

2019

Case Processing Performance Analysis



Montgomery County Circuit Court
December 2019

Montgomery County Circuit Court

Fiscal Year 2019 Case Time Processing Report

Abstract

The Montgomery County Circuit Court’s annual case processing report evaluates the court’s case processing performance in relation to the Maryland time standards, identifies factors that may have impacted performance and its changes, and highlights strategies to improve case management processes and ultimately the administration of justice. In September 2018, the court began analyzing its Fiscal Year 2019 (FY19) case processing performance by producing quarterly results, which are shared with the court leadership team as well as judges and department managers. More frequent and timely reviews and discussions of case processing provide the court with opportunities to build and improve its data analytic capacity and understand the value of data as a core component of court administration. The quarterly case processing performance reviews also aim to inform and engage personnel at all levels of the court in dialog about data-informed case management. While these discussions often result in additional questions and the need for more detailed analyses, they also create opportunities to generate new ideas for improving performance and case management.

Montgomery County Circuit Court’s FY19 case processing analysis is performed using 15,245 originally-terminated cases that reached the case stop event defined by the Maryland Judiciary’s circuit court time standards during the fiscal year, including 5,012 civil cases, 1,892 criminal, 7,295 family law-other, 283 family law-limited divorce, 533 juvenile delinquency, 208 child in need of assistance (CINA) (178 CINA-Shelter and 30 CINA-Non Shelter), and 22 termination of parental rights (TPR)¹. A key measure of the annual case processing analysis is the percentage of cases terminated within the state-defined time standard. The court’s processing performance by case type (the time standard and percentage goal) for FY18 and FY19 are as follows:

Table 1. Montgomery County Circuit Court Case Processing Performance (% of Cases Terminated within the Time Standards), FY18 and FY19

Case Type	Time Standard	Performance Goal	FY18	FY19	FY18-FY19 Difference
Civil, foreclosure	730 days	98%	95%	94%	-1%
Civil, general	548 days	98%	98%	98%	0%
Criminal	180 days	98%	89%	91%	2%
Family, limited divorce	730 days	98%	98%	99%	1%
Family, other	365 days	98%	94%	94%	0%
Juvenile delinquency	90 days	98%	97%	95%	-2%
CINA shelter	30 days	100%	95%	97%	2%
CINA non-shelter	60 days	100%	98%	100%	2%
TPR	180 days	100%	100%	95%	-5%

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

Between FY18 and FY19, civil general and family other case processing performance remained unchanged. Civil-foreclosure, juvenile delinquency and TPR² had a slight decline in performance. Criminal, family-limited divorce, and CINA shelter and non-shelter had an improvement in performance. In FY19, civil general, family-limited divorce, and CINA non-shelter cases met or exceeded their respective statewide performance goals.

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

² The observed decline in TPR case processing performance the result of a single TPR case (06-Z-17-000033) that closed over the 180-day time standard in FY19 with a case time of 239 days.

Fiscal Year 2019 Case Processing Time Report

Data Quality Review Procedures

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

Data Quality Procedures Performed on the FY2019 Case Assessment Data

Court Administration and Clerk of the Court personnel conducted audits of originally-closed cases and checked the accuracy of assessment-related court docket entries as well as other key information. Designated court personnel also performed additional data quality reviews during the data preparation period to obtain the most accurate FY19 case assessment data.

Data Processing (DP) staff compiled FY19 assessment data into case type-specific data tables. These tables contain all mandatory and optional data fields defined by the Maryland Judiciary's case time standard data requirements. The data collected is reviewed by Quality Control (QC) staff, Administrative Aides, and court research personnel to ensure its accuracy, and to identify possible reasons for cases closing over-standard. Notes compiled by QC staff on over-standard terminations and questionable case information were shared with research personnel.

The court research personnel performed additional data quality checks on the case assessment data. Their primary focus was on the calculation of case processing time and cases closing noticeably beyond the time standards. Research staff coordinated with case management and quality control staff to further explore questionable case information. All reviews were conducted initially by checking the case assessment information against the data contained in the court's case management system and then with the actual case files and by listening to digital recordings of court events when necessary. All questionable case information was reconciled following coordination with clerk and quality control personnel.

Characteristics of the Questionable Data Uncovered during the Data Quality Reviews

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

The Montgomery County Circuit Court continues to review and revise its policies and practices related to the review and reconciliation of questionable case information. Maintaining the integrity of the court record is of critical importance to the court and is necessary to ensure confidence in the information used to inform and report on case and the court's case management.

Fiscal Year 2019 Case Processing Time Report

Overview

This overview provides Montgomery County Circuit Court's case processing performance, caseload and select workload figures for Fiscal Year 2019 (FY19).

Case Processing Performance

The court examined its FY19 case processing performance based on 15,245 original terminations as defined by the Maryland Judiciary's circuit court time standards.

- The court's FY19 performance in civil-general, Family-limited divorce and CINA non-shelter cases met or exceeded their respective Maryland Judiciary-defined case processing performance goals.
- Civil-general, family-other, criminal, and CINA shelter and non-shelter case processing performance either maintained or improved processing performance between FY18 and FY19.
- The most notable declines in performance between FY18 and FY19 occurred in juvenile delinquency cases, which declined to 95% from 97%.

Caseload³

During FY19, Montgomery County Circuit Court processed 34,962 filings including 20,987 original filings and 13,975 reopened filings. The court also processed 34,715 terminations including 20,814 original and 13,901 reopened terminations. The court processed 265 fewer filings (less than 1%) and 1,420 fewer terminations (a 4% reduction) in FY19 compared to FY18 (see Table 2).

Table 2. Montgomery County Circuit Court Filings and Terminations and Clearance Rate by Case, FY18 and FY19⁴

	Criminal		Civil		Family Law		Juvenile		Total	
	FY18	FY19	FY18	FY19	FY18	FY19	FY18	FY19	FY18	FY19
Original and Reopened										
Filings	6,414	6,294	11,168	11,641	14,211	13,795	3,434	3,232	35,227	34,962
Terminations	6,427	6,220	11,785	11,513	14,448	13,753	3,475	3,229	36,135	34,715
Clearance Rate	100%	99%	106%	99%	102%	100%	101%	100%	103%	99%
Original										
Filings	2,035	1,884	9,182	9,635	8,420	8,309	1,292	1,159	20,929	20,987
Terminations	2,094	1,895	9,794	9,560	8,695	8,172	1,349	1,187	21,932	20,814
Clearance Rate	103%	101%	107%	99%	103%	98%	104%	102%	105%	99%

* Source: Montgomery County Circuit Court, Data Processing Department

Clearance Rate is a measure that describes how well the court is keeping up with its incoming caseload. The rate is calculated by dividing terminations by filings for a given period. Clearance

³ Data in this section was provided by the court's Data Processing Department.

⁴ Criminal cases include District Court appeals and JTTPs as well as circuit court information and indictment cases. Civil cases include Register of Wills, District Court appeals and JTTPs, in addition to circuit cases. Juvenile cases include juvenile delinquency, CINA, and TPR cases.

Rates over 100% indicate that the court is reducing its backlog. As shown on Table 2 which reflects original and reopen combined filings/terminations and original filings/terminations, the overall case clearance rate that includes decreased from 103% (original and reopen) and 105% (original only) in FY18 to 99% in FY19.

- Between FY18 and FY19, the overall clearance rates, including both original and reopen filings and terminations, for all case types decreased yet all case-specific clearance rates, which are at least 99%, indicate that the court is still maintaining a relatively efficient processing level.
- While the similar declining patterns are observed among original clearance rates between FY18 and FY19, the clearance rate of criminal and juvenile cases is above 100%, 101% and 102% respectively. The clearance rate of civil and family cases is 99% and 98%, respectively. The rate for all case types combined is 99%.

Workload – Hearings and Trials

During FY19, Montgomery County Circuit Court set 7,384 trials and 56,375 hearings and held 1,742 trials and 37,521 hearings.

- The court **set** 588 fewer trials (-7%) and 1,572 fewer hearings (-3%) in FY19 than it did in FY18. The number of trials set decreased for all case types between FY18 and FY19. The number of hearings set decreased for all case types except for civil between FY18 and FY19.
- The court **held** 111 fewer trials (-6%) and 1,687 fewer hearings (-4%) in FY19 than it did in FY18. The number of trials held decreased for all case types except juvenile. The number of hearings held decreased for all case types except for civil cases.

Table 3. Montgomery County Circuit Court Trials and Hearings Set and Held by Case Type, FY18 and FY19

	Criminal		Civil*		Family Law		Juvenile		Total	
	FY18	FY19	FY18	FY19	FY18	FY19	FY18	FY19	FY18	FY19
Trials										
Set	2,824	2,752	1,181	1,111	2,025	1,945	1,942	1,575	7,972	7,384
Held	198	157	256	231	1,327	1,264	72	90	1,853	1,742
Hearings										
Set	18,482	17,814	8,300	7,907	21,895	21,443	9,270	8,450	57,947	56,375
Held	13,441	13,038	3,078	3,225	14,542	14,032	8,147	7,226	39,208	37,521

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

Foreclosure and All Other Civil General Case Processing Performance

This section provides Montgomery County Circuit Court's FY19 processing performance for foreclosure and all other civil general cases. Analyses contained in this section also focus on hearing and trial postponements and recommendations for the court and for the Maryland Judiciary's Case Management Subcommittee. The table below displays the court's historical case processing performance and additional metrics related to case progress.

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

	Case Time Definitions	Percentage Within Standard	Average Case Processing Time	Additional Statewide Measures
Foreclosure* and All Other Civil General Cases	<u>Case Time Start:</u> Filing of Case.	<u>State-Set Goals (FY2015 – FY2017):</u> ▲ Foreclosures: 98% within 730 days, 24 months		<u>Filing to Service or Answer, whichever comes first:</u> CY2001: 49 days ♦ CY2002: 44 days ♦ CY2003: 33 days ♦ FY2005: 45 days FY2006: 42 days FY2007: 40 days FY2008: 41 days FY2009: 52 days
	<u>Case Time Stop:</u> Disposition, dismissal, or judgment.	All Other Civil General: 98% within 548 days, 18 months	Foreclosures: FY2015: 334 days FY2016: 319 days FY2017: 321 days FY2018: 291 days FY2019: 299 days	FY2010: 43 days † FY2011: 30 days ♦ FY2012: 33 days ♦ FY2013: 31 days FY2014: 29 days FY2015: 35 days FY2016: 36 days FY2017: 35 days FY2018: 37 days FY2019: 39 days
	<u>Case Time Suspension Events:</u> Bankruptcy, non-binding arbitration, interlocutory appeal, body attachment, military leave, mistrial, stay for receivership, and foreclosure mediation.	<u>Montgomery County:</u> Foreclosures: FY2015: 98% FY2016: 96% FY2017: 96% FY2018: 95% FY2019: 94% All Other Civil General: FY2015: 98% FY2016: 98% FY2017: 98% FY2018: 98% FY2019: 98%	All Other Civil General: FY2015: 188 days FY2016: 185 days FY2017: 185 days FY2018: 184 days FY2019: 184 days	

* Foreclosure cases are defined by the following action codes: Deed of Trust, Mortgage, Foreclosure, Petition to Foreclosure, and Condo Lien. Rights of Redemption cases are not considered foreclosures for the case assessment analysis and are included in the all other civil general case category.

† FY2010 – FY2019 figures were calculated using all civil terminations whereas CY2001-FY2009 figures were calculated using a random sample of the civil termination population.

▲ In FY2016, the Maryland Judicial Council approved implementation of separate time standards for foreclosure and all other civil general cases. For comparison purposes, the court applied these new time standards to FY2015 civil case terminations.

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

Foreclosure and All Other Civil General Case Processing Performance

In FY19, Montgomery County Circuit Court processed a total of 5,012 civil cases including 1,187 (24%) foreclosure cases and 3,825 (76%) other civil general cases. The overall FY19 civil terminations reflect a 2% increase from FY18, which totaled 4,901 terminations with 26% (N

=1,269) identified as foreclosures. In FY16, the Maryland Judicial Council implemented two case time standards for civil cases. Foreclosure cases are subject to a two-year (24-month, 730 day) case time standard with a goal of 98% closing within-standard. All other civil general cases have a 548-day (18-month) time standard with a goal of 98% closing within-standard.

Table A.1 provides the number of original terminations and the average case time (ACT) by termination status for foreclosure and all other civil general cases for FY15 through FY19. The court processed 1,187 foreclosure cases in FY19, 94% of which closed within two years from filing. The court also processed 3,825 other civil general cases of which 3,757 (98%) closed within 18 months from filing meeting the statewide performance goal. The overall ACT for FY19 foreclosure cases is 299 days, slightly higher than obtained for FY18 (291 days). The overall ACT for all other civil general terminations in FY19 (184 days) remained relatively unchanged compared to the last four fiscal years.

Table A.1 Number of Foreclosure and All Other Civil General Case Terminations and Processing Performance, FY15-FY19

Case Sub Type (Time Standard)	Fiscal Year	Total Terminations		Within-Standard Terminations			Over-Standard Terminations		
		N	ACT*	N	%	ACT*	N	%	ACT*
Foreclosure Cases (24 Months, 730 days)	FY15	2,562	334	2,514	98%	323	48	2%	915
	FY16	2,238	319	2,159	96%	299	79	4%	884
	FY17	1,749	321	1,680	96%	296	69	4%	939
	FY18	1,269	291	1,207	95%	259	62	5%	917
	FY19	1,187	299	1,113	94%	250	74	6%	1,037
All Other General Civil Cases (18 Months, 548 days)	FY15	3,544	187	3,468	98%	175	76	2%	779
	FY16	3,618	185	3,541	98%	174	77	2%	687
	FY17	3,549	185	3,473	98%	173	76	2%	733
	FY18	3,632	184	3,547	98%	172	85	2%	684
	FY19	3,825	184	3,757	98%	174	68	2%	753

* ACT = Average Case Time (in days)

The number of foreclosure cases that closed over-standard increased between FY15 and FY19 by 54% from 48 to 74 cases. There was a slight reduction in over-standard foreclosure terminations between FY16 and FY17 (13%) and again between FY17 and FY18 (10%). There was an increase in over-standard foreclosure cases between FY18 and FY19 by 19% from 62 to 74 cases.

Among all other civil general terminations, the number of over-standard terminations decreased by 11% between FY15 and FY19. When comparing the more recent fiscal years (FY18 and FY19), the average and median over-standard case time are higher in FY19 (753 and 685, respectively) compared to FY18 (684 and 631, respectively) despite a 20% reduction in over-standard terminations.

Figure A.1 Foreclosure Resolution Profiles, FY17-FY19

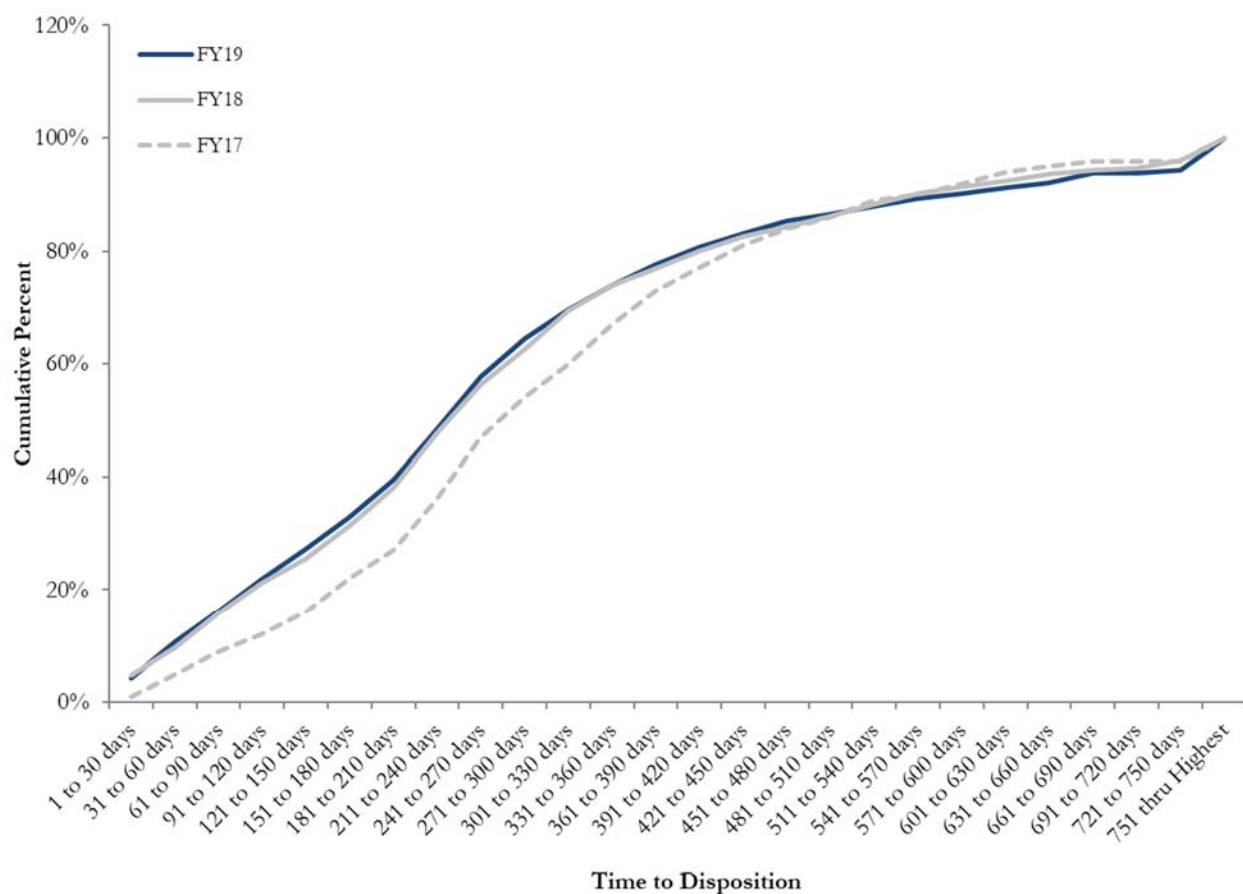


Figure A.1 displays resolution profiles for foreclosure cases closed between FY17 and FY19.⁵ Ideally, resolutions profiles have a high arch early in the life of a case indicating efficiency in processing. The foreclosure termination profiles for FY18 and FY19 are comparable and noticeably higher than FY17 up until day 480. Beginning at day 481, FY18 and FY19 termination profiles followed that of FY17 until day 511 when the FY19 profile dropped below that of FY18 and FY17. This dip in the rate of the FY19 rate of terminations aligns with the slight decline in performance noted above between FY17 and FY19 (see Table A.1).

Foreclosure Caseload⁶

In FY19, original foreclosure filings and terminations totaled 1,339 and 1,448, respectively resulting in a clearance rate of 108%. In FY18, original foreclosure filings and terminations totaled 1,368 and 1,423, respectively resulting in a clearance rate of 104%. The FY19 clearance rate is lower than the rate seen in FY15-FY17 but comparable to FY18 (FY18: 104%; FY17: 144%; FY16: 125%; FY15: 121%). Clearance rates greater than 100% indicate that the court is addressing a portion of its

⁵ Resolution profiles for all other civil general terminations follow the same trend for the past several fiscal years with slight variations in the time to close among over-standard terminations. As such, the profiles are not displayed.

⁶ This supplemental analysis of foreclosure filings and terminations includes a different population than included as part of the annual case assessment. For instance, Rights of Redemption cases are considered foreclosures in the court's filing and termination foreclosure figures.

backlogged foreclosure cases, likely those associated with a 188% increase in foreclosure filings between FY11 and FY14.

All Other Civil General Case Terminations by DCM Track⁷

There are nine tracks defined in Montgomery County Circuit Court's Civil Differentiated Case Management (DCM) plan.⁸ Table A.3 shows the number of case terminations, the percentage of cases closed within the 548-day time standard, and the average case time by termination status and DCM track. For simplicity purposes, the cases assigned to a Business and Technology track (B&T, Tracks 5 and 6) are combined and, separately, cases assigned to an Advanced Science and Technology Adjudication Resource track (ASTAR, Tracks 7 and 8) are combined.

Table A.3 All Other Civil General Case Processing Performance by Termination Status and DCM Track, FY19

DCM Track (Description)	Overall Terminations			Within-Standard Terminations				Over-Standard Terminations			
	N	% of Total	ACT*	N	% of Track	% of WST*	ACT*	N	% of Track	% of OST*	ACT*
Track N (Non-Litigation)	699	18%	73	693	>99%	18%	66	6	<1%	9%	911
Track 0 (No Discovery)	535	14%	150	528	99%	14%	141	7	1%	10%	814
Track 2 (1/2 to 1 day trial)	1,430	37%	174	1,421	>99%	38%	171	9	<1%	13%	702
Track 3 (2 to 3 day trial)	1,050	27%	296	1,021	97%	27%	256	29	3%	43%	736
Track 4 (More than 3 days trial or intensive motions)	92	2%	365	79	86%	2%	310	13	14%	19%	694
Tracks 5 & 6 (B&T)	19	<1%	398	15	79%	<1%	279	4	21%	6%	844
Tracks 7 & 8 (ASTAR)	---	---	---	---	---	---	---	---	---	---	---
Total	3,825	100%	184	3,757	98%	100%	174	68	2%	100%	753

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

Note: DCM Track determination is as of the date of data extraction.

Cases assigned to Tracks N, 2, and 3 represent 82% of FY19 civil general terminations (comparable to FY18, which was 80%). The processing performance of FY19 terminations assigned to Tracks N, 0 and 2 exceeded the statewide performance goal of 98% within-standard termination. Track 3 performance reached 97% comparable to the performance of Track 3 cases closed in FY15 through FY18. There were fewer cases terminated in FY19 assigned to Track 4 (92) compared to the past four fiscal years (FY18: 156; FY17: 147; FY16: 115; FY15: 123). The within-standard processing performance of these Track 4 terminations is 86% in FY19, which is slightly lower than FY18 (90%).⁹

⁷ Table A.3 focuses on civil general case performance by DCM track because all FY19 foreclosure case terminations are assigned to Track N. The only exception is 412218V (Foreclosure owner occupied), which was assigned to Track N between 11/30/2015 and 12/20/2016 and then subsequently assigned to Track 2.

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

⁹ The within-standard percentage of cases assigned to Track 4 that were terminated in FY15-FY17 is as follows: 87%, 83% and 89%, respectively.

All Other Civil General Case Terminations by Postponements¹⁰

Overall, 17% (831) of the 5,012 foreclosure and other civil general cases closed during FY19 had at least one hearing or trial postponement compared to 17% (827 of 4,901) of cases closed during FY18; 16% (864 of 5,298) of cases closed during FY17; 15% (887 of 5,856) of cases closed during FY16 and 14% (872 of 6,106) of cases closed during FY15. Twenty-one percent of all other civil general cases were postponed compared to 2% (25) of foreclosure cases. Accordingly, the following postponement analysis focuses on all other civil general cases.

Table A.4 All Other Civil General Case Terminations by Postponements, Termination Status and DCM Track, FY19

		With Postponements								
DCM Track	Total Terminations	Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
		% of			% of			% of		
		N	Total Track	ACT*	N	Track	ACT*	N	Track	ACT*
Track N	699	6	1%	415	5	83%	328	1	17%	847
Track 0	535	118	22%	219	113	96%	192	5	4%	838
Track 2	1,430	308	22%	273	303	98%	266	5	2%	697
Track 3	1,050	290	28%	406	261	90%	369	29	10%	736
Track 4	92	70	76%	403	59	84%	355	11	16%	662
Tracks 5 & 6	19	14	74%	475	10	71%	328	4	29%	844
Tracks 7 & 8	---	---	---	---	---	---	---	---	---	---
Total	3,825	806	21%	329	751	93%	299	55	7%	737
		Without Postponements								
DCM Track	Total Terminations	Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
		% of			% of			% of		
		N	Total Track	ACT*	N	Track	ACT*	N	Track	ACT*
Track N	699	693	99%	70	688	99%	64	5	1%	924
Track 0	535	417	78%	130	415	>99%	127	2	<1%	756
Track 2	1,430	1,122	78%	147	1,118	>99%	145	4	<1%	708
Track 3	1,050	760	72%	217	760	100%	217	0	---	---
Track 4	92	22	24%	242	20	91%	179	2	9%	870
Tracks 5 & 6	19	5	26%	183	5	100%	183	0	---	---
Tracks 7 & 8	---	---	---	---	---	---	---	---	---	---
Total	3,825	3,019	79%	145	3,006	>99%	143	13	<1%	823

* ACT = Average case time, in days.

Of the postponed civil general cases, 93% closed within the 548-day time standard (as shown in Table A.4 below). Postponed civil general cases assigned to Track 2 continued to meet the 98% performance goal while those assigned to the other DCM Tracks fell below the performance processing goal. The court may want to examine postponements among cases assigned to Tracks 3

¹⁰ The FY19 civil general postponement analysis includes both hearing and trial postponements. The capturing of hearing and trial postponements only occurs for cases with postponement reasons. The court began collecting postponement reasons for hearing postponements on July 1, 2013. Any postponed hearings prior to July 1, 2013 will not be reflected in the data.

and 4 to better understand the connection between postponements and performance. In contrast, over 98% of cases without postponements closed within the time standard.

The court granted a total of 1,571 hearing and trial postponements among the 806 postponed cases, averaging 2 postponements per case. Among the postponed cases, 47% have one postponement, 33% have two postponements, and another 20% have three or more postponements. In FY19, 85% of postponed, over-standard civil case terminations (47 of 55) were postponed two or more times.

The overall average case processing time among postponed civil general cases is more than double that for cases that are not postponed (329 versus 145 days, respectively). Among postponed cases, the average case time for over-standard cases is 737 days compared to 299 days for within-standard cases. Interestingly, the average case time for postponed, over-standard cases is shorter than that for over-standard cases without postponements (737 compared to 823 days). Some of the reasons cases without postponements close over-standard include multiple stay orders and extensions of those stay orders due to a resolution pending for a petition for declaratory relief, a decision pending from the Court of Special Appeals for another case, or awaiting service of a foreign defendant.¹¹

The most frequently cited postponement reasons among the 806 postponed cases (regardless of track) include:

- “Discovery/ADR Incomplete and/or Discovery Disputes/Additional Time Needed to Prepare” (46% all of postponements; 56% of postponements in over-standard cases);
- “Calendar Conflict” (19% all of postponements, 16% of postponements in over-standard cases);
- “Party(s) Did Not Receive Notice of Court Date” (10% of all postponements; 5% of postponements in over-standard cases);
- “Letter/Line of Agreement Received (Automatic USE Only)” (5% of all postponements; 5% of postponements in over-standard cases); and
- “Settlement, Plea or Reconciliation in Progress” (5% of all postponements; 3% of postponements in over-standard cases).

The postponement reason “Illness/Medical Emergency or Death” was a reason in 5% of all postponed cases as well as those postponed cases that closed over-standard.

Recommendations for Montgomery County Circuit Court

- *Information Sharing.* FY19 case processing performance results will be communicated to the Montgomery County Circuit Court civil bench, civil bar, as well as pertinent clerk and administration personnel.
- *Data Development:* To improve analysis of the court’s case processing performance and the identification of factors impacting performance, explore how best to create a case management data repository. The repository should include open as well as closed cases, and data elements related to hearings and trials held.

¹¹ Approximately 38% (5 of 13) of the over-standard civil general cases without postponements are foreclosure rights of redemption actions.

- *Analysis.*
 - The court has an established Track 3 Civil Settlement Conference program. Additional analysis of performance in relation to cases that participate in settlement conferences may be informative.
 - With the established and institutionalized approach to differentiated case management, additional analysis may want to focus on case processing performance in relation to DCM milestone events and/or intermediate time standards as defined by the National Center for State Courts Model Time Standards.

Recommendations for the Case Management Subcommittee

- *Technical Assistance.* As courts engage in and collaborate with the AOC on workgroups supporting case management-related Enterprise Custom Reports (ECRs), define an approach to testing ECRs to increase the likelihood that the reports created align with the defined/developed business-related requirements.

Criminal Case Processing Performance

This section provides Montgomery County Circuit Court's Fiscal Year 2019 (FY19) case processing performance for criminal cases. It includes analyses of hearing and trial postponements and recommendations for the court and for the Maryland Judiciary's Case Management Subcommittee. The table below displays the court's historical case processing performance and additional metrics.

B. Criminal Case Processing Definitions and Summary

Case Time Definitions	Percentage Within-Standard and Average Case Processing Time	Additional Statewide Measures	
<u>Case Time Start:</u> First appearance of defendant or an entry of appearance by counsel	Percent Within 6-month (180 days) Standard (State-Set Goal: 98%) CY2001: 96% FY2011: 96% CY2002: 91% FY2012: 96% CY2003: 90% FY2013: 95% FY2005: 90% FY2014: 94% FY2006: 90% FY2015: 94% FY2007: 89% FY2016: 92% FY2008: 86%* FY2017: 89% FY2009: 96% FY2018: 89% FY2010: 95% FY2019: 91%	<u>Arrest/Service to Filing[‡]:</u> CY2001: 121 days CY2002: 138 days CY2003: 124 days FY2005: 125 days FY2006: 121 days FY2007: 112 days FY2008: 116 days* FY2009: 104 days FY2010: 117 days FY2011: 117 days FY2012: 132 days FY2013: 110 days FY2014: 144 days FY2015: 137 days FY2016: 120 days FY2017: 129 days FY2018: 94 days FY2019: 81 days	<u>Verdict to Sentence[‡]:</u> CY2001: 24 days CY2002: 46 days CY2003: 51 days FY2005: 108 days FY2006: 88 days FY2007: 97 days FY2008: 75 days* FY2009: 99 days FY2010: 18 days FY2011: 18 days FY2012: 19 days FY2013: 22 days FY2014: 21 days FY2015: 23 days FY2016: 19 days FY2017: 18 days FY2018: 24 days FY2019: 29 days
<u>Case Time Stop[†]:</u> CY2001 – FY2008: Disposition (PBJ, Stet, NP, NG, Sentencing, NCR finding) FY2009 – FY2019: Disposition (Plea or Verdict, Stet, Nolle Prosequi, Reverse Waiver Granted, NCR Finding)	<u>Average Case Processing Time:</u> CY2001: N/A CY2002: 89 days CY2003: 89 days FY2005: 86 days FY2006: 84 days FY2007: 92 days FY2008: 94 days* FY2009: 77 days FY2010: 80 days FY2011: 62 days FY2012: 66 days FY2013: 73 days FY2014: 70 days FY2015: 75 days FY2016: 81 days FY2017: 93 days FY2018: 100 days FY2019: 92 days	<u>Filing to First Appearance</u> CY2001: 12 days CY2002: 18 days CY2003: 15 days FY2005: 19 days FY2006: 18 days FY2007: 15 days FY2008: 17 days* FY2009: 13 days FY2010: 12 days	FY2011: 18 days FY2012: 14 days FY2013: 17 days FY2014: 17 days FY2015: 18 days FY2016: 17 days FY2017: 17 days FY2018: 16 days FY2019: 13 days
<u>Case Time Suspension Events:</u>			
<ul style="list-style-type: none"> • Failure to Appear/Bench Warrant • Mistrial • NCR Evaluation • Competency Evaluation • Petition for Reverse Waiver • Interlocutory Appeal • Military Leave • Pre-Trial Sentencing Treatment • Psychological Evaluation • Problem-Solving Court Diversion • Postponement due to DNA/Forensic Testing 			

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

† Due to the change in the criminal case time standard in FY09, the case time was measured from the first appearance to verdict for the FY09-FY19 assessments, whereas it was measured from the first appearance to sentencing for the CY01-FY08 assessments.

‡ Additional statewide measures for CY01-FY09 were calculated based on random samples of the case population, whereas the FY10-FY19 figures were calculated using all valid observations.

§ Note that the 'Arrest to Filing' measure may not accurately reflect the time from arrest to case filing since the original arrest date is overwritten with the date in the case management system when a defendant is rearrested after the case was filed, resulting in a negative 'Arrest to Filing' time. Excluding those observations with negative 'Arrest to Filing' days in the calculation resulted in an average of 155 days in FY14 (113 cases removed), 150 days in FY15 (127 removed), 133 days in FY16 (125 removed), 137 days in FY17 (97 removed), 104 days in FY18 (136 removed), and 90 days in FY19 (128 removed), respectively.

Overall Criminal Case Terminations

During Fiscal Year 2019 (FY19), Montgomery County Circuit Court processed 1,903 criminal cases that reached original verdict or otherwise were disposed, continuing the trend of gradually declining terminations since FY15 (2,252 terminations). The current analysis is based on 1,892 cases with valid case start and stop dates.¹² Table B.1 presents the court's criminal case processing performance since FY09 when the statewide criminal time standard was changed to measure the criminal case processing time from the first appearance of the defendant to verdict. FY19 is the first reporting year with fewer than 2,000 terminations since FY05 when Maryland Judiciary initiated the statewide caseload assessment.

Table B.1 Number of Criminal Case Terminations and Processing Performance, FY09-FY19

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

* ACT = average case time (in days)

The court's criminal case processing performance measured in terms of the percentage of cases closed within the 180-day time standard declined to 94% in FY14 and FY15 from 95-96% between FY09 and FY13. The performance further declined to 92% in FY16 and 89% in FY17 and FY18. In FY19, the performance improved to 91%. The average case processing times for all cases, those closed within-standard and over-standard, also improved to 92 days from FY18 when it reached 100 days.

Table B.2 Distribution of Over-Standard Criminal Cases by Clock Time (days), FY10-FY19

Fiscal Year	N	ACT*	Median	Percentile						
				5	10	25	75	90	95	Max
FY10	121	263	247	186	193	211	287	362	399	667
FY11	98	284	262	188	199	225	339	390	437	612
FY12	94	283	254	184	187	210	311	411	474	844
FY13	113	271	252	186	191	220	309	365	394	540
FY14	121	267	250	186	193	209	309	388	411	548
FY15	126	272	247	187	190	211	317	413	454	543
FY16	162	286	247	182	190	211	322	428	533	760
FY17	230	290	260	184	194	216	321	423	487	1,024
FY18	233	291	254	184	188	211	329	456	560	770
FY19	175	300	253	186	192	215	340	431	511	1,813

* ACT = average case time (in days)

¹² Of the 11 cases excluded from the analysis, eight were removed because of the lack of valid start date (case dismissed due to defendant failing to appear at a scheduling hearing). Two cases did not reach verdict due to mistrial during FY19. One case was removed because it was filed prior to January 2001 per Maryland case time standard case selection criteria.

Table B.2 compares the distribution of over-standard (OST) case terminations for FY10 through FY19. Between FY16 and FY17 when the case processing performance declined by 4-percentage points from 92% to 89%, the number of OST terminations increased by 42% from 162 to 230. The number remained unchanged in FY18 (233 OST terminations); in FY19, however, the number of OST terminations decreased by nearly 60 (25%) to 175. On the other hand, the overall average case time increased to 300 days in FY19. This is largely due to the presence of two over-1,000 day cases (1,275 and 1,813 days, respectively); without them, the over-standard ACT is 287 days¹³.

Figure B.1 Criminal Case Over-Standard Terminations, FY19

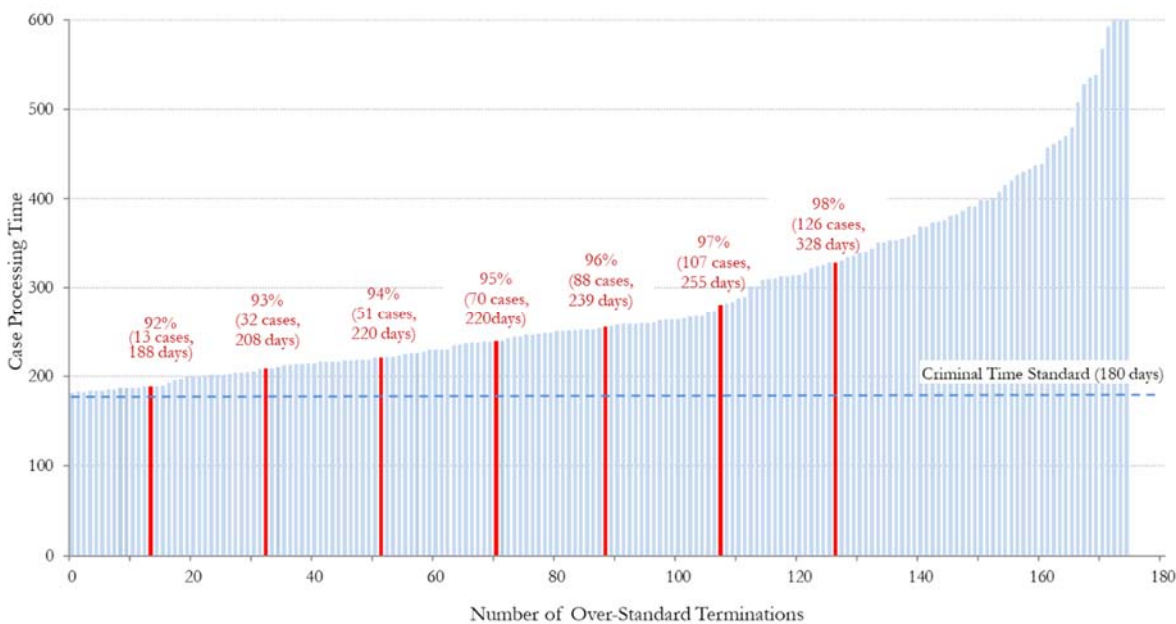


Figure B.1 presents the distribution of OST terminations by case time for FY19. The vertical red lines reflect the number of cases that the court would need to terminate within 180-days to reach the identified within-standard percentage. If the court were to improve the observed FY19 performance to the FY16 level of 92% (at least 91.5%), 13 additional cases with their case time ranging from 181 to 188 days would need to be closed within the 180-day time standard (compared to 68 cases in FY18). To improve the performance by each percentage point, the court would need to process additional 20 OST cases within the time standard. To reach 93%, in addition to the original 13 cases to reach 92%, the court would need to process 20 more OST cases ranging from 189 to 208 days within the 180-day standard. To meet the statewide performance goal of 98%, however, the court would need to close within-standard 126 (72%) of 175 currently over-standard cases, whose case times reach as long as 328 days.

¹³ In one of the two cases (C124697), the competency evaluation was ordered before the case was forwarded to the court in April 2014. Throughout the life of the case, numerous court events were postponed, and ultimately the case was dismissed. However, since the date of the competency evaluation order was not captured in the court's case management system, we were not able to take those competency-related days as a valid suspension, resulting in having an over-standard case with a long case time.

Case Terminations by DCM Track

The Montgomery County Circuit Court's Criminal Differentiated Case Management (DCM) plan has the following four tracks for criminal cases.¹⁴

- Track 1: District Court jury demands and appeals
- Track 2: Indictments and Informations, defendant locally incarcerated
- Track 3: Indictments and Informations, defendant on bond/writ status
- Track 4: Complex Indictments and Informations

Figure B.2 presents the number of case terminations by DCM Track from FY09 to FY19. Between FY17 and FY18, the number of Track 1 terminations declined by 34% (323 terminations). The decline continued in FY19; between FY18 and FY19, Track 1 terminations further declined by 24% (155 terminations) from 637 to 482, which is nearly half of the FY17 terminations (960). Between FY18 and FY19, Track 3 and Track 4 terminations also declined by 8% (58 terminations) and by 14% (48 terminations), respectively. These reductions are somewhat compensated by the 30% increase (95 terminations) in Track 2 terminations from 317 to 412. The figure indicates that the observed FY17-19 decline in Track 1 terminations appears to be part of the overall declining trend that started after FY11.

Figure B.2 Criminal Case Terminations by DCM Track, FY09-FY19

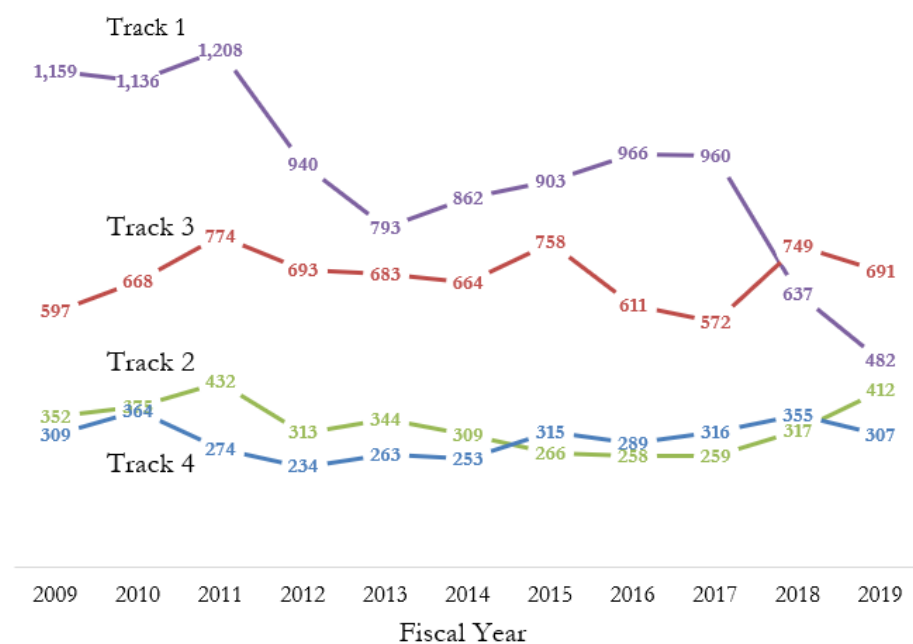


Table B.3 presents the DCM Track-specific criminal case processing performance, the average case time, and the percentage of cases closed within-standard for FY19. It appears that the reduced caseload between FY18 and FY19 resulted in improved performance in Tracks 1, 3 and 4: Track 1 from 97% to 99%, Track 3 from 91% to 95%, and Track 4 from 64% to 65%. In contrast, the performance of Track 2 declined from 95% to 93% as the number of terminations increased by 30%

¹⁴ The track descriptions are based on the Criminal DCM plan (July 2003, 2nd edition). The plan was revised in July 2010 with minimal differences in the track descriptions between the two versions.

(95 terminations) from 317 to 412. It is noteworthy that the performance of Track 3 exceeded that of Track 2.¹⁵

Table B.3 Criminal Case Processing Performance by DCM Track and Termination Status, FY19

	Total Terminations			Within-Standard Terminations				Over-Standard Terminations			
	N	% of Total	ACT*	N	% of WST*	% of Track	ACT	N	% of OST*	% of Track	ACT
Track 1	482	25%	47	477	28%	99%	45	5	3%	1%	236
Track 2	412	22%	88	384	22%	93%	75	28	16%	7%	244
Track 3	691	37%	86	656	38%	95%	77	35	20%	5%	255
Track 4	307	16%	182	200	12%	65%	101	107	61%	35%	332
Total	1,892	100%	92	1,717	100%	91%	70	175	100%	9%	300

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

The overall criminal case processing performance is largely determined by 1) the composition of terminated cases by DCM Track, in particular, the size of Track 1 and Track 4 cases, and 2) the case processing performance, in particular that of Track 4 cases. The composition of Track 1 cases increased from 40% in FY15 to 45% in FY16, while Track 4 cases remained at 14%. However, as indicated above, due to the substantially declined Track 1 terminations between FY17 and FY19, the composition of the track declined to 31% in FY18 and to 25% in FY19. From the case composition point of view, this decline is significant since Track 1 is the only track whose performance has met or exceeded the statewide performance goal. Other things held constant, if we would reduce the number of Track 1 terminations, we would expect the court's criminal case processing performance to decline since it would increase the relative composition of Track 4 terminations and thus the weight of the 'poor' performance of the track in calculating the court's overall performance. Fortunately, reduced Track 1 terminations were accompanied with several favorable factors: 1) reduced terminations in Track 4 cases, 2) increased Track 2 terminations, and 3) increased performance of Tracks 3 and 4 terminations. Specifically, despite the reduced composition of Track 1 terminations, that of Track 4 also reduced to 16% in FY19 from 17% in FY18, holding the impact of Track 4's performance on the overall performance at bay. Since the performance of Track 3, which accounts for 37% of the total terminations, increased by 4-point percentages, the overall performance for FY19 improved to 91%. The court's improved criminal case processing performance is evident when we apply the FY18 Track-specific case processing performance to the FY19 case compositions; the resultant overall case processing performance is reduced to 89% from the observed 91%¹⁶.

Case Processing Performance by Case Sub-type

Table B.4 presents the case processing performance by case sub-type for FY19. Prior to FY17, the case processing performance of District Court (DC) jury demands and appeals either met or exceeded the 98% within-standard goal; however, in FY17, the performance of appeals declined, failing to meet the goal. Specifically, the performance of bindover-appeals and DC Violation of Probation (VOP) appeals declined to 96% and 97%, respectively. In FY18, the performance of DC VOP appeals improved to 100% while that of bindover-appeal remained at 96%. In FY19, all District Court jury demands and appeals exceeded the performance goal by reaching 99% or 100%.

¹⁵ The last time when Track 3 performance surpassed that of Track 2 was FY2010 (96% vs. 94%).

¹⁶ The observed 2-percentage point difference (91% vs. 89%) could be attributed to the court's improved case processing performance.

The improved performance of bindover-appeals may be due to its declined filings (thus terminations). Between FY17 and FY19, the number of such filings and terminations declined from 778 to 375 and from 792 to 380, respectively.

Table B.4 Criminal Case Processing Performance by Case Sub-Type and Termination Status, FY19

Case Sub-type	Total Terminations			Within-Standard Terminations				Over-Standard Terminations		
	N	%	ACT*	N	%	ACT	% WST*	N	%	ACT
Indictment	950	50%	124	797	46%	89	84%	153	87%	304
Information	460	24%	72	443	26%	64	96%	17	10%	281
Bindover-Jury	82	4%	40	81	5%	38	99%	1	1%	212
Bindover-Appeal	380	20%	49	376	22%	47	99%	4	2%	242
DC VOP Appeal	20	1%	43	20	1%	43	100%	0	0%	NA
Total	1,892	100%	92	1,717	100%	70	91%	175	100%	300

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

In FY11 and FY12, indictments were the only sub-type in criminal cases not meeting the 98% goal. In FY13, the performance of informations failed to reach the 98% goal and further declined to 95% in FY14. In FY15, the performance improved to meet the 98% performance goal but declined to 94% in FY16 and to 93% in FY18. However, it bounced back to 96% in FY19.

The case processing performance of indictments, which has been in decline from 93% in FY11 to 88% in FY15, further declined by 4 percentage points to 84% in FY16 and by an additional 6 percentage points to 78% in FY17. However, the performance improved to 81% in FY18 and to 84% in FY19.

Case processing performance of information and indictment cases by DCM Track for FY16-19 is provided in Table B.5 below. The court's case processing performance for Information Tracks 3 and 4 and Indictment Track 3 and 4 all improved whereas that of Track 2, for informations and indictments, remained unchanged or declined between FY18 and FY19. It is noteworthy that the performance of Track 3 information is higher than that of Track 2 and met the 98% performance goal. Using the FY16 performance as the baseline, focusing on informations and indictments in Track 2 and indictments in Track 4 to bring their performance to the FY16 level may be one way to improve the overall criminal case processing performance.

Table B.5 Criminal Case Processing Performance by Case Sub-Type and DCM Track, FY16-FY19

Information:	FY16	FY17	FY18	FY19 (Terminations)
Track 2	100%	94%	98%	96% (136)
Track 3	93%	96%	94%	98% (297)
Track 4	74%	77%	78%	81% (27)
Overall	94%	94%	93%	96% (460)
Indictment:				
Track 2	96%	92%	92%	92% (276)
Track 3	89%	86%	89%	93% (394)
Track 4	70%	59%	62%	64% (280)
Overall	84%	78%	81%	84% (950)

Case Terminations by Trial and Hearing Postponements

Table B.6 compares the case processing performance of cases with postponements and those without them by termination status and by DCM Track. Of the 1,892 cases terminated in FY19,

43% (804 cases) had neither a hearing nor a trial postponement (43% in FY18 and 49% in FY16 and FY17). The remaining 1,086 cases with at least one hearing or trial postponement experienced 3,013 postponements in total, averaging 2.8 postponements per case (3.0 in FY17 and FY18 and 2.6 in FY16). The average number of postponements among the cases closed within the time standard are 2.3 (2.4 in FY18), compared to 5.5 among those closed over the standard (6.1 in FY18). We note that the percent of cases with postponements in FY19 was 57%, which is the same as that observed in FY18 and higher than that of FY17 and FY16 (50%).

As the second half of the table indicates, it is clear that without postponements, all cases, even those in Track 4, would be virtually closed within the 180-day time standard¹⁷. Among the cases with postponements, 84% closed within the time standard in FY19, compared to 80% in FY18, 79% in FY17, 85% in FY16 and 89% in FY15. In FY15, cases in Track 1 met the 98% goal even with postponements; however, the performance declined to 96% in FY16 and to 89% in FY17 but improved to 90% in FY18 and to 97% in FY19. The performance of cases in Tracks 2, 3, and 4 exhibit the same pattern: a decline between FY16 and FY17 followed by a slight improvement in FY18 and FY19:

- Track 2 - 96% (FY15) → 88% (FY17) → 91% (FY18) → 90% (FY19)
- Track 3 - 91% → 84% → 85% → 91%, and
- Track 4 - 72% → 57% → 59% → 59%.

However, while the FY 19 performance of Track 3 postponed cases improved back to the FY15 level, that of Tracks 2 and 4 still lag behind FY16 without improvement between FY18 and FY19.

Table B.6 Criminal Case Processing Performance by Postponement Status and DCM Track, FY19
Terminations **With** Trial and Hearing Postponements

DCM Track	Total Terminations	Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
		N	%	ACT*	N	%	ACT*	N	%	ACT*
Track 1	482	176	37%	79	171	97%	75	5	3%	236
Track 2	412	268	65%	108	241	90%	93	27	10%	246
Track 3	691	383	55%	116	349	91%	103	34	9%	253
Track 4	307	259	84%	201	152	59%	108	107	41%	332
Total	1,892	1,086	57%	128	913	84%	96	173	16%	300
Terminations Without Trial and Hearing Postponements										
Track 1	482	306	63%	29	306	100%	29	0	0%	0
Track 2	412	144	35%	50	143	99%	46	1	1%	200
Track 3	691	308	45%	48	307	>99%	47	1	0%	316
Track 4	307	48	16%	79	48	100%	79	0	0%	0
Total	1,892	806	43%	43	804	>99%	42	2	0%	258

Thirty-eight percent (411 cases) of the 1,086 cases with one or more postponements had one postponement (34% in FY18), of which all but 2 (>99%) closed within the time standard. Twenty-four percent (260 cases) had two postponements, of which 7 (3%) closed over the time standard. With three postponements, 14% (19) of 138 cases were terminated over the 180-day time standard.

¹⁷ In the two cases that resulted in the over-standard termination without postponements (132288C and 132636C), the defendant failed to appear in his pre-trial hearing, resulting in the court's issuing a bench warrant and removing all scheduled hearings and trials from the calendar and resetting them after the defendant was brought to the court.

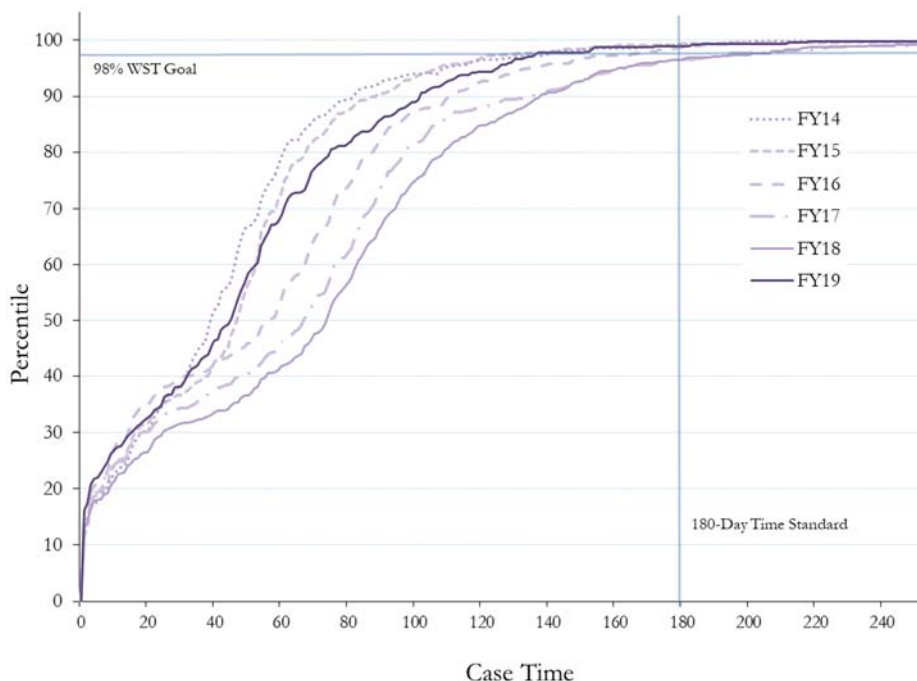
With four postponements, 34% were over-standard, 34% with five postponements, and with six postponements 40% of criminal terminations were over the time standard.¹⁸

In terms of postponement reasons reported for FY19, the most frequent reasons include: “Discovery Incomplete and/or Discovery Disputes - Additional Time Needed to Prepare” (933 of 3,013 occurrences, 31%, 31% in FY18), followed by “Calendar Conflicts” (576 occurrences, 19%, 23% in FY18). Combined, these two reasons account for 50% of all postponement reasons (58% in FY18). The next three most frequently cited reasons are: “Settlement, Plea or Reconciliation in Progress” (395 occurrences, 13%), “New Counsel Sought or Has Entered their Appearance or Not Appointed” (332 occurrences, 11%), and. “Witness Unavailable - New Witness Identified” (106 occurrences, 4%). These top five reasons account for 78% of all postponement reasons (82% in FY18).

Case Resolution Profiles by DCM Track

Figures B.3-B.6 compare the resolution profiles of Tracks 1, 2, 3 and 4 for FY14-FY19, respectively. The faded blue vertical and horizontal lines on the figure indicate the 180-day statewide time standard and the 98% within-standard performance goal, respectively. The intersection of the vertical 180-day time-standard line and profile indicates the percentage of cases terminated within the time standard. The comparison of the profiles indicates how and when the court’s FY19 case processing performance diverges from those of previous years, resulting in less or more favorable performance.

Figure B.3 Resolution Profiles of Criminal Cases in Track 1 (District Court jury demands and appeals), FY14 - FY19

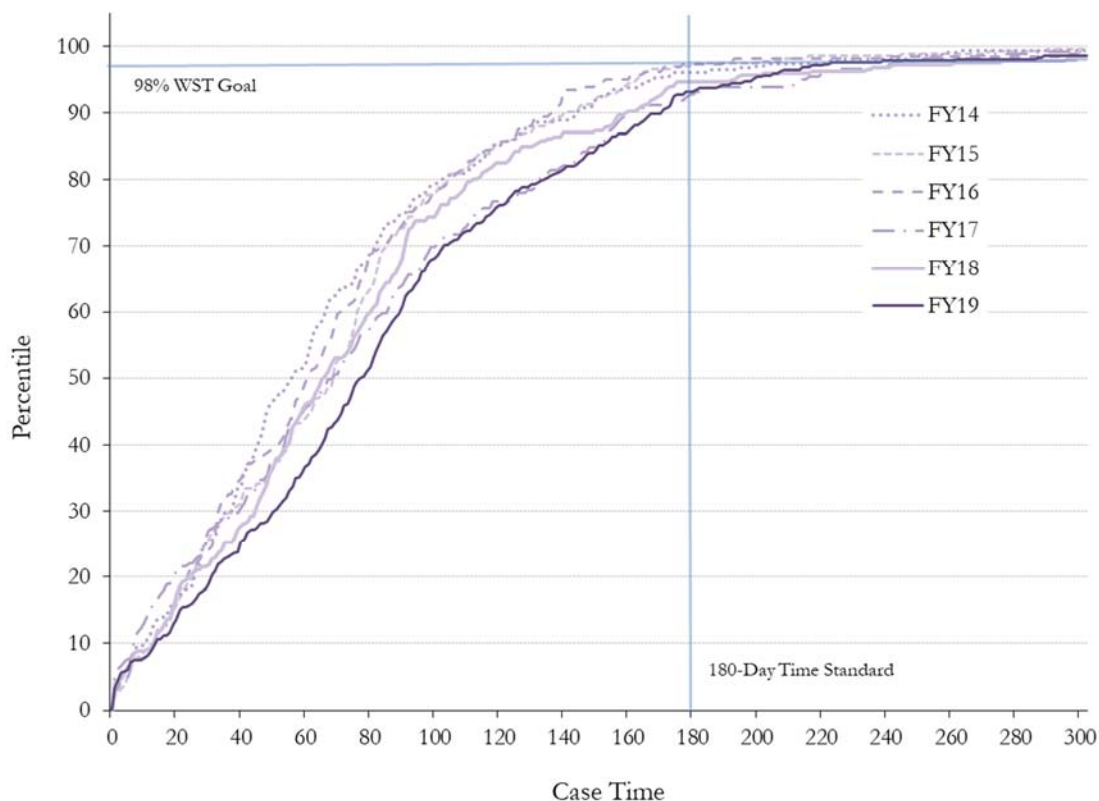


¹⁸ A case with multiple postponements could be closed within-standard when many of the postponements occurred while the case time was suspended. For example, when a court orders a competency/mental evaluation and postpones a status hearing because the psychological report for the competency evaluation is not ready, such a postponement will not impact the case time because of the suspension event.

The profiles of Track 1 cases (District Court jury demands and appeals) in FY14 and FY15 (Figure B.3) exhibits a steep increase up to the 90th percentile, where 90% of cases were closed within 80 days in FY14 and FY15. However, the FY16 profile, which follows the FY14 and FY15 profiles for the first 30 days, becomes less steep (with an inflection point around the 40th percentile). This flattening of the profile indicates that the court took additional time to process a given number of cases. The FY17 and FY18 profiles follow the FY16 profile but becomes less steep earlier around the 25th day. In addition, the profiles become less steep sooner (around the 110th day), resulting in Track 1 cases falling short of the 98% performance goal. In contrast, the FY19 profile closely resembles FY14 and FY15 profiles for the first 60 days, indicating that the court regained early resolution of Track 1 cases to the FY14/15 level, but loses its momentum, converging to the FY16 profile from the 90th day.

The resolution profiles of Track 2 cases (Indictments and Informations, defendant locally incarcerated) for FY14-19 displayed in Figure B.4 reflect the FY19 declined performance. As the figure shows, the FY19 line lies below those of previous years, indicating that the court was processing a lower percentage of cases at any given time except for the first 10 days and after the 175th day; on day 40 the court disposed 23% of cases in FY19, compared to 33% in FY16 (best year), 36% on day 60 (versus 49% in FY16), and 51% on day 80 (versus 69% in FY16). Thus, in FY19, the court was 20 days behind disposing half of its Track 2 caseload compared to its best year. Finally, on day 100, FY19 profile catches up with that of FY17. In FY18, the court's Track 2 case processing performance improved to pre-FY17 level; however, in FY19, the performance declined back to the FY17 level.

Figure B.4 Resolution Profiles of Criminal Cases in Track 2, FY14 - FY19



As Figure B.5 shows, between FY14 and FY18, the termination profiles of Track 3 cases (Indictments and Informations, defendant on bond/writ status) show the gradual decline of case processing performance as the profile becomes flatter each year. The FY19 profile is different from other years in two points. First, for the first 160 days, its profile is in the middle of the previous years' profiles, rather than below them, indicating that the Track 3 processing performance in FY19 improved from FY18. Second, the FY19 profile exhibits a sudden jump in profile between days 160 and 180, shifting its FY19 profile to the FY14/15 level and resulting in much improved performance. Without the shift, the FY19 would have been same as FY18. Accordingly, the identifying factor(s) that contributed to the jump in case disposition on the 160th day may provide a clue to improving the case processing performance of Track 3 and other tracks.

Figure B.5 Resolution Profiles of Criminal Cases in Track 3 (Indictments and Informations, defendant on bond/writ status), FY14 - FY19

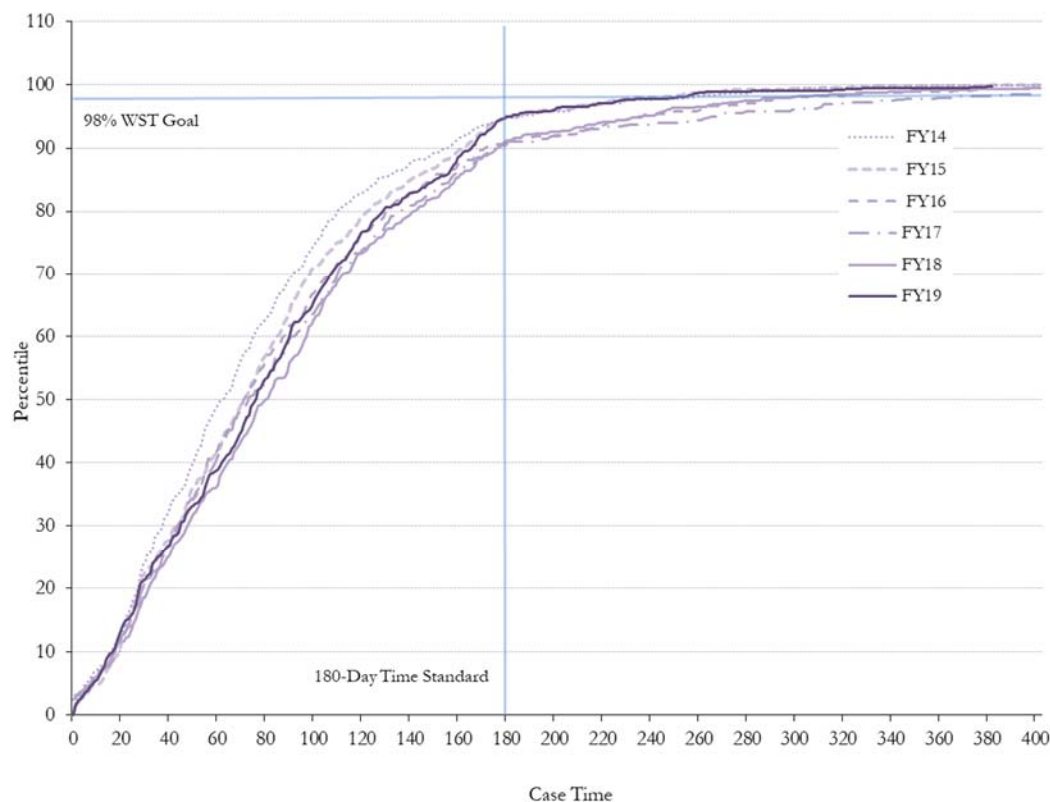
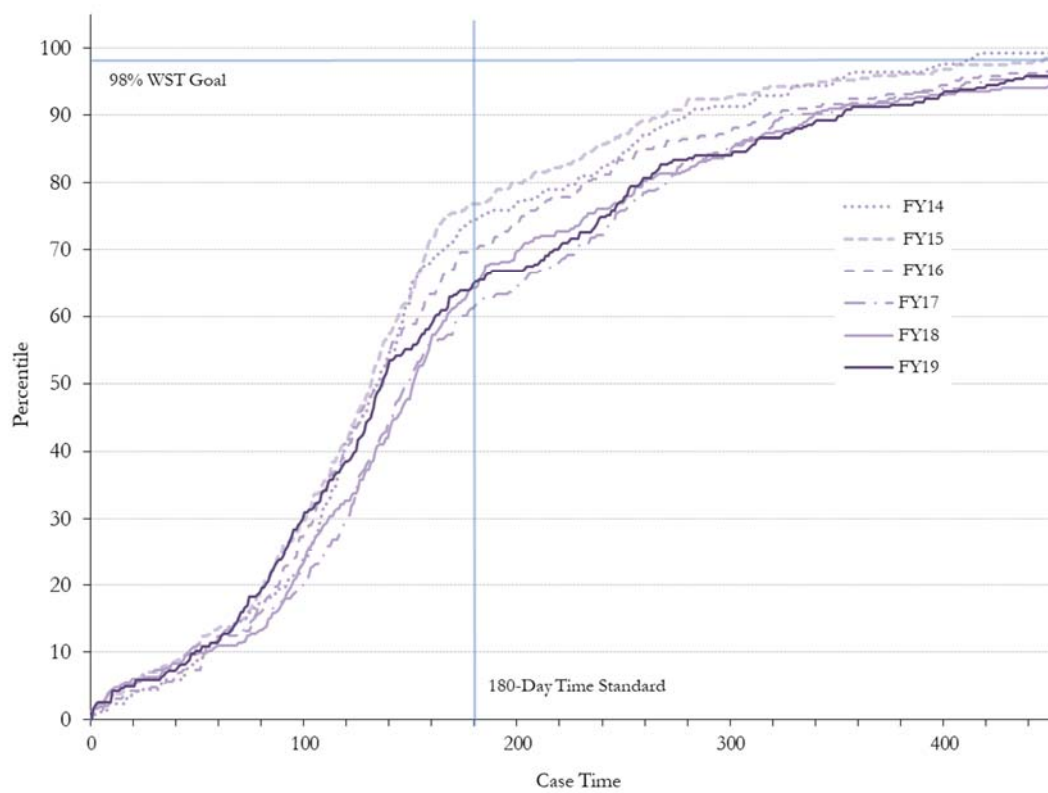


Figure B.6 provides termination profiles of Track 4 cases (Complex Indictments and Informations) for FY14-FY19. FY17 and FY18 profiles start diverging from the FY14-16 profiles around the 120th day and end with 60-65% of within-standard termination, compared to the FY14-16 profiles' 70-75% within-standard termination. The FY19 profile closely follows the FY14-16 profiles until day 140 where the slope of the profile turns less steep and shifts to the FY17-18 profiles with 65% within-standard termination on day 180. Accordingly, one of the key factors to further improving the performance of Track 4 cases may be to maintain the profile beyond the 140th day to the FY14-15 level by maintaining the case disposition rate by the 180th day.

Figure B.6 Resolution Profiles of Criminal Cases in Track 4 (Complex Indictments and Informations), FY14 - FY19



Recommendations for Montgomery County Circuit Court

- *Information Sharing:* FY19 case processing performance results will be shared with the Montgomery County Circuit Court criminal bench, bar, as well as clerks and court administration staff.
- *Information Gathering:* Strengthen the communication with Criminal Department, Courtroom Clerks, Assignment Office, Quality Control, Administrative Aids, and DCM Coordinator to identify any case processing-related issues and events that may have impacted the court's timely processing of criminal cases.
- *Data Development:* To improve analysis of the court's case processing performance and the identification of factors impacting performance, explore how best to create a case management data repository. The repository should include open as well as closed cases, and data elements related to hearings and trials held.
- *Analysis:*¹⁹ Expand the court's case processing performance analysis by identifying the possible factors that might have contributed to the observed 2-percentage point improvement in criminal performance. Meet with stakeholders to identify analytic topics of interest and develop possible actions to address the issues. Discuss the proposed analyses with the court leadership team.

¹⁹ The Administrative Judge of the court in collaboration with the DCM Coordinator have been engaged in discussions with the judges as well as justice stakeholders about criminal case processing performance. Efforts are underway to address those factors likely contributing to recent declines in performance.

The possible in-depth analyses include:

- Change in case processing performance in light of the court's postponement policy: Identify any changes in the court's criminal case processing policy that may have impacted how judges granted postponements in recent years. Between FY17 and 18, the percent of postponed cases increased from 51% to 57% whereas the performance remained at 89%. Between FY18 and FY19, while the percentage of postponed cases remained at 57%, the performance increased from 89% to 91%.
- Indictment (Tracks 2, 3, and 4) and Track 4 information cases: Examine their progress against the court's Criminal DCM plan. In response to the observed shift in Track 4 performance, identify at which stage/event cases start to deviate from the plan and the factors that may be associated with deviation.
- Declined performance in Track 2 terminations and improved performance in Track 3 terminations: Identify factors that may have led to the observed changes in performance in these tracks, such as potential changes in the court's policy regarding management of appeals and in its Criminal DCM plan. Specifically, identify the causes for the observed shift in termination profiles in the following tracks:
 - Track 2: The overall declining trend in performance as observed in the FY19 profile.
 - Track 3: The sudden jump in the slope around day 160, resulting in improved performance.

Recommendation for the Case Management Subcommittee

- *Technical Assistance.* It is recommended that clarity be provided on how to determine the competency suspension start when the evaluation of the competency was ordered prior to the case arriving in the Circuit Court. While the occurrence of such an incident is infrequent, the impact of the missing competency evaluation order as a suspension start may become significant when a defendant continues to be found incompetent as described in footnote 2. One possible suspension start date is the time when a scheduled event is postponed due to the unavailability of the evaluation results or when a defendant found not competent. The court hopes that when it joins the statewide case management system in October 2020, the competency evaluation ordered by the District Court may be identified and captured.
- *Developing a Working Group to Perform Additional Analyses and Inform Case Management.* Establish a working group to develop a statistical reporting guide that assists courts in their efforts to monitor case processing, workload, case management, and court operations performance. The guide will: 1) identify Odyssey and dashboard reporting tools available to support routine analyses of case and court performance; 2) describe how to review and discuss results across these different metrics and over time; 3) suggest additional, more detailed analyses, in particular by DCM track and/or case type, to review and analyze performance results; and 4) offer templates to translate results into tables and graphics that clearly explain the performance results for court users.

Family-Law Case Processing Performance

This section provides Montgomery County Circuit Court’s fiscal year 2019 (FY19) processing performance for family-law cases including analyses of hearing and trial postponements and recommendations for the court and the Maryland Judiciary’s Case Management Subcommittee. The table below provides the court’s historical case processing performance and associated metrics related to case progress.

C. Family Law Case Processing Definitions and Summary

Family Law Case Time Definitions	Percentage Within-Standard	Average Case Processing Time	Previous Time Standards and Additional Statewide Measures	
<u>Case Time Start:</u> Case Filing	<u>State-Set Goals</u> (FY2014 –FY2018): Limited Divorce: 98% within 24 months	Limited Divorce Cases: FY2014: 235 days FY2015: 326 days FY2016: 319 days FY2017: 319 days FY2018: 315 days FY2019: 299 days	<u>State-Set Goals</u> (FY2010-FY2014) 90% within 12 months 98% within 24 months	<u>Average Case Processing Time:</u> FY2010: 150 days FY2011: 144 days FY2012: 141 days FY2013: 142 days FY2014: 147 days FY2015: 141 days FY2016: 145 days FY2017: 144 days FY2018: 158 days FY2019: 150 days
<u>Case Time Stop:</u> Disposition, Dismissal, or Judgment of Absolute or Limited Divorce (divorce cases)	Other Family Law: 98% within 12 months	Other family-law Cases: FY2014: 146 days FY2015: 134 days FY2016: 139 days FY2017: 138 days FY2018: 153 days FY2019: 144 days	12-month standard: FY2010: 92% FY2011: 93% FY2012: 94% FY2013: 94% FY2014: 93% FY2015: 94% FY2016: 93% FY2017: 94% FY2018: 93% FY2019: 93%	
<u>Case Time Suspension Events:</u> Bankruptcy stay, Interlocutory appeal, Body attachment, Military leave, Collaborative law, Stay for Receivership, and No service after 90 days from filing (child support cases)	<u>Montgomery County:</u> Limited Divorce Cases: FY2014: 99% FY2015: 99% FY2016: 98% FY2017: 98% FY2018: 98% FY2019: 99% Other family-law Cases: FY2014: 94% FY2015: 95% FY2016: 94% FY2017: 95% FY2018: 94% FY2019: 94%		24-month standard: FY2010: >99% FY2011: >99% FY2012: >99% FY2013: >99% FY2014: >99% FY2015: >99% FY2016: >99% FY2017: >99% FY2018: >99% FY2019: >99%	<u>Additional Measure</u> <u>- Filing to Service/Answer:</u> FY2010: 36 days FY2011: 49 days FY2012: 48 days FY2013: 48 days FY2014: 48 days FY2015: 32 days FY2016: 41 days FY2017: 40 days FY2018: 48 days FY2019: 46 days

†The additional measure was calculated based on a random sample for FY2001 through FY2009. The FY10-FY19 figures were calculated using all valid terminations.

Overall Family Law Case Terminations

In FY19, Montgomery County Circuit Court processed 7,597 original terminations of family-law cases eligible for the caseload assessment, including 290 limited divorce and 7,307 other family-law cases.

The present analysis is based on 283 limited divorce and 7,295 other family-law cases that had

Maryland Judiciary-defined case disposition during the FY19, totaling 7,578 terminations.²⁰ The number of FY19 case terminations is the lowest of the past 10 fiscal years and is in between that of FY10 (7,776, see Table C.2) and FY09 (7,440). In comparison, the court processed over 8,000 case terminations annually between FY11 and FY18.

Since FY14 the Maryland Judiciary has been using two time standards and associated goals for family-law cases: a 24-month standard for limited divorce cases²¹ (with a 98% performance goal) and a 12-month standard for all other family-law cases (with a 98% performance goal). Table C.1 provides the number of original case terminations and the average case time for limited divorce cases and other family-law cases by case termination status for FY19. Of the 283 limited divorce cases terminated during FY19, all but four (99%) closed within two-year time standard, exceeding the 98% goal. Of the 7,295 other family-law cases terminated in FY19, 94% (6,853) closed within a year of filing at the same performance level with FY18.

Table C.1 Number of Family-Law Case Terminations and Processing Performance under the New Standards, FY19

Case Sub Type (Time Standard)	Total Terminations		Within-Standard Terminations			Over-Standard Terminations		
	N	ACT*	N	%	ACT*	N	%	ACT*
Limited Divorce Cases (24 Months)	283	299	279	99%	290	4	1%	924
All other FL Cases (12 Months)	7,295	144	6,853	94%	122	442	6%	493
Total	7,578	150	7,132			446		

* ACT = Average Case Time (in days)

To evaluate the court's FY19 overall family case processing performance with that of previous years, we combined the limited divorce and other family-law cases and assessed the performance under the old 12-month time standard (See Table C.2). The court's overall family law case processing performance has been consistent, closing 93-94% of cases within the standard since FY11. The overall average case time for FY19 is 150 days, 8 days shorter than FY18, and is identical to FY10. In FY18, the average case time of cases closed within-standard terminations increased to 132 days, higher than that of any fiscal year since FY06. In FY19, the average case time was reduced to 123 days, equivalent to FY13-17 levels.

²⁰ Nineteen cases (seven limited divorce and 12 other family-law cases (absolute divorce cases)) were excluded from the FY19 analysis. While these cases were terminated during FY19, they received judgment of absolute or limited divorce (the Judiciary-defined case closure) prior to FY19. Due to post-judgment issues filed prior to the divorce judgment, the cases remained open until they were disposed.

²¹ According to the Maryland Judiciary's time standards, limited divorce cases are identified as such at the time of filing, whereas in the FY14 analysis, the court identified limited divorce cases at the time of case stop or the time of the limited divorce judgment. Accordingly, the court's family law case processing performance between FY14 and FY15-FY17 is not comparable under the new time standards.

Table C.2 Number of Family-Law Case Terminations and Processing Performance under the Old 12-Month Time Standard (90% Within-Standard Termination Goal), FY06-FY19

Fiscal Year	Total Terminations		Within-Standard Terminations			Over-Standard Terminations		
	N	ACT*	N	%	ACT*	N	%	ACT*
FY06	6,368	154	5,820	91%	123	548	9%	493
FY07	6,722	157	6,066	90%	118	656	10%	522
FY08**	(510)	155	(460)	90%	117	(50)	10%	505
FY09	7,440	148	6,841	92%	117	599	8%	505
FY10	7,776	150	7,182	92%	121	594	8%	494
FY11	8,034	144	7,491	93%	119	543	7%	498
FY12	8,532	141	7,998	94%	119	534	6%	478
FY13	8,144	142	7,670	94%	122	474	6%	469
FY14	8,029	147	7,503	93%	124	526	7%	481
FY15	8,176	141	7,679	94%	120	497	6%	473
FY16	8,492	145	7,915	93%	120	577	7%	488
FY17	8,237	144	7,727	94%	121	510	6%	484
FY18	8,029	158	7,430	93%	132	599	7%	481
FY19	7,578	150	7,038	93%	123	540	7%	495

* ACT = Average Case Time (in days)

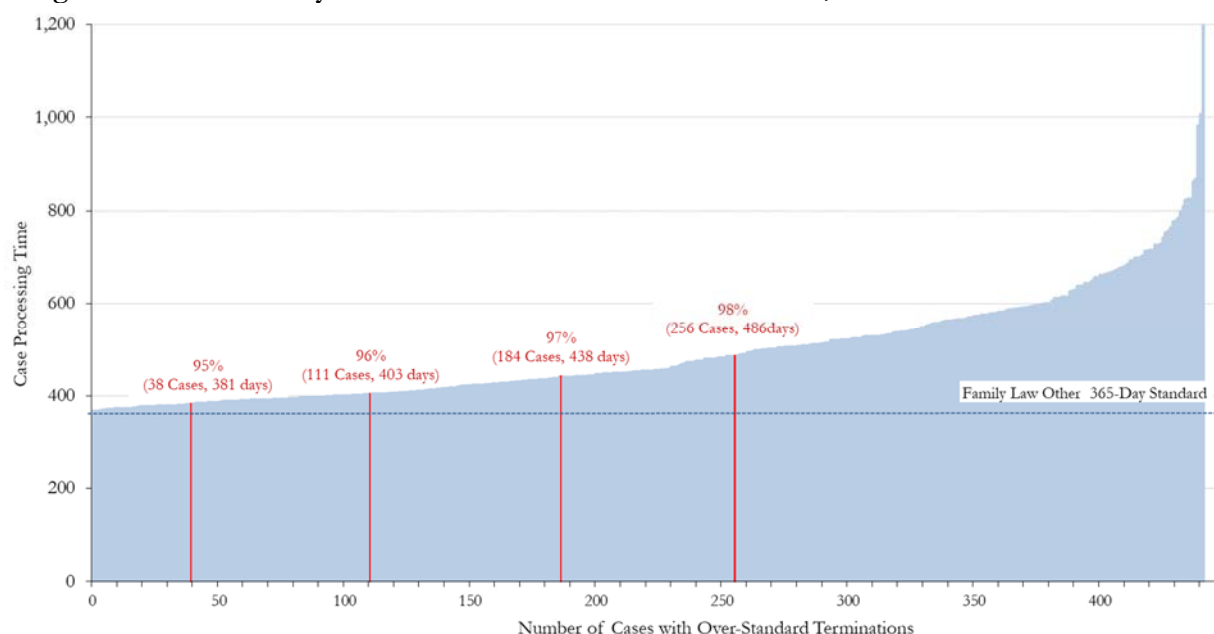
** The full domestic caseload for FY08 was 7,673. The 510 cases for which performance data is provided represent a random sampling of the total FY08 caseload.

Distribution of Over-Standard Other family-law Cases

The court experienced 442 over-standard other family-law case terminations in FY19, which was a 10% reduction (47 terminations) from FY18. Between FY18 and FY19, overall and within-standard terminations also declined by 6% (446 and 399 reduced terminations, respectively). In contrast, between FY17 and FY18, the number of over-standard terminations increased by 23% (91 terminations) from 398 to 489 while the overall and within-standard terminations decreased by 3% (204 terminations) and by 4% (295 terminations), respectively. Figure C.1 presents the distribution of 442 over-standard other family-law terminations for FY19. The figure also shows how many additional over-standard cases, with their case times ranging from 366 to 1,239 days, would need to be terminated within the 365-day standard to improve the court's case processing performance.

Thanks to the reduced overall terminations, the number of over-standard cases that would need to be terminated to improve the performance was also reduced in FY19. Thus, in FY18 to improve the case processing performance from 94 to 95%, for example, the court would need to terminate 64 additional over-standard cases (with their case times ranging from 366 to 379 days) within 365 days. In contrast, in FY19, with 24 fewer terminations, that number is 38 cases. To further improve the performance by another percentage point, the court would need to terminate an additional 73 over-standard cases in FY19, compared to 77 or 78 over-standard cases in FY18. To meet the goal of 98%, the court would need to terminate a total of 256 over-standard cases (296 cases in FY18) within the time standard.

Figure C.1 Other Family-Law Case Over-Standard Terminations, FY19



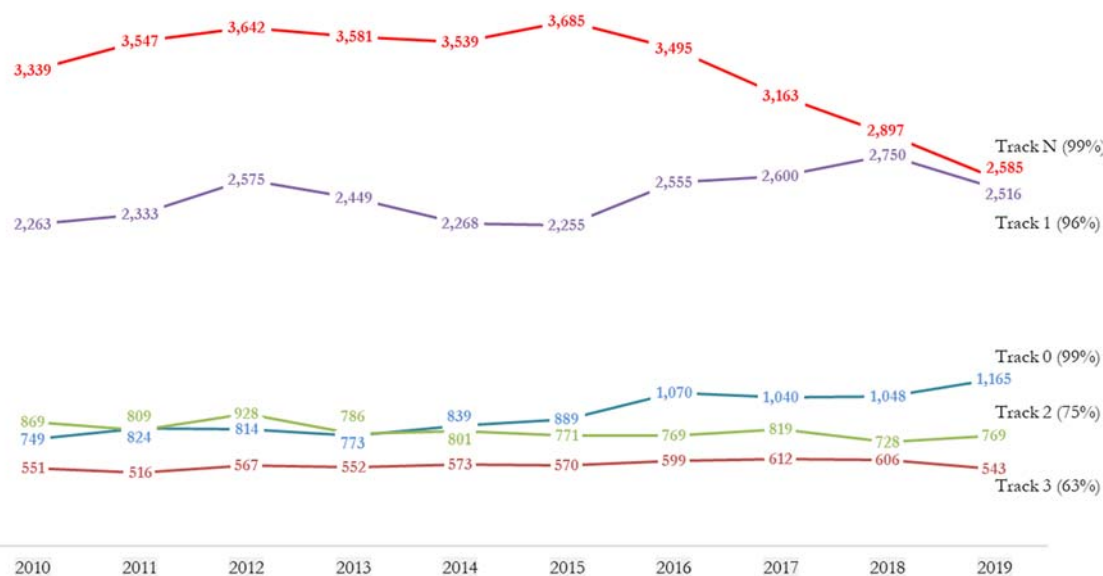
Case Terminations by DCM Track

Montgomery County Circuit Court’s Family Differentiated Case Management (DCM) plan provides the following six tracks. Figure 2 shows the number of original terminations (limited divorce and other family-law cases combined) that the court processed in for FY10-FY19 by DCM track.

- Track 0: Uncontested divorce without summons – 1,165 terminations in FY19
- Track 1: Uncontested divorce with summons – 2,516 terminations in FY19
- Track 2: Divorce with no physical custody issues and limited discovery – 769 terminations in FY19
- Track 3: Divorce with physical custody issues and/or moderate discovery– 543 terminations in FY19
- Track 4: “Complex” cases involving extensive property holdings, complicated business valuations, significant assets held in various forms, pensions, alimony and other support issues along with custody, visitation and divorce²² – none in FY19
- No Track (“Track N”): Cases with other issue(s) such as guardianships, uniform support, change of name, paternity, URESA, emergency psychological evaluation, and waiver of court costs – 2,585 terminations in FY19

²² As of January 2016, the court no longer assigns newly filled cases to Track 4. However, cases meeting certain criteria including case complexity are now processed by the court’s One-Family-One-Judge (1F1J) procedure without the Track 4 assignment. As of 12/10/19, the court has designated 143 family-law cases as ‘1F1J’

Figure C.2 Number of Original Case Terminations (Limited Divorce and Other Family-Law Combined) by DCM Track, FY10-19 and Percent of Within-365-Day Standard Terminations (FY19)



One of the notable changes in the number of terminations by DCM track over FY10-19 is the increase in Track 0 terminations, which increased from 700-900 per year between FY10 and FY15 to over 1,000 in FY16 - FY19. Between FY15 and 19, the number of Track 0 terminations increased by 31%.

The increase presumably resulted from the change in the state divorce law that took place on October 1st, 2015 to remove the one-year waiting period for the couples with no minor children who mutually consent to divorce and agree on property division. During the same period, the number of Track 1 terminations also increased by 12%. However, these increases were overshadowed by the even larger decline in terminations in Track N cases – 1,100 terminations between FY15 and FY19 (a 30% decline).

This reduction resulted from a change in the court’s policy on filings of some Track N cases. Under the new policy, implemented in January 2017, some petitions such as waiver of court costs, which were filed as separate cases, are no longer treated as such and are now filed as pleadings within the substantive case.

In contrast, the number of Track 2 and 3 terminations are fairly stable during the same period.

Overall, the number of family-law case terminations declined by close to 600 (7%) between FY15 and FY19.

Table C.3 presents the number and distribution of case terminations and their case processing performance by DCM Track for limited divorce and other family-law cases. The top portion of the table provides the performance of limited divorce cases. The performance of Track 2 and 3 terminations, which improved from 98% to 100% and 94% to 95%, respectively between FY16 and FY17, declined to 99% and 94% in FY18. In FY19, their performance was 99% and 96%, respectively. The performance of Tracks 0 and 1 remained at 100% within the 730-day standard.

Table C.3 Family Law Case Processing Performance by DCM Track and Termination Status, FY19

DCM Track	Overall Terminations			Within-Standard Terminations				Over-Standard Terminations			
	N	% of Total	ACT*	N	% of WST	% of Track	ACT*	N	% of OST	% of Track	ACT*
Limited Divorce Cases (24 months)											
Track 0	8	3%	211	8	3%	100%	211	0	0%	0%	0
Track 1	114	40%	169	114	41%	100%	169	0	0%	0%	0
Track 2	78	28%	371	77	28%	99%	366	1	25%	1%	749
Track 3	83	29%	419	80	29%	96%	398	3	75%	4%	982
Track 4	0	0%		0	0%	NA	0	0	0%	NA	0
Track N	0	0%		0	0%	NA	0	0	0%	NA	0
Total	283	100%	299	279	100%	99%	290	4	100%	1%	924
All Other family-law Cases (12 months)											
Track 0	1,157	16%	56	1,153	17%	>99%	55	4	1%	<1%	500
Track 1	2,402	33%	164	2,304	34%	96%	151	98	22%	4%	476
Track 2	691	9%	271	541	8%	78%	213	150	34%	22%	479
Track 3	460	6%	327	310	5%	67%	230	150	34%	33%	529
Track 4	0	0%		0	0%	NA	0	0	0%	NA	0
Track N	2,585	35%	98	2,545	37%	98%	93	40	9%	2%	452
Total	7,295	100%	144	6,853	100%	94%	122	442	100%	6%	493

* ACT = Average Case Time (in days)

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

The bottom half of the table presents the DCM Track-specific case processing performance of other family-law cases. As observed in previous years, 84-85% of the overall terminations are comprised of cases in Tracks 0, 1, and N with relatively high performance. The performance of Track 1, which declined from 100% to 95% between FY15 and FY16 but slightly improved to 97% in FY17, declined back to the FY16 level in FY18 (95%) and FY19 (96%). The performance of Track N also slightly declined from 99% in FY17 to 98% in FY18 and FY19. Track 0 case terminations remained high with over 99% of cases closed within the 365-day time standard. The remaining 15-16% of the terminated cases represent contested divorce, custody, and other family-law cases in Tracks 2 and 3, with a much lower case processing performance. The case processing performance of Track 2 cases, which improved from 79% to 80% between FY15 and FY18, slightly declined to 78% in FY19. The performance of Track 3 cases, which was at 69%-70% in FY15 and FY17, decline to 68% in FY18 and to 67% in FY19.

The overall case processing performance of other family-law cases reflects the composition of two groups of cases and their performance: 1) Tracks 0, 1 and N cases that account for over 80% of the total terminations and have superior performance; and 2) Tracks 2 and 3 cases that have less favorable performance. For the court to further improve its performance, a closer look at the second group of cases needs to be undertaken. As shown on Figure C.2, the number of Track N terminations has declined substantially. So far, the court's overall case processing performance has not been adversely impacted by this decline. However, it is expected that the less favorable performance of Tracks 2 and 3 case terminations will eventually start impacting the overall performance if the number of Track N terminations continues to decrease, unless that count for Tracks 0 and/or 1 start increasing at the same magnitude.

Case Terminations by Postponements

The postponement analysis includes hearing and trial postponements.²³ Of the 283 limited divorce cases closed in FY19, 80 (28%) (30% in FY18, 36% in FY17, 39% in FY16, and 35% in FY15) experienced postponements. Of those 80 postponed cases, four cases, one Track 2 and three Track 3, terminated over-standard termination, resulting in 95% of postponed cases terminated within-standard, compared to 92% in FY18 (95% in FY17 and FY16 and 99% in FY15). Among the 203 cases terminated without postponements, all (100%) were closed within the 730-day time standard.

Table C.4 Other Family-Law Case Terminations by Postponements, Termination Status, and DCM Track, FY19

		<u>Terminations With Postponements</u>								
DCM Track	Total Terminations	Overall Terminations % of Total			Within-Standard Terminations % of			Over-Standard Terminations % of		
		N	Track	ACT*	N	Track	ACT*	N	Track	ACT*
Track 0	1,157	114	10%	94	112	98%	86	2	2%	493
Track 1	2,402	253	11%	215	219	87%	172	34	13%	488
Track 2	691	199	29%	368	108	54%	256	91	46%	501
Track 3	460	154	33%	418	72	47%	260	82	53%	558
Track 4	0	0	NA		0	NA	0	0	NA	0
Track N	2,585	207	8%	211	197	95%	198	10	5%	467
Total	7,295	927	13%	266	708	76%	187	219	24%	519
		<u>Terminations Without Postponements</u>								
DCM Track	Total Terminations	Overall Terminations % of Total			Within-Standard Terminations % of			Over-Standard Terminations % of		
		N	Track	ACT*	N	Track	ACT*	N	Track	ACT*
Track 0	1,157	1,043	90%	52	1,041	>99%	52	2	<1%	506
Track 1	2,402	2,149	89%	158	2,085	97%	148	64	3%	469
Track 2	691	492	71%	231	433	88%	202	59	12%	445
Track 3	460	306	67%	282	238	78%	221	68	22%	495
Track 4	0	0	NA		0	NA	0	0	NA	0
Track N	2,585	2,378	92%	89	2,348	99%	84	30	1%	447
Total	7,295	6,368	87%	126	6,145	96%	114	223	4%	468

* ACT = Average case time, in days.

Table C.4 presents the number, percentage and average case time by termination status and DCM Track for other family-law cases with and without postponements. Of the 7,295 originally terminated other family-law cases in FY19, 927 cases (13%) had one or more postponements (12% in FY18 and 13% in FY17). Overall, 76% of these postponed cases closed within the 365-day time standard, the same percent with FY18 and one percentage point down from FY17. Even with postponements, 98% of cases in Track 0 closed within-standard, compared to 95% of Track N and 87% of Track 1 cases with postponements closed within-standard. For Track 2 and 3 cases, the percentage is substantially lower at 54% and 47%, respectively (56% and 49% in FY18).

²³ Due to programming changes in the court's case management system in July 2013, any hearing postponements docketed prior to that date were not captured in the current data. Accordingly, the number of postponements reported may be underestimated. In fact, one of the two cases terminated over-standard without any suspensions had a postponement in May 2013.

The bottom half of Table C.4 shows the court's case processing performance for the remaining 6,368 (87%) other family-law cases terminated without postponements. Overall, 96% of non-postponed cases were closed within-standard (96% in FY18, 98% in FY17, 97% in FY16 and 98% in FY15). In previous years, at least 98% of the cases in Tracks 0, 1, and N were closed within the 365-day time standard, meeting or exceeding the performance goal. However, in FY19, 97% of Track 1 cases without postponements closed within the time standard (96% in FY18). The performance of Tracks 2 and 3 cases without postponements is nearly identical to FY18 at 88% and 78%, respectively (87% and 78% in FY18) and not as positive as FY17 (89% and 83%).

As observed in the past, for contested absolute divorce cases (assigned to Tracks 2 or 3), postponements, while playing a major role in determining their case time, are not a sole factor impacting timely disposition. In total, Tracks 2 and 3 have 127 cases that resulted in over-standard terminations *without* postponements (141 in FY18 and 114 in FY17). There are also 64 and 30 such cases in Tracks 1 and N, respectively in FY19; although this is not many as in FY18 (92 and 40 respectively), it is over twice as many as FY17 (31 and 12 respectively). While MD Rule 2-507-related unsuccessful service and extended case inactivity may be partly responsible for these cases, an additional analysis is needed to confirm the observation and identify other factors possibly responsible for cases closing over-standard without postponements. Reducing the number of over-standard terminations by eliminating 94 over-standard cases without postponements in Track 1 and N would have improved the overall case processing performance close to 96% in FY19. Adding those 127 cases in Tracks 2 and 3 would have made the overall performance close to 98%. Another possibility to improve the overall case processing performance may be to address postponements in Track 1 and N cases since, without postponements, most of the cases close within the time standard. By eliminating the 44 over-standard terminations in postponed cases in these tracks, the overall performance would improve by one percentage point to 95%.

Table C.5 Other Family-Law* and Contested Divorce Case Terminations by the Number of Postponements and Over-Standard Termination Status, FY19

Number of Postponements	All Cases			Contested Divorce		
	N	Over-Standard Terminations		N	Over-Standard Terminations	
		N	%		N	%
0	6,368	223	4%	798	127	16%
1	642	117	18%	257	104	40%
2	215	56	26%	63	39	62%
3	39	25	64%	20	18	90%
4	18	11	61%	5	4	80%
5 or more	13	10	77%	8	8	100%
Total	7,295	442	6%	1,151	300	26%

* Excludes limited divorce cases.

In FY19, cases without postponements were more likely to close within the time standard than those with postponements; only 4% closed over-standard (4% in FY18 also). As shown on Table C.5, with one postponement, however, the likelihood of over-standard termination increases to 18% (17% in FY18); with two postponements, the likelihood of over-standard terminations increases to 26% (30% in FY18); with 3 or more postponements, the likelihood of an over-standard termination reaches at least 60% (59% in FY18). Among contested divorce cases (Tracks 2 and 3), 16% were closed over-standard without any postponements (17% in FY18); 40% with one postponement (39% in FY18), 62% with two postponements (66% in FY18), and 91% with three or more postponements (90% in FY18).

In terms of reasons for postponing court events (1,352 postponements, 1,303 in FY18), the top three have remained unchanged over the past five fiscal years:

- “Calendar Conflicts” (21% (289 occasions), 22% in FY18, 18% in FY17 and FY16 and 16% in FY15),
- “Discovery/ADR Incomplete” (19% (263), 21% in FY18, 18% in FY17, 16% in FY16 and 15% in FY15), and
- “Letter/Line of Agreement Received” (10% (138), 12% in FY18, FY17 and FY16 and 14% in FY15).

The fourth most prevalent postponement reason was “Weather/Court Emergencies/Administrative Court Closure” (7% (96)) in FY19, as well in FY16 and FY15 (6%) while in FY18 and FY17 it was “Illness, Medical Emergency or Death” (7% in FY18 and 6% in FY17). These top four postponement reasons accounted for 58% of all the postponement reasons in FY19 (62% in FY18 and 55% in FY17). “Calendar Conflicts” and “Discovery/ADR Incomplete” are also two of the most frequently cited postponement reasons among over-standard terminations and account for 19% and 20%, respectively in FY19 (19% and 27% in FY18 and 18% and 23% in FY17).

Case Terminations by Main Charge

Table C.6 presents the number and percentage of case terminations for select main charges and their case processing performance for other family-law cases terminated in FY19. As observed in previous fiscal years, nearly 45% of the other family-law cases terminated in FY19 had divorce-absolute as their main charge (3,238 cases, 44%). In FY14 and FY15, uniform support and name change were the second and third most common charges. However, since FY16, custody has surpassed uniform support and name change (20% in FY18 and 19% in FY19). Combined, the cases with these four main charges account for 79-80% of the family-law cases terminated in FY15-FY17; their share increased to 82% in FY18 and to 84% in FY19.

Table C.6 Other Family-Law Case Terminations by Sub-Type, FY19

Subtype	Total	%*	WST	OST	%*	%OST†
Divorce Absolute	3,238	44%	2,947	291	66%	9%
Custody	1,374	19%	1,272	102	23%	7%
Change of Name	898	12%	876	22	5%	2%
Uniform Support	582	8%	576	6	1%	1%
Guardianship	441	6%	430	11	2%	3%
Paternity	283	4%	277	6	1%	2%
Subtotal	6,816	93%	6,378	438	99%	6%
Other	479	7%	475	4	0.9%	0.8%
Total	7,295	100%	6,853	442	100%	6%

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

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

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

While less than half of the family-law cases terminated are divorce-related cases, these cases represent 66% of over-standard cases in FY19, (69% in FY18, 80% in FY17, and 71% in FY16 and FY15). Because divorce cases typically involve custody/access and property/financial issues, it may

be reasonable to expect some of these cases to take longer than others. Combined with custody cases (23% over-standard terminations), the cases with those two main charges account for close to 90% of the over-standard terminations in FY19. As the last column of the table indicates, the likelihood of divorce and custody cases resulting in the over-standard is 9% and 7%, much higher than that of family-law cases with other main charges. Additional analyses of divorce and custody cases that resulted in over-standard terminations are necessary to identify causes and processes that led to their over-standard termination.

Special Immigrant Juvenile Status (SIJS) Case Processing Performance

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

Table C.7. Other-FL Case Processing Performance by SIJS Status for Custody and Guardianship Cases, FY16 - FY19*

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

* Analysis excludes three (3) SIJS family-law cases that are neither custody nor guardianship cases (8 in FY18, 10 in FY17 and seven in FY16).

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

Table C.7 compares the case processing performance of two types of cases in other family-law cases – appointment of guardian (‘guardianship’) and custody cases – with and without a SIJS request for FY16-FY19.²⁴ As shown in the left portion of the table, the number of guardianship and custody cases increased by 20% from 1,615 in FY16 to 1,944 in FY18. During the same period, the number of cases with a SIJS petition (‘SIJS cases’) nearly doubled from 378 to 754, increasing their share from 23% to 39%. In FY19, however, the overall terminations declined to 1,815. As shown on

²⁴ Most SIJS cases have either custody or appointment of guardianship as a main charge. In FY16, there were seven SIJS family-law cases that were neither custody nor guardianship, three in FY17, eight in FY18 and three in FY19. They are excluded from the analysis.

Figure C. 3, the driving force behind the FY16-18 increase and the subsequent decline in FY19 was the termination of SIJS custody cases, which directly impacted the overall terminations of SIJS cases and those of custody cases, resulting in the changes in custody and guardianship cases. The figure also shows that during the same period, the number of non-SIJS custody and guardianship cases terminated virtually unchanged (1,237 in FY16 and 1,220 in FY19). As the table shows, between FY17 and FY18 while the number of SIJS guardianship cases slightly decreased, that of SIJS custody cases doubled.

Figure C.3 Number of Originally Terminated Custody and Guardianship Cases by SIJS Status, FY16-19



As shown on the right section of Table C.7, in FY16 the case processing performance of SIJS cases was substantially lower at 72% compared to non-SIJS cases (96%) due to poor performance (68%) of custody cases and their share in the SIJS terminations. However, the performance of SIJS cases substantially improved for both custody and guardianship cases in subsequent years despite the increased case terminations and became nearly identical to that of non-SIJS cases. In FY19, the performance of SIJS custody cases is 93% within-time standard terminations, identical to that of non-SIJS custody cases; in contrast, the performance of SIJS guardianship cases is 93%, six-percentage points lower than that of non-SIJS cases (99%), while in FY17 and FY18, the difference was 1-2 percentage points.

The improved performance of SIJS cases is also clear from the number of over-standard SIJS cases and their share, as the middle section of the table indicates. In FY16, 66% of over-standard custody and 85% such cases in guardianship cases were SIJS cases. Custody and guardianship cases combined, 69% of over-standard were SIJS, whereas among overall terminations, SIJS cases represented only 23%. However, in FY19, SIJS cases account for 39% of over-standard terminations and 33% of overall terminations. Among custody cases, the percent share of SIJS is identical (37%) between over-standard and overall terminations, whereas among guardianship cases, the percent of SIJS cases among over-standard terminations is 55% compared to 19% among overall terminations. Since the number of SIJS guardianship cases is substantially smaller (11 in FY19), the impact of over-standard termination of SIJS guardianship cases (6 cases) is minimal. Nevertheless, it may be worthwhile to investigate the circumstances that resulted in their over-standard terminations since the within-standard percent declined to 93% in FY19 from 98% in FY18.

Recommendations for Montgomery County Circuit Court

- *Information Sharing:* FY19 case processing performance results will be shared with the Montgomery County Circuit Court family law bench and bar, as well as clerks and court administration staff.
- *Information Gathering:* Strengthen communication and collaboration with the Family Department, Assignment Office, Quality Control, Administrative Aides, DCM Coordinator, and Family Division Services Coordinator and Family Case Managers to identify any case processing-related issues and events that may have impacted the court's processing of family-law cases. Discuss with court staff to develop measures to address those issues.
- *Data Development:* To improve analysis of the court's case processing performance and the identification of factors impacting performance, explore how best to create a case management data repository. The repository should include open as well as closed cases, and data elements related to hearings and trials held. Develop tools that uses the data to enable court staff to monitor progress of cases in real time and identify those that are likely to result in over-standard termination for timely intervention.
- *Analysis:* Meet with Family Division Services and the DCM Coordinator to identify analytic topics that align with department initiatives and perform additional, in-depth analyses focusing on:
 - Over-standard terminations without postponements – Identify possible factors that contributed to the cases closing over-standard. Review the progress of these cases in relation to the Family DCM plan and identify at which point(s) their performance begins to falter.
 - Tracks 2 and 3 cases – Perform an additional analysis of over-standard cases in Tracks 2 and 3 and identify possible interventions to improve their case processing performance.
 - Divorce and Custody cases – Evaluate if processing of these types of cases is a caseload issue (4,612 terminations in FY19), business process/case processing issue, or a combination of the two. As indicated above, the court has created special 'tracks' such as SIJS and 1F1J to process cases with particular characteristics or special needs. The court may want to review cases and evaluate the need for additional case differentiation and associated case processing.
 - Postponed Track 1 and N cases – Explore the factors and circumstances that contributed to these cases closing over-standard. For example, 48 (3.3%) of the 1,446 Track 1 divorce cases and 48 of the 895 (5.4%) of Track 1 custody resulted in over-standard terminations. Combined, they account for all but two of the 98 Track 1 over-standard cases in FY19.
 - Continue monitoring/reviewing the processing of SIJS cases, in particular SIJS guardianship cases.

Recommendations for the Case Management Sub-Committee

- *Developing a Working Group to Perform Additional Analyses and Inform Case Management.* Establish a working group to develop a statistical reporting guide that assists courts in their efforts to monitor case processing, workload, case management, and court operations performance. The

guide will: 1) identify Odyssey and dashboard reporting tools available to support routine analyses of case and court performance; 2) describe how to review and discuss results across these different metrics and over time; 3) suggest additional, more detailed analyses, in particular by DCM track, case type and/or main charge (causes of action), to review and analyze performance results; and 4) offer templates to translate results into tables and graphics that clearly explain the performance results for court users.

Recommendations for Working Group Initiatives-Future Statwide Performance Analyses

- As mentioned in previous reports, it is recommended that the subcommittee consider requesting that the AOC Research and Analysis Department conduct a focused analysis of case processing performance of cases with heavy judicial involvement such as divorce and custody cases and cases with additional requirements such as SIJS cases. Analyzing case processing performance of these cases also aligns with the existing national standards such as the Model Time Standards.²⁵
- As also recommended in the previous reports, it is recommended that the subcommittee develop a working group or support an initiative to examine the feasibility of analyzing the impact of attorney representation in a case (versus cases where one or both parties being self-represented litigants) on court resources and case processing performance based on the preliminary analysis that the committee requests from the Research and Analysis Department.

²⁵ Van Duizend, R, Steelman, D and Suskin, L. 2012. Model Time Standards for State Trial Courts. National Center for State Courts, Williamsburg, VA.

Juvenile Delinquency Case Processing Performance

This section provides Montgomery County Circuit Court's FY19 case processing performance for juvenile delinquency cases. This section also contains analyses of hearing and trial postponements and recommendations for the court and for the Maryland Judiciary's Case Management Subcommittee. The table below displays the court's historical case processing performance and additional metrics related to case progress.

D. Juvenile Delinquency Case Processing Definitions and Summary

	Case Time Definitions	Percent Closed Within Time Standard	Additional Statewide Measures†	
Juvenile Delinquency	<u>Case Time Start:</u> First appearance of respondent or entry of appearance by counsel.	<u>State-Set Goal:</u> 98% Within Time Standard (3-month (90 day)) <u>Montgomery County:</u> FY2005: 99% FY2006: 99% FY2007: 98% FY2008: 95%* FY2009: 96% FY2010: 96% FY2011: 97% FY2012: 95% FY2013: 95% FY2014: 92% FY2015: 95% FY2016: 95% FY2017: 96% FY2018: 97% FY2019: 95%	<u>Offense Date to Filing:</u> FY2005: 109 days FY2006: 101 days FY2007: 112 days FY2008: 116 days FY2009: 103 days FY2010: 102 days FY2011: 96 days FY2012: 101 days FY2013: 91 days FY2014: 124 days FY2015: 133 days FY2016: 105 days FY2017: 113 days FY2018: 101 days FY2019: 122 days	<u>Filing to Case Stop:</u> FY2005: 70 days FY2006: 75 days FY2007: 77 days FY2008: 69 days FY2009: 72 days FY2010: 81 days FY2011: 68 days FY2012: 60 days FY2013: 62 days FY2014: 70 days FY2015: 67 days FY2016: 64 days FY2017: 64 days FY2018: 62 days FY2019: 61 days
	<u>Case Time Stop:</u> Disposition (jurisdiction waived, dismissal, stet, probation, found delinquent/found not delinquent, nolle prosequi, change of venue).		<u>Filing to First Appearance:</u> FY2005: 24 days FY2006: 21 days FY2007: 22 days FY2008: 25 days FY2009: 32 days FY2010: 40 days FY2011: 23 days FY2012: 15 days FY2013: 13 days FY2014: 22 days FY2015: 22 days FY2016: 22 days FY2017: 23 days FY2018: 22 days FY2019: 25 days	<u>Average Case Processing Time:</u> FY2005: 40 days FY2006: 40 days FY2007: 41 days FY2008: 46 days FY2009: 47 days FY2010: 45 days FY2011: 46 days FY2012: 45 days FY2013: 49 days FY2014: 55 days FY2015: 52 days FY2016: 50 days FY2017: 50 days FY2018: 48 days FY2019: 48 days

Notes: Juvenile delinquency case time is suspended for a body attachment being issued, mistrial, general psychological evaluation, petition for waiver to adult court, competency evaluation, pre-disposition investigation order, pre-disposition treatment program, interlocutory appeal, postponements due to DNA/forensic evidence unavailable, and military leave.

* FY08 results are based on a sample of 510 juvenile delinquency cases.

† For CY2001-CY2003 and FY2005-FY2009, the additional measures were calculated based on a random sample except for the average case processing time. From FY2010 through FY2019, the additional measures were calculated using the full population of juvenile delinquency case terminations. For the additional measure "Filing to Case Stop" suspension time was subtracted from the raw case time (where appropriate). For the other additional measures, suspension time was not excluded.

Overall Juvenile Delinquency Case Terminations

In FY19, the Montgomery County Circuit Court reached disposition in (or otherwise closed) 553 juvenile delinquency cases, reflecting a 21% decrease from the 704 terminations in FY18. This decrease follows a 21% decrease in terminations experienced between FY17 and FY18 from 894 to 704. Original delinquency filings over the past three fiscal years follow a similar pattern. That is, between FY18 and FY19, delinquency filings decreased by 20% from 778 to 624. The FY19 termination level is comparable to that experienced in FY14 when delinquency terminations totaled 594.

The Maryland Judiciary's time standard and performance goal for juvenile delinquency cases is to reach disposition within 90 days of the first appearance of the respondent or an entry of appearance by respondent's counsel in at least 98% of the fiscal year's delinquency terminations. In FY19, juvenile delinquency case processing performance reached 95%. For the court to meet the case processing performance goal of 98%, an additional 20 cases (approximately) in FY19 would need to close within the 90-day time standard. Among the cases closed over-standard in FY19, this would mean that cases with processing times between 91 and 116 days would need to be addressed.

Table D.1 Number of Juvenile Delinquency Case Terminations and Processing Performance, FY04-FY19

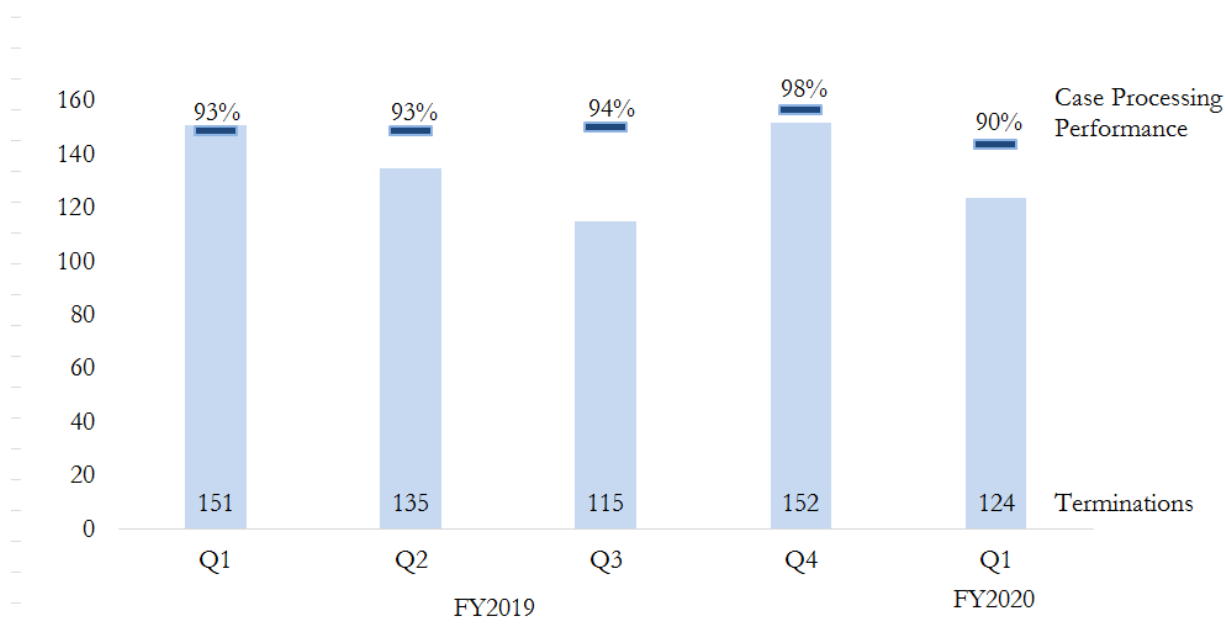
Fiscal Year	Terminations		Within-Standard Terminations 3-month (90 days) Standard			Over-Standard Terminations 3-month (90 days) Standard		
	N	ACT*	N	% of Total	ACT*	N	% of Total	ACT*
FY04	1,521	43	1,490	98%	39	31	2%	198
FY05	1,431	40	1,416	99%	39	15	1%	122
FY06	1,651	40	1,634	99%	39	17	1%	143
FY07	1,485	41	1,455	98%	40	30	2%	119
FY08**	(510)	46	(484)	95%	42	(26)	5%	127
FY09	1,384	47	1,324	96%	43	60	4%	134
FY10	1,316	45	1,261	96%	42	55	4%	113
FY11	1,092	46	1,059	97%	44	33	3%	111
FY12	1,006	45	953	95%	42	53	5%	115
FY13	861	49	815	95%	45	46	5%	125
FY14	594	55	549	92%	49	45	8%	128
FY15	628	52	595	95%	47	33	5%	148
FY16	801	50	757	95%	45	44	5%	134
FY17	894	50	860	96%	47	34	4%	131
FY18	704	48	681	97%	45	23	3%	120
FY19	553	48	523	95%	44	30	5%	116

* ACT = Average Case Time

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

For the past two years, the court has examined case processing performance each fiscal quarter. One goal in performing this quarterly analysis is to encourage the court's use of data to inform judicial administration and case management decisions. The preliminary quarterly results are shared with court personnel at all levels of the organization. Having access to quarterly performance data also affords the court an opportunity to explore and respond to its performance throughout the fiscal year instead of waiting until the end of the year to be aware of and identify opportunities for improvement.

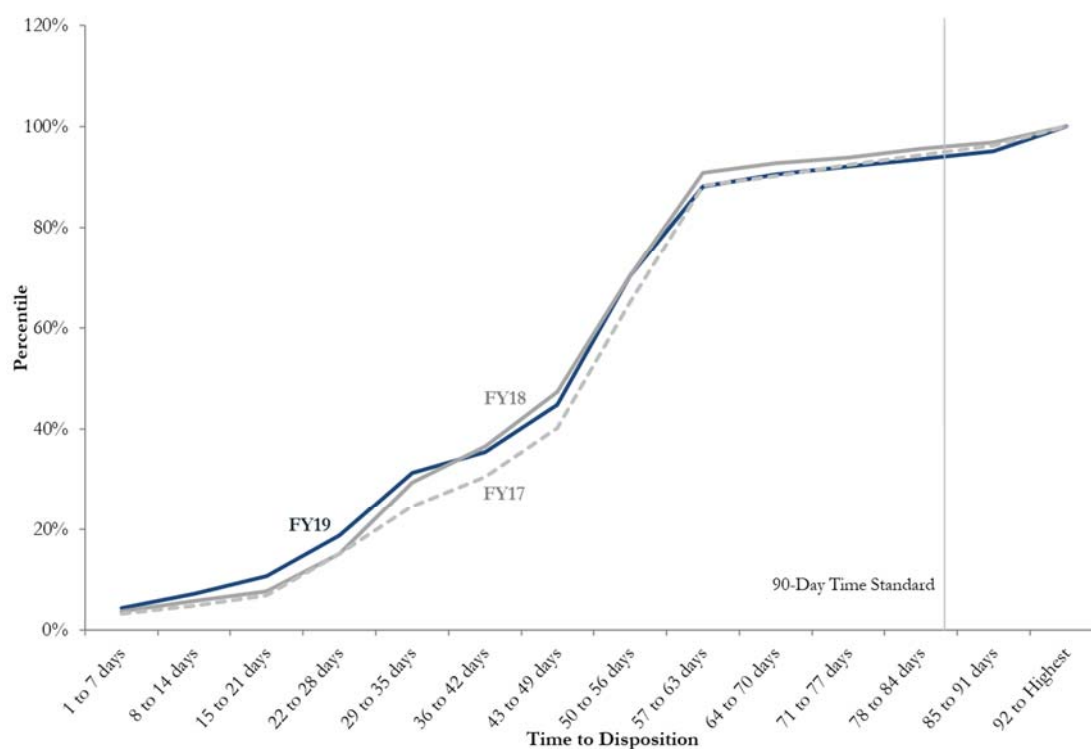
Figure D.1 Case Processing Performance by Quarter, FY19-FY20 (Q1)



The case processing performance across the first three quarters of FY19 remained relatively stable (around 93%) and then increased to 98% in the fourth quarter. In the fourth quarter of FY19, the court met the case processing performance goal for delinquency cases. While the FY19 performance is two percentage points below that of FY18, it is comparable to the performance achieved in FY15 and FY16. The overall average case processing time (ACT) for FY19 delinquency terminations is 48 days, which is comparable to the past three fiscal years and slightly improved from FY15 (52 days). The ACT for FY19 within-standard terminations is 44 days and the ACT for over-standard cases is 116 days. A preliminary analysis was performed of juvenile delinquency cases that reached disposition or otherwise closed (e.g., due to a dismissal) within the first quarter of FY20 (July 1, 2019-September 30, 2019). Of the 124 cases that reached case stop, 90% closed within the 90-day time standard (n = 112).

Figure D.2 displays the cumulative percentage of cases closed within defined time periods. In FY19, a higher percentage of juvenile delinquency cases closed compared to FY18 and FY17 terminations up until day 35. The FY19 termination profile began to fall behind that of FY18 beginning at day 36 at which point 35% of the FY19 delinquency cases closed compared to 37% of FY18. The FY19 termination profile ultimately fell behind both the FY17 and FY18 profiles beginning at day 78 when 93.5% of FY19, 94.4% of FY17 and 95.6% of FY18 closed.

Figure D.2 Termination Profiles of Juvenile Delinquency Cases, FY17-FY19



Case Terminations by DCM Track

The Montgomery County Circuit Court Juvenile Differentiated Case Management (DCM) plan has two separate tracks for delinquency cases based on detention status:

Track 1: Delinquent detention/shelter care

Track 2: Delinquent non-detention

Table D.2 provides the number of delinquency cases closed by termination status (within- and over-standard) and DCM track. The majority (80%) of juvenile delinquency cases are associated with Track 2 (non-detention) at the time of disposition (or case closure) with the remaining associated with Track 1 (detention).²⁶ In FY18 the court processed 617 cases assigned to Track 2 compared to 444 in FY19, which is a 28% reduction. Terminations among cases assigned to Track 1 between FY18 and FY19 increased by 25% from 87 to 109.

On average, Track 2 cases have a longer overall average case time (53 days) than Track 1 cases (31 days), which is consistent with the statutory disposition timelines for each of the detention statuses (44 days for detained respondents and 90 days for respondents in a non-detained status). Among Track 1 delinquency cases, 98% closed within the 90-day time standard compared to 94% of Track 2 delinquency cases. In FY19 Track 1 terminations met the statewide performance goal, which is an improvement over FY18 when 95% of Track 1 terminations closed within-standard. Track 2 performance dropped to 94% in FY19 compared to 97% in FY18 and 96% in FY17. Juvenile delinquency case processing performance largely hinges upon how the court processes its Track 2

²⁶ Differentiated Case Management Track Assignment does not change post-Adjudication.

cases. An improvement in Track 2 case processing performance will likely improve delinquency case performance overall.

Table D.2 Juvenile Delinquency Case Terminations by Termination Status (Within or Over the 3-month Standard) and Track, FY19

Overall Terminations				Within-Standard Terminations				Over-Standard Terminations			
DCM Track	N	% of Total	ACT*	N	% of WST*	% of Track	ACT*	N	% of OST*	% of Track	ACT*
Track 1	109	20%	31	107	20%	98%	29	2	7%	2%	119
Track 2	444	80%	53	416	80%	94%	48	28	93%	6%	115
Total	553	100%	48	523	100%	95%	44	30	100%	5%	116

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

Case Terminations by Postponements

The postponement analysis reflects cases with at least one hearing or trial postponement. In FY19, 45% of disposed delinquency cases had a least one postponement compared to 46% in FY18; 53% in FY17; 46% in FY16 and FY14 and 50% in FY15. Of the FY19 postponed cases, 90% closed within the 90-day time standard. Cases without postponements met the performance goal by closing 98% within the time standard. While the presence of a postponement does not guarantee a case closing over-standard, cases assigned to Tracks 1 and 2 without postponements almost always met the performance goal.

Table D.3 Juvenile Delinquency Case Terminations by Postponements, Termination Status (Within or Over the 3-month Standard), and Track, FY19

With Postponements										
Total Terminations		Overall Terminations % of Total			Within-Standard Terminations % of			Over-Standard Terminations % of		
DCM Track		N	Track	ACT*	N	Track	ACT*	N	Track	ACT*
Track 1	109	63	58%	35	62	98%	34	1	2%	122
Track 2	444	184	41%	61	161	87%	52	23	13%	118
Total	553	247	45%	54	223	90%	47	24	10%	119
Without Postponements										
Total Terminations		Overall Terminations % of Total			Within-Standard Terminations % of			Over-Standard Terminations % of		
DCM Track		N	Track	ACT*	N	Track	ACT*	N	Track	ACT*
Track 1	109	46	42%	25	45	98%	23	1	2%	115
Track 2	444	260	59%	47	255	98%	46	5	2%	101
Total	553	306	55%	44	300	98%	42	6	2%	104

* ACT = Average case time, in days.

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

Among the FY19 postponed delinquency cases, 66% (FY18: 62%; FY17: 55%; FY16: 63%) were postponed once; 21% (FY18: 25%; FY17: 30%; FY16: 24%) twice; and 13% (FY18: 12%; FY17: 16%; FY16: 13%) three or more times. Eighty percent of the over-standard juvenile delinquency cases were postponed. Sixty-two percent (15/24) of the over-standard, postponed delinquency cases

had two or more postponements (pre-adjudication, adjudication, and/or disposition), whereas 31% of within-standard postponement cases had two or more hearing postponements.

The primary reason for postponing a case is “Calendar Conflicts” (36% overall; 28% among over-standard cases). Other reasons for postponing cases include: “Discovery/ADR Incomplete and/or Discovery Disputes/Additional Time Needed to Prepare” (4% overall; 32% among over-standard cases); “Reports and Evaluations Not Completed/Re-Evaluation Ordered” (14%; 17% among over-standard cases); and “Due to Preliminary Matters” (4% overall; 9% among over-standard cases).

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

Table D.4 Juvenile Delinquency Track 2 Cases by Termination Status containing a Disposition Finding(N = 274)

Termination Status	N	Time to Adjudication (in days)		Time to Disposition (in days)	
		Mean	Median	Mean	Median
Over-Standard	27	66	59	50	49
Within-Standard	247	48	54	3	1
Total	274	50	55	8	1

The focus of this supplemental analysis is on 274 of the 444 Track 2 delinquency cases that had a disposition of ‘found delinquent’ or ‘found not delinquent’.²⁷ For these cases, the average and median times between case start and the adjudication (Time to Adjudication) and between the adjudication and disposition (Time to Disposition) were calculated. According to Maryland Rule 11-114(b)(1), an adjudication for non-detained respondents shall be held within 60 days after the preliminary inquiry. Disposition for non-detained respondents is to occur no later than 30 days after the conclusion of the adjudication hearing (Maryland Rule 11-115(a)). As shown in Table D.4, the average time to adjudication is 50 days (Median = 55 days) and the average time to disposition is 8 days (Median: 1 day). Among the cases closed within the time standard, the average time to adjudication is close to the overall average and the time to disposition is less than half the overall average at 3 days. In contrast, over-standard cases reached adjudication in 66 days on average, which is slightly outside the time guideline of 60-days and mean days from disposition to adjudication is 50 days, which is about 1.5 times the 30-day time guideline.²⁸ Cases closing over-standard have a higher percentage of respondents being found Not Delinquent at disposition (41%; 11/27) than cases closing within-standard (17%; 43/247).²⁹ This supplemental analysis in addition to a review of the over-standard Track 2 delinquency cases is to support currently ongoing discussions about improvement opportunities that may exist in juvenile case processing.

Recommendations for Montgomery County Circuit Court

- *Information Sharing.* FY19 case processing performance results will be discussed with Montgomery County Circuit Court personnel. The court may also want to share juvenile performance results

²⁷ The median and average case processing times of the remaining 170 Track 2 cases with no disposition finding are 45 and 53 days, respectively. All cases except one (6J1850458, time to adjudication: 57 days; time to disposition: 59 days) were closed within the 90-day time standard.

²⁸ It is important to note that the supplemental and preliminary analysis conducted did not exclude time associated with extraordinary cause or good cause postponements, which are recognized by the Maryland Rules. However, the analysis does exclude time associated with Maryland time standard suspension events.

²⁹ Please note the small number of over-standard cases (N=27) compared to within-standard cases (N=247).

with justice stakeholders including the Department of Juvenile Services and collaborate on the identification of possible improvement initiatives.

- *Data Review.* Coordinate with the Family Division Services Coordinator, Deputy Family Division Services Coordinator, and Supervising Family and Juvenile Case Manager on the review of over-standard, Track 2 juvenile delinquency cases to identify possible case management improvement opportunities.
- *Data Reports.* Discuss with the Juvenile Department Manager, Family Division Services Coordinator, Deputy Family Division Services Coordinator and Supervising Family and Juvenile Case Manager the types of case processing performance analyses that they would find most useful to inform case management.
- *Data Development:* To improve analysis of the court's case processing performance and the identification of factors impacting performance, explore how best to create a case management data repository. The repository should include open as well as closed cases, and data elements related to hearings and trials held.

Recommendations for the Case Management Subcommittee

- *Recommendations for Working Group Initiatives-Future Statewide Performance Analyses.* It is recommended that the subcommittee work closely with or establish a working group that collaborates with the AOC's Department of Juvenile and Family Services on the identification of more detailed juvenile-related performance metrics. The court has found it useful to examine delinquency case processing performance by detention status and in accordance with statutory timelines for adjudication and disposition. Being able to segment case processing performance across the life of a case allows users to better understand where they may need to focus their case management strategies and improvement initiatives. This recommendation was acknowledged by the Case Management Subcommittee as part of the FY17 recommendations and "tabled until a later date."

Child Welfare Case Processing Performance

This section provides Montgomery County Circuit Court’s fiscal year 2019 (FY19) case processing performance for child welfare cases, including Child in Need of Assistant (CINA) cases (Shelter and Non-Shelter) and Termination of Parental Rights (TPR) cases. The section also contains analyses of hearing and trial postponements and recommendations for the court and for the Maryland Judiciary’s Case Management Subcommittee. The table below displays the court’s historical case processing performance.

E. Child Welfare Case Processing Definitions and Summary

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

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

Child in Need of Assistance (CINA) Case Processing Performance

During FY19, 208 child in need of assistance (CINA) cases, including 178 CINA shelter cases and 30 CINA non-shelter cases, had their adjudication hearing held (or otherwise reached the qualifying case stop event). The state-defined time standard for CINA shelter cases is 30 days from the date when the petition for continued shelter care is granted to the date when the adjudication hearing is started (does not have to be completed). The time standard for CINA non-shelter cases is 60 days from service of the parent(s), guardian(s), and/or custodian to the date when the adjudication hearing is started. The Maryland Judiciary's performance goals for CINA shelter and non-shelter cases are that *all* cases reach the identified stop event (adjudication or dismissal) within their respective time standards.

CINA Shelter Case Processing Performance

Montgomery County Circuit Court's CINA shelter case processing performance reached 99% in FY17, the highest achieved by the court since monitoring performance against the Maryland Judiciary's time standard. While the performance declined to 95% in FY18, it improved to 97% even though the number of overall terminations increased by 17% (26 terminations) from 152 to 178 between FY18 and FY19. Between the two fiscal years, the overall average case time (ACT) and ACT for within-standard cases remained unchanged (22 days and 21 days, respectively), while the ACT for over-standard cases decreased by 9 days from 50 days to 41 days. FY19's overall and OST ACTs are shorter than those of FY 17 and among the shortest since FY05 when the court started monitoring its CINA case processing performance.

Table E.1 Number of CINA Shelter Case Terminations and Processing Performance, FY05-FY18

Fiscal Year	Terminations		Within-Standard Terminations			Over-Standard Terminations		
	N	ACT*	N	% of Total	ACT*	N	% of Total	ACT*
FY05	258	30	182	71%	20	76	29%	55
FY06	192	30	135	70%	19	57	30%	57
FY07	215	35	130	60%	19	85	40%	60
FY08	173	27	139	80%	21	34	20%	52
FY09	238	34	165	69%	23	73	31%	58
FY10	131	26	105	80%	21	26	20%	47
FY11	169	27	134	79%	21	35	21%	49
FY12	125	28	93	74%	20	32	26%	51
FY13	135	34	97	72%	22	38	28%	64
FY14	139	27	113	81%	22	26	19%	49
FY15	121	33	69	57%	21	52	43%	48
FY16	140	31	108	77%	21	32	23%	64
FY17	158	23	156	99%	22	2	1%	73
FY18	152	22	144	95%	21	8	5%	50
FY19	178	22	173	97%	21	5	3%	41

* ACT = Average Case Time (in days)

The recent improvement in CINA shelter case performance is attributed to modifications made to the juvenile postponement policy implemented in September 2015 (see Figure E.1). The within-standard percentage improved immediately following the implementation of the revised postponement policy from 61% in FY15, Q4 to 72% in FY16, Q2. The performance further

improved as newly filed CINA shelter cases were managed under new the policy, and by FY16, Q4 it reached 98% and reached 100% in FY17, Q1. As shown in the figure, except for a few occasions where the percentage declined to 89% (FY18, Q3) and 91% (FY19, Q2), the court has been able to maintain 100% or close to 100% of cases closed within the 30-day time standard.

Figure E.1. CINA Shelter – Number of Closed cases and Case Processing Performance by Quarter, FY15, Q4 - FY19



Figure E.2 CINA Shelter Resolution Profiles, FY15-FY19

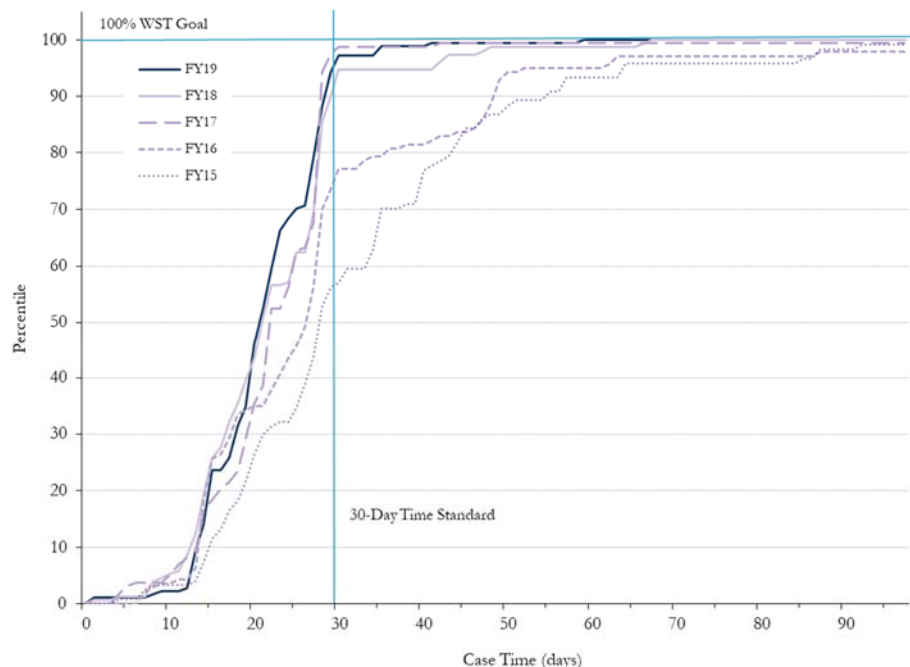


Figure E.2 provides the resolution profiles of CINA shelter cases from FY15 to FY19, which reflect

the cumulative percentages of cases that reached adjudication or one of the qualifying case stop events. The profiles for FY17, FY18 and FY19 highlight the impact of the improved case management that encourages early case resolution between the 15th and 25th day. These profiles also exhibit yearly improvement around these days; by day 25, while only 35% were disposed in FY15 and 46% in FY16, over 60% of the cases were disposed in FY17 and FY18 and 70% in FY19. The gap between FY15-16 and FY17-19 is largely maintained by day 30, resulting in the improved percent of cases closed within the 30-day time standard.

CINA Shelter Case Terminations and Postponements

The analysis of postponements and their impact on the case processing performance includes both hearing and trial (adjudication hearing) postponements. While adjudicatory postponements have a direct impact on the performance, multiple non-adjudicatory hearing postponements may result in postponing the adjudicatory hearing, thus also impacting the case time. As shown on Table E.2, 67% (120 cases) of 178 CINA shelter cases had at least once postponement in FY19, slightly higher than FY16-18 (61% - 62%), though substantially lower than 80% in FY15.

Table E.2 CINA Shelter Case Terminations by Postponements and Termination Status (Within or Over the 30-day Standard), FY19

Postponement Status	Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
	N	%	ACT*	N	% of Overall	ACT*	N	% of Overall	ACT*
With Postponements	120	67%	23	115	96%	22	5	4%	41
Without Postponements	58	33%	19	58	100%	19	---	---	---
Total	178	100%	22	173	97%	21	5	3%	50

* ACT = Average Case Time (in days)

Of the 120 postponed cases, 58% (69 cases) had one hearing postponement (62% in FY18, 70% in FY17, 52% in FY16, 44% in FY15), 33% (39 cases) had two (28%, in FY18, 26% in FY17, 38% in FY16, 41% in FY15), and 8% (9 cases) had three (9%, in FY18, 4% in FY17, 3% in FY16, 9% in FY15). In FY15-16, 5-6% of cases had four or more postponements, whereas in FY17 no case had four or more postponements, one case in FY18, and three (3%) in FY19.

Table E.3 CINA Shelter Case Terminations with Postponements by Termination Status, FY15-19

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

As shown in Table E.2, while all 58 CINA shelter cases without postponements closed within the 30-day standard, five of the 120 CINA shelter cases with postponements (4%) resulted in over-standard terminations, which translates to 96% of the cases closing within the 30-day time standard.

Table E.3 presents the number of CINA shelter cases closed with postponement(s) by termination status. FY19 performance is comparable to that of FY17 and FY18 where at least 90% of the postponed cases closed within-standard, as compared to 63% in FY16 and 46% in FY15. While the number of CINA shelter cases with postponements was fairly constant (except for FY19), the percent of such cases that resulted in over-standard terminations declined dramatically between FY16 and FY17, underscoring the court's effective postponement management policy, which aims to maximize within-standard case disposition while allowing events to be postponed instead of unilaterally denying requests for postponements.

Among CINA shelter cases with postponements reported in FY19, the most-frequently cited postponement reasons were "System-Generated Initial Trial Date Not Conformed to Counsels' Availability" (46% (86 of 186 postponements), 47% in FY18), followed by "Calendar Conflicts" (25% (47), 22% in FY18). In FY18, the third most-frequently cited postponement reason was 'Party(s) Not Present' (11, 8%). In FY19, "New Counsel Sought or Has Entered Their Appearance Or Not Appointed" was the third most-frequently cited reason (10% (19)).

CINA Non-Shelter Case Processing Performance

In FY19, the court processed 30 CINA non-shelter case terminations. Table E.4 displays the case processing performance for CINA non-shelter cases between FY05 and FY19. In FY19, the court disposed all cases within the 60-day time standard, as it did in FY17 and FY15. The average case time is 25 days for FY19, shorter than that of any previous years.

Table E.4 Number of CINA Non-Shelter Case Terminations and Processing Performance, FY05-FY19

Fiscal Year	Terminations		Within-Standard Terminations			Over-Standard Terminations		
	N	ACT*	N	% of Total	ACT*	N	% of Total	ACT*
FY05	61	34	59	97%	33	2	3%	64
FY06	51	52	39	76%	41	12	24%	87
FY07	48	44	42	88%	39	6	13%	76
FY08	73	43	66	90%	37	7	10%	105
FY09	64	56	52	81%	36	12	19%	140
FY10	62	39	60	97%	37	2	3%	82
FY11	40	35	40	100%	35	0	0%	---
FY12	81	38	79	98%	38	2	2%	64
FY13	50	48	33	66%	31	17	34%	80
FY14	56	41	50	89%	36	6	11%	79
FY15	45	33	45	100%	33	--	--	--
FY16	39	40	36	92%	37	3	8%	77
FY17	23	32	23	100%	32	--	--	--
FY18	45	33	44	>99%	33	1	<1%	66
FY19	30	25	30	100%	25	--	--	--

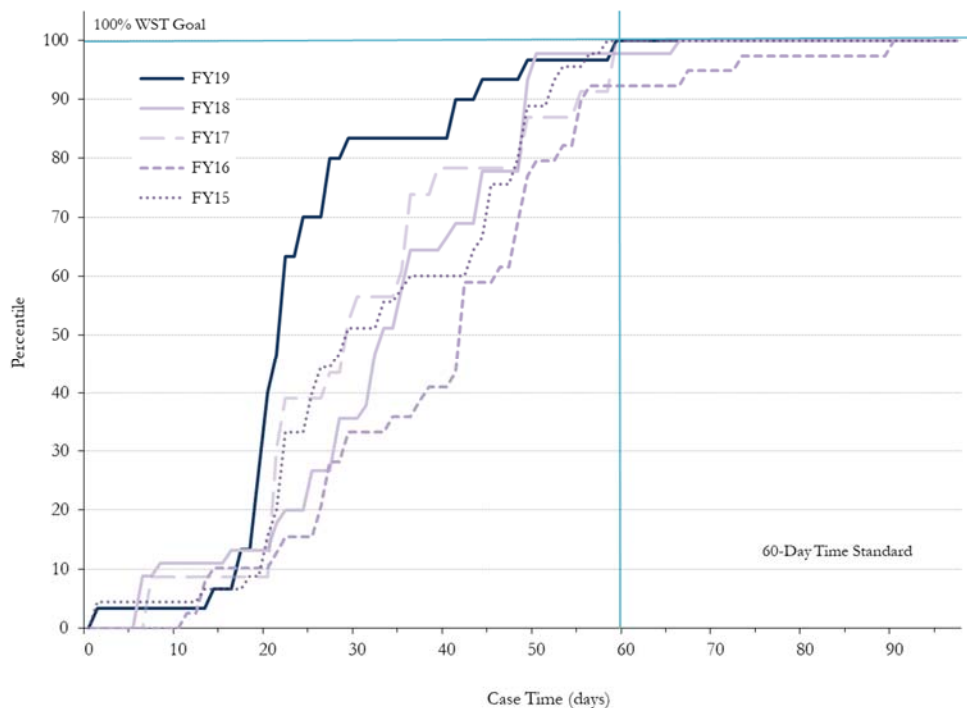
* ACT = Average Case Time (in days)

Figure E.3. CINA Non-Shelter Case Processing Performance by Quarter, FY16-FY19



As shown in Figure E.3, since FY17, the court's quarterly CINA non-shelter case processing performance has been consistently 100% despite fluctuating caseload (from 3 to 13 cases per quarter); the only exception is the third quarter of FY18 (92%) when one of the 12 cases closed over-standard.

Figure E.4 CINA Non-Shelter Resolution Profiles, FY15-FY19



As shown in Figure E.4, compared to previous fiscal years, FY19 exhibits a distinctive resolution profile. For the first 15 days, the FY19 profile closely follows that of FY15. However, it then

shows an accelerated case resolution between days 20 and 30 with a steep slope, followed by no activity between days 31 and 40 (a profile with no increase), and eventually converges with the FY18 profile around day 50. The only difference between FY19 and FY18 is that in FY19 all cases were closed within the 60-day time standard, whereas in FY18 one case failed to close within-standard.

CINA Non-Shelter Case Terminations by Postponements

In FY19, 63% (19) of the 30 cases CINA non-shelter cases had at least one postponement, and all 19 cases closed within the 60-day time standard. Of the 19 postponed cases, nine (47%) had one postponement, seven (37%) two postponements and three (16%) three postponements. The average case processing time for postponed non-shelter cases was 28 days, compared to 11 days of those without postponements. The most frequently cited postponement reason across all 32 postponements is “Calendar Conflicts” (44%, 14 postponements), followed by “Computer Generated Trial Date Not Conformed to Counsels’ Availability” (25%, 8 postponements).

Termination of Parental Rights (TPR) Case Processing Performance

In FY19, the court processed 22 TPR case terminations. Table E.5 displays the court's TPR case processing performance between FY05 and FY19. In FY19, the court disposed all but 1 case within the 180-day time standard, with 95% closing within the 180-day standard terminations. The overall average case time is 135 days for FY19. Among 21 cases closed within-standard, it is 130 days. The table shows the court's commitment and efforts to process TPR cases expeditiously, which started after FY10 when the number of over-standard cases dropped to 1.

Table E.5 Number of TPR Case Terminations and Processing Performance, FY05-FY19

Fiscal Year	Terminations		Within-Standard Terminations			Over-Standard Terminations		
	N	ACT*	N	% of Total	ACT*	N	% of Total	ACT*
FY05	40	179	24	60%	129	16	40%	255
FY06	18	169	10	56%	127	8	44%	222
FY07	31	208	13	42%	134	18	58%	260
FY08	70	187	43	61%	128	27	39%	282
FY09	39	145	37	95%	143	2	5%	196
FY10	67	150	55	82%	127	12	18%	255
FY11	37	115	36	97%	112	1	3%	235
FY12	37	157	36	97%	154	1	3%	260
FY13	27	142	26	96%	138	1	4%	241
FY14	20	150	20	100%	150	---	---	---
FY15	27	133	27	100%	133	---	---	---
FY16	23	144	23	100%	144	---	---	---
FY17	43	139	43	100%	139	---	---	---
FY18	32	133	32	100%	133	---	---	---
FY19	22	135	21	95%	130	1	5%	239

* ACT = average case time (in days)

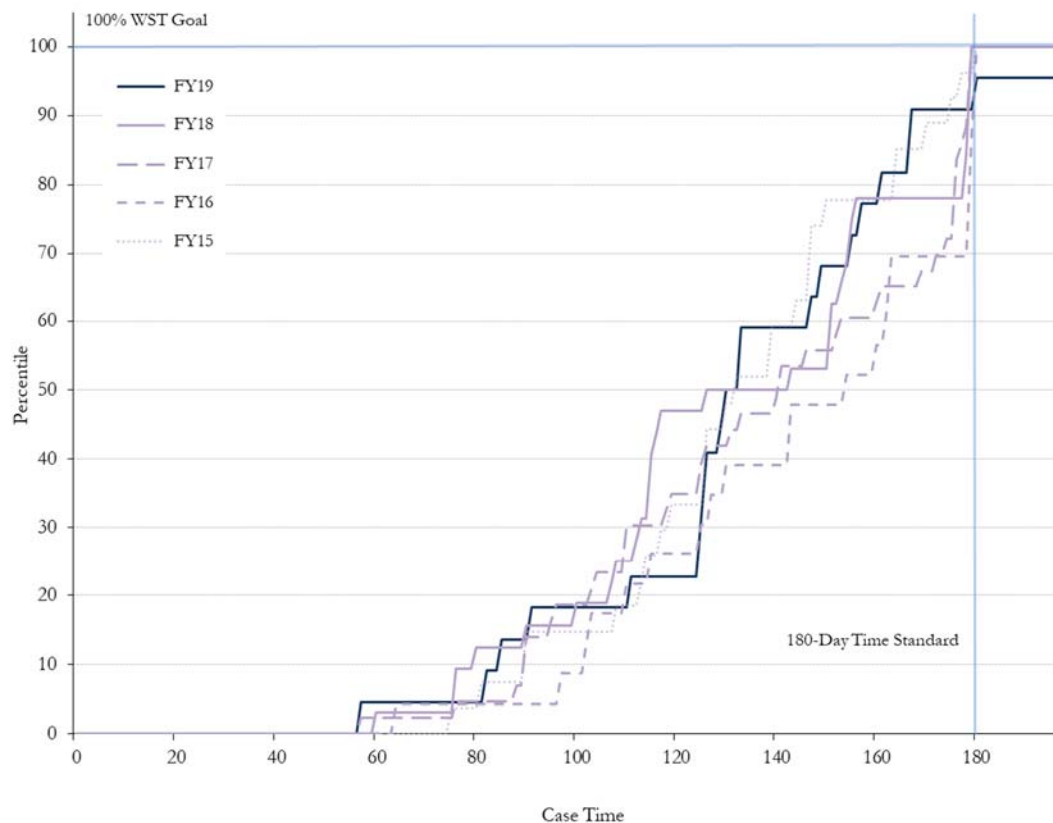
Figure E.5 Number of TPR Case Terminations and Performance by Quarter, FY16-FY19



Figure E.5 presents the court's quarterly TPR case processing performance since FY16, which has been consistently 100% despite fluctuating caseload (from 2 to 18 cases per quarter); the only exception is the second quarter of FY19 (83%) when one of the 6 cases closed over-standard. One of the key components to the court's effective management of TPR cases is the use of mediation, which is ordered following the scheduling conference. The participation in TPR mediation increased from 58% (25 of 43 cases) in FY17 to 81% (26 of 32 cases) in FY18, although the agreement rate (full or partial) declined from 60% (15 of the 25 cases that participated in mediation) to 46% (12 of 26 cases).

Figure E.6 shows the cumulative percentages of FY15-FY19 TPR cases closed over time. In FY14, it was not until the 92nd day that the first TPR case closed (not shown). In contrast, in FY17 and FY18, over 15% of the cases closed day 90, and in FY19 the percent further improved to 20%. For FY15-FY18, the resolution profiles converge to the 100% goal line by the 180th day as all cases reached the Judiciary's defined case stop event. In FY19, the profile crosses the 180th day line below 100% since one case failed to close within-standard.

Figure E.6 TPR Resolution Profiles, FY15-FY19



TPR Case Terminations by Postponements

In FY19, 77% (17 cases) of 22 TPR cases had at least one postponement compared to 81% in FY18, 67% in FY17, 35% in FY16, and 52% in FY15. The average case processing time for postponed TPR cases is 148 days compared to 92 days for TPR cases with no postponements. Of the 17 postponed cases in FY19, over half (9, cases 53%) had one postponement. Another six cases (36%) had two or three postponements (three cases each), and two cases had four or five postponements

(one each). The most frequently cited postponement reason is ‘Computer Generated Trial Date (Did Not) Conform to Counsels’ Availability’ (39%, 13 of 33 all postponements).

Recommendations for Montgomery County Circuit Court

- *Information Sharing.* FY19 case processing performance results will be communicated to the Montgomery County Circuit Court juvenile bench and juvenile bar, as well as pertinent clerk and administrative personnel. The court may want to share child welfare performance results with justice stakeholders including the Department of Health and Human Services and collaborate on the identification of possible improvement initiatives.
- *Analysis.* With such short statutorily defined time guidelines, ongoing monitoring of active and recently closed child welfare cases is critical. Coordination and collaboration with the Family Judge-In-Charge, the Family Division Services Coordinator, Deputy Family Division Services Coordinator, Permanency Planning Liaison, and Supervising Family and Juvenile Case Manager will continue to ensure data is available and accessible to inform case progress and the development of improvement initiatives (as needed).
- *Data Development:* To improve analysis of the court’s case processing performance and the identification of factors impacting performance, explore how best to create a case management data repository. The repository should include open as well as closed cases, and data elements related to hearings and trials held.

Recommendations for the Case Management Sub-committee

- *Recommendations for Working Group Initiatives-Future Statewide Performance Analyses.* Since a large portion of the court’s case processing activity related to child welfare cases occurs post-adjudication and because of the existing federal child welfare case processing reporting requirements, it is recommended that the AOC’s Department of Juvenile and Family Services (DJFS) and Research and Analysis (R&A) Department collaborate to expand the analysis of child welfare case processing performance to post adjudication until the case reaches its final case disposition. While reports on those federally required timeliness measures are currently available from MDEC/Odyssey, it appears that DJFS and R&A may still need to work with JIS to verify the information provided in those reports.