

# CASE PROCESSING PERFORMANCE REPORT FISCAL YEAR 2018

Montgomery County Circuit Court



# Montgomery County Circuit Court Fiscal Year 2018 Case Time Processing Report Abstract

The Montgomery County Circuit Court’s annual case processing report evaluates the court’s case processing performance in relation to the Maryland Judiciary’s statewide case time standards, identifies factors that may have impacted performance, and highlights strategies to improve case management processes and ultimately the administration of justice. In September 2017, the court began analyzing its Fiscal Year 2018 (FY18) case processing performance by producing quarterly results. These results were shared with the court leadership team as well as judges and department managers. These frequent and timely reviews and discussions of case processing performance provided the court with an opportunity to build its data analytic capacity and understand the value of data as a core component of court and judicial administration. The quarterly case processing performance reviews also inform and engage personnel at all levels of the organization in dialog about data-informed court and case management. These discussions often led to additional questions and the need for more detailed analyses as well as create opportunities to generate new ideas for improving court performance across multiple operational areas.

In FY18, a total of 15,921 original terminations<sup>1</sup> comprised of 4,901 civil, 2,058 criminal, 7,741 family law-other, 288 family law-limited divorce, 704 juvenile delinquency, 197 child in need of assistance (CINA), and 32 termination of parental rights (TPR) cases were analyzed. Of the 197 CINA cases, 152 are shelter and 45 are non-shelter cases.

The Montgomery County Circuit Court’s FY18 case processing analysis is performed using cases that reached the case stop event defined by the Maryland Judiciary’s circuit court case time standards. A key measure of the annual case processing analysis is the percentage of cases terminated within the Judiciary - defined time standard. The court’s processing performance by case type (the time standard and percentage goal) for FY17 and FY18 are as follows:

**Table 1. Montgomery County Circuit Court Case Processing Performance (% of Cases Terminated within the Time Standards), FY17 and FY18**

Case Type	Time Standard	Performance Goal	FY17	FY18	FY17-FY18 Difference
Civil, foreclosure	730 days	98%	96%	95%	-1%
Civil, general	548 days	98%	98%	98%	0%
Criminal	180 days	98%	89%	89%	0%
Family, limited divorce	730 days	98%	98%	98%	0%
Family, other	365 days	98%	95%	94%	-1%
Juvenile delinquency	90 days	98%	96%	97%	1%
CINA shelter	30 days	100%	99%	95%	-4%
CINA non-shelter	60 days	100%	100%	98%	-2%
TPR	180 days	100%	100%	100%	0%

Between FY17 and FY18, civil general, criminal, family-limited divorce and TPR case processing performance remained unchanged. Juvenile delinquency had a slight improvement in performance. Civil-

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

foreclosure, family-other, CINA shelter and non-shelter had declines in performance. In FY18, civil general, family-limited divorce and TPR cases met their respective statewide performance goals.

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

# **Fiscal Year 2018 Case Processing Time Report**

## **Data Quality Review Procedures**

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

### **Data Quality Procedures Performed on the FY2018 Case Assessment Data**

Court Administration and Clerk of the Court personnel conducted audits of originally closed cases and checked the accuracy of assessment-related court docket entries. Designated court personnel also performed additional data quality reviews during the data preparation period to obtain the most accurate FY18 case assessment data.

Data Processing (DP) staff compiled FY18 assessment data into case type-specific data tables. These tables contain all mandatory and optional data fields defined by the Maryland Judiciary's case time standard data requirements. The data collected is reviewed by Quality Control (QC) staff, clerk personnel, Administrative Aides, and court research personnel to ensure its accuracy and to identify possible reasons for cases closing over-standard. Notes compiled by QC staff on over-standard terminations and questionable case information were shared with research personnel.

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

### **Characteristics of the Questionable Data Uncovered during the Data Quality Reviews**

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

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

# Fiscal Year 2018 Case Processing Time Report Overview

This overview provides Montgomery County Circuit Court’s case processing performance, caseload and select workload figures for Fiscal Year 2018 (FY18).

## Case Processing Performance

The court examined its FY18 case processing performance based on 15,921 original terminations as defined by the Maryland Judiciary’s circuit court case time standards.

- The court’s FY18 performance in civil-general, family limited divorce and TPR cases met their respective Maryland Judiciary-defined case processing performance goals.
- Between FY17 and FY18, the court’s criminal processing performance remained unchanged at 89%. However, had the composition of the FY18 terminations been identical to that of FY17, the court’s FY18 case processing performance would have slightly improved to 90%.
- Civil-general, criminal, family-limited, juvenile delinquency and TPR case processing performance either maintained or slightly improved case processing performance between FY17 and FY18.

## Caseload

During FY18, Montgomery County Circuit Court processed 35,227 filings including 20,929 original filings and 14,298 reopened filings. The court also processed 36,135 terminations including 21,932 original and 14,203 reopened terminations. The court processed 257 fewer filings (<1%) and 1,061 more terminations (3%) in FY18 compared to FY17.

Case Clearance Rate describes how well the court is keeping up with its incoming caseload. Clearance Rates over 100% indicate that the court is reducing its backlog. The overall case clearance rate increased from 99% in FY17 to 103% in FY18.<sup>2</sup>

- Between FY17 and FY18, the clearance rates for all case types increased.

**Table 2. Montgomery County Circuit Court Filings and Terminations (original and reopened), and Clearance Rate by Case, FY17 and FY18<sup>3</sup>**

	Criminal		Civil		Family Law		Juvenile		Total	
	FY17	FY18	FY17	FY18	FY17	FY18	FY17	FY18	FY17	FY18
<b>Filings</b>	6,565	6,414	10,950	11,168	14,868	14,211	3,101	3,434	35,484	35,227
<b>Terminations</b>	6,518	6,427	11,112	11,785	14,428	14,448	3,016	3,475	35,047	36,135
<b>Clearance Rate</b>	99%	100%	101%	106%	97%	102%	97%	101%	99%	103%

<sup>2</sup> It may be useful to perform additional analyses of the clearance rates by separating original and reopened filings/terminations as well as examining the rates by case sub-type.

<sup>3</sup> Criminal cases include District Court appeals and Jury Trial Prayers, civil cases include Register of Wills, District Court appeals and JTPs, and juvenile cases include juvenile delinquency, CINA, and TPR.

### Workload – Hearings and Trials

During FY18, Montgomery County Circuit Court set 7,972 trials and 57,947 hearings and held 1,853 trials and 39,208 hearings.

- The court set 458 fewer trials (-5%) and 2,333 fewer hearings (-4%) in FY18 than it did in FY17. The numbers of trials set decreased for all case types except for civil while the numbers of hearings set slightly increased for criminal but decreased for civil, family and juvenile cases between FY17 and FY18.
- The court held 350 more trials (23%) and 1,900 fewer hearings (-5%) in FY18 than it did in FY17. The number of trials held increased for civil and family cases, and the number of hearings held decreased for all case types.

**Table 3. Montgomery County Circuit Court Trials and Hearings Set and Held by Case Type, FY17 and FY18**

	Criminal		Civil*		Family Law		Juvenile		Total	
	FY17	FY18	FY17	FY18	FY17	FY18	FY17	FY18	FY17	FY18
<b>Trials</b>										
<b>Set</b>	3,027	2,824	1,054	1,181	2,081	2,025	2,268	1,942	8,430	7,972
<b>Held</b>	203	198	253	256	939	1,327	108	72	1,503	1,853
<b>Hearings</b>										
<b>Set</b>	18,353	18,482	9,374	8,300	22,458	21,895	10,095	9,270	60,280	57,947
<b>Held</b>	13,473	13,441	4,031	3,078	14,739	14,542	8,865	8,147	41,108	39,208

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

## Foreclosure and All Other Civil General Case Processing Performance

This section provides Montgomery County Circuit Court's FY18 processing performance for foreclosure and all other civil general cases. Analyses contained in this section also focus on hearing and trial postponements and recommendations for the court and for the Maryland Judiciary's Case Management Subcommittee. The table below displays the court's historical case processing performance and additional metrics related to case progress.

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

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

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

<sup>†</sup> FY2010 – FY2018 figures were calculated using all civil terminations whereas CY2001-FY2009 figures were calculated using a random sample of the civil termination population.

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

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

### Foreclosure and All Other Civil General Case Processing Performance

In FY18, Montgomery County Circuit Court processed a total of 4,901 civil cases including 1,269 (26%) foreclosure cases and 3,632 (74%) other civil general cases. The overall FY18 civil terminations reflect a 7% reduction from FY17, which totaled 5,298 terminations with 33% (N = 1,749) identified as foreclosures. In FY16, the Maryland Judicial Council implemented two case time standards for civil cases. Foreclosure cases are subject to a two-year (24-month, 730 day) case time standard with a goal of 98%

closing within-standard. All other civil general cases have a 548-day (18-month) time standard with a goal of 98% closing within-standard.

Table A.1 provides the number of original terminations and the average case time (ACT) by termination status for foreclosure and all other civil general cases for FY15 through FY18. The court processed 1,269 foreclosure cases in FY18, 95% of which closed within two years from filing. As the table shows, the foreclosure processing performance declined from 98% in FY15 to 95% in FY18 despite the reduction in the number of terminations by more than half between two years. The court also processed 3,632 other civil general cases of which 3,547 (98%) closed within 18 months from filing meeting the statewide performance goal. The overall ACT for FY18 foreclosure cases is 291 days, lower than that obtained for FY17 (321 days) and FY16 (319). The overall ACT for all other civil general terminations in FY18 (184 days) remained relatively unchanged compared to the last three fiscal years.

**Table A.1 Number of Foreclosure and All Other Civil General Case Terminations and Processing Performance, FY15-FY18**

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

\* ACT = Average Case Time (in days)

**Table A.2 Distribution of Over-Standard All Other Civil General Cases by Clock Time (days), FY15-FY18**

Foreclosures	N	Mean	Median	Percentile						
				5	10	25	75	90	95	Max
FY15	48	915	880	734	736	792	943	1,178	1,374	1,578
FY16	79	884	871	744	754	808	918	1,043	1,147	1,254
FY17	69	939	877	743	756	791	1,050	1,195	1,298	1,524
<b>FY18</b>	<b>62</b>	<b>917</b>	<b>839</b>	<b>731</b>	<b>741</b>	<b>775</b>	<b>985</b>	<b>1,280</b>	<b>1,503</b>	<b>1,557</b>
Non-Foreclosure, Civil General	N	Mean	Median	Percentile						
				5	10	25	75	90	95	Max
FY15	76	779	651	553	557	581	844	1,348	1,357	1,526
FY16	77	687	607	557	564	573	708	870	1,412	1,599
FY17	76	733	665	555	567	601	817	992	1,156	1,492
<b>FY18</b>	<b>85</b>	<b>684</b>	<b>631</b>	<b>553</b>	<b>559</b>	<b>591</b>	<b>724</b>	<b>901</b>	<b>963</b>	<b>1,812</b>

Table A.2 displays the distribution of over-standard foreclosure and all other civil general terminations for the past four fiscal years. The number of foreclosure cases that closed over-standard increased between FY15 and FY17 by 44% from 48 to 69 cases. There was a slight reduction in over-standard foreclosure terminations between FY16 and FY17 (13%) and again between FY17 and FY18 (10%). However, since the number of overall terminations also declined by 22% and 27%, respectively, the case processing performance remained unchanged between FY16 and FY17 and slightly declined between FY17 and FY18.

Among all other civil general terminations, the number of over-standard terminations increased by 12% between FY17 and FY18. However, the average and median over-standard case times are lower in FY18 (684 and 631 days, respectively) compared to FY17 (733 and 665 days, respectively). In fact, the over-standard FY18 case times at each percentile, except for the maximum value, are lower compared to the over-standard FY17 case times, suggesting the general improvement in civil case processing.

Figure A.1 Foreclosure Resolution Profiles, FY16-FY18

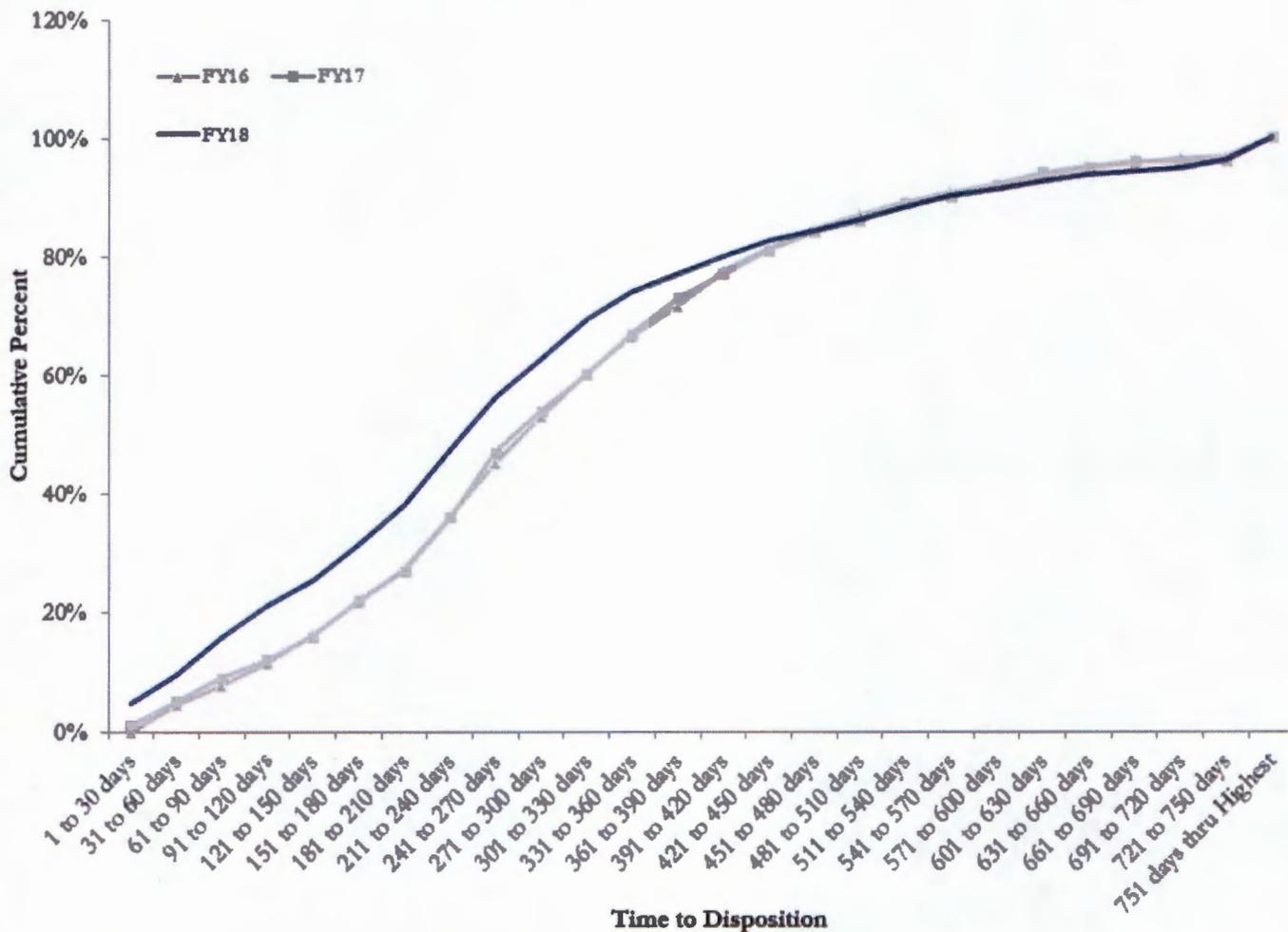


Figure A.1 displays resolution profiles for foreclosure cases closed between FY16 and FY18.<sup>4</sup> Ideally, resolutions profiles have a high arch early in the life of a case, indicating efficiency in case management. A higher percentage of FY18 foreclosure cases compared to FY17 and FY16 cases closed earlier in the case process up until day 450. Beginning at day 451, FY18 foreclosure performance followed that of FY17 and FY16 until day 511 when FY18 performance dropped below FY17 and FY16 foreclosure performance.

<sup>4</sup> Resolution profiles for all other civil general terminations between FY16 and FY18 follow the same trend, which is expected given comparable performance and case processing times. As such, the profiles are not displayed.

*Supplemental Foreclosure Filings and Terminations*<sup>5</sup>

In FY18, original foreclosure filings and terminations totaled 1,368 and 1,423, respectively resulting in a clearance rate of 104%. In FY17, original foreclosure filings and terminations totaled 1,283 and 1,847, respectively, resulting in a clearance rate of 144%. The FY18 clearance rate is lower than the past three fiscal years (FY17: 144%; FY16: 125%; FY15: 121%). Clearance rates greater than 100% indicate that the court is addressing a portion of its backlogged foreclosure cases, likely those associated with the 188% increase in foreclosure filings between FY11 and FY14. These observations indicate that the court's foreclosure case processing performance in recent years, which has slightly declined from 98% in FY15 to 95% in FY18, was likely due in part to its efforts to process 'backlogged' cases with extended case times while efficiently processing reduced caseload of originally filed cases.

**All Other Civil General Case Terminations by DCM Track<sup>6</sup>**

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

**Table A.3 All Other Civil General Case Processing Performance by Termination Status and DCM Track, FY18**

DCM Track (Description)	Overall Terminations			Within-Standard Terminations				Over-Standard Terminations			
	N	% of Total	ACT*	N	% of Track	% of WST*	ACT*	N	% of Track	% of OST*	ACT*
Track N (Non-Litigation)	657	18%	64	641	98%	18%	47	16	2%	19%	720
Track 0 (No Discovery)	584	16%	132	578	99%	16%	127	6	1%	7%	622
Track 2 (1/2 to 1 day trial)	1,254	35%	181	1,251	>99%	35%	180	3	<1%	4%	637
Track 3 (2 to 3 day trial)	954	26%	274	916	96%	26%	259	38	4%	45%	631
Track 4 (More than 3 days trial or intensive motions)	156	4%	341	140	90%	4%	292	16	10%	19%	778
Tracks 5 & 6 (B&T)	27	1%	368	21	78%	1%	254	6	22%	7%	766
Tracks 7 & 8 (ASTAR)	---	---	---	---	---	---	---	---	---	---	---
<b>Total</b>	<b>3,632</b>	<b>100%</b>	<b>184</b>					<b>85</b>	<b>2%</b>	<b>100%</b>	<b>684</b>

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

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

Cases assigned to Tracks N, 2, and 3 represent close to 80% of FY18 civil general terminations. The processing performance of cases assigned to Tracks N, 0, and 2 met or exceeded the statewide performance goal of 98% within-standard termination. Track 3 performance reached 96% comparable to the performance of Track 3 cases closed in FY15 through FY17 (at 97%). There were more FY18 cases assigned to Track 4 (156) (FY17: 147; FY16: 115; FY15: 123) and a higher percentage of Track 4 cases

<sup>5</sup> This supplemental analysis of foreclosure filings and terminations includes a different population than included as part of the annual case assessment. For instance, Rights of Redemption cases are considered foreclosures in the court's filing and termination foreclosure figures.

<sup>6</sup> Table A.3 focuses on civil general case performance by DCM track because all FY18 foreclosure case terminations are assigned to Track N.

<sup>7</sup> For additional information about the DCM plans including detailed descriptions of the DCM tracks, please visit the court's website at <http://www.montgomerycountymd.gov/circuitcourt/attorneys/dcm.html>.

closing within-standard compared to the previous three fiscal years (90% versus FY17: 89%; FY16: 83%; FY15: 87%). A greater proportion of Track 4 cases among the FY18 may also underscore the court's efforts at addressing backlogged cases, most of which are likely to be Track 4 given that more complex cases tend to require more judicial resources.

### All Other Civil General Case Terminations by Postponements<sup>8</sup>

Overall, 17% (827) of the 4,901 foreclosure and other civil general cases closed during FY18 had at least one hearing or trial postponement compared to 16% (864 of 5,298) of cases closed during FY17; 15% (887 of 5,856) of cases closed during FY16 and 14% (872 of 6,106) of cases closed during FY15. Twenty-two percent of all other civil general cases were postponed compared to less than 2% (1.5%, 19 cases) of foreclosure cases. Accordingly, the following postponement analysis focuses on all other civil general cases.

Of the postponed civil general cases, 92% closed within the 548-day time standard (as shown in Table A.4 below). Postponed civil general cases assigned to Tracks 0 and 2 continued to meet the 98% performance goal while those assigned to the other DCM Tracks fell below the goal. The court may want to examine postponements among cases assigned to Track 4 to better understand the connection between postponements and performance. In contrast, 99% of cases without postponements closed within the time standard.

**Table A.4 All Other Civil General Case Terminations by Postponements, Termination Status and DCM Track, FY18**

DCM Track	Total Terminations	With Postponements								
		Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
		N	% of Total	ACT*	N	% of Track	ACT*	N	% of Track	ACT*
Track N	657	12	2%	390	8	67%	188	4	33%	795
Track 0	584	99	17%	214	97	98%	206	2	2%	607
Track 2	1,254	290	23%	273	288	99%	270	2	1%	680
Track 3	954	300	31%	392	267	89%	364	33	11%	618
Track 4	156	89	57%	441	74	83%	375	15	17%	764
Tracks 5 & 6	27	18	67%	498	12	67%	364	6	33%	766
Tracks 7 & 8	---	---	---	---	---	---	---	---	---	---
<b>Total</b>	<b>3,632</b>	<b>808</b>	<b>22%</b>	<b>335</b>	<b>746</b>	<b>92%</b>	<b>306</b>	<b>62</b>	<b>8%</b>	<b>681</b>

<sup>8</sup> The FY16 civil general postponement analysis includes both hearing and trial postponements. The capturing of hearing and trial postponements only occurs for cases with postponement reasons. The court began collecting postponement reasons for hearing postponements on July 1, 2013. Any postponed hearing prior to July 1, 2013 will not be reflected in the data.

**Table A.4 All Other Civil General Case Terminations by Postponements, Termination Status and DCM Track, FY18, Continued**

DCM Track	Total Terminations	Without Postponements								
		Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
		N	% of Total Track	ACT*	N	% of Track	ACT*	N	% of Track	ACT*
Track N	657	645	98%	57	633	98%	45	12	2%	695
Track 0	584	485	78%	115	481	>99%	110	4	<1%	630
Track 2	1,254	964	77%	153	963	>99%	153	1	<1%	550
Track 3	954	654	69%	220	649	99%	216	5	1%	717
Track 4	156	67	43%	210	66	99%	198	1	1%	991
Tracks 5 & 6	27	9	33%	108	9	100%	108	0	---	---
Tracks 7 & 8	---	---	---	---	---	---	---	---	---	---
<b>Total</b>	<b>3,632</b>	<b>2,824</b>	<b>78%</b>	<b>141</b>	<b>2,801</b>	<b>99%</b>	<b>137</b>	<b>23</b>	<b>1%</b>	<b>695</b>

\* ACT = Average case time, in days.

The court granted a total of 1,653 hearing and trial postponements among the 808 postponed cases, averaging 2 postponements per case. Among the postponed cases, 49% have one postponement, 28% have two postponements, and another 23% have three or more postponements. In FY18, 87% of postponed, over-standard civil case terminations (54 of 62) were postponed two or more times.

The overall average case processing time among postponed civil general cases is more than double that for cases that are not postponed (335 versus 141 days, respectively). Among postponed cases, the average case time for over-standard cases is 681 days compared to 306 days for within-standard cases.

Interestingly, the average case time for postponed, over-standard cases is slightly longer than that for over-standard cases without postponements (695 compared to 681 days). Some of the reasons cases without postponements close over-standard include multiple stay orders and extensions of those stay orders due to a resolution pending a petition for declaratory relief, a decision pending from the Court of Special Appeals for another case or awaiting service of a foreign defendant.<sup>9</sup>

The most frequently cited postponement reasons among the 808 postponed cases (regardless of track) include: “Discovery/ADR Incomplete and/or Discovery Disputes/Additional Time Needed to Prepare” (48% all of postponements; 50% of postponements in over-standard cases); “Calendar Conflict” (18% all of postponements, 19% of postponements in over-standard cases); “Party(s) Did Not Receive Notice of Court Date” (9% of all postponements; 1% of postponements in over-standard cases); “Letter/Line of Agreement Received (Automatic USE Only)” (6% of all postponements; 5% of postponements in over-standard cases); and “Settlement, Plea or Reconciliation in Progress” (5% of all postponements; 5% of postponements in over-standard cases). The postponement reason “Illness/Medical Emergency or Death” was used for 8% of all postponement reasons among over-standard, postponed cases compared to 4% among postponement reasons among all postponed cases.

### Recommendations for Montgomery County Circuit Court

- *Information Sharing.* FY18 case processing performance results will be communicated to the Montgomery County Circuit Court civil bench, civil bar, as well as pertinent clerk and administration personnel.

<sup>9</sup> Over 50% (12 of 23) of the over-standard civil general cases without postponements are foreclosure rights of redemption actions.

- *Analysis.*
  - The court has an established Track 3 Civil Settlement Conference program. Additional analysis of performance in relation to cases that participate in settlement conferences may be informative. Further, given that Track 3 performance in FY18 (96%) is slightly below the case processing performance bench (98%) a more detailed analysis of processing of these cases may reveal opportunities to improve case management practices.
  - The court may want to examine the implications of reduced foreclosure filings combined with its efforts to reduce the existing backlog on its case processing performance in order to more fully understand performance, which exhibited a gradual decline in recent years.

### **Recommendations for the Case Management Subcommittee**

- *Developing a Working Group to Perform Additional Analyses and Inform Case Management.* Establish a working group to develop a statistical reporting guide that assists courts in their efforts to monitor case processing, workload, case management, and court operations performance. The guide will: 1) identify Odyssey and dashboard reporting tools available to support routine analyses of case and court performance; 2) describe how to review and discuss results across these different metrics and over time; 3) suggest additional, more detailed analyses, in particular by DCM track and/or case type, to review and analyze performance results; and 4) offer templates to translate results into tables and graphics that clearly explain the performance results for court users.

## Criminal Case Processing Performance

This section provides Montgomery County Circuit Court's FY18 case processing performance for criminal cases. It includes analyses of hearing and trial postponements and recommendations for the court and for the Maryland Judiciary's Case Management Subcommittee. The table below displays the court's historical case processing performance and additional metrics related to case progress.

### B. Criminal Case Processing Definitions and Summary

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

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

† Due to the change in the criminal case time standard in 2009, the case time was measured from the first appearance to verdict for the FY09-FY18 assessments whereas it was measured from the first appearance to sentencing for the CY01-FY08 assessments.

‡ Additional statewide measures for CY2001-FY2009 were calculated based on random samples of the terminated cases whereas the FY2010-FY2018 figures were calculated using all valid cases.

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

## Overall Criminal Case Terminations

During Fiscal Year 2018 (FY18), Montgomery County Circuit Court processed 2,060 original criminal case terminations, 50 fewer than FY17, 71 fewer than FY16 (2,110 terminations) and 121 fewer than FY15 (2,252 terminations). The current analysis is based on 2,058 cases with valid case start and stop dates.<sup>10</sup> Table B.1 presents the court's criminal case processing performance since FY09 when the statewide criminal time standard was changed to measure the criminal case processing time from the first appearance of the defendant to verdict. The number of criminal original case terminations declined from 2,701 in FY11 to 2,183 in FY12 and 2,083 in FY13 but slightly increased to 2,242 in FY15, followed by a slight decline in FY16 and FY17, reaching its lowest level in FY18.

**Table B.1 Number of Criminal Case Terminations and Processing Performance, FY09-FY18**

Fiscal Year	Terminations		Within-Standard Terminations			Over-Standard Terminations		
	N	ACT*	N	%	ACT	N	%	ACT
FY09	2,478	77	2,372	96%	68	106	4%	270
FY10	2,607	80	2,486	95%	71	121	5%	263
FY11	2,701	62	2,603	96%	53	98	4%	284
FY12	2,183	66	2,089	96%	56	94	4%	278
FY13	2,083	73	1,970	95%	62	113	5%	271
FY14	2,094	70	1,973	94%	58	121	6%	267
FY15	2,242	75	2,116	94%	63	126	6%	272
FY16	2,124	81	1,962	92%	64	162	8%	286
FY17	2,107	93	1,877	89%	69	230	11%	290
<b>FY18</b>	<b>2,058</b>	<b>100</b>	<b>1,825</b>	<b>89%</b>	<b>75</b>	<b>233</b>	<b>11%</b>	<b>291</b>

\* ACT = average case time (in days)

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

**Table B.2 Distribution of Over-Standard Criminal Cases by Clock Time (days), FY10-FY18**

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

Table B.2 compares the distribution of over-standard case terminations for FY10 through FY18. The number of cases that are over-standard increased by 29% from 126 in FY15 to 162 in FY16 after gradual increases beginning in FY12. Between FY16 and FY17, the number of over-standard terminations increased by 42% to 230 and remained unchanged in FY18. The increased average case time in FY17 is

<sup>10</sup> Two cases were excluded from the analysis because one does not have a valid start date (a defendant or his/her attorney's appearance) due to the death of the defendant and the other was filed prior to January 2001. Any cases filed before January 2001, when the Maryland case time standards were adopted, are removed from analysis.

largely due to the presence of a 1,024-day case termination; without it, the FY17 average case time among over-standard terminations is 287 days. However, in FY18 the average case time increased to 291 without a case with an extremely long case time. This is because in FY18 the court had a greater percentage of cases with a longer case time than it did in FY17 as shown by the greater 75, 90 and 95 percentile values in FY18.

**Figure B.1 Criminal Case Over-Standard Terminations, FY18**

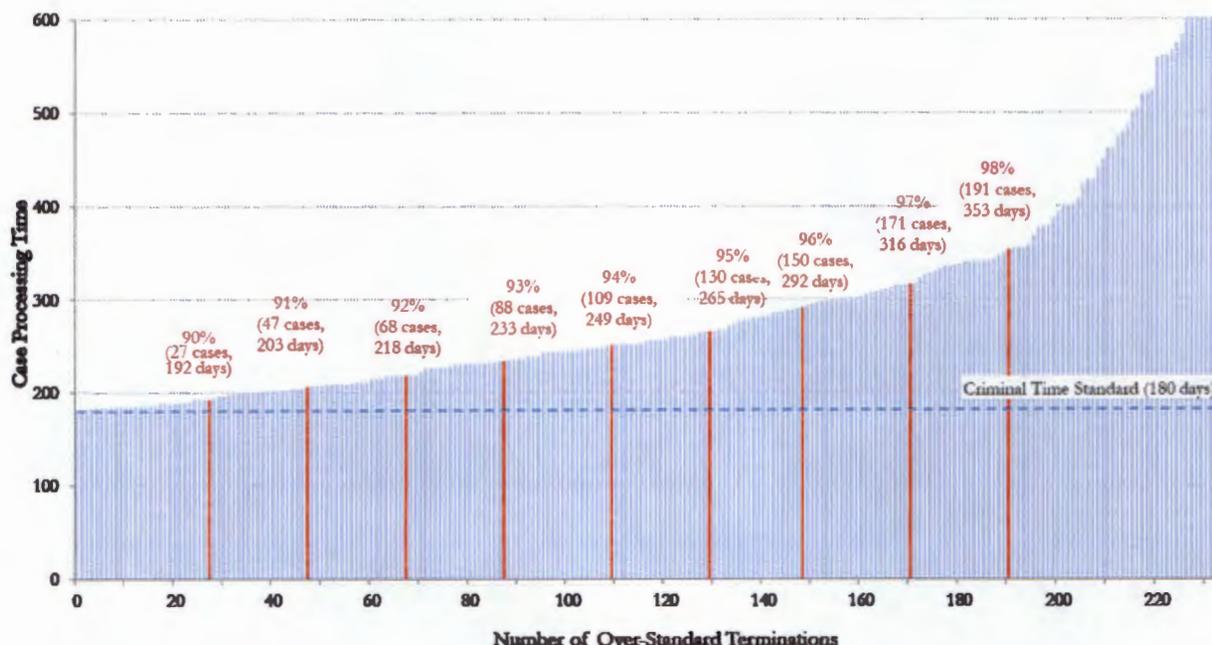


Figure B.1 presents the distribution of over-standard terminations by case time for FY18. The vertical red lines reflect the number of cases that the court would need to terminate within 180-days to reach the identified within-standard percentage. If the court were to improve the observed FY18 performance to the FY16 level of 92% (at least 91.5%), 68 additional cases with case times ranging from 181 to 218 days would need to be closed within the 180-day time standard. As the figure indicates, to improve the performance by each percentage point, the court would need to process about 20 over-standard cases within the time standard except for the initial 89-90% improvement, which requires 27 over-standard cases to be processed within 180 days. The figure indicates that to reach 93%, the court would need to process 20 additional over-standard cases ranging from 218 to 233 days within the 180-day standard (213 to 224 days in FY17). To meet the statewide performance goal of 98%, the court would need to close within-standard 191 (82%) of 233 currently over-standard cases, whose case times reach 353 days.

**Case Terminations by DCM Track**

The Montgomery County Circuit Court’s Criminal Differentiated Case Management (DCM) plan has the following four tracks.<sup>11</sup>

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

<sup>11</sup> The track descriptions are based on the Criminal DCM plan (July 2003, 2<sup>nd</sup> edition). The plan was revised in July 2010 with minimal differences in the track descriptions.

## Track 4: Complex Indictments and Informations

Table B.3 presents the FY18 criminal case processing performance, the average case time and the percentage of cases closed within-standard, as well as the distribution of terminations by DCM Track. The number of original terminations in FY18 was 2,058, a slight decline (49 terminations, 2.3%) from FY17 (2,107 terminations), and the percent of within-standard terminations remained unchanged at 89%. Track-specific case processing performance indicates that it improved in three of four Tracks between FY17 and FY18: Track 2 (from 93% to 95%), Track 3 (from 90% to 91%) and Track 4 (from 61% to 64%). In Track 1, the performance remained at 97%.

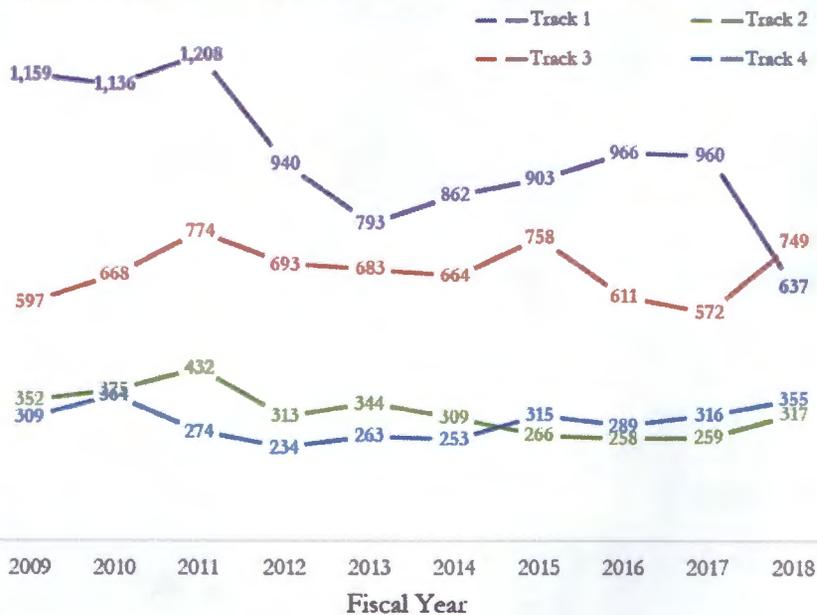
**Table B.3 Criminal Case Processing Performance by DCM Track and Termination Status, FY18**

	Total Terminations			Within-Standard Terminations				Over-Standard Terminations			
	N	% of Total	ACT*	N	% of WST*	% of Track	ACT	N	% of OST*	% of Track	ACT
<b>Track 1</b>	637	31%	70	615	34%	97%	64	22	9%	3%	225
<b>Track 2</b>	317	15%	80	300	16%	95%	68	17	7%	5%	295
<b>Track 3</b>	749	36%	94	682	37%	91%	77	67	29%	9%	266
<b>Track 4</b>	355	17%	183	228	12%	64%	110	127	55%	36%	316
<b>Total</b>	2,058	100%	100	1,825	100%	89%	75	233	100%	11%	291

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

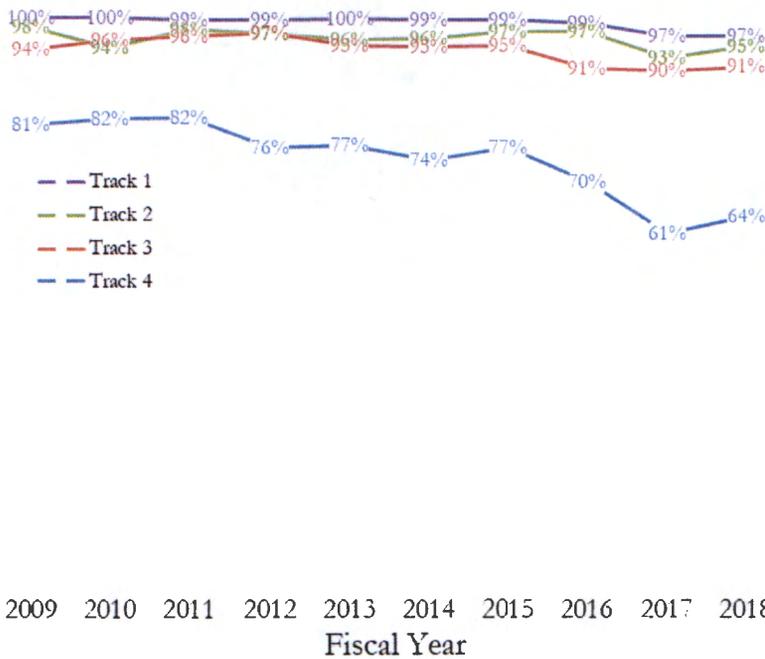
The improved performance at the DCM Track level was not reflected in the overall performance due to rather substantial changes in the composition of case terminations in FY18. The overall criminal case processing performance is largely determined by 1) the composition of terminated cases by Track, specifically, the size of Track 1 and Track 4 cases, and 2) the case processing performance of Track 4 cases, which is substantially lower than other tracks. Between FY17 and FY18, Track 1 terminations declined by 34% (323 terminations) from 960 to 637 whereas that of Tracks 2, 3 and 4 increased by 22% (58 terminations), 31% (177 terminations), and 12% (39 terminations), respectively. Because of the substantial decline in the number of Track 1 terminations, the overall case processing performance did not improve between FY17 and FY18 even though the court's case processing performance in all Tracks either improved or remained unchanged. In fact, had the composition of the FY18 terminations been identical to that of FY17, the court's FY18 case processing performance would have slightly improved to 90%.

**Figure B.2 Criminal Case Terminations by DCM Track, FY09-FY18**



Figures B.2 and B.3 provide track-specific terminations and performance between FY09 and FY18. The number of Track-specific original case terminations has been relatively stable since FY13 until FY18 when Track 1 case terminations declined by 34% from 960 to 637 while that of Track 3 increased by 31% from 572 to 749. Figure B.3 displays the court’s case processing performance by DCM Track between FY09 and FY18. The performance of Track 1 cases, which has been the only track where its performance exceeded the statewide goal of 98%, declined to 97% in FY17 and remained the same in FY18. The case processing performance of Track 2 terminations improved from 93% in FY17 to 95% in FY18 after experiencing a 4-percentage-point decline between FY16 and FY17. The case processing performance of Track 4 terminations, which declined from 77% in FY15 to 70% in FY16 and to 61% in FY17 improved to 64% in FY18. Track 3 case processing performance declined from 95% in FY15 to 91% in FY16 and stayed at that level in FY17 and FY18.<sup>12</sup>

**Figure B.3 Criminal Case Processing Performance by DCM Track, FY09-FY18**



**Case Processing Performance by Case Sub-type**

Table B.4 presents the case processing performance by case sub-type for FY18. In the past, the case processing performance of District Court jury demands and appeals either met or exceeded the 98% within-standard goal. In FY17, the performance of both bindover-appeals and DC VOP appeals declined below the performance goal to 96% and 97%, respectively. In FY18, the performance of DC VOP appeals improved to 100% while that of bindover-appeal remains at 96% and that of bindover-jury declined by 1 percentage point to 98%.

In FY11 and FY12, indictments were the only sub-type in criminal cases not meeting the 98% goal. In FY13, the performance of informations also went below the 98% mark and further declined to 95% in FY14. In FY15, the case processing performance of informations improved and met the 98% performance goal, but in FY16 it declined to 94% and remained unchanged in FY17. In FY18, the performance slightly declined to 93%. The case processing performance of indictments, which has been in

<sup>12</sup> A supplemental detailed analysis of the court’s case processing performance by DCM Track with termination profiles for FY14-18 is available upon request.

decline from 93% in FY11 to 88% in FY15 further declined by 4 percentage points to 84% in FY16 and by an additional 6 percentage points to 78% in FY17. However, the performance improved to 81% in FY18.

**Table B.4 Criminal Case Processing Performance by Case Sub-Type and Termination Status, FY18**

Case Sub-type	Total Terminations			Within-Standard Terminations				Over-Standard Terminations		
	N	%	ACT*	N	%	ACT	% WST*	N	%	ACT
Indictment	926	45%	132	750	41%	92	81%	176	76%	303
Information	495	24%	78	460	25%	63	93%	35	15%	274
Bindover-Jury	65	3%	46	64	4%	42	98%	1	0%	340
Bindover-Appeal	539	26%	74	518	28%	68	96%	21	9%	220
DC VOP Appeal	33	2%	50	33	2%	50	100%	0	0%	0
<b>Total</b>	<b>2,058</b>	<b>100%</b>	<b>100</b>	<b>1,825</b>	<b>100%</b>	<b>75</b>	<b>89%</b>	<b>233</b>	<b>100%</b>	<b>291</b>

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

A supplemental analysis of information and indictment cases by DCM Track for FY16, FY17 and FY18 was performed. The results are as follows:

- Information cases
  - Track 2: 100% terminated within the time standard in FY16, declined to 94% in FY17, but improved to 98% in FY18, meeting the 98% statewide goal.
  - Track 3: 93% terminated within the time standard in FY16 (99% in FY15), improved to 96% in FY17 but declined to 94% in FY18.
  - Track 4: 74% terminated within the time standard in FY16 (85% in FY15), improved to 77% in FY17 and to 78% in FY18.
- Indictment cases
  - Track 2: 96% terminated within the time standard in FY16, declined to 92% in FY17 and remained at 92% in FY18.
  - Track 3: 89% terminated within the time standard in FY16 (92% in FY15), declined to 86% in FY17 but improved to 89% in FY18.
  - Track 4: 70% terminated within the time standard in FY16 (76% in FY15), declined to 59% in FY17 but improved to 62% in FY18.

In sum, except for Track 3 informations, the court’s FY18 information and indictment case processing performance either improved or remained unchanged from FY17.

### Case Terminations by Trial and Hearing Postponements

Table B.5, which compares the case processing performance of cases with postponements and those without postponements by termination status and by DCM Track, makes it clear that all cases, even those in Track 4, closed within the 180-day time standard without postponements.

Among the cases with postponements, 80% closed within the time standard in FY18, compared to 79% in FY17, 85% in FY16 and 89% in FY15. In FY15, cases in Track 1 met the 98% goal even with postponements; however, the performance declined to 96% in FY16 and to 89% in FY17 but slightly improved to 90% in FY18. The performance of those in Tracks 2, 3, and 4 exhibit the same pattern: a decline between FY16 and FY17 followed by a slight improvement in FY18: Track 2 - 96% in FY15 → 88% in FY17 → 91% in FY18; Track 3 - 91% → 84% → 85%, and Track 4 - 72% → 57% → 59%.

Of the 2,058 cases terminated in FY18, 43% (884 cases) had neither a hearing nor a trial postponement (49% in FY16 and FY17). The remaining 1,174 cases with at least one hearing or trial postponement experienced 3,485 postponements in total, averaging 3.0 postponements per case (3.0 in FY17 and 2.6 in FY16). The average and median number of postponements among the cases closed within the time standard are 2.4 and 2, respectively, compared to 6.1 and 5 among those closed over the standard.

**Table B.5 Criminal Case Terminations by Postponements, Termination Status and DCM Track, FY18**

Terminations <b>With</b> Trial and Hearing Postponements										
DCM Track	Total Terminations	Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
		N	%	ACT*	N	%	ACT*	N	%	ACT*
Track 1	637	224	35%	110	202	90%	98	22	10%	225
Track 2	317	198	62%	104	181	91%	86	17	9%	295
Track 3	749	441	59%	126	374	85%	101	67	15%	266
Track 4	355	311	88%	196	184	59%	113	127	41%	316
<b>Total</b>	<b>2,058</b>	<b>1,174</b>	<b>57%</b>	<b>138</b>	<b>941</b>	<b>80%</b>	<b>100</b>	<b>233</b>	<b>20%</b>	<b>291</b>
Terminations <b>Without</b> Trial and Hearing Postponements										
Track 1	637	413	65%	48	413	100%	48	0	0%	0
Track 2	317	119	38%	40	119	100%	40	0	0%	0
Track 3	749	308	41%	47	308	100%	47	0	0%	0
Track 4	355	44	12%	96	44	100%	96	0	0%	0
<b>Total</b>	<b>2,058</b>	<b>884</b>	<b>43%</b>	<b>49</b>	<b>884</b>	<b>100%</b>	<b>49</b>	<b>0</b>	<b>0%</b>	<b>0</b>

ACT: Average Case Time (in days); WST: within-standard; AVG: average; MED: median

Thirty-four percent (397 cases) of the 1,174 cases with one or more postponements had one postponement (34% in FY16), of which all but 7 (98%) closed within the time standard. Twenty-four percent (276 cases) had two postponements, of which 28 cases (10%) closed over the time standard. As the number of postponements increases, the likelihood of an over-standard termination rises. With three postponements, 19% (26) of 137 cases were terminated over the 180-day time standard. With four postponements, 33% were over-standard, 41% with five postponements, and with six postponements more than half (55%) of FY18 criminal terminations were over the time standard.<sup>13</sup>

In terms of postponement reasons reported for FY18, the most frequent reasons include: “Discovery Incomplete and/or Discovery Disputes - Additional Time Needed to Prepare” (1,215 of 3,515 occurrences, 35% in FY17, 31% in FY16), followed by “Calendar Conflicts” (805 of 3,515 occurrences, 23%, 17% in FY17, 19% in FY16). Combined, these two reasons account for 58% of all postponement reasons (54% in FY17, 50% in FY16). The next three most frequently cited reasons are: “Settlement, Plea or Reconciliation in Progress” (482 occurrences, 14%), “New Counsel Sought or Has Entered their Appearance or Not Appointed” (281 occurrences, 8%), and “Witness Unavailable - New Witness Identified” (116 occurrences, 3%). These top five reasons account for 82% of all postponement reasons. With “Illness, Medical Emergency or Death” (3% (98 of 3,515 occurrences) in FY18), these six reasons dominated the top five reasons for postponements in FY17, FY16, FY15 and FY14.

### Recommendations for Montgomery County Circuit Court

- **Information Sharing.** FY18 case processing performance results will be shared with the Montgomery County Circuit Court criminal bench, bar, as well as clerks and court administration staff.

<sup>13</sup> A case with multiple postponements could be closed within-standard when many of the postponements occurred while the case time was suspended. For example, when a court orders a competency/mental evaluation and postpones a status hearing because the psychological report for the competency evaluation is not ready, such a postponement will not impact the case time because of the suspension event.

- *Information Gathering.* Strengthen the communication with Criminal Department, Courtroom Clerks, Assignment Office, Quality Control, Administrative Aids, and DCM Coordinator to identify any case processing-related issues and events that may have impacted the court’s timely processing of criminal cases.
  
- *Analysis:*<sup>14</sup> Expand the court’s case processing performance analysis by identifying the possible causes of observed changes in criminal performance. Meet with stakeholders to identify analytic topics of interest and develop possible actions to address the issues. Discuss the proposed analyses with the court leadership team. The possible in-depth analyses include:
  - Indictment (Tracks 3 and 4) and Track 4 information cases: Examine their progress against the court’s Criminal DCM plan. In response to the observed shift in Track 4 performance, identify at which stage/event cases start to deviate from the plan and the factors that may be associated with deviation.
  - Over-standard case terminations in Track 1 appeal cases and Track 2 cases in general: Identify factors that may have led to their over-standard termination status such as potential changes in the court’s policy regarding management of appeals in its Criminal DCM plan, as well as any changes in filing of appeals.

### **Recommendation for the Case Management Subcommittee**

- *Technical Assistance.* It is recommended that clarity be provided on how to determine the competency suspension start in a District Court appeal or jury trial prayer case where the evaluation of the competency was ordered by the District Court prior to the case arriving in the circuit court. One possible suspension start date is the time when a scheduled event is postponed due to the unavailability of the evaluation results.
  
- *Developing a Working Group to Perform Additional Analyses and Inform Case Management.* Establish a working group to develop a statistical reporting guide that assists courts in their efforts to monitor case processing, workload, case management, and court operations performance. The guide will: 1) identify Odyssey and dashboard reporting tools available to support routine analyses of case and court performance; 2) describe how to review and discuss results across these different metrics and over time; 3) suggest additional, more detailed analyses, in particular by DCM track and/or case type, to review and analyze performance results; and 4) offer templates to translate results into tables and graphics that clearly explain the performance results for court users.

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<sup>14</sup> The Administrative Judge in collaboration with the DCM Coordinator has been engaged in discussions with the judges as well as justice stakeholders about criminal case processing performance. Efforts are underway to address those factors likely contributing to recent declines in performance. Additional data was obtained from the court’s Data Processing Department to conduct a more detailed analysis.

## Family Law Case Processing Performance

This section provides Montgomery County Circuit Court's FY18 processing performance for family law cases including analyses of hearing and trial postponements and recommendations for the court and the Maryland Judiciary's Case Management Subcommittee. The table below provides the court's historical case processing performance and associated metrics related to case progress.

### C. Family Law Case Processing Definitions and Summary

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

<sup>†</sup>The additional measure was calculated based on a random sample for FY2001 through FY2009. The FY10-FY17 figures were calculated using all valid terminations.

### Overall Family Law Case Terminations

The present analysis is based on 288 limited divorce and 7,741 other family-law case dispositions as defined by the Maryland Judiciary during the FY18, totaling 8,029 terminations.<sup>15</sup> The FY18 number is smaller than FY17 (8,237 terminations), FY16 (8,492 terminations) and FY15 (8,176 terminations) and is identical to FY14, which is slightly greater than FY11. Since FY14 the Maryland Judiciary has been using two time standards and associated goals for family law cases: a 24-month standard for limited divorce

<sup>15</sup> The 19 excluded cases (seven limited divorce and 12 other family-law cases) were not closed at the time of judgment of absolute or limited divorce due to post-judgment issues filed prior to the judgment.

cases<sup>16</sup> (with a 98% performance goal) and a 12-month standard for all other family-law cases (with a 98% performance goal).

Table C.1 provides the number of original case terminations and the average case time for limited divorce cases and other family-law cases by case termination status for FY18. Of the 288 limited divorce cases terminated during FY18, all but seven (98%) closed within two years of filing and met the 98% goal as it did in FY17. Of the 7,741 other family-law cases terminated in FY18, 7,252 (94%) closed within a year of filing, one percentage point lower than FY15 as the number of over-standard cases increased by 23% (91 cases) from 398 to 489 while the overall number of cases terminations declined by 3% (208 cases) from 8,237 to 8,029 between FY17 and FY18.

**Table C.1 Number of Family Law Case Terminations and Processing Performance under the New Standards, FY18**

Case Sub Type (Time Standard)	Total Terminations		Within-Standard Terminations			Over-Standard Terminations		
	N	ACT*	N	%	ACT*	N	%	ACT*
Limited Divorce Cases (24 Months)	288	315	281	98%	302	7	2%	833
All other FL Cases (12 Months)	7,741	153	7,252	94%	131	489	6%	473
<b>Total</b>	<b>8,029</b>		<b>7,533</b>			<b>496</b>		

\* ACT = Average Case Time (in days)

To compare the court's FY18 overall family case processing performance with that of previous years, we combined the limited divorce and other family-law cases and assessed the performance under the old 12-month time standard (See Table C.2). The court's overall family law case processing performance has been consistent, closing 93-94% of cases within the standard since FY11. The overall average case time for FY18 is 144 days, 14 days longer than FY17 and is about the FY07 level. The average case time of the FY18 cases closed within 12 months is 132 days and is higher than any fiscal year since FY06 while that of over-standard cases is 481 days (the second shortest after FY15).

**Table C.2 Number of Family Law Case Terminations and Processing Performance under the Old 12-Month Time Standard (90% Within-Standard Termination Goal), FY06-FY18**

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

\* ACT = Average Case Time (in days)

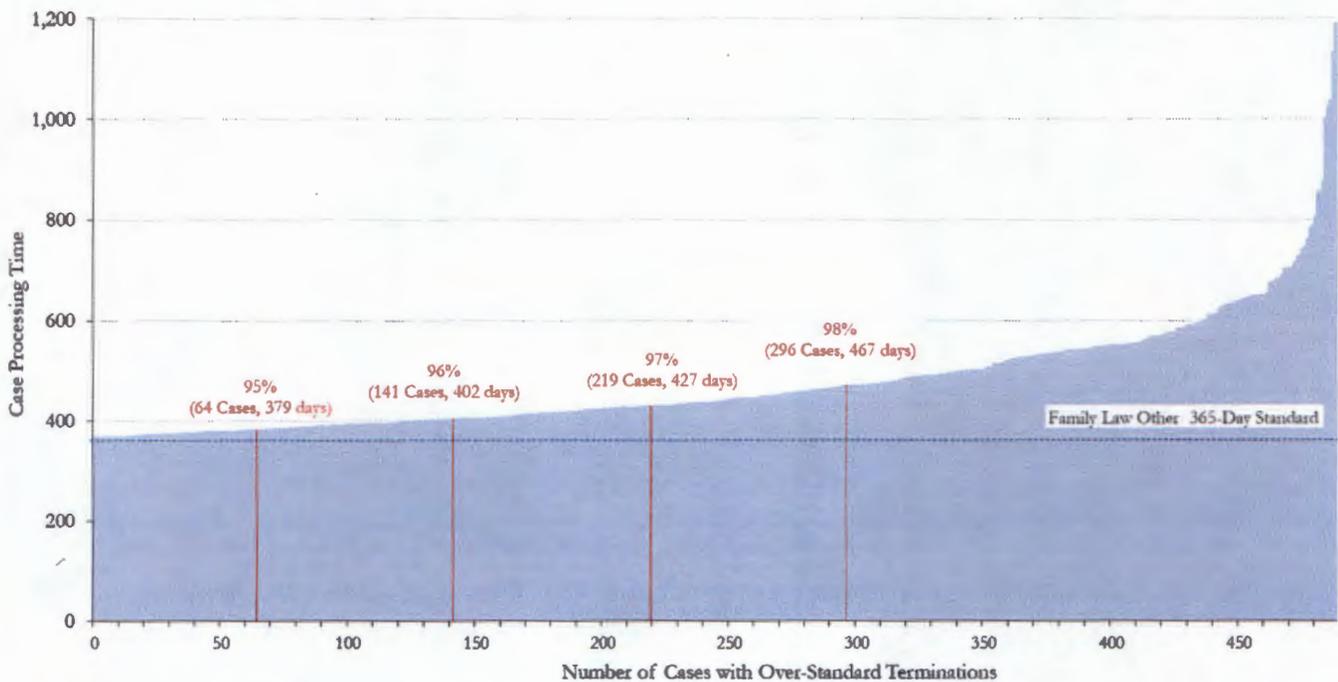
\*\* The full domestic caseload for FY08 was 7,673. The 510 cases for which performance data is provided represent a random sampling of the total FY08 caseload.

<sup>16</sup> According to the Maryland Judiciary's time standards, limited divorce cases are identified as such at the time of filing whereas in the FY14 analysis, the court identified limited divorce cases at the time of case stop or the time of the limited divorce judgment. Accordingly, the court's family law case processing performance between FY14 and FY15-FY17 is not comparable under the new time standards.

## Distribution of Over-Standard Other family-law Cases

The number of over-standard other family-law case terminations increased by 23% (91 cases) from 398 in FY17 to 489 in FY18 while the overall terminations decreased by 208 between the two fiscal years. Figure C.1 presents the distribution of 489 over-standard other family-law terminations for FY18. The figure also shows how many additional over-standard cases, with their case times ranging from 366 to 1,190 days, would need to be terminated within the 365-day standard to improve the court's case processing performance. The case time of these over-standard cases ranges with the average and median case times of 483 and 452 days, respectively.

Figure C.1 Other family-law Case Over-Standard Terminations, FY18



As shown in Figure C.1, to improve the FY18 case processing performance from 94 to 95%, the court would need to terminate 64 additional over-standard cases (with their case times ranging from 366 to 379 days) within 365 days. To further improve the performance by another percentage point, the court would need to terminate an additional 77 or 78 over-standard cases. To meet the goal of 98%, the court would need to terminate close to 300 over-standard cases (296 cases with their case times up to 467) within the time standard. Thus, meeting the performance goal would require the court to terminate nearly three quarters of over-standard cases within 365 days.

## Case Terminations by DCM Track

Montgomery County Circuit Court's Family Differentiated Case Management (DCM) plan provides the following six tracks. The number of original terminations (limited divorce and other family-law cases combined) that the court processed in FY18 as well as the those for FY10-FY17 are reflected by DCM track.

Track 0: Uncontested divorce without summons – 1,048 terminations in FY18 (1,040 in FY17, 1,070 in FY16, 889 in FY15, 839 in FY14, 773 in FY13, 814 in FY12; 824 in FY11; 749 in FY10)

Track 1: Uncontested divorce with summons – 2,750 terminations in FY18 (2,600 in FY17, 2,555 in FY16, 2,255 in FY15, 2,268 in FY14, 2,449 in FY13, 2,575 in FY12; 2,333 in FY11; 2,263 in FY10)

Track 2: Divorce with no physical custody issues and limited discovery – 728 terminations in FY17 (819 in FY17, 769 in FY16, 771 in FY15, 801 in FY14, 786 in FY13, 928 in FY12; 809 in FY11; 869 in FY10)

Track 3: Divorce with physical custody issues and/or moderate discovery or Physical Custody– 606 terminations in FY17 (612 in FY17, 599 in FY16, 570 in FY15, 573 in FY14, 552 in FY13, 567 in FY12; 516 in FY11; 551 in FY10)

Track 4: “Complex” cases involving extensive property holdings, complicated business valuations, significant assets held in various forms, pensions, alimony and other support issues along with custody, visitation and divorce – none in FY18 (3 in FY17, 4 in FY16, 6 in FY15, 9 in FY14, 3 in FY13, 6 in FY12; 5 in both FY11 and FY10)<sup>17</sup>

No Track (“Track N”): Cases with other issue(s) such as guardianships, uniform support, change of name, paternity, URESA, emergency psychological evaluation, and waiver of court costs – 2,897 terminations in FY18 (3,163 in FY17, 3,495 in FY16, 3,685 in FY15, 3,559 in FY14, 3,581 in FY13, 3,642 in FY12; 3,547 in FY11; 3,339 in FY10)

One of the notable changes in the number of terminations by DCM track is the increase in Track 0 terminations, which increased from 700-800 per year between FY10 and FY15 to over 1,000 in FY16 and FY17. The increase presumably resulted from the change in the state divorce law that took place on October 1<sup>st</sup>, 2015 to remove the one-year waiting period for the couples with no minor children who mutually consent to divorce and agree on a property division. This increase appears to have resulted in the observed increase in FY16 terminations. However, in FY17, this increase was largely offset by the equally large decline in terminations in Track N cases – 336 between FY16 and FY17. This reduction resulted from a change in the court’s policy on filings of some Track N cases. Under the new policy, implemented in January 2017, some petitions such as waiver of court costs, which were filed as separate cases, are no longer treated as such and are now filed as pleadings within the substantive case. Track 0 terminations remained high in FY18 and Track N terminations continued to decrease. In particular, the number of Track 0 terminations was 1,043 in FY18, comparable to FY17 (1,036) while Track N termination further declined to 2,897 in FY18 from 3,163 in FY17.

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

The bottom half of the table presents the DCM Track-specific case processing performance of other family-law cases. As observed in previous years, 84-85% of the overall terminations are comprised of cases in Tracks 0, 1, and N with relatively high performance. The performance of Track 1, which declined from 100% to 95% between FY15 and FY16 and then slightly improved to 97% in FY17, declined back to the FY16 level (95%). The performance of Track N also slightly declined from 99% to 98% between FY17 and FY18. The remaining 15-16% of the terminated cases are contested divorce, custody, and other

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<sup>17</sup> As of January 2016, the court no longer assigns newly filled cases to Track 4. Cases meeting certain criteria including case complexity are now processed by the court’s One-Family-One-Judge (1F1J) procedure.

family-law cases in Tracks 2 and 3 with a much lower case processing performance. The case processing performance of Track 2 cases, which improved from 79% to 80% between FY15 and FY16, remained at the FY16 level in FY17 and FY18. The performance of Track 3 cases, which declined by one percentage point from 70% in FY15 to 69% in FY16 bounced back to the FY15 level in FY17. However, in FY18 the performance declined to 68%.

**Table C.3 Family Law Case Processing Performance by DCM Track and Termination Status, FY18**

DCM Track	Overall Terminations			Within-Standard Terminations				Over-Standard Terminations			
	N	% of Total	ACT*	N	% of WST	% of Track	ACT*	N	% of OST	% of Track	ACT*
<b>Limited Divorce Cases (24 months)</b>											
Track 0	5	2%	168	5	2%	100%	168	0	0%	0%	0
Track 1	103	36%	166	103	37%	100%	166	0	0%	0%	0
Track 2	81	28%	351	80	28%	99%	342	1	14%	1%	1,052
Track 3	99	34%	448	93	33%	94%	426	6	86%	6%	796
Track 4	0	0%		0	0%	NA	0	0	0%	NA	0
Track N	0	0%		0	0%	NA	0	0	0%	NA	0
<b>Total</b>	<b>288</b>	<b>100%</b>	<b>315</b>	<b>281</b>	<b>100%</b>	<b>98%</b>	<b>302</b>	<b>7</b>	<b>100%</b>	<b>2%</b>	<b>833</b>
<b>All Other family-law Cases (12 months)</b>											
Track 0	1,043	13%	61	1,041	14%	>99%	60	2	0%	<1%	486
Track 1	2,647	34%	179	2,512	35%	95%	164	135	28%	5%	463
Track 2	647	8%	268	517	7%	80%	218	130	27%	20%	465
Track 3	507	7%	318	335	5%	66%	230	172	35%	34%	490
Track 4	0	0%	NA	0	0%	NA	0	0	0%	NA	0
Track N	2,897	37%	107	2,847	39%	98%	100	50	10%	2%	463
<b>Total</b>	<b>7,741</b>	<b>100%</b>	<b>153</b>	<b>7,252</b>	<b>100%</b>	<b>94%</b>	<b>131</b>	<b>489</b>	<b>100%</b>	<b>6%</b>	<b>473</b>

\* ACT = Average Case Time (in days)

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

The overall case processing performance of other family-law cases reflects the composition of two groups of cases and their performance: 1) Tracks 0, 1 and N cases that account for over 80% of the total terminations and have superior performance; and 2) Tracks 2 and 3 cases that have less favorable performance. For the court to further improve its performance, a closer look at the second group of cases needs to be undertaken. Since the number of Track N terminations may continue to decline, the performance of the latter group may impact the overall performance unless the number of Track 0 terminations continues to increase.

### Case Terminations by Postponements

The postponement analysis includes hearing and trial postponements.<sup>18</sup> Of the 288 limited divorce cases closed in FY18, 90 (30%, 36% in FY17, 39% in FY16, and 35% in FY15) experienced postponements and six cases, one Track 2 and five Track 3, resulted in an over-standard termination (92% within-standard, 95% in FY17 and FY16 and 99% in FY15). Among the 198 cases terminated without postponements, all (10%) were closed within the 730-day time standard. While limited divorce cases are likely to close within the 730-day time standard with or without postponements, postponements have started impacting the overall case processing performance in recent years as the case processing performance of cases with postponements declined.

<sup>18</sup> Due to programming changes in the court's case management system in July 2013, any hearing postponements docketed prior to that date were not captured in the current data. Accordingly, the number of postponements reported may be underestimated. In fact, one of the two cases terminated over-standard without any suspensions had a postponement in May 2013.

Table C.4 presents the number, percentage and average case time by termination status and DCM Track for other family-law cases with and without postponements. Of the 7,741 originally terminated other family-law cases in FY18, 904 cases (12%) had one or more postponements (1,038 cases (13%) in FY17). Overall, 76% of these postponed cases closed within the 365-day time standard, one percentage point down from FY17. Even with postponements, 100% of cases in Track 0 closed within-standard, compared to 95% of Track N and 84% of Track 1 cases with postponements closed within-standard. For Tracks 2 and 3 cases, the percentage is substantially lower at 59% and 44%, respectively.

**Table C.4 Other family-law Case Terminations by Postponements, Termination Status, and DCM Track, FY18**

<u>Terminations With Postponements</u>										
DCM Track	Total Terminations	Overall Terminations % of Total			Within-Standard Terminations % of			Over-Standard Terminations % of		
		N	Track	ACT*	N	Track	ACT*	N	Track	ACT*
Track 0	1,043	108	10%	90	108	100%	90	0	0%	0
Track 1	2,647	271	10%	240	228	84%	195	43	16%	480
Track 2	647	156	24%	355	92	59%	255	64	41%	499
Track 3	507	172	34%	405	75	44%	256	97	56%	521
Track 4	0	0	NA		0	NA	0	0	NA	0
Track N	2,897	197	7%	212	187	95%	199	10	5%	462
<b>Total</b>	<b>7,741</b>	<b>904</b>	<b>12%</b>	<b>267</b>	<b>690</b>	<b>76%</b>	<b>194</b>	<b>214</b>	<b>24%</b>	<b>503</b>
<u>Terminations Without Postponements</u>										
DCM Track	Total Terminations	Overall Terminations % of Total			Within-Standard Terminations % of			Over-Standard Terminations % of		
		N	Track	ACT*	N	Track	ACT*	N	Track	ACT*
Track 0	1,043	935	90%	58	933	>99%	57	2	<1%	486
Track 1	2,647	2,376	90%	172	2284	96%	161	92	4%	455
Track 2	647	491	76%	240	425	87%	210	66	13%	432
Track 3	507	335	66%	273	260	78%	222	75	22%	451
Track 4	0	0	NA		0	NA	0	0	NA	0
Track N	2,897	2,700	93%	99	2660	99%	93	40	1%	464
<b>Total</b>	<b>7,741</b>	<b>6,837</b>	<b>88%</b>	<b>137</b>	<b>6,562</b>	<b>96%</b>	<b>124</b>	<b>275</b>	<b>4%</b>	<b>450</b>

\* ACT = Average case time, in days.

The bottom half of Table C.4 shows the court's case processing performance for the remaining 6,837 (88%) other family-law cases terminated without postponements. Overall, 96% of non-postponed cases were closed within-standard (98% in FY17, 97% in FY16 and 98% in FY15). In previous years, at least 98% of the cases in Tracks 0, 1, and N were closed within the 365-day time standard, meeting or exceeding the performance goal. However, in FY18, only 96% of Track 1 cases without postponements closed within the time standard. The performance of Tracks 2 and 3 cases without postponements also declined to 87% and 78% in FY18 from 89% and 83% in FY17, respectively.

As observed in the past, for contested absolute divorce cases (most of which are assigned to Tracks 2 or 3), postponements, while playing a major role in determining their case time, are not a sole factor impacting timely disposition. In total, Tracks 2 and 3 have 141 cases that resulted in over-standard terminations without any postponements (114 cases in FY17). There are also 92 and 40 such cases in Tracks 1 and N, respectively nearly threefold from FY17 (31 and 12 cases respectively). While MD Rule 2-507-related unsuccessful service and extended case inactivity may be responsible for these cases, an additional analysis is needed to confirm the observation and identify other factors possibly responsible for

cases closing over-standard without postponements. Reducing the number of over-standard terminations by eliminating 132 over-standard cases without postponements in Track 1 and Track N would have improved the overall case processing performance close to 96% in FY18. Adding those in Tracks 2 and 3 (141 cases) would have made the overall performance close to 98%.

Another possibility to improve the overall case processing performance may be to address postponements in Track 1 and N cases since, without postponements, most of the cases close within the time standard. By eliminating the 53 over-standard terminations in postponed cases in these tracks, performance would improve by a half percentage point.

In FY18, cases without postponements are likely to close within the time standard with 4% closing over-standard. With one postponement, however, the likelihood of over-standard termination increases to 17% (see Table C.5); with two postponements, the likelihood close to double, 30% of cases being closed over-standard; with 3 or more postponements, the likelihood of an over-standard termination reaches at least 50%. Among contested divorce cases (Tracks 2, 3 and 4), 17% were closed over-standard without any postponements; 39% with one postponement, over 60% with two postponements, and over 80% with three or more postponements.

**Table C.5 Other Family-Law\* and Contested Divorce Case Terminations by the Number of Postponements and Over-Standard Termination Status, FY18**

Number of Postponements	N	All Cases		Contested Divorce		
		Over-Standard Terminations		N	Over-Standard Terminations	
		N	%		N	%
0	6,837	275	4%	826	141	17%
1	637	107	17%	232	90	39%
2	201	61	30%	65	43	66%
3	32	19	59%	16	14	88%
4	20	14	70%	7	6	86%
5 or more	14	13	93%	8	8	100%
Total	7,741	489	6%	1,154	302	26%

\* Excludes limited divorce cases.

In terms of reasons for postponing court events (1,303 in total), the top three have remained unchanged over the past four fiscal years: “Calendar Conflicts” (22%, 283 of 1,303 postponement in FY18, 18% in FY17 and FY16 and 16% in FY15), “Discovery/ADR Incomplete” (21% (261 of 1,303) in FY18, 18% in FY17, 16% in FY16 and 15% in FY15), and “Letter/Line of Agreement Received” (12% (150 of 1,303) in FY18, FY17 and FY16 and 14% in FY15). In FY15 and FY16, the fourth most prevalent postponement reason was “Weather/Court Emergencies/Administrative Court Closure” (8% in FY16 and 6% in FY15) while in FY18, as well as in FY17 it was “Illness, Medical Emergency or Death” (7% (85 of 1,303) in FY18 and 6% in FY17). These top four postponement reasons accounted for 62% of all the postponement reasons in FY18 (55% in FY17). “Calendar Conflicts” and “Discovery/ADR Incomplete” are also two of the most frequently cited postponement reasons among over-standard terminations and account for 19% and 27%, respectively in FY18 (18% and 23% in FY17).

### Case Terminations by Main Charge

As observed in FY17 and FY16, over 40% (3,216 cases) of the 7,741 cases terminated in FY18 had absolute divorce as their main charge. In FY18, 20% (1,535 cases) of the cases had custody as their main charge, compared to 15% in FY17 and 13% in FY16, presumably reflecting the increased Special Immigrant Juvenile Status (SIJS)-related custody case filings. Another 11% of the FY18 cases had name

change as their main charge, followed by uniform support cases (9%) and appointment of guardian cases (7%). Combined, the cases with five charges account for almost 90% of the case terminations in FY18 (and FY17).

While less than half of the family law cases terminated over the past three fiscal years are divorce-related cases, these cases represent 80% of over-standard cases in FY17 (71% in FY16 and FY15). Because divorce cases typically involve custody/access and property/financial issues, it may be reasonable to expect some of these cases to take longer than others. As the last three columns of the table indicate, 11-12% of divorce cases result in over-standard terminations, indicating that they have a substantially higher likelihood of closing over-standard when examined by applying the original 365-day time standard to all family law cases

### **Special Immigrant Juvenile Status (SIJS) Case Processing Performance**

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

Table C.6 compares the case processing performance of two types of cases in other family-law cases – appointment of guardian (“guardianship”) and custody cases – with and without a SIJS request for FY16, FY17 and FY18.<sup>19</sup> As shown in the top portion of the table, the number of guardianship and custody cases increased by 20% from 1,615 in FY16 to 1,944 in FY18. During these three fiscal years, the number of cases with a SIJS petition (“SIJS cases”) nearly doubled from 378 to 754, increasing the percent from 23% to 39% while the number non-SIJS cases increased by less than 20. In FY16, the case processing performance of SIJS cases is substantially lower at 72% compared to non-SIJS cases (96%). While the performance of SIJS cases substantially improved to 95% and became nearly identical to that of non-SIJS cases in FY17, the performance of SIJS cases declined to 91% in FY18.

The middle and bottom portions of the table provide the number and case processing performance of guardianship and custody cases by SIJS status for the same three fiscal years. As the first column of the table indicates, the increase in the overall number of cases and that of SIJS cases are largely brought by custody cases; in particular, between FY17 and FY18, while the number of SIJS guardianship slightly decreased, that of SIJS custody cases doubled. It is equally clear that the declined performance among SIJS cases in FY18 was solely caused by that of custody cases; while the performance of SIJS guardianship cases improved from 97% in FY17 to 98% in FY18, thus meeting the performance goal, that of SIJS custody cases declined from 94% to 90%. Between FY16 and FY17, despite the increased case terminations, the performance of SIJS cases, both guardianship and custody cases, improved. Last year we attributed this improvement largely to the special assignment of judges and magistrates to hear those cases and the implementation of additional case management processes to advance the cases without delay. While this arrangement was still effective among SIJS guardianship cases in FY18, among custody cases which experienced a large increase, the performance declined. It may be worthwhile to conduct a detail review of how the court processed SIJS custody cases to identify factors that may have contributed to the decline and devise solutions to address the issues.

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<sup>19</sup> Most of SIJS cases have either custody or appointment of guardianship as a main charge. In FY16, there were seven SIJS family law cases that were neither custody nor guardianship. In FY17, there were three such cases. They are excluded from the analysis.

**Table C.6. Other-FL Case Processing Performance by SIJS Status for Custody and Guardianship Cases, FY16 - FY18\***

	Overall			SIJS			Non-SIJS		
	Total	OST†	%WST†	Total	OST	%WST	Total	OST	%WST
<b>Total</b>									
FY16	1,615	153	91%	378	106	72%	1,237	47	96%
FY17	1,766	76	96%	447	21	95%	1,243	55	96%
FY18	1,944	139	93%	<b>754</b>	66	91%	1,256	73	95%
<b>Appt. of Guardian</b>									
FY16	501	26	95%	118	22	81%	383	4	99%
FY17	554	7	99%	145	4	97%	402	3	99%
FY18	548	6	99%	142	3	98%	403	3	99%
<b>Custody</b>									
FY16	1,114	127	89%	260	84	68%	854	43	95%
FY17	1,212	69	94%	302	17	94%	841	52	94%
FY18	1,535	133	91%	<b>612</b>	63	90%	853	70	92%

\* Analysis excludes eight SIJS family law cases that are neither custody nor guardianship cases (10 in FY17 and seven in FY16).

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

### Recommendations for Montgomery County Circuit Court

- *Information Sharing:* FY18 case processing performance results will be shared with the Montgomery County Circuit Court family law bench and bar, as well as clerks and court administration staff.
- *Information Gathering:* Strengthen communication and collaboration with the Family Department, Assignment Office, Quality Control, Administrative Aides, DCM Coordinator, and Family Division Services Coordinator and Family Case Managers to identify any case processing-related issues and events that may or may not have impacted the court’s processing of family law cases.
- *Data Development:* To improve analysis of the court’s case processing performance and the identification of factors impacting performance, explore how best to create a case management data repository. The repository should include open as well as closed cases, and data elements related to hearings and trials held.
- *Analysis:* Meet with Family Division Services and the DCM Coordinator to identify analytic topics that align with department initiatives and perform additional, in-depth analyses focusing on:
  - Over-standard terminations without postponements – Identify possible factors that contributed to the cases closing over-standard. Review the progress of these cases in relation to the Family DCM plan and identify at which point(s) their performance begins to falter.
  - Tracks 2 and 3 cases – Perform an additional analysis of over-standard cases in Tracks 2 and 3 and identify possible interventions to improve their case processing performance.
  - Postponed Track 1 and N cases – Explore the factors and circumstances that contributed to these cases closing over-standard.
  - Continue monitoring/reviewing the processing of SIJS and One-Family-One-Judge (1F1J) cases.

### Recommendations for the Case Management Sub-Committee

- *Developing a Working Group to Perform Additional Analyses and Inform Case Management.* Establish a working group to develop a statistical reporting guide that assists courts in their efforts to monitor case processing, workload, case management, and court operations performance. The guide will: 1) identify Odyssey and dashboard reporting tools available to support routine analyses of case and court performance; 2) describe how to review and discuss results across these different metrics and over time; 3) suggest a more detailed analyses, in particular by DCM track, case type and/or main charge (causes of action), to review and analyze performance results; and 4) offer templates to translate results into tables and graphics that clearly explain the performance results for court users.

*Recommendations for Working Group Initiatives-Future Statewide Performance Analyses*

- It is recommended that the subcommittee request Court Operations Department to initiate a focused analysis of case processing performance of cases with heavy judicial involvement such as divorce and custody cases and cases with additional complexities such as SIJS matters. Analyzing case processing performance of these cases also aligns with the existing national standards such as the Model Time Standards.<sup>20</sup>
- It is recommended that the subcommittee develop a working group to examine the feasibility of analyzing the impact of attorney representation at the time of case disposition on courts in terms of case processing performance and court resources. This recommendation was submitted last year, and Court Operations Departments was requested to investigate if Odyssey has any relevant reports available.

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<sup>20</sup> Van Duizend, R, Steelman, D and Suskin, L. 2012. Model Time Standards for State Trial Courts. National Center for State Courts, Williamsburg, VA.

## Juvenile Delinquency Case Processing Performance

This section provides Montgomery County Circuit Court's FY18 case processing performance for juvenile delinquency cases. This section also contains analyses of hearing and trial postponements and recommendations for the court and for the Maryland Judiciary's Case Management Subcommittee. The table below displays the court's historical case processing performance and additional metrics related to case progress.

### D. Juvenile Delinquency Case Processing Definitions and Summary

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

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

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

† For CY2001-CY2003 and FY2005-FY2009, the additional measures were calculated based on a random sample except for the average case processing time. From FY2010 through FY2018, the additional measures were calculated using the full population of juvenile delinquency case terminations. For the additional measure "Filing to Case Stop" suspension time was subtracted from the raw case time (where appropriate). For the other additional measures, suspension time was not excluded.

## Overall Juvenile Delinquency Case Terminations

In FY18, the Montgomery County Circuit Court reached disposition in (or otherwise closed) 704 juvenile delinquency cases, reflecting a 21% decrease from the 894 terminations in FY17. This decrease contrasts the increase in delinquency terminations since FY14. Between FY14 and FY17, case terminations increased by over half (51%). Original delinquency filings also increased during that time by 43% from 669 to 960. Between FY17 and FY18, delinquency filings decreased by 19% from 960 to 774.

The Maryland Judiciary's time standard and performance goal for juvenile delinquency cases is to reach disposition within 90 days of the first appearance of the respondent or an entry of appearance by respondent's counsel in at least 98% of the fiscal year's delinquency terminations. In FY18, juvenile delinquency case processing performance reached 97%. For the court to meet the case processing performance goal of 98%, an additional 9 cases in FY18 would need to close within the 90-day time standard. Among the cases closed over-standard in FY18, this would mean that cases with processing times between 91 and 105 days would need to be addressed.

**Table D.1 Number of Juvenile Delinquency Case Terminations and Processing Performance, FY04-FY18**

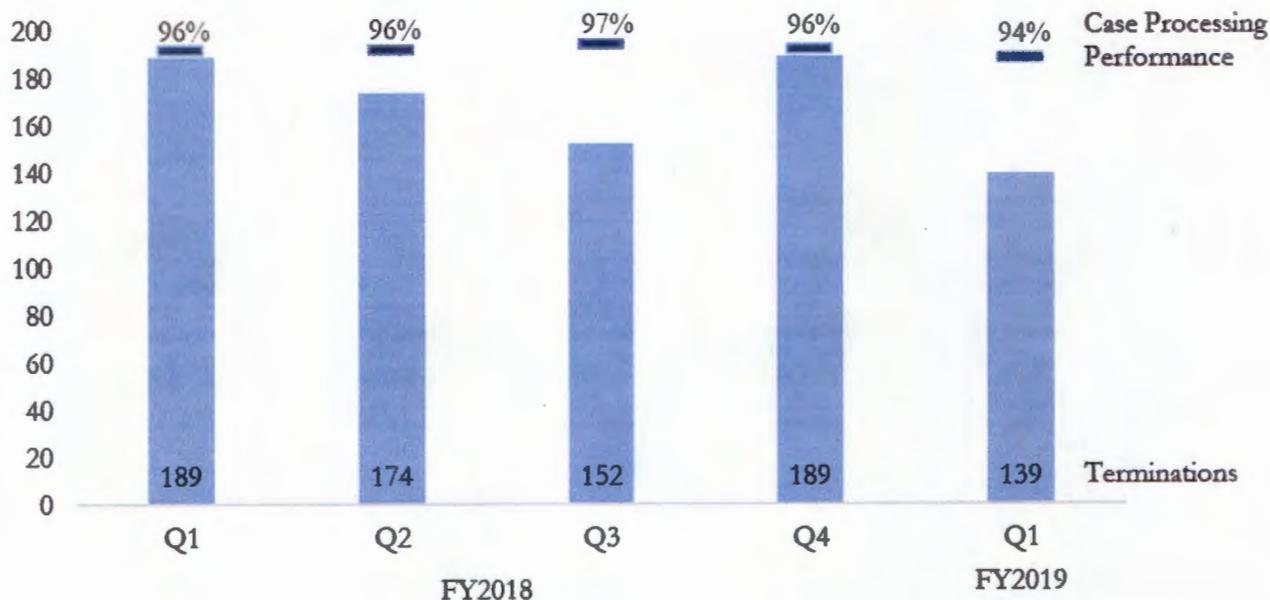
Fiscal Year	Terminations		Within-Standard Terminations 3-month (90 days) Standard			Over-Standard Terminations 3-month (90 days) Standard		
	N	ACT*	N	% of Total	ACT*	N	% of Total	ACT*
FY04	1,521	43	1,490	98%	39	31	2%	198
FY05	1,431	40	1,416	99%	39	15	1%	122
FY06	1,651	40	1,634	99%	39	17	1%	143
FY07	1,485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

\* ACT = Average Case Time

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

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

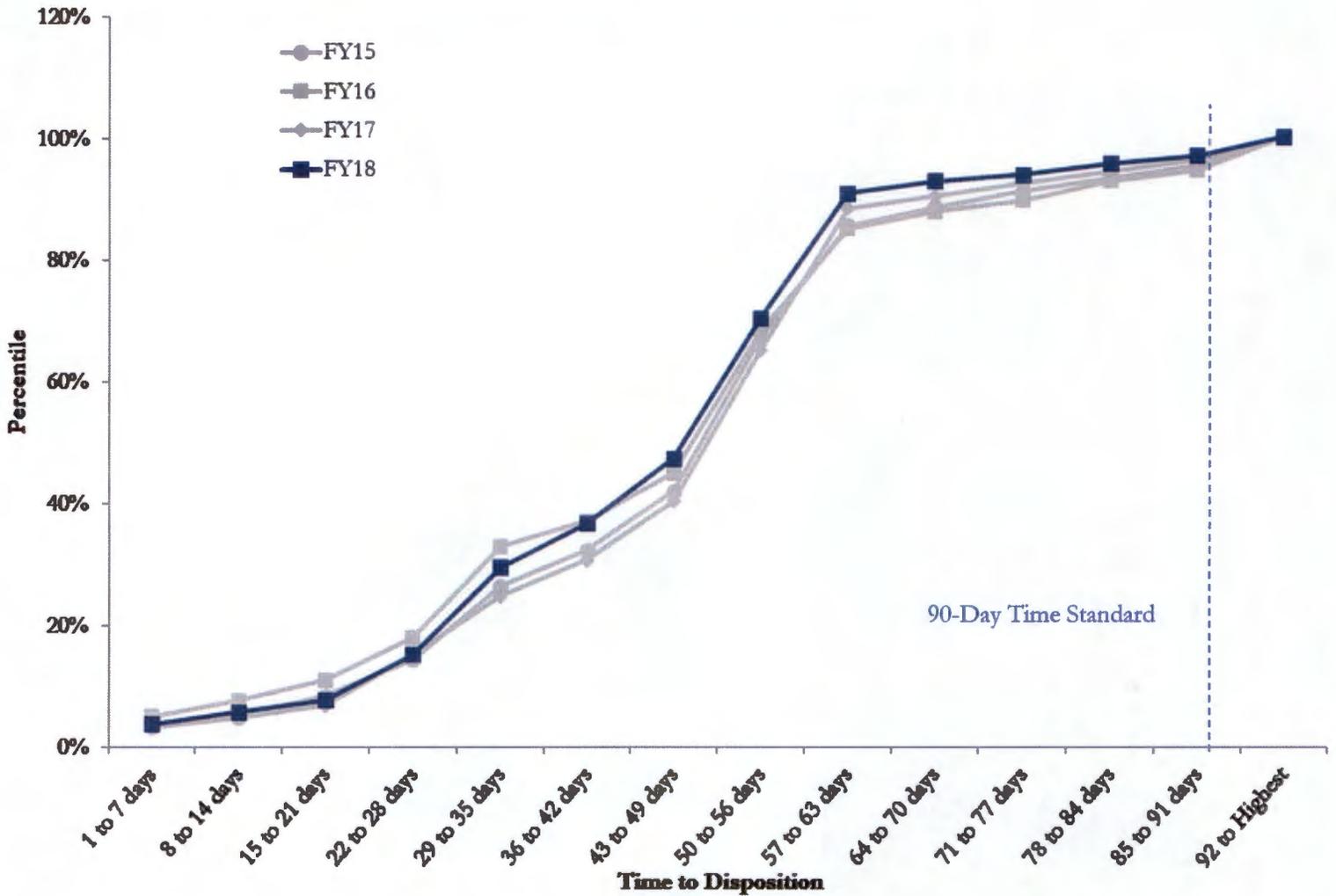
Figure D.1 Case Processing Performance by Quarter, FY18-FY19 (Q1)



Quarterly case processing performance across FY18 remained rather stable hovering around 96%. Over the past five fiscal years, juvenile delinquency annual performance reached 95-96% in all fiscal years except FY14 (92%). The overall average case processing time (ACT) for FY18 delinquency terminations is 48 days, which is comparable to FY17 and FY16 and slightly improved from FY15 (52 days). The within-standard ACT improved from 47 to 45 days between FY17 and FY18 and the ACT for over-standard cases decreased from 131 to 120 days. A preliminary analysis was performed of juvenile delinquency cases that reached disposition or otherwise closed (e.g., due to a dismissal) within the first quarter of FY19 (July 1, 2018-September 30, 2018). Of the 139 cases that reached case stop, 94% closed within the 90-day time standard (n = 130).

Figure D.2 displays the cumulative percentage of cases closed within defined time periods. Compared to FY17, a higher percentage of juvenile delinquency cases closed across each of the time period categories displayed. The FY18 termination profile lagged behind that of FY16 up until the 43-49 day range at which point 47% of FY18 delinquency cases closed compared to 45% of FY16. At that time, the FY18 termination profile exceeded that of FY16 and FY17 by closing a greater percentage of cases at each time segment.

Figure D.2 Termination Profiles of Juvenile Delinquency Cases, FY15-FY18



### Case Terminations by DCM Track

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

Track 1: Delinquent detention/shelter care

Track 2: Delinquent non-detention

Table D.2 provides the number of delinquency cases closed by termination status (within- and over-standard) and DCM track. The majority (88%) of juvenile delinquency cases are associated with Track 2 (non-detention) at the time of disposition (or case closure) with the remaining associated with Track 1 (detention).<sup>21</sup> On average, Track 2 cases have a longer overall average case time (49 days) than Track 1 cases (39 days), which is consistent with the statutory disposition timelines for each of the detention statuses (44 days for detained respondents and 90 days for respondents in a non-detained status).

<sup>21</sup> Differentiated Case Management Track Assignment does not change post-Adjudication.

Among Track 1 delinquency cases, 95% closed within the 90-day time standard compared to 97% of Track 2 delinquency cases. Both Tracks fell below the Maryland Judiciary's case processing performance benchmark. However, Track 2 cases improved in their performance from 96% in FY17 to 97% in FY18. Given that juvenile delinquency case processing performance largely hinges upon how the court processes its Track 2 cases, an improvement in Track 2 cases will likely improve performance overall.

**Table D.2 Juvenile Delinquency Case Terminations by Termination Status (Within or Over the 3-month Standard) and Track, FY18**

DCM Track	Overall Terminations			Within-Standard Terminations				Over-Standard Terminations			
	N	% of Total	ACT*	N	% of WST*	% of Track	ACT*	N	% of OST*	% of Track	ACT*
Track 1	87	12%	39	83	12%	95%	36	4	17%	5%	117
Track 2	617	88%	49	598	88%	97%	46	19	83%	3%	120
Total	704	100%	48	681	100%	97%	45	23	100%	3%	120

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

### Case Terminations by Postponements

The postponement analysis reflects cases with at least one hearing or trial postponement. In FY18, 46% of disposed delinquency cases had a least one postponement compared to 53% in FY17; 46% in FY16 and FY14 and 50% in FY15. Of the FY18 postponed cases, 94% closed within the 90-day time standard. Cases without postponements met the performance goal by closing 99% within the time standard. While the presence of a postponement does not guarantee a case closing over-standard, Track 1 and 2 cases without postponements almost always met the performance goal.

**Table D.3 Juvenile Delinquency Case Terminations by Postponements, Termination Status (Within or Over the 3-month Standard), and Track, FY18**

DCM Track	Total Terminations	With Postponements								
		Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
		N	% of Total	ACT*	N	% of Track	ACT*	N	% of Track	ACT*
Track 1	87	51	59%	47	47	92%	41	4	8%	117
Track 2	617	270	44%	57	254	94%	53	16	6%	123
Total	704	321	46%	56	301	94%	51	20	6%	122
DCM Track	Total Terminations	Without Postponements								
		Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
		N	% of Total	ACT*	N	% of Track	ACT*	N	% of Track	ACT*
Track 1	87	36	40%	30	36	100%	30	--	--	--
Track 2	617	347	57%	42	344	99%	41	3	1%	103
Total	704	383	54%	41	380	99%	40	3	1%	103

\* ACT = Average case time, in days.

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

Among FY18 postponed delinquency cases, 62% (FY17: 55%; FY16: 63%) were postponed once; 25% (FY17: 30%; FY16: 24%) twice; and 12% (FY17: 16%; FY16: 13%) three or more times. Eighty-seven percent of the over-standard juvenile delinquency cases were postponed. Seventy-five percent (15/20) of the over-standard, postponed delinquency cases had two or more postponements (pre-adjudication,

adjudication, and/or disposition), whereas 35% of within-standard postponement cases had two or more hearing postponements.

The primary reason for postponing a case is “Calendar Conflicts” (43% overall; 29% among over-standard cases). Other reasons for postponing cases include: “Discovery/ADR Incomplete and/or Discovery Disputes/Additional Time Needed to Prepare” (10% overall; 12% among over-standard cases); “Reports and Evaluations Not Completed/Re-Evaluation Ordered” (8%; 12% among over-standard cases); and “Due to Preliminary Matters” (4% overall; 12% among over-standard cases).

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

**Table D.4 Juvenile Delinquency Track 2 Cases by Termination Status containing a Disposition Finding (N = 337), FY18**

Termination Status	N	Time to Adjudication		Time to Disposition	
		(in days)		(in days)	
		Mean	Median	Mean	Median
Over-Standard	19	57	56	63	57
Within-Standard	318	47	52	4	1
Total	337	48	52	7	1

The focus of this supplemental analysis is on 337 of the 617 Track 2 delinquency cases that had a disposition of ‘found delinquent’ or ‘found not delinquent’.<sup>22</sup> For these cases, the average and median times between case start and the adjudication (Time to Adjudication) and between the adjudication and disposition (Time to Disposition) were calculated. According to Maryland Rule 11-114(b)(1), an adjudication for non-detained respondents shall be held within 60 days after the preliminary inquiry. Disposition for non-detained respondents is to occur no later than 30 days after the conclusion of the adjudication hearing (Maryland Rule 11-115(a)). As shown in Table D.4, the average time to adjudication is 48 days (Median = 52 days) and the average time to disposition is 7 days (Median: 1 day). Among the cases closed within the time standard, the average time to adjudication is close to the overall average and the time to disposition is less than half the overall average at 4 days. In contrast, over-standard cases reached adjudication in 57 days on average, which is within the recommended time guideline of 60-days and reached disposition in 63 days from adjudication, which is more than double the 30-day time guideline.<sup>23</sup> In fact, only one of the 19 over-standard Track 2 delinquency cases failed to meet the 60-day adjudication guideline; however, 18 (95%) fell short of the 30-day disposition time guidelines. Cases closing over-standard have a higher percentage of respondents being found Not Delinquent at disposition (53%; 10/19) than cases closing within-standard (14%; 46/318).<sup>24</sup> This supplemental analysis in addition to a review of the over-standard Track 2 delinquency cases is to support currently ongoing discussions about improvement opportunities that may exist in juvenile case processing.<sup>25</sup>

### Recommendations for Montgomery County Circuit Court

- *Information Sharing.* FY18 case processing performance results will be discussed with Montgomery

<sup>22</sup> The median and average case processing times of the remaining 280 Track 2 cases with no disposition finding are 45 and 42 days, respectively. All cases were closed within the 90-day time standard.

<sup>23</sup> It is important to note that the supplemental and preliminary analysis conducted did not exclude time associated with extraordinary cause or good cause postponements, which are recognized by the Maryland Rules. However, the analysis does exclude time associated with Maryland time standard suspension events.

<sup>24</sup> Please note the small number of over-standard cases (N=19) compared to within-standard cases (N=318).

<sup>25</sup> Family Division Services in collaboration with research staff and juvenile clerks performed a qualitative review of all over-standard, Track 2 delinquency cases as well as over-standard CINA cases and provided the analysis to the Family Judge In-Charge.

County Circuit Court personnel. The court may also want to share juvenile performance results with justice stakeholders including the Department of Juvenile Services and collaborate on the identification of possible improvement initiatives.

- *Data Review.* Coordinate with the Family Division Services Coordinator, Deputy Family Division Services Coordinator, and Supervising Family and Juvenile Case Manager on the review of over-standard, Track 2 juvenile delinquency cases to identify possible case management improvement opportunities.
- *Data Reports.* Discuss with the Family Division Services Coordinator, Deputy Family Division Services Coordinator, and Supervising Family and Juvenile Case Manager the types of case processing performance analyses that they would find most useful to inform case management.

### **Recommendations for the Case Management Subcommittee**

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

## Child Welfare Case Processing Performance

This section provides Montgomery County Circuit Court's FY18 case processing performance for child welfare cases. This section also contains analyses of hearing and trial postponements and recommendations for the court and for the Maryland Judiciary's Case Management Subcommittee. The table below displays the court's historical case processing performance and additional metrics related to case progress.

### E. Child Welfare Case Processing Definitions and Summary

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

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

## Child in Need of Assistance (CINA) Case Processing Performance

In FY18, 197 child in need of assistance (CINA) cases had their adjudication hearing held (or otherwise reached the qualifying case stop event), including 152 CINA shelter cases and 45 CINA non-shelter cases. The state-defined time standard for CINA shelter cases is 30 days from the date when the petition for continued shelter care is granted to the date when the adjudication hearing is held (i.e., started, not completed). The time standard for CINA non-shelter cases is 60 days from service of the parent(s), guardian(s), and/or custodian to the date when the adjudication hearing is held (i.e., started, not completed). The Maryland Judiciary's performance goals for CINA shelter and non-shelter cases are that all cases reach the identified stop event (adjudication or dismissal) within their respective time standards.

### *CINA Shelter Case Processing Performance*

Montgomery County Circuit Court's CINA shelter case processing performance reached 99% in FY17, which was the highest achieved by the court since monitoring performance against the Maryland Judiciary's time standard. The number of over-standard cases reduced from 52 cases in FY15 to 2 cases in FY17. In FY18, the performance declined to 95% as the number of over-standard cases increased to 8. However, the overall average case time (ACT) for within-standard cases, and over-standard cases for FY18 are 22 days, 21 days, and 50 days, respectively, all of which are shorter than FY17 and among the shortest since FY05, underscoring the impact of juvenile postponement policy implemented in September 2015.

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

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

\* ACT = Average Case Time (in days)

The recent improvements in CINA shelter case performance is attributed to modifications made to the juvenile postponement policy implemented in September 2015 (see Figure E.1). The within-standard percentage increased immediately following the implementation of the revised postponement policy from 63% in FY16, Q1 to 72% in FY16, Q2. The performance improved as newly filed CINA shelter cases were managed under new the policy, and by FY16, Q4 it reached 98%. In Q3, FY18 the performance declined to 89% but bounced back to 97% in Q4, FY18.

**Figure E.1. CINA Shelter – Number of Closed cases and Case Processing Performance by Quarter, FY15, Q4 - FY18**

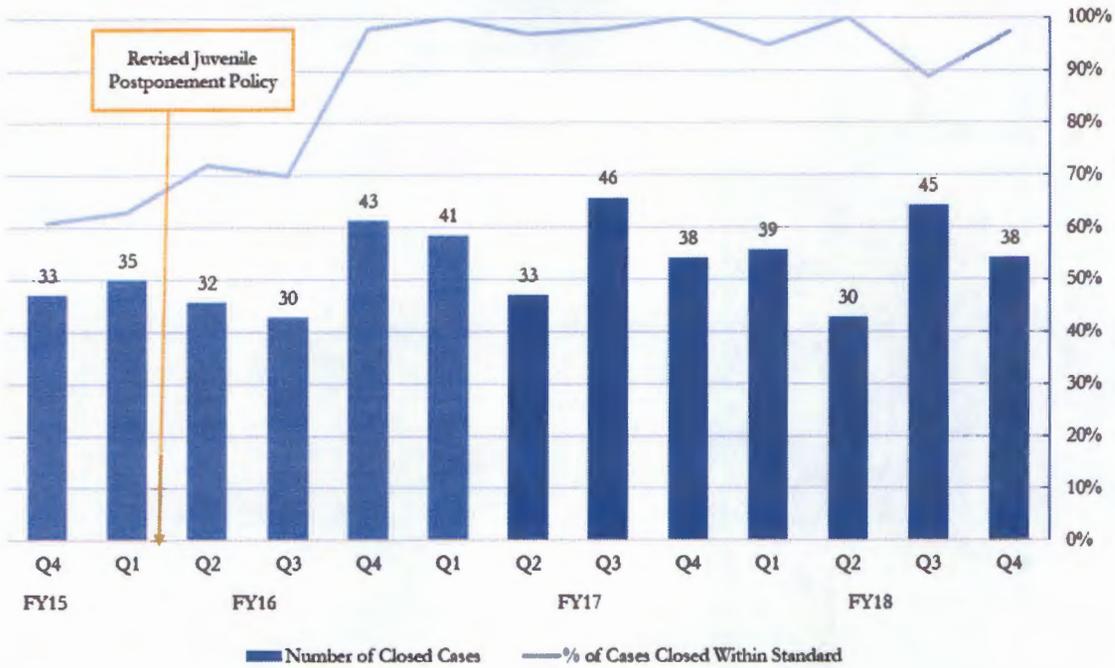


Figure E.2 CINA Shelter Resolution Profiles, FY15-FY18

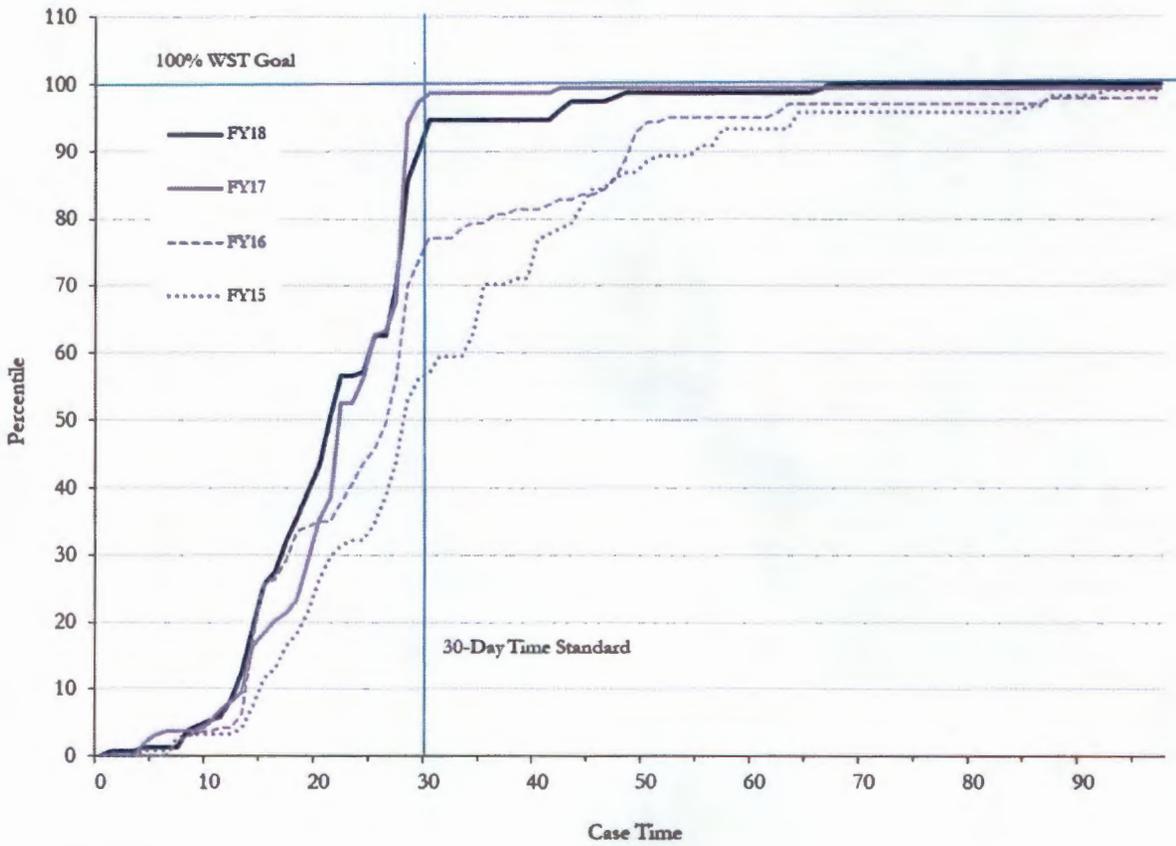


Figure E.2 provides the resolution profiles of CINA shelter cases from FY15 to FY18. The profiles reflect the cumulative percentages of cases that reached adjudication by day. The profiles for FY17 and FY18 highlights the improved case management by encouraging early case resolution between 15<sup>th</sup> and 25<sup>th</sup> day. By day 25, while only 35% were disposed in FY15 (46% in FY16), over 60% of the cases were disposed in FY17 and FY18. This gap remains unchanged by day 30, resulting in the improved percent of cases closed within the 30-day time standard in FY17 and FY18.

### CINA Shelter Case Terminations and Postponements

The postponement analysis is based on both hearing and trial (adjudication hearing) postponements. While adjudicatory postponements have a direct impact on case processing performance, multiple non-adjudicatory hearing postponements may result in postponing the adjudicatory hearing, thus impacting the case time. In FY18, 61% (92 of 152 cases) had at least one postponement (62% in FY17, 61% in FY16 and 80% in FY15). Of the postponed cases, 62% had one hearing postponement (70% in FY17, 52% in FY16, 44% in FY15), 28% had two (26% in FY17, 38% in FY16, 41% in FY15), and 9% had three (4% in FY17, 3% in FY16, 9% in FY15). In FY15 and FY16, 5-6% of cases had four or five postponements whereas in FY17 no case had four or more postponements and in FY18 there was only one case. As shown in Table E.2 (see below), all CINA shelter cases without postponements closed within the 30-day standard. Among the postponed cases, 91% in FY18 closed within the 30-day time standard compared to FY17 when 98% of the postponed cases closed within the standard. However, the FY17 and FY18 percentages contrast with the results from FY16 and FY15 when only 63% and 46%, respectively of postponed CINA shelter cases closed within the standard.

While the percentage of cases with at least one postponement is comparable among FY16, FY17 and FY18 (61%, 62% and 81% respectively), the percentage of cases postponed once that are over-standard has dramatically improved over the past three fiscal years. Cases with one postponement closing over-standard reduced from 42% in FY16 to 3% in FY17 and to 2% in FY18. These reductions underscore the court's effective postponement management that aims toward within-standard case disposition while allowing events to be postponed instead of unilaterally denying requests for postponements.

**Table E.2 CINA Shelter Case Terminations by Postponements and Termination Status (Within or Over the 30-day Standard), FY18**

Postponement Status	Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
	N	%	ACT*	N	% of Overall	ACT*	N	% of Overall	ACT*
With Postponements	92	61%	24	84	91%	21	8	9%	50
Without Postponements	60	39%	20	60	100%	20	---	---	---
<b>Total</b>	<b>152</b>	<b>100%</b>	<b>22</b>	<b>144</b>	<b>95%</b>	<b>21</b>	<b>8</b>	<b>9%</b>	<b>50</b>

\* ACT = Average Case Time (in days)

Among CINA shelter cases with postponements reported in FY18, the most frequently cited postponement reasons are “System-Generated Initial Trial Date Not Conformed to Counsels’ Availability” (64 of 137 postponements, 47%), “Calendar Conflicts” (30, 22%) and ‘Party(s) Not Present’ (11, 8%). In FY17, “Calendar Conflicts” was the most frequently cited reason (42%), followed by “System-Generated Initial Trial Date Not Conformed to Counsels’ Availability” (36%). In FY17, no postponed over-standard cases have “Calendar Conflicts” reason; in FY18, however, 30% of the postponements with this reason resulted in over-standard case termination. In FY17, one of the two over-standard cases have “System-Generated Initial Trial Date Not Conformed to Counsels’ Availability” as its postponement reason, and the other “Discovery/ADR Incomplete and/or Discovery Disputes/Additional Time Needed to Prepare”. In FY18, the former was associated with one over-standard case, and the other with none.

### *CINA Non-Shelter Case Processing Performance*

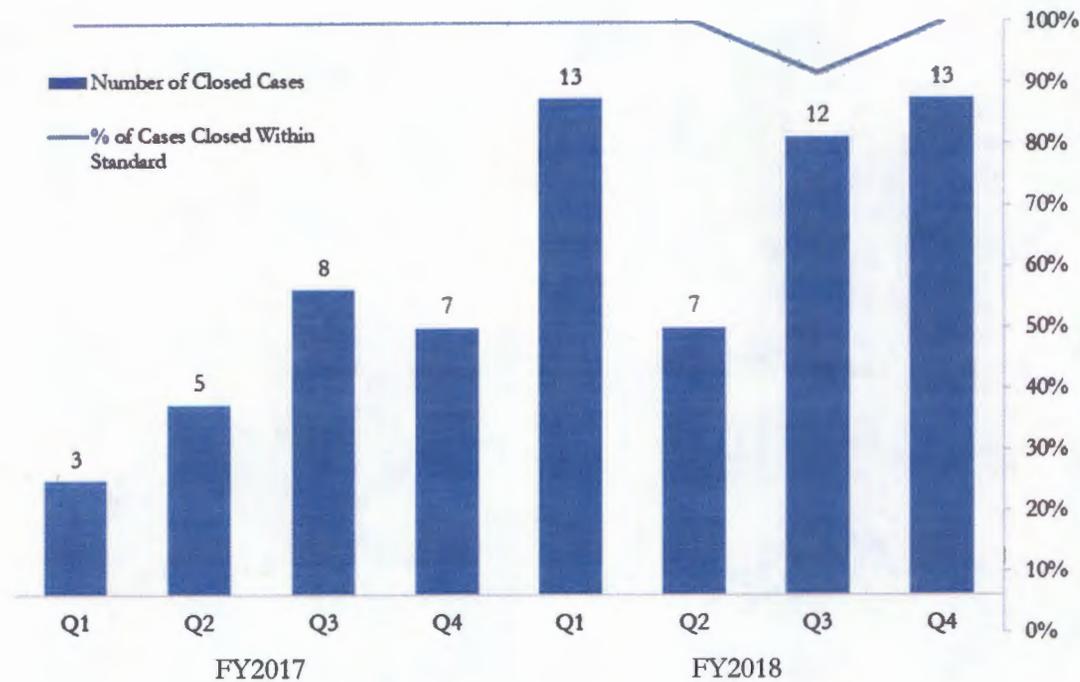
Table E.3 displays the case processing performance for CINA non-shelter cases between FY05 and FY18. The within-standard percentage for CINA non-shelter cases was 100% in FY17. In FY18, with one over-standard case, the performance slightly declined to 98%. The average case time is 33 days for FY18 compared to 32 days in FY17, 40 days for FY16 and 33 days in FY15. However, we note that between FY17 and FY18, the number of terminations nearly doubled from 23 to 45. The FY18 performance is nearly identical to that of FY15 when the court disposed all of 45 cases within the 60-day time standard.

**Table E.3 Number of CINA Non-Shelter Case Terminations and Processing Performance, FY05-FY17**

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

\* ACT = Average Case Time (in days)

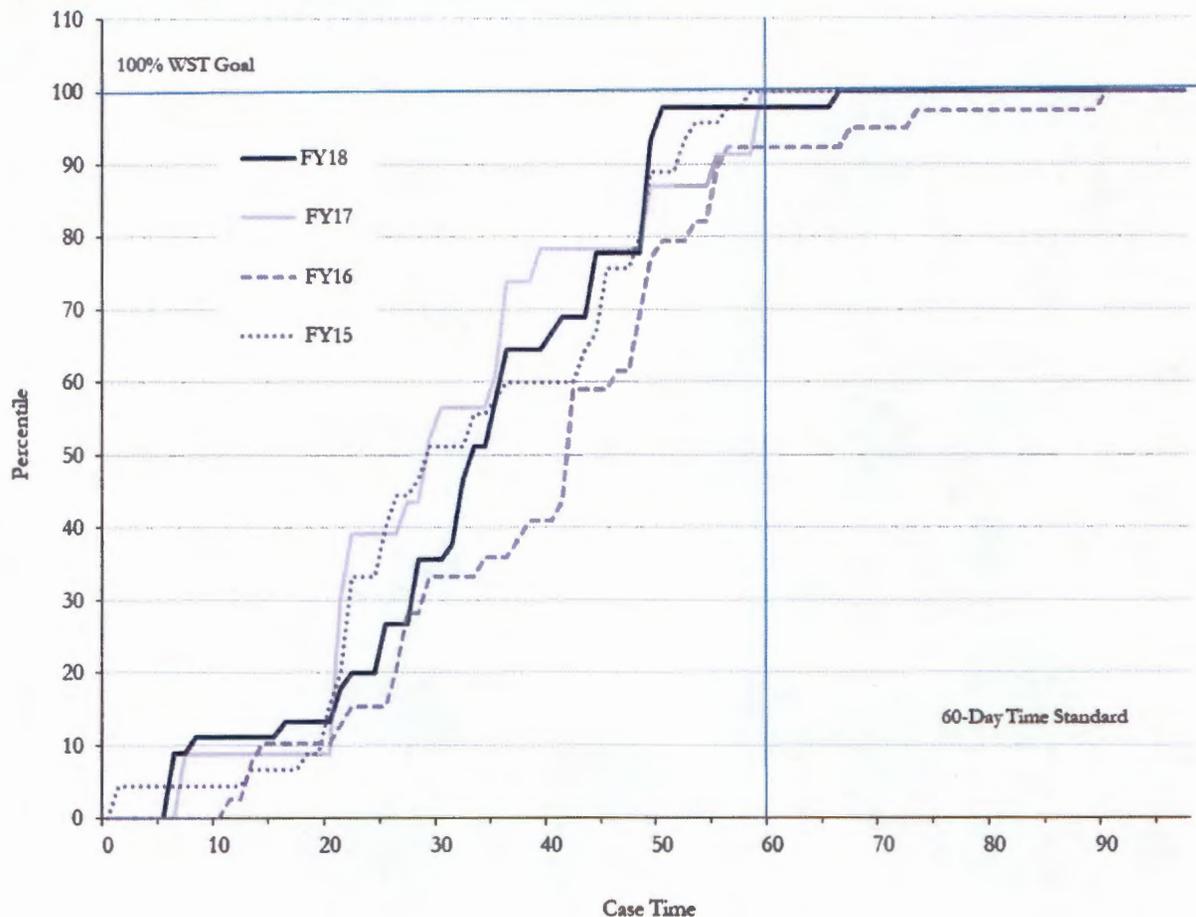
Figure E.3. CINA Non-Shelter Case Processing Performance by Quarter, FY17 and FY18



Analysis of CINA non-shelter performance by quarter for FY18 (see Figure E.3) shows the court's continued, high performance regardless of the number of case terminations though the court had one over-standard case termination in Q3, 2018. These recent year's quarterly performance, combined with the court's annual performance of CINA Non-Shelter cases since FY05, suggest that the caseload size may not be the critical factor determining the court CINA Non-Shelter case processing performance.

Figure E.4 compares the resolution profiles of CINA Non-Shelter cases for FY15-FY18. The difference in case processing between FY16 (92%) and FY15 and FY17 (100%) became apparent between days 20 and 25; whereas in FY15 and FY17, close to 40% of the cases were already terminated by day 25, only 15% were terminated. Similarly, in FY18, only 20% of the cases were terminated by day 25. However, in FY18, the court was able to process nearly 30% of its entire caseload between days 30 and 40, bringing up the percent of cases closed to the FY15 and FY17 level of 65%. Thus, the FY18 resolution profile is unique in two ways. First, from day 22 to day 30, its profile resembles that of FY16; on day 30 36% of the cases were closed in FY18, close to 33% in FY16 but far less than FY15 (51%) and FY17 (57%). Second, however, the court was able to process a substantial portion its caseload within a week; by day 36, 64% of the cases were terminated in FY18, exceeding the FY15 performance (60%) but lower than FY17 (74%). By day 48, the FY18 performance caught up with FY17 (80%) and surpassed it by day 50, closing all but one case, which was closed on day 66.

**Figure E.4 CINA Non-Shelter Resolution Profiles, FY15-FY18**



**CINA Non-Shelter Case Terminations by Postponements**

In FY18, 62% (28 of 45 cases, 39% in FY17) of CINA non-shelter cases had at least one postponement, and all but one closed within the 60-day time standard. Of the 28 postponed cases, 43% (12 cases) had one postponement and another 36% (10 cases) had two postponements. Of the remaining 6 cases, all but five had four postponements, one of which resulted in an over-standard termination. The average case processing time for postponed non-shelter cases is 36 days compared to 29 days for those with no postponements (in FY17, they were 37 days and 28 days, respectively). The most frequently cited postponement reason across all postponements (n = 27) is “Computer Generated Trial Date Not Conformed to Counsels’ Availability” (49%, 27 of 55, 47% (7 of 15) in FY17) followed by “Calendar Conflicts” (22%, 12 of 55, 33% (5 of 15) in FY17).

## Termination of Parental Rights (TPR) Case Processing Performance

Table E.4 provides the number and performance of TPR cases that had their final order of guardianship entered or otherwise reached case stop between FY05 and FY18. The overall FY18 case processing performance for TPR cases mirrors the performance achieved since FY14. Montgomery County Circuit Court met the performance goal for TPR cases, terminating all (100%) cases within 180 days of filing. The overall, average case time is 133 days in FY18, 6 days shorter than FY17 (139 days).

**Table E.4 Number of TPR Case Terminations and Processing Performance, FY05-FY18**

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

\* ACT = average case time (in days)

Achieving compliance with Family Law section 319(a)(1)<sup>26</sup> underscores the value that the court places on demonstrating efficient and effective case management principles. A key component to the court's effective management of TPR cases is the use of mediation, which is ordered following the scheduling conference. According to the court's Family Division Services, during FY18, 29 TPR cases were scheduled for mediation and 26 cases proceeded. Of the 26 mediated cases, 12 (46%) reached a full or partial agreement.

### TPR Case Terminations by Postponements

In FY18, 81% of TPR cases (26 of 32) had at least one postponement compared to 67% (29 of 43) in FY17, 35% in FY16 (2 of 23) and 52% in FY15 (14 of 27). Despite having as many as three postponements, all FY18 cases closed within the 180-day time standard. The average case processing time for postponed TPR cases is 138 days, compared to 111 days for TPR cases with no postponements. Of the 26 postponed cases in FY18, 50% had two postponements, and 46% had one postponement. The most frequently cited postponement reasons are "Computer Generated Trial Date Not Conformed to Counsels" (37%, 15 of 41 postponement reasons), followed by "Calendar Conflicts" and "Party(s) Not Present" (both 22%, 5 of 41).

### Recommendations for Montgomery County Circuit Court

<sup>26</sup> The Family Law section allows for the postponement of the TPR trial for good cause shown as determined by the Administrative Judge or his/her designee.

- *Information Sharing.* FY18 case processing performance results will be communicated to the Montgomery County Circuit Court juvenile bench and juvenile bar, as well as clerk and administrative personnel. The court may want to share child welfare performance results with justice stakeholders including Department of Health and Human Services and collaborate on the identification of possible improvement initiatives.
- *Analysis.* With such short statutorily defined time guidelines, ongoing monitoring of active and recently closed child welfare cases is critical. The court should continue its quarterly analysis of case processing performance to provide close-to-real time feedback to the Family Judge-In-Charge, the Family Division Services, and other court staff involved in managing child welfare cases to identify and address any issues. Coordination and collaboration with the Family Judge-In-Charge, the Family Division Services Coordinator, Deputy Family Division Services Coordinator, Permanency Planning Liaison, and Supervising Family and Juvenile Case Manager will continue to ensure data is available and accessible to inform case progress and the development of improvement initiatives (as needed).

### **Recommendations for the Case Management Sub-committee**

- *Recommendations for Working Group Initiatives-Future Statewide Performance Analyses.* Since a large portion of the court's case processing activity related to child welfare cases occurs post-adjudication, it is recommended that the subcommittee establish a working group or coordinate an initiative with the AOC's Department of Juvenile and Family Services (DJFS) to expand the analysis of child welfare case processing performance.
  - The DJFS has been collecting and reporting on post-adjudication child welfare timeliness measures for several years. With their interest in engaging courts in this reporting, the time may be ripe to coordinate statewide discussions drawing upon the lessons learned from the annual case assessment analysis.
  - Working with the AOC Court Operations Department and JIS, the DIJS may want to review the Enterprise Custom Reports (ECRs) available from Odyssey for its accuracy in data capture and calculation of metrics. The department may also want to provide circuit courts with a list of Odyssey codes used to capture key events in child welfare cases and calculate time between those events.

## Appendix A. AOC-Court Operations Applications-Related Items

As the court engages in MDEC conversion and development activities, opportunities are created to participate in statewide dialog about Odyssey case event creation and reporting. Frequently this dialog links to aspects of caseload management. The following are applications-related items that may be of interest to AOC-Court Operations as they create/review Odyssey case events, develop Enterprise Custom Reports (ECRs), and continue to support local courts' case management efforts.

- General. Establish a working group to provide Odyssey code cross-walks for all case management related Enterprise Custom Reports (ECRs) and/or Odyssey canned reports similar to the time standards Quick Reference Guides (<http://courtnet.courts.state.md.us/circuit/qrg.html#time>) so that courts have a clear understanding of how the reports are pulling information from Odyssey.
- Civil-General. Clarify in the Circuit Courts Caseload Assessment Training Guide that Odyssey case event 'Demand for Arbitration' (DARDA) is to be used only when the court has granted a stay/order for non-binding arbitration. Encourage courts to document the recommended use of this case event in local, civil business process manuals. {Note: A discussion about the referenced case event was raised during a MDEC-MCCC Dev Integrations Meeting with Lisa Preston.}
- Civil-Foreclosure. Recommend adding the date of FOMAC-Foreclosure Mediation – Agreement Contingent Future Events as a viable suspension end for 'Foreclosure Mediation Outcome Date'. {Note: A discussion about the referenced case event was raised during a MDEC-MCCC Dev Integrations Meeting with Lisa Preston.}
- AOC-COD: Civil B&T Reporting. The court annually reports Business and Technology (B&T) statistics for the Maryland Judiciary as well as uses that information to inform local B&T (as well as ASTAR) case management. The following case events were created to support MDEC conversion:
  - Request-B/T track assignment: Case Event REQBT
  - Order-B/T track assignment: Case Event ORDBT
  - Request-ASTAR track assignment: Case Event REQTA
  - Order-ASTAR track assignment: Case Event ORDTA

These Odyssey case event codes were obsolete. To support this annual reporting to the AOC, the court uses the 'Request-B&T' and 'Order-B&T' docket codes. Unless an ECR currently exists (and is not created from case events), the referenced case events may be necessary in production to support future reporting of this information. {Note: A discussion about the referenced case events/AOC reporting was raised on the conversion log (state SharePoint site) used for Phase I MCCC code mapping with Toba Owonubi.}

- Juvenile Delinquency: The local court performance supplemental juvenile delinquency performance analysis based on the findings achieved at the adjudication hearing and the disposition hearing. In particular, the following case event codes were created for MDEC conversion mapping purposes:
  - Outcome: Found Delinquency; Case Event OUTFD
  - Outcome: Found Not Delinquent; Case Event OUTFN
  - Outcome: Found Involved; Case Event OUTFI
  - Outcome: Found Not Involved; Case Event OUTNI

The found involved/found not involved findings at adjudication in juvenile delinquency cases are similar to the active Odyssey case events Facts Sustained (HOFTS)/Facts Not Sustained (HOFNS) used at adjudication for child welfare cases. It may be necessary to create active Odyssey case event codes to extract these juvenile delinquency findings to support local court analyses unless data is

available through other Odyssey modules (outside of events).

- Juvenile Delinquency. (*JIS Service Now Ticket: INC0218024*): A discussion occurred at the October 16, 2018 MDEC Event Code Review Workgroup regarding the juvenile predisposition treatment program order/outcome codes to support the statewide juvenile delinquency time standards. The JIS Service Now Ticket includes the UCS codes that were previously used to capture the start (JPTO)/end suspension dates (JPTU, JPTS). There is an interest in creating the Odyssey codes that align with: JPTO; JPTU; and JPTS. The incident requires a change request, which will be provided by AOC-Court Operations. {This item has been discussed as part of the AOC-COD MDEC case event workgroup.}