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June 15, 2014

The Honorable Ricky Polston
Chief Justice, Supreme Court of Florida
Supreme Court Building
500 South Duval Street
Tallahassee, Florida 32399

RE: Commission on District Court of Appeal Performance and Accountability- -
Performance Monitoring of Dependency/TPR Appeals

Dear Chief Justice Polston:

In 2008, the Commission on District Court of Appeal Performance and Accountability developed a process to periodically review statewide performance indicators, including those in the area of dependency and termination of parental rights appeals. As directed by Administrative Order SC12-26, the Commission is responsible for the continued monitoring of dependency and termination of parental rights case data. In that regard, please find enclosed a 2014 *Performance Monitoring Report: Dependency and Termination of Parental Rights Appeals*.

As detailed in the enclosed report, statistical analysis, developed by the Commission and generated from the DCA case management system, provides data on eight different time frames. These time frames are derived from both court rules and include the periods from Final Judgment to Disposition, Notice of Appeal to Disposition, Notice of Appeal to Record, Record to Initial Brief, Initial Brief to Answer Brief, Answer Brief to Reply Brief, Answer Brief to Conference/Oral Argument, and Conference/Oral Argument to Disposition.

In February 2011, the Commission initiated the first review, since rule implementation, on the eight noted time frames pertinent to dependency/TPR. As a result of the 2011 review, the Commission noted that improvements across the districts have been made in most of the time frames. The report also discusses

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strategies that are being used in the District Courts to improve meeting the performance goals. The Commission observed, however, that 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 be contributing to delays in receiving the record and the filing of initial briefs.

A similar review occurred in the 2012-2014 term, resulting in the attached report. This report provides statistical reports, updated through the 2nd Quarter of FY 2013-2014. Findings from these statistical reports indicate the district courts continue to show improvement in meeting the performance goals. All district courts have met the performance goals for Final Judgment to Disposition, Notice of Appeal to Disposition, Answer Brief to Conference/Oral Argument, and Conference/Oral Argument to Disposition. The courts still struggle with meeting the performance goals of those timeframes involving receipt of documents from outside sources. It is recommended that a joint study be established between the Commission on District Court of Appeal Performance and Accountability and the Commission on Trial Court Performance and Accountability to define the issues causing the delays in the receipt of documents and determine processes that will alleviate the issues.

On behalf of the Commission, thank you for the opportunity to present this valuable information to the Court. Should you have any questions or if the Commission may be of further assistance, please do not hesitate to contact me.

Sincerely,



Judge William A. Van Nortwick, Jr.
Chair, DCAP&A

WAVN/me
Enclosure

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

Performance Monitoring Report

**Dependency and
Termination of Parental Rights
Appeals**

June 2014

Executive Summary

The Commission on District Court of Appeal Performance and Accountability (the Commission), in February 2011, began monitoring the management of dependency and termination of parental rights cases. The purpose of this monitoring process, as noted by the Commission, in *Delay in Child Dependency/Termination of Parental Rights Appeals*, is to achieve the goal of reducing time on appeal, in order to resolve issues expeditiously that involve the welfare of children.

In establishing a performance monitoring process for dependency and termination of parental rights cases, the Supreme Court issued SC08-1724, which adopted eight time frames in these matters, 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.
- **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.
- **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.
- **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.
- **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.
- **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.

- **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.
- **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.

Statistical reports are developed by the Commission through the Office of the State Courts Administrator based on these eight median time frames. The reports provide the percent of cases within the recommended time frames for each district. The reports also provide a review of the findings, for each of the eight time frames.

In August, 2011, the Commission submitted its first monitoring report to the Supreme Court, on each of the eight timeframes. At the time, 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 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.

This report provides statistical reports, updated through the 2nd Quarter of FY 2013-2014. Findings from these statistical reports indicate the district courts continue to show improvement in meeting the performance goals. All district courts have met the performance goals for Final Judgment to Disposition, Notice of Appeal to Disposition, Answer Brief to Conference/Oral Argument, and Conference/Oral Argument to Disposition. The courts still struggle with meeting the performance goals of those timeframes involving receipt of documents from outside sources. It is recommended that a joint study be established with the Commission and the Commission on Trial Court Performance and Accountability to define the issues causing the delays in the receipt of documents and determine processes that will alleviate the issues.

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 submitted *Performance Monitoring Report: Dependency and Termination of Parental Rights Appeals* (August 2011). Administrative Order SC12-26 provided the Commission with the opportunity to continue to monitor this case data. As a result, the Commission has provided this updated monitoring report.

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.

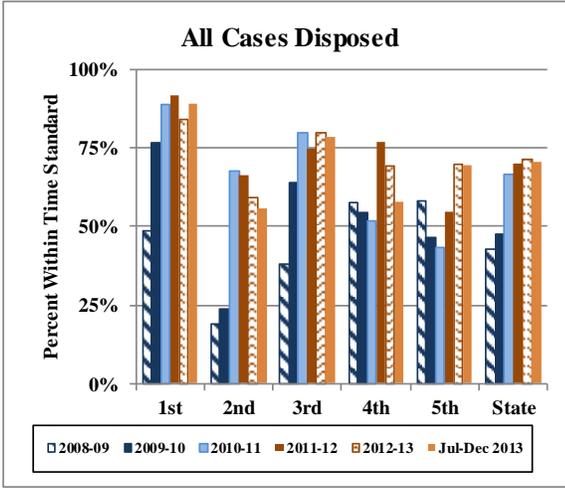
Performance Goal:

195 median days

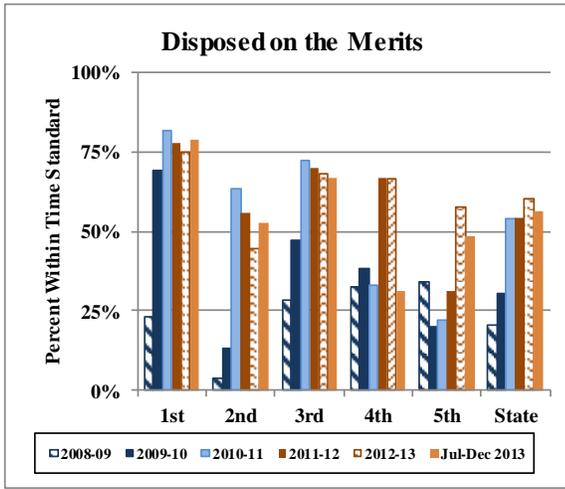
Findings:

- **100% of the district courts met the performance goal in FY 2011-2012, FY 2012-2013, and into the first half of FY 2013-2014.**
- Statewide, there has been continued improvement in meeting the performance goal. The median days has decreased from 162 in FY 2011-2012 to 150 in the first half of FY 2013-2014. The percentage of cases meeting the performance goal has increased from 69.9% in FY 2011-2012 to 70.7% in the first half of FY 2013-2014.
- From FY 2011-2012 to the first half of FY 2013-14, the median days:
 - Decreased by 10.4% (from 125 days to 112 days) in the First DCA;
 - Increased by 13.7% (from 168 days to 191 days) in the Second DCA;
 - Decreased by 3.3% (from 150 days to 145 days) in the Third DCA;
 - Decreased by 3.6% (from 168 days to 162 days) in the Fourth DCA; and
 - Decreased by 13.9% (from 187 days to 161 days) in the Fifth DCA.

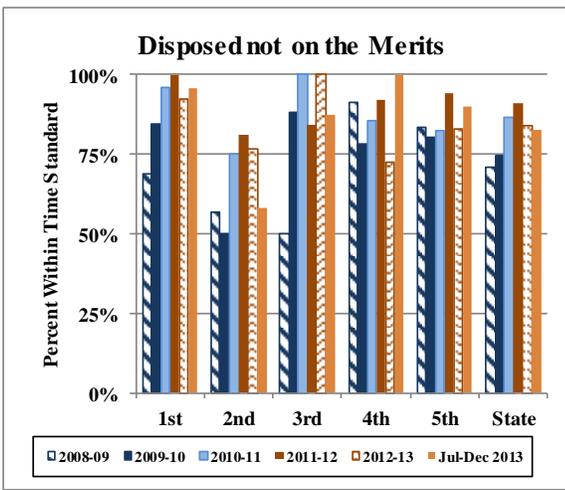
Final Judgment to Disposition (195 Days)



Number (N) of Cases and Median							
Time Period	Statistic	1st	2nd	3rd	4th	5th	State
2008-09	N	146	151	50	54	136	537
	Median	196	255	215	167	180	208
2009-10	N	107	179	61	57	150	554
	Median	149	254	178	186	202	199
2010-11	N	108	121	40	60	97	426
	Median	132	161	162	182	209	162
2011-12	N	95	154	50	65	145	509
	Median	125	168	150	168	187	162
2012-13	N	127	130	35	71	122	485
	Median	135	179	152	168	157	155
Jul-Dec 2013	N	73	77	28	26	59	263
	Median	112	191	145	162	161	150



Number (N) of Cases and Median							
Time Period	Statistic	1st	2nd	3rd	4th	5th	State
2008-09	N	65	107	28	31	70	301
	Median	239	273	251	214	216	241
2009-10	N	55	127	36	34	84	336
	Median	168	270	202	219	239	236
2010-11	N	54	77	29	39	63	262
	Median	147	179	169	205	228	190
2011-12	N	36	91	31	39	92	289
	Median	165	183	175	176	223	188
2012-13	N	59	70	22	42	64	257
	Median	149	200	180	180	188	183
Jul-Dec 2013	N	28	34	12	16	29	119
	Median	148	195	165	223	217	179



Number (N) of Cases and Median							
Time Period	Statistic	1st	2nd	3rd	4th	5th	State
2008-09	N	81	44	22	23	66	236
	Median	170	183	195	123	138	161
2009-10	N	52	52	25	23	66	218
	Median	124	196	143	172	146	147
2010-11	N	54	44	11	21	34	164
	Median	114	140	140	130	137	124
2011-12	N	59	63	19	26	53	220
	Median	119	143	105	109	124	123
2012-13	N	68	60	13	29	58	228
	Median	131	142	114	141	127	133
Jul-Dec 2013	N	45	43	16	10	30	144
	Median	95	190	124	103	124	126

Note: Dispositions on the Merits includes authored opinion, citation, per curiam affirmed, and per curiam opinion for notices and authored opinion, citation, order by judge, pc denied, and per curiam opinion for petitions. In addition, number of days includes each case with a valid trial court final judgment date and a valid disposition date.

II. Notice of Appeal to Disposition

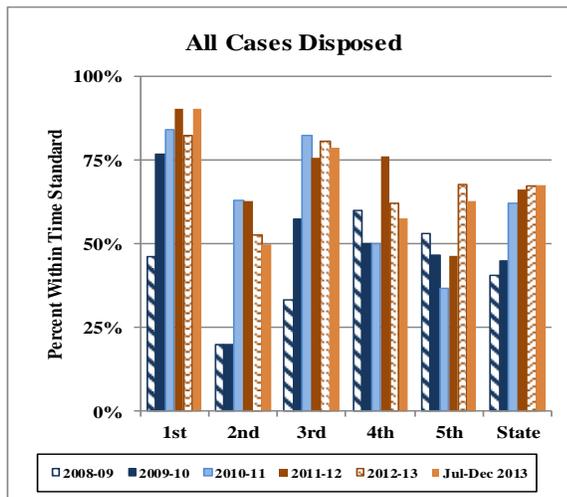
Definition: The time between the filing of the notice of appeal (lower tribunal date filed) to the date of the final disposition.

Performance Goal: 165 median days

Findings:

- **100% of the district courts met the performance goal in FY 2012-2013. In FY 2011-2012 and the first half of FY 2013-2014, 80% of the districts met the performance goal.**
- Statewide, there has been continued improvement in meeting the performance goal. The median days has decreased from 140 in FY 2011-2012 to 132 in the first half of FY 2013-2014. The percentage of cases meeting the performance goal has increased from 66.0% in FY 2011-2012 to 67.6% in the first half of FY 2013-2014.
- From FY 2011-2012 to the first half of FY 2013-14, the median days:
 - Decreased by 2.0% (from 102 days to 100 days) in the First DCA;
 - Increased by 12.2% (from 148 days to 166 days) in the Second DCA;
 - Increased by 2.4% (from 126 days to 129 days) in the Third DCA;
 - Decreased by 5.0% (from 141 days to 134 days) in the Fourth DCA; and
 - Decreased by 16.6% (from 169 days to 141 days) in the Fifth DCA.

Notice of Appeal to Disposition (165 Days)



Number (N) of Cases and Median							
Time Period	Statistic	1st	2nd	3rd	4th	5th	State
2008-09	N	137	156	51	55	138	537
	Median	170	233	203	143	162	188
2009-10	N	104	183	61	60	150	558
	Median	125	233	157	166	180	176
2010-11	N	107	124	40	60	98	429
	Median	108	139	137	165	189	140
2011-12	N	93	158	51	67	147	516
	Median	102	148	126	141	169	140
2012-13	N	124	131	36	71	123	485
	Median	113	161	124	144	131	134
Jul-Dec 2013	N	71	78	28	26	59	262
	Median	100	166	129	134	141	132

Note: Number of days includes each case with a valid notice of appeal date and a valid disposition date.

III. Notice of Appeal to Record

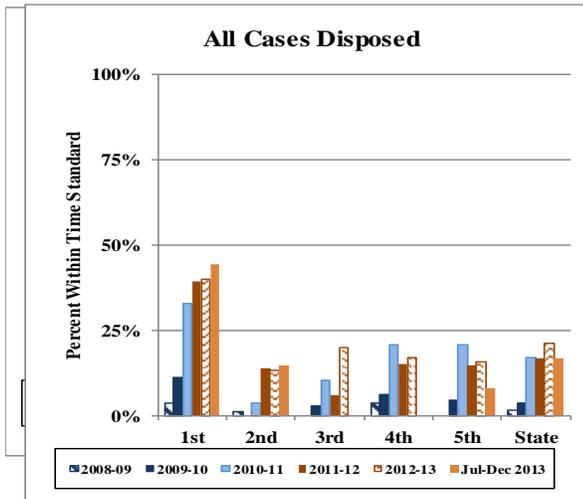
Definition: Based on Rule 9.146(g)(2)(B), Florida Rules of Appellate Procedure, the time between the filing of the notice of appeal (lower tribunal date filed) to the date of the last record before the last initial brief. According to the rule, court reporters are allowed an extension of time for extraordinary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

Performance Goal: 25 median days

Findings:

- **No district court has met the performance goal.**
- Statewide, the median days has decreased from 51 in FY 2011-2012 to 49 in the first half of FY 2013-2014. The percentage of cases meeting the performance goal has decreased from 16.9% in FY 2011-2012 to 16.7% in the first half of FY 2013-2014.
- From FY 2011-2012 to the first half of FY 2013-14, the median days:
 - Decreased by 24.3% (from 37 days to 28 days) in the First DCA;
 - Decreased by 11.5% (from 61 days to 54 days) in the Second DCA;
 - Increased by 14.3% (from 42 days to 48 days) in the Third DCA;
 - Increased by 53.7% (from 41 days to 63 days) in the Fourth DCA; and
 - Increased by 7.8% (from 51 days to 55 days) in the Fifth DCA.
- Despite efforts of the district courts to meet this performance goal, the courts still report that there are continued issues with the circuit clerks providing the record within the timeframe mandated by rule. This may be attributable to limited resources in the trial courts.
- The data provided includes those cases where extensions of time may have been granted, thus potentially skewing the results.

Notice of Appeal to Record (25 Days)



Number (N) of Cases and Median							
Time Period	Statistic	1st	2nd	3rd	4th	5th	State
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
2010-11	N	58	82	29	43	53	265
	Median	32	57	38	39	40	42
2011-12	N	38	92	32	40	74	276
	Median	37	61	42	41	51	51
2012-13	N	60	75	25	41	57	258
	Median	32	62	44	37	54	42
Jul-Dec 2013	N	27	34	14	14	25	114
	Median	28	54	48	63	55	49

Note: "Record" refers to the date of the last record before the initial brief. In addition, number of days includes each case with a valid notice of appeal date and a valid record date.

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.

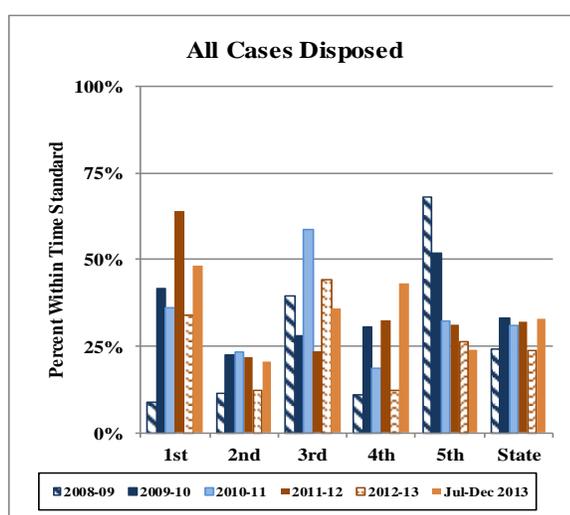
Performance Goal: 20 median days

Findings:

- **No district court has consistently met the performance goal.**
- Statewide, the median days has increased from 27 in FY 2011-2012 to 30 in the first half of FY 2013-2014. The percentage of cases meeting the performance goal has increased from 31.9% in FY 2011-2012 to 32.8% in the first half of FY 2013-2014.
- From FY 2011-2012 to the first half of FY 2013-14, the median days:
 - Increased by 10.5% (from 19 days to 21 days) in the First DCA;
 - Increased by 37.9% (from 29 days to 40 days) in the Second DCA;
 - Decreased by 7.4% (from 27 days to 25 days) in the Third DCA;
 - Decreased by 27.3% (from 33 days to 24 days) in the Fourth DCA; and
 - Increased by 50.0% (from 26 days to 39 days) in the Fifth DCA.

- The district courts have struggled to meet this performance goal. Extensions of time may be a contributing factor to the inability to meet the performance goal as the date includes cases granted extensions.
- Despite efforts of the district courts to meet the performance goal, limited resources for appellate attorneys, such as regional counsel, conflict counsel, state attorneys, and public defenders, may account for some of the delay. The Commission recommends reviewing the trial court reporting model to determine if changes can be made to improve timeliness of the submission of the record.

Record to Initial Brief (20 Days)



Number (N) of Cases and Median							
Time Period	Statistic	1st	2nd	3rd	4th	5th	State
2008-09	N	56	105	28	28	47	264
	Median	46	43	27	39	15	39
2009-10	N	48	124	36	33	64	305
	Median	27	32	34	38	17	30
2010-11	N	58	82	29	43	53	265
	Median	24	26	20	41	29	27
2011-12	N	39	92	32	40	74	277
	Median	19	29	27	33	26	27
2012-13	N	62	75	25	41	57	260
	Median	26	34	19	39	33	31
Jul-Dec 2013	N	29	34	14	14	25	116
	Median	21	40	25	24	39	30

Note: "Record" refers to the date of the last record before the initial brief. In addition, number of days includes each case with a valid record date and a valid initial brief date.

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.

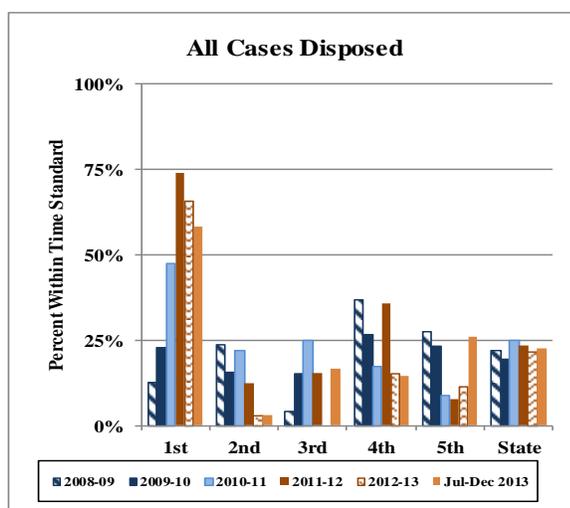
Performance Goal: 20 median days

Findings:

- **One district court has consistently met the performance goal from FY 2011-2012 to the first half of FY 2013-2014.**

- Statewide, the median days was 25 in FY 2011-2012 and the first half of FY 2013-2014. The percentage of cases meeting the performance goal has decreased from 23.6% in FY 2011-2012 to 22.7% in the first half of FY 2013-2014.
- From FY 2011-2012 to the first half of FY 2013-14, the median days:
 - Increased by 11.1% (from 18 days to 20 days) in the First DCA;
 - Increased by 4.0% (from 25 days to 26 days) in the Second DCA;
 - Remained steady at 24 in the Third DCA;
 - Increased by 18.2% (from 22 days to 26 days) in the Fourth DCA; and
 - Decreased by 2.9% (from 34 days to 33 days) in the Fifth DCA.

Initial Brief to Answer Brief (20 Days)



Number (N) of Cases and Median							
Time Period	Statistic	1st	2nd	3rd	4th	5th	State
2008-09	N	55	110	25	30	55	275
	Median	35	27	25	27	25	27
2009-10	N	53	130	33	34	69	319
	Median	27	27	26	28	28	26
2010-11	N	55	77	24	41	46	243
	Median	21	23	24	26	31	25
2011-12	N	38	90	31	39	67	265
	Median	18	25	24	22	34	25
2012-13	N	58	69	21	40	52	240
	Median	17	27	28	28	28	26
Jul-Dec 2013	N	26	35	12	14	23	110
	Median	20	26	24	26	33	25

Note: Number of days includes each case with a valid initial brief date and a valid answer brief date.

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.

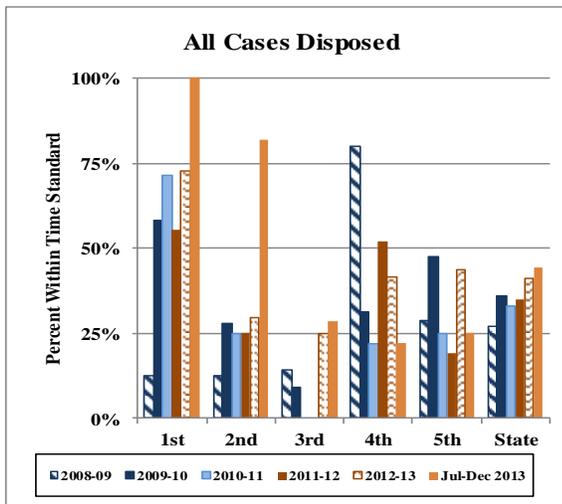
Performance Goal: 10 median days

Findings:

- **Two district courts have met the performance goal if the first half of FY 2013-2014.**

- Statewide, the median days has decreased from 14 in FY 2011-2012 to 11 in the first half of FY 2013-2014. The percentage of cases meeting the performance goal has increased from 35.1% in FY 2011-2012 to 44.4% in the first half of FY 2013-2014.
- From FY 2011-2012 to the first half of FY 2013-14, the median days:
 - Decreased by 40.0% (from 10 days to 6 days) in the First DCA;
 - Decreased by 35.7% (from 14 days to 9 days) in the Second DCA;
 - Decreased by 33.3% (from 21 days to 14 days) in the Third DCA;
 - Remained steady at 12 in the Fourth DCA; and
 - Decreased by 20.0% (from 15 days to 12 days) in the Fifth DCA.

Answer Brief to Reply Brief (10 Days)



Number (N) of Cases and Median							
Time Period	Statistic	1st	2nd	3rd	4th	5th	State
2008-09	N	16	16	7	10	14	63
	Median	23	24	14	8	13	17
2009-10	N	12	18	11	16	21	78
	Median	9	21	18	14	12	14
2010-11	N	14	8	2	23	20	67
	Median	7	17	13	16	16	15
2011-12	N	9	16	3	25	21	74
	Median	10	14	21	12	15	14
2012-13	N	11	17	12	12	16	68
	Median	7	14	17	11	12	12
Jul-Dec 2013	N	1	11	7	9	8	36
	Median	6	9	14	12	12	11

Note: Number of days includes each case with a valid answer brief date and a valid reply brief date.

VII. Answer Brief to Conference/Oral Argument

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

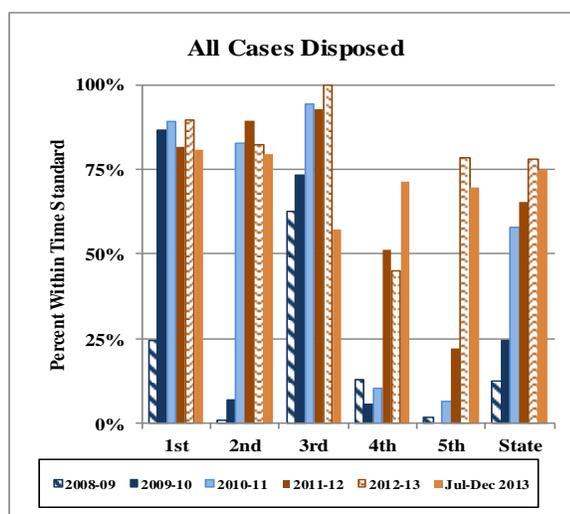
Performance Goal: 40 median days

Findings:

- **100% of the district courts met the performance goal in FY 2012-2013 and the first half of FY 2013-2014. In FY 2011-2012, 80% of the districts met the performance goal.**

- Statewide, the median days has decreased from 31 in FY 2011-2012 to 30 in the first half of FY 2013-2014. The percentage of cases meeting the performance goal has increased from 65.4% in FY 2011-2012 to 74.7% in the first half of FY 2013-2014.
- From FY 2011-2012 to the first half of FY 2013-14, the median days:
 - Decreased by 16.7% (from 30 days to 25 days) in the First DCA;
 - Increased by 45.0% (from 20 days to 29 days) in the Second DCA;
 - Increased by 161.5% (from 13 days to 34 days) in the Third DCA;
 - Decreased by 2.6% (from 39 days to 38 days) in the Fourth DCA; and
 - Decreased by 75.6% (from 86 days to 21 days) in the Fifth DCA.

Answer Brief to Conference/Oral Argument (40 Days)



Number (N) of Cases and Median							
Time Period	Statistic	1st	2nd	3rd	4th	5th	State
2008-09	N	53	108	24	31	55	271
	Median	64	70	34	55	105	68
2009-10	N	52	130	26	34	66	308
	Median	27	75	27	56	105	66
2010-11	N	55	76	17	39	46	233
	Median	27	24	10	55	99	30
2011-12	N	38	85	26	37	67	253
	Median	30	20	13	39	86	31
2012-13	N	58	68	17	40	51	234
	Median	27	26	19	40	21	28
Jul-Dec 2013	N	26	29	7	14	23	99
	Median	25	29	34	38	21	30

Note: Number of days includes each case with a valid answer brief date and a valid conference/oral argument date.

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.

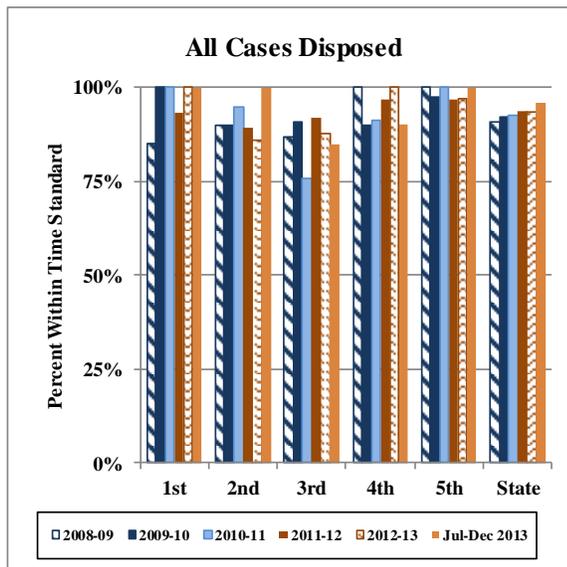
Performance Goal: 60 median days

Findings:

- **100% of the district courts met the performance goal in FY 2011-2012, FY 2012-2013, and into the first half of FY 2013-2014.**

- Statewide, the median days has increased from 8 in FY 2011-2012 to 14 in the first half of FY 2013-2014. The percentage of cases meeting the performance goal has increased from 93.5% in FY 2011-2012 to 95.9% in the first half of FY 2013-2014.
- From FY 2011-2012 to the first half of FY 2013-14, the median days:
 - Increased by 20.0% (from 10 days to 12 days) in the First DCA;
 - Decreased by 30.0% (from 10 days to 7 days) in the Second DCA;
 - Increased by 30.4% (from 23 days to 30 days) in the Third DCA;
 - Increased by 600.0% (from 5 days to 35 days) in the Fourth DCA; and
 - Although there were no cases to compare in the Fifth DCA in FY 2011-2012, decreased by 22.2% (from 9 days to 7 days) from FY 2012-2013 to the first half of FY 2013-2014.

Conference/Oral Argument to Disposition (60 Days)



Number (N) of Cases and Median							
Time Period	Statistic	1st	2nd	3rd	4th	5th	State
2008-09	N	40	110	30	28	24	232
	Median	8	8	37	9	15	9
2009-10	N	27	118	44	30	36	255
	Median	10	8	21	5	6	8
2010-11	N	28	56	33	35	36	188
	Median	9	7	38	6	6	8
2011-12	N	29	65	35	29	0	158
	Median	10	10	23	5	NA	8
2012-13	N	37	56	24	29	32	178
	Median	8	7	24	5	9	10
Jul-Dec 2013	N	15	21	13	10	14	73
	Median	12	7	30	35	7	14

Note: Number of days includes each case with a valid conference/oral argument date and a valid disposition date.

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 208 median days in FY 2008-2009 to a low of 150 median days in the in the 1st half of FY 2013-2014. Additionally, all districts are meeting the performance goals for Notice of Appeal to Disposition, Answer Brief to Conference/Oral Argument, and Conference/Oral Argument to Disposition. 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 continued efforts to streamline the process 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 continued improvements have been made in those time frames involving the receipt of documents, there are still issues with meeting the performance goals. 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 courts and with appellate counsel may play a substantial role in the districts' ability to meet the stated time frames, the district courts are committed to continue efforts to address these issues with circuit court staff and parties to an appeal. In that respect, the Commission offers the following recommendation:

Recommendation: Establish a joint study with the Commission on District Court of Appeal Performance and Accountability and the Commission on Trial Court of Appeal Performance and Accountability to define the issues that cause delay in the receipt of documents at the appellate level for dependency/termination of parental rights appeals and determine processes that may alleviate the issues and improve the time in which the documents are received.

The Commission believes that through the joint efforts of the performance and accountability commissions, issues with the delays at both the trial court and appellate level can be determined, allowing for the development of processes that may encompass a wider range of solutions to address those issues.