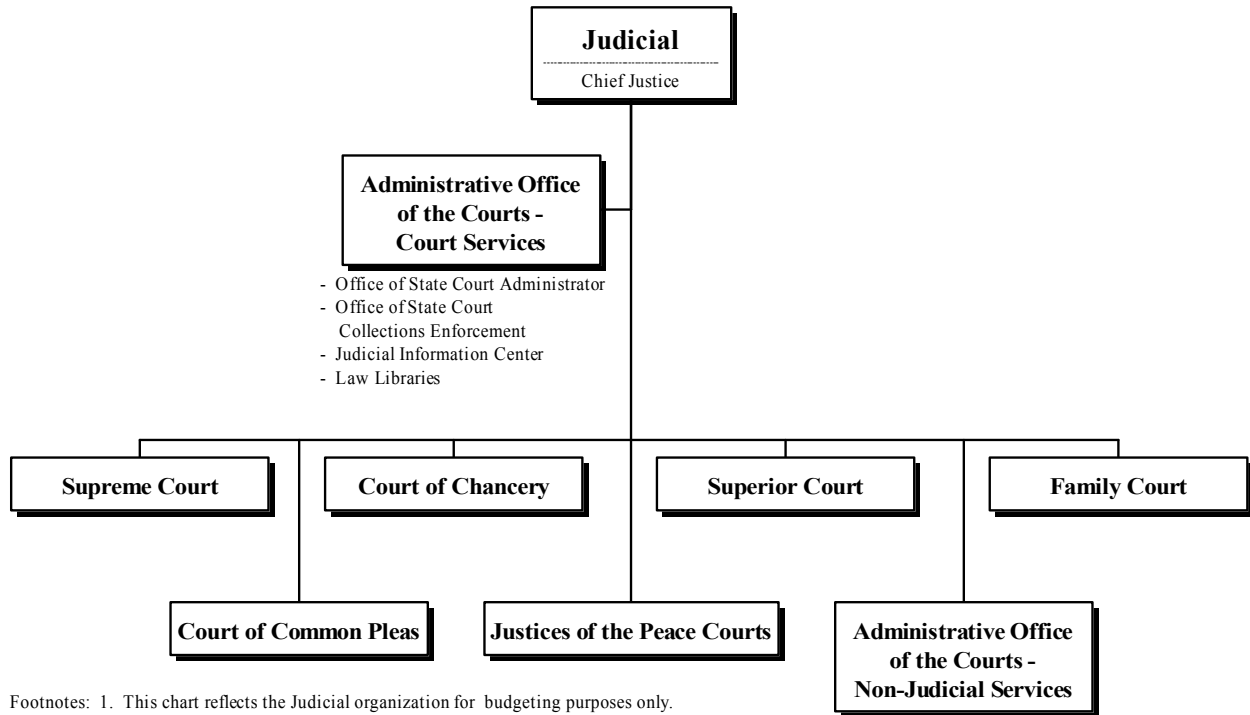


# JUDICIAL

## 02-00-00



Footnotes: 1. This chart reflects the Judicial organization for budgeting purposes only. Pursuant to Supreme Court Rule No. 87, the Administrative Office of the Courts recommends systemwide budget priorities to the Chief Justice of the Supreme Court and coordinates all budgeting activity.

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

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

### MISSION

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

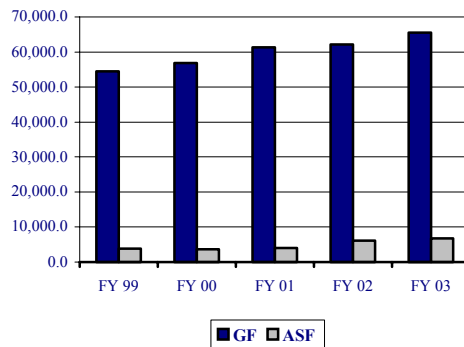
### KEY OBJECTIVES

The Delaware Judiciary expects to accomplish the following during Fiscal Year 2004:

- Purchase a commercial-off-the-shelf (COTS) automated case and financial management system that will provide integrated case and financial management for all civil and criminal cases in the Supreme Court, Court of Chancery, Superior Court, Family Court, Court of Common Pleas and Justice of the Peace Court.
- Continue the development and implementation of case management procedures that will reduce the adjudication time in criminal cases with an emphasis on those cases where the defendant is detained.

- Develop and implement a process to evaluate requests for additional judicial officer positions.

### Five-Year Appropriation History



# JUDICIAL 02-00-00

## FUNDING

	FY 2002 ACTUAL	FY 2003 BUDGET	FY 2004 GOV. REC.
GF	65,184.3	65,547.0	66,619.9
ASF	5,420.2	6,744.1	8,342.5
<b>TOTAL</b>	<b>70,604.5</b>	<b>72,291.1</b>	<b>74,962.4</b>

## POSITIONS

	FY 2002 ACTUAL	FY 2003 BUDGET	FY 2004 GOV. REC.
GF	1,069.5	1,064.5	1,064.5
ASF	95.0	95.0	96.0
NSF	25.3	26.3	20.3
<b>TOTAL</b>	<b>1,189.8</b>	<b>1,185.8</b>	<b>1,180.8</b>

## FY 2004 BUDGET HIGHLIGHTS

### OPERATING BUDGET:

- ◆ Base adjustment in Administrative Office of the Courts, Judicial Information Center (02-17-04) includes \$12.6 in Personnel Costs to annualize 1.0 FTE Telecommunications/Network Technician.
- ◆ Recommend structural change to transfer (\$93.3) in Personnel Costs and (3.0) filled FTEs from Superior Court (02-03-10); (\$29.1) in Personnel Costs and (1.0) filled FTE Operations Support Specialist from Court of Common Pleas (02-06-10); and (\$69.2) in Personnel Costs and (2.0) filled FTEs (1.0 Operations Support Specialist and 1.0 Social Services Specialist III) Administrative Office of the Courts, Office of the State Court Administrator (02-17-01) to provide centralized services within the New Castle County Courthouse.
- ◆ Recommend structural change to transfer (\$119.8) in Personnel Costs and (2.0) filled FTEs from Superior Court (02-03-10) to Administrative Office of the Courts, Judicial Information Center (02-17-04).
- ◆ Recommend structural change to transfer of (\$31.0) in Personnel Costs and (1.0) filled FTE Judicial Case Processor from Family Court (02-08-10) to Administrative Office of the Courts, Office of State Court Collections Enforcement (02-17-03).
- ◆ Recommend enhancement of \$108.4 ASF in Personnel Costs and 1.0 ASF FTE Commissioner in Family Court (02-08-10) to adjudicate Child Protection Registry appeal cases.

### CAPITAL BUDGET:

- ◆ Recommend \$ 3,337.1 for the Kent County Courthouse project for the purchase of the O'Brien Building from Kent County.
- ◆ Recommend \$150.0 for the Minor Capital Improvement and Equipment Program.

# JUDICIAL

## 02-00-00

### SUPREME COURT

#### 02-01-00

#### MISSION

- 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 2004–Fiscal Year 2006 period, the Court expects to accomplish the following:

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

#### BACKGROUND AND ACCOMPLISHMENTS

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

Under Article IV, Section 11 of the Delaware Constitution, the court has final appellate jurisdiction (1) in criminal cases from the Superior Court in which the sentence shall be death, imprisonment exceeding one month or fine exceeding \$100 and in such other cases as shall be provided by law, (2) in civil cases as to final judgments and (3) in certain other orders of the Court of Chancery, the Superior Court and the Family Court. Appeals are heard on the record established in the trial court.

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

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

The Supreme Court regulates the practice of law in Delaware through various committees referred to as the Arms of the Court. Each committee member is appointed by the Court. Pursuant to Supreme Court Rules, these committees are funded by annual assessments paid by Delaware lawyers and fees from applicants who take the Delaware Bar Examination. The funds generated by the assessments and fees exceed \$700,000. There is no cost to the state for the operation of the Arms of the Court.

The Board on Professional Responsibility and Office of Disciplinary Counsel are authorized by Supreme Court Rule 62 and Supreme Court Rule 64 respectively. Under Supreme Court Rule 62(c), the court appoints a Preliminary Review Committee. The board, the Preliminary Review Committee and the Office of Disciplinary Counsel are responsible for the regulation of the conduct of the members of the Delaware Bar. Matters heard by the Board 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 is practicable, the collective responsibility of the legal profession with respect to losses caused to the public by defalcations of members of the Bar.

The Board of Bar Examiners is authorized by Supreme Court Rule 51. It is the duty of the board to administer Supreme Court Rules 51 through 55—rules which govern the testing and procedures for admission to the Delaware Bar.

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

# JUDICIAL

## 02-00-00

The Supreme Court Advisory Committee on the Interest on Lawyer Trust Accounts Program (IOLTA) is authorized by Supreme Court Rule 65. The function of the committee is to oversee and monitor the operation of the Delaware Interest on Lawyer Trust Accounts Program as established pursuant to Rule 1.15 of the Delaware Lawyers' Rules of Professional Conduct. The committee reports annually to the Supreme Court on the status of the program and the work of the committee. It is the exclusive responsibility of the Delaware Bar Foundation, subject to the supervision and approval of the court, to hold and to disburse all funds generated by the IOLTA program. The majority of these funds are used to provide legal representation for indigents.

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

The court's major accomplishment within the past year is the disposition of most cases within 40 ½ days of the date of submission to the date of final decision, which is well under the 90-day standard that the court has set in accordance with American Bar Association standards. The Court issued several Administrative Directives regulating the administration of the courts and the Bar. Administrative Directives 130 and 131 set speedy trial standards for all criminal cases, including death penalty cases, pursuant to recommendations of the Committee on Speedy Trial Guidelines. Administrative Directive 132 established a Board of Certified Court Reporters to ensure minimum standards of skill, competency and ethics for court reporters. Administrative Directive 134 set forth a policy that would standardize the procedure and establish uniform criteria for determining the need for additional judgeships or other judicial officers. Administrative Directive 136 created a Court Resources Task Force to analyze the existing state budgetary structure and staffing of the Judicial Branch to determine if the structure and staffing are conducive to optimum management of the Judicial Branch, and if resources should be reallocated and new staffing standards established to achieve maximum efficiency. Administrative Directive 136 also established a Permanent Advisory Committee on the Delaware Lawyers' Rules of Professional Conduct pursuant to Supreme Court Rule 96 to consider on an on-going basis amendments to

the Rules. Administrative Directive 137 created a Courthouse Operations Policy Committee to establish policies to coordinate common services and to ensure the efficient usage of the New Castle County Courthouse. Administrative Directive 139 established a Mediation Committee to consider the best methods by which the judiciary can promote voluntary mediation in all courts. Administrative Directive 142 implemented the recommendations of the Uniform Case Processes Committee for a Commercial Off the Shelf (COTS) case and financial management system for the entire judiciary.

### FUNDING

	FY 2002 ACTUAL	FY 2003 BUDGET	FY 2004 GOV. REC.
GF	2,418.4	2,383.3	2,463.0
ASF	44.8	149.4	149.4
<b>TOTAL</b>	<b>2,463.2</b>	<b>2,532.7</b>	<b>2,612.4</b>

### POSITIONS

	FY 2002 ACTUAL	FY 2003 BUDGET	FY 2004 GOV. REC.
GF	28.0	28.0	28.0
ASF	--	--	--
NSF	11.3	11.3	11.3
<b>TOTAL</b>	<b>39.3</b>	<b>39.3</b>	<b>39.3</b>

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## SUPREME COURT

### 02-01-10

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### ACTIVITIES

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

### PERFORMANCE MEASURES

	FY 2002 Actual	FY 2003 Budget	FY 2004 Gov. Rec.
Average # days from under advisement to final decision date			
Criminal	46.4	40.2	34.5
Civil	34.6	31.5	29.3
Average # days from initial filing to final decision date			
Criminal	241.3	235.7	230.8
Civil	166.2	160.4	155.7
% of cases disposed within 30 days of date of submission	23.6	45	55
% of cases disposed within 90 days of date of submission	57.9	80	95

# JUDICIAL

## 02-00-00

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

#### ACTIVITIES

- Office Disciplinary Counsel and Board on Professional Responsibility
  - Dispose of complaints against lawyers.
- Lawyers' Fund for Client Protection
  - Process claims with the fund.
  - Audit lawyers' financial accounts.
- Board of Bar Examiners
  - Process applications to take the Bar examination.
- Commission on Continuing Legal Education (CLE)
  - Process of lawyer compliance affidavits.
  - Evaluate CLE programs.

#### PERFORMANCE MEASURES

##### Lawyers' Fund for Client Protection

	FY 2002 Actual	FY 2003 Budget	FY 2004 Gov. Rec.
# of claims	52	60	60
# of claims paid*	38	40	40
# of claims denied or withdrawn*	17	20	20
# of claims pending*	18	20	20
\$ amount of claims made	339,230	380,000	400,000
\$ amount of claims paid	145,492	170,000	200,000
\$ amount of claims pending	276,932	210,000	200,000

\*Note: Includes claims filed in previous fiscal year.

##### Board of Bar Examiners

	FY 2002 Actual	FY 2003 Budget	FY 2004 Gov. Rec.
# of applicants processed	256	270	280
# of applicants passing Bar exam	158	162	165

##### Commission on Continuing Legal Education

	FY 2002 Actual	FY 2003 Budget	FY 2004 Gov. Rec.
# of FY 02 affidavits processed	1,109	1,300	1,300
# of programs evaluated	4,758	5,000	5,500
\$ amount of fines and sponsor fees paid	20,980	25,000	25,000

#### Office of Disciplinary Counsel

	FY 2002 Actual	FY 2003 Budget	FY 2004 Gov. Rec.
# of new matters filed	319	350	350
# of matters disposed*	310	320	330
# of cases pending or stayed	57	50	45
# of private admonitions with or without probation	14	15	15
# of public reprimands with or without probation	3	5	5
# of suspensions and interim suspensions	4	5	5
# of disbarments	4	5	5
# of reinstatements	4	4	4

\*Note: Includes matters filed in previous fiscal year.

# 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 fair, prompt, efficient; and highly expert.

#### KEY OBJECTIVES

- To maintain and enhance the court's reputation for excellence in judicial work.
- To maintain and enhance the court's automated capability to handle its workload.
- To continue to improve the statewide functionality of the Register in Chancery.

#### BACKGROUND AND ACCOMPLISHMENTS

Delaware's Court of Chancery is a non-jury court of limited jurisdiction. Its jurisdiction includes both corporate and non-corporate litigation matters. The judges spend approximately 60 percent of their time on corporate litigation. This specialization and the resulting expertise contributes to the fact that Delaware is a preferred situs for incorporation in the United States. The remainder of the court's resources 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 all three Delaware counties.

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

The major initiative of the court last year was the smooth transition of the Register in Chancery to a statewide clerk's office for the court. That transition was accomplished without any interruption of services to the public. The new objective is to make sure that policies and procedures are

unified in Register in Chancery offices throughout the state.

The court made significant progress over the past few years in implementing technology. The video-conferencing project approved by the General Assembly has been operational since July 1998. It allows judges to conduct conferences and some hearings with lawyers from around the country as well as from other areas of Delaware. This is time saving and makes the State of Delaware a more attractive place to do business thereby making it more competitive with other states. In addition, the court is working with professors at the Delaware Law School of Widener University to develop procedures for electronic filing of documents and to make the court's decisions available in the same way. This project is expected to make the court more accessible to the global business community.

#### FUNDING

	FY 2002 ACTUAL	FY 2003 BUDGET	FY 2004 GOV. REC.
GF	2,233.2	2,139.3	2,201.3
ASF	460.0	1,171.7	1,266.8
TOTAL	2,693.2	3,311.0	3,468.1

#### POSITIONS

	FY 2002 ACTUAL	FY 2003 BUDGET	FY 2004 GOV. REC.
GF	26.0	26.0	26.0
ASF	21.0	21.0	21.0
NSF	--	--	--
TOTAL	47.0	47.0	47.0

### COURT OF CHANCERY

#### 02-02-10

#### ACTIVITIES

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



# JUDICIAL

## 02-00-00

### PERFORMANCE MEASURES

	FY 2002 Actual	FY 2003 Budget	FY 2004 Gov. Rec.
% decisions rendered within a period of 90 days after readiness for adjudication	90	90	90
# matters filed*	4,159	4,246	4,247

*\*Note: This performance measure has been improved in that it includes all matters filed in the Court of Chancery. Projections for FY 2003 and FY 2004 have been updated to reflect this change and are based on historical trends determined using 5-year regression analysis.*

### SUPERIOR COURT

#### 02-03-00

#### MISSION

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

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

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

#### KEY OBJECTIVES

Superior Court expects to accomplish the following during Fiscal Year 2004:

- 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, establish greater adherence to court schedules and tighten the notification process.

# JUDICIAL

## 02-00-00

- Reduce the rate of capias issuance. Reduce the number of capiases outstanding by continuing review of their status and by promoting efforts to apprehend those who fail to appear.
- Expand new training opportunities for staff, particularly in management and supervisory skills. Develop recruitment and training programs for staff that recognize diversity as a core value of the Superior Court.
- Maximize staff productivity through enhancements to automated case management systems and provide basic tools needed to use those systems.

### Environmental Scan

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

In Fiscal Year 2003, the court concentrated on the expansion of its electronic service delivery, browser-based report distribution and conversion of paper-based communications to electronic communications. A new website was unveiled as well. The court also continued to build upon the foundation of its content-rich website. It is now concentrating on the provision of interactive capabilities to enable the court to serve the public in a dynamic environment. For the first time, Delaware's citizens summoned to jury service can respond via the web to their summons. All current Superior Court orders and opinions were added to the site and are now immediately available online in a printable standard format. Providing this service online enables the court to serve the public in a more prompt manner, leads to gains in court efficiency and results in cost savings to the state.

In March 2001, the statewide Drug Court Information System (DCIS) began to receive cases from Case Management System/Automated Sentencing Order Project (CMS/ASOP). DCIS is an integrated client/server information system that merges data from multiple sources, including Treatment Access Center (TASC), and treatment

providers to support judicial decision making and to assist in client management and inter-/intra-agency communication. Apart from the savings in operating costs, the fundamental DCIS business value is that time-consuming and labor-intensive data entry and database administration can now be centralized and the handling of paper in the Drug Court processes can be eliminated. DCIS has resulted in a greater accessibility to shared data by selected users, the end of redundant data entry and the ability to end the paper-driven processes.

In March 2000, the court implemented the Automated Sentence Order Project (ASOP). At this time, the system is used statewide in Superior Court, allowing court-based users to seamlessly access the DCIS system. ASOP, designed to support Delaware's sentencing process by standardizing the format of sentence orders, provides real-time electronic court orders to the Department of Correction. In Fiscal Year 2003, the courts' Investigative Services Unit (Pre-sentence) began to use the system to prepare modified orders based on restitution. A new version of the software is expected to be installed in the fourth quarter.

The court's nationwide reputation was recognized when it was selected by the U.S. Department of Justice as one of nine pilot sites in the country to test the concept of re-entry courts. Re-entry courts focus on the need to create accountability systems and support networks for returning offenders to increase the chances of their successful reintegration into their communities. The court is testing two approaches to re-entry: one targets returning domestic violence offenders in Sussex County and the other deals with the general population of returning offenders in New Castle County.

The court continued its efforts to improve the overall effectiveness of the criminal justice system through inter-agency collaboration. In cooperation with the Division of Audit and Recovery of the Department of Health and Social Services, the court conducts contempt hearings in welfare fraud cases where the defendant has failed to make restitution payments to the state.

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

Finally, Superior Court refined its vision, mission and core values through the collaborative efforts of its judges and



# JUDICIAL

## 02-00-00

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

### FUNDING

	FY 2002 ACTUAL	FY 2003 BUDGET	FY 2004 GOV. REC.
GF	16,654.8	16,378.9	16,589.4
ASF	--	--	--
<b>TOTAL</b>	<b>16,654.8</b>	<b>16,378.9</b>	<b>16,589.4</b>

### POSITIONS

	FY 2002 ACTUAL	FY 2003 BUDGET	FY 2004 GOV. REC.
GF	286.0	286.0	281.0
ASF	--	--	--
NSF	6.0	6.0	2.0
<b>TOTAL</b>	<b>292.0</b>	<b>292.0</b>	<b>283.0</b>

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

### ACTIVITIES

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

### PERFORMANCE MEASURES

	FY 2002 Actual	FY 2003 Budget	FY 2004 Gov. Rec.
98% of criminal cases disposed of within 180 days (Speedy trial standard)			
NCC	69.4	*	*
Kent	91.3	*	*
Sussex	96.4	*	*
98% of civil cases <551 days old at time of disposition (ABA standard)			
NCC	83.9	*	*
Kent	85.7	*	*
Sussex	83.4	*	*
Average # of days/criminal trial			
NCC	2.58	*	*
Kent	3.36	*	*
Sussex	2.54	*	*
Average # of days/civil trial			
NCC	2.96	*	*
Kent	3.48	*	*
Sussex	1.89	*	*
Criminal case filings			
NCC	5,247	*	*
Kent	1,798	*	*
Sussex	1,895	*	*
Civil case filings			
NCC	7,721	*	*
Kent	1,226	*	*
Sussex	1,131	*	*
Criminal case dispositions			
NCC	5,244	*	*
Kent	1,813	*	*
Sussex	1,789	*	*
Civil case dispositions			
NCC	7,954	*	*
Kent	1,336	*	*
Sussex	1,211	*	*
Criminal cases pending			
NCC	1,492	*	*
Kent	267	*	*
Sussex	405	*	*
Civil cases pending			
NCC	5,914	*	*
Kent	704	*	*
Sussex	723	*	*

\* No data

# JUDICIAL

## 02-00-00

### COURT OF COMMON PLEAS

#### 02-06-00

#### MISSION

The Court of Common Pleas is dedicated to the principle of equal and timely access to justice so that all individuals are treated with integrity, honesty, equality, respect for the rule of law and the rights of all. The court uses all staff in a collaborative manner and operates efficiently while maintaining public trust and confidence.

#### KEY OBJECTIVES

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

#### BACKGROUND AND ACCOMPLISHMENTS

The following are the areas over which the Court of Common Pleas has jurisdiction:

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

The court receives most of its criminal caseload from the Justice of the Peace Courts. A small percentage of filings come from the Alderman's courts. Approximately three percent of filings are filed directly by the Attorney General.

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

The court has nine authorized judgeships. Five judges sit in New Castle County, two in Kent County and two in Sussex County. The court also has two Commissioners, which are quasi-judicial positions, one which is based in New Castle County and one which is shared between Kent and Sussex counties.

The Commission on Courts 2000 envisioned an expanded and strengthened Court of Common Pleas as vital to the Delaware court system. Legislation implementing the commission's report vested significant new areas of jurisdiction in the court in January 1995.

In 1997, the court began its strategic planning effort by adopting the Trial Court Performance Standards. Judges and staff have been implementing a series of action plans designed to evaluate the court's delivery of service, to assess the court's performance and to structure its future planning efforts.

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

In July 1998, the court began operating a court-supervised, comprehensive drug diversion program for non-violent offenders in New Castle County. This voluntary program that includes regular appearances before a judge, participation in substance abuse education, drug testing and treatment, if needed, has handled more than 1,700 participants since its inception. It was the subject of a study by the University of Pennsylvania on the role of judicial status hearings in drug court, the first such study of its kind in the nation.

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

The court began a mediation dispute resolution program in 2001. In partnership with the Center for Community Justice and the Delaware Center for Justice, the court referred approximately 790 cases for mediation. Mediation provides an alternative to criminal prosecution and leaves participants with an increased sense of satisfaction about the criminal justice process.

#### FUNDING

	FY 2002 ACTUAL	FY 2003 BUDGET	FY 2004 GOV. REC.
GF	6,825.7	6,594.6	6,857.9
ASF	111.9	126.0	136.4
<b>TOTAL</b>	<b>6,937.6</b>	<b>6,720.6</b>	<b>6,994.3</b>

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

**POSITIONS**

	FY 2002 ACTUAL	FY 2003 BUDGET	FY 2004 GOV. REC.
GF	122.0	125.0	124.0
ASF	3.0	3.0	3.0
NSF	1.0	1.0	--
<b>TOTAL</b>	<b>126.0</b>	<b>129.0</b>	<b>127.0</b>

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

**ACTIVITIES**

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

**PERFORMANCE MEASURES**

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

**Performance Measure 1** shows criminal case filings, dispositions, cases pending and revenue collections for the statewide court. Through Fiscal Year 1995, the court was largely able to keep pace with its caseload. The drop in dispositions and collections in Fiscal Year 1996 was attributable to the 1995 increase in jurisdiction and, in particular, was tied to the impact of jury trials in New Castle County. By applying aggressive case management techniques, the court managed to keep pace with its incoming caseload in spite of a significant caseload increase in Fiscal Year 1997. At the same time, collection numbers began to rise, attributable both to caseload increases and the implementation of an automated financial system throughout the state. Collections from Fiscal Year 1998 through Fiscal Year 2002 continued to rise, but the lag in the disposition rate in those years is a result of caseload increases throughout the state and the Municipal Court merger in New Castle County.

**Performance Measure 1**

**Criminal Case Filings and Dispositions**

Fiscal Year	Criminal			\$ Amount Collected 1000s
	Misd. Filings	Criminal Dispositions	Criminal Pending	
1995	29,537	28,947	7,943	2,255.9
1996	30,006	21,760	16,189	2,002.2
1997	49,633	49,947	15,120	2,570.3
1998	55,960	50,638	20,442	2,992.9
1999	66,216	59,933	26,725	3,348.0
2000	72,211	66,755	32,181	4,596.7
2001	73,393	70,811	34,763	5,111.6
2002	82,469	80,757	45,758	5,821.6

**Performance Measure 2** shows the time from transfer for arraignment to disposition by case type. In New Castle County, the time from transfer for arraignment to trial shows the impact of the large caseload increase in the last four years. Until Fiscal Year 1995, the average time from transfer for arraignment to trial for most cases was four weeks. The impact of the 1995 jurisdiction increases doubled that time. In the last four years, the numbers increased dramatically as a consequence of huge caseload increases and the merger with the Municipal Court. Kent and Sussex counties have also been affected by caseload increases. The court is working aggressively to reduce the time to disposition and made progress in all three counties in the past fiscal year, with Sussex County showing the most dramatic improvement.

**Performance Measure 2**

**Time from Transfer to Trial by Case Type**  
**New Castle County**

Case Type	Number of Weeks			
	10/99	10/00	10/01	10/02
Suspension/Insurance	23	22.5	21	20
Other Non-Jury	20	22.5	20	20
Drive Under Influence	27	33.5	27	26
Domestic Violence	20	15.5	16	15
Drug	20	18.5	24	23
Jury Trial	20	28.5	24	26

**Time from Transfer to Trial by Case Type**  
**Kent County**

Case Type	07/00	10/00	10/01	10/02
Non-Jury	7	6	8	5
Jury Trial	9	8	12	10

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## Time from Transfer to Trial by Case Type Sussex County

Case Type	07/00	10/00	10/01	10/02
Non-Jury	15	17	15	9
Jury Trial	18	16	19	10

**Performance Measure 3** shows civil case filings and the average length of time from answer to disposition for cases filed from 1998 through 2002. Until 1995, the Court of Common Pleas was able to dispose of the majority of its civil cases within six to eight months. With the increase in jurisdiction and complexity of caseload in 1995, the time from answer to disposition increased, especially in New Castle County where more cases go to trial. Additional staff resources were also assigned to civil cases in Kent and Sussex counties, which resulted in the decrease in time to disposition between 1998 and 1999. More aggressive case management in New Castle County resulted in a dramatic decrease in disposition time over the last three years.

### Performance Measure 3

#### Civil Case Filing Dispositions

##### Disposition Time (months)

Fiscal Year	Cases Filed	New Castle	Kent	Sussex
1998	6,331	12.5	4.3	2.8
1999	6,293	13.9	3.0	2.3
2000	6,436	6.9	4.3	5.9
2001	8,060	4.9	4.0	3.4
2002	10,574	4.1	3.6	5.9

**Performance Measure 4** shows the increase in preliminary hearings coming to the Court of Common Pleas after the merger with the Municipal Court on May 1, 1998. The Court experienced a 64 percent increase in the number of preliminary hearings between 1998 and 1999 and a 42 percent increase in the number of hearings held during that same period. The number of hearings held has continued at a rate of more than 15 percent until this fiscal year when the Court experienced a drop in the number of hearings held for the first time since 1998.

### Performance Measure 4

#### Preliminary Hearing Workload

Months	Cases Scheduled	Hearings Held	
		N	%
4/98	294	28	9.5
4/99	462	67	14.5
4/00	479	72	15.0
4/01	524	82	15.6
4/02	597	58	9.7

## 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 important role in the legal community, an additional mission statement has often been used:

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

### KEY OBJECTIVES

- Comply with all scheduling and dispositional standards in civil and criminal matters as prescribed by the Chief Justice and the Chief Judge.
- Improve the access to the court for all citizens with an emphasis on those who elect to represent themselves.
- Reduce the time from filing to disposition through the earliest possible review of civil filings filed by self-represented litigants by law-trained personnel.
- Provide appropriate legal representation to all parties in civil matters where due process dictates representation.

### BACKGROUND AND ACCOMPLISHMENTS

In Fiscal Year 2002, the Family Court took significant strides in the development of measures for the Family Court Performance Standards. The court's performance standards measure system is titled “Quality Counts – Family Court – Counts Quality.”

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The five performance measurement focus groups under the leadership of the Quality Counts Leadership Committee comprised of court and community members have developed and validated 21 measures for final development and implementation.

Full implementation of the 21 performance measures is scheduled to commence in January 2003. Family Court will continue to develop and implement measures that “count quality” and provide direction in order to provide the quality of service the citizenry of the state deserve.

### **Federally-Funded Personnel** *Court Improvement Project Grant*

Nationally, studies were finding that in cases where children were placed in the care of the state subsequent to allegations of dependency, neglect or abuse, it was taking far too long before the child found permanency in his/her home placement. In Delaware, the Supreme Court created a committee which studied the processes. It found that Delaware’s handling of these matters needed to be expedited and that enhanced judicial management of these cases would be necessary in order to achieve this goal.

Beginning in Sussex County over four years ago, the judges assumed a larger role in managing the court process through which determinations were made as to whether or not problems could be remedied and the family unit preserved, or if it was in the best interest of the child to terminate the parental rights in cases of dependency, neglect, or abuse. Judges in Kent and New Castle counties subsequently assumed larger roles as well.

The process has a start-to-end goal of one year from the state’s commencement of the action. During that time, numerous hearings are held to monitor efforts on behalf of the child and the family that may include treatment for physical, psychological or substance abuse problems. The judge seeks to determine whether or not the state made reasonable efforts to keep the family unit preserved while not endangering the child. Management of these cases is unlike few others in the court.

Over the past three years, the judges in Kent and New Castle have been assisted by two Case Managers who work with the Division of Family Services, the litigants, attorneys, Court-Appointed Special Advocate (CASA) coordinators, CASA volunteers and court staff to ensure that these cases stay on track. The primary beneficiaries are the parents and children, but the state benefits when children who may have sat for years in the foster care system are permanently placed back with their families or become eligible for adoption.

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

The Family Court opened Resource Centers in Dover (December 2000) and Georgetown (April 2001) and has participated as a full partner in the opening of the New Castle County Courthouse Self Help Center (August 2002). During Fiscal Year 2002, 23,582 individuals availed themselves of the services of the Family Court Resource Centers in Kent and Sussex counties. If the New Castle County Courthouse Self Help Center follows the experience in Kent and Sussex, another 23,000–30,000 visitors will be added to the total.

In 1999, the Delaware Supreme Court’s special committee on Family Court Internal Operating Procedures recommended that the Family Court’s filing process could be materially improved if legally-trained personnel reviewed filings at the outset. In Fiscal Year 2001 the Family Court hired its first Filings Examiner. This position is unique in Delaware’s courts and rare throughout the nation. The intent in developing the filings examiner concept was to reduce the frustration of the self-represented litigant who inadvertently or unwittingly filed inappropriate or insufficient documents with the court and waited for sometimes months only to find out that the court could not proceed and that he/she would have to start over. The law-trained position reviews all filings received by the court from the self represented and promptly intercedes to speed up the return of any insufficient documents to the litigant so that the necessary corrections can be made early on and the process expedited. As a result, the litigant’s time, as well as that of staff, is not wasted while the paperwork moves forward through what could be otherwise unnecessary processing.

During the first quarter of Fiscal Year 2002, the Filings Examiner reviewed approximately 1,540 civil filings presented by self-represented litigants. Of these, 524 petitions (34 percent of those filed) required corrective action and were either corrected or dismissed before they reached a court calendar.

Further, the work of the Filings Examiner helped to ensure that the remaining 1,016 pro se petitions, which went to scheduling without response, were ready for court action when calendared.

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

The Court Improvement Project mentioned above is part of a national effort to reduce the time from when a child is first removed from a home until he/she is returned to that home or permanently placed elsewhere. Children have historically spent far too long in foster care. Two or more years in foster care can potentially impact greatly on a child’s development. Overall, it is a situation where the



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costs to the state, society, the parents and, most importantly, to the child, must be minimized.

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

One of the most significant yet difficult decisions that has to be made by a Family Court judge is the one to terminate parental rights. It is of increasing concern to the court that in many of these cases the facts and evidence presented at trial are the direct result of meetings and interviews conducted between the parents and the staff of the Division of Family Services—meetings and interviews during which the indigent parent is most often not represented by counsel. Additionally, parents are asked to do things that would be helpful but sometimes refuse out of fear of possible repercussions. These parents, who are often without financial resources, are unable to consult with attorneys and seek legal advice pertaining to their rights as parents until the matter is formally before the court. This is problematic because proceedings that may result in the termination of parental rights demand that every effort be made to ensure that parents have access to adequate legal representation. The Family Court Rules of Civil Procedure, the Federal Adoption and Safe Families Act and the Court Improvement Project all recommend that parents be represented at the inception of a dependency/neglect case. To this end, and pursuant to *Brown and Cooper v. Division of Family Services and CASA*, 803 A.2d 948 (Del. 2001) (requiring notification of right to counsel in Termination of Parental Rights proceeding initiated by the state), Family Court judges developed a process to inform respondents of their right to counsel at the earliest stage of a dependency/neglect action and again upon service of a petition for termination of parental rights.

### ACCOMPLISHMENTS

#### Financial Management System

In May 2002, the Family Court implemented an automated financial management system in its collections offices, records rooms and Pro Se Centers. This system is modeled after the system currently in use in JP Court and the Court of Common Pleas. With the adoption of the Financial Management System (FMS), the Family Court is on the same technological level as the other courts and is in a position to accept branch-wide collections rather than

restricting activities only to Family Court functions. Additionally, the Family Court is now able to proactively manage accounts receivable in order to ensure that court orders are honored.

#### Court Watch

The Court Watch Program was beneficial both to the court and to participating students. In Fiscal Year 2002, graduate students from the University of Delaware continued participating in the program. Students received an orientation to the effort and set out to monitor court hearings. Confidential reports were prepared on judicial officer performance. Furthermore, suggestions were made regarding the types of information the court can provide to litigants prior to hearings. Recently, the Delaware Paralegal Association expressed an interest in participating in the program.

#### Partnerships

Family Court partnered with different sectors of the community (1) to enhance litigants' access to court information and materials; (2) to assist in the development and readability of materials; and (3) to assist in evaluating the accessibility, audibility, perceived fairness and efficiency of hearings.

##### *Partnership with State of Delaware Public Libraries*

Family Court partnered with each of Delaware's public libraries to enable the public to have access to Family Court without having to physically travel to the courthouse. The court provided each of Delaware's public libraries with an Information Guide – a manual containing all of Family Court's informational and instructional materials. On May 10, 2002, Family Court hosted a training seminar for library staff on the information contained in the Information Guides, on the Family Court website and on how to respond to questions.

##### *Other Partnerships*

The Metropolitan Wilmington Urban League, Inc. assisted Family Court in the development of its materials by providing input on readability and thoroughness in content. The Delaware Paralegal Association helped Family Court write answers to frequently-asked questions and worked with Family Court and the Office of Disciplinary Counsel to develop a program in which paralegals assist litigants in a limited manner under attorney supervision at the Resource and Self-Help Centers. The Delaware Commission for Women used Family Court materials during its Pro Se Seminars and the Resource and Self-Help Centers made available to the public free viewing of the Delaware Commission for Women's self-help instructional videos.



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### The Pilot of the Attorney Counseling Evening Program

As a result of implementation of Rule 6.5 of the Delaware Lawyers' Rules of Professional Responsibility (adopted November 2000) on May 23, 2002 at the Delaware State Bar Association in Wilmington, Family Court co-sponsored the first Attorney Counseling Evening Program ("ACE"). Modeled after the ACE Program in Contra Costa County, California, the program entails attorneys providing free "15-minute type" assistance to self-represented litigants. Litigants having a low income were screened for eligibility for free legal assistance by one of Delaware's legal service providers.

### Family Court Resource Centers

Family Court continued to experience success from operation of its Resource Centers. Furthermore, implementation of Family Court's Pro Se Program contributed to more efficient court operations, to improved public access to the court and to enhanced litigant participation in the court process and his/her meaningful right to be heard.

The amount of time spent assisting self-represented litigants decreased significantly once the Resource Centers had been opened. Communications with self-represented litigants were more succinct because the resources at the centers supplement the information staff provides. Furthermore, deficient and inappropriate filings appear to have decreased particularly in the areas where Instruction Packets are available. The addition of the Filings Examiner position also contributed to decreased bottlenecks and deficient filings.

### The Self-Help Center

On September 3, 2002, the first Self-Help Center opened in a center which serves the needs of self-represented litigants in all of Delaware's state courts. The Self-Help Center has as its model the Family Court Resource Centers and incorporates the philosophy and approach of Family Court's Pro Se Program. Family Court staffs the Self-Help Center and the vast majority of its users are Family Court litigants. It is estimated that the Self-Help Center assisted nearly 2,000 people during its first month of operations.

### Drug Court

In Fiscal Year 2002, Family Court completed a review of Drug Court best practices and designed a new Adjudicated Drug Court model. The proposed approach received legislative endorsement with the passage of a law that grants conditional licenses to misdemeanant participants, permits the vacating of their sentences once they have successfully completed the program and gives the court authority to compel parents into assessment and treatment if indicated. In addition, treatment funding will allow the

Division of Child Mental Health, to act as the managed care organization for a host of treatment agencies.

### Pre-Trial Services Officer

Family Court successfully petitioned the Violence Against Women Act Implementation Committee to provide funding for pre-trial services to perpetrators of domestic violence. This program is aimed at providing greater safety for victims of domestic violence by better managing their abusers during the pre-trial period of the criminal prosecution process. The associated position will be shared with the Superior Court and the Court of Common Pleas.

### Other Funding

As noted above, the Family Court successfully pursued grant opportunities in the areas of Court Appointed Special Advocates (CASAs), Court Improvement, Drug Court, Juvenile Accountability and the Violence Against Women Act (VAWA).

### FUNDING

	FY 2002 ACTUAL	FY 2003 BUDGET	FY 2004 GOV. REC.
GF	14,127.4	14,319.8	14,484.1
ASF	2,940.4	3,016.8	3,203.6
TOTAL	17,067.8	17,336.6	17,687.7

### POSITIONS

	FY 2002 ACTUAL	FY 2003 BUDGET	FY 2004 GOV. REC.
GF	268.0	268.0	265.0
ASF	63.0	63.0	63.0
NSF	3.0	4.0	3.0
TOTAL	334.0	335.0	331.0

### FAMILY COURT

#### 02-08-10

### ACTIVITIES

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

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### JUSTICES OF THE PEACE COURTS

#### 02-13-00

#### MISSION

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

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

#### KEY OBJECTIVES

- Improve the infrastructure of the court.
- Provide convenient, safe, and secure facilities for the public and court employees.
- Complete the JP Court Building Project by obtaining construction funds for Court 11 (New Castle).

#### BACKGROUND AND ACCOMPLISHMENTS

##### Background

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

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

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

- Criminal misdemeanor cases as listed in 11 Del. C. § 2702 and all criminal violations.
- Most 21 Del. C. traffic offenses which do not involve physical injury or death.
- County code violations.
- Truancy cases.
- Fish and wildlife violations.
- Alcoholic beverage violations.
- Miscellaneous violations initiated by other state agencies.

The Justices of the Peace Courts have civil jurisdiction over:

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

The Justices of the Peace Courts also have jurisdiction to:

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

There are 19 Justice of the Peace Courts located in 15 court facilities. Two courts in New Castle County and one court in both Kent and Sussex counties are open 24 hours a day, 365 days a year. The Delaware Code authorizes 58 Justices of the Peace and one Chief Magistrate to serve as the administrative head of the court. Justices of the Peace are appointed by the Governor and confirmed by the Senate for a first term of four years and for second and subsequent terms of six years.

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

#### Accomplishments and Opportunities (Fiscal Year 1995 – Present)

##### Strategic Planning Process

Of critical importance to the court is the strategic planning process that was initiated in October 1996. This process is a disciplined effort to produce fundamental decisions and actions that shape what the court is, what it does and why it does it. The on-going process develops a strategy for moving into the future. This included an initial strategic

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planning report, including a mission statement and objectives, which continues to serve a useful purpose in the court's planning process. Action plans are developed and adopted annually as a part of the assessment meetings held by the court to review and update its original long-range plan.

### **Representation at JP Court 20**

A highlight of Fiscal Year 2002 was the initiation of a federally-funded pilot project to provide Attorney General and Public Defender representation at JP Court 20 in Wilmington. Through this project, the Attorney General, Public Defender and the court work collaboratively at JP Court 20 to resolve cases at the earliest possible opportunity. The grant provides two Deputy Attorneys General, two Public Defenders and support personnel to provide representation at pre-trial proceedings and trials at Court 20 on Monday through Friday from 8 a.m. to 4 p.m. Benefits brought by the project to the victims and defendants include early resolution of cases (often at the initial court appearance), early access to victim's services and access to legal services for both victims and defendants at Court 20. Preliminary statistics indicate that the project has reduced the transfer rate (the percentage of cases which could be heard in the Justice of the Peace Court but which are transferred to the Court of Common Pleas by the defendant) from 46 percent before the project went into effect to 25 percent (including cases pending at Court 20). In a preliminary comparative sample study (looking at cases filed in March 2002 (post-project) as compared to March 2001 (pre-project)) conducted by the Statistical Analysis Center (SAC), it appears that the average time from filing to disposition has decreased for all JP eligible cases (whether handled in JP Court or CCP) by at least 30 days. These promising initial results should improve the process and help reduce backlogs at the Court of Common Pleas, pre-trial detention and the number of capias issued for defendants failing to appear for trial at a later date.

### **Truancy Court**

The Justice of the Peace Court's statewide Truancy Court has developed into a multi-faceted program involving an extensive network of social service and treatment agencies that provide assistance to families with truancy problems. Performance indicators for the Truancy Court in 2001-2002 show promising results.

- 56 percent of the cases closed in 2001-2002 achieved full compliance with the Truancy Court (returned to school regularly), representing a significant improvement from the previous school year's compliance rate of 44 percent.

- Preliminary statistics also demonstrate the need to target younger truants to enhance success – the compliance rate is close to 100 percent when the truant student is less than 11 years old.
- The earlier the intervention, the better the outcome: Truant students who achieved full compliance averaged 23 days of unexcused absences at the time of filing, while non-compliant truants averaged a substantially higher number of days (34) for the same period.
- 95 percent of the truant students who achieved full compliance with Truancy Court in 2001-2002 completed the school year.

Fiscal Year 2002 was the first year of a highly successful federally-funded joint program with the Truancy Court and the Boys and Girls Club in Kent County intended to encourage the difficult-to-motivate teenage truants to return to school. The program includes a morning attendance program, after-school work readiness and life skills program, and paid part-time employment for teenage truants. It was recognized as the 2002 Program of the Year by the Kent County Interagency Council for its results.

### **Statewide Videophone Court**

A statewide Justice of the Peace Videophone Court was established at JP Court 2 in Rehoboth Beach on January 2, 2002. Conducting proceedings by videophone enables court users, such as the police to obtain warrants and have arraignments conducted, without they or the defendants physically appearing in court, thereby saving time. The new Videophone Court has provided substantial benefits to the criminal justice community because it efficiently manages and distributes the JP Court's statewide videophone workload during its hours of operation (Monday through Friday, 8 a.m. to midnight). In a recent survey of police officers using the new Videophone Court, 94 percent of those responding said that the amount of time they spent on videophone proceedings has been reduced by the Videophone Court, and 86 percent of respondents indicated that they were very pleased with the service they received.

### **Capias Processing**

In considering ways to manage its caseload, the court has looked at using videophone access to obtain a more equitable distribution of workload (using a videophone to direct arraignments and warrant processing to less overloaded JP Courts) and other methods to enhance its effectiveness. Another redistribution of workload, or the court's change in policy which permitted JP Courts to handle other JP Courts' capias, has continued to allow significant time savings for law enforcement, corrections

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and defendants by reducing travel time between courts. Prior to this policy, the police or corrections officer was required to transport a defendant to each JP Court in which the defendant had an outstanding capias; now, the first court where the defendant is taken or appears through the use of the videophone usually handles all pending capiases. In Fiscal Year 2002, 5,001 JP Court capiases were handled by courts other than the originating JP Court, saving thousands of hours of officers' travel time. The court also handled 10,499 Court of Common Pleas capiases, 2,369 Family Court capiases and 2,726 Superior Court capiases.

### **Justice of the Peace Court Building Project**

- JP Court 13 moved to a new location on Concord Pike in Wilmington in June 1998.
- New JP Court 20 opened in downtown Wilmington in August 1998.
- JP Court 2 moved to a new location in Rehoboth Beach in August 1998.
- JP Court 11 was expanded with the relocation of Justice of the Peace Court Administrative Offices in December 1998.
- JP Court 15 relocated to a new facility in north Wilmington in May 1999.
- JP Courts 7 and 16 and the Voluntary Assessment Center moved to a new state-owned facility in Dover in May 1999.
- Land was purchased and efforts continue to merge JP Court 5 (Milford) and JP Court 6 (Harrington) to create a 16-hour court midway between Milford and Harrington.
- New JP Court 14 (DUI/Truancy Court) was opened in Georgetown in January 2001.
- JP Court 9 reopened at its new site in April of 2001 after the old site was destroyed by fire in July 2000.
- The planning process for moving JP Court 1 into a new facility in Frankford has begun, with the receipt of funds in Fiscal Year 2002 to do so.

All building projects have been initiated except for JP Court 11 in New Castle. New facilities provide a safe and secure place for court staff to work and the public to use and enhance the court's appearance of professionalism.

### **Technology**

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

allowing expedited processing and payment of traffic citations.

### **Environmental And Political Factors Affecting The Unit**

#### **Public Service Expectation**

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

#### **Judicial Staffing**

Senate Bill No. 120, passed in June 2001, permits a retired Justice of the Peace to be designated by the Chief Magistrate, with the approval of the Chief Justice, to serve temporarily in any JP Court in the state (given that they retired in good standing, had been appointed and confirmed for a second term, assent to the designation and are not involved in anything that would create a conflict of interest). This legislation has preliminarily helped in addressing short-term shortages in judicial resources.

#### **Fiscal Year 2003 – Future**

Included in the overall Strategic Plan are the following goals and key issues intended to help the court address problems and move toward its vision for the future:

- Address employee concerns
  - Second phase of development of upward mobility for clerks/career project implementation
  - Court manager retreat
  - Additional security personnel
- Improve customer service to the public
  - Maintain and enhance website
  - Merge JP Courts 5 (Harrington) and 6 (Milford) and expand hours of operation
  - Implement on-line traffic ticket payment program
  - Additional security concerns
  - Expand Court 2's statewide Videophone Court
  - Train the Trainer
  - Increase clerical personnel consistent with NCSC study to reduce case processing time
  - Security coverage for all shifts
- Ensure the quality of justice provided by the court
  - AG/PD representation at JP Court 20
  - Uniformity in procedures, civil and criminal case management (Automated Warrant System)



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- Need for prosecutors and public defense attorneys
- Enhance administrative services provided to JP Court personnel
- Enhance specialty courts
- Improve the infrastructure of the court
  - Devise plan to replace PCs and printers on a regular basis, as needed
- Improve the judicial system's efficiency and the quality of justice provided in the court, the criminal justice system should promote modifications to the Division of Motor Vehicle (DMV) point system.
- 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 mainframe). This includes resolving issues related to electronic transfer of cases and digital signatures on criminal court documents.
- Review current criminal case management system to develop a plan of action for modernizing the criminal case management technology. The court's current DELJIS system was implemented in 1991. Efforts will focus on eliminating data quality problems that presently exist and on minimizing delays caused by a system based on transfer of paper documents between courts.
- Complete implementation of the records retention policy as it relates to manual/automated systems.
- Complete the JP Court Building Project (JP Court 11 in New Castle).

### BUDGET

	FY 2002 ACTUAL	FY 2003 BUDGET	FY 2004 GOV. REC.
GF	13,392.3	13,328.6	13,540.0
ASF	--	--	--
<b>TOTAL</b>	<b>13,392.3</b>	<b>13,328.6</b>	<b>13,540.0</b>

### POSITIONS

	FY 2002 ACTUAL	FY 2003 BUDGET	FY 2004 GOV. REC.
GF	245.0	245.0	245.0
ASF	--	--	--
NSF	--	--	--
<b>TOTAL</b>	<b>245.0</b>	<b>245.0</b>	<b>245.0</b>

## *JUSTICES OF THE PEACE*

### *02-13-10*

### ACTIVITIES

#### Case Processing:

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

#### Administrative Functions:

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

### PERFORMANCE MEASURES

	FY 2002 Actual	FY 2003 Budget	FY 2004 Request
% courts located in state-owned/new facilities	89	94	100
% of shifts/week with security coverage	53	53	61
% of proceedings that occur before a judge via videophone within 45 minutes of receipt	80	90	100

**JUDICIAL  
02-00-00**

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

**MISSION**

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

**BACKGROUND AND ACCOMPLISHMENTS**

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

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

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

**FUNDING**

	FY 2002 ACTUAL	FY 2003 BUDGET	FY 2004 GOV. REC.
GF	8,188.2	9,014.9	9,084.1
ASF	--	33.4	518.4
<b>TOTAL</b>	<b>8,188.2</b>	<b>9,048.3</b>	<b>9,602.5</b>

**POSITIONS**

	FY 2002 ACTUAL	FY 2003 BUDGET	FY 2004 GOV. REC.
GF	73.5	65.5	74.5
ASF	--	--	1.0
NSF	4.0	4.0	4.0
<b>TOTAL</b>	<b>77.5</b>	<b>69.5</b>	<b>79.5</b>

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

**MISSION**

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

**KEY OBJECTIVES**

- Work with Delaware's courts to develop and implement case management initiatives that reduce the adjudication time in criminal cases with an emphasis on those cases where the defendant is detained.
- Provide leadership and services to the Council of Court Administrators.
- Support the Court Operations Policy Committee as it develops policies for common functions in the New Castle County Courthouse.
- Provide world-class customer service in the central operations of the New Castle County Courthouse.
- Support the efforts of the COTS Operational Policy Committee and the other committees outlined in Administrative Directive 142 to assist in the implementation of an off-the-shelf case management and financial system for all Delaware courts.
- Assist the Council of Court Administrators in developing recommendations relative to updating the strategic plan for the Judicial Branch.

**BACKGROUND AND ACCOMPLISHMENTS**

Recent accomplishments include:

- Coordinated the preparations and move to the New Castle County Courthouse.
- Development and delivery of centralized services to the four courts occupying the New Castle County Courthouse.



# JUDICIAL

## 02-00-00

- Led the implementation of Administrative Directive 137 that provided for the establishment of the Courthouse Operations Policy Committee.
- Coordinated the completion of a maintenance review for all clerical classifications in the Judicial Branch.
- Successful participation in the pilot testing of a national training curriculum for judges in successfully dealing with defendants/litigants who have drug problems but whose drug problems are not at issue in the case before the court.

### ACTIVITIES

- Participate in the development and implementation of system-wide administrative policies.
- Coordinate the preparation, review, analysis and submission of the judicial branch budget and present prioritized recommendations to the Chief Justice.
- Serve as legislative liaison for the Judicial Branch.
- Draft and administer the personnel policies, procedures and standards.
- Draft and administer uniform fiscal system policies, procedures and standards.
- Prepare and administer records management policies, procedures and standards.
- Develop and implement comprehensive management systems.
- Develop and maintain a group of certified court interpreters for use by the courts.
- Participate in the development and coordination of case flow standards.
- Conduct system-wide planning, research and development.
- Develop and analyze case management statistics on a yearly basis.
- Coordinate facility issues with the Executive Branch.
- Design and administer continuing education and training programs for judges and staff.
- Prepare judicial branch annual report.
- Serve as secretariat to the Executive Committee of the Judicial Conference and other groups as needed.

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### ***OFFICE OF STATE COURT COLLECTIONS ENFORCEMENT***

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#### ***02-17-03***

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### MISSION

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

### KEY OBJECTIVES

- Increase the monetary collection of court-ordered assessments including fines, costs and restitution.
- Develop new initiatives and collection tools to address the handling of outstanding court-ordered assessments.
- Implement procedures for determining and addressing uncollectible receivables.
- Continue to improve the efficiency and effectiveness of the office.

### BACKGROUND AND ACCOMPLISHMENTS

The statewide case management system implemented in Fiscal Year 2002 enabled OSCCE to pursue and track delinquent accounts more efficiently. This system provided significant increases in the collection of court receivables and, as a result, allowed OSCCE to expand the implementation of its case management program to other judicial entities. OSCCE is currently working with the various judicial entities and other state agencies to make the current satellite offices statewide central cashing facilities.

In an effort to provide efficient services to the citizens of Delaware, OSCCE continued to build positive working relationships within all branches of state government. OSCCE continued to provide assistance to the Department of Elections and DELJIS in regard to voter rights under House Bill No. 126, and is working with the Division of Revenue to develop several programs to address the collection of outstanding court receivables. OSCCE continues to develop and implement new technological advances to better assist the judiciary with the handling of court receivables.

### ACTIVITIES

- Accept monetary payment of court-ordered financial assessments.
- Implementation of credit card operations to generate new monetary income for outstanding court assessments.
- Document all financial transactions to the proper accounts in a timely fashion.
- Pursue aggressive collection of court referred delinquent accounts.
- Implementation of non-monetary programs to address court-ordered assessments.
- Work with a variety of statewide criminal justice agencies to promote cooperation and share automated data.

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- Provide financial reports as requested.

### PERFORMANCE MEASURES

	FY 2002 Actual	FY 2003 Budget	FY 2004 Gov. Rec.
# contacts necessary to administer accounts:			
verbal	9,750	12,500	15,000
written	25,332	30,000	35,000
% increase in \$ collected	17	15	8

### JUDICIAL INFORMATION CENTER

#### 02-17-04

#### MISSION

The Judicial Information Center (JIC), a division of the AOC, develops and maintains computerized information systems and provides technology support services to the state judicial branch.

#### KEY OBJECTIVES

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

#### BACKGROUND AND ACCOMPLISHMENTS

The JIC is responsible for the development and support of computer information systems and the infrastructure necessary to access those systems. The JIC has evolved from an initial role of programming systems and systems operation to a full scale information technology unit/division.

Recent accomplishments include:

- Selection of a new Case Management System for the Judicial Branch (COTS).
- Assisted the branch with development of recommendations to further efforts concerning uniform statewide operational policies and procedures (a COTS initiative).

- Migration of the majority of the Judicial Branch from Banyan Beyond Mail to Exchange Outlook.
- Development and implementation of a financial management system for the Family Court.
- New Castle County Courthouse (NCCCH):
- Working with Facilities Management and the Department of Technology and Information (DTI), setup and implemented the technology infrastructure in the building.
- Developed applications that provide for scrolling schedules to be displayed throughout the building on plasma screens; wireless access to scheduling and participant information for roaming information staff (Pocket Courts); inventory information to be tracked and maintained via the Web; phone directory information to be maintained and accessed via the Intranet.
- Developed the NCCCH intranet site to provide information to staff on details related to the move, facility information, operational items, etc.
- Disconnected, reconnected and reconfigured over 700 devices in record time during the move to the NCCCH.
- Procured and implemented state of the art technology in the JIC data center and throughout the building, including: servers, an external storage solution (EMC), thin client computing, flat panel monitors, plasma displays, and audio video equipment in the courtrooms, etc.
- Oversaw and managed the maintenance of the telephone system and network wiring in the facility.

#### ACTIVITIES

- Analyze business issues and processes that relate to the flow, management and utilization of information.
- Develop and support computer applications that enhance the operations of the courts and agencies.
- Manage, design and support computer databases.
- Provide computer training.
- Manage, install and support personal computer technology, including hardware and software.
- Provide help desk services to computer users.
- Provide network access to computer users.
- 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.
- Lead initiatives related to technology planning, utilization and effective implementation.

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## 02-00-00

### PERFORMANCE MEASURES

	FY 2002 Actual	FY 2003 Budget	FY 2004 Gov. Rec.
% provide users with a system response time of 3 seconds or less on average with 99 percent system availability	100	100	100
# help desk calls	6,926	8,200	6,200
% "high priority" software problems resolved within 4 business hours (unless procurement is required)	98.5	99	99
% "high priority" hardware problems resolved within 7.5 business hours (unless procurement is required)	99	99.5	99.5

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

#### MISSION

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 pro se litigants; and function as the official depository of state laws, agency rules and regulations, administrative and board regulations, court opinions and the Chief Magistrate's advisory memorandum.

#### KEY OBJECTIVE

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

#### BACKGROUND AND ACCOMPLISHMENTS

The primary purpose of the law libraries is to provide legal information to the Delaware Judicial Branch. The libraries also support other legal agencies within the state as well as members of the legal community and pro se litigants. Each law library strives to maintain as many current and archival Delaware legal resources as possible. Financial resources and judicial priorities may limit services and materials available to secondary patrons.

A law library is maintained in each county (New Castle, Kent and Sussex) in Delaware as outlined in 10 Del. C. § 1941. The New Castle County Law Library, located in Wilmington, maintains a collection of 25,000 volumes and has a full-time staff of two (law librarian and library

assistant). Due to the number of judicial officials in Wilmington and the number of cases filed, the New Castle County Law Library is the busiest of the three counties.

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

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

#### ACTIVITIES

- Offer reference assistance and guidance to the judiciary, other state agencies, the legal community and pro se litigants.
- Maintain and review the collection of legal materials and consider legal titles that should be acquired or cancelled.
- Participate in professional organizations and networks to benefit from resource sharing.
- Review and advise the judiciary and court staff of changing technology and/or new trends in legal research.
- Coordinate database/computer legal research training for court staff as applicable.

**JUDICIAL  
02-00-00**

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

**FUNDING**

	FY 2002 ACTUAL	FY 2003 BUDGET	FY 2004 GOV. REC.
GF	1,344.4	1,387.6	1,400.1
ASF	1,863.0	2,246.8	3,067.9
<b>TOTAL</b>	<b>3,207.4</b>	<b>3,634.4</b>	<b>4,468.0</b>

**POSITIONS**

	FY 2002 ACTUAL	FY 2003 BUDGET	FY 2004 GOV. REC.
GF	21.0	21.0	21.0
ASF	8.0	8.0	8.0
NSF	--	--	--
<b>TOTAL</b>	<b>29.0</b>	<b>29.0</b>	<b>29.0</b>

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

**MISSION**

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

**KEY OBJECTIVES**

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

**BACKGROUND AND ACCOMPLISHMENTS**

The Office of Public Guardian was created in 1974. Since its inception, key activities have steadily grown. A summary of the key activities for the last five years is as follows:

FY	Existing Gdnships	New Gdnships	Closed Gdnships	Referrals
1997	133	31	39	157
1998	179	86	40	188
1999	192	58	45	101
2000	196	41	37	145
2001	198	41	39	139
2002	197	36	37	154
2003*	202	19	13	68

*\*Note: Through 09/30/02*

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

The Office of Public Guardian continues to be called upon to serve as interim guardian for persons with disabilities and who are referred by the state's Adult Protective Services Program, the long-term care facilities, the courts and other state agencies. In the last fiscal year, the office was called upon to serve as interim guardian in 22 such cases. So far in this fiscal year, there have been 10 cases in which the Public Guardian has been appointed interim guardian. Cases of financial victimization and exploitation are becoming more common, resulting in the elderly sometimes losing a portion or all of their life savings and resulting in their becoming dependent on the state and federal governments for care and services, including state guardianship.

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

Also, the agency has endeavored to increase services to those persons residing in private nursing homes who are without advocates/surrogates to monitor their care and treatment and, the state's psychiatric facility, Delaware Psychiatric Center (DPC), asked for increased Public Guardian services for the client populations they serve.

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The increase in the number of guardianships and in the complexity of the cases has generated additional work and resulted in a higher level of responsibility being assigned to the agency casework staff. Caseworkers oversee the case management of the person for whom the agency is named guardian. In addition to reporting to the court every six months on the care and well being of the people the office serves, the caseworkers are making decisions affecting people's daily lives – their care and their treatment. Currently, the financial case manager establishes and carries out financial case management plans, which include developing a budget, paying bills and reconciling accounts.

### Trends and Impacts

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

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

- A change in court policy regarding the appointment of fee for service guardians. In July 2002, the Court of Chancery issued a directive requiring that all state guardianships be referred to the Office of the Public Guardian for guardianship of person, property or both of the disabled person. The directive included all state guardianship matters then pending before the Court containing proposed guardians other than the Public Guardian.
- On-going changes to federal and nursing home regulations. In Delaware, there has been increased governmental attention to nursing home care in an effort to improve the quality of services rendered in that setting. Guardians are needed to advocate for persons with disabilities living in that setting who are deemed unable to act on their own behalf and for whom there are no other surrogates allocated.
- Increasing need for public guardianship intervention in cases referred by hospitals, private and public health care facilities, including those serving persons with mental disabilities, and the State's adult protective services system.
- Increasing complexity of medical care issues in the face of health care financing cutbacks and restrictions.
- Increasing complexity of financial affairs, including cases being investigated by the Department of Justice Fraud Unit, which requires a higher level of attention and involvement by the social and financial case management staff.

- The Public Guardian may be appointed to act as neutral guardian, impartial fact finder, court advocate or court monitor on behalf of the disabled person when there is a dispute among family or interested parties as to what is in the best interest of that individual.

### ACTIVITIES

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

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

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

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

### PERFORMANCE MEASURES

	FY 2002 Actual	FY 2003 Budget	FY 2004 Gov. Rec.
# referrals received*	154	230	250
# referrals accepted for public guardianship	36	60	65
# current guardianships	197	220	220

*\*FY 2003 data is revised due to a change in referral policy state-wide.*



# JUDICIAL

## 02-00-00

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

#### **MISSION**

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

#### **KEY OBJECTIVES**

- Process all claims submitted to the VCCB for a hearing within 60 days of receipt, and provide assistance to as many innocent victims of violent crime as annual revenue intake allows.
- Increase public outreach initiatives so that all crime victims have general knowledge of the functions and benefits provided by the VCCB.
- Process payment of claims to victims and providers within ten days of the legal fulfillment requirements.
- Increase new application caseload to that of 11 percent of the violent crimes reported each year in the State of Delaware.

#### **BACKGROUND AND ACCOMPLISHMENTS**

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

Compensation is made available to people who are victimized in the State of Delaware. Residents of Delaware who are victimized outside state boundaries may apply to the Delaware VCCB if the state, possession or territory in which the person is injured does not have a functional program. The purpose of the program is to alleviate some of the financial burden of crime victimization by providing compensation for certain pecuniary losses. Compensation is available for payment of medical expenses, dental expenses, psychiatric care, mental health counseling, prescription medication, prescription eyeglasses, prosthesis, certain out-of-pocket costs, loss of earnings, funeral/burial costs and loss of support. Secondary victims, including the parent(s), spouse, son(s), daughter(s), brother(s) or sister(s) of the primary victim, are eligible for payment of mental health counseling treatment for crime-related issues. On July 21, 2000, House Bill No. 544 was signed into law that allows the Violent Crimes Compensation Board to expand

benefits to secondary victims and also payment or reimbursement for certain property losses.

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

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

The agency is funded by Appropriated Special Funds and through a federal assistance grant. No General Fund money is authorized to operate the VCCB. Revenue is derived from an 18 percent surcharge that is levied on all criminal offenses including moving motor vehicle violations. The surcharge is collected by the courts and turned over to the State Treasurer for deposit into the Victim 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 2002, the board received 7,741 applications for compensation. In Fiscal Year 2002, a total of 601 claims were examined by the board. Of this total, 373 of the claims examined were initial applications; 135 were cases that had been requested to be reopened for additional consideration. A total of 508 were approved for compensation benefits, which included 373 initial cases and 135 reopened cases. The total amount awarded by the board was \$1,747,301.74. Due to the statutory time frame for appeals, actual disbursements were \$1,587,964.71 with \$159,337.03 being disbursed during the first quarter of Fiscal Year 2003.

Also, during Fiscal Year 2002, the board received 306 Sexual Assault Nurse Examiner (SANE) requests and 26 Child Counseling and Assessment Program (CCAP) requests. Payments disbursed for these programs, which are included in the above monies, were \$75,299.45 for sexual assault payments and \$10,753.25 for child counseling payments.

Authorized awards for Fiscal Year 2002 were \$1,747,301.74 with an average award of \$3,439.57 per claimant.



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Revenue receipts for Fiscal Year 2002 total \$2,871,626.53, which includes \$2,686,446.69 from the 18 percent surcharge, \$96,397.48 from restitution reimbursements, \$13,591.18 probation interest, \$53,389.66 subrogation refund, \$7,506.19 in prior-year refunds, \$7,506.19 in unclaimed restitution and \$4,456.18 in miscellaneous revenue.

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

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

### Trends and Impact

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

### ACTIVITIES

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

### PERFORMANCE MEASURES

	FY 2002 Actual	FY 2003 Budget	FY 2004 Gov. Rec.
% victim costs	76	78	80
% operational costs	24	22	20
Total	100	100	100

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

### MISSION

The mission of the CPRB is to provide and administer a volunteer-based board that acts as an independent

monitoring system charged with identification and periodic review of all children in out-of-home placements. The purpose of these reviews is to ensure that every child in care has effective plans for permanency, receives adequate care for both physical and emotional needs and participates at an appropriate age in educational programs to increase independent living skills.

### KEY OBJECTIVES

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

### BACKGROUND AND ACCOMPLISHMENTS

The Child Placement Review Board (CPRB) is a statewide child advocacy agency. It is charged by Delaware's General Assembly and by federal mandates with regular case reviews of foster children whose care is administered by the Division of Family Services (DFS) and of adjudicated youth in Level 3 and 4 out-of-home placements made by the Division of Youth Rehabilitative Services (YRS). For the CPRB, Fiscal Year 2002 was a time of internal improvements, development of stronger relationships with other state agencies and groups and increasingly effective advocacy on issues facing children in care.

One major project this past year involved the reconciliation of the CPRB and DFS databases. The reconciliation ensured that every child in care in Delaware is accurately accounted for and is tracked regularly for progress and unmet needs, and allowed for more efficient operation and better coordination between the CPRB and DFS. Paralleling this project was work on standardizing the methodology used by the review committees, ensuring a higher degree of consistency in conducting reviews, collecting data, and reporting results and outcomes. Reinstitution of the practice of audio-taping reviews furthered this effort and improved the accuracy of reports.

### Number Of Case Reviews

FY 2000	FY 2001	FY 2002
1,944	1,411	888

The CPRB conducted 888 reviews in Fiscal Year 2002. Of those, 755 were in the custody of DFS, 98 were adjudicated youth and 35 received a mixing review, which are designed to ensure that non-adjudicated children who

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## 02-00-00

are mixed with adjudicated children are not harmed by the experience. While the number of reviews decreased this year, the percentage of the children in care who received a review (60 percent) remained consistent with the percentages in previous years.

This year, 33 cases were referred to the CPRB Executive Committee, who asked DFS or YRS for clarifying information on their position. In 10 cases, the new information resolved the concern. Of the remaining 23 cases, 15 were resolved by a pre-petition letter to DFS, one through filing a petition, one in a pre-hearing conference and six as a result of Family Court hearings in which the CPRB was a participant. The Deputy Attorney General assigned to the CPRB was very effective in this area, working for creative solutions that met both the needs of the child and the legal requirements of the situation.

### **The Role of CPRB's Volunteers**

The success of the CPRB is a tribute to the effectiveness and commitment of its volunteers. A total of 73 volunteers make up the Executive Committee and the 14 review committees in Delaware's three counties. Bringing backgrounds in education, medicine, psychology, social welfare and business to the problems of children in care, the members of the CPRB are a powerful illustration of the value of dedicated volunteers. The CPRB brings a high level of commitment and integrity to the state's system for addressing the needs of children in care. Together, they have given 3,684 hours this year—or the equivalent of 98 work weeks—to Delaware's foster children and adjudicated youth.

### **Working with Others**

In its external work, that is, dealing with the Family Court, child welfare agencies and other groups advocating for children's needs, the CPRB made significant progress last year. The CPRB's increased access to Family Court, a product of recent legislation, improved communication on the best outcome for children in care. Quarterly meetings between DFS leadership and the CPRB created a positive environment built on a shared desire to serve children in care. More frequent and direct communications, including e-mails, were used with both DFS and YRS to find solutions to questions and differences outside the formal review setting.

The CPRB continued efforts with community partners to create solutions to concerns identified through the review process. Working with the Inter Agency Committee on Adoption (IACOA) and its Post-Adoption Services Subcommittee, the board was active in the effort to create a continuum of post-adoption services, which are desperately needed to help keep Delaware families created through adoption intact. And, as in previous years, the board continued its efforts to advocate for children and the issues

that affect them through interaction with the state legislature.

### **Scholarships**

One satisfying area of achievement for the CPRB is the annual distribution of college scholarships to children who have been in the state's foster care system for one year or more. These scholarships are named in honor of Mrs. Ivyanne D. F. Davis, an early member of the board. Scholarships totaling \$48,130 were awarded to 14 students. This year, six scholarship students obtained degrees, the largest group to do so since the inception of this program in Fiscal Year 1990.

### **PERFORMANCE MEASURES**

	<b>FY 2002 Actual</b>	<b>FY 2003 Budget</b>	<b>FY 2004 Gov. Rec.</b>
# volunteer hrs generated	3,684	3,500	3,500
% children being reviewed	100	100	100
# training hrs provided to board	100	150	150

## ***EDUCATIONAL SURROGATE PARENT PROGRAM***

### ***02-18-04***

### **MISSION**

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

### **KEY OBJECTIVES**

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

### **BACKGROUND AND ACCOMPLISHMENTS**

#### **Trends and Impact**

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

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The ESPP Coordinator is responsible for reviewing referrals of children submitted to the office for eligibility for admission and for requesting additional material and information from various agencies as needed to process referrals. Each completed referral eligible for admission is then matched with a trained and certified volunteer appropriate for each child's specific anticipated needs and location.

This prospective match is submitted as a recommendation of appointment to the Department of Education for approval. Once an appointment has been approved, the coordinator is available for further training, assistance and support as needed.

The ESPP Coordinator is responsible as well for the recruitment, training and retention of trained and certified volunteers to advocate for the needs of children in state custody. The ESPP Coordinator is available whenever possible to aid ESPs in their advocacy efforts on behalf of children assigned to them at schools and other facilities. The ESPP Coordinator consults with and attends meetings with the ESPs upon request statewide.

### ACTIVITIES

- Recruit and train volunteers to serve as Educational Surrogate Parents (ESP).
- Provide ongoing training opportunities, support and materials for ESPs.
- Provide technical assistance to other agencies (e.g., Department of Services for Children, Youth and Their Families, school districts and Child Development Watch) regarding ESP state and federal regulations to ensure identification of all eligible children.
- Select an appropriate ESP for each eligible child and process documentation for appointment by Department of Education or Department of Health and Social Services.
- Coordinate with Department of Education and Department of Health and Social Services to improve the ESP system.
- Collect and analyze data regarding ESPs and eligible children.

### PERFORMANCE MEASURES

	FY 2002 Actual	FY 2003 Budget	FY 2004 Gov. Rec.
% appointments within 10 working days	100	100	100
# child appointments	93	110	120
# children exited	8	12	15
# children served	298	400	505
# ESPs trained	51	70	85
# ESPs exited	11	10	10
# ESPs available	238	300	375

## OFFICE OF THE CHILD ADVOCATE

### 02-18-05

### MISSION

The mission of the Office of the Child Advocate (OCA) is to safeguard the welfare of Delaware's children through education advocacy, system reform, public awareness, training and legal representation of children as set forth in 29 Del. C. c. 90A.

### KEY OBJECTIVES

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

### BACKGROUND AND ACCOMPLISHMENTS

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

In Fiscal Year 2002, the Office of the Child Advocate was expanded by hiring a Deputy Child Advocate to represent children in Kent and Sussex counties. This individual represented 37 children during the course of the fiscal year.

In Fiscal Year 2002, OCA participated in the year-long Child Abuse Substantiation Workgroup and helped draft the legislative changes to the Child Protection Registry. OCA also served on the Community Notification Task Force that resulted in legislative change to sex offender notification and community safety awareness. OCA, in conjunction with several advocates from the child welfare community, was successful in advocating for timely reviews of child deaths due to abuse and neglect and public reports on system recommendations. OCA continued to oppose the proposed changes to Delaware's definition of child abuse. OCA also participated in several root cause analyses within the Department of Services for Children,

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Youth and Their Families. These analyses reviewed serious injuries and/or deaths of children, and provided recommendations for change within the department.

In Fiscal Year 2002, OCA provided legal representation to 299 children. Pro bono attorneys represented 218 of those children while OCA attorneys represented 81 children. 82 percent of the represented children were from New Castle County, a significant change from Fiscal Year 2001 when 95 percent of the children represented were from New Castle County. 52 of those cases were resolved and closed during Fiscal Year 2002. OCA also conducted two videotape trainings for pro bono attorneys and recruited 84 new attorneys to represent Delaware's abused and neglected children. As of June 30, 2002, 131 attorneys had been recruited by OCA to represent children. Despite these efforts, as of June 30, 2002, 27 abused and/or neglected children remained on a waiting list for OCA legal representation.

### Trends and Impact

In Fiscal Year 2002, the Office of the Child Advocate and the Court-Appointed Special Advocate (CASA) Program continued to collaborate to ensure representation of children; however, there are still approximately 200 children in foster care who do not have guardians *ad litem* either through OCA or CASA. Efforts must continue to solicit more attorneys to represent children on a pro bono basis and to support CASA in its recruitment of volunteers from the community. While OCA has recruited 131 attorneys to represent children, efforts must continue until every abused, neglected and/or dependent child in Delaware has his or her best interests represented in the court proceedings which so affect his or her life. At the close of Fiscal Year 2002, pro bono attorneys had donated \$322,597 in free legal services to Delaware's children. OCA hopes to match or exceed that number this coming year.

In Fiscal Year 2002, OCA received referrals on 480 children. In Fiscal Year 2001, OCA received referrals on 292 children. While a significant portion of these referrals are Family Court orders, OCA has reviewed several hundred family case histories kept by the Division of Family Services. OCA looks forward to using these reviews to collaborate with the Department of Children, Youth and Their Families in Fiscal Year 2003 to determine recurring system issues, measure progress in multi-disciplinary collaboration and risk assessment and provide training and insight regarding gaps in the system. The Child Protection Accountability Commission and its regular attendees will continue to serve as a vehicle for system change.

In Fiscal Year 2002, many statutes were passed to further benefit Delaware's children. Changes to the OCA statute,

technical changes to the guardianship and permanent guardianship laws, passage of a comprehensive Child Protection Registry act, improvement of community notification of sex offenders and timely reviews of child deaths due to abuse or neglect were but a few of the accomplishments for Delaware's children. OCA will continue to strive for laws that best protect Delaware's children and that will further implement the spirit and intent of the federal Adoption and Safe Families Act. Delaware has the ability to be a model for the nation in child welfare, and OCA, in collaboration with its multitude of partners in child welfare, will continue to strive for that reality.

### ACTIVITIES

- Recruit and train attorneys to represent children's best interests in every child welfare proceeding.
- Advocate legislative changes to improve the lives of abused, neglected and dependent children.
- Educate the public on the services and goals of the office and the Child Protection Accountability Commission.
- Develop and provide quality training to division staff, Deputy Attorneys General, law enforcement officers, the medical community, Family Court personnel, educators, daycare providers and others in the child welfare arena on the legal, sociological, cultural and behavioral nuances of child welfare.
- Review relevant policies, procedures and laws, and make recommendations for change with a view toward the rights of children.
- Collect and analyze data to determine how many children are not receiving services or representation in Delaware and why.

### PERFORMANCE MEASURES

	FY 2002 Actual	FY 2003 Budget	FY 2004 Gov. Rec.
# of referrals/children	480	320	500
# of pro bono attorneys available	131	85	250
# of children represented by the office	81	65	65
# of children represented by pro bono attorneys	218	100	300
# of amicus briefs filed by the office	1	1	1
# of children unrepresented due to a lack of resources (estimated)	200+	200	175