

# Montgomery County Circuit Court Research Bulletin FY2013 Case Processing Performance - CINA

In Fiscal Year 2013 (FY13), 185 child in need of assistance (CINA) cases were closed in the Montgomery County Circuit Court, including 135 CINA shelter cases and 50 CINA non-shelter cases, 21 fewer cases (10%) than FY12 (206 original cases). The state-defined time standard for CINA shelter cases is 30 days from the date when the petition for continued shelter care is granted to the date when the adjudication hearing is held. The time standard for CINA non-shelter cases is 60 days from service of the parent(s), guardian(s), and/or custodian to the date when the adjudication hearing is held. The state performance goal for CINA shelter and non-shelter cases is to close 100% of these cases within their respective time standards.

## CINA Shelter Case Processing Performance

Montgomery County Circuit Court's CINA shelter case processing performance increased from 70% in FY05 and FY06 to 80% in FY08 and FY10. However, the performance declined to 74% in FY12 and 72% in FY13. The overall average case time (ACT) for FY13 is 34 days, a day shorter than that achieved in FY07 when the court closed 60% of its CINA shelter cases within-standard; the ACT for over-standard terminations in FY13 is 64 days, which is longer than any other year's over-standard ACT.

**Table 1 Number of CINA Shelter Case Terminations FY05-FY13**

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
<b>FY13</b>	<b>135</b>	<b>34</b>	<b>97</b>	<b>72%</b>	<b>22</b>	<b>38</b>	<b>28%</b>	<b>64</b>

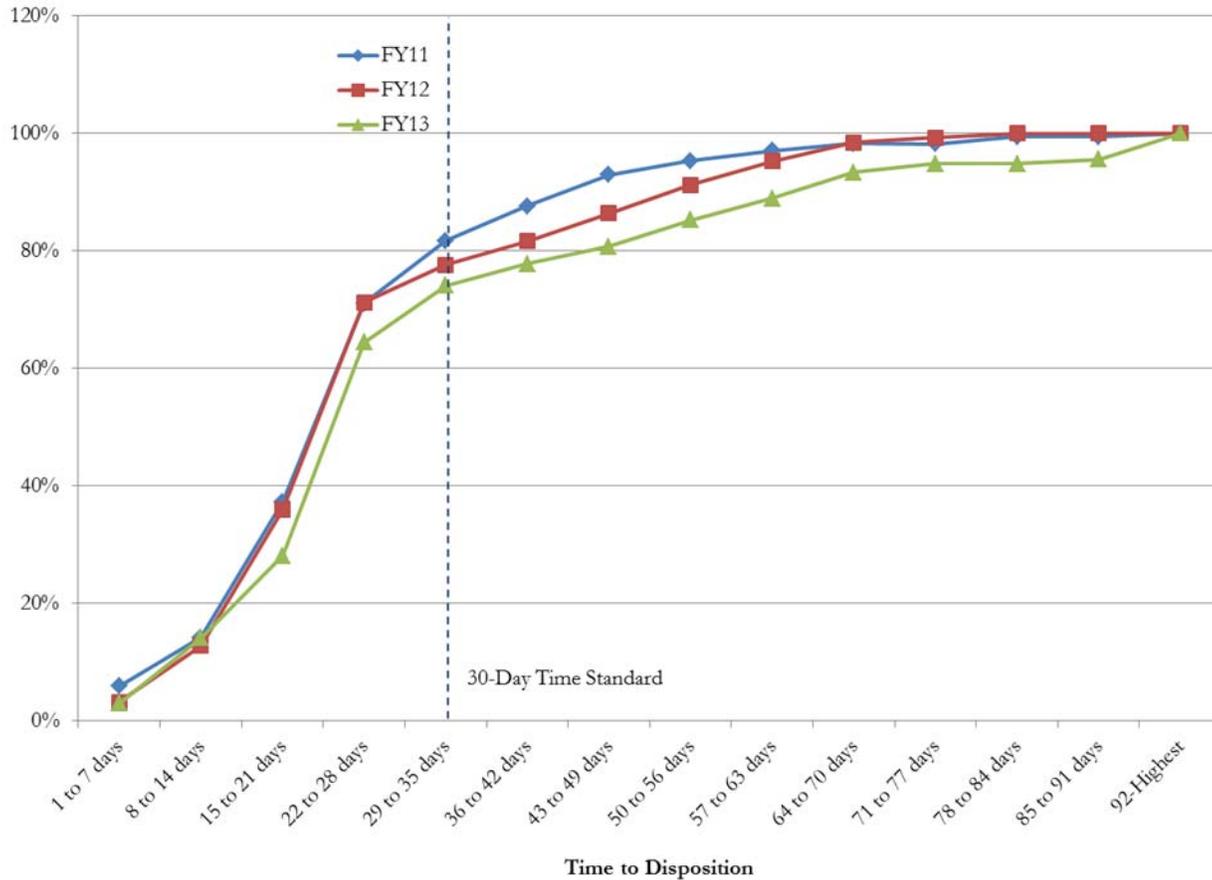
Maryland CINA Shelter case time standard and goal: 30 days and 100% within-standard terminations

\* ACT = Average Case Time (in days)

Figure 1 provides the termination profiles of CINA shelter cases – the cumulative percent of cases that reached adjudication by a specified time period for FY11 through FY13. The FY11 and FY12 terminations follow a similar trend between day 1 and day 28 with 71% of cases closing within 28 days. Between the 29<sup>th</sup> and 35<sup>th</sup> days, the FY11 and FY12 profiles diverge. The FY13 termination profile is noticeably below the FY11 and FY12 profiles indicating that FY13 cases reached adjudication later in each step of the case process. For example, between the 29<sup>th</sup> and 35<sup>th</sup> days, 82% and 78% of the FY11 and FY12 cases reached adjudication compared to 74% of the FY13 cases. Among FY11 and FY12 cases, 98% reached adjudication by the 70<sup>th</sup> day compared to 93% of FY13 cases.

## CINA Shelter Case Processing Performance, continued

Figure 1 CINA Shelter – Termination Profiles, FY11 through FY13



## CINA Shelter Case Terminations by Adjudication Hearing Postponements

Overall, 52 of the 135 (39%) CINA shelter cases closed during FY13 had at least one adjudication hearing postponement. Of the 52 postponed cases, 38 (73%) closed over the 30-day time standard. Given the short case time standard for CINA shelter cases, a single postponement decreases the likelihood that the court will reach adjudication within defined time standard and meet the statewide performance goal. In fact, all over-standard CINA shelter cases had an adjudication hearing that was postponed.

Of CINA shelter cases with adjudication hearing postponements, 73% had a single postponement, and another 27% had two adjudicatory postponements. Similar to previous fiscal years, the most frequently cited postponement reasons among FY13 CINA shelter cases are ‘Calendar Conflicts’ (38 postponements of which 26 are in over-standard cases), followed by ‘Defendant/Respondent/Plaintiff Not Transported/Writ Never Requested’ (5 postponements of which 3 are in over-standard cases) and ‘New Counsel Sought or Has Entered Their Appearance or Not Appointed’ (5 postponements and all are in over-standard cases).

## CINA Non-Shelter Case Processing Performance

Table 2 displays the case processing performance for CINA non-shelter cases between FY05 and FY13. The within-standard percentage for CINA non-shelter cases closed in FY13 is 66%, which is a 32 percentage point reduction in performance compared to the FY12 case processing performance (98%). The FY13 ACTs for within-standard and over-standard CINA non-shelter cases are not particularly long at 31 days and 80 days, respectively.

**Table 2 Number of CINA Non-Shelter Case Terminations FY05-FY13**

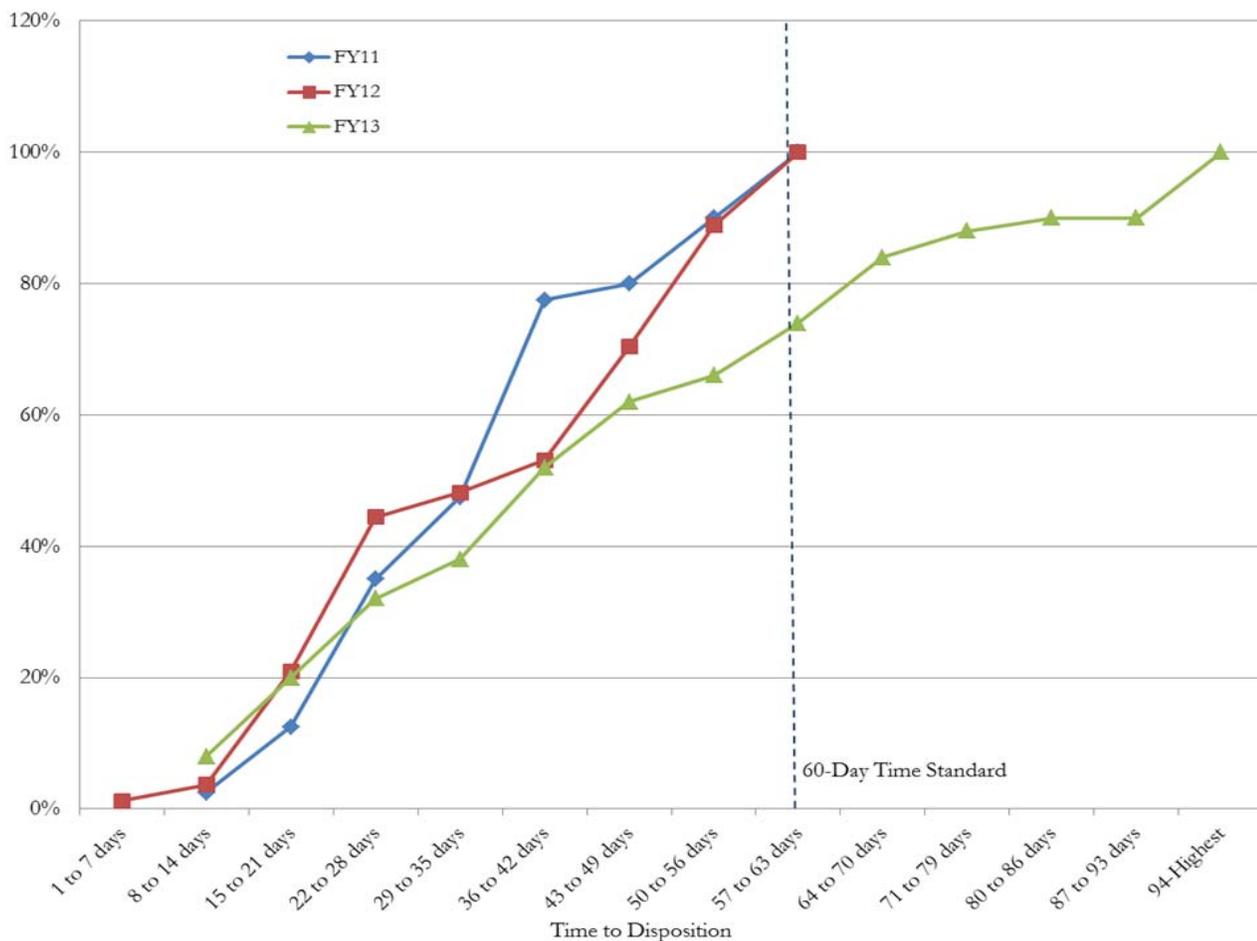
Fiscal Year	Terminations		Within-Standard Terminations			Over-Standard Terminations		
	N	ACT*	N	% of Total	ACT*	N	% of Total	ACT*
FY05	61	34	59	97%	33	2	3%	64
FY06	51	52	39	77%	41	12	24%	87
FY07	48	44	42	88%	39	6	13%	76
FY08	73	43	66	90%	37	7	10%	105
FY09	64	56	52	81%	36	12	19%	140
FY10	62	39	60	97%	37	2	3%	82
FY11	40	35	40	100%	35	0	0%	---
FY12	81	38	79	98%	38	2	2%	64
<b>FY13</b>	<b>50</b>	<b>48</b>	<b>33</b>	<b>66%</b>	<b>31</b>	<b>17</b>	<b>34%</b>	<b>80</b>

Maryland CINA Non-Shelter case time standard and goal: 60 days and 100% within-standard terminations

\* ACT = Average Case Time (in days)

As shown in Figure 2, compared to FY11 and FY12, the FY13 termination profile exhibits a slope that is less steep. In FY11 and FY12, all cases reached adjudication by the 63<sup>rd</sup> day compared to only 74% in FY13. By or after the 94<sup>th</sup> day, all FY13 CINA non-shelter cases reached adjudication.

**Figure 2 CINA Non-Shelter – Termination Profiles, FY11 through FY13**



## CINA Non-Shelter Case Terminations by Adjudication Hearing Postponements

A contributing factor to the decline in CINA non-shelter performance in FY13 is the prevalence of multiple adjudication hearing postponements, resulting in longer periods of postponed time within a case and an increased likelihood of the case closing over-standard. The percent of CINA non-shelter cases with adjudication postponements in FY13 (42%) is greater than that for FY12 (30%) and FY11 (25%) but is somewhat comparable to FY10 (39%). However in FY10, 92% of cases with postponements were closed within the 60-day time standard. Of the postponed CINA non-shelter cares, 17 cases (81%) closed over-standard, which is noticeably larger than FY12 where only 8% of postponed cases close over the 60-day time standard. Another contributing factor is the number of multiple postponements. In FY13, the court granted two adjudication hearing postponements in six cases compared to only 1 in FY10 and FY12, and none in FY11. The most frequently cited reason for an adjudication hearing postponement among postponed CINA non-shelter cases is ‘Calendar Conflicts – Party Needs To Get Affairs In Order’ (16; 15 cited in over-standard cases).

**Table 3 FY13 CINA Non-Shelter Case Terminations by Postponements and Termination Status (Within or Over the 60-day Standard)**

	Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
	N	%	ACT*	N	% of Track	ACT*	N	% of Track	ACT*
With Postponements	21	42%	72	4	19%	35	17	81%	81
Without Postponements	29	58%	31	29	100%	31	0	0%	---
Total	50	100%	48	33	66%	31	17	34%	81

### Next Steps

- ◆ Determine the need for modifying current case management processes and practices.
  - ◆ Review the court’s scheduling system to ensure that the appropriate alerts are installed to inform users when a possible event date is beyond the statutory guidelines.
  - ◆ Convene a meeting with the Family Division Services Coordinator, Supervising Juvenile Case Manager, and the Clerk’s Juvenile Department Manager to discuss additional analyses that can be used to inform CINA case processing or any other management questions of interest.
- ◆ Investigate the court’s FY13 CINA shelter case processing performance to identify factors that may have contributed to its gradual decline since FY10.
- ◆ Compare the court’s CINA non-shelter case processing practices, in particular its granting of adjudication hearing postponements between FY10 and FY13.
  - ◆ Examine in more detail the reasons for adjudication hearing postponements by listening to recorded trial testimony.