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BY HAND-DELIVERY and E-MAIL (Jenny.Garrett@jic.alabama.gov)

CONFIDENTIAL COMMUNICATION

Hon. Billy C. Bedsole, Esq.
Chairman
Judicial Inquiry Commission
401 Adams Avenue, Suite 720
P. O. Box 303400
Montgomery, Alabama 36130-3400

RE: Complaint of Mr. [REDACTED]
Our Client: Hon. Anita Kelly



Dear Chairman Bedsole:

This letter is Montgomery County Circuit Judge Anita Kelly's supplemental response to the Judicial Inquiry Commission's notice of complaint, as (a) initiated by your letter concerning an individual complaint to Judge Kelly dated May 9, 2016; (b) broadened by your letter to Judge Kelly dated September 12, 2016; (c) implicitly expanded even further (by the forwarding of many new allegations from the Alabama Department of Human Resources) by your letter to Judge Kelly dated December 5, 2016; (d) possibly enlarged by more allegations from DHR forwarded by Executive Director Jenny Garrett by e-mail to me dated January 9, 2017; (e) elaborated upon by your letter to me dated January 25, 2017; and (f) implicitly expanded even more by Ms. Garrett's letter to me dated March 30, 2017 (by forwarding more allegations from DHR concerning two more cases).

Judge Kelly denies that there has been any pattern or practice of delay in hearings and/or rulings, or of failure to rule. More generally, there also is no basis on which to charge her with any potential violation of any applicable Canon of Judicial Conduct.

I. Introduction - scope of complaint?

This heading regarding the scope of this complaint ends with a question mark because the complaint has grown like kudzu. Even at this stage, after rounds of correspondence, the scope of what *exactly* Judge Kelly is being asked to respond to remains somewhat unclear.

From an individual complaint ...: As suggested above, this investigation began with an individual complaint, filed by a litigant in Judge Kelly's court, Mr. [REDACTED]. The Commission's initial letter in this matter, dated May 9, 2016, notified Judge Kelly of

Mr. ██████ complaint; provided her a copy; and identified the specific allegations in his complaint that the Commission had decided to investigate, as required by Rule 6(c) of the Commission's Rules of Procedure. At that time, the Commission's investigation concerned Mr. ██████ complaint only. Accordingly, Judge Kelly responded to the specified allegations in Mr. ██████ complaint by letter to the Commission dated July 18, 2016.

To an unspecified "pattern and practice of delays in hearings and rulings and of failure to rule ...: Then, by letter to Judge Kelly dated September 12, 2016, the Commission informed her that it intended to continue its investigation of the previously-specified allegations in Mr. ██████ complaint. But, as apparently triggered by a particular ruling from the Alabama Supreme Court¹, that letter also advised Judge Kelly that the Commission "is expanding its investigation to determine whether this is an isolated case or part of a pattern and practice of delays in hearings and rulings and of failure to rule." Notwithstanding such reference to this expansion of the investigation, however, the September 12th letter did not include any additional materials or even any explanation as to what constituted this possible "pattern and practice of delays."

When the Commission next updated Judge Kelly, by letter dated October 20, 2016, the Commission reiterated its intent "to continue its investigation of the allegations made against [her] by Mr. ██████ and specified in the Commission's investigation letters to [her] dated May 9, 2016," which identified the relevant allegations under investigation from Mr. ██████ complaint, "and September 12, 2016," which presumably refers to the unspecified possible "pattern and practice of delays in hearings and rulings and of failure to rule."

To the inclusion of DHR's "laundry list" of complaints against Judge Kelly ...: The Commission's next update letter to Judge Kelly, dated December 5, 2016, contained identical language regarding the continuance of its investigation as that quoted in the preceding paragraph from the October 24th letter. But, accompanying the December 5th letter was a letter to the Commission dated November 30, 2016 from the general counsel of the Alabama Department of Human Resources, Sharon Ficquette. That November 30th letter from DHR consisted of an unverified² fourteen (14) page list of complaints against Judge Kelly and 115 pages of supporting documents, all then forwarded by the Commission to Judge Kelly presumably pursuant to Rule 6(d). Identifying events from many juvenile matters spanning approximately five (5) years, DHR grouped its complaints into seven (7) broad, multifarious categories of alleged failures or refusals to act, delays in acting, or improper acts on the part of Judge Kelly.

The Commission promptly followed up on DHR's laundry list of complaints by a) subpoenaing DHR general counsel Ficquette to testify on December 8, 2016 (the same

¹ The specific citation in the September 12th letter is as follows: "See, e.g., *Ex parte Montgomery Cnty. Dep't Human Res. v. N.B.*, ___ So.3d ___, 2015 WL 7628662 (Nov. 25, 2015)."

² As we have urged previously, given that institution of proceedings by the Commission requires a verified complaint, Rule 6(a), Rules of Procedure of the Judicial Inquiry Commission, the same requirement logically applies to an unrelated new complaint, or as in this instance a new set of complaints, especially where the new complaint drastically expands the potential scope of the original investigation. The Commission has rejected this argument.

date on which she was served with the subpoena); and b) the next day serving a wide-ranging subpoena on Tiffany McCord, Montgomery County Circuit Clerk, directing her to produce "all court records" in, and appear at the Commission to testify, about twenty (20) juvenile "cases." Those 20 "cases" actually include proceedings relating to 36 children and involving 46 case numbers, i.e., nearly all of the matters identified in DHR's November 30, 2016 letter.

Furthermore, based on the individual case numbers, initial filings in those matters appear to go back as far as 1999; and relevant dates in those matters as identified by DHR go back at least to November 2011.³ And, the subpoena to Ms. McCord does not include eight (8) appellate proceedings or five (5) other matters with no case number as identified in DHR's letter.

To the possible inclusion of an addition to DHR's "laundry list" of complaints against Judge Kelly: By e-mail from Ms. Garrett to me dated January 9, 2017, the Commission forwarded further materials from DHR general counsel Fioquette, including a "List of Cases Where Motion to Be Relived [sic] of Reasonable Efforts Were Denied," identifying by the child's initials only (e.g., no juvenile court case numbers) five (5) such matters. The initials for two (2) of the matters don't appear to match those of any case or matter identified in DHR's November 30, 2016 letter, and there's no way to determine whether the other three matters involving children who do have the same initials as some children identified in the earlier DHR letter were the matters identified previously (as opposed to being additional, new matters to be addressed).⁴

To the addition of four (4) published appellate opinions ...: By letter from undersigned counsel for Judge Kelly to you dated January 5, 2017, Judge Kelly requested, among other things, clarification of the matters under investigation; and especially the specific matter(s) to be addressed at the Commission meeting at which Judge Kelly was scheduled to appear. In partial response to this request that the scope of the investigation be clarified, by letter from you to me dated January 25, 2017, the Commission identified four (4) published opinions, of which "Judge Kelly had to have been well aware," as "strongly suggestive of such a pattern and practice," i.e., a "pattern and practice of delays in hearing and rulings and of failure to rule." One (1) was a dissenting opinion of three Justices of the Alabama Supreme Court, and the other three (3) were opinions of the Court of Civil Appeals (one of them involving the same appeals addressed in the dissenting Supreme Court opinion).

³ Even based on just DHR's descriptions, various of those matters have involved more than one Montgomery County judge; even if Judge Kelly was assigned a case for only part of its life, responding to questions about it would require familiarizing herself (again) with the entire file, including the part that she did not handle.

⁴ Even setting aside that a disagreement with a judge's discretionary decision ordinarily is not a proper basis for a judicial ethics complaint, e.g., *In re Sheffield*, 465 So.2d 350, 357-58 (Ala. 1984) (bad faith required), not all the matters, even as described by DHR, involve delays in ruling. Moreover, DHR does not identify any statutory or other time standard that specifically applies to the type of rulings complained of. And, the time periods involved even as described in DHR's chronology are not egregious, especially for a judge who has been assigned over 2300 new cases each calendar year from at least 2013 through 2016.

Those four published opinion cases collectively identified another six (6) appellate proceedings taken by DHR in cases assigned to Judge Kelly. Of those ten (10) total appellate proceedings, eight (8) involved particular matters that DHR had listed in its November 30, 2016 "laundry list" (although two (2) of those eight referenced additional appellate proceedings concerning those matters that DHR had not identified). Two of the ten total appellate proceedings – i.e., Civil Appeals case nos. 2150016 and 2150017 – had not been listed by DHR.⁵

To the resurrection of two (2) complaints previously dismissed ...: In addition to identifying those four published opinions (and 10 matters) "strongly suggestive of such a pattern and practice," the Commission's January 25th letter identified two specific previous complaints "about delay and/or failure to rule." The complaints were made by both parties to the same domestic relations (DR) matter, ██████████ v. ██████████ in which both complained of a not-quite one-year delay in issuing orders on the former wife's petition for modification and the former husband's answer and counterclaim for contempt after the matter had been taken under submission upon final hearing. The Commission had served Judge Kelly with ██████████ complaint by letter dated November 6, 2014; and with ██████████ complaint by letter dated February 27, 2015.

Upon the Commission's request, which identified the specific allegation in the complaint that the Commission had decided to investigate, Judge Kelly responded to ██████████ complaint by letter to the Commission dated December 4, 2014. Judge Kelly's response made several points, including that she had prepared an order several months previously; learned for the first time upon receipt from the Commission of Ms. ██████████ complaint that the order had not been entered; and took a series of steps resulting in her signing a revised order, and the order being entered, the same afternoon Judge Kelly received Ms. ██████████ complaint. Although the Commission served the other complaint (of ██████████) on Judge Kelly almost three (3) months later, the Commission dismissed both complaints (without further response from Judge Kelly) on March 12, 2015.⁶

To yet another addition to DHR's "laundry list" of complaints ...: Finally, and most recently, by letter to me dated March 30, 2017, the Commission forwarded yet another complaint from DHR about two more mandamus petitions DHR filed in cases assigned to Judge Kelly. Although again there has been no specific notification that the Commission deems these matters worthy of further investigation, presumably these matters too are now included in the Commission's investigation into the possible "pattern and practice of delays in hearing and rulings and of failure to rule" on Judge Kelly's part.⁷

⁵ Those 2 appellate proceedings were cited in a string cite of 5 previous cases, and neither included any identifying information regarding the names of the parties or the juvenile court case numbers.

⁶ Although the Commission's letter dismissing the complaints did expressly note that the dismissal "does not foreclose the Commission's future consideration of such allegations should the Commission subsequently receive a complaint asserting violations or misconduct similar to the allegations dismissed," it is unclear why the Commission chose to resurrect those complaints as part or notice of "a pattern and practice of delay," given Judge Kelly's explanation of the circumstances leading to issuance of her decision.

⁷ It's worth noting that certain representations in DHR general counsel Ficquette's March 17, 2017 letter, and in some of DHR's appellate filings in the latest mandamus proceedings, reflect genuine hostility toward Judge Kelly and insinuate that Judge Kelly

All that having been said, this response is supplemental because, as noted, Judge Kelly has previously responded to the [REDACTED] complaint (by letter to the Commission dated July 18, 2016). Also, as noted, as to the earlier complaints filed by [REDACTED] and [REDACTED] Judge Kelly has previously responded to [REDACTED] complaint (by letter to the Commission dated December 4, 2014). Although the Commission later dismissed both complaints before the date by which the Commission had requested a response to [REDACTED] complaint, both complaints raised the same issue regarding the same case, which Judge Kelly had addressed in her response to the former wife's complaint.⁸

II. Continuing Concerns About the Sufficiency of Notice

The Commission has faithfully, and at the regular intervals prescribed by its Rules, updated Judge Kelly on whether the Commission intended to continue its investigation. The Commission likewise has repeatedly and promptly produced to Judge Kelly additional materials obtained during its investigation, indeed doing so on several occasions in advance of the next six-week update. In addition, the Commission has afforded Judge Kelly and counsel at least three (3) extensions, if not more, of the date by which the Commission requested Judge Kelly's response to the complaint(s).⁹ Judge Kelly and her counsel sincerely appreciate the consideration shown by the Commission in these ways and others.

Nonetheless, counsel feels constrained to note for the record (and possible future proceedings, although we hope not) our continuing difficulty knowing exactly what *specific* allegations and *specific* matters (for example, individual cases or groups of

is lying in her explanations (as set forth in Judge Kelly's written responses to the mandamus petitions) as to the underlying reasons she did not act sooner (or appeared not to act sooner) in those. These include, but certainly are not limited to, a) general counsel Ficquette's reference to communication between DHR personnel and the Clerk's office concerning scheduling issues that Judge Kelly had been informed occurred ("this did not take place"); b) general counsel Ficquette brusquely stating that the need cited by Judge Kelly to reschedule a long-pending (approximately 1 year) felony murder case, and its effect on how promptly trial could be set in DHR's case, "is not relevant or material"; and c) in reply to Judge Kelly's mandamus responses in the other case that 1) she (Judge Kelly) had timely signed an order granting TPR, 2) it had been misplaced and not entered, and 3) upon learning that, she entered a second order styled "second order," DHR counsel filed a motion in the Court of Civil Appeals to compel Judge Kelly to produce the first order that Judge Kelly said had been misplaced.

⁸ This supplemental response will not further address either Mr. [REDACTED] individual complaint, or the individual complaints of Ms. [REDACTED] and Mr. [REDACTED]. If further response as to any of these matters would be helpful to the Commission, Judge Kelly would be willing to provide it.

⁹ In fairness to Judge Kelly, these freely-granted extensions were requested because of a) the ever-broadening range of matters included in the investigation, specifically the expansion to a "pattern and practice" investigation and then the ever-increasing number of individual cases or matters identified on a rolling basis – almost all of which came from DHR – as potentially part of the possible "pattern and practice"; and b) the probably 15,000, if not more, pages of documents (many of them individual case files) produced to Judge Kelly on a rolling basis as acquired, mostly over the past few months.

cases, or particular parts of the allegations lodged by DHR) Judge Kelly is expected to respond to. That is, we have continuing concerns about insufficient notice of "**those aspects** of the complaint" – however "complaint" may be defined in this context of "growing like kudzu" – "that [the Commission] then considers worthy of some investigation." Rule 6(C), Rules of the Judicial Inquiry Commission (emphasis added). The fact that this is a continuing obligation on the Commission's part, see Rule 6(D) (requiring identification in each six-week update of "**any modification** of the previous advice as to **aspects** of the complaint that it **then** deems worthy of some investigation") (emphasis added), is especially important in a case like this, where the investigation – mainly spurred by DHR – *did* grow like kudzu.

The Commission did clearly identify for the complaints of, e.g., [REDACTED] and [REDACTED] the specific allegation in each that it had decided to investigate. See letters to Judge Kelly dated November 6, 2014 [REDACTED] and February 27, 2015 [REDACTED]. Not so much here, despite detailed (and repeated) correspondence between the Commission and counsel.

More specifically, counsel raised these concerns in some detail in his letter to the Commission dated January 5, 2017, in which he sought clarification. The Commission's response, by a rather lengthy letter dated January 25, 2017, addressed most of these concerns, also in some detail.

Nonetheless, we believe even that effort did not adequately apprise Judge Kelly and counsel of "**those aspects** of the complaint" the Commission deemed worthy of investigation and intended to investigate, in various respects, e.g.:

- The Commission's repeated invocation of the phrase "pattern and practice of delay" -- first identified in its September 12, 2016 letter with only a bare, unelaborated-on citation to a single Court of Civil Appeals opinion, and even as explained in much more detail in the January 25, 2017 letter -- never explained or identified which parts of the "complaint" that the Commission deems worthy of investigation, or more particularly that the Commission deems to fall under the rubric of "pattern and practice of delay." See Rules 6(C) and (D).
- More particularly, the Commission has not identified -- whether in the December 5, 2016 letter forwarding the November 30, 2016 "laundry list" of DHR complaints, or in later correspondence -- which *specific aspects* of the multifarious complaint(s) -- especially DHR's running, expanding "laundry list" of complaints -- that the Commission deems worthy of investigation. (Although the phrase "pattern and practice of delay" does give the general sense of the investigation, the Commission has not applied it to identify specific aspects of DHR's series of complaints to be investigated, and thus those to which Judge Kelly would have particular reason to respond.)
- The Commission has not identified which Canon(s) of Judicial Ethics Judge Kelly potentially violated. See Amendment 328 6.17(b), Constitution of Alabama (1901). Accordingly, Judge Kelly and counsel do not know which Canons to address, or the standard by which the Commission will be reviewing the complaint(s).

- Parts of the serial complaints made by DHR, at least on their face, do not appear to fall under the general rubric of a "pattern and practice of delays in hearings and rulings and or failure to rule" that the Commission identifies as the gist of its investigation.¹⁰ Yet the Commission has never excluded those parts of the complaint or, more particularly, advised Judge Kelly that the Commission will not consider those allegations – leaving Judge Kelly and counsel in the dark as to whether those claims are part of the alleged "pattern and practice" being addressed.
- Some materials identified in the Commission's January 25, 2017 letter as providing Judge Kelly more notice of the potential "pattern and practice" do reference certain issues or concerns in the Montgomery County family courts that come under a broad definition of "pattern and practice of delay," but do *not* attribute those issues or concerns to Judge Kelly individually (as opposed to either of the other two judges, the administrative staff, or the court generally); or indicate that Judge Kelly was guilty of or responsible for any delays (in general or particular delays). For example, the two referenced Site Visit reports of the National Council of Juvenile and Family Court Judges – a project that Judge Kelly was responsible for bringing to Montgomery County – a) explicitly note that relevant issues identified were based on a handful of courtroom observations of two judges (in the first report) and one judge and a referee (second report); b) do not identify which judges were observed in either instance; c) even including all other sources of information (e.g., meetings with "stakeholders"), do not identify particular problems (e.g., delay) attributable to any specific judge (or to Judge Kelly in particular). Similarly, Presiding Judge Reese's March 14, 2016 Administrative Order¹¹, see Letter dated January 25, 2017, at 4, does not

¹⁰ Those grievances that do *not* appear to fall under that heading include, but are not necessarily limited to, "insufficient time allocated for TPR cases resulting in resetting hearing at later date," Nov. 30, 2016 DHR letter at 2; "requires Department to enter into Boarding Home Agreement," *id.* at 11; and "Pick-Up Order issues." *id.* at 12. And, even cursory review of DHR's complaints regarding "failure to grant Motion for Publication," *id.* at 10, and "Pick-Up Order issues" reflects that part, if not all, of DHR's gripes in those areas is that Judge Kelly *affirmatively denied* DHR's motions or requests, as opposed to delaying a ruling or not ruling. But, as suggested earlier, to convert DHR's disagreements with Judge Kelly's discretionary rulings, or even claims that those rulings are legally erroneous, into grounds for judicial discipline – as opposed to matters for appellate review – would be clearly improper. See *In re Sheffield*, 465 So.2d at 357-58.

¹¹ In her November 30, 2016 "laundry list" letter of complaints, DHR general counsel Ficquette implicitly attributes the issues identified in the first NCJFCJ site visit to Judge Kelly because she had been presiding judge of the court "for several years"; and lauded Judge Reese for issuing the administrative order implementing the NCJFCJ site reviewers' tentative recommendations based on the first visit. See DHR November 30, 2016 letter, at 14. Apart from inflating the length of Judge Kelly's tenure as presiding judge, DHR counsel omits that Judge Kelly initiated and spearheaded the process that brought NCJFCJ to Montgomery County, specifically for expert analysis and recommendations regarding the operational problems faced by the family courts; and that Judge Reese removed Judge Kelly – based on mistaken facts, see Affidavits of

target any judge, including Judge Kelly, specifically. That order instead adopts almost verbatim the tentative recommendations made by the NCJFCJ reviewers based on the first site visit.

As noted above, the Commission's January 25, 2017 letter did identify 4 published appellate opinions (which collectively identified 10 appellate proceedings) as notice that those matters would be included in this investigation. But, Judge Kelly's mere receipt of appellate decisions in those proceedings – nearly all of which predated by more than a year the first, September 2016 mention of an expansion of this investigation to include "pattern and practice" – would not necessarily have put Judge Kelly on notice that the Commission specifically intended to include those matters, and want Judge Kelly to address those, in *this* investigation. Without such specific identification of those matters, the Commission's expansion of the [REDACTED] complaint investigation to encompass a potential "pattern and practice of delays and failures to rule" was the notice equivalent of "you know what you did." But also, even if the Commission's January 25, 2017 specific identification of those matters satisfied the notice requirement of Rules 6(C) and (D) as to those matters, it did not cure these other notice deficiencies identified herein.

III. Broader Context in Which Individual Case Allegations Must be Viewed

Whether there is a "pattern and practice of delays in hearings and rulings and of failure to rule," which necessarily is based on a collection of specified individual cases, should fairly be viewed in their broader context. The matters identified here involve approximately 36 children and 46 cases involving those children (not including appellate matters in those same cases), ranging over a 3 to 5 year period, depending on how the allegations are interpreted. Apart from the [REDACTED] complaint and the two complaints that predated this investigation, all the allegations have been raised by DHR. DHR may charitably be termed a "frequent flyer" in family court, as it is involved in all or nearly all dependency cases. These allegations appear to have been gleaned by DHR from a "full-court press" review of DHR's cases assigned to Judge Kelly, i.e., from hundreds of dependency cases pending before Judge Kelly during that time frame.¹²

In addition, what constitutes a "delay" that is potentially sanctionable under the Canons of Judicial Ethics is not at all clear. There are only a few time restrictions relevant to this investigation as imposed by Alabama statutes, e.g., a) Code sections in dependency cases directing the court to make (i) a "reasonable efforts" determination (i.e., whether reasonable efforts have been made to prevent removal from the home, or whether such efforts are not required) within 60 days after a child's initial removal from his or her home, and (ii) a separate "reasonable efforts" determination (as to whether reasonable efforts have been made to finalize the existing permanency plan) within 12 months after removal, and within every 12 months thereafter during continuation of out-of-home case, see Code of Alabama §§12-15-312(a)(2),(3); and b) Code sections regarding petitions to terminate parental rights (TPR) directing the court to complete a

John F. Knight, Jr. and Alvin Holmes (attached as Exhibits 1 and 2, respectively, to this response) – before the reviewers returned their tentative recommendations.

¹² Counsel would be more specific as to the number of cases, but has not located Administrative Office of Courts (AOC) case load reports that reflect numbers of new dependency filings (as separated from the broader category of juvenile or JU case filings) in Judge Kelly's court on a periodic (e.g., 6-month or annual) basis.

trial on a TPR petition "within 90 days after service of process has been perfected," and to enter a final order within 30 days of the completion of the trial." Code of Alabama §12-15-320(a).¹³ But, strict compliance with even those statutory prescriptions should not be viewed as the standard for whether charges should be brought and judicial discipline potentially imposed.¹⁴

Here, whether there actually was a delay in a given case, whether any delay was justifiable in whole or in part, and whether DHR was responsible for or complicit in any "delay" in a given case depends on the particular facts in each given case. And, whether a failure to meet even the statutory standards is unreasonable in one or even multiple cases – even petitions for TPR, which are given priority by statute – properly should be viewed in context of everything else a judge has on her plate.

For example, here, for each calendar year 2013 through 2016, Judge Kelly had between 2312 and 2381 new case assignments. See chart captioned "# of cases filed in Montgomery County by Family Court Judge during CY 2013-2016" (unnumbered chart provided by AOC to Commission).¹⁵ The matters identified in DHR's serial complaints (even assuming they all arise no earlier than 2013) represent only a tiny fraction of the over 9000 new cases assigned to Judge Kelly during that period (or the estimated 11,000 to 12,000 new cases assigned to her from the broader period of 2011 through 2016).

With respect to case dispositions, although relating to a slightly different time frame (fiscal as opposed to calendar years), according to AOC caseload reports for FY 2013 through FY 2015, Judge Kelly disposed of over 2300 cases in each of those three

¹³ As reflected by the 6-month caseload reports produced by the Administrative Office of Courts, AOC has adopted time standards setting time and percentage goals for processing different types of family court cases. But, these standards are properly viewed as aspirational and as analytical tools, not as binding judicial conduct standards. ¹⁴ Although this was not addressed (or presumably, raised) in any of the appellate opinions in Judge Kelly's cases – or for that matter, in any other Alabama case addressing these particular time directives –, these Code provisions are not properly viewed as "strict liability" provisions, under which exceeding the prescribed time (a) is an automatic violation of the statute or (b) a per se judicial ethics violation. Based on Alabama cases construing the effect of similar statutory time prescriptions, notwithstanding the use of "shall" (e.g., "the trial ...shall be completed" and "the trial court shall enter"), these statutes are not mandatory, but directory. The statutes specify only the required performance, but not the result obtained or consequence applied if performance is not done. *E.g., Ex parte Hood*, 404 So.2d 717, 718 (Ala. 1981). Moreover, provisions requiring a public officer to perform an official act within a specified time generally are construed as directory, particularly where reasonable delays beyond the specified time may often be necessary to carry out the purposes of the statute. *E.g., MCI Telecommunications, Inc. v. Alabama Public Service Comm'n*, 485 So.2d 700, 703-04 (Ala. 1986); *Key v. Alabama State Tenure Comm'n*, 407 So.2d 133, 135 (Ala.Civ.App. 1981). Furthermore, even if these statutes were strictly construed to allow no delays or extensions, a violation of even a fixed, mandatory time limit does not support judicial discipline without a showing of bad faith, i.e., proof of malice, ill will, or improper motive. *In re Sheffield*, 465 So.2d at 357-58.

¹⁵ Unless otherwise specified (or attached as exhibits), documents cited herein were produced to Judge Kelly by the Commission.

fiscal years. And, in those last three full fiscal years, she disposed of very nearly as many cases as she had filings for each year (indeed, in FY 2014, she had 2358 new filings and disposed of 2358 cases).¹⁶

And to put the new case filings in a statewide context, Montgomery County as a whole for FY 2012 through FY 2014 ranked third among counties statewide in new dependency filings, new delinquency filings, and total new filings in family court cases, see chart titled "Number of CS, DR, and JU Court Filings between Fiscal Years 2012 and 2014 by County," even though only the fourth most populous county (per 2010 census data). Montgomery County had almost 40 percent more new filings than Madison County, the third most populous county, even though Madison County has roughly 50 percent more people (per 2010 census data). As to the two counties closest to Montgomery County (approximately 229,000) in population, i.e., Shelby County and Tuscaloosa County (both roughly 195,000), Montgomery County had approximately twice as many new filings as Shelby County, and approximately 50 percent more than Tuscaloosa County.

As to the Montgomery County judges, Judge Kelly has had more new cases than *either* of the other two Montgomery County family court judges, Calvin Williams and Robert Bailey, *each* calendar year from 2013 through 2016. Although she had only 9 more cases in 2013 than Judge Bailey, Judge Kelly otherwise had from a low of 73 to a high of more than 440 more new cases in a given calendar year than either of the other two judges.

Several other factors have also increased Judge Kelly's workload over time in recent years, or have differentiated her workload from those of the other two Montgomery County family court judges. For example, before his appointment as circuit judge in June 2011, Robert Bailey was a full-time referee on dependency and delinquency cases. After his appointment, that referee position (now held by Vicky Toles, who handles mainly initial dependency proceedings) was reduced to part-time. As a result, the family court judges have more dependency cases than before. Also, as of May of 2012, the family court judges were required to handle all default hearings in domestic relations (DR) cases. The workloads of the family court judges also expanded in approximately April of 2015, when they were first required to review and sign all consent decrees generated in juvenile court intake.

As to a change affecting Judge Kelly's workload specifically, before July of 2016 – or during nearly all of the period covered by DHR's growing complaints – Judge Kelly heard all her own cases regarding establishment of paternity and child support. This included non-IV-D cases, on the advice of counsel at AOC that such cases were to be heard by judges and not referees. Only in July of 2016, when a clerk's office supervisor informed Judge Kelly that the other two judges routinely referred all non-IV-D cases to the referee did Judge Kelly start referring such cases to the referee and stop hearing them herself.

¹⁶ As one reflection of a dramatic increase in her cases leading up to those years, according to the same type of reports for earlier years, Judge Kelly's total case dispositions jumped from 1168 in FY 2011 to 1891 in FY 2012, and then to over 2300 beginning in FY 2013.

In many of the cases identified in DHR's "laundry list," DHR complains of various scheduling issues: hearings not timely set; multiple-case dockets, on which cases that are set are not reached, or the hearing is started, but not completed, and must be rescheduled; and cases that are not timely rescheduled for further hearing – all of which they charge to Judge Kelly as delay or failure to act. This attribution of misconduct to Judge Kelly misconceives long-held scheduling practices in the Montgomery County family courts.

Judge Kelly's judicial assistant does schedule all of Judge Kelly's domestic relations (DR) cases. But, the clerk's office routinely schedules all juvenile (JU) cases, both delinquency and dependency, for all three judges and the part-time referee. The scheduling by the clerk's office of all JU cases for all judges has been the routine practice since Judge Kelly took the bench after being elected in November of 2004, and to her understanding, for some time before that. See also Affidavit of Tiffany McCord (Montgomery County circuit clerk) (attached as Exhibit 3). Interestingly, notwithstanding all of DHR's expressed complaints regarding "Judge Kelly's" scheduling of dependency cases, no representatives of either the Montgomery County DHR or the Alabama DHR have ever approached Circuit Clerk McCord regarding any scheduling concerns or difficulties in scheduling dependency, permanency, or TPR hearings. *Id.*

Judge Kelly generally has hearing dockets at least 4 full days, and not uncommonly 5 days, per week. Until January of 2017, Judge Kelly normally heard domestic relations cases (including divorce, custody, protection from abuse, and child support matters) all day Monday, Tuesday, and Thursday of each week. Each Wednesday routinely is devoted to hearing juvenile cases. Although ostensibly an administrative day (including, e.g., preparation of decisions), Friday often is used by Judge Kelly to hear other emergency matters. It goes without saying that the need to hold court four, and often five, full days per week makes it harder for judges to prepare and issue decisions, among other things.

For more than 12 years (Judge Kelly's entire judicial tenure to date), the clerk's office has scheduled the family court judges to hear juvenile cases one day per week, with 4 hours each of court time allocated to delinquency and dependency cases. McCord Affidavit. At least Judge Kelly, Judge Calvin Williams, and the circuit clerk find that the one day per week allotted to juvenile cases is inadequate. See Affidavit of Circuit Judge Calvin L. Williams (attached as Exhibit 4); McCord Affidavit. But, according to the circuit clerk, the clerk's office has insufficient staff employed to work juvenile court cases. McCord Affidavit. To address the insufficiency of 4 hours of week to hear dependency cases, Judge Kelly's dependency cases "on more than an occasional basis" are scheduled for a full day. *Id.* When necessary, the clerk's offices specially sets dependency cases for Judge Kelly at her downtown office (as opposed to the Youth Facility in west Montgomery). *Id.* And, effective January of this year, Judge Kelly has the clerk's office set dependency cases two additional days per month, on alternate Mondays, in an effort to address the number of cases on her dependency docket, but especially petitions for TPR. *Id.*

Dependency dockets often have more cases set than can be heard during a given day's docket (especially a half-day docket), Kennedy Affidavit, and particularly when a TPR petition is scheduled. Indeed, a TPR hearing, when conscientiously done with adherence to all the statutory requirements, often cannot be completed within a single docket setting, see *id.*; if started, the hearing often must be reset to resume at a

later date. TPR petitions are set the last week of the month, and the hearings are scheduled six months out. McCord Affidavit. When a continuance is granted or a hearing is not completed, it is often difficult to reset the hearing within 30 days. *Id.* The length of TPR hearings, the limited time available, and the number of dependency cases to be scheduled (including TPR cases, which by statute are given priority) all make it difficult to reset and resume an interrupted hearing as promptly as it should be (or within the statutorily prescribed time).

Contributing to and compounding all these difficulties in prompt scheduling, hearing, completion, and decision of dependency cases, including priority TPR petitions, are the state's budget woes. The members of the Commission, especially the judicial members, are painfully aware of the historical, year-to-year cutbacks in funding to, and the desperate funding needs, of the Unified Judicial System. With respect to the Montgomery County courts specifically, according to Montgomery County Presiding Judge Eugene Reese at a meeting of Montgomery County judges in December 2016 (based on information received from AOC), the Montgomery County family court was short 2.3 judges based on the court's weighted workload. Affidavit of Circuit Judge Robert Bailey (attached as Exhibit 5). The clerk's office is similarly strapped. Based on an AOC manpower study of the Montgomery County circuit clerk's office, the office needs 46 employees, but is currently operating with less than half that -- 21 employees. McCord Affidavit. As a result, every person is having to do the job of two people. *Id.* -- The effect on the efficiency and smooth operation at every stage of the process -- e.g., filing, initial data entry, issuance of process, identification of motions or other filings requiring action, distribution of same to judges, scheduling of hearings (including all the JU matters forming the bulk of the specific matters identified in these complaints), processing orders, etc. -- can easily be imagined.

IV. Complaints by DHR for an Improper Purpose?

In assessing the credibility of the allegations against Judge Kelly, it is fair to consider the apparent motivation, background, and other indicia of potential bias of those making the complaint.

Both in the series of multifarious complaints she made against Judge Kelly and in her *ex parte* deposition before the Commission, DHR general counsel Ficquette made numerous representations negative to Judge Kelly that were collateral to any claims of a pattern and practice of delays in hearings and rulings or of failures to rule. Most were not based on first-hand knowledge; all were false. These mostly gratuitous slams against Judge Kelly, coupled with various other circumstances, plausibly support an inference that DHR asserted its complaints against Judge Kelly because of a) repeated disagreements with her rulings, b) chafing against her criticisms of DHR for not meeting their professional obligations, c) retaliatory motive, or d) other improper motive.

These purely collateral, gratuitous, second- or third-hand information-based representations by DHR general counsel Ficquette include, but are not limited to:

1. Judge Kelly adopted "new juvenile intake procedures that were not consistent with the law and intake proceedings across the state": This is false. The intake procedures were developed and implemented -- for 24 hours, before he took them down -- by a juvenile supervisor, Preston Frazier, without discussing them with or getting authorization from Judge Kelly. Affidavit of Preston Frazier (attached as Exhibit 6).

Indeed, Judge Kelly didn't even learn of the quickly-removed new procedures until months later.

2. Judge Reese removed Judge Kelly as presiding judge in January 2016 because she had lost the funding for the Davis Treatment Center through her inaction: Also false – although Judge Reese apparently did remove her for that reason, the reason was not true. The Davis Treatment Center had not lost its funding, and Judge Kelly (and others) had simply questioned providing that funding to The Bridge to operate the Center, given the poor evaluation of the Bridge's operation of the Center and its services to children and families. Affidavit of John F. Knight, Jr.; Affidavit of Alvin Holmes.

3. Judge Kelly sought to develop support for removing Judge Reese as presiding judge of the family court, by campaigning with the other family court judges for his removal and seeking the help of the Montgomery County Democratic Conference or its leaders in getting Judge Reese removed: All false. Bailey Affidavit; Knight Affidavit; Holmes Affidavit.

4. DHR counsel Ficquette criticized Judge Kelly for missing an important meeting (at Point Clear) without notice or good reason. In fact, during a routine medical exam the day Judge Kelly was to leave to travel to the meeting, her doctor became alarmed at what he found and gave her the choice of either being hospitalized or taking a week of bed rest. Affidavit of John Jernigan, M.D. (attached as Exhibit 7). Judge Kelly chose bed rest, but also contacted the other judges to notify them she could not attend the meeting.

There is no apparent investigation-related reason for DHR counsel Ficquette to have gratuitously offered any of these misrepresentations. Their irrelevance to the "pattern and practice" complaint, her willingness to repeat allegations of which she had no first-hand knowledge, and her apparent disregard for their truth or falsity also cast doubt on the credibility of the individual making them (the source or sponsor of nearly all the complaints forming the basis of this investigation).

There is also evidence of personal hostility on the part of upper level DHR personnel toward Judge Kelly. Michael Guy Holton, an attorney who regularly practices in the family courts in both Montgomery and Elmore Counties, and has been involved in the family court system in multiple capacities over the past 30 years, has "on numerous occasions witnessed [] the efforts of the Administration of [DHR] to undermine Judge Kelly." He also has personally witnessed "on multiple occasions," in cases in which he has represented a party, a DHR attorney "make disdainful remarks as against Judge Kelly," as well as express interest in running for Judge Kelly's judicial seat. Affidavit of Michael Guy Holton (attached as Exhibit 9).

It is also worth noting that DHR initially submitted nearly all the matters covered by its November 30, 2016 letter in an earlier letter to the Commission dated August 1, 2014. That letter was submitted to the Commission and produced to Judge Kelly in connection with a complaint made against Judge Kelly by [REDACTED] and his counsel [REDACTED] filed in late May of 2014. That earlier complaint concerned Judge Kelly's handling of a juvenile matter relating to the sibling (I.B.) of a child (J.B.) whose matter is included in DHR's complaint. That matter was a messy situation with proceedings pending in 2 courts, a dependency case that included a DHR petition for

TPR in Judge Kelly's court, which DHR withdrew; and a later-filed petition for adoption of the child I.B. filed by the foster parents in ██████ County Probate Court.

DHR's complaints had nothing to do with the ██████ complaint, but were filed just two (2) months after Mr. ██████ filed his, and just a few months after Judge Kelly sharply criticized DHR in an order in I.B.'s case for DHR's abrupt and unexplained 180 degree reversal of position (from reunification of family, withdrawing its effort to seek TPR, and objecting to adoption, to supporting adoption in ██████ County), and for other questionable conduct during the case. Indeed, the timing of DHR's initial, August 1, 2014 complaint supports an inference that it was filed for retaliatory reasons, to seek discipline against a judge for a harsh ruling and/or criticizing DHR for not fulfilling its legal duties in the case.

The Commission did not request a response to the DHR complaints in 2014. DHR then recycled and slightly updated and expanded that list of complaints in its November 30, 2016 letter, which the Commission now is including as part of a "pattern and practice of delay" allegation. This is notwithstanding that parts of the November 30, 2016 letter a) involve disagreements with orders entered by Judge Kelly, b) don't involve issues relating to delay, and c) are conspicuously disingenuous about DHR's responsibility or complicity in at least some of the "delays" they attribute to Judge Kelly.

Indeed, DHR's own exposition suggests the agency's grievances arise at least in part (if not more) from Judge Kelly in various instances ruling contrary to, and/or being critical of, the Department's position in given matters. Indeed, some of the commentary in DHR counsel's letter suggests the complaints are motivated in part by personal hostility on her part toward Judge Kelly.¹⁷ And, for the Commission to review disputes over legal rulings would effectively and improperly give DHR an additional "appellate review" – where DHR has already exercised its appellate rights, waived its rights, or may not be entitled to judicial appellate review – and at the same time subject Judge Kelly to disciplinary sanctions not available in the courts, up to and including removal. *See In re Sheffield*, 465 So.2d at 357-58.

The point is simply this: if the complaint was initially made for an improper purpose in 2014, that purpose should be taken into account in evaluating the credibility of the recycled complaints today.

V. Response to Allegations Regarding Individual Cases Identified by DHR

The difficulty of responding to the "pattern and practice of delay or failure to rule" allegation stems from multiple factors, including but not limited to:

a) the sheer number of cases (in the neighborhood of 60, collectively) in which DHR has claimed some such delay or failure;

¹⁷ To cite one example, in addressing the matter of "Z.G., A.G., and S.G.," DHR general counsel Ficquette asserts that the matter "has been scheduled" for a status hearing on August 20, 2014, and then adds the snippy, veiled *ad hominem* comment, "Status hearings' are what the Judge sets to avoid making a decision and entering an Order." DHR letter dated Nov. 30, 2016, at 7. Curiously, DHR omits from the letter any information about what happened at the August 2014 status hearing (or whether it occurred), or any update as to the matter's current status over 2 years later.

b) the very fact-sensitive, case-specific nature of the analysis required to determine, and then formulate a response, whether an alleged "delay" or "failure to rule" on Judge Kelly's part as alleged especially by DHR was in fact a "delay" or a "failure to rule"; was justifiable or not justifiable; involved extenuating circumstances (especially those that do not reflect judicial misconduct or even inaction, such as a matter not being brought to Judge Kelly's attention, or a filing or order being misplaced); and/or is attributable to Judge Kelly in whole or in part (as opposed to other actors, including DHR, in whole or in part); or stated differently, the need often to "get deep into the weeds" to address allegations concerning a single matter;

c) the voluminous size of at least some (if not many) of the individual court files identified;

d) the length of time covered by DHR's laundry list (events identified by DHR dating back to at least 2011, in case files apparently dating back as far as 1999, based on the file numbers);

e) the fact, not noted by DHR, that Judge Kelly has not been the sole judge or judicial officer in at least some of these matters (and, in such instances, should not be held responsible for what may or may not have happened before her assignment to a given matter);

f) even with the large number of complaints (at roughly 60 cases), that number is a tiny fraction of the cases assigned to Judge Kelly (over 9,000 new family court cases of all types assigned to Judge Kelly during calendar years 2013 through 2016, and probably 11,000 to 12,000 new cases if that period is extended back to 2011);¹⁸

g) because of the huge volume of cases handled by Judge Kelly (and the other Montgomery County family court judges), in many instances Judge Kelly does not (or did not, without file review¹⁹) independently remember the events in a particular case – or, more importantly, does not remember them in the detail necessary to respond to DHR's case-specific allegations;

h) reconstructing what happened in a particular matter, in order to respond to DHR's allegations, requires Judge Kelly and/or counsel to review all or a good part of the individual case file to pull details relevant to the response; and

i) DHR's chronological summaries in their complaints regarding particular matters – even when detailed – not infrequently are selective, self-serving, and disingenuous as to DHR's own responsibility for, or acquiescence in, a "delay" or "failure to rule" -- e.g., by requesting continuances or not objecting to other parties' requests for continuances, or in complaining of orders denied or steps not taken by Judge Kelly because DHR failed to meet its own obligations, such as when a hearing is not set because DHR made insufficient efforts to obtain service of necessary parties before seeking service by publication -- that they seek to attribute to Judge Kelly for purposes of this investigation.

Counsel had fervently hoped to address at least illustrative examples of the numerous cases cited by DHR in its expanding list of complaints against Judge Kelly, especially those matters that involved appellate proceedings, to demonstrate through that sample the likelihood that only a much smaller number of DHR's "laundry list" items involve even a plausible argument of unjustifiable delays or failures to rule – well short of

¹⁸ Undersigned counsel says "probably" 11,00 to 12,000 cases because the pre-2013 information counsel has located is for *fiscal* years 2011 and 2012, from which counsel has made a rough estimate as to those additional *calendar* years.

¹⁹ I.e., file review in some instances – particularly the more memorable cases -- triggers recollection of details not necessarily included in the hard copy file.

whatever might constitute a "pattern and practice," or more particularly, whatever might warrant potential further disciplinary proceedings (formal charges) involving Judge Kelly.

But, for various reasons (including factors personal to undersigned counsel and his solo practice, the busyness of both of Judge Kelly's counsel and Judge Kelly, difficulty or inability locating relevant filings or other materials in the many thousands of pages of documents produced to Judge Kelly or otherwise, probably some bad planning, and ultimately counsel's current time constraints), counsel is unable to do so before Judge Kelly's appearance before the Commission. Counsel requests that, if at all possible, he be permitted to submit a further supplemental response on behalf of Judge Kelly addressing specifically at least some of the individual matters raised in DHR's complaints, before the Commission decides whether to refer any of these matters for further proceedings.

Conclusion

Judge Kelly has been assigned well over 2000 new case filings in each of the last 4 years, and has disposed of very close to that many cases in each of those years. Judge Kelly has had 1,498 more new cases over that time than one of the other two Montgomery family court judges (Judge Williams), and 458 more new cases during that period than the other family court judge (Judge Bailey). Based on information received by the now-retired presiding judge (Judge Reese) from AOC, the Montgomery County family court is short more than 2 judges based on its weighted caseload. Based on a manpower study by AOC, the Montgomery County circuit clerk's office, which for many years has scheduled all juvenile matters for the family court judges, should have approximately 45 employees but is working with less than half that – 21 employees.

Montgomery County has substantially more case filings than either Madison County (which has almost 50 percent more population), or the two counties just behind Montgomery County in population (Shelby and Tuscaloosa), by twice as many and about 50 percent more, respectively. As succinctly put by one of the practicing attorney affiants, Montgomery County has too many juvenile cases and too few judges to handle them. Affidavit of Gwendolyn Thomas Kennedy, at 2. Not surprisingly, all the cases about which DHR has raised complaints are juvenile (specifically, dependency) cases.

Even with 2 more days each month allocated to juvenile cases, and some other special settings, in addition to the 4 hours each per week that have been allocated per judge to dependency cases and to delinquency cases since before Judge Kelly came on the bench, there is inadequate time allocated to or available to handle juvenile cases, including cases that by Alabama statute are to be given priority (TPRs).

All these are basic structural facts for the Montgomery County family court generally, and Judge Kelly specifically, which collectively increase substantially the likelihood of delays in hearings and rulings, especially in Judge Kelly's docket, even when a judge is giving best efforts.

Judge Kelly has worked diligently at all times to handle this massive workload, routinely holding dockets 4 days per week and frequently all 5 work days, as well as holding special settings for dependency cases at the downtown Montgomery courthouse (in addition to the regularly-set day per week for juvenile cases, 4 hours each for dependency and delinquency cases, at the Youth Facility in west Montgomery), and

recently setting aside two additional days a month to handle dependency matters. Rather than being oblivious to issues and potential problems in court administration, Judge Kelly has attempted to implement measures to better handle her docket and to improve court administration, e.g., seeking out from other courts and developing model scheduling orders, best practices for case management and other areas, etc.

Indeed, after learning of the expertise and services available from the National Council of Juvenile and Family Court Judges (based in Reno, Nevada), Judge Kelly and her staff successfully applied in spring of 2014 for Montgomery to be selected as one of only a few Implementation Sites nationally for NCJFCJ's Implementation Sites Project (with NCJFCJ's first site visit occurring on September 23-24, 2015).²⁰ Judge Kelly worked assiduously to identify, recruit, and bring together various stakeholders (including DHR personnel) with interests in the Montgomery County juvenile court. And, until she was removed as presiding judge by Judge Reese in January 2016, Judge Kelly was the lead judge for Montgomery County on the project.

Apart from (apparently) some of the DHR attorneys and administration, Judge Kelly is generally well-regarded for her fairness; her attention to detail; her attention to the needs of parents and families; her respect for litigants; her insistence that DHR provide services to families and that efforts be made to reunify (when possible) children and parents who appear before her (as opposed to simply propelling them toward termination of parental rights); her insistence on evidence to support parties' positions

²⁰ As described in the two NCJFCJ Site Visit Reports (as produced to Judge Kelly by the Commission), NCJFCJ developed the Implementation Sites project "to assist judges in becoming statewide leaders in best practices, building strong collaborations, and maintaining continuity in their efforts to improve outcomes for children and families."

As identified by Judge Kelly in Montgomery County's application to be one of the Implementation Sites, the Montgomery County family court's long list of "desired outcomes" from participation in the project started with: "to increase the number of positive outcomes for children and families; to decrease the number of TPRs and out-of-home placements; to improve the court's processing of dependency cases, including development of standardized administrative processes, utilization of discovery, and development of a schedule to effectively schedule hearings; [and] utilization of dedicated employee to manage administrative processing of dependency cases ..." Mont. Co. family court application for Implementation Sites project, Answer to question 26 (attached as Exhibit 8).

These desired outcomes reflect both Judge Kelly's perception of issues in the operations of the family court, including the scheduling, handling, and processing of dependency cases specifically; and her strong desire to seek expert assistance and to make improvements. It was Judge Kelly who drove the process that led to the expert recommendations for court practice changes that Judge Reese (after replacing Judge Kelly with himself as presiding judge of the family court) adopted in his March 2016 Administrative Order. Interestingly, DHR general counsel Ficquette both hails that Order; blames Judge Kelly (as presiding judge for allegedly "several years") for the conditions creating the need for the Order; *and* credits Judge Reese for adopting the Order, in her November 30, 2016 "laundry list" of complaints letter. See DHR November 30, 2016 letter, at 14. (In fact, now-retired Judge Charles Price appointed Judge Kelly as presiding judge during 2014. Judge Reese appointed Judge Kelly as presiding judge on January 20, 2015, and removed her on January 26, 2016 – roughly one-and-a-half years as presiding judge, not "several.")

and her decisions; and generally her professionalism. See Holton Affidavit; Kennedy Affidavit. And, there are facts to raise an inference that DHR may be promoting their serial complaints because of hostility to Judge Kelly's decisions or for some other improper purpose.

Judge Kelly does not dispute the likelihood that there are some cases (including matters identified by DHR) in which hearings or rulings may have been unduly delayed, the delay cannot be reasonably explained or justified, and she was responsible for the length of the delay. She does dispute that she has any pattern or practice of delaying hearings or rulings or of failures to rule.

Judge Kelly at all times has worked diligently to handle all her judicial business, in the face of a daunting caseload, insufficient support, and inadequate resources. At no time has she acted (or failed to act) with any bad faith, malice, ill will, or improper motive. She has committed no violations of the Canons of Judicial Ethics or other ethical standards applicable to judicial conduct as to any matters identified in this investigation. Accordingly, there is no basis on which to file charges, or to investigate further any of the allegations of the complaint(s).

Judge Kelly and counsel appreciate the Commission's attention to this matter and the repeated courtesies extended to date. As stated previously, Judge Kelly's counsel are willing to supplement this response to address at least a sample of the individual cases, if given the further opportunity to do so before the Commission makes its decision regarding possible further proceedings. If the Commission desires any additional information before making its decision, Judge Kelly and counsel will be pleased to cooperate.

Sincerely,



Mark Englehart

One of counsel for Judge Anita L. Kelly

Co: Rosa H. Davis, Esq. (via e-mail: rosah.davis@lic.alabama.gov)
Hon. Anita L. Kelly
H. Lewis Gillis, Esq.

BEFORE THE JUDICIAL INQUIRY COMMISSION
OF ALABAMA

Inquiry Concerning a Judge:)
Complaint against Circuit Court) No.: _____
Judge Anita Kelly)

AFFIDAVIT OF JOHN F. KNIGHT, JR.

COMES NOW the affiant John F. Knight, Jr., who under oath deposes and states as follows:

1. My name is John F. Knight, Jr. I am over the age of nineteen years and a resident of Montgomery, Alabama and of sound mind. I have personal knowledge of the facts stated herein.
2. I know Judge Anita Kelly as being a public official having been elected as a Circuit Court Judge in Montgomery County, Alabama.
3. As an elected official (Alabama State House of Representatives) and as President of the Montgomery County Democratic Conference ("MCDC"), I along with State Representative Alvin Holmes, learned of Judge Kelly's removal as Presiding Juvenile Court Judge for Montgomery County, Alabama by then Presiding Circuit Court Judge Eugene Reese.
4. After discussion within MCDC and its officials, it was decided that the VESTED interest that MCDC has in its support backing the election of Judge Kelly in her sitting position and in her re-election bid as a Circuit Court Judge, was at risk with her removal from the Presiding Judge position. Both Representative Holmes and I were tasked to learn why this removal action had been taken by Judge Reese.
5. In our attempt to protect the VESTED interest of MCDC, Representative Holmes and I met with and talked with Judge Eugene Reese about the removal action. Judge Reese advised us that he took this action because the "Bridge" program funding (which entity operated the Davis

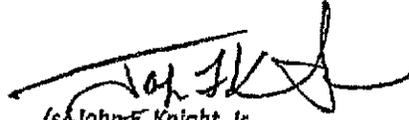


Treatment Center / Montgomery County Youth Facility), in the approximate amount of \$750,000, being lost through the inaction of Judge Kelly. Exhibit "A," attached hereto.

6. Prior to talking to Judge Reese, Judge Kelly had advised us that the "Bridge" program funding had not been lost (we saw emails from the Executive Director of DYS stating that the "Bridge" Program funding was indeed still available and had not been lost), Exhibit "B", attached hereto; that because of her questioning the efficacy of continuing to award to the Bridge program the grant money to operate the Davis Treatment Center in light of the Bridge's poor evaluation scores; that she was being criticized and accused of causing the alleged funding failure; that because of the poor performance of the Bridge entity, she and other juvenile court judges would not send dependency clients to the program, where the services to the children were failing. She showed us the evaluation scores where the Bridge entity earned a score of "D" or 4 or 5 out of 10 as a score. These failures were affecting the minority community mostly and all children in general.
7. After the meeting Judge Reese acknowledged to Representative Holmes and I that he may have acted to hurriedly when he heard about the funding allegations and he said that he was willing to reinstate Judge Kelly after they (Reese and Kelly) had a chance to talk if she was still willing to go back to the position. On information and belief, efforts were made to set up the meeting but it never did occur.
8. In deciding to meet with Judge Reese, at no time was it a goal of ours or that of MCDC to seek the removal of Judge Reese from his Presiding Circuit Court Judge position; MCDC supported Judge Reese in each of his-reelection bids. Removal was never stated as a goal of MCDC. I am not aware of Judge Kelly ever having asked or tried to get Judge Reese removed as presiding Judge.

9. Further, I am aware that Judge Kelly did not and has not met with any other juvenile court judges or circuit court judges seeking Judge Reese's removal.
10. If there is anyone who has said that Judge Kelly came to MCDC for the purpose of getting the removal of Judge Reese as Presiding Judge, that person is in error.
11. If there is anyone who has said that Judge Kelly went to other judges for the purpose of getting the removal of Judge Reese as presiding Judge, that person is in error with regard to the judges with whom I talked.
12. I am aware that this affidavit is being submitted by Judge Kelly's lawyers in support of her response to JIC complaints being made against her, to include complaints by the Alabama Department of Human Resources General Counsel/representative.

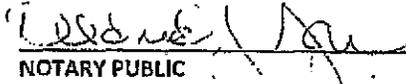
FURTHER THE DEPONENT SAITH NOT.



/s/ John F. Knight, Jr.
JOHN F. KNIGHT, JR.
State Representative/MCDC

STATE OF ALABAMA
COUNTY OF MONTGOMERY

SWORN TO AND SUBSCRIBED before me the undersigned authority by John F. Knight, Jr., who is known to me and who voluntarily signs the same on this 5 day of February, 2017.



NOTARY PUBLIC

My Commission expires: 4/1/18

BEFORE THE JUDICIAL INQUIRY COMMISSION
OF ALABAMA

Inquiry Concerning a Judge: }
Complaint against Circuit Court }
Judge Anita Kelly } No.: _____

AFFIDAVIT OF ALVIN HOLMES

COMES NOW the affiant, Alvin Holmes, who under oath deposes and states as follows:

1. My name is Alvin Holmes. I am over the age of nineteen years and am a resident of Montgomery, Alabama.
2. I know Judge Anita Kelly in her official capacity having been elected in 2004 as a Circuit Court Judge in Montgomery County, Alabama.
3. As an elected official (Alabama State House of Representatives) and civil rights activist, I along with State Representative John F. Knight, Jr., in January of 2016 learned of Judge Kelly's removal as Presiding Juvenile Court Judge for Montgomery County, Alabama by then Presiding Circuit Court Judge Eugene Reese.
4. After discussion with Representative Knight, we decided that we had a VESTED interest in this matter, as we had backed Judge Kelly in her bid for election and in her bid for re-election as a Circuit Court Judge. We also believed that her removal as the presiding judge for family court placed at risk her third bid for reelection. Both representative Knight and I decided to learn why this removal action had been taken by Judge Reese.
5. Representative Knight and I met with and talked to Judge Eugene Reese about the removal action. Judge Reese advised us that he took this action because funding for the Davis Treatment Program had been lost through the inaction of Judge Kelly. Exhibit "A" attached hereto.
6. Prior to talking to Judge Reese, Judge Kelly had advised us that the "Bridge" program funding had not been lost (we saw emails from the Executive Director of DYS stating that the "Bridge")



and that program funding was indeed still available, Exhibit "B" attached hereto). Judge Kelly simply questioned whether Montgomery County should continue to award to "the Bridge" the contract to operate the Davis Treatment Center in light of the Bridge's poor evaluation scores and failure to have in place in Montgomery County a quality program to help children and families.

7. After the meeting Judge Reese acknowledged to Representative Knight and I that he may have acted to hurriedly when he heard about the funding allegations and he said that he was willing to reinstate Judge Kelly after they (Reese and Kelly) had a chance to talk, if she was still willing to go back to the position. On information and belief, efforts were made to set up the meeting but it never did occur.
8. In deciding to meet with Judge Reese, at no time was it a goal of ours to seek the removal of Judge Reese from his position as Presiding Judge for the Fifteenth Judicial Circuit (Montgomery County, Alabama); I am not aware that Judge Kelly ever asked anyone or attempted to get Judge Reese removed as presiding judge.
9. Further, it is my understanding that Judge Kelly did not and has not met with any other juvenile court judges or circuit court judges or any judge seeking Judge Reese's removal.
10. Judge Kelly never asked me to attempt to remove Judge Reese as Presiding Judge.
11. Judge Kelly expressed her desire that she be allowed to do her job.
12. I am aware that this affidavit is being submitted by Judge Kelly's lawyers in support of her response to JIC complaints made against her, to include complaints by the Alabama Department of Human Resources and/or its General Counsel/representative.

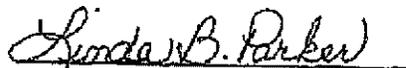
FURTHER THE DEPONENT SAITH NOT.



ALVIN HOLMES
State Representative

STATE OF ALABAMA
COUNTY OF MONTGOMERY

SWORN TO AND SUBSCRIBED before me the undersigned authority by Alvin Holmes who is known to me and who voluntarily signs the same on this 28th day of February, 2017.


NOTARY PUBLIC

My Commission expires: 10-27-20

STATE OF ALABAMA)
MONTGOMERY COUNTY)

AFFIDAVIT OF TIFFANY MCCORD

"My name is TIFFANY MCCORD and I am over the age of nineteen (19) years. This affidavit is based on my personal knowledge. I am employed as the Circuit Clerk for Montgomery County, Alabama. I was elected to this position in November of 2012 and have continuously served in this position since January 2013. Prior to my election, I was a practicing attorney in Montgomery County's Family Court Division and am very familiar with family court administrative practices and procedures.

My statutory duties are generally set out in the Code of Alabama 1975 Section 12-17-94 which provides that the duties of the clerks of the circuit clerk include signing and issuing all summons, subpoenas, writs, executions and other processes under the authority of the court; to keep a consolidated docket sheet of civil and criminal cases, the names of the parties, the character of action or offense, the names of the attorneys and the sheriff's return, which shall be entered in all civil and criminal cases standing for trial, in the order in which they are brought, and the bench notes, orders, rulings on motions and pleadings, other preliminary matters and final judgment which have been made in each case by the judge, which shall be the official minutes; to keep all papers, books, dockets and records belonging to their office with care and security, with the papers filed, arranged, numbered and labeled, so as to be of easy reference, and the books, dockets and records properly lettered; to make court and deliver, on application and payment of the legal fees therefor, to any person applying for the same, a correct transcript, properly certified, of any paper or record in their offices; to exercise such duties as are, or may be, conferred upon them by law, including administrative rules promulgated by order of the Supreme Court of Alabama; to monitor compliance with court orders issued by a state court which assess court costs, fines and other related court-ordered money against criminal defendants and to utilize accounts receivable systems and other procedures, including notice processes, to ensure payment of court-ordered money.

As a courtesy to the Juvenile Court Judges, the clerk's office at the Montgomery County Youth Facility schedules/set hearings for all juvenile cases. This is a very time-consuming responsibility that is critically important to the operation of juvenile court. Additionally, my office schedules cases for the referee assigned to the juvenile court on a part-time basis. Cases are set based on the practice of circuit judges hearing juvenile cases one day weekly. Based on information and belief, this practice has in place for more than 12 years. Each judge is scheduled to hear juvenile cases one day weekly¹. Four hours are allocated for dependency cases and four hours are allocated for delinquency cases.

On more than an occasional basis, Judge Kelly's dependency cases are scheduled for all day hearings in an effort to better manage her docket in an effort for her to more timely hear and decide cases. When necessary, my office specially sets dependency cases for Judge Kelly at her downtown office. Judge Kelly has also authorized my office to set cases on alternate Mondays, effective January of 2017, in an effort

¹ It is difficult to schedule without conflict more than one judge on a given date due to use of the courtrooms by the duty judge and the referee. Judge Williams gives an additional Friday per month to hear juvenile cases for the past year.



to address the number of cases on her dependency docket, but more particularly Petitions for Termination of Parental Rights.

As the Clerk of the Court, I have had an opportunity to do a comprehensive assessment/evaluation of the responsibilities, activities and productivity of the Clerk's Office at the Montgomery County Youth Facility and its employees when I began my tenure as Circuit Clerk, because the prior Circuit Clerk did not oversee the day to day operations of the office. I am of the opinion that changes need to be made to more efficiently operate and manage juvenile court. Specifically, adequate time is not allocated to these cases that by Alabama statute shall be given priority. Thus, it becomes difficult for the judges to comply with timeliness set out in the Code of Alabama when inadequate time is allocated to hear these cases and insufficient staff is employed to work the juvenile court cases.

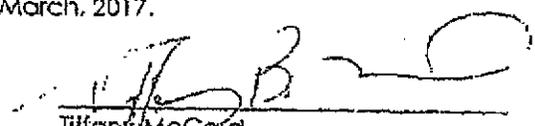
The Administrative Office of Court recently released the results of their Manpower Study. Per the Manpower Study, the clerk's office is 25 employees short of the number of employees needed to efficiently operate our offices. In 2008, the Clerk's Office employed 45 employees. Today, the Clerk's Office employs 21 state funded employees, but should employ 46 employees. As a result of this shortage, one person is doing the work of two. We need more boots on the ground. My assessment is that too little time is allocated by the judges for the number of cases filed in Montgomery County's Juvenile Court. I support the recommendation that Montgomery County needs a dedicated juvenile

Scheduling hearings on Petitions for Termination of Parental Rights are priority for the clerk's office. TPR Petitions are set the last week of the month. These hearings are scheduled six months out. If a request for continuance is granted, the process gets further behind. I am of the opinion that the clerk's office does not have problems timely scheduling the TPR hearings. The problems arise when motions for continuances are filed and then the clerk's office is required to reset the TPR hearing. Often, it is difficult to reset within 30 days. I am aware of an instance when Judge Kelly denied the motion for continuance. DHR and the GAL renewed their motion for continuance and further noted service issues, unavailability of witnesses and/or conflicts with other courts as additional reasons to continue the hearing.

I have never been approached by the Montgomery County Department of Human Resources or the Alabama Department of Human Resources regarding scheduling concerns or difficulties scheduling dependency, permanency or TPR hearings. It is my understanding that it has been suggested that to address DHR's scheduling concerns, that a clerk is assigned to be in the courtroom while the dependency hearings are being heard by the juvenile judge. It is impossible to have a clerk employee assigned to the courtroom for dependency cases during court given our current staffing levels.

Further affiant saith not."

DATED this the 11th day of March, 2017.


Tiffany McCord

251 South Lawrence Street,
Montgomery, AL 36104

STATE OF ALABAMA)
MONTGOMERY COUNTY)

SWORN TO and SUBSCRIBED before me on this the 1st day of March, 2017.

(SEAL)



NOTARY PUBLIC

My Commission Expires: 4-5-17

STATE OF ALABAMA)
MONTGOMERY COUNTY)

AFFIDAVIT OF CIRCUIT JUDGE CALVIN L. WILLIAMS

My name is Calvin L. Williams. I serve as a Family and Juvenile Court Judge for Montgomery County, Alabama. I was elected to this position in 2010 and have served continuously since that time. In this capacity, I serve with Circuit Judge Anita L. Kelly.

It is my understanding that a complaint has been filed with the Judicial Inquiry Commission against Judge Kelly. She asked that I submit this affidavit to address a few issues that have been raised.

Judge Kelly presented me with a copy of the July 26, 2016 memorandum from Preston Frazier, the Intake Supervisor at the Montgomery County Juvenile Facility. I reviewed the memorandum for the first time when the document was presented to me by Judge Kelly. I was completely unaware that this memorandum existed prior to my discussion with Judge Kelly. Neither had the content of this memorandum ever been presented to me or discussed with me by Judge Kelly or Mr. Frazier. I was surprised that an employee would invoke the name of a judge in such a manner without prior authorization of the particular judge.

During the course of our discussion of the July 26, 2016 memorandum, Judge Kelly advised me that it had also been alleged that she (Judge Kelly) called a meeting or called for a meeting to discuss her proposal that former Presiding Judge Eugene Reese be removed from his position as the Presiding Judge for the Fifteenth Judicial Circuit. I have no knowledge of the same and was never asked by Judge Kelly to attend a meeting of any kind where such a matter was discussed.

Judge Kelly previously served as the Presiding Judge for the Family Court Division in Montgomery County, Alabama. In this capacity, she applied for and successfully obtained a dependency court improvement grant from the National Council of Juvenile and Family Court Judges. I have no knowledge of any involvement or input in securing this grant by the Montgomery County Department of Human Resources nor the Alabama State Department of Human Resources. Judge Kelly was the lead judge and invited Judge Bailey and myself to support this initiative for the benefit of the juvenile court system. Consequently, the juvenile court judges in Montgomery County and stakeholders, including lawyers, employees from multiple offices, and the executive leadership at the Montgomery County Department of Human Resources have participated in local and national training designed to improve dependency court and the administrative process for dependency court.

As a Family Court Judge, I generally hear divorce, child custody, child support and juvenile cases. The divorce, child custody and child support cases are scheduled for hearings by my judicial assistant. My juvenile cases (dependency and delinquency) have been routinely scheduled for hearing by employees in the clerk's office at the Montgomery County Youth Facility (MCYF); and in some cases are jointly scheduled between my judicial assistant and employees in the MCYF clerk's office. It has also been my practice to schedule juvenile cases from the bench based on the court's calendar. These practices of scheduling cases have been followed for the majority of my judicial career to the present.



One of the concerns that I have had as a Juvenile Court Judge is the amount of time allocated to dependency and delinquency cases in juvenile court. The scheduling practice had been to allocate four hours weekly for dependency court and four hours weekly for delinquency court from day one to the present. This, for me, was not an adequate amount of time to hear these cases. It could be particularly challenging when I was also scheduled to hear a case involving the termination of parental rights (TPR). As such, I have added two additional days monthly to my juvenile docket for hearing dependency and delinquency cases. More recently, I have also integrated the hearing of TPR onto my regular weekly dockets; setting a minimum one full day for hearing. Judge Kelly has discussed with me and others her opinion of having a dedicated juvenile court judge to preside over these cases beyond what was previously in practice. My adjustments in allocating more time to juvenile cases to give these cases the serious consideration that they deserve, particularly where TPR is an issue to be determined, is indicative of my belief that some change was needed.

FURTHER THE AFFIANT SAITH NOT.

DATED this the 1st day of March, 2017.

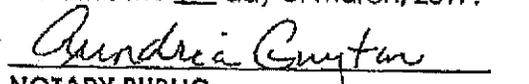


CALVIN L. WILLIAMS
CIRCUIT JUDGE
100 South Lawrence
Montgomery, AL 36104
Cell phone: [REDACTED]

STATE OF ALABAMA)
MONTGOMERY COUNTY)

SWORN TO and SUBSCRIBED before me on this the 1st day of March, 2017.

(SEAL)



NOTARY PUBLIC
My Commission Expires: 6-17-2017

STATE OF ALABAMA)
MONTGOMERY COUNTY)

AFFIDAVIT OF CIRCUIT JUDGE ROBERT BAILEY

My name is Robert Bailey. I serve as a Family and Juvenile Court Judge for Montgomery County, Alabama. I was first appointed to this position in 2011 and elected in 2014. I have served continuously since December, 2011. In this capacity, I am one of three family court Judges, including Circuit Judge Anita L. Kelly.

It is my understanding that a complaint has been filed with the Judicial Inquiry Commission against Judge Kelly. She asked that I submit this affidavit to address several issues that have been raised.

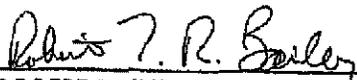
Judge Kelly has presented me with a copy of a July 26, 2016 memorandum from Preston Prazier, the Intake Supervisor at the Montgomery County Juvenile Facility. I had previously reviewed the memorandum and advised Judge Kelly of the same when I spoke to her. When I first saw the memorandum in 2016, I assumed that it had also been given to Judge Kelly and Judge Calvin Williams. I did not discuss the memo with either Judge Kelly or Judge Williams.

Judge Kelly also asked me whether I knew or heard anything about an effort to remove Circuit Judge Eugene Reese as the Presiding Judge for the Fifteenth Judicial Circuit. I advised Judge Kelly that I did know of nor had I heard of any such effort. Judge Kelly has never asked me to attend a meeting where the removal of Circuit Judge Eugene Reese from his elected position as Presiding Judge was discussed. Likewise, I have never attended any meeting where Judge Kelly campaigned to get rid of Judge Reese as the Presiding Judge. I have no knowledge of Judge Kelly taking any action to remove Judge Reese as the Presiding Judge for Montgomery County.

I attended the regular meeting for Montgomery County Circuit and District Court Judges in December of 2016. Judges Williams and Kelly were also present. During that meeting, I heard Judge Reese announce that the Family Court for Montgomery County was 2.3 judges short.

FURTHER THE AFFIANT SAITH NOT.

DATED this the 1st day of March, 2017.


ROBERT BAILEY
CIRCUIT JUDGE
100 South Lawrence
Montgomery, AL 36104
Cell phone: 



STATE OF ALABAMA)
MONTGOMERY COUNTY)

SWORN TO and SUBSCRIBED before me on this the 1st day of March, 2017.

(SEAL)

Sherry Dudo
NOTARY PUBLIC
My Commission Expires: 8/23/2020

STATE OF ALABAMA)
MONTGOMERY COUNTY)

AFFIDAVIT OF PRESTON FRAZIER

"My name is Preston Frazier. I am employed with the Montgomery County Youth Facility. I am currently employed as the Supervisor for the Intake Department and have been so since 2010. I have personal knowledge of the facts stated herein.

It is my understanding that a complaint has been filed against Circuit Judge Anita L. Kelly with the Alabama Judicial Inquiry Commission. The complaint against Judge Kelly was not filed by me or anyone under my direct supervision. It is my understanding that my affidavit will be submitted to the Judicial Inquiry Commission as part of its investigation.

I know Judge Kelly in her capacity as a Family Court Judge for Montgomery County, Alabama. From time to time, I interact directly with Judge Kelly, as a supervisor at the Youth Facility. I do not have day to day contact with Judge Kelly. During Judge Kelly's rotation month as the on-call judge for the month, employees under my supervision in the Intake Department are required to call Judge Kelly when there are requests for pick up orders from the Montgomery County Department of Human Resources. I do not make these calls to family court judges, including Judge Kelly. Any action taken by me arising from a request for a pick up order is based upon information obtained from the intake officer(s).

Based on the January 20, 2016 Memorandum written by intake employee, Garry Gregg, I drafted a memorandum dated July 26, 2016. Mr. Gregg reduced to writing concerns he noted that Judge Kelly had with a request for a pick up order from DHR. I then took Mr. Gregg's notes and wrote the July 26, 2016 Memorandum.

It is my understanding that the July 26, 2016 memorandum drafted by me to INTAKE has been discussed during the investigation of the complaint against Judge Kelly. This memorandum was written without any direct or indirect instructions from Judge Kelly. I did not consult her prior to writing the July 26, 2016 memorandum. At no point in time from July 26, 2016 until the present, have I ever talked with Judge Kelly about the July 26, 2016 memorandum. Neither, have I talked with Judge Calvin Williams or Judge Robert Bailey about the July 26, 2016 memorandum or the content of the July 26, 2016 Memorandum.

After writing this memorandum, I sent a copy of the July 26, 2016 Memorandum to Jan Castille, the Assistant Executive Director with the Montgomery County Department of Human Resources. Within 24 hours of releasing the July 26, 2016 Memorandum, I pulled the memorandum.



At the time that I wrote the July 26, 2016 Memorandum, I knew that Judge Kelly was not the presiding judge for the Family Court Division for Montgomery County, Alabama.

FURTHER THE AFFIANT SAITH NOT.

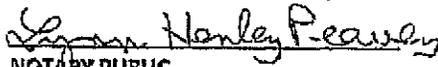
DATED this the 22nd day of February, 2017



Preston Frazier
1111 Airbase Blvd.
Montgomery, AL 36108
334-261-4100

STATE OF ALABAMA
MONTGOMERY COUNTY

SWORN TO AND SUBSCRIBED before the undersigned authority on this 22nd day of February, 2017.



NOTARY PUBLIC

My Commission expires: 2/25/2020

STATE OF ALABAMA)
MONTGOMERY COUNTY)

AFFIDAVIT OF JOHN A. JERNIGAN, M.D.

"My name is John Jernigan and I am over the age of nineteen (19) years. This affidavit is based upon my personal knowledge. I am a board certified internist with hospital privileges at Jackson Hospital, Montgomery, Alabama. I am the primary care physician for Circuit Judge Anita L. Kelly. Judge Kelly has been a patient of mine for more than 20 years. I know her to be a person of good character and integrity.

On October 24, 2016, Judge Kelly presented to my office for her annual vaccination. During this office visit, I conducted routine examinations. The result of one such examination alarmed me. Due to privacy regulations, I am not at liberty to disclose her diagnosis, but have been authorized by her to note that her medical condition required more than normal attention and care.

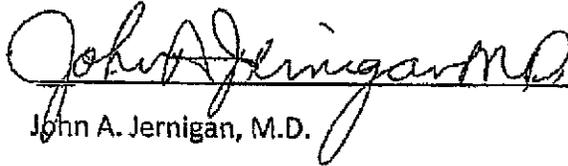
I was very concerned about her physical well-being. Judge Kelly told me that she was en route to a conference in Point Clear, Alabama. In my professional judgment, I did not believe that it was medically prudent for her to drive and travel. Due to her medical condition, I presented her with the option of being admitted into the hospital or being confined to bedrest for one week. Judge Kelly chose to be medically monitored in the privacy of her home. Throughout the week, I tracked her progress and prescribed and adjusted her medications based on daily reports. Judge Kelly returned to my office for a follow-up appointment on Thursday, October 27, 2016. It is my understanding that Judge Kelly returned to her office on Friday, October 28, 2016.

Since the October visit, Judge Kelly has returned to my office for further evaluation.

FURTHER THE AFFIANT SAITH NOT."



DATED this the 28th day of February, 2017.



John A. Jernigan, M.D.

1301 Mulberry Street

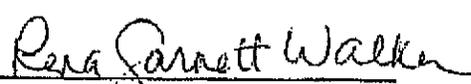
Montgomery, AL 36106

334-265-6153

STATE OF ALABAMA)
MONTGOMERY COUNTY)

SWORN TO and SUBSCRIBED before me on this the 28th day of
February, 2017.

(SEAL)



NOTARY PUBLIC

My Commission Expires: 5/2/17

5/18/2017

Gmail - FW: Implementation Sites Project Application

FW: Implementation Sites Project Application

Anita L. Kelly <anita.kelly@alacourt.gov>

Fri, Feb 24, 2017 at 9:14 AM

To: "jmenglehart@gmail.com" <jmenglehart@gmail.com>, "hgillis@meansgillislaw.com" <hgillis@meansgillislaw.com>

Cc: Anita Kelly <anitakelly@gmail.com>, Angela Stowman <akellystowman@yahoo.com>

This application is a blessing!!!

From: Sarah Ray [mailto:sray@ncjfcj.org]
Sent: Thursday, February 23, 2017 6:09 PM
To: Anita L. Kelly <anita.kelly@alacourt.gov>
Cc: Melissa Gueller <mgueller@ncjfcj.org>
Subject: Implementation Sites Project Application

*Shirley
Curt
11*

Hello Judge Kelly,

We received a call from an attorney requesting a copy of the Implementation Sites Project Application completed for Montgomery, AL. We informed him we could not provide him with a copy. However, I have attached the application to this email. If you decide you would like to give him a copy, that is your choice.

Please let me know if you have any questions or concerns, or if there is anything else you may need.

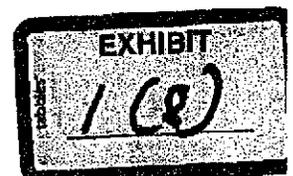
I hope all is well!

Thank you,

SARAH RAY
Site Manager



NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES
P.O. Box 8970 · Reno, NV · 89507
direct: (209)406-7365 main: (775) 507-4777
www.NCJFCJ.org



6/18/2017

Gmail - FW: Implementation Sites Project Application

 Application.pdf
2882K

7/29/2014

SurveyMonkey - Survey Results

Summary Design Survey Collect Responses Analyze Results

- View Summary
- Download Responses
- Filter Responses
- Crosstab Responses
- Download Responses
- Share Responses

Default Report

Displaying 8 of 10 respondents

Response Type: Normal Response	Collector: New Link (Web Link)
Custom Value: empty	IP Address: 72.159.228.8
Response Started: Monday, April 21, 2014 10:08:21 AM	Response Modified: Friday, May 23, 2014 1:25:21 PM

23061149

1. Court Name & Location

Name of Court - MONTGOMERY COUNTY, ALABAMA, FAMILY COURT DIVISION
 Contact - ANITA L. KELLY, PRESIDING JUDGE
 Address - PO BOX 1657, MONTGOMERY, AL 36102
 Phone - 3348321282
 Email - anjle.binkholler@okincourt.gov

2. Type of Court:

Urban

3. How many judicial officers are assigned to dependency, abuse, and neglect cases (including TPR cases)?

3 CIRCUIT COURT JUDGES AND 1 REFEREE

4. How many cases are currently before the court (please include pre-adjudication and TPR cases)?

PER INFORMATION GATHERED FROM THE CLERK OF THE COURT, 411 CASES ARE CURRENTLY PENDING WITH 212 OF THOSE ARISING OUT OF PETITIONS FILED BY THE MONTGOMERY COUNTY DEPARTMENT OF HUMAN RESOURCES ("MCDHR").

5. Of your cases before the court, how many children are in out-of-home care?

PER INFORMATION PROVIDED BY MCDHR, OF THE 212 CASES FILED BY MCDHR, 182 CHILDREN ARE IN OUT-OF-HOME CARE. THIS DATA IS NOT AVAILABLE FOR NON-MCDHR CASES.

6. What is the average length of time children remain in out-of-home care?

DATA NOT AVAILABLE FOR NON-MCDHR CASES.

7. How many children were reunified with their parents within the last 12 months?

PER INFORMATION PROVIDED BY MCDHR: FY2013 - 39 CHILDREN REUNIFIED WITH PARENTS AND 36 PLACED WITH RELATIVES; FOR FY 2014 (6 MONTHS) - 16 CHILDREN REUNIFIED WITH PARENTS AND 10 PLACED WITH RELATIVES.

8. How many children in care are current legal orphans (parental rights have been terminated but the adoption is still pending)?

PER INFORMATION PROVIDED BY MCDHR, THERE ARE 24 CHILDREN IN CARE WHO ARE LEGAL ORPHANS WHERE PARENTAL RIGHTS HAVE BEEN TERMINATED BUT THE ADOPTION IS STILL PENDING.

5/29/2014

SurveyMonkey- Survey Results

9. What is the average caseload for children's attorneys?

THIS DATA IS CURRENTLY NOT COLLECTED BY THE COURT.

10. When do children get appointed counsel?

COUNSEL FOR CHILDREN ARE APPOINTED IMMEDIATELY FOLLOWING FILING OF THE DEPENDENCY PETITION.

11. What is the average caseload for parent's counsel?

DATE IS NOT CURRENTLY COLLECTED BY THE COURT.

12. When do parents get appointed counsel?

AT VARIOUS TIMES. FOR MCDHR CASES, COUNSEL FOR THE MOTHER IS APPOINTED IMMEDIATELY UPON FILING OF THE DEPENDENCY PETITION. COUNSEL FOR FATHERS ARE GENERALLY APPOINTED FOLLOWING THE ESTABLISHMENT OF PATERNITY.

13. How often do you hear dependency, abuse, and neglect cases?

CASES ARE COLLECTIVELY HEARD AT LEAST THREE DAYS WEEKLY. INDIVIDUALLY, JUDGES HEAR CASES ONE-HALF DAY PER WEEK AND AS NEEDED FOR EMERGENCY PETITIONS.

14. Who attends court?

	Always	Sometimes	Rarely	N/A
County Attorney/Agency Attorney/District Attorney		X		
Children's Counsel			X	
Parents' Counsel	X			
Social Worker/Caseworker	X			
Mother	X			
Father		X		
Children			X	
Guardian Ad Litem (Attorney)	X			
Guardian Ad Litem (Non-Attorney)				X
Domestic Violence Advocate				X
Service Providers			X	
Foster Parents			X	
Relatives			X	
Comments:				

15. Do you have an existing team/collaborative meetings in the dependency, abuse, and neglect court system?

Yes

REPRESENTATIVES FROM THE STATE AND LOCAL OFFICES FOR DHR AND REPRESENTATIVES FROM THE COURT TO SPECIFICALLY INCLUDE JUDGES.

16. Do you have an informational handbook for parents about the court process?

No

17. Do you have an informational handbook for children about the court process?

No

18. What are the most common court ordered services for parents?

Always Sometimes Rarely N/A

5/29/2014

SurveyMonkey- Survey Results

Parenting Classes

Individual Counseling

Group Counseling

Anger Management

Batterer's Intervention Programs

Domestic Violence Counseling

Psychological/Psychiatric Assessment

Medication Management

Drug Testing

Outpatient Substance Abuse Treatment

Inpatient Substance Abuse Treatment

Please specify any other commonly court ordered services for parents: THE COURT HAS NOT TRADITIONALLY ORDERED SPECIFIC SERVICES BUT ORDERS THE PARENTS TO COOPERATE WITH THE MCDHR CASE PLAN. SERVICES MOST OFTEN AUTHORIZED THROUGH THE ISP PROCESS ARE PARENTING CLASSES; TOOLS OF CHOICE; CONTINUUM OF CARE; FOCUS; SUBSTANCE ABUSE TREATMENT; DRUG TESTING; MENTAL HEALTH COUNSELING; AND, PSYCHOLOGICAL EVALUATIONS. THIS INFORMATION IS CURRENTLY NOT COLLECTED FOR NON-MCDHR CASES.

19. Does the court have an existing working relationship with the local school system?

Yes

20. Can the dependency/neglect/abuse court obtain easy access to juvenile/delinquency records?

Yes

21. Does the court have any specific or strategic relationships with any bar associations? If so, please describe.

CURRENTLY, THERE IS NO SPECIFIC OR STRATEGIC RELATIONSHIP WITH ANY BAR ASSOCIATION. HOWEVER, THE COURT IS OPEN TO ESTABLISH PARTICULARLY AS IT RELATES TO THE ESTABLISHMENT OF A FAMILY LAW SECTION FOR THE LOCAL BAR.

22. Please provide a summary list of current and recent funded projects and/or existing collaborations in the community, that is related to the court where this project will be implemented (if applicable).

IN OCTOBER, 2013, NINE JUDGES FROM EIGHT COUNTIES ATTENDED THE NATIONAL COUNSEL OF JUVENILE AND FAMILY COURT JUDGES "CHILD ABUSE AND NEGLECT INSTITUTE" (CANI) IN ATLANTA, GEORGIA. TWO JUDGES FROM MONTGOMERY COUNTY, ALABAMA, PARTICIPATED IN THIS TRAINING AND CONTINUE TO ACTIVELY PARTICIPATE WITH THIS JOINT EFFORT. IN PAST YEARS, THE ALABAMA ADMINISTRATIVE OFFICE OF COURTS HAS SPONSORED CASEFLOW MANAGEMENT WORKSHOPS TO PROMOTE STRONGER COLLABORATION BETWEEN DHR AND THE COURT SYSTEM. JUDGES, ADMINISTRATORS AND LAWYERS ALL PARTICIPATED IN THE AFOREMENTIONED CASEFLOW MANAGEMENT CONFERENCES. DHR MAINTAINS AVAILABLE A COURT LIAISON TO SUPPORT DOCKET MANAGEMENT OF COURT HEARINGS ON A WEEKLY BASIS.

23. Do you have the capacity to collect data to measure your desired outcomes?

No

24. We may have resources to conduct research regarding court practices in your jurisdiction. Are you willing to be a research site?

Yes

25. Does your court have any current programs or practices that are meant to enhance any of the following topic areas? (Check all that apply)

TWO OF THE THREE JUDGES ARE ACTIVE PARTICIPANTS IN THE COLLABORATION BETWEEN "CANI" AND THE ALABAMA ADMINISTRATIVE OFFICE OF COURTS. IT SHOULD BE NOTED THAT THE THIRD JUDGE IS WILLING TO PARTICIPATE BUT DUE TO SPACE LIMITATIONS, DOES NOT ATTEND MEETINGS. THE PRESIDING JUDGE HAS EXPRESSED AN INTEREST IN PROVIDING TRAINING FOR LAWYERS WHO REPRESENT PARENTS. A DATE FOR THIS TRAINING HAS NOT YET BEEN ESTABLISHED.

26. Please include a narrative that clearly demonstrates the applicant's capacity and

SurveyMonkey - Survey Results

commitment to fully participate as new implementation site. The narrative should not exceed 10 pages in length. The narrative should include the following information: 1) The structure of the court system. 2) Demographics of the jurisdiction. 3) The court's strengths and weakness. 4) The outcomes desired from participating in the project. 5) Identify the stakeholders who are currently a part existing collaborative meeting or the stakeholders who have been identified to participate in a newly formed collaborative. 6) The Lead Judge for the project. 7) Commitment from the Presiding Judge or Administrative Judge. 8) An outline of a plan that demonstrates a long-term commitment from the judiciary and key stakeholders.

Not included

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STATE OF ALABAMA)
)SS
COUNTY OF MONTGOMERY)

AFFIDAVIT

MICHAEL GUY HOLTON, Attorney at Law, Affiant, who is over the age of 19 years and is a bona fide resident citizen of the State of Alabama and has been more than six months next preceding this statement and having been first duly sworn deposes and says:

My name is Michael Guy Holton. I am an attorney licensed to practice in the State of Alabama since 07 DEC 2000 and presently a member of Fuller, Taylor, & Holton, P.C., 6748 Carmichael Parkway, Suite D, Montgomery, Alabama 36117.

I am certified as a Guardian Ad Litem to represent the best interest of children and have been appointed to represent children in the Circuit Courts of Montgomery and Elmore counties over the past several years. Further, I have been involved in the family court system in this State in numerous counties over the last thirty years in the capacities as a Attorney, Guardian Ad Litem, and previously for many years as a Licensed Professional Counselor and supervisor of in home services provided to and contracted through and for the Department of Human Resources.

I make this Affidavit from personal knowledge and experience in the Montgomery County Circuit Juvenile and having served in said Court as a Guardian Ad Litem and Attorney over the last few years. I have received appointments and have been retained to represent the interest of parents and children either as a Guardian Ad Litem or Attorney and represent by this Affidavit that I have been appointed to cases by all of the Judges and Referees of the Montgomery and Elmore County Juvenile Courts. I am most thankful for the opportunity to be engaged in the area of practice that is "Juvenile Court" and all of its service to our children, families, and communities.

The Hon. Judge Anita Kelly, Circuit Judge, Montgomery County Juvenile Court continues to be a proven leader in the Alabama Juvenile and Family Court System. We are truly fortunate to have the Circuit Juvenile Judges and Referee that currently fill the jurist seats in our communities in Montgomery and Elmore Counties. Specifically, Judge Anita Kelly has fostered a Juvenile Court which is fair, firm, and a good steward of the law. Judge Kelly is mindful of detail, fair tempered to the frustrations of her position, and most of all cognizant of the needs of



the children and families. I have appeared before Judge Anita Kelly on numerous occasions in the capacity as an Attorney and / or Guardian Ad litem. Judge Anita Kelly maintains her Court in a decorum of respect for the children, families, and Attorneys. I have occasionally heard remarks from two specific attorneys who dislike Judge Kelly whereupon, it appeared from the communication, that one of the attorneys (a private practitioner) was disgruntled because the attorney did not get a timely Order in her case from Judge Kelly's office and it was keeping the attorney from being able to invoice the attorney's fee declaration for billing purposes. The same attorney has on multiple occasions, in cases where I have been involved representing one of the parties, seem to collude with the Department of Human Resources counsel in an effort to sabotage or make disdainful remarks as against Judge Kelly. These same attorneys have remarked openly on occasion of their individual interest in the Juvenile Judge seat.

Judge Kelly, as well as all of the Montgomery County Circuit Juvenile Judges, has a docket that is constantly expanding. Our Juvenile Court Dependency system is antiquated and we are now faced with pre- *R.C. Consent Decree* attitudes from the administration of the Department of Human Resources. This ever growing docket is in large part due to the failure of families to receive necessary and appropriate services, consistent with the *R.C. Consent Decree* mandates. This is overwhelmingly evident in the repeat appearances of families known to the Court and the Department of Human Resources who keep returning to our Courts because the dysfunctions of these families are not treated and are merely "warehoused" and prepped for termination of parental rights. This issue, the failure of the Department of Human Resources to provide adequate and necessary services to the children and families to which the Department serves, should be of paramount interest to the State of Alabama. Judge Kelly has done a remarkable job, to the extent that she can, insisting that services are provided and efforts are made to reunify, when possible, the families and children who appear before her. Judge Kelly's lawful and correct attempt to make sure that children are not *unnecessarily and permanently* displaced from their families is and should be commendable. Judge Kelly does not continue dockets or allow continuances that are not timely filed and does not *sua sponte* continue or delay dockets unless warranted. I have on only two occasions that I can immediately recall over the last three years encountered a continuance by the Court in cases before Judge Kelly. As a practical matter the parties and counsel are routinely informed in a timely manner of court

settings and on each notice from the Clerk's office there is an indication of the type of hearing that is set. I serve as a part time Municipal Judge and from my own experiences there have been few occasions where I too have had to continue a docket for reasons beyond my control, i.e. mandatory training, sickness, or similar issues of key Court personnel. I would consider any allegation that Judge Kelly has unwarranted continuances is incorrect. Often times in the past I have witnessed in many Courts the Judge ordering counsel to prepare a proposed Order for a case. It is not uncommon for the attorneys to be slow in getting this done. I am guilty of this same tardiness on occasion as an attorney Ordered to provide the Court with a proposed Order. I suppose it's the "busy lawyer" excuse (not an excuse that is usually well taken by the Court).

With due respect to "Termination of Parental Rights Petitions" that I have been a representative of a party in Judge Kelly's Court, these Petitions are taken very seriously by Judge Kelly, and rightfully so due to their serious legal affect on children and families. It is for me, and should be for those attorneys who are devoted to providing meaningful representation of their client, a comfortable confidence to appear before Judge Kelly to know that the Judge is not on either side, is not persuaded to satisfy either party, is focused on providing a fair, impartial, patient, and thorough evaluation of the cases appearing before her.

Judge Kelly personifies what a true Juvenile Judge should be. She is invested in the preservation of the best interest of the children and families when such preservation is a possible outcome. I have spent nearly thirty years having the opportunities to serve as a service provider, Guardian Ad Litem, LPC Therapist, and Attorney working with literally hundreds of children and families in these capacities. I have testified as an expert witness regarding issues of families and children before numerous counties Juvenile Courts, it is my observation and witness that Judge Kelly is likely one of, if not the, most knowledgeable, considerate, compassionate, and appropriate Juvenile and Family Court jurists in our State. We are fortunate to have Judge Kelly. I am familiar with, and have on numerous occasions witnessed, the efforts of the Administration of the Department of Human Resources to undermine Judge Kelly. I cannot speak to Judge Kelly's personal knowledge of the disdain that I have heard from two attorneys and those in the administrative level of the Department of Human Resources, however, I have witnessed such and believe it is nothing more than a plot to undermine Judge Kelly and remove the barrier to the

STATE OF ALABAMA)
MONTGOMERY COUNTY)

Before me the undersigned Notary Public personally appeared Gwendolyn Thomas Kennedy, and after having been duly sworn, did depose and say as follows:

My name is Gwendolyn Thomas Kennedy and I am over the age of nineteen (19) years. I am a member in good standing of the Alabama State Bar since 1988. Although I handle cases in many counties throughout Alabama, Montgomery (15th Judicial Circuit) is the primary situs of my practice. I have personal knowledge of the facts stated in this affidavit.

For the last twelve (12) years, I have had the pleasure of practicing law before Judge Anita Kelly. My practice before the Court includes both Dependency and Domestic Relations cases. As a Domestic Relations practitioner, many of my cases have both jurisdictional and evidentiary challenges. Judge Kelley is knowledgeable and fair minded. Because of the nature of family issues, these cases are laced with heightened emotions. Judge Kelly is consistent and compassionate, not willing to deny any individual their "day in court". She deals with each case with respect and professionalism. Her concern for the children of divorce is evident, as she speaks with the children in every possible instance.

As a Juvenile Court Practitioner, I am appointed to many cases, in the capacity of either Guardian ad Litem for minor children and impaired adults, or counsel for the parents of same. Judge Kelly really maintains an elevated bar in these cases. She requires attorneys for the parties and the Department of Human Resources to actually work for the children; therefore, it takes extra time to do these cases adequately and equitably. She will not allow any party representative to proffer information based upon a rush to judgment with no evidence. For example, if a child is



taken from a mother because of a positive drug screen, Judge Kelly will require the Department and others to substantiate what steps have been taken to assist the parent. She also questions the standard "quickie settlement cases" where the parents and their counsel, agree to findings of Dependency to move the cases along. Although it makes tempers flare, I feel it necessary to protect families. Many times, this heightened legal and ethical standard causes lawyers to have to wait and witnesses to have to reappear on occasion, but, justice requires patience.

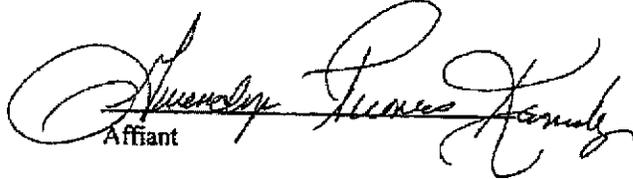
However, the gravamen of the problem with wait time is not Judge Kelly, it is the docket. There are simply too many juvenile cases and too few judges. Even with the Referee doing a stellar job, the cases in Montgomery County are vast, and many of them contain multiple sibling groups with individual issues to address. Judge Kelly's practice is to call the children into the courtroom so she can speak with them. She asks questions about their aspirations and dreams and engages them in a way that very few others do. Further, she asks if they know their Guardian ad Litem and if they are visiting with their siblings, if that applies. The children love and need this opportunity.

On a daily docket, all the cases are set for the same hour and then called one at a time. The delay is inevitable. When the hour arrives for the Court to close, even if the cases are not concluded, cases simply have to be reset. Despite ruffled feathers, and upset attorneys, that is the nature of Family Court.

My personal experience with Judge Anita Kelly continues to be a great one. She rules against my clients often, but I leave her Court feeling respected and grateful that my clients were heard. She doesn't hurry through the process of brush over testimony. She really listens and she cares. I am so committed to Dependency work that I have not billed the State of Alabama for any

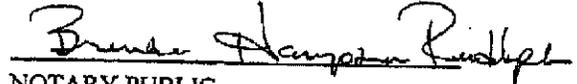
of the cases since 2010. Judge Kelly is an integral part of the successful Family Court System in Montgomery.

Further Affiant sayeth not.


Affiant

Sworn to and Subscribed Before me on this the 17th day of May 2017.




NOTARY PUBLIC

My Commission expires:

9/15/2019

Section 12-17-25

Appointment of relief judges to assist in clearing dockets.

Any judge shall, whenever he deems it necessary, call on the Chief Justice of the Supreme Court to assign one or more judges to relieve the judges who need assistance in clearing dockets, civil and criminal.

(Acts 1915, No. 712, p. 809; Acts 1919, No. 321, p. 275; Code 1923, §6699; Code 1940, T. 13, §173; Acts 1949, No. 411, p. 583; Acts 1953, No. 510, p. 645; Acts 1957, No. 680, p. 1029; Acts 1959, 2nd Ex. Sess., No. 92, p. 276.)



Conference Office2

From: Rich Hobson
Sent: Wednesday, February 13, 2013 9:21 AM
To: Circuit Judges; District Judges; Juvenile Judges; Circuit Clerks
Subject: Letter from Chief Justice Moore to Governor Bentley
Attachments: CJMoore2 8 13.pdf

Attached is a response from Chief Justice Roy Moore to the Governor following the Governor's State of the State Address. The collapse of the Judicial Administration Fund (which is bringing in \$12 million per year instead of the projected \$25 million) plus the additional cost associated with unfunded mandates, reduces FY 2014 to a critical level. We have met with Legislative leaders and the Governor's Office alerting them to this pending crisis and we will keep you informed of new developments.

Thank you,

RICH HOBSON
ADMINISTRATIVE OFFICE OF COURTS
300 DEXTER AVENUE
MONTGOMERY, ALABAMA 36104
334/954-5080
334/954-2105 FAX



Conference Office2

From: Rich Hobson
Sent: Tuesday, December 10, 2013 9:14 AM
To: Karen Trussell; Lien Bragg; Lori C. Ingram; Mike Fellows; Paul Sherling; Robert Minor; William Hightower; Page Walley; Susan Weiss; Patricia Macias; Carrie Lee Carroll; Jim Kramer; Aubrey Ford; Anita L. Kelly; Bob Bailey
Cc: Bob Maddox
Subject: RE: Alabama CANI Judges - Recognition / Comments from NCJC

Judge Ingram, Judge Fellows, Judge Sherling, Judge Minor, Judge Hightower, Judge Kramer, Judge Ford, Judge Kelly, Judge Bailey and Karen,

On a day to day basis, I can, at best, expect to receive some neutral emails—ones where there isn't a problem or crisis. So, it is, indeed, a blessing to receive good news about the involvement, participation, and leadership of our judges and staff. Thanks to all of you for your commitment to families and excellence. A special thanks to Karen for her leadership of the Family Court Division at AOC. While the numbers in the Family Court Division are few, their work is great.

Merry Christmas, and keep the good emails coming!

Rich Hobson
Administrative Office of Courts
334/954-5080

From: Karen Trussell
Sent: Tuesday, December 10, 2013 8:53 AM
To: Lien Bragg; Lori C. Ingram; Mike Fellows; Paul Sherling; Robert Minor; William Hightower; Page Walley; Susan Weiss; Patricia Macias; Carrie Lee Carroll; Jim Kramer; Aubrey Ford; Anita L. Kelly; Bob Bailey; Rich Hobson
Cc: Bob Maddox
Subject: RE: Alabama CANI Judges - Recognition / Comments from NCJC

Thanks to all for those kind words. I place all the praise at the feet of Alabama's outstanding judiciary. It is an honor to serve and walk beside them. kt

Karen B. Trussell, Director
Family Court Division
Administrative Office of Courts
300 Dexter Avenue
Montgomery, AL 36104-3741
Office - 334-954-5063
Fax - 334-954-3170
Office Hours: Mon. - Fri. 7:30 a.m. - 4:00 p.m.

From: Lien Bragg [<mailto:L.Bragg@casey.org>]
Sent: Tuesday, December 10, 2013 8:48 AM
To: Lori C. Ingram; Mike Fellows; Paul Sherling; Robert Minor; William Hightower; Page Walley; Susan Weiss; Patricia Macias; Carrie Lee Carroll; Jim Kramer; Aubrey Ford; Anita L. Kelly; Bob Bailey; Rich Hobson
Cc: Karen Trussell; Bob Maddox
Subject: Alabama CANI Judges - Recognition / Comments from NCJC



FYI - please see praise from NCJFCJ and Judge Key, NCJFCJ Past President, about the Alabama CANI Judges and Karen Trussell's leadership. Alabama proud!

From: Martha-Elin Blomquist [mailto:mblomquist@ncjfcj.org]

Sent: Friday, December 06, 2013 11:56 AM

To: Michael Key

Cc: Stephen Rubin; Shawn Marsh; Carlene Gonzalez; Johnson, Douglas F (Juv Court Judge); Mari Kay Bickett; Michelle Barclay; Lien Bragg

Subject: Re: alcohol as drug of harm

Thank you Judge Key for the update and kind words. I too was very impressed with how AL judges immersed themselves in learning and planning at Atlanta CAN and am pleased that Karen is working with the judges with followup. I think that can be a powerful combination to have a group of judges and their state CIP administrator attend CANI together - maybe a concept for advanced CANI or standard CANI?

Hey Judge Key,

Thanks for taking the time to write this email. I agree on so many fronts with what you have said. I can recall being asked to send lots of judges from Texas to CANI and when I inquired about whether I could attend as well (at my own expense), the answer was a firm NO. Made no sense to me since in Texas I was the one directing what education happened and what did not. I know Karen T does much of the same thing for Alabama.

MARI KAY BICKETT, JD

Chief Executive Officer

NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES
P.O. Box 8970 · Reno, NV · 89507

From: Judge Michael Key

On Fri, Dec 6, 2013 at 4:17 AM, Michael Key <michael@keylaw.net> wrote:

I just want to share with you some follow-up to CANI East in Atlanta this year. I have been so proud of our Alabama Judges. As you know nine judges attended from Alabama, along with Karen Trussell, the Director of the Family Court Division of the ACO in Alabama. I know we questioned about whether to allow a non-judge, even one tied to the courts, to attend CANI, but I can tell you that in this case it is working out well. Karen drank the lemonade and is a key person in helping to drive this follow-up work in Alabama. I know how important that is. We have our own Michelle Barclay, who not only drank the lemonade, but she also regularly makes and serves it to all of us in Georgia. Judge Michael Fellows and two of his key staffers spend the day with our court this past Tuesday observing a dependency docket and talking during breaks and lunch. It was very helpful for both of our courts. And on December 20th, with the support of Casey Family Programs, most of those nine judges will spend the day in Auburn with the Department of Human Services and Christopher Church (who Andy Barclay begat) reviewing and talking about data. That is a very significant development in my view. It is things like this, together with our belief that scenes like this are played out around the country often without our knowledge that draws Steve, Doug and me to do CANI and justifies giving a week of our personal time (plus prep time) to CANI. And the same goes for the other presenters and our marvelous staff, both those who are on site and those back at the office that help to make it happen. I want to add how much it added having the law school students from Emory in attendance during portions of the week and how much Steve and I enjoyed spending some time with about twenty students at the law school on Tuesday night. Connecting with law schools, schools of social work, etc. should be a regularly part of our programming wherever we go. We never know who we may inspire to do this very important work. Thanks for all that you do.

Conference Office2

From: Sarah Ray <sray@ncjfcj.org>
Sent: Wednesday, April 15, 2015 4:21 PM
To: Anita L. Kelly
Subject: Revised Site Visit Report
Attachments: Montgomery Site Report.docx

Hello Judge Kelly,

Attached you will find a revised draft of the site visit report. Please look it over and let me know as soon as possible if you have any other questions or concerns regarding its wording or content. Once you have given your approval, I will remove the draft watermark and send you the final version so that you may distribute it as you see fit.

I will send you a second email later today or tomorrow summarizing last week's call and will include some resources on some of the information you requested. (ie 1 family 1 judge).

Thank you,

SARAH RAY
Site Manager

NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES

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**Implementation Sites Project
Initial Site Visit Report**

**Montgomery County Family Court, 15th Judicial Circuit
Montgomery, AL**

Date of Report: March 2, 2015
Lead Judge: Judge Anita Kelly
NCJFCJ Site Manager: Sarah Ray
Date(s) of Site Visit: January 27 - 28, 2015

The goals of this site visit were to:

- Assess current dependency court practice and adherence to Resource Guidelines¹ best practices;
- Meet with key stakeholders to develop relationships and understand their roles and responsibilities;
- Develop a better understanding of the Montgomery County Family Court processes; and
- Inform the court team and stakeholders about the *Implementation Sites Project*.

Purpose of Report

This report outlines the activities and subsequent impressions from the initial site visit to the Montgomery County Family Court, 15th Judicial Circuit in Montgomery, AL as part of the Implementation Sites Project conducted by staff of the National Council of Juvenile and Family Court Judges (NCJFCJ) on January 27-28, 2015. This report is intended solely for use by the Lead Judge and the stakeholders of the Montgomery Implementation Site to assist in practice improvement efforts consistent with the Resource Guidelines and Key Principles of Permanency Planning² (hereinafter Key Principles). Other uses of this report or substantial modifications to content should first

¹ Resource Guidelines: Improving Court Practice In Child Abuse and Neglect Cases, (1995), National Council of Juvenile and Family Court Judges, Reno, NV.

² Key Principles for Permanency Planning, Technical Assistance Brief, (July 2011), National Council of Juvenile and Family Court Judges, Reno, NV.

include consultation with the author. This report is presented in the spirit of collaboration and open discussion that includes objective assessment of practice using an evidence-based and strengths-based framework from a national perspective. Accordingly, any recommendations presented in this report could change with additional site-level information or with further research developments in juvenile law and allied fields.

The NCJFCJ has set the Key Principles as the core competencies for all Implementation Sites. The Sites are expected to use recommendations as a result of site visit reports, as well as the assistance and guidance of their Site Manager, to prioritize individual site goals and develop strategies to achieve practice improvement efforts.

Background

The Montgomery, AL Implementation Site was selected July 1, 2014 under the leadership of Judge Anita L. Kelly. The Implementation Sites project was developed by the NCJFCJ to assist judges in becoming statewide leaders in best practices, building strong collaborations, and maintaining continuity in their efforts to improve outcomes for children and families.

Judge Kelly has been a judge with the 15th Judicial Circuit since her election in 2004. Serving with her are Judge Calvin Williams and Judge Robert Bailey. In addition, Referee Vicki Toles works part time overseeing front line matters and most initial dependency hearings. The Montgomery Family Court (hereafter the Court) primarily focuses on two different types of cases that involve minor children: (1) Juvenile Dependency – cases related to the abuse and/or neglect of a minor and (2) Juvenile Delinquency – cases related to violations of criminal law by a minor. In addition, the judges of this Court also oversee cases of divorce, child custody, and domestic relations.

In the Implementation Sites Project application, The Montgomery County Family Court identified decreasing their number of Termination of Parental Rights hearings (TPRs), strengthening their court collaborative team, and improving their overall court practices as their desired outcomes as a result of being a part of the project. Currently, Judge Kelly is working on the creation of both a Child and Parent Handbook for children and families entering the court system.

Site Visit Activities

During the initial site visit, NCJFCJ staff conducted interviews with all three family court judges and the referee, court staff, and many of the stakeholder groups. It was during these interviews that NCJFCJ staff gained a better understanding of the strengths and challenges of the Montgomery County Family Court. Below are some examples of both the strengths and challenges of this court as they pertain to the Key Principles.

1. Stakeholder Interviews

Demonstrate Judicial Leadership & Foster Collaboration

Judges must convene and engage the community in meaningful partnerships to promote the safety, permanency, and well-being of children and to improve system responses. The juvenile court must model and promote collaboration, mutual respect, and accountability among all participants in the child welfare system and the community at large.

Each stakeholder was asked to describe the Court's strengths and challenges from their point of view. A majority of stakeholders reported that Judge Kelly is dedicated to the families and children she serves, and is extremely driven and determined to change the "status quo." The stakeholders appeared open to, and excited by the idea that they can be a part of the change process. Judge Kelly has already begun fostering an environment for change and has proven that she is willing to collaborate with outside agencies by developing relationships with key stakeholders such as the Director of the Department of Human Services (DHR). As previously mentioned, Judge Kelly is working towards the development of handbooks for children and their parents to explain the court process and identify the parties in the courtroom. In addition, Judge Kelly has noted that parents are not always assigned counsel prior to their first hearing. Judge Kelly recognizes that parents should be appointed an attorney immediately prior to the 72 Hour Hearing as recommended in the Resource Guidelines. Judge Kelly informed NCJFCJ staff that she intends to work with the Court's Intake Unit to change their current process, in order to ensure all parents are appointed counsel prior to their first court hearing.

Judge Kelly is currently in the process of identifying and inviting key stakeholders to participate in a judicially-led collaborative team tasked with improving the current court system and practices. Many of the stakeholders informed NCJFCJ staff during interviews that they are genuinely interested in being a part of the Implementation

Sites Project and court improvement team, as they are "eager" to start making changes that will make the Court better for the families and children it serves. The Montgomery County Family Court, and stakeholders NCJFCJ staff spoke with, appear ready, willing, and committed to examining their current system and practices to look for challenges and areas of improvement. Therefore, it is recommended that this judicially-led collaborative reflect the system and include representatives from all of the key institutions and agencies involved in child abuse and neglect cases. When the full range of differing interests are involved in solving a problem or making a decision, the solution is more comprehensive, creative, and systems-focused.³ It is recommended that the Court's collaborative be divided into two separate groups: the Executive or Steering Committee, and various Subcommittees or Task Force Groups.

The Executive Committee consists of those stakeholders with the formal authority and power to make decisions about changes in practices, policies, structural arrangements, and resources. This group should have regular standing meetings (such as monthly or bimonthly) to examine current practice, identify potential areas of improvement, establish goals, create strategic plans for change, and to monitor progress towards goal achievement.⁴

The Subcommittees are groups formed to address specific issues or initiatives as they arise. The individuals in these groups are usually involved in intensive problem-solving and change efforts, but the scope of the topic is limited. These groups have a very specific focus and are typically time limited. Like the Executive Committee, the subcommittees should also have a representative from each major stakeholder group present. No matter the topic, the solution will be more innovative, comprehensive, systemic, and achievable if a multidisciplinary perspective is taken.⁵ It is also recommended that the Subcommittees contain "front-line" staff. The inclusion of those stakeholders with day-to-day experience of working in the system can share information about current practice, challenges, opportunities, and resources. In addition, front-line staff can ensure that the vision of the collaborative "trickles-down" to those individuals actually carrying the work forward on a daily basis, thus expanding the influence of the collaborative.⁶ Finally, each subcommittee should identify a leader or co-leaders. These leaders will not only guide the subcommittee meetings, but will communicate and share information with the Executive Committee. For additional information on how to build, further develop, and sustain your collaborative team(s), please review the

³ Building a Better Collaboration: Facilitating Change in the Court and Child Welfare System, Technical Assistance Bulletin, Volume VIII, Number 2, (April 2004), National Council of Juvenile and Family Court Judges, Reno, NV, pg.53

⁴ Ibid, pg.59

⁵ Ibid, pg.60

⁶ Ibid, pg.55

Technical Assistance Bulletin Building a Better Collaboration included in your Implementation Site welcome package. NCJFCJ can also provide examples of other collaborative structures if interested.

The role of Lead Judge is critically important to the Implementation Sites project and therefore, the change process as a whole. The Lead Judge cannot do it alone and be successful. Meaningful and sustainable systems change can only occur through concerted collaborative efforts on the part of all system professionals.⁷ Lead Judges are strongly encouraged to include and draw on the experience of existing leaders in the system, to create an environment which allows others to see their own roles in leadership. With shared leadership comes a collaborative approach to problem-solving, engagement amongst the stakeholders when defining the work to be done, and lastly, sustained action in an effort to meet goals. It will be important that Judge Kelly meet regularly with the other judges and referee in order to keep them updated on the activities of the collaborative, as well as to foster input and consensus on system reform efforts that effect court practice. Adopting bench-wide practices allows for consistent implementation of said practices, thus resulting in greater sustainability.

Finally, the Court is strongly encouraged to work closely with the Alabama Administrative Office of the Courts (AOC), and participate in statewide Court Improvement Program (CIP) initiatives. The Alabama CIP is currently working on several statewide initiatives that directly correlate to challenges faced by the Montgomery County Family Court. Some of these initiatives include: amendments to Termination of Parental Rights (TPR) rules in order to expedite these cases, the formation of a subcommittee to address issues raised by the processing of adoptions in Probate and Juvenile court, and quality assurance issues with DHR.⁸ It is recommended that the court include the CIP director in the Executive Committee in order to coordinate efforts and utilize all available resources when addressing these challenges.

2. Court Observation

In addition to stakeholder interviews, staff observed a number of court hearings during the site visit. Below is a brief summary of impressions from the court observations.

⁷ Building a Better Collaboration: Facilitating Change in the Court and Child Welfare System, Technical Assistance Bulletin, Volume VIII, Number 2, (April 2004), National Council of Juvenile and Family Court Judges, Reno, NV, pg.33

⁸ For additional information on Alabama's CIP grants and initiatives, please see <http://www.alacourt.gov/Sections/FamilyCourt/cip.aspx>

Provide Judicial Oversight

Judges must provide fair, equal, effective, and timely justice for children and their families throughout the life of the case, continually measuring the progress toward permanency for children.

Case flow management is a collection of techniques used to reduce litigation delays. Effective case flow management is critical in abuse and neglect cases, as it is necessary to ensure delays in court procedures do not interfere with achieving timely permanency for children. There are several tools discussed in the Resource Guidelines that can be used to achieve successful case management.⁹ One being, the Court must demonstrate an unmistakably strong commitment to timely decisions in child abuse and neglect cases. It must communicate to its own employees, the attorneys practicing before it, and the child welfare agency that timely decisions are a top priority.¹⁰ Court data provided by the AOC indicates that the Court does not produce timely decisions or orders in some cases; TPR cases in particular.

After reviewing provided data and speaking with stakeholders, it appears there are several possible reasons to account for the delay in issuing timely orders. One reason appears to be the scheduling of cases. The dockets in the Montgomery County Family Court are very busy. At this time, each of the three judges only have one half day per week to hear dependency cases. It was reported that this is not nearly enough time to effectively and efficiently manage the dependency caseload. Due to the limited docket space, cases are not being scheduled for an adequate period of time in which to complete the trial. Therefore, hearings such as contested TPRs, which take a significant amount of time to complete, are being continued several times, across a period of several months – even years according to reported data, in order to finish the trial. In an attempt to remedy this situation, Judge Kelly has modified her schedule to accommodate a full day dedicated strictly to dependency cases, in addition to her regular half day. The Court may also want to consider implementing the use of direct calendaring (one family-one judge) and time certain or block calendaring to aid in improving these issues.

⁹ For additional information regarding Case Flow Management tools, see Resource Guidelines, pg.20

¹⁰ Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases, (1995), National Council of Juvenile and Family Court Judges, Reno, NV, pg.20

The same Judge should oversee all cases impacting the care, placement, and custody of a child.

The One Family-One Judge Model (Direct Calendaring) is important because it allows the judge to become thoroughly familiar with the needs of the children and families, the efforts made over time to address those needs, and the complexities of each family's situation. It also allows each judge to control their own docket, which in turn, will only better the experience and outcome for the families and children involved. There was a study completed that evaluated the effects of implementing the one family-one judge model on permanency outcomes in juvenile dependency cases. It found that after implementation of this model, significantly more cases resulted in dismissal than before. In addition, juveniles were 1.7 times more likely to be reunited with their families within 12 months of their removal than before the use this model.¹¹ This long-term perspective identifies patterns of behaviors exhibited over time by all parties involved in a case, preventing a judge from relying too heavily on agency recommendations.¹² It also prevents parties from bringing up previously rejected arguments, and parents from repeating excuses to explain their lack of progress, all of which delays the case, wastes valuable court and stakeholders' time, and forces the child to sit in care longer than necessary. Finally, when a judge has remained involved with a family since the beginning of their case, the length of time required for each subsequent hearing can be significantly lessened, as the judge is already very familiar with the parties and case history. Such knowledge is especially important in matters such as TPR hearings.

It is recommended that the Court examine its current calendaring system in order to study ways in which time certain calendaring can be implemented. The implementation of time certain calendaring can support broader hearing attendance by avoiding scheduling that may require participants to wait for long periods of time for their hearing to commence.¹³ To implement time certain calendaring, and ensure sound case flow management, it is recommended the court set specific and strict time limits for every stage of the court process.¹⁴ Be sure to take into consideration those hearings that are particularly time consuming, such as contested adjudications and TPRs, and schedule a sufficient amount of time in order to prevent continuances and delays. There should be no major interruptions in contested hearings and it should be unusual for a contested hearing not to be completed on the day scheduled or within a few days after.¹⁵ The

¹¹ For additional information on this study, please see: <http://www.journalofjuvjustice.org/ojj0202/article03.htm>

¹² Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases, (1995), National Council of Juvenile and Family Court Judges, Reno, NV, pg.19

¹³ Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases, (1995), National Council of Juvenile and Family Court Judges, Reno, NV.

¹⁴ Please see Resource Guidelines for recommended time allocations for each type of hearing.

¹⁵ Ibid.

court may consider setting aside one day or afternoon per week in order to accommodate emergencies and/or hearings that cannot be completed within their allotted time. NCJFCJ can assist by providing examples of how other courts in the nation have implemented time certain calendaring practices.

To further alleviate the busy dockets, and increase hearing efficiency, it is recommended that the Court require all reports be distributed to parties well in advance of the scheduled hearing. This allows stakeholders time to prepare their cases for hearing, investigate the report statement's, consider agency proposals, as well as propose alternatives. The Court is also encouraged to establish a list of questions and/or issues that will be addressed at each type of hearing. The court should meet with agency representatives to discuss the kind of information desired at each hearing, as well as hearing expectations. This gives the agency the opportunity to include such information in their report, and/or be prepared to address these issues in court. In addition to increasing the efficiency and thoroughness of hearings, this new practice may also improve the timely production of orders. If the agency report/petition is well prepared, and covers the same issues as those that need to be addressed in the court's findings, the court can repeat, modify, or refer to portions of the report in its findings.¹⁶ NCJFCJ recommends that Judge Kelly discuss expectations for court reports with the other judges and referee to come up with suggestions they can share with the DHR director.

Best practice states that orders should be prepared and distributed to all parties at the conclusion of each hearing. The speedy issuing of an order and findings gives parties an immediate, written record of what was decided, what they are expected to do prior to the next hearing, any social services voluntarily accepted, and the date and time of the next hearing.¹⁷ For those cases (such as TPRs) where it may be necessary to take certain issues under advisement in order to complete legal research and writing before issuing a decision, it is recommended that the Court give a verbal statement at the end of the hearing as to how it intends to rule. According to Resource Guidelines, the final order should be issued within 14 days of the close of the hearing. Although this time frame is short, it can be achievable if the judge reserves time on their calendar to write the court's decision at the time the case was set for trial.¹⁸ Finally, ensuring that findings from previous hearings (adjudication, disposition, review, permanency, etc.) are well-written can help accelerate preparation of TPR findings.

¹⁶ Ibid.

¹⁷ Setting the date and time for the next hearing, prior to the conclusion of the current hearing, is another best practice discussed in the Resource Guidelines. Implementing this practice will also assist the Court in implementing/sustaining both direct and time certain calendaring.

¹⁸ Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases, (1996), National Council of Juvenile and Family Court Judges, Reno, NV.

Data provided by the AOC shows that continuances are a regular occurrence in the Montgomery County Family Court, especially when it comes to TPR hearings. Continuances are the primary reason for delays in child welfare proceedings, which needlessly extends a child's time in foster care and postpones the establishment of permanency. A direct correlation has been found between the number of times a case is continued and the time a child's case remains in the court system. The Court is strongly encouraged to establish a firm and effective policy when it comes to continuances. Continuances should be a rare event, and only granted when strong justification is provided, and/or under a specific set of circumstances such as: an attorney or party is ill, an essential witness could not be located, or service of process has not yet been completed.¹⁹ Judges should carefully examine each continuance request, and not be afraid to deny those that are not clearly necessary. When a continuance is granted, best practice states that the reason should be included in the court record. The Court should enact policies that make the granting of a continuance difficult to attain. In addition to achieving timely permanency, a strict no continuance policy can result in significant savings for both the court and the agency. It will also make time certain calendaring easier to achieve and sustain. When cases are set for a specific time, typical waiting times can be less than 20 minutes, with occasional delays up to an hour or more. A reduction in waiting time for agency workers, attorneys, and other parties can result in major reductions in government expenditures.²⁰ Continuances in termination cases drive up court operation costs and counsel fees. They also extend children's time in foster care, thereby driving up foster care payments and agency costs. With fewer continuances, these costs will greatly decline.

Ensure Access to Justice

Children and parents must have the opportunity to be present in court and meaningfully participate in their case planning and in the court process.

It is the policy of the NCJFCJ that children of all ages should be present in court and attend each hearing, mediation, pre-trial conference, and settlement conference unless the judge decides it is not safe or appropriate.²¹ Of the 6 hearings observed while on site, NCJFCJ staff noted the presence of children in only 2 of the cases. In both cases, the children were present in the courthouse, but were not invited into the courtroom until after the hearing was completed. Once the children had the opportunity to meet with the judge, both judges observed did a great job engaging with them. The judges called

¹⁹ Ibid.

²⁰ Ibid.

²¹ Ibid.

the children by their names, spoke directly to them, asked them questions, and gave the children an opportunity to discuss any thoughts or questions they had. A child's presence at each hearing provides the judge with an opportunity to be as fully-informed as possible when making important decisions concerning the child's safety, well-being, and permanency. Therefore, the Court may consider developing a policy and protocol to ensure children have the opportunity to be present for their hearings and when appropriate, tell the court in their own words about their needs, desires, and overall well-being. When children are not present in court, judges should require that the child welfare agency provide an explanation that directly relates to that child's safety and well-being.²²

Recommendations and Next Steps

Upon review of the Site Visit Report, the Site Manager will facilitate a conference call with Judge Kelly to discuss the next steps for the Montgomery County Family Court. The feedback will be integrated into a final report and used for future training topics and technical assistance.

The NCJFCJ makes the following recommendations, and will assist the Court in prioritizing the next steps:

Short-term:

- Consider developing an Executive Committee of key decision makers from each stakeholder group to meet on a monthly basis in order to discuss immediate needs for court reform. It is recommended that your CIP director is invited to be a part of this team. Schedule a strategic planning meeting with NCJFCJ staff to assist collaborative in determining goal priorities.
- Consider developing a system that will allow orders and findings to be distributed at the end of each hearing. For those orders that require certain issues to be taken under advisement, consider providing a verbal statement at the end of the hearing as to how the court intends to rule. Also, consider scheduling time to write orders at the same time a hearing is scheduled. This will aid in producing orders in a timely period of 14 to 30 days.
- Meet with other judges and referees to discuss report and hearing expectations; then share this information, and facilitate a meeting/discussion with DHR director.
- Consider implementing a strict no-continuance policy.
- Consider implementing a new protocol to ensure all parents are appointed counsel prior to their initial hearing.

²² Resource Guidelines: Improving Court Practice In Child Abuse and Neglect Cases, (1995), National Council of Juvenile and Family Court Judges, Reno, NV.

Long-term (i.e., on-going):

- Consider providing cross-training for stakeholders and service providers on the Enhanced Resource Guidelines to inform all stakeholders of the expectations for hearing practice.
- Consider implementing the One Family-One Judge model (Direct Calendaring) and developing a procedure that would allow the judges to control their own dockets.
- Consider implementing Time Certain Calendaring or a modified version (Block Calendaring) to prevent parties from waiting unnecessarily, lessen the number of continuances, and cut costs of both the Court and DHR. The court may also consider setting aside one day or afternoon per week in order to accommodate emergencies or hearings that could not be completed within their allotted time.
- Consider developing a policy and protocol to ensure children have the opportunity to be present for, and participate in, their hearings.
- Work with the Alabama Court Improvement Program (CIP) Director to coordinate efforts on state initiatives and local court challenges.

Progress Towards Objectives

NCJFCJ staff plan to use this report and its recommendations, in consultation with Judge Kelly, to inform court staff and stakeholders about future action planning. NCJFCJ can provide ongoing technical assistance and communication to assist in interpreting the report and in determining implementation steps, based on these recommendations.

Summary

The NCJFCJ staff presented Judge Kelly, Judge Bailey, Judge Williams, court staff, and stakeholders with an overview of the Implementation Sites project, including roles, responsibilities, and expectations. Judge Kelly, as part of the role of lead judge in the project, is expected to communicate regularly with the assigned Site Manager, demonstrate judicial leadership, and coordinate with and participate in statewide Court Improvement Program (CIP) initiatives. It is also expected that Judge Kelly will communicate regularly with her Executive Committee and together, they will work with NCJFCJ staff to develop a vision and strategic plans with measurable outcomes. Judge Kelly and a team of four court stakeholders can look forward to attending the Implementation Sites All-Sites meeting in March 2015 to receive further training and

technical assistance from the NCJFCJ, as well as form connections with other Implementation Sites court teams.

The Montgomery Implementation Site has a strong judicial leader in Judge Kelly and the Site is well positioned to begin working with NCJFCJ on improving their court system and working towards further implementation of the Resource Guidelines and Key Principles. This Site Visit Report represents the initial assessment of the Montgomery County Family Court and its policies/procedures, and outlines several observations and recommendations for the consideration of Judge Kelly. It is subject to modification and clarification to better assist Judge Kelly's system reform efforts. The NCJFCJ staff stands ready to assist Judge Kelly in fully developing a feasible and thorough action plan to enable the Montgomery Implementation Site's continued success.

Submitted by:

Sarah Ray/sr
Sarah Ray
Site Manager
Juvenile Law Programs
National Council of Juvenile and Family Court Judges

Date: _____

Reviewed by:

Melissa Gueller/mg
Melissa Gueller, MS
Program Director – Child Abuse and Neglect
Juvenile Law Programs
National Council of Juvenile and Family Court Judges

Date: 3/1/15

cc: [Site E-File]

Conference Office2

From: Smith, Karen <Karen.Smith@dhr.alabama.gov>
Sent: Friday, January 30, 2015 4:08 PM
To: Anita L. Kelly
Subject: RE: All Sites Registration

I have already registered...

Karen H. Smith, LGSW
Director of Montgomery County DHR
3030 Mobile Hwy
Montgomery, AL 36108
Phone 334-293-3450
Fax 334-293-3453
Karen.Smith@dhr.alabama.gov

From: Anita L. Kelly [mailto:anita.kelly@alacourt.gov]
Sent: Friday, January 30, 2015 3:52 PM
To: Smith, Karen; rondi.mostellar@dhr.alabama.gov; Angela Starr
Subject: FW: All Sites Registration
Importance: High

Please confirm that you have registered for the training to be provided by NCJFCJ in Reno. If not, please do so immediately. I do not have email addresses for Attorneys Mostellar and Morgan. Please help me by forwarding this email directly to them.

https://www.surveymonkey.com/s/Implem_AllSites_Conf

Thanks always for your help.

Judge Kelly



Conference Office2

From: Angela Starr
Sent: Friday, January 30, 2015 4:27 PM
To: Anita L. Kelly
Subject: RE: All Sites Registration

Fernando and I have registered. I will follow up with Attorney Mostellar Monday

From: Anita L. Kelly
Sent: Friday, January 30, 2015 3:52 PM
To: karen.smith@dhr.alabama.gov; rondi.mostellar@dhr.alabama.gov; Angela Starr
Subject: FW: All Sites Registration
Importance: High

Please confirm that you have registered for the training to be provided by NCJFCJ in Reno. If not, please do so immediately. I do not have email addresses for Attorneys Mostellar and Morgan. Please help me by forwarding this email directly to them.

https://www.surveymonkey.com/s/Implem_AllSites_Conf

Thanks always for your help.

Judge Kelly

Conference Office2

From: Smith, Karen <Karen.Smith@dhr.alabama.gov>
Sent: Monday, February 02, 2015 12:40 PM
To: Anita L. Kelly
Subject: RE: All Sites Registration

She has registered today...

Karen H. Smith, LGSW
Montgomery County DHR Director
3030 Mobile Hwy
Montgomery, AL 36108
334-293-3450 office
334-293-3453 fax
Karen.Smith@dhr.alabama.gov

From: Anita L. Kelly [anita.kelly@alacourt.gov]
Sent: Monday, February 02, 2015 12:11 PM
To: Smith, Karen
Subject: RE: All Sites Registration

Please advise whether Rondi has registered. If not, please have her do so soonest. Thanks.

From: Smith, Karen [mailto:Karen.Smith@dhr.alabama.gov]
Sent: Friday, January 30, 2015 4:08 PM
To: Anita L. Kelly
Subject: RE: All Sites Registration

I have already registered...

Karen H. Smith, LGSW
Director of Montgomery County DHR
3030 Mobile Hwy
Montgomery, AL 36108
Phone 334-293-3450
Fax 334-293-3453
Karen.Smith@dhr.alabama.gov<mailto:Karen.Smith@dhr.alabama.gov>

From: Anita L. Kelly [mailto:anita.kelly@alacourt.gov]
Sent: Friday, January 30, 2015 3:52 PM
To: Smith, Karen; rondi.mostellar@dhr.alabama.gov<mailto:rondi.mostellar@dhr.alabama.gov>; Angela Starr
Subject: FW: All Sites Registration
Importance: High

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https://www.surveymonkey.com/s/Implem_AllSites_Conf

Thanks always for your help.

Judge Kelly

Conference Office2

From: Smith, Karen <Karen.Smith@dhr.alabama.gov>
Sent: Monday, February 02, 2015 12:59 PM
To: Anita L. Kelly
Subject: RE: All Sites Registration

You are more than welcome...

Karen H. Smith, LGSW
Director of Montgomery County DHR
3030 Mobile Hwy
Montgomery, AL 36108
Phone 334-293-3450
Fax 334-293-3453
Karen.Smith@dhr.alabama.gov

-----Original Message-----

From: Anita L. Kelly [mailto:anita.kelly@alacourt.gov]
Sent: Monday, February 02, 2015 12:56 PM
To: Smith, Karen
Subject: RE: All Sites Registration

Thanks for making it happen.

-----Original Message-----

From: Smith, Karen [mailto:Karen.Smith@dhr.alabama.gov]
Sent: Monday, February 02, 2015 12:40 PM
To: Anita L. Kelly
Subject: RE: All Sites Registration

She has registered today...

Karen H. Smith, LGSW
Montgomery County DHR Director
3030 Mobile Hwy
Montgomery, AL 36108
334-293-3450 office
334-293-3453 fax
Karen.Smith@dhr.alabama.gov

From: Anita L. Kelly [anita.kelly@alacourt.gov]
Sent: Monday, February 02, 2015 12:11 PM
To: Smith, Karen
Subject: RE: All Sites Registration

Please advise whether Rondi has registered. If not, please have her do so soonest. Thanks.

From: Smith, Karen [mailto:Karen.Smith@dhr.alabama.gov]
Sent: Friday, January 30, 2015 4:08 PM
To: Anita L. Kelly
Subject: RE: All Sites Registration

I have already registered...

Karen H. Smith, LGSW
Director of Montgomery County DHR
3030 Mobile Hwy
Montgomery, AL 36108
Phone 334-293-3450
Fax 334-293-3453
Karen.Smith@dhr.alabama.gov<mailto:Karen.Smith@dhr.alabama.gov>

From: Anita L. Kelly [mailto:anita.kelly@alacourt.gov]
Sent: Friday, January 30, 2015 3:52 PM
To: Smith, Karen; rondi.mostellar@dhr.alabama.gov<mailto:rondi.mostellar@dhr.alabama.gov>; Angela Starr
Subject: FW: All Sites Registration
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Thanks always for your help.

Judge Kelly

https://www.surveymonkey.com/s/Implem_AllSites_Conf

Thanks always for your help.

Judge Kelly

Conference Office2

From: Anita L. Kelly
Sent: Tuesday, March 18, 2014 1:54 PM
To: Angela Starr; Tiffany McCord
Subject: RE: May 7, 2014 JU docket

I have just looked at my docket for tomorrow. There appears to be four trials set for tomorrow in addition to the other motions, IAs and dispositions. As I previously advised, I believe that too many cases are placed on the docket. This is particularly so, when the court reporter must break down her equipment and be prepared for a dependency docket at 1:30 pm downtown. I hope that things will work out, but in the recent past, we have not heard all of the scheduled cases on the docket. I am disappointed when litigants, parents and witnesses are forced to go home without a hearing/trial. From my vantage point, the public may easily conclude that the dockets are mismanaged.

From: Angie Burkhalter
Sent: Tuesday, March 18, 2014 1:07 PM
To: Anita L. Kelly
Subject: May 7, 2014 JU docket

Angela Starr wants to know if you can do an all day dependency docket on May 7, 2014, if she has the Referee handle your delinquency (IA) docket for that day?

Angie M. Burkhalter
Judicial Assistant to Hon. Anita L. Kelly
Montgomery County Circuit Court
Domestic Relations Division
Phone 334/832-1282
Fax 334/832-7143
angie.burkhalter@alacourt.gov

Mailing Address:
Post Office Box 1667
Montgomery, AL 36102

Physical Address:
Montgomery County Courthouse Annex I
100 S. Lawrence St., 3rd Floor
Montgomery, AL 36104



Conference Office2

From: Angie Burkhalter
Sent: Tuesday, November 18, 2014 2:08 PM
To: Bob Bailey; Calvin Williams
Cc: Tiffany McCord; Angela Starr; Anita L. Kelly
Subject: scheduling of TPR hearings
Attachments: memo re scheduling of TPR hearings.pdf

Please find attached a memorandum from Judge Kelly regarding scheduling of TPR hearings. Thank You.

Angie M. Burkhalter
Judicial Assistant to Hon. Anita L. Kelly
Montgomery County Circuit Court
Montgomery County Courthouse Annex I
100 S. Lawrence Street, 3rd floor
Montgomery, AL 36104
Phone 334/832-1282
Fax 334/832-7143
angie.burkhalter@alacourt.gov





THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA
DOMESTIC RELATIONS AND JUVENILE DIVISIONS

ANITA L. KELLY
PRESIDING CIRCUIT JUDGE
(334) 832-1282 phone
(334) 832-7143 facsimile

PHYSICAL ADDRESS: COURTHOUSE ANNEX I
100 South Lawrence Street, Third Floor
Montgomery, Alabama 36104
MAILING ADDRESS: P.O. Box 1667
Montgomery, Alabama 36102-1667

October 28, 2014

MEMORANDUM

TO: Hon. Robert T. Bailey
Hon. Calvin L. Williams

FROM: Hon. Anita L. Kelly *AK*
Presiding Judge, Family and Juvenile Court

RE: Scheduling of Hearings on Petitions for Termination of Parental Rights

Code of Alabama 1975 § 12-15-320, states, in part:

Termination of parental rights cases shall be given priority over other cases. The trial on the petition for termination of parental rights shall be completed within 90 days after service of process has been perfected. The trial court judge shall enter a final order within 30 days of the completion of the trial.

Alabama Rules of Judicial Procedure, Rule 16, states, in part:

Rule 16. Calendar Management

(A) The presiding judges of the circuit court and district court, or their designees, over whom they have supervisory authority, shall determine the calendaring of cases within their respective courts.

(D) Trials involving the termination of parental rights shall be given priority over all other nonjury trials.

In accordance with the above cited provisions, **EFFECTIVELY IMMEDIATELY**, Petitions for Termination of Parental Rights trials shall be given priority over all other non-jury trials. The deputy clerk will continue to schedule our cases. However, our efforts to comply with statutory law may result in changes to your calendars. Should you have comments or suggestions, please advise.

JALK/ab

Copies to: Hon. Tiffany McCord, Montgomery County Circuit Clerk
Hon. Angela Starr, Montgomery County Juvenile Court Clerk's office

Conference Office2

From: Smith, Karen <Karen.Smith@dhr.alabama.gov>
Sent: Wednesday, January 07, 2015 1:17 PM
To: Anita L. Kelly
Subject: RE: NCJFCJ

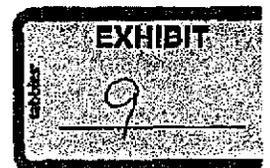
Thank you for the invitation. I will forward to my Deputy Commissioner.

Karen H. Smith, LGSW
Director of Montgomery County DHR
3030 Mobile Hwy
Montgomery, AL 36108
Phone 334-293-3450
Fax 334-293-3453
Karen.Smith@dhr.alabama.gov

From: Anita L. Kelly [mailto:anita.kelly@alacourt.gov]
Sent: Wednesday, January 07, 2015 12:58 PM
To: Smith, Karen
Subject: NCJFCJ
Importance: High

Please save the dates for the NCJFCJ conference in Reno, Nevada scheduled for March 19th & 20th. If you accept the invitation, I am thinking that you also will likely want to set aside a day before and day after for travel. Eight sites from around the country will attend the conference. Expenses for the trip will be paid by NCJFCJ. Will keep you posted. Also please consider one DHR attorney representing Montgomery County to attend along with you.

Thanks for your help. Talk to you soon.



Conference Office2

From: Smith, Karen <Karen.Smith@dhr.alabama.gov>
Sent: Wednesday, January 07, 2015 4:19 PM
To: Anita L. Kelly
Subject: RE: NCJFCJ

James Slaughter is my immediate supervisor. He is the Deputy Commissioner for Field Administration. Nancy Bucker is the Commissioner for DHR.

Karen H. Smith, LGSW
Director of Montgomery County DHR
3030 Mobile Hwy
Montgomery, AL 36108
Phone 334-293-3450
Fax 334-293-3453
Karen.Smith@dhr.alabama.gov

From: Anita L. Kelly [mailto:anita.kelly@alacourt.gov]
Sent: Wednesday, January 07, 2015 4:09 PM
To: Smith, Karen
Subject: RE: NCJFCJ

Remind me who the deputy commissioner is. Thanks.

From: Smith, Karen [mailto:Karen.Smith@dhr.alabama.gov]
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Thanks for your help. Talk to you soon.

Conference Office2

From: Smith, Karen <Karen.Smith@dhr.alabama.gov>
Sent: Thursday, January 08, 2015 6:59 PM
To: Anita L Kelly
Subject: RE: NCJFCJ

Good evening Judge Kelly. I have received permission from SDHR to attend the conference. Rondi will be the DHR attorney attending. We appreciate this opportunity. Talk to you soon....

Karen H. Smith, LGSW
Montgomery County DHR Director
3030 Mobile Hwy
Montgomery, AL 36108
334-293-3450 office
334-293-3453 fax
Karen.Smith@dhr.alabama.gov

From: Anita L. Kelly [anita.kelly@afacourt.gov]
Sent: Wednesday, January 07, 2015 4:32 PM
To: Smith, Karen
Subject: RE: NCJFCJ

Know of Ms. Bucker. Not so for Mr. Slaughter. Please let me know soonest whether you and/or attorney will join a team of five, including me. Thanks.

From: Smith, Karen [mailto:Karen.Smith@dhr.alabama.gov]
Sent: Wednesday, January 07, 2015 4:19 PM
To: Anita L. Kelly
Subject: RE: NCJFCJ

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Sent: Wednesday, January 07, 2015 4:09 PM
To: Smith, Karen
Subject: RE: NCJFCJ

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From: Smith, Karen [mailto:Karen.Smith@dhr.alabama.gov]
Sent: Wednesday, January 07, 2015 1:17 PM
To: Anita L. Kelly
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Thanks for your help. Talk to you soon.

Conference Office2

From: Smith, Karen <Karen.Smith@dhr.alabama.gov>
Sent: Tuesday, December 30, 2014 1:09 PM
To: Anita L. Kelly
Subject: RE: NCJFCJ

It was great talking with you. I look forward to working with you in 2015!

Karen H. Smith, LGSW
Director of Montgomery County DHR
3030 Mobile Hwy
Montgomery, AL 36108
Phone 334-293-3450
Fax 334-293-3453
Karen.Smith@dhr.alabama.gov

From: Anita L. Kelly [mailto:anita.kelly@alacourt.gov]
Sent: Tuesday, December 30, 2014 1:08 PM
To: Smith, Karen
Subject: NCJFCJ

Ms. Karen Smith:

Thanks for returning my telephone call from yesterday. Hope that you enjoyed Christmas and are looking forward to a great New Year.

Please be advised that representatives from the National Council of Juvenile and Family Court Judges will soon visit Montgomery, Alabama. Montgomery is one of a minimum of 10 sites that NCJFCJ is providing technical assistance for dependency cases throughout the U.S. The visit is scheduled for January 27th and 28th to review dependency court and the administrative process.

A request has been made to speak with the dependency judges, DHR director/or deputy/assistant director, along with social workers, DHR attorneys, GALs and other attorneys who represent parents and children. Please advise of any other person, organization or entity that you believe is a stakeholder that should speak with the NCJFCJ representative(s). Minimally, in accordance with our telephone conversation, I will include Peggy Davis, the Court Liaison, as someone the representatives should speak with.

Know of Ms. Bucker. Not so for Mr. Slaughter. Please let me know soonest whether you and/or attorney will join a team of five, including me. Thanks.

From: Smith, Karen [mailto:Karen.Smith@dhr.alabama.gov]
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To: Anita L. Kelly
Subject: RE: NCJFCJ

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Thanks for your help. Talk to you soon.

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Subject: NCJFCJ
Importance: High

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Also, please give serious thought to what we can do to improve our way of processing dependency cases and the court hearings. How can we help you and the agency that you represent?

I will keep you posted. Should you have questions or comments, please let me know.

Anita L. Kelly

Circuit Judge

Conference Office2

From: Rich Hobson
Sent: Tuesday, March 10, 2015 7:40 AM
To: Anita L. Kelly
Subject: RE: Recommendation(s)

Judge Kelly,

Thank you for the list of Montgomery County attorneys to fill the role as representatives for parents' attorneys and guardians as litem on future Judicial/Child Welfare collaborative meetings. It is my understanding that the planning of this year's regional meetings are being conducted through conference calls. If you could select one of those attorneys to join in on the planning, I'll make sure that Karen Trussell contacts and updates them as to what has been accomplished thus far, as well as the future plans for 2015.

Thanks, Rich Hobson
334/954-5080

From: Anita L. Kelly
Sent: Monday, March 09, 2015 12:25 PM
To: Rich Hobson
Subject: Recommendation(s)

This e-mail is a follow-up to my conversation with you in August of 2014 regarding the inclusion of parents, attorneys for parents, GALs and other appropriate persons at our CANI meetings where DHR lawyers and/or representatives are present.

From Montgomery County, please consider the appointment of local Montgomery attorneys: Vania Hosea, Joshua James, Zack Collins and Sandra Lewis and Guy Holton

Thanks for your consideration.



Conference Office2

From: Rich Hobson
Sent: Thursday, April 02, 2015 5:14 PM
To: Circuit Judges; District Judges; Circuit Clerks
Cc: Bob Bradford; Win Johnson; Leslie Jacques
Subject: 2016 UJS budget
Attachments: UJSbudget4.2.15.pdf; Committeelists2015.pdf

Judges and Circuit Clerks,
Please see the attached memorandum regarding the 2016 UJS budget.
Thank you,

RICH HOBSON
ADMINISTRATIVE OFFICE OF COURTS
300 DEXTER AVENUE
MONTGOMERY, ALABAMA 36104
334/954-5080
334/954-2105 FAX

EXHIBIT

Conference Office2

From: Rich Hobson <Rich.Hobson@alacourt.gov>
Sent: Friday, April 24, 2015 4:02 PM
To: Circuit Judges; District Judges; Circuit Clerks
Subject: UJS Budget facts
Attachments: FY16UJSbudgetbullet4.24.15.docx

Judges and Circuit Clerks,

As the Alabama Legislature continues to have budget discussions, I wanted to provide you with talking points as you contact your senators and representatives. The bottom line is that our Branch cannot handle cuts of any kind and the 19% cut that has been proposed by Rep. Steve Clouse and Sen. Arthur Orr would be disastrous.

We continue to make our case that we are a constitutional function of government and must be funded. Thank you for your efforts toward the goal of adequate funding.

If you have any questions, please do not hesitate to contact me at 334/954-5080.

RICH HOBSON
ADMINISTRATIVE OFFICE OF COURTS
300 DEXTER AVENUE
MONTGOMERY, ALABAMA 36104
334/954-5080
334/954-2105 FAX

Conference Office2

From: Rich Hobson <Rich.Hobson@alacourt.gov>
Sent: Thursday, May 14, 2015 3:02 PM
To: Circuit Judges; District Judges; Circuit Clerks
Cc: Bob Bradford; Win Johnson; Leslie Jacques
Subject: 2016 UJS budget, today
Attachments: UJSbudget5.14.15.pdf; w&m5.14.15.pdf

Judges, Circuit Clerks and District Clerk,
Please see the attached memo concerning the 2016 UJS budget.
Thank you,

RICH HOBSON
ADMINISTRATIVE OFFICE OF COURTS
300 DEXTER AVENUE
MONTGOMERY, ALABAMA 36104
334/954-5080
334/954-2105 FAX

Conference Office2

From: Preston Frazier
Sent: Wednesday, April 01, 2015 9:31 AM
To: Anita L. Kelly
Cc: Natalie Mason
Subject: RE: Dependency Court

That will be fine Your Honor. I only ask I get to read any information before being submitted to you.

Preston

From: Anita L. Kelly
Sent: Monday, March 30, 2015 5:04 PM
To: Preston Frazier
Cc: Natalie Mason
Subject: Dependency Court

I have asked Natalie to work with me on a project involving preparation of a handbook for children and another for parents who are parties to litigation in dependency court. Want to get your approval before beginning this work.

Wishing you the best on your outpatient procedure.

Thanks.



Conference Office2

From: Sicily Woods
Sent: Friday, March 20, 2015 2:35 PM
To: Anita L. Kelly
Cc: Bob Maddox
Subject: Total DR, CS, and JU filing numbers for the past three fiscal years (12, 13, 14)
Attachments: CS DR and JU Filings by county FY 2012-2014.pdf

Greetings Judge Kelly,
Below you will find the total court filings for CS, DR, and JU court divisions for the past three fiscal years. Attached is a report showing all counties in Alabama. If you have any questions about the information presented, please don't hesitate to let us know.

Cases filed in Montgomery County FY 2012-2014

Jurisdiction	2012	2013	2014	Grand Total
CS	3,149	3,223	3,031	9,403
DR	2,304	2,337	2,315	6,956
JU	2,038	2,405	2,168	6,611
Grand Total	7,491	7,965	7,514	22,970

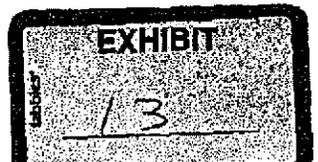
Thanks,

Sicily A. Woods

Juvenile Justice Data Specialist
Administrative Office of Courts
300 Dexter Avenue
Montgomery, AL 36104
334-954-5146 Office
334-954-3147 Fax
sicily.woods@alacourt.gov

This communication is intended for the sole use of the individual or entity addressed above, and may contain information that is privileged and confidential under Section 40-2A-10, Code of Alabama 1975. If the reader of this communication is not the intended recipient, the reader is hereby notified that any disclosure of this communication is strictly prohibited under Section 40-2A-10, Code of Alabama 1975. If you have received this communication in error, please notify the sender immediately by return e-mail and destroy all versions-electronic, paper, or otherwise-of this communication.

From: Bob Maddox
Sent: Wednesday, March 11, 2015 4:01 PM
To: Karen Trussell
Cc: Sicily Woods
Subject: Judge Kelly was wondering if someone could give her the total DR, CS, and JU filing numbers for the past three fiscal years (12, 13, 14) for Montgomery County and all the other counties. Thanks.



Conference Office2

From: Melissa Gueller <mgueller@ncjfcj.org>
Sent: Thursday, April 17, 2014 2:44 PM
To: Anita L. Kelly
Subject: Re: Implementation Site Application Packet

Hello Judge Kelly,

The application link is embedded in the announcement. You can find the link here:

DEADLINE TO APPLY IS MAY 2, 2014! [Click here](#) for additional details about the Implementation Sites project, how to apply, and how to participate in the conference calls. Please direct any questions about the Implementation Sites project or application process to Melissa Gueller at mgueller@ncjfcj.org or (775) 784-7709.

Please let me know if I can be of any further assistance.

Kind Regards,
Melissa

On Thu, Apr 17, 2014 at 12:38 PM, Anita L. Kelly <anita.kelly@alacourt.gov> wrote:

Where is the application? Did not receive an attachment.

From: Melissa Gueller [<mailto:mgueller@ncjfcj.org>]
Sent: Wednesday, April 16, 2014 5:06 PM
To: Anita L. Kelly; Angle Burkhalter
Subject: Implementation Site Application Packet

Hello Judge Kelly and Ms. Burkhalter,

I hope you both are doing well. Judge Kelly, it was so nice to talk with you today about your interest in applying for the Implementation Sites Project. Please find the application announcement along with the link to the application form below.

If I can be of any further assistance, please let me know. Thank you so much!

Kind Regards,

Melissa



The NCJFCJ is pleased to invite applicants from dependency court(s) to apply to participate in the new Implementation Sites Project. The NCJFCJ, with funding from the Office of Juvenile Justice and Delinquency Prevention, has been partnering with courts across the country since 1992 to improve outcomes for abused and neglected children and their families. We will be selecting eight sites to participate in the project. There is no direct funding available to participating

sites; however, the eight sites that are selected will receive training, technical assistance, and support from NCJFCJ staff.

The eight selected Implementation Sites will receive individualized assessments, training, and technical assistance as they seek to implement the principles and recommendations set forth in the *Resource Guidelines* and work toward improving practices and outcomes. As part of this effort, the new Implementation Sites will be expected to be "laboratories for change" as they will be participating in an ongoing assessment of their performance and will be expected to share their results with the NCJFCJ and other sites in order to inform and sustain a larger system improvement effort.

ELIGIBILITY

The NCJFCJ will select the eight new implementation sites based on the following criteria:

- region or location (a mix of rural, suburban, and urban courts);
- size of jurisdiction (a mix of small, medium, and large);
- readiness for change (ability to assess current court practices and infrastructure, the existence of collaborative efforts and/or a willingness to form collaborative structures, and the readiness and openness of the court and stakeholders to participate in the change process); and
- the ability to access and analyze data and/or the willingness to examine current data systems and processes.

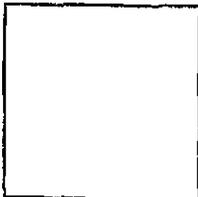
Courts that have not previously been a part of the Model Courts Project will be given preference.

DEADLINE TO APPLY IS MAY 2, 2014! [Click here](#) for additional details about the Implementation Sites project, how to apply, and how to participate in the conference calls. Please direct any questions about the Implementation Sites project or application process to Melissa Gueller at mgueller@ncjfcj.org or [\(775\) 784-7709](tel:(775)784-7709).

MELISSA GUELLER, MS
Program Director, Child Abuse and Neglect

NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES
P.O. Box 8970 · Reno, NV · 89507
direct: [\(775\) 784-7709](tel:(775)784-7709) · main: [\(775\) 784-6012](tel:(775)784-6012) · fax: [\(775\) 327-5306](tel:(775)327-5306)

www.NCJFCJ.org



Conference Office2

From: Anita L. Kelly
Sent: Friday, April 25, 2014 9:53 AM
To: 'Melissa Gueller'
Subject: RE: Implementation Sites Application Deadline

Thanks. I can use the additional time. Rushing from my office for a speaking engagement. Will write more later. Thanks.

From: Melissa Gueller [mailto:mgueller@ncjfcj.org]
Sent: Thursday, April 24, 2014 8:15 PM
To: Anita L. Kelly; Angie Burkhalter
Subject: Implementation Sites Application Deadline

Good Evening Judge Kelly,

I hope you are doing well. I want to let you know that the NCJFCJ has extended the deadline for application submission for the Implementation Sites Project to **May 23, 2014**. We have had several jurisdictions and court improvement projects let us know that the May 2nd deadline was a little hard to meet based on various obligations such as required reporting submissions, grant season etc. I hope this extension of time is also helpful to you. We will be notifying selected jurisdictions by mid-June as to their acceptance into the project.

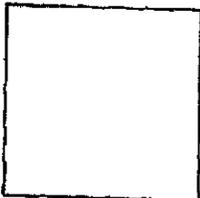
We are looking forward to receiving your application and learning more about your jurisdiction. If there is anything that I can do to assist you in the application process, please let me know.

Kind Regards,
Melissa

MELISSA GUELLER, MS
Program Director, Child Abuse and Neglect

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P.O. Box 8970 • Reno, NV • 89507
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www.NCJFCJ.org



Conference Office2

From: Melissa Gueller <mgueller@ncjfcj.org>
Sent: Friday, June 27, 2014 8:05 PM
To: Anita L. Kelly; Angie Burkhalter
Cc: Melissa Gueller; Marsh, Shawn
Subject: Implementation Sites Project Application
Attachments: Kelly - Montgomery AL.pdf

Good Evening Judge Kelly,

I hope you are doing well! I am writing to let you know that your jurisdiction has been selected to participate in NCJFCJ's Implementation Site Project. Attached, please find your letter of acceptance for your review. NCJFCJ staff will be contacting you in the next few days to discuss the Implementation Sites Project and answer any questions that you may have. We will also be setting up a conference call to give an overview of the project and discuss available technical assistance with all of the selected sites.

If you have any questions in the meantime, please let me know. Again, congratulations and thank you for your interest in joining the Implementation Sites Project!

Kind Regards,
Melissa

MELISSA GUELLER, MS
Program Director, Child Abuse and Neglect

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www.NCJFCJ.org

Conference Office2

From: Melissa Gueller <mgueller@ncjfcj.org>
Sent: Monday, June 30, 2014 8:25 AM
To: Anita L. Kelly
Subject: Out of Office RE: Implementation Sites Project Application

Hello,

I will be **out of the office** beginning **Monday, June 30th** through **Wednesday, July 2nd** on National Council business. If you need immediate assistance, please contact Margo Weaver at (775) 327-5301.

Kind Regards,
Melissa

--
MELISSA GUELLER, MS
Program Director, Child Abuse and Neglect

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Conference Office2

From: Melissa Gueller <mgueller@ncjfcj.org>
Sent: Monday, June 30, 2014 8:32 AM
To: Anita L. Kelly
Subject: Re: Implementation Sites Project Application

Thank you, Judge Kelly. We are looking forward to working with you and your court team! We will be in touch soon.

Kind Regards,
Melissa

On Jun 30, 2014, at 8:24 AM, "Anita L. Kelly" <anita.kelly@alacourt.gov> wrote:

Melissa: I am so excited about this opportunity and what it will mean for the people that we serve. I have great expectations and look forward to your call!

Judge Kelly

From: Melissa Gueller [<mailto:mgueller@ncjfcj.org>]
Sent: Friday, June 27, 2014 8:05 PM
To: Anita L. Kelly; Angie Burkhalter
Cc: Melissa Gueller; Marsh, Shawn
Subject: Implementation Sites Project Application

Good Evening Judge Kelly,

I hope you are doing well! I am writing to let you know that your jurisdiction has been selected to participate in NCJFCJ's Implementation Site Project. Attached, please find your letter of acceptance for your review. NCJFCJ staff will be contacting you in the next few days to discuss the Implementation Sites Project and answer any questions that you may have. We will also be setting up a conference call to give an overview of the project and discuss available technical assistance with all of the selected sites.

If you have any questions in the meantime, please let me know. Again, congratulations and thank you for your interest in joining the Implementation Sites Project!

Kind Regards,
Melissa

--

MELISSA GUELLER, MS
Program Director, Child Abuse and Neglect

NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES
P.O. Box 8970 · Reno, NV · 89507
direct: (775) 784-7799 · main: (775) 784-6012 · fax: (775) 327-5306

Conference Office2

From: Melissa Gueller <mgueller@ncjfcj.org>
Sent: Thursday, April 24, 2014 8:15 PM
To: Anita L. Kelly, Angie Burkhalter
Subject: Implementation Sites Application Deadline

Good Evening Judge Kelly,

I hope you are doing well. I want to let you know that the NCJFCJ has extended the deadline for application submission for the implementation Sites Project to **May 23, 2014**. We have had several jurisdictions and court improvement projects let us know that the May 2nd deadline was a little hard to meet based on various obligations such as required reporting submissions, grant season etc. I hope this extension of time is also helpful to you. We will be notifying selected jurisdictions by mid-June as to their acceptance into the project.

We are looking forward to receiving your application and learning more about your jurisdiction. If there is anything that I can do to assist you in the application process, please let me know.

Kind Regards,
Melissa

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Program Director, Child Abuse and Neglect

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Conference Office2

From: Melissa Gueller <mgueller@ncjfcj.org>
Sent: Wednesday, October 15, 2014 1:44 PM
To: Anita L. Kelly; Sarah Ray
Subject: Site Visit

Hello Judge Kelly,

I hope you are doing well! We have been working on finding dates to come visit you and your court. Typically our site visits are scheduled for 1 1/2 days. We would like to spend some time with you and your stakeholders as well as observe court hearings. It looks like the week of 12/15 will work best on our end. I know this is running up against the holidays and may not be an ideal time. Are there any dates that week that will work for you? We want to make sure that we are accommodating your schedule. If not, we can look at coming out after the holidays when things are not as hectic.

I was able to confirm that Judge Stephen Rubin is available to accompany us on this visit. I heard you recently met him at a meeting/training in Alabama. He is very excited to spend more time with you and learn more about your court system. He will be a valuable resource as we work with you on system reform efforts. In addition, I am happy to let you know that we have a new Site Manager, Sarah Ray. Sarah will be working with you directly as your assigned Site Manager. Sarah has a wealth of knowledge and will be a valuable resource. She will also accompany myself and Judge Rubin on our site visit.

Thank you, Judge Kelly. I look forward to hearing from you.

Kind Regards,
Melissa

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Conference Office2

From: Melissa Gueller <mgueller@ncjfcj.org>
Sent: Friday, October 17, 2014 3:09 PM
To: Anita L. Kelly
Cc: Angela Starr; Sarah Ray
Subject: Re: Site Visit

Hi Judge Kelly-

Let me check on our end about which days work best that week. It looks like we can make it work. Yes, I would love to have a call soon so we can talk more about our visit and I can also introduce you to Sarah. I am going to be out of the office on travel until 10/29. I will have Sarah look for some days and times that will work for all our schedules.

Thanks so much,
Melissa

On Fri, Oct 17, 2014 at 8:43 AM, Anita L. Kelly <anita.kelly@alacourt.gov> wrote:

Melissa:

Thanks for your e-mail. I am excited about the site visit. I spoke with the clerk about the site visit. After doing so, I believe that it is best that we schedule the same following the holidays. Please let me know if the week of January 25th works for you. Let's talk about the same. When is the best time to reach you?

I met Judge Rubin. I too look forward to working with him and Sarah Ray. Hope to speak with you soon.

Anita

From: Melissa Gueller [mailto:mgueller@ncjfcj.org]
Sent: Wednesday, October 15, 2014 1:44 PM
To: Anita L. Kelly; Sarah Ray
Subject: Site Visit

Hello Judge Kelly,

I hope you are doing well! We have been working on finding dates to come visit you and your court. Typically our site visits are scheduled for 1 1/2 days. We would like to spend some time with you and your stakeholders as well as observe court hearings. It looks like the week of 12/15 will work best on our end. I know this is running up against the holidays and may not be an ideal time. Are there any dates that week that will work for you? We want to make sure that we are accommodating your schedule. If not, we can look at coming out after the holidays when things are not as hectic.

I was able to confirm that Judge Stephen Rubin is available to accompany us on this visit. I heard you recently met him at a meeting/training in Alabama. He is very excited to spend more time with you and learn more about your court system. He will be a valuable resource as we work with you on system reform efforts. In addition, I am happy to let you know that we have a new Site Manager, Sarah Ray. Sarah will be working with you directly as your assigned Site Manager. Sarah has a wealth of knowledge and will be a valuable resource. She will also accompany myself and Judge Rubin on our site visit.

Thank you, Judge Kelly. I look forward to hearing from you.

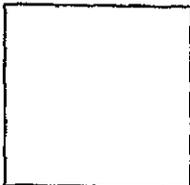
Kind Regards,

Melissa

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Program Director, Child Abuse and Neglect

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Program Director, Child Abuse and Neglect

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Conference Office2

From: Sarah Ray <sray@ncjfcj.org>
Sent: Wednesday, November 05, 2014 10:35 AM
To: Melissa Gueller
Cc: Anita L. Kelly; Angela Starr
Subject: Re: Site Visit

Hello Judge Kelly,

I just wanted to formally introduce myself and tell you how excited I am to be the site manager assigned to your court. I am really looking forward to meeting you and your team.

I checked with Melissa and the week of January 26th should work for our schedules. As mentioned in previous emails, we typically spend one and a half to two days with you in order to meet with all of your stakeholders and observe a variety of hearings from your docket. With that being said, are there two days the week of the 26th that would work best for you?? Maybe Tuesday and Wednesday, or Wednesday and Thursday, or something like that?

I'll quickly give you a basic idea of the kinds of things we will be doing during our time in Montgomery, so you can pick the best days for your schedule. We prefer to quickly meet with the lead judge the morning of our visit, before court starts, to brief you on the day's activities and answer any questions you may have. We would also like to meet with you for a short time before we leave, just to debrief what took place during our visit, and discuss what happens next. In between those meetings with the lead judge we would like to observe a wide variety of hearings from the dependency docket. Everything from the initial hearing, to termination of parental rights, and everything in between. We understand we won't be able to see everything; we would just like to see as many different types of hearings as possible. Of course this also depends largely upon how your hearings are set. When not in the court room for observation, we would like to schedule stakeholder interviews with those key players in your dependency system (Child Welfare workers, attorneys, CASAs, service providers, etc).

If you have any other questions, please don't hesitate to contact myself or Melissa. Take a look at your calendar and let me know when you have a minute which two days during the week of Jan 26th would work best for you.

I look forward to meeting you!

Regards,

SARAH RAY
Site Manager

NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES

P.O. Box 8970 • Reno, NV • 89507
direct: (775) 784-4829 • main: (775) 784-6012 • fax: (775) 927-5306

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On Fri, Oct 17, 2014 at 1:08 PM, Melissa Gueller <mgueller@ncjfcj.org> wrote:
Hi Judge Kelly-

Let me check on our end about which days work best that week. It looks like we can make it work. Yes, I would love to have a call soon so we can talk more about our visit and I can also introduce you to Sarah, I am going to be out of the office on travel until 10/29. I will have Sarah look for some days and times that will work for all of our schedules.

Thanks so much,
Melissa

On Fri, Oct 17, 2014 at 8:43 AM, Anita L. Kelly <anita.kelly@alacourt.gov> wrote:

Melissa:

Thanks for your e-mail. I am excited about the site visit. I spoke with the clerk about the site visit. After doing so, I believe that it is best that we schedule the same following the holidays. Please let me know if the week of January 25th works for you. Let's talk about the same. When is the best time to reach you?

I met Judge Rubin. I too look forward to working with him and Sarah Ray. Hope to speak with you soon.

Anita

From: Melissa Gueller [mailto:mgueller@ncjfcj.org]
Sent: Wednesday, October 15, 2014 1:44 PM
To: Anita L. Kelly; Sarah Ray
Subject: Site Visit

Hello Judge Kelly,

I hope you are doing well! We have been working on finding dates to come visit you and your court. Typically, our site visits are scheduled for 1 1/2 days. We would like to spend some time with you and your stakeholders as well as observe court hearings. It looks like the week of 12/15 will work best on our end. I know this is running up against the holidays and may not be an ideal time. Are there any dates that week that will work for you? We want to make sure that we are accommodating your schedule. If not, we can look at coming out after the holidays when things are not as hectic.

I was able to confirm that Judge Stephen Rubin is available to accompany us on this visit. I heard you recently met him at a meeting/training in Alabama. He is very excited to spend more time with you and learn more about your court system. He will be a valuable resource as we work with you on system reform efforts. In addition, I am happy to let you know that we have a new Site Manager, Sarah Ray. Sarah will be working with you directly as your assigned Site Manager. Sarah has a wealth of knowledge and will be a valuable resource. She will also accompany myself and Judge Rubin on our site visit.

Thank you, Judge Kelly. I look forward to hearing from you.

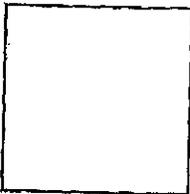
Kind Regards,

Melissa

MELISSA GUELLER, MS
Program Director, Child Abuse and Neglect

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SARAH RAY
Site Manager

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Conference Office2

From: Sarah Ray <sray@ncjfcj.org>
Sent: Monday, March 02, 2015 1:21 PM
To: Anita L. Kelly
Subject: Site Visit Report
Attachments: Montgomery Site Report.docx

Good Afternoon Judge Kelly,

I have completed your Implementation Sites Site Visit Report and attached it for your review. Once you have had a chance to review the report, Melissa and I would like to schedule a conference call with you to discuss the report and next steps, as well as answer any questions you may have. Unfortunately, Melissa and I are both unavailable the next two weeks due to travel. If you have any immediate concerns or questions, please feel free to email me. Otherwise, Melissa and I would like to set up a conference call to discuss the report on the Monday right before All-Sites, Monday, 3/16/2015. Please let me know if you are available that day, and if so, a good time to call you. Otherwise, we can set aside some time while you are in Reno to go over the report and any questions, comments, concerns you may have. :)

Thank you and I am looking forward to seeing you and your team in a few short weeks!

SARAH RAY
Site Manager

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Conference Office2

From: Melissa Gueller <mgueller@ncjfcj.org>
Sent: Monday, July 07, 2014 12:59 PM
To: Anita L. Kelly; Carlos Villalón JR; Ireland, Mark(Judge); kclark@allegheycourts.us; Vick Cook; Fransein, Doris; curtis.person@shelbycountyttn.gov; cjudge10@pulaskimail.net
Cc: Franz Braun; Ryan Gonda; Melissa Gueller
Subject: Implementation Sites Announcement

Good Morning Lead Judges,

I hope that you all had a wonderful holiday weekend! I want to share with you the link to the announcement regarding the selection of the Implementation Sites which is posted on the NCJFCJ website. This information will also be shared on our social media sites as well as on our list-serve and member newsletter.

<http://www.ncjfcj.org/implementation-sites>

Kind Regards,
Melissa

--

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Program Director, Child Abuse and Neglect

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www.NCJFCJ.org

Conference Office2

From: Melissa Gueller <mgueller@ncjfcj.org>
Sent: Wednesday, April 16, 2014 5:06 PM
To: Anita L. Kelly; Angie Burkhalter
Subject: Implementation Site Application Packet

Hello Judge Kelly and Ms. Burkhalter,

I hope you both are doing well. Judge Kelly, it was so nice to talk with you today about your interest in applying for the Implementation Sites Project. Please find the application announcement along with the link to the application form below.

If I can be of any further assistance, please let me know. Thank you so much!

Kind Regards,

Melissa

The NCJFCJ is pleased to invite applicants from dependency court(s) to apply to participate in the new Implementation Site Project. The NCJFCJ, with funding from the Office of Juvenile Justice and Delinquency Prevention, has been partnering with courts across the country since 1992 to improve outcomes for abused and neglected children and their families. We will be selecting eight sites to participate in the project. There is no direct funding available to participating sites; however, the eight sites that are selected will receive training, technical assistance, and support from NCJFCJ staff.

The eight selected Implementation Sites will receive individualized assessments, training, and technical assistance as they seek to implement the principles and recommendations set forth in the *Resource Guidelines* and work toward improving practices and outcomes. As part of this effort, the new Implementation Sites will be expected to be "laboratories for change" as they will be participating in an ongoing assessment of their performance and will be expected to share their results with the NCJFCJ and other sites in order to inform and sustain a larger system improvement effort.

ELIGIBILITY

The NCJFCJ will select the eight new implementation sites based on the following criteria:

- region or location (a mix of rural, suburban, and urban courts);
- size of jurisdiction (a mix of small, medium, and large);
- readiness for change (ability to assess current court practices and infrastructure, the existence of collaborative efforts and/or a willingness to form collaborative structures, and the readiness and openness of the court and stakeholders to participate in the change process); and
- the ability to access and analyze data and/or the willingness to examine current data systems and processes.

Courts that have not previously been a part of the Model Courts Project will be given preference.

DEADLINE TO APPLY IS MAY 2, 2014! [Click here](#) for additional details about the Implementation Sites project, how to apply, and how to participate in the conference calls. Please direct any questions about the Implementation Sites project or application process to Melissa Gueller at mgueller@ncjfcj.org or (775) 784-7709.

MELISSA GUELLER, MS

Program Director, Child Abuse and Neglect

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Conference Office2

From: Anita L. Kelly
Sent: Thursday, April 17, 2014 2:38 PM
To: 'Melissa Gueller'
Subject: RE: Implementation Site Application Packet

Where is the application? Did not receive an attachment.

From: Melissa Gueller [mailto:mgueller@ncjfcj.org]
Sent: Wednesday, April 16, 2014 5:06 PM
To: Anita L. Kelly; Angie Burkhalter
Subject: Implementation Site Application Packet

Hello Judge Kelly and Ms. Burkhalter,

I hope you both are doing well. Judge Kelly, it was so nice to talk with you today about your interest in applying for the Implementation Sites Project. Please find the application announcement along with the link to the application form below.

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ELIGIBILITY

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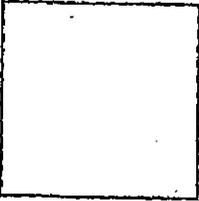
Courts that have not previously been a part of the Model Courts Project will be given preference.

DEADLINE TO APPLY IS MAY 2, 2014! [Click here](#) for additional details about the Implementation Sites project, how to apply, and how to participate in the conference calls. Please direct any questions about the Implementation Sites project or application process to Melissa Gueller at mgueller@ncjfcj.org or **(775) 784-7709**.

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Conference Office2

From: Anita L. Kelly
Sent: Friday, April 13, 2012 10:15 AM
To: Hillary Claibon
Subject: FW: Default Hearings
Attachments: Default Interrogatories.pdf

Tracking: **Recipient** **Read**
 Hillary Claibon Read: 4/13/2012 11:15 AM

From: Florence Cauthen
Sent: Thursday, April 12, 2012 5:25 PM
To: Anita L. Kelly
Subject: RE: Default Hearings

I apologize for not getting back with you sooner. We seem to have had more than our usual number of crises today.

Beverly typically schedules 25 to 30 default hearings each month, which means each judge should have eight to ten hearings a month. Beverly used to schedule hearings three days a week. After the lay-offs, she limited hearings to one day a week. I believe Beverly has hearings scheduled through early May.

When an application for default is filed, the clerk's office will docket it to the judge to set a hearing date. I have attached sample questions routinely used in the hearings. Teresa has more practical knowledge of the process and is eager to work with all of the judges for a smooth transition. .

Thank you so much for working with us. Please do not hesitate to call on us for help in any way.

Florence

Florence M. Cauthen
Montgomery County Circuit Clerk
334.832.1384

From: Anita L. Kelly
Sent: Thursday, April 12, 2012 9:40 AM
To: Florence Cauthen
Subject: RE: Default Hearings

Please advise of the number of default hearings set and/or conducted by the clerk's office in a given year? Does the clerk office have a protocol that is followed prior to hearings being conducted? Is it necessary that this matter be discussed further to ensure smooth transition? Want to make sure that we are on the same track. Thanks.

From: Florence Cauthen
Sent: Wednesday, April 11, 2012 5:39 PM
To: Anita L. Kelly; Calvin Williams; Bob Bailey
Cc: Charles Price
Subject: Default Hearings



In recent months, Teresa Allen and I have had ongoing conversations about the role of the Clerk's office in conducting default hearings in divorces. I sat in on hearings with Beverly Evans and reached out to clerks around the state to better understand the process and the clerk's responsibilities. None of the many clerks I contacted appoint a court specialist as a commissioner to conduct a default hearing. In fact, none were even aware of the process.

More recently, our ability to schedule hearings in a timely manner is compromised by our limited staff. If the petitioner is pro se, a second clerk is required to be present as well.

To ensure the proper and timely entry of default divorces in Montgomery County, Judge Price issued the attached Administrative Order directing that responsibility for default hearings be returned to the Circuit Judges.

I appreciate your cooperation in this matter.

Florence M. Cauthen
Montgomery County Circuit Clerk
334.832.1384

Conference Office2

From: Florence Cauthen
Sent: Tuesday, June 19, 2012 11:11 AM
To: Becky Waits; Frances B. Culberson; Noel Warren; Coral Kora; Debbie Hollingsworth; Jane Murphy; Misty Adams; Reba Guthrie; Sarah Blue; Tomeca Rogers; Angela Suddith; Caroline Carr; Dee Hartley; Heather Evans; Janet Price; Jessica Phaturros; Joann Lewis; Kathy Russell; Linda Carroll; Marissa Whitman; Shequonia Jackson; Shirley Grant; Stephanie Stokes; Audrey Graham; Beverly Evans; Enriqueta Anthony; Holly Faems; Noel Warren; Tanya French; Teresa Allen; Teresa Weinrich
Cc: EllenBrooks@mc-ala.org; Rob Sachar; Charles Price; Eugene Reese; Johnny Hardwick; Tracy McCooley; Truman Hobbs; William Shashy; Jimmy Pool; Pamela Higgins; Sharon Yates; Anita L. Kelly; Bob Bailey; Calvin Williams
Subject: Appointment of Deputy Clerk

In anticipation of Kathy Russell's retirement as Deputy Clerk of District Court on August 1st, I have reassigned the Clerk's Office two most senior (by classification) court specialists. Effective July 1st, Teresa Allen will move from Family Court to the downtown office to serve as Deputy Clerk over all divisions—Circuit, District and Family. Teresa began her career in the Clerk's Office in Chambers County in 1989 and served as Deputy Clerk under two Circuit Clerks. She moved to Montgomery in 1995 as Clerk of the Juvenile Court and was appointed Deputy Clerk of Family Court in 2008.

Holly Faems, who moved to Family Court in 2011, will become supervisor of Domestic Relations and Child Support on July 1st.

In addition, certain financial and bookkeeping responsibilities will be redistributed. Sarah Blue will coordinate that effort as the bookkeeper of the Circuit and District divisions.

I appreciate all of your effort over the past ten months to process an ever increasing work load with fewer people and no financial reward. You have demonstrated a great spirit of cooperation. I hope that in the months ahead there will be opportunities for promotions and pay increases to recognize leadership and continued outstanding effort and service.

Florence M. Cauthen
Montgomery County Circuit Clerk
334.832.1384

Anita L. Kelly

From: Angela Starr
Sent: Monday, May 08, 2017 4:33 PM
To: Anita L. Kelly
Subject: Re: [REDACTED] - MOTION - GUARDIAN AD LITEM'S MOTION TO SET ADJUDICATORY HEARING

We've just been putting cases where we can on all dockets. We had not been considering it a real problem but when Attorney Relf put in her motion that it had been more than 30 days since the case was reset, it becomes a problem.

Sent from my iPhone

On May 8, 2017, at 4:17 PM, Anita L. Kelly <anita.kelly@alacourt.gov> wrote:

Have you talked to Ms. McCord about the difficulty in rescheduling? What about Judge Hardwick? Will work with you in any way that I can. Thanks.

From: Angela Starr
Sent: Monday, May 08, 2017 9:31 AM
To: Anita L. Kelly <anita.kelly@alacourt.gov>
Cc: Tracy Collins <TracyCollins@mc-ala.org>
Subject: RE: [REDACTED] - MOTION - GUARDIAN AD LITEM'S MOTION TO SET ADJUDICATORY HEARING

We can do this along with the sibling in [REDACTED] but [REDACTED] came in on a PUO on DHR's petition. Petitions [REDACTED] and [REDACTED] were filed by relatives and were awaiting a court date. At the 72-hour hearing on [REDACTED], the PUO was dissolved and the child was placed with maternal grandmother/petitioner in [REDACTED]. The sibling in [REDACTED] is with paternal grandmother. I disagree with the representation in the GAL's motion that because the mother is suffering from a mental illness that this case takes priority over others. All of the dependency cases are equally important. I believe this is the third order/request we have received granting a motion for an immediate hearing or to set the matter as soon as possible. That puts pressure on this office to determine where to put them; to determine if cases already set should be re-scheduled; to determine how much time should be allotted for certain cases based on the allegations in the petition, etc..

I don't mean to stay on this soapbox but, we do need your help in issuing orders that support what the clerk's office does. I know an existing administrative order says that cases that have been continued shall be rescheduled within 21 days, but that requires us to move cases that have already been placed on the docket. I don't know the number of cases that we have had to move to accommodate compliance with the administrative order, but there have been many. I need not go back to the soapbox about the need for additional judges, but the administrative order to set continued cases within 21 days, coupled with your orders, make it increasingly difficult to accomplish one of the primary responsibilities of the juvenile clerk's office which is to set cases. And, let's not discuss the every demanding need to make room for TPR hearings which can go on and on and on. If you could assist us by issuing orders that indicate that the cases should be reset but not at the expense of cases that are already set, it would help us. Maybe then, the legislature and/or AOC will address the need for more judicial authority in Montgomery County.

From: Anita L. Kelly



Sent: Monday, May 08, 2017 8:22 AM

To: Angela Starr <angela.starr@alacourt.gov>

Cc: Tracy Collins <TracyCollins@mc-ala.org>; Marilyn Floyd <marilyn.floyd@alacourt.gov>

Subject: [REDACTED] - MOTION - GUARDIAN AD LITEM'S MOTION TO SET ADJUDICATORY HEARING

Importance: High

Please set soonest for hearing on .01, .02, .03 and .04. Thanks.

FW: Letter from Judge Anita L. Kelly

Lafreniere, Steven <Steven.P.Lafreniere@dys.alabama.gov>

Mon 2/1/2016 9:28 AM

To: Anita L. Kelly <anita.kelly@alacourt.gov>;

4 attachments (6 MB)

fy14 davis diversion report.pdf; fy 14 davis diversion data dashboard.pdf; fy13 davis diversion report.pdf; MontgyListFy2009-2015.xlsx;

Good Morning Judge Kelly,

I have reviewed you memo and I wanted to affirm DYS' position to work with court and county commission to have diversion services in Montgomery county. You are correct that DYS, while concerned about not having services operational yet, has not cancelled the grant with the county commission. I do want to correct a statement located on page 4 of your memo. You stated that I have not sent any evaluation information to you but rather sent it to Judge Reese.

Attached is a copy of the email I sent to you on 1/20 with the attached documents. Although it may not be the evaluative report you were hoping for it is what we have presently to monitor diversion grant programs. We are planning to increase our ability to provide greater evaluation through data analysis in the near future for all these programs.

When Judge called me a few days later, I also forwarded the same documents to him.

I truly hope that whatever is decided by MCFC will be a program that everyone can support and provides good outcomes for children.

Sincerely,
Steven Lafreniere

From: Lafreniere, Steven
Sent: Wednesday, January 20, 2016 10:45 AM
To: 'anita.kelly@alacourt.gov'
Cc: Rogers, David; Davis, Tim; Jones, April; 'Veronica Ferguson'
Subject: FW: Letter from Judge Anita L. Kelly

Judge Kelly,

Attached please find the information we have on the Montgomery Diversion Program. I hope you find this helpful in your inquiry. If you have any questions or if DYS can be of further assistance please let me know.

Sincerely,

Steve Lafreniere

From: Rogers, David
Sent: Tuesday, January 19, 2016 11:08 AM



To: Lafreniere, Steven
Cc: Peaton, Allen
Subject: RE: Letter from Judge Anita L. Kelly

Please find attached the reports for the Davis Treatment Center Diversion grant. Per Robert, they were in compliance with licensing over this period.

David S. Rogers
Deputy Director for Administration
Alabama Department of Youth Services
P.O. Box 66
Mt. Meigs, AL 36057

From: Lafreniere, Steven
Sent: Thursday, January 14, 2016 2:04 PM
To: Rogers, David
Cc: Peaton, Allen
Subject: FW: Letter from Judge Anita L. Kelly

David,
Please have your staff begin to gather any data we could report in GIMS for the judge. (we could look at the data sheet for this program with our data dashboard for each year separately). We may not have information back to 2009. Also, confirm from Mr. Matthews that they were in compliance with licensing over this period. I would like to see anything we intend on sending before it is sent. Maybe we can shoot for Tuesday since Monday is a holiday.
Thanks

From: Veronica Ferguson [<mailto:veronica.ferguson@alacourt.gov>]
Sent: Thursday, January 14, 2016 1:27 PM
To: Lafreniere, Steven
Subject: Letter from Judge Anita L. Kelly

Good Afternoon Director Lafreniere,

Please find attached a letter from Judge Kelly concerning the Montgomery County Youth Facility, Diversion Program. If you have any questions please don't hesitate to call me. Thank you.

"Success is to be measured, not so much by the position that one has reached in life, as by the obstacles which he has overcome." - Booker T. Washington

Veronica L. Ferguson
Judicial Assistant to Judge Anita L. Kelly
Family Court Division - Fifteenth Judicial Circuit
100 South Lawrence Street, 3rd Floor
Montgomery, Alabama 36104

(334) 832-1219 Office

Mailing Address:

P.O. Box 1667

Montgomery, Alabama 36102-1667

Email - veronica.ferguson@alacourt.gov

reese1312016.docx

Anita L. Kelly

Thu 2/4/2016 1:25 PM

To: Greg Griffin <greg.griffin@alacourt.gov>;

1 attachments (25 KB)

reese1312016.docx;



This memorandum is written in response to the memorandum circulated by Presiding Judge Eugene Reese to several court officials, county employees and others regarding my actions as a juvenile court judge elected to serve the people of Montgomery County, Alabama.

Significant inaccuracies are included in the memorandum from Judge Reese. The Review Committee was provided for in the RFP, exclusively developed by Bruce Howell, the Juvenile Court Administrator. I never met with the Review Committee established in accordance with the RFP. The Review Committee never made a recommendation to me. Mr. Howell presented to me the score card of the members of the Review Committee. Mr. Howell presented to me, via e-mail, his recommendation, although the RFP made no provisions for him as the juvenile court administrator to make a recommendation. As then Presiding Judge, the RFP likewise made no provisions for any input from me or the remaining two juvenile court judges.

I first learned of the RFP between December 9th and December 14th, when walking through the hallway at juvenile court when Mr. Howell mentioned the need to appoint members to the Review Committee¹. Mr. Howell next communicated with me about the Review Committee on December 15, 2015. On that same day, I asked Mr. Howell "[w]hen were you notified that RFPs are due today? You only mentioned this matter to me yesterday. " It was not until December 31, 2015 that my records show that Mr. Howell advised me of the December 31, 2015 termination of the contract between the Montgomery County Commission and the Bridge. How then could Judge Reese reasonably expect me to address this issue when I was notified of the same on or about December 31, 2015? Therefore, I disagree with Judge

¹ The members of the Review Committee consisted of an equal number of men and women, equal number of blacks and whites, and an equal number of supervisors and probation officers, appointed by me as presiding judge.

Reese's characterization that I "failed to act timely resulting in the cancellation of the 'Davis Treatment Program' for 2016."

As an elected judge in the family and juvenile court system for Montgomery County, Alabama, my paramount goal is to protect the best interest of at risk juveniles in the county. I have no interest in seeing that "The Bridge" or any other entity continue to receive contracts in excess of \$500,000.00 annually and not be held to account for its failures to deliver reasonable and measurable services to at risk juveniles. When I took into consideration my observations of The Bridge, the observations of at least one other juvenile court judge, the observations of the Juvenile Court Administrator, the observations of probation staff, the observations of a school official and the pitiful success rate demonstrated by the Bridge, I questioned why are we continuing to award this contract to the Bridge, Inc.? The children and families that we serve deserved more and access to an opportunity to succeed, whether with the Bridge or some other entity. At no time did I ever agree to abdicate the duties and responsibilities as an elected official, answerable to the public, whether serving as the Presiding Judge or not.

The award of this three year contract to the Bridge, without clearly defined goals and measuring tools, will not benefit the at risk children both Judge Reese and I are sworn to protect, if the past six years are any indication of future performance². This contract seems only to benefit the Bridge, Inc. I am compelled to ask what about the children?

Further, I believe that it is important to distinguish between the expiration of the contract with the Bridge, Inc., and the termination of the DYS grant. No evidence has been communicated to me that

² When the highest composite score reported to me was a 65 out of a possible 100 points, I was compelled to advise Mr. Howell to hold up on going forward to the County Commission with a recommendation of the Bridge. The committee doing the evaluation never rated the Bridge on its past performance under an evaluation form/scorecard created by Mr. Howell. The score only evaluated the content of the Bridge's application.

the DYS Grant was cancelled³. DYS has worked with other counties to include Houston, Dallas and other counties relative to implementation of the DYS grant. While it is true that DYS will not pay for services when a contract is not in place, the contract was not subject to be cancelled, if DYS acts in the same manner as it did with the aforementioned counties. How could DYS argue with a desire to implement programs with a proven track record resulting in reduced commitments to DYS? It should also be noted that Mr. Howell communicated to me that DYS would work with us. In fact, Mr. Howell set a target date of March 1, 2016, to retool our work for the Davis Treatment Program. I agreed to the same. Why then would I go through the effort of communicating with DYS and other stakeholders, if the cancellation of the contract had already occurred. I communicated with the DYS Executive Director on multiple occasions. He never represented to me that the DYS grant was cancelled. Mr. Howell also advised that he had spoken with the DYS Executive Director. Surely, if our efforts were moot after December 31, 2016, DYS would have notified Montgomery County. Further, since my tenure on the bench, the MCYF has changed vendors on two other occasions. There were times when no services were provided through the Davis Treatment Center. Clearly, this is not desirable, but could have been avoided. The changes were permitted allegedly to seek a better structured program and a program with a Medicaid number for direct billing. What is the difference now and then? I have no recollection of the presiding judge for juvenile court being stripped of his duties and title when vendors were previously changed.

Undoubtedly there is value in local diversion programs and community corrections. However, given the information presented to me and that observed by me, I disagree that a valuable tool has been lost in Montgomery County relative to the Bridge, Inc. What has Montgomery County gotten in

³ The application for the DYS Grant for 2016 was drafted without input from me but rather drafted by the court administrator, Bruce Howell, with assistance from a senior probation supervisor and the vice-president of the Bridge, Inc.

return for the previous contract awarded to the Bridge? A representative from the Montgomery County Public School System said about the [Bridge Program], it was of "no productivity, educationally." It was further noted that in some instances students who participated in the Davis Treatment Program were worse off following their attendance at Davis. If the Bridge has a record of success, I suggest that the evidence be presented. I repeatedly requested data from the court administrator setting time lines by which it should be delivered and I have yet to see the date, reports, documents, etc. I don't even know if the same has been presented to Judge Reese, the County Commission or anyone. Neither, have I received the evaluations administered by the DYS relative to the Davis Treatment Program/the Bridge, Inc., which were requested by my office, but sent to Presiding Judge Reese.

During the January 26, 2016 meeting of juvenile court judges with Judge Reese, I was reminded by him that our task was not about the "lofty" goals, about which I spoke of in terms of improving outcomes and the quality of lives of the children and families we serve. I responded and stated that we still have to set goals.⁴ Further, I noted that the purpose behind juvenile court was rehabilitation. For the little data I did have, I specifically cited the 2013-2014 fiscal year that the Bridge reported that out of 55 participants in their program, 23 had successfully completed the program; that is, approximately a 40% success rate for at risk children served during this period. Clearly, the Bridge, Inc., should be identified as a failing provider of services for at-risk children and families. I want more and not little or less for the children and families I represent. To date, no tangible records or data representing any measure of success for the Bridge has been presented in support of the renewal of this contract. I am also reminded of the turnover rate for employees at the Bridge, Inc. The services provided by the Bridge, Inc., left much to be desired. The program lacked stability, as they struggled to effectively meet the needs of at-risk children.

⁴ While the Bridge Program is of a different sort, nevertheless I wrote and was awarded a grant which address other problems of the children of Montgomery County. Even here we have to do more for our children.

Eleventh Circuit Court of Appeals Judge Joel Dubina recently said to me that the Juvenile Court was the most important work of the judiciary. He recognized and stated that if we don't meaningfully address problems while these children are younger, we will see these same children in the adult system. I thanked him for this observation, as too many in influential positions seemingly do not understand that our progress as a community is intertwined.

Whether I am the presiding Juvenile Court judge or the judge the people elected me to be, it is my responsibility to be a good steward of the monies, the programs, and other measures placed under my care and control for the at risk children, families and taxpayers who reside in Montgomery County. This responsibility I will not shirk from nor run.

Kelly's Response to PJ's Memorandum

Mon, Feb 1, 2016 at 12:20 AM

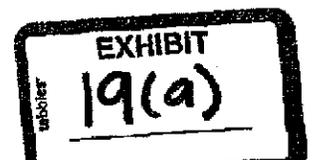
From: Anitakeliu <anitakeliu@gmail.com>

Date: February 1, 2016 at 12:01:55 AM CST

To: "tiffany.mccord@alacourt.gov" <tiffany.mccord@alacourt.gov>, "eugene.reese@alacourt.gov" <eugene.reese@alacourt.gov>

Subject: Kelly's Response to PJ's Memorandum

 reese1312016.docx
21K



This memorandum is written in response to the memorandum circulated by Presiding Judge Eugene Reese to several court officials, county employees and others regarding my actions as a juvenile court judge elected to serve the people of Montgomery County, Alabama.

Significant inaccuracies are included in the memorandum from Judge Reese. The Review Committee was provided for in the RFP, exclusively developed by Bruce Howell, the Juvenile Court Administrator. I never met with the Review Committee established in accordance with the RFP. The Review Committee never made a recommendation to me. Mr. Howell presented to me the score card of the members of the Review Committee. Mr. Howell presented to me, via e-mail, his recommendation, although the RFP made no provisions for him as the juvenile court administrator to make a recommendation. As then Presiding Judge, the RFP likewise made no provisions for any input from me or the remaining two juvenile court judges.

I first learned of the RFP between December 9th and December 14th, when walking through the hallway at juvenile court when Mr. Howell mentioned the need to appoint members to the Review Committee¹. Mr. Howell next communicated with me about the Review Committee on December 15, 2015. On that same day, I asked Mr. Howell "[w]hen were you notified that RFPs are due today? You only mentioned this matter to me yesterday." It was not until December 31, 2015 that my records show that Mr. Howell advised me of the December 31, 2015 termination of the contract between the Montgomery County Commission and the Bridge. How then could Judge Reese reasonably expect me to address this issue when I was notified of the same on or about December 31, 2015? Therefore, I disagree with Judge

¹The members of the Review Committee consisted of an equal number of men and women, equal number of blacks and whites, and an equal number of supervisors and probation officers, appointed by me as presiding judge.

Reese's characterization that I "failed to act timely resulting in the cancellation of the 'Davis Treatment Program' for 2016."

As an elected judge in the family and juvenile court system for Montgomery County, Alabama, my paramount goal is to protect the best interest of at risk juveniles in the county. I have no interest in seeing that "The Bridge" or any other entity continue to receive contracts in excess of \$500,000.00 annually and not be held to account for its failures to deliver reasonable and measurable services to at risk juveniles. When I took into consideration my observations of The Bridge, the observations of at least one other juvenile court judge, the observations of the Juvenile Court Administrator, the observations of probation staff, the observations of a school official and the pitiful success rate demonstrated by the Bridge, I questioned why are we continuing to award this contract to the Bridge, Inc.? The children and families that we serve deserved more and access to an opportunity to succeed, whether with the Bridge or some other entity. At no time did I ever agree to abdicate the duties and responsibilities as an elected official, answerable to the public, whether serving as the Presiding Judge or not.

The award of this three year contract to the Bridge, without clearly defined goals and measuring tools, will not benefit the at risk children both Judge Reese and I are sworn to protect, if the past six years are any indication of future performance². This contract seems only to benefit the Bridge, Inc. I am compelled to ask what about the children?

Further, I believe that it is important to distinguish between the expiration of the contract with the Bridge, Inc., and the termination of the DYS grant. No evidence has been communicated to me that the DYS Grant was cancelled³. DYS has worked with other counties to include Houston, Dallas and other

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Undoubtedly there is value in local diversion programs and community corrections. However, given the information presented to me and that observed by me, I disagree that a valuable tool has been lost in Montgomery County relative to the Bridge, Inc. What has Montgomery County gotten in return for the previous contract awarded to the Bridge? A representative from the Montgomery County

³ The application for the DYS Grant for 2016 was drafted without input from me but rather drafted by the court administrator, Bruce Howell, with assistance from a senior probation supervisor and the vice-president of the Bridge, Inc.

Public School System said about the [Bridge Program], it was of "no productivity, educationally." It was further noted that in some instances students who participated in the Davis Treatment Program were worse off following their attendance at Davis. If the Bridge has a record of success, I suggest that the evidence be presented. I repeatedly requested data from the court administrator setting time lines by which it should be delivered and I have yet to see the date, reports, documents, etc. I don't even know if the same has been presented to Judge Reese, the County Commission or anyone. Neither, have I received the evaluations administered by the DYS relative to the Davis Treatment Program/the Bridge, Inc., which were requested by my office, but sent to Presiding Judge Reese.

During the January 26, 2016 meeting of juvenile court judges with Judge Reese, I was reminded by him that our task was not about the "lofty" goals, about which I spoke of in terms of improving outcomes and the quality of lives of the children and families we serve. I responded and stated that we still have to set goals.⁴ Further, I noted that the purpose behind juvenile court was rehabilitation. For the little data I did have, I specifically cited the 2013-2014 fiscal year that the Bridge reported that out of 55 participants in their program, 23 had successfully completed the program; that is, approximately a 40% success rate for at risk children served during this period. Clearly, the Bridge, Inc., should be identified as a failing provider of services for at-risk children and families. I want more and not little or less for the children and families I represent. To date, no tangible records or data representing any measure of success for the Bridge has been presented in support of the renewal of this contract. I am also reminded of the turnover rate for employees at the Bridge, Inc. The services provided by the Bridge, Inc., left much to be desired. The program lacked stability, as they struggled to effectively meet the needs of at-risk children.

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Eleventh Circuit Court of Appeals Judge Joel Dubina recently said to me that the Juvenile Court was the most important work of the judiciary. He recognized and stated that if we don't meaningfully address problems while these children are younger, we will see these same children in the adult system. I thanked him for this observation, as too many in influential positions seemingly do not understand that our progress as a community is intertwined.

Whether I am the presiding Juvenile Court judge or the judge the people elected me to be, it is my responsibility to be a good steward of the monies, the programs, and other measures placed under my care and control for the at risk children, families and taxpayers who reside in Montgomery County. This responsibility I will not shirk from nor run.

Response to yesterday's events regarding Judge Kelly

Lashandra Warren

Wed 1/27/2016 11:41 AM

Clutter

To: Tiffany McCord <tiffany.mccord@alacourt.gov>; Daryl Bailey (DarylBailey@mc-ala.org) <DarylBailey@mc-ala.org>; 'AzzieTaylor@mc-ala.org' <AzzieTaylor@mc-ala.org>; 'Price1983Charles@gmail.com' <Price1983Charles@gmail.com>; Rich Hobson <Rich.Hobson@alacourt.gov>; Bruce Howell <bruce.howell@alacourt.gov>; 'Donaldmims@mc-ala.org' <Donaldmims@mc-ala.org>; steven.p.lafreniere@dys.alabama.gov <steven.p.lafreniere@dys.alabama.gov>; Ttg@hsg-law.com <Ttg@hsg-law.com>; Anita L. Kelly <anita.kelly@alacourt.gov>; Bob Bailey <bob.bailey@alacourt.gov>; Calvin Williams <Calvin.Williams@alacourt.gov>; Eugene Reese <eugene.reese@alacourt.gov>; J.R. Gaines <j.r.gaines@alacourt.gov>; Jimmy Pool <jimmy.pool@alacourt.gov>; Johnny Hardwick <johnny.hardwick@alacourt.gov>; Pamela Higgins <Pamela.Higgins@alacourt.gov>; Troy Massey <troy.massey@alacourt.gov>; Truman Hobbs <truman.hobbs@alacourt.gov>; W Shashy <wete23@aol.com>;

Cc: Tammy Price (tmp@hsg-law.com) <tmp@hsg-law.com>;

1 attachments (17 KB)

Domestic and Juvenile Presiding Judge.docx

Good morning all,

Judge Reese wanted to make sure this was circulated to each of you.

LaShandra Warren
Court Administrator, 15th Judicial Circuit
Montgomery County Courthouse/Phelps-Price Justice Center
251 S. Lawrence Street
Montgomery, AL 36102
(334) 832-1357 office
(334) 832-1323 fax



Response to yesterday's events regarding Judge Kelly

Lashandra Warren

Wed 1/27/2016 11:41 AM

Clutter

To: Tiffany McCord <tiffany.mccord@alacourt.gov>; Daryl Bailey (DarylBailey@mc-ala.org) <DarylBailey@mc-ala.org>; 'AzzieTaylor@mc-ala.org' <AzzieTaylor@mc-ala.org>; 'Price1983Charles@gmail.com' <Price1983Charles@gmail.com>; Rich Hobson <Rich.Hobson@alacourt.gov>; Bruce Howell <bruce.howell@alacourt.gov>; 'Donaldmims@mc-ala.org' <Donaldmims@mc-ala.org>; steven.p.lafreniere@dys.alabama.gov <steven.p.lafreniere@dys.alabama.gov>; Ttg@hsg-law.com <Ttg@hsg-law.com>; Anita L. Kelly <anita.kelly@alacourt.gov>; Bob Bailey <bob.bailey@alacourt.gov>; Calvin Williams <Calvin.Williams@alacourt.gov>; Eugene Reese <eugene.reese@alacourt.gov>; J.R. Gaines <j.r.gaines@alacourt.gov>; Jimmy Pool <jimmy.pool@alacourt.gov>; Johnny Hardwick <johnny.hardwick@alacourt.gov>; Pamela Higgins <Pamela.Higgins@alacourt.gov>; Troy Massey <troy.massey@alacourt.gov>; Truman Hobbs <truman.hobbs@alacourt.gov>; W Shashy <wete23@aol.com>;

Cc: Tammy Price (tmp@hsg-law.com) <tmp@hsg-law.com>;

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Good morning all,

Judge Reese wanted to make sure this was circulated to each of you.

LaShandra Warren
Court Administrator, 15th Judicial Circuit
Montgomery County Courthouse/Phelps-Price Justice Center
251 S. Lawrence Street
Montgomery, AL 36102
(334) 832-1357 office
(334) 832-1323 fax

Under the leadership of Retired Presiding Judge Charles Price, a state grant for Montgomery County Juvenile Court was sought and received from DYS for the last several years. The grant is administered by the Montgomery County Commission and has served a broad variety of needs and services for hundreds of youth and families in Montgomery County. This comprehensive community based program has come to be known as the "Davis Treatment Program." The purpose of the grant is to provide a broad range of community based services and counseling that act as alternatives to incarceration and lead to reduced admissions to DYS. The grant has been renewed annually incorporating and reflecting the changing needs of our County.

The RFP for 2016 renewal was sent to 23 approved vendors of which 3 responded with a proposal. Judge Kelly, formerly appointed by Judge Reese as Presiding Domestic and Juvenile Judge, appointed a Committee to evaluate and forward to her a recommendation of the vendor to be awarded the contract. The Committee met and gave their recommendation to Judge Kelly. Judge Kelly failed to act timely resulting in the cancellation of the "Davis Treatment Program" for 2016. Said action has resulted in termination of all services and programs provided by the grant and a valuable tool in Montgomery County to support alternatives to incarceration and reduction of admissions to DYS has been lost.

After consultation with the Administrative Office of Courts, Judge Reese has assumed the duties and responsibilities of Presiding Judge of the Domestic Relations and Juvenile Court. He has instructed the Juvenile Court staff to work with the Montgomery County Commission and DYS to make all efforts to reinstate the "Davis Treatment Program."

The Alabama Legislature, recognizing the need for a data-driven approach to reduce correction spending and reinvest savings that can decrease recidivism and increase public safety, has passed the Alabama Justice Reinvestment Act applicable to adult offenders. Judge Reese has ordered mandatory comprehensive training for implementation of this Act with judges, attorneys and probation officers on February 3, 2016. Likewise, the "Davis Treatment Program" is but one of many tools created by the Legislature and Judiciary to reduce juvenile crime and recidivism. The 15th Judicial Circuit will continue to address the

many needs in Montgomery County and to enhance timely and efficient delivery of Judicial Services.

RE: NCJFCJ Site report

Anita L. Kelly

Wed 2/3/2016 1:12 PM

Sent Items

To: Eugene Reese <eugene.reese@alacourt.gov>

Judge Reese:

I am scheduled to speak with the representative from the NCHFCJ this Friday. Will be in a better position to talk about any plans following Friday. If there is something in particular that you want to discuss at the upcoming judges' meeting, please advise.

Are you aware of any problems that have presented with stakeholders? I am not. Please share with me any specific information that you have, as there appears to be a suggestion that I have not been cooperative or worked as a team. To the contrary, I enjoy my relationship with the Executive Director. In fact, I invited DHR attorneys and administrators to participate in all of the training and activities, as we work toward a structured process with clearly identified expectations.

Change is hard. What I believe that I have run into is resistance to change relative to the administration of justice. My goal is better outcomes for children and families. However, if the evidence dictates removal, I am prepared to remove children from their birth families. Seemingly, DHR attorneys are in the mindset that I (probably most juvenile judges) should rubber-stamp their actions. I take my job far too seriously to do the same based on what I see and hear in my courtroom and knowing the potential adverse impact. All that I have asked from DHR attorneys is that they do their jobs, specifically to include among other things, following the Resource Guidelines established by the National Council of Juvenile and Family Court Judges. I am happy to hear any specific recommendations that you have.

Judge Kelly

From: Eugene Reese

Sent: Tuesday, February 02, 2016 1:03 PM

To: Anita L. Kelly <anita.kelly@alacourt.gov>; Lashandra Warren <lashandra.warren@alacourt.gov>

Subject: NCJFCJ Site report

Judge Kelly,

I have had the chance to review the site report from NCJFCJ dated March 2, 2015. The report, while critical, makes specific constructive recommendations of how to overcome the criticisms.



On this date I have met with representatives of DHR at their request to hear their concerns related to the processing of cases. They echo the findings in the site report and if the recommendations contained in the site report were adopted many of their concerns could be alleviated as well. I understand you have a meeting with stakeholders tomorrow and I hope you can in a spirit of cooperation and teamwork find workable solutions moving forward.

Could you please be prepared to discuss at our monthly judges meeting your plans to address the criticisms and recommendations in the report along with a time frame that you think is adequate to achieve the goals outlined in the report. And should you have any additional ideas toward improvement of the family court please share the same.

Please be reminded that all judges want the best overall judicial service in the 15th Judicial Circuit and remain committed to achieving that goal.

Gene Reese
Presiding Circuit Judge
15th Judicial Circuit
POB 1667
Montgomery, AL 36102-1667
334 832-1360



**THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA
FAMILY COURT DIVISION - DOMESTIC RELATIONS, JUVENILE AND CHILD SUPPORT**

ANITA L. KELLY
PRESIDING CIRCUIT JUDGE
(334) 832-1282 telephone
(334) 832-7143 facsimile

PHYSICAL ADDRESS: COURTHOUSE ANNEX I
100 South Lawrence Street, Third Floor
Montgomery, Alabama 36104
MAILING ADDRESS: P.O. Box 1667
Montgomery, Alabama 36102-1667

November 20, 2014

Hon. David W. Smith
Montgomery County Department of Human Resources
PO Box 250380
Montgomery, AL 36125-0380

Dear Mr. Smith:

As a follow up with you regarding the email communications between you and my Judicial Assistant, Angie Burkhalter, on or about October 11, 2014, please provide me with the status of you forwarding a copy of the your agencies "policy" book to me. Please recall this is the document to which you referred to during a hearing before me on or about October 1, 2014.

Thank you in advance for your prompt response to this correspondence.

Sincerely,

Anita L. Kelly, Presiding Judge

c: Karen Smith, Director



Vendors

Beverly Wise <BeverlyWise@mc-ala.org>

Fri 2/3/2017 2:33 PM

To: Anita L. Kelly <anita.kelly@alacourt.gov>; Johnny Hardwick <johnny.hardwick@alacourt.gov>; Calvin Williams <Calvin.Williams@alacourt.gov>; Bob Bailey <bob.bailey@alacourt.gov>; Vicky Toles (vickytoles@aol.com) <vickytoles@aol.com>;

Cc: R Williams <raywilliams@mc-ala.org>; P Strickland <patriciastrickland@mc-ala.org>; L Peavey <lynnpeavey@mc-ala.org>;

1 attachments (2 MB)

20170203_142655.pdf

Judge Kelly,

Per your request, I have attempted to pull together information on past DAVIS programs. According to Mrs. Peavey, Mr. Howell shredded all his paperwork/files on Pathway (the first program which was a boot camp) and Seraaj Family Homes, Inc.

What you will find attached is information on HRDI and The Bridge, Inc. Included in this paperwork is informal notes left by Mr. Steve Wooten upon his retirement in 2008 which detailed his interaction with HRDI. There is also legal correspondence from the County Attorney and HRDI concerning a dispute due to the damage done to the physical facility under HRDI's occupancy. Apparently their last payments were partially withheld due to the damages.

Also included is a report from Mr. Ray Williams as Program Supervisor to the Bridge Davis Treatment Center, date January 11, 2011. Lastly there are copies of the Bridge contracts from 2010, 2012, 2013-2015, and 2016.

Please contact me if you need further assistance.

Beverly



FW: Referee Heibel

Anita L. Kelly

Fri 6/5/2015 3:53 PM

Sent Items

To: Eugene Reese <eugene.reese@alacourt.gov>;

Cc: Rich Hobson <Rich.Hobson@alacourt.gov>;

1 attachments (17 KB)

XEROX_IT_SUPPORT@ALACOURT.GOV_20150604_083533.pdf;

I received a copy of the letter that you addressed to Dr. Rich Hobson regarding the replacement of Referee Heibel. Please advise whether the presiding juvenile court judge will make the referee appointment in accordance with Rule 2.1 of the Rules of Juvenile Procedure?

Respectfully submitted,

Anita L. Kelly

-----Original Message-----

From: Rob Sachar

Sent: Thursday, June 04, 2015 8:42 AM

To: Anita L. Kelly

Cc: Calvin Williams; Bob Bailey

Subject: Referee Heibel

Please see attached:



RE: Request for Copy of State Social Service Plan

Anita L. Kelly

Thu 8/18/2016 12:12 PM

To: Brooks, Felicia <Felicia.Brooks@dhr.alabama.gov>;

Thanks for your help in directing me to the requested information.

JK

From: Brooks, Felicia [mailto:Felicia.Brooks@dhr.alabama.gov]
Sent: Thursday, August 18, 2016 11:14 AM
To: Anita L. Kelly <anita.kelly@alacourt.gov>; Smith, Karen <Karen.Smith@dhr.alabama.gov>
Subject: RE: Request for Copy of State Social Service Plan

Good morning,

You can compare what you located to the DHR State plan entitled "2015-2019 Child and Family Service Plan (CFSP)" on the DHR website. This plan is submitted every five (5) years by states. States are also required to submit an annual report. The "2016 Annual Progress and Service Report (APSR)" is also available on the DHR website at <http://www.dhr.state.al.us/>. Select "Services", then "Child Protective Services", and then clicking "Annual Progress and Services Report" which is under the heading "More Information", you find these reports and reports for preceding years. Pages 15-16 of the CFSP and pages 16-20 of the APSR may be helpful.

We hope this is helpful.

Thank you.

Felicia M. Brooks
Deputy Attorney General
Alabama Dept. of Human Resources
Legal Office
Tel: (334) 242-9330

From: Anita L. Kelly [mailto:anita.kelly@alacourt.gov]
Sent: Wednesday, August 17, 2016 12:25 PM
To: Brooks, Felicia; Smith, Karen
Subject: RE: Request for Copy of State Social Service Plan



Yesterday, I found via google Alabama's Child and Family Services Plan for 2016-2019. Is this the same state plan/state social service plan required under the *Adoption Assistance and Child Welfare Act of 1980* found at 42 U.S.C. Sections 620 *et seq.* and Sections 670 *et seq.*? Please let me know. Yesterday, when I scanned the 2016-2019 Plan, I did not locate the information I am looking for. I am specifically looking for the identification of services that Alabama identified as services/programs available/provided to children and families to prevent removal or to support reunification. I have asked others about the State Plan/ State Social Service Plan and they are not with the State Plan/State Social Service Plan. If the 2016-2019 Plan is not what is produced in accordance with the Adoption Assistance and Child Welfare Act of 1980, please advise how I might secure this document. In advance, thanks for your assistance in locating this information.

Anita L. Kelly
Circuit Judge
Montgomery County, Alabama

From: Anita L. Kelly
Sent: Monday, August 15, 2016 11:13 AM
To: 'felicia.brooks@dhr.alabama.gov' <felicia.brooks@dhr.alabama.gov>; 'karen.smith@dhr.alabama.gov' <karen.smith@dhr.alabama.gov>
Subject: Request for Copy of State Social Service Plan
Importance: High

Good morning. I need a copy of the state social service plan also referred to as the state plan. As I understand, federal law requires the same for the Alabama State Department of Human Resources. Please let me know what I need to do to secure a copy of the same. Thanks for your immediate attention to this matter.

Anita L. Kelly
Circuit Judge
Montgomery County, Alabama

Non-IV- D Case Assignment

Anita L. Kelly

Mon 2/29/2016 9:43 AM

To: Audrey Graham <Audrey.Graham@alacourt.gov>;

Cc: 'veronica.ferguson@alacourt.gov' <veronica.ferguson@alacourt.gov>;

Importance: High

I was not aware of the option for circuit judges to forward non-IV- D cases to the referee. Immediately and henceforth, please forward my non-IV- D cases to the referee, in the same manner that other circuit judges have done for more than a year. Thanks for your immediate attention to this matter. Should you have questions, please let me know. Thank you kindly for your assistance.

Anita L. Kelly
Circuit Judge



RE: Appointing Authority for Juvenile Court

Anita L. Kelly

Tue 6/2/2015 3:50 PM

To: Eugene Reese <eugene.reese@alacourt.gov>;

Ditto. With all due respect, I do not understand your response. Of course, we all have limitations. I posed the question raised in my email because I desire to stay in my lane. I easily could have taken action first and asked questions later. I did not. I opted twice to communicate with you about the same. Therefore, I take offense at any suggestion that I am not cooperative. Where is this coming from?

From: Eugene Reese
Sent: Tuesday, June 02, 2015 1:07 PM
To: Anita L. Kelly
Subject: RE: Appointing Authority for Juvenile Court

I am uncertain what you are asking. I think you have limitations as I do. We must stay in our lanes and cooperate with others.

From: Anita L. Kelly
Sent: Friday, May 29, 2015 9:26 AM
To: Eugene Reese
Subject: Appointing Authority for Juvenile Court
Importance: High

This email follows my telephone call to you on Tuesday, May 26, 2015. Want to make certain that I am doing what I am supposed to do. Based on my review of the Alabama Rules of Juvenile Procedure, the presiding juvenile court judge is the appointing authority for juvenile court employees. Soonest, please confirm your interpretation of the applicable law. Thanks.



Re: FW: Final Site Visit Report - Jan. 2015

Sarah Ray <sray@ncjfcj.org>

Thu 1/28/2016 5:16 PM

Inbox

To: Anita L. Kelly <anita.kelly@alacourt.gov>;

Cc: Eugene Reese <eugene.reese@alacourt.gov>; Melissa Gueller (mgueller@ncjfcj.org) <mgueller@ncjfcj.org>;

Thank you, Judge Kelly.

I look forward to talking with you more next Friday regarding our upcoming site visit and Enhanced Resource Guidelines training.

In the meantime, please let me know if there's anything else I can assist you with.

Sarah

On Thu, Jan 28, 2016 at 10:10 AM, Anita L. Kelly <anita.kelly@alacourt.gov> wrote:

Sorry. Thought that I sent the same to you last night. Please advise, if I can be of further assistance.

From: Sarah Ray [mailto:sray@ncjfcj.org]

Sent: Wednesday, January 27, 2016 1:22 PM

To: Anita L. Kelly <anita.kelly@alacourt.gov>; anitakelly@gmail.com

Cc: Melissa Gueller <mgueller@ncjfcj.org>

Subject: Final Site Visit Report - Jan. 2015

Hello Judge Kelly,

I'm sorry I missed your call this morning and wasn't able to get back to you before you had to return to court. Attached you will find the final version of the site report from last January's visit. Since I need to respond to Judge Reese's request, should I go ahead and forward him the final version as well?

If you have any questions about the report or anything else, lets schedule a time to talk. I will be available most of this afternoon, up until 6:00pm CST. Otherwise, we can set something for tomorrow. Melissa has been copied on this email and can answer any questions you may have as well.

Thank you,



SARAH RAY

Site Manager

NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES

P.O. Box 8970 · Reno, NV · 89507

direct: (209) 406-7365 · main: (775) 784-6012 · fax: (775) 327-5306

www.NCJFCJ.org

SARAH RAY

Site Manager

NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES

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www.NCJRCJ.org

RE: Davis Program

Eugene Reese

Fri 4/22/2016 9:01 AM

Inbox

To: Anita L. Kelly <anita.kelly@alacourt.gov>;

I have asked the Director to come by and personally meet with each of you to answer all questions.

From: Anita L. Kelly

Sent: Thursday, April 21, 2016 5:00 PM

To: Eugene Reese <eugene.reese@alacourt.gov>; Calvin Williams <Calvin.Williams@alacourt.gov>; Bob Bailey <bob.bailey@alacourt.gov>

Subject: RE: Davis Program

Judge Reese:

Just receiving this email. Did not know that the Davis Program was operational. Have received no communication regarding the same until now. Is there a written description of the programs/services offered? How does it differ from the former program? Who is the administrator of the program? Is the Parenting Project available as an option separate from the Davis program? Will there be a presentation to the juvenile court judges regarding the Davis Program?

My immediate suggestion for the RFP that is being developed is that the juvenile court judges be actively included in the process, specifically to include the development of evidenced based programs based on data and local needs.

Judge Kelly

From: Eugene Reese

Sent: Thursday, April 21, 2016 10:20 AM

To: Anita L. Kelly <anita.kelly@alacourt.gov>; Calvin Williams <Calvin.Williams@alacourt.gov>; Bob Bailey <bob.bailey@alacourt.gov>

Subject: Davis Program

Good morning Judges.

Please accept this email as a reminder that the Davis Program is operational and offers alternatives to incarceration for the young people in our county. . Please consider using this program with appropriate referrals. Judge Williams has previously advocated for this program and I hope you will continue to be a supporter. Judge Kelly had requested a parenting component that is included and I hope you will continue to be a supporter. I hope Judge Bailey will continue to be as supporter as well.

Please share any suggestions for improvement or changes that will benefit our community as next year's RFP is being developed.



Mail - anita.kelly@alacourt.gov

AUG 2 2017

Thank you all for your continued support.

Gene Reese
Presiding Circuit Judge
15th Judicial Circuit
POB 1667
Montgomery, AL 36102-1667
334 832-1360

RE: Fourth Request

Cary McMillan

Thu 3/2/2017 7:09 PM

Inbox

To: Anita L. Kelly <anita.kelly@alacourt.gov>;

Cc: Sicily Woods <sicily.woods@alacourt.gov>; Bob Maddox <bob.maddox@alacourt.gov>;

We do not. As stated below it would not be a true comparison. When family courts did things the same way it was. Now new judges have come in and the assignment of cases has changed across the state.

Cary McMillan
Director, Family Court Division
Administrative Office of Courts
cary.mcmillan@alacourt.gov
(334)954-5034
1-866-954-9411 ext. 5034

From: Anita L. Kelly
Sent: Tuesday, February 28, 2017 8:34 AM
To: Cary McMillan <cary.mcmillan@alacourt.gov>
Cc: Sicily Woods <sicily.woods@alacourt.gov>; Bob Maddox <bob.maddox@alacourt.gov>
Subject: RE: Fourth Request
Importance: High

Ms. McMillan:

I appreciate receiving your response.

Do you still have the capability of providing the information noted in the September 8, 2014 email to me from Ms. Woods? See last message in email traffic. If so, please forward the data from 2014 forward. Thanks again for your assistance. Have a terrific day.

Judge Kelly

From: Cary McMillan
Sent: Monday, February 27, 2017 8:19 AM
To: Anita L. Kelly <anita.kelly@alacourt.gov>; Sicily Woods <sicily.woods@alacourt.gov>
Cc: Bob Maddox <bob.maddox@alacourt.gov>; Randy Helms <randy.helms@alacourt.gov>
Subject: RE: Fourth Request

Judge Kelly,



The data in which you are requesting does not exist. There are no other jurisdictions that handle cases in the same manner as your county therefore it is impossible to compare "apples to apples." Any data that we attempt to provide to offer a comparison would not be a fair assessment and therefore would not be helpful to answer any questions that you have. There really are 67 ways to distribute DR, CS, and JU cases within a circuit or county depending if the judge is circuit or district. We have sent you all the data we do collect.

Cary

Cary McMillan
Director, Family Court Division
Administrative Office of Courts
cary.mcmillan@alacourt.gov
(334)954-5034
1-866-954-9411 ext. 5034

From: Anita L. Kelly
Sent: Sunday, February 26, 2017 3:39 PM
To: Cary McMillan <cary.mcmillan@alacourt.gov>; Sicily Woods <sicily.woods@alacourt.gov>
Cc: Bob Maddox <bob.maddox@alacourt.gov>
Subject: Fourth Request

Good morning Cary and Sicily: This email is a follow-up from my original request dated February 7, 2017. Please let me know when I might expect to receive the requested data. Have a great week!

Judge Kelly

From: Anita L. Kelly
Sent: Tuesday, February 21, 2017 12:42 PM
To: Cary McMillan <cary.mcmillan@alacourt.gov>; Sicily Woods <sicily.woods@alacourt.gov>
Cc: Bob Maddox <bob.maddox@alacourt.gov>
Subject: RE: Montgomery County JU Court
Importance: High

Good afternoon Ladies: Bob Maddox sent a request to you for me approximately two weeks ago. See email traffic below. Please let me know if the data is available. Should you have questions, please do not hesitate to call me. Thanks again.

Judge Kelly

From: Bob Maddox
Sent: Tuesday, February 21, 2017 12:18 PM
To: Anita L. Kelly <anita.kelly@alacourt.gov>
Subject: Re: Montgomery County JU Court

Hi Judge - I forwarded your e-mail to Cary and Sicily to see if they know the status of your request. Thank you! Bob.

On Feb 21, 2017, at 10:11 AM, "Anita L. Kelly" <anita.kelly@alacourt.gov> wrote:

Good morning Bob. Hope that you enjoyed the three day weekend. I am writing to follow-up on my request of February 7, 2017. Is there an update?

Should you have questions, please let me know. Thanks kindly.

JALK

From: Anita L. Kelly
Sent: Tuesday, February 07, 2017 10:06 AM
To: Bob Maddox <bob.maddox@alacourt.gov>
Subject: RE: Montgomery County JU Court

Thanks Bob.

From: Bob Maddox
Sent: Tuesday, February 07, 2017 10:02 AM
To: Anita L. Kelly <anita.kelly@alacourt.gov>
Subject: RE: Montgomery County JU Court

Hi Judge – I will get with others in my office to see what we can do. Thanks. Bob.

From: Anita L. Kelly
Sent: Tuesday, February 07, 2017 10:01 AM
To: Bob Maddox <bob.maddox@alacourt.gov>
Subject: RE: Montgomery County JU Court

Good morning Bob. I need your "very capable" assistance in locating data relating, directly and indirectly, to my work as a juvenile and family court judge.

Back in September of 2014 you sent me ranking data for juvenile filings in the state of Alabama. (See emails from you and Sicily Woods.) That information was very useful. I now find that I need additional and more specific data.

Please advise if ranking data is available or accessible for each "juvenile court judge" for the same time period? If so, is the data available for the same time period going forward? Is raw data available for "juvenile court judges" for this same time period through the present?

Also, I am interested in doing a review of the caseloads of "family court judges" (judges who do family court work exclusively). Is ranking data available or accessible for the same time period (2012-2014) going forward (2015-2016) for family court judges? Is raw data available for "family court judges" for this same time period?

I know that you are busy, but would certainly appreciate your assistance in getting the requested data. Please call me with any questions that you might have. Thank you much.

ALK

From: Bob Maddox
Sent: Monday, September 08, 2014 5:00 PM
To: Anita L. Kelly <anita.kelly@alacourt.gov>
Subject: Montgomery County JU Court

Hi Judge Kelly:

Below is the ranking information you requested when I saw you last Thursday afternoon if I understood your request correctly. I cannot attest to its accuracy since I did not compile the information.

Also, tentatively, I plan to observe court on the following days:

Wednesday, September 10: your docket at 9:00; Referee Toles's docket at 1:00
Tuesday, September 16: Judge Bailey's docket at 9:00
Thursday, September 25: Judge Williams' docket at 9:00.

If other matters or meetings arise to prevent me from attending these dockets, I will let you and the applicable judges/referee know.

Thank you. Bob Maddox.

From: Sicily Woods
Sent: Monday, September 08, 2014 1:01 PM
To: Bob Maddox
Cc: Karen Trussell
Subject: RE: Montgomery County JU Court

Hi Bob,

These are the rankings for Judge Kelly broken down by category for the Fiscal Years 2012-2014.

**Statewide Rankings for
Number of JU Filings
FY2012-FY2014**

Category	Rank
Adult	6th
CHINS	4th
Dependency	3rd
Other	5th
Delinquency	3rd
Total Filings	3rd

Thanks,

Sicily A. Woods

Juvenile Justice Data Specialist

Administrative Office of Courts

300 Dexter Avenue

Montgomery, AL 36104

334-954-5146 Office

334-954-3147 Fax

sicily.woods@alacourt.gov

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To: The Honorable Alvin Holmes, John Knight and Thad McClammy
From: Anita L. Kelly, Circuit Judge
Re: Presiding Judge-Family and Juvenile Court
Date: January 27, 2016

Please be advised that on January 26, 2016, that the Family Court Judges met with Eugene Reese, Presiding Judge (PJ), for the Fifteenth Judicial Circuit and Lashandra Warren, the Court Administrator. After allowing each judge and Juvenile Court Administrator, Bruce Howell, to speak to the RFP related to the local Diversion Program, the Davis Treatment Center/Program (DTC/DTP)¹, the PJ announced that he was terminating my services as Presiding Judge for Family and Juvenile Court and further announced that he was assuming the duties of PJ for Family and Juvenile Court.

After being advised that he was removing me, I asked "why?" I told him that he was wrong and asked him to cite the authority that he was relying upon to support his decision. Again, he advised that he would assume the duties of PJ. I then asked the PJ "why now?" As I best recall, there was no response. I also asked for clarification and he said that he could not clarify it further. I specifically asked if it was in retaliation for my unwillingness to approve the recommendation of the RFP for the most recent DTC provider. He responded by saying that he disputed the same and would not say anything further. The PJ made the announcement to terminate my appointment as Presiding Judge of Family and Juvenile Court in the presence of my colleagues and the Court Administrator, without any prior notice to me. The PJ advised that I would receive an administrative order. I did not receive the same until I requested the same from the clerk's office on the afternoon of January 27, 2016.

Following our meeting, I understand that on January 27, 2016, the PJ met with other judges and represented to other judges that he told me that my appointment was only for one year. I dispute the same. While the Rules of Judicial Administration, provide for one year appointment(s), the PJ never mentioned this to me. The PJ knows, like I know, that for more than eleven (11) years that one year appointments have never been made. The long-standing practice in the 15th Judicial Circuit are appointments in perpetuity. The practice has been to allow PJs to continue in that capacity until they retire. I know of no example to the contrary. Ask the PJ to cite an example of a one year appointment.

Thirdly, I am further advised that the PJ alleges that I told him that I no longer wanted to serve in this capacity or he thought that I did not want to continue as PJ for Family and Juvenile court. I deny the same as it never happened, either way. It is a privilege to serve. I recognize the significance of the appointment and so does the PJ and others who desire me out.

Lastly, I am told that the PJ advised that I was responsible for Montgomery County losing the \$500,000.00 grant. That is another lie. Bruce Howell is responsible for the failure to have an effective program in place for Montgomery County. Mr. Howell is the Juvenile Court Administrator. Further, Mr. Howell did not advise me of the RFP and did not involve me in the process of formulating the RFP or the evaluation form.

¹ The local diversion program is funded through a DYS grant.



He accepts full responsibility for development of the evaluation where he failed to include any consideration of past performance.

In an effort to improve the quality of programs and services offered in Montgomery County, I have reached out to other stakeholders (Law Enforcement, School System and DHR) in the community to work toward improvement of our programs and services. These efforts should have been made by Mr. Howell prior to developing the RFP without community input. I understand from one of the reports that I reviewed, property crimes are our biggest problem in Montgomery County. However, we have no meaningful program in place to address property crimes. Let me be clear, I do not have all of the answers. However, I do not know that the right approach is to charge impoverished people \$75.00 to cover the cost of participation in a computerized theft program where there is no proof of its effectiveness. A sizable portion of the families that we serve, do not pay cost costs, as their income is at or below poverty guidelines. Why then we would make these families pay for a computerized theft program? Why was this program selected? As each of you recognize, it is so important to address juvenile crime sooner rather than later, as some argue that juvenile court is the gateway to the adult system. You would think that judges would recognize the importance of the juvenile delinquency court.

You should be aware that the PJ told me and other persons present that the purpose of the DTC program was diversion of youth from DYS commitments. He said that he spoke to DYS Executive Director, Steve Lafreniere, who told him the same. The PJ further told us that it was not about the "lofty" goals that I spoke about in terms of improving outcomes and the quality of lives of the children and families we serve. I responded by identifying the rehabilitation as the primary purpose of juvenile court and further said that juveniles are penalized for being repeat offenders when the court system purports to provide programs and services and then fails to provide quality programs and services. Should we then assume some of the responsibility for crime rates in Montgomery County when we are not good stewards of the money allocated for us? As a taxpayer, I am disappointed. For the benefit of the PJ, I cited some anecdotal evidence during our meeting to show the failure of the most recent DTC provider to effectively provide programs and services. I specifically cited an example where the success rate was reported under 50% for the 2013-2014 year. The retort from one attendee was that I do not expect 100%.

Three proposals were submitted in response to the RFP. A review committee was formed wherein Mr. Howell asked that I make the appointments. I appointed an equal number of men and women and an equal number of blacks and whites. The review committee gave the most recent DTC provider a score of 65%. In everyday terminology that is a "D." This score does not seem to bother the PJ, as he said that the only purpose of the diversion program is to divert youth from DYS. I do not believe that the Alabama legislature had this intent when monies were allocated for DYS' budget. What is most appalling is that the people either making or influencing decisions do not seem to care about the quality of programs and services and the people that we serve.

Mr. Howell established the criterion for evaluation of the RFP proposals and failed to include any consideration for past performance. In my opinion frankly he did so, as he does not care about past performance and what is not being done for children and families, notwithstanding his representations to me. As to the pending RFP, it is my firm opinion that the most recent DTC provider has failed our children and families, but continue to collect approximately \$500,000.00 to over \$700,000.00 annually, on top of what they collect from Medicaid. Everyone who participated in the DTP was identified as needing services funded by Medicaid. Further, I am convinced that the RFP is not valid, as a vice-president with the most

recent DTC provider completed or primarily assisted in completing the application for the DYS Grant that was used to develop the RFP and the proposal submitted by the most recent DTC provider. The most recent provider of DTC programs and services want to continue providing services for Montgomery County. What would be the justification for doing so? The PJ said that we need those services. Yes, we need services but not from the past provider, unless they do a 180 degree turn. Based on the application submitted to DYS, it appears that the DTC Provider had access to information that the other applicants did not have. In my opinion, this appears to be a violation of the law.

To allow this company to continue to make millions of dollars without showing evidence of their success really irks me. I see the programs and services as an opportunity to do some good. Seemingly, others see it as an impossibility to do good and also do not seem to care. I am convinced that others would demand more for their children. Further, I would note that while we did not receive any local proposals, there are local people who are able to provide quality program and services for our children and families with the right management and support. Why do we continue to send our money to other communities? There is more that I want to say, but essentially have been denied access to records and data that would prove the failure of the most recent DTC program and the failure of MCYF administrators to carry out their job duties and responsibilities.

I strongly recommend the removal of Bruce Howell as the Juvenile Court Administrator, as he clearly has not acted in the best interest of children and families. He is not trustworthy and has his own agenda where the focus is not children. I hope that you will support the Juvenile Court in the appointment of one who is Committed, Competent and Caring. Mr. Howell is often cited as being politically connected. I assure you that his politics have not been for the benefit of children and families that we serve. The trust between the people and government has largely been broken.

I thought that you should have my point of view on what transpired. There are also other factors that I believe influenced this decision, like my appointment of the Interim Detention Director. Should you have questions, please let me know. I am also available to attend your meeting, should you so desire.

Thanks for your help. There are others who care and support the effort to do better than before.

FW: Davis Day Program

Anita L Kelly

Thu 7/21/2016 8:44 AM

Sent Items

To: Vicky Toles <VickyToles@mc-ala.org>; Vicky U. Toles (vickytoles@aol.com) <vickytoles@aol.com>;

Please see email below. It is confirmation of what I told you on yesterday that Davis does not address truancy for those kids whose parents were having problems with them attending school. Also, see message relative to education credit. As previously advised these are among my concerns. Should you have questions or wish to discuss further, let me know. Thanks.

From: Bruce Howell [mailto:BruceHowell@mc-ala.org]

Sent: Wednesday, July 20, 2016 9:19 PM

To: Anita L. Kelly <anita.kelly@alacourt.gov>

Subject: Re: Davis Day Program

I have been assured by the superintendent that they will receive credit if they haven't been expelled (Davis will use a GED track for those children) There is no Truancy program at Davis. DYS will not let their diversion money be used for truancy. We are assisting the school system with our own monitoring program at Intake. Mrs. Freeman our new director at Davis will be happy to make an appointment and brief you on the whole Davis program, including our new tracks:

1. Tracking for youth coming out of DYS.
2. Parenting Project

Sent from my iPhone

On Jul 20, 2016, at 5:23 PM, Anita L. Kelly <anita.kelly@alacourt.gov> wrote:

Please advise if students committed to Davis Day Program receive education credit for their attendance? Does Davis Day Program have a truancy component? Thanks for your response.



RE: Davis Day Program

Anita L. Kelly

Thu 7/21/2016 8:41 AM

Sent Items

To: Bruce Howell <BruceHowell@mc-ala.org>;

Thanks.

From: Bruce Howell [mailto:BruceHowell@mc-ala.org]

Sent: Wednesday, July 20, 2016 9:19 PM

To: Anita L. Kelly <anita.kelly@alacourt.gov>

Subject: Re: Davis Day Program

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1. Tracking for youth coming out of DYS.
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Sent from my iPhone

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Please advise if students committed to Davis Day Program receive education credit for their attendance? Does Davis Day Program have a truancy component? Thanks for your response.

Re: Davis Day Program

Vicky U. Toles <vickytoles@aol.com>

Fri 7/22/2016 7:20 PM

To: Anita L. Kelly <anita.kelly@alacourt.gov>;

Ok, see you Wednesday at noon.

Vicky U. Toles
Law Offices of Vicky U. Toles
922 S. Perry Street
Montgomery, AL 36104
(334) 832-9915
(334) 832-9917 Fax

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-----Original Message-----

From: Anita L. Kelly <anita.kelly@alacourt.gov>
To: Vicky U. Toles <vickytoles@aol.com>
Sent: Fri, Jul 22, 2016 3:44 pm
Subject: RE: Davis Day Program

As I recall, we said that we would do the visit at noon. Have not discussed any "concerns" about the new program with Judge Williams. Please speak with Judge Williams about any concerns that he may or may not have. See you next week. Thanks.

From: Vicky U. Toles [<mailto:vickytoles@aol.com>]
Sent: Friday, July 22, 2016 12:59 PM
To: Anita L. Kelly <anita.kelly@alacourt.gov>
Subject: Re: Davis Day Program

Judge Kelly,

I am definitely interested in discussing further. Do we have a confirmed time to meet on Wednesday to tour the Davis Treatment Program? I have learned from some Probation Officers that Judge Williams has some reservations regarding the Davis Program as well. Are you aware of his concerns?

Vicky U. Toles

Mail - anita.kelly@alacourt.gov

Law Offices of Vicky U. Toles
922 S. Perry Street
Montgomery, AL 36104
(334) 832-9915
(334) 832-9917 Fax

The information contained in this message is attorney privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by phone and return the original to us via the U. S. Postal Service. Thank you.

—Original Message—

From: Anita L. Kelly <anita.kelly@alacourt.gov>
To: Vicky Toles <VickyToles@mc-ala.org>; Vicky U. Toles (vickytoles@aol.com) <vickytoles@aol.com>
Sent: Thu, Jul 21, 2016 8:44 am
Subject: FW: Davis Day Program

Please see email below. It is confirmation of what I told you on yesterday that Davis does not address truancy for those kids whose parents were having problems with them attending school. Also, see message relative to education credit. As previously advised these are among my concerns. Should you have questions or wish to discuss further, let me know. Thanks.

From: Bruce Howell [<mailto:BruceHowell@mc-ala.org>]
Sent: Wednesday, July 20, 2016 9:19 PM
To: Anita L. Kelly <anita.kelly@alacourt.gov>
Subject: Re: Davis Day Program

I have been assured by the superintendent that they will receive credit if they haven't been expelled (Davis will use a GED track for those children) There is no Truancy program at Davis. DYS will not let their diversion money be used for truancy. We are assisting the school system with our own monitoring program at Intake.

Mrs. Freeman our new director at Davis will be happy to make an appointment and brief you on the whole Davis program, including our new tracks:

1. Tracking for youth coming out of DYS.
2. Parenting Project

Sent from my iPhone

On Jul 20, 2016, at 5:23 PM, Anita L. Kelly <anita.kelly@alacourt.gov> wrote:

Please advise if students committed to Davis Day Program receive education credit for their attendance? Does Davis Day Program have a truancy component? Thanks for your response.

RE: The Bridge - Youth Data Analysis - 4-25-2013

Anita L. Kelly

Thu 1/21/2016 2:40 PM

Sent Items

To: Bruce Howell <BruceHowell@mc-ala.org>;

Thanks

From: Bruce Howell [mailto:BruceHowell@mc-ala.org]
Sent: Thursday, January 21, 2016 2:15 PM
To: Anita L. Kelly <anita.kelly@alacourt.gov>
Subject: Re: The Bridge - Youth Data Analysis - 4-25-2013

I will look if I have any and ask Beverly. My communication was one on one or meetings with Jim Herring.

Sent from my iPhone

On Jan 21, 2016, at 1:52 PM, Anita L. Kelly <anita.kelly@alacourt.gov> wrote:

Thanks for the information as to DYS. However, my request was for communications sent by you or Beverly Wise, as the liaison to the Bridge, regarding their contractual performance at the Davis Treatment Center for the period 2009 through 2015.

From: Bruce Howell [mailto:BruceHowell@mc-ala.org]
Sent: Thursday, January 21, 2016 12:07 PM
To: Anita L. Kelly <anita.kelly@alacourt.gov>
Subject: Re: The Bridge - Youth Data Analysis - 4-25-2013

I don't think they could recreate a report of that nature. The only criteria that has been conveyed by DYS for these grants is reduced commitments to DYS institutions. DYS has been extremely pleased with our reductions. I will ask DYS for a report of those commitments

Sent from my iPhone

On Jan 21, 2016, at 9:38 AM, Anita L. Kelly <anita.kelly@alacourt.gov> wrote:

Can the report be created?

Also, do we have any communications from a representative (to specifically include but not limited to you, Beverly or any presiding judge) of MCYF to the Bridge regarding their contract performance at the DTC? As I recall, you previously advised that there was no evaluation ever done, right? If so, I would like a copy of any and all communication. Thanks.



From: Bruce Howell [mailto:BruceHowell@mc-ala.org]
Sent: Wednesday, January 20, 2016 3:55 PM
To: Anita L. Kelly <anita.kelly@alacourt.gov>
Subject: Re: The Bridge - Youth Data Analysis - 4-25-2013

I know of no report that tracks every child

Sent from my iPhone

On Jan 20, 2016, at 2:23 PM, Anita L. Kelly <anita.kelly@alacourt.gov> wrote:

Thanks. Please group hard copies per each request.

Do we have a report that includes the name of each child that participated in the DTC from 2009-2015, along with identification of the criminal offense(s) that the child was adjudicated delinquent and ordered to participate in the DTP, along with their length of stay and the identification of services provided? If not this information, do you have a similar report?

Has the Annual Report to DYS been completed for 2014-2015? When was report due?

From: Bruce Howell [mailto:BruceHowell@mc-ala.org]
Sent: Wednesday, January 20, 2016 2:03 PM
To: Anita L. Kelly
Subject: Re: The Bridge - Youth Data Analysis - 4-25-2013

This is all the RFPs, contracts and reports. I am going to deliver a hard copy as well. I wanted to get them to you early as possible because of my limited time next week. The AOC STATS are being run as well.

Sent from my iPhone

On Jan 20, 2016, at 12:36 PM, Anita L. Kelly <anita.kelly@alacourt.gov> wrote:

Please help me to understand the information sent to me. Is this your response to my January 14, 2016 memo? If so, please advise how the information submitted relates to a particular bullet point or request made from me. Thanks.

From: Lynn Peavey [mailto:LYNNPEAVEY@mc-ala.org]
Sent: Wednesday, January 20, 2016 12:19 PM

To: Anita L. Kelly; Veronica Ferguson; Bruce Howell
Subject: The Bridge - Youth Data Analysis - 4-25-2013

Re: Audit

Bruce Howell <BruceHowell@mc-ala.org>

Thu 1/14/2016 6:35 PM

To: Anita L Kelly <anita.kelly@alacourt.gov>;

Angelia would have those. I forwarded you request to her

Sent from my iPhone

On Jan 14, 2016, at 5:42 PM, Anita L. Kelly <anita.kelly@alacourt.gov> wrote:

Please get me a copy of the last three (3) audits for the Children Emergency Fund. Thanks.

From: Bruce Howell [<mailto:BruceHowell@mc-ala.org>]

Sent: Thursday, January 14, 2016 5:09 PM

To: Anita L. Kelly

Subject: Re: Audit

Our auditor (doing Tiffany's books) called me two weeks ago to refresh her memory of the source and use of the funds. She did the last audit. She thanked me for the history and that was it. It is an audited account and has always been cleared because we have so many checks and balances

Sent from my iPhone

On Jan 14, 2016, at 4:24 PM, Anita L. Kelly <anita.kelly@alacourt.gov> wrote:

Today, I received a call from Bart Barrontine with the State of Alabama. Just getting message that he called. Do you know why he wants to talk to me about the Children's Emergency Fund? Did not want to make a blind call without first consulting with you.



Re: The Bridge, Inc.

Bruce Howell <BruceHowell@mc-ala.org>

Thu 1/7/2016 3:50 PM

To: Anita L. Kelly <anita.kelly@alacourt.gov>;



I will ask her to send the old one to you from 4 years ago

Sent from my iPhone

On Jan 7, 2016, at 3:34 PM, Anita L. Kelly <anita.kelly@alacourt.gov> wrote:

I received the contracts between the County and the Bridge. Have not yet received the RFP. Thanks.

From: Bruce Howell [mailto:BruceHowell@mc-ala.org]

Sent: Thursday, January 07, 2016 3:33 PM

To: Anita L. Kelly

Subject: Re: The Bridge, Inc.

Yes I asked her to send you all three years of the previous RFP

Sent from my iPhone

On Jan 7, 2016, at 2:41 PM, Anita L. Kelly <anita.kelly@alacourt.gov> wrote:

I have begun to review the documents sent via email to me by Ms. Turner, per request from Bruce Howell. The documents include a contract for the period beginning May 1, 2015 and ending July 31, 2015. Are there contracts covering any period of time following the aforementioned period? If so, please send the same to me. Thanks for your immediate attention to this matter.

Judge Kelly

From: Tammy Turner [mailto:TammyTurner@mc-ala.org]

Sent: Thursday, January 07, 2016 12:52 PM

To: Anita L. Kelly

Cc: BHowell

Subject: The Bridge, Inc.

RE: RPF Law

Anita L. Kelly

Wed 12/30/2015 4:38 PM

Sent Items

To: Bruce Howell <BruceHowell@mc-ala.org>;

Not necessary at this time. Thanks.

From: Bruce Howell [mailto:BruceHowell@mc-ala.org]
Sent: Wednesday, December 30, 2015 1:25 PM
To: Anita L. Kelly
Subject: Re: RPF Law

I wouldn't know where to start. The County handles that completely. We just forward them the verbiage of the basic program we want. I will ask Connie Walker if she can assist.

Sent from my iPhone

On Dec 30, 2015, at 1:09 PM, Anita L. Kelly <anita.kelly@alacourt.gov> wrote:

Please forward to me any and all law and guidelines applicable to the RFP for the Day Treatment Program and the Montgomery County Commission.



Re: Davis new vendor

Bruce Howell <BruceHowell@mc-ala.org>

Mon 12/28/2015 12:44 PM

To: Anita L. Kelly <anita.kelly@alacourt.gov>;

I will be there.

Sent from my iPhone

> On Dec 28, 2015, at 12:33 PM, Anita L. Kelly <anita.kelly@alacourt.gov> wrote:

>

> I can meet with you Wednesday at my office at 10 a.m.

>

> -----Original Message-----

> From: Bruce Howell [mailto:BruceHowell@mc-ala.org]

> Sent: Monday, December 28, 2015 11:44 AM

> To: Anita L. Kelly

> Subject: Davis new vendor

>

>

> Just as a reminder. The Commission meets Monday January 4th. The cut off due to the holiday for the agenda is Tuesday December 29th at 11:00am. The next meeting after that is January 18th. We need to proceed and ask the Commission to approve the Bridge so we can start negotiating the new contract. Thanks Sent from my iPhone



Davis Treatment Program

Bruce Howell <BruceHowell@mc-ala.org>

Sun 12/20/2015 8:37 AM

To: Donald Mims <DonaldMims@mc-ala.org>;

Cc: Tammy Nix <TammyNix@mc-ala.org>;

Judge Anita Kelly has informed me that she wishes to discuss the RFP and the awarding of the contract to a vendor further. This is a critical program and we need to move deliberately. She also wants to meet with the other Judges as well before moving forward. Please remove our request for awarding the contract from the Commission agenda for Monday.

Sent from my iPhone

Re: Davis Treatment Program

Bruce Howell <BruceHowell@mc-ala.org>

Wed 9/9/2015 10:38 AM

To: Anita L. Kelly <anita.kelly@alacourt.gov>;

Cc: Jim Herring <j_herring@bridgeinc.org>;

Probation staff and school and Davis staff will meet and come up with an individual discharge plan. I will get the numbers ASAP

Sent from my iPhone

On Sep 9, 2015, at 10:33 AM, Anita L. Kelly <anita.kelly@alacourt.gov> wrote:

Please provide me data on the number of children currently receiving services from Davis Treatment, WAIT and the truancy program. Perhaps there are other options. Help me to understand what you mean when you indicate that you will "staff" each child presently enrolled for public school, GED programs or other.

From: Bruce Howell [<mailto:BruceHowell@mc-ala.org>]

Sent: Wednesday, September 09, 2015 10:15 AM

To: Anita L. Kelly; Calvin Williams; 'Robert.Bailey@alacourt.gov'; Vicky Toles

Cc: B Wise; P Strickland; R Williams; P Frazier

Subject: Davis Treatment Program

With the lack of a General Fund Budget for DYS, our Davis treatment program funding ends October 1, 2015. I have no other option but to advise Probation Officers not to recommend Davis day program, WAIT, and the truancy program as a treatment option at this time. We will be meeting with Davis staff and staffing each child presently enrolled for Public School, GED programs or other. These staffings will be followed by AR's to the Judges. I will notify you when we hear anything from DYS as to the status of our grant.



RE: Davis Treatment Program

Anita L. Kelly

Wed 9/9/2015 10:33 AM

Sent Items

To: Bruce Howell <BruceHowell@mc-ala.org>;

Please provide me data on the number of children currently receiving services from Davis Treatment, WAIT and the truancy program. Perhaps there are other options. Help me to understand what you mean when you indicate that you will "staff" each child presently enrolled for public school, GED programs or other.

From: Bruce Howell [mailto:BruceHowell@mc-ala.org]

Sent: Wednesday, September 09, 2015 10:15 AM

To: Anita L. Kelly; Calvin Williams; 'Robert.Bailey@alacourt.gov'; Vicky Toles

Cc: B Wise; P Strickland; R Williams; P Frazier

Subject: Davis Treatment Program

With the lack of a General Fund Budget for DYS, our Davis treatment program funding ends October 1, 2015. I have no other option but to advise Probation Officers not to recommend Davis day program, WAIT, and the truancy program as a treatment option at this time. We will be meeting with Davis staff and staffing each child presently enrolled for Public School, GED programs or other. These staffings will be followed by AR's to the Judges. I will notify you when we hear anything from DYS as to the status of our grant.



RE: Site Visit Agenda

Anita L. Kelly

Mon 9/21/2015 2:19 PM

Sent Items

To: Sarah Ray <sray@ncjfcj.org>;

Cc: Melissa Gueller <mgueller@ncjfcj.org>;

Hello Sara:

We look forward to working with you on this very important court improvement project. I would like to discuss the overall goal of transitioning toward a system of where we have a full-time juvenile court judge assisted by referee(s). Also want to discuss implementation of "One Judge, One Family" case assignments. Lastly, we want to hear from you as to recommendations for implementation of a model system.

I will forward directions to you as to parking. Awaiting directions from the court administrator.

As you know, Karen Trussell is out of her office Wednesday and Thursday. She advised that she previously shared this information with you. I will ask other stakeholders when they are available for a 20 minute chat.

Should you want to talk, please feel free to dial me after regular business hours on my cell phone.

Judge Kelly

From: Sarah Ray [mailto:sray@ncjfcj.org]
Sent: Friday, September 18, 2015 3:03 PM
To: Anita L. Kelly
Cc: Melissa Gueller
Subject: Site Visit Agenda



Hello Judge Kelly,

I have attached the final draft of the site visit agenda. Unfortunately we were unable to connect yesterday as scheduled, and I am unavailable this afternoon.

Please take a couple minutes to review the agenda. If you have any immediate questions or concerns, please let me know. Otherwise, we can change and adjust as needed once on site. This is just to give everyone involved a basic idea of what we'll be doing and when. So please share with appropriate stakeholders.

A couple of things....First, can you please find out if and when the following stakeholders have 20 min or so to meet with us on either of the two days? We just want to complete some quick follow up interviews from our last visit. If possible, we would like to talk with Karen Trussell, Karen Smith, Judge Bailey, and Judge Williams. If they aren't available at all, no big deal. We can also try to figure

this out while on site; just thought I would try to give everyone a little notice. Second, did you have anything particular in mind that you would like to do during our lunch meeting with the executive team? Did you have something planned already or is there something in particular you would like to accomplish during that short time period? How can we be most beneficial to you and your team during that time?

Finally, I just want to confirm that we are meeting you at 8:30am on Wednesday at the Airbase Blvd courthouse. Is there anything we need to know about parking there or where specifically to meet you?

Thanks so much! We're looking forward to returning to Montgomery next week!

SARAH RAY

Site Manager

NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES

P.O. Box 8970 · Reno, NV · 89507

direct: (775) 784-4829 · main: (775) 784-6012 · fax: (775) 327-5306

www.NCJFCJ.org

[REDACTED]

To: Eugene Reese, Presiding Judge
From: Anita L. Kelly, Circuit Judge
Re: Response to July 19, 2016 E-mail
Date: July 25, 2016

This Memorandum is in response to your email of July 19, 2016, regarding your concern about my professional responsibilities. It causes me great concern that the Court of Appeals (COA) and you, as the presiding judge for Montgomery County, view my work in a negative light. Until the recent opinion of the COA, I personally have never knowingly been accused of "neglect of duty." I am dedicated to my work. I do not believe that the whole story of my work is captured in what was included in a reference to five cases in the Mandamus Opinion that you cited in your e-mail. I have served as a family court judge for almost 12 years and have heard and decided thousands of cases. In response to any issue raised as to timely compliance with statutory provisions, I have presented the backstory which I believe explains any delay, except that I did not point the finger at others, beyond lawyers, where appropriate. As the Judge, I accepted full responsibility.

Typically, I am in court most all day at least four days of each week. Generally, one day each week is set aside for administrative duties, to specifically include preparation and review of orders. Most recently, I have scheduled cases to be heard on the fifth day of each week, based on demand and needs.

In an effort to improve time management of cases under my supervision, I have established the following goals:

- Revise daily court docket to include daily time for preparation of orders with judicial assistant (to be implemented as soon as practical, given that cases are presently scheduled through October 2016).
- Implement a settlement docket, once monthly (to be implemented December 2016, approximately).
- Add additional days monthly to my juvenile docket to hear dependency cases (to be implemented August 2016, approximately).
- Develop a standing order for the benefit of the clerk's office and attorneys/parties as to scheduling of juvenile cases (to be finalized in approximately seven to 14 days, approximately).

I care about the people that I serve. As such, I am also committed to full implementation of the law for children and families. I am equally committed to the integrity of my work. I also campaigned on a platform to respect all people and to be fair to all people. Additionally, I recognize the importance of work being completed in a timely fashion. We all have goals or standards that must be met. However, when one considers the whole body of work, is it fair to draw sweeping conclusions like "neglect of duty?" I spoke with another judge and explained the quagmire that I am in. As a respected judge, with more than 25 years of experience as a juvenile judge, with



personal knowledge of juvenile judges and DHR, and with knowledge of the appellate process and judges, he found it incredulous. Another former justice, advised me to move forward, notwithstanding the circumstances. I appreciate the insight and wisdom of both judges.

I would also bring to your attention that like other judges throughout the state of Alabama, I am affected by the cuts in staff in my own office and in the clerk's office. This is not a job that can be done alone. The work is consistent. I need the human resources that are absolutely necessary to do the job. Absolute compliance with applicable statutory provisions is sometimes difficult, when the resources are inadequate and the organizational structure does not necessarily lend itself to full compliance. Please also be advised that I have previously raised the issue of statutory compliance with the 30 day time limit with the Court of Appeals. The COA did not address my question. I respect the judicial process that we are a part of. Further, should Montgomery County be treated the same as Lowndes, Elmore, Autauga or Pike County? When there are more cases, there is more work. I believe that it is error to treat all cases, judges and jurisdictions the same, particularly when I prepare extensive findings of facts in support of my TPR decisions, as I did in the Mandamus Opinion referenced in your e-mail.

I also have not rushed people in and out of the courtroom like a revolving door. My goal is to treat people with dignity and respect, as important legal issues are presented to the court. It appears to me that there is a potential encroachment of my duties as a judge, if I cannot fully hear my cases¹. I am not suggesting this has happened, but if the system is organized in such a manner that

¹The COA noted that I heard evidence for four days in the [REDACTED] matter during the adjudicatory phase of the case and had heard from all counsel during that period. However, during that time period, DHR had only presented its case in chief and had not yet rested. At that point, I had not heard from counsel for the Mother, Father, Maternal Grandmother or the GAL. Granted, this case was unusual, as it involved the deaths of children and serious injuries. It was not simply a drug case, domestic violence case or mental health case, although it allegedly involved all of these elements. When the case did not conclude on a given day, it was rescheduled. The case was scheduled on the following dates: November 18, 2015- four hours; November 25, 2015-eight hours approximately; reset for December 2nd for four hours, but continued due to a contractual obligation of the GAL; resumed and scheduled for four hours on December 23rd; reset for April 1, 2016 and continued due to a pre-existing vacation for counsel for the Mother and subsequently rescheduled all day for April 15, 2016. Counsel for DHR and the GAL asked for two days. As you will note, the lawyers exceeded the requested time. I did not object, as I understand the significance of the decisions made.

In my review of the *Resource Guidelines*, I note that recommendations are provided as to the minimum amount of time that should be allocated for certain dependency hearings, but note that there are no limitations on the maximum amount of time needed to conclude any hearing. It seems to me that this is a recognition that it is almost impossible to set standard time limits on the amount of time that should be allocated for these important issues. This is important to me because in a system like ours, if you allow the case to be fully presented you potentially run into problems with statutory compliance as it relates to completion of the process in a 12 month period, when so little time is allocated for these cases under the current scheduling system. On the very day that all counsel for the Parties stipulated that [REDACTED] was dependent, minimally as she was medically fragile, DHR filed its petition for termination of parental rights, even though we had not even begun the reunification process. In sum, the action of DHR

does not allow me to hear my cases in a more expeditious manner and there are inadequate human resources, am I then solely responsible when cases are not set or orders completed in the time manner prescribed by law? I have recommended that Montgomery County reorganize to either have a full time juvenile judge or implement a rotation system with a full-time judge for a limited period of time or hire at minimum, one full-time referee to show a commitment to the work that we are responsible for doing. I have also agreed to add additional days for my dependency docket. I have been told that it cannot be done due to the unavailability of DHR attorneys, as they are before other judges in Montgomery, Elmore, Autauga and Macon Counties. I understand that this is not an easy problem to fix. Perhaps that is why it has been easier to maintain status quo. The fact that my dependency cases are scheduled at the time dedicated for my delinquency docket is evidence of the need to address the issue of inadequate time being set for dependency work. The other judges in Montgomery County also have added additional dockets, beyond the day set aside weekly for juvenile cases.

I recently spoke with a lawyer who told me that 32 years ago he worked in the juvenile system. He said then that they dedicated one day weekly for all the problems of children in Montgomery County, Alabama. Today, we are doing the same thing. I firmly believe that the families and children deserve more of our time based on changing needs and issues that we are confronted with. Further, our cases/needs have not decreased. The law has also changed. We have greater responsibilities. It is difficult to force a square peg into a round hole.

Further, until you released me from my duties as the Presiding Judge for the Domestic Relations Division in January 2016, I assumed many administrative responsibilities that consumed a considerable amount of time, as I was attempting to leave the juvenile system in a better place than we found it. I am not satisfied with the status quo, particularly when I see lives of children and families adversely affected. In my opinion the administration of justice is equally important as the rule of law. That is why I sought out opportunities inside and outside of the state to improve our operation. It is solely because of my efforts that Montgomery County received the technical assistance grant from the National Council of Juvenile and Family Court Judges. The training for lawyers and DHR staff that you presided over in January was a result of my efforts. When I applied for the grant more than two years ago, I recognized then that we had problems in Montgomery County and reached out to others with "expertise" to help. I was then seeking help as a judge and for a system that seriously needed/need to be reorganized. When I applied for the grant, I was advised that the NCFJC had never been in the state of Alabama to provide technical assistance. Please also be reminded that at your request, I am once again serving as the lead judge on the local court improvement project for dependency court sponsored by the Casey Foundation.

in the instant matter appears to be contrary to the letter and spirit of child welfare laws, both federal and state law, as I understand the law. I would also note that pursuant to Alabama law, there are exceptions to the general rule regarding the time period in which the *Code of Alabama 1975* mandates that a TPR petition shall be filed. I hope that this example is insightful, as I am confronted with this time management issue.



I view my efforts outside of the courtroom in a positive light. It speaks to my commitment, not neglect of duty.

Further, rather than issue conclusory orders, because of the seriousness of the work, I have been committed to explaining the rationale and law supporting my decisions via findings of facts, particularly when a termination of parental rights case is being tried, constitutional rights are at stake and the well-being of a child(ren) is being considered. I believe that I have been successful in this regard, as I have never been asked by any appellate court to supplement the record with additional findings of fact.

In sum, I am not flawless. I am human. Prior to receiving your email, I had already made changes to improve my work product and output. I am in the process of making other changes. I will continue to make changes, as I am committed to improving my work, as the people of Montgomery County deserve my best efforts, even in the face of opposition.

I am in fact passionate about my work. As a judge, I am even more committed to the principles of justice and fairness. I am fortunate in that I am able to reach out and discuss matters with other judges. I am also interested in speaking with you as the presiding judge, as you have the authority to make the needed changes and to implement interim incremental solutions. Further, you also make decisions that impact my work as a family court judge and thus, outcomes for children and families who appear in family court. I will call your judicial assistant to arrange a meeting with you.

I trust that I have adequately responded to your e-mail. I look forward to speaking with you.

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA,
NORTHERN DIVISION

RECEIVED
JUN-5 1987

CLERK OF COURT
U.S. DISTRICT COURT
MONTGOMERY, ALABAMA

R.C., by his next friend,
the ALABAMA DISABILITIES
ADVOCACY PROGRAM, on behalf
of himself and those
similarly situated,

Plaintiffs,

vs.

ANDY HORNSBY, Commissioner
of the Alabama Department
of Human Resources,

Defendant.

Civil Action
No. 88-H-1170-N

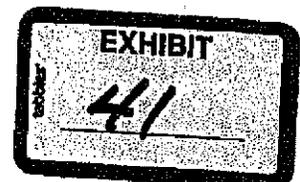
CONSENT DECREE

I. Introduction.

The parties have consented to the entry of this decree as an order and judgment of the Court. By virtue of the parties' consent, it is unnecessary to have a trial on the liability issues in this case.

The parties' agreement to entry of this decree is the outcome of negotiations and bargaining. Both the plaintiffs and the defendant have made concessions that they believed were unnecessary in light of prevailing law and the facts of this case. Likewise, both plaintiffs and the defendant have obtained concessions they might not have obtained from this Court.¹

¹ In other words, each party has given up some things to which the party believed himself entitled or which the party believed he might have achieved through further litigation; and each party has been able to obtain favorable outcomes that might have been beyond his reach if the case had been decided by the Court instead of resolved through negotiations.



In agreeing to the entry of this decree, the parties hope and intend to transform the operations of Alabama's child protective services and foster care systems by altering their operating principles and increasing their professionalization. The decree emphasizes the prevention of placement, early intervention, family reunification, delivery of services in home-based and community-based settings, and child and parent involvement in planning and delivering services. Its implementation requires initiatives in the areas of service development, training, quality assurance, and rights protection.

Instead of specifying the precise means for accomplishing these ends, the decree lays out a set of "operating principles" or "standards" and directs defendant to ensure that the Alabama Department of Human Resources' child protective services and foster care systems comply with these principles or standards by a date certain. Defendant maintains full operating authority over DHR and has broad discretion to devise the means by which to achieve compliance, so long as the requirements of this decree are met.

Also, the parties' agreement contemplates the development of a comprehensive array of services for class members over a period of seven years. Implementation will be phased according to an express timetable in a manner designed to maximize the benefits - - fiscal and otherwise -- the defendant expects to reap from greater emphasis on placement prevention and early intervention as means of resolving the problems identified in plaintiffs'

complaint.

The decree requires that, by October 1, 1992, DHR develop an implementation plan, acceptable to both parties, with the assistance of consultants recommended by the Florida Research and Training Center for Improved Services for Seriously Emotionally Disturbed Children in Tampa, Florida, and the Center for the Study of Social Policy in Washington, D.C.,² or others mutually agreed upon by the parties. It also requires the parties to negotiate the process by which the plan will be developed.

To minimize cost to the state and to maximize the effectiveness of new capacity, the decree calls for a sizeable investment in planning before implementation begins. New concepts and capabilities are to be piloted before going "on-line". The decree aims to achieve implementation in as cost-effective a manner as possible.

A major portion of the funds needed to finance reforms can be obtained through existing sources, including reallocation of existing spending,³ federal funds,⁴ and funds for implementation of new legislative requirements concerning "multiple needs"

² The consultants recommended may be employees or contractors of either or both Centers.

³ For example, by shifting money from foster care services to placement prevention.

⁴ For example, through the SSI, Title IV-A emergency assistance, Title IV-B, and Title XIX programs (all provided for in the Social Security Act). The SSI program is totally federally supported. The other programs provide approximately \$3 in federal money for each \$1 contributed by the state.

children.⁵ However, a sizeable increase in state appropriations to DHR will also be required, beginning in Fiscal Year 1993⁶.

II. Disclaimer of Liability.

1. By agreeing to the entry of this decree, defendant does not acknowledge or admit that DHR is in any way in violation of the U.S. Constitution or any federal statute.

III. Rationale.

The parties are of the opinion that:

2. The number of class members removed from their homes could be reduced by at least one-third through appropriate interventions (including the provision of intensive home-based services).⁷

3. A great many class members in foster care could be reunited with their families through the provision of appropriate services.

4. The placement of class members in expensive treatment facilities and institutions could be significantly reduced through the provision of appropriate home-based and community based services.

5. A great many class members could achieve permanency in

⁵ Alabama Code §12-15-71(h) (1975).

⁶ Alabama's fiscal years begin on October 1 and end on September 30. FY 1993 begins October 1, 1992.

⁷ A recent study by DHR indicates that as many as 45% of all admissions into foster care could be avoided through the provision of appropriate services. Also, each year approximately 1,000 children are placed in foster care for less than a month's time; most of these admissions could be avoided through appropriate interventions.

their living situations, achieve success in school, and become stable, gainfully employed adults if provided appropriate services.

6. The reforms incorporated in this decree are designed to achieve these improvements, among others. These reforms will help prevent serious harm to many class members. In many cases, they will also save the state considerable money.

IV. The Plaintiff Class.

7. The "plaintiff class" is all children who are now, or in the future will be, children in foster care and/or DHR custody who have emotional or behavioral disorders. The class consists of the following children:⁸

a. Children with severe emotional or behavioral problems who are in foster care and/or DHR custody, or who are at imminent risk of placement into foster care and/or DHR custody. DHR shall promulgate a definition, acceptable to the parties, of

⁸ Regarding children who have been adjudicated a "Child in Need of Supervision" ("CHINS"), see Alabama Code §12-15-1(4) (1975), or who exhibit behaviors characteristic of CHINS:

a. Children who have been adjudicated CHINS and placed in DHR custody are members of the plaintiff class.

b. Children who have been adjudicated CHINS or who exhibit behaviors characteristic of CHINS are considered, under this decree, to have "emotional or behavioral problems".

c. Children who have been adjudicated CHINS or who exhibit behaviors characteristic of CHINS may be among children "who are at imminent risk of placement into foster care and/or DHR custody." If so, they should receive services to prevent their placement.

However, it is not the intent of this decree to encourage state courts to declare children "dependent", see Alabama Code §12-15-1(10) (1975), merely because they are CHINS or exhibit behavior characteristic of CHINS.

"severe emotional or behavioral problems". The definition shall be within the "parameters" that have been formulated by the CASSP program of the National Institute of Mental Health."

b. Children with moderate or mild emotional or behavioral problems who are in foster care and/or DHR custody, or who are at imminent risk of placement into foster care and/or DHR custody. Children who meet any of the descriptions in paragraphs 1-6 of the Supplemental Recommendation of the Magistrate Concerning Class Certification, filed May 15, 1990,¹⁰ and who do

⁹ CASSP, the Child and Adolescent Service System Program of the National Institute of Mental Health, was launched in 1984 to assist states and communities to develop comprehensive, home-based and community-based systems of care for emotionally disturbed youth and their families. The "parameters" referred to are discussed at pages 7-9 of Stroul & Friedman, A System of Care for Severely Emotionally Disturbed Children and Youth (Georgetown University, CASSP Technical Assistance Center: 1986).

¹⁰ The descriptions in paragraphs 1-6 of the Supplemental Recommendation of the Magistrate Concerning Class Certification are:

- (1) The child has been diagnosed as being emotionally disturbed or as having a behavioral disorder;
- (2) Although the child has not been formally diagnosed emotionally disturbed, DHR or the facility in which the child resides considers the child to be emotionally disturbed;
- (3) The child has been adjudicated a delinquent;
- (4) The child is receiving special education as an EC ("emotionally conflicted") child;
- (5) The child is residing in any of the facilities listed in Exhibit A to this order; or
- (6) Although not formally diagnosed as having a behavioral disorder, the child is considered to have a behavior disorder by DHR or the facility in which the child resides. A child has a "behavior disorder" if DHR or the facility considers the child to fit any one of the following descriptions:

- (i) the child has persistent behavior problems; (ii) the child commits significant rule infractions; (iii) the child persistently absents himself from his placement without permission or runs away; (iv) the child commits

not have severe emotional or behavioral problems, shall be considered "children with moderate or mild emotional or behavioral problems".

c. Children who are at high risk of developing emotional or behavioral problems and who are at imminent risk of placement into foster care and/or DHR custody. Defendant shall develop a definition, acceptable to the parties, of which children at imminent risk of placement are "at high risk of developing emotional or behavioral problems." While the defendant shall have broad discretion to develop and modify the definition, approximately 35% of all children at imminent risk of placement shall be deemed to be "at high risk of developing emotional or behavioral problems." Defendant shall consider including in the definition of those "at high risk" children who have previously been admitted to foster care and/or DHR custody.

actions that if committed by adults would be crimes; (v) the child engages in aggressive behavior that places the child or others at risk of injury; (vi) the child engages in self-injurious behavior; (vii) the child is residing in a facility operated or certified by the Alabama Department of Mental Health and Mental Retardation, and the child has been placed in the facility for reasons other than the child's mental retardation; (viii) the child is residing in a facility operated or licensed by the Alabama Department of Youth Services; or (ix) the child has been identified by DHR as having behavior problems. Such children may be emotionally disturbed, mentally retarded, or otherwise developmentally disabled. On the other hand, they may suffer from no handicap other than their behavior disorder.

"Exhibit A", referred to in paragraph 5 of the Supplemental Recommendation, is attached as Appendix A to this decree.

V. Definitions.

The following definitions apply to this decree and to related documents.

8. A "child care institution" is defined at Alabama Code §38-7-2(4) (1975).

9. "Class members" means each and every member of the plaintiff class.

10. "Community aides" are volunteer or paid staff from the same community and culture as the client, including volunteers or paid staff who have themselves been recipients of services.

11. "Disruption" means an unplanned change in placement.

12. "Family setting" means a class member's own home, the home of a relative, a foster home, or a therapeutic foster home. It does not include a group foster home.

13. A child is in "foster care" if (a) the child is residing outside of his home and (b) any one of the following other conditions is met: (i) the child is in temporary protective custody, temporary custody, or permanent custody of DHR, (ii) the child is the subject of a voluntary placement agreement, or (iii) the child was in DHR custody immediately prior to the child's entry into an institution and the plan is for the child to return to DHR custody upon discharge.¹¹ The fact that a child is

¹¹ This definition is for purposes of this decree only. The definition is not meant to alter state law understandings of the meaning of "foster care". Nor is it meant to alter how the term "foster care" is understood for purposes of federal audits of Alabama's Title IV-B and Title V-E programs.

residing in a placement or institution operated or licensed by DMH/MR and/or DYS does not disqualify the child from being in "foster care".

14. Children in "foster care and/or DHR custody" includes: children who are voluntarily placed; children in the temporary protective custody, temporary custody, or permanent custody of DHR; children in DHR custody who live at home or with relatives; and children residing in institutions operated by the Department of Mental Health and Mental Retardation ("DMH/MR") or the Department of Youth Services ("DYS") who, prior to their entry into the institution, were in foster care and/or DHR custody and for whom the plan is to return to foster care and/or DHR custody upon their discharge from the institution.

15. A "foster home" is defined at Alabama Code §38-7-3(10) (1975).

16. "Foster parent" means the responsible adult or adults caring for a class member in an out-of-home family setting. "Foster parent" includes a foster parent in a therapeutic foster home and the responsible adults in a relative placement. It does not include a natural or adoptive parent.

17. The "goal" for the child is the permanent living situation that the child's case plan is designed to achieve.¹² Possible goals are: remaining at home or with a relative; returning the child home; placing the child with a relative;

¹² DHR currently refers to the "goal" for the child as the child's "permanent plan".

adoption; independent living; and longterm foster care.

18. A "group home" is defined at Alabama Code §38-7-3(9) (1975).

19. A "group foster home" is a staffed foster home in which five or fewer children live. It is distinct from a foster home with the same number of children. A "group foster home" is the creation of a public or private service provider; the staff of the "group foster home" do not consider it their own home or the home of their family. By contrast, a foster home is a "real" home into which foster children are placed. The foster parents are not "staff"; the foster home is their actual home.

20. The "Implementation Plan" is the plan required by paragraphs 64-68 of this decree.

21. An "institution" means a psychiatric hospital, a psychiatric ward of a general hospital, any facility operated by DMH/MR or by DYS, or a detention facility. It does not include a child care institution, group home, group foster home, or foster home (including a therapeutic foster home) or other similar placement.

22. "Live with their families" means to live at home and, when that cannot be achieved through the provision of services (including intensive, home-based services),¹³ to live with a

¹³ The characteristics of intensive home-based services are described in, among other works: Stroul, Volume I: Home-Based Services, Series on Community-Based Services for Children and Adolescents who are Severely Emotionally Disturbed (Georgetown University, CASSP Technical Assistance Center: 1988); Edna McConnell Clark Foundation, Keeping Families Together: The Case for Family Preservation 7-13 (1985) (referring to intensive home-based

family member.

23. "Normalized" means the type of activities and settings in which children who do not have emotional or behavioral disorders, and children who are not in foster care or DHR custody, would participate or be found.

24. "Parent" means a natural or adoptive parent, a child's legal custodian or guardian, or a person acting as a parent.¹⁴ A person is an "adoptive parent" after the placement of a child in the home for purposes of adoption and the execution of an Adoptive Home Placement Agreement.

25. "Placement prevention services" are services offered prior to the placement of a class member in foster care and/or DHR custody; they are designed to avoid out-of-home placement.

26. "Services" means services that are needed, not services that are available. It includes but is not limited to: "hard" or "concrete" services, like the services provided families under DHR's recently instituted "Placement Prevention Project";

services as "family preservation services").

¹⁴ See 34 C.F.R. §300.10 (defining "parent" for purposes of special education law).

Persons acting as a parent include the actual caregivers of a child, such as a grandmother or aunt with whom the child lives. Where it is impossible for defendant to follow the wishes of both a child's legal parent and a person acting as the child's parent, the rights of the child's legal parent will prevail unless a court of competent jurisdiction orders otherwise.

DHR shall have discretion to decide whether a caregiver is "acting as a parent" when the caregiver has no legal relationship to the child and is not a relative.

placement prevention services as well as other services; activities of DHR staff as well as of other providers; and services to meet mental health needs.

27. "Surrogate parent" means an individual appointed pursuant to 20 U.S.C. §1415(b)(1)(B) and 34 C.F.R. §300.514 to advocate for appropriate special education and related services for class members who are "children with disabilities" within the meaning of the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. §1400 et seq.

28. The "system of care" is the system described in Sections VII and VIII below. It shall be under the control or regulation of the defendant. The system is based on, among other things, the model developed and promoted by the CASSP program of the National Institute of Mental Health. Thus, literature existing at the time of entry of this decree and currently disseminated by CASSP-funded national centers¹⁵ may be used as an aid in interpreting the requirements of this decree.

29. A "therapeutic foster home" is a specialized foster home in which no more than one class member resides.¹⁶ A therapeutic foster home may provide brief respite care to a child

¹⁵ There are currently three such centers: the Florida Research and Training Center for Improved Services for Seriously Emotionally Disturbed Children in Tampa, Florida; the Research and Training Center on Family Support and Children's Mental Health in Portland, Oregon; and the CAASP Technical Assistance Center at the Georgetown University Child Development Center in Washington, D.C.

¹⁶ The Implementation Plan may provide for exceptions to the rule of one resident class member in special circumstances -- for example, when it would be appropriate to have siblings who are both class members reside in the same home.

other than and in addition to the child residing in the home.¹⁷

30. Defendant will promulgate a policy, acceptable to both parties, that defines the terms "relative", "family member", and child's "home" as used in this decree.

VI. Obligations of the Department of Human Resources.

31. Defendant shall ensure that DHR, pursuant to the timetable in the Implementation Plan:

a. Establishes a "system of care" for class members and their families;

b. Operates the "system of care" with the aim of achieving the goals described in Section VII below and in conformity with the "principles" or "standards" set forth in Section VIII below;

c. Develops an Implementation Plan, as provided in Section IX below;¹⁸ and

d. Complies with the provisions of Sections X-XIV below.

32. Subject to the timetable in the Implementation Plan,

¹⁷ For a description of the mission and characteristics of "therapeutic foster homes", see Stroul, Volume III: Therapeutic Foster Care, Series on Community-Based Services for Children and Adolescents who are Severely Emotionally Disturbed (Georgetown University, CASSP Technical Assistance Center: 1989).

¹⁸ This decree contemplates implementation of the "operating principles" or "standards" by project areas or regions across the state over a period of time according to the Implementation Plan. The rights of class members and their families will be operationalized according to the timetable in the Implementation Plan. In other words, DHR's compliance with the "principles" or "standards" will be phased-in as provided in the Implementation Plan.

each and every class member is entitled to be treated in accordance with the "operating principles" or "standards" in Section VIII below.

VII. The Goals of The System of Care.

33. The goals of the "system of care" shall be to:

- a. Protect class members from abuse and neglect; and
- b. Enable class members to:

- (i). Live with their families; and when that cannot be achieved through the provision of services, to live near their home;

- (ii). Achieve stability and permanency in their living situation;

- (iii). Achieve success in school; and

- (iv). Become stable, gainfully employed adults.¹⁹

¹⁹ The goals are meant, among other things, to explain the "needs" to which services are to be addressed. The object of services is to attain these goals. Thus, the goals are meant both to give meaning to and to limit the entitlements of class members and their families.

For example, in the usual case, a class member would not "need" music lessons because such lessons are not necessary to attaining the ends identified in this paragraph. However, in certain cases, the provision of music lessons may be part of a treatment plan to achieve these ends. (It may be decided that they are a less expensive, and more effective, way of promoting the class member's self-esteem and emotional stability than sessions with a counselor.) In these cases, the class member could be said to "need" the lessons and the "system of care" would be obliged to provide them.

The statement of goals is not meant to guarantee attainment of the goals for every class member. Instead, DHR is obliged to provide services needed to enable class members to attain the goals.

VI. "Operating Principles" or "Standards".

The "system of care" shall operate in conformity with the following "principles" or "standards".²⁰

34. Class members shall live with their families.

Exceptions to this principle are to be made only when:

a. It is not possible, through the provision of services (including intensive home-based services), to protect a class member living with his/her family from imminent, serious harm; or

b. It is not possible, through the provision of services (including intensive home-based services), to protect a class member from serious harm upon reunification with his/her family.²¹

35. Class members and their families shall have access²²

²⁰ Unless otherwise indicated, the "principles" or "standards" apply to: placement prevention services as well as other services; class members who will not be reunited with their families as well as class members who may be; class members in longterm foster care as well as other class members; and all services provided class members and their families as well as those specifically identified herein.

²¹ The above principle, and all other provisions of this decree, apply to voluntary placements as well as involuntary ones, but they do not apply to situations in which the parents wish to voluntarily relinquish their rights so that their child may be adopted. However, before such a voluntary relinquishment is accepted, parents must be informed, in language understandable to them, of services to which they and their child may be entitled under this decree.

²² This access is limited to services needed to prevent the removal of the class member from his/her home; to enable the class member to live with a family member upon removal from his/her home; or, after removal from his/her home, to enable the class member to return home or to be discharged from foster care and/or DHR custody to a family member.

to a comprehensive array of services (including intensive home-based services)²³ designed²⁴ to enable class members to live with their families.

36. Class members, while in foster care or DHR custody, shall have access to a comprehensive array of services that address their physical, emotional, social and educational needs.²⁵

37. Both class members and family members may refuse pre-

²³ Other services to which class members and their families shall have access, if required to enable class members to live with their families, are: "hard" or "concrete" services including cash assistance (as limited by policies to be developed as part of the Implementation Plan); parenting skills and household management training; peer support; homemaker services; day care; respite care; help with housing; crisis services; mental health services; services for substance abuse; and "facilitative" services. For a more complete listing, see the monograph by the National Council of Juvenile and Family Court Judges and others on Making Reasonable Efforts: Steps for Keeping Families Together at pages 81-91.

Class members and their families shall have access to such services when the class member is living with his/her family or when the goal is for the class member to return home or live with a relative. When the goal is for the class member to return home, services should also be provided to the parents to prepare and enable them to care for the class member when he/she returns home. When the goal is for the class member to live with a family member, services should be also provided to the family member to prepare and enable the family member to care for the class member.

²⁴ These services should be designed, among other things, to enhance the natural support networks of class members and their families.

²⁵ Among the services to which class members shall have access, if required to attain the goals in paragraph 33, are mental health services, social services, educational services, health services, vocational services, recreational services, and "operational" services. For a listing of key services within each of the above categories of services, see page xii of Stroul & Friedman, A System of Care for Severely Emotionally Disturbed Children and Youth (Georgetown University, CASSP Technical Assistance Center: 1986).

placement services.²⁶ Class members and family members may refuse other services, to the extent permitted under law.²⁷

38. Class members and their families shall be encouraged and supported to access services. To this end, the "system of care" shall develop and implement strategies to promote the utilization of services by class members and their families. These strategies shall include the use of community aides, the provision of transportation services, the development of ethnically and culturally sensitive services, and referral to peer support groups. When class members or their families refuse or fail to access services, the reasons for their doing so shall be assessed and the services that have been offered shall be modified or alternative services shall be offered to encourage acceptance of services.²⁸

39. Class members and their families shall receive individualized services based on their unique strengths and

²⁶ Such a refusal would not bar DHR from removing the class member from his home or from a relative's home when the criteria in paragraph 34 are met.

²⁷ This provision is not intended to interfere with any prerogative a state court might have to order a class member or his/her family to accept services. The Court expresses no opinion on whether a state court has such a prerogative and, if so, under what circumstances.

²⁸ This shall not affect parents' obligations to pay child support.

It is recognized that some families will intransigently refuse services despite DHR's efforts.

needs.²⁹ The strengths and needs of the class member and his/her family shall dictate the type and mix of services provided; the type and mix of services provided shall not be dictated by what services are available. Services must be adapted to class members and their families; class members and their families must not be required to adapt to inflexible, pre-existing services that are unlikely to be effective. The "system of care" shall create needed services when they are unavailable.³⁰

40. Services to class members and their families shall be delivered pursuant to an individualized service plan.³¹ There must be a reasonable prospect that the services provided will achieve their purpose. The services must be of a type and mix likely to achieve the goal for the child. The services must also be of a type and mix likely to be effective³² in meeting the

²⁹ The right to services of class members and their families is limited to those services needed to attain for the class member the goals described in paragraph 33 above.

³⁰ The Implementation Plan shall set forth how this obligation is to be met.

³¹ When a class member is not living at home but the goal is to return the class member home, there may be separate individualized service plans for (a) the class member and (b) the parent or parents at home. When a class member is not living with a family member but the goal is to place the child with a family member, there may be separate individualized service plans for (a) the class member and (b) the family member.

³² The following phrases used in this paragraph are meant to be synonymous: "reasonable prospect that [they] will achieve"; "likely to achieve"; and "likely to be effective".

needs to which the plan is designed to respond.”³³

a. Individualized service plans shall be based on a comprehensive, individualized assessment of the strengths and needs of the class member and his/her family. In the case of class members in foster care or DHR custody, this assessment shall include an examination of the class member's (i) developmental, behavioral, emotional, family, and educational history and (ii) strengths and weaknesses in behavioral, emotional, educational, and medical/physical areas.

b. Individualized service plans shall include specific services to reinforce the strengths and meet the needs of the class member and his/her family. Each plan shall identify the specific steps to be taken by DHR staff, other service providers, class members, and the class members' parents and family toward meeting the short-term and longterm objectives of the plan.

c. The "system of care" shall carefully monitor implementation of the individualized service plan and the progress being made toward the goal and objectives of the plan.

d. The goal and the objectives of the individualized service plan will be updated as needed. Services identified in the plan will be modified as needed to meet the goal and objectives of the plan (for example, by adding new services or

³³ There will be occasions when services must be provided before an individualized service plan that meets the standards of this decree can be developed. The Implementation Plan shall specify the procedures to be followed on these occasions for the planning and delivery of services. These procedures shall comply as closely as possible with the "operating principles" or "standards" in this decree.

providing services in a different way). Steps shall be taken to prevent and address deterioration in the functioning of class members.³⁴

41. The "system of care" shall address the needs of class members believed to be victims of sexual abuse.

a. Timely, professional assessments shall be conducted of class members believed to be victims of sexual abuse.³⁵ DHR shall ensure that such assessments provide clear, prescriptive guidelines for treatment of the sexual abuse.

b. The individualized service plans of class members believed to be victims of sexual abuse shall specifically identify both the class member's needs as a sex abuse victim and services to be provided in response to those needs.

42. Class members, parents, and foster parents shall be accurately and timely informed, in language understandable to them, concerning: rights under the decree (including the right to be treated in accordance with the "principles" or "standards"); the goal for the class member; individualized service plans, including objectives; services, including placements; and options.

43. Class members, parents, and foster parents shall be

³⁴ The "system of care" shall recognize that transitions are often accompanied by deterioration in functioning and shall ensure that appropriate steps are taken to guard against such deterioration and to respond to it if it occurs.

³⁵ This standard applies even if an allegation of sexual abuse was not the basis for DHR's initiating an investigation of the class member's home and even if sexual abuse was not the basis for the class member's entry into foster care or DHR custody.

encouraged and assisted to articulate their own strengths and needs, the goals they are seeking for themselves, and what services they think are required to meet these goals.³⁶

44. Class members, their parents, and foster parents shall be involved in the planning³⁷ and delivery of services, in accordance with paragraphs (a)-(d) below. The right of class members, parents, and foster parents to participate in treatment planning and delivery may be restricted only according to a specified administrative process. DHR shall promulgate a policy, acceptable to both parties, describing under what circumstances and according to what procedures restrictions may be imposed.

a. The class member shall be treated as a partner in the planning and delivery of services if the class member is age 10 or older and, if the class member is under the age of 10, when possible.

b. The class member's parents shall be treated as partners in the planning and delivery of services if the class member is living at home or if the goal is for the class member to return home.

c. Foster parents shall be treated as partners in the planning and delivery of services whether or not the goal for the class member is to return home.

³⁶ See Dunst, Trivette, and Deal, Enabling and Empowering Families: Principles and Guidelines for Practice (Brookline Books, Cambridge, MA: 1988).

³⁷ This includes, but is not limited to, the development of individualized service plans.

d. When necessary, services shall be provided class members and parents to enable them to participate as partners. Such services shall include transportation assistance, advance discussions, and assistance with understanding written materials.

45. The "system of care" shall promote class members' visitation with their parents and family.

a. The matter of visitation shall be addressed in the class member's individualized service plan. The frequency and circumstances of visitation shall depend on age and need. Visitation shall be viewed as an essential ingredient of family reunification services. Hence, when the goal is for the child to return home or live with a family member, visitation will be actively encouraged; assistance with transportation will also be provided.

b. Visitation may be arranged by the class member, the class member's parents or family, or the foster parents, as well as by DHR staff and the staff of residential facilities, in accordance with the individualized service plan.

c. Supervision of visitation shall be required only when there is a danger that the parent or family member with whom the class member is visiting will harm the class member unless the visit is supervised. When supervision of visitation is required, such supervision may be provided, as appropriate, by the class member's foster parents, as well as by DHR staff, the staff of residential facilities, or other designated persons.

d. DHR will promulgate a policy, acceptable to both

parties, implementing the principles set forth in paragraphs (a)-(c) above.

46. The "system of care" shall be sensitive to cultural differences and the special needs of minority ethnic and racial groups. Services shall be provided in a manner that respects these differences and attends to these special needs. These differences and special needs shall not be used as an excuse for failing to provide services.

47. The "system of care" shall conduct timely investigations of allegations that class members are being abused or neglected while living at home or with a relative or while in foster care or DHR custody.

48. The "system of care" shall embrace the philosophy of service delivery in home-based and community-based settings. Class members shall receive services in the least restrictive, most normalized environment that is appropriate to their strengths and needs.³⁸

a. Class members shall be placed in the least restrictive, most normalized living conditions appropriate to their strengths and needs.³⁹ The class member's own home shall be considered the least restrictive, most normal placement. Following are other placements listed in ascending order in terms

³⁸ To this end, services for class members shall not be unnecessarily segregated. See 29 U.S.C. §794 and the regulations promulgated thereto.

³⁹ This standard applies to the "permanent living situations" referred to in paragraph 50(e) as well as to other placements.

of restrictiveness: independent living;⁴⁰ a foster home; a therapeutic foster home; a group foster home; a group home; a child care institution; an institution. Institutional care shall be used only in an emergency and as a last resort. Class members shall be placed in family settings, whenever they can be cared for in such a setting with supportive services.

b. Siblings shall be placed together. DHR may promulgate a policy, acceptable to both parties, identifying circumstances in which exceptions to this principle may be permitted.

c. The "system of care" shall not initiate or consent to the placement of a class member in an institution or other facility operated by DMH/MR or by DYS unless the placement is the least restrictive, most normalized placement appropriate to the strengths and needs of the class member.

d. Class members, when in foster care or DHR custody, shall be integrated to the maximum extent feasible into normalized leisure and work activities.

e. DHR shall vigorously seek to assure that class members, when in foster care or DHR custody, are integrated to the maximum extent feasible into normalized school settings and activities.

49. Class members from Jefferson, Mobile, Montgomery, Madison, Houston, Tuscaloosa, Etowah, Calhoun, Walker, Lee, and

⁴⁰ In this context, "independent living" means living without an adult caretaker.

Dallas counties shall be placed within their home county when removed from their homes.⁴¹ Class members from other counties shall be placed within the region⁴² in which their home county is located.⁴³ Exceptions to this principle are to be permitted only in exceptional circumstances with the written permission of the Director of the Division of Family and Children's Services or his/her designee.⁴⁴ DHR shall promulgate a policy, acceptable to the both parties, that describes when such exceptional circumstances are present.

50. The "system of care" shall promote permanency in class members' living situations.

a. When the goal is that the class member shall return home or be discharged to a family member, the "system of care" shall vigorously seek to achieve this goal.

b. When the goal of return home or discharge to family has been achieved, the "system of care" shall vigorously seek to avoid reentry of the class member into foster care.

c. The "system of care" shall make timely, competent

⁴¹ The requirement of in-county placement may be modified upon mutual consent of the parties if, during the development of the Implementation Plan, it appears that a regional approach would be preferable.

⁴² The Implementation Plan shall specify the number of regions into which the state will be divided and which counties shall be considered a part of which region.

⁴³ The "regions" may include counties specified above.

⁴⁴ An example of such an exceptional circumstance is when an out-of-county or out-of-region placement is necessary to assure that the child lives with a family member.

decisions concerning whether and when class members should return home.

d. When a decision is made that a class member should not return home, DHR shall seek a timely dispositional hearing pursuant to Alabama Code §12-15-62(c) (1975).⁴⁵

e. When the goal is that the class member not return home, the "system of care" shall vigorously seek a permanent living situation for the class member.

51. The "system of care" shall promote stability in class members' living situations.

a. The "system of care" shall be designed to minimize multiple placements. The "system of care" shall be based on the philosophy that the disruption of a placement is a failure of the system, not a failure of the class member.

b. Individualized service plans shall identify whether a class member is at risk of experiencing a placement disruption and, if so, will identify the steps to be taken to minimize or eliminate the risk.

c. Appropriate training will be required for, and appropriate supportive services will be provided to, foster parents and staff of residential facilities in order to minimize placement disruptions. In the case of foster parents, the services shall include intensive home-based services and respite care.

d. The "system of care" shall forbid summary

⁴⁵ See also 42 U.S.C. §675(5)(C).

discharges from placements. DHR shall promulgate a policy, acceptable to both parties, that describes steps that must be taken prior to a class member's discharge from a placement. The policy may permit in exceptional circumstances the placement of a class member in a temporary, emergency setting without prior notice to DHR.

e. The "system of care" will avoid temporary, interim placements.⁴⁶ Class members shall be placed in settings that could reasonably be expected to deliver longterm care if necessary.⁴⁷ To this end, DHR will not place class members in shelters unless (i) the full array of services the class member needs can be provided the class member while residing in the shelter and (ii) it is likely that the class member's stay in foster care will not extend beyond his/her stay in the shelter.

f. The "system of care" will vigorously seek to ensure that law enforcement officers, juvenile court personnel, and others do not remove class members from their home and place them in foster care or DHR custody without first notifying the "system of care" and providing the system an opportunity to intervene to prevent the removal or placement.

52. The "system of care" shall ensure that the services identified in individualized service plans are accessed and

⁴⁶ This "principle" is not meant to prohibit respite care.

⁴⁷ It has not been decided whether it is appropriate to make an exception to this standard that would permit DHR to make an initial placement in an "emergency" or "short-term" foster home when it is not known whether the child will need longterm foster care. This issue shall be resolved in the Implementation Plan.

delivered in a coordinated and therapeutic manner.

53. Services shall be provided by competent staff who are adequately trained and supervised and who have appropriate caseloads. The competence of staff, staff's training and supervision, and staff's caseloads shall be deemed adequate when the "system of care" is able to comply with the standards set forth in this decree.

54. Services provided class members and their families shall meet relevant professional standards in the fields of child welfare, social work, and mental health.

55. The "system of care" shall require that any behavior modification program employed in the treatment or management of a class member be individualized and meet generally accepted professional standards, including that:

a. The program rely primarily on rewards instead of punishments;

b. The program be based on a careful assessment of the antecedents of the behavior that the program is designed to change; and

c. The program be consistently implemented throughout the day, including in school,⁴⁸ residential, and leisure activity settings.

56. The "system of care" shall take an active role in

⁴⁸ It is recognized that defendant cannot assure that a local education agency will consistently implement the behavior modification plan. Defendant's obligation is to seek to assure that the local agency will do so.

seeking to ensure that local education agencies⁴⁹ and the Alabama Department of Education (i) recognize class members' educational rights and (ii) provide class members with educational services in accord with those rights. Among other things, the "system of care" shall advocate for class members who are subjected to inappropriate and/or illegal disciplinary measures.

a. DHR staff, foster parents, and staff of residential programs shall receive training concerning:

(i). Class members' educational rights and needs, including their right to special education; and

(ii). The rights of class members under the IDEA and Section 504 of the Rehabilitation Act⁵⁰ with respect to school discipline, including expulsion, suspension, and the use of corporal punishment.

b. Individualized service plans shall incorporate information about class members' educational needs and identify how these needs will be met through the provision of specific services.

c. Before a class member is placed,⁵¹ consideration must be given to:

(i). Whether the class member's educational needs

⁴⁹ See 42 U.S.C. §1401(a)(8).

⁵⁰ 29 U.S.C. §794.

⁵¹ It may be necessary to create limited exceptions to this rule. The matter of whether such exceptions should be developed shall be addressed in the Implementation Plan.

can be met in the proposed placement; and

(ii). If not, what steps shall be taken to ensure that the class member will receive appropriate educational services while in the placement.

d. The "system of care" will take steps to ensure that surrogate parents are appointed for class members as required by 20 U.S.C. §1415(b)(1)(B) and 34 C.F.R. §500.514.

e. Appropriate representatives of the "system of care" shall request to attend IEP meetings⁵² and to participate in other similar efforts to plan appropriate educational services for class members entitled to receive special education.

f. Appropriate representatives of the "system of care" shall request to attend IFSP⁵³ meetings and to participate in other similar efforts to plan appropriate early intervention services for class members entitled to receive services under Part H of the IDEA.

g. The "system of care" shall seek to ensure that class members' IEP's are consistent with class members' individualized service plans.

h. DHR shall comply with all relevant requirements of the IDEA in those circumstances in which it acts as a "public agency" within the meaning of the IDEA.⁵⁴

57. The "system of care" shall promote smooth transitions

⁵² See 42 U.S.C. §1414(a)(5); 34 C.F.R. §§300.343 & 300.344.

⁵³ See 42 U.S.C. §1477; 34 C.F.R. §§303.340 & 303.342-3.

⁵⁴ See 34 C.F.R. §§300.2 & 300.11

for class members to adult service systems and/or independent living when class members "age out" of the system. The individualized service plans of class members who are expected to "age out" of the system shall provide for such transitions.

58. The "system of care" shall accord class members the following rights: the right of access to counsel and the courts, the right of access to family members, the right to be free of excessive medication, and the right to be free from unnecessary seclusion and restraint. DHR shall promulgate policies, acceptable to both parties, describing and protecting these rights. The policies shall provide that:

a. Class members shall be permitted to freely communicate by telephone or mail with (i) legal counsel of the class member's choosing, including the class member's guardian ad litem, and (ii) organizations that provide legal services.

b. Class members shall be permitted to freely communicate by telephone or mail with (i) the class member's parents and family members and (ii) adult friends of the class member including former foster parents. This right may be restricted only pursuant to procedures and in circumstances specifically identified in written policy.

c. Class members retain the right to communicate and visit with their parents and family even when the class member is in the permanent custody of DHR (i.e., parental rights have been terminated). When the class member is in permanent custody, the matter of his/her communication with parents and family members

shall be addressed in the class member's individualized service plan. Such communication may be restricted when it would undermine or defeat attainment of the goal or objectives identified in the plan.

59. Class members, parents and foster parents shall be made aware, in an effective manner, of the availability of advocacy services to assist them in protecting and advancing their rights and entitlements.

60. Class members shall be provided effective assistance and support in applying for SSI benefits. (Where it is necessary that the class member's parents apply for benefits, such assistance and support shall be provided to the parents.)

61. Class members shall be enrolled, if eligible, in the EPSDT program and shall receive comprehensive screens that meet the requirements of federal law⁵⁵ and are provided according to a professionally acceptable schedule.

62. The "system of care" shall promote early identification and timely intervention in order to enhance the likelihood of positive outcomes.

63. The "system of care" will identify, assess, and disseminate state-of-the-art methods, strategies, and materials for serving class members and their families.

IX. Implementation.

64. The parties shall enter into an Agreement Regarding Implementation, the terms of which shall be incorporated herein

⁵⁵ 42 U.S.C. §1396d(r)(1); 34 C.F.R. §§441.56(b) & 441.58.

by reference and shall be enforceable by the Court.

65. The Agreement Regarding Implementation shall require the development of an Implementation Plan (i.e., a plan of operations, with specific goals and timetables, for implementing the requirements of this decree), which shall be presented to the Court, by October 1, 1992, for the Court's approval.⁵⁶

66. The Implementation Plan shall assure compliance with this decree by October 1, 1999.

67. The Implementation Plan shall meet any and all specific requirements contained in the Agreement Regarding Implementation.

68. The Implementation Plan will specifically describe the duties of the monitor during the period that the Plan is being implemented and the means by which the monitor will fulfill those duties.

69. Defendant shall ensure that:

a. By October 1, 1991, DHR promulgates and implements the policies required by paragraphs 58 and 72.

b. By October 1, 1992, DHR promulgates and implements the policies required by paragraphs 30, 44, and 45(d).

c. The definitions required by paragraphs 7(a) and 7(c) and the policies required by paragraphs 48(b), 49, and 51 are promulgated and implemented in accordance with the Implementation Plan.

⁵⁶ In the parties' view, the anticipated increase of \$3.5 million in the budget of the Division of Family and Children's Services for FY 1992 should be sufficient to finance the creation of the Implementation Plan.

70. If necessary to address staffing needs identified in the Implementation Plan and/or to acquire staff needed to assure compliance, defendant may modify state government administrative requirements, especially those imposed by the personnel system. When he determines that it is necessary to exercise his authority under this paragraph, defendant shall give prior notice to the State Personnel Director as soon as practicable, so as to give the State Personnel Director the opportunity to obviate the necessity for defendant's action.

71. During each budget cycle, defendant shall prepare and submit to the Legislature a needs-based budget designed to assure compliance with this decree and the Implementation Plan. In addition, defendant shall prepare and submit to the Legislature for its approval such legislation as is needed to assure compliance with this decree and the Implementation Plan.

X. Plaintiffs' Counsel's Right of Access.

72. Plaintiffs' counsel and their agents shall have reasonable access to: class members; placements in which class members reside⁵⁷; the staff of such placements; case records concerning class members and their families; and DHR state-office and county-office staff.⁵⁸ DHR shall promulgate a policy,

⁵⁷ Such placements include foster homes, therapeutic foster homes, small group homes, group homes, child care institutions, institutions, and placements licensed or certified by DMH/MR and/or DYS.

⁵⁸ Plaintiffs' counsel has represented that it is not their intention to exercise their access in a way that is unreasonable or overly intrusive or to make unreasonable requests for information. If defendant believes that plaintiffs' counsel are exercising their

acceptable to both parties, providing for such access. The policy shall provide plaintiffs' counsel at least the same access that plaintiffs' counsel enjoyed pursuant to the Court's orders of April 26, 1990, regarding access to class members and to DHR employees and staff and of October 19, 1990, concerning access to DHR county offices.

73. Plaintiffs' counsel shall have access to information and documents obtained, compiled, or generated by:

a. Consultants utilized to assist in the development of the Implementation Plan;

b. The quality assurance program required by the Implementation Plan; or

c. The monitor.

74. The Protective Order Regarding Confidentiality, entered June 13, 1989, shall remain in effect, and plaintiffs' counsel and their agents and employees shall continue to abide by the terms of the order.

XI. Monitor.

75. By August 1, 1992, the defendant shall appoint a monitor in a manner mutually agreed to by the parties.⁵⁹

76. The monitor shall be independent of the parties. The

access rights in an unreasonable or overly intrusive fashion, defendant may raise the issue with the Court.

⁵⁹ If the monitor is replaced, his/her replacement shall also be selected in a manner mutually agreed to by the parties. The monitor shall be replaced if he resigns; is unable to perform his/her duties due to illness, disability, or death; or is dismissed pursuant to paragraph 81 below.

monitor shall:

- a. Monitor compliance with this decree and the Implementation Plan;
- b. Issue semiannual reports concerning defendant's progress in implementing this decree and the Implementation Plan;
- c. Otherwise keep the parties apprised of defendant's progress and the status of compliance;
- d. Upon request of either party, meet with the parties to discuss progress and further measures needed to achieve compliance;
- e. Make recommendations concerning means to facilitate compliance;⁶⁰ and
- f. Timely respond to written inquiries from the parties.

77. The monitor shall have access to all information and documents the monitor requires to perform his/her job. This access shall include access to: class members; placements in which class members reside⁶¹; the staff of such placements; case records concerning class members and their families; and DHR state-office and county-office staff.

78. The monitor shall abide by the terms of the Protective Order Regarding Confidentiality, entered June 13, 1989. (The

⁶⁰ The monitor shall not have the power to enforce his recommendations.

⁶¹ Such placements include foster homes, therapeutic foster homes, small group homes, group homes, child care institutions, institutions, and placements licensed or certified by DMH/MR and/or DYS.

order shall apply to him/her as if he/she were a party or counsel to a party.)

79. The parties shall negotiate an agreement concerning whether and in what circumstances they may engage in ex parte communications with the monitor. If they are unable to reach an agreement, they shall refer the matter to the Court. No party shall engage in ex parte communications until the parties have negotiated an agreement concerning such communications or the matter has been resolved by the Court.

80. The monitor's compensation shall be sufficient to attract a person with the requisite background and skills. DHR shall pay the monitor's expenses and fees per a written contract.

81. The monitor may be dismissed and replaced (a) by agreement of the parties or (b) by the Court upon petition of either party when exceptional circumstances are shown.

82. The provisions of paragraphs 75-81 shall remain in effect until compliance is achieved with this decree and the Implementation Plan.

XII. Primacy of this Decree.

83. Defendant must comply with his obligations under this decree and the Implementation Plan, despite orders to the contrary issued by any state official or by any state court (including in the course of Juvenile Court proceedings).⁶²

⁶² Paragraphs 83-85 should not be interpreted as requiring the defendant to place himself in contempt of a state court order before seeking protection or relief from this Court. Instead, they should be interpreted as requiring defendant to seek relief from this Court from any state court order that would require action

84. Despite orders to the contrary issued by any state official or by any state court (including in the course of Juvenile Court proceedings), defendant may refuse to place class members in particular placements and may refuse to provide class members and their families particular services if doing so would require defendant to violate his obligations under this decree or the Implementation Plan.

85. Despite orders to the contrary issued by any state official or by any state court (including in the course of Juvenile Court proceedings), defendant may refuse to provide DHR-funded services to a class member or a member of the class member's family before a determination has been made, acceptable to DHR, whether the services are appropriate for the class or family member.

86. Only this Court, the monitor, or another person or entity appointed by the Court shall have the authority to determine compliance with this decree.

87. Nothing in this decree is intended to create an independent cause of action, right, or liberty or property interest under state law.

XIII. Plaintiffs' Costs and Attorneys' Fees.

88. Plaintiffs are "prevailing parties" in this litigation and shall recover⁶³ (a) the expenses of their counsel⁶⁴ and (b) contrary to this decree.

⁶³ In agreeing to this paragraph, the defendant has relied upon plaintiffs' representation that the reasonable expenses and attorneys' fees to date are in the range of \$500,000-\$600,000.

a reasonable⁶⁵ attorneys' fee.⁶⁶

89. The parties shall negotiate in good faith the amount of plaintiffs' recovery of expenses and attorneys fees. If a settlement is not reached by August 1, 1991, plaintiffs may file a petition with the Court for an award of expenses and attorneys fees. Plaintiffs shall not file any such petition during the parties' negotiations up to and including August 1, 1991.

90. Plaintiffs' counsel are entitled to be reimbursed by the defendant for expenses⁶⁷ and time reasonably expended by plaintiffs' counsel in the course of:⁶⁸

a. Monitoring or securing the implementation of this decree or the Implementation Plan;

b. Efforts to promote the development of, and/or negotiations concerning, the Implementation Plan; or

⁶⁴ This includes (a) plaintiffs' counsel's travel expenses (including the expense of lodging, meals, and transportation while away from home) and (b) the fees and expenses of expert witnesses.

⁶⁵ The hourly fee for work performed by attorney Burnim shall be no less than \$110 and no more than \$150; the hourly fee for attorneys Schoen, Jackson, and Johnson shall be no less than \$90 and no more than \$125.

⁶⁶ Plaintiffs' counsel's hours shall not be reduced based on any contention that counsel's work related to any specific claim should not be compensated.

⁶⁷ This includes (a) plaintiffs' counsel's travel expenses (including the expense of lodging, meals, and transportation while away from home) and (b) the fees and expenses of expert witnesses.

⁶⁸ The hourly rate and expenses of both plaintiffs' counsel and their agents, including experts, shall be a reasonable one. The defendant may challenge as unreasonable any reimbursement sought by plaintiffs' counsel. Disputes that cannot be resolved by mutual consent will be resolved by the Court.

c. Opposing efforts by defendant or others to modify or vacate this decree or the Implementation Plan.

XIV. Deadlock of the Parties.

91. This decree anticipates ongoing efforts by the parties to resolve matters by mutual consent. If the parties are unable to resolve a matter by mutual consent, the matter shall be referred to the Court for resolution. The Court will resolve the matter in a manner consistent with the purposes and goals of this decree.

92. The failure of the parties to reach mutual agreement on any matter or matters shall not invalidate or nullify this decree or any requirement of this decree.

XV. Termination of this Decree.

93. On or after October 1, 1999, the defendant may move for termination of this decree⁶⁹ upon a showing that he is in substantial compliance with the requirements of the decree and of the Implementation Plan and that there is a reasonable prospect that he will remain in substantial compliance.

Done, this _____ day of _____, 1991.

U.S. District Judge

⁶⁹ Termination of this decree would terminate the requirements of the Implementation Plan as well.

APPENDIX A

EXHIBIT - A
PROVIDOR LIST

05

PLAINTIFF'S
EXHIBIT
20

- 297 Boyd School
- 287 Brewer Porch
- 14614 Brewer Porch SITIZ Program
- 313 The Bridge
- 196 Bryce
- 382 Camp Sunshine
- 211 Caper House
- 661 Chalkville
- 376 Cornerstone
- 180 Euafala Adolescent Center
- 380 Fairway
- 204 Family & Child Service (Gateway)
- 5875 Glenwood Wilderness Camp
- 312 Hickory House
- 11485 Hillcrest Sunrise Treatment Center
- 288 Lee County Youth Dev. Center
- 313 McDonough House
- 250 Mt. Neige Campus
- 655 Pathway, Inc.
- 14930 Pines
- 13698 Presbyterian Home Treatment
- 12867 Southeastern Adolescent Program
- 8366 Three Springs
- 5796 Tri-Vil/Porta Cras
- 320 Turning Point
- 660 YACCA
- 277 Alabama Baptist Childrens Home (Northport)
- 347 Baldwin County Youth Services Home
- 351 Bell Road Group Home
- 298 Brantwood
- 354 Colbert County Attention Home
- 352 Coosa Valley Regional Attention Home
- 357 Gadsden Group Home
- 359 Group Homes (GUMEL)
- 290 Harris Home
- 13071 Holy Innocents
- 11086 King's Ranch - Adgerhold
- 358 King's Ranch - Oneonta
- 355 Lauderdale Attention Home
- 263 Lee County Shelter
- 9425 Lee County D & E
- 377 Mobile County Halfway House
- 365 Mobile Group Home for Boys
- 348 Riverlane, Inc.
- 278 St. Mary's Home

- 5576 Salvation Army Youth Services
- 368 Shelby County Youth Services
- 379 Sojourn
- 371 Troy State University Group Home
- 372 United Methodist - Genesis
- 249 United Methodist - Settlement
- 373 Walker County Youth Development Center (Bacon House)

Juvenile Update

Anita L. Kelly

Mon 8/15/2016 5:25 PM

To: Eugene Reese <eugene.reese@alacourt.gov>;

Cc: Anita L. Kelly (anita.kelly@alacourt.gov) <anita.kelly@alacourt.gov>;

Please be advised that I met with the clerk for juvenile court yesterday. We have agreed to go forward with adding every second and fourth Monday as dependency dockets for me effective January 2017. Wanted to allocate more time between Tuesday and Thursday, but was unable to do so due to the schedule of other judges and lawyers for those days.



Case assignment

Tiffany McCord

Tue 1/24/2017 1:20 PM

To: Calvin Williams <Calvin.Williams@alacourt.gov>; Bob Bailey <bob.bailey@alacourt.gov>; Anita L. Kelly <anita.kelly@alacourt.gov>;

Cc: Angela Starr <angela.starr@alacourt.gov>; Johnny Hardwick <johnny.hardwick@alacourt.gov>;

All case reassignments will be done by the pulling of the bead method. Each judge will have the same amount of beads in their designated color. When a case needs to be reassigned, the clerk's office will pull a bead to randomly assign the case based upon the color of the bead. Any new case assignments will use the same method with the caveat that if a judge has heard the matter in the past, it will be reassigned to that same judge. We will also adhere to the co-defendant rule. I ask that you adhere to this random assignment and not pepper the clerk's office staff with questions as to why a particular case was assigned to you. The answer will be, it was randomly assigned. This policy will take affect February 1, 2016, unless there is a meeting held to discuss other options. Should you have any questions or concerns, please contact me.

Tiffany B. McCord, Esq
Circuit Clerk of Montgomery County
251 S. Lawrence Street
Montgomery, Alabama 36104
(334)832-1260



Re: Davis Treatment Center RFP

Bruce Howell <BruceHowell@mc-ala.org>

Tue 1/19/2016 3:35 PM

To: Anita L. Kelly <anita.kelly@alacourt.gov>;

Yes

Sent from my iPhone

On Jan 19, 2016, at 3:10 PM, Anita L. Kelly <anita.kelly@alacourt.gov> wrote:

I spoke with Chief Judge Eugene Reese this afternoon about the RFP for the Davis Treatment Center. He wants to meet with us to discuss the DTC and the RFP for the DTC. He desires to meet sooner rather than later. Are you available next Tuesday, January 26, 2016 at noon?



RE: Davis

Parker, Eric <Eric.Parker@MPS.K12.AL.US>

Mon 12/7/2015 9:58 AM

To: BHowell <brucehowell@mc-ala.org>;

Cc: Jim Herring <j_herring@bridgeinc.org>; B Wise <beverlywise@mc-ala.org>; Anita L. Kelly <anita.kelly@alacourt.gov>;

Understood. I'll get on your calendar to set up a meeting. We needed the students to be enrolled to properly transcribe course information (for classes now and when they return back to their home school).

EP

-----Original Message-----

From: Bruce Howell [mailto:BruceHowell@mc-ala.org]

Sent: Monday, December 07, 2015 9:38 AM

To: Parker, Eric <Eric.Parker@MPS.K12.AL.US>

Cc: Jim Herring <j_herring@bridgeinc.org>; Beverly Wise <BeverlyWise@mc-ala.org>; Anita Kelly <Anita.Kelly@alacourt.gov>

Subject: Davis

I am told that we have teachers back at Davis as of Friday. Thank you for facilitating that resolution. I am now told that, Mrs. Johnson has come to the Davis this morning and given each child a memo to carry home that said that every parent must enroll their child at Progressive. We have no knowledge of what is going on. Can we have some type of protocol meeting?

Sent from my iPhone

The MPS Mission: We will engage, educate and inspire our students to succeed in college, career and beyond!

Follow us on Facebook and twitter by signing up from our website www.mps.k12.al.us

This message, and any files transmitted with it, may contain confidential information and is intended only for the individual addressee(s). If you are not the named addressee or if you have received this email by mistake, you should not disseminate, print, distribute or copy this e-mail. If you have received this email by mistake, please notify the sender immediately and delete this e-mail from your system.



RE: Team Meeting Scheduled 8.29.16

Brooks, Felicia <Felicia.Brooks@dhr.alabama.gov>

Thu 8/25/2016 1:56 PM

To: Anita L. Kelly <anita.kelly@alacourt.gov>; Calvin Williams <Calvin.Williams@alacourt.gov>; Bob Bailey <bob.bailey@alacourt.gov>; Smith, Karen <Karen.Smith@dhr.alabama.gov>; Casteel, Jan <Jan.Casteel@dhr.alabama.gov>; Angela Starr <angela.starr@alacourt.gov>; 'fmorganlaw@msn.com' <fmorganlaw@msn.com>; Michael Holton <gholtonattorney@gmail.com>; Elka Graham <elka.graham@alacourt.gov>; Vicky U. Toles (vickytoles@aol.com) (vickytoles@aol.com) <vickytoles@aol.com>; Ficquette, Sharon <Sharon.Ficquette@dhr.alabama.gov>; Eugene Reese <eugene.reese@alacourt.gov>;

1 attachments (509 KB)

Order of Shelter Care Aug 24, 2016.pdf;

Good afternoon,

I had an opportunity to discuss the proposed Order of Shelter Care with Referee Toles which was a very good suggestion by Judge Kelly. Referee Toles provided additional insight into what she may order in cases and based upon this discussion, I have included some other check box options and streamlined the order. The AOC Orders online are a useful guide, but most counties modify the orders in some way to fit the needs of that county as we have done here.

Thanks so much for your time and your valuable input.

Best regards,

Felicia M. Brooks
Deputy Attorney General
Alabama Dept. of Human Resources
Legal Office
Tel: (334) 242-9330

From: Brooks, Felicia
Sent: Friday, August 12, 2016 8:54 AM
To: 'Anita L. Kelly'; Calvin Williams; Bob Bailey; Smith, Karen; Casteel, Jan; Angela Starr; 'fmorganlaw@msn.com'; Michael Holton; Elka Graham
Subject: RE: Meeting



Good morning,

Attached is a proposed Order of Shelter Care using the sample AOC JU-24 form which has been modified. I have also attached the AOC JU-24 form from the AOC website. We discussed the

abbreviated version at the last meeting. The proposed order includes additional language for out of state travel and medical treatment that counties have adopted as well as the relative resource information requirement.

We look forward to further collaboration at our next and would like to revisit a couple of suggestions that we discussed before: serving parents for future hearings when they are in court, setting the adjudicatory hearings within 60 days or less, and to discuss if there was a means for the dependency cases to have a priority in case settings over cases that do not involve abuse or neglect of a child.

We appreciate Judge Kelly moving us forward for the next meeting.

Best regards,

Felicia M. Brooks
Deputy Attorney General
Alabama Dept. of Human Resources
Legal Office
Tel: (334) 242-9330

From: Anita L. Kelly [<mailto:anita.kelly@alacourt.gov>]

Sent: Thursday, August 11, 2016 3:54 PM

To: Calvin Williams; Bob Bailey; Smith, Karen; Casteel, Jan; Angela Starr; 'fmorganlaw@msn.com'; Michael Holton; Brooks, Felicia; Elka Graham

Subject: RE: Meeting

For those who are unable to participate in person at our meetings, please be advised that we will attempt to plug you in via telephone if you so desire. Thanks.

From: Anita L. Kelly

Sent: Thursday, August 11, 2016 8:33 AM

To: Calvin Williams <Calvin.Williams@alacourt.gov>; Bob Bailey <bob.bailey@alacourt.gov>;

'karen.smith@dhr.alabama.gov' <karen.smith@dhr.alabama.gov>; Casteel, Jan

(Jan.Casteel@dhr.alabama.gov) <Jan.Casteel@dhr.alabama.gov>; Angela Starr

<angela.starr@alacourt.gov>; 'fmorganlaw@msn.com' <fmorganlaw@msn.com>; 'Michael Holton'

<gholtonattorney@gmail.com>; 'felicia.brooks@dhr.alabama.gov' <felicia.brooks@dhr.alabama.gov>;

Elka Graham <elka.graham@alacourt.gov>

Subject: Meeting

Importance: High

Judge Williams, Karen Smith and Jan Casteel are unavailable to meet on August 12th. Judge Williams is out of the office for the next two weeks and will return to the office on August 29th. (Thank you Judge Williams for your service.) Let's plan to meet at lunch on August 29th in my courtroom. Henceforth, please plan to meet at lunch on the fourth Friday of each month. Also, Ms. Brooks, please forward to all the proposed orders that you retrieved from AOC and elsewhere. Thanks for your assistance.

RE: Office Saturday

Anita L. Kelly

Fri 8/12/2016 4:59 PM

To: Angela Starr <angela.starr@alacourt.gov>;

Importance: High

See you around that time. Will also sign the referee's basket. Thanks.

From: Angela Starr
Sent: Friday, August 12, 2016 4:58 PM
To: Anita L. Kelly <anita.kelly@alacourt.gov>
Subject: RE: Office Saturday

4:00

From: Anita L. Kelly
Sent: Friday, August 12, 2016 4:56 PM
To: Angela Starr <angela.starr@alacourt.gov>
Subject: RE: Office Saturday
Importance: High

I want to discuss several things with you. What time is good for me to meet you Sunday?

From: Angela Starr
Sent: Friday, August 12, 2016 4:26 PM
To: Anita L. Kelly <anita.kelly@alacourt.gov>
Subject: RE: Office Saturday

I won't be over until Sunday afternoon, but I plan to work on an order tonight regarding the motion to AAorV in the [REDACTED] case. After reading the caselaw DHR provided and the administrative research I reviewed yesterday, I do think you should amend the order to say that pursuant to your authority under the administrative code section, that you recommend that the [REDACTED] ISP be changed to include an alternative form of transportation for the mother, aside from a bus voucher, if this would help the mother. I believe the key is that a judge can recommend options to the ISP, you just can't say which option you, personally, want the ISP team to choose. But, certainly, with a judicial recommendation for something to be in a family's ISP, it should be enough to sway the GAL and parents' attorneys to get a majority vote to change any existing ISP

From: Anita L. Kelly
Sent: Friday, August 12, 2016 3:33 PM
To: Angela Starr <angela.starr@alacourt.gov>
Subject: Office Saturday



Are you in the office this weekend? Intended to come over today, but still working on DR cases. Thanks.

RE: Additional Days

Angela Starr

Mon 8/15/2016 11:30 AM

Inbox

To: Anita L. Kelly <anita.kelly@alacourt.gov>;

I think the days would work. The only obstacle will be for the few attorneys that we have who do criminal defense who may have to appear downtown for criminal trials. As long as they are not first on the trial docket, I don't see these days being a problem. There is probably more flexibility to move a case on the DR trial docket to later in the week.

From: Anita L. Kelly

Sent: Monday, August 15, 2016 11:18 AM

To: Angela Starr <angela.starr@alacourt.gov>

Subject: Additional Days

Importance: High

I gave further thought to our conversation yesterday regarding my juvenile calendar/schedule. At present, what I would like to do is to schedule hearings every other Monday. Hopefully, there will not be a conflict with other judges. If this is doable, I would like these hearings scheduled on the 2nd and 4th Monday of each week effective January 2017.

Please share your thoughts with me.



Motions

Anita L. Kelly

Mon 6/22/2015 6:31 PM

To: Angela Starr <angela.starr@alacourt.gov>;

Importance: High

AS:

Let's talk about pending motions and the like. Just signed an order in the [REDACTED] case. The motion was filed in December. It was a routine matter that should not have involved delay.

When do you intend to hire new staff? I understand that you are busy, but we really need to address this problem.

Thanks for what you do.

JK



RE: Referee

Calvin Williams

Thu 6/25/2015 12:04 PM

Inbox

To: Anita L. Kelly <anita.kelly@alacourt.gov>; Eugene Reese <eugene.reese@alacourt.gov>;

Cc: Rich Hobson <Rich.Hobson@alacourt.gov>; Bob Bailey <bob.bailey@alacourt.gov>; Vicky U. Toles (vickytoles@aol.com) <vickytoles@aol.com>;

Thank you and I fully concur!

From: Anita L. Kelly

Sent: Thursday, June 25, 2015 9:28 AM

To: Eugene Reese

Cc: Rich Hobson; Calvin Williams; Bob Bailey; Vicky U. Toles (vickytoles@aol.com)

Subject: Referee

Importance: High

After consulting with the family court judges and Referee Toles, talking with other candidates (5) and further discussions with Dr. Rich Hobson, I am pleased to announce that Kathleen Brown has accepted our offer to serve as Referee for the Child Support Unit for Montgomery County, Alabama. Attorney Brown will assume her duties effective July 1, 2015.



03-JU-2016-000216.02 - MOTION - Alter or Amend

Angela Starr

Mon 12/19/2016 9:31 AM

To: Anita L. Kelly <anita.kelly@alacourt.gov>;

1 attachments (122 KB)

37ade207-1d2b-4073-882b-79465ffc718e.pdf;

Judge, the attached motion was filed by DHR on December 16 in the [REDACTED] TPR matters. The TPR petitions are set for Wednesday, December 21; again, the attached motion to amend/continue was filed December 16. I want to provide some historical background before you rule on the motion.

First, DHR filed the petitions on June 15, 2016. The clerk's office set the cases on July 22 and notified all parties on said date. The petitions alleged that the fathers of the children were unknown, or [REDACTED] (no establishment of paternity). I don't see any motion filed by DHR for publication on the unknown fathers. That is their fault, but that's no reason to continue the matter. If anything, the TPR could be denied because no notice was made on the unknown fathers. I am convinced that DHR will say that they kept trying to serve [REDACTED] at different addresses. Once the first address failed, and you believed [REDACTED] was in Montgomery, why not do a publication? After all, the case was set in July, allowing plenty of time to make the publication happen. A publication was probably logical in that [REDACTED] sounds like a common name. Instead, DHR just kept trying for personal service.

Second, the attached motion requests a continuance because allegedly, the mother stated that the father of [REDACTED] is [REDACTED] and now, DHR wants to conduct a paternity test. Well, Mr. [REDACTED] is allegedly the father of 1 child. There is no mention of when DHR obtained this information, and why they have failed to conduct a test 5 days before the termination hearing. Even more, there is no accompanying motion for paternity. To be fair, the attached motion does say DHR will file a motion for paternity testing, but why not file it on December 16?

Third, the mother's attorney, [REDACTED] has filed a notice to the court saying that she has no objection to the continuance motion. Not sure why? If the mother recently stated that [REDACTED] was the father of 1 of the children, then it sounds like personal contact was had with the mother, either at an ISP, or some other setting. I guess it could have been over the telephone, but why make that representation if it was over the telephone. It just seems like personal service could have been made with the mother by means other than certified mail. Why doesn't the mother's attorney say when she last had contact with her?

Fourth, where are the father's attorney? Remember that the initial petition said that the father of all the children was [REDACTED]. So, 1 attorney, Kynesha Adams-Jones, was appointed. I am unsure if she has been working to identify or find [REDACTED] although she has filed 2 interim fee declarations since June. At any rate, now we have a situation with the fathers...do we keep Attorney Adams-Jones

EXHIBIT

21

for [REDACTED] and [REDACTED] Probably not. Do we keep her just for unknown fathers, not identifying either [REDACTED] or [REDACTED]? A possibility.

Finally, this is yet another continuance in a TPR case that may ultimately have to be reset. Your juvenile docket simply cannot accommodate shifting more cases. I humbly ask that some testimony take place on December 21.

Angela

2/3/2017

Gmail - FW: Letter from Chief Justice Moore to Governor Bentley

FW: Letter from Chief Justice Moore to Governor Bentley

1 message

Anita L. Kelly <anita.kelly@alacourt.gov>

Fri, Feb 3, 2017 at 3:01 PM

To: "jmenglehart@gmail.com" <jmenglehart@gmail.com>, "hlgillis@meansgillislaw.com" <hlgillis@meansgillislaw.com>

From: Rich Hobson

Sent: Wednesday, February 13, 2013 9:21 AM

To: Circuit Judges <CircuitJudges@alacourt.gov>; District Judges <DistrictJudges@alacourt.gov>; Juvenile Judges <JuvenileJudges@alacourt.gov>; Circuit Clerks <CircuitClerks@alacourt.gov>

Subject: Letter from Chief Justice Moore to Governor Bentley

Attached is a response from Chief Justice Roy Moore to the Governor following the Governor's State of the State Address. The collapse of the Judicial Administration Fund (which is bringing in \$12 million per year instead of the projected \$25 million) plus the additional cost associated with unfunded mandates, reduces FY 2014 to a critical level. We have met with Legislative leaders and the Governor's Office alerting them to this pending crisis and we will keep you informed of new developments.

Thank you,

RICH HOESON

ADMINISTRATIVE OFFICE OF COURTS

300 DEXTER AVENUE

MONTGOMERY, ALABAMA 36104

334 954-5080

334 954-2105 FAX

 CJMoore2 8 13.pdf
191K





SUPREME COURT OF ALABAMA
JUDICIAL BUILDING
300 DEXTER AVENUE
MONTGOMERY, ALABAMA 36104-3741
(334)229-0700

CHIEF JUSTICE
ROY S. MOORE, OF GALLANT

ASSOCIATE JUSTICES
LYN STUART, OF BAY MINETTE
MICHAEL F. BOLIN, OF BIRMINGHAM
TOM PARKER, OF MONTGOMERY
GLENN MURDOCK, OF BIRMINGHAM
GREG SHAW, OF MONTGOMERY
JAMES ALLEN MAIN, OF MONTGOMERY
A. KELLI WISE, OF PRATTVILLE
TOMMY ELLAS BRYAN, OF BRANTLEY

February 8, 2013

Hon. Robert Bentley
Governor of Alabama
State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130

Dear Governor Bentley:

Pursuant to my duties under the Alabama Constitution as the Chief Administrator of the Judicial Branch of the State of Alabama, I wish to address your proposed Executive Budget for Fiscal Year 2014, particularly in light of the budget cuts and loss of employees under which the Judicial Branch is currently operating.

First, please understand that the Unified Judicial System is suffering a severe budget crisis. A \$25 million cut to the judicial general fund budget in FY 2013 was premised on the projected compensation from the Judicial Administrative Fund created by Alabama Act No. 2012-535, codified as § 12-19-310, Ala. Code of 1975. But that Fund to-date has generated less than \$5 million during FY 2013. By our projection the Fund will generate only \$12 million in FY 2013, leaving a \$13 million shortfall in the judicial budget going into FY 2014.

In addition to the severe under-performance of the Judicial Administrative Fund, the Judiciary in FY 2014 will be incurring over \$6 million in mandated costs, primarily because of increased employee health insurance costs due to the Patient Protection and Affordable Care Act ("ObamaCare"). When these costs are combined with the revenue shortfall from the Judicial Administrative Fund, the Judicial Branch will be underfunded by at least \$19 million in FY 2014.

Our judges and judicial employees continue to make herculean efforts to maintain the justice system with ever decreasing funds and staff. But a budget such as you have proposed would not only fail to maintain adequate level funding in FY 2014, it would fail to resolve a devastating \$19 million budget loss to the Judicial Branch of government.

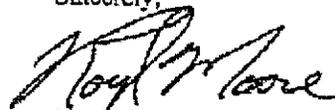
As you know, the Constitution of Alabama, Article VI, § 149, requires that the Judicial System be provided with "[a]dequate and reasonable financing." Since 2000, when I was first elected into office as Chief Justice, the Judicial Budget has been repeatedly slashed and we have suffered a net loss of 182 employees. Judges and clerks around the State are struggling with up to 50% staffing cuts because of lack of funding. Despite the constitutional requirement of adequate funding, since 2000 our portion of the General Fund has shrunk from 11.32% to 5.91%, i.e., \$137.4 million to \$98.9 million—a 28.09% reduction. On the other hand, the Executive Branch, which in 2000 took 85.7% of the General Fund, now mandates 92.09% and has grown by nearly \$500 million—a 48% increase. Additional decreases in judicial funding will inevitably cause additional employee cuts which the Judiciary simply cannot sustain.

It is very difficult to explain to the many hardworking and dedicated court employees and officials of this State why your budget proposes more money for new programs and certain employee salary raises, while court employees have not received salary increases since 2008 and may well be faced with losing their jobs. A loss of over \$19 million in funding may force a workforce reduction of 25%. This is neither fair nor prudent and violates the Alabama Constitution's requirement for adequate funding.

We are already doing more with much less. We cannot be cut further. Therefore, I will vigorously take this matter to the Alabama Legislature and the people of this State in this legislative session.

I look forward to working with you as the head of a co-equal branch of government. Your assistance in this matter will be greatly appreciated.

Sincerely,



Roy S. Moore
Chief Justice
Alabama Supreme Court

cc: Rich Hobson, Admin. Dir. of Courts ✓
Judge Glenn Thompson, Pres., Circuit Judges Ass'n of Ala.
Judge Dave Jordan, Pres., District Judges Ass'n of Alabama
Bobby Cowart, Pres., Circuit Clerks Ass'n of Alabama
Judge William Thompson, Presiding Judge, Court of Civil Appeals
Judge Mary Windom, Presiding Judge, Court of Criminal Appeals
Tim Lewis, Law Librarian
Sen. Arthur Orr
Sen. Cam Ward
Rep. Steve Clouse
Rep. Paul DeMarco

2/3/2017

Gmail - FW: 2016 UJS budget

FW: 2016 UJS budget

1 message

Anita L. Kelly <anita.kelly@alacourt.gov>

Fri, Feb 3, 2017 at 2:54 PM

To: "jmenglehart@gmail.com" <jmenglehart@gmail.com>, "hlgillis@meansgillislaw.com" <hlgillis@meansgillislaw.com>

From: Rich Hobson

Sent: Thursday, April 02, 2015 5:14 PM

To: Circuit Judges <CircuitJudges@alacourt.gov>; District Judges <DistrictJudges@alacourt.gov>; Circuit Clerks <CircuitClerks@alacourt.gov>

Cc: Bob Bradford <bob.bradford@alacourt.gov>; Win Johnson <win.johnson@alacourt.gov>; Leslie Jacques <leslie.jacques@alacourt.gov>

Subject: 2016 UJS budget

Judges and Circuit Clerks,

Please see the attached memorandum regarding the 2016 UJS budget.

Thank you,

RICH HOBSON

ADMINISTRATIVE OFFICE OF COURTS

300 DEXTER AVENUE

MONTGOMERY, ALABAMA 36104

334-954-5080

334-954-2105 FAX

2 attachments

UJSbudget4.2.15.pdf
558K

Committeelists2015.pdf
853K

ADMINISTRATIVE OFFICE OF COURTS
300 Dexter Avenue
Montgomery, Alabama 36104-3741
(334) 954-5000

Roy S. Moore,
Chief Justice

Robert Lee,
Administrative Director of Courts

MEMORANDUM

TO: Circuit Judges
District Judges
Circuit Clerks
District Clerk

FROM: Rich Hobson *RH*

DATE: April 2, 2015

RE: 2016 Budget

As you may have heard, Sen. Orr presented the first draft budget for FY2016 yesterday with the Unified Judicial System receiving a 19.32%, or \$17,843,441 reduction from the current year's budget. Obviously our Branch cannot absorb that, or any other cut.

The Legislature has asked us what would be the effect of these cuts. Without any further cuts, the Judicial Branch of Government is already critically understaffed by over 300 people from previous budget cuts in 2011 and 2012, from which we never recovered. Promotions in our Branch have been frozen since 2008, while agencies in the other branches have been, and are, receiving promotions and merit raises.

Further cuts would be unmanageable. Our budget is 85% personnel, so cuts would have to come from layoffs. Any further reduction in staff will result in massive delays to the public and businesses as they attempt to conduct business in the courts. Additionally, contributions to the general fund will significantly decrease. The Judicial Branch of Government makes up only .67% of the State's entire budget, yet we are constitutionally tasked with providing an equitable and efficient court system for the citizens we serve. The Constitution provides that our branch will be adequately and reasonably funded!

I encourage you to contact your representatives and senators, especially those who serve on the House Ways and Means Committee (General Fund) and the Senate Finance and Taxation Committee (General Fund) to let them know that the Unified Judicial System cannot withstand additional cuts. The respective Committee lists are attached. We are working on fact sheets for you to be able to use as talking points.

Thank you for your continued service.

Attachment

c: The Honorable Roy S. Moore, Chief Justice

2/3/2017

Gmail - FW: UJS Budget facts

FW: UJS Budget facts

1 message

Anita L. Kelly <anita.kelly@alacourt.gov>

Fri, Feb 3, 2017 at 2:52 PM

To: "jmenglehart@gmail.com" <jmenglehart@gmail.com>, "hgillis@meansgillislaw.com" <hgillis@meansgillislaw.com>

From: Rich Hobson [mailto:Rich.Hobson@alacourt.gov]

Sent: Friday, April 24, 2015 4:02 PM

To: Circuit Judges <CircuitJudges@alacourt.gov>; District Judges <DistrictJudges@alacourt.gov>; Circuit Clerks <CircuitClerks@alacourt.gov>

Subject: UJS Budget facts

Judges and Circuit Clerks,

As the Alabama Legislature continues to have budget discussions, I wanted to provide you with talking points as you contact your senators and representatives. The bottom line is that our Branch cannot handle cuts of any kind and the 19% cut that has been proposed by Rep. Steve Clouse and Sen. Arthur Orr would be disastrous.

We continue to make our case that we are a constitutional function of government and must be funded. Thank you for your efforts toward the goal of adequate funding.

If you have any questions, please do not hesitate to contact me at 334-954-6080.

RICH HOBSON

ADMINISTRATIVE OFFICE OF COURTS

300 DEXTER AVENUE

MONTGOMERY, ALABAMA 36104

334-954-5000

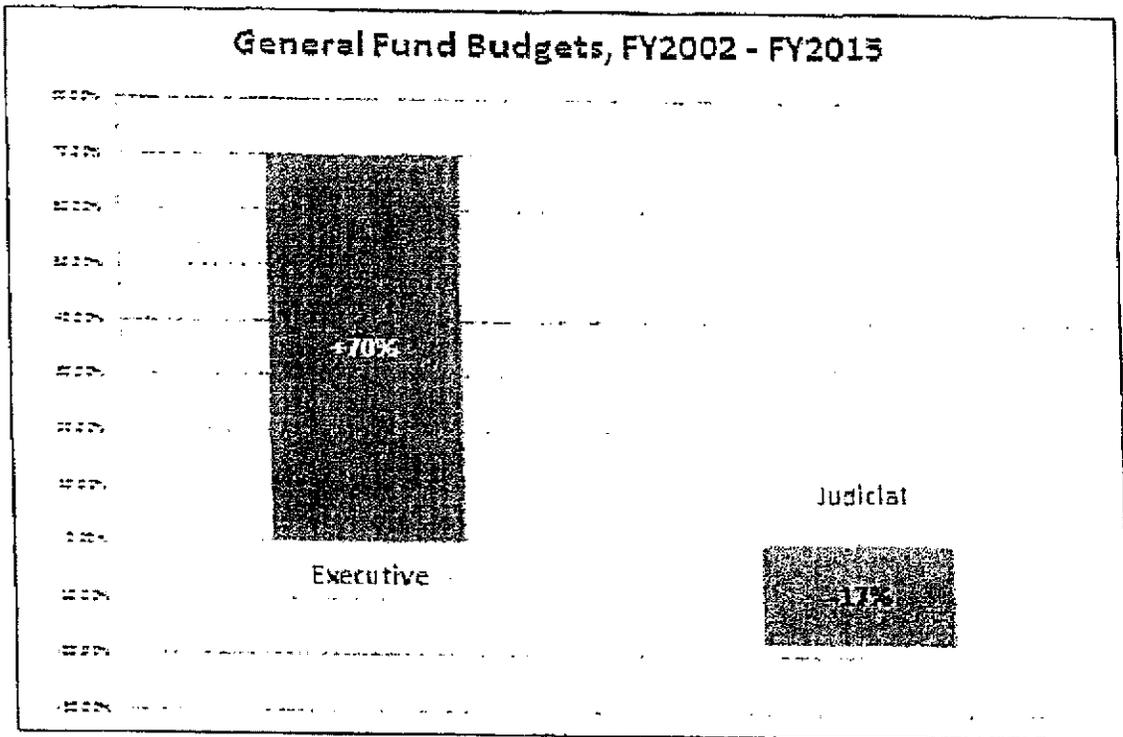
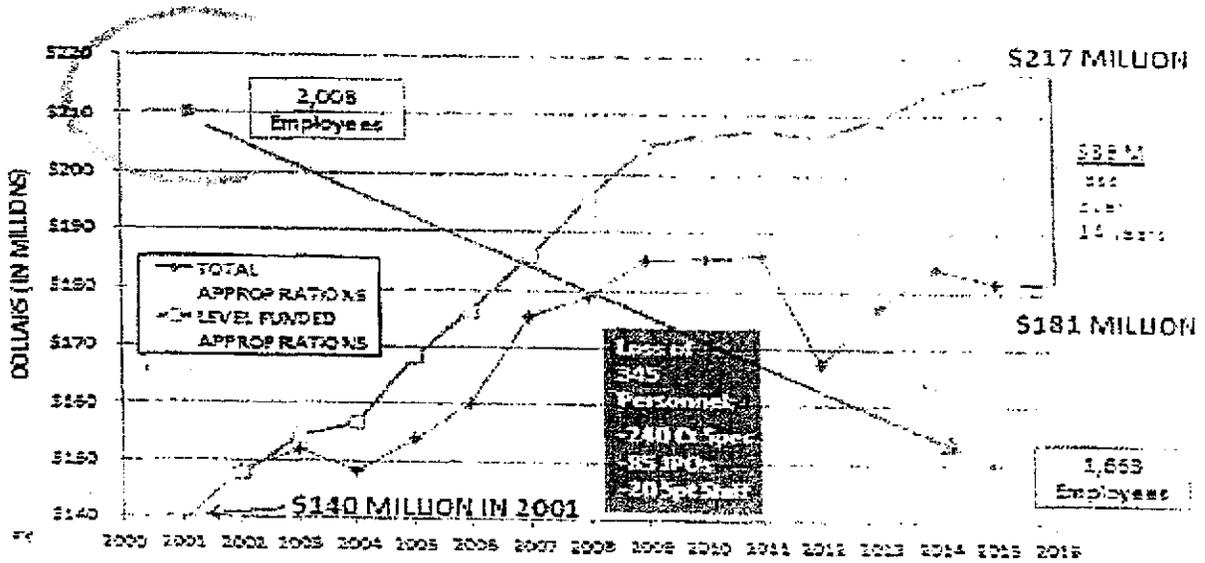
334-954-2105 FAX

 FY16UJSbudgetbullet4.24.15.docx

Unified Judicial System
Budget Facts

- The Unified Judicial System continues to receive inadequate funding. FY2015 is \$56 million less than our 2002 General Fund appropriation.
- FY16 requested General Fund Budget: \$135,746,067
- FY15 current General Fund Budget: \$ 92,832,172
- FY 16 proposed General Fund Budget: \$ 74,988,731
- The proposed cut of 19% would result in \$27 million less than our current fiscal year appropriation (includes mandates of \$10 million). These cuts could not be sustained by the Trial Courts and would result in layoffs of over 600 individuals, out of 845 eligible to be laid-off.
- Promotions have not been given since 2008 in the Unified Judicial System (the Executive Branch never stopped).
- Merit Raises are currently frozen in the UJS (the Executive Branch is paying merit raises).
- Results of inadequate funding:
 - Circuit Clerk's Offices will be closed for two-three days per week;
 - Delays in court action, criminals awaiting trial – more crime;
 - Criminals left in jails, already overcrowded, awaiting trial--more costs for counties and the state;
 - Suspension of civil jury trials;
 - Longer waiting times (in terms of years) for legal actions;
 - Elimination of Drug Courts, Veterans Courts, & Mental Health Courts;
 - Elimination of truancy programs for juveniles
- In FY 2014 the Courts collected \$490,567, 481
 - \$65.4 million to the General Fund
 - \$73.2 million to Executive Branch agencies
 - \$13.7 million to Victims of Crime
 - \$166.5 million in Child Support disbursed to over 30,000 families
 - \$131.4 million to Businesses & Individuals
- Since FY 2002, Executive Branch funding *increased* by approximately +70% in its portion of the General Fund; Judicial Branch has decreased by -17%

Total UJS Appropriations and Total Employees



2/3/2017

Gmail - FW: 2016 UJS budget, today

FW: 2016 UJS budget, today

1 message

Anita L. Kelly <anita.kelly@alacourt.gov>

Fri, Feb 3, 2017 at 2:50 PM

To: "jmenglehart@gmail.com" <jmenglehart@gmail.com>, "hgillis@meansgillislaw.com" <hgillis@meansgillislaw.com>

From: Rich Hobson [mailto:Rich.Hobson@alacourt.gov]

Sent: Thursday, May 14, 2015 3:02 PM

To: Circuit Judges <CircuitJudges@alacourt.gov>; District Judges <DistrictJudges@alacourt.gov>; Circuit Clerks <CircuitClerks@alacourt.gov>

Cc: Bob Bradford <bob.bradford@alacourt.gov>; Win Johnson <win.johnson@alacourt.gov>; Leslie Jacques <leslie.jacques@alacourt.gov>

Subject: 2016 UJS budget, today

Judges, Circuit Clerks and District Clerk,

Please see the attached memo concerning the 2016 UJS budget.

Thank you,

RICH HOBSON

ADMINISTRATIVE OFFICE OF COURTS

300 DEXTER AVENUE

MONTGOMERY, ALABAMA 36104

334/954-5080

334/954-2105 FAX

2 attachments

 UJSbudget5.14.15.pdf
469K

 w&m5.14.15.pdf
880K

ADMINISTRATIVE OFFICE OF COURTS

300 Dexter Avenue
Montgomery, Alabama 36104-5741
(334) 954-5000

Roy S. Moore
Chief Justice

Rich Hobson
Administrative Director of Courts

MEMORANDUM

TO: Circuit Judges
District Judges
Circuit Clerks
District Clerk

FROM: Rich Hobson 

DATE: May 14, 2015

RE: 2016 Budget, so far

The budget passed out of the House Ways & Means Committee this morning cuts the Unified Judicial System by 15.71% or \$14,507,493 (see attached spreadsheet). With mandated costs and loss of one-time funding, this increases our shortfall to \$24,500,194 from the current fiscal year. The budget will now go to the House floor and then to the Senate Finance and Taxation Committee before it reaches the Senate floor for a vote.

We continue to communicate the message that with cuts of this magnitude, court operations would cease to exist in any recognizable form. The UJS could no longer operate the courts in a manner that will safeguard the rights of our citizens and provide an acceptable level of service. There are already delays due to lay-offs in prior years. Restitution, child support, revenues the courts collect for other state agencies and the State General Fund would be reduced catastrophically.

Thank you for your efforts to contact your legislators to explain our plight. I know that many of you have written letters, made visits with your legislators at home, and has made trips to Montgomery to talk to your legislators. Please continue to help get the message out.

We continue to hope that the crisis in the trial courts can be averted. If you have any questions, please do not hesitate to contact me at 334-954-5000, or Bob Bradford at 334-954-5051.

Attachment

cc: The Honorable Roy S. Moore, Chief Justice
Bob Bradford, AOC Finance Director

Montgomery FC Filings by JID

**# of cases filed in Montgomery County by Family Court Judge during CY
2013-2016**

Division/Judge Assigned	2013	2014	2015	2016	Grand Total
Child Support	3,058	3,132	3,045	2,922	12,157
ANITA KELLY	979	1,165	1,111	1,060	4,315
ASSIGNED JUDGE	1		2	2	5
CALVIN L WILLIAMS	850	875	800	857	3,393
PAUL H. HIEBEL	74				74
ROBERT T R BAILEY	1,144	1,091	1,132	1,003	4,370
Domestic Relations	2,284	2,318	2,457	2,404	9,463
ANITA KELLY	834	844	909	904	3,491
ASSIGNED JUDGE	3	3	1	1	8
CALVIN L WILLIAMS	694	700	724	693	2,811
ROBERT T R BAILEY	747	766	820	797	3,130
UNKNOWN JUDGE NAME	6	5	3	9	23
Juvenile	2,376	2,068	2,035	1,993	8,477
ADRIAN D JOHNSON			3	1	4
ANITA KELLY	499	370	361	383	1,613
ASSIGNED JUDGE	189	162	72	47	470
BRADY EUTAW MENDHEIM		1	3		4
CALVIN L WILLIAMS	417	361	511	428	1,717
J MATT HORNE			2		2
JIMMY B POOL				1	1
ROBERT T R BAILEY	412	315	356	378	1,461
VICKY UNDERWOOD TOLES	850	857	727	760	3,194
WILLIAM G HIGHTOWER		1			1
UNKNOWN JUDGE NAME	9	1			
Grand Total	7,718	7,518	7,537	7,324	30,097



Total number of CS, DR, and JU Court Filings between Fiscal Years 2012 and 2014 by County

County/Jurisdiction	Total Filings by Fiscal Years 2012-2014			
	2012	2013	2014	Grand Total
Autauga	1,461	1,424	1,717	4,602
CS	649	594	730	1,973
DR	573	541	603	1,717
JU	239	289	384	912
Baldwin	4,922	5,407	4,950	15,279
CS	746	949	751	2,446
DR	2,519	2,408	2,417	7,344
JU	1,657	2,050	1,782	5,489
Barbour	780	976	842	2,598
CS	344	578	416	1,338
DR	216	208	231	655
JU	220	190	195	605
Bibb	993	937	833	2,763
CS	349	297	298	944
DR	257	252	226	735
JU	387	388	309	1,084
Blount	1,298	1,150	1,163	3,611
CS	221	134	174	529
DR	535	465	504	1,504
JU	542	551	485	1,578
Bullock	470	461	456	1,387
CS	389	383	392	1,164
DR	55	43	30	128
JU	26	35	34	95
Butler	622	636	596	1,854
CS	324	330	296	950
DR	190	189	183	562
JU	108	117	117	342
Calhoun	3,610	4,039	3,935	11,584
CS	1,142	1,247	1,212	3,601
DR	1,426	1,647	1,549	4,622
JU	1,042	1,145	1,174	3,361
Chambers	968	966	1,009	2,943
CS	334	334	374	1,042
DR	333	278	305	916
JU	301	354	330	985
Cherokee	829	777	844	2,450
CS	172	169	226	567
DR	337	344	348	1,029
JU	320	264	270	854



Total number of CS, DR, and JU Court Filings between Fiscal Years 2012 and 2014 by
County

County/Jurisdiction	Total Filings by Fiscal Years 2012-2014			
	2012	2013	2014	Grand Total
Chilton	1,247	1,237	1,532	4,016
CS	299	379	568	1,246
DR	575	563	653	1,791
JU	373	295	311	979
Choctaw	286	331	322	939
CS	148	162	135	445
DR	106	120	123	349
JU	32	49	64	145
Clarke	847	930	940	2,717
CS	507	539	572	1,618
DR	215	227	193	635
JU	125	164	175	464
Clay	453	432	452	1,337
CS	184	152	148	484
DR	168	164	177	509
JU	101	116	127	344
Cleburne	526	514	465	1,505
CS	121	176	81	378
DR	245	223	243	711
JU	160	115	141	416
Coffee	1,192	1,248	1,235	3,675
CS	293	328	352	973
DR	554	548	579	1,681
JU	345	372	304	1,021
Colbert	1,569	1,616	1,748	4,933
CS	412	385	469	1,266
DR	846	776	771	2,393
JU	311	455	508	1,274
Conecuh	443	410	495	1,348
CS	210	218	324	752
DR	150	129	125	404
JU	83	63	46	192
Coosa	192	200	217	609
CS	41	48	55	144
DR	65	63	66	194
JU	86	89	96	271
Covington	1,326	1,199	1,303	3,828
CS	357	377	440	1,174
DR	653	548	565	1,766
JU	316	274	298	888

Total number of CS, DR, and JU Court Filings between Fiscal Years 2012 and 2014 by
County

County/Jurisdiction	Total Filings by Fiscal Years 2012-2014			
	2012	2013	2014	Grand Total
Crenshaw	442	443	484	1,369
CS	129	148	163	440
DR	191	181	199	571
JU	122	114	122	358
Cullman	2,874	2,402	2,489	7,765
CS	349	350	367	1,066
DR	1,392	1,248	1,229	3,869
JU	1,133	804	893	2,830
Dale	2,324	1,938	1,936	6,198
CS	796	743	696	2,235
DR	1,025	813	738	2,576
JU	503	382	502	1,387
Dallas	1,560	1,614	1,987	5,161
CS	705	851	1,122	2,678
DR	300	276	327	903
JU	555	487	538	1,580
DeKalb	1,707	1,593	1,629	4,929
CS	335	280	327	942
DR	833	744	759	2,336
JU	539	569	543	1,651
Elmore	2,095	2,209	2,358	6,662
CS	564	639	728	1,931
DR	833	822	905	2,560
JU	698	748	725	2,171
Escambia	1,218	1,410	1,363	3,991
CS	441	517	469	1,427
DR	399	342	416	1,157
JU	378	551	478	1,407
Etowah	3,142	2,892	3,130	9,164
CS	633	596	745	1,974
DR	1,554	1,489	1,396	4,439
JU	955	807	989	2,751
Fayette	546	533	582	1,661
CS	171	156	198	525
DR	216	194	228	638
JU	159	183	156	498
Franklin	982	880	825	2,687
CS	179	171	89	439
DR	425	305	305	1,035
JU	378	404	431	1,213
Geneva	1,270	1,103	1,180	3,553
CS	322	281	376	979
DR	468	386	391	1,245
JU	480	436	413	1,329

Total number of CS, DR, and JU Court Filings between Fiscal Years 2012 and 2014 by County

County/Jurisdiction	Total Filings by Fiscal Years 2012-2014			
	2012	2013	2014	Grand Total
Greene	308	344	360	1,012
CS	168	200	170	538
DR	36	32	46	114
JU	104	112	144	360
Hale	542	647	580	1,769
CS	310	386	347	1,043
DR	81	88	85	254
JU	151	173	148	472
Henry	599	535	463	1,597
CS	209	204	173	586
DR	175	164	154	493
JU	215	167	136	518
Houston	3,817	4,103	3,559	11,479
CS	1,196	1,353	1,187	3,736
DR	1,406	1,420	1,268	4,094
JU	1,215	1,330	1,104	3,649
Jackson	1,855	1,773	1,559	5,187
CS	462	425	337	1,224
DR	799	749	708	2,256
JU	594	599	514	1,707
Jefferson	18,346	17,225	15,963	51,534
CS	6,974	6,412	5,666	19,052
DR	5,804	5,522	5,380	16,706
JU	5,568	5,291	4,917	15,776
Lamar	425	468	439	1,332
CS	142	168	191	501
DR	184	166	155	505
JU	99	134	93	326
Lauderdale	2,724	3,227	3,000	8,951
CS	574	864	772	2,210
DR	1,219	1,136	1,076	3,431
JU	931	1,227	1,152	3,310
Lawrence	957	852	830	2,639
CS	221	229	190	640
DR	448	347	327	1,122
JU	288	276	313	877
Lee	3,087	3,221	3,247	9,555
CS	919	1,136	1,300	3,355
DR	922	897	896	2,715
JU	1,246	1,188	1,051	3,485
Limestone	1,696	1,833	1,983	5,512
CS	285	454	487	1,226
DR	991	971	954	2,916
JU	420	408	542	1,370

Total number of CS, DR, and JU Court Filings between Fiscal Years 2012 and 2014 by
County

County/Jurisdiction	Total Filings by Fiscal Years 2012-2014			
	2012	2013	2014	Grand Total
Lowndes	443	510	519	1,472
CS	301	327	385	1,013
DR	89	89	82	260
JU	53	94	52	199
Macon	617	494	391	1,502
CS	325	222	168	715
DR	103	116	96	315
JU	189	156	127	472
Madison	5,738	5,335	5,715	16,788
CS	1,249	1,325	1,403	3,977
DR	2,855	2,562	2,563	7,980
JU	1,634	1,448	1,749	4,831
Marengo	965	868	961	2,794
CS	553	480	582	1,615
DR	202	179	187	568
JU	210	209	192	611
Marion	1,197	1,166	1,102	3,465
CS	338	306	288	932
DR	560	518	559	1,637
JU	299	342	255	896
Marshall	3,226	2,951	2,805	8,982
CS	676	699	670	2,045
DR	1,231	1,120	1,016	3,367
JU	1,319	1,132	1,119	3,570
Mobile	12,822	13,727	12,858	39,407
CS	4,054	5,103	4,861	14,018
DR	4,663	3,946	3,575	12,184
JU	4,105	4,678	4,422	13,205
Monroe	729	722	889	2,340
CS	292	268	464	1,024
DR	269	289	286	844
JU	168	165	139	472
Montgomery	7,491	7,965	7,514	22,970
CS	3,149	3,223	3,031	9,403
DR	2,304	2,337	2,315	6,956
JU	2,038	2,405	2,168	6,611
Morgan	3,678	3,378	3,307	10,363
CS	735	894	833	2,462
DR	1,745	1,446	1,405	4,596
JU	1,198	1,038	1,069	3,305
Perry	574	489	423	1,486
CS	483	418	313	1,214
DR	63	40	54	157
JU	28	31	56	115

Total number of CS, DR, and JU Court Filings between Fiscal Years 2012 and 2014 by
County

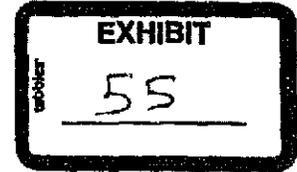
County/Jurisdiction	Total Filings by Fiscal Years 2012-2014			
	2012	2013	2014	Grand Total
Pickens	894	821	738	2,453
CS	432	483	411	1,326
DR	197	159	176	532
JU	265	179	151	595
Pike	959	942	902	2,803
CS	344	394	403	1,141
DR	302	223	227	752
JU	313	325	272	910
Randolph	517	523	510	1,550
CS	122	153	157	432
DR	216	229	211	656
JU	179	141	142	462
Russell	2,203	1,976	2,144	6,323
CS	678	533	709	1,920
DR	691	640	636	1,967
JU	834	803	799	2,436
Shelby	3,819	3,922	3,454	11,095
CS	555	776	623	1,954
DR	1,802	1,638	1,500	4,940
JU	1,462	1,408	1,331	4,201
St. Clair	330	341	328	999
CS	252	327	282	861
DR	876	837	781	2,494
JU	869	932	960	2,761
Sumter	539	409	387	1,335
CS	399	343	329	1,071
DR	64	57	47	168
JU	76	9	11	96
Talladega	2,428	2,323	2,026	6,777
CS	931	793	640	2,364
DR	778	739	638	2,155
JU	719	791	748	2,258
Tallapoosa	1,314	1,438	1,438	4,190
CS	265	288	348	901
DR	433	451	408	1,292
JU	616	699	682	1,997

Total number of CS, DR, and JU Court Filings between Fiscal Years 2012 and 2014 by
County

County/Jurisdiction	Total Filings by Fiscal Years 2012-2014			
	2012	2013	2014	Grand Total
Tuscaloosa	4,899	4,681	4,509	14,089
CS	1,213	1,451	1,351	4,015
DR	2,102	1,889	1,877	5,868
JU	1,584	1,341	1,281	4,206
Walker	2,055	1,785	1,685	5,525
CS	324	347	338	1,009
DR	765	667	668	2,100
JU	966	771	679	2,416
Washington	620	576	580	1,776
CS	306	255	272	833
DR	218	227	216	661
JU	96	94	92	282
Wilcox	395	360	404	1,159
CS	272	273	299	844
DR	68	54	66	188
JU	55	33	39	127
Winston	517	585	528	1,630
CS	161	163	168	492
DR	200	286	224	710
JU	156	136	136	428
Statewide Average Filings	648	642	627	639
CS	573	607	597	593
DR	730	677	662	690
JU	641	644	623	636

Conference Office2

From: Rich Hobson
Sent: Thursday, March 07, 2013 5:16 PM
To: Anita L. Kelly
Subject: Kiwanis Club on March 14th



Judge Kelly,
We're looking forward to your speech at the Good Morning Montgomery Kiwanis Club next week. It's next Thursday, March 14th, at 6:45 a.m. at the Eastside Grill on the Atlanta Highway.

Could you send me a bio for your introduction?

Thanks and please let me know if you have any questions.
Rich Hobson

██████████ cell

From: Rich Hobson
Sent: Monday, February 11, 2013 6:18 PM
To: Anita L. Kelly
Subject: RE: Kiwanis Club in March?

Judge Kelly,
Thanks for saying yes! How about 15 minutes and then some time for questions. My cell is ██████████ in case anything comes up. I'll send you a reminder as the time comes upon us.

Thanks, again
Rich Hobson

From: Anita L. Kelly
Sent: Monday, February 11, 2013 4:31 PM
To: Rich Hobson
Subject: RE: Kiwanis Club in March?

Dr. Hobson: Thanks for the invitation. I am happy to accept. Should I plan to speak for 10-15 minutes? JALK

From: Rich Hobson
Sent: Monday, February 11, 2013 3:28 PM
To: Anita L. Kelly
Subject: Kiwanis Club in March?

Judge Kelly,
I attended a Juvenile Detention Alternative Initiative (JDAI) meeting last Friday and heard about Montgomery County's participation as one of four counties in the state taking part in this program. It was pretty impressive.

I also happen to be a member of the Good Morning Montgomery Kiwanis Club and I was wondering if you wouldn't mind speaking to our group on Thursday, March 14th, 2013, about JDAI and other juvenile/family court issues. We're a

very friendly group that meets at 6:45 a.m. at the Eastside Grill on the Atlanta Highway next to Walmart. Our payment is a hearty, delicious breakfast and great applause. Would you be interested in joining us?

Thanks,

RICH HOBSON
ADMINISTRATIVE OFFICE OF COURTS
300 DEXTER AVENUE
MONTGOMERY, ALABAMA 36104
334/954-5080
334/954-2105 FAX

Conference Office2

From: Sarah Ray <sray@ncjfcj.org>
Sent: Wednesday, April 15, 2015 4:21 PM
To: Anita L. Kelly
Subject: Revised Site Visit Report
Attachments: Montgomery Site Report.docx

Hello Judge Kelly,

Attached you will find a revised draft of the site visit report. Please look it over and let me know as soon as possible if you have any other questions or concerns regarding its wording or content. Once you have given your approval, I will remove the draft watermark and send you the final version so that you may distribute it as you see fit.

I will send you a second email later today or tomorrow summarizing last week's call and will include some resources on some of the information you requested. (ie 1 family 1 judge).

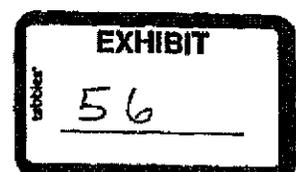
Thank you,

SARAH RAY
Site Manager

NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES

P.O. Box 8970 · Reno, NV · 89507
direct: (775) 784-4829 · main: (775) 784-6012 · fax: (775) 327-5306

www.NCJFCJ.org





Implementation Sites Project Initial Site Visit Report

**Montgomery County Family Court, 15th Judicial Circuit
Montgomery, AL**

Date of Report: March 2, 2015
Lead Judge: Judge Anita Kelly
NCJFCJ Site Manager: Sarah Ray
Date(s) of Site Visit: January 27 - 28, 2015

The goals of this site visit were to:

- Assess current dependency court practice and adherence to Resource Guidelines¹ best practices;
- Meet with key stakeholders to develop relationships and understand their roles and responsibilities;
- Develop a better understanding of the Montgomery County Family Court processes; and
- Inform the court team and stakeholders about the *Implementation Sites Project*.

Purpose of Report

This report outlines the activities and subsequent impressions from the initial site visit to the Montgomery County Family Court, 15th Judicial Circuit in Montgomery, AL as part of the Implementation Sites Project conducted by staff of the National Council of Juvenile and Family Court Judges (NCJFCJ) on January 27-28, 2015. This report is intended solely for use by the lead judge and the stakeholders of the Montgomery Implementation Site to assist in practice improvement efforts consistent with the Resource Guidelines and Key Principles of Permanency Planning² (hereinafter Key Principles). Other uses of this report or substantial modifications to content should first

¹ Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases, (1995), National Council of Juvenile and Family Court Judges, Reno, NV.

² Key Principles for Permanency Planning, Technical Assistance Brief, (July 2011), National Council of Juvenile and Family Court Judges, Reno, NV.

include consultation with the author. This report is presented in the spirit of collaboration and open discussion that includes objective assessment of practice using an evidence-based and strengths-based framework from a national perspective. Accordingly, any recommendations presented in this report could change with additional site-level information or with further research developments in juvenile law and allied fields.

The NCJFCJ has set the Key Principles as the core competencies for all Implementation Sites. The Sites are expected to use recommendations as a result of site visit reports, as well as the assistance and guidance of their Site Manager, to prioritize individual site goals and develop strategies to achieve practice improvement efforts.

Background

The Montgomery, AL Implementation Site was selected July 1, 2014 under the leadership of Judge Anita L. Kelly. The Implementation Sites project was developed by the NCJFCJ to assist judges in becoming statewide leaders in best practices, building strong collaborations, and maintaining continuity in their efforts to improve outcomes for children and families.

Judge Kelly has been a judge with the 15th Judicial Circuit since her election in 2004. Serving with her are Judge Calvin Williams and Judge Robert Bailey. In addition, Referee Vicki Toles works part time overseeing front line matters and most initial dependency hearings. The Montgomery Family Court (hereafter the Court) primarily focuses on two different types of cases that involve minor children: (1) Juvenile Dependency – cases related to the abuse and/or neglect of a minor and (2) Juvenile Delinquency – cases related to violations of criminal law by a minor. In addition, the judges of this Court also oversee cases of divorce, child custody, and domestic relations.

In the Implementation Sites Project application, The Montgomery County Family Court identified decreasing their number of Termination of Parental Rights hearings (TPRs), strengthening their court collaborative team, and improving their overall court practices as their desired outcomes as a result of being a part of the project. Currently, Judge Kelly is working on the creation of both a Child and Parent Handbook for children and families entering the court system.

Site Visit Activities

During the initial site visit, NCJFCJ staff conducted interviews with all three family court judges and the referee, court staff, and many of the stakeholder groups. It was during these interviews that NCJFCJ staff gained a better understanding of the strengths and challenges of the Montgomery County Family Court. Below are some examples of both the strengths and challenges of this court as they pertain to the Key Principles.

1. Stakeholder Interviews

Demonstrate Judicial Leadership & Foster Collaboration

Judges must convene and engage the community in meaningful partnerships to promote the safety, permanency, and well-being of children and to improve system responses. The juvenile court must model and promote collaboration, mutual respect, and accountability among all participants in the child welfare system and the community at large.

Each stakeholder was asked to describe the Court's strengths and challenges from their point of view. A majority of stakeholders reported that Judge Kelly is dedicated to the families and children she serves, and is extremely driven and determined to change the "status quo." The stakeholders appeared open to, and excited by the idea that they can be a part of the change process. Judge Kelly has already begun fostering an environment for change and has proven that she is willing to collaborate with outside agencies by developing relationships with key stakeholders such as the Director of the Department of Human Services (DHR). As previously mentioned, Judge Kelly is working towards the development of handbooks for children and their parents to explain the court process and identify the parties in the courtroom. In addition, Judge Kelly has noted that parents are not always assigned counsel prior to their first hearing. Judge Kelly recognizes that parents should be appointed an attorney immediately prior to the 72 Hour Hearing as recommended in the Resource Guidelines. Judge Kelly informed NCJFCJ staff that she intends to work with the Court's Intake Unit to change their current process, in order to ensure all parents are appointed counsel prior to their first court hearing.

Judge Kelly is currently in the process of identifying and inviting key stakeholders to participate in a judicially-led collaborative team tasked with improving the current court system and practices. Many of the stakeholders informed NCJFCJ staff during interviews that they are genuinely interested in being a part of the Implementation

Sites Project and court improvement team, as they are “eager” to start making changes that will make the Court better for the families and children it serves. The Montgomery County Family Court, and stakeholders NCJFCJ staff spoke with, appear ready, willing, and committed to examining their current system and practices to look for challenges and areas of improvement. Therefore, it is recommended that this judicially-led collaborative reflect the system and include representatives from all of the key institutions and agencies involved in child abuse and neglect cases. When the full range of differing interests are involved in solving a problem or making a decision, the solution is more comprehensive, creative, and systems-focused.³ It is recommended that the Court’s collaborative be divided into two separate groups: the Executive or Steering Committee, and various Subcommittees or Task Force Groups.

The Executive Committee consists of those stakeholders with the formal authority and power to make decisions about changes in practices, policies, structural arrangements, and resources. This group should have regular standing meetings (such as monthly or bimonthly) to examine current practice, identify potential areas of improvement, establish goals, create strategic plans for change, and to monitor progress towards goal achievement.⁴

The Subcommittees are groups formed to address specific issues or initiatives as they arise. The individuals in these groups are usually involved in intensive problem-solving and change efforts, but the scope of the topic is limited. These groups have a very specific focus and are typically time limited. Like the Executive Committee, the subcommittees should also have a representative from each major stakeholder group present. No matter the topic, the solution will be more innovative, comprehensive, systemic, and achievable if a multidisciplinary perspective is taken.⁵ It is also recommended that the Subcommittees contain “front-line” staff. The inclusion of those stakeholders with day-to-day experience of working in the system can share information about current practice, challenges, opportunities, and resources. In addition, front-line staff can ensure that the vision of the collaborative “trickles-down” to those individuals actually carrying the work forward on a daily basis, thus expanding the influence of the collaborative.⁶ Finally, each subcommittee should identify a leader or co-leaders. These leaders will not only guide the subcommittee meetings, but will communicate and share information with the Executive Committee. For additional information on how to build, further develop, and sustain your collaborative team(s), please review the

³ Building a Better Collaboration: Facilitating Change in the Court and Child Welfare System, Technical Assistance Bulletin, Volume VIII, Number 2, (April 2004), National Council of Juvenile and Family Court Judges, Reno, NV, pg.53

⁴ Ibid, pg.59

⁵ Ibid, pg.60

⁶ Ibid, pg.55

Technical Assistance Bulletin Building a Better Collaboration included in your Implementation Site welcome package. NCJFCJ can also provide examples of other collaborative structures if interested.

The role of Lead Judge is critically important to the Implementation Sites project and therefore, the change process as a whole. The Lead Judge cannot do it alone and be successful. Meaningful and sustainable systems change can only occur through concerted collaborative efforts on the part of all system professionals.⁷ Lead Judges are strongly encouraged to include and draw on the experience of existing leaders in the system, to create an environment which allows others to see their own roles in leadership. With shared leadership comes a collaborative approach to problem-solving, engagement amongst the stakeholders when defining the work to be done, and lastly, sustained action in an effort to meet goals. It will be important that Judge Kelly meet regularly with the other judges and referee in order to keep them updated on the activities of the collaborative, as well as to foster input and consensus on system reform efforts that effect court practice. Adopting bench-wide practices allows for consistent implementation of said practices, thus resulting in greater sustainability.

Finally, the Court is strongly encouraged to work closely with the Alabama Administrative Office of the Courts (AOC), and participate in statewide Court Improvement Program (CIP) initiatives. The Alabama CIP is currently working on several statewide initiatives that directly correlate to challenges faced by the Montgomery County Family Court. Some of these initiatives include: amendments to Termination of Parental Rights (TPR) rules in order to expedite these cases, the formation of a subcommittee to address issues raised by the processing of adoptions in Probate and Juvenile court, and quality assurance issues with DHR.⁸ It is recommended that the court include the CIP director in the Executive Committee in order to coordinate efforts and utilize all available resources when addressing these challenges.

2. Court Observation

In addition to stakeholder interviews, staff observed a number of court hearings during the site visit. Below is a brief summary of impressions from the court observations.

⁷ Building a Better Collaboration: Facilitating Change in the Court and Child Welfare System, Technical Assistance Bulletin, Volume VIII, Number 2, (April 2004), National Council of Juvenile and Family Court Judges, Reno, NV, pg.33

⁸ For additional information on Alabama's CIP grants and initiatives, please see <http://www.alacourt.gov/Sections/FamilyCourt/cip.aspx>

Provide Judicial Oversight

Judges must provide fair, equal, effective, and timely justice for children and their families throughout the life of the case, continually measuring the progress toward permanency for children.

Case flow management is a collection of techniques used to reduce litigation delays. Effective case flow management is critical in abuse and neglect cases, as it is necessary to ensure delays in court procedures do not interfere with achieving timely permanency for children. There are several tools discussed in the Resource Guidelines that can be used to achieve successful case management.⁹ One being, the Court must demonstrate an unmistakably strong commitment to timely decisions in child abuse and neglect cases. It must communicate to its own employees, the attorneys practicing before it, and the child welfare agency that timely decisions are a top priority.¹⁰ Court data provided by the AOC indicates that the Court does not produce timely decisions or orders in some cases; TPR cases in particular.

After reviewing provided data and speaking with stakeholders, it appears there are several possible reasons to account for the delay in issuing timely orders. One reason appears to be the scheduling of cases. The dockets in the Montgomery County Family Court are very busy. At this time, each of the three judges only have one half day per week to hear dependency cases. It was reported that this is not nearly enough time to effectively and efficiently manage the dependency caseload. Due to the limited docket space, cases are not being scheduled for an adequate period of time in which to complete the trial. Therefore, hearings such as contested TPRs, which take a significant amount of time to complete, are being continued several times, across a period of several months – even years according to reported data, in order to finish the trial. In an attempt to remedy this situation, Judge Kelly has modified her schedule to accommodate a full day dedicated strictly to dependency cases, in addition to her regular half day. The Court may also want to consider implementing the use of direct calendaring (one family-one judge) and time certain or block calendaring to aid in improving these issues.

⁹ For additional information regarding Case Flow Management tools, see Resource Guidelines, pg.20

¹⁰ Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases, (1995), National Council of Juvenile and Family Court Judges, Reno, NV, pg.20

The same Judge should oversee all cases impacting the care, placement, and custody of a child.

The One Family-One Judge Model (Direct Calendaring) is important because it allows the judge to become thoroughly familiar with the needs of the children and families, the efforts made over time to address those needs, and the complexities of each family's situation. It also allows each judge to control their own docket, which in turn, will only better the experience and outcome for the families and children involved. There was a study completed that evaluated the effects of implementing the one family-one judge model on permanency outcomes in juvenile dependency cases. It found that after implementation of this model, significantly more cases resulted in dismissal than before. In addition, juveniles were 1.7 times more likely to be reunited with their families within 12 months of their removal than before the use this model.¹¹ This long-term perspective identifies patterns of behaviors exhibited over time by all parties involved in a case, preventing a judge from relying too heavily on agency recommendations.¹² It also prevents parties from bringing up previously rejected arguments, and parents from repeating excuses to explain their lack of progress, all of which delays the case, wastes valuable court and stakeholders' time, and forces the child to sit in care longer than necessary. Finally, when a judge has remained involved with a family since the beginning of their case, the length of time required for each subsequent hearing can be significantly lessened, as the judge is already very familiar with the parties and case history. Such knowledge is especially important in matters such as TPR hearings.

It is recommended that the Court examine its current calendaring system in order to study ways in which time certain calendaring can be implemented. The implementation of time certain calendaring can support broader hearing attendance by avoiding scheduling that may require participants to wait for long periods of time for their hearing to commence.¹³ To implement time certain calendaring, and ensure sound case flow management, it is recommended the court set specific and strict time limits for every stage of the court process.¹⁴ Be sure to take into consideration those hearings that are particularly time consuming, such as contested adjudications and TPRs, and schedule a sufficient amount of time in order to prevent continuances and delays. There should be no major interruptions in contested hearings and it should be unusual for a contested hearing not to be completed on the day scheduled or within a few days after.¹⁵ The

¹¹ For additional information on this study, please see: <http://www.journalofjuvjustice.org/fojj0202/article03.htm>

¹² Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases, (1995), National Council of Juvenile and Family Court Judges, Reno, NV, pg.19

¹³ Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases, (1995), National Council of Juvenile and Family Court Judges, Reno, NV.

¹⁴ Please see Resource Guidelines for recommended time allocations for each type of hearing.

¹⁵ Ibid.

court may consider setting aside one day or afternoon per week in order to accommodate emergencies and/or hearings that cannot be completed within their allotted time. NCJFCJ can assist by providing examples of how other courts in the nation have implemented time certain calendaring practices.

To further alleviate the busy dockets, and increase hearing efficiency, it is recommended that the Court require all reports be distributed to parties well in advance of the scheduled hearing. This allows stakeholders time to prepare their cases for hearing, investigate the report statement's, consider agency proposals, as well as propose alternatives. The Court is also encouraged to establish a list of questions and/or issues that will be addressed at each type of hearing. The court should meet with agency representatives to discuss the kind of information desired at each hearing, as well as hearing expectations. This gives the agency the opportunity to include such information in their report, and/or be prepared to address these issues in court. In addition to increasing the efficiency and thoroughness of hearings, this new practice may also improve the timely production of orders. If the agency report/petition is well prepared, and covers the same issues as those that need to be addressed in the court's findings, the court can repeat, modify, or refer to portions of the report in its findings.¹⁶ NCJFCJ recommends that Judge Kelly discuss expectations for court reports with the other judges and referee to come up with suggestions they can share with the DHR director.

Best practice states that orders should be prepared and distributed to all parties at the conclusion of each hearing. The speedy issuing of an order and findings gives parties an immediate, written record of what was decided, what they are expected to do prior to the next hearing, any social services voluntarily accepted, and the date and time of the next hearing.¹⁷ For those cases (such as TPRs) where it may be necessary to take certain issues under advisement in order to complete legal research and writing before issuing a decision, it is recommended that the Court give a verbal statement at the end of the hearing as to how it intends to rule. According to Resource Guidelines, the final order should be issued within 14 days of the close of the hearing. Although this time frame is short, it can be achievable if the judge reserves time on their calendar to write the court's decision at the time the case was set for trial.¹⁸ Finally, ensuring that findings from previous hearings (adjudication, disposition, review, permanency, etc.) are well-written can help accelerate preparation of TPR findings.

¹⁶ Ibid.

¹⁷ Setting the date and time for the next hearing, prior to the conclusion of the current hearing, is another best practice discussed in the Resource Guidelines. Implementing this practice will also assist the Court in implementing/sustaining both direct and time certain calendaring.

¹⁸ Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases, (1995), National Council of Juvenile and Family Court Judges, Reno, NV.

Data provided by the AOC shows that continuances are a regular occurrence in the Montgomery County Family Court, especially when it comes to TPR hearings. Continuances are the primary reason for delays in child welfare proceedings, which needlessly extends a child's time in foster care and postpones the establishment of permanency. A direct correlation has been found between the number of times a case is continued and the time a child's case remains in the court system. The Court is strongly encouraged to establish a firm and effective policy when it comes to continuances. Continuances should be a rare event, and only granted when strong justification is provided, and/or under a specific set of circumstances such as: an attorney or party is ill, an essential witness could not be located, or service of process has not yet been completed.¹⁹ Judges should carefully examine each continuance request, and not be afraid to deny those that are not clearly necessary. When a continuance is granted, best practice states that the reason should be included in the court record. The Court should enact policies that make the granting of a continuance difficult to attain. In addition to achieving timely permanency, a strict no continuance policy can result in significant savings for both the court and the agency. It will also make time certain calendaring easier to achieve and sustain. When cases are set for a specific time, typical waiting times can be less than 20 minutes, with occasional delays up to an hour or more. A reduction in waiting time for agency workers, attorneys, and other parties can result in major reductions in government expenditures.²⁰ Continuances in termination cases drive up court operation costs and counsel fees. They also extend children's time in foster care, thereby driving up foster care payments and agency costs. With fewer continuances, these costs will greatly decline.

Ensure Access to Justice

Children and parents must have the opportunity to be present in court and meaningfully participate in their case planning and in the court process.

It is the policy of the NCJFCJ that children of all ages should be present in court and attend each hearing, mediation, pre-trial conference, and settlement conference unless the judge decides it is not safe or appropriate.²¹ Of the 6 hearings observed while on site, NCJFCJ staff noted the presence of children in only 2 of the cases. In both cases, the children were present in the courthouse, but were not invited into the courtroom until after the hearing was completed. Once the children had the opportunity to meet with the judge, both judges observed did a great job engaging with them. The judges called

¹⁹ Ibid.
²⁰ Ibid.
²¹ Ibid.

the children by their names, spoke directly to them, asked them questions, and gave the children an opportunity to discuss any thoughts or questions they had. A child's presence at each hearing provides the judge with an opportunity to be as fully-informed as possible when making important decisions concerning the child's safety, well-being, and permanency. Therefore, the Court may consider developing a policy and protocol to ensure children have the opportunity to be present for their hearings and when appropriate, tell the court in their own words about their needs, desires, and overall well-being. When children are not present in court, judges should require that the child welfare agency provide an explanation that directly relates to that child's safety and well-being.²²

Recommendations and Next Steps

Upon review of the Site Visit Report, the Site Manager will facilitate a conference call with Judge Kelly to discuss the next steps for the Montgomery County Family Court. The feedback will be integrated into a final report and used for future training topics and technical assistance.

The NCJFCJ makes the following recommendations, and will assist the Court in prioritizing the next steps:

Short-term:

- Consider developing an Executive Committee of key decision makers from each stakeholder group to meet on a monthly basis in order to discuss immediate needs for court reform. It is recommended that your CIP director is invited to be a part of this team. Schedule a strategic planning meeting with NCJFCJ staff to assist collaborative in determining goal priorities.
- Consider developing a system that will allow orders and findings to be distributed at the end of each hearing. For those orders that require certain issues to be taken under advisement, consider providing a verbal statement at the end of the hearing as to how the court intends to rule. Also, consider scheduling time to write orders at the same time a hearing is scheduled. This will aid in producing orders in a timely period of 14 to 30 days.
- Meet with other judges and referees to discuss report and hearing expectations; then share this information, and facilitate a meeting/discussion with DHR director.
- Consider implementing a strict no-continuance policy.
- Consider implementing a new protocol to ensure all parents are appointed counsel prior to their initial hearing.

²² Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases, (1995), National Council of Juvenile and Family Court Judges, Reno, NV.

Long-term (i.e., on-going):

- Consider providing cross-training for stakeholders and service providers on the Enhanced Resource Guidelines to inform all stakeholders of the expectations for hearing practice.
- Consider implementing the One Family-One Judge model (Direct Calendaring) and developing a procedure that would allow the judges to control their own dockets.
- Consider implementing Time Certain Calendaring or a modified version (Block Calendaring) to prevent parties from waiting unnecessarily, lessen the number of continuances, and cut costs of both the Court and DHR. The court may also consider setting aside one day or afternoon per week in order to accommodate emergencies or hearings that could not be completed within their allotted time.
- Consider developing a policy and protocol to ensure children have the opportunity to be present for, and participate in, their hearings.
- Work with the Alabama Court Improvement Program (CIP) Director to coordinate efforts on state initiatives and local court challenges.

Progress Towards Objectives

NCJFCJ staff plan to use this report and its recommendations, in consultation with Judge Kelly, to inform court staff and stakeholders about future action planning. NCJFCJ can provide ongoing technical assistance and communication to assist in interpreting the report and in determining implementation steps, based on these recommendations.

Summary

The NCJFCJ staff presented Judge Kelly, Judge Bailey, Judge Williams, court staff, and stakeholders with an overview of the Implementation Sites project, including roles, responsibilities, and expectations. Judge Kelly, as part of the role of lead judge in the project, is expected to communicate regularly with the assigned Site Manager, demonstrate judicial leadership, and coordinate with and participate in statewide Court Improvement Program (CIP) initiatives. It is also expected that Judge Kelly will communicate regularly with her Executive Committee and together, they will work with NCJFCJ staff to develop a vision and strategic plans with measurable outcomes. Judge Kelly and a team of four court stakeholders can look forward to attending the Implementation Sites All-Sites meeting in March 2015 to receive further training and

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March 2015

technical assistance from the NCJFCJ, as well as form connections with other Implementation Sites court teams.

The Montgomery Implementation Site has a strong judicial leader in Judge Kelly and the Site is well positioned to begin working with NCJFCJ on improving their court system and working towards further implementation of the Resource Guidelines and Key Principles. This Site Visit Report represents the initial assessment of the Montgomery County Family Court and its policies/procedures, and outlines several observations and recommendations for the consideration of Judge Kelly. It is subject to modification and clarification to better assist Judge Kelly's system reform efforts. The NCJFCJ staff stands ready to assist Judge Kelly in fully developing a feasible and thorough action plan to enable the Montgomery Implementation Site's continued success.

Submitted by:

Sarah Ray/sr

Sarah Ray

Site Manager

Juvenile Law Programs

National Council of Juvenile and Family Court Judges

Date: _____

Reviewed by:

Melissa Gueller/mg

Melissa Gueller, MS

Program Director – Child Abuse and Neglect

Juvenile Law Programs

National Council of Juvenile and Family Court Judges

Date: 3/1/15

cc: [Site E-File]

Conference Office2

From: Anita L. Kelly
Sent: Tuesday, March 18, 2014 2:04 PM
To: Angela Starr; Tiffany McCord
Subject: RE: May 7, 2014 JU docket

I failed to also mention that lawyers are also complaining about the heavy dockets. Thanks for your attention to this matter.

From: Anita L. Kelly
Sent: Tuesday, March 18, 2014 1:54 PM
To: Angela Starr; Tiffany McCord
Subject: RE: May 7, 2014 JU docket

I have just looked at my docket for tomorrow. There appears to be four trials set for tomorrow in addition to the other motions, IAs and dispositions. As I previously advised, I believe that too many cases are placed on the docket. This is particularly so, when the court reporter must break down her equipment and be prepared for a dependency docket at 1:30 pm downtown. I hope that things will work out, but in the recent past, we have not heard all of the scheduled cases on the docket. I am disappointed when litigants, parents and witnesses are forced to go home without a hearing/trial. From my vantage point, the public may easily conclude that the dockets are mismanaged.

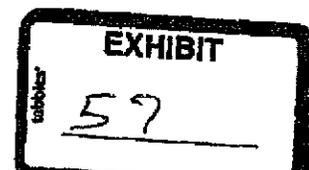
From: Angie Burkhalter
Sent: Tuesday, March 18, 2014 1:07 PM
To: Anita L. Kelly
Subject: May 7, 2014 JU docket

Angela Starr wants to know if you can do an all day dependency docket on May 7, 2014, if she has the Referee handle your delinquency (IA) docket for that day?

Angie M. Burkhalter
Judicial Assistant to Hon. Anita L. Kelly
Montgomery County Circuit Court
Domestic Relations Division
Phone 334/832-1282
Fax 334/832-7143
angie.burkhalter@alacourt.gov

Mailing Address:
Post Office Box 1667
Montgomery, AL 36102

Physical Address:
Montgomery County Courthouse Annex I
0 S. Lawrence St., 3rd Floor
Montgomery, AL 36104



Conference Office2

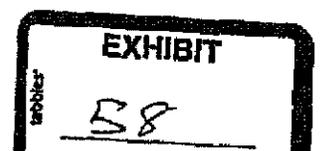
From: Anita L. Kelly
Sent: Monday, March 24, 2014 1:40 PM
To: Tiffany McCord
Subject: Case Assignments in DR

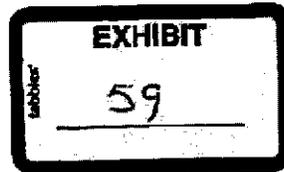
On a routine basis, I am assigned cases that have previously been assigned to my colleagues or their predecessors. I am sure that they also get my cases. Please explain how cases are supposed to be assigned. Seemingly, the current procedure is not working. Please advise of what can be done to either eliminate or minimize this problem.

I am told that this is a computer problem. If this is so, can a process be instituted to check the computer assignments to better ensure the right assignment before the case is sent to one of the current judges?

This matter is important to me as I am of the opinion that we waste judicial resources when the same parties are involved in multiple actions where there are common issues/ background often affecting the present matter. One judge having greater familiarity with the parties/ background is in a better position to efficiently resolve the present matter. Why is it necessary to repeat this process over and over again?

Thanks for your attention to this matter.





ALABAMA RULES OF JUVENILE PROCEDURE Rule 2. Juvenile court judge—Assignment (A) Unless a judicial office is specifically designated by law as a juvenile or family court, the presiding circuit court judge shall designate in writing one or more circuit or district court judges to serve as the juvenile court judge or judges for each county in the circuit. If there are two or more juvenile court judges in a county, one shall be designated as the presiding juvenile court judge. If there is only one juvenile court judge in a county, that judge shall be considered to be the presiding juvenile court judge. The original written designations shall be maintained in the offices of the circuit court clerks. Copies of these designations shall be sent to and maintained at the Administrative Office of Courts. (B) The presiding circuit court judge shall designate in writing one or more circuit court judges or district court judges within the circuit to sit in juvenile court cases in the absence or recusal of one or more juvenile court judges. (C) When a juvenile court judge is a circuit court judge, the juvenile court judge shall have and exercise full jurisdiction and power of the juvenile court and of the circuit court of the State. When a juvenile court judge is a district court judge, the juvenile court judge shall have and exercise full jurisdiction and power of the juvenile court and of the district court of the State. (D) For purposes of these Rules, "juvenile court judge" means a judge who hears juvenile (designated as "JU") and child-support (designated as "CS") cases. [Amended eff. 5-1-94; Amended 7-14-2011, eff. 10-1-2011; Amended 5-1-2014, eff. 7-1-2014.] Comment See Ala.Code 1975, § 12-15-3(a). This rule clarifies the administrative duties of the presiding circuit judge in each circuit in designating a judge or judges to exercise juvenile jurisdiction within the circuit. Sections (A), (B), and (C) of this rule clarify the power of the presiding circuit judge to designate a circuit or district judge as the juvenile judge in any circuit or district. This procedural flexibility is necessary due to inability to predict caseloads of district courts, especially in respect to possible municipal jurisdiction. See Ala.Code 1975, § 12- 17-70, empowering the presiding circuit judge to establish family court divisions. [Comment amended effective 5-1-94.] Comment to Amendment to Rule 2 Effective October 1, 2011 The changes to this rule were mostly technical -- combining some former subsections and redesignating the subsections. The phrase "[u]nless a judicial office is specifically designated by law as a juvenile or family court" was added to what is now subsection (A) because juvenile court judges in some counties are elected to specifically designated family or juvenile court judgeships created by local acts. It is not necessary for the presiding circuit court judges in those counties to designate juvenile court judges. Language was also added to subsection (A) to clarify that a juvenile court judge must be appointed in each county of the circuit and that, if there are two or more juvenile court judges in a county, one of the juvenile court judges is to be designated as the presiding juvenile court judge. Provisions regarding the handling of written designations of juvenile court judges was moved to subsection (B) for the purpose of clarification. Both circuit court judges and district court judges may be designated as juvenile court judges. See Ala. Code 1975, §§ 12-12-34 and 12-15-103(a). Because of the language changes in what is now subsection (A), former subsections (A) and (C) are no longer necessary and have been deleted. Comment to Amendment to Rule 2 Effective July 1, 2014 The changes to Rule 2 were mostly technical. The standard procedure for recusals still should be followed, including situations as set out in Ex parte Jim Walter Homes, Inc., 776 So. 2d 76 (Ala. 2000). Subsection (D) was added to provide a definition for "juvenile court judge" to be used throughout these Rules. Note from the reporter of decisions: The order amending effective October 1, 2011, Rule 1, Rule 2, Rule 3, Rule 5, Rule 6, Rule 8, Rule 9, Rule 12, Rule 13, Rule 14, Rule 15, Rule 15.1, Rule 17, Rule 18, Rule 20, Rule 23, Rule 24, Rule 25, Rule 26, Rule 28, and Rule 31 and adopting effective October 1, 2011, Rule 8.1

and the Comment to Amendment to Rule 1 Effective October 1, 2011; the Comment to Amendment to Rule 2 Effective October 1, 2011; the Comment to Amendment to Rule 3 Effective October 1, 2011; the Comment to Amendment to Rule 5 Effective October 1, 2011; the Comment to Amendment to Rule 6 Effective October 1, 2011; the Comment to Amendment to Rule 8 Effective October 1, 2011; the Comment to Adoption of Rule 8.1 Effective October 1, 2011; the Comment to Amendment to Rule 9 Effective October 1, 2011; the Comment to Amendment to Rule 12 Effective October 1, 2011; the Comment to Amendment to Rule 13 Effective October 1, 2011; the Comment to Amendment to Rule 14 Effective October 1, 2011; the Comment to Amendment to Rule 15 Effective October 1, 2011; the Comment to Amendment to Rule 15.1 Effective October 1, 2011; the Comment to Amendment to Rule 17 Effective October 1, 2011; the Comment to Amendment to Rule 18 Effective October 1, 2011; the Comment to Amendment to Rule 20 Effective October 1, 2011; the Comment to Amendment to Rule 23 Effective October 1, 2011;

Section 12-17-24.1

Family court divisions; implementation plan.

(a) Except as provided in subsection (c), the presiding circuit judge of any judicial circuit may establish by means of a written order, a family court division or divisions of the judicial circuit. The presiding circuit judge shall assign one or more of the existing circuit or district judges to preside in the family court division. The circuit or district court judges assigned to the family court division shall handle all cases and proceedings involving domestic relations, divorces, annulments of marriage, legal separations, custody and support of children, granting and enforcement of alimony, proceedings under any uniform interstate support or custody act, and all other domestic and marital matters over which the circuit courts have jurisdiction, including non-support cases arising in the circuit court under Chapter 3 and Chapter 4, Title 30, as well as other matters within the jurisdiction of the juvenile court. In the event a district judge is assigned, the district judge shall serve as an ex officio circuit judge when handling cases. The presiding circuit judge may assign other relevant cases to the family court division.

(b) The presiding circuit judge of each judicial circuit choosing to establish a family court division shall coordinate with the Administrative Director of Courts in the development of a written implementation plan and shall submit the plan to the Chief Justice of the Alabama Supreme Court for approval. The plan shall become effective no later than 90 days upon approval by the Chief Justice of the Alabama Supreme Court.

(c) This section shall not apply to any circuit which already has a family court structure established by local law, including the Sixth, Seventh, Tenth, Thirteenth, Fifteenth, Twentieth, Twenty-third, and Thirty-seventh Judicial Circuits, unless otherwise provided by local law.

(Acts 1982, No. 82-546, p. 896, §6; Acts 1982, No. 82-676, p. 113, §6; Act 2000-749, p. 1697, §1.)

