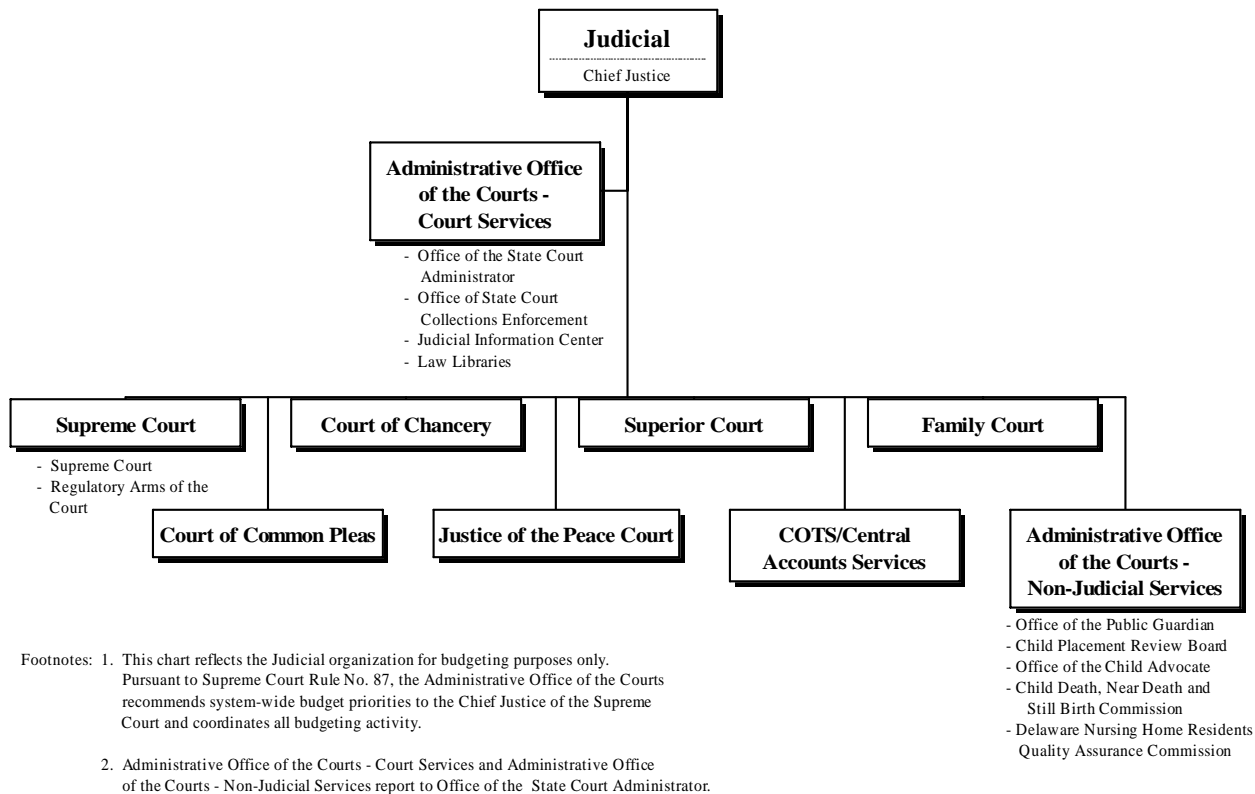


# JUDICIAL 02-00-00



## MISSION

We are a co-equal, independent branch of government entrusted with the fair, just and efficient resolution of disputes under the rules of law and equity and with the protection of all rights and liberties guaranteed by the Constitutions of the State of Delaware and the United States.

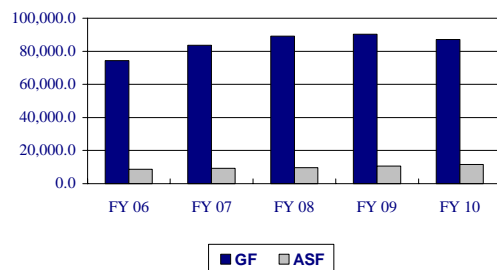
## KEY OBJECTIVES

- Dispose of cases within time standards set by the Chief Justice.
- Support development of additional alternative dispute mechanisms.
- Develop and expand existing problem solving courts, as needed.
- Develop transnational practice in the courts.
- Enhance safety and security of courthouses.
- Continue implementation of the Courts Organized to Serve (COTS) initiative.

## BACKGROUND

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

**Five-Year Appropriation History**



# JUDICIAL

## 02-00-00

### FUNDING

	FY 2009 ACTUAL	FY 2010 BUDGET	FY 2011 GOV. REC.
GF	88,921.8	87,123.6	86,881.1
ASF	8,178.3	11,551.2	9,112.0
<b>TOTAL</b>	<b>97,100.1</b>	<b>98,674.8</b>	<b>95,993.1</b>

### POSITIONS

	FY 2009 ACTUAL	FY 2010 BUDGET	FY 2011 GOV. REC.
GF	1,132.2	1,132.2	1,124.2
ASF	107.8	107.8	103.8
NSF	11.3	12.3	16.3
<b>TOTAL</b>	<b>1,251.3</b>	<b>1,252.3</b>	<b>1,244.3</b>

## FY 2011 BUDGET HIGHLIGHTS

### OPERATING BUDGET:

- ◆ Recommend \$111.2 in the Office of Management and Budget's contingency for costs associated with the new Kent County Courthouse.
- ◆ Recommend \$488.3 ASF in COTS Central Accounts Services to implement court security initiatives.
- ◆ Recommend (\$3,113.0) ASF and (8.0) ASF FTEs to transfer Victims' Compensation Assistance Program (VCAP) to the Office of the Attorney General (15-01-01).
- ◆ Recommend (\$50.0) in Administrative Office of the Courts to eliminate pass through programs from the Operating Bill.

### CAPITAL BUDGET:

- ◆ Recommend \$500.0 for the Minor Capital Improvement and Equipment program to prevent the deterioration of buildings and grounds and improve the security of court facilities statewide.

## SUPREME COURT

**02-01-00**

### MISSION

- Provide fair, just and efficient resolution of disputes under the rules of law and equity and with the protection of all rights and liberties guaranteed by the Constitutions of the State of Delaware and United States.
- 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 2011, 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 (AOC) to manage the non-judicial aspects of court administration.

Under Article IV, Section 11 of the Delaware Constitution, the Supreme 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. In civil cases, the Supreme Court has final appellate jurisdiction 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.

# JUDICIAL

## 02-00-00

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, the Chancellor of the Court of Chancery, the President Judge of the Superior Court, the Chief Judge of the Family Court and the Chief Judge of the Court of Common Pleas. The purpose of the court on the Judiciary is to investigate complaints filed against any judicial officer appointed by the Governor and 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. These rules 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 minimum requirements for continuing legal education are met by attorneys to maintain their professional competence throughout their active practice of law.

The Supreme Court Advisory Committee on the Interest on Lawyer Trust Accounts (IOLTA) program is authorized by Supreme Court Rule 65. The function of the Committee is to oversee and monitor the operation of the Delaware IOLTA 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 and 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 40.1 days of the date of submission. This disposition rate is well under the 90-day standard the court has set in accordance with ABA standards.

	<b>FUNDING</b>		
	<b>FY 2009</b>	<b>FY 2010</b>	<b>FY 2011</b>
	<b>ACTUAL</b>	<b>BUDGET</b>	<b>GOV. REC.</b>
GF	3,164.8	3,140.7	3,144.9
ASF	66.2	149.2	149.2
<b>TOTAL</b>	<b>3,231.0</b>	<b>3,289.9</b>	<b>3,294.1</b>

	<b>POSITIONS</b>		
	<b>FY 2009</b>	<b>FY 2010</b>	<b>FY 2011</b>
	<b>ACTUAL</b>	<b>BUDGET</b>	<b>GOV. REC.</b>
GF	27.0	27.0	27.0
ASF	--	--	--
NSF	11.3	11.3	11.3
<b>TOTAL</b>	<b>38.3</b>	<b>38.3</b>	<b>38.3</b>

---

### ***SUPREME COURT***

#### ***02-01-10***

---

#### **ACTIVITIES**

- Dispose of appeals.
- Monitor time schedules.

## JUDICIAL 02-00-00

- Dispose of complaints against judicial officers appointed by the Governor.

### PERFORMANCE MEASURES

	FY 2009 Actual	FY 2010 Budget	FY 2011 Gov. Rec.
# of filings	685	700	720
Average # of days from under advisement to final decision:			
criminal	45.1	43.0	43.0
civil	35.2	32.0	32.0
Average # of days from initial filing to final decision:			
criminal	185.9	182.0	182.0
civil	175.4	172.0	172.0
% of cases disposed of within:			
30 days of the date of submission	45.0	48.0	48.0
90 days of the date of submission	93.3	95.0	95.0
290 days of the date of filing of the notice of appeal	82.3	85.0	85.0
1 year of filing of the notice of appeal	92.1	94.0	94.0

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

#### ACTIVITIES

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

### PERFORMANCE MEASURES

#### Office of Disciplinary Counsel

	FY 2009 Actual	FY 2010 Budget	FY 2011 Gov. Rec.
# of new matters filed	597	575	550
# of matters disposed	606	620	640
# of cases pending or stayed	225	215	205
# of private admonitions with or without probation	7	6	5
# of public reprimands with or without probation	1	1	1
# of suspensions and interim suspensions	4	3	2
# of disbarments	4	3	3
# of reinstatements	2	2	2

#### Lawyers' Fund for Client Protection

	FY 2009 Actual	FY 2010 Budget	FY 2011 Gov. Rec.
# of claims:			
paid	4	4	4
denied or withdrawn	5	5	5
pending	19	18	17
Total	28	27	26
\$ amount of claims:			
made	473,028	450,000	400,000
paid	14,013	100,000	100,000
pending	425,585	300,000	250,000

#### Board of Bar Examiners

	FY 2009 Actual	FY 2010 Budget	FY 2011 Gov. Rec.
# of applications processed	225	240	260
# of applicants passing Bar exam	141	150	150

#### Commission on Continuing Legal Education

	FY 2009 Actual	FY 2010 Budget	FY 2011 Gov. Rec.
# of transcripts processed	4,935	5,000	5,100
# of programs evaluated	4,970	5,000	5,100
\$ amount of fines and sponsor fees paid	35,000	37,000	37,000

# JUDICIAL

## 02-00-00

### 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 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 trial 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 and 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 of Chancery consists of one chancellor, four vice-chancellors and two masters in chancery. The chancellor and vice-chancellors are nominated by the Governor and are confirmed by the Senate for 12-year terms. The Court of Chancery holds court in all three counties.

Many areas of the court's work are handled by the masters in chancery, who hold evidentiary hearings and write 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 masters various matters, and parties have a right to appeal to a judge if they so choose.

#### FUNDING

	FY 2009 ACTUAL	FY 2010 BUDGET	FY 2011 GOV. REC.
GF	3,108.5	3,012.7	3,020.6
ASF	1,763.5	2,200.8	2,200.8
<b>TOTAL</b>	<b>4,872.0</b>	<b>5,213.5</b>	<b>5,221.4</b>

#### POSITIONS

	FY 2009 ACTUAL	FY 2010 BUDGET	FY 2011 GOV. REC.
GF	28.9	28.9	28.9
ASF	23.1	23.1	23.1
NSF	--	--	--
<b>TOTAL</b>	<b>52.0</b>	<b>52.0</b>	<b>52.0</b>

### 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 2009 Actual	FY 2010 Budget	FY 2011 Gov. Rec.
% of decisions rendered within 90-days after readiness for adjudication	88.5	95.0	95.0
# of matters filed*	4,122	4,253	4,092

\*Includes all matters filed in the Court of Chancery.

# JUDICIAL

## 02-00-00

### 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 the court's actions, and the consequences thereof, are consistent with established law;
- To be accountable for the use of resources at its disposal;
- To ensure the court's personnel practices and decisions establish the highest standards of personal integrity and competence among its employees; and
- 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 2010:

- 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 ABA 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;

- 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;
- 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*.

Mortgage foreclosure filings rose 39 percent in New Castle County last fiscal year. From all indications, filings are expected to rise again this year. In response to these filings, Superior Court implemented a program, Project Rightful Owner, designed to help residents who have lost their homes to sheriff's sale. To date, over \$1 million has been distributed to petitioners. This project is ongoing in its goal to return excess proceeds from sheriff's sales to the rightful owners.

Additionally, the Mortgage Foreclosure Dormant Docket (Dormant Docket) was created by President Judge Vaughn through an administrative directive. The Dormant Docket encourages parties in a mortgage foreclosure action to mutually agree to a resolution of the matter short of foreclosure. The court is also working with representatives of both lenders and homeowners to develop the Mortgage Mediation program. This program is designed to give homeowners an opportunity to negotiate an alternative to foreclosure with the assistance of housing counselors without affecting substantial rights of lenders.

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 the 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 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 it is well known both in Delaware and throughout the nation.

## JUDICIAL 02-00-00

### FUNDING

	FY 2009 ACTUAL	FY 2010 BUDGET	FY 2011 GOV. REC.
GF	21,341.6	21,257.2	21,276.4
ASF	--	--	--
<b>TOTAL</b>	<b>21,341.6</b>	<b>21,257.2</b>	<b>21,276.4</b>

### POSITIONS

	FY 2009 ACTUAL	FY 2010 BUDGET	FY 2011 GOV. REC.
GF	313.5	313.5	313.5
ASF	--	--	--
NSF	--	--	--
<b>TOTAL</b>	<b>313.5</b>	<b>313.5</b>	<b>313.5</b>

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

### ACTIVITIES

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

### PERFORMANCE MEASURES

	FY 2009 Actual	FY 2010 Budget	FY 2011 Gov. Rec.
Criminal case filings:			
New Castle	4,826	5,800	5,320
Kent	1,798	2,500	1,982
Sussex	2,274	2,400	2,516
Civil case filings:			
New Castle	9,848	11,075	10,765
Kent	2,064	2,190	3,455
Sussex	2,398	2,200	2,850
Criminal case dispositions:			
New Castle	5,191	6,000	5,669
Kent	2,058	2,664	2,325
Sussex	2,197	2,720	2,399
Civil case dispositions:			
New Castle	9,329	10,686	9,894
Kent	1,791	1,869	2,051
Sussex	2,192	2,070	2,690
Criminal cases pending:			
New Castle	898	1,055	1,075
Kent	224	345	290
Sussex	481	359	531
Civil cases pending:			
New Castle	6,919	6,032	7,554
Kent	1,668	1,500	1,909
Sussex	1,044	1,000	1,444

## COURT OF COMMON PLEAS 02-06-00

### MISSION

The Court of Common Pleas is dedicated to providing 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 Delaware residents.
- Reduce delay in bringing cases to trial.
- Dispose of cases more efficiently.
- Provide a safe, accessible and secure environment for Delaware residents.
- Responsibly use and account for public resources.
- Ensure an environment free of bias and the perception of bias.

### 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 Justice of the Peace (JP) Court;
- Criminal appeals from Alderman Courts;
- Appeals from Motor Vehicles in license suspensions;
- Appeals from the Animal Control Panel; and
- Confirmation of arbitration awards in consumer credit cases

The Court of Common Pleas receives most of its criminal caseload from the JP Court and a small percentage of filings from Alderman Courts. Approximately 3 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 are de novo appeals; appeals from the Court of Common Pleas are to the Superior Court on the record.

The Court of Common Pleas has nine judges and two commissioners. Five judges sit in New Castle County, two in Kent County and two in Sussex County. One

## JUDICIAL 02-00-00

commissioner sits in New Castle County, and one is shared between Kent and Sussex Counties.

In Fiscal Year 2009, the Court of Common Pleas experienced statewide increases in both civil and criminal misdemeanor cases. Criminal misdemeanors increased by 5.5 percent, and the civil caseload increased by a dramatic 24 percent. The number of preliminary hearings dropped by 3 percent.

The court operates a court-supervised, comprehensive drug diversion program for non-violent offenders. This voluntary program includes regular appearances before a judge and participation in substance abuse education, drug testing and treatment. The court has handled approximately 5,300 participants since the program's inception in 1998.

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 more than 5,832 cases for mediation with a success rate of nearly 90 percent. Mediation provides an alternative to criminal prosecution and leaves participants with an increased sense of satisfaction about the criminal justice process. The court's mediation program has been expanded and is available to parties in civil cases, as well as criminal cases.

In November 2003, the State's first Mental Health Court was instituted in New Castle County. 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. Approximately 215 cases have been referred to Mental Health Court since its inception.

In November 2003, the Traffic Court in New Castle County was introduced to reduce the number of court appearances for residents with traffic offenses and manage the large number of motor vehicle cases the court receives.

In November 2008, the COTS case management system was implemented in New Castle and Kent Counties following implementation in Sussex County in June 2008. At the same time, e-filing became available to Court of Common Pleas filers. E-filing has been well received and has significantly improved access to civil cases for both the court and the filers.

The Court of Common Pleas is a high volume court that continues to be challenged by significant caseload growth. Keeping pace with the caseload requires the daily commitment of judges and staff and the implementation of aggressive case management techniques to ensure prompt and fair justice for all litigants.

### FUNDING

	FY 2009 ACTUAL	FY 2010 BUDGET	FY 2011 GOV. REC.
GF	8,925.3	8,996.9	9,025.0
ASF	235.2	249.4	249.4
<b>TOTAL</b>	<b>9,160.5</b>	<b>9,246.3</b>	<b>9,274.4</b>

### POSITIONS

	FY 2009 ACTUAL	FY 2010 BUDGET	FY 2011 GOV. REC.
GF	130.0	130.0	130.0
ASF	4.0	4.0	4.0
NSF	--	--	--
<b>TOTAL</b>	<b>134.0</b>	<b>134.0</b>	<b>134.0</b>

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

#### ACTIVITIES

- Oversee courtroom activities.
- Manage case processing activities.
- Oversee accounting and collections activities.
- Provide and administer court security.
- Manage statewide court operations.

#### PERFORMANCE MEASURES

##### Criminal Filings/Dispositions/Collections

	FY 2009 Actual	FY 2010 Budget	FY 2011 Gov. Rec.
# of misdemeanor:			
Filings	111,110	116,665	122,499
Dispositions	116,508	122,333	128,450
Pending	46,795	49,135	51,591
# of felony filings	9,940	10,238	10,545
\$ amount collected (thousands)	6,029.9	6,210.8	6,272.9

##### Criminal Misdemeanor Filings

	FY 2009 Actual	FY 2010 Budget	FY 2011 Gov. Rec.
New Castle	58,941	61,858	64,953
Kent	23,860	25,108	26,365
Sussex	28,309	29,699	31,181
Total	111,110	116,665	122,499

##### Civil Case Filings

	FY 2009 Actual	FY 2010 Budget	FY 2011 Gov. Rec.
New Castle	8,756	8,843	8,931
Kent	2,853	2,882	2,910
Sussex	3,285	3,318	3,351
Total	14,894	15,043	15,192



# JUDICIAL

## 02-00-00

### Time from Arraignment to Trial by Case Type New Castle County (# of weeks)

	FY 2009 Actual	FY 2010 Budget	FY 2011 Gov. Rec.
Traffic	38	32	26
Non-jury	22	22	20
DUI	25	25	18
Domestic violence	17	17	12
Drug	23	23	20
Jury trial	22	22	20

### Time from Arraignment to Trial by Case Type Kent County (# of weeks)

	FY 2009 Actual	FY 2010 Budget	FY 2011 Gov. Rec.
Non-jury	10	10	8
Jury trial	11	11	9

### Time from Arraignment to Trial by Case Type Sussex County (# of weeks)

	FY 2009 Actual	FY 2010 Budget	FY 2011 Gov. Rec.
Non-jury	11	11	9
Jury trial	12	12	10

## FAMILY COURT

### 02-08-00

### MISSION

The Family Court's mission is set forth in 10 Del. C. § 902(a):

“The Court shall endeavor 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 residents 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

The Court Improvement Program (CIP) is a multi-year, federally-funded grant project designed to support state courts in efforts to improve their handling of cases involving children in foster care, termination of parental rights and adoption proceedings. Delaware has participated in this project since its inception in 1994 and continues to use this federal resource to embark on a dynamic new partnership with the child welfare system by focusing on the common goal of improving the safety, stability and well being of children who have experienced abuse and neglect.

Initial CIP efforts has led to today's best practice of having all stages of a dependency and neglect case heard by the same judge within a schedule of hearings and reviews that meet federal standards. As a result, there has been an increase in children and parents with representation, more meaningful case plans, consistency of orders including detailed reasoning and timely reunification or permanency achieved.

The court is building on that foundation through a more active partnership with others in the child welfare system, primarily the Division of Family Services (DFS), but also with legal professionals, advocates and

## JUDICIAL 02-00-00

service providers. A number of judges serve as champions in particular subject areas, enabling the court to participate more proactively than reactively with other stakeholders.

### **Mental Health Diversion Court**

In 2006, the Family Court, in collaboration with the Office of the Public Defender and Division of Child Mental Health, received federal grant money through the Criminal Justice Council to pilot a Mental Health Diversion Court for juveniles with delinquency charges pending against them in the New Castle County Family Court. The program offers a treatment-based resolution of the delinquency charges of juvenile offenders with mental health disorders. The program began in January 2007, and since then 73 juveniles have entered into the program, and 47 have graduated.

In conjunction with the Mental Health Court program, the court in New Castle County has created a dedicated juvenile competency calendar for conducting competency hearings and monitoring compliance with treatment recommendations for non-competent juveniles still facing open charges. One dedicated judge is assigned to hear and track all the competency hearings.

### **Gun Court**

In response to the increasing level of gun violence in the state, Chief Judge Kuhn implemented a Gun Court Calendar in New Castle County. The Chief Judge presides over the calendar, which occurs once a week, and hears all case reviews, preliminary hearings and motions for all cases involving juveniles with firearm charges, as well as reviews after a finding of guilt or as a condition of a sentence. The specialized calendar began in April 2009 and recently expanded to Kent and Sussex County in August.

### **Services for Self-Represented Litigants**

In its continued effort to serve the ever-growing *pro se* litigant population, the Family Court introduced several new initiatives during the past year, while continuing to offer a high level of service to those who seek assistance in representing themselves. Over 57,000 litigants were assisted in the Family Court Resource Centers statewide, reflecting the national and statewide trend of increasing self-representation in domestic relations law. The Sussex and Kent counties' resource centers helped over 12,000 and 14,000 people respectively, while the New Castle County Resource center assisted over 31,000 people, which reflects an average of over 130 litigants per day. As a result of these growing numbers, as well as a need to consolidate staffing resources, the court opened a new resource center within the New Castle County Courthouse adjacent to the court's intake center. Using space and materials already available, the court

constructed a resource center consistent with best practices in the area of self-representation. This joint resource center and intake area provides litigants with one place to meet all of their filing needs for the court, as well as access to knowledgeable staff, the Internet, instructional packets and forms.

### **Domestic Violence**

In staying at the forefront of developments in the area of domestic violence, the court has taken on a number of tasks to promote momentum in this area.

In its continued efforts to provide protection and relief to victims of domestic violence, as well as ensure treatment and counseling for offenders, the court has created a specialized Domestic Violence Court. The intention of this specialized court is twofold - to create greater continuity in court cases involving domestic violence and create a more standardized system of compliance for offenders.

In January 2008, the court began conducting Protection from Abuse (PFA) review hearings. These hearings are being scheduled before the court when a respondent has not complied with the evaluation and treatment conditions of an active PFA order. These reviews do not require the petitioner to file a contempt petition in order for a hearing to be scheduled.

Finally, in addition to conducting PFA review hearings, the court secured federal grant money creating the position of a Domestic Violence Court Project coordinator to promote the efforts of the specialized domestic violence court statewide. The coordinator will monitor compliance, provide training to court staff as needed and attend various meetings of the Domestic Violence Coordinating Council on behalf of the court.

### **Court Appointed Special Advocate (CASA) Program**

CASA program is a member of the National CASA Association. This program continues to recruit and train volunteers to provide advocacy for children before court proceedings. CASA volunteers establish the child's best interest by gathering information and monitoring the circumstances surrounding the child(ren) in question. The statewide program continues to operate within each Family Court location. Diligent efforts are in place to train and recruit interested individuals to be a powerful voice for children. CASA program participated in many community events, such as the Hispanic Job Fair, Sickle Cell Tennis Match, Delmar Community Fair, Delaware Paralegal Conference and a host of other civic and church outreach activities. As a result, the program has increased the exposure and knowledge about the volunteer opportunities.

The program continues to double the new volunteers from the previous year. CASA has been a model used by

# JUDICIAL

## 02-00-00

National CASA to share with other programs across the country in reference to Family Court's volunteer recruitment, new volunteer and diversity training. Currently, the program has over 255 volunteers serving over 565 children. The program's diverse group of volunteers represents many professionals from distinct backgrounds and locations within the state. Over 2,500 hours of service is given by the volunteers on a monthly basis, as they speak for the children served by the court.

### Human Resources

In light of the economic challenges the State faces, the Human Resources for the court has developed a strategic plan, which focuses on employee engagement, effective leadership and developing best practices pursuant to Family Court's operational goals. The court's long-term focus is to provide an approach to human resource management, which will allow the development and implementation of human resource programs to help develop and expand the talents of its employees.

The leadership team of the court will focus on acquiring creative strategies to help develop the future leaders of the court. Implementing best practices throughout the court's operations will ensure employees perform in the most efficient and effective ways when accomplishing work-related tasks. Successfully identifying and applying best practices can also reduce business expenses and ultimately improve organizational efficiency. By adhering to these strategies, the court is confident it will continue to build a stronger and productive workforce.

### "Journey to Excellence" Program

In 2008, the court implemented the "Journey to Excellence" Employee Incentive program. The program awards employees for their personal and professional accomplishments achieved throughout the year with the court. The program was a huge success for Family Court and resulted in a total of 42 employees being recognized for their overall accomplishments.

### Mediation

On January 7, 2008, the court in Sussex County started a pilot project whereby unsuccessful support mediation under Title IVD of the Social Security Act was immediately taken before a commissioner that day for resolution. This eliminated the need for litigants to take another day off from work to make an additional appearance in court and provided expedited child support to the children in question. It also freed up needed calendar time for the commissioners. For the first six months of 2008, the percentage of cases resolved the same day was over 90 percent. The program has since been expanded to Kent and New Castle counties with similar results.

### Robert D. Thompson Courthouse Dedication

On September 24, 2008, members of all three branches of state government gathered in front of Sussex County Family Court with friends, former employees and family members of the late Chief Judge Robert D. Thompson, Jr. to dedicate the courthouse in his memory. Thompson was remembered for his service to the community and his impact on the judicial system throughout the state.

A native of Sussex County, Chief Judge Thompson was especially proud of the Sussex County Courthouse. It was only fitting his family unveiled the new sign renaming the courthouse the "Robert D. Thompson, Jr. Family Court Building."

The Honorable Robert D. Thompson, Jr. was appointed to the bench as Family Court Judge on February 6, 1962. After serving 12 years on October 25, 1974, Judge Thompson was appointed by Governor Tribbitt as the Chief Judge of the Statewide Family Court. During his tenure, Chief Judge Thompson oversaw the construction of three new courthouses for Family Court, one in each of the three counties. Chief Justice Steele noted Chief Judge Thompson was both an innovator and a visionary who brought much needed growth to the judicial system in the state.

### FUNDING

	FY 2009 ACTUAL	FY 2010 BUDGET	FY 2011 GOV. REC.
GF	18,816.1	18,984.0	18,676.8
ASF	3,683.8	4,087.4	4,282.9
<b>TOTAL</b>	<b>22,499.9</b>	<b>23,071.4</b>	<b>22,959.7</b>

### POSITIONS

	FY 2009 ACTUAL	FY 2010 BUDGET	FY 2011 GOV. REC.
GF	278.3	278.3	270.3
ASF	63.7	63.7	67.7
NSF	--	1.0	5.0
<b>TOTAL</b>	<b>342.0</b>	<b>343.0</b>	<b>343.0</b>

### FAMILY COURT 02-08-10

### ACTIVITIES

- Administrative support includes operations, fiscal, personnel, automation, records management, statistics, planning and research.
- Case management includes intake, file preparation, schedule, notification, case preparation, conduct judicial officer hearings, case adjudication, pre-sentence investigation and ancillary matters.

# JUDICIAL

## 02-00-00

- Diversion includes intervention, amenability, substance abuse, interviews, evaluations and arbitration/mediation hearings.
- Special programs includes acquire, implement, maintain and evaluate special programs, including those that are federally-funded.

### PERFORMANCE MEASURES

	FY 2009 Actual	FY 2010 Budget	FY 2011 Gov. Rec.
% of adult and juvenile criminal cases disposed of within 45 days of the filing	50	90	90
% of adult and juvenile criminal cases disposed of within 90 days of the filing	72	100	100
% of proceedings involving dependent, neglected or abused children in the custody of Department of Services for Children, Youth and Their Families with a permanency plan established within 12 months of the removal of a child from the home	95	95	95
% of protection from abuse petitions disposed of within 30 days of filing	99	99	99
% of child support matters disposed of within six months	71	75	75
% of child support matters disposed of within 12 months	88	90	90
% of civil decisions rendered within 90 days of taking the matter under advisement	90	90	90

### Adult Criminal Case Filings

	FY 2009 Actual	FY 2010 Budget	FY 2011 Gov. Rec.
New Castle	3,098	3,032	3,029
Kent	982	961	960
Sussex	746	730	729
Total	4,826	4,723	4,718

### Juvenile Delinquency Case Filings

	FY 2009 Actual	FY 2010 Budget	FY 2011 Gov. Rec.
New Castle	5,147	5,038	5,033
Kent	1,869	1,856	1,854
Sussex	1,912	1,871	1,870
Total	8,928	8,765	8,757

### Civil Case Filings by County

	FY 2009 Actual	FY 2010 Budget	FY 2011 Gov. Rec.
New Castle	21,726	21,265	21,243
Kent	9,104	8,911	8,902
Sussex	11,186	10,949	10,938
Total	42,016	41,125	41,083

### Total Case Filings by County

	FY 2009 Actual	FY 2010 Budget	FY 2011 Gov. Rec.
New Castle	29,971	29,335	29,305
Kent	11,955	11,728	11,716
Sussex	13,844	13,550	13,537
Total	55,770	54,613	54,558

### Mediation Filings by County

	FY 2009 Actual	FY 2010 Budget	FY 2011 Gov. Rec.
New Castle	7,172	7,020	7,013
Kent	2,787	2,728	2,725
Sussex	4,212	4,123	4,118
Total	14,171	13,871	13,856

# JUDICIAL

## 02-00-00

### JUSTICE OF THE PEACE COURT

#### 02-13-00

#### MISSION

As the place where justice starts, the following is the mission of the JP Court:

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

#### KEY OBJECTIVES

- Provide exemplary customer service.
- Improve the infrastructure of the court.
- Provide reasonable court access and locations.
- Provide convenient, safe and secure facilities for the public and court employees.
- Improve efficiency and the quality of justice.
- Improve security for all court facilities.
- 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 use mobile computers for citation information.

#### BACKGROUND AND ACCOMPLISHMENTS

The Justice of the Peace (JP) Court is authorized by Article IV, Section 1 of the Delaware Constitution. JP Court is Delaware's entry-level court through which the great majority of all criminal cases pass. JP Court has 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;
- Many Department of Natural Resources and Environmental Control (DNREC) offenses;
- Truancy cases;
- Alcoholic beverage violations; and
- Miscellaneous violations initiated by other state agencies.

JP Court has civil jurisdiction over:

- Contractual disputes in which the amount in controversy does not exceed \$15,000;

- Replevin actions (actions brought to recover possession of personal property unlawfully taken) in which the amount in controversy does not exceed \$15,000;
- Negligence cases (not involving physical injury) in which the amount in controversy does not exceed \$15,000;
- 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; and
- Traffic cases with civil penalties.

JP Court also has jurisdiction to:

- Issue summonses and arrest 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 16 Justice of the Peace trial court sites 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.

The Justice of the Peace Court is unique in it is the only Delaware court that employs constables, a quasi-police force charged with carrying out its judicial orders.

#### Truancy Court

The statewide Truancy Court celebrated its 13<sup>th</sup> year of cooperative effort with schools and social service agencies to reduce truancy.

The court has partnered with Children and Families First in the Functional Family Therapy initiative (FFTI). This program provides family intervention for at-risk youth. The program operates in New Castle, Kent and Sussex counties and provides organized phases of intervention for family members at home, community-based or office locations.

#### Juvenile Criminal Contempt

In Fiscal Year 2010, JP Court acquired jurisdiction over juvenile criminal contempt charges. This jurisdiction provided a greater opportunity to have continuity with and provide closer monitoring of at-risk juvenile defendants.

# JUDICIAL

## 02-00-00

### Statewide Videophone Court

The statewide Videophone Court at JP Court 2 in Rehoboth Beach creates time and staffing efficiencies by providing specialized one-stop videophone proceedings for law enforcement. Videophone arraignments, initial presentments, capias returns and warrant requests by police throughout the state are processed through JP Court 2. The Statewide Videophone Court currently handles approximately 2,000 videophone cases each month.

### Capias processing

The court continues its capias reduction plan to eliminate stale capiases in which there is no real likelihood of bringing to justice those who failed to appear in court or failed to pay fines and costs while providing for a clear understanding of capiases that are still viable. JP Court has the policy to permit any JP site to handle another JP Court's capiases. This resulted in significant time and transport savings for law enforcement, correctional officers and defendants. In addition to the reduction plan, the court implemented an enhanced collection program to further reduce outstanding capiases. This effort is possible with the assistance of the Office of State Court Collections Enforcement.

### Pro Se

In the Civil Division of the JP Court, nearly every case has at least one self-represented litigant. With over 33,000 civil cases filed annually in the Court, there is a tremendous need for assistance to these litigants. This is particularly true for landlord/tenant cases, which represent about one-half of all civil cases and in which the stakes may include the displacement of a person from their home. To help these self-represented landlords and tenants, JP Court continued with the pilot outreach program, Seminars for the Self-Represented in Landlord/Tenant Issues, which presents interactive programs monthly.

Members of the private bar, nonprofit legal assistance providers, AOC, JP Court and others volunteer to plan, prepare and conduct the seminars. Apartment complex managers cooperate to provide a meeting room and distribute invitations to each tenant. AOC staffers prepare flyers and service the event, and the court organizes the event. The program is conducted by a judge with two attorneys, one presenting a landlord perspective, the other the tenants', to review the landlord/tenant code and impress upon the attendees the obligation of good faith dealing.

The *Pro Se* program provides self-represented litigants with the information necessary for them to have a meaningful voice in court.

### Technology

With the implementation of the statewide civil case management system, JP Court expanded the e-filing program. E-filing provides filers the opportunity to electronically file and view civil case documents online from the convenience of work or home.

JP Court has also implemented a system for electronic payment of traffic tickets and payment plan agreements for cases, which have already been heard. This service, ePayment, benefits those served by the court and provides time/cost savings for the court.

### Court Security Assessment

In June 2007, the 144<sup>th</sup> General Assembly passed Senate Bill 75, which provides for a court security assessment on most civil fines and all criminal/traffic pleas of guilt or adjudications of guilt. In Fiscal Years 2008 and 2009, JP Court collected significant funds, which will allow for better secured facilities. The objective of this assessment is to provide security during all times court business is conducted, ensuring the safety of court personnel, case participants and the public.

	FUNDING		
	FY 2009 ACTUAL	FY 2010 BUDGET	FY 2011 GOV. REC.
GF	16,883.1	16,664.8	16,704.7
ASF	188.2	--	--
<b>TOTAL</b>	<b>17,071.3</b>	<b>16,664.8</b>	<b>16,704.7</b>

	POSITIONS		
	FY 2009 ACTUAL	FY 2010 BUDGET	FY 2011 GOV. REC.
GF	247.5	247.5	247.5
ASF	9.0	--	--
NSF	--	--	--
<b>TOTAL</b>	<b>256.5</b>	<b>247.5</b>	<b>247.5</b>

## JUSTICE OF THE PEACE COURT

### 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.
- 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.

# JUDICIAL

## 02-00-00

### PERFORMANCE MEASURES

	FY 2009 Actual	FY 2010 Budget	FY 2011 Gov. Rec.
% of shifts per week with security coverage	57	88	99
% of videophone proceedings that take place within 45 minutes of receipt	100	100	100

### Criminal and Traffic Filings

	FY 2009 Actual	FY 2010 Budget	FY 2011 Gov. Rec.
New Castle	67,122	69,089	73,165
Kent	28,220	29,047	30,761
Sussex	38,688	39,822	42,171
Voluntary Assessment Center (VAC)	139,598	143,688	152,166
Total	273,628	281,646	298,263

### Civil Case Filings

	FY 2009 Actual	FY 2010 Budget	FY 2011 Gov. Rec.
New Castle	21,130	21,519	22,788
Kent	7,466	7,603	8,052
Sussex	5,701	5,806	6,148
Total	34,297	34,928	36,988

### Total Case Filings by County

	FY 2009 Actual	FY 2010 Budget	FY 2011 Gov. Rec.
New Castle	88,252	90,607	95,953
Kent	35,686	36,650	38,813
Sussex	44,389	45,627	48,319
Voluntary Assessment Center (VAC)	139,598	143,688	152,166
Total	307,925	316,572	335,251

## COTS/CENTRAL ACCOUNTS SERVICES

### 02-15-00

### BACKGROUND AND ACCOMPLISHMENTS

The 144<sup>th</sup> General Assembly enacted Senate Bill 75, establishing a separate fund to provide supplemental funding for court security personnel, equipment and training based upon a plan submitted by the Chief Justice and approved by the Office of Management and Budget (OMB), Controller General and Joint Finance Committee. Monies for this fund shall come from court security assessments imposed as a part of court costs for civil initial filings and criminal and traffic convictions.

Fiscal Year 2009 was the first year the security assessment funds were accessible to the courts through the implementation of a security plan that enhanced physical security structures in several courthouses, as well as established new court security positions to cover additional shifts of operation.

### FUNDING

	FY 2009 ACTUAL	FY 2010 BUDGET	FY 2011 GOV. REC.
GF	--	--	--
ASF	455.6	1,708.0	2,196.3
<b>TOTAL</b>	<b>455.6</b>	<b>1,708.0</b>	<b>2,196.3</b>

### POSITIONS

	FY 2009 ACTUAL	FY 2010 BUDGET	FY 2011 GOV. REC.
GF	--	--	--
ASF	--	9.0	9.0
NSF	--	--	--
<b>TOTAL</b>	<b>--</b>	<b>9.0</b>	<b>9.0</b>

## COTS/SECURITY CENTRAL ACCOUNT

### 02-15-10

### ACTIVITIES

- Administer the Court Security Fund as set forth in 10 Del. C. § 8505.
- Deposit court security assessment funding in a Court Security Fund.
- Distribute funds based upon the Court Security plan as approved by OMB and the Controller General.

**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 AOC was established in 1971 pursuant to 10 Del. C. § 128. The office assists 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.

To fulfill its responsibilities, 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, JP Court 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). 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, Child Placement Review Board, Office of the Child Advocate, Child Death, Near Death and Still Birth Commission (CDNDSC) and Delaware Nursing Home Residents Quality Assurance Commission.

**FUNDING**

	FY 2009 ACTUAL	FY 2010 BUDGET	FY 2011 GOV. REC.
GF	14,316.8	12,799.1	12,774.5
ASF	--	33.4	33.4
<b>TOTAL</b>	<b>14,316.8</b>	<b>12,832.5</b>	<b>12,807.9</b>

**POSITIONS**

	FY 2009 ACTUAL	FY 2010 BUDGET	FY 2011 GOV. REC.
GF	78.5	78.5	78.5
ASF	--	--	--
NSF	--	--	--
<b>TOTAL</b>	<b>78.5</b>	<b>78.5</b>	<b>78.5</b>

**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 effective and efficient administrative, support and information services.

**KEY OBJECTIVES**

- Enhance public trust and confidence in the courts through the provision of information to the public about the court system and initiatives to promote fairness and the perception of fairness.
- Increase public access to the courts through the provision of interpreters and assistance to unrepresented litigants.
- Ensure continuity of operations in the event of an emergency.
- Enhance service to the public by providing staff support for judicial education and staff training programs.
- Promote safety and security of courthouses.
- Assist courts in developing and reporting statistical measurements.
- Support efforts to recruit, hire and retain the most qualified candidates and provide promotional opportunities.
- Provide administrative support for Judicial branch agencies.

**BACKGROUND AND ACCOMPLISHMENTS**

The Office of the State Court Administrator provides a variety of support services to the courts, as well as limited fiscal and administrative assistance to Judicial branch agencies.

Several of the accomplishments during the past fiscal year included:



## JUDICIAL 02-00-00

- Implemented new processes to permit individuals to pay fines in the Filing and Payments center for any court in the state;
- Begin working on the statewide Living Disaster Recovery Planning System initiative, which is the second phase of the Department of Technology and Information's (DTI) continuity of operations planning process;
- Provided support for collection of fines and security for the U.S. Marshal's Fugitive Safe Surrender program;
- Initiated the "From Classroom to Courtroom Project" in conjunction with the University of Delaware and Delaware Supreme Court. The three-day project, which was designed to provide teachers with tools that will help them educate their students about the court system, will be held again in Fiscal Year 2010;
- Obtained final approval for Judicial branch Personnel Rules with implementation on April 1, 2009;
- Initiated a Youth Forum for students from the Bayard Middle School in Wilmington to provide them with information about careers in the legal field and teach them about the justice system. The project, which was sponsored by the Delaware Supreme Court, was part of the Court's Racial and Ethnic Fairness initiative; and
- Held several programs on racial and ethnic fairness for court staff, which were attended by close to 500 employees.

### ACTIVITIES

- Provide centralized services to the New Castle County Courthouse (NCCCH), including safety and security planning and coordination, operating the information desk, filing and payment center, self-help center and mail room.
- Provide judicial education and staff training services for the court system.
- Administer the statewide Court Interpreter program.
- Conduct research and analysis related to justice and speedy trial issues.
- Coordinate and prepare the Annual Report of the Judiciary.
- Administer the Judicial branch public information program, including a newsletter, *The Delaware Docket*, highlighting accomplishments.
- Assist in policy coordination and development for issues affecting all courts.
- Coordinate preparation, review and submission of the Judicial branch budgets.

- Serve as liaison to the legislative and executive branches.
- Provide staff support to Judicial branch committees, including the Delaware Courts: Fairness for All Task Force, the Criminal Justice/Mental Health Task Force, Court Interpreters Advisory Committee, Courthouse Operations Policy Committee, Operations Security Committee and Council of Court Administrators.

### PERFORMANCE MEASURES

	FY 2009 Actual	FY 2010 Budget	FY 2011 Gov. Rec.
# of prospective interpreters attending orientation programs	47	110	110
# of people assisted by NCCCH Self-Help Center staff*	14,707	15,500	16,500
# of pro bono attorney volunteers	8	10	10
# of pro bono attorney volunteer hours	96	102	102

*\*This statistic reflects those individuals who requested assistance from Self-Help Center staff members. Many more individuals come into the center without seeking staff assistance. In addition, staff shortages and service volume appear to have resulted in a significant number of requests for assistance not being recorded.*

---

### OFFICE OF STATE COURT COLLECTIONS ENFORCEMENT 02-17-03

---

#### MISSION

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

#### KEY OBJECTIVES

- Assist in the collection of court-ordered financial assessments, which may include, but are not limited to, victim restitution, Victim Compensation Fund, Drug Education Fund, Delaware Justice Information System (DELJIS) fees, court security fees, court costs and supervision fees.
- Increase the collection of delinquent receivables referred to the Office of State Court Collections Enforcement (OSCCE).
- Develop policies/procedures with all judicial agencies to become a one-stop judicial payment center, thereby expanding offender accessibility to satisfy financial sanctions.
- Develop and implement new initiatives to assist in the collection of delinquent receivables.

# JUDICIAL

## 02-00-00

- Participate in branch-wide planning efforts to develop and implement standard financial policies and procedures as they relate to 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. There are six judicial payment centers located throughout the State that provide cashiering services for Superior Court, Family Court (pre-2002 receivables), JP Court and Department of Correction (DOC) receivables. OSCCE's specialized collection program, which includes mailing dunning letters, outbound broadcast calls, monetary intercept programs and case management activities, continues to propel the organization forward in achieving substantial growth in collections. In Fiscal Year 2009, collections were 130 percent greater than Fiscal Year 2000 collections.

In an effort to provide efficient services to residents, 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, accesses Department of Labor employment records allowing for verification of financial resources when instituting payment agreements and accesses Department of Health and Social Services (DHSS) Vital Statistics records to efficiently manage outstanding receivables.

OSCCE has begun implementing and/or expanding, several new programs to improve collection efforts of outstanding State/Judicial receivables. These include:

- Implemented the State Tax Refund/Lottery Winning intercept program on DOC supervision fees. This program significantly improved collection of these state revenue-generating fees. Collections made by OSCCE through the intercept program in Fiscal Year 2009 were 170 percent greater than the amount it collected in Fiscal Year 2007;
- Expanded payment acceptance for JP Court, including the implementation of a specialized collection program on older delinquent accounts. Fiscal Year 2009 collections were 120 percent greater than the amount collected in Fiscal Year 2007; and
- Inclusion of automated clearinghouse (ACH) payments to all OSCCE locations to provide cost efficient payment methods to clients.

OSCCE continues to research, develop and implement new technologies to assist the Judiciary and State with the handling of delinquent receivables.

### ACTIVITIES

- Accept monetary payment of court-ordered financial assessments.
- Document and record all financial transactions promptly and accurately.
- Explore alternative forms of payment processing in conjunction with the Judicial branch.
- Pursue the collection of financial obligations referred to OSCCE by the courts.
- Refer offenders to non-monetary programs, administered by DOC 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 2009 Actual	FY 2010 Budget	FY 2011 Gov. Rec.
# of contacts made to administer accounts:			
verbal	13,727	17,000	14,700
written	41,075	59,000	43,050
\$ collected on behalf of:			
Superior Court	2,863,216	3,600,000	2,992,500
Family Court	60,271	60,000	63,000
JP Court	140,925	90,000	148,000
Department of Correction	1,154,669	800,000	1,212,400
% increase in \$ collected	11.1	10.0	5.0

### 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.

# JUDICIAL

## 02-00-00

- 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 residents.

### BACKGROUND AND ACCOMPLISHMENTS

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

Recent accomplishments include:

- Participated on the COTS project, performing project management duties, supporting current COTS sites and serving in lead roles on various implementation teams, while continuing to support the courts from the previous phases of the COTS implementation;
- Continued to enhance Intranet sites for the Judicial branch. Constantly monitor for Americans with Disabilities Act (ADA) compliance;
- Interact with regional and national courts and technology groups as a forum for exchanging ideas and experiences;
- Continued support of courthouse technology planning and participation in facility renovation activities;
- Continued to partner with the Government Information Center to provide resident access to data and services;
- Periodically enhancing the Public Assistant program for public access to Court information; and
- Ongoing participation in addressing the conversion of critical desktop database applications to server-based database applications.

### ACTIVITIES

- Analyze business issues and processes that relate to the flow, management and use of information.
- Develop and support computer applications that enhance the operations of the courts and agencies.
- Provide telephone and audiovisual installation and desktop support services.
- Manage, design and support local and wide-area network resources.
- Lead initiatives related to technology planning, use and effective implementation.

### PERFORMANCE MEASURES

	FY 2009 Actual	FY 2010 Budget	FY 2011 Gov. Rec.
% of high priority software problems resolved within four business hours (not requiring procurement)	100	100	100
% of high priority hardware problems resolved within 7.5 business hours (not requiring procurement)	100	100	100
JIC problem calls initiated with Help Desk	9,944	10,938	12,032
JIC problem calls resolved	9,638	10,602	11,662

### LAW LIBRARIES

#### 02-17-05

### MISSION

The law libraries provide legal information resources for the 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, 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 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 maintains a collection of 25,000 volumes and is staffed by one law librarian. The library has computer terminals that offer online legal research services. Due to the number of judicial officials in Wilmington, the number of cases filed and the proximity of the Pro Se Center, the New Castle County Law Library is the busiest of the three libraries.

## JUDICIAL 02-00-00

The Kent County Law Library 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 offers computer-assisted legal research services. The library is staffed by one law librarian and one part-time assistant.

The Sussex County Law Library in Georgetown maintains approximately 20,000 legal resources in both print and electronic form. The library has three computer terminals that offer online legal research services to the judiciary, attorneys and the public. The Sussex County Law Library works with other legal and non-legal libraries across the country to procure legal information for the Judiciary via the inter-library loan program. The library is staffed by one law librarian.

### ACTIVITIES

- Offer reference assistance and guidance to the judiciary, other state agencies, 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 that is available to the Judiciary through the state intranet.

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

### FUNDING

	FY 2009 ACTUAL	FY 2010 BUDGET	FY 2011 GOV. REC.
GF	2,365.6	2,268.2	2,258.2
ASF	1,785.8	3,123.0	--
<b>TOTAL</b>	<b>4,151.4</b>	<b>5,391.2</b>	<b>2,258.2</b>

### POSITIONS

	FY 2009 ACTUAL	FY 2010 BUDGET	FY 2011 GOV. REC.
GF	28.5	28.5	28.5
ASF	8.0	8.0	--
NSF	--	--	--
<b>TOTAL</b>	<b>36.5</b>	<b>36.5</b>	<b>28.5</b>

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

### MISSION

To provide quality, comprehensive, protective guardianship services to adult residents of Delaware who are severely mentally or physically disabled, are unable to manage their personal and financial affairs, are at risk for neglect, abuse and victimization and have no one else able or willing to serve as a guardian.

### KEY OBJECTIVES

- Promote the use of wireless technology to facilitate communication, case documentation and information sharing among staff with statewide responsibilities and with other individuals who are providing services and assistance to persons served by the agency.
- Advocate for the agency, its mission and its service to individuals through education and networking with the public and other professional communities.
- Maintain the certification as registered guardians of key staff in whom decision making is vested.
- Implement the newly acquired case management software system and train staff on its use. This system is an easily understood data system for the management of client needs, including management of individual clients' financial accounts, identification of client population trends, tracking unmet needs and serving as a tool for program planning and review, including budget development.

# JUDICIAL

## 02-00-00

### 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 Services, Division of Developmental Disabilities Services, Division of Substance Abuse and Mental Health, other state agencies, long-term care facilities, hospitals and private nursing care facilities. Additionally, the agency is called upon by the Court of Chancery to serve as a neutral guardian or mediate and serve as court investigator in contested guardianship matters.

The Public Guardian may act as a surrogate for a variety of reasons, including consent to specific medical care and treatment, residential placement, management of income, bill-paying, application for benefits, protection of assets or disposal of real estate to pay for care. The State's long-term care facilities may request public guardianship services for residents of their facilities with special medical, personal or social service needs, as well as those who require a guardian to complete applications for long-term care Medicaid benefits on their behalf.

### ACTIVITIES

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

- Address all issues of the individual that require immediate action and ensure 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;
- Ensure 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;
- Develop and monitor a written guardianship plan; and
- File with the court all reports required by statute, regulations or court rule.

Duties of a guardian of property include:

- Address all issues of the estate that require immediate action;
- 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;
- 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 addressed; and
- Obtain all public benefits for which the ward is eligible.

### PERFORMANCE MEASURES

	FY 2009 Actual	FY 2010 Budget	FY 2011 Gov. Rec.
# of referrals received	296	300	300
# of referrals accepted for public guardianship	41	100	80
# of current guardianships	259	285	285

### 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 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 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.
- Administer the Ivyane Davis Memorial Scholarship and, in partnership with the Division of Family Services, Delaware's Educational and Training Voucher (ETV) program to support the higher education and training goals of eligible young

# JUDICIAL

## 02-00-00

adults who have been in or aged out of Delaware's foster care system.

- Perform functions as defined in 10 Del. C. § 1009 (j) (4) to assure the safety and well being of children when adjudicated and non-adjudicated youth are placed together.

### 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 reviews 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.

Since 1979, CPRB has been serving Delaware's child welfare system by holding regular, independent reviews of the status of individual children in foster care. The board was chartered to advocate for a permanent home or placement for each child in foster care and monitor provision of services to children in foster care to avoid "foster care drift," in which children remain in care year after year without plans or progress toward adoption or other permanent placement.

During Fiscal Year 2009, 1,360 children were in the foster care system; this number reflects children who were in the system for the whole year, as well as those who entered and left the system and those who entered, left and re-entered. CPRB conducted 903 reviews of 752 children in foster care. Reviews are normally conducted when a child has been in care for 10 months, repeated at 18 months and yearly thereafter.

In addition to its work on behalf of children in foster care, CPRB reviews the placements of adjudicated youth in residential treatment facilities. These reviews are

intended to help ensure treatment is provided for issues that contributed to the child's delinquency. Adjudicated youth are under the purview of the Division of Youth Rehabilitative Services (YRS). During Fiscal Year 2009, 35 YRS youth were reviewed.

CPRB also reviews adjudicated youth who have been placed in settings with non-adjudicated youth. These "mixing" reviews are intended to ensure the safety and healthy development of non-adjudicated youth. Ten mixing reviews were held during Fiscal Year 2009.

CPRB administers the Ivyane Davis Scholarship and partners with DFS to administer the federal ETV program.

### PERFORMANCE MEASURES

	FY 2009 Actual	FY 2010 Budget	FY 2011 Gov. Rec.
# of volunteer hours generated	3,500	3,500	3,500
# of volunteer training hours	206	250	250
% of children being reviewed	100	100	100

---

### OFFICE OF THE CHILD ADVOCATE

#### 02-18-05

---

### MISSION

To safeguard the welfare of Delaware's children through educational advocacy, system reform, public awareness, training and legal representation of children as set forth in 29 Del. C. c. 90A.

### KEY OBJECTIVES

- Secure legal representation for every dependent, neglected and abused child in the custody of the Department of Services for Children, Youth and Their Families (DSCYF).
- Accomplish the goals and objectives of the Child Protection Accountability Commission (CPAC), including multi-disciplinary collaboration on child protection system issues, and the development of and participation in quality training programs for the child protection community.
- Advocate for legislative, policy and procedure initiatives designed to improve the safety, permanency and well being of Delaware's dependent, neglected and abused children.

### BACKGROUND AND ACCOMPLISHMENTS

The Office of the Child Advocate (OCA) was created in 1999 in response to numerous child deaths in Delaware resulting from child abuse. These cases pointed to deficiencies in the child protection system that could not

## JUDICIAL

### 02-00-00

be remedied solely by one entity. The General Assembly determined an office to oversee these efforts, staff CPAC and provide legal representation on behalf of children was necessary.

During Fiscal Year 2009, OCA received appropriate referrals on 610 children, a 19 percent decrease from Fiscal Year 2008. Throughout Fiscal Year 2009, OCA represented a total of 898 children.

On June 30, 2009, 807 children were in the legal custody of DSCYF, a 16 percent decline from the prior fiscal year. OCA represented 489 of those children, the CASA program represented 296 children, the court independently appointed counsel for three children, and the remaining 19 children navigated the foster care system without representation. Of those 19 unrepresented children were fairly evenly distributed throughout the state, with eight in Kent County, six in New Castle County and five in Sussex County. Strides have been made by system partners to develop the database, which enables OCA and other system partners to identify every child in DSCYF custody and generate representation statistics.

During Fiscal Year 2009, 399 volunteer attorneys represented children for OCA, with 55 new attorneys trained in 12 training sessions throughout the state. Sixty-three volunteer attorneys were recognized for five years of service to OCA, and two plaques now hang at OCA in recognition of these lawyers who now total 185.

In Fiscal Year 2009, CPAC launched a child welfare training listserv and training webpage. CPAC also worked with DOE, DFS, Division of Child Mental Health (CMH) and Department of Health and Social Services (DHSS) on the creation of basic training modules to educate system partners and the public on their respective systems. Planning also began for the second CPAC/Child Death, Near Death and Stillbirth Commission (CDNDSC) joint conference.

Improvement to Delaware's ability to track educational outcomes for children in foster care was made as DSCYF and DOE initiated and fine-tuned data exchange. Child mental and behavioral health outcomes were addressed as the Mental and Behavioral Health for Children in and Adopted out of Foster Care Subcommittee promulgated 60 recommendations for improvement to the delivery of mental health services for children in the child welfare system.

Fiscal Year 2009 also saw the continued collaboration of Delaware's child welfare system partners as they determined CPAC's path forward to include data-informed decision-making, improved identification of children at risk, early intervention and minimized time in and sustained transitions out of foster care.

During Fiscal Year 2009, OCA staff participated in many initiatives to improve policies, procedures, practices and laws on behalf of children. OCA continued working in partnership with CASA and DFS to maintain the comprehensive joint database (OCA/CASA database) of children in DSCYF custody. The statistics that were generated monthly and the regular quality assurance of the database enabled system partners to ensure no child was overlooked or going without representation unnecessarily. The agencies executed a Memorandum of Understanding (MOU) that outlined each agency's responsibilities regarding the database. OCA staff members also met quarterly with DFS staff, and the two agencies worked together to provide training to DFS front-line workers on permanency options for children in foster care and to assess the feasibility of providing subsidies to families who opt to file for guardianship or permanent guardianship of children in foster care. OCA also continued to enter policy concerns from child abuse/neglect case reviews into its Child Protection Policy Concerns database and worked on restructuring the database more readily identify trends in Delaware's child protection practice.

A remaining high priority for OCA in Fiscal Year 2009 was work related to youth aging out of foster care. OCA staff were active members of several workgroups that focused on issues, such as employment, independent living, housing, credit scores and other issues that relate to the substantial needs of older youth in foster care.

OCA's primary legislative focus for Fiscal Year 2009 was Senate Bill 34, which made changes to the termination of parental rights statute pertaining to children abandoned by, almost killed or killed by their parents. The bill passed the General Assembly and was signed into law in May 2009. Other legislation in which OCA was involved includes Senate Bill 55 and Senate Bill 84, both of which were signed into law during Fiscal Year 2009. Senate Bill 55 made it possible for guardians and permanent guardians of children to petition for termination of parental rights and adoption. Senate Bill 84 statutorily establishes *de facto* parent status in the State of Delaware by allowing the Family Court to consider a person's assumption of parental responsibilities and relationship with a child in determining the maternity and/or paternity of a child.

#### ACTIVITIES

- Secure legal representation for DSCYF children by employing Deputy Child Advocates and recruit, train and retain volunteer Delaware attorneys to represent children.
- Provide support to CPAC, chair subcommittees, participate in subcommittees and workgroups and draft reports and legislation.

# JUDICIAL

## 02-00-00

- Educate the public on the services and accomplishments of OCA and the CPAC.
- Develop, participate and provide quality training and education to the child protection community.
- 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 2009 Actual	FY 2010 Budget	FY 2011 Gov. Rec.
# of appropriate referrals	610	800	600
# of DSCYF children represented by OCA			
New Castle	337	475	347
Kent	72	70	84
Sussex	80	105	86
Total	489	650	517
# of DSCYF children unrepresented			
New Castle	8	5	5
Kent	6	30	10
Sussex	5	10	9
Total	19	45	24
# of children represented by OCA	898	1,151	957
# of volunteer attorneys	399	472	400
# of volunteer attorneys with over five years of OCA service	185	173	235

### ***CHILD DEATH, NEAR DEATH AND STILLBIRTH 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 20 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 on July 19, 1995, after a pilot project showed the effectiveness of such a review process for preventing future child deaths. 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 Fiscal Year 2009, reviews were conducted monthly by each of the three panels (consisting of New Castle, Kent/Sussex and Abuse/Neglect) to determine whether reasonable standards of practice were met by the systems involved. The child death panels continue to meet bi-annually with the Domestic Violence Coordinating Council's Fatal Incident Review Team to review child deaths in which domestic violence was a significant factor.

The Fetal and Infant Mortality Review (FIMR) teams (New Castle County, Kent/Sussex County and Wilmington) continue to meet monthly to review cases of any fetus over 20 weeks gestation through infancy (one year of age or younger).

The commission meets quarterly to review and approve the work of the panels. Recommendations from expedited reviews of abuse/neglect cases are distributed to the Governor, General Assembly, CDNDSC and CPAC.

Some statistics for Fiscal Year 2009 include:

- Seventy-two deaths were reviewed by the child death panels;
- Nineteen cases were reviews of child deaths or near deaths related to abuse and/or neglect;
- One case was reviewed with the Fatal Incident Review Team (under the Domestic Violence Coordination Council);
- Fifty-two infant cases (from Fiscal Year 2005) were abstracted and entered into the database;
- One hundred fifty-one fetal and infant deaths were referred to CDNDSC;
- Of the 151, 33 cases were reviewed by the child death panels and not FIMR due to cause of death;
- Seventy-nine fetal and infant deaths were reviewed by the FIMR case review teams;
- Twenty-four maternal interviews were conducted with mothers who have had a fetal/infant loss; and
- Three of the maternal interviews were conducted jointly with a Division of Public Health Spanish speaking interpreter.



# JUDICIAL

## 02-00-00

### 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 deaths, near deaths and fetal deaths.
- Issue annual reports and expedited review reports on recommendations and data.
- Collaborate with CPAC and the Delaware Healthy Mother Infant Consortium.

### PERFORMANCE MEASURES

	FY 2009 Actual	FY 2010 Budget	FY 2011 Gov. Rec.
% of expedited reviews completed within statutory timeframes	100	100	100
% of recommendations turned into actions steps by CDNDSC or other entities	100	100	100
% eligible FIMR cases reviewed by case review teams	67	75	80
% of FIMR cases with a completed maternal interview	21	35	38

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

### MISSION

To monitor Delaware's quality assurance system for nursing home residents and assisted living facilities in both privately operated and state operated facilities, so complaints of abuse, neglect, mistreatment, financial exploitation and other complaints are responded to in a timely manner 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 established 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 a commission would oversee these efforts and advocate on behalf of nursing home residents.

The commission reviews various legislative and policy initiatives and provides comments. Members work closely with the Division of Long Term Care Residents Protection (DLTCRP) and other agencies to aid in enhancing the quality of care for residents.

### 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.
- Visit long-term care and assisted living facilities to aid in promoting the quality of care for residents.
- Analyze trends to assess the value and efficacy of current procedures intended to improve the quality of care and life of individuals receiving long-term care in Delaware.
- Prepare and publish an annual report, including aggregate data with comprehensive analysis and monitoring of trends in the quality of care and quality of life of nursing home residents, and submit the report to the Governor, DHSS Secretary and the General Assembly.

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

**PERFORMANCE MEASURES**

	<b>FY 2009 Actual</b>	<b>FY 2010 Budget</b>	<b>FY 2011 Gov. Rec.</b>
# of reviews performed	14	11	11
# of legislative recommendations made	3	3	3
# of long-term care facility visits	42	40	43
# of assisted living facility visits	21	20	22