

ASSESSING JUVENILE COURT DEPENDENCY RECORDS and the FEASIBILITY
OF ELECTRONIC FILING OF DEPENDENCY PETITIONS:
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

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Michelle Norhausen
Superior Court of California, County of Orange
Juvenile Court

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Abstract

The feasibility of using electronic filing in juvenile dependency cases in the Superior Court of California, County of Orange (OCSC) is examined. Questions included the perceptions and readiness of the stakeholders and court staff pertaining to electronic filing and the elements for a successful implementation.

OCSC's first application of electronic filing project was in complex civil. This project was selected by the Judicial Council of California as the winner of the 2004-2005 Ralph N. Kleps Award for Improvement in Administration of the Courts. A 2007 survey of the OCSC attorney users revealed that 90% of the attorneys prefer to submit their documents by electronic means. Can electronic filing technology be applied to juvenile dependency filings in the OCSC Juvenile Court? The Juvenile Court hears various cases including: juvenile traffic, status offenses, delinquency and dependency. If feasible e-filing in juvenile dependency cases would extend an already attractive solution to more of the court's filing challenges.

There were two methods of research used for this study. First, a study of juvenile files was conducted using CourTools Measure 6: Reliability and Integrity of Case Files. The case study provides insight into how Juvenile Court is doing in the areas of case accessibility, accuracy, and reliability. With this information the court will be prepared for any changes in procedure that need to occur, and the errors that need to be corrected prior to implementation of electronic filing. Second, surveys were sent to court staff and court stakeholders to determine: if there was willingness on their part to use an e-filing application, what attributes were essential to consider for such a system, and which challenges offered the greatest barrier to an eventual implementation.

The findings of the case study showed that record retrieval is extremely efficient and content reliability of the case filings is also maintaining a fairly high accuracy rate. There are a few areas identified in file organization and completeness that will need to be addressed prior to electronic filing implementation but, overall, the CourTool study yielded positive outcomes.

The survey results confirmed that court staff and stakeholders have a keen interest in electronic filing, and that they believe that e-filing of dependency filings is feasible. Despite initial uncertainty, the confidentiality of juvenile records is not a large concern provided there are appropriate and adequate security measures. The readiness of both staff and stakeholders demonstrated a willingness to change the way we do business today.

Report conclusions outline the benefits and the modest challenges with an electronic filing system for Juvenile Court dependency cases. Recommended steps to implementation include: case management process redesign beginning with mapping of existing processes; formal in-house training for staff and stakeholders; redesign the paper flow to accommodate electronic filing; and, as the flow of work settles and comfort with e-filing grows, expansion to other juvenile case types, reports and minute orders.

Introduction

The Superior Court of California, County of Orange is the 5th largest trial court in the nation and 2nd largest trial court in California with over 1700 employees and 143 judicial officers. Juvenile Court is one department within Superior Court with twelve judicial officers. The Juvenile Court hears various cases including: juvenile traffic, status offenses, delinquency and dependency. The focus of this project is on dependency cases.

In the California court system, electronic filing is one service that is becoming more prevalent. In a July 2007 report prepared by the Administrative Office of the Courts Office of Governmental Affairs and Office of Court Research, it was reported that “fourteen courts (26%) indicate that e-filing is offered in one or more case types, and several others have plans to begin making e-filing available.”¹ In Orange County Superior Court, an Attorney Outreach Survey was conducted in October - November 2007 which reported responses from 805 attorneys practicing in Orange County including District Attorney, Public Defender, and private attorneys. A short summary of the court’s survey results found:

“Ninety percent of attorneys are interested in using technology to do court business without coming to court. Two-thirds would prefer to submit court filings over the internet, if possible. Technology was the number one area attorneys indicated the court could improve. Lastly, technology was mentioned most frequently as the area to improve to reach the highest level of performance.”²

One of the main ways to increase accessibility to the courts and improve performance is through the use of electronic filing.

“With the advancement in technology, the way information is provided and exchanged among interested parties, presented in courtrooms, communicated to the public, stored, and archived, is changing. Judicial Administration can and should take advantage of

¹ AOC’s Office of Governmental Affairs and Office of Court Research, July 2007 Report on Electronic Access

² Conversation with Daniel Petras, Analyst, Orange County Superior Court’s Planning & Research Unit. Attorney Outreach Survey, October and November 2007

these new technological ways of doing business to increase its productivity and enhance services to the public.”³

While public accessibility is not a large consideration in juvenile courts because the records are confidential and access to the case documents is restricted, it should not preclude juvenile courts from being part of the technology wave. It is faced with the same issues as other court units: lack of space for storage of records, lack of resources, the necessity for better access to information, and the list goes on.

In Juvenile Court, the filing agency must timely deliver documents to court in order to meet stringent filing and hearing mandates set by statute.⁴ By having the ability to e-file with the court, the agency would no longer need to hand-deliver documents and may realize time and cost savings. Electronic filing can also reduce the number of documents handled by court staff. Court clerks spend time processing paper filings that are delivered to court by the stakeholders and the clerk’s office staff spend enormous amounts of time initializing and prepping the paper filed documents. If electronic filing were implemented, staff could better spend their time downloading the paperwork and placing it in the appropriate case file. Or better still, the documents could be sent direct to image and printed only on demand. The information from the petition (initial filing) could be automatically uploaded into the case management system, significantly reducing case initiation time. Stakeholders could be e-served, significantly reducing the copies that are produced for service. The use of electronic filing would greatly reduce the number of times a document is handled before it is filed, thus, streamlining the

³ Robert Lalonde, “Electronic Filing: Assessing Its Feasibility For Trade Disputes Administered by the NAFTA Secretariat”, May 2006, page 1.

⁴ Welfare and Institutions Code Section 313 states when a minor is taken into custody, such minor shall be released within 48 hours unless within said period of time a petition to declare the minor a dependent child is filed with the court. Welfare and Institutions Code Section 315 states when a child has been taken into custody a detention hearing must take place within 24 hours after a petition to declare the minor a dependent child has been filed with the court.

process and it would provide a method of filing that could reduce costs to the court and to the filing agency.

In this report, we examine the reliability of juvenile dependency court records and the feasibility of implementing electronic filing in Juvenile Court for dependency petitions. We study the reliability and integrity of case files utilizing CourTools Measure 6, developed by the National Center for State Courts. The case study will help to determine areas that may need to be examined further before implementation of electronic filing. We assess perceptions of court stakeholders and staff concerning e-filing of dependency petitions by conducting opinion surveys. The data from the opinion surveys will be evaluated for areas that need to be addressed, such as security of documents, before e-filing begins. The paper aims to provide a greater understanding for implementation of electronic filing by identifying the needs of the stakeholders and staff and an assessment of the dependency records.

The implementation of electronic filing should have significant impact on the quality of services delivered to stakeholders and on the way case administration is carried out. The manner in which juvenile court shares data, transmits documents, and disseminates information should be improved. Some of the potential benefits might include: improving employee performance by re-aligning their responsibilities, having them spend less time on paper processing; facilitating the work of stakeholders by providing a easier, faster method of filing petitions; and enhancing court access to the records by having electronic methods to research and view a case.

The following report describes the results of the reliability and integrity of dependency court records and also describes the expectations and readiness of the court stakeholders who file dependency petitions. The research's main focus is on the issues to be addressed for the successful implementation of electronic filing.

Literature Review

The world of electronic filing opens doors never before imagined and can enhance the business of the court. As the courts try to find ways to expedite the workload, “government agencies increasingly rely on the computer to manage their records”.⁵ Electronic Filing has become an attractive and viable option for courts to enhance access and improve case management. “Legal jurisdictions around the world are motoring down the digital highway and embracing electronic filing as a means to enhance their justice systems.”⁶ “[Electronic filing] lets people get more of their work done with their PCs, to send and receive documents, pay filing fees, notify other parties, receive court notices, and retrieve court information”⁷ To date electronic filing has been implemented primarily in civil courts. However, one does not have to look far to recognize that electronic filing will soon be implemented for every case type. “Efforts are underway to computerize every aspect of case and document management, as well as court filing.”⁸ Have juvenile courts already begun to “join the band wagon”? And if not, why not, and what solutions might help them to do so?

A review of juvenile courts across California indicated that none were found that had e-filing as an official process; however, Sacramento has an agreement with their district attorney’s office to “e-deliver” juvenile delinquency petitions.⁹ Due to lack of information specific to electronic filing in juvenile courts, both across the state and through the nation, the background research for this project focused on studies describing technology for security and authentication.

⁵ James E. Houpt, Access to Electronic Records, 1990 cited in McMurry, Louis J., “Los Angeles County Electronic Filing Increasing Public Access to the Courts”, May 2001, page 10.

⁶ James C. Middlemiss, “The Courts in a Digital World: Building a Canadian Electronic Filing Marketplace”, Feasibility Report: Filing Service Provider Model, September 2002, page 153 cited in LaLonde, Robert, see Note 3 supra, page 14

⁷ James E. McMillan, J. Douglas Walker, and Lawrence P. Webster, A Guidebook for Electronic Court Filing, NCSC, 1998, page 2.

⁸ Robert Lalonde, see Note 3 supra, page 14.

⁹ Phone conversation with Jerry Wong, Delinquency Manager, Sacramento Juvenile Court

When it comes to Juvenile Court applications of electronic filing, it would seem possibly the most paramount issue to satisfy is confidentiality of records and how to protect the information being shared through the data transmission process. The “validation and verification of electronic information is a considerably significant subject for the judicial and legal system”.¹⁰ A major source of background information is an article by James E. McMillan, Principle Court Technology Consultant for National Center for State Courts, entitled *Verification, Validation, and Authentication of Electronic Documents in Courts*. McMillan’s paper contains particularly valuable information for juvenile courts considering electronic filing, since juvenile courts have a greater need to ensure protection of confidential documents. Fortunately, the topic and necessary technical expertise regarding data security issues have been recently well advanced due, in part, to the increase in security concerns following September 11, 2001 which have encouraged advances in the field of data security. There is a common, and not entirely illogical, perception that a paper based system is more secure. The extent to which paper based systems are more secure than electronic based systems should be carefully evaluated. Let’s consider the paper system as described by McMillan,

“Presently it is the security of the individual’s office, and the records management system that determines how strong or weak the agency’s ability to secure records. It also depends on the trustworthiness of all court or agency staff since file cabinets are unlocked during the day; files are left on desks and in unlocked offices; and entry level staff are used to move files from location to location. All of these present opportunities for access”¹¹

Now consider the options to protect documents in the electronic environment. One choice to address security is Digital Rights Management (DRM) which is “the use of encryption of

¹⁰ James E. McMillan, “Verification, Validation, and Authentication of Electronic Documents in Courts: How Digital Rights Management Technology Will Change the Way We Work”, NCSC, December 2005, page 1.

¹¹ Ibid. page 7.

electronic data so that the creator has control over its use.”¹² A document can be encrypted with DRM control code to:

- 1.Restrict who can read the document (or at least who has rights log into that user’s account to read the document).
- 2.Restrict how long a document can be read.
- 3.Restrict whether a document can be printed.
- 4.Restrict whether a person must be logged onto a specific network or connected to the Internet to read the document.
- 5.Restrict whether an email can be forwarded.”¹³

“The use of digital rights management and related technology allows courts to better preserve the confidentiality by protecting private information contained in electronic documents.”¹⁴ It is clear that the primary issue of e-filing for juvenile court matters is security. However, it is likely that the awareness of the need for security of electronic data has been heightened in recent years, and technological solutions have been developed to the point that electronic filing no longer passes an insurmountable suitability problem for juvenile courts.

Another potential issue in the juvenile environment is authentication and validation of signatures.

“Electronic filing introduces a critically important difference, something that scanning does not entail: when documents come to the clerk electronically, no official is in a position to see whether there are “original”, pen-and-ink signatures on the documents being submitted for inclusion in the case file. This was a hot issue because it raised questions about a fundamental thing that most people take for granted – signatures”¹⁵

Digital signatures can be the answer. According to an article by Alan Asay of Utah Courts:

“Privacy-enhanced mail standards add signature capabilities to ordinary email systems, enable the recipient to assure confidentiality and prevent tampering en route, and prevent the sender from disavowing the document once sent.”¹⁶

¹² McMillan, see Note 10 supra, page 4

¹³ Loc.Cit.

¹⁴ McMillan, see Note 10 supra, page 8

¹⁵ Ibid, page 7

¹⁶ McMillan, see Note 10 supra, page 4

This is an issue in other legal areas; therefore possible solutions have already been applied and can be examined for suitability for the juvenile arena.

Once we have addressed the security and authentication of documents for applying e-filing to juvenile court, the next step is to examine the possible benefits and/or impact of implementation. One can imagine the benefits in the retrieval of information

“most costs associated with paper handling and storage can be eliminated. Case materials are instantly accessible and protected from loss or destruction. [Agencies] will save more time and costs of transporting materials to the courthouse...document processing will be easier to manage, resulting in greater productivity and effectiveness in doing the court’s work.”¹⁷

Today’s applications of electronic filing have given greater control over documents and have streamlined efforts of staff to process and file paperwork. Further to the examination of impact of electronic filing, the paper written by Anne Tomlinson, Institute for Court Management (ICM) Fellow, about *Evaluating the Impact of Electronic Case Filing Technology on Clerk’s Office Operations* was reviewed to address questions about productivity. She writes that

“Technology can indirectly impact productivity in a positive direction by enabling organizational changes and work process reengineering which improve overall efficiency and effectiveness in the organization.”¹⁸

A guidebook developed by the *National Center for State Courts* (NCSC) provides a comprehensive definition of electronic filing which seems to further point to the streamlining of work:

“Electronic filing is the process of transmitting documents and other court information to the court through an electronic medium, rather than on paper. Electronic filing lets people get more of their work done with their PCs, to send and receive documents, pay filing fees, notify other parties, received court notices, and retrieve court information.”¹⁹

¹⁷ McMillan, Walker, and Webster, see Note 7 supra, page 7.

¹⁸ Anne Tomlinson, “Electronic Case Filing in the Appellate Courts: Evaluating the Impact of Electronic Case Filing Technology on Clerk’s Office Operations in the United States Court of Appeals”, April 2006, page 20.

¹⁹ McMillan, Walker, and Webster, see Note 7 supra, page 2.

E-filing is not as simple as attaching a document to an e-mail which is a process sometimes referred to as e-delivery. Instead, the more desirous method of electronic filing is the creation of electronic forms. Electronic forms provide blank spaces that users fill with specific information. The information is stored in a database and users send completed forms to the court via a modem.

“Using electronic forms offers many benefits for the court. First, is the automatic entry of information into a case management system. This reduces data entry time and eliminates errors. Second, is the ability to control the information entered in a form. With an electronic form one can prevent incorrect, inappropriate or incomplete information from being entered and can place data in required formats automatically.”²⁰

The use of electronic forms or the automatic data transmission from one system to another is the ultimate goal of any electronic filing system. It reduces staff time and input errors. But, before we can get there we must understand if there are areas to be addressed in the system so they are not carried over into a new system, and we must understand the user views on electronic filing.

In this project study, dependency case files were examined to determine the reliability of the current system so problems are not carried forward if an electronic system is implemented. The study of juvenile case files will utilize one of the ten CourTools performance measures. CourTools is a set of court performance measures developed by the National Center for State Courts. These ten measures were based on the 68 measures outlined by the Trial Court Performance Standards published in 1990, and designed in order to allow courts to apply the same types of performance standards used in private business sector to their own work. Although the original performance standards set out in 1990 were useful in identifying what aspects of the court should be investigated, they lacked clear instructions as to how to actually apply each measure.²¹ CourTools were designed to show clearly and concisely how to apply the

²⁰ David J. Egar, “Electronic Filing”, Fourth National Court Technology Conference, NCSC, October 1994

²¹ Center Court, A newsletter for the court community from the National Center for State Courts, V. 8, (1), 2005

standard, and to help managers and staff directly evaluate how well they are meeting basic procedural and organizational elements common to the courts, and help the courts meet basic goals such as fairness and accuracy which reflect important aspects of the mission and vision of the courts.²² By giving specific outcome measures and a method of easily assessing how well the courts are meeting these measures, it has allowed courts to provide their services in a more controlled, efficient, and orderly manner²³.

CourTool Measure Six is an important measure which, to date, has been largely ignored amongst court evaluations. This measure was designed to address the reliability and integrity of case files as well as how accessible the files are. This measure is of great importance to the courts given that the accuracy, availability, and completeness of court files is an essential part of the public's appraisal of the integrity of the courts, as well as being important to the day to day judicial process.²⁴ For juvenile dependency cases (cases involving interfamilial abuse and neglect), case integrity is of great concern as the continued involvement of the family is a key concern in these types of cases, and if individuals involved in the cases feel that the integrity of the courts is in question it will undermine the entire process. The current study was conducted based on an adapted version of this measure and examined how well Juvenile Court files met the 95% goal for accuracy, completeness, organization, and location. Briefly the report will give an overview of the CourTool Measure Six as outlined by the NCSC CourTools toolkit, and then will describe the methodology used in the study including the adaptations made to the measures. Finally, we will give the results and discuss the implications of this study for Juvenile Court.

²² William E. Hewitt, Brian Ostrom, and Richard Schauffler, "Performance Measurement Gains Momentum Through CourTools, Future Trends in State Courts", NCSC, 2006

²³ "CourTools: A Performance Framework", NCSC, 2005

²⁴ "Performance Measurement Gains Momentum Through CourTools, Future Trends in State Courts", NCSC, 2006

Next, a study of the stakeholders and court staff opinions were conducted through opinion surveys. The answers to the challenges of electronic filing in juvenile and potential benefits that may be found if it is implemented are still assumptions. The pending work ahead will provide the data to determine feasibility for implementing electronic filing in juvenile court. The following pages describe the methodology used to achieve the goals of the research and discuss the recent undertakings of Juvenile Court and it's stakeholders to implement electronic filing. The project defines electronic filing and reviews the concept of filing documents electronically in the confidential environment of juvenile. It describes the expectations and readiness of stakeholders who file or are involved in the filing of dependency petitions in Orange County Juvenile Court. The main focus is on the current reliability and integrity of case files and the issues to be addressed for the successful implementation of electronic filing. The two studies combined help to answer questions about the dependency records and the feasibility of electronic filing of dependency petitions.

Methods

Two methods were used to gather and evaluate data for this project.

- **File Audits.** The CourTool 6 audit was used to gather data on the integrity and reliability of the current system so problems are not carried forward to an e-filing system. The file audit worksheets are found at Appendix A and Appendix B.
- **An opinion survey of court staff and court stakeholders.** The surveys were used to assess the readiness of court staff and stakeholders and to evaluate their perception of benefits and challenges. The survey instrument for each group is found at Appendix C and Appendix D. The cover letter sent to participants chosen to receive the survey is at Appendix E.

File Audit - CourTools Measure Six. The primary method of data collection was a file audit using CourTool Measure Six, which examines three separate aspects of file integrity: (a) length of time to locate and access a given file, (b) whether the file's contents and its case summary match, and (c) the files organization and completeness²⁵.

The first of these criteria examines what percentage of files can be retrieved within given time standards, generally suggesting that all files should be retrievable within 15 minutes of the request to ensure effective day-to-day court operations. The second criteria examines the content reliability of the case files, and looks at how well the documents filed in a given case are being tracked as well as whether or not those documents are being maintained in the file properly. The final criterion examines the file organization and completeness, intended to evaluate how well the files are conforming to the required practices of the given jurisdiction. This part of the measure is intended to look in more detail at the types of issues that might exist within a given

²⁵ "CourTools: Giving Courts the Tools to Measure Success", NCSC, 2005

file, and whether or not key documents are present in a file and whether or not important court procedures for different document types are being followed.

All of these criteria were included in the current study, although a number of modifications were necessary in order to apply these criteria to dependency case files. These modifications will be detailed in the following sections.

A file audit of Juvenile Dependency case files was conducted at the Superior Court of California, County of Orange, Lamoreaux Justice Center (LJC), from December 6, 2007 through January 4, 2008. For this audit, the amount of time required to locate each file was recorded and following that a physical examination was made of each file to assess its organizational completeness, accuracy, and content reliability (i.e. what is the extent of the correspondence between the documents that should be in the file and what is actually present). This audit was performed over the course of two months by two members of the Planning and Research Unit (a division of the court unrelated to the Juvenile Division). A total of 200 dependency case files were evaluated to examine the content reliability and the completeness and organization. Within these files, we examined 4,234 key documents and 2,016 Minute Orders²⁶. File contents ranged from as few as one key document and two minute orders, to as many as 119 important documents and 53 minute orders. This total for minute orders only includes minute orders with information pertinent to the file review, and does not include minute orders for financial hearings, or corrections.

Each file was individually evaluated by a juvenile court staff member with any disputes being discussed between research members. Any problems that were encountered were taken to the Juvenile Unit Manager who had the final say on any issue of correctness. All of the following procedures were piloted on 20 case files and the results and standards were evaluated by the

²⁶ Minute order is reference to the order of the court which is prepared by the clerk in the courtroom.

Juvenile Unit Manager and the Planning and Research Manager and necessary adjustments to the coding scheme and procedures were done at that time.

Universe of Files Audited

A total of 200 onsite, active cases were evaluated for this study. These cases were randomly selected from all of the cases at LJC which were either (a) petitioned or (b) initiated between January 2005 and December 2006. All of these files are currently considered active files and are located onsite.

To identify which files would be included, a report was generated of all case numbers which fit the requirements (All Dependency cases (master ID only- to ensure we did not get a series of siblings) which the system showed as having been either petitioned or initiated between January 2005 and December 2006). Two hundred of these were randomly selected by taking the excel report and randomizing the list, and then selecting the top two hundred =cases from the random list. This produced a report with a total of 3398 records in it. From this report a random selection of 200 cases file numbers were created (approximately six percent of the total cases found).

CourTools suggests examining both onsite and off - site records, however for this study, we limited our evaluation to onsite records. This decision was made based on the size of the sample we were evaluating, and the time frame (two months) we had to work with. This sample did include a representative selection of dependency cases, including both active cases and cases which had been terminated, transfers, single and multiple child cases, all abuse types, and short and long files ranging from <30 pages, up to four volumes (~1,200).

File Retrieval

Once the 200 cases were identified, lists of case numbers were provided to the records clerks normally responsible for responding to requests for files. These were presented 20 file numbers at a time. Records employees were instructed to locate these files and pull them identically to how they would have done so had they received a request for one of these files at the desk.

Coding

In order to evaluate how quickly records could be located, staff was asked to track the amount of time it took each file to be located and physically retrieved: 0-15 minutes, 16-30 minutes, 31-60 minutes, 61-120 minutes, above two hours (fill in the exact amount of time). They were also asked to note which files could not be located and why; as well as what individual located each record.

Content Reliability

After the files had been located, the next portion of the study was to establish how reliably important documents were documented in the file and the document list and the documents present in the file match (i.e. that nothing is missing out of the file).

Given that dependency files (paper copies) do not have a file summary per se, the present study modified the CourTools procedures to accommodate for this lack. Based on discussions with the records supervisor, the juvenile operations supervisor, the unit manager, and the training specialist it was decided to supplement the Minute Orders (MO) of each file in place of a case docket. Minute Orders are documents which are generated at the end of each hearing (as well as whenever any important changes or additions to a file are made—such as financial orders, or a correction). The MO's for each case are short summaries of the hearing, and are required to note

all items that are brought into evidence/submitted into evidence, as well as all information that is stipulated to. It was felt that these would allow the researchers to identify if important documents related to the file are being both documented and being retained properly. A list of documents which should be listed on the MO's was generated and this list was then used to evaluate the files.

Coding

Dependency case files have a great deal of variation in size and scope, depending on what is occurring in the case, the circumstances of the case, and the orders of the court. Accordingly the number of MO's and the types of documentation in the file will vary by case. Due to this complexity, we also modified the procedure used to track the accuracy of the files as well. Rather than using just a simple yes or no as is suggested by CourTool Measure Six, instead each file was examined by individual MO, and for each MO we will be noting down the number of errors and the number of correct documents. Reviewers were required to check the correct box (yes/no) for each document listed on the MO as to whether it was present in the file. They then, for the same section in the file, checked the correct box (yes/no), for whether each important document in the file was noted on the corresponding MO²⁷.

This allowed for the number of errors to be recorded as a percentage rather than just a one=yes two=no. This also allowed us to track the errors in a number of different ways such as by overall document error, overall MO error, or general file errors (e.g. showing that of 20 documents in a file, ten were correct resulting in a 50% correct, vs. showing that there were ten

²⁷ In some cases the documents were not noted on the correct minute order but were noted later in the file. This was due to a number of reasons, including the item not being acknowledge by the court until after it was filed, or multiple documents being acknowledge at once, or just due to the system of filing which was done by date. In these cases as long as the documents were acknowledge on any minute order in the file, the document was counted as being correct.

MO's in the file of which eight had no errors, for an 80% correct rating on that file). This also allowed us to examine what the average score the overall files received.

Additionally, reviewers were required to write down what the exact errors were. This allowed for two major things. First, supervisors were able to see exactly what issues were being marked as incorrect, and they could therefore evaluate the appropriateness of the criteria being used to evaluate the files. Secondly, it allowed us to see exactly what mistakes were being made. This was an important given the large number of people involved with any given file (Social Services, court reporters, juvenile operations staff, file clerks), and it allowed the court to target any changes to the appropriate division.

Flaws

There were two major flaws with using the minute orders (MO) rather than a case docket. The first issue is that the MO's may not track information that is of importance to the file but is not normally covered in a hearing, such as the presence of confidential documents. The second issue with using the MO's is the time required to assess them. Using this method required an intensive search in each file rather than having an organized list, and accordingly it took some time to complete with individual files requiring between 20-45 minutes to review, having as many as 68 MO's, and up to 1200 pages. This also served to limit the sample size that we were able to review.

File Organization and Completeness

The final portion of the completed study involved actually examining the individual case files and judging if they met acceptable standards for completeness and organization. By examining a series of five to seven or so criteria important to the flow/use of dependency files

(or standards required by law) we performed a review to assess whether important items are either completed properly or are present as they should be.

For this part we met with a number of the case management supervisors in the Juvenile division and discussed the various documents or procedures of importance to the dependency court files. Based on their recommendations seven criteria/procedures were selected which were considered to be necessary for the files to be used or meet required standards. Below are the criteria which we chose to review the files based on:

- All files are required to have the original Juvenile Dependency Petition (JV-100 or JV-110) and should include the time stamped on it UNLESS it is a transfer case in which case there should be a copy of these documents in the file. This document should also be completely filled out, with all required signatures
- All parties involved in the case (lawyers, adults/parents, and children above the required age) served with a copy of the notice of hearing (originals are in the file)
- There should be an initial Social Services Agency (SSA) detention report (with recommended case plan) and this report should be signed
- All documents in the file should match in terms of name, and case number, and all dates on minute orders for the next hearing date should match the date the next hearing was held on.
- All stipulations in the file should be correctly entered onto the minute order (i.e. the information on the stipulations should match that on the minute order), and the dates should match, etc.
- All filed documents should have a file date stamp and slash indicating it was processed by a clerk.
- All confidential document envelopes should be sealed with a signature across the seal. Further, if any minute order states that documents in the file should be confidential, they should be in a confidential documents envelope. Finally, there should not be any documents in the file for other individuals present in the file.

Coding

To evaluate this, the current study primarily used the original CourTools methodology, and coded these as a one= no errors, two= minor errors (or issues easily correctable), or three= major errors. This allowed us to examine how many case files were accurately following or having the above criteria as well as allowing for a detailed examination of what the errors were. Additionally, as with the file accuracy section, reviewers were required to note what mistakes were found in each file.

Flaws

The major concerns with evaluating files in this manner involved the amount of time required to review each file. Individual files required between 20-45 minutes to review with some files being up to four volumes and as many as 1200 pages. This also served to limit the sample size that we were able to review.

Surveys: Feasibility of E-Filing – Court Staff

The opinion survey conducted among court staff included questions asking staff their perceptions about the impact of electronic filing on their productivity. The response time to the survey covered a period of one week in early February 2008. This short period of time was all that was necessary given the immediate access to court staff. The respondents were requested to answer the survey using a combination of yes/no and text responses. The survey was sent to 15 court staff. The rate of return on answered surveys was 12, yielding a very acceptable 80% response rate.

The survey was designed to be completed by entry level staff members who have hands on experience with the daily filing of documents in Juvenile Court. The survey was transmitted

to each identified court employee via electronic mail, included in the e-mail was an explanation of the purpose of the survey.

One pre-test of the survey was done. The results of the pre-test indicated that some questions needed to be simplified for the respondents. The survey document was revised after the pre-test comments.

Surveys: Feasibility of E-filing - Court Stakeholders

The opinion survey conducted among court stakeholders included questions about their perceptions regarding the impact of electronic filing, including potential benefits and challenges. Participants were asked to rank potential benefits of electronic filing, express their level of agreement with statements regarding potential challenges for an e-filing system, and identify their familiarity with potential solutions to e-filing challenges. The response time to the survey covered a period of two weeks, beginning at the end of December 2007 through mid January 2008. The survey was sent to eleven agency personnel and the rate of return on answered surveys was 100% of the respondents.

It is important to clarify that the court stakeholders who actually complete and deliver filings in Juvenile Court: Dependency is few. This restricted the number of potential participants of the survey. The criteria used to identify survey respondents were: 1) those who file documents, or who oversee the filing of documents in dependency and 2) would be most familiar with the feasibility of electronic filing.

The survey was transmitted to each identified court stakeholder via electronic mail along with a cover letter explaining the purpose of the survey. The survey was designed using a web based interface internet company that provides web survey services to create and design online surveys and the site provides for online analysis. The participants were provided a link to

respond to the online survey at www.surveymonky.com. The online survey was utilized in order to help facilitate response to the survey, eliminate mail or inter-office delivery, as well as to preserve the respondent's anonymity; since the survey responses were online, there was no way to determine the name of the respondent. The survey website was beneficial in data collection and analyzing survey results as it provided the ability to track response rate, summarize response to each question and provide easy transfer of data to Excel spreadsheets.

One pre-test of the survey was done. The results of the pre-test indicated that some questions were redundant or should be included in another part of a survey question. The survey document was revised after the pre-test.

A survey of the current judicial officers assigned to hear dependency cases in Orange County was considered; however, the project took a new direction when meetings were initiated between the court and agency for actually implementing electronic filing. After the first meeting, there was a general feeling that e-filing would not be implemented for all documents, instead, the project would start only with dependency petitions which initialize a juvenile filing. This decision and approach was based on limitations that exist in technology to implement full electronic filing. Since this new approach for implementation was going to be e-delivery vs. e-filing and would still require data entry by staff and printed copies of the electronic document for the file, it was determined that judicial officers would be minimally impacted at this time.

Findings (Analysis of Data)

The purpose of gathering data on dependency case files was to assess how electronic filing system may impact court filing. One element used to determine the feasibility of electronic filing in juvenile court is a comparison of docket entry and file error rate. File audits were performed on 200 active and closed case files in the dependency court in order to establish an average error rate in the current pre electronic filing environment. Errors were classified by entry type and by severity. Since there is no docket analysis pre existing, no comparisons of data are possible. However, the findings from the file audits are still useful in identifying any problems that may be likely to impact electronic filing.

File Location

Of the 200 files that were used as part of the study, 98.5% were retrieved within the expected 15 minute deadline. One file was located within the 16-30 minute time category, and two files were found within the 31-60 time limit. Additionally 28 files were located, but were unable to be retrieved when they were requested due to previously scheduled hearing. In these cases, the file was either being utilized by a judge, or information from hearing was still being processed by courtroom clerks. However, all of these files locations were successfully known, hence they were counted as being located with the rest of the files.

The dependency case records retrieval system seems to be extremely efficient. Despite problems with maintaining a full staff, the staff showed no difficulty in locating a large number of the records requested and, as if not more importantly, they were able to identify the locations of the files which were not immediately retrievable. This is a very important part of the justice system in general and the overall high standards here suggest that little needs to be done in terms of changing the practices in this area.

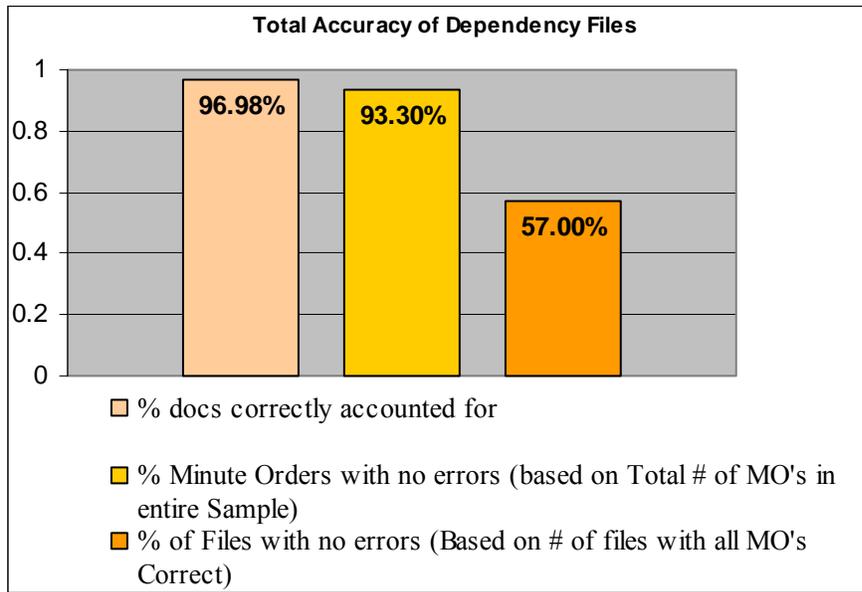
The major suggestion which arises from this project in regards to the retrieval system comes not from the evaluation but rather from witnessing the difficulty with the overall process. Although the records staff was able to identify the locations of all the files, often they would only know which courtroom the file was supposed to be in, and occasionally would have to undergo a great deal of trouble to try and identify if the file was still in the courtroom, or if it had been sent to the Aftercourt Desk²⁸ or sent on from there. An electronic filing system (as well as imaging) would potentially assist in alleviating this problem by allowing records staff to identify which division or individual a file went to at any given point rather than relying on more time consuming and potentially problematic paper based check out methods.

Content Reliability

The total accuracy of the dependency files based on files with no errors at all was rather poor, with only 114 of the 200 files showing no errors. The rest of the files showed at least one error. However, examinations of the other outcome measures show a more complete picture. Based on the total number of documents which were expected to be both in the files and properly accounted for on a minute order, 98.42% (or 4,234 out of 4,302 total) of the total documents were correctly accounted for. Additionally, 93.30% or 1,881 of minute orders for the total sample were found to be without error. Overall, this would at least imply that although there are few files with out ANY errors, the majority of minute orders and the majority of documents are being maintained without error. These results are summarized in Table 1.

²⁸ The Aftercourt Desk is the name of the case processing desk in the Orange County Juvenile Court.

Table 1. Total Accuracy of Dependency Files



Documents on Minute Orders

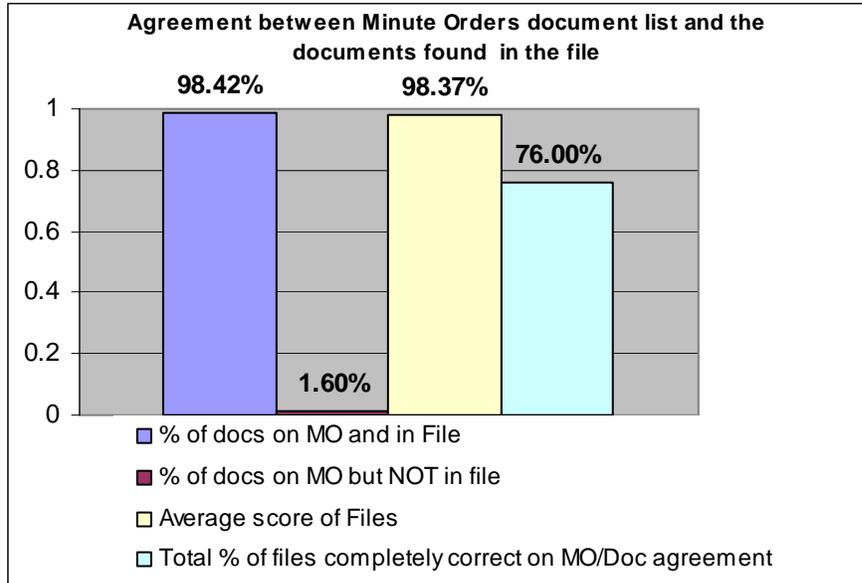
Agreement between the minute orders document list and the documents found in the file also showed a similar pattern. Overall very few files, only 145, were found to be completely correct out of the 200 files that were reviewed. This is based on the number of files in which there were no documents on any minute order in the file that was not present.

However, examining this in greater detail shows that most of the files are meeting an acceptable percentage of accuracy and as a whole few documents are failing to be present. Across all of the files, of the 4,309 documents that were expected to be found in the files based on minute order record, only 81 or 1.88% of documents were not present.

Additionally, the average score that the sample of files received was also calculated by averaging the percent of agreement each file received (e.g. how correct overall was each file based on the number of documents which was missing). This showed that on average, the dependency files had a 98.12% agreement (or correctness) between the minute orders and the documents present in the file. Accordingly, it appears that although individual files are not

showing completely correct, nonetheless, on average, the files are meeting an acceptable score. These results are summarized in Table 2.

Table 2. Agreement between Minute Order and the documents found in the file



Errors

The errors that were made overall seemed to group of general categories (summarized in Table 3). The most common error, 61.1%, was missing stipulations for a temporary judge, or a commissioner sitting as a judge for this case type. The second most common error found was Social Service Agency reports which were missing although noted as having been brought into evidence. This error type accounted for 25% of the errors found in the dependency case files. A few miscellaneous errors were also seen such as Conditional Release Intensive Supervision Program (CRISP)²⁹ orders missing, or in one case, a birth certificate was listed as having been added to the file but was not present.

²⁹ CRISP is a specific order that is made in dependency cases that allows a minor to be returned back to the parent(s) under specific terms and is monitored by Social Service Agency

Table 3. Errors Found in Filings

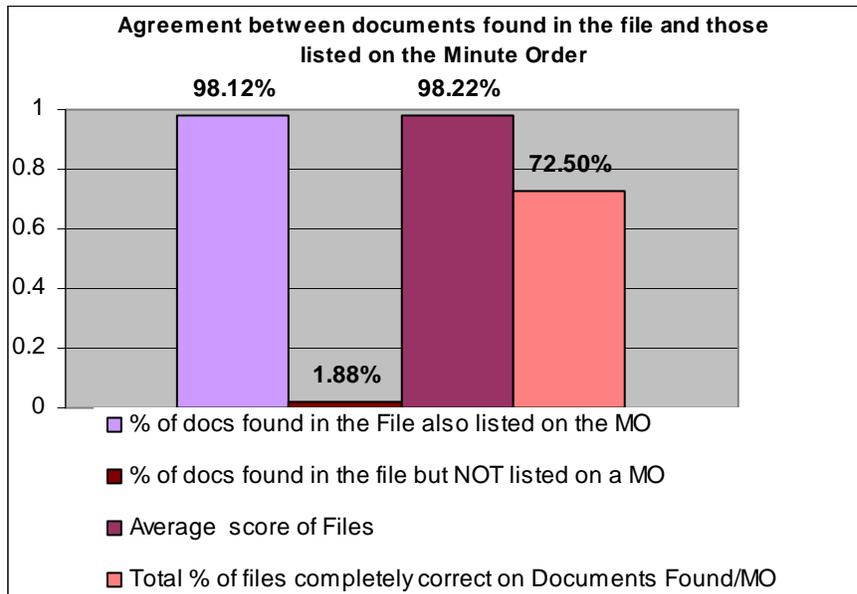
Type of Error	Frequency	Percent
CRISP Missing	1	1.45%
Stipulation for Temporary/Commissioner Judge Missing	43	62.32%
Social Service Agency Reports Missing	19	27.54%
General Stipulations Missing	2	2.90%
Notice to Appear Missing	1	1.45%
Miscellaneous	3	4.35%
TOTAL	69	100%

Documents Present in the Files

Overall, as was seen with the earlier review, few files are completely correct based on the documents found compared to what is shown on the minute order. Based on the documents present in the file, only 145 (7 fewer than earlier), were found to have had every document present listed on a minute order out of the 125 files that were reviewed. Again, however, similar to the minute order review, individually the files are maintaining a high average accuracy, with files receiving an average of 98.22% agreement between the documents found in the file and the documents that were noted on the minute order.

Looking on the individual documents level (rather than minute order), of the 4,309 documents that were present in the sample of files, only 81 of these documents were not noted on a minute order. As was seen earlier, overall only a small number of documents are present in dependency files which are not being recorded. These findings are summarized in Table 4.

Table 4. Agreement between documents found in the file and listed on the minute order



Errors

The errors found could be grouped in to four major categories (with the results being shown in Table 5). The most common error was stipulations/proposed orders and findings not always being mentioned or referred to on the minute orders. This is a difficult error as it is sometimes questionable as to whether or not this is an error at all, and should be viewed with some caution. Although coders attempted to edit out any times where the orders were all shown individual on a minute order and only record as errors when things were not, doubtlessly some places exist where there is in fact no error and things were noted down correctly. The second most common error was Social Service Agency reports being present in the file, but not being referenced in any way on the minute orders. To minimize error, these were counted as correct if they were mentioned *at any time* in the file as often these reports might not be referenced for some time (rather than in the minute order directly corresponding in time). However, nonetheless, quite a few reports were present that were not listed anywhere. Additionally, a

number of errors were found with the stipulations for temporary judges, or commissioners being present but not being acknowledged in the minute order.

Table 5. Errors found in Minute Orders

Type of Error	Frequency	Percent
Social Service Agency reports	33	40.74%
Stipulation for Temporary/Commissioner Judge Missing	16	19.75%
General Stipulations Missing	7	8.64%
Notice to Appear Missing	4	4.94%
ICWA documentation	1	1.23%
TOTAL	81	~100%

In regards to the content reliability of the dependency files, overall, the case filings are maintaining a fairly high accuracy when evaluated on individual criteria. Few documents are failing to be accounted for and even fewer documents are being lost. This is a good sign for the procedures currently in place especially considering the extremely large numbers of documents which are present in these files and the number of hands these files must pass through. Despite this, overall, a much smaller percentage of the files reaching a 100% standard of correspondence between the documents themselves and the minute order listings (or visa versa), and only around 69% of the files are reaching a 90% correspondence rate (based on their individual minute order agreements). This is somewhat contradictory and difficult to explain. The primary explanation for this finding is that when looking at pure accuracy scores based on minute orders, we are not taking into account the large number of documents in a given file, and with some files having as many as 119 important documents; even a single mistake can quickly bring down an accuracy

score. Therefore, it is most likely better to evaluate these files based on the average accuracy scores rather than the total accuracy number.

There are number of areas which clearly are showing some problems with document maintenance. Primarily, stipulations for judges and Social Service Agency reports seem to be the largest area where either documents are not being recorded accurately or are not being included in the files accurately. This could be for a number of reasons, including simply non standard procedures for the inclusion and notation of these documents. Given these findings it would be beneficial to further evaluate the procedures for handling these documents and determine (a) whether or not each one is necessary for inclusion in the dependency file, and (b) with whom this responsibility lays. This could also indicate a place where e-filing may be beneficial to the process, as these two primary document types are mostly either internal court documents, or documents filed by a justice partner and incorporating a method of digitizing this information would reduce the tendency for these types of documentation to be misplaced.

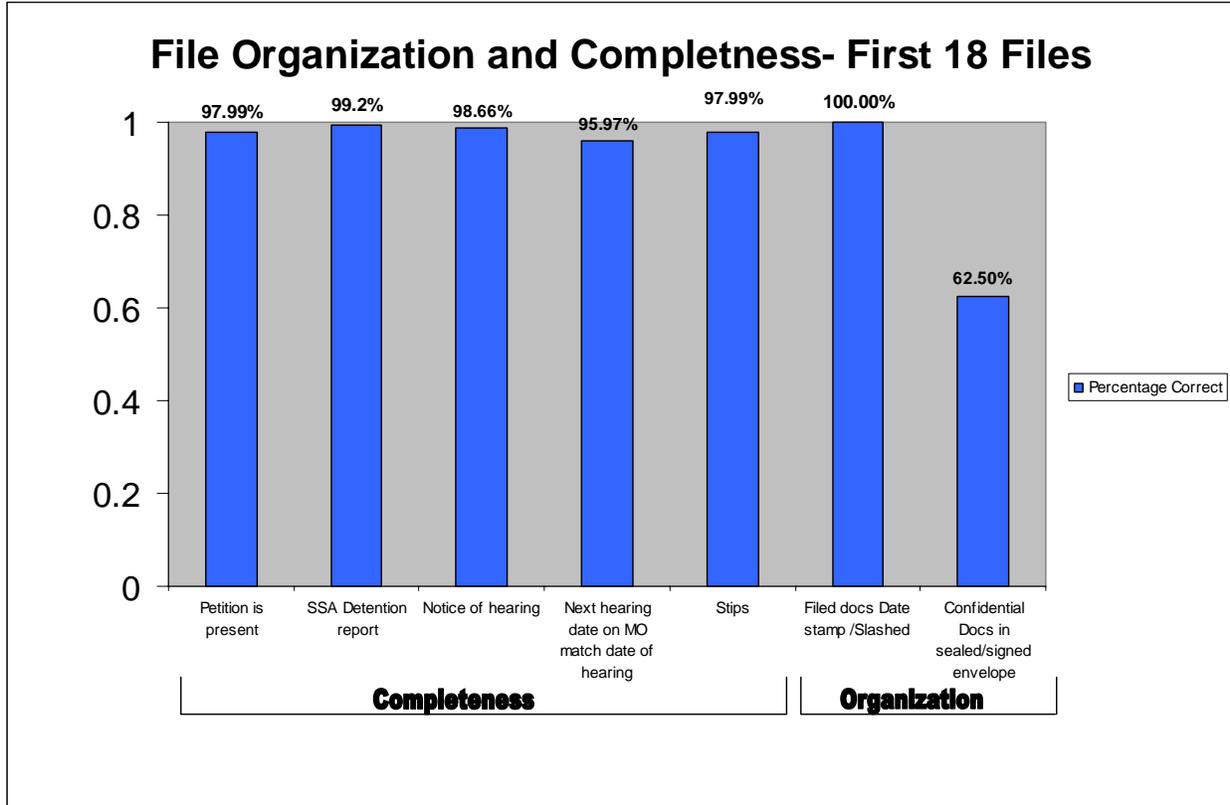
File Organization and Completeness

File organization and completeness was calculated by examining the number of errors present by category in the total sample of files reviewed. Unlike in the previous section, files were either correct or incorrect. Although individual errors were still noted and will be discussed in the errors section, percentage correct was based entirely on the presence or lack of any error.

Overall, as can be seen in Table 6, for most of the performance measures, the dependency court files are meeting very high standards. The only measure which was below 94% accuracy was that of the confidential document criteria and only two categories (confidential documents and hearing dates on minute orders matching) fell below 98% accuracy. Files generally, were

more complete than they were organized, but as will be seen in the next section this was primarily due to the large number of errors amongst the confidential documents.

Table 6 File Organization and Completeness

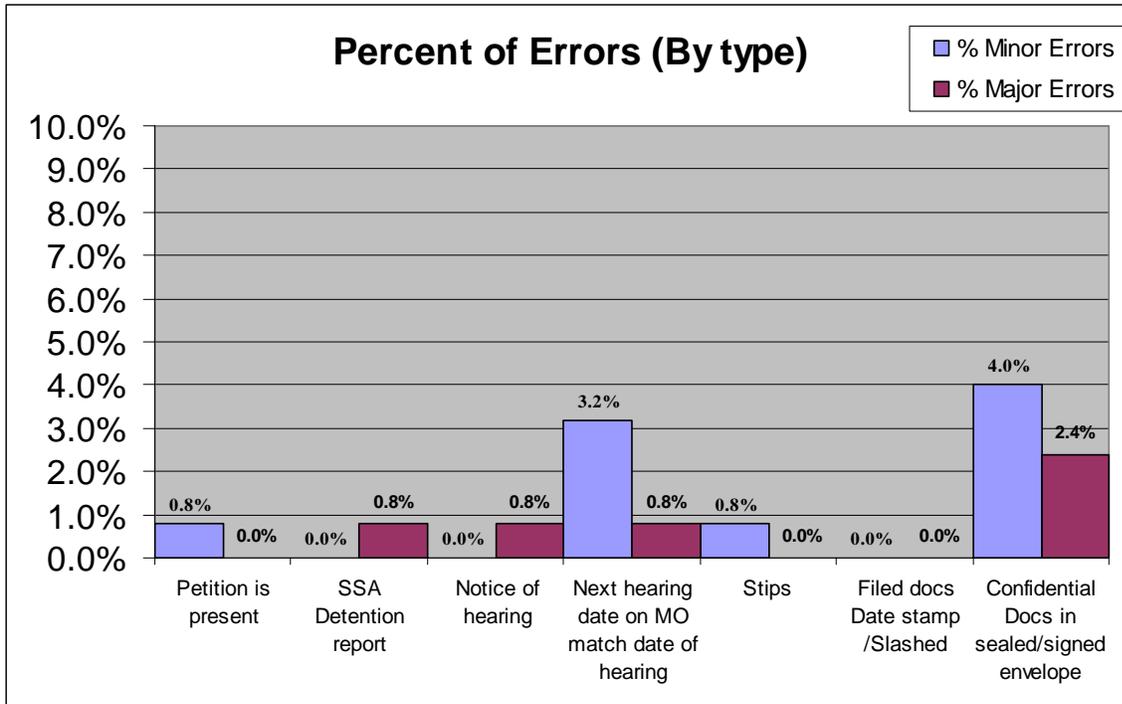


Errors

As was seen in the entire review, the overall number of errors was fairly low, with only 29 errors being found in the entire sample. In order to evaluate these errors further, they were broken down in to minor errors, and major errors. Minor errors indicated the presence of a minor issue, or easily correctable issue, such as typos on minute orders which might create confusion, or confidential documents envelopes not being signed on the tape. Major errors were those which were larger in scale, and would represent a potentially uncorrectable problem. These included issues such as the presence of confidential documents not belonging to the file, missing confidential documents, or notices not being sent to the correct parties. The number of errors

ranged from zero to ten errors. As can be seen in Table 7, a large majority of the errors found were minor errors, with three categories having either no error at all, or only minor errors. Major errors were found in four of the categories, although only the confidential documents and notice of hearing criteria having more than one of these errors.

Table 7. Percent of Errors (By Type)



Looking at a breakdown of the exact errors that were found (Table 8), most were minor errors, and were primarily found as either typos in minute orders or with confidential documents envelopes not being sealed, or signed.

Table 8. Errors Found

Type of Error	Frequency	Percent
Major Errors	9	31.03%
Minor Errors	20	68.97%
TOTAL	29	~100%

The major errors comprised 35% of the errors, and again were found mostly with the confidential documents criteria. Five of the nine major errors found were either the inclusion of confidential documentation that should not have been present (e.g. petitions for other children), or documentation which should have been in the file but was not present. One issue of importance to note is that only 23 of the files included in this analysis included confidential documents (as outlined in the methods section). Although this does not impact the percentages which were correctly done (as calculated by the number of files which only had confidential documents) it is important for evaluating the overall number of errors. This means that of the 23 files where confidential documentation was of issue, eight contained major errors and five contained minor errors. This is of great concern and will be discussed further in the conclusion.

The overall file organization and completeness of the dependency case filings is very good. All but one of the criteria examined are well above the suggested 95% target with the major exception being only the confidential documents. This area is the major area which should be addressed for corrective action. It is possible given how few of these that is present that the staff just is not remembering the appropriate procedures; however, there are some indications that confidential documentation is just not being kept well. Examining the procedures for these types of documents and clarifying the responsibilities of staff members would most likely be beneficial in helping to correct these issues.

Taken altogether, the file audit findings generally indicate that records staff are maintaining the filings well, with few errors, and even fewer major errors. Procedures important to the integrity of the cases as well as those more internal all seem to be handled well with only one glaring exception: confidential documents. This will be an area for further assessment by

Juvenile Court management after this project report is completed and before implementation of e-filing.

Surveys: Feasibility of E-Filing – Court Staff

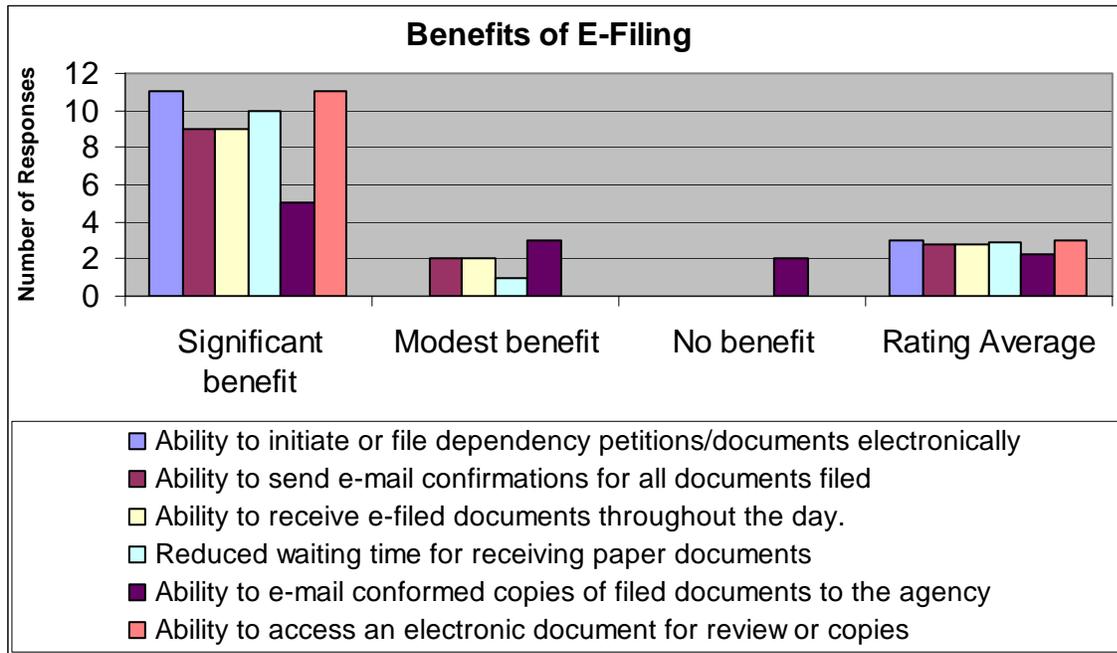
The large majority of staff agreed that they would like to see the implementation of electronic filing in juvenile court. Of the 15 staff members surveyed, 91.7% agreed with e-filing in Juvenile Court, while only 8.3% disagreed. Many responded that they did not feel that there would be a large impact to their workload, especially if data was automatically entered into the case management system. In today's work environment, the clerk reads the documents and records the information in the computer system. In an electronic system, the filing party's data input are transferred to the court's computer. This results in less data entry to support clerical operations.

The respondents agreed that they would reap the benefits of electronic filing in workflow. Once the documents are stored electronically, it is possible to route the work to the appropriate staff member immediately, or at least hold the work in a queue to be accessed by the staff member when ready. This improved workflow could save days in processing.

The respondents answered in some fashion that with e-filing they saw opportunity to receive juvenile filings throughout the day and long before the close of business thereby reducing the possibility of mandatory overtime in order to process documents.³⁰ This was not a surprising response given their personal experience with late filed petitions that has cost \$1000's of dollars in unexpected overtime. Table 9 identifies the potential benefits with e-filing that were asked of each respondent and charts their rated responses.

³⁰ Juvenile dependency petitions are filed where the agency has removed a child from their home requires a hearing within 24 hours of filing of the petition. When a filing is late, staff must remain at work to process the document.

Table 9. Benefits of E-filing – Court Staff



The rated response to the potential benefit question: *Ability to e-mail conformed copies of filed documents to the agency* was surprising. Three out of twelve respondents rated only a modest benefit, while two respondents rated no benefit at all. The ability to e-mail the copies, instead of printing copies, it seems would be recognized as a time saver. Currently, court staff produces hundreds of pages of copies a day in order to serve the interested parties in each case. Perhaps this question would receive a different response and would be better geared toward court managers who have the responsibility for assessing workloads, employee time and costs savings.

The staff expressed concerns about maintaining the confidentiality of the juvenile documents. This was similar to the response received by stakeholders as we will discuss later. The court staff was not asked the same question about familiarity with the possible solutions to e-filing challenges as it seemed irrelevant to their job description and ability to perform the work.

Overall, the survey results revealed that staff is ready and willing to embrace the use of electronic technology into their workload.

Surveys: Feasibility of E-filing – Court Stakeholders

Electronic filing denotes a significant departure from current filing methods. It represents not merely automation of the existing ways of filing but a change in the way things are done. It seems evident that given potential benefits and challenges inherent to electronic filing, Juvenile Court should move forward with the implementation. But, before making any decision it is important to assess stakeholders’ readiness.

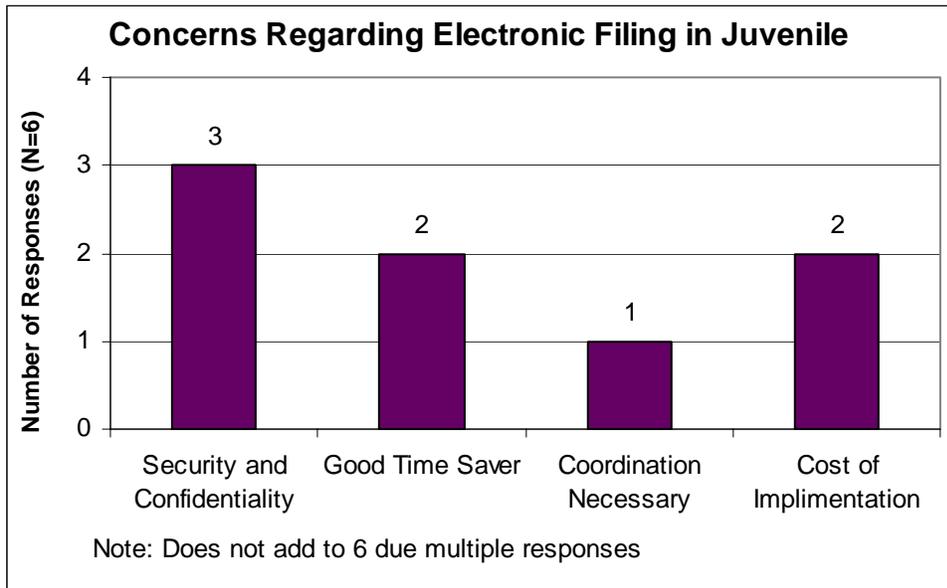
In order to evaluate the feasibility of electronic filing in dependency, survey question one asked court stakeholders if they thought electronic filing could be applied in juvenile court. All survey participants (100%) responded “yes” to electronic filing being applied in juvenile court. See Table 10. Given the high response rate and the positive response, it seems to indicate a strong interest in implementing electronic filing. This may be due in part to the discussions already beginning to take place for implementation which were initiated after the selection of this project topic.

Table 10. E-filing in Juvenile Court – Court Stakeholders

Do you think electronic filing could be applied in Juvenile Court?		
Answer Options	Response Percent	Response Count
Yes	100.0%	11
No	0.0%	0
<i>answered question</i>		11
<i>skipped question</i>		0

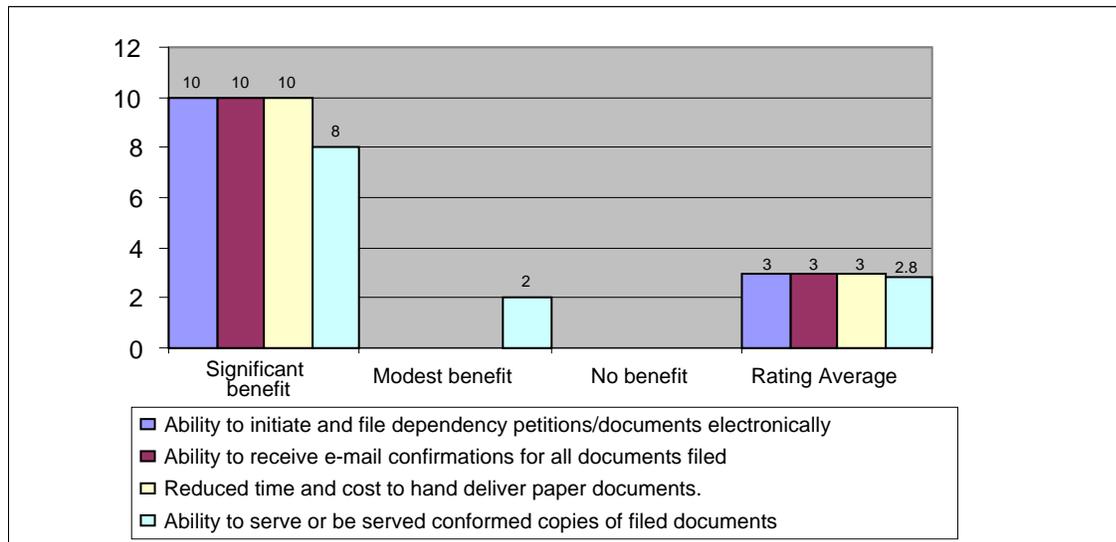
In order to gain insight to potential concerns the court stakeholders may have regarding electronic filing in juvenile court, question two asked for written comments. Seven out of eleven respondents provided feedback as to the concerns, or in the case of two respondents, the benefits. Table 11 provides a summary of the comments and response.

Table 11. Concerns Regarding E-filing in Juvenile – Court Stakeholders



Overall, all responses from the court stakeholders surveyed were positive and favored electronic filing. Question three asked respondents to indicate the level of benefit for several identified service attributes related to electronic filing. The highest ranked attributes were the obvious: ability to file documents electronically (100%), and reduced time and cost to hand deliver paper documents (100%). Table 12 identifies participants ranking of the attributes.

Table 12. Benefits of E-filing in Juvenile – Court Stakeholders



Additionally, respondents were asked to comment on any benefits not listed as a response option. Three respondents provided additional comments. The responses varied from reduced stress and lower costs, to easier to meet filing deadlines. One respondent provided the following summary of benefit:

The current [work] process requires [clerical] staff to work from two geographical locations and rotating 4-week assignments to a different location from their primary work location. The e-signature/e-filing work process would eliminate this requirement and the need for clerical staff to work from two geographical locations. Clerical staff working from one primary location results in time-saving and cost-saving benefits. It also helps with balancing the workload more efficiently between the programs that the clerical staff supports. Clerical staff working from one primary location vs. two would reduce overtime hours, as staff would be able to work as a team and assist each other by physically working from the same location. More filing deadlines would be met, as all clerical staff would be physically located within walking distance of the Court.

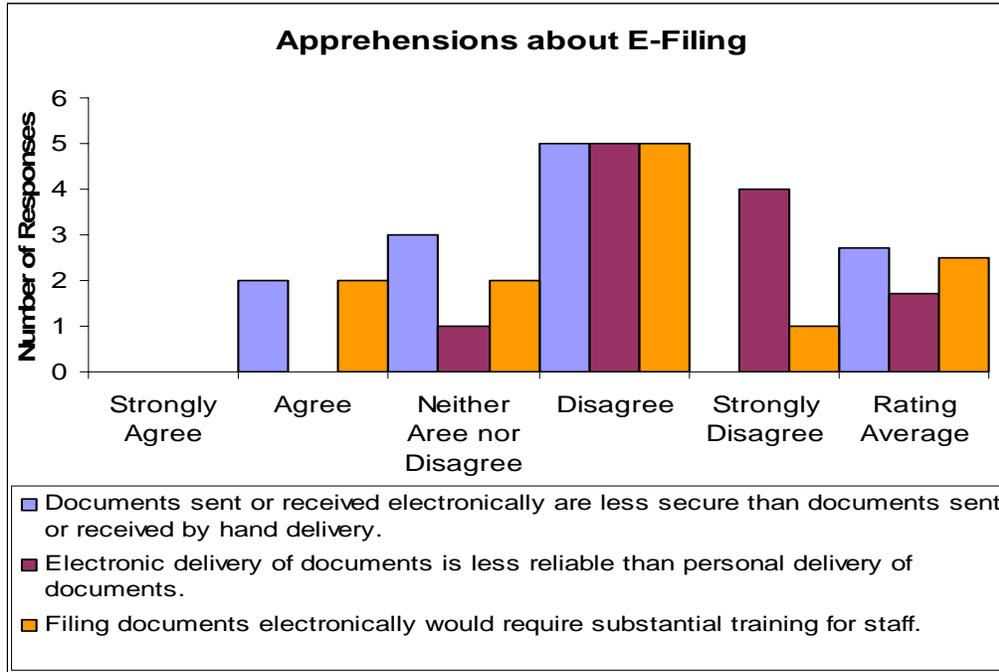
An issue not previously considered was presented from an inquiry of one of the respondents and dealt with the date and time a document is filed electronically. The concern that was expressed: “When a document is filed, how will the court determine when it is officially filed?”³¹ In response to the survey inquiry, in an electronic filing system, the court could issue a confirmation that the document has been received and filed. This was listed as a service attribute that 100% of the respondents agreed would have significant benefit.

As discussed earlier in the literature review, one of the anticipated perceived challenges to an electronic filing system in juvenile court was the security of information and the protection against data that could be shared or altered either before, during, or after it is transmitted. Survey participants provided comment to this challenge in both question two as mentioned earlier and further response indicated in statements provided in question four. The statement that raised the highest level of concern was that documents sent or received electronically were less secure than documents sent or received by hand delivery. The response to this question was surprising with

³¹ Comment taken from the returned electronic survey to court stakeholders.

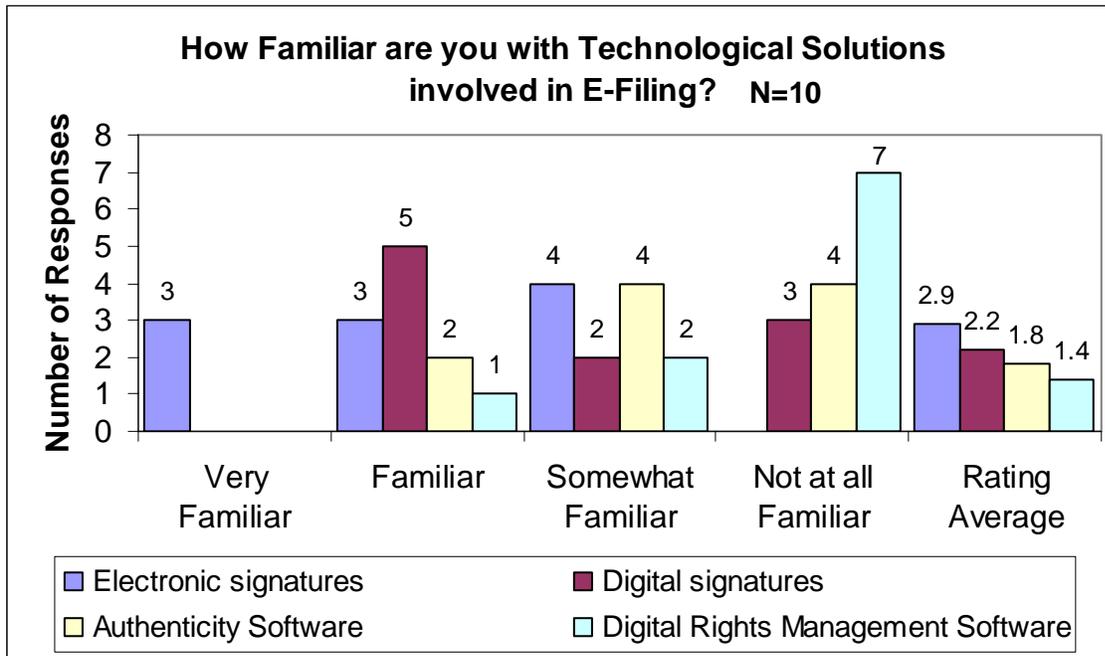
only 20% of respondents agreeing that documents would be less secure, and 50% of respondents disagreeing with the survey statement. The results are shown in Table 13.

Table 13. Apprehensions about E-filing in Juvenile – Court Stakeholders



The last question in the survey asked participants about their familiarity with potential solutions to e-filing challenges as they pertain to security or authentication. Thirty percent of respondents were familiar with electronic signatures, while fifty percent were familiar with digital signatures. In contrast, a higher percentage of stakeholders (70%) reported unfamiliarity with digital rights management software, and 40% were unfamiliar with authenticity software. This data appears in Table 14.

Table 14. Solutions to E-filing – Court Stakeholders



These results should not in any way be a hindrance to implementation but rather an acknowledgement that despite awareness or non-awareness of existing technology, there are solutions available to safeguard confidential juvenile documents.

Conclusions and Recommendations

The court staff and court stakeholders' perceptions about electronic filing were positive and there seems to be consensus that implementation of electronic filing would enhance the way we do business. As mentioned in the Core Competency Curriculum Guidelines³² for court managers: "information Technology clearly can improve justice system and court performance through instant, integrated, and linked information."³³ Significant benefits can be realized from the implementation of an electronic filing system. A completely electronic system offers tremendous advantages to courts.

Electronic filing has the potential to enable more efficient and effective communication, storage, retrieval and dissemination of the information involved in court matters. We foresee that this will provide dramatic benefits for courts, for counsel, and for individuals as well."³⁴

The general readiness for electronic filing exists and meetings have already begun for implementation but it is recognized that there are technological setbacks that will force alternative solutions until both court and agency case management systems are able to communicate. This capability is anticipated in the near future with the current development of the California Case Management System.

In order to accomplish electronic filing between agency and court, we must be able to assume from their system they can generate an electronic version of the document by completing data in their system, and then hit a button to save and "e-file" the data to the court. The process

³² The National Association for Court Management (NACM) Core Competency Guidelines provide a comprehensive statement on the core areas of court management skill and responsibility as well as what court leaders need to know and be able to do. *See* Court Manager, Vol. 18, Issue 2, 2003 cited in Lalonde, See Note 3 supra, page 26.

³³ "Information Technology Management", Court Manager, Vol. 18, Issue 2, 2003, page 59 cited in Lalonde, See Note 3 supra, page 26.

³⁴ Gary Pinder, "Opening address to the first E-Filing Project Advisory Committee (EPAC) Electronic Filing Conference", Ottawa, May 2001 cited in Lalonde, See Note 3 supra, page 26.

would play out like this: agency initiates a filing, it passes through a fire wall in encrypted format and to a secure web server, the court would retrieve the filing through our firewall, decrypt it (also known as zip and unzip) and it would move to the validation field, or the court system. Here the system checks for predetermined data fields, (e.g., date of birth, case number, name, etc.) and determines to accept or reject the filing. If the document is accepted, it moves to the clerk's view process where human intervention takes over and the document is reviewed for accuracy and completeness. Once the document is accepted, a filed stamp is applied, the case management system is updated and the document is committed to image.

However, the agency statewide system (CWS) does not currently have the ability to generate electronic documents. Despite this reality, there are alternative solutions that may be implemented. One solution is the use of Adobe Professional™ to print the completed document to .pdf format, and transmit the document to the court via a simple web-browser page. The clerk (court staff) receives the filing via a designated e-mail box and processes the e-document in accordance with pre-determined procedures. Another solution if the sender does not have web server capabilities is to convert the document to .pdf document using Adobe Professional™ which is inexpensive to obtain and does not impact any system and can be done on a local PC where the sender can simply e-mail the document. Both of these alternate proposals are interim considerations to the more advanced method of electronic filing.

The first part of this study examined the case files. Based on the findings, the files were in good shape and led to no serious concerns that would prevent electronic filing from being implemented. The second part of the study were the opinion surveys of the court staff and court stakeholders involved in filing dependency petitions. The responses to the survey questions were positive. It seems likely that based on the comments made by the survey respondents, some of

the benefits expected to be derived from electronic filing offset any issues with security. Although maintaining the security and confidentiality of the documents were still an important element to implementation.

Recommendations

The purpose of this project was to identify potential feasibility for the implementation of electronic case filing technology in order to enable improved workload and assignments, and save costs and time in juvenile court. It was to initiate the thought process and discussions among the court and stakeholders by outlining the issues and requirements pertaining to implementation of electronic filing, and recommending a potential direction for the future. The intent was to assess the readiness of stakeholders and staff in order to consider the feasibility of e-filing for Juvenile Court, as well as review the dependency case files for readiness. An important key factor supporting implementation of electronic filing in Superior Court of California, County of Orange, Juvenile Court is that the court and stakeholder leaders have made a commitment to the go ahead for the project and resources have been allocated. The key to the successful implementation remains the dedication of those involved.

Recommendation 1: Engage in case management process redesign. This work can begin immediately by mapping existing processes. Early process redesign is also a good way to involve staff, and get them invested in the change of business.

Recommendation 2: Identify formal and in-house training that will assist staff and stakeholders in acquiring skills they will need to perform the duties.

Recommendation 3: Prepare for examination of how the dependency case records are created. Redesign the flow of papers based on new system of electronic filing.

Recommendation 4: Implement e-delivery of dependency petitions. As the flow of work settles and comfort with e-filing grows, expand to additional documents such as: reports and minute orders.

Hopefully, this research project responds to questions about feasibility of electronic filing for dependency cases and will help facilitate the process leading to the eventual implementation of electronic filing. As recommended, the interim process of e-delivery will be implemented which should have no associated costs for the Court and minimal costs for the stakeholder. Meetings are already occurring to move towards implementation. It is possible that e-delivery of dependency petitions can be realized in Orange County Juvenile Court by Fall 2008.

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Appendix

APPENDIX A

Content Reliability Data Collection Form				Case#:		Initials:	Date:		
	Each Doc Listed on the MO has a document in the File			Notes	Each document has an entry in the MO			Notes	Total
	Yes	No	Total		Yes	No	Total		Yes/Yes
MO1									
MO2									
MO3									
MO4									
MO5									
MO6									
MO7									
MO8									
MO9									
MO10									
MO11									
MO12									
MO13									
MO14									
MO15									
MO16									
all correct YES/NO									
Overall									

APPENDIX B

File Organizations and Completeness Data Collection Form

Completeness				Organization					
case #	Petition is present	SSA Detention report	Notice of hearing	Next hearing date on MO match date of hearing	Filed docs Date stamp /Slashed	Confidential Docs in sealed/signed envelope	Stips	Notes	Initials
TOTAL									

Electronic Filing in Juvenile Court: Dependency (Court Staff)

GENERAL E-Filing

1. Do you think electronic filing could be applied in Juvenile? Yes No
 2. Please explain any concerns you may have regarding electronic filing in Juvenile.
-
-

POTENTIAL BENEFITS OF E-FILING

3. Indicate the level of benefit for each of the service attributes.

SERVICE ATTRIBUTES	Significant Benefit	Modest Benefit	No Benefit
Ability to initiate and file dependency petitions/documents electronically			
Ability to send e-mail confirmations for all documents filed			
Ability to receive e-filed documents throughout the day			
Reduced waiting time for receiving paper documents			
Ability to e-mail conformed copies of filed documents to the stakeholders			
Ability to access an electronic document for review or to make copies			
Please list any additional benefits.			

POTENTIAL CHALLENGES TO E-FILING

4. The table below contains statements regarding general apprehensions about e-filing systems. Please check how strongly you agree or disagree with the following statements.

	Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
Documents sent or received electronically are less secure than documents sent or received by hand delivery.					
Electronic delivery of documents is less reliable than personal delivery of documents					
Filing documents electronically would require substantial changes in my daily workload					

E-filing may result in more paperwork rather than less					
Please list any additional challenges or concerns associated with e-filing.					

Thank you for taking the time to complete this survey.

Electronic Filing in Juvenile Court: Dependency (Stakeholders)

GENERAL E-Filing

1. Do you think electronic filing could be applied in Juvenile? Yes No
2. Please explain any concerns you may have regarding electronic filing in Juvenile.

POTENTIAL BENEFITS OF E-FILING

3. Indicate the level of benefit for each of the service attributes.

SERVICE ATTRIBUTES	Significant Benefit	Modest Benefit	No Benefit
Ability to initiate and file dependency petitions/documents electronically			
Ability to receive e-mail confirmations for all documents filed			
Reduced time and cost to hand deliver paper documents			
Ability to serve or be served conformed copies of filed documents			
Please list any additional benefits.			

POTENTIAL CHALLENGES TO E-FILING

4. The table below contains statements regarding general apprehensions about e-filing systems. Please check how strongly you agree or disagree with the following statements.

	Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
Documents sent or received electronically are less secure than documents sent or received by hand delivery.					
Electronic delivery of documents is less reliable than personal delivery of documents					
Filing documents electronically would require substantial training for myself and staff					
Please list any additional challenges or concerns associated with e-filing.					

TECHNOLOGY CONSIDERATIONS

5. Below are possible technology solutions to some e-filing challenges that may exist. Please check your level of familiarity with each possible solution.

	Very Familiar	Familiar	Somewhat Familiar	Not Familiar
Electronic signatures				
Digital signatures				
Authenticity Software				
Digital Rights Management				

Thank you for taking the time to complete this survey.

APPENDIX E

Hello, I am the Juvenile Court Unit Manager. I am currently enrolled in the National Center for State Court's Court Executive Development Program. As part of this program, I am in the process of completing my research project report entitled: "E-filing in Juvenile Court: Dependency". The purpose of my project is to evaluate the feasibility and potential impact of e-filing in Juvenile Court Dependency cases.

I am seeking your assistance as I move towards completion of the project by requesting your participation in a very short on-line survey. The survey should take, at most, 5 minutes to complete and is anonymous. Results will be aggregated and will not include any names or other identifiers.

I am hoping to get all survey responses no later than Monday, January 14, 2008. If you have any questions regarding the survey or my project, please do not hesitate to contact me. Thank you for your participation in my project.

Sincerely,

Michelle Norhausen