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Purpose: To make preliminary decisions – straw vote expected
Keywords: #CircuitCourt, #FY21OperatingBudget

AGENDA ITEM #12
 April 28, 2020
Worksession

SUBJECT

FY21 Operating Budget – Circuit Court

EXPECTED ATTENDEES

Judy Rupp, Court Administrator
 Trevor Lobaugh, Office of Management and Budget

EXECUTIVE RECOMMENDATION

FY21 Executive Recommendation	\$15,546,668	121.50 FTE
Increase from FY20	\$286,255 1.88%	2 FTE 1.7%

COUNCIL STAFF RECOMMENDATION – CONTINUITY OF SERVICES BUDGET

FY21 Council Staff Recommendation	\$15,324,220	121.50 FTE
Increase (Decrease) from FY20	\$63,807 0.9%	2 1.7%
Increase (Decrease) from CE FY21 Rec	(\$222,448) (1.8%)	0 0%

EXECUTIVE RECOMMENDED ITEMS NOT INCLUDED IN CONTINUITY OF SERVICES

- The proposed FY21 operating budget includes \$222,448 for compensation increases beyond the approved FY20 approved budget. Council staff recommends this item for reduction.

CONTINUITY OF SERVICES FROM FY20

- The CE recommended operating budget includes one new position – a Technical Specialist for Calendaring – at a cost of \$68,632. While this new position is a change from the approved FY20 operating budget, it is still required to maintain continuity of services in FY21. Council staff advises that calendaring and related administrative activities will be critical moving forward. The Court has been closed for most business since March 17 due to COVID-related public health orders, and there is a significant backlog of postponed cases.

PROPOSED REDUCTIONS DUE TO SOCIAL DISTANCING RESTRICTIONS

- None.

POTENTIAL ITEMS RELATED TO COVID-19

- Since March 17, the Court has been closed for all but emergency matters, which include domestic violence petitions, family law emergencies, extreme risk protective orders, bail reviews, juvenile detention hearings, and search warrants. All other matters have been postponed until further notice. When courts reopen, the Circuit Court may require both additional staff and resources to address the case backlog in a timely manner. It is not possible to quantify any impact at this time.

This report contains:

CE Recommended FY21 Operating Budget for the Circuit Court

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Circuit Court

RECOMMENDED FY21 BUDGET

\$15,546,668

FULL TIME EQUIVALENTS

121.50

 ROBERT A. GREENBERG, ADMINISTRATIVE JUDGE

MISSION STATEMENT



The mission of the Circuit Court is to serve Sixth Judicial Circuit residents in the determination of litigation in serious criminal matters, substantive civil cases, domestic cases, and child support cases in accordance with the United States and Maryland Constitutions while administering justice in an honest, fair, and efficient manner.

BUDGET OVERVIEW




The total recommended FY21 Operating Budget for the Circuit Court is \$15,546,668, an increase of \$286,255 or 1.88 percent from the FY20 Approved Budget of \$15,260,413. Personnel Costs comprise 83.05 percent of the budget for 119 full-time position(s) and five part-time position(s), and a total of 121.50 FTEs. Total FTEs may include seasonal or temporary positions and may also reflect workforce charged to or from other departments or funds. Operating Expenses account for the remaining 16.95 percent of the FY21 budget.

COUNTY PRIORITY OUTCOMES

While this program area supports all seven of the County Executive's Priority Outcomes, the following are emphasized:

-  **Thriving Youth and Families**
-  **Effective, Sustainable Government**
-  **Safe Neighborhoods**

INITIATIVES

-  Improve housing options for Mental Health Court participants as well as increase the number of life skills classes offered to Drug Court participants.
-  Establish a clear and easy-to-use process for disabled persons to request appointment of an attorney to obtain representation when pursuing termination of guardianship or removal of guardians.
-  Monitor case processing performance for family, civil, criminal, and juvenile cases as well as specialty cases such as Business and Technology, ASTAR, One Family One Judge, and Special Immigrant Juvenile Status to ensure fair and timely resolution of cases.

INNOVATIONS AND PRODUCTIVITY IMPROVEMENTS

- ★ Family Division Services provided 519 cases with facilitation, set 244 cases for custody/access mediation, processed 340 orders for custody/visitation evaluations, processed 106 cases for adoption investigation and/or reviews, and provided co-parenting classes for 1,571 persons ordered to attend.
- ★ Problem Solving Court implemented a Drug Court Intervention Track for lower level offenders diagnosed with a substance use disorder who would not normally qualify for Drug Court due to minimal backup time. Members of the Intervention Track fully participate in the Drug Court program and services with the goal of program graduation.
- ★ Technical Services improved the functionality of case management databases for the Maryland Automated Guidelines System (MAGS), Special Immigrant Juvenile Status cases, and One Family One Judge cases to assist the court's specialized management of these cases.

PROGRAM CONTACTS

Contact Judy Rupp of the Circuit Court at 240.777.9103 or Trevor Lobaugh of the Office of Management and Budget at 240.777.2763 for more information regarding this department's operating budget.

PROGRAM PERFORMANCE MEASURES

Performance measures for this department are included below (where applicable), with multi-program measures displayed at the front of this section and program-specific measures shown with the relevant program. The FY20 estimates reflect funding based on the FY20 Approved Budget. The FY21 and FY22 figures are performance targets based on the FY21 Recommended Budget and funding for comparable service levels in FY22.

PROGRAM DESCRIPTIONS

★ Adjudication

Adjudication encompasses support staff for the Judiciary, Differentiated Case Management (DCM), and Quality Control. Conceptually, this division monitors case assignments (criminal, civil, and family cases), provides expedited case disposition for incarcerated offenders, and provides supervision consistent with the complexity of each case filed. Adjudication and DCM improves the efficiency of case processing and reduces the demand for judicial intervention at various stages of litigation. To minimize case delay, each case is assigned to an appropriate track that allows for the performance of pre-trial tasks and allocates the appropriate level of judicial intervention. Tracks are monitored for performance and are evaluated based on established performance measures. Quality Control maintains the integrity of the information the Court generates and improves the quality of the data the Court collects.

FY21 Recommended Changes	Expenditures	FTEs
FY20 Approved	3,591,691	33.50
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	40,288	0.00
FY21 Recommended	3,631,979	33.50

Administration

The Administrative Office of the Circuit Court serves as a conduit for many operations of the Court. The Court Administrator's role is to facilitate the administrative functions of the Court and to develop policies to enhance systems performance, while maintaining the independence of the Judiciary. Basic functions performed by the Court Administrator and staff include the following: fiscal administration of the budget, human resources, case flow management and statistics, technology management, information management, jury management, space management, intergovernmental liaison, and public information.

The Trial Court Researchers, funded in part by the Trial Court Research Partnership Grant, provide research and statistical support for judiciary-wide research projects; prepare reports based on statistics and other data collected from the Montgomery County Circuit Court; establish links to national research/statistical sources relative to courts; and analyze court-wide programs, functions, and organizations to determine whether current management systems accomplish objectives efficiently.

Program Performance Measures	Actual FY18	Actual FY19	Estimated FY20	Target FY21	Target FY22
Case Filings (includes re-opened cases)					
Criminal (including District Court appeals)	6,414	6,294	6,739	6,780	6,821
Civil (including Registrar of Wills, District Court appeals)	11,168	11,641	12,237	12,215	12,194
Domestic Relations	14,211	13,795	15,154	15,259	15,363
Juvenile (including Delinquency, CINA, and TPR)	3,434	3,232	2,321	2,144	1,966
TOTAL Case Filings	35,227	34,962	36,451	36,398	36,344
Case Terminations (includes re-opened cases)					
Criminal	6,427	6,220	6,697	6,733	6,770
Civil	11,785	11,513	12,624	12,627	12,631
Domestic Relations	14,448	13,753	15,219	15,336	15,453
Juvenile	3,475	3,229	2,390	2,225	2,060
TOTAL Case Terminations	36,135	34,715	36,930	36,921	36,914
Case Clearance Rate (includes re-opened cases)					
Criminal	100%	99%	99%	99%	99%
Civil	106%	99%	103%	103%	104%
Domestic Relations	102%	100%	100%	101%	101%
Juvenile	101%	100%	103%	104%	105%
OVERALL Case Clearance Rate	103%	99%	101%	101%	102%
Total Trials	1,853	1,742	1,702	1,740	1,776

FY21 Recommended Changes	Expenditures	FTEs
FY20 Approved	3,077,991	10.60
Increase Cost: Kids Spot Staff, File Trail, and OnBase Document Management System Contracts	18,020	0.00
Decrease Cost: Mid-Year Conversion of Contractual Problem Solving Court Case Manager Position	(157)	0.40
Decrease Cost: Trial Court Research Grant	(13,377)	(0.12)
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	10,319	(0.18)
FY21 Recommended	3,092,796	10.70

Case Assignment

The Assignment Office schedules and maintains all hearings, trials, and motion dates as well as special event dates for Judges and Family Magistrates of the Court, and ensures that these events are scheduled in accordance with the Court's DCM plans. The

Assignment Office maintains all scheduling information related to criminal indictments and information; criminal jury demands and appeals; civil, juvenile, and family trial assignments; civil, family, and juvenile motions; and bench warrants. The Assignment Office also manages all courtroom information sheets, locates all files for assigned calendars, reviews each file, and delivers files.

FY21 Recommended Changes	Expenditures	FTEs
FY20 Approved	1,366,555	14.00
Increase Cost: Maryland Electronic Courts Technical Specialist - Calendaring	68,632	1.00
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	(63,219)	0.00
FY21 Recommended	1,371,968	15.00

Family Division Services

This program provides a variety of services for children and families, most of them funded by the Family Law Grant. Services include case managers that provide day-to-day management of cases between Family Magistrates, Judges, counsel, and litigants; custody mediation involving litigants in an effort to obtain a settlement of custody issues prior to litigation; the Family Law Self Help Center staffed by attorneys to help individuals representing themselves in uncomplicated family law cases involving divorce, custody and child support; psychological evaluations when psychological testing is necessary as an adjunct to arriving at a decision in the best interest of the children; best interest attorney appointments to specifically represent the interests of children; and operating expenses associated with managing the division.

Family Division Services also handles adoption investigations, as well as child custody and visitation evaluations. After the establishment of a Court Order, independent evaluations for child custody and visitation and adoption investigations are conducted by Court staff possessing substantial experience in social science or suitable credentials in the field of social work. The evaluator meets with the litigants and children and interviews professionals and collateral references to ascertain the appropriate custodial situation for the children.

The Juvenile Division is also a part of Family Division Services and is responsible for oversight of delinquency petitions, Child in Need of Assistance (CINA) petitions, Termination of Parental Rights (TPR) petitions, Voluntary Placement petitions, and Petitions for Peace Orders. These matters, which are governed by strict statutory timeframes, require a high degree of judicial oversight by the Court on a long term basis.

FY21 Recommended Changes	Expenditures	FTEs
FY20 Approved	1,059,745	9.83
Technical Adj: Family Law Grant	0	0.67
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	194,343	1.18
FY21 Recommended	1,254,088	11.68

Family Magistrates

Family Magistrates are qualified individuals appointed by the Judges of the Circuit Court to hear family matters and make reports and recommendations based on testimony and analysis of the testimony received at hearings. Family Division Judges continue to review the recommendations, make rulings, and issue orders based on the recommendations of the Family Magistrates and any exceptions filed. The Special Juvenile Magistrate is an officer of the Court assigned to conduct proceedings on matters within the

Juvenile Court of the Circuit Court for Montgomery County, pursuant to the Annotated Code of Maryland and the Maryland Rules, and in accordance with the Juvenile Differentiated Case Management plan, procedures and policies. Juvenile Judges continue to review the recommendations and hear immediate reviews and exceptions in addition to other juvenile and CINA matters.

FY21 Recommended Changes	Expenditures	FTEs
FY20 Approved	654,961	7.00
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	(53,523)	(1.00)
FY21 Recommended	601,438	6.00

Grants

The Family Law Grant is funded by the State and provides services to families to reduce conflict and introduce the parties involved in litigation to problem-solving techniques to help reduce future litigation. See the Family Division Services Program for a description of the services supported by this grant.

The Trial Court Research Partnership Grant supports one Trial Court Researcher assigned to the Administration Program. This individual provides research, analysis, statistical support, and related reports on County and judiciary-wide research projects.

The Montgomery County Adult Drug Court is funded by the State through a grant from the Office of Problem Solving Courts. The mission of the Adult Drug Court is to eliminate drug abuse, crime, and their consequences by forging continuing partnerships with the Court, health treatment providers, concerned community organizations, and law enforcement. By leveraging its partnerships and its authority, the Court directs substance-abusing offenders into evaluation and treatment to achieve personal responsibility and productive citizenship.

FY21 Recommended Changes	Expenditures	FTEs
FY20 Approved	2,722,378	22.07
Technical Adj: Realign Grant Budget with Grant Award	51,232	0.05
Decrease Cost: Reduction in OE Funding for Drug Court Grant	(21,020)	0.00
FY21 Recommended	2,752,590	22.12

Jury

The Jury Office manages prospective and active jurors for civil and criminal proceedings. In accordance with Maryland Courts and Judicial Proceedings, Title 8, every citizen may serve as a juror and must serve when summoned. The Jury Commissioner and staff dispatch questionnaires to prospective jurors using information gathered from voter registration and Motor Vehicle Administration listings. The Jury Commissioner maintains a qualified jury pool from the individuals who are determined to be qualified as jurors under Maryland Courts and Judicial Proceedings § 8-207.

FY21 Recommended Changes	Expenditures	FTEs
FY20 Approved	680,401	4.00
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	14,999	0.00
FY21 Recommended	695,400	4.00

Law Library

The Law Library supports the research activities of the Court, the Bar, and the public and is the only law library open to the public in Montgomery County. The Library has a comprehensive collection of law, including U.S. statutes and the codes of Maryland, Washington D.C., Virginia, and local ordinances. It has a complete collection of judicial opinions and a variety of subject treatises and reference materials. The Law Library also offers free access to the major on-line legal databases. Library staff are available to answer questions regarding the library and its collection but cannot give legal opinions or advice. The staff will provide limited assistance over the telephone and by e-mail.

FY21 Recommended Changes	Expenditures	FTEs
FY20 Approved	469,971	3.00
Increase Cost: Lexis/Nexis and Westlaw Contracts	2,133	0.00
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	(22,438)	0.00
FY21 Recommended	449,666	3.00

Technical Services

Technical Services is responsible for every aspect of the Court's information systems. The duties of, and services performed, range from installing and maintaining server/PC hardware and software applications to designing and troubleshooting complex computer networks and information databases. The department manages the electronic recording of all courtroom and hearing room proceedings. All video conferencing between the Circuit Court, District Court, Montgomery County Detention Center, and Montgomery County Correctional Facility is handled through this division. This equipment is used on a daily basis in order to conduct bond hearings via a video connection. Copies of court transcripts are purchased through this division. The Court's website and internal servers for the Court and Clerk's Office are administered by Technical Services.

FY21 Recommended Changes	Expenditures	FTEs
FY20 Approved	1,404,980	13.00
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	40,779	0.00
FY21 Recommended	1,445,759	13.00

Trust and Guardianships

The Trust Office administers the case files for fiduciary entities (primarily guardianships) who are required to comply with the reporting requirements set forth in the Maryland Court Rules, Title 10, Guardians and Other Fiduciaries. The reports required to be filed include the Inventory and Information Report and Annual Fiduciary Report for guardianships of the property of a minor or disabled person and the Annual Report of the guardianship of the person. The Trust Clerk examines the Annual Fiduciary Reports filed and prepares the Report of Trust Clerk for the Court.

FY21 Recommended Changes	Expenditures	FTEs
FY20 Approved	231,740	2.50
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	19,244	0.00
FY21 Recommended	250,984	2.50

BUDGET SUMMARY

	Actual FY19	Budget FY20	Estimate FY20	Recommended FY21	%Chg Bud/Rec
COUNTY GENERAL FUND					
EXPENDITURES					
Salaries and Wages	7,096,629	7,584,937	7,547,452	7,888,231	4.0 %
Employee Benefits	2,534,921	2,605,082	2,614,389	2,567,516	-1.4 %
County General Fund Personnel Costs	9,631,550	10,190,019	10,161,841	10,455,747	2.6 %
Operating Expenses	2,810,961	2,348,016	2,374,873	2,338,331	-0.4 %
County General Fund Expenditures	12,442,511	12,538,035	12,536,714	12,794,078	2.0 %
PERSONNEL					
Full-Time	92	94	94	95	1.1 %
Part-Time	3	4	4	4	—
FTEs	93.70	97.43	97.43	99.38	2.0 %
REVENUES					
Miscellaneous Revenues	55,235	55,230	55,230	55,230	—
State Jury Fee Reimbursement	496,020	482,785	482,785	482,785	—
County General Fund Revenues	551,255	538,015	538,015	538,015	—
GRANT FUND - MCG					
EXPENDITURES					
Salaries and Wages	1,815,919	1,830,992	1,830,992	1,870,795	2.2 %
Employee Benefits	603,017	573,307	573,307	584,736	2.0 %
Grant Fund - MCG Personnel Costs	2,418,936	2,404,299	2,404,299	2,455,531	2.1 %
Operating Expenses	280,761	318,079	318,079	297,059	-6.6 %
Grant Fund - MCG Expenditures	2,699,697	2,722,378	2,722,378	2,752,590	1.1 %
PERSONNEL					
Full-Time	23	23	23	24	4.4 %
Part-Time	1	1	1	1	—
FTEs	23.30	22.07	22.07	22.12	0.2 %
REVENUES					
State Grants	2,697,215	2,722,378	2,722,378	2,752,590	1.1 %
Grant Fund - MCG Revenues	2,697,215	2,722,378	2,722,378	2,752,590	1.1 %
DEPARTMENT TOTALS					
Total Expenditures	15,142,208	15,260,413	15,259,092	15,546,668	1.9 %
Total Full-Time Positions	115	117	117	119	1.7 %
Total Part-Time Positions	4	5	5	5	—
Total FTEs	117.00	119.50	119.50	121.50	1.7 %
Total Revenues	3,248,470	3,260,393	3,260,393	3,290,605	0.9 %

FY21 RECOMMENDED CHANGES

	Expenditures	FTEs
COUNTY GENERAL FUND		
FY20 ORIGINAL APPROPRIATION	12,538,035	97.43
<u>Other Adjustments (with no service impacts)</u>		
Increase Cost: FY21 Compensation Adjustment	222,448	0.00
Increase Cost: Annualization of FY20 Compensation Increases	180,349	0.00
Increase Cost: Annualization of FY20 Lapsed Positions	88,826	0.00
Increase Cost: Maryland Electronic Courts Technical Specialist - Calendaring [Case Assignment]	68,632	1.00
Increase Cost: Kids Spot Staff, File Trail, and OnBase Document Management System Contracts [Administration]	18,020	0.00
Increase Cost: Print and Mail Adjustment	2,905	0.00
Increase Cost: Lexis/Nexis and Westlaw Contracts [Law Library]	2,133	0.00
Technical Adj: Family Law Grant [Family Division Services]	0	0.67
Decrease Cost: Mid-Year Conversion of Contractual Problem Solving Court Case Manager Position [Administration]	(157)	0.40
Decrease Cost: Motor Pool Adjustment	(2,791)	0.00
Decrease Cost: Trial Court Research Grant [Administration]	(13,377)	(0.12)
Decrease Cost: Retirement Adjustment	(55,944)	0.00
Decrease Cost: Annualization of FY20 Personnel Costs	(255,001)	0.00
FY21 RECOMMENDED	12,794,078	99.38
GRANT FUND - MCG		
FY20 ORIGINAL APPROPRIATION	2,722,378	22.07
<u>Other Adjustments (with no service impacts)</u>		
Technical Adj: Realign Grant Budget with Grant Award [Grants]	51,232	0.05
Decrease Cost: Reduction in OE Funding for Drug Court Grant [Grants]	(21,020)	0.00
FY21 RECOMMENDED	2,752,590	22.12

PROGRAM SUMMARY

Program Name	FY20 APPR Expenditures	FY20 APPR FTEs	FY21 REC Expenditures	FY21 REC FTEs
Adjudication	3,591,691	33.50	3,631,979	33.50
Administration	3,077,991	10.60	3,092,796	10.70
Case Assignment	1,366,555	14.00	1,371,968	15.00
Family Division Services	1,059,745	9.83	1,254,088	11.68
Family Magistrates	654,961	7.00	601,438	6.00
Grants	2,722,378	22.07	2,752,590	22.12
Jury	680,401	4.00	695,400	4.00
Law Library	469,971	3.00	449,666	3.00

PROGRAM SUMMARY

Program Name	FY20 APPR Expenditures	FY20 APPR FTEs	FY21 REC Expenditures	FY21 REC FTEs
Technical Services	1,404,980	13.00	1,445,759	13.00
Trust and Guardianships	231,740	2.50	250,984	2.50
Total	15,260,413	119.50	15,546,668	121.50

FUNDING PARAMETER ITEMS

CE RECOMMENDED (\$000S)

Title	FY21	FY22	FY23	FY24	FY25	FY26
COUNTY GENERAL FUND						
EXPENDITURES						
FY21 Recommended	12,794	12,794	12,794	12,794	12,794	12,794
No inflation or compensation change is included in outyear projections.						
Annualization of Positions Recommended in FY21	0	22	22	22	22	22
New positions in the FY21 budget are generally assumed to be filled at least two months after the fiscal year begins. Therefore, the above amounts reflect annualization of these positions in the outyears.						
Labor Contracts	0	133	133	133	133	133
These figures represent the estimated annualized cost of general wage adjustments, service increments, and other negotiated items.						
Subtotal Expenditures	12,794	12,949	12,949	12,949	12,949	12,949

ANNUALIZATION OF FULL PERSONNEL COSTS

	FY21 Recommended		FY22 Annualized	
	Expenditures	FTEs	Expenditures	FTEs
Maryland Electronic Courts Technical Specialist - Calendaring	68,632	1.00	90,214	1.00
Total	68,632	1.00	90,214	1.00

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