

# MONTGOMERY COUNTY CIRCUIT COURT



## FAMILY DIVISION SERVICES TWENTIETH ANNUAL REPORT FY18

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## Executive Summary

During FY18, the Family Division continued to work on improving and enhancing services offered to the citizens of Montgomery County, who find themselves before the court. These responses, discussed throughout the report, illustrate that highly coordinated family and juvenile services can be integrated into a differentiated case management system and provide greater flexibility and earlier opportunities for case resolution to the litigants of this court.

Providing continuity of services throughout the fiscal year in a timely and efficient manner, a serious goal was achieved through the dedication of the bench, which decided these sensitive matters and the hard work of the employees of the Family Division who worked diligently to provide services designed to support the court in its mission.

The foundation for all services delivered by the Family Division is a carefully designed case management system, which provides a sequential service delivery system that facilitates timely, informed and organized dispute resolution to the citizens of Montgomery County who find themselves before the court. In FY18 the Family and Juvenile bench and support personnel produced the following output as they worked to meet the above stated goals:

- 17,075 filings (9,712 original and 7,363 matters reopened by motion).
- 22,688 hearings on juvenile and family law matters.
- 1,591 trial matters (944 trials, 575 merits hearings in family and 72 adjudications in juvenile).
- 163 mediations of child welfare dependency matters with a 66% resolution rate.
- 26 mediations of permanency plan and termination of parental rights cases with an 46% resolution rate.
- 97 mediations of family law custody/access matters with a 63% resolution rate.
- 454 evaluations, assessments, review and investigations of family law matters.
- 546 facilitations of family law matters with an 74% resolution rate.
- 10,313 litigants served by the Family Law Self Help Center.
- 2,387 persons ordered to co-parenting education.
- 61 cases ordered to supervised visitation.

This workload was managed by 11 judges, 5 magistrates and the 31 employees in the Family Division, who worked in concert to help resolve the 17,075 matters filed during FY18.

## **INTRODUCTION**

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

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

As part of those efforts, the court has supported the Family Division in achieving its goals as mandated by Maryland Rule 16-307. Under that Rule, subject to the availability of funds, the services component of the Family Division must provide the following services:

- Mediation in custody and visitation matters
- Custody investigations and assessments
- Mental Health Evaluations and evaluations for alcohol and drug abuse
- Information services, including procedural assistance to self-represented litigants
- Information regarding lawyer referral services
- Parenting coordination services as permitted by Rule 9-205.2
- Co-Parenting seminars
- Any additional family support services for which funding is provided

Continually updating and enhancing services and processes to better serve the litigants of Montgomery County is a challenge embraced by the Court. The following services and processes are illustrative of those efforts during FY18:

Family Law Self Help Center Extended Hours - In order to provide self-represented litigants with enhanced access to cost free legal information, the Family Law Self Help Center expanded its hours of operation, beginning March 7, 2017. The Center is now open every Tuesday evening until 8:00 p.m. During FY18 the Center served 569 on Tuesday evenings.

One Family/One Judge - The court initiated its' One Family/One Judge (1F1J) protocol in FY16. The purpose of this program is to promote more lasting and positive outcomes for families, while encouraging continued compliance with court orders entered in the most complex family matters. During FY18 the court worked to maintain a balanced caseload by closely monitoring existing 1F1J matters and carefully designating new matters. Under this protocol, the predictability and continuity of having a single judge hear the case is now ensured and the parents and children who are the focus of the litigation benefit.

Consistent with the five-year strategic plan issued by the Administrative Office of the Courts and with the strong leadership provided by the Administrative Judge, the Family Judge-in-Charge, and the Court Administrator, programs provided by Family Division Services will

continue to provide significant and meaningful service to the residents of Montgomery County, Maryland. In its continuing efforts to provide excellent service, the Family Division has the following goals and objectives:

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

The combined efforts of many people are required to achieve these goals and objectives. In FY18, as it worked to provide services to the litigants before it, the Family Division was structured as follows:

- Six judges assigned to hear family cases on a full-time basis, two judges assigned to hear primarily delinquent matters and two judges each assigned to hear family cases and child welfare cases on a 50% rotating basis.
- Five magistrates, including one part-time magistrate assigned to hear child support enforcement matters and uncontested divorces. Magistrates do not hear juvenile causes in Montgomery County.
- One Family Division Coordinator
- One Deputy Family Division Coordinator
- Three Family Division Case Managers
- Three Juvenile Case Managers
- One Permanency Planning Liaison shared with the Circuit Court for Frederick County
- One Supervising Case Manager
- One Adoption/Guardianship Case Manager
- Five Attorneys comprise the Family Law Self Help Center.
- One Senior Court Evaluator and a combined staff of nine full and one part time Court Evaluators, who conduct evaluations, assessments, investigations and reviews and present the co-parenting skills enhancement classes.
- Two Office Assistants and one Administrative Assistant to assist visitors and provide administrative support to Family Division Services.
- One part-time Adult Guardianship Liaison
- Contractual Service Providers: Attorney Facilitators for the Family Law Facilitation Program; Mediators for the Juvenile Child Welfare Mediation; Mediators for the Family Law Custody/Access Mediation Program, and Visitation Observers for the Supervised Visitation Program.

## OVERVIEW

During FY18 9,712 original actions (8,420 family law actions and 1,292 juvenile causes), as defined by Maryland Rule 16-204 were filed in the Circuit Court for Montgomery County. Additionally, a total of 7,363 cases were reactivated by new motions (5,792 family law actions and 1,571 juvenile causes). This total of 17,075 matters were handled by six family judges, five family magistrates, three judges alternating every other week between family and juvenile child welfare matters, two judges hearing juvenile delinquency matters and the support staff of the Family Division. As the court worked toward resolution of these sensitive matters it held a total of 22,689 hearings, 944 trials, 72 adjudications, and 575 merits hearings. The bulk of this report will explore how those matters were handled inside the differentiated case management system (DCM) and what resources were brought to bear to resolve these matters in a timely, equitable and resource appropriate manner for the litigants who find themselves before the court.

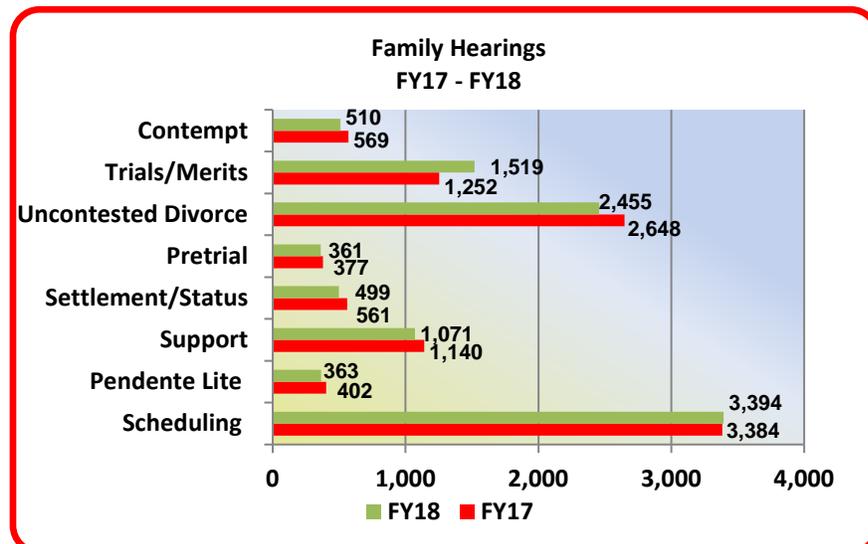
## FAMILY LAW

### Caseload

The 8,420 original and 5,792 reopened family law cases filed during FY18 typically sought more than one form of relief, including absolute and limited divorce, annulment, alimony, custody, visitation (access), child support, paternity, appointment of guardian for minors and disabled individuals, adoption, change of name and domestic violence protection. During FY18 a total of 14,542 hearings were held. The court concluded 8,694 cases on their original filing and 5,754 cases on re-opened filings, for a total of 14,448 terminations.

### Workload

The following charts illustrate the workload of the court as it moved cases through its DCM system:

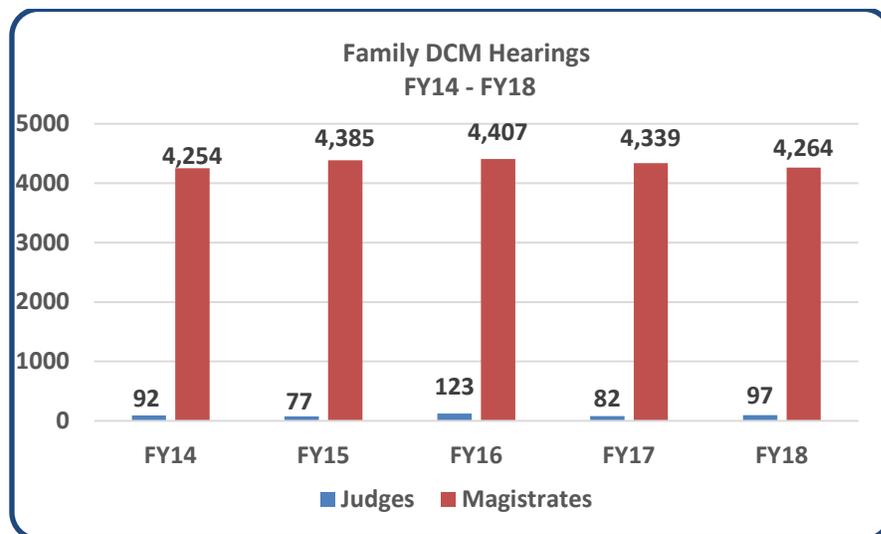


During FY18 almost all hearing types declined from FY17 levels, except for trials and merits, which increased 21% and scheduling hearings, which remained static. The increase in trials and merits is due in part to the volume of Special Immigrant Juvenile Status requests being heard by one of the Court's special magistrates. These matters are raised in the context of a custody case and the predicate SIJS findings and the underlying custody are addressed simultaneously when appropriate to increase processing efficiency.

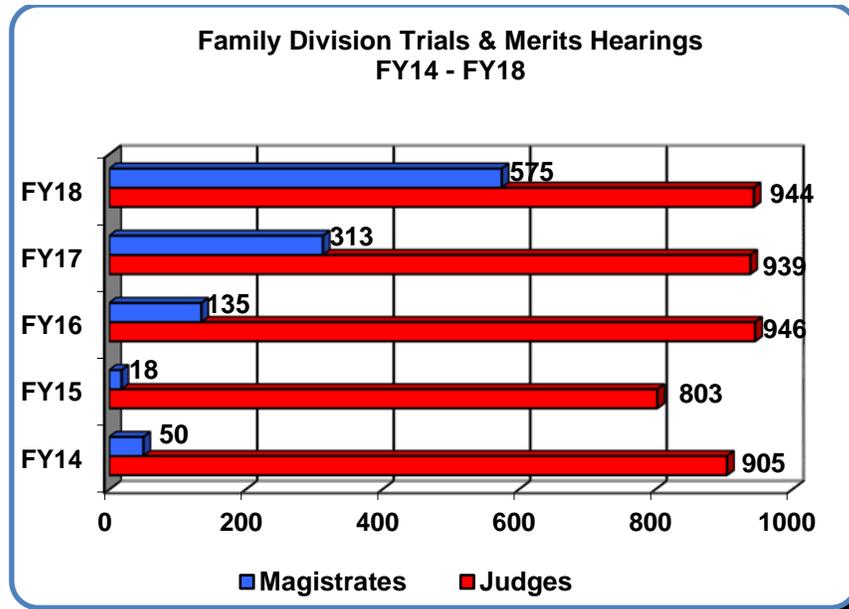
The majority of cases heard at the scheduling hearing stage never reach the trial/merits stage. The consistency of this occurrence aligns seamlessly with the function of DCM, which is to offer litigants the opportunity to resolve cases in a timely manner and at the earliest juncture possible, without the increased emotional and financial strain attendant with taking a case to trial.

As illustrated by the following chart, the overwhelming majority of the DCM hearings are handled by magistrates and the majority of trials/merits and contempt hearings are handled by judges. Such a 'bifurcation' of the case management system allows for a more efficient use of judicial resources by drawing cases away from judicial resources at their earliest stages and allotting those resources to the most complex cases where other means of settlement have not proven fruitful.

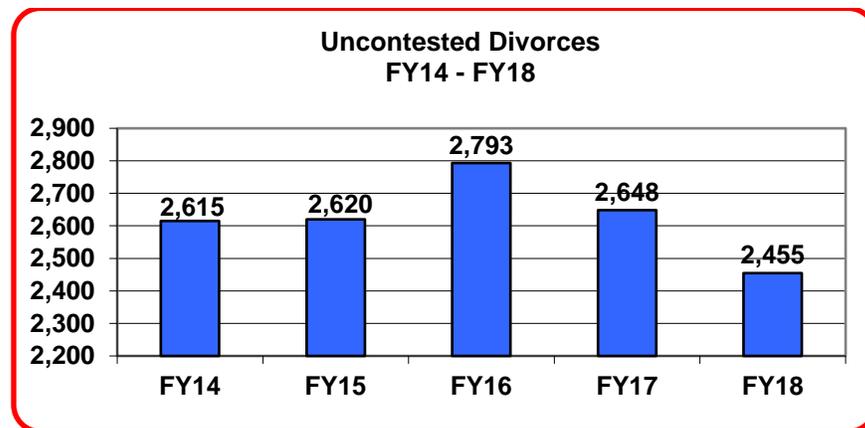
Family Division DCM Hearings: During the last fiscal year 4,361 DCM events were held by the court. Of those hearings held, magistrates conducted 4,264 hearings (98%), which is consistent with the 98% level the court has experienced since FY06. These consistently high levels are perfectly aligned with the principles of sound case management, one of which is to utilize judicial resources as efficiently as possible.



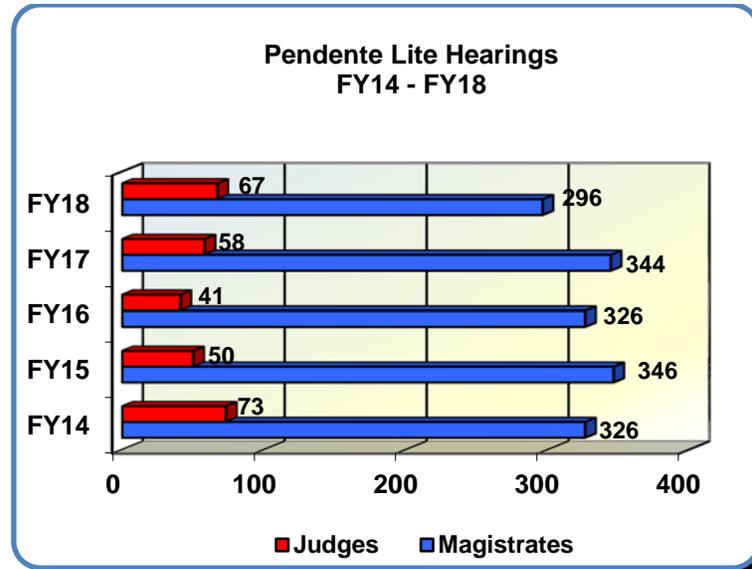
Trials and Merits: In FY18 a total of 1,519 trials and merits hearings were conducted by the court. While these numbers represent an overall 21% increase in trials and merits, the most significant change lies within the magistrate's offices. While levels remained the same for judges the magistrates experienced a nearly two-fold increase. This change is in large measure due to the increased number of Special Immigrant Juvenile Status requests being heard by one of the Court's special magistrates. Nevertheless, the proportion of trial events heard by judges to magistrates remains high. Even with the significant increase in merits being heard at the magistrate level in FY18, 62% of these events were conducted by judges.



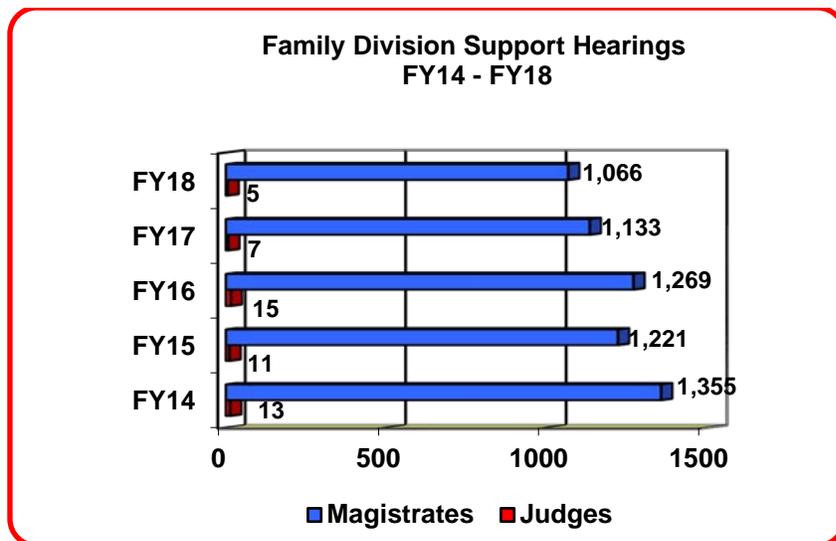
Uncontested Divorces: In FY18, the court conducted 2,455 uncontested divorces, which was a 7% decrease from FY17 and the lowest level in the last five fiscal years. During the last five fiscal years the court has conducted a total of 13,131 uncontested divorces. These hearings, which are conducted by magistrates, continue to preserve judicial resources and provide parties who agree on all legal issues with an efficient case resolution process.



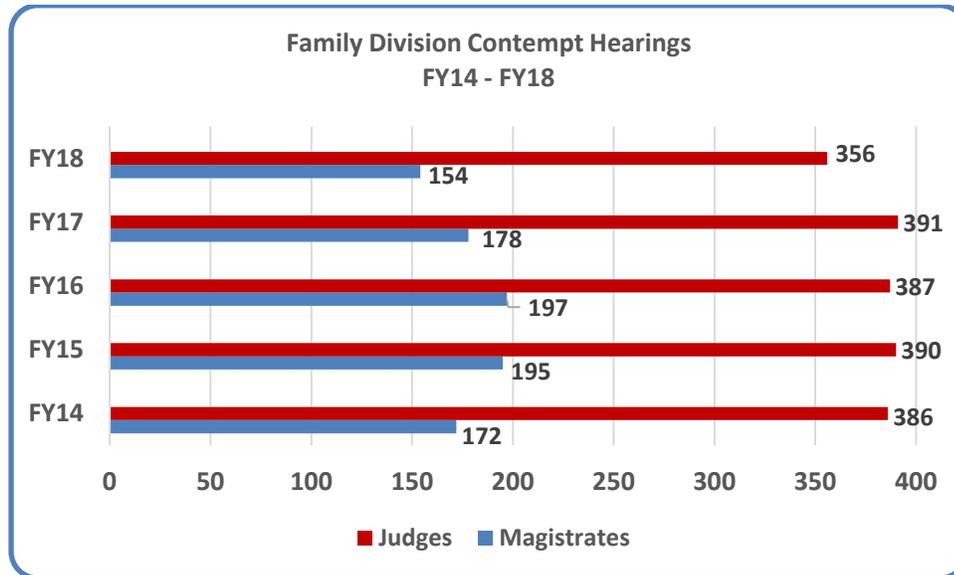
*Pendente Lite* Hearings. The total number of *pendente lite* hearings held annually has remained consistent over the last 5 fiscal years, ranging from a low of 363 (FY18) to a high of 402 (FY17). During this time 85% of all such matters were heard by magistrates.



Support Hearings: In FY18 1,071 support hearings were conducted, which is the lowest level in the last five fiscal years. Of that number, 99% were conducted by magistrates (n = 1,066). Of those 1,066 events, a total of 1,050 (98%) were conducted by a single special magistrate. This alignment is consistent with sound case management, which diverts less complicated and time-consuming matters away from judges, thereby conserving those resources for more intensive cases.



Contempt Hearings: During the course of the last five fiscal years, the court conducted 2,806 contempt hearings. Of that number 69% were conducted by judges and 31% were conducted by magistrates. After a 15% decrease between FY12 and FY13, levels of hearings have remained consistent until FY18, when hearings decreased 10% from FY17.



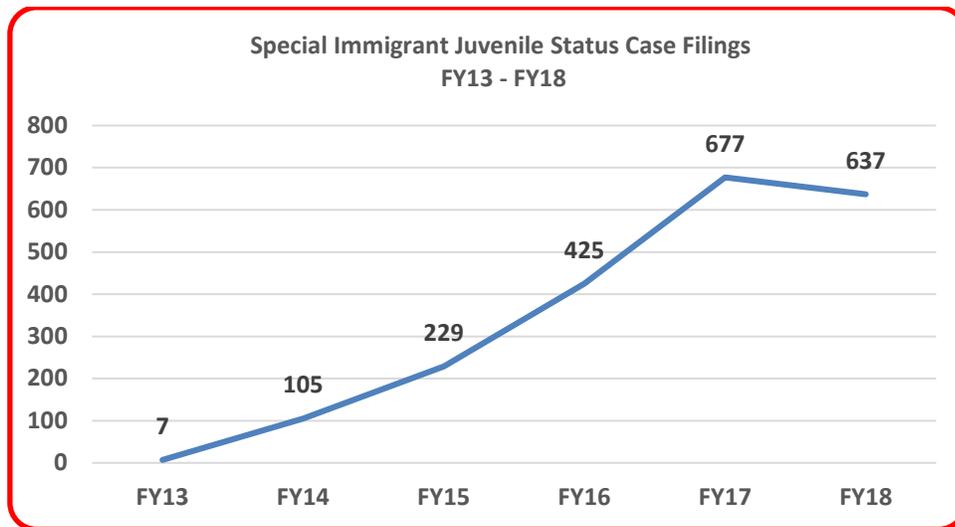
Special Immigrant Juvenile Status Hearings: Special Immigrant Juvenile Status is a designation under the US Immigration and Nationality Act of 1990, which allows certain minor, unmarried and unaccompanied alien children to obtain temporary immigration relief and possibly lawful permanent residency<sup>1</sup>. As part of this process specific factual findings must be made by a *state* juvenile court in a predicate order before the immigration phase of the case proceeds in front of the United States Citizenship and Immigrations Services.

The be eligible to apply for this status the following findings must first be made in the State courts' predicate order:

- The child is under the age of 21
- The child is unmarried
- The child is found to be dependent on the juvenile court
- Reunification with a parent is not viable due to neglect, abuse or abandonment
- It is not in the child's best interests to be returned to his/her country of origin.

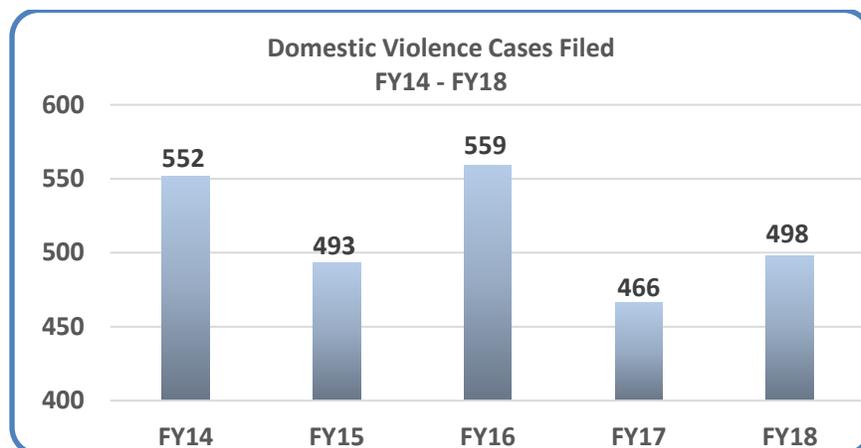
During the last five fiscal years, applications for the predicate findings have increased substantially, as indicated by the following chart.

<sup>1</sup> *Immigration and Nationality Act 8 U.S.C. sec. 1101 et. seq.*

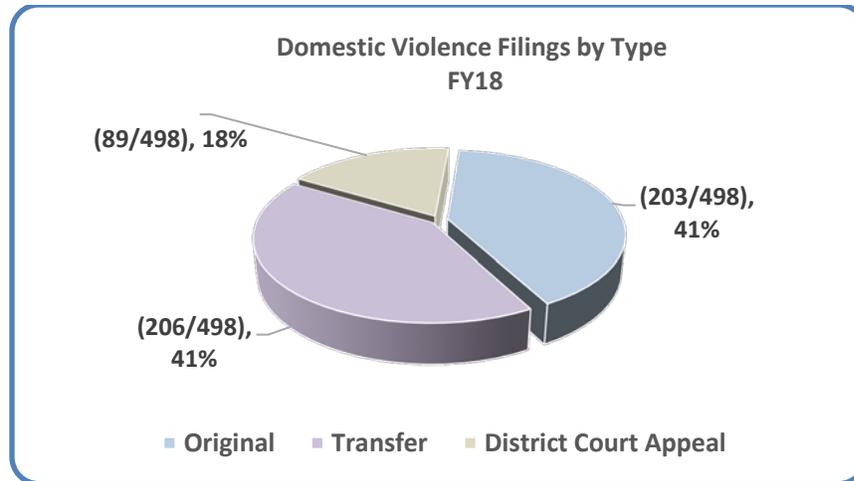


In FY18 a total of 637 requests were filed, which represents a 6% decrease from FY17. Of the 637 requests filed, 80% (n = 511) were in custody cases, 18% (n =116) were in guardianship cases and 2% (n = 10) were in other case types (juvenile). These numbers represent a continuing trend to file such requests in custody cases instead of guardianship cases (in FY17 74% were made in custody and 24% were made in guardianship).

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



Over the last five fiscal years the court has received on average 513 domestic violence filings per year. In FY17 there was a 16% decline in filings. During FY18 the number of filings increased by 7% (n = 32). Those petitions originated as follows in the Circuit Court:



Commencing in 2009, a third option became available to residents of the County seeking court protection from domestic violence and related services. Parties may seek services at the Montgomery County Family Justice Center, located within a few blocks of the District and Circuit Courts. This Center, which is a multi-agency endeavor, allows abused persons seeking legal relief to present their case via video feed to either the District Court or the Circuit Court, thereby avoiding the potential strain of attending court in person. Additionally, within the Center the abused party may seek services for his/her children and himself/herself, including but not limited to safely planning, legal advocacy, counseling, shelter placement and an off-site Child Assessment Center. Of the hearings held during FY18 a total of 36 were video ex-parte hearings originating from the Family Justice Center, which represents a 44% increase from FY17.

### **Supportive Services**

#### **Case Management**

The Family DCM Plan provides the structural framework and scheduling guidelines for divorce and custody cases, providing services and differing levels of court resources appropriate to the complexity of the issues presented. The goal of DCM is to bring about the appropriate resolution of a case at the earliest possible stage. This is accomplished by providing services like co-parenting skills training, pro se assistance, and alternative dispute resolution well in advance of trial or merits hearings.

To ensure that cases are receiving the appropriate resources and that filings are in a proper posture for scheduled hearings, Family Division Case Managers monitor the open and active caseload, serving as liaisons between the public, Family judges, magistrates and providers of these resources and services. At the time of filing, every case is permanently assigned to an individual case manager to ensure continuity from filing through merits to post judgment actions. Case managers perform the following functions over the life of every case:

- Review and prepare new cases for scheduling hearing before the Family Division magistrates;
- Review case files in advance of hearings for critical events and throughout the life of the case to identify unresolved issues that might prevent the case from moving forward;
- Review motions prior to submission for ruling to ensure that they are legally sufficient and in a proper posture to proceed on the scheduled date. By identifying and helping the court bring those issues to resolution on an expedited basis, the case managers can preserve valuable court and litigant time and resources;
- Have extensive contact with the public, who call or otherwise contact them regarding the status of their cases.

Additionally, the Family Division employs an Adoption/Guardianship Case Manager. This position provides intensive case management support to the sensitive matters presented in adoption, guardianship and trust cases. By assisting attorneys and petitioners in perfecting petitions and exhibits, the adoption/guardianship case manager helps ensure that the same are in a proper posture for ruling.

Regarding guardianship matters, Montgomery County is experiencing an increase in its population of persons aged 65 or older, both in terms of numbers and overall percentage of the general population.<sup>2</sup> Along with an increasing volume of senior aged citizens (65 years or older), this population is experiencing a rapid “aging” effect. In 2015 146,200 (14%) of the county’s total population was comprised of persons aged 65 years and older<sup>3</sup>. Given these changes more guardianship cases will be filed with the Montgomery County Circuit Court. As volume increases additional court oversight and monitoring will be necessary to facilitate appropriate management of these cases.

With these demographics in mind and pursuant to a sub-grant from the Administrative Office of the Courts, the court began the Adult Guardianship Special Assistant Project toward the end of FY14. Under this program the court utilizes the services of trained volunteer Guardianship Special Assistants, who perform two basic functions: (1) assisting the guardian in providing care for the disabled adult by identifying available resources and services that would be of benefit to the ward and (2) assisting the court in monitoring the case by visiting the ward twice quarterly and submitting a report. The Adult Guardianship Liaison is tasked with recruiting, training and monitoring volunteers, identifying cases that would benefit from this service, and matching volunteers to cases.

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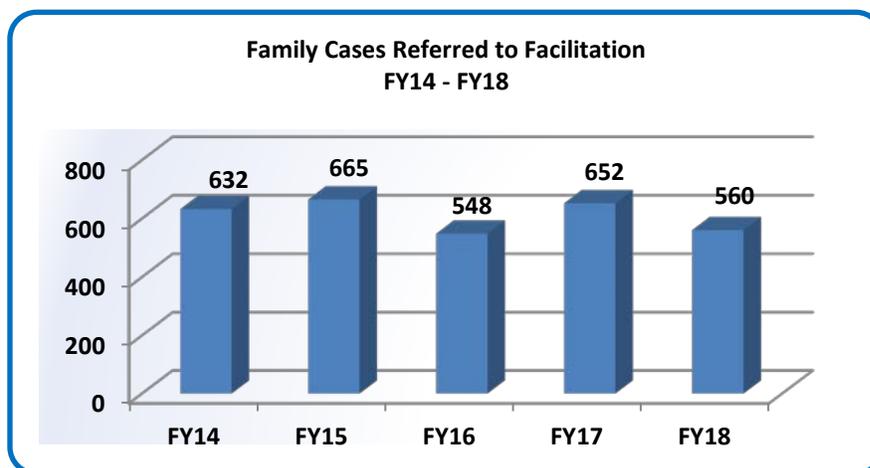
<sup>2</sup>*Montgomery County Circuit Court FY2016 Annual Statistical Digest, p. 15.*

<sup>3</sup>*Ibid.*

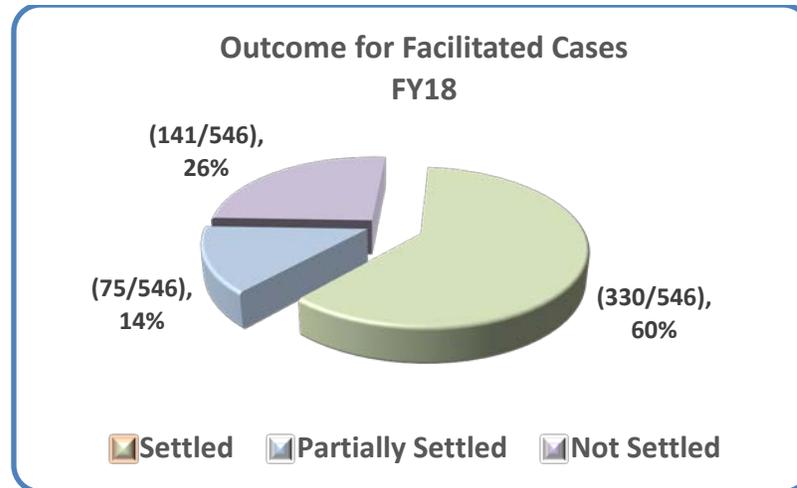
With the implementation of this program the court gained the ability to obtain additional information regarding the status and needs of the disabled adult, which in turn enhanced the judicial decision-making process. Additionally, many guardians, who are typically family members, may be unaware of the range of services available in the community to assist the ward. Having access to additional resources is critical to enhancing the life of the ward, easing the strain on the guardian and maximizing the ward's assets.

### Facilitation Program

The Facilitator Program serves litigants before the court's Family Division and continues to be staffed by experienced practicing attorneys who make themselves available at a significantly reduced fee paid by the court to attempt settlement in cases at an early stage of the proceedings. Potential cases are identified by the Family Division Magistrates at the Scheduling Hearing and referred to a facilitator, who is available in the courthouse for immediate assistance. A facilitator calendar is scheduled and maintained by Family Division Services. Facilitators are available to the court from the beginning of scheduling hearings at 8:30 a.m. daily and frequently remain until the early afternoon to provide this service. The cost to the court is \$75.00 per case referral. If a settlement is reached, the parties return to the Magistrate and an agreement is placed on the record. This excellent program is a relatively inexpensive service provided by experienced members of the Family Bar.



In FY18 a total of 560 cases were referred to a facilitator, a decrease of 14% from FY17 levels. Of the 560 cases ordered, 14 (2.5%), did not proceed to facilitation. For the remaining 546 cases, 74% reached a full or partial agreement. By completely resolving or at least narrowing issues, the facilitators are critical to conserving judicial resources that would otherwise be expended on those cases.



### **Child Custody/Access Mediation**

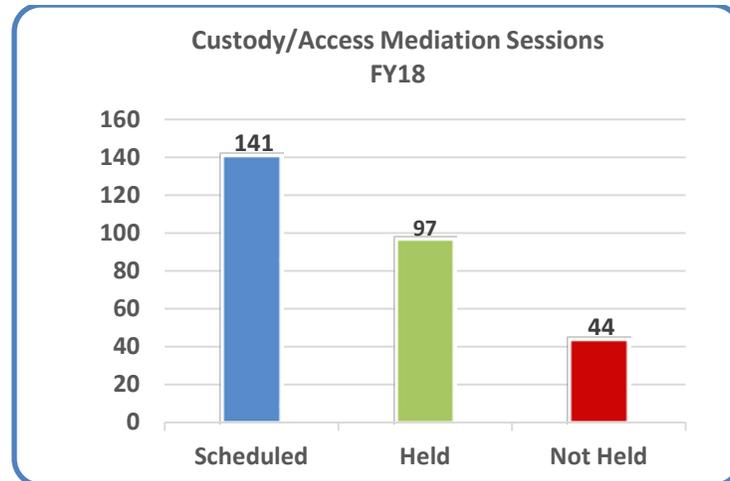
Since the inception of the Family Division, custody/access mediation has been an integral and important part of the Family Differentiated Case Management Plan. By offering an early alternative to traditional adversarial processes, litigants were afforded the opportunity to resolve their custody and/or access issues in a more self-determining, cost efficient and less stressful manner.

Mediation consists of a single three-hour session. Only cases where both parties are self-represented or both parties are represented by attorneys are eligible for mediation. In those cases where both parties are represented by attorneys, they are required to attend as well. By having counsel involved in the process, immediate feedback can be provided to the courts.

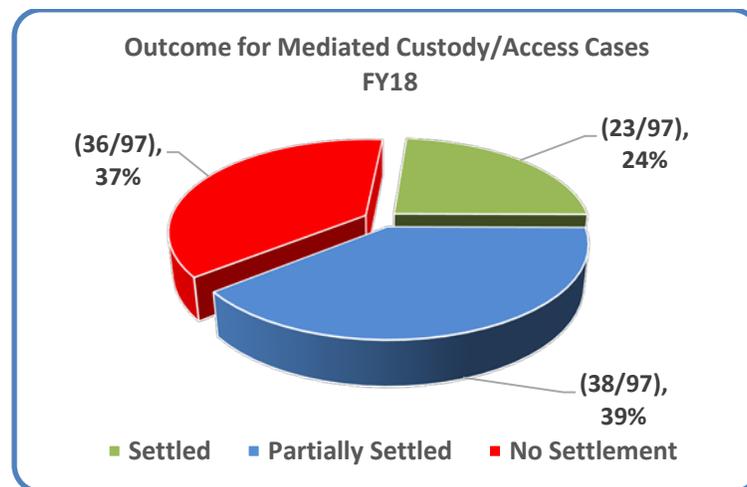
This feedback is provided by means of a status hearing before a Family Division magistrate, immediately following the mediation. Parties report the results of their mediation on the record. If a full or partial agreement is reached, it is placed on the record and appropriate future court dates, such as *pendente lite* or settlement/status hearings can be immediately removed.

Referral to mediation occurs at the scheduling hearing. Optimally, if co-parenting seminars are ordered, mediation is scheduled to occur after those classes. The DCM plan for family cases placed mediation after the co-parenting skills enhancement sessions, as experience has demonstrated that court-ordered mediation may be more successful when preceded by parties' completion of co-parenting sessions.

Parties report directly to the Family Division from the scheduling hearing and participate (separately) in a face-to-face intake session with a trained staff member. If the mediation process is deemed inappropriate, the mediation date is removed and returned to available status the same day, which results in more mediator availability for other litigants and the court.



As indicated above, 69% of scheduled events proceeded to mediation. For the 44 cases that were scheduled, but failed to mediate, 25 cases settled prior to mediation and 19 cases were postponed. For those cases that mediated, outcomes were as follows:



### **Supervised Visitation**

The court's supervised visitation has been operational for five years. The service is offered without cost to the parties. Each participating family is scheduled for a maximum of six visits conducted over three months. Each visit is one hour and 30 minutes in length, with an additional 15 minutes before and after the visit for transfer and a feedback session.

When a case is ordered to supervised visitation, parties are sent to the Family Division for an intake interview. Parties are interviewed separately. At each interview the guidelines are reviewed and signed by the parties. Visitation dates are scheduled, and a visitation observer is assigned. The visitation observers are licensed clinical or graduate social workers and the same observer conducts every scheduled visit in a case.

Visitation occurs on a Saturday or Sunday at a visitation facility used primarily by Department of Health and Human Services for its child welfare cases. Security personnel are present throughout all scheduled visits and a staggered entry and departure schedule is used so that parties have no contact with one another.

After each visit the observer conducts a 15-minute feedback session with the visiting parent and submits a visitation observation report to the Senior Court Evaluator. When the entire cycle of scheduled visits is completed the court holds a review hearing, which typically occurs 120 days from the date of entry of the order. The purpose of the hearing is to review the progress of the parties and determine the parameters of future visitation. In FY18 a total of 61 families were ordered into the program. Several families had more than one cycle of visits.

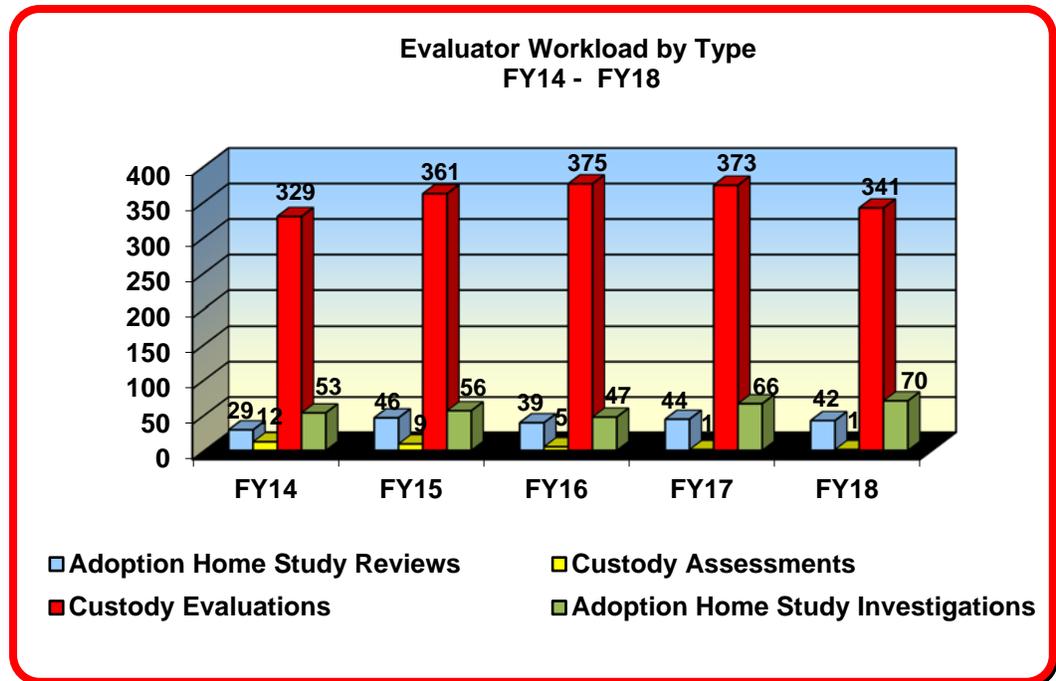
### **Assessment/Evaluation**

Court evaluators conduct psychosocial assessments and evaluations in contested custody and visitation matters in family cases and serve as presenters for the co-parenting skills enhancement sessions. Staff evaluators participate in settlement/status conference proceedings and, when necessary, testify at merits hearings. They also conduct adoption home study investigations and review home studies provided by agencies or independent contractors. At the court's request, the court evaluators also conduct guardianship and other special issue investigations. A Senior Court Evaluator oversees the evaluators and the Family Division's co-parenting skills enhancement program.

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

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

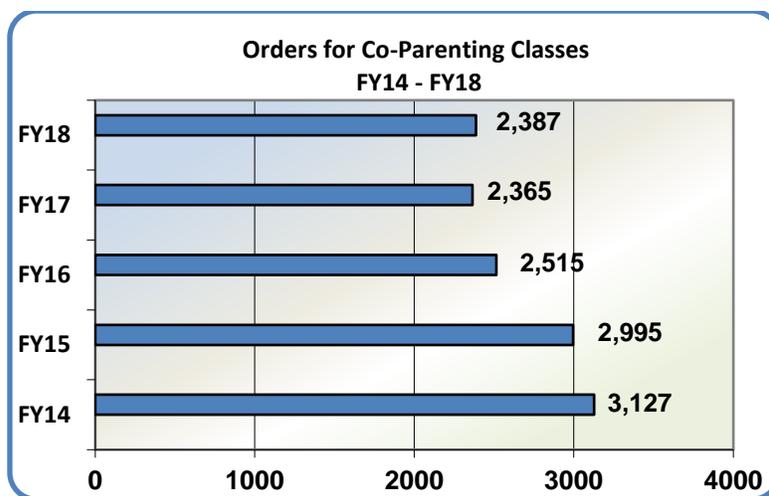
The custody/access evaluation is an in-depth evaluation resulting in an oral report at the settlement hearing. Transcripts of the evaluator's oral testimony are available to counsel and parties. If the parties cannot reach an agreement at the settlement/status hearing or prior to merits, the evaluator may testify at the hearing on the merits.



In FY18, 454 matters were completed by the court evaluators. An additional 107 matters were pending at the end of the fiscal year. Services offered by the court evaluators are extremely labor intensive. Each evaluation takes 40 hours to complete and each assessment requires 30 hours to complete. Additionally, each adoption investigation requires 40 hours to bring it to completion and adoption reviews require about 15 hours. Given the numbers posted in the chart above, the office required approximately 17,100 hours to complete these services. This calculation of hours does not include time devoted to conducting intake, testifying in court and teaching co-parenting classes.

### **Co-Parenting Skills Enhancement Program**

A primary objective of the Family Division is to provide services to litigants at a reasonable cost, and wherever possible, free of charge. This objective is especially true where the court orders estranged couples to attend programs such as the co-parenting skills enhancement program, which is taught by the evaluators. With this in mind, the Family Division in-house co-parenting skills enhancement program was developed by Family Division staff patterned on the Parent Education and Custody Effectiveness (P.E.A.C.E.), Program from New York. With adaptations, this program became the P.E.A.C.E. Program of Montgomery County, Maryland. Presentations of the program began in July 1999. The sessions are provided to separated, divorcing or never-married litigants in Montgomery County, including residents who are litigating in another county or state. In FY04, the program was renamed to reduce confusion about the purpose of the program, which is to enhance those skills necessary for rearing a child between separate households, as differentiated from basic parenting skills. The name was changed from “Parenting Seminars” to “Co-Parenting Skills Enhancement” sessions.



In FY18 a total of 2,387 parties were ordered to attend Co-Parenting Classes, with the following results:

- 1,677 (70%) attended
- 536 (22%) failed to attend
- 113 people (5%) cancelled prior to the beginning of classes (due to dismissal/settlement).

Of the 1,677 sessions held, 54% of sessions were attended by plaintiffs and 46% were attended by defendants (this ratio is nearly identical to FY17 when 53% were attended by plaintiffs and 47% were attended by defendants).

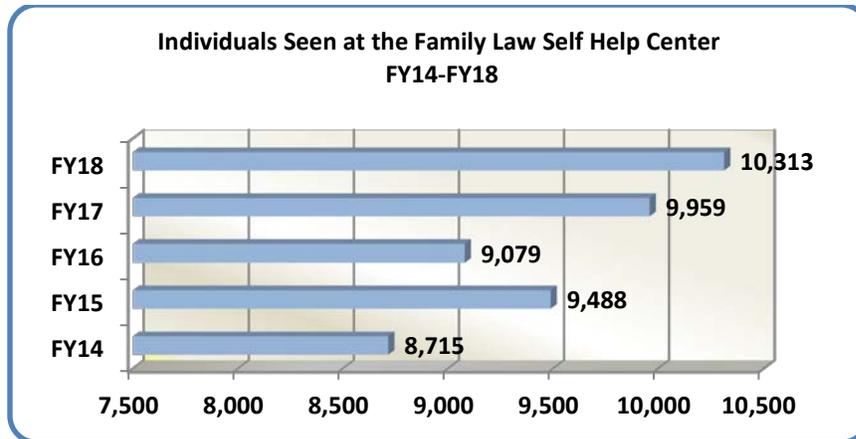
The Co-Parenting program consists of two three-hour sessions presented in the courthouse. Initially offered twice a month, the program now includes a third set of classes, which is scheduled during the day on a quarterly basis. This daytime presentation accommodates litigants who are unavailable at night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

All sessions were made available to Spanish-speaking participants. Using a radio transmitter and headphones, an interpreter provides simultaneous interpretation of the sessions with minimal disruption. Spanish-speaking participants are now scheduled automatically from the Scheduling Conference. Interpreters for other languages are arranged individually by the Family Division as availability permits.

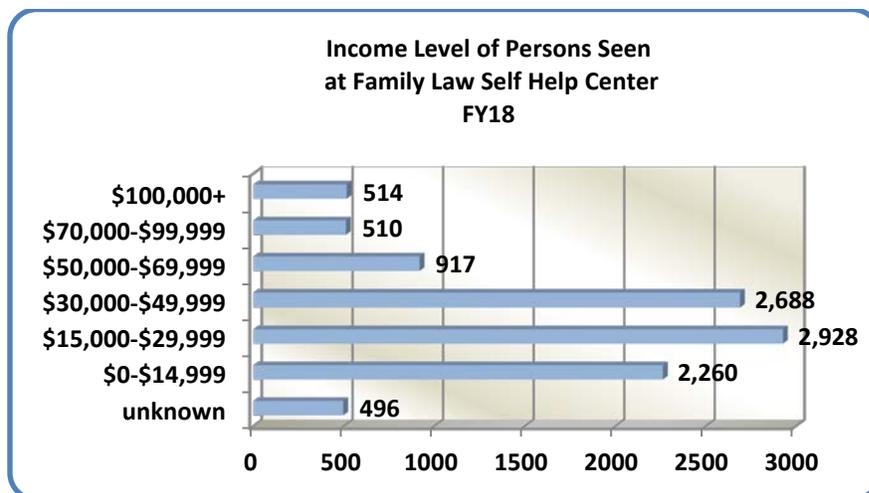
### **Family Law Self Help Center**

The Family Law Self Help Center is a critical resource for self-represented litigants involved in family cases in the Circuit Court. Such litigants, who cannot afford counsel and therefore must represent themselves, rely on the legal expertise of the center's staff to help guide them through their case. The center's staff consists of five attorneys and a legal assistant who is fluent in Spanish. The Center assist litigants with simple custody, access, divorce and child support matters, as well as guardianships issues and juvenile expungements.

During the last half of the fiscal year the Center started holding evening hours on Tuesdays, to accommodate the needs of persons unable to utilize services during regular business hours. During FY18 the Center served 569 litigants during the evening hours.

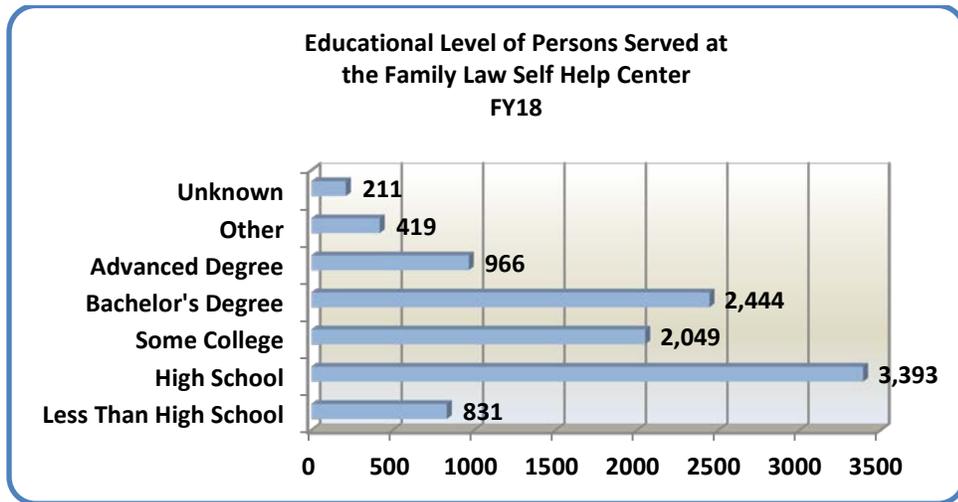


In FY18 the Family Law Self Help Center saw 10,313 litigants. This is nearly a 4% increase over FY17 and the highest numbers of persons ever served in a single fiscal year. This increase highlights the continuing trend toward self-representation. Over the last five fiscal years the Center has served 47,554 litigants.

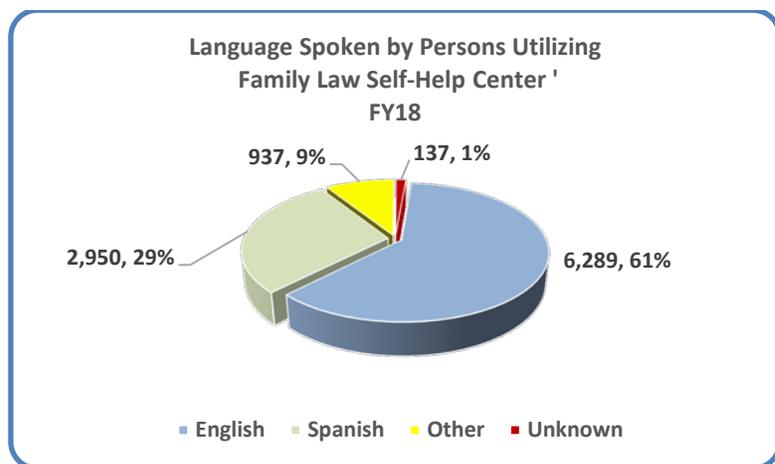


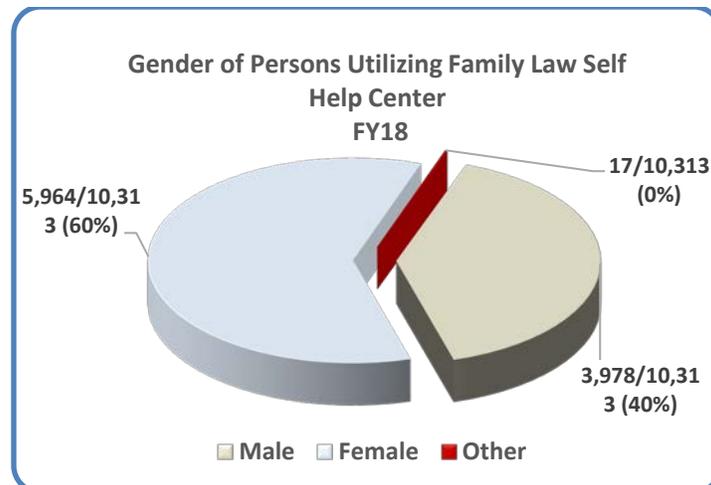
During FY18 5,684 or 50% of individuals seeking service from the Center had annual household income levels less than \$30,000.00. Those with an annual household income level of \$30,000 to \$49,999 comprised 26% of persons served, while 9% had an annual household income of \$50,000 to \$69,000. Those with an income between \$70,000 and \$99,000 constituted 5%, and those with an income over \$100,000 also accounted for 5% of clients visiting the Center. Persons with an unknown income constituted 5% of litigants seen at the center. These percentage breakdowns are nearly identical with FY17 figures.

Of the 10,313 persons who visited the Center in FY18 educational levels varied significantly. For example, 8% had less than a high school degree, while 33% possessed a high school degree. On the college level, 20% had some college and 24% had a college degree. Advanced degrees were possessed by 9% of those seeking services and 4% identified their educational level as “other” or “unknown”. These breakdowns are very nearly identical to FY16 and FY17 and demonstrate a remarkable consistency in the educational background of litigants over time.



Accurate communication with those whose first language is not English is critical to successful service delivery. The challenge of working with a linguistically diverse population is the need to address pressing legal issues in a manner that is understandable and meaningful to the litigant. The chart below reveals that a full 39% of clients seeking assistance from the Family Law Self Help Center spoke a language other than English. Again, the percentage breakdown illustrated above is very similar to prior years, demonstrating a consistency over time regarding the language needs of the Center’s litigants.





As in prior years, women comprised the majority of the clients seeking services from the Family Law Self Help Center. For several fiscal years, the percentage ratio of women to men remained static at 57% to 60%.

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

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

Staff in Family Division Services and the Family Law Self Help Center routinely makes referrals to specific agencies based upon the needs of the information seeking public. Printed information is available at numerous locations within the Circuit Court. This information advises the public about available legal assistance as well as community-based services.

### **Referral in General**

Informational pamphlets, brochures and notices are displayed in the Family Division Suite, the Law Library, in the Co-Parenting sessions and in the waiting area of a suite of offices on the third floor of the Circuit Court. Suite 1500 houses all the staff for the Domestic Violence Assistance program and a representative of the Abused Persons Program, an Office of the County Department of Health and Human Services. A variety of the written resource material is available in Spanish as well as English.

Additionally, the Montgomery County Bar Association Lawyer Referral Service has a presence in the courthouse to connecting interested litigants with pro bono and low bono legal representation through a screening and referral process.

### **Domestic Violence Assistance**

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

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

### **Montgomery County Family Justice Center**

As was briefly discussed on page 12, the Family Justice Center opened its doors in 2009. In addition to offering the option to video conference the court hearing so that the victim does not have to leave the Center, it also offers a myriad of services to the public who come to its doors seeking relief. The Family Justice Center offers needs assessments, initial protective order services, legal services, counseling services, emergency services, child support enforcement and investigative services. The ability to provide an array of services for both adults and children in one location can only serve to ease the pressure that accompanies these delicate and stressful issues.

## **Collaborative Services**

### ***Abused Persons Program***

#### ***Montgomery County Health and Human Services***

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

### ***Genetic Testing Program***

Detailed procedures have been developed to promptly ascertain genetic testing results for paternity cases. In cooperation with the Office of Child Support Enforcement, testing is available through that agency at a considerably reduced cost to the litigants.

### ***Alcohol and Drug Testing Program***

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

### ***Video-Conferencing Technology for Domestic Violence Cases***

Montgomery County Circuit Court has been actively involved in offering video-conferencing *ex-parte*/temporary protective order hearings for victims of domestic violence. This initiative was a collaborative effort among the Montgomery County Sheriff's Office, the District Court, the Circuit Court, and, as was discussed above, the Montgomery County Family Justice Center to ensure successful implementation. The video-conferencing technology, which allows the judges to preside over the initial *ex-parte* hearings while the petitioner is physically located at the Family Justice Center, provides an added sense of comfort to the

victims who do not have to leave the surroundings where they are receiving an array of services. In FY18 a total of 36 hearings were conducted by video-conference.

## JUVENILE LAW

The Juvenile Court is responsible for oversight of the following types of cases: Delinquency, Children in Need of Assistance (CINA), Termination of Parental Rights, Voluntary Placements and Petitions for Peace Orders. These matters, which are governed by strict statutory timeframes<sup>4</sup>, require a high degree of judicial oversight by the court. The need for swift disposition and close and continuous supervision of these complex matters results in multiple hearings prior to adjudication and repeated review hearings over the life of a case.

Regarding delinquency matters, the thrust of juvenile law is rehabilitative. Proceedings in juvenile court are not criminal in nature and dispositions are not punishment<sup>5</sup>. The window of adolescence is short. While the goal of the law is rehabilitative, timeframes within which certain events that trigger the rehabilitative process must occur are tight. Similarly, the goal

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<sup>4</sup>Statutory timeframes for a non-sheltered or non-detained Respondent are contained in Md. Rule 11-114.b.1, which provides that an adjudicatory hearing shall be held within sixty days after the juvenile petition is served on the respondent. Md. Rule 11-114. b.2. provides that if respondent is in detention or shelter care, the adjudicatory hearing shall be held within thirty days from the date on which the court ordered continued detention or shelter care.

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

in child welfare cases is reunification of the child with his/her parents, and barring that, moving the child into a permanent placement as soon as possible.

Complicating this is the fact that CINA matters operate under the same swift time standards and the court is faced with an equally complex set of factors that it must consider when a child who is alleged to be in need of assistance is before it<sup>6</sup>.

Multiple hearings compressed into a short timeframe, coupled with the small size of the juvenile bar, have presented a scheduling challenge to both the court and the parties. These combined factors have at times impeded high efficiency case flow and compliance with statutory time standards. The court is charged with meting out fair, timely and meaningful justice under extremely tight statutory timeframes and its most significant obligation is to meet this burden for the benefit of the children, families and victims who find themselves before the court.

One avenue the court uses to meet this obligation is to make its dockets as predictable and time responsive as possible for all stakeholders, while managing court resources efficiently. Accordingly, over the years, the number of judges serving in juvenile has expanded, contracted and changed in order to be responsive to the needs of the community. Similarly, docket structure has been refined to reflect changes in the DCM system which serves as the underpinning of the court structure and which facilitates the court's fulfillment of its obligations. Because it is a best practice to maximize judicial continuity for a child and their family on their journey through the legal system the court implemented case management measures to help ensure that delinquency and child welfare cases come back before the trial judge for subsequent reviews and permanency planning hearings. As a result, a docket structure change allowing two judges to share a Family and Juvenile rotation has ensured that families involved in child welfare matters stay with their judge. These changes have added a much-needed level of continuity to these complex and long-lived matters.

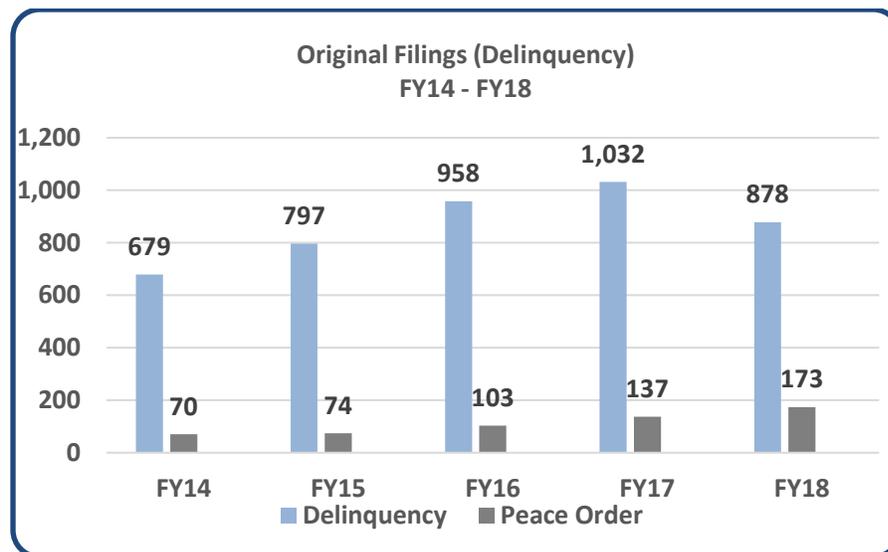
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<sup>6</sup>*The Court is faced with an equally complex set of factors that it must consider when a child who is alleged to be in need of assistance appears before it. Courts Article section 3-802 (a) has as its stated purpose (1)to provide for the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

## Caseload

The two major components of juvenile caseload are Children in Need of Assistance petitions (CINA) and Delinquency petitions. In FY18 a total of 1,292 original juvenile matters were filed with the court. This number represents a 9% decrease from FY17, when 1,419 original juvenile matters were filed with the court. Reopened filings decreased 7% (n=1,571) from FY17 (n=1,682).

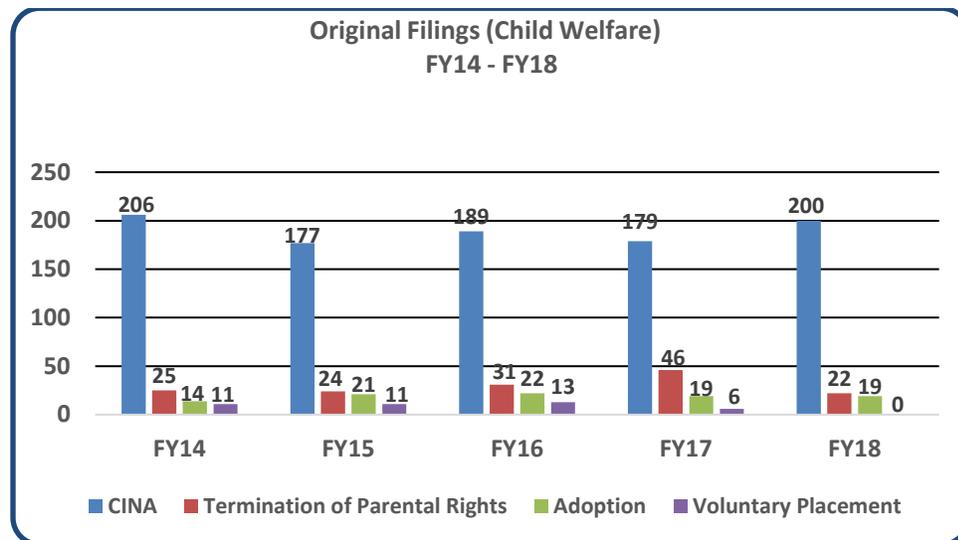
In FY18, a total of 1,169 petitions categorized as juvenile delinquency matters were filed. Of those petitions, 878 (of that number 104 were miscellaneous petitions) were delinquency petitions and 173 were peace order petitions. Between FY16 and FY17 delinquency filings increased by 8% and peace order petitions increased by 33%. In FY18 delinquency petitions dropped by 15% but peace order petitions increased by 26%. Consistent with eight of the last ten fiscal years, no CINS (Child in Need of Supervision) petitions were filed.



The remaining juvenile petitions filed in FY18 were child welfare matters. Except for adoptions, which remained identical between the two fiscal years, all areas of child welfare filings decreased in FY18. Regarding CINA petitions, a total of 200 original matters were filed, which is a 20% decrease from FY17, when 250 matters were filed. TPR petitions declined 52% (from 46 petitions in FY17 to 22 petitions in FY18).

The most notable changes occurred in Voluntary Placement filings. Voluntary Placement, a legal tool available since FY04, allows parents of a significantly disabled child to enter into an agreement with the Department of Health and Human Services for placement of that child. While initially slow to develop, the use of this legal resource remained fairly steady for several years. The last two fiscal years however, witnessed a remarkable decline in its use.

In FY17 the number of Voluntary Placement petitions filed dropped 53%, with a total of 6 filings. In FY18 no Voluntary Placement petitions were filed.<sup>7</sup>

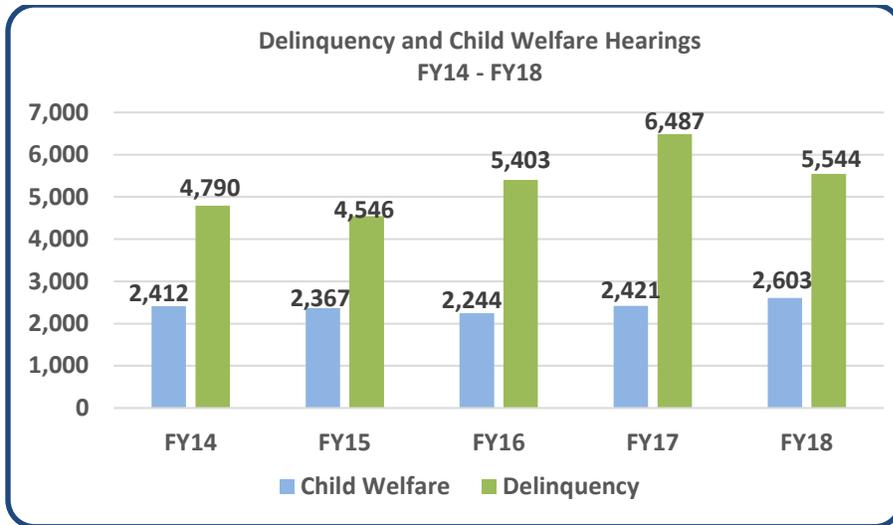


### Workload

Statistics regarding original and reopened filings capture only a portion of the juvenile court's workload. The need for close and continuous supervision of the progress of children under the court's jurisdiction, especially in child welfare matters, results in repeated review hearings. By way of illustration, while only 10% of total juvenile filings in FY18 were child welfare matters, 32% of all hearings held were for child welfare matters. This is consistent with the oversight exercised by the court in these sensitive matters, which can span the course of several fiscal years.<sup>8</sup>

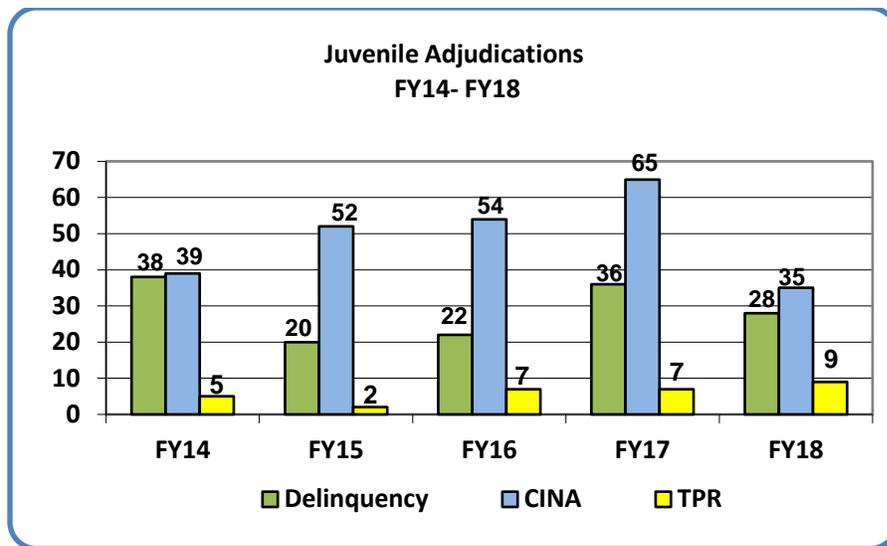
<sup>7</sup> During the first quarter of FY19, three Voluntary Placement petitions were filed

<sup>8</sup> Additionally, for child welfare matters, regular 6-month review, permanency planning or permanency planning review hearings are automatically scheduled in court at the previous hearing. Because of this, reopened filings are not required to set the vast majority of child welfare matters post disposition, unlike delinquency.



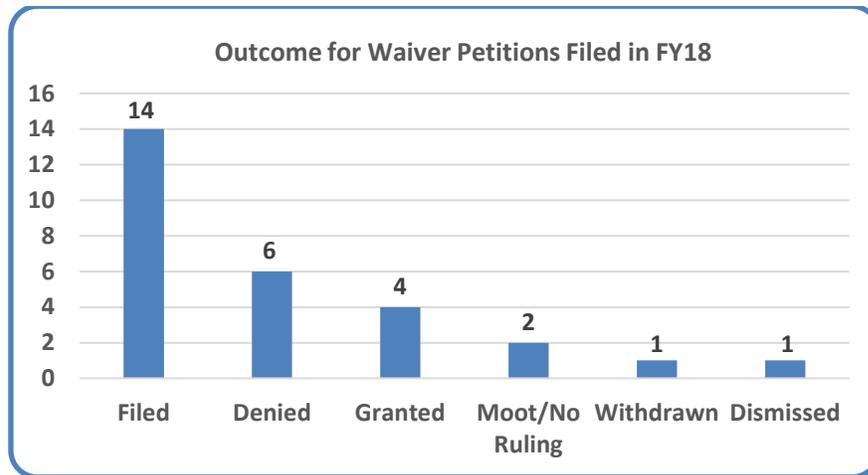
In FY18, 5,544 delinquency hearings and 2,603 child welfare hearings were conducted for a total of 8,147 hearings. This change represents a decrease of 9% from FY17 when 8,908 hearings were held. Within the group, delinquency hearings decreased by 15% and child welfare hearings increased by 8%<sup>9</sup>

Another noteworthy measure is how many matters proceeded to adjudication or trial. In FY18, 28 delinquency, 35 CINA and 9 TPR matters proceeded to adjudication or trial. This total of 72 trial events represents a 33% decrease from FY17, when 108 such events were held. Within the group, delinquency adjudications decreased by 22%, CINA adjudications decreased by 46%, and TPR trials increased by 29%. Please note that these numbers do not distinguish between cases filed in one fiscal year that might be adjudicated in the next fiscal year, but rather, reflects a snapshot of trial volume.



<sup>9</sup> These figures do not include adjudicatory hearings or trials.

While the focus of juvenile law is rehabilitative, the Court may, pursuant to Courts. Art. sec. 3-8A-06, waive its exclusive original jurisdiction over a Respondent whom it finds to be an unfit subject for juvenile rehabilitative measures<sup>10</sup>. While a critical occurrence, this is also an infrequent event in Juvenile Court. In FY18 a total of 774 actual delinquency cases were filed (number does not include miscellaneous petitions, civil citations and peace orders). Of that number, only 14 cases (2%) were subject to waiver petitions. These 14 petitions encompassed 10 Respondents. Only 4 petitions, impacting 3 youth, were actually waived to adult court.



In an effort to be responsive to the growing concern that some youth who are *detained while awaiting adjudication* could be successfully maintained in the community, the court collaborated with the Department of Juvenile Services, the Montgomery County Collaboration Council and Maryland Choices, to provide a viable alternative to detention. The result was the Detention Alternative Initiative Wraparound Program, which began offering services in FY07. Eligible youth, who come before the court on detention hearings, are placed on home electronic monitoring with wraparound home services provided by Maryland Choices. Delinquent youth who are *detained at disposition pending placement*, are subject to an in-court review following the 25<sup>th</sup> day on which they are detained for the offense for which they were adjudicated delinquent. This hearing is set at disposition and the cycle repeats every 25 days until the child is placed. While this increases the workload for the court and the bar, it helps ensure that children who are awaiting much needed rehabilitative services do not languish in a detention facility.

<sup>10</sup>The court may waive the exclusive jurisdiction conferred by Section 3-8A-03 with respect to a petition alleging delinquency by (1) a child who is 15 years old or older or (2) a child who has not reached his 15<sup>th</sup> birthday, but who is charged with committing an act which if committed by an adult would be punishable by death or life imprisonment. Courts sec. 3-8A-06(a). The court may not waive its jurisdiction under this section unless it determines, from a preponderance of the evidence presented at the hearing, that the child is an unfit subject for juvenile rehabilitative measures. Courts sec. 3-8A-06(d).

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

The court has continued to focus on issuing final orders in TPR cases within the 180-day timeframe required by law<sup>11</sup>. Service Status Hearings, implemented in FY07, keep the issue of service before the court. This effectively helped address the issue of service more expeditiously.<sup>12</sup>

These hearings have been highly successful, boosting compliance with case processing time standards in Termination of Parental Rights cases significantly. Currently these hearings are only held once in court, with subsequent service issues addressed in chambers by the Family Judge in Charge, the Permanency Planning liaison and the County Attorney.

### **Supportive Services**

#### **Case Management**

The success of the Juvenile DCM Plan is dependent upon the active role played by the three Case Managers for Juvenile Causes and their Supervising Case Manager. The function of a juvenile case manager ranges from the preparation of pre-trial dockets, scheduling of expedited hearings when a child's situation requires adjustment on an urgent basis; to the screening of CINA cases in advance of court-ordered mediation and scheduling of mediators for those events. Flow charts illustrating the tracks used in the Juvenile DCM Plan are attached hereto as Appendix 2.

A case manager is permanently assigned to a child at the time the first delinquency or peace order petition is filed. When a CINA petition is filed, a case manager is assigned to the entire family on a permanent basis. This assures continuity and familiarity with a child or family's specific issues and legal history. Additionally, this role serves as a pivotal link between the juvenile bar and the court.

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<sup>11</sup> *Family Law Article section 5-319 requires that a juvenile court rule on a guardianship petition within 180 days after the filing of the petition and within 45 days after receipt of all consents or trial on the merits, whichever is earlier.*

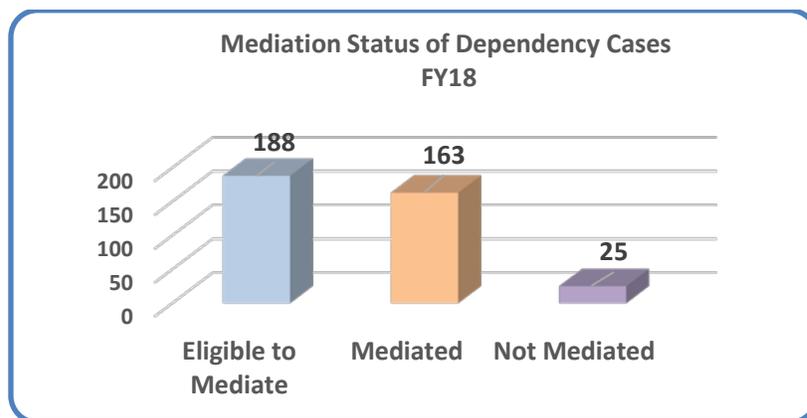
<sup>12</sup> *Effective July 1, 2007, Maryland Rule 9-104(b) requires that in a public agency guardianship or adoption, at the time the notice of filing is sent, the court shall schedule a status conference no later than 60 days after the filing of the petition.*

## Permanency Planning Liaison

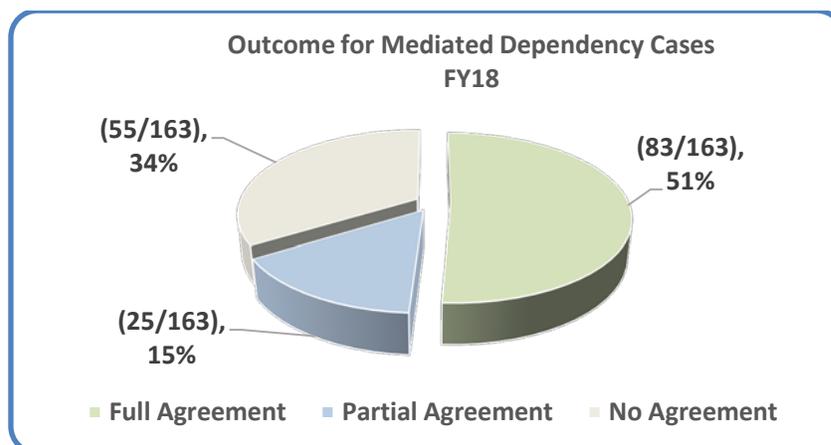
The position of Permanency Planning Liaison was created for each judicial circuit to provide case management of permanency issues in dependency cases, including ensuring compliance with federal requirements under the Adoption and Safe Families Act. The liaison monitors permanency issues and compliance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

## Dependency Mediation

The Juvenile Dependency Mediation Program began in FY03. The implementation of this program, in conjunction with the implementation of the DCM plan, created the capacity for CINA cases to be resolved by a pre-trial settlement conference date scheduled two to four weeks after the case's initiation in court.



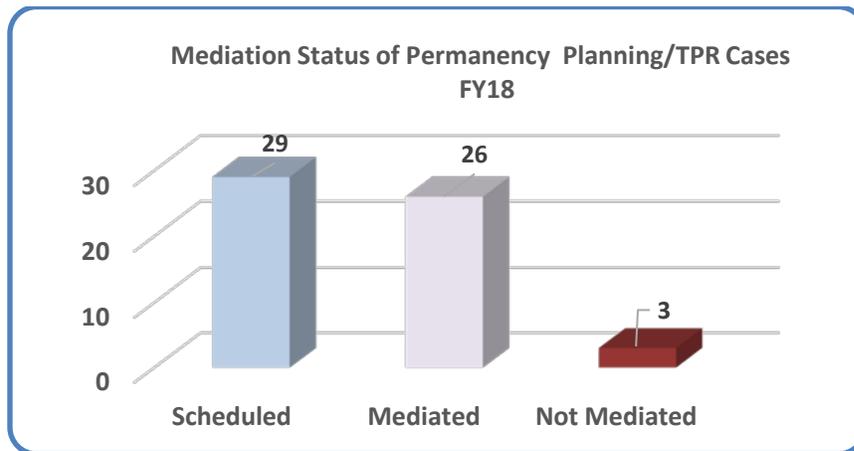
In FY18, 188 cases were eligible for mediation. Of that number 87% proceeded to mediation (n=163). For those cases that mediated, 51% reached a full agreement and 15% reached a partial agreement, for a combined settlement rate of 66%. This rate is very consistent with FY17, when 63% reached an agreement and FY16 when 65% reached an agreement.



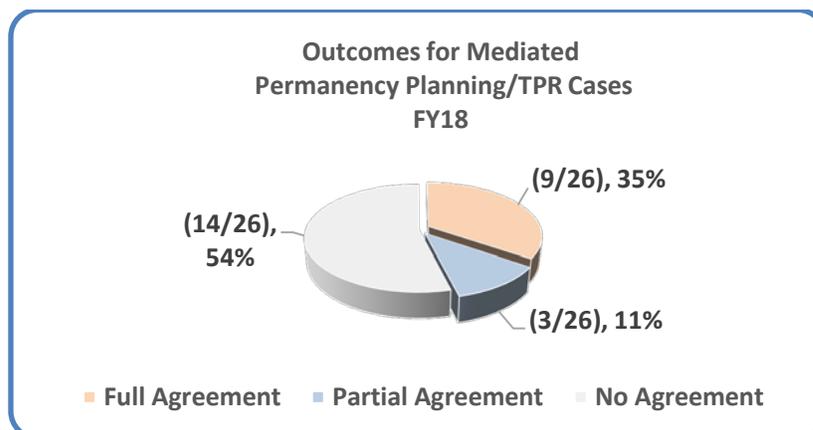
For the 25 cases that did not mediate, 17 resolved before or at pretrial via agreement or dismissal. With 68% of non-mediated matters resolving by the time of pretrial and 66% of mediated cases reaching a full or partial agreement, the utility of the pre-trial/mediation model is obvious. Both events are highly valuable vehicles for reuniting families and/or providing services quickly to facilitate that reunification or provision of another stable living situation for a child in need of assistance.

### Permanency/TPR Mediation

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



In FY18 a total of 29 cases were scheduled for mediation and 26 cases proceeded. Of those matters that mediated, 3 were permanency planning matters and 23 were TPR matters. Of 26 mediated cases, 12 (46%) reached a full or partial agreement.



## CONCLUSION

Montgomery County has a diverse and growing population with expanding needs. The court cannot function optimally and meet those needs without continual self-analysis and review of its processes. Adaptations must be efficient, transparent, understandable and meaningful to those the court serves.

Moving into the next fiscal year the court is working on expanding services offered by the Family Law Self Help Center to include a range of civil matters. Such a move will enhance access to justice on a variety of issues for unrepresented litigants.

These changes are embraced by those who serve litigants through Family Division Services. Every year brings new challenges and the court's ability to meet them with positive determination and the best interests of its litigants in mind is the measure of the strength, stability and character of the court and the effectiveness of its employees as public servants.