

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 FY11 Operating Budget for the Circuit Court is \$12,354,410, a decrease of \$678,540 or 5.2 percent from the FY10 Approved Budget of \$13,032,950. Personnel Costs comprise 80.3 percent of the budget for 111 full-time positions and ten part-time positions for 106.7 workyears. Operating Expenses account for the remaining 19.7 percent of the FY11 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

Performance measures for this department are included below, with multi-program measures displayed at the front of this section and program-specific measures shown with the relevant program. The FY10 estimates incorporate the effect of the FY10 savings plan. FY11 and FY12 targets assume the approved FY11 budget and FY12 funding for comparable service levels.

Measure	Actual FY08	Actual FY09	Estimated FY10	Target FY11	Target FY12
Multi-Program Measures					
Percentage of Cases Closed within State Time Standard ¹					
Civil (standard = 98% within 548 days)	95	96	NA	NA	NA
Criminal (standard = 98% within 180 days)	86	96	NA	NA	NA
Domestic Relations I (standard = 90% within 365 days)	90	92	NA	NA	NA
Domestic Relations II (standard = 98% within 730 days)	99.6	99.4	NA	NA	NA
Juvenile (standard = 98% within 90 days)	95	96	NA	NA	NA
Child in Need of Assistance (CINA) - Shelter (standard = 100% within 30 days)	80	69	NA	NA	NA
CINA - Non-Shelter (standard = 100% within 60 days)	90	81	NA	NA	NA
Termination of Parental Rights (TPR) (standard = 100% within 180 days)	61	95	NA	NA	NA
Actual Pending Caseload / Pending Caseload Goal ²					
Civil	0.68	0.86	NA	NA	NA
Criminal	0.98	1.09	NA	NA	NA
Domestic Relations	0.77	0.79	NA	NA	NA
Juvenile Delinquency	1.88	NA	NA	NA	NA
CINA - Shelter	3.00	NA	NA	NA	NA
CINA - Non-Shelter	1.67	NA	NA	NA	NA
Termination of Parental Rights	1.80	NA	NA	NA	NA
Case Filings (includes re-opened cases)					
Criminal (including District Court appeals)	6,832	6,953	6,277	6,324	6,372
Civil (including Registrar of Wills, District Court appeals)	14,908	16,790	14,274	14,595	14,918
Domestic Relations	14,741	14,900	14,784	15,023	15,262
Juvenile (including Delinquency, CINA, and TPR)	4,153	4,495	3,290	2,981	2,674
TOTAL Case Filings	40,634	43,138	38,625	38,923	39,226
Case Terminations (includes re-opened cases)					
Criminal	6,755	6,870	6,282	6,326	6,372
Civil	13,307	14,060	12,522	12,593	12,665
Domestic Relations	14,715	14,582	14,679	14,926	15,173
Juvenile	4,289	4,482	3,205	2,909	2,613
TOTAL Case Terminations	39,066	39,994	36,688	36,754	36,823
Case Clearance Rate (includes re-opened cases)					
Criminal	99%	99%	100%	100%	100%

	Actual FY08	Actual FY09	Estimated FY10	Target FY11	Target FY12
Civil	89%	84%	88%	86%	85%
Domestic Relations	100%	98%	99%	99%	99%
Juvenile	103%	100%	97%	98%	98%
OVERALL Case Clearance Rate	96%	93%	95%	94%	94%
Total Trials	1,477	1,499	1,403	1,455	1,505

¹ Due to the nature of this performance measure, results for FY10-FY12 have not been projected.

² Based on actual case filings. Values less than 1.0 reflect processing efficiency. Due to the nature of this performance measure, results for FY10 - FY12 have not been projected.

ACCOMPLISHMENTS AND INITIATIVES

- ❖ **Improved or maintained performance regarding the timely processing of cases in FY09 for civil, criminal, domestic relations, juvenile delinquency, and termination of parental rights (TPR) cases, despite a 6% increase in the number of case filings and one vacant judgeship.**
- ❖ **Closed 92% of family cases within the State's time standard of 365 days, which is 2 percentage points above the State's goal of closing 90% of such cases within 365 days. The Court closed 96% of civil cases within the State time standard of 548 days, a 1% improvement over FY08 despite large increases in foreclosure case filings. This is the Court's best performance for civil cases since these statistics were first compiled in 2001.**
- ❖ **Improved markedly in the handling of TPR cases in FY09: 95% of these cases were processed within the State time standard of 180 days, vs. 61% in FY08. This improvement reflects the success of several initiatives that the Court implemented specifically to improve the processing of child welfare cases, as well as efforts by the Department of Health and Human Services to streamline the tracking of such cases.**
- ❖ **The processing of juvenile delinquency cases also improved in FY09 (96% of such cases were terminated within the State's 90 day time standard, up 1% from FY08), reflecting new procedures to more accurately track certain events related to juvenile delinquency cases.**
- ❖ **The Circuit Court achieved an overall case clearance rate (the number of case terminations divided by the number of original and re-opened case filings) of 93% in FY09. The Court has maintained closure rates at or near 100% for criminal, domestic relations, and juvenile cases for the last eight fiscal years.**
- ❖ **The Maryland General Assembly has authorized a twenty-second judge for the Circuit Court. The new judge will start in March 2010.**
- ❖ **Productivity Improvements**
 - **The Court implemented a number of initiatives in mid-2008 to improve the processing of child welfare cases, including improved service to parties, revised scheduling and postponement practices, and enhanced communications between the Court and various external agencies. As a result, the number of TPR cases closed within the State time standard of 180 days increased from 61% in FY08 to 95% in FY09.**
 - **The Circuit Court is undertaking an analysis of juror utilization to assess the effectiveness of current jury management practices, using a performance measure developed by the National Center for State Courts.**
 - **The Court is conducting an in-depth analysis of case processing performance against its Differentiated Case Management time standards to determine the point at which case processing performance begins to falter. This will provide an early indication of problems and will signal the need to take pre-emptive efforts to prevent declines in performance as measured by the State's time standards.**
 - **The Circuit Court is automating its data collection process for cases placed on the "To Be Assigned" docket to be able to identify the number of these cases and their outcomes in order to better manage the Court's workload.**
 - **Other studies underway to better understand - and improve - the Court's case processing performance include: examining the extent to which cases ultimately make it to trial and the point at which cases begin to drop out (to help improve scheduling and to ensure that judges' time is efficiently utilized); studying the performance of specially assigned cases to see how they affect overall case processing performance; examining postponements to assess their effect on case processing time; and analyzing case processing performance by case sub-type to identify the effect of each sub-type on 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 relative to courts; and analyze court-wide programs, functions, and organizations to determine whether current management systems accomplish objectives efficiently.

FY11 Approved Changes	Expenditures	WYs
FY10 Approved	2,503,740	4.3
Add: Hot Backup Site for HP3000 Case Management System	50,000	0.0
Add: Juvenile Permanence/Termination of Parental Rights Mediation	46,620	0.0
Add: Operating Expenses for New Judge	13,480	0.0
Add: Maintenance of Existing Video Conferencing Equipment	6,000	0.0
Decrease Cost: Motor Pool Rate Adjustment	-30	0.0
Decrease Cost: Printing and Mail Adjustment	-16,230	0.0
Decrease Cost: Reduction in Paper, Printing, and Mail Expenses	-30,920	0.0
Decrease Cost: Consultant Services	-61,700	0.0
Decrease Cost: Professional & Technical Services	-150,000	0.0
Miscellaneous adjustments, including furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	-71,540	-0.2
FY11 Approved	2,289,420	4.1

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.

FY11 Approved Changes	Expenditures	WYs
FY10 Approved	2,733,820	30.0
Add: Administrative Assistant for New Judge	87,360	1.0
Decrease Cost: Miscellaneous Reductions in Personnel Costs	-75,000	0.0
Miscellaneous adjustments, including furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	-84,650	-1.2
FY11 Approved	2,661,530	29.8

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.

FY11 Approved Changes	Expenditures	WYs
FY10 Approved	899,240	8.0
Decrease Cost: Lapse Family Division Master Position	-165,720	-1.0
Miscellaneous adjustments, including furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	-11,060	-0.3
FY11 Approved	722,460	6.7

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 courtroom information sheets, locates all files for assigned calendars, reviews each file, and delivers files to various court hearing rooms.

FY11 Approved Changes	Expenditures	WYs
FY10 Approved	1,177,020	14.0
Miscellaneous adjustments, including furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	-22,110	-0.5
FY11 Approved	1,154,910	13.5

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 Jury 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.

FY11 Approved Changes	Expenditures	WYs
FY10 Approved	772,110	4.0
Miscellaneous adjustments, including furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	-6,320	-0.1
FY11 Approved	765,790	3.9

Family Division Services

This program provides a variety of services for children and families, most of them funded by the Family Law Grant. Services include 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 Family Law Self Help Center (formerly 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; best interest attorney (formerly guardian ad litem) appointments to specifically represent the interests of children; and operating expenses associated with managing the division.

Family Division Services also 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.

The Juvenile Division is also a part of Family Division Services and is responsible for oversight of Delinquency petitions, Children in Need of Assistance (CINA) petitions, Termination of Parental Rights (TPR) petitions, Voluntary Placement petitions, and Petitions for Peace Orders. These matters, which are governed by strict statutory timeframes, require a high degree of judicial oversight by the Court on a long term basis.

FY11 Approved Changes	Expenditures	WYs
FY10 Approved	786,470	8.0
Decrease Cost: Reclassify Vacant Court Evaluator Position	-69,000	0.0
Miscellaneous adjustments, including furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	-12,630	-0.3
FY11 Approved	704,840	7.7

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.

FY11 Approved Changes	Expenditures	WYs
FY10 Approved	850,210	10.0
Miscellaneous adjustments, including furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	-15,790	-0.4
FY11 Approved	834,420	9.6

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.

FY11 Approved Changes	Expenditures	WYs
FY10 Approved	494,160	3.0
Miscellaneous adjustments, including furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	-4,740	-0.1
FY11 Approved	489,420	2.9

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.

FY11 Approved Changes	Expenditures	WYs
FY10 Approved	194,210	2.5
Miscellaneous adjustments, including furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	-3,950	-0.1
FY11 Approved	190,260	2.4

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. See the Family Division Services program for a description of the services supported by this grant.

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 Montgomery County Juvenile and Adult Office of Problem Solving grants are funded by the State. The mission of the Juvenile Drug Court is to reduce substance abuse and delinquent conduct among youthful offenders by providing them and their families with intensive, comprehensive, individualized services. The mission of the Adult Drug Court 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.

FY11 Approved Changes	Expenditures	WYs
FY10 Approved	2,621,970	26.1
Decrease Cost: Adult Office of Problem Solving	-6,800	0.0
Decrease Cost: Juvenile Office of Problem Solving	-24,560	0.0
Decrease Cost: Family Law Grant	-49,250	0.0
FY11 Approved	2,541,360	26.1

BUDGET SUMMARY

	Actual FY09	Budget FY10	Estimated FY10	Approved FY11	% Chg Bud/App
COUNTY GENERAL FUND					
EXPENDITURES					
Salaries and Wages	5,769,374	6,156,250	5,675,260	5,673,560	-7.8%
Employee Benefits	1,884,952	1,993,720	1,934,770	2,021,260	1.4%
County General Fund Personnel Costs	7,654,326	8,149,970	7,610,030	7,694,820	-5.6%
Operating Expenses	2,334,642	2,261,010	2,277,530	2,118,230	-6.3%
Capital Outlay	139,804	0	0	0	—
County General Fund Expenditures	10,128,772	10,410,980	9,887,560	9,813,050	-5.7%
PERSONNEL					
Full-Time	88	87	87	88	1.1%
Part-Time	6	6	6	6	—
Workyears	84.8	83.8	83.8	80.6	-3.8%
REVENUES					
Juror Fees State Reimbursement	413,830	380,000	423,360	423,360	11.4%
Masters Salary Reimbursement	358,191	300,000	228,940	288,930	-3.7%
Interpreter Fees State Reimbursement	265,732	300,000	296,440	296,440	-1.2%
County General Fund Revenues	1,037,753	980,000	948,740	1,008,730	2.9%
GRANT FUND MCG					
EXPENDITURES					
Salaries and Wages	1,677,179	1,711,860	1,744,780	1,669,780	-2.5%
Employee Benefits	509,630	562,340	562,340	555,170	-1.3%
Grant Fund MCG Personnel Costs	2,186,809	2,274,200	2,307,120	2,224,950	-2.2%
Operating Expenses	489,075	347,770	399,160	316,410	-9.0%
Capital Outlay	0	0	0	0	—
Grant Fund MCG Expenditures	2,675,884	2,621,970	2,706,280	2,541,360	-3.1%
PERSONNEL					
Full-Time	21	23	23	23	—
Part-Time	4	4	4	4	—
Workyears	24.1	26.1	26.1	26.1	—
REVENUES					
Adult Office of Problem Solving	0	125,600	118,800	118,800	-5.4%
Family Law Grant	2,183,564	2,274,620	2,390,290	2,225,370	-2.2%
State Grant - Adult Drug Court Program	99,764	0	0	0	—
Trial Court Research Partnership	178,743	178,720	178,720	178,720	—
Rule of Law	15,827	15,830	15,830	15,830	—
Renovations Grant	14,696	0	0	0	—
Electronic Document Imaging Grant	121,208	0	0	0	—
Juvenile Office of Problem Solving	15,382	27,200	2,640	2,640	-90.3%
MACRO Grant	46,700	0	0	0	—
Grant Fund MCG Revenues	2,675,884	2,621,970	2,706,280	2,541,360	-3.1%
DEPARTMENT TOTALS					
Total Expenditures	12,804,656	13,032,950	12,593,840	12,354,410	-5.2%
Total Full-Time Positions	109	110	110	111	0.9%
Total Part-Time Positions	10	10	10	10	—
Total Workyears	108.9	109.9	109.9	106.7	-2.9%
Total Revenues	3,713,637	3,601,970	3,655,020	3,550,090	-1.4%

FY11 APPROVED CHANGES

	Expenditures	WYs
COUNTY GENERAL FUND		
FY10 ORIGINAL APPROPRIATION	10,410,980	83.8
<u>Changes (with service impacts)</u>		
Add: Administrative Assistant for New Judge [Adjudication]	87,360	1.0
Add: Hot Backup Site for HP3000 Case Management System [Administration]	50,000	0.0
Add: Juvenile Permanence/Termination of Parental Rights Mediation [Administration]	46,620	0.0
Add: Operating Expenses for New Judge [Administration]	13,480	0.0
Add: Maintenance of Existing Video Conferencing Equipment [Administration]	6,000	0.0
<u>Other Adjustments (with no service impacts)</u>		
Increase Cost: Retirement Adjustment	77,690	0.0
Increase Cost: Group Insurance Adjustment	51,930	0.0
Decrease Cost: Motor Pool Rate Adjustment [Administration]	-30	0.0
Decrease Cost: Printing and Mail Adjustment [Administration]	-16,230	0.0
Decrease Cost: Annualization of FY10 Personnel Costs	-17,070	0.0
Decrease Cost: Reduction in Paper, Printing, and Mail Expenses [Administration]	-30,920	0.0
Decrease Cost: Expedited Bill 16-10 - Imputed Compensation Limit	-35,690	0.0
Decrease Cost: Consultant Services [Administration]	-61,700	0.0
Decrease Cost: Reclassify Vacant Court Evaluator Position [Family Division Services]	-69,000	0.0
Decrease Cost: Miscellaneous Reductions in Personnel Costs [Adjudication]	-75,000	0.0
Decrease Cost: Furlough Days	-132,350	-3.2
Decrease Cost: Professional & Technical Services [Administration]	-150,000	0.0
Decrease Cost: Lapse Family Division Master Position [Family Masters]	-165,720	-1.0
Decrease Cost: Reduction in Personnel Costs Through Turnover Savings	-177,300	0.0
FY11 APPROVED:	9,813,050	80.6
GRANT FUND MCG		
FY10 ORIGINAL APPROPRIATION	2,621,970	26.1
<u>Other Adjustments (with no service impacts)</u>		
Decrease Cost: Adult Office of Problem Solving [Grants]	-6,800	0.0
Decrease Cost: Juvenile Office of Problem Solving [Grants]	-24,560	0.0
Decrease Cost: Family Law Grant [Grants]	-49,250	0.0
FY11 APPROVED:	2,541,360	26.1

PROGRAM SUMMARY

Program Name	FY10 Approved		FY11 Approved	
	Expenditures	WYs	Expenditures	WYs
Administration	2,503,740	4.3	2,289,420	4.1
Adjudication	2,733,820	30.0	2,661,530	29.8
Family Masters	899,240	8.0	722,460	6.7
Case Assignment	1,177,020	14.0	1,154,910	13.5
Jury	772,110	4.0	765,790	3.9
Family Division Services	786,470	8.0	704,840	7.7
Technical Services	850,210	10.0	834,420	9.6
Law Library	494,160	3.0	489,420	2.9
Trust and Guardianships	194,210	2.5	190,260	2.4
Grants	2,621,970	26.1	2,541,360	26.1
Total	13,032,950	109.9	12,354,410	106.7

