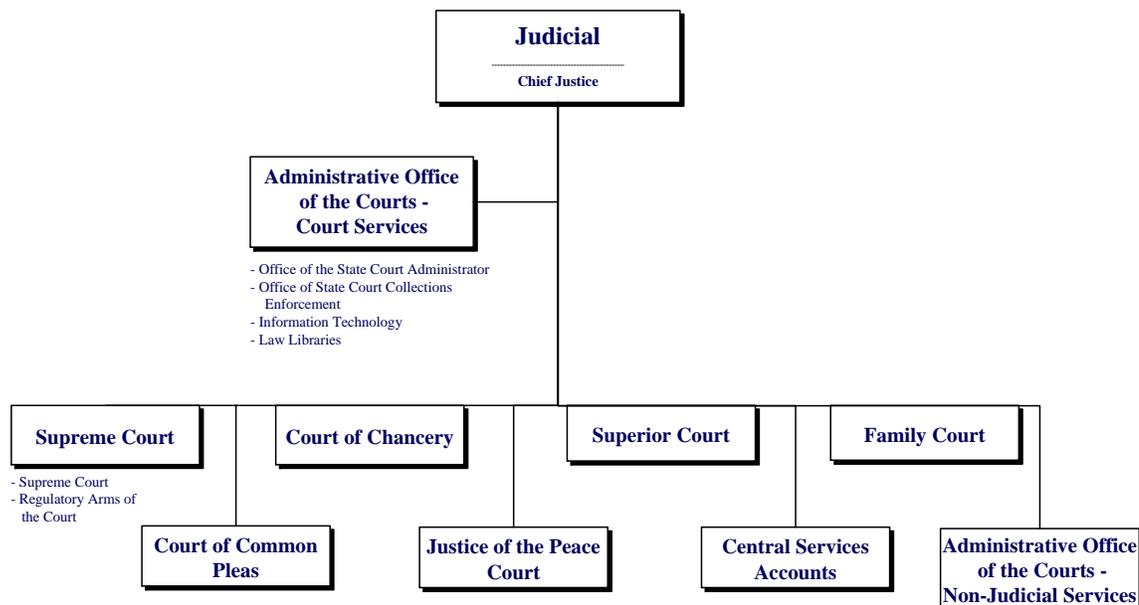


# JUDICIAL

## 02-00-00



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

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

### 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

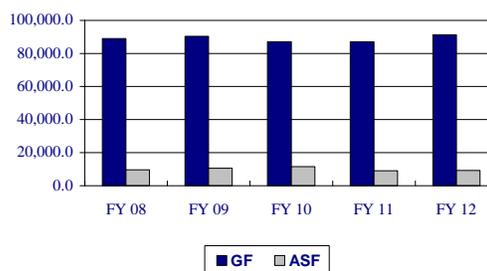
- Dispose of cases within time standards set by the Chief Justice.
- Support development of additional alternative dispute mechanisms.
- Develop and expand existing problem solving courts, as needed.
- Develop transnational practice in the courts.
- Enhance safety and security of courthouses.
- Implement the Delaware Courts Automation Project (DCAP) 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



### FUNDING

	FY 2011 ACTUAL	FY 2012 BUDGET	FY 2013 GOV. REC.
GF	90,444.7	91,343.2	90,244.9
ASF	7,169.9	9,193.3	9,777.6
<b>TOTAL</b>	<b>97,614.6</b>	<b>100,536.5</b>	<b>100,022.5</b>

# JUDICIAL

## 02-00-00

### POSITIONS

	FY 2011 ACTUAL	FY 2012 BUDGET	FY 2013 GOV. REC.
GF	1,124.2	1,125.2	1,120.2
ASF	103.8	104.8	104.8
NSF	16.3	11.3	11.3
<b>TOTAL</b>	<b>1,244.3</b>	<b>1,241.3</b>	<b>1,236.3</b>

### FY 2013 BUDGET HIGHLIGHTS

#### OPERATING BUDGET:

- ◆ Recommend (\$2,916.0) in Conflict Attorneys to Legal, Public Defender (15-02-01) to reflect the reallocation of the Conflict Attorneys program.
- ◆ Recommend \$300.0 in Family Court Civil Attorney to reflect projected expenditures.

#### CAPITAL BUDGET:

- ◆ Recommend \$350.0 for the Minor Capital Improvement and Equipment program to prevent the deterioration of buildings and grounds and improve the security of court facilities.

### 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 of the 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 2013, 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 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 Supreme Court's major accomplishment within the past year was the disposition of most cases within 33 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.

### FUNDING

	FY 2011 ACTUAL	FY 2012 BUDGET	FY 2013 GOV. REC.
GF	3,237.1	3,239.4	3,296.8
ASF	66.3	149.2	149.2
<b>TOTAL</b>	<b>3,303.4</b>	<b>3,388.6</b>	<b>3,446.0</b>

### POSITIONS

	FY 2011 ACTUAL	FY 2012 BUDGET	FY 2013 GOV. REC.
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>

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## *SUPREME COURT*

### *02-01-10*

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### ACTIVITIES

- Dispose of appeals.
- Monitor time schedules.

# JUDICIAL 02-00-00

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

## PERFORMANCE MEASURES

	FY 2011 Actual	FY 2012 Budget	FY 2013 Gov. Rec.
# of filings	714	710	700
Average # of days from under advisement to final decision:			
criminal	36.7	33.0	33.0
civil	29.3	27.6	27.6
Average # of days from initial filing to final decision:			
criminal	178.7	173.0	173.0
civil	160.6	157.0	157.0
% of cases disposed of within:			
30 days of the date of submission	50.9	55.0	55.0
90 days of the date of submission	98.4	98.8	98.8
290 days of the date of filing of the notice of appeal	86.6	90.0	90.0
One year of filing of the notice of appeal	93.3	96.0	96.0

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

### ACTIVITIES

- Office of Disciplinary Counsel and Board on Professional Responsibility dispose of complaints against lawyers.
- Lawyers' Fund for Client Protection 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 2011 Actual	FY 2012 Budget	FY 2013 Gov. Rec.
# of new matters filed	462	450	440
# of matters disposed	404	410	420
# of cases pending or stayed	391	370	350
# of private admonitions with or without probation	2	2	2
# of public reprimands with or without probation	3	3	3
# of suspensions and interim suspensions	7	6	6
# of disbarments	0	1	1
# of reinstatements	1	1	1

### Lawyers' Fund for Client Protection

	FY 2011 Actual	FY 2012 Budget	FY 2013 Gov. Rec.
# of claims:			
paid	1	2	2
denied or withdrawn	2	2	2
pending	2	1	1
\$ amount of claims:			
made	32,650	100,000	75,000
paid	9,045	50,000	35,000
pending	20,600	50,000	40,000

### Board of Bar Examiners

	FY 2011 Actual	FY 2012 Budget	FY 2013 Gov. Rec.
# of applications processed	218	225	230
# of applicants passing Bar exam	141	145	150

### Commission on Continuing Legal Education

	FY 2011 Actual	FY 2012 Budget	FY 2013 Gov. Rec.
# of transcripts processed	5,096	5,100	5,200
# of programs evaluated	5,212	5,400	5,600
\$ amount of fines and sponsor fees paid	67,880	70,000	72,000

# 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's automated capability to handle workload.
- Continue to improve the statewide functionality of the Register in Chancery.

#### BACKGROUND AND ACCOMPLISHMENTS

Delaware's Court of Chancery is a non-jury 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 site for incorporation in the United States. The remainder of the court's resources are spent handling non-corporate litigation and on the appointment of guardians and trustees, the fiduciary administration of guardianships, trusts and estates and other non-litigation matters. The court is the sole Delaware court with general power to issue temporary restraining orders and preliminary injunctions.

The Court 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 2011 ACTUAL	FY 2012 BUDGET	FY 2013 GOV. REC.
GF	3,250.0	3,122.5	3,100.0
ASF	1,277.8	2,200.9	2,225.4
<b>TOTAL</b>	<b>4,527.8</b>	<b>5,323.4</b>	<b>5,325.4</b>

#### POSITIONS

	FY 2011 ACTUAL	FY 2012 BUDGET	FY 2013 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 2011 Actual	FY 2012 Budget	FY 2013 Gov. Rec.
% of decisions rendered within 90 days after readiness for adjudication	97.7	95.0	95.0
# of matters filed*	4,276	4,327	4,362

\*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 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

- 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.
- Reduce the number of Violations of Probation to reduce recidivism and reduce prison populations.

- Develop recruitment and training programs for staff that recognize diversity as a core value of the court.
- Maximize staff productivity through enhancements to automated case management systems and provide basic tools needed to use those systems.

#### BACKGROUND AND ACCOMPLISHMENTS

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

- Criminal felony cases;
- 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.

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 offer the most superior service in the nation among courts of general jurisdiction. Superior Court's core values 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.

Superior Court has partnered with other criminal justice agencies and piloted problem-solving courts to improve court outcomes for victims, litigants and communities through problem-solving court strategies including extended probation, frequent appearances before judges, meetings with probation officers and regular alcohol and other drug testing. The mission of problem-solving courts is to divert eligible defendants from the criminal justice system and provide eligible defendants with tools to lead a productive and law abiding life. Superior Court's problem-solving courts include Drug Court, Mental Health Court and Reentry Court.

In February 2011, Judge William Witham enhanced Superior Court's problem-solving courts by piloting the first statewide Veterans Treatment Court in the nation. Veterans Court involves a collaborative effort with the Department of Veterans Affairs, Department of Justice, Office of Public Defender and the Treatment Access Center. Veterans Court provides services to veterans impacted by substance abuse alcoholism and mental health issues.

The Mortgage Foreclosure Mediation program and Operation Rightful Owner initiatives are active in assisting victims of mortgage foreclosure. The Mortgage

## JUDICIAL 02-00-00

Foreclosure Mediation program gives homeowners an opportunity to negotiate an alternative to foreclosure with the assistance of housing counselors.

Launched in May 2007, Operation Rightful Owner has disbursed nearly \$5.0 million in excess proceeds from houses sold at sheriff's sale. Project Operation Rightful Owner is designed to assist residents who have lost their homes to sheriff's sale by returning excess proceeds to the rightful owners.

### FUNDING

	FY 2011 ACTUAL	FY 2012 BUDGET	FY 2013 GOV. REC.
GF	21,937.4	22,323.3	22,812.7
ASF	--	--	--
<b>TOTAL</b>	<b>21,937.4</b>	<b>22,323.3</b>	<b>22,812.7</b>

### POSITIONS

	FY 2011 ACTUAL	FY 2012 BUDGET	FY 2013 GOV. REC.
GF	313.5	312.5	306.5
ASF	--	--	--
NSF	--	--	--
<b>TOTAL</b>	<b>313.5</b>	<b>312.5</b>	<b>306.5</b>

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

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### 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 2011 Actual	FY 2012 Budget	FY 2013 Gov. Rec.
Criminal case filings:			
New Castle	4,244	4,371	4,503
Kent	1,811	1,865	1,921
Sussex	2,125	2,320	2,435
Civil case filings:			
New Castle	10,355	10,120	11,092
Kent	2,398	2,518	2,601
Sussex	2,640	2,775	2,858
Criminal case dispositions:			
New Castle	4,148	4,214	4,300
Kent	1,858	1,932	1,990
Sussex	2,016	2,066	2,129
Civil case dispositions:			
New Castle	10,210	10,626	11,263
Kent	2,487	2,789	3,012
Sussex	2,761	2,975	3,480
Criminal cases pending:			
New Castle	914	975	1,005
Kent	328	359	418
Sussex	479	496	546
Civil cases pending:			
New Castle	7,889	8,047	8,538
Kent	1,652	2,125	2,234
Sussex	1,095	1,196	1,294

# JUDICIAL

## 02-00-00

### 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 judicial services 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 Court;
- Criminal appeals from Alderman Courts;
- Appeals from the Division of 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 Justice of the Peace 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 commissioner sits in New Castle County and one is shared between Kent and Sussex counties.

In Fiscal Year 2011, the Court of Common Pleas realized a 6 percent decrease in its criminal caseload as a result of the police prosecution initiative. The police prosecution initiative resulted in a reduction of traffic charges brought to the court, which has allowed the court to focus its resources on more serious criminal misdemeanor cases. Conversely, the court has seen a 6 percent increase in the number of preliminary hearings coming before the court.

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 6,410 participants since the program's inception in 1998. In Fiscal Year 2011, 590 participants entered the program.

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 8,993 cases for mediation with a success rate of 88 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. More than 1,025 referrals were made in Fiscal Year 2011.

In November 2003, the State's first Mental Health Court was instituted in New Castle County. The goal of the specialized court is to effectively serve the needs of the mental health population in the criminal justice system through continuous judicial oversight and intensive case management. Approximately 263 cases have been referred to Mental Health Court since its inception with 89 percent successfully graduating from the program.

The court introduced Traffic Court in New Castle County in November 2003 to reduce the number of court appearances for residents with traffic offenses and manage the large number of motor vehicle cases the court receives. Through the application of aggressive case management techniques, the court has significantly reduced the disposition time for these cases.

In November 2008, Contexte, the court's civil 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. E-filing has significantly improved access to civil cases for both the court and the filers. More than 90 percent of civil cases are e-filed with the court.

# JUDICIAL

## 02-00-00

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 2011 ACTUAL	FY 2012 BUDGET	FY 2013 GOV. REC.
GF	9,382.0	9,433.6	9,582.5
ASF	238.7	249.4	255.5
<b>TOTAL</b>	<b>9,620.7</b>	<b>9,683.0</b>	<b>9,838.0</b>

### POSITIONS

	FY 2011 ACTUAL	FY 2012 BUDGET	FY 2013 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 2011 Actual	FY 2012 Budget	FY 2013 Gov. Rec.
# of misdemeanor: filings	102,939	108,086	113,490
dispositions	103,209	108,369	113,787
# of felony filings	9,590	10,070	10,573
\$ amount collected (thousands)	6,467.8	6,791.2	7,130.8

#### Criminal Misdemeanor Filings

	FY 2011 Actual	FY 2012 Budget	FY 2013 Gov. Rec.
New Castle	63,553	66,731	70,067
Kent	18,141	19,048	20,001
Sussex	21,245	22,307	22,319

#### Civil Case Filings

	FY 2011 Actual	FY 2012 Budget	FY 2013 Gov. Rec.
New Castle	8,409	8,830	9,271
Kent	2,837	2,979	3,128
Sussex	3,068	3,221	3,383

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

	FY 2011 Actual	FY 2012 Budget	FY 2013 Gov. Rec.
Traffic	15	12	12
Non-jury	19	16	16
DUI	20	18	18
Domestic violence	18	15	15
Drug	3	3	3
Jury trial	15	15	15

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

	FY 2011 Actual	FY 2012 Budget	FY 2013 Gov. Rec.
Non-jury	4	4	4
Jury trial	8	8	8
Drug diversion	3	3	3

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

	FY 2011 Actual	FY 2012 Budget	FY 2013 Gov. Rec.
Non-jury	9	8	8
Jury trial	8	8	8
Drug diversion	3	3	3

# JUDICIAL

## 02-00-00

### 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 project designed to support state courts and improve case management involving children in foster care, termination of parental rights and adoption proceedings. CIP 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 and more meaningful case plans with detailed reasoning and timely reunification or permanency achieved.

#### Mental Health Diversion Court

In 2006, Family Court, in collaboration with the Office of the Public Defender and the Department of Services for Children, Youth and Their Families (DSCYF), received federal funding 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, 125 juveniles have entered into the program, and 71 have graduated.

In conjunction with the Mental Health Court program, the court in New Castle County has created a dedicated 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 competency hearings.

#### Gun Court

In response to the increasing level of gun violence, Chief Judge Kuhn implemented a New Castle County Gun Court Calendar in 2009. The specialized calendar has expanded to Kent and Sussex counties. The Chief Judge presides over the calendar, which occurs once a week in New Castle County and every other week in Kent and Sussex counties. Gun Court provides juveniles with an exclusive forum to resolve these cases quickly while providing sentencing that includes appropriate treatment, rehabilitation efforts and supervision.

#### Services for Self-Represented Litigants

In its continued effort to serve the ever-growing *pro se* litigant population, 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. The Director of *Pro Se* Services and Professional Development initiated projects including a full revision of the Family Court's website, the development of a live chat and further enhancement to the e-filing system.

#### Domestic Violence

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 to 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 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 for a hearing to be scheduled.

The court has also secured federal funding to continue the position of the Domestic Violence Court Project Coordinator and promote the efforts of the specialized court. The coordinator continues to monitor compliance, provide training to court staff and attend Domestic

# JUDICIAL

## 02-00-00

Violence Coordinating Council meetings on behalf of the court.

### Court Appointed Special Advocate (CASA) Program

CASA program continues to recruit and train volunteers to provide advocacy for abused and neglected children involved in court proceedings. CASA volunteers establish the child's best interest by gathering information and monitoring the circumstances surrounding the child(ren) in question. Currently, the program has approximately 270 volunteers serving over 700 children and has been a model used by the National CASA Association to share with other CASA programs across the country in reference to Family Court's volunteer recruitment and training efforts.

### Human Resources

Over the past year, Family Court's Human Resources partnered with the Administrative Leadership team and focused on employee engagement, effective leadership and developing best practices. Through various trainings, such as Coaching for Success, Performance Management, and Sexual Harassment, Family Court was able to sharpen the skills and knowledge of its current supervisors to help them become more effective and strategic leaders.

### FUNDING

	FY 2011 ACTUAL	FY 2012 BUDGET	FY 2013 GOV. REC.
GF	19,174.7	19,725.3	20,052.8
ASF	4,016.2	4,283.0	4,417.7
<b>TOTAL</b>	<b>23,190.9</b>	<b>24,008.3</b>	<b>24,470.5</b>

### POSITIONS

	FY 2011 ACTUAL	FY 2012 BUDGET	FY 2013 GOV. REC.
GF	270.3	274.3	274.3
ASF	67.7	67.7	67.7
NSF	5.0	--	--
<b>TOTAL</b>	<b>343.0</b>	<b>342.0</b>	<b>342.0</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, scheduling, notification, case preparation, judicial proceedings, case adjudication, pre-sentence investigation and ancillary matters.
- Diversion includes intervention, amenability, substance abuse, interviews, evaluations and arbitration/mediation hearings.

- Special programs includes the acquisition, implementation, maintenance and evaluation of special programs.

### PERFORMANCE MEASURES

	FY 2011 Actual	FY 2012 Budget	FY 2013 Gov. Rec.
% of adult and juvenile criminal cases disposed of within 45 days of the filing	51	90	90
% of adult and juvenile criminal cases disposed of within 90 days of the filing	75	100	100
% of protection from abuse petitions disposed of within 90 days of filing	100	99	99
% of child support matters disposed of within 90 days	72	80	80
% of civil decisions rendered within 90 days of taking the matter under advisement	90	90	90
Average number of days from adjudication decision date to permanency decision date for proceedings involving dependent, neglected or abused children in the custody of the DSCYF (Federal guideline is 365 days)	296	290	290
Average number of days from ex-parte date to adjudicatory decision date (Federal guideline is 40 days)	33	30	30

### Adult Criminal Case Filings

	FY 2011 Actual	FY 2012 Budget	FY 2013 Gov. Rec.
New Castle	3,176	3,240	3,304
Kent	800	816	832
Sussex	722	736	751

### Juvenile Delinquency Case Filings

	FY 2011 Actual	FY 2012 Budget	FY 2013 Gov. Rec.
New Castle	3,945	4,024	4,104
Kent	1,648	1,681	1,715
Sussex	1,335	1,362	1,389

### Civil Case Filings by County

	FY 2011 Actual	FY 2012 Budget	FY 2013 Gov. Rec.
New Castle	21,435	21,864	29,710
Kent	10,872	11,089	11,311
Sussex	12,761	13,016	13,277

### Mediation Filings by County

	FY 2011 Actual	FY 2012 Budget	FY 2013 Gov. Rec.
New Castle	7,549	7,700	7,854
Kent	2,820	2,876	2,934
Sussex	3,628	3,701	3,775

# 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 Justice of the Peace (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, law enforcement agencies, other courts and the Department of Safety and Homeland Security to reduce the flow of paperwork between the courts and other agencies.

#### BACKGROUND AND ACCOMPLISHMENTS

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 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 15 Justice of the Peace trial court sites located in 13 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.

JP 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 operates in cooperation with schools and social service agencies to reduce truancy. In 2011, a report from the Truancy subcommittee of the Juvenile Justice Collaborative will provide recommendations for improving the truancy process.

#### 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 over 2,000 videophone cases each month.

# JUDICIAL

## 02-00-00

### 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 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 has resulted in time and transport savings for law enforcement, correctional officers and defendants. The court has also implemented an enhanced collection program, with the assistance of the Office of State Court Collections Enforcement, to further reduce outstanding capiases.

### Pro Se

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

In the Civil Division of the JP Court, nearly every case has at least one self-represented litigant. With over 34,000 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 monthly outreach program: Seminars for the Self-Represented in Landlord/Tenant Issues. 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.

### Technology

The Contexte system continues to provide a case management tool to process civil cases. This system includes an e-filing component that has allowed for electronic court records.

JP Court has also implemented, through Delaware Justice Information System (DELJIS), an ePayment system for electronic payment of traffic tickets and payment plan agreements.

Efforts are underway to further automate criminal cases by developing plans to add e-filing components and other processing enhancements through automated tools.

### 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 through 2011, 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.

### Police Prosecution

JP Court established the Police Prosecution Process to facilitate the goal of speedy resolution of traffic and minor criminal cases. The Police Prosecution Process was initiated at JP Court 6 in Harrington and has since expanded to JP Courts throughout New Castle, Kent and Sussex counties. Speedy resolution provides significant cost savings, convenience and procedural benefits to the court, law enforcement agencies, attorneys, Department of Correction (DOC), victims, defendants and the public in general.

### Facilities

In an effort to reduce operating expenses and increase operational efficiency, JP Court has developed and implemented plans to consolidate facilities over the past several years. In Fiscal Year 2010, for example, JP Court consolidated the location of JP Court 11, JP Court 15, JP Court Administrative Office and Constable Central to one location. Efforts are still under way to continue to consolidate and find more effective and efficient locations for JP Courts statewide.

### FUNDING

	FY 2011 ACTUAL	FY 2012 BUDGET	FY 2013 GOV. REC.
GF	16,725.7	17,413.8	17,682.5
ASF	--	--	--
<b>TOTAL</b>	<b>16,725.7</b>	<b>17,413.8</b>	<b>17,682.5</b>

### POSITIONS

	FY 2011 ACTUAL	FY 2012 BUDGET	FY 2013 GOV. REC.
GF	247.5	246.5	246.5
ASF	--	--	--
NSF	--	--	--
<b>TOTAL</b>	<b>247.5</b>	<b>246.5</b>	<b>246.5</b>

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

**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.

**PERFORMANCE MEASURES**

	<b>FY 2011 Actual</b>	<b>FY 2012 Budget</b>	<b>FY 2013 Gov. Rec.</b>
% of shifts per week with security coverage	75	90	95
% of videophone proceedings that take place within 45 minutes of receipt	100	100	100

**Criminal and Traffic Filings**

	<b>FY 2011 Actual</b>	<b>FY 2012 Budget</b>	<b>FY 2013 Gov. Rec.</b>
New Castle	61,865	62,484	63,734
Kent	27,273	27,546	28,097
Sussex	40,329	40,732	41,547
Voluntary Assessment Center	141,905	143,324	146,190

**Civil Case Filings**

	<b>FY 2011 Actual</b>	<b>FY 2012 Budget</b>	<b>FY 2013 Gov. Rec.</b>
New Castle	20,179	20,381	20,789
Kent	6,751	6,819	6,955
Sussex	7,197	7,269	7,414

**CENTRAL SERVICES ACCOUNT**  
**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**

	<b>FY 2011 ACTUAL</b>	<b>FY 2012 BUDGET</b>	<b>FY 2013 GOV. REC.</b>
GF	--	--	--
ASF	1,570.9	2,277.4	2,696.4
<b>TOTAL</b>	<b>1,570.9</b>	<b>2,277.4</b>	<b>2,696.4</b>

**POSITIONS**

	<b>FY 2011 ACTUAL</b>	<b>FY 2012 BUDGET</b>	<b>FY 2013 GOV. REC.</b>
GF	--	--	--
ASF	9.0	10.0	10.0
NSF	--	--	--
<b>TOTAL</b>	<b>9.0</b>	<b>10.0</b>	<b>10.0</b>

**CENTRAL SERVICES 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**

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 organizations 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 the Information Technology Division. 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 Stillbirth Commission and Delaware Nursing Home Residents Quality Assurance Commission.

**FUNDING**

	FY 2011 ACTUAL	FY 2012 BUDGET	FY 2013 GOV. REC.
GF	14,297.8	13,717.0	11,318.5
ASF	--	33.4	33.4
<b>TOTAL</b>	<b>14,297.8</b>	<b>13,750.4</b>	<b>11,351.9</b>

**POSITIONS**

	FY 2011 ACTUAL	FY 2012 BUDGET	FY 2013 GOV. REC.
GF	78.5	77.5	78.5
ASF	--	--	--
NSF	--	--	--
<b>TOTAL</b>	<b>78.5</b>	<b>77.5</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 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.

# JUDICIAL

## 02-00-00

### 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 accomplishments during the past fiscal year included:

- Assisting in developing a Spanish version of a video for self-represented litigants explaining the various aspects of preparing a case and appearing in court;
- Staffing a Bench Bar Committee on Limited Scope Representation, which reviewed proposed rule changes to clarify the parameters of limited scope representation;
- Supporting the expansion of the Supreme Court's "From Classroom to Courtroom" project, which provides an opportunity for students to learn about the court;
- Staffing the Delaware Supreme Court Task Force on Criminal Justice and Mental Health, which released a strategic plan with long- and short-term objectives for intercepting and diverting persons from the criminal justice system;
- Expanding the Limited Pro Bono Legal Assistance program, which offers consultation services by volunteer attorneys to self-represented litigants in Family Court;
- Enhancing the court interpreter program through increased recruiting and training to expand the number of languages for which interpreters are available; and
- Staffing the Racial Justice Improvement Project Task Force, which provided training to Probation and Parole Officers on bias-free decision making.

### ACTIVITIES

- Provide centralized services to New Castle County Courthouse, 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 highlighting its 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.

### PERFORMANCE MEASURES

	FY 2011 Actual	FY 2012 Budget	FY 2013 Gov. Rec.
# of prospective interpreters attending orientation programs	75	110	120
# of pro bono attorney volunteers	10	12	14
# of pro bono attorney volunteer hours	102	102	102

### 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 court-ordered financial assessments.

### KEY OBJECTIVES

- Assist in the collection of court-ordered financial assessments, which may include victim restitution, Victim Compensation Fund, Drug Education Fund, DELJIS fees, court security fees, court fees and DOC supervision fees.
- Develop policies and procedures to support one-stop judicial payment centers.
- Develop and implement new initiatives to assist in the collection of delinquent receivables.
- Participate in efforts to develop and implement standard financial policies and procedures related to DCAP.
- Improve the operational efficiency and effectiveness of OSCCE offices.

### BACKGROUND AND ACCOMPLISHMENTS

OSCCE continues to evolve and increase opportunities to function as a one-stop judicial financial center. There are six judicial payment centers that provide cashing

## JUDICIAL 02-00-00

services for Superior Court, Family Court (pre-2002 receivables), JP Court and DOC receivables.

In an effort to provide efficient services to state residents, OSCCE continues to build positive working relationships with all branches of state government. Currently, OSCCE assists the Department of Elections with voting restoration rights, works with the Division of Revenue to offset state tax refunds and lottery winnings against delinquent state receivables, accesses Department of Labor employment records allowing for verification of financial resources when establishing payment agreements, coordinates with the Department of Technology and Information for the printing of dunning letters and accesses Department of Health and Social Services' (DHSS) Vital Statistics records to manage outstanding receivables.

OSCCE continues to implement and/or expand several new programs to improve collection efforts. These include:

- Expanding the State Tax Refund/Lottery Winning intercept program on DOC supervision fees to include accounts pre-2003;
- Expanding payment acceptance for JP Court, including the implementation of a specialized collection program on older delinquent accounts. The overall implementation and expansion of these programs has helped sustain average annual collections of \$148,436 between fiscal years 2009 and 2011; and
- Including Automated Clearinghouse payments to all OSCCE locations.

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

- OSCCE is currently in the Request for Proposal stage of an initiative to implement a payment kiosk program that will expand its payment locations to include the Division of Motor Vehicles and DHSS facilities; and
- OSCCE is working with DELJIS and DOC to automate the data entry and payment processing functions for the collection of supervision fees.

### ACTIVITIES

- Accept payment of court-ordered financial assessments.
- Document and record all financial transactions promptly and accurately.
- Explore alternative forms of payment processing.
- Pursue the collection of financial obligations referred as by the courts.

- Refer offenders to 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 staff in the issuance of restitution funds collected against referred delinquent Family Court receivables.
- Provide financial reports as requested.

### PERFORMANCE MEASURES

	FY 2011 Actual	FY 2012 Budget	FY 2013 Gov. Rec.
# of contacts made to administer accounts:			
verbal	15,709	14,500	14,500
written	45,550	45,000	45,000
\$ collected on behalf of:			
Superior Court	2,511,598	2,550,000	2,600,000
Family Court	87,430	80,000	80,000
JP Court	152,036	160,000	165,000
DOC	914,770	925,000	925,000
% increase in \$ collected	(6.53)	1.34	1.48

## *INFORMATION TECHNOLOGY* 02-17-04

### MISSION

The Information Technology Division develops and maintains computerized information systems and provides technology support services to the judicial branch.

### KEY OBJECTIVES

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

The Information Technology Division is responsible for the development and support of computer information systems and the infrastructure necessary to access those systems.

# JUDICIAL

## 02-00-00

Recent accomplishments include:

- Completed the Courts Organized to Serve project;
- Continued to enhance our web presence for the judicial branch including monitoring for Americans with Disabilities Act compliance and increasing judicial involvement in social networking to communicate to the public;
- Interacted with regional and national courts and technology groups to exchange ideas;
- 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 social networking services;
- Enhanced the Public Assistant program for public access to court information; and
- Addressed 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 to 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 2011 Actual	FY 2012 Budget	FY 2013 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
# of problem calls initiated with Help Desk	7,984	8,143	8,302
# of problem calls resolved	7,979	8,138	8,297

## **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 function 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 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.

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; some historically date back to the early 1800s. The library offers computer-assisted legal research and wireless access 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, 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.

## JUDICIAL 02-00-00

- 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 2011 ACTUAL	FY 2012 BUDGET	FY 2013 GOV. REC.
GF	2,440.0	2,368.3	2,399.1
ASF	--	--	--
<b>TOTAL</b>	<b>2,440.0</b>	<b>2,368.3</b>	<b>2,399.1</b>

#### POSITIONS

	FY 2011 ACTUAL	FY 2012 BUDGET	FY 2013 GOV. REC.
GF	28.5	28.5	28.5
ASF	--	--	--
NSF	--	--	--
<b>TOTAL</b>	<b>28.5</b>	<b>28.5</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 and are at risk for exploitation, neglect, abuse and victimization and have no one else able or willing to serve as a guardian.

#### KEY OBJECTIVES

- Advocate for the agency, its mission and its service to individuals through education and networking with the public and other professional communities.
- Implement 12 Del. C. § 3991 et seq. by seeking the designees for the Delaware Guardianship Commission, establishing a meeting schedule and developing an agenda. As of September 2011, establishing the Delaware Guardianship Commission is in progress.
- Develop and implement, in conjunction with the Delaware Guardianship Commission, the following: priorities for case acceptance for the Office of the Public Guardian; private and public sector options for guardianship services in Delaware and development of a strategic plan to bring additional guardianship services to Delaware; and feasibility and desirability of fee collection options to increase resources available for guardianship.

# JUDICIAL

## 02-00-00

- Establish Community Education and Outreach pursuant to 12 Del. C. § 3981 et seq. to provide information to the public on guardianship and alternatives to guardianship with the goal of reducing the need for public guardianship and increasing the preparedness of individuals and families for the care of the elderly and individuals with disabilities.

### BACKGROUND AND ACCOMPLISHMENTS

Office of the Public Guardian (OPG) was created in 1974 and 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.

In 2011, legislation was introduced and passed which requires the Public Guardian to be an attorney, changed the appointing authority of the Public Guardian from the Chancellor to the Governor and created the Delaware Guardianship Commission. The Public Guardian is now responsible for legal representation of the office and filing all pleadings and reports necessary on behalf of the wards.

### ACTIVITIES

Pursuant to the new statute, 12 Del. C. § 3981 et seq., the duties of the Public Guardian include:

- Representing OPG in matters in which the appointment of the Public Guardian is sought;
- Maintaining a license to practice law in the State of Delaware and maintaining good standing in the Bar;
- Acting as Executive Director for the Delaware Guardianship Commission; and
- Coordinating volunteer representation and community education for public outreach.

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

- Addressing all issues of the individual that require immediate action and ensuring provision is made for the support, care, comfort, health and maintenance of the ward;
- Assessing the ward's situation, needs, preference and support system;
- Ensuring the individual is living in the most appropriate and least restrictive setting possible;

- Securing medical, psychological, therapeutic and social services that are appropriate and necessary to support the ward's wellbeing and quality of life;
- Maintaining communication with the ward and his/her caregivers; and
- Developing and monitoring a written guardianship plan.

Duties of a guardian of property include:

- Addressing all issues of the estate that require immediate action;
- Preparing real estate and personal belongings for sale and obtaining services of an appraiser, realtor, auctioneer and others as needed;
- Providing competent management, for the benefit of the ward, of all property and supervising all income and disbursements of the estate;
- Conducting all financial matters for the ward;
- Maintaining accurate records of all transactions and submitting final accounting to the court upon the death of a ward; and
- Obtaining all public benefits for which the ward is eligible.

### PERFORMANCE MEASURES

	FY 2011 Actual	FY 2012 Budget	FY 2013 Gov. Rec.
# of referrals received	142	150	150
# of referrals accepted for public guardianship	57	60	60
# of current guardianships	215	230	230

### Legal Case Management

	FY 2011 Actual	FY 2012 Budget	FY 2013 Gov. Rec.
# of petitions/other filed	192	200	225
# of reports filed	335	350	350
# of accountings prepared	62	65	65
# of inventories performed	10	20	20

### Financial Case Management

	FY 2011 Actual	FY 2012 Budget	FY 2013 Gov. Rec.
# of individuals to whom OPG has been appointed guardian of property	70	80	80
# of checks written	1,475	1,750	1,750
# of bank accounts managed	100	115	115

## 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

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

In Fiscal Year 2011, CPRB conducted 708 reviews of 599 children in foster care. Most of these children are in the care of the Division of Family Services (DFS) and also receive services through the Division of Prevention and Behavioral Health Services.

CPRB continues to be responsible for completing the two-month review of placements that mix adjudicated and non-adjudicated youth in the same residential facility or foster home, as defined in 10 Del. C. § 1009 (j)(4). The purpose of these reviews is to ensure that non-adjudicated youth are not put at risk by the presence of adjudicated youth in the same setting. In Fiscal Year 2011, the CPRB completed 21 mixing reviews. Following these reviews, the CPRB submits any identified concerns to the appropriate division director for resolution.

CPRB administers the Ivyane Davis Memorial Scholarship and partners with DFS to administer the federal ETV program, both of which support post-secondary education for Delaware's former foster children. These programs can be used to motivate children in foster care to embrace the opportunity for post-secondary education. In Fiscal Year 2011, 58 recipients received scholarships and grants with a value of \$160,415. Thirty-one students used their grants at two-year colleges, and 23 attended four-year colleges. Four award recipients attended vocational schools.

### PERFORMANCE MEASURES

	FY 2011 Actual	FY 2012 Budget	FY 2013 Gov. Rec.
# of volunteer hours generated	3,450	3,500	3,500
# of volunteer training hours	245	300	300
# of children being served	653	725	675

**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.

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### KEY OBJECTIVES

- Secure legal representation for every dependent, neglected and abused child in the custody of 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 wellbeing 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 abuse related deaths in Delaware. These cases pointed to deficiencies in the child protection system that could not be remedied solely by one entity. The General Assembly determined that an office to oversee these efforts, staff CPAC and provide legal representation on behalf of children was necessary.

During Fiscal Year 2011, OCA received 701 appropriate referrals on children, a 20 percent increase from Fiscal Year 2010. OCA made 322 attorney appointments during Fiscal Year 2011 and completed 91 case reviews to ensure the child welfare system was adequately protecting those children. Throughout Fiscal Year 2011, OCA represented a total of 797 children.

On June 30, 2011, 828 children were in the legal custody of DSCYF, a 9 percent increase from the prior fiscal year. OCA represented 485 of those children, the CASA program represented 322 children, and the remaining 21 were unrepresented on the last day of the fiscal year, although most secured representation shortly thereafter.

During Fiscal Year 2011, 381 volunteer attorneys represented children for OCA, with 52 new attorneys trained in six sessions. By the end of Fiscal Year 2011, OCA boasted over 180 volunteer attorneys with at least five years experience representing children through OCA.

In addition to coordinating the legal representation of children, OCA took over the responsibility of coordinating activities funded by the federal Children's Justice Act grant, worked diligently to deliver training on mandatory reporting of child abuse to professionals throughout Delaware and continued to support efforts at improving the delivery of independent living, mental health, and educational services to children in foster care. OCA also partnered with other legal advocacy organizations to improve the availability of legal resources to vulnerable

populations by training attorneys to represent children and families in a variety of areas, including special education and immigration.

Throughout Fiscal Year 2011, CPAC continued to hold quarterly meetings to identify system problems and advocate for system reform. CPAC focused its resources on enhancing training programs, including planning the third Protecting Delaware's Children Conference, as well as developing a mandatory reporting media campaign, researching a more effective risk assessment tool, evaluating the delivery of physical and mental health services to children in foster care and improving educational outcomes for children in foster care.

### 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.
- 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 2011 Actual	FY 2012 Budget	FY 2013 Gov. Rec.
# of appropriate referrals	701	600	700
# of DSCYF children represented by OCA			
New Castle	301	309	284
Kent	102	86	103
Sussex	82	75	69
# of DSCYF children unrepresented			
New Castle	8	8	6
Kent	3	5	6
Sussex	10	4	5
# of children represented by OCA	797	824	748
# of volunteer attorneys	381	400	379
# of volunteer attorneys with over five years of OCA service	177	200	227

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### **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 Child Death, Near Death and Stillbirth Commission (CDNDSC) 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 2011, reviews were conducted by each of the three panels (consisting of New Castle County, Kent/Sussex counties, and Abuse/Neglect) to determine whether reasonable standards of practice were met by the systems involved. The Fetal and Infant Mortality Review (FIMR) teams (New Castle County, Kent/Sussex counties and Wilmington) continue to meet monthly to review cases of any fetus over 20 weeks gestation or infant through one year of age.

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.

Statistics for Fiscal Year 2011 include:

- 66 deaths were reviewed by the child death panels;

- 27 cases were reviewed by the child abuse/neglect panel. Of those cases, one case was an initial review, and 19 were final reviews;
- Seven cases were initial and final reviews of child abuse/neglect (completed simultaneously);
- 131 (64 fetal and 67 infant) fetal and infant deaths were referred to CDNDSC;
- 93 cases were reviewed by the FIMR case review teams;
- 20 maternal interviews were conducted with mothers who have had a fetal/infant loss; and
- Two of the maternal interviews were conducted jointly with a Division of Public Health Spanish speaking interpreter.

#### **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.
- Engage community partners for prevention programs, such as Cribs for Kids, Bike Helmet Safety and Mandatory Reporting for Medical Professionals.
- Collaborate with CPAC and the Delaware Healthy Mother Infant Consortium.

#### **PERFORMANCE MEASURES**

	<b>FY 2011 Actual</b>	<b>FY 2012 Budget</b>	<b>FY 2013 Gov. Rec.</b>
% of Child Death Panel recommendations turned into action steps by CDNDSC or other entities	91	100	100
% of Infant Unsafe Sleeping Deaths provided with a maternal interview	*	80	80
% of eligible FIMR cases reviewed by case review teams	71	80	80
% of FIMR cases with a completed maternal interview	15	35	35

*\*New performance measure.*

### **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

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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, the Secretary of DHSS and the 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 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 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.

### PERFORMANCE MEASURES

	FY 2011 Actual	FY 2012 Budget	FY 2013 Gov. Rec.
# of reviews performed	16	11	12
# of legislative recommendations made	2	3	3
# of long-term care facility visits	41	40	40
# of assisted living facility visits	22	20	20