

MONTGOMERY COUNTY

CIRCUIT COURT



FAMILY DIVISION SERVICES

FOURTEENTH ANNUAL REPORT

FISCAL YEAR 2012

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Executive Summary

FY12 presented continuing challenges to the Family Division. A persistently troubled economy continued to batter the small amount of fiscal resources available to the court, while the demand for those services remained constant. Providing services in a timely and efficient manner is a serious goal that was achieved through the dedication of the bench, which decides these sensitive matters and the hard work of the employees of the Family Division who work diligently to provide services designed to support the court in its mission.

The fabric of the Family Division is woven from the threads of a carefully designed case management system. This system is designed around a sequential service delivery program designed to provide services which facilitate time, informed and organized dispute resolution to the citizens of Montgomery County who find themselves before the Court. During FY12 the court produced the following output as it worked to meet the above stated goals:

- 18,795 filings (10,594 original and 8,201 matters reopened by motion)
- 24,841 hearings on juvenile and family law matters
- 1,001 trial matters (866 trials and 42 merits hearings in family and 93 adjudications in juvenile)
- 141 mediations of child welfare dependency matters with a 70 % resolution rate
- 17 mediations of permanency plan and termination of parental rights cases with a 71% resolution rate
- 233 mediations of family law matters with a 78% resolution rate
- 417 evaluations, assessments, review and investigations of family law matters
- 657 facilitations of family law matters with a 66 % resolution rate
- 8,714 litigants served by the Family Law Self Help Center
- 3,707 persons ordered to co-parenting education

This workload was managed by 11 Judges, five Masters and nearly 27 employees in the Family Division who worked in concert to help resolve the 18,795 matters filed during FY12.

INTRODUCTION

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

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

As part of those efforts the Court has supported the Family Division in achieving its goals as mandated by Maryland Rule 16-204. Under that Rule, subject to the availability of funds, the services component of the Family Division must provide the following services:

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

During the past fiscal year the court has continued to work on improving and enhancing services offered to the citizens of Montgomery County, who find themselves before the court. These changes illustrate that highly coordinated family and juvenile services can be integrated into a differentiated case management system and provide greater flexibility and earlier opportunities for case resolution to the litigants of this court. It also demonstrates just how crucial these services are to the courts ability to deliver an effective, efficient, predictable and fair justice system to resolve critical events early in the life of a case, which in turn benefits the litigants and their families.

The entire Circuit Court is led by the Honorable John W. Debelius III who became the Circuit Court's Administrative Judge in September 2009. The Family Division is led by the Honorable Louise Scrivener, the Family Judge-in-Charge, who has been acting in that capacity since March 2012. She brings into this position many years of experience on the bench, much of it in Family. Her experience spans the entire breadth of the Family Division and she has proven invaluable in guiding the Division through some significant changes in the past fiscal year.

With the strong leadership provided by the Administrative Judge, the Family Judge-in-Charge and the support of the court, programs provided by Family Division Services will continue to provide significant, meaningful service to the residents of Montgomery County, Maryland. In its continuing efforts to provide excellent service, the Family Division has the following goals and objectives:

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

The combined efforts of many people were required to implement and serve these goals and objectives. As previously noted, the Honorable Louise Scrivener guides the Family Division as the Family Judge-in-Charge. Additionally, the Honorable Katherine Savage serves as the Juvenile Judge-in-Charge, providing much needed daily oversight of the complicated and time constrained matters that saturate the court. The combined wisdom, insight and leadership of these dynamic individuals have proven invaluable to the Family Division, which, during FY12 was structured as follows:

- Six Judges assigned to hear family cases, including the Family Judge-in-Charge, two Judges assigned to hear primarily delinquent matters. One of the six Family Judges is assigned to both family and juvenile on a 60/40 percent basis. Finally, one Family and one Juvenile Judge shared a juvenile and family rotation
- Five Masters, including one part-time Master assigned to hear Child Support Enforcement matters and Uncontested Divorces. Masters do not hear juvenile causes in Montgomery County
- One Family Division Coordinator
- Four Family Division Case Managers
- One Adoption/Guardianship Case Manager
- One Supervising Case Manager for Juvenile Causes
- Three Case Managers for Juvenile Causes
- One Permanency Planning Liaison, shared with the Circuit Court for Frederick County
- Three Attorneys and one Legal Assistant comprise the Family Law Self Help Center
- Three part-time Mediators, one of whom is bi-lingual
- One Senior Court Evaluator, and a combined staff of seven full and one part time Court Evaluators, who conduct evaluations, assessments, investigations and reviews as well as presenting the co-parenting skills enhancement classes
- One Receptionist and one Administrative Assistant to assist visitors and provide administrative support to Family Division Services

- Contractual Service Providers: Attorney-Facilitators and Mediators in the Juvenile Dependency Mediation Program

This diverse group shares the same goal; to support the court in its mission to provide the citizens of Montgomery County with a system of justice that is fair, efficient and timely. The following report is the story of how the Family Division conducted itself in Fiscal Year 2012 to achieve that goal.

OVERVIEW

During FY12, 10,594 original family actions and juvenile causes (9,233 family law actions and 1,361 juvenile causes), as defined by Maryland Rule 16-204 were filed in the Circuit Court for Montgomery County. Additionally, a total of 8,201 cases were reactivated by new motions (5,856 family actions and 2,345 juvenile causes). This total of 18,795 original and reactivated cases was handled by seven family Judges, five family Masters, three juvenile Judges, one Judge split between both the family and juvenile rotation and the supportive services and staff of the Family Division. As the court worked toward resolution of these sensitive matters in FY12, it held a total of 24,841 hearings and 866 trials, 93 adjudications and 40 merits hearings. The bulk of this report will explore how those matters were handled inside the differentiated case management system (DCM) and what resources were brought to bear to resolve these matters in a timely, equitable and resource appropriate manner for the litigants who find themselves before the Court.

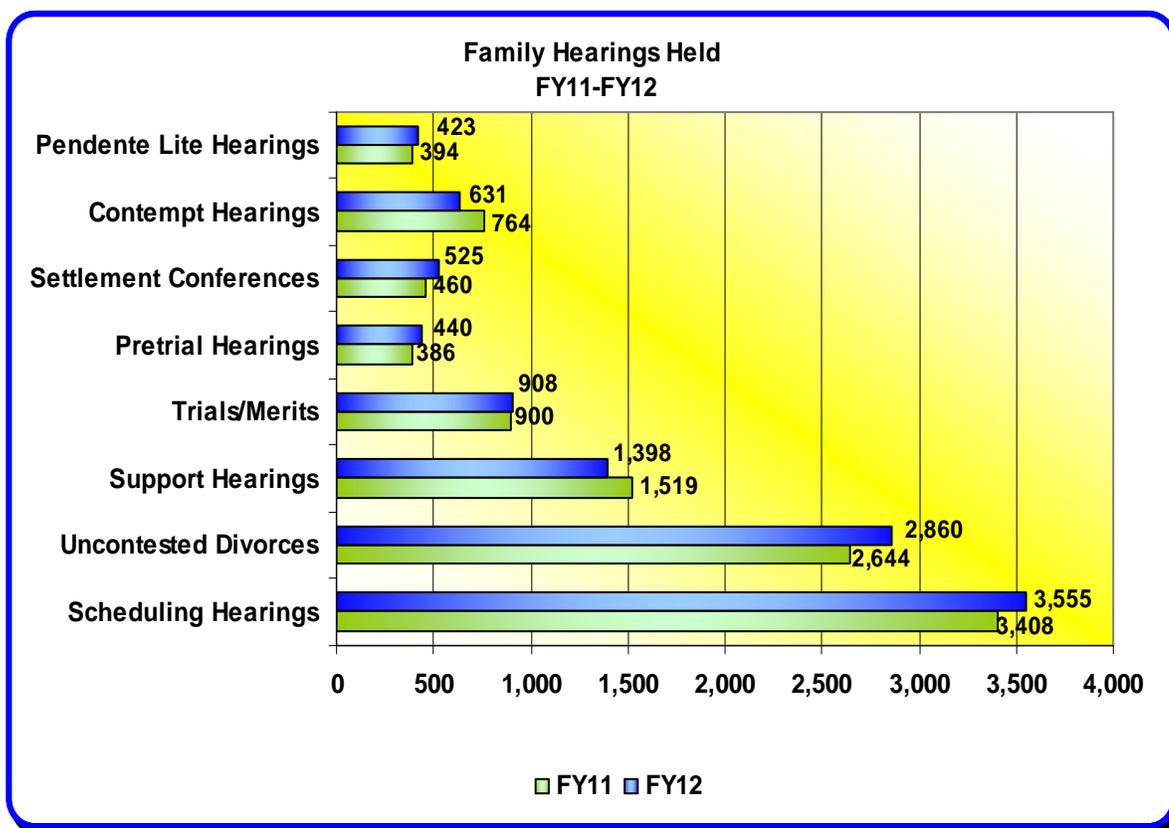
FAMILY LAW

Caseload

The 9,233 original family law cases filed during FY12 typically sought more than one form of relief, including absolute and limited divorce, annulment, alimony, custody, visitation (access), child support, paternity, appointment of guardian for minors and disabled individuals, adoption, change of name and domestic violence protection. Approximately 24,857 motions were filed and 15,900 hearings were held by the court. During FY12 the Family Division concluded 9,307 cases on their original filing as well as 5,937 re-activated cases, for a total of 15,244 terminations.

Workload

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

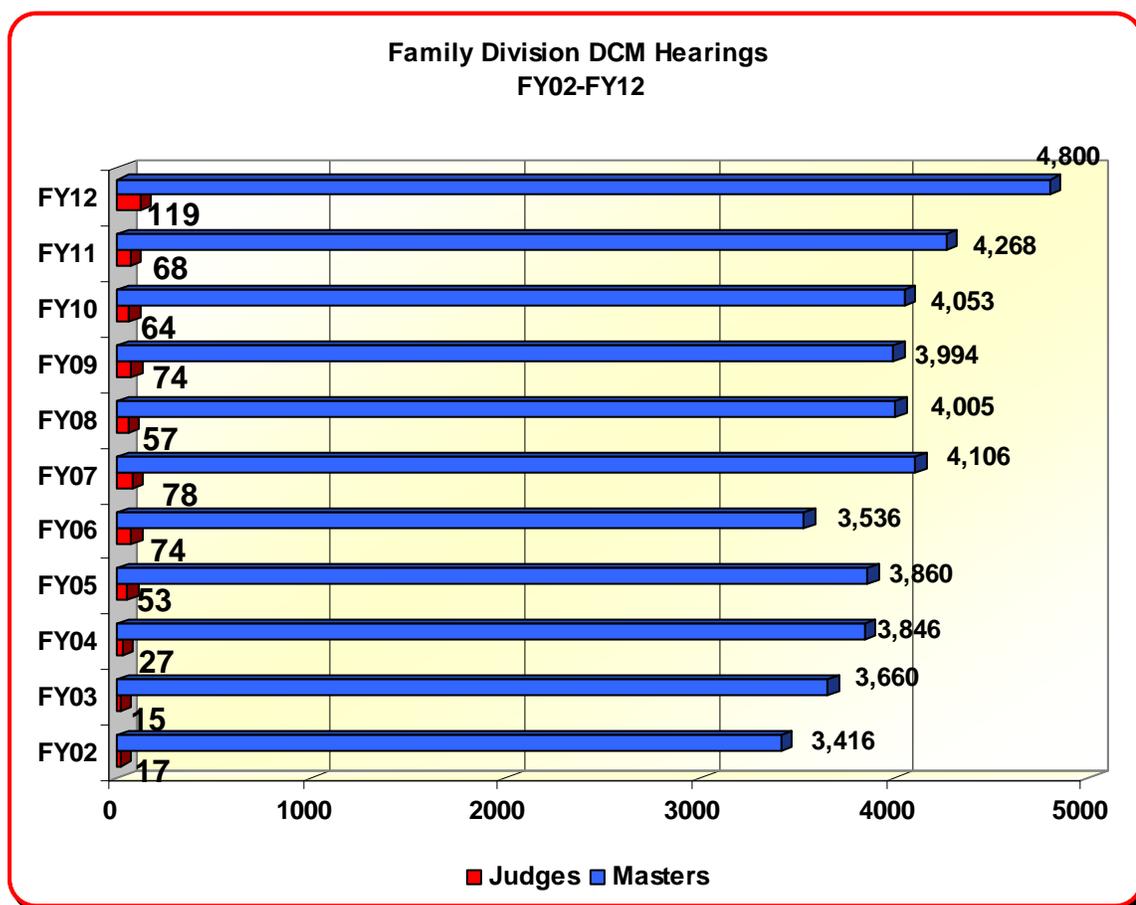


During FY12 the most notable changes occurred with a 14% increase in settlement/status conferences, a 14% increase in settlement/pretrial conferences and a 17% decrease in contempt hearings. Pendente lite hearings increased by 7%. At the same time support hearings decreased by 8% and uncontested divorces increased by 8%. Trials and merits hearings remained nearly static between the two years with only an eight case increase in FY12.

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

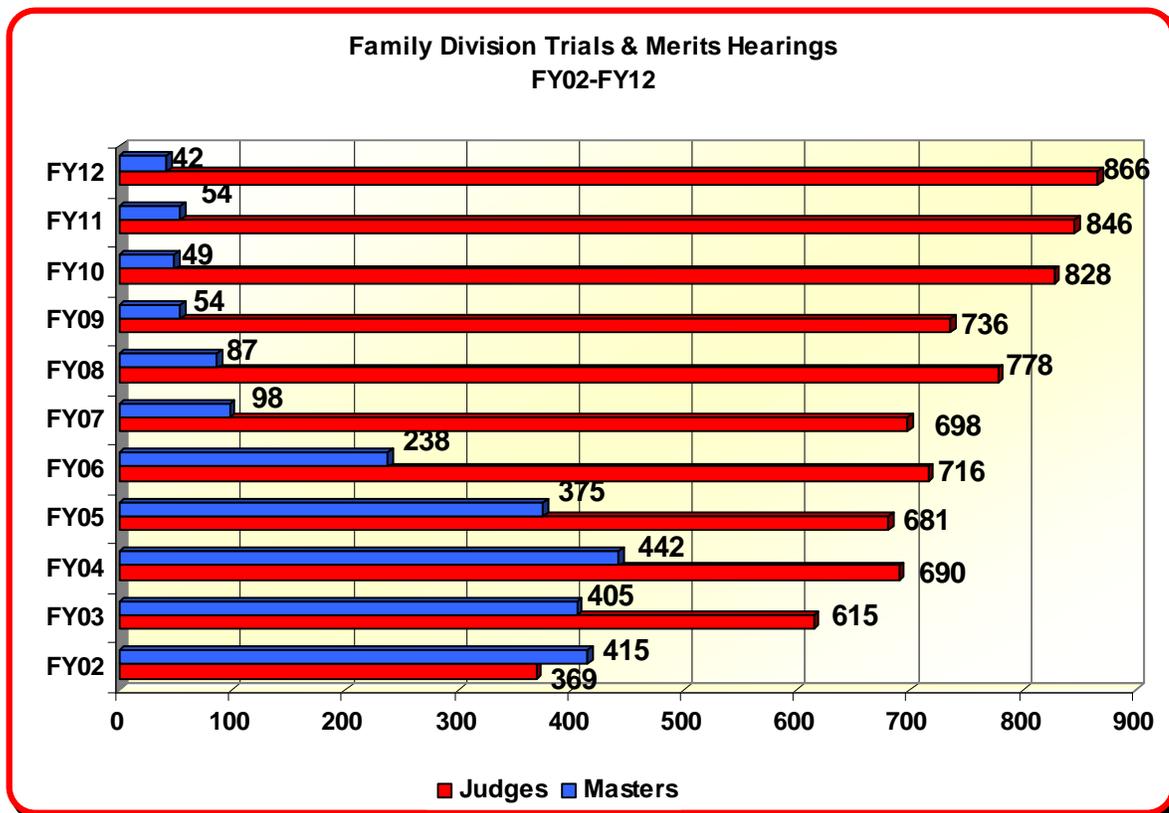
Masters and Judges work toward the same goals, but their functions vary within the DCM. As illustrated by the following chart, the overwhelming majority of the DCM hearings are handled by the Masters and the majority of trials/merits and contempt hearings are handled by Judges. Such a 'bifurcation' of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

Family Division DCM Hearings: As is illustrated by the following chart, Masters remain the backbone of the DCM system and are critical to its success. During the last fiscal year, 4,999 DCM events were held by the court, its highest year ever since FY02. Of those hearings held, Masters conducted 96.1% or 4,800 hearings. This is slightly lower than FY11 when Masters conducted 98.5% of such hearings and FY10, when 98.2% of DCM hearings were conducted by Masters. These consistently high ratios, however, are perfectly aligned with the principles of sound case management, one of which is to utilize judicial resources as efficiently as possible. When viewed against the number of cases proceeding to trial or merits hearing, the continuing success of the Court's DCM system is evident.



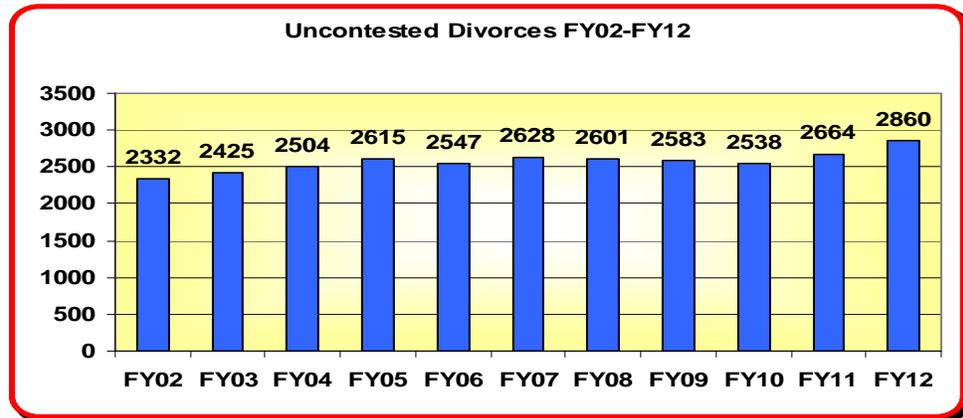
Trials and Merits: In FY12 a total of 866 trials and 42 merits hearings were conducted by the court. This number represents an increase of less than 1% over FY11 and an increase of 3.5% from FY10. As can be seen from the chart below, the percentage of these matters heard by Judges versus Masters continues to increase. In FY09 93% of trials were heard by Judges. In FY10 and FY11 94% of trials were conducted by Judges. In FY12 that number rose to 95%. A review of the chart over the last 10 years, illustrates the continuing and

significant impact of Maryland Rule 9-208¹ upon the court. Prior to the full impact of the rule, Masters conducted slightly more than half of all trials and hearings on the merits. Since FY03, Judges have conducted the majority of all trials and merits hearings.

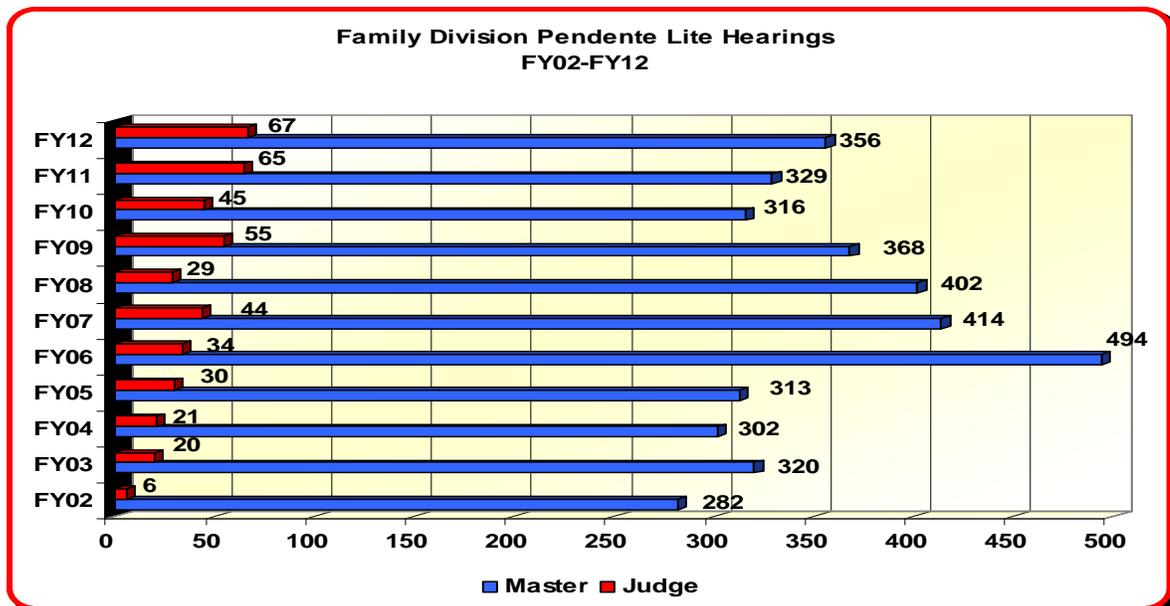


¹ MD. Rule sec. 9-208(a)(1) provides that the following matters may be referred to Masters as of course: uncontested divorce, annulment or alimony; alimony pendente lite; child support pendente lite; support of dependents; preliminary or pendente lite possession or use of the family home or family-use personal property; pendente lite custody of or visitation with children or modification of an existing order or judgment as to custody or visitation (subject to Rule 9-205); child access disputes, constructive civil contempt (subject to Rule 9-205); modification of an existing order or judgment as to the payment of alimony or support or as to the possession or use of the family home or family-use personal property; counsel fees and assessment of court costs in any matter referred to a Master under this Rule; stay of an earnings withholding order; and other matters set forth in the court's case management plan filed pursuant to Rule 16-202b.

Uncontested Divorces. Uncontested divorces peaked in FY12 when the court performed 2,860 matters, a 7% increase over FY11. Since FY02 the court has performed 28,277 uncontested divorces. These hearings, conducted by Masters, continue to preserve judicial resources and provide parties who are in agreement on all legal issues with an efficient case resolution process.

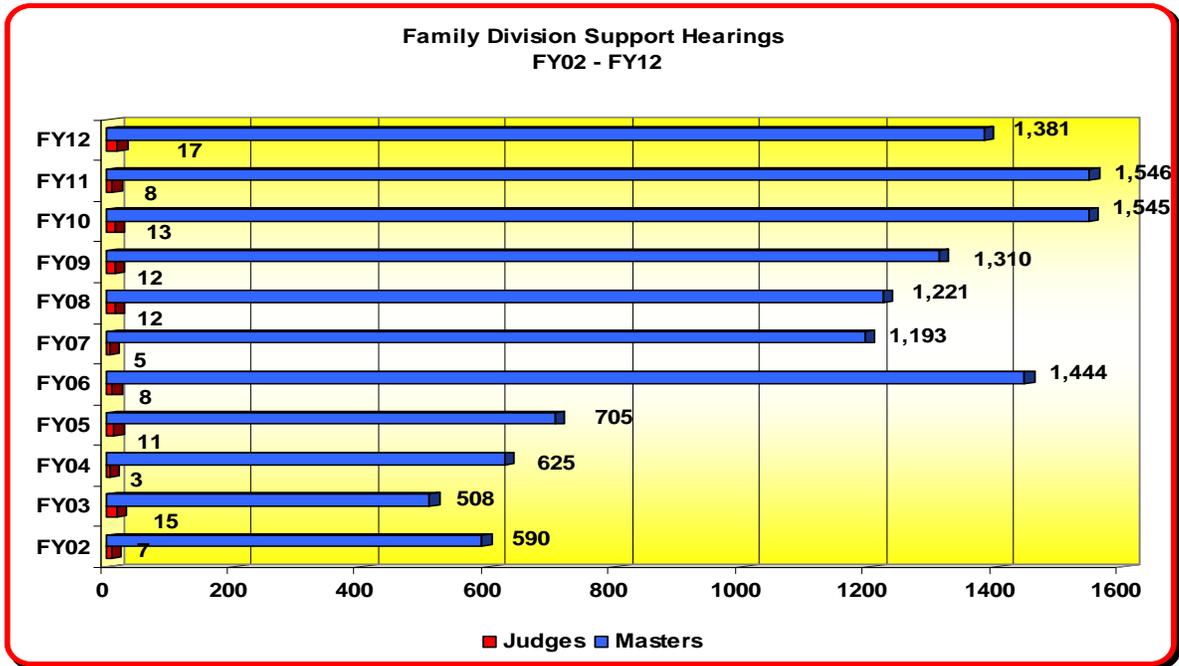


Pendente Lite Hearings: After a dramatic 54% increase in FY06, *Pendente Lite* hearings dropped by 70 hearings (13.26%) in FY07. This number continued to decline for three years. That number began to grow in FY11 when filings increased by 9 % over FY10. That trend has continued into FY12, when 423 *Pendente Lite* hearings were held, which is an increase of 7% over the prior fiscal year.

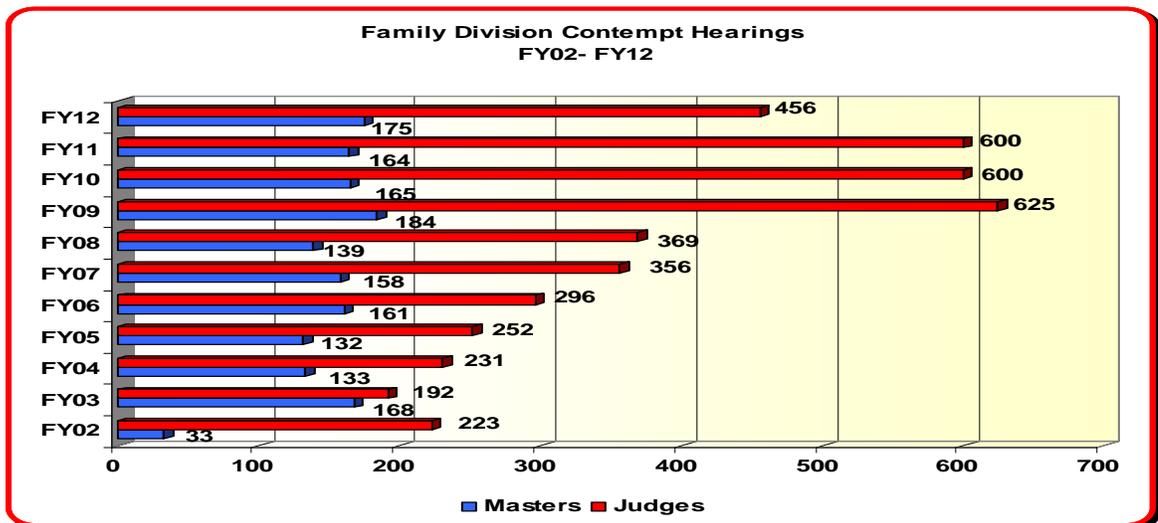


Support Hearings: After a substantial increase in FY10, the numbers of support hearings held remained virtually identical in FY11, with the two years being separated by only four more hearings in FY10. In FY12, 1,398 child support matters were heard. With the exception of 39 cases, the full impact of this caseload was felt by the Special Master for the Montgomery County Office of Child Support Enforcement. Again, this alignment is perfectly

consistent with sound case management, which diverts less complicated and time consumptive matters away from Judges, thereby conserving those resources for more intensive level cases.

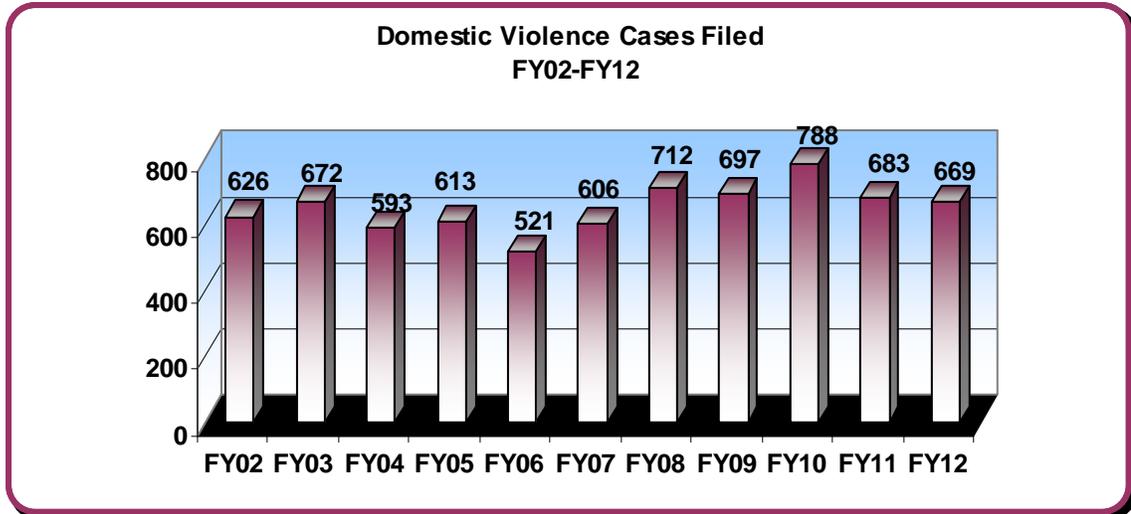


Contempt Hearings: In FY10, contempt matters posted the second highest figures in nine years. In FY11 those numbers were virtually identical, differing by only one case. In FY12 631 contempt matters were heard, which is a significant decrease (17%) from FY10 and FY11. Of these matters, 72 % were heard by judges and 28% were heard by Masters.

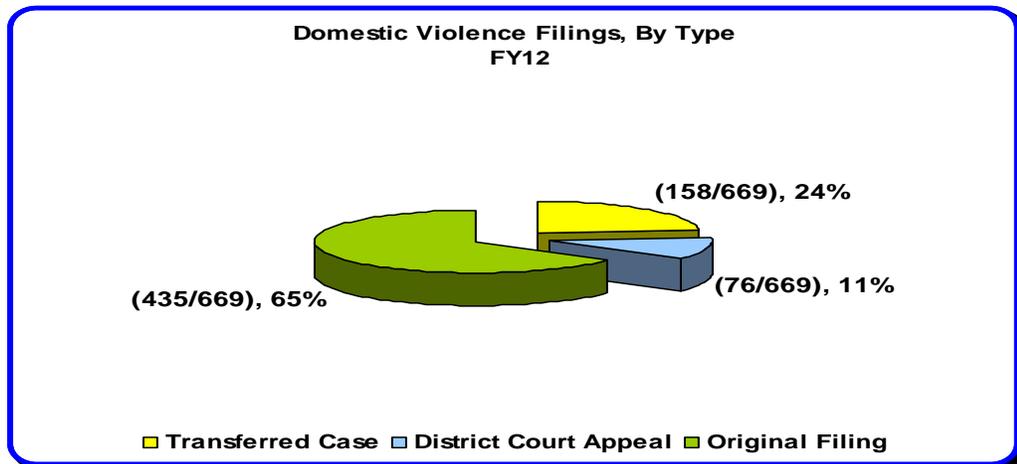


Domestic Violence: Citizens of Montgomery County who may be the victims of domestic violence have the ability to access relief through the court system on a round-the-clock basis. A petition for protection from domestic violence may be filed in either the District Court or the Circuit Court during normal business hours. After hours and on weekends, petitioners can seek emergency protective orders via the District Court Commissioner. If relief is

granted by the District Court Commissioner, the further temporary protective order hearing is set before the District Court. Statistical information regarding domestic violence filings in the Circuit Court is as follows:



With the onset of available after hours relief through the District Court Commissioners in FY03, domestic violence petitions filed in the Circuit Court dropped 11.8% in FY04. Despite its continued availability, filings in the Circuit Court increased only 3.3% in FY05 and dropped 15% in FY06. However, since FY06, filings have steadily increased (with the exception of a 2% decline in FY09), and during FY10 filings reached their highest level with 788 petitions filed. In FY11 domestic violence matters dipped by 105 cases from FY10. Cases filed in FY12 dropped slightly, by 14 cases, a decrease of 2%. They originated as follows:



As of 2009 a third option became available to residents of the County needing protective order services. Parties may seek services at the Montgomery County Family Justice Center, located within a few blocks of the District and Circuit Courts. This Center, which is a multi-

agency endeavor, allows abused persons seeking legal relief to present their case via video feed to either the District Court or the Circuit Court, thereby avoiding the potential strain of attending court in person. Additionally, within the Center the abused party may seek services for his/her children and his or her self, including but not limited to safely planning, legal advocacy, counseling, shelter placement and an off site Child Assessment Center. Of the hearings held during FY12, 68 were video ex parte hearings, originating from the Family Justice Center.

Supportive Services

Case Management

The Family DCM Plan provides the structural framework and scheduling guidelines for divorce and custody cases, providing services and differing levels of court resources appropriate to the complexity of the issues presented. The goal of DCM is to bring about the appropriate resolution of a case at the earliest possible stage. This is accomplished by providing services like co-parenting skills training, pro se assistance, and alternative dispute resolution well in advance of trial or merits hearings. Flow charts illustrating the tracks within the Family DCM system are attached hereto as Appendix 1.

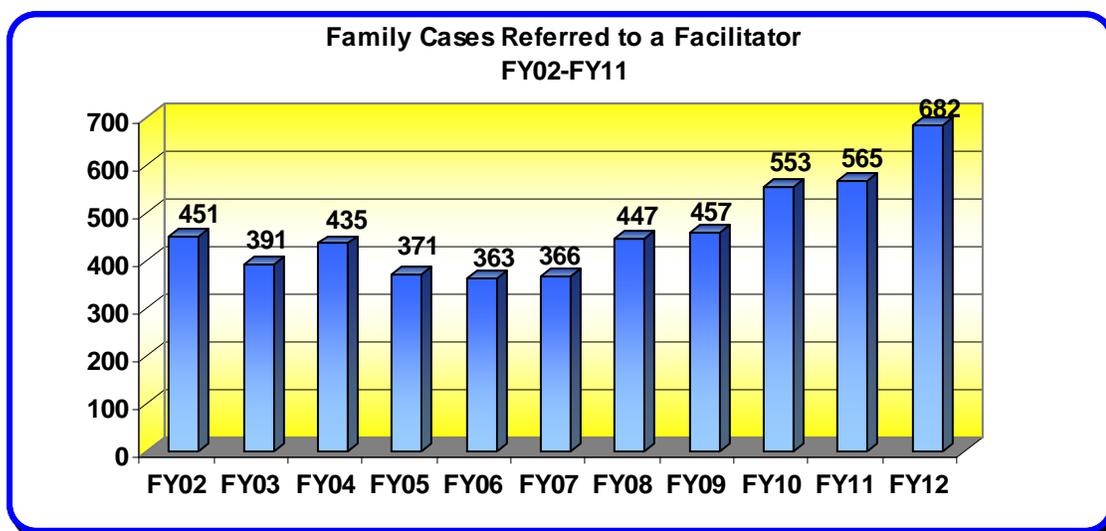
To ensure that cases are receiving the appropriate resources and that filings are in a proper posture for scheduled hearings, Family Division Case Managers monitor the active caseload and act as liaisons between the public, Family Judges, Masters and providers of these resources and services. At the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

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

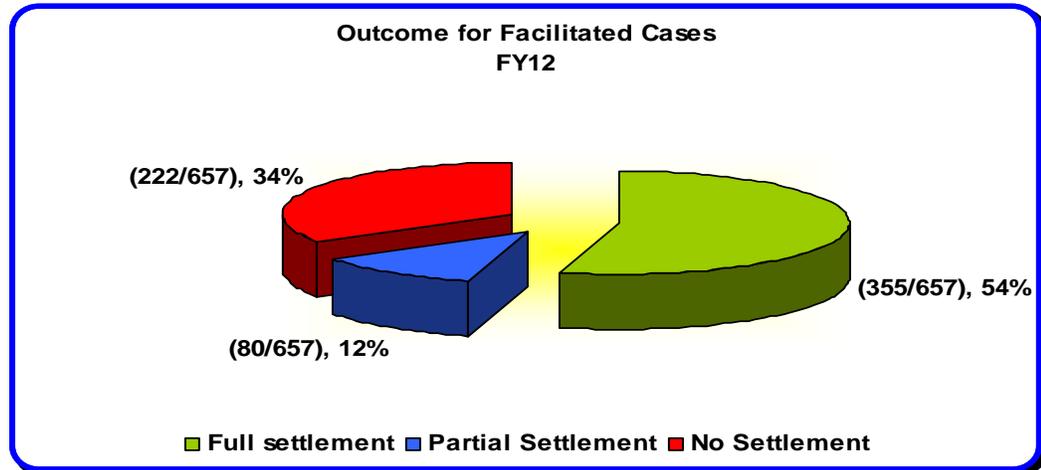
Additionally, the Family Division has an Adoption/Guardianship Case Manager. This position provides the same intensive level of case management support, to the sensitive matters presented in adoption, guardianship and trust cases. By assisting attorneys and petitioners in perfecting petitions and exhibits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

Facilitator Program

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



In FY11, 535 cases were ordered to facilitation. In FY12 this number increased to 682, a change of roughly 27%. Of those cases ordered, 25 did not proceed to facilitation. Of the remaining 657 cases, 66% reached a full or partial agreement. By completely resolving or narrowing some issues, the facilitators help to conserve judicial resources expended on those cases.



Child Custody/Access Mediation

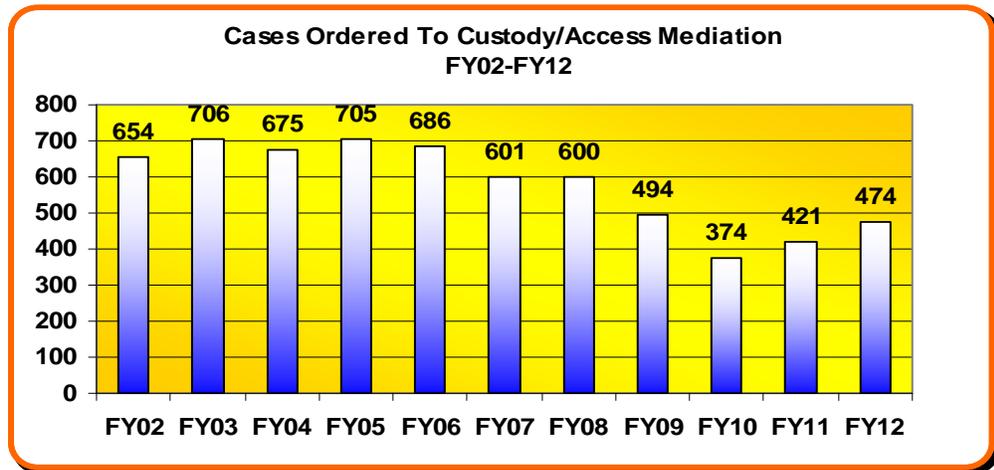
During FY12 custody/child access mediation continued to be an integral part of the Family DCM Plan. At the scheduling hearing, parties receive an order detailing all court appearances and deadlines. Additionally, if custody or child access is at issue, the parties may be ordered to participate in Co-Parenting Skills Enhancement sessions first, followed by court-ordered mediation (two, three hour sessions). The DCM plan for family cases placed mediation after the co-parenting skills enhancement sessions, as experience has demonstrated that court-ordered mediation is more successful when it follows the parents' completion of co-parenting sessions.

At the first session, the mediators provide an overview of the process, including what happens if mediation is unsuccessful. The parties are made aware that the mediation sessions are entirely confidential with the exception of allegations of child abuse that must be reported to child protective services. The mediators focus on parenting issues, including decision-making (legal custody) and the amount of time the child(ren) spend with each parent. Mediation addresses strategies for resolution of future disagreements and a process to support decision-making. The parties may be able to completely reach a full agreement during a single mediation session, but most cases require two mediation sessions.

Parties report directly to the Family Division from the scheduling hearing and participate (separately) in a face-to-face intake session with the mediator or another trained staff member. If the mediation process is deemed inappropriate, the dates are removed and returned to available status within 24 hours of the scheduling conference, which results in more mediator availability for other litigants and the court.

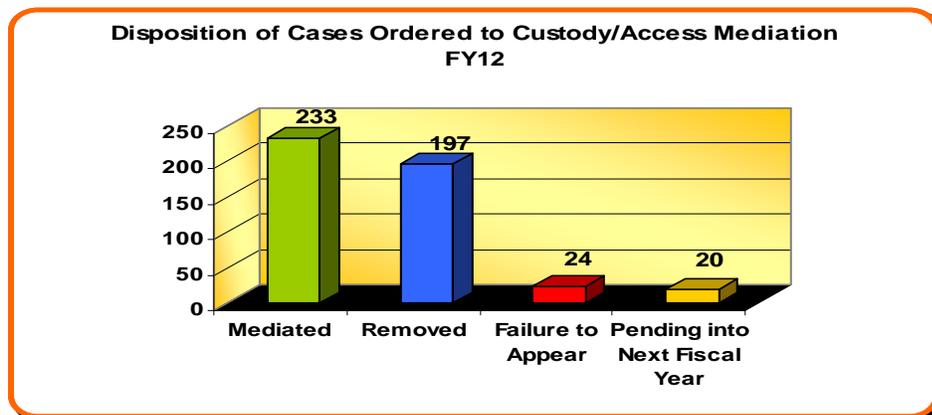
In an effort to support the courts' goal of providing accessible and transparent services to all who seek it, the Family Division secured a grant in FY09 from the Mediation and Conflict Resolution Office (MACRO), for the translation of several mediation and informational documents into Spanish. The litigation process is intimidating for everyone, but for those whose primary language is not English, it is even more confusing. By making documents

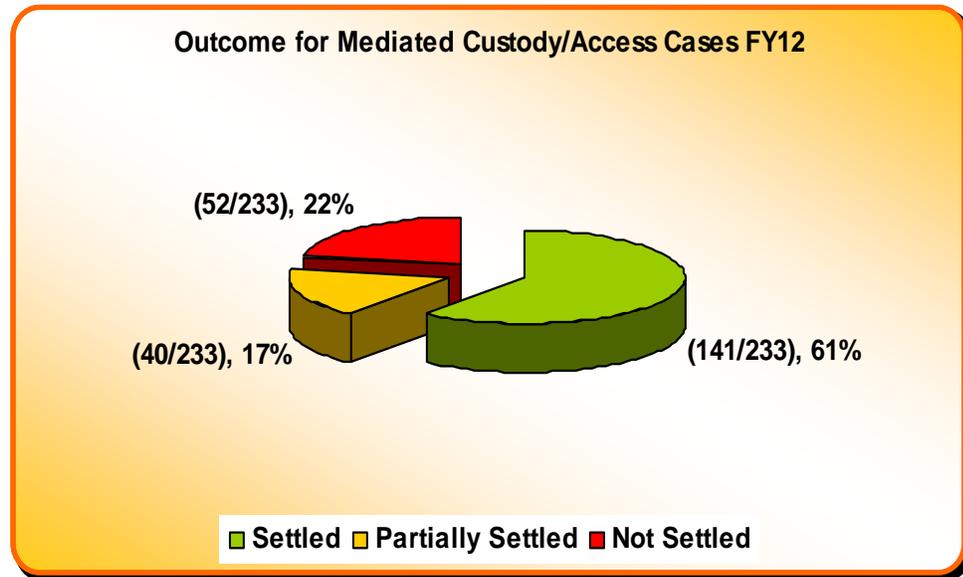
available to Spanish speaking litigants the court took a step toward providing important information in an easily understandable format for those litigants.



From FY09 to FY08, the number of cases ordered to mediation dropped from 600 to 494, which was a 17.7% decrease. This change was attributable to changes in this court’s screening process for domestic violence, which occurred in the middle of FY09. In FY10, the number of cases ordered to mediation again dropped from 494 to 374, which represented a 24% decrease from FY09. However, FY10 represented the first complete fiscal year where this screening process was fully operational. In FY11, the number of cases ordered to mediation rose to 421, a 12.5% increase over FY09. During FY12 that number increased to 474, a growth again of 12.5%. Of the 474 cases ordered, 233 proceeded to mediation.

The Court has a two step intake process which first involves a paper review by the mediators of all cases set for scheduling hearing to rule out those that should not be referred to mediation. The second review occurs in a face to face intake setting for those cases that were ordered to mediation at the scheduling hearing. This process provides maximum opportunity to capture those cases clearly inappropriate for mediation on the same day they are scheduled, thereby saving undue hardship on litigants and saving precious court resources.





Despite the decreased raw numbers from prior years, the outcome for mediated cases remained consistent between the FY08 (70%) and FY09 (78%). In FY10 84% of all mediated cases reached a full or partial agreement and in FY11 82% reached a full or partial agreement. In FY12 the number dropped to 78%, producing an *average* settlement percentile across this five year range of 78%.

Sadly, pursuant to severe budget cuts, this valuable service ended at the beginning of the current fiscal year. The Court lost three hard working employees and a much needed service for the litigants of the court, which helped blunt the need for costly and protracted litigation. The 181 matters settled fully or partly might likely have moved on to trial but for the intervening efforts of the mediation program. This loss will result in a greater burden on the court's settlement/status and trial dockets and the Judges and Masters who manage them.

In response to this loss the Court is reconstructing the program on a roster basis using qualified mediators from the community. In the next Annual Report the Court will have a strong sense of the efficacy of such an approach and statistics regarding outcomes. The Court is hopeful that this valuable service can continue under a new configuration so as to benefit the citizens of Montgomery County who need the unique self-determining resolution that mediation can bring.

Assessment/Evaluation

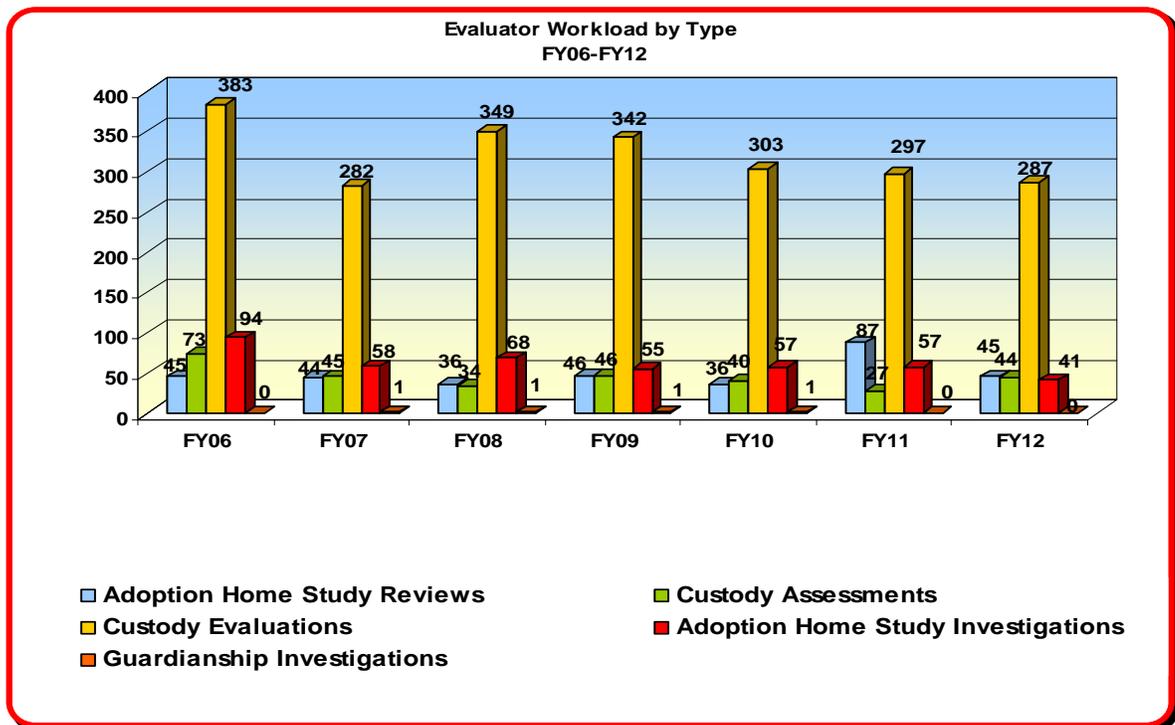
Court Evaluators perform the investigative services in family cases and serve as presenters for the co-parenting skills enhancement sessions. Investigative services include assessment and evaluation in contested custody and visitation matters. Staff evaluators participate in settlement/status conference proceedings and, when necessary, testify at merits hearings. The Court Evaluators also conduct adoption home study investigations and review home studies provided by agencies or independent contractors. At the court's request, the Court

Evaluators also conduct guardianship and other special issue investigations. A Supervising Court Evaluator oversees the investigative evaluators and the Family Division's co-parenting skills enhancement program.

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

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

The custody/access evaluation is an in-depth evaluation resulting in an oral presentation made at the settlement conference with a written report presented to counsel, pro se litigants, and the court before the merits hearing. This report contains a psychosocial history and generally extensive collateral contacts that may include school personnel, therapists, governmental agencies and litigant references. Again, the evaluator participates in the settlement/status conference and if the parties cannot reach a consent agreement, the evaluator may testify at the hearing on the merits.

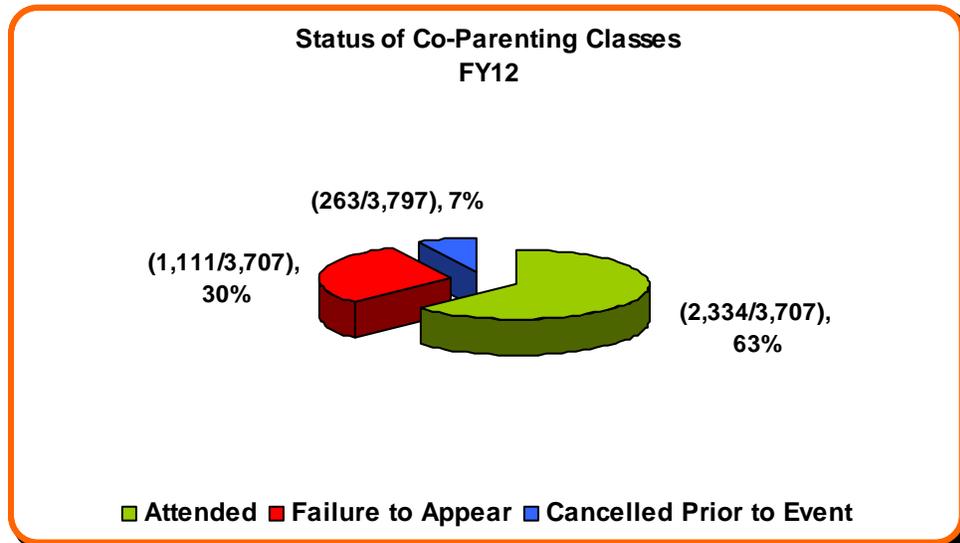


In FY12, 417 matters were handled by the court evaluators. These services are extremely labor intensive. Each evaluation takes 40 hours to complete and each assessment requires 30 hours to complete. Additionally each adoption investigation also requires 40 hours to bring it to completion and adoption reviews require about 15 hours. Given the numbers posted in the chart above the office spent 15,115 hours performing these services. It is notable that these services are performed by a staff reduced by three persons in 2011. This calculation of hours does not include time devoted to conducting intake, testifying in court and teaching co-parenting cases. At the end of the fiscal year there were 136 cases pending, awaiting the attention of the court evaluators.

Co-Parenting Skills Enhancement Program

A primary objective of the Family Division is to provide services to litigants at a reasonable cost, and wherever possible, free of charge. This objective is especially true where the court orders estranged couples to attend programs such as the co-parenting skills enhancement program, which is taught by the evaluators. With this in mind, the Family Division in-house co-parenting skills enhancement program was developed by Family Division staff patterned on the Parent Education and Custody Effectiveness (P.E.A.C.E.), Program from New York. With adaptations, this program became the P.E.A.C.E. Program of Montgomery County, Maryland. Presentations of the program began in July 1999. The sessions are offered to separated, divorcing or never-married litigants in Montgomery County, including residents who are litigating in another county or state.

In FY04, the program was renamed to reduce confusion about the purpose of the program, which is to enhance those skills necessary for rearing a child between separate households, as differentiated from basic parenting skills. The name was changed from “Parenting Seminars” to “Co-Parenting Skills Enhancement” sessions.



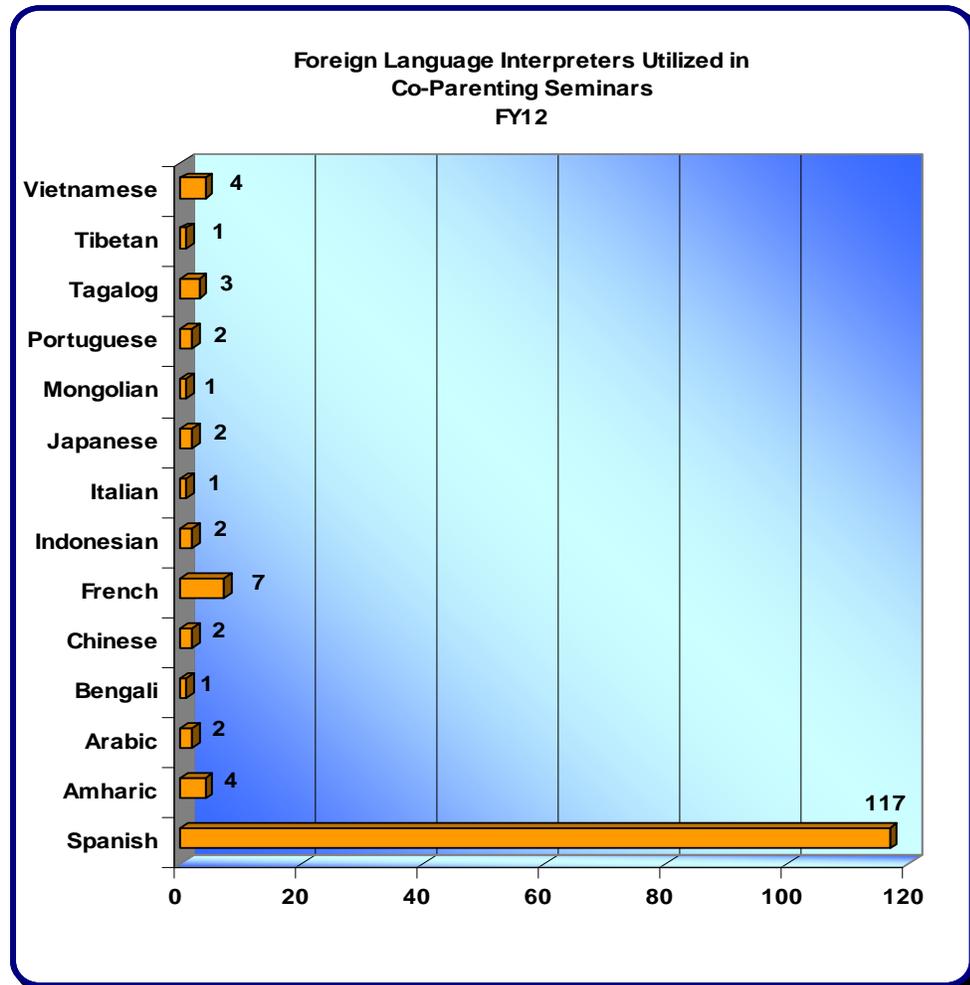
In FY12 3,707 parties (1,853 cases) were ordered to attend Co-Parenting Classes. Of that group of litigants, 1,111 (30%) failed to attend the seminars, while 63% successfully completed the course. Seven percent or 263 persons canceled prior to the beginning of classes. Typical reasons for cancellation were as follows: case dismissed, issue(s) settled, matter stayed, cancelled by order, consent order entered, need for classes deemed moot, or matter settled by Family Division Master.

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

Beginning in late October 2003, all sessions were made available to Spanish-speaking participants. Using a radio transmitter and headphones, an interpreter provides simultaneous interpretation of the sessions with minimal disruption. Spanish-speaking participants are now scheduled automatically from the Scheduling Conference, where the computer presents available session dates prior to the scheduled mediation as envisioned by the Family DCM plan. A Spanish language guide to the co-parenting order is generated automatically when a party requests a Spanish interpreter.

The next most common languages spoken by language-minorities in Montgomery County are scheduled on an individual basis for both sessions, as are other languages for which a qualified interpreter can be found. A second transmitter was purchased, allowing up to two (Spanish, plus one) languages to be interpreted in any session (in addition to American Sign Language) interpretation). The chart below indicates the languages for which interpreters

were required. The availability of interpretation services has significantly increased timely access to critical and mandatory court programs services by litigants whose primary language is not English.

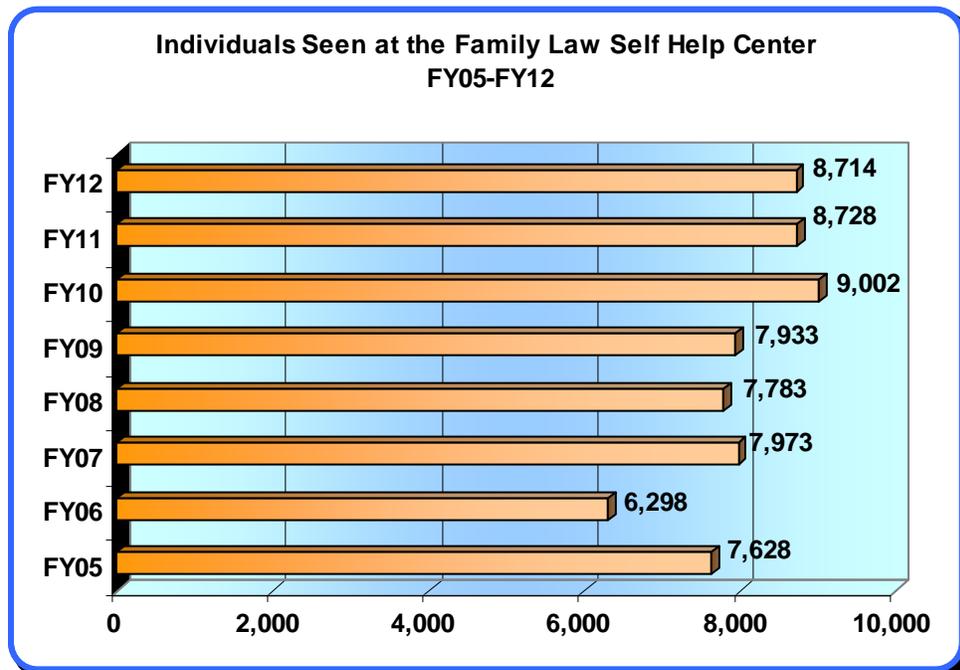


Requests for interpreters for Co-Parenting classes were made 188 times in FY08, 133 in FY09, 115 in FY10, 128 in FY11 and 149 in FY12. Each request represents two sessions. Spanish continues to be the most requested language, comprising 58% of all requests in FY 2008, 76% in FY09, 73.9 % FY10, 75% in FY11 and 78 % in FY12.

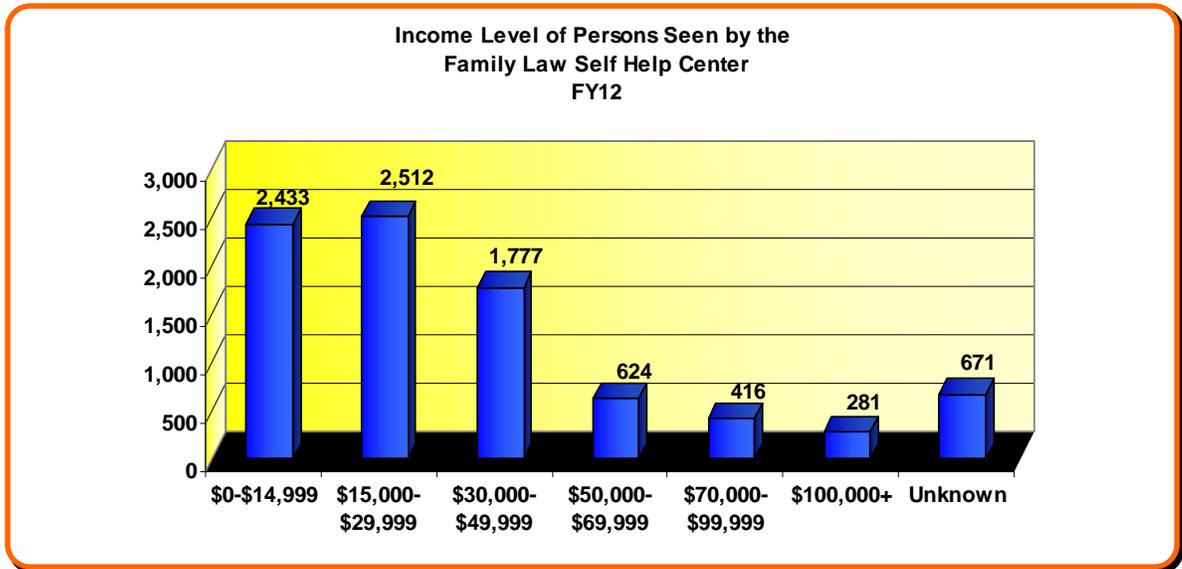
Family Law Self Help Center

The Family Law Self Help Center is a critical resource for self-represented litigants involved in family cases in the Circuit Court. Such litigants, who cannot afford counsel and therefore must represent themselves, rely on the legal expertise of the center's staff to help guide them through their case. The center's staff consists of three attorneys and one legal assistant who is fluent in Spanish.

Current samples of the *Dom Rel* forms may be reviewed at the Family Law Self Help Center and the pre-packaged forms are available upon request at the Family Department window of the Civil Department, Office of the Clerk of the Court as well as on-line. Spanish language guides to these forms are now also available on line. In addition, the Family Division has translated into Spanish guides for some information sheets, as well as directions. The project attorneys may provide assistance with emergency child custody petitions for submission to the Family Duty Judge. Self represented litigants are frequently referred to the Family Law Self Help Center to obtain assistance in formulating their agreements for submission to the court.

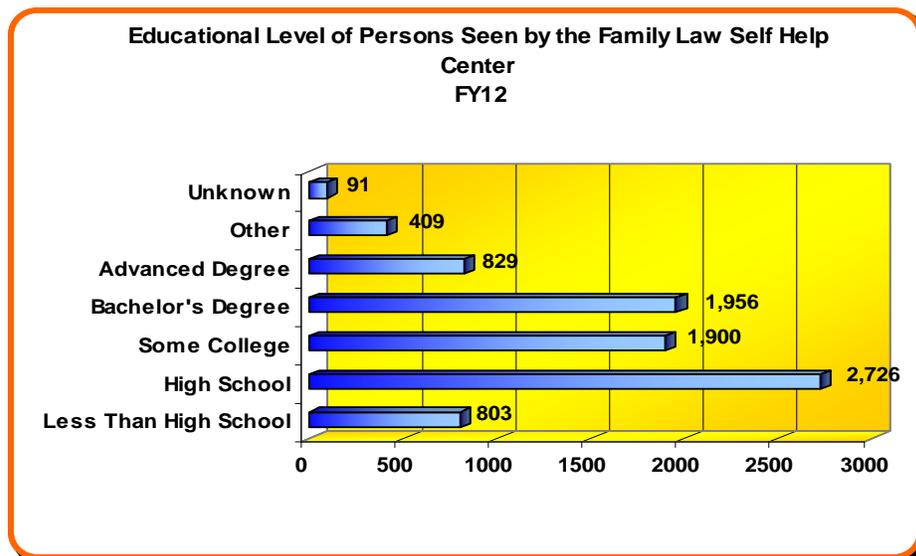


In FY10 the Family Law Self Help Center saw its highest number of individuals ever. A total of 9,002 individuals sought services during this time period, which constitutes a 13.4 % increase over FY09 and a 15.6% increase over FY08. In FY11 there was a slight decrease of 3%. In FY12 the decrease was only 14 cases, less than one percent.

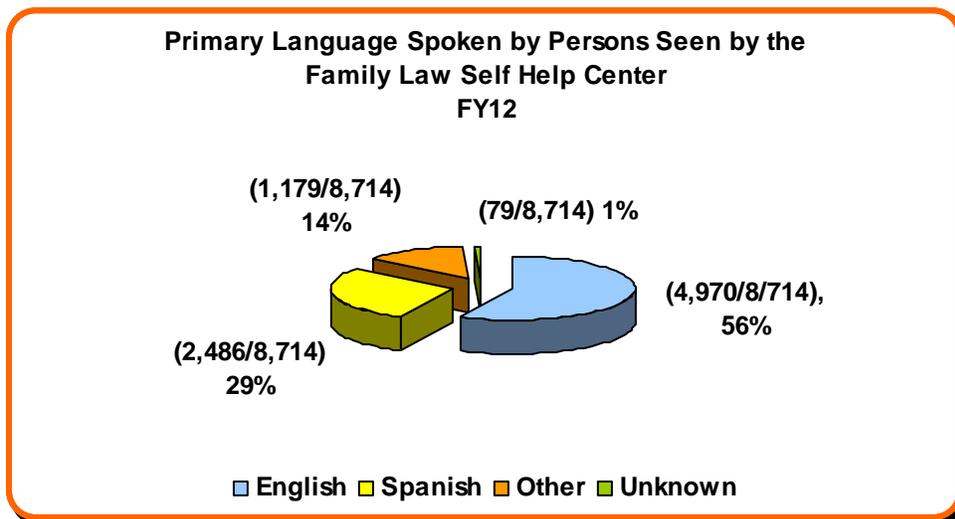


In FY12 4,945 or 57% of individuals seeking service from the Center had annual household income levels less than \$30,000.00. Those with an annual household income level of \$30,000-\$49,999 constituted 20% of persons served. 7% of clients at the Center had an annual household income of \$50,000-\$69,000. Those with an income between \$70,000 to \$99,000 constituted 5%, while those with an income over \$100,000 constituted 3% of clients visiting the Center. Finally, a full 7% of persons seen at the Center listed their annual household income as unknown.

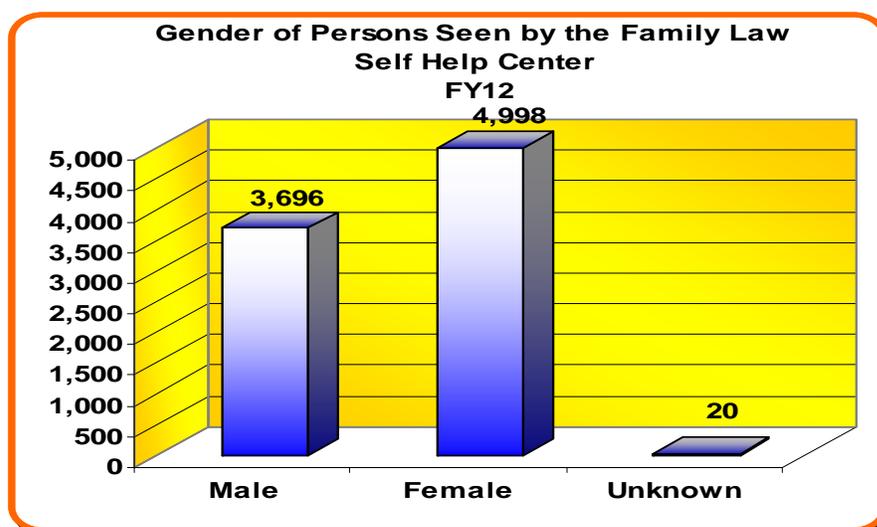
Of the 8,714 persons who visited the Center in FY12, educational levels varied significantly. For example, 9.2% had less than a high school degree, while 31.2 % possessed a high school degree. On the college level, 21.8% had some college and 22.4% had a college degree. Advanced degrees were possessed by 9.5% of those seeking services and 5.7% identified their educational level as “other” or “unknown”. The overwhelming majority of persons



seeking services fell right in the mid range, where a total of 75.4% possessed a high school degree, some college or a college degree.



Accurate communication with those whose first language is not English is critical to successful service delivery. The challenge of working with a linguistically diverse population is the need to address pressing legal issues in a manner that is understandable and meaningful to the litigant. The above chart reveals that a full 44% of clients seeking service from the Family Law Self Help Center spoke a language other than English. This represents a 2% increase over the last fiscal year. The three most commonly spoken languages at the Family Law Self Help Center are English, Spanish and a category known as “other” which encompasses all languages other than English and Spanish and which excludes the small category known as “unknown”.



As in prior years women consistently comprise the majority of the clients seeking services from the Family Law Self Help Center. For four consecutive fiscal years (FY09, FY10, FY11

and FY12), the percentage ratio of women to men has remained static. In FY09, it was 56%, 57% in FY10, 58% in FY11 and 57% in FY12, which represents a remarkably consistent ratio of female customers to male's customers.

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

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

The staff in Family Division Services and the Family Law Self Help Center routinely make referrals to specific agencies based upon conversations with the information seeking public. Printed information is available at numerous locations within the Judicial Center. This information advises the public with regard to available legal assistance as well as community-based services.

Referral in General

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

Domestic Violence Assistance

A Domestic Violence Assistance (DVA) program began in the Family Division of the Montgomery County Circuit Court in October 1999. While minimal services were available in the Circuit Court in previous years, a goal of the Family Division was met when an organized, consistent level of services were achieved by creation of this program. The program focus addresses abuse issues and victim safety for spouses and intimate partners of the offender. Arrangements were finalized with the House of Ruth and Women's Law Center to provide staff for the Domestic Violence Assistance Program through application of grant funding with the Administrative Office of the Courts. Space is allocated in the Judicial Center for this service and representatives of the Abused Persons Program of the Montgomery County Department of Health and Human Services. The DVA staff perform an intake interview with the individual seeking services. Services that can be provided include

court appearances, protective orders, appeals, peace orders, *ex parte* hearing accompaniments, modifications, civil contempt and criminal accompaniments. Those not eligible for the above mentioned services can receive information and/or assistance with completion of court forms.

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

Regular DVA staff consists of two full time attorneys, one of whom is a Supervising Attorney and one advocate. During FY04, the House of Ruth took responsibility for staffing both positions in Montgomery County and continues to utilize interns when they are available. In FY12 the House of Ruth conducted 530 initial consultations and appeared in court 167 times on behalf of 130 people.

Collaborative efforts continue through periodic meetings with the Circuit Court Family Division, the Abused Persons Program, and the A.L.E.R.T. task force division of the Montgomery County Sheriff's Department. In addition, DVA participates in the monthly meetings of the County Executive Task Force on Domestic Violence, as well as joint meetings and training with the House of Ruth and the Women's Law Center. DVA participates in Domestic Violence Attorneys Network for Maryland. This group meets bi-monthly to share statewide perspectives on the issues of domestic violence.

Montgomery County Family Justice Center

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

Collaborative Services

Abused Persons Program Montgomery County Health and Human Services

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

Genetic Testing Program

Detailed procedures have been developed to promptly ascertain genetic testing results for paternity cases. In cooperation with the Office of Child Support Enforcement, testing is available through that agency at a considerably reduced cost to the litigants, or where appropriate, paid by the Family Division. The Family Division Court Evaluators guide parties and counsel through the testing process.

Alcohol and Drug Testing Program

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

The Family Judges and Masters, as well as the Court Evaluators may make referrals to this service. Specific personnel in Family Division Services are responsible for initial referral and receipt of the test results, providing continuity and confidentiality for this sensitive information.

Video-Conferencing Technology for Domestic Violence Cases

Montgomery County Circuit Court has been actively involved in offering video-conferencing ex-parte/temporary protective order hearings for victims of domestic violence. This initiative was a collaborative effort among the Montgomery County Sheriff's Office, the District Court, the Circuit Court, and, as was discussed above, the Montgomery County Family Justice Center to ensure successful implementation. The video-conferencing technology, which allows the Judges to preside over the initial ex-parte hearings while the petitioner is physically located at the Family Justice Center, provides an added sense of comfort to the victims who do not have to leave the surroundings where they are receiving an array of services. In FY12 68 such hearings occurred.

JUVENILE LAW

The Juvenile Court is responsible for oversight of the following types of cases: Delinquency, Children in Need of Assistance (CINA), Termination of Parental Rights, Voluntary Placements and Petitions for Peace Orders. These matters, which are governed by strict statutory timeframes² require a high degree of judicial oversight by the court. The need for swift disposition and close and continuous supervision of these complex matters results in multiple hearings prior to adjudication and repeated review hearings over the life of a case.

With regard to delinquency matters, the thrust of juvenile law is rehabilitative. Proceedings in juvenile court are not criminal in nature and its dispositions are not punishment³. Because the window of adolescence is short and the goals of the law rehabilitative, timeframes within which certain events which trigger the rehabilitative process must occur is tight. Similarly, the goal in child welfare cases is reunification of the child with his/her parents, and barring that, moving the child into a permanent placement as soon as possible.

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

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

Complicating this is the fact that CINA matters operate under the same swift time standards and the court is faced with an equally complex set of factors that it must consider when a child who is alleged to be in need of assistance is before it⁴.

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

One avenue the court uses to meet this obligation is to make its dockets as predictable and time responsive as possible for all stakeholders, while managing court resources efficiently. Accordingly, over the years, the number of Judges serving in juvenile simultaneously has expanded, contracted and expanded again in order to be responsive to the needs of the community. Similarly, docket structure has been refined to reflect changes in the DCM system which serves as the underpinning of the court structure and which facilitates the court's fulfillment of its obligations.

To accommodate a very high judicial workload, the court added a fourth Judge to the juvenile rotation in FY06. During FY07 it became apparent that the juvenile court Judges were experiencing a workload that was reduced too much. The court adapted to this, by allowing some non-juvenile matters to be heard by the juvenile bench. While this increased judicial utilization, it created some complications for the small CINA and Delinquent bar, whose juvenile hearings sometimes stacked up behind the non-juvenile matters, thereby increasing waiting time for those attorneys and the subjects of the litigation, who are all minors or the parents of minors.

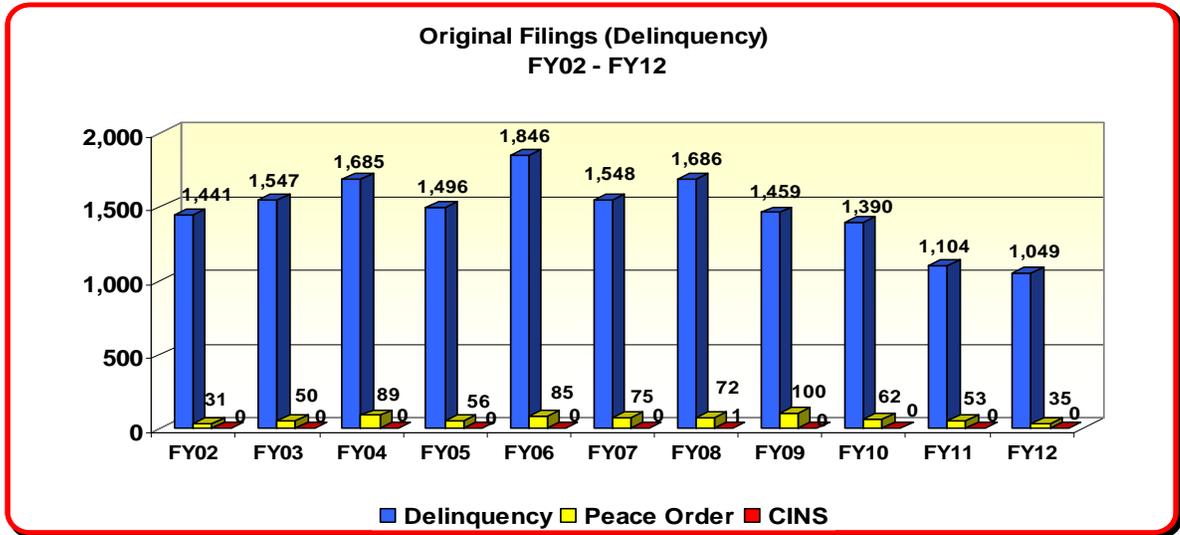
⁴*The Court is faced with an equally complex set of factors that it must consider when a child who is alleged to be in need of assistance appears before it. Courts Article section 3-802 (a) has as its stated purpose (1)to provide for the care, protection, safety and mental and physical development of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

In response, at the end of FY07 the decision was made to reduce the juvenile rotation from four Judges to three and move the fourth Judge to Family. These changes were effective with the beginning of FY08. The resulting docket structure was designed to strike a balance between providing an appropriate caseload for juvenile Judges while adding needed judicial resources in the family rotation.

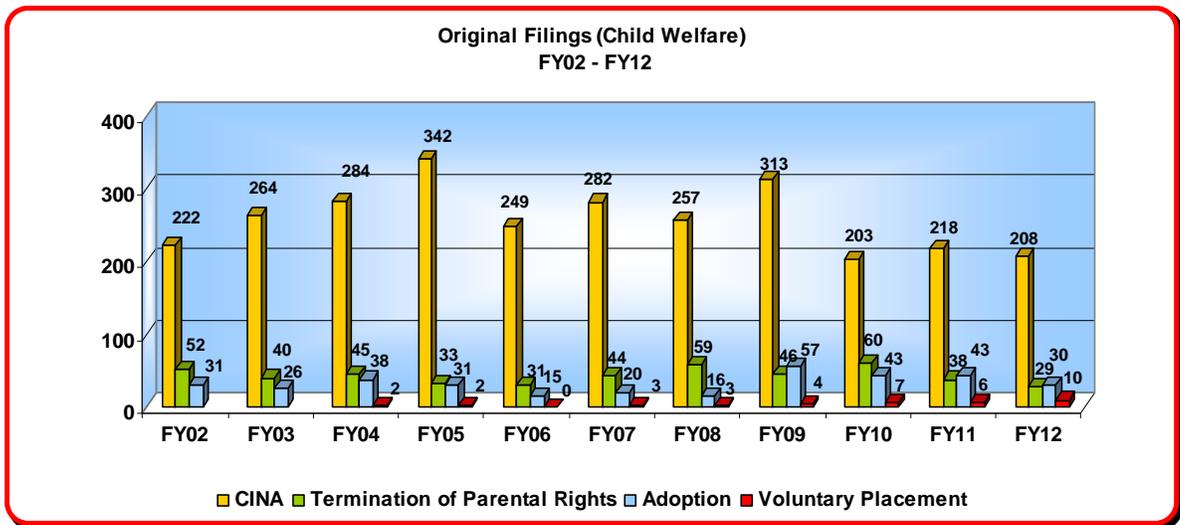
In addition to all the concerns listed above, it is a best practice to maximize judicial continuity for a child and their family on their journey through the legal system. To facilitate this practice the court has put case management measures in place to help ensure that delinquency and child welfare cases come back before the trial Judge for subsequent reviews and permanency planning hearings. In FY10 a complete review of the Juvenile Differentiated Case Management System was conducted. As a result, changes with two Judges sharing a Family and Juvenile rotation have ensured that families involved in child welfare matters stay with their Judge. Additionally, the court's two delinquency Judges retain oversight of their cases as well. Finally, the Juvenile Judge-in-Charge, splits her time on a 60%/40% basis, sitting in Juvenile two days per week hearing primarily CINA cases. These changes have added a much needed level of continuity to these complex and long-lived matters.

Caseload

The two major components of juvenile caseload are Children in Need of Assistance petitions (CINA) and Delinquency petitions. In FY10 both areas experienced some degree of change. First, total Juvenile filings decreased from 1,390 in FY10, to 1,104 in FY11 a reduction of 20.5%. Peace Order filings dropped, from 62 petitions in FY10 to 53 petitions in FY11, a decrease of 14.5%. In FY12, 1,361 original juvenile matters were filed, which is a decrease of 101 cases or 7% from FY11. 1,084 of those cases belonged in the delinquency area and the remaining 277 were child welfare matters. Delinquent petitions dropped by 5% and Peace Orders decreased by 34%



Of these matters filed in FY12, 1,084 belonged in the delinquency area. Of those petitions, 1,049 delinquency matters were filed, which is a reduction of 5% from FY11. Additionally, 35 peace orders were filed, which represents a 34% reduction from FY11.



The remaining 277 Juvenile petitions filed in FY12 were child welfare matters. In FY11, 218 CINA petitions were filed. In FY12 this number decreased to 208 CINA petitions. This represents a downturn of 4.5% from the previous fiscal year. Termination of Parental Rights petitions decreased substantially from 38 filed in FY11 to 29 filed in FY12. which is a 23.6% decrease over FY11 of these highly time consumptive and emotionally charged matters.

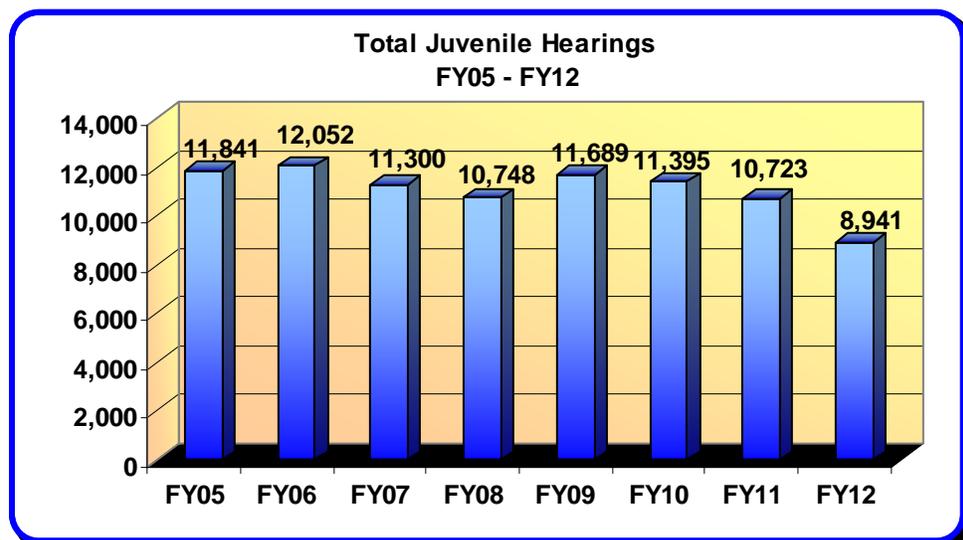
While adoptions remained static in FY11 at 43, they declined by 30% in FY12, with a total of 30 adoptions being filed. Given the reduction of filings of child welfare and TPR petitions filed in FY11, this is not a surprising result.

With regard to adoptions, while it is easy to focus on statistics or filing rate, one should never lose sight of the fact that each case that comes before the court represents a child's life. One of the juvenile court's primary goals is, to achieve permanency for the children who come before it. On November 18, 2011, the Circuit Court, in conjunction with the Department of Health and Human Services, held its annual adoption day. This event celebrated the formal adoption of seven children who had formerly been adjudicated Children in Need of Assistance. This collaborative effort involved the Department of Health and Human Services, the Office of the County Attorney, and many circuit court Judges, along with case management staff from the Juvenile and Family Division, Court Administration and the Office of the Clerk of the Court. In an environment where cheer and celebration are so often eclipsed by the weight of children and families in crisis, this day stood out as a testament to human resiliency, compassion and hope. The court will hold its next adoption day on November 16, 2012.

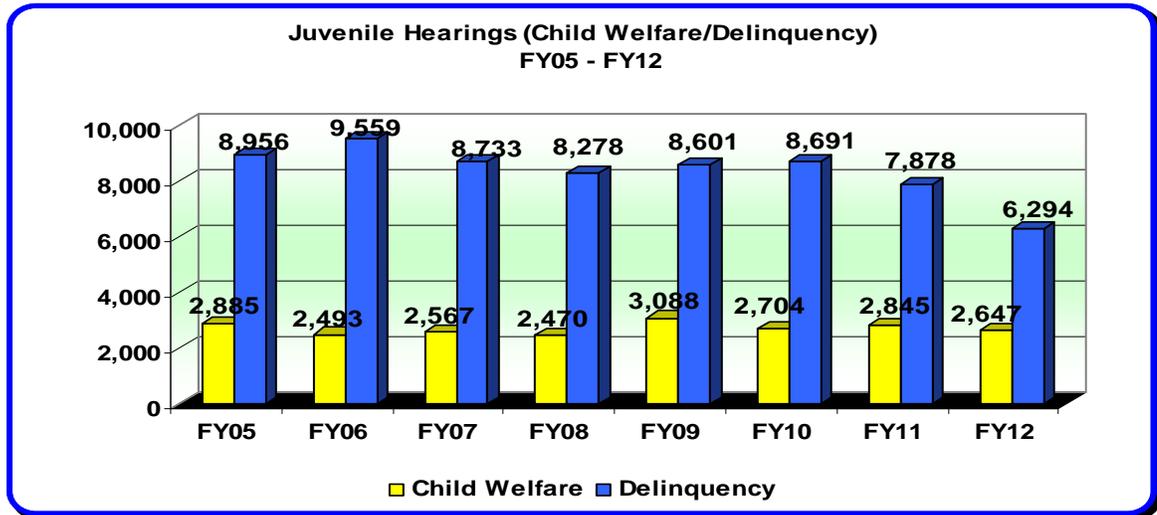
Voluntary Placement, a legal tool available since FY04, allows parents of a significantly disabled child to enter into an agreement with the Department of Health and Human Services for placement of that child. Since its inception, the use of this process has been slow to develop. However, the last three fiscal years have seen a significant increase in its use. In FY10 seven cases, were filed, which was an increase of 75% over the prior fiscal year. In FY11 the number of voluntary placement filings remained close to FY10 at six, but in FY12 there was a marked increase in Voluntary Placement petition filings. Ten such matters were filed, which represents a 66% increase over FY11.

Workload

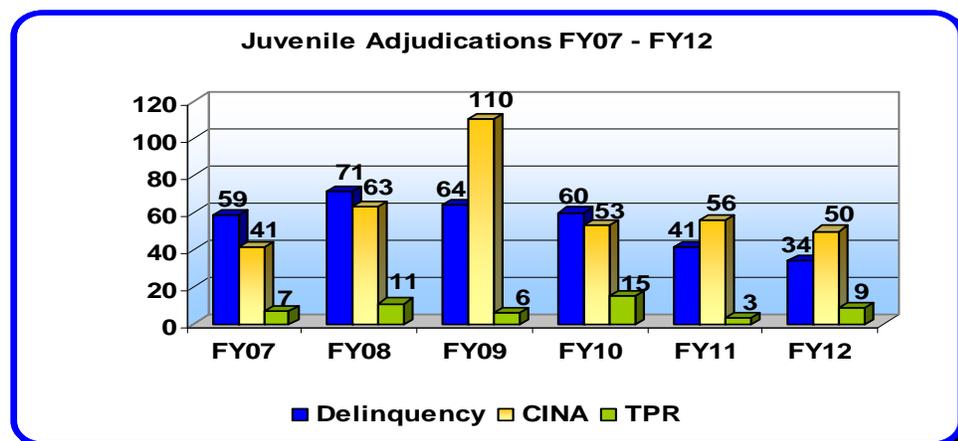
Statistics regarding original filings capture only a portion of the juvenile court's workload. The need for close and continuous supervision of the progress of children within the court's jurisdiction results in repeated review hearings.



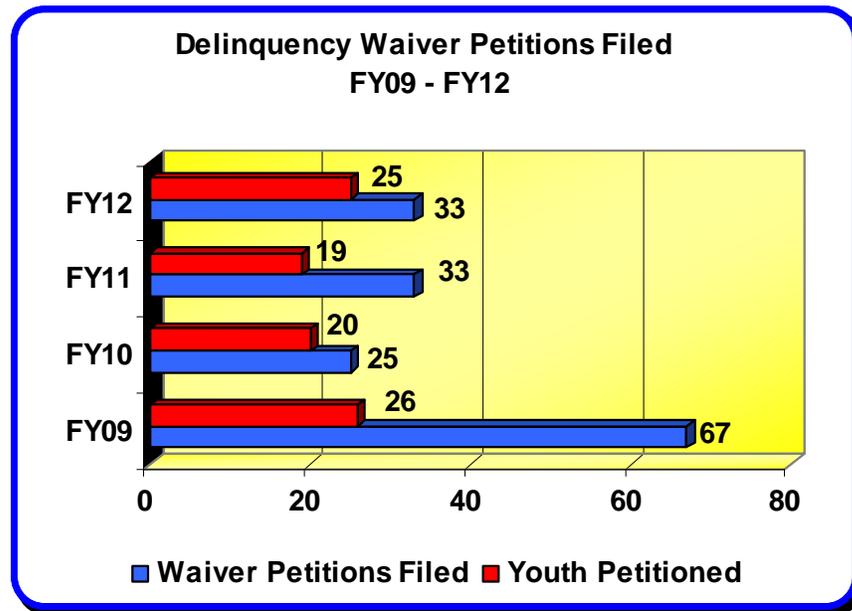
In FY12 6,294 delinquency hearings and 2,647 child welfare hearings were conducted for a total of 8,941 hearings. This change represents a decrease of 16.6% from FY11 when 10,723 hearings were held. Given the decrease in juvenile filings the reduction the hearings is not surprising. Please note that these figures do not include adjudicatory hearings or trials.



Another interesting statistic is how many matters proceeded to adjudication or trial. In FY11, 41 Delinquency, 56 CINA and 3 TPR matters proceeded to adjudication or trial, which was a decrease of 21% over FY10. Delinquency adjudications decreased by 31% while the change in CINA matters proceeding to adjudication experienced an increase of 5%. The most dramatic change was with Termination of Parental Rights cases, which experienced a drop of 80%. In FY12 this pattern continued, with a total of 93 matters proceeding to trial or adjudication as follows: 34 delinquency, 50 CINA and 9 TPR matters. This total number represents a 7% decline over FY11. Please note that these numbers do not distinguish between cases filed in one fiscal year that might be adjudicated in the next fiscal year. It is simply a snapshot of trial volume.

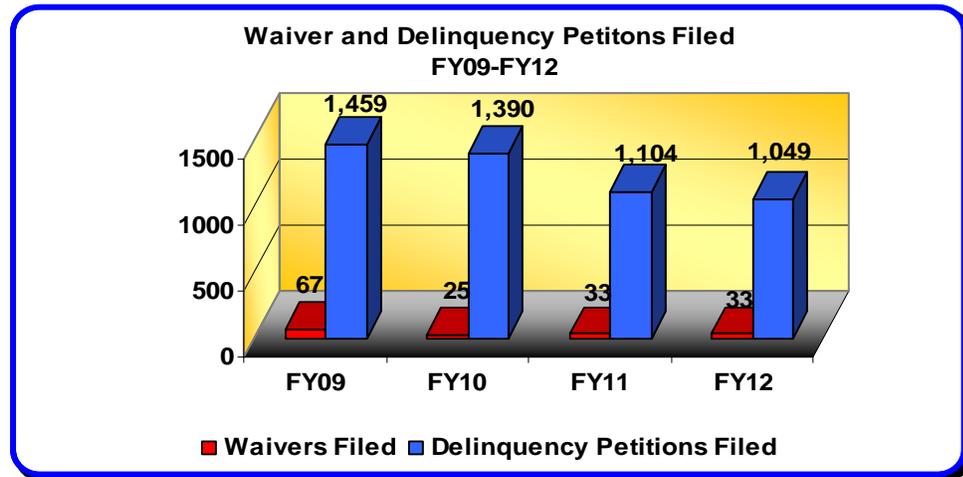


While the focus of juvenile law is rehabilitative, the court may, pursuant to Section 3-8A-06, of the Courts Article, waive its exclusive original jurisdiction over a Respondent whom it finds to be an unfit subject for juvenile rehabilitative measures⁵. While a critical occurrence, this is also not a frequent event, as indicated by the following charts.



In FY09, 67 petitions were filed involving 26 youth. During that year, three youth were responsible for a total 56%, (38 of 67), of waiver petitions filed, with a maximum of 19 for one Respondent. In FY10, however only 25 waiver petitions were filed on a total of 20 youth. In FY11 a total of 33 petitions were filed on 19 youth. Of those youth, one was the recipient of eight petitions and was waived on those petitions. One youth was the recipient of five waiver petitions and was waived to adult court on one of the petitions. The remaining 20 petitions were spread among 17 youth. In FY12, 33 petitions were filed involving 25 youth, but only four youth had a small amount of multiple petitions.

⁵The court may waive the exclusive jurisdiction conferred by section 3-8A-03 of the Courts Article, with respect to a petition alleging delinquency by (1) a child who is 15 years old or older or (2) a child who has not reached his 15th birthday, but who is charged with committing an act which if committed by an adult would be punishable by death or life imprisonment. Courts sec. 3-8A-06(a). The court may not waive its jurisdiction under this section unless it determines, from a preponderance of the evidence presented at the hearing, that the child is an unfit subject for juvenile rehabilitative measures. Section 3-8A-06(d) of the Courts Article.



As can be seen from this chart the percentage of cases which contain waiver requests is very tiny relative to the entire amount of filings.⁶ For example, when looking at filings for FY10, the percentage of cases subsequently involved in a waiver was 1.7%. For FY11, only 2.9% of cases filed subsequently have waiver issues. In FY12 that number was 3.1%.

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

Additionally, the Adoption and Safe Families Act, signed into law in 1997, amended Federal foster care laws to make permanency the paramount focus of the law. In response to this, the court has taken measures to facilitate compliance with the requirements of the law. The court automatically sets 6 month review hearings (from the date of shelter) and permanency planning hearings at disposition. By setting the permanency planning hearing at the dispositional stage, the bar and the court have greater calendar flexibility than when these

⁶ The number of eligible petitions was calculated by subtracting peace order filings from the total number of delinquency petitions filed.

hearings are not set in until later, which in turn increases compliance with statutory deadlines.

The court has continued to focus on issuing final orders in TPR cases within the 180 day timeframe required by law⁷. Service Status Hearings, implemented in FY07, keep the issue of service before the court. This effectively helped address the issue of service more expeditiously. These hearings were initially held at either 45 or 70 days, depending on the type of summons that was issued. However, with the modification to Maryland Rule 9-104,⁸ which became effective July 1, 2008, the first date for these hearings was changed to day 45 or day 60.

During the latter half of FY08, to accommodate an already overly burdened bar, the service status hearings were consolidated into a single morning docket instead of being scheduled throughout the weekly CINA or Duty docket. In FY10 these hearings were reduced again to every other week. These hearings have been highly successful, boosting compliance with case processing time standards in Termination of Parental Rights cases significantly. Currently these hearings are only held once in court, with subsequent service issues addressed in chambers by the Juvenile Judge in Charge, the Permanency Planning liaison and the County Attorney.

Juvenile Drug Court

In FY04, the Circuit Court for Montgomery County received a Bureau of Justice Assistance Drug Court Planning Initiative grant to participate in three training programs designed to help jurisdictions plan and implement effective drug treatment courts. A team that included two Judges with significant experience in the adjudication of juvenile causes, as well as a senior Assistant State Attorney, the Public Defender for Montgomery County, senior personnel from Department of Juvenile Services, the Montgomery County Police Department, the Montgomery County Department of Health and Human Services, the Montgomery Public Schools, as well as key court personnel, participated in the trainings and met regularly throughout FY04 and the beginning of FY05 to design and plan Montgomery County's Juvenile Drug Court.

⁷ *Family Law Article section 5-319 requires that a juvenile court rule on a guardianship petition within 180 days after the filing of the petition and within 45 days after receipt of all consents or trial on the merits, whichever is earlier.*

⁸ *Effective July 1, 2007, Maryland Rule 9-104(b) requires that in a public agency guardianship or adoption, at the time the notice of filing is sent, the court shall schedule a status conference no later than 60 days after the filing of the petition.*

The mission of the Montgomery County Juvenile Drug Court is to reduce substance abuse and delinquent conduct among youthful offenders by providing them and their families with intensive, comprehensive and individualized services. By helping participants reach their full potential as valued community members, everyone benefits from having a stronger and safer community.

Offenders who enter the Juvenile Drug Court program are continued on special conditions of probation that appropriately support the goals of recovery and rehabilitation for program participants. Placed under the supervision of the Juvenile Drug Court Program, enrollees consent to participate in a structured, four-phase program that involves treatment, random urinalysis, individual and family therapy, meetings with case management, meetings with probation and other program-related requirements. Participants are expected to remain in the program, which can last between nine and twelve months, depending upon their progress.

Since the program started, approximately 19 participants have graduated because they successfully completed all of the requirements of the Montgomery County Juvenile Drug Court Program.

Supportive Services

Case Management

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

A Case Manager is permanently assigned to a child at the time the first delinquency or peace order petition is filed. When a CINA petition is filed, a Case Manager is assigned to the entire family on a permanent basis. This assures continuity and familiarity with a child or family's specific issues and legal history.

The Juvenile Case Managers are led by a Supervising Case Manager for Juvenile Causes. The Supervising Case Manager provides direct supervision to them as well as administrative support to the Family Division Coordinator in the development and implementation of initiatives and procedures. Additionally, this role serves as a pivotal link between the juvenile bar and the court.

Permanency Planning Liaison

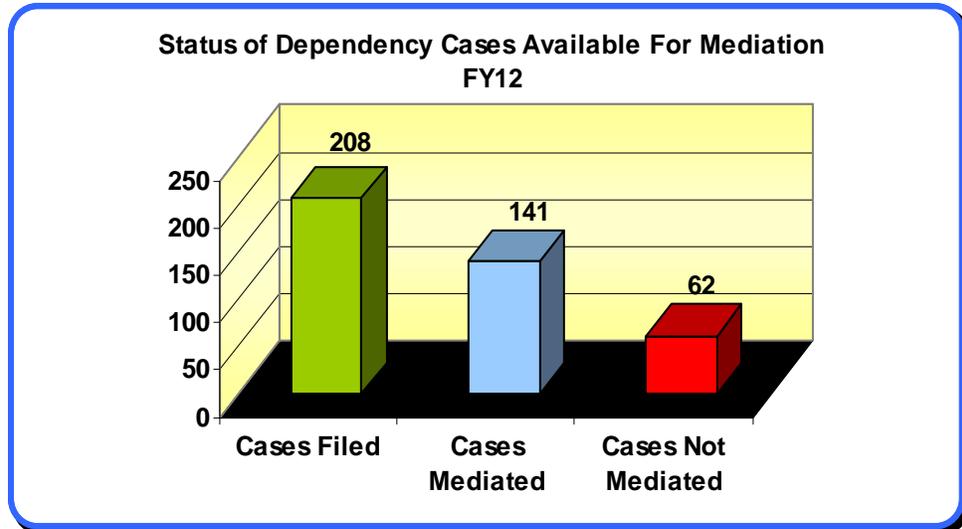
The position of Permanency Planning Liaison was created for the each judicial circuit to provide case management of permanency issues in dependency cases, including ensuring compliance with federal requirements under the Adoption and Safe Families Act. The Permanency Planning Liaison monitors permanency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

Dependency Mediation

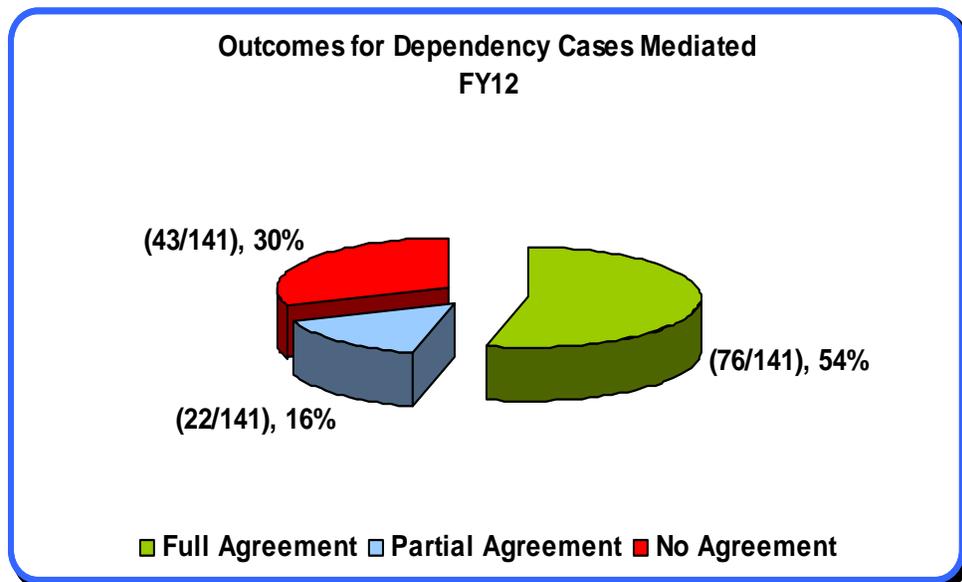
With the assistance of grants obtained by the Montgomery County Collaboration Council for Children, Youth and their Families from MACRO and the Office of Crime Control and Prevention, the Circuit Court for Montgomery County was able to implement the Juvenile Dependency Mediation program during FY03 to provide court-ordered mediation of Child in Need of Assistance (CINA) cases prior to adjudication. The framework for the program was developed on a collaborative basis over a two-year period by an ad hoc committee of stakeholders working in conjunction with the court to create an alternative, non-adversarial means of resolving CINA cases at the pre-adjudicatory stage.

In its first year of operation, the Juvenile Dependency Mediation program became an integral part of the court and has become a model program for other jurisdictions in Maryland seeking to change the all too often destructive dynamic associated with the traditional adversarial approach. The implementation of the Juvenile Dependency Mediation Program at the pre-adjudicatory stage in CINA cases has provided a collaborative alternative to the traditional adversarial means of resolving these cases. The collaborative planning process helped to change a hostile legal culture that existed among the lawyers representing various parties to a more congenial one in which, while different roles are acknowledged and respected; compromise and collaboration in the resolution of cases has become the norm.

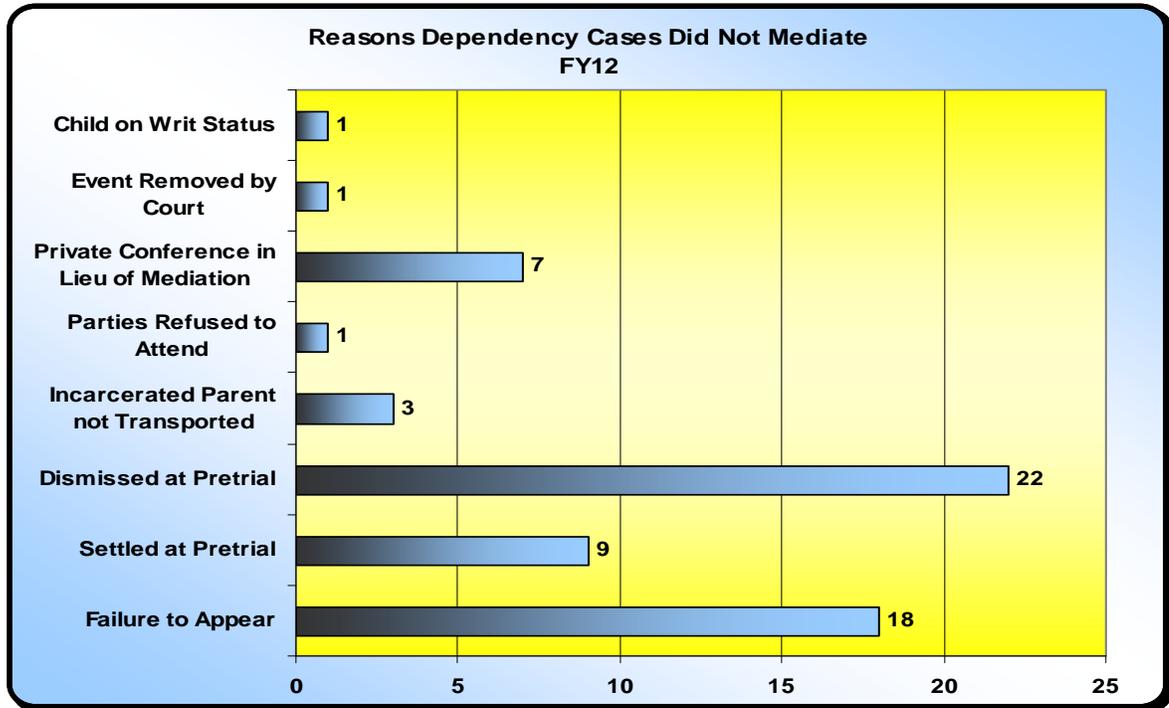
The implementation of the juvenile dependency mediation program in conjunction with the implementation of the DCM plan created the capacity for CINA cases to be resolved by a pre-trial settlement conference date scheduled two to four weeks after the case's initiation in court.



In FY12, 67.5 % of eligible cases went to mediation, which is comparable to FY11 when 68.5% mediated. Of those cases that mediated in FY12, 54 % reached a complete agreement and 16 % reached a partial agreement for a combined agreement rate of 70%. This is slightly lower than in FY11 when 47% reached a full agreement and 32% reached a partial agreement, which represented a combined agreement outcome of 79%.



As can be seen on the chart below, for those cases that did not go to mediation, the most common reasons for not mediating were as follows:

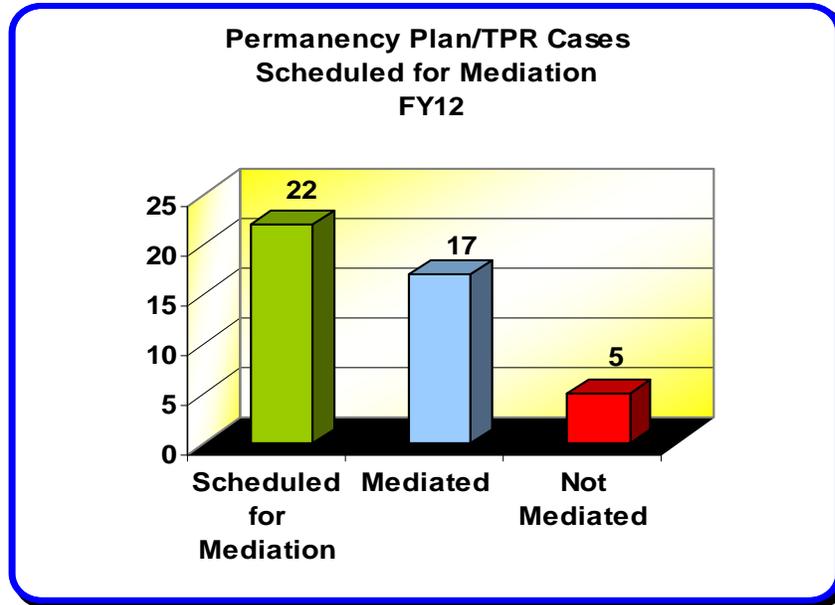


Of the 62 cases that did not mediate, 31 (50%) resolved completely at pretrial. When combined with the fact that 54% of mediated cases reached a full agreement at mediation the striking importance of both events is clearly demonstrated as valuable vehicles for reuniting families and/or providing services quickly to facilitate that reunification.

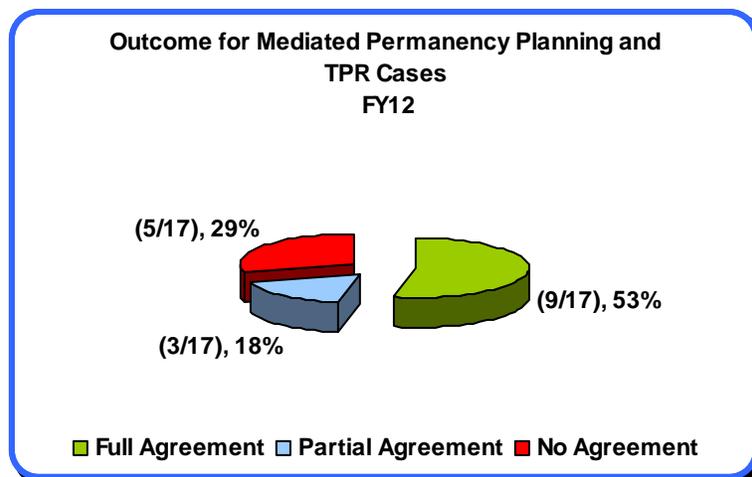
Permanency/TPR Mediation

Discussions to extend the dependency mediation program to the post-adjudicatory stages of CINA cases up to and including Termination of Parental Rights (TPR) cases began with the Ad Hoc Committee on Dependency Mediation in November, 2002. At the conclusion of the initial grant period, including an extension, it was determined in the early spring of 2004 that sufficient funds could be drawn from the Circuit Court budget to augment the funds remaining in the MACRO grant to provide training for permanency mediation; that is, mediation to enable permanency to be achieved for children in out-of-home placements and their families.

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



Permanency/TPR Mediation began on an as-needed basis in FY05. In FY10, the number of cases reaching a full or partial agreement was 64%. In FY11 it dropped to a 48% agreement rate. In FY12, 22 cases were scheduled for mediation and 17 completed the process. Five, or 22%, did not mediate. Of those five cases, consents to the TPR were pending in two, a parent was not served in one case, another case had paternity issues and no reason was identified in one case. Of the 17 cases that mediated, 12, or 71% reached a full or partial agreement.



Mediators for the Dependency Mediation Program are contractual on a per case basis. To qualify as a juvenile dependency mediator, a mediator must first complete 40 hours of basic ADR training, then complete 32 hours of CINA mediation training and 8 hours of court

observation. Four such training sessions have been offered. There are approximately 30 active juvenile dependency mediators, many of whom have also completed Permanency Mediation training.

Ongoing training is provided for mediators. During FY09, following grant approval by MACRO training was held for purposes of enhancing the CINA and Permanency Planning/TPR mediation programs in Montgomery, Frederick and Howard Counties. A facilitator, the Center for Dispute Resolution at the University of Maryland School of Law (C-DRUM), was hired to meet with and interview stakeholders, with the goal of gathering feedback from stakeholders, reviving participants and improving the program through open and interactive communication. Extensive stakeholder interviews were conducted. Based upon those interviews, C-DRUM compiled a report which was issued in FY09. Stakeholder meetings to discuss the process, the report and its findings and recommendations were held in FY09 and a follow up session was held in FY10.

Additionally, as part of the refresher/continuing education a training course for current mediators and a permanency planning/TPR training course for current mediators, were held in FY09. The trainings provided continuing education to current mediators and increased the roster in Montgomery County of eligible permanency planning/TPR mediators. A follow up meeting was also held in FY10. A larger meeting of the entire body of dependency mediators is planned for early 2013.

CONCLUSION

As the requirements of the law and the needs of its litigants change, the court must adapt continuously, quickly, appropriately and economically. Such change is difficult, particularly in the face of a continually shrinking court budget and increasingly difficult economic circumstances for litigants. The goal, however, regardless of changes in economics or in the law, is to improve the lives of the most vulnerable citizens of Montgomery County and to benefit the well being of the larger society. This is a challenge both recognized and embraced by those who serve litigants through Family Division Services. Every year brings a new challenge and the Court's ability to meet them with positive determination and the best interests of its litigants in mind is the measure of the strength, stability and character of the court and the effectiveness of its employees as public servants. In the upcoming year, as previously noted, the Court is vigorously embracing the challenge of designing a responsive and meaningful custody/access mediation program with very few resources. The Court is grateful to those who will step in to fill a sudden and painful void to benefit the litigants of Montgomery County, who so desperately need the constructive and self determining process of custody/access mediation.

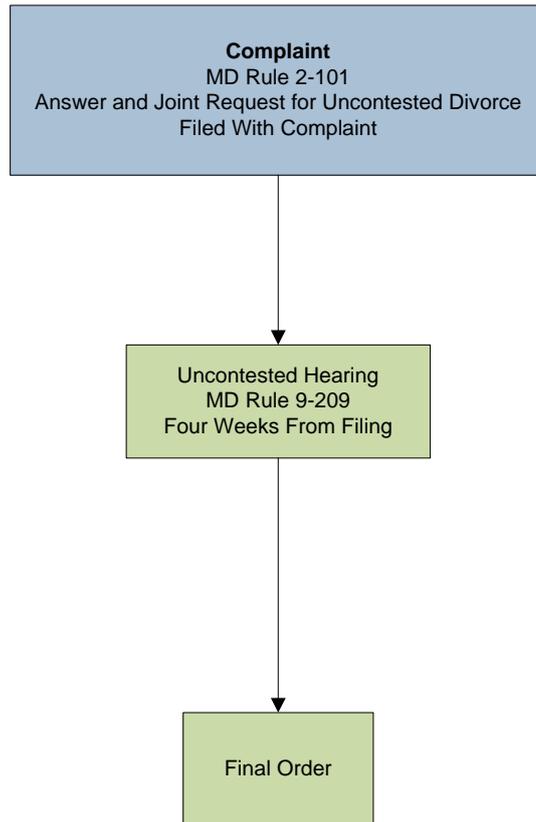
At the same time the court is always working to refresh and improve its service to the public. To that end, during FY11, the Juvenile portion of the Family Division underwent a complete review of its Differentiated Case Management system with an eye toward streamlining dockets to better serve the public and the bench. This process took a critical look at the scope, function, strengths and weakness of the existing system and made creative

adjustments, such as hybrid dockets, with input from all stakeholders in the system. The results of these changes were easily seen during FY12 as children and families who found themselves in this potentially frightening system were guaranteed that they had one Judge, their Judge, seeing them when they came to court. The end result was an even more responsive DCM system which continues to help guarantee timely and appropriate access to justice to everyone who seeks it, with greater dignity and continuity.

Finally, in the future, the Family Division will also receive a rigorous review of its policies, practices and procedures as it undergoes the same Differentiated Case Management Review that was conducted in Juvenile. As it did in Juvenile, this thorough scrutiny of the Court's practices and its responsiveness to the litigants who come before it, will result in better service provision to the citizens of Montgomery County. No court functions optimally without continual self analysis and review of its processes. This coming review will result in greater efficiency, timeliness and fairness, which aligns seamlessly with the mission of this Court.

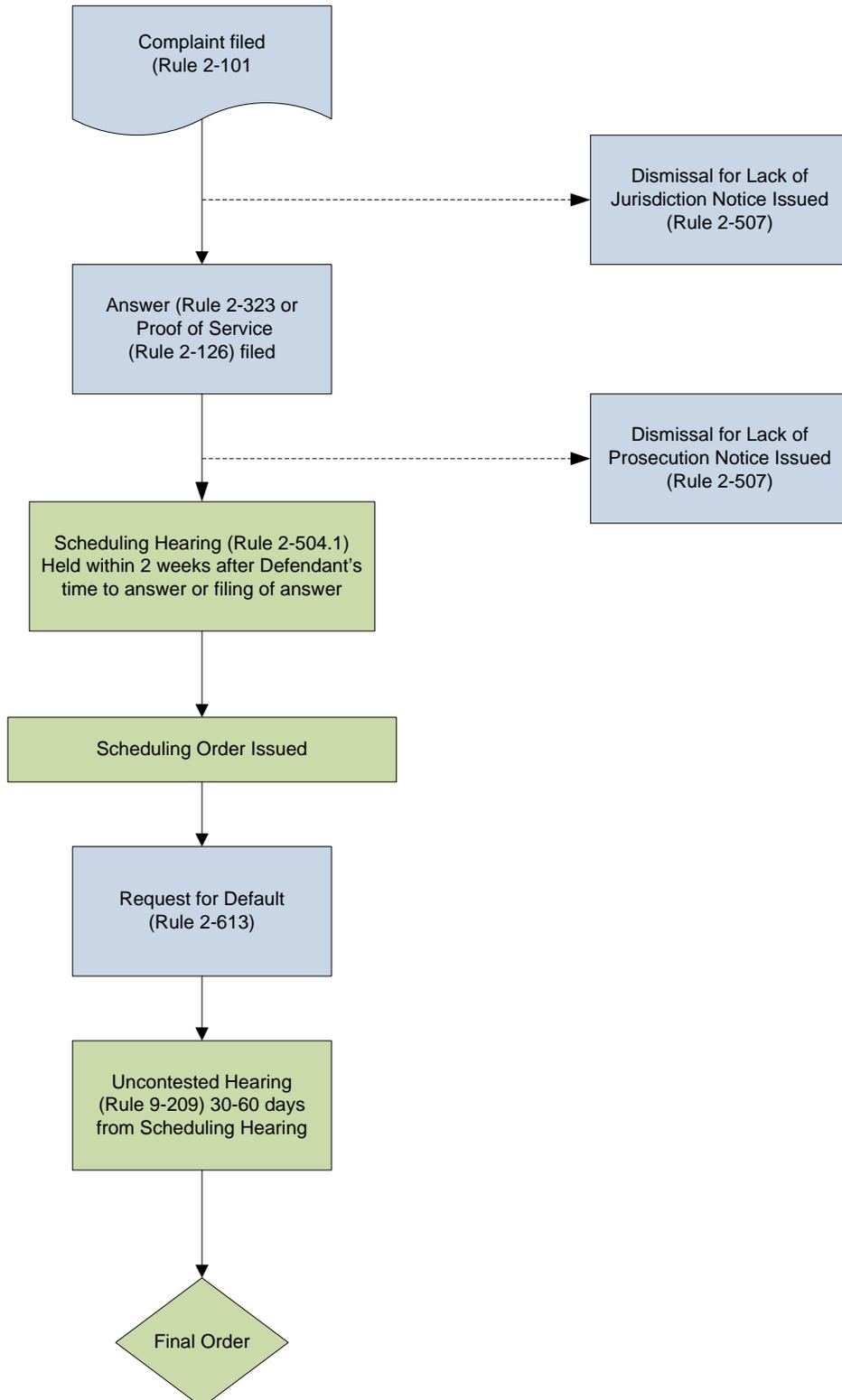
Family Track 0

Uncontested Divorce



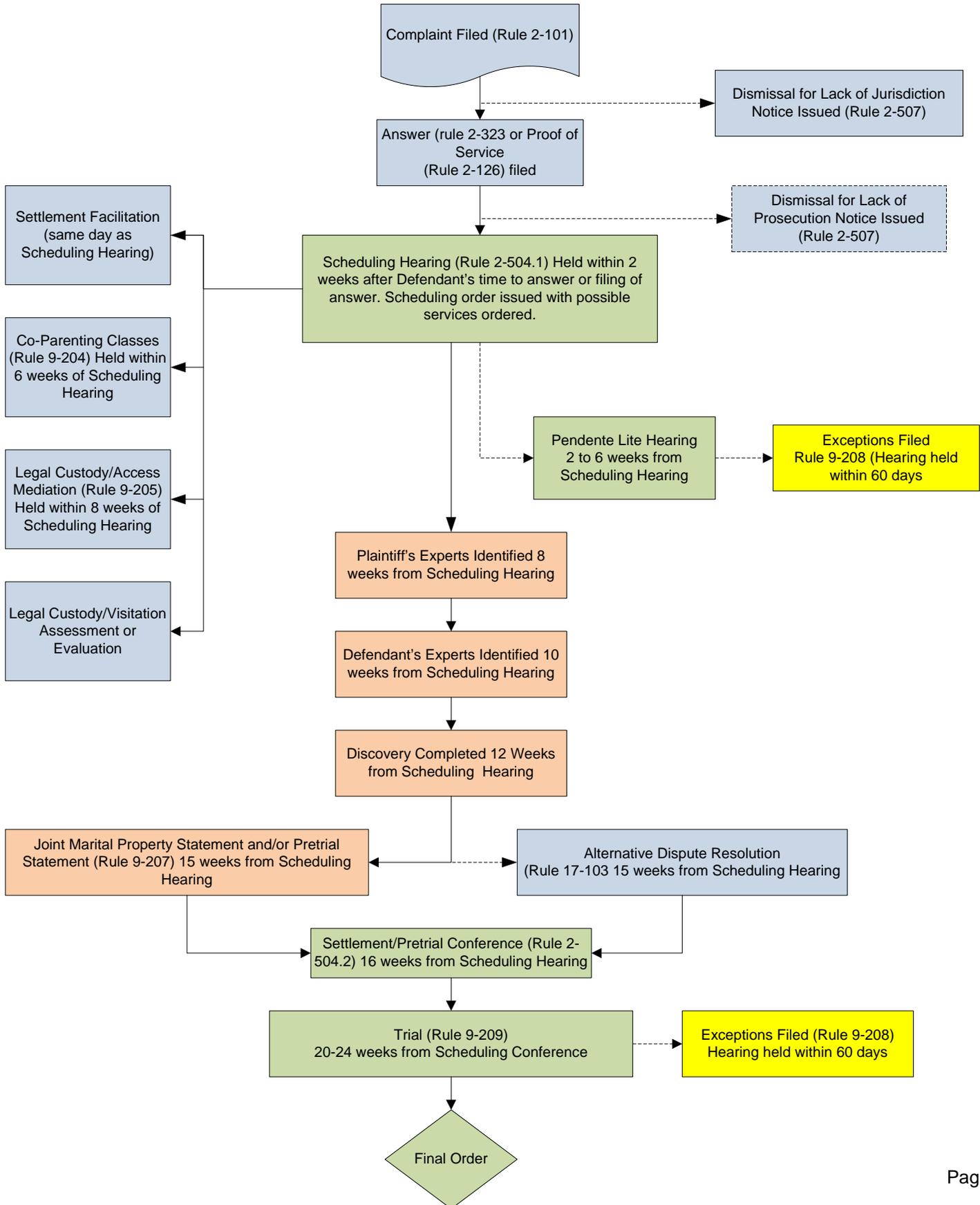
Family Track 1

Uncontested Divorce



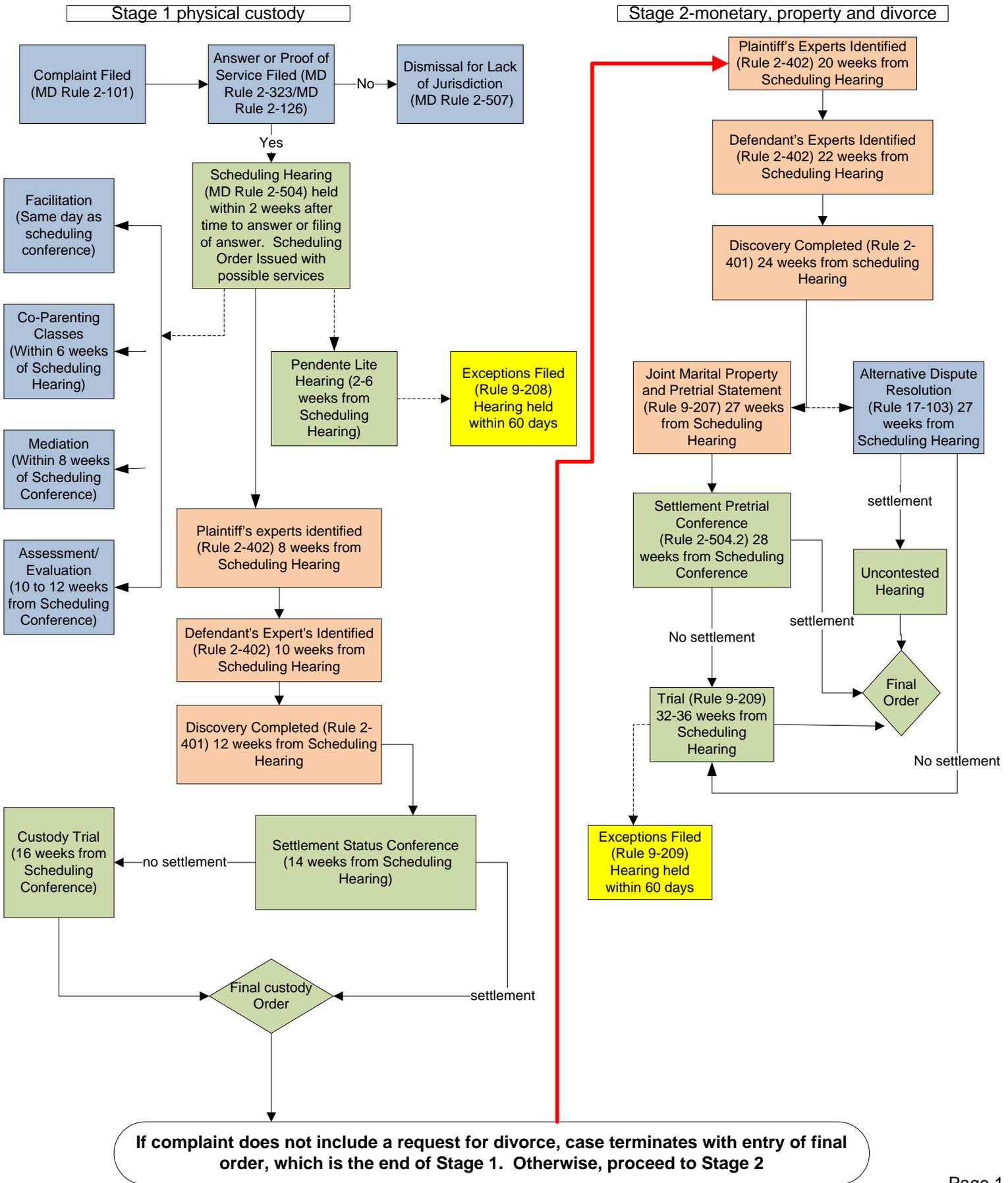
Family Track 2

Cases involving any or all of the following issues: visitation, alimony, legal custody, child support, limited property, pension, cost, attorney fees, divorce



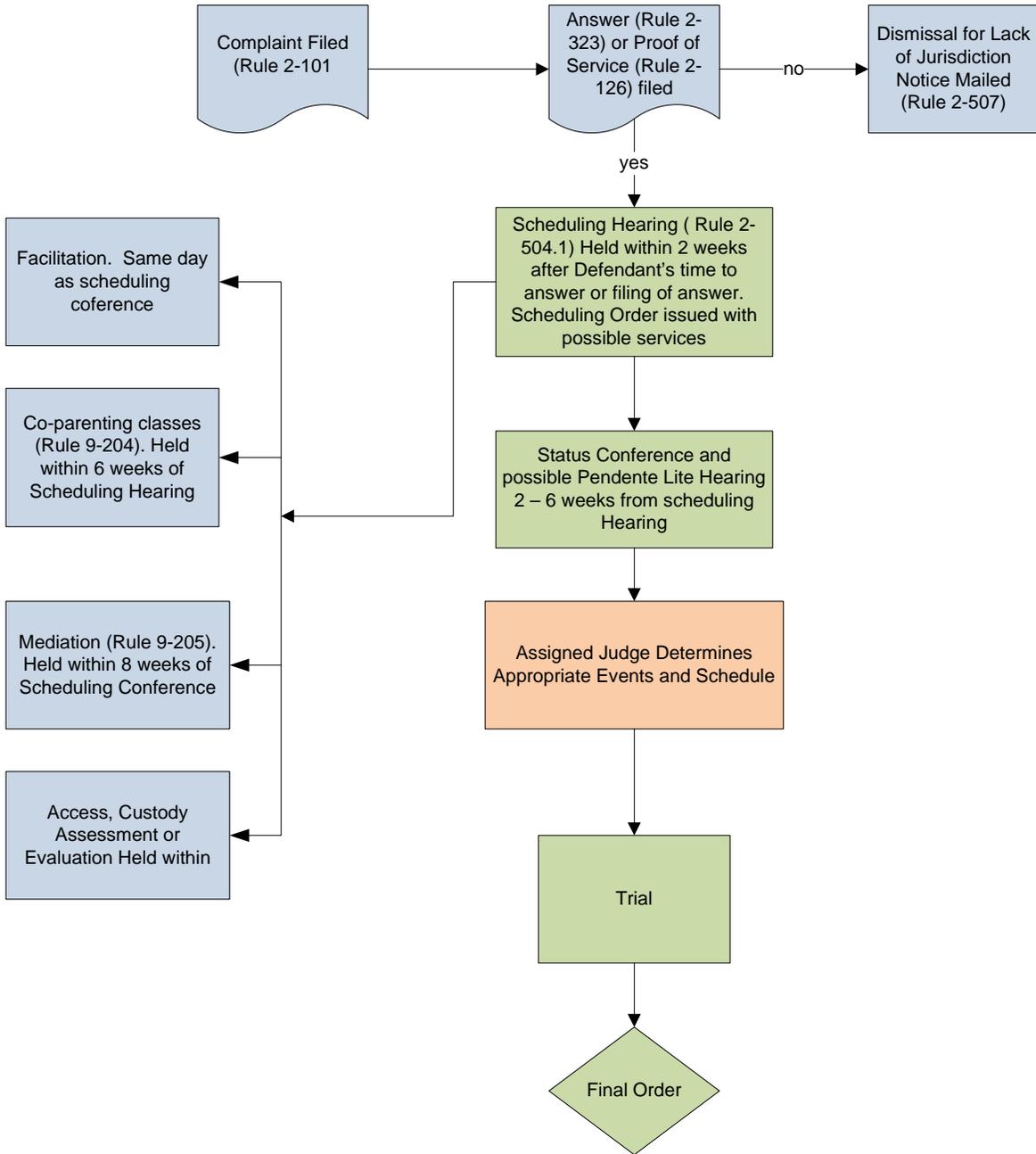
Family Track 3

Cases involving physical custody and any of the following issues: visitation, child support, alimony, property, pension, attorney fees and divorce

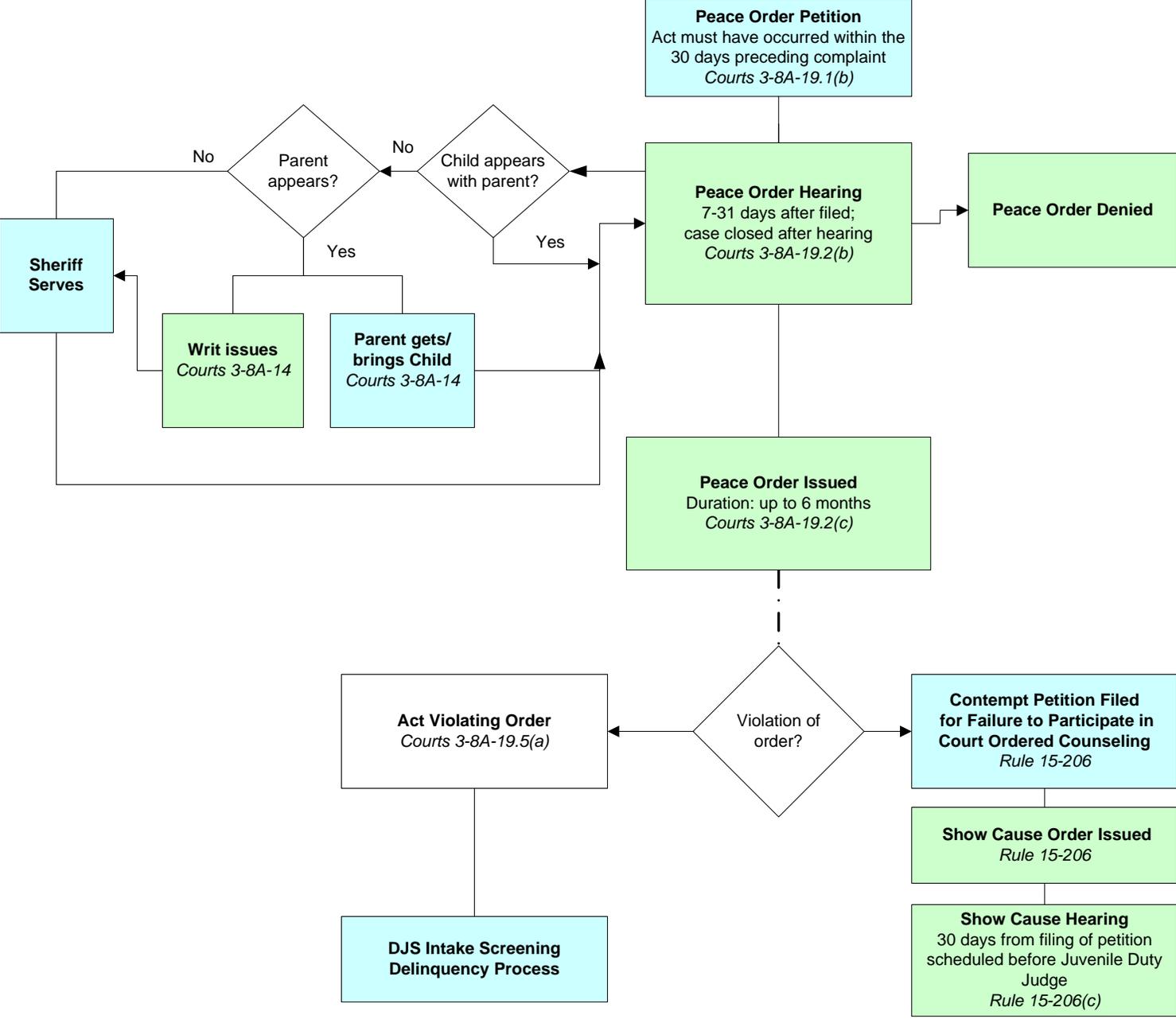


Family Track 4

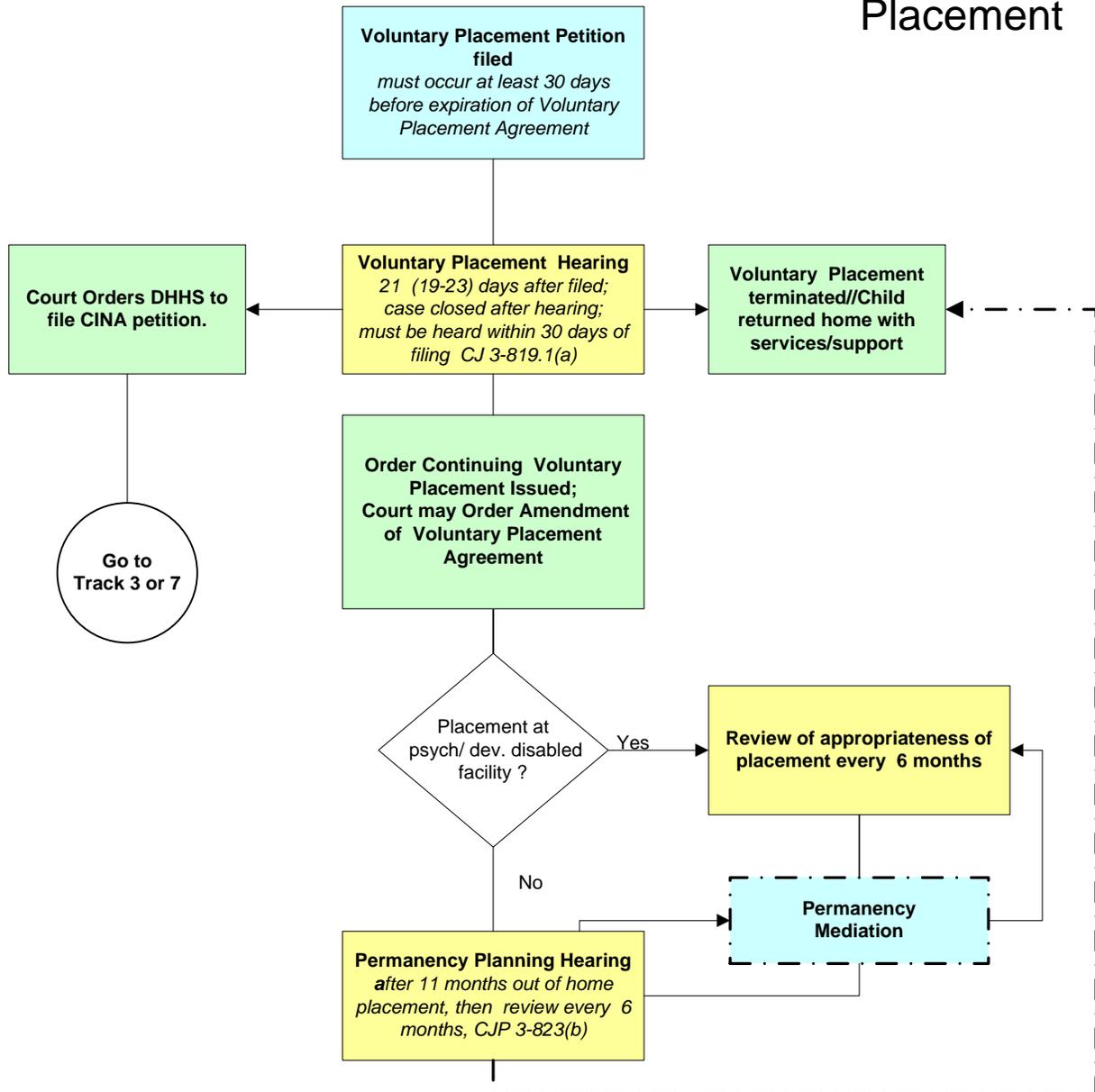
Complex Custody, Financial, Business and/or Property Issues



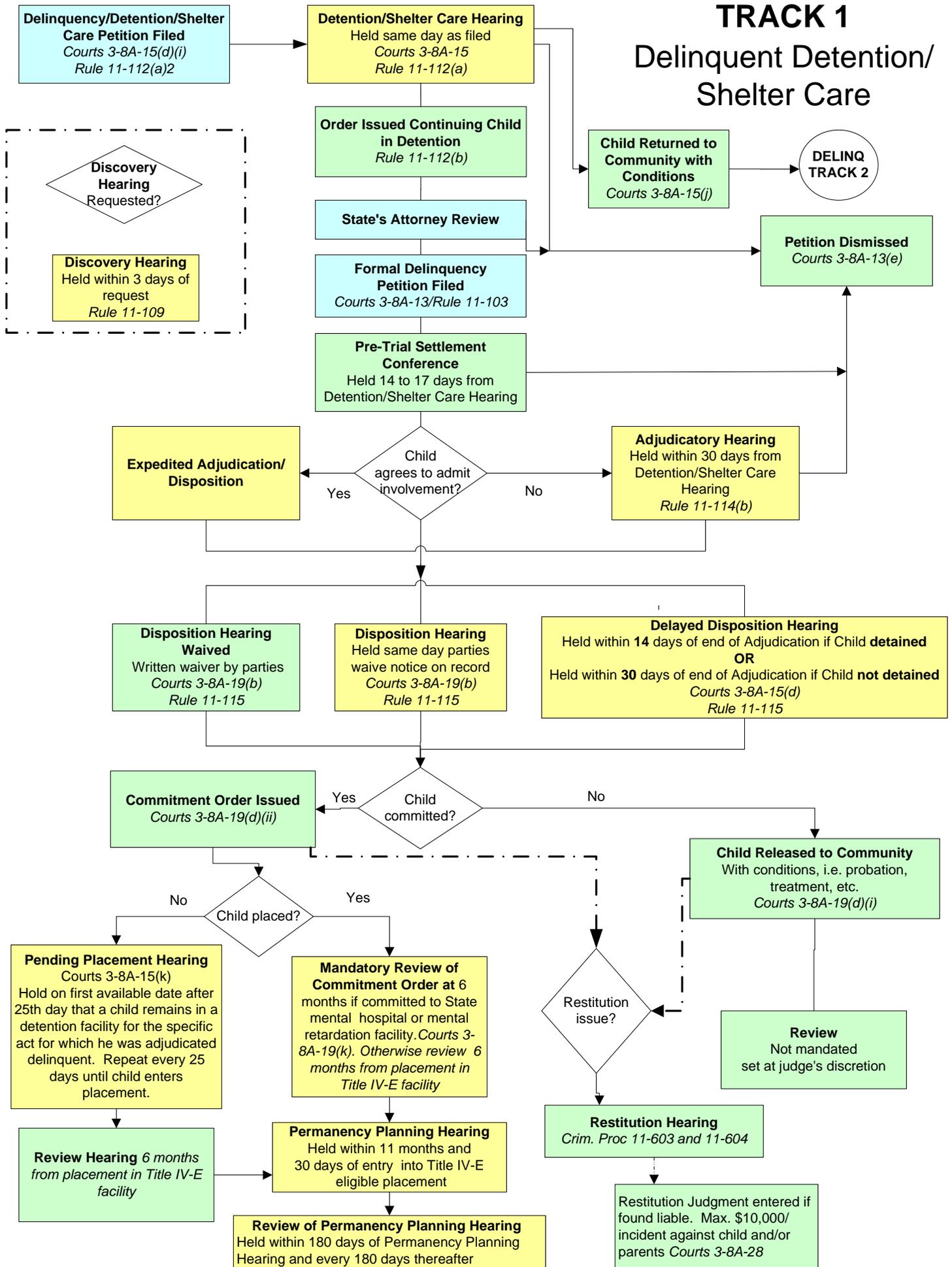
TRACK 0 Peace Order



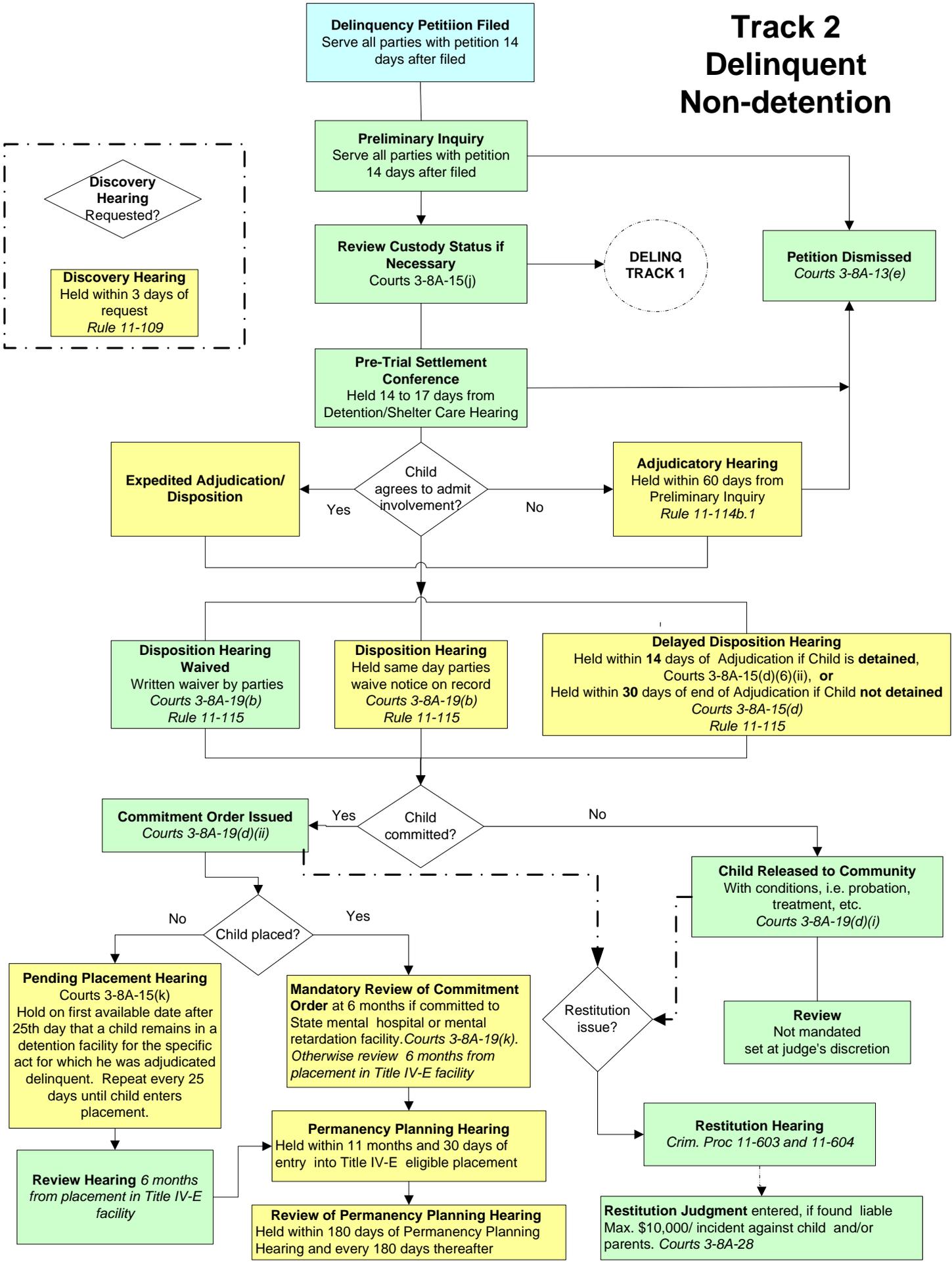
TRACK 0 Voluntary Placement



TRACK 1 Delinquent Detention/ Shelter Care



Track 2 Delinquent Non-detention



Discovery Hearing Requested?

Discovery Hearing
Held within 3 days of request
Rule 11-109

DELINQ TRACK 1

Petition Dismissed
Courts 3-8A-13(e)

Expedited Adjudication/Disposition

Adjudicatory Hearing
Held within 60 days from Preliminary Inquiry
Rule 11-114b.1

Disposition Hearing Waived
Written waiver by parties
Courts 3-8A-19(b)
Rule 11-115

Disposition Hearing
Held same day parties waive notice on record
Courts 3-8A-19(b)
Rule 11-115

Delayed Disposition Hearing
Held within 14 days of Adjudication if Child is detained,
Courts 3-8A-15(d)(6)(ii), or
Held within 30 days of end of Adjudication if Child not detained
Courts 3-8A-15(d)
Rule 11-115

Commitment Order Issued
Courts 3-8A-19(d)(ii)

Child Released to Community
With conditions, i.e. probation, treatment, etc.
Courts 3-8A-19(d)(i)

Child placed?

Pending Placement Hearing
Courts 3-8A-15(k)
Hold on first available date after 25th day that a child remains in a detention facility for the specific act for which he was adjudicated delinquent. Repeat every 25 days until child enters placement.

Mandatory Review of Commitment Order at 6 months if committed to State mental hospital or mental retardation facility. *Courts 3-8A-19(k)*. Otherwise review 6 months from placement in Title IV-E facility

Review Hearing 6 months from placement in Title IV-E facility

Permanency Planning Hearing
Held within 11 months and 30 days of entry into Title IV-E eligible placement

Review of Permanency Planning Hearing
Held within 180 days of Permanency Planning Hearing and every 180 days thereafter

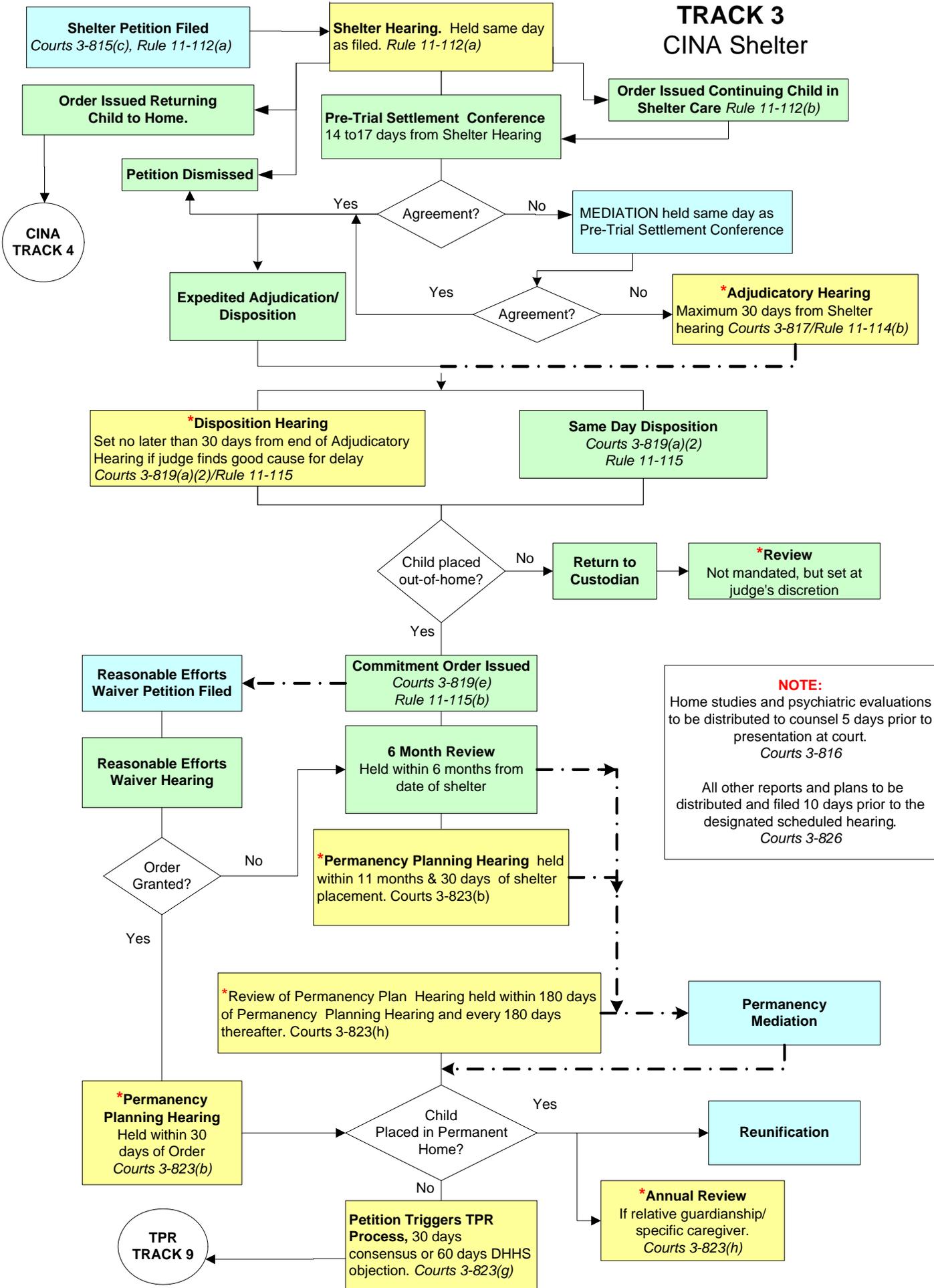
Review
Not mandated set at judge's discretion

Restitution issue?

Restitution Hearing
Crim. Proc 11-603 and 11-604

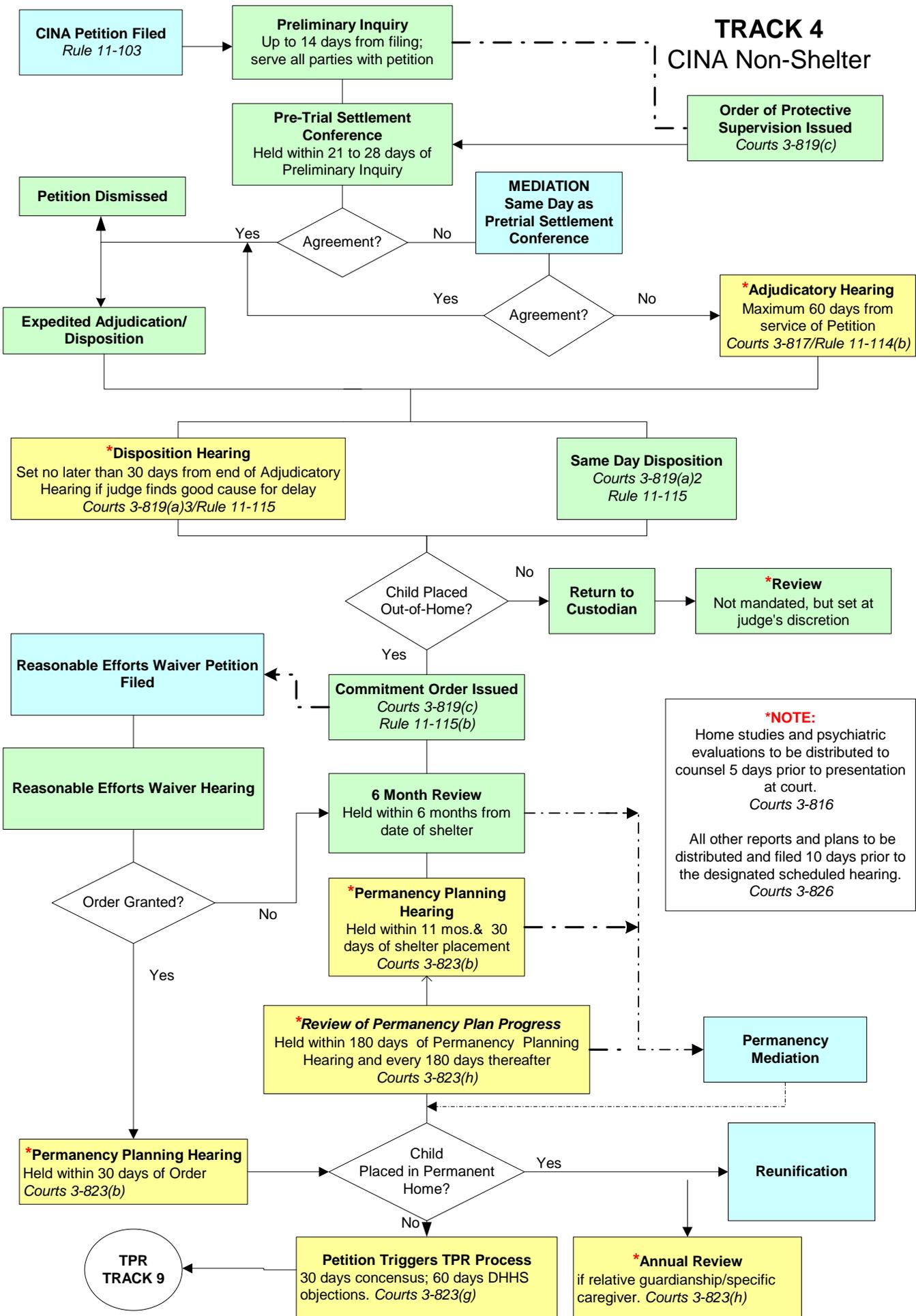
Restitution Judgment entered, if found liable
Max. \$10,000/ incident against child and/or parents. *Courts 3-8A-28*

TRACK 3 CINA Shelter

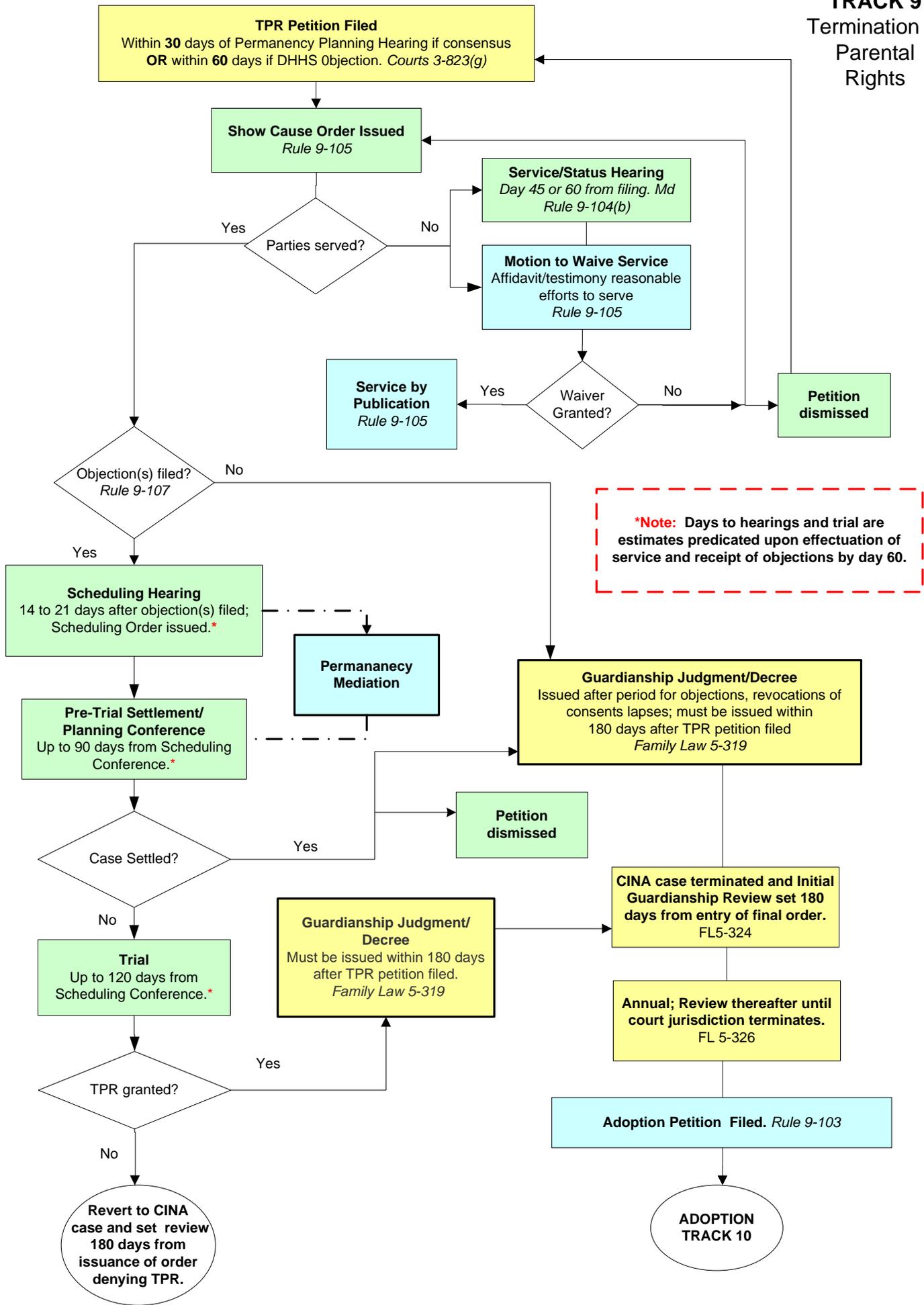


TRACK 4

CINA Non-Shelter



TRACK 9
Termination of
Parental
Rights



TRACK 10 ADOPTION

