepresence technologies.
- This past fiscal year, Technical Services staff worked with other court personnel to update the Court's website and develop applications utilizing data from JIS systems. These applications allow Court leadership and staff to make informed decisions regarding business processes, underscoring a data-driven approach to court and case management.

Remote Proceedings Team

- It has been argued that "court is a service, not a place.¹" To ensure quality remote proceedings, Court Administration established the Remote Proceedings Team. While the Team was developed in response to emergency operations during the COVID-19 pandemic, it became clear that some court dockets are well suited to continue as remote and are an invaluable option for litigants, relieving them from coming to the courthouse. The work of the Remote Proceedings Team since its inception has helped to improve the efficiency of the court and increase access to justice for litigants.
 - The Remote Proceedings Team also provides support for the Magistrates during remote hearings, which includes ensuring that litigants receive Zoom links to hearings and sending out relevant information to litigants after hearings.
 - The team also answers calls on a hotline about remote proceedings throughout the day. More recently, they began providing the email addresses of petitioners and all interested parties to Judges who prefer to hear guardianship cases remotely.

¹ Richard Susskind, The Future of Courts, 6 THE PRACTICE 5 (2020), https://thepractice. law.harvard.edu/article/the-futureof-courts/ [https://perma.cc/7XQR-4BP4]; Richard Susskind, Richard Susskind: My Case for Online Courts, LEGAL CHEEK (Dec. 17, 2019, 8:46 AM), https://www.legalcheek.com/2019/12/richard-susskind-my-case-for-onlinecourts/ [https://perma.cc/6P9L-WJ8N]

• It should be noted that three of the four-person Remote Proceedings Team are bi-lingual in languages other than English (two in Spanish), an invaluable asset when supporting the communications of the Montgomery County's diverse court population.

Employee Support

Professional Development, Employee Appreciation & Team Building

- The Circuit Court employees are the Court's greatest asset. It is imperative that staff are well-trained, have a positive attitude, and are engaged in the delivery of justice. With those goals in mind, the Court promoted a multi-prong campaign of professional development, employee appreciation events, and team-building exercises. While it is difficult to accurately assess the benefits of each program, it is evident that the combined effect of those efforts positively impacted employees.
 - In June 2023, the Court acknowledged the contributions of courthouse staff and their dedication to supporting the work of judicial officers and various services that the Court provides, at an employee appreciation and service awards event. Four employees were recognized by Court Administration for 25 years of service.
 - In April 2023, the Court Administration and Clerk of the Court planned, promoted, and implemented a successful Employee Professional Day. The event featured office workouts, an employee scavenger hunt, allowing the employees to network with each other to determine what departments complete each task, Ted Talks, and a raffle. This event offered employees an opportunity to socialize and be recognized for all the hard work that each department does. The event promoted interdepartmental interaction, where both Clerk and County employees participated, and new working relationships were forged.
 - In October 2022, one year after the Court went live on MDEC, a celebration breakfast was held to acknowledge the Judges, Magistrates, and court employees' hard work in implementing tremendous changes to the Court's business processes. This event allowed the Court to showcase statistics on the number of files that were scanned, the number of Assignment sessions created, and the number of employees trained on Odyssey. An email poll was sent to all Judges and employees to gauge their satisfaction and assessment of the transition to Odyssey. Employees were treated to breakfast and a 'we did it' one-year MDEC celebration commencement coaster.
- Court Administration and the Clerk's Office meet regularly to stay on top of issues impacting the Court. Court Administration department head meetings are held quarterly to exchange information and to promote professional development and growth. The Clerk's office management meets every two weeks to discuss concerns and standardize business practices.
- Several departments, including the Assignment Office and the Law Library, took field trips to neighboring Maryland courts to compare practices and observe new programs and business practices, and the Clerk's Office hosted discussions on business processes with a few different counties.
- All employees are offered Professional Development courses, and many are allowed to attend relevant conferences. Court leaders are invested in the continual development of the workforce and seek innovative ways to proactively engage our greatest asset.

Stronger Together: Court Employees Showing Up & Pitching In

- As noted above, in December 2022, several Court Administration and Clerk of the Court Offices suffered significant water damage caused by a burst pipe.
 - The Law Library temporarily closed and transitioned to remote reference services. While inperson-only services like notarizations and meeting room bookings were suspended during this time, librarians effectively and efficiently maintained their core services of legal research assistance and access to legal resources. Librarians communicated via routine communication channels of email and phone with patrons and expanded communication options to include Zoom meetings.
 - A dedicated team of 30 employees from various Clerk's Office departments worked to reorganize hundreds of boxes of court documents on one Saturday in April.

Section VI. Facilities

Courthouse Security

- The Montgomery County Sheriff's Office became accredited in 1995 by the Commission on Accreditation of Law Enforcement Agencies after meeting numerous stringent standards established for law enforcement agencies nationally. The Sheriff's Office continues to maintain this accreditation through rigorous on-site evaluations. The Sheriff's Courthouse Security Team works closely with the Clerk of the Court and Court Administration to coordinate security within the courthouse. The team also ensures the safety of children and staff located at Kids Spot, prisoners in custody during transport, and all individuals present in the courtroom when an emergency evacuation occurs.
 - The Sheriff's Office has four (4) explosive-detecting trained K-9 teams, three (3) of which are now firearms detection K9 teams. The Sheriff's Office also has one (1) Controlled Dangerous Substance (CDS) detection K-9 team that assists the Courthouse Security Team. In addition, the Office has two (2) comfort dogs to assist court patrons, including individuals attending the Mental Health Court, victims such as children, and adult victims in domestic violence cases seeking assistance at the Family Justice Center.
 - Screening stations are present at all three public entrances with private security and roaming Sheriff's Office Courthouse Security Deputies. Screening of court patrons is accomplished by magnetometers, x-ray machines, and handheld wands.
 - The Courthouse Security Committee was established with the objective of providing input and guidance on issues involving the security of the courthouse building and surrounding areas. The committee, comprised of major Circuit Court stakeholders, was tasked to review current screening practices, building access policies, and other courthouse-security related policies and programs for the court. The committee meets quarterly to actively address courthouse security concerns and remain abreast of best practices.
 - Following a study analyzing courthouse traffic volume entering public and employee entrances, the committee submitted six security-related recommendations including expanding the scope of screening at public entrances to include all individuals whose offices are not located in the courthouse and instituting two (2) full screening days a month that include individuals whose offices are in the courthouse building. Individuals illegally parked on Truck Street and within the courthouse loading dock area have been issued parking citations by Montgomery County Sheriff's Office Courthouse Security Deputies. The Administrative Judge accepted all recommendations from the committee and instituted the expanded and full screening recommendations.
- During FY23, the following security upgrades were implemented by the Sheriff's Office:
 - Replacement of 19 obsolete analog cameras with new IP cameras throughout the courthouse building and Sheriff's Office. Cameras are critical for monitoring secured areas, public spaces, and departments, including the Finance Department, Court Records, public lobby areas, Technical Services Department front desk, prisoner elevators, and secured/shared loading dock.

- Replacement of obsolete IP cameras with dome cameras. These cameras are critical for monitoring secured areas in the Circuit Court, including the Jury Lounge, Criminal Department Counter, emergency exits, and Technical Services Department.
- Installation of ADA bleeding control kit stations (first aid kits) throughout the public and secured hallways within the North and South Towers.
- The Administrative Judge recently entered an Administrative Order in compliance with Maryland Rule 16-208 to establish policies regarding the use of electronic devices by those visiting the courthouse.

Section VII. Justice Partner Initiatives

Jail List

- The Jail List, available on SharePoint, was created during the COVID-19 pandemic to improve communication between personnel from the Court, the Sheriff's Department, and the jail/detention centers.
 - The Jail List contains pertinent information concerning incarcerated individuals who will participate in an upcoming court matter that requires transportation to the courthouse or remote participation from the jail. Judicial Chambers, Court Administration, the Sheriff's Department, and the jail/detention centers have 24-hour access to the SharePoint/Jail List and are continuously updating it with the current information to ensure accurate information for all departments. A daily email is sent at 4:00 p.m. with the updated list to all departments involved.
 - This initiative has resulted in a considerable reduction in the number of hearing postponements since it helps to eliminate miscommunication issues among the Court, Sheriff's Office, and jail/detention centers regarding the transportation of incarcerated individuals.

International Judicial Visits

For the second straight year, the Court hosted a judicial visit with judges from a foreign country. In 2022, the Court hosted a large delegation of judges from Kazakhstan. This year, the American Bar Association Rule of Law Initiative (ABA ROLI) implemented an overseas project in the country of Georgia funded by the United States Agency for International Development (USAID). The overall aim of this project is to help strengthen the rule of law sector in Georgia through a variety of different avenues, including judicial exchanges, legal education support, and technical assistance. The program identifies United States courts to host a few judges for 2-week stints where visiting judges observe American judicial processes, including case and workload management.

- In FY23, Montgomery County Circuit Court hosted Georgian Judge, Badri Niparishvili, for two weeks (June 4th -June 17th, 2023). Judge Niparishvili had the opportunity to shadow several Associate Judges, Family and Civil Duty Judges, Senior Judges, and Magistrates during their dockets in criminal, family, delinquency, and CINA matters. In addition, the Georgian Judge had the opportunity to attend the weekly Judges' Lunch, have a tour of the various court departments, and meet several court employees.
- Through the hosting of judicial officers and international court staff from other nations, the Court broadens its comprehension of cultures beyond our own and gains insights into diverse judicial systems and court procedures. These opportunities enable us to gain a more profound understanding of the administration of justice internationally.

Charity Committee

• Montgomery County Circuit Court staff donate several thousands of dollars each year through its "Green for Jeans" (donate \$1 to be able to wear jeans on Fridays) and year-round charitable programs.

- This past year, the Charity Committee donated money to the Montgomery County Hospice, Warrior Canine Connection, and Special Olympics all non-profits in Montgomery County. Additionally, the Charity Committee donated money to build a Remembrance Garden in the Circuit Court for those employees who passed away while serving our community at the Courthouse.
- Upcoming events for the Charity Committee include candy grams during the holidays, popcorn day, and a pet costume contest.
- In addition to charity events that generate money for donations, the Charity Committee will be collecting food for the entire month of October to donate to a local food bank. Pop tops are also being collected for the <u>Ronald McDonald House</u>, which then takes the pop tops to a recycling center that gives them cash per pound. That money is used to purchase gas for the shuttles to take families to/from area hospitals.

Section VIII. Concerns/Issues

Legislative Concerns and Recommendations

The Court continues to follow legislation which could potentially affect court operations, particularly as it may increase the number of new and/or reopened cases:

- Maryland's Child Victims Act modifies the statute of limitations for certain civil sexual abuse of a minor claims.
- The REDEEM Act of 2023 shortens some of the waiting periods for filing expungement petitions.
- Other legislation amended grounds for divorce which may lead to shorter waiting periods for obtaining a divorce resulting in an initial increase in divorce filings.

A recent decision from the federal courts determined Maryland's law regarding rebroadcasting of court proceedings to be unconstitutional. This resulted in the Court revamping its procedures for how recordings of court proceedings are to be disseminated.

Employee Turnover & Responses

- The Clerk's Office continues to experience a high turnover rate since COVID-19 and the MDEC transition. Since October 2022, 23 staff have left the Clerk's Office due to resignations, transfers to other Departments, and terminations, resulting in the loss of institutional knowledge and affecting the morale of employees. The Administration is working on a telework policy that will enable managers to attract potential applicants and retain staff.
 - The Clerk was also able to fund and implement more organized spaces for both Support Services and the Criminal Department in FY23, which increased morale among employees.
 - The Support Services Department was also able to have its records clerk role transitioned to a judiciary clerk position as staff work some of the same tasks in Odyssey as clerks in other departments, such as cashiering and scanning.
- Court Administration also experienced turnover this fiscal year. At the start of FY23 all library staff except for the Law Librarian were new hires or newly promoted. The Law Library focused on developing staff skills, teamwork, and support. Some highlights of these efforts include staff trips to other court law libraries in neighboring counties and attending educational opportunities offered by Montgomery County Public Libraries, the Law Library of Congress, the Law Library Society of Washington DC, Mid-Atlantic Association for Court Management, and the American Association of Law Libraries.

Data Access & Management

- With the impending statewide implementation of MDEC, the Maryland Judiciary is in a unique position as it relates to data (court records) collection, management, and access. Given local and national interests in accessing the Judiciary's case information for a variety of purposes, it is critical that data management and governance policies and practices are developed and implemented.
- Since MDEC implementation in October 2021, the Montgomery County Circuit Court has experienced greater access to the Court's data. However, we are not where we need to be locally or as a Judiciary whose vision supports a data-driven approach to court and case management. The Court has become

creative, at times, in its ability to access the court's data for reporting and analysis purposes. For example:

- The Court established an automated, daily report job of filing and termination data from Odyssey ECRs, which lands in a SharePoint folder for ultimate loading into a local SQL database. The data table of filings and terminations is then used to populate (automatically) the Administrative Judge's caseload metrics data dashboard. While this is not the most efficient process, it is what the local court has needed to do to support its mission of data-informed court and case management.
- While the Court recognizes that JIS has been instrumental in improving data access through custom reports and a Maryland Judiciary data store application, limitations in data access still exist, which the Court believes can and needs to be overcome.
 - One of the factors affecting data access is that JIS programming resources are limited. For instance, a report on data quality to ensure the accuracy of data elements used to capture key caseload metrics has been in progress for over a year due to a variety of reasons. The Court welcomes the opportunities to partner with the Judiciary and collaborate on data access and management solutions. The Court believes an integrated approach to programmer and researcher data access, report development, and application solutions can enhance the Judiciary's ability to not only efficiently and effectively respond to data inquiries but also further the confidence and value placed on this asset.
- It is recommended that conversations be held between local and state technical and research personnel to encourage partnerships and agreements that enhance data and technical innovation. The Maryland Judiciary funds court research personnel in several of its local courts. There are opportunities to offer research personnel access to other court's data, as well as provide them with training to query the data/data tables. Steps have already been taken toward this goal as some local court research personnel received Power BI training with state researchers.
 - The Maryland Judiciary has a talent pool that extends beyond the AOC whose skills can be leveraged. Positions that coordinate the data/research and technical departments should be developed and funded to meet the data-driven goals of the Maryland Judiciary. Instituting a cadre of personnel statewide who are well versed in the Odyssey system, data definitions, analytics, and technical solutions will help meet current and future data needs.

Section IX. Conclusion

The Montgomery County Circuit Court takes great pride in its work. This includes recognizing the accomplishments achieved but remaining focused on the expected challenges of the future. Completing this State of the Court report, provided the Court with a clear picture of where the Court has been, where it is going, and the resources needed to continue to fulfill its mission. The Court is committed to providing fair, efficient,

and effective justice for the people of Montgomery County by improving efficiencies in operations, implementing innovative solutions, and working collaboratively with our justice partners.

Appendices

Appendix A. Original Filings, Terminations, and Clearance Rates

During Fiscal Year 2023 (FY23), Montgomery County Circuit Court had over 23,000 filings and processed over 23,000 terminations (original and reopened combined), 1,700 more filings and 1,400 terminations than FY22 (tables not shown). Compared with the FY19 (pre-COVID), however, the FY23 filings and terminations are still down by 5,400 (19%) and by 5,100 (18%), respectively. Table 1 provides original filings, terminations, and clearance rates over the past five fiscal years.² The Court's total original filings (15,462 cases) in FY23 (July 1, 2022-June 30, 2023) were still lower than FY19 (17,106 cases) by 10%. However, in family and TPR cases, the FY23 original filings exceeded their FY19 level. FY23 original terminations (15,608 cases) were also lower than that of FY19 (16,820) by 7%, ranging from 1% in civil and family cases to 52% in delinquency cases. Since the overall terminations were slightly greater than filings, the FY23 clearance rate³ was 101%. FY23 clearance rates were over 100% in all case types except for criminal and family cases.

Case			Fi	ings					Termi	nations		
Category	FY19	FY20	FY21	FY22	FY23	FY19-23 Change	FY19	FY20	FY21	FY22	FY23	FY19-23 Change
Civil	5,931	5,238	3,859	4,433	4,993	-16%	5,681	5,118	4,416	4,959	5,619	-1%
Criminal	1,884	1,493	1,186	1,366	1,435	-24%	1,931	1,357	1,129	1,326	1,407	-27%
Family	8,169	6,820	6,977	7,871	8,444	3%	8,040	6,709	7,085	7,565	7,979	-1%
Delinquency	893	556	219	305	453	-49%	935	515	395	311	453	-52%
CINA	204	165	118	104	103	-50%	183	154	194	125	104	-43%
TPR	25	22	45	38	34	36%	50	23	28	26	46	-8%
Overall	17,106	14,294	12,404	14,117	15,462	-10%	16,820	13,876	13,247	14,312	15,608	-7%
			Cleara	ice Rate								
	FY19	FY20	FY21	FY22	FY23	FY19-23 %Change						
Civil	96%	98%	114%	112%	113%	17%						
Criminal	102%	91%	95%	97%	98%	-4%						
Family	98%	98%	102%	96%	94%	-4%						
Delinquency	105%	93%	180%	102%	100%	-5%						
CINA	90%	93%	164%	120%	101%	11%						
TPR	200%	105%	62%	68%	135%	-65%						
Overall	98%	97%	107%	101%	101%	3%						

	Table 1. Original Filings.	Terminations and Clearan	nce Rates, FY2019-FY2023*
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* Data reflected in Table 1 is based on Odyssey's Case Statistics report (for all fiscal years) as of August 7, 2023. Civil liens and restitution judgments are excluded. Delinquency includes juvenile delinquency and other non-child welfare juvenile cases (such as miscellaneous petitions and peace orders).

Original Pending Caseload

Table 2 provides case type-specific original pending caseload and the pending caseload/filing ratio for FY19-

23. In delinquency and CINA cases, the FY23 pending caseload is smaller by 28% and 22% compared to

² Terminations align with the status of a case changing from open to close rather than a case stop condition or case eligibility criteria aligned with the Maryland Judiciary's Case Time Standards.

³ The Clearance Rate is a case processing efficiency measure calculated by dividing terminations by filings for a particular reporting period.

FY19, respectively, whereas in the other four case types (civil, criminal, family, and TPR cases), the FY23 pending caseload is higher than FY19 by 9%, 45%, 28%, and 36%, respectively. In CINA and delinquency cases, the reduced pending caseload appears to be caused by the reduced filings as the Court was able to terminate those newly-filed cases. In contrast, in criminal cases, reduced filings did not result in the lowered pending caseload as terminations remained lower due to the case backlog created during the COVID emergency operations in FY21 and FY22.

			Origina	al Pendir	ıg			Pendi	ng Casel	oad/Filiı	ngs Ratio)
Case Type	FY19	FY20	FY21	FY22	FY23	FY19-23 Change	FY19	FY20	FY21	FY22	FY23	FY19-23 Change
Civil	2,933	3,107	2,596	2,899	3,209	9%	0.49	0.59	0.67	0.65	0.64	30%
Criminal	696	871	931	980	1,009	45%	0.37	0.58	0.78	0.72	0.70	90%
Family	3,557	3,706	3,689	4,308	4,546	28%	0.44	0.54	0.53	0.55	0.54	24%
Delinquency	180	256	93	134	130	-28%	0.20	0.46	0.42	0.44	0.29	42%
CINA	373	384	308	284	290	-22%	1.83	2.33	2.61	2.73	2.82	54%
TPR	45	44	61	71	61	36%	1.80	2.00	1.36	1.87	1.79	0%
Total	7,784	8,368	7,678	8,676	9,245	19%	0.46	0.59	0.62	0.61	0.60	31%

Table 2. Original Pending Cases, FY2019-FY2023

* The pending caseload was measured as of the last day of a given fiscal year and includes open-active and open-inactive cases. Open-inactive cases only exist in cases converted from the Court's legacy case management system as this case status is no longer available in Odyssey. Delinquency includes juvenile delinquency and other non-child welfare juvenile cases (such as miscellaneous petitions and peace orders). The pending caseload of CINA and TPR cases includes post-disposition cases as cases do not close until court jurisdiction is terminated. Accordingly, their pending caseload/filing ratio is substantially higher than that of other case types.

The right half of the table presents the size of the pending caseload in relation to *the size of filings*.⁴ The smaller the ratio, the more efficient the court's case processing since a smaller caseload is preferable with a given filing level. The size of the pending/filing ratios in FY23 is still larger compared to FY19 across all case types except for TPR. However, in civil, criminal, and delinquency case types, the ratio declined between FY21 and FY23, suggesting the Court's case processing efficiency has been gradually returning to the pre-COVID level in these case types.

⁴ Pending caseload is largely a function of two factors –filings and terminations; while the former increases the pending caseload, the latter reduces it. A reduced pending caseload may result from declined filings, increased dispositions, or a combination of the two. While the pending caseload per filing ratio shows the relative size of the former over the latter, it also shows the impact of the court's efforts to dispose of cases. The pending caseload/filing ratio less than 1 indicates that the pending caseload is smaller than the size of filings, suggesting an ability to manage the processing of the current caseload whereas the ratio greater than 1 indicates that the pending caseload is higher than the filings, suggesting challenges with efficiently processing the caseload volume. Courts should also pay attention to a change in the ratio since an increase suggests a decrease in case processing efficiency resulting in an increase in pending caseload.

Appendix B. Court Administration Operational Statistics, FY20-FY23

Quality Control/Research & Performance

Number of Case Au	unts i el loi meu	by Case Type, FI	20 = 1123	
	FY20	FY21	FY22*	FY23
Criminal	1,522	1,413	606	701
Family (includes			793	1,433
Probate or Mental	6,262	6,654		
He				
Civil	4,594	3,817	383	1,108
Juvenile	1,127	1,009	231	250
Total	13,505	12,893	2,013	3,492

Number of Case Audits Performed by Case Type, FY20 – FY23

Source: Montgomery County Circuit Court, Business Data Quality.

*The volume of FY22 audits was affected by the Court's transition to MDEC as Business Data Quality staff were heavily involved in development and conversion activities, as well as post-GO-Live implementation/follow-up efforts. The audit counts for FY22 are more reflective of the cases reviewed as part of the FY22 Case Processing Performance Analysis. The Juvenile audit figure also includes data quality checks performed on clock time/adjusted case age between the Maryland Judiciary's Assessment Application and the Court's Acquitas data feeds.

Family Division Services

	FY19	FY20	FY21	FY22	FY23
Individuals (Visits) Served by Family Law Self-Help Center	9,822	7,080	8,172	9,262	9,845
Cases Ordered to Participate in Facilitation	525	399	73	278	436
Custody/Access Mediation					
Cases Ordered to Participate in Mediation	239	180	280	305	528
Cases Held	148	89	174	199	268
Cases Fully or Partially Settled	99	58	100	129	151
Cases Ordered for Custody/Visitation Evaluations	334	118	369	276	319
Cases Ordered for Adoption Investigations and/or Reviews	106	24	73	48	76
Families Ordered to Participate in Supervised Visitation	65	53	48	77	95
Co-Parenting Classes					
Persons Ordered to Attend	2,197	1,497	1,867	796	1,228
Persons Completed the Class	1,571	1,003	749	444	577
Families Participated in Child Welfare Mediation	107	153	136	132	77

Source: Montgomery County Circuit Court, Family Division Services.