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## EXECUTIVE SUMMARY

Since the enactment of the District of Columbia Family Court Act of 2001, the Court has made significant strides towards achieving the goals set forth in its Family Court Transition Plan submitted to the President and Congress on April 5, 2002. Each measure taken is aimed at improving services for children and families in Family Court. The following summarizes some of the measures taken to achieve each goal during 2003.

- **Made child safety and prompt permanency the primary considerations in decisions involving children.**
  - Completed transfer of all but 34 child abuse and neglect cases assigned to judges in other divisions of the Superior Court to Family Court, which represents 1% of the Court's abuse and neglect caseload.
  - Completed implementation of one family, one judge case management approach.
  - Increased compliance with the Adoptions and Safe Families Act (ASFA)<sup>1</sup>.
  - Established Attorney Practice Standards for abuse and neglect.
  - Established panels of qualified attorneys.
  - Continued use of improved AFSA compliant court order forms.
  - Continued operation of the Mayor's Services Liaison Center at the courthouse.
  - Implemented the Benchmark Permanency Hearing pilot program for older youth in foster care to help them make decisions and plans for their future and to coordinate a full range of services necessary for their success when they gain independence.
  - Opened and operated the Family Treatment Court.
  
- **Provided early intervention and diversion opportunities for juveniles charged with offenses, to enhance rehabilitation and promote public safety.**
  - Coordinated with the Office of the Corporation Counsel to implement its Restorative Justice Diversion Program.
  - Utilized Time Dollar Institute's Youth Court Diversion Program.
  - Collaborated with Metropolitan Police Department in creating a Restorative Justice Supervision Program to address an increase in unauthorized use of motor vehicle crimes by juveniles.
  
- **Appointed and retained well-trained and highly motivated judicial officers.**
  - Three associate judges appointed by the President and assigned to the Family Court by the Chief Judge.

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<sup>1</sup> "ASFA" refers to the federal statute, P.L.105-89 unless otherwise specified.

- Conducted second annual interdisciplinary cross training conference.
  - Planned and hosted bi-monthly cross training programs for all stakeholders.
  - Participated in National Training programs on issues relating to children and families.
- **Promoted alternative dispute resolution**
    - Expanded operation of the Child Protection Mediation Pilot to include all new child abuse and neglect cases.
    - Continued use of the Cooperative Permanency Resolution Program in appropriate cases of neglected children when an adoption is pending.
    - Continued implementation of the case evaluation program in partnership with the D.C. Bar, for domestic relations cases when counsel represents parties.
    - Implemented same day mediation in domestic relations cases.
- **Used technology effectively to track cases of children and families.**
    - Collaborated with Child and Family Services Agency (CFSA) to reassign abuse and neglect cases to judicial teams in the Family Court using an automated database.
    - Collaborated with CFSA to scan court orders into the agency's automated system so that agency social workers have complete and accurate information.
    - Implemented court wide integrated case management system (IJIS):
      - Adoptions, abuse and neglect, and juvenile cases in the Family Court, as well as juvenile probation cases in the Social Services Division and mediation cases in support of Family Court, in the Multi-Door Dispute Resolution Division, commenced operations on IJIS in August 2003.
      - The Marriage Bureau, the Council for Child Abuse and Neglect, Domestic Relations, and Mental Health and Mental Retardation cases types commenced operations on IJIS in December 2003.
      - Electronic data sharing with the CFSA, the Youth Services Administration (YSA), the Office of the Corporation Counsel (OCC) and the Pre-Trial Services Agency commenced.
- **Encouraged and promoted collaboration with the community and community organizations.**
    - Continued to meet regularly with stakeholders and participated on numerous committees of organizations serving children and families.

- **Provided a family friendly environment by ensuring materials and services are understandable and accessible.**
  - Continued operation of the Pro-Se Self Help Clinic at the courthouse, in partnership with the D.C. Bar, so litigants without counsel can obtain materials about Family Court processes and seek assistance with court forms.
  - Revised Family Court forms, through working groups, to make them more understandable.

During this reporting period, the transition period under the Family Court Act ended. The Court is pleased to report that with the support and collaboration of Congress and stakeholders of the Court, it met each transitional requirement under the Act before the end of the transition period. We continue to implement initiatives and sustain past initiatives to better serve children and families in our court system.

## INTRODUCTION

On January 8, 2002, the District of Columbia Family Court Act of 2001, Pub.L. 107-114 (hereinafter the “Act”) was enacted into law. The Act required that the Chief Judge of the Superior Court submit to the President and Congress within 90 days of its enactment a Transition Plan for the implementation of the major components of the Act. The Transition Plan was submitted on April 5, 2002. The Act also detailed a number of other reporting requirements. The Chief Judge must submit a report on the progress of implementing the provisions of the Act to Congress every six months after the filing of the Transition Plan for two-years. Not later than 90 days after the end of each calendar year, the Chief Judge must submit a report to Congress on the activities of the Family Court during the year. The report must include the following:

- (1) The chief judge’s assessment of the productivity and success of the use of alternative dispute resolution (see pages 16-25).
- (2) Goals and timetables as required by the Adoption and Safe Families Act of 1997 to improve the Family Court’s performance in the following year (see pages 33-36).
- (3) Information on the extent to which the Family Court met deadlines and standards applicable under Federal and District of Columbia Law to the review and disposition of actions and proceedings under the Family Court’s jurisdiction during the year (see pages 29-33).
- (4) Information on the progress made in establishing locations and appropriate space for the Family Court (see pages 25-26).
- (5) Information on factors not under the Family Court control which interfere with or prevent the Family Court from carrying out its responsibilities in the most efficient manner possible (see pages 52-54).
- (6) Information on: (a) the number of judges serving on the Family Court as of December 31, 2003, (b) how long each such judge has served on the Family Court, (c) the number of cases retained outside the Family Court, (d) the number of reassignments to and from the Family Court and (e) the ability to recruit qualified sitting judges to serve on the Family Court (see pages 6-12).

- (7) An analysis of the Family Court's efficiency and effectiveness in managing its caseload during the year, including an analysis of the time required to dispose of actions and proceedings among the various categories of Family Court jurisdiction, as prescribed by applicable law and best practices (see pages 46-52).
- (8) A proposed remedial plan of action if the Family Court failed to meet the deadlines, standards, and outcome measures prescribed by such laws or practices (see pages 52-54).

The following is that annual report. It summarizes the activities of the Family Court during 2003, its second year of implementation.

## GOALS AND OBJECTIVES

The goals and objectives outlined in our Transition Plan continue to provide the focal point for our mission as a Family Court.

### ***Mission Statement***

*The mission of the Family Court of the Superior Court of the District of Columbia is to protect and support children brought before it, strengthen families in trouble, provide permanency for children and decide disputes involving families fairly and expeditiously while treating all parties with dignity and respect.*

### **Goals and Objectives**

The Family Court, in consultation with the Family Court Implementation Committee, established the following goals and objectives to ensure that the Court's mission is achieved.

1. Make child safety and prompt permanency the primary considerations in decisions involving children;
2. Provide early intervention and diversion opportunities for juveniles charged with offenses to enhance rehabilitation and promote public safety.
3. Appoint and retain well trained and highly motivated judicial and non-judicial personnel by providing education on issues relating to children and families and creating work assignments that are diverse and rewarding to Family Court judicial officers and staff.
4. Promote the use of alternative dispute resolution (ADR) in appropriate cases involving children and families to resolve disputes in a non-adversarial manner and with the most effective means.
5. Use technology to ensure the effective tracking of cases of families and children; identification of all cases under the jurisdiction of the Family Court that are related to a family or child and any related cases of household members; communication between the court and the related protective and social service systems; collection, analysis and reporting of information relating to court performance and the timely processing and disposition of cases.
6. Encourage and promote collaboration with the community and the community organizations that provide services to children and families served by the Family Court.

7. Provide a family-friendly environment by ensuring that materials and services are understandable and accessible to those being served and that the waiting areas for families and children are comfortable and safe.

### **ONE FAMILY, ONE JUDGE**

The organizing principle of the Family Court is “one family, one judge” to the extent feasible, practicable and lawful. Under this approach, one judicial officer or judicial team handles all cases involving members of the same family or household. The types of case include: dissolution of marriage, paternity, child support, custody, juvenile delinquency, civil domestic violence, mental health and retardation, abuse and neglect, and adoption. The cases remain before the same judicial officer or judicial team until they have been finally resolved; e.g., the same judicial officer or judicial team retains abuse and neglect cases through a permanency disposition by adoption, custody or guardianship.

Given the volume and broad range of cases filed in the Family Court, the Court determined, in consultation with the Office of the Corporation Counsel (OCC) and the Child and Family Services Agency (CFSA), that the gradual implementation of the one family, one judge concept was the most feasible and practicable in this jurisdiction (see page 10 of the Transition Plan). The Transition Plan consolidates the cases related to a child before a single judicial team in four phases.

In Phase I, which was initiated in June 2002, each judicial team became responsible for all case management in their new abuse and neglect cases following the child’s initial hearing. This included any subsequent actions arising out of the abuse and neglect case such as guardianship, termination of parental rights, custody, adoption, or civil domestic violence, as well as the coordination of neglect cases involving siblings.



During Phase II, which was initiated in January 2003, the Court began consolidating other related cases involving families, such as child support and post disposition juvenile cases before the same judicial team responsible for the original abuse and neglect case. Cases were consolidated if such action was likely to contribute to the child's safety or well-being and would not delay permanency.

Phase III of implementation began March 2003. In this phase, related cases that did not arise out of the abuse and neglect case, such as domestic relations or mental health cases of immediate family or household members, were reviewed for possible assignment to the same judicial team managing the original abuse and neglect case. Before the enactment of the Family Court Act, judges had already begun to consolidate domestic relations and custody cases with related abuse and neglect matters pursuant to existing court rules, but in Phase III, an effort was made to include all related cases.

Phase IV, the final phase of implementation was due to begin in June 2003. Prior to June 2003, judicial teams, which consisted of a judge and a magistrate judge, serving abused and neglected children were expanded to include assistant corporation counsel. The expectation was that by the end of the transition period, social workers would also be assigned to each judicial team. The goal was to create a degree of familiarity between the judicial team that would translate into better services for children. After a trial period in which some social workers were assigned to a judicial team, the implementation plan was modified at the request of the Child and Family Services Agency. Instead of assigning social workers to judicial teams, which currently consist of a judge, a magistrate judge, and an assistant corporation counsel, beginning in January 2004, the Court, in coordination with CFSA, began assigning cases of abused

and neglected children on a geographic basis. It is anticipated that the geographic assignment, which will ensure the same type of familiarity between judges, attorneys and social workers with the resources in a given community will lead to improved services for children.

### **JUDICIAL RESOURCES IN THE FAMILY COURT**

The Family Court Act authorized the assignment of up to 15 associate judges. Twelve associate judges and eight magistrate judges were assigned to the Family Division prior to enactment of the Family Court Act. Three associate judges and nine magistrate judges have been appointed since passage of the Act.

The Chief Judge appointed the first five magistrate judges on April 8, 2002, under the expedited appointment procedures provided in the Act. In October 2002, the four remaining magistrate judges were appointed pursuant to the Act. Three associate judges were appointed to the Family Court in the fall of 2003.

On December 31, 2003, the Family Court consisted of the full complement of 15 associate judges and 17 magistrate judges. In addition, Judge Arthur Burnett, a senior judge, assisted the Family Court by presiding over a portion of the adoption caseload. Prior to becoming a senior judge, Judge Burnett had served extensively in the Family Division where he presided over adoption cases. Currently, 15 associate judges and 16 magistrate judges are assigned to Family Court.

#### **Length of Term on Family Court**

Associate judges currently assigned to Family Court have certified that they will serve a term of either three years or five years depending on when they were appointed to the Superior Court. Judges already on the bench when the Family Court Act was

enacted are required to serve a period of three years. Judges newly assigned to the Family Court are required to serve a term of five years. The following are the commencement dates of associate judges currently assigned to the Family Court and the length of service required and the commencement dates of magistrate judges currently assigned to the Family Court.

<u>Associate Judges</u>	<u>Commencement Date</u>		<u>Service Requirement</u>
Judge Mott	July	2000	3 years
Judge Josey-Herring	September	2000	3 years
Judge Bartnoff	January	2001	3 years
Judge Johnson	January	2001	3 years
Judge Morin	January	2001	3 years
Judge Satterfield	June	2001	3 years
Judge Beck	January	2002	3 years
Judge Davis	January	2002	3 years
Judge Puig-Lugo	January	2002	3 years
Judge Turner	January	2002	3 years
Judge Vincent	January	2002	3 years
Judge Macaluso	July	2003	5 years
Judge Saddler	July	2003	5 years
Judge Byrd	November	2003	5 years
Judge Ryan	November	2003	5 years

The following are the commencement dates of magistrate judges currently assigned to the Family Court:

<u>Magistrate Judges</u>	<u>Commencement Date</u>	
Magistrate Judge Nooter	January	2001
Magistrate Judge Stevenson	January	2001
Magistrate Judge Diaz	January	2002
Magistrate Judge Melendez	January	2002
Magistrate Judge Dalton	April	2002
Magistrate Judge Deull	April	2002
Magistrate Judge Gray	April	2002
Magistrate Judge Johnson	April	2002
Magistrate Judge McKenna	April	2002

Magistrate Judge Breslow	October	2002
Magistrate Judge Fentress	October	2002
Magistrate Judge Goldfrank	October	2002
Magistrate Judge Howze	October	2002
Magistrate Judge McCabe	October	2002
Magistrate Judge Epps	January	2004
Magistrate Judge Brenneman	January	2004

**The number of reassignments to and from Family Court:**

There were no reassignments of judicial officers to or from the Family Court in 2003. However, three new associate judges were appointed to the Family Court during the year. Additionally, on January 31, 2004, Judge Shuker was appointed to senior judge status and was replaced in the Family Court by Judge Fern Saddler. Magistrate Judge Lee was reassigned to the Criminal Division in January 2004. Magistrate Judges Epps and Brenneman were assigned to Family Court as replacements for Magistrate Judges Macaluso and Byrd who were appointed Associate Judges in 2003. All newly assigned associate judges and magistrate judges meet the educational and training requirements required for service in the Family Court.

Detailed below is a brief description of new judges and magistrate judges assigned to the Family Court:

***Judith N. Macaluso***

Judge Macaluso was sworn in as an associate judge and assigned to the Family Court on July 7, 2003. Prior to her appointment as an associate judge, she served for almost six years as a Family Court magistrate judge (formerly hearing commissioner). As a magistrate judge she presided over numerous proceedings involving child abuse, child neglect, juvenile delinquency, determination of paternity, award of child support,

divorce, and review of services provided to mentally retarded citizens. She served on the DC Superior Court's Mental Health and Mental Retardation Work Group and is the author of the Court's Mental Retardation Bench Book. Judge Macaluso received her B.A. from the University of Maryland in 1972 and her J.D. from the Howard University School of Law in 1975.

***Jerry S. Byrd***

Judge Byrd was sworn in as an associate judge and assigned to the Family Court on November 10, 2003. Prior to his appointment, Judge Byrd served as a magistrate judge (formerly hearing commissioner) for over 20 years. During significant portions of his tenure as a magistrate judge he presided over proceedings in all areas of the Family Court. Judge Byrd received his A.B. degree from Fisk University in 1961 and his J.D. degree from Howard University School of Law in 1964.

***Michael Ryan***

Judge Ryan was sworn in as an associate judge and assigned to the Family Court on November 3, 2003. Prior to his appointment, Judge Ryan was Special Counsel to the Director, Public Defender Service for the District of Columbia (PDS). In that capacity he coordinated the agency's expert witness use as well as jail diversion efforts and oversaw PDS's Mental Health and Offender Rehabilitation Divisions. In his practice he focused on the admissibility of various types of expert opinion testimony. From 1985 through 2001 he served as a staff attorney at the Mental Health Division of the District of Columbia Public Defender Service located at Saint Elizabeth's Hospital. In that capacity he provided legal representation to indigent clients in all phases of civil commitment and criminal litigation.

Judge Ryan has served on the Superior Court's Family Division Mental Health and Mental Retardation Branch Working Group and as an Advisory Board Member of the Criminal Justice/Mental Health Consensus Project of the Police Executive Research Forum. He is an Adjunct Assistant Professor in the Department of Psychiatry, Georgetown University School of Medicine and has been a contributing writer to the *Mental & Physical Disability Law Reporter* of the American Bar Association. From 1984 to 1985 he was a partner at *Ryan & Anthony* practicing criminal and civil mental health defense. Judge Ryan served as law clerk to the Hon. Richard B. Latham, Sixth Judicial Circuit Court, Montgomery County, Maryland, and interim law clerk to the Hon. Bruce S. Mencher, Superior Court for the District of Columbia. He received his J.D. degree in 1982 from the National Law Center, George Washington University and his B.A. degree with Honors in Philosophy from the College of William and Mary in 1979.

***Fern F. Saddler***

Judge Saddler was sworn in as an associate judge on July 3, 2003 and assigned to the Family Court on February 1, 2004. Prior to her appointment as an associate judge, she served for 12 years as a magistrate judge. In that capacity she presided over thousands of matters in the Criminal, Civil, and Family Divisions of the Court. Judge Saddler served a significant period of her tenure as a magistrate judge in the former Family Division handling juvenile cases and cases of abused and neglected children. She has also presided over domestic relations matters, hearings concerning commitment and admissions of mentally retarded persons to residential facilities, and trials and hearings regarding adjudication of paternity and child support. From 1980 to 1984, Judge Saddler was an attorney in private practice. Her practice included representing

clients in the Superior Court in various family law matters, including divorces and child support hearings. Judge Saddler received her B.A. degree from Wellesley College in 1976 and her J.D. from the Georgetown University Law Center in 1979.

***Diana H. Epps***

Judge Epps was sworn in as a magistrate judge on September 7, 2003 and assigned to the Family Court in January 2004. Prior to her appointment as a magistrate judge, she served as an attorney with the United States Attorney's Office for the District of Columbia for 12 years. In that capacity she prosecuted countless violent offenders. Prior to joining the United States Attorney's Office, Magistrate Judge Epps worked for the Office of the Corporation Counsel in the Juvenile Section. While there, in addition to prosecuting some of the most violent juvenile offenders, she volunteered as a mentor-tutor to local high school students and served on a city-wide multi-agency committee whose goal was to design and develop alternative community-based programs for the District's juvenile offenders. Judge Epps received her B.A. degree from Cornell University and her J.D. from the Faculty of Law and Jurisprudence at the State University of New York at Buffalo.

***Dianne Brenneman***

Judge Brenneman was sworn in as a magistrate judge on February 20, 2004 and assigned to the Family Court. Upon graduation from law school, Judge Brenneman became a clinical supervisor in the Family Law Clinic of the Antioch School of Law. After receiving a master's degree in clinical teaching from the school in 1982, she became a full professor and in 1985, the Associate Dean for Academic Affairs. Her teaching experience continued at Antioch's successor institution, the District of

Columbia School of Law where she worked extensively on the Forest Haven class action case. From 1986 until her appointment, she was a private practice attorney. Her practice focused primarily on family, domestic relations and alternative dispute resolution. Judge Brenneman received her B.A. degree from Santa Clara University and her J.D. from the Georgetown University Law Center.

**The ability to recruit qualified sitting judges to serve on Family Court:**

All associate judges currently serving on Family Court either volunteered to serve on the Court or specifically applied for appointment to the Family Court. As the terms of associate judges currently assigned to Family Court begin to expire, the Court anticipates that some may choose to extend their terms, and other Superior Court judges with the requisite experience required by the Act will volunteer to serve. Because of the overwhelming response from the bar for the magistrate judge positions previously advertised, no recruitment difficulties are envisioned for future magistrate judge vacancies. Moreover, many of the unsuccessful candidates for magistrate judge and associate judge positions in the Family Court are well qualified and will become and remain attractive candidates for appointment to the Family Court.

**TRAINING AND EDUCATION**

As indicated in the Transition Plan, the chief judge and the presiding and deputy presiding judges of the Family Court partnered with the Superior Court's Judicial Education Committee to develop and provide training for Family Court judicial and non-judicial staff. To assist in this effort, a Training and Education Subcommittee of the Family Court Implementation Committee was established in February 2002. This



interdisciplinary committee, which oversees Family Court training, consists of judicial officers, attorneys, social workers, psychologists, and other experts in the area of child welfare.

Family Court personnel took advantage of a number of training opportunities in 2003. Immediately upon appointment, the three new associate judges participated in an extensive, six-week training program that included tours to various facilities for children such as group homes and the St. Ann's Infant Home. Training was provided in three categories: (1) topics specific to issues involving children and families; (2) guidance on how to conduct court hearings in cases of children and families; and (3) general and administrative topics.

In addition, all Family Court judges, magistrate judges, and senior managers participated in the second annual Family Court Interdisciplinary Training program in November 2003. The training, entitled "The Family Court, DC Agencies, and Communities: Partners in Education" was facilitated by the Family Court Implementation Committee Subcommittee on Training and Education. The training was attended by more than 300 invited guests including judges, social workers, attorneys, court staff, non-profits and other community stakeholders.

Family Court judicial officers also participated in: a two day training on mediation presented by the Court's Multi-Door Dispute Resolution Division; attended courses sponsored by the National Council of Juvenile and Family Court Judges (NCJFCJ) on the Role of the Judge in Neglect Cases, Evidence in Juvenile and Family Court Cases, the Judicial Response to Abuse of Alcohol and Other Drugs by Parents and Children, and the NCJFCJ annual conference on Family Court; and training presented

by the Eastern Regional Interstate Child Support Association and the National Child Support Enforcement Association.

The Presiding Judge continues to conduct weekly lunch meetings for Family Court judicial officers to discuss family matters and hear from guests invited to speak about a variety of topics relating to the Family Court.

As indicated in the Transition Plan, the Family Court promotes and encourages participation in cross training and, in collaboration with others, conducts periodic seminars and workshops. The Council for Child Abuse and Neglect Branch (CCAN) of the Family Court, which oversees the assignment of attorneys in child welfare cases, twice a month facilitates a brown bag lunch series on topics of importance to the Family Court for attorneys appointed to cases of abused and neglected children and their parents or caretakers. During 2003, CCAN sponsored more than twenty seminars. The series employs the skills of a number of stakeholders involved in the child welfare system and is designed to be interdisciplinary in nature. Topics discussed last year included, but were not limited to:

- “Adoption Processing” conducted by Judge Shuker, Johnna Faber, and Janet ORO and “Adoption Subsidies” conducted by Felicia Kraft;
- “Permanency Resolution Mediation” conducted by Judith Katz and “Mock Mediation and Confidentiality Presentation facilitated by Judith Katz and Despina Belle-Isle;
- “Stand-by Guardianship” by Natalie Wasserman, University of the District of Columbia Law School;
- “An Insiders Guide to Public Housing” by Reba Anderson-Graham, Department of Public Housing;
- “Interviewing Children” by Dr. Anne Graffam Walker;

- “A View from the Bench: Meet the Magistrate Judges” facilitated by Magistrate Judges Fentress, Howze, McCabe, and Nooter;
- “Special Education Issues in CCAN Cases” by Donovan Anderson, Esq.; Michelle Henry, Esq.; and Lenore Verra, Esq., District of Columbia Public Schools; and
- “The Child Protection Register under the New Law” by Sara Kaplan, General Counsel Office, CFSA, and Marian Baurley, CCAN attorney.

In addition to these sessions, the Training and Education Subcommittee has established a monthly training series on topics related to the Family Court for judicial officers and all stakeholders in the child welfare system. The 2003 seminars included the following: “The Best Interests of the Child: the Legal versus the Psychological Perspective”; “MAPT Training and Development: The District’s Multi-Agency Planning Team Process”; “Forensic Assessments: Juvenile Evaluations and Competency Issues”; “Immigration Issues in Family Law Cases”; “Mental Retardation and Developmental Disabilities Agency-Overview, Treatment and Transition”; “Understanding Interdisciplinary Assessments and Evaluations of Children and Youth”; and “Cultural Considerations Diagnosing Children and Youth”. Each seminar was well attended with more than 50 participants from all spectrums of the child welfare system.

Family Court non-judicial staff also participated in a number of trainings provided by the NCJFCJ including “A Forum on Family Courts” “Drug Court” and the “Child Victims Act Model Court All Sites Conference”. Other training included “Caseflow Management in Family Court” sponsored by the National Center for State Court; The “Child Welfare Data Conference” sponsored by the Children’s Bureau of the Department of Health and Human Services; “Access to Justice for Children” the annual “Child Support Conference” sponsored by the National Child Support Enforcement Administration, and training on the Court’s new Integrated Justice Information System.

## FAMILY COURT RESOURCES

### **Alternative Dispute Resolution**

Alternative Dispute Resolution (ADR) in the Family Court is provided through the Court's Multi-Door Dispute Resolution Division. ADR is proving to be highly successful in resolving child abuse and neglect cases and domestic relations cases within Family Court.

#### *Mediation of Child Abuse and Neglect Cases*

Among the cases most responsive to ADR are child abuse and neglect cases. After lengthy study of methods to improve the management of child abuse and neglect matters,<sup>2</sup> the District of Columbia Courts in 1998 designed and implemented a pilot project – the Child Protection Mediation Pilot – to mediate child abuse cases. The Center for Children and the Law of the American Bar Association favorably evaluated this pilot project in 1999, noting that mediation resulted in earlier case dispositions, expedited case processing, and increased client satisfaction with the court process. Budget limitations precluded an expansion of the pilot program until September of 2001, when the Council for Court Excellence funded a one-year expansion and adaptation of the Child Protection Mediation Pilot (called the ASFA Mediation Pilot) through a grant provided by the Annie E. Casey Foundation. The National Council of Juvenile and Family Court Judges is currently conducting an evaluation of the ASFA Mediation Pilot project.

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<sup>2</sup> The District of Columbia Courts conducted this study through its Court Improvement Project, funded through the U.S. Department of Health and Human Services. The Final Assessment Report of this project recommended the use of mediation for all child abuse and neglect cases.

### Mediation of Domestic Relations Cases

Domestic relations cases are also highly responsive to ADR. Issues of child custody, visitation, child and spousal support, and property, are all addressed through the Domestic Relations Mediation Program, which has existed since 1985. Support for this program has increased under the Family Court Act, resulting in a substantial increase in the number of cases mediated and providing for the referral, and if appropriate, mediation of cases on the day of trial.

### ADR Performance Measures

The Multi-Door Division relies upon output and outcome measures to assess the quantity and quality of ADR performance. Three performance indicators measure the quality of ADR:

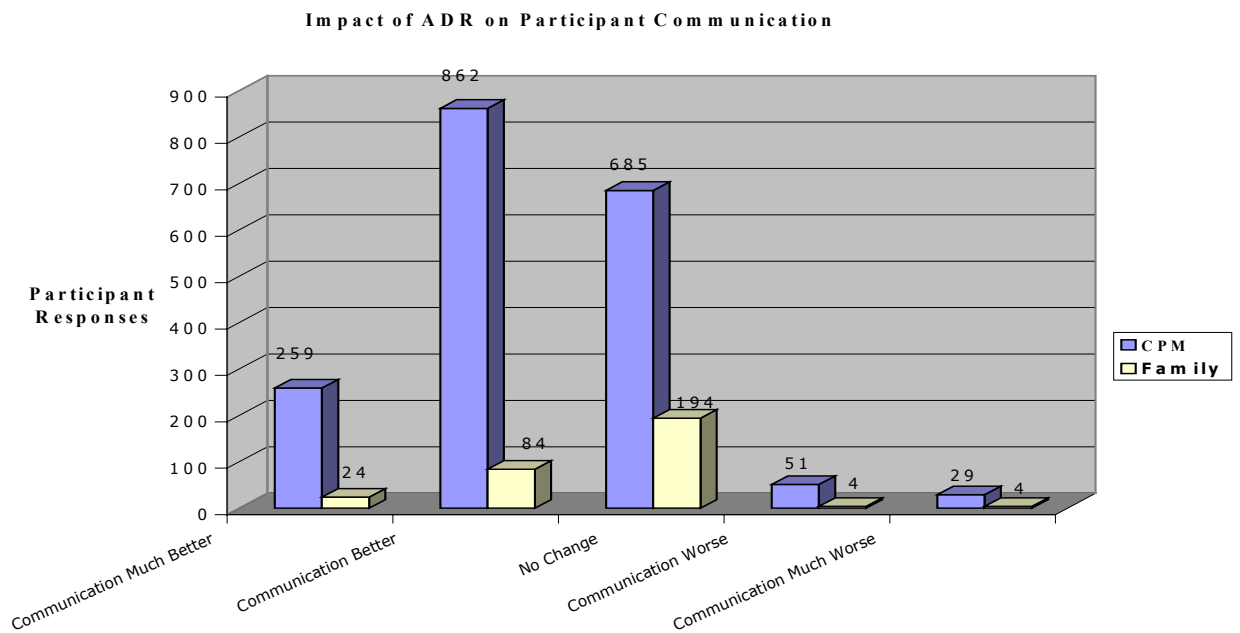
- ADR Outcome – measures whether a full agreement on the case was reached or if specific contested issues were resolved, fairness of outcome, level of understanding of opposing party's concerns, impact upon communications with other party, and impact upon time spent pursuing the case;
- ADR Process – measures the quality of the process, including the ability to discuss issues openly, fairness of the process, length of session, and whether the participants perceive coercion by party or neutral;
- Neutral Performance – measures the quality of the neutral's (mediator's) performance in explaining the process, explaining the neutral's role, whether the parties have an opportunity to fully explain issues, measures the neutral's understanding of the issues, whether the neutral gained the parties' trust, and any bias by the neutral.

These quality performance indicators are measured through participant surveys distributed to all participants in ADR processes at Multi-Door. Statistical measures include the satisfaction level of respondents with the overall ADR process, outcome, and neutral performance. Multi-Door staff holds periodic meetings to review these statistical measures and determine initiatives to improve overall program performance.

Performance indicators provide a measure of the extent to which ADR is meeting its objectives of settlement, quality and responsiveness.

One measure of ADR outcome – apart from whether or not the case was resolved – is the extent to which communication has been affected as a result of the mediation. The following chart of participant survey responses collected during 2003 shows that hundreds of ADR participants concluded that their communication was either “better” or “much better” as a result of mediation. This finding could have significant positive ramifications for families post-mediation and could result in increased durability of mediation agreements, healthier families, more appropriate service delivery, and a lessening of recidivism in neglect matters.

**Figure 1.**



### ADR Performance Statistics

ADR performance in programs serving Family Court show significant positive outcomes in the areas of children and families served, cases settled, and participant satisfaction with the ADR process, outcome, and mediator performance.

#### **Child Protection and ASFA Mediation:**

The Court continued to settle a substantial number of child abuse and neglect cases through mediation during calendar year 2003. A total of 390 families (representing 726 children) were referred to mediation; mediation did not occur in one hundred eleven of the cases (28%) referred to mediation.<sup>3</sup> For those cases that went to mediation, 528 sessions were scheduled,<sup>4</sup> and 417 sessions were held. In 190 (45%) of the cases mediated (representing 372 children), the issue of legal jurisdiction was resolved and the mediation resulted in a stipulation (an admission of neglect by a parent or guardian). In all of those cases, a case plan was also developed and presented to the Court as a part of the mediation agreement. In another 148 (35%) cases (representing 269 children), mediation resulted in the development of a case plan even though the issue of jurisdiction was not resolved.

Qualitative outcome measures illustrate substantial satisfaction measures of 88% for ADR process, 84% for ADR outcome, and 92% for the performance of the

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<sup>3</sup> Scheduled cases may not be held for the following reasons: (a) case dismissed by the Court; (b) case settled prior to mediation; (c) case rescheduled by the parties; (d) case cancelled (e.g., sibling violence); and (e) case scheduled in 2003 for mediation in 2004. Family Court and Multi-Door have implemented measures to reduce the number of rescheduled cases in order to expedite case resolution.

<sup>4</sup> In a number cases, follow-up sessions were scheduled, resulting in a larger number of sessions scheduled than families referred.

mediator(s).<sup>5</sup> Clearly, participation in ADR increases public trust and confidence in Family Court.

During 2003, approximately 90% of all abuse and neglect cases were referred to this mediation program, consistent with the mandate in the Family Court Act to resolve cases and proceedings through ADR to the greatest extent practicable and safe<sup>6</sup>.

**Domestic Relations Mediation:**

Mediation in domestic relations matters require several sessions, and typically cover issues of custody, visitation, support, and property. Domestic relations matters typically are characterized by hostility and limited communication, which exacerbate the level of conflict. A total of 514 domestic relations cases were referred to mediation in 2003. During the year, 1,402 sessions were scheduled,<sup>7</sup> and 1,035 sessions were held. Two hundred ninety three (293) of the cases referred were mediated and completed in 2003.<sup>8</sup> Of the cases mediated, 109 settled in mediation. The overall settlement rate was 37% (Full agreements were reached in 32% of cases, and partial agreements were reached in another 5% of cases).

Qualitative outcome measures show satisfaction rates of 75% for ADR outcome, 87% for ADR process, and 89% for the performance of the mediator(s). These satisfaction measures indicate that, as is the case in the Child Protection and ASFA

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<sup>5</sup> These qualitative outcome statistics reflect the percentage of mediation participants who report that they are either satisfied or highly satisfied. These statistics are drawn from the ASFA Mediation Pilot and the Child Protection Mediation program.

<sup>6</sup> These multi-party mediations are structured so as to enhance safety: pre-mediation information is provided to participants; parents are included in the sessions; appropriate training is provided; and a layered domestic violence screening protocol is implemented for each case by Multi-Door staff and mediators.

<sup>7</sup> Domestic Relations Mediation cases typically have multiple sessions scheduled, resulting in more sessions scheduled than cases referred.

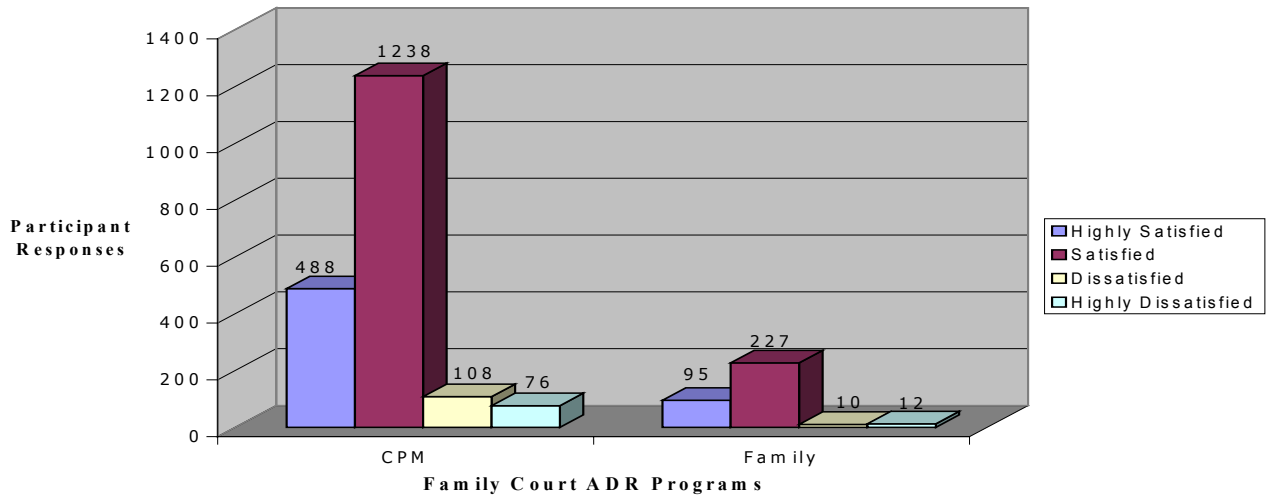
<sup>8</sup> Of those cases referred but not completed, in 126 cases the parties withdrew from mediation before the process was completed. In the remaining cases the mediation process is continuing.



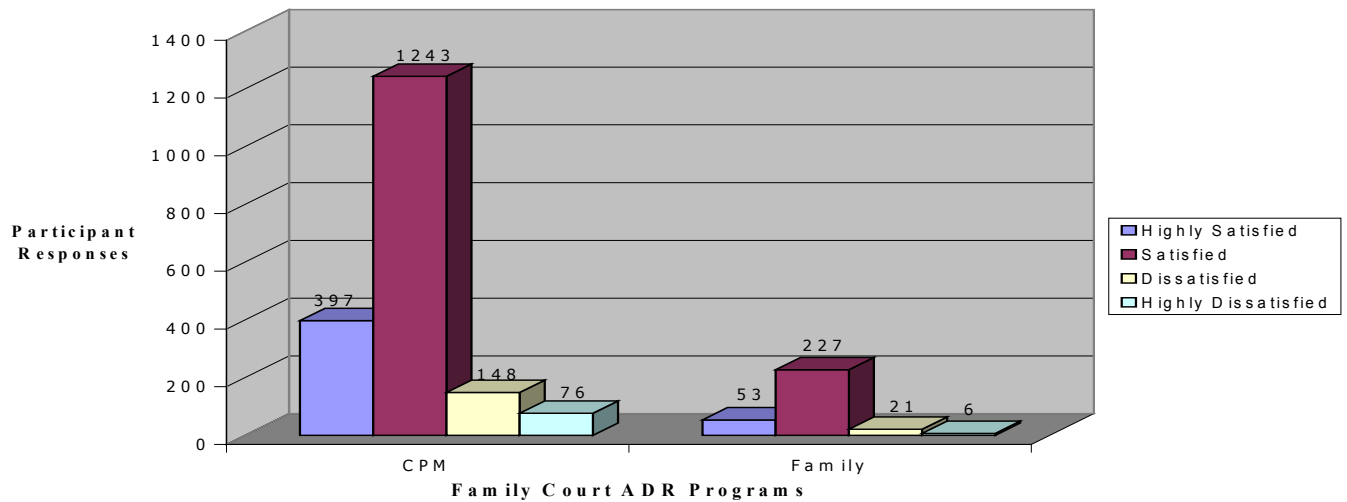
Mediation Program, participation in ADR increases public trust and confidence in Family Court.

**Figure 2.**

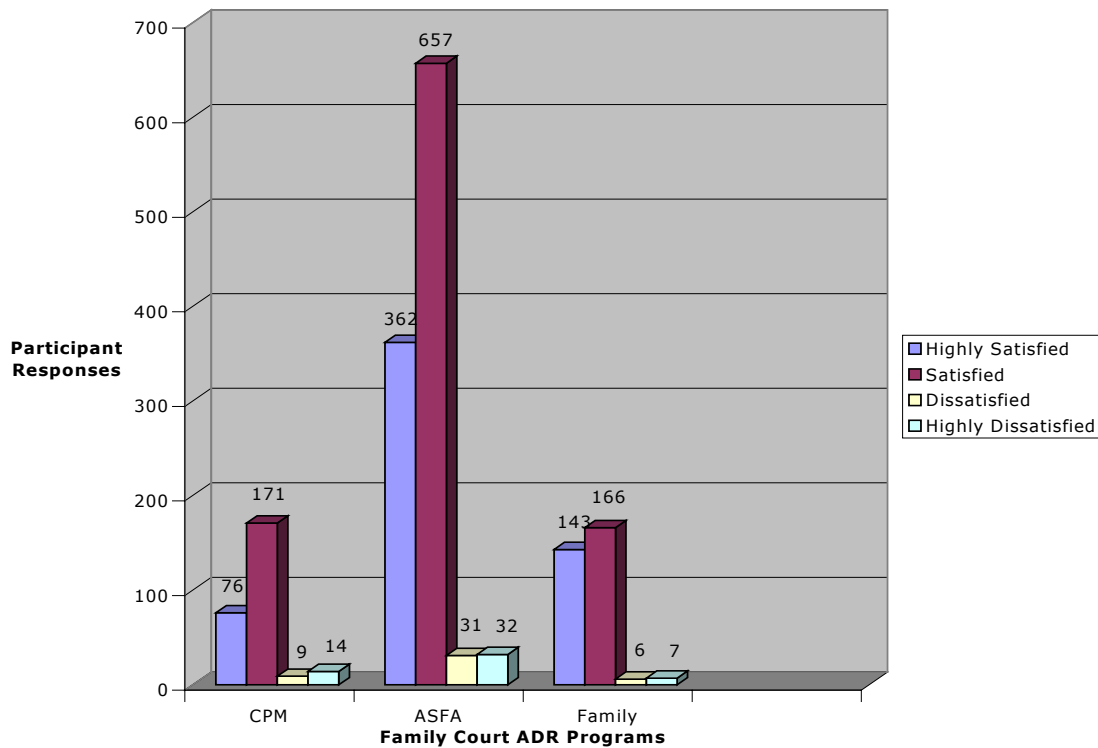
**ADR Process Satisfaction (2003)**



**ADR Outcome Satisfaction (2003)**



### Mediator/Neutral Performance (2003)



#### *District of Columbia Bar Case Evaluation Program*

In partnership with the District of Columbia Bar, the Family Court implemented a case evaluation pilot program, in February 2002, for domestic relations cases. This case evaluation program employs experienced family lawyers as case evaluators. Their experience in domestic relations litigation allows them to provide the parties and their counsel with a neutral evaluation of the strengths and weaknesses of their respective positions.

The program is used exclusively for domestic relations cases where the parties are represented by counsel, there are property or custody issues in dispute, and the judge and counsel determine that case evaluation would be beneficial. The parties and counsel

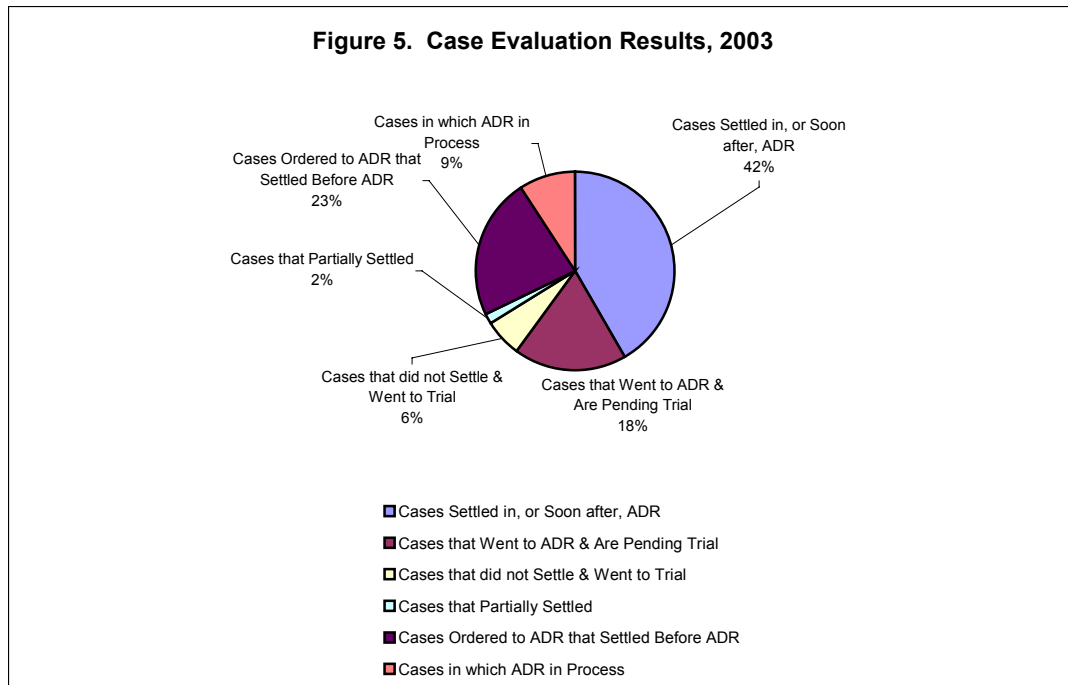
agree to attend and participate in ADR for up to three hours if property is at issue and four hours if issues of custody are involved, and the parties agree to pay the case evaluator at a rate of \$150 per hour. The Court then orders the parties to participate in ADR, on those terms, with an assigned case evaluator. The Court usually requires the parties to split the fee of the case evaluator equally, but may order a different division, if circumstances warrant.

Case evaluators must have at least 10 years experience in domestic relations practice and have had mediation training or experience. At present, there are 46 practitioners who have been accepted as case evaluators in the program. Many of them are among the most experienced attorneys who practice domestic relations law in the District of Columbia, and all of them have agreed to serve as case evaluators under the program. The Bar's interest in the program has been a significant factor in its success.

The results of the pilot program are very positive. During 2003, a total of 65 cases were referred to the program. Of those, 6 cases (9%) are currently in process. Of the remaining 59 cases, 42 were settled completely (27 at case evaluation and 15 before the session took place), and 1 was settled in part, for an overall settlement rate of 67%. Sixteen cases, or 24%, of the cases that went to case evaluation were not settled.

The Court is continuing to work with the Family Law Section of the D.C. Bar to strengthen and expand alternative resolution of domestic relations cases.

**Figure 5. Case Evaluation Results, 2003**



### ***Family Court ADR Initiatives***

Family Court and Multi-Door have coordinated efforts to implement initiatives to support ADR consistent with the Family Court Act of 2001. These initiatives are as follows:

- ***Program Performance Goals.*** Multi-Door adopted new goals in 2002 for quantitative and qualitative program performance. Goals have been established to increase settlement rates and client satisfaction with ADR outcome, process and neutral performance. Multi-Door staff meets monthly to review progress toward these goals and to design initiatives to achieve them.
- ***Continuing Education for Neutrals.*** New standards for continuing education of neutrals have been implemented. Multi-Door will provide at least 12 in-service training sessions annually for Family Court mediators, a 200% increase from 2001 and previous years. Continuing education sessions increased by 100% in 2002.
- ***Multi-Door Staff Dedicated to Family Court ADR.*** Prior to the passage of the Family Court Act of 2001, 8 full-time equivalent positions (FTEs) were dedicated to Family ADR within Multi-Door. An additional six positions (3 in Multi-Door and 3 in Family Court) were created to support Family Court

ADR programs. At the end of December 2003, all six of the positions had been filled.

- ***Bilingual Domestic Relations Mediation Project.*** Multi-Door has assembled a project team of 12 bilingual domestic relations mediators to provide enhanced access for Spanish-speaking litigants to domestic relations mediation. The project team plans to provide materials and services in Spanish to better serve the Latino community.
- ***Integrated Justice Information Systems.*** Multi-Door is participating in the Integrated Justice Information System (IJIS) case management project, which will benefit Family Court in the area of ADR by integrating ADR with other aspects of case management. Outcomes will include expedited and more effective case intake and management, which will yield better ADR outcomes.

### **FAMILY COURT FACILITIES**

During 2003, significant progress was made in implementing the interim Family Court space plan. The current status of capital facilities and space projects in support of the interim Family Court is detailed below.

#### **Building B, Phase I Renovation:**

During November 2003 the Phase I Renovation of Building B was completed. The Small Claims and Landlord Tenants Courts were relocated from the Moultrie Courthouse to the newly completed space. Social Services offices in the building were also consolidated in preparation for Phase II, renovation of the second floor.

#### **New Interim Hearing Rooms**

Four new temporary hearing rooms were constructed to replace those to be closed by Building B, Phase II renovation. Three hearing rooms were constructed on the the Indiana level of the Moultrie Courthouse. A fourth was constructed on the second floor of Building A.

### **Family Court Facilities – JM Level of the Moultrie Courthouse Building:**

The General Services Administration (GSA) awarded a contract for construction services for the Family Court Interim Consolidation on the JM level of the Moultrie Courthouse. Upon relocation of the Small Claims and Landlord Tenant courts to Building B, staging and demolition activities commenced in December 2003. Construction is scheduled to be completed by mid-July 2004, with occupancy scheduled for the end of July 2004. As of the end of March 2004, construction is on schedule.

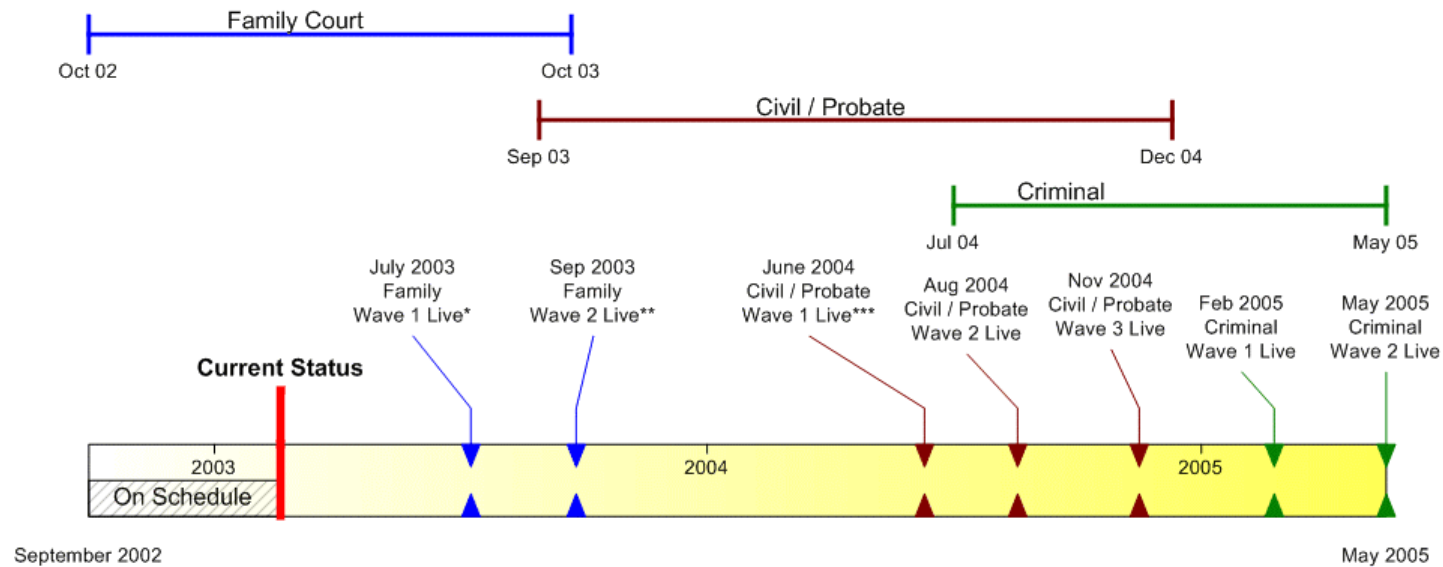
### **CASE AND DATA MANAGEMENT IN THE FAMILY COURT**

The Court made significant progress in development of its integrated justice information system (IJIS) during 2003. The first phase of the court-wide integrated system was the development of a fully functional system for the Family Court to perform all aspects of case processing, such as Case Management, Financial Accounting, Case Initiation, Scheduling, Management Reporting and Docketing. Once complete, the system will allow the Court to store and retrieve data electronically as well as electronically exchange vital information with outside agencies with minimal effort.

In August 2003, the Family Court began using IJIS to process adoptions cases, abuse and neglect cases, and juvenile delinquency cases. In addition, juvenile probation cases in the Court's Social Services Division and mediation cases in support of Family Court operations in the Court's Multi-Door Dispute Resolution Division began to be processed in IJIS. In December 2003, additional Family Court case types including domestic relations, mental health and mental retardation, the Marriage Bureau and the

Council for Child Abuse and Neglect began processing cases in IJIS. Paternity and Support cases, currently processed through a system owned and managed by the Office of the Corporation Counsel, remain outside the Court's integrated justice system. However, discussions are ongoing with Child Support Enforcement Division of the OCC to bring these cases into IJIS. Additionally, the Court has been sharing data with CFSA, YSA, OCC and the Pre-Trial Services Agency through the JUSTIS system, as the Court continued to involve all interested internal and external stakeholders as it validated requirements, developed testing plans, and conducted training.

# IJIS Implementation Timeline



- Family Court
- Civil and Probate
- Criminal Division

\* Family Court Wave 1 includes Child Abuse and Neglect, Permanency, Juvenile, Family Treatment, Adoptions, Juvenile Drug Court, Multi-Door Resolution System branches.

\*\* Family Court Wave 2 includes Domestic Violence, Domestic Relations, Mental Health & Mental Retardation, Maternity & Child Support Branches, Marriage Bureau, Council for Child Abuse and Neglect (CCAN), Court Reporters System (CRS)

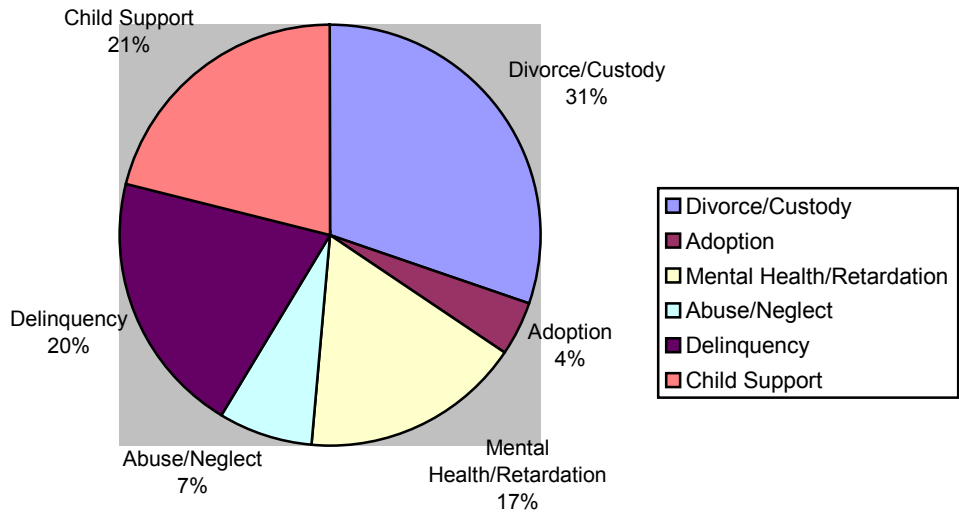
\*\*\* Includes part of Multi-Door



**FAMILY COURT CASE ACTIVITY FOR 2003**

As displayed in Figure 6 below, during calendar year 2003, there were a total of 11,809 new cases filed in the Family Court. The distribution of new cases at the Court as shown in Table 1 was: divorce and custody 30%; child support 21%; juvenile delinquency 20%; mental health and mental retardation 17%; child abuse and neglect 7%; and adoption 4%. In addition, 156 motions to terminate parental rights and 171 motions for guardianship were filed.

**Figure 6.**  
**Distribution of Family Court Filings**  
**January - December 2003**



As shown in Table 1, overall case filings in the Family Court decreased 3% from 2002 to 2003. A decrease in filings occurred for every case type with the exception of juvenile delinquency and paternity and support cases, which showed an increase.

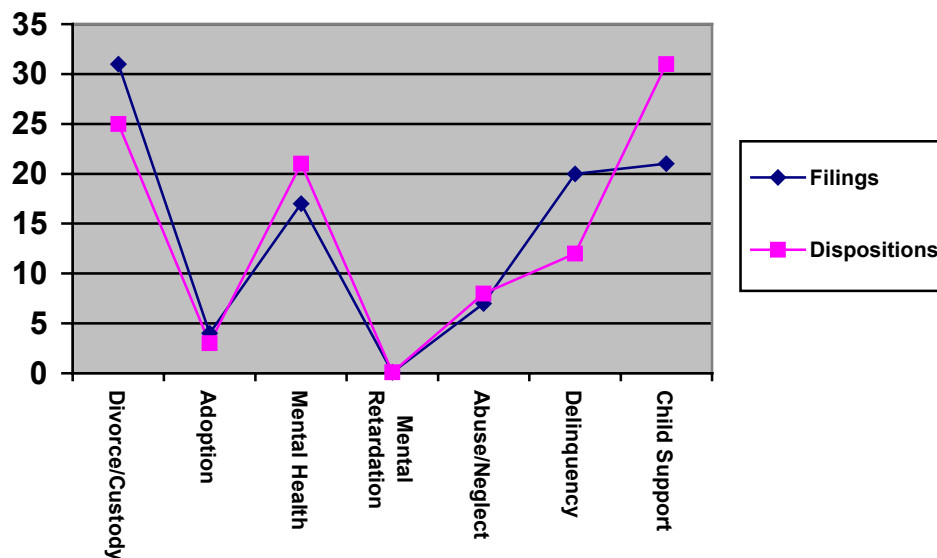
**Table 1.**  
**Family Court Case Activity During 2003**

Case Type	Filings 2002	Filings 2003	Percent Change	Dispositions 2002	Dispositions 2003	Percent Change	Pending
Divorce/Custody	3,885	3,589	-7.6	7,203	4,678	-35.1	2,256
Paternity and Support	2,325	2,468	6.2	5,375	5,668	5.5	6,125
Juvenile Delinquency	2,241	2,412	7.6	2,044	2,247	9.9	1,187
Mental Health and Retardation	1,987	1,983	-2	1,511	3,809	152.1	1,296
Child Abuse/Neglect	1,105	853	-22.8	1,332	1,387	4.1	4,384
Adoption	574	504	-12.2	464	579	24.8	842
<b>Total</b>	12,117	11,809	-2.5	17,929	18,368	2.4	16,090

During the year, the Family Court resolved slightly more than 18,000 cases, including: 4,678 divorce and custody cases; 579 adoption cases; 3,760 mental health cases; 49 mental retardation cases; 1,387 child abuse and neglect cases; 2,247 juvenile delinquency cases; and 5,668 paternity and child support cases. In addition, the Court resolved 19 termination of parental rights motions and 44 motions for guardianship. As shown in Figure 7, the Family Court is able to keep pace with its current caseload. With the exception of juvenile cases, more cases were disposed of than were filed during the year. However, in some instances resolution of a case does not end the need for judicial involvement. For example, among the 2,247 juvenile cases resolved during 2003, 439 were placed on probation. Those 439 cases as well as the more than 700 other active probation cases require continuous monitoring by judicial officers. On average, each open probation case is scheduled for a review hearing before a judicial officer 3 times per year. Cases of juveniles under intensive probation supervision and those in juvenile drug court are reviewed more frequently. Juvenile Drug Court cases are not officially

closed or disposed of until the child actually completes one year of outpatient drug treatment. Similarly, paternity and support cases that are disposed of in a given year often come before the Court after resolution. Dispositions in paternity and support cases include cases resolved through the issuance of either a temporary or a permanent support order. Those cases resolved through issuance of a temporary support order often have financial reviews scheduled after disposition until a permanent support order is established.

**Figure 7.**  
**Case Filings and Dispositions**  
**in Family Court During 2003**



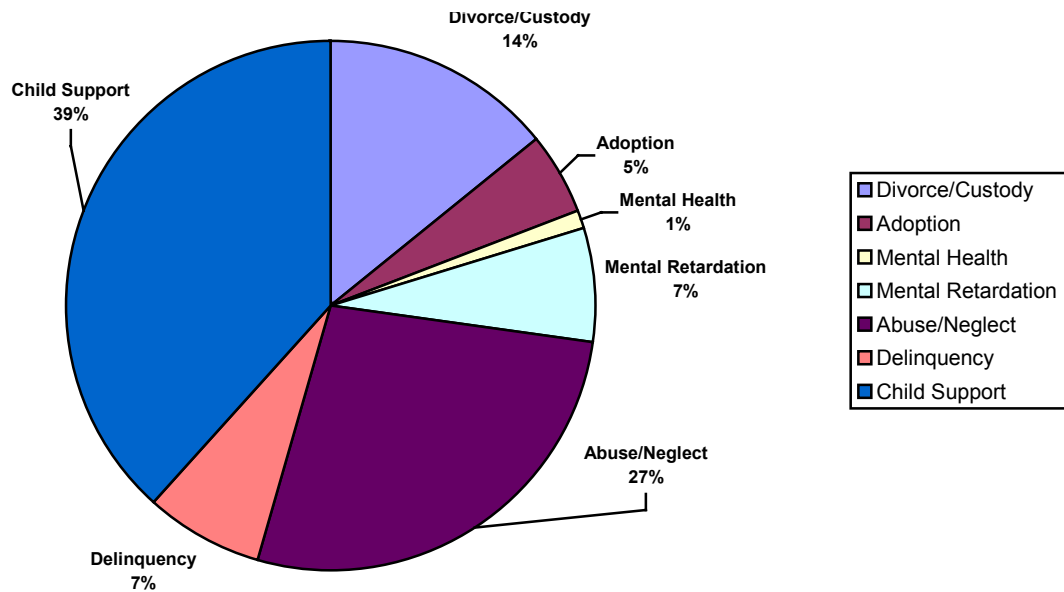
Additionally, in 2003, filings of abuse and neglect cases in Court were lower than previous years. In 2002, filings decreased 26% and this year filings were down 23%. However, the number of incidents of abuse or neglect investigated by CFSA has remained constant over the last few years. The Court attributes the lower number of

filings to new policies, implemented by the Child and Family Services Agency, which encourages the treatment of children in the community and reduces the number of cases brought into Court. The Court has expressed concerns over the Agency's decision to monitor certain cases in the community instead of involving the Court through the filing of a petition. Furthermore, Family Court judicial officers have reported that some cases coming into Court after having been monitored in the community by CFSA should have been filed in court earlier.

As of January 1, 2004, more than 16,000 cases were pending resolution in the Family Court, including: 2,256 divorce and custody cases; 842 adoption cases; 112 mental health cases; 1,184 mental retardation cases; 4,384 child abuse and neglect cases (349 pre-disposition and 4,035 post-disposition cases); 1,187 juvenile delinquency cases; and 6,125 child support cases. There were also 215 pending motions seeking to terminate parental rights and 337 pending guardianship motions. The pending caseload is comprised of two separate types of cases. First, it includes pre-disposition cases that are pending adjudication by the Court. Second, it includes a large number of post-disposition cases that require judicial review on a recurring basis. For instance, of the 4,384 pending abuse and neglect cases, only 349 cases were awaiting trial or disposition at the beginning of this year, while 4,035 are post-disposition cases in which the Court and the CFSA are working towards permanency. The mental retardation pending caseload also includes post-disposition cases that require judicial review prior to case closure. Similarly, many post-disposition paternity and support cases require continued judicial involvement to enforce child support orders through civil or criminal contempt, and parties frequently seek to modify existing child support orders.

The distribution of cases pending at the Family Court was: divorce and custody 14%; child support 39%; juvenile delinquency 7%; mental health and mental retardation 8%; child abuse and neglect 27%; and adoption 5%.

**Figure 8.**  
**Percent Distribution of Cases Pending**  
**in Family Court on December 31, 2003**



**ABUSE AND NEGLECT CASES**

*Transfer of Abuse and Neglect Cases To Family Court*

When the Family Court Act was enacted, there were 5,145 abuse and neglect cases pending in the Superior Court. Approximately, three thousand five hundred (3,500) of those cases were assigned to judges not serving in the Family Court under the case distribution system that preceded the Act. The Act required that these cases be

transferred to the Family Court or meet the criteria outlined in the Act for retention by non-Family Court judges by the end of the transition period, October 4, 2003.

At the end of the transition period in October 2003, all abuse and neglect cases assigned to judges outside the Family Court were transferred to Family Court judicial officers, with the exception of 34 cases being retained by non-Family Court judges under provisions of the Act. Table 2 presents detailed information on the status of cases that were assigned to judges outside the Family Court at the start of the transition period.

**Table 2.**

Current Status of Cases Assigned to Judges Outside the Family Court at Start of Transition Period

<b>Status of Cases</b>	<b>Number</b>	<b>Percent</b>
Cases Transferred to Family Court Judges	3,255	94
Cases Closed by Judges Outside Family Court Prior to Transfer to Family Court	182	5
Cases Retained by Judges Outside Family Court	34	1
<b>Total Number of Cases Assigned to Judges Outside Family Court</b>	<b>3,471</b>	<b>100</b>

As shown in Table 2, three thousand two hundred fifty-five cases were transferred to Family Court judicial officers and 182 were closed before transfer. Non-Family Court judges retained thirty-four cases with the approval of the Chief Judge. The principal reason for retaining these cases was the judge’s belief, based on the record in the case, that permanency would not be achieved more quickly if it were reassigned to a judge in the Family Court. As required by the Act, however, judges seeking to retain cases outside the Family Court beyond the transition period had to submit formal retention requests to the Chief Judge. After review of each request, the Chief Judge

determined, pursuant to criteria set forth in the Act, that (1) the judge retaining the case had the required experience in family law, (2) the case was in compliance with the Adoption and Safe Families Act (ASFA) and (3) it is likely that permanency would not be achieved more quickly by transferring it to the Family Court. The majority of the cases in this category involve older children whose goal is an alternative planned permanent living arrangement. In these cases the judge has found compelling reasons for not pursuing a goal of reunification, custody, guardianship or adoption. The children typically have emotional or educational disabilities, and the judges before whom they appear are very familiar with the challenges confronting them. Currently 25 cases remain with judges who are not assigned to Family Court.

#### **COMPLIANCE WITH ASFA'S PERMANENCY HEARING REQUIREMENT**

The District of Columbia Adoptions and Safe Families Act (ASFA) (D.C. Code Sections 16-2301 et seq., (2000)) requires the Court to hold a permanency hearing for each child within 12 months of the child's entry into foster care. Entry into foster care is defined as 60 days after removal from the home, resulting in a net requirement for a permanency hearing 14 months after removal from the home. The purpose of the permanency hearing, ASFA's most important requirement, is to decide the child's permanency goal and to set a timetable for achieving it. Under Federal ASFA, a permanency hearing is required for all children removed from the home. In more than 80% of the cases filed in Superior Court during the four-year period for which data are available, the children were removed from home and thus subject to the 14- month permanency requirement. During calendar year 2003, more than 60% of all hearings held during the year were permanency hearings.

Table 3 below shows the Court’s compliance with the permanency hearing requirement. The level of compliance has increased substantially over the three-year period for which data are available. In 2000, 51% of cases had a permanency hearing or the case was dismissed within the 425-day deadline; in 2001, 80% of the cases had a permanency hearing or were dismissed; and in 2002, 75% of the cases had a permanency hearing or were dismissed within the 425-day deadline. No case filed in 2003 had reached the statutory deadline for having a permanency hearing by December 31, 2003.

**Table 3.**

***Time from Removal to Permanency Hearing in Abuse and Neglect Cases in Family Court, 2000 - 2002***

**For Children Removed from Home  
Statutory Deadline – 425 Days (14 months)**

Year	Total number of cases	Permanency hearing held	Cases in compliance with deadline*	Cases exceeding deadline**	Cases pending permanency hearing
2000	1137	576	579 ( 51%)	528 (47%)	30 (2%)
2001	1110	638	892 (80%)	189 (17%)	29 (3%)
2002	922	604	695 (75%)	173 (19%)	54 (6%)

\* Includes cases where the permanency hearing was held in compliance with the deadline and cases that were dismissed within the deadline.

\*\* Includes cases where the permanency hearing was held but exceeded the deadline and cases that were dismissed after the deadline.

The National Council of Juvenile and Family Court Judges (NCJFCJ) and the American Bar Association’s (ABA) Center on Children and the Law have established best practices for the content and structure of permanency hearings mandated by ASFA, including the time that should be set aside for each hearing. In its publication *Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases*, the NCJFCJ



recommends that permanency hearings be set for 60 minutes. Family Court judges report that the length of their permanency hearings are within this standard.

To ensure continued compliance with ASFA and to assist Family Court judges in ensuring that the content and structure of the permanency hearing are consistent with best practices, on August 2, 2002, the Chief Judge issued Administrative Order No. 02-25, requiring all judicial officers to use a standardized form of court order for all permanency hearings. In addition to the one used for permanency hearings, uniform court orders were also adopted for initial hearings, pre-trial hearings, and disposition hearings. The use of these standard forms continues to contribute to an increase in compliance with best practices and legal requirements.

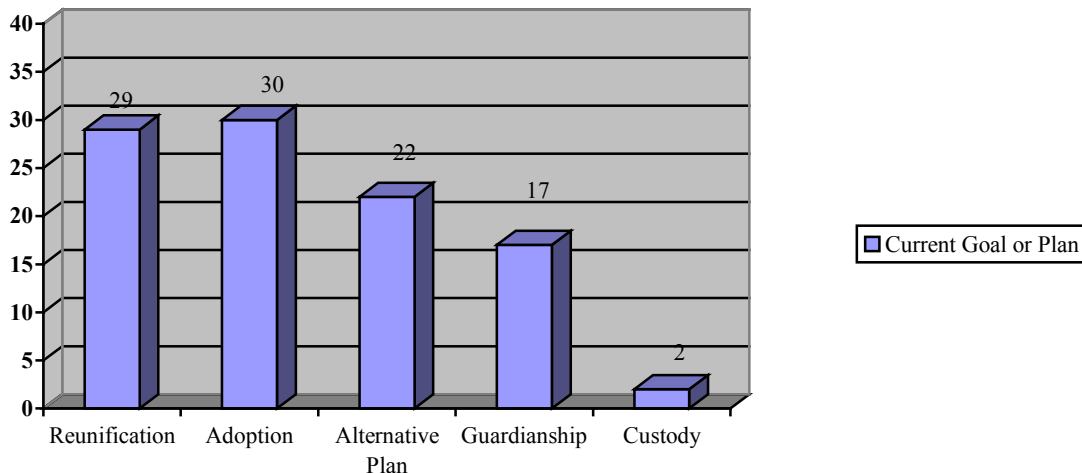
Case Status Checklists, which were completed by judicial officers at the close of each hearing held through August 2003, have also proved helpful in identifying significant barriers to the achievement of permanency. In 2004, the relevant information contained on the Case Status Checklist is being recorded directly into the Court's integrated management system. For children with the goal of reunification, the primary barrier is disability of the parent, including the need for substance abuse treatment, followed by disability of the child, such as significant developmental or educational deficits, and procedural impediments, such as housing issues; timeliness of services; and, in some cases, the need for the family to receive additional services while the child is under protective supervision. In cases where the goal was adoption or guardianship, procedural impediments, including the processing of paperwork under the Interstate Compact on the Placement of Children (ICPC) and timeliness of services were the major identified barriers to permanency. In addition, a significant percentage of the cases

involve older children for whom the Court has found compelling reasons to plan for an alternative permanent living arrangement. In many of these cases, the child's disabilities, the failure of CFSA to provide services in a timely manner, and the need for the child to receive additional services while in independent living situations were identified as major barriers to permanency. Table 4 presents information on the age range of children under the jurisdiction of the Family Court and Figure 9 identifies the current permanency goal for those children who had hearings during 2003.

**Table 4.**  
***Age Distribution of Children in Abuse and Neglect Cases  
in Family Court, 2003***

Age Distribution	Percent
16 years of age and older	26
13-15 years old	18
10-12 years old	17
7-9 years old	16
4-6 years old	12
3 years of age or younger	11
<b>Total</b>	<b>100</b>

**Figure 9.**  
**Percent Distribution of Current Permanency Goal or Plan For Children With Hearings in 2003**



**ASFA COMPLIANCE WITH TIME TO TRIAL AND DISPOSITION**

**Trial of Abuse and Neglect Cases**

Unlike the federal ASFA, the D.C. ASFA establishes timelines for the completion of the trial and disposition in abuse and neglect cases. The timelines vary depending on whether the child was removed from his or her home. The statute sets the time between filing of the petition and trial or stipulation at 45 days for a child not removed from the home and at 105 days for a child removed from the home. The statute requires that trial and disposition occur on the same day whether the child has been removed or not, but permits the Court 15 additional days to hold a disposition hearing for good cause shown. Table 5 reports data for the four-year time period for which data are available. As can be seen from the table, the Court has made significant progress in

**Table 5.**  
***Time from Removal to Trial or Stipulation in Abuse and Neglect Cases  
In Family Court, 2000-2003***

**For Children Removed from Home  
Statutory Deadline – 105 Days**

Year	Total number of cases	Trial held	Cases in compliance with deadline*	Cases exceeding deadline**	Cases pending trial
2000	1137	855	383 (34%)	754 (66%)	0 (0%)
2001	1110	794	546 (49%)	563 (51%)	1 (0%)
2002	922	743	597 (65%)	322 (35%)	3 (0%)
2003	625	422	457 (73%)	90 (14%)	78 (13%)

\* Includes cases where the trial or stipulation was held in compliance with the deadline and cases that were dismissed within the deadline.

\*\* Includes cases where the trial or stipulation was held but exceeded the deadline and cases that were dismissed after the deadline.

completing trials within the established timelines. For example, 73% of the cases filed in 2003 were in compliance with the ASFA timeline for trials compared to 65% of the cases filed in 2002, 49% of the 2001 cases and 34% of the cases filed in 2000.

Similarly, for children not removed from home, the percentage of cases in compliance with the timeline to trial or stipulation, 45 days, has also increased significantly (Table 6). The compliance rate was 18% in 2000, 19% in 2001, 51% in 2002, and 59% in 2003.

**Table 6.**

***Time from Petition to Trial or Stipulation in Abuse and Neglect Cases, 2000-2003***

**For Children Not Removed from Home  
Statutory Deadline – 45 Days**

Year	Total number of cases	Trial held	Cases in compliance with deadline*	Cases exceeding deadline**	Cases pending trial
2000	282	229	50 (18%)	232 (82%)	0 (0%)
2001	382	277	72 (19%)	310 (81%)	0 (0%)
2002	182	63	92 (51%)	88 (48%)	2 (1%)
2003	228	44	135 (59%)	23 (10%)	70 (31%)

\* Includes cases where the trial or stipulation was held in compliance with the deadline and cases that were dismissed within the deadline.

\*\* Includes cases where the trial or stipulation was held but exceeded the deadline and cases that were dismissed after the deadline.

Although declining, the time between filing and trial in the cases of children who are not removed from home remains problematic. In order to meet the statutory time limit, the Court is pre-setting the mediation, pre-trial hearing and trial dates within the 45-day period at the initial hearing. The intent is to schedule all hearings within the statutory limits, and if the mediation is successful the pre-trial and trial hearing dates will be vacated. Although such cases are scheduled within the statutory timeframe, Family Court Judicial Officers report that the delay in adjudicating cases within the statutory timeline is due to the lack of service of process on the parents in the cases and heavy caseloads of attorneys representing children and parents. The heavy caseloads of attorneys results in conflicts in scheduling of court hearings.

Judges are also improving their performance in meeting the timelines for moving cases from filing to disposition (Table 7). Among children removed from home there was a significant increase in the percentage of cases in compliance with the ASFA timeline for disposition. Sixty one percent (61%) of the cases filed in 2003 were in

compliance with the timeline for dispositions as compared to 48% in 2002, 27% in 2001 and 26% in 2000. For children not removed from home, the compliance rate also increased (Table 8).

**Table 7.**  
***Time from Removal to Disposition in Abuse and Neglect Cases, 2000-2003***

**For Children Removed from Home  
Statutory Deadline – 105 Days**

Year	Total number of cases	Disposition held	Cases in compliance with deadline*	Cases exceeding deadline**	Cases pending disposition
2000	1137	726	292 (26%)	845 (74%)	0 (0%)
2001	1110	645	298 (27%)	762 (69%)	50 (4%)
2002	922	579	440 (48%)	377 (41%)	105 (11%)
2003	625	361	378 (61%)	120 (19%)	127 (20%)

\* Includes cases where the disposition hearing was held in compliance with the deadline and cases that were dismissed within the deadline.

\*\* Includes cases where the disposition hearing was held but exceeded the deadline and cases that were dismissed after the deadline.

**Table 8.**  
***Time from Petition to Disposition in Abuse and Neglect Cases, 2000-2003***

**For Children Not Removed from Home  
Statutory Deadline – 45 Days**

Year	Total number of cases	Disposition held	Cases in compliance with deadline*	Cases exceeding deadline**	Cases pending disposition
2000	282	167	35 (12%)	247 (88%)	0 (0%)
2001	382	234	64 (17%)	305 (80%)	13 (3%)
2002	182	47	90 (50%)	84 (46%)	8 (4%)
2003	228	48	128 (56%)	34 (15%)	66 (29%)

\* Includes cases where the disposition hearing was held in compliance with the deadline and cases that were dismissed within the deadline.

\*\* Includes cases where the disposition hearing was held but exceeded the deadline and cases that were dismissed after the deadline.

### **Disposition of Abuse and Neglect Cases**

During 2003, Family Court judicial officers closed 1,387 cases. Three hundred fifteen cases were closed before disposition (had not gone to trial or stipulation), and 1,072 were post-disposition (under court supervision after a trial or stipulation). Table 9 details the reasons for cases closed post-disposition.

**Table 9.**  
***Abuse and Neglect Cases Closed Post-Disposition  
By Reason for Closure During 2003***

Reason for Case Closure	Percent
<b><i>Permanency Goal Achieved</i></b>	<b>88</b>
Reunification	43
Adoption	29
Guardianship	10
Custody	6
<b><i>Child Reached Age of Majority</i></b>	<b>7</b>
<b><i>Child Emancipated</i></b>	<b>2</b>
<b><i>Court Case Closed-Continued for CFSA services</i></b>	<b>3</b>
<b>Total</b>	<b>100</b>

### **Recent and Upcoming Initiatives**

Consistent with the Family Court goal of improving the quality of legal representation, the Family Court implemented a number of initiatives during 2003 including: the adoption of attorney practice standards for attorneys appointed in abuse and neglect cases on February 28, 2003; the creation of Family Court Panels in March 2003, for qualified attorneys seeking appointment in juvenile cases and the cases of abused and neglected children; execution of a contract with the Children's Law Center in August 2003 to provide guardian ad litem services in court appointed counsel cases. In addition to representation of parties, the Center will provide training and technical

assistance to other attorneys providing legal representation to clients. Center staff has expertise in representing the interests of abused and neglected children, child welfare, adoption, guardianship, special education and domestic violence. More recently, the Court and its stakeholders drafted attorney practice standards for attorneys seeking appointment in juvenile cases and expects to implement such standards in 2004 after a period for public comment.

The Family Treatment Court Pilot Program began operations in May 2003. This court specializes in managing court ordered drug treatment for mothers or female caretakers of neglected children within the Court's jurisdiction. The program, which currently has 17 participants, graduated its first class of five women in December 2003. Nine more women graduated on March 20, 2004. The program will serve up to a total of 36 women charged with neglect, 18 women during the first six months of the pilot and 18 during the second six months. Treatment occurs in a secure residential facility, which permits parents to care for up to four children under the age of 10 in a supervised setting. Presently, 23 children, ranging in age from infancy to 10 years of age, reside in the treatment center with their mothers. The treatment program for the women includes among other things, individual and group counseling, drug education, parenting classes, life skills training, and HIV/Aids education. The Family Treatment Court Pilot Program and core District agencies—Child and Family Services, Addiction Prevention and Recovery Administration and the Department of Mental Health—also provide vital services to participating parents and children. These services address: mental and physical health problems, educational issues, aftercare planning and social services needed to facilitate the family's ability to smoothly transition from the residential



component of the program. This program appears promising, though the Court will continue to seek outside funding for housing and transportation, issues that present obstacles to the program achieving its goals.

The Superior Court's new case management system, the Integrated Justice Information System (IJIS) became operational on August 4, 2003 for neglect, juvenile, and adoption cases. Other Family Court cases: domestic relations, mental health and mental retardation, the Marriage Bureau, and the Council for Child Abuse and Neglect became operational in December 2003. The system has been designed to track and facilitate the monitoring of one judge one family and to allow the collection of data on the Family Court's newly established performance outcome measures. Measures on which the system will provide information include, among others: the number of placements a child has while under Family Court supervision, the number of reunifications that fail, and the number of adoptions that disrupt.

As indicated in the Transition Plan, the Family Court has continued to consult and collaborate with stakeholders about the most effective means of assigning cases within the Family Court. After a careful review of a number of case assignment processes, the Child and Family Services Agency (CFSA), with the support of the Family Court, began the geographic assignment of social workers to cases beginning in January 2004. The geographic assignment of social workers is designed to maximize the effectiveness of social workers and judicial officers by allowing them to concentrate in a specific area of the District where they can develop a greater familiarity with community resources and strengths.

The Family Court continues to conduct bi-monthly cross-training programs, and the second annual Family Court Interdisciplinary Training Institute was held November 7, 2003. The training entitled “The Family Court, DC Agencies and Communities: Partners in Education” was mandatory, and Family Court was closed for the day. The training was planned in conjunction with a number of community partners including the Georgetown University Child Development Center, the Council for Court Excellence, the CFSA, members of the D.C. Bar and the Family Court Trial Lawyers Association. The training, facilitated by the Georgetown University Child Development Center, had over 300 attendees representing a broad spectrum of stakeholders in the Family Court.

Finally, we are pleased to report that the Family Court Self Help clinic, which was established in October 2002 to provide information to pro se litigants in the area of domestic relations and paternity and support, was the 2003 winner of one of the D.C. Bar’s highest awards, the Frederick B. Abramson Award.

### **JUVENILE CASES**

During 2003 there were 2,412 new juvenile cases filed in the Family Court. Detailed below in Tables 10 and 11 is the distribution of cases by offense, age, gender and whether the juvenile was detained prior to trial. Approximately a third of the juveniles referred (“arraigned”) in 2003 were charged with committing either a property offense (36%) or a crime against a person (32%). Among juvenile offenders, 82% were male and 18% were female. There were significant differences in the type of offense committed by gender. Juvenile girls were more likely to commit offenses against persons than were juvenile boys – 46% of girls were charged with acts against persons,

compared to 28% of boys. Juvenile boys were more likely than girls to commit acts against public order<sup>9</sup> (29% and 24%, respectively) and property offenses (40% and 19%, respectively).

**Table 10.**  
***Juvenile Referrals in 2003, by Age at Referral***

Offense	Age at referral					
	Total cases	Under 10 years	10-12	13-14	15-17	18 and over
Acts against persons	760	3	48	188	435	86
Acts against property	866	7	45	199	491	124
Acts against public order	688	0	6	64	422	196
PINS	33	0	0	7	22	4
Interstate Compact	65	0	0	7	47	11
<b>Total cases</b>	<b>2,412</b>	<b>10</b>	<b>99</b>	<b>465</b>	<b>1,417</b>	<b>421</b>

**Table 11.**  
***Juvenile Referrals in 2003, by Offense, Gender and Detention Status***

Offense	Total cases	Male	Female	Juveniles Detained
Acts against persons	760	555	205	130
Acts against property	866	782	85	180
Acts against public order	688	578	110	162
PINS	33	9	27	9
Interstate Compact	65	43	22	47
<b>Total cases</b>	<b>2,412</b>	<b>1,967</b>	<b>449</b>	<b>528</b>

Nearly a quarter (24%) of juveniles referred for acts against public order were detained prior to trial, compared to 21% of those referred for acts against property and 17% of those referred for acts against persons. Regardless of the offense, many states have established case-processing timelines for juveniles detained prior to trial. In addition to individual state timelines, several national organizations, such as the American Bar Association, the Office of Juvenile Justice and Delinquency Prevention

<sup>9</sup> Acts against public order include possessing or carrying a weapon and narcotics sale and possession.

and the National District Attorneys Association have issued guidelines for case processing in juvenile cases<sup>10</sup>. The guidelines both at the state and national level address the time between key events in a juvenile case. In general, the guidelines suggest that the maximum time between court filing and court adjudication for juveniles detained prior to trial be set at 30 days or less. The guidelines suggest that the total time from filing to disposition for detained juveniles be set at 60 days or less. As is the case in many states, the District of Columbia Code and Superior Court Rules establish that juveniles detained prior to trial have an adjudicatory hearing within 30 days. Court rules require that the disposition in cases of detained juveniles be held within 15 days after adjudication. The District of Columbia Code sets forth a number of reasons for extending the disposition of a detained juvenile's case beyond the 15-day period. Under D.C. Code §16-2330 the following time periods are excluded in the time computation for reaching disposition:

- The delay resulting from a continuance at the request of the child or his counsel;
- The delay resulting from other proceedings concerning the child;
- The delay resulting from a continuance granted at the request of the OCC if it is granted because of unavailability of evidence in the case;
- The delay resulting from the imposition of a consent decree; and
- The delay when the child is joined for a hearing with another child as to whom the time for a hearing has not run and there is good cause for not hearing the case separately.

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<sup>10</sup> See "Delays in Juvenile Court Processing of Delinquency Cases" by Jeffrey A. Butts conducted under the sponsorship of the Office of Juvenile Justice and Delinquency Prevention and "Waiting for Justice: Moving Young Offenders Through the Juvenile Court Process" by Jeffrey Butts and Gregory Halemba conducted under the sponsorship of the National Center for Juvenile Justice.

During 2003, the median time between referral and the fact-finding hearing, or adjudication, in Family Court was 49 days and the median time between adjudication and disposition was 23 days. However, it is important to note that these times include requests for extension by agreement of the parties or counsel on behalf of the juvenile; absent such a request, adjudication is held within the 30 day statutory period.

### ***Recent Initiatives***

- During 2003, a specialized Juvenile Interstate Compact Team was established to handle all investigations and supervision of out-of-state juvenile placements and other matters.
- The Family Counseling Unit implemented the first “female only” psycho-educational treatment groups that target adolescent female developmental needs and issues.
- The Child Guidance Clinic was visited by a team from the American Psychological Association as part of the Clinic’s accreditation process. A decision on accreditation is expected by mid-2004.
- The Family Court has begun to explore alternative ways to handle cases of juveniles who are truant and cases involving parents or caretakers who illegally prevent their children from attending school. In January 2004, the Court consolidated before one judge cases of truants and parents or caretakers who must be compelled to monitor the school attendance of their children. In 2004, the Court will seek better coordination with the District of Columbia Public Schools, the Office of the Corporation Counsel and the Metropolitan Police Department in the handling of these cases.

### **CHILD SUPPORT AND PATERNITY CASES**

During 2003, there were 2,468 child support and paternity actions filed in the Family Court. D.C. Code, 2001 Ed. § 46-206 requires the Court to schedule hearings in cases seeking to establish or modify child support within 45 days from the date of filing of the petitions. The Court has met this time standard in all cases filed during 2003. Additionally, federal regulations mandate that orders to establish support be completed in 75% of the cases within 6 months and 90% of the cases within 12 months of the date of service of process (see 45 CFR §303.101). At the present time, the Court does not collect data on federal case processing timelines. The Child Support Enforcement Division of the Office of the Corporation Counsel maintains the paternity and support database. The Court, as part of its implementation of IJIS, has continued to collaborate with and share data with the OCC through the JUSTIS system. At present, discussions continue on the best approach to ensuring that the data necessary to assess compliance with these guidelines will be available to the Court. The Court, however, has changed its case management approach to child support cases to be consistent with the one family, one judge provision of the Family Court Act.

### **DOMESTIC RELATIONS AND CUSTODY**

During 2003, there were significant changes in the divorce and custody caseload statistics. At the end of 2001, there were 6,662 domestic relations and custody cases pending. At the end of 2002, only 3,403 cases were pending. The 49% reduction in pending cases is attributable to a manual audit of the caseload designed to remove cases that had had no action from the parties involved for more than two years. The result of

the audit, a summary closure without prejudice in most cases, resulted in a 158% increase in dispositions in year 2002.

During 2003, 3,589 domestic relations and custody cases were filed in Family Court. By December 31, 2003 66% of those cases were closed and 34% were still pending. Figure 10 shows the time from filing to disposition for cases filed in 2003 that were closed (2,375 cases) by December 31, 2003. As might be expected, custody cases filed in 2003 took a slightly longer time to reach disposition than divorce cases filed during the same period.

**Figure 10.**  
***Time from filing to disposition for closed domestic relations and custody cases filed in 2003.***

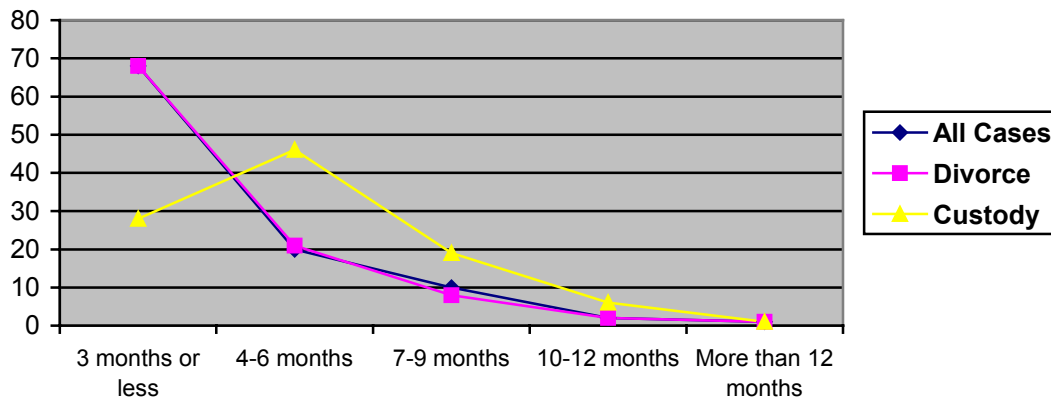
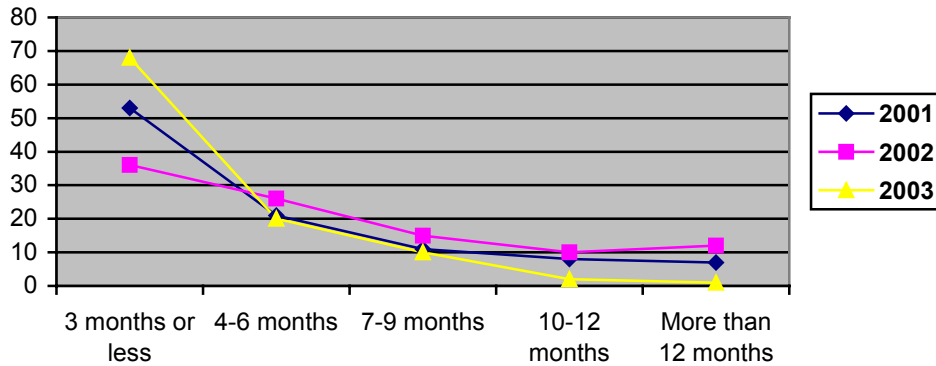


Figure 11 provides information on time from filing to disposition for domestic relations and custody cases filed in 2002 and 2003. On December 31, 2003 more than 90% of the cases filed in 2002 were closed, and the time from filing to disposition for those cases is longer for cases filed in 2002 than for those cases filed in 2003, many of which (34%) have not reached a disposition. As required by the Family Court Act, court staff reviewed the literature for the existence of national timelines for case processing in divorce and custody cases. No national standards on case processing were found, and in

their absence the Court has used information on time from filing to disposition in 2001 and 2002 to establish baseline data for measurement of performance in future years. To date, the Court has reduced substantially the amount of time it takes to resolve a domestic relations case, nearly 70% were resolved within 3 months in 2003 compared to 36% of the cases in 2002.

**Figure 11.**  
*Time from filing to disposition for domestic relations and custody cases filed in 2001 and 2002*



**CONCLUSION**

The Family Court is an institution that exists to help children and families. Whether training to enhance the knowledge of judges and others, or implementing diversion programs for juvenile or child mediation programs for families, the Court has as its core values protecting children, strengthening families and public safety. In 2003, there was an increase in the filing of termination of parental rights (TPR) and guardianship motions. The increased filing of TPR motions will ultimately result in a greater number of children freed for adoptions. The increase in the filings of guardianship petitions shows that the court’s efforts to educate the Bar and others about the benefits of the guardianship program for children have worked and that more children will have stable,



safe and permanent homes with relatives. In 2003, the Family Court increased its overall disposition of cases involving children and families. More children in 2003 achieved permanency through adoption, reunification, and guardianship than in 2002. Also, in 2003, the Family Court resolved the legal issues of jurisdiction in more cases of abused and neglected children quicker than in 2002, which resulted in the issues of permanency being considered earlier in the life of the cases. In the area of domestic relations, family disputes were resolved more quickly in 2003 than in 2002, which allowed for families to begin the healing process sooner.

The same factors reported in the First Annual Report continued to affect the Court's ability to carry out its responsibilities in the most effective manner possible in 2003. Although CFSA has shown considerable improvement in many areas over the year, its inability to provide services to children and families in a timely manner, lack of adoption resources for older children, lack of attorney resources in the Office of the Corporation Counsel, continuing issues related to the interstate compact for the placement of children, the lack of drug treatment resources for children and parents, and the inability of DCPS to provide educational assessment services, such as individual education plans (IEPs) in a timely manner have all limited the Court's effectiveness when addressing the needs of children and families in abuse and neglect cases. The lack of wrap around services and drug treatment beds for juveniles, as well as the limited number of front-end alternatives for juveniles, such as diversion programs, continue to affect the Court. Also, the timeliness of mental health evaluations of abused and neglected children by the Department of Mental Health impacted on the Court's ability to resolve cases quicker.

In 2003, the Court and its partners continued to work on the above areas in an effort to improve its ability to serve the community by working together collaboratively and cooperatively.

The Court has steadily increased its compliance with ASFA, but will continue to conduct more training on ASFA for judges and attorneys to attempt to remediate those areas where we are not achieving full compliance. In the area of child support, the Court has been unable to measure compliance with federal standards due to a number of factors including the transition of new leadership at the Office of the Corporation Counsel. During 2004 the Court will collaborate with the Child Support Enforcement Division of the Office of the Corporation Counsel who maintains the paternity and support database to capture the data necessary to monitor compliance with federal standards. Finally, during 2004 the Court will continue to pay particular attention to case processing times in juvenile cases.

The Court continues to work in partnership with other agencies, organizations and individuals responsible for serving children and families to determine how we can better help families and children in the future. The Court remains committed to achieving the best outcomes for the children and families in the District of Columbia.