

MONTGOMERY COUNTY CIRCUIT COURT

FEBRUARY 2013

Measuring the Length of the Temporary Protective Order Process for Montgomery County Family Justice Center Petitioners and In-Person Circuit Court Petitioners

In July 2012, the Maryland Judiciary’s Administrative Office of the Courts completed an evaluation of a pilot program of ex parte temporary protective order (TPO) video-conference hearings at Montgomery County Circuit Court and the District Court Rockville location. One of the recommendations of the report was to explore changes to the TPO process associated with video-conferencing to make the petitioners’ wait times shorter and more predictable. As a preliminary step to address this recommendation, the circuit court compared the length of time between the filing of a petition for protection from domestic violence (DV) and the receipt of the TPO among the Family Justice Center (FJC) clients who fax their petitions to the circuit court (‘FJC petitioners’) and petitioners who directly file their petitions with the circuit court’s Family Department (‘in-person petitioners’).

Diagram 1 summarizes the circuit court’s TPO process common to both FJC and in-person petitioners, presenting the key steps from filing the petition to receipt of the TPO. Diagram 2 highlights two additional steps that only apply to FJC petitioners: 1) faxing the petition from the FJC to the Sheriff’s Office and filing the petition in-person with the Family Department, and 2) faxing the TPO from the Family Department to the FJC, which is assumed to be instantaneous following the completion of TPO processing at the department.

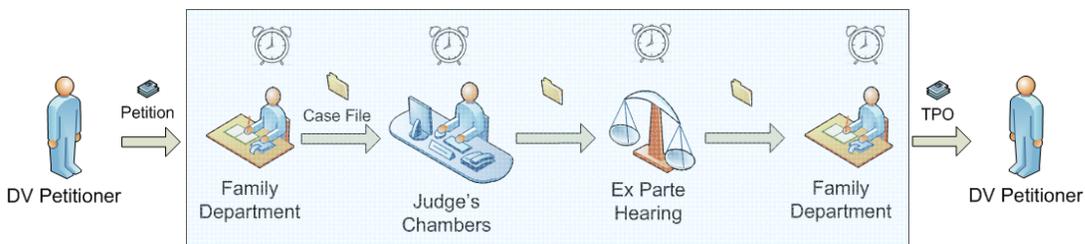


Diagram 1. Key Steps of the Circuit Court TPO Process

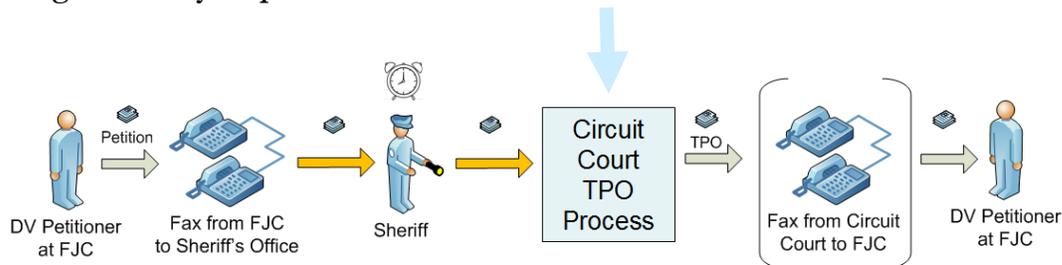


Diagram 2. Additional Steps for the FJC Petitioner Process

According to data from the FJC, between December 9, 2010 and September 6, 2012, the center sent a total of 312 DV petitions for an ex parte temporary protection hearing via fax, including 117 petitions (38%) faxed to the circuit court, of which 115 were actually filed, and 195 (63%) to the District Court. During the same period, the circuit court processed 257 DV petitions for an ex parte temporary protection hearing, including 142 (55%) filed in-person and 115 (45%) obtained via fax from the FJC. The present analysis compares the 115 FJC petitions with 115 of the 142 in-person petitions that were selected by matching them with FJC petitions in terms of hearing date and time, as well as the judge presiding over the ex parte temporary protection hearing.

As shown in Table 1, the results reveal no discernable difference between the FJC petitioners and in-person petitioners in the average length of time from filing the petition with the court to the receipt of the TPO or denial of the petition/dismissal of the case: 2 hours and 2 minutes for the FJC petitioners and 2 hours and 10 minutes for in-person petitioners. The length of the time that judges are involved, including the time spent in chambers, the ex parte temporary protection hearing time, and the time spent preparing and signing the TPO, is nearly identical for the FJC petitioners (51 minutes) and in-person petitioners (48 minutes). However, the need to fax the petition from the FJC to the Sheriff's Office and file it in person with the Family Department increases the total TPO process time by 22 minutes on average to 2 hours and 24 minutes among the FJC petitioners compared to 2 hours and 10 minutes among in-person petitioners.

Table 1. Average Length of Time associated with the TPO Process among FJC Petitioners and Petitioners Filing In-Person with the Court's Family Department (December 9, 2010 - September 6, 2012)

| Petitioner Type | Pre Ex Parte Hearing | | | Ex Parte Hearing | Post Ex Parte Hearing | | Total Process Time* | Total Process Time w/o Fax Handling* |
|-----------------|----------------------|--------------------------------|-------------------------------|------------------|-----------------------|------------------|---------------------|--------------------------------------|
| | Fax Processing | Processing @ Family Department | Processing @ Judge's Chambers | | Order Preparation | Order Processing | | |
| FJC | 22 min. | 36 min. | 33 min. | 12 min. | 6 min. | 29 min. | 2 hrs. 24 min. | 2 hrs. 2 min. |
| In-Person | 0 min. | 51 min. | 33 min. | 10 min. | 5 min. | 29 min.† | 2 hrs. 10 min. | 2 hrs. 10 min. |

* Due to rounding, the sum of the length of times of the components does not add up to the total process time.

† In-person petitioners' order processing time is assumed to be the same as that of the FJC petitioners.

As indicated above, the average length of the TPO process appears comparable for the FJC petitioners and in-person circuit court petitioners. In particular, the time from the receipt of the case in the presiding judge's chambers (prior to the hearing) to the judge's signing of the TPO is nearly identical between the two groups. This is important in two respects. First, despite different filing and hearing processes, the court spent on average the same amount of time in the presiding judge's chambers and in the courtroom for the FJC and in-person petitioners, underscoring the court's commitment to equal access to justice. Second, the observed invariability in the length of the TPO process suggests that the introduction of the video technology in the courtroom does not alter the delivery of justice. There is additional time associated with the faxing of the petition for the FJC clients because Maryland Rule 1-322 does not allow courts to receive pleadings or other items by electronic transmission. Accordingly, any efficiencies to be gained in the pre-filing fax processing time are likely to require a modification to the rule.