

Montgomery County Circuit Court
50 Maryland Avenue, Rockville, Maryland 20850



FY2014 Case Processing Report

December 2014

Montgomery County Circuit Court's Fiscal Year 2014 Case Processing Time Report Abstract

The Montgomery County Circuit Court's case processing performance for Fiscal Year 2014 (FY14) focuses on cases that closed by the Maryland Judiciary's circuit court time standards' case stop events.¹ In FY14, a total of 17,174 original terminations were analyzed: civil (6,242), criminal (2,094), family law (FL) (8,029), juvenile delinquency (594), child in need of assistance (CINA) (195), and termination of parental rights (TPR) (20) cases. Of the 195 CINA cases, 139 are shelter cases and 56 are non-shelter cases.

A key measure of the annual case processing analysis is the percentage of cases terminated within the state-defined time standards. Between FY13 and FY14, civil and child welfare case processing performance improved. Performance declined by no more than three percentage points among criminal and juvenile delinquency cases. The Maryland Judiciary modified the FL time standard in FY14. FL case processing performance is assessed against two different time standards: 1) 98% of non-limited divorce FL cases are to reach disposition within 365 days from filing; and 2) 98% of limited divorce cases are to reach disposition within 730 days from filing. The court's FY14 FL performance is 94% for all non-limited divorce cases, and 99% for limited divorce cases. The court met or exceeded the Judiciary's performance goals for TPR and FL limited-divorce cases.

Case Processing Performance by Case Type (original terminations), FY2010-FY2014

Case Type	Montgomery County Performance (Original Terminations)					Maryland Caseflow Time Standards	
	FY2010	FY2011	FY2012	FY2013	FY2014	Percentage Goal	Case Time
Civil, overall	96% (10,079)	94% (10,534)	94% (6,381)	95% (5,763)	97% (6,242)	98%	548
Civil, w/o Foreclosures	97% (5,141)	98% (5,054)	98% (4,492)	98% (4,204)	99% (3,956)		
Criminal	95% (2,607)	96% (2,701)	96% (2,183)	95% (2,083)	94% (2,094)	98%	180
Limited Divorce, Family Cases					99% (137)	98%	730
Other, Family Cases					94% (7,892)	98%	365
Juvenile Delinquency	96% (1,316)	97% (1,092)	95% (1,006)	95% (861)	92% (594)	98%	90
CINA Shelter	80% (131)	79% (169)	74% (125)	72% (135)	81% (139)	100%	30
CINA Non-Shelter	97% (62)	100% (40)	98% (81)	66% (50)	89% (56)	100%	90
TPR	82% (67)	97% (37)	97% (37)	96% (27)	100% (20)	100%	180
Total*	22,038	22,607	18,345	17,063	17,174		

¹ Cases with the following sub-case types are excluded from the assessment: adoption, asbestos, consent, domestic violence, federal tax lien, foreclosures, friendly suit, homeowners association, lien, Lis Pendens, recorded judgment, peace order, transfers from other jurisdictions for probation, voluntary placement, reopened, and restricted (sealed) cases.

The court continues to manage its caseload aggressively and to implement improvement initiatives as necessary; court staff are cognizant of continual opportunities for improvement. With revisions to the criminal, civil, and juvenile DCM plans and current revisions underway to the family DCM plan, as well as continued discussions with judicial and non-judicial staff about case processing efficiency, the court's leadership believes that further improvements can be achieved in the court's performance.

Montgomery County Circuit Court's Fiscal Year 2014 Case Processing Time Report Data Quality Review Procedures

Data quality review is a core function of the Montgomery County Circuit Court. While the review is performed throughout the year, additional data quality checks are conducted for the annual case assessment analysis. Provided below is a brief overview of the court's data quality review processes.

Data Quality Procedures Performed Specifically on the FY2014 Case Assessment Data

Court administration and Court of the Clerk personnel conduct audits of originally closed cases and routinely check the accuracy of case docket entries. Designated court personnel also perform data quality reviews during the data preparation period to obtain the most accurate FY14 case assessment data.

Data Processing (DP) staff compile the cases closed in FY14 into case type-specific databases (Microsoft (MS) Access tables), which contain all mandatory and optional data fields defined by the Maryland Judiciary's case time standard data requirements. The data collected is reviewed by Quality Control staff, Administrative Aides, and court researchers to ensure its accuracy, and to identify the reasons why cases are over-standard. Review of the FY14 data primarily focused on cases with missing suspension start or stop dates. In particular, missing suspension start and stop dates were identified by comparing case assessment data contained in the MS Access tables, the court's case management system, actual case files and occasionally the court record as captured by *CourtSmart*. Questionable case information was discussed and reconciled.

Additional Data Quality Review Procedures Performed on the FY2014 Case Assessment Data

The court researchers perform additional data quality checks on the case assessment data. The researchers primarily focus on missing or questionable case assessment event dates, the calculation of the case time, and cases closing beyond the identified time standards. All reviews are conducted initially by checking the case assessment information against the data contained in the court's case management system and then with the actual case files when necessary. When questionable case information is identified, the research staff contacts the appropriate quality control and management staff for reconciliation.

Characteristics of the Questionable Data Uncovered during the Data Quality Reviews

During this fiscal year's review of the case assessment data, questionable case information was identified and reconciled. Efforts will be undertaken to ensure that programming logic aligns with the data requirements for the statewide timeliness measures. The court will continue to make certain that docket entry codes are available to accurately track case time

suspension start and end dates measure case processing performance in accordance with the time standards.

One new issue identified in the FY14 assessment data relates to postponement information. In the past, Montgomery County Circuit Court reported and analyzed only trial postponements because the court did not record postponement reasons for hearing postponements in its case management system. The court began collecting hearing postponement reasons in July 2013. Since the current data extraction logic only reports postponements when they are accompanied by a reason, any postponements without such a reason, most of which are hearing postponements that occurred prior to July 2013, were not captured in the FY14 data. The impact of not capturing postponed cases may be of consequence for cases with relatively long case time such as civil and family law cases. For example, in the original FY14 FL data, of the 526 cases terminated over-standard (based on the original 365-day time standard), 214 cases (41%) were identified as having at least one postponement. However, through the review of the remaining 312 cases without postponements, we identified additional 59 cases that had experienced a hearing postponement prior to July 2013, indicating that 22% of postponed cases (273 cases) were incorrectly identified as cases without postponements. By including those 59 cases, the percent of postponed cases among over-standard cases increases to 52% from 41%. The court plans to address this issue prior to preparing the FY15 assessment data though the impact of missing postponements in the FY15 data is not anticipated to be as widespread as in the FY14 data since a greater percentage of the cases in the FY15 data will consist of those filed after July 2013.

Civil Case Terminations Fiscal Year 2014 Case Terminations

Case Type	Case Time Definitions	Within-Standard Percentage	Case Time
Civil	<p><u>Case Time Start:</u> Filing of case.</p> <p><u>Case Time Stop:</u> Disposition, dismissal or judgment.</p>	<p><u>Performance Goal:</u> 98% within 548 days</p> <p>CY 2001: 95% ▲ CY 2002: 94% ▲ CY 2003: 94% ▲ FY 2005: 96% FY 2006: 95% FY2007: 94% FY2008*: 95% FY2009: 96% FY2010: 96% FY2011: 98% ▲ FY2012: 98% ▲ FY2013: 95% FY2014: 97%</p>	<p><u>Filing to Service or Answer, whichever comes first:</u></p> <p>CY 2001: 49 days ▲ CY 2002: 44 days ▲ CY 2003: 33 days ▲ FY 2005: 45 days FY 2006: 42 days FY 2007: 40 days FY2008: 41 days FY2009: 52 days FY2010: 43 days † FY2011: 30 days ▲ FY2012: 33 days ▲ FY2013: 31 days FY2014: 29 days</p> <p><u>Average Case Processing Time:</u></p> <p>CY 2001: N/A ▲ CY 2002: 291 days ▲ CY 2003: 285 days ▲ FY 2005: 206 days FY 2006: 209 days FY 2007: 222 days FY2008: 213 days FY2009: 226 days FY2010: 241 days FY2011: 162 days ▲ FY2012: 158 days ▲ FY2013: 217 days FY2014: 214 days</p>

Note: Civil case time is suspended for bankruptcy, non-binding arbitration, interlocutory appeal, body attachment, military leave, mistrial, stay for receivership, and foreclosure mediation.

* FY08 is based on a sample of 509 civil cases.

† Beginning in FY2010, the figures displayed in this table were calculated by court research staff using all civil terminations whereas CY2001-FY2009 figures were calculated by the court's data processing (DP) department using a random sample of the civil termination population, which may explain some of the differences between fiscal years. Differences may also exist because at the time of DP's calculation not all data quality changes were incorporated into the data used for the performance analysis.

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

Civil Case Processing Performance

In Fiscal Year 2014 (FY14), the Montgomery County Circuit Court processed 6,242 civil cases, which is an 8% increase from the 5,763 civil cases processed in FY13. The Maryland Judiciary's civil case time standard is to close 98% of cases within 548 days from the filing of the petition. Despite large fluctuations in the number of civil cases processed between FY04 and FY14, the court's civil case processing performance is comparatively stable, ranging between 94% and 97%. The court's FY14 case processing performance improved by two percentage points to 97% compared to 95% in FY13. The overall average case time improved by three days, and that improvement appears to be driven by improvements in the processing of over-standard cases. In fact, the average case time for over-standard terminations is 38 days lower in FY14 compared to FY13 (711 and 749 days, respectively).

Table A.1 Number of Civil Case Terminations and Case Processing Performance, FY04-FY14

Fiscal Year	Terminations		Within-Standard Terminations			Over-Standard Terminations		
	N	ACT*	N	% of Total	ACT*	N	% of Total	ACT*
FY04	3,415	198	3,271	96%	173	144	4%	774
FY05	6,022	206	5,742	95%	173	280	5%	898
FY06	5,545	209	5,283	95%	174	262	5%	915
FY07	6,320	222	5,936	94%	173	384	6%	978
FY08**	7,243	213	485	95%	176	24	5%	952
FY09	7,746	226	7,425	96%	205	321	4%	716
FY10	10,079	241	9,670	96%	222	409	4%	699
FY11†	10,534	260	9,925	94%	234	609	6%	684
FY12†	6,381	227	5,996	94%	195	385	6%	718
FY13	5,763	217	5,476	95%	189	287	5%	749
FY14	6,242	214	6,052	97%	198	190	3%	711

* ACT = Average Case Time, in days.

** The FY08 case processing performance is based on a random sample 509 cases while in other years the performance was calculated based on the data that included all eligible case terminations.

† The FY11 and FY12 case processing performance is based on data that includes foreclosures though they were excluded from the statewide case assessment.

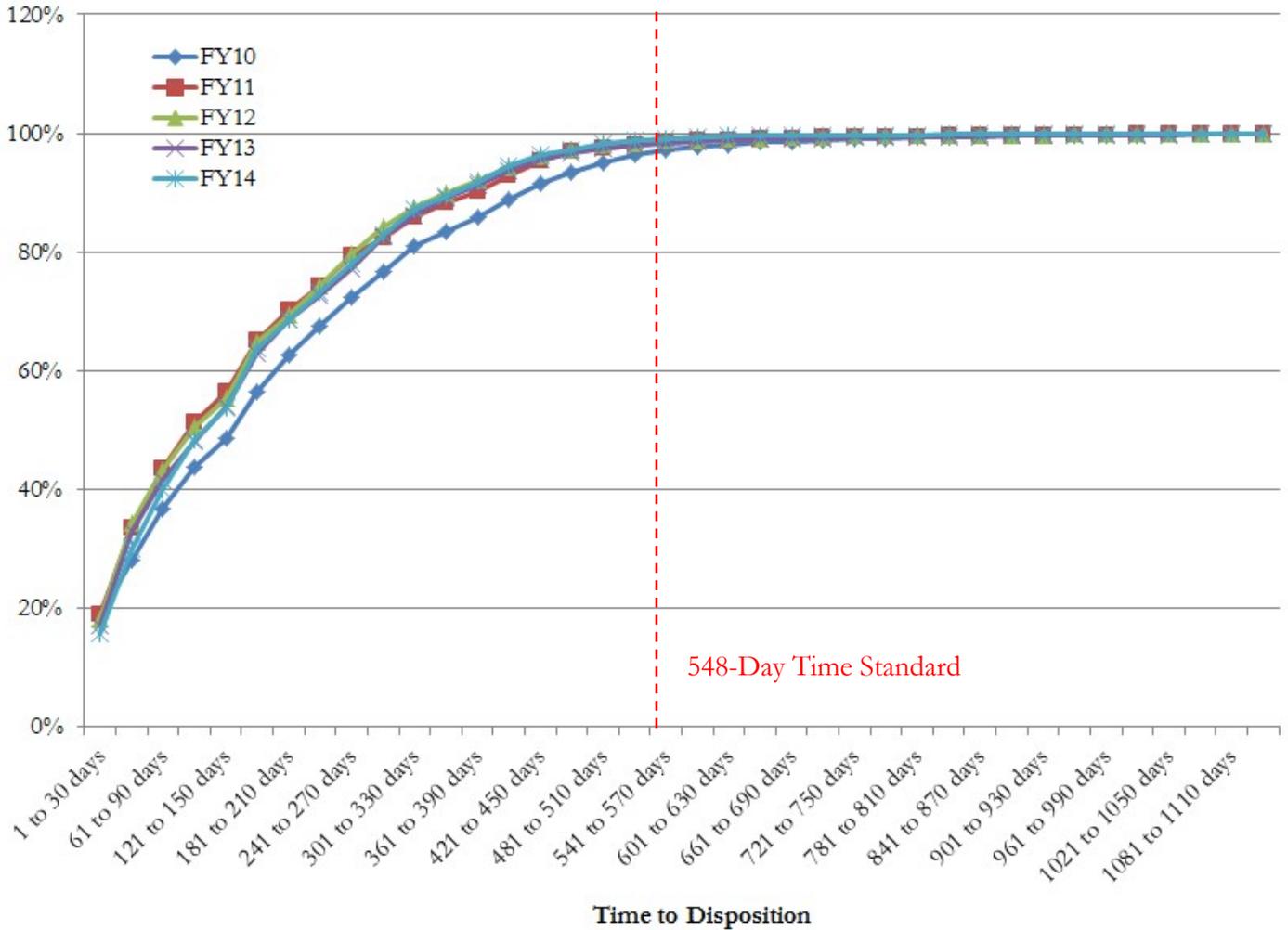
When foreclosure cases are excluded from the analysis, 99% of the FY14 civil cases closed within the 548-day time standard. The civil non-foreclosure case processing performance has improved from 92% in FY08, 97% in FY10, and at least 98% in FY11 through FY14, meeting the statewide performance goal for the last four fiscal years. These observed improvements are likely due in part to the revised civil differentiated case management (DCM) plan implemented in July 2010.²

Figure A.1 displays resolution profiles for non-foreclosure civil cases closed between FY10 and FY14. Ideally, the resolution profile for a particular fiscal year has a high arch indicating prompt resolution with all cases closing by the 548-day civil time standard. This figure

² For additional information about the DCM plans including detailed descriptions of the DCM tracks, please visit the court's website at <http://www.montgomerycountymd.gov/circuitcourt/attorneys/dcm.html>.

further supports the improvements witnessed among civil, non-foreclosures over the past four fiscal years when compared to the FY10 resolution profile. For instance, 98% of non-foreclosure civil cases closed between the 481st and 540th day between FY11 and FY14 whereas, in FY10, 98% of cases closed by the 630th day.

Figure A.1 Non-Foreclosure Civil Resolution Profiles, FY10-FY14



Case Terminations by DCM Track

There are nine tracks defined in the Montgomery County Circuit Court’s Civil Differentiated Case Management (DCM) plan. Table A.2 shows the number of case terminations, the percentage of cases closed within the time standard and the average case time by termination status and DCM track. For simplicity purposes, the cases assigned to a Business and Technology track (B&T, Tracks 5 and 6) are combined as are those assigned to an Advanced Science and Technology Adjudication Resource track (ASTAR, Tracks 7 and 8). Cases assigned to Tracks 0, 2, and 3 represent 80% of FY14 civil, non-foreclosure terminations.

Table A.2 Civil Case Terminations by Termination Status and DCM Track, FY14

DCM Track (Description)	Overall Terminations			Within-Standard Terminations				Over-Standard Terminations			
	N	% of Total	ACT*	N	% of Track	% of WST*	ACT*	N	% of Track	% of OST*	ACT*
Track N (Non-Litigation)	627	16%	25	627	100%	16%	25	0	0%	---	---
Track 0 (No Discovery)	1,034	26%	101	1,027	99%	26%	98	7	1%	17%	612
Track 2 (1/2 to 1 day trial)	1,316	33%	181	1,309	99%	33%	178	7	1%	17%	814
Track 3 (1 to 2 day trial)	821	21%	284	808	98%	21%	275	13	2%	32%	809
Track 4 (4 or more days trial or intensive motions)	136	3%	344	124	91%	3%	310	12	9%	29%	694
Tracks 5 & 6 (B&T)	20	<1%	336	18	90%	<1%	302	2	10%	5%	635
Tracks 7 & 8 (ASTAR)	2	<1%	168	2	100%	<1%	168	0	---	---	---
Total (Excluding Foreclosures)	3,956	100%	163	3,915	99%	100%	157	41	1%	100%	734
Track N Foreclosures	2,286	37%	302	2,137	93%	35%	273	149	7%	78%	705
Total (Including Foreclosures)	6,242	100%	214	6,052	97%	100%	198	190	3%	100%	711

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

Note: Percentages do not always add to 100% due to rounding. DCM Track determination is as of the date of data extraction.

The processing performance of FY14 cases assigned to Tracks N (non-foreclosure), 0 (cases with no discovery), and 2 (cases with 1/2 to 1 day of trial) meets or exceeds the statewide performance goal of 98%, which is similar to the past four fiscal years. The FY14 Track 3 performance improved from 84% to 89% between FY08 and FY09, and continued to improve to 98% in FY14. Track 4 case processing performance has also shown improvement. Specifically, in FY13, Track 4 case processing performance was 87%; a decline of 5 percentage points from FY12. FY14 Track 4 case processing performance is 91% and comparable to the performance achieved in FY12 (92%).

The processing of FY14 foreclosure cases is 93%, which is a noticeable improvement over the FY12 and FY13 performance (83% and 87%, respectively). This improvement in foreclosure case processing is likely due in part to the foreclosure mediation suspension event approved for the FY14 assessment analysis by the Maryland Judiciary's case time standards sub-committee.

Non-Foreclosure Civil Case Terminations by Postponements³

Of the 6,242 civil cases closed during FY14, 807 (13%) have at least one hearing or trial

³ The FY14 civil postponement analysis includes both hearing and trial postponements. The capturing of hearing and trial postponements only occurs for cases with postponement reasons. The court began collecting postponement reasons for hearing postponements on July 1, 2013. Any postponed hearing prior to July 1, 2013 will not be reflected in the data because the postponement reasons were not collected at the time in the case management system.

postponement.⁴ Less than 0.5% of foreclosure cases have a hearing or trial postponement. Therefore, the remaining analysis focuses on the postponements of non-foreclosure civil cases. Of the postponed non-foreclosure civil cases, 97% closed within the 548-day time standard. In contrast, 99% of cases without postponements closed within the time standard. The data suggests that, while the presence of a postponement increases the likelihood that a case will close over the time standard, it is only one factor in whether it actually does so.

The court granted a total 1,290 hearing and trial postponements among the 796 postponed, non-foreclosure civil cases, averaging 1.6 postponements per case. Among the postponed cases, 60% have one postponement, 28% have two postponements, and another 12% have three or more postponements. In FY14, 52% of postponed, over-standard civil case terminations (12 of 23) were postponed once.

The overall, average case time among postponed, non-foreclosure civil cases is almost twice as much as for those cases that are not postponed (269 versus 136 days, respectively). Among postponed cases, the average case time for over-standard cases is 674 days compared to 257 days for within-standard, postponed cases. As observed in previous fiscal years, the average case time for postponed, over-standard cases is *shorter* than that for over-standard cases with no postponements (674 compared to 810 days). Some of the reasons cases without postponements close over-standard include the ordering of stays for one defendant filing bankruptcy while the case continues to move forward for the other defendants in the case, and a case being stayed pending the resolution of a petition for declaratory relief.⁵

Table A.4 FY14 Civil Case Terminations by Postponements, Termination Status (Within or Over the 548-day Standard), and Track (Excluding Foreclosures)

DCM Track	Total Terminations	With Postponements								
		Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
		N	% of Total Track	ACT*	N	% of Track	ACT*	N	% of Track	ACT*
Track 0	1,034	207	20%	135	203	98%	124	4	2%	648
Track 2	1,316	265	20%	258	264	>99%	257	1	<1%	748
Track 3	821	226	28%	363	220	97%	354	6	3%	673
Track 4	136	70	51%	405	60	86%	358	10	14%	687
Tracks 5 & 6	20	13	65%	404	11	85%	362	2	15%	635
Tracks 7 & 8	2	1	50%	128	1	100%	128	0	---	---
Track N	627	14	2%	174	14	100%	174	0	---	---
Total	3,956	796	20%	269	773	97%	257	23	3%	674

⁴ The percentage of non-foreclosure civil cases that closed in FY14 that had at least one postponement is 20%, suggesting that foreclosure cases, which represent 37% of all closed civil cases, are less likely to contain postponements than non-foreclosure civil cases.

⁵ Some of the cases identified as not being postponed may actually be postponed; however, hearing postponements that occurred prior to July 1, 2013 are not reflected in the court's data because hearing postponement reasons were not collected at that time.

Table A.4 FY14 Civil Case Terminations by Postponements, Termination Status (Within or Over the 548-day Standard), and Track (Excluding Foreclosures), Continued

		Without Postponements								
DCM Track	Total Terminations	Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
		N	% of Total Track	ACT*	N	% of Track	ACT*	N	% of Track	ACT*
Track 0	1,034	827	80%	93	824	>99%	91	3	<1%	564
Track 2	1,316	1,051	80%	162	1,045	99%	158	6	1%	825
Track 3	821	595	72%	254	588	99%	246	7	1%	925
Track 4	136	66	49%	280	64	97%	265	62	3%	731
Tracks 5 & 6	20	7	35%	208	7	100%	208	0	---	---
Tracks 7 & 8	2	1	50%	207	1	100%	207	0	---	---
Track N	627	613	98%	21	613	100%	21	0	---	---
Total	3,956	3,160	80%	136	3,142	99%	133	18	1%	810

* ACT = Average case time, in days.

At least half of the complex civil cases were postponed in FY14. For example, fifty-one percent of all Track 4 cases closed in FY14 were postponed. Other than cases assigned to Tracks 3, 4, and 5/6 (B&T), civil cases met the performance goal despite being postponed. The most frequently cited postponement reasons among the 796 postponed cases include: “Discovery/ADR Incomplete and/or Discovery Disputes/Additional Time Needed to Prepare” (35% all postponements; 45% postponements in over-standard cases); “Calendar Conflict” (17% all postponements, 9% postponements in over-standard cases); and “Party(s) Did Not Receive Notice of Court Date” (10% all postponements; 2% postponements in over-standard cases). While the postponement reason of ‘Illness/Medical Emergency or Death’ represents only 5% of all postponement reasons, it represents 11% of the postponement reasons among over-standard cases.

As noted in previous years, the relationship between postponements and case processing performance is complex. Having information about the frequency, type, and length of postponements will help the court better understand the impact of postponements on case processing performance.

Civil Case Processing Performance Recommendations for Montgomery County Circuit Court

- FY14 case processing performance results should be shared with the Montgomery County Circuit Court civil bench, civil bar, as well as pertinent clerk and administration personnel.
- Discussions with the court will occur about whether additional analyses related to civil case processing should be undertaken. For instance, analyses focused on case processing performance and the DCM guidelines may be of interest. Specifically, it may be useful to examine the length of time to reach key court events (such as the scheduling hearing,

pre-trial, trial, and disposition (complaint resolution)) as defined by the DCM guidelines, as well as comparing case processing performance across different disposition types.

- As a good practice, the court should continue to assess whether MD Rule 2-508 related to “continuance” is being rigorously applied. Additional analyses related to postponements may be of interest. In particular, it may be useful to see whether postponements of (DCM) events like settlement conferences increase or decrease the likelihood that a case will close beyond standard.
- Examine whether the continued improvement in non-foreclosure cases is related to any increased use of ADR, particularly with the Rule change that presumes mediation will be ordered and requiring parties to opt out but also with new emphasis on early ADR.
- Discussions with the court will be undertaken to determine the usefulness of examining (separately) the processing of foreclosure cases. The following table displays the performance of civil cases by the foreclosure/non-foreclosure sub-type. There was a noticeable improvement in foreclosure performance in FY14 compared to previous fiscal years. This improvement may be the result of several factors including but not limited to the caseload affected by court opinions requiring resale of houses due to issues in advertisements in FY12 and FY13 clearing the court system by FY14.

Number of Foreclosure and Non-Foreclosure Terminations, Average Case Time (ACT), and Within-Standard Percentage (WST%), FY09-FY14

Fiscal Year	Foreclosures			Non-Foreclosures			Overall		
	N	Overall ACT	WST%	N	Overall ACT	WST%	N	Overall ACT	WST%
FY09	2,899	286	97%	4,847	190	95%	7,746	226	96%
FY10	4,938	294	95%	5,141	191	97%	10,079	241	96%
FY11	5,480	351	91%	5,054	162	98%	10,534	260	94%
FY12	1,889	390	83%	4,492	158	98%	6,381	227	94%
FY13	1,559	353	87%	4,204	167	98%	5,763	217	95%
FY14	2,286	302	93%	3,956	163	99%	6,242	214	97%

* ACT = Average Case Time, in days.

- Discussions with the court will occur about the usefulness of analyzing civil performance against newly developed model time standards for state trial courts.⁶ These time standards provide an overall standard as well as several intermediate time standards by which a court can examine its performance.

Civil Case Processing Performance Recommendations for the Circuit Court Time Standards Sub-Committee

- Montgomery County Circuit Court would be interested in having court staff meet with courts that consistently meet/exceed the civil time standard and discuss their effective case processing practices.
- Questions have been raised about whether other suspension events, which render a case inactive, should be included in the civil case time standards. Events such as awaiting a decision from: Federal Court, the Office of the Attorney General, another jurisdiction,

⁶ See <http://www.ncsc.org/Services-and-Experts/Technology-tools/~media/Files/PDF/CourtMD/Model-Time-Standards-for-State-Trial-Courts.ashx>

or the Court of Special Appeals may need to be considered as possible suspension events.

- It is recommended that the sub-committee discuss additional ways to capture, analyze, and report postponements. Currently, the assessment application does not distinguish the type of postponement granted in a case. It would be helpful to be able to identify the type of postponements (e.g., pre-trial, trial, disposition, rendering of opinion) as well as the start and stop date associated with the postponed event. We have uncovered several instances where a hearing or trial date has been postponed (i.e., the postponement granted) but the case settled (fully) before that postponed event occurred. Additional information about the type, frequency, and length of postponements will improve the dialog that can take place with internal and external stakeholders about the postponement-performance connection.

Criminal Case Terminations

Fiscal Year 2014 Case Terminations

B. Criminal Case Processing Definitions and Summary

	Criminal Case Time Definitions	Statewide Measurements	Additional Montgomery County Measurements	
Criminal Case Flow Assessment Standard and Montgomery County Measures	<u>Case Time Start:</u> First appearance of defendant or entry of appearance by counsel	Percent Within 6-month (180 days) Standard	<u>Arrest/Service to Filing[‡]:</u> CY 2001: 121 days CY 2002: 138 days CY 2003: 124 days FY 2005: 125 days FY 2006: 121 days FY 2007: 112 days FY 2008*: 116 days FY 2009: 104 days FY 2010: 117 days FY 2011: 117 days FY 2012: 132 days FY 2013: 110 days FY 2014: 144 days	<u>Verdict to Sentence[‡]:</u> CY 2001: 24 days CY 2002: 46 days CY 2003: 51 days FY 2005: 108 days FY 2006: 88 days FY 2007: 97 days FY 2008*: 75 days FY 2009: 99 days FY 2010: 18 days FY 2011: 18 days FY 2012: 19 days FY 2013: 22 days FY 2014: 21 days
	<u>Case Time Stop[†]:</u> CY2001 – FY2008: Disposition (PBJ, Stet, NP, NG, Sentencing, NCR finding) FY2009 – FY2010: Verdict (Plea/Verdict, Stet, NP, Reverse Waiver Granted, NCR finding)	State-Set Goal: 98% CY 2001: 96% CY 2002: 91% CY 2003: 90% FY 2005: 90% FY 2006: 90% FY 2007: 89% FY 2008*: 86% FY 2009: 96% FY 2010: 95% FY 2011: 96% FY 2012: 96% FY 2013: 95% FY 2014: 94%	<u>Filing to First Appearance[‡]:</u> CY 2001: 12 days CY 2002: 18 days CY 2003: 15 days FY 2005: 19 days FY 2006: 18 days FY 2007: 15 days FY 2008*: 17 days FY 2009: 13 days FY 2010: 12 days FY 2010: 18 days FY 2011: 18 days FY 2012: 14 days FY 2013: 17 days FY 2014: 17 days	
	<u>Case Time Suspension Events:</u> Failure to appear/bench warrant, mistrial, NCR evaluation, competency evaluation, petition for reverse waiver, interlocutory appeal, military leave, pre-trial sentencing treatment, psychological evaluation, and DNA/Forensic testing	<u>Average Case Processing Time:</u> CY 2001: N/A CY 2002: 89 days CY 2003: 89 days FY 2005: 86 days FY 2006: 84 days FY 2007: 92 days FY 2008*: 94 days FY 2009: 77 days FY 2010: 80 days FY 2011: 62 days FY 2012: 66 days FY 2013: 73 days FY 2014: 71 days		

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

† Because of the change in the criminal case time standard in 2009, the case time was measured from the first appearance to verdict for the FY09-FY14 Assessments whereas it was from the first appearance to sentencing for the CY01-FY08 Assessments.

‡ Additional Montgomery County measures for CY01-FY09 are calculated by Data Processing based on a sample. The FY10-FY14 measures were calculated by using all the observations with valid assessment event dates. Note that the Arrest to Filing measure may not accurately report the time from arrest to filing. When a defendant is re-arrested after the filing of the case, the original arrest date associated with the case is overwritten with the new arrest date in the case management system, resulting in a negative arrest to filing time. Removing such 113 cases from the FY14 data resulted in the average of 155 days.

Overall Criminal Case Terminations

During Fiscal Year 2014 (FY14), Montgomery County Circuit Court processed 2,112 original criminal case terminations, 17 more terminations than the FY13 level (2,095 terminations). The current analysis is based on the 2,094 cases with valid case start and stop dates.⁷ Table B.1 presents the court’s criminal case processing performance since FY09 when the statewide criminal time standard was modified to measure the case time from the first appearance of the defendant to verdict instead of from the first appearance to sentencing. Between FY13 and FY14, while the number of the within-standard termination virtually remained unchanged (1,973), the number of overall terminations increased slightly. As a result, the court’s criminal case processing performance declined by one percentage point from 95% to 94% between the two fiscal years.

Table B.1 Number of Criminal Case Terminations and Case Processing Performance, FY09-FY14

Fiscal Year	Terminations		Within-Standard Terminations			Over-Standard Terminations		
	N	ACT [*]	N	%	ACT	N	%	ACT
FY09	2,478	77	2,372	96%	68	106	4%	270
FY10	2,607	80	2,486	95%	71	121	5%	263
FY11	2,701	62	2,603	96%	53	98	4%	284
FY12	2,183	66	2,089	96%	56	94	4%	278
FY13	2,083	73	1,970	95%	62	113	5%	271
FY14	2,094	70	1,973	94%	58	121	6%	267

Maryland criminal case time standard and goal: 6 months (180 days) and 98% within-standard terminations

* ACT = average case time (in days)

The average case time (ACT) for all cases, among those closed within the standard, and among those closed over the standard for FY14 are 70 days, 58 days and 267 days, respectively, all of which are slightly shorter than those in FY13.

Table B.2 Distribution of Over-Standard Criminal Cases by Clock Time, FY10-FY14

Fiscal Year	N	Mean	Median	Percentile						
				5	10	25	75	90	95	Max
FY10	121	263	247	186	193	211	287	362	399	667
FY11	98	284	262	188	199	225	339	390	437	612
FY12	94	283	254	184	187	210	311	411	474	844
FY13	113	271	252	186	191	220	309	365	394	540
FY14	121	271	250	186	193	209	309	388	411	548

Table B.2 and Figure B.1 compare the distribution of over-standard (OST) case terminations for FY10 through FY14. The number of OST terminations declined between FY11 and FY12 (see Table B.1) from 121 to 94 but the number increased back in FY13 and FY14, reaching the FY 10 level (121 terminations). In addition, the OST distribution in FY14 is nearly identical to that of FY10 distribution while the number of overall terminations declined by 20% between FY10 and FY14. Previously, we attributed the observed decline in

⁷ Eighteen terminations were excluded from the analysis because of a missing valid case start date due to 1) an appeal being dismissed as a result of an unrepresented defendant’s failure to appear or 2) an unrepresented defendant on bench warrant status who has never appeared before the court and has been determined to have died or the State may no longer be able to mount a prosecution due to the passage of time and loss of available witnesses.

the number of OST terminations in FY11 through FY13 to the implementation of the court’s revised DCM plan and related policies and procedures. The observed changes in the numbers of overall case terminations and OST terminations for the past years, however, seem to indicate that the court’s strict adherence to the DCM plan may have been declining though additional analysis is necessary to identify factors that have contributed to the increase in the OST case terminations.

Figure B.1 Criminal Case Terminations that are over the 6-month standard, FY10-FY14

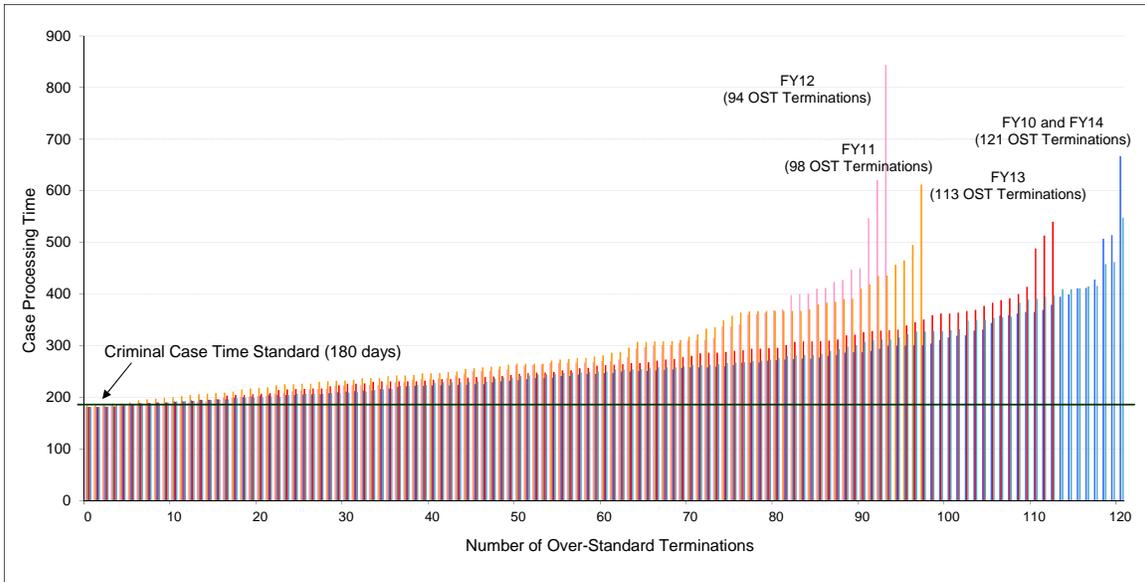
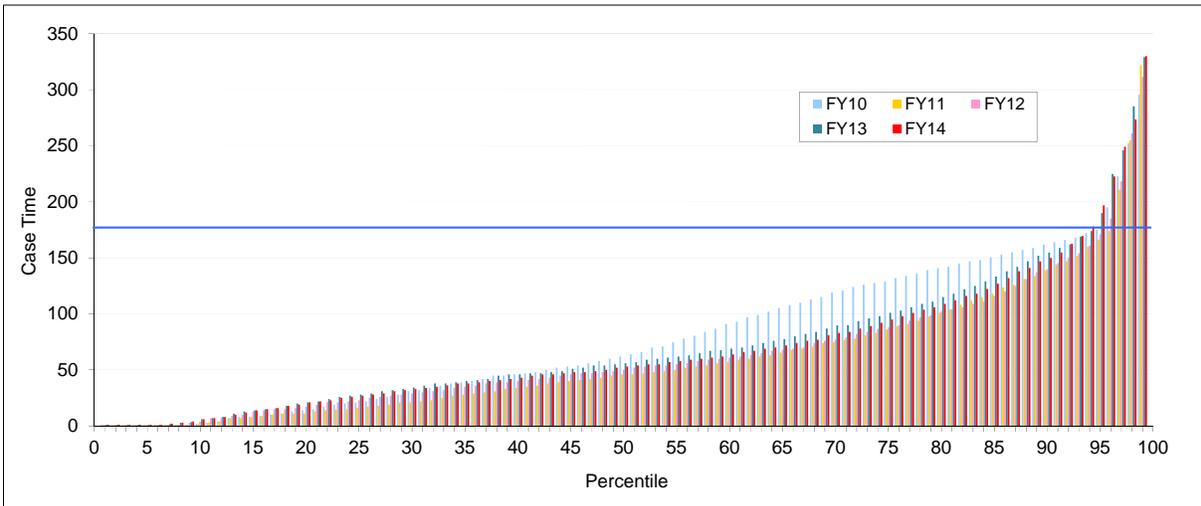


Figure B.2 plots the case time of each percentile of case terminations for FY10 through FY14. While the overall termination pattern did not change over time, comparison of the distribution between FY14 and other years shows that the impact of the revised DCM plan is most salient among cases closing between the 50th and 95th percentiles of the distribution, suggesting that the plan’s impact is attenuated among cases in the 95th percentiles or above.

Figure B.2 Criminal Case Terminations by Percentile, FY10 - FY14



If the court were to improve the observed FY14 performance of 94% (94.2%) within-standard terminations to the FY13 level of 95% (or at least 94.5%), the court would need to increase the number of within-standard case terminations by at least 6 from 1,973 to 1,979. The case time of the first six over-standard cases ranges from 181 days to 186 days. However, to meet the state goal of 98% (or at least 97.5%), the court would need to close within-standard an additional 63 over-standard cases (a total of 69 over-standard cases), whose case time is as high as 258 days. While improving the performance by one percentage point from 94% to 95% may be feasible, improving the performance by another three percentage points to 98% would likely require substantial efforts by the court in its processing of cases.

Case Terminations by Track

The Montgomery County Circuit Court’s criminal DCM plan has the following four tracks.⁸

Track 1: District Court jury demands and appeals (862 terminations in FY14, 793 in FY13, 940 in FY12 and 1,208 in FY11)

Track 2: Indictments and Informations, defendant locally incarcerated (309 terminations in FY14, 344 in FY13, 313 in FY12 and 432 in FY11)

Track 3: Indictments and Informations, defendant on bond/writ status (664 terminations in FY14, 683 in FY13, 693 in FY12 and 774 in FY11)

Track 4: Complex Indictments and Informations (253 terminations in FY14, 263 in FY13, 234 in FY12 and 274 in FY11)

Table B.3 presents the FY14 criminal case processing performance - the average case time (ACT) and the percent of cases closed within-standard - by the criminal DCM Track. Slightly over 40% (41%) of the closed cases in FY14 are from Track 1, 32% from Track 3, 15% from Track 2, and 12% from Track 4. Track 1 is the only track whose performance exceeded the statewide goal of 98%. The case processing performance of Tracks 2 and 3 cases are slightly below the goal (96% and 95%, respectively) whereas the case processing performance of Track 4 cases is substantially lower at 74%.

Table B.3 Criminal Case Processing Performance by DCM Track and Termination Status, FY14

	Total Terminations			Within-Standard Terminations				Over-Standard Terminations			
	N	% of Total	ACT*	N	% of WST*	% of Track	ACT	N	% of OST*	% of Track	ACT
Track 1	862	41%	42	856	43%	99%	41	6	5%	1%	235
Track 2	309	15%	68	297	15%	96%	61	12	10%	4%	246
Track 3	664	32%	75	628	32%	95%	66	36	30%	5%	245
Track 4	253	12%	154	188	10%	74%	109	65	54%	26%	282
Total	2,088	100%	70	1,966	100%	94%	58	121	100%	6%	260

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

Note: Exclude one Track 0 and five Track N cases. Percentages do not always add to 100% due to rounding

⁸ The track descriptions are based on the criminal DCM plan (July 2003, 2nd edition); however, it is important to note that the criminal DCM plan was revised in July 2010. There are minimal differences in the track descriptions between the July 2003 and July 2010 versions of the criminal DCM plan. The data also includes five Track N cases, all of which were filed between late 1980s and early 1990s.

As indicated in the previous reports, the overall criminal case processing performance is largely influenced by: 1) the composition of case terminations by DCM Track, in particular that of Track 1 and Track 4, and 2) the case processing performance of Track 4 cases. As Table B.1 shows, the overall criminal case processing performance declined by one percentage point from 95% to 94% between FY13 and FY14. The comparison of the FY13 and FY14 data in terms of Track-specific case processing performance and the distribution of terminated cases by Track indicates that *with all other factors held constant*, the observed decline (a 0.28% decline) in the case processing performance from 94.58% to 94.30% is due to changes in the Track-specific case processing performance, rather than the change in the relative distribution of Tracks 1 and 4 cases between the two fiscal years. In fact, had the court been able to maintain the FY13 performance, its FY14 performance would have slightly improved to 94.80% due to the increased representation of Track 1 cases in FY14.

Further improving case processing performance of cases in Tracks 2 and 3, though accounting for nearly 50% of the court's criminal case terminations, would result in a limited improvement in the overall criminal performance largely because their performance is already close to the 98% goal. For instance, even if the court improves its case processing performance of Tracks 2 and 3 cases (96% and 95% respectively) to the state goal of 98% in FY14, the overall criminal case processing performance would be 96%. Even if all of the cases in Tracks 1, 2, and 3 were closed within-standard, the overall performance would increase to 97% if the performance of Track 4 case terminations remained at 74%. Thus, the key to improvement of the court's criminal case processing performance ultimately rests upon the management of Track 4 cases.

Under the scenario of Tracks 2 and 3 case terminations meeting the 98% goal, the Track 4 case processing performance would need to improve to 90%. First, the court may want to devise a plan to improve case processing performance of Track 4 cases. Second, given higher performance was achieved for Tracks 2 and 3 in the previous two fiscal years, efforts should also be made to return the previous fiscal years' performance in Tracks 2 and 3 cases.

Case Terminations by Case Sub-type

Table B.4 presents the analysis of criminal cases by case sub-type and termination status for FY14. As observed in the past, processing performance of the cases originating from the District Court, including jury trial prays and appeals, either meets or exceeds the 98% within-standard goal. In contrast, case processing performance of information and indictment cases is below the standard.

In FY11 and FY12, indictments were the only sub-type that failed to meet the 98% state goal. In FY13, the performance of criminal informations also failed to meet the 98% goal and further declined to 95% in FY14. In addition, the case processing performance of indictments, which declined from 93% in FY11 to 91% in FY12, further declined to 89% in FY13 and remained at that level in FY14. Incidentally, the percentage of information and indicted case terminations slightly declined from 62% in FY13 to 59% in FY14. This change in the composition of terminated cases, which in turn increased the representation of Bindover and Appeal cases, would in theory improve the overall case processing performance (other things being held constant); however, the FY14 performance instead

declined by one percentage point from FY13 largely because of the declined processing performance of information cases.

Table B.4 Criminal Case Processing Performance by Case Sub-Type and Termination Status, FY14

Case Sub-type	Total Terminations			Within-Standard Terminations				Over-Standard Terminations		
	N	%	ACT*	N	%	ACT	% WST*	N	%	ACT
Indictment	815	39%	105	723	37%	84	89%	92	76%	271
Information	412	20%	60	391	20%	50	95%	21	17%	245
Bindover-Jury	132	6%	40	130	7%	34	98%	2	2%	432
Bindover-Appeal	580	28%	44	575	29%	42	99%	5	4%	242
DC VOP Appeal	155	7%	43	154	8%	42	99%	1	1%	201
Total	2,094	100%	70	1,973	100%	58	94%	121	100%	267

* WST: within-standard; OST: over-standard

Case Terminations by Postponements

For the first time, the analysis of postponements includes hearing postponements, as well as trial postponements. However, the inclusion of hearing postponements generated a few challenges in data analysis. First, including hearing postponements in the FY14 data made it impossible to compare the court's case processing performance across fiscal years based on the postponement information such as presence of postponements and the number of postponements. Second, since the postponements data was generated by identifying the presence of postponement reasons, any postponements entered in the court's case management system without reasons were not captured in the current data, rendering the postponement information in the present data incomplete and not comparable.

Table B.5 compares the case processing performance of cases with postponements and of those without postponements by termination status for FY14. Similar to previous years, among cases without postponements, virtually all cases, even among those in Track 4, closed within the time standard. In the past we found that cases with trial postponements, except for those in Track 1, are more likely to close over-standard; for example in FY13, the percentage of within-standard terminations ranging from 37% from Track 4 to 86% in Track 2. In FY14, however, with hearing postponements included, the within-standard percentages are much greater in FY14; even among Track 4 cases with postponements, two-thirds were closed within the time standard. This observation underscores the need for further analysis of the postponement data, specifically, identifying the differential impact of a hearing postponement and a trial postponement on the case processing performance.

Table B.5 Criminal Case Terminations by Postponements, Termination Status and DCM Track, FY14

<u>Terminations With Trial and Hearing Postponements</u>										
DCM Track	Total Terminations	Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
		N	% of Track	ACT*	N	%	ACT*	N	%	ACT*
Track 1	862	253	29%	72	247	98%	68	6	2%	235
Track 2	309	179	58%	89	167	93%	78	12	7%	246
Track 3	664	341	51%	105	307	90%	90	34	10%	247
Track 4	253	195	77%	170	130	67%	114	65	33%	282
Total	2,088	968	46%	107	851	88%	85	117	12%	266
<u>Terminations Without Trial and Hearing Postponements</u>										
Track 1	859	607	71%	29	607	100%	29	0	0%	0
Track 2	309	130	42%	40	130	100%	40	0	0%	0
Track 3	664	323	49%	44	321	99%	43	2†	1%	202
Track 4	253	58	23%	100	58	100%	100	0	0%	0
Total	2,088	1,120	54%	38	1,118	100%	38	2	0%	202

* ACT = Average case time, in days.

† In the two cases that resulted in over-standard termination (121702C and 122121C), because the defendants failed to appear at the pre-trial hearing, a bench warrant was issued and the originally scheduled court events were re-set to later dates when the defendants appeared in the court later. Even though the time the defendants were on warrant was subtracted from the overall case time, the resultant case time (208 and 196 days, respectively) exceeded the 180-day standard.

Note that one Track 0 and five Track N cases were not included.

Over 50% of criminal cases terminated in FY14 had neither a hearing nor a trial postponement. Another 20% had one postponement, and 12% had two postponements. Among cases closed within the time standard, the distribution of case terminations with postponements closely aligns with that of overall case terminations: 57% without postponements, 22% with one postponement and 12% with two postponements, etc. Almost 10% (9.6%, 190 cases) of the cases experienced three or more postponements but were closed within the time standard.

Among over-standard terminations, over 70% of them are cases with one through five postponements. Thus, 18-19 (15-16%) terminations consist of cases with one or two postponements; 13-14 (11-12%) terminations consist of cases with three or four postponements; and 22 (18%) terminations consist of cases with five postponements. While the likelihood of over-standard terminations increases as the number of postponements increases from 4% with one postponement to 54% with five postponements, for cases with six or more postponements, however, the likelihood of over-standard terminations does not increase but fluctuates between 45% and 63% as the number of postponements increases from 5 to 9. Clearly, analyzing the impact of postponement for case processing performance requires additional information on postponements such as type (trial versus hearing postponements), length, timing, and presence of other postponements, as well as increasing the accuracy of the postponement data.

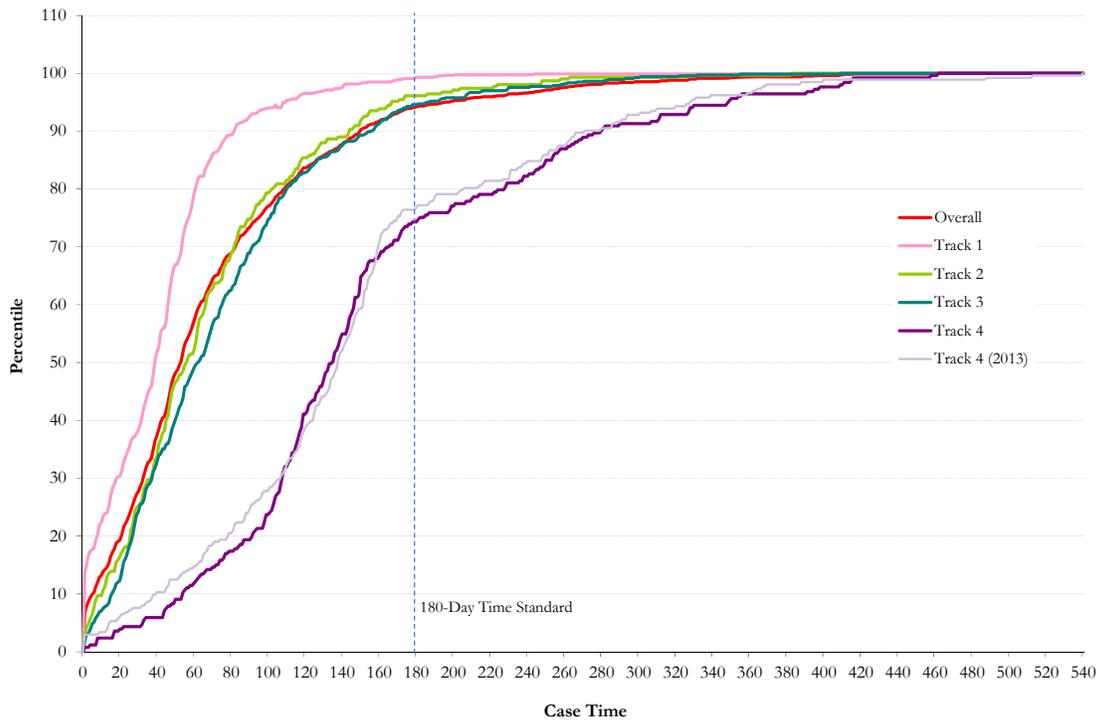
Of the 2,169 trial and hearing postponement reasons reported for FY14, the two most-frequently used reasons are 'Discovery Incomplete and/or Discovery Disputes - Additional Time Needed to Prepare' (501 occurrences, 23%) and 'Calendar Conflict' (400 occurrences, 18%), account for over 40 % all postponement reasons. Including the next three most-frequently cited reasons - 'Plea in Progress' (377 occurrences, 17%), 'New Counsel Sought or Has Entered their Appearance or Not Appointed' (227 occurrences, 10%), and 'Witness Unavailable - New Witness Identified' (123 occurrences, 6%), the top-5 reasons account for close to 75% of all postponement reasons. Those five reasons were also identified as the top

5 reasons for trial postponement in FY13. In addition, of the five postponement reasons, all but one ‘Plea in Progress’, which may be more likely to be associated with hearing postponements than trial postponements, are associated with over 20% of over-standard terminations.

Sub-analysis of Criminal Track 4 Cases

As indicated above, improvement of the overall criminal case processing performance appears to hinge upon improving the performance of Track 4 cases. Figure B.3 compares the normalized resolution profile of FY14 criminal cases by Track. As a comparison, the profile of Track 4 case terminations in FY13 is also presented. The light blue dotted vertical line on the figure indicates the 180-day statewide time standard, and the intersection of the line and profile indicates the percent of cases terminated within the time standard.

Figure B.3 Resolution Profiles of Criminal Cases by Track, FY14



The profile of Track 1 cases, over 99% of which closed within the time standard, exhibits a steep increase up to 90th percentile, where 90% of cases were closed within 80 days. The profiles of Tracks 2 and 3 cases are nearly identical and resemble that of the overall criminal cases, exhibiting less steep increase. Compared to the profiles of Tracks 1, 2 and 3 cases, the profile of Track 4 cases is distinctively different, including a less steep slope in the first 20 percentiles and concavity starting earlier before the 70th percentile followed by a linear increase up to the 95th percentile, followed by another change in the slope with an asymptotic increase toward the 100th percentile for the remaining 5 percentiles.

The comparison of the termination profile of Track 4 cases with those of others suggests that improvement is needed to drive prompt resolution in these cases at two points. First,

the court may want to move Track 4 cases as expeditiously as it does for criminal cases in other tracks in terms of discovery and plea agreements during the first 100 days, so that the slope of the profile from day 1 through day 100 would become steeper, resembling that of cases in Tracks 2 and 3. Second, the court may want to consider measures to extend the portion of the curve between the 75th to 95th percentiles (case time between 180 and 330 days), so that it may be further extended instead of its becoming less steep at day 160. The comparison of the FY14 and FY13 Track 4 termination profiles also seems to support this observation. While the Track 4 cases' FY14 termination profile resembles that of FY13, the FY14 profile differs from the FY13 profile at least in two points; the first 30 percentiles (or the first 100 days) and between the 68th and 78th percentiles (between day 160 and day 200), the FY14 figure lags behind the FY13 by 5 to 10 percentage points. However, a more detailed analyses of criminal cases focusing on the occurrence of key events in light of the criminal DCM plan are necessary to identify bottlenecks in case progress and device measures to handle those challenges.

Recommendations for Montgomery County Circuit Court

- FY14 case processing performance results should be shared with the Montgomery County Circuit Court criminal bench, criminal bar, as well as pertinent clerk and administration personnel.
- Review and modify the current postponement data extraction programming logic to ensure all postponements are captured regardless of the presence or absence of postponement reasons.
- Improve the current postponement data collection to better understand the impact of postponements on case processing performance by distinguishing trial and hearing postponements and capturing events that were postponed.
- Review the impact that rescheduling court events without postponement due to DCM Track changes and/or a defendant failing to appear has on case processing performance.
- Conduct an in-depth analysis of Track 4 information and indicted cases to identify factors that may be associated with closing over the 180-day time standard. Review how well these cases are performing against the DCM guidelines to identify at which stage of the case performance may begin to falter. Devise additional measures, if necessary, to monitor the progress of Track 4 cases according to the DCM guidelines.
- Review the current data quality check procedures conducted by Quality Control, the DCM coordinator, administration staff and court researchers, develop comprehensive and efficient data quality check procedures of closed criminal cases, and begin using them with the FY15 data before the end of the fiscal year.

Recommendation for the Circuit Court Time Standards Sub-Committee

- Allow courts to exclude cases filed more than 10 years ago from the time of the analysis if they were on warrant status for the last 5 years, and if no action was taken to process the case during the last fiscal year.
- Clarify what constitutes an initial appearance of a defendant. Currently, the court uses as the case start date when a document is filed by the defendant prior to his/her first appearance or the line of entry of his/her attorney, regardless of whether the document was mailed to the court or the defendant was physically present to file it with the court.
- Identify courts that consistently meet/exceed the criminal time standard and create opportunities for them to share their best practices with other courts.

Family Law Case Terminations

Fiscal Year 2014 Case Terminations

C. Family Law Case Processing Definitions and Summary

	Family Law Case Time Definitions	Percentage of Cases Closed within Time Standards	Average Case Processing Time	Previous Time Standards and Associated Measures
Family Law Case Standards and Montgomery County Measures	<p><u>Case Time Start:</u> Filing of Case.</p> <p><u>Case Time Stop:</u> Disposition, dismissal, or judgment. Judgment in limited divorce cases if the limited divorce is the only issue.</p> <p><u>Case Time Suspension Events:</u> Bankruptcy stay, Interlocutory appeal, Body attachment, Military leave, Collaborative law, and No service in child support cases after 90 days from filing.</p>	<p><u>State-Set Goals (FY2014 -):</u> Limited Divorce Cases: 98% within 24 months</p> <p>Other Family Law Cases: 98% within 12 months</p> <p><u>Montgomery County:</u> Limited Divorce Cases: FY 2014: 99%</p> <p>Other Family Law Cases: FY 2014: 94%</p>	<p>Limited Divorce Cases: FY 2014: 235 days</p> <p>Other Family Law Cases: FY 2014: 146 days</p>	<p><u>State-Set Goals (CY2001-FY2013)</u></p> <p>90% within 12 months 98% within 24 months</p> <p>12-month standard: FY 2010: 92% FY 2011: 93% FY 2012: 94% FY 2013: 94% FY 2014: 93%</p> <p>24-month standard: FY 2010: >99% FY 2011: >99% FY 2012: >99% FY 2013: >99% FY 2014: >99%</p> <p><u>Average Case Processing Time:</u> FY 2010: 150 days FY 2011: 144 days FY 2012: 141 days FY 2013: 142 days FY 2014: 147 days</p> <p><u>Additional Measure - Filing to Service/Answer†:</u> FY 2010: 36 days FY 2011: 49 days FY 2012: 48 days FY 2013: 48 days FY 2014: 48 days</p>
	<p>†The additional measure was calculated by Data Processing based on its sample population for FY2001 through FY2009. The FY2010-14 figures are based on the data used for the caseload analysis.</p>			

Overall Family Law Case Terminations

In FY14, Montgomery County Circuit Court processed 8,029 family law (FL) case terminations eligible for the analysis, 115 fewer terminations (1.4%) than FY13 (8,144 terminations) and 503 fewer terminations than FY12 (8,532 terminations). For FY14, the AOC adopted a new set of time standards and associated goals for FL cases: a 24-month time standard for limited divorce cases (with a goal of 98% of eligible cases terminated within 24 months from filing) and a 12-month goal for all other FL cases (with a goal of 98% of eligible cases terminated within 12 months from filing). Table C.1 provides the number of original case terminations and the average case time (ACT) for limited divorce cases and all other FL cases by case termination status for FY14. As the table shows, the court processed 137 limited divorce cases during FY14, of which all but two (99%) were closed within two years, exceeding the goal of 98% within-standard terminations. The court also processed 7,892 all other FL case terminations in FY14, of which 7,397 (94%) were closed within the one year.

Table C.1 Number of Family Law Case Terminations under the New Standards, FY14

Case SubType (Time Standard)	Total Terminations		Within-Standard Terminations			Over-Standard Terminations		
	N	ACT*	N	%	ACT	N	%	ACT
Limited Divorce Cases (24 Months)	137	235	135	99%	224	2	1%	958
All other FL Cases (12 Months)	7,892	146	7,397	94%	123	495	6%	480

To compare the court's FY14 overall FL case processing performance with that of previous years, we used the old 12-month time standard (See Table C.2). The court's overall FL case processing performance in terms of the percentage of cases closed within the 12-month time standard declined by one percentage point from 94% in FY13 to 93% in FY14. The overall ACT for FY14 terminations is 147 days, five days longer than that for FY13 terminations (142 days), the ACT among within-terminations is 124 days, two days longer than that for FY13 (122 days), and the ACT among over-standard terminations is 481 days, twelve days longer than that for FY13.

Table C.2 Number of Family Law Case Terminations under the Original 12-Month Time Standard, FY04-FY14

Fiscal Year	Total Terminations		Within-Standard Terminations			Over-Standard Terminations		
	N	ACT*	N	%	ACT	N	%	ACT
FY04	4,386	129	4,047	92%	98	339	8%	499
FY05	5,364	173	4,818	90%	133	546	10%	534
FY06	6,368	154	5,820	91%	123	548	9%	493
FY07	6,722	157	6,066	90%	118	656	10%	522
FY08**	(510)	155	(460)	90%	117	(50)	10%	505
FY09	7,440	148	6,841	92%	117	599	8%	505
FY10	7,776	150	7,182	92%	121	594	8%	494
FY11	8,034	144	7,491	93%	119	543	7%	498
FY12	8,532	141	7,998	94%	119	534	6%	478
FY13	8,144	142	7,670	94%	122	474	6%	469
FY14	8,029	147	7,503	93%	124	526	7%	481

Maryland family law case time standard and goal (obsolete): 12 months and 90% within-standard terminations

* ACT = Average Case Time, in days.

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

Case Terminations by DCM Track

Montgomery County Circuit Court's Differentiated Case Management (DCM) plan established the following six tracks for FL cases:

Track 0: Uncontested divorce without summons (839 terminations in FY14, 773 in FY13, 814 in FY12; 824 in FY11; 749 in FY10)

Track 1: Uncontested divorce with summons (2,268 terminations in FY14, 2,449 in FY13, 2,575 in FY12; 2,333 in FY11; 2,263 in FY10)

Track 2: No physical custody issues and limited discovery (801 terminations in FY14, 786 in FY13, 928 in FY12; 809 in FY11; 869 in FY10)

Track 3: Physical custody issues and/or divorce with moderate discovery (573 terminations in FY14, 552 in FY13, 567 in FY12; 516 in FY11; 551 in FY10)

Track 4: "Judge Track," reserved for cases involving extensive property holdings, complicated business valuations, significant assets held in various forms, pensions, alimony and other support issues along with custody, visitation and divorce (9 terminations in FY14, 3 in FY13, 6 in FY12; 5 in both FY11 and FY10)

No Track ("Track N"): Cases with other issue(s) such as guardianships, uniform support, change of name, paternity, URESA, emergency psychological evaluation, and waiver of court costs (3,559 terminations in FY14, 3,581 terminations in FY13, 3,642 in FY12; 3,547 in FY11; 3,339 in FY10)

Table C.3 presents the number and distribution of FL cases and their case processing performance (percent of cases closed within- and over-standard and corresponding ACTs) by DCM Track for limited divorce (24 months) and all other FL cases (12 months). There were 137 FL cases with the limited divorce subtype, and all but two cases were terminated within the 24-month standard (99% within-standard terminations), exceeding the statewide goal of 98% within-standard terminations.

The bottom half of the table presents the Track-specific case processing performance of FL cases with their subtypes other than limited divorce. Of the cases terminated during FY14, nearly 84% are either Track 0, 1 or N cases. Their performance is above or just below the statewide goal of 98% within-standard terminations. The remaining cases are contested divorce cases in Track 2, 3 or 4 with a much lower case processing performance, ranging from 44% to 78%. As a result, the overall case processing performance of the non-limited divorce cases was 94%. As observed in previous years, the court's relatively high FL case processing performance is based on the composition of FL cases where over 80% are Tracks 0, 1, and N; the favorable performance of these less complex tracks has offset the performance of more complex cases assigned to Tracks 2, 3, and 4.

Table C.3 Family Law Case Terminations by Termination Status (Within or Over the Standards), and Track, and Case Type

DCM Track	Overall Terminations			Within-Standard Terminations				Over-Standard Terminations			
	N	% of Total	ACT*	N	% of WST*	% of Track	ACT*	N	% of OST*	% of Track	ACT*
Limited Divorce cases (24 months)											
Track 0	3	2%	203	3	2%	100%	203	0	0%	0%	0
Track 1	82	60%	149	82	61%	100%	149	0	0%	0%	0
Track 2	19	14%	333	19	14%	100%	333	0	0%	0%	0
Track 3	33	24%	394	31	23%	94%	357	2	100%	6%	958
Track 4	0	0%	NA	0	0%	NA	NA	0	0%	NA	NA
Track N	0	0%	NA	0	0%	NA	NA	0	0%	NA	NA
Total	137	100%	235	135	100%	99%	224	2	100%	1%	958
All other FL cases (12 months)											
Track 0	836	11%	63	831	11%	99%	61	5	1%	1%	410
Track 1	2,186	28%	155	2,127	29%	97%	146	59	12%	3%	452
Track 2	782	10%	270	610	8%	78%	213	172	35%	22%	472
Track 3	540	7%	336	321	4%	59%	228	219	44%	41%	494
Track 4	9	< 1%	439	4	< 1%	44%	261	5	1%	56%	582
Track N	3,539	45%	102	3,504	47%	99%	99	35	7%	1%	477
Total	7,892	100%	146	7,397	100%	94%	123	495	100%	6%	480

* ACT = Average Case Time, in days; WST = Within-Standard Terminations; OST = Over-Standard Terminations.
Note: Percentages do not always add to 100% due to rounding.

Case Terminations by Postponements

As noted elsewhere, this year’s analysis of postponements includes hearing postponements, as well as trial postponements. Accordingly, comparing the FY14 case processing performance with that of previous years is not possible. In addition, as noted elsewhere in the report, not all hearing postponements were captured in the FY14 data. Accordingly, any postponement-based analysis should be considered preliminary since the extent of missing postponement information in the data has not been examined at the time of this analysis.

Because of the relatively small number of observations for cases with postponements, it may be hard to draw any conclusion regarding the impact of postponements on the case processing performance of limited divorce cases⁹; however, it appears that with or without postponements, limited divorce cases, in particular those in Tracks 0, 1, 2 and N, are likely to close within the time standard. The comparison of ACT between cases with and without postponements indicates that overall having postponements would increase the case time on average by 100 days (50%) from 216 to 327 days.

Table C.4 presents the number, percentage, and ACT by the presence of postponements, the termination status, and DCM Track for all other FL cases. Of the 7,892 cases, 10% or 825 cases experienced postponements. Without postponements, cases in Tracks 0, 1 and N are mostly likely to close within the 365-day standard with the percent of within-standard terminations meeting or exceeding the 98% goal. Even with postponements, at least 90% of

⁹ Of the 137 limited divorce cases closed during FY14, 23 (17%) experienced postponements, and only one of them resulted in an over-standard termination (96% within-standard terminations).

cases in those Tracks were terminated within the standard. In particular, 99% of Track 0 cases with postponements were closed within-standard. In contrast, the cases in Tracks 2, 3, and 4 exhibit a quite different picture. Even without postponements, their case processing performance (% closed within the time standard) is low at 82%, 68% and 50%, respectively. With postponements, their case processing performance further declines to 61%, 41% and 43%. Additional analysis is needed to investigate those over-standard cases to identify factors responsible for their case processing performance.

Table C.4 All Other FL Case Terminations by Trial and Hearing Postponements, Termination Status (Within or Over the 12-month Standard), and Track, FY14

<u>Terminations With Postponements</u>										
DCM Track	Total Terminations	Overall Terminations % of Total			Within-Standard Terminations % of			Over-Standard Terminations % of		
		N	Track	ACT*	N	Track	ACT*	N	Track	ACT*
Track 0	836	74	9%	92	73	99%	88	1	1%	402
Track 1	2,186	207	9%	201	186	90%	172	21	10%	458
Track 2	782	161	21%	356	98	61%	258	63	39%	508
Track 3	540	170	31%	402	69	41%	243	101	59%	510
Track 4	9	7	78%	481	3	43%	309	4	57%	610
Track N	3,539	206	6%	227	191	93%	207	15	7%	480
Total	7,892	825	10%	272	620	75%	195	205	25%	503
<u>Terminations Without Postponements</u>										
DCM Track	Total Terminations	Overall Terminations % of Total			Within-Standard Terminations % of			Over-Standard Terminations % of		
		N	Track	ACT*	N	Track	ACT*	N	Track	ACT*
Track 0	836	762	91%	60	758	99%	58	4	1%	412
Track 1	2,186	1,979	91%	150	1941	98%	144	38	2%	449
Track 2	782	621	79%	248	512	82%	205	109	18%	451
Track 3	540	370	69%	306	252	68%	224	118	32%	481
Track 4	9	2	22%	293	1	50%	117	1	50%	469
Track N	3,539	3,333	94%	95	3313	99%	92	20	1%	474
Total	7,892	7,067	90%	131	6777	96%	117	290	4%	464

* ACT = Average case time, in days.

Similar to the previous years' distributions, which were based on the number of trial postponements only, the FY14 distribution for non-limited divorce family law cases, which includes hearing and trial postponements, shows that cases with one or two postponements account for at least 90% of the cases with postponements. In general, cases without postponements or those with one or two postponements are likely to close within the time standard. As the number of postponements increases to three or four, the likelihood of over-standard terminations nearly doubles from 22-18% to 53-56%. When a case has five or more postponements, it is almost certain that the case is terminated over-standard.

In FY14, calendar conflict and discovery/ADR incomplete remain two of the most frequently reported postponement reasons. FY14's two other top postponement reasons include letter/line of agreement received (13%) and weather/court emergencies/administrative court closure (8%). In FY14, those top four postponement reasons accounted for over half (52%) of the postponement reasons.

Over one third of the top two postponement reasons, calendar conflicts (35%) and discovery/ADR incomplete (34%), are associated with over-standard terminations. Of the four most frequently cited postponement reasons, letter/line of agreement received and Weather/Court Emergencies/Administrative Court Closure are less likely to be associated with an over-standard termination (10% and 19%, respectively). In contrast, over 50% of the time when a case had 'Illness/Medical Emergency or Death' as one of the postponement reasons (6% of all postponement reasons), it closed over-standard termination.

Case Terminations by Main Charge

Table C.5 presents the number of case terminations in FY12, FY13, and FY14 by the main charge, the first charge listed on the case's charge list. To make the comparison across fiscal years possible, the original (now obsolete) 12-month standard was applied to limited divorce cases. As observed in the past, over 40% of the cases terminated in FY14 had absolute divorce as their main charge, followed by uniform support (13%), custody (10%) and name change (10%). Thus the cases with these four main charges account for over three quarters of the FL cases terminated in FY14. About 46% of the FL cases terminated in FY14 had a main charge associated with the dissolution of marriage, including absolute divorce (43%), limited divorce (2%), and annulment of marriage (less than 1%). However, these cases are over-represented among cases with over-standard terminations; thus 88% and 7% of the cases with over-standard terminations are absolute divorce cases and limited divorce cases, respectively. In addition, it appears that the representation of cases with dissolution of marriage charges has been on the rise (95% in FY14, 87% in FY13, 86% in FY12, 80% in FY11). Because of the 1-year separation period required by law for parties before they proceed to absolute divorce on the grounds of voluntary separation and since divorce cases typically involve custody/access and property/financial issues, it may be reasonable to expect some of these cases to take longer than others. As the last three columns of the table indicate, these cases have a substantially higher likelihood of closing over-standard when examined by applying the original 365-day time standard to all FL cases (12% for absolute divorce cases and 23% for limited divorce cases in FY14). Custody cases also have a relatively high percentage (5%) of over-standard terminations.

Table C.5 Case Terminations by Main Charge under the 12-Month Time Standard, FY10-FY14

Main Charge	All Terminations				Over-Standard Terminations				% Over-Standard		
	FY12	FY13	FY14	N	FY12	FY13	FY14	N	FY12	FY13	FY14
	%	%	%		%	%	%		%	%	%
Divorce Absolute	44%	44%	43%	3,449	81%	83%	88%	417	12%	11%	12%
Uniform Support	12%	12%	13%	1,004	1%	1%	2%	9	0%	1%	1%
Custody	10%	10%	10%	795	8%	7%	8%	40	5%	4%	5%
Change of Name	9%	9%	10%	770	0%	>1%	0%	2	0%	0%	0%
Paternity	7%	7%	7%	561	2%	3%	3%	16	2%	2%	3%
Appt. of Guardian	4%	5%	5%	431	1%	>1%	0%	2	1%	0%	0%
Waive Court Cost	4%	4%	4%	337	0%	0%	0%	0	0%	0%	0%
URESA	3%	2%	3%	215	1%	1%	1%	6	2%	2%	3%
Divorce Limited	2%	2%	2%	137	5%	4%	7%	31	17%	15%	23%
Enroll Foreign Decree	1%	1%	2%	135	0%	0%	>1%	2	0%	0%	1%
Visitation	1%	1%	1%	50	>1%	0%	>1%	1	2%	0%	2%
Amend Birth Certificate	>1%	1%	>1%	34	0%	0%	0%	0	0%	0%	0%
Misc. Petition	1%	1%	>1%	31	0%	0%	0%	0	0%	0%	0%
Amend Marriage License	1%	1%	>1%	27	0%	0%	0%	0	0%	0%	0%
Support	>1%	>1%	>1%	18	>1%	0%	0%	0	8%	0%	0%
Annulment of Marriage	>1%	>1%	>1%	11	>1%	>1%	0%	0	13%	6%	0%
Other	>1%	>1%	>1%	24	>1%	>1%	0%	0	4%	4%	0%
Total	100%	100%	100%	8,029	100%	100%	100%	473	7%	6%	6%

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

* Percentage of overall terminations and that of over-standard cases, respectively.

† Percentage of terminations of cases with a given main charge that resulted in over-standard terminations.

Recommendations for Montgomery County Circuit Court

- FY14 case processing performance results should be shared with the Montgomery County Circuit Court family law bench, family law bar, as well as pertinent clerk and administration personnel.
- Review and modify the current postponement data extraction programming logic to ensure all postponements are captured regardless of the presence or absence of postponement reasons.
- Examine the differential impact of hearing and trial postponements on the FL case processing performance.
- Review the current business process of identifying the main charge and examine the consistency in the application of the process. A cursory review of divorce cases with limited divorce as a main charge identified some anomalies from the practice.
- Review the case processing performance of cases in Tracks 2, 3, and 4 (contested divorce cases), in particular those resulting in over-standard terminations without postponements according to the FL DCM plan and identify at which point(s) in their case process that performance begins to falter. Given the number of cases, the court should mainly focus on cases in Tracks 2 and 3.
- Based on the analysis of divorce cases mentioned above, review and coordinate data quality check procedures of open and closed divorce cases among Quality Control (QC), Family Division Case Managers, and Court Researchers and provide guidance to assist Family Case Managers and QC when they review and audit the progress of divorce cases.

Recommendations for Circuit Court Time Standards Sub-Committee

- Request that the term “Family Law” be applied in the assessment application and related documents in keeping with the statutory nomenclature adopted.
- Request that the Time Standards Sub-Committee identify circuit courts that consistently meet/exceed the family time standards, in particular in their processing of contested divorce cases, and create opportunities for them to share their best practices with other courts.
- Clarify the rationale behind creating the 24-month standard for limited divorce cases.
- Because of the statutory requirement of the marriage separation period, when parties file a complaint for absolute divorce prematurely on the grounds of voluntary separation, the court is unable to move their case forward. We would request a case time suspension be given in such cases between filing of the initial complaint and the end of the separation period unless parties seek limited divorce as a way to achieve absolute divorce (See MD Rule 7-103(e)).
- Review the current FL cases exclusion list and consider expanding the list to those cases that normally close immediately after filing (such as enrollment of foreign judgment, a petition for the filing fee waiver, and a petition for emergency psychological evaluation, etc.). Currently, such cases consist of over 80% of the FL terminations for a given year, masking the less favorable performance of complex cases such as those associated with dissolution of marriage and custody. Given the limited judicial involvement associated with these types of cases, it may be appropriate to exclude them or separate them out from the main analysis of case processing performance. For instance, the committee might want to consider breaking the FL cases into two groups: divorce-/custody-related cases and others and examine whether a time standard of 365 days is appropriate for the former category.

Juvenile Delinquency Case Terminations Fiscal Year 2014 Case Terminations

	Juvenile Case Time Definitions	Percent Within 3-month (90 day) Standard	Additional Montgomery County Measurements†	
Juvenile Delinquency Case Standards and Montgomery County Measures	<u>Case Time Start:</u> First appearance of respondent or entry of appearance by counsel.	<u>State-Set Goal:</u> 98% <u>Montgomery County:</u> FY 2005: 99% FY 2006: 99% FY 2007: 98% FY 2008*: 95% FY 2009: 96% FY2010: 96% FY2011: 97% FY2012: 95% FY2013: 95% FY2014: 92%	<u>Original Offense Date to Filing:</u> FY 2005: 109 days FY 2006: 101 days FY 2007: 112 days FY 2008*: 116 days FY 2009: 103 days FY2010: 102 days FY2011: 96 days FY2012: 101 days FY2013: 91 days FY2014: 124 days	<u>Average Case Processing Time:</u> FY 2005: 40 days FY 2006: 40 days FY 2007: 41 days FY 2008*: 46 days FY 2009: 47 days FY2010: 45 days FY2011: 46 days FY2012: 45 days FY2013: 49 days FY2014: 55 days
	<u>Case Time Stop:</u> Disposition (jurisdiction waived, dismissal, stet, probation, found delinquent/found not delinquent, nolle prosequi).		<u>Filing to First Appearance:</u> FY 2005: 24 days FY 2006: 21 days FY 2007: 22 days FY 2008*: 25 days FY 2009: 32 days FY2010: 40 days FY2011: 23 days FY2012: 15 days FY2013: 13 days FY2014: 22 days	<u>Filing to Case Stop:</u> FY 2005: 70 days FY 2006: 75 days FY 2007: 77 days FY 2008*: 69 days FY 2009: 72 days FY2010: 81 days FY2011: 68 days FY2012: 60 days FY2013: 62 days FY2014: 70 days

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

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

†For CY2001-CY2003 and FY2005-FY2009, the additional measures were calculated by Data Processing (DP) based on its sample except for the average case processing time. However, for FY2010 through FY2014, the additional measures were calculated by court research staff using the full population of juvenile delinquency case terminations. For the additional measure “Filing to Case Stop” suspension time was subtracted from the raw case time (where appropriate).

Juvenile Delinquency Case Processing Performance

In Fiscal Year 2014 (FY14), the Montgomery County Circuit Court reached disposition in (or otherwise closed) 594 juvenile delinquency cases, reflecting a 31% decrease from FY13. The decrease in the number of delinquency petitions filed by the State Attorney's Office contributed to this decrease in case closures. Over the past five years, the number of delinquency petitions filed with the court has decreased by 53% from 1,311 petitions filed in FY10 to 613 petitions filed in FY14.

The Maryland Judiciary's performance goal and time standard for juvenile delinquency cases are to have 98% of delinquency cases reach disposition within 90 days from the first appearance of the respondent or entry of respondent's counsel. In FY14, the within-standard performance is 92%, which is below the performance level of 95% achieved in FY12 and FY13. The decrease in within-standard performance is due to a drop in the number of overall delinquency case terminations without a corresponding reduction in the number of over-standard terminations. In particular, the number of over-standard delinquency terminations in FY14 is comparable to FY13 (46 and 45 terminations, respectively).

The overall ACT has continued to increase. Between FY12 and FY13, the ACT increased by 4 days from 45 to 49 days. The ACT further increased to 55 days in FY14. The FY14 increase in the overall ACT is driven by increases in both the within-standard and over-standard ACTs.

Table D.1 Number of Juvenile Delinquency Case Terminations, FY04-FY14

Fiscal Year	Terminations		Within-Standard Terminations			Over-Standard Terminations		
	N	ACT*	3-month (90 days) Standard		3-month (90 days) Standard	3-month (90 days) Standard		
			N	% of Total	ACT*	N	% of Total	ACT*
FY04	1,521	43	1,490	98%	39	31	2%	198
FY05	1,431	40	1,416	99%	39	15	1%	122
FY06	1,651	40	1,634	99%	39	17	1%	143
FY07	1,485	41	1,455	98%	40	30	2%	119
FY08**	(510)	46	(484)	95%	42	(26)	5%	127
FY09	1,384	47	1,324	96%	43	60	4%	134
FY10	1,316	45	1,261	96%	42	55	4%	113
FY11	1,092	46	1,059	97%	44	33	3%	111
FY12	1,006	45	953	95%	42	53	5%	115
FY13	861	49	815	95%	45	46	5%	125
FY14	594	55	549	92%	49	45	8%	128

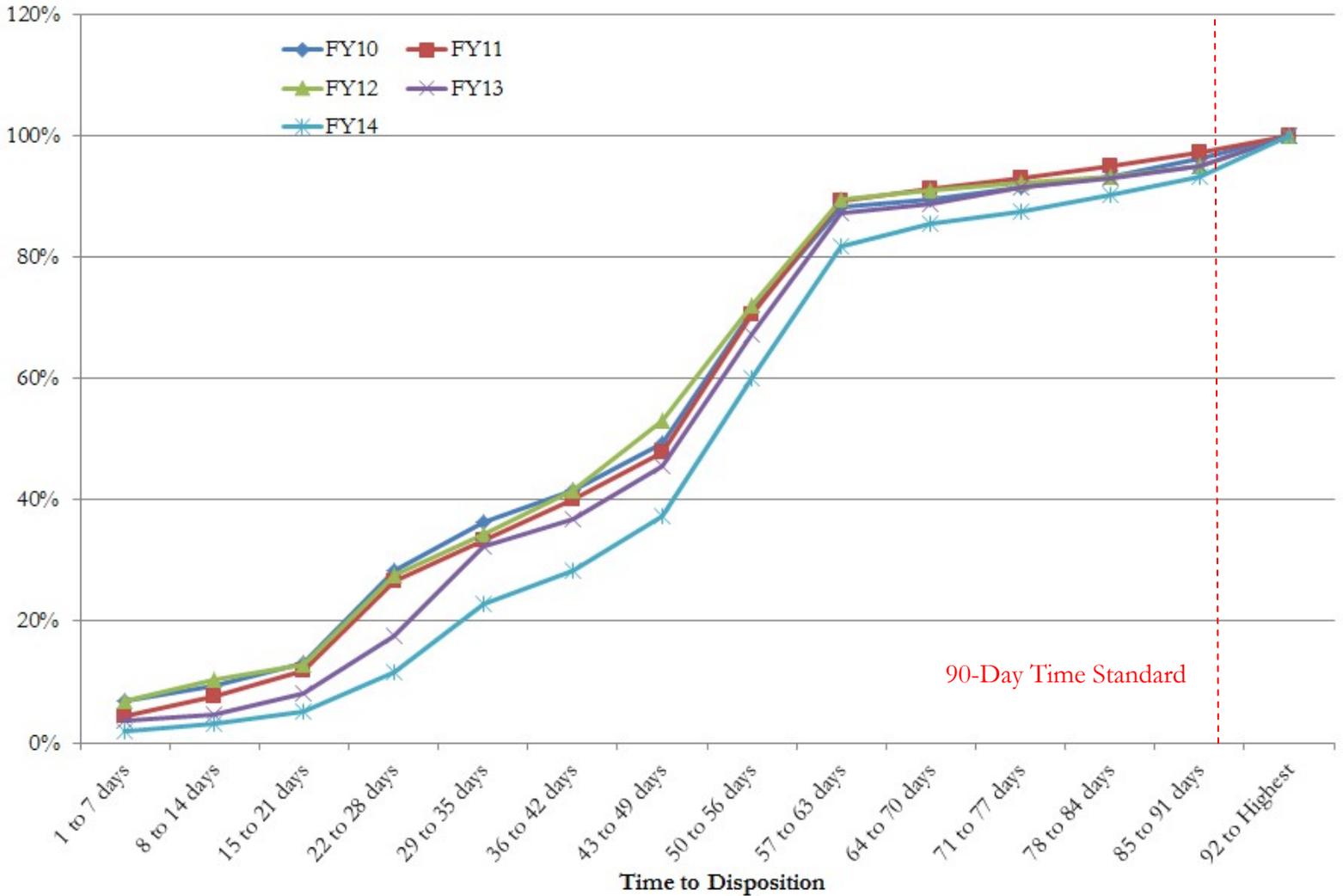
* ACT = Average Case Time, in days.

** The full juvenile caseload for FY08 is 1,492. The 510 cases for which performance data is provided represent a random sampling of the total FY08 caseload.

Figure D.1 provides an alternative view of the processing of juvenile delinquency cases. The figure displays the (cumulative) percentages of delinquency cases that concluded disposition (or otherwise closed) within defined time periods. The FY14 resolution profile trails behind the profiles for FY10 through FY13. More time is spent processing FY14 cases during both

the pre-adjudication and post-adjudication/disposition periods. Between FY10 and FY13, no less than 87% of cases reached disposition by day 63 compared to 82% in FY14.

Figure D.1 Termination Profiles of Juvenile Delinquency Cases, FY10-FY14



Case Terminations by DCM Track

The Montgomery County Circuit Court juvenile DCM plan has two separate tracks for delinquency cases based on custody status:

Track 1: Delinquent detention/shelter care

Track 2: Delinquent non-detention

Table D.2 provides the number of delinquency cases closed by termination status (within and over-standard) and DCM track. Similar to previous years, the vast majority (86%) of juvenile delinquency cases are associated with Track 2 (non-detention) at the time of disposition (or case closure), and the remaining associated with Track 1 (detention). On

average, Track 2 cases have a longer overall ACT (58 days) than Track 1 cases (34 days), which is consistent with the statutory deadlines for each of the custody statuses (44 days for detained respondents and 90 days for respondents remaining in the community).

Similar to previous fiscal years, in FY14, Track 1 delinquency cases met the performance goal by closing 98% of cases within the 90-day standard. Among the Track 2 cases, 92% closed within the 90-day time standard. The case processing performance of juvenile delinquency cases largely hinges upon how the court processes its Track 2 cases.

Table D.2 FY14 Juvenile Delinquency Case Terminations by Termination Status (Within or Over the 3-month Standard) and Track

DCM Track	Overall Terminations			Within-Standard Terminations				Over-Standard Terminations			
	N	% of Total	ACT*	N	% of WST*	% of Track	ACT*	N	% of OST*	% of Track	ACT*
Track 1	82	14%	34	80	15%	98%	33	2	4%	2%	97
Track 2	512	86%	58	469	85%	92%	52	43	96%	8%	129
Total	594	100%	55	549	100%	92%	49	45	100%	8%	128

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

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

Juvenile Delinquency Case Terminations by Postponements

In FY14, the percentage of postponed delinquency cases in FY14 is slightly higher than FY13 (46% versus 31%), which is likely due to the court reporting both adjudicatory and non-adjudicatory hearing postponements for the first time to the Maryland Judiciary as part of the annual case assessment.¹⁰ Of the postponed cases, 87% closed within the 90-day time standard. FY14 cases without postponements nearly met the performance goal. All Track 1 cases without postponements closed within-standard and nearly all (97%) of Track 2 cases without such postponements met the time standard. Eighty percent of the over-standard juvenile delinquency cases in FY14 were postponed.

Among FY14 postponed delinquency cases, 73% were postponed once; 20% postponed twice; and 7% postponed three to five times. In FY14, 27% of postponed cases had two or more postponements. Over 50% of the over-standard, postponed delinquency cases had two or more hearing postponements (pre-adjudication/adjudication/disposition) whereas less than a quarter of within-standard postponement cases had two or more hearing postponements.

The primary reason for postponing a hearing (non-adjudicatory/adjudicatory) is “Calendar Conflicts” (45%; 22% among over-standard, postponed cases). Other than “Calendar Conflicts”, the most frequently cited postponement reasons among over-standard juvenile delinquency cases include: “Discovery/ADR Incomplete and/or Discovery Disputes/Additional Time Needed to Prepare” (14%); “Illness/Medical Emergency or

¹⁰ The capturing of adjudicatory and non-adjudicatory hearing postponements only occurs for cases with postponement reasons. The court began collecting postponement reasons for non-adjudicatory hearing postponements on July 1, 2013. Any postponed non-adjudicatory hearing prior to July 1, 2013 will not be reflected because the postponement reasons were not available in the system.

Death” (14%); and “Reports and Evaluations Not Completed/Re-Evaluation Ordered” (12%).

Table D.3 FY14 Juvenile Delinquency Case Terminations by Postponements, Termination Status (Within or Over the 3-month Standard), and Track

<u>With Postponements</u>										
DCM Track	Total Terminations	Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
		N	% of Total Track	ACT*	N	% of Track	ACT*	N	% of Track	ACT*
Track 1	82	38	46%	47	36	95%	44	2	5%	97
Track 2	512	234	46%	68	200	85%	57	34	15%	133
Total	594	272	46%	65	236	87%	55	36	13%	131

<u>Without Postponements</u>										
DCM Track	Total Terminations	Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
		N	% of Total Track	ACT*	N	% of Track	ACT*	N	% of Track	ACT*
Track 1	82	44	54%	23	44	100%	23	0	0%	---
Track 2	512	278	54%	49	269	97%	47	9	3%	115
Total	594	322	54%	46	313	97%	44	9	3%	115

* ACT = Average case time, in days.

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

Juvenile Delinquency Case Processing Performance Recommendations for Montgomery County Circuit Court

- FY14 case processing performance results should be shared with the Montgomery County Circuit Court juvenile bench, juvenile bar, as well as pertinent clerk and administrative personnel.
- Court research personnel should review the data fields printed on the court’s juvenile delinquency HP code cross-walk chart to ensure that the program requirements for data extraction align with the information contained therein. Research personnel should also collaborate with juvenile clerk and case management staff to reconcile any differences that exist.
- Understanding the reasons for the decline in juvenile delinquency case processing performance will likely require an examination of case characteristics of filed and disposed cases, in particular those of Track 2 cases, as well as the impact of changes in the court’s business practices related to these cases. Court research staff should convene a meeting with Juvenile/Family Division Services staff to identify additional analyses of interest.
 - A preliminary, more in-depth analysis of over-standard Track 2 cases has been performed (see Table D.3) among cases where the respondent was found involved. The analysis examines the average length of time between case start and adjudication, between adjudication and disposition, and total case time among this sub-group of

respondents.¹¹ In FY14, among over-standard, Track 2 cases, the average length of time to adjudication is 69 days whereas the average length of time to disposition is 60 days. Forty-nine percent of the respondents in these cases (19 of 39) were found delinquent, which is comparable to FY11 and FY12 results (available upon request).

Table D.4 Track 2 Over-standard Cases where Respondents are Found Involved: Average Time between Case Start and Adjudication, Adjudication and Disposition, and Overall (Preliminary)

	Total Number of Eligible Over-Standard Cases	Average Time: Case Start to Adjudication	Average Time: Adjudication to Disposition	Total Average Case Time
FY11	25	55	57	112
FY12	46	53	63	116
FY13	38	75	49	124
FY14	39	69	60	127

Juvenile Delinquency Case Processing Performance Recommendations for the Circuit Court Time Standards Sub-Committee

- In preparation for statewide implementation of MDEC, it is recommended that the sub-committee consider modifying the juvenile delinquency time standard to align with the Maryland Rules for detained and non-detained respondents.
 - It would be useful for MDEC to track custody status among respondents, and to track the history of custody status changes.
 - Provided below is a preliminary analysis of Track 1 (detained) case processing performance against the current and two alternate time standards.¹² As reported in the main text of this report, 98% of Track 1 cases met the performance goal and reached disposition (or otherwise closed) by the 90th day. However, if we apply a 44-day time standard, the Track 1 performance is 77%, noticeably below the current 98% performance goal. However, the 44-day time standard may not be appropriate for all Track 1 cases given that a number of these cases begin in a non-detained posture. In the preliminary analysis performed approximately a quarter of the Track 1 cases switched from a non-detained to a detained status prior to adjudication. Of these “switch” status cases (n = 21), 52% closed over the 44-day standard compared to 13% of cases that were filed on a detained status and remained in that status through to disposition. These “switch” status cases ideally should be measured against a 74-day time standard. This alternate time standard is created to allow a maximum of 60 days from first appearance/appearance of respondent’s counsel to adjudication.

¹¹ It is important to note that “adjudication” is identified to have occurred on the date when the respondent was found involved, and “disposition” is identified to have occurred on the date when the respondent was found to be delinquent or not delinquent. A finding of delinquent or not delinquency may occur at an adjudication hearing when the notice of a separate disposition hearing has been waived.

¹² According to the Maryland Rules, courts are expected to reach adjudication within 30 days from the date on which the court ordered continued detention for detained respondents (Maryland 11-114.b.2) and 60 days from the date the juvenile petition is served on the respondent (unless a waiver petition is filed) for non-detained respondents (Maryland Rule 11-114.b.1). With regard to disposition, the Maryland Rules suggest reaching disposition in no later than 14 days after the adjudication hearing (Courts section 3-8A-15(d)(6)(ii)) for detained youth and no later than 30 days after the conclusion of the adjudication hearing (Maryland Rule 11-115.a.) for non-detained respondents.

- Allowing 60-days to adjudication for detained youth should only be applied when (for example) a respondent is non-detained at case start and at some point pre-adjudication, the court orders detention (e.g., home electronic monitoring). At the time when detention is ordered, the court does not have another 30 days to hold adjudication but rather a maximum allowable time of 60 days.
- It is suggested that the 74-day time standard would either be applied to all Track 1 cases or (ideally) to “switch” status cases only.
- It is suggested that the 44-day time standard apply only to those cases that remained in a detained status from case start to case stop.

Currently, applying the 90-day time standard to all delinquency cases masks some important information related to the court’s processing of respondents in a detained status. The strategy suggested is similar to the one currently applied to Child In-Need of Assistance (CINA) cases in which respondents are analyzed in relation to their shelter/non-shelter status.

Table D.5 Preliminary Analysis – Alternate Track 1 Case Processing Performance

Case Time Standards	% Within-Standard	Average Case Time		
		Within-Standard	Over-Standard	Overall
90-day time standard (Current)	98%	33	97	34
44-day time standard (Alternate, Suggested)	77%	24	67	34
74-day time standard (Alternate, Suggested)	94%	31	90	34

- In preparation for statewide implementation of the new case management system, consider reviewing the need for and reporting of the optional variables collected for the assessment application. If there are particular optional variables of interest to the Maryland Judiciary, then perhaps a dialog should occur about how courts should analyze these variables.
- In preparation for the new case management system, it would also be useful to discuss the measurement and analysis of postponements. We contend that while it is easy to draw a connection between postponements and performance, understanding in what ways (and under what circumstances) postponements impact performance may be worth exploring. A more complete understanding of how postponements impact performance will likely move the current dialog beyond the need to implement a strict postponement policy.
- It would be helpful for the Time Standards Sub-Committee to identify those courts (small, medium, and large) that consistently meet/exceed the time standards, and have staff meet with those courts to determine their best practices that can then be shared with other courts who have struggled to meet the performance goals.

Child Welfare Case Processing Performance Fiscal Year 2014

Case Type	Case Time Definitions	Within-Standard Percentage	Average Case Time
CINA Shelter	<u>Case Time Start:</u> Shelter Care Hearing, CINA Petition Granted. <u>Case Time Stop:</u> Adjudication.	<u>Performance Goal:</u> 100% within 30 days FY 2005: 71% FY 2006: 70% FY 2007: 60% FY2008: 80% FY2009: 69% FY2010: 80% FY2011: 79% FY2012: 74% FY2013: 72% FY2014: 81%	FY 2005: 30 days FY 2006: 30 days FY 2007: 35 days FY2008: 27 days FY2009: 34 days FY2010: 26 days FY2011: 27 days FY2012: 28 days FY2013: 34 days FY2014: 27 days
CINA Non-Shelter	<u>Case Time Start:</u> Service of CINA Petition. <u>Case Time Stop:</u> Adjudication.	<u>Performance Goal:</u> 100% within 60 days FY 2005: 97% FY 2006: 76% FY 2007: 88% FY2008: 90% FY2009: 81% FY2010: 97% FY2011: 100% FY2012: 98% FY2013: 66% FY2014: 89%	FY 2005: 34 days FY 2006: 52 days FY 2007: 44 days FY2008: 43 days FY2009: 56 days FY2010: 39 days FY2011: 35 days FY2012: 38 days FY2013: 48 days FY2014: 41 days
TPR	<u>Case Time Start:</u> TPR Petition Filed. <u>Case Time Stop:</u> Final Order of Guardianship entered.	<u>Performance Goal:</u> 100% within 180 days FY 2005: 60% FY 2006: 56% FY 2007: 42% FY2008: 61% FY2009: 95% FY2010: 82% FY2011: 97% FY2012: 97% FY2013: 96% FY2014: 100%	FY 2005: 179 days FY 2006: 169 days FY 2007: 208 days FY2008: 187 days FY2009: 145 days FY2010: 150 days FY2011: 115 days FY2012: 157 days FY2013: 142 days FY2014: 150 days
Note: CINA shelter and non-shelter case processing time is suspended for military leave and FTA/Body Attachment. The FTA/Body Attachment as a suspension event was implemented for the first time in FY11. TPR case processing time is suspended for interlocutory appeal and military leave.			

Child In Need of Assistance (CINA) Case Processing Performance

In Fiscal Year 2014 (FY14), 195 child in need of assistance (CINA) cases had their adjudication hearing held, including 139 CINA shelter cases and 56 CINA non-shelter cases. The state-defined time standard for CINA shelter cases is 30 days from the date when the petition for continued shelter care is granted to the date when the adjudication hearing is held (not completed). The time standard for CINA non-shelter cases is 60 days from service of the parent(s), guardian(s), and/or custodian to the date when the adjudication hearing is held (not completed). The state performance goals for CINA shelter and non-shelter cases are to close 100% within their respective time standards.

CINA Shelter Case Processing Performance

Montgomery County Circuit Court’s CINA shelter case processing performance reached 81% in FY14, which is the court’s highest shelter performance level since analyzing child welfare case processing data in FY05. Historically, CINA shelter performance has fluctuated. It increased from 70% in FY05 and FY06 to 80% in FY08 and FY10. Case processing returned to its FY05/FY06-performance levels in FY12 and FY13.

The overall average case time (ACT) for the FY14 CINA shelter cases is 27 days, which is an improvement over the average days reported among FY13 cases (34 days). The over-standard average case time reduced from 64 days in FY13 to 49 days in FY14 (a 23% decrease).

Table E.1 Number of CINA Shelter Case Terminations FY05-FY14

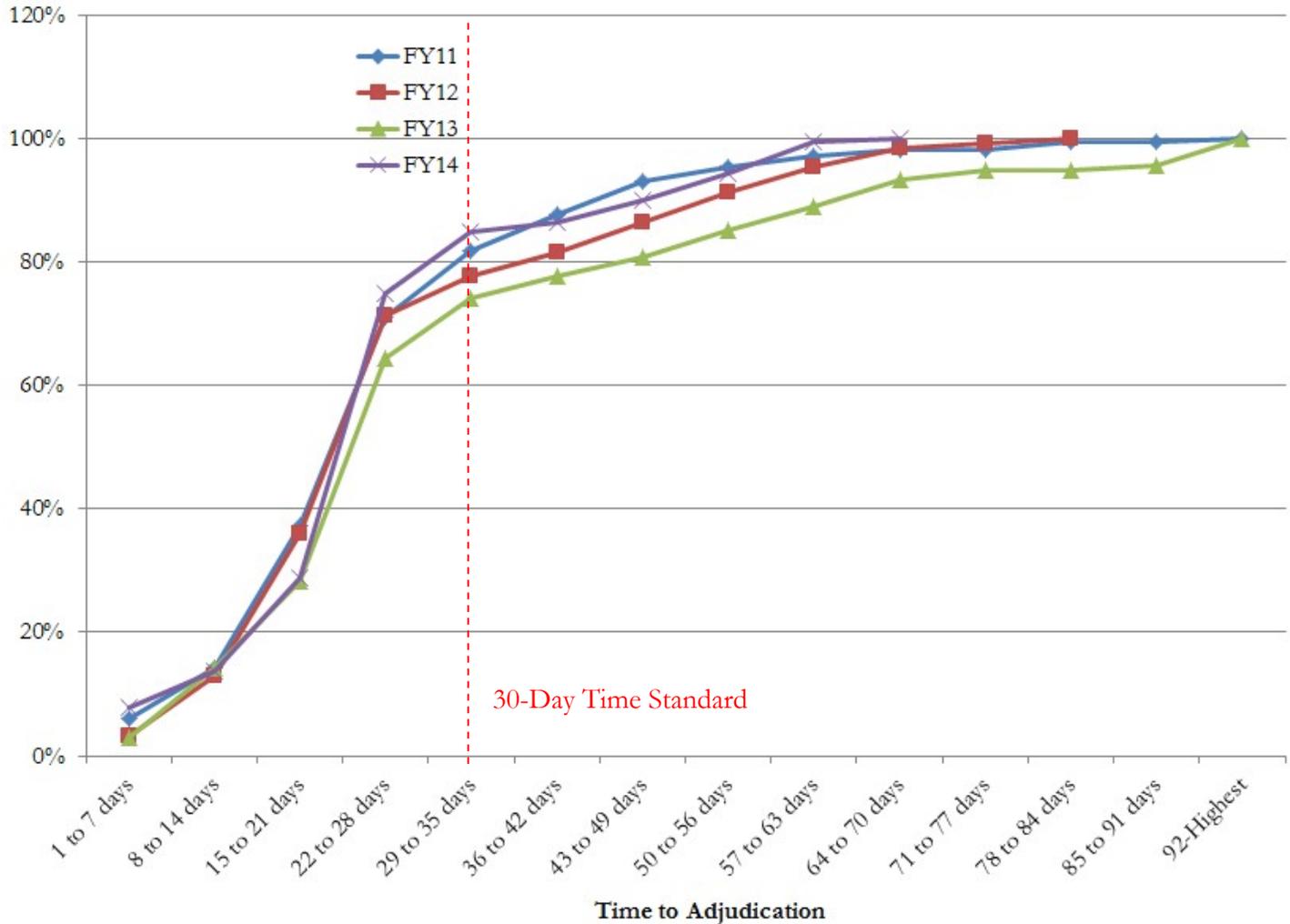
Fiscal Year	Terminations		Within-Standard Terminations			Over-Standard Terminations		
	N	ACT*	N	% of Total	ACT*	N	% of Total	ACT*
FY05	258	30	182	71%	20	76	29%	55
FY06	192	30	135	70%	19	57	30%	57
FY07	215	35	130	60%	19	85	40%	60
FY08	173	27	139	80%	21	34	20%	52
FY09	238	34	165	69%	23	73	31%	58
FY10	131	26	105	80%	21	26	20%	47
FY11	169	27	134	79%	21	35	21%	49
FY12	125	28	93	74%	20	32	26%	51
FY13	135	34	97	72%	22	38	28%	64
FY14	139	27	113	81%	22	26	19%	49

* ACT = Average Case Time (in days)

Figure E.1 provides the resolution profiles of CINA shelter cases – the cumulative percentages of cases that reached adjudication by a specified time period for FY11 through FY14. The FY11 and FY12 profiles follow a similar trend between day 1 and day 28 with 71% of shelter cases reaching adjudication within 28 days. Between the 29th and 35th days, the FY11 and FY12 profiles diverge. The FY13 resolution profile is noticeably below the FY11 and FY12 profiles indicating that FY13 cases reached adjudication later in each step of the case process. In FY14, a higher percentage of shelter cases held their adjudication (or reached case stop) earlier in the case process. Almost three-fourths of the FY14 shelter cases reached adjudication (or case stop) by the 28th day. Further, all shelter cases reached adjudication by the 70th day in FY14 compared to the previous three fiscal years in which

cases reached adjudication later in the case process (FY11: 94th day; FY12: 84th day; FY13: 126th day).

Figure E.1 CINA Shelter – Resolution Profiles, FY11 through FY14



CINA Shelter Case Terminations and Hearing Postponements

Overall, 99 of the 139 (71%) CINA shelter cases that reached adjudication during FY14 had at least one hearing postponement. Sixty-five percent of cases had one hearing postponement compared to 13% that had two, 21% that had three, and 1% that had four postponements. Non-adjudicatory and adjudicatory hearing postponements are reported and analyzed for the first time in the case assessment analysis.¹³ Historically, only adjudicatory hearing postponements have been reported for the annual case assessment analysis because they were believed to have the greatest impact on case processing performance. A postponement of the shelter or pre-trial hearing is anticipated to have less

¹³ The capturing of adjudicatory and non-adjudicatory hearing postponements only occurs for cases with postponement reasons. The court began collecting postponement reasons for non-adjudicatory hearing postponements on July 1, 2013. Any postponed non-adjudicatory hearing prior to July 1, 2013 will not be reflected because the postponement reasons were not available in the system.

negative impact on case processing performance because of the time guidelines established in the court’s juvenile Differentiated Case Management (DCM) plan.

In fact, 74% of postponed CINA shelter cases closed within the 30-day standard compared to the 26% that closed over the time standard. Of the 64 cases that had one postponement, 92% closed within-standard while only 8% closed over-standard. In contrast, in FY13 when the postponement analysis focused solely on adjudicatory hearing postponements, 34% of cases with a single postponement (13/38) closed within-standard compared to 66% of cases that closed over-standard (25/38). Among FY14 CINA shelter cases with three postponements (N = 21), 33% closed within-standard while 67% closed over-standard. The relationship between postponements and case processing performance is complex. Having information about the frequency, type, and length of postponements will help the court better understand the impact of postponements on case processing performance.

Table E.2 FY14 CINA Shelter Case Terminations by Postponements and Termination Status (Within or Over the 30-day Standard)

Total Terminations				Within-Standard Terminations			Over-Standard Terminations		
N	N	%	ACT*	N	% of Track	ACT*	N	% of Track	ACT*
With Postponements									
139	99	71%	29	73	74%	22	26	26%	49
Without Postponements									
139	40	29%	21	40	100%	21	0	0%	---

* ACT = Average Case Time (in days)

Similar to previous fiscal years, the most frequently cited postponement reasons among FY14 CINA shelter cases are ‘Calendar Conflicts’ (82 (52%) postponements of which 27 (43%) are in over-standard cases), followed by ‘Discover/ADR Incomplete and/or Discovery Disputes/Additional Time Needed to Prepare’ (20 (13%) postponements of which 9 (14%) are in over-standard cases). While the postponement reason ‘New Counsel Sought or Has Entered Their Appearance or Not Appointed’ was associated with 10% of all postponement reasons, it was associated with 16% of the postponement reasons among postponed over-standard, shelter cases.

CINA Non-Shelter Case Processing Performance

Table E.3 displays the case processing performance for CINA non-shelter cases between FY05 and FY14. The within-standard percentage for CINA non-shelter cases that held adjudication in FY14 is 89%; an increase of over 20 percentage points from the FY13 case processing performance (66%). The average case time is 41 days in FY14 compared to 48 days in FY13. The within-standard average case time increased slightly from 31 to 36 days between FY13 and FY14 while the over-standard average case time decreased from 80 to 79 days, respectively.

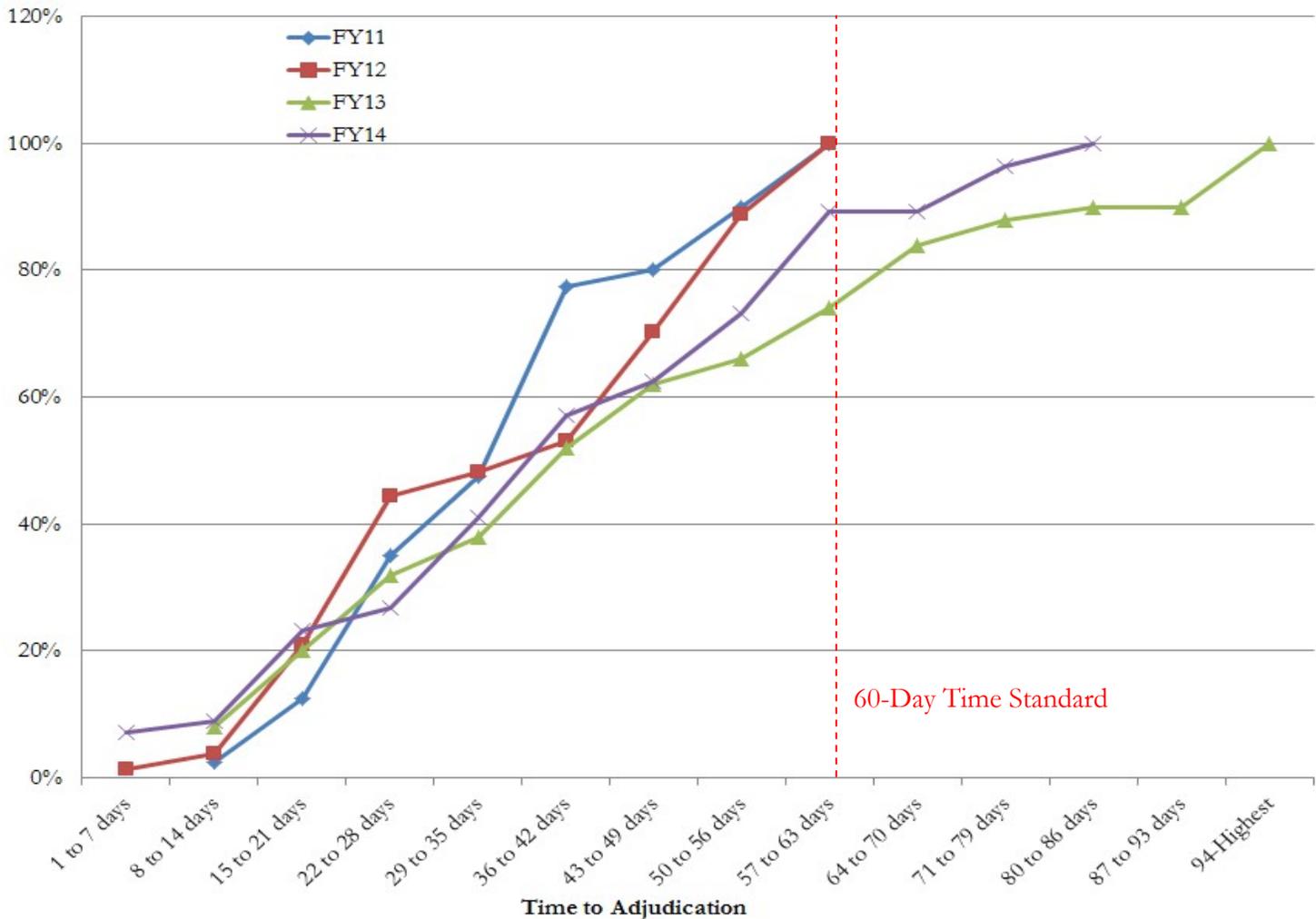
The FY14 improvement in CINA non-shelter case processing performance is likely due in part to increased awareness among the bench and the bar about the impact of multiple adjudication hearing postponements on case processing performance.

Table E.3 Number of CINA Non-Shelter Case Terminations FY05-FY14

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

* ACT = Average Case Time (in days)

Figure E.2 CINA Non-Shelter – Resolution Profiles, FY11 through FY14



As shown in Figure E.2 (previous page), compared to FY11 and FY12, the FY13 resolution profile exhibits a slope that is less steep indicating that the FY13 cases were taking longer to reach adjudication. The resolution profile for FY14 non-shelter cases reveals that a higher percentage reached adjudication (or case stop) earlier in the case process. In FY11 and FY12, all cases reached adjudication by the 63rd day compared to only 74% in FY13. Improved case processing efficiency in FY14 resulted in 89% of non-shelter cases reaching adjudication by the 63rd day following service.

CINA Non-Shelter Case Terminations by Postponements

The percent of CINA non-shelter cases with non-adjudicatory and adjudicatory hearing postponements in FY14 (62.5%) is greater than that for FY13 (42%), FY12 (30%), FY11 (25%), and FY10 (39%). However, this higher percentage is primarily due to the fact that the court began reporting (for case assessment purposes) all types of hearing postponements in FY14.¹⁴

In FY14, 83% of postponed cases closed within-standard (29/35 postponed cases). Of the within-standard cases (N = 50), 58% (n = 29) had at least one hearing or adjudicatory postponement. The granting of a postponement increases the likelihood that a case will close over-standard but does not guarantee it.

Among the 35 postponed cases, there were a total of 53 postponements. Fifty-four percent of postponed cases had one postponement, 40% had two postponements, and 6% had three postponements. The most prevalent reason to postpone a CINA non-shelter cases is “Calendar Conflicts” (62% among all postponements; 75% of reasons among postponement over-standard cases).

Table E.4 FY14 CINA Non-Shelter Case Terminations by Postponements and Termination Status (Within or Over the 60-day Standard)

Total Terminations		Overall Terminations			Within-Standard Terminations			Over-Standard Terminations		
N		N	%	ACT*	N	% of Track	ACT*	N	% of Track	ACT*
With Postponements										
56		35	62.5%	47	29	83%	40	6	17%	79
Without Postponements										
56		21	37.5%	31	21	100%	31	0	0%	---

* ACT = Average Case Time (in days)

¹⁴ The reporting of adjudicatory and non-adjudicatory hearing postponements for case assessment purposes began as a result of the court capturing non-adjudicatory hearing postponement reasons beginning on July 1, 2013. Any non-adjudicatory hearing postponed prior to July 1, 2013, will not be captured in the court’s FY14 data.

Termination of Parental Rights (TPR) Case Processing Performance

Table E.5 provides the number of termination of parental rights (TPR) cases that had their final order of guardianship entered or otherwise reached case stop between FY2005 and FY2014 (FY05-FY14). The FY14 TPR cases processing analysis includes 20 cases that met the Judiciary’s time standard case stop criteria. For the first time, Montgomery County Circuit Court met the performance goal for TPR cases, which is for all (100%) cases to reach case stop within 180 days of filing. The average case time (ACT) increased by 8 days from 142 days among FY13 cases to 150 days among FY14 cases. Despite a 9% increase in the average processing time of within-standard cases (FY13: 138 days; FY14: 150 days), all cases closed within the 180-day time standard underscoring the important roles that the judges, as well as administration and clerk staff play in ensuring the effective management of these cases. There is a particularly effective working relationship between the judge presiding over TPR cases and the court’s Permanency Planning Liaison (PPL).

Table E.5 Number of TPR Case Terminations, FY05-FY14

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

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

* ACT = average case time (in days)

TPR Case Terminations by Postponements

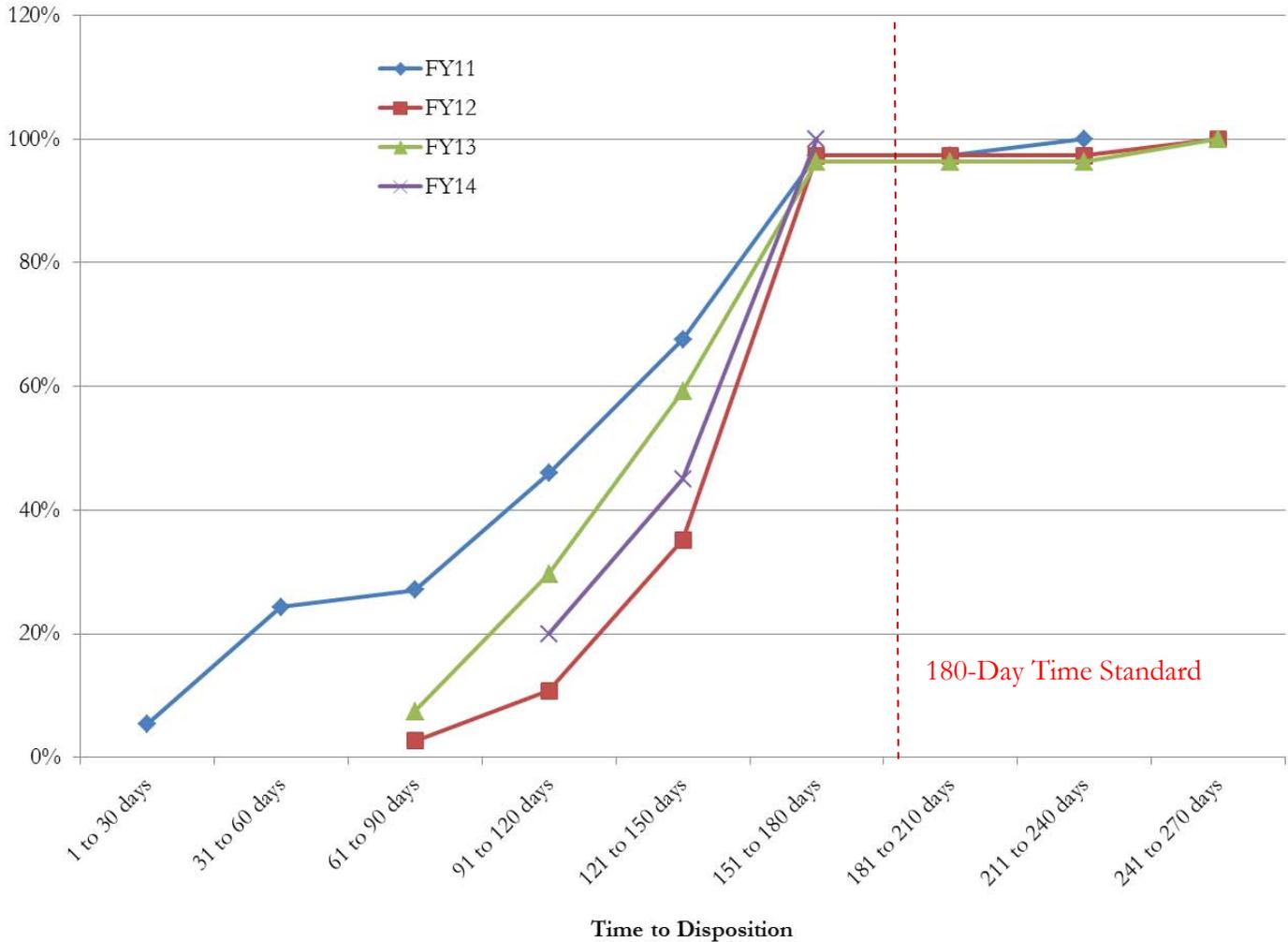
In FY14, 75% of TPR cases had at least one postponement (15 of 20), and all cases regardless of the number of postponements closed within the 180-day time standard. The average case processing time for postponed TPR cases is 159 days compared to 124 days for TPR cases with no postponements. Of the 15 postponed cases in FY2014, the majority (73%) had one postponement and the most frequently cited postponement reason is due to the computer generated trial date not conforming to the attorneys’ availability (74%, 14/19).

TPR Case Resolution Profiles

Figure E.3 displays the cumulative percent of TPR cases that closed within defined time categories for FY11 through FY14. In FY11, 27% of TPR cases closed by the 90th day whereas between FY12 and FY13 less than 10% of cases were closed by that point. In FY14, it wasn’t until the 92nd day that the first TPR case closed. The resolution profiles converged around the 180th day whereby 96-100% of all cases reached the defined case stop

event (as defined by the time standards). TPR cases continue to reach closure later in the case process; however, in FY14, all were able to close well within the time standard.

Figure E.3 TPR Resolution Profiles, FY11 through FY14



Child Welfare Case Processing Performance Recommendations for Montgomery County Circuit Court

- FY14 case processing performance results should be communicated to the Montgomery County Circuit Court juvenile bench, juvenile bar, as well as pertinent clerk and administrative personnel.
- Understanding the reasons for variations in CINA performance will likely require an examination of case characteristics of filed and adjudicated CINA cases, as well as the impact of changes in the court’s business practices related to these cases. Court research staff should convene a meeting with Juvenile/Family Division Services staff to identify additional analyses of interest.
- Several data changes (related to the appropriate case start and stop dates) needed to be manually made due to gaps in current programming logic. Court research staff will

develop and communicate updated programming requirements to Data Processing staff to ensure that these gaps are minimized if not eliminated for the FY15 CINA case assessment analysis.

Child Welfare Case Processing Performance Recommendations for the Circuit Court Time Standards Sub-Committee

- It is recommended that the sub-committee review the current CINA case time standards in relation to Maryland Rules/Statutes to ensure alignment. While the time standards align in most cases, there are several scenarios that require additional clarification in the case time standards training manual. The court's previous case assessment reports provide more detailed scenarios related to this recommendation (see <http://www.montgomerycountymd.gov/circuitcourt/court/Publications/publications.html>).
- It is recommended that the sub-committee discuss the feasibility of: 1) expanding the CINA time standards to include the post-adjudication period, and 2) incorporating the Foster Care Court Improvement Project's (FCCIP) child welfare timeliness measures into the case assessment process. It would be useful for courts to review and make use of the FCCIP's measures as they have with the child welfare data used for the case processing analysis.
- It is recommended that the sub-committee discuss the possibility of differentiating adjudication from non-adjudication hearing postponements in the case assessment application. Courts frequently link case processing inefficiency with the granting of postponements; however, postponements (particularly those that do not move the adjudication hearing) do not guarantee that a case will close over-standard.
 - Even among CINA shelter cases that have a 30-day time standard, 73% of postponed cases closed within-standard. It is not the mere granting of a postponement that leads to an over-standard case closure but rather the type, the frequency, and the length. Having additional information about the nature (characteristics) of the postponements granted will hopefully yield more productive conversations among court personnel and the bar about how to balance the need for additional time and case processing efficiency.