

MONTGOMERY COUNTY

CIRCUIT COURT



FAMILY DIVISION SERVICES

FIFTEENTH ANNUAL REPORT

FISCAL YEAR 2013

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Executive Summary

FY13 ushered in several significant challenges in the Family Division. A persistently troubled economy continued to erode the already diminished level of fiscal resources available to the court, while the demand for those services remained constant. Providing continuity of services in a timely and efficient manner, a serious goal, was achieved through the dedication of the bench, which decided these sensitive matters and the hard work of the employees of the Family Division who worked diligently to provide services designed to support the court in its mission.

The 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 FY13 the court produced the following output as it worked to meet the above stated goals:

- 18,169 filings (10,108 original and 8,061 matters reopened by motion)
- 24,534 hearings on juvenile and family law matters
- 951 trial matters (825 trials and 25 merits hearings in family and 101 adjudications in juvenile)
- 133 mediations of child welfare dependency matters with a 51% resolution rate
- 9 mediations of permanency plan and termination of parental rights cases with a 89% resolution rate
- 57 mediations of family law custody/access matters with a 67% resolution rate
- 450 evaluations, assessments, review and investigations of family law matters
- 550 facilitations of family law matters with a 72 % resolution rate
- 8,376 litigants served by the Family Law Self Help Center
- 3,345 persons ordered to co-parenting education

This workload was managed by 11 judges, five masters and the 27 employees in the Family Division, who worked in concert to help resolve the 18,169 matters filed during FY13.

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

As part of those efforts, the Court has supported the Family Division in achieving its goals as mandated by Maryland Rule 16-204. 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 Cynthia Callahan, the Family Judge-in-Charge, who has been acting in that capacity since August 1, 2012. Over the last four years, she heard exclusively juvenile matters for the first two years and a blend of juvenile and family law matters for the last two years. Because her experience spans the entire breadth of the Family Division she has been invaluable in both guiding the Division through some significant changes and spearheading the design of new services 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 Cynthia Callahan 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 FY13 was structured as follows:

- Six judges assigned to hear family cases on a full time basis, two judges assigned to hear primarily delinquent matters and three judges each assigned to hear family cases and child welfare cases on a 50% rotating basis.
- 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
- Four Attorneys and one Legal Assistant comprise the Family Law Self Help Center.
- 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 Child Welfare Mediation Program and the Custody/Access 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 2013 to achieve that goal.

OVERVIEW

During FY13, 10,108 original family actions and juvenile causes (8,879 family law actions and 1,229 juvenile causes), as defined by Maryland Rule 16-204 were filed in the Circuit Court for Montgomery County. Additionally, a total of 8,061 cases were reactivated by new motions (5,717 family actions and 2,344 juvenile causes). This total of 18,169 original and reactivated cases was handled by six family judges, five family masters, three judges alternating every other week between family and juvenile child welfare matters, two judges hearing juvenile delinquency matters and the support staff of the Family Division. As the court worked toward resolution of these sensitive matters in FY13, it held a total of 24,534 hearings, 825 trials, 101 adjudications, and 25 merits hearings. The bulk of this report will explore how those matters were handled inside the differentiated case management system (DCM) and what resources were brought to bear to resolve these matters in a timely, equitable and resource appropriate manner for the litigants who find themselves before the Court.

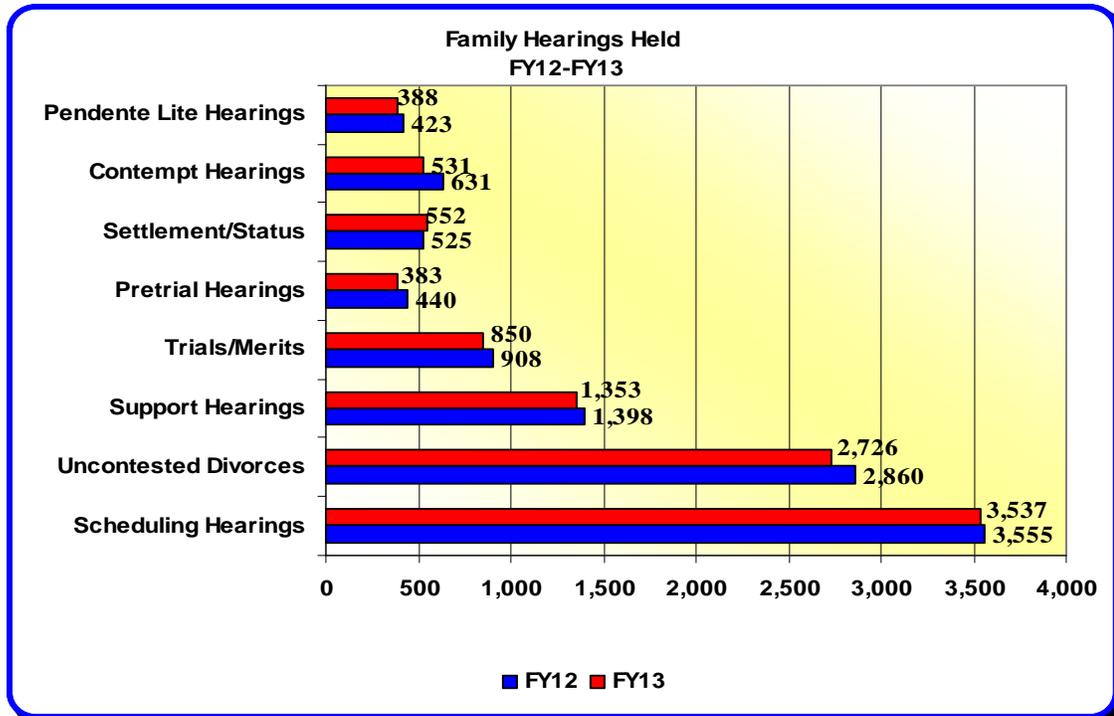
FAMILY LAW

Caseload

The 8,879 original family law cases filed during FY13 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 24,620 motions were filed and 15,411 hearings were held by the court. During FY13, the Family Division concluded 8,911 cases on their original filing as well as 5,517 re-activated cases, for a total of 14,431 terminations.

Workload

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

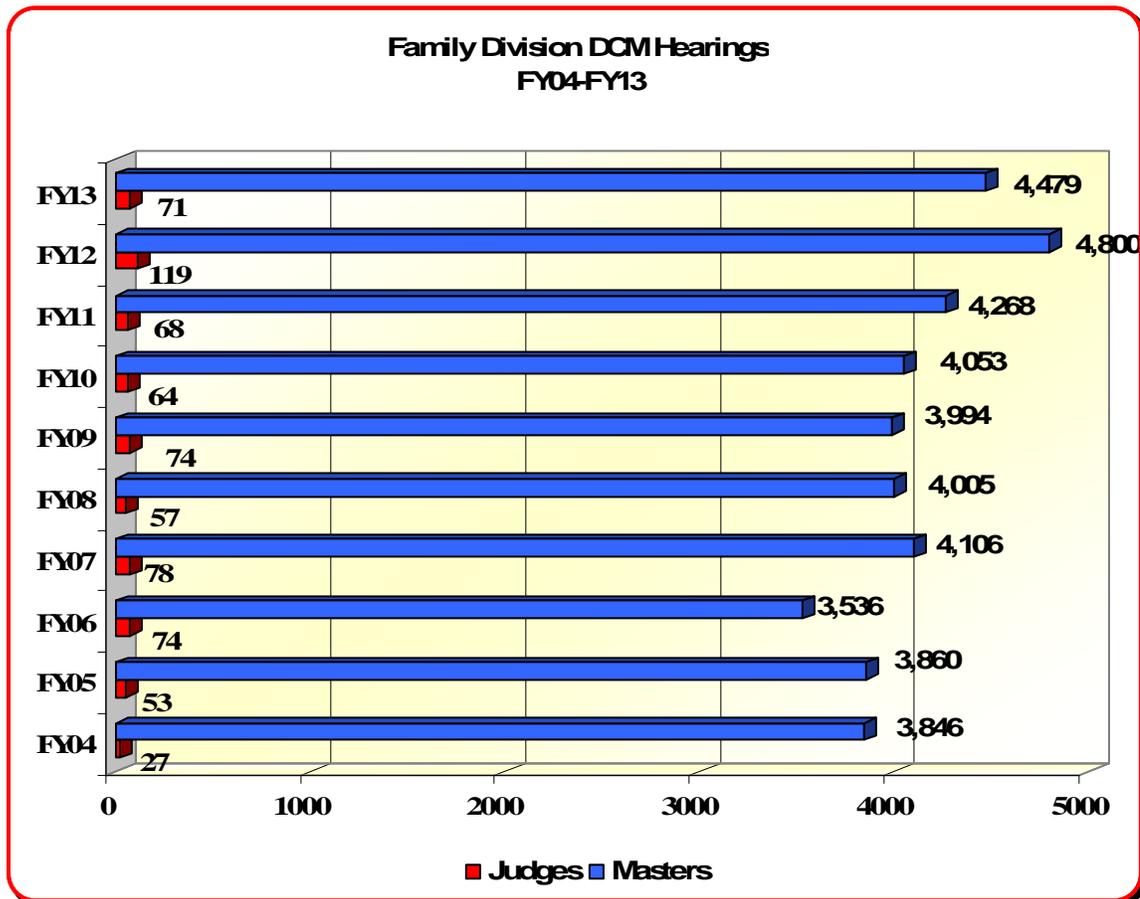


During FY13, the most notable changes occurred with a 16% decrease in contempt hearings and a 13% decrease in pretrial hearings. Scheduling hearings remained static, with a less than 1% change, while settlement/status hearings increased by 5%. *Pendente lite* hearings declined by 8% while support hearings decreased by 3%. Uncontested divorces and trials and merits declined by 5% and 6% respectively.

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

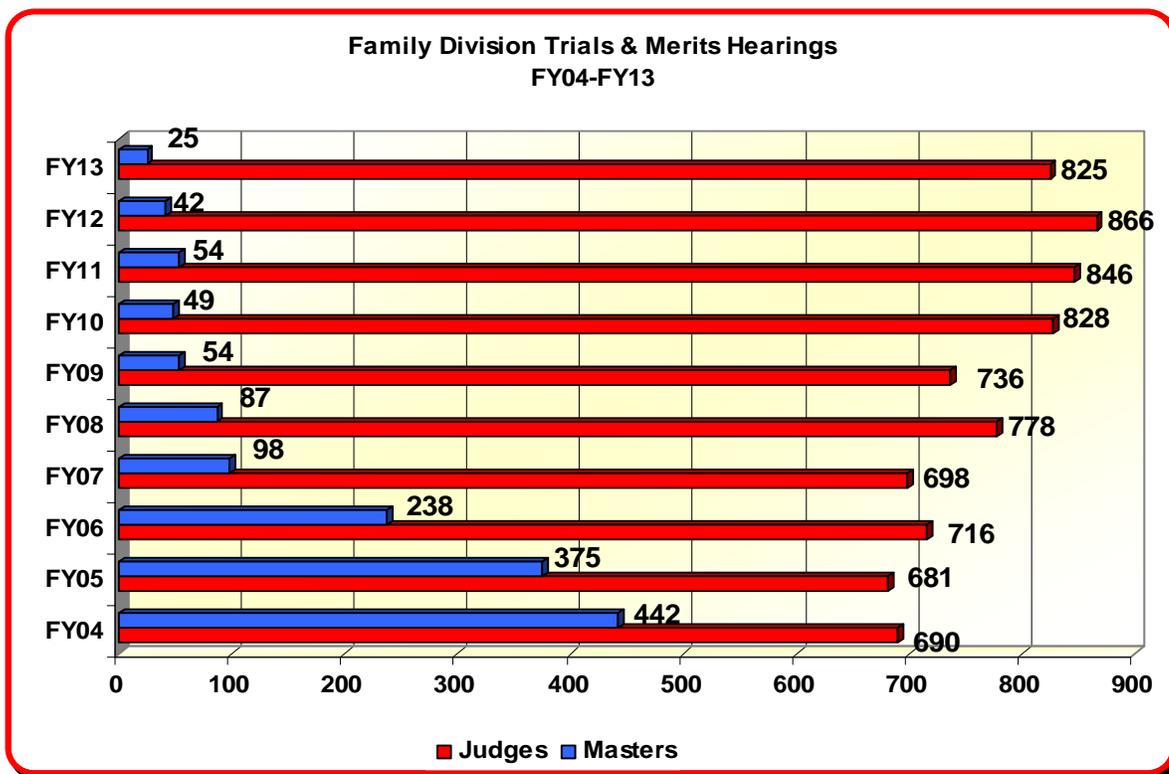
Masters and judges work toward the same goals, but their functions vary within the DCM plan. As illustrated by the following chart, the overwhelming majority of the DCM hearings are handled by the masters and the majority of trials/merits and contempt hearings are handled by judges. Such a 'bifurcation' 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, 4,550 DCM events were held by the court, the second highest year ever since FY02. Of those hearings held, masters conducted 98.4% or 4,479 hearings. While the overall number of hearings heard by masters in FY13 was lower than FY12 (FY13 = 4,479; FY12 = 4,800), the overall percentage heard by masters was higher (FY13 = 98.4%; FY12 = 96.1%). In FY11, masters conducted 98.5% of such hearings and in FY10, they conducted 98.2%. These consistently high percentages 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.



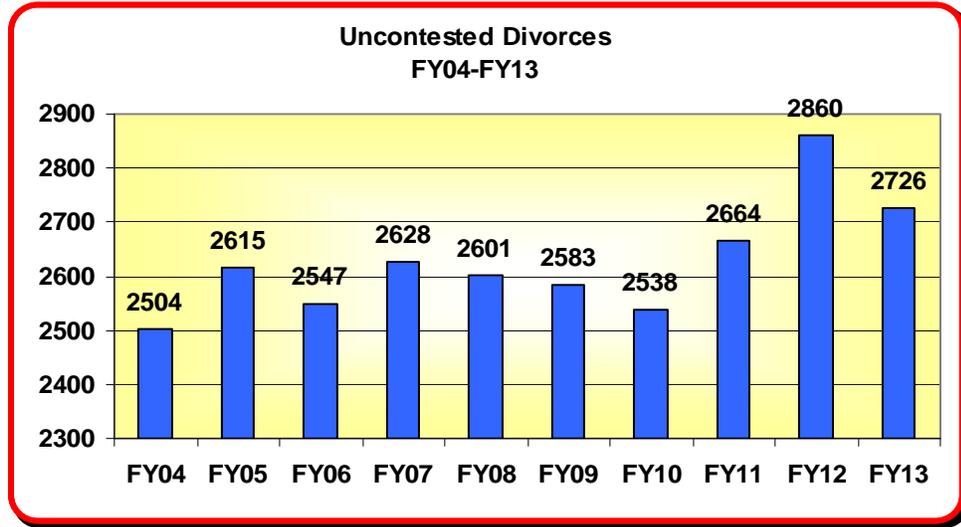
Trials and Merits: In FY13, a total of 825 trials and 25 merits hearings were conducted by the court. This number represents a decrease of 6% from FY12, when 908 trials and merits hearings were held and 5% from FY11, when 900 trials and merits hearings were held. As can be seen from the chart below, the proportion of trials heard by judges to masters

is extremely high. In FY09, 93% of trials and merits hearings were heard by judges. In FY10 and FY11, 94% of trials were conducted by judges. In FY12, that number rose to 95% and in FY13, it was 92%. 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.

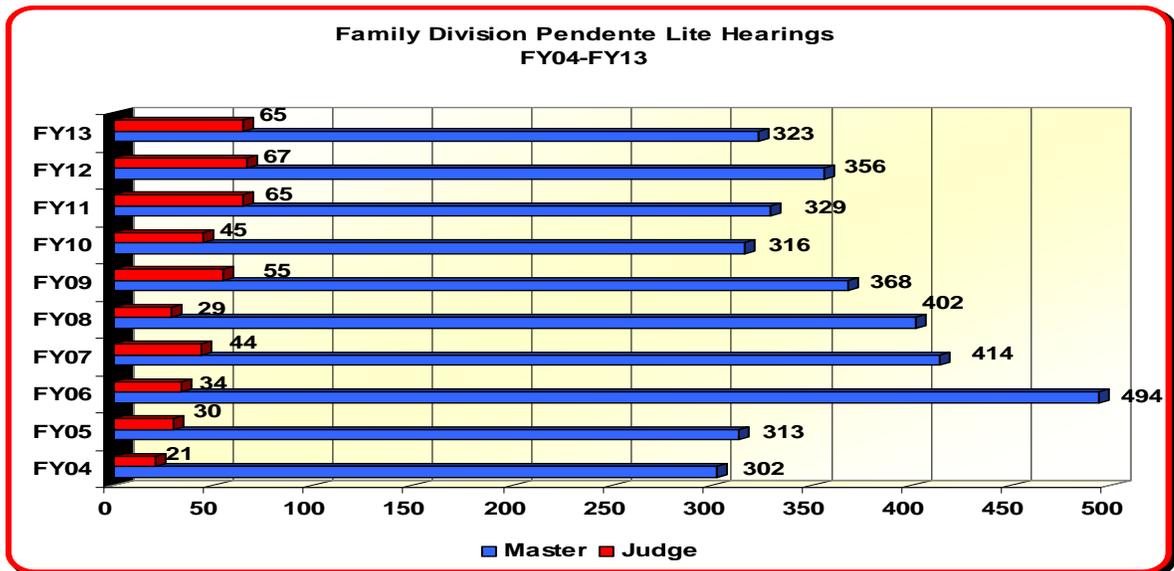


¹MD. Rule sec. 9-208(a)(1) provides that the following matters may be referred to masters as of course: uncontested divorce, annulment or alimony; alimony pendente lite; child support pendente lite; support of dependents; preliminary or pendente lite possession or use of the family home or family-use 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.

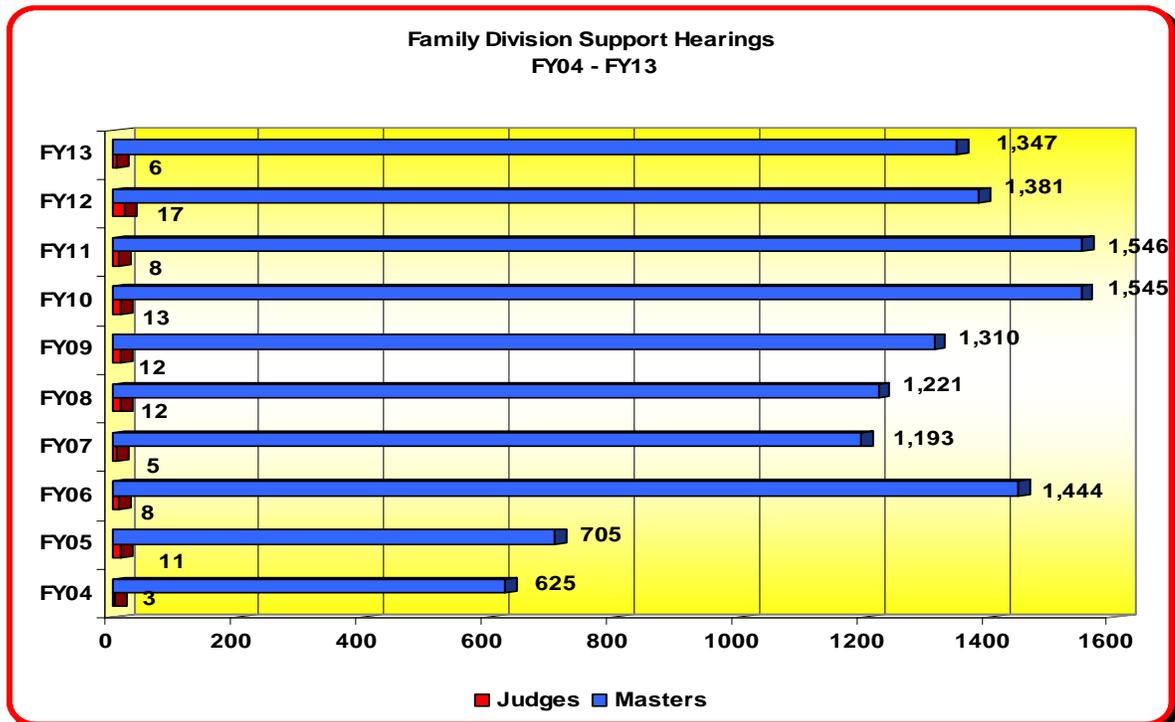
Uncontested Divorces. In FY13, the court conducted 2,726 uncontested divorces, which was a decrease of 4.7% from FY12, when 2,860 were conducted. Since FY04, the court has conducted 26,246 uncontested divorces. These hearings, which are conducted by masters, continue to preserve judicial resources and provide parties who are in agreement on all legal issues with an efficient case resolution process.



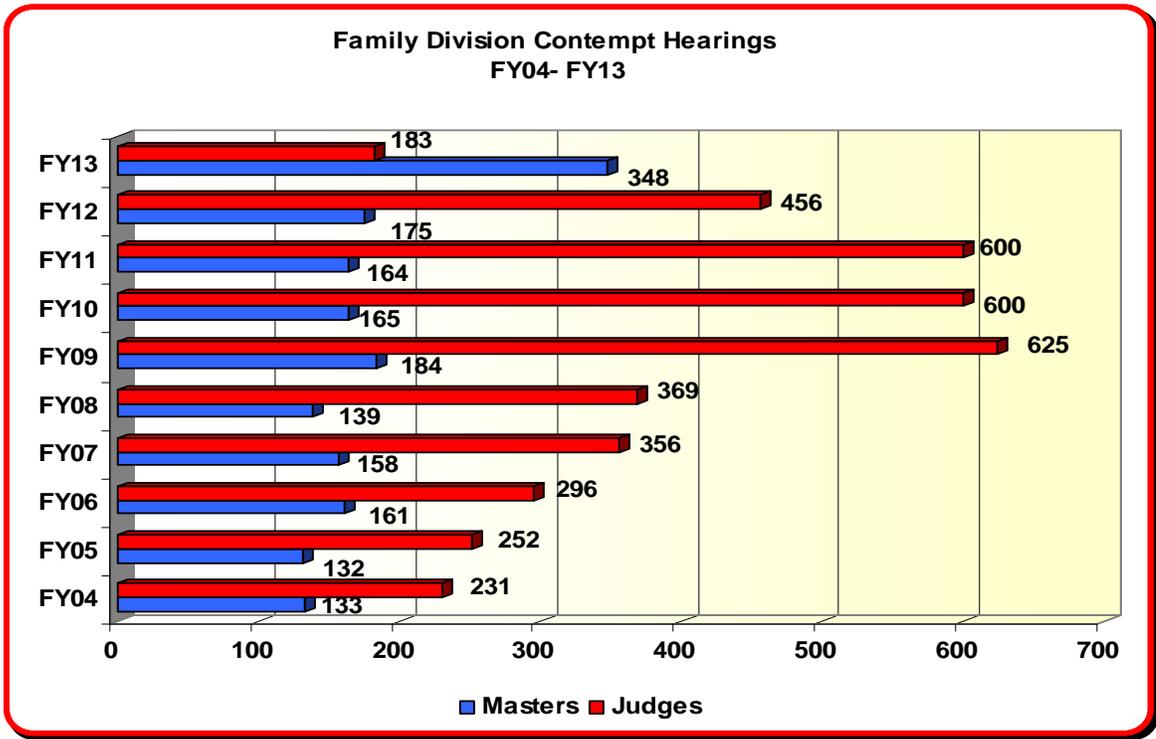
Pendente Lite Hearings: After a dramatic 54% increase in FY06, *Pendente Lite* hearings dropped by 70 hearings (13.26%) in FY07. This number continued to decline for three years. It began to grow again in FY11 when filings increased by 9% over FY10. That trend continued into FY12, when 423 *Pendente Lite* hearings were held, which was an increase of 7% over the prior fiscal year. However, FY13 witnessed an 8% decline in hearings, with a total of 388 conducted.



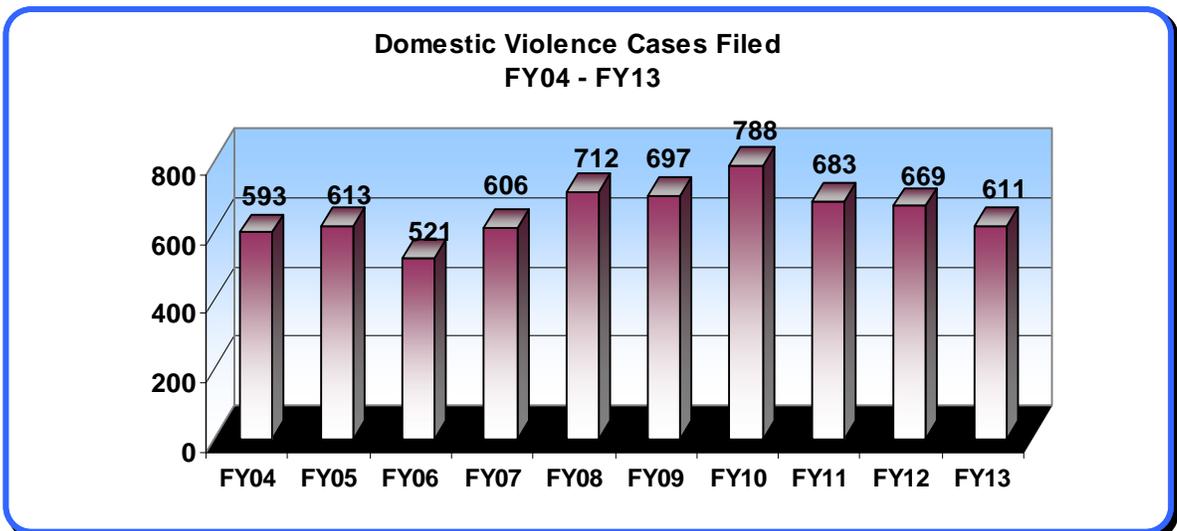
Support Hearings: After a substantial increase in FY10, the number of support hearings held remained virtually identical in FY11, with the two years being separated by only four hearings in FY10. In FY12, 1,398 child support matters were heard. With the exception of 39 cases, the full impact of this caseload (98.8%) was carried by the Special Master for the Montgomery County Office of Child Support Enforcement. In FY13, a total of 1,353 hearings were held. Again, as was the case for DCM hearings, while the actual number of events held declined, the percentage handled by the masters increased to 99.5%. This alignment is consistent with sound case management, which diverts less complicated and time consuming matters away from judges, thereby conserving those resources for more intensive level cases.



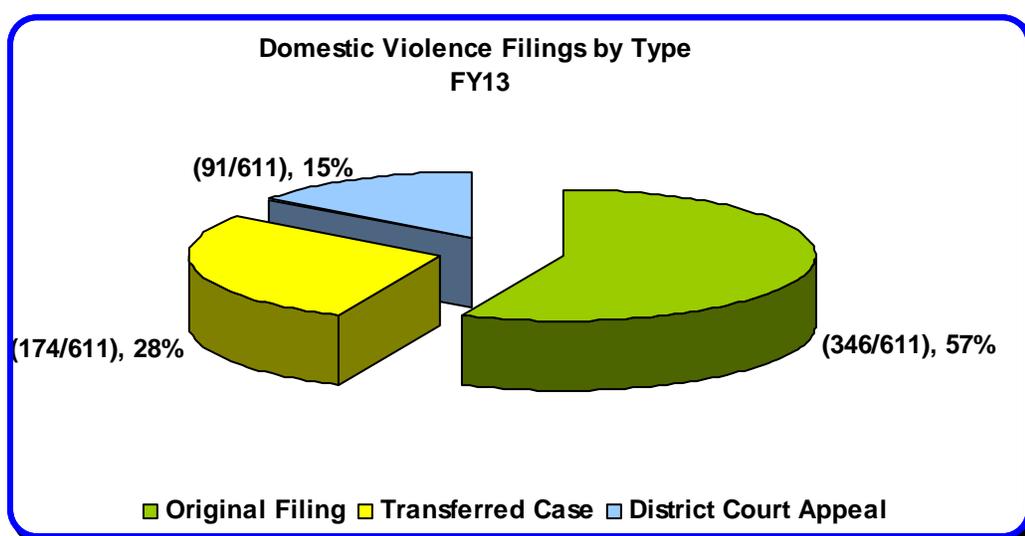
Contempt Hearings: In FY10, contempt matters posted the second highest totals in nine years. In FY11, those numbers were virtually identical, differing by only one case. In FY12, 631 contempt matters were heard, which was a significant decrease (17%) from FY10 and FY11. In FY13, 531 contempt matters were heard by the court, which was a 16% decrease from FY12. Of these matters, 34% were heard by judges and 66% 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 availability of after-hours relief through the District Court Commissioners beginning 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 then dropped 15% in FY06. However, after FY06, filings 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 levels. Filings of domestic violence petitions decreased by 14 cases (2%) in FY12 and by 58 cases or 9% in FY13. In FY13, domestic violence petition filings originated as follows in the circuit court:



As of 2009, a third option became available to residents of the County seeking court protection from domestic violence and related services. Parties may seek services at the Montgomery County Family Justice Center, located within a few blocks of the District and Circuit Courts. This Center, which is a multi-agency endeavor, allows abused persons seeking legal relief to present their case via video feed to either the District Court or the Circuit Court, thereby avoiding the potential strain of attending court in person. Additionally, within the Center the abused party may seek services for his/her children and him- or herself, including but not limited to safely planning, legal advocacy, counseling, shelter placement and an off site Child Assessment Center. Of the hearings held during FY13, 73 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:

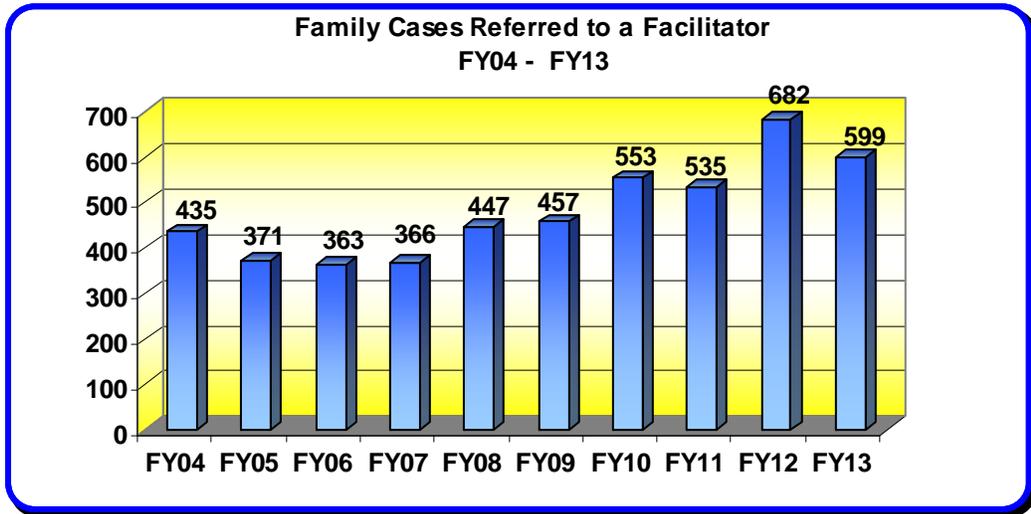
- Review and prepare new cases for scheduling conference before the Family Division masters;
- Review case files in advance of hearings for critical events and unresolved issues that might prevent the case from moving forward;
- Review motions prior to submission for ruling to ensure that they are legally 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 employs 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.

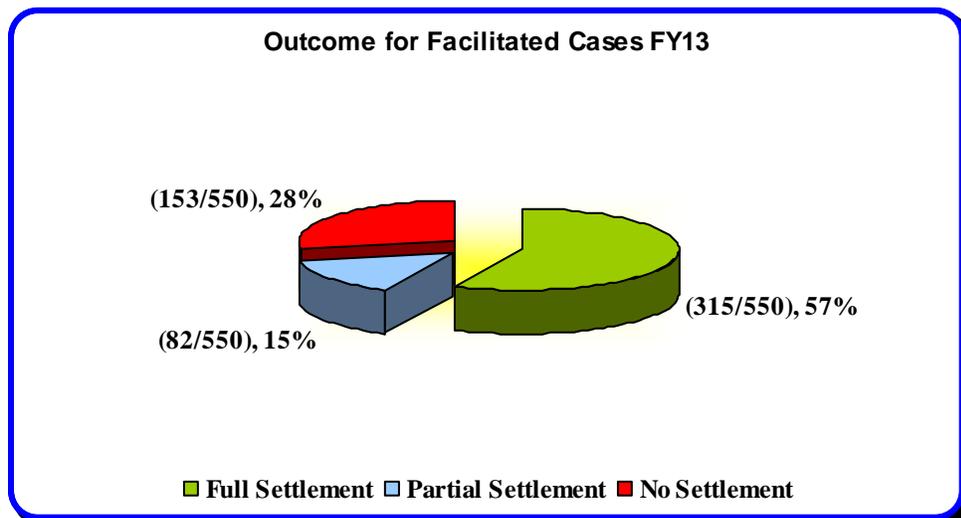
Facilitation Program

The Facilitator Program serves litigants before the court's Family Division and continues to be staffed by experienced practicing attorneys who make themselves available at a significantly reduced fee paid by the court to attempt settlement in cases at an early stage of the proceedings. Potential cases are identified by the Family Division masters at the Scheduling Hearing and referred to a facilitator, who is available in the courthouse for immediate assistance. A facilitator calendar is scheduled and maintained by Family Division

Services. Facilitators are available to the court from the beginning of Scheduling 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 proved highly successful.



In FY13 599 cases were referred to a facilitator, a 12% decrease from FY12 levels. Of those cases ordered, 49 did not proceed to facilitation. Of the remaining 550 cases, 72% reached a full or partial agreement. By completely resolving or at least narrowing issues, the facilitators help to conserve judicial resources that would otherwise be expended on those cases.



Child Custody/Access Mediation

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

Sadly, pursuant to severe budget cuts, this valuable service ended at the beginning of FY13. Understanding the significance of losing a program that not only helped litigants but also assisted with reducing the burden on the court's *pendente lite*, settlement/status and trial dockets, the court set about reconstructing the process on a roster basis, utilizing the services of qualified mediators from the community.

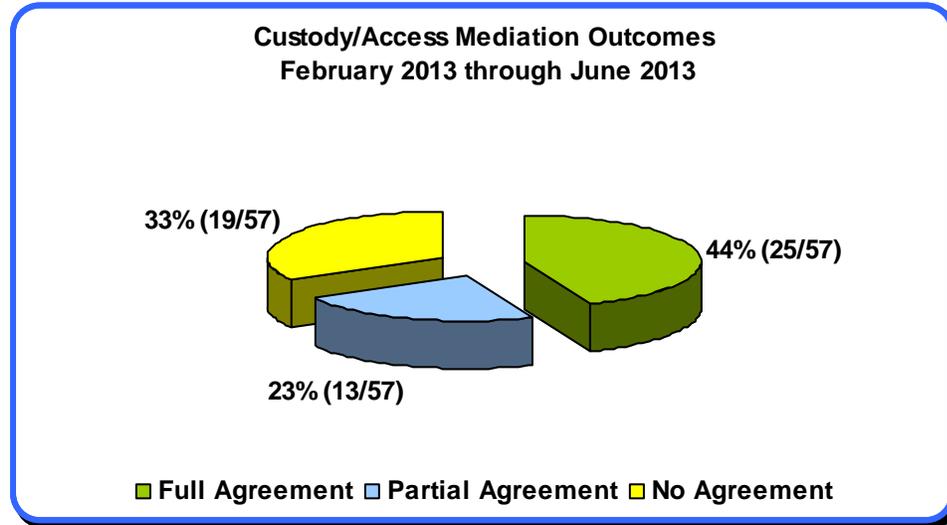
The newly created mediation program, which began in February 2013, differs from the original program in several important respects. First, mediation now consists of a single three hour session instead of two three hour sessions. Additionally, the parameters for participation in the mediation are different. Under the original program, participation was limited to the parties and the mediator. Under the current program, cases where both parties are self-represented or both parties are represented by attorneys are eligible for mediation. In those cases where both parties are represented by attorneys, they are required to attend as well. By having counsel involved in the process, immediate feedback can be provided to the courts, possibly resulting in same day agreements on the record. In order to maintain an atmosphere that is as level as possible, cases where one party is represented and the other is not, are not be eligible for mediation.

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

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

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

During its last year of operation, 233 cases were mediated under the original program. In its four months of operation in FY13, 67 cases were scheduled for mediation under the new program. Of those, 57 cases mediated with dispositional outcomes as follows:



For the ten cases that were scheduled but failed to mediate, one of the following factors existed:

- parties reconciled, line of dismissal entered
- litigant failure to appear
- entry of consent order settling issues after scheduling but prior to mediation
- withdrawal of counsel

Assessment/Evaluation

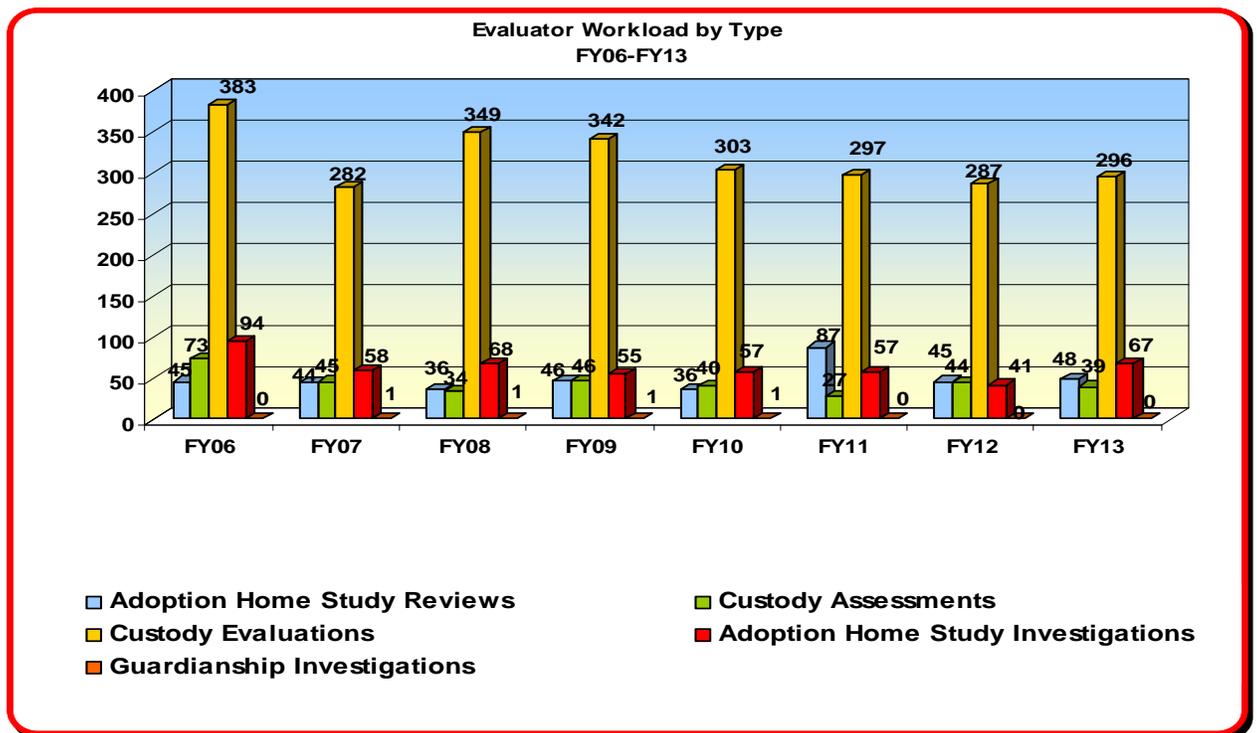
Court Evaluators conduct psychosocial assessments and evaluations in contested custody and visitation matters in family cases and serve as presenters for the co-parenting skills enhancement sessions. Staff evaluators participate in settlement/status conference proceedings and, when necessary, testify at merits hearings. 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 evaluators and the Family Division's co-parenting skills enhancement program.

The Court Evaluators continue to offer two levels of services in contested family cases involving custody and child access: a full evaluation and a more limited assessment. The Family DCM plan incorporates the time necessary to complete assessments (45 to 60 days) and evaluations (60 to 90 days) ordered at the scheduling conference into the Scheduling Order generated for a case. Parties are referred to Family Division Services after the

scheduling 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.



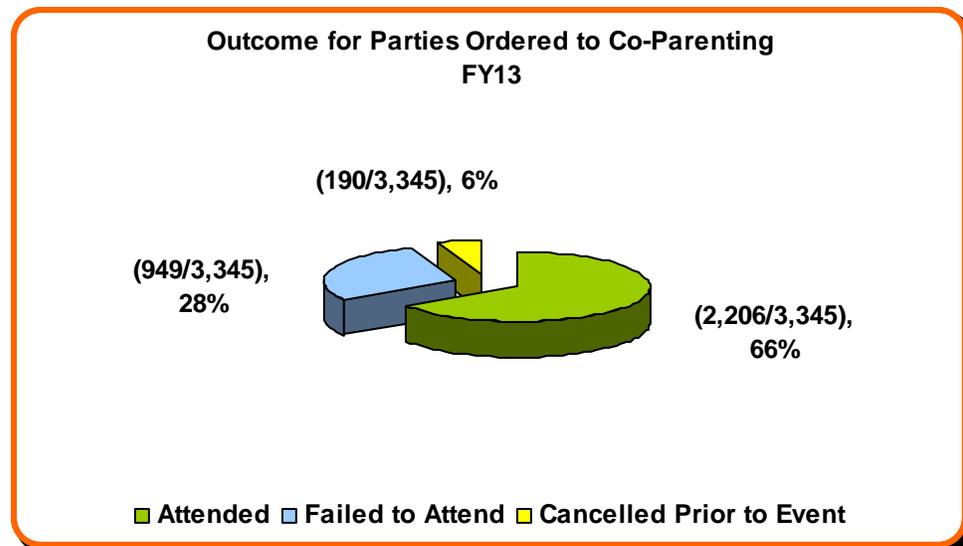
In FY13, 450 matters were completed by the court evaluators. These services are extremely labor intensive. Each evaluation takes 40 hours to complete and each assessment requires 30 hours to complete. Additionally each adoption investigation also requires 40 hours to bring it to completion and adoption reviews require about 15 hours. Given the numbers posted in the

chart above, the office spent 16,410 hours performing these services. It is notable that these services are being performed by a staff reduced by three full time positions in 2011. This calculation of hours does not include time devoted to conducting intake, testifying in court and teaching co-parenting cases

Co-Parenting Skills Enhancement Program

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

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



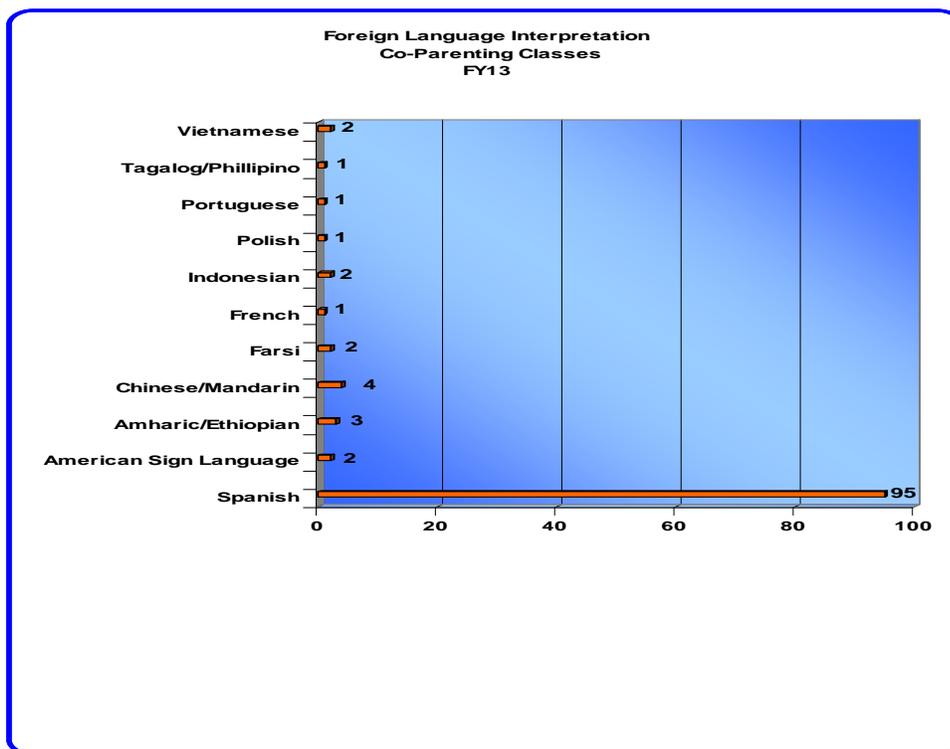
In FY12 3,345 parties (1,672 cases) were ordered to attend Co-Parenting Classes. Of that group of litigants, 949 (28%) failed to attend the seminars, while 66% successfully completed the course. The enrollments of six percent, or 190 persons, were canceled prior to the beginning of classes. Typical reasons 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 a 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 contemplated 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 ten 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.

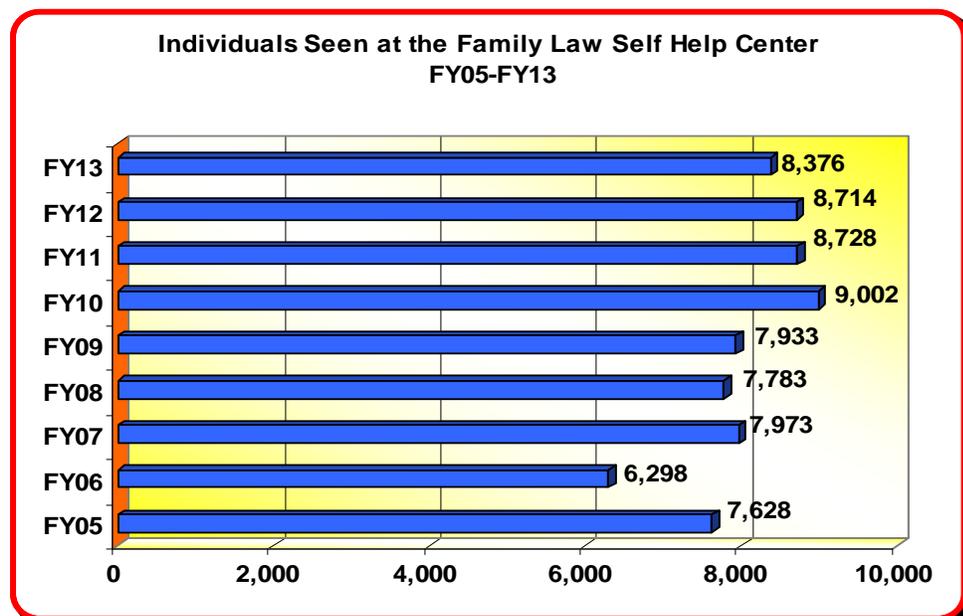


Requests for interpreters for Co-Parenting classes were made 133 times in FY09, 115 in FY10, 128 in FY11, 149 in FY12 and 114 times in FY13. Each request represents two sessions. Spanish continues to be the most requested language, comprising 76% of all requests in FY09, 73.9 % in FY10, 75% in FY11, 78 % in FY12, and 83% of all requests in FY13.

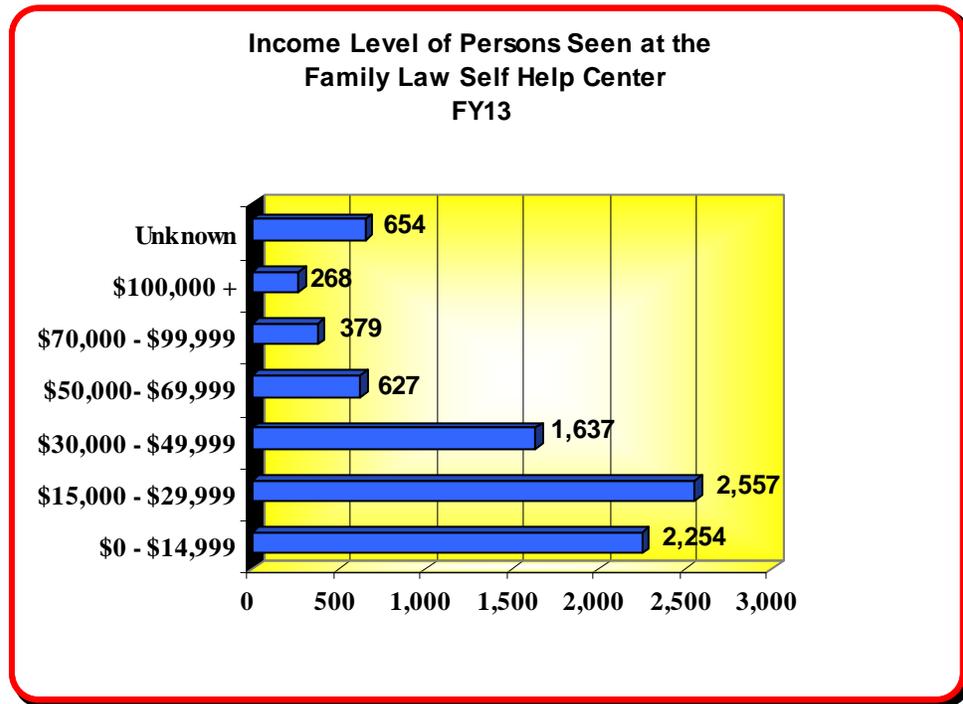
Family Law Self Help Center

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. 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.

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.

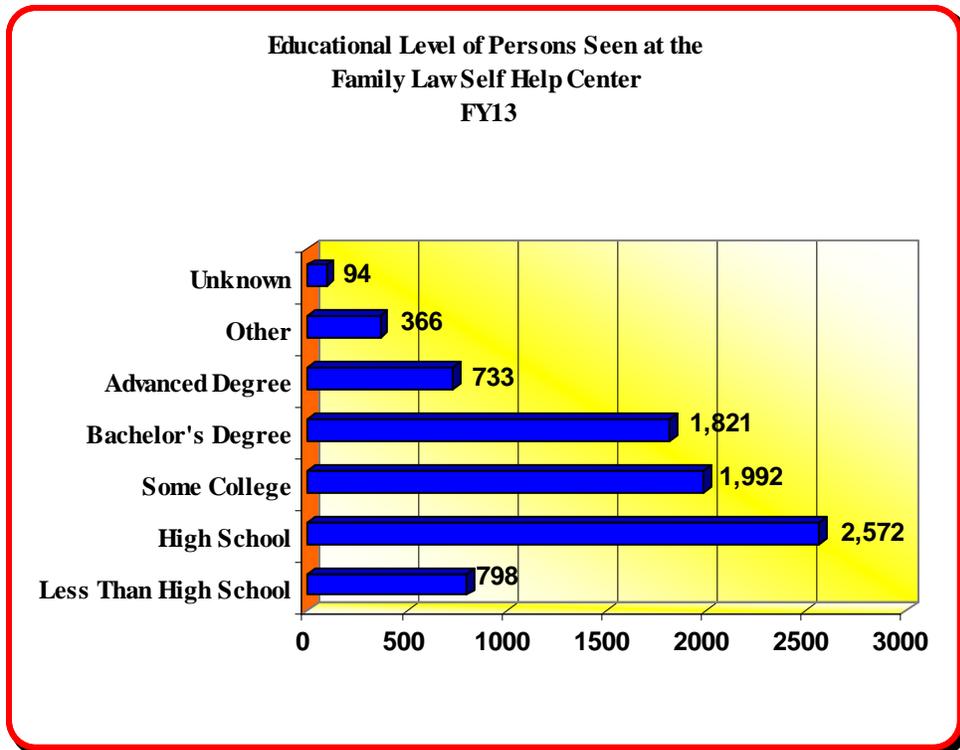


In FY10 the Family Law Self Help Center served its highest number of individuals ever. A total of 9,002 people sought legal assistance during this time period, which was a 13.4 % increase over FY09 and a 15.6% increase over FY08. In FY11 there was a slight decrease of 3% and a less than 1% decrease in FY12. In FY13 the number of individuals served decreased by 4% (338 persons). While this number is below FY10, FY11 and FY12 levels, it is well above the number of individuals served in all prior years.

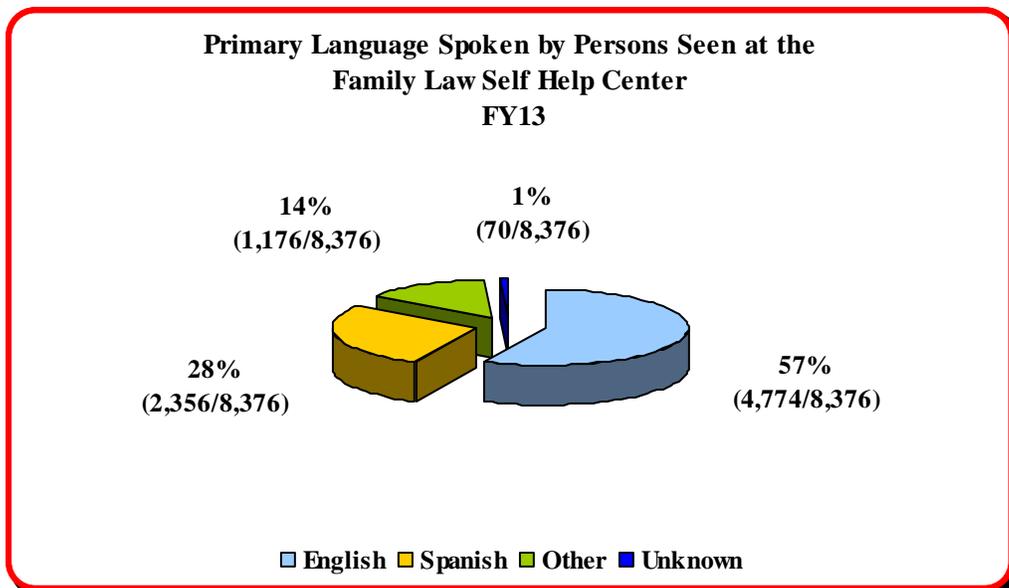


In FY13 4,811 or 57% of individuals seeking service from the Center had annual household income levels less than \$30,000.00. Those with an annual household income level of \$30,000 to \$49,999 constituted 20% of persons served. Seven percent of clients at the Center had an annual household income of \$50,000 to \$69,000. Those with an income between \$70,000 and \$99,000 constituted 5%, while those with an income over \$100,000 constituted 3% of clients visiting the Center. Finally, a full 8% of persons seen at the Center listed their annual household income as unknown.

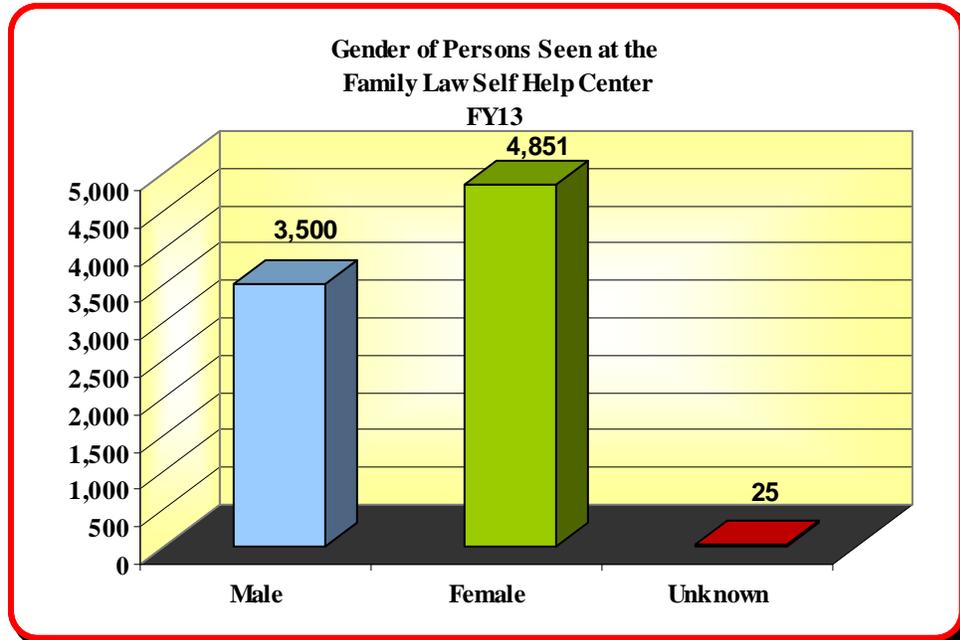
Of the 8,376 persons who visited the Center in FY13 educational levels varied significantly. For example, 9% had less than a high school degree, while 31 % possessed a high school degree. On the college level, 24% had some college and 22% had a college degree. Advanced degrees were possessed by 9% of those seeking services and 5% identified their educational level as “other” or “unknown”. A total of 77% 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 chart below chart reveals that a full 43% of clients seeking



assistance from the Family Law Self Help Center spoke a language other than English. 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 comprised the majority of the clients seeking services from the Family Law Self Help Center. For the last four consecutive fiscal years, the percentage ratio of women to men has remained static. In FY10 it was 57%, 58% in FY11, 57% in FY12 and 58% in FY13, which represents a remarkably consistent ratio of female customers to male 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.

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. Suite 220 houses most of the staff for the Domestic Violence Assistance program and a representative of the Abused Persons Program, an Office of the County Department of Health and Human Services. Additionally, a representative from Domestic Violence Assistance is also located in Suite 307. 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 provided include court appearances, protective orders, appeals, peace orders, *ex parte* hearing accompaniments, modifications, civil contempt and criminal accompaniments. Those not eligible for the above mentioned services can receive information and/or assistance with completion of court forms.

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

Regular DVA staff consists of two full time attorneys, one of whom is a Supervising Attorney and one, an 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 FY13 the House of Ruth conducted 1,062 initial consultations and appeared in court 481 times on behalf of 343 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 provide an array of services for both adults and children in one location can only serve to ease the pressure that accompanies these delicate and stressful issues.

Collaborative Services

Abused Persons Program

Montgomery County Health and Human Services

Montgomery County Health and Human Services, through the Abused Persons Program, provides regularly scheduled part time assistance in the Circuit Court Family Division to address safety issues and coordination of county services. A Victim Advocate Worker identifies the needed services through a detailed interview process. Office space is provided in the 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 FY13, 73 hearings were conducted by video-conference.

JUVENILE LAW

The Juvenile Court is responsible for oversight of the following types of cases: Delinquency, Children in Need of Assistance (CINA), Termination of Parental Rights, Voluntary Placements and Petitions for Peace Orders. These matters, which are governed by strict statutory 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 dispositions are not punishment³. The window of adolescence is short. The goals of the law rehabilitative, timeframes within which certain events that 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. 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 reduced workload. 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 were all minors or the parents of minors.

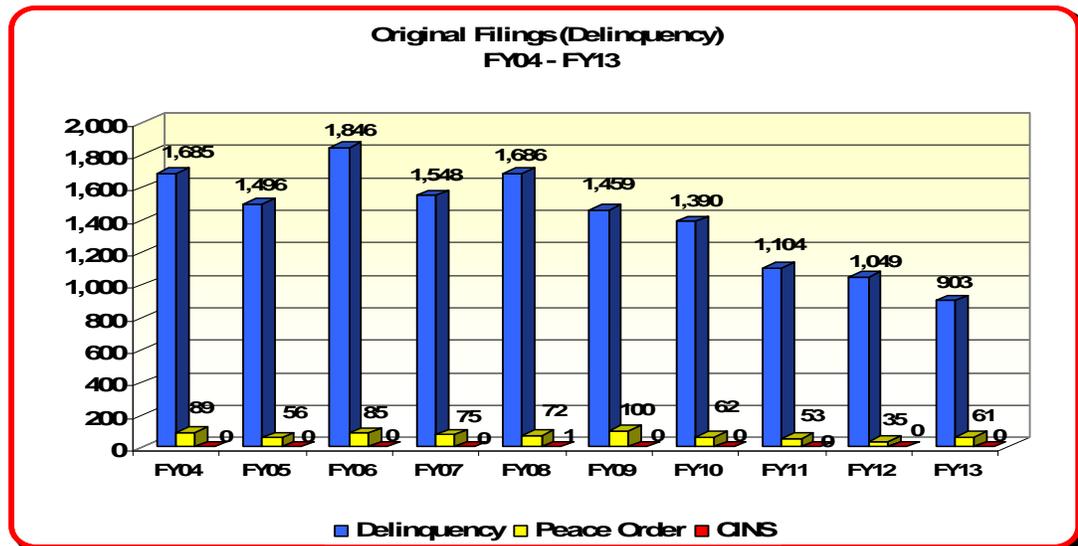
⁴*The Court is faced with an equally complex set of factors that it must consider when a child who is alleged to be in need of assistance appears before it. Courts Article section 3-802 (a) has as its stated purpose (1) to provide for the care, protection, safety and mental and physical development of 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 a Family assignment. 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.

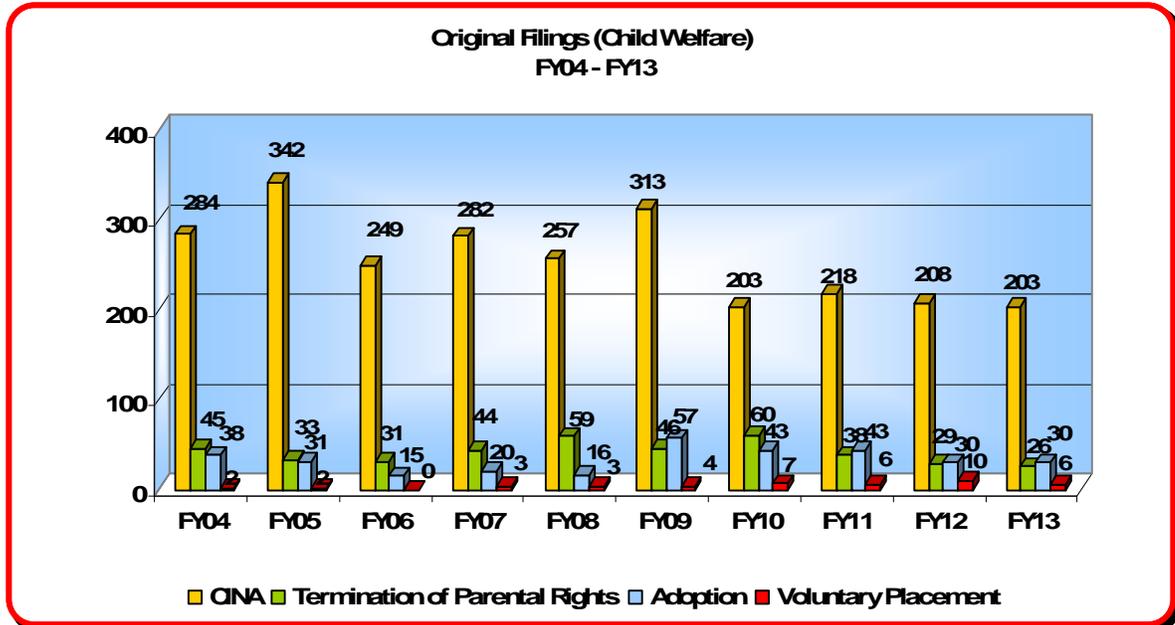
In addition to all the concerns listed above, it is a best practice to maximize judicial continuity for a child and their family on their journey through the legal system. To facilitate this practice the court implemented case management measures to help ensure that delinquency and child welfare cases come back before the trial judge for subsequent reviews and permanency planning hearings. In FY10, a review of the Juvenile Differentiated Case Management System was conducted. As a result, changes to 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 moved from splitting her time weekly on a 60% Family/40% Juvenile to alternating weeks in Juvenile and Family. 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 FY12 both areas experienced some degree of change. In FY13 a total of 1,229 original juvenile matters were filed with the court, which represents a 10% decrease from FY12 original filings. However, the level of reopened filings remained virtually identical between FY12 and FY13 (FY12 = 2,345 and FY13 = 2,344), which indicates that despite a decline in original filings, post dispositional activity remained at the same level. The components of the original delinquency and child welfare matters are noted in the graphs below:



In FY13, a total of 964 petitions categorized as juvenile delinquency matters were filed. Of those petitions, 903 were delinquency petitions, a reduction of 14% from FY12. Additionally, 61 peace order petitions were filed, which represents a notable 74% increase from FY12.



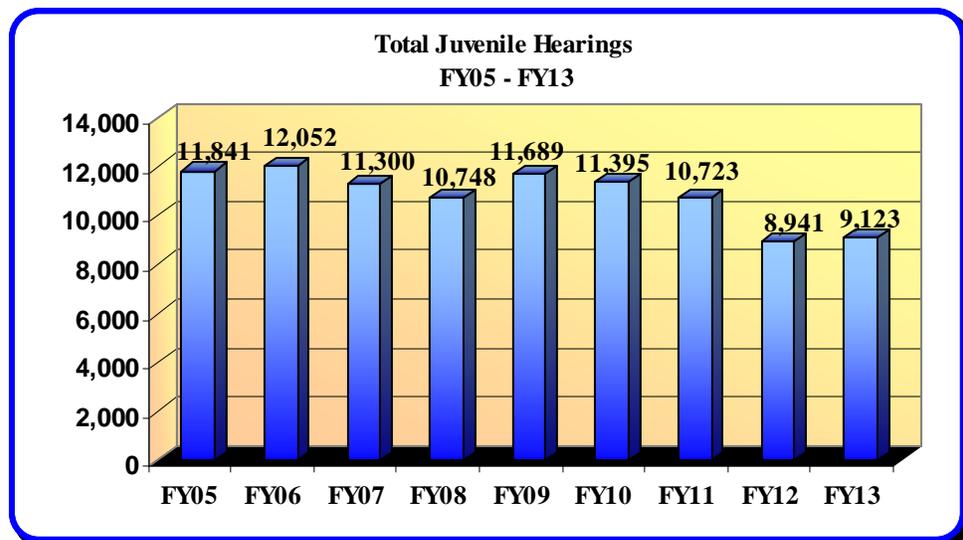
The remaining juvenile petitions filed in FY13 were child welfare matters. During FY13, a total of 265 original child welfare matters were filed. This 12 petition difference represents a 4% decrease from FY12 when 277 original child welfare matters were filed. Broken down, CINA filings changed slightly from 208 filings to 203, a decrease of 2%. TPR matters dropped from 29 original filings in FY12 to 26 original filings in FY13, a decrease of 10%. Adoption filings remained exactly the same between the two fiscal years⁵.

⁵ 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. In both November 2010 and November 2011, the Circuit Court, in conjunction with the Department of Health and Human Services, held an annual adoption day. These events celebrated the formal adoption of many 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, these events stood out as a testament to human resiliency, compassion and hope. While an Adoption Day event was not held in FY12, the next National Adoption Day is November 23, 2013.

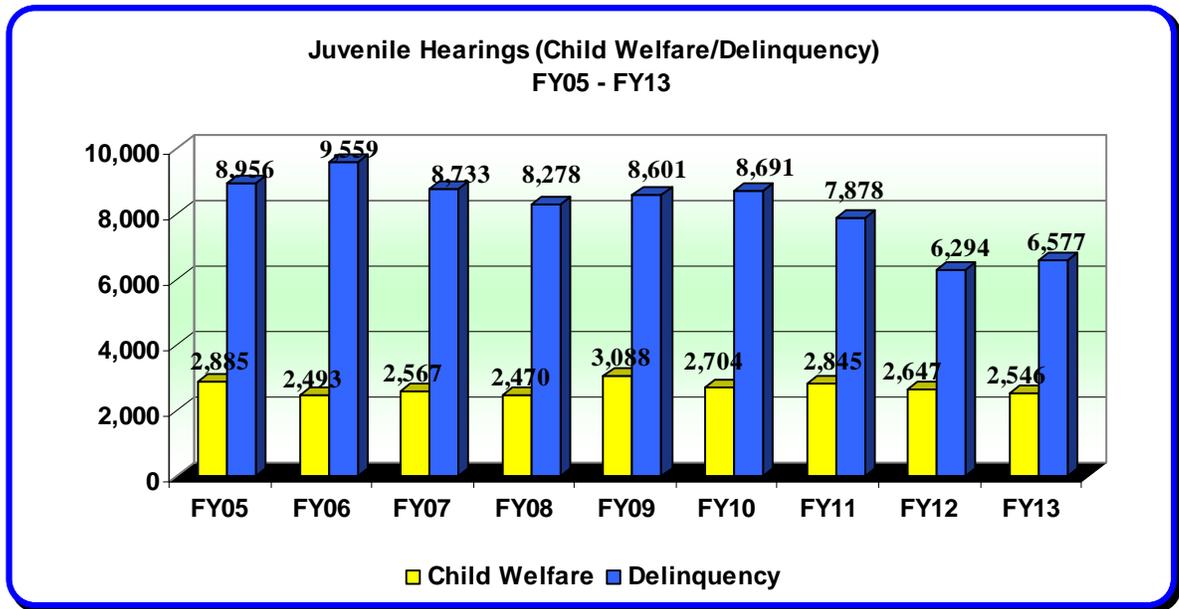
Voluntary Placement, a legal tool available since FY04, allows parents of a significantly disabled child to enter into an agreement with the Department of Health and Human Services for placement of that child. Since its inception, the use of this process has been slow to develop. However, the last four 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. In FY12, there was a marked increase in voluntary placement filings, when 10 such matters were filed, which represented a 66% increase over FY11. In FY13, six voluntary placements were filed, which was a 40% decrease from the prior fiscal year, but still well above levels seen in the first six years of its availability as a legal resource.

Workload

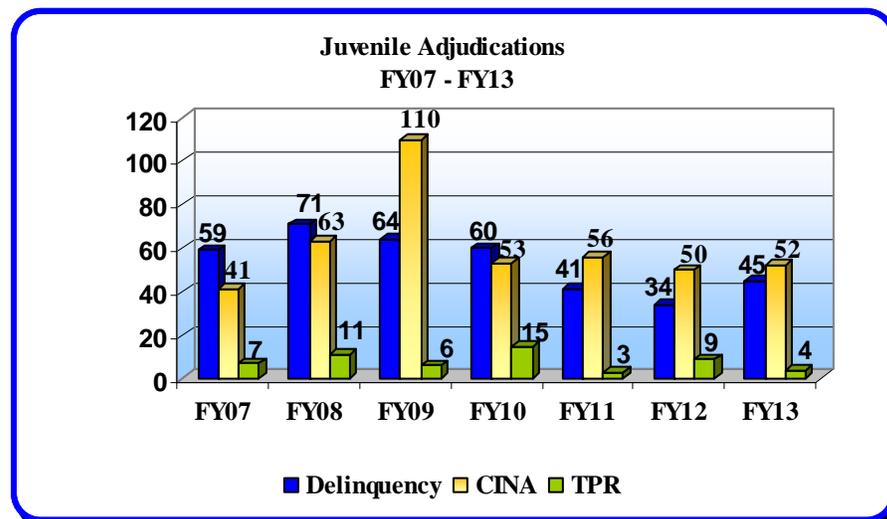
Statistics regarding original filings capture only a portion of the juvenile court's workload. The need for close and continuous supervision of the progress of children under the court's jurisdiction results in repeated review hearings.



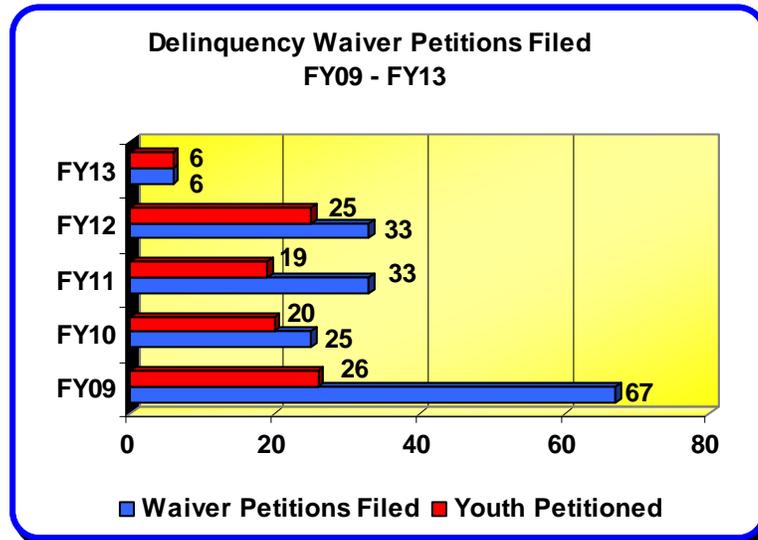
In FY13, 6,577 delinquency hearings and 2,546 child welfare hearings were conducted for a total of 9,123 hearings. This change represents an increase of 2% from FY12 when 8,941 hearings were held. Curiously, while the juvenile caseload (filings), decreased, the court's workload (hearings) increased. This increase in workload in the face of a diminished caseload is consistent with the resource intensive nature of juvenile matters after the dispositional phase of the case. Please note that these figures do not include adjudicatory hearings or trials.



Another noteworthy measure is how many matters proceeded to adjudication or trial. In FY13, 45 delinquency, 52 CINA and 4 TPR matters proceeded to adjudication or trial. This total of 101 trial events represents an increase of 9% over FY12, when 93 such events were held. Specifically, delinquency adjudications increased by 32%, CINA adjudications increased by 4%, and TPR trials declined by 56%. Please note that these numbers do not distinguish between cases filed in one fiscal year that might be adjudicated in the next fiscal year, but rather, reflects a snapshot of trial volume.

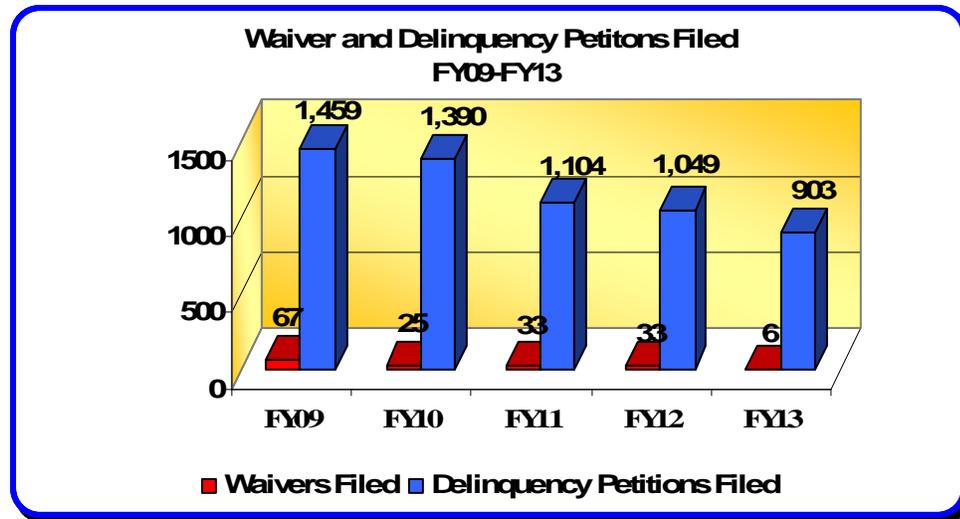


While the focus of juvenile law is rehabilitative, the court may, pursuant to Section 3-8A-06, of the Courts Article, waive its exclusive original jurisdiction over a Respondent whom it finds to be an unfit subject for juvenile rehabilitative measures⁶. While a critical occurrence, this is also not a frequent event, as indicated by the following charts.



In FY09, 67 petitions were filed involving 26 respondents. During that year, three respondents 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 respondents. In FY11, a total of 33 petitions were filed on 19 respondents. Of respondent was the subject of eight petitions and was waived on those petitions. One respondent was the subject of five waiver petitions and was waived to adult court on one of the petitions. The remaining 20 petitions were spread among 17 respondents. In FY12, 33 petitions were filed involving 25 respondents, but only four respondents had multiple petitions. During FY13 only six waiver petitions were filed involving six respondents.

⁶The 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 minute relative to the entire amount of filings.⁷ 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%, and in FY13, it was less than 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

⁷ 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 law⁸. 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 9-104,⁹, 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 overburdened 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.

⁸ *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.*

⁹ *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's inception, approximately 24 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

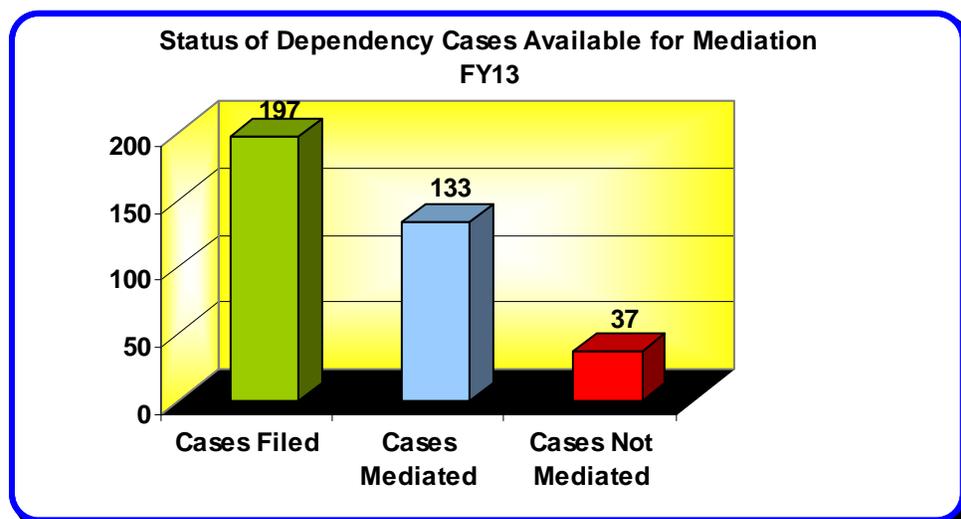
Permanency Planning Liaison monitors permanency issues and compliance in both Montgomery County and Frederick County, splitting her time equally between the two jurisdictions.

Dependency Mediation

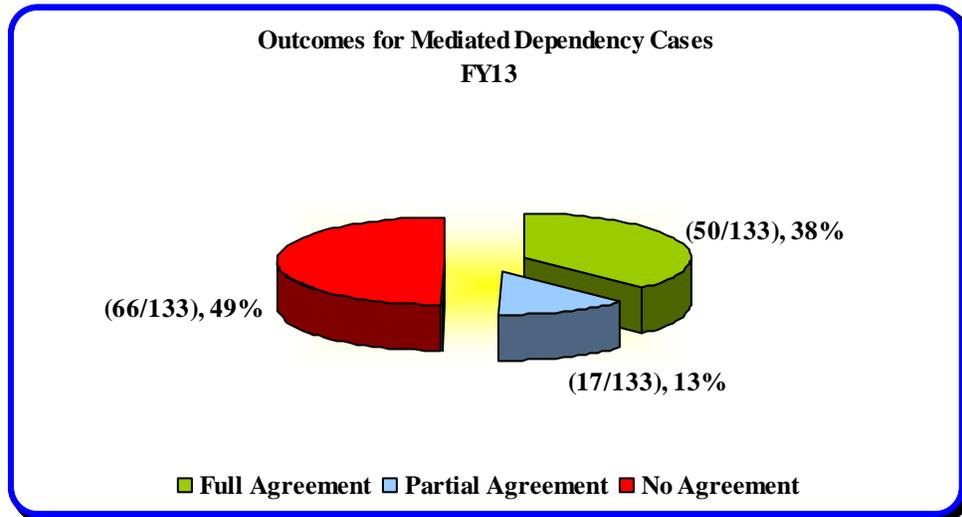
With the assistance of grants obtained by the Montgomery County Collaboration Council for Children, Youth and their Families from MACRO and the Office of Crime Control and Prevention, the Circuit Court for Montgomery County was able to implement the Juvenile Dependency Mediation program during FY03 to 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.

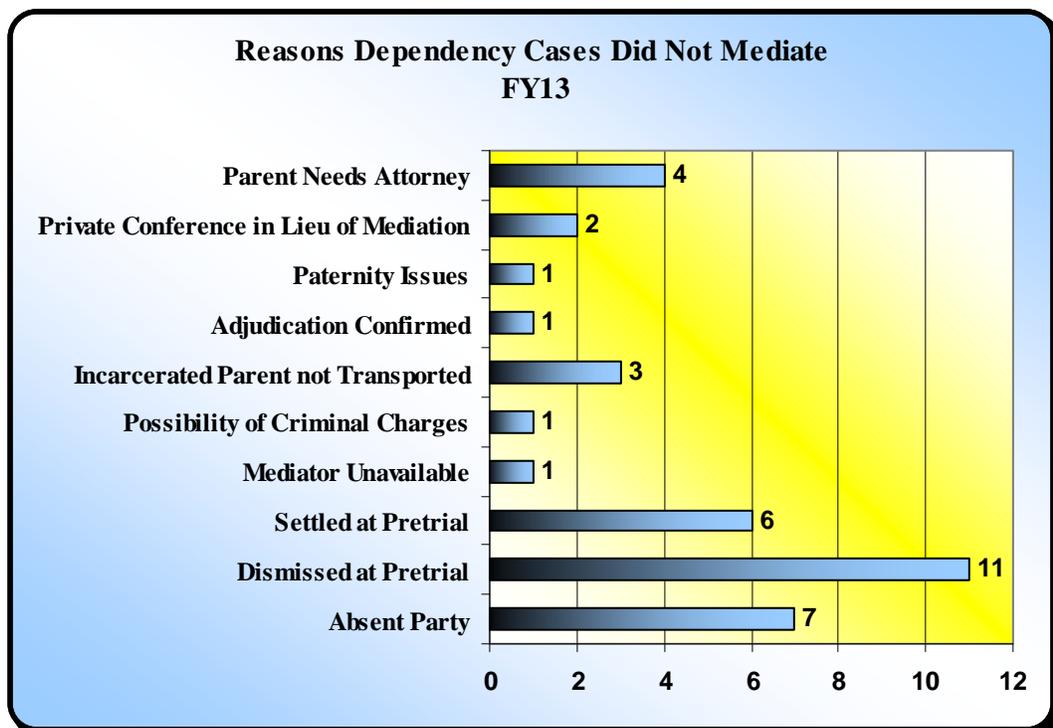
The implementation of the juvenile dependency mediation program in conjunction with the implementation of the DCM plan created the capacity for CINA cases to be resolved by a pre-trial settlement conference date scheduled two to four weeks after the case's initiation in court.



In FY13 68% of eligible cases proceeded to mediation. Of those 133 matters that mediated 38% reached a full agreement and 13% reached a partial agreement, for a combined settlement rate of 51%. This is lower than FY12 when a total of 141 cases mediated with 54% reaching a full agreement and 16% reaching a partial agreement, for an overall settlement rate of 71%.



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:

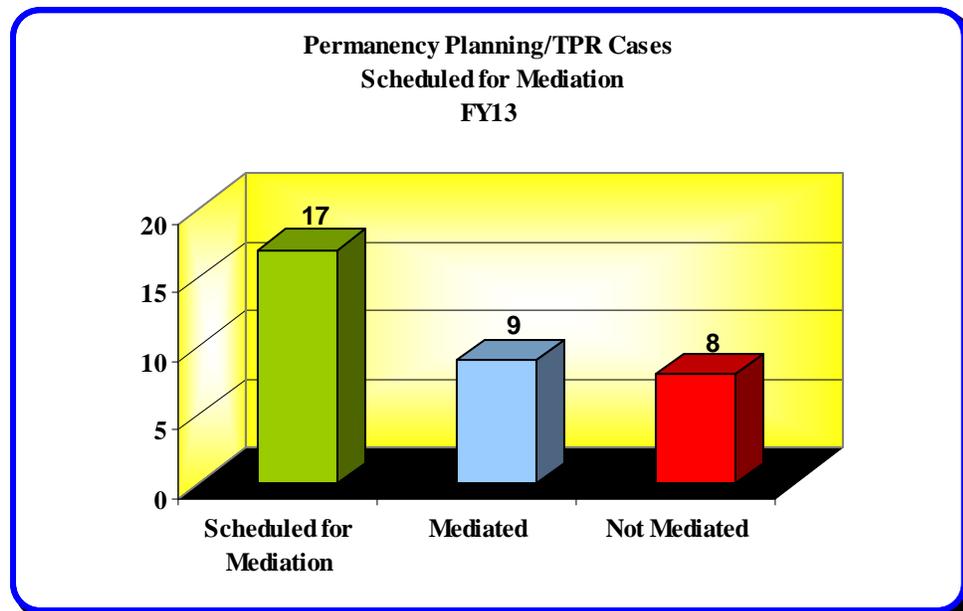


Of the 37 cases that did not mediate, 17 (46 %) resolved completely at pretrial. When combined with the fact that 38% of mediated cases reached a full agreement at mediation the striking importance of both events is clearly demonstrated as valuable vehicles for reuniting families and/or providing services quickly to facilitate that reunification or provision of another stable living situation for a child in need of assistance.

Permanency/TPR Mediation

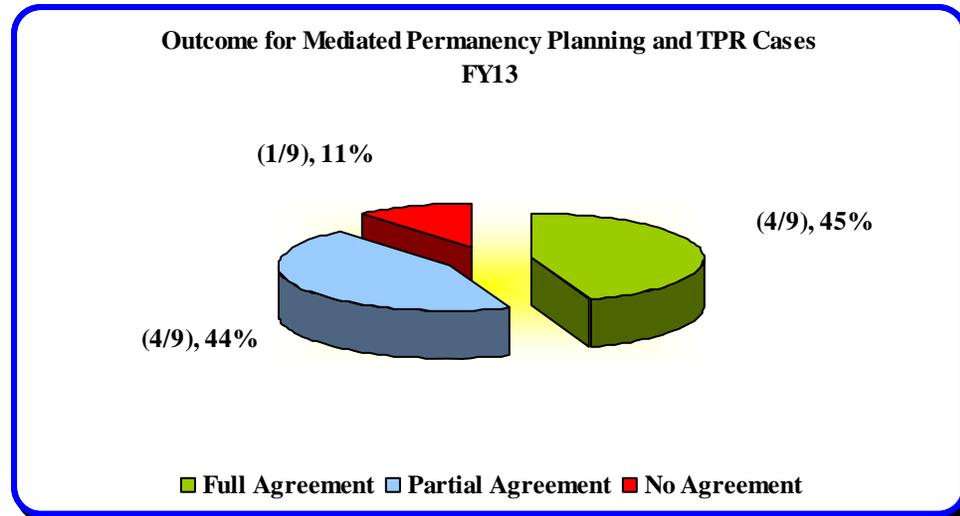
Discussions to extend the dependency mediation program to the post-adjudicatory stages of CINA cases up to and including Termination of Parental Rights (TPR) cases began with the Ad Hoc Committee on Dependency Mediation in November, 2002. At the conclusion of the initial grant period, including an extension, 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, 17 cases mediated, with a 71% full or partial agreement rate. In FY13, nine cases mediated, with eight cases, or 89%, reaching a full or partial agreement. For the eight

cases that did not mediate, two cases were dismissed, one case settled, parties failed to appear in two cases, and three cases were involved in active settlement negotiations and the mediations were canceled.



Mediators for the Dependency, Permanency Planning and TPR 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.

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 stringent court budget and 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 last year the court embraced the challenge of designing a responsive and meaningful custody/access mediation program with very few resources. The court is grateful to those who stepped in to fill a sudden and difficult void to benefit the litigants of Montgomery County, who have now benefited from the new created custody/access mediation program.

In the coming fiscal year the court is working on bringing a supervised visitation program on line to fill the void created by the loss of its former program. It is anticipated that this program will be operational before the end of the second quarter of fiscal year 2014. Additionally, the court will be initiating a complete review of its Family Differentiated Case Management system, with an eye toward streamlining and enhancing processes to better serve the public and the bench. This process will take a critical look at the scope, function, strengths and weakness of the existing system and made creative adjustments with input from all stakeholders in the system. 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. It will also help ensure better service provision to the citizens of Montgomery County who find themselves before the court.