

# State Court Filing Trends

A special pandemic report

December 8, 2020



## Courts must stay alert for backlogs

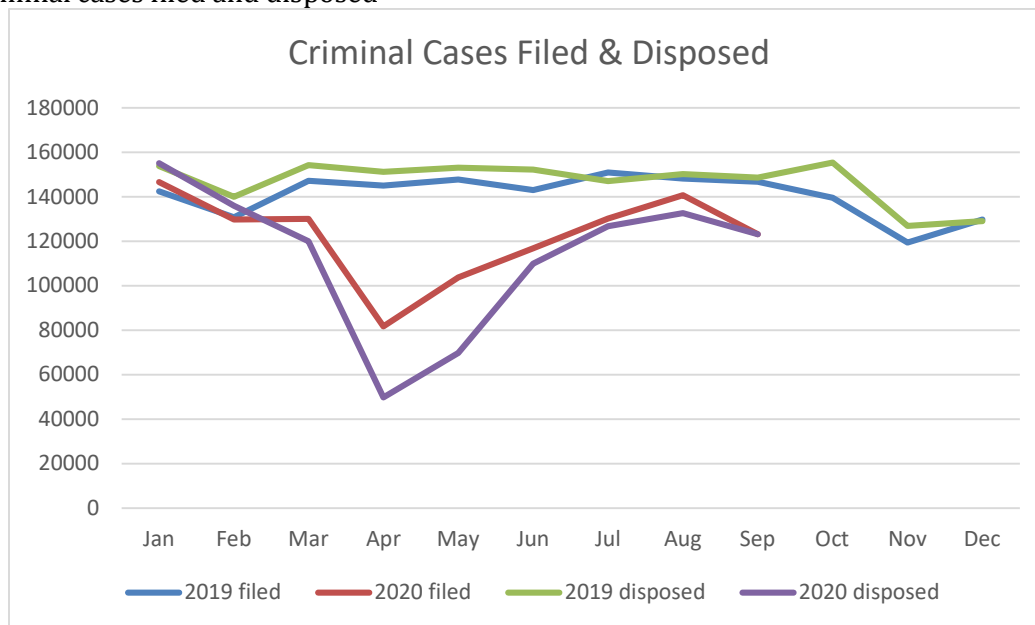
As expected, the number of cases filed with state courts in the United States dropped dramatically in March and April of 2020 as courts shifted operations, many states and cities issued stay at home orders, and individuals limited their activities.

State and local court leaders are concerned about the potential for a growing backlog of cases, particularly in a time of budget shortfalls and possible staffing cuts. The number of court cases filed and disposed remains below 2019 levels as of September, despite court adaptations to the coronavirus pandemic. The Court Statistics Project collected aggregate data from 11 geographically diverse states to examine the effect of the pandemic on the number of cases filed and disposed.

### Criminal

In some case types, the reduction in case filings is due to behavioral changes that occurred during the pandemic. The decline in criminal case filings reflects a drop in criminal incidents and arrests.<sup>1</sup> Arrests dropped dramatically when stay at home orders were imposed in many jurisdictions. Because the decline in filings resulted from fewer arrests and citations, these courts are unlikely to experience a surge in criminal cases resulting from that drop. The number of cases disposed declined more precipitously than the number of cases filed, indicating that courts may have a backlog resulting from the months, particularly April through June, where dispositions lagged behind case filings.

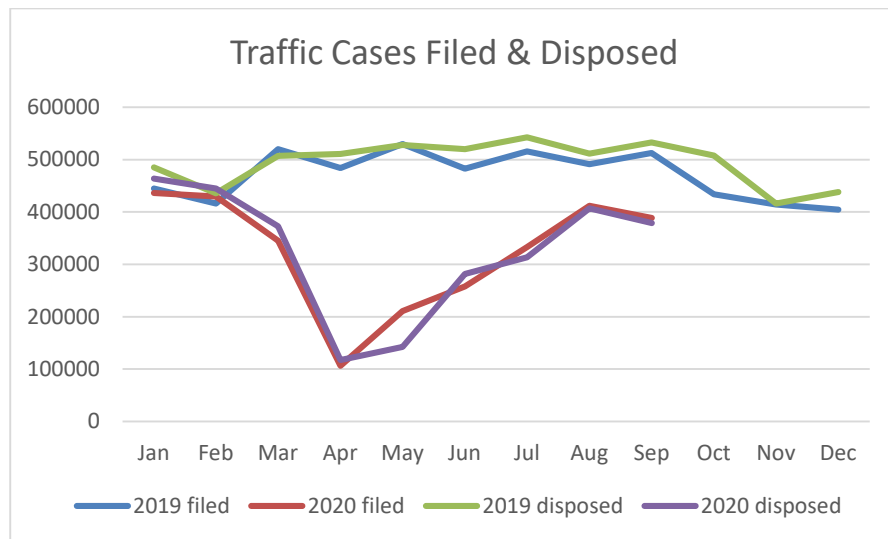
Chart 1: Criminal cases filed and disposed



## Traffic and local ordinance

As with criminal cases, the decline in traffic cases likely resulted because fewer individuals were driving. The number of vehicle stops were much lower in March and April compared to previous years.<sup>1</sup> The number of traffic cases filed was back to 80% of 2019 levels as of August. The number of cases disposed, though below previous years, has kept pace with the number of filings. This is likely in part because many traffic cases are disposed without court appearances.

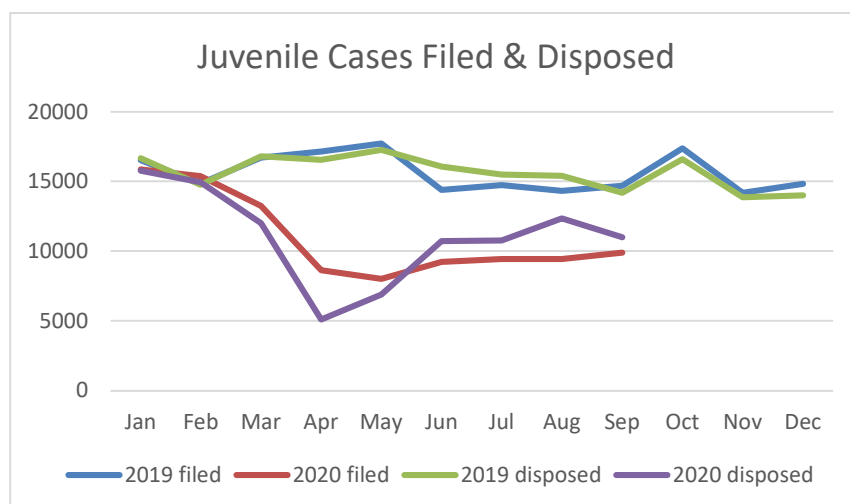
Chart 2: Traffic cases filed and disposed



## Juvenile

The number of juvenile cases filed and disposed follows a similar pattern, though the numbers of filed cases has remained below 2019 levels. Juvenile cases include both delinquency and status offense cases, such as truancy. It is likely that the number of juvenile case filings dropped both as a result of fewer arrests and because schools may be reluctant to pursue truancy cases with the move toward more virtual education.

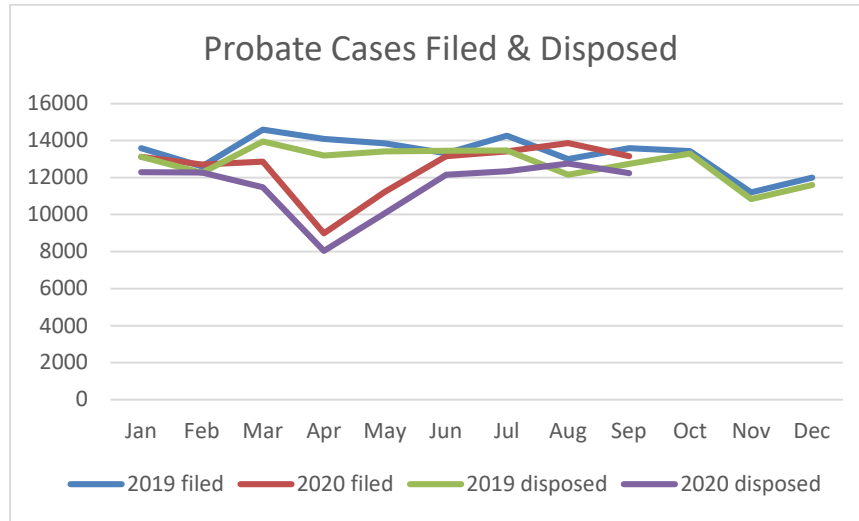
Chart 3: Juvenile cases filed and disposed



## Probate

Probate case filings are unique in that they have essentially returned to normal. Probate cases typically include guardianship and conservatorship cases and decedent estate cases. The number of cases disposed has consistently lagged behind the number of cases filed, indicating that courts will need to address the growing inventory of cases in probate.

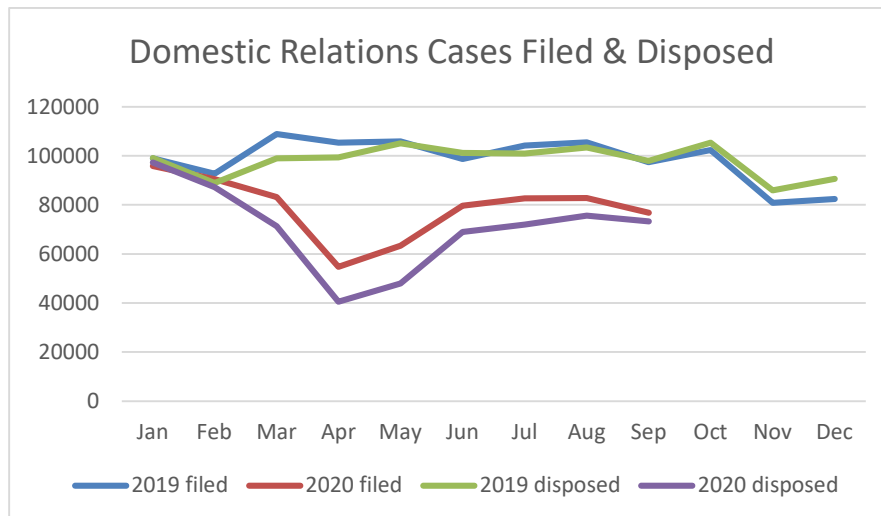
Chart 4: Probate cases filed and disposed



## Domestic relations

Domestic relations cases have not returned to 2019 levels of case filings. This is likely due to several connected issues. The number of divorce filings tends to decrease when the economy is weak and increase when the economy is strong. For comparison, during the last recession the national divorce rate declined from 20.9 per 1000 married women in 2008 to 19.5 in 2009, before rising to 19.8 per 1000 in 2010, following the recession.<sup>ii</sup> The pandemic is a time of economic uncertainty, which may again depress the divorce rate. Courts may see an increase in domestic relations case filings when the economy improves. The number of cases disposed has continued to lag behind the number of cases filed, indicating a growing inventory of domestic relations cases.

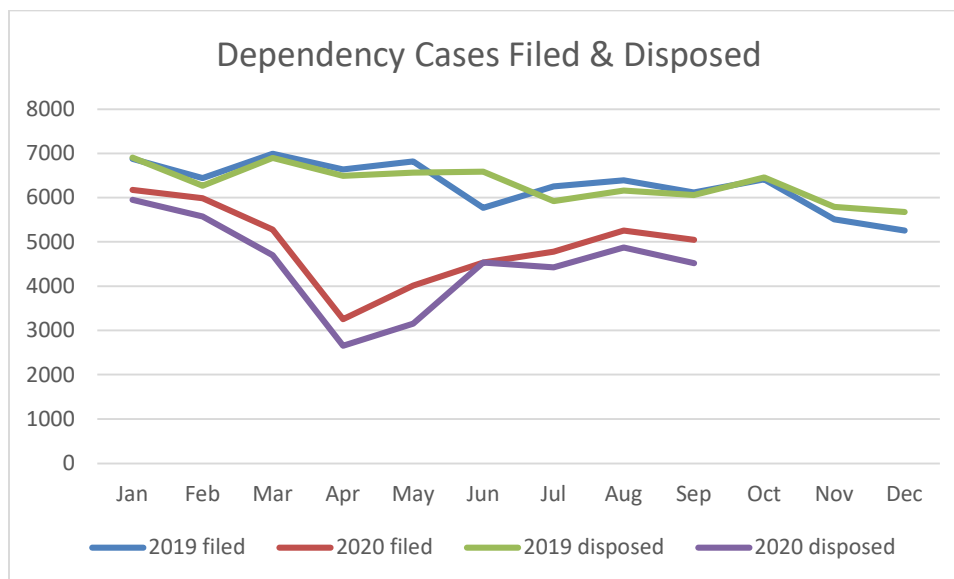
Chart 5: Domestic relations cases filed and disposed



## Dependency

Dependency cases are those involving abuse or neglect of a child. The number of these cases filed has not returned to normal levels. Many dependency cases are filed because someone who is a mandated reporter, such as a teacher or health care provider, alerts a child maltreatment hotline. During the pandemic, children have had less face-to-face contact with mandated reporters. The filings and dispositions in this chart do not represent all of the work that courts do as they are actively involved in cases after disposition. This work includes review and permanency planning hearings. This is an area likely to be challenging for courts, as parents and children may have had less access to services needed to address the causes of the abuse or neglect during the pandemic. Courts have continued to treat dependency cases as high priority cases, both to meet the needs of children and also to meet federal and state timelines.

Chart 6: Dependency cases filed and disposed



## Recommendations

The Court Statistics Project recommends a number of actions for state and local courts. First, having accurate data and tracking the number of cases filed and disposed is more important than ever. Courts must maintain their ability to enter, maintain, and use accurate data. Courts, at a minimum, should be actively tracking:

1. Year over year comparison of filings and dispositions by week or by month
2. Number of pending cases
3. Clearance rate, which is the number of disposed cases divided by the number of filed cases. Any clearance rate below 100% indicates a growing backlog of cases.
4. The number, type, and age of cases currently pending.

Many courts are concerned about a backlog going forward. Because disposition numbers dropped more dramatically than case filings in the spring of 2020, there have been more cases filed than disposed in many jurisdictions this year. As courts have adapted operations and moved to multiple methods of holding court hearings, including remotely and in hybrid models where some parties are remote and others are in person, the number of cases disposed has remained below that of 2020. When case filings return to normal levels, or increased levels in response to the pandemic drop, courts may be struggling to keep up. With the potential for budget shortfalls and reductions in staffing, courts must actively monitor their active caseloads to ensure that access to justice is maintained.

## Endnotes

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<sup>i</sup> <https://citycrimestats.com/covid/>

<sup>ii</sup> Philip N. Cohen, "Recession and Divorce in the United States, 2008-2011," *Population Research and Policy Review* 33 no. 5 (May 2015).