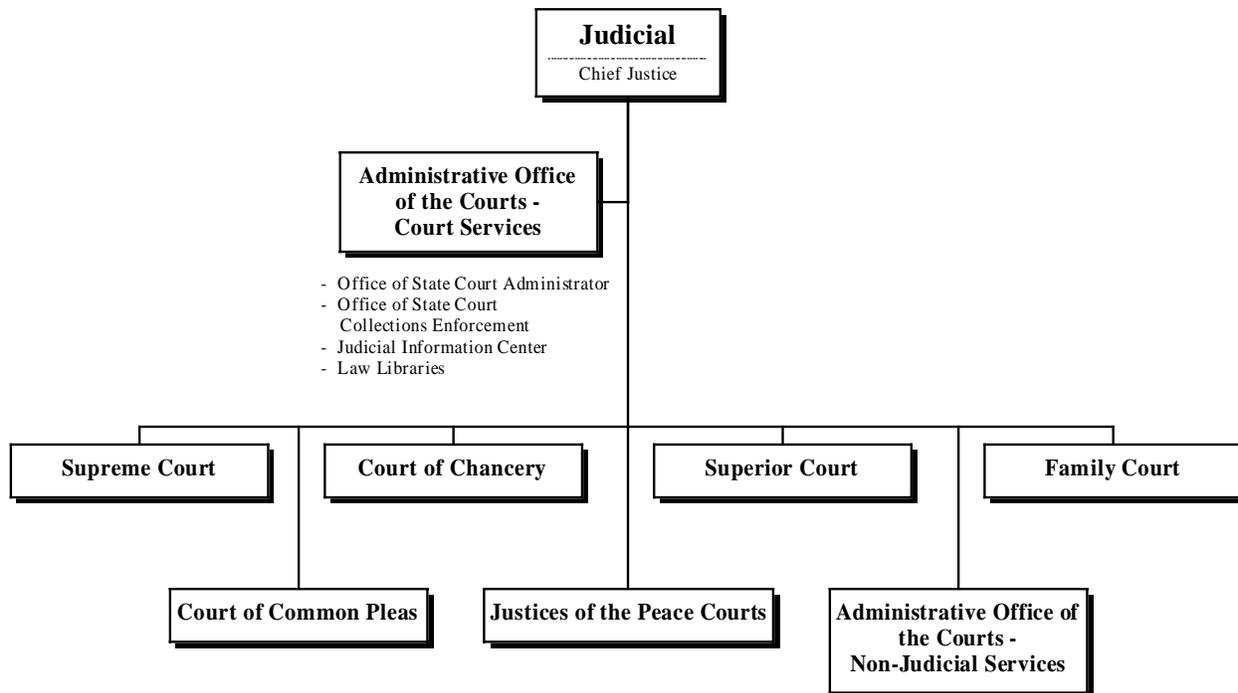


# JUDICIAL

## 02-00-00



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 systemwide 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
- Child Placement Review Board
- Educational Surrogate Parent Program
- Office of the Child Advocate

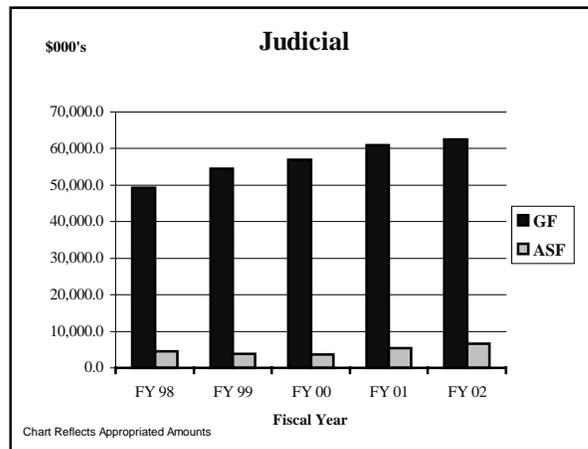
### MISSION

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 2002, 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.



<b>BUDGET</b>			
	FY 2000 ACTUAL	FY 2001 BUDGET	FY 2002 GOV. REC.
GF	56,886.7	60,944.3	62,540.3
ASF	3,680.2	5,326.9	6,588.9
<b>TOTAL</b>	<b>60,566.9</b>	<b>66,271.2</b>	<b>69,129.2</b>

# JUDICIAL

## 02-00-00

### POSITIONS

	FY 2000 ACTUAL	FY 2001 BUDGET	FY 2002 GOV. REC.
GF	1,024.5	1,046.5	1,068.5
ASF	73.0	74.0	95.0
NSF	22.9	26.2	17.3
<b>TOTAL</b>	<b>1,120.4</b>	<b>1,146.7</b>	<b>1,180.8</b>

### FY 2002 BUDGET HIGHLIGHTS

#### OPERATING BUDGET:

- ◆ Base adjustments include \$30.7 in Personnel Costs for the Court of Common Pleas (02-06-10) to annualize four Court Clerks and \$9.8 ASF in Personnel Costs to annualize Fiscal Officer. Per Fiscal Year 2001 Epilogue language, the court's General Fund appropriation and position complement are reduced by (\$120.0) in Personnel Costs and (4.0) FTE Court Clerks because legislation regarding civil restraining orders was not passed.
- ◆ Base adjustment includes \$27.7 in Personnel Costs for the Judicial Information System (02-17-04) to annualize one Court Operation Support Manager and two Management Analyst IIIs for the help desk.
- ◆ Base adjustment includes \$20.0 in Personnel Costs for the annualization of four Justices of the Peace Court Security Officers.
- ◆ Base adjustment includes \$9.1 in Personnel Costs for Family Court (02-08-10) to annualize the salary of a Filing Examiner. Other recommended base adjustments include the removal of Fiscal Year 2001 one-time ASF funding for security items and pro se center start up from Contractual Services (\$12.9), Supplies and Materials (\$3.3), and Capital Outlay (\$42.2).
- ◆ Recommend enhancement of \$40.9 in the Administrative Office of the Courts, Office of the State Court Administrator (02-17-01), New Castle County Court House line and 17.0 FTEs (one Building Director, six Storekeepers, four Social Service Specialists, one Accounting Supervisor, one Account Technician, three Senior Court Clerks, and one Courtroom Technologist) to undertake new functions arising from the consolidation of courts in the new New Castle County Court House--functions not currently performed in the now separate courts and facilities. This new courthouse is scheduled to open to the public in September 2002. Funds for the courthouse are being recommended in the Fiscal Year 2002 budget so that the courts can prepare for their moves into the courthouse and operations within the courthouse can be established. Also recommend enhancements of \$57.0 and \$19.1 ASF in New Castle County Court House line for overtime costs associated with moving into the new court house and \$53.3 in New Castle County Court House line for casual/seasonal employees who will help with the move into the new court house. Also recommend one-time funding of \$68.0 in Budget Office's contingency for the Administrative Office of the Courts, Office of the State Court Administrator (02-17-01) for training of court employees and moving costs associated with moving into the new New Castle County Court House and \$30.0 for informational publications for citizens and employees about the new New Castle County Court House (e.g., building guides and floor plans). Also recommend one-time funding of \$14.3 ASF for office equipment for the new New Castle County Court House.
- ◆ Recommend enhancement for the Court of Chancery of \$924.5 ASF in Personnel Costs and 21.0 ASF FTEs (three Registers in Chancery, four Chief Deputies, one Deputy Register, two Deputy Is, one Deputy II, one Deputy, one Office Administrator, two Account Clerks IIIs, two Court Clerk Is, two Clerk Typists, one Account Specialist, and one Clerk I) for the transfer of the three Register in Chancery offices from county to State control. The 140th General Assembly passed the first leg of the Constitutional amendment that authorizes this transfer. The goal of this transfer is to have one, unified, statewide Register in Chancery office reporting directly to the Court of Chancery so that, with technology initiatives, modern case processing, filing and management techniques can be implemented. Also recommend enhancements of operating costs for this transfer of \$12.5 ASF in Travel; \$84.3 ASF in Contractual Services, \$45.5 ASF in Supplies and Materials; and \$20.0 ASF in Capital Outlay. Also recommend one-time funding of \$50.0 in Capital Outlay for computer equipment and hardware.
- ◆ Recommend enhancement of \$154.0 in Personnel Costs for Family Court (02-08-10) and 9.0 FTEs (one Management Analyst, one Mediation/Arbitration Officer, six Case Managers and one CASA Coordinator) for positions currently funded by expiring grants. The Management Analyst, Mediation/Arbitration Officer and four Case Managers are responsible for the Juvenile Drug Court, Serious Juvenile Offender Program and Arbitration Program under the Juvenile Accountability Incentive Block Grant. Two Case

## JUDICIAL

### 02-00-00

Managers are responsible for coordinating all parties involved in and managing cases of neglected children under the Court Improvement Project. The CASA (Court Appointed Special Advocate) Coordinator oversees 30 CASA volunteers in Sussex County.

- ◆ Recommend enhancement of \$60.0 in Contractual Services to pay the rent for the recently destroyed and now newly-relocated Justices of the Peace Court #9 (Middletown).
- ◆ Recommend inflation adjustment of \$44.0 in the Administrative Office of the Courts, Office of the State Court Administrator (02-17-01) Family Court Civil Attorney line for one additional contract attorney to work with indigent parents on Termination of Parental Rights cases (currently there is one State-funded contract attorney and two Delaware Bar Association-funded attorneys). 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. Also recommend inflation adjustment of \$20.0 in Court Appointed Attorneys/Involuntary Commitments line to cover increased costs associated with this program.
- ◆ Recommend inflation adjustment of \$25.0 in the Judicial Information System (02-17-04), Contractual Services for increased costs for telecommunications lines and \$2.7 in Contractual Services for increased rental costs of Hares Corner office space.
- ◆ Recommend inflation adjustment of \$12.9 in Contractual Services for rent increases for Justices of the Peace Courts #2 (Rehoboth Beach), #11 (New Castle County), #13 (Wilmington), and #15 (Claymont) and the Administrative Offices (New Castle).
- ◆ Recommend inflation adjustment of \$10.0 in Supplies and Materials in Law Libraries (02-17-05) for the purchase of legal reference materials, primarily books, currently not available in electronic form.
- ◆ Recommend inflation adjustment of \$4.0 ASF in Contractual Services for meeting increased operating costs of rent, photocopier, printed materials and advertising.
- ◆ Recommend inflation adjustment of \$5.4 in New Castle County Administrative Office Space for increased rent for the Family Court's administrative offices in Wilmington.

- ◆ Recommend one-time funding in the Budget Office's Development Fund for the Judicial Information Center's (02-17-04) lifecycle replacement of computer equipment (personal computers, printers, software).
- ◆ Recommend structural change transferring \$85.3 to the Administrative Office of the Courts, Office of the State Court Administrator (02-17-01), Court Appointed Attorneys/Involuntary Commitments from Superior Court (02-03-10) for lawyer fees/involuntary commitment to centralize contract attorney funds to standardize costs and service delivery.
- ◆ Also recommend structural change transferring \$2.5 to Administrative Office of the Courts, Office of the State Court Administrator (02-17-01), interpreters from Superior Court (02-03-10); \$16.5 from the Court of Common Pleas (02-06-10); \$35.0 from Family Court (02-08-10); and \$24.9 from the Justices of the Peace Courts (02-13-10) to centralize the funding of court interpreters to standardized costs and service delivery.

#### **CAPITAL BUDGET:**

- ◆ Recommend \$2,500.0 to purchase technology and equipment for the New Castle County Courthouse.
- ◆ Recommend \$150.0 to supplement the Minor Capital Improvements and Equipment Program.

# JUDICIAL

## 02-00-00

### 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 2002 – Fiscal Year 2004 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 Article IV, Section 1 of the Delaware Constitution. 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 Article IV, Section 11 of the Delaware Constitution, the court has final appellate jurisdiction in criminal cases from the Superior Court in which the sentence shall be death, imprisonment exceeding one month, or fine exceeding \$100 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, Section 37 of the Delaware Constitution. 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 55 which govern the testing and procedures for admission to the Bar.

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

**JUDICIAL  
02-00-00**

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 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, the partial implementation, in conjunction with the Governor and the General Assembly, of the recommendations of the Court 2000 Commission, and the establishment of the Council of Court Administrators under Administrative Directive 122 to address system-wide administrative issues.

**BUDGET**

	<b>FY 2000 ACTUAL</b>	<b>FY 2001 BUDGET</b>	<b>FY 2002 GOV. REC.</b>
GF	2,128.2	2,173.7	2,200.8
ASF	64.0	149.4	149.4
<b>TOTAL</b>	<b>2,192.2</b>	<b>2,323.1</b>	<b>2,350.2</b>

**POSITIONS**

	<b>FY 2000 ACTUAL</b>	<b>FY 2001 BUDGET</b>	<b>FY 2002 GOV. REC.</b>
GF	26.0	27.0	27.0
ASF	--	--	--
NSF	11.3	11.3	11.3
<b>TOTAL</b>	<b>37.3</b>	<b>38.3</b>	<b>38.3</b>

**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**

	<b>FY 2000 Actual</b>	<b>FY 2001 Budget</b>	<b>FY 2002 Gov. Rec.</b>
Average # days from under advisement date to final decision date			
Criminal	38.3	30.0	29.0
Civil	29.8	28.0	27.0
Average # days from initial filing to final decision date			
Criminal	211.9	207.5	202.3
Civil	164.9	160.5	157.7
% of cases disposed within 30 days of date of submission	60.8	65.0	70.0
% of cases disposed within 90 days of date of submission	95.1	98.0	98.0

**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 (CLE)
  - Processing of lawyer compliance affidavits.
  - Evaluating CLE programs.

**PERFORMANCE MEASURES**

**Lawyers' Fund for Client Protection**

	<b>FY 2000 Actual</b>	<b>FY 2001 Budget</b>	<b>FY 2002 Gov. Rec.</b>
# of claims	16	14	12

# JUDICIAL

## 02-00-00

### Board of Bar Examiners

	FY 2000 Actual	FY 2001 Budget	FY 2002 Gov. Rec.
# of applicants processed	232	240	245

### Commission on Continuing Legal Education

	FY 2000 Actual	FY 2001 Budget	FY 2002 Gov. Rec.
# of affidavits processed	1,100	1,100	1,100

## 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.
- To effect a smooth transition of the Court's clerical staff, the Register in Chancery, from a county office to a state office.

#### 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 Delaware 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

## JUDICIAL 02-00-00

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 four 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.

A major initiative of the court is the transition to a state clerical office to support the court's technology improvements. The first leg of a constitutional amendment passed during the last General Assembly, and it is hoped that the second leg will pass in the next few months, effectively converting the Register in Chancery into a statewide clerk's office for the court. The change will enable the court to integrate its technology initiatives with modern case processing, filing and management techniques.

The court has made significant progress in the past few years 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 2000 ACTUAL	FY 2001 BUDGET	FY 2002 GOV. REC.
GF	2,030.1	2,052.9	2,079.3
ASF	--	--	1,136.8
<b>TOTAL</b>	<b>2,030.1</b>	<b>2,052.9</b>	<b>3,216.1</b>

### POSITIONS

	FY 2000 ACTUAL	FY 2001 BUDGET	FY 2002 GOV. REC.
GF	26.0	26.0	26.0
ASF	--	--	21.0
NSF	--	--	--
<b>TOTAL</b>	<b>26.0</b>	<b>26.0</b>	<b>47.0</b>

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

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### 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 2000 Actual	FY 2001 Budget	FY 2002 Gov. Rec.
% decisions rendered within a period of 90 days after readiness for adjudication	90	90	90
# matters filed	2,078	2,142	2,188

# JUDICIAL

## 02-00-00

### SUPERIOR COURT

#### 02-03-00

#### MISSION

The primary mission of Superior Court is to provide superior service to the public in pursuit of justice:

The following statements of purpose are based on the five performance areas in the Trial Court Performance Standards:

- To be accessible to all litigants and other court users within safe and convenient facilities.
- To provide prompt and efficient resolution of disputes and to meet its responsibility to everyone affected by its actions in a timely and expeditious manner.
- To provide due process and individual justice in each case, treat similar litigants similarly and ensure that the court's actions, and the consequences thereof, are consistent with established law.
- To be accountable for the utilization of the resources at its disposal.
- To ensure that the court's personnel practice 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 2002, 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 proceedings to its conclusion by adjudication or otherwise, any elapsed time other than reasonably required for pleadings, discovery and courts events is unacceptable and must be eliminated.
- Increase the rate of compliance with the American Bar Association's standards for the disposition of civil cases.
- Incorporate conflict management into the scheduling process, establishing greater adherence to court schedules and tightening the notification process.

- Reduce the rate of capias issuance. Reduce the number of capiases outstanding by continuing review of their status and by promoting efforts to apprehend those who fail to appear.
- Expand new training opportunities for staff, particularly in management and supervisory skills. Develop recruitment and training programs for staff which recognize diversity as a core value of the Superior Court.
- Maximize staff productivity through enhancements to automated case management systems and provide 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 Superior Court continues to apply a best commercial practices and customer service approach to improve its performance. This year the court launched a comprehensive website (<http://courts.state.de.us/superior>) which provides helpful information to the legal community and the public. Some examples of the information provided: the court's history, information on e-litigation, the nationally known Drug Court, juror orientation, court calendars, case management plans, job postings, rules, forms, a self-help center, and victim information. This website was featured in the national e-magazine [Civic.com](http://www.civic.com).

To provide for the safety and security of all visitors, the court completed the transition to a single public entrance in each courthouse. Each public entrance is staffed by security personnel who screen for weapons.

The court's nationwide reputation as a problem-solving innovator was recognized when it was selected by the U.S. Department of Justice as one of nine pilot sites in the country to test the concept of re-entry courts. Re-

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

entry courts focus on the need to create accountability systems and support networks for returning offenders to increase the chances of successful reintegration into their communities. The court is testing two approaches to re-entry: one targets returning domestic violence offenders in Sussex County and the other deals with the general population of returning offenders in New Castle County.

The court implemented the Automated Sentence Order Project (ASOP). ASOP is designed to support Delaware's sentencing process by standardizing the format of sentence orders, accelerate the transmission of sentencing information to the criminal history database and to other criminal justice agencies, support the judicial decision-making process, allow for data entry and sentence order generation in the courtroom, and cut back on the use of paper by sending real-time electronic court orders to the Department of Correction.

The court continued its efforts to improve the overall effectiveness of the criminal justice system by inter-agency collaboration. The court is now conducting contempt hearings in welfare fraud cases where the defendant has failed to make restitution payments to the State. Working in cooperation with the Division of Audit and Recovery of the Department of Health and Social Services, these contempt hearings have been expanded.

The court expanded its initiatives to improve the collection rate of unpaid court assessments. Court staff are serving as faculty at the training academy for new Probation and Parole Officers. Staff provides training in the use of the courts' case management system to Records Office personnel at the Multi-Purpose Criminal Justice Facility (Gander Hill) prison. The court started accepting payments to the court by credit cards in Kent County to make the collection process more efficient and to speed up the return of restitution funds to victims of crime.

Finally, Superior Court refined its vision, mission and core values through the collaborative efforts of its judges and staff from across Delaware. The vision of the Superior Court is to be the Superior Court with the most superior service in the nation by providing superior service to the public in pursuit of justice. The court has agreed that the core values as an organization are UNITED, which stands for unity, neutrality, integrity, timeliness, equality and dedication. The court is committed to building on the quality of justice and public service for which the Superior Court of Delaware is well known here and across the nation.

**BUDGET**

	FY 2000 ACTUAL	FY 2001 BUDGET	FY 2002 Gov. Rec.
GF	15,287.4	15,941.5	16,178.7
ASF	--	--	--
<b>TOTAL</b>	<b>15,287.4</b>	<b>15,941.5</b>	<b>16,178.7</b>

**POSITIONS**

	FY 2000 ACTUAL	FY 2001 BUDGET	FY 2002 Gov. Rec.
GF	281.0	286.0	286.0
ASF			
NSF	7.0	4.0	4.0
<b>TOTAL</b>	<b>288.0</b>	<b>290.0</b>	<b>290.0</b>

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

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**ACTIVITIES**

- Hear criminal cases
- Hear civil cases
- Hear administrative agency appeal cases
- Hear involuntary commitment cases
- Conduct jury operations
- Conduct investigative services
- Hold alternative dispute resolution
- Perform administrative tasks

**PERFORMANCE MEASURES**

- Compliance rate with Chief Justice's Speedy Trial Directive for criminal cases.
- Compliance rate with American Bar Association civil disposition standards.
- Average number of days to file transcript.

**PERFORMANCE MEASURES**

	FY 200 Actual	FY 2001 Budget	FY 2002 Gov. Rec.
Criminal case disposition compliance rate	52.3	54.0	56.0
Civil case disposition compliance rate	69.5	71.0	73.0

# JUDICIAL

## 02-00-00

### 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. The court uses all staff in a collaborative manner and operates efficiently while maintaining public trust and confidence.

#### 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 and a small percentage of filings 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.

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's report vested significant new areas of jurisdiction in the court in January 1995.

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.

On May 1, 1998, the Municipal Court merged into the Court of Common Pleas, doubling the court's caseload in New Castle County. The merger, coupled with the 1995 increased jurisdiction, placed a considerable burden on the court's resources, resulting in the development of a case backlog.

In 1999, 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.

In the framework of these efforts, the Court of Common Pleas Fiscal Year 2002 budget request focuses on improving the court's performance in the areas of expedition and timeliness. Insuring access to justice, equality, fairness and integrity, and independence and accountability are also important elements of the court's three-year plan.

#### BUDGET

	FY 2000 ACTUAL	FY 2001 BUDGET	FY 2002 GOV. REC.
GF	5,728.8	6,329.8	6,358.4
ASF	2.1	114.8	126.0
<b>TOTAL</b>	<b>5,730.9</b>	<b>6,444.6</b>	<b>6,484.4</b>

#### POSITIONS

	FY 2000 ACTUAL	FY 2001 BUDGET	FY 2002 GOV. REC.
GF	118.0	126.0	122.0
ASF	2.0	3.0	3.0
NSF		1.0	1.0
<b>TOTAL</b>	<b>120.0</b>	<b>130.0</b>	<b>126.0</b>

# JUDICIAL

## 02-00-00

### **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. By applying aggressive case management techniques, the court managed to keep pace with its incoming caseload in spite of a significant caseload increase in Fiscal Year 1997. 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 Years 1998, 1999 and 2000 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 Collected 000's
	Misd. Filings	Criminal Dispositions	Criminal Pending	
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
2000	125,491	111,900	47,978	4,596.7

**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 two years. 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 two years, 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 Statewide

Case Type	Number of Weeks			
	9/97	10/98	10/99	10/00
Suspension/Insurance	9	18	23	22.5
Other Non-Jury	9	20	20	22.5
Drive Under Influence	11	18	27	33.5
Domestic Violence	8	22	20	15.5
Drug	--	15	20	18.5
Jury Trial	13	27	20	28.5

In Kent and Sussex counties, the courts have made some progress in reducing time to trial in spite of increasing caseload numbers.

##### Time from Arraignment to Trial by Case Type – Kent and Sussex Counties

Case Type	Number of Weeks			
	Kent		Sussex	
	7/00	10/00	7/00	10/00
Non-Jury	7	6	15	17
Jury Trial	9	8	18	16

**Performance Measure 3** shows a comparison of the court's expenditures for overtime and casual and seasonal services for the past six years. This comparison dramatically 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.

**JUDICIAL  
02-00-00**

**Performance Measure 3**

**Expenditures for Additional Staff Assistance**

Fiscal Year	Casual/Seasonal	Overtime \$000's
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
2000	\$133.6	\$94.7

**Performance Measure 4** shows the average length of time from answer to disposition for civil cases filed from 1996 through 1999. 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 decrease in time to disposition between 1996 and 1998. In New Castle County, more aggressive case management has resulted in the 1999 decrease.

**Performance Measure 4**

**Civil Case Dispositions (Length of Time)**

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
1999	6.9	4.3	5.9

**FAMILY COURT  
02-08-00**

**MISSION**

The Family Court's mission is formally spelled out in 10 Del. C. § 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 purpose of further explaining its role in the legal community, an additional 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**

- Comply with all scheduling and dispositional standards in civil and criminal matters as prescribed by the Chief Justice and the Chief Judge.
- 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.
- Provide appropriate legal representation to all parties in civil matters where due process dictates representation.

# JUDICIAL

## 02-00-00

### 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. For the court to best serve the citizens of Delaware, there must be access to justice without unnecessary delays.

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

- Committee on Internal Operating Procedures
- Trial Court Performance Standards Committee
- Study by Phoenix Governmental Services

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.
- 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 at some time, should participate in ongoing self evaluation measured against accepted standards to ensure quality professional growth.
- 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 the past several years, the efforts of these committees have guided much of the court's planning. In the year 2000, the court 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:

- Assumption of funding for positions previously funded by grants
- Programs for the Self Represented Litigants
- Contract Attorneys

### Grant Funded Personnel

Over the past several years the court has availed itself, wherever possible, of grant funding to initiate and/or expand programs. In Fiscal Year 2002 several of these grants will expire.

#### *Court Appointed Special Advocate (CASA) Grant*

Through these grants, the court has been able to consistently expand the number of CASA coordinators. The position which is currently grant funded is located in Sussex County. The coordinators work with the CASA volunteers known as CASAs to ensure that the best interests of children are represented in cases involving abused, dependent, or neglected children. Each coordinator permits the court to supervise an additional 30 CASAs. The grant is due to expire on June 30, 2001.

#### *Court Improvement Project Grant*

In January, 1995 the federal government launched a national effort to reduce the amount of time neglected children spent as wards of the State. Too often children believed to be abused or neglected were taken from their homes with probable cause but left to linger in the State's custody while the state agencies and the courts determined their fate. The federal initiative is aimed at providing permanency in a shorter time frame.

The court's role under Court Improvement (see *Contract Attorneys* for more detail) is to manage the case rather than react to filings by others as has been the norm. This management dictates numerous court activities surrounding deadlines established in every one of those cases. All parties involved - Family Services, Child Mental Health, Health and Social Services, Attorney General, parents, parents' attorney(s), etc. - must perform in a coordinated manner if the case is to stay on track.

To achieve this coordination, the court secured funds for two Case Managers who coordinate these matters. As this caseload matures, the number and frequency of hearings will continue to increase for a period of several years. Case Managers are integral to this caseload. While four are required by the caseload, the grant

## JUDICIAL 02-00-00

currently funds two. A new grant will be utilized to secure the other two positions.

### *Juvenile Accountability and Drug Court Grants*

For the past several years, people throughout the nation and in Delaware have focused more attention on the actions of juveniles. Family Court, has its attention in two directions: drug court and serious juvenile offenders.

Delaware's Juvenile Drug Court is the only such statewide initiative in the United States. During this last fiscal year, 220 juveniles participated in this program. It is modeled on the adult program and requires intensive monitoring and follow up. To accomplish this goal, the court has utilized grant funding to employ three Case Managers whose job is to coordinate all matters related to these juveniles' cases and assist the judge in all matters related to this intensive caseload. The grant funding is due to expire in Fiscal Year 2002.

In conjunction with Youth Rehabilitative Services, the Court has also participated in an effort to address problems related to Serious Juvenile Offenders (SJO). In the past, response to subsequent acts committed by persons on probation for more serious offences may have been slow. As a result, a juvenile who had a threat of incarceration for violating probation may have remained in the community for months. The perception of the offender, victim, and society might have been that no one took subsequent criminal behavior seriously.

With grant funding under the Juvenile Accountability Incentive Block Grant, the Family Court and Youth Rehabilitative Services attempted to expedite this process. Juveniles arrested for violations were detained and hearings were held within the week. The intent was clearly to send a message that Delaware will deal seriously with acts committed by these serious juvenile offenders. A Case Manager was employed under this grant to coordinate this caseload statewide. When juveniles are picked up, the court is notified and the Case Manager coordinates all activities necessary to schedule the matter within the time constraints imposed by the program. In Fiscal Year 2000, 93 cases were reviewed under the SJO program.

A second aspect of the Juvenile Accountability effort is an attempt to modify the court's juvenile arbitration program. The existing program, which dates back nearly 20 years, has been instrumental in keeping numerous cases out of the courtroom and giving juveniles without serious records and who have not committed serious offenses a chance to make amends.

Under this current grant, the focus of arbitration will shift somewhat towards reduction in recidivism. This project will increase the court's contact with the youthful offender, parents, victims, school, etc. as is deemed necessary. The message is that every offense is taken seriously by Family Court. The goal is to let parents and children know what the court expects of them and what they can expect of the court. One Arbitration Officer is employed under this grant. The position is necessary given the increased frequency of contact required with all parties in each case and to coordinate this caseload.

The remaining grant-funded position is that of a monitor who reviews the actions of various agencies for compliance with court orders. The position was suggested by the Criminal Justice Council in response to some concern that the treatment programs intended by judicial orders were for one reason or another not always materializing. This position tracks serious juvenile offenders, works with Youth Rehabilitative Services, and reports any deviations to the judicial officer. Compliance with court orders is essential to the success of Delaware's Dispositional Guidelines which are a model for other states in addressing standardization of treatment for juvenile offenders.

### **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 determines the primary focus of any effort to address the needs of these litigants. Instead of focusing on assisting indigent persons in securing access to legal counsel, any effort that wishes to be successful must focus first on providing the self-represented litigant with meaningful information.

The court's goal is to develop a systematic way of dealing with the litigant who elects not to have an attorney and to develop a culture of respect for the citizen who elects to represent him/her self. In child support cases, any person seeking support can, for a very nominal fee (currently \$25), be represented by Child Support Enforcement and hence the Department of Justice in all related proceedings. Therefore, most people seeking child support are represented by counsel. Delaware is a national leader in assisting these litigants. Excluding those cases, a sample of other litigants shows:

## JUDICIAL 02-00-00

- 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; and
- private attorneys appeared in only 12.0 percent of the criminal/delinquency cases.

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

To remedy the current situation, the court is proposing:

- to hire law-trained staff to screen out problem cases before they drain the court's resources, and
- to establish three resource centers over a three-year period

### *Law Trained Filing Examiners*

In each study and in committee discussions, 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 he/she 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; and
- 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.

To remedy the problem, the court proposes to hire Filing Examiners who would be law trained. These positions would not interact directly with the litigants. To do so could conceivably result in the taxpayer providing every litigant who walks into Family Court with free legal assistance. That is not the goal of this program.

The Filing Examiner will review all filings for sufficiency only after they have formally been filed with the Clerk of the Court. The merits of the filing will 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 will stop, and after a process involving judicial review, the filing will 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.

### *Public Access Materials*

During 2000 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 (<http://courts.state.de.us/family/family.htm>) 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.
- A directive was issued by the chief judge establishing a committee with community representation to advise and assist in the program's development.
- Meetings continue 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.
- Contract with Community Legal Aid was signed and is in the process of making its instructions for all divorce, termination of parental rights, and adoptions forms litigant friendly.
- A variety of videos explaining custody proceedings from the perspective of the children and parents have received wide television distribution, copies have been sold out and have been re-stocked.

## JUDICIAL 02-00-00

In November 2000, the Family Court Resource Center in Kent County will open. The center itself will focus on:

- the legal requirements for the resolution of issues;
- the litigant's adherence to the court's rules and procedures;
- the forms that are required and how to use them; and
- the meaning of an order of the court.

The center will utilize a number of strategies to deliver its message:

- a library of current publications related to families and family law;
- print materials developed by Family Court;
- revised forms with clearer instructions;
- video tapes on several topics;
- Internet access for legal research;
- electronic access to forms via the Family Court's website;
- group presentation; and
- intake services.

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.

The Sussex center should open by July 1, 2001 with New Castle to follow on August 1, 2002.

### **Court Appointed and Contract Attorney Program**

The Court Improvement Project mentioned above is part of a national effort to reduce the time from when a child is first removed from a home until he or she is returned to that home or permanently placed elsewhere. Children have historically spent far too long in foster care. A year can seem like an eternity to an eight year old. Two or more years in foster care can potentially impact greatly on a child's development. Overall, it is a situation where the costs to the State, society, the parents, but most importantly, to the child must be minimized.

To improve the process, the court, state agencies, and community members have been analyzing the current system for possible improvements. All analyses to date point to the need for better judicial management of the process: for the judge to be involved earlier and more often; and for the judge to keep all parties focused on making the family whole while ensuring the child's best interests are protected.

One of the most significant yet difficult decisions that has to be made by a Family Court judge is the one to terminate parental rights. It is of increasing concern to the court that in many of these cases, the facts presented at trial are the direct result of meetings and interviews conducted between the parents and the staff of Family Services. Additionally, parents are being asked to do things that would be helpful but may refuse given their fear of possible repercussions. 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 for not only the parents' interests but that of the child.

### **Judicial Resources**

Over the past two years, the court has been attempting to further analyze the need for judicial officers. Every person who presides over the hearings and trials of Family 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 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 require additional judicial resources. The court believes two judges will be needed at some time. The workload will increase substantially as various pieces of the numerous recommendations are implemented.

Two examples of how the workload is and will be changing:

- In New Castle County, the Juvenile Drug Court is fully operational. There are currently 160 active participants in the program. A report prepared by the Criminal Justice Council suggests 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 requiring someone else to pick up that load.

# JUDICIAL

## 02-00-00

- At the same time, the Court Improvement Project has made recommendations for sweeping changes in the way the court deals with the dependent and neglected children and their need for permanency in their family situation. The recommendations have been fully implemented in Sussex County and partially in New Castle 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 a high a priority to a later date.

In both of the above samples, the growth in the number of these 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 workweek.

### ACCOMPLISHMENTS

#### Family Court Performance Standards

With State Justice Institute funding, Delaware's Family Court adapted the Trial Court Performance Standards for use in Family Courts nationally. The National Center for State Courts has begun offering training to advance those standards nationally. Measurements are being developed. Delaware Family Court is coordinating its efforts regionally and nationally with groups such as the American Bar Association and the National Center for State Courts.

#### Information Systems: Criminal

The Family Court's Criminal Case Management System was implemented in January, 2000. The system greatly expands the case tracking abilities of the court and simplifies many tasks associated with data retrieval.

#### Information Systems: Protection From Abuse (PFA)

The State's PFA system will soon become the first statewide system to interface directly with National Crime Information Center. This will give all law enforcement nationwide access to Family Court of Delaware PFA orders. It is a combined effort of Family Court, Judicial Information Center, Delaware State Police, and Delaware Justice Information System.

#### Court Watch

In 2000, graduate students from Delaware State University will join those from the University of Delaware in this program. These students receive an orientation to the effort and set out to monitor court hearings. Confidential reports are prepared on judicial officer performance to be used with those judicial officers in self-improvement.

#### Domestic Violence

Family Court of Delaware served as the host model for one of two domestic violence programs sponsored by the "STOP-TA Project" in Washington, D.C. The primary focus was on Delaware's achievements in this area in the past six years. Additionally, attention was directed to the information system used by Delaware which allows for case cross referencing as recommended by national organizations but seldom found at the local, let alone, state level.

Locally, in conjunction with the Justice of the Peace Courts, the joint Domestic Violence Project originally offered in New Castle has been expanded statewide. Now based in Georgetown at Justice of the Peace Court 3, the hours of coverage were doubled with the addition of a grant funded position.

#### Other Funding

As noted above, the Family Court has successfully pursued grant opportunities in the areas of Court Appointed Special Advocates, Court Improvement, Drug Court, and Juvenile Accountability. Additionally, in conjunction with the Justice of the Peace Court, Family Court has received funding to expand the joint Domestic Violence Project begun three years ago.

#### BUDGET

	FY 2000 ACTUAL	FY 2001 BUDGET	FY 2002 GOV. REC.
GF	12,003.9	13,432.4	13,868.9
ASF	2,749.7	2,856.5	2,927.9
<b>TOTAL</b>	<b>14,753.6</b>	<b>16,288.9</b>	<b>16,796.8</b>

#### POSITIONS

	FY 2000 ACTUAL	FY 2001 BUDGET	FY 2002 GOV. REC.
GF	258.0	259.0	268.0
ASF	63.0	63.0	63.0
NSF	4.6	9.9	1.0
<b>TOTAL</b>	<b>325.6</b>	<b>331.9</b>	<b>332.0</b>

# JUDICIAL

## 02-00-00

### **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 conducting arbitration/mediation hearings.
- Special program activities: acquire, implement, maintain, evaluate, and analyze programs including those federally funded.

#### PERFORMANCE MEASURES

- The number of 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.

#### Number of Potential Litigants

	FY 2000 Actual	FY 2001 Budget	FY 2002 Gov. Rec.
# of litigants	82,000	82,000	82,000

#### Percentage of Cases that Comply with Standards

Activity and Standards*	FY 2000 Actual	FY 2001 Budget	FY 2002 Gov. Rec.
% bail reviews detentioners- (1 day)	98	98	98
% arrest to arraignment (10 days)	45	45	45
% arrest to trial-domestic violence cases (30 days)	40	40	40
% arrest to trial-felony (45 days)	55	55	55
% arrest to trial-misdemeanors (45 days)	45	45	45
% arrest to trial-school offenses (30 days)	35	35	35
% PFA filings (10 days)	100	100	100
% PFA filings (30 days)	100	100	100

\* Standards are stated in parenthesis.

### **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 Justice of the Peace (JP) Court Building Project by obtaining construction funds for Justice of the Peace Court 11 (New Castle) and Justice of the Peace Court 1 (Millsboro) by Fiscal Year 2003.
- Allow the court to cope with the increasing criminal caseload (34 percent from Fiscal Year 1998-Fiscal Year 2000) and associated workload and help avoid increased delays, specifically in the area of case processing.
- Increase security for the Justice of the Peace Courts by increasing the number of shifts of court operation covered from 52 percent (97/186 shifts/week) in Fiscal Year 2001 to 100 percent (186/186 shifts/week) in Fiscal Year 2004.
- 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 are authorized by Article IV, Section 1 of the Delaware Constitution.

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 17<sup>th</sup> and 18<sup>th</sup> 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.

## JUDICIAL 02-00-00

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 Del. C. § 2702, and all criminal violations.
- Most 21 Del. C. 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 have jurisdiction to:

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

There are 19 Justice of the Peace Courts located in 15 court facilities. Two courts in New Castle County and one court in both Kent and Sussex counties are 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 and Opportunities (Fiscal Year 95 – Present)**

#### **Strategic Planning Process**

Of critical importance to the court is the strategic planning process, which was initiated in October 1996. 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, and the criminal case processing system. The court also holds annual assessment meetings that are designed to review and update its original long-range plan.

In considering ways to manage its caseload, the court has looked at using videophone access to obtain a more equitable distribution of workload (using a videophone to direct arraignments and warrant processing to less overloaded JP Courts) and other methods to enhance its effectiveness. Another redistribution of workload, or the court's change in policy which permitted JP Courts to handle other JP Courts' capiases, has continued to allow significant time savings for law enforcement, corrections and defendants by reducing travel time between courts. Prior to this policy, the police or corrections officer was required to transport a defendant to each JP Court in which the defendant had an outstanding capias; now,

## JUDICIAL

### 02-00-00

the first court where the defendant is taken or appears through the use of the videophone usually handles all pending capiases. In Fiscal Year 2000, 6,243 JP Court capiases have been handled by courts other than the originating JP Court, saving thousands of hours of officers' travel time. The court also handled 10,400 Court of Common Pleas capiases, 2,524 Family Court capiases, and 2,876 Superior Court capiases.

#### **Justice Of The Peace Court Building Project**

- JP Court 13/14 moved to a new location on Concord Pike in Wilmington in June of 1998.
- JP Court 20 opened in downtown Wilmington in August of 1998.
- JP Court 2 moved to a new location in Rehoboth Beach in August of 1998.
- JP Court 11 was expanded with the relocation of Justice of the Peace Court Administrative Offices in December of 1998.
- JP Courts 7, 16, and the Voluntary Assessment Center moved to a new state-owned facility in Dover in May of 1999.
- JP Court 15 relocated to a new facility in North Wilmington in May of 1999.
- Land was purchased and efforts continue to merge JP Court 5 (Milford) and JP Court 6 (Harrington) to create a 16 hour court midway between Milford and Harrington.

All building projects have been completed except for JP Court 11 in New Castle and JP Court 1 in Millsboro. 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

#### **Public Information Project**

Significant strides were made between 1995 and 1999 with the completion of videos and brochures on civil procedures, criminal procedures, summary possession, and evidentiary rules, as well as instructions on completing the complaint forms. The JP Court also established a speakers bureau with judges and others who speak to organizations about the Justice of the Peace Court, upon request.

The inauguration of the Justice of the Peace Court's webpage, <http://courts.state.de.us/jpcourt>, which provides information about court procedures, the court in general, locations of court sites, copies of court forms, the Chief Magistrate's legal memoranda and policy directives, and the court's rules, including its new civil rules, became effective on July 15, 2000.

#### **Technology**

Technology initiatives, under the leadership of the JP Court Management Analyst, included the networking of all JP Courts, the installation of computers at all work stations and the development and implementation of a civil case management system and automated telephone system, including clerical training and procedures documentation.

#### **Truancy Court**

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, with its use of a new approach to combat truancy, sparked the interest of the Governor, who visited it in July of 1998. The Truancy Court Coordinator, created in 1999, coordinates the program statewide.

#### **ENVIRONMENTAL AND POLITICAL FACTORS AFFECTING THE UNIT**

##### **Caseload Increase**

Even considering efficiencies gained through civil automation and other strategic efforts, the court continues to struggle to manage its burgeoning caseload. Its total case filings increased from 371,450 in Fiscal Year 1999 to 406,488 in Fiscal Year 2000, with the most significant increases occurring in New Castle County criminal courts (an additional 15,710 cases, or a 14 percent increase from last year), in Sussex County criminal courts (an additional 4,881 cases, or up 8 percent from last year) and in the Voluntary Assessment Center (an additional 14,782 cases, or up 11 percent from last year). This year's increase, when considered in conjunction with last year's increase, represents a 34 percent increase between Fiscal Year 1998 and Fiscal Year 2000 – or 94,813 additional case filings in Fiscal Year 2000 as compared to Fiscal Year 1998 total case filings. This increase in caseload makes it difficult for the court to function; it places a larger degree of stress on clerical staff.

##### **Public Service Expectation**

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

## JUDICIAL 02-00-00

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, including efforts to develop electronic filing in civil cases.

The court must also address the growing problem of clerical turnover, which is most evident in New Castle County. The problem has been the most difficult to manage at JP Court 11 (24-hour court). In the past year alone, of the 11 clerical positions allocated to that court, there have been a total of nine employees who have either transferred to another JP Court, higher court, another state agency, or who have left state employment.

### **Judicial Staffing**

Judicial staffing needs for the Justice of the Peace Court are based on a combination of court shift coverage (the need to have a judge available during all shifts the JP court is operating -- or 186 shifts per week) and court caseload. Given that judicial vacancies may exist for long periods of time and, recently, the extended illnesses of a number of judges, the court has faced difficulties accommodating the need to have judicial resources available to cover all shifts, as well as to handle its dramatically increasing caseload (an increase of 92,848 cases between Fiscal Year 1998 and Fiscal Year 2000).

In lieu of additional full time judicial resources to resolve this concern, there is a serious need for the court to access part time and short term judicial resources, such as retired justices of the peace, who could work on a limited basis, depending on the court's and the public's needs. This would be accomplished by a Constitutional amendment authorizing the Chief Magistrate, with the approval of the Chief Justice, to appoint retired justices of the peace (who retired in good standing, had been appointed and confirmed for a second term, assent to the designation and are not involved in anything that would create a conflict of interest) to sit on the bench on a temporary basis.

### **Loss Of Justice Of The Peace Court 9**

JP Court 9 in Middletown was destroyed by fire set by an arsonist in July 2000. While a new site is located and established, the court's workload and court personnel have been redistributed to JP Court 11 (for criminal cases) and JP Court 12 (for civil cases). Various possible short-term court sites have been reviewed and the court is working with Facilities Management and the State Insurance Coverage Office to obtain the approvals/funding to proceed to establish a new court in the Middletown/Townsend area.

### **FISCAL YEAR 2001 – 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
  - Development of upward mobility for clerks/Career Ladder Implementation and implement Staff Education Program
  - Improve internal communications (administrative update in court newsletter)
  - Administrative Office retreat
- Improve customer service to the public
  - Decrease waiting time in the lobby of the courts (National Center for State Courts – Civil Study)
  - Maintain website
  - Merge JP Courts 5/6 (Harrington/Milford) and expand hours of operation
  - Expand JP Court 20's (Wilmington) hours
  - Increase clerical personnel consistent with NCSC study to reduce case processing time
  - Security coverage for all shifts
  - Look at establishing pilot videophone court
- Ensure the quality of justice provided by the court
  - Uniformity in procedures, civil and criminal case management (Automated Warrant System)
  - Need for prosecutors and public defense attorneys
  - Use JP Court 18 (Multi-Purpose Criminal Justice Facility) more efficiently
  - Further explore applying for the Delaware Quality Award
  - Set up phone standards
  - Enhance administrative services provided to JP Court personnel
- Improve the infrastructure of the court
  - Devise plan to replace PCs and printers.
  - Develop and implement records retention program.
  - Create Intranet service for JP Court personnel.
- To improve the judicial system's efficiency and the quality of justice provided in the court, the criminal justice system by promoting modifications to the Division of Motor Vehicle (DMV) point system and increased 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).

# JUDICIAL

## 02-00-00

- To work in conjunction with DMV and the 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 mainframe). This includes resolving issues related to electronic transfer of cases and digital signatures on criminal court documents.
- 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.
- To explore methods to access the online or telephone payment of traffic fines and other fines and for filing civil cases through the use of the internet.
- To complete the JP Court Building Project (JP Court 11 in New Castle and JP Court 1 in Millsboro), including the establishment of a new JP Court 9.

### BUDGET

	FY 2000 ACTUAL	FY 2001 BUDGET	FY 2002 GOV. REC.
GF	11,940.9	12,695.0	12,974.9
ASF	--	--	--
<b>TOTAL</b>	<b>11,940.9</b>	<b>12,695.0</b>	<b>12,974.9</b>

### POSITIONS

	FY 2000 ACTUAL	FY 2001 BUDGET	FY 2002 GOV. REC.
GF	241.0	245.0	245.0
ASF	--	--	--
NSF	--	--	--
<b>TOTAL</b>	<b>241.0</b>	<b>245.0</b>	<b>245.0</b>

## *JUSTICES OF THE PEACE*

### *02-13-10*

### ACTIVITIES

#### Case Processing:

- Process criminal cases by conducting bond hearings, initial appearances, arraignments, and trials/adjudicated cases.
- Process civil cases by accepting filings and scheduling trials.
- Process voluntary assessments.
- Data entry of case-related information, including but not limited to summonses/warrants, capiases, subpoenas, continuances, commitments, judgments, appearance notices, and docket entries.
- Answer telephone calls from the public and advise as necessary.
- Accept money representing fines, court costs, Victim Compensation Fund 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 2000 Actual	FY 2001 Budget	FY 2002 Gov. Rec.
% courts located in state-owned/new facilities	89	89	89
% cases closed within 90 days	100	100	100
# shifts covered per week	77/186	97/186	122/186
% shifts covered	41	52	66

# JUDICIAL

## 02-00-00

### 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.

##### **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**

- Improve the administration of Delaware's courts.
- Coordinate the efforts of the various administrative organizations within the judicial branch.
- 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**

- 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**

- 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 Del. C. § 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 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 management, personnel, legislative relations, business planning, security, facilities planning, collections, and court interpretation. The office is being reorganized so it can support its new responsibilities.

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

Current collection efforts are limited almost exclusively to Superior Court receivables, so the original goal of centralized collections has not been met. Expansion of

# JUDICIAL

## 02-00-00

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.

An 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 office has also successfully assumed a role in the verification of account activity for persons seeking restoration of voting rights. This is a collaborative effort with DELJIS and the Department of Elections. The AOC is currently developing a policy manual for the office. This will be followed by implementation of standard procedures for all locations.

### Judicial Information Center (JIC)

The JIC is responsible for the development and support of computer information systems. Over the years, significant issues related to synergizing business needs with technology developed within the judicial branch. Following a comprehensive study by the National Center for State Courts, a three-year plan was developed to address these issues.

With the rapid change in the technology industry, 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 was challenged. The first year of the three-year plan placed improved customer service as the highest priority to be addressed. Other priorities included significant improvements in training programs, data quality assurance, maintenance of existing systems, and preparation for a transition to more current technology.

In the second and third years of the technology plan, Fiscal Year 2001 and Fiscal Year 2002, preparations will begin to move away from antiquated technology platforms to a more economical and effective environment. More modern 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 Fiscal Year 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.

### BUDGET

	FY 2000 ACTUAL	FY 2001 BUDGET	FY 2002 GOV. REC.
GF	6,793.5	7,074.9	7,609.9
ASF			33.4
TOTAL	6,793.5	7,074.9	7,643.3

### POSITIONS

	FY 2000 ACTUAL	FY 2001 BUDGET	FY 2002 GOV. REC.
GF	54.5	57.5	74.5
ASF	--	--	--
NSF	--	--	--
TOTAL	54.5	57.5	74.5

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## OFFICE OF THE STATE COURT ADMINISTRATOR

### 02-17-01

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### 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.

## JUDICIAL 02-00-00

### PERFORMANCE MEASURES

	FY 2000 Actual	FY 2001 Budget	FY 2002 Gov. Rec.
# judicial officers participating in training sessions	336	350	375
# staff trained	804	850	1600

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

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#### 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 2000 Actual	FY 2001 Budget	FY 2002 Gov. Rec.
# contacts necessary to administer accounts: verbal written	30,000	40,000	50,000
% increase in \$ collected	0	5.0	20.0

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

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#### 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.
- Manage 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.

### PERFORMANCE MEASURES

	FY 2000 Actual	FY 2001 Budget	FY 2002 Gov. Rec.
Provide users with a system response time of 3 seconds or less on average with 99 percent system availability.	100%	100%	100%
Work with courts and other state organizations to ensure that system data is 99 percent accurate. To be determined through a quality control program.	N/A	N/A	50%
Resolve 90 percent of "high priority" software problems reported within 4 business hours (unless procurement is required).	98%	99%	100%
Resolve 90 percent of "high priority" hardware problems reported within 7.5 business hours (unless procurement is required).	99%	100%	100%

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### *LAW LIBRARIES 02-17-05*

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#### 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.

# JUDICIAL

## 02-00-00

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

#### MISSION

The mission of the **Office of the Public Guardian** is to provide protective guardianship services to adult citizens of Delaware who are mentally or physically disabled, who are unable to manage their personal and financial affairs, who are at risk for neglect abuse and victimization, and who have no one else able or willing to serve as guardian.

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 **Child Placement 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 safeguard the welfare of Delaware's children through education advocacy, system reform, public awareness, training and legal representation of children as set forth in 29 Del. C. c. 90(a).

#### KEY OBJECTIVES

##### Office of the Public Guardian

- Promote the use of technology, computer network, pagers, and wireless phones to facilitate real-time information sharing among statewide staff.
- Expand the roles and responsibilities of the senior social workers/case managers to that of Deputies Public Guardian in an effort to respond to the needs of a client population which continues to grow in numbers and complexity.

- Expand the State's guardianship program to address a need for mediation and guardianship monitoring.

##### Violent Crimes Compensation Board(VCCB)

- Process as many claims per fiscal year, provide assistance to as many innocent victims of violent crime 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.
- Increase new application caseload by more than five percent.

##### Child Placement Review Board

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

##### Educational Surrogate Parent Program

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

##### Office of Child Advocate

- Ensure that every child's voice is heard in every court proceeding which affects their life.
- Ensure that every component of the child protection system has the necessary education and training to put a child's safety and well-being above all else.
- Ensure that Delaware's child welfare laws reflect the needs of children and are a model for the nation.

# JUDICIAL

## 02-00-00

### BACKGROUND AND ACCOMPLISHMENTS

#### Office of the Public Guardian Background

The State's Office of Public Guardian was created in 1974. Since its inception, key activities have steadily grown. A summary of the key activities for 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>
1996	141	39	30	159
1997	133	31	39	157
1998	179	86	40	188
1999	192	58	45	101
2000	196	41	37	145

State health and social services agencies continue to have a growing need for guardianship services for the clients they serve, and support the enhancement of the State's guardianship program to meet their need for this specialized service. In Fiscal year 1991, a position for Deputy Public Guardian was created specifically to address the need for services to residents of the State's Long-Term Care Institutions. In Fiscal Year 1997, additional case management hours were funded to meet a request for more public guardianship services to consumers of Mental Retardation. Specifically, those persons living at Stockley Center.

The Office of Public Guardian is, in increasing numbers, stepping in and serving as interim guardian for persons with disabilities and who are under the care and protection of the State's Adult Protective Services Program. In the last Fiscal Year, the office was called upon to serve as interim guardian in 14 such cases. Cases of financial victimization and exploitation are becoming more common, resulting in the elderly sometimes losing a portion or all of their life savings and resulting in their becoming dependent on the state and federal governments for care and services, including state guardianship.

Additionally, the agency is being called upon by the Court of Chancery to serve as neutral guardian or to mediate and serve as court investigator in contested guardianship cases.

Also, 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.

The increase in the number of guardianships and in the complexity of the cases has generated additional work

and resulted in a higher level of responsibility being assigned to the agency casework staff. Caseworkers oversee the case management of the person for whom the agency is named guardian. In addition to reporting to the court every six months on the care and well-being of the people the office serves, the caseworkers are making decisions affecting these people's daily lives – their care and their treatment.

#### Office of the Public Guardian: Trends and Impacts

An overall increase in the number of clients being served by the Office of the Public Guardian is consistent with the increase in the number of seniors, particularly those "old old," who are more often at risk and in need of health and social services which include guardianship.

Also, having an impact on both the number and complexity of cases handled by the Delaware Office of the Public Guardian are:

- Ongoing changes to federal and nursing home regulations. 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. Guardians are needed to advocate for persons with disabilities living in that setting, who are deemed unable to act on their own behalf and for whom there are no other surrogates allocates.
- Increasing need for public guardianship intervention in cases referred by hospitals, private and public health care facilities, including those serving persons with mental disabilities, and the State's adult protective services system.
- Increasing complexity of medical care issues in the face of health care financing cutbacks and restrictions.
- Increasing complexity of financial affairs, including cases being investigated by the Department of Justice Fraud Unit, which requires a higher level of attention and involvement by the social and financial case management staff.
- The Public Guardian may be appointed to act as neutral guardian, impartial fact finder, court advocate or court monitor on behalf of the disabled person when there is a dispute among family or interested parties as to what is in the best interests of that individual.

## JUDICIAL

### 02-00-00

#### Violent Crimes Compensation Board (VCCB)

##### Background

The VCCB was organized in January 1975. The Board is comprised of five board members: a chair, vice-chair and three commissioners. All members are appointed by the Governor and confirmed by the Senate.

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.

The purpose of the program is to alleviate some of the financial burden of crime victimization by providing compensation for certain pecuniary losses. Compensation is available for payment of medical expenses, dental expenses, psychiatric care, mental health counseling, prescription medication, prescription eyeglasses, prosthesis, certain out-of-pocket costs, loss of earnings, funeral/burial costs, and loss of support. Secondary victims, including the parent(s), spouse, son(s), daughter(s), brother(s), or sister(s) of the primary victim, are eligible for payment of mental health counseling treatment for crime-related issues. On July 21, 2000, House Bill No. 544 was signed into law that allows the Violent Crimes Compensation Board to expand benefits to secondary victims and also payment or reimbursement for certain property loss.

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's 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 their 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 2000 the Board has received 6,562 applications for compensation. In Fiscal Year 2000, a total of 433 claims were examined by the Board. Of this total, 341 claims examined were initial applications along with 92 cases that were requested to be reopened for additional consideration. A total of 339 were approved for compensation benefits, which included 260 initial cases and 79 reopened cases. The total amount awarded by the board was \$814,473.89. Due to the statutory time frame for appeals actual disbursements were \$741,860.29 with \$72,613.60 being disbursed during the first quarter of Fiscal Year 2001.

Also, during Fiscal Year 2000, the board received 279 Sexual Assault Nurse Examiner (SANE) requests and 9 Child Counseling and Assessment Program (CCAP) requests. Payments disbursed for these programs, which are included in the above monies, were \$63,707.54 for sexual assault payments and \$2,573.50 for child counseling payments.

Authorized awards for Fiscal Year 2000 were \$814,473.89 with an average award of \$2,388.49 per claimant.

Revenue receipts for Fiscal Year 2000 total \$2,840,476.59 which includes \$2,660,967.96 from the 18 percent surcharge, \$1,836.65 penalty restitution, \$86,018.35 from restitution reimbursements, \$23,167.33 probation interest, \$33,448.36 subrogation refund, \$739.08 in prior year refunds, \$27,009.89 in unclaimed restitution, \$177.00 in miscellaneous revenue and \$7,111.97 from forensic assessment.

The Forensic Sexual Assault Program has been in effect since May 26, 1995 and pays for forensic medical examinations that could be used in prosecuting the offender. Defendants convicted of these sexual offenses are required to pay a special assessment to the Violent Crimes Compensation Board.

The Child Counseling and Assessment Program (CCAP) has been in effect since July 13, 1998 and provides benefits with regard to psychological assessments and short-term counseling for children who have been victimized in the State of Delaware and have not reached his or her 18<sup>th</sup> birthday on the date of the crime.

# JUDICIAL

## 02-00-00

### Trends and Impact

The VCCB shall continue outreach initiatives to promote public awareness of the program. The agency will target the general public as well as professional groups including law enforcement, medical providers, legal professionals, social service providers, and victim advocacy volunteer groups. The goal of this initiative is to increase awareness and knowledge about the program. Training and education is offered to professional groups who lead crime victims through the recovery process.

### Child Placement Review Board Background

The Foster Care Review Board (FCRB), now the Child Placement Review Board (CPRB), enters its third decade of service to the children of Delaware with an updated mandate, new and growing partnerships in the public sector, and broad resources in the form of a professional staff and review committees of trained volunteers. In addition, the FCRB's new name, the Child Placement Review Board, reflects today's scope and charter. The name, powers, and privileges of the board were substantially changed when House Bill No. 540 was passed and signed into law by Governor Carper in June of 2000. This legislation takes the place of 31 Del. C. § 38, et seq., which established the Foster Care Review Board in 1978.

The new law reflects new realities. In addition to bringing Delaware's review requirements into compliance with the federal Adoption and Safe Families Act (ASFA), which was passed in 1998, this enabling legislation also reflects gains made through Delaware's multi-year Court Improvement Project (CIP). The legislation is designed to serve children better by ensuring timely and thorough reviews of state placement of individual children and of the state's plans for their continued welfare. In practical terms, the new law allows for several major improvements in interagency relationships and reporting.

One advance of the new law is the combination of two parallel review systems. Initially, the Foster Care Review Board was charged with reviewing all foster care cases handled by Family Services (FS). The board had also conducted independent reviews of cases handled by Youth Rehabilitative Services (YRS). Because these two review systems are now combined, this change has been reflected by a new name, the Child Placement Review Board. Under the new law, the CPRB will combine these FS and YRS review systems, ensuring that children in the care of these two State divisions will have similar reviews by an independent body.

The new law also places a greater emphasis on the inclusion and coordination of all parties who have an interest in the proceeding into a single process. The credibility of the review is strengthened by having all parties present and focused on the child's welfare.

Over 100 volunteer citizen board members are appointed by the Governor serve on the Child Placement Review Board. These 100 citizens are assigned to one of the 16 review committees that meet twice a month in various locations throughout Delaware.

Number Of Case Reviews		
FY 1998	FY 1999	FY 2000
1,514	1,804	1,751

The General Assembly established the Ivyanne D.F. Davis Memorial Scholarship in 1998 to support post-secondary education for children who had been in foster care in Delaware. The scholarships honor Mrs. Davis, a mother, foster mother, and member of the Foster Care Review Board from its founding in 1979 until her death ten years later. Funds are allocated by the General Assembly on an annual basis and awarded by the CPRB. For Fiscal Year 2000, \$31,544 was distributed to nine students at a total of seven institutions. Awards ranged from \$1,440 to \$4,000.

### Trends and Impact

To achieve its goal of timely and thorough reviews for children in the care of the State, the CPRB works in conjunction with an array of judicial and social service agencies, such as FS, YRS, Child Mental Health (CMH), Family Court, the leadership of the Court Appointed Special Advocate (CASA) program, community-based service agencies, and the Office of the Child Advocate. Establishing and maintaining good working relationships is an accomplishment that is central to the working of the CPRB and to its effectiveness in serving Delaware's children.

### Interaction with the Family Court system

Completion of the Court Improvement Project (CIP) has opened the door to much more effective partnerships between the courts and agencies having standing in cases relating to a child's welfare. The findings and recommendations from the CPRB review committees will now become part of a child's Family Court record.

### Training

CPRB staff members received in-house training on the provisions and implications of changes in federal law. This training allowed them to support the work of review committees accurately. With approximately 100 volunteers serving on review committees, training is a priority for the CPRB.

# JUDICIAL

## 02-00-00

### Educational Surrogate Parent Program (ESP)

#### Trends and Impact

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 ESPs are trained and appointed, an increasing amount of the coordinator's time is required for providing them with assistance and support.

### Office of the Child Advocate

#### Background and Accomplishments

The Office of the Child Advocate was created in 1999 as a response to the numerous child deaths in Delaware which resulted from child abuse. These cases pointed to numerous deficiencies in the child protection system which could not be remedied solely by one entity. Instead, there needed to be education, training and multi-disciplinary collaboration to best serve Delaware's children. The General Assembly determined that an office which would oversee these efforts and advocate on behalf of children was necessary.

The Child Advocate began employment in February of 2000. Much of the first four months was spent securing office space, furniture and supplies, drafting job descriptions and hiring staff, and taking care of the numerous duties involved in creating a new state agency. The office's Administrative Assistant and Program Administrator were hired in May of 2000.

May and June were spent drafting legislation which would detail the rights and responsibilities of attorneys and Court Appointed Special Advocates in their representation of children's best interests in Family Court proceedings. Since 1976, Delaware has received federal funds for child abuse prevention and treatment. However, Delaware has never complied with the federal requirement that every abused or neglected child have a guardian *ad litem* represent their best interests in judicial proceedings. The legislation that was drafted, and ultimately passed, attempts to bring Delaware into substantial compliance with this federal requirement. The legislation also addressed confusion regarding legal representation of Delaware's children. The office also had input and lobbied on behalf of children with respect to several pieces of legislation intended to impact children's lives in Delaware.

In the first five months of its operation, without the benefit of publicity about the office, the office received 21 referrals on 25 children. Due to severely limited legal resources, only three of those children received the

benefit of attorney guardian *ad litem* representation. Two of those children are represented by the Child Advocate, and a third child is represented by a member of the private bar. Funding was approved for Fiscal Year 2001 for the addition of a full-time attorney to the office, whose primary duty will be to represent the best interests of abused, neglected and dependent children in Family Court.

#### Trends and Impact

Several key things need to happen in the office of the Child Advocate over the next year. First and foremost, a pool of *pro bono* attorneys must be established so that every child's voice is heard in Family Court proceedings from the day that a child enters foster care. The Court Appointed Special Advocate office and the Office of the Child Advocate must collaborate to ensure that every child is represented.

Further networking and multi-disciplinary teamwork must happen in the child welfare community. This can be established through the Child Protection Accountability Commission and its regular attendees, as well as through collaborative training efforts between the Department for Children, Youth and Their Families, the courts, the Office of the Child Advocate and the Abuse Intervention Committee. Training and education on the complicated issues surrounding child welfare are essential to Delaware putting children first.

Child welfare laws need to be drafted and advocated before the General Assembly. Delaware has very few statutes that set out the rights and responsibilities of the various components of the child welfare system, and their obligations to each other in each judicial proceeding. Delaware has the ability to be a model for the nation on child welfare; however, this is impossible without comprehensive state laws that incorporate the numerous federal statutes and regulations regarding children, as well as the detailed studies and scholarly works promulgated by the American Bar Association Center on Children and the Law. A collaborative, multi-disciplinary effort must participate in such an endeavor so as to maximize the benefits to Delaware's at-risk children.

### BUDGET

	FY 2000 ACTUAL	FY 2001 BUDGET	FY 2002 GOV. REC.
GF	974.8	1,244.1	1,269.4
ASF	864.5	2,206.2	2,215.4
TOTAL	1,839.3	3,450.3	3,484.8

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

**POSITIONS**

	<b>FY 2000 ACTUAL</b>	<b>FY 2001 BUDGET</b>	<b>FY 2002 GOV. REC.</b>
GF	20.0	20.0	20.0
ASF	8.0	8.0	8.0
NSF	--	--	--
<b>TOTAL</b>	<b>28.0</b>	<b>28.0</b>	<b>28.0</b>

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

**ACTIVITIES**

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

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

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

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

**PERFORMANCE MEASURES**

	<b>FY 2000 Actual</b>	<b>FY 2001 Budget</b>	<b>FY 2002 Gov. Rec.</b>
# referrals received	145	240	240
# referrals accepted for public guardianship	41	50	50
# current guardianships	196	225	225

**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**

	<b>FY 2000 Actual</b>	<b>FY 2001 Budget</b>	<b>FY 2002 Gov. Rec.</b>
% Victims Costs	63	70	70
% Operational Costs	37	30	30
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>

**CHILD PLACEMENT 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**

	<b>FY 2000 Actual</b>	<b>FY 2001 Budget</b>	<b>FY 2002 Gov. Rec.</b>
# volunteer hrs generated	1,730	1,600	1,600
% children being reviewed	100	100	100
# training hrs provided to board	160	100	100

## JUDICIAL 02-00-00

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

#### ACTIVITIES

- Recruit and train volunteers to serve as Educational Surrogate Parents (ESP).
- Provide ongoing training opportunities, support and materials for ESPs.
- Provide technical assistance to other agencies (e.g., Department of Services for Children, Youth and Their Families, 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 Department of Education or Department of Health and Social Services.
- Coordinate with Department of Education and Department of Health and Social Services to improve the Education Surrogate Parents system.
- Collect and analyze data regarding ESPs and eligible children.

#### PERFORMANCE MEASURES

	FY 2000 Actual	FY 2001 Budget	FY 2002 Gov. Rec.
% appointments within 10 working days	100	100	100
# ESPs appointed or available	93	100	100
# children served	172	232	292
# ESP appointed	93	100	100
# ESP available	186	201	226
# ESP trained	40	40	40

### ***OFFICE OF THE CHILD ADVOCATE 02-18-05***

#### ACTIVITIES

- Recruit and train attorneys to represent children's best interests in every child welfare proceeding.
- Advocate legislative changes to improve the lives of abused, neglected and dependent children.
- Educate the public on the services and goals of the office and the Child Protection Accountability Commission.
- Develop and provide quality training to division staff, Deputy Attorneys General, law enforcement officers, the medical community, family court personnel, educators, daycare providers and others in the child welfare arena on the legal, sociological, cultural and behavioral nuances of child welfare.

- Review relevant policies, procedures and laws, and make recommendations for change with a view toward the rights of children.
- Collect and analyze data to determine how many children are not receiving services or representation in Delaware and why.

#### PERFORMANCE MEASURES

	FY 2000 Actual	FY 2001 Budget	FY 2002 Gov. Rec.
# of referrals/children	21/25	unknown	unknown
# of pro bono attorneys available	None	50	50
# of children represented by the office	2	35	35
# of children represented by pro bono attorneys	1	75	75
# of amicus briefs filed by the office	1	1	1
# of children referred to the CASA program & subsequently represented by CASA	2	30	30
# of children unrepresented due to a lack of resources	500+	300	300