

GAO

Testimony

Before the Subcommittee on the District of Columbia,
Committee on Appropriations, U.S. Senate

For Release on Delivery
Expected at 9:30 a.m. DST
Wednesday, April 24, 2002

D.C. FAMILY COURT

Progress Made Toward Planned Transition, but Some Challenges Remain

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Madam Chairman and Members of the Subcommittee:

I am pleased to be here today to discuss the progress made by the District of Columbia Superior Court in transitioning its Family Division to a Family Court. In January 2002, the District of Columbia Family Court Act of 2001 (P.L. 107-114) was enacted to, among other things, (1) redesignate the Family Division of the Superior Court of the District of Columbia as the Family Court of the Superior Court, (2) recruit trained and experienced judges to serve in the Family Court, and (3) promote consistency and efficiency in the assignment of judges to the Family Court and in the consideration of actions and proceedings in the Family Court. The passage of this act represented the first major overhaul of the Superior Court's Family Division in 3 decades. The Congress, in considering such an overhaul, found that poor communication between participants in the child welfare system, a weak organizational structure, and a lack of case management were serious problems plaguing the Family Division.

As a first step in initiating changes to the Family Division, the Family Court Act required the chief judge of the Superior Court to submit to the president and the Congress a transition plan outlining the proposed operation of the Family Court. The Congress also required that the chief judge submit the transition plan to the U.S. General Accounting Office (GAO) and that, within 30 calendar days after submission of the plan by the Superior Court, we submit to the president and the Congress an analysis of the contents and effectiveness of the plan in meeting the requirements of the Family Court Act. My testimony is based on our analysis of the transition plan, including discussions with court and child welfare experts,¹ juvenile and family court judges across the country, and officials from the District of Columbia Superior Court and the Family Court. To supplement our analysis of the transition plan, we also asked several court experts to examine the plan and highlight its strengths and areas that may need more attention. Our final report will be submitted to the president and the Congress by May 5, 2002.

In summary, the District of Columbia Superior Court has made progress in planning the transition of its Family Division to a Family Court, but some challenges remain. The Superior Court's transition plan addresses most,

¹We interviewed officials of a variety of organizations, such as the National Council of Juvenile and Family Court Judges; the National Center for State Courts; the Center for Families, Children and the Courts at the University of Baltimore; and the Child Welfare League of America.

but not all, of the required elements outlined in the act. Significantly, the completion of the transition hinges on timely completion of a complex series of interdependent plans intended to obtain and renovate physical space to house the court and its functions. For example, the plan explains how the abuse and neglect cases currently being heard by judges in other divisions of the Superior Court will be closed or transferred to the Family Court; however, the plan states that the complete transfer of these cases can only occur if additional judges and magistrates are hired, trained, and housed in appropriate space. All required space may not be available, as currently planned, to support the additional judges the Family Court needs to perform its work in accordance with the act, making it uncertain as to when the court can fully complete its transition. Finally, the development and application of the District of Columbia Courts² Integrated Justice Information System (IJIS)³ will be critical for the Family Court to be able to operate effectively, evaluate its performance, and meet its judicial goals in the context of the changes mandated by the Family Court Act.

Background

The District of Columbia Family Court Act of 2001 (P.L. 107-114) was enacted on January 8, 2002. The act stated that, not later than 90 days after the date of the enactment, the chief judge of the Superior Court shall submit to the president and Congress a transition plan for the Family Court of the Superior Court, and shall include in the plan the following:

- The chief judge's determination of the role and function of the presiding judge of the Family Court.
- The chief judge's determination of the number of judges needed to serve on the Family Court.

²The D.C. Courts includes three main entities—the Superior Court, the Court of Appeals, and the Executive Office—and provides the overall organizational framework for judicial operations. The Superior Court contains five components: Civil Division, Criminal Division, Family Court, Probate Division, and the Tax Division. The Court of Appeals, among other responsibilities, handles appellate functions referred to it from the Superior Court. The Executive Office performs various administrative management functions.

³Faced with a myriad of nonintegrated systems that do not provide the necessary information to support its overall mission, the D.C. Courts is in the process of acquiring a replacement system called IJIS. See U.S. General Accounting Office, *DC Courts: Disciplined Processes Critical to Successful System Acquisition*, [GAO-02-316](#), (Washington, D.C.: 2002) for more details on the court's planning of IJIS.

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- The chief judge's determination of the number of magistrates⁴ of the Family Court needed for appointment under Section 11-1732, District of Columbia Code.
 - The chief judge's determination of the appropriate functions of such magistrates, together with the compensation of and other personnel matters pertaining to such magistrates.
 - A plan for case flow, case management, and staffing needs (including the needs of both judicial and nonjudicial personnel) for the Family Court, including a description of how the Superior Court will handle the one family/one judge requirement pursuant to Section 11-1104(a) for all cases and proceedings assigned to the Family Court.
 - A plan for space, equipment, and other physical needs and requirements during the transition, as determined in consultation with the administrator of General Services.
 - An analysis of the number of magistrates needed under the expedited appointment procedures established under Section 6(d) in reducing the number of pending actions and proceedings within the jurisdiction of the Family Court.
 - A proposal for the disposition or transfer to the Family Court of child abuse and neglect actions pending as of the date of enactment of the act (which were initiated in the Family Division but remain pending before judges serving in other divisions of the Superior Court as of such date) in a manner consistent with applicable federal and District of Columbia law and best practices, including best practices developed by the American Bar Association and the National Council of Juvenile and Family Court Judges.
 - An estimate of the number of cases for which the deadline for disposition or transfer to the Family Court cannot be met and the reasons why such deadline cannot be met.
 - The chief judge's determination of the number of individuals serving as judges of the Superior Court who meet the qualifications for judges of the Family Court and are willing and able to serve on the Family Court. If the chief judge determines that the number of individuals described

⁴A magistrate is a local judicial official entrusted with the administration of the law, but whose jurisdiction may be limited.

in the act is less than 15, the plan is to include a request that the Judicial Nomination Commission recruit and the president nominate additional individuals to serve on the Superior Court who meet the qualifications for judges of the Family Court, as may be required to enable the chief judge to make the required number of assignments.

The Family Court Act states that the number of judges serving on the Family Court of the Superior Court cannot exceed 15. These judges must meet certain qualifications, such as having training or expertise in family law, certifying to the chief judge of the Superior Court that he or she intends to serve the full term of service and that he or she will participate in the ongoing training programs conducted for judges of the Family Court. The act also allows the court to hire and use magistrates to hear family court cases. Magistrates must also meet certain qualifications, such as holding U.S. citizenship, being an active member of the D.C. Bar, and having not fewer than 3 years of training or experience in the practice of family law as a lawyer or judicial officer. The act further states that the chief judge shall appoint individuals to serve as magistrates not later than 60 days after the date of enactment of the act. The magistrates hired under this expedited appointment process are to assist in implementing the transition plan, and in particular, assist with the transition or disposal of child abuse and neglect proceedings not currently assigned to judges in the Family Court.

The Superior Court submitted its transition plan on April 5, 2002. The plan consists of three volumes. Volume I contains information on how the court will address case management issues, including organizational and human capital requirements. Volume II contains information on the development of IJIS and its planned applications. Volume III addresses the physical space the court needs to house and operate the Family Court.

Courts interact with various organizations and operate in the context of many different programmatic requirements. In the District of Columbia, the Family Court frequently interacts with the child welfare agency—the Child and Family Services Agency (CFSA)—a key organization responsible for helping children obtain permanent homes. CFSA must comply with federal laws and other requirements, including the Adoption and Safe Families Act (ASFA), which placed new responsibilities on child welfare

agencies nationwide.⁵ ASFA introduced new time periods for moving children who have been removed from their homes to permanent home arrangements and penalties for noncompliance. For example, the act requires states to hold a permanency planning hearing not later than 12 months after the child is considered to have entered foster care. Permanent placements include the child's return home and the child's adoption.

Transition Plan Contains Most, But Not All, Required Elements of the Family Court Act

The Family Court transition plan provides information on most, but not all, of the elements required by the Family Court Act. For example, the plan describes the Family Court's method for transferring child abuse and neglect cases to the Family Court, its one family/one judge case management principle,⁶ and the number and roles of judges and magistrates.⁷ However, the plan does not (1) indicate if the 12 judges who volunteered for the Family Court meet all of the qualifications outlined in the act, (2) include a request for judicial nomination, and (3) state how the number of magistrates to hire under the expedited process was determined. In addition, the court could consider taking additional actions, such as using a full range of measures by which the court can evaluate its progress in ensuring better outcomes for children.

⁵For additional details on the challenges facing the District of Columbia's child welfare system and the implementation of ASFA, see U.S. General Accounting Office, *District of Columbia Child Welfare: Long-Term Challenges to Ensuring Children's Well-Being*, [GAO-01-191](#), (Washington, D.C.: 2000) and *Foster Care: States' Early Experiences Implementing the Adoption and Safe Families Act*, [GAO/HEHS-00-1](#), (Washington, D.C.: 1999).

⁶The Family Court Act requires the Family Court, to the greatest extent practicable, feasible, and lawful, to assign one judge to handle a case from initial filing to final disposition, as well as to handle related family cases that are subsequently filed.

⁷In the Family Court, two Family Court judges—the presiding and deputy presiding judges—will primarily handle the administrative functions of the court. Family Court judges are judges of the Superior Court who have received training or have expertise in family law. These judges will hear a variety of cases in the court. Family Court magistrates are qualified individuals with expertise and training in family law. These magistrates will also hear various Family Court cases.

The Transition Plan Includes a Description of the Court's Plan for Transferring Abuse and Neglect Cases to the Family Court

The transition plan establishes criteria for transferring cases to the Family Court and states that the Family Court intends to have all child abuse and neglect cases pending before judges serving in other divisions of the Superior Court closed or transferred into the Family Court by June 2003. According to the plan, the court has asked each Superior Court judge to review his or her caseload to identify those cases that meet the criteria established by the court for transferring or not transferring cases. Cases identified for transfer include those in which (1) the child is 18 years of age and older, the case is being monitored primarily for the delivery of services, and no recent allegations of abuse or neglect exist; and (2) the child is committed to the child welfare agency and is placed with a relative in a kinship care program. Cases that the court believes may not be candidates for transfer by June 2002 include those with respect to which the judge believes transferring the case would delay permanency. The court expects that older cases will first be reviewed for possible closure and expects to transfer the entire abuse and neglect caseloads of several judges serving in other divisions of the Superior Court to the Family Court. Using the established criteria to review cases, the court estimates that 1,500 cases could be candidates for immediate transfer.

The act also requires the court to estimate the number of cases that cannot be transferred into the Family Court in the timeframes specified. The plan provides no estimate because the court's proposed transfer process assumes all cases will be closed or transferred, based on the outlined criteria. However, the plan states that the full transfer of all cases is partially contingent on hiring three new judges.

The Transition Plan Describes The Family Court's Approach to Managing Its Cases, But The Court Could Consider Additional Approaches to Assessing Implementation

The transition plan identifies the way in which the Family Court will implement the one family/one judge approach and improve its case management practices; however, the evaluation measures developed to assess the court's progress in reforming its operations could include additional measures that reflect outcomes for children. The plan indicates that the Family Court will implement the one family/one judge approach by assigning all cases involving the same family to one judicial team—comprised of a Family Court judge and a magistrate. This assignment will begin with the initial hearing by the magistrate on the team and continue throughout the life of the case. Juvenile and family court experts indicated that this team approach is realistic and a good model of judicial collaboration. One expert said that such an approach provides for continuity if either team member is absent. Another expert said that, given the volume of cases that must be heard, the team approach can ease the burden on judicial resources by permitting the magistrate to make

recommendations and decisions, thereby allowing the Family Court judge time to schedule and hear trials and other proceedings more quickly. Court experts also praised the proposed staggered terms for judicial officials—newly-hired judges, magistrates, and judges who are already serving on the Superior Court will be appointed to the Family Court for varying numbers of years—which can provide continuity while recognizing the need to rotate among divisions in the Superior Court.

In addition, the plan identifies actions the court plans to take to improve case management. First, the Family Court plans to centralize intake. According to the plan, a central office will encompass all the functions that various clerks' offices—such as juvenile, domestic relations, paternity and support, and mental health—in the Family Court currently carry out. As part of centralized intake, case coordinators⁸ will identify any related cases that may exist in the Family Court. To do this, the coordinator will ensure that a new “Intake/Cross Reference Form” will be completed by various parties to a case and also check the 18 current computer systems serving the Family Court. Second, the court plans to use alternative dispute resolution to resolve cases more quickly and expand initial hearings to address many of the issues that the court previously handled later in the life of the case. Last, the plan states that the Family Court will provide all affected parties speedy notice of court proceedings and implement strict policies for the handling of cases—such as those for granting continuances—⁹although it does not indicate who is responsible for developing the policies or the status of their development.

The plan states that the court will conduct evaluations to assess whether components of the Family Court were implemented as planned and whether modifications are necessary; the court could consider using additional measures to focus on outcomes for children. For example, evaluation measures listed in the plan are oriented more toward the court's processes, such as whether hearings are held on time, than on outcomes. According to a court expert, measures must also account for outcomes the court achieves for children. Measures could include the number of finalized adoptions that did not disrupt, reunifications that do not fail, children who remain safe and are not abused again while under

⁸Coordinators will provide day-to-day liaison between judges and magistrates, legal counsel, litigants, court clerks, and the child welfare agency. They will also be responsible for monitoring the cases for ASFA compliance.

⁹When a continuance is granted by the judge, the case is rescheduled for another day.

court jurisdiction or in foster care, and the proportion of children who successfully achieve permanency. In addition, the court will need to determine how it will gather the data necessary to measure each team's progress in ensuring such outcomes or in meeting the requirements of ASFA, and the court has not yet established a baseline from which to judge its performance.

The Transition Plan Addresses the Number and Roles of Judicial Officers, But Other Human Capital Issues Remain Unclear

The transition plan states that the court has determined that 15 judges are needed to carry out the duties of the court and that 12 judges have volunteered to serve on the court, but does not address recruitment and the nomination of the three additional judges. Court experts said that the court's analysis to identify the appropriate number of judges is based on best practices identified by highly credible national organizations and is, therefore, pragmatic and realistic. The plan, however, does not include a request that the Judicial Nomination Commission recruit and the president nominate the additional three individuals to serve on the Superior Court, as required by the Family Court Act.

The Superior Court does not provide in the plan its determination of the number of nonjudicial staff needed. The court acknowledges that while it budgeted for a certain number of nonjudicial personnel based on current operating practices, determining the number of different types of personnel needed to operate the Family Court effectively is pending completion of a staffing study.¹⁰

Furthermore, the plan does not address the qualifications of the 12 judges who volunteered for the court. Although the plan states that these judges have agreed to serve full terms of service, according to the act, the chief judge of the Superior Court may not assign an individual to serve on the Family Court unless the individual also has training or expertise in family law and certifies that he or she will participate in the ongoing training programs conducted for judges of the Family Court.

¹⁰D.C. Courts has hired Booz-Allen & Hamilton to conduct a workforce planning analysis over a 6 month period. The analysis and the development of a customized automated tool for ongoing workforce planning and analysis is scheduled to be complete by May 15, 2002. The courts contracted for this project in response to our report, *D.C. Courts: Staffing Level Determination Could Be More Rigorous*, GAO/GGD-99-162, (Washington, D.C.: Aug. 27, 1999).

The transition plan describes the duties of judges assigned to the Family Court, as required by the act. Specifically, the plan describes the roles of the designated presiding judge, the deputy presiding judge, and the magistrates. The plan states that the presiding and deputy presiding judges will handle the administrative functions of the Family Court, ensure the implementation of the alternative dispute resolution projects, oversee grant-funded projects, and serve as back-up judges to all Family Court judges. These judges will also have a post-disposition¹¹ abuse and neglect caseload of more than 80 cases and will continue to consult and coordinate with other organizations (such as the child welfare agency), primarily by serving on 19 committees.¹² One court expert has observed that the list of committees to which the judges are assigned seems overwhelming and added that strong leadership by the judges could result in the consolidation of some of the committees' efforts.

The plan also describes the duties of the magistrates, but does not provide all the information required by the act. Magistrates will be responsible for initial hearings in new child abuse and neglect cases, and the resolution of cases assigned to them by the Family Court judge to whose team they are assigned. They will also be assigned initial hearings in juvenile cases, noncomplex abuse and neglect trials, and the subsequent review and permanency hearings,¹³ as well as a variety of other matters related to domestic violence, paternity and support, mental competency, and other domestic relations cases. As noted previously, one court expert said that the proposed use of the magistrates would ease the burden on judicial resources by permitting these magistrates to make recommendations and decisions. However, although specifically required by the act, the transition plan does not state how the court determined the number of magistrates to be hired under the expedited process. In addition, while the act outlines the required qualifications of magistrates, it does not specifically require a discussion of qualifications of the newly hired

¹¹At the disposition hearing, a decision is made regarding who will have custody and control of the child, and a review is conducted of the reasonable efforts made to prevent removal of the child from the home.

¹²These committees include the Child Welfare Leadership Team, the Mayor's Advisory Committee on Child Abuse and Neglect, and the Mayor's Advisory Committee on Permanent Families for Children.

¹³Review hearings are held to review case progress to ensure children spend the least possible time in temporary placement and to modify the family's case plan, as necessary. Permanency hearings decide the permanent placement of the child, such as returning home or being placed for adoption.

magistrates in the transition plan. As a result, none was provided and whether these magistrates meet the qualifications outlined in the act is unknown.

A discussion of how the court will provide initial and ongoing training for its judicial and nonjudicial staff is also not required by the act, although the court does include relevant information about training. For example, the plan states that the Family Court will develop and implement a quarterly training program for Family Court judges, magistrates, and staff covering a variety of topics and that it will promote and encourage participation in cross-training.¹⁴ In addition, the plan states new judges and magistrates will participate in a 2 to 3 week intensive training program, although it does not provide details on the content of such training for the five magistrates hired under the expedited process, even though they were scheduled to begin working at the court on April 8, 2002. One court expert said that a standard curriculum for all court-related staff and judicial officers should be developed and that judges should have manuals available outlining procedures for all categories of cases. In a September 2000 report on human capital, we said that an explicit link between the organization's training offerings and curricula and the competencies identified by the organization for mission accomplishment is essential.¹⁵ Likewise, organizations should make fact-based determinations of the impact of its training and development programs to provide feedback for continuous improvement and ensure that these programs improve performance and help achieve organizational results.

¹⁴Cross-training refers to the practice of bringing together various participants in the child welfare system to learn each other's roles and responsibilities. The act requires the court to use the resources of lawyers and legal professionals, social workers, and experts in the field of child development and other related fields in developing its cross-training program.

¹⁵U.S. General Accounting Office, *Human Capital: A Self-Assessment Checklist for Agency Leaders*, GAO/OCG-00-14G, (Washington, D.C.: Sept. 2000).

Challenges in Obtaining The Necessary Physical Space and in Developing a New Information System Could Impede Family Court Implementation

Two factors are critical to fully transitioning to the Family Court in a timely and effective manner: obtaining and renovating appropriate space for all new Family Court personnel and the development and installation of a new automated information system, currently planned as part of the D.C. Courts IJIS system. The court acknowledges that its implementation plans may be slowed if appropriate space cannot be obtained in a timely manner. For example, the plan addresses how the abuse and neglect cases currently being heard by judges in other divisions of the Superior Court will be transferred to the Family Court, but states that the complete transfer of cases hinges on the court's ability to hire, train, and provide appropriate space for additional judges and magistrates. In addition, the Family Court's current reliance on nonintegrated automated information systems that do not fully support planned court operations, such as the one family/one judge approach to case management, constrains its transition to a Family Court.

The Plan for Obtaining the Necessary Space and Facilities Carries a Number of Project Risks

The transition plan states that the interim space plan¹⁶ carries a number of project risks. These include a very aggressive implementation schedule and a design that makes each part of the plan interdependent with other parts of the plan. The transition plan further states that the desired results cannot be reached if each plan increment does not take place in a timely fashion. For example, obtaining and renovating the almost 30,000 occupiable square feet of new court space needed requires a complex series of interrelated steps—from moving current tenants in some buildings to temporary space, to renovating the John Marshall level of the H. Carl Moultrie Courthouse by July 2003.

The Family Court of the Superior Court is currently housed in the H. Carl Moultrie Courthouse, and interim plans call for expanding and renovating additional space in this courthouse to accommodate the additional judges, magistrates, and staff who will help implement the D.C. Family Court Act. The court estimates that accommodating these judges, magistrates, and staff requires an additional 29,700 occupiable square feet, plus an undetermined amount for security and other amenities. Obtaining this space will require nonrelated D.C. Courts entities to vacate space to allow

¹⁶The interim space plan addresses facility needs of the Family Court in response to the act. D.C. Courts is also developing a comprehensive master plan to address the needs of the courts through 2012.

renovations, as well as require tenants in other buildings to move to house the staff who have been displaced.

The plan calls for renovations under tight deadlines and all required space may not be available, as currently planned, to support the additional judges the Family Court needs to perform its work in accordance with the act, making it uncertain as to when the court can fully complete its transition. For example, D.C. Courts recommends that a portion of the John Marshall level of the H. Carl Moultrie Courthouse, currently occupied by civil court functions, be vacated and redesigned for the new courtrooms and court-related support facilities. Although some space is available on the fourth floor of the courthouse for the four magistrates to be hired by December 2002, renovations to the John Marshall level are tentatively scheduled for completion in July 2003—2 months after the court anticipates having three additional Family Court judges on board. Another D.C. Courts building—Building B—would be partially vacated by non-court tenants and altered for use by displaced civil courts functions and other units temporarily displaced in future renovations. Renovations to Building B are scheduled to be complete by August 2002. Space for 30 additional Family Court-related staff, approximately 3,300 occupiable square feet, would be created in the H. Carl Moultrie Courthouse in an as yet undetermined location.

Reducing Risks in Developing the New Information System Critical to Meeting Family Court Goals

The Family Court act calls for an integrated information technology system to support the goals it outlines, but a number of factors significantly increase the risks associated with this effort, as we reported in February 2002.¹⁷ For example,

- The D.C. Courts had not yet implemented the disciplined processes necessary to reduce the risks associated with acquiring and managing IJIS to acceptable levels. A disciplined software development and acquisition effort maximizes the likelihood of achieving the intended results (performance) on schedule using available resources (costs).

¹⁷U.S. General Accounting Office, *DC Courts: Disciplined Processes Critical to Successful System Acquisition*, [GAO-02-316](#), (Washington, D.C.: February 2002).

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- The requirements¹⁸ contained in a draft Request for Proposal (RFP) lacked the necessary specificity to ensure that any defects in these requirements had been reduced to acceptable levels¹⁹ and that the system would meet its users' needs. Studies have shown that problems associated with requirements definition are key factors in software projects that do not meet their cost, schedule, and performance goals.
 - The requirements contained in the D.C. Courts' draft RFP did not directly relate to industry standards. As a result, inadequate information was available for prospective vendors and others to readily map systems built upon these standards to the needs of the D.C. Courts.

Prior to issuing our February 2002 report, we discussed our findings with D.C. Courts officials, who generally concurred with our findings and stated their commitment to only go forward with the project when the necessary actions had been taken to reduce the risks to acceptable levels. In that report, we made several recommendations designed to reduce the risks associated with this effort to acceptable levels. In April 2002, we met with D.C. Courts officials to discuss the actions taken on our recommendations and found that significant actions have been initiated that, if properly implemented, will help reduce the risks associated with this effort. For example, D.C. Courts is

- beginning the work to provide the needed specificity for its system requirements. This includes soliciting requirements from the users and ensuring that the requirements are properly sourced (e.g., traced back to their origin). According to D.C. Courts officials, this work has identified significant deficiencies in the original requirements that we discussed in our February 2002 report.
- issuing a Request for Information to obtain additional information on commercial products that should be considered by the D.C. Courts during its acquisition efforts. This helps the requirements management

¹⁸Requirements represent the blueprint that system developers and program managers use to design, develop, and acquire a system. Requirements should be consistent with one another, verifiable, and directly traceable to higher-level business or functional requirements.

¹⁹Although all projects of this size can be expected to have some requirements-related defects, the goal is to reduce the number of such defects so that they do not significantly affect cost, schedule, or performance.

process by identifying requirements that are not supported by commercial products so that the courts can reevaluate whether it needs to (1) keep the requirement or revise it to be in greater conformance with industry practices or (2) undertake a development effort to achieve the needed capability.

- developing a systems engineering life-cycle process for managing the D.C. Courts information technology efforts. This will help define the processes and events that should be performed from the time that a system is conceived until the system is no longer needed. Examples of processes used include requirements development, testing, and implementation.
- developing policies and procedures that will help ensure that the courts' information technology investments are consistent with the requirements of the Clinger-Cohen Act of 1996 (P.L. 104-106),²⁰ and
- developing the processes that will enable the D.C. Courts to achieve a level 2 rating—this means basic project management processes are established to track performance, cost, and schedule—on the Software Engineering Institute's²¹ Capability Maturity Model.²²

In addition, D.C. Courts officials told us that they are developing a separate transition plan that will allow them to use the existing (legacy) systems should the IJIS project experience delays. We will review the plan

²⁰D.C. Courts has decided to apply this act to its investments even though it is not required to do so. The Clinger-Cohen Act requires federal executive agencies to establish a process to maximize the value and assess and manage the risks of information technology investments. This process is to provide for, among other things, identifying for a proposed investment quantifiable measurements for determining the net benefits and risks of the investment, and minimum criteria for undertaking a particular investment, including specific quantitative and qualitative criteria for comparing and prioritizing alternative systems investment projects. Only by comparing the costs, benefits, and risks of a full range of technical options can agencies ensure that the best approaches are selected.

²¹The Software Engineering Institute is recognized for its experience in software development and acquisition processes. It has also developed methods and models that can be used to define disciplined processes and determine whether an organization has implemented them.

²²Capability Maturity ModelSM (a service mark of Carnegie Mellon University, and CMM is registered in the U. S. Patent and Trademark Office) provides a logical and widely accepted framework for baselining an organization's current process capabilities (i.e., strengths and weaknesses) and assessing whether an organization has the necessary process discipline in place to repeat earlier successes on similar projects.

once it is made available to us. Although they recognize that maintaining two systems concurrently is expensive and causes additional resource needs, such as additional staff and training for them, these officials believe that they are needed to mitigate the risk associated with any delays in system implementation.

Although these are positive steps forward, D.C. Courts still faces many challenges in its efforts to develop an IJIS system that will meet its needs and fulfill the goals established by the act. Examples of these include:

Ensuring that the systems interfacing with IJIS do not become the weak link: The act calls for effectively interfacing information technology systems operated by the District government with IJIS. According to D.C. Courts officials, at least 14 District systems will need to interface with IJIS. However, several of our reviews have noted problems in the District's ability to develop, acquire, and implement new systems.²³ The District's difficulties in effectively managing its information technology investments could lead to adverse impacts on the IJIS system. For example, the interface systems may not be able to provide the quality of data necessary to fully utilize IJIS's capabilities or provide the necessary data to support IJIS's needs. The D.C. Courts will need to ensure that adequate controls and processes have been implemented to mitigate the potential impacts associated with these risks.

Effectively implementing the disciplined processes necessary to reduce the risks associated with IJIS to acceptable levels: The key to having a disciplined effort is to have disciplined processes in multiple areas. This is a complex task and will require the D.C. Courts to maintain its management commitment to implementing the necessary processes. In our February 2002 report, we highlighted several processes, such as requirements management, risk management, and testing that appeared critical to the IJIS effort.

²³For example, see U.S. General Accounting Office, *District of Columbia: Weaknesses in Financial Management System Implementation*, [GAO-01-489](#), (Washington, D.C.: April 30, 2001); *District of Columbia: The District Has Not Adequately Planned for and Managed Its New Personnel and Payroll System*, [GAO/AIMD-00-19](#), (Washington, D.C.: Dec. 17, 1999); and *District of Columbia: Software Acquisition Processes for A New Financial Management System*, [GAO/AIMD-98-88](#), (Washington, D.C.: April 30, 1998).

Ensuring that the requirements used to acquire IJIS contain the necessary specificity to reduce requirement related defects to acceptable levels: Although D.C. Courts officials have said that they are adopting a requirements management process that will address the concerns expressed in our February 2002 report, maintaining such a process will require management commitment and discipline.

Court experts report that effective technological support is critical to effective family court case management. One expert said that minimal system functionality should include the identification of parties and their relationships; the tracking of case processing events through on-line inquiry; the generation of orders, forms, summons, and notices; and statistical reports. The State Justice Institute's report on how courts are coordinating family cases²⁴ states that automated information systems, programmed to inform a court system of a family's prior cases, are a vital ingredient of case coordination efforts. The National Council of Juvenile and Family Court Judges echoes these findings by stating that effective management systems (1) have standard procedures for collecting data; (2) collect data about individual cases, aggregate caseload by judge, and the systemwide caseload; (3) assign an individual the responsibility of monitoring case processing; and (4) are user-friendly.²⁵ While anticipating technological enhancements through IJIS, Superior Court officials stated that the current information systems do not have the functionality required to implement the Family Court's one family/one judge case management principle.

Ensuring that users receive adequate training: As with any new system, adequately training the users is critical to its success. As we reported in April 2001,²⁶ one problem that hindered the implementation of the District's financial management system was its difficulty in adequately training the users.

²⁴Flango, Carol R., Flango, Victor E., and Rubin, H. Ted, "How are Courts Coordinating Family Cases?", State Justice Institute, National Center for State Courts (Alexandria, VA: 1999).

²⁵National Council of Juvenile and Family Court Judges, *Information Management: A Critical Component of Good Practice in Child Abuse and Neglect Cases*, Technical Assistance Bulletin, Vol. II, No. 8 (Reno, NV: Dec. 1998).

²⁶U.S. General Accounting Office, *District of Columbia: Weaknesses in Financial Management System Implementation*, GAO-01-489, (Washington, D.C.: April 30, 2001).

Avoiding a schedule-driven effort: According to D.C. Courts officials, the act establishes ambitious timeframes to convert to a family court. Although schedules are important, it is critical that the D.C. Courts follows an event-driven acquisition and development program rather than adopting a schedule-driven approach. Organizations that are schedule-driven tend to cut out or inadequately complete activities such as business process reengineering and requirements analysis. These tasks are frequently not considered “important” since many people view “getting the application in the hands of the user” as one of the more productive activities. However, the results of this approach are very predictable. Projects that do not perform planning and requirements functions well typically have to redo that work later. However, the costs associated with delaying the critical planning and requirements activities is anywhere from 10 to 100 times the cost of doing it correctly in the first place.²⁷

Concluding Observations

On the whole, even though some important issues are not discussed, the Superior Court’s transition plan represents a good effort at outlining the steps it will take to implement a family court. However, the court still faces key challenges in ensuring that its implementation will occur in a timely and efficient manner. The court recognizes that its plan for obtaining and renovating needed physical space warrants close attention to reduce the risk of project delays. In addition, the court has taken important steps that begin to address many of the shortcomings we identified in our February 2002 report on its proposed information system. The court’s actions reflect their recognition that developing an automated information system for the Family Court will play a pivotal role in the court’s ability to implement its improved case management framework. Our final report on the transition plan may discuss some additional actions the court might take to further enhance its ability to implement the Family Court Act as required.

Madam Chairman, this concludes my prepared statement. I will be happy to respond to any questions that you or other members of the subcommittee may have.

²⁷*Rapid Development: Taming Wild Software Schedules*, Bruce McConnell, (Microsoft Press).

GAO Contact And Acknowledgments

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