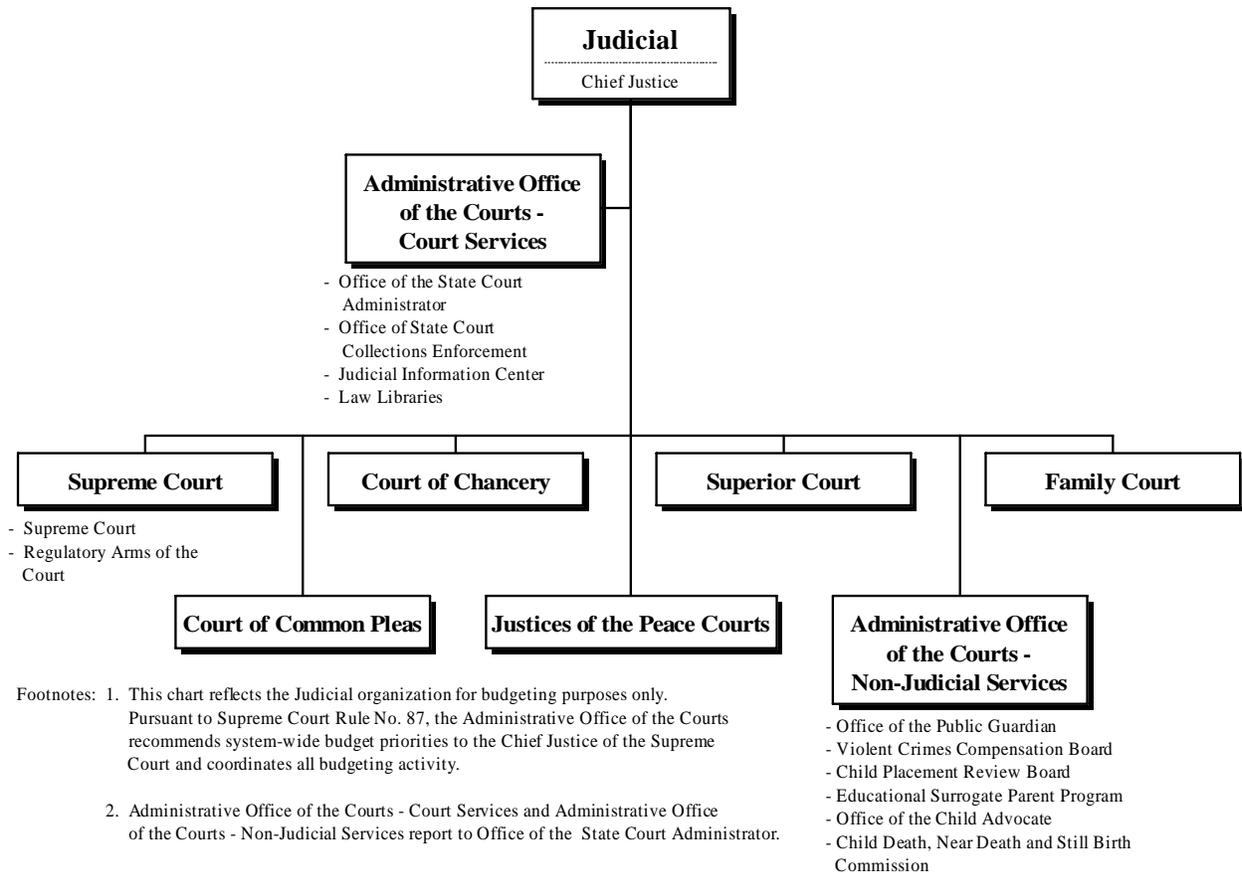


JUDICIAL

02-00-00



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

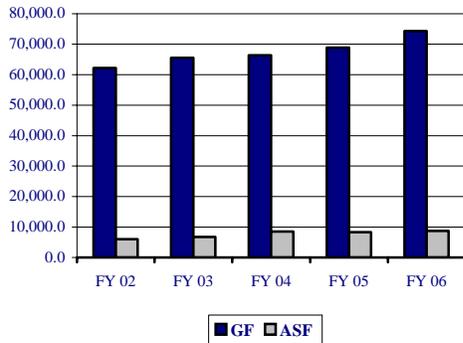
Goals and objectives contained within the Strategic Plan of the Judiciary are based upon direction from the Chief Justice as outlined in various administrative directives, national goals promulgated by the ABA and individual objectives specific to the Delaware court system. In some

cases, stated objectives are being met, while meeting others will take a concerted effort over several years.

One of the greatest 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, 2006 through June 30, 2006 in order to report on objectives contained in the Fiscal Year 2008 strategic plan for the Judicial branch.

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Five-Year Appropriation History



FUNDING

	FY 2005 ACTUAL	FY 2006 BUDGET	FY 2007 GOV. REC.
GF	75,247.4	74,243.5	83,111.9
ASF	8,239.5	8,765.1	9,323.9
TOTAL	83,486.9	83,008.6	92,435.8

POSITIONS

	FY 2005 ACTUAL	FY 2006 BUDGET	FY 2007 GOV. REC.
GF	1,073.5	1,096.5	1,103.5
ASF	97.0	97.0	99.0
NSF	17.3	14.3	12.3
TOTAL	1,187.8	1,207.8	1,214.8

FY 2007 BUDGET HIGHLIGHTS

OPERATING BUDGET:

- ◆ Recommend \$233.6 for Conflict Attorneys, \$58.3 for CASA Attorneys, \$113.9 for Family Court Attorneys and \$52.3 for Court Appointed Attorneys to meet the increasing needs of indigent citizens and increase contract rates for attorneys.
- ◆ Recommend \$167.6 and 5.0 FTEs to address the growing security concerns within the court system. Recommended positions include a Bailiff for Sussex County Superior Court, a Bailiff in both New Castle and Kent counties Courts of Common Pleas and a Bailiff in both Kent and Sussex counties Family Courts.
- ◆ Recommend \$704.6 in Judicial Information Center for Courts Organized To Serve (COTS) maintenance agreement.

CAPITAL BUDGET:

- ◆ Recommend \$500.0 for the Minor Capital Improvement and Equipment program to prevent the deterioration of buildings and grounds and to improve the security of court facilities statewide.
- ◆ Recommend \$250.0 for the implementation of security improvements in courts throughout the state.

JUDICIAL

02-00-00

SUPREME COURT

02-01-00

MISSION

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

KEY OBJECTIVES

During Fiscal Year 2007, 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; and
- 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 non-judicial aspects of court administration.

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

Delaware is an appeal of right state. If an appeal is within the jurisdiction of the Supreme Court, the court must accept the appeal. Appeal processing, from initial filing to final decision, is the primary activity of the Supreme Court.

The Court on the Judiciary is established by Article IV, Section 37 of the Delaware Constitution. The court consists of the five members of the Delaware Supreme Court, Chancellor of the Court of Chancery and 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, fees from applicants who take the Delaware Bar Examination and assessments from non-Delaware lawyers who are admitted under Pro Hac Vice rules.

The Board on Professional Responsibility and Office of Disciplinary Counsel are authorized by Supreme Court Rules 62 and 64, respectively. Under Supreme Court Rule 62(c), the court appoints a Preliminary Review Committee. The board, Preliminary Review Committee and 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

JUDICIAL
02-00-00

authorized by Supreme Court Rule 65. The function of the committee is to oversee and monitor the operation of the Delaware Interest on Lawyer Trust Accounts Program as established pursuant to Rule 1.15 of the Delaware Lawyers' Rules of Professional Conduct. The committee reports annually to 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 matters 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 by identifying areas for increased administrative focus, coordinating plans to deal with inter-court issues and reviewing individual court budgets.

The court's major accomplishment within the past year was the disposition of most cases within 40.5 days of the date of submission. This disposition rate is well under the 90-day standard that the court has set in accordance with ABA standards and represents an improvement over the previous fiscal year.

FUNDING

	FY 2005 ACTUAL	FY 2006 BUDGET	FY 2007 GOV. REC.
GF	2,560.7	2,677.3	3,009.3
ASF	71.8	149.4	149.4
TOTAL	2,632.5	2,826.7	3,158.7

POSITIONS

	FY 2005 ACTUAL	FY 2006 BUDGET	FY 2007 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 2005 Actual	FY 2006 Budget	FY 2007 Gov. Rec.
Average # of days from under advisement to final decision:			
criminal	47.8	45	45
civil	33.2	30	30
Average # of days from initial filing to final decision:			
criminal	186.9	185	185
civil	167.2	165	165
% of cases disposed of within 30 days of date of submission	48	50	50
% of cases disposed of within 90 days of date of submission	90	90	90

REGULATORY 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, and
 - Audit lawyers' financial accounts.
- Board of Bar Examiners:
 - Process applications to take the Bar examination.
- Commission on Continuing Legal Education (CLE):
 - Process lawyer compliance affidavits, and
 - Evaluate CLE programs.

PERFORMANCE MEASURES

Office of Disciplinary Counsel

	FY 2005 Actual	FY 2006 Budget	FY 2007 Gov. Rec.
# of new matters filed	581	625	650
# of matters disposed	523	550	600
# of cases pending or stayed	141	125	110
# of private admonitions with or without probation	13	15	17
# of public reprimands with or without probation	5	7	9
# of suspensions and interim suspensions	6	8	10
# of disbarments	1	2	3
# of reinstatements	1	2	2

JUDICIAL 02-00-00

Lawyers' Fund for Client Protection

	FY 2005 Actual	FY 2006 Budget	FY 2007 Gov. Rec.
# of claims	15	20	20
# of claims paid	2	10	10
# of claims denied or withdrawn	4	6	6
# of claims pending	10	8	8
\$ amount of claims made	1,576,262	300,000	300,000
\$ amount of claims paid	3,788	100,000	100,000
\$ amount of claims pending	1,551,724	100,000	100,000

Board of Bar Examiners

	FY 2005 Actual	FY 2006 Budget	FY 2007 Gov. Rec.
# of applications processed	260	270	280
# of applicants passing Bar exam	149	160	165

Commission on Continuing Legal Education

	FY 2005 Actual	FY 2006 Budget	FY 2007 Gov. Rec.
# of affidavits processed	1,323	1,500	1,500
# of programs evaluated	4,445	4,700	5,000
\$ amount of fines and sponsor fees paid	35,405	33,000	31,000

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 workload.
- Continue to improve the statewide functionality of the Register in Chancery.

BACKGROUND AND ACCOMPLISHMENTS

Delaware's Court of Chancery is a non-jury court of limited jurisdiction. Its jurisdiction includes both corporate and non-corporate litigation matters. The judges spend approximately 70 percent of their time on corporate litigation. This specialization and the resulting expertise contribute to the fact that Delaware is a preferred situs for incorporation in the United States. The remainder of the court's resources are spent handling non-corporate litigation and on the appointment of guardians and trustees, the fiduciary administration of guardianships, trusts and estates and other non-litigation matters. The court is the sole Delaware court with general power to issue temporary restraining orders and preliminary injunctions.

The court consists of one chancellor, four vice-chancellors (who are appointed for 12-year terms) and one master in chancery (who holds hearings and issues reports). The Court of Chancery holds court in all three counties.

Many areas of the court's work are handled by the Master in Chancery, who holds evidentiary hearings and writes opinions in areas under the court's jurisdiction such as wills, estates, real estate and guardianships, and in cases involving corporate law. The Chancellor assigns to the Master various matters and parties have a right to appeal to a judge if they so choose.

The main objective of the court in the last few years has been to unify the policies and procedures of the Register in Chancery offices throughout the state. The court implemented the technology dispute jurisdiction and the mediation-only docket. The court adopted rules regarding these initiatives, and has been receiving case filings in these areas.

JUDICIAL

02-00-00

FUNDING

	FY 2005 ACTUAL	FY 2006 BUDGET	FY 2007 GOV. REC.
GF	2,611.3	2,553.2	2,888.8
ASF	1,349.5	1,690.4	1,971.2
TOTAL	3,960.8	4,243.6	4,860.0

POSITIONS

	FY 2005 ACTUAL	FY 2006 BUDGET	FY 2007 GOV. REC.
GF	29.0	29.0	29.0
ASF	21.0	21.0	23.0
NSF	--	--	--
TOTAL	50.0	50.0	52.0

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 or trustees to perform or refrain from performing deeds for which they lack the authority without court approval.
- Exercise powers of review on appeal from administrative proceedings.

PERFORMANCE MEASURES

	FY 2005 Actual	FY 2006 Budget	FY 2007 Gov. Rec.
% of decisions rendered within 90 days after readiness for adjudication	99.96	95	95
# of matters filed*	4,195	4,162	4,129

* Includes all matters filed in the Court of Chancery.

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 2007:

- 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 ABA'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 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;

JUDICIAL 02-00-00

- Develop recruitment and training programs for staff that recognize diversity as a core value of the court; and
- 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 fourth 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 U.S. 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 and 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.

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 have the most superior service in the nation among courts of general jurisdiction 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 2005 ACTUAL	FY 2006 BUDGET	FY 2007 Gov. Rec.
GF	18,154.5	18,272.5	20,155.8
ASF	--	--	--
TOTAL	18,154.5	18,272.5	20,155.8

POSITIONS

	FY 2005 ACTUAL	FY 2006 BUDGET	FY 2007 Gov. Rec.
GF	283.5	289.5	292.5
ASF	--	--	--
NSF	2.0	2.0	--
TOTAL	285.5	291.5	292.5

SUPERIOR COURT 02-03-10

ACTIVITIES

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

PERFORMANCE MEASURES

	FY 2005 Actual	FY 2006 Budget	FY 2007 Gov. Rec.
Criminal case filings:			
New Castle	5,134	5,600	5,500
Kent	2,070	2,300	2,200
Sussex	1,769	2,227	2,200
Civil case filings:			
New Castle	8,345	9,150	9,000
Kent	1,438	1,525	1,500
Sussex	1,095	1,300	1,300
Criminal case dispositions:			
New Castle	4,713	5,950	5,000
Kent	2,235	2,150	2,250
Sussex	1,678	2,245	2,200
Civil case dispositions:			
New Castle	8,538	9,500	9,000
Kent	1,397	1,550	1,500
Sussex	1,195	1,425	1,200
Criminal cases pending:			
New Castle	1,541	1,050	1,300
Kent	347	320	320
Sussex	395	305	350
Civil cases pending:			
New Castle	5,658	5,000	5,700
Kent	817	800	850
Sussex	557	680	680

JUDICIAL
02-00-00

COURT OF COMMON PLEAS
02-06-00

MISSION

The Court of Common Pleas is dedicated to provide assistance and a neutral forum to people in the resolution of their everyday problems and disputes in a fair, professional, efficient and practical manner.

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.

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 the Division of 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 Castle County and one shared between Kent and Sussex counties.

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 includes regular appearances before a judge, participation in substance abuse education, drug testing and treatment, if needed, and has handled more than 2,500 participants since its inception. The program has been the subject of a study by the University of Pennsylvania on the role of judicial status hearings in drug court, the first such study of its kind in the nation. The program was expanded to Sussex County in June 2003 and has handled approximately 250 participants. The program was further expanded to Kent County in February 2005, with approximately 40 participants completing the program in the first four months.

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 Delaware Center for Justice, the court has referred approximately 2,706 cases for mediation. Mediation provides an alternative to criminal prosecution and leaves participants with an increased sense of satisfaction about the criminal justice process.

In November 2003, the state's first Mental Health Court was opened in the Court of Common Pleas. The goal of the Mental Health Court is to effectively serve the special needs of the mental health population in the criminal justice system through continuous judicial oversight and intensive case management. To date, 57 defendants have participated in the Mental Health Court.

FUNDING

	FY 2005 ACTUAL	FY 2006 BUDGET	FY 2007 GOV. REC.
GF	7,769.8	7,497.2	8,380.9
ASF	1,639.6	178.3	219.8
TOTAL	9,409.4	7,675.5	8,600.7

POSITIONS

	FY 2005 ACTUAL	FY 2006 BUDGET	FY 2007 GOV. REC.
GF	125.0	125.0	127.0
ASF	4.0	4.0	4.0
NSF	--	--	1.0
TOTAL	129.0	129.0	132.0

JUDICIAL
02-00-00

COURT OF COMMON PLEAS
02-06-10

ACTIVITIES

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

PERFORMANCE MEASURES

Criminal Misdemeanor Case Filings and Dispositions/Collections

	FY 2005 Actual	FY 2006 Budget	FY 2007 Gov. Rec.
Filings	85,867	86,500	87,500
Dispositions	86,319	87,100	87,900
Pending	39,368	38,700	38,500
Amount collected(thousands)	7,749.0	7,900.0	8,000.0

Time from Transfer for Assignment to Trial by Case Type – New Castle County (# of weeks)

	FY 2005 Actual	FY 2006 Budget	FY 2007 Gov. Rec.
Traffic	20	17	14
Non-jury	18	16	14
DUI	29	26	22
Domestic violence	16	14	12
Drug	17	15	13
Jury trial	22	20	17

Time from Transfer for Assignment to Trial by Case Type – Kent County (# of weeks)

	FY 2005 Actual	FY 2006 Budget	FY 2007 Gov. Rec.
Non-jury	8	8	8
Jury trial	12	11	10

Time from Transfer for Assignment to Trial by Case Type – Sussex County (# of weeks)

	FY 2005 Actual	FY 2006 Budget	FY 2007 Gov. Rec.
Non-jury	9	8	8
Jury trial	14	12	10

Civil Case Filings/Time to Dispositions (months)

	FY 2005 Actual	FY 2006 Budget	FY 2007 Gov. Rec.
# of filings – state	10,455	11,000	11,200
New Castle County disposition time	14.2	13.0	12.0
Kent County disposition time	5.3	5.2	5.0
Sussex County disposition time	11.6	10.8	10.0

Preliminary Hearings Workload (per month)

	FY 2005 Actual	FY 2006 Budget	FY 2007 Gov. Rec.
# of hearings scheduled	562	570	580
% of hearings held	11.2	11.0	10.5

JUDICIAL

02-00-00

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 Chief Judge.
- Improve 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 the development of management reports for each measure.

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

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 re-established by House Concurrent Resolution 52. In addition, the court has created an internal committee to study juvenile justice practices in Delaware and offer recommendations for improvements that will further public safety and rehabilitative outcomes.

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 (NCCCH) Self-help Center. During Fiscal Year 2005, 22,966 individuals used the services of the resource centers in Kent and Sussex counties, and 15,854 visitors were assisted at the NCCCH Self-help Center. Implementation of Family Court's pro se program has contributed to more efficient court operations, enhanced the public's access to the court, and enhanced litigants' participation in the court process and their 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. In addition, treatment funding will allow the Division of Child Mental Health to act as the managed care organization for a host of treatment agencies.

FUNDING

	FY 2005 ACTUAL	FY 2006 BUDGET	FY 2007 GOV. REC.
GF	15,904.8	15,774.0	17,957.0
ASF	3,339.0	3,628.2	3,845.2
TOTAL	19,243.8	19,402.2	21,802.2

JUDICIAL
02-00-00

POSITIONS

	FY 2005 ACTUAL	FY 2006 BUDGET	FY 2007 GOV. REC.
GF	261.0	269.0	271.0
ASF	64.0	64.0	64.0
NSF	1.0	1.0	--
TOTAL	326.0	334.0	335.0

FAMILY COURT
02-08-10

ACTIVITIES

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

PERFORMANCE MEASURES

	FY 2005 Actual	FY 2006 Budget	FY 2007 Gov. Rec.
90 percent of adult and juvenile criminal cases shall be disposed of within 45 days of the petition/information being filed.	46	51	56
100 percent of adult and juvenile criminal cases shall be disposed of within 90 days of the petition/information being filed.	73	80	88
100 percent of proceedings involving dependent, neglected or abused children in the custody of the Department of Services for Children, Youth and Their Families shall have a permanency plan established within 12 months of the removal of a child from the home.	95*	100	100
100 percent of protection from abuse petitions shall be disposed of within 30 days of filing.	98%**	100	100
100 percent of child support matters shall be disposed of within 90 days of the receipt of the petition.	70%	80	100
90 percent of civil decisions shall be rendered within 90 days of taking the matter under advisement.	90%	90	90

**The cases exceeding the 12-month standard are cases where extenuating circumstances necessitate the extension of the timeframe for the scheduling of the Permanency Hearing.*

***The cases exceeding the standards are cases where extenuating circumstances necessitate the continuance of the scheduled hearing, which may extend the time frame for disposition by several days. However, in all such cases an EX PARTE order will have been issued and will remain in effect until such time a final disposition is issued.*

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.
- Improve efficiency and the quality of justice;
- Promote modifications to the Motor Vehicle Point System and traffic charges process;
- Work in conjunction with the Division of Motor Vehicles, police agencies, other courts and the Department of 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; and
- Participate in the Courts Organized to Serve (COTS) initiative.

BACKGROUND AND ACCOMPLISHMENTS

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 integrated 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; and
- 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; and
- Landlord/tenant cases, including summary proceedings for possession where 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 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; and
- 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 - This court has a partnership with Children and Families First to develop a volunteer and mentoring program for truant and academically at-risk students; a partnership with Lake Forest School District for Project Spartan Success (21st Century grant), which is an after-school program for students struggling

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academically, truant students, and those at risk for truancy; and a partnership with Delaware State University (DSU) to provide an intern to serve as a case manager and intake coordinator. This program will continue consultation with five Maryland counties as they implement truancy court.

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 17 percent caseload increase in Fiscal Year 2005, and its average 1,318 videophone proceedings per month.

Providing legal representation at JP Court 20 - At the beginning of its fourth year, the pilot project providing legal representation at JP Court 20 demonstrates the benefits of coordinated efforts among 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. 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.

Constable security - Justices of the Peace Courts implemented a new program to enhance the safety of constables by tracking all constable location radio calls through the State Police Emergency Personnel Tracking System. In 2005, constables received 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.

Technology - A project to implement electronic payment of traffic tickets is under development, with issues being resolved relative to on-line credit card arrangements. Tickets paid on-line would be instantly entered into the system with minimal involvement of clerical personnel.

FUNDING

	FY 2005 ACTUAL	FY 2006 BUDGET	FY 2007 Gov. Rec.
GF	15,052.7	14,625.0	16,020.5
ASF	--	--	--
TOTAL	15,052.7	14,625.0	16,020.5

POSITIONS

	FY 2005 ACTUAL	FY 2006 BUDGET	FY 2007 Gov. Rec.
GF	246.5	246.5	246.5
ASF	--	--	--
NSF	--	--	--
TOTAL	246.5	246.5	246.5

JUSTICES OF THE PEACE 02-13-10

ACTIVITIES

- Process criminal cases by conducting bond hearings, initial appearances, arraignments, trials and 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 2005 Actual	FY 2006 Budget	FY 2007 Gov. Rec.
% of shifts per week with security coverage	53	53	62
% of videophone proceedings that take place within 45 minutes of receipt	90	100	100

JUDICIAL

02-00-00

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

MISSION

To assist the judicial branch and others in delivering the highest quality of justice by providing effective and efficient administrative, support and information services.

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 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, collections, technology policies and services, records management, interpreters, planning and research, facilities, education and law libraries. The AOC has recently initiated a new strategic planning process and is working on further defining its roles within the context of Supreme Court Rule 87.

To fulfill its responsibilities, the AOC is divided into three components that provide direct services to the Supreme Court, Court of Chancery, Superior Court, Family Court, Court of Common Pleas, Justices of the Peace Courts and limited services to several non-judicial agencies. The components are the Office of the State Court Administrator, Office of State Court Collections Enforcement (OSCCE) and 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, Child Death, Near Death and Still Birth Commission (CDNDSBC) and Delaware Nursing Home Residents Quality Assurance Commission.

FUNDING

	FY 2005 ACTUAL	FY 2006 BUDGET	FY 2007 GOV. REC.
GF	11,708.0	10,908.6	12,579.4
ASF	--	33.4	33.4
TOTAL	11,708.0	10,942.0	12,612.8

POSITIONS

	FY 2005 ACTUAL	FY 2006 BUDGET	FY 2007 GOV. REC.
GF	77.5	81.5	81.5
ASF	--	--	--
NSF	3.0	--	--
TOTAL	80.5	81.5	81.5

OFFICE OF THE STATE COURT ADMINISTRATOR 02-17-01

MISSION

To assist the judicial branch and others in delivering the highest quality of justice by providing objective and efficient administrative support and information services.

KEY OBJECTIVES

- Assist in policy and legislative coordination and development for issues affecting the judicial branch.
- Provide administrative and support services to the courts and non-judicial agencies in a variety of areas.
- Provide continuing education for judicial officers.
- Provide information to the public to gain an understanding of the court system.
- Ensure smooth and safe operation of the New Castle County Courthouse and assist in facility improvements and security policy issues in other courthouses.

BACKGROUND AND ACCOMPLISHMENTS

- Initiated strategic planning process covering the Office of the State Court Administrator, OSCCE, and JIC, including development of action plans for new efforts.
- Worked with the U.S. Marshal Service to conduct security reviews of state courthouses and hold security awareness education for judicial officers.

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- Worked with the New Castle County Courthouse Operations Policy Committee to implement security and safety plans and procedures, including policies on cell phones, badge access and access to holding cells.
- Established a partnership with Widener University of Law through which 11 law students volunteered at the New Castle County Courthouse Self-help Center during the summer of 2005.
- Worked with the Court of Chancery to assist self-represented litigants with guardianship.
- Conducted certification tests for interpreters in Haitian-Creole, Mandarin Chinese and Spanish.

ACTIVITIES

- Provide advice and assistance to the courts and non-judicial agencies on personnel related issues.
- Serve as legislative liaison for the judicial branch.
- Coordinate overall facilities projects.
- Provide judicial education and staff training services.
- Administer the statewide court interpreter program.
- Manage the New Castle County Courthouse Pro Se Center and assist in the provision of service to unrepresented litigants.
- Provide training opportunities for all court staff.
- Conduct research and analysis related to justice and speedy trial issues.
- Administer the judicial branch public information program.
- Provide information and assistance to the courts related to grant applications and awards.
- Assist in policy coordination and development for issues affecting all courts.
- Coordinate preparation, review and submission of the judicial branch budgets.

PERFORMANCE MEASURES

	FY 2005 Actual	FY 2006 Budget	FY 2007 Gov. Rec.
# of prospective interpreters attending orientation program	22	30	35
# of people assisted by NCCCH Self-help Center staff*	16,278	17,000	17,000
# of NCCCH Self-help Center volunteers	37	39	42
# of pro bono attorney volunteers	29	33	35
# of pro bono attorney volunteer hours	176	185	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.*

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 the Office of State Court Collections Enforcement (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 Courts Organized to Serve (COTS).
- 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 cashing services for Superior Court, Family Court, Justices of the Peace Courts and Department of 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 97 percent growth in collections it has experienced since Fiscal Year 2000.

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 the Department of Elections with voter restoration rights; works with the Division of Revenue to offset state tax refunds against delinquent receivables owed to the state; and has obtained access to the Department of Labor employment records, which allows verification of financial resources when instituting

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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 assist the judiciary with 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.
- Pursue the collection of financial sanctions referred by the courts.
- Refer offenders to non-monetary programs, administered by the Department of Correction to address court-ordered financial sanctions (excluding restitution).
- Work with 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 2005 Actual	FY 2006 Budget	FY 2007 Gov. Rec.
# of contacts necessary to administer accounts:			
verbal	6,037	6,600	7,000
written	24,663	27,500	30,000
\$ collected on behalf of:			
Superior Court	3,062,578	3,300,000	3,700,000
Family Court	113,195	110,000	100,000
JP Courts	61,297	65,000	70,000
Department of Correction	385,728	400,000	400,000
% increase in \$ collected	4.7	10.0	10.0

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.

- Participated in training sessions to support the new COTS technical environment, including Oracle database, ACS technical, report writing and imaging administration.
- Participated in customization, interface and conversion design sessions in support of the COTS initiative including oversight of hardware and software.
- Participated in six COTS Project Oversight Reviews by Gartner Consulting.
- Enhanced the intranet sites for the judicial branch using common look and feel guidelines.
- Developed system policies and procedures to be used throughout the branch.
- Strengthened presence with regional and national technology groups to educate other state's with Delaware's technology initiatives.
- Utilized thin-client technology throughout the courts.
- Participated in a number of facility renovations 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.
- Manage, install and support personal computer technology, including hardware and software.
- Provide help-desk services and network access to computer users.

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- Provide telephone and audiovisual installation and support services.
- Manage, design and support local and wide-area network resources.
- Manage procurement related to computer equipment.
- Maximize the use of web-based applications to allow easier access to data.
- Lead initiatives related to technology planning, utilization and effective implementation.

PERFORMANCE MEASURES

	FY 2005 Actual	FY 2006 Budget	FY 2007 Gov. Rec.
% of high priority software problems resolved within 4 business hours (not requiring procurement)	99	100	100
% of high priority hardware problems resolved within 7.5 business hours (not requiring procurement)	100	100	100
JIC problem calls initiated with Helpdesk	9,179	9,200	9,300
JIC problem calls resolved	9,088	9,108	9,207

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 functions 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.
- Provide assistance and comprehensive legal resources to a variety of library users.

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 microfiche form. The library is staffed by one law librarian.

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 new trends in legal research.
- Coordinate 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.

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02-00-00

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

FUNDING

	FY 2005 ACTUAL	FY 2006 BUDGET	FY 2007 GOV. REC.
GF	1,484.9	1,935.7	2,120.2
ASF	1,838.8	3,085.4	3,104.9
TOTAL	3,323.7	5,021.1	5,225.1

POSITIONS

	FY 2005 ACTUAL	FY 2006 BUDGET	FY 2007 GOV. REC.
GF	24.0	29.0	29.0
ASF	8.0	8.0	8.0
NSF	--	--	--
TOTAL	32.0	37.0	37.0

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

- Promote the use of technology, computer network, pagers and wireless phones to facilitate real-time information sharing among statewide staff.
- 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 as Registered Guardians through the National Guardianship Foundation of all agency staff persons who are vested with decision-making responsibilities.

BACKGROUND AND ACCOMPLISHMENTS

The Office of the Public Guardian was created in 1974. The office serves as interim and permanent guardian for persons with severe and significant disabilities. Referring

agencies include the Court of Chancery, adult protective service programs, other state agencies, long-term care institutions, hospitals, and private nursing facilities. Additionally, the agency is called upon by the Court of Chancery to serve as a neutral guardian or to mediate and serve as court investigator in contested guardianship matters. The state's long-term care facilities request public guardianship services for residents of their facilities with special social service needs as well as those 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 or 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, client profile, legal documents, advance directives, key contacts, list of service providers, inventories, assessments and progress notes; and
- 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.

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;

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- Prepare real estate and personal belongings for sale and 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 submitting required annual accountings to the court, with 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; and
- Obtain all public benefits for which the ward is eligible.

PERFORMANCE MEASURES

	FY 2005 Actual	FY 2006 Budget	FY 2007 Gov. Rec.
# of referrals received	149	275	275
# of referrals accepted for public guardianship	66	70	70
# of current guardianships	245	241	300

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 30 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 a 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 and the supplemental payments to victims of violent crimes reported each year in Delaware.

BACKGROUND AND ACCOMPLISHMENTS

The VCCB was organized in January 1975. The board is comprised of five 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, loss of support, temporary housing and moving or relocation costs. 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;
- Victim must cooperate with law enforcement authorities in the apprehension and prosecution of the assailant(s) if their identity is known; and
- Claimant must cooperate with the VCCB in its investigation to validate a claim for compensation.

The agency is funded by appropriated special funds derived from an 18 percent surcharge that is levied on all criminal offenses, including moving motor vehicle violations. The surcharge is collected by the courts and turned over to the State Treasurer for deposit into the Victim Compensation Fund. The fund is also replenished through restitution, probation interest, subrogation reimbursements, other miscellaneous revenue and a federal grant. The federal grant can equal up to 60 percent of the amount paid out to crime victims from state funds during the previous federal fiscal year.

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From Fiscal Year 1976 through Fiscal Year 2005, the board received 9,454 applications for compensation. In Fiscal Year 2005 a total of 561 claims were examined by the board. Of this total, 481 of the claims examined were initial applications; 80 were cases that had been requested to be re-opened for additional consideration. A total of 558 were approved for compensation benefits, which included 481 initial cases and 77 re-opened cases. The total amount awarded by the board was \$1,904,291, with an average award of \$3,278 per claimant. Due to the statutory time frame for appeals, actual disbursements were \$1,784,469 with \$119,822 disbursed during the first quarter of Fiscal Year 2006.

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 VCCB.

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.

During Fiscal Year 2005, the board received 225 Sexual Assault Nurse Examiner (SANE) requests and 65 CCAP requests.

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

PERFORMANCE MEASURES

	FY 2005 Actual	FY 2006 Budget	FY 2007 Gov. Rec.
% of victim costs	79	80	80
% of operational costs	21	20	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;
- Use citizen-based panels to complete reviews of adjudicated youth placed by Family Court in out-of-home, non-detention placements; and
- 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 and to the state agency responsible for their care;
- Studies and highlights trends affecting children in care;
- Develops and implements advocacy positions relating to children in care; and
- Combines the efforts of trained citizen volunteers and the work of a small professional staff, creating a cost-effective, independent review system.

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The CPRB conducted 775 reviews in Fiscal Year 2005. Of those, 670 were in the custody of Family Services, 75 were adjudicated youth and 30 received a mixing review, which is designed to ensure that non-adjudicated children who are mixed with adjudicated children are not harmed by the experience.

The success of the CPRB is a tribute to the effectiveness and commitment of its volunteers. A total of 88 volunteers make up the Executive Committee and 14 review committees in Delaware. 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. Volunteer board members of the CPRB contributed more than 4,195 hours to reviews and advocacy efforts in Fiscal Year 2005.

The work of the CPRB 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 worked with community partners to create solutions regarding 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. Additionally, the board has representatives serving on the Child Protection and Accountability Commission (CPAC), Family Services Advisory Council and Child Mental Health Advisory Council. Through interaction with the state legislature the board continued its efforts to advocate for children and the issues that affect them.

The CPRB administers the Ivyane Davis Memorial Scholarship Program, which is funded by the state to honor a long-term children's advocate and early member of the CPRB. The CPRB partnered with the Division of Family Services to administer the federal Education and Training Vouchers (ETV) in conjunction with the Davis Scholarship. During Fiscal Year 2005, \$141,254 in scholarships and vouchers were distributed to 42 recipients. These funds allow Delaware residents who were in the state's foster care system the opportunity to attain post-secondary education.

PERFORMANCE MEASURES

	FY 2005 Actual	FY 2006 Budget	FY 2007 Gov. Rec.
# of volunteer hours generated	4,195	3,250	3,250
% of children being reviewed	100	100	100
# of training hours provided to the board	305	300	300

EDUCATIONAL SURROGATE PARENT PROGRAM 02-18-04

MISSION

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 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 ESPP serves children ages 0-21 whose parents are unable to advocate for them, are in state custody and/or have been diagnosed or need evaluation to determine if they meet the eligibility criteria under the Individuals with Disabilities Education Act (IDEA) to receive special education services.

The ESPP coordinator is responsible for: reviewing referrals of children submitted to the office for eligibility for admission; requesting additional material and information from various agencies; and coordinating service delivery. The ESPP coordinator recruits and trains prospective ESP candidates. Each completed referral of a child eligible for admission is matched with a trained and certified volunteer based on a particular child's specific anticipated needs and location. The prospective match is submitted as a recommendation of appointment to the Department of Education for approval.

ACTIVITIES

- Recruit and train volunteers to serve as ESPs.

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

PERFORMANCE MEASURES

	FY 2005 Actual	FY 2006 Budget	FY 2007 Gov. Rec.
# of ESP appointments	N/A	90	90
# of children exited	38	40	40
# of children served	241	320	260
# of ESPs trained	32	80	60
# of ESPs exited	7	30	50
# of ESPs available	206	260	215

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, education, training and multi-disciplinary collaboration was required to best serve Delaware's children. The General Assembly determined that an office to oversee these efforts and advocate on behalf of children was necessary.

During Fiscal Year 2005, OCA received appropriate referrals on 900 children. A significant portion of these referrals continue to be Family Court orders. However, OCA has also reviewed several hundred family case histories kept by the Division of Family Services. OCA hopes to use these reviews in conjunction with the more than 150 recommendations for child welfare change made by various death and near death review processes, to make further system improvements. The Child Protection Accountability Commission (CPAC), 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 the OCA and CPAC.
- Develop and provide quality training to Division of Family Services' 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 2005 Actual	FY 2006 Budget	FY 2007 Gov. Rec.
# of children referred	900	700	900
# of pro bono attorneys available	364	300	375
# of children represented by the office	145	85	125
# of children represented by pro bono attorneys	748	450	760

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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 in a confidential manner, the 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.
- Provide the Governor, General Assembly and CPAC with recommendations to alleviate those practices or conditions that impact the mortality of children.
- Assist in facilitating appropriate action in response to recommendations.

BACKGROUND AND ACCOMPLISHMENTS

Delaware's child death review process was established by legislation passed on July 19, 1995, after a pilot project showed the effectiveness of such a review process for preventing future child deaths. The statute was amended in 2002 and again in 2004, changing the name from the Delaware Child Death Commission to the Child Death, Near Death and Stillbirth Commission. As a companion to the 2004 amendment, three general fund staff positions were dedicated to support the commission.

The Child Death, Near Death and Stillbirth Commission (CDNDSC) has the authority to create up to three regional panels to conduct retrospective reviews of all child deaths, near deaths due to abuse/neglect and stillbirths (after 27 weeks gestation) that occur in the state. The commission provides meaningful system-wide recommendations to prevent the deaths and/or near deaths of children and improve services to children. The process brings professionals and experts from a variety of disciplines together to conduct retrospective case reviews, create multi-faceted recommendations to improve systems and encourage interagency collaboration to end the mortality of children in Delaware.

In 2004, the CDNDSC voted to participate in a national child death review pilot project established by the National Maternal and Child Health (MCH) Center for Child Death Review at the Michigan Public Health Institute. Through a federal grant from the Department of Health and Human Services, the MCH Center is developing program models

and materials reflecting best practices in child death review processes across the United States. Commission staff have become part of a national consortium of child death review professionals who share information, resources, research, and best practices.

The National MCH Center for Child Death Review is also developing a national web-based database for the collection of data related to child deaths. Delaware and other states participating in the pilot project will collect data related to each child death utilizing a standardized data tool. This will allow the commission, regional panels and staff the ability to analyze current data, as well as identify and make recommendations to eliminate longitudinal trends that may lead to child mortality in the state.

In Fiscal Year 2005, the commission worked in collaboration with the Division of Public Health (DPH) to implement a Fetal Infant Mortality Review (FIMR) pilot under the leadership of the Governor's Infant Mortality Task Force. This pilot included the review of 50 infant deaths occurring in 2003 using commission case information and maternal interviews conducted by DPH social workers.

In Fiscal Year 2005, reviews were conducted monthly by each of two regional multi-disciplinary panels representing Kent/Sussex and New Castle counties. 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. Plans were developed in Fiscal Year 2005 to implement a third regional panel, focusing on deaths and near deaths of abuse and/or neglect. This panel will begin its reviews in Fall 2005. In addition, preliminary work began in Fiscal Year 2005 to conduct joint reviews with the Domestic Violence Coordinating Council's Fatal Incident Review team, in cases where domestic violence was a factor in the death or near death of a child.

The commission has met at least quarterly to review and approve the work of the panels. 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.

In Fiscal Years 2004 and 2005, a total of 277 cases of child deaths were reviewed. Some statistics include:

- 78 percent were deaths by natural cause;
- 8 percent were infant deaths due to SIDS (Sudden Infant Death Syndrome) or SUDI (Sudden Unexplained Death in Infancy);
- 9 percent were determined to be "preventable" and have corresponding recommendations; and

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- 7 cases were expedited reviews of child deaths related to abuse and/or neglect.

Examples of recommendations include:

- Reduce drownings by reviewing public pool and signage requirements;
- Periodic public notice reminding parents of the importance of appropriate supervision of children and the consequences of leaving them unattended;
- Improve public access to information regarding licensed child care facilities;
- Inform child placing agencies that it is best practice to conduct criminal background and child protection registry checks on all prospective adoptive parents prior to finalization of the adoption; and
- Support system of care efforts in Delaware to facilitate enhanced communication within and between public agencies.

ACTIVITIES

- Identify and triage cases for review.
- Prepare and review child death and near-death cases that meet the criteria for review.
- Make recommendations to decrease child mortality.
- Collect and analyze data related to child death and near deaths.
- Issue annual reports and expedited review reports on recommendations and data

PERFORMANCE MEASURES

	FY 2005 Actual	FY 2006 Budget	FY 2007 Gov. Rec.
% of expedited reviews completed within statutory timeframes	100	100	100
% of recommendations from expedited reviews submitted to Governor and General Assembly	100	100	100
% of child deaths that were eligible for review	63.5*	80	100

*Infant cases <28 days old deferred pending implementation of FIMR.

DELAWARE NURSING HOME RESIDENTS QUALITY ASSURANCE COMMISSION 02-18-07

MISSION

To monitor Delaware's quality assurance system for nursing home residents in both privately operated and state

operated facilities so that complaints of abuse, neglect mistreatment, financial exploitation and other complaints are responded to in a timely manner so as to ensure the health and safety of nursing home residents.

KEY OBJECTIVES

- Examine the policies and procedures and evaluate the effectiveness of the quality assurance system for nursing home residents.
- Monitor data and analyze trends in the quality of care and life of individuals receiving long-term care in Delaware.
- Review and make recommendations to the Governor, Secretary of the Department of Health and Social Services and General Assembly concerning the quality assurance system and improvements to the overall quality of life and care of nursing home residents.
- Protect the privacy of nursing home residents.

BACKGROUND AND ACCOMPLISHMENTS

The Delaware Nursing Home Residents Quality Assurance Commission was created in 1999 in response to the numerous complaints from long-term care residents in Delaware. These cases pointed to numerous deficiencies in Delaware's quality assurance system for nursing home residents. The General Assembly determined that a commission would oversee these efforts and advocate on behalf of nursing home residents.

In Fiscal Year 2005, the commission reviewed various legislative and policy initiatives and provided comments. The commission worked closely with the Division of Long Term Care Residents Protection to secure its access to criminal history information from the FBI so that investigators can properly screen prospective employees of nursing homes.

ACTIVITIES

- Review relevant policies, procedures and laws and make recommendations for change with a view toward the rights of the long-term care residents.
- Review the performance of various agencies charged with protecting long-term care residents and provide recommendations for change and improvement.