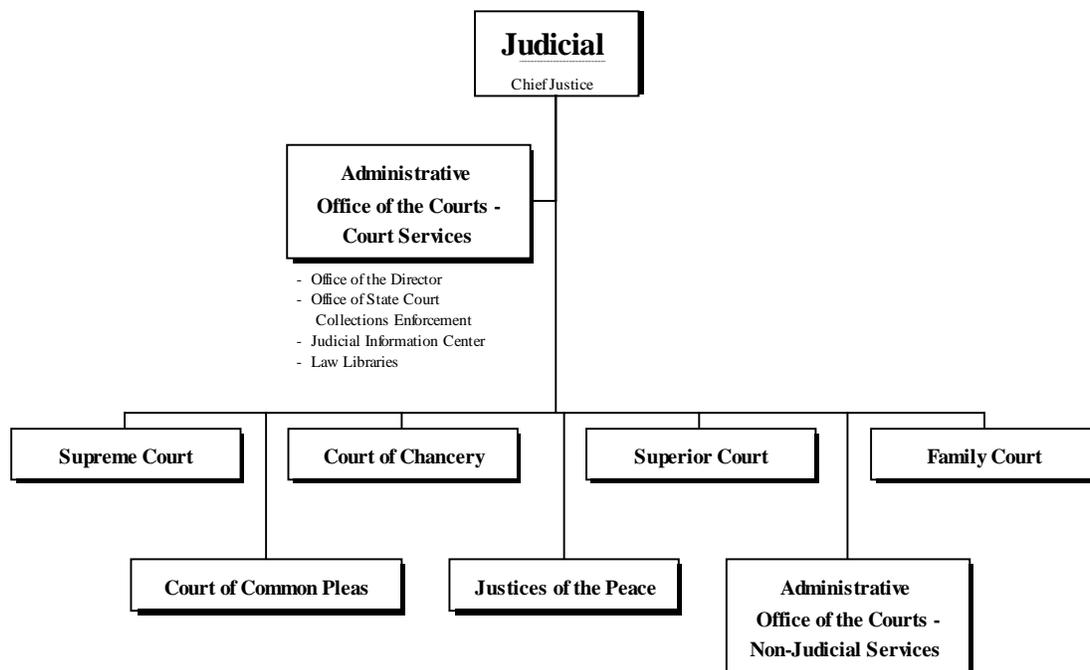


# JUDICIAL

## 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 system-wide budget priorities to the Chief Justice of the Supreme Court and coordinates all budgeting activity.
2. Administrative Office of the Courts - Court Services and Administrative Office of the Courts - Non-Judicial Services report to Office of the Director.

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

### MISSION

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

### KEY OBJECTIVES

During Fiscal Year 2000, the Delaware Judiciary expects to:

- Modernize system-wide court services with special emphasis on the automation of case processing.
- Obtain adequate facilities and improve court security.
- Have adequate personnel to meet the operational needs of all courts and judicial offices.
- Secure recognition of the need for the Chief Justice to have the flexibility to exercise appropriate administrative authority in the allocation of the resources of the Judicial Branch of Government in Delaware.

### BUDGET

	FY 1998 ACTUAL	FY 1999 BUDGET	FY 2000 GOV. REC.
GF	50,260.0	53,110.2	56,185.3
ASF	3,729.2	4,836.2	4,933.2
<b>TOTAL</b>	<b>53,989.2</b>	<b>57,946.4</b>	<b>61,118.5</b>

### POSITIONS

	FY 1998 ACTUAL	FY 1999 BUDGET	FY 2000 GOV. REC.
GF	926.5	987.0	1,009.0
ASF	70.0	71.0	73.0
NSF	20.1	24.1	19.1
<b>TOTAL</b>	<b>1,016.6</b>	<b>1,082.1</b>	<b>1,101.1</b>

### FY 2000 BUDGET HIGHLIGHTS

#### OPERATING BUDGET:

- ◆ Recommend enhancement of \$169.2 and 5.0 FTEs for new Family Court Judge and support staff to handle increased civil caseloads due to passage of state and federal legislation, continued erosion of

## JUDICIAL 02-00-00

the family unit, and other circumstances. Also recommend one-time funding of \$18.5 for furniture and computer equipment for new judge and staff.

- ◆ Recommend enhancement of \$174.0 and 6.0 FTEs for Family Court Case Managers to provide clerical presence in Family Court courtrooms (currently, only a judge and judicial assistant, who primarily provides security, appear in these courtrooms) and to immediately enter sentencing orders into the Judiciary's Automated Sentencing Order Project so that this sentence information is available to other judges in this and other courts within 30 minutes. Also recommend one-time funding of \$22.2 for office furniture and computers for Case Managers.
- ◆ Recommend enhancement of \$148.4 and 5.0 FTEs for additional Judge and support staff for the Court of Common Pleas to be assigned to Kent and Sussex counties to improve Court case processing performance and reduce the numbers of rescheduled and pending cases and overcrowded sessions. Currently, Kent and Sussex counties each have one Court of Common Pleas judge assigned to them. Also recommend one-time funding of \$16.8 for office furniture and equipment for these positions.
- ◆ Recommend enhancement of \$31.0 ASF and 2.0 ASF FTEs for Court Clerks in the Court of Common Pleas to assist existing staff with the collection of about five million dollars in unpaid restitution, fees and fines inherited from the merger of Wilmington's Municipal Court into the state court system in May 1998. Also recommend one-time funding of \$5.0 for office furniture and equipment for these positions.
- ◆ Recommend enhancement of \$210.6 and 6.0 FTEs (including two Magistrates) to expand the hours of operation of Justice of the Peace Court #20, located in the Wilmington Public Safety Building, from 16 hours/five days a week to 24 hours/seven days of the week. Currently, when this court closes after midnight and on weekends Wilmington police (about 34 percent of Wilmington's arrests occur when this court is closed) and citizens must go to Justice of the Peace Court #11 in Hares Corner where this has created an increased caseload and long delays.
- ◆ Recommend enhancement of \$50.0 in contractual services in the Judicial Information Center for ongoing training of help desk personnel and contractual off-hours support as part of a comprehensive effort to enhance communication

between JIC, the courts, and other users of JIC systems and data by improving help desk operations. Current staff manages 30 local area networks with over 1,000 personal computers and users and handles about 70 calls for assistance per day. Also recommend one-time funding of \$50.0 for software package for programs to assist the network and help desk staffs manage the systems for which they are responsible.

- ◆ Recommend inflation adjustment of \$2.0 in travel, \$10.5 in contractual services, and \$3.0 in supplies to meet the increased operating costs of the Court of Chancery.
- ◆ Recommend inflation adjustment of \$55.0 in the Administrative Office of the Courts, Office of the Director for additional contract attorney for the Court Appointed Attorney Program in New Castle County where the numbers of appeals and conflicts with Office of the Public Defender attorneys has increased scheduling problems and delays. This recommendation also contains funding for attorneys for the Family Court's Court Appointed Special Advocate (CASA) Program. Also recommend inflation adjustment of \$10.0 for Continuing Judicial Education to cover the costs of education for the additional judges.
- ◆ Recommend one-time funding of \$9.0 in the Judicial Information Center to making the locks in Family Court facilities Year 2000 compliant and \$33.0 ASF in Family Court for computer consultant services for review and update of Child Support Enforcement Cost Allocation Plan (Title IV-D funds) to assure that the Family Court is being adequately compensated for its services to the Department of Health and Social Services, Division of Child Support Enforcement.
- ◆ Recommend structural change transferring (\$30.0) and (1.0) FTE from the Administrative Office of the Courts, Office of the Director to the Judicial Information Center to provide additional secretarial support for JIC operations and (\$19.2) for contractual security from Superior Court to the Department of Public Safety, Capitol Police so that security costs are consolidated with the agency responsible for court house security.

### **CAPITAL BUDGET:**

- ◆ Recommend \$77,000.0 for second year construction funding of a new New Castle County Judicial Center. This new facility will allow a single

## JUDICIAL 02-00-00

location to provide for more efficient services to the court system, better service to our citizens and swifter justice for those appear in the courts.

- ◆ Recommend \$7,000.0 for continued renovations of the Sussex County Courthouse and for property acquisition in Georgetown to accommodate the increased space needs of the Judiciary in Sussex County.
- ◆ Recommend \$200.0 to supplement the Minor Capital Improvements and Equipment Program.

### SUPREME COURT 02-01-00

#### MISSION

The Delaware Supreme Court endeavors to:

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

#### KEY OBJECTIVES

Over the Fiscal Year 2000 – Fiscal Year 2002 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.

#### BACKGROUND AND ACCOMPLISHMENTS

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

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

## JUDICIAL 02-00-00

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

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

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

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

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

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

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

The Supreme Court Advisory Committee on the Interest on Lawyer Trust Accounts Program (IOLTA) is authorized by Supreme Court Rule 65. The function of the Committee is to oversee and monitor the operation of the Delaware Interest on Lawyer Trust Accounts Program as established pursuant to Interpretive Guideline No. 2 to Rule 1.15 of the Delaware Lawyers' Rules of Professional Conduct. The Committee reports annually to the Supreme Court on the status of the program and the work of the Committee. It is the exclusive responsibility of the Delaware Bar Foundation, subject to the supervision and approval of the Court, to hold and to disburse all funds generated by the IOLTA program.

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

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

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

### BUDGET

	FY 1998 ACTUAL	FY 1999 BUDGET	FY 2000 GOV. REC.
GF	2,173.5	2,032.7	2,083.5
ASF	50.8	65.2	65.5
<b>TOTAL</b>	<b>2,224.3</b>	<b>2,097.9</b>	<b>2,149.0</b>

### POSITIONS

	FY 1998 ACTUAL	FY 1999 BUDGET	FY 2000 GOV. REC.
GF	27.0	26.0	26.0
ASF	--	--	--
NSF	10.3	11.3	11.3
<b>TOTAL</b>	<b>37.3</b>	<b>37.3</b>	<b>37.3</b>

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

***SUPREME COURT***  
***02-01-10***

**ACTIVITIES**

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

**PERFORMANCE MEASURES**

	<b>FY 1998 Actual</b>	<b>FY 1999 Budget</b>	<b>FY 2000 Gov. Rec.</b>
Average # days from Under Advisement Date to Final Decision Date			
Criminal	28.9	26.5	25.3
Civil	29.2	27.1	26.3
Average # Days from Initial Filing to Final Decision Date			
Criminal	231.6	225.3	216.8
Civil	166.9	146.7	142.4

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

**ACTIVITIES**

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

**PERFORMANCE MEASURES**

**Office Disciplinary Counsel and Board on  
Professional Responsibility**

	<b>FY 1998 Actual</b>	<b>FY 1999 Budget</b>	<b>FY 2000 Gov. Rec.</b>
Average # days from under Advisement Date to Final Decision Date	16.8	16.0	15.0

**Lawyers' Fund for Client Protection**

	<b>FY 1998 Actual</b>	<b>FY 1999 Budget</b>	<b>FY 2000 Gov. Rec.</b>
# of claims	68	66	66

**Board of Bar Examiners**

	<b>FY 1998 Actual</b>	<b>FY 1999 Budget</b>	<b>FY 2000 Gov. Rec.</b>
# of applicants processed	176	180	184

**Commission on Continuing Legal Education**

	<b>FY 1998 Actual</b>	<b>FY 1999 Budget</b>	<b>FY 2000 Gov. Rec.</b>
# of affidavits processed	987	1002	1040

# JUDICIAL

## 02-00-00

### COURT OF CHANCERY

#### 02-02-00

#### MISSION

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

#### KEY OBJECTIVES

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

#### BACKGROUND AND ACCOMPLISHMENTS

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

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

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

appeals are relatively rare. If it were not for the use the Court has made of this position, the burdens on the time of the Chancellor and the Vice Chancellor's would be significantly greater because the nature of the cases assigned to the Master in Chancery is such that they are very time consuming.

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

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

#### BUDGET

	FY 1998 ACTUAL	FY 1999 BUDGET	FY 2000 GOV. REC.
GF	1,904.8	1,942.8	2,009.6
ASF	--	--	--
TOTAL	1,904.8	1,942.8	2,009.6

**JUDICIAL  
02-00-00**

**POSITIONS**

	<b>FY 1998 ACTUAL</b>	<b>FY 1999 BUDGET</b>	<b>FY 2000 GOV. REC.</b>
GF	25.0	26.0	26.0
ASF	--	--	--
NSF	--	--	--
<b>TOTAL</b>	<b>25.0</b>	<b>26.0</b>	<b>26.0</b>

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

**ACTIVITIES**

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

**PERFORMANCE MEASURES**

	<b>FY 1998 Actual</b>	<b>FY 1999 Budget</b>	<b>FY 2000 Gov. Rec.</b>
% decisions rendered within a period of 90 days after readiness for adjudication	90	90	90
# matters filed	1,596	1,600	1,600

**SUPERIOR COURT  
02-03-00**

**MISSION**

The primary mission of Superior Court is:

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

**KEY OBJECTIVES**

During Fiscal Year 2000, Superior Court expects to accomplish the following:

- Increase the rate of compliance with the Chief Justice's Speedy Trial Directive for the disposition of criminal cases. From the commencement of a criminal prosecution or civil proceeding to its conclusion by adjudication or otherwise, any elapsed time other than reasonably required for pleadings, discovery and court events is unacceptable and must be eliminated.
- Increase the rate of compliance with the American Bar Association's standards for the disposition of civil cases.
- Incorporate conflict management into the scheduling process, establishing greater adherence to court schedules and tightening the notification process.
- Reduce the rate of capias issuance. Reduce the number of capiases outstanding by continuing review of their status and by promoting efforts to apprehend those who fail to appear.

# JUDICIAL

## 02-00-00

- Expand new training opportunities for staff, particularly in management and supervisory skills. Develop recruitment and training programs for staff that recognize diversity as a core value of the Superior Court.
- Maximize staff productivity through enhancements to automated case management systems and providing basic tools needed to use those systems.

### Environmental Scan

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

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

### BACKGROUND AND ACCOMPLISHMENTS

For the fifth year in a row, the total number of new cases filed in Superior Court exceeded the previous year's all-time record high. The largest area of growth was in civil cases filed in New Castle County, 700 more than the previous year.

Although the Court's caseload continues to grow, simply counting the number of new cases is an inadequate measure of the work produced by the Court. There are a number of factors which cause the Court's *workload* to increase, even more than its caseload growth would indicate. The Court has moved from being a passive participant to an aggressive manager of its cases (final plea offers, Drug Court). The Court has changed the way cases are processed, devising new approaches, tailored to the specific needs and characteristics of classes of cases (differentiated case management, individual assignment of civil cases). The capacity of others to place demands on the Court's time has increased. For example, there are 54 more probation officers today than there were three years ago. The General Assembly continues to produce new requirements that apply to the processing of cases (sex offender registration, civil judgments for criminal financial assessments, and release date task force). Executive branch initiatives such as Operation Safe Streets also place demands upon the Court.

The Court created a public information desk in the lobby of the Herrmann Courthouse this year. It provides a place for litigants, jurors, witnesses, attorneys, defendants and other courthouse visitors to report for specific instructions about what courtroom they will be in and to answer other routine questions. Information desks will also be established in the Kent and Sussex County courthouses as renovations create space to accommodate this important function.

The Court led an effort in Kent County to conduct an open house in cooperation with the other courts, the Chief Justice's Task Force on Citizen Involvement in the Judicial System and the Criminal Justice Council. Visitors to the open house took tours of the courthouse, attended orientations by the judges to learn about the work of the different courts, sat in on mock court proceedings, talked to court staff about the work done in various court offices, and participated in a panel discussion with judges and legislators based on feedback from a survey form completed by each visitor.

The Court has also initiated several efforts in recent years to increase the amount collected of restitution and other criminal assessments. Intercepts of tax refunds and lottery winnings, contempt hearings for those defendants behind in their payments, the entry of civil judgments and bail forfeitures are four techniques in use. The amount collected as a result of these efforts is more than half a million dollars.

The Court continued to engage in joint initiatives with Executive Branch agencies. The videophone network was expanded to the Kent and Sussex County courthouses. The number and variety of video proceedings continue to increase. The goal is to reduce cellblock overcrowding, prisoner transport costs and security risks.

A second Probation and Parole (P&P) Intake Office was opened in the Herrmann Courthouse this year. The first P&P Intake Office has been operating in the Kent County Courthouse for several years.

Operation Safe Streets has been in operation for a year. Department of Correction Probation Officers accompany Wilmington Police Department officers during evening patrols of high crime/drug use areas in search of probationers who are violating curfews or other conditions of their probation. Violators are apprehended and held for appearance in Superior Court the following morning. This program has been credited for a substantial reduction in the number of shootings in Wilmington this year.

## JUDICIAL 02-00-00

The Court, along with the Department of Correction co-chairs the Release Date Task Force. This complex undertaking will develop an automated system which will process data about the sentence imposed on a defendant and will calculate the date of release to be used by the Department of Correction.

The Court coordinated a two-year project to automate the process for issuing Rule 9 Warrants. Rule 9 Warrants are issued when a person is indicted before being arrested. Under the new system, Rule 9 Warrants are electronically transmitted to the Wanted File for use by all Delaware police agencies. Previously, these warrants were mailed to the requesting police officer who later entered them into the Wanted File. Another benefit of this project will be the elimination of any duplicate charges in the system related to the Rule 9 Warrant, thus improving the accuracy of the criminal history database. This project enjoyed the cooperation of all courts and police agencies, the Department of Justice, DELJIS and JIC.

The State assumed ownership of the Sussex County Courthouse. Planning continues for renovations to the space previously occupied by agencies of Sussex County government.

The Court completed the development of a functional analysis, the first phase of its Drug Court Information System (DCIS) project. With funding support from the US Department of Justice's Drug Court Programs Office (DCPO), the Bureau of Justice Assistance (BJA) and the State Justice Institute (SJI), this project will establish an electronic network for the exchange of offender performance and other decision support information between the Court, Probation and Parole, Treatment Access Center and treatment providers. It will also create a central database of information about all Drug Court referral clients which will be used to evaluate and quantify program performance.

The Court also received Byrne Grant funds to install digital audio recording equipment and a bar code based case file labeling and tracking system.

The Court again expanded its capacity for alternative dispute resolution by conducting its fourth three-day mediation training program for 55 Delaware attorneys. A total of 140 attorneys have now completed this program.

### BUDGET

	FY 1998 ACTUAL	FY 1999 BUDGET	FY 2000 Gov. REC.
GF	13,532.6	14,266.9	15,182.2
ASF	--	--	--
<b>TOTAL</b>	<b>13,532.6</b>	<b>14,266.9</b>	<b>15,182.2</b>

### POSITIONS

	FY 1998 ACTUAL	FY 1999 BUDGET	FY 2000 Gov. REC.
GF	262.0	281.0	281.0
ASF	--	--	--
NSF	7.0	10.0	5.0
<b>TOTAL</b>	<b>269.0</b>	<b>291.0</b>	<b>286.0</b>

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

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### ACTIVITIES

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

### PERFORMANCE MEASURES

	FY 1998 Actual	FY 1999 Budget	FY 2000 Gov. Rec.
% criminal dispositions within Chief Justice disposition standards	52.7	55.0	58.0
% civil dispositions within ABA disposition standards	75.0	77.0	80.0

# JUDICIAL

## 02-00-00

### COURT OF COMMON PLEAS

#### 02-06-00

#### MISSION

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

#### KEY OBJECTIVES

- Provide improved access to justice.
- Adjudicate cases fairly and with integrity.
- Improve service to the citizens of the State.
- Reduce delay in bringing cases to trial and meet the speedy trial guidelines imposed by the Supreme Court.
- Provide a safe and secure environment for the citizens of the State and for Court personnel.
- Dispose of cases more efficiently, using less overtime and extra help for Court staff.

#### BACKGROUND AND ACCOMPLISHMENTS

The Court of Common Pleas has jurisdiction over:

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

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

The Court has seven authorized judgeships. Five Judges sit in New Castle County, one in Kent County, and one in Sussex County. One Commissioner, a quasi-Judicial position, sits in the Court in New Castle County, and one has been authorized to sit in Kent and Sussex counties.

Caseload increases have been dramatic in all three counties. In New Castle County, there are five Judges and one Court Commissioner to manage the caseload. In the lower counties, one Judge is barely able to keep pace with caseload demands. The addition of a Commissioner for Kent and Sussex counties, anticipated in January 1999, is expected to provide some measure of help.

The Commission on Courts 2000 envisioned an expanded and strengthened Court of Common Pleas as vital to the Delaware Court system. Legislation implementing the Commission Report vested significant new areas of jurisdiction in the Court in January 1995. Effective May 1, 1998, the Municipal Court merged with the Court of Common Pleas and the Justice of the Peace Court. The Court of Common Pleas acquired two additional Judges and a significant part of the workload of the Municipal Court.

In 1997, the Court began its strategic planning effort by adopting the Trial Court Performance Standards as a format to begin evaluation of the Court's delivery of service, to assess the Court's performance, and to structure its future planning efforts.

#### BUDGET

	FY 1998 ACTUAL	FY 1999 BUDGET	FY 2000 GOV. REC.
GF	4,145.3	5,110.8	5,465.8
ASF	--	--	31.0
<b>TOTAL</b>	<b>4,145.3</b>	<b>5,110.8</b>	<b>5,496.8</b>

#### POSITIONS

	FY 1998 ACTUAL	FY 1999 BUDGET	FY 2000 GOV. REC.
GF	89.0	108.0	113.0
ASF	--	--	2.0
NSF	--	--	--
<b>TOTAL</b>	<b>89.0</b>	<b>108.0</b>	<b>115.0</b>

# JUDICIAL

## 02-00-00

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

#### ACTIVITIES

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

#### PERFORMANCE MEASURES

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

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

Performance Measure 1 shows criminal case filings and dispositions, as well as revenue collections for the Statewide Court. As can be seen in Performance Measure 1, the Court was largely able to keep pace with its caseload through Fiscal Year 1995, when the disposition rate was relatively flat and the collection rate continued to rise. The drop in dispositions and collections in Fiscal Year 1996 was attributable to the 1995 increase in jurisdiction and was particularly tied to the impact of jury trials in New Castle County. In spite of a significant caseload increase in Fiscal Year 1997, by applying aggressive case management techniques, the Court managed to keep pace with its incoming caseload. At the same time, collection numbers began to rise, attributable both to caseload increases and the implementation of an automated financial system throughout the State. Collections in Fiscal Year 1998 continued to rise, but the lag in the disposition rate is a result of the caseload increases throughout the State and the Municipal Court merger in New Castle County.

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

Fiscal Year	Criminal Misd. Filings	Criminal Dispositions	\$ Amount Collected
1994	52,028	52,303	2,000.2
1995	55,558	54,573	2,255.9
1996	59,484	53,013	2,002.2
1997	82,767	84,359	2,570.3
1998	95,915	89,382	2,992.9

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

The time from arraignment to disposition shows the impact of a caseload increase in the last year. Until

Fiscal Year 1995, the average time from arraignment to trial for most cases was four weeks. The impact of the 1995 jurisdiction increases doubled that time. In the last year, the numbers doubled again as a consequence of caseload increases and the merger with the Municipal Court.

##### **Time from Arraignment to Trial by Case Type**

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

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

A comparison of the expenditures for overtime and casual and seasonal services for the past five years is reflected in Performance Measure 3. The shift from casual and seasonal to overtime dollars in Fiscal Year 1995 was a result of the implementation of the Criminal Case Management System in April 1996 when the efforts of full-time staff were needed in the transition between automated systems. The increase in costs in Fiscal Years 1997 and 1998 are a result of the large caseload increases and the lack of sufficient staff to handle the increasing demands of case processing.

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

Fiscal Year	Casual/Seasonal	Overtime
1994	35.6	08.7
1995	50.4	11.8
1996	43.2	24.0
1997	50.1	33.5
1998	64.7	47.5

##### **Performance Measure 4:**

Performance Measure 4 shows the percentage of civil cases disposed of in 1996 and 1997 and the average length of time from answer to disposition. Until 1995, the Court of Common Pleas was able to dispose of the majority of its civil cases within six to eight months. With the increase in jurisdiction and complexity of caseload in 1995, the time from answer to disposition has increased significantly.

##### **Civil Case Dispositions**

	% Disposed	# of Months
1996	91	12.2
1997	61	12.5

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### FAMILY COURT

#### 02-08-00

#### MISSION

The Family Court's mission is formally spelled out in 10 Del. C. § 902(a):

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

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

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

#### KEY OBJECTIVES

- Provide greater access to judges for the most critical and complex litigation.
- Comply with the speedy trial standards for criminal matters set by the Supreme Court and the Chief Judge of Family Court.
- Comply with any and all standards established for the scheduling, calendaring, and disposition of all civil matters as established by the Chief Justice.
- Establish a staffing level for every criminal courtroom that provides for the security of the participants and the management of the court's calendars.
- Meet all national standards by supplying a Court Appointed Special Advocate to every qualifying child.

- Provide all judicial officers with immediate access to information on all civil and criminal filings pending before the court.

#### BACKGROUND AND ACCOMPLISHMENTS

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

Over the past several years, the Court, in keeping with these goals, has become involved in a number of planning initiatives, some strategic and some tactical, the purpose of which is to ascertain the best ways of carrying out the Family Court's mission. Currently, these several planning initiatives are:

- Court Improvement Project
- Committee on Internal Operating Procedures
- Trial Court Performance Standards
  - Expedition and Timeliness
  - Public Trust and Confidence
  - Public Access
- Courting Quality
  - Employee Development
  - Operations
  - Public Education
  - Facilities

While each committee has a different focus, there are some common themes that are beginning to emerge from this introspection.

- Citizens have a right to have their legal matters settled in a reasonable amount of time at reasonable cost and without unnecessary delays.
- While the public deserves speedy access, it must never be at the expense of justice itself.
- Some improvements in processing and disposing of cases can be made through internal changes but others will require new resources.

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- The majority of litigants are self represented and present a unique challenge to those charged with applying laws and enforcing the rules of procedures.
- The public's trust in Family Court, absent a formal survey, is seemingly less than is acceptable and requires a proactive effort to engender optimum levels of public confidence.
- Staff, procedures, policies, and facilities must portray an image appropriate to a court of law while also providing citizens a secure and accessible forum in which to litigate emotionally charged issues.

What the Court is now trying to accomplish is the development of a strategic plan that will enable it, over the next five years, to better serve litigants while at the same time provide a level of justice about which all who legislate, execute, interpret, and apply the laws of Delaware can be proud.

### Judges

There is no more volatile caseload in any Court than the 58,000 cases filed annually in the Family Court. The issues in dispute in each of these cases go to the heart of the family relationship of a vast number of Delaware citizens. Consequently, these cases deserve the highest level of concern, care, and scrutiny in deciding the matters efficiently and effectively. The Family Court of the State of Delaware has earned a national reputation for its ability to effectively handle the wide-ranging jurisdiction of this unique statewide court.

In the last ten years, the Family Court caseload per judge has increased 48.8 percent. Despite this increase, the last increase in judges to the Family Court occurred more than 15 years ago. Since 1992, the court has focused much of its energy on maximizing efficiency. Procedures have been re-engineered to do as much as possible with the fewest resources. The effective use of alternative dispute resolution, quasi judicial officers, and tightened and, in some cases, standardized time frames has met with great success in disposing of the burgeoning caseload. The statistical data shows very clearly the success:

	1992	1998	%
Filings	44,500	57,811	23.03
Dispositions	45,755	58,850	22.25
Pending	11,445	11,010	-3.80

Despite the successful measures implemented to keep pace with increase in the number of filings, there are over 1155 cases per judge requiring hearings that can last from a few hours to a number of days. The Supreme Court Administrative Directive 112, creating the Internal Operating Procedures Committee, sets the goal of reviewing and recommending changes to the policies, practices, and standards used by the judicial officers, and preparing a set of Internal Operating Procedures designed to promote and improve the delivery of the highest quality of justice to the citizens of Delaware in as expeditious and uniform a manner as feasible.

### Criminal and Delinquency Jurisdiction

The Family Court of the State of Delaware has consolidated delinquency with intrafamily misdemeanors and misdemeanor crimes against children into a single statewide judicial forum. Standing beside Hawaii and Rhode Island, the Delaware Family Court continues to serve as a model for other states exploring the concept of unified family courts.

At the heart of the concept of a juvenile justice system is the core concept that youthful offenders can be effectively rehabilitated. Although accepting the consequences of unlawful acts is one component of a rehabilitative plan, the juvenile justice system balances both the special treatment needs of the individual and the safety of the community. By statute, the authority to determine the placement of juvenile offenders is given to the Department of Services for Children, Youth and Their Families, Division of Youth Rehabilitative Services (DYRS) rather than to the Court. Under the statute, the Court merely found the child delinquent and referred the child to DYRS to determine the type and length of treatment.

In September 1998, the Court, Department of Services for Children, Youth and Their Families, Attorney General, and Public Defender agreed to implementation of the Dispositional Guidelines for Juvenile that had been piloted successfully in New Castle County since 1993. The Committee on Dispositional Guidelines for Juvenile in adopting the program made Delaware the first state in the nation with statewide guidelines structuring the sentencing of juvenile offenders that allows the judge to determine the level of security and specific treatment program necessary for rehabilitation.

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Compliance with the guidelines continues to exceed 85 percent with presumptive sentences being ordered in 70 percent of the cases. Results of the New Castle County pilot have had the secondary benefit of providing a database by which race and gender factors have been studied at the plea and dispositional stages. These studies have found no apparent bias at either of these important stages involving the Court.

### **Automated Sentencing Orders**

The Automated Sentencing Order Project (ASOP) is nearing completion and is due for implementation in Family Court in conjunction with the implementation of Criminal Case Management (CMS) in late January or early February 1999. ASOP will require major changes in the way Family Court does business and an infusion of new personnel into the courtrooms to manage the cases at each stage of the criminal proceedings and to perform the data entry necessary to complete the order as envisioned by this project.

Historically, the judges in Family Court have labored in a courtroom where the only staff supporting the judge was a Judicial Assistant. The Judicial Assistant performs an invaluable and many faceted role in and about the courtroom:

- security officer or bailiff
- monitor of all recording equipment
- courier of files
- escort for witnesses
- detainer of those convicted
- researcher of records
- file preparer
- courtroom clerk

ASOP will introduce into the courtrooms a new way of doing business with an entirely new layer of work. Most sentencing orders in Family Court are handwritten by the judge or commissioner in the courtroom. It was done in order to keep up with the rising workload. To type orders required time which delayed proceedings. Handwriting orders allowed the judge to remain on the bench, fill in some blanks, and have the Judicial Assistant copy the order for the defendant and others. Later, but within 24 hours, a clerk in Criminal Case Processing would enter the disposition, not the sentence, into the computer file.

Now ASOP dictates a change in the process. The order must be entered into the computer file immediately. To create the order will take a substantial amount of work as the Case Manager will need to solicit all agreements

and stipulations regarding pleas from the parties for the judge in preparation of the issuance of a sentencing order. On heavy volume calendars such as arraignments and case reviews, it will require managing the flow of all cases on a given judicial officer's calendars, preparing the files for the courtroom, monitoring the plans of the attorneys as to action to be taken, and recording all data into the Automated Sentencing Order system.

### **CASA Coordinators**

Federal Law requires that representation be provided for all children who are the subject of dependency, neglect, and abuse proceedings in the Family Court. Court Appointed Special Advocates (CASA) are specially trained volunteers that serve as the guardians *ad litem* for these children. CASA Coordinators are employees of the Court who recruit, screen, train, prepare, monitor, and evaluate CASA volunteers.

The National CASA Association standard for caseload is one coordinator for every 30 volunteers. The Court presently can provide representation for slightly more than one-half of all the children in cases filed by the Division of Family Services.

### **Staff Attorneys**

The Court during the summer of 1998 conducted an analysis of its caseload to determine the percentages of litigants who appear pro se. Some of the key findings are as follows for the state:

- 74.15 percent of all civil filings (excluding child support) were made by the self represented;
- private attorneys filed only 14.62 percent of all civil cases with agencies filing the balance of 11.23 percent;
- excluding support matters 64.23 percent of petitioners and 78.79 percent of respondents appeared pro se at hearings;
- in criminal matters 55.21 percent of adults and 52.04 percent of juveniles appeared pro se; and,
- private attorneys appeared in only 12 percent of the criminal/delinquency cases.

This is further evidence of the impact that persons who elect to represent themselves have upon the Court. With all of the complexities of the law, rules, and procedures, the majority of litigants have no legal assistance in either preparing their cases for filing or in presenting their case before the Court.

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In the various committees, the following impacts have been noted:

- the actual filing is often inappropriate, non-compliant, or insufficient but should be accepted without challenge;
- the litigant expects to be given “how to do it” advice from court personnel which usually becomes “what should I do” advice requiring the court staff person to note that court employees cannot give legal advice;
- the faulty paperwork once accepted, can result in delays for the petitioner when the petitioner finally gets a hearing only to be told the filing was faulty and they will need to begin the process again;
- faulty filings take up calendar time that will eventually not be needed at the expense of cases that could proceed; and
- judges, commissioners, masters, staff and especially the litigants get frustrated with the time and effort wasted as these filings are received, processed, scheduled, and dismissed.

The solution to their problems come in many forms. With funds received in Fiscal Year 1999, the Court is developing a package of pro se materials and will be working on the design of a pro se program in conjunction with its several planning efforts. While that will help the litigants to deal with the requirements for filing, it is the view of the Court that the best solution is the early intervention in the process by law trained personnel. If the filings were insufficient, they would be returned to the litigant prior to being processed. This will eliminate the waste of time and effort noted above. It will actually expedite cases by freeing up some calendar slots. By having a case dismissed at the earliest possible time, the litigant can then proceed to re-file and correct all errors.

### **Pro Se Services**

The unique challenges provided by the large number of self-represented litigants who appear in the courtrooms is the subject of numerous discussions and one of the focal points of the planning efforts. With funding received for Fiscal Year 1999, considerable energies will be devoted toward:

- working with the bar, Community Legal Aid, Domestic Violence Legal Services, and other legal services groups to develop a plan that addresses the many unique needs of this group;

- producing forms and instructions that are geared to pro se litigants; and
- developing a user friendly web site which focuses on the needs of pro se litigants.

### **IV – Billing Methodology Review**

In 1995, a new child support cost allocation plan was developed for the purpose of simplifying the billing for IV-D funding of the Court’s child support services. The plan is based on a cost-per-case methodology. In order to maintain the accuracy of the plan, it is updated each year to adjust for current costs incurred by the Court. Periodically, a more comprehensive analysis must be performed. A full review of organizational adjustments, personnel allocation, functional changes and other factors that change over time must be performed to preserve the integrity of the plan and to make certain that the Court is being adequately compensated for the costs. Generally accepted accounting and audit principles indicate that this should be done on a five-year cycle. This comprehensive analysis is due in Fiscal Year 2000.

### **ACCOMPLISHMENTS**

#### **Information Systems: Criminal**

A training program for staff is being developed that will prepare court personnel for the implementation of Criminal Case Processing (CMS) in January/February 1999. When this system comes on line, it will mark the culmination of an effort begun in Fiscal Year 1995 when funding was first authorized in the budget. On the heels of CMS will come the final development and implementation of the Financial Management System (FMS) necessary to track the compliance of those sentenced to pay fines, costs, and restitution.

#### **Information Systems: Civil**

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

- File Tracking – Programming is complete and users are testing. Implementation is expected by November 1, 1998.

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- Automated Docket – Some programming is complete and the remaining requirements have been defined.
- Income Withholding – Work on the interface with the Division of Child Support Enforcement has begun. Implementation of the automated income withholding function is expected in the second half of Fiscal Year 1999.
- Child Support Forms – Mainframe forms are being developed to facilitate speedy issuance of orders and transfer of data elements required for federal and state case registries. Implementation is expected in the second half of Fiscal Year 1999.

### Civil Case Processing Delays

Beginning in the Spring of 1996, the Court began to experience serious delays in the processing of filings. As the problem was analyzed, it was determined that additional clerks were needed in Civil Case Processing. In Fiscal Year 1998, a slight decline in civil case filings (0.8 percent) allowed the court to keep pace with the incoming workload. Additionally, with some management initiatives such as using overtime and dedicating other staff temporarily to supplement the Civil Case Processing Unit, the time from filing to initiation of case processing is back within appropriate time frames. With the additional clerks in Fiscal Year 1999, the court will be able to manage the current civil caseload.

### Other Funding

To reduce the burden of funding for the State, the Family Court has sought and received over \$800,000 in grants over the last three years. Only one of these grants looks to the State to continue funding for a position. In the last year alone, the Court was successful in obtaining \$390,000 to run a drug court for juveniles in New Castle and Kent counties, \$68,000 to conduct a study of the domestic violence case processing, and \$39,000 to develop Trial Court Performance Standards for Unified Courts. In each of these efforts, the Family Court has developed alliances with other professional organizations and agencies to improve State service without impacting State funding for the judicial branch.

### BUDGET

	FY 1998 ACTUAL	FY 1999 BUDGET	FY 2000 GOV. REC.
GF	11,071.0	11,391.9	12,202.8
ASF	2,286.3	2,595.3	2,638.4
TOTAL	13,357.3	13,987.2	14,841.2

### POSITIONS

	FY 1998 ACTUAL	FY 1999 BUDGET	FY 2000 GOV. REC.
GF	239.0	241.0	252.0
ASF	62.0	63.0	63.0
NSF	2.8	2.8	2.8
TOTAL	303.8	306.8	317.8

### *FAMILY COURT* 02-08-10

### ACTIVITIES

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

### PERFORMANCE MEASURES

#### Judges Unit

Percentage of cases that comply with scheduling and dispositional standards as established by the Chief Justice.

#### Automated Sentencing Order Case Managers

Percentage of ASOP criminal cases which are entered at the time the sentence is announced in accordance with ASOP standards.

#### CASA Coordinators

Percentage of dependency, neglect, and abuse proceedings for which CASA's are provided.

#### Staff Attorneys

The number of cases dismissed after processing as compared with those dismissed after scheduling.

#### Billing Methodology Review

The completion of a review by a contractor of all IV-D costs associated with child support filings in Family Court.

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### JUSTICES OF THE PEACE COURTS

#### 02-13-00

#### MISSION

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

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

#### KEY OBJECTIVES

- Complete the JP Court Building Project\* by obtaining construction funds for Court 11 (New Castle) and Court 1 (Millsboro) in Fiscal Year 2000.
- Transform JP Court 20 from a 16-hour court to a 24-hour court by fully staffing the court and processing cases per Administrative Directive NO. 94 (Speedy Trial). The Court considers this the final step in completing the Municipal Court Merger.
- Increase security for the JP Courts by increasing the number of shifts of court operation covered from 42 percent (75/180 shifts per week) in Fiscal Year 1999 to 69 percent (125/180 shifts per week) in Fiscal Year 2002.

*\*The Justice of the Peace Court Building Project's ultimate goal is to have 100 percent of all JP Court facilities become state-owned or build-to-suit facilities that are safe, accessible and convenient to use.*

#### BACKGROUND AND ACCOMPLISHMENTS

##### BACKGROUND

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

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

- Criminal misdemeanor cases as listed in 11 Del.C. §2702, and all criminal violations.

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

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

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

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

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

There are 20 Justice of the Peace Courts located in 15 court facilities. One court in each county is open 24 hours a day, 365 days a year. The Delaware Code authorizes 56 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

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four years, and second and subsequent terms of six years.

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

### ACCOMPLISHMENTS

#### FY 1993 - Present

##### Client Services

The Justice of the Peace Court has experienced significant changes since Fiscal Year 1993. With legislative enactments premised upon the recommendations of the Commission on Delaware Courts 2000, the jurisdiction of the Justice of the Peace Court in civil cases increased from \$5,000 to \$15,000, and the Court implemented the use of responsive pleadings in most civil cases. The Justice of the Peace Court revised its civil forms and procedures to simplify the process to enhance uniformity throughout the state, in anticipation of an automated civil case processing system which is expected to be implemented in Fiscal Year 1999.

In Fiscal Year 1993, the Justice of the Peace Court established an Office of Victims' Services as a result of Delaware's Victims' Bill of Rights legislation enacted in July 1992. Funding for this office allowed for an 800 telephone number for victims throughout the state to find out the status of their case. An automated victims' notification system was also implemented that sent case scheduling notices to victims at every stage of the proceedings. During Fiscal Year 1994, the Office of Victims' Services and associated funding was transferred to the Office of the Attorney General. In Fiscal Year 1995, the JP Court prepared (in conjunction with the Courts' Subcommittee of the Domestic Violence Coordinating Council) a quick-reference credit-card-size phone listing of victim service providers in each of Delaware's three counties.

During Fiscal Year 1996, the JP Court worked, in conjunction with DELJIS, to make available to members of the news media and public an automated report entitled the "Executed Arrest Warrant Report". Enhanced efforts to provide the public with effective access to the court, through public information, continue. Two videos showing general civil and criminal procedures in the Justice of the Peace Court have been completed and are available for purchase in the courts. Additionally, a booklet containing sample civil complaint forms (and instructions on filling out

those forms) has been prepared and it, along with the booklet entitled "How to File and Defend a Civil Claim in the Justice of the Peace Courts," is available at no cost from the civil courts. Grants have been obtained to fund the development of a video outlining court procedures in landlord/tenant cases and of a brochure containing procedural information about landlord/tenant cases. The Court's recently established Speaker's Bureau provides volunteer judges to speak to members of the public about the Court. Another recent initiative is the formation of a website committee which is working on the development of a website designed to assist the public in using the Justice of the Peace Court.

Effective the Spring of 1996, all truancy cases in New Castle County were scheduled for arraignments and trial at JP Court 14. The "Truancy Court" was developed as a result of the Truancy Task Force and follows an approach similar to that of the Superior Court's "Drug Court". The same judge is assigned to hear and to hold case reviews in the truancy cases, to ensure consistency and historical knowledge of individual cases. Preliminary statistics are positive - of 745 total cases filed in the New Castle and Sussex Truancy Courts as of July 31, 1998, there has been compliance (regular attendance at school) or closure in 51 percent of the cases heard by a judge for truancy. (The significant number of cases filed on an on-going basis in New Castle County reduces this percentage.) The Truancy Court has expanded to Sussex County as of October 1997, and will function statewide as of October 1998, when the Kent County Truancy Court begins operations.

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

##### Security

A two-year security program was implemented in Fiscal Year 1994 to provide security for the Justice of the Peace Court on a statewide basis. Funding was appropriated for physical security enhancements, security positions and contractual security. By Fiscal Year 1995, security measures such as increased exterior lighting, bullet-resistant teller windows, effective locking and monitoring systems, and the limited use of contractual security personnel and staff

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security officers were implemented in all JP Courts. Prior to this security initiative being funded, there were no shifts covered by security personnel in the JP Court. As of Fiscal Year 1999, 42 percent of all shifts (75 of 180 total shifts/week) are covered by either JP Court security staff or contractual security personnel. As a result of the Municipal Court Merger/creation of JP Court 20, five additional security officers were appropriated to the JP Court.

### **Personnel Initiatives**

Another important initiative currently underway in the JP Courts is the increased emphasis on training programs for judges, as well as non-judicial personnel. The JP Courts launched a continuing judicial education program for its judges in Fiscal Year 1994, in addition to a new 11 week Basic Legal Education (BLE) program for new Justices of the Peace. Pursuant to new Justice of the Peace Court Civil Miscellaneous Rule 8, there are minimum continuing legal education requirements, as well as a basic legal education requirement for new justices of the peace. Since Fiscal Year 1994, 23 new justices of the peace have attended a basic legal education program, which covered criminal law and procedures, evidence, legal research and writing, traffic laws, contracts, landlord/tenant laws, ethics, civil procedures, among other topics. All justices of the peace attended continuing legal education programs on criminal and traffic laws, landlord/tenant issues, and ethics, along with the bench-bar conference, a domestic violence seminar and the gender fairness and diversity conference. Several judges attended the American Bar Association traffic seminar, as well as programs sponsored by the Delaware State Bar Association.

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

Beginning in 1994, a Justice of the Peace Court staff training program was initiated. Training included presentations for all employees on "Calming Upset Persons," domestic violence, management issues for court managers, "Providing Good Service Without Giving Legal Advice" and basic Spanish survival (Sussex County). A staff education committee was established to implement a training program for staff and a subcommittee developed training opportunities for constables on security, which includes a one-week

"Professional Standard Certification Course" conducted by the Delaware State Police. The JP Court implemented its employee recognition program with Unsung Heroes Awards, Employee of the Year Awards, State Service Awards and an annual employee recognition celebration in each county.

### **System Enhancements**

Of critical importance to the Court is the strategic planning process, which was initiated in October 1996 and continued throughout the fiscal year. This process is a disciplined effort to produce fundamental decisions and actions that shape what the Court is, what it does, and why it does it. It will help develop a strategy for moving into the future. Once the mission statement for the Court was developed, the process began with the distribution of surveys to the general public, attorneys, court employees and other users of the Court. To address strategic issues, the Court will plan additional training and other changes to improve the way we do business.

A new Policy Directive dealing with processing capias issued by the Justice of the Peace Court took effect in October of 1996. This new process reduces police transport time, prison overcrowding and inconvenience to the general public and those persons involved in the criminal justice system. Since its inception, thousands of hours of travel time for the police and corrections have been saved.

Justice of the Peace Court facilities, which are leased from private landlords, are generally inadequate to meet the Court's security protection and space needs. Funds are needed to continue the implementation of the Justice of the Peace Court Building Project. Under this project, new court buildings were completed and are operational for Court No. 5 (Milford), Court No. 8 (Smyrna), Court No. 9 (Middletown), Court Nos. 10 and 12 (Prices Corner), Court Nos. 3 and 17 (Georgetown), and Court Nos. 4 and 19 (Seaford). The Fiscal Year 1991 bond bill provided funds for a new facility for Court No. 6 (Harrington), but those funds were reverted due to the severe budget situation. The Fiscal Year 1996 bond bill contained funding for the planning and design for a new JP Court in Dover (to house Court 7, 16, VAC and the Capias Office), and Court 15 in Penny Hill, and in Fiscal Year 1997 and Fiscal Year 1998 funds were appropriated to purchase property and construct a new facility for the JP Court in Dover (Court 7 and 16). A groundbreaking ceremony was held on May 1, 1997 for this building, which should be completed in early 1999.

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Fiscal Year 1999 will bring the relocation of another four court facilities – JP Court Nos. 5, 6, 15, and the Administrative Office. Existing Court No. 5 in Milford and Court No. 6 in Harrington will be merged into a court facility which will be located between Milford and Harrington and will operate as a 16-hour court. Funds were obtained to expand JP Court No. 11 by moving the Administrative Office out of its present facility, thereby making an additional 2,000 square feet available for use by Court No. 11. The Administrative Office will relocate to offices within the same complex by the end of December 1998. JP Court No. 15, formerly located at 716 Philadelphia Pike, was relocated to Court No. 11 on July 9, 1998 on a temporary basis, when the Court's lease was terminated by the landlord. The Division of Facilities Management and JP Court staff have been actively pursuing a number of possible locations for Court No. 15, with the expectation that the Court will move to its new location as soon as possible.

#### **Technology**

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

Criminal Case Management was first implemented in Fiscal Year 1991 in conjunction with the Voluntary Assessment Center being established for processing mail-in fines. Since then, Case Management has been expanded to all criminal courts. In Fiscal Year 1994, monies were appropriated to the Administrative Office of the Courts (AOC) to develop civil case management. The implementation of the automated civil case management system is expected in Fiscal Year 1999, which will enable similar case processing as in the criminal courts.

During Fiscal Year 1997, the first step in modernizing the infrastructure of the Court to gain access to the state's network was accomplished by networking four Justice of the Peace Court sites. This has allowed the Court to communicate more effectively thereby increasing productivity both internally and with other state agencies. In Fiscal Year 1998, funding was received to network the remainder of the Justice of the Peace Courts statewide.

#### **Other Initiatives**

Other recent Justice of the Peace Court initiatives include a pilot project to centralize constables in New Castle County to ensure efficiency and expedite service in civil cases, efforts to develop a handbook for constables, and a joint effort with Family Court to have a Domestic Violence Specialist available at JP Court No.

11 in New Castle to enable victims to file Protection from Abuse Act petitions during evening hours and to assist the Justice of the Peace in setting bail. The court has been involved with the establishment of an interpreters program by the Judiciary, including the implementation of a Code of Professional Responsibility for court interpreters and a certification program for foreign language interpreters.

Since Fiscal Year 1995, the Justice of the Peace Courts has participated in the Delaware tax refund and lottery intercept-set off program to assist in the collection of unpaid fines and court costs. This program has resulted in the collection of an additional \$42,070 of unpaid fines and court costs from 316 persons who were delinquent in making court payments. Other initiatives include authorization of special process servers for summonses and subpoenas in JP civil cases, publications of a quick-reference credit card size phone listing of victim service providers statewide, and implementation of a program allowing payment of fines in all Justice of the Peace criminal courts and the VAC by credit card. Total credit card payments in Fiscal Year 1998 totaled \$255,000 – more than double those received in Fiscal Year 1997.

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

#### **FY 2000 – FUTURE**

##### **Client Services**

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

# JUDICIAL

## 02-00-00

### System Enhancements

As of May 1998, Justice of the Peace Courts and Court of Common Pleas merged with Municipal Court in Wilmington, thus creating JP Court No. 20 in Wilmington. As a result of this merger, Court No. 11 experienced a 27 percent increase in its caseload from April through July 1998, as compared to the same time period in 1997. Staff and judges assigned to Court No. 15 have helped Court No. 11 manage this substantial increase in its caseload. Advance planning helped ease many transitional problems associated by the merger, which included the major task of constructing, setting up, staffing and operating a completely new Justice of the Peace court facility. Efforts by all those involved – court staff, judges, Wilmington police officers and others – continue as persons unfamiliar with the Justice of the Peace Court work to gain an understanding of how the Court operates and the Court tries to accommodate the huge workload increase.

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

- To eliminate use of dilapidated, uncomfortable and relatively unsafe rental buildings for Justice of the Peace Court facilities through the JP Court building project, funds have been requested in Fiscal Year 2000 to move Court 11 (New Castle) and Court 1 (Millsboro) from leased facilities that are inadequate to meet the Court's security protection and space needs.
- To complete the records retention policy as it relates to manual/automated systems.

### Technology

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

At the present time, the JP Courts spend substantial amounts of time responding to inquiries from the public.

It is anticipated that the courts will need to add modern telephone services linked to automated case information.

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

A review of current criminal case management system with an eye towards a client-server system will be undertaken.

### BUDGET

	FY 1998 ACTUAL	FY 1999 BUDGET	FY 2000 GOV. REC.
GF	10,225.1	11,544.1	12,146.1
ASF	--	--	--
TOTAL	10,225.1	11,544.1	12,146.1

### POSITIONS

	FY 1998 ACTUAL	FY 1999 BUDGET	FY 2000 GOV. REC.
GF	218.0	235.0	241.0
ASF	--	--	--
NSF	--	--	--
TOTAL	218.0	235.0	241.0

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## JUSTICES OF THE PEACE

### 02-13-10

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### ACTIVITIES

#### Case Processing:

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

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- Perform any other function required to maintain the dignity, integrity, and security of the Justices of the Peace Court system.

### Administrative Functions:

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

### PERFORMANCE MEASURES

	FY 1998 Actual	FY 1999 Budget	FY 2000 Gov. Rec.
% courts located in state-owned/new facilities	80	90	100
% cases closed within 90 days	100	100	100
# shifts covered per week	50/170	75/180	95/180
% shifts covered	29	42	53

## ADMINISTRATIVE OFFICE OF THE COURTS - COURT SERVICES

### 02-17-00

### MISSION

#### Office of the Director

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

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

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

#### Judicial Information Center (JIC)

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

#### The Law Libraries

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

### KEY OBJECTIVES

#### Office of the Director

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

# JUDICIAL

## 02-00-00

### **Office of State Court Collections Enforcement Office**

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

### **Judicial Information Center**

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

### **Law Libraries**

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

## **BACKGROUND AND ACCOMPLISHMENTS**

### **Office of the Director**

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

The Supreme Court is the policy-making body of the judicial system and the Chief Justice is the administrative head of the state judicial branch. The AOC provides centralized services required by the Chief Justice, the Supreme Court, and the trial courts. Supreme Court Rule 87 defines the responsibilities of the Administrative Office of the Courts, but a committee is reviewing the role of the AOC. The Chief Justice established the review committee in Administrative Directive No. 111. The committee's interim report suggests that Rule 87 already contains an adequate listing of appropriate responsibilities for the office; the

problem has been failure to implement fully. The final report should be available before the end of 1998.

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

In Fiscal Year 1994, the judicial branch hired an administrator to plan and coordinate the centralized collection of court-held receivables. The office's staff was increased during Fiscal Year 1995, with the transfer of five positions from the Department of Correction (Probation and Parole) to the OSCCE. There are currently five OSCCE office locations throughout the state, in all three counties, where clients may make payments and conduct other business regarding their accounts.

Current collection efforts are limited almost exclusively to Superior Court receivables, so the goal of centralized collections has never been met. Expansion of efforts to collect receivables for all other courts is hampered by inadequate automation at OSCCE and lack of integration with court case management systems, which also fail to provide sufficient support to courts for financial management tasks. The collection effort cannot be successful system-wide without extensive automation of court accounting functions and records, and significant improvements in working relationships between the organizations. The Judiciary is currently undertaking a study on how to centralize collections statewide for all courts.

The office has made progress in handling Superior Court receivables. Dunning letters are now issued routinely and contact has been re-established with many of the accounts that were in delinquent status.

### **Judicial Information Center**

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

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

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## 02-00-00

implementation of an improved system development methodology.

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

### Law Libraries

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

The Kent County Law Library in Dover is designated as the state law library. It houses the largest legal collection maintained by the state, with approximately 35,000 volumes, and is staffed by one law librarian with one part-time assistant.

The Sussex County Law Library in Georgetown contains approximately 17,000 volumes and is staffed by one law librarian. Casual and seasonal funds are used to provide additional staff support.

### BUDGET

	FY 1998 ACTUAL	FY 1999 BUDGET	FY 2000 GOV. REC.
GF	6,429.3	5,993.0	6,236.3
ASF	--	--	--
<b>TOTAL</b>	<b>6,429.3</b>	<b>5,993.0</b>	<b>6,236.3</b>

### POSITIONS

	FY 1998 ACTUAL	FY 1999 BUDGET	FY 2000 GOV. REC.
GF	51.0	54.0	54.0
ASF	--	--	--
NSF	--	--	--
<b>TOTAL</b>	<b>51.0</b>	<b>54.0</b>	<b>54.0</b>

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## *OFFICE OF THE DIRECTOR*

### *02-17-01*

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### ACTIVITIES

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

### PERFORMANCE MEASURES

	FY 1998 Actual	FY 1999 Budget	FY 2000 Gov. Rec.
# Judicial officers participating in training sessions	398	425	500
# staff trained	1,246	1,300	1,400

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## *OFFICE OF STATE COURT COLLECTIONS*

### *ENFORCEMENT*

### *02-17-03*

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### ACTIVITIES

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

### PERFORMANCE MEASURES

	FY 1998 Actual	FY 1999 Budget	FY 2000 Gov. Rec.
# contacts necessary to administer accounts:			
verbal	N/A	1,500	1,500
written	N/A	30,000	30,000
% increase in \$ collected	N/A	15	6

## JUDICIAL 02-00-00

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

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#### ACTIVITIES

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

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

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#### ACTIVITIES

- Assist judges, lawyers, clerks, and the general public in conducting legal research.
- Maintain the inventory of law books and other legal materials.
- Catalog and file incoming legal materials.
- Read and index all State issued opinions.
- Assist court personnel in locating library materials.
- Answer legal reference questions.
- Order new books after consultation with judges.
- Prepare Law Library budget.
- Mend and rebind books as needed.

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

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#### MISSION

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

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

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

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

#### KEY OBJECTIVES

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

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

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

### **Violent Crimes Compensation Board**

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

### **Foster Care Review Board**

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

### **Educational Surrogate Parent Program**

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

## **BACKGROUND AND ACCOMPLISHMENTS**

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

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

<u>FY</u>	<u>Existing Gdnships</u>	<u>New Gdnships</u>	<u>Closed Gdnships</u>	<u>Referrals</u>
1993	124	48	28	120
1994	122	33	35	155
1995	132	30	20	118
1996	141	39	30	159
1997	133	31	39	157
1998	189	86	40	188

The Division of Mental Retardation (DMR) and Long Term Care (LTC) continue to have need of guardianship services for their clients. Guardianship of a person is needed to consent to medical procedures, psychotropic

drugs, behavioral change programs and placement decisions. A Deputy Public Guardian was hired in Fiscal Year 1991 to supervise and assist caseworkers who provide services to these institutional residents.

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

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

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

### **Trends and Impacts**

#### **Office Of The Public Guardian:**

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

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

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

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

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

- Ongoing changes to federal and state nursing home regulations. Regulations related to patients' rights, use of chemical and physical restraints, psychotropic medications, patient funds, and active treatment for the mentally ill and developmentally disabled, as well as increased government oversight

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of care. Incompetent persons now require legally authorized surrogate, decision-making and advocacy. Nursing homes and state institutions are, in steadily increasing numbers, referring to the Public Guardian those incompetent individuals who are unable to make decisions for themselves and for whom there is no one legally authorized to act on their behalf.

- Increasing complexity of medical care issues, in particular end of life medical decisions and discharge planning, in the face of health care financing cutbacks and restrictions, often require that a legal surrogate be appointed to act on behalf of an incompetent individual, who is unable to make decisions for himself or herself or plan for his or her care.
- In Delaware, there has been increased governmental attention to nursing home care in an effort to improve the quality of services rendered in that setting.
- Guardianship services continue to be sought by both public and private, in-patient and outpatient, psychiatric mental health, programs, and agencies providing services for persons with mental health retardation.
- Increasing complexity of financial affairs of persons for whom the Public Guardian is serving as guarding for property.
- Increased number of cases referred for public guardianship by the State Adult Protective Services agency.

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

### **Background**

#### **Violent Crimes Compensation Board**

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

three claim investigators, one administrative secretary, and one senior secretary.

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

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

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

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

From Fiscal Year 1976 through Fiscal Year 1998 the Board has received 5836 applications for compensation. In Fiscal Year 1998, a total of 5095 claims were examined by the Board of which 398 were approved for compensation benefits. The total amount awarded by the Board was \$1,198,569.32. Due to the statutory time frame for "appeals" actual disbursements were \$1,094,684.27 with \$103,885.05 being disbursed during the first quarter of Fiscal Year 1999.

Authorized awards for Fiscal Year 1998 were \$1,319,247.79 with an average award of \$2,862.43 per claimant.

Of the above total monies disbursed during Fiscal Year 1998, the Board paid \$59,321.53 to medical

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providers on behalf of victims of sexual assaults covering forensic sexual examinations. 185 additional victims were successfully aided through the FME (Forensic Medical Examiner's (SANE) program. The average cost of forensic evidence gathering during Fiscal Year 1998 was \$320.66 per victim.

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

### **Trends and Impact**

#### **Violent Crimes Compensation Board:**

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

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

### **Background**

#### **Foster Care Review Board**

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

There are now over 100 volunteer citizen Board members appointed by the Governor who serve on the Foster Care Review Board. These 100 citizens serve on one of the 14 review committees which meet twice a month in various locations throughout Delaware to review the children in out of home placement.

The Board is charged with identification and periodic review of all children in out of home placement no less

frequently than every six months. Periodic reviews for children in foster care conducted by independent citizen review committees are assisting the State to comply with federal review requirements established by PL 96-272, The Adoption Assistance and Child Welfare Act of 1980. The purpose of the Board's child review program is to monitor the case plans made for children and families involved in the State's out of home placement programs.

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

### **Number Of Case Reviews**

FY 1995	FY 1996	FY 1997
1618	1620	1753

The Ivy Davis Scholarship fund was established by the General Assembly in the spring of 1989, with an initial appropriation of \$50,000.00. Also, some private donations have already been received and a campaign is under way to raise more money. Both the State money and the private money have been placed in interest bearing accounts with the State Treasurer's Office. The Board is charged with the awarding of scholarships and awarded four scholarships for the 1997-1998 school year, which totaled approximately \$43,441.37.

### **Trends and Impact**

#### **Foster Care Review Board:**

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

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

**Background**

**Educational Surrogate Parent Program**

Although an Educational Surrogate Parent System was mandated in 1975 by the federal special education law (P.L. 94-142), in Delaware few children were being identified as eligible and few persons were being trained to act as ESPs. As a result, in Fiscal Year 1988 the General Assembly created the position of coordinator to improve the system. In March 1988, 29 children were being represented by an ESP and 27 certified ESPs were appointed to children or were available. At the end of Fiscal Year 1997, 125 children were being represented and 155 ESPs were appointed or available.

During Fiscal Year 1990, the coordinator worked with the Department of Public Instruction to change the design of the ESP system so that appointments which previously took months could be completed in a timely manner. During Fiscal Year 1998 all appointments were achieved within eight working days.

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

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

**Trends and Impact**

**Educational Surrogate Parent Program:**

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

**BUDGET**

	FY 1998 ACTUAL	FY 1999 BUDGET	FY 2000 GOV. REC.
GF	777.6	828.0	859.0
ASF	1,391.8	2,175.7	2,198.3
<b>TOTAL</b>	<b>2,169.4</b>	<b>3,003.7</b>	<b>3,057.3</b>

**POSITIONS**

	FY 1998 ACTUAL	FY 1999 BUDGET	FY 2000 GOV. REC.
GF	15.5	16.0	16.0
ASF	8.0	8.0	8.0
NSF	--	--	--
<b>TOTAL</b>	<b>23.5</b>	<b>24.0</b>	<b>24.0</b>

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**OFFICE OF THE PUBLIC GUARDIAN**

**02-18-01**

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**ACTIVITIES**

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

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

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

- Locate and inventory assets of new wards.
  - Prepare real estate and personal belongings for sale, obtain services of an appraiser, realtor, auctioneer and others as needed.
  - Conduct all financial matters for the wards, including opening accounts, preparing budgets, paying bills, submitting health insurance claims and numerous other required forms and monitoring Medicaid eligibility.
  - Submit a final accounting to the Court at the death of a ward, plan funerals for the wards and assist in settling estates when necessary.
  - Submission of petitions to the court for decisions regarding disposition of property or other necessary financial matters.
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## JUDICIAL 02-00-00

### PERFORMANCE MEASURES

	FY 1998 Actual	FY 1999 Budget	FY 2000 Gov. Rec.
# referrals received	141	150	150
# referrals accepted for public guardianship	97	105	115
# current guardianships	179	200	210

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

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#### ACTIVITIES

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

### PERFORMANCE MEASURES

	FY 1998 Actual	FY 1999 Budget	FY 2000 Gov. Rec.
% victims compensation costs vs. operating costs	84	84	84

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

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#### ACTIVITIES

- Conduct and document bi-annual reviews of abused and neglected children in out of home placements by a volunteer citizen review board. The purpose of the review is to monitor services being provided children to determine if they are being served in a manner consistent with federal and state law.
- Provide technical and professional support and guidance to the citizen review board by paid staff.
- Identify and address issues impacting efforts to obtain a permanent home for abused and neglected children. This activity may be in conjunction with or independent of the state service providers.
- Assert legal standing to seek judicial intervention to ensure that timely, effective and specified services are being provided to abused and neglected children.

- Ensure that ongoing training regarding child welfare, foster care and adoption issues, both historical and current, is available to the board members in order to maintain a high level of expertise in these areas.

### PERFORMANCE MEASURES

	FY 1998 Actual	FY 1999 Budget	FY 2000 Gov. Rec.
# volunteer hrs generated	10,000		
% children being reviewed	100		
# training hrs provided to Board	95	100	100

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

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#### ACTIVITIES

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

### PERFORMANCE MEASURES

	FY 1998 Actual	FY 1999 Budget	FY 2000 Gov. Rec.
% appointments within 10 working days	100	100	100
# ESPs appointed or available	158	145	160