

JUDICIAL BRANCH

FY 2026 Joint Finance Budget Hearing



Thank You For Your Support

Two new Magistrates have joined the Court of Chancery:

- Danielle Gibbs
- Christian Douglas Wright



Thank You For Your Support

A new Family Court Judge appropriated in FY 2025, timed with new Sussex County courthouse opening.



Thank You For Your Support

Passed Legislation

- ✓ HB 86: Parental Representation
- ✓ SB 282, SB 283, SB 284:
Eliminated several criminal fees
- ✓ SB 291: Fictitious Names
process modernized





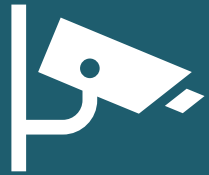
Branch-wide Civil eFiling, Case Management and Document Management System implemented with ARPA funds.

Project fully kicked off in July 2024. On time and in budget.

December 2026 → Superior Court, CCP, and JP Court GO LIVE

December 2028 → Family Court GO LIVE

Safety and Infrastructure



Statewide
Judicial Branch
Security Audit



LLWJC Space
Efficiency
Review



Court of
Chancery
and JP Court 20

Judicial Branch Vacancies: 3+ Years

Court	Position	Pay Grade	Fund	Location	Note
Court of Chancery	Admin Specialist	9	ASF	LLWJC	Delayed due to turnover and COVID; plan to hire soon in coordination with new HR Manager
Superior Court	Real Time Court Reporter	11	GF	LLWJC	Posted, shortage
JP Court	Jud Case Processor	06A	GF		Not funded
Law Libraries	0.5 Library Assistant	6	GF	KCCH	Anticipated need for increased Access to Justice and Pro Se services
Law Libraries	Law Librarian	11	GF	SCCH	Current incumbent must be c/s; will need FTE following next vacancy

Judicial Branch Vacancies

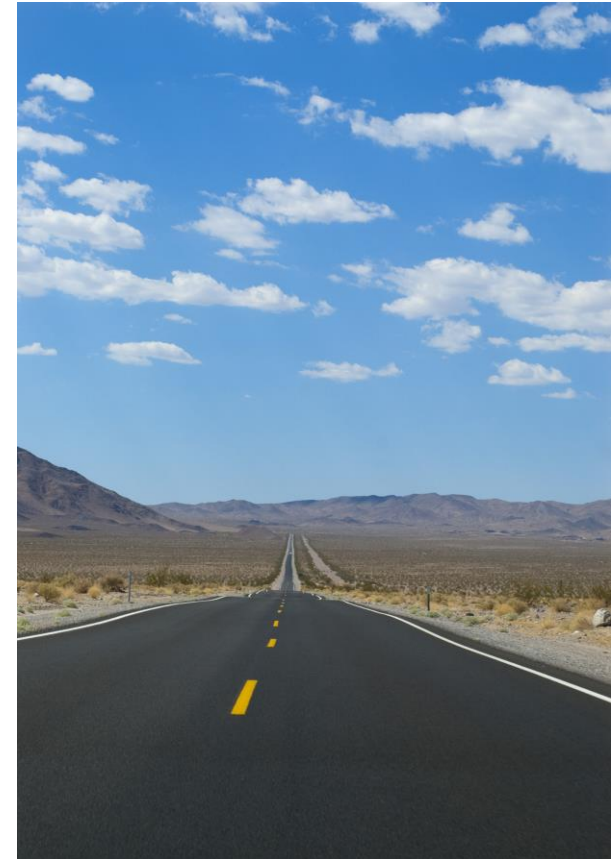
Fiscal Year	Branch Vacancy Snapshot	As a % of Total FTEs	Judicial Case Processors	Court Security Officers	Judicial Case Managers
2025	133	9.7%	38	13	25
2024	124	9.2%	33	10	26
2023	149	11.2%	57	17	13

Vacancy reporting as of January 31 each year.

On the Horizon

Major workload increases for courts:

- Appeals from Electronic Speed Cameras (no resources)
- Appeals from Property Reassessments (no resources)
- Clean Slate (added positions)
- Permit to Purchase (no resources for Superior Court)
- New upcoming legislation



Performance Measures



Performance Measures, FY 24 Actual

% of cases/petitions disposed within 90 days of the date of submission

- Supreme: 98%
- Court of Chancery: 92.2%
- Family Court PFA: 98.8%

% of civil cases rendered within 90 days of taking the matter under advisement

- Family Court: 100%

Weeks from CCP arraignment to trial (varies by county)

- Non-Jury Trials: 5.1 to 7.4
- Jury Trials: 6.3 – 15.1

% of videophone proceedings within 45 minutes of receipt

- JP Court: 92%

FY 2026
Recommended
Items



Court of Chancery



Recommended: 2 Magistrates

Part 2 of the 2-year plan:

- 2.0 Magistrates in Chancery
- Support Staff including 2.0 Judicial Secretaries, 2.0 Judicial Case Managers, 2.0 Law Clerks, and 2.0 Court Reporters
- Recommended @ 9 months funding, \$885,000

Court of Chancery Magistrates

- Magistrates effective at reducing the caseloads for Vice Chancellors.
- Magistrates will take on expanded role.
- Several Vice Chancellors are former Court of Chancery Magistrates.

Court of Chancery Magistrates

Magistrates in Chancery Case Types:

- Traditional equitable matters (trusts and estates, HOA, property disputes, Register of Wills, pro se litigants, among others)
- As of March 2023, books and records actions
- Currently transferring benefit of creditor cases
- By end of calendar year, all advancement actions

Court of Chancery Magistrates

With 3 of the 5 Magistrates in Chancery being new hires within the last 4 months:

Total Current Caseload of the Chancellor and Vice-Chancellors (combined) = 1564*

- Target Caseload = 1240

Total Current - but growing - Caseload of Magistrates (combined) = 449*

- Target Caseload = 580

With current resources, Magistrates in Chancery can only handle about 40% of the cases that could be transferred from the Vice-Chancellors dockets.

* Caseload as of February 14, 2025



Motions To Expedite

- Increased from 340 in 2017 to about 450 in 2024.
- Over one-third of all new actions are expedited.
- Displaces pending cases, meaning that other cases pile up until the expedited cases are completed.

Resources and Needs

History of Judicial Positions

- 2.0 Vice-Chancellors were added in FY 2019, total of 7 judges.
- 1.0 Magistrate was added in FY 2023.
- 2.0 new Magistrates were added in FY 2025, total of 5 of the planned 7 Magistrates.

Needs

- Since CY 2018, new cases have increased 49% and trials have gone up over 145%.
- “Mega cases” impose additional strain on the court docket.

Family Court



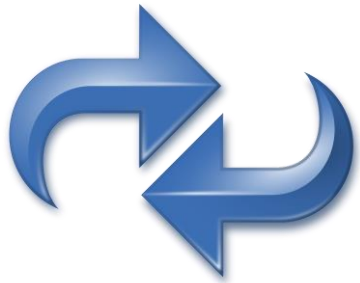
Recommended: Family Court Judge

Part 2 of the 2-year plan:

- 1.0 Judge for Kent County to coincide with new Courthouse (3 months).
- Support Staff including Judicial Secretary, Law Clerk, Court Security Officer and Judicial Case Manager.
- Kent County's population increased 43.5% from 2000 to 2020 with no new judges in Family Court for the 20 years.

Recommended: Family Court Switch-Fund

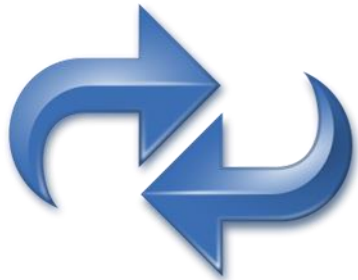
Switch-fund of \$1,704,600 and 18.0 GF FTEs for Family Court from ASF to GF.



- In FY 2017, there was a “temporary” switch-fund of 4 FTEs and operating costs from GF to Title IV-D ASF.
- Family Court’s deficit has grown over the years due to a reduction in revenues and an increase in salaries.
- Anticipated \$2.2M deficit by the end of FY 2026 if nothing is done.

Recommended: JP Court Switch-Fund

Switch-fund of \$773,000 and 10.0 FTE Court Security Officers from ASF to GF.



- Currently 30.5 FTEs funded with the Court Security Fund (Branch-wide).
- Court Security balances depleted due to increased expenses and reduced revenues.
- A \$1.1 million deficit projected in FY 2026 if nothing is done.

Recommended: JP Court Lease

- \$200,000 for JP 20 lease costs.
- LLWJC fully occupied, many courts have severe space issues – especially the Court of Chancery.
- Most affordable solution - JP Court 20 move to space in Wilmington – frees up about 10 thousand square feet for the Court of Chancery.

Recommended: Other Items

- Personnel Contingencies, Annualizations and DTI SEUS costs.
- \$1.9M for legislative fiscal notes, including:
 - ✓ SS 1 for SB 1, Right to Representation LL/T
 - ✓ SS 1 for SB 2, Permit to Purchase
 - ✓ HB 86, Parental Representation

Recommended: Civil Indigent Services

- **Recommended:** \$400,000 additional for Civil Indigent Services (under OMB's contingency and one-time budget).
- Civil legal investment saves the State money by helping people have access to housing, employment, public income benefits, health and medical benefits, and more.

Other Requested Items



Request: Interpreter Funds

- **Request:** Additional \$487,000 for Interpreters.
- Constitutional requirement. The AOC is currently funded \$523,300 for interpreter services but will spend more than \$1 million in the current fiscal year.
- The AOC has implemented numerous cost-saving measures over the years but must compete with neighboring states over few qualified professionals.



Request: Court of Chancery Support Staff

Request: \$526,100 & 7.0 FTEs to complete the existing Magistrate Teams

- 2 Judicial Secretaries, 2 Law Clerks, 2 Judicial Case Managers, and 1 Court Reporter for scheduling, case management.
- The Court of Chancery has experienced significant growth in recent years, with an increase of 49% for new cases, 44% increase of all motions, a 48% increase in the motions to expedite, and an increase of 145% of trial days.

Other Requested Items

- 2.0 Complex Commercial Litigation Division (CCLD) Law Clerks for Superior Court, \$151,200 plus \$6,000 One-Time
- 1.0 Community Court Coordinator, CCP, \$87,900
- 1.0 Judge for Kent County, JP Court, \$95,100
- 1.0 Operations Manager for Kent County, JP Court, \$93,000
- 2.0 Court Security Officers, JP Court, \$35,400
- Convert 2 c/s to FTEs, OSCCE, \$107,000
- 2.0 Electronic Court Reporters, Family Court, \$92,900

Victim Offender Alternative Case Resolution

- Requesting more financial support for the program, which began in FY 2000, and has received no increase in funding since FY 2001.
- Funding cut in FY 2010 and never restored.
- To resolve cases in a mutually acceptable manner, the program works with:
 - ✓ Adults and juveniles
 - ✓ Victims and defendants
 - ✓ In CCP and Family Court
- Cases may resolve with apologies, community service, payment of restitution and/or completion of relevant courses such as anger management or shoplifting prevention.

Non-Judicial Agencies

Office of the Public Guardian

Office of the Child Advocate

Maternal and Child Death Review Commission

Delaware Nursing Home Residents Quality Assurance
Commission

Non-Judicial Agencies

Reasons for an organizational restructure:

- The NJAs are advocates and agency watchdogs, while the Judicial Branch is the fair and neutral arbiter of cases.
- The NJAs report to their own Executive Branch commissions or boards, with one appointed by the Governor.
- Much of the NJAs mission falls outside the work and expertise of the AOC.

Non-Judicial Agencies

- AOC submitted the “Section 49” report on February 1, 2024, with mutually beneficial recommendations for restructuring the NJAs.
- AOC worked collaboratively on the recommendations with the NJA directors.
- The NJAs strongly prefer to be independent.
- The Judicial Branch supports any steps that would reduce the NJAs reliance on the AOC and advance the goal of restructuring.

Thank You!

Any questions?



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