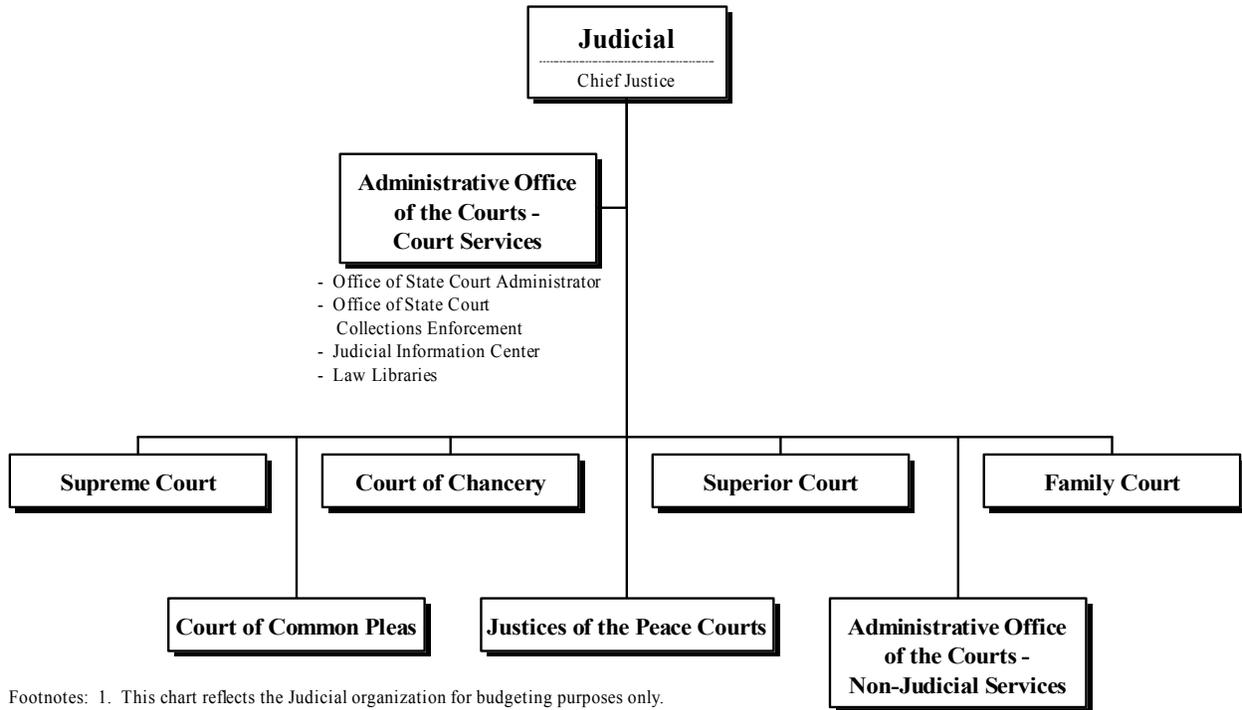


JUDICIAL

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 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

- Dispose of criminal cases within standards set by the Chief Justice, the American Bar Association (ABA) and/or as specified by the individual courts.
- Dispose of civil cases within standards set by the Chief Justice, the ABA and/or as specified by the individual courts.
- Establish more specific goals covering issues such as facility security.
- Provide leadership in services that are wholly or partially centralized.

Goals and objectives contained within the Strategic Plan of the Judiciary are based upon direction from the Chief Justice as outlined in various administrative directives, national goals promulgated by the American Bar

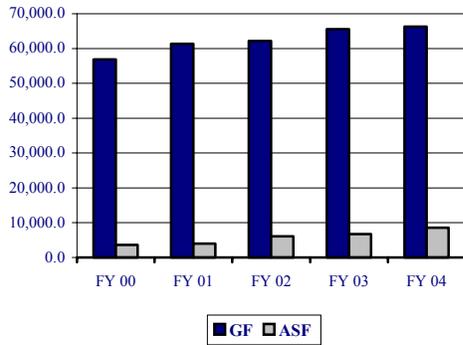
Association and individual objectives specific to the Delaware court system. In some cases, stated objectives are being met, while meeting others will take a concerted effort over several years.

One of the biggest challenges will be the collection and analysis of data to measure progress. The Administrative Office of the Courts, as well as the courts themselves, will develop and use multiple means to collect baseline data for all objectives for the period January 1, 2004 through June 30, 2004 in order to report on objectives contained in Judicial's strategic plan for the Fiscal Year 2006 budget request cycle.

JUDICIAL

02-00-00

Five-Year Appropriation History



FUNDING

	FY 2003 ACTUAL	FY 2004 BUDGET	FY 2005 GOV. REC.
GF	66,414.2	66,286.4	68,187.7
ASF	6,020.9	8,565.0	8,290.8
TOTAL	72,435.1	74,851.4	76,478.5

POSITIONS

	FY 2003 ACTUAL	FY 2004 BUDGET	FY 2005 GOV. REC.
GF	1,064.5	1,054.0	1,062.0
ASF	95.0	97.0	97.0
NSF	26.3	25.3	17.3
TOTAL	1,185.8	1,176.3	1,176.3

FY 2005 BUDGET HIGHLIGHTS

OPERATING BUDGET:

- ◆ Base adjustment includes (\$424.8) ASF and enhancement of \$424.8 in Victim Offender Mediation Program to change program funding from Appropriated Special Funds to General Funds.
- ◆ Recommend enhancement of \$305.7 in Personnel Costs and 8.0 FTEs (5.0 Judicial Case Manager IIs, 1.0 Judicial Case Manager, 1.0 Mediation Arbitration Officer, and 1.0 Criminal Justice Coordinator) for positions associated with expiring federal grants.

CAPITAL BUDGET:

- ◆ Recommend \$500.0 for the Minor Capital Improvements and Equipment program.
- ◆ Recommend \$500.0 for renovations to the Sussex County Courthouse.

- ◆ Recommend \$700.0 for the New Castle County Courthouse.
- ◆ Recommend \$600.0 for the Sussex County Family Court renovation project.

JUDICIAL

02-00-00

SUPREME COURT

02-01-00

MISSION

- Provide an efficient mechanism for the prompt, fair and legally-correct disposition of cases.
- Regulate the practice of law through various committees appointed by the Supreme Court.
- Establish statewide goals and implement appropriate policies for judicial administration and 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 2005-Fiscal Year 2007 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, each of whom is 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 (1) 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 and (2) in civil cases as to final judgments and in certain other orders of Court of Chancery, Superior Court and 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. Appeal processing, from initial filing to final decision, is the primary activity of 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 Court of Chancery and the President Judge of 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.

Supreme Court regulates the practice of law in Delaware through various committees referred to as the Arms of the Court. Each committee member is appointed by the court. Pursuant to Supreme Court Rules, these committees are funded by annual assessments paid by Delaware lawyers and fees from applicants who take the Delaware Bar examination. The funds generated by the assessments and fees exceed \$900,000. There is no cost to the state for the operation of the Arms of the Court.

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 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 is practicable, the collective responsibility of the legal profession with 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—rules which govern the testing and procedures for admission to the Bar of the Supreme Court of Delaware.

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

The Supreme Court Advisory Committee on the Interest on Lawyer Trust Accounts Program (IOLTA) is

JUDICIAL 02-00-00

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 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 disburse all funds generated by the IOLTA Program. The majority of these funds are used to provide legal representation to indigents.

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 involving 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—identifying areas for increased administrative focus, coordinating plans to deal with inter-court issues and reviewing individual court budgets.

The court's major accomplishment within the past year was the disposition of most cases within 40 days of the date of submission, which is well under the 90-day standard that the court has set in accordance with American Bar Association standards. The court issued several administrative directives regulating the administration of the courts and the Bar. Administrative Directive 147 established a joint Bar/Bench committee to update the Delaware State Bar Association Statement of Principles of Lawyer Conduct and to establish a separate but companion Statement of Principles on Civility Code applicable to judges in all Delaware courts. Administrative Directive 148 established a committee to develop a protocol and uniform policy, with respect to services to the indigent, concerning (1) applications for attorneys' fees and expenses; (2) agreements with contract counsel; and (3) court appointments other than contract counsel in Supreme Court, Superior Court and Family Court. Pursuant to Administrative Directive 136, the Court Resources Task Force filed its final report on November 26, 2002. The final report made comprehensive recommendations concerning various administrative functions within the court system.

FUNDING

	FY 2003 ACTUAL	FY 2004 BUDGET	FY 2005 GOV. REC.
GF	2,508.8	2,409.6	2,449.2
ASF	75.9	149.4	149.4
TOTAL	2,584.7	2,559.0	2,598.6

POSITIONS

	FY 2003 ACTUAL	FY 2004 BUDGET	FY 2005 GOV. REC.
GF	28.0	27.0	27.0
ASF	--	--	--
NSF	11.3	11.3	11.3
TOTAL	39.3	38.3	38.3

SUPREME COURT 02-01-10

ACTIVITIES

- Dispose of appeals.
- Monitor of time schedules.
- Dispose of complaints against judicial officers appointed by the Governor.

PERFORMANCE MEASURES

	FY 2003 Actual	FY 2004 Budget	FY 2005 Gov. Rec.
Average # days from under advisement to final decision date			
Criminal	45.8	40.1	38.0
Civil	34.2	32.0	30.0
Average # days from initial filing to final decision date			
Criminal	192.3	187.5	183.0
Civil	179.4	175.2	172.0
% of cases disposed within 30 days of date of submission	45.7	50.0	50.0
% of cases disposed within 90 days of date of submission	91.2	93.0	93.0

REG-ARMS OF THE COURT 02-01-40

ACTIVITIES

- Office Disciplinary Counsel and Board on Professional Responsibility
 - Dispose of complaints against lawyers.
- Lawyers' Fund for Client Protection
 - Process claims with the fund.
 - Audit lawyers' financial accounts.
- Board of Bar Examiners
 - Process applications to take the Bar examination.

JUDICIAL

02-00-00

- Commission on Continuing Legal Education (CLE)
 - Process lawyer compliance affidavits.
 - Evaluate CLE programs.

PERFORMANCE MEASURES

Lawyers' Fund for Client Protection

	FY 2003 Actual	FY 2004 Budget	FY 2005 Gov. Rec.
# of claims	17	20	25
# of claims paid*	13	15	17
# of claims denied or withdrawn*	14	16	18
# of claims pending*	6	7	8
\$ amount of claims made	116,186	150,000	175,000
\$ amount of claims paid	15,604	25,000	30,000
\$ amount of claims pending	40,258	50,000	60,000

*Note: Includes claims filed in previous fiscal year.

Board of Bar Examiners

	FY 2003 Actual	FY 2004 Budget	FY 2005 Gov. Rec.
# of applicants processed	237	240	245
# of applicants passing Bar exam	152	155	158

Commission on Continuing Legal Education

	FY 2003 Actual	FY 2004 Budget	FY 2005 Gov. Rec.
# of FY 2002 affidavits processed	1,226	1,450	1,500
# of programs evaluated	4,268	4,500	4,700
\$ amount of fines and sponsor fees paid	30,740	32,000	34,000

Office of Disciplinary Counsel

	FY 2003 Actual	FY 2004 Budget	FY 2005 Gov. Rec.
# of new matters filed	409	450	500
# of matters disposed	327	380	420
# of cases pending or stayed	4	5	6
# of private admonitions with or without probation	11	13	15
# of public reprimands with or without probation	6	8	10
# of suspensions and interim suspensions	8	10	12
# of disbarments	3	3	3
# of reinstatements	1	1	1

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 fair, prompt, efficient and 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 continue to improve the statewide functionality of the Register in Chancery.

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 to the fact that Delaware is a preferred situs for incorporation in the United States. The remainder of the court's resources is 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 all three Delaware counties.

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 judge in all instances if they so choose. In fact, such appeals are relatively rare.

The main objective of the court in the last year was to unify the policies and procedures of the Register in Chancery offices throughout the state. The court made significant strides in this area, which will facilitate a

**JUDICIAL
02-00-00**

smooth implementation of the court's latest endeavor—civil e-filing. The court will also be implementing the new technology dispute jurisdiction and the mediation-only docket. The court adopted rules regarding these initiatives, and is now prepared for case filings in these areas.

FUNDING

	FY 2003 ACTUAL	FY 2004 BUDGET	FY 2005 GOV. REC.
GF	2,324.0	2,201.3	2,238.0
ASF	1,275.1	1,458.5	1,504.1
TOTAL	3,599.1	3,659.8	3,742.1

POSITIONS

	FY 2003 ACTUAL	FY 2004 BUDGET	FY 2005 GOV. REC.
GF	26.0	26.0	26.0
ASF	21.0	21.0	21.0
NSF	--	--	--
TOTAL	47.0	47.0	47.0

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

ACTIVITIES

- Schedule and dispose of requests for temporary restraining orders and preliminary injunctions in a prompt manner.
- Hold trials.
- Rule on attorney's fees.
- Certify questions of law to Supreme Court.
- Order sales of real and personal property.
- Issue instructions to fiduciaries (executors)/receivers/guardians/trustees to do or to refrain from doing deeds that they lack the authority to do without court approval.
- Exercise powers of review on appeal from administrative proceedings.

PERFORMANCE MEASURES

	FY 2003 Actual	FY 2004 Budget	FY 2005 Gov. Rec.
% decisions rendered within a period of 90 days after readiness for adjudication	79	90	90
# matters filed	4,289	4,332	4,375

**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 prompt and expeditious manner.
- To provide due process and individual justice in each case, treat similar litigants similarly and ensure that the court's actions, and the consequences thereof, are consistent with established law.
- To be accountable for the utilization of the resources at its disposal.
- To ensure that the court's personnel practices and decisions establish the highest standards of personal integrity and competence among its employees.
- To instill public trust and confidence that the court is fairly and efficiently operated.

KEY OBJECTIVES

Superior Court expects to accomplish the following during Fiscal Year 2005:

- Increase the rate of compliance with the Chief Justice's Speedy Trial Directive for the disposition of criminal cases.
- 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, establish greater adherence to court schedules and tighten 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 training opportunities for staff, particularly in management and supervisory skills. Develop

JUDICIAL

02-00-00

recruitment and training programs for staff that recognize diversity as a core value of the court.

- Maximize staff productivity through enhancements to automated case management systems and provide basic tools needed to use those systems.

BACKGROUND AND ACCOMPLISHMENTS

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 Court of Common Pleas; and
- applications for extraordinary writs, such as habeas corpus and mandamus.

The nation's top corporate counsel and senior litigators for the second time in as many years recognized the Superior Court of Delaware as the premier court of general jurisdiction in the country. The Harris Poll *State Liability Systems Ranking Study* conducted for the United States Chamber Institute for Legal Reform measured Corporate America's perception of which state is doing the best job of creating a fair and reasonable litigation environment. Among the areas surveyed were overall treatment of tort and contract litigation, treatment of class action suits, punitive damages, promptness of summary judgment/dismissal, discovery, scientific and technical evidence, judges' impartiality, judges' competence, juries' predictability and fairness. The study's respondents, corporate general counsels and senior attorneys at companies with annual revenues of at least \$100 million, graded all 50 states in each of the categories. Delaware was ranked number one overall.

In Fiscal Year 2003, the court concentrated on the expansion of its electronic service delivery, browser-based report distribution and conversion of paper-based communications to electronic communications. A new website was unveiled with a new graphic design and dynamic navigation. Other improvements to the court's website include additional links for legal research, an advanced search capability and the addition of pages on Reentry Courts. The Jury Services pages were enhanced, supplemented and streamlined for user ease. To enhance the court's expansion of e-filing, much additional information was added, with direct logins for users. A Listserv information service was begun, serving 700 members to provide instant notification of orders, court opinions, rule changes and other information.

In other efforts to maximize the use of available technology, the court implemented a criminal imaging system in Kent County, with expansion to Sussex and New Castle counties slated for the winter of 2004-05. The court will shortly see the installation of state-of-the-art presentation technology systems in three of its trial courtrooms. Superior Court also obtained a grant from the State Justice Institute to fund the development and implementation of criminal e-filing in Kent and Sussex counties in partnership with LexisNexis.

The renovation and expansion of the Sussex County Courthouse was completed, resulting in the long-needed expansion of the Prothonotary's Office. In New Castle County, improvements in the scheduling of suppression hearings and trials in criminal cases, in tandem with the ongoing grant-funded Criminal Case Management Project and the diligent work of the Bench, have produced measurable results. The rate of disposition of non-first degree-murder criminal cases within 120 days of indictment increased from 49.8 percent at the beginning of the fiscal year to 63.6 percent at the end of the fiscal year, with the rate of disposition within one year increasing from 91.8 percent to 96 percent. The number of non-first-degree-murder cases pending over 120 days decreased by over 56 percent. There were 183 criminal trials conducted, compared to 169 the previous year. Further, trials resumed in first-degree-murder cases as part of the concerted effort to bring them to disposition expeditiously. In the civil division, e-filing efforts were expanded, enabling the uploading and scanning of documents in asbestos and coverage cases.

Superior Court staff served on a panel for training sessions with the Delaware State Bar on amended Civil Rule 16.1 in addition to updating and publishing an Alternative Dispute Resolution (ADR) Manual. An online edition is available on the court's website and includes ADR practitioner listings, complete with interactive e-mail links. Finally, statewide ADR forms were designed and implemented, replacing different forms used in each county.

Finally, Superior Court continued its dedication to its vision, mission and core values through the collaborative efforts of its judges and staff from across Delaware. The vision of 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 its 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 both in Delaware and throughout the nation.

JUDICIAL

02-00-00

FUNDING

	FY 2003 ACTUAL	FY 2004 BUDGET	FY 2005 GOV. REC.
GF	16,798.1	16,527.8	16,959.8
ASF	--	--	--
TOTAL	16,798.1	16,527.8	16,959.8

POSITIONS

	FY 2003 ACTUAL	FY 2004 BUDGET	FY 2005 GOV. REC.
GF	286.0	279.0	283.0
ASF	--	--	--
NSF	6.0	6.0	2.0
TOTAL	292.0	285.0	285.0

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

ACTIVITIES

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

PERFORMANCE MEASURES

	FY 2003 Actual	FY 2004 Budget	FY 2005 Gov. Rec.
Criminal case filings			
NCC	4,856	5,100	5,360
Kent	1,912	2,008	2,109
Sussex	1,929	2,025	2,127
Civil case filings			
NCC	8,224	8,635	9,068
Kent	1,335	1,402	1,472
Sussex	1,137	1,194	1,254
Criminal case dispositions			
NCC	5,201	5,461	5,734
Kent	1,868	1,961	2,059
Sussex	2,043	2,145	2,252
Civil case dispositions			
NCC	8,165	5,537	9,002
Kent	1,324	1,390	1,460
Sussex	1,288	1,352	1,420
Criminal cases pending			
NCC	1,112	1,068	1,014
Kent	349	335	321
Sussex	343	326	312

Civil cases pending			
NCC	6,096	5,852	5,559
Kent	741	706	671
Sussex	723	694	666
90% of criminal cases disposed of within 120 days (Speedy Trial standard)			
NCC	61.8	65.0	70.0
Kent	85.6	87.0	90.0
Sussex	86.0	89.0	91.0
98% of criminal cases disposed of within 180 days (Speedy Trial standard)			
NCC	75.5	79.0	83.0
Kent	93.3	95.0	96.0
Sussex	96.4	97.0	98.0
100% of criminal cases disposed of within 360 days (Speedy Trial standard)			
NCC	95.4	96.0	98.0
Kent	98.8	99.0	100.0
Sussex	99.9	100.0	100.0
90% of civil cases <360 days old at time of disposition (ABA standard)			
NCC	75.9	78.0	80.0
Kent	78.2	80.0	83.0
Sussex	66.8	70.0	75.0
98% of civil cases <551 days old at time of disposition (ABA standard)			
NCC	85.4	87.0	90.0
Kent	87.8	89.0	92.0
Sussex	78.9	82.0	85.0
100% of civil cases <720 days old at time of disposition (ABA standard)			
NCC	91.2	93.0	95.0
Kent	93.2	95.0	97.0
Sussex	84.8	87.0	90.0
# of criminal jury trials			
NCC	166	180	200
Kent	56	62	70
Sussex	40	46	53
# of civil jury trials			
NCC	88	100	115
Kent	21	23	25
Sussex	9	12	15
# of criminal non-jury trials			
NCC	17	20	25
Kent	3	5	8
Sussex	2	5	8
# of civil non-jury trials			
NCC	10	14	18
Kent	0	2	4
Sussex	11	14	16

JUDICIAL
02-00-00

COURT OF COMMON PLEAS
02-06-00

MISSION

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.
- Improve service to the citizens of the state.
- Reduce delay in bringing cases to trial.
- Dispose of cases more efficiently.
- 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 for 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 Justices of the Peace Courts;
- criminal appeals from Alderman's Courts; and
- appeals from Motor Vehicles in license suspensions.

The court receives most of its criminal caseload from Justices of the Peace Courts and a small percentage of filings from Alderman's Courts. Approximately three percent of cases are filed directly by 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 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 efforts 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 with Court of Common Pleas, doubling the court's caseload in New Castle County. In July 1998, the court began to operate a court-supervised, comprehensive drug diversion program for non-violent offenders in New Castle County. This voluntary program that includes regular appearances before a judge, participation in substance abuse education, drug testing and treatment, if needed, has handled more than 2,093 participants since its inception. The program has been the subject of a study by the University of Pennsylvania on the role of judicial status hearings in drug court, the first such study of its kind in the nation. The program was expanded to Sussex County in June 2003, and is expected to be implemented in Kent County in January 2004.

In 1999, the National Center for State Courts conducted an operations assessment of the Court Clerks' Offices and provided the court with a series of recommendations designed to improve the court's delivery of service to the public.

The court began a mediation dispute resolution program in 2001. In partnership with the Center for Community Justice and the Delaware Center for Justice, the court has referred approximately 1,264 cases for mediation. Mediation provides an alternative to criminal prosecution and leaves participants with an increased sense of satisfaction about the criminal justice process.

FUNDING

	FY 2003 ACTUAL	FY 2004 BUDGET	FY 2005 GOV. REC.
GF	6,947.6	6,827.1	6,989.4
ASF	52.2	167.2	167.2
TOTAL	6,999.8	6,994.3	7,156.6

POSITIONS

	FY 2003 ACTUAL	FY 2004 BUDGET	FY 2005 GOV. REC.
GF	125.0	123.0	124.0
ASF	3.0	4.0	4.0
NSF	1.0	1.0	--
TOTAL	129.0	128.0	128.0

**JUDICIAL
02-00-00**

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

ACTIVITIES

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

PERFORMANCE MEASURES

Performance Measure 1

Criminal Case Filings and Dispositions

Fiscal Year	Criminal			\$ Amount Collected 1000s
	Misd. Filings	Criminal Dispositions	Criminal Pending	
2001	73,393	70,811	34,763	5,111.6
2002	82,469	80,757	45,758	5,821.6
2003	82,719	81,257	37,879	5,624.0

Performance Measure 2

**Time from Transfer for Arraignment
to Trial by Case Type (Months)**

New Castle County

Number of Weeks

Case Type	10/01	10/02	10/03
Suspension/Insurance	21	20	13
Other Non-Jury	20	20	25
Drive Under Influence	27	26	32
Domestic Violence	16	15	16
Drug	24	23	23
Jury Trial	24	26	24

Kent County

Case Type	10/01	10/02	10/03
Non-Jury	8	5	5
Jury Trial	12	10	8

Sussex County

Case Type	10/01	10/02	10/03
Non-Jury	15	9	9
Jury Trial	19	10	9

Performance Measure 3

Civil Case Filing Dispositions

Fiscal Year	Cases Filed	Disposition Time (Months)		
		New Castle	Kent	Sussex
2001	8,060	4.9	4.0	3.4
2002	10,574	4.1	3.6	5.9
2003	12,322	4.6	3.2	4.2

Performance Measure 4

Preliminary Hearing Workload

Months	Cases Scheduled	Hearings Held	
		#	%
4/01	524	82	15.6
4/02	597	58	9.7
4/03	479	67	14.0

JUDICIAL

02-00-00

FAMILY COURT

02-08-00

MISSION

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 purposes of further explaining its important 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 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 filings filed by self-represented litigants by law-trained personnel.
- Provide appropriate legal representation to all parties in civil matters where due process dictates representation.

BACKGROUND AND ACCOMPLISHMENTS

Performance Standards and Measures

In March 2003, Family Court completed the development of 21 performance measures, which are contained in the manual titled, “Quality Counts: A Manual of Family Court Performance Measurements.” Work continues on

implementation of these measures as well as on the development of management reports for each measure. Specifically, Family Court is partnering with the Commission on Family Law to establish focus groups to assess justice system representatives' perceptions of court performance. It is hoped that the first sessions of the focus groups will occur early next spring.

Family Court is partnering with the Judicial Information Center to develop automated surveys to measure the following performance dimensions:

- Accessibility and Convenience by Court Users (Performance Standard: Access to Justice, 1.2);
- Effectiveness of Legal Representation of Children in Child Abuse and Neglect Proceedings (Performance Standard: Access to Justice, 1.3);
- Court Users' Assessment of Court Personnel's Courtesy and Responsiveness (Performance Standard: Access to Justice, 1.4);
- Treatment of Litigants in Court (Performance Standard: Access to Justice, 1.4);
- Evaluation of Equality and Fairness by Court Users (Performance Standard: Equality, Fairness and Integrity, 3.2);
- Experience in Interpreting Orders and Judgments (Performance Standard: Equality, Fairness and Integrity, 3.3);
- Perception of the Court's Independence and Comity (Performance Standard: Independence and Accountability, 4.1);
- Workforce Strength and Quality of Relationships (Performance Standard: Independence and Accountability, 4.1); and
- Court Employees' Perceptions of Court Performance (Performance Standard: Public Trust and Confidence, 5.1).

Family Court, again in conjunction with the Judicial Information Center, is refining existing case management statistical reports so as to provide enhanced management reports in the following areas:

- Case Time to Disposition (Performance Standard: Expedition and Timeliness, 2.1);
- Ratio of Case Dispositions to Case Filings (Performance Standard: Expedition and Timeliness, 2.1);
- Age of Pending Caseload (Performance Standard: Expedition and Timeliness, 2.1);
- Certainty of Trial Dates (Performance Standard: Expedition and Timeliness, 2.1); and
- Prompt Payment of Monies (Performance Standard: Expedition and Timeliness, 2.2).

JUDICIAL

02-00-00

Work also continues on finalizing the method of data collection and management reporting for the following performance dimensions:

- Payment of Fines, Costs, Restitution and Other Orders by Probationers (Performance Standard: Equality, Fairness and Integrity, 3.4);
- Reliability of File Control Measures (Performance Standard: Equality, Fairness and Integrity, 3.5);
- Case File Integrity (Performance Standard: Equality, Fairness and Integrity, 3.5);
- Equal Employment Opportunity (Performance Standard: Independence and Accountability, 4.3); and
- Courthouse Security Audit (Performance Standard: Access to Justice, 1.2).

The "Quality Counts" Project is funded in part by the First State Quality Improvement Fund.

Programs for Self-Represented Litigants *Resource and Self-Help Centers*

Family Court received substantial praise for efforts made on behalf of those citizens who represent themselves. The court operates Resource Centers in Dover and Georgetown and participates as a full partner in the New Castle County Courthouse Self-Help Center. During Fiscal Year 2003, the Family Court Resource Centers located in Kent and Sussex counties assisted 24,418 visitors. The New Castle County Courthouse Self-Help Center assisted 18,964 visitors during the same period. Based on feedback from a variety of sources, this *pro se* program has already contributed to more efficient court operations, to improved public access to the court and to enhanced litigant participation in the court process.

Filings Examiners

The Filings Examiner reviews all filings received by the court from the self-represented and promptly returns any insufficient documents to the litigant so that the necessary corrections can be made early on and the process expedited. During the six-month period of April through September 2003, the Filings Examiner reviewed 733 civil petitions filed by self-represented litigants. Of these, 215 petitions (29 percent) required corrective action. Accordingly, these 215 deficient petitions were either corrected or dismissed before they reached a court calendar. Additionally, the work of the Filings Examiner helped to ensure that the remaining 518 petitions were ready for court action when calendared.

Financial Management System

In May 2002, Family Court implemented an automated financial management system in its collections offices, records rooms and Pro Se Centers. This system is modeled after the system currently in use in Justices of the

Peace Courts and Court of Common Pleas. With the adoption of the Financial Management System (FMS), Family Court is on the same technological level as the other courts and is in a position to accept branch-wide collections rather than restricting activities only to Family Court functions. Additionally, Family Court is now able to proactively manage accounts receivable in order to ensure that court orders are honored.

In an attempt to increase receivables from both old and new cases, Family Court partnered with the Office of State Court Collections Enforcement (OSCCE). In addition to its standard collection practices, OSCCE has been successful in collecting older fines via tax intercept and by the recent scheduling of contempt calendars in Family Court. As for increasing collection of current receivables, plans are underway to allow OSCCE to take payments on Family Court cases at each of their satellite offices, thereby increasing the number of payment locations from three to eight statewide. In addition, Family Court began accepting credit card payments for all fines and fees. It is anticipated that, as a result, outstanding "receivables" will be reduced substantially and restitution payments to victims will be accelerated.

Juvenile Drug Court Program

In Fiscal Year 2002, Family Court completed a review of Drug Court best practices and designed a new Adjudicated Drug Court model. Since the program entered its first juvenile in January 2003, the Juvenile Drug Court Program has grown steadily. Presently, there are 21 juveniles enrolled in New Castle County, 15 in Kent and seven in Sussex (43 statewide). The continuing subject of bi-monthly Drug Court team meetings is reaching the goal of 75 enrolled youth at any given time by the end of the program's first year.

VAWA Investigative Services Officer Program

Family Court was the program recipient of a Violence against Women Act (VAWA) grant to provide pre-trial supervision for domestic violence cases. The program is aimed at providing greater safety for victims of domestic violence by better managing their alleged abusers during the pre-trial period of the criminal prosecution process. The program has served 70 cases since the onset of the grant. Currently, 40 cases are in the active group and 40 are in the comparison group. The grant activity at present is confined to Family Court, as Court of Common Pleas and Superior Court are revising their entry processes. With the help of the Attorney General's Office, a process has been developed whereby the Domestic Violence Investigative Services Officer picks up cases during arraignments and bail review hearings. Pre-trial reports are submitted only when the defendant pleads guilty or has

JUDICIAL
02-00-00

been found guilty as a result of trial. The court anticipates meeting the 90 case goal by the end of the year.

FUNDING

	FY 2003 ACTUAL	FY 2004 BUDGET	FY 2005 GOV. REC.
GF	14,302.3	14,221.3	14,526.6
ASF	2,898.5	3,263.8	3,368.8
TOTAL	17,200.8	17,485.1	17,895.4

POSITIONS

	FY 2003 ACTUAL	FY 2004 BUDGET	FY 2005 GOV. REC.
GF	268.0	259.0	261.0
ASF	63.0	64.0	64.0
NSF	4.0	3.0	1.0
TOTAL	335.0	326.0	326.0

FAMILY COURT
02-08-10

ACTIVITIES

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

PERFORMANCE MEASURES

Criminal Case Processing

- 90 percent of adult and juvenile criminal cases shall be disposed of within 45 days of the petition/information being filed.
- 100 percent of adult and juvenile criminal cases shall be disposed of within 90 days of the petition/information being filed.

Civil Case Processing

- 100 percent of proceedings involving dependent, neglected or abused children in the custody of the Department of Services for Children, Youth and Their Families shall have a permanency plan established within 12 months of the removal of a child from the home.

- 100 percent of Protection from Abuse petitions shall be disposed of within 30 days of filing.
- 100 percent of child support matters shall be disposed of within 90 days of the receipt of the petition.
- 90 percent of civil decisions shall be rendered within 90 days of taking the matter under advisement.

JUDICIAL

02-00-00

JUSTICES OF THE PEACE COURTS

02-13-00

MISSION

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

- 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

- Improve the infrastructure of the court.
- Provide convenient, safe and secure facilities for the public and court employees.

BACKGROUND AND ACCOMPLISHMENTS

Background

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

As early as the 1600s, Justices of the Peace were commissioned to handle minor civil and criminal cases. Along with a host of other duties, the administering of local government in the 17th and 18th centuries on behalf of the English Crown was a primary duty of the Justices of the Peace. With the adoption of the State Constitution of 1792, the Justices of the Peace were stripped of their general administrative duties, leaving them with only minor civil and criminal jurisdiction. Beginning in 1966, the Justices of the Peace were taken into the state’s judicial system.

JP Courts are Delaware’s entry-level courts and are the courts through which the great majority of all criminal cases pass. 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. traffic 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.

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 appeals from landlord/tenant cases to special courts consisting of a three-judge panel.

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.
- Process capiases issued by Family Court, Court of Common Pleas and Superior Court.

There are 19 Justices 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 for second and subsequent terms of six years.

Justices 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 1995-Present

Truancy Court

2003 represented a “banner” year for Justice of the Peace Court’s Truancy Court – both in workload increases and in achievement. The Truancy Court experienced a 29 percent increase in case filings from 2002 and a 48 percent increase in court events. The 951 cases filed in 2003 resulted in 5,114 case events (filings, arraignments, case reviews and dispositions). Fifty-five percent of the 739 students with cases closed in 2002-2003 achieved compliance with the Truancy Court, and 94 percent of those students remained in school at the end of the year; 70 percent of all 2002-2003 students involved with the

JUDICIAL

02-00-00

Truancy Court were still in school at the end of the year, and 66 percent of all 2001-2002 students involved with the Truancy Court continued to remain in school more than a year later. The Truancy Court is being recognized as the "2003 Program of the Year" by the International Association for Truancy and Dropout Prevention because of its comprehensive approach to reducing truancy; it combines community health and social service resources with intensive court oversight to strengthen families, improve school attendance and prevent juvenile delinquency

Statewide Videophone Court

The statewide Videophone Court at JP Court 2 in Rehoboth providing substantial benefits and resource savings to the criminal justice community because it distributes Justice of the Peace Court's videophone workload and provides quicker and more consistent service. The success of the statewide Videophone Court is demonstrated in Court 2's dramatic increase in caseload – a 43 percent increase in Fiscal Year 2003 (from 18,943 to 27,059 cases filed) and its average of over 1,000 videophone proceedings per month.

Train the Trainer/Customer Service Program

Justice of the Peace Court offered a "train the trainer" program for interested employees, who became part of a group of "trainers" within the court to develop programs and implement court policies and procedures on a long-term basis. The trainers' first assignment was providing customer service training to all non-judicial employees. This effort, funded by a grant from First State Quality Improvement Fund, promotes uniformity and better service to the public. Prior to the customer service training, the court conducted public surveys on the services it provides, receiving ratings of "excellent" from 70 percent of the respondents for courtesy and helpfulness of staff and from approximately 55 percent of the respondents for efficiency and speed of service and overall experience. With the completion of the training, surveys will be conducted again for comparison purposes.

Court Facilities

Justice of the Peace Court received funding to relocate Court 1 from its rental facility in Millsboro to a former bank building owned by the Town of Frankford. This new facility, which is currently being renovated, is larger and more suitable for a courthouse, and is more centrally located as well. It is also expected to house the Sussex Truancy Court operations. In addition, efforts continue in constructing a new facility in Houston to allow for the merger of Courts 5 (Milford) and 6 (Harrington) and for extended hours of operation at that site. It is expected that this project will be completed in Fiscal Year 2004.

Constable Security

Justice of the Peace Court implemented a new program to enhance the security/safety of constables by tracking all constable location radio calls through the State Police emergency personnel tracking system.

Capias Processing

In considering ways to manage its caseload, the court's change in policy 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, the first court to which a defendant is taken or appears through the use of the videophone usually handles all pending capiases. In Fiscal Year 2002, 5,001 JP Court capiases were handled by courts other than the originating JP Court, saving thousands of hours of officer travel time. The court also handled 10,499 Court of Common Pleas capiases, 2,369 Family Court capiases and 2,726 Superior Court capiases.

Technology

Grant funding was received in Fiscal Year 2002 to allow for the electronic payment of traffic tickets. The purpose of this project is to enable the court to re-engineer the payment process to free up clerical positions for use elsewhere within the court and to enhance customer service. Tickets paid online would be instantly entered into the system with minimal involvement of clerical personnel. The DELJIS and State Police project to automate traffic tickets will completely automate the traffic process, thereby allowing expedited processing and payment of traffic citations. Work continued on this project during Fiscal Year 2004.

Fiscal Year 2005 - 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.
 - Court Manager Retreat
- Ensure the quality of justice provided by the court.
 - Uniformity in procedures, civil and criminal case management (Automated Warrant System)
 - Enhance administrative services provided to JP Court personnel
 - Enhance specialty courts
- Improve the infrastructure of the court.
 - Devise plan to replace PCs and printers on a regular basis, as needed

JUDICIAL
02-00-00

- Improve efficiency and the quality of justice provided in the court.
- Promote modifications to Motor Vehicle point system.
- Work in conjunction with Motor Vehicles and Department of Safety and Homeland Security 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 the electronic transfer of cases and digital signatures on criminal court documents.
- Review current criminal case management system to develop a plan of action for modernizing the criminal case management technology. The court's current DELJIS system was implemented in 1991. Efforts will focus on eliminating data quality problems that presently exist and on minimizing delays caused by a system based on transfer of paper documents between courts.
- Reprogram criminal case management system to allow courts to process civil penalty cases.
- Complete implementation of the records retention policy as it relates to manual/automated systems.

BUDGET

	FY 2003 ACTUAL	FY 2004 BUDGET	FY 2005 GOV. REC.
GF	13,404.2	13,463.9	13,644.9
ASF	--	--	--
TOTAL	13,404.2	13,463.9	13,644.9

POSITIONS

	FY 2003 ACTUAL	FY 2004 BUDGET	FY 2005 GOV. REC.
GF	245.0	242.5	242.5
ASF	--	--	--
NSF	--	--	--
TOTAL	245.0	242.5	242.5

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, capias, 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, prepare receipts, deposit funds to proper accounts and perform related accounting functions.

Administrative Functions

- Develop budget proposals/presentations and 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 2003 Actual	FY 2004 Budget	FY 2005 Gov. Rec.
% courts located in state-owned/new facilities	89	94	100
% of shifts/week with security coverage	53	53	66
% of proceedings that occur before a judge via videophone within 45 minutes of receipt	75	80	100

**JUDICIAL
02-00-00**

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

MISSION

Provide the judicial branch with administrative services and support in pursuit of justice.

BACKGROUND AND ACCOMPLISHMENTS

The Administrative Office of the Courts (AOC) was established in 1971 pursuant to 10 Del. C. § 128. The function of the office is to assist the Chief Justice in carrying out the responsibilities as administrative head of all of the courts in the state.

Since 1971, several administrative directives promulgated by the Chief Justice and Supreme Court Rule 87 have expanded and clarified the role and responsibilities of the AOC. The role described in these documents includes delivering services to courts, judicial agencies and external customers in the areas of budget development, personnel policies, fiscal policies, fine collection, technology policies and services, records management, interpreters, planning and research, facilities, education and law libraries.

To fulfill its responsibilities, the AOC is divided into three components providing direct services to Supreme Court, Court of Chancery, Superior Court, Family Court, Court of Common Pleas and Justice of the Peace Court and limited services to several non-judicial agencies. The components are the Office of the State Court Administrator, the Office of State Court Collections Enforcement (OSCCE) and the Judicial Information Center (JIC). The AOC provides limited fiscal and administrative services to several agencies that receive policy direction and oversight from boards and governing bodies outside the judicial branch. These agencies establish their own missions, objectives and performance measures. This group is composed of the Office of the Public Guardian, Violent Crimes Compensation Board, Child Placement Review Board, Educational Surrogate Parent Program and Office of the Child Advocate.

FUNDING

	FY 2003 ACTUAL	FY 2004 BUDGET	FY 2005 GOV. REC.
GF	8,757.7	9,235.3	9,969.4
ASF	18.9	458.2	33.4
TOTAL	8,776.6	9,693.5	10,002.8

POSITIONS

	FY 2003 ACTUAL	FY 2004 BUDGET	FY 2005 GOV. REC.
GF	65.5	76.5	77.5
ASF	--	--	--
NSF	4.0	4.0	3.0
TOTAL	69.5	80.5	80.5

**OFFICE OF THE STATE COURT ADMINISTRATOR
02-17-01**

MISSION

Provide the judicial branch with administrative services and support in pursuit of justice.

KEY OBJECTIVES

- Provide leadership and services to the Council of Court Administrators.
- Work with the Department of Safety and Homeland Security, particularly with Capitol Police, to implement the recommendations of the Court Security Task Force Report to ensure safe, secure facilities that support the judicial branch activities that take place therein.
- Support the Court Operations Policy Committee as it develops policies for common functions in the New Castle County Courthouse.

BACKGROUND AND ACCOMPLISHMENTS

Recent accomplishments include:

- Development and delivery of centralized services to the four courts occupying the New Castle County Courthouse.
- Expanded collection efforts through activities within the Central Filing and Payment Center as well as through the Office of State Court Collections Enforcement.

ACTIVITIES

- Participate in the development and implementation of system-wide administrative policies.
- Coordinate the preparation, review, analysis and submission of the judicial branch budget and present prioritized recommendations to the Chief Justice.
- Serve as legislative liaison for the Judicial Branch.

JUDICIAL

02-00-00

- Draft and administer the personnel policies, procedures and standards.
- Draft and administer uniform fiscal system policies, procedures and standards.
- Prepare and administer records management policies, procedures and standards.
- Develop and implement comprehensive management systems.
- Develop and maintain a group of certified court interpreters for use by the courts.
- Participate in the development and coordination of case flow standards.
- Conduct system-wide planning, research and development.
- Develop and analyze case management statistics on a yearly basis.
- Coordinate facility issues with the Executive Branch.
- Design and administer continuing education and training programs for judges and staff.
- Prepare judicial branch annual report.
- Provide/facilitate management reports/reporting on at least a quarterly basis in order to measure the performance of each court in meeting stated objectives.
- Provide leadership, under the direction of the Chief Justice, in services that are wholly or partially centralized.

PERFORMANCE MEASURES

- Achieve 80 percent compliance with sentencing order assessments.
- Increase the number of litigants using the services of the Resource Center by 10 percent each year.
- Increase the number of prospective interpreters by two percent.

OFFICE OF STATE COURT COLLECTIONS ENFORCEMENT 02-17-03

MISSION

The Office of State Court Collections Enforcement (OSCCE) pursues the collection of court-ordered financial assessments through a variety of state and private sector sanctions to ensure the enforcement of judicial branch orders.

KEY OBJECTIVES

- Increase the collection of court-ordered assessments including fines, costs and restitution.
- Develop new initiatives and collection tools to address delinquent court-ordered assessments.
- Increase accessibility by expanding use of OSCCE locations as payment centers for the Delaware Judiciary and various state agencies.
- Implement procedures for identifying and addressing doubtful accounts.
- Continue to improve the efficiency and effectiveness of the office.

BACKGROUND AND ACCOMPLISHMENTS

OSCCE's statewide case management program has proven to be an effective tool in the collection of delinquent judicial receivables. The program has allowed OSCCE to improve and expand its collection services to Superior Court, Family Court, Department of Correction and Justice of the Peace Courts (JP Court collection services are currently in the planning stage). OSCCE continues to seek ways to expand its cashing capabilities on behalf of various judicial entities and other state agencies.

In an effort to provide efficient services to the citizens of Delaware, OSCCE continues to build positive working relationships within all branches of state government. Currently, OSCCE assists the Department of Elections regarding voter restoration rights under House Bill 126; works with the Division of Revenue to offset state tax refunds against delinquent receivables owed to the State of Delaware; and is planning improvements in the collection of supervision/interstate compact fees with the Department of Correction. OSCCE is in the developmental stages of several programs aimed at addressing the collection of outstanding court receivables. OSCCE continues to research and implement new and advanced technologies to better assist the judiciary with the handling of court receivables.

ACTIVITIES

- Accept monetary payment of court-ordered financial assessments.
- Assist the Judicial Branch in expanding use of credit and debit cards as forms of payment.
- Document and record all financial transactions accurately and in a prompt fashion.
- Aggressively pursue collection of delinquent accounts as referred by the courts.

JUDICIAL

02-00-00

- Implement non-monetary programs to address court-ordered assessments.
- Work with a variety of statewide criminal justice agencies to promote cooperation and share automated data.
- Provide financial reports as requested.

PERFORMANCE MEASURES

	FY 2003 Actual	FY 2004 Budget	FY 2005 Gov. Rec.
# contacts necessary to administer accounts			
Verbal	15,401	17,500	18,000
Written	31,807	35,000	35,000
% increase in \$ collected	9.8*	12*	10

** FY 2003 actual data does not include Department of Correction (DOC) supervision fees received. Beginning in FY 2004, performance data will reflect DOC supervision fees received as well as court assessments. Projected growth reported for FY 2004 will be adjusted for supervision fee collections, so comparison is valid and not over-/understated.*

JUDICIAL INFORMATION CENTER

02-17-04

MISSION

The Judicial Information Center (JIC) develops and maintains computerized information systems and provides technology support services to the state Judicial Branch.

KEY OBJECTIVES

- Provide technology systems to support business goals, needs and objectives of the courts.
- Provide leadership and oversight of technology efforts supporting the courts' business needs.
- Provide technology services that support the technology needs of court users.
- Provide systems that integrate with other criminal justice agencies and stakeholders in the exchange of information.
- Promote standardization of new technologies and methodologies.
- Provide information through technology systems for the citizens of Delaware.

BACKGROUND AND ACCOMPLISHMENTS

The JIC is responsible for the development and support of computer information systems and the infrastructure necessary to access those systems. The JIC is a full-scale information technology unit/division. Recent accomplishments include:

- Continued to assist the branch with development of processes to further efforts concerning uniform statewide operational policies and procedures.
- Continued efforts to completely migrate the Judicial Branch off of the Banyan Vines protocol.
- Developed and implemented an intranet site and presence for the Judicial Branch.
- Developed and implemented an application to post/download forms/documents on/from the web (Courtbox).
- Developed and implemented an application that provides for a user-friendly mechanism to listen to digital recordings (For the Record (FTR)).
- Developed initial set of System Policies and Procedures to be used throughout the branch. These policies refer to and are consistent with Department of Technology and Information (i.e., acceptable use) and other state policies.
- Expanded and implemented wireless connectivity throughout the courthouses in all three counties.
- Contracted with CourtroomConnect to provide wireless capabilities throughout the courthouses in all three counties specifically for the Bar.
- Installed high-tech capabilities, including, but not limited to, sound system, evidence presentation, video conferencing, plasma screens and control monitors in the new Sussex County Chancery Courthouse courtroom.
- Continued to utilize thin client technology throughout the courts and converted JP Court completely to thin client technology.
- Participated in a large number of facility renovation and move projects throughout the state for the branch.

ACTIVITIES

- Analyze business issues and processes that relate to the flow, management and utilization of information.
- Develop and support computer applications that enhance the operations of the courts and agencies.
- 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.
- Provide telephone and A/V installation and support services.
- 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.

JUDICIAL

02-00-00

- Lead initiatives related to technology planning, utilization and effective implementation.

LAW LIBRARIES

02-17-05

MISSION

The law libraries provide legal information resources for the Delaware Judicial Branch, Office of Attorney General, Public Defender, other state agencies, members and prospective members of the Delaware Bar Association and *pro se* litigants; 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 and policy directives.

KEY OBJECTIVE

To effectively manage all types of legal information and provide assistance to a variety of library users. With the rapid growth in legal information and new technological advances, the focus is to provide current as well as comprehensive legal resources.

BACKGROUND AND ACCOMPLISHMENTS

The primary purpose of the law libraries is to provide legal information to the Delaware Judicial Branch. The libraries also support other legal agencies within the state as well as members of the legal community and *pro se* litigants. Each law library strives to maintain as many current and archival Delaware legal resources as possible.

A law library is maintained in each county (New Castle, Kent and Sussex) in Delaware as outlined in 10 Del. C. § 1941. The New Castle County Law Library, located in Wilmington, maintains a collection of 25,000 volumes and is staffed by one law librarian. Due to the number of judicial officials in Wilmington, the number of cases filed and the proximity of the *Pro Se* (Self-Represented) Center, the New Castle County Law Library is the busiest of the three libraries.

The Kent County Law Library in Dover is designated as the State Law Library per 10 Del. C. § 1942. It maintains a legal reference collection of approximately 30,000 volumes and is staffed by one law librarian and two part-time assistants.

The Sussex County Law Library in Georgetown maintains approximately 20,000 legal resources in both print and fiche form. The library is staffed by one law librarian. Casual/seasonal funds provide for additional support staff.

ACTIVITIES

- Offer reference assistance and guidance to the judiciary, other state agencies, the legal community and *pro se* litigants.
- Maintain and review the collection of legal materials and consider legal titles that should be acquired or cancelled.
- Participate in professional organizations and networks to benefit from resource sharing.
- Review and advise the judiciary and court staff of changing technology and/or new trends in legal research.
- Coordinate database/computer legal research training for court staff as applicable.
- Research and retrieve information from books, periodicals, reference materials, other law libraries or commercial databases in response to judicial requests.
- Assist resource sharing among the three judicial libraries by collecting shelf list holdings for the creation of a union list of the libraries.

**JUDICIAL
02-00-00**

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

FUNDING

	FY 2003 ACTUAL	FY 2004 BUDGET	FY 2005 GOV. REC.
GF	1,372.1	1,400.1	1,410.4
ASF	1,700.3	3,067.9	3,067.9
TOTAL	3,072.4	4,468.0	4,478.3

POSITIONS

	FY 2003 ACTUAL	FY 2004 BUDGET	FY 2005 GOV. REC.
GF	21.0	21.0	21.0
ASF	8.0	8.0	8.0
NSF	--	--	--
TOTAL	29.0	29.0	29.0

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

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.

KEY OBJECTIVES

- Promote the use of technology, computer network, pagers and wireless phones to facilitate real-time information sharing among statewide staff.
- Continue to expand the roles and responsibilities of all casework (social and financial) staff in an effort to respond to the needs of a client population that continues to grow in number and complexity.
- Expand the state's guardianship program to address a need for guardianship monitoring.

BACKGROUND AND ACCOMPLISHMENTS

The Office of Public Guardian was created in 1974. The office serves as interim guardian for persons with disabilities and for those who are referred by the state's Adult Protective Services Program, long-term care facilities, courts and other state agencies. Last fiscal year,

the office was called upon to serve as interim guardian in 36 such cases. Additionally, the agency serves as neutral guardian and mediates/serves as court investigator in Court of Chancery contested guardianship cases, and endeavors to increase services to those persons residing in private nursing homes who are without advocates/surrogates to monitor their care and treatment.

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:

- Locate and inventory assets of new wards.
- Prepare real estate and personal belongings for sale; obtain services of an appraiser, realtor, auctioneer and/or others as needed.
- Conduct all financial matters for the wards, including opening accounts, preparing budgets, paying bills, submitting health insurance claims and 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.
- Submit petitions to the court for decisions regarding disposition of property or other necessary financial matters.

PERFORMANCE MEASURES

	FY 2003 Actual	FY 2004 Budget	FY 2005 Gov. Rec.
# referrals received	163	250	275
# referrals accepted for public guardianship	76	65	90
# current guardianships	218	220	260

JUDICIAL

02-00-00

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

MISSION

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.

KEY OBJECTIVES

- Process all claims submitted to the VCCB for a hearing within 60 days of receipt, and 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 to that of 11 percent of the violent crimes reported each year in the State of Delaware.

BACKGROUND AND ACCOMPLISHMENTS

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.

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 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 monies are used 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 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 60 percent (40 percent prior to Fiscal Year 2003) of the amount paid out to crime victims from state funds during the previous federal fiscal year.

From Fiscal Year 1976 through Fiscal Year 2003, the board received 8,335 applications for compensation. In Fiscal Year 2003, a total of 594 claims were examined by the board. Of this total, 469 of the claims examined were initial applications; 127 were cases that had been requested to be reopened for additional consideration. A total of 477 were approved for compensation benefits, which included 365 initial cases and 112 reopened cases. The total amount awarded by the board was \$1,620,915.16. Due to the statutory time frame for appeals, actual disbursements were \$1,522,882.10 with \$98,033.06 being disbursed during the first quarter of Fiscal Year 2004.

During Fiscal Year 2003, the board received 184 Sexual Assault Nurse Examiner (SANE) requests and 26 Child Counseling and Assessment Program (CCAP) requests. Payments disbursed for these programs, which are included in the above figures, were \$78,102.84 for sexual assault payments and \$14,120.00 for child counseling payments.

Authorized awards for Fiscal Year 2003 were \$1,620,915.16 with an average award of \$2,728.81 per claimant. Revenue receipts totaled \$2,505,611.45, which includes \$2,408,253.63 from the 18 percent surcharge, \$83,539.42 from restitution reimbursements, \$3,746.118 in probation interest, \$2,378.07 in prior-year refunds, \$2,318.74 in unclaimed restitution and \$5,375.48 in miscellaneous revenue.

JUDICIAL

02-00-00

The Forensic Sexual Assault Program has been in effect since May 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 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 their 18th birthday as of the date of the crime.

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

ACTIVITIES

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

PERFORMANCE MEASURES

	FY 2003 Actual	FY 2004 Budget	FY 2005 Gov. Rec.
% victim costs	70	77	80
% operational costs	30	23	20

CHILD PLACEMENT REVIEW BOARD **02-18-03**

MISSION

The mission of the Child Placement Review Board (CPRB) is to provide and administer a volunteer-based board that acts as an independent monitoring system charged with identification and periodic review of all children in out-of-home placements. The purpose of these reviews is to ensure that every child in care has effective plans for permanency, receives adequate care for both physical and emotional needs and participates at an appropriate age in educational programs to increase independent living skills.

KEY OBJECTIVES

- Perform the tasks and functions defined in 31 Del. C. c. 38 in a professional, informed and efficient manner in order to have a positive impact on the state's effort to promptly provide 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.

BACKGROUND AND ACCOMPLISHMENTS

The Child Placement Review Board (CPRB) is a statewide child advocacy agency. It is chartered by Delaware's General Assembly with three main tasks:

- Use citizen-based panels to complete regular reviews of children placed by Family Court in Delaware's foster care system.
- Use citizen-based panels to complete reviews of adjudicated youth placed by Family Court in out-of-home, non-detention placements.
- File an annual report with the General Assembly reporting on the work of the CPRB.

In carrying out these directives, the CPRB:

- Meets Federal mandates requiring independent review of children in foster care.
- Submits review reports to Family Court.
- Develops advocacy positions relating to children in care.
- Studies and highlights trends affecting children in care.
- Combines the efforts of trained citizen volunteers and the work of a small professional staff, creating a cost-effective, independent review system.

Number Of Case Reviews

FY 2001	FY 2002	FY 2003
1,411	888	780

The CPRB conducted 780 reviews in Fiscal Year 2003. Of those, 652 were in the custody of the Division of Family Services, 85 were adjudicated youth and 43 received a mixing review, which is designed to ensure that non-adjudicated children who are mixed with adjudicated children are not harmed by the experience.

The Role of CPRB's Volunteers

The success of the CPRB is a tribute to the effectiveness and commitment of its volunteers. A total of 73 volunteers make up the Executive Committee and the 14 review committees in Delaware's three counties. Bringing backgrounds in education, medicine, psychology, social

JUDICIAL

02-00-00

welfare and business to the problems of children in care, the members of the CPRB are a powerful illustration of the value of dedicated volunteers. The CPRB brings a high level of commitment and integrity to the state's system for addressing the needs of children in care. Together, they have given 3,094 hours this year—or the equivalent of 82.5 work weeks—to Delaware's foster children and adjudicated youth.

Working with Others

The work of the Child Placement Review Board is part of a larger network of agencies and groups whose focus is the care and development of the state's youth. By working collegially with other child-oriented groups, the CPRB helps strengthen the network of support for children, thereby offering a broader range of options for their care and highlighting shortcomings and needs before they reach a crisis point.

The CPRB continued efforts with community partners to create solutions to concerns identified through the review process. Working with the Inter-Agency Committee on Adoption (IACOA) and its Post-Adoption Services Subcommittee, the board was active in the effort to create a continuum of post-adoption services, which are needed to help keep Delaware families, created through adoption, intact. Additionally, the board has representatives serving on the Child Protection and Accountability Commission (CPAC) and the Independent Living Advisory Council. As in previous years, the board continued its efforts to advocate for children and the issues that affect them through interaction with the state legislature.

Scholarships

One area of achievement for the CPRB is the annual distribution of college scholarships to children who have been in the state's foster care system for one year or more. These scholarships are named in honor of Mrs. Ivyane D. F. Davis, an early member of the board. Scholarships totaling \$57,170 were awarded to 15 students last fiscal year.

PERFORMANCE MEASURES

	FY 2003 Actual	FY 2004 Budget	FY 2005 Gov. Rec.
# volunteer hrs. generated	3,094	3,360	3,360
% children being reviewed	100	100	100
# training hrs. provided to board	150	150	150

EDUCATIONAL SURROGATE PARENT PROGRAM

02-18-04

MISSION

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.

KEY OBJECTIVES

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

BACKGROUND AND ACCOMPLISHMENTS

The Educational Surrogate Parent Program (ESPP) continues to grow to meet the needs of the children it serves. The ESP Program serves children ages 0-21 (1) whose parents are unable to advocate for them; (2) who are in state custody; and/or (3) who have been diagnosed or need evaluation to determine if they meet the eligibility criteria under the Individuals with Disabilities Education Act (IDEA) to receive special education services.

The ESPP Coordinator is responsible (1) for reviewing referrals of children submitted to the office for eligibility for admission and (2) for requesting additional material and information from various agencies as needed to process referrals. Each completed referral eligible for admission is then matched with a trained and certified volunteer based on a particular child's specific anticipated needs and location. This prospective match is then submitted as a recommendation of appointment to the Department of Education for approval. Once an appointment has been approved, the coordinator is available for further training, assistance and support as needed.

ACTIVITIES

- Recruit and train volunteers to serve as Educational Surrogate Parents (ESPs).
- 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 and Child Development

JUDICIAL

02-00-00

Watch) regarding ESP state and federal regulations to ensure 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 ESP system.
- Collect and analyze data regarding ESPs and eligible children.

PERFORMANCE MEASURES

	FY 2003 Actual	FY 2004 Budget	FY 2005 Gov. Rec.
% appointments within 10 working days	100	100	100
# child appointments	50	75	100
# children exited	60	10	15
# children served	327	400	450
# ESPs trained	83	90	100
# ESPs exited	7	10	10
# ESPs available	316	400	480

OFFICE OF THE CHILD ADVOCATE 02-18-05

MISSION

The mission of the Office of the Child Advocate (OCA) 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. 90A.

KEY OBJECTIVES

- Ensure that the represented child's voice is heard in every court proceeding.
- 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 Delaware children and are a model for the nation.

BACKGROUND AND ACCOMPLISHMENTS

The Office of the Child Advocate (OCA) was created in 1999 in response to a large number of child deaths in Delaware resulting 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 the creation of an office that would oversee these efforts and advocate on behalf of children was necessary.

In Fiscal Year 2003, OCA continued to primarily focus on the legal representation of children. Great strides were made in developing a database which can process and track children and their legal representation. The database also provides a running total of the number of children being represented and pertinent demographic data on the same. Another database tracks *pro bono* attorneys, their assignments, contact information and donated hours. Finally, OCA has established a mechanism for documenting *pro bono* support. These databases enable OCA to streamline legal representation of children and to provide necessary consistency and support to *pro bono* attorneys. Eventually, the database will track trends regarding the impact of system improvements as well as target areas needing further improvement.

OCA continued to be actively involved with the Child Death Review Commission in improving the reviews of child deaths. OCA participated in several "root cause" analyses within the Department of Services for Children, Youth and Their Families. These analyses reviewed serious injuries and/or deaths of children and provided recommendations for change within the department. OCA also helped organize and present several child welfare trainings, including in-house Division of Family Services training.

During Fiscal Year 2003, OCA provided legal representation to 508 children. As of June 30, 2003, 433 of those children continued to receive legal representation. In Fiscal Year 2003, 212 new children received legal services from OCA. Of those 212 new cases, *pro bono* attorneys represented 184 of those children while OCA attorneys represented an additional 28 children. Of the 212, 133 were in the custody of the Department of Services for Children, Youth and Their Families, 14 were relative dependency/neglect cases, 58 were parent custody cases and seven were Frazer attorney appointments. 77 percent of the represented children were from New Castle County, a small change from Fiscal Year 2002 when 82 percent of the children represented were from New Castle County. 75 cases were resolved and closed during Fiscal Year 2003. OCA also conducted three videotape trainings for *pro bono* attorneys and began providing in-house "nuts and bolts" trainings to new attorneys at their respective law firms. These trainings resulted in 120 new attorneys to represent Delaware's abused and neglected children.

OCA has recruited 231 attorneys to represent children. At the close of Fiscal Year 2003, these *pro bono* attorneys

JUDICIAL 02-00-00

had donated over 7,700 hours totaling more than \$1,700,000 in free legal services to Delaware children.

In Fiscal Year 2003, OCA received referrals on 547 children. A significant portion of these referrals continue to be Family Court orders. However, OCA has also reviewed several hundred family case histories kept by the Division of Family Services. OCA looks forward to using these reviews to collaborate with the Department of Services for Children, Youth and Their Families in Fiscal Year 2004 to determine recurring system issues, measure progress in multi-disciplinary collaboration and risk assessment and provide training and insight regarding gaps in the system. The Child Protection Accountability Commission, which OCA staffs, and its regular attendees will continue to serve as a vehicle for system change.

ACTIVITIES

- Recruit and train attorneys to represent the child's best interest 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 OCA 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 2003 Actual	FY 2004 Budget	FY 2005 Gov. Rec.
# of referrals/children	547	500	550
# of <i>pro bono</i> attorneys available	231	250	275
# of children represented by the office	87	65	85
# of children represented by <i>pro bono</i> attorneys	389	300	425
# of amicus briefs filed by the office	0	1	1
# of children unrepresented due to a lack of resources (estimated)	135	175	100