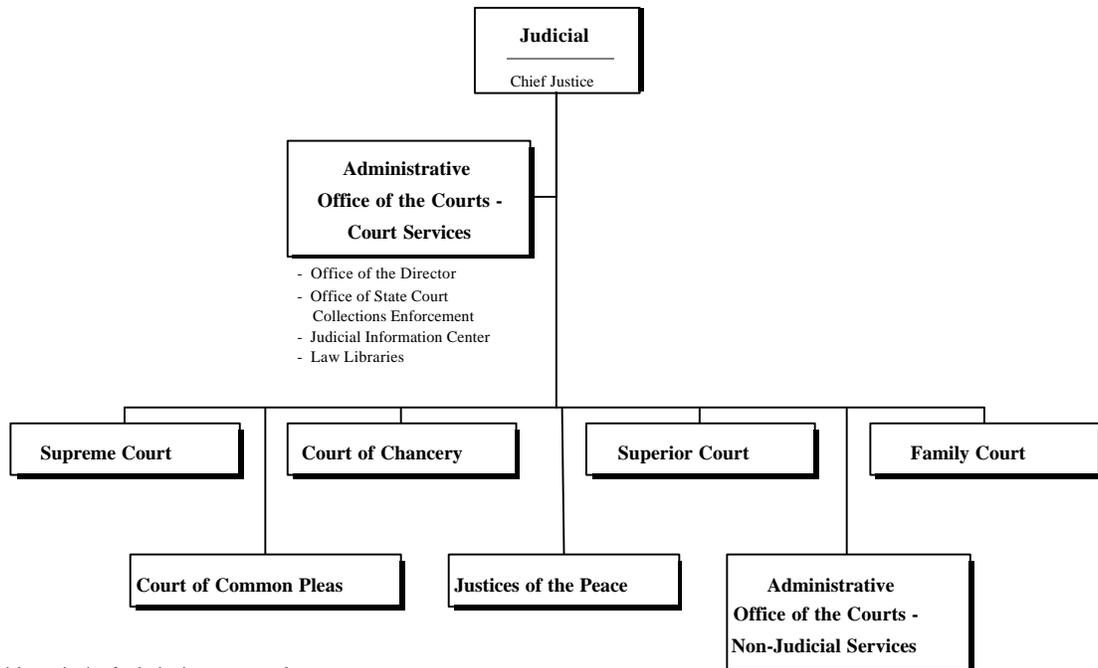


# JUDICIAL

## 02-00-00



**Footnotes:**

- This chart reflects the Judicial organization for budgeting purposes only. Pursuant to Supreme Court Rule No. 87, the Administrative Office of the Courts recommends system-wide budget priorities to the Chief Justice of the Supreme Court and coordinates all budgeting activity.
- Administrative Office of the Courts - Court Services and Administrative Office of the Courts - Non-Judicial Services report to Office of the Director.

- Office of the Public Guardian
- Violent Crimes Compensation Board
- Foster Care Review Board
- Educational Surrogate Parent Program

### MISSION

To provide an efficient and effective mechanism for the citizens of the State to have their cases fairly decided in a prompt manner.

### KEY OBJECTIVES

During Fiscal Year 1999, the Delaware Judiciary expects to:

- Modernize system-wide court services with special emphasis on the automation of case processing.
- Obtain adequate facilities and improve court security.
- Have adequate personnel to meet the operational needs of all courts and judicial offices.

- Secure recognition of the need for the Chief Justice to have the flexibility to exercise appropriate administrative authority in the allocation of the resources of the Judicial Branch of Government in Delaware.

### BUDGET

	FY 1997 ACTUAL	FY 1998 BUDGET	FY 1999 Gov. REC.
GF	46,360.6	49,338.7	51,765.9
ASF	3,980.4	4,582.9	4,810.6
<b>TOTAL</b>	<b>50,341.0</b>	<b>53,921.6</b>	<b>56,576.5</b>

### POSITIONS

	FY 1997 ACTUAL	FY 1998 BUDGET	FY 1999 Gov. REC.
GF	910.5	926.5	959.5
ASF	72.0	70.0	71.0
NSF	10.6	20.1	15.1
<b>TOTAL</b>	<b>993.1</b>	<b>1,016.6</b>	<b>1,045.6</b>

# JUDICIAL

## 02-00-00

### FY 1999 BUDGET HIGHLIGHTS

#### OPERATING BUDGET:

- ◆ Base adjustments include \$722.7 and 14.0 FTEs for the Court of Common Pleas and \$766.2 and 16.0 FTEs for the Justices of the Peace Court for the annualization of personnel and operating costs associated with the consolidation of the Municipal Court into the state's court system. Also recommend as one-time funding in the Budget Office's Contingency of \$35.0 for computers and office furniture and equipment for the Court of Common Pleas and \$49.7 for additional computer and office furniture and equipment for the Justices of the Peace Court, both for the completion of the consolidation of the Municipal Court into the state court system.
- ◆ Recommend enhancement of \$39.1 and 1.0 FTE for the Court of Common Pleas for personnel and operating costs for Law Clerk to assist the judges in Kent and Sussex counties in processing their caseloads.
- ◆ Recommend enhancements of \$45.6 and 2.0 FTEs and \$22.8 ASF and 1.0 ASF FTE in personnel costs for Family Court for Court Clerks to handle the additional caseload growth experienced by the Court since 1992 and \$14.7 and \$24.5 ASF in personnel costs to cover the salary increase as Family Court Masters are converted to Family Court Commissioners (judicial officers with greater authority than masters) so that the Chief Judge can assign these judicial officers to all case types as needed to speed up the disposition of cases.
- ◆ Recommend one-time funding of \$40.0 in Budget Office's Contingency for contractual services to migrate a Financial Management System from DELJIS to JIC to expand the system to cover other courts for collection of receivables due the state and other citizens; \$114.0 to enhance the infrastructure of the Local Area Networks by upgrading existing servers statewide to reduce response times; \$50.0 for replacement of aging servers in Kent and Sussex counties; \$292.4 for personal computers and related equipment and software; \$150.0 for a "Flexible Technology Development Fund" to be used by the Chief Justice to fund technology initiatives identified in a comprehensive business plan for the Judicial Branch.

- ◆ Recommend one-time funding of \$50.0 in Budget Office's Contingency for Family Court for contractual services and supplies needed to begin development of simplified forms and instructions for Pro Se Self Help Center to help citizens who choose to represent themselves in Family Court proceedings and \$93.8 ASF for contractual programmer services to modify FAMIS to meet the new federal Welfare Reform reporting standards specified in the Personal Responsibility and Work Opportunity Reconciliation Act.
- ◆ Technology projects recommended for inclusion in the Budget Office's Development Fund include contractual programmers for programming Year 2000 conversion upgrades to JIC software applications for Superior Court and Court of Common Pleas Civil Case Management, Superior Court Accounting, and Family Court's FAMIS system.
- ◆ Recommend inflation adjustment of \$60.0 in contractual services to cover shortages in the Court Appointed Attorney Program; recommend additional inflation adjustments of \$33.5 within the Judiciary to cover increasing operating costs; and a reduction of (\$226.3) in contractual services (surplus rent funds for the Sussex County Court House).
- ◆ Recommend structural change transferring (\$19.2) in contractual services from the Administrative Office of the Courts, Office of the Director to Superior Court (02-03-10) for contractual security at the Sussex County Court House and (\$150.0) in contractual services from this same unit to the Justices of the Peace Court (02-13-10) for contractual services to cover the costs of renting space in Wilmington that is outside the Carvel State Office Building for Justice of the Peace Court 13/14.

#### CAPITAL BUDGET:

- ◆ Recommend \$36,000.0 for first construction funding of a new New Castle County Judicial Center. This project will address the long-term space needs of the Wilmington operations of the Judiciary.
- ◆ Recommend \$3,000.0 to continue the renovations of the Sussex County Courthouse.

## JUDICIAL 02-00-00

- ◆ Recommend \$200.0 to supplement the Minor Capital Improvements and Equipment Program.

### SUPREME COURT 02-01-00

#### MISSION

The Delaware Supreme Court endeavors to provide an efficient mechanism for the prompt disposition of cases on appeal and original applications. The Court regulates the practice of law through various committees appointed by the Court.

#### KEY OBJECTIVES

- Render final dispositions in most cases within 90 days from the under advisement date to the final decision date.

#### BACKGROUND AND ACCOMPLISHMENTS

The Supreme Court is created by the Constitution of Delaware, Article IV, Section 1. The Supreme Court consists of a Chief Justice and four Justices, who are appointed by the Governor and confirmed by the Senate. The Justices are appointed for 12-year terms. The Chief Justice, in consultation with the Justices, is responsible for the administration of all courts in the State and appoints a Director of the Administrative Office of the Courts to manage the non-judicial aspects of court administration.

The Chief Justice, in consultation with the justices, has the responsibility to manage judicial administration for all courts. In this role, the Chief Justice monitors the performance of the entire judicial system, identifies areas for increased administrative focus, coordinates plans to deal with inter-court issues and reviews individual court budgets as part of the judiciary's overall budget for presentation to the General Assembly.

Under the Constitution of Delaware, Article IV, Section 11, the Court has final appellate jurisdiction in criminal cases from the Superior Court in which the sentence shall be death, imprisonment exceeding one month, or fine exceeding 100 dollars and in such other cases as shall be provided by law, in civil cases as to final judgments, and for certain other orders of the Court of Chancery, the Superior Court and the Family Court. Appeals are heard on the record established in the trial court.

# JUDICIAL

## 02-00-00

Delaware is an appeal of right state. If an appeal is within the jurisdiction of the Court, the Court must accept the appeal. In most other states, the highest appellate court has discretion to accept or refuse appeals through the process of filing a petition for certiorari. Appeal Processing, from initial filing to final decision, is the primary activity of the Supreme Court.

The Court on the Judiciary is established by Article IV, § 37 of the Constitution of Delaware. The Court consists of the five members of the Delaware Supreme Court, the Chancellor of the Court of Chancery and the President Judge of the Superior Court. The purpose of the Court on the Judiciary is to investigate complaints filed against any judicial officer appointed by the Governor and to take appropriate action as set forth in the Constitution.

The Supreme Court regulates the practice of law in Delaware through various committees appointed by the Court. These committees are funded by assessments paid by lawyers pursuant to Supreme Court Rules.

The Board on Professional Responsibility and Office of Disciplinary Counsel are authorized by Supreme Court Rule 62 and Supreme Court Rule 64 respectively. Under Supreme Court Rule 62(c), the Court appoints a Preliminary Review Committee. The Board, the Preliminary Review Committee and the Office of Disciplinary Counsel are responsible for the regulation of the conduct of the members of the Delaware Bar.

The Lawyers' Fund for Client Protection is authorized by Supreme Court Rule 66. The purpose of the trust fund is to establish, as far as practicable, the collective responsibility of the legal profession in respect to losses caused to the public by defalcations of members of the Bar.

The Board of Bar Examiners is authorized by Supreme Court Rule 51. It is the duty of the Board to administer Supreme Court Rules 51 through 56 which govern the testing and procedures for admission to the Bar.

The Commission on Continuing Legal Education is authorized by Supreme Court Rule 70 and Mandatory Continuing Legal Education Rule 3. The purpose of the Commission is to ensure that minimum requirements for continuing legal education are met by attorneys in order to maintain their professional competence throughout their active practice of law.

The Supreme Court Advisory Committee on the Interest on Lawyer Trust Accounts Program (IOLTA) is authorized by Supreme Court Rule 65. The function of the Committee is to oversee and monitor the operation

of the Delaware Interest on Lawyer Trust Accounts Program as established pursuant to Interpretive Guideline No. 2 to Rule 1.15 of the Delaware Lawyers' Rules of Professional Conduct. The Committee reports annually to the Supreme Court on the status of the program and the work of the Committee. It is the exclusive responsibility of the Delaware Bar Foundation, subject to the supervision and approval of the Court, to hold and to disburse all funds generated by the IOLTA program.

The Board on the Unauthorized Practice of Law is authorized by Supreme Court Rule 86. It is the duty of the Board to administer Supreme Court Rule 86, to investigate matters sua sponte, or referred to it from any source, respecting issues of the unauthorized practice of law.

Among the Court's major accomplishments within the past year are the disposition of most cases within 30 days of the date of submission to the date of final decision which is well under the 90 day standard that the Court has set in accordance with American Bar Association standards and the partial implementation, in conjunction with the Governor and the General Assembly, of the recommendations of the Court 2000 Commission.

### BUDGET

	FY 1997 ACTUAL	FY 1998 BUDGET	FY 1999 GOV. REC.
GF	2,040.9	2,088.0	2,113.5
ASF	50.3	65.0	65.1
TOTAL	2,091.2	2,153.0	2,178.6

### POSITIONS

	FY 1997 ACTUAL	FY 1998 BUDGET	FY 1999 GOV. REC.
GF	27.0	27.0	27.0
ASF	--	--	--
NSF	5.8	10.3	10.3
TOTAL	32.8	37.3	37.3

---

## SUPREME COURT

### 02-01-10

---

### ACTIVITIES

- Disposition of appeals
- Monitoring of time schedules
- Administering the Arms of the Courts

**JUDICIAL  
02-00-00**

**PERFORMANCE MEASURES**

	<b>FY 1997 Actual</b>	<b>FY 1998 Budget</b>	<b>FY 1999 Gov. Rec.</b>
Average # days from Under Advisement Date to Final Decision Date			
Criminal	23.4	23.4	23.4
Civil	27.2	27.2	27.2
Average # Days from Initial Filing to Final Decision Date			
Criminal	203.6	203.6	203.6
Civil	170.2	170.2	170.2

**REG-ARMS OF THE COURT  
02-01-40**

**ACTIVITIES**

- Office Disciplinary Counsel and Board on Professional Responsibility
  - Disposing of complaints against lawyers.
- Lawyers' Fund for Client Protection
  - Processing claims with the fund.
  - Auditing lawyers' financial accounts.
- Board of Bar Examiners
  - Processing applicants for the Bar Examination.
- Commission on Continuing Legal Education
  - Processing of lawyer compliance affidavits.
  - Evaluating CLE programs.

**PERFORMANCE MEASURES**

- Office Disciplinary Counsel and Board on Professional Responsibility

	<b>FY 1997 Actual</b>	<b>FY 1998 Budget</b>	<b>FY 1999 Gov. Rec.</b>
Average # of days from under Advisement Date to Final Decision Date	16.8	16.0	15.0
Average # of Days from Initial Filing to Final Decision Date	99.4	95.0	90.0
# of complaints processed	16	20	25

**Lawyers' Fund for Client Protection**

	<b>FY 1997 Actual</b>	<b>FY 1998 Budget</b>	<b>FY 1999 Gov. Rec.</b>
# of claims	7	5	5
# of audits	40	45	50

**Board of Bar Examiners**

	<b>FY 1997 Actual</b>	<b>FY 1998 Budget</b>	<b>FY 1999 Gov. Rec.</b>
# of applicants processed	197	200	200

**Commission on Continuing Legal Education**

	<b>FY 1997 Actual</b>	<b>FY 1998 Budget</b>	<b>FY 1999 Gov. Rec.</b>
# of affidavits processed	900	1000	1000
# of CLE Programs evaluated	2,250	2,500	2,500

**JUDICIAL  
02-00-00**

**COURT OF CHANCERY  
02-02-00**

**MISSION**

The principal mission of the Court of Chancery is to render justice in matters relating to corporate litigation, fiduciary and other matters within its jurisdiction in a way that is (1) fair, (2) prompt, (3) efficient and (4) highly expert.

**KEY OBJECTIVES**

- Completion of the telecommunications (automated) links between all offices including installation of all necessary software and equipment to establish video conferencing courtrooms and offices.

**BACKGROUND AND ACCOMPLISHMENTS**

Delaware's Court of Chancery is a non-jury court of limited jurisdiction. Its jurisdiction includes both corporate and non-corporate litigation matters. The judges spend approximately 60 percent of their time on corporate litigation. This specialization and the resulting expertise contributes importantly to the fact that this jurisdiction is a preferred situs for incorporation in the United States. The remainder of the Court's resources are spent handling non-corporate litigation and on the appointment of guardians and trustees, the fiduciary administration of guardianships, trusts and estates and other non-litigation matters. The Court is the sole Delaware court with general power to issue temporary restraining orders and preliminary injunctions.

The Court consists of one Chancellor, four Vice-Chancellors, who are appointed for 12 year terms, and one Master in Chancery, who holds hearings and issues reports that in most instances fully resolve filed cases. The Court of Chancery holds court in New Castle, Kent and Sussex counties.

**BUDGET**

	<b>FY 1997 ACTUAL</b>	<b>FY 1998 BUDGET</b>	<b>FY 1999 GOV. REC.</b>
GF	1,752.3	1,865.3	1,900.7
ASF	--	--	--
<b>TOTAL</b>	<b>1,752.3</b>	<b>1,865.3</b>	<b>1,900.7</b>

**POSITIONS**

	<b>FY 1997 ACTUAL</b>	<b>FY 1998 BUDGET</b>	<b>FY 1999 GOV. REC.</b>
GF	24.0	25.0	25.0
ASF	--	--	--
NSF	--	--	--
<b>TOTAL</b>	<b>24.0</b>	<b>25.0</b>	<b>25.0</b>

**COURT OF CHANCERY  
02-02-10**

**ACTIVITIES**

- Prompt scheduling and disposition of requests for temporary restraining orders and preliminary injunctions.
- Holding trials.
- Ruling of attorney's fees.
- Certifying questions of law to the Supreme Court.
- Ordering sales of real and personal property.
- Issuing instructions to fiduciaries (executors)/ receivers/guardians/trustees to do or to refrain from doing deeds for which they lack authority to act without Court approval.
- Exercise powers of review on appeal from administrative proceedings.

**PERFORMANCE MEASURES**

	<b>FY 1997 Actual</b>	<b>FY 1998 Budget</b>	<b>FY 1999 Gov. Rec.</b>
% decisions rendered within a period of 90 days after readiness for adjudication	75	80	85

# JUDICIAL

## 02-00-00

### SUPERIOR COURT

#### 02-03-00

#### MISSION

The primary mission of Superior Court is:

- To be accessible to all litigants and other court users within safe and convenient facilities.
- To provide prompt and efficient resolution of disputes and to meet its responsibility to everyone affected by its actions in a timely and expeditious manner.
- To provide due process and individual justice in each case, treat similar litigants similarly and ensure that the court's actions, and the consequences thereof, are consistent with established law.
- To be accountable for the utilization of the resources at its disposal.
- To ensure that the court's personnel practices and decisions establish the highest standards of personal integrity and competence among its employees.
- To instill public trust and confidence that the Court is fairly and efficiently operated.

#### KEY OBJECTIVES

During Fiscal Year 1999, Superior Court expects to accomplish the following:

- Increase the rate of compliance with the Chief Justice's Speedy Trial Directive for the disposition of criminal cases. From the commencement of a criminal prosecution or civil proceeding to its conclusion by adjudication or otherwise, any elapsed time other than reasonably required for pleadings, discovery and court events is unacceptable and must be eliminated.
- Increase the rate of compliance with the American Bar Association's standards for the disposition of civil cases.

- Incorporate conflict management into the scheduling process, establishing greater adherence to court schedules and tightening the notification process.
- Reduce the rate of capias issuance. Reduce the number of capiases outstanding by continuing review of their status and by promoting efforts to apprehend those who fail to appear.
- Expand new training opportunities for staff, particularly in management and supervisory skills. Develop recruitment and training programs for staff which recognize diversity as a core value of the Superior Court.
- Maximize staff productivity through enhancements to automated case management systems and providing basic tools needed to use those systems.

#### BACKGROUND AND ACCOMPLISHMENTS

The total number of new cases filed exceeded the previous year's record high number for the fourth year in a row. The increase in the Court's caseload is particularly acute in the number of criminal cases filed in Kent and Sussex counties. Since Fiscal Year 1986, criminal case filings have increased by 149 percent in Kent County and 174 percent in Sussex County.

Final plea offers, a feature first developed in the Drug Court, are now incorporated into the management of all criminal cases. Final plea offers, which include deadlines for the acceptance of plea agreements, are set prior to the trial date. The effect is to reduce the number of cases scheduled for trial, thereby increasing the chances that cases scheduled for trial are tried the first time scheduled. By reducing the number of cases scheduled for trial, the Court is able to reduce the cost to the public, keep police officers on the street and to minimize inconvenience to jurors and witnesses.

The Court is participating in several joint initiatives with Executive Branch agencies to improve efficiency. Operation Safe Streets targeted probationers who were found in high crime and drug use areas or who violated curfew restrictions. Probation Officers accompanied Wilmington Police Department officers on patrol. Superior Court expedited the processing of the resulting violation of probation (VOP) hearings.

The Court is participating on the Courts/Correction Transportation Committee to find ways to adjust court schedules and increase the use of technology, including

**JUDICIAL**  
**02-00-00**

videophones, to reduce cellblock overcrowding, prisoner transport costs and security risks.

The Court negotiated with the Department of Correction the installation of a Probation and Parole Intake Office in the Daniel L. Herrmann Courthouse. It will be operational in November 1997. The intake office will expedite the referral of defendants sentenced to probation and eliminate the problems which occur when a defendant fails to report to Probation and Parole after sentencing.

The Drug Court continues to provide a lower-cost and more effective alternative to incarceration for offenders with chronic drug addictions. The Court also launched its Drug Court Data Integration Project. With funding provided by the U. S. Department of Justice (USDOJ) and the State Justice Institute (SJI), it will establish an electronic network for the exchange of offender performance and other decision support information between the Court, Probation and Parole, Treatment Access Center (TASC) and treatment providers. It will also create a central database of information about Drug Court referrals which will be used to evaluate and quantify program performance. Also with USDOJ funding, the Court has retained the Statistical Analysis Center to conduct a major performance evaluation of the Drug Court.

The Court received a Delay Reduction Grant from the Bureau of Justice Assistance (BJA). The funds will be used to employ criminal case managers and to acquire hardware, software and communications equipment for the Drug Court Data Integration Project.

The Court continues to seek new opportunities to expand the use of Alternative Dispute Resolution (ADR) techniques to resolve disputes. The Court is developing a community justice center concept for resolving disputes before they are filed as complaints in a court. Another example is the participation in a meeting of the Delaware Claims Association, a group of insurance industry specialists and claims adjusters. The Court's ADR Coordinator conducted an educational presentation regarding the various ADR procedures which are available in the Court and through other organizations.

Perimeter security of the Kent County Courthouse was implemented. All visitors are now screened before entering the building at a single public entrance.

The Court conducted educational presentations for visiting groups which covered such subjects as Drug Court, using technology in the courtroom and general Court operations. The visitors included judges and court

personnel from Michigan, Florida, Texas, Latvia, Israel, Tanzania and Ukraine. Other visiting groups included law firm personnel, citizens groups and school students.

**BUDGET**

	<b>FY 1997 ACTUAL</b>	<b>FY 1998 BUDGET</b>	<b>FY 1999 GOV. REC.</b>
GF	12,811.8	13,396.8	13,666.7
ASF	--	--	--
<b>TOTAL</b>	<b>12,811.8</b>	<b>13,396.8</b>	<b>13,666.7</b>

**POSITIONS**

	<b>FY 1997 ACTUAL</b>	<b>FY 1998 BUDGET</b>	<b>FY 1999 GOV. REC.</b>
GF	259.0	262.0	262.0
ASF	--	--	--
NSF	2.0	7.0	2.0
<b>TOTAL</b>	<b>261.0</b>	<b>269.0</b>	<b>264.0</b>

---

***SUPERIOR COURT***  
***02-03-10***

---

**ACTIVITIES**

- Criminal cases
- Civil cases
- Administrative agency appeal cases
- Involuntary commitment cases
- Jury operations
- Presentence investigations
- Alternative dispute resolution
- Administration

**PERFORMANCE MEASURES**

	<b>FY 1997 Actual</b>	<b>FY 1998 Budget</b>	<b>FY 1999 Gov. Rec.</b>
% criminal dispositions within Chief Justice disposition standards	65	68	70
% civil dispositions within ABA disposition standards	50	55	60

# JUDICIAL

## 02-00-00

### COURT OF COMMON PLEAS

#### 02-06-00

#### MISSION

It is the mission of the Court of Common Pleas to dispense justice with integrity, fairness and efficiency in an environment that is accessible and responsive to the public.

#### KEY OBJECTIVES

- Provide a safe and secure environment for the citizens of the State and for Court personnel.
- Reduce delay in bringing cases to trial and meet the speedy trial guidelines imposed by the Supreme Court.
- Dispose of cases more efficiently, requiring less overtime and extra help for Court staff.

#### BACKGROUND AND ACCOMPLISHMENTS

The Court of Common Pleas has state-wide jurisdiction over:

- All misdemeanors occurring in the State except certain drug related cases and (until April 30, 1998) crimes occurring within the territorial limits of the City of Wilmington.
- Preliminary hearings in all felony cases throughout the State except those occurring within the territorial limits of the City of Wilmington (before May 1, 1998).
- Appeals from the Justice of the Peace Courts.
- Appeals from the Division of Motor Vehicles in license suspensions.
- Civil cases where the amount in controversy does not exceed \$50,000 on the complaint.

Effective May 1, 1998, the Court assumes jurisdiction over offenses occurring in the City of Wilmington.

The Court receives most of its criminal caseload from the Justice of the Peace Courts. A small percentage of filings are received directly from the Attorney General.

Jury trials are available to criminal defendants in all counties. Civil cases are tried without juries. Appeals from the Court are to the Superior Court on the record.

The Court has five authorized judgeships. Three Judges sit in New Castle County, one in Kent County and one in Sussex County. One Commissioner, a quasi-judicial position, sits in New Castle County.

The Commission on Delaware Courts 2000 envisioned an expanded and strengthened Court of Common Pleas as vital to the Delaware Court system. Legislation implementing the Commission Report vested significant new areas of jurisdiction in the Court in January 1995. Along with an escalating criminal caseload over the last several years, the Court's new caseload has impacted heavily on Court operations in all three counties.

Legislation to merge the Municipal Court of the City of Wilmington in the state system was passed on June 30, 1997. Effective May 1, 1998, the Court of Common Pleas will acquire two additional judges and a significant part of the jurisdiction of the Municipal Court. Work is underway to assure a smooth transition.

Space is at a premium for the Court of Common Pleas and the lack of adequate operating space is affecting the Court's backlog. The lack of a fourth courtroom in New Castle County limits the ability to further utilize the Court Commissioner and restricts the Court to holding jury trials on only one day a week. These constraints have reduced the Court's ability to promptly dispose of cases. The lack of a jury courtroom will become an ever greater problem for the Court after the Municipal Court merger, when the number of jury trial requests is expected to dramatically increase.

#### BUDGET

	FY 1997 ACTUAL	FY 1998 BUDGET	FY 1999 GOV. REC.
GF	3,776.3	4,116.3	4,977.9
ASF	--	--	--
TOTAL	3,776.3	4,116.3	4,977.9

#### POSITIONS

	FY 1997 ACTUAL	FY 1998 BUDGET	FY 1999 GOV. REC.
GF	85.0	89.0	104.0
ASF	--	--	--
NSF	--	--	--
TOTAL	85.0	89.0	104.0

# JUDICIAL

## 02-00-00

### *COURT OF COMMON PLEAS* *02-06-10*

#### ACTIVITIES

- Adjudicate cases
- Process cases
- Provide court security
- Collect and account for revenue
- Implement automation strategies
- Prepare presentence reports
- Manage state Court operation

The following performance measures are designed to describe the current environment in the Court of Common Pleas.

#### **Performance Measure 1:**

As can be seen from performance measure 1, the Court was largely able to keep pace with its caseload through June 30, 1995, when the disposition rate was relatively flat and the collection rate continued to rise. The drop in dispositions in Fiscal Year 1996 is largely attributable to the new jurisdiction, and is particularly tied to the impact of jury trials in New Castle County. In spite of a significant caseload increase in Fiscal Year 1997, by applying aggressive case management techniques, the Court has kept pace with its incoming cases. Collection numbers are up as well, largely attributable to the implementation of an automated financial management system throughout the State.

#### **Criminal Case Filings and Dispositions**

Fiscal Year	Criminal Misd. Filings	Criminal Dispositions	\$ Amount Collected
1993	50,091	53,034	1,681,002
1994	52,028	52,303	2,000,203
1995	55,558	54,573	2,255,930
1996	59,484	53,013	2,002,282
1997	82,767	84,359	2,570,300

#### **Performance Measure 2:**

The time from arraignment to trial provides another picture of the impact of the new jurisdiction on the disposition of cases. For years, the Court was able to schedule the majority of its criminal cases for trial within four weeks of the arraignment date. Beginning January 1995, and continuing for approximately one year, that time frame was extended by approximately one week per month. In recent months, the Court has added additional trial calendars resulting in a reduction

in time to trial for cases not requiring Case Review. The time frame for other cases, however, has been extended because of the lack of available calendar slots for some types of trials.

#### **Percentage Of Caseload Scheduled Within X Weeks Of Arraignment Date**

	% Cases Scheduled	No. Weeks From Arraignment Date
December 1994	90	4
	10	5
June 1995	55	6
	40	7
	5	8
	41	9+
December 1995	1	5
	9	6
	12	7
	37	8
	41	9+
June 1996	10	4
	4	5
	31	6
	27	7
	10	8
	18	9+
September 1997	3	3
	6	4
	16	5
	53	6
	22	7

#### **Performance Measure 3:**

A comparison of the expenditure for overtime and casual and seasonal services for the past four years is reflected in performance measure 3 which highlights the Court's need for additional staff resources. The shift from casual and seasonal to overtime dollars in Fiscal Year 1995 was a result of the implementation of Criminal Case Management in the Court in April 1996 when the efforts of full-time staff were needed in the transition between automated systems. The increase in casual and seasonal costs again in Fiscal Year 1997 at least partially reflect the need to pay for full-time bailiff help in New Castle County.

#### **Expenditures for Additional Staff Assistance**

Fiscal Year	Contract Reporters	Casual/ Seasonal	Overtime
1994	1,400	35,619	8,719
1995	8,810	50,389	11,806
1996	6,271	43,216	24,022
1997	--	50,100	33,500

# JUDICIAL

## 02-00-00

### FAMILY COURT

#### 02-08-00

#### MISSION

The Family Court is a legal forum which by statute is charged with the timely and fair resolution of matters involving domestic relations and children. In addition to the Judicial hearing, the Court utilizes alternative methods of settlement while protecting rights of due process, providing for the best interests of children and performing its unique role as the Court with a social conscience.

#### KEY OBJECTIVES

- Comply with speedy trial standards for criminal matters set by the Supreme Court and by the Chief Judge of Family Court.
- Provide all judicial officers with immediate access to civil and criminal filings pending before the court.
- Reduce the time from filing to the initiation of case processing for all civil cases.
- Comply with federally established time standards for the scheduling of child support cases.
- Provide greater flexibility in the assignment of judicial officers between case types.

#### BACKGROUND AND ACCOMPLISHMENTS

The primary goal of Family Court is to apply and interpret the laws over which it has jurisdiction in a manner that provides speedy and adequate access to those who appear before the Court.

Family Court has been given by statute and tradition what can be called a "social conscience." Young people who break the law and are brought before the court are called delinquents, not criminals. For years, those who filed legal actions were called by staff not litigants, but clients. Since 1992, the Court has been trying to resolve the problems created by being the court with a social conscience. To do that the Court must first remember that it is a court bound to apply the law. In legal actions, there are litigants, not clients. The latter would imply that the Court's purpose is to aid and assist the individual. In an adversarial relationship, the Court cannot treat the adversaries as clients but must treat

them as litigants who are required to present their case before the Court with the Court and its staff remaining neutral at all times. Each of the adversaries must present its case and provide the Court with sufficient proof in order to prevail. Without an understanding of this differentiation between being a court and a social service agency, the changes over the past five years would be more difficult to comprehend.

#### Criminal and Delinquency Jurisdiction

At its inception, the juvenile court process was designed to give "boys just being boys" a taste of the legal system without treating them as criminals. At the same time, the goal was to treat the problems of the youthful offender when treatment was necessary. The goal was not to punish but to treat. That greatly influenced the design and mission of the Court. Indeed, statutes dictate this approach to the Court's judicial officers.

By statute, the authority to determine treatment was given not to the Court but to the Division of Youth Rehabilitative Services (DYRS). The Court merely found the child delinquent and referred the child to DYRS to determine the type and length of treatment. In April 1993, the Court and DSCYF agreed to a cooperative pilot program for juvenile dispositions. The Committee on Dispositional Guidelines for Juveniles in adopting the pilot, created the first juvenile guidelines in the United States that allowed the judge to render a disposition to a particular level and a particular program within that level. The results of the pilot have had a direct effect on accurately predicting the level of commitment in delinquency cases. Since July 1995, compliance with the guidelines has exceeded 85 percent. Results of the pilot have had the secondary benefit of providing a database by which race and general factors have been studied at the plea bargaining and dispositional stages. These studies have found no apparent bias at either of these important stages.

#### Domestic Violence

Since 1992, the Court has initiated several programs and procedures to address domestic violence.

Arbitration of domestic violence was discontinued in keeping with the violent criminal nature of these acts.

A Fatal Incident Response Team was formed after a series of homicides in 1992 to review the role played by the Court, its staff, policies and procedures in all domestic violence fatalities.

The Family Court Task Force on Domestic Violence was created to review and coordinate statewide efforts by the

# JUDICIAL

## 02-00-00

courts, police, Attorney General, Public Defender and service providers both public and private.

Criminal and Delinquency and Families and Children at Risk Unit was established to prioritize these segments of the caseload, which includes Domestic Violence.

Trial standards were established setting a goal of 28 days from receipt of a charge of domestic violence to disposition.

A third judge was dedicated to the New Castle County Criminal and Delinquency Unit to accommodate the demands of the domestic violence calendar.

All adult criminal procedures were opened to the public.

With funding provided in the Fiscal Year 1997 budget, Family Court, in cooperation with the Justice of the Peace Court, located a domestic violence intake worker at Court 11 during the evening hours, five nights a week. This worker assists the magistrate by preparing risk assessments in cases of domestic violence to aid in determining appropriate bail. Additionally, this employee meets with victims and informs them of service options and the availability of protection orders. Through the use of videophones, this service will be available to all Justice of the Peace Courts with videophone capability in Fiscal Year 1998.

### Scheduling Standards

The Speedy Trial Directive was established by the Supreme Court for the processing of all adult criminal and juvenile delinquency cases in Family Court. The major provisions are:

- 90 percent of all cases disposed of within 45 days.
- 100 percent of all cases disposed of within 90 days.
- Sentencing within 30 days for all detainees.
- Sentencing within 60 days for all non-detainees.

Additionally, the Chief Judge has established standards for the disposition of certain matters:

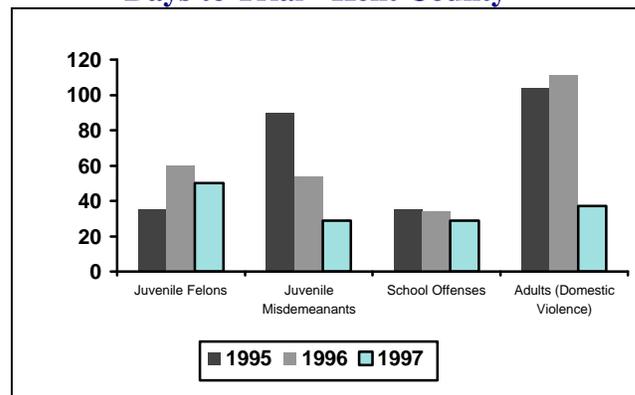
- School cases will be disposed of within 30 days of receipt.
- Domestic violence cases will be disposed of within 28 days of receipt.

### Kent and Sussex County Caseload: Criminal and Delinquency

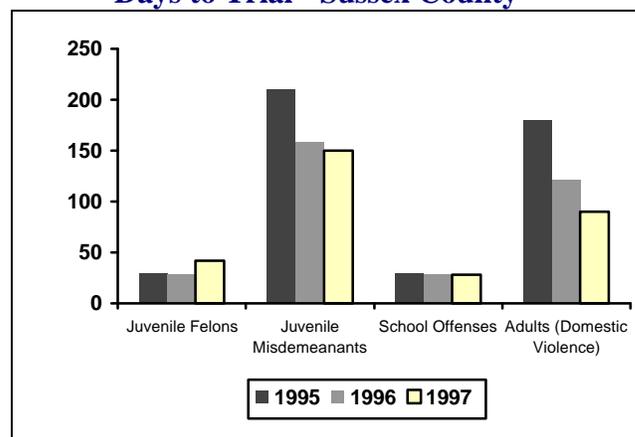
The Fiscal Year 1997 budget contained funding for a Commissioner for Family Court in Kent/Sussex counties. The Senate confirmed the Governor's nominee in May and, as Fiscal Year 1997 ended and

Fiscal Year 1998 began, the addition of this judicial officer, combined with the re-distribution of assignments, was responsible for an immediate reduction in scheduling delays.

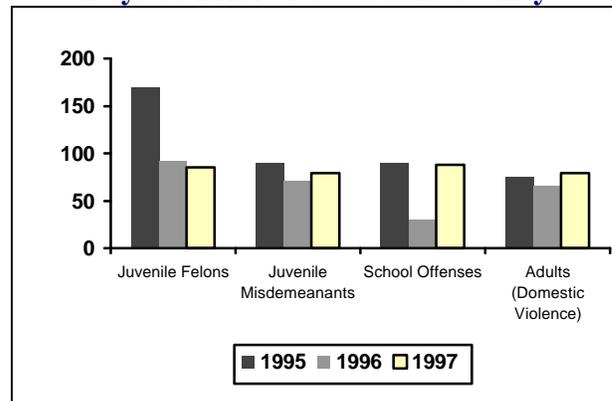
### Days to Trial - Kent County



### Days to Trial - Sussex County



### Days to Trial - New Castle County



# JUDICIAL

## 02-00-00

### Civil Court Clerks

In 1992, there were 44,500 filings in Family Court. By 1997, the number of filings had risen to 57,590 for an increase of 29.4 percent. In New Castle County, civil filings grew from 16,344 to 24,389 for an increase of 49.2 percent.

During those same five years, the Court was taking on a new complexion as its jurisdiction and responsibilities changed. In no area has that been more evident than in the cases involving domestic violence. On the civil side:

- A protection order process was legislated in the Protection from Abuse Act (PFA);
- Staff were required to assist petitioners in the filing of petitions for PFAs as they are now called;
- Expedited hearings were established for the thousands of new filings; and
- Laws excluding cases in which abuse was a factor from mediation increased the calendars of judicial officers.

The PFA process has greatly benefited the victims of domestic violence. However, the 3,325 PFA filings in Fiscal Year 1997 represented a 10.3 percent gain over the previous year and further added to the strain in Civil Case Processing. In New Castle County, we estimate that over 6,500 hours of staff time are now dedicated to PFAs on hearing days alone. These hours were not part of the court's workload prior to January 1994. Further, the time spent scheduling, noticing and assisting petitioners in filing these matters is not even captured in those totals.

Many such new demands have been placed upon clerical staff in these past five years. While the PFA process in volume alone is substantial, the requirement for expedited hearings means that these cases are a priority over normal filings. The more cases of an expedited nature, the more standard filings must wait for processing. If these latter cases wait too long as they now must wait in New Castle County, there is a tendency for these litigants to seek expedited processing. In September, 250 such requests were filed in Wilmington.

Filings must also be scrutinized by staff for compliance with statutory requirements related to domestic violence and mediation, or education for divorcing parents and those seeking custody. More care and time is required of staff. More steps in processing have been added to comply with statutory or other requirements. However, the number of staff has not kept pace.

At the same time, changes in other agencies impact the Court. The number of police officers, DAG's, workers at the Division of Family Services and Division of Youth Rehabilitative Services and staff growth at the Division of Child Support Enforcement all combine to increase the number of litigants calling upon court staff for information and/or for some action. (See comparison of staffing data below.)

Through the efficient use of existing resources, the Family Court has been able to absorb most of the new demands. Staff was reassigned. Jobs were re-designed. Processes were re-engineered and automated. The Court is proud to say that it proved it could do more with the resources it had available.

The Civil Case Processing backlog in Wilmington is growing. What was at first believed to be an aberrational jump in caseload in the spring of 1996 proved to be a harbinger of things to come. The combination of an increased workload from the Division of Child Support Enforcement (DCSE), coupled with a deficit in the Appropriated Special Fund personnel line and normal attrition uncovered a Civil Case Processing Unit that was operating at maximum capacity. The slightest increase in filings or the absence of one employee could trigger the start of a daunting backlog. That is what happened in late Fiscal Year 1996 and continued through Fiscal Year 1997. The dedication of casual/seasonal resources or overtime funds was insufficient to eliminate the problem. Currently, the delay is not shrinking but growing in spite of focused efforts. A civil petition dropped off today in Wilmington will not, under normal circumstances, begin to be processed for 9-12 weeks. In an ideal world, processing should begin immediately with service in approximately two weeks.

**Comparison of Total FTE Growth  
FY 1992 vs. FY 1998**

	FY 1992	FY 1998	OVERALL INCREASE
Attorney General	194	303.1	56.24%
DCSE	155.8	177.5	13.93%
DSCYF	744.3	1042.9	40.12%
Family Court	302	303.8	0.60%

### Child Support

The largest segment of the Court's caseload involves the enforcement of child support laws. A substantial portion of the Court's resources is dedicated to this effort and receives funding under Title IV-D. Because of the federally mandated importance placed upon this

## JUDICIAL 02-00-00

caseload, it has received substantial attention since 1992.

Between Fiscal Years 1993 and 1995, the plan was revised to allow base reimbursement on a per-case basis rather than the costly and time-consuming time studies. This revision saved time and effort for both staff and management.

To enhance the Court's ability to schedule cases in a timely manner, the Court re-engineered and automated child support case processing. Case Managers guide a case from filing to final disposition and create a line of accountability. Standards were developed for scheduling all matters before both mediators and masters which increased the number of scheduling slots available, thus permitting the Court to hear a greater number of cases in a more timely fashion. The implementation of automation Family Court Information System (FAMIS) began in the summer of 1994. Combined with the establishment of standards and the re-engineering of case processing, FAMIS has allowed the Court to keep pace with the increasing number of child support filings. The Court has been successful in its effort to hold child support staffing to Fiscal Year 1993 levels.

Child support cases made up 55 percent of the Court's civil case filings in Fiscal Year 1997. Since Fiscal Year 1992 these cases have grown by 38.75 percent. Through automation, re-engineering and re-assignment, the Civil Case Processing Unit has been able to keep pace with this growth. However, commencing in Fiscal Year 1997, it has become evident that, as with all civil matters, even the slightest shift in resources can result in immediate delays.

### **Education for Divorcing Parents**

The General Assembly in 1996 enacted Senate Bill 288, which mandated an educational program for divorcing parents on the effects of divorce on children. At the same time, the Family Court enacted Civil Rule 16.2 which directed parents involved in custody cases, regardless of marital status, to undergo similar training.

After securing the mandated approval of the Department of Services for Children, Youth and Their Families for those agencies who would provide the educational program, referrals began on April 1, 1997.

### **Alternative Dispute Resolution**

The use of various forms of Alternative Dispute Resolution (ADR) has recently received increased national attention. The Family Court has long

advocated and practiced ADR through both mediation and arbitration.

In mediation, a mediator attempts to facilitate a compromise agreement which, if approved by the parties and subsequently by a judicial officer, becomes a court order. These proceedings are mandatory in filings for custody, visitation, support and imperiling family relationships.

During 1996, the Court began to use telephonic mediation with litigants who were incarcerated. Statewide, several hundred litigants who would have required transportation from the Department of Correction were able to participate in these proceedings from the facility where they were being detained. In Fiscal Year 1997 telephonic mediation became the norm with incarcerated litigants.

Though mediation is a civil procedure, a similar process called arbitration is followed in certain juvenile delinquency proceedings. The criminal charges resolved in arbitration are those that are of a less serious nature. The goal is to address the offender's behavior and make the victim whole.

Mediation and arbitration are much less expensive proceedings than formal hearings before judicial officers and can be scheduled more expeditiously. Therefore, the court will continue to investigate the possibility of increasing the use of these alternative methods of resolving legal disputes.

### **Conversion of Masters to Commissioners**

The statutory authority of masters and commissioners is very different. The differential in salary, however, is minimal. While the masters have for many years functioned as the workhorses of Family Court, their effectiveness was limited by statute as revealed in the Supreme Court's decision *State v. Wilson*, Del. Supr., 545 A.2d 1178 (1988). A result of that case was that the position of commissioner was created by the legislature with the authority commensurate with the needs of the modern day court.

In seeking the conversion of masters to commissioners, the Family Court seeks to fully empower and harness the capabilities inherent in this corps of judicial officers. The conversion offers the Chief Judge the flexibility to assign equally qualified persons to all case types and to meet the needs of an ever changing caseload. Currently there are limits of what masters may do to relieve both judges and commissioners when such relief is needed. The Court hopes to correct this deficiency.

## JUDICIAL 02-00-00

### **Assistance for Pro Se Litigants**

The number of litigants who represent themselves is steadily increasing. While there are no secured local statistics, nationally it is estimated that most of those involved in domestic relations disputes appear pro se, and there is nothing to dispute that here in Delaware.

The pro se litigant poses a unique set of issues for the Court. Without lawyers, these people are attempting to navigate a path through a myriad of statutes, rules, and procedures in the hope of resolving a dispute in a manner which they believe is fair. The Court on the other hand is bound by the law and the law says that the Court cannot give litigants legal advice. So as the pro se litigant asks for directions through the paths of laws, rules, and procedures the litigant's need for assistance comes into direct conflict with the prohibition that employees of the Court not give legal advice.

In an attempt to find a solution to this dilemma, the Court has begun researching what other jurisdictions around this country are doing. Attention has been focused mostly on a self-service center concept developed in Maricopa County, Arizona. That program has five major components:

- Vastly simplified instructions and forms;
- An automated voice attendant telephone system that offers these simplified instructions in a voice format;
- Electronic access to simplified instructions and forms through a home page;
- Access to legal assistance for the poor;
- The availability of attorneys who provide limited legal representation for a fee to pro se litigants who are not indigent.

It will be essential that the very first step the Court takes will be to offer to the public the most simplified set of instructions and procedures. Currently, there are in excess of 400 different forms that are used in Family Court. That is not to say that any litigant would ever use all, or even most, of these forms. They may only use a mere handful of forms associated with their specific type of case. But all forms will need to be revised, and new forms and simplified instructions developed.

### **Information Systems: Criminal**

In Fiscal Year 1995, funding was provided for a Criminal Case Management System (CMS) for Family Court. With the close of Fiscal Year 1997, the programming is 75 percent completed. However, as a result of a moratorium initiated by the Chief Justice to secure the completion of the judiciary's infrastructure

and automated sentencing, CMS implementation has been delayed. Estimated completion dates are being revised but work on instituting key business procedures will commence where they are not dependent specifically on automation.

### **Information Systems: Civil**

FAMIS, the Family Court's civil information system, was completed in 1996. As a condition of receiving Title IV-D funds, the Family Court must comply with federal laws and regulations. Penalties for non-compliance can be severe, ranging from audit penalties as high as \$2 million to the loss of funding for the state's child support and welfare programs for non-compliance with the State Plan. The Personal Responsibility and Work Opportunity Reconciliation Act (Welfare Reform Act) passed by Congress last year imposed mandates that affect the Family Court.

In order to comply with the mandates, changes must be made to the automated system to do the following:

- Expand the capability of the FAMIS/DACSES interface to exchange additional data between the two systems;
- Add conforming data elements to FAMIS for reporting to the state and federal child support case registries;
- Collect and transmit information such as drivers license numbers, social security numbers and employer information;
- Reprogram system-generated order forms to conform with federal requirements.

### **Operations: Management**

The Court's management has attempted to maximize productivity with existing resources. Since 1992, it has:

- Experienced a growth in total caseload of 13,407 cases or 30.13 percent.
- Seen total civil filings increase by 10,621 cases or 34.87 percent.
- Witnessed a 6,250 case increase in Child Support filings, or a 38.75 percent growth rate.
- Re-engineered and re-assigned child support intake staff to the growing domestic violence and Protection from Abuse caseload.
- Transferred five computer personnel to the Judicial Information Center.
- Designed a capias system that eliminated hundreds of hours of data entry work by police departments and which was, subsequently, adopted by all the courts with greater savings for police.

# JUDICIAL

## 02-00-00

- Implemented Courting Quality, a program designed to have staff focus attention on providing improved service to the public.
- Initiated a plan to adopt the Trial Court Performance Standards during Fiscal Year 1998.

As the following chart indicates, the Court has become much more efficient in its use of resources and suggests that its request for Fiscal Year 1999 are essential in keeping pace with the changing nature and volume of work.

Comparisons	1992	1997	% Change
Staff	302	301.8	0%
Budget	10,671.8	12,979.2	21.6%
Civil filings	30,456	41,077	34.9%
Criminal filings	14,044	16,830	19.8%
Total filings	44,500	57,907	30.1%
Cost per filing	\$23.95	\$22.42	-6.4%
Filings per employee	147.4	191.7	30.1%

### Other Funding

In order to reduce the burden of funding for the State, the Family Court has sought and received \$670,000 in federal grants over the last three years. None of these grants have required the State to assume funding at the end of the grant period. Additionally, the Court was successful in obtaining a \$390,000 direct startup grant from the U. S. Department of Justice to expand the Juvenile Drug Court to all of New Castle County and the City of Dover. The Court unsuccessfully sought funding to develop model Trial Court Performance Standards for Juvenile Courts. In each of these efforts, the Family Court has developed alliances with other professional organizations and agencies to improve state service without impacting state funding.

### BUDGET

	FY 1997 ACTUAL	FY 1998 BUDGET	FY 1999 GOV. REC.
GF	10,532.3	11,136.5	11,413.5
ASF	2,309.4	2,351.4	2,573.0
<b>TOTAL</b>	<b>12,841.7</b>	<b>13,487.9</b>	<b>13,986.5</b>

### POSITIONS

	FY 1997 ACTUAL	FY 1998 BUDGET	FY 1999 GOV. REC.
GF	235.0	239.0	241.0
ASF	64.0	62.0	63.0
NSF	2.8	2.8	2.8
<b>TOTAL</b>	<b>301.8</b>	<b>303.8</b>	<b>306.8</b>

## FAMILY COURT

### 02-08-10

### ACTIVITIES

- Administrative and supportive activities: operations, fiscal, personnel, automation, records management, statistics, planning and research.
- Case processing activities: intake, file preparation, scheduling, notification, case preparation, conducting judicial officer hearings, case adjudication, pre-sentence investigation and ancillary matters.
- Diversion activities: intervention, amenability, substance abuse, interviews and evaluations and conduction of arbitration/ mediation hearings.
- Special program activities: acquire, implement, maintain, evaluate and analyze federally-funded programs.

### PERFORMANCE MEASURES

#### Civil Processing Delay Reduction

Time from receipt of filing to initiation of processing	FY 1997 Actual	FY 1998 Budget	FY 1999 Gov. Rec.
New Castle County			
Support	20	15	1
Other Civil	35	40	1
Kent County			
Support	5	3	1
Other Civil	4	3	1
Sussex County			
Support	7	5	1
Other Civil	2	3	1

*Standard = 1 days*

*Statewide Average – 12.16 days (FY 1997)*

*11.5 days (FY 1998)*

#### Criminal Processing Delay Reduction

Time from receipt to initial scheduling of trial	FY 1997 Actual	FY 1998 Budget	FY 1999 Gov. Rec.
New Castle County			
Domestic Violence	79	55	30
Felonies	85	45	45
Misdemeanors	79	50	45
School Offenses	88	30	28
Kent County			
Domestic Violence	37	30	30
Felonies	50	45	45
Misdemeanors	29	28	45
School Offenses	34	28	28
Sussex County			
Domestic Violence	90	45	30
Felonies	42	40	45
Misdemeanors	150	75	45
School Offenses	28	28	28

*Standards: Domestic Violence 30 days*

*Felonies 45 days*

*Misdemeanors 45 days*

*School Offenses 28 days*

# JUDICIAL

## 02-00-00

### Automation

Time from initiation of every action to the entry of that data in an automated information system.

Completeness of all information accessible on courtroom terminals or computers to be determined by a random analysis of files vs. electronic dockets.

## JUSTICES OF THE PEACE COURTS

### 02-13-00

### MISSION

As the place “where justice starts,” it is the mission of the Justice of the Peace Courts to:

- Serve the people of Delaware by the efficient and accessible administration of justice for all, and
- Treat all persons with integrity, fairness and respect.

### KEY OBJECTIVES

- Complete the JP Court Building Project\* by obtaining construction funds for Courts 15 and 6 in Fiscal Year 1999, and Courts 11 and 1 by Fiscal Year 2000.
- Implement the Municipal Court Merger by fully staffing the court and processing cases per Administrative Directive No. 94 (Speedy Trial).
- Increase security for the JP Courts by increasing the number of shifts of court operation covered by 24 percent by Fiscal Year 2001.
- Increase the efficiency of the New Castle County Truancy Court by hiring a Program Coordinator who will work closely with the judges and visiting teachers, coordinate evaluations, provide counseling and follow up on cases for judges to ensure each person is complying with a court order. Compliance with court orders in New Castle County will be 100 percent by Fiscal Year 2001.

\*The Justice of the Peace Court Building Project's ultimate goal is to have 100 percent of all JP Court facilities become state-owned

### BACKGROUND AND ACCOMPLISHMENTS

#### BACKGROUND

The Justice of the Peace Courts are authorized by the *Constitution of Delaware*, Article IV, Section 1.

The JP Courts are Delaware's entry-level courts through which pass the great majority of all criminal cases. The JP Courts have criminal jurisdiction over:

- Criminal misdemeanor cases as listed in 11 [Delaware Code §2702](#), and all criminal violations.

## JUDICIAL 02-00-00

- Most Title 21 offenses which do not involve physical injury or death.
- County code violations.
- Truancy cases.
- Fish and wildlife violations.
- Alcoholic beverage violations.
- Miscellaneous violations initiated by other state agencies.

The Court of the Justices of the Peace has civil jurisdiction over:

- Contractual disputes where the amount in controversy does not exceed \$15,000.
- Replevin actions (actions brought to recover possession of personal property unlawfully taken) where the amount in controversy does not exceed \$15,000.
- Negligence cases (not involving physical injury) where the amount in controversy does not exceed \$15,000.
- Landlord/tenant cases, including summary proceedings for possession for which jury trials are authorized, and
- Appeals from landlord/tenant cases to special courts consisting of a three judge panel.

The Court of the Justices of the Peace also has jurisdiction to:

- Issue summonses and warrants for all criminal offenses based upon findings of probable cause.
- Issue search warrants for all criminal offenses based upon findings of probable cause.
- Conduct initial appearances to set bond for all criminal offenses and conduct bond review hearings when requested.
- Issue and execute capiases. (A capias is a bench or arrest warrant issued by a judge for a defendant who has failed to appear for arraignment, trial, or sentencing or who has failed to pay a court-ordered fine.)
- Process capiases issued by Family Court, Court of Common Pleas and Superior Court.

There are 19 Justices of the Peace Courts contained in 14 court facilities. One court in each county is open 24 hours a day, 365 days a year. The Delaware Code authorizes 53 Justices of the Peace and one Chief Magistrate to serve as the administrative head of the court. Justices of the Peace are appointed by the Governor and confirmed by the Senate for a first term of four years, and second and subsequent terms of six years.

The Justices of the Peace Courts are unique in that they are the only Delaware courts which employ Constables, a quasi-police force, charged with carrying out its judicial orders.

### **Accomplishments: FY 1996 - Present** **Client Services**

Effective spring 1996, all truancy cases in New Castle County were scheduled for arraignments and trial at JP Court 14. The "Truancy Court" was developed as a result of the Legislative Truancy Task and follows an approach similar to that of the Superior Court's "Drug Court." The same judge is assigned to hear and to hold case reviews in the truancy cases, to ensure consistency and historical knowledge of individual cases. Preliminary statistics are positive – of 464 cases filed between April 1996 and June 1997, there has been compliance (regular attendance at school) a closure in 60 percent of the cases heard by a judge for truancy. The Truancy Court has been expanded to Sussex County as of October 1997.

The adoption of Supreme Court Rule 57 resolved an ongoing problem in the JP Court concerning whether corporations could appear in JP Courts without an attorney. It greatly enhanced procedural uniformity among JP Court with regard to this issue. It authorizes corporations and other artificial entities to appear in JP Court without an attorney so long as they file JP Civil Form 50 (Certificate of Representation) with the Chief Magistrate and the Court, and comply with the other requirements of the Rule.

### **Security**

A two-year security program was implemented in Fiscal Year 1994 to provide security for the Justice of the Peace Court on a statewide basis. Funding was appropriated for physical security enhancements, security positions and contractual security. By Fiscal Year 1995, security measures such as increased exterior lighting, bullet-resistant teller windows, effective locking and monitoring systems and the use of contractual security personnel were implemented in all JP Court. Prior to this security initiative being funded, there were no shifts covered by security personnel in the JP Court. As of Fiscal Year 1998, 29 percent of all shifts (50 of 170 total shifts/week) are covered by either JP Court security staff or contractual security personnel.

### **Personnel Initiatives**

In Fiscal Year 1997, the JP Court filled the new position of Law Clerk to assist the Chief Magistrate in conducting legal research for Policy Directives, Legal Memorandums and other legal questions that are raised.

# JUDICIAL

## 02-00-00

Another important initiative currently underway in the JP Courts is the increased emphasis on training programs for judges, as well as non-judicial personnel. The JP Courts launched a continuing judicial education program for its judges in Fiscal Year 1994, in addition to a new ten-week Basic Legal Education (BLE) program for new Justices of the Peace. Pursuant to new Justice of the Peace Court Civil Miscellaneous Rule 8, there are minimum continuing legal education requirements, as well as a basic legal education requirement for new justices of the peace. Since Fiscal Year 1994, 18 new justices of the peace have attended a basic legal education program. All justices of the peace attended continuing legal education programs on criminal and traffic laws, landlord/tenant issues and ethics, along with the bench-bar conference, a domestic violence seminar and the gender fairness and diversity conference.

In June 1997, the Legislature passed a constitutional amendment which provides for a six year term for justices of the peace who have been appointed and confirmed to a second term (while new justices of the peace would have a first term of four years). Additionally, pursuant to the recommendation of the Delaware Compensation Commission, magistrates receive raises directly related to their terms of service.

Beginning in 1994, a Justice of the Peace Court staff training program was initiated. Training included presentations for all employees on "Calming Upset Persons," domestic violence, management issues for court managers, "Providing Good Service Without Giving Legal Advice" and basic Spanish survival (Sussex County). A staff education committee was established to implement a training program for staff and a subcommittee developed training opportunities for constables on security, which includes a one-week "Professional Standard Certification Course" conducted by the Delaware State Police. The JP Court implemented its employee recognition program with Unsung Heroes Awards, Employee of the Year Awards, State Service Awards and an annual employee recognition celebration in each county.

### **System Enhancements**

Of critical importance to the Court is the strategic planning process, which was initiated in October 1996 and continued throughout the fiscal year. This process is a disciplined effort to produce fundamental decisions and actions that shape what the Court is, what it does, and why it does it. It will help develop a strategy for moving into the future. Once the mission statement for the Court was developed, the process began with the

distribution of surveys to the general public, attorneys, court employees and other users of the Court. To address strategic issues, the Court will plan additional training and other changes to improve the way we do business. A final strategic planning report will be issued in November 1997.

A new Policy Directive dealing with processing capias issued by the Justice of the Peace Court took effect in October 1996. This new process reduces police transport time, prison overcrowding and inconvenience to the general public and those persons involved in the criminal justice system. Since its inception, an average of approximately 2,000 capias have been cleared through this process each month, thus saving thousands of hours of travel time for the police and corrections.

Pursuant to legislation enacted in the last legislative session, JP Court no longer needs to file abstracts of execution with the Prothonotary's Office, thereby reducing paperwork, and has the ability to authorize the use of special process servers in civil cases.

As of July 1, 1995, maintenance for all state-owned JP Courts has been transferred to the Department of Administrative Services. This transfer provided a mechanism for the state-owned facilities to be properly maintained.

Justice of the Peace Court facilities which are leased from private landlords are generally inadequate to meet the Court's security protection and space needs. Funds are critically needed to continue the implementation of the Justice of the Peace Court Building Project. Under this project, new court buildings were completed and are operational for Court No. 5 (Milford), Court No. 8 (Smyrna), Court No. 9 (Middletown), Court Nos. 10 and 12 (Prices Corner), Court Nos. 3 and 17 (Georgetown) and Court Nos. 4 and 19 (Seaford). The Fiscal Year 1996 bond bill contained funding for the planning and design for a new JP Court in Dover (to house Court 7, 16, VAC and the Capias Office), and Court 15 in Penny Hill, and in Fiscal Year 1997 and Fiscal Year 1998 funds were appropriated to purchase property and construct a new facility for the JP Court in Dover (Court 7 and 16). A groundbreaking ceremony was held on May 1, 1997, for this building, which should be completed in the fall of 1998.

### **Technology**

Use of the videophone system for warrants and arraignments has been fully implemented in all three counties in Delaware.

# JUDICIAL

## 02-00-00

Criminal Case Management was first implemented in Fiscal Year 1991 in conjunction with the Voluntary Assessment Center being established for processing mail-in fines. Since then, Case Management has been expanded to all criminal courts. In Fiscal Year 1994, monies were appropriated to the Administrative Office of the Courts (AOC) to develop civil case management. The implementation of the automated civil case management system is expected in Fiscal Year 1998, which will enable similar case processing as in the criminal courts.

During Fiscal Year 1997, the first step in modernizing the infrastructure of the Court so as to gain access to the State Banyan Network was accomplished by networking four Justice of the Peace Court sites. This has allowed the Court to communicate more effectively thereby increasing productivity both internally and with other state agencies. It is anticipated that the project will be completed during Fiscal Year 1998 with the networking of the rest of the Justice of the Peace Courts statewide.

### **Other Initiatives**

Other recent Justice of the Peace Court initiatives include a pilot project to centralize constables in New Castle County to ensure efficiency and expedite service in civil cases, and a joint effort with Family Court to have a Domestic Violence Specialist available at J.P. Court No. 11 in New Castle to enable victims to file Protection from Abuse Act petitions during evening hours and to assist the Justice of the Peace in setting bail. The Court has been involved with the establishment of an interpreters program by the Judiciary, including the implementation of a Code of Professional Responsibility for court interpreters and a certification program for foreign language interpreters.

Since Fiscal Year 1995, the Justice of the Peace Courts has participated in the Delaware tax refund and lottery intercept-set off program to assist in the collection of unpaid fines and court costs. This program has resulted in the collection of an additional \$32,002 of unpaid fines and court costs from 268 persons who were delinquent in making court payments. Other initiatives include authorization of special process servers for service of summonses and subpoenas in J.P. civil cases, publications of a quick-reference credit card size phone listing of victim service providers statewide and implementation of a program allowing payment of fines in certain Justice of the Peace Courts and the VAC by credit card. (Persons can pay mail-in traffic fines by calling the VAC and using a credit card over the telephone.) Funds were appropriated in Fiscal Year

1998 to expand the credit card program to all Justice of the Peace criminal courts.

Other projects completed by the Justice of the Peace Courts to enhance cost effectiveness include use of bulk mail for non-time-sensitive court documents, completion of a standard operating procedures accounting manual detailing fiscal procedures and institution of management procedures to minimize case processing times, such as a written plan of action at the Voluntary Assessment Center and other courts to deal with backlogs.

Time frames - Justice of the Peace civil courts generally process a case within six to eight weeks and criminal courts within four to six weeks.

### **FY 1999 – Future Client Services**

A coordinated effort with Family Court is needed to conduct reliable risk assessments in domestic violence cases, make informed recommendations on adequate bail to the judicial officer and to afford the victims of domestic violence a location to file for civil protective orders when outside the normal operating hours of the Family Court. In Fiscal Year 1997, funds were appropriated for one Domestic Violence Specialist for JP Court 11 in New Castle. The Court will be supporting efforts to expand this initiative to place a second Domestic Violence Specialist to handle cases statewide during expanded hours.

### **System Enhancements**

As of May 1998, Justice of the Peace Courts and Court of Common Pleas will merge with Municipal Court in Wilmington. As a result of this merger, it is projected that the Justice of the Peace Court alone will absorb an additional 25,000 filings during Fiscal Year 1999, plus 16 full-time positions will be transferred to the Court.

Included in the strategic planning report issued in Fiscal Year 1998 are the following goals based on information gathered by the subcommittees: address employee concerns, improve customer service to the public, ensure the quality of justice provided by the Court and improve the infrastructure of the Court. These goals are intended to help the Court address problems and move toward its vision for the future.

To eliminate use of dilapidated, uncomfortable and relatively unsafe rental buildings for Justice of the Peace Court facilities through the JP Court building project, funds have been requested in Fiscal Year 1999 to move Court 15 (Philadelphia Pike) and Court 6 (Harrington)

**JUDICIAL**  
**02-00-00**

from leased facilities that are inadequate to meet the Court's security protection and space needs.

To complete the records retention policy as it relates to manual/automated systems.

**Technology**

Changes to procedures for handling traffic cases will be promoted to improve the judicial system's efficiency. One way to do this is to promote modifications to the Division of Motor Vehicle's (DMV's) point system and/or increase Attorney General representation in Justice of the Peace Courts to eliminate duplicative uses of court resources when cases are transferred to the Court of Common Pleas for the purpose of obtaining a plea agreement available from the Attorney General.

At the present time, the JP Courts spend substantial amounts of time responding to inquiries from the public. It is anticipated that the courts will need to add modern telephone services linked to automated case information.

To work in conjunction with DMV and Department of Public Safety regarding efforts to reduce the flow of paperwork between the courts and other agencies and to use mobile computers and Digital Photo-Imaging System (allows the police to seize licenses and automatically transfer the information contained in the magnetic strip on the back of license to the traffic citation being written, which is downloaded to the main frame).

Review current criminal case management system with an eye towards a client-server system.

**BUDGET**

	<b>FY 1997 ACTUAL</b>	<b>FY 1998 BUDGET</b>	<b>FY 1999 GOV. REC.</b>
GF	9,427.7	9,982.4	11,144.2
ASF	--	--	--
<b>TOTAL</b>	<b>9,427.7</b>	<b>9,982.4</b>	<b>11,144.2</b>

**POSITIONS**

	<b>FY 1997 ACTUAL</b>	<b>FY 1998 BUDGET</b>	<b>FY 1999 GOV. REC.</b>
GF	218.0	218.0	234.0
ASF	--	--	--
NSF	--	--	--
<b>TOTAL</b>	<b>218.0</b>	<b>218.0</b>	<b>234.0</b>

**JUSTICES OF THE PEACE**  
**02-13-10**

**ACTIVITIES**

**Case Processing:**

- Process criminal cases by conducting bond hearings, initial appearances, arraignments and trials/adjudicated cases.
- Process civil cases by accepting filings and scheduling trials.
- Process voluntary assessments.
- Data entry of case-related information, including but not limited to summonses/warrants, capiases, subpoenas, continuances, commitments, judgments, appearance notices and docket entries.
- Answer telephone calls from the public and advising as necessary.
- Accept money representing fines, court costs, Victims Compensation Fund (VCF) assessments, or restitution, and prepare receipts thereof and deposit funds to proper accounts and perform related accounting functions.
- Perform any other function required to maintain the dignity, integrity and security of the Justices of the Peace Court system.

**Administrative Functions:**

- Develop budget proposals/presentations, monitor expenditures.
- Monitor collection, deposit and disbursement of revenues. Perform internal financial audits.
- Perform all personnel functions, including salary and benefit plans.
- Coordinate court operations statewide.
- Monitor potential impact of legislation.
- Develop education programs, media relations and strategic planning.
- Respond to complaints/suggestions by members of the public and others.
- Review current processes with an eye towards enhancing efficiencies and implement new processes, as appropriate.

**PERFORMANCE MEASURES**

	<b>FY 1997 Actual</b>	<b>FY 1998 Budget</b>	<b>FY 1999 Gov. Rec.</b>
% courts located in state-owned/new facilities	74	79	90
% cases closed within 90 days		100	100
# shifts covered per week	50/170	50/170	75/170
% shifts covered	29	29	35
% cases complying with court orders			100

# JUDICIAL

## 02-00-00

### ADMINISTRATIVE OFFICE OF THE COURTS - COURT SERVICES 02-17-00

#### MISSION

##### Office of the Director

The office functions to implement the strategic goals and objectives of the Chief Justice and to assure compliance therewith; to provide centralized services to the court system; to acquire and efficiently manage the key resources necessary to support the judicial function in providing services to the public.

##### Office of State Court Collections Enforcement (OSCCE)

The Office of State Court Collections Enforcement seeks to provide enforcement of court orders by assuring collection of court ordered receivables.

##### Judicial Information Center (JIC)

Under the general direction of the Office of the Director, the Judicial Information Center provides computerized information systems and support services to the various courts and to agencies of the criminal justice community.

##### Law Libraries

The Law Libraries strive to provide the best possible research library for the Delaware Judiciary; to serve as the legal information centers for the Judicial Branch, the Department of Justice and Public Defender's Offices, other state agencies, members and prospective members of the Delaware Bar and the general public; and to function as the official depository of state laws, agency rules and regulations, administrative and board regulations, court opinions and Chief Magistrate's advisory memoranda.

#### KEY OBJECTIVES

##### Office of the Director

- Provide public education and information outreach services to citizens of the state through meetings with interest groups, publication/consumer literature.
- Automate fiscal activities in and for the Courts.
- Identify training needs for the non-judicial personnel for all courts and judicial agencies and

provide training services to at least 50 percent of all non-judicial employees each year.

##### Office of State Court Collections Enforcement

- Centralize collections of court ordered receivables.
- Increase the percentage of assessments collected.

##### Judicial Information Center

- Maintain quality and timely production of the routine aspects of the Judiciary's information processing.
- Assist the Judiciary in dealing with rapidly advancing/converging information technologies.
- Refocus on the role of quality service and its importance to JIC clients.
- Coordinate and support information resource management (IRM) planning activities.
- Assist the Judiciary in realizing opportunities for productivity improvements via automated systems.

##### Law Libraries

- Provide a modern, comprehensive, and up-to-date collection of legal reference/research materials for the use of the courts, members of the bar and the public.

#### BACKGROUND AND ACCOMPLISHMENTS

##### Office of the Director

The administrative structure of the Delaware judicial system mirrors closely the [ABA Standards Relating to Court Organization](#). The Supreme Court is the policy-making body of the state judicial system and the Chief Justice of the Supreme Court is the administrative head.

The Administrative Office of the Courts (AOC), its mission and organization, is to be analyzed thoroughly with a view to a new strategic plan and reorganization. This will be undertaken by a strategic planning/reorganization search committee under the direction of the Honorable Joseph T. Walsh (established per Chief Justice E. Norman Veasey in Administrative Directive No. 111, dated February 1, 1997).

The office's major accomplishments over the past three fiscal years include:

## JUDICIAL 02-00-00

- Establishing a statewide Office of State Court Collections Enforcement for the enforcement of court orders assessing monetary penalties;
- Guiding the effective merger of JIC and Family Court automation units into one cohesive office for the delivery of automation/information services to all courts; relocation of all technical support services to one modern facility;
- Providing primary staff and technical support services to the Commission on Delaware Courts 2000; the Supreme Court Task Force on Racial and Ethnic Fairness; and the Courts Gender Fairness Task Force;
- Coordinating with the Department of Administrative Services, work of the committee for the Delaware Justice Center;
- Coordinating with the Department of Administrative Services the acquisition and renovation of the Sussex County Courthouse and the location of the OSCCE. The AOC also played a key role in helping Family Court acquire substantial administrative office space in the Carvel State Building;
- Preparing and implementing Judicial Branch Personnel Rules; and,
- Coordinating all system-wide judicial education programs.

### **Office of State Court Collections Enforcement (OSCCE)**

Centralizing the collection of court-held receivables started in Fiscal Year 1994 with the hiring of an administrator to coordinate, plan and begin laying the ground work for implementation of this function. The office's staff was increased during Fiscal Year 1995 with the transfer of five positions from the Department of Correction (Probation and Parole) to the OSCCE. These positions now form the nucleus of the collections office. There are five OSCCE locations throughout the State covering all three counties where clients may make payments and conduct other business regarding their accounts.

The office's major accomplishments over the past three fiscal years include:

- Producing dunning letters on Superior Court accounts so they are now issued routinely and contact has been re-established with many of the accounts that were in delinquent status.
- Collecting over \$150,000 since system-wide implementation of the Tax and Lottery Intercept Program in 1996.

### **Judicial Information Center**

The JIC is responsible for the development and support of computer information systems. Toward this end, in the criminal justice area, the JIC has been working with DELJIS to better integrate the flow of information between the courts, the police, Attorney General's Office, Public Defender's Office and others. Several initiatives have or will be managed by the JIC, DELJIS and Office of Information Services (OIS) to accomplish this objective. JIC is to be evaluated as to the extent to which it conforms to ABA Standards of judicial administration and performs major functions for the Judicial Branch in a distributed local area and wide area network systems; performing analysis and developing computer applications that support and enhance the business functions of the courts; providing computer training and access to computer resources for all judicial staff; providing trouble-shooting, diagnosis and repair of computers, applications and communication resources for a statewide judicial community; and enabling and managing online and remote electronic access to the judicial information system for the judicial audience.

In 1995, the JIC and Family Court Automation Unit were merged into a single organization. The JIC was restructured to better address the challenges of developing and supporting computer information systems in the 1990s. For example, a network management team was established to manage personal computer and network resources, a greater emphasis was placed on analyzing business issues during the system development process, a "help desk" team was established to assist computer users with day to day problems and a computer training program was implemented.

In 1996, new criminal case management systems were implemented for the Superior Court and the Court of Common Pleas, which will provide these courts with real-time access to data created by other criminal justice organizations. Also in Fiscal Year 1996, an automated systemwide inventory of equipment and software was begun and it was completed in August, 1996.

In Fiscal Year 1997, the courts and JIC implemented important improvements in the Judicial Branch's computing infrastructure and began to phase-in important changes related to JIC operations. These initiatives are geared towards establishing a stronger foundation to build a first-class automation program over the long-term.

# JUDICIAL

## 02-00-00

Projects completed in Fiscal Year 1997 that improved the computing infrastructure are:

- Approximately 300 new personal computers were installed in the courts
- New networks were installed at four Justice of the Peace Courts locations.
- Existing networks were significantly upgraded at the Court of Chancery, Family Court and the Court of Common Pleas.

Two major initiatives were started in Fiscal Year 1997 geared towards improving JIC's ability to serve the courts. The first initiative is to transfer JIC's mainframe operations to the Office of Information Systems. This transfer will allow the JIC to reallocate staff and financial resources from JIC's mainframe computer to the development and support of court case management systems. In addition, the cost of operating the JIC mainframe computer would have increased significantly in Fiscal Year 1998 and Fiscal Year 1999 due to increases in workload. Through "mainframe consolidation" these additional costs are avoided and the State and the Judicial Branch can better focus limited resources on other priorities geared towards meeting the needs of the public and the courts. The mainframe consolidation was approved in June and will be completed in the fall of 1997.

The second initiative is to phase out JIC's large dependence on a contractual programmer for the support of an existing system. Contract programmers were needed in the short-term to handle major increases in workload but this approach is not cost-effective over the long-term. In Fiscal Year 1997, JIC received through the budget process one programmer position. Through the "mainframe consolidation" initiative described above JIC was able to create two programmer positions through the reclassification process. And through the Fiscal Year 1998 budget process JIC received three programmer positions. When JIC is fully staffed, under normal workload scenarios, this staffing configuration will allow JIC to support the automated systems currently in operation.

In Fiscal Year 1997, work proceeded on the following projects:

- Automated sentence order project
- Justice of the Peace Court civil case management
- Family Court criminal case management and financial management
- Management reporting

- "Clean up" and enhancements to the criminal case management system used by the Superior Court and Court of Common Pleas.

JIC also provided 307 "student days" of training on the use of personal computers and PC software in Fiscal Year 1997. Most class participants rated the training as "excellent."

In Fiscal Year 1998, the JIC will focus on completing projects on the current priority list, continuing to make major improvements related to computing infrastructure, and addressing staffing shortages related to the support of personal computers and networks.

### Law Libraries

There are three law libraries, one located in each of the three counties in Delaware. The New Castle County Law Library, located in the Public Building in Wilmington, maintains approximately 25,000 volumes and is staffed by a Law Librarian and a Library Assistant. Because the majority of the judiciary and their support staff are located in New Castle County, this library is the busiest of three State Law Libraries.

The Kent County Law Library in Dover is designated as the State Law Library. As such, it houses the largest legal collection maintained by the State with approximately 35,000 volumes and is staffed by one Law Librarian with one part-time assistant.

The Sussex County Law Library in Georgetown contains approximately 17,000 volumes and is staffed by one Law Librarian. Casual and Seasonal Funds are used to ensure that the library is staffed at all times.

### BUDGET

	FY 1997 ACTUAL	FY 1998 BUDGET	FY 1999 GOV. REC.
GF	5,273.9	6,018.6	5,783.8
ASF	--	--	--
<b>TOTAL</b>	<b>5,273.9</b>	<b>6,018.6</b>	<b>5,783.8</b>

### POSITIONS

	FY 1997 ACTUAL	FY 1998 BUDGET	FY 1999 GOV. REC.
GF	47.0	51.0	51.0
ASF	--	--	--
NSF	--	--	--
<b>TOTAL</b>	<b>47.0</b>	<b>51.0</b>	<b>51.0</b>

**JUDICIAL  
02-00-00**

**OFFICE OF THE DIRECTOR  
02-17-01**

**ACTIVITIES**

- Information resource management
- Personnel management services
- Budget and fiscal management services
- Transaction document processing services
- Statistical collection and reporting service
- Public information/communication services
- Liaison and coordination services
- Policy planning services
- Advisory services
- Special projects and studies
- Secretariat services

**PERFORMANCE MEASURES**

	<b>FY 1997 Actual</b>	<b>FY 1998 Budget</b>	<b>FY 1999 Gov. Rec.</b>
% employees participating in training sessions	15	50	50

**OFFICE OF STATE COURT COLLECTIONS  
ENFORCEMENT  
02-17-03**

**ACTIVITIES**

- Accept payment of court ordered assessments.
- Work with Probation and Parole to promote cooperation and share automated data.
- Pursue aggressive collection of delinquent accounts.
- Record all transactions to proper accounts in a timely fashion.
- Issue reports.

**PERFORMANCE MEASURES**

	<b>FY 1997 Actual</b>	<b>FY 1998 Budget</b>	<b>FY 1999 Gov. Rec.</b>
# contacts necessary to administer accounts:			
verbal	5,100	5,100	
written	33,600	33,600	30,000
% increase in \$ collected	6.7	7.5	7.5

**JUDICIAL INFORMATION CENTER  
02-17-04**

**ACTIVITIES**

- Analyze business issues that relate to the flow of information.
- Develop and support computer applications that enhance the operations of the courts and agencies.
- Management of a statewide mainframe computer operation.
- Manage, design and support computer data bases.
- Provide computer training.
- Manage, install and support personal computer technology including hardware and software.
- Provide "help desk" services to computer users.
- Provide network access to computer users.
- Manage, design and support local and wide area network resources.
- Manage procurement related to computer equipment.
- Coordinate information needs with external computer users and technologies.

**PERFORMANCE MEASURES**

	<b>FY 1997 Actual</b>	<b>FY 1998 Budget</b>	<b>FY 1999 Gov. Rec.</b>
% of time system response time is 3 sec or less on avg availability	--	99	99
% of accurate data	--	99	99
% of "high priority" software problems reported within 4 business hrs (unless procurement is required) that are resolved	--	90	90
% of "high priority" hardware problems reported w/in 7.5 business hrs (unless procurement is required) that are resolved	--	90	90

**LAW LIBRARIES  
02-17-05**

**ACTIVITIES**

- Assist judges, lawyers, clerk and the general public in conducting legal research.
- Maintain the inventory of law books and other legal materials.
- Catalog and file incoming legal materials.

## JUDICIAL 02-00-00

- Read and index all state issued opinions.
- Assist court personnel in locating library materials.
- Answer legal reference questions.
- Order new books after consultation with judges.
- Prepare Law Library budget.
- Mend and rebind books as needed.

## ADMINISTRATIVE OFFICE OF THE COURTS - NON-JUDICIAL SERVICES 02-18-00

### MISSION

The mission of the Office of the Public Guardian is to serve as court appointed guardian for Delaware residents with mental or physical disabilities who are unable to manage their personal and/or financial affairs. Individuals served may otherwise be at risk of being abused or victimized by others. For the most part, persons referred for public guardianship have no family or friends able or willing to act on their behalf.

The mission of the Violent Crimes Compensation Board (VCCB) is to promote the public welfare by establishing a means of meeting the additional hardships imposed upon the victims of certain violent crimes including the family and defendants of those victims.

The mission of the Foster Care Review Board (FCRB) is to provide and administer a volunteer based Citizen Review Board which acts as an independent monitoring system charged with identification and periodic review of all children placed in foster care in the State of Delaware.

The mission of the Educational Surrogate Parent Program (ESPP) is to provide well trained volunteers to advocate for special education children and Part H children in state custody who do not have parents to represent them.

### KEY OBJECTIVES

#### Office of the Public Guardian

- In Fiscal Year 1999, continue to increase the number of individuals served who are referred by the Division of Mental Retardation.
- Increase information and referral services regarding guardianship and alternatives to guardianship by 25 percent.

#### Violent Crimes Compensation Board

- Expedite processing of claims in a timely manner.
- Increase public outreach initiatives so that all crime victims have general knowledge of the functions and benefits provided by the VCCB.

# JUDICIAL

## 02-00-00

### **Foster Care Review Board**

- Perform the tasks and functions defined in the Title 31, Chapter 38, Delaware Code, in a professional, informed, efficient manner in order to have a positive impact on the state's effort to provide timely and quality services to children in out of home placements.
- Collect, record and distribute statistical information regarding children in out of home placements with the goal of advocating for their unmet service needs.

### **Educational Surrogate Parent Program**

- Appoint an educational surrogate parent (ESP) to each eligible child within ten working days.
- Recruit and retain enough ESPs so that an adequate supply is always available when an eligible child is identified.

## **BACKGROUND AND ACCOMPLISHMENTS**

### **Office of the Public Guardian**

The Public Guardian serves adult Delawareans with disabilities who are at risk and who are without family members or other persons able to assume responsibility for guardianship and is called upon by the Court of Chancery to serve as a neutral guardian in contested guardianships; may become guardian at the request of Delaware's Adult Protective Services agency in those instances where abuse or exploitation by family or friends is suspected; and may be asked to serve as interim or emergency guardian pending the resolution of a disputed guardianship matter and the appointment of a permanent guardian. When a person is referred to the agency, a thorough assessment of the need for guardianship, specifically public guardianship, is conducted. Every effort is made to investigate and suggest alternatives to public guardianship. The agency strives to serve those individuals most in need; to provide continuity of care across time and across services; (upon appointment of guardian for the person or property, or both, responsibilities); include the establishment of services to ensure that the wards' needs in all areas of activities of daily living are met and is frequently called upon to advocate and assist, at a "grassroots level," vulnerable persons who require protection from others or from themselves. Many of these disabled persons would otherwise "fall through the gaps" in the service network, because of their inability to advocate for themselves and the absence of others to advocate for them.

The number of persons potentially in need of guardianship is growing. This increase results from the "graying" of our population and the increasing numbers of medically fragile "old old" (those aged 85 years or more).

In Delaware, the dramatic increase in the number of public guardianships is also due in large part to the increase in referrals from institutions and extended care facilities, both state-run and private. Public guardianship services are requested for advocacy and decision making in personal and medical matters as well as finances.

In Fiscal Year 1997, the Office of Public Guardian served as Court appointed guardian for a total of 171 persons. The number of guardianships open and active at the end of the Fiscal Year 1997 remained the same as the previous year. 157 cases were referred and investigated during this time period and it is anticipated that the office will serve as guardian for approximately 30 percent of these cases. The number of individuals referred has continued to increase annually, particularly those referred from the Division of Mental Retardation and other state facilities.

By bringing the Sussex County office on-line in Fiscal Year 1996, record keeping has been centralized while making real-time records simultaneously available statewide. This has resulted in greater utilization of a team case management approach where different staff with different expertise contribute to the case and document their activities in a common computer file on a central computer network server maintained by the Administrative Office of the Courts.

### **Violent Crimes Compensation Board**

The VCCB was organized in January 1975. The Board is comprised of five board members: a chairman, vice-chairman and three commissioners. All members are appointed by the Governor and confirmed by the Senate. There are seven full-time staff members consisting of a director, support services administrator, three claim investigators, one administrative secretary and one senior secretary.

Compensation is made available to people who are victimized in the State of Delaware. Residents of Delaware who are victimized outside state boundaries may apply to the Delaware VCCB if the state, possession, or territory in which the person is injured does not have a functional program.

# JUDICIAL

## 02-00-00

Recipients of VCCB awards must meet certain eligibility factors. Requirements include:

- The crime must be reported to law enforcement authorities within 72 hours of occurrence;
- The claim for victims' compensation must be filed within one year of the crime occurrence;
- Injuries sustained from the crime cannot be based on criminally injurious conduct;
- The victim must cooperate with law enforcement authorities in the apprehension and prosecution of the assailant(s) if the identity is known; and
- The claimant must cooperate with the VCCB in its investigation to validate a claim for compensation.

From Fiscal Year 1976 through Fiscal Year 1997 the Board has received 5,642 applications for compensation. In Fiscal Year 1997, a total of 627 claims were examined by the Board; 493 were approved for compensation benefits. During Fiscal Year 1997 actual monetary awards were granted to 395 of the above claims. The total amount awarded by the Board was \$1,495,085.94. Due to the statutory time frame for "appeals", actual disbursements were \$1,319,272.65 with \$104,913.29 being disbursed during the first quarter of Fiscal Year 1998.

Revenue receipts for Fiscal Year 1997 total \$2,530,608.64 which includes \$2,438,541.05 from the 18 percent surcharge, \$64,552.98 from restitution, \$288.18 in miscellaneous revenue and \$2,070.40 from forensic assessment.

The agency is funded by Appropriated Special Funds and through a federal assistance grant. No general fund money is authorized to operate the VCCB. Revenue is derived from 18 percent surcharge that is levied on all criminal offenses including moving motor vehicle violations. The surcharge is collected by the courts and turned over to the State Treasurer for deposit into the victims' compensation fund. The fund is replenished through restitution, subrogation reimbursements, and a federal grant. The federal grant can equal up to 40 percent of the amount paid out to the crime victims from state funds during a previous federal fiscal year.

### Foster Care Review Board

The authority of the Foster Care Review Board expanded to encompass the current requirement that 100 percent of Delaware's children in an out of home placement be reviewed by the Board every six months. Over 100 volunteer citizen Board Members appointed by the Governor, serve on one of 14 review committees which meet twice a month.

Due to the inclusion of an additional Staff Assistant position in the FY 96 budget, the FCRB increased the number of review committees from 12 to 14 and the number of volunteers was increased to nearly 105 appointees.

During this past legislative session, the FCRB was reviewed by the Joint Committee on Policy Analysis and Government Accountability for compliance with the law. This process was extremely helpful to both the FCRB and the legislative body to reacquaint each group with the role, responsibilities and benefits of citizens review.

### Educational Surrogate Parent Program

Although an Educational Surrogate Parent System was mandated in 1975 by the federal special education law (P.L. 94-142), in Delaware few children were being identified as eligible and few persons were being trained to act as ESPs. As a result, in FY 1988 the General Assembly created the position of Coordinator to improve the system. In March, 1988, 29 children were being represented by an ESP and 27 certified ESPs were appointed to children or were available. At the end of FY 1997, 112 children were being represented and 142 ESPs were appointed or available.

During FY 1990, the Coordinator worked with the Department of Public Instruction to change the design of the ESP system so that appointments which previously took months could be completed in a timely manner. During FY 1997 all appointments were achieved within 10 working days.

On October 1, 1993 the ESP Program expanded to begin providing ESPs for infants and toddlers under Part H (P.L. 99-457) which is administered by the Department of Health and Social Services.

The needs of the children being served by ESPs have become increasingly complex. The Coordinator works with ESPs individually, when appropriate, to assist them in representing these multi-problem children and is also provides materials and training opportunities to all ESPs in order to enhance their skills.

### BUDGET

	FY 1997 ACTUAL	FY 1998 BUDGET	FY 1999 GOV. REC.
GF	745.0	734.8	765.6
ASF	1,620.4	2,166.5	2,172.5
TOTAL	2,365.4	2,901.3	2,938.1

**JUDICIAL**  
**02-00-00**

**POSITIONS**

	<b>FY 1997 ACTUAL</b>	<b>FY 1998 BUDGET</b>	<b>FY 1999 GOV. REC.</b>
GF	15.5	15.5	15.5
ASF	8.0	8.0	8.0
NSF	--	--	--
<b>TOTAL</b>	<b>23.5</b>	<b>23.5</b>	<b>23.5</b>

---

**OFFICE OF THE PUBLIC GUARDIAN**  
**02-18-01**

---

**ACTIVITIES**

Duties of a guardian of the person include, but are not limited to:

- Frequent and ongoing consultations with physicians.
- Attendance at institutional care planning conferences (every 60 - 90 days).
- Bi-annual reports to the court as to the status of the ward and issues pertaining to their person.
- Advocacy to ensure that wards receive appropriate care and treatment services.
- Referral to appropriate social or medical services for care and treatment.
- Submission of petitions to the court for decisions regarding treatment of the ward.

Some of the duties of a guardian of the property are as follows:

- Locate and inventory assets of new wards.
- Prepare real estate and personal belongings for sale; obtain services of an appraiser, realtor, auctioneer and others as needed.
- Conduct all financial matters for the wards, including opening accounts, preparing budgets, paying bills, submitting health insurance claims and numerous other required forms and monitoring Medicaid eligibility.
- Submit a final accounting to the Court at the death of a ward, plan funerals for the wards and assist in settling estates when necessary.
- Submission of petitions to the court for decisions regarding disposition of property or other necessary financial matters.

**PERFORMANCE MEASURES**

	<b>FY 1997 Actual</b>	<b>FY 1998 Budget</b>	<b>FY 1999 Gov. Rec.</b>
# referrals received	159	190	190
# referrals accepted for public guardianship	39	68	68
# referrals for whom alternatives to public guardianship were found	120	122	122
# current guardianships	141	165	165
# staff trained in Windows	2	8	8

---

**VIOLENT CRIMES COMPENSATION BOARD**  
**02-18-02**

---

**ACTIVITIES**

- Process as many claims per fiscal year, providing assistance to as many innocent victims of violent crimes as annual revenue intake allows.
- Monitor revenue spending for operational costs versus compensation award costs with compensation costs averaging between 75 percent to 80 percent of annual budget.
- Computerization of statistics for state and federal annual reports.

**PERFORMANCE MEASURES**

	<b>FY 1997 Actual</b>	<b>FY 1998 Budget</b>	<b>FY 1999 Gov. Rec.</b>
To process applications for crime victims compensation within a 90 day period	1007.5	1310.7	1350.0
% victims compensation costs vs. operating costs	2	26	--

---

**FOSTER CARE REVIEW BOARD**  
**02-18-03**

---

**ACTIVITIES**

- Conduct and document bi-annual reviews of abused and neglected children in out of home placements by a volunteer citizen review board. The purpose of the review is to monitor services being provided children to determine if they are being served in a manner consistent with federal and state law.
- Provide technical and professional support and guidance to the citizen review board by paid staff.
- Identify and address issues impacting efforts to obtain a permanent home for abused and neglected

**JUDICIAL**  
**02-00-00**

children. This activity may be in conjunction with or independent of the state service providers.

- Assert legal standing to seek judicial intervention to ensure that timely, effective and specified services are being provided to abused and neglected children.
- Ensure that ongoing training regarding child welfare, foster care and adoption issues, both historical and current, is available to the board members in order for them to maintain a high level of expertise in these areas.

**PERFORMANCE MEASURES**

- Fulfill the responsibilities of the FCRB which are outlined in state and federal laws, and include bi-annual review of all Delaware's children in and out of home placement within the time lines specified.
- Specify and address specific advocacy issues which effect the quality of life for abused and neglected children in the State of Delaware.

---

***EDUCATIONAL SURROGATE PARENT PROGRAM***  
***02-18-04***

---

**ACTIVITIES**

- Recruit and train volunteers to serve as ESPs.
- Provide ongoing training opportunities, support and materials for ESPs
- Provide technical assistance to other agencies (e.g., DSCYF, school districts, Child Development Watch) regarding ESP state and federal regulations to assure identification of all eligible children
- Select an appropriate ESP for each eligible child and process documentation for appointment by DPI or DHSS.
- Coordinate with DOE and DHSS to improve the ESP system.
- Collect and analyze data regarding ESPs and eligible children.

**PERFORMANCE MEASURES**

	<b>FY 1997 Actual</b>	<b>FY 1998 Budget</b>	<b>FY 1999 Gov. Rec.</b>
% appointments within 10 working days	100	100	100
# ESPs appointed or available	128	128	130