

**Commission on District Court of Appeal
Performance & Accountability**

Performance Monitoring Report

**Dependency and
Termination of Parental Rights
Appeals**

August 2011

Executive Summary

The Commission on District Court of Appeal Performance and Accountability, in *Delay in Child Dependency/Termination of Parental Rights Appeals*, recommended that specific expedited rules be adopted to achieve the goal of reducing time on appeal, in order to resolve issues expeditiously that involved the welfare of children. Subsequently, the Commission suggested a timeline for the appellate process of 195 days, measured from the rendition of final judgment to rendition of the opinion on appeal. Based on these recommendations, the Supreme Court issued SC08-1724, which adopted time frames in these matters, including mandating that a district court of appeal should render a decision in juvenile dependency and termination of parental rights cases within 60 days; requiring that the record be provided to the appellate court within 25 days from the notice of appeal; requiring that the initial brief be served within 20 days of the service of the record; requiring that the answer brief be served within 20 days of the service of the initial brief; and requiring that the reply brief be served within 10 days of the service of the answer brief.

The Commission, as tasked by the Supreme Court, began monitoring the processing of dependency and termination of parental rights cases. Statistical reports were developed in order to review eight median time frames. The reports provide the percent of cases within the recommended time frames for each district. This report provides a review of the findings, for each of the eight time frames, as noted below:

- **Final Judgment to Disposition:** the time between the date of the final judgment (lower tribunal date rendered) to the date of the final disposition, with a goal of 195 median days. All district courts are at or below the performance goal in the 2nd quarter of FY 2010-2011, with the percent of cases meeting the goal increasing from 44.1% to 67.7%.
- **Notice of Appeal to Disposition:** the time between the filing of the notice of appeal (lower tribunal date filed) to the date of the final disposition, with a goal of 165 median days. Eighty percent of the district courts are at or below the performance goal in the 2nd quarter of FY 2010-2011, with the percent of cases meeting the goal increasing from 41.1% to 59.8%.
- **Notice of Appeal to Record:** based on Rule 9.146(g)(2)(B), Florida Rules of Appellate Procedure, the time between the filing of the notice of appeal (lower tribunal date filed) to the date of the last record before the last initial brief, with a goal of 25 median days. According to the rule, court reporters are allowed an extension of time for extraordinary reasons. All district courts have shown a substantial reduction

in the median days since FY 2007-2008, with the percentage of cases meeting the performance goal increasing from 4.9% to 25.5%.

- **Record to Initial Brief:** based on Rule 9.146(g)(3)(B), Florida Rules of Appellate Procedure, the time between the date of the last record before the last initial brief to the date of the last initial brief, with a goal of 20 median days. Extensions may be granted under Rule 9.146(g)(4)(C), Florida Rules of Appellate Procedure. While most of the district courts have not consistently met the performance goal, there is statistical evidence of a decrease in the median days statewide, decreasing from 39 in FY 2008-2009 to 27 in the 1st quarter of 2010-2011.
- **Initial Brief to Answer Brief:** based on Rule 9.146(g)(3)(B), Florida Rules of Appellate Procedure, the time between the date of the last initial brief to the date of the last answer brief, with a goal of 20 median days. Extensions may be granted under Rule 9.146(g)(4)(C), Florida Rules of Appellate Procedure. Although most district courts did not meet this performance goal, typically they exceeded the goal by only five or six days.
- **Answer Brief to Reply Brief:** based on Rule 9.146(g)(3)(B), Florida Rules of Appellate Procedure, the time between the date of the last answer brief to the date of the last reply brief, with a goal of 10 median days. Extensions may be granted under Rule 9.146(g)(4)(C), Florida Rules of Appellate Procedure. Improvement in meeting this goal has been shown through a decrease of median days from 19 to 15.
- **Answer Brief to Conference/Oral Argument:** the time between the date of the last answer brief to the conference/oral argument date, with a goal of 40 median days. Sixty percent of the district courts are at or below the performance goal, with the percentage of cases meeting the goal increasing from 11.8% to 52%.
- **Conference/Oral Argument to Disposition:** based on Rule 2.250(a)(2), Florida Rules of Judicial Administration, the time between the date of conference/oral argument to the date of the final disposition, with a goal of 60 median days. All district courts have met the performance goal for this time frame, with one exception, since FY 2007-2008.

The districts noted that improvements have been made in most of the time frames. However, reduced resources in the trial courts, such as limited court reporters to prepare records, and at the appellate level, such as limited regional counsel or conflict counsel available to prepare briefs, may contribute to delays in receiving the record and the filing of initial briefs.

For certain time frame measures, some district courts have provided information on changes in practice and procedure implemented to improve efforts to meet the performance goals, ranging from orders intended to expedite matters to docketing cases in a way that moves these cases through the process quickly.

Background

In June, 2006, the Commission on District Court of Appeal Performance and Accountability (the Commission) submitted a report to the Florida Supreme Court on *Delay in Child Dependency/Termination of Parental Rights Appeals*. The report provided a review of how national organizations and other states have addressed issues that may cause harmful effects on the welfare of children and collected information on the steps that the district courts have taken to address them. The Commission recommended that specific expedited rules be adopted to achieve the goal of reducing time on appeal. The creation of specific rules would “reinforce the importance the courts attach to resolving these issues expeditiously for the children’s sake.” In addition to the rules, the Commission’s report noted that such cases required active case management and monitoring on appeal with reporting mechanisms to assure that time parameters are met. The court accepted the report and, subsequently, requested the Commission further study the issue and propose timelines along with any rule changes necessary to expedite these appeals.

As requested, the Commission submitted a *Supplemental Report & Recommendations* in June 2007. The report proposed specific policy and rule changes intended to expedite dependency and termination of parental rights cases. The recommendations suggested a timeline for the appellate process of 195 days, measured from rendition of the final judgment to rendition of the opinion on appeal. The Commission identified areas in which improvements would be essential to the success of the proposed timeline and provided several recommendations, including:

- Require that an adjudication of dependency or final judgment of termination of parental rights set forth all of the specific days on which the hearing occurred;
- Provide that a parent’s indigent status shall be presumed to continue for purposes of appeal unless revoked by the trial court;
- Require that a motion for appointment of appellate counsel and authorization of payment of transcription costs be filed with the notice of appeal and that the trial judge be served with a copy of the notice of appeal and motion for appointment of appellate counsel;
- Require that directions to the clerk and designations to the court reporter be filed with the notice of appeal and that the designations be served on the court reporter;

- Require that the designation to the reporter include the name of the court reporter and provide twenty days for transcription;
- Require that the transcription of hearings for appeal of dependency and parental termination orders be given priority over transcriptions of all other court proceedings;
- Require the clerk of the court to complete and file the record on appeal within five days after receiving the transcript on appeal and service copies of the record on the parties;
- Require that the initial brief be filed within twenty days of service of the record on appeal, the answer brief within twenty days of service of the initial brief, and the reply brief within ten days of service of the answer brief;
- Provide that motions for extension of time be granted only for good cause shown and only for the necessary amount of time;
- Require that a request for oral argument be served with the party's first brief;
- Permit fifteen days to file a motion for rehearing and require no response unless ordered by the court; and
- Eliminate the additional time for issuance of mandate after the denial of rehearing.

By letter dated October 9, 2007, former Chief Justice Lewis referred the Commission's recommendations, along with a set of draft rule amendments, to the Appellate Court Rules Committee, the Juvenile Court Rules Committee, and the Rules of Judicial Administration Committee. The rules committees were asked to work together to analyze the draft amendments and Commission recommendations and to propose any amendments to the rules or forms deemed necessary to implement the Commission's recommendations.

Based on the recommendations in the Commission's 2007 report, the Supreme Court issued SC08-1724 *In Re: Amendments to the Florida Rules of Judicial Administration, the Florida Rules of Juvenile Procedure, and the Florida Rules of Appellate Procedure – Implementation of the Commission on District Court of Appeal Performance and Accountability Recommendations*, on November 12, 2009. In doing so, the court agreed with the Commission that "providing a limited time standard for preparation of a decision provides a policy statement that the expedition of these cases is important to the judiciary of the state" and adopted the time frames suggested by the Commission, including:

- Mandating that a district court of appeal should render a decision in juvenile dependency and termination of parental rights cases within 60 days;
- Requiring that the record be provided to the appellate court within 25 days from the notice of appeal;
- Requiring that the initial brief be served within 20 days of the service of the record;
- Requiring that the answer brief be served within 20 days of the service of the initial brief; and
- Requiring that the reply brief be served within 10 days of the service of the answer brief.

Additionally, in Administrative Order SC08-84, the Supreme Court tasked the Commission with monitoring the processing of dependency and termination of parental rights cases. Accordingly, at three meetings held during the 2008-2010 term, the Commission reviewed time frame data based on the recommendations contained in both the 2006 and 2007 reports. Working with the clerks and staff of the Office of the State Courts Administrator, the Commission developed statistical reports that may be generated from the DCA case management system by district personnel at any time during the year. These reports provide the median days for eight different time frames and also provide the percent of cases within the recommended time frames for each district. From these reports, district personnel have the ability to link to more detailed case information in order to determine the cause of delay and to take action to reduce delays.

In Administrative Order SC10-47, the Supreme Court directed the Commission to continue to monitor dependency and termination of parental rights case data. With the Supreme Court's approval of revisions to the rules in November 2009, the Commission determined that the statistics should be reviewed when the rule revisions have been in effect for at least a year. In February 2011, the Commission reviewed the data and provides this report of the findings.

Timeliness

I. Final Judgment to Disposition

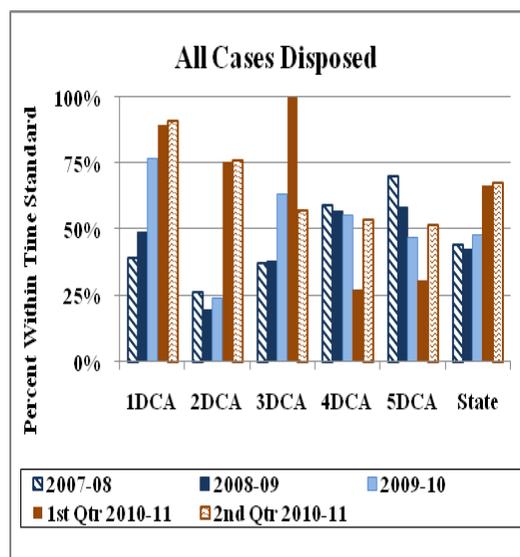
Definition: The time between the date of the final judgment (lower tribunal date rendered) to the date of the final disposition.

Performance Goal: 195 median days

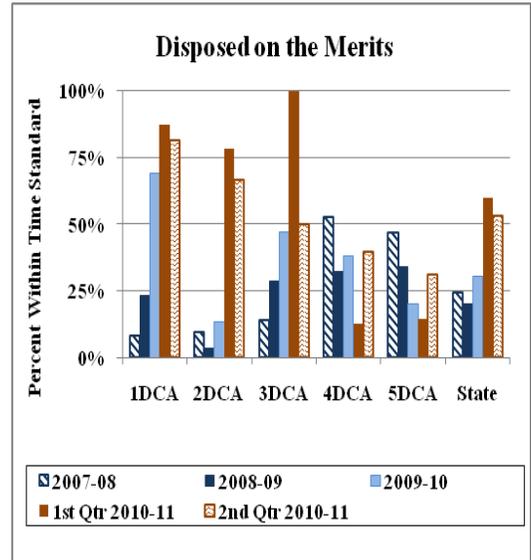
Findings:

- Statewide, there has been improvement in meeting the performance goal. The median days have decreased from 209 in FY 2007-2008 to 163 in the 2nd quarter of FY 2010-2011. The percentage of cases meeting the performance goal has increased from 44.1% in FY 2007-2008 to 67.7% in the 2nd quarter of FY 2010-2011.
- 100% of the district courts are at or below the performance goal in the 2nd quarter of FY 2010-2011.**
- The First DCA has shown a substantial reduction from a high of 213 median days in FY 2007-2008 to a low of 125 median days in the 2nd quarter of FY 2010-2011.
- The Second DCA has shown a substantial reduction from a high of 255 median days in FY 2007-2008 to a low of 163 median days in the 2nd quarter of FY 2010-2011.
- The Third DCA has shown a substantial reduction from a high of 243 median days in FY 2007-2008 to a low of 161 median days in the 2nd quarter of FY 2010-2011.

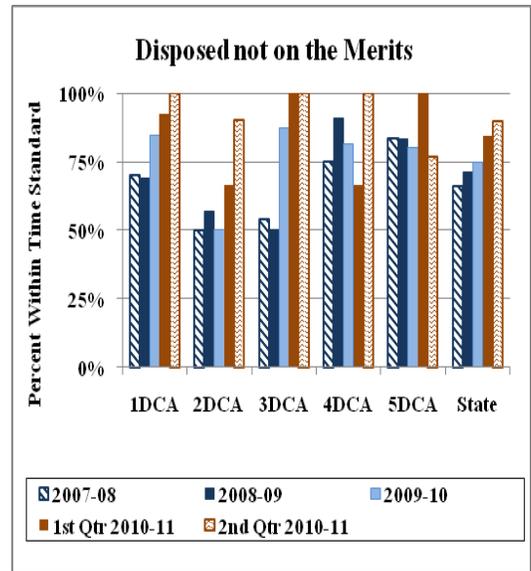
Number (N) of Cases and Median – All Cases Disposed							
Time Period	Statistic	1DCA	2DCA	3DCA	4DCA	5DCA	State
FY 2007-08	N	120	161	67	98	94	540
	Median	213	255	243	171	156	209
FY 2008-09	N	146	151	50	53	136	536
	Median	196	255	215	167	180	208
FY 2009-10	N	107	179	60	56	150	552
	Median	149	254	181	185	202	199
1st Qtr FY 2010-11	N	29	37	11	11	26	114
	Median	131	154	162	205	223	167
2nd Qtr FY 2010-11	N	22	25	7	13	29	96
	Median	125	163	161	177	195	163



Number (N) of Cases and Median – Disposed on the Merits							
Time Period	Statistic	1DCA	2DCA	3DCA	4DCA	5DCA	State
FY 2007-08	N	60	95	28	70	34	287
	Median	265	286	285	179	203	244
FY 2008-09	N	65	107	28	31	70	301
	Median	239	273	251	214	216	241
FY 2009-10	N	55	127	36	34	84	336
	Median	168	270	202	219	239	236
1st Qtr FY 2010-11	N	16	28	9	8	21	82
	Median	135	160	162	221	238	173
2nd Qtr FY 2010-11	N	11	15	6	10	16	58
	Median	131	190	273	177	213	195



Number (N) of Cases and Median – Disposed not on the Merits							
Time Period	Statistic	1DCA	2DCA	3DCA	4DCA	5DCA	State
FY 2007-08	N	60	66	39	28	60	253
	Median	164	190	191	120	143	158
FY 2008-09	N	81	44	22	22	66	235
	Median	170	183	195	124	138	161
FY 2009-10	N	52	52	24	22	66	216
	Median	124	196	140	169	146	147
1st Qtr FY 2010-11	N	13	9	2	3	5	32
	Median	123	125	138	82	100	123
2nd Qtr FY 2010-11	N	11	10	1	3	13	38
	Median	111	150	63	84	141	133



II. Notice of Appeal to Disposition

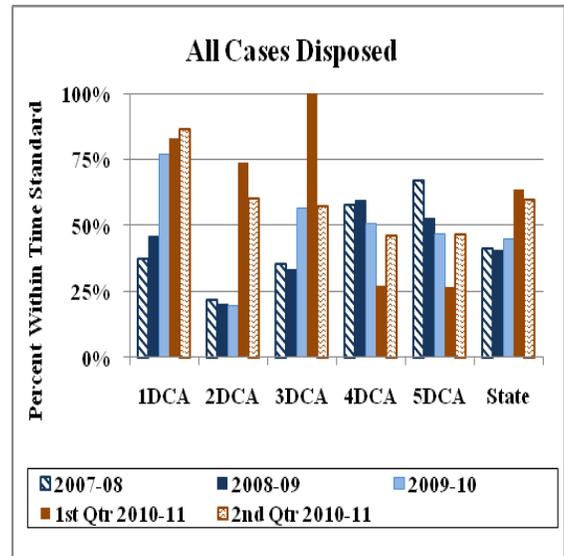
Definition: The time between the filing of the notice of appeal (lower tribunal date filed) to the date of the final disposition.

Performance Goal: 165 median days

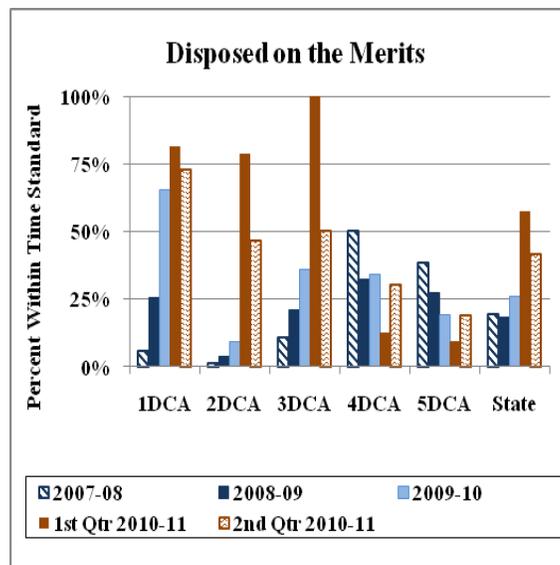
Findings:

- Statewide, there has been improvement in meeting the performance goal. The median days have decreased from 188 in FY 2008-2009 to 143 in the 2nd quarter of FY 2010-2011. The percentage of cases meeting the performance goal has increased from 41.1% in FY 2007-2008 to 59.8% in the 2nd quarter of FY 2010-2011.
- **80% of the district courts are at or below the performance goal in the 2nd quarter of FY 2010-2011.**
- The First DCA has shown a substantial reduction from a high of 183 median days in FY 2007-2008 to a low of 101 median days in the 2nd quarter of FY 2010-2011.
- The Second DCA has shown a substantial reduction from a high of 231 median days in FY 2007-2008 to a low of 141 median days in the 2nd quarter of FY 2010-2011.
- The Third DCA has shown a substantial reduction from a high of 209 median days in FY 2007-2008 to a low of 146 median days in the 2nd quarter of FY 2010-2011.

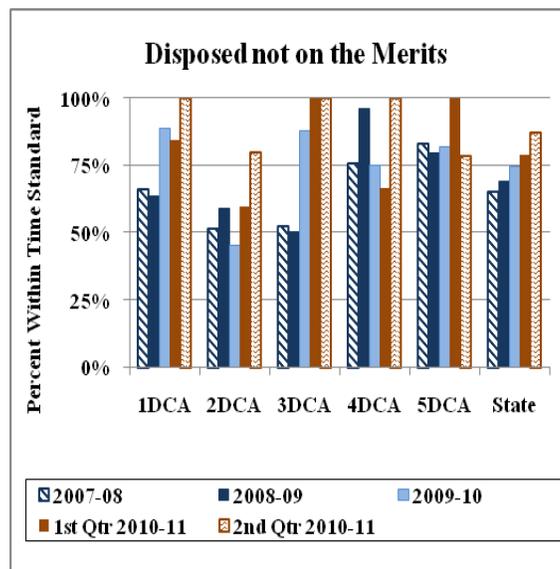
Number (N) of Cases and Median – All Cases Disposed							
Time Period	Statistic	1DCA	2DCA	3DCA	4DCA	5DCA	State
FY 2007-08	N	113	166	68	99	94	540
	Median	183	231	209	153	141	187
FY 2008-09	N	137	156	51	54	138	536
	Median	170	233	203	143	162	188
FY 2009-10	N	104	183	60	59	150	556
	Median	125	233	158	166	180	176
1st Qtr FY 2010-11	N	29	38	11	11	26	115
	Median	110	128	134	181	211	141
2nd Qtr FY 2010-11	N	22	25	7	13	30	97
	Median	101	141	146	164	176	143



Number (N) of Cases and Median – Disposed on the Merits							
Time Period	Statistic	1DCA	2DCA	3DCA	4DCA	5DCA	State
FY 2007-08	N	54	98	28	70	34	284
	Median	237	268	276	157	182	224
FY 2008-09	N	63	110	29	31	70	303
	Median	215	251	231	194	198	222
FY 2009-10	N	52	130	36	35	84	337
	Median	145	254	177	190	219	214
1 st Qtr FY 2010-11	N	16	28	9	8	21	82
	Median	111	134	134	199	223	151
2nd Qtr FY 2010-11	N	11	15	6	10	16	58
	Median	134	168	259	169	200	173



Number (N) of Cases and Median – Disposed not on the Merits							
Time Period	Statistic	1DCA	2DCA	3DCA	4DCA	5DCA	State
FY 2007-08	N	59	68	40	29	60	256
	Median	146	153	158	105	117	135
FY 2008-09	N	74	46	22	23	68	233
	Median	154	159	167	96	109	133
FY 2009-10	N	52	53	24	24	66	219
	Median	105	175	112	137	120	120
1 st Qtr FY 2010-11	N	13	10	2	3	5	33
	Median	104	120	117	63	91	105
2nd Qtr FY 2010-11	N	11	10	1	3	14	39
	Median	87	132	36	63	115	111



District Comments:

At its conference on May 18, 2009, the First DCA adopted a goal of disposing of TPR and Dependency cases within 165 days of filing of Notice of Appeal. To achieve that goal, the court issued a new expediting order applicable to all TPR and Dependency appeals filed after May 19, 2009. This order instituted the following requirements:

- Parties required to notify the clerk and court reporter of contents of expediting order

- Service of designation of transcript within 5 days of expediting order (5 days after that for appellee’s designation)
- Transcripts due within 15 days of the designation
- Index due 3 days from receipt of transcripts or 15 days from expediting order if no transcripts
- Record due 30 days from index
- Initial brief due 15 days from index
- Answer brief due 15 days from service of initial brief
- Reply brief due 5 days from service of answer brief
- No extensions except in case of extreme emergency
- Motions do not extend the briefing schedule other than an extension of time
- Responses to motions due to be served within 5 days of a motion
- Items served by mail have an added 3 days (not 5 days)

The expediting order was revised in January 2010 to reflect the requirements of Florida Rule of Appellate Procedure 9.146(b)-(c).

In addition to the expediting order, internal court procedures were adopted to hasten the disposition of TPR and Dependency cases. These procedures included:

- Case would be assigned to a panel when answer brief is filed
- Case would be assigned as part of regular 16 cases sent to each judge on a panel and a slot will be maintained for expedited cases.
- Conference date would be set at 21 days from date of assignment of case to panel
- Expedited cases will move to “top of the stack” for law clerks and judges.

The Third DCA has adopted a new procedure to issue an order to counsel and the circuit court clerk specifying the special procedures and time limitations that apply. The order also directs counsel to provide a copy of the order to the court reporter. In addition, the order warns the parties that failure to comply with the order may result in sanctions.

III. Notice of Appeal to Record

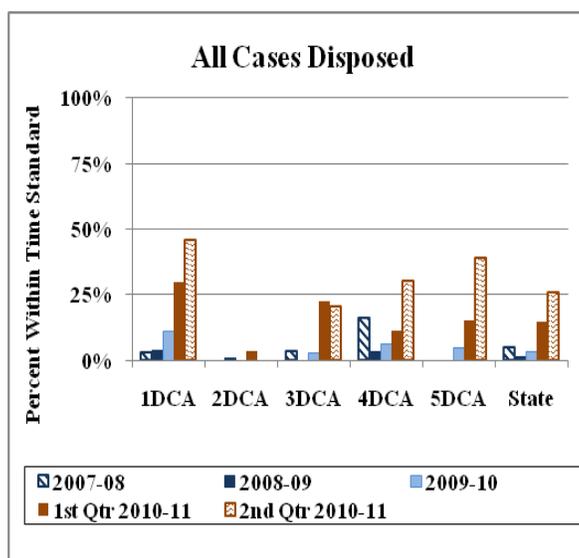
Definition: Based on Rule 9.146(g)(2)(B), Florida Rules of Appellate Procedure, the time between the filing of the notice of appeal (lower tribunal date filed) to the date of the last record before the last initial brief. According to the rule, court reporters are allowed an extension of time for extraordinary reasons.

Performance Goal: 25 median days

Findings:

- Statewide, there has been improvement in meeting the performance goal. The median days have decreased from 66 in FY 2008-2009 to 39 in the 2nd quarter of FY 2010-2011. The percentage of cases meeting the performance goal has increased from 4.9% in FY 2007-2008 to 25.5% in the 2nd quarter of FY 2010-2011.
- **All district courts have shown a substantial reduction in the median days since FY 2007-2008.**
- No district court is meeting the performance goal for the majority of their cases; however, statewide the median days have decreased by 59% from FY 2007-2008 to FY 2010-2011. The data includes those cases where extensions of time may have been granted, thus potentially skewing the results.
- District courts consistently report that there are continued issues with circuit clerks providing the record within the timeframe mandated by rule. This may be attributable to limited resources in the trial courts.

Number (N) of Cases and Median – All Cases Disposed							
Time Period	Statistic	1DCA	2DCA	3DCA	4DCA	5DCA	State
2007-08	N	40	96	30	68	28	262
	Median	79	80	84	37	64	66
2008-09	N	54	105	28	28	47	262
	Median	57	77	70	39	66	66
2009-10	N	45	124	36	33	64	302
	Median	37	84	56	63	64	64
1st Qtr 2010-11	N	17	28	9	9	20	83
	Median	29	61	30	52	39	37
2nd Qtr 2010-11	N	11	16	5	10	13	55
	Median	29	64	126	30	29	39



District Comments:

In the Third DCA, the delay in filing the record has been attributed to the delay in filing the transcript with the circuit court clerk.

IV. Record to Initial Brief

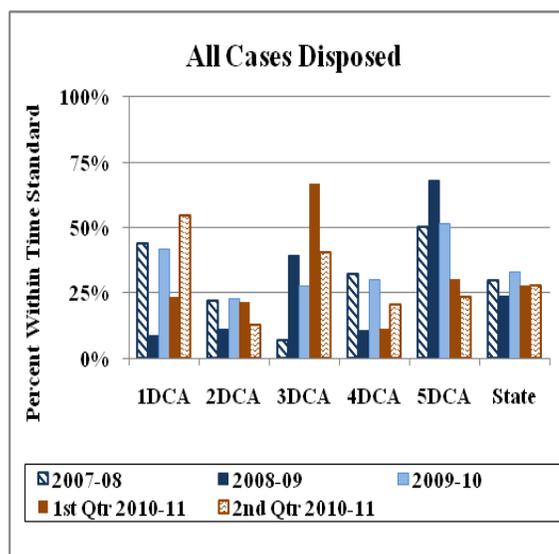
Definition: Based on Rule 9.146(g)(3)(B), Florida Rules of Appellate Procedure, the time between the date of the last record before the last initial brief to the date of the last initial brief. Continuances may be granted under Rule 8.240, Florida Rules of Juvenile Procedure.

Performance Goal: 20 median days

Findings:

- Statewide, there has been improvement in meeting the performance goal. The median days have decreased from 39 in FY 2008-2009 to 27 in the 1st quarter of FY 2010-2011.
- While there is statistical evidence of a decrease in the median days statewide for this time frame, most district courts have not consistently met the performance goal. Extensions of time may be a contributing factor to the inability to meet the performance goal as the data includes cases granted extensions. Additionally, limited resources for appellate attorneys, such as regional counsel, conflict counsel, state attorneys, and public defenders, may account for some of the delay.

Number (N) of Cases and Median – All Cases Disposed							
Time Period	Statistic	1DCA	2DCA	3DCA	4DCA	5DCA	State
FY 2007-08	N	46	96	30	68	28	268
	Median	28	37	63	34	19	35
FY 2008-09	N	56	105	28	28	47	264
	Median	46	43	27	39	15	39
FY 2009-10	N	48	124	36	33	64	305
	Median	27	32	34	38	17	30
1 st Qtr FY 2010-11	N	17	28	9	9	20	83
	Median	32	27	20	26	30	27
2 nd Qtr FY 2010-11	N	11	16	5	10	13	55
	Median	20	23	40	50	35	30



District Comments:

The Third DCA is issuing show cause orders to counsel for failing to comply with the time standards.

V. Initial Brief to Answer Brief

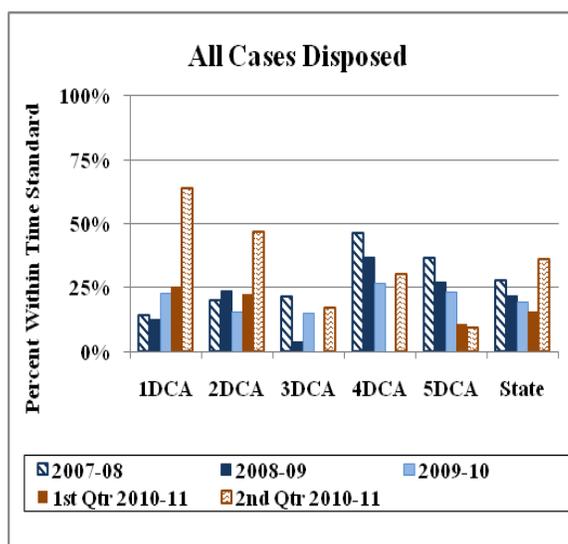
Definition: Based on Rule 9.146(g)(3)(B), Florida Rules of Appellate Procedure, the time between the date of the last initial brief to the date of the last answer brief. Continuances may be granted under Rule 8.240, Florida Rules of Juvenile Procedure.

Performance Goal: 20 median days

Findings:

- The median days for this timeframe have remained fairly steady statewide since FY 2007-2008.
- The Second DCA reduced the number of median days in this category from a high of 27 days in FY 2009-2010 to a low of 21 median days in the 2nd quarter of FY 2010-2011.
- Most districts courts have not met the performance goal for this timeframe; however, statewide, they were typically only over the goal by 5 to 6 days during FY 2010-2011. Extensions of time may be a contributing factor to the inability to meet the time frame standard as the data includes cases granted extensions.

Number (N) of Cases and Median – All Cases Disposed							
Time Period	Statistic	1DCA	2DCA	3DCA	4DCA	5DCA	State
FY 2007-08	N	57	97	28	75	33	290
	Median	35	27	23	22	22	25
FY 2008-09	N	55	110	25	30	55	275
	Median	35	27	25	27	25	27
FY 2009-10	N	53	130	33	34	69	319
	Median	27	27	26	28	28	26
1st Qtr FY 2010-11	N	16	27	6	9	19	77
	Median	22	23	25	41	38	26
2nd Qtr FY 2010-11	N	11	15	6	10	11	53
	Median	19	21	40	26	29	25



VI. Answer Brief to Reply Brief

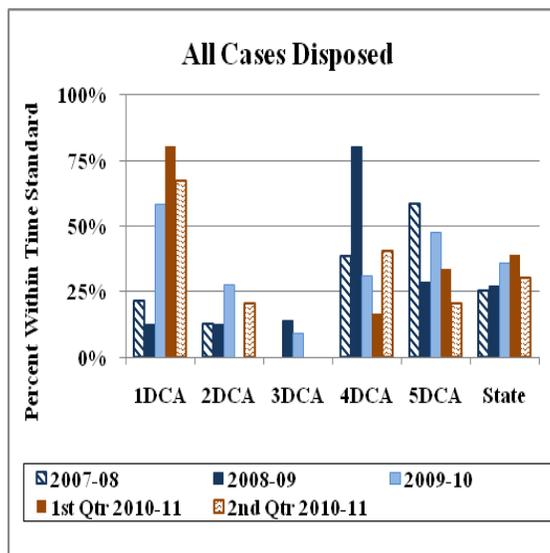
Definition: Based on Rule 9.146(g)(3)(B), Florida Rules of Appellate Procedure, the time between the date of the last answer brief to the date of the last reply brief. Continuances may be granted under Rule 8.240, Florida Rules of Juvenile Procedure.

Performance Goal: 10 median days

Findings:

- Statewide, there has been improvement in meeting the performance goal. The median days have decreased from 19 in FY 2007-2008 to 15 in the 2nd quarter of FY 2010-2011.
- The First DCA has shown a substantial reduction in days, from a high of 23 median days in FY 2008-2009 to 7 median days in the 2nd quarter of FY 2010-2011.
- The Third DCA has shown a substantial reduction from a high of 23 median days in FY 2007-2008 to a low of 13 median days in the 2nd quarter of FY 2010-2011.
- Most district courts have not met the performance goal. Extensions of time may be a contributing factor to the inability to meet the time frame standard as the data includes cases granted extensions.

Number (N) of Cases and Median – All Cases Disposed							
Time Period	Statistic	1DCA	2DCA	3DCA	4DCA	5DCA	State
FY 2007-08	N	14	32	8	21	12	87
	Median	22	22	23	13	10	19
FY 2008-09	N	16	16	7	10	14	63
	Median	23	24	14	8	13	17
FY 2009-10	N	12	18	11	16	21	78
	Median	9	21	18	14	12	14
1st Qtr FY 2010-11	N	5	1	0	6	6	18
	Median	8	15	NA	23	13	15
2nd Qtr FY 2010-11	N	3	5	2	5	5	20
	Median	7	24	13	16	24	15



VII. Answer Brief to Conference/Oral Argument

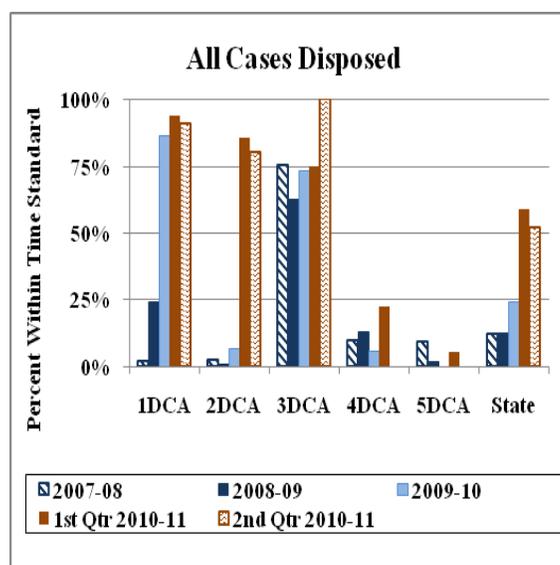
Definition: The time between the date of the last answer brief to the conference/oral argument date.

Performance Goal: 40 median days

Findings:

- Statewide, there has been improvement in meeting the performance goal. The median days have decreased from 73 in FY 2007-2008 to 31 in the 1st and 2nd quarters of FY 2010-2011. The percentage of cases meeting the performance goal has increased from 11.8% to 52%.
- **60% of the district courts are at or below the performance goal in the 2nd quarter of FY 2010-2011.**
- The First DCA has shown a substantial reduction from a high of 97 median days in FY 2007-2008 to a low of 27 median days in the 1st quarter of FY 2010-2011.
- The Second DCA has shown a substantial reduction from a high of 80 median days in FY 2007-2008 to a low of 22 median days in the 2nd quarter of FY 2010-2011.
- The Third DCA has shown a substantial reduction from a high of 34 median days in FY 2008-2009 to a low of 15 median days in the 1st quarter of FY 2010-2011.

Number (N) of Cases and Median – All Cases Disposed							
Time Period	Statistic	1DCA	2DCA	3DCA	4DCA	5DCA	State
FY 2007-08	N	57	97	28	72	33	287
	Median	97	80	30	63	93	73
FY 2008-09	N	53	108	24	31	55	271
	Median	64	70	34	55	105	68
FY 2009-10	N	52	130	26	34	66	308
	Median	27	75	27	56	105	66
1st Qtr FY 2010-11	N	16	27	4	9	19	75
	Median	27	25	15	53	99	31
2nd Qtr FY 2010-11	N	11	15	4	9	11	50
	Median	28	22	26	55	104	31



District Comments:

The Second DCA has adopted new procedures for expediting dependency/termination of parental rights cases. A special three-case docket is prepared when the answer briefs are received and is placed on the earliest available docket. The staff attorneys do not create a summary of the briefs. The assigned panel receives the briefs immediately. An analysis from the staff attorney is provided to the panel at the same time the reply brief is due. Conference is only held upon a judge’s request. Votes on PCAs are completed by email, usually within 24 hours of receiving the summary analysis. PCAs are more than 80% of the caseload.

VIII. Conference/Oral Argument to Disposition

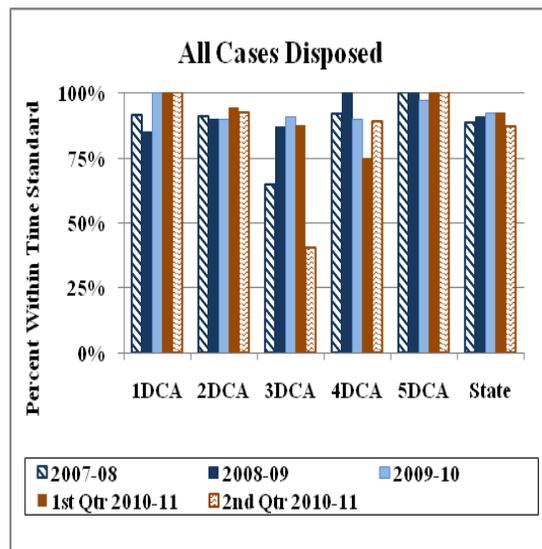
Definition: Based on Rule 2.250(a)(2), Florida Rules of Judicial Administration, the time between the date of conference/oral argument to the date of the final disposition.

Performance Goal: 60 median days

Findings:

- **100% of the district courts have met the performance goal for this time frame (except for a one-time anomaly) since FY 2007-2008.**
- The First DCA showed a substantial reduction from a high of 21 median days in FY 2007-2008 to a low of 5 median days in the 2nd quarter of FY 2010-2011.

Number (N) of Cases and Median – All Cases Disposed							
Time Period	Statistic	1DCA	2DCA	3DCA	4DCA	5DCA	State
FY 2007-08	N	35	97	28	59	14	233
	Median	21	8	38	4	11	9
FY 2008-09	N	40	110	30	28	24	232
	Median	8	8	37	9	15	9
FY 2009-10	N	27	118	44	30	36	255
	Median	10	8	21	5	6	8
1st Qtr FY 2010-11	N	7	18	8	8	11	52
	Median	10	3	43	7	19	8
2nd Qtr FY 2010-11	N	4	13	5	9	7	38
	Median	5	7	134	13	16	8



Conclusion

The latest data indicates that all district courts are meeting the overall performance goal of 195 median days from final judgment to disposition, with substantial improvement achieved statewide, from a high of 209 median days in FY 2007-2008 to a low of 163 median days in the 2nd quarter of FY 2010-2011. Additionally, most districts are meeting the performance goals for Notice of Appeal to Disposition and Answer Brief to Conference/Oral Argument with substantial improvement by many districts since 2007. In several of the time frames noted above, the number of cases meeting the performance goal has also increased. These particular time frames appear to be directly impacted by changes in practice in the district courts, including implementing orders with specific requirements and time limitations intended to expedite Dependency/TPR appeals and adopting new docket procedures in order to address Dependency/TPR matters as quickly as possible.

The data also indicates that, while significant reductions have been made in those time frames involving the receipt of documents, there is still considerable room for improvement. The four time frames involving document receipt – Notice of Appeal to Record, Record to Initial Brief, Initial Brief to Answer Brief, and Answer Brief to Reply Brief – have been addressed with definitive time frames by rule amendments in 2009. While extensions of time and lack of resources in the trial court and with appellate counsel may play a substantial role in the districts' ability to meet the stated time frames, additional efforts could be pursued in directing circuit court staff and parties to an appeal to adhere to time frame standards. Some district courts do report issuing show cause orders to counsel for failure to comply with time standards.