

Montgomery County Circuit Court Research Bulletin FY2012 Case Processing Performance - TPR

Case Processing Performance - Overview

Table F.1 displays the number of original termination of parental rights (TPR) case terminations, as well as case processing performance by termination status for Fiscal Years 2005-2012 (FY05-FY12). The number of TPR cases with original terminations in FY12 is 37, which is the same number of terminations in FY11 and represents a 45% decrease over the number of FY10 terminations (N = 67). The performance goal for TPR cases is to close 100% of these cases in 180 days from the filing of the TPR petition. The FY12 TPR case processing performance is 97%, which maintains the performance level achieved in FY11. The overall average case time (ACT) increased by 42 days (37%) between FY11 and FY12. The within-standard ACT as well as the over-standard ACT also increased between FY11 and FY12. In particular, the within-standard ACT increased by 42 days (37%) between FY11 and FY12. The over-standard ACT increased by 25 days (11%) from 235 days in FY11 to 260 days in FY12.

Table F.1 Number of TPR Case Terminations FY05-FY12

Fiscal Year	Terminations		Within-Standard Terminations			Over-Standard Terminations		
	N	ACT*	N	% of Total	ACT*	N	% of Total	ACT*
FY05	40	179	24	60%	129	16	40%	255
FY06	18	169	10	56%	127	8	44%	222
FY07	31	208	13	42%	134	18	58%	260
FY08	70	187	43	61%	128	27	39%	282
FY09	39	145	37	95%	143	2	5%	196
FY10	67	150	55	82%	127	12	18%	255
FY11	37	115	36	97%	112	1	3%	235
FY12	37	157	36	97%	154	1	3%	260

Maryland TPR case time standard and goal: 180 days and 100% within-standard terminations

* ACT = average case time (in days)

Trial Postponement Analysis

Similar to FY10 and FY11, in FY12, 43% (16/37) of TPR cases were postponed. However, all but one of the postponed TPR cases (15/16, 94%) closed within the 180-day time standard. The one postponed TPR case that closed over-standard had an extraordinary cause postponement granted due to new counsel sought. Eighty-one percent of postponed TPR cases had a single postponement compared to 94% in FY11 and 76% in FY10. The most frequently cited reason for postponing a TPR case was 'Calendar Conflicts – Party Needs to Get Affairs In Order' (N = 11 reasons cited in all postponed TPR cases).

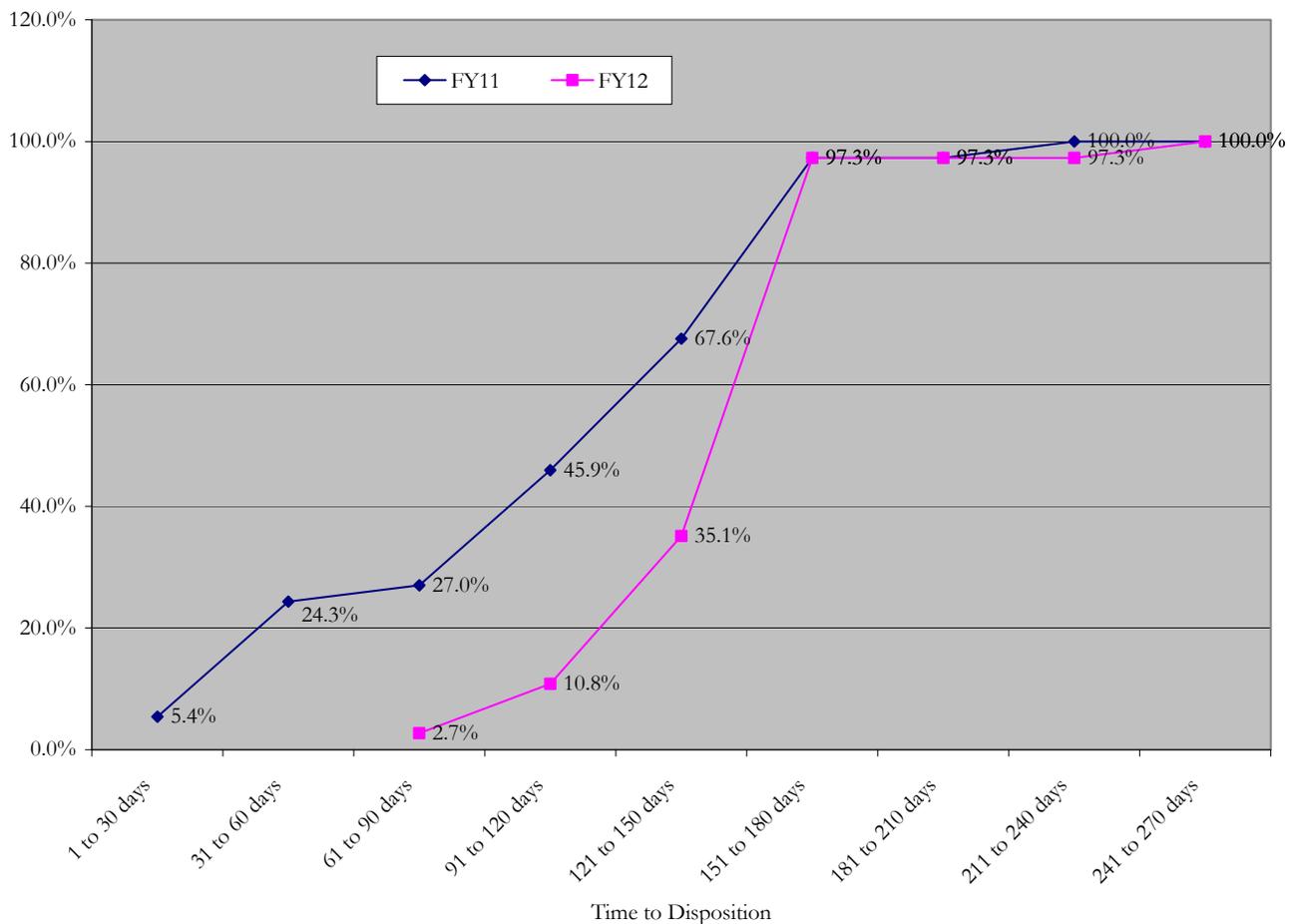
Termination Profile Analysis

Figure F.1 displays the cumulative percent of TPR cases closed within defined case time periods for FY11 and FY12. Up to the 180th day, FY12 TPR case processing performance lagged behind that of FY11 TPR cases. In particular, in FY11, 24% of TPR cases closed by day 60 whereas in FY12 it was not until the 61st day that TPR cases began to close. By the 150th day, 68% of FY11 TPR cases closed compared to 35% of FY12 TPR cases.

Termination Profile Analysis, Continued

By the 180th day, however, the termination profiles for FY11 and FY12 cases converged whereby 97% of all cases closed. Despite the lag in time to case closure among FY12 TPR terminations, the majority of cases were able to close within the 180-day time standard (similar to FY11). One of the challenges affecting TPR performance is that the current Maryland TPR time standards define the case start date as the filing of the TPR petition and the case stop date as the ruling on the petition, and stipulate that all cases should close within 180 days to reflect the legislative intention, the protection of the welfare of children involved in these cases. The County Attorney has been active in handling the TPR petitions in Montgomery County. While the court has been able to reach most of its cases by the 180-day time standard, a review of these service practices may be necessary given that a lower percentage of FY12 cases are closing early in the case process. Additional analyses possibly related to the length of time to serve parties may be necessary to understand the rather drastic change in termination profiles between FY11 and FY12.

Figure F.1 TPR Termination Profiles, FY11 and FY12



Future Analyses and Next Steps

- ◆ The court has discussed the importance of analyzing TPR performance against newly developed model time standards for state trial courts. These time standards provide an overall standard as well as several intermediate time standards by which a court can examine its performance. Prior to measuring the court's performance against these time standards, the technical requirements need to be defined in order to accurately capture the data used to measure the time standards. The court is currently working to develop these technical requirements.
- ◆ It may be useful to examine the length of time between filing and service in TPR cases in light of changes made to the court's FY09 practice of holding status conferences every two weeks until service is perfected and the differences in the FY11 and FY12 TPR termination profiles.