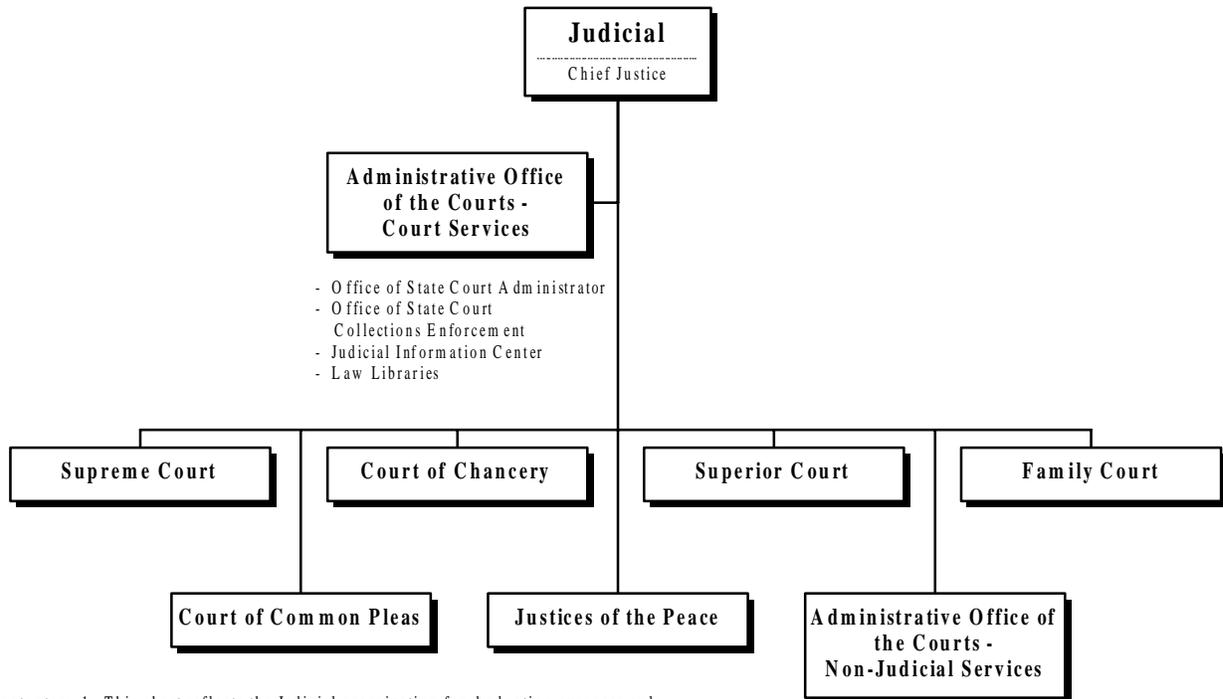


JUDICIAL

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Footnotes: 1. 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.

2. Administrative Office of the Courts - Court Services and Administrative Office of the Courts - Non-Judicial Services report to Office of the State Court Administrator.

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

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 2001, 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.

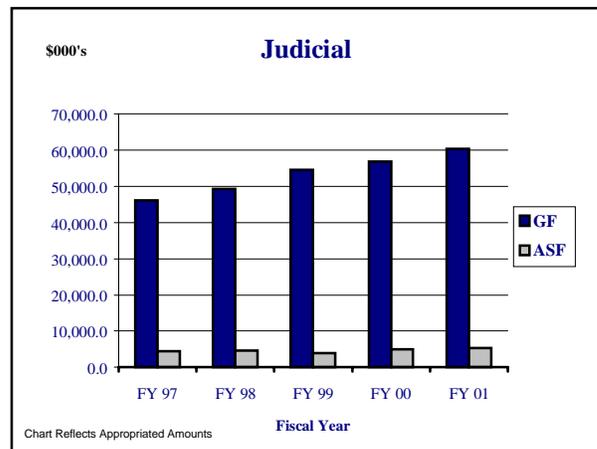


Chart Reflects Appropriated Amounts

BUDGET

	FY 1999 ACTUAL	FY 2000 BUDGET	FY 2001 GOV. REC.
GF	54,511.5	56,821.5	60,399.1
ASF	3,838.6	5,016.8	5,282.1
TOTAL	58,350.1	61,838.3	65,681.2

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POSITIONS

	FY 1999 ACTUAL	FY 2000 BUDGET	FY 2001 GOV. REC.
GF	987.0	1,024.5	1,037.5
ASF	71.0	73.0	73.0
NSF	24.1	22.9	25.2
TOTAL	1,082.1	1,120.4	1,135.7

FY 2001 BUDGET HIGHLIGHTS

OPERATING BUDGET:

- ◆ Base adjustments include \$311.4 in personnel costs for the Court of Common Pleas to annualize salaries of two new judges (for Kent and Sussex counties) and eight associated support staff. Also included is \$37.2 ASF to annualize two Court Clerks appropriated to assist with the collection of about five million dollars in unpaid restitution, fees and fines inherited from the merger of Wilmington's Municipal Court into the state court system.
- ◆ Base adjustments include \$371.9 in personnel costs for the Family Court to annualize salaries of two new judges (for Kent and Sussex counties) and eight associated support staff, six Case Managers for Automated Sentencing Order Project and one CASA Coordinator for Kent County. Also recommend (\$93.8) ASF to remove one-time ASF funding appropriated in Fiscal Year 2000 for technology from base budget.
- ◆ Recommend enhancement of \$215.5 in personnel costs and 5.0 FTEs (one Database Manager, one System Operator and three Case Managers) and \$15.0 in operating costs for Superior Court for positions funded by expiring U.S. Department of Justice, Bureau of Justice Assistance Drug Court Grant Program. The technical positions are responsible for maintaining the Drug Court Information System, a centralized database for the Court, the Department of Correction (Probation and Parole), the Department of Health and Social Services (Treatment Access Center), and substance abuse treatment providers. The Case Managers perform Drug Court case management duties in each county. This requires an adjustment of (5.0) NSF FTEs.
- ◆ Recommend enhancement of \$98.4 in personnel costs and 4.0 FTE Court Clerks for the Court of Common Pleas to handle the increased caseloads statewide and to augment current efforts to move more cases through to disposition faster and avoid case backlogs. Also recommend one-time funding

of \$12.4 in Budget Office's Contingency for office furniture and equipment for recommended positions and \$2.4 for electronic cash register to improve and maintain control, accuracy and security of the Court's collections operation.

- ◆ Recommend enhancements of \$26.7 in personnel costs and 1.0 FTE Staff Attorney/Filing Examiner and \$13.9 and \$4.7 ASF in operating costs in Family Court for reviewing the legal consistency with statutes and rules of civil filings from pro se (self-represented) litigants to avoid delays in disposing of cases due to faulty paperwork. Almost three-quarters of the Court's civil litigants are self-represented. This Staff Attorney/Filing Examiner would not provide legal advice to litigants. This position is part of the Pro Se Program (to be piloted in Kent County), to improve public access to the Court and its proceedings. Also recommend one-time funding of \$12.0 in Budget Office's Contingency for office furniture and equipment and computer for recommended position and \$16.4 and \$5.5 ASF for supplies and equipment for the Pro Se Center.
- ◆ Recommend enhancements of \$35.0 in the Office of the State Court Administrator's Family Court Civil Attorney line to raise the \$500 per case maximum fee contract attorneys earn for civil cases in Family Court to the \$2000 per case maximum fee contract attorneys currently earn for criminal cases and \$44.4 to provide legal representation to indigent parents in actions of dependency and neglect that commence with the removal of the child(ren) from the parental home and termination of parental rights proceedings. The provision of such representation early in the process will help indigent parents understand the proceedings and help resolve the situation faster so the legal status of the children can be quickly finalized.
- ◆ Recommend enhancements of \$141.5 in personnel costs and 3.0 FTEs (one Telecommunications Network Technician IV and two Telecommunications Network Technician II) and \$3.0 in supplies and materials for the Judicial Information Center for network and information systems support in the field and at the Help Desk. Currently, the staff manages and supports 30 local area networks across the state with over 1,000 personal computers and users. These positions will help support and upgrade the information systems infrastructure, reduce down time, improve communications with users and increase user

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satisfaction. Also recommend one-time funding of \$40.0 and \$30.0 in Budget Office's Contingency for software, furniture and computers for recommended positions.

- ◆ Recommend enhancement of \$200.0 in capital outlay for the Judicial Information Center for lifecycle replacement of computer hardware and related equipment so that the upgrade of these items meets advancements in technology and the replacement can be done on an annual basis. Also recommend one-time funding of \$110.9 in Budget Office's Contingency for additional lifecycle replacement computers and related equipment.
- ◆ Recommend enhancement of \$86.0 in contractual services for rental of Family Court's New Castle County administrative offices in First Federal Plaza.
- ◆ Recommend enhancement of \$83.4 ASF in contractual services for the Supreme Court for increased spending authority to cover the costs associated with handling additional complaints against attorneys filed with the Board on Professional Responsibility and the Office of the Disciplinary Counsel.
- ◆ Recommend inflation adjustments of \$53.3 and \$17.8 ASF in contractual services for Family Court for after business hours security at all three Family Court courthouses to restrict after hours access to courthouses, supervise the activities of cleaning crews and to protect the safety of employees who continue to work after business hours.
- ◆ Recommend inflation adjustment of \$55.0 in Conflict Attorneys line for the Office of the State Court Administrator for an additional contractual attorney for the Court Appointed Attorney Program in Sussex County where the number of appeals and conflicts with the Office of the Public Defender has increased scheduling problems and delays.
- ◆ Recommend one-time funding of \$30.0 in Budget Office's Contingency for Superior Court for election year (2000) Board of Canvass expenses.
- ◆ Recommend one-time funding of \$147.5 in Budget Office's Contingency and one-time \$52.9 ASF for Family Court for court security door locks (card access) and alarms, court security closed circuit television system for monitoring records areas, replacement of outdated court security metal detectors; and 800 MHz radios for court security personnel.
- ◆ Recommend structural change transferring (\$80.0) in contractual services from the Office of the State Court Administrator (02-17-01) to the Superior Court (02-03-10) to cover the costs of renting a courtroom in One Rodney Square (Wilmington). Also recommend structural change transferring \$17.1 in Family Court Civil Attorney line from Family Court (02-08-10) to the Office of the State Court Administrator (02-17-01) to centralize contractual attorney funds for contractual attorneys appearing in Family Court proceedings.

CAPITAL BUDGET:

- ◆ Recommend \$32,043.0 for third year construction funding of a new New Castle County Judicial Center. This new facility will allow a single location to provide for more efficient services to the court system, better service to citizens and swifter justice for those appear in the courts.
- ◆ Recommend \$3,000.0 for second year funding for the acquisition of the Kent County Courthouse and for the planning, design and architectural costs for an addition to the Courthouse.
- ◆ Recommend \$250.0 to supplement the Minor Capital Improvements and Equipment Program.

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SUPREME COURT

02-01-00

MISSION

The Delaware Supreme Court endeavors to:

- Provide an efficient mechanism for the prompt, fair and legally correct disposition of cases on appeal and on original applications.
- Regulate the practice of law through various committees appointed by the Supreme Court.
- Establish statewide goals and implement appropriate policies for judicial administration and for support operations.
- Supervise other State courts, pursuant to the Chief Justice's authority under Article IV, Section 11 of the Delaware Constitution.

KEY OBJECTIVES

Over the Fiscal Year 2001 – Fiscal Year 2003 period, the Court expects to accomplish the following:

- Continue to render final dispositions in most cases within 90 days from the under advisement date to the final decision date.
- Continue to regulate the practice of law in Delaware.

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 state court administrator of the Administrative Office of the Courts to manage the non-judicial aspects of court administration.

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 one hundred 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.

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. Matters heard by the Board on Professional Responsibility are subject to review by the Delaware Supreme Court.

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

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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.

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.

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 1999 ACTUAL	FY 2000 BUDGET	FY 2001 GOV. REC.
GF	2,114.6	2,077.7	2,126.1
ASF	52.2	65.5	149.4
TOTAL	2,166.8	2,143.2	2,275.5

POSITIONS

	FY 1999 ACTUAL	FY 2000 BUDGET	FY 2001 GOV. REC.
GF	26.0	26.0	26.0
ASF	--	--	--
NSF	11.3	11.3	11.3
TOTAL	37.3	37.3	37.3

SUPREME COURT

02-01-10

ACTIVITIES

- Disposition of appeals.
- Monitoring of time schedules.
- Disposition of complaints against judicial officers appointed by the Governor.

PERFORMANCE MEASURES

	FY 1999 Actual	FY 2000 Budget	FY 2001 Gov. Rec.
Average # days from Under Advisement Date to Final Decision Date			
Criminal	32.3	30.0	30.0
Civil	31.7	30.0	30.0
Average # Days from Initial Filing to Final Decision Date			
Criminal	233.5	231.3	225.1
Civil	175.9	169.3	165.1
% of cases disposed within 30 days of date of submission	71.4	71.4	71.4

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 to take the Bar Examinations.
- Commission on Continuing Legal Education
 - Processing of lawyer compliance affidavits.
 - Evaluating CLE programs.

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PERFORMANCE MEASURES

Office Disciplinary Counsel and Board on Professional Responsibility

	FY 1999 Actual	FY 2000 Budget	FY 2001 Gov. Rec.
Average # days from Under Advisement Date to Final Decision Date	19.2	16.8	16.0

Lawyers' Fund for Client Protection

	FY 1999 Actual	FY 2000 Budget	FY 2001 Gov. Rec.
# of claims	68	66	66

Board of Bar Examiners

	FY 1999 Actual	FY 2000 Budget	FY 2001 Gov. Rec.
# of applicants processed	190	200	208

Commission on Continuing Legal Education

	FY 1999 Actual	FY 2000 Budget	FY 2001 Gov. Rec.
# of affidavits processed	1022	1035	1048

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

- To maintain and enhance the Court's reputation for excellence in judicial work.
- To maintain and enhance the Court's automated capability to handle its workload.

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.

It should be noted that many areas of the Court's work are handled by the Master in Chancery, who holds evidentiary hearings and writes opinions ("Reports") chiefly in areas of the Court's jurisdiction (such as wills, estates, real estate and guardianships) other than corporate law. These matters are assigned to the Master by the Chancellor and parties have a right to appeal to a

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judge in all instances if they so choose. In fact, such appeals are relatively rare. If it were not for the use the Court has made of this position, the burdens on the time of the Chancellor and the Vice Chancellors would be significantly greater because the nature of the cases assigned to the Master in Chancery is such that they are very time consuming.

The number of new filings for the past three fiscal years are larger than for preceding years because the numbers were calculated differently. In the past, the number given was for traditional litigation, that is, where one person or corporation sues another (referred to as "civil actions"). The present calculation also uses the number of civil miscellaneous cases filed each year. Civil miscellaneous cases are guardianships, partitions of real estate, and certain trust matters. Each new civil miscellaneous filing is a new case, just as the litigation filings are new cases, and each one results in a hearing, whether a short one that can be handled routinely or a full trial that may last several days. By adding in the number of civil miscellaneous filings, a fairer and more accurate picture of the demands placed on the Court can be given.

The Court has made significant progress in the last year in implementing technology. The video-conferencing project approved by the General Assembly has been operational since July 1998. It allows judges to conduct conferences and some hearings with lawyers from around the country as well as from other areas of Delaware. This is time saving and makes the State of Delaware a more attractive place to do business as well as making it competitive with other states. In addition, the Court is working with professors at Delaware Law School of Widener University to develop procedures for electronic filing of documents and to make the Court's decisions available the same way. This project is expected to make the Court more accessible to the business community of the world and by saving paper it will not only help the environment, but will allow the Court's need for storage of records to grow at a slower rate than would otherwise be true.

BUDGET

	FY 1999 ACTUAL	FY 2000 BUDGET	FY 2001 GOV. REC.
GF	1,967.5	2,005.3	2,052.9
ASF	--	--	--
TOTAL	1,967.5	2,005.3	2,052.9

POSITIONS

	FY 1999 ACTUAL	FY 2000 BUDGET	FY 2001 GOV. REC.
GF	26.0	26.0	26.0
ASF	--	--	--
NSF	--	--	--
TOTAL	26.0	26.0	26.0

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

	FY 1999 Actual	FY 2000 Budget	FY 2001 Gov. Rec.
% decisions rendered within a period of 90 days after readiness for adjudication	90	90	90
# matters filed	2000	2000	2000

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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 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 2001, 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 that 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.

Environmental Scan

The Superior Court is Delaware's court of general jurisdiction. The court's jurisdiction includes:

- criminal felony cases;
- all civil cases where the claim exceeds \$100,000 and those under \$100,000 where a jury trial is demanded;
- appeals arising from the decisions of more than 50 boards and commissions;
- appeals from the Court of Common Pleas; and
- applications for extraordinary writs, such as habeas corpus and mandamus.

BACKGROUND AND ACCOMPLISHMENTS

The nationally known Drug Court continues to set the example for visitors from around the nation and beyond that teamwork between treatment professionals and the criminal justice system works. The first statewide Drug Court in the country, has completed its fifth full year of operation. More than 750 drug involved criminal defendants have graduated. The Court continued its efforts to find new ways to increase the amount collected of restitution owed to victims of crime as well as the collection of fines, costs and other criminal assessments. In cooperation with the Division of Audit and Recovery of the Department of Health and Social Services, the Court has instituted a Contempt Hearings process for clients from the program during the last two years. All graduates, some who have been hard core drug users for many years, have tested negative for a minimum period of six months and have successfully completed other program requirements to become eligible for graduation. The Court intends to push the effort forward to reduce crime, recidivism and the need to incarcerate.

The Court has constructed an experimental, high-tech, state-of-the-art courtroom using rented space adjacent to the Herrmann Courthouse. Known as the "e-Courtroom", it is the result of a joint venture between the Court, the Delaware State Bar Association and

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Ameristar, a private sector supplier of digital hardware. This project is providing many important lessons in courtroom design for the new New Castle County courthouse.

Real-time reporting, which is comparable to closed captioning on television, is a major advance in the field of court reporting. This technology is in daily use to assist the hearing impaired. This technology allows Judges to mark testimony for future reference and it expedites transcript preparation.

A digital recording system has been installed in one courtroom in each county to record proceedings for which a transcript request is unlikely. It allows judges to review the record at their desks on our computer network and enhances accurate data entry of case information outside the courtroom.

A barcode-based file labeling and tracking system has been installed in each Prothonotary Office. File labels are generated using system data and are affixed by machine, instead of by hand.

The Court is involved in two major automation projects which will increase efficiency of operations. The Automated Sentence Order Project (ASOP) and the Drug Court Information System (DCIS), both will come online in Fiscal Year 2000.

The Court has instituted hearings to intercept money seized by police departments. This money is subject to forfeiture. Forfeited money is then diverted to the payment of restitution and other criminal assessments. This initiative has been a cooperative effort between the Court and the Department of Justice.

Meanwhile, the tax intercept system, which was established several years ago in cooperation with the Department of Finance, continues to produce benefits. The system identifies people who are due a State of Delaware tax refund and who also have outstanding fines, costs or restitution obligations. This program has generated \$200,000 per year for the last three years. With this success comes a heavy workload, however. During 1999 alone, the Court will process 1400 intercepts, more than 100 appeals and conduct 25 formal appeal hearings.

Enforcement of the Court's orders is essential to the administration of justice. This includes sentence orders which provide specific conditions of probation. For two years now the Court has participated in Operation Safe Streets, where probation officers accompany police

officers during evening patrols of high crime/drug use areas in search of probationers who are violating curfews or other conditions of their probation. This program has been widely credited for a substantial reduction in the number of shootings in Wilmington. Operation Safe Streets was expanded to Kent and Sussex counties during Fiscal Year 1999.

The Court continues to recognize the importance of Alternative Dispute Resolution (ADR) as a process less formal than the courtroom to resolve certain disputes quickly and on a cost-effective basis. As part of the long-term commitment to the use of ADR, the Court enforces both mandatory arbitration and mediation which have resolved many cases without the need for a trial.

The hard work of many individuals is responsible for these many accomplishments and the daily administration of justice in Delaware's major criminal and civil cases. The Court looks forward to the challenges of the next millennium with a focus on the consumers of services and a steady determination to build on success.

BUDGET

	FY 1999 ACTUAL	FY 2000 BUDGET	FY 2001 GOV. REC.
GF	14,568.6	15,135.9	15,932.5
ASF	--	--	--
TOTAL	14,568.6	15,135.9	15,932.5

POSITIONS

	FY 1999 ACTUAL	FY 2000 BUDGET	FY 2001 GOV. REC.
GF	281.0	281.0	286.0
ASF	--	--	--
NSF	10.0	7.0	4.0
TOTAL	291.0	288.0	290.0

SUPERIOR COURT 02-03-10

ACTIVITIES

- Hear criminal cases.
- Hear civil cases.
- Hear administrative agency appeal cases.
- Hear involuntary commitment cases.
- Conduct jury operations.
- Conduct pre-sentence investigations.
- Hold alternative dispute resolution.
- Perform administrative tasks.

JUDICIAL

02-00-00

PERFORMANCE MEASURES

- Compliance rate with Chief Justice's Speedy Trial Directive for criminal cases.
- Compliance rate with ABA civil disposition standards.
- Percentage compliance with 40-day arbitration hearing requirement.
- Drug Court graduations.
- Number of hearings conducted to collect unpaid financial obligations.

PERFORMANCE MEASURES

	FY 1999 Actual	FY 2000 Budget	FY 2001 Gov. Rec.
% criminal dispositions within Chief Justice disposition standards	50.3	52	55
% civil dispositions within ABA disposition standards	72.3	75	78

COURT OF COMMON PLEAS

02-06-00

MISSION

The Court of Common Pleas is dedicated to the principle of equal and timely access to justice so that all individuals are treated with integrity, honesty, equality, respect for the rule of law and the rights of all.

KEY OBJECTIVES

- Adjudicate cases fairly and with integrity.
- Dispose of cases more efficiently.
- Reduce delay in bringing cases to trial.
- Improve service to the citizens of the State.
- Provide a safe, accessible and secure environment for the citizens of the State.
- Responsibly use and account for public resources.
- Respond effectively to changing conditions.

BACKGROUND AND ACCOMPLISHMENTS

The Court of Common Pleas has jurisdiction over:

- All misdemeanors except certain drug-related crimes.
- Preliminary hearings in all felony cases.
- Traffic offenses.
- Civil cases where the amount in controversy does not exceed \$50,000 on the complaint.
- Civil and criminal appeals from the Justice of the Peace Courts.
- Criminal appeals from Alderman's Court.
- Appeals from the Division of Motor Vehicles in license suspensions.

The Court receives most of its criminal caseload from the Justice of the Peace Courts. A small percentage of filings are received from the Alderman's Courts. Approximately three percent of filings are received directly from the Attorney General.

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

JUDICIAL

02-00-00

The Court has nine authorized judgeships. Five Judges sit in New Castle County, two in Kent County, and two in Sussex County. The Court also has two Court Commissioners, quasi-Judicial positions, one in New Castle County, and one shared between Kent and Sussex counties.

The Commission on 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.

Effective May 1, 1998, the Municipal Court merged with the Court of Common Pleas, doubling the Court's caseload. The 1995 increased jurisdiction, coupled with the impact of the merger, placed a considerable burden on the Court's resources. This has resulted in increased cost to the State for overtime and casual and seasonal help, as well as the development of a case backlog.

In 1997, the Court began its strategic planning effort by adopting the Trial Court Performance Standards. Judges and staff have been implementing a series of action plans designed to evaluate the Court's delivery of service, to assess the Court's performance, and to structure its future planning efforts. Improving access to justice and insuring equality, fairness and integrity are important elements of the Court's three-year plan.

In 1998, the National Center for State Courts conducted an operations assessment of the Court's Clerks' Offices and provided the Court with a series of recommendations also designed to improve the Court's delivery of service to the public.

BUDGET

	FY 1999 ACTUAL	FY 2000 BUDGET	FY 2001 GOV. REC.
GF	5,196.8	5,597.7	6,203.8
ASF	--	30.7	70.0
TOTAL	5,196.8	5,628.4	6,273.8

POSITIONS

	FY 1999 ACTUAL	FY 2000 BUDGET	FY 2001 GOV. REC.
GF	108.0	118.0	122.0
ASF	--	2.0	2.0
NSF	--	--	--
TOTAL	108.0	120.0	124.0

COURT OF COMMON PLEAS

02-06-10

ACTIVITIES

- Courtroom activities;
- Case processing activities;
- Accounting and collections activities;
- Court security;
- Automation; and
- Statewide court operations management.

PERFORMANCE MEASURES

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

Performance Measure 1 shows criminal case filings, dispositions, cases pending, and revenue collections for the Statewide Court. As can be seen in the table, the Court was largely able to keep pace with its caseload through Fiscal Year 1995, when the disposition rate was relatively flat. The drop in dispositions and collections in Fiscal Year 1996 was attributable to the 1995 increase in jurisdiction and was 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 managed to keep pace with its incoming caseload. At the same time, collection numbers began to rise, attributable both to caseload increases and the implementation of an automated financial system throughout the State. Collections in Fiscal Year 1998 and 1999 continued to rise, but the lag in the disposition rate in those years is a result of the dramatic caseload increases throughout the State and the Municipal Court merger in New Castle County.

Performance Measure 1

Criminal Case Filings and Dispositions

Fiscal Year	Criminal			\$ Amount	
	Misd. Filings	Criminal Dispositions	Criminal Pending	Criminal Collected	
1995	53,371	54,573	10,690	2,255.9	
1996	63,303	54,038	17,489	2,002.2	
1997	82,767	84,359	17,141	2,570.3	
1998	95,915	89,382	24,555	2,992.9	
1999	110,199	107,910	31,874	3,348.0	

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Performance Measure 2 shows the time from transfer for arraignment to disposition by case type in New Castle County. The time from transfer for arraignment to trial shows the impact of the huge caseload increase in the last year. Until Fiscal Year 1995, the average time from transfer for arraignment to trial for most cases was four weeks. The impact of the 1995 jurisdiction increases doubled that time. In the last year, the numbers increased dramatically as a consequence of huge caseload increases and the merger with the Municipal Court.

Performance Measure 2

Time from Arraignment to Trial by Case Type

Case Type	Number of Weeks			
	9/97	7/98	10/98	10/99
Suspension/Insurance	7	13	16	23
Other Non-Jury	7	15	18	20
Drive Under Influence	11	8	16	27
Domestic Violence	8	13	20	20
Drug	--	6	13	20
Jury Trial	13	17	25	20

Performance Measure 3 shows a comparison of Court's expenditures for overtime and casual and seasonal services for the past five years. A comparison of the expenditures for overtime and casual and seasonal services for the past five years highlights the Court's need for additional staff resources. The dramatic increases are a reflection of the large caseload increases and the lack of adequate staff to handle the increasing demands of case processing.

Performance Measure 3

Expenditures for Additional Staff Assistance

Fiscal Year	Casual/Seasonal	
	l	Overtime
1995	\$50.4	\$11.8
1996	\$43.2	\$24.0
1997	\$50.1	\$33.5
1998	\$64.7	\$47.5
1999	\$98.1	\$91.5

Performance Measure 4 shows the average length of time from answer to disposition for civil cases filed in 1996, 1997 and 1998. Until 1995, the Court of Common Pleas was able to dispose of the majority of its civil cases within six to eight months. With the increase in jurisdiction and complexity of caseload in 1995, the time from answer to disposition increased in New Castle County. In Kent and Sussex counties fewer cases go to trial. Additional staff resources were also assigned to civil cases in those counties, which resulted in the increase in dispositions between 1996 and 1998.

Performance Measure 4

Civil Case Dispositions

Fiscal Year	New Castle	Kent	Sussex
1996	12.2	5.5	7.3
1997	12.5	4.3	2.8
1998	13.9	3.0	2.3

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FAMILY COURT

02-08-00

MISSION

The Family Court's mission is formally spelled out in 10 Delaware Code § 902(a):

"To provide for each person coming under its jurisdiction such control, care, and treatment as will best serve the interests of the public, the family, and the offender, to the end that the home will, if possible, remain unbroken and the family members will recognize and discharge their legal and moral responsibilities to the public and to one another."

For purposes of further explaining its role within the legal community, a less informal mission statement has often been used:

"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

- Improve the access to the Court for all citizens with an emphasis on those who elect to represent themselves.
- Reduce the time from filing to disposition through the earliest possible review of civil filing by law trained personnel.
- Minimize all threats to the security of the public, participants, employees, commissioners, and judges as well as all records of the Court's proceedings.
- Provide appropriate legal representation to all parties in civil matters where due process dictates representation.
- Provide greater access to judges for the most critical and complex litigation.

- Provide all judicial officers and staff with immediate access to information on all civil and criminal matters pending before the Court.
- Comply with the standards for all civil and criminal matters set by the Supreme Court and the Chief Judge of Family Court.
- Establish a staffing level for every criminal courtroom that provides for the security of the participants and the management of the court's calendars.

BACKGROUND AND ACCOMPLISHMENTS

The primary goal of the Family Court is to provide litigants with a forum in which the most private, sensitive, and emotionally charged matters may be resolved in accordance with the law and the principles of equity. Further, for the Court to best serve the citizens of Delaware, there must be access to justice in a timely fashion without unnecessary delays. Finally, the Court has an obligation to make maximum use of the resources provided by the citizens through the budgetary process and ensure that those resources are used efficiently and productively.

In 1999, the Family Court will have brought to conclusion several long-term planning efforts and seen the finalization of an in-depth study by management consultants. Included are:

- Committee on Internal Operating Procedures
- Trial Court Performance Standards Committee
 - Subcommittee on Expedition and Timeliness
 - Subcommittee on Public Trust and Confidence
 - Subcommittee on Public Access
- Study by Phoenix Governmental Services on court security

Additionally, the Court's own staff-based quality improvement program known as Courting Quality has continued to focus on improvements which can be made in the way that staff interacts with the public.

Each committee or study had a separate and distinct focus, but there are several themes that are interwoven throughout the findings:

- Citizens have a right to have their legal matters settled in a reasonable amount of time at reasonable cost and without unnecessary delays.

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- The majority of litigants are self represented and present a unique challenge to those charged with applying laws and enforcing the rules of procedures.
- The public's trust in Family Court, absent a formal survey, is seemingly less than is acceptable and requires a proactive effort to engender optimum levels of public confidence.
- The public deserves speedy access, but speed must never be achieved at the expense of justice itself.
- Staff, procedures, policies, and facilities must convey an image appropriate to a court of law while providing citizens with a forum that is accessible, dignified and secure.
- The independence and autonomy of the judge in decision making must be protected from all outside interference but judicial officers must partake in constant self-evaluation against standards to ensure accountability.
- Improvements in processing and disposing of cases can be made through some internal efficiencies but will require new resources to keep pace with the changes in caseload, workload complexity, and new statutory and/or regulatory requirements.

For these past several years, the efforts of these committees have guided much of the Courts planning. As the Court approaches the year 2000, it is, as a result of this soul searching, far better prepared to serve the citizens of Delaware. In order to achieve the goals and objectives established through these processes, the Court has three primary areas of focus:

- Programs for the Self Represented Litigants
- Security
- Court Appointed and Contract Attorneys

Programs for Self Represented Litigants

Historically, many people associated the self-represented litigant with persons who were unable to afford legal assistance. The American Bar Association in its report of 1994 found that this was not the case and in fact, most pro se litigants are able to afford counsel but make an election to self represent. This is very important in that it changes the primary focus of any effort to address the needs of these litigants. Instead of focusing on assisting indigent persons with access to legal counsel, any effort that wishes to be successful must focus first on providing the self-represented litigant with meaningful information.

This is not to say that the Court is looking to develop just pamphlets and brochures. While they play a role,

the Court's goal is to develop a systematic way of dealing with the litigant who elects not to have an attorney.

In child support cases, any person seeking support can, for a very nominal fee (currently \$25), be represented by the Division of Child Support Enforcement and hence the Department of Justice in all related proceedings. Therefore, most people seeking support are represented by counsel. Excluding those cases, as sample of litigants shows:

- 74.2 percent of all civil filings were made by the self represented;
- only 14.6 percent of all civil cases were filed by private attorneys;
- 64.2 percent of the petitioners and 78.8 percent of respondents appeared without attorneys at hearings;
- in criminal matters 55.2 percent of adults and 52.0 percent of juveniles appeared pro se;
- private attorneys appeared in only 12.0 percent of the criminal/delinquency cases.

The laws in our society are complex and understanding them as well as court rules and procedures can be difficult for anyone without legal training. As they try to navigate the system, they present the court with numerous challenges.

To remedy the current situation, the Court is proposing:

- to conduct a survey to assess the levels of the public's trust and confidence for benchmarking and guidance;
- to acquire law trained staff to screen out problem cases before they drain the court's resources;
- to establish three centers over a three-year period and the development of user friendly materials.

Public Trust and Confidence Assessment

The Family Court has been the subject of much discussion within the community for a number of years. Criticisms seem fairly common but an analysis of formal complaints indicates that only a very small minority of litigants file complaints. Despite public comments to the contrary, the Court's record on appeal is equal to that of any court. Most complaints that are received, upon investigation prove to be misunderstandings of the law, procedures, or instructions.

The rulings of any court depend on the level of trust or confidence the public has in that court. In an effort to provide a benchmark by which all of the Court's efforts

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to assist self represented litigants and the public in general can be measured, the Court seeks to conduct an assessment of the current levels of trust and confidence. This will enable the Court to focus its attention on areas in the greatest need of improvement. After careful consideration and dialog with the other courts, it was determined that the best approach would be for the assessment to be done for all courts with a particular focus on the Family Court.

Law Trained Filing Examiners

In each study and committee much attention was focused on the difficulties created when non-law trained people prepare and file legal documents with the court. The following impacts have been noted:

- the actual filing is often inappropriate, non-compliant, or insufficient;
- the litigant expects to be given “how to do it” advice from court personnel which quickly becomes “what should I do” advice;
- litigants and employees are often frustrated by the phrase “I can’t give legal advice” and the image of poor customer service that it sends;
- the faulty paperwork can result in delays for the petitioner when the petitioner finally gets a hearing only to be told the filing was incorrect and they will have to start the process again;
- faulty filings, once scheduled, consume valuable calendar slots that could have been used for those cases which are ready to proceed;
- judges, commissioners, staff, and most importantly the litigants get frustrated with the time wasted as these filings are received, processed, scheduled and ultimately dismissed.

All studies of this dilemma have indicated a need for resources trained in the law to provide for early intervention to catch the faulty filing and halt processing while the litigant is permitted the opportunity to re-file correctly. These resources would review all filings for sufficiency only after they have formally been filed with the Clerk of the Court. The merits of the filing would not be the subject of any review, only whether the filing is consistent with statute and rules. If the filing is thought to be non-compliant, processing would stop, and after a process involving judicial review, the filing would either be accepted for further processing or returned to the litigant. The litigant can then proceed to re-file and correct all errors and eliminate the time currently wasted by litigants, staff, commissioners, and judges as all wait for a case that is fatally doomed to finally have a hearing.

Public Access Materials

During 1999 the Court took several noteworthy steps in its efforts to enhance the public's access and in particular the access to information by the litigant without a lawyer:

- a website was created with the self represented litigant as its target audience to provide:
 - forms;
 - generalized instructions; and
 - answers to frequently asked questions.
- a position was dedicated to direct the development of a systematic approach to serving these litigants.
- the Chief Judge issued a directive establishing a committee with community representation to advise and assist in the program's development.
- the Court continues to meet with representatives of the legal community in the form of the Bar, Community Legal Aid, Delaware Volunteer Legal Services, Widener University, and other legal services groups.
- the Court contracted with Community Legal Aid and is in the process of making its instructions for all divorce, termination of parental rights, and adoptions forms litigant friendly.
- the videos have sold out and have been re-stocked.

In Fiscal Year 2001, the Court will be ready to go to the next level. Beginning in Kent County, the court will open a center for public access where all information services will be centralized. It will consist of materials that will enable a self-represented litigant to better understand:

- what the legal requirements are for the resolution of their issue;
- what the rules and procedures are that must be followed;
- what forms must be used and how they must be completed; and
- what an order means.

The materials to be provided are planned to be available through a number of formats:

- print;
- internet access;
- video/audio; and
- group presentations.

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The revision of existing materials and the preparation of new ones are no small task. Currently, there are over 350 forms in use in this court. Drafting instructions for the existing forms is the first order of business but ultimately, the forms themselves will require some attention.

Although a center will open only in Kent County during Fiscal Year 2001, it is the intention to follow with a site in Sussex County (Fiscal Year 2002) and New Castle County (Fiscal Year 2003).

Security

The level of security that is provided to the citizens of Delaware who come to any of the Family Court sites is woefully inadequate. For Fiscal Year 2000 the Court has been fortunate to receive some relief through increased funding for Capitol Police Officers in both Kent and Sussex counties. Through MCI funding, the Court will be installing X-ray equipment in both of those counties in the months ahead.

Several 1999 examples can serve to remind everyone of the dangers inherent in this Court's caseload:

- on Valentine's Day, a Sussex County litigant, who faced the termination of his parental rights, knocked on the door of a judge's rurally situated residence wanting to discuss the case;
- in October, a gentleman who had a case pending in Wilmington, committed suicide the night before a hearing;
- in October, a gentleman, who had a PFA (Protection From Abuse) hearing scheduled, abducted and raped his wife and committed suicide during a showdown with Dover police.

Violence and/or the threat of violence are ever present in the Court's caseload and subsequently, in the courthouse.

Court Security Officers

In the study conducted by Phoenix Governmental Services, the analysts pointed out that there was no armed security assigned to the courthouses on a regular basis. As noted above, this should be remedied for Kent and Sussex counties in Fiscal Year 2000.

Court Security (Other)

Additionally, the nature of the caseload requires that the Court also maintain a heightened level of security for all of the files maintained in the Court. Most of the Court's civil files are confidential and some, such as adoption records, are maintained under high security conditions.

In 1999, the Court installed closed circuit television systems (CCTV) in all three locations to monitor public activity in the records areas. When litigants come in to view their files, staff are required to monitor the viewing so that the official record may not be stolen, defaced, or altered. If the area were very busy, as it often is in New Castle, this would mean asking litigants to wait in line for hours. Staff, in an attempt to improve customer service, has tried to monitor several people at the same time, but security lapses with each customer beyond the first. In fact, there is a tremendous fear of the potential damage that could be done to files that are essential to the litigants and the courts and cannot be replaced or recreated.

Keeping in mind the nature of the caseload and the confidentiality of much of the files, it makes very little sense to be lax in securing these facilities after normal business hours but while non-court personnel are in the facility.

Court Appointed and Contract Attorney Program

There are three components to the plan designed to provide legal counsel to those persons entitled to representation in Family Court's civil proceedings:

- shift responsibility for the payment of all cost of appointing counsel to the Administrative Office of the Courts.
- increase the presumed per case maximum in civil cases from \$500 to the same \$2,000 limit currently imposed on appointments in criminal cases.
- and hire three contract attorneys to provide legal services to indigent parents in actions of dependency and neglect.

The Court is of the opinion that the cost of paying for legal representation should be the responsibility of the Administrative Office of the courts. The latter is willing to accept that responsibility.

Currently, the Court pays appointed attorneys in civil matters, \$50 per hour with a presumed maximum of \$500. A lawyer involved in a significantly complex case stands to work numerous hours without compensation beyond the maximum of the ten hours currently funded. In criminal matters, the presumed maximum is \$2,000 and the Court now seeks to create parity between the two.

There is probably no more significant a decision than the one that has to be made by a judge when asked to determine if parental rights should be terminated. It is of increasing concern to the Court that in many of these

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cases, the facts presented at trial are the direct result of meetings and interview conducted between the parents and the staff of the Division of Family Services. These parents who are often without financial resources are unable to consult with attorneys and seek legal advice pertaining to their rights as parents until the matter is formally before the Court. In short, legal representation may come too late in the process.

Judicial Resources

Over the past year, the Court has been attempting to further analyze the need for judicial officers. Every person who presides over the hearings and trials of the Court's jurisdiction feels the weight of a caseload that has been increasing not only in numbers but in complexity and in the need for expedited outcomes. To furnish relief for Kent and Sussex counties, the Court requested and received two new judges and support staff in the Fiscal Year 2000 Budget Act.

During the past year, the Court has looked at New Castle County's situation very closely. At this time, the Court has determined that many of the changes proposed in the Court Improvement Project and the recommendations of the Internal Operating Procedures will produce a workload that will increase substantially as various pieces of the numerous recommendations are implemented.

Two examples of how the workload is and will be changing can be garnered from the following segments of changing caseloads.

- In New Castle County, the Juvenile Drug Court is fully operational. There are currently 135 active participants in the program. From all accounts, it is working extremely well. What is not reflected in the number of cases or participants is the workload involved. In a traditional criminal courtroom, sentencing ends the process. In the Drug Court, the judge, on a regularly scheduled basis, continues to monitor compliance. It is rewarding to the judicial officer, but it takes time that cannot be devoted elsewhere thereby requiring someone else to pick up that load.
- At the same time, the Court Improvement Project has made recommendations for sweeping changes in the way the Court deals with dependent and neglected children and their need for permanency in their family situation. The recommendations have been fully implemented in Sussex County and have resulted not only in additional hearings, but in additional work outside of the courtroom as the judge assumes a more active role in bringing these

cases to resolution. Additionally, the recommendations call for expedited processing which, again, moves another case that is not as high a priority to a later date.

In both of the above samples, the growth in the number of cases is relatively slight. But an analysis of the workload would show additional hours necessary for a judge to complete these extremely important tasks. The hours cannot be taken from other cases, nor can they simply be added into the work week.

Accomplishments

Information Systems: Criminal

The Family Court's Criminal Case Management System is scheduled for implementation on January 18, 2000. Training is underway. The Financial Management System, necessary to track the payment of fines, costs and restitution associated with criminal and delinquency matters, is awaiting prioritization before the Technology Policy Committee.

Information Systems: Civil

Automation is at the heart of improvements in child support case processing. In the Fiscal Year 1999 budget, \$93.6 was approved specifically for system enhancements related to welfare reform requirements. During the Fiscal Year 1999, good progress was made in completing projects which will make the Court more efficient and ensure compliance with federal mandates. The following is a report on the status of FAMIS III projects:

- File Tracking – Implementation is completed.
- Automated Docket – Implementation occurred late in Fiscal Year 1999. The transition from a manual to a fully automated docket is in progress.
- Income Withholding – Implementation of the automated income withholding function occurred in the summer of 1999. The associated interface with DCSE is partially implemented, and will be complete by January 1, 2000.
- Child Support Forms – Mainframe forms and associated automated functions are being developed to facilitate speedy issuance of orders and transfer of data elements required for federal and state case registries. Work on the design phase is in progress, and implementation is expected in the second half of Fiscal Year 2000.

Victim Safety

Each courthouse was equipped with an in-house paging system to prevent the need for victims to sit in close proximity to their alleged abusers. The system is available for every type of case in the Court.

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Court Improvement Project Implementation

Changes in processing Termination of Parental Rights cases reduced delay by up to seven months. Sussex County implemented a "model court" that ensures the same judge hears each stage of a case. Increased judicial oversight has increased the effectiveness of state services to children in foster care.

Court Appointed Special Advocate (CASA) Program Expansion

A grant from the National CASA Association permits expansion of the CASA program in Sussex County to serve as guardians *ad litem* for abused, neglected, and dependent children.

Other Funding

To reduce the burden of funding for the State, the Family Court has sought and received over \$1,000,000 in grants over the last four years. Grants currently in operation include the multi-year Court Improvement Project, Serious Juvenile Offender Accountability Project, Trial Court Performance Standards for Unified Family Courts, Sussex County CASA Program Expansion, and the Family Court/Justices of the Peace Courts Domestic Violence Specialist Program. 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 for the judicial branch.

BUDGET

	FY 1999 ACTUAL	FY 2000 BUDGET	FY 2001 GOV. REC.
GF	11,428.4	12,399.2	13,377.4
ASF	2,469.2	2,723.7	2,856.5
TOTAL	13,897.6	15,122.9	16,233.9

POSITIONS

	FY 1999 ACTUAL	FY 2000 BUDGET	FY 2001 GOV. REC.
GF	241.0	258.0	259.0
ASF	63.0	63.0	63.0
NSF	2.8	4.6	9.9
TOTAL	306.8	325.6	331.9

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 programs including those federally funded.

PERFORMANCE MEASURES

Number of Potential Litigants

	FY 1999 Actual	FY 2000 Budget	FY 2001 Gov. Rec.
# of litigants	82,000	82,000	82,000

Percentage of Cases that Comply with Standards

Activity and (Standards)*	FY 1999 Actual	FY 2000 Budget	FY 2001 Gov. Rec.
% Bail reviews detentioners- (1 day)	98	98	98
% Arrest to arraignment (10 days)	10	10	10
% Arrest to trial domestic violence cases (30 days)	40	40	40
% Arrest to trial-felony (45 days)	45	45	45
% Arrest to trial-misdemeanors (45 days)	35	35	35
% Arrest to trial-school offenses (30 days)	35	35	35
% PFA filings (10 days)	100	100	100
% PFA filings (30 days)	100	100	100
% Child support notice (90 days)	90	98	98

* Standards are stated in parenthesis.

- The number of potential litigants served by programs established for the self represented.
- The percentage of civil matters dismissed at the time of hearing or trial due to fatal filing errors.
- The percentage of indigent parents represented in dependency/neglect cases.
- The percentage of cases that adhere to standards of jurisdiction as established by the Court.
- The percentage of data inquiries that return all relevant information requested by judicial officers.
- The number of judicial officers who have access to case management personnel in their courtrooms.

*Data for above performance measures to be collected as soon as programs begin.

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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 Court 11 (New Castle) and Court 1 (Millsboro) by FY 2002.
- Increase security, with a priority on fully staffing JP Court 20, for the JP courts by increasing the number of shifts of court operation covered from 44 percent (87/197 shifts/week) in FY 2000 to 100 percent (197/197 shifts/week) in FY 2003.
- Allow the Court to cope with the increasing criminal caseload (21 percent) and associated workload and help avoid increased delays, specifically in the area of case processing.
- Provide for a more streamlined administrative office (AO), one which would better define the lines of communication between the AO and the various courts.

BACKGROUND AND ACCOMPLISHMENTS

Background

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

As early as the 1600's, Justices of the Peace were commissioned to handle minor civil and criminal cases. Along with a host of other duties, the administering of local government in the 17th and 18th Centuries on behalf of the English Crown was a primary duty of the Justices of the Peace. With the adoption of the State Constitution of 1792, the Justices of the Peace were stripped of their general administrative duties leaving them with minor civil and criminal jurisdiction.

Beginning in 1966, the Justices of the Peace were taken into the state Judicial system.

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 to hear:

- Criminal misdemeanor cases as listed in 11 Delaware Code §2702, and all criminal violations.
- 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 Justices of the Peace Courts have 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

The Justices of the Peace Courts 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.

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There are 19 Justice of the Peace Courts located in 15 court facilities. One court in each county is open 24 hours a day, 365 days a year. The Delaware Code authorizes 58 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 Justice of the Peace Courts are unique in that they are the only Delaware courts that employ Constables, a quasi-police force, charged with carrying out its judicial orders.

Accomplishments

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. The ongoing process develops 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. In February of 1998, the initial strategic planning process and document were finalized, containing several short-term objectives and one long-term objective. Action plans were developed for each and much has been accomplished during the past two years. The one long-term objective was to improve the infrastructure of the Court by increasing efficiency in the use of staff and resources. Towards that end, the Court received state and federal grant monies to have the National Center for State Courts (NCSC) conduct a study on how the Court currently does business with a focus on increasing efficiency in the use of staff and resources. The study resulted in four reports, with various recommendations. The NCSC also noted that the Court has begun some innovative and unique initiatives that are worthy of national attention. Specifically mentioned is the statewide videophone teleconferencing system, the criminal case processing system. The Court also holds annual assessment meetings that are designed to review and update its original long-range plan. Among the short-term objectives are: the development of upward mobility of the clerks; implementing a staff education program; improving internal communications and morale; providing information on court procedures to the public; implementation of judicial specialization; uniformity in procedures (criminal case management); develop and

implement records retention program; decrease waiting time in the lobby; and, provide ongoing customer service training.

With the end of Fiscal Year 1999, the Justices of the Peace Courts completed, or was on its way to completing, 89 percent of its Building Project, which was instituted in the mid 1980s, and reinvigorated in 1995. The purpose of the JP Court Building Project is to ensure that all Justices of the Peace Courts are located in dignified, secure and accessible facilities. In Fiscal Year 1999 the following building projects were accomplished:

- new JP Court 20 opened in downtown Wilmington in July 1998;
- JP Court 2 moved to a new location in Rehoboth Beach in August;
- JP Court 11 was expanded with the relocation of the JP Court Administrative Offices in December;
- JP Courts 7, 16 and the Voluntary Assessment Center (VAC) moved to a new state-owned facility in Dover in May 1999;
- JP Court 15 relocated to a new facility in North Wilmington, also in May; and
- negotiations continued for land between Harrington and Milford to implement the merger of JP Courts 5 and 6 into a 16-hour court facility.

Only JP Court 11 in New Castle and JP Court 1 in Millsboro remain in need of new facilities. The new facilities provide a safe and secure place for court staff to work and the public to use and enhance the Court's appearance of professionalism.

In addition to building construction and the coordination of the court moves, the Justices of the Peace Courts continued to focus on its strategic planning initiatives, including:

- the implementation of a training program for new clerks;
- work on an automated civil case management system;
- enhancement of internal communications by regular administrative visits to courts;
- adoption of uniforms for constables and the drafting of a constable handbook to enhance security and professionalism;
- work on the Court's records retention schedule; and
- the completion of internal reviews of the VAC, Administrative Office and Staffing Standards Analysis (on allocation of staff resources and resource needs), in conjunction with the National Center for State Courts.

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Significant strides were made in FY 1999 in the strategic goal of providing more public information, with the completion of a video and brochure on landlord/tenant (summary possession) procedures (funded by the State Justice Institute), efforts of the JP Court Speakers Bureau, and the development of a brochure on the Rules of Evidence and the Court's website. The adoption of Supreme Court Rule 57 resolved an on-going problem in the JP Court concerning whether corporations could appear in the 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 Civ. Form 50 (Certificate of Representation) with the Chief Magistrate and the Court, and comply with the other requirements of the Rule.

With the opening of the Truancy Court in Kent County in October 1998, the JP Truancy Court expanded to operate on a statewide basis. Following the Drug Court concept, the Truancy Court focuses on solving truancy issues with continued interaction with truant students and their parents and is strongly supported by visiting teachers and others involved with truancy problems. The Truancy Court Coordinator, a position that was created and filled in Fiscal Year 1999, coordinates the Truancy Court program statewide.

Although there was much positive progress in the Justice of the Peace Court in Fiscal Year 1999, the Court experienced difficulties adjusting to significant caseload increases, particularly in New Castle County. A significant contributing factor was the May 1998 merger of the Municipal Court in Wilmington with the JP Court and the Court of Common Pleas. The Court's criminal and traffic caseload increased in Fiscal Year 1999 by 58,503 cases, for a total of 340,585 criminal and traffic cases statewide (or a 21 percent increase from the previous year). New Castle County handled 30,756 more criminal and traffic cases than last year, representing a 38 percent increase from the previous year. The Court's overall caseload topped 371,000 cases in Fiscal Year 1999. Considering that J.P. Court 11, the 24-hour court in New Castle County, handled more than 50,000 cases itself in Fiscal Year 1999, it is not unexpected that difficulties would arise. To relieve the burden on Court 11 after hours, the Court received additional staff and judges for Fiscal Year 2000 to expand Court 20 to a 24-hour court.

Until now, the JP civil courts have functioned without access to an automated civil case management system

with which to manage their caseloads. The inefficiencies associated with locating "paperwork" for basic case information were significant. Over the past six years the Court has focused on having an automated system developed. After years of struggles, the Automated Civil Case Management implementation is now complete and all JP civil courts are online. Processing time has improved from days to hours for case initiation. The automation, coupled with user documentation and training, has led to more uniformity in processing and in the language used in data entry, along with more oversight of service. This program is especially significant because it is the first time that a Delaware court has created extensive user documentation for a case management system and the availability of statistical reports of case data.

Fiscal Year 2000 – Future

Included in the overall strategic plan are the following goals and key issues intended to help the Court address problems and move toward its vision for the future:

- Address Employee Concerns
 - Improve internal communications (Beyond Email and Administrative Newsletter).
 - Review of the Employee Recognition Program.
 - Outsource (where cost-effective and applicable).
 - Conduct Administrative Office Retreat.
 - Request supplemental increases for Deputy Chief Magistrates.
- Improve Customer Service to the Public
 - Decrease waiting time in the lobby of the courts.
 - Provide on-going customer service training.
 - Provide information on the Court to the public by establishing website.
 - Security coverage for all shifts.
- Ensure the Quality of Justice Provided by the Court
 - Continue to schedule court meetings on specific issues.
- Improve the Infrastructure of the Court
 - Devise plan to replace PCs and printers.

The general public has come to expect a certain level of service which can only be provided by adequate technological implementation and sufficient staff. The Justices of the Peace Court responds to high numbers of public inquiries and a huge caseload, representing approximately 70 percent of the total caseload of the Judiciary. To maintain acceptable standards of customer service, both for the public and other state and local agencies, the court must have highly trained staff and keep pace with technological advances in automation, networking and communications hardware and software,

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including efforts to develop electronic filing in civil cases. 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.

To improve the judicial system's efficiency and the quality of justice provided in the court, the criminal justice system should promote modifications to the Division of Motor Vehicle (DMV) point system and increase Attorney General representation in Justices 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).

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).

To review current criminal case management system to develop a plan of action for modernizing the criminal case management technology (moving towards a client-server system). The Court's current DELJIS system was implemented in 1991. Efforts should also be focused on eliminating data quality problems which presently exist and minimizing delays caused by a system based on transfer of paper documents between courts.

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

BUDGET

	FY 1999 ACTUAL	FY 2000 BUDGET	FY 2001 GOV. REC.
GF	11,600.5	12,108.9	12,605.8
ASF	--	--	--
TOTAL	11,600.5	12,108.9	12,605.8

POSITIONS

	FY 1999 ACTUAL	FY 2000 BUDGET	FY 2001 GOV. REC.
GF	235.0	241.0	241.0
ASF	--	--	--
NSF	--	--	--
TOTAL	235.0	241.0	241.0

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 advise as necessary.
- Accept money representing fines, court costs, 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

	FY 1999 Actual	FY 2000 Budget	FY 2001 Gov. Rec.
% courts located in state-owned/new facilities	89	89	95
% cases closed within 90 days	100	100	100
# shifts covered per week	87	107	107
% shifts covered	44	44	54

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

MISSION

Office of the State Court Administrator

The office implements the strategic goals and objectives of the Chief Justice and of the Supreme Court for the administration of the judicial branch; provides centralized services to the court system; and assists the courts in acquiring and managing the resources needed to provide judicial services to the public.

Office of State Court Collections Enforcement (OSCCE)

OSCCE collects court-ordered assessments to ensure the enforcement of judicial branch orders.

Judicial Information Center (JIC)

JIC develops and maintains computerized information systems and provides technology support services to the state judicial branch.

The Law Libraries

The law libraries provide legal information resources for the Delaware judicial branch, the Department of Justice, Public Defender's Offices, other state agencies, members and prospective members of the Delaware Bar Association, and the general public; and function as the official depository of state laws, agency rules and regulations, administrative and board regulations, court opinions, and the Chief Magistrate's advisory memoranda.

KEY OBJECTIVES

Office of the State Court Administrator

- To improve the administration of Delaware's courts.
- To coordinate the efforts of the various administrative organizations within the judicial branch.
- To provide central administrative services for the court system, including policy development, budget, financial management, personnel, facilities, technology, records management, case-flow management, legislative and executive branch liaison, planning, and training.

Office of State Court Collections Enforcement Office

- To increase the collection of court ordered assessments including fines, costs and restitution.
- Improve the efficiency and effectiveness of the office.

Judicial Information Center

- Provide technology to support business goals and business needs of the courts.
- Provide improved leadership and control over technology efforts supporting the courts business needs.
- Provide technology services that support the technology needs of court users.
- Provide systems that integrate and appropriately connect with other criminal justice agencies and stakeholders in the exchange of information.
- Promote standardization of new technology, technology research, and methods.
- Provide information through technology systems for the citizens of Delaware.

Law Libraries

- To provide a current and comprehensive collection of legal reference and research materials for the courts, members of the bar, and the public.

BACKGROUND AND ACCOMPLISHMENTS

Office of the State Court Administrator

The Administrative Office of the Courts (AOC), Office of the State Court Administrator, was established in 1971 pursuant to 10 Delaware Code §128. The office assists the Chief Justice of Delaware with the overall administration of the state court system.

The Supreme Court is the policy-making body of the judicial system and the Chief Justice is the administrative head of the state judicial branch. The AOC provides centralized services required by the Chief Justice, the Supreme Court, and the trial courts. Supreme Court Rule 87 defines the responsibilities of the Administrative Office of the Courts.

A committee directed by the Honorable Joseph T. Walsh reviewed the administration of the Delaware Courts and recommended centralizing many functions in the Administrative Office of the Courts, including technology, case management, budget, financial

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management, personnel, legislative relations, business planning, security, facilities planning, collections, and court interpretation. As a first step in centralization, the office is being reorganized so it can support its new responsibilities. To this end, a new deputy state court administrator and public information officer have been hired.

Office of State Court Collections Enforcement (OSCCE)

In Fiscal Year 1994, the judicial branch hired an administrator to plan and coordinate the centralized collection of court-held receivables. 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. There are currently five OSCCE office locations throughout the state, in all three counties, where clients may make payments and conduct other business regarding their accounts.

Current collection efforts are limited almost exclusively to Superior Court receivables, so the goal of centralized collections has not been met. Expansion of efforts to collect receivables for all other courts is hampered by inadequate automation at OSCCE and lack of integration with court case management systems, which also fail to provide sufficient support to courts for financial management tasks. The collection effort cannot be successful system-wide without extensive automation of court accounting functions and records, and significant improvements in working relationships between the organizations. The Judiciary is currently undertaking a study on how to centralize collections statewide for all courts.

A recent audit disclosed a number of problems with collections in the courts. Inadequate technology, lack of policies and procedures, and ineffective organization and management of collections were cited as key problems. The AOC is currently conducting a review of the OSCCE as a part of the effort to improve collections. Recommendations for policy decisions will be made to the Chief Justice early in 2000.

Judicial Information Center (JIC)

The JIC is responsible for the development and support of computer information systems. Over the years, significant problems related to technology management and the relationship between JIC and the courts have developed within the judicial branch. Following a comprehensive study by the National Center for State Courts, a three-year plan has been developed to address these issues.

The judicial branch's technology needs greatly exceed available resources. Management of this resource allocation problem is an ongoing concern. In February 1998, the Chief Justice declared a temporary moratorium, putting new projects on hold until key efforts are completed. Following the moratorium, a new Technology Committee will provide oversight to the implementation of an improved system development methodology.

With the rapid growth of court computer networks, the transition from mainframe terminals to personal computer systems, the growing number of case management applications, and difficulties attracting well-trained technology personnel, satisfaction with technology support within the judicial branch is low. The three-year plan places improved customer service as the highest priority to be addressed. Other priorities include significant improvements in training programs, data quality assurance, maintenance of existing systems, and preparation for a transition to more current technology.

In the second year of the technology plan, FY 2001, preparations will begin to move away from antiquated technology platforms to a more economical and effective environment. Client/server technology will allow greater flexibility in system development and operation, and improved interfaces with criminal justice agencies and the public. These improved systems are critical to success in consolidating court operations in the New Castle County Courthouse, scheduled to begin operation in FY 2003.

Law Libraries

There are three law libraries, one located in each of Delaware's counties. 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.

The Kent County Law Library in Dover is designated as the state law library. 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 provide additional staff support.

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BUDGET

	FY 1999 ACTUAL	FY 2000 BUDGET	FY 2001 GOV. REC.
GF	6,792.6	6,393.1	6,930.3
ASF	--	--	--
TOTAL	6,792.6	6,393.1	6,930.3

POSITIONS

	FY 1999 ACTUAL	FY 2000 BUDGET	FY 2001 GOV. REC.
GF	54.0	54.5	57.5
ASF	--	--	--
NSF	--	--	--
TOTAL	54.0	54.5	57.5

OFFICE OF THE STATE COURT ADMINISTRATOR

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 and communication services.
- Liaison and coordination services.
- Policy planning services.
- Advisory services.
- Special projects and studies.
- Secretariat services.

PERFORMANCE MEASURES

	FY 1999 Actual	FY 2000 Budget	FY 2001 Gov. Rec.
# Judicial officers participating in training sessions	275	317	357
# staff trained	1,463	1,000	1,000

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.
- Issue reports.
- Record all transactions to proper accounts in a timely fashion.

PERFORMANCE MEASURES

	FY 1999 Actual	FY 2000 Budget	FY 2001 Gov. Rec.
# contacts necessary to administer accounts:			
verbal	N/A	N/A	N/A
written	33,000	33,000	33,000
% increase in \$ collected	11.1	1.5	1.5

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 databases.
- 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.

LAW LIBRARIES

02-17-05

ACTIVITIES

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

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

MISSION

The mission of the **Office of the Public Guardian** is to function as legal guardian for Delaware residents who suffer from mental or physical disabilities to the degree that they are unable to manage their person or property or are at risk of becoming subject to abuse or victimization and have no family or friends willing to serve as guardian of person, property or both.

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 dependants of those victims.

The mission of the **Foster Care Review Board** 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 C children in State custody who do not have parents to represent them.

The mission of the **Office of the Child Advocate** is to assist the Child Protection Accountability Commission in protecting Delaware's children.

KEY OBJECTIVES

Office of the Public Guardian

- To respond with greater efficiency to a growing and changing client population through computerization of records and use of the network to facilitate real-time information sharing among statewide staff.
- To meet the increased need for guardianship services and other interventions (including assessment, information and referral, mediation, and guardianship monitoring) being requested to be provided via the public guardianship program.
- To improve planning for services into the next century through a better understanding of the

population served and how that population has changed over time in response to both legislative initiatives and demographic profile.

- To expand the roles and responsibilities of caseworkers to that of a Deputy Public Guardian in an effort to respond to caseload.

Violent Crimes Compensation Board

- Process as many claims per fiscal year, providing assistance to as many innocent victims of violent crimes as annual revenue intake allows.
- Increase public outreach initiatives so that all crime victims have general knowledge of the functions and benefits provided by the VCCB.
- Process payment of claims to victims and providers within ten days of the legal fulfillment requirements.
- Computerize statistics for state and federal annual reports.
- Increase new application caseload by five percent.

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

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

Office of Child Advocate

- Coordinate efforts on behalf of children, work with advocacy groups.
- Promote system reform, recommend changes in law, procedure, and policy necessary to enhance the protection of children.
- Implement and coordinate a program providing contractual legal representation on behalf of a child.

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BACKGROUND AND ACCOMPLISHMENTS

Office of the Public Guardian

The Office of Public Guardian was mandated in 1974. Since its inception, key activities (number of referrals, number of guardianships, number of terminations of guardianship) have steadily grown. A summary of the last five years is as follows:

<u>FY</u>	<u>Existing Gdnships</u>	<u>New Gdnships</u>	<u>Closed Gdnships</u>	<u>Referrals</u>
1995	132	30	20	118
1996	141	39	30	159
1997	133	31	39	157
1998	179	86	40	188
1999	192	58	45	101

The Division of Mental Retardation (DMR) and Long Term Care (LTC) continue to have need of guardianship services for their clients. Guardianship of a person is needed to consent to medical procedures, psychotropic drugs, behavioral change programs and placement decisions. A Deputy Public Guardian was hired in Fiscal Year 1991 to supervise and assist caseworkers who provide services to these institutional residents.

The increase in guardianships has generated additional work for caseworkers. Caseworkers oversee the direct care of the ward and must submit reports of the welfare of the wards to Court every six months.

Additionally, the agency has endeavored to increase services to those persons residing in private nursing homes who are without advocates/surrogates to monitor their care and treatment. And, increasingly, the agency is being called upon by the Court of Chancery to serve as neutral guardian and to mediate in contested private guardianship cases.

Cases of financial victimization and/or exploitation are becoming more common, resulting in the elderly sometimes losing their life savings and becoming financially dependent upon the State and federal government for their care.

Trends and Impacts

Office Of The Public Guardian:

An overall increase in the number of clients being served by the agency is consistent with a number of population factors.

Nationally, the increased mobility of young and old leads to many families being dispersed geographically, and the likelihood of intergenerational support is lessened.

Also the number of elderly is steadily increasing with this group being most at risk and in need of services, including guardianship. Also, the increasing complexity of our industrial society contributes to this growth in need for services.

The increase in the number of guardianships in Kent and Sussex counties may be attributed to demographic trends.

Also, having an impact on both the number of clients at risk for services and the services required of the Delaware Office of Public Guardian are:

- Ongoing changes to federal and state nursing home regulations. Regulations related to patients' rights, use of chemical and physical restraints, psychotropic medications, patient funds, and active treatment for the mentally ill and developmentally disabled, as well as increased government oversight of care. Incompetent persons now require legally authorized surrogate, decision-making and advocacy. Nursing homes and state institutions are, in steadily increasing numbers, referring to the Public Guardian those incompetent individuals who are unable to make decisions for themselves and for whom there is no one legally authorized to act on their behalf.
- Increasing complexity of medical care issues, in particular end of life medical decisions and discharge planning, in the fact of health care financing cutbacks and restrictions, often require that a legal surrogate be appointed to act on behalf of an incompetent individual, who is unable to make decisions for himself or herself or plan for his or her care.
- In Delaware, there has been increased governmental attention to nursing home care in an effort to improve the quality of services rendered in that setting.
- Guardianship services continue to be sought by both public and private, in-patient and outpatient, psychiatric mental health, programs, and agencies providing services for persons with mental health retardation.
- Increasing complexity of financial affairs of persons for whom the Public Guardian is serving as guarding for property.
- Increased number of cases referred for public guardianship by the State Adult Protective Services agency.

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In addition to serving when no other person from the private sector is able, the Public Guardian in Delaware may be appointed to act as a neutral guardian, court advocate or court monitor on behalf of an incapacitated individual when there is a dispute among family and/or health care providers as to what is in the best interests of that individual. Also, increasingly, the staff of the Office of Public Guardian is being asked to serve as mediator in disputed guardianship cases.

Background

Violent Crimes Compensation Board

The VCCB was organized in January 1975. The Board is comprised of five 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.

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 victim's 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.

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 an 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 victim's compensation fund. The fund is also replenished through restitution, probation interest, subrogation reimbursements, other miscellaneous revenue and a federal grant. The federal grant can equal

up to 40 percent of the amount paid out to crime victims from state funds during a previous federal fiscal year.

From Fiscal Year 1976 through Fiscal Year 1999 the Board has received 6190 applications for compensation. In Fiscal Year 1999, a total of 446 claims were examined by the Board. Of this total, 371 claims examined where initial applications along with 75 cases that were requested to be reopened for additional consideration. A total of which 375 were approved for compensation benefits, which included 312 initial cases and 63 reopened. The total amount awarded by the Board was \$1,101,327.24. Due to the statutory time frame for "appeals" actual disbursements were \$1,005,375.20 with \$95,952.04 being disbursed during the first quarter of Fiscal Year 2000. Authorized awards for Fiscal Year 1998 were \$1,319,247.79 with an average award of \$2,862.43 per claimant.

Authorized awards for Fiscal Year 1999 were \$1,101,327.24 with an average award of \$2,936.87 per claimant.

Of the above total monies disbursed during Fiscal Year 1998, the Board paid \$59,321.53 to medical providers on behalf of victims of sexual assaults covering forensic sexual examinations. One hundred eighty-five additional victims were successfully aided through the FME (Forensic Medical Examiner's) SANE program. The average cost of forensic evidence gathering during Fiscal Year 1998 was \$320.66 per victim.

Revenue receipts for Fiscal Year 1998 total \$2,467,050.89 which includes \$2,344,807.97 from the 18 percent surcharge, \$68,673.69 from restitution reimbursements, \$26,204.20 probation interest, \$17,648.81 subrogation refund, \$12.00 refunds, \$7,071.22 unclaimed restitution, \$80.00 in miscellaneous revenue and \$2,553.00 from forensic assessment.

Trends and Impact

Violent Crimes Compensation Board:

With the installation of appropriate hardware and software, office automation will be phased in over the next three years in order to expedite claim processing and statistical reporting. This will require automation of records as well as word processing capabilities.

Operating on the revenue received from the surcharge, restitution and federal grant money, the agency anticipates it can continue to process at least five to ten new claims per year over the next three years with no change in funding methodology.

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Background **Foster Care Review Board**

The Foster Care Review Board was established in 1979. The enabling legislation allowed the 21-member Board to review a sample of children in foster care; 1983 amendments expanded the Board's program to a minimum of 36 Board members to review 50 percent of the children in foster care every six months; and the 1986 amendments mandated the Board's authority and membership to change to a minimum of 56 Board members to review 100 percent of the children in foster care every six months.

There are now over 100 volunteer citizen Board members appointed by the Governor who serve on the Foster Care Review Board. These 100 citizens serve on one of the 16 review committees which meet twice a month in various locations throughout Delaware to review the children in out of home placement.

The Board is charged with identification and periodic review of all children in out of home placement no less frequently than every six months. Periodic reviews for children in foster care conducted by independent citizen review committees are assisting the State to comply with federal review requirements established by PL 96-272, The Adoption Assistance and Child Welfare Act of 1980. The purpose of the Board's child review program is to monitor the case plans made for children and families involved in the State's out of home placement programs.

The Board's review committee conducts a citizen review on each child in out-of-home placement every six months to determine the continuing necessity for and the appropriateness of the placement, the extent of compliance with the case plan, and the extent of progress which has been made toward alleviating or mitigating the causes necessitating placement in foster care, and to project a likely date by which the child may be returned home or placed for adoption.

Number Of Case Reviews

FY 1997	FY 1998	FY 1999
1,753	1,959	1,840

In January of 1999, the FCRB assumed responsibility for the administrative review of adjudicated youth in community-based treatment programs. These reviews, required for the state to receive federal funding, were previously conducted by the Office of Case Management within the Department of Children, Youth and Their

Families. The purpose of these reviews is to provide a mechanism of independent review to ensure that the placement and treatment goals are appropriate for the needs of the child. From January through June of 1999, 65 reviews were conducted.

The Ivy Davis Scholarship fund was established by the General Assembly in the spring of 1989, with an initial appropriation of \$50,000.00. The State money has been placed in interest bearing accounts with the State Treasurer's Office. The Board is charged with the awarding of scholarships and awarded four scholarships for the 1998-1999 school year, which totaled approximately \$35,544.

Trends and Impact **Foster Care Review Board:**

The Board receives a monthly statistical report from the Department of Services for Children, Youth and Their Families, which shows the dates for children who have entered and exited the foster care system. The manual transfer of data does not allow the Board's information system to obtain knowledge about a child in foster placement until one month after the child enters placement. Timely identification and tracking of the foster child population is crucial to the Board's mission. Consequently, the Foster Care Review Board is interested in automating this transfer of data. The Board is interested in establishing a computer database of the data collected through the child review process. This is possible with additional computer workstations.

The Executive Committee has the responsibility to develop child advocacy programs, 31 Delaware Code Section 3808. Through the computerization of data collected at the Board's reviews, advocacy reports can be produced documenting trends and analyzing the collective data. This cannot be done with the present manual system.

Background **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 Fiscal Year 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 Fiscal Year 1999, 145 children were being represented and 165 ESPs were appointed or available.

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During Fiscal Year 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 Fiscal Year 1999 all appointments were achieved within nine working days.

On October 1, 1993 the ESP Program expanded to begin providing ESPs for infants and toddlers under Part H (Now Part C) 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 also providing materials and training opportunities to all ESPs in order to enhance their skills.

Trends and Impact

Educational Surrogate Parent Program:

The coordinator's responsibilities have increased as a result of changes in the ESP system design. All referrals are now sent to the coordinator who checks the eligibility documentation, selects an appropriate ESP for the child and submits the proposed match to Department of Education for appointment. As new ESP's are trained and appointed, an increasing amount of the coordinator's time is required for providing them with assistance and support.

BUDGET

	FY 1999 ACTUAL	FY 2000 BUDGET	FY 2001 GOV. REC.
GF	842.8	1,103.7	1,170.3
ASF	1,316.9	2,196.9	2,206.2
TOTAL	2,159.7	3,300.6	3,376.5

POSITIONS

	FY 1999 ACTUAL	FY 2000 BUDGET	FY 2001 GOV. REC.
GF	16.0	20.0	20.0
ASF	8.0	8.0	8.0
NSF	--	--	--
TOTAL	24.0	28.0	28.0

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

	FY 1999 Actual	FY 2000 Budget	FY 2001 Gov. Rec.
# referrals received	101	130	150
# referrals accepted for public guardianship	53	65	65
# current guardianships	192	200	210

JUDICIAL
02-00-00

VIOLENT CRIMES COMPENSATION BOARD
02-18-02

ACTIVITIES

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

PERFORMANCE MEASURES

	FY 1999 Actual	FY 2000 Budget	FY 2001 Gov. Rec.
% Victims Costs VS	70.8	70.8	70.8
% Operational Costs	29.2	29.2	29.2
Total	100	100	100

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 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 to maintain a high level of expertise in these areas.

PERFORMANCE MEASURES

	FY 1999 Actual	FY 2000 Budget	FY 2001 Gov. Rec.
# volunteer hrs generated	1344	1440	1536
% children being reviewed	100	100	100
# training hrs provided to Board	84	90	100

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 DOE or DHSS.
- Coordinate with DOE and DHSS to improve the ESP system.
- Collect and analyze data regarding ESPs and eligible children.

PERFORMANCE MEASURES

	FY 1999 Actual	FY 2000 Budget	FY 2001 Gov. Rec.
% appointments within 10 working days	100	100	100
# ESPs appointed or available	145	160	165
Children Served	143	170	184

OFFICE OF THE CHILD ADVOCATE
02-18-05

ACTIVITIES

- Take all possible actions, including programs of public education and legislative advocacy, to secure and ensure the legal, civil, and special rights of the children.
- Review periodically relevant policies and procedures with a view toward the rights of children.
- Refer any person making a complaint or report required by Chapter 9 of Title 16 of the Delaware Code to the Division of Family Services, and, if warranted, to an appropriate police agency. If a complaint or report includes an allegation of misconduct against a department employee, the complaint or report must also be referred to the Secretary of the Department;
- Recommend changes in the procedures for investigating and overseeing the welfare of children.

JUDICIAL
02-00-00

- Make the public aware of the services of the Child Advocate and the Commission, its purpose, and how it can be contacted.
- Apply for and accept grants, gifts and bequests of funds from other state, federal and interstate agencies, as well as from private firms, individuals, and foundations, for the purpose of carrying out the Commission's lawful responsibilities. The funds must be deposited with the State Treasurer in a restricted receipt account established to permit funds to be expended in accordance with the provision of the grant, gift, or bequest.
- Examine policies and procedures and evaluate the effectiveness of the child protection system, specifically the respective roles of the Division of Family Services, the Attorney General's Office, the courts, the medical community and law enforcement agencies.
- Review and make recommendations concerning investigative procedures and emergency responses pursuant to this chapter.
- Develop and provide quality training to division staff, Deputy Attorneys General, law enforcement officers, the medical community, family court personnel, educators, day care providers and others on the various standards, criteria and investigative technology used in these cases.
- Submit an annual report analyzing the work of the office that shall be included in the Child Protection Accountability commission's annual report.
- Take whatever other actions are necessary to help the Commission accomplish its goals.