

# Circuit Court

## MISSION STATEMENT

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

## BUDGET OVERVIEW

The total approved FY10 Operating Budget for the Circuit Court is \$13,032,950, a decrease of \$213,410 or 1.6 percent from the FY09 Approved Budget of \$13,246,360. Personnel Costs comprise 80.0 percent of the budget for 110 full-time positions and ten part-time positions for 109.9 workyears. Operating Expenses account for the remaining 20.0 percent of the FY10 budget.

## LINKAGE TO COUNTY RESULT AREAS

While this program area supports all eight of the County Result Areas, the following are emphasized:

❖ **A Responsive, Accountable County Government**

## DEPARTMENT PERFORMANCE MEASURES

This table presents the department's headline measures or submeasures that relate to multiple programs including projections from FY09 through FY11. These estimates reflect funding based on the FY09 savings plan, the FY10 budget, and funding for comparable service levels in FY11.

Measure	Actual FY07	Actual FY08	Estimated FY09	Approved FY10	Projected FY11
<b>Multi-Program Measures</b>					
Percentage of Cases Closed within State Time Standard <sup>1</sup>					
Civil (standard = 98% within 548 days)	94	95	NA	NA	NA
Criminal (standard = 98% within 180 days)	89	86	NA	NA	NA
Domestic Relations I (standard = 90% within 365 days)	90	90	NA	NA	NA
Domestic Relations II (standard = 98% within 730 days)	99	99.6	NA	NA	NA
Juvenile (standard = 98% within 90 days)	98	95	NA	NA	NA
Child in Need of Assistance (CINA) - Shelter (standard = 100% within 30 days)	60	80	NA	NA	NA
CINA - Non-Shelter (standard = 100% within 60 days)	88	90	NA	NA	NA
Termination of Parental Rights (TPR) (standard = 100% within 180 days)	42	61	NA	NA	NA
Actual Pending Caseload / Pending Caseload Goal <sup>2</sup>					
Civil	0.69	0.68	NA	NA	NA
Criminal	0.94	0.98	NA	NA	NA
Domestic Relations	0.78	0.77	NA	NA	NA
Juvenile Delinquency	1.89	1.88	NA	NA	NA
CINA - Shelter	2.00	3.00	NA	NA	NA
CINA - Non-Shelter	2.83	1.67	NA	NA	NA
Termination of Parental Rights	3.45	1.80	NA	NA	NA
Case Filings (includes re-opened cases)					
Criminal (including District Court appeals)	6,203	6,832	5,848	5,834	5,822
Civil (including Registrar of Wills, District Court appeals)	11,806	14,908	12,452	12,538	12,623
Domestic Relations	14,137	14,741	14,357	14,567	14,777
Juvenile (including Delinquency, CINA, and TPR)	3,930	4,153	3,123	2,740	2,358
TOTAL Case Filings	36,076	40,634	35,780	35,679	35,580
Case Terminations (includes re-opened cases)					
Criminal	6,454	6,755	5,904	5,896	5,889
Civil	11,059	13,307	11,601	11,538	11,475
Domestic Relations	14,273	14,715	14,353	14,588	14,822
Juvenile	3,481	4,289	2,984	2,606	2,228
TOTAL Case Terminations	35,267	39,066	34,842	34,628	34,414
Case Clearance Rate (includes re-opened cases)					
Criminal	104%	99%	101%	101%	101%

	Actual FY07	Actual FY08	Estimated FY09	Approved FY10	Projected FY11
Civil	94%	89%	93%	92%	91%
Domestic Relations	101%	100%	100%	100%	100%
Juvenile	89%	103%	96%	95%	94%
OVERALL Case Clearance Rate	98%	96%	97%	97%	97%
Total Trials	1,270	1,510	1,383	1,438	1,494

<sup>1</sup> Due to the nature of this performance measure, results for FY09-FY11 have not been projected.

<sup>2</sup> Based on actual case filings. Values less than 1.0 reflect processing efficiency. Due to the nature of this performance measure, results for FY09 - FY11 have not been projected.

## ACCOMPLISHMENTS AND INITIATIVES

- ❖ ***Maintained (and in several cases, improved) performance regarding the timely processing of cases in FY08, despite an 11% increase in the number of original case filings, a 19% increase in the number of trials, and two vacant judgeships for much of the year.***
- ❖ ***Processed 95% of civil cases within the State time standard, resolved 95% of juvenile cases within the State time standard of 90 days, and met or exceeded the State's performance goals for the time it takes to close domestic relations cases.***
- ❖ ***Significantly improved the processing of CINA (Child in Need of Assistance) Shelter and TPR (Termination of Parental Rights) cases in FY08. The percentage of CINA-Shelter cases closed within the State time standard rose from 60% to 80%, and the corresponding performance for TPR cases improved from 42% to 61%.***
- ❖ ***When compared with the average FY08 performance of courts in other Maryland jurisdictions, the percentage of cases closed within the State time standard by the Montgomery County Circuit Court equalled or exceeded the overall Statewide averages for civil, domestic relations, juvenile, CINA, and TPR cases.***
- ❖ ***Achieved an overall case clearance rate (the number of case terminations divided by the number of original and reopened case filings) of 96% in FY08. The Court has been able to maintain high clearance rates for all four major types of cases (civil, criminal, domestic relations, and juvenile delinquency) for the past eight years.***
- ❖ ***The number of pending juvenile delinquency cases has declined steadily since FY05 relative to State guidelines, and there were significant improvements in the number of pending CINA Non-Shelter and TPR cases, relative to the guidelines, in FY08.***
- ❖ ***Productivity Improvements***
  - ***In FY08, the Court conducted an in-depth analysis of TPR case processing performance that led to the implementation of several initiatives designed to speed the processing of TPR and other child welfare cases. These included: (1) initiation of "service status" hearings 45 or 60 days after filing and more frequently after that to ensure that the serving of summonses and other Court orders remains a priority; (2) using case managers to schedule hearings and trials, and holding the meetings on the record with judges to reduce attempts by the parties to delay the trial date; (3) maintaining weekly contact between the supervising case manager and the County Attorney's Office to ensure close monitoring of issues related to the service of summonses; and (4) implementation of TPR "mediation status" hearings to allow the parties to place consents or agreements on the record immediately after mediation.***
  - ***The Court is developing a set of potential intervention plans using evidence-based analysis that draws upon Differentiated Case Management and State time standards, as well as other information. For each initiative implemented, the impacts on case processing performance are being evaluated to determine the effectiveness of the initiative and whether to continue it or to search for other alternatives that will improve case processing performance.***

## PROGRAM CONTACTS

Contact Pamela Harris of the Circuit Court at 240.777.9100 or John Greiner of the Office of Management and Budget at 240.777.2765 for more information regarding this department's operating budget.

## PROGRAM DESCRIPTIONS

### Administration

The Administrative Office of the Circuit Court serves as a conduit for many operations of the Court. The Court Administrator's role is to facilitate the administrative functions of the Court and to develop policies to enhance systems performance while maintaining the independence of the judiciary. Basic functions performed by the Court Administrator and staff include the following: fiscal administration of the budget; human resources; caseload management and statistics; technology management; information management; jury management; space management; intergovernmental liaison; and public information.

The Trial Court Researchers, funded in part by the Trial Court Research Partnership Grant, provide research and statistical support for judiciary-wide research projects; prepare reports based on statistics and other data collected from the Montgomery County Circuit Court; establish links to national research/statistical sources related to courts; and analyze court-wide programs, functions, and organizations to determine whether current management systems accomplish objectives efficiently.

<b>FY10 Approved Changes</b>	<b>Expenditures</b>	<b>WYs</b>
<b>FY09 Approved</b>	<b>2,832,740</b>	<b>4.3</b>
Increase Cost: Scheduled Replacement of Seven Servers	90,000	0.0
Decrease Cost: Annualization of FY09 Operating Expenses	-1,360	0.0
Decrease Cost: Communication Services	-4,300	0.0
Decrease Cost: Allocation of Savings Associated with MC311 Efficiencies	-18,000	0.0
Decrease Cost: Miscellaneous Operating Expenses	-19,800	0.0
Decrease Cost: Additional Lapse Savings	-27,980	0.0
Decrease Cost: Maintenance Charges from Division of Facility Services	-28,330	0.0
Decrease Cost: Library Books	-48,000	0.0
Decrease Cost: Elimination of One-Time Items Approved in FY09	-114,730	0.0
Decrease Cost: Office Supplies and Furniture	-125,000	0.0
Miscellaneous adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	-31,500	0.0
<b>FY10 Approved</b>	<b>2,503,740</b>	<b>4.3</b>

### Adjudication

Adjudication encompasses support staff for the judiciary and Differentiated Case Management (DCM). Conceptually, this division monitors case assignment (criminal, civil, and family cases); provides expedited case disposition for incarcerated offenders; and provides judicial supervision consistent with the complexity of each case filed. Adjudication/DCM improves the efficiency of case processing and reduces the demand for judicial intervention at various stages of litigation. To minimize case delay, each case is assigned to an appropriate track that allows for the performance of pre-trial tasks and allocates the appropriate level of judicial intervention. Tracks are monitored for performance and are evaluated based on established performance measures.

<b>FY10 Approved Changes</b>	<b>Expenditures</b>	<b>WYs</b>
<b>FY09 Approved</b>	<b>2,733,820</b>	<b>30.0</b>
<b>FY10 Approved</b>	<b>2,733,820</b>	<b>30.0</b>

### Family Masters

Family Division Masters are qualified individuals appointed by the Judges of the bench to hear family matters and make reports and recommendations based on testimony and analysis of the testimony received at hearing. A Family Division Judge will continue to review the recommendations and sign orders resulting from the recommendations of the Family Masters.

<b>FY10 Approved Changes</b>	<b>Expenditures</b>	<b>WYs</b>
<b>FY09 Approved</b>	<b>906,890</b>	<b>9.0</b>
Decrease Cost: Abolish Family Division Master Position	-7,650	-1.0
<b>FY10 Approved</b>	<b>899,240</b>	<b>8.0</b>

### Case Assignment

The Assignment Office schedules and maintains all hearings, trials, and motion dates as well as special docket dates for Judges and Family Masters. The Assignment Office maintains all scheduling information related to criminal indictment and information; criminal jury demands and appeals; civil, juvenile and family trial assignments; civil, family and juvenile motions; and bench warrants. The Assignment Office also manages all court sheet information, locates all files for assigned calendars, reviews each file, and delivers files to various court hearing rooms.

<b>FY10 Approved Changes</b>	<b>Expenditures</b>	<b>WYs</b>
<b>FY09 Approved</b>	<b>1,177,020</b>	<b>14.0</b>
<b>FY10 Approved</b>	<b>1,177,020</b>	<b>14.0</b>

## **Jury**

The Jury Office manages prospective and active jurors for civil and criminal proceedings. In accordance with Maryland Courts and Judicial Proceedings, Title 8, every citizen has the opportunity to serve as a juror and the obligation to serve when summoned. The Jury Commissioner and staff dispatch questionnaires to prospective jurors using information gathered from Voter Registration and Motor Vehicle Administration listings. The Commissioner maintains a qualified jury pool from the individuals who are determined to be qualified as jurors under Maryland Courts and Judicial Proceedings § 8-207.

<b>FY10 Approved Changes</b>	<b>Expenditures</b>	<b>WYs</b>
<b>FY09 Approved</b>	<b>772,110</b>	<b>4.0</b>
<b>FY10 Approved</b>	<b>772,110</b>	<b>4.0</b>

## **Family Services Support**

Family Services Support handles adoption investigations and child custody/visitation evaluations. After the establishment of a Court Order, independent evaluations for child custody/visitation and adoption investigations are conducted by court staff possessing substantial experience in social science or suitable credentials in the field of social work. The evaluator meets with the litigants and children and interviews professionals and collateral references to ascertain the appropriate custodial situation for the children.

<b>FY10 Approved Changes</b>	<b>Expenditures</b>	<b>WYs</b>
<b>FY09 Approved</b>	<b>786,470</b>	<b>8.0</b>
<b>FY10 Approved</b>	<b>786,470</b>	<b>8.0</b>

## **Technical Services**

Technical Services manages the central recording location that electronically records all courtroom and hearing room proceedings for the Judicial Center and Gray Courthouse. All video conferencing between the Circuit Court, District Court, Montgomery County Detention Center, and Montgomery County Correctional Facility is handled through this division. This equipment is used on a daily basis in order to conduct bond hearings via a video connection. Copies of court transcripts and cassettes are purchased through this division. The Court's website and internal servers for the Court and Clerk's Office are administered by Technical Services.

<b>FY10 Approved Changes</b>	<b>Expenditures</b>	<b>WYs</b>
<b>FY09 Approved</b>	<b>850,210</b>	<b>10.0</b>
<b>FY10 Approved</b>	<b>850,210</b>	<b>10.0</b>

## **Law Library**

The Law Library supports the research activities of the court, the local bar association, and the public. The Law Library's collection of American Law is comprehensive in scope. In addition to Maryland and Federal materials, the collection includes the National Reporter System, as well as a variety of books needed for the practice of law in Maryland. Library staff are available to answer questions regarding the library and its collection. Assistance with research is limited to directing patrons to appropriate sources. Library staff do not perform legal research, render legal opinions, or comment on court procedures.

<b>FY10 Approved Changes</b>	<b>Expenditures</b>	<b>WYs</b>
<b>FY09 Approved</b>	<b>494,160</b>	<b>3.0</b>
<b>FY10 Approved</b>	<b>494,160</b>	<b>3.0</b>

## **Trust and Guardianships**

The Trust Office administers the case files for fiduciary entities, which consist primarily of guardianships, required to comply with the reporting requirements set forth in the Maryland Court Rules, Title 10, Guardians and Other Fiduciaries. The reports required to be filed include the Inventory and Information Report and Annual Fiduciary Report for guardianships of the property of a minor or disabled person and the Annual Report for guardianships of the person of a disabled person. The Trust Clerk examines the Annual Fiduciary Reports filed and prepares the Report of Trust Clerk for the court.

<b>FY10 Approved Changes</b>	<b>Expenditures</b>	<b>WYs</b>
<b>FY09 Approved</b>	<b>194,210</b>	<b>2.5</b>
<b>FY10 Approved</b>	<b>194,210</b>	<b>2.5</b>

## Grants

The Family Law Grant is funded by the State and provides services to families to reduce conflict and introduce the parties involved in litigation to problem-solving techniques to help reduce future litigation. This program includes case managers that provide day-to-day management of cases between Family Masters, judges, counsel and litigants; custody mediation involving litigants in an effort to obtain a settlement of custody issues prior to litigation; the Pro Se Project staffed by attorneys and paralegals to help individuals representing themselves in uncomplicated family law cases involving divorce, custody and child support; supervised visitation providing a structured setting for visitation between children and their parents; psychological evaluations when psychological testing is necessary as an adjunct to arriving at a decision in the best interest of the children; guardian ad litem appointments to specifically represent the interests of children; and operating expenses associated with managing the division.

The Trial Court Research Partnership Grant supports two Trial Court Researchers assigned to the Administration Program. These individuals provide research, analysis, statistical support, and related reports on County and judiciary-wide research projects.

The Juvenile Office of Problem Solving Grant is funded by the State and supports the Juvenile Drug Court, whose mission is to reduce substance abuse and delinquent conduct among youthful offenders by providing them and their families with intensive, comprehensive, individualized services. The Adult Office of Problem Solving Grant supports the Montgomery County Adult Drug Court, whose mission is to eliminate drug abuse, crime, and their consequences by forging continuing partnerships with the Court, health treatment providers, concerned community organizations, and law enforcement. By leveraging its partnerships and its authority, the Court directs substance-abusing offenders into evaluation and treatment to achieve personal responsibility and productive citizenship.

The Rule of Law Grant is designed to improve the capacity of international legal institutions to implement reform. This initiative has been instrumental in the development of educational programs for bar associations, judges, lawyers, administrators, and - more recently - the executive and legislative branches of government. It has promoted the adoption of alternative dispute resolution methods, provided instruction in the use of technology, and trained legal professionals to effectively implement reforms to bring justice to citizens and help ensure a more democratic society.

<b>FY10 Approved Changes</b>	<b>Expenditures</b>	<b>WYs</b>
<b>FY09 Approved</b>	<b>2,498,730</b>	<b>24.1</b>
Add: Adult Office of Problem Solving Grant	125,600	2.0
Increase Cost: Increase Trial Court Research Partnership Grant	39,770	0.0
Add: Juvenile Office of Problem Solving Grant	27,200	0.0
Add: Rule of Law Grant	15,830	0.0
Decrease Cost: Decrease Family Law Grant	-85,160	0.0
<b>FY10 Approved</b>	<b>2,621,970</b>	<b>26.1</b>

## BUDGET SUMMARY

	Actual FY08	Budget FY09	Estimated FY09	Approved FY10	% Chg Bud/App
<b>COUNTY GENERAL FUND</b>					
<b>EXPENDITURES</b>					
Salaries and Wages	5,626,014	6,213,640	5,835,220	6,156,250	-0.9%
Employee Benefits	1,812,745	2,013,760	1,874,960	1,993,720	-1.0%
<b>County General Fund Personnel Costs</b>	<b>7,438,759</b>	<b>8,227,400</b>	<b>7,710,180</b>	<b>8,149,970</b>	<b>-0.9%</b>
Operating Expenses	2,383,181	2,520,230	2,599,160	2,261,010	-10.3%
Capital Outlay	125,735	0	0	0	—
<b>County General Fund Expenditures</b>	<b>9,947,675</b>	<b>10,747,630</b>	<b>10,309,340</b>	<b>10,410,980</b>	<b>-3.1%</b>
<b>PERSONNEL</b>					
Full-Time	86	88	88	87	-1.1%
Part-Time	7	6	6	6	—
Workyears	85.5	84.8	84.8	83.8	-1.2%
<b>REVENUES</b>					
Juror Fees State Reimbursement	414,350	380,000	380,000	380,000	—
Masters Salary Reimbursement	401,534	482,497	482,500	300,000	-37.8%
Interpreter Fees State Reimbursement	540,578	540,931	540,930	300,000	-44.5%
<b>County General Fund Revenues</b>	<b>1,356,462</b>	<b>1,403,428</b>	<b>1,403,430</b>	<b>980,000</b>	<b>-30.2%</b>
<b>GRANT FUND MCG</b>					
<b>EXPENDITURES</b>					
Salaries and Wages	1,541,631	1,712,320	1,768,260	1,711,860	0.0%
Employee Benefits	442,991	508,870	508,870	562,340	10.5%
<b>Grant Fund MCG Personnel Costs</b>	<b>1,984,622</b>	<b>2,221,190</b>	<b>2,277,130</b>	<b>2,274,200</b>	<b>2.4%</b>
Operating Expenses	676,908	277,540	364,900	347,770	25.3%
Capital Outlay	0	0	0	0	—
<b>Grant Fund MCG Expenditures</b>	<b>2,661,530</b>	<b>2,498,730</b>	<b>2,642,030</b>	<b>2,621,970</b>	<b>4.9%</b>
<b>PERSONNEL</b>					
Full-Time	18	21	21	23	9.5%
Part-Time	8	4	4	4	—
Workyears	22.7	24.1	24.1	26.1	8.3%
<b>REVENUES</b>					
Adult Office of Problem Solving	0	0	125,600	125,600	—
Family Law Grant	2,114,038	2,359,780	2,274,620	2,274,620	-3.6%
State Grant - Juvenile Drug Court Program	24,666	0	0	0	—
State Grant - Adult Drug Court Program	43,709	0	0	0	—
Trial Court Research Partnership	140,383	138,950	178,720	178,720	28.6%
Rule of Law	37,302	0	15,830	15,830	—
Renovations Grant	66,432	0	0	0	—
Electronic Document Imaging Grant	200,000	0	0	0	—
Juvenile Office of Problem Solving	35,000	0	27,200	27,200	—
MACRO Grant	0	0	20,060	0	—
<b>Grant Fund MCG Revenues</b>	<b>2,661,530</b>	<b>2,498,730</b>	<b>2,642,030</b>	<b>2,621,970</b>	<b>4.9%</b>
<b>DEPARTMENT TOTALS</b>					
<b>Total Expenditures</b>	<b>12,609,205</b>	<b>13,246,360</b>	<b>12,951,370</b>	<b>13,032,950</b>	<b>-1.6%</b>
<b>Total Full-Time Positions</b>	<b>104</b>	<b>109</b>	<b>109</b>	<b>110</b>	<b>0.9%</b>
<b>Total Part-Time Positions</b>	<b>15</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>—</b>
<b>Total Workyears</b>	<b>108.2</b>	<b>108.9</b>	<b>108.9</b>	<b>109.9</b>	<b>0.9%</b>
<b>Total Revenues</b>	<b>4,017,992</b>	<b>3,902,158</b>	<b>4,045,460</b>	<b>3,601,970</b>	<b>-7.7%</b>

## FY10 APPROVED CHANGES

	Expenditures	WYs
<b>COUNTY GENERAL FUND</b>		
<b>FY09 ORIGINAL APPROPRIATION</b>	<b>10,747,630</b>	<b>84.8</b>
<b><u>Other Adjustments (with no service impacts)</u></b>		
Increase Cost: Scheduled Replacement of Seven Servers [Administration]	90,000	0.0
Increase Cost: Service Increment Adjustment	63,670	0.0
Increase Cost: Retirement Adjustment	30,530	0.0
Increase Cost: Annualization of FY09 Personnel Costs	26,190	0.0
Increase Cost: Group Insurance Adjustment	15,680	0.0
Decrease Cost: Motor Pool Adjustment and Reduction	-840	0.0
Decrease Cost: Annualization of FY09 Operating Expenses [Administration]	-1,360	0.0
Decrease Cost: Communication Services [Administration]	-4,300	0.0
Decrease Cost: Printing and Mail Adjustments and Reductions	-6,860	0.0
Decrease Cost: Abolish Family Division Master Position [Family Masters]	-7,650	-1.0
Decrease Cost: Allocation of Savings Associated with MC311 Efficiencies [Administration]	-18,000	0.0
Decrease Cost: Miscellaneous Operating Expenses [Administration]	-19,800	0.0
Decrease Cost: Additional Lapse Savings [Administration]	-27,980	0.0
Decrease Cost: Maintenance Charges from Division of Facility Services [Administration]	-28,330	0.0
Decrease Cost: Library Books [Administration]	-48,000	0.0
Decrease Cost: Elimination of One-Time Items Approved in FY09 [Administration]	-114,730	0.0
Decrease Cost: Office Supplies and Furniture [Administration]	-125,000	0.0
Decrease Cost: Turnover Savings	-159,870	0.0
<b>FY10 APPROVED:</b>	<b>10,410,980</b>	<b>83.8</b>
<b>GRANT FUND MCG</b>		
<b>FY09 ORIGINAL APPROPRIATION</b>	<b>2,498,730</b>	<b>24.1</b>
<b><u>Changes (with service impacts)</u></b>		
Add: Adult Office of Problem Solving Grant [Grants]	125,600	2.0
Add: Juvenile Office of Problem Solving Grant [Grants]	27,200	0.0
Add: Rule of Law Grant [Grants]	15,830	0.0
<b><u>Other Adjustments (with no service impacts)</u></b>		
Increase Cost: Increase Trial Court Research Partnership Grant [Grants]	39,770	0.0
Decrease Cost: Decrease Family Law Grant [Grants]	-85,160	0.0
<b>FY10 APPROVED:</b>	<b>2,621,970</b>	<b>26.1</b>

## PROGRAM SUMMARY

Program Name	FY09 Approved		FY10 Approved	
	Expenditures	WYs	Expenditures	WYs
Administration	2,832,740	4.3	2,503,740	4.3
Adjudication	2,733,820	30.0	2,733,820	30.0
Family Masters	906,890	9.0	899,240	8.0
Case Assignment	1,177,020	14.0	1,177,020	14.0
Jury	772,110	4.0	772,110	4.0
Family Services Support	786,470	8.0	786,470	8.0
Technical Services	850,210	10.0	850,210	10.0
Law Library	494,160	3.0	494,160	3.0
Trust and Guardianships	194,210	2.5	194,210	2.5
Grants	2,498,730	24.1	2,621,970	26.1
<b>Total</b>	<b>13,246,360</b>	<b>108.9</b>	<b>13,032,950</b>	<b>109.9</b>

