

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA**

**ADMINISTRATIVE ORDER 08-05**

**(Performance Measures – Time to Disposition and Excludable Time)**

**WHEREAS**, Strategy 6.2.3 of *Delivering Justice, Strategic Plan of the District of Columbia Courts, 2008-2012*, calls for the implementation of courtwide performance measures adopted by the Joint Committee on Administration; and

**WHEREAS**, a Performance Standards workgroup recognized the need for a system-wide approach to successfully implement *time to disposition* standards and therefore consulted with many different institutions, agencies, and individuals having key roles in case processing to develop time standards in Superior Court; and

**WHEREAS**, *time to disposition* standards help to ensure that parties receive timely case resolution, further the interests of litigants and the public in timely justice, help to assure effective utilization of resources, and promote high quality justice; and

**WHEREAS**, an examination of best practices indicates that periods of case inactivity beyond the court's control, known as *excludable time*, should be subtracted from *time to disposition* calculations; and

**WHEREAS**, time standards are separate and distinct from statutory time limits that are imposed on the Court by the U.S. or D.C. Codes or by case law, and shall be superseded by statutory time limits where applicable, unless such statutory requirements are waived; and

**WHEREAS**, on April 5, 2007 the Performance Standards workgroup unanimously approved the *time to disposition* standards and *excludable time* categories;

**NOW, THEREFORE**, it is by the Court,

**ORDERED**, that these *time to disposition* standards with *excludable time* categories, issued herewith (copies of which are attached to this order), are hereby adopted for use until further order of the Court; and it is further,

**ORDERED**, these standards shall apply to all cases filed in all divisions on and after October 1, 2007.

**ORDERED**, that the standards will be disseminated to the District of Columbia Bar and all agencies and institutions involved in case processing to encourage the establishment of practices to help achieve the Court's *time to disposition* standards; and it is further,

**ORDERED**, that the standards will be incorporated in interim reports and in fully automated *time to disposition* reports as soon as development of the Court's Integrated Justice Information System permits.

**SO ORDERED.**

**BY THE COURT**

**April 4, 2008**

**/s/**  

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**Rufus G. King, III**  
**Chief Judge**

**Attachments:**

**Time to Disposition Standards**  
**Excludable Time**

**Copies to:**

**Judges**  
**Senior Judges**  
**Magistrate Judges**  
**Executive Officer**  
**Clerk of the Court**  
**Division Directors**  
**Director, Office of Strategic Management**  
**Library**  
**Daily Washington Law Reporter**  
**Gideon Website**  
**DC Bar Webmaster**

## Performance Standards for Time to Disposition

<b>Division</b>	<b>Case Type</b>	<b>Standard (from filing to disposition unless noted)</b>
Civil	General Civil II complaints	75% within 12 months 90% within 18 months 100% within 24 months
	Civil I complaints	50% within 24 months 100% within 36 months
	Administrative proceedings and Judge-in-Chambers	95% within 45 days 100% within 90 days
	Merit Personnel Act and Other Agency Appeals	95% within 12 months 100% within 18 months
	Traffic Adjudication Appeals	60% within 90 days 90% within 180 days 100% within 1 year
	Libel of Information	80% within 10 months 100% within 14 months
	Collection and Subrogation Cases	95% within 24 months 100% within 30 months
	Title 47 Tax Lien Cases	95% within 24 months 100% within 36 months
	Landlord Tenant Non-Jury Cases	65% within 45 days 85% within 100 days 100% within 150 days
	Landlord Tenant Jury Cases	100% within 9 months
	Small Claims and Conciliation Non-Jury Cases	98% within 240 days 100% within 1 year
	Small Claims and Conciliation Jury Cases	100% within 9 months
Criminal	Felony I	75% within 12 months 90% within 18 months 98% within 24 months
	Other Felony (Felony II and AFTC) <sup>1</sup>	75% within 6 months 90% within 9 months 98% within 12 months

<sup>1</sup>It should be noted that for defendants detained pursuant to D.C. Code § 23-1322 (b)(1), there is a statutory requirement that the case be tried within 100 days of the date of detention. Barring a waiver of this statutory requirement, such cases remain under a shorter time constraint than our performance standards allow.

	U.S./D.C./Traffic Misdemeanor (Trial Track)	75% within 3 months 90% within 6 months 98% within 9 months
	U.S./D.C. Misdemeanor (Diversion Track)	<u>Community Service/First Time Offenders:</u> 75% within 7 months 90% within 8 months 98% within 9 months <u>Programs for Behavioral Changes or Avoidance of Re-arrest:</u> 75% within 6 months 90% within 9 months 98% within 12 months
	U.S. Misdemeanor Drug Possession	75% within 4 months 90% within 6 months 98% within 9 months
Domestic Violence	Civil (Protection Orders) <sup>2</sup>	80% within 30 days or less 95% within 60 days
	Criminal	75% within 90 days 90% within 180 days 98% within 12 months
	Criminal: Deferred Sentencing	95% within 12 months

<sup>2</sup> Hearing on petition for Civil Protection Order is within 14 days pursuant to Superior Court DV Rule 7A (c) and D.C. Code §16 1004 (d). Hearing for Criminal Contempt (violation of civil protection order) is within 14 days pursuant to Superior Court DV Rule 12 (e) (1).

Family Court	Abuse/Neglect	<u>Child not removed from home (filing of petition to disposition):</u> 100% within 45 days <sup>3</sup> <u>Child removed from home (date of removal to disposition):</u> 100% within 105 days <sup>3</sup>
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<sup>3</sup>Pursuant to D.C. Code §16-2316.01.

	Non-Neglect Adoptions	99% within 12 months
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	Child Support	<u>Order of support from <b>date of service of process</b></u> <sup>4</sup> : 50% within 45 days 75% within 6 months 90% within 12 months
<sup>4</sup> D.C. Official Code, 2001 Ed. § 46-206 requires the Court to schedule hearings in cases seeking to establish or modify child support within 45 days from the date of filing of the petitions. Additionally, federal regulations mandate that orders to establish support be completed in 75% of the cases within 6 months and 90% of the cases within 12 months of the date of service of process (see 45 CFR §303.101).		
	Child Support	<u>Order of support from <b>date of filing</b></u> <sup>5</sup> : 60% within 180 days 75% within 270 days 90% within 18 months
<sup>5</sup> These standards include time for service of process, which is not under the Court's control and involves the process of locating non-custodial parents.		
	Delinquency (Securely Detained Only)	<u>Juveniles held in secure detention (initial hearing to disposition)</u> : Serious: 100% within 45 days <sup>6</sup> Most Serious: 100% within 60 days <sup>6</sup>
<sup>6</sup> Pursuant to D.C. Code §16-2310(e).		
	Delinquency	<u>Non-securely detained (initial hearing to disposition)</u> : 50% within 45 days 100% within 60 days <u>Released (initial hearing to disposition)</u> : 70% within 120 days 90% within 180 days 98% within 270 days
	Divorce/Custody	<u>Uncontested (from filing of the uncontested praecipe)</u> : 50% within 30 days 98% within 45 days <u>Contested - Domestic 1</u> : 75% within 9 months 98% within 12 months <u>Contested - Domestic 2</u> : 75% within 6 months 98% within 9 months
	Visitation	75% within 9 months 98% within 12 months

	Mental Health	80% with 30 days 90% within 45 days 99% within 60 days
	Mental Retardation	50% within 270 days 75% within 365 days 98% with 24 months
Probate	Decedents Estate: Small Estate	95% within 120 days
	Decedents Estate: Large Unsupervised Supervised	95% within 1125 days 95% within 1125 days
Tax	Civil	85% within 24 months 95% within 36 months
	Criminal	55% within 180 days 90% within 365 days 100% within 24 months

## **Time Excludable From Time to Disposition Performance Measures**

For purposes of calculating time to disposition, the Court will define two categories of continuances. The first category constitutes "Excludable Time" and includes delay due to circumstances over which the Court has no control and for periods over which the Court has no control, such as when a defendant is out on a bench warrant. Often in these instances, no further court date is scheduled. The second category, defined as "Other," encompasses all other continuances.

When calculating time to disposition, only delay in the "Excludable" category will be excluded from the time calculation.

### **1) Excludable Time**

The Court has no control over length of delay.

#### **Civil:**

Civil Actions:

- a. interlocutory appeal from stay entered to stay lifted
- b. bankruptcy stay entered to stay lifted
- c. military stay entered to stay lifted
- d. other stay that precludes any activity in case to stay lifted
- e. ancillary proceeding that precludes all other activity in case to resolution of ancillary proceeding
- f. qui tam cases during period of seal to seal lifted

Small Claims:

- a. same as civil actions
- b. Drayton stay entered to stay lifted

Landlord Tenant:

- a. same as civil actions
- b. Drayton stay entered to stay lifted

#### **Criminal:**

Felonies:

- a. bench warrant issued to bench warrant quashing or execution
- b. interlocutory appeal from stay entered to stay lifted
- c. foreign jurisdiction/fugitive arrest to return to D.C.
- d. pre-indictment time
- e. competency evaluation ordered to finding of competence
- f. PSI report preparation time

Misdemeanors:

- a. bench warrant issued to bench warrant quashing or execution
- b. interlocutory appeal from stay entered to stay lifted
- c. foreign jurisdiction/fugitive arrest to return to D.C.
- d. stet docket/diversion to dismissal or reactivation
- e. competency evaluation ordered to finding of competence
- f. PSI report preparation time

**Family:**

Juvenile:

- a. interlocutory appeal from stay entered to stay lifted
- b. custody order issued to custody order quashing or execution
- c. competency evaluation ordered to finding of competence
- d. psychiatric evaluation preparation time
- e. consent decree to closure or reactivation
- f. foreign jurisdiction/fugitive arrest to return to D.C.

All other Family:

- a. interlocutory appeal from stay entered to stay lifted
- b. bench warrant or custody order issued to bench warrant or custody order quashing or execution
- c. bankruptcy stay entered to stay lifted
- d. order of reference to completion of adoption home study

**Domestic Violence:**

Criminal:

- a. bench warrant issued to bench warrant quashing or execution
- b. interlocutory appeal from stay entered to stay lifted
- c. foreign jurisdiction/fugitive arrest to return to D.C.
- d. competency evaluation ordered to finding of competence
- e. PSI report preparation time

Civil:

- a. interlocutory appeal from stay entered to stay lifted

**Probate and Tax:**

- a. bench warrant issued to bench warrant quashing or execution
- b. interlocutory appeal from stay entered to stay lifted
- c. bankruptcy stay entered to stay lifted



- d. ancillary proceeding that precludes all other activity in case to resolution  
of  
ancillary proceeding

## **2) Other**

Next event scheduled; all continuances not included under 1) above.