



Mapping to AOC DCM Consensus Tracks

Montgomery County Circuit Court

Enclosed are four sections highlighting the high-level, preliminary mapping of Montgomery County Circuit Court's Differentiated Case Management (DCM) Tracks to the AOC's DCM Consensus Tracks.

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Overview

In accordance with Maryland Rule 16-302(b), the County Administrative Judge is to develop and, upon approval by the Chief Judge of the Maryland Court of Appeals, implement and monitor a case management plan for the prompt and efficient scheduling and disposition of actions in the Circuit Court. Since the late 1990s, Montgomery County Circuit Court has managed case progress in accordance with Differentiated Case Management (DCM) principles as outlined in its DCM Plans. DCM is characterized by the early differentiation of cases entering the justice system in terms of the nature and extent of judicial/justice system resources they will require. The Court has made every effort to align DCM principles with its case management policies and practices, as well as case management system configuration. Further, every effort is made to update the Court's DCM plans to reflect legislative, rule and policy changes.

In 2016, the Maryland Judiciary's Court Operations Department in collaboration with the Justice Management Institute (JMI) drafted Statewide DCM guides for Circuit and District Courts. While courts with robust DCM plans that align with the way the court, judges, and attorneys conduct procedural justice were not required to change or update their plans, the Judicial Council and AOC directed those courts to classify or map their tracks to the statewide consensus tracks.

This document provides the requested DCM Track mapping. There are four sections of mapping related to each of the major case types:

- Section I: Civil DCM Mapping
- Section II: Criminal DCM Mapping
- Section III: Family DCM Mapping
- Section IV: Juvenile DCM Mapping

Efforts were made to align the Court's current DCM Tracks with the AOC consensus tracks as appropriate. However, instances of Track misalignment exist and are noted.



SECTION I: CIVIL DCM MAPPING

Montgomery County Circuit Court (MCCC) assigns civil cases to DCM Tracks based upon case subtypes or issues pled, and the estimated trial length. The following tables provide a high-level, preliminary mapping of the Court's current Civil DCM Tracks at the time of filing (Table 1) and by subtype (Table 2) in relation to the AOC's Civil Consensus DCM Tracks.

Table 1. At FILING, DCM Track designations are set as follows:¹

AOC DCM Track	AOC Case Subtypes ²	MCCC Track Alignment
Track 1 Civil Expedited	Confessed Judgments Administrative Agency Appeals Mechanic's Liens Tax Sales Certiorari Contempt Habeas Corpus Name change Maryland Automobile Insurance Fraud Attachment Before Judgment Declaratory Judgment (no discovery) District Court Appeals De Novo District Court Jury Trial Prayers Injunctions Mandamus Orphan's Court Appeal (no CIF) Restraining Orders Tort (no discovery) Contract (no discovery) Forfeiture (money or vehicle)	Tracks 0 (No Discovery) and N (Foreclosure – Rights of Redemption; Miscellaneous Petitions; Writ of Habeas Corpus; State Road's Petition; etc.)

¹ More details are available about the Court's Civil DCM Plan at http://www.montgomerycountymd.gov/circuitcourt/Resources/Files/CivilDepartment/Civil_Differentiated_Case_Management_Plan.pdf

² AOC Civil Case Subtypes shown are displayed in Table 1.1 of the statewide DCM draft templates: <http://courtnet.courts.state.md.us/courttops/pdfs/circuitcourtcmtemplates.pdf>; and Table 4.1 of the statewide DCM guide: <http://courtnet.courts.state.md.us/courttops/pdfs/circuitcourtcmguide.pdf>

Table 1. At FILING, DCM Track designations are set as follows, Continued:

AOC DCM Track	AOC Case Subtypes	MCCC Track Alignment
Track 2 Civil Standard	Condemnation	Tracks 2 (Expedited) and 3 (Standard)
	Contract (discovery)	
	Fraud and Misrepresentation	
	Intentional Tort (discovery)	
	Motor Tort (discovery)	
	Other Tort (discovery)	
	Personal Injury (discovery)	
	Worker's Compensation	
	Other Civil Cases (discovery)	
	Business and Technology (expedited)	Track 5 (B&T Expedited)
	Science and Technology ASTAR (expedited)	Track 7 (ASTAR Expedited)
Track 3 Civil Complex	Medical Malpractice	Track 4 (Complex)
	Legal Malpractice	
	Mass Tort	
	Lead Paint	
	Contract (major construction)	
	Major Product Liability	
	Toxic Tort Claims (designated)	
	Class Actions Suits or other Complex Cases	
	Business and Technology (complex)	Track 6 (B&T Standard)
	Science and Technology ASTAR (standard)	Track 8 (ASTAR Standard)
Track 4 Foreclosure	Foreclosure cases	Track N (Foreclosure Only)

Table 2 provides a preliminary mapping of the number of FY16 Civil terminations³ by the Court's current DCM Track and subtype to AOC Civil Case Subtypes and Consensus Tracks.

Table 2. Mapping of Montgomery County Circuit Court's FY16 Terminations by SubType and DCM Track in relation to AOC Civil Case Subtypes/Consensus Tracks

AOC DCM Track	AOC Case Subtypes	Montgomery County Circuit Court Track Alignment (SubType)							
		Track 0	Track 2	Track 3	Track 4	Track 5	Track 6	Track 8	Track N
Track 1 Civil Expedited ⁴	Confessed Judgments	0	1						130
	Administrative Agency Appeals	204	70	70	10				
	Mechanic's Liens								
	Tax Sales								
	Certiorari								
	Contempt								
	Guardianship (referenced in Table 4.1 Civil Casetypes of AOC Circuit Court CM Guide).								
	Habeas Corpus								
	Name change	Aligns with MCCC Family DCM Track N							
	Maryland Automobile Insurance Fraud								
	Attachment Before Judgment								
	Declaratory Judgment (no discovery)								
	District Court Appeals De Novo	110							
	District Court Jury Trial Prayers	69							
	Injunctions								
	Mandamus								
	Orphan's Court Appeal (no CIF)								
	Restraining Orders								
	Tort (no discovery)								
	Contract (no discovery)								
	Forfeiture (money or vehicle)								

³ Termination figures were obtained the Court's FY16 annual case assessment analysis. Mapping is preliminary and is primarily provided as an example of how a single Main Charge/Subtype can span multiple MCCC DCM tracks.

⁴ MCCC has three additional Civil Subtypes tracked as 'N', which will likely align with AOC's Civil Track 1: State Roads Petition (N = 54); Montgomery County Petitions (N=12); and Disciplinary Action (N=9). Given Track N is primarily administrative in nature, no management may be required if they follow the expected/routine case progress.

Table 2. Mapping of Montgomery County Circuit Court's SubType and DCM Track in relation to AOC Civil Case Subtypes/Consensus Tracks, Continued.

AOC DCM Track	AOC Case Subtypes	Montgomery County Circuit Court Track Alignment (SubType)							
		Track 0	Track 2	Track 3	Track 4	Track 5	Track 6	Track 8	Track N
Track 2 Civil Standard	Condemnation								
	Contract (discovery)	41	662	182	13				4
	Fraud and Misrepresentation								
	Intentional Tort (discovery)								
	Motor Tort (discovery)		78	345	3				1
	Other Tort (discovery)	5	114	283	89				
	Personal Injury (discovery)								
	Worker's Compensation								
	Other Civil Cases (discovery) ⁵	204	70	70	10				326
	Business and Technology (expedited) ⁶					1			
	Science and Technology ASTAR (expedited)								
Track 3 Civil Complex	Medical Malpractice								
	Legal Malpractice								
	Mass Tort								
	Lead Paint								
	Contract (major construction)								
	Major Product Liability								
	Toxic Tort Claims (designated)								
	Class Actions Suits or other Complex Cases								
	Business and Technology (complex)						24		
	Science and Technology ASTAR (standard)							1	
Track 4 Foreclosures	Foreclosure cases								2,531 ⁷

⁵ May align with the Court's "Other Law" subtype.⁶ Business and Technology as well as ASTAR tracked cases are found in Other Tort; Contract, and Other Law subtypes among FY16 case assessment terminations.⁷ Includes the following charges: 'Foreclosure Rights of Redemption'; 'Petition to Foreclose'; 'Foreclosure'; 'Foreclosure Condo Lien'; 'Foreclosure Deed of Trust'; 'Foreclosure Mortgage'.



SECTION II: CRIMINAL DCM MAPPING

Montgomery County Circuit Court (MCCC) assigns criminal cases to DCM Tracks based upon case subtypes, the location of incarceration, and/or case complexity.⁸ The following tables provide a high-level, preliminary mapping of the Court's current Criminal DCM Tracks at the time of filing (Table 1) and by case subtype/main charge (Table 2) in relation to the AOC's Criminal Consensus DCM Tracks.

Table 1. DCM Track designations by AOC and MCCC at Filing

AOC DCM Track	Case Subtype or Highest Charge*	MCCC DCM Track	Definition
Track 1 Jury Trial Prayers; District Court Appeals; Reopened Cases	Misdemeanors; Felonies with District Court jurisdiction; Administrative Violations of Probation	Track 1 Jury Demand and Appeals	Instant Jury Demands from District Court and Instructions for Cases Appealed to the Circuit Court
Track 2 Non-Violent Felony Cases	Non-violent felony charge(s)	Track 2 Routine - locally incarcerated	Defendant is locally incarcerated at the time the charging document is filed
Track 3 Violent Felony Cases	Violent felony charge (highest charge)	Track 3 Routine - on bond status or not locally incarcerated	Defendant is on bond status or is incarcerated outside of Montgomery County at filing
Track 4 Complex Cases	Homicide, multi- victim, multi- defendant	Track 4 Complex	(No case is assigned to Track 4 at filing)

* AOC Draft DCM Templates (Criminal DCM Plan, Table 1.1, page 3)

MCCC Track 1: All cases that have come from the District Court because the defendant has appealed the outcome of the case or has demanded a jury trial.

MCCC Track 2: All cases originating in the Circuit Court (indictment or information) in which the defendant is locally incarcerated at the time the charging document is filed will be assigned to Track 2. Track 2 cases include offenses from low to medium complexity such as robbery, burglary, daytime housebreaking, storehouse breaking, CDS (drug), theft, forgery, uttering, and aggravated assaults.

MCCC Track 3: All cases originating in the Circuit Court (indictment or information) in which the defendant is on bond status or is incarcerated outside of Montgomery County (and therefore needs to

⁸ The courts' Criminal DCM Plan is available at

<http://www.montgomerycountymd.gov/circuitcourt/Resources/Files/criminalDepartment/CRIMINALDCMMANUAL.PDF>

be brought to Montgomery County via a writ issued by the Court) will be assigned to Track 3. Track 3 cases include the same offenses as Track 2, low to medium complexity cases.

MCCC Track 4: Cases will be screened for Track 4 based upon the DCM Information Sheets filed by both the State's Attorney's Office and defense counsel. Track 4 is reserved for complex cases that are identified by counsel and the Court as requiring enhanced judicial supervision and resources, including homicide, rape, first and second-degree sex offenses, child abuse, major fraud, arson, NCR cases, joined cases involving multiple co-defendants or related criminal events, and cases relying upon the results of DNA evidence.

To map cases designated under the MCCC's DCM to the AOC DCM, we made the following mapping criteria:

1. Case subtype in MCCC's case management system was used to identify jury trial prayers and DC appeal cases.
2. Felony designation found in the CSP (*Court Statistics Project*) *Combined Criminal and Traffic Charges Table* provided by the District Court Commissioner was used to identify felony cases.
3. Violent crime designation was obtained from Maryland State Commission on Criminal Sentencing Policy's (MSCCSP) table of violent crimes (as stated in Correctional Services Article (CS) §7-101)⁹, which defines crimes of violence per Title 14 of Criminal Law Article (CR) §14-101.

We used the 2,022 cases originally terminated during CY2015 (the cases reported to the CY2015 CSP) and mapped them to the AOC DMC (See Table 2). In the table, Track 4 cases are also broken down by the COV status since they are initially assigned to either Track 2 or 3 at the time of filing.

Table 2. Number of MCCC CY15 Terminations (CSP) by Case Subtype/Main Charge, Crime of Violence, and MCCC DCM Track to AOC Consensus DCM Tracks

AOC DCM Track	AOC Case SubType (Table 1.1)	MCC DCM Track							
		Track 1	Track 2		Track 3		Track 4	Total	
	Crime of Violence (COV)		Non- COV	CO V	Non- COV	CO V	Non- COV	COV	
Track 1	Jury Trial Prayers	102						102	
	District Court Appeals	809					1	810	
	Reopened	Not covered by MCC DCM and not part of CSP							
Track 2	Non-Violent Felony*	173			625		138	937	
Track 3	Violent Felony			84		88		195	172
Track 4	Murder							6	6
	Multi-victim/defendant	No alignment between MCCC and AOC DCMs ¹⁰							
Total		911	174	84	625	88	139	201	2,222

⁹ See http://www.msccsp.org/Files/Guidelines/Violent_Crimes.pdf

¹⁰ Multi-victim and defendant are criteria for MCCC Track 4 assignments.

Mapping to AOC DCM Consensus Tracks



* Includes 316 cases (64 Track 2 and 252 Track 3 cases) with no Felony as the main charge. Also, Non-COV Track 2 cases include one indictment without track designation (the case was filed in 1974).

Please note that one of the DC appeal cases received the Track 4 assignment, underscoring the practicality and flexibility of the Court's current DCM plans. The Court is able to assign a DC appeal case as a complex case based on a critical review of case characteristics. As stated above, except for District Court jury prayer and appeal cases, the Court's DCM Track assignment is primarily based on the location of defendant (locally incarcerated or not), and therefore fundamentally differs from the AOC's criminal consensus tracks, which are based on case subtype and highest charge.



SECTION III: FAMILY DCM MAPPING

Montgomery County Circuit Court (MCCC) assigns family cases to DCM Tracks based upon case subtypes or issues plead (e.g., contested physical custody – Track 3). The following tables provide a high-level, preliminary mapping of the Court’s current Family DCM Tracks at the time of filing (Table 1) and by main charge (Table 2) in relation to the AOC’s Family Consensus DCM Tracks.

Table 1. At FILING, generally speaking¹¹, DCM Track designations are set as follows:

AOC DCM Track	AOC Case Subtypes ¹²	MCCC Track Alignment
Track 1 Family Expedited	Uncontested Divorce	All petitions for uncontested divorce are initially assigned to Track 0.
	Uncontested or Minor Child Support Issues	
	Uncontested or Minor Child Access Issues	
	Annulment	
	Defaults	
	Modifications	
Track 2 Family Standard	Contested Divorce, with or without custody and child support	All other petitions (excluding uncontested divorce and those primarily assigned to Track N) will be assigned to Track 1. ¹³
	Contested Child Support	
	Contested Child Access	
	Contested Adoption	
	Guardianship ^{14,15}	
	Paternity	
Track 3 Family Complex	Contested Divorce, with business property, 3 rd party custody, or alimony	All administrative-type family petitions (such as Change of Name; Appointment of Guardian; Paternity; URESA; Uniform; etc.) will be assigned to Track N (No Track) assuming they follow their anticipated path.
Track 4 Limited Divorce	Limited Divorce	

¹¹ More details are available about the Court’s Family DCM Plan at http://www.montgomerycountymd.gov/circuitcourt/Resources/Files/FamilyDivision/Family_Division_Case_Management_Plan.pdf

¹² AOC Family Case Subtypes shown are displayed in Table 1.1 of the statewide DCM draft templates: <http://courtnet.courts.state.md.us/courttops/pdfs/circuitcourtcmtemplates.pdf>; and Table 4.2 of the statewide DCM guide: <http://courtnet.courts.state.md.us/courttops/pdfs/circuitcourtcmguide.pdf>

¹³ The DCM Track includes Divorce-Absolute Tracks 2, 3, 4, and N ONLY along with Support (All Tracks), Visitation (All Tracks), Alimony (All Tracks); Custody (All Tracks).

¹⁴ Guardianship is also listed in the Civil Casetypes Maryland Circuit Courts Differentiated Case Management Guide (see Table 4.1).

¹⁵ We included Guardianship-Special Needs Trust in the termination count.

The Court's FY16 Family terminations are used to demonstrate how the Court's DCM Tracks and main charges map to the AOC Case Subtypes.

Table 2. Mapping of Montgomery County Circuit Court's FY16 Terminations by Main Charge and DCM Track to AOC Family Case Subtypes/Consensus Tracks

AOC DCM Track	Case Subtypes (AOC)	Montgomery County Circuit Court Track Alignment (Main Charge)					
		Track 0	Track 1	Track 2	Track 3	Track 4	Track N
Track 1 Family Expedited	Uncontested Divorce ¹⁶	1,064	2,437				6
	Uncontested or Minor Child Support Issues	No Direct Alignment between Main Charge and AOC Case Subtype.					
	Uncontested or Minor Child Access Issues						
	Annulment			7	3		
	Defaults	Unsure of the Definition of this Case Subtype					
	Modifications	No Direct Alignment between Main Charge and AOC Case Subtype. Any modifications (related to custody; support; etc.) would be subsumed in another AOC Case SubType.					
Track 2 Family Standard	Contested Divorce, with or without custody and child support ¹⁷			754	593		
	Contested Child Support	No Direct Alignment between Main Charge and AOC Case Subtype. These AOC Case Subtypes likely subsumed under 'Contested Divorce, with or without custody and child support.'					
	Contested Child Access						
	Contested Adoption ¹⁸						
	Guardianship ¹⁹	1	3				499
	Paternity		8	3	2		
Track 3 Family Complex	Contested Divorce, with business property, 3 rd party custody, or alimony ²⁰					5	
Track 4 Limited Divorce	Limited Divorce ²¹	2	66	32	24		

¹⁶ This category includes the following main charges/tracks: Divorce-Absolute (Tracks 0,1,N); Support (Tracks 0,1,N); Visitation (Tracks 0,1,N); Custody (Tracks 0,1,N). MCCC Track 0 terminations for FY16 include 1,063 Divorce-Absolute cases and 1 Custody case. MCCC Track N terminations for FY16 include four Divorce-Absolute cases and one Custody case.

¹⁷ This category includes the following main charges/tracks: Divorce-Absolute (Tracks 2,3); Support (Tracks 2,3); Visitation (Tracks 2,3); Custody (Tracks 2,3).

¹⁸ Possibly aligns with main charge: Petition for Adoption where DCM Track assignment is N (No Track).

¹⁹ Guardianship-Special Needs Trust are included in the DCM Track figures.

²⁰ This category includes the following main charges/tracks: Divorce-Absolute (Track 4); Support (Track 4); Visitation (Track 4); Custody (Track 4). MCCC Track 4 terminations for FY16 include five Divorce-Absolute cases and one Custody case.

²¹ A request for a Limited Divorce is a grounds issue. MCCC does not assign cases to DCM Tracks based upon grounds, which is why Limited Divorces have Track 0, 1, 2, and 3 assignments.

The following main charges are primarily assigned to the Court's DCM Track N indicating limited to no case management because of the administrative-nature of the underlying petitions. Mapping to AOC Family Consensus Tracks is provided where applicable.

Table 2. Mapping of MCCC Main Charge and DCM Track in relation to AOC Family Case Subtypes/Consensus Tracks, Continued.

MCCC Main Charge	Possible AOC Case Subtype/Track	Montgomery County Circuit Court Track Alignment (Main Charge)					
		Track 0	Track 1	Track 2	Track 3	Track 4	Track N
Change of Name	Track 1, Civil Expedited						931
Petition for Adoption	Track 2, Family Standard						74
Declaratory Judgment	Track 1, Civil Expedited						35
Protection from Domestic Violence	No alignment found						552
Authorization of Specific Transaction	No alignment found						11
Amend Birth Certificate	No alignment found						57
Amend Marriage License	No alignment found						33
Miscellaneous Petition	No alignment found						43
Issue Original/Amend Death Certificate	No alignment found						4
Enroll Foreign Decree	No alignment found						74
Other Equity	No alignment found						
Waiver Court Costs	No alignment found						367
Notice to Take Deposition	No alignment found						18
Petition for Change of Legal Gender Identity	No alignment found						1
Gestational Carriers ²²	No alignment found						
Psychological Evaluation ²³	No alignment found						
<i>Montgomery County Office of Child Support Enforcement</i>							
<i>Paternity</i>	<i>No alignment found</i>						378
<i>Enroll Foreign Decree</i>	<i>No alignment found</i>						2
<i>URESAs – Child Support Enforcement</i>	<i>No alignment found</i>						202
<i>Uniform</i>	<i>No alignment found</i>						850

²² A charge code was created/implemented for this petition type on January 1, 2017. Prior to January 2017, the charge related to this type of petition was Declaratory Judgment, for example.

²³ A charge code was created/implemented for this petition type on January 1, 2017. Prior to January 2017, the charge related to this type of petition was Miscellaneous Petition, for example.



SECTION IV: JUVENILE DCM MAPPING

Montgomery County Circuit Court (MCCC) assigns juvenile cases to DCM Tracks in accordance with statutorily mandated time frames, case flow events, and court policy to promote the fair and efficient management of the sensitive issues in these cases. The following tables provide a high-level, preliminary mapping of the Court's Juvenile DCM Tracks at the time of filing (Tables 1 and 1.2) in relation to the AOC's Juvenile Consensus DCM Tracks.²⁴

Table 1. At FILING, DCM Track designations are set as follows:²⁵

AOC DCM Track	AOC Case Subtypes ²⁶	MCCC Track Alignment
Track 1 - Standard	Delinquency cases without a detention petition	Track 2 ²⁷ - Non-Detention
Track 2 - Complex	Delinquency cases with a detention petition.	Track 1 - Detention ²⁸

Table 1.2. At FILING, DCM Track designations for Child Welfare and Other Juvenile cases are set as follows:

AOC DCM Track	Case Subtypes (AOC)	MCCC Track Alignment
Track 1 CINA Non-Shelter	Child in need of assistance (CINA) cases with no shelter care or shelter care petition	Track 4 CINA Non-Shelter
Track 2 CINA Shelter	Child in need of assistance (CINA) cases with shelter care or shelter care petition	Track 3 CINA Shelter
Track 3 Termination of Parental Rights	Termination of parental rights cases	Track 9 Termination of Parental Rights
Track 4 Custom	<ol style="list-style-type: none"> Adoption Child in need of supervision Peace orders Child support on juvenile custody orders Voluntary Placements Interstate compact requests 	Track 0 – Peace Order Track 10 – Adoption Track 11 – Voluntary Placement

²⁴ It is important to note that juvenile cases may switch status as they proceed toward disposition from detained/sheltered status to non-detained/non-sheltered status and vice versa as discussed and accounted for in the Maryland Judiciary's Case Time Standards.

²⁵ More details are available in the court's Juvenile DCM Plan at

http://www.montgomerycountymd.gov/circuitcourt/Resources/Files/JuvenileDivision/Juvenile_DCM_Plan.pdf

²⁶ AOC Case Subtypes for juvenile cases shown in Tables 1.1 and 1.2 of the statewide DCM draft templates:

<http://courtnet.courts.state.md.us/courttops/pdfs/circuitcourtcmtemplates.pdf>

²⁷ Juvenile Civil Citations have a non-delinquent petition type in the court's CMS, and are assigned to juvenile delinquency DCM Track 2 (non-detained status).

²⁸ Track 1 *could* contain a sheltered Child in Need of Supervision (CINS); however, no such cases have been recently identified.