

MONTGOMERY COUNTY

CIRCUIT COURT



FAMILY DIVISION SERVICES

ANNUAL REPORT

FISCAL YEAR 2008

INTRODUCTION

The mission of the Circuit Court for Montgomery County is to serve the Sixth Judicial Circuit residents in the determination of litigation in serious criminal matters and more substantive civil cases in accordance with the Constitution; to administer justice in a fair, timely and efficient manner; and to adjudicate domestic and child support cases

The Tenth Annual Report of the operation of the Family Division of the Circuit Court for Montgomery County details its efforts to support this mission. It also illustrates how the Family Division worked to effectively meet the challenge of increased demand for timely and meaningful services while simultaneously enhancing those services.

During the past Fiscal Year several changes have been implemented to improve and enhance services offered to the citizens of Montgomery County who find themselves before the Court. These changes illustrate that well coordinated family and juvenile services can be integrated into a differentiated case management system and provide greater flexibility and earlier opportunities for case resolution to the litigants of this court. It also demonstrates just how crucial these services are to the Court's ability to deliver an effective, efficient, predictable and fair justice system to resolve critical events early in the life of a case, which in turn benefits the litigants and their families.

Since April 2004 the Honorable Ann N. Sundt has served as the Family Judge in Charge. She consistently demonstrated an unwavering commitment to excellence and a dedication to consistently improving the way the Court and the Bar manage the difficult and sensitive issues raised in Family and Juvenile cases. Her solid leadership helped shepherd the Division through several changes in the past Fiscal Year. These changes included the assistance in the implementation of new training procedures for Best Interests Attorneys, pursuant to the change in the law the prior year, which clarified and defined the role of this type of Child's Attorney in litigation as well as the implementation of additional procedures to improve service outcomes in Termination of Parental Rights Cases.

The Honorable Ann Sundt retired on March 3, 2008 and left a significant void at the top of the Family Bench in the Circuit Court for Montgomery County.

Fortunately, the Court has once again been blessed with the leadership of a strong Family Judge. The Honorable Louise G. Scrivener assumed responsibility as the Family Judge in Charge on March 4, 2008. She brings into this position many years of experience on the bench, including Family and Juvenile experience. In her short tenure during this Fiscal Year several important changes have occurred in how the Court is managing its TPR cases.

With the strong leadership provided by the Administrative Judge, the Family Judge in Charge and the support of the Court, programs provided by Family Division Services will continue to provide significant, meaningful service to the residents of Montgomery County, Maryland. In its continuing efforts to provide excellent service, the Family Division has the following goals and objectives:

- Protect and serve the best interests of the children and families in our community. Provide means by which litigants become aware of their rights and responsibilities and have access to information to assist them with judicial procedures.
- Develop appropriate support services to families so that the process reduces the conflict and introduce the parties to problem-solving techniques to help reduce future litigation.
- Provide continuity of case management by case assignment to a Case Manager, Master and/or a Judge.
- Differentiate case management through appropriate track assignment and require compliance with Family Division differentiated case management guidelines, including timelines.

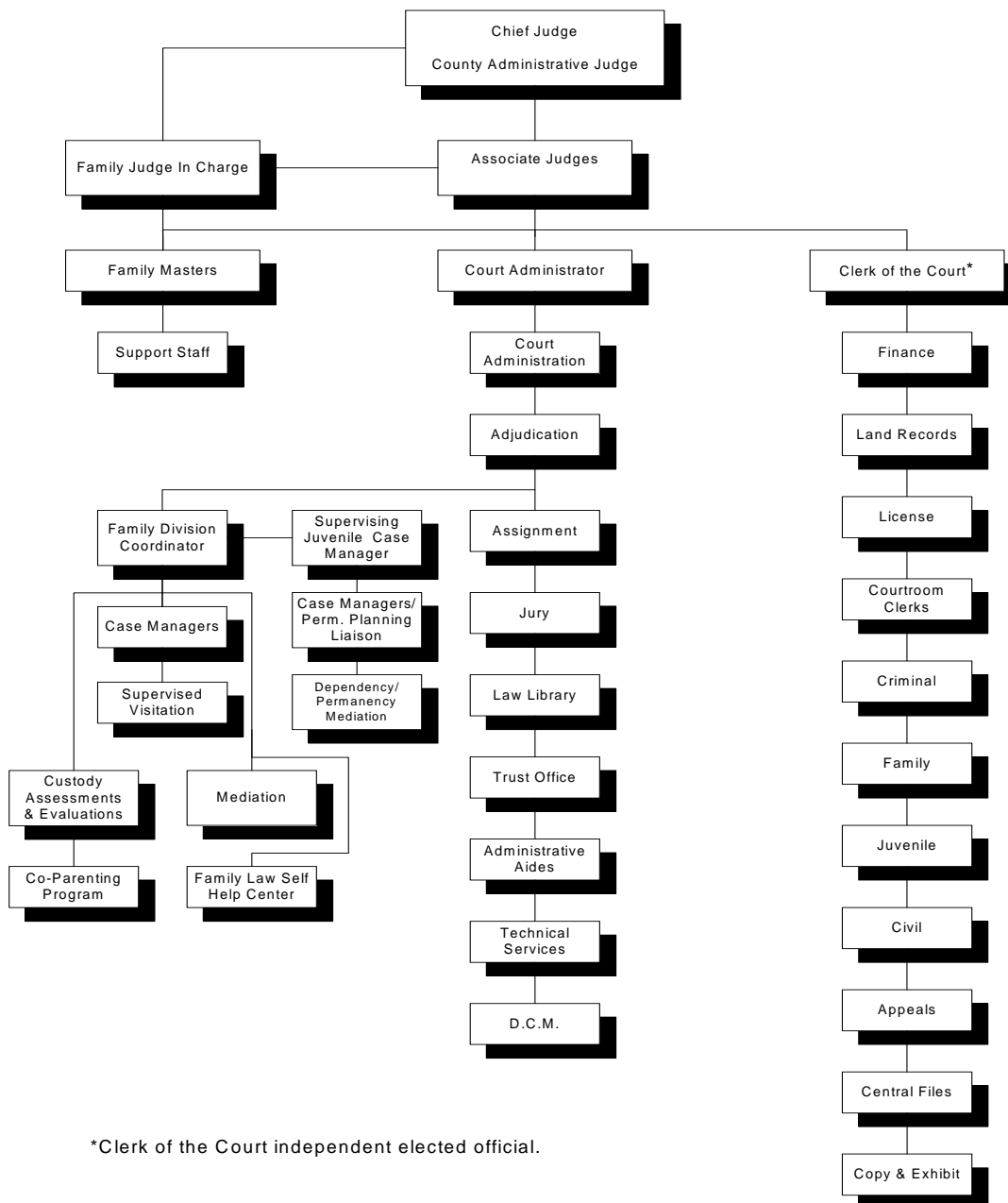
The combined efforts of many people were required to implement and serve these goals and objectives. As previously noted, The Honorable Ann N. Sundt continued to serve as Family Judge in Charge, until her retirement in March 2008, acting as liaison to the administrative judge, reviewing and refining policies and procedures within the Family Division with the Family Division Coordinator and members of the bench. The Honorable Louse G. Scrivener assumed these responsibilities in March. The combined wisdom, insight and leadership of these dynamic individuals have proven invaluable to the Family Division, which, during Fiscal Year 2007, was structured as follows:

- Seven **Judges** assigned to hear family cases, including the Family Judge in Charge, and three **Judges** assigned to hear juvenile causes.
- Five **Masters**, including one part-time Master assigned to hear Child Support Enforcement matters and Uncontested Divorces. Masters do not hear Juvenile Causes in Montgomery County.
- One **Family Division Coordinator**
- Four **Family Division Case Managers**
- One **Adoption/Guardianship Case Manager**
- One **Supervising Case Manager for Juvenile Causes**
- Three **Case Managers for Juvenile Causes**
- One **Permanency Planning Liaison**, shared with the Circuit Court for Frederick County.
- Three **Attorneys** and one **Legal Assistant**, plus attorney-volunteers, comprise the Pro Se Project (self representation project).
- One **full time Lead Custody/Access Mediator**, three part-time **Mediators** and one bi-lingual contract **Mediator**, who staff the Custody/Access Mediation program.
- A **Managing Court Evaluator**, seven full-time and four-time **Court Evaluators** conduct evaluations, assessments, investigations and reviews; conduct the co-parenting skills enhancement sessions; and oversee the supervised visitation program.
- A **Receptionist** and an **Administrative Assistant** assist visitors and provide administrative support to Family Division Services.
- **Contractual Service Providers**: Attorney- Facilitators, Mediators in the Juvenile Dependency Mediation Program. Supervised Visitation Program

The following organization chart provides an overview of how the Family Division interfaces with the rest of the Court. As indicated by this chart, there are a broad range of departments

and services within the entire court. This diverse group of people shares the same goal; to provide the citizens of Montgomery County with a system of justice that is fair, efficient and timely. This Report is a synopsis of how the Family Division has conducted its last fiscal year in support of the Court's mission and its own stated goals.

Circuit Court Organizational Chart: Fiscal Year 2008



OVERVIEW

During Fiscal Year 2008, 10,501 original family actions and juvenile causes (8,407 family law actions and 2,094 juvenile causes), as defined by Maryland Rule 16-204 were filed in the Circuit Court for Montgomery County. Additionally, a total of 8,393 cases were reactivated by new motions (6,334 family actions and 2,059 juvenile causes). This total of 18,894 original and reactivated cases was handled by seven family judges, five family masters, three juvenile judges and the supportive services and staff of the Family Division. As the court worked toward resolution of these sensitive matters in Fiscal Year 2008, it held a total of 26,078 hearings and 872 trials and adjudications. The bulk of this report will explore how those matters were handled inside the differentiated case management system and what resources were brought to bear to resolve these matters in a timely, equitable and resource appropriate manner for the litigants who find themselves before the Court.

FAMILY LAW

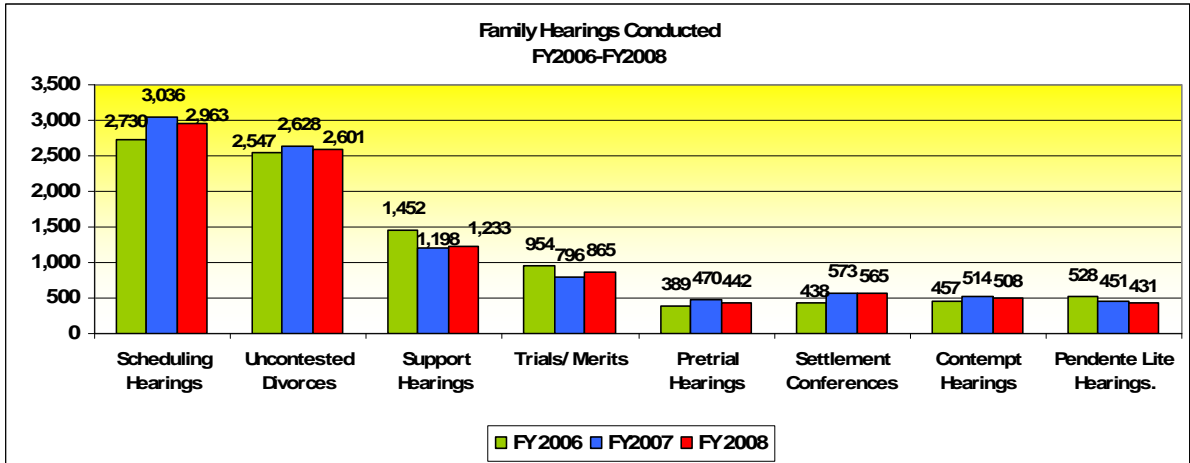
Caseload

The 8,407 original family law cases filed during Fiscal Year 2008 typically sought more than one form of relief, including absolute and limited divorce, annulment, alimony, custody, visitation (access), child support, paternity, appointment of guardian for minors and disabled individuals, adoption, change of name, and domestic violence protection. A total of 6,334 closed cases were re-activated by new motions. Some 14,741 issues were addressed by the court.

During Fiscal Year 2008, the Family Division concluded 8,482 cases on their original filing as well as 6,233 re-activated cases, for a total of 14,715 terminations.

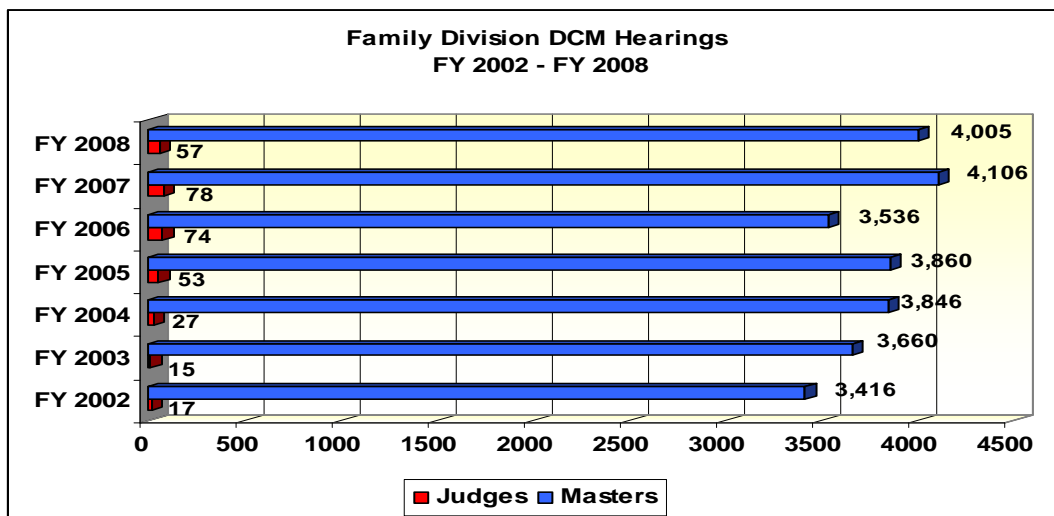
Workload

The following charts illustrate the workload of the court as it moves cases through its Differentiate Case Management System (DCM) to resolution. The last three fiscal years are provided for comparative purposes.

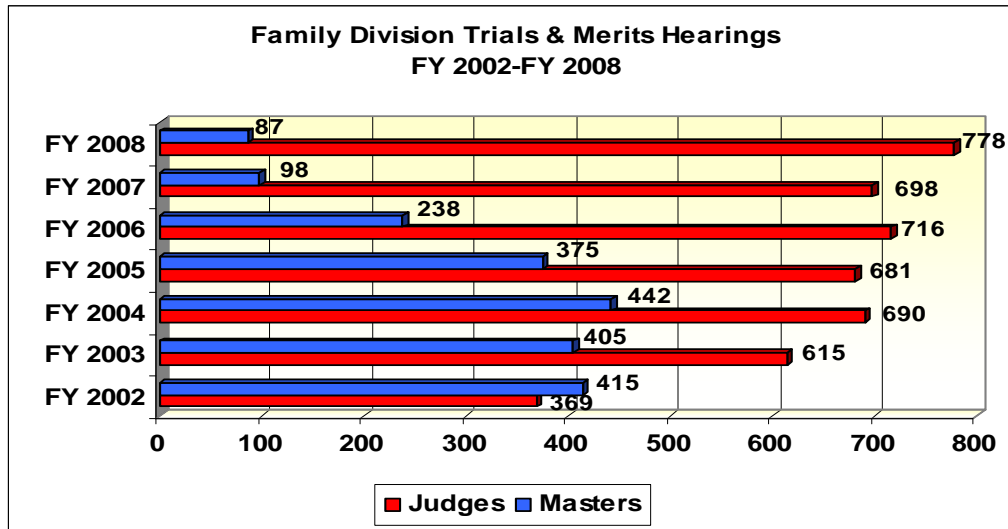


All hearings listed above dropped slightly from levels in Fiscal Year 2007, with the exception of support hearings and trials/merits hearings, which increased. The majority of cases heard at the scheduling hearing stage never reach the trial/merits stage, an occurrence which aligns seamlessly with the function of Differentiated Case Management, which is to offer litigants the opportunity to resolve cases in a timely manner and at the earliest juncture possible, without the increased emotional and financial strain attendant with taking a case to trial.

While Masters and Judges work toward the same goals, their functions vary within the differentiated case management system. As illustrated by the following chart, the bulk of the DCM hearings are handled by the masters and the majority of trials/merits and contempt hearings are handled by judges. Such a ‘bifurcation’ of the case management system allows for a more efficient use of judicial resources. It draws cases away from judicial resources at their earliest stages and allots those resources to the most complex cases where other means of settlement have not proven fruitful.



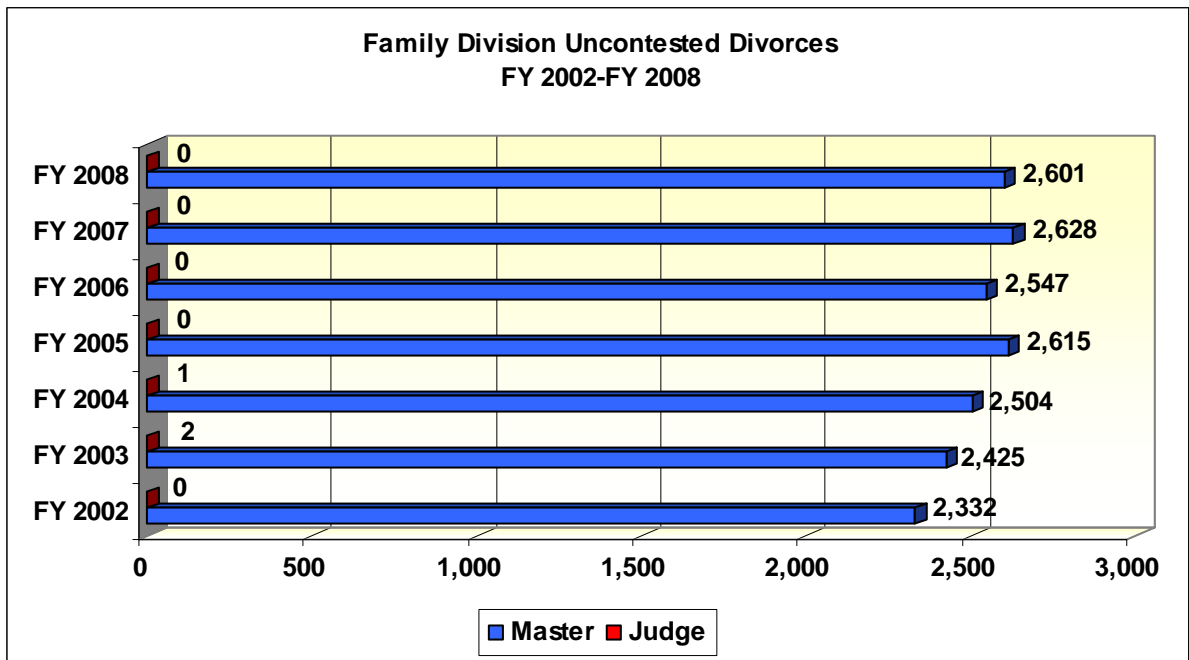
As is illustrated by this chart, Family Masters are critical to the success of the Differentiated Case Management Plan. During the last Fiscal Year, 4,062 DCM events were held by the Court. Of that number, 4,005 or 98.60% were conducted by Masters. While the total number of DCM events held in Fiscal Year 2008 was 122 less than Fiscal Year 2007, the *percentage* held by Masters in Fiscal Year 2008 was actually greater than in Fiscal Year 2007. Such an occurrence is in perfect alignment with the principles of sound case management, one of which is to utilize judicial resources as efficiently as possible. When viewed against the declining number of cases proceeding to trial or merits hearing, the continuing success of the Court's differentiated case management plan is easily seen.



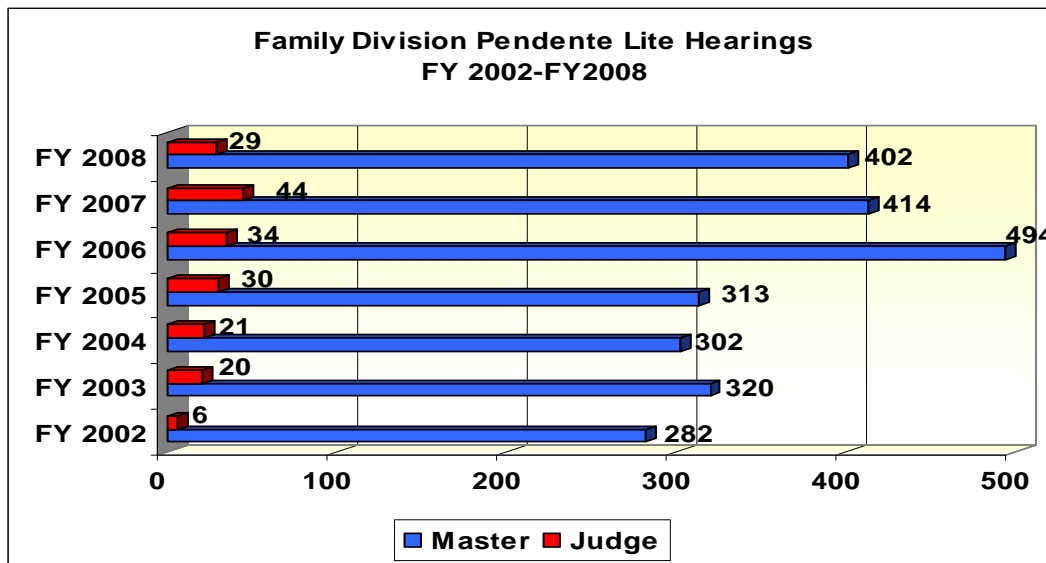
Trials and Merits: In Fiscal year 2008 a total of 865 trials and merits hearings were conducted by the court. This number represents an increase of 69 matters. The number heard by judges versus masters continues to increase. In Fiscal Year 2008, 89.94% of trials were conducted by judges, as opposed to Fiscal Year 2007, when 87.69% were conducted by judges. These numbers additionally illustrate the continuing and significant impact of Maryland Rule 9-208¹ upon the Court. Prior to the full impact of the rule masters conducted slightly more than half of all trials and hearings on the merits. Since Fiscal Year 2003, judges have conducted the majority of all trials and merits hearings.

¹ Md. Rule sec, 9-208(a)(1) provides that the following matters may be referred to masters as of course: uncontested divorce, annulment or alimony; alimony pendente lite; child support pendente lite; support of dependents; preliminary or pendente lite possession or use of the family home or family-use personal property; pendente lite custody of or visitation with children or modification of an existing order or judgment as to custody or visitation (subject to Rule 9-205); child access disputes, constructive civil contempt (subject to Rule 9-205); modification of an existing order or judgment as to the payment of alimony or support or as to the possession or use of the family home or family-use personal property; counsel fees and assessment of court costs in any matter referred to a master under this Rule; stay of an earnings withholding order; and other matters set forth in the court's case management plan filed pursuant to Rule 16-202b.

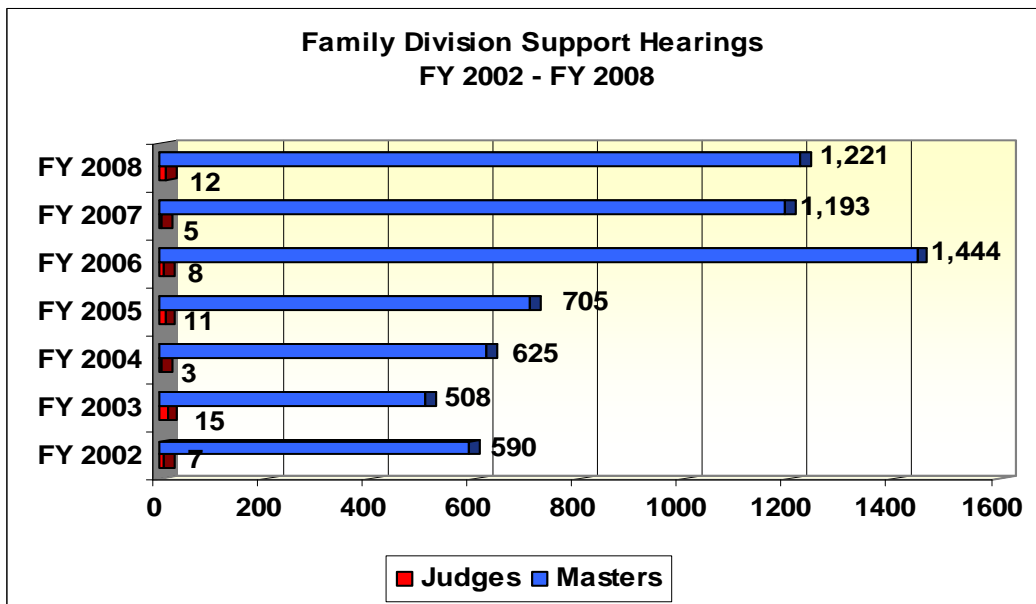
Uncontested Divorces. Following a slight dip in Fiscal Year 2006, uncontested divorce filings reached its highest level in six years in Fiscal Year 2007, when 2,628 hearings were held. This number dropped slightly in Fiscal Year 2008, when 2,601 such hearings were conducted, a decrease of 1.03%. All were conducted by Family Division Masters. As previously noted scheduling these matters before masters conserves judicial resources and provides parties who are in agreement on all legal issues with an efficient case resolution process.



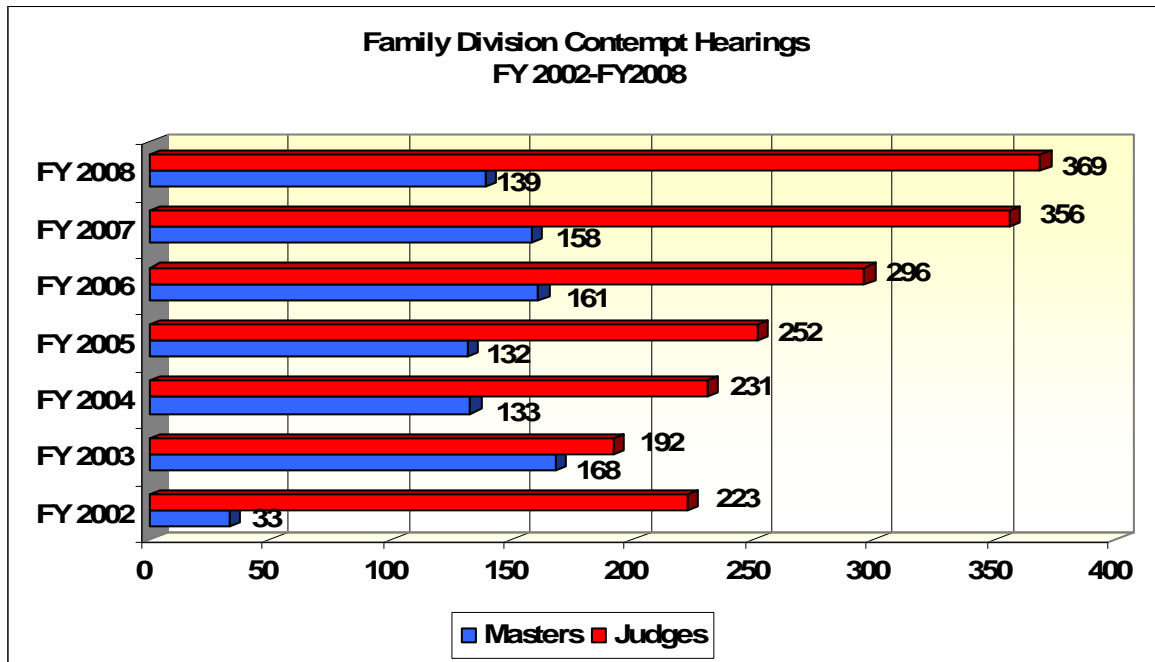
Pendente Lite Hearings: After a dramatic 32% increase in filings in Fiscal Year 2006, Pendente Lite hearings dropped by 80 hearings or 13.26% in FY 2007. This number, continued to decline in Fiscal Year 2008, when 12 fewer hearings were held than in the prior year. However, the number of such hearings held, 402 in Fiscal Year 2008, remains substantially above filings in Fiscal Years 2002 through 2005.



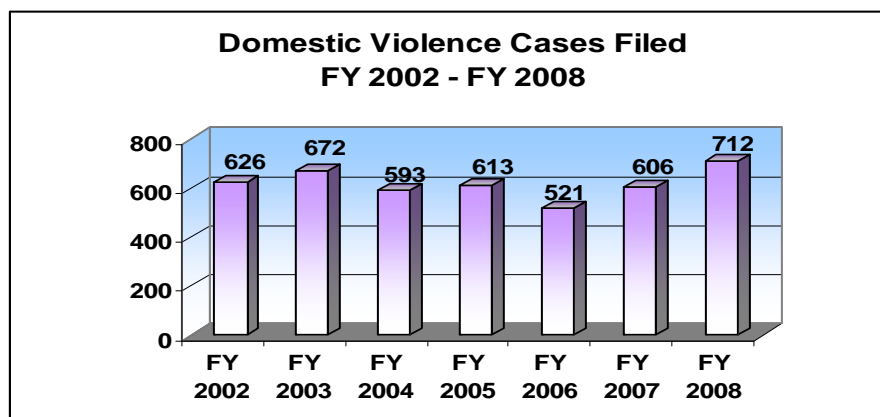
Support Hearings: Support hearings increased by 35 cases in Fiscal Year 2008, but remained well above numbers recorded for Fiscal Years 2002 through 2005. Although matters heard by the judges more than doubled, the actual number was an increase of 7 cases. Matters heard by the masters increased by 28 cases or 2.35%.



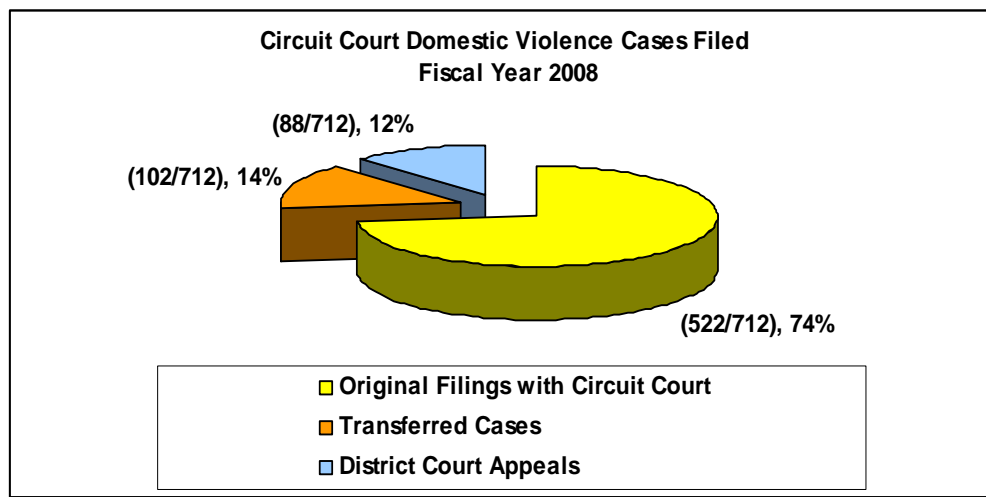
Contempt Hearings: The total number of contempt hearings heard by the court decreased by six cases in Fiscal Year 2008 moving from 514 cases to 508 cases, a decrease of 1.17%. Matters heard by the masters increased by 13 cases or 3.65%, while the number of contempt hearings heard by judges decreased by 19 cases or 12.0%.



Domestic Violence: Citizens of Montgomery County who may be the victims of Domestic Violence have the ability to access relief through the court system on a round-the-clock basis. A petition for protection from domestic violence may be brought in either the District Court or Circuit Court during normal business hours. After hours and on weekends, petitioners can seek emergency protective orders via the District Court Commissioner. If relief is granted by the District Court Commissioner, the further temporary protective order hearing is set in District court. Statistical information regarding domestic violence filings in the Circuit Court is as follows:



Filings in Fiscal Year 2008 represent a continuation in the upward trend in filings that was noticed in Fiscal Year 2007. With the onset of available after hours relief through the District Court Commissioners in Fiscal Year 2003, petitions filed in Circuit Court dropped 11.8% in Fiscal Year 2004. Despite its continued availability, filings in the Circuit Court increased 3.3% in Fiscal Year 2005. After a significant decrease of 15.01% in Fiscal Year 2006, filings in Fiscal Year 2007 returned to levels more closely aligned with prior years and in Fiscal Year 2008 reached its highest point in seven years at 712 cases, an increase of 17.5% over Fiscal Year 2007. Cases filed in Fiscal year 2008 were broken down as follows:



Petitioners for protective orders continue to receive on-site assistance via the AOC grant-supported Domestic Violence Assistance Program located in the Judicial Center.

JUVENILE LAW

The Juvenile Court is responsible for oversight of the following types of cases: Delinquency, Children in Need of Assistance (CINA), Termination of Parental Rights, Voluntary Placements and Petitions for Peace Orders. These matters, which are governed by strict statutory timeframes², require a high degree of judicial oversight by the court. The need for swift disposition and close and continuous supervision of these complex matters results in multiple hearings prior to adjudication and repeated review hearings over the life of a case.

With regard to delinquency matters, the thrust of juvenile law is rehabilitative. Proceedings in juvenile court are not criminal in nature and its dispositions are not punishment³. Because the window of adolescence is short and the goals of the law rehabilitative, timeframes within which certain events which trigger the rehabilitative process must occur is tight.

²Statutory timeframes for a non-sheltered or non-detained Respondent are contained in Md. Rule 11-114.b.1, which provides that an adjudicatory hearing shall be held within sixty days after the juvenile petition is served on the respondent. Md. Rule 11-114. b.2. provides that if respondent is in detention or shelter care, the adjudicatory hearing shall be held within thirty days from the date on which the court ordered continued detention or shelter care.

³With regard to children alleged to be delinquent the focus of the court is, among other things, to (1) ensure that the Juvenile Justice System balances the following objectives for children who have committed delinquent acts: (i) Public safety and the protection of the community; (ii) Accountability of the child to the victim and the community for offenses committed and (iii) Competency and character development to assist children in becoming responsible and productive members of society; (2) hold parents of children found to be delinquent responsible for the child's behavior and accountable to the victim and the community; (3) hold parents of children found to be delinquent or in need of supervision responsible, where possible, for remedying the circumstances that required the court's intervention; (4) provide for the care, protection and wholesome mental and physical development of children coming within the provisions of this subtitle and to provide for a program of treatment, training and rehabilitation consistent with the child's best interests and the protection of the public interest; (5) conserve and strengthen the child's family ties and to separate a child from his parents only when necessary for his welfare or in the interest of public safety; and (6) if necessary to remove a child from his home, to secure for him custody, care and discipline as nearly as possible equivalent to that which should have been given by his parents; and (7) to provide children in State care and custody a safe humane and caring environment and access to required services. Courts Article, Section 3-8A-02(a)

Similarly, the goal in child welfare cases is reunification of the child with his/her parents, and barring that, moving the child into a permanent placement as soon as possible. Complicating this is the fact that CINA matters operate under the same swift time standards and the Court is faced with an equally complex set of factors that it must consider when a Child who is alleged to be in need of assistance is before it⁴.

Multiple hearings compressed into a short timeframe, coupled with the small size of the juvenile bar, have presented a scheduling challenge to both the court and the parties over the last few years. These combined factors have at times impeded high efficiency case flow and compliance with statutory time standards. The court is charged with meting out fair, timely and meaningful justice under extremely tight statutory timeframes and its most significant obligation is to meet this burden for the benefit of the children, families and victims who find themselves before the court. Accordingly, the history of juvenile court during the past fiscal year demonstrates how a flexible and responsive bench, differentiated case management system and bar have worked together to successfully navigate the evolving needs of the Court and the litigants that it serves.

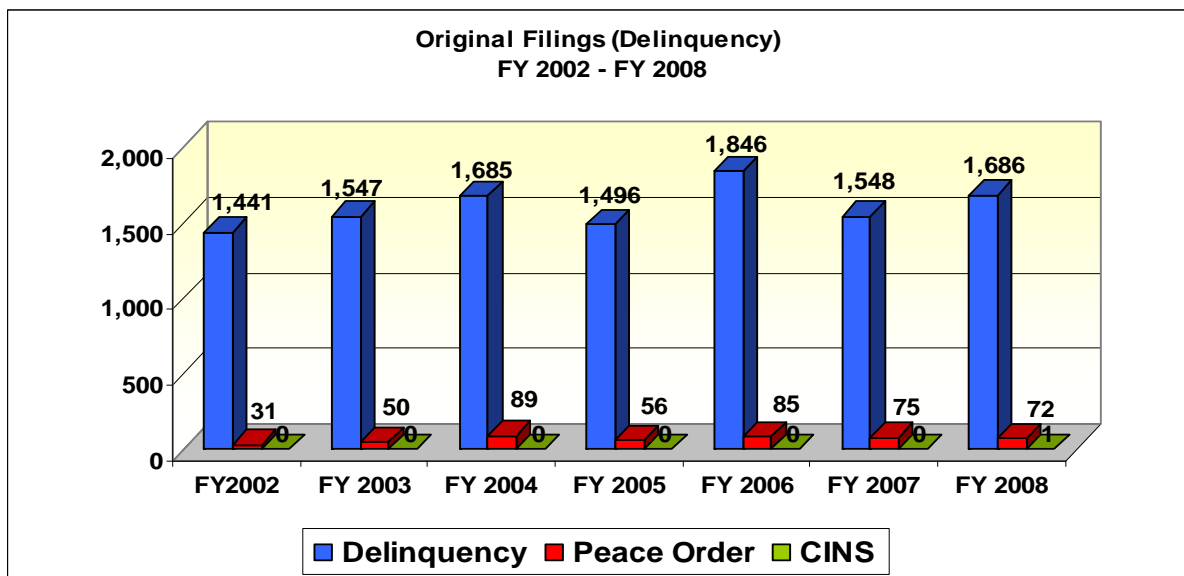
One avenue the court uses to meet this obligation is to make its dockets as efficient, predictable and time responsive as possible for all stakeholders. To accommodate a very high judicial workload, the court added a fourth judge to the Juvenile rotation in Fiscal Year 2006. During Fiscal Year 2007 it became apparent that the juvenile court judges were experiencing a workload that was reduced too much. The court adapted to this, by allowing family matters and some civil matters to be heard by the juvenile bench. While this increased judicial utilization, it created some complications for the small CINA and Delinquent bar, whose juvenile hearings sometimes stacked up behind the Family and Civil matters, thereby increasing waiting time for those attorneys and the subjects of the litigation, who are all minors or the parents of minors.

⁴The Court is faced with an equally complex set of factors that it must consider when a child who is alleged to be in need of assistance appears before it. Courts Article section 3-802 (a) has as its stated purpose (1)to provide for the care, protection, safety and mental and physical development of any child coming within the provisions of this subtitle, (2) provide for a program of services and treatment consistent with the child's best interests and the promotion of the public interest; (3) conserve and strengthen the child's family ties and to separate a child from the child's parents only when necessary for the child's welfare, (4) to hold parents of children found to be in need of assistance responsible for remedying the circumstances that required the court's intervention; (5) to hold the local department responsible for providing services to assist the parents with remedying the circumstances that required the court's intervention; (6) if necessary to remove a child from the child's home, to secure for the child custody, care and discipline as nearly as possible equivalent to that which the child's parents should have given; and (7) to achieve a timely, permanent placement for the child consistent with the child's best interests.

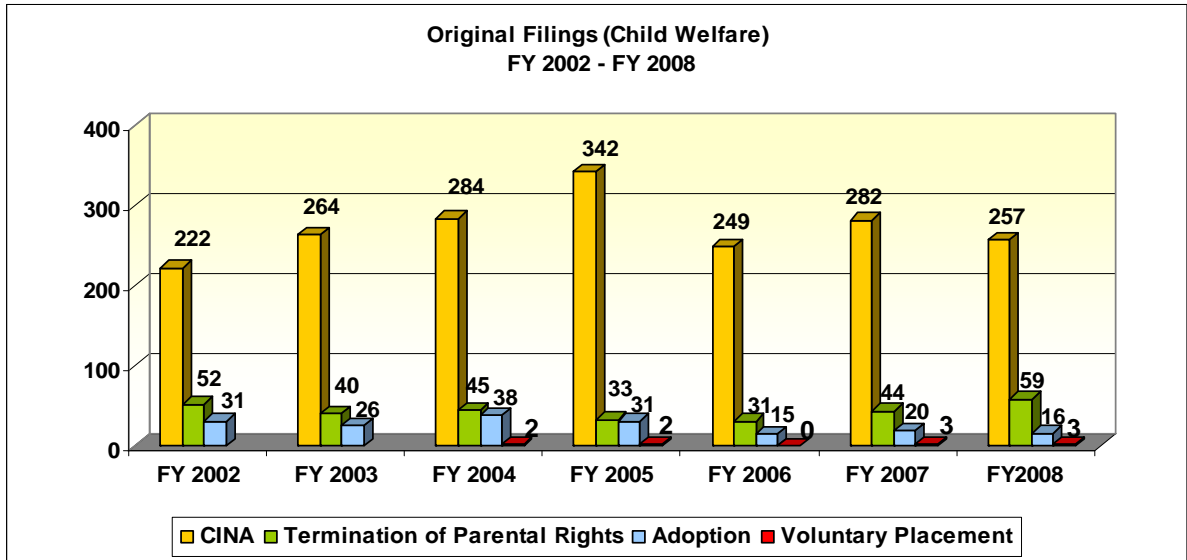
At the end of Fiscal Year 2007 the decision was made to reduce the juvenile rotation from four judges to three and move the fourth judge over to Family. These changes were effective with the beginning of Fiscal Year 2008. The resulting docket structure was designed to strike a balance between providing an appropriate caseload for juvenile judges while adding needed judicial resources in the Family rotation.

Caseload

The two major components of Juvenile caseload are Children in Need of Assistance petitions (CINA) and Delinquency petitions. In Fiscal Year 2008 both areas experienced some degree of change. Notably, as indicated by the following chart, total delinquency filings increased from 1,548 in FY 2007 to 1,686 in FY 2008, which represents an increase of 8.91%. Peace Order filings decreased slightly, from 75 petitions in FY 2007 to 72 petitions in FY 2008, a reduction of 4.0%.



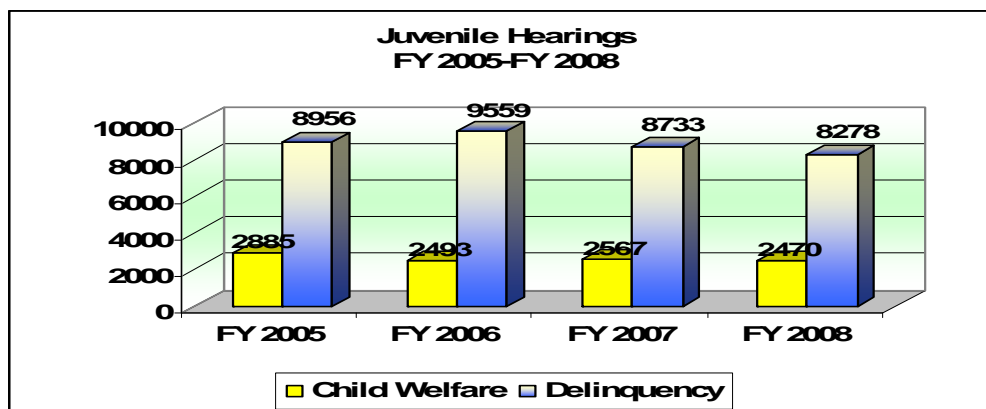
At the same time, child welfare filings decreased slightly. CINA petitions decreased from 282 in FY 2007 to 257 in FY 2008, a decrease of 8.87%. However, the filings of TPRs increased significantly, from 44 in FY 2007 to 59 in FY 2008, an increase of 34.1%. Adoptions decreased from 20 filings in Fiscal Year 2007 to 16 filings in FY 2008, a decrease of 20%.



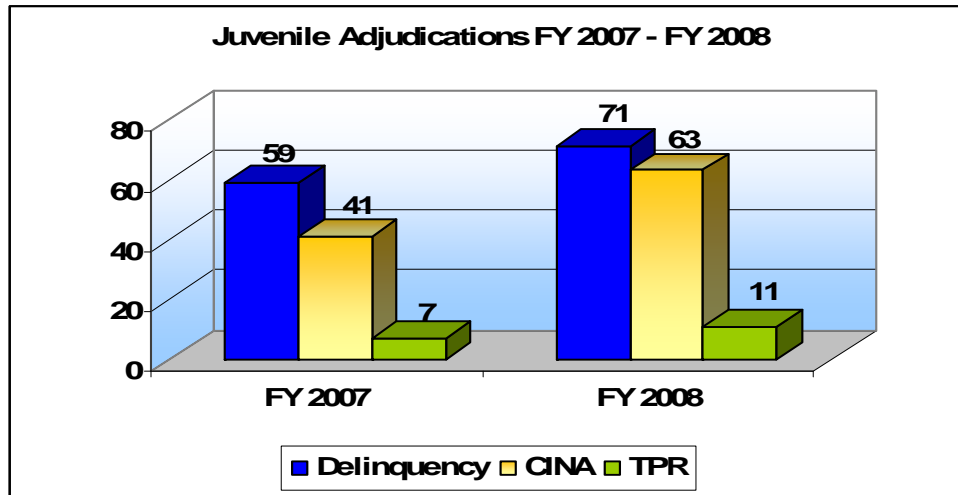
Voluntary Placement, a legal tool available since Fiscal Year 2004, allows parents of a significantly disabled child to enter into an agreement with the Department of Health and Human Services for placement of that child. Since its inception, it has been rarely used, with two petitions filed in Fiscal Year 2004, two filed in Fiscal Year 2005, none filed in Fiscal Year 2006, three filed in Fiscal Year 2007 and three in Fiscal Year 2008. Alternative assistance provided by the Montgomery County Department of Health and Human Services helps families cope with the financial, emotional and physical demands of caring for such children and may be curtailing or preventing the need for filing such petitions.

Workload

Statistics regarding original filings capture only a portion of the Juvenile Causes workload. The need for close and continuous supervision of the progress of children within the court’s jurisdiction results in repeated review hearings. In Fiscal Year 2008, 8,278 delinquency hearings and 2,470 child welfare hearings were conducted. This figure does not include adjudicatory hearings or trials. This total of 10,748 hearings represents a decrease of 552 filings or 4.88% from Fiscal Year 2007 and a 10.10% decrease from Fiscal Year 2006.



An additional interesting statistic that measures workload is the number of cases that proceeded to adjudication or trial during Fiscal Year 2008. In that year, 71 Delinquency and 63 CINA matters proceeded to adjudication and 11 TPR matters went to Trial. This lies in sharp contrast to Fiscal Year 2007, when 59 Delinquency and 41 CINA matters proceeded to adjudication and 7 TPR cases went to trial.



Please note that these numbers do not distinguish between cases filed in Fiscal Year 2007 but adjudicated in Fiscal Year 2008, or cases filed toward the end of Fiscal Year 2008 that might proceed to trial in Fiscal Year 2009. It is simply a snapshot of trial volume, which in Fiscal Year 2008 increased by 20.30 % for delinquency, 53.70% for CINA and 57.10% for TPR. Thus, while the overall number of hearings held in Fiscal Year 2008 was lower than Fiscal Year 2007, the number of adjudicatory hearings, which can consume large amounts of judicial time, substantially increased.

Delinquent youth who are detained at disposition pending placement, are subject to an in court review following the 25th day on which they are detained for the offense for which they were adjudicated delinquent. This hearing is set at disposition and the cycle repeats every 25 days until the child is placed. While this increases the workload for the court and the bar, it helps ensure that children who are awaiting much needed rehabilitative services do not languish in a detention facility.

In an effort to be responsive to the growing concern that some youth who are detained while awaiting adjudication could be successfully maintained in the community, the court collaborated with the Department of Juvenile Services, the Montgomery County Collaboration Council and Maryland Choices, to provide a viable alternative to detention. The result was the Detention Alternative Initiative Wraparound Program, which began offering services in Fiscal Year 2007. Eligible youth, who come before the court on detention hearings, are placed on home electronic monitoring with wraparound home services provided by Maryland Choices. This program is for pre-adjudication youth only. During Fiscal Year 2008, there were 40 referrals to the program. Thirty-seven of those youth

were placed in the program. Of that group, 32 successfully completed the program and 24 have had no further involvement with the Department of Juvenile Services since discharge from the program.

The Adoption and Safe Families Act, signed into law in 1997, amended federal foster care laws to make permanency the paramount focus of the law. In response to this, the court has taken measures to facilitate compliance with the requirements of the law. The court automatically sets 6 month review hearings (from the date of shelter) and permanency planning hearings at disposition. By setting the permanency planning hearing at the dispositional stage, the bar and the court have greater calendar flexibility than when these hearings were not set in until later, which in turn increases compliance with statutory deadlines.

During the last Fiscal Year the Court has continued to focus on issuing final orders in TPR cases within the 180 day timeframe required by law⁵. Service Status Hearings, implemented in Fiscal Year 2007, keep the issue of service before the court. This has increased the number of hearings held in TPR cases, but has helped address the issue of service more expeditiously. These hearings were initially held at either 45 or 70 days, depending on the type of summons that was issued. However, with the modification to Maryland Rule 9-104⁶, which was effective July 1, 2008, the first date for these hearings was changed to day 45 or day 60.

During the latter half of Fiscal Year 2008, to accommodate an already overly burdened bar, the service status hearings were consolidated into a single Friday morning docket instead of being scheduled throughout the weekly CINA or Duty docket. They were reduced again to every other Friday and included all cases with pending service issues on the docket. This allowed the attorneys to appear less but at the same time address all cases with pending service issues at least twice a month until service is perfected.

⁵Family Law Article section 5-319 requires that a juvenile court rule on a guardianship petition within 180 days after the filing of the petition and within 45 days after receipt of all consents or trial on the merits, whichever is earlier.

⁶ Effective July 1, 2007, Maryland Rule 9-104(b) requires that in a public agency guardianship or adoption, at the time the notice of filing is sent, the court shall schedule a status conference no later than 60 days after the filing of the petition

Juvenile Drug Court

In Fiscal Year 2004, the Circuit Court for Montgomery County applied for and received a Bureau of Justice Assistance Drug Court Planning Initiative grant to participate in three training programs designed to help jurisdictions plan and implement effective drug treatment courts. A team that included two Judges with significant experience in the adjudication of juvenile causes, the Honorable Dennis M. McHugh and the Honorable Marielsa A. Bernard, as well as a senior Assistant State Attorney, the Public Defender for Montgomery County, senior personnel from Department of Juvenile Services, the Montgomery County Police Department, the Montgomery County Department of Health and Human Services, the Montgomery Public Schools, as well as key court personnel, participated in the trainings and met regularly throughout Fiscal Year 2004 and the beginning of Fiscal Year 2005 to design and plan Montgomery County's Juvenile Drug Court.

The Juvenile Drug Court's mission is "to reduce substance abuse and delinquent conduct behavior among youthful offenders by providing them and their families with intensive, comprehensive, and individualized services. By helping participants reach their full potential as valued community members, we will build a stronger, safer community." Non-violent juvenile offenders between the ages of 14 and 18 years of age, who are on probation, have significant substance abuse involvement, and are having trouble staying clean and sober and therefore are at risk of violating their probation are the targeted population for the Juvenile Drug Court's therapeutic and collaborative approach. Most, if not all have previously been enrolled in some form of treatment program intended to intervene in the cycle of addiction.

Recognizing that recovery from addiction is vital to community safety and individual accountability, the Montgomery County Juvenile Drug Court, using a multi-disciplinary treatment team focused on treatment, monitoring, and judicial intervention, is able to provide a coordinated, swift, and sustained response to these youthful offenders. To promote the interests of the offender, and the community in which he/she lives, Juvenile Drug Court provides an alternative approach to traditional case processing and disposition that features:

- Collaborative treatment planning and case management;
- Integrating treatment planning with judicial decision-making;
- Unique involvement of the Juvenile Substance Abuse Treatment Court Judge;
- Dedicated leadership and professional resources who are well-informed regarding addictive behavior and its consequences;
- Swift recognition, reward and positive reinforcement for progress;
- Rapid imposition of graduated sanctions to act as motivators to improve compliance and reinforce treatment interventions and to modify negative behaviors; and
- Longer-term treatment and sanctioning models that have a reasonable tolerance for relapse that is consistent with the recovery process.

In late August 2004, the Circuit Court received a grant from the Governor's Office of Crime Control and Prevention via Byrne Formula Grant funds to implement two pilot projects; one

targeting adults and the other designed to meet the different challenges posed by juveniles. After an extensive recruitment effort, the Court was fortunate to be able to hire a mental health professional with extensive experience in an established and successful drug court as its Drug Court Coordinator to implement both the adult and juvenile pilot drug court projects. The Honorable Katherine D. Savage currently leads the treatment team in addition to carrying a Juvenile Law assignment.

The Juvenile Drug Court began screening potential participants in November 2004 and accepted its first participant into the program at the end of December 2004. Seven of the pilot program's ten slots were filled by August 2005. During Fiscal Year 2008 the program became county-funded, and therefore, no longer dependent on grant funding. A total of 19 youth were enrolled in the program during the fiscal year and average enrollment per quarter was 14. There were eight graduates as of June 30, 2008.

FAMILY DIVISION SUPPORT SERVICES

Case Management

Family Division Case Managers:

The Family Division Differentiated Case Management Plan (DCM) provides the structural framework and scheduling guidelines for Divorce and Custody cases, providing services and differing levels of Court resources appropriate to the complexity of the issues presented. The goal of DCM is to bring about the appropriate resolution of a case at the earliest possible stage. This is accomplished by providing services like co-parenting skills training, pro se assistance, and alternative dispute resolution well in advance of trial or merits hearings. Flow charts illustrating the tracks within the Family Differentiated Case Management system are attached hereto as Appendix I.

To ensure that cases are receiving the appropriate resources and that filings are in proper posture for scheduled hearings, four Family Division Case Managers monitor the active caseload and act as liaisons between the Family Judges, Masters and providers of these resources and services. At the time of filing, a case is permanently assigned to an individual case manager to ensure continuity from filing through merits to post judgment actions. A primary function of the Case Managers is to review and prepare new cases for scheduling conference before the Family Division Masters. Additionally, the Family Case managers review case files in advance of critical events for unresolved issues that might prevent the case from proceeding on the scheduled date. By identifying and helping the Court bring those issues to resolution on an expedited basis, the case managers are able to preserve valuable court and litigant time and resources. By preventing case delays that can be avoided with prompt Court intervention, the Court intends to improve the expeditious resolution of the Family Law caseload.

Each Case Manager is thoroughly conversant with family cases and their procedural requirements, and, when necessary, can provide coverage for another case manager in the event one is absent. Case Managers are problem-solvers, keeping cases on track, and ensuring that parties receive the services available to them through the Court and in the community. Family Division Case Managers, in conjunction with the Adoption/Guardianship Case Manager, the Managing Evaluator and the Lead Child Custody/Access Mediator make informational presentations on Family Division Services, as well as collaborative services, to newly appointed Masters and Judges in the Family rotation and their staff.

Adoption/Guardianship Case Manager:

The Adoption/Guardianship Manager position was created in Fiscal Year 2002 to provide the same level of case management support given to Divorce and Custody cases to Adoptions and Guardianships. During the next year, the Adoption/Guardianship Case Manager focused on establishing procedures for the systematic review of adoption filings and gaining mastery over adoption legal procedure. The Adoption/Guardianship Case Manager is responsible for reviewing all initial pleadings in adoptions filed in the Circuit Court, including those adoption petitions filed in the Juvenile Court as a result of terminations of parental rights in abuse/neglect cases. The Adoption/Guardianship Case Manager assists attorneys and petitioners in perfecting documents and filings and makes referrals for investigative services where appropriate

Case Managers for Juvenile Causes:

A critical requirement for the successful transfer of the Juvenile Court from the District Court to the Circuit Court in March 2002 was the development of the Juvenile Differentiated Case Management Plan which brought the juvenile caseload into compliance with statutory deadlines while maintaining the quality of the outcomes for the parties involved. The Juvenile DCM Plan was implemented upon the transfer of the Court; its success is dependent on the active role played by the three Case Managers for Juvenile Causes and their Supervising Case Manager, ranging from the preparation of pre-trial dockets, scheduling of expedited hearings when a child's situation requires adjustment on an urgent basis; to the screening of CINA cases in advance of Court-ordered mediation to the scheduling of mediators for those mediation sessions and for permanency mediation post-disposition. Flow charts illustrating the tracks used in the Juvenile Differentiated Case Management System are attached hereto as Appendix II.

A Case Manager is permanently assigned to a child at the time the first delinquency or peace order petition is filed. When a CINA petition is filed, a Case Manager is assigned to the entire family on a permanent basis. This assures continuity and familiarity with a child or family's specific issues and legal history.

In Fiscal Year 2005, the case manager initiative to create a database of resources available to children became part of a collaborative effort spearheaded by the Montgomery County Collaboration Council for Children, Youth and their Families. The Circuit Court was able to contribute to the network its database design and significant amounts of data already collected to allowed the new network to expedite its implementation county wide. The Court continues to collaborate in this effort.

The Juvenile Case Managers are led by a Supervising Case Manager for Juvenile Causes. The Supervising Case Manager provides direct supervision to them as well as administrative support to the Family Division Coordinator in the development and implementation of initiatives and procedures. Additionally, this role serves as a pivotal link between the juvenile bar and the court.

Permanency Planning Liaison:

The position of Permanency Planning Liaison was created for the each judicial circuit to provide case management of permanency issues in dependency cases, including ensuring compliance with federal requirements under the Adoption and Safe Families Act. The Permanency Planning Liaison monitors permanency issues and compliance in both Montgomery County and Frederick County, splitting her time equally between the two

Child Custody/ Access Mediation

Custody/child access mediation is an integral part of the Differentiated Case Management Plan for family cases. At a scheduling hearing, parties receive an order detailing all court appearances and deadlines. If custody or child access is at issue, the parties are ordered to participate in Co-Parenting Skills Enhancement sessions first, followed by court-ordered mediation (two, 2-hour sessions). The DCM plan for family cases places mediation after the co-parenting skills enhancement sessions as experience has demonstrated that court-ordered mediation is more successful when it follows the parents' completion of co-parenting sessions.

At the first session, the mediators provide an overview of the process, including what happens if mediation is unsuccessful. The parties are made aware that the mediation sessions are entirely confidential with the exception of allegations of child abuse that must be reported to child protective services. The mediators focus on parenting issues, including decision-making (legal custody) and the amount of time the child(ren) spend with each parent. Mediation addresses strategies for resolution of future disagreements, the litigants' responsibilities, and a process to support decision-making. The parties may be able to completely reach a full agreement during a single mediation session, but most cases require two mediation sessions. The parties may also jointly request a third session if they believe it will help them come to a full resolution of all the issues.

During Fiscal Year 2007, several changes were made in how mediation services are delivered to litigants. These changes facilitated a higher degree of coordination between services, providing greater flexibility and earlier opportunities for case resolution to the litigants of this court.

Formerly, the parties ordered to mediation were supplied with a packet of materials containing information about the custody/access mediation program, including a confidential questionnaire. The parties completed the questionnaire and it was sent to the mediation unit for a review, which usually occurred within one week. Parties were screened over the telephone by the mediator who would make a determination as to whether or not any circumstances existed which would preclude mediation (i.e., domestic violence). If the mediation was deemed inappropriate the parties were notified and the dates were removed. This delay in screening and possibly removing dates prevented the reuse of many of those dates by the courts and other litigants.

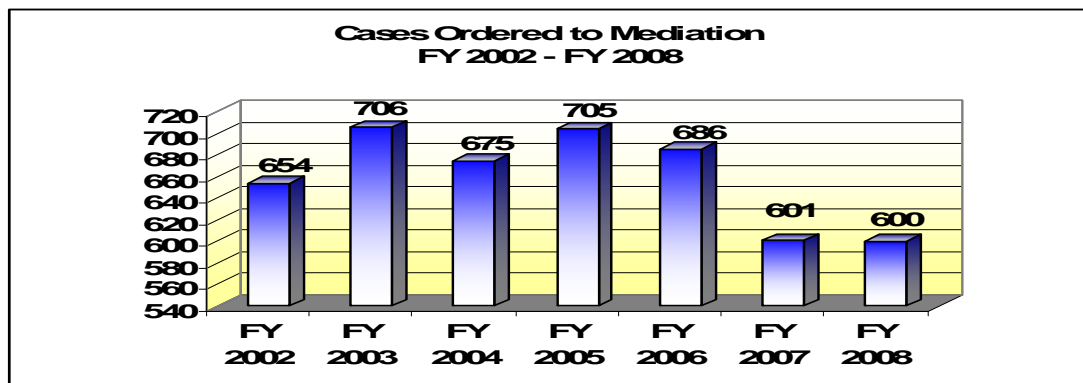
Toward the end of Fiscal Year 2007 the Family Division changed its intake process for cases ordered to mediation. Parties now report directly to the Family Division from the scheduling

conference and participate (separately) in a face-to-face intake session with the mediator. The benefits of this change are twofold: first, more useful information is gleaned from a personal interview as opposed to a telephone interview; secondly, if the mediation process is deemed inappropriate, the dates are removed and returned to available status within 24 hours of the scheduling conference, which results in more mediator availability for the litigants and the court. Given the rapid and sequential service delivery that must occur before a settlement conference (facilitation, co-parenting, mediation, evaluation or assessment), this change facilitated a more efficient use of this limited court resource.

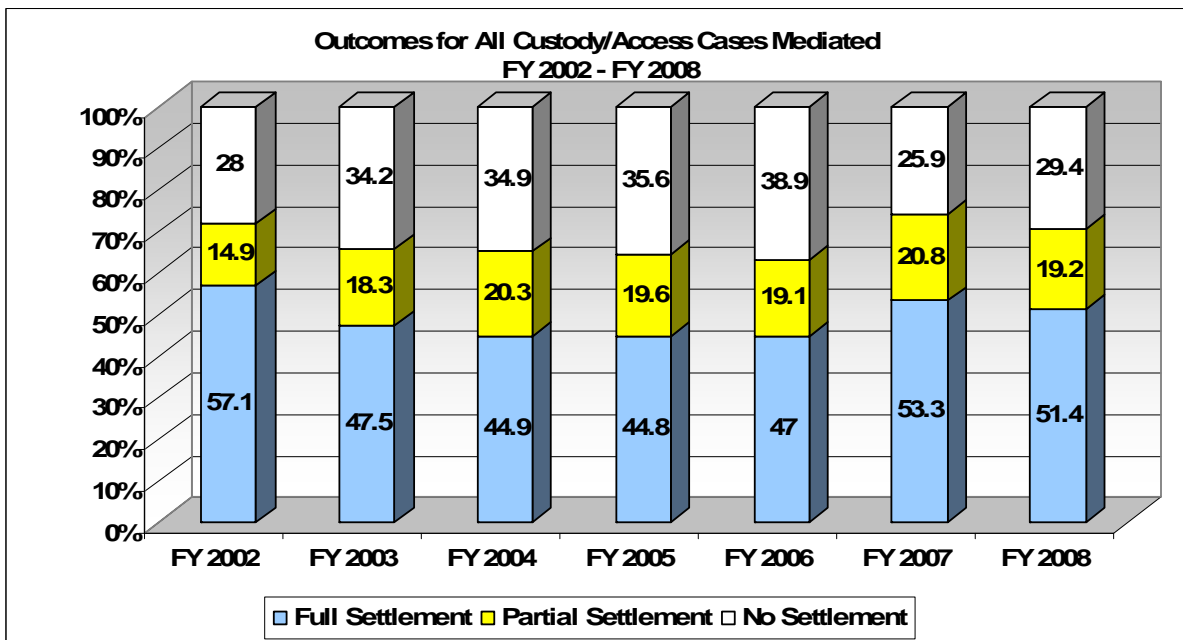
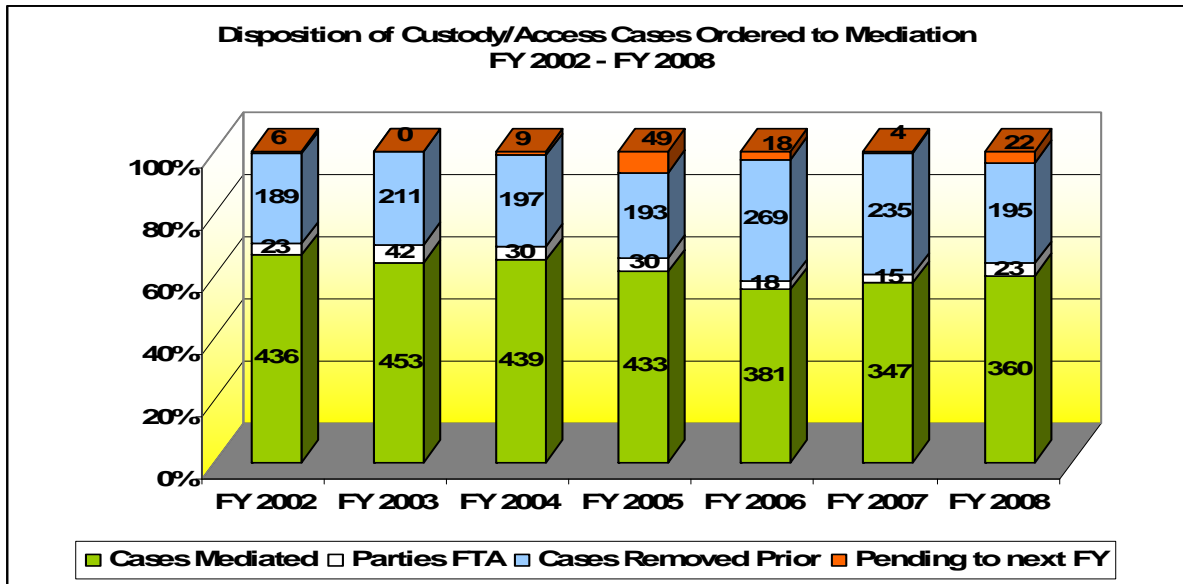
In an additional effort to respond to the needs of its litigants, the Family Division has increased Mediator availability by offering same day mediation. If the parties are willing to go to mediation directly following their intake, they can have their first session that day, which saves them an extra trip to court and also allows them to commence the dispute resolution process much earlier.

Mediation is beneficial to litigants whether or not they reach an agreement. Illustrative of the benefits of mediation are the following comments made by participants in their post mediation exit surveys:

- I would not have been able to communicate with the other party without the mediation. This helped my case tremendously. I am leaving content.
- This was a very beneficial program. I respect and appreciate [the mediator's] professional and calm demeanor during a stressful meeting.
- Mediation is the BEST solution to custody issues. Having a mediator REALLY helps keeping focus on the child's best interests, which is what matters most.
- [The mediator] was excellent – very professional & well informed on handling very difficult conflicts.....Although no agreement was reached, it was worth the effort.
- This was my first experience with mediation during this court proceeding and I must say I began this process with anxiety and dread. I have found, however, that our mediator was a blessing in disguise. I applaud [the mediator's] expertise and professionalism during this process. I also thank [the mediator] for helping.



In Fiscal Year 2008 the number of cases ordered to mediation remained virtually identical to Fiscal Year 2007. However, the percentage of cases that mediated, relative to those ordered, rose 3.75%.



Equipping parties with effective conflict resolution strategies is also critical to reducing post judgment activity. Custody/child access mediation is ordered in post judgment matters on a single-session basis for the focused issues bringing the parties back to court. These issues

have proven more difficult to bring to an agreement. In Fiscal Year 2007, 80% of all original custody/child access cases that mediated resulted in a full or partial settlement of those issues, but only 54% of post judgment custody/child access cases reached a full or partial settlement. In Fiscal Year 2008, 74% of original cases that mediated resulted in a full or partial settlement of those issues and 48% of post judgment matters reached a full or partial settlement.

Juvenile Dependency Mediation

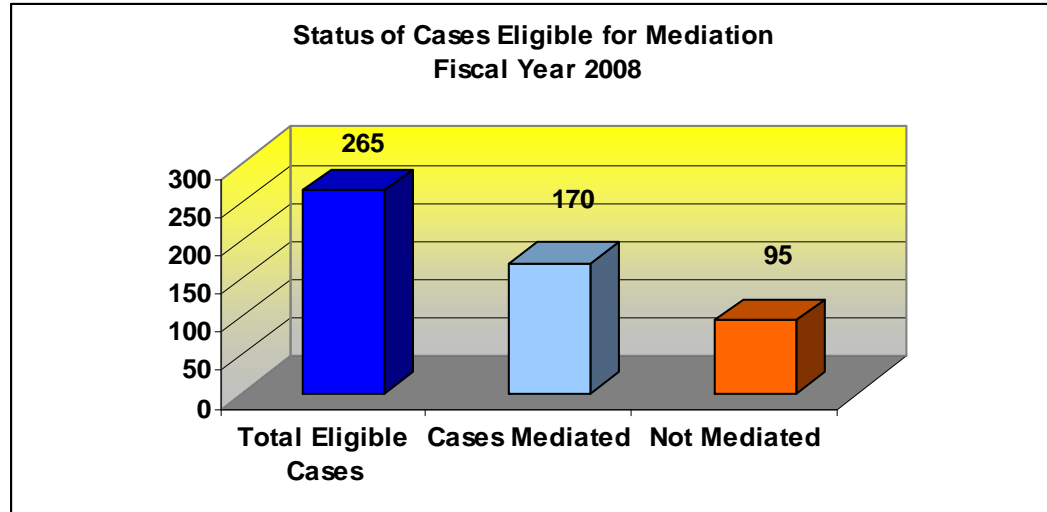
CINA Mediation:

With the assistance of grants obtained by the Montgomery County Collaboration Council for Children, Youth and their Families from MACRO and the Office of Crime Control and Prevention, the Circuit Court for Montgomery County was able to implement the Juvenile Dependency Mediation program during Fiscal Year 2003 to provide Court-ordered mediation of Child in Need of Assistance (CINA) cases prior to adjudication. The framework for the program was developed on a collaborative basis over a two-year period by an ad hoc committee of stakeholders working in conjunction with the Juvenile Court to create an alternative, non-adversarial means of resolving CINA cases at the pre-adjudicatory stage.

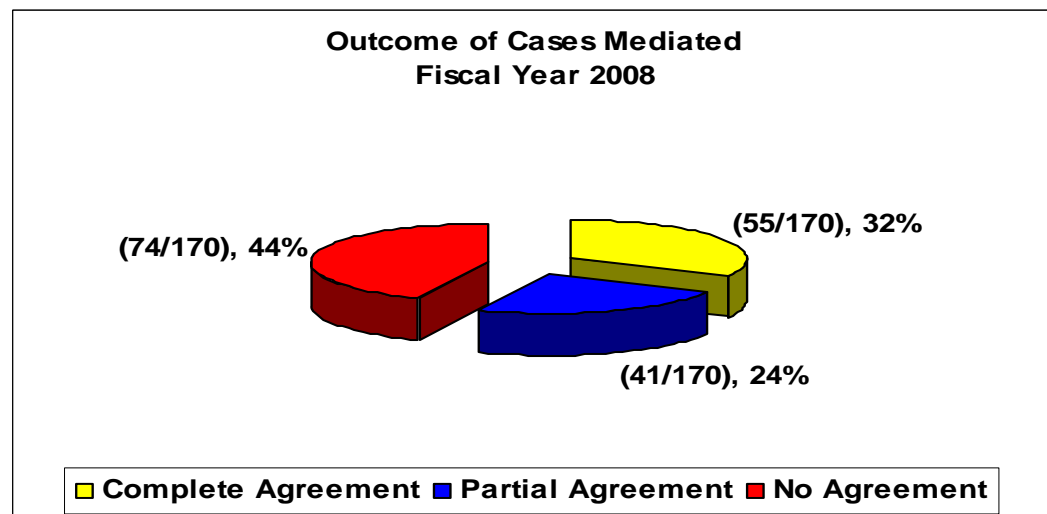
In its first year of operation, the Juvenile Dependency Mediation program became an integral part of the Juvenile Court in Montgomery County and has become a model program for other jurisdictions in Maryland seeking to change the all too often destructive dynamic associated with the traditional adversarial approach. The implementation of the Juvenile Dependency Mediation Program at the pre-adjudicatory stage in CINA cases has provided a collaborative alternative to the traditional adversarial means of resolving these cases. The collaborative planning process helped to change a hostile legal culture that existed among the lawyers representing various parties to a more congenial one in which, while different roles are acknowledged and respected; compromise and collaboration in the resolution of cases has become the norm.

The implementation of the juvenile dependency mediation program in conjunction with the implementation of the Differentiated Case Management plan created the capacity for CINA cases to be resolved by a pre-trial settlement conference date scheduled two to four weeks after the case's initiation in court. In the past, a large percentage of cases had resulted in consent agreements, but only after months of delay, which lessened the prospect of successful reunification with each passing month and in those cases where reunification was impossible, delayed permanent placement elsewhere for the child in need of assistance.

In Fiscal Year 2007, 47.31%, or 132 of 279 mediation eligible CINA cases underwent at least one mediation session, as compared with 39% in Fiscal Year 2006 and 50% in Fiscal Year 2005.



In Fiscal Year 2008, 64 % of eligible cases went to mediation. Of those cases that mediated, 56% reached a complete or partial agreement and 44% (74/170) reached no agreement.



For those cases that did not go to mediation, the most common reasons for not mediating were as follows:

- An agreement was reached at the pretrial
- The case was dismissed at pretrial
- A party failed to appear
- A party refused to go to mediation
- Criminal charges springing from the facts which gave rise to the CINA petition were pending or the possibility of criminal charges was an issue

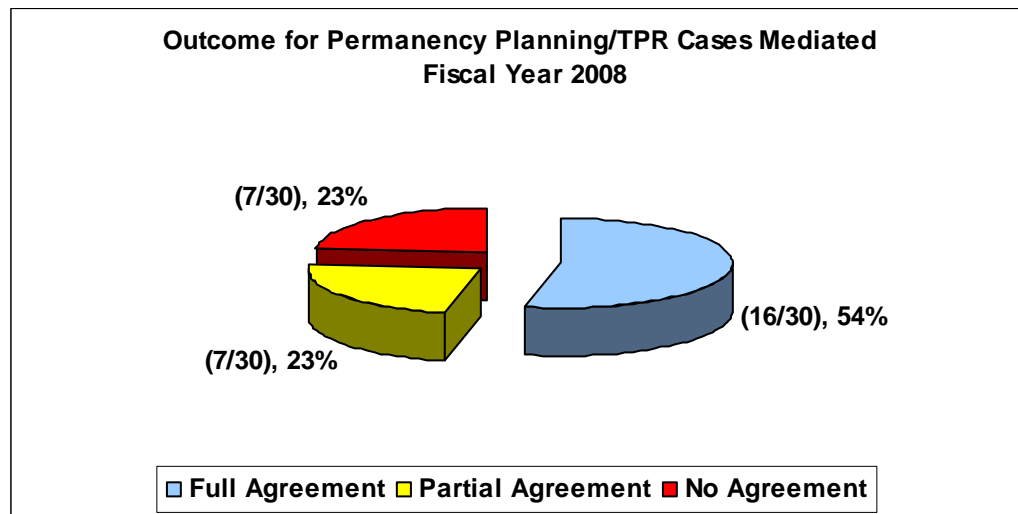
Permanency/TPR Mediation:

Discussions to extend the dependency mediation program to the post-adjudicatory stages of CINA cases up to and including Termination of Parental Rights (TPR) cases began with the Ad Hoc Committee on Dependency Mediation in November, 2002. At the conclusion of the initial grant period, including an extension, it was determined in the early spring of 2004 that sufficient funds could be drawn from the Circuit Court budget to augment the refunds remaining in the MACRO grant to provide training for permanency mediation, that is, mediation to enable permanency to be achieved for children in out-of-home placements and their families.

The approach to post-disposition mediation was developed as a voluntary self-referral to mediation by parties or at the suggestion of a Judge at any stage post-adjudication to resolve issues associated with establishing permanency for a child in an out-of-home placement. This could range from helping to determine the custodial structure for a child whose family is ready for reunification but cannot agree as to the living arrangements to mediation of a Termination of Parental Rights case.

Permanency/TPR Mediation began on an as-needed basis Fiscal Year 2005. While the number of these sessions has been relatively low in comparison to dependency mediation at the pre-adjudication stage of CINA cases, the mediation sessions have been extremely successful and lauded by participants.

During Fiscal Year 2008, 30 cases went to mediation. Of that number, 77% (23/30) reached a full or partial agreement.



Mediators for the Juvenile Dependency Mediation Program are contractual on a per case basis. To qualify as a juvenile dependency mediator, a mediator must first complete 40 hours of basic ADR training, then complete 32 hours of CINA mediation training and 8 hours of court observation. Four such training sessions have been offered, including a training held in late Fiscal Year 2005 with the assistance of an AOC grant. There are approximately

thirty-five active juvenile dependency mediators, sixteen of whom have also completed Permanency Mediation training.

During the third quarter of FY 2008 a grant application was drafted and submitted to MACRO (Mediation and Conflict Resolution Office) requesting funds to be used to enhance the Child in Need of Assistance (CINA) and Permanency Planning/Termination of Parental Rights (TPR) mediation programs in Montgomery, Frederick and Howard Counties. The drafting and submission of the grant was a multi-county effort. The grant identifies four projects to be completed.

First, a facilitator will be hired to meet with and interview stakeholders. The facilitator will provide a comprehensive report to be reviewed by all stakeholders. The facilitator, the Center for Dispute Resolution at the University of Maryland School of Law (C-DRUM), was identified during the grant writing phase and included a proposal in the grant application. The goal of the facilitation is to gather feedback from stakeholders, revive participants and improve the programs through open and interactive communication. At the end of FY 2008, a comprehensive list of stakeholders was identified, an internet survey and survey for phone and in-person interviews was developed, and the contact process with the stakeholders was initiated. In FY 2009, C-DRUM will complete stakeholder interviews and plans to have a report available for Montgomery County at the end of September 2008. A stakeholder meeting is planned for October 2008. A six month follow-up session will be held in April 2009. In addition, we hope to obtain pertinent training topics as a result of the facilitation for inclusion in the training programs discussed next.

The second and third projects are comprised of a refresher/continuing education training course for current mediators and a permanency planning/TPR training course for current mediators planned for December 2008. The goals of the trainings are to provide continuing education to current mediators and to increase the roster in Montgomery County of eligible permanency planning/TPR mediators. During the fourth quarter of FY 2008, a trainer was hired and a site for the training was reserved.

Finally, in the fourth quarter of FY 2008, computer and printer equipment to be used to assist mediators in Montgomery County was ordered through the Technical Services Division. The computer equipment will be received in the beginning of FY 2009 and the use of the computer equipment will be implemented in CINA and Permanency Planning/TPR mediations.

Assessment/Evaluation

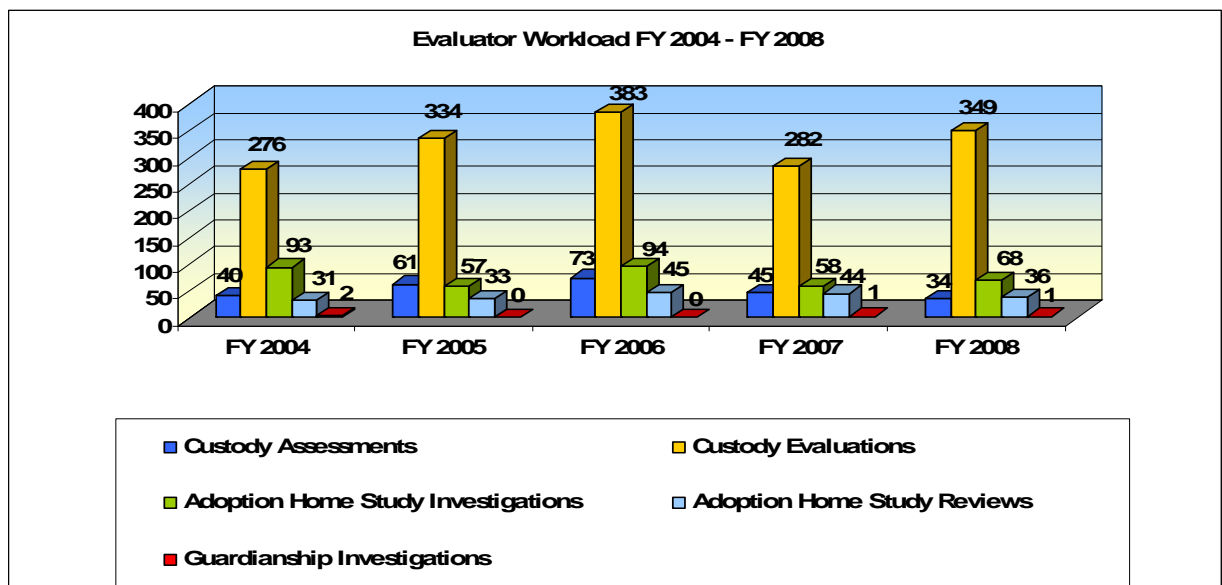
Court Evaluators perform the investigative services in family cases and serve as presenters for the co-parenting skills enhancement sessions. Investigative services include assessment and evaluation in contested custody and visitation matters. Staff evaluators participate in settlement/status conference proceedings and, when necessary, testify at merits hearings. The Court's Evaluators also conduct adoption home study investigations and reviews of home studies provided by agencies or independent contractors. At the Court's request, the Court Evaluators also conduct guardianship and other special issue investigations. A

Managing Court Evaluator oversees the investigative staff evaluators, the Family Division's in-house co-parenting skills enhancement program, and provides professional oversight for the Court's supervised visitation program.

The Court Evaluators continue to offer two levels of investigation in contested family cases involving custody and child access: a full evaluation and a more limited assessment. The Family Differentiated Case Management plan incorporates the time necessary to complete assessments (45 to 60 days) and evaluations (60 to 90 days) ordered at the scheduling conference into the Scheduling Order generated for a case. Parties are referred to Family Division Services after the scheduling conference where a Court Evaluator is assigned to intake every morning. The intake process affords the evaluator an opportunity to begin the investigative process and to assess further the needs of the parties. If inquiry reveals the necessity for the more in-depth evaluation, an assessment order may promptly be upgraded to an evaluation order. This procedure prevents loss of valuable investigative time required for an evaluation and preserves the case timeline from scheduling conference to hearing on the merits of the case.

The custody/access assessment involves the evaluator meeting with the litigants and child(ren) in each home and attends the settlement/status conference to make an oral presentation. Participation in this event begins with an oral summary of the concerns of the parties and progresses through the evaluator's observations with explanatory comments, concluding with a recommendation.

The custody/access evaluation is the successor to the former custody/visitation investigation and is an in-depth evaluation resulting in an oral presentation made at the settlement conference with a written report presented to counsel, pro se litigants, and the Court before the merits hearing. This report contains a psychosocial history and generally extensive collateral contacts that may include school personnel, therapists, governmental agencies and litigant references. Again, the evaluator participates in the settlement/status conference and if the parties cannot reach a consent agreement, the evaluator may testify at the hearing on the merits.



The evaluator workload for assessments, evaluations, reviews and home studies increased dramatically in Fiscal Year 2006. In Fiscal Year 2007 it returned to levels more consistent with Fiscals Years 2003, 2004 and 2005.

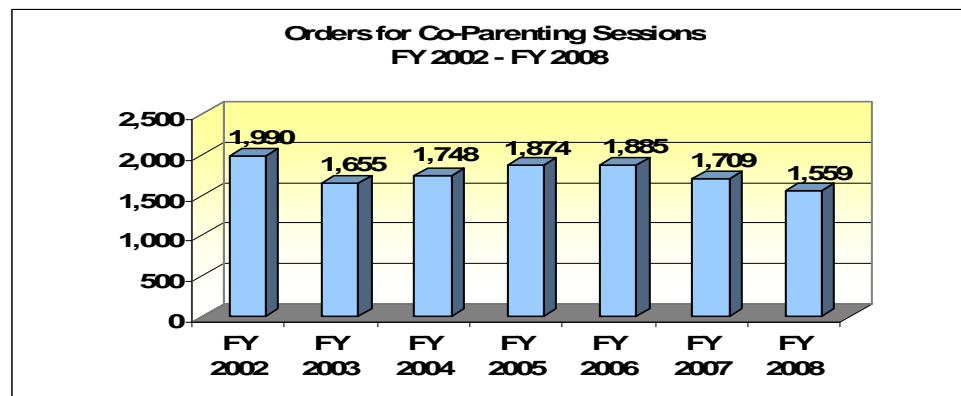
The Masters and Judges have found both evaluations and assessments to be effective investigative tools and see this service as providing another asset for settlement or narrowing issues in the cases. Specific procedures and protocols developed by the Court and Family Bar have been instituted for this service.

Co-Parenting Skills Enhancement Program

A primary objective of the Family Division is to provide services to litigants at a reasonable cost, and wherever possible, free of charge. This objective is especially true where the Court orders estranged couples to attend programs such as the co-parenting skills enhancement program. A number of excellent programs are provided by the private sector. Consequently, it was imperative that any program created for in-house use would mirror those excellent programs without further financially affecting the litigants.

With this in mind, the Family Division in-house co-parenting skills enhancement program was developed by Family Division staff patterned on the P.E.A.C.E. (Parent Education and Custody Effectiveness) Program from New York. With adaptations, this program became the P.E.A.C.E. Program of Montgomery County, Maryland. Presentations of the program began in July 1999. The sessions, taught by the Court Evaluators, are offered to separated/divorcing/never-married litigants in Montgomery County, including parents in CINA cases where this may be an issue, and to County residents who are litigating in another county or state.

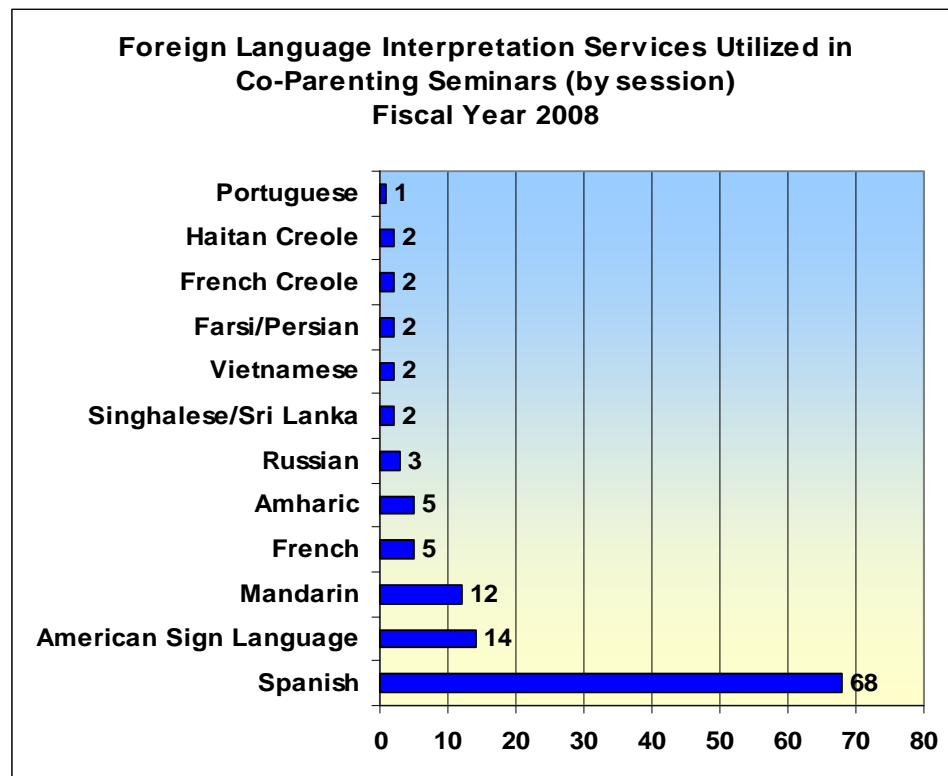
In Fiscal Year 2004, the program was renamed to reduce confusion about the purpose of the program, which is to enhance those skills necessary for rearing a child between separate households as differentiated from basic parenting skills and also to diminish anxiety about the possibility of being graded or tested as a basis for obtaining custody/access. The name was changed from “Parenting Seminars” on orders and court signs to “Co-Parenting Skills Enhancement” sessions.



The program consists of two three-hour sessions presented in the courthouse. Initially offered twice a month, the program now includes a third set of classes, which is scheduled during the day on a quarterly basis. This daytime presentation accommodates litigants who are unavailable at night because of work, sitter and other issues.

While a limited program consisting of one of the two co-parenting sessions was presented to Spanish-speaking litigants during Fiscal Year 2002 and 2003, the need for greater access to both these sessions by litigants' whose primary language is not English was addressed in the first quarter of Fiscal Year 2004. Beginning in late October 2003, all sessions were made available to Spanish-speaking participants. Using a radio transmitter and headphones, an interpreter provides near simultaneous interpretation of the sessions with minimal disruption. Spanish-speaking participants are now scheduled automatically from the Scheduling Conference, where the computer presents available session dates prior to the scheduled mediation as envisioned by the Family DCM plan. A Spanish language guide to the co-parenting order is generated automatically when a party requests a Spanish interpreter.

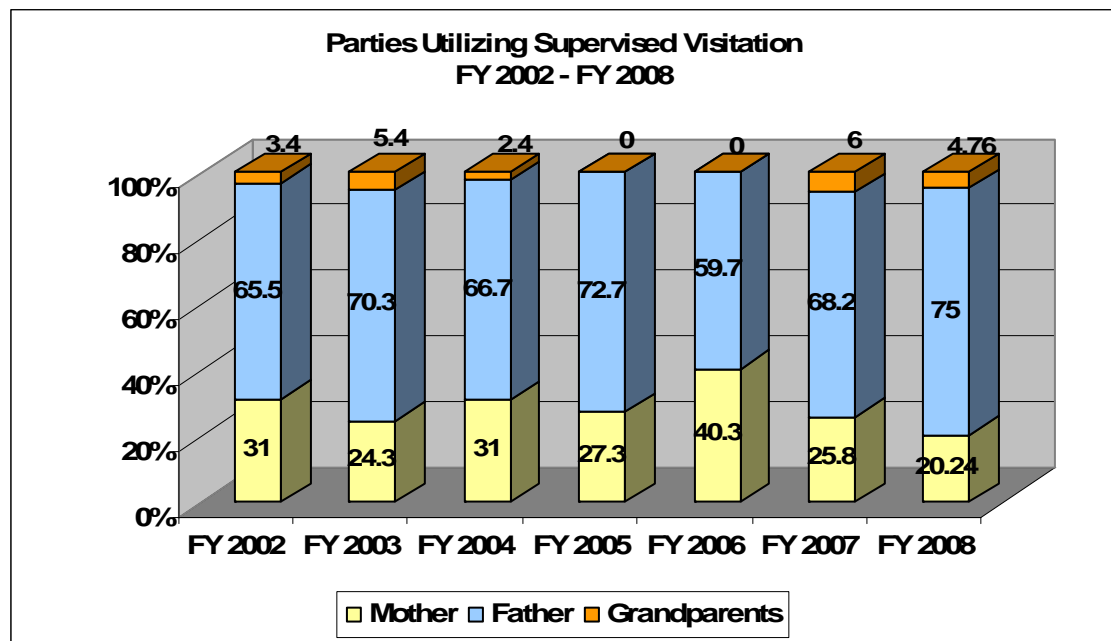
The next most common languages spoken by language-minorities in Montgomery County are scheduled on an individual basis for the both sessions, as are other languages for which a qualified translator can be found. A second transmitter was purchased, allowing up to two (Spanish plus one) languages to be interpreted in any session (plus American Sign Language interpretation, which does not require a transmitter). The chart below indicates the languages for which interpreters were required on a per session basis. The availability of interpretation services has significantly increased timely access to critical and mandatory court programs services by litigants whose primary language is not English.



Supervised Visitation

The Family Division first engaged in the presentation of a supervised visitation program in the spring of 2001. The Court is providing this service via a contract with Family Trauma Services, Inc. This provider is a metro-area based mental health organization offering a variety of services to individuals and government agencies. The focus of this program continues to be a supervised visitation plan designed to provide a structured setting for visitation between children and their parents, a critical need for the Family Division for families for whom, drug, alcohol, and physical abuse; mental illness; reunification of parent and child; or concerns about absconding may be at issue.

The Family Division Services Administrative Aide serves as visitation coordinator; a Family Division Case Manager monitors cases participating in the program; and the Managing Court Evaluator reviews all reports and provides the mental health focus for cases assigned to the program.



The Court's program is often at capacity and maintains a waiting list for cases. Up to twelve families participate in a visitation session every other week, with sessions scheduled each week at a facility with, among other security measures, a security guard on the premises.

While many believe that a supervised visitation program provides an ideal solution to visitation problems, there are inherent limitations to the structure of such a program. First, the visits are relatively short. Each visit, after accounting for transfer time, lasts only one hour and fifteen minutes. Second, the visitations are relatively infrequent. Most families are ordered to participate every other weekend, which is necessary to allow a total of 12 families to receive services through the program. Third, there are limits to the activities that can be undertaken. Visitations occur inside the facility, which limits the nature of the activities that

can occur. Finally, supervised visitation via the Court's program cannot be a permanent solution for families when other families are waiting for this service.

With these limitations in mind, Family Division staff began meeting with Masters and Judges to develop a "step down plan" for families receiving supervised visitation services who demonstrate their ability to move to a more open visitation format. In cooperation with Family Trauma Services, Inc., the Family Division Visitation Step Down Plan was developed and began during Fiscal Year 2003.

After visitation begins, participants are re-evaluated by the Court at a mandatory 90-day review hearing. The hearing is designed to monitor the progress of the parties, determine the parameters of visitation and to ensure that cases do not remain in the program indefinitely. The Court's goal is to facilitate the visitation process and to assist the parties in a step down plan from direct supervised visits to unsupervised visits while not compromising the child's safety or emotional well-being.

The Judge or Master is provided copies of all observation reports and feedback session notes prior to the 90-day review hearing to assist with changing the parameters of the visits, if appropriate. The step down plan is for reunification cases after 3 months in the program. All other cases are not considered for step down until 6 months in the program has been completed or approximately 12 visits.

Once the case has been in the Supervised Visitation Program for the specified period of time, the Court Evaluator and/or Case Manager will review the file and if appropriate, provide a recommendation for step down to the assigned Judge or Master. A memorandum of recommendation and all supporting reports is forwarded prior to the hearing. A new order is issued and the Step Down Plan (Phase II below) begins with the next visit.

Phases of the entire program are as follows:

- Phase I – Consists of the regular visits outlined in the core program.
- Phase II – Allows the parent to have visits without the presence of a monitor in the room. Visits are observed from outside the room through an observation window. The child may see the supervisor through the window and this allows for a higher level of comfort for the child.
- Phase III – Similar to Phase II, however, a video camera is used to record the observation without the physical presence of the supervisor. The video allows an opportunity to evaluate the child's comfort level while alone with the parent.

Phase III also begins weekly visits with the parent instead of the traditional bi-weekly visit. This change in routine requires a higher level of comfort for the child and increased interaction with the visiting parent.

- Phase IV – Consists of a 2-1/2 hour visit that permits more freedom by allowing the child to visit outside of the confines of the observation room. One scenario might be

for the parent and child to have lunch together in a mall with the monitor as part of the lunch group. This allows observation of parenting skills in a different atmosphere and under possibly more challenging circumstances.

- Phase V – Again, consisting of a 2-1/2 hour visit but allowing the parent to take the child away from the facility without a monitor, for a specified period of time. The parent is obligated to return the child at a time designated by the monitor. A brief feedback session is conducted with the child, if appropriate, to discuss comfort level and the child’s feelings about the visit. The parent will participate in a brief feedback session and the staff monitor may conduct a joint session as well.
- Phase VI – At this stage the parent is ready for visits independently at times and dates specified by the Court or agreed to by the parties.

Each phase consists of at least two visits and the supervising monitor determines when it is appropriate to advance to the next phase. Observation reports are still provided to the Court but will diminish in content as the case participants move from phase to phase.

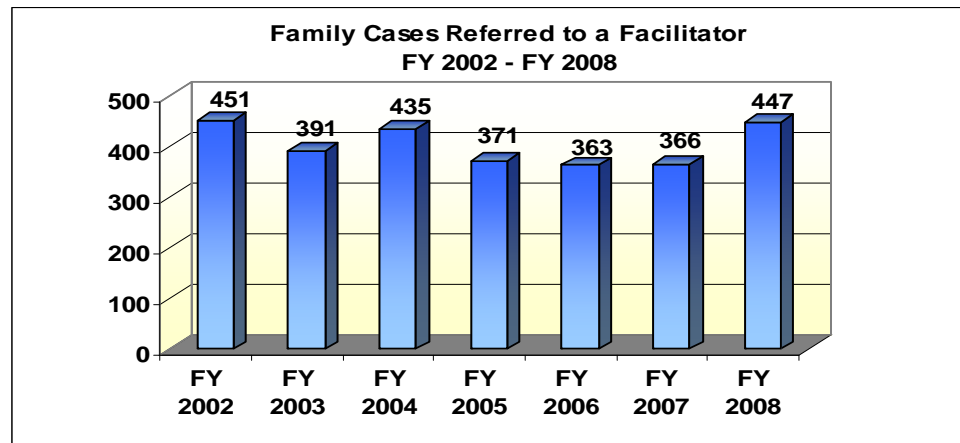
The Family Division also refers cases to two additional community resources as an alternative to the Supervised Visitation Program. Some limited access to low-cost visitation services is available through these community resources but supervision is by a panel of laypersons interested in helping estranged families meet for the mutual benefit of the parties and their children.

The free, “safe” transfer facilities offered by the group known as Children’s Rights Council are utilized by the Family Division Judges as well. This organization operates a supervised transfer service at various locations throughout the Washington Metropolitan area and each year has increased the number of locations for this service. Both male and female members of the Children’s Rights Council are at each location, at regularly scheduled dates and times, to ensure an incident-free transfer of the child(ren) for visiting and custodial parents. Schedules for each location are established and published for each calendar year, which is distributed well in advance to the Family Judges and interested organizations. The Children’s Rights Council also offers visitation services in neighboring jurisdictions but they do not offer the security element that is part of the Family Division program.

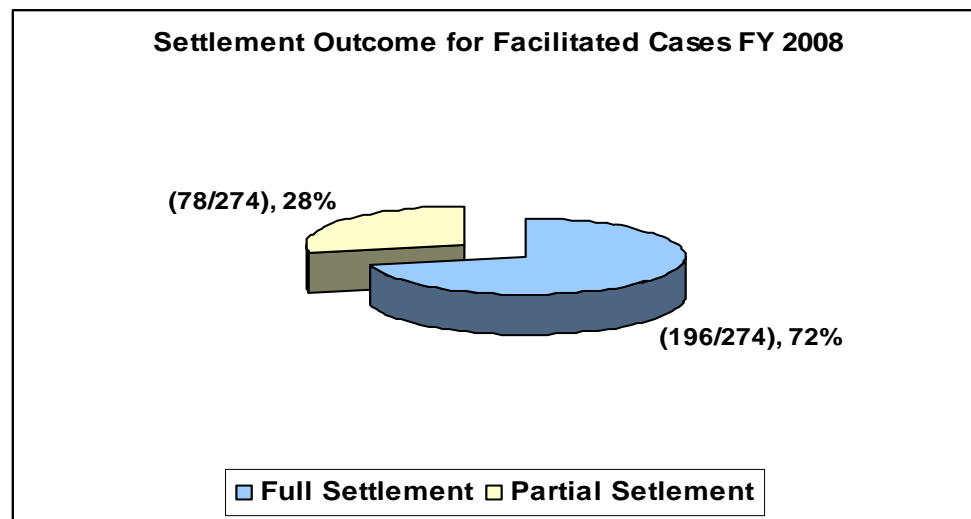
Facilitator Program:

The Facilitator Program serves litigants before the Court’s Family Division and continues to be staffed by experienced practicing attorneys who make themselves available to attempt settlement in cases at an early stage of the proceedings. Potential cases are identified by the Family Division Masters at the Scheduling Conference and referred to the Facilitator, who is available in the courthouse for immediate assistance. A Facilitator Calendar is scheduled and maintained by Family Division Services. The Facilitators are available to the Court from the beginning of Scheduling Conference hearings at 8:30 AM daily and frequently remain until the early afternoon to provide this service. The cost to the Court is \$75.00 per case referral. If a settlement is reached, the parties return to the Master and an agreement is placed on the

record. This excellent program is a relatively inexpensive service provided by experienced members of the Family Bar and has been proven highly successful.



In Fiscal Year 2008, 274 of 477 cases (61.30 %), reached a full or partial settlement of the issues, as indicated below. By completely resolving or narrowing some issues, the facilitators help to conserve the judicial manpower hours expended for those cases.

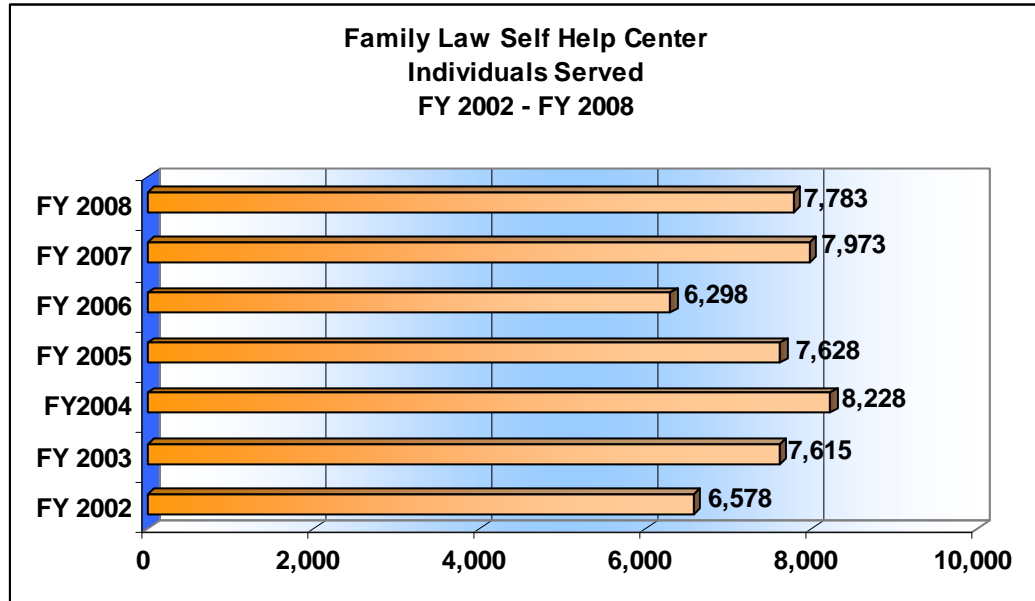


Family Law Self Help Center

Formerly called the Pro Se Project, the Family Law Self Help Center is a critical resource for self-represented litigants involved in family cases in the Circuit Court. Such litigants, who cannot afford counsel and therefore must represent themselves, rely on the legal expertise of the Project's staff to help guide them through their case. The Center's staff consists of three attorneys and a legal assistant who is fluent in Spanish.

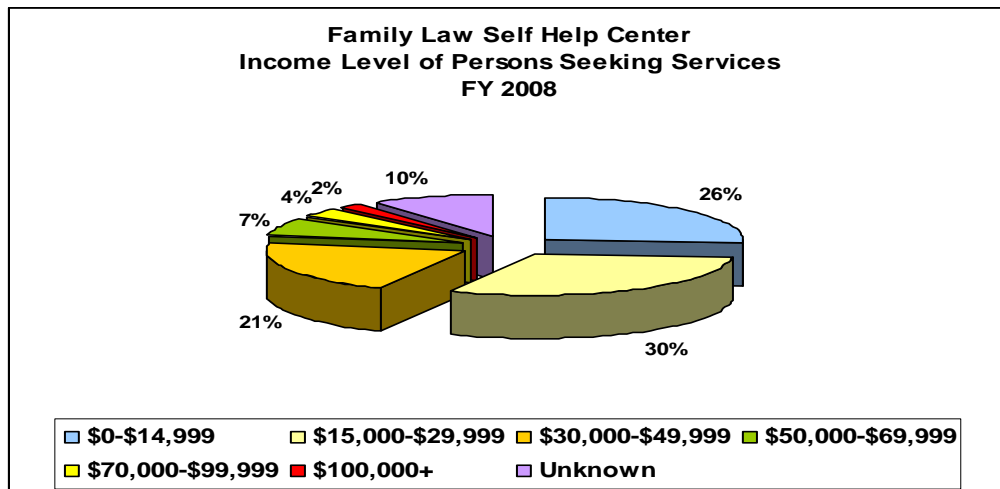
Current samples of the *Dom Rel* forms may be reviewed at the Family Law Self Help Center and the pre-packaged forms are available upon request at the Family Department window of the Civil Department, Office of the Clerk of the Court as well as on-line. Spanish language

guides to these forms are now also available on line. In addition, the Family Division has translated into Spanish guides for some information sheets, as well as directions. The project attorneys may provide assistance with emergency child custody petitions for submission to the Family Duty Judge. Self represented litigants are frequently referred to the Family Law Self Help Center to attain assistance in formulating their mediated agreements for submission to the court.

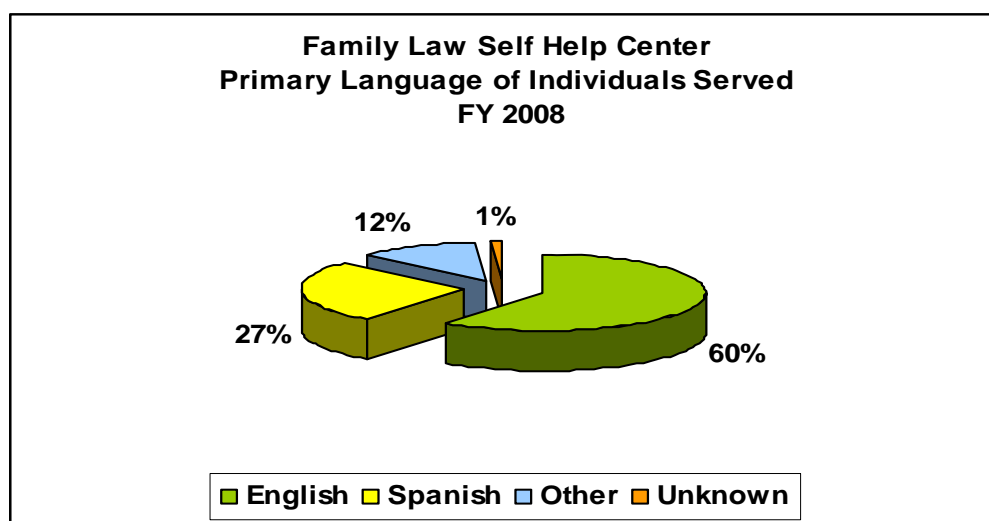


In Fiscal Year 2008, 7,783 individuals sought services from the Family Law Self Help Center. This is a decrease of 2.44% over Fiscal Year 2007 when 7,973 people were seen at the Center.

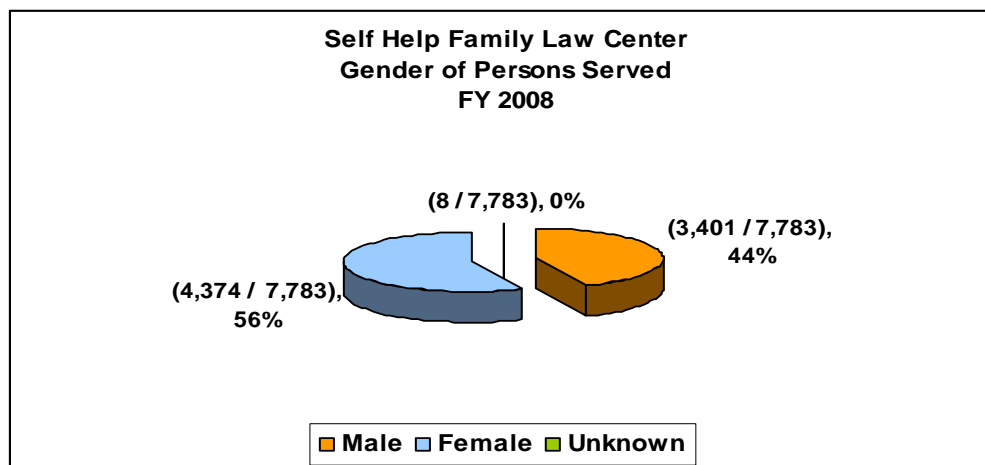
In fiscal Year 2008 56% of individuals seeking service from the Center had annual income levels of less than \$30,000. This is down 2% from Fiscal Year 2007 and 8% from Fiscal Year 2006.



The demand to serve individuals whose first language is not English continues to increase. In Fiscal Year 2006, 67% of those being served spoke English, 10% spoke other languages and 23% spoke Spanish. In Fiscal Year 2007 the percentage of those whose primary language is English dropped to 59%, other languages increased to 16% and Spanish increased to 25%. During Fiscal Year 2008 English speaking litigants rose 1%, Spanish speaking litigants rose 2%, and people who spoke other languages dropped 3%.



As more people who are not fluent enough in English to conduct litigation on their own behalf are seeking the services of the Center, the Court must work diligently to meet their language needs. Prior to Fiscal Year 2006, interpreters were available to the Center only when they finished other work in the court. As a result, many litigants who needed an interpreter experienced very long wait times. During Fiscal Year 2006 the Center started providing a Spanish interpreter every Wednesday afternoon from 12:30 p.m. to 4:30 p.m. Provision of this service helped alleviate long waits and increased accessibility to the Center's service by Spanish speaking clients. The ability of the staff to communicate with a growing clientele whose primary language is not English remains an ongoing challenge to the Court.



As in prior years women consistently comprise the majority of the clients seeking services from the Family Law Self Help Center. In Fiscal Year 2008 the percentage breakdown between males and female litigants was the same as Fiscal Year 2007, at 44% and 56% respectively, as compared to Fiscal Year 2006, when the breakdown between male and female litigants was 42% and 58% respectively.

Expanding and publicizing legal services for self represented litigants through community organizations and the Court's Web site appears to be reaching those litigants in need of this service. A collaborative, supportive relationship is maintained with the staff attorneys for the Bar Foundation Pro Bono Program and Legal Aid Bureau. The Bar Association members continue to assist the Court's program with coverage during staff attorney absence, and the Legal Aid Bureau continues to be a source of case referral.

The Legal Aid Bureau does not maintain office hours in the Court. They do, however, continue to take family cases, particularly those cases involving contested custody. The Family Law Self Help Center makes a significant number of referrals to the Legal Aid Bureau. A number of those cases seeking referred assistance do not, unfortunately, fall within the guidelines to qualify for their service.

Information publicizing the Legal Aid Bureau is available at the Family Law Self Help Center and at Family Division Services. Written material is prominently displayed in the information carousel in Family Division Services.

Referral in General

The staff in Family Division Services and the Family Law Self Help Center routinely makes referrals to specific agencies based upon conversations with the information-seeking public. Printed information is available at numerous locations within the Judicial Center. This information advises the public with regard to available legal assistance as well as community-based services.

Informational pamphlets, brochures and notices are displayed in the Family Division Suite, at the Masters' Office, the Family Law Self Help Center, the Law Library, at the Juvenile Court, in the Co-Parenting sessions and in the waiting area of a suite of offices on the third floor of the Judicial Center. This suite of offices houses staff for the Domestic Violence Assistance program and a representative of the Abused Persons Program, an Office of the County Department of Health and Human Services. A variety of the written resource material is available in Spanish as well as English.

Domestic Violence Assistance

A Domestic Violence Assistance (DVA) program began in the Family Division of the Montgomery County Circuit Court in October 1999. While minimal services were available in the Circuit Court in previous years, a goal of the Family Division was met when an organized, consistent level of services was achieved by creation of this program. The program focus addresses abuse issues and victim safety for spouses and intimate partners of the offender. Arrangements were finalized with the House of Ruth and Women's Law Center to provide staff for the Domestic Violence Assistance Program through application of grant funding with the Administrative Office of the Courts. Space is allocated in the Judicial Center for this service and representatives of the Abused Persons Program of the Montgomery County Department of Health and Human Services. The DVA staff an intake interview with the individual seeking services. Services that can be provided include Court appearances, protective orders, appeals, peace orders, *ex parte* hearing accompaniments, modifications, civil contempt and criminal accompaniments. Those not eligible for the above mentioned services can receive information and/or assistance with completion of court forms.

The project represents victims of domestic violence at Protective Order, contempt and modification hearings in the Circuit Court. The DVA also provides representation in a limited number of cases in the District Court for Montgomery County. In addition to legal representation, DVA staff provides other services including case preparation, safety planning, advocacy, coordination with other agencies, in particular the Abused Persons Program of the Montgomery County Department of Health and Human Services, referrals to community-based organizations and criminal hearing accompaniment. DVA staff conducts in-depth intake. The intake consists of a needs assessment, agency referral, inquiry into the abuse incident and any history of abuse. An assessment of possible lethal conduct, a safety plan, answers to family law questions, information about filing criminal charges, and assistance with completion of forms and the court process in general.

Regular DVA staff consists of two full time attorneys, one of whom is a Supervising Attorney. During Fiscal Year 2004, the House of Ruth took responsibility for staffing both positions in Montgomery County and continues to utilize interns when they available. During Fiscal Year 2008 the House of Ruth served 1,312 people. They appeared in court 370 times on behalf of 281 people.

Collaborative efforts continue through periodic meetings with the Circuit Court Family Division, the Abused Persons Program, and the A.L.E.R.T. task force division of the Montgomery County Sheriff's Department. In addition, DVA participates in the monthly meetings of the County Executive Task Force on Domestic Violence, as well as joint meetings and training with the House of Ruth and the Women's Law Center. DVA participates in Domestic Violence Attorneys Network for Maryland. This group meets bi-monthly to share statewide perspectives on the issues of domestic violence.

Collaborative Services

Abused Persons Program

Montgomery County Health and Human Services

Montgomery County Health and Human Services, through the Abused Persons Program, provides regularly scheduled part time assistance in the Circuit Court Family Division to address safety issues and coordination of County services. A Victim Advocate Worker identifies the needed services through a detailed interview process. Office space is provided in the Judicial Center adjacent to the Domestic Violence Assistance personnel. This location facilitates coordinated assistance for County residents seeking domestic violence assistance. A networked computer is provided by the Court for the use of the Victim Advocate Worker.

Genetic Testing Program

Detailed procedures have been developed to promptly ascertain genetic testing results for paternity cases. In cooperation with the Office of Child Support Enforcement, testing is available through that agency at a considerably reduced cost to the litigants, or where appropriate, paid by the Family Division. The Family Division Case Managers guide parties and counsel through the testing process.

Alcohol and Drug Testing Program

Collaboration with Montgomery County Health and Human Services, Office of Addiction Services has produced a testing and monitoring program. A testing facility and laboratory are accessible to litigants and the testing is offered to Montgomery County residents at a substantially reduced cost. Arrangements have been made for the Family Division to assume responsibility for the cost of the testing, where appropriate. Delays in both testing performed by community providers and receipt of results of that testing has been an impediment in the past. The timeliness of testing and reporting of results is frequently crucial to the determination of primary issues in cases before the family court. The secured testing facility is within walking distance of the Judicial Center and court referral is virtually immediate. Directions are available in Spanish as well as English.

The Family Judges and Masters, as well as the Court Evaluators may make referrals to this service. Specific personnel in Family Division Services are responsible for initial referral and receipt of the test results, providing continuity and confidentiality for this sensitive information.

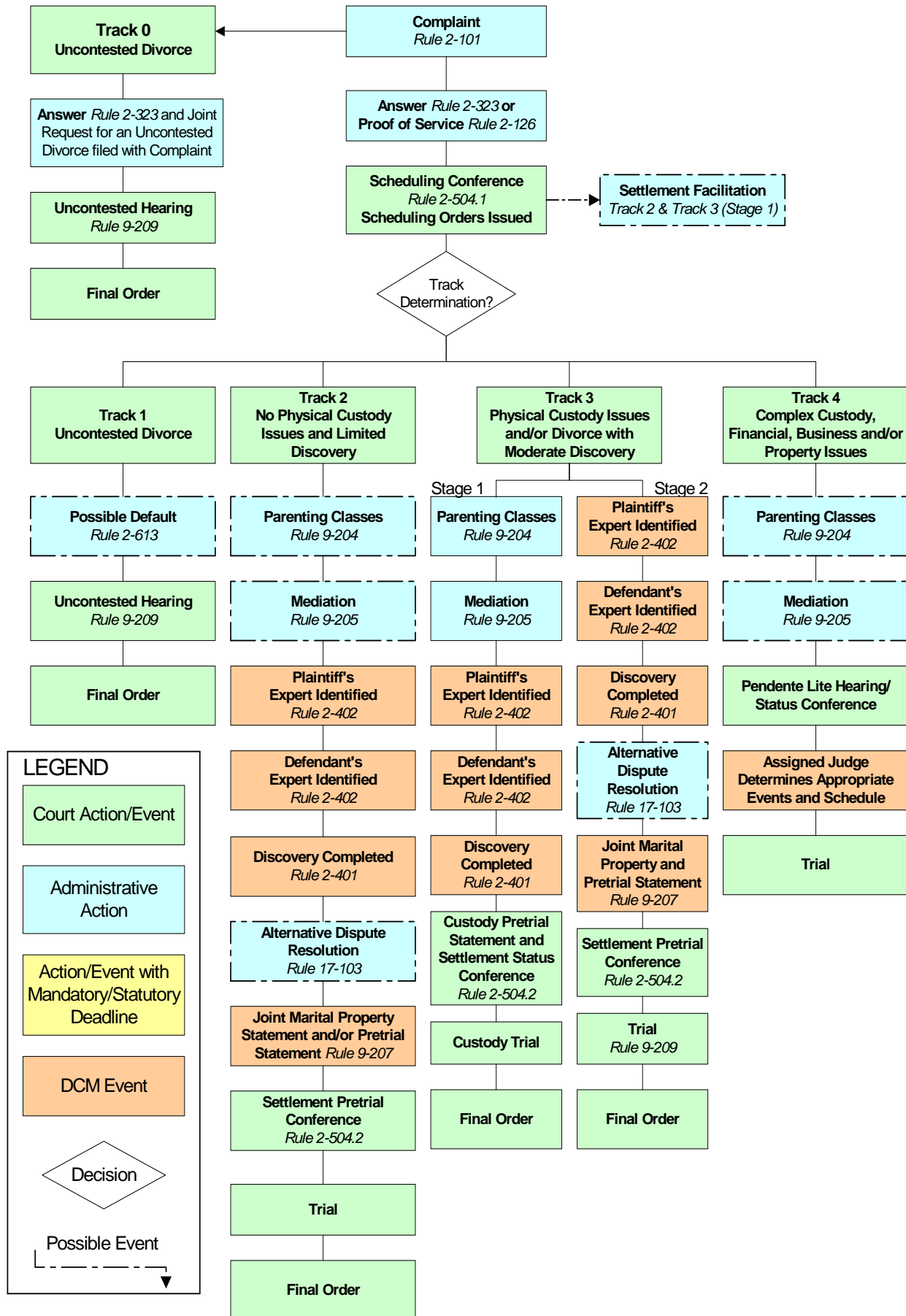
CONCLUSION

The Court is an ever evolving entity charged with delivering access to justice in a fair, transparent, timely and efficient manner. As the requirements of the law change, the court must adapt quickly and appropriately. Continual change is not easy for those hearing juvenile matters, the bar that practices before it, or the agencies whose job it is to deliver much needed services to rehabilitate litigants and their families. Similarly, providing time responsive, equally accessible and appropriate services aimed at serving the child's best interests while balancing the competing interests of divorcing parents is a continual challenge.

The end goal, to improve the lives of the most vulnerable citizens of Montgomery County and to benefit the well being of the larger society is a challenge both recognized and embraced by those who serve litigants through Family Division Services. In the coming years many changes will inevitably occur. However, with a responsive and flexible bench and bar; a strong and predictable case management plan and a well orchestrated service delivery system, the litigants of Montgomery County will be well served in their efforts to access justice in a timely, accessible and appropriate manner.

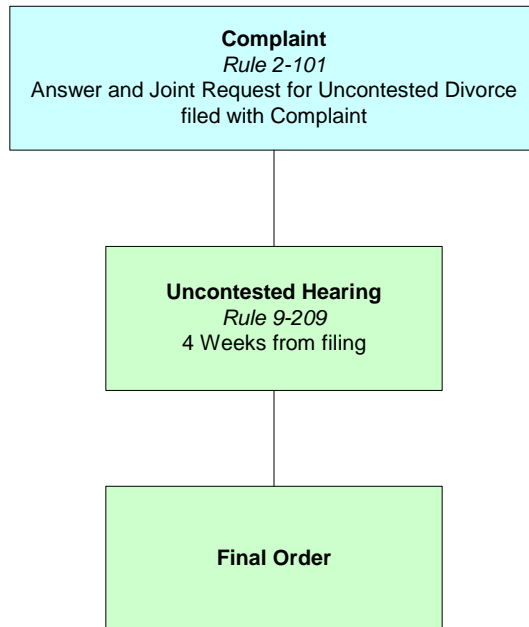
As the Family Division enters a new fiscal year it will continue to uphold its goals and objectives in support of the Court's mission. As demonstrated by this report, all services offered by the Family Division are geared toward case resolution at the earliest juncture possible and without the expense, adversity and stress of a trial. Refinement and expansion of these services is a continual process, guided by the overriding goal of serving the litigants of Montgomery County in a fair, timely and efficient manner.

Family Case Overview



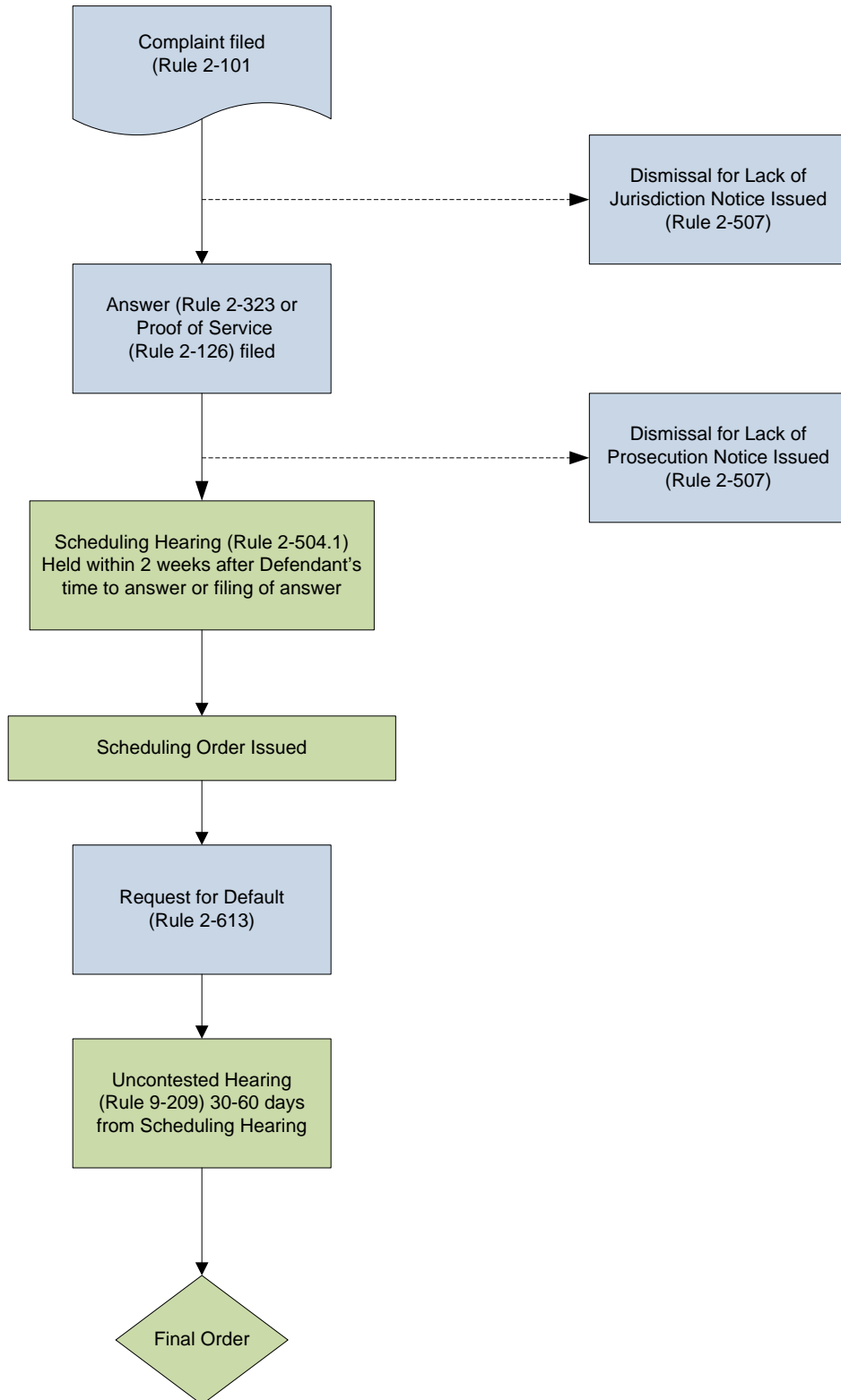
Family Track 0

Uncontested Divorce



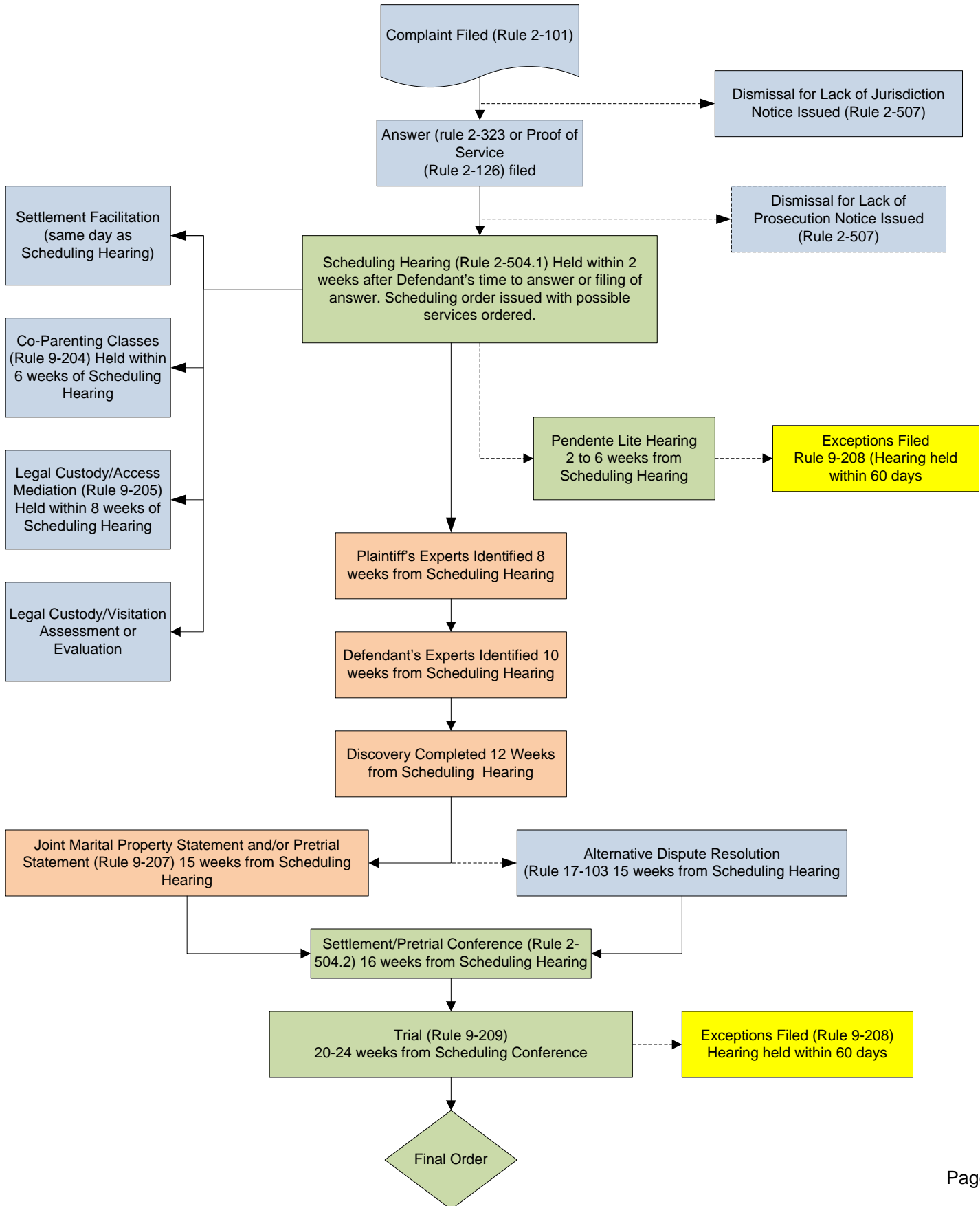
Family Track 1

Uncontested Divorce



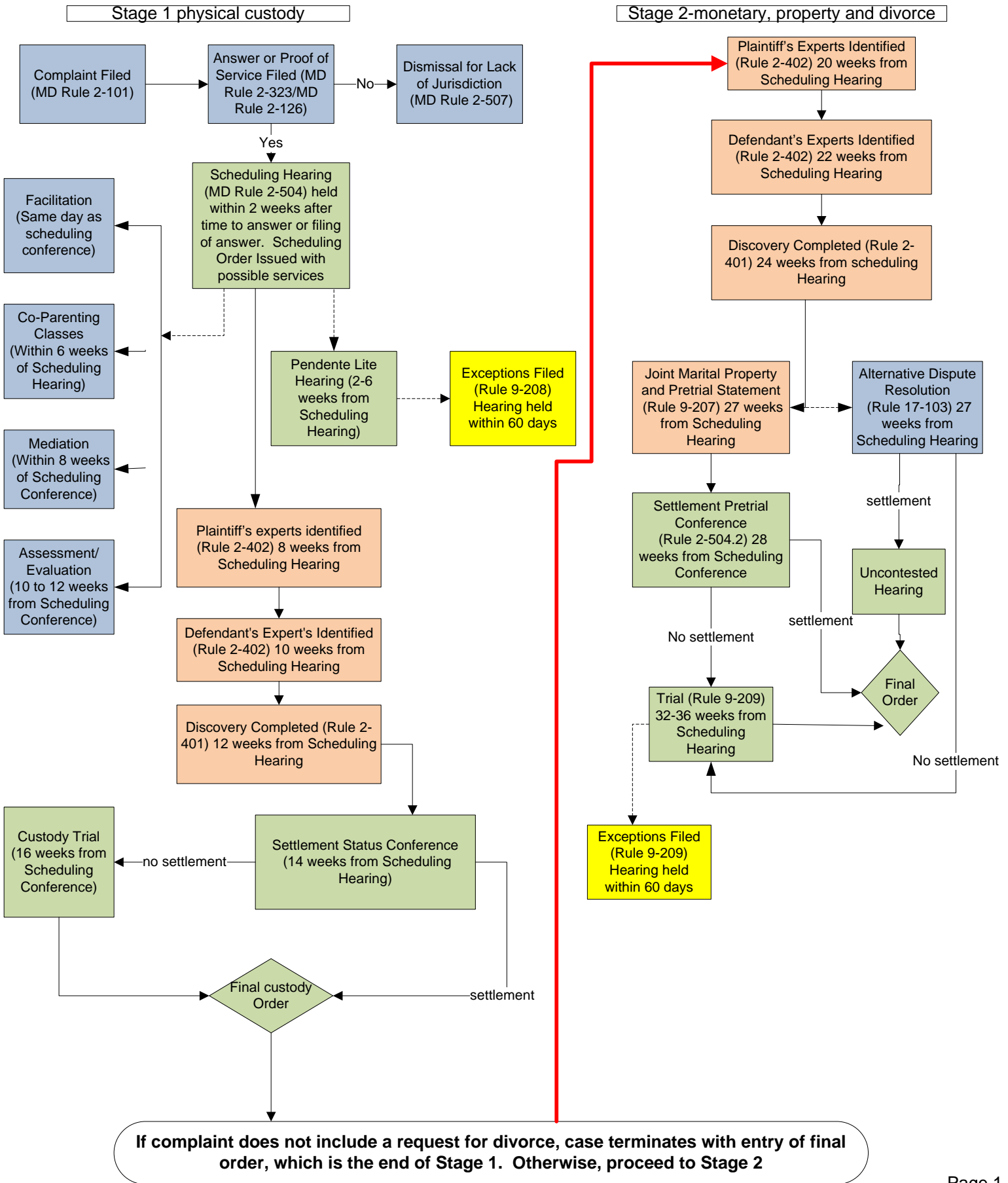
Family Track 2

Cases involving any or all of the following issues: visitation, alimony, legal custody, child support, limited property, pension, cost, attorney fees, divorce



Family Track 3

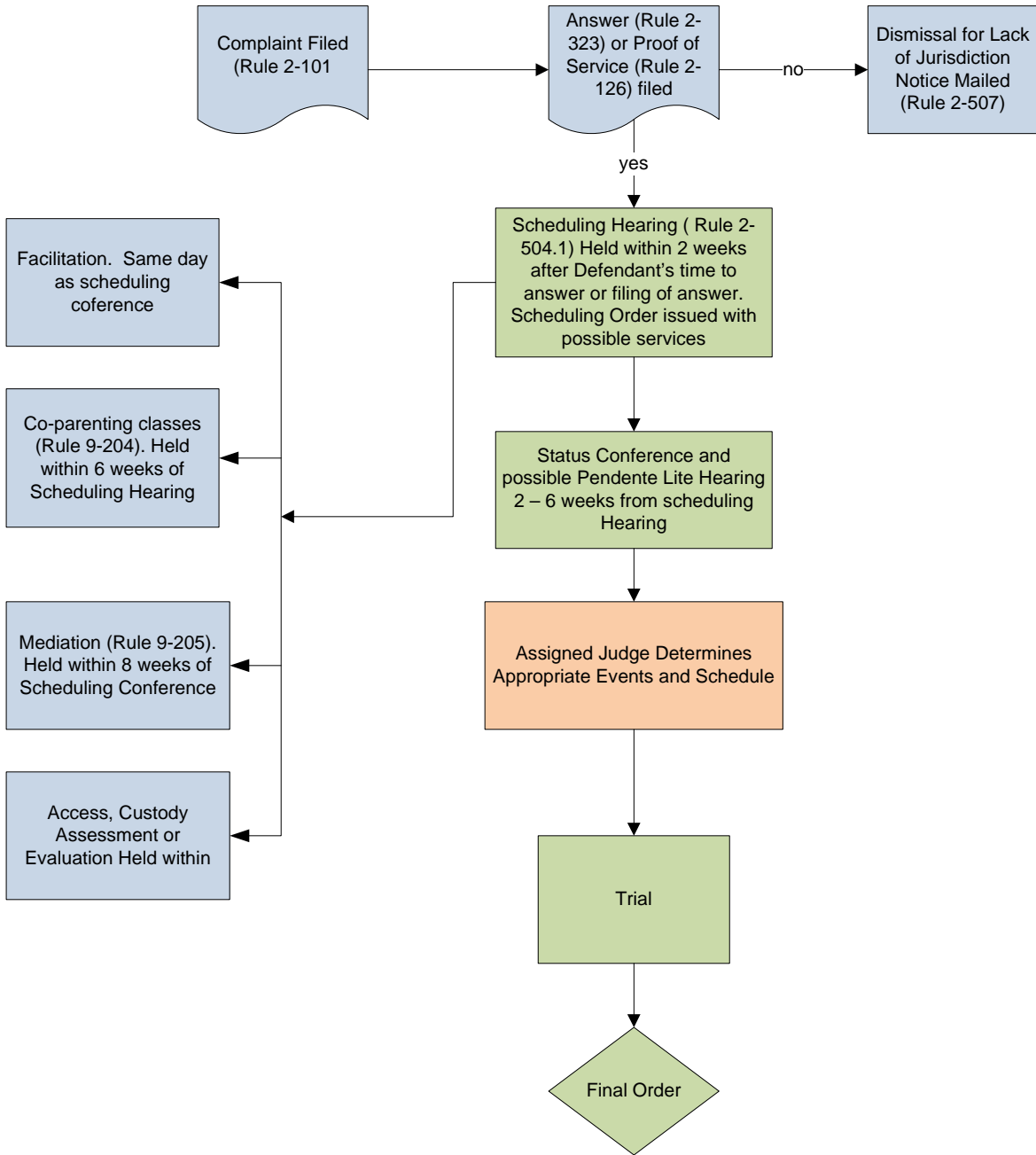
Cases involving physical custody and any of the following issues: visitation, child support, alimony, property, pension, attorney fees and divorce



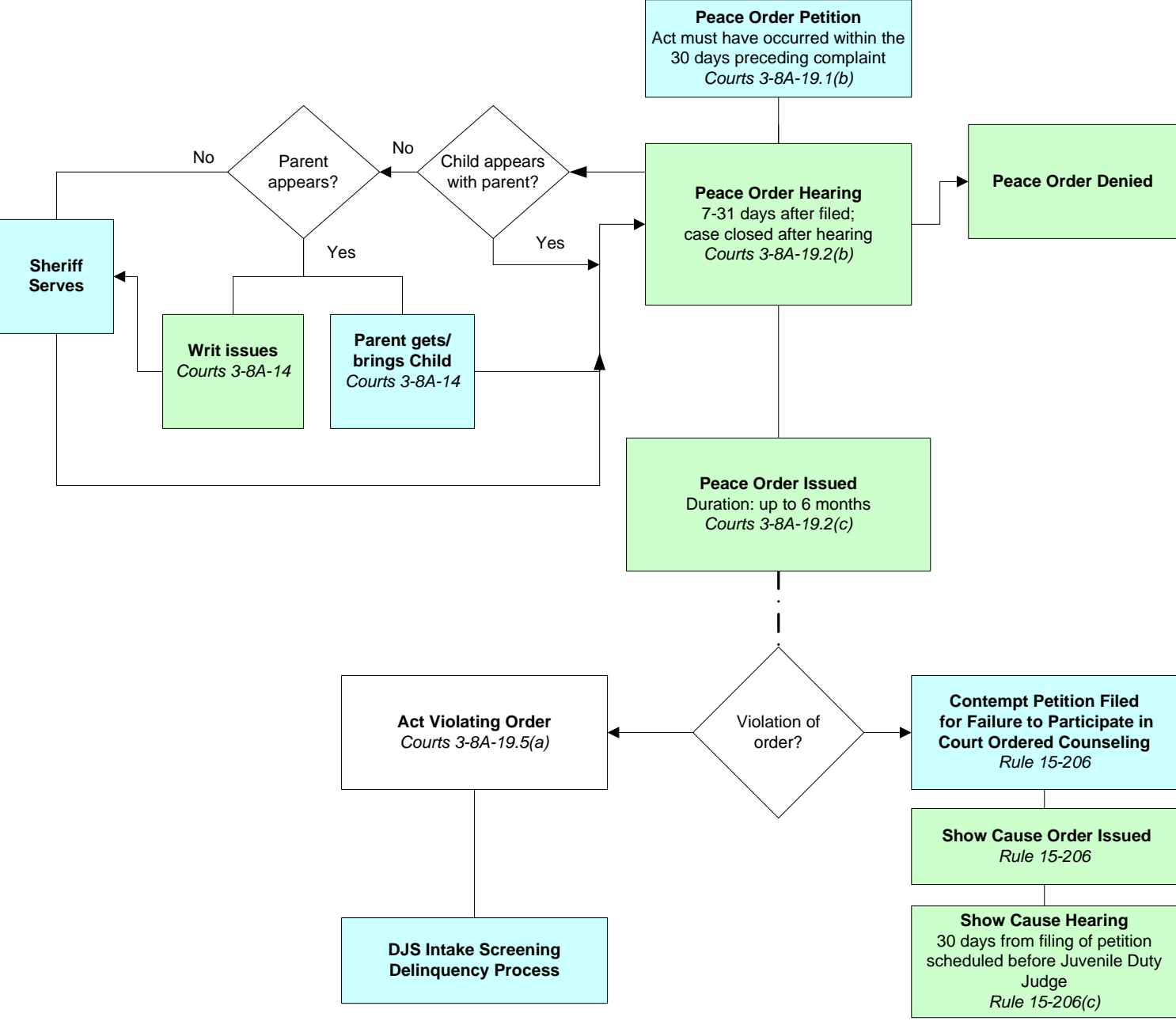
If complaint does not include a request for divorce, case terminates with entry of final order, which is the end of Stage 1. Otherwise, proceed to Stage 2

Family Track 4

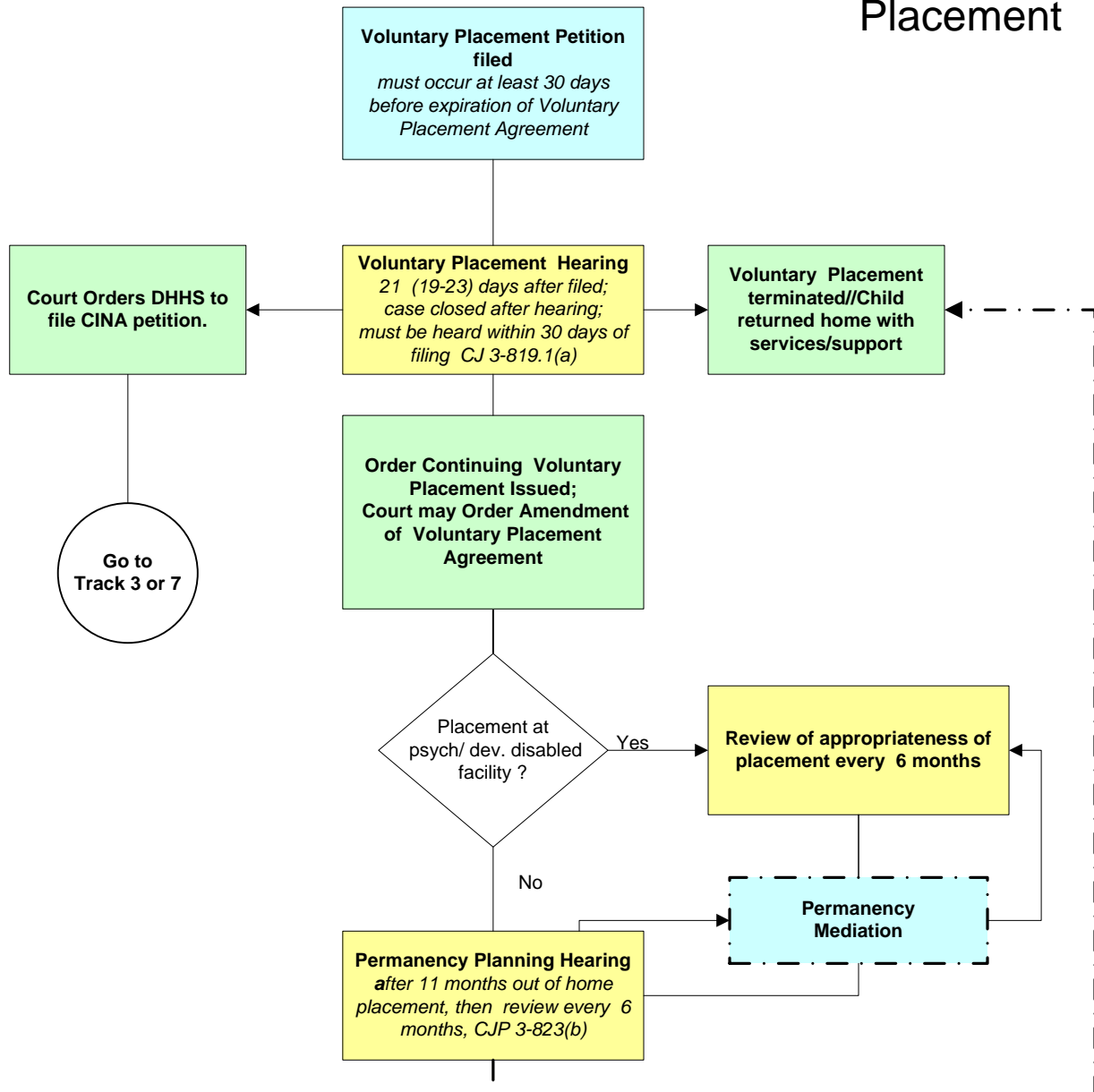
Complex Custody, Financial, Business and/or Property Issues



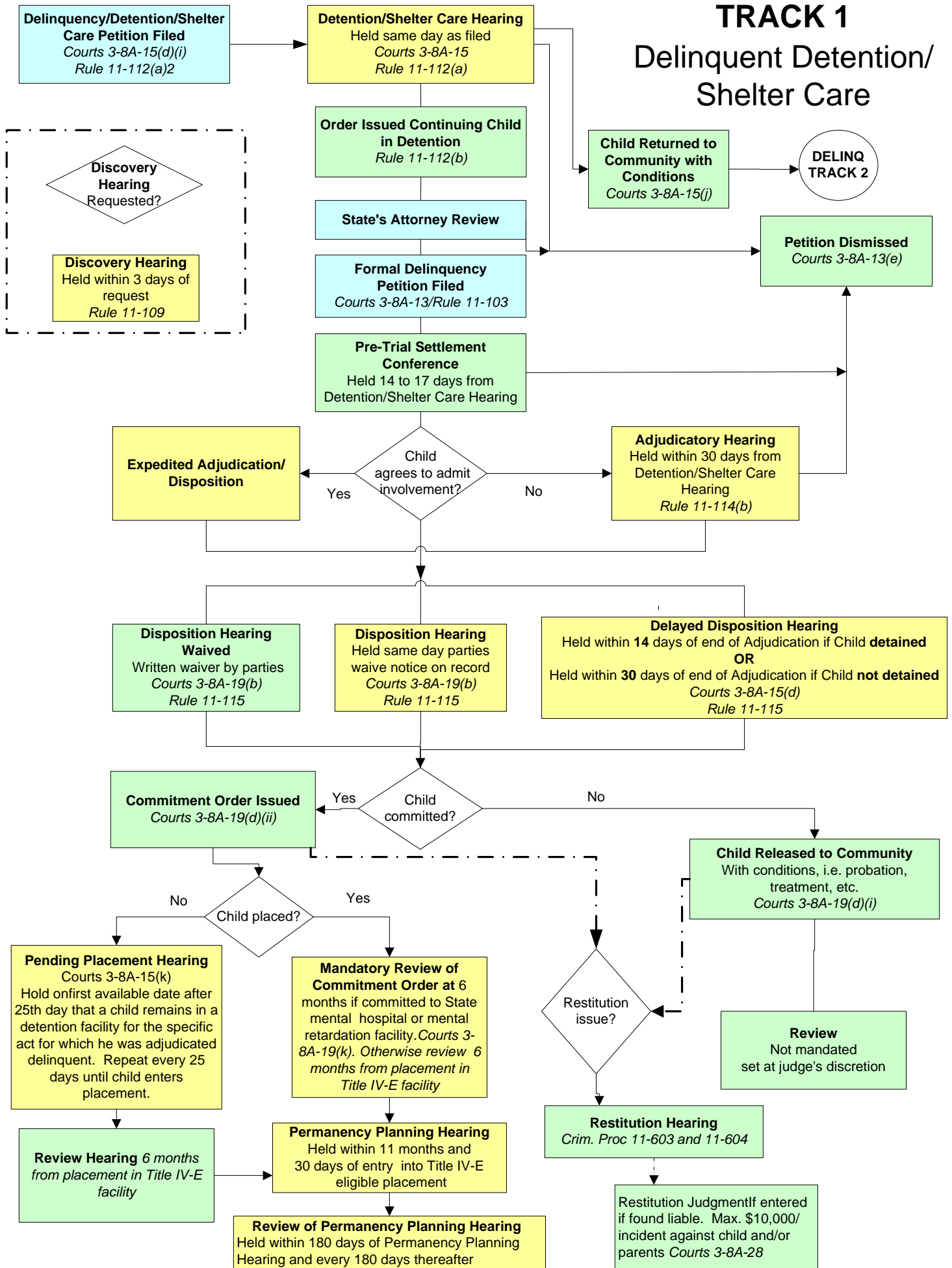
TRACK 0 Peace Order



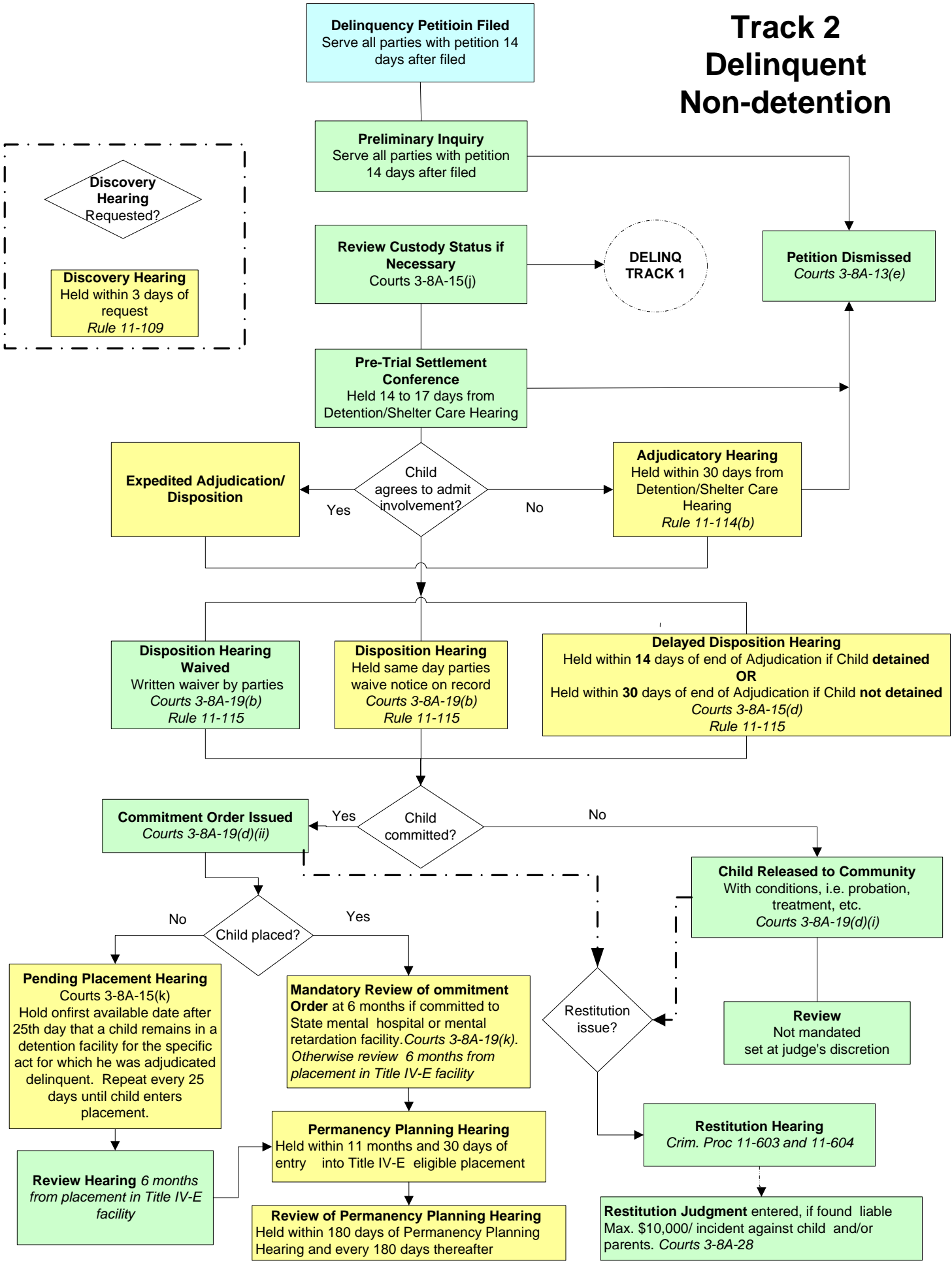
TRACK 0 Voluntary Placement



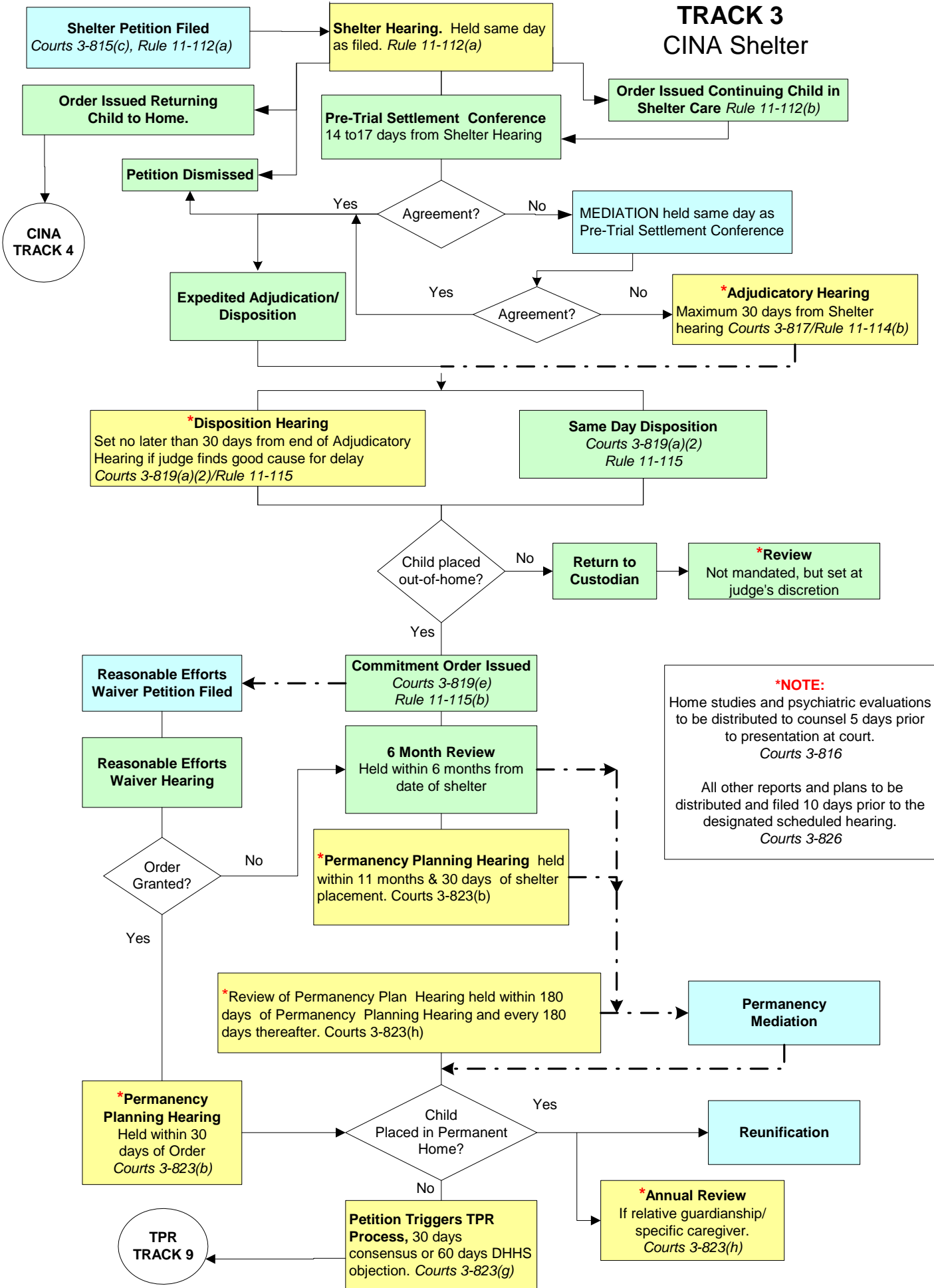
TRACK 1 Delinquent Detention/ Shelter Care



Track 2 Delinquent Non-detention



TRACK 3 CINA Shelter

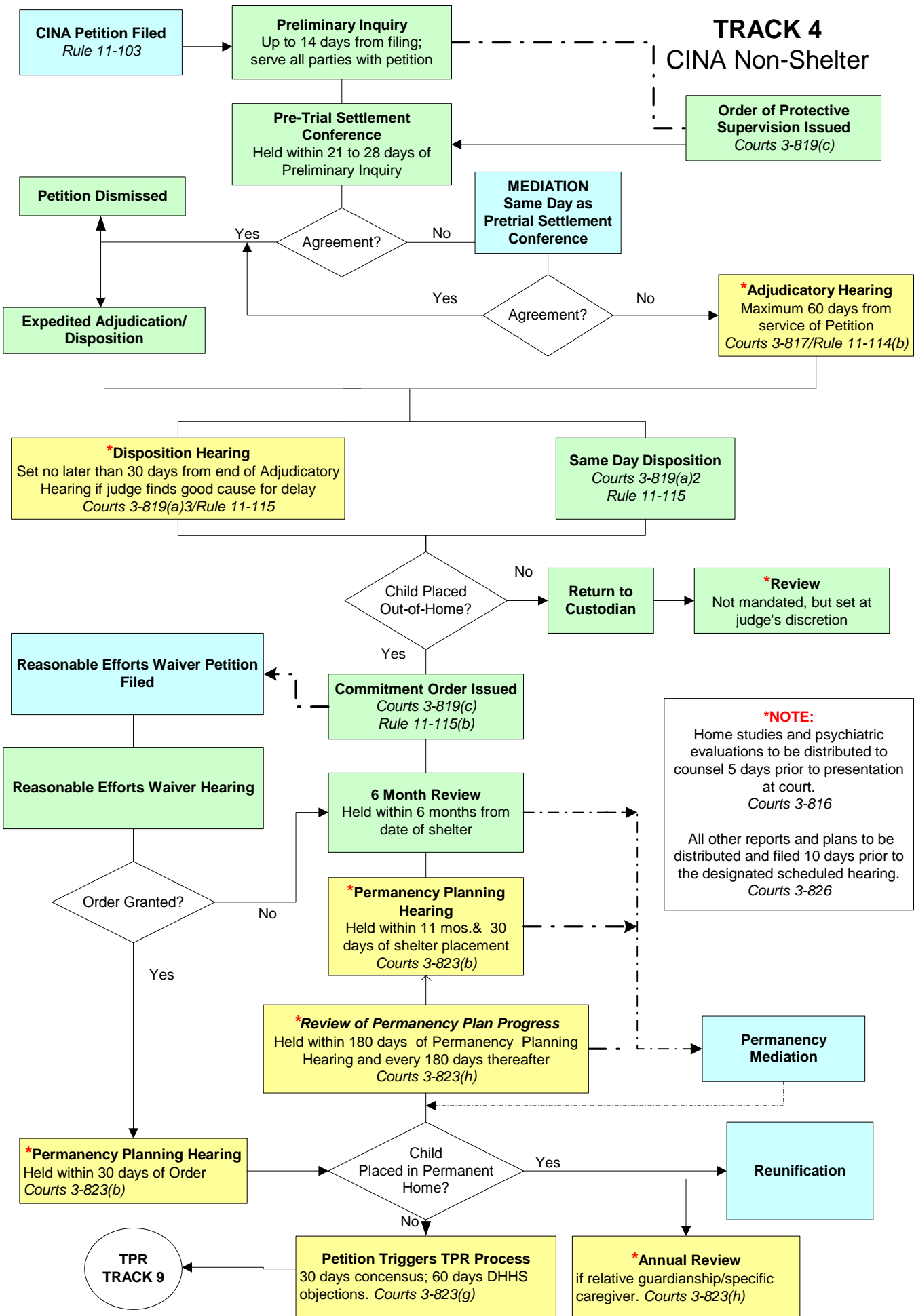


***NOTE:**
Home studies and psychiatric evaluations to be distributed to counsel 5 days prior to presentation at court. Courts 3-816

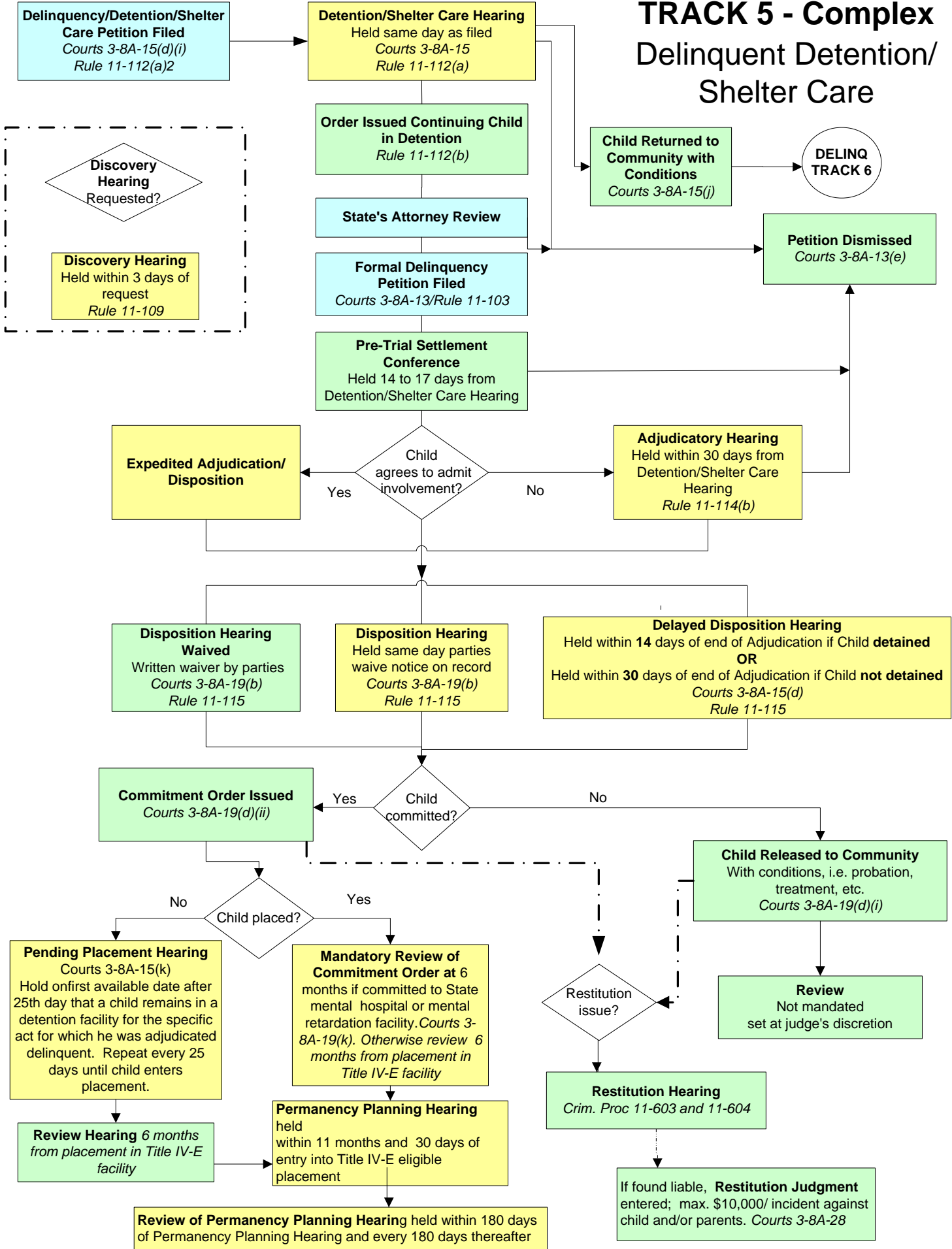
All other reports and plans to be distributed and filed 10 days prior to the designated scheduled hearing. Courts 3-826

TRACK 4

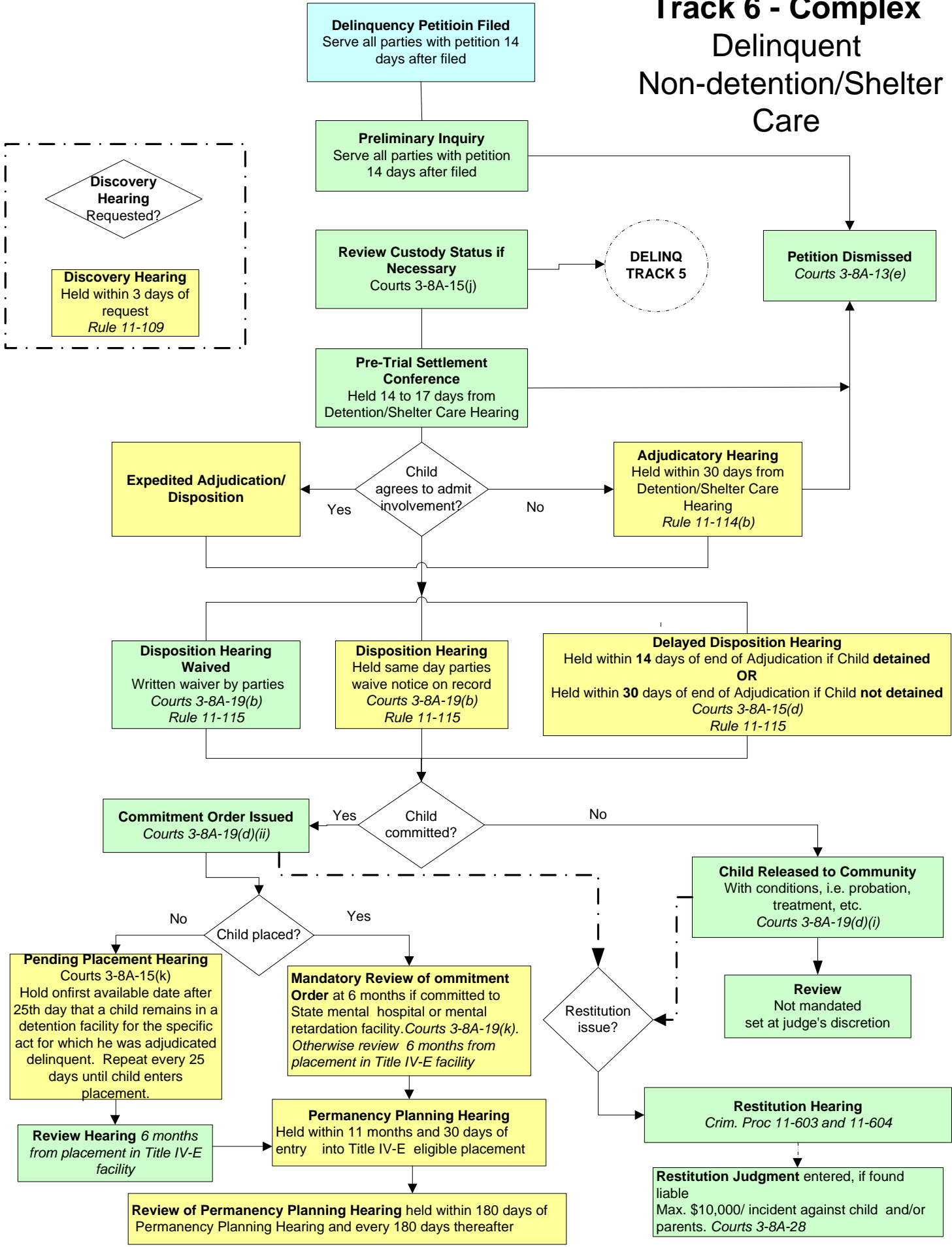
CINA Non-Shelter



TRACK 5 - Complex Delinquent Detention/ Shelter Care



Track 6 - Complex Delinquent Non-detention/Shelter Care



Discovery Hearing Requested?

Discovery Hearing
Held within 3 days of request
Rule 11-109

DELINQ TRACK 5

Petition Dismissed
Courts 3-8A-13(e)

Pre-Trial Settlement Conference
Held 14 to 17 days from Detention/Shelter Care Hearing

Expedited Adjudication/Disposition

Adjudicatory Hearing
Held within 30 days from Detention/Shelter Care Hearing
Rule 11-114(b)

Disposition Hearing Waived
Written waiver by parties
Courts 3-8A-19(b)
Rule 11-115

Disposition Hearing
Held same day parties waive notice on record
Courts 3-8A-19(b)
Rule 11-115

Delayed Disposition Hearing
Held within 14 days of end of Adjudication if Child detained
OR
Held within 30 days of end of Adjudication if Child not detained
Courts 3-8A-15(d)
Rule 11-115

Commitment Order Issued
Courts 3-8A-19(d)(ii)

Child Released to Community
With conditions, i.e. probation, treatment, etc.
Courts 3-8A-19(d)(i)

Pending Placement Hearing
Courts 3-8A-15(k)
Hold on first available date after 25th day that a child remains in a detention facility for the specific act for which he was adjudicated delinquent. Repeat every 25 days until child enters placement.

Mandatory Review of Commitment Order at 6 months if committed to State mental hospital or mental retardation facility. *Courts 3-8A-19(k)*. Otherwise review 6 months from placement in Title IV-E facility

Review Hearing 6 months from placement in Title IV-E facility

Permanency Planning Hearing
Held within 11 months and 30 days of entry into Title IV-E eligible placement

Review of Permanency Planning Hearing held within 180 days of Permanency Planning Hearing and every 180 days thereafter

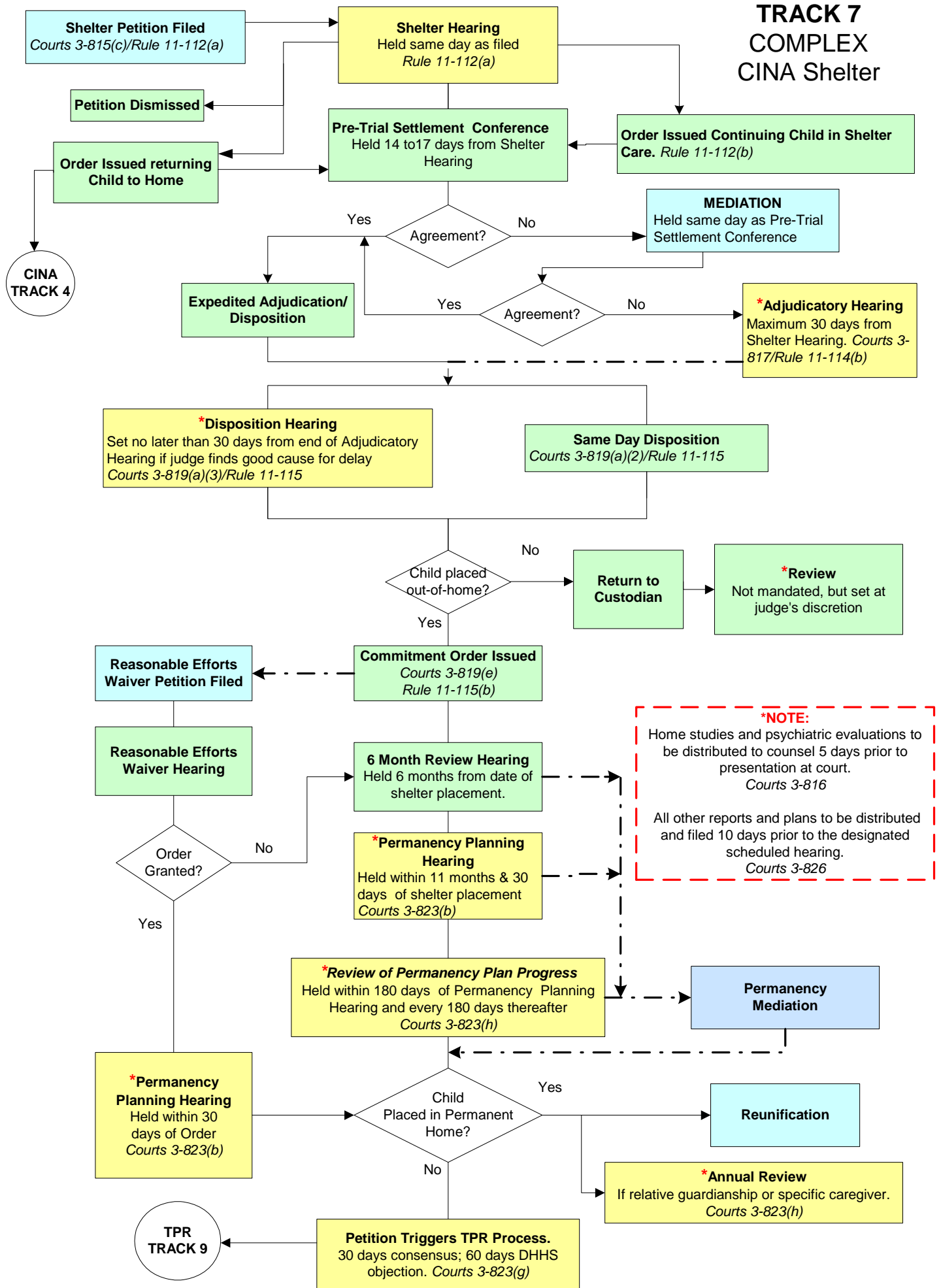
Review
Not mandated set at judge's discretion

Restitution issue?

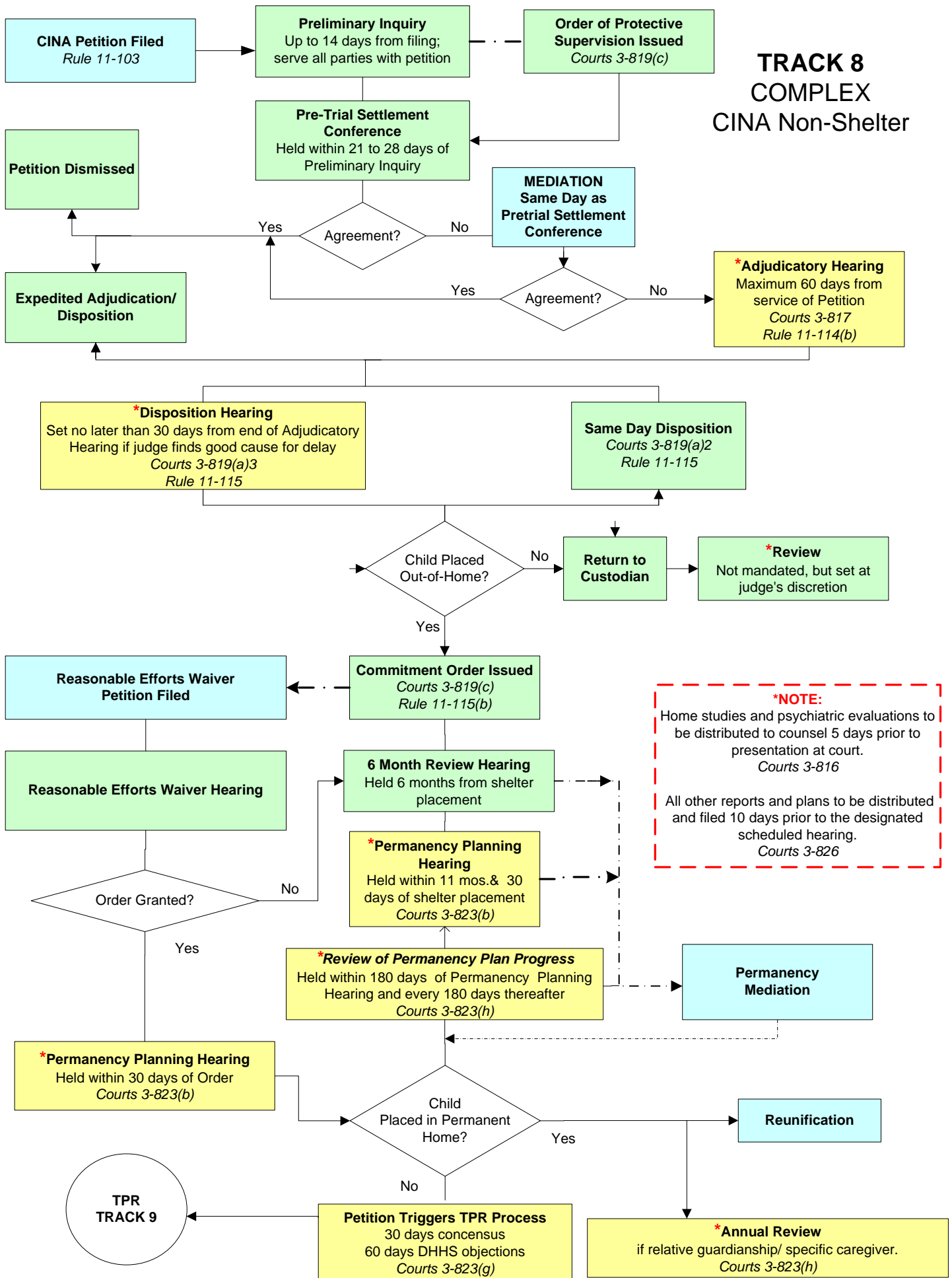
Restitution Hearing
Crim. Proc 11-603 and 11-604

Restitution Judgment entered, if found liable
Max. \$10,000/ incident against child and/or parents. *Courts 3-8A-28*

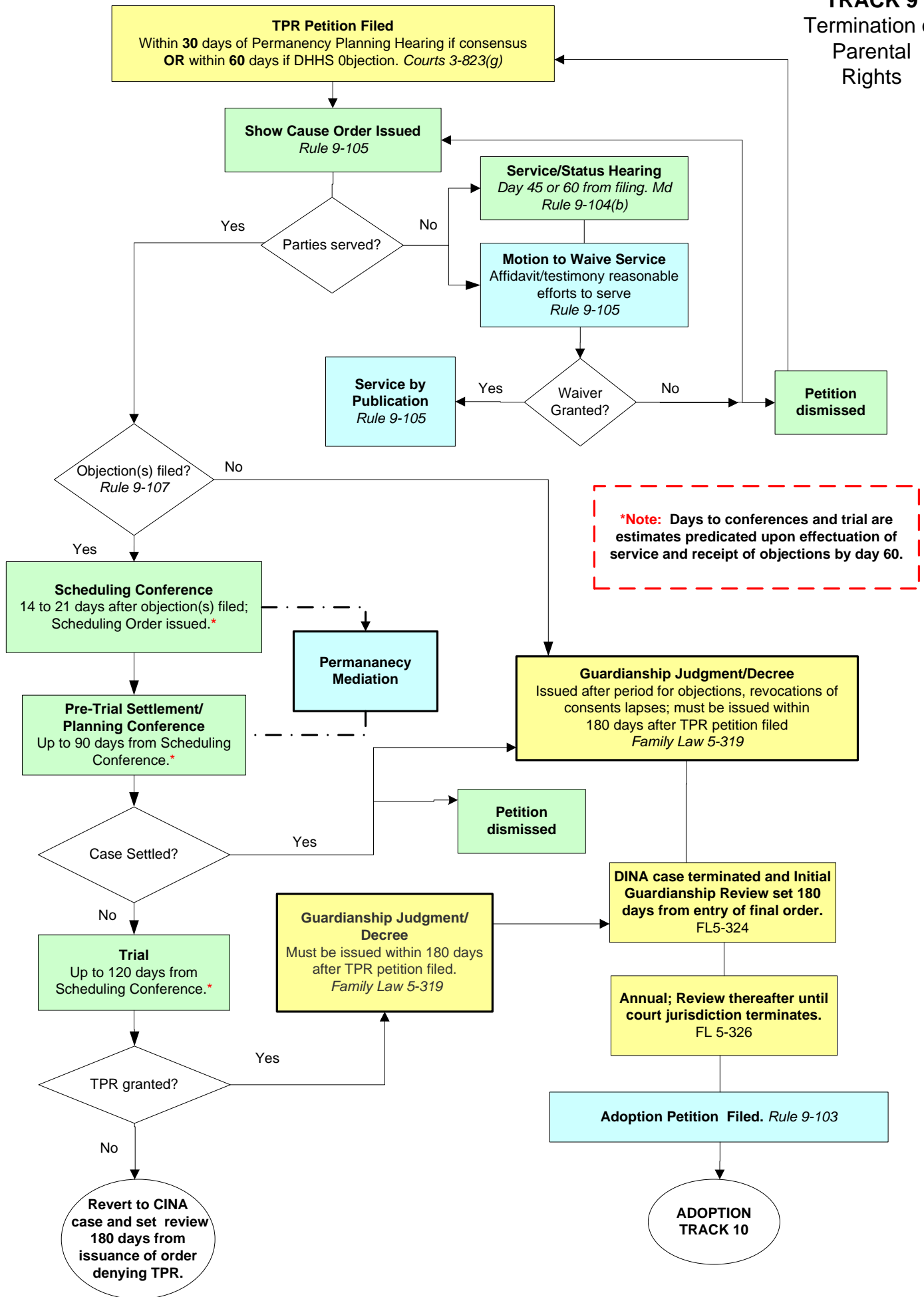
TRACK 7 COMPLEX CINA Shelter



TRACK 8 COMPLEX CINA Non-Shelter



TRACK 9 Termination of Parental Rights



**TRACK 10
ADOPTION**

