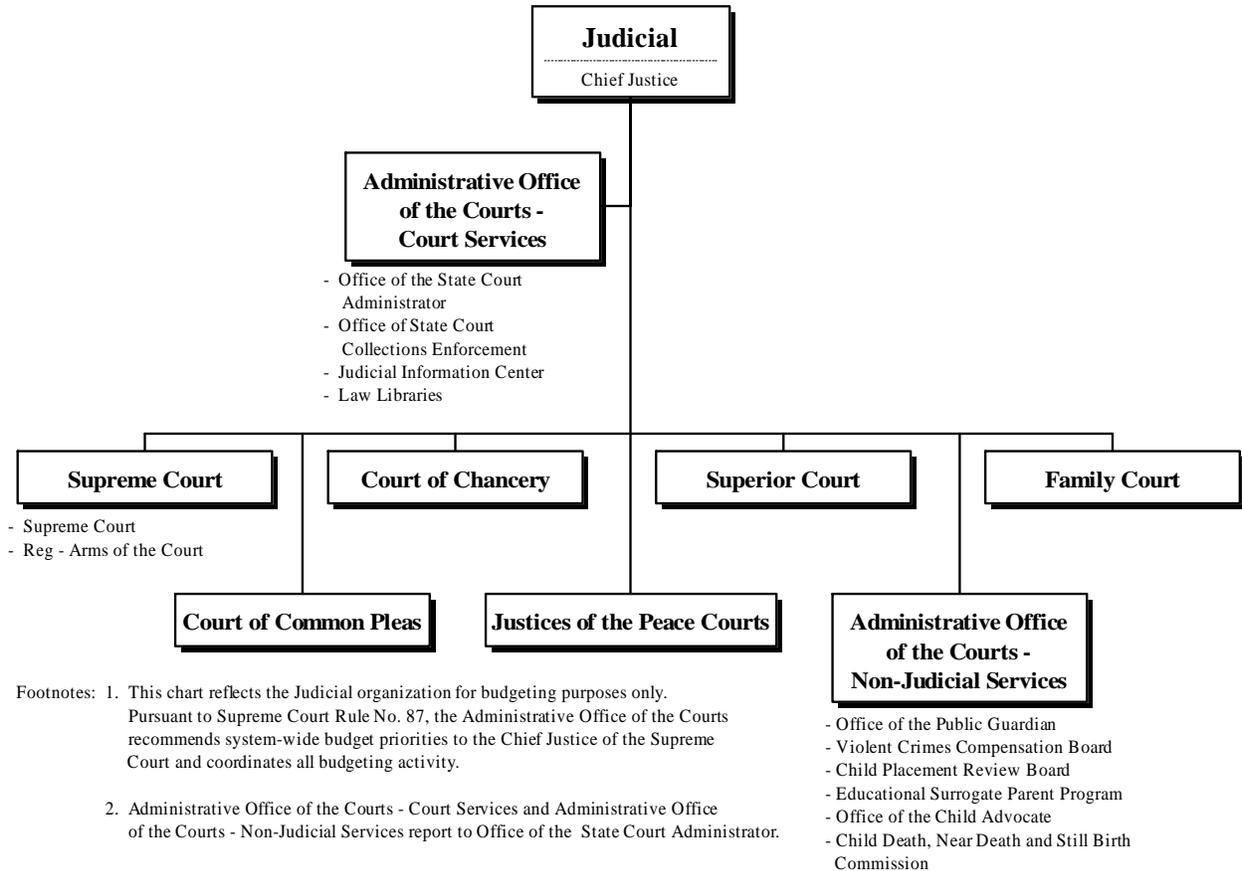


JUDICIAL

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MISSION

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

KEY OBJECTIVES

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

Goals and objectives contained within the Strategic Plan of the Judiciary are based upon direction from the Chief

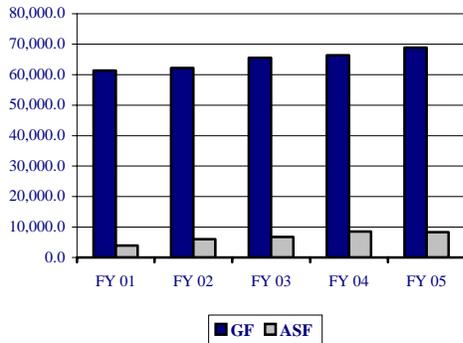
Justice as outlined in various administrative directives, national goals promulgated by the American Bar Association and individual objectives specific to the Delaware court system. In some cases, stated objectives are being met, while meeting others will take a concerted effort over several years.

One of the biggest challenges continues to be the collection and analysis of data to measure progress. The Administrative Office of the Courts, as well as the courts themselves, will develop and use multiple means to collect baseline data for all objectives for the period January 1, 2005 through June 30, 2005 in order to report on objectives contained in Judicial's strategic plan for the Fiscal Year 2007 budget request cycle.

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Five-Year Appropriation History



FUNDING

	FY 2004 ACTUAL	FY 2005 BUDGET	FY 2006 GOV. REC.
GF	69,814.7	68,865.3	73,474.0
ASF	7,449.4	8,373.4	8,542.4
TOTAL	77,264.1	77,238.7	82,016.4

POSITIONS

	FY 2004 ACTUAL	FY 2005 BUDGET	FY 2006 GOV. REC.
GF	1,054.0	1,073.5	1,082.5
ASF	97.0	97.0	97.0
NSF	25.3	17.3	14.3
TOTAL	1,176.3	1,187.8	1,193.8

FY 2006 BUDGET HIGHLIGHTS

OPERATING BUDGET:

- ◆ Recommend \$500.0 for Conflict Attorneys to provide legal services to the poor.
- ◆ Recommend \$363.3 and 6.0 FTEs (2.0 Associate Judges and support staff) for Family Court in New Castle County. Positions will address increasingly complex cases.
- ◆ Recommend \$57.0 for office space in Kent County for a second Justice and additional support staff.
- ◆ Recommend \$70.1 and 3.0 FTEs for positions associated with expiring federal Speedy Trial Grant.

CAPITAL BUDGET:

- ◆ Recommend \$1,000.0 for the Minor Capital Improvements and Equipment program to prevent the deterioration of buildings and grounds. Projects identified for Fiscal Year 2006 include Phase II of the Kent County Family Court renovations, renovating the Wilmington Supreme Court Chambers, and renovating various Justices of the Peace facilities.
- ◆ Recommend \$8,000.0 for the Kent County Court Complex project. This funding is for the expansion and renovation of court facilities in Kent County and represents the continuation of a program initiated to modernize court facilities throughout the state.

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SUPREME COURT

02-01-00

MISSION

- Provide an efficient mechanism for the prompt, fair and legally-correct disposition of cases.
- Regulate the practice of law through various committees appointed by the Supreme Court.
- Establish statewide goals and implement appropriate policies for judicial administration and support operations.
- Supervise other state courts pursuant to the Chief Justice's authority under Article IV, Section 13 of the Delaware Constitution.

KEY OBJECTIVES

During Fiscal Year 2006, 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 under Article IV, Section 13 and appoints a State Court Administrator of the Administrative Office of the Courts to manage the nonjudicial aspects of court administration.

Under Article IV, Section 11 of the Delaware Constitution, the Court has final appellate jurisdiction (1) in criminal cases from the Superior Court in which the sentence shall be death, imprisonment exceeding one month or fine exceeding \$100 and in such other cases as shall be provided by law and (2) in civil cases as to final judgments and in certain other orders of 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 Supreme Court, the court must accept the appeal. Appeal processing, from initial filing to final decision, is the primary activity of Supreme Court.

The Court on the Judiciary is established by Article IV, Section 37 of the Delaware Constitution. The court consists of the five members of the Delaware Supreme Court, the Chancellor of 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 \$900,000. There is no cost to the state for the operation of the Arms of the Court.

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

The Lawyers' Fund for Client Protection is authorized by Supreme Court Rule 66. The purpose of the 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 that govern the testing and procedures for admission to the Bar of the Supreme Court of Delaware.

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

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

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

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

The Chief Justice, in consultation with the Justices, has the responsibility to manage judicial administration for all courts. In this role, the Chief Justice monitors the performance of the entire judicial system—identifying areas for increased administrative focus, coordinating plans to deal with inter-court issues and reviewing individual court budgets.

The court's major accomplishment within the past year was the disposition of most cases within 59 days of the date of submission. This disposition rate is well under the 90-day standard that the court has set in accordance with American Bar Association standards but is higher than previous years. The court issued several administrative directives regulating the administration of the courts and the Bar. Administrative Directive No. 150 established a new Speedy Trial Committee to continue the development of statewide policies that, when implemented, will carry out the mission of swift and fair justice as well as reduce the number of pretrial detainees and the length of pretrial detentions. Administrative Directive No. 153 established the Permanent Advisory Committee on Administrative Efficiency to advise the courts of businesslike and cost-saving techniques that come to the attention of, or that are developed by, the committee. Administrative Directive No. 154 established a grant application procedure for use by the courts when applying for grant funding. Administrative Directive No. 155 authorized a six-month experimental period for expanded electronic media coverage of nonjury civil trials in the Court of Chancery and the Superior Court. Administrative Directive No. 156 established an Accounting Procedures Committee to develop procedures to implement the financial policies contained in The Policies for the Management of Nonappropriated Funds that were adopted by the Administrative Directive.

FUNDING

	FY 2004 ACTUAL	FY 2005 BUDGET	FY 2006 GOV. REC.
GF	2,445.2	2,461.7	2,657.3
ASF	91.3	149.4	149.4
TOTAL	2,536.5	2,611.1	2,806.7

POSITIONS

	FY 2004 ACTUAL	FY 2005 BUDGET	FY 2006 GOV. REC.
GF	27.0	27.0	27.0
ASF	--	--	--
NSF	11.3	11.3	11.3
TOTAL	38.3	38.3	38.3

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

ACTIVITIES

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

PERFORMANCE MEASURES

	FY 2004 Actual	FY 2005 Budget	FY 2006 Gov. Rec.
Average # of days from under advisement to final decision date			
Criminal	58.3	50	45
Civil	59.1	50	45
Average # of days from initial filing to final decision date			
Criminal	187.0	183	179
Civil	177.1	173	170
% of cases disposed of within 30 days of date of submission	30.4	40	45
% of cases disposed of within 90 days of date of submission	82.5	90	90

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

ACTIVITIES

- Office of 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.

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

PERFORMANCE MEASURES

Lawyers' Fund for Client Protection

	FY 2004 Actual	FY 2005 Budget	FY 2006 Gov. Rec.
# of claims	37	25	20
# of claims paid*	13	10	10
# of claims denied or withdrawn*	12	13	14
# of claims pending*	12	13	13
\$ amount of claims made	1,539,697	200,000	200,000
\$ amount of claims paid	590,544	75,000	75,000
\$ amount of claims pending	607,098	75,000	75,000

*: Includes claims filed in previous fiscal year.

Board of Bar Examiners

	FY 2004 Actual	FY 2005 Budget	FY 2006 Gov. Rec.
# of applications processed	260	270	280
# of applicants passing Bar exam	159	164	169

Commission on Continuing Legal Education

	FY 2004 Actual	FY 2005 Budget	FY 2006 Gov. Rec.
# of FY 2003 affidavits processed	1,235	1,350	1,400
# of programs evaluated	4,184	5,000	5,000
\$ amount of fines and sponsor fees paid	33,990	33,000	34,000

Office of Disciplinary Counsel

	FY 2004 Actual	FY 2005 Budget	FY 2006 Gov. Rec.
# of new matters filed	551	600	650
# of matters disposed	427	480	520
# of cases pending or stayed	118	100	90
# of private admonitions with or without probation	11	13	15
# of public reprimands with or without probation	3	5	7
# of suspensions and interim suspensions	4	6	8
# of disbarments	2	2	2
# of reinstatements	2	2	2

COURT OF CHANCERY 02-02-00

MISSION

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

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

BACKGROUND AND ACCOMPLISHMENTS

Delaware's Court of Chancery is a nonjury court of limited jurisdiction. Its jurisdiction includes both corporate and noncorporate litigation matters. The judges spend approximately 60 percent of their time on corporate litigation. This specialization and the resulting expertise contributes to the fact that Delaware is a preferred situs for incorporation in the United States. The remainder of the court's resources is spent handling noncorporate litigation and on the appointment of guardians and trustees, the fiduciary administration of guardianships, trusts and estates and other nonlitigation 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 under the court's jurisdiction such as wills, estates, real estate and guardianships, but also in cases involving corporate law. These matters are assigned to the Master by the Chancellor and parties have a right to appeal to a judge in all instances if they so choose. In fact, such appeals are relatively rare.

The main objective of the court in the last few years was to unify the policies and procedures of the Register in Chancery offices throughout the State. The court has made significant strides in this area, which has facilitated a

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smooth implementation of the court's latest endeavor—civil e-filing. The court has implemented the new technology dispute jurisdiction and the mediation-only docket. The court adopted rules regarding these initiatives, and has been receiving case filings in these areas.

FUNDING

	FY 2004 ACTUAL	FY 2005 BUDGET	FY 2006 GOV. REC.
GF	2,242.4	2,389.6	2,553.2
ASF	1,476.1	1,512.5	1,544.7
TOTAL	3,718.5	3,902.1	4,097.9

POSITIONS

	FY 2004 ACTUAL	FY 2005 BUDGET	FY 2006 GOV. REC.
GF	26.0	29.0	29.0
ASF	21.0	21.0	21.0
NSF	--	--	--
TOTAL	47.0	50.0	50.0

COURT OF CHANCERY

02-02-10

ACTIVITIES

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

PERFORMANCE MEASURES

	FY 2004 Actual	FY 2005 Budget	FY 2006 Gov. Rec.
% decisions rendered within a period of 90 days after readiness for adjudication	90	90	90
# matters filed*	4,399	4,122	4,087

** This performance measure has been improved in that it includes all matters filed in the Court of Chancery. Projections for FY 2005 and FY 2006 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

To provide superior service to the public in pursuit of justice.

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

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

KEY OBJECTIVES

Superior Court expects to accomplish the following during Fiscal Year 2006:

- Increase the rate of compliance with the Chief Justice's Speedy Trial Directive for the disposition of criminal cases.
- Increase the rate of compliance with the American Bar Association's standards for the disposition of civil cases.
- Incorporate conflict management into the scheduling process, establish greater adherence to court schedules and tighten the notification process.
- Reduce the rate of capias issuance. Reduce the number of capiases outstanding by continuing review of their status and by promoting efforts to apprehend those who fail to appear.
- Expand training opportunities for staff, particularly in management and supervisory skills. Develop

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

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

BACKGROUND AND ACCOMPLISHMENTS

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

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

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

In Fiscal Year 2004, the court concentrated on the expansion of its electronic service delivery, browser-based report distribution and conversion of paper-based communications to electronic communications. A new website was unveiled with a new graphic design and dynamic navigation. Other improvements to the court’s website include additional links for legal research, an advanced search capability and the addition of pages on reentry courts. The Jury Services pages were enhanced, supplemented and streamlined for user ease. To enhance the court’s expansion of e-filing, much additional information was added, with direct logins for users. A Listserv information service was begun, serving 700 members to provide instant notification of orders, court opinions, rule changes and other information.

In other efforts to maximize the use of available technology, the court expanded its criminal imaging system in Kent County to Sussex and New Castle counties. The court installed state-of-the-art presentation technology systems in three of its trial courtrooms. Finally, Superior Court implemented criminal e-filing in Kent and Sussex counties in partnership with LexisNexis.

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

FUNDING

	FY 2004 ACTUAL	FY 2005 BUDGET	FY 2006 GOV. REC.
GF	17,055.9	17,024.6	17,961.5
ASF	--	--	--
TOTAL	17,055.9	17,024.6	17,961.5

POSITIONS

	FY 2004 ACTUAL	FY 2005 BUDGET	FY 2006 GOV. REC.
GF	279.0	283.5	283.5
ASF	--	--	--
NSF	6.0	2.0	2.0
TOTAL	285.0	285.5	285.5

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.

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PERFORMANCE MEASURES

	FY 2004 Actual	FY 2005 Budget	FY 2006 Gov. Rec.
Criminal case filings			
New Castle	5,462	5,560	5,600
Kent	2,171	2,200	2,300
Sussex	1,822	2,127	2,227
Civil case filings			
New Castle	8,382	9,068	9,150
Kent	1,484	1,472	1,525
Sussex	1,056	1,254	1,300
Criminal case dispositions			
New Castle	5,004	5,734	5,950
Kent	1,979	2,059	2,150
Sussex	1,809	2,252	2,245
Civil case dispositions			
New Castle	8,027	9,002	9,500
Kent	1,452	1,460	1,550
Sussex	1,127	1,420	1,425
Criminal cases pending			
New Castle	1,084	1,014	1,050
Kent	481	321	320
Sussex	344	312	305
Civil cases pending			
New Castle	6,476	5,559	5,000
Kent	760	671	800
Sussex	576	666	680

COURT OF COMMON PLEAS
02-06-00

MISSION

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

KEY OBJECTIVES

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

BACKGROUND AND ACCOMPLISHMENTS

The Court of Common Pleas has jurisdiction over:

- All misdemeanors except 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 Justices of the Peace Courts;
- Criminal appeals from Alderman's Courts; and
- Appeals from Motor Vehicles in license suspensions.

The court receives most of its criminal caseload from the Justices of the Peace Courts and a small percentage of filings from Alderman's Courts. Approximately three percent of cases are filed directly by the Attorney General.

Jury trials are available to all criminal defendants. Civil cases are tried without a jury. Appeals to the Court of Common Pleas are de novo appeals; appeals from the Court of Common Pleas are to the Superior Court on the record.

The court has nine authorized judgeships. Five Judges sit in New Castle County, two in Kent County, and two in Sussex County. The court also has two Court Commissioners—quasi-judicial positions—one in New

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Castle County and one shared between Kent and Sussex counties.

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

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

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

In July 1998, the court began to operate a court-supervised, comprehensive drug diversion program for non-violent offenders in New Castle County. This voluntary program that includes regular appearances before a Judge, participation in substance abuse education, drug testing and treatment, if needed, has handled more than 2,100 participants since its inception. The program has been the subject of a study by the University of Pennsylvania on the role of judicial status hearings in drug court, the first such study of its kind in the nation. The program was expanded to Sussex County in June 2003. In its first year of operation, 139 defendants participated in the Sussex County program. The court expects to implement this program in Kent County in January 2005.

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

The court began a mediation dispute resolution program in 2001. In partnership with the Center for Community Justice and the Delaware Center for Justice, the court has referred approximately 1,300 cases for mediation. Mediation provides an alternative to criminal prosecution and leaves participants with an increased sense of satisfaction about the criminal justice process.

The court's performance in the areas of ensuring access to justice, equality, fairness and integrity, expeditiousness and promptness and independence and accountability are important elements of the court's three-year plan.

FUNDING

	FY 2004 ACTUAL	FY 2005 BUDGET	FY 2006 GOV. REC.
GF	7,158.3	7,072.5	7,485.5
ASF	131.4	170.3	178.3
TOTAL	7,289.7	7,242.8	7,663.8

POSITIONS

	FY 2004 ACTUAL	FY 2005 BUDGET	FY 2006 GOV. REC.
GF	123.0	125.0	125.0
ASF	4.0	4.0	4.0
NSF	1.0	--	--
TOTAL	128.0	129.0	129.0

COURT OF COMMON PLEAS

02-06-10

ACTIVITIES

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

PERFORMANCE MEASURES

Performance Measure 1

Criminal Case Filings and Dispositions

Fiscal Year	Criminal Misd. Filings	Criminal Dispositions	Criminal Pending	\$ Amount Collected (in 1000s)
2002	82,469	80,757	45,758	5,821.6
2003	82,719	81,257	37,879	5,624.0
2004	87,834	85,893	39,820	6,149.9

Performance Measure 2

Time from Transfer for Arraignment to Trial by Case Type

New Castle County

Number of Weeks

Case Type	10/02	10/03	10/04
Traffic	20	13	15
Other Nonjury	20	25	14
Driving Under the Influence	26	32	28
Domestic Violence	15	16	21
Drug	23	23	23
Jury Trial	26	24	29

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Kent County

Case Type	10/02	10/03	10/04
Nonjury	5	5	9
Jury Trial	10	8	10

Sussex County

Case Type	10/02	10/03	10/04
Nonjury	9	9	6
Jury Trial	10	9	11

Performance Measure 3

Civil Case Filing Dispositions

Fiscal Year	Disposition Time (in Months)			
	Cases Filed	New Castle	Kent	Sussex
2002	10,574	13.1	5.8	9.4
2003	12,322	10.7	6.3	9.7
2004	12,396	12.1	7.6	9.6

Performance Measure 4

Preliminary Hearing Workload

Month	Cases Scheduled	Hearings Held	
		#	%
4/02	597	58	9.7
4/03	479	67	14.0
4/04	586	62	10.6

FAMILY COURT 02-08-00

MISSION

The Family Court's mission is set forth 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.

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.
- Provide appropriate legal representation to all parties in civil matters where due process dictates representation.

BACKGROUND AND ACCOMPLISHMENTS

Performance Standards and Measures

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

Work continues on implementation of these measures as well as on the development of management reports for each measure. Specifically, Family Court is partnering with the Commission on Family Law to establish focus groups to assess justice system representatives' perceptions relative to court performance.

Court Improvement Project Grant

Nationally, studies found 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 that studied the processes in these cases. It concluded that Delaware's handling of these matters

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needed to be expedited and that to achieve this goal, enhanced judicial management of these cases was essential.

Family Court judges have assumed a larger role in managing the court process through which determinations are made as to whether a child is dependent, neglected or abused by his/her parents, whether problems can be remedied and the family unit preserved or whether it is in the best interest of the child to terminate parental rights.

The goal of the Court Improvement Project is to truncate the judicial process to one year from the state's commencement of the action to final disposition. During that time, the court holds numerous hearings to monitor efforts on behalf of the child and the family that may include treatment for physical, psychological or substance abuse problems, housing, employment or similar matters. The judge seeks to determine that the state has made reasonable efforts to keep the family unit preserved but only if it does not endanger the child. The intense judicial management that these cases require is like few others in the court.

Two Case Manager positions, which were picked up by the General Fund budget in Fiscal Year 2005, work with 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 remained in the foster care system for years are permanently placed back with their families or become eligible for adoption. A child in a loving, secure, permanent home is one who is far less likely to require the services on which the state now spends hundreds of thousands of dollars to address his/her possible behavior problems.

Juvenile Justice Reform

Family Court continues its commitment to review the juvenile justice system through the Chief Judge's membership on the Juvenile Justice Review Task Force created by House Resolution 54 and reestablished by House Concurrent Resolution 52. In addition, the court has created an internal committee to study the juvenile justice practices in Delaware and offer recommendations for improvements that would improve public safety and rehabilitative outcomes. The Chief Judge also serves as co-chair of the Juvenile Detention Alternative Initiative. This collaborative group is working with the Annie E. Casey Foundation to explore approaches to reducing the number of unnecessary pre-adjudicative juvenile detentions that result in overcrowding at the New Castle County Detention Center and Stevenson House. These coordinated efforts should result in a more effective and efficient juvenile justice system for Delaware in the years to come.

Programs for Self-represented Litigants

The Family Court operates Resource Centers in Dover and Georgetown and participates as a full partner in the New Castle County Courthouse Self-help Center. During Fiscal Year 2004, 25,464 individuals availed themselves of the services of the Family Court Resource Centers in Kent and Sussex counties. The New Castle County Courthouse Self-help Center assisted 17,000 visitors during this same period. Based on feedback from a variety of sources, implementation of Family Court's Pro Se Program has already contributed to more efficient court operations, enhancing the public's access to the Court and enhancing litigants' participation in the court process and their meaningful right to be heard.

Juvenile Drug Court Program

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

Since the program entered its first juvenile in January 2003, the Juvenile Drug Court Program has grown steadily. Presently, there are 73 juveniles enrolled statewide. The continuing subject of the bimonthly Drug Court team meetings is reaching the goal of 90 enrolled youth at any given time by the end of the grant period.

VAWA Investigative Services Officer Program

Family Court has been the program recipient of several Violence Against Women Act (VAWA) grants to provide pretrial supervision for domestic violence cases. The program is aimed at providing greater safety for victims of domestic violence by better managing their alleged abusers during the pretrial period of the criminal prosecution process. Over the course of the first grant period, which ended in January 2004, the Domestic Violence Investigative Services Officer (DV-ISO) position managed 62 cases. With the help of the Attorney General, a process has been developed whereby the DV-ISO picks up cases during arraignments and bail review hearings. Pretrial reports are submitted only when the defendant pleads guilty or has been found guilty as a result of trial. At the end of calendar year 2004, the grant goals will be amended to include contempt petitions of Protection From Abuse (PFA) orders.

JUDICIAL
02-00-00

FUNDING

	FY 2004 ACTUAL	FY 2005 BUDGET	FY 2006 GOV. REC.
GF	14,426.6	14,560.4	15,733.8
ASF	3,329.3	3,432.5	3,551.2
TOTAL	17,755.9	17,992.9	19,285.0

POSITIONS

	FY 2004 ACTUAL	FY 2005 BUDGET	FY 2006 GOV. REC.
GF	259.0	261.0	267.0
ASF	64.0	64.0	64.0
NSF	3.0	1.0	1.0
TOTAL	326.0	326.0	332.0

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

FAMILY COURT
02-08-10

ACTIVITIES

- **Administrative Support:** operations, fiscal, personnel, automation, records management, statistics, planning and research.
- **Case Management:** intake, file preparation, scheduling, notification, case preparation, conducting judicial officer hearings, case adjudication, presentence investigation and ancillary matters.
- **Diversion:** intervention, amenability, substance abuse, interviews and evaluations and conducting arbitration/mediation hearings.
- **Special Programs:** acquire, implement, maintain and evaluate special programs, including those that are federally funded.

PERFORMANCE MEASURES

Criminal Case Processing

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

Civil Case Processing

- 100 percent of proceedings involving dependent, neglected or abused children in the custody of Services for Children, Youth and Their Families shall have a permanency plan established within 12 months of the removal of a child from the home.
- 100 percent of Protection from Abuse petitions shall be disposed of within 30 days of filing.

JUDICIAL

02-00-00

JUSTICES OF THE PEACE COURTS

02-13-00

MISSION

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

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

KEY OBJECTIVES

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

BACKGROUND AND ACCOMPLISHMENTS

Background

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

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

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

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

Justices of the Peace Courts have civil jurisdiction over:

- Contractual disputes where the amount in controversy does not exceed \$15,000.

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

Justices of the Peace Courts also have jurisdiction to:

- Issue summonses and warrants for all criminal offenses based upon findings of probable cause.
- Issue search warrants for all criminal offenses based upon findings of probable cause.
- Conduct initial appearances to set bond for all criminal offenses and conduct bond review hearings when requested.
- Issue and execute capiases.
- Process capiases issued by Family Court, Court of Common Pleas and Superior Court.

There are 19 Justices of the Peace Courts located in 14 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 60 Justices of the Peace and one Chief Magistrate to serve as the administrative head of the court. Justices of the Peace are appointed by the Governor and confirmed by the Senate for a first term of four years and for second and subsequent terms of six years.

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

Accomplishments and Opportunities

Truancy Court

In 2003-2004, the Truancy Court handled 1,095 new cases encompassing 6,551 court events (filings, arraignments, case reviews and dispositions) statewide. This represents a 15 percent caseload increase, and a 28 percent increase in court events, from last year and increases of 49 percent in cases, and 90 percent in court events, in two years. The Truancy Court received the Program of the Year Award from the International Association for Truancy and Dropout Prevention in November 2003 and the “Crystal Star Award” from the National Dropout Prevention Network in the fall of 2004.

Initiatives 2003-2004:

- Second annual statewide Truancy Court Graduation celebrated with 300 students and parents in attendance (June 2004).

JUDICIAL

02-00-00

- Third-year continuation of a grant-funded Kent County partnership with the Boys and Girls Club working with older, chronically truant students.
- Services provided by Delaware State University social work and Wesley College psychology student interns benefiting school districts and Truancy Court through half-year and year-long internships.
- Establishment of a close working relationship with Delaware School Board Association members.
- Presentation to the International Association for Truancy and Dropout Prevention Annual Conference (October 2003).
- Presentation to the City of Lexington, Kentucky as requested by the mayor's office on the Boys and Girls Club partnership and the Truancy Court model to Lexington family service agencies (January 2004).
- Consultation with the State of Maryland on legislation to establish a truancy court in five Maryland counties based on the Delaware model (legislation passed and the project is scheduled to begin in January 2005).

What's next for Truancy Court in 2004-2005?

- Establish a school-based Truancy Court through a federal grant to help manage the growing caseload and broaden school impact.
- Participate in grant-funded partnerships in New Castle and Kent counties for after-school programs targeted to students in Truancy Court or at risk for truancy problems.
- Continue efforts to sustain and expand the Boys and Girls Club program model for chronically truant teenagers in all three counties.

Statewide Videophone Court

The statewide Videophone Court at JP Court 2 in Rehoboth Beach is providing substantial benefits and resource savings to the criminal justice community because it distributes Justices of the Peace Courts' videophone workload and provides quicker and more consistent service. The success of the statewide Videophone Court is demonstrated by Court 2's increase in caseload—a 14 percent increase in Fiscal Year 2004 (from 27,059 to 30,812 cases filed) and its average of 1,212 videophone proceedings per month.

Providing Legal Representation at JP Court 20

At the beginning of its third year, the pilot project providing legal representation at Court 20 demonstrates the benefits of coordinated efforts amongst state agencies through the use of existing resources (for the Judiciary) and federal grant funds (for the Attorney General and the Public Defender) to reduce delays and provide better services to victims and others in the courts. Statistical information provided by the Statistical Analysis Center indicates that the pilot project has been extremely successful in reducing case processing times by decreasing

the number of JP Court-eligible case transfers to the Court of Common Pleas. The transfer rate from Court 20 to the Court of Common Pleas for JP-eligible cases has gone from 47.7 percent pre-pilot to 26.2 percent post-pilot, and the average disposition time for cases (whether disposed of by JP Court 20 or the Court of Common Pleas) under the pilot project has decreased from 135 days to 97 days. JP Court 20 is disposing of 60 percent more cases than it did prior to the project, and is doing so in less time (an average disposition time of 63 days post-pilot versus 70 days pre-pilot). The availability of prosecutors and public defenders at Court 20 has benefited the criminal justice system by resolving cases earlier and providing victim services earlier in the process.

Court Facilities

Justices of the Peace Courts received funding to relocate Court 1 from its rental facility in Millsboro to a former bank building owned by the Town of Frankford. This new facility is larger and more suitable for a courthouse, and is more centrally located as well. It is also expected to house the Sussex Truancy Court operations. The anticipated opening date is January 1, 2005. In January 2004, a new facility opened in Houston to allow for the merger of Courts 5 (Milford) and 6 (Harrington) and for extended hours of operation at that site.

Constable Security

Justices of the Peace Courts implemented a new program to enhance the security/safety of constables by tracking all constable location radio calls through the State Police Emergency Personnel Tracking System. In September 2004, constables attended follow-up training for this program.

Capias Processing

In considering ways to manage its caseload, the courts' change in policy to permit individual JP courts to handle other JP courts' capiases has continued to result in significant time savings for law enforcement, correctional officers and defendants by reducing travel time between courts. Prior to this policy, the police or correctional officer was required to transport a defendant to each JP court in which the defendant had an outstanding capias; now, the first court to/in which a defendant is taken/appears, through the use of the videophone, often handles all pending capiases. In Fiscal Year 2004, 6,040 JP Court capiases were handled by courts other than the originating JP court, saving thousands of hours of officer travel time. The court also handled 11,977 Court of Common Pleas capiases, 2,623 Family Court capiases and 3,066 Superior Court capiases.

JUDICIAL
02-00-00

Technology

A project to implement electronic payment of traffic tickets is still under development, with issues being worked on relative to internet credit card arrangements. The purpose of this project is to enable the court to reengineer the payment process to free up clerical positions for use elsewhere within the court and to enhance customer service. Tickets paid online would be instantly entered into the system with minimal involvement of clerical personnel. Along with the Delaware Justice Information System (DELJIS) and State Police project to automate traffic tickets, this project will automate the traffic process, thereby allowing expedited processing and payment of traffic citations.

Fiscal Year 2006 - Future

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

- Address employee concerns.
- Improve the infrastructure of the court.
- Improve efficiency and the quality of justice provided in the court.
- Promote modifications to the Motor Vehicle Point System and traffic charges process.
- Work in conjunction with Motor Vehicles, police agencies, other courts and Safety and Homeland Security to reduce the flow of paperwork between the courts and other agencies and to use mobile computers for citation information.
- Complete implementation of the records retention policy as it relates to manual/automated systems.
- Participate in the COTS initiative.

FUNDING

	FY 2004 ACTUAL	FY 2005 BUDGET	FY 2006 GOV. REC.
GF	13,750.2	13,846.8	14,593.7
ASF	--	--	--
TOTAL	13,750.2	13,846.8	14,593.7

POSITIONS

	FY 2004 ACTUAL	FY 2005 BUDGET	FY 2006 GOV. REC.
GF	242.5	246.5	246.5
ASF	--	--	--
NSF	--	--	--
TOTAL	242.5	246.5	246.5

JUSTICES OF THE PEACE COURTS
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 using lockbox patent technology.
- Input case-related information, including, but not limited to, summonses/warrants, capiases, subpoenas, continuances, commitments, judgments, appearance notices and docket entries.
- Accept money representing fines, court costs, Victim Compensation Fund assessments or restitution.

PERFORMANCE MEASURES

	FY 2004 Actual	FY 2005 Budget	FY 2006 Gov. Rec.
% of courts located in state-owned/new facilities	89	94	100
% of shifts/week with security coverage	53	53	62
Of proceedings that occur via videophone, % that take place within 45 minutes of receipt	75	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 Supreme Court, Court of Chancery, Superior Court, Family Court, Court of Common Pleas and Justices of the Peace Courts and limited services to several nonjudicial 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, Office of the Child Advocate and the Child Death, Near Death and Still Birth Commission (CDNDSBC).

FUNDING

	FY 2004 ACTUAL	FY 2005 BUDGET	FY 2006 GOV. REC.
GF	11,372.7	9,967.4	10,857.4
ASF	458.2	33.4	33.4
TOTAL	11,830.9	10,000.8	10,890.8

POSITIONS

	FY 2004 ACTUAL	FY 2005 BUDGET	FY 2006 GOV. REC.
GF	76.5	77.5	80.5
ASF	--	--	--
NSF	4.0	3.0	--
TOTAL	80.5	80.5	80.5

OFFICE OF THE STATE COURT ADMINISTRATOR
02-17-01

MISSION

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

KEY OBJECTIVES

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

BACKGROUND AND ACCOMPLISHMENTS

Recent accomplishments include:

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

ACTIVITIES

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

JUDICIAL

02-00-00

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

PERFORMANCE MEASURES

	FY 2004 Actual	FY 2005 Budget	FY 2006 Gov. Rec.
# of people assisted by NCCCH Self-help Center staff*	17,804	18,000	18,500
# of NCCCH Self-help Center volunteers	**20	25	28
# of <i>pro bono</i> attorney volunteers	**12	20	22
# of <i>pro bono</i> attorney volunteer hours	**42	200	200

* This statistic reflects only those individuals who requested assistance from Self-help Center staff members. Many more individuals come into the center without seeking staff assistance.

** FY 2004 actuals reflect statistics for the period January 1, 2004 through June 30, 2004.

OFFICE OF STATE COURT COLLECTIONS ENFORCEMENT 02-17-03

MISSION

Work with the Delaware Judiciary and the criminal justice community to hold offenders accountable for paying their court-ordered financial assessments.

KEY OBJECTIVES

- Increase the collection of delinquent receivables referred to OSCCE by 10 percent annually.
- Increase offender accessibility to satisfy financial sanctions by expanding the use of OSCCE locations as one-stop judicial payment centers.
- Develop and implement new initiatives to assist in the collection of delinquent receivables.
- Participate in branch-wide planning efforts to develop and implement standard financial policies and procedures as it relates to COTS.
- Continuously improve the operational efficiency and effectiveness of the office.

BACKGROUND AND ACCOMPLISHMENTS

OSCCE continues to evolve, increasing opportunities to function as a one-stop judicial financial center as envisioned at the time of its inception in Fiscal Year 1995. There are six judicial payment centers located throughout the State that provide cashiering services for Superior Court, Family Court, Justices of the Peace Courts and Correction receivables. OSCCE's specialized collection program, which includes letter dunning, monetary intercept programs and case management activities, continues to propel the organization forward in achieving the remarkable growth in collections it has experienced since Fiscal Year 2000 (88.6 percent increase).

In an effort to provide efficient services to the citizens of Delaware, OSCCE continues to build positive working relationships with all branches of state government. Currently, OSCCE assists Elections with voter restoration rights; works with Revenue to offset state tax refunds against delinquent receivables owed to the State; and has obtained access to Labor employment records, which allows verification of financial resources when instituting payment agreements. OSCCE is in the developmental stages of several new programs aimed at addressing the collection of outstanding court receivables. OSCCE continues to research and implement new technologies to better assist the judiciary with the handling of court receivables.

ACTIVITIES

- Accept monetary payment of court-ordered financial assessments.
- Document and record all financial transactions promptly and accurately.
- Explore alternate forms of payment processing in conjunction with the judicial branch.

JUDICIAL

02-00-00

- Aggressively pursue the collection of financial sanctions referred by the courts.
- Refer offenders to non-monetary programs, administered by Correction to address court-ordered financial sanctions (excluding restitution).
- Work with a variety of statewide criminal justice agencies to promote cooperation and share automated data.
- Assist financial staff in the issuance of restitution funds collected against referred delinquent Family Court receivables.
- Provide financial reports as requested.

PERFORMANCE MEASURES

	FY 2004 Actual	FY 2005 Budget	FY 2006 Gov. Rec.
# of contacts necessary to administer accounts*			
Verbal	14,338	6,800	7,250
Written	35,665	32,000	35,000
\$ collected on behalf of:			
Superior Court	3,031,583	3,334,700	3,700,000
Family Court	121,957	134,100	150,000
JP Courts	57,568	63,300	70,000
Correction	249,135	274,000	300,000
% increase in \$ collected	24.5	10.0	10.0

* The projected decrease in verbal and written contacts for FY 2005 and FY 2006 reflects a change in statistical reporting and consolidation into a statewide database. With a centralized database, there are limited repetitive processes and contacts. In addition, statistics will only reflect contacts regarding matters under specialized collections. Previously, statistics included all contacts, even routine inquiries such as hours of operation, directions to the closest location, etc.

JUDICIAL INFORMATION CENTER

02-17-04

MISSION

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

KEY OBJECTIVES

- Provide technology systems to support business goals, needs and objectives of the courts.
- Provide leadership and oversight of technology efforts supporting the courts' business needs.
- Provide technology services that support the technology needs of court users.

- Provide systems that integrate with other criminal justice agencies and stakeholders in the exchange of information.
- Promote standardization of new technologies and methodologies.
- Provide information through technology systems for the citizens of Delaware.

BACKGROUND AND ACCOMPLISHMENTS

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

Recent accomplishments include:

- Assisted in developing the scope of work and negotiating the contract for the Commercial Off-the-shelf Case Management System (COTS).
- Assisted in successfully completing the interface proof of concept for COTS.
- Continued to assist the branch with the development of processes to further efforts concerning uniform statewide operational policies and procedures (a COTS initiative).
- Continued to enhance the intranet site for, and presence of, the judicial branch, providing for more access to information.
- Redesigned the judicial branch internet site, providing for a more cohesive and uniform structure and easier access to information for the public.
- Continued development of System Policies and Procedures to be used throughout the branch. These policies refer to, and are consistent with, DTI (e.g., acceptable use) and other state policies.
- Expanded and implemented wireless connectivity throughout the courthouses in all three counties.
- Installed a sound system, plasma screens, control monitors and other items.
- Continued to utilize thin-client technology throughout the courts.
- Participated in a large number of facility renovation and move projects.

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.

JUDICIAL

02-00-00

- Manage, install and support personal computer technology, including hardware and software.
- Provide help-desk services to computer users.
- Provide network access to computer users.
- Provide telephone and audiovisual installation and support services.
- Manage, design and support local and wide-area network resources.
- Manage procurement related to computer equipment.
- Coordinate information needs with external computer users and technologies.
- Lead initiatives related to technology planning, utilization and effective implementation.

PERFORMANCE MEASURES

	FY 2004 Actual	FY 2005 Budget	FY 2006 Gov. Rec.
% average system response time of 3 seconds or less with 99% system availability	100	100	100
% of "high priority" software problems resolved within 4 business hours (unless procurement is required)	99	100	100
% of "high priority" hardware problems resolved within 7.5 business hours (unless procurement is required)	100	100	100

LAW LIBRARIES

02-17-05

MISSION

The law libraries provide legal information resources for the Delaware Judicial Branch, Attorney General, Public Defender, other state agencies, members and prospective members of the Delaware Bar Association and pro se litigants; and function as the official depository of state laws, agency rules and regulations, administrative and board regulations, court opinions and the Chief Magistrate's advisory memoranda and policy directives.

KEY OBJECTIVES

Effectively manage all types of legal information and provide assistance to a variety of library users, providing current as well as comprehensive legal resources.

BACKGROUND AND ACCOMPLISHMENTS

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

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

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

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

ACTIVITIES

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

JUDICIAL

02-00-00

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

FUNDING

	FY 2004 ACTUAL	FY 2005 BUDGET	FY 2006 GOV. REC.
GF	1,364.6	1,542.3	1,631.6
ASF	1,962.6	3,075.3	3,085.4
TOTAL	3,327.2	4,617.6	4,717.0

POSITIONS

	FY 2004 ACTUAL	FY 2005 BUDGET	FY 2006 GOV. REC.
GF	21.0	24.0	24.0
ASF	8.0	8.0	8.0
NSF	--	--	--
TOTAL	29.0	32.0	32.0

OFFICE OF THE PUBLIC GUARDIAN 02-18-01

MISSION

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 a guardian.

KEY OBJECTIVES

- Continue to promote the use of technology, computer network, pagers and wireless phones to facilitate real-time information sharing among statewide staff.
- Continue to redefine the roles and responsibilities of key social casework positions in an effort to respond to the needs of a client population that continues to grow in number and complexity.
- Obtain certification of all professional staff as Registered Guardians through the National Guardianship Association.

BACKGROUND AND ACCOMPLISHMENTS

The Office of Public Guardian was created in 1974. The office serves as interim guardian for persons with disabilities, which are referred by the State's Adult

Protective Services Program, long-term care facilities, courts and other state agencies. Additionally, the agency is called upon by the Court of Chancery to serve as neutral guardian or to mediate and serve as court investigator in contested guardianship cases, and the state's long-term care facilities are referring individuals who require a guardian in order to complete applications for long-term care Medicaid benefits on their behalf.

ACTIVITIES

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

- Address all issues of the individual that require immediate action and ensure that provision is made for the support, care, comfort, health and maintenance of the ward.
- Assess the ward's situation, needs, preferences and support system and attempt to gather any missing necessary information.
- See that the individual is living in the most appropriate and least restrictive setting possible.
- Secure medical, psychological, therapeutic and social services that are appropriate and necessary to support the ward's well-being and quality of life.
- Maintain communication with the ward and his/her caregivers.
- Attend institutional care planning conferences.
- Establish and maintain communication with the guardian of the estate of fiduciary (if such a person exists or has been appointed in the matter).
- Develop and monitor a written guardianship plan and maintain a separate file for each ward containing, but not limited to, demographic information, a client profile, all legal documents, advance directives, key contacts, list of service providers, inventories, assessments and progress notes.
- File with the court on a prompt basis all reports required by statute, regulations or court rule. Petition the court for limitation or termination of the guardianship when the ward no longer meets the standard pursuant to the appointment or when there is an effective alternative. Seek specific judicial authority when an extraordinary circumstance is being addressed.

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

- Address all issues of the estate that require immediate action, which include, but are not limited to, locating and securing all real and personal property and taking the steps necessary to protect it. Complete an inventory of assets.

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- Prepare real estate and personal belongings for sale; obtain services of an appraiser, realtor, auctioneer and others as needed.
- Provide competent management, for the benefit of the ward, of all property and supervise all income and disbursements of the estate. Conduct all financial matters for the ward, including opening accounts, preparing budgets, paying bills, submitting health insurance claims and numerous other required forms and monitoring Medicaid eligibility.
- Keep estate assets safe by maintaining accurate records of all transactions and be able to fully account for all the assets in the estate. Employ prudent accounting procedures and maintain a separate account and accountings for each ward. Submit required annual accountings to the court, and submit a final accounting to the court upon the death of a ward. Facilitate the appropriate closing of the estate and assist in settling estates when necessary.
- Seek specific judicial authority to dispose of property when an extraordinary circumstance is being addressed.
- Obtain all public benefits for which the ward is eligible.

PERFORMANCE MEASURES

	FY 2004 Actual	FY 2005 Budget	FY 2006 Gov. Rec.
# of referrals received	*123	275	275
# of referrals accepted for public guardianship	59	90	90
# of current guardianships	235	260	275

* Incomplete data collection.

VIOLENT CRIMES COMPENSATION BOARD 02-18-02

MISSION

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 Violent Crimes Compensation Board (VCCB) for a hearing within 60 days of receipt, and provide assistance to as many innocent victims of violent crime as annual revenue intake allows.

- Increase public outreach initiatives so that all crime victims have general knowledge of the functions and benefits provided by the VCCB.
- Process payment of claims to victims and providers within ten days of the legal fulfillment requirements.
- Increase new application caseload to that of 11 percent of the violent crimes reported each year in the State of Delaware.

BACKGROUND AND ACCOMPLISHMENTS

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

Compensation is made available to people who are victimized in the State of Delaware. Residents of Delaware who are victimized outside state boundaries may apply to the Delaware VCCB if the state, possession or territory in which the person is injured does not have a functional program. The purpose of the program is to alleviate some of the financial burden of crime victimization by providing compensation for certain pecuniary losses. Compensation is available for payment of medical expenses, dental expenses, psychiatric care, mental health counseling, prescription medication, prescription eyeglasses, prosthesis, certain out-of-pocket costs, loss of earnings, funeral/burial costs and loss of support. Secondary victims, including the parent(s), spouse, son(s), daughter(s), brother(s) or sister(s) of the primary victim, are eligible for payment of mental health counseling treatment for crime-related issues.

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

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

The agency is funded by Appropriated Special Funds and through a federal assistance grant. No General Fund monies are used to operate the VCCB. Revenue is derived from an 18 percent surcharge that is levied on all criminal offenses, including moving motor vehicle violations. The surcharge is collected by the courts and turned over to the State Treasurer for deposit into the Victim Compensation

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Fund. The fund is also replenished through restitution, probation interest, subrogation reimbursements, other miscellaneous revenue and a federal grant. The federal grant can equal up to 60 percent (40 percent prior to Fiscal Year 2003) of the amount paid out to crime victims from state funds during the previous federal fiscal year.

From Fiscal Year 1976 through Fiscal Year 2004, the board received 8,893 applications for compensation. In Fiscal Year 2004, a total of 588 claims were examined by the board. Of this total, 451 of the claims examined were initial applications; 107 were cases that had been requested to be reopened for additional consideration. A total of 469 were approved for compensation benefits, which included 363 initial cases and 106 reopened cases. The total amount awarded by the board was \$1,706,932.83. Due to the statutory time frame for appeals, actual disbursements were \$1,566,869.19 with \$140,063.64 being disbursed during the first quarter of Fiscal Year 2005.

During Fiscal Year 2004, the board received 168 Sexual Assault Nurse Examiner (SANE) requests and 48 Child Counseling and Assessment Program (CCAP) requests. Payments disbursed for these programs, which are included in the above figures, were \$47,478.87 for sexual assault payments and \$11,914.25 for child counseling payments.

Authorized awards for Fiscal Year 2004 were \$1,706,932.83 with an average award of \$2,902.95 per claimant. Revenue receipts totaled \$4,889,145.09, which includes \$2,534,476.63 from the 18 percent surcharge, \$331,829.67 from restitution reimbursements (this figure includes a one time check in the amount of \$250,300.00 from Motiva Enterprises for Motiva victims), \$2,042,76 in probation interest, \$10,379.23 in prior-year refunds, \$2,230.73 in unclaimed restitution and \$5,381.90 in miscellaneous revenue.

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

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

The VCCB will continue outreach initiatives to promote public awareness of the program. The agency will target the general public as well as law enforcement, medical providers, legal professionals, social service providers and victim advocacy volunteer groups. Training and education

is offered to professional groups who lead crime victims through the recovery process.

ACTIVITIES

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

PERFORMANCE MEASURES

	FY 2004 Actual	FY 2005 Budget	FY 2006 Gov. Rec.
% victim costs	75	75	80
% operational costs	25	25	20

CHILD PLACEMENT REVIEW BOARD 02-18-03

MISSION

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

KEY OBJECTIVES

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

BACKGROUND AND ACCOMPLISHMENTS

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

- Use citizen-based panels to complete regular reviews of children placed by Family Court in Delaware's foster care system.

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- Use citizen-based panels to complete reviews of adjudicated youth placed by Family Court in out-of-home, nondetention placements.
- File an annual report with the General Assembly reporting on the work of the CPRB.

In carrying out these directives, the CPRB:

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

Number Of Case Reviews

FY 2002	FY 2003	FY 2004
888	780	875

The CPRB conducted 875 reviews in Fiscal Year 2004. Of those, 733 were in the custody of Family Services, 77 were adjudicated youth and 65 received a mixing review, which is designed to ensure that nonadjudicated children who are mixed with adjudicated children are not harmed by the experience.

The Role of CPRB's Volunteers

The success of the CPRB is a tribute to the effectiveness and commitment of its volunteers. A total of 74 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 2,950 hours this year to Delaware's foster children and adjudicated youth.

Working with Others

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

The CPRB continued efforts with community partners to create solutions to concerns identified through the review process. Working with the Inter-agency Committee on Adoption (IACOA) and its Post-adoption Services

Subcommittee, the board was active in the effort to create a continuum of post-adoption services, which are needed to help keep Delaware families, created through adoption, intact. Additionally, the board has representatives serving on the Child Protection and Accountability Commission (CPAC), Family Services (DFS) Advisory Council, Foster Care Reform Committee and the Independent Living Advisory Council. As in previous years, the board continued its efforts to advocate for children and the issues that affect them through interaction with the state legislature.

Scholarships

The Ivyane D.F. Davis Memorial Scholarship is a program funded annually by the Delaware General Assembly and administered by the CPRB. This program supports postsecondary education for young people who have been in Delaware's foster care program. During Fiscal Year 2004, \$107,586 in scholarships and vouchers was distributed to 40 recipients. This represents a 46 percent increase in funding over Fiscal Year 2003.

PERFORMANCE MEASURES

	FY 2004 Actual	FY 2005 Budget	FY 2006 Gov. Rec.
# volunteer hrs. generated	2,950	3,100	3,100
% children being reviewed	100	100	100
# training hrs. provided to board	150	150	150

EDUCATIONAL SURROGATE PARENT PROGRAM 02-18-04

MISSION

To provide well-trained volunteers to advocate for special education children and Part C children in state custody who do not have parents to represent them.

KEY OBJECTIVES

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

BACKGROUND AND ACCOMPLISHMENTS

The Educational Surrogate Parent Program (ESPP) continues to grow to meet the needs of the children it serves. The ESP Program serves children ages 0-21 (1) whose parents are unable to advocate for them; (2) who are in state custody; and/or (3) who have been diagnosed

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or need evaluation to determine if they meet the eligibility criteria under the Individuals with Disabilities Education Act (IDEA) to receive special education services.

The ESPP Coordinator is responsible 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 and coordinate service delivery. The ESPP Coordinator recruits and trains prospective ESP candidates. Each completed referral of a child eligible for admission is then matched with a trained and certified volunteer based on a particular child's specific anticipated needs and location. This prospective match is then submitted as a recommendation of appointment to Education for approval. Once an appointment has been approved, the coordinator is available for further training, assistance and support as needed.

ACTIVITIES

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

PERFORMANCE MEASURES

	FY 2004 Actual	FY 2005 Budget	FY 2006 Gov. Rec.
% appointments within 10 working days	100	100	100
# child appointments	56	75	100
# children exited	73	35	40
# children served	287	300	320
# ESPs trained	62	70	80
# ESPs exited	48	30	30
# ESPs available	214	240	260

OFFICE OF THE CHILD ADVOCATE

02-18-05

MISSION

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 children and are a model for the nation.

BACKGROUND AND ACCOMPLISHMENTS

The Office of the Child Advocate (OCA) was created in 1999 in response to the numerous child deaths in Delaware resulting from child abuse. These cases pointed to numerous deficiencies in the child protection system that 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.

OCA, in conjunction with the Child Protection Accountability Commission and the Child Death Review Commission and its numerous child welfare partners, lobbied for several significant new laws. These included statutory changes to caseload standards and public reporting requirements for the Family Services (Senate Bill 265), system-wide reviews of child near-deaths due to abuse and/or neglect (Senate Bill 279), staffing of the Child Death Review Commission and a civil child witness law (House Bill 401). OCA also participated in several root-cause analyses with Services for Children, Youth and Their Families (DSCYF). These analyses reviewed serious injuries and/or deaths of children and provided recommendations for change within the department. OCA has participated in the organization and presentation of several child welfare trainings, including in-house Family Services training.

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During Fiscal Year 2004, OCA provided legal representation to 702 children. As of June 30, 2004, 472 of those children continued to receive legal representation. In Fiscal Year 2004, 349 new children received legal services from OCA. Of those 349 new cases, pro bono attorneys represented 308 of those children while OCA attorneys represented an additional 41 children. 81 percent of the represented children were from New Castle County, a change from Fiscal Year 2003 when 77 percent of the children represented were from New Castle County. Two hundred thirty cases were resolved and closed during Fiscal Year 2004. OCA also conducted 11 “nuts and bolts” trainings for pro bono attorneys and provided six advanced trainings on various child welfare topics.

Of the 349 children who were assigned attorneys in Fiscal Year 2004, 262 were children in the custody of DSCYF, 40 were relative dependency/neglect cases, 43 were parent custody cases and three were Frazer attorney appointments.

During Fiscal Year 2004, OCA received referrals on 808 children. A significant portion of these referrals continue to be Family Court orders. However, OCA has also reviewed several hundred family case histories kept by Family Services. OCA has begun to use these reviews to collaborate with Services for Children, Youth and Their Families to determine recurring system issues, measure progress in multi-disciplinary collaboration and risk assessment and provide training and insight regarding gaps in the system. The Child Protection Accountability Commission, which OCA staffs, and its regular attendees will continue to serve as a vehicle for system change.

ACTIVITIES

- Recruit and train attorneys to represent the child’s best interest in every child welfare proceeding.
- Advocate legislative changes to improve the lives of abused, neglected and dependent children.
- Educate the public on the services and goals of OCA and the Child Protection Accountability Commission.
- Develop and provide quality training to division staff, Deputy Attorneys General, law enforcement officers, the medical community, Family Court personnel, educators, day care 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 2004 Actual	FY 2005 Budget	FY 2006 Gov. Rec.
# of children referred	808	550	700
# of pro bono attorneys available	295	275	300
# of children represented by the office	108	85	85
# of children represented by pro bono attorneys	594	425	450
# of children unrepresented due to a lack of resources (estimated)	98	100	50

CHILD DEATH, NEAR DEATH, AND STILL BIRTH COMMISSION

02-18-06

MISSION

Safeguard the health and safety of all Delaware children as set forth in 31 Del. C. c. 3.

KEY OBJECTIVES

- Review deaths of children under the age of 18, near-deaths of abused and/or neglected children and stillbirths occurring after at least 27 weeks of gestation in a confidential manner.
- Provide the Governor and General Assembly with recommendations to alleviate those practices or conditions that impact the mortality of children.
- Ensure that appropriate action is taken in response to recommendations.

BACKGROUND AND ACCOMPLISHMENTS

The Child Death Review Commission was established by legislation passed on July 19, 1995. The Child Death Review Commission was created after a pilot project showed the effectiveness of having a review process for child deaths. The commission, which has the power to create up to three regional review panels, establishes confidentiality for the reviews and has the ability to secure pertinent records. In addition, it provides protection to members of the commission and regional review panels from claims, suits, liability, damages or any other recourse—civil or criminal. Child death reviews have been conducted in New Castle County from February 1995 until the present. A second review panel was appointed in October 1996 to cover Kent and Sussex counties. In 2002, the statute was amended, changing the

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name to the Child Death, Near Death and Still Birth Commission. The new legislation gave the commission the authority to review stillbirths occurring after at least 27 weeks of gestation (pending development of procedures) and revised the process of reviewing deaths by abuse and neglect. In 2004, the statute was further amended to include in the commission's responsibilities the authority to review near-deaths of children due to abuse or neglect. (Near-death is defined as a child in serious or critical medical condition due to abuse or neglect as certified by a physician.) As a companion to the 2004 amendment, three General Fund staff positions were dedicated to support the commission. The commission's budget was placed within the Administrative Office of the Courts.

Reviews are conducted monthly and the commission meets quarterly. All meetings are closed and confidential. The review is a retrospective system review intended to provide meaningful, prompt, system-wide recommendations in an effort to prevent future deaths or near-deaths and to improve services to children. A child death or near-death is considered to be preventable if one or more interventions (medical, community, legal, and/or psychological) might reasonably have averted the child's death or near-death. The reasonableness of the intervention is defined by the conditions and circumstances of the child death or near-death and available resources.

Since 1997, the commission has issued statewide reports to the Governor and General Assembly. These reports include aggregate data on the cases reviewed and recommendations developed by the panels and approved by the commission. Between 1997 and 2002, 785 child death cases were reviewed (an average of 130 cases per year). Of those cases:

- 19 percent were deemed to be preventable and have corresponding recommendations;
- 6 percent were SIDS (Sudden Infant Death Syndrome) or SUDS (Sudden Unexplained Death) with risk factors identified;
- natural deaths were overwhelmingly caused by prematurity (65 percent) and congenital defects (23 percent); and
- nonnatural deaths were primarily caused by motor vehicle injuries, fire, drowning and suicide.

In Fiscal Year 2003 and Fiscal Year 2004, the commission focused on improving review procedures and data collection to yield more meaningful recommendations and reliable data. The commission unanimously approved the amended procedures manual. The commission supported legislation to increase penalties when children are transported without having proper safety restraints. Prior to the passage of House Bill 481, a Delaware judge could dismiss a charge against a driver for not having a child

properly restrained in a car safety seat if the driver could produce evidence that a car seat was purchased after the offense. The intent of allowing for the dismissal was to give the public an opportunity to familiarize themselves with the law. Given that over 20 years have passed since its enactment and data shows that children are at increased risk of injury and death if not properly restrained, dismissal of such charges was no longer appropriate. This bill was signed on July 7, 2004. Further, the commission supported House Bill 78, which provides additional safeguards for Delaware children by including the criminal history of any party or adult member of a child's household to the list of factors to be considered by the court when determining the best interest of the child. This bill was enacted on July 1, 2004.

In Fiscal Year 2003 and Fiscal Year 2004, the commission conducted five expedited reviews. Here are a few significant recommendations from those reviews:

- Require state-funded medical insurance providers to routinely screen for domestic violence during well child visits and encourage private insurers to accept the same standards.
- Expand education and training on child abuse, child neglect and domestic violence to health care providers.
- Make referrals to the appropriate medical/nursing licensing organizations to determine if a medical standard was breached.
- Ensure compliance with 16 Del. C. § 906(b)(3) through training and supervision.
- Public Health should review public pool requirements and enforce signage requirements.
- There should be seasonal public notification on the importance of adult supervision and water safety.
- The Child Protection Registry and/or other relevant registries should be checked prior to an agency placing a child with that guardian.

ACTIVITIES

- Prepare and review child death and near-death cases that meet the criteria for review.
- If preventable, make recommendations on how various systems could intervene in order to decrease child mortality.
- Collect and analyze data related to child death and near deaths.
- Issue annual reports that synthesize recommendations and data.

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PERFORMANCE MEASURES

	FY 2004 Actual	FY 2005 Budget	FY 2006 Gov. Rec.
# of cases reviewed	157	*	*
# of expedited cases reviewed	1	*	*
# of preventable deaths	6	*	*
# of SIDS-/SUDS-related deaths	16	*	*
# of recommendations made	31	*	*
# of recommendations achieved	N/A	*	*

Note: FY 2004 actuals based on Child Death Review Commission case reviews prior to establishment of this office and full-time staff support for the new CDNSBC.

** More experience is required with this new office/support staff and the expanded mandate of the CDNSBC before projections may be reasonably determined.*