

**Collier County Clerk of the Circuit Court
Internal Audit Department**

December 2005

ARTICLE V - COURT OPERATIONS

Juvenile Department



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Memo

To: The Honorable Dwight E. Brock, Clerk
Through: Crystal Kinzel, Finance Director *CKK ACF*
From: Anthony Fernandez, Internal Audit Manager
Date: December 15, 2005
Re: Article V: Juvenile Department

Please find attached our audit report on Article V: Juvenile Department. Patrick Blaney, Senior Internal Auditor, led development of this report. Please note that we discussed the audit results and recommendations with the Courts Director and staff. The Juvenile Department's written responses are included after the report's recommendations and conclusion.

Internal Audit gratefully acknowledges the cooperation and assistance of the Juvenile Department management and staff. If you have any questions about this report or require additional information, please contact me at 774-8075.

Article V: Juvenile Department

Background Information

Audit Objectives, Scope, and Methodology

The objectives of this audit were to evaluate compliance with internal procedures, applicable statutes and appropriate Article V revisions relating to all aspects of the Juvenile Department.

Specific objectives of this review were to:

- Assess the Department's performance in achieving compliance with Article V revisions, Florida Rules of Juvenile Procedure, controlling laws, administrative rules, and the Clerk's internal policies and procedures;
- Evaluate business processes and determine their effectiveness in actual practice; and
- Determine the Department's efficiency and effectiveness of recording and processing delinquency and dependency cases within the authority granted to the Department.

To accomplish our objectives we interviewed Juvenile Department and other Courts Division staff, observed processes, examined records, and performed various other procedures necessary under the circumstances.

Our audit included examinations of various transactions relating to Article V revisions, as well as events and conditions, occurring during the first nine months of calendar year 2005.

Background

Article V of the Florida Constitution provides for the judicial branch of state government, including its structure and responsibilities, and designates funding responsibilities of the counties, the state, and court users relative to the courts system. In 1998, voters passed Revision 7 to Article V, which shifted some of the cost responsibilities from counties to the state. Legislation set Revision 7 for implementation on July 1, 2004, to give time to assess court system expenditures and revenues. In 2004, the legislature approved additional changes to the cost structure of the courts system. Article V confers jurisdiction for “all cases relating to juveniles” upon the circuit courts. Revision 7 did not substantively impact the Juvenile Department’s processes, fees, or charges.

The Juvenile Department must adhere to the following statutory requirements:

- Florida Statutes (F.S.)
 - Ch. 39 F.S., Proceedings relating to children,
 - Ch. 984 F.S., Children and families in need of services,
 - Ch. 985 F.S., Delinquency; interstate compact on juveniles
- Florida Rules of Juvenile Procedure
- 20th Judicial Circuit Administrative Orders
 - 8.3, Juveniles – Death while under jurisdiction
 - 8.4, Juvenile computer records
 - 8.5, Community arbitrators in juvenile proceedings
 - 8.6, Appointment of public defender as counsel in juvenile delinquency proceedings
 - 8.7, Judicial waiver of parental notice of abortion
- Clerk of the Circuit Court internal policies and procedures.

The Juvenile Department prepares and maintains delinquency and dependency case files and other records, and receives and dispenses court-ordered costs, including restitution. In delinquency proceedings, juveniles are charged with delinquent acts, or violations of the law. A petition by the State Attorney, a court order to take into custody, or a law enforcement booking sheet initiates a delinquency case, which is essentially criminal court for juveniles. Dependency cases arise when the State removes children from parents or legal guardians due to alleged neglect, abuse, or abandonment. The Florida Department of Children and Families (DCF) initiates dependency proceedings by petitioning the Court to allow the state to take custody of a child. Juvenile delinquency and dependency files are confidential and specifically exempt from the Public Records statute.

Three full-time employees and one supervisor staff the Juvenile Department. Through the first nine months of calendar year 2005 Juvenile opened 1,054 delinquency cases and 124 dependency cases, or an average of 117 and 14 per month, respectively. The department’s information system dates to 1996.

The Internal Audit Department is conducting a review of court system departments, including the Juvenile Department, to ensure compliance with Article V and other requirements, and to find areas for improving process efficiency.

Article V: Juvenile Department

Findings

Except as indicated below, the Juvenile Department seems to be in compliance with Article V revisions, controlling laws, Florida Rules of Juvenile Procedure, 20th Judicial Circuit Administrative Orders, and the Clerk’s internal policies and procedures. There are, however, certain examples of non-compliance with governing requirements that warrant corrective action. In addition, we uncovered business process issues, such as insufficient procedures, repetitive data entry, and a functionally obsolete case maintenance computer application, which could be improved.

Overview of Findings

Finding	Criteria	Condition	Cause	Effect
<p>1. Department lacks formal written policies and procedures</p>	<p>Written policies and procedures are essential for the consistent operation of a department, and for continuity in case of interruptions, such as unexpected absences or terminations.</p>	<p>Our review of procedures disclosed two documents that briefly describe the handling of certain forms and situations. We found no written policies.</p>	<p>Courts management has neither emphasized written procedures nor formalized any policies for this Department.</p>	<p>Written policies and procedures can be useful training tools. Without written procedures, employees unfamiliar with certain duties may not be able to take over another position in unexpected situations. Formal policies can aid against accidental or intentional misuse of resources, especially computers. Drafting policies and procedures may help management assure that a department is meeting all statutory duties (e.g., reporting restitution shortfalls to the court).</p>

Finding	Criteria	Condition	Cause	Effect
2. Non-compliance with statutory duty to notify the court of unpaid restitution	Section 985.231 (1) (a) 6, Florida Statutes, requires the Clerk to notify the court when a delinquent, a parent or a guardian fails to make restitution, so that the court may take further action.	We found 17 cases among 56 files tested [30%] in which no restitution of \$6,257.88 ordered had been made to date. Courts management acknowledged that the department does not notify the court of unmade restitution.	Courts management was not aware of this obligation, and believed that the current system may be incapable of identifying restitution shortfalls.	Lack of notification leaves the court unaware when delinquent parties ignore its orders, and unable to pursue follow-up actions. Disregarding a statutory directive sends the wrong message to the public, especially to the delinquents.
3. a. Restitution entered in system but not written in court order	Department staff should record judges faithfully in court orders and case files.	In four cases among 56 files tested [7%] the restitution screen and computer printout indicated restitution of \$736.81 due, but the court orders did not show restitution.	The reason for these mistakes was not determined; the underlying assumption is that it was due to human error.	Human error and system inadequacies result in inaccurate recording of court orders.
b. Outstanding restitution balance shown in system when full restitution made	The system should not report restitution balances outstanding when parties have made full restitution.	In two cases among the 56 tested [4%] the system screen and printout indicated restitution of \$87.94 due when already paid in full.	Joint & several restitution was ordered, so the system showed the full amount against both parties. Each paid half, but the system couldn't link payments.	Inaccurate restitution records could lead the Clerk to report non-existent shortfalls to the court, per section 985.231 (1) (a) 6, Florida Statutes.
4. Preparation of bench warrants lacks statutory support	Operational business processes, particularly in light of Revision 7 to Article V, must be linked to a statutory or other governing requirement.	Juvenile prepares bench warrants for one judge in the absence of any statutory authority.	The reason behind this work was not determined; the assumption is that it was due to historical precedent.	The time spent preparing bench warrants may not be the most effective use of limited resources.

Finding	Criteria	Condition	Cause	Effect
5. Revenues lost from judicial waiver of mandatory fee	Section 938.03, Florida Statutes, assesses a \$50 cost against delinquents, to be paid to the Crimes Compensation Trust Fund, and prohibits judicial waiver of said cost.	We found six omissions of this cost among 56 files tested [11%], evenly divided between the two Juvenile judges.	Department staff claims to have elucidated § 938.03 to the court, so this may result from judicial decisions.	When judges fail to impose the \$50 Crimes Compensation Trust Fund cost upon delinquents, Trust Fund beneficiaries (crime victims) and the Clerk lose legislatively-fixed revenues.
6. Booking sheet and certain other data keyed repetitively	The fewer keying iterations entailed, the lower the risk of keystroke error, and the lower the cost of keying.	Five agencies, including the Clerk, Sheriff, State Attorney, Dept. of Juvenile Justice, and Public Defender enter the same booking sheet data into different systems. Additional information (e.g., court orders) that Juvenile clerks key on the final docket is keyed again on the Order of Adjudication.	These five agencies' computer systems do not transmit data among themselves. Data can't be copied from the DOS-based Juvenile case maintenance software and pasted into a Windows-based Word document.	Repetitive keying of the same data consumes more time and money than necessary, and amplifies the risk of data entry error.
7. Non-compliance with statutory requirement to fax or hand deliver referral packets to the Department of Children and Families (DCF)	Section 985.223 (1) (g), Florida Statutes, specifies that the Clerk shall fax or hand deliver referral packets to DCF upon a court order finding a child incompetent to proceed.	Juvenile uses the U.S. Mail rather than fax or hand delivery.	Juvenile mails such referral packets because anyone may receive a fax and possibly compromise confidentiality, and eschews hand delivery because the DCF office is in Ft. Myers.	No matter how practical or laudable the reasons, the result is disregard of a statute, seemingly for convenience. Additionally, mailing the documentation unnecessarily slows the process of disseminating referral packets, and creates gratuitous costs.
8. Recurring court orders handwritten without benefit of a checklist	Court orders and other particulars of a proceeding must be recorded accurately and completely.	Clerks handwrite court orders hastily using abbreviations, due to the judges' brisk cadence.	Despite the fact that most court orders are recurring, Juvenile doesn't use a checklist of the most frequent orders.	Abbreviating court orders without the benefit of a checklist or other guide increases the chance of writing an order incorrectly, or missing one altogether.

Recommendations

1. Develop formal written policies and procedures

In the summer of 2004 the Clerk of the Circuit Court directed every department in his office to prepare written procedures. This audit in 2005 found only the most rudimentary of formal procedures, and no written policies for the Juvenile Department. Courts management should consider formulating a timetable for meeting this objective, reviewing as a model policies and procedures developed by the Special Projects Coordinator (Bonds), and ensuring that drafted policies and procedures comprehensively meet statutory requirements.

2. Meet statutory requirement to notify the court of unpaid restitution

Due to the high rate of non-compliance found, courts management should vigorously tackle this issue in order to bring the Clerk into statutory compliance. This issue must be addressed prior to implementation of the new case maintenance system.

3. Reflect accurate restitution balances in the case maintenance system

Juvenile Department personnel should strive to record court-ordered restitution correctly, both in the courtroom and in the case maintenance system. Joint and several restitution appears to present management an outstanding opportunity for creative problem solving.

4. Evaluate the costs and benefits of preparing bench warrants

In light of Revision 7 to Article V, Juvenile's business processes should connect to statutory or other governing requirements. Courts management should consider whether the time spent preparing bench warrants is an effective use of resources.

5. Revenues lost from judicial waiver of mandatory cost

Courts management, working through the Clerk as needed, should re-communicate with Juvenile judges about the mandatory \$50 court cost imposed by section 938.03, Florida Statutes.

6. Ensure planned case maintenance software minimizes repetitive data entry and communicates with modern systems to the extent feasible

Courts management should make sure that Juvenile's new case maintenance system reduces the number of times that personnel must key the same data. Interfaces with other systems (e.g., receiving booking sheet data from the Sheriff's Office) would go a long way in this regard.

7. Follow statutory authority to fax or hand deliver referral packets to the Department of Children and Families (DCF) in juvenile delinquency incompetency matters

Courts management should elect one of the statutorily directed delivery methods and instruct Juvenile personnel to use such method henceforth. For example, concerns about security of faxes can be mitigated by working with DCF staff to establish a secure process (e.g., identifying a point of contact and establishing a secure fax line).

8. Recurring court orders handwritten without benefit of a checklist

Juvenile personnel should consider the benefits of using some kind of checklist as an aid in recording recurring judges' orders in the courtroom. A checklist of the most frequent and common orders for delinquents, similar to the blank court order form now in use, could simplify recording court orders and leave less room for human error, by allowing court clerks to check off routine orders rather than abbreviate them as presently done. Also, such a checklist may yield a bonus benefit of simplifying training by standardizing the recording process.

Courts Management's Response:

Finding #1

We agree that written procedures are essential in ensuring that department staff can function correctly according to statutes, Administrative Orders and Clerk's Office policies. We are aware of the shortcomings of current written procedures and will have new procedures created during and after the rewrite of the Juvenile court system in 2006.

Finding #2

The current Juvenile court system does not have the ability to search our records and produce a restitution report to the court. FS 985.231(1)(a)6 is not clear as to how often the court is to receive this report. We will confer with the court to determine how often they want this information and be sure the new Juvenile court system has the ability to report to the court when restitution has not been paid. It should be noted that payment of restitution is often a condition of probation but restitution has not been pursued by DJJ when they motion the court for termination of probation for a delinquent.

Finding #3

We agree that the most likely reason the computer system did not accurately reflect the court's announcement is due to human error. We are building safeguards in the new Juvenile court system that will greatly reduce these occurrences. The new system will have the ability to track when there is relationship between two or more cases. This should solve the problems when restitution is ordered paid "joint and several".

Finding #4

We agree with this finding. Again, with the new system's automation capabilities, the judges will have the ability to produce a bench warrant and forward it to the Juvenile department for processing. Our current procedure is the only way currently to produce a bench warrant.

Finding #5

We will again inform the court about the mandatory fee imposed by FS 938.03 and make them aware that the Clerk's Office is required to make quarterly reports to the Legislature of mandatory fees collected and waived.

Finding #6

One of the main goals of the new Juvenile court system is data sharing between all agencies associated with Juvenile cases. It is recognized that repetitive data entry increases the chance of errors and is labor intensive.

Finding #7

We will come into compliance of FS 985.223 (1) (g) and begin to either mail referral packets to DJJ or arrange for them to have a pick up point in our Juvenile department area where these packets can be hand delivered.

Finding #8

Handwriting and abbreviating what the court orders in court is a practice done in every court proceeding. The new Juvenile court system will have an on-screen means and pre-printed judgment forms to record what the court orders during hearings and other Juvenile court proceedings.

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Conclusion

The Juvenile Department's lack of formal procedures and absence of written policies clearly contributed to findings of statutory non-compliance with regard to unmet restitution, and delivery of incompetency referral packets. The process of assembling and composing policies and procedures could have aided management to uncover and address these issues. In addition, periodic quality control checks would be beneficial moving forward.

Juvenile's new case maintenance system, which courts management expects to be operational in the next year, should help to alleviate findings of erroneous restitution reporting and repetitive data entry. Yet, the development of parameters and specifications for this new system seems to be occurring in a vacuum, with little, if any, involvement of rank and file Juvenile personnel. In our opinion, gathering input from the intended system users is vital to designing and constructing the most practically useful system. It is incumbent upon courts management and Management Information Systems (MIS) staff to ensure that system requirements are developed with extensive stakeholder input.

We commend Juvenile Department personnel for the quality of their work and we thank them for their cooperation and support during this audit.

Courts Management's Response:

We would like to take the opportunity to thank the Internal Audit department for their in-depth audit of the Juvenile department. This department is in dire need of automation and the issues and solutions/recommendations made from the audit will assist us in insuring that we do not overlook any areas that need special attention in the new court system.