

Standards Relating to Delay Reduction

Standard I. Civil.

Circuit Civil. 90% of all circuit civil cases should be settled, tried, or otherwise concluded within 18 months of the date of filing; 95% within 24 months of filing; and the remainder within 30 months of filing, except for individual cases in which the court determines by written order that exceptional circumstances exist and for which a continuing review should occur.

District Civil. 95% of all district civil cases should be settled, tried, or otherwise concluded within 10 months of the date of filing and 100% within 15 months, except for individual cases in which the court determines by written order that exceptional circumstances exist and for which a continuing review should occur.

Small Claims. 95% of all small claims actions should be settled, tried, or otherwise concluded within 8 months of the date of filing and 100% within 12 months, except for individual cases in which the court determines by written order that exceptional circumstances exist and for which a continuing review should occur.

Standard II. Domestic Relations.

90% of all domestic relations matters should be settled, tried, or otherwise concluded within 6 months of the date of filing; 98% within 12 months; and 100% within 18 months, except for individual cases in which the court determines by written order that exceptional circumstances exist and for which a continuing review should occur.

Standard III. Criminal.

Circuit Felonies (Noncapital) and Misdemeanors. 90% of all circuit felony cases and misdemeanors should be adjudicated or otherwise concluded within 9 months from the date of filing in circuit court and 100% within 12 months, except for individual cases in which the court determines by written order that exceptional circumstances exist and for which a continuing review should occur.

Because capital cases may result in the imposition of the death penalty, judges should monitor these cases constantly and bring them to trial as expeditiously as possible. Because of the complex nature of the cases, capital cases are tracked separately and are not included in the summary time standards calculations.

District Misdemeanors, Traffic, and Conservation. 95% of all misdemeanors, traffic, conservation, other infractions, and nonfelony cases should be adjudicated or otherwise concluded within 4 months of the date of filing and 100% within 6 months,

except for individual cases in which the court determines by written order that exceptional circumstances exist and for which a continuing review should occur.

Standard IV. Juvenile.

Adjudicatory/Transfer Hearing. 80% of all adjudicatory/transfer hearings should be held within 4 months of the date of the filing of the petition and 100% within 9 months. Cases in which a child is detained or has been removed from the home shall be expedited and should be heard within two months of detention or removal.

Dispositional Hearing. 75% of all dispositional hearings should be held within 1 month of the date of the adjudicatory hearing and 100% within 3 months. Cases in which a pickup order has been issued for a child who has failed to appear should be treated as disposed for statistical time standards purposes only. If the child is later picked up, the case should be adjudicated or disposition made in the normal manner, but not treated as a disposition on the time standards reporting system.

Dependency: Review/Determination of Reasonable Efforts. 100% reviewed by the court, administratively or formally, and/or a determination of reasonable efforts made within 6 months after adjudication and at least every 12 months thereafter or more frequently as required by law until the case is closed.

Paternity. 100% of all paternity cases should be adjudicated or otherwise disposed within either 12 months of (a) successful service or (b) the child's reaching 6 months of age, whichever occurs last.

Child Support. 90% of all child support actions should be adjudicated or otherwise concluded within 3 months of the date of service; 98% within 6 months; and 100% within 12 months.

COMMENT

Time standards are goals for case processing and are designed to provide clear, understandable benchmarks by which to measure effective case management in the courts. They are not intended in any way to affect, enlarge, or limit the substantive rights of any party. Judges must continue to be sensitive not only to the quantity and timeliness of cases disposed but also to the mandates of justice. No defendant should be released, and no case dismissed or prejudiced, for the sole reason that trial settings or other dispositional actions exceed the time standards herein presented. Nothing herein contained shall be construed to affect the substantive rights of any party.

A guiding principle in the development of these standards has been that there should be uniform standards for the entire state. In some instances, there are reasons beyond the courts' control that contribute to the wide disparity from circuit to circuit in

the average amount of time required to dispose of particular types of cases. In recognition of this fact, some of the recommended standards, therefore, may provide greater lengths of time than the average amount of time generally required to dispose of a particular type of case in a particular circuit. However, it is certainly not intended that these standards be construed to suggest that more time should be taken in reference to such cases.

Circuit Court Civil. Within the meaning of these standards, the computation of time shall begin upon the court's obtaining jurisdiction by the filing of an original pleading or upon receipt of a case by transfer, appeal, or remand. A case shall be deemed disposed when the court makes a final judgment as to the last remaining party and as to all of the claims.

The committees have identified certain cases that might constitute exceptional cases, including, but not limited to:

Probate cases where there is protracted, ongoing administration;

Cases in which progress has been slowed or halted by ancillary declaratory judgment actions or receiverships;

Adult protective service cases;

Cases that have late interventions, substitutions, or additional parties;

Cases wherein a party has died and a revival or substitution of parties is in order;

Cases wherein the benefits of the Soldiers' and Sailors' Civil Relief Act have been invoked;

Cases wherein mistrials or hung juries are declared;

Complex professional liability, products liability, or class action cases; and

Cases in which the suggestion of bankruptcy has been made.

Circuit Court Criminal. Time goals in criminal cases must be triggered by the date the case is filed in circuit court. Public perception must be focused on the role the courts play in the criminal justice system. The time standard must reflect only that part of the process over which the court has control.

With respect to the time period between arrest and preliminary hearing, attention is invited to Rule 5.1 of the Alabama Rules of Criminal Procedure, adopted May 31, 1990, and effective January 1, 1991, which would allow a defendant 30 days from arrest to demand a preliminary hearing and require that the hearing be held within 21 days from the demand. See § 15-11-1, Code of Alabama 1975.

Rule 5.4(b) of the Alabama Rules of Criminal Procedure (effective January 1, 1991) provides that if probable cause is established or if a preliminary hearing is waived or not demanded, "the district attorney shall present the complaint to the grand jury" for problems of an individual nature which would not be subject to generalized time standards.

It is recognized that exceptional circumstances may exist in a limited number of cases which prohibit their conclusion within the 12-month goal. Example of cases in which exceptional circumstances may exist include, but are not limited to, the following:

Cases in which the defendant has been committed to a psychiatric facility for evaluation or treatment;

Cases in which the defendant is incarcerated in another jurisdiction or has escaped after arrest;

Cases in which pretrial appeals have been filed or which have been continued by the grand jury after initial presentation;

Cases in which forensic analysis has been delayed; and

Cases in which the bond forfeiture has been contested.

Domestic Relations. The committees also recommend that no distinction be made between initial filings and filings for modification of prior actions, because the issues and burdens in modification proceedings are often as difficult as or more difficult than those presented in the initial proceedings. The committees do not recommend time standards for temporary/pendente lite hearings because the granting of such hearings is discretionary and is, to a great extent, dependent on court staffing in various jurisdictions.

Juvenile. The same basic time standards for dispositions should apply to all juvenile cases, whether the issues involve delinquency, dependency, or CHINS, but disposition should be given priority in cases where a child is being detained or has been removed from the family pending a hearing.

Review/Determination of Reasonable Efforts. Dependency cases are usually before the court for years after adjudication to ensure that these cases are continually monitored and that appropriate reviews and determinations of reasonable efforts are made with regard to the reuniting families or providing permanent placements for children. Considering the extremely wide variety of cases and individualized problems that are involved, the committees do not feel that a percent factor time standard would be appropriate with regard to review and determination of reasonable efforts. Public Law 96-272 sets forth specific standards for reviews and reasonable efforts determinations. These federal standards should be met in all cases.

Paternity. With respect to paternity cases filed under the Uniform Parentage Act, the committees feel that standards required by federal law are reasonable, particularly considering the substantial delays in such cases required by the necessity for blood and/or genetic testing. The general federal standard is that all paternity cases be disposed within one year of the later of (a) successful service of process or (b) the child's reaching six months of age (genetic testing is not available until the child has reached six months of age).

Child Support Enforcement. The standards for expedited process required for Title IV-D child support cases by federal regulation and by Rule 35, Ala.R.Jud.Admin., should apply to all child support actions, and no distinction should be made between Title IV-D cases and other cases. It is important to note that the current time standards for the purposes of expedited process run from the date of service and not the date of filing. The committees, therefore, recommend that time standards for all child support actions also run from the date of service.

Note

The Court recognizes that it may not be possible to achieve these standards in every instance; nevertheless, the Court envisions that the judge shall make every conscientious effort to meet these standards.