

# Superior Court of the District of Columbia



## 2020 Family Court Annual Report



**Honorable Anita Josey-Herring**  
*Chief Judge*

March 31, 2021

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## **FAMILY COURT OPERATIONS DURING THE COVID-19 PANDEMIC**

The Joint Committee on Judicial Administration issued an order on March 18, 2020 invoking emergency authority<sup>1</sup> under the D.C. Code to modify court operations. The modifications were consistent with the best interests of the administration of justice while balancing the health and safety needs of litigants, court visitors, and personnel. The order gave the D.C. Superior Court Chief Judge and the D.C. Court of Appeals Chief Judge the authority to take needed steps during the public health crisis to toll deadlines and make other necessary changes to court operations and rules to address the coronavirus risk.

Recognizing that the state of the pandemic was a fluid situation and the timetable for the resumption of modified court operations would have to be based on guidance from public health officials, the order vested the Chief Judges with the authority to issue additional orders extending the period during which deadlines were tolled or extended.

The Superior Court vacated nearly all face-to-face hearings and began a transition to proceedings on remote platforms or hearing cases “on the papers” (where parties consented to the issuance of an order without a hearing being held and having the ability to submit objections or edits to the order). Approximately half of the Family Court judges had remote courtrooms, through the Webex platform, established by June 30, 2020. Access for the remaining judges was accomplished by the Information Technology Division adding additional courtrooms every few weeks. By August 10, 2020, all Family Court judges had access to their own Webex courtrooms. Despite Family Court judges holding over 11,000 remote hearings in 2020, this transition caused inevitable delays in resolving

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<sup>1</sup> DCCOURTS.GOV. 2020. [online] Available at: <<https://www.dccourts.gov/sites/default/files/divisionspdfs/committee%20on%20admissions%20pdf/Joint-Committee-on-Judicial-Administration-for-the-District-of-Columbia-Courts-March-18-2020-Order.pdf>> [Accessed 15 January 2021].



many case types. These delays will be seen in various caseload statistics, trial compliance numbers, and disposition timelines contained in this report.

Despite the challenges presented by the pandemic, the Courts implemented innovative solutions to create the “new normal” in court operations. These included:

- Electronic case initiation in all case types, including adoptions (using box.com)
- Accepting payments for certain court fees, fines and costs using the electronic payment portals, PayPort and PromptPay.
- Providing Self-Help Center services remotely and collaborating with the Pro Bono community to assist self-represented filers without access to email to help file court documents
- Accepting marriage application and payments electronically
- Performing over 800 weddings via Webex, many by judges due to the criteria that all parties needed to be located in D.C.
- Processing juvenile bench warrants and arrest warrants electronically
- Providing certified documents electronically to the public
- Exchanging confidential documents securely with agency partners and the public through use of box.com
- Holding a virtual Adoption Day celebrating the adoptions of 45 children into 33 forever families

Moving forward, the D.C. Courts are committed to meeting the continuing needs of the community, expanding capacity, and maintaining the safety and health of all who work and transact business at the courts, as we work to ensure access to justice and fair and timely case resolution.

## EXECUTIVE SUMMARY

Since the enactment of the District of Columbia Family Court Act of 2001, Pub.L. 107-114 (D.C. Official Code, 2001 Ed. § 11-1101 *et seq.*), the Family Court has achieved many of the goals set forth in its Family Court Transition Plan submitted to the President and Congress on April 5, 2002. The following summarizes some of the measures, aimed at improving services for children and families, taken by the Family Court in 2020 in its continued efforts to achieve each goal.

- **Make child safety and prompt permanency the primary considerations in decisions involving children.**
  - Monitored key performance measures throughout the Family Court, including compliance with the Adoption and Safe Families Act (ASFA)<sup>2</sup> and the performance measures in the *Toolkit for Court Performance Measures in Child Abuse and Neglect Cases*.
  - The Court Social Services Division (CSSD) continued to screen all referred youth to identify those who may be exposed to and/or victims of human trafficking and exploitation. The CSSD also administers the Connors Behavioral Rating Scale (CBRS) to help ascertain each youth's need for more extensive behavioral health assessments and evaluations.
  - Family Court continued HOPE "Here Opportunities Prepare You for Excellence" Court in 2020. The program is a treatment court established to address the multiple needs of court-involved youth who are suspected of being, confirmed to be, or at risk of becoming victims of commercial sexual exploitation. For youth in the delinquency system, HOPE Court offers a path to case closure for those who succeed and graduate. For youth in the neglect system, HOPE Court offers specialized services to assist youth and families to achieve their permanency goal.
  - Family Court continued a permanency mediation program to address delays in reaching permanency. The program allows any participant in a neglect case to refer a case for permanency mediation prior to the first permanency hearing or any time Child and Family Services Agency (CFSA) recommends a goal change from reunification to adoption. Permanency mediation can be a first step in empowering parents to take responsibility for and participate in permanency planning in cases where reunification appears to be unlikely. Trainings on the program have been made to judges, mediators who will be handling these mediation sessions, and Counsel for Child Abuse and Neglect (CCAN) and Children's Law Center (CLC) attorneys. Trainings are planned for social workers. Surveys have been developed to ascertain the effectiveness and satisfaction of the participants with the program.
  - Family Court, through the Court Improvement Project (CIP) is addressing timeliness in permanency planning through the review of neglect cases. The case reviews are samples of a cohort and examine permanency delays along with developing solutions to address the defined barriers. The workgroup

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<sup>2</sup> "ASFA" refers to the federal statute P.L.105-89 unless otherwise specified.

drafted a report that outlines their findings for the first group of cases initiated between 2011 and 2015 and is currently reviewing a group of cases initiated between 2016 and 2018.

- Family Court and CFSA co-hosted two Permanency Forums. Attendees included judges, attorneys from the Council for Child Abuse and Neglect, Children’s Law Center, and Office of Attorney General, social workers and others. Participants met in small groups to discuss specific issues relevant to permanency, such as minimizing court delays and parental engagement. The discussions were recorded and shared with the other groups. Participant surveys indicated a high level of satisfaction with the event and a strong desire to participate in future events. Upcoming plans for the Abuse and Neglect Subcommittee include ongoing Stakeholder Forums that address important abuse and neglect related issues such as paternity and its impacts on case practice.
  
- **Provide early intervention and diversion opportunities for juveniles charged with offenses to enhance rehabilitation and promote public safety.**
  - Restructured services and supports to Court Social Services Division (CSSD) youth, including home visits, curfew monitoring, pro-social and restorative justice groups, Family Group Conferencing, mentoring and tutoring using Webex, Zoom, Google Duo and Facetime platforms in response to the Covid-19 Pandemic. Additionally, successfully facilitated intermittent face-to-face home visits to CSSD youth using personal protective equipment (PPE) and social distancing.
  - Working in coordination with the District of Columbia’s Criminal Justice Coordinating Council (CJCC), the CSSD continued the “Partnership 4 Success” program. This multi-agency collaborative initiative ensures high-risk youth are identified and provided comprehensive and intensive services. The initiative also relies upon resources provided by stakeholders from the Metropolitan Police Department, the Department of Parks and Recreation Roving Leaders, the Child and Family Services Agency, the District of Columbia Public Schools and the D.C. Public Charter Schools.
  - CSSD co-chaired and staffed the city’s Restorative Justice Subcommittee, created to examine alternative measures for resolving conflict and disputes which give rise to juvenile crime and to explore alternatives to adjudication.
  - CSSD staff guided its youth in several local field trips (pre-pandemic) to historic landmarks including museums, monuments, historic houses, and remote participation in the 57th Anniversary of the historic March on Washington. These educational outings occurred weekly and encompassed group-think discussions with mentors, tutors, and CSSD staff.
  - CSSD continued to operate the Juvenile Behavioral Diversion Program (JBDP), as an intensive non-sanction-based program, designed to link juveniles and status offenders to, and engage them in, appropriate mental health services and support in the community. The goal is to reduce behavioral symptoms that result

in the youth's involvement with the juvenile justice system and to improve the youth's functioning in the home, school, and community.

- **Assign and retain well-trained and highly motivated judicial officers.**
  - Promoted the participation of Family Court judicial officers in national training programs on issues relating to children and families. Such programs have included courses sponsored by the National Judicial College, the National Council of Juvenile and Family Court Judges, the National Bar Association, and the Capacity Building Center for State Courts.
  - Conducted mandatory monthly luncheon trainings on issues frequently arising in family court cases, and presentations from guest speakers on a variety of relevant topics.
  - Hosted the 18th Annual Family Court Interdisciplinary Conference entitled “Coercive Control in Families and the Impact on Children” on October 24, 2020. The conference, which was conducted virtually, featured Dr. Evan Stark, forensic social worker and sociologist, and Kit Gruelle, a domestic violence survivor and advocate. The presenters shared important information and insights and conducted an informative question and answer period and discussion.
  - Held an annual in-service training on recent developments in family law and recently enacted legislation affecting the Family Court.
  
- **Promote Alternative Dispute Resolution (ADR).**
  - In late 2020, the Multi-Door Dispute Resolution Division and its research partners at the Universities of Washington and Indiana, delivered a full report to the National Institute of Justice (the funder of the study), entitled Intimate Partner Violence and Custody Decisions: A Randomized Controlled Trial of Outcomes from Family Court, Shuttle Mediation, and Video-Conferencing. One hundred and ninety-six cases consented to participate in the study. Each mediation type was compared to traditional, adversarial court process regarding both outcomes (e.g. settlement or court decree) and process. No empirical study to date has examined whether mediation of any kind is safe and effective for family disputes involving high levels of intimate partner violence/abuse. As the first of its kind, this study will impact not only local families but also families nationwide. The full report can be found at Intimate Partner Violence and Family Dispute Resolution. One year follow-up reports will be released in 2021.
  - The Court partnered with the Family Law Community of the District of Columbia Bar—a group of experienced family law attorneys—to conduct alternative dispute resolution (ADR) in domestic relations cases. In 2020, 16 families were ordered to participate in this ADR program. The program includes a case evaluation component along with mediation.

- **Use technology effectively to track cases of children and families.**
  - Implemented remote courtrooms for all judges.
  - Expanded electronic case initiation in all case types, including adoption (using box.com).
  - Accepted payments for certain court fees, fines and costs using the electronic payment portals, PayPort and PromptPay.
  - Provided Self-Help Center services remotely.
  - Accepted marriage application and payments electronically.
  - Performed weddings via Webex.
  - Processed juvenile bench warrants and arrest warrants electronically.
  - Provided certified documents electronically to the public.
  - Exchanged confidential documents securely with agency partners and the public through use of box.com.
  - Family Court along with the Domestic Violence Division, Court of Appeals, Probate Division, Pro Bono.Net and the DC Bar Pro Bono Program continued to participate in the development of interactive interviews to assist court customers in completing court forms online. One of the primary objectives of these interviews and the related system is to make completing forms much easier by asking users a series of questions. Based on the answers, the system populates the forms the user needs. Family Court prepared an additional interview for customers who want to modify a child support order. This interview allows the user to create a motion to modify child support and an application to proceed without the prepayment of costs, fees or security at the same time. The system allows the user to file the completed forms directly to the Central Intake Center.
  - Family Court continued implementation of a call center that reroutes calls from the individual branches to a central location. Customers speak to a live person and have their issues immediately addressed. This has resulted in a dramatic reduction in calls in the individual branches, leading to increased work production in an uninterrupted environment. In 2020, 61,617 customers were assisted by the call center staff, a 48% increase over 2019.
  
- **Encourage and promote collaboration with the community and community organizations.**
  - Family Court regularly met with stakeholders and participated on numerous committees of organizations serving children and families, including the Family Court Implementation Committee, the Abuse and Neglect Subcommittee, the Mental Health and Habilitation Subcommittee, the Domestic Relations Subcommittee, the HOPE Court Committee, the Family Court Juvenile Subcommittee, the Parentage and Support Subcommittee, the Education Subcommittee, the Family Court Training Committee and the Juvenile Intake and Arraignment workgroup.

- Family Court collaborated with the D.C. Bar Family Law Community, Children’s Law Center, the D.C. Bar Pro Bono Program, and other stakeholders, on multiple training and educational programs.
- **Provide a family friendly environment by ensuring materials and services are understandable and accessible.**
  - In 2020, four education seminars (The Program for Agreement and Cooperation in Contested Custody Cases or PAC) helped 131 parents understand the impact of custody disputes on co-parenting and how these disputes affect their children. Likewise, the children’s component to PAC assisted 27 children in understanding how to identify and express concerns to their parents.<sup>3</sup> The objective of the program was to help participants improve working relationships and develop effective communication skills while prioritizing their children’s need.
  - Family Court, along with the Domestic Violence Division, Court of Appeals, Probate Division, Pro Bono Net and the DC Bar Pro Bono Program, continued to participate in the development of interactive interviews to assist court customers in completing court forms online concerning their cases. One of the primary objectives of these interviews and the related system is to make completing forms much easier by asking users a series of questions. Based on the answers, the system populated the forms the user needs. Family Court prepared an additional interview for customers who want to modify a child support order. This interview allows the user to create a motion to modify child support and an application to proceed without the prepayment of costs, fees or security at the same time. The system allows the user to file the completed forms directly to the Central Intake Center.
  - The Family Court Self-Help Center (FCSHC), a free walk-in service that provides legal information on a variety of family law matters, conducted 5,766 customer interviews in CY 2020. The Self-Help Center began providing services remotely as a result of the Covid-19 pandemic. They also collaborated with the Pro Bono community to assist self-represented filers who did not have access to email to help file court documents.

We continue to implement new initiatives and sustain past initiatives to better serve children and families in our court system.

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<sup>3</sup> Due to the Covid-19 pandemic, the PAC seminar was suspended indefinitely, effective March 2020. The parent education component of the PAC seminar will be relaunched in the first quarter of 2021, via Zoom.

## INTRODUCTION

The District of Columbia Family Court Act of 2001, Pub.L. 107-114 (D.C. Official Code, 2001 Ed. § 11-1101 *et seq.*, hereinafter the “Family Court Act” or “Act”) requires that the Chief Judge of the Superior Court submit to the President and Congress an annual report on the activities of the Family Court. The report, summarizing activities of the Family Court during 2020, must include the following:

- (1) The Chief Judge’s assessment of the productivity and success of the use of alternative dispute resolution (see pages 10-17).
- (2) Goals and timetables as required by the Adoption and Safe Families Act of 1997 to improve the Family Court’s performance (see pages 25-34).
- (3) Information on the extent to which the Family Court met deadlines and standards applicable under Federal and District of Columbia law to review and dispose of actions and proceedings under the Family Court’s jurisdiction during the year (see pages 17-49, 54-73, 87-90).
- (4) Information on the progress made in establishing locations and appropriate space for the Family Court (see pages 9-10).
- (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 i, 30-34).
- (6) Information on: (a) the number of judges serving on the Family Court as of December 31, 2020; (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 3-6).
- (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 17-73, 87-90).
- (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 35-49, 65-73, 87-90).

## **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 Strategic Planning Committee (currently the Family Court Implementation Committee), established the following goals and objectives to ensure that the court's mission is achieved. They remained the goals and objectives for continued improvement in 2020.

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 for 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 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.



**JUDICIAL RESOURCES IN THE FAMILY COURT**

On January 1, 2021, the Family Court consisted of 10 associate judges and 12 magistrate judges, seven of whom were assigned to hear abuse and neglect cases.

**LENGTH OF TERM ON FAMILY COURT**

In December 2012, Public Law 112-229, the D.C. Courts and Public Defender Service Act of 2011, became effective. Section 4 of the law amended D.C. Code § 11- 908A to reduce the term of current and future Family Court associate judges from five years to three years. The following are the commencement dates of associate judges currently assigned to the Family Court.

<u>Associate Judges</u>	<u>Commencement Date</u>	
Judge Krauthamer	January	2013
Judge Leibovitz	January	2018
Judge Di Toro	January	2019
Judge Soltys	January	2019
Judge Wingo	January	2019
Judge McLean	May	2019
Judge Berk	January	2020
Judge Salerno	January	2020
Judge Hertzfeld	February	2020
Judge Israel	February	2020

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 Johnson	April	2002
Magistrate Judge Breslow	October	2002
Magistrate Judge Fentress	October	2002
Magistrate Judge Albert	January	2006
Magistrate Judge Rook	October	2006
Magistrate Judge Seoane Lopez	August	2012
Magistrate Judge De Witt	January	2017
Magistrate Judge Vila	June	2017
Magistrate Judge Noti	January	2020
Magistrate Judge Wiedmann	January	2020
Magistrate Judge Trabal	February	2020
Magistrate Judge Beatty-Arthur	July	2020

#### **REASSIGNMENTS TO AND FROM FAMILY COURT**

In October 2020, the Chief Judge of the Superior Court of the District of Columbia issued judicial assignments for calendar year 2021. Those assignments became effective on January 1, 2021. As part of the reassignment, Magistrate Judge Nolan left Family Court. All other judicial assignments remained the same as the previous year except for Magistrate Judge DeWitt, who moved from an Abuse and Neglect calendar to new referrals. Below is a brief description of the education and training experience of Magistrate Judge Beatty-Arthur who was a newly appointed Magistrate Judge in July 2020 and therefore excluded from the 2019 Annual Report.

#### ***Magistrate Judge Beatty-Arthur***

Sherry Beatty-Arthur was appointed by Chief Judge Robert E. Morin on July 20, 2020. Judge Beatty-Arthur has been a practicing attorney since 1999 and is an active

participant in the Washington, D.C. legal community. In July 2014, Judge Beatty-Arthur was appointed as an Administrative Law Judge with the District of Columbia Office of Administrative Hearings where she presided over matters in all jurisdictions including Public Benefits, Regulatory Affairs, Rental Housing and Unemployment Insurance. Prior to Judge Beatty-Arthur's judicial appointment, Judge Beatty-Arthur served as an attorney with the U.S. Department of Agriculture and the U.S. Securities and Exchange Commission, where she focused primarily in the areas of civil rights and labor and employment. Judge Beatty-Arthur then formed the law firm of Arthur & Arthur, PLLC, where she represented clients in family law, employment law and small business development. Judge Beatty-Arthur was appointed by Mayor Adrian Fenty as the Board Chair and Chief Executive Officer for the Office of Employee Appeals for the District of Columbia. Thereafter, Judge Beatty-Arthur served on the executive team with the District of Columbia Public Defender Service where she advised management on hiring, recruitment, human resources and diversity. Judge Beatty-Arthur served as a visiting professor at Harvard Law School's Trial Advocacy Workshop. She also served as an adjunct professor at the Howard University School of Law where she taught courses in Torts and Administrative Law, and at the University of Maryland Graduate School of Business where she taught Business Ethics. She also served on the faculty at Prince George's Community College where she taught Business Law, Employment Law, and Critical Race Theory. Judge Beatty-Arthur is the former Chair of the Washington Bar Association's Judicial Council, and the 2018 recipient of the Charlotte E. Ray Award from the Greater Washington Area Council of the National Bar Association for her commitment to minority women in the legal community. Judge Beatty-Arthur is a native

Washingtonian. She received her bachelor's degree in Government and Politics and MBA from the University of Maryland. She earned her law degree from Howard University School of Law. Judge Beatty-Arthur is married to Judge Errol Arthur and has two children.

#### **ABILITY TO RECRUIT QUALIFIED SITTING JUDGES TO SERVE ON FAMILY COURT**

Since its inception, the Family Court has successfully recruited qualified judges to serve on the Family Court. Recruitment efforts were aided by the passage of Public Law 112-229 in 2012, which reduced the term of current and future Family Court associate judges from five years to three years. As required by the Act, all associate judges currently serving in the Family Court volunteered to serve on the court. A two-fold process has been implemented to replace those judges who choose to transfer out after completion of their term. First, there is an ongoing process to identify and recruit associate judges interested in serving on the Family Court, who have the requisite educational and training experience required by the Act. Second, Superior Court associate judges, who are interested in serving but do not have the requisite experience or training required by the Family Court Act are provided the opportunity to participate in a quarterly training program, developed by the Presiding Judge. The training is designed to ensure that these judges have the knowledge and skills required to serve in the Family Court.

Given the overwhelming response from the Bar for the magistrate judge positions previously advertised, no recruitment difficulties are envisioned for future magistrate judge vacancies.

## TRAINING AND EDUCATION

The Chief Judge of the Superior Court and the Presiding and Deputy Presiding Judges of the Family Court, in consultation with the Superior Court's Judicial Education Committee, develop and provide training for Family Court judicial staff through the Training and Education Subcommittee of the Family Court Implementation Committee. This interdisciplinary committee consists of judicial officers, court staff, attorneys, social workers, psychologists, and other experts in child welfare.

Family Court judicial officers took advantage of several training opportunities in 2020. In December 2020, all Family Court judicial officers participated in an extensive two-day training program updating them on current substantive family law practice and new procedures in Family Court. Some of the topics included: Uncontested Divorces; JM-15 Practice; Juvenile and Abuse and Neglect Initial Hearings; Child and Family Service Agency's Fair Hearing Process; Writing Review of Magistrate Judge Abuse and Neglect Orders; and Family Court Performance Measures. Additionally, judicial officers new to the Family Court and judicial officers changing calendars participated in a mandatory in-service training on their respective calendars.

In 2020, the Presiding Judge convened weekly lunch meetings and mandatory monthly meetings for Family Court judicial officers to discuss issues involving family court cases and to hear from guest speakers on a variety of relevant topics.

The 18th Annual Family Court Interdisciplinary Conference entitled "Coercive Control in Families and the Impact on Children" was held virtually on October 24, 2020. The conference featured Dr. Evan Stark, forensic social worker and sociologist, and Kit Gruelle, a domestic violence survivor and advocate. The speakers shared important

information and insights and there was an informative question and answer period and discussion where attendees voiced interest in follow-up trainings and conferences on this topic.

The Family Court continues to promote and encourage participation in cross-training and, in collaboration with others, conducts periodic seminars and workshops. The seminar “Gang Involved Youth: What You Should Know” was held in-person, before the pandemic. Additionally, several trainings and brown bags sessions were held virtually after the pandemic moved meetings to the virtual environment. These included: Mental Health Criminal Justice Act Lawyers Town Hall, Juvenile Town Hall, Juvenile Office of Attorney General Meeting, Mental Habilitation Town Hall, Domestic Relations Subcommittee Town Hall, CASA for Children Presentation to Judges, and the Abuse and Neglect Bench Bar.

The Counsel for Child Abuse and Neglect Branch (CCAN) of the Family Court, which oversees the assignment of attorneys in child welfare cases, conducts trainings for new child abuse and neglect attorneys, and coordinates a brown bag lunch series on important topics in child abuse and neglect practice. The brown bag lunches employ the skills of many stakeholders involved in the child welfare system and are designed to be interdisciplinary in nature. Topics covered in 2020 included: Representation Issues in Webex Remote Hearings; Working with LGBTQ Youth; Mindfulness for Attorneys; Ethics for Family Panel Attorneys; Back to School Training for Remote Learning; CFSA Fair Hearings Training; and 2020 Case Law Review.

Family Court non-judicial staff also participated in a variety of training programs in 2020. Topics covered included: adapting to a telework environment;

business friendly customer service; collaborative leadership, effective communication; procedural fairness; time management; leading with empathy; improving case resolution, data integrity, and many others. These educational opportunities focused on a variety of topics, all with the goal of moving the court toward improved outcomes for children and families.

### **Family Court Facilities**

The Family Court Act of 2001 required the District of Columbia to establish an operating Family Court as a separate component of the District of Columbia Superior Court System. Upon receiving congressional direction, the District of Columbia Courts established a fully functional Family Court with accommodating interim facilities and undertook a campus-wide facilities realignment to establish a physically consolidated Family Court within the H. Carl Moultrie Courthouse.

Construction of the C Street Addition will reunite the Family Court to one campus from its present multiple locations. The 175,000 gross square foot expansion project will rise six stories along the south facade of the Moultrie Courthouse, providing over 30,000 square feet of Family Court offices and support space. The expansion will include space for social services, the childcare center and supervised visitation, six courtrooms, and chambers for 20 Superior Court judges. The addition will be fully integrated with JM level and first-floor space for the Family Court Mental Health and Habilitation Unit, CCAN, Juvenile Intake, Probation Supervision, Drug Court, and the administrative offices for the Family Court Operations and Family Court Social Services Divisions. New facilities will provide ADA accessibility, accommodation of technology, adjacency to genetic testing, and the Mayor's Liaison Office, improving Family Court operations.

The construction of the superstructure and interior spaces has been divided into

two phases, 2A and 2B. Construction of Phase 2A began in March 2016 and was completed in May 2019.

Phase 2B of the project began in the Fall of 2019 and is currently scheduled to be completed by the end of June 2021. Currently, construction of phase 2B has included the demolition of the exterior layer of the south-east portion of the H. Carl Moultrie Courthouse. The interior support steel has been installed and the construction of the core and shell is progressing. The Family Court will be reaching full consolidation with the relocation of the balance of the Court Social Services Division at the end of Phase 2B construction in the summer of 2021.



C Street Addition Looking Northwest

### **ALTERNATIVE DISPUTE RESOLUTION IN FAMILY COURT**

Alternative Dispute Resolution (ADR) in the Family Court is provided through the Superior Court's Multi-Door Dispute Resolution Division (Multi-Door). Both the Child Protection Mediation and Family Mediation programs facilitated by Multi-Door have proven to be highly successful in resolving both child abuse and neglect cases and



domestic relations cases. The programs had an equally positive effect on court processing timeframes and cost. These results provide compelling support for the continuation of these valuable public service programs.

Due to the pandemic, the Family ADR Branch of the Multi-Door Division ceased all in-person mediations to prevent the spread of Covid-19 among court personnel and families that entered the mediation process. All mediation services were moved to an online platform via a secured service through zoomgov.com. All families referred to mediation in all family branch programs were invited to participate via Zoom or telephone beginning with Child Protection Mediation in early May 2020, followed by family mediations in late May 2020.

#### **ADR PERFORMANCE MEASURES**

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

- ADR Outcome – measures clients’ satisfaction with the outcome of the mediation process (including 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 clients’ satisfaction with the overall mediation process – including their ability to discuss issues openly, fairness of the process, length of session, and whether the participants perceived coercion by the other party or mediator; and
- Mediator Performance – measures clients’ satisfaction with mediators’ performance

in conducting the process, including explaining the process and the mediators' role, providing parties the opportunity to fully explain issues, the mediators' understanding of the issues, whether the mediator gained the parties' trust, and any perceived bias on the part of the mediator.

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, ADR outcome, and mediator 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 the objectives of settlement, quality and responsiveness.

**CHILD PROTECTION MEDIATION UNDER THE ADOPTION  
AND SAFE FAMILIES ACT (ASFA)**

In 2020, 231 new abuse and neglect cases were filed in the Family Court.<sup>4</sup> Sixty-four percent of those cases (149 families with 217 children) were referred to mediation, consistent with the mandate in the Family Court Act to resolve cases and proceedings through ADR to the greatest extent practicable, consistent with child safety.<sup>5</sup> Of those 149 families, 9 families (6%, representing 22 children) whose cases were filed in 2020 were offered mediation in 2021. Mediation was offered to 140 families with 195 children in 2020.

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<sup>4</sup> Each case represents one child in family court. In mediation, however, each case represents a family often with multiple children.

<sup>5</sup> These multi-party mediations are structured 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 cases with a history of domestic violence by Multi-Door staff and mediators.

Of the 140 families offered mediation in 2020, 68% of the families (95 cases, representing 133 children), participated in the mediation process and 32% of the families (45 cases, representing 62 children) did not participate and their cases were not mediated.<sup>6</sup>

As was the case in 2019, for families participating in mediation, the court continued to settle a substantial number of cases through the mediation process.<sup>7</sup> In 2020, nearly all cases which went to mediation reached an agreement on jurisdiction, family services, or a plan to resolve the case. Of the 95 cases mediated, 23 (24% of cases representing 32 children) resulted in a full agreement. In these cases, the issue of legal jurisdiction was resolved, and the mediation resulted in a stipulation (an admission of neglect by a parent or guardian). In 66 cases (70% of the cases, representing 94 children) the mediation was partially successful, resolving significant family concerns. There were 6 cases (6% of the cases, representing 7 children) in which mediation resulted in no agreement.

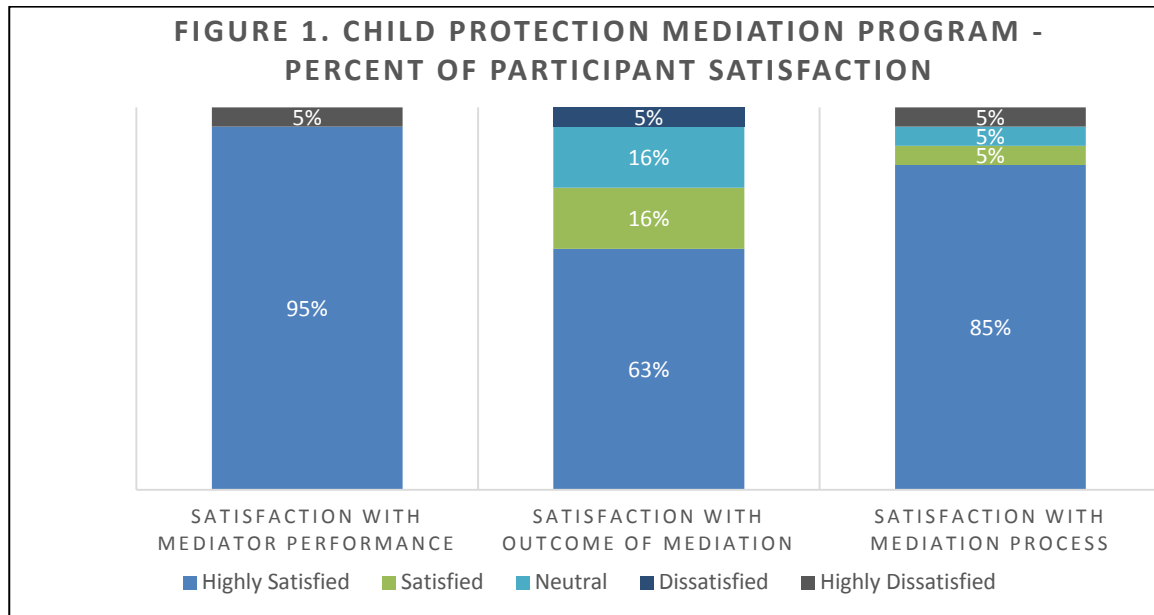
Qualitative measures, shown in Figure 1, illustrate satisfaction measures (highly satisfied and satisfied) of 95% for performance of the mediator(s), 79% for ADR

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<sup>6</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. domestic violence); and (e) case scheduled in 2019 for mediation in 2020. Family Court and Multi-Door have implemented measures to reduce the number of rescheduled cases to expedite case resolution.

<sup>7</sup> In addition to the new abuse and neglect referrals, 30 post adjudication cases were referred with issues of permanency, custody, visitation and/or post adoption communication. Of those 30 cases that were referred in 2020, 2 cases were offered mediation in 2021. Of the remaining 28 cases, 79% (22 cases representing 34 children) mediated, 21% (6 cases representing 8 children) did not participate. Of the 22 cases that mediated, 22% (5 cases representing 7 children) reached settlement on custody or post adoption contact. Partial settlement was reached in 50% of the mediated cases (11 cases representing 19 children). No agreement was reached in 14% of these cases (3 cases representing 3 children). In addition, 14% of the mediated cases (3 cases representing 5 children) that started mediation in 2020, continued with additional mediation sessions into 2021.

outcome, and 90% for the ADR process.<sup>8</sup>



### **DOMESTIC RELATIONS MEDIATION**

Mediation in domestic relations matters typically addresses issues of child custody, visitation, child support, alimony, and distribution of property. Domestic relations matters are often characterized by high levels of discord and poor communication, both factors which contribute to increasing the level of conflict.

A total of 446 domestic relations cases were referred to mediation in 2020.<sup>9</sup> Eighty percent (359) of the cases referred were mediated and completed in 2020. The remaining 20% (87) of cases referred to mediation did not participate in mediation because they were found to be either inappropriate or ineligible for mediation or the

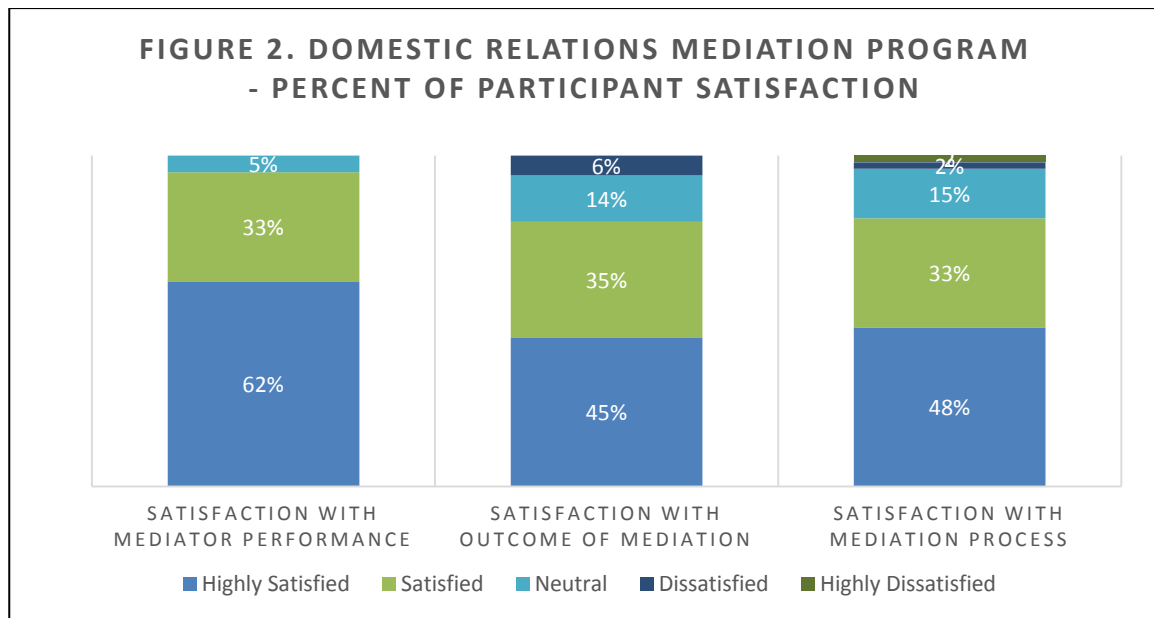
<sup>8</sup> These statistics are based on data provided by the Multi-Door Dispute Resolution Division. In 2019, participant survey responses were expanded to include the option of selecting neutral.

<sup>9</sup> There were 622 cases opened at intake. Prior to reaching mediation, 176 of those cases were closed at intake because at least one essential party did not complete the intake interview process or a party refused to mediate.

parties voluntarily withdrew from the process.<sup>10</sup>

Of the 359 cases mediated, 120 cases (33%) settled in mediation and 239 cases (67%) did not reach a settled resolution. Of the 120 settled cases, a full agreement was reached in 88 cases (73%) and a partial agreement was reached in 32 cases (27%), resolving significant family concerns.

Qualitative outcome measures, Figure 2, show satisfaction rates (highly satisfied and satisfied) of 95% for the performance of the mediator(s), 80% for the ADR outcome, and 81% for the ADR process.



### **FAMILY COURT ADR INITIATIVES**

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

- In late, 2020, the Multi-Door Dispute Resolution Division and its research partners at the Universities of Washington and Indiana delivered a full report to the National Institute of Justice (the funder of the study), entitled *Intimate Partner Violence and Custody Decisions: A Randomized Controlled Trial of Outcomes from Family Court, Shuttle Mediation, and Video-Conferencing*. One hundred and ninety-six

<sup>10</sup> Cases that did not participate in mediation include: 27 cases deemed inappropriate for mediation and 60 cases where parties withdrew.

cases consented to participate in the study. Each mediation type was compared to traditional, adversarial court process regarding both outcomes (e.g. settlement or court decree) and process. No empirical study to date has examined whether mediation of any kind is safe and effective for family disputes involving high levels of intimate partner violence/abuse. As the first of its kind, this study will impact not only local families but also families nationwide. The full report can be found at <https://doi.apa.org/doi/10.1037/law0000278>. One year follow up reports will be released in 2021.

- In 2020, four education seminars (The Program for Agreement and Cooperation in Contested Custody Cases or PAC) helped 131 parents understand the impact of custody disputes on co-parenting and how these disputes affect their children. Likewise, the children's component to PAC assisted 27 children in understanding how to identify and express concerns to their parents.<sup>11</sup> The objective of the program was to help participants improve working relationships and develop effective communication skills while prioritizing their children's need.

**DISTRICT OF COLUMBIA BAR, FAMILY LAW COMMUNITY/  
FAMILY COURT ADR PROGRAM**

In addition to domestic relations cases mediated through Multi-Door, the court also has a partnership with the Family Law Community of the District of Columbia Bar. This group of experienced family law attorneys conducted ADR in domestic relations cases. Judges decide on a case-by-case basis, in consultation with the parties and the lawyers, whether it is appropriate to refer a case for mediation. The parties, either pro se or with their counsel, agree to attend and participate in ADR for up to three hours, if property is at issue, and up to four hours, if issues of custody are involved. The parties agree to pay the ADR Facilitator at a reduced rate of \$200 per hour. As part of their participation in the program, ADR Facilitators agree to accept one pro bono case per year.

The ADR Facilitators are family lawyers with at least five years of experience in domestic relations practice and mediation training or experience. The program includes a

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<sup>11</sup> Effective March 2020, the PAC seminar was suspended indefinitely due to the Covid-19 pandemic. The parent education component of the PAC seminar is being relaunched during the first quarter of 2021 via Zoom.

case evaluation component, along with mediation, in which parties and counsel are provided with an assessment of the strengths and weaknesses of their respective positions. In 2020, the court ordered 16 families to participate in this ADR program.

### **FAMILY COURT OPERATIONS CASE ACTIVITY**

There were 3,690 pending pre-disposition cases in the Family Court on January 1, 2020. In calendar year 2020, there were 6,608 new cases filed<sup>12</sup> and 172 cases reopened in the Family Court. During the same period, 7,010 cases were disposed. As a result, there were 3,460 cases pending in the Family Court on December 31, 2020 (Table 1).

**TABLE 1. FAMILY COURT OPERATIONS CASE ACTIVITY, 2020**

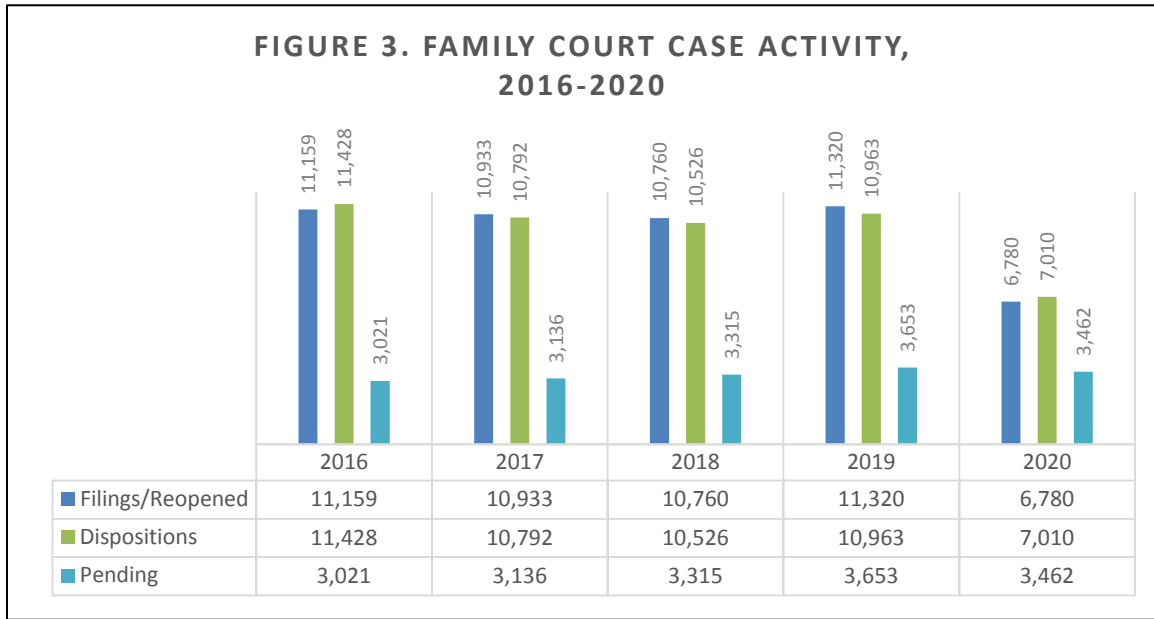
	Abuse & Neglect	Adoption	Divorce & Custody	Juvenile <sup>a</sup>	Mental Health	Parentage & Support	Total
Pending Jan. 1 <sup>b</sup>	43	142	1,279	551	147	1,528	3,690
New Filings	231 <sup>e</sup>	161	2,357	810 <sup>e</sup>	2,615	434	6,608
Reopened	0	4	18	5	145	0	172
Total Available for Disposition	274	307	3,654	1,366	2,907	1,962	10,470
Dispositions <sup>c</sup>	225	172	2,224	985	2,620	784	7,010
Pending Dec. 31	49	135	1,430	381	287	1,178	3,460
Percent Change in Pending	14%	-4.9%	11.8%	-30.9%	95.2%	-22.9%	-6.2%
Clearance Rate <sup>d</sup>	97%	104%	94%	121%	95%	181%	103%

- a. Includes cases involving Delinquency, PINS (Persons In Need of Supervision), and Interstate Compact.
- b. Except for Mental Health, figures were adjusted after audits of caseloads.
- c. Family Court cases are considered disposed when a permanent order has been entered except for Parentage and Support (P&S) cases. A P&S case is disposed when a temporary order is entered.
- d. The clearance rate, a measure of court efficiency, is the total number of cases disposed divided by the total number of cases added (i.e., new filings/reopened) during a given time period. Rates of over 100% indicate that the court disposed of more cases than were added, thereby reducing the pending caseload.
- e. New filings do not reflect cases in pre-petition custody order status.

Over the five-year period from 2016 through 2020, the number of filings (including reopened cases) and the number of dispositions has fluctuated (Figure 3). New filings/reopened cases decreased by 39.2% from 2016 (11,159) to 2020 (6,780) while dispositions decreased 38.7% from 2016 (11,428) to 2020 (7,010). Notwithstanding the

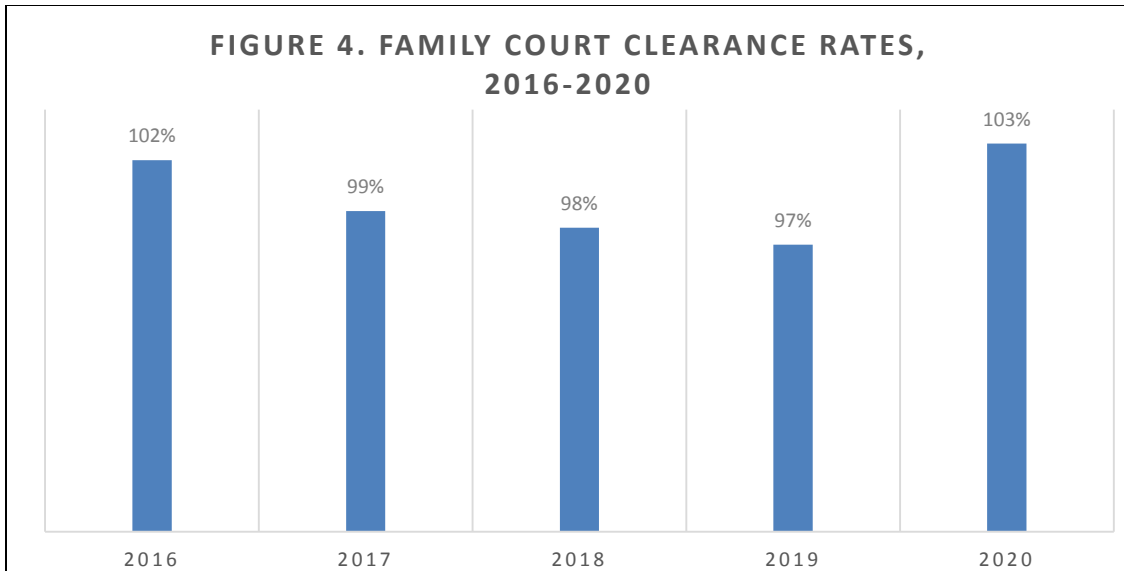
<sup>12</sup> In 2020, new filings in Abuse and Neglect (29) and Juvenile (22) that were initiated with a pre-petition custody order were excluded from new cases filed pending the filing of a petition to more accurately reflect cases that were available to be processed. Prior to 2018, those cases were automatically added to the new filing category.

effects of the Covid-19 pandemic on case activity (which are discussed on page i), the decrease in dispositions can be partially attributed to a decrease in judicial resources – in 2016 Family Court had three additional Associate Judges and one additional Magistrate Judge.



The best measure of whether a court is managing its caseload efficiently is its clearance rate, or disposing of one case for each new case filed or reopened (Figure 4). Disposing of cases in a timely manner helps ensure that the number of cases awaiting disposition (pending caseload) does not grow. The overall clearance rate for the Family Court in 2020 was 103%, an increase from 97% in 2019.





**FAMILY COURT CASE ACTIVITY**

New case filings in the Family Court decreased 40.6% from 2019 to 2020 (11,122 in 2019; 6,608 in 2020). The decrease was attributed to a decline in new case filings in all case types except mental health. In 2020, the Family Court resolved 7,010 cases, a 36% decrease in the number of dispositions from 2019. Disposition counts decreased in all Family Court case types except Mental Health.

A disposition does not always end court oversight and judicial involvement. In many Family Court cases, after an order is entered, there is a significant amount of post-disposition activity. For example, dispositions in parentage and support cases include cases resolved through the issuance of either a temporary or permanent support order. Cases resolved through issuance of a temporary support order often have financial review hearings scheduled after disposition until a permanent support order is established. In addition, all support cases are subject to contempt and modification hearings that require judicial oversight. Child support orders entered in DC are valid until the child attains the age of 21 or is emancipated.

Domestic Relations cases are also subject to post-disposition activity such as motions to modify or enforce custody or visitation and motions for contempt; these motions require judicial, administrative and courtroom management. In 2020, 2,785 of these post-disposition motions were filed.

Mental Habilitation cases are considered disposed once an order of commitment or an order of voluntary admission is entered. In 2020, 584 post-disposition mental habilitation cases remained open, requiring annual judicial reviews to determine the need for continued commitment.<sup>13</sup>

Juvenile cases dispose at sentencing and stay open until sentence expiration or until the Family Court no longer has jurisdiction over the juvenile. In 2020, there were 1,467 post-disposition juvenile cases. Similarly, 776 post-disposition abuse and neglect cases remained open and required regular judicial reviews until the child reached permanency either through placement in a permanent living situation or aged out of the foster care system.

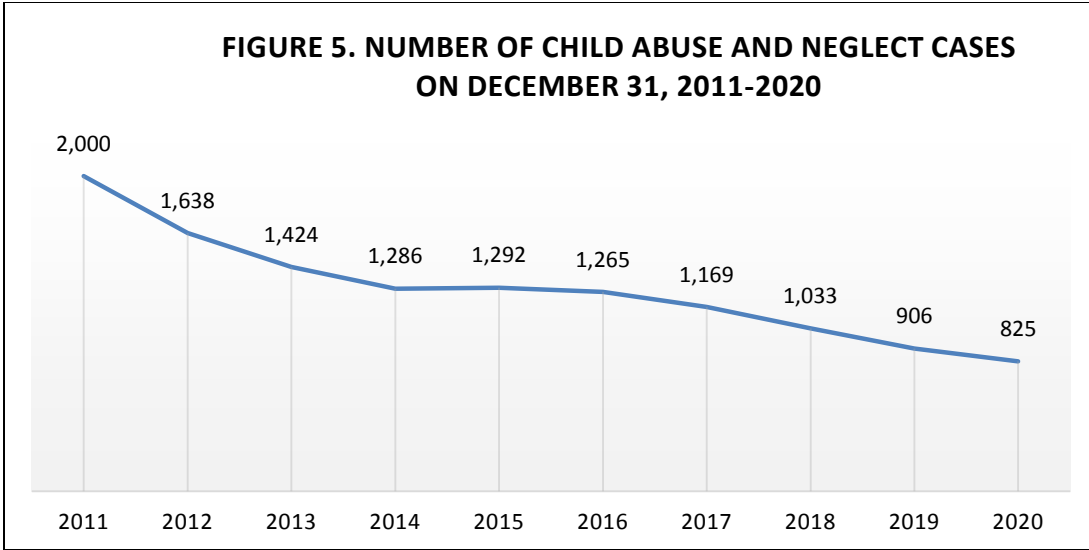
#### **ABUSE AND NEGLECT CASES**

In 2020, there were 825 children under Family Court jurisdiction<sup>14</sup>, representing an 8.9% decrease from 2019 (Figure 5). This number includes children with open cases that are either undisposed or where a disposition hearing was held, followed by regularly scheduled permanency hearings.

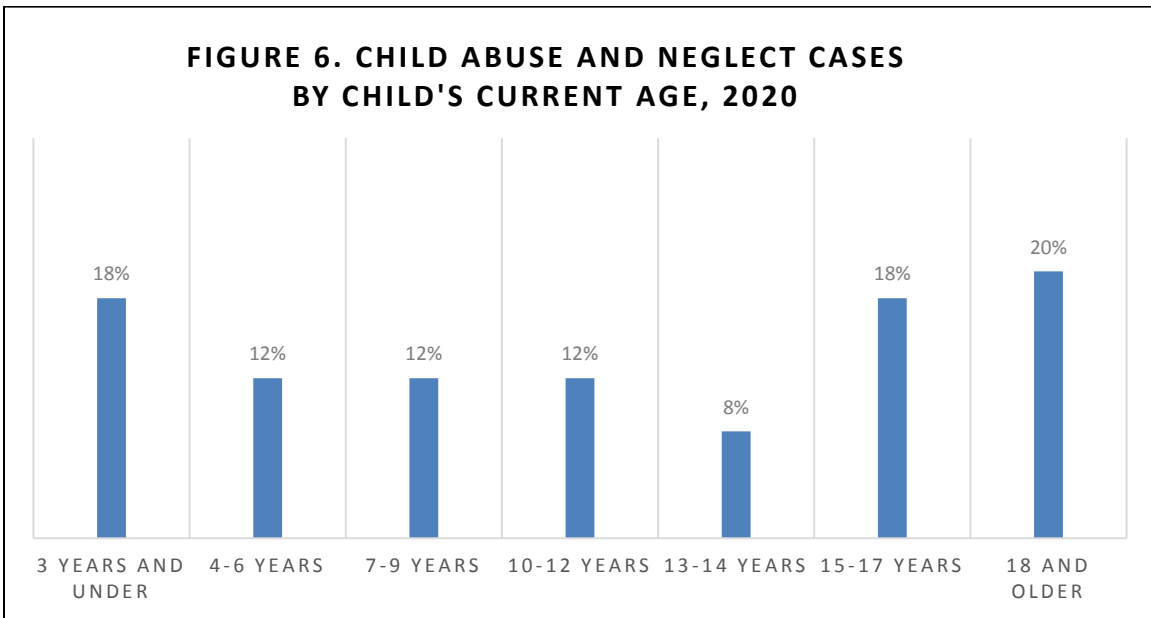
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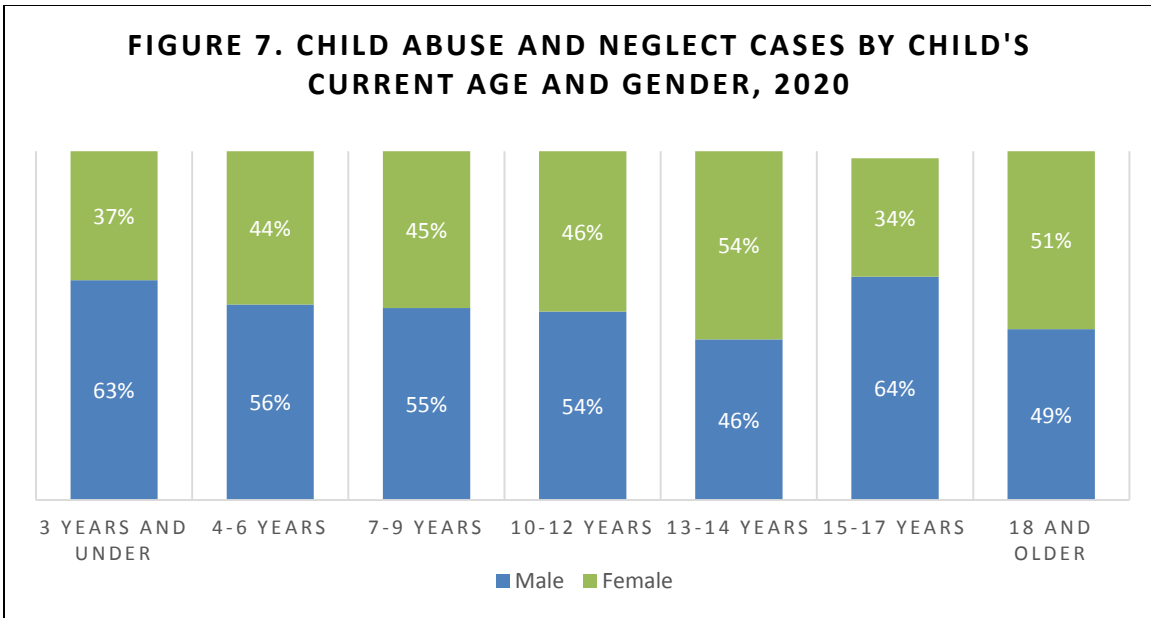
<sup>13</sup> In May 2018, Title II of D.C. Law 22-93 "Disability Services Reform Amendment Act of 2018" (which repealed and amended the "Citizens with Intellectual Disabilities Constitutional Rights and Dignity Act of 1978") became effective ending new admissions and commitments of persons with intellectual disability and resulting in no new case filings at Superior Court.

<sup>14</sup> In 2020, the number of children under Family Court jurisdiction excluded 118 cases that were initiated with a pre-petition custody order to more accurately reflect cases that were available to be processed. Prior to 2018, those cases were automatically added to the number of children under Family Court jurisdiction.



Youth age 15 and older accounted for 38% of all cases under Family Court jurisdiction (Figure 6). Eighteen percent of the children were age three years and under. While children age 12 and younger and age 15 to 17 were more likely to be male, children age 13 to 14 and 18 and older were more likely to be female (Figure 7).

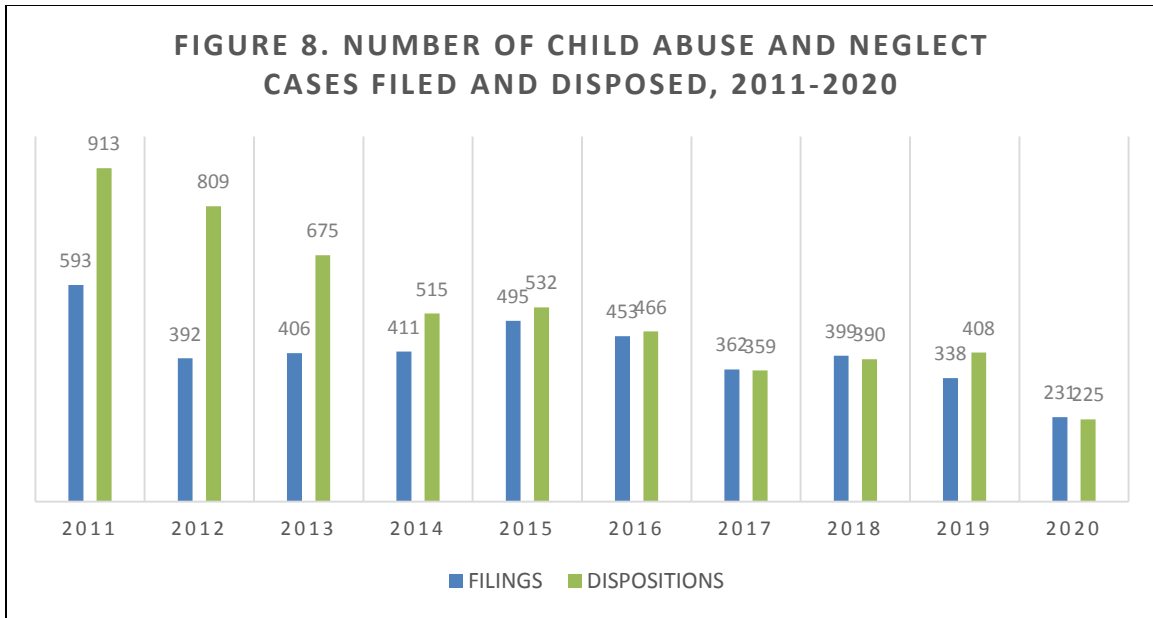




Whereas the previous section focused on all children with open abuse and neglect cases in 2020, the next section is specific to child abuse and neglect new referrals.

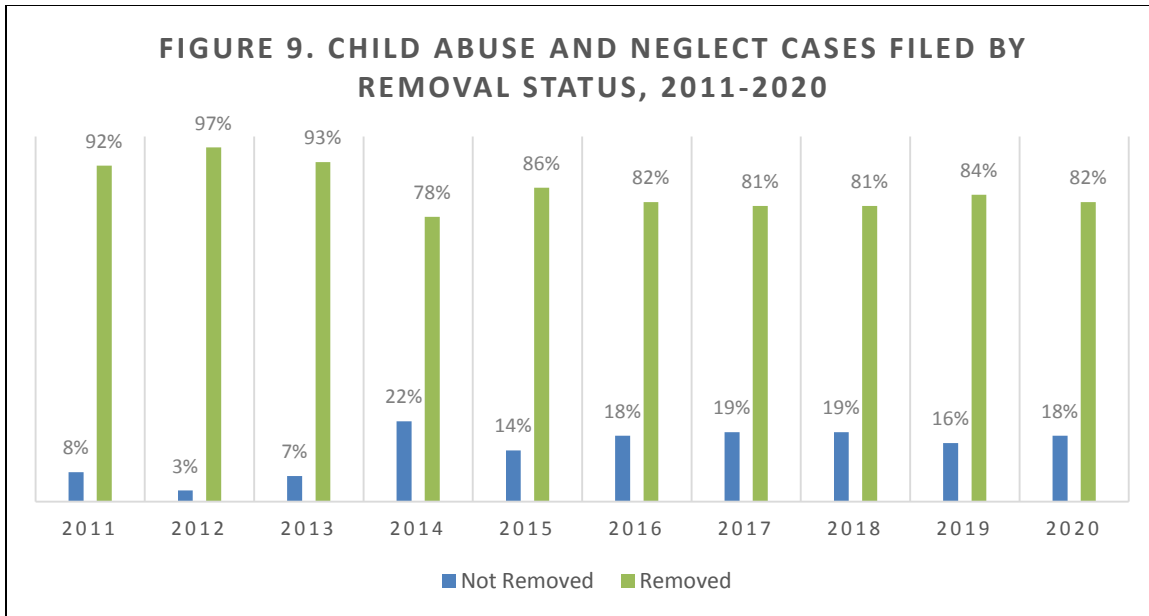
**CHILDREN REFERRED TO FAMILY COURT**

In 2020, there were 231 new child abuse and neglect referrals and 225 child abuse and neglect cases disposed (Figure 8). At the end of 2020, of the 231 entry cohort cases, 62% (142) had a completed disposition hearing, 21% (49) remained undisposed, 7% (16) were dismissed, 5% (12) were not petitioned, and 5% (12) were closed (one respondent was deceased).

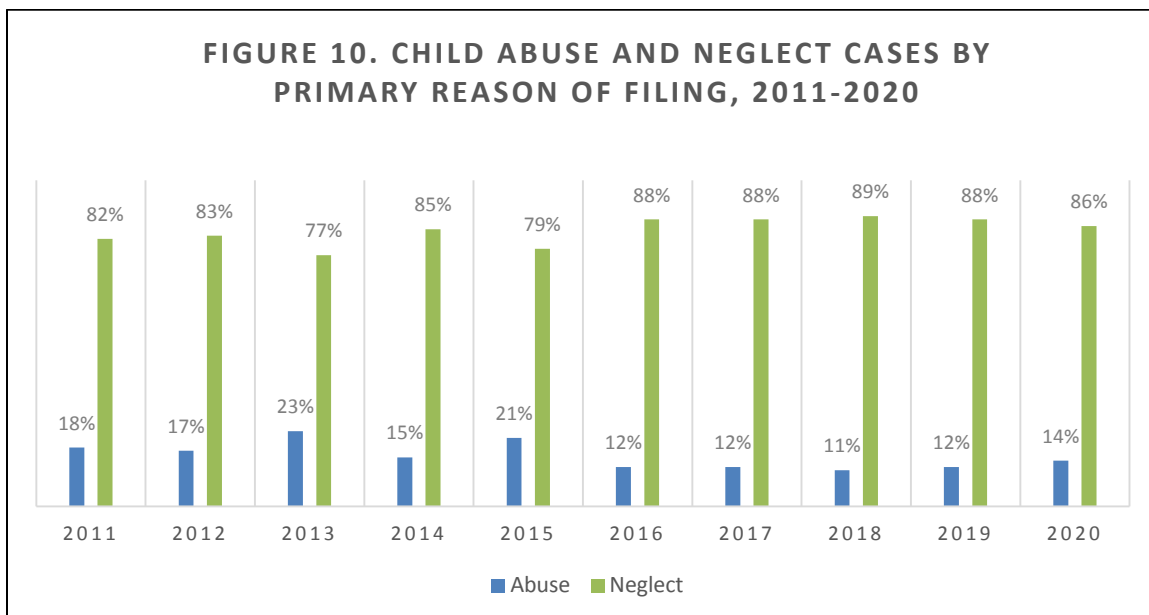


Fluctuations in the number of referrals to Family Court are often attributed to policy changes at CFSA, such as handling more cases as “in home” cases. In-home supervision of cases by CFSA provides the family and the agency with an opportunity to address the family’s needs without Court supervision. CFSA’s strategic agenda known as the “Four Pillars” endeavors to improve outcomes for children and families by reducing the number of children coming under Family Court jurisdiction through application of “Pillar One: Narrowing the Front Door.” This pillar was designed to decrease the number of entries into foster care through differential response and placement with kin.<sup>15</sup>

<sup>15</sup> CFSA.DC.GOV. [online] Available at: <<https://cfsa.dc.gov/page/four-pillars>> [Accessed 12 March 2021].

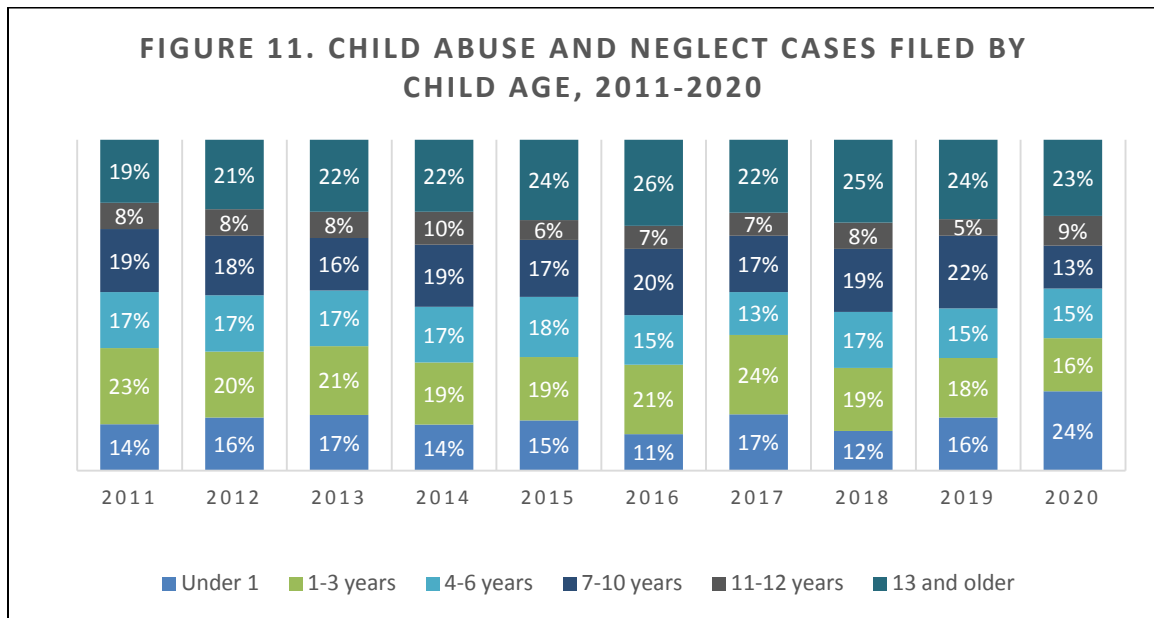


In 2020, children were removed from the home in 82% of the cases; children remained in the home under protective supervision in 18% of the cases (Figure 9). In 2020, an allegation of neglect (86%) was the most likely reason for a youth to be referred to the Family Court (Figure 10).



At the time of referral, 40% of new petitions were for children three years old or younger and 15% were for children four to six years old (Figure 11). Given the

vulnerability of children in these age groups, the Family Court and CFSA are continuing to review the needs of this population, especially as it relates to educational and developmental services and access to other early intervention programs. In 2020, 23% of new petitions to Family Court involved children 13 years of age and older at the time of referral. Referrals of older children decreased by 1% from 2019 to 2020, however, they still comprise the second largest age group in the 2020 cohort. The Family Court, CFSA, and other child welfare stakeholders continue to examine the implications of a larger population of older youth coming into care. The examination includes an assessment of resources in the District to assist parents and caregivers in addressing the needs of this segment of the population before they come into care, as well as the need to identify and develop appropriate placement options once they are in care.



**TRANSFER OF ABUSE AND NEGLECT CASES TO FAMILY COURT**

Under the Family Court Act, if the term of a Family Court judge expires before the cases before him/her are disposed, the presiding judge shall reassign the case to a

Family Court judge. The exception is that non-Family Court judges can retain a case, with approval from the Chief Judge, under the conditions that: (1) the judge retaining the case had the required experience in family law; (2) the case was in compliance with ASFA; and (3) it was likely that permanency would not be achieved more quickly by reassigning the case within Family Court. In 2020, no judges leaving Family Court requested to retain any abuse and neglect cases.

### **COMPLIANCE WITH D.C. ASFA REQUIREMENTS**

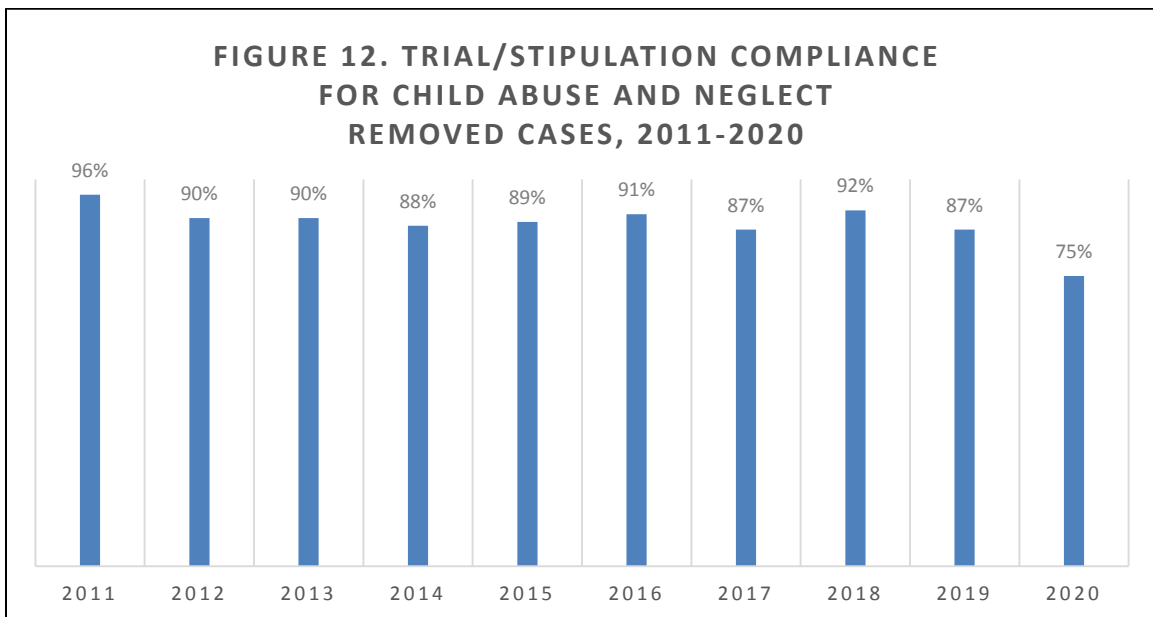
The District of Columbia Adoption and Safe Families Act (D.C. ASFA) (D.C. Official Code §§ 16-2301 et seq., (2000 Ed.)) establishes timelines for the completion of trials and disposition hearings in abuse and neglect cases. The timelines vary depending on whether or not the child was removed from the home. For a child who is removed from the home, the statutory timeframe between filing of the petition and trial or stipulation is 105 days from the date of removal. For a child who is not removed from the home, the statutory timeframe between filing of the petition and trial or stipulation is 45 days from the petition filing date. 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, as long as the continuance does not result in the hearing exceeding the deadline.

### **TRIAL/STIPULATION OF ABUSE AND NEGLECT CASES**

In 2020, 82% of children referred to the court were removed from their homes (Figure 9). Seventy-five percent of cases filed had a factfinding hearing in compliance with the 105 day ASFA timeline for trials in removal cases (Figure 12), down from 87% in 2019. The median time for a case to reach trial or stipulation was 66 days. The recent

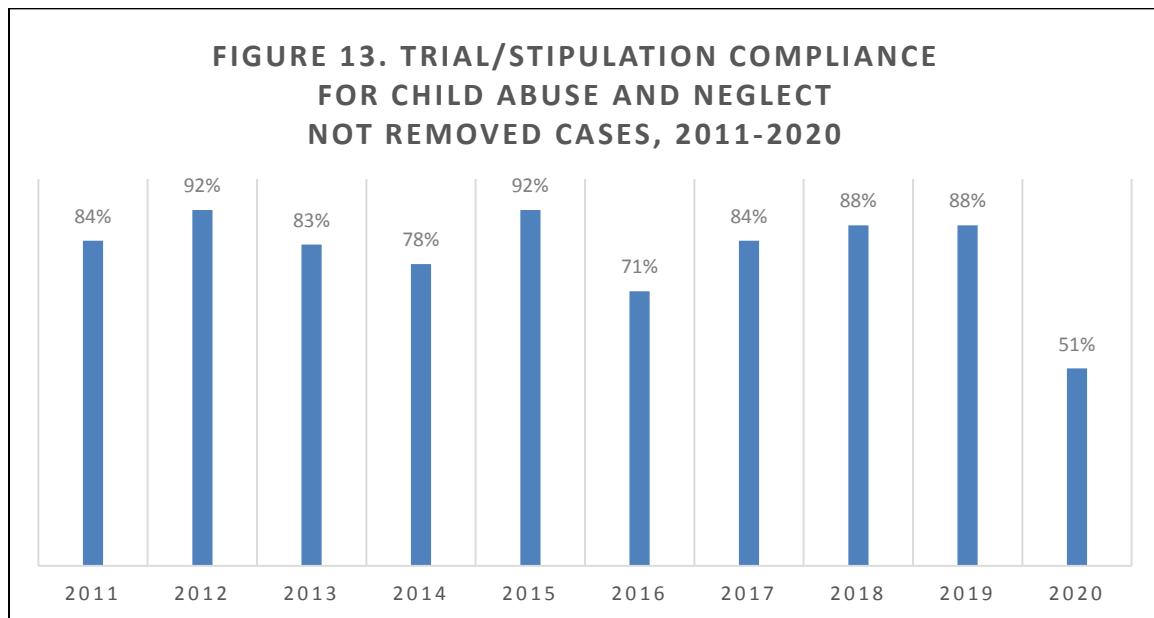


performance for time to trial or stipulation can be attributed to issues related to holding stipulated neglect findings in abeyance for one parent/guardian while the other parent/guardian awaits trial, and trial scheduling especially under the Covid-19 Pandemic Emergency orders. Additionally, the decline in performance can be attributed to the number of cases involving sibling groups with several parents and step-parents as parties, which increases the complexity of the trial or stipulation events. In 2020, there were 122 cases involving siblings – 27 cases had two siblings, 12 cases had three siblings, four cases had four siblings and three cases had five or more siblings.



Eighteen percent of children referred to the court were not removed from their homes (Figure 9). For children not removed from home, compliance with the timeline to trial or stipulation (45 days) decreased from 88% in 2019 to 51% in 2020 (Figure 13). The decrease in the compliance rate in these cases can be attributed to scheduling issues, and service of process difficulties, which were likely pandemic-related. Additionally, the compliance decline can partly be related to the relatively small number of children, 39, who

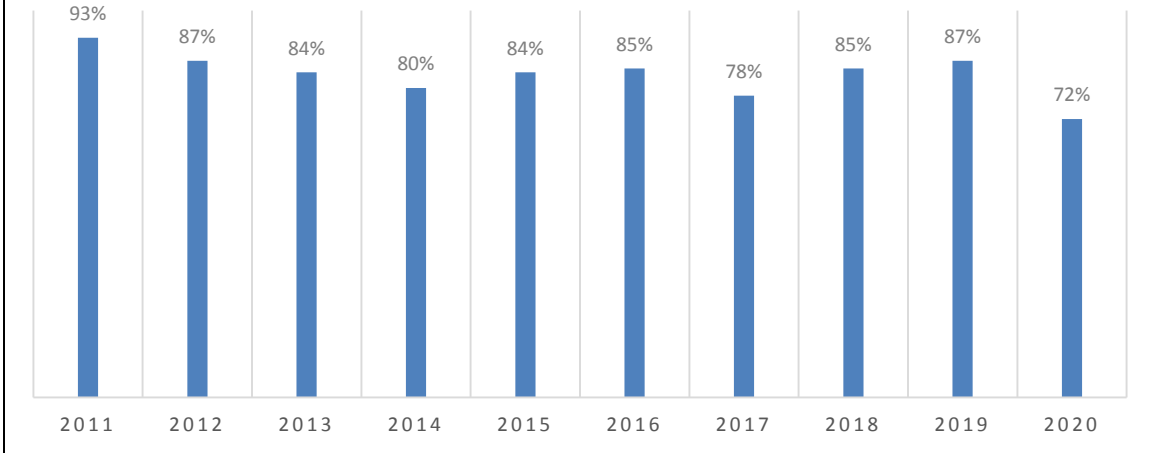
were not removed from home. When dealing with such small caseloads, a few cases can have a significant impact on compliance rates. The Family Court will continue to monitor and track compliance in this area throughout 2021, and where appropriate, will institute measures to improve compliance



**DISPOSITION HEARINGS IN ABUSE AND NEGLECT CASES**

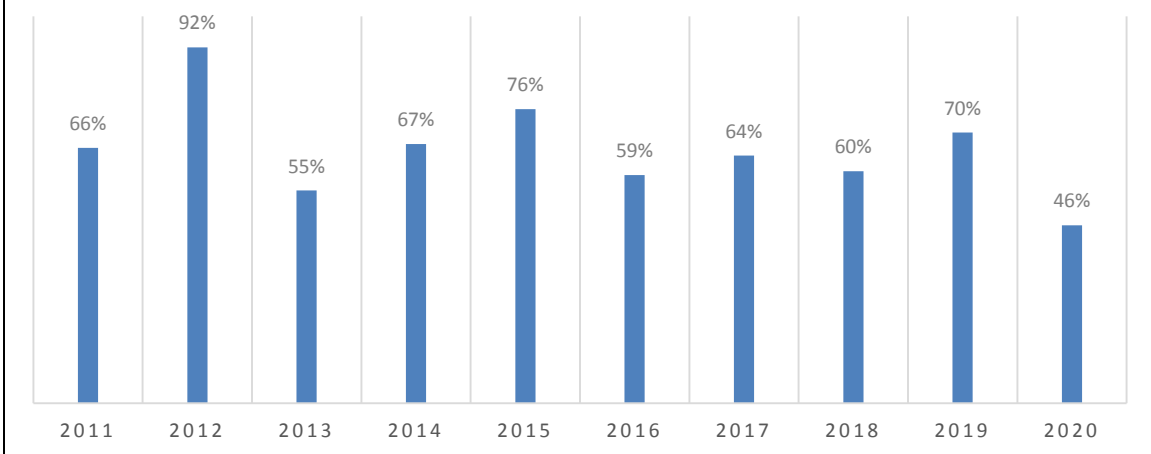
Seventy-two percent of cases filed in 2020, in which the child was removed from the home, held disposition hearings within the 105-day timeline (Figure 14). This number may increase as pending cases filed late in 2020 have their disposition hearings. In 2020, the median time to reach disposition was 83 days. As with time to trial or stipulation, the decrease in performance for time to disposition in 2020 can be attributed to pandemic scheduling issues and the holding of neglect findings in abeyance for one parent/guardian while the other parent/guardian awaited trial.

**FIGURE 14. TIME TO DISPOSITION COMPLIANCE FOR CHILD ABUSE AND NEGLECT REMOVED CASES, 2011-2020**



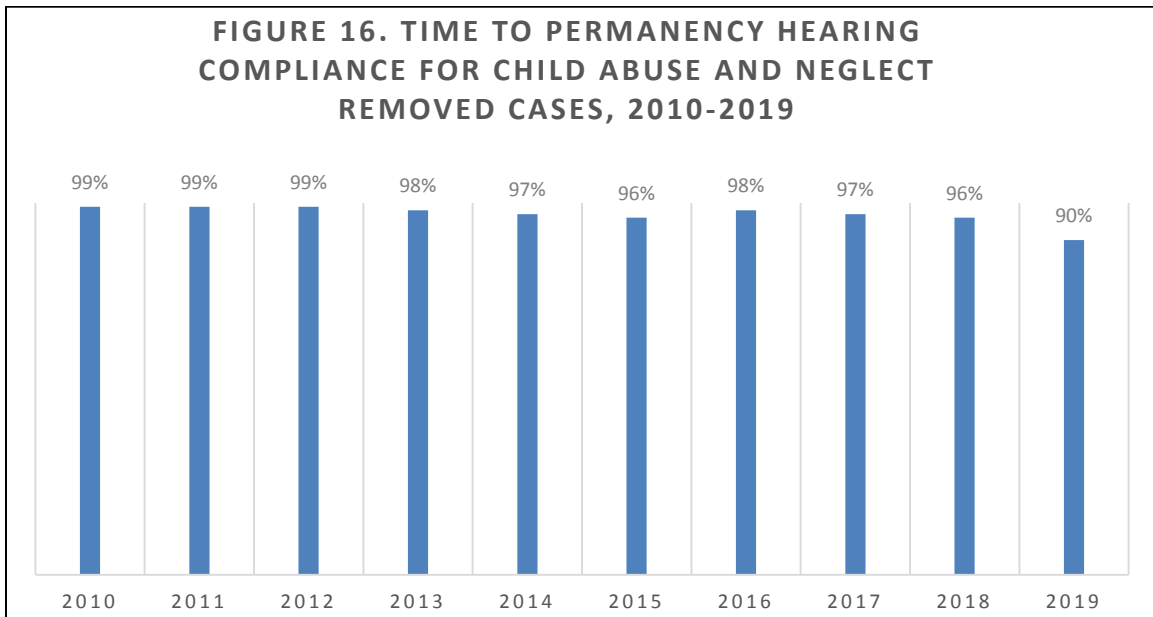
Forty-six percent of cases filed in 2020, where the child was not removed from the home, held disposition hearings within the 45-day timeline, a decrease from 70% in 2019 (Figure 15). The median time to reach disposition was 62 days. Pandemic scheduling issues and the effects of a few outlier cases in the small pool of not removed cases (39) can be attributed to the performance decline.

**FIGURE 15. TIME TO DISPOSITION COMPLIANCE FOR CHILD ABUSE AND NEGLECT NOT REMOVED CASES, 2011-2020**



**COMPLIANCE WITH ASFA PERMANENCY HEARING REQUIREMENTS**

Both the D.C. and Federal ASFA require the court to hold a permanency hearing for each child who has been removed from home within 12 months of the child’s entry into foster care. Entry into foster care is defined in D.C. Code § 16-2301(28) as the earlier of 60 days after the date on which the child is removed from the home, or the date of the first judicial finding that the child has been neglected. 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. Figure 16 shows the court’s compliance with holding permanency hearings within the ASFA timeline. The level of compliance with this requirement has consistently remained high. Since 2010, 90% or more of cases had a permanency hearing within the required timeline. No cases filed in 2020 had reached the statutory deadline for having a permanency hearing by December 31, 2020, therefore data is not provided for 2020.



### GOAL-SETTING AND ACHIEVEMENT DATE

ASFA requires that the Family Court set a specific goal (reunification, adoption, guardianship, custody, or another planned permanent living arrangement (APPLA)) and a date for achievement of that goal at each permanency hearing. The Family Court continued to meet this goal in 2020 with a permanency goal and achievement date set in 100% of the hearings.

Judges are additionally required to raise the issue of barriers in achieving the permanency goal in the court hearings. Early identification of barriers has led to expedited resolution of issues and improved permanency success.

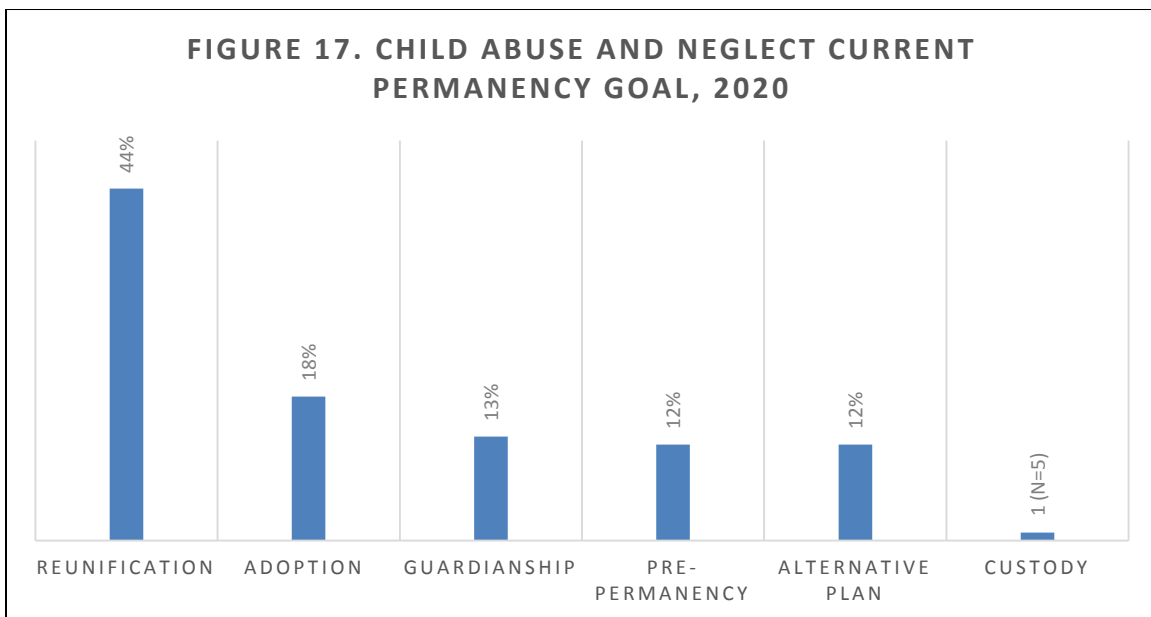
The National Council of Juvenile and Family Court Judges (NCJFCJ) and the American Bar Association's Center on Children and the Law have established best practices for the content and structure of permanency hearings mandated by ASFA, including the decisions that should be made and the time that should 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 continue to report that the length of their permanency hearings meets or exceeds this standard.

Judicial officers are required to use a standardized court order for all permanency hearings. In 2012, the Family Court Strategic Planning Committee, through a court orders workgroup of the Abuse and Neglect Subcommittee, reviewed, revised, and piloted the official court forms for proceedings in these cases. The revised orders became effective on January 1, 2013 and are used in every courtroom. The orders not only meet the requirements of ASFA but also the requirements of the Fostering Connections to Success

and Increasing Adoptions Act of 2008 (P.L. 110-351), the Safe and Timely Interstate Placement of Foster Children Act of 2006 (P.L. 109-239), and the Indian Child Welfare Act (ICWA). Further modifications of the orders have been submitted for approval to comply with the Preventing Sex Trafficking and Strengthening Families Act of 2014.<sup>16</sup>

### **BARRIERS TO PERMANENCY**

Figure 17 illustrates permanency goals for children removed from their home including: reunification, adoption, guardianship, legal custody, or another planned permanent living arrangement (APPLA). Pre-permanency cases (12%) have not yet had a disposition hearing, the earliest point at which a permanency goal would be set. Although the court has succeeded in establishing goals for children, achievement of each type of goal presents several challenges.



For children with the goal of reunification (44%), the primary barrier to reunification was related to the disability of a parent, the parent’s mental health issues, the need for the parent to receive substance abuse treatment, and the need for the parent

<sup>16</sup> 42 U.S.C. 671 et.seq.

to obtain life-skills training. The lack of adequate housing also presented a significant barrier to reunification. For children with the goal of adoption (18%), procedural impediments such as the completion of adoption proceedings and obtaining appropriate housing were the most frequently identified barriers to permanency. The lack of adoption resources and issues related to the adoption subsidy were additional frequently cited barriers. For the 13% of children with the goal of guardianship, impediments such as completion of the guardianship proceedings, disabilities of the parent/caretaker, the need to receive substance abuse and other treatment, and issues related to the guardianship subsidy were barriers to achieving permanency.

Youth ages 15 and older comprise 38% of all children in foster care. Many of these children cannot return to their parents but do not wish to be adopted or considered for any other permanency option, making permanency difficult to achieve. In such cases, the court agreed with the agency's determination that it was in the youths' best interests to set a goal of APPLA (12%). Pursuant to federal requirements, the agency and the court continue to work to review permanency options and services available for older youth, including reducing the number of youth with a goal of APPLA and the number of youth aging out of the child welfare system.<sup>17</sup> Under the Preventing Sex Trafficking and Strengthening Families Act of 2014, only youth 16 and older are eligible for an APPLA goal. The cases of youth under 16 with an APPLA goal are required to have permanency hearings scheduled to change the APPLA goal to one of the other four goals.

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<sup>17</sup> The Court is an active participant in the agency's development of a Program Improvement Plan (PIP). The PIP resulted from the Child and Family Services Review held in June 2016, in which the Court also participated.

The *Preparing Youth for Adulthood Program (PYA)*, created through collaboration between CASA for Children of D.C. and the Family Court, has been an effective tool in helping to ensure that older youth in the program, who remain in care through age 21, receive necessary support in achieving independence. The program focuses on life skills development through positivity, empowerment and opportunity, working with each youth on goal setting and achievement, building financial literacy and budgeting skills, and working on long-term housing, employment and education. The program's main component emphasizes connection, as each older youth is paired with one adult who has committed to remaining in the youth's life after emancipation and will continue to mentor that youth as needed to create a more seamless transition out of care. The program works seamlessly with CFSA's Office of Youth Empowerment on youth transitional planning, independent living services, educational and vocational training, and improved life skills training. The PYA is funded through the Court Improvement Program (CIP) basic grant, which was reauthorized and funded.

#### **FAMILY TREATMENT COURT PROGRAM**

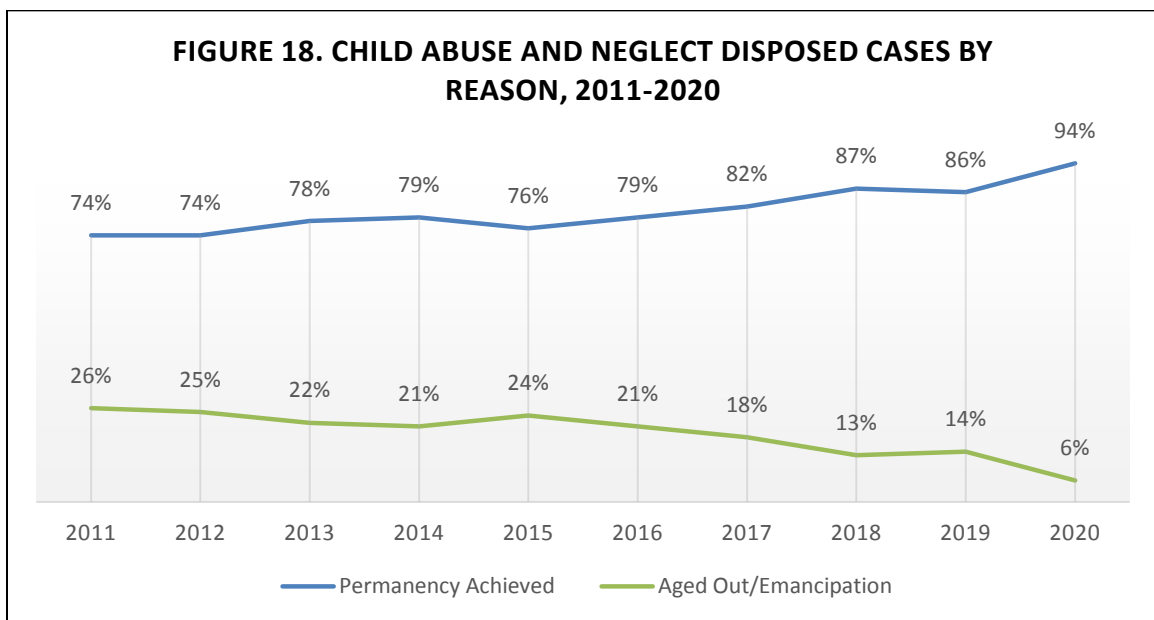
The Family Treatment Court (FTC), in operation since 2003, continues to provide a viable option for the treatment of substance use disorders for families involved in the child welfare system. FTC takes a holistic approach to help participants break the cycle of addiction, shorten the out-of-home placement of children, and expedite permanency. FTC enhanced its program model to include Recovery Support Services, providing an additional layer of support to its participants. In response to the Covid-19 pandemic, FTC conducted remote hearings. Despite program modifications due to pandemic, FTC entered three new participants and closed three cases with reunification. FTC's 2020



commencement ceremony, honoring six participants, was held virtually in October. To date, the FTC program has served more than 400 families.

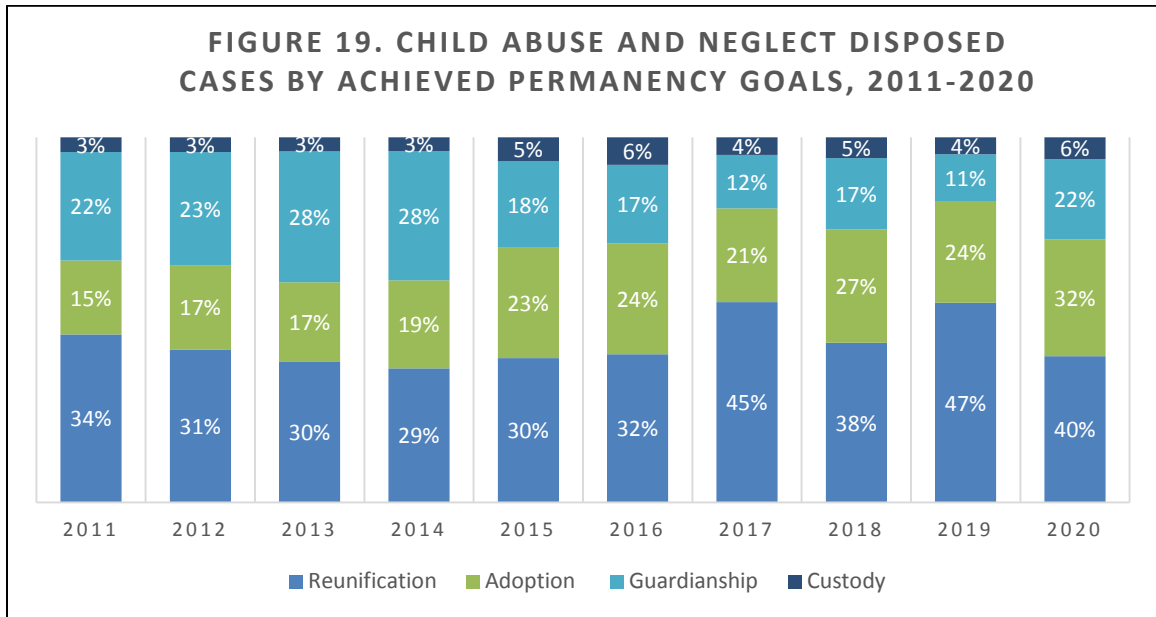
**PERMANENCY OUTCOMES FOR CHILDREN**

In 2020, Family Court judicial officers closed 291 post-disposition abuse and neglect cases. Ninety-four percent were closed because permanency was achieved, representing the highest permanency rate this decade (Figure 18). Six percent of the cases were closed without reaching permanency, either because the children emancipated (5%, 14) or aged out of the system (1%; 4). This accounts for the lowest aged out/emancipation rate in the last 10 years.<sup>18</sup>



<sup>18</sup> D.C. Code § 23-286(402)(b) provides for the voluntary extension of jurisdiction for youth in foster care upon reaching the age of 21 for a period not exceeding 90 days after the end of the public health emergency; provided, that the youth consents to the Agency’s continued custody. Therefore, the percent of cases that close without reaching permanency, because youth age out of the system, may see an increase in 2021.

In 2020, 40% of cases closed due to reunification, down from 47% in 2019 (Figure 19). The percent of cases that closed to adoption (32%), guardianship (22%), and custody (6%) increased from 2019 to 2020.



Six percent of post-disposition cases were closed without the child achieving permanency. This was due to the child reaching the age of majority or the child refusing further services from CFSA. CFSA established enhanced guidelines and procedures for social workers considering a goal of APPLA to ensure that the maximum number of children reach permanency. The court agreed to work with the agency to help monitor compliance with the requirements for recommending a goal change to APPLA. The agency’s policy and the court’s monitoring are designed to ensure that only those children for whom no other permanency option is appropriate will receive a goal of APPLA.

The Court is required, under the Preventing Sex Trafficking Act, to ensure that the youth participate in case planning. At each permanency hearing, the agency must provide

information to the Court as to the intensive, ongoing and unsuccessful efforts for family placement, including efforts to locate biological family members using search technologies (including social media). At each permanency hearing, the Court is required to ask the child about the child's desired permanency outcome, make a judicial determination explaining why APPLA is still the best permanency plan, and why it is not in the best interest of the child to be returned home, adopted, placed with a legal guardian, or placed with a fit and willing relative. At each permanency hearing the agency is also required to specify the steps it is taking to ensure that the reasonable and prudent parent standard is being followed, and that the child has regular, ongoing opportunities to engage in age or developmental appropriate activities.

As required by the Act, the court measures its performance and monitors the outcomes of children under court supervision. Using the performance measures developed by the American Bar Association, the National Center for State Courts and the NCJFCJ, the court has developed baseline data in areas critical to outcomes for children. The "Toolkit for Court Performance Measures in Child Abuse and Neglect Cases" identifies four performance measures (safety, permanency, timeliness, and due process) which courts can assess their performance. Each measure has a goal, outcomes, and a list of performance elements that courts should consider when developing performance plans to assess their success in meeting the identified goals.

The Family Court performance measures, permanency and timeliness, are discussed below. Performance information is also tracked for a third factor: due process. Due process is thoroughly addressed in the District of Columbia, as counsel is appointed for all parents, guardians and custodians who meet the financial eligibility requirements, and Guardians *Ad*

*Litem* are appointed for all children.<sup>19</sup>

Data for each performance area is measured over a decade and is restricted to cases filed and/or disposed of within a specific timeframe. A cohort analysis approach, based on when a case was filed, allows the court to examine its performance over time in achieving permanency for children, as well as allowing an assessment of the impact of legislative and/or administrative changes over time.

**PERFORMANCE MEASURE 1: PERMANENCY**

**Goal: Children should have permanency and stability in their living situations.**

*Measure 1a: Percentage of children who reach legal permanency (by reunification, adoption, guardianship, custody, or another planned permanent living arrangement) within 6, 12, 18, and 24 months from removal.*

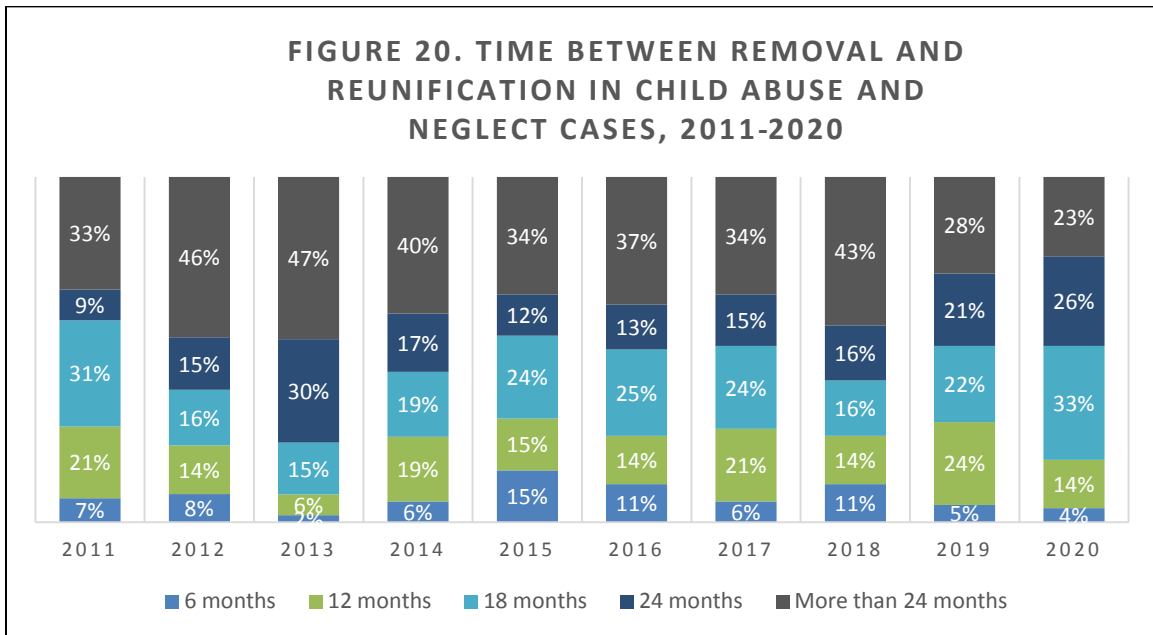
Table 2 reflects median time (in years) to case closure from 2011 through 2020. In 2020, the median time required to achieve permanency from time of removal increased in all categories except for guardianships.

**TABLE 2. MEDIAN TIME (IN YEARS) FROM REMOVAL TO ACHIEVED PERMANENCY GOAL IN CHILD ABUSE AND NEGLECT CASES, 2011-2020**

	Reunification	Adoption	Guardianship	Custody
2011	1.3	3.8	2.7	2.4
2012	1.9	3.6	2.5	2.9
2013	1.9	3.5	3.1	2.0
2014	1.5	2.9	3.0	1.1
2015	1.5	2.7	2.8	2.1
2016	1.8	3.6	2.8	1.9
2017	1.5	2.6	2.8	1.7
2018	1.7	2.9	3.0	1.8
2019	1.5	2.8	2.9	1.4
2020	1.7	3.1	2.0	1.8

<sup>19</sup> D.C. Code § 16-2304 (2016); Superior Court Neglect Rule 42.

In 2020, 18% of children were reunified with their parents within 12 months of removal, 51% were reunified within 18 months, and 77% within 24 months (Figure 20). Twenty-three percent of children reunified in more than 24 months in 2020, the lowest over the past decade.

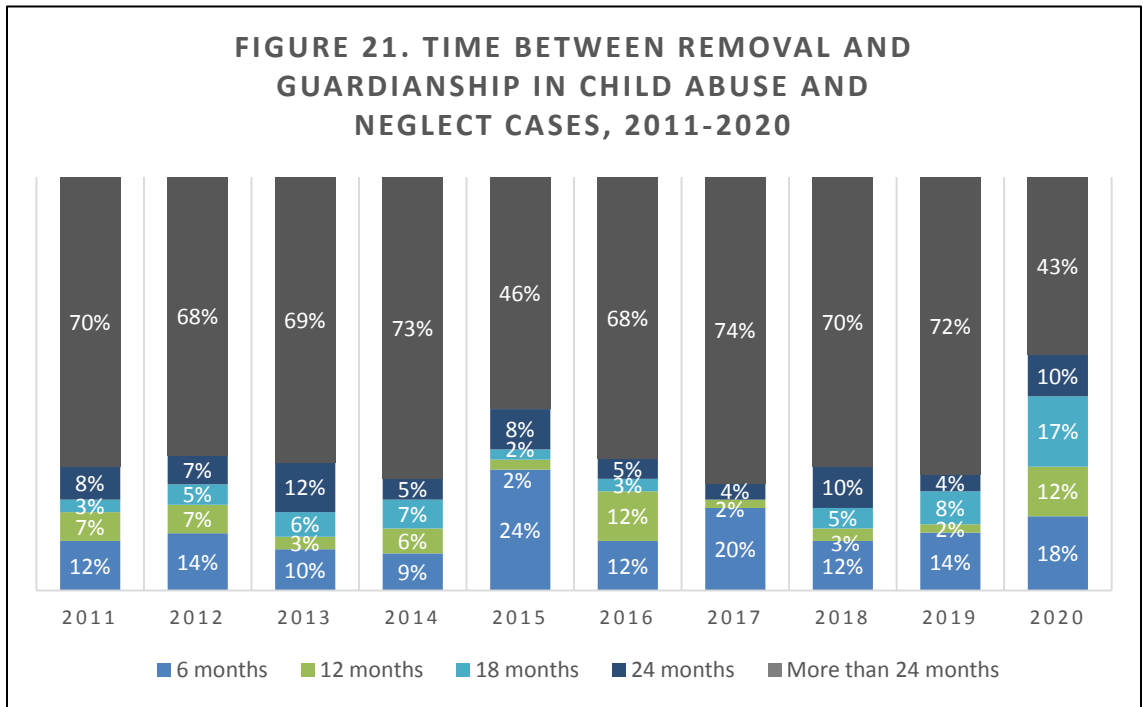


In 2020, 25% of children whose cases closed to adoption spent two years or less in care waiting to be placed in a permanent adoptive home. The percentage of children in care who spent more than 24 months waiting to be placed in a permanent adoptive home remained stable from 2019 (Table 3).

**TABLE 3. TIME BETWEEN REMOVAL AND ADOPTION IN CHILD ABUSE AND NEGLECT CASES, 2011-2020**

	6 months	12 months	18 months	24 months	> 24months
2011	1%	1%	2%	4%	93%
2012	2%	2%	3%	7%	85%
2013	1%	1%	2%	7%	90%
2014	1%	0%	9%	12%	78%
2015	1%	1%	8%	12%	78%
2016	0%	1%	6%	11%	82%
2017	0%	0%	4%	17%	79%
2018	0%	0%	5%	16%	79%
2019	0%	1%	9%	14%	75%
2020	0%	0%	6%	19%	75%

As illustrated in Figure 21, 30% of children spent 12 months or less and 57% of children spent 24 months or less in care before being placed with a permanent guardian. At the same time, 43% of youth spent more than 24 months in care before being placed with a permanent guardian – the lowest over the past decade and a 29% decrease from 2019.



**Measure 1b.** *Percentage of children who do not achieve permanency in the foster care system.*

In 6% (18) of the 291 cases closed in 2020, the children did not achieve permanency either because they emancipated (5%, 14) or aged out of the system (1%; 4) (Figure 18).

### REENTRY TO FOSTER CARE<sup>20</sup>

**Measure 1c.** *Percentage of children who reenter foster care pursuant to a court order within 12 and 24 months of being returned to their families.*

Three of the cases closed to reunification in 2020 have returned to foster care, all of which did so within 12 months of being returned to their families (Table 4).

**TABLE 4. NUMBER OF CHILDREN REENTERING FOSTER CARE AFTER REUNIFICATION, 2016-2020**

Year	Number of Cases Closed by Reunification	Number of Children Returned to Foster Care after Reunification	Number of Months Before Return		
			12 Months	24 Months	More than 24 Months
2016	144	17	6	5	6
2017	183	23	8	4	11
2018	163	23	16	4	3
2019	201	5	5	0	0
2020	110	3	3	0	0

**Measure 1d(i).** *Percentage of children who reenter foster care pursuant to a court order within 12 and 24 months of being adopted.*

There were no children, whose cases closed to adoption within the past 5 years, who returned to care in this jurisdiction.

**Measure 1d(ii).** *Percentage of children who reenter foster care pursuant to a court order within 12 and 24 months of being placed with a permanent guardian.*

Fifty-four cases closed to guardianship in 2020 with 3 disruptions (Table 5). In

<sup>20</sup> All reentry rates are based on the number of youth returned to care in the District of Columbia. Excluded are those youth returned to care in other jurisdictions.

many instances, guardianship placements disrupt due to the death or incapacity of the caregiver. Consistent with statutory requirements, successor guardians are named and those placements are approved by the court. The cases are reopened to conduct home studies and background checks to ensure child safety prior to placement with the successor guardian.<sup>21</sup>

**TABLE 5. NUMBER OF CHILDREN REENTERING FOSTER CARE AFTER PLACEMENT WITH A PERMANENT GUARDIAN, 2016-2020**

Year	Number of Cases Closed by Guardianship	Number of Children Returned to Foster Care after Guardianship	Number of Months Before Return		
			12 Months	24 Months	More than 24 Months
2016	73	23	5	10	8
2017	57	12	2	5	5
2018	68	11	8	3	0
2019	49	3	2	1	0
2020	54	3	3	0	0

**PERFORMANCE MEASURE 2: TIMELINESS**

**Goal: To enhance expedition to permanency by minimizing the time from the filing of the petition/removal to permanency.**

*Measures 2a-2e. Time to adjudication, disposition hearing and permanency hearing for children removed from home and children that are not removed.*

See discussion under ASFA compliance, pages 26-34.

**TERMINATION OF PARENTAL RIGHTS**

Federal and local law require that when a child has been placed outside of the home for 15 of the most recent 22 months from the date of entry into foster care,<sup>22</sup> a motion for termination of parental rights (TPR) must be filed or a compelling reason to

<sup>21</sup> AO 16-02 enacts new guardianship procedures which formalize the process for naming a successor guardian and requirements for performance of background and other checks, as well as home studies.

<sup>22</sup> See 42 USCS § 675(5)(E) and (F).



exempt the case from the TPR requirement<sup>23</sup> must be documented. To comply with this requirement, the Office of the Attorney General (OAG) is mandated to take legal action or file a TPR motion when children have been removed from the home in two instances – first, when the child has been removed from the home for 15 of the most recent 22 months, as indicated above, or second, within 45 days of a goal of adoption being set.<sup>24</sup>

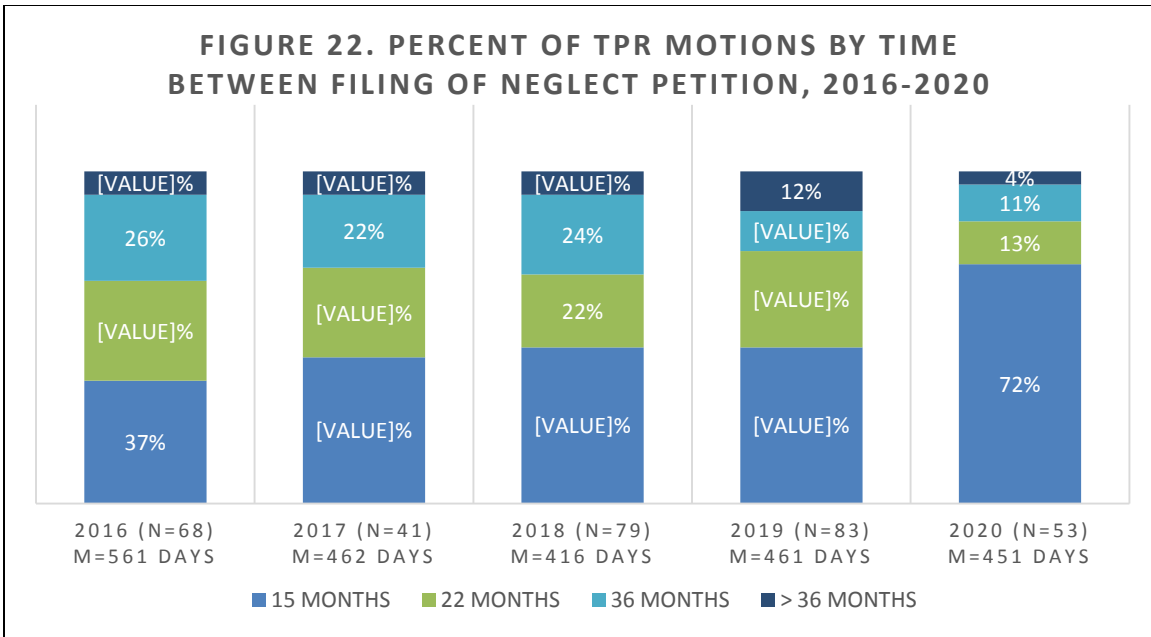
***Measure 2f(i).*** *Time between filing of the original neglect petition in an abuse and neglect case and filing of the TPR motion.*

Figure 22 depicts the compliance rates of TPR motions filed for the five-year period. The median time between the filing of the original neglect petition and the subsequent filing is listed in the figure under each year. In 2020, the median time was 451 days, comparable to 2019. There were 53 TPR motions filed in 2020. Seventy-two percent (39) of those motions were filed within 15 months. The status of TPR cases is reviewed by both the court and the OAG quarterly to ensure that whenever a goal changes to adoption, a timely TPR motion is filed. This collaborative review process has resulted in a 20% improvement in the median filing time of such motions from 2016 to 2020.

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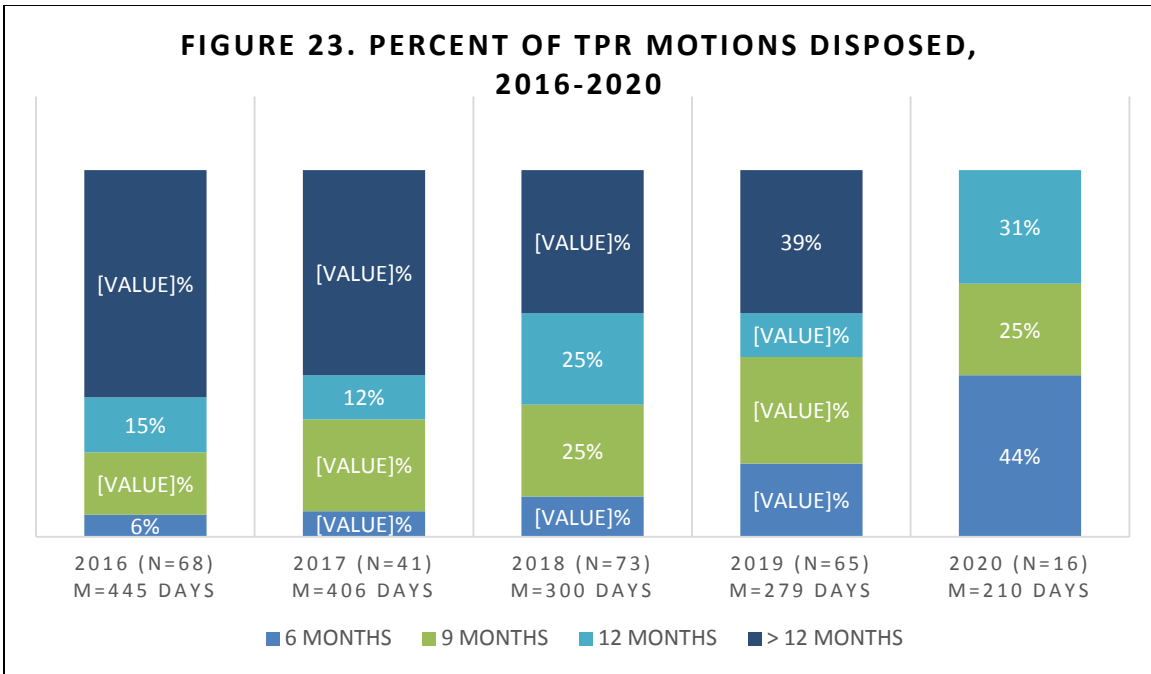
<sup>23</sup> Id.

<sup>24</sup> D.C. Code § 16-2354(b) (2016) sets forth the criteria dictating under what circumstances a TPR can be filed, including the 15 out of 22 months timeline. The 45-day filing deadline is a policy set by the Office of the Attorney General to ensure timely action, rather than a deadline set by statute.

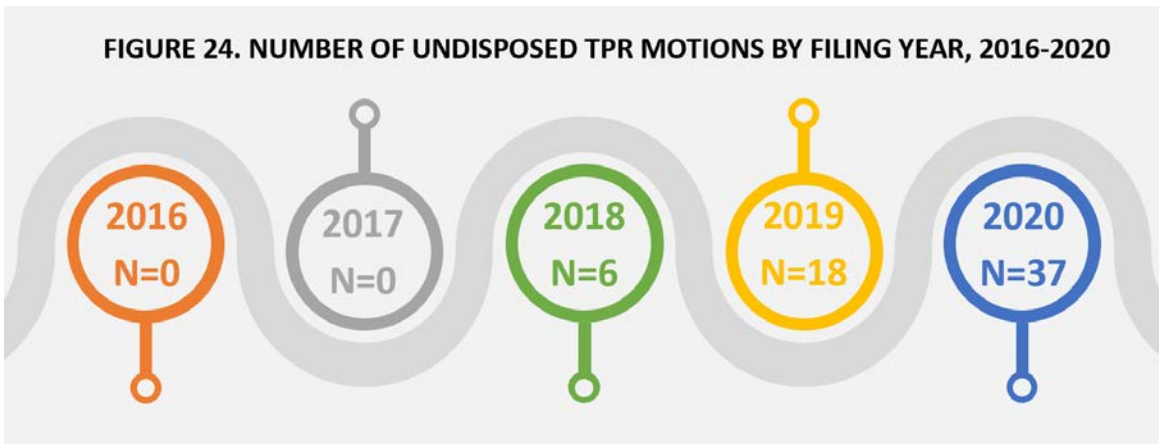


**Measure 2f(ii).** *Time between filing and disposition of TPR motions in abuse and neglect cases.*

Figures 22-25 provide information on the court’s performance as it relates to the handling of TPR motions. In 2020, 53 TPR motions were filed, a decrease from 83 filed in 2019 (Figure 22). Sixteen TPR motions were disposed in 2020 (Figure 23). The median time between TPR filing and disposition was 210 days in 2020, representing a 53% decrease from 2016 (445 days).

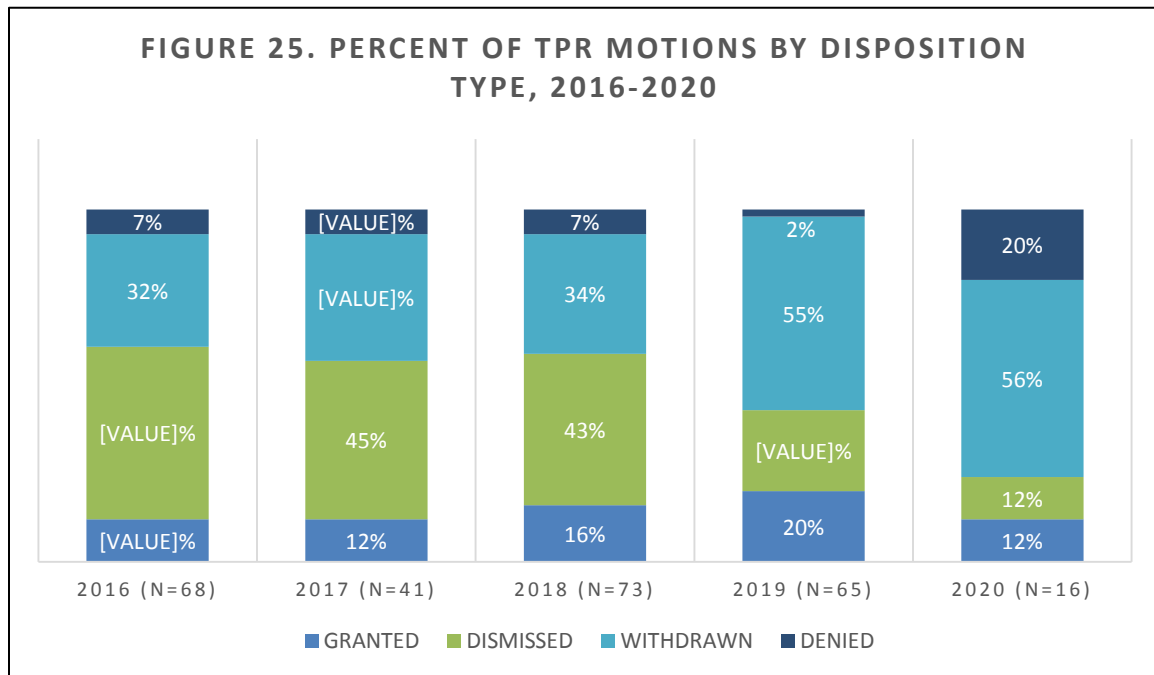


There are 61 TPR motions pending that were filed during the five-year period from 2016 to 2020 (Figure 24). Six motions filed in 2018, 18 motions filed in 2019, and 37 motions filed in 2020 remain undisposed.



The government is under a statutory requirement to file a TPR, yet there is no deadline requirement for the resolution of the TPR once it is filed. As a practical matter, the TPR continues simultaneously with the adoption case and is dismissed at the time the adoption is granted, if it is not withdrawn for some other reason. The practice of terminating parental rights within the adoption case is based upon the District of

Columbia adoption statute.<sup>25</sup> As depicted in Figure 25, nine TPR motions were withdrawn; three were denied, two were granted, and two were dismissed in 2020. In 2019, 36 TPR motions were withdrawn, 15 dismissed, 13 granted, and one was denied.



**Measure 2g.** Time between granting of the TPR motion and filing of the adoption petition in abuse and neglect cases.

**TABLE 6. NUMBER OF ADOPTION PETITIONS FILED BY TIME FROM TPR MOTION GRANTED, 2016-2020**

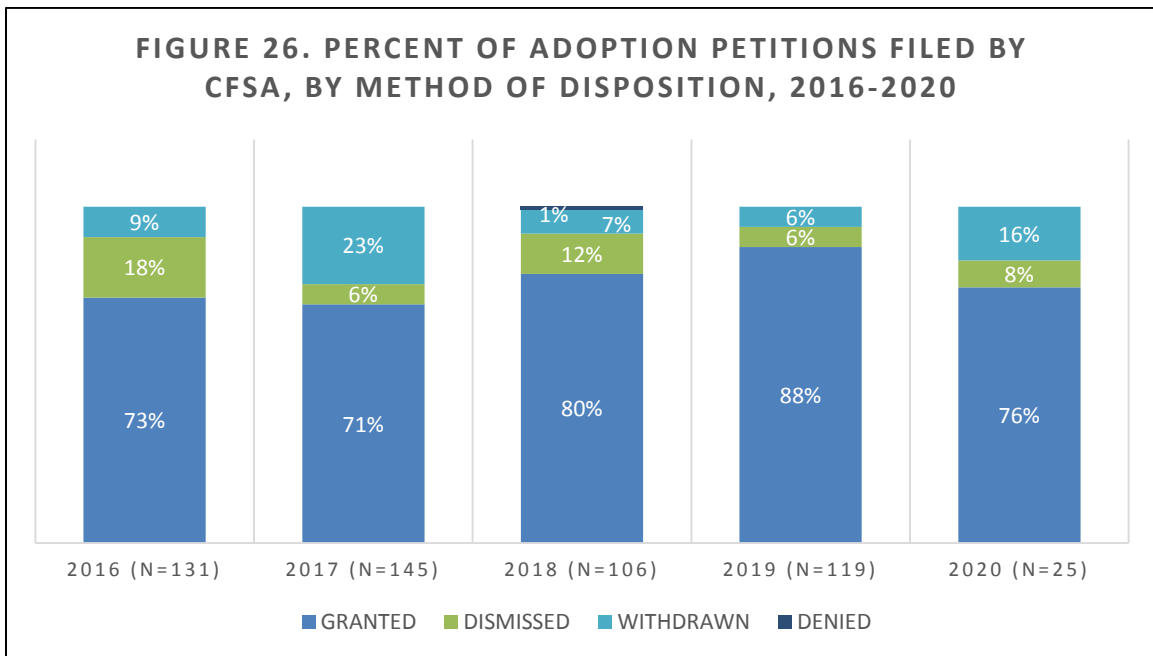
Year Filed	Number of Adoption Petitions Filed	Number of Adoption Petitions Filed Within:					Total Number of Granted TPRs
		1 month	3 months	6 months	12 months	12 + months	
2016	5	0	2	2	0	1	9
2017	3	0	0	1	1	1	10
2018	0	0	0	0	0	0	8
2019	2	0	0	0	0	2	9
2020	0	0	0	0	0	0	18

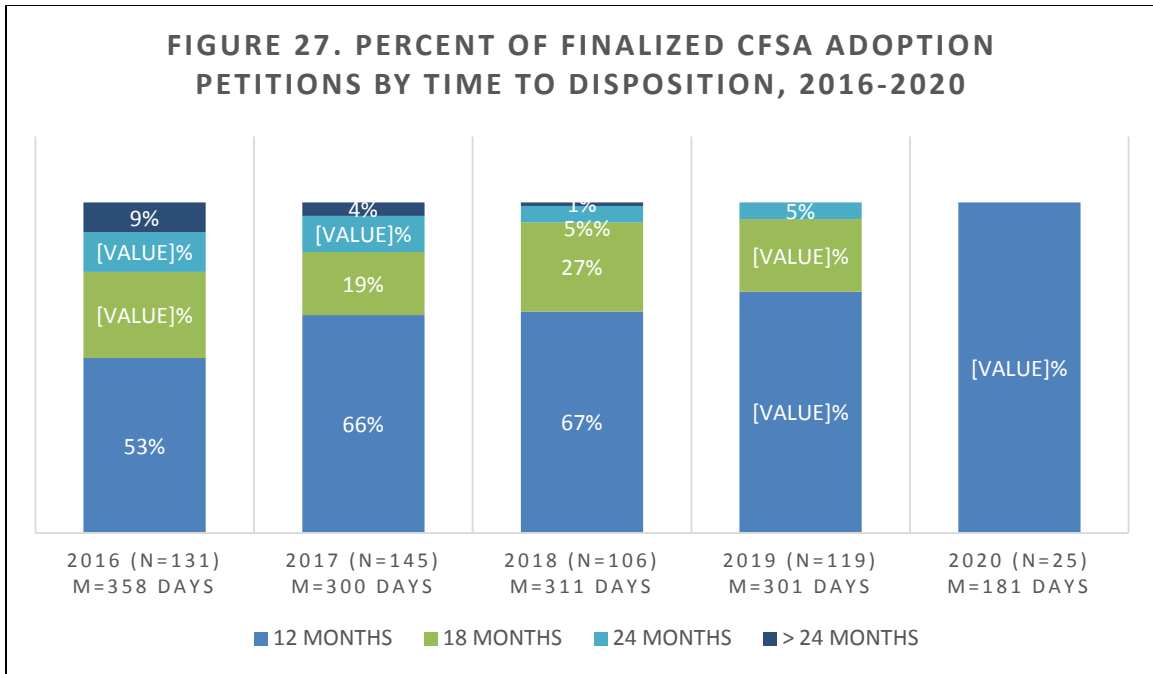
<sup>25</sup> A determination as to whether the natural parents are withholding their consents to adoption contrary to a child's best interest requires the weighing of the factors considered in termination of parental rights proceedings, pursuant to D.C. Code § 16-2353(b)(2001). See *In re Petition of P.S.*, supra, 797 A.2d at 1223.

Table 6 depicts the time between the granting of a TPR motion and the filing of the adoption petition. In 2019, two adoption petitions were filed over 12 months after the TPR motion was granted. Although 18 TPR motions were granted in 2020, no adoption petitions were filed.

**Measure 2h.** *Time between filing of adoption petition and finalization of adoption in abuse and neglect cases.*

Twenty-seven percent (25) of the adoption petitions filed in 2020 were disposed, with 76% granted, 16% withdrawn, and 8% dismissed. The percent granted was down 12% from 2019 when 88% of the petitions disposed were granted, 6% withdrawn and 6% dismissed (Figure 26). The median time between the filing and finalization of the adoption petition has declined from 358 days in 2016 to 181 days in 2020 – a 49% improvement (Figure 27).





There are currently 86 pending adoption petitions filed from 2016 to 2020. One adoption petition filed in 2016, five filed in 2018, 14 filed in 2019, and 66 in 2020 remain undisposed (Figure 28).



**PERFORMANCE MEASURE 3: DUE PROCESS**

**Goal: To deal with cases impartially and thoroughly based on the evidence brought before the court.**

*Measure 3d. Percentage of children receiving legal counsel, guardians ad litem or CASA volunteers in advance of the initial hearing.*

D.C. Code § 16-2304 requires the appointment of a guardian *ad litem* for all children involved in neglect proceedings. In 2020, guardians *ad litem* were appointed for all children in advance of their initial hearings.

***Measure 3e.*** *Percentage of cases where counsel for parents are appointed in advance of the initial hearing.*

D.C. Code §16-2304 also entitles parents to be represented by counsel at all critical stages of neglect proceedings and, if financially unable to obtain adequate representation, to have counsel appointed for them. In all cases that met the eligibility criteria, counsel was appointed for parents on the day of the initial hearing.

### **MAYOR'S SERVICES LIAISON OFFICE**

The Mayor's Services Liaison Office (MSLO), located on the JM level of the Moultrie Courthouse, was established pursuant to the Act. The mission of the MSLO is to promote safe and permanent homes for children by working collaboratively with stakeholders to develop readily accessible services based on a continuum of care that is culturally sensitive, family-focused and strength-based.

The objectives of the Mayor's Services Liaison Office are to:

- Support social workers, case workers, attorneys, family workers and judges in identifying and accessing client-appropriate information and services across District agencies and in the community for children and families involved in Family Court proceedings;
- Provide information and referrals to families and individuals;
- Facilitate coordination in the delivery of services among multiple agencies; and
- Provide information to the Family Court on the availability and provision of services and resources across District agencies.

The MSLO serves children, youth and families who are involved in Family Court proceedings. The office is supported by 13 District of Columbia government agency liaisons that are familiar with the types of services and resources available through their

agencies and can access their respective agencies' information systems and resources from the courthouse. The agency liaisons respond to inquiries and requests for information concerning services and resources, and consult with the assigned social workers or case workers in an effort to access available services for the child and/or family. Each liaison can provide information to the court about whether a family or child is known to its system and what services are currently being provided to the family or child.

The following District of Columbia government agencies, prior to the Covid-19 Pandemic, had staff physically located in the MSLO during specific, pre-assigned, days of the week:

- Child and Family Services Agency
- Department of Behavioral Health
- District of Columbia Public Schools
- District of Columbia Housing Authority
- Department of Disability Administration
- Hillcrest Children's Health Center
- Rehabilitative Services Administration

The following District of Columbia government agencies do not physically locate staff at the MSLO, however, they have designated MSLO liaisons that respond to requests for services and requests for information:

- Department of Youth Rehabilitation Services
- Economic Security Administration
- Department of Human Services: Strong Families Division
- Department of Employment Services
- Metropolitan Police Department: Youth and Preventive Services Division
- Department of Behavioral Health: Addiction Prevention and Recovery Administration

### **Mayor's Services Liaison Office Operations During the Covid-19 Pandemic**

The office began working remotely in mid-March due to the Covid-19 Pandemic. The office created a telework plan and shared it with all partnering agencies and the



Family Court. All new referrals were emailed to the MSLO Program Administrator for review, and the referrals were distributed and assigned to a liaison based upon their overarching issues. The liaison contacted the family and the referral source and connected the family to the services and resources. A database was created to track new and existing referrals by date, month, service issues, referral source, and referral agency. All updates were emailed and linked to the original MSLO referral.

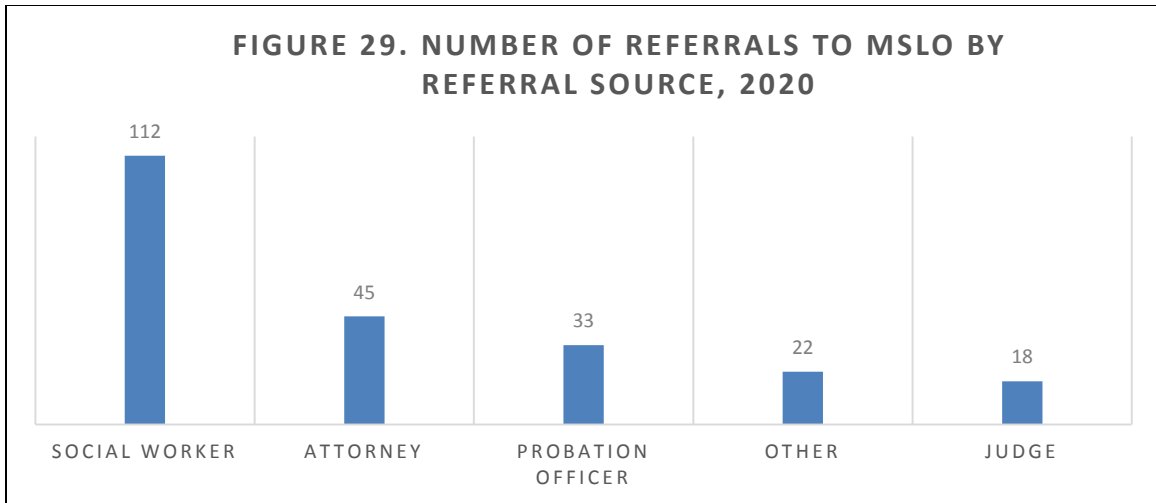
### **Referral Process to the Mayor's Services Liaison Office**

Cases are referred to the MSLO from a variety of sources, including through a court order, or from a guardian *ad litem*, social worker, family worker, attorney, judge, and/or probation officer. The goal of the interagency collaboration within MSLO is to create a seamless system of care for accessing client information, appropriate services, and resources supporting families and children.

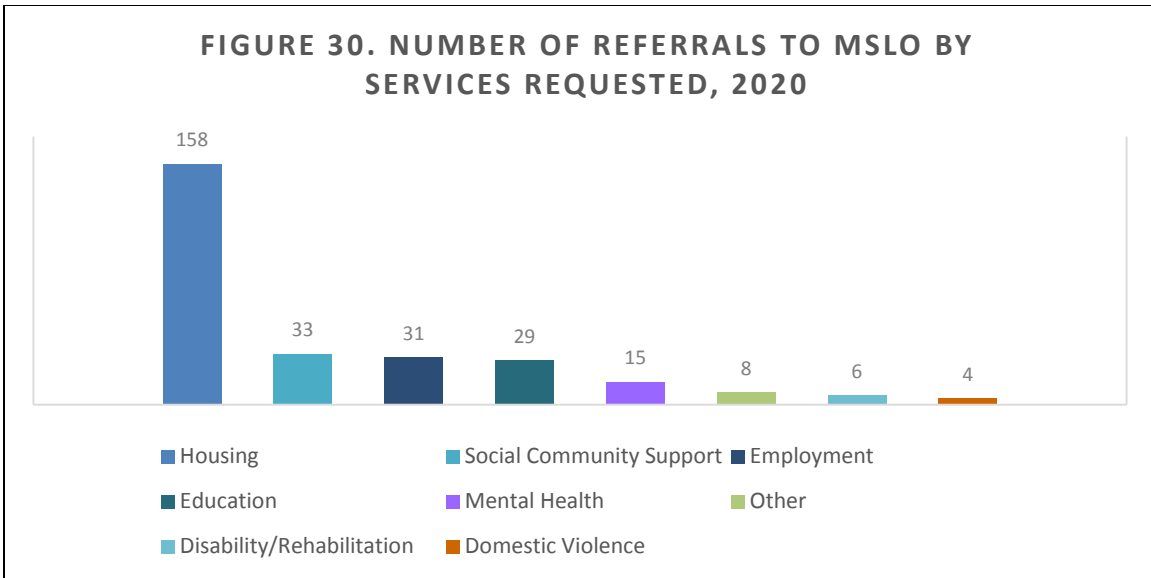
In 2020, the MSLO received 230 referrals, a 48% decrease from the 445 referrals received in 2019.

Ninety-seven percent (223) of all referrals were for families with an open case in Family Court and 3% (7) were referred to the MSLO by a judicial officer to be connected with a specific service. Social workers (49%; 112), were the most likely to refer families to the MSLO, followed by attorneys (20%; 45), probation officers (14%;33), some other referral source (10%; 22), and Family Court judicial officers (8%; 18) (Figure 29).

Of the 230 referrals for services, all were successfully connected to the services and resources they needed.



Families seeking the services of the MSLO required assistance with: (a) issues related to housing, such as transfers, inspections, emergency housing; (b) social community support including Temporary Assistance for Needy Families (TANF) assistance, as well as financial, and food support; (c) employment information and assistance; (d) educational assistance including truancy, school placements, Individualized Education Programs (IEPs), special education testing and due process, general educational issues, and literacy information; (e) mental health evaluations and individual and family therapy; (f) disability and rehabilitation services; (g) domestic violence assistance; and (h) others (Figure 30).



In general, service requests to the MSLO are immediately assigned to the appropriate agency liaison. The agency liaison connects with the family and provides the services and the resources necessary to resolve the issue(s), usually within 24 to 48 hours.

**Continuing Initiatives**

MSLO staff participated in several continuing projects in the Family Court, including: the Case Expediting Project, the Fathering Court, Grandparent Caregivers Program, and the Family Treatment Court. The newest initiative is a collaboration between the Office of the Attorney General, the Superior Court of the District of Columbia, and the Mayor’s Services Liaison Office to decrease truancy of younger children through parent engagement, dialogue, and linkage to community-based services. The Abating Truancy Through Engagement and Negotiated Dialogue (ATTEND) program is designed to help youth and their families address the underlying issues causing chronic absenteeism, while minimizing the likelihood of repeat referrals. The program also aims to divert parents from criminal prosecutions, while increasing attendance for some of the

District's most vulnerable children, thereby helping the entire family. This initiative has expanded to include two new D.C. schools.

### **NEW INITIATIVES IN CHILD ABUSE AND NEGLECT**

#### **Court Improvement Program**

The Court Improvement Program Advisory Committee held quarterly meetings to discuss programs funded by the current five-year grants. Co-chaired by the Deputy Presiding Judge and the Family Court Attorney Advisor, the committee membership is comprised of stakeholders in the child welfare community, including the court, Child and Family Services Agency (CFSA), the Office of the Attorney General (OAG), foster parents, former foster youth, the Department of Behavioral Health, and others. The CIP grant application for all three grants (basic, data and training) were reauthorized and funded through 2021 as part of the Family First Prevention Services Act.

The Family Court Attorney Advisor represented the Court and facilitated the Court's involvement in CFSA's Program Improvement Plan (PIP). As part of the PIP, the Court has undertaken a number of new initiatives. They include ensuring that the status of termination of parental rights motions are discussed in the courtroom and documented in the court order, and implementing a permanency mediation program to address delays in reaching permanency. The program allows any participant in a neglect case to refer a case for permanency mediation prior to the first permanency hearing or any time CFSA recommends a goal change from reunification to adoption. Permanency mediation can be a first step in empowering parents to take responsibility for and participate in permanency planning in cases where reunification appears to be unlikely. Trainings on the program have been made to judges, mediators who will be handling these mediation sessions, and

Counsel for Child Abuse and Neglect (CCAN) and Children’s Law Center (CLC) attorneys. Trainings are planned for social workers. Surveys have been developed to ascertain the satisfaction of the participants and the effectiveness of the program.

Family Court, through the CIP, is addressing timeliness in permanency planning through the review of neglect cases. Samples of cases from various cohort filing years are reviewed to determine causes of permanency delays to develop solutions to address the defined barriers. The workgroup drafted a report that outlines their findings for the first group of cases initiated between 2011 and 2015 and recently completed a report based on its review of a group of cases initiated between 2016 and 2018.

As part of the PIP, the Court and CFSA co-hosted two Permanency Forums. Attendees included judges, CCAN, CLC, and OAG attorneys, social workers, and others. Participants met in small groups to discuss specific issues relevant to permanency, such as minimizing court delays and parental engagement. The discussions were recorded and shared with the other groups. Participant surveys indicated a high level of satisfaction with the event and a strong desire to participate in future events. Upcoming plans for the Abuse and Neglect Subcommittee include ongoing similar Stakeholder Forums, addressing other important abuse and neglect-related issues, such as paternity and its impacts on case practice.

### **Court-Wide Forms Workgroup**

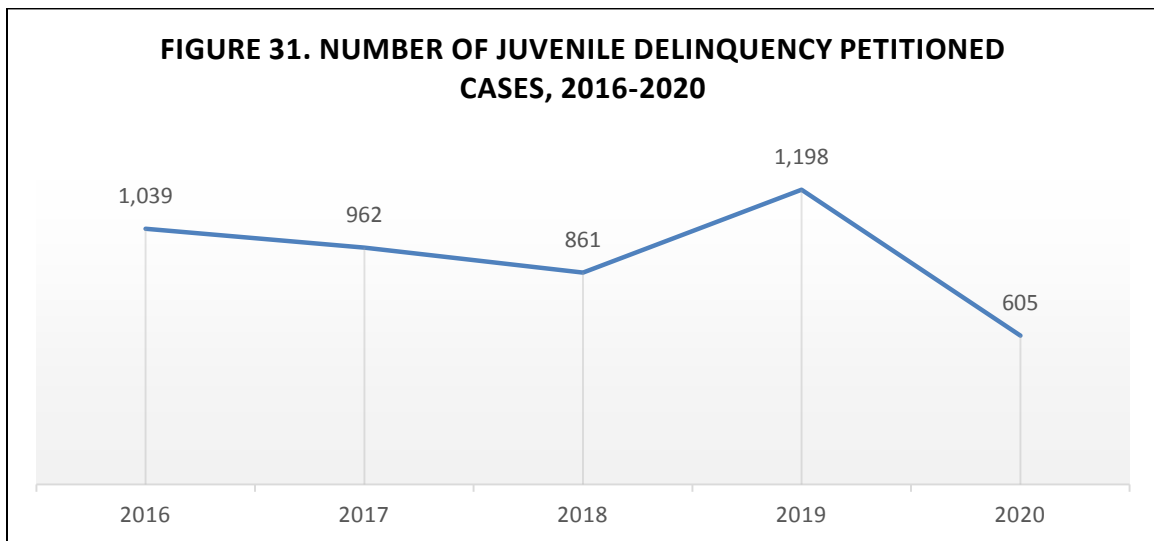
This group’s mission is to standardize the Court’s forms, eliminate unnecessary forms, consolidate forms across divisions and ensure that automated forms are properly configured in the Court’s new case management system. Neglect forms are included in this process and the Attorney Advisor is providing guidance, as part of the Court

Improvement mission, to ensure that any changes to neglect forms and all new neglect forms meet statutory requirements.

### **JUVENILE CASES**

In 2020, there were 810 new juvenile complaints filed in the Family Court, a 43% decrease from 2019 (1,432). Ninety-one percent (739) of the complaints filed were based on an allegation of delinquency, 8% (61) pursuant to an Interstate Compact Agreement (ISC)<sup>26</sup>, and 1% (10) on a person in need of supervision (PINS) allegation.

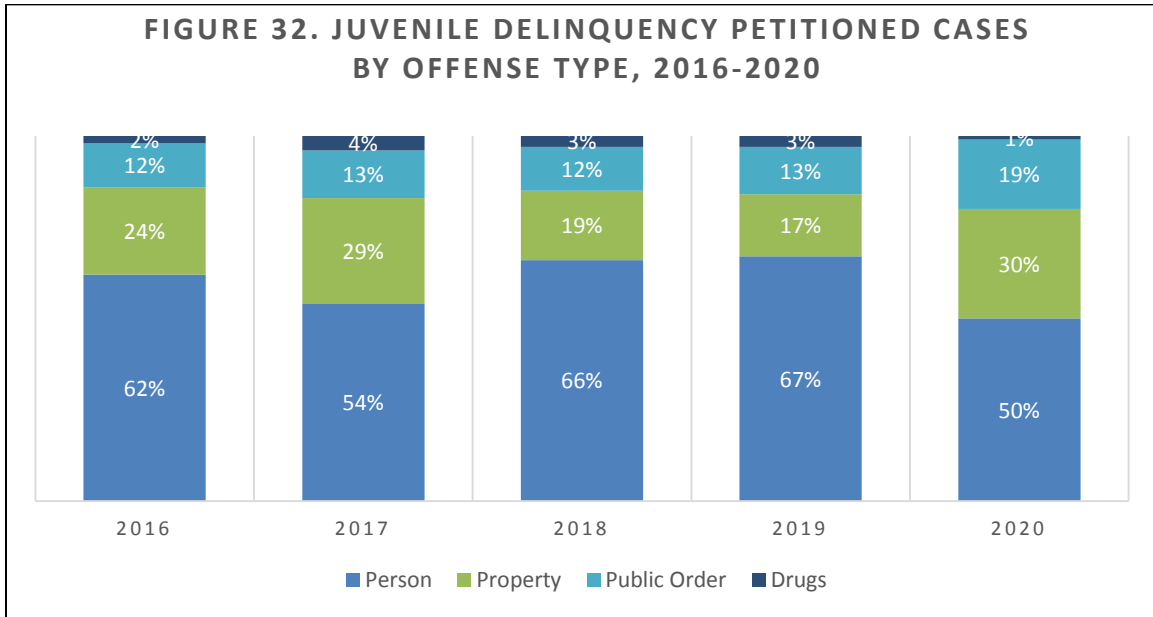
Of the 739 complaints filed based on an allegation of delinquency, 82% (605) resulted in a formal petition being filed by the OAG (Figure 31). In 2020, the number of petitioned delinquency cases (605) decreased by 49%, from 1,198 in 2019, and was the lowest number of cases petitioned from 2016-2020. The following analysis focuses on the 605 cases petitioned in 2020.



<sup>26</sup> Interstate Compact cases are comprised of juvenile residents of the District of Columbia who were adjudicated in other jurisdictions, but who are referred to the Court to serve their probation under the supervision of the Court Social Services Division, as a courtesy to the referring jurisdiction.

### MOST SERIOUS OFFENSE<sup>27</sup>

Fifty percent of new delinquency cases petitioned in 2020 were for acts against persons (the lowest in the past 5 years), 30% for property offenses (the highest in the past five years), 19% for public order offenses (the highest in the past 5 years), and 1% for drug law violations (the lowest in the past 5 years) (Figure 32).



The most common juvenile charges resulting in a petition were for weapons offenses (18%, 109), armed and unarmed robbery (17%; 105), unauthorized use of automobile (17%, 101), simple assault (13%; 76), and carjacking (8%, 51) (Table 7).

Assault (42%; 126) was the leading offense petitioned for acts against persons -- (simple assault (25%; 76), assault with a dangerous weapon (11%; 34), aggravated assault (5%; 13), and assault with intent to kill (1%; 3)). Juveniles charged with robbery accounted for 35% (105) of new petitions for acts against persons (unarmed robbery (24%; 73) and armed robbery (11%; 32)). Fifty-six percent of all juvenile cases petitioned for acts against property involved unauthorized use of a vehicle (101), followed by

<sup>27</sup>Juveniles charged with multiple offenses are categorized according to their most serious offense. For example, in a single case where a juvenile is charged with robbery, simple assault, and a weapons offense, the case is counted as a robbery.

burglary II (13%; 23) and larceny/theft (12%; 22).

The majority of youth charged with acts against public order were charged with weapons offenses (92%; 109). The majority of youth charged with a drug law violation were charged with drug sale or distribution (86%; 6).

**TABLE 7. NUMBER OF JUVENILE DELINQUENCY PETITIONED CASES BY AGE AND MOST SERIOUS OFFENSE, 2020**

Most Serious Offense <sup>28</sup>	Total Cases	10-12	13-15	16-17	18
<b>Acts Against Persons</b>	<b>301</b>	<b>1</b>	<b>152</b>	<b>140</b>	<b>8</b>
Murder	6	0	4	2	0
Assault with Intent to Kill	3	0	0	2	1
Assault with a Dangerous Weapon	34	0	17	15	2
Aggravated Assault	13	0	7	6	0
Armed Robbery	32	0	12	20	0
Robbery	73	0	40	32	1
First Degree Sexual Abuse (Rape)	1	0	1	0	0
Other Violent Sex Offenses	4	0	2	1	1
Carjacking	51	1	31	19	0
Burglary I	7	0	4	3	0
Simple Assault	76	0	34	40	2
Other Acts Against Persons	1	0	0	0	1
<b>Acts Against Property</b>	<b>179</b>	<b>0</b>	<b>95</b>	<b>83</b>	<b>1</b>
Burglary II	23	0	11	12	0
Larceny/Theft	22	0	11	11	0
Unauthorized Use of Auto	101	0	54	47	0
Arson	2	0	0	2	0
Property Damage	12	0	8	4	0
Unlawful Entry	8	0	5	2	1
Stolen Property	10	0	6	4	0
Other Acts Against Property	1	0	0	1	0
<b>Acts Against Public Order</b>	<b>118</b>	<b>0</b>	<b>30</b>	<b>86</b>	<b>2</b>
Weapons Offenses	109	0	27	81	1
Obstruction of Justice	3	0	1	2	0
Other Acts Against Public Order	6	0	2	3	1
<b>Drug Law Violations</b>	<b>7</b>	<b>0</b>	<b>0</b>	<b>7</b>	<b>0</b>
Drug Sale/Distribution	6	0	0	6	0
Drug Possession	1	0	0	1	0
<b>Total Delinquency Petitions</b>	<b>605</b>	<b>1</b>	<b>277</b>	<b>316</b>	<b>11</b>

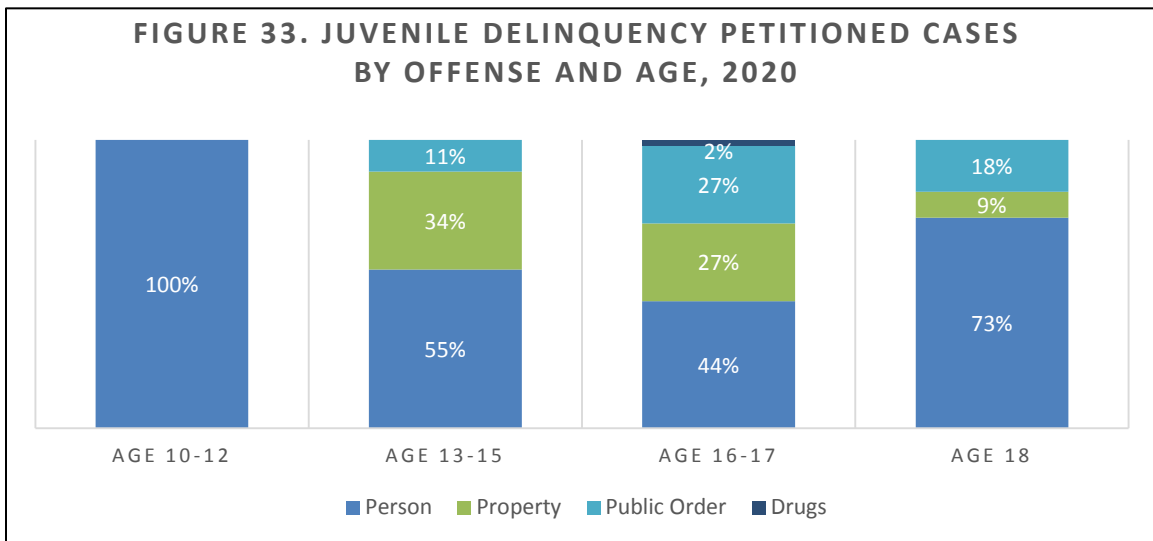
<sup>28</sup> Juveniles charged with multiple offenses are categorized according to their most serious offense. Thus, data presented in this table does not provide a count of the number of crimes for which a juvenile was charged.



### **MOST SERIOUS OFFENSE BY AGE**

In 2020, 54% of all petitioned delinquency cases involved youth 16 years of age or older at the time of petition. The average age of a petitioned youth was 15.6 years old and the median age was 16 years old.

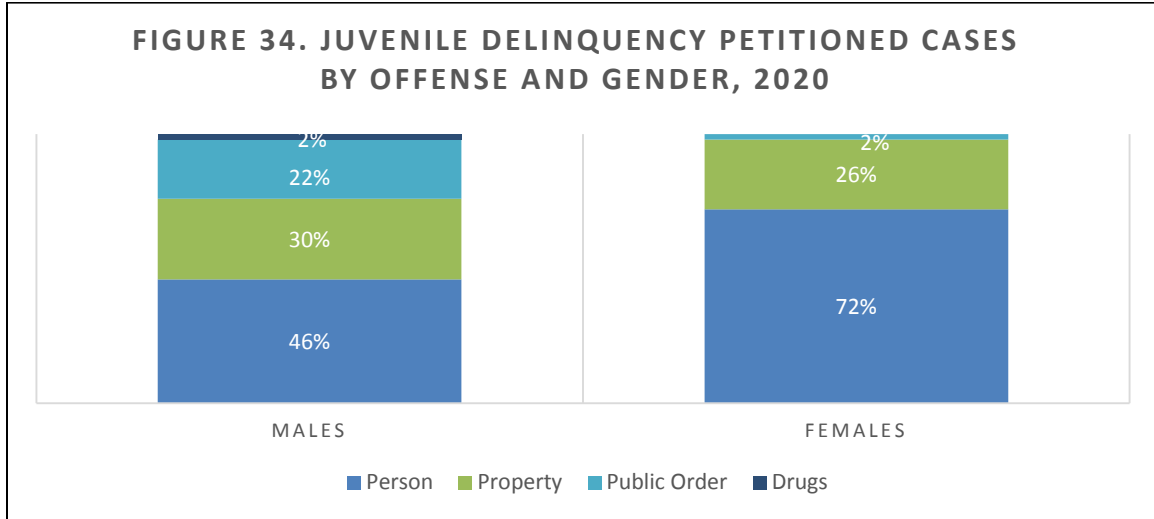
In 2020, the percentage of youth charged with crimes against persons had highs at both ends of the age spectrum - 100% (one case) at age 10-12 and 73% (8) for juveniles age 18 (Figure 33). The percentage of youth charged with crimes involving acts against property decreased as youth became older, beginning at the age 13-15 age group (34%, 95). The percentage of youth charged with public order offenses was the highest for age 16-17 (27%, 86). Drug law violations only occurred among juveniles age 16-17.



### **MOST SERIOUS OFFENSE BY GENDER**

In 2020, males accounted for 86% (523) of petitioned cases and females accounted for 14% (82). Females were charged with offenses against persons (72% of females compared to 46% of males) at a higher rate than males. Conversely, more males were charged with acts against property (30% of males compared to 26% of females), acts against public order (22% and 2%, respectively), and drug law violations (1% and

0%, respectively) than females (Figure 34).



Among males charged with crimes against persons, 38% (92) were charged with robbery (unarmed and armed) and 36% (86) were charged with assault (simple assault, aggravated assault, assault with a dangerous weapon, and assault with intent to kill) (Table 8). Among females charged with crimes against persons, 68% (40) were charged with assault (simple assault and assault with a dangerous weapon), and 22% (13) with robbery (unarmed and armed). The most common property offenses males were charged with were unauthorized use of a vehicle (56%, 88), burglary II (15%, 23) and larceny/theft (11%; 17). For females, the leading property charge was unauthorized use of automobile (62%, 13) followed by larceny/theft (24%; 5). Ninety-two percent (107) of the males with public order offenses were charged with a weapons offense. All female public order offenders (2) were charged with weapons offenses. Eighty-six percent (6) of males with drug law violations were charged with drug sale/distribution.

**TABLE 8. NUMBER OF JUVENILE DELINQUENCY PETITIONED CASES  
BY MOST SERIOUS OFFENSE AND GENDER, 2020**

<b>Most Serious Offense<sup>29</sup></b>	<b>Total cases</b>	<b>Male</b>	<b>Female</b>
<b>Acts Against Persons</b>	<b>301</b>	<b>242</b>	<b>59</b>
Murder	6	5	1
Assault with Intent to Kill	3	3	0
Assault with a Dangerous Weapon	34	28	6
Aggravated Assault	13	13	0
Armed Robbery	32	29	3
Robbery	73	63	10
First Degree Sexual Abuse (Rape)	1	1	0
Other Violent Sex Offenses	4	4	0
Carjacking	51	47	4
Burglary I	7	6	1
Simple Assault	76	42	34
Other Acts Against Persons	1	1	0
<b>Acts Against Property</b>	<b>179</b>	<b>158</b>	<b>21</b>
Burglary II	23	23	0
Larceny/Theft	22	17	5
Unauthorized Use Auto	101	88	13
Arson	2	2	0
Property Damage	12	10	2
Unlawful Entry	8	8	0
Stolen Property	10	9	1
Other Acts Against Property	1	1	0
<b>Acts Against Public Order</b>	<b>118</b>	<b>116</b>	<b>2</b>
Weapons Offenses	109	107	2
Obstruction of Justice	3	3	0
Other Acts Against Public Order	6	6	0
<b>Drug Law Violations</b>	<b>7</b>	<b>7</b>	<b>0</b>
Drug Sale/Distribution	6	6	0
Drug Possession	1	1	0
<b>Total Delinquency Petitions</b>	<b>605</b>	<b>523</b>	<b>82</b>

<sup>29</sup> See *supra* note 27.

### **MOST SERIOUS OFFENSE BY DETENTION STATUS**

A child shall not be detained pending a trial or disposition hearing unless he or she is alleged to be delinquent and it appears that detention is required to protect the person or property of others, or to secure the child's presence at the next court hearing. *See* D.C. Code §16-2310(a).<sup>30</sup> In addition, a child shall not be placed in shelter care pending a trial or disposition hearing unless it appears that shelter care is required to protect the child or because the child has no parent, guardian, custodian, or other person or agency able to provide supervision and care for him or her, and no alternative resources or arrangements are available to the family to safeguard the child without requiring removal. *See* D.C. Code § 16-2310(b). In order to detain the child, the judge or magistrate judge must also have probable cause to believe that the child committed the offense. In determining whether a youth should be detained or not, judicial officers consider a myriad of factors before making the detention decision. Factors taken into consideration include but are not limited to:<sup>31</sup>

- the nature and circumstances of the pending charge;
- the record of and seriousness of the child's previous offenses, if any;
- whether there are allegations of danger or threats to any witnesses;
- the length of, and community ties related to, the child's residence in D.C.;
- the child's school record and employment record (if any); and
- record of the child's appearances at prior court hearings.

If the judicial officer determines that detention appears to be justified, he/she has discretion to consider whether the child's living arrangements and degree of supervision might justify release pending adjudication. Notwithstanding the above factors, there is a

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<sup>30</sup> D.C. Code § 16-2310 was amended by the Comprehensive Youth Justice Amendment Act of 2016, D.C. Law No. 21-238, § 102(c) (April 4, 2017).

<sup>31</sup> See Superior Court Juvenile Rule 106 which has not been amended but will be amended to reflect the changes warranted by the Comprehensive Youth Justice Amendment Act of 2016.

rebuttable presumption that detention is required to protect the person or property of others if the judicial officer finds by a substantial probability that the child committed a dangerous crime or a crime of violence while armed, as defined in D.C. Code § 16-2310(a-1)(2), or committed the offense carrying a pistol without a license.

In 2020, youth were detained prior to the factfinding hearing in 29% (175) of the 605 petitioned cases, representing a 14% increase from 2019.<sup>32</sup> Table 9 details information on the number of juveniles detained at initial hearing by offense, one of the many factors judges must consider when deciding to detain a youth.

In 2020, 43% (51) of youth charged with acts against public order were detained prior to factfinding, compared to 31% (93) of youth charged with acts against persons, 29% (2) of youth charged with drug law violations, and 16% (29) of youth charged with property crimes. The comparable numbers for detention prior to factfinding in 2019 were: acts against public order (23%), drug offenses (21%), acts against persons (15%), and property crimes (8%). Regarding specific offenses, 100% of youth charged with murder (6), assault with intent to kill (3), and first degree sexual abuse (rape) (1) were detained prior to factfinding. Sixty-nine percent (9) of youth charged with aggravated assault, 57% (4) of youth charged with burglary I, and 50% (1) of youth charged with arson were detained prior to factfinding. Forty-seven percent of youth charged with armed robbery (15) and weapons offenses (51) were detained, followed by 44% (15) of youth charged with assault with a dangerous weapon.

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<sup>32</sup> For purposes of this report, a juvenile's pre-trial detention status is based on the detention decision made at the initial hearing. It does not reflect the movement of juveniles from one placement status to another either prior to or after adjudication.

**TABLE 9. NUMBER OF JUVENILE DELINQUENCY PRE-TRIAL DETENTION CASES BY OFFENSE AND TYPE OF DETENTION, 2020**

Most Serious Offense <sup>33</sup>	All Detained Delinquency Cases						
	Total	Securely Detained			Non-Securely Detained		
		Total	Males	Females	Total	Males	Females
<b>Acts against persons</b>	93	44	41	3	49	41	8
Murder	6	5	4	1	1	1	0
Assault with Intent to Kill	3	3	3	0	0	0	0
Assault with a Dangerous Weapon	15	6	5	1	9	6	3
Aggravated Assault	9	6	6	0	3	3	0
Armed Robbery	15	7	7	0	8	8	0
Robbery	13	4	4	0	9	8	1
Carjacking	20	10	10	0	10	9	1
Burglary I	4	2	2	0	2	2	0
Simple Assault	6	1	0	1	5	2	3
First Degree Sexual Abuse	1	0	0	0	1	1	0
Other Violent Sex Offenses	1	0	0	0	1	1	0
<b>Acts against property</b>	29	10	9	1	19	18	1
Burglary II	2	1	1	0	1	1	0
Larceny/Theft	2	1	0	1	1	0	1
Unauthorized Use Auto	18	4	4	0	14	14	0
Arson	1	0	0	0	1	1	0
Property Damage	3	2	2	0	1	1	0
Unlawful Entry	1	1	1	0	0	0	0
Stolen Property	2	1	1	0	1	1	0
<b>Acts against public order</b>	51	27	27	0	24	24	0
Weapons Offenses	51	27	27	0	24	24	0
<b>Drug Law Violations</b>	2	1	1	0	1	1	0
Drug Sale/Distribution	2	1	1	0	1	1	0
<b>Total number of detained cases</b>	<b>175</b>	<b>82</b>	<b>78</b>	<b>4</b>	<b>93</b>	<b>84</b>	<b>9</b>

Thirty-one percent of male youth and 16% of female youth were detained prior to trial in 2020. Male and female youth were detained at a higher rate than the previous year, representing a 15% increase for males and a 6% increase for females. In 2020, 53% (93) of youth detainees were held in non-secure facilities (shelter houses), a 3% decrease from 2019. In 2020, 47% (82) of youth detainees were held in secure detention facilities, a 3% increase from 2019. In 2020, males accounted for 95% (78) of those detained in

<sup>33</sup>See *supra* note 27.

secure facilities and 90% (84) of those detained in shelter houses. Since 2019, the percentage of detained males has increased by 5% in secure facilities and increased by 2% in shelter houses. Conversely, the female youth detainee population has decreased by 5% for secure facilities and decreased by 2% for shelter houses.

Table 9 depicts pre-trial detention cases by type of detention facility. Of youth detained in 2020, 100% charged with assault with intent to kill (3) and unlawful entry (1) were detained in secure facilities as were 83% (5) of youth charged with murder, 67% (6) of youth charged with aggravated assault, and 53% (27) of youth charged with weapons offenses. Among detained youth in shelter houses, 100% were charged with first degree sexual abuse (rape) (1) and other violent sex offenses/kidnapping (1) and arson (1), 83% (5) were charged with simple assault, and 69% (9) were charged with robbery.

#### **TIMELINESS OF JUVENILE DELINQUENCY CASE PROCESSING**

Many states, and the District of Columbia, have established case processing timelines for youth detained prior to trial. In addition to individual state timelines, several national organizations, including the American Bar Association, the Office of Juvenile Justice and Delinquency Prevention, the National Council of Juvenile and Family Court Judges (NCJFCJ), and the National District Attorneys Association have issued guidelines for case processing in juvenile cases.<sup>34</sup>

The guidelines, both at the state and national levels, address the time between key events in a juvenile delinquency case. In general, these guidelines suggest that the

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<sup>34</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 (1997), and “Waiting for Justice: Moving Young Offenders Through the Juvenile Court Process” by Jeffrey Butts and Gregory Halima conducted under the sponsorship of the National Center for Juvenile Justice (1996). Also see “Juvenile Delinquency Guidelines: Improving Court Practice in Juvenile Delinquency Cases” (NCJFCJ) (2005) which establishes national best practices in the handling of juvenile delinquency cases.

maximum time between court filing and adjudication for youth detained prior to trial be 30 days or less, and from filing to disposition for detained youth be 60 days or less.

District of Columbia Code §16-2310(e) establishes timeframes for the trial or factfinding hearing for youth detained prior to trial in secure detention facilities and non-secure detention facilities or shelter houses. In certain instances, the court may extend the time limit for the factfinding hearing. *See* D.C. Code § 16-2310(e)(2)(A). In addition, upon good cause, the Attorney General may move for further continuances in 30-day increments.

As for the timeframe for disposition of juvenile cases, Superior Court Juvenile Rule 32 requires that the disposition hearing in cases of securely and non-securely detained youth may be held immediately following adjudication, but must be held not more than 15 days after adjudication. The D.C. Court of Appeals has held that the 15-day time requirement of Rule 32 is directory rather than mandatory and that the trial court does not err when it extends the 15-day time period for a reasonable length of time to obtain the predisposition report. *See, In re J.B.*, 906 A.2d 866 (D.C. 2006).

This report examines case processing standards for youth in four categories:

(1) Securely detained juveniles charged with murder, assault with intent to kill, armed robbery, first degree sex abuse, and first degree burglary: D.C. Code § 16-2310(e) (the statute) allows 45 days to reach adjudication and Rule 32 allows 15 days from adjudication to disposition, for a total of 60 days from initial hearing to disposition;

(2) Securely detained juveniles charged with any offense other than those identified in (1) above: the statute allows 30 days from initial hearing to adjudication and Rule 32 allows 15 days from adjudication to disposition, for a total of 45 days from initial hearing to disposition;

(3) Non-securely detained juveniles charged with any offense: The statute allows



45 days from initial hearing to adjudication and Rule 32 allows 15 days from adjudication to disposition, for a total of 60 days from initial hearing to disposition; and

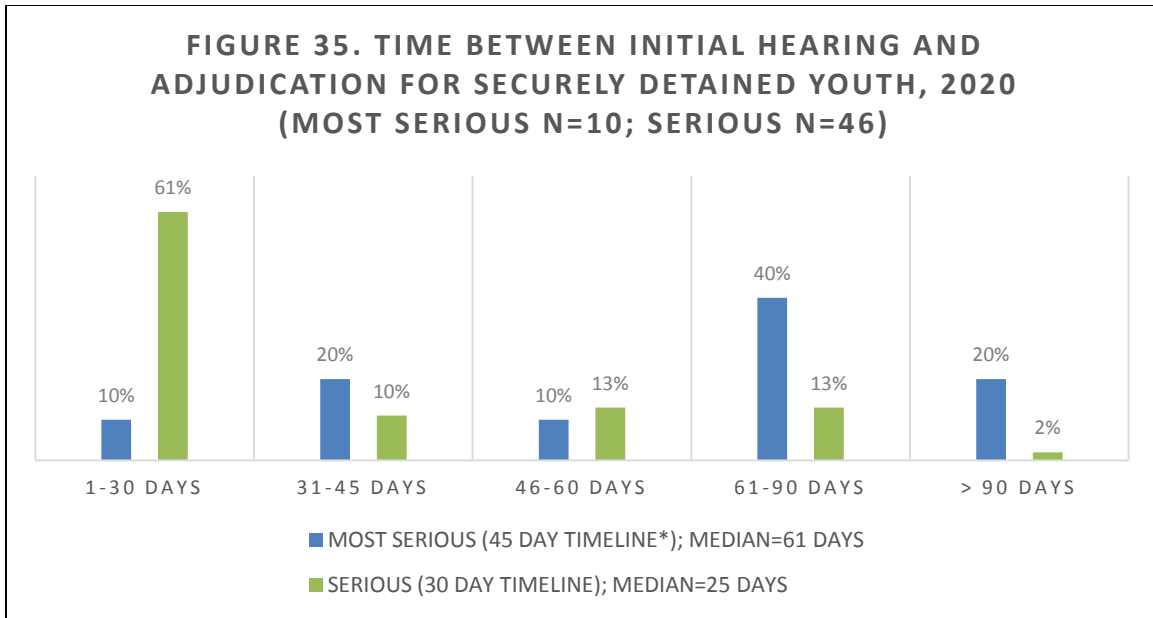
(4) Released youth: Administrative Order 08-13 allows 270 days for disposition.

There is no Family Court statute or rule that dictates time standards for either adjudication or disposition for cases of youth released prior to adjudication.

Data on time to adjudication is based on the detention status of the respondent at the time of the initial hearing. In contrast, data on time to disposition is calculated based on the detention status of the respondent at the time of the disposition hearing. In addition, court performance on time to disposition accounts for excludable delay resulting from the absence or unavailability of the child (custody orders) and the period of delay resulting from various examinations and assessments.

### **SECURELY DETAINED JUVENILES**

In 2020, 17 (21%) out of the 82 securely detained juveniles were charged with the most serious offenses of murder, assault with intent to kill, armed robbery, first degree sexual abuse, or first degree burglary. As stated above, these cases require adjudication within 45 days and the disposition hearing within 15 days of adjudication, for a total of 60 days (referred to as “Secure Detention 45-day cases”). An adjudication hearing occurred in 10 (59%) of these 17 cases (Figure 35). Thirty percent (3) of those adjudication hearings occurred within the 45-day timeframe. The median time from initial hearing to adjudication was 61 days. This was a decline from 2019 when 82% of the securely detained juveniles had adjudication hearings within the 45-day timeline with a median time of 27 days. Of the remaining seven securely detained most serious cases, six (86%) remain undisposed, pending adjudication, and one (14%) was dismissed pre-adjudication.

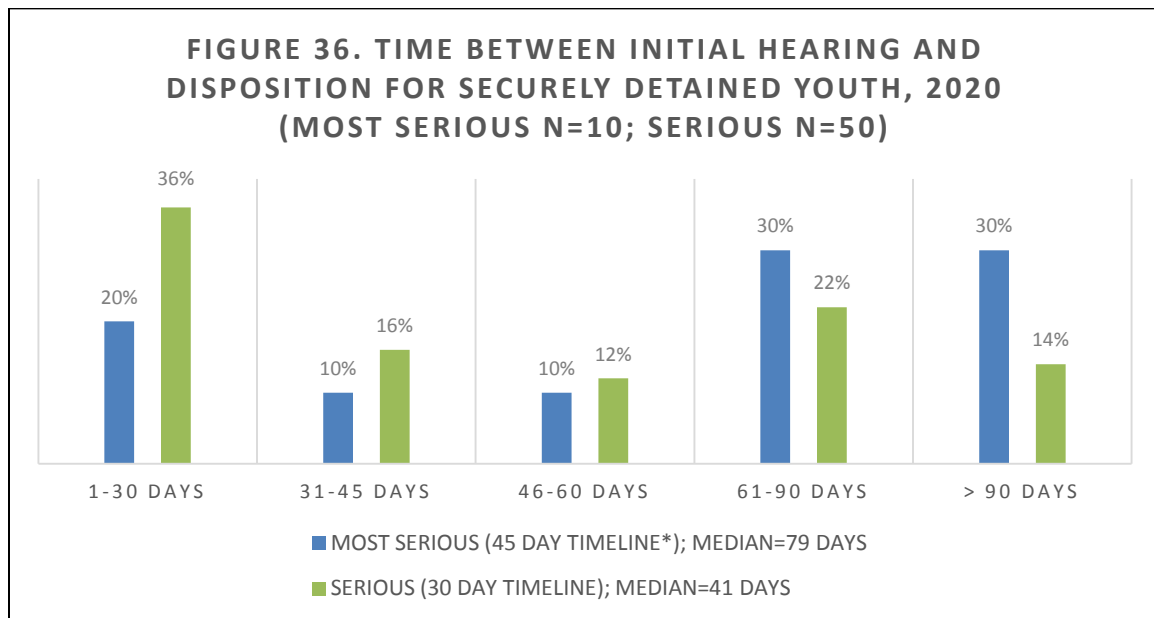


\*Includes juveniles charged with murder, assault with intent to kill, first degree sex abuse, armed robbery, and first degree burglary.

There were 65 securely detained juveniles who were charged with serious offenses (other than the most serious cases) who were required to have their cases adjudicated within 30 days, and their disposition within 15 days of adjudication – for a total of 45 days (referred to as “Secure Detention 30-day cases”). Forty-six (71%) of the 65 juveniles had an adjudication hearing, 61% of which occurred within the 30-day timeframe (Figure 35). The remaining 19 cases were either dismissed prior to adjudication (10; 53%) or are pending adjudication (9; 47%) and not included in the calculation. The median time to adjudication was 25 days. These serious cases declined from 2019 when 63% of the cases had their adjudication hearing within the 30-day timeline with a median time to adjudication of 20 days.

Several factors contributed to the inability to adjudicate all cases of securely detained youth in a timely manner. Those factors included, but were not limited to: the absence of an essential witness, unavailability of evidence, unavailability of an attorney,

incomplete psychological, psychiatric and neurological tests, and difficulties in scheduling especially as the court responded to the Covid-19 pandemic. The court will monitor and track how requests for continuances are addressed with the goal of reducing the number of continuances requested and granted.



\*Includes juveniles charged with murder, assault with intent to kill, first degree sex abuse, armed robbery, and first degree burglary.

The calculation of time to disposition includes case processing from initial hearing to disposition. All (100%: 10) of the most serious adjudicated cases reached disposition in 2020 (Figure 36). Forty percent (4) of the securely detained most serious cases (45-day cases) were disposed within the 60-day timeframe compared to 56% of the securely detained most serious cases in 2019. The median time from initial hearing to disposition in those cases was 79 days compared to 57 days in 2019.

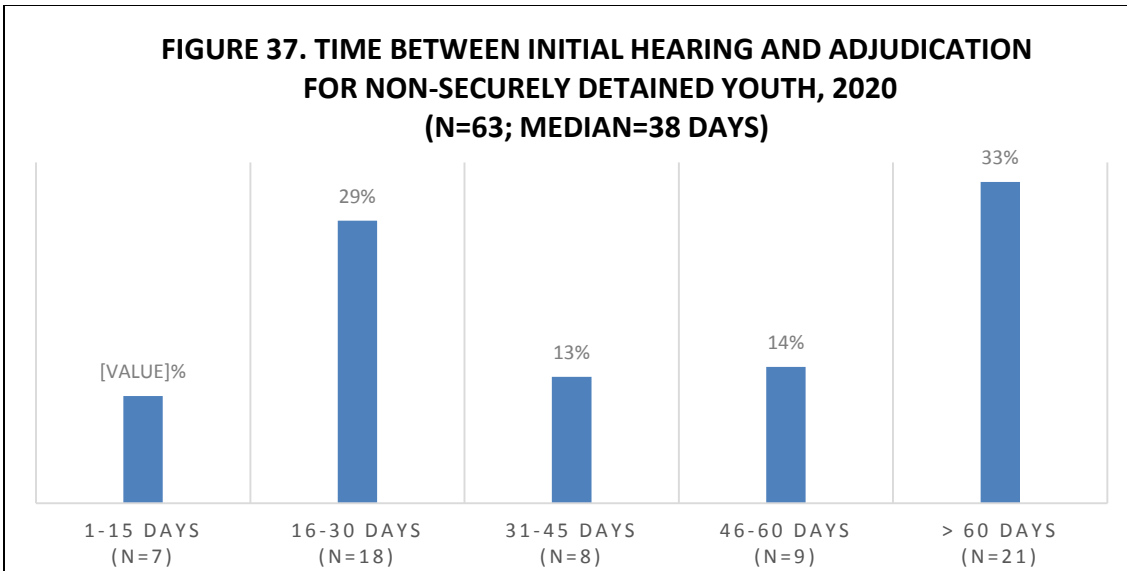
For securely detained juveniles with serious offenses (30-day cases; 65), 50 (77%) reached disposition in 2020. Fifty-two percent (26) of these cases disposed within the 45-day timeframe compared to 38% in 2019, a 14% improvement. In these cases, the median

time between initial hearing and disposition improved 27% from 56 days in 2019 to 41 days in 2020.

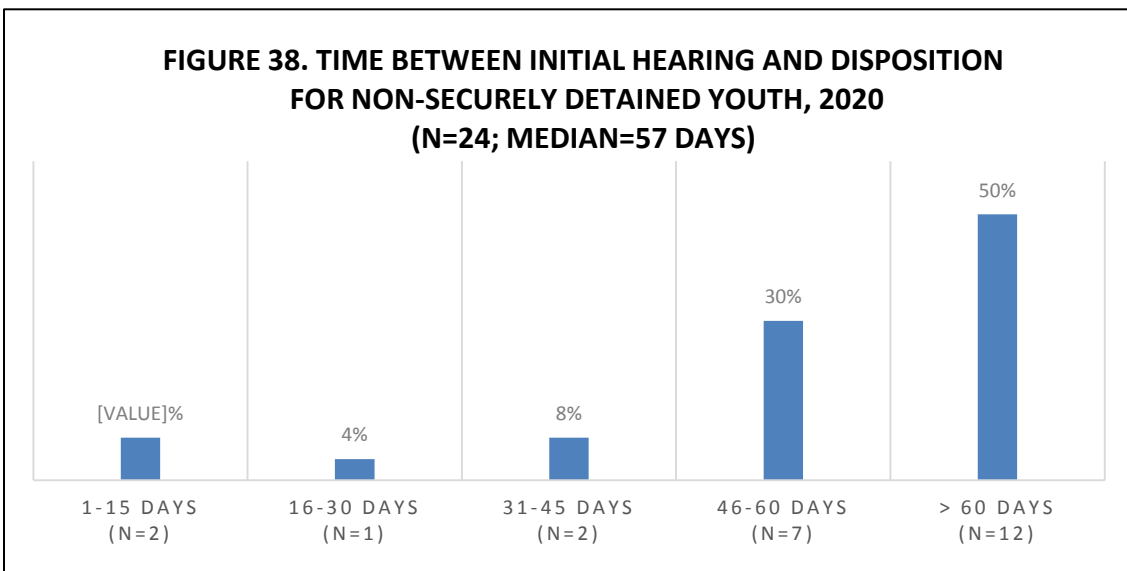
Despite the improvements in time to disposition for securely detained juveniles with serious offenses, a major factor contributing to delays in the disposition of more cases was the need to identify and obtain services or programs for the youth prior to disposition. Other factors included delays related to DYRS' ability to obtain placement, delays in receipt of required psychological and psychiatric reports, respondents who were not in compliance with court orders, and respondents who were involved in other proceedings before the court.

#### **NON-SECURELY DETAINED JUVENILES**

In 2020, there were 93 juveniles detained in non-secure facilities or shelter houses prior to adjudication. Sixty-eight-percent (63) of non-securely detained juveniles reached adjudication (Figure 37). Fifty-three percent (33) of the non-securely detained youth had timely adjudication hearings within the 45-day timeframe compared to 67% in 2019. The breakdown of the 53% (33) compliance rate was: 11% (7) within 15 days, 29% (18) between 16-30 days, and 13% (8) between 31-45 days. The median number of days to adjudication was 38 days, a slight increase from 34 days in 2019.

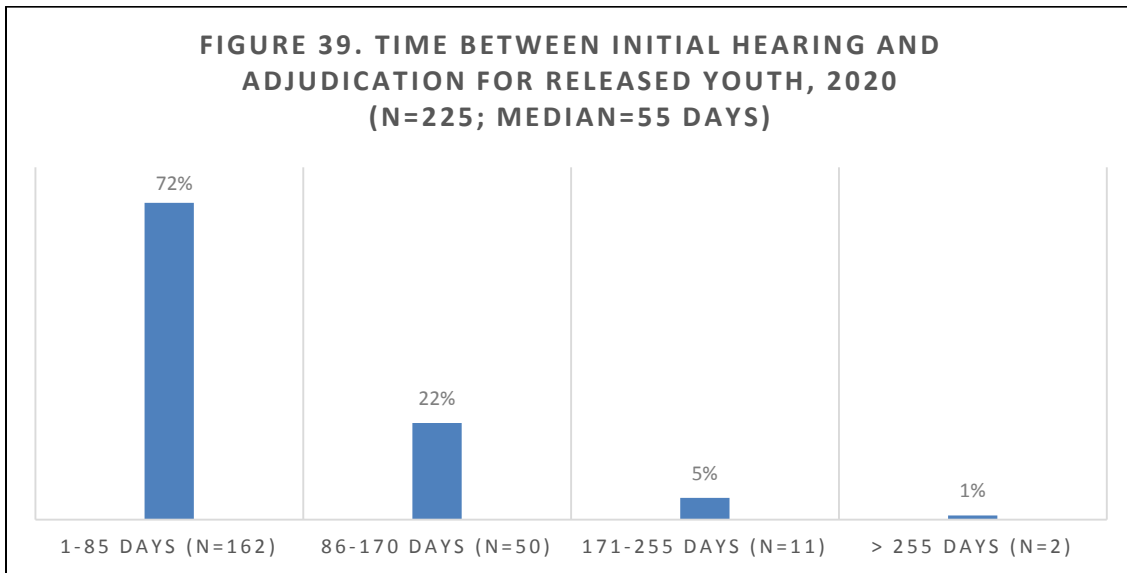


Twelve non-secure detention cases (50%) were timely disposed within the 60-day timeframe from initial hearing to disposition, a 4% improvement from 2019 (Figure 38). The 50% (12) compliance rate is composed of 8% (2) of cases disposing within 15 days, 4% (1) between 16-30 days, 8% (2) between 31-45 days, and 30% (7) between 45-60 days. The median number of days from initial hearing to disposition was 57 days versus 66 days in 2019. The court will monitor these cases to continue the improvements achieved this year with case disposition.



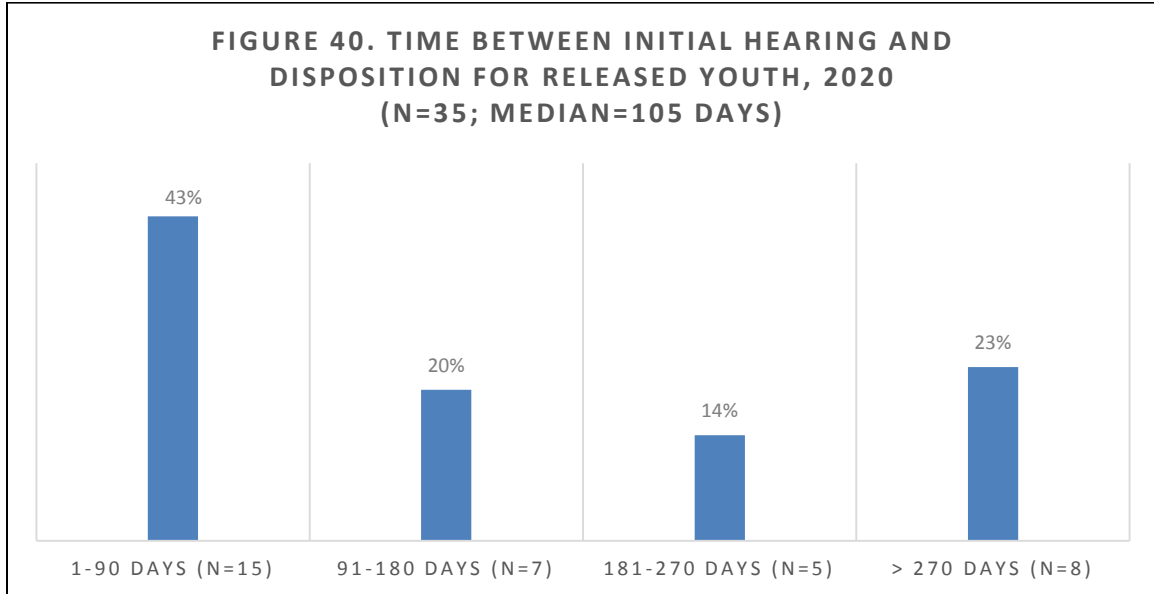
### RELEASED JUVENILES

In 2020, 430 juveniles (71%) were released prior to adjudication. Of the 225 cases that had an adjudication hearing, 72% (162) were adjudicated within the 85 days, 22% (50) between 86-170 days, 5% (11) between 171-255 days, and 1% (2) greater than 255 days (Figure 39). This equates to a 99% compliance rate with the 255-day timeframe, a 1% decrease over 2019. In adjudicated cases, the median number of days to adjudication was 55 days.



In 2020, 35 youth were released at the time of their disposition hearing (Figure 40). Forty-three percent (15) of cases were disposed within 90 days, 20% (7) between 91-180 days, 14% (5) between 181-270 days, and 23% (8) greater than 270 days. Therefore, seventy-seven percent (27) of released cases met the disposition hearing compliance timeframe of 270 days, a decrease from 99% in 2019. The median number of days to disposition was 105 days. As was the case with securely detained youth, a major factor contributing to delays in disposition was the need to identify and obtain services or programs for the youth prior to disposition, which was more problematic due to the Covid-19 emergency. Other factors included examinations concerning mental

competency, failures to appear, and non-compliance with a court order.



**FAMILY COURT SOCIAL SERVICES DIVISION (CSSD)**

In accordance with Public Law 91-358, the Family Court’s Social Services Division (CSSD) is responsible for screening, assessing, and presenting status offender cases in courtrooms JM-4 and JM-5, and juvenile delinquency cases in the New Referrals courtroom JM-15. CSSD is further tasked with managing cases, as well as serving and supervising all pre-trial and post-adjudicated juveniles as well as youth under diversion agreements (e.g., Deferred Prosecution Agreements (DPA) and Deferred Disposition Agreements (DDA)) involved in the front-end of the District of Columbia’s juvenile justice system. Juveniles involved in the front-end of the system include: all newly arrested youth entering the Family Court in juvenile delinquency cases, youth eligible for diversion, status offenders (persons in need of supervision (PINS), truants, runaways, as well as youth referred for ungovernable behavior) and post-disposition probation youth.

CSSD is also responsible for conducting psychological, neuro-psychological, psycho-educational, and comprehensive clinical risk (e.g., violence risk, psychosexual)

evaluations. The division conducts competency to waive trial and Miranda rights evaluations, restoration interventions, and waiver of juvenile jurisdiction evaluations. Additionally, CSSD administers the Sex Trafficking Assessment Review (STAR) screening tool, developed by the CSSD and validated with youth under CSSD supervision. The STAR was developed in 2015 to identify youth exposed to and/or victims of human trafficking and exploitation. In addition to the administration of the STAR, the Connors Behavioral Rating Scale (CBRS) is administered, which helps to ascertain each youth's need for more extensive behavioral health assessments and evaluations. The STAR and CBRS screening is administered to all youth by trained CSSD staff, 24 hours a day, at three locations.

On average, the CSSD supervises 401 pre- and post-disposition juveniles and status offenders daily. Youth under the supervision of the CSSD represent approximately 70%-75% of all youth involved in the District's juvenile justice system. In 2020, despite the impact of the Covid-19 pandemic, which necessitated the CSSD to swiftly migrate into a combined partial and full telework schedule, the Division successfully achieved all of its objectives consistent with statutory requirements defined in the District of Columbia Code. Employing a combination of emerging, best, and evidenced-based practices in the field of juvenile justice and child welfare, the CSSD enhanced its contact with youth and families and its case management services. Working with a variety of juvenile justice stakeholders (e.g., the Presiding and Deputy Presiding Judges of the Family Court, the Office of the Attorney General, Public Defender Services, Criminal Justice Attorneys and the Department of Behavioral Health), the division continued to successfully co-lead and support the Juvenile Behavioral Diversion Program (JBDP). The CSSD continued to



successfully serve as a vital stakeholder for victims of commercial sex exploitation and human trafficking, supported by a solution Court entitled HOPE (Here Opportunities Prepare You for Excellence) Court. Through its multifaceted continuum of services, the CSSD continued to identify and address Adverse Childhood Experience (ACE) among its youth population.

The JBDP continues to operate as an intensive non-sanction-based program, designed to link juveniles and status offenders to, and engage them in, appropriate mental health services and support in the community. The goal is to reduce behavioral symptoms that result in the youth's involvement with the juvenile justice system and to improve the youth's functioning in the home, school, and community. The JBDP is a voluntary program facilitated for eligible youth under 18 years of age who have been diagnosed with a behavioral or substance use disorder, according to the current version of the Diagnostic and Statistical Manual of Mental Health Disorders (DSM). Youth with co-morbid mental health and Intellectual or Autistic Spectrum Disorders are also eligible for clinical consideration. In addition to having a qualifying mental health diagnosis, youth must also meet certain eligibility criteria related to their delinquency history and legal charge(s). Once eligibility is determined, each youth is reviewed by a suitability committee that considers factors such as amenability to treatment and community support. The youth's participation in the program ranges from three to twelve months, however, shorter or longer durations of time are permitted, depending on the level of engagement with services. From 2010 to date, approximately 230 youth have successfully completed the JBDP.

Working in coordination with the District of Columbia Criminal Justice Coordinating Council, the CSSD continued to focus on high-risk youth through the

“Partnership 4 Success” initiative. This multi-agency collaborative initiative ensures high-risk youth, under the CSSD’s supervision, are identified and provided comprehensive intensive services. Dual supervision across stakeholder agencies and collaboration are a major priority. The collaborative initiative also relies upon resources provided by stakeholders from the Metropolitan Police Department, the Department of Parks and Recreation Roving Leaders, the Child and Family Services Agency, the District of Columbia Public Schools and D.C. Public Charter Schools.

The CSSD continued to co-chair and staff the city’s Restorative Justice Subcommittee, developed in partnership with multiple child and adolescent serving agencies, to examine alternative measures for resolving conflict and disputes which give rise to juvenile crime and to explore alternatives to adjudication. Additionally, CSSD ensured all staff were trained in Mandatory Reporting to protect the safety of youth.

CSSD maintained its division-wide commitment to the Balanced and Restorative Justice (BARJ) philosophy principles. At its core, balanced and restorative justice principles hold that when a crime is committed, the victim, wrongdoer, and community are all impacted. Thus, the victim, wrongdoer, and community must all be restored to achieve balance. Guiding BARJ principles include, but are not limited to the following:

- All human beings have dignity and worth, and accountability for those who violate the person or property of others means accepting responsibility.
- Parties (e.g. victim, wrongdoer, and community) should be a central part of the response to the crime.
- The community is responsible for the well-being of all its members.

Finally, CSSD staff guided its youth in several local field trips to historic landmarks including museums, monuments, historic houses, and remote participation in the 57<sup>th</sup> Anniversary of the historic March on Washington. These educational outings

occurred weekly, and encompassed group-think discussions with mentors, tutors and CSSD staff.

### **Additional 2020 Highlights**

- Successfully facilitated a week-long day camp during the DC Public School Winter Break offering a host of educational, engaging and recreational activities, including viewing the movie *Harriet* at the newly constructed Northwest BARJ; touring the Harriet Tubman estate in Church Creek, MD; touring the Frederick Douglas estate in Washington, DC; visiting the Martin Luther King Memorial in Washington, DC; and touring the National Museum of African American History and Culture in Washington, DC. Youth also completed a major community service initiative involving making hats for children and adolescents undergoing chemotherapy at Children’s National Hospital in Washington, DC.
- Successfully migrated day Intake services from the H. Carl Moultrie Courthouse to the Youth Services Center (YSC), a pre-trial secure detention center. Intake successfully staffed remote arraignment hearings using Webex technology. Continued to provide direct screenings, assessments and recommendations for all newly arrested youth as a core component of juvenile Intake services onsite at the YSC.
- Restructured services and supports to CSSD youth, including home visits, curfew monitoring, pro-social and restorative justice groups, Family Group Conferencing, mentoring and tutoring using Webex, Zoom, Google Duo and Facetime platforms.
- Successfully facilitated pro-social and educational participation of CSSD in the Black Lives Matter demonstrations held in Washington, DC. Staff and youth participated, via social distancing, in the development of educational signs and banners which were displayed at Black Lives Matter Plaza.
- Successfully hosted a virtual watch party commemorating the anniversary of the historic March on Washington. CSSD youth could join a CSSD Webex link to view and listen to the parade of speakers. Following the march, youth participated in discussions on key issues raised by various speakers. Contrast and comparison discussions were facilitated based on the social justice concerns presented during the historic march in 1963 and those presented during the anniversary march in 2020.
- Facilitated an annual Back-To-School backpack drive virtually. Recognizing the needs of youth in a virtual learning environment, headphones were included in the school supplies and delivered to the homes of youth.
- Continued, in collaboration with the District of Columbia Department of Forensic Sciences, to offer the Science Technology Engineering and Math (STEM) program utilizing the Microsoft Teams virtual platform.
- Successfully facilitated access to online remote Webex court hearings at the Northeast BARJ Drop-Center for youth and families unable to access the hearings remotely.

- Continued to provide individual and family counseling services virtually facilitated by Psychologist and Interns staffing the Child Guidance Clinic (CGC).
- Continued to provide in-person clinical evaluations to youth housed at YSC and community youth coming to the NE BARJ Center using personal protective equipment (PPE) and social distancing.
- Successfully facilitated intermittent face-to-face home visits to CSSD youth using PPE and social distancing.
- CSSD continued its collaborative work on a host of committees, including, but not limited to: Partnership4Success, Juvenile Justice Committee, Restorative Justice Subcommittee, Co-Located Absconder Unit, Juvenile Justice Advisory Group (JJAG), Truancy Taskforce, Child Fatality Review Committee, Family Court Implementation Committee and District of Columbia Residential Review Committee.

### **Information, Contracts and Community Outreach (ICCO)**

The Information, Contracts and Community Outreach (ICCO) Branch includes Contract Monitoring, Data and Financial Management (COMDAF), Juvenile Information Control Center (JICC) and the Co-Located Absconders Team (CAT). The Branch provides support and services to the entire CSSD. Adjustments were made due to Covid-19, to continue assisting the Division and providing customer service to other stakeholders and the community. The Branch answered calls, providing general information about the Division and staff contacts.

### **Contract Monitoring, Data and Financial Management**

In 2020, the Court Social Services Division's Contract Monitoring, Data and Financial Management (COMDAF) team processed 224 referrals, resulting in approximately 7,225 mentoring and tutoring sessions funded with CSSD resources. COMDAF also oversaw a host of other contracts including Global Position System (GPS) Electronic Monitoring, BARJ principles and philosophy training and food preparation for all staff.

The Contract Monitoring Financial Analysis staff participated and collaborated with the Metropolitan Police Department Youth Division and the CSSD Event Planning Committee to plan positive and safe activities during holidays and school breaks. These included coordinating comprehensive pro-social outings, employing social distancing protocols, as well as virtual groups and meetings. Discussions and activities focused on current events such as voting rights and regulations, peaceful assembly and demonstration, and safety practices to remain healthy during the pandemic. The COMDAF unit ensured activities met the courts' guidelines and standards and included community service endeavors aimed at enabling youth to help restore communities impacted by juvenile crime.

Also in response to pandemic protocols implemented in 2020, the COMDAF team developed strategies and realigned business processes to continue mentoring and tutoring services for court involved youth. Virtual sessions were coordinated and facilitated providing support to youth as they adjusted to on-line learning. This also included the provision of noise cancelling headphones and other school supplies.

### **Juvenile Information Control Center**

The Juvenile Information Control Center (JICC) is an administrative team within the CSSD. JICC processed and scanned into CourtView approximately 15 Child Guidance Clinic reports per month. JICC provides daily in-house mail runs to all Divisional Field Units (SE, SW, NE, NW, PINS, LOTS, and Intake). Approximately 400 mail runs were made in the 2020 calendar year. JICC ensures the CSSD vehicles, used to transport youth and participate in community activities, are maintained and fueled.

### **Co-Located Absconders Team**

The Co-Located Absconders Team (CAT) operates, in part, in conjunction with the Metropolitan Police Department (MPD) Youth Division team to bring into custody youth who have absconded from court-ordered placements. The co-located probation officers and the MPD team share designated space within Building B, the administrative office location for CSSD. The CAT Team ensures the safe return of high-risk youth.

In 2020, the CAT conducted 96 custody order checks at homes and listed addresses across the District of Columbia area. CAT conducted 15 checks on youth residing in surrounding jurisdictions. To ensure CAT prioritizes youth accordingly, each CSSD supervision team submits a Custody Order list that is updated weekly. For cases with immediate needs for safe return and monitoring, youth names are added to the list by telephone, email, or personal contact.

As the impact of the pandemic resulted in the CSSD moving to a telework schedule, CAT probation officers were redeployed to the Youth Services Center (YSC) to assist Intake Team I in processing new referrals, interviewing youth and families and making court presentations. CAT probation officers also assisted Intake Team I in transporting youth home, when the parents/guardians/custodians were unable to retrieve their youth, or to CFSA or other court ordered placements.

### **CSSD Organization**

CSSD is comprised of five branches, two of which have probation satellite offices/teams designated to specific populations. Branches include the Juvenile Intake and Delinquency Prevention Branch, Child Guidance Clinic, Information Contacts and Community Outreach (ICCO), Region I Pre- and Post-Disposition Supervision, and

Region II Pre- and Post-Disposition Supervision. These branches operate under the Office of the Director.

### **Juvenile Intake and Delinquency Prevention Branch**

The Intake Branch is comprised of Intake Units I (day intake) and II (night intake), and the Delinquency Prevention Unit (responsible for electronic monitoring, transporting all eligible youth home following arrest when the parent/guardian/custodian is unable to retrieve their child, and community relations). The Branch is responsible for screening, investigating, making recommendations, and case presentment in JM-15 for all newly referred youth for delinquency cases. The Branch is also responsible for screening and determining the status of all truancy referrals and the operation of all electronic monitoring services for CSSD youth. In 2020, the Intake Branch exceeded its goals and objectives consistent with statutory duties. The Branch successfully screened 639 youth referred for truancy, compared to 780 in CY 2019, an 18% decrease. The Covid-19 pandemic undoubtedly played a significant role in this decrease. Of the 639 referrals, 530 (83%) and 109 (17%) were referred by the DC Public Schools and the DC Public Charter Schools, respectively.

The CSSD screened 1,238 youth referred for delinquency matters, compared to 2,386 in 2019, a 48% reduction. The Intake Branch also successfully completed over 1,622 Global Position System (GPS) Electronic Monitoring installations, an increase of 112% over the 766 installations in 2019. On March 18, 2020, the Superior Court Chief Judge issued Administrative Order 20-07 granting the Metropolitan Police Department (MPD) authority to release juveniles with custody orders, thereby reducing the utilization of detainment. The Office of the Attorney General (OAG) and the CSSD collaborated to

enforce this Order, which resulted in fewer newly arrested youth, fewer intakes, and increased orders for electronic monitoring.

Consistent with core requirements of the federal Juvenile Justice and Delinquency Prevention (JJDP) Act, all youth referred to the CSSD following arrest must be screened (resulting in a preliminary hold/release recommendation) within a four-hour period, prior to presentment of the case in the Initial Hearing located in courtroom JM-15. Building on accomplishments over the past four years, CSSD successfully:

- Screened 100% (1,238 youth) of all newly arrested youth utilizing a valid Risk Assessment Instrument (RAI), a pre-trial social assessment. Among youth referred for a status offense (truancy), the CSSD received and screened approximately 639 referral packages, of which 530 or 83% were submitted from DC Public Schools and 109 or 17% were referred by DC Public Charter Schools. The Intake Branch also screened and assessed approximately 115 referral packages for PINS/JBDP youth.
- Responded to the immediate threat of the Covid-19 pandemic by implementing recommended office procedures and expeditiously secured PPE and sanitization resources for staff. Intake I and DPU staff were relocated with Intake II staff and additional CSSD Probation Officers and Deputy Clerks to facilitate juvenile screening and remote court operations.
- Collaborated with DYRS to develop safety and communication protocols to address Covid-19-related risks, quarantine designation facility maintenance, resources and staff safety.
- Intake I staff were trained to administer the mental health and sex trafficking assessment tools Conners Behavioral Rating Scale (Conners-CI) and Sex Trafficking Assessment Review (STAR). All youth are given these assessments as part of the Intake screening.
- Participated in the Juvenile Detention Alternatives Initiatives, Juvenile Data Subcommittee, which collects and interprets juvenile arrest, diversion, court involvement and overall front-end data. Continued to provide stakeholders data trend analysis and other observable facts enabling stakeholders to provide timely interventions and address specific delinquency issues occurring in the District of Columbia.
- Continued to serve as a stakeholder on the Truancy Taskforce, a citywide initiative to address causes and reduce the incidents of truancy in public and private schools through coordinated efforts and meaningful interventions. Truancy is being redefined in the context of remote education in response to the city's Covid-19 protocols.



- Expanded the Electronic Monitoring Program. Due to significant staff attrition, new hiring initiatives were implemented and supplemental CSSD staff was trained to maintain service provision for the Division.

### **Region I Pre-Trial and Post-Disposition Supervision**

Region I Pre-Trial and Post-Disposition Supervision (Region I) is comprised of four teams: Southeast Satellite Office (SESO)/Balance and Restorative Justice (BARJ) Drop-In Center; Southwest Satellite Office (SWSO)/Balance and Restorative Justice (BARJ) Drop-In Center; Interstate Probation Supervision Team; and the Ultimate Transition Ultimate Responsibility Now (UTURN) Team. Despite major augmentations in services supervision and program support due to the pandemic, in 2020 Region I achieved success in the majority of operations. Among the many accomplishments, Region I successfully supervised an average monthly population of approximately 214 youth, preparing approximately 77 reports for the judiciary per month. Region I also conducted a total of 681 home visits and 120 virtual home visits, 474 Family Group Conferences (FGC), 331 virtual home visits, 742 school visits and 190 virtual school visits, 1,731 curfew visits and 262 virtual curfew visits, and 4,810 curfew calls. Additional highlights include, but are not limited to:

- Maintained the following groups in the SESO/BARJ and collocated Interstate Drop-In Center, facilitated by staff and service providers: *Accelerating the Aptitude of Children; Adopt A Block; Topical Review and Civic Empowerment; Drug Awareness Responsibility and Education; Real Men & Women Cook; Developing Leaders and Creating Legacies; Life Skills; Influencing Future Empowerment; and Anger & Emotional Management*. SESO facilitated circle groups focused on a host of topics including gun violence, mass incarceration, the use of violence and force and shootings by police. Staff also expanded community service opportunities to include: continued volunteering at the DC Central Kitchen.
- Staff continued their relationship with Fifth and Sixth District MPD Community Beat Officers resulting in weekly visits to the SESO BARJ center, attendance at community meetings and targeted summer safety community-based measures.

- Maintained the following groups in the SWSO/BARJ Drop-In Center, facilitated by staff and service providers: *Anger & Emotional Management; Life Skills; Sport of Life*; and ongoing intervention groups to quell neighborhood differences, etc. SWSO staff successfully worked with UTURN Intensive Supervision staff to enhance the scope of BARJ programming and expand youth participants.
- Staff also continued to participate in community-based virtual public safety meetings.
- SWSO BARJ, SESO BARJ and the UTURN manager continued to participate in the Dual Supervision Committee, joined by representatives of the Department of Youth Rehabilitative Services, Child and Family Services Agencies and the Court Services and Offender Supervision Agency, coordinated by the Criminal Justice Coordinating Committee.

## **Region II Pre-Trial and Post-Disposition Supervision**

Region II Pre-Trial and Post-Disposition Supervision (Region II) is comprised of four teams: Northwest Satellite Office (NWSO); Northeast Satellite Office (NESO)/Balance and Restorative Justice (BARJ) Drop-In Center; Status Offender, Behavioral Health Diversion and HOPE Court Office (SOBHDHC); and the Leaders Of Today In Solidarity (LOTS) Satellite Office. In 2020, Region II exceeded expectations in virtually all areas of operation to include successful implementation of the Balance and Restoration Justice philosophy and principles throughout the division. Among the many accomplishments, Region II successfully supervised an average monthly population of 187 youth, preparing roughly 75 reports to the judiciary per month. Region II also conducted a total of 278 home visits and 92 virtual home visits, 92 Family Group Conferences (FGC) 209 virtual FGC, 828 curfew visits, 3,972 virtual curfew visits, and 8,756 curfew calls. Additional highlights include, but are not limited to:

- Maintained the following groups, which were converted to virtual groups within the NWSO, facilitated by staff and service providers weekly to youth: *Probation Offering Life Opportunities (POLO) Peer-to-Peer; Conflict Resolution; and Anger & Emotional Management*. Staff continued to work extensively with the MPD and a host of other city agencies to resolve conflicts among various neighborhood crews and known gangs. The NESO also co-facilitated crime prevention and rehabilitative pro-social measures during school closures and holidays.

- Maintained the following groups in the NESO/BARJ Drop-In Center, facilitated by staff and service providers: *Just Chill - Anger & Emotional Management*, *Preventing Addiction through Information and Dedication (PAID)*; *Healthy Lifestyles*; *Boys to Men (Young Men's Peer Group)*; and *Taking Care of Business (Lifeskills)*. Northwest staff also hosted Winter Break activities which coincided with Black History month and included several trips to historical sites.
- Maintained the following groups at the LOTS/BARJ Drop-In Center facilitated by staff and service providers: *Anger & Emotional Management*; *Image Building and Self Esteem*; *Ladies Etiquette*; *Conflict Resolution*; *Your Network Is Your Net Worth* and *Banking and Finance*. LOTS staff. Staff also maintained its "Red Door" closet, supplying new and gently used clothing and other items available to youth and families in need. Donations of casual wear, formal wear, coats, shoes, baby supplies, and toiletries are received from employees of the D.C. Courts and external juvenile justice stakeholders. Finally, the youth were engaged by speakers from a variety of areas such as Courtney's House, the Department of Behavioral Health, Planned Parenthood and DCPS.
- Maintained the following groups at the SOBHDHC/BARJ Drop-In Center, facilitated weekly by staff and service providers: *What Does Anger Look Like? (An Enhanced Anger & Emotional Management Group)*; *Physical and Mental Effects of Drugs*; *Critical Thinking-Forming Opinions*; *Self Worth*; *Wellness and Fitness*. Staff continued to serve and supervise three distinct populations including: Status Offenders, Behavioral Health Diversion and HOPE Court. Additionally, staff partnered with Courtney's House, a renowned provider serving adolescents victimized by human trafficking and exploitation, and continued to participate on the citywide Missing Youth Committee.
- Continued to participate in the monthly Citywide Child Fatality Committee, enabling CSSD to partner with other citywide stakeholders in investigating and uncovering the causes of child fatalities in the city and continued to participate in the citywide Multi-Disciplinary Treatment Committee targeting youth at-risk for or victimized by human trafficking and/or exploitation.
- During the 2020 calendar year, there were eight JBDP graduations and three HOPE graduations.
- Initiated a Region and Division-wide daily telephone consultation between youth in Family Reunification Homes and probation officer and initiated several Covid-19 precautions, measures and virtual platforms of communication.
- Maintained virtual STEM group and relationship with the Department of Forensic Science and Hospital for Sick Children with a non-slip sock drive.

### **Child Guidance Clinic**

The Child Guidance Clinic (CGC) maintained its nationally recognized pre-doctoral psychology internship training program accredited by the American Psychological Association (APA). Welcoming three (3) new interns in 2020, students

were selected from the Nova Southeastern University, the Chicago School of Professional Psychology and Gallaudet University. The interns were selected from a pool of more than 100 applicants.

Despite the impact of the pandemic, 2020 was a uniquely successful year for the Child Guidance Clinic. In March 2020, the clinic temporarily discontinued conducting in-person psychological evaluations and treatment, and transitioned to conducting limited virtual evaluations. Because the juvenile calendars were temporarily interrupted, and resumed under a limited schedule, prior to returning to full operations, the clinic received 201 referrals for psychological evaluations (i.e., general psychological, psycho-educational, neuropsychological, sex offender risk, violence risk, competency, and Miranda Rights competency), of which 102 were completed with the use of personnel protective equipment (PPE) and social distancing.

Although the CGC experienced a decline in the volume of evaluations completed, CGC staff and interns served as interim primary clinicians for Court ordered emergency forensic evaluations. Forensic evaluations are generally conducted by psychiatrists under the Department of Behavioral Health (DBH); unfortunately, the pandemic diminished DBH's staffing ability to conduct these important evaluations. CGC staff were also able to effectively transition its signature sex offender program, Sex Abuse Violates Everyone (SAVE) from on-site to virtual and offer individual and family therapy and competency attainment training also online. Additional highlights include:

- Continued to serve as a member of the DC Ombudsman Office, Clinical Subcommittee.
- Conducted a training on the Sex Trafficking Assessment Review (STAR) at the Child and Family Services Agency.

- Clinic staff continued to serve on various committees that support the mental health of youth in Washington, DC. These committees include the Psychiatric Residential Treatment Facility (PRTF) committee, the JBDP Suitability Committee, the Restorative Justice Committee, and the HOPE Court planning committee.
- Participated in DC Superior Court’s Mental Health Fair in honor of Mental Health Awareness Month: hosted a resource table with information geared toward increasing the community’s awareness of mental health issues.
- Maintained frequent and regular contact, providing individual therapy and crisis support to court-involved youth using secure, virtual platforms throughout the Covid-19 pandemic
- Along with partners in CSSD and DBH, hosted representatives Office of Juvenile Justice and Delinquency Prevention (OJJDP) and Department of Justice (DOJ) during specialty court grant site visits
- Conducted in-person and virtual trainings of the Sex Trafficking Assessment Review (STAR) for CSSD probation officers

**Selected Manuscripts in Print**

· Andretta, J.R., Worrell, F.C., Watkins, K.M., Sutton, R.M., Thompson, A.D., & Woodland, M.H. (2019). Race and stereotypes matter when you ask about conduct problems: Implications for violence risk assessment in juvenile justice settings. *Journal of Black Psychology*. doi.org/10.1177%2F0095798418821278

· Andretta, J.R., Watkins, K.M., Barnes, M.E., & Woodland, M.H. (2016). Towards the discreet identification of commercial sexual exploitation of children (CSEC) victims and individualized interventions: Science to practice. *Psychology, Public Policy, and Law*

**PARENTAGE AND SUPPORT BRANCH**

The Parentage and Support Branch is responsible for the adjudication of cases involving the establishment of parentage and support and the accurate and secure maintenance of records resulting from these activities.

In 2020, 434 support and parentage actions were filed in the Family Court, a decrease of 80% over 2019. The decrease in filings was due to the Office of the Attorney General filing only 27 new cases during the Covid-19 pandemic – all of those in November and December.

Federal regulations mandate that orders to establish support be completed in 75% of the cases within six months of the date of service of process and 90% of the cases within 12 months of the date of service (*see* 45 CFR § 303.101). Data for cases disposed in 2020 indicate that the court did not meet these standards: 40% of the cases were disposed or otherwise resolved within six months (180 days) of service of process and 79% within 12 months of service of process. Except for emergency matters, all child support hearings were canceled until July 13, 2020, when one remote courtroom became available for remote hearings. Additionally, as discussed on page i of this report, deadlines were tolled or extended for all statutory and rules-based time limits in the D.C. Code, the D.C. Rules of Appellate Procedure, and the Superior Court Rules. In August 2020, another Parentage and Support courtroom became available for remote hearings as a second magistrate judge joined the calendar. Both magistrate judges are now working through all the cases that were rescheduled due to the Covid-19 emergency. There has been extensive collaboration between the court and the OAG Child Support Services Division to work through all Covid-19 related issues and to efficiently work through the back-log.

### **MENTAL HEALTH AND HABILITATION BRANCH**

The Mental Health and Habilitation Branch is responsible for the adjudication of cases related to the hospitalization and continued treatment of persons in need of mental health services and persons with intellectual disabilities, and the accurate and secure maintenance of records resulting from these activities. The Mental Health and Habilitation Branch also recruits and provides volunteer advocates for persons with intellectual disabilities through the Mental Habilitation Advocate Program. In 2020, 2,615 mental

health cases were filed (a 6% increase over 2019) and 145 cases were reopened. There were no new mental habilitation cases filed in 2020 as a result of the “Disability Services Reform Amendment Act of 2018,” which took effect on May 5, 2018.<sup>35</sup> The legislation comprehensively repealed and amended the “Citizens with Intellectual Disabilities Constitutional Rights and Dignity Act of 1978,” ending new admissions and commitments of persons with intellectual disabilities and providing that, for current commitments, the court will terminate commitment unless there is informed consent for continued commitment.

Court performance measures established by Administrative Order 09-12 require that 99% of cases filed are disposed within 60 days. However, as discussed on page i of this report, deadlines were tolled for Mental Health cases. Despite the challenges of 2020, the Court disposed of 93% of the cases within that standard, a 1% increase over 2019. Cases were disposed with an average time to disposition of 24 days.

### **DOMESTIC RELATIONS BRANCH**

The Domestic Relations Branch has responsibility for all cases involving divorce, legal separation, annulment, child custody, and adoption. In 2020, 2,357 domestic relations cases were filed (compared to 4,521 in 2019) and 18 cases were reopened.

Court performance measures in domestic relations cases are as follows:

- Uncontested divorce cases, uncontested custody cases, and uncontested third-party custody cases - 95% of the cases should be disposed within 60 days;
- Contested divorce II cases, contested custody II cases, and contested custody II third-party cases (which are disputed cases expected to require less than a week for trial) - 98% should be disposed within nine months.

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<sup>35</sup> D.C. Code §§ 7-1304.01 to .13

Domestic Relations judges had limited access to remote courtrooms as follows: one courtroom beginning on May 18, two additional courtrooms beginning on June 30, and three additional courtrooms on August 10. As such, judges were extremely limited in scheduling cases, which is reflected in decreased performance in meeting time to disposition standards. Despite time standards being tolled in these cases (as previously discussed on page i), 80% of uncontested divorce cases, 57% of uncontested custody cases, and 71% of uncontested third-party custody cases disposed in 2020 met established standards. Additionally, 70% of contested custody II cases, 75% of the contested custody II third-party cases, and 85% of the contested divorce II cases reached disposition within the nine-month standard. The court will continue to monitor and track this performance area and implement appropriate measures to improve compliance rates.

#### **FAMILY COURT SELF-HELP CENTER**

The Family Court Self-Help Center (SHC) is a free walk-in service that provides people without lawyers (self-represented parties) with general legal information in a variety of family law matters, such as divorce, custody, visitation, and child support. Although the SHC does not provide legal advice, it does provide legal information and assistance to litigants, allowing them to determine which of the standard form pleadings is most appropriate, how to complete them, and how to navigate the court process. When appropriate, the SHC staff and volunteer facilitators will refer litigants for legal assistance to other clinics and programs in the community.

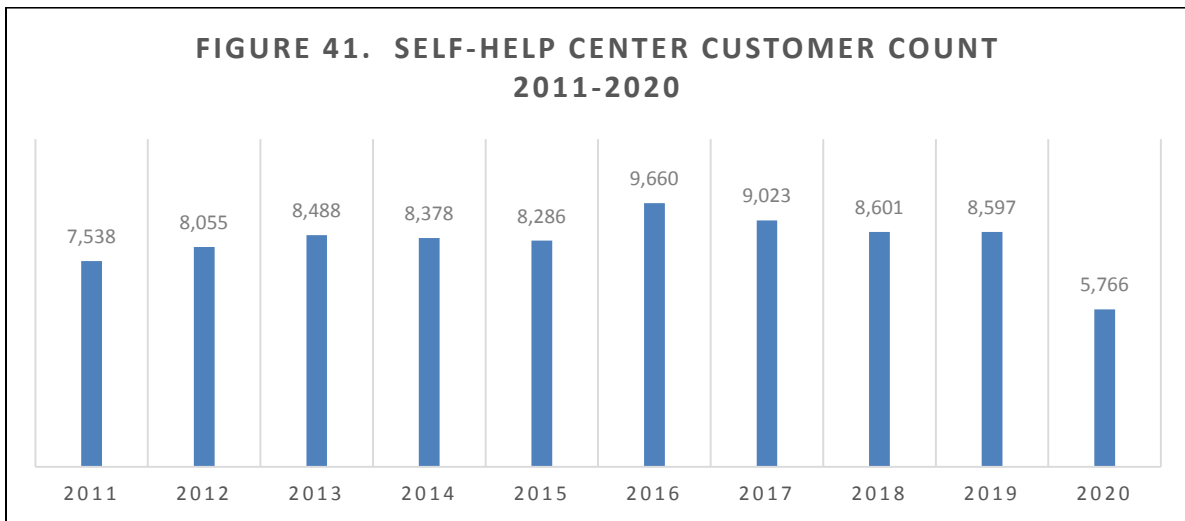
The Self-Help Center began providing services remotely in March 2020 due to the Covid-19 emergency. After most in-person services were halted, court filings were



processed by email. The SHC collaborated with the Pro Bono community to assist self-represented filers, who did not have access to email, to file court documents.

Detailed below are a few of the findings from data collected for 2020:

- Since its inception in March 2005, the SHC has served over 105,000 customers.
- The SHC served 5,766 people in 2020, a 33% decline from 2019. This drop is attributable to the pandemic (Figure 41).



- On average, the SHC served 481 individuals per month in 2020 compared to 716 individuals per month in 2019 and 2018.
- As has been the case since 2006, a large majority of the parties seeking help from the SHC had issues related to custody (45%), divorce (14%) or child support (7%),

## CONCLUSION

In 2020, despite the unprecedented challenges presented by the Covid-19 Pandemic, the Family Court built on the progress already made by our dedicated judiciary and personnel, as well as our justice system and community partners. In keeping with the mission of protecting and providing permanency for children, strengthening families, and deciding disputes fairly and expeditiously, the Court resolved 7,010 cases. Through the Family Court Social Services Division, we additionally screened and assessed nearly 2,000 status offender and juvenile delinquency cases, as well as supervised, on average, 401 pre-trial and post-adjudicated juveniles daily. The Court implemented new remote courtrooms and new and enhanced electronic case initiation, fee payment, and other remote services to court participants to allow for the continuance of court services. We continued the modernization of court facilities, and supported our judicial officers and workforce through education and training.

The Court continued to focus on abuse and neglect, termination of parental rights (TPR), and adoptions, resulting in the highest percentage of closure to permanency for post-disposition abuse and neglect cases and the lowest closure without reaching permanency (either because the children aged out of the system or were emancipated) in a decade. Seventy-seven percent of the children were reunified with their parents in 24 months or less, the highest percentage over the past decade. Additionally, 57% of children spent 24 months or less in care before being placed with a permanent guardian, also the highest percentage in a decade. There was continued improvement in the timely filing of TPR motions from 2016, with a 20% decrease over the five-year period. Additionally, the median time between the filing and finalization of an adoption petition declined from 358 days in 2016 to 181 days in 2020 – a 49% decrease.

The Family Court made progress in case processing times in securely detained serious, and non-securely detained juvenile cases. The time to disposition for securely detained serious youth showed improvements of 14 percentage points from 2019 to 2020 (38% to 52%) with a decrease in median time from 56 days to 41 days. Additionally, time to disposition improvements in non-securely detained cases equaled four percentage points (from 46% to 50%), with a nine day (from 66 to 57) decrease in median time to disposition.

Other enhancements for Family Court participants included: utilizing alternative dispute resolution to resolve appropriate cases, including continuation of a new Permanency Mediation Program; co-hosting two Permanency Forums; collaborating with our justice partners to implement and expand the development of interactive interviews to assist court customers in completing online court forms related to their cases; continuing to provide a free service to people without lawyers with general legal information in a variety of family law matters, including divorce, custody, visitation, and child support; improving service in the call center so that 61,617 phone calls were answered by a live person, not a recording; and others.

The Family Court is committed to meeting the changing and complex needs of young people and their families while expanding services, and maintaining the safety and security of all with business before the Court. The judicial officers and staff will continue to utilize best practices, expanded technology, evidence-based policy making, and enhanced collaborations with our justice partners to promote child safety, prompt permanency, and enhanced rehabilitation for the good of the families of the District of Columbia.

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▲  
*Trusted By All*  
▲  
*Justice for All*



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