

# Family Court 2011 Annual Report

## Superior Court of the District of Columbia



Honorable Lee F. Satterfield  
Chief Judge  
March 30, 2012

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## 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 continues to make significant strides toward achieving the goals set forth in its Family Court Transition Plan submitted to the President and Congress on April 5, 2002. Each measure taken is aimed at improving services for children and families in Family Court. The following summarizes some of the measures taken by the Family Court in 2011 in its continued efforts to achieve each goal.

- **Make child safety and prompt permanency the primary considerations in decisions involving children.**
  - Continued monitoring compliance with the Adoption and Safe Families Act (ASFA)<sup>1</sup> and the performance measures in the *Toolkit for Court Performance Measures in Child Abuse and Neglect Cases*.
  - Collaborated with the Child Welfare Leadership Team (CWLTL) to undertake a study on barriers to permanency in adoption cases. Utilizing the “Exit Standards for Timely Adoptions set out in the December, 2010 LaShawn Exit Plan,” the “Expediting Resolution of Adoptions” workgroup met over a four month period to identify the various delay points in adoption cases. The workgroup identified four areas for continued review including: the outset of a case; the disposition period; following the goal change to adoption; and the definition of adoption timeline. The workgroup report and recommendations are under review.
  - Implemented the “Safe and Sound: Community Court Program for In-Home Families Involved with the District of Columbia Child Welfare System.” The program was designed to reduce the number of child welfare cases that convert from in-home (community cases) to court-involved cases. Data gathered from the cases at entry and exit from the program will assist the D.C. Child and Family Services Agency (CFSA) in learning more about the barriers to successful closure of in-home cases, enabling the agency to develop best practices in working with this vulnerable population.
  - Reconstituted the Family Court panel attorneys list. The Chief Judge of the Superior Court in 2009 issued Administrative Order 09-07 which established Family Court panel attorneys to represent parties in abuse and neglect proceedings. The panel application requested information about the applicant’s educational background, work experience, relevant training and substantive knowledge about issues impacting child welfare. The application asked for names of Superior Court judicial officers familiar with the applicants work and a description of significant cases handled before the Court. The process was designed to improve the quality of representation for all parties.

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

To ensure continuous quality improvement attorneys are appointed to panels for a period of four years. After which the panels are reconstituted and all attorneys seeking to serve on a panel must submit an application for reappointment. The only exception is attorneys appointed to the panel on a provisional basis for a one-year period. At the end of the one year provisional period they must resubmit their application seeking full appointment. Provisional attorneys have a demonstrated interest in and knowledge of family law but are unknown to the Court. During the most recent panel application process (September 2011) the Court received 283 applications for one or more of the four family court panels and 190 were selected to serve on at least one panel.

- **Provide early intervention and diversion opportunities for juveniles charged with offenses to enhance rehabilitation and promote public safety.**
  - Improved release/detention decision making and recommendations in dual jacketed cases by working collaboratively with the CFSA to attain outcome information on abuse and neglect investigations.
  - Celebrated Grand Opening of the Northeast Balanced and Restorative Justice (BARJ) Drop-In Center. The BARJ provides innovative, non-traditional juvenile rehabilitation programming and has facilities for pro-social activities. The opening was attended by more than 175 individuals, including Judges, attorneys, advocates, providers and other local juvenile justice stakeholders. Began planning and design of the third BARJ for juvenile offenders in Southwest D.C.
  - Facilitated a 6 week life skills group, entitled “YES” (Youth Engagement Series) for delinquent youth and their friends who resided in the Northwest quadrant of the city, aimed at reducing gang violence.
  - Collaborated with Sasha Bruce Youthworks and the Department of Human Services’ Parent and Adolescent Support Services (PASS) to expand the number of services and resources available to status offenders.
  - Engaged in Truancy Intervention Initiatives through the city’s Truancy Taskforce. The Taskforce which is co-chaired by the Presiding Judge of the Family Court and the Deputy Mayor for Education (DME) is comprised of a cross-section of the city’s health and human services, education and criminal justice agencies.
  
- **Assign and retain well-trained and highly motivated judicial officers.**
  - Conducted the tenth annual interdisciplinary entitled *Empowering Fathers in Family Court: One Size Does Not Fit All*. More than 350 participants including judges, court staff, social workers, attorneys, foster parents, non-profit organizations and other community stakeholders attended and received information on topics such as: developing effective systems of care and approaches to engage fathers positively in the lives of their children; locating, engaging, and advocating for non-custodial fathers; integrating fathers after

domestic violence; including and advocating for teen fathers; the impact of a father's absence on his family; and the psychological, social and economic effect of providing services to assist fathers.

- Continued its work of assessing disparate treatment and developing guidelines to address the problem of disproportionality in child welfare and juvenile justice cases. In March 2011, the Family Court offered training on the National Council of Juvenile and Family Court Judges "Courts Catalyzing Change Bench Card." The purpose underlying the development of the bench card is to transform judicial practice on the bench in child abuse and neglect cases. The bench card is designed to help judges examine potential biases that may affect their decisions and aids judges in inquiries surrounding due process considerations as well as inquiries of participants related to specific issues that should be determined at the initial hearing in an abuse and neglect case.
- Continued to promote 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 Council of Juvenile and Family Court Judges (NCJFCJ); the National Judicial College; the American Bar Association's National Conference on Children and the Law; and the National Center on Substance Abuse and Child Welfare.
- **Promote Alternative Dispute Resolution.**
  - Continued operation of the highly successful Child Protection Mediation Program.
  - Continued operation of the Office of Parenting Coordinator (OPC), with the assistance of graduate students from local universities. The program provides parenting services to parents involved in contested custody cases in the Family Court.
  - Provided ongoing training for Multi-Door's existing corps of mediators in both the Child Protection and Family Mediation programs, as part of ensuring a continued high level of proficiency and skills maintenance.
- **Use technology effectively to track cases of children and families.**
  - Implemented electronic case initiation system for abuse and neglect cases developed in partnership with the CFSA. The initiative saves time by eliminating the need for a visit to the courthouse by agency staff and also improves the quality of court data by eliminating the need to manually input agency data into the court's database.
  - Began development of an interface for the electronic exchange of petitions, court reports, and court orders between the D.C. Family Court, the Office of the Attorney General, and the Child and Family Services Agency.
  - Continued development of court-wide performance measures--which include clearance rates, trial date certainty, time to disposition, age of pending

caseload, and post-disposition case activity – which will assist the Family Court in assessing how well it is meeting its obligations under the Act to measure compliance with established timelines for case processing and permanency in abuse and neglect cases at both the local and national level.

- **Encourage and promote collaboration with the community and community organizations.**
  - Continued to meet regularly with stakeholders and participated on numerous committees of organizations serving children and families, including the Child Welfare Leadership Team (CWLTL) and the Juvenile Detention Alternative Initiative (JDAI).
  - Participated in town hall meetings with community leaders and members representing each ward of the city convened by the Chief Judge. The purpose of the meeting was to provide community leaders and members with an opportunity to meet members of the judiciary and to allow community members to identify and ask questions about issues in their community that could be addressed by the court.
  - Worked collaboratively with the Department of Youth Rehabilitative Services (DYRS) and the Metropolitan Police Department (MPD) to facilitate a public safety forum for high-risk youth. The event, entitled “Juvenile Call-In” featured the Chief Judge, Presiding and Deputy Presiding Judge of the Family Court, and a host of local directors representing juvenile and criminal justice partnering agencies, all of whom spoke briefly with attending youth to discourage youth from violating court-ordered conditions of community supervision and/or reoffending. Following the formal gathering, participating youth were able to engage in small group discussions with their probation officers, case managers and guest speakers.
  - Held first annual *Family Celebration Day* in recognition of National Reunification Day. The day was designed to celebrate families and communities coming together to raise awareness about the importance of family reunification to children in foster care. The District of Columbia Family Celebration Day brought together families, judges and community officials to celebrate the accomplishments of local families who overcame numerous challenges to reunify safely and successfully with their children.
- **Provide a family friendly environment by ensuring materials and services are understandable and accessible.**
  - Completed development of an informational video for families with child abuse and neglect cases. The video is designed to explain the court process, the persons involved in neglect proceedings, the timeframe for addressing issues in neglect cases, as well as possible outcomes for children and families. The video is available in English and Spanish on the court’s website.

- Developed a Family Court calendar. The calendar was designed to help families understand the court process while offering them a tool to help keep track of court hearings, appointments for them and their children, and other important dates. It includes an overview of the court process, family court terminology, court-room etiquette, and community resources available to assist them in meeting their family's needs.
- Created a staggered calendar, as a pilot, in the Paternity and Support Branch. The pilot was developed out of the need to reduce the lengthy wait time many litigants experience in paternity and support proceedings.
- Continued review and revision of Family Court forms to ensure they were accessible to bilingual customers.

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

## 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 2011, must include the following:

- (1) The Chief Judge’s assessment of the productivity and success of the use of alternative dispute resolution (see pages 28-34).
- (2) Goals and timetables as required by the Adoption and Safe Families Act of 1997 to improve the Family Court’s performance (see pages 43-53).
- (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 34-40).
- (4) Information on the progress made in establishing locations and appropriate space for the Family Court (see pages 19-24).
- (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 119-121).
- (6) Information on: (a) the number of judges serving on the Family Court as of December 31, 2011; (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 3-11).
- (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 78-115).
- (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 119-121).

## **GOALS AND OBJECTIVES**

The goals and objectives outlined in our Transition Plan continue to guide our mission as a Family Court.

### ***Mission Statement***

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

### **Goals and Objectives**

The Family Court, in consultation with the Family Court Implementation Committee, established the following goals and objectives to ensure that the court's mission is achieved. They remained the goals and objectives for continued improvement in 2011.

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, 2012, the Family Court consisted of 14 associate judges, 16 magistrate judges, and senior judge Honorable Nan Shuker who has extensive experience in the Family Court.

**Length of Term on Family Court**

Associate judges currently assigned to the Family Court have certified that they will serve a term of either three or five years depending on when they were appointed to the Superior Court. Judges already on the bench when the Act was enacted are required to serve a period of three years. Judges newly appointed to the Superior Court are required to serve a term of five years in the Family Court. The following are the commencement dates of associate judges currently assigned to the Family Court and the length of service required and the commencement dates of magistrate judges currently assigned to the Family Court. The names of judges who continue to serve in the Family Court beyond the minimum required term have been marked in bold.

<u>Associate Judges</u>	<u>Commencement Date</u>		<u>Service Requirement</u>
<b>Judge Bush</b>	January	2005	3 years
<b>Judge Mitchell-Rankin</b>	January	2008	3 years
Judge Dalton	August	2008	5 years
<b>Judge Puig-Lugo</b>	January	2009	3 years
Judge Kravitz	January	2010	3 years
Judge Ross	January	2010	3 years
Judge Clark	January	2010	5 years

Judge Smith	August	2010	5 years
Judge Lee	January	2011	5 years
Judge Irving	January	2011	5 years
Judge Raffinan	January	2011	5 years
Judge Rigsby	January	2012	3 years
Judge Di Toro	January	2012	5 years
Judge Dayson	January	2012	5 years

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

<u>Magistrate Judges</u>	<u>Commencement Date</u>	
Magistrate Judge Nooter	January	2001
Magistrate Judge Gray	April	2002
Magistrate Judge Johnson	April	2002
Magistrate Judge Breslow	October	2002
Magistrate Judge Fentress	October	2002
Magistrate Judge Goldfrank	October	2002
Magistrate Judge Brenneman	January	2004
Magistrate Judge Albert	January	2006
Magistrate Judge Parker	January	2006
Magistrate Judge Rook	October	2006
Magistrate Judge Melendez	January	2008
Magistrate Judge Doyle	January	2009
Magistrate Judge Epps	January	2011
Magistrate Judge Harnett	January	2011
Magistrate Judge Arthur	January	2011
Magistrate Judge Nolan	January	2011

#### **Reassignments to and from Family Court:**

The Chief Judge of the Superior Court of the District of Columbia made judicial assignments for calendar year 2012 in November 2011. Those assignments, which encompassed changes in Family Court judicial staff, became effective on January 1, 2012. As part of the reassignment, two associate judges (Judges Broderick and McKenna) left the Family Court. Both were assigned to other divisions in the Superior

Court. In addition, one associate judge (Judge Bayly) retired and was appointed to senior judge status.

Judges Rigsby, Di Toro, and Dayson replaced the outgoing associate judges. All newly assigned judicial officers met the educational and training standards required for service in the Family Court. In addition, a pre-service training for newly assigned judicial officers was held in December 2011.

Detailed below is a brief description of the education and training experience of judicial officers newly assigned to the Family Court:

***Robert R. Rigsby***

Robert R. Rigsby was sworn in as an associate judge of the Superior Court of the District of Columbia on August 8, 2002.

Judge Rigsby served as Corporation Counsel (re-designated Attorney General) for the District of Columbia from February of 2000 until his confirmation. As Corporation Counsel, Judge Rigsby was responsible for conducting all legal business for the District, including child welfare and child support enforcement. He oversaw 225 lawyers, 288 support staff, and was directly responsible for an annual operating budget of \$48 million.

Prior to his appointment as Corporation Counsel, Judge Rigsby served as Interim Corporation Counsel, Acting Principle Deputy Corporation Counsel, Deputy Corporation Counsel in charge of the Enforcement Division and Deputy Corporation Counsel in charge of the Criminal Division. Before joining the Office of Corporation Counsel in 1992, Judge Rigsby was an Assistant United States Attorney for the Eastern District of Virginia.

Judge Rigsby is currently a Colonel in the United States Army Reserve. From 1987 to 1992, he served on active duty in the United States Army Judge Advocate General's Corps. He served as a prosecutor, defense attorney, administrative law attorney, international law attorney, law of war attorney, legal advisor to the Multinational Force and Observers, and Special Assistant United States Attorney for Tennessee and Kentucky. As an Army officer, Judge Rigsby has received numerous awards, decorations, and honors for outstanding trial work and acts of heroism and valor. In June 2003, the Judge Advocate General of the Army appointed Judge Rigsby as a Military Judge.

In 2009, Judge Rigsby made history by becoming the first sitting judge from the District of Columbia and the first military judge in the Army to deploy on a full-time basis to an active theatre of war. The Judge Advocate General of the United States Army selected Judge Rigsby to deploy to be the sole military judge in Kuwait, Afghanistan, and Iraq. For his service, the Secretary of the Army awarded Judge Rigsby the Bronze Star Medal.

Judge Rigsby is a member of the following bars: United States Supreme Court, District of Columbia, and United States District Court for the District of Columbia, United States Circuit Court, Hawaii Supreme Court, and United States Court of Appeals for the District of Columbia Circuit and Court of Appeals for the Armed Forces. He is also a member of the Washington Bar Association and National Bar Association's Judicial Council. Judge Rigsby is on the Board of Directors of the Judge Advocates Association. In 2009, Judge Rigsby was appointed as an executive board member of the National Capitol Area Council for the Boy Scouts of America.

Judge Rigsby served two terms as Chair of the Commission on the Selection and Tenure of Administrative Law Judges. The Commission has final authority to appoint, reappoint, discipline, and remove Administrative Law Judges in the District of Columbia. Judge Rigsby was selected to serve as one of nine commissioners to recommend modifications to the District of Columbia's Sentencing Guidelines. In addition, Judge Rigsby was appointed by the Chief Judge of the United States District Court for the District of Columbia to serve on the District Court's Committee on Grievances. Judge Rigsby was recently appointed to the Board of Directors for the Judge Advocates Association.

Judge Rigsby was a member of the District of Columbia Coalition Against Drugs and Violence. He serves as a mentor for the Youth Enhancement Project of Shiloh Baptist Church's Family Life Center in Washington, D.C., and was appointed to the Board of Directors for the Family Life Center in 1999. Judge Rigsby has also served as an adjunct professor at the University of Maryland, University College, Bowie State University, and the University of the District of Columbia, David A. Clarke School of Law.

Judge Rigsby received his law degree from the University of California, San Francisco, Hastings College of the Law. He received his Bachelor of Science degree with distinction from San Jose State University.

***Jennifer A. Di Toro***

Judge Jennifer A. Di Toro was sworn in as an associate judge of the Superior Court of the District of Columbia on August 22, 2011.

Judge Di Toro holds a Bachelor of Arts Degree from Wesleyan University, a Master's Degree in English Literature from The University of Oxford and a Masters in Advocacy from Georgetown University Law Center, and a Juris Doctorate from Stanford Law School. Following graduation from law school, she received an E. Barrett Prettyman Fellowship to work in the Georgetown University Law Center's Criminal Justice Clinic. There she represented low-income residents of the District of Columbia in D.C. Superior Court. She also supervised law students handling misdemeanor cases. After the completion of her Fellowship, Judge Di Toro joined the Public Defender Service for the District of Columbia as a staff attorney. In addition to handling misdemeanor and felony cases, Judge Di Toro also worked in the Special Litigation Division where she assisted in preparing impact litigation suits, and for the General Counsel's office handling ethics and conflicts inquiries.

Judge Di Toro has also been in private practice, as an associate at the law firm Zuckerman Spaeder LLP. There, she participated in white-collar criminal defense, complex civil litigation, and provided direct representation to clients in D.C. Superior Court.

During her fifteen years of practice, Jennifer Di Toro has worked in government, in private practice, and legal services. She joins the Superior Court for the District of Columbia from The District of Columbia's Children's Law Center, where she served for seven years as the organization's Legal Director. At The Children's Law Center, Judge Di Toro oversaw the work of nearly 60 attorneys practicing in key areas of our Family Court – abuse/neglect and domestic relations where she is currently assigned. In addition, Judge Di Toro was responsible for hiring, training, and supervising attorneys

and supervisors assisting families seeking custody, guardianship, adoption, access to health care and special education services for needy children and families. Together with other members of the Center's management team, Judge Di Toro established supervision standards, training and litigation protocols, and program expansion and innovation. Judge Di Toro has agreed to serve the full term of service required in the Family Court. Judge Di Toro also worked on behalf of D.C.'s children and families in landlord tenant court and in the new housing conditions calendar.

Throughout her career Judge Di Toro has been an active member of the legal profession. She has trained law students, attorneys working in legal services and those in private practice through the Washington Council of Lawyers, Georgetown University Law Center, and the Harvard Law School.

***Danya A. Dayson***

Judge Danya A. Dayson was sworn in as an associate judge of the Superior Court of the District of Columbia on December 12, 2011.

Prior to her appointment, Judge Dayson was an associate with the law firm of O'Toole, Rothwell, Nassau & Steinbach where her practice included litigation in both state and federal courts. While at the law firm, Judge Dayson represented criminal defendants in a variety of cases ranging from drug offenses to capital cases. In addition to representing clients in criminal matters, Judge Dayson counseled and represented clients through all phases of proceedings in the areas of separation, divorce, custody, child support and pre-nuptial agreements in divorce and custody trials in the D.C. Superior Family Court. She also served by appointment as Guardian *ad Litem* to children in abuse and neglect cases in the Family Court.

From 2001 to 2003, Judge Dayson worked as a partner in the law firm of Wicks & Dayson where she represented clients in criminal, civil and family law matters. Judge Dayson litigated on behalf of parents and caregivers in the Counsel for Child Abuse and Neglect Branch (CCAN) of D.C. Family Court as well as served on the Domestic Relations and Paternity and Support Subcommittee of the Family Court Implementation Committee. She also volunteered as a trainer and worker at the Family Court Self Help Center.

Following law school, Judge Dayson served as a law clerk for the Honorable Robert E. Morin of the Superior Court of the District of Columbia. She earned her law degree from Georgetown University Law Center and received two Bachelor of Arts Degrees in Political Science and Russian and Eastern European Studies from Appalachian State University.

Judge Dayson is a member of the Steering Committee for the Family Court Section of the District of Columbia Bar Association and serves as an Adjunct Professor at George Washington University School of Law.

### **The 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. Although, successful in its recruitment efforts, the term requirement of five years for associate judges coming into the Family Court continues to present a challenge to recruitment efforts. All associate judges currently serving on the Family Court volunteered to serve on the Court. As the terms of associate judges currently assigned to the Family Court expire, the court anticipates that some may choose

to extend their terms, as did one whose term expired in 2011. Based on the terms of service required, three associate judges, including the presiding judge are eligible to transfer out of the Family Court in 2012. A two-fold process has been implemented to replace those judges who choose to transfer out. 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, associate judges, who are interested in serving but do not have the requisite experience or training, will be provided appropriate training before assignment to 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. To assist in this effort, the Family Court established the Training and Education Subcommittee of the Family Court Implementation Committee in 2002. This interdisciplinary committee, which oversees Family Court training, consists of judicial officers, court staff, attorneys, social workers, psychologists, and other experts in the area of child welfare.

Family Court judicial officers took advantage of a number of training opportunities in 2011. In December 2011, Judges Rigsby, Di Toro, and Dayson participated in an extensive three-day training program updating them on current

substantive family law practice and new procedures in Family Court. In addition, all Family Court judicial officers participated in a mandatory training in December 2011. Topics covered included: “Exploring the Linkages Between Childhood Trauma, Challenging Behavior and Involvement in Juvenile and Family Court Systems,” “Juvenile Behavioral Health Diversion Calendar One Year Later: What Do The Numbers Show,” “Trauma and Youth in the District of Columbia,” “System of Care Approach to Providing Mental Health to Youth and their Families,” “Forensic Mental Health Evaluations: Science vs. Junk,” “2011 Year-end Review of District of Columbia Appellate Family Court Decisions and Review of District of Columbia Council Legislation,” and “Family Court Performance Measures Update.”

In 2011, the Presiding Judge continued to convene weekly lunch meetings and mandatory monthly meetings for Family Court judicial officers to discuss issues involving family court cases and to hear from guests invited to speak about a variety of topics relating to the Family Court. As part of their mandatory monthly trainings, Family Court judges attended trainings which covered a variety of topics such as conducting probable cause hearings in mental health cases, judicial ethics, education and truancy, alternatives to detention for juveniles, establishment of paternity in cases, new legislation on foreign adoptions, issues unique to GBLT and questioning youth, collaborative divorces, and disparate treatment of minorities in the court system. Judicial officers also received training on the “Safe and Sound In-Home Judicial Project,” a Family Court pilot program which aims to reduce the number of child welfare cases that convert from community cases to court-involved cases.

Family Court judges also participated in several multi-disciplinary and collaborative trainings with child welfare practitioners on areas of mutual concern including best practices for presenting in court hearings and drafting court reports, understanding the affects of recent Supreme Court decisions affecting children and families and the availability of continuum of care services for court-involved families.

Family Court judicial officers also took advantage of trainings sponsored by organizations outside the Family Court in order to keep abreast of developments in the law and judicial administration such as the 38<sup>th</sup> Annual Conference on Juvenile Justice and the 74<sup>th</sup> Annual Conference on Family Courts sponsored by the National Council of Juvenile and Family Court Judges (NCJFCJ), the Child Abuse and Neglect Institute sponsored by the NCJFCJ, the International Community Corrections Association (ICCA) Summit on “Best Practices in Handling Self-Represented Litigants”, and the American Bar Association (ABA) Annual Conference.

In addition to participating in education and training opportunities, a number of Family Court judges continued to provide their knowledge and expertise on family court related matters as trainers, presenters or panelists. The Presiding Judge served as a panelist on the issue of judges and journalists and the challenges of confidentiality in family court cases which was sponsored by the Council for Court Excellence. The Deputy Presiding Judge presented on truancy reform efforts in D.C. at the Criminal Justice Coordinating Council’s Juvenile Justice Summit.

In addition, Family Court judges, magistrate judges, and senior managers participated in the tenth annual Family Court Interdisciplinary Training program in October 2011 entitled *Empowering Fathers in Family Court: One Size Does Not Fit All*.

More than 350 participants including judges, court staff, social workers, attorneys, foster parents, non-profit organizations and other community stakeholders were in attendance and received information on topics such as: developing effective systems of care and approaches to engage fathers positively in the lives of their children; locating, engaging, and advocating for non-custodial fathers; integrating fathers after domestic violence; including and advocating for teen fathers; the impact of a father's absence on his family; and the psychological, social and economic effect of providing services to assist fathers.

As a result of the training, participants came away with greater perspective on what it means to be a father and a clearer vision of how the courts, agencies, and its community partners can work collaboratively with fathers to ensure that we are responsive to their needs. In addition, the training helped participants better understand how to build effective partnerships and strategies to support fathers' successful involvement in family life. An overwhelming majority of conference attendees rated the conference as good or excellent and indicated that the conference met or exceeded their expectations. Prior interdisciplinary conferences, which also attracted a variety of community stakeholders, have focused on juvenile justice, systems of care, education, mental health, substance abuse, and adolescent females in the Family Court.

Preliminary plans are already underway for the 2012 Family Court Interdisciplinary Training scheduled to be held in October 2012. The expectation is that the topic will be finalized in the spring of 2012.

In addition to the annual training, the Training and Education Subcommittee has established a training series on topics related to the Family Court for judicial officers and all stakeholders in the child welfare system. Each seminar, held on Wednesday

afternoon, was well attended with more than 30 participants from all sectors relating to family law practice. The 2011 seminars included the following:

- *Everything You Need to Know about Child Support*, Magistrate Judge Noel Johnson, and speakers from Neighborhood Legal Services, Legal Aid, and the Office of the Attorney General, January 19.
- *Adoption Law and Practice in the Tween Years (2011-2012)*, Judge Juliet McKenna, along with panelists Sharon Knight, CFSA; Adriane Marblestein-Deare, CCAN practitioner; Sean Staples, Children's Law Center; and a representative from OAG, February 16.
- *Medicating Children in Care*, Andrew Reese, Office of the D.C. Attorney General, Tanya Cooper, UD.C. Law School Clinic, Jon Krell, GAL, and Cheryl Durden, Child and Family Services Office of Clinical Practice, March 16.
- *Expert Witnesses: Everything You Want to Know*, Judge Michael Ryan, April 20.
- *The Intersection of Custody and Abuse and Neglect Law*, Rebecca Goldfrank, Children's Law Center, and Adriane Marblestein-Deare, CCAN Attorney, May 18.
- *Psychological & Psychiatric Evaluations: Mental Health Issues in Abuse and Neglect, Juvenile, and Domestic Relations Cases*, Dr. Morote and Dr. Lightdale, June 15.
- *DYRS Community-Based Placement Practices: An Overview of DYRS' Provision of Services*, Wendy Smeltzer, Supervisor for Family Team Meeting Dept/Placements and Bruce Wright, Supervisor for Pre-Commitment Dept., July 20.
- *Interviewing the Child Witness...Working Together in the Best Interest of Children*, Erin Cullen, Chief, Child Protection Section; Joshua Henline, Assistant Attorney General, Juvenile Section; and Diamond Vann-Scott, Forensic Services Director at the D.C. Children's Advocacy Center", September 21.

The Family Court continues to promote and encourage participation in cross-training and, in collaboration with others, conducts periodic seminars and workshops.

The Counsel for Child Abuse and Neglect Branch (CCAN) of the Family Court, which oversees the assignment of attorneys in child welfare cases, conducts training for new child abuse and neglect attorneys, holds an annual two-day Neglect Practice Institute, and facilitates a brown bag lunch series on topics of importance in child abuse and neglect practice. The series employs the skills of a number of stakeholders involved in the child welfare system and is designed to be interdisciplinary in nature. Topics covered included the following:

- *Representing LGBTQ Youth*, Rosalind Johnson, CCAN and GAL Panel Attorney; Brandynicole Brooks, CFSA Task Force; and Amina Johnson, Sexual Minority Youth Assistance League (SMYAL), January 12.
- *Parent and Adolescent Support Services (PASS): An Intervention Program for Status Offenders*, Hilary Cairns, former CCAN attorney and current director of PASS, February 9.
- *Permanency for Older Youth*, Tenneh Kemah, Adoptions Together Permanency Opportunities Project, Susan Punnett, Family and Youth Initiative, Deborah Cason Daniel, CCAN GAL, and Rhea Yo, CLC GAL, April 19.
- *Transitioning from Neglect Court to Disability Services*, Jody Jose, Esq. and John Connelly, Esq., May 25.
- *Changes in D.C. Temporary Assistance to Needy Families (TANF) Program*, Income Maintenance Administration, June 8.
- *Psychiatric Medication*, Dr. Keith R. Curry, Applied Forensics, June 14.
- *Family Court Panel Application Process*, Judge Juliet McKenna and M.J. William Nooter, June 29.
- *Understanding the Web Voucher System*, Wallace Lewis, Defender Services Branch Chief, June 30.
- *CFSA Differential Response*, Wanda Tolliver, Acting Administrator, Child and Family Services, July 27.

- *How to Find a Court Certified Investigator: Using the PDS Website*, Brendan Wells, D.C. Public Defender Service, August 17.
- *Incarceration, Paternity, and Child Support*, Judge Milton Lee, Attorney Kevin McIntyre, Child Support Services Division of the Office of the Attorney General, and Attorney Reginald Williamson, Public Defender Service, September 14.
- *Jurisdiction When Children Are 18 to 21*, Jonathan Krell, Esq. and Stephen Watsky, Esq., November 16.
- *Working with Children and Youth with Fetal Alcohol Spectrum Disorders: From Science to Justice to Treatment*, Some of the country's top experts on Fetal Alcohol Spectrum Disorder (FASD) spoke to CCAN, CLC, Juvenile, and Special Education lawyers on alcohol-related brain impairment of children and its ramifications in neglect, TPR, and delinquency cases. The speakers included Howard Davidson, Director of the ABA Center on Children and the Law; Judge Tony Wartnik, the Legal Director for *FASD Experts* and a consultant to the Fetal Alcohol and Drug Unit (FADU) at the University of Washington, School of Medicine; William J. Edwards, JD, Deputy Public Defender with the Los Angeles County Public Defenders Office; Steven Greenspan, PhD, Emeritus Professor of Educational Psychology at the University of Connecticut and Clinical Professor of Psychiatry at the University of Colorado; and Kathleen Tavenner Mitchell, Vice President and National Spokesperson of the National Organization on Fetal Alcohol Syndrome, November 18.
- *Domestic Violence Brown Bag*, Kenia Seoane-Lopez, Superior Court Domestic Violence Unit Attorney, and Sarah Connell, Domestic Violence Section of the Office of the Attorney General, provided an update on the latest law and procedures in the Domestic Violence practice at D.C. Superior Court, including provisions for minors obtaining civil protection orders, November 28.
- *Special Education Brown Bag – Transitioning Youth to the Community*, Jamie Rodriguez and Nina Isaacson, D.C. Public Defender Service, and staff from the Office of the State Superintendent of Education (OSSE) and D.C. Public Schools (D.C.PS) presented on the educational services available for youth transitioning from DYRS, residential placement, or other out of D.C. placements to D.C. Public School programs, November 30.

- *Special Education Attorney Strategy and Litigation Tactics for Due Process Hearings*, Megan Dho, Esq., Lynne DeSarbo, Esq., Children's Law Center, December 14.
- *Annual Case Law Update*, Family Court Trial Lawyers Association members & CCAN attorneys, December 16.

Family Court non-judicial staff also participated in a number of new and expanded training programs in 2011. 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 non-judicial staff participated in training opportunities sponsored by organizations outside the Court including the National Association of Court Management's (NACM) Annual Conference and Mid-year Conference, the Child Welfare League of America's (CWLA) State of Children and Families Conference: *Building an Effective National Voice* and the National Child Support Enforcement Association (NCSEA) Annual Conference.

Family Court attorney advisors participated in the National Institute for Trial Advocacy (NITA) Trial Skills in Child Abuse and Neglect Cases, the 14<sup>th</sup> Annual ABA Conference on Children and the Law, and the National Association for Counsel of Children's (NACC) 34th National Child Welfare, Juvenile, and Family Law Conference. Staff from the Paternity and Child Support Branch attended the Eastern Regional Interstate Child Support Association's Annual Conference, the Mid-Atlantic Association for Court Managers (MAACM) Annual Conference, the Metropolitan Police Department's WALES/NCIC Recertification Training and the Paternity and Child Support Mid-Year Customer Service Branch Training. Additionally, staff in the Self-Help Center attended trainings and/or presented at a number of workshops and

conferences including the ABA/National Legal Aid and Defender Association (NLADA) Equal Justice Conference, the D.C. Bar Association's Custody Training and the NLADA's Centennial Conference. Domestic Relations Branch staff and supervisors participated in the National Adoption Conference sponsored by the National Council for Adoption, the White House Office of Faith Based and Neighborhood Partnership's Forum and Discussion on Supporting Adoption, and a Refresher Training on Motions, Redacting and Dispositions. The Juvenile Branch and the Courtroom Support and Quality Control Branch management and non-management staff participated in conferences sponsored by NACM, CWLA as well as in-service trainings that focused on enhancing professional development, improving customer service, courtroom error reduction and streamlining court processes.

The Family Court continues to provide opportunities as well as encourage its staff to gain knowledge on finding more effective ways of streamlining caseload processes and court administrative procedures. As such, non-judicial staff throughout the Family Court Division attended a variety of in-house workshops and seminars on topics relating to improving and modernizing case flow and record keeping, leadership development, diversity in the workplace, ethics, sexual harassment, the court's information system (IJIS), Oracle and Microsoft Office applications and systems.

### **FAMILY COURT FACILITIES**

The Family Court Act of 2001 required that the District of Columbia immediately begin establishing an operating Family Court as a separate component of the Superior Court. To this end, a series of interim steps were taken and planned creating a

functioning Family Court which captured the spirit of the Act well in advance of full implementation.

The D.C. Courts are at a critical point as it continues to make major progress towards full consolidation of the Family Court. Major projects are in various stages of design and construction. The following is a summary of major milestones achieved and initiated in 2011.

### **Summary of Milestones**

#### **Completed**

- Completed renovation and occupancy of the 6th Floor of the Moultrie Court House. The renovation created additional space on the C, John Marshall (JM) and Indiana Street levels for Family Court consolidation.
- Completed design of JM Level public space upgrades.
- Completed design of the Domestic Violence Division on the 4th Floor of Moultrie Courthouse.
- Completed design of the 3<sup>rd</sup> Balanced and Restorative Justice (BARJ) Drop-In Center.
- Received National Capital Planning Commission and Commission of Fine Arts final design approval for the C Street Expansion which when completed will allow for the full consolidation of Family Court.

#### **In Progress**

- Construction of the 3<sup>rd</sup> Balanced and Restorative Justice Drop-In Center. The Center is located at 1201 South Capitol Street SW.
- Design of the Marriage Bureau on the JM level.
- Construction of an expanded Family Court Intake, Quality Control, Courtroom Support and Self Help Center on the JM level.
- Construction of public corridor upgrades on the JM level.
- Construction of Phase I of the Domestic Violence Unit.
- Interior Design of the C Street Expansion.
- Master Plan implementation.

### **Design and Construction of Family Court**

#### **Description**

Enhancements to the current John Marshall level Family Court Facilities under construction include an expanded Central Intake counter and kiosks and an electronic messaging system to better serve the public. The design for the new Marriage Bureau will include a larger chapel, waiting area, and modernized office space. The current design focus is the C Street expansion which will consolidate all of Court Social Services

currently at 510 4<sup>th</sup> Street, Juvenile Intake, and the remaining Family Court Operations Branches located on the Fourth Floor of the Moultrie Courthouse. New facilities will provide ADA accessibility, accommodation of technology, adjacency to genetic testing and the Mayors Liaison Office, improving all aspects of Family Court operations.

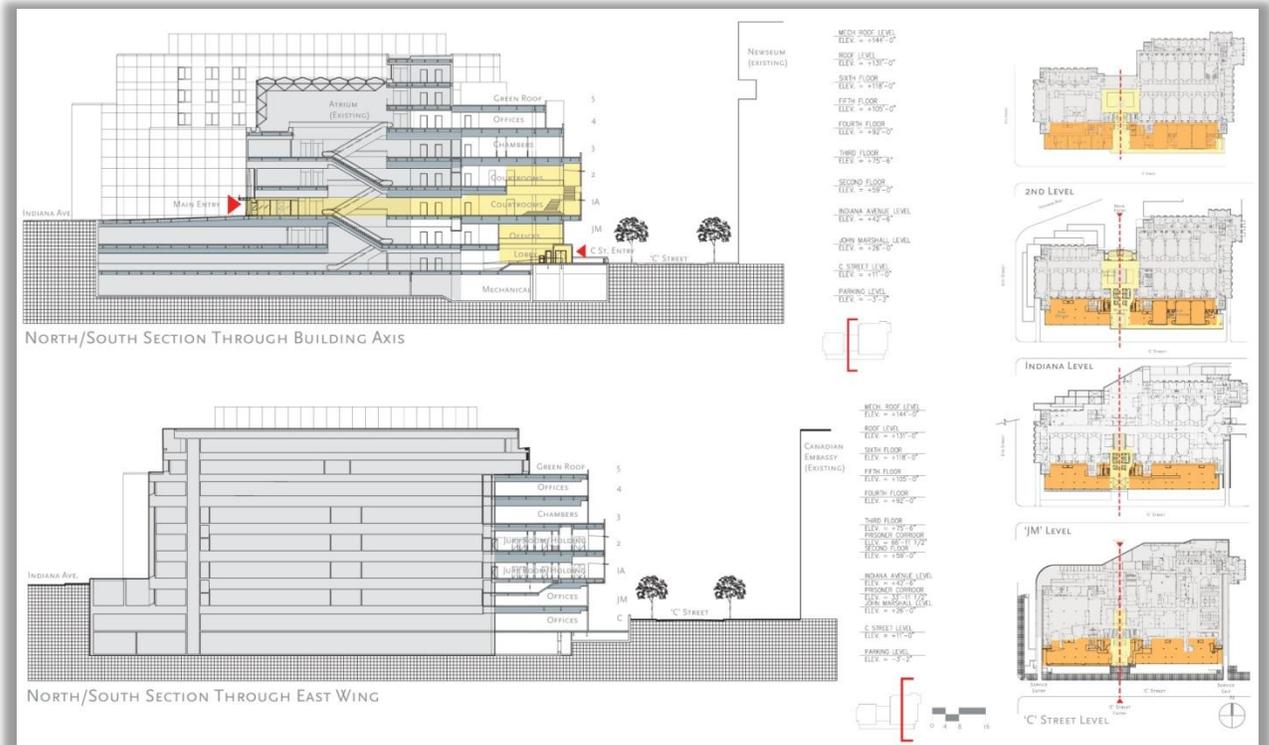
### **Design of the Moultrie Courthouse C Street Expansion**

#### **Description**

The 116,000 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 addition will include space for social services, the children’s center and supervised visitation, six courtrooms and chambers for 20 Superior Court judges. The expansion will be fully integrated with the JM level space for the Family Court Mental Health and Habilitation Unit, CCAN, Juvenile Intake, Probation Supervision, Drug Court and the immediate offices for the Family Court Operations Division and Court Social Services Division.



C Street Expansion Looking Northwest (Approved Design)



C Street Expansion Cross Section



C Street Expansion Entry

## Facilities Master Plan Update 2018

### Description

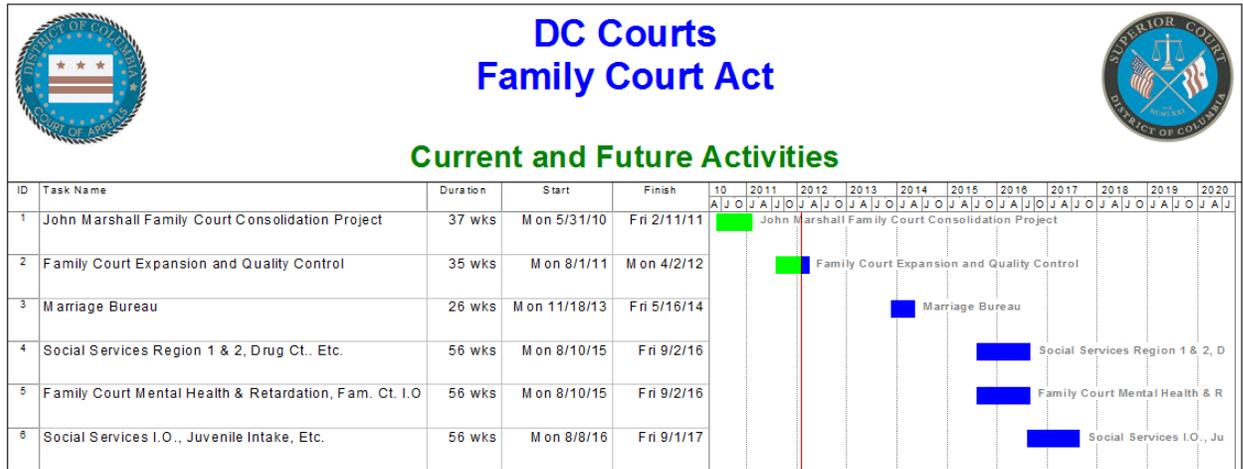
Implementation of the Courts Facilities Master Plan continues. An update of the 2002 Facilities Master Plan was initiated in 2009 to capture changes in court technology, organization and operations, and the growth of the District of Columbia's population. These changes affect all aspects of the Court including Family Court, Court Social Services, and support functions. In 2002, the District's population had been in steep decline for three decades. Current census data indicates that the population is growing and the many areas of the court are responding to expanding demands. Central to the Master Plan and the Family Court consolidation will be the C Street Expansion of the Moultrie Courthouse.

### Location

The plan below illustrates the planned location of Family Court elements to be located on the JM level as it will appear after the completion of the C Street Expansion:



Schedule



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

Following successful completion of Phase I of the Court Improvement Program (CIP) data integration initiative in July 2010, the Court and CFSA began planning for Phases II and III of the data integration plan. Recognizing the benefits and efficiencies afforded by the Court receiving electronic copies of social worker reports and prosecutor petitions in Phase II and partner agencies receiving electronic versions of court orders and associated data in Phase III, the Court, CFSA, and the D.C. Office of the Attorney General (OAG) were anxious to complete requirements and move forward with the technical design for the remaining phases of the CIP project.

Requirement definition sessions took place in late 2010 and early 2011 both internally as well as with the Court’s designated contractor – CourtView Justice Solutions (CJS). CJS facilitated formal discovery sessions in September 2010 with follow-up sessions in January and February 2011.

Applying lessons learned from Phase I, all three participant organizations focused extensive resources on the business processes associated with subsequent filing from CFSA and the outbound sharing of Court data. While it was quickly determined that the OAG's subsequent filing requirements could be met by using the Court's electronic filing program, use of it depended on finalization of a contract with a new vendor to provide efilings services throughout the Court. The Court entered into a multi-year contract with CaseFileXpress, based in Austin, TX, for efilings services in November 2011. The OAG is expected to start using this facility to submit petitions to the court beginning in early summer 2012. Leveraging this hosted service facility will eliminate any technical development in the OAG, overcoming the agency's resource limitations.

At the same time the Court was finalizing arrangements for subsequent filings from the OAG, it was working on the technical design to facilitate the electronic exchange of social worker reports to the Court and the sharing of court order data and documents to CFSA. This process was delayed several months in 2011 while CFSA completed other information technology projects. The Court and CFSA were able to reconvene in July 2011 and approve the Detailed Technical Design document package developed by the contractor team.

Code development began in late August with the target delivery date set for late November 2011. While CJS was working to develop both phases of the interface at one time, the Court's IT team drafted a detailed test plan to guide internal test efforts as well as test activities with CFSA.

The Court took delivery of the code as scheduled in late November and immediately started "end point" testing, the Phase II subsequent filing side of the

interface. End point testing does not require cooperation from CFSA or Family Court stakeholders as it is intended as a vetting process for the Court's IT division to confirm basic functionality works as designed. Unfortunately, the Court was limited in its ability to perform the same testing for the Phase III outbound orders process. While testing could commence, the Court was not able to fully verify functionality for Phase III until a custom software program was delivered by the current imaging system vendor – VISTA SG. Following delivery of the program in early January 2012 and initial testing, the Court provided the custom software package to CJS for integration with the interface platform. The custom program allows for the conversion of judicial order images, currently maintained in a proprietary format, to be transmitted to CFSA in an open TIFF format. This will allow CFSA to consume the image and render it to users of its FACES system.

The current target for production deployment of the Phase II and Phase III interfaces between the Court and CFSA is the second quarter of 2012. The exact production deployment date will be determined in February after the image conversion program is ready and further testing of the Phase III outbound orders interface takes place. The CFSA has indicated a 60 day notice is necessary for staff involved in the current judicial orders scanning process to allow for reassignment or reclassification of job descriptions. The Court anticipates making the efilng program available to the OAG in June or July 2012, based on the approved project schedule. Mandatory training for participating OAG personnel would take place approximately one month prior to the target go-live date.

## **Court-wide Performance Measures**

The Information Technology Division is in the process of migrating the business logic and legacy reporting technology that generates the Family Court's Performance Measurement Reports (Age of Pending Cases, Time to Disposition, Clearance Rate and Trial Date Certainty) to a robust enterprise data warehousing and business intelligence (BI) solution. In support of the BI initiative, the IT Division worked closely with the Family Court to design and develop a series of monthly caseload statistics reports. Reports are organized by case type and/or assigned case judge. New reports designed utilizing the BI tool with a target delivery date of February 2012 included:

- Caseload Summary by Case Type
- Caseload Summary by Judge
- Caseload Summary by Judge by Case Type

## **Post-Disposition Caseload**

Continuing work begun in 2010, the Family Court continued to work with representatives from the Research and Development Division, Information Technology and the Office of Strategic Planning to design and develop prototype reports to capture post-disposition activities. Post-disposition reporting is focused on identifying judicial work that takes place after cases are determined to be "disposed of" from a case management perspective and as a result is not accounted for in current performance measure reporting. Initial activities have centered on abuse, neglect, and juvenile case loads. However, reports are also planned for other Family Court case types such as domestic relations, paternity and support, and mental health/habilitation which include post-disposition activity.

## **Youth Automated System**

The Youth Automated System (YAS) will be the end-result of a custom software development project currently underway for the Family Court's Social Services Division (CSSD). YAS shall be a distributed, web-enabled system that retains, displays, and reports on respondent activity within the CSSD.

Serving as a supplement to CourtView, YAS will automate CSSD process workflows and miscellaneous paper and electronic documents. Major benefits of the system include: streamlined workflow processes, better information-sharing capabilities, and improved reporting capabilities. Base identity and juvenile case information will still be obtained from the integrated CourtView case management system.

## **Digitalization and Indexing of Old Adoption Records**

In an effort to maintain the confidentiality and integrity of sensitive case files, the Superior Court has stored adoption files on site since September 1956. Beginning in 2003, with the implementation of CourtView the files have been stored electronically. However, for cases filed between 1956 and 2003, numbering in the thousands, the physical files are maintained at the courthouse. These case files occupy a substantial portion of the high density filing space in the Domestic Relations Branch. To create an improved record retention system and to enhance its search and retrieval capabilities, the Family Court has undertaken a project to index and digitize adoption files from 1956 to 2003.

## **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 child abuse and neglect cases and domestic relations cases. The programs also 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.

### **ADR Performance Measures**

The Multi-Door Division relies on output and 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 perceive 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 mediator’s role, providing parties the opportunity to fully explain issues, the mediators understanding of the issues, whether the mediator gained the parties’ trust, and any 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 its objectives of settlement, quality and responsiveness.

### **Child Protection and Mediation Under The Adoption and Safe Families Act (ASFA):**

During 2011, 593 new abuse and neglect cases<sup>2</sup> were petitioned in the Family Court. Ninety-four percent of those cases (363 families with 558 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>3</sup> Of those 363 families, 3 families (1% representing 3 children) whose cases were filed in 2011 were offered mediation in 2012.

Seventy-eight percent of the families (281 cases) offered mediation in 2011 participated in the mediation process; twenty-two percent of the families (79 cases, representing 112 children) did not participate and their cases were not mediated.<sup>4</sup> As was the case in 2010, for families participating in mediation, the Court continued to settle a substantial number of cases through the mediation process. Of the 281 cases mediated, 129 (46% of cases representing 209 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 addition, a case plan was developed and presented to the Court as part of the mediation agreement. In 134

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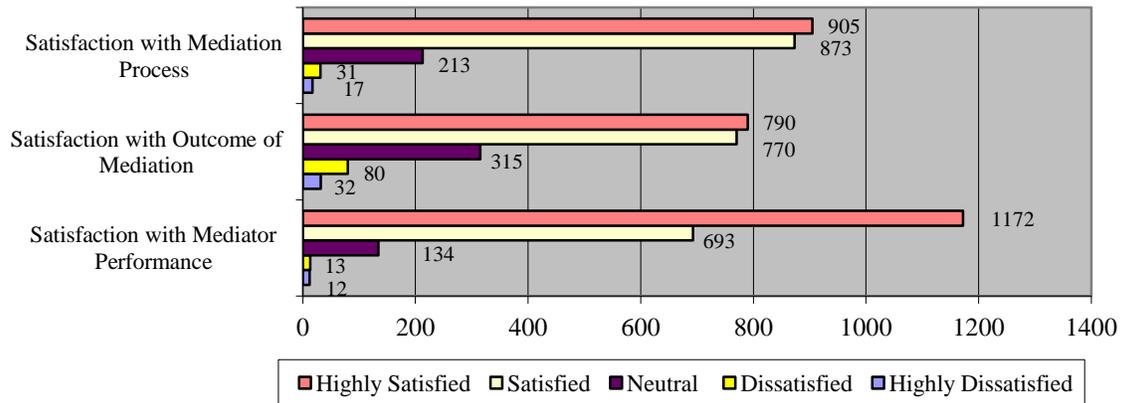
<sup>2</sup> Each case represents one child in family court. In mediation, however, each case represents a family often with multiple children.

<sup>3</sup> These multi-party mediations are structured so as to enhance safety: pre-mediation information is provided to participants; parents are included in the sessions; appropriate training is provided; and a layered domestic violence screening protocol is implemented for cases with a history of domestic violence by Multi-Door staff and mediators.

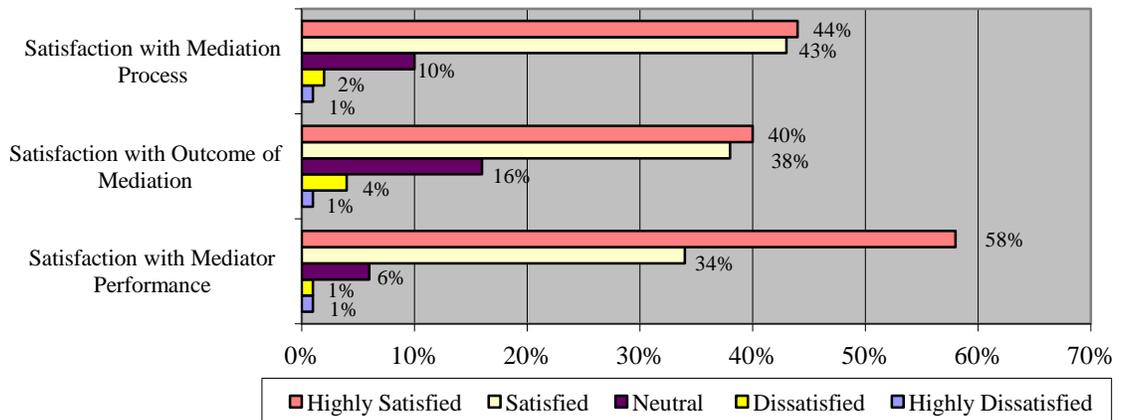
<sup>4</sup> Scheduled cases may not be held for the following reasons: (a) case dismissed by the court; (b) case settled prior to mediation; (c) case rescheduled by the parties; (d) case cancelled (e.g., domestic violence); and (e) case scheduled in 2011 for mediation in 2012. Family Court and Multi-Door have implemented measures to reduce the number of rescheduled cases in order to expedite case resolution.

cases (48% of cases representing 215 children) the mediation was partially successful resulting in the development of a case plan even though the issue of jurisdiction was not resolved. No agreement was reached in 18 (6% representing 19 children) of the cases that went to mediation.

**Figure 1. Number of Participants Satisfied with Child Protection Mediation Program, 2011**



**Figure 2. Percentage of Participants Satisfied with Child Protection Mediation Program, 2011**



Qualitative measures illustrate substantial satisfaction measures of 87% for the ADR process, 78% for ADR outcome, and 92% for the performance of the mediator(s).<sup>5</sup> Clearly, participation in ADR increases public trust and confidence in the Family Court.

### **Domestic Relations Mediation:**

Mediation in domestic relations matters requires several sessions, and typically covers issues of child custody, visitation, child and spousal support, and distribution of property. Domestic relations matters typically are characterized by hostility and limited communication which exacerbate the level of conflict.

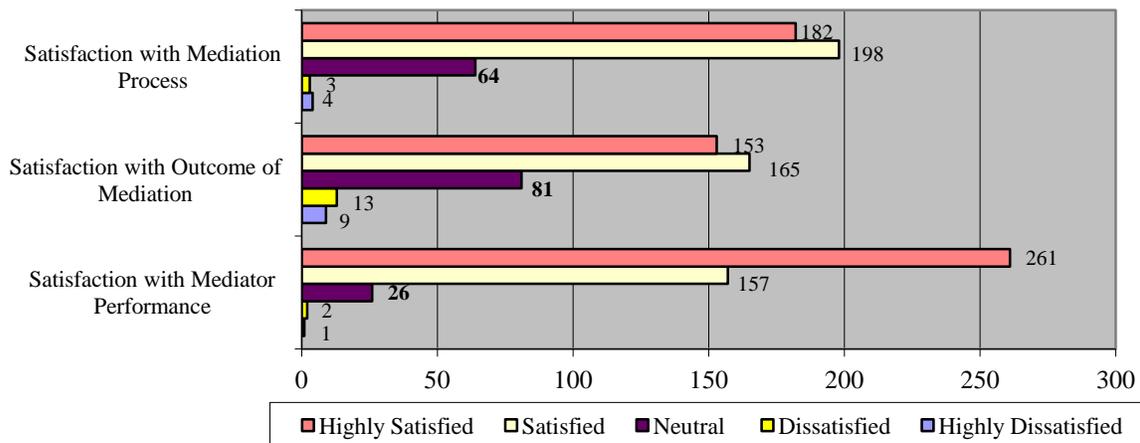
A total of 579 domestic relations cases were referred to mediation in 2011. Forty-five percent (261) of the cases referred were mediated and completed in 2011. The remaining fifty-five percent (318) of cases referred to mediation did not participate in mediation because they were found to be either inappropriate or ineligible for mediation or parties voluntarily withdrew from mediation.

Of the 261 cases mediated, 106 (approximately 41%) settled in mediation and 155 (approximately 59%) did not reach an agreement. Among the 106 cases that settled in mediation, full agreements were reached in 63 (59%) cases and partial agreements were reached in 43 cases (41%). Qualitative outcome measures show satisfaction rates of 78% for ADR outcome, 89% for ADR process, and 95% for the performance of the mediator(s). These satisfaction measures indicate that, as is the case in the Child Protection Mediation Program, participation in Family ADR increases public trust and confidence in the Family Court.

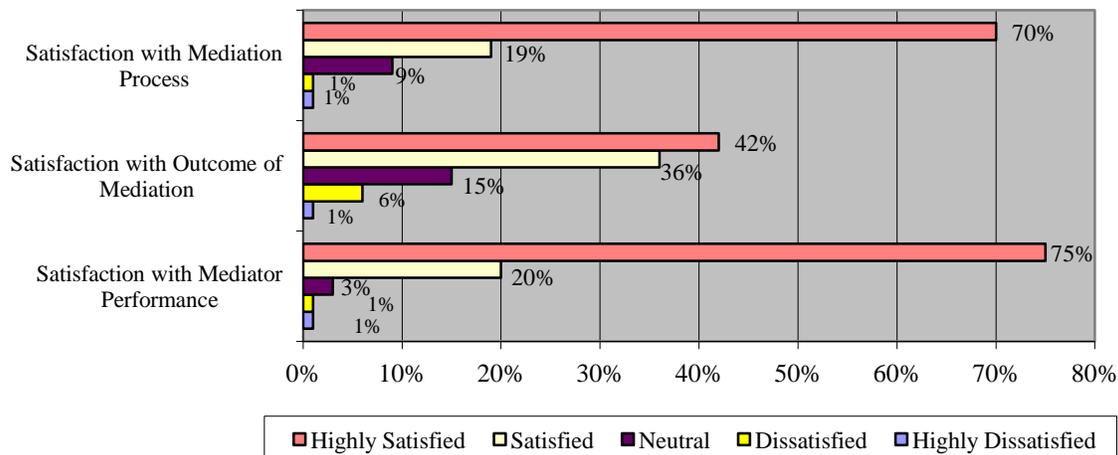
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<sup>5</sup> These statistics are based on data provided by the Multi-Door Dispute Resolution Division. In 2011 participant survey responses were expanded to include the option of selecting neutral (shown in bold).

**Figure 3. Number of Participants Satisfied with the Domestic Relations Mediation Program, 2011**



**Figure 4. Percent of Participants Satisfied with the Domestic Relations Mediation Program, 2011**



### Family Court ADR Initiatives

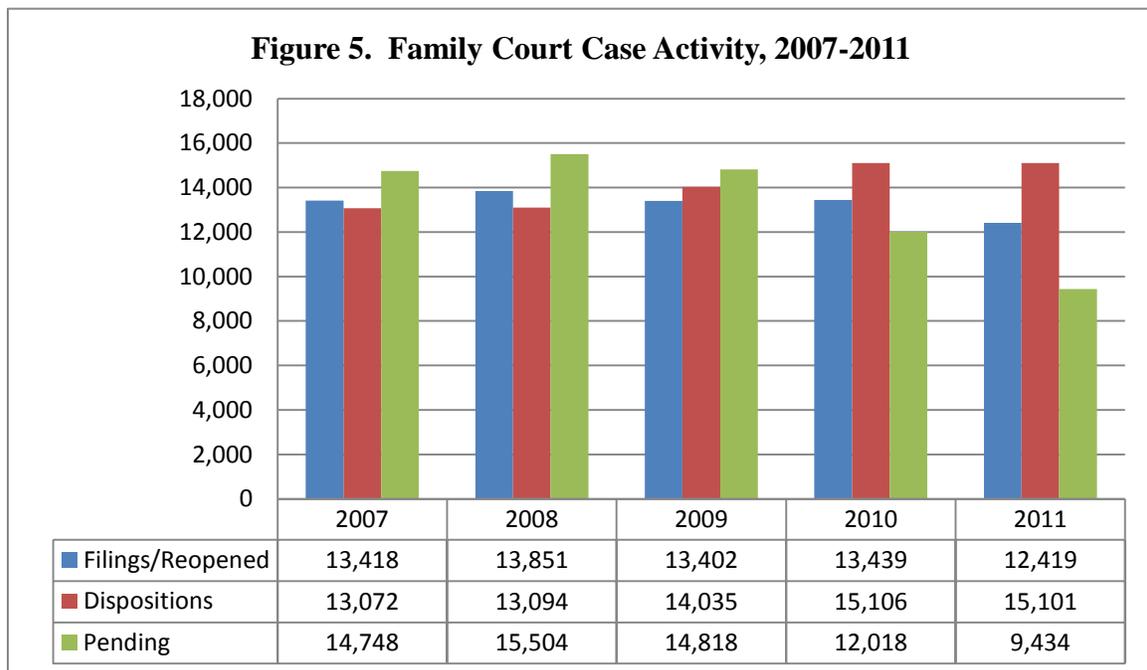
The Family Court and Multi-Door have coordinated efforts to implement initiatives to support ADR consistent with the Act. These initiatives are as follows:

- **Continuing Education for Mediators.** Multi-Door provided ongoing training for its existing corps of mediators in both the Child Protection and Family Mediation Programs during 2011, as part of ensuring a continued high level of proficiency and skills maintenance.

- **Same Day Mediation.** A same-day mediation program for domestic relations cases was implemented in October of 2003. The program offers litigants the opportunity to be interviewed for mediation and start mediation on the same day they appear in court for their initial hearing before a Family Court Judge. The program has proven a useful tool for judges to help resolve disputes; there were 67 referrals in 2011.

**FAMILY COURT OPERATIONS CASE ACTIVITY**

There were 12,116 pending pre-disposition cases in the Family Court on January 1, 2011. During calendar year 2011, there were a total of 12,003 new cases filed and 416 cases reopened in the Family Court. During the same period, 15,101 cases were disposed. As a result, there were 9,434 cases pending in the Family Court on December 31, 2011.

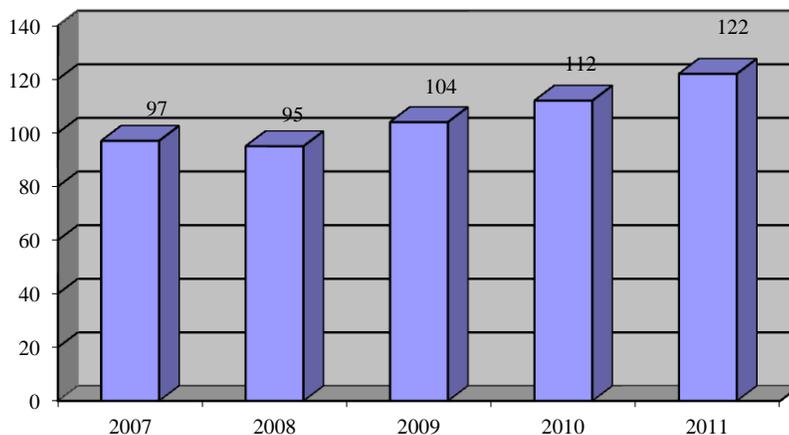


Over the five year period from 2007 through 2011, the number of filings (including cases reopened) and the number of dispositions has shown significant

variation. Filings ranged from a period low of 12,419 in 2011 to period high of 13,851 in 2008, down to 13,439 in 2010 and 13,418 in 2007, down to 13,402 in 2009. During the same period, the number of cases disposed rose slightly each year, from 13,072 cases disposed in 2007, to 13,094, 14,035 and 15,106 respectively from 2008 through 2010. The total number of dispositions was unchanged between 2010 and 2011 (15,101 dispositions).

Because filings and dispositions can vary significantly from year to year, the best assessment of whether a court is managing its caseload efficiently is its clearance rate. A clearance rate of 100% indicates that a court is very efficient and has disposed of as many cases as were filed during the year. Disposing of cases in a timely manner helps ensure that the number of cases awaiting disposition (pending caseload) does not grow. This performance measure is a single number that can be used to compare performance within the Family Court over time and by case type. The overall clearance rate for Family Court in 2011 was 122%, the highest rate over the five year period. Prior year clearance rates ranged from a low of 95% in 2008 to a high of 112% in 2010.

**Figure 6. Clearance Rates in Family Court, 2007-2011**



Although the clearance rate demonstrates that the Family Court is doing an excellent job of managing its caseload, during 2012 the Family Court will continue to strive to reach our case processing standards, using recently established court-wide benchmarks with the goal of ensuring that each of the individual branches within the Family Court that have not reached a 100% clearance rate, reach that rate.

### **FAMILY COURT CASE ACTIVITY FOR 2011**

New case filings in the Family Court decreased 6% between 2010 and 2011 (12,777 filings in 2010 and 12,003 filings in 2011). However, there were considerable differences in the types of cases filed. For instance, there was a 17% increase in mental health filings and a 2% increase in juvenile filings. At the same time, filings for paternity and support decreased 36%, abuse and neglect filings decreased 18%, adoption filings decreased by 8%, and domestic relations (divorce and custody) filings decreased by 4% and there was no change in the number of mental habilitation filings.

During the year, the Family Court resolved more than 15,000 cases, including: 3,351 juvenile cases; 4,265 divorce and custody cases; 240 adoption cases; 2,036 mental health cases; 14 mental habilitation cases; 604 child abuse and neglect cases; and 4,591 paternity and child support cases. Due to a change in the definition of disposition for abuse and neglect cases in 2011 it is not possible to compare the overall number of cases disposed in 2010 and 2011, see Table 1, footnote d, page 37. However, excluding abuse and neglect dispositions in each year suggests that there would have been a 2% increase in dispositions between 2010 and 2011. However, changes in the percentage of dispositions by case type varied considerably more. For instance, dispositions increased significantly in domestic relations cases (15%) and paternity and child support cases

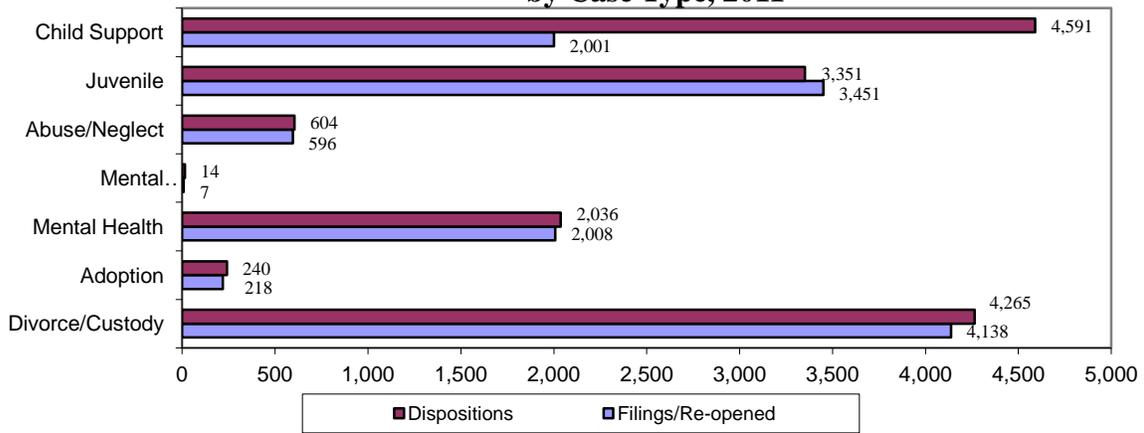
(3%). On the other hand, dispositions decreased in mental habilitation cases (26%), mental health cases (8%), juvenile cases (7%) and adoption cases (2%). There were 604 dispositions of abuse and neglect cases in 2011 compared to 851 in 2010. The decrease in dispositions for abuse and neglect cases is attributable to a change in definition of disposed cases. In prior years, an abuse and neglect case was considered disposed when the respondent was placed in a permanent living arrangement (i.e., reunification, adoptions, guardianship, or custody) or aged out of the child welfare system. Beginning in 2011, abuse and neglect cases are considered disposed when the case is dismissed or once a disposition hearing has been held and the child has been committed to the child welfare agency or been allowed to remain in the home under protective supervision. As in the past, once the initial disposition has been entered, the case will remain open in the court's database for post-disposition reviews.

**Table 1. Family Court Operations Case Activity for 2011**

	Abuse & Neglect	Adoption	Divorce & Custody	Juvenile <sup>a</sup>	Mental Health	Mental Habilitation <sup>b</sup>	Paternity & Child Support	Total
Pending Jan. 1 <sup>c</sup>	90 <sup>d</sup>	289	3,368	473	228	14	7,654	12,116
Filings	593	218	4,040	3,419	1,798	7	1,928	12,003
Reopened	3	0	98	32	210	0	73	416
Total Available for Resolution	<b>686</b>	<b>507</b>	<b>7,506</b>	<b>3,924</b>	<b>2,236</b>	<b>21</b>	<b>9,655</b>	<b>24,535</b>
Resolutions/Dispositions <sup>e</sup>	604	240	4,265	3,351	2,036	14	4,591	15,101
Pending Dec. 31	82	267	3,241	573	200	7	5,064	9,434
Percent Change in Pending	-8.9%	-7.6%	-3.8%	21.1%	-12.3%	-50.0%	-33.8%	-22.1%
Clearance Rate <sup>f</sup>	101%	110%	103%	97%	101%	200	229%	122%

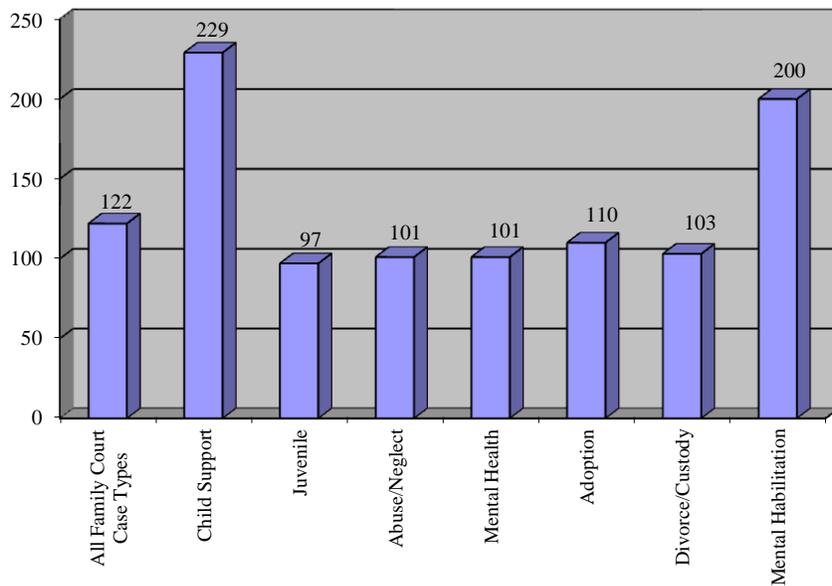
- Includes cases involving Delinquency, PINS (Persons In Need of Supervision), and Interstate Compact.
- In 2010, the method of calculating the number of pending Mental Habilitation cases was modified to include only those cases pending an initial disposition; excluded are post-disposition cases under review by the Court.
- Figures for Adoption, Juvenile, Mental Health and Paternity and Support were adjusted after a manual audit of caseload.
- In 2011, the method of calculating the number of pending Abuse and Neglect cases was modified to include only those cases pending an initial disposition; excluded are post-disposition cases under review by the Court until permanency is achieved.
- In the Family Court, a case is considered disposed when an order has been entered.
- 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/reactivated/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.

**Figure 7. Family Court Filings and Dispositions, by Case Type, 2011**



The overall clearance rate for all Family Court case types was 122%. The clearance rate exceeded 100% for all case types except juvenile cases (97%) indicating that the Family Court is managing its caseload efficiently. Clearance rates increased

**Figure 8. Clearance Rate by Case Type, 2011**



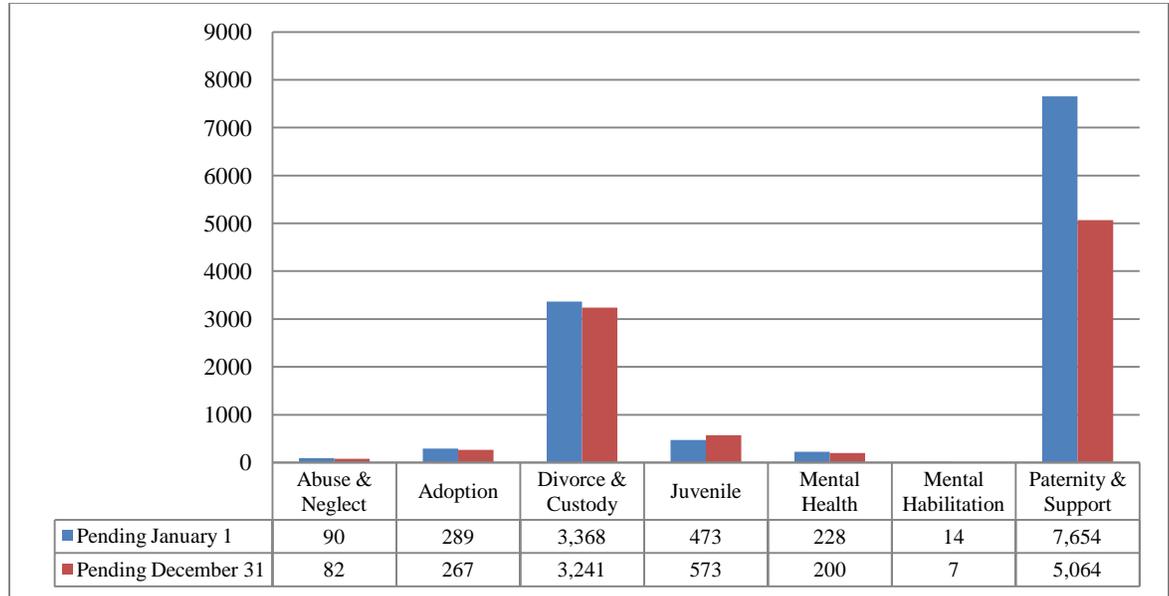
between 2010 and 2011 for the following Family Court case types: paternity and support, adoption, and divorce. The clearance rate decreased for the following case types: mental habilitation, mental health, juvenile and abuse and neglect.

Measuring the number of dispositions is important for any court; however, it is important to note that in Family Court cases, a disposition does not always end the need for court oversight and judicial involvement. In many Family Court cases, after an order is entered there is significant post-disposition activity that occurs. For example, among the 3,351 juvenile cases resolved during 2011, 793 juvenile offenders were placed on probation. Those 793 juveniles, as well as the more than 1,200 other active juvenile probation cases, require continuous monitoring by judicial officers to ensure compliance with probation conditions and community safety. Cases of youth under intensive probation supervision and those in the behavioral diversion court are reviewed more frequently. Dispositions in paternity and support cases include cases resolved through the issuance of either a temporary or a permanent support order. Those cases resolved through issuance of a temporary support order often have financial reviews scheduled after disposition until a permanent support order is established. In addition, all support cases are subject to contempt and modification hearings that require judicial oversight. Mental habilitation cases are considered disposed once an order of commitment or an order of voluntary admission is entered. These cases, over 900 in 2011, remain open and require annual judicial reviews to determine whether there is a need for continued commitment. Similarly, there are more than 1,900 post-disposition abuse and neglect cases that remain open and require regular judicial reviews until the child reaches permanency either through placement in a permanent living situation or ages out of the foster care system.

On December 31, 2011 there were 9,434 pending cases in the Family Court. The pending caseload consists of pre-disposition cases that are pending an initial

disposition. Pending cases consisted of: 5,064 paternity and child support cases, 3,241 divorce and custody cases, 573 juvenile cases, 267 adoption cases, 200 mental health cases, 7 mental habilitation cases, and 82 child abuse and neglect cases.

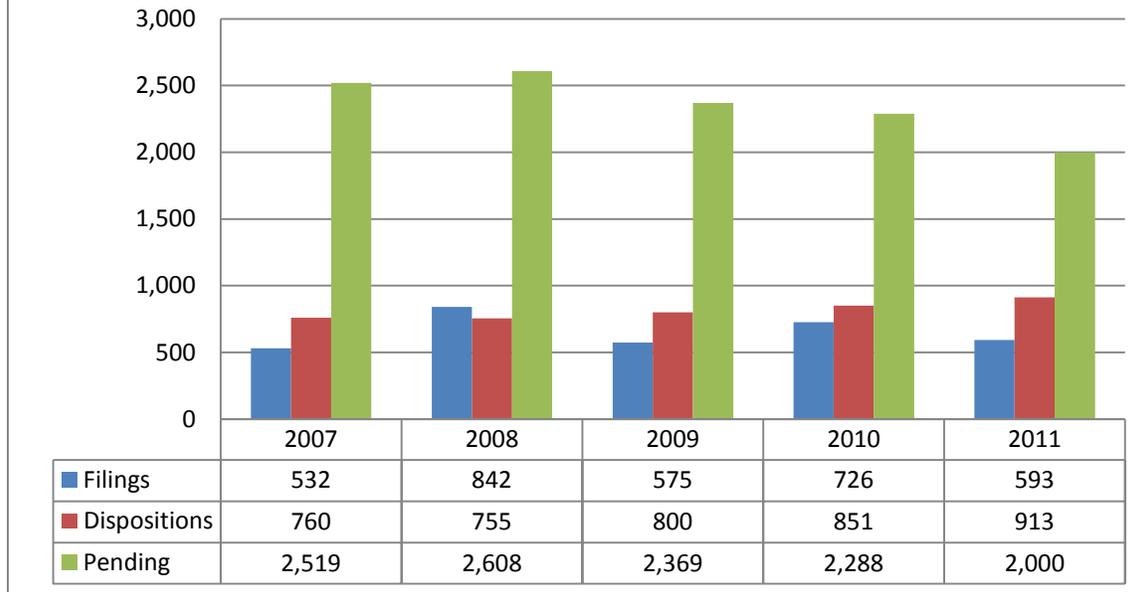
**Figure 9. Family Court Pending Caseload, 2011**



**ABUSE AND NEGLECT CASES**

During 2011, there were 593 new child abuse and neglect referrals to the Family Court, an 18% decrease in filings from 2010. Over the five year period (2007 to 2011), new child abuse and neglect referrals increased by 11%. Referrals ranged from a high of 842 in 2008, to a low of 532 in 2007. The high number of filings in 2008 likely resulted from an intense review by CFSA of all cases awaiting investigation, the result of which was a significant increase, 58% in filings from 2007 to 2008. It is important to note, despite the increase in referrals over the period there was a 21% decrease in the number of children under court supervision during the same time period.

**Figure 10. Abuse and Neglect Case Activity, 2007-2011**



Among cases filed in 2011, 92% of the children were removed from home and 8% remained in the home under protective supervision. The percentage of children removed from home has ranged from a low of 86% in 2007, to a high of 92% in 2011. Eighty-two percent of new referrals in 2011 were for allegations of neglect and 18% were for allegations of abuse. During the five-year period from 2007 to 2011, the percentage of children referred for an allegation of abuse has ranged from a low of 18% in 2008 and 2011 to a high of 22% in 2010. Over the five year period, females were less likely than males to be the subject of an abuse and neglect referral, with the exception of 2009 when males and females each comprised 50% of referrals. In 2011, females accounted for a slightly higher percentage of referrals for abuse than did males. Males accounted for a higher percentage of referrals for neglect than did females. Approximately a fifth (19%) of new referrals to Family Court involved children 13 and older at the time of referral. The figure increases to 27% of referrals when older youth between the ages of 11 and 12 are included. Although high, the percentage of referrals of older children has steadily

declined in each year from 2007 to 2011 (27% to 19%). Notwithstanding, the Family Court, CFSA and other child welfare stakeholders continue to examine the implications of large numbers 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 resources once they are in care.

Over the five year period, another 30% of new referrals were children less than four years old at the time of referral. Given the vulnerability of children in this age group, the Family Court and CFSA are also reviewing the needs of this population, especially as it relates to educational and developmental services and access to other early intervention programs.

**Table 2. Percent Distribution of Abuse and Neglect Referrals 2007-2011, by reason for referral, removal status, gender, and age**

Characteristic	Year of Referral				
	2007	2008	2009	2010	2011
<b>Reason for Referral</b>					
Abuse	20	18	21	22	18
Neglect	80	82	79	78	82
<b>Removal Status</b>					
Removed	86	90	88	88	92
Not Removed	14	10	12	12	8
<b>Gender</b>					
Male	52	51	50	54	52
Female	48	49	50	46	48
<b>Age at referral</b>					
Under 1 year	18	14	18	13	14
1-3 years	17	18	22	18	23
4-6 years	15	16	15	18	17
7-10 years	14	16	13	21	19
11-12 years	9	9	8	9	8
13 and older	27	26	24	21	19
<b>Total number of referrals</b>	<b>532</b>	<b>842</b>	<b>575</b>	<b>726</b>	<b>593</b>

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

The Act required that all child abuse and neglect cases assigned to judges outside the Family Court be transferred to Family Court judges by October 4, 2003. Of the 5,145 cases pending at the time of the Act's initiation, 3,500 were assigned to judges not serving in the Family Court. Since then, all of those cases have been transferred into Family Court or closed. Today, non-Family Court judges supervise one percent of open cases (19 cases), all of which are being retained with the approval of the Chief Judge who determined, pursuant to criteria set forth in the Act, that: (1) the judge retaining the case had the required experience in family law; (2) the case was in compliance with ASFA; and (3) it is likely that permanency would not be achieved more quickly by reassigning the case within the Family Court.

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

The District of Columbia Adoption and Safe Families Act (D.C. ASFA) (D.C. Official Code Sections 16-2301 et seq., (2000 Ed.)) establishes timelines for the completion of the trial and disposition hearing in abuse and neglect cases. The timelines vary depending on whether the child was removed from his or her home. The statute sets the time between filing of the petition and trial or stipulation at 45 days for a child not removed from the home and at 105 days for a child removed from the home. The statute requires that trial and disposition occur on the same day whether the child has been removed or not, but permits the court 15 additional days to hold a disposition hearing for good cause shown.

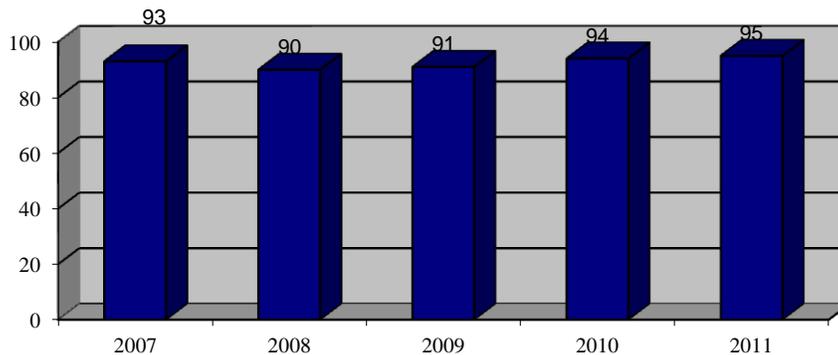
After dropping in 2010, compliance rates for time to adjudication and time to disposition for children not removed from home increased during 2011. On the other

hand, the compliance rate for time to adjudication remained the same and the compliance rate for time to disposition decreased by one percentage point for children removed from home during 2011 when compared to 2010 levels.

### TRIAL/STIPULATION OF ABUSE AND NEGLECT CASES

Figures 11 and 12 highlight the level of compliance with the statutory requirement for trial/stipulation for both removed and non-removed children over a five-year time period. As can be seen from Figure 11, the court has made significant progress in completing trials/stipulations within the established timelines for children removed from home since 2007. Although the compliance rates in 2008 and 2009 were slightly lower than in 2011, at least 9 out of 10 cases filed in a given year had a fact-finding hearing in compliance with the ASFA timeline for trials in removal cases (105 days). In addition

**Figure 11. Compliance with D.C. ASFA Timeline for Trial/Stipulation for Children Removed from Home**

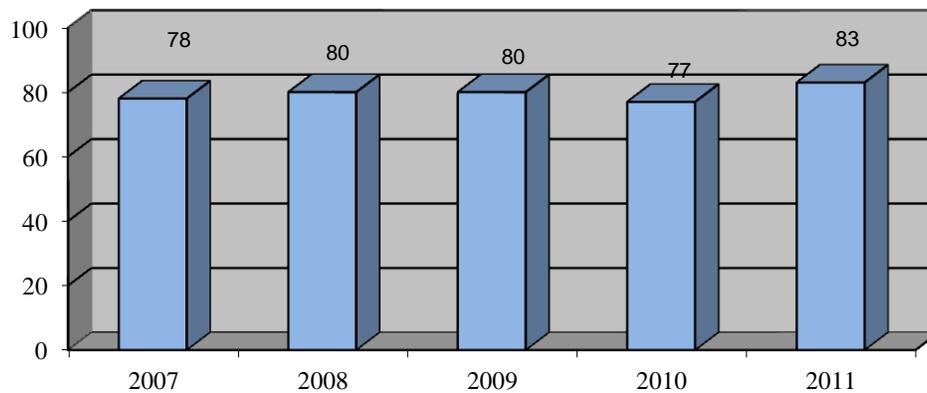


to high rates of compliance with the statutory timeline requirements, many cases reach trial or stipulation in considerably less time than the statute allows. In 2011, the median time required for a case to reach trial or stipulation was 45 days nearly a 25% reduction from the median in 2009. Over the period, the median time required for a case to reach

trial or stipulation ranged from a high of 59 days in 2009, to 55 days in 2008, to 43 days in 2007 and to a low of 41 days in 2010.

For children not removed from home, 39 of the 47 cases were in compliance with the timeline to trial or stipulation (45 days) for an 83 percent compliance rate. The median number of days to trial or stipulation was 35 days and the average 19 days. To improve performance in meeting the trial/stipulation timeline in cases of children who were not removed the Family Court attorney advisors continue to review all cases after initial hearing to ensure that all events have been scheduled in a timely manner. If events are not scheduled within the appropriate timelines, the assigned judge and the Presiding Judge of the Family Court are notified, and the assigned judge is asked

**Figure 12. Compliance with D.C. ASFA Timeline to Trial or Stipulation for Children Not Removed from Home**



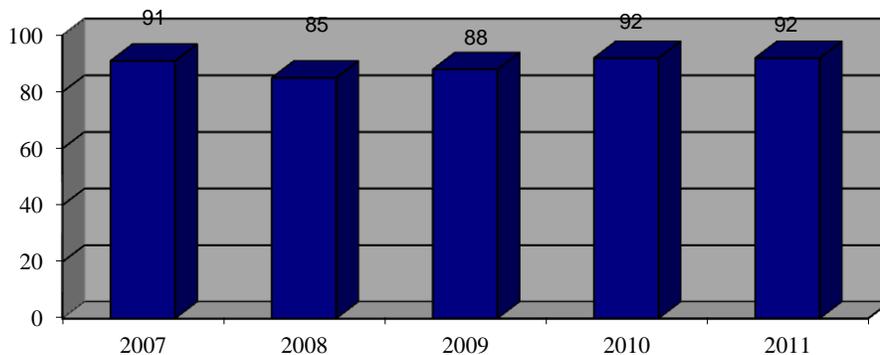
to reset the case within the timeline or to explain in writing why the hearing cannot take place within the timeline. For 2011, eight cases were non-compliant with the trial or adjudication timeline. It is important to note that three of the eight non-compliant cases did not go to trial; each was dismissed at the request of the government after the 45 day timeline. In the remaining five cases, the respondents were removed from home three to four weeks after the petition was filed. Based on the removal date, their adjudication

hearings were held in compliance with timeline for removed youth. In 2012, the Court will continue to monitor and track this performance area and implement appropriate measures to improve the court's compliance rate.

### **DISPOSITION HEARINGS IN ABUSE AND NEGLECT CASES**

Ninety-two percent of cases filed in 2011 had disposition hearings held within the 105 day timeline (Figure 13). The compliance rate, however, may rise as cases filed late in 2011 that are still pending disposition have their hearings. Among children removed from home in 2007, 2010 and 2011 more than 9 out of 10 disposition hearings were in compliance with the timeline for disposition. In contrast, only 85% were compliant in 2008 and 88% in 2009. In 2011, the median time to reach disposition was 55 days and the average 45 days, both well below the 105-day statutory timeline.

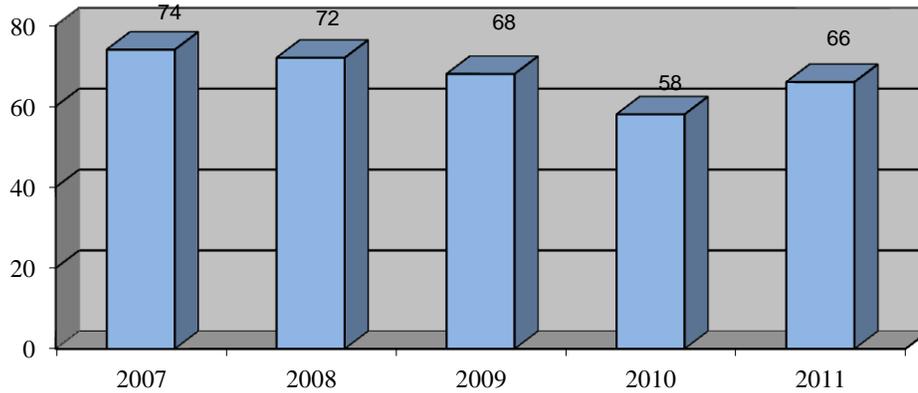
**Figure 13. Compliance with D.C. ASFA Timeline for Disposition for Children Removed from Home**



As was the case for reaching trial/stipulation for children not removed from home in a timely manner, the compliance rate for conducting disposition hearings for children not removed from home also varied significantly over the five year period (Figure 14). The compliance rate has ranged from a high of 74% in 2007 to a low of 58% in 2010. The rate for 2011 (66%) is a fourteen percent increase from the rate in

2010. During 2011, there were 16 children whose disposition was not in compliance with the timeline.

**Figure 14. Compliance with D.C. ASFA Timeline for Disposition for Children Not Removed from Home**

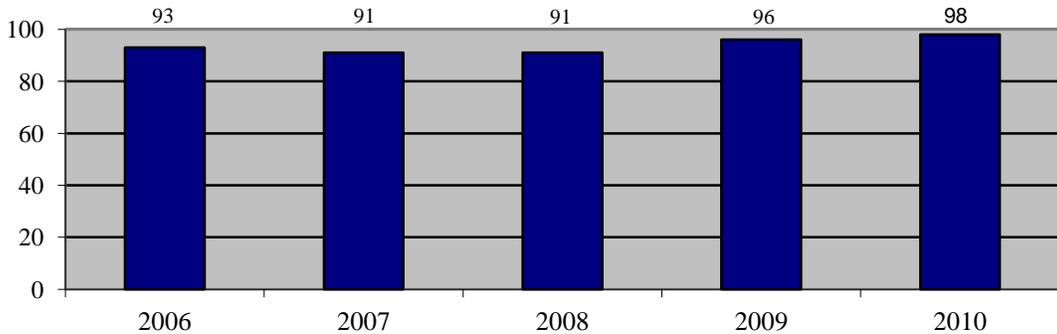


Three of the non-compliant cases were dismissed before a disposition hearing was held. In six cases (pertaining to one family), one sibling was removed. The cases were consolidated for trial and disposition purposes to follow the schedule for children removed from home. In five cases, the respondents were removed from home three to four weeks after the petition was filed. Based on the removal date, their adjudication hearings were held in compliance with timeline for removed youth. The remaining two cases were delayed due to the complexity of the case and scheduling conflicts between the attorneys and the court. Because of the relatively small number of children in this category of cases, any level of non-compliance results in a large percentage. As with time to trial and stipulation, the Family Court will continue to monitor and track compliance in this area throughout 2012, and where appropriate, will institute measures to improve compliance.

**COMPLIANCE WITH ASFA PERMANENCY HEARING REQUIREMENTS**

Both D.C. ASFA 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 as either 60 days after removal from the home, resulting in a net requirement for a permanency hearing 14 months after a child is removed from his or her home or one year after a finding of neglect. 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 15 shows the Court’s compliance with holding permanency hearings within the ASFA timeline. The level of compliance with this requirement has remained consistently high. Since 2006, more than 90% of cases had a permanency hearing or were dismissed within the required timeline. No case filed in 2011 had reached the statutory deadline for having a permanency hearing by December 31, 2011.

**Figure 15. Compliance with ASFA Timeline for Permanency Hearing**



**Goal Setting and Achievement Date**

In addition to holding permanency hearings in a timely manner, ASFA also 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 has made significant progress in meeting the requirement of setting a specific goal at the hearing and has improved in its requirement of ensuring that a specific date for achievement of that goal is set at each hearing.

In addition, judges are required to raise the issue of identified barriers to the permanency goal. The early identification of such issues has led to more focused attention and earlier resolution of issues that would have caused significant delays in the past. Although barriers still exist, the periods of delay that result from those barriers has decreased.

During 2011, the court continued to improve on meeting the requirements that at a permanency hearing, it establish both a permanency goal and an achievement date for the goal. Data from 2011 indicates that a permanency goal was set at every permanency hearing and a goal achievement date was set at 98% of hearings. To ensure that the court maintains a high level of compliance in this area, the Family Court will continue to require its attorney advisors to review every case after a permanency hearing to determine if these two requirements have been met. If not, the assigned judicial officer and the Presiding Judge of Family Court will be notified that the hearing was deficient and recommendations made for bringing the case into compliance.

The National Council of Juvenile and Family Court Judges (NCJFCJ) and the American Bar Association's (ABA'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.

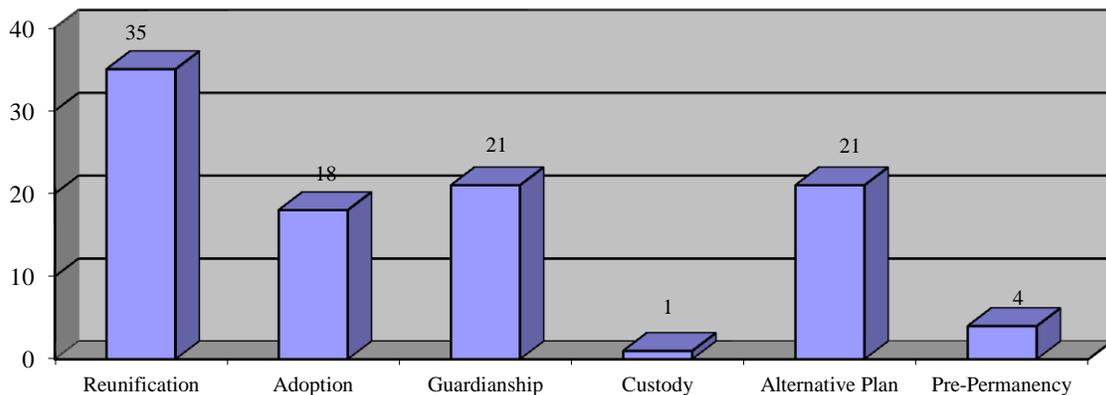
To ensure continued compliance with ASFA and to assist Family Court judges in ensuring that the content and structure of the permanency hearing are consistent with best practices, all judicial officers are required to use a standardized court order for all permanency hearings. As required by ASFA, the form requires the judge to set a specific goal and achievement date at each hearing. The use of this standard form continues to contribute to an increase in compliance with best practices and legal requirements. In its ongoing effort to ensure that the structure and content of permanency hearing orders are consistent with best practices and easy to use, the Family Court Implementation Committee through the Abuse and Neglect Subcommittee completed a review of this and all other form orders during 2010. As a result of the review, the Family Court created new official court forms for proceedings in abuse and neglect cases which in addition to meeting the requirements of ASFA also comply with 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). The uniform court forms became effective by Administrative Order in October 2010. In 2011, after implementation of the revised court form orders and feedback from judicial officers, the committee agreed to review the revised orders. The goal of the review was to streamline the orders and better clarify required findings related to ICWA. The committee expects to complete its revisions by March 2012. Once completed, the revised orders will be piloted in three courtrooms for a

three-month period. Following the pilot period, final revisions will be made and a new administrative order will be issued.

### **Barriers to Permanency**

Under ASFA, there are four preferred permanency goals for children removed from their home: reunification, adoption, guardianship or custody. Figure 16 identifies the current permanency goal for children under court supervision. Cases of children identified as pre-permanency have not yet had a disposition hearing, the earliest point at which a goal would be set. Although the court has improved significantly in establishing goals for children, the achievement of those goals still remains a challenge. For children with the goal of reunification, the primary barrier was related to a disability of the parent, including the need for the parent to receive life-skills training, the need for substance abuse treatment, and the need for other treatment. In addition, procedural impediments related to housing serves as a barrier to reunification.

**Figure 16. Percent Distribution of Current Permanency Goal for Children Under Court Supervision, 2011**



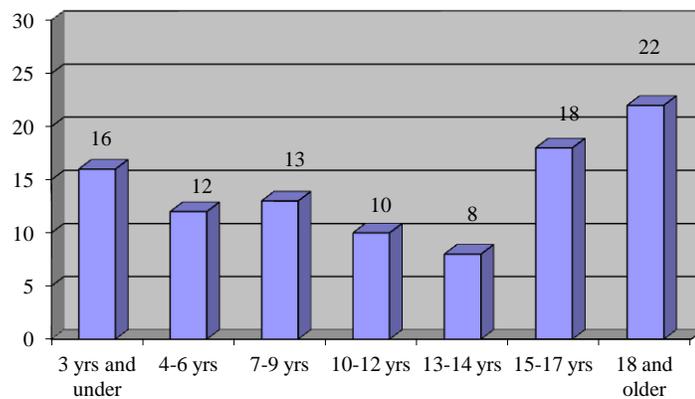
Similarly, disabilities of the parent/caretaker also served as an impediment to adoption, including the need for the parent/caretaker to receive life skills training, the

need for substance abuse treatment, and the need for other treatment. Disabilities related to the child, including significant emotional impairment were an impediment to accomplishing the goal of adoption, as were procedural impediments related to adoption proceedings. Disabilities of the parent/caretaker including the need to receive life skills training, and procedural impediments related to the guardianship proceedings were barriers to guardianship. For youth with the goal of adoption and guardianship, the lack of subsidies beyond the age of 18 was a significant barrier to accomplishment of those goals. However, the Adoption Reform Amendment Act which provides subsidies for youth until age 21 should significantly reduce this barrier in the future. In addition, continued improvements in addressing these and other barriers to permanency have led to improved outcomes for children in care.

In addition, another significant barrier to permanency is the percentage of cases which involve older children for whom the court has found compelling reasons to set a goal of APPLA. As Figure 17 shows, 4 out of 10 youth under court supervision are 15 years of age or older. Indeed, almost 50% of youth under court supervision are 13 years of age or older. Many of them cannot be returned to their parents, but do not wish to be adopted or considered for any other permanency option, which makes permanency difficult to achieve. 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. The Family Court's *Preparing Youth for Adulthood Initiative* has been effective in helping to ensure that older youth in the program who remain in care receive the necessary support in setting concrete goals for achieving independence, established

timeframes for the completion of specific tasks, and are connected with at least one lifelong connection with an adult who has committed to remaining in the youth’s life after emancipation. In addition, the Family Court is continuing to work with CFSA and other stakeholders to eliminate or reduce the impact of barriers on permanency for all children in care.

**Figure 17. Percent Distribution of Current Ages of Children Under Court Supervision**



### **FAMILY TREATMENT COURT PROGRAM**

The Family Treatment Court (FTC) is a fifteen-month comprehensive voluntary substance abuse treatment program for mothers or female guardians whose children are the subject of a child abuse or neglect case. The program gives mothers a chance to rebuild their lives and their families. Mothers involved in neglect and/or abuse cases where there is a nexus between substance abuse and child neglect are submitted for consideration to the FTC program through the OAG after a review of their case and an initial screening. Potential cases identified after this initial screening are then forwarded to the CFSA’s Office of Clinical Practice. Cases are also subjected to a local criminal background check, a Department of Mental Health check, and an interview by the Family

Treatment Court Coordinator. Mothers who qualify for the program enter into a contract with the FTC, agreeing to the mandates of the program, including stipulating to the allegations of neglect, if their child was not already adjudicated neglected at trial.

Once the FTC contract is signed, clients enter the six-month residential treatment component of the program. After an initial adjustment period, mothers may be reunited with their children in the treatment facility. A mother may have up to four children under age 10 with her in the treatment facility. The ability to keep mothers and children together is the most significant aspect of the program in that it enables children to stay out of foster care, and families to generally reach permanency sooner.

While in the facility, mothers participate in a rigorous, supervised drug treatment program that includes drug treatment and education, life skills, parenting training, and relapse prevention. In addition, through our stakeholder and community partnerships, both mothers and children receive a variety of services. These services include but are not limited to: psychological and/or psychiatric counseling, individual counseling, educational assessments, developmental evaluations, speech and bonding studies, GED preparation, job-skills training, tutoring, family counseling, play therapy, and summer camp opportunities for children. Funding for many of these services is provided through Medicaid, the Crime Victims Compensation Fund, and CFSA.

The Second Genesis-Mellwood Facility continues to provide residential/inpatient treatment services for the FTC program. Their mission is “to empower individuals and families with the tools to break the cycle of addiction, to make choices that will enable them to experience a healthy, responsible life free from alcohol, drugs, crime, violence, and exploitation.”

Upon completion of the inpatient phase of the program, FTC clients participate in a graduation ceremony to memorialize their transition to community-based aftercare. Clients returning to the community either return to their pre-existing housing or move into transitional housing units provided through the FTC program. Presently, the majority of program participants choose to live in transitional housing. During 2011, Catholic Charities, New Day Transitional House, and the House of Ruth provided transitional housing services. Funding for transitional housing is provided by CFSA through an independent contract with each provider for a specified number of units for the sole use of the FTC program. While in aftercare, ongoing drug testing continues. In addition, clients continue to participate in job-readiness training, GED preparation, and other components of their individualized treatment plan.

In 2011, 84 women were referred to the in-patient phase of the FTC program. Twenty-three women (27% of referrals) were admitted and 61 were not admitted. Most of those referred to the program chose not to participate. For those that were interested, the primary reasons for ineligibility were: severe mental illness, a violent criminal history, or lack of the requisite nexus between their substance abuse and neglect. Other factors such as current or prior allegations of serious physical or sexual abuse, as well as the need for methadone treatment also reduced the number of women eligible for the program.

During the year, 20 women left the in-patient phase of the program as follows: 11 (or 55%) after successful completion of the program, one (or 5%) voluntarily left the program, and eight (or 40%) were terminated from the program. The 55% success rate in 2011 was lower than the success rates in 2009 and 2010 (60%). While higher than the

54% success rate in 2008 it was still significantly lower than it was in both 2007 (77%) and 2006 (88%). The lower success rates prompted stakeholders to reexamine the methods used to determine eligibility for the program, including the effectiveness of the Additional Severity Index (ASI) for fit in determining success in the FTC program. In addition, FTC stakeholders began discussions on enhancing the continuum of treatment services available to women in the FTC program.

In May 2011, a graduation celebration was held to honor five women who successfully completed the in-patient phase of the program and entered the community-based aftercare phase. They, along with 9 other women already in aftercare at the beginning of the year and six women who completed residential after the graduation celebration, participated in a very rigorous schedule of activities and continuing care programs. Twelve women left the aftercare phase of the program during the year. Eight (67%) successfully completed the aftercare program and four were terminated. More importantly, all eight women who completed the aftercare program had their neglect cases closed and were successfully reunited with their children. Among women remaining in the aftercare program at the end of 2011, two were at home in the community and six were in transitional housing units provided by the FTC program. FTC stakeholders continue to review the eligibility criteria and program components with a goal of increasing the yield from women referred to the program, as well as, maximizing the number of women who successfully complete the program.

Beginning in late 2009 and continuing through 2011, the FTC program underwent a number of changes designed to better meet the needs of participants and to ensure that they have the greatest possibility for successful completion of the program. During the

period, changes were made in the tools used to determine program eligibility, the provider of assessment functions, courtroom procedures, the focus and frequency of case staffings, and training resources made available to program participants. A new vehicle for sharing information, the FTC Newsletter, was created in 2009 to keep current and former program participants in contact with one another. During 2011, three issues of the newsletter were published. A new community service component for program participants and a review of the use of incentives and sanctions in the program are both in the discussion/consideration phase. Finally, during 2010, the FTC Manual was revised. Implementation of the new manual began in 2011. In 2012, the workbook “Passport to a New Beginning” will be revised. The workbook will allow clients to document and track key milestones in their case, and serve as a repository for important information they will need when they leave the FTC program.

In September 2009, the Superior Court entered into a contract with Westat, Inc. to conduct a process/implementation and outcome evaluation of the FTC. The evaluation was designed to assist the Court in determining whether the program has been implemented as it was envisioned and how the outcomes for participants and their children compare to those achieved by women who do not participate in the program. Preliminary results of the evaluation have been received and are under review by the Court.

### **PERMANENCY OUTCOMES FOR CHILDREN**

In 2011, Family Court judicial officers closed 712 post-disposition abuse and neglect cases. As can be seen from Table 3, 73% were closed because permanency was achieved. Twenty-seven percent of the cases were closed without reaching permanency,

either because the child aged out of the system or they were emancipated because they no longer desired to have services provided by CFSA; and one case closed because the respondent was deceased. The percentage of post-disposition cases closed because a child reached permanency (73%) was higher than in either 2009 or 2010, 69% and 70% respectively.

The percentage of cases that closed to reunification, approximately a third, was unchanged from 2010 as was the percentage of cases closed to custody which remained at two percent. The percentage of cases that closed to adoption continued to decrease from 20% of case closures in 2009 to 15% of closures in 2011. On the other hand, the percentage of cases that closed because the child was placed with a permanent guardian increased from 14% of case closures in 2009, to 16% in 2010, to 22% in 2011.

During 2011, both the Court and the agency undertook a thorough examination of children with the goal of adoption. The agency's review was designed to determine if there were policies and procedures that should be enforced or implemented to ensure that they reach permanency in a timely manner. In addition, the examination included a review of children with a goal of adoption that had not been placed in a pre-adoptive home and the timeliness of filing a TPR motion once the goal was changed to adoption. The Court's review focused on the timeliness of adoption proceedings and an identification of barriers at each step in the process that serve to delay the adoption process and hence delay timely permanency for children.

As has been the case, a significant percentage of cases in 2011 closed without the child achieving permanency. However, the percentage of cases closed without

permanency has steadily declined from 31% of cases closed in 2009, to 30% in 2010, and 26% in 2011.

**Table 3. Abuse and Neglect Cases Closed Post-Disposition  
By Reason for Closure, 2009-2011**

Reason for Case Closure	Number and percent distribution of cases closed					
	2009		2010		2011	
	Number	Percent	Number	Percent	Number	Percent
<b>Permanency Goal Achieved</b>	<b>445</b>	<b>69</b>	<b>467</b>	<b>70</b>	<b>522</b>	<b>73</b>
Reunification	211	33	234	35	241	34
Adoption	128	20	112	17	109	15
Guardianship	93	14	105	16	154	22
Custody	13	2	16	2	18	2
<b>Child Reached Age of Majority</b>	<b>139</b>	<b>22</b>	<b>158</b>	<b>24</b>	<b>151</b>	<b>21</b>
<b>Child Emancipated</b>	<b>56</b>	<b>9</b>	<b>42</b>	<b>6</b>	<b>38</b>	<b>5</b>
<b>Child Deceased</b>	<b>2</b>	<b>-</b>	<b>2</b>	<b>&lt;1</b>	<b>1</b>	<b>&lt;1</b>
<b>Court Case Closed-Continued for CFSA services</b>	<b>0</b>	<b>-</b>	<b>1</b>	<b>&lt;1</b>	<b>0</b>	<b>-</b>
<b>Total Cases Closed</b>	<b>642</b>	<b>100</b>	<b>670</b>	<b>100</b>	<b>712</b>	<b>100</b>

As stated above, 26% of all post-disposition cases closed without the child achieving permanency, either because the child reached the age of majority or no longer wanted services from CFSA. This finding is not surprising given that at the end of 2011, 40% of children under Court supervision were 15 years of age or older. Many of these children, who have a permanency goal of APPLA (21%), have been in care for a significant period of time, or are unlikely to be reunited with their parents and do not wish to be adopted. As indicated earlier, to ensure that the maximum number of children reach permanency, CFSA has issued new guidelines and procedures for social workers planning to recommend a goal of APPLA to the Court. To help ensure that the new policy is followed, the Court has agreed to work with the agency to help monitor compliance with the requirements for recommending a goal change to APPLA. During

2012, social worker recommended goal changes to APPLA will not be considered by the Court unless the youth has participated in a Listening to Youth and Families as Experts (LYFE) conference and the Director of the Agency has approved the recommendation. 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. In addition, a review of all older youth currently with a goal of APPLA which began in 2009 is continuing.

As required by the Act, the Court has been actively involved in developing a case management and tracking system that would allow it to measure its performance and monitor 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 promulgated in the document "Building A Better Court: Measuring and Improving Court Performance and Judicial Workload in Child Abuse and Neglect Cases" as a guide, the court has developed baseline data in a number of areas critical to outcomes for children. "Building A Better Court" identifies four performance measures (safety, permanency, timeliness, and due process) against 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 that will allow them to assess their performance in meeting the identified goals.

During 2011, the Family Court continued to measure its performance in two areas: permanency and timeliness. Data for each area of performance is measured over a five year period. Data presented is restricted to cases filed and/or disposed of within a specific timeframe. As such, it may differ from data presented elsewhere in the report.

Such an analysis, using a cohort 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.

In 2006, the median time to achievement of permanency was 1.5 years for children whose cases closed to reunification; 3.9 years to reach a goal of adoption; 3.5 years for cases to close to guardianship; and 2.0 years to reach permanency through a goal of custody. In 2007, the comparable figures were 2.0 years to reunification, 3.7 years to adoption, 2.8 years to guardianship, and 3.6 years to custody. Tables 4b and 4c reflects comparative data on median time to closure for cases closed in 2008 through 2011.

As would be expected, children who were reunified with their parents spent less time in foster care than those whose cases closed through other permanency options. In 29% of the cases closed to reunification in 2011, children were reunified with their parent within 12 months of removal, 60% were reunified within 18 months and 68% within 24 months or less. The median time required to reunify children with their parents for cases that closed in 2011 was 1.3 years, the shortest amount of time over the six year period.

The median time to closure for cases closed to adoption in 2011 was 3.9 years. Over the six year period from 2006 to 2011, the Court and the agency has had difficulty reducing the length of time, a little less than four years, which is required to close a case to adoption. Furthermore, in each of those years, more than 9 out of 10 children spent more than 24 months in care waiting to be placed in a permanent home.

**Table 4a. Percent Distribution of Time Between Case Filing and Achievement of Permanency Goal, for Cases Closed in 2006 and 2007**

Number of months to achieve goal	Permanency Goal							
	Reunification		Adoption		Guardianship		Custody	
	2006	2007	2006	2007	2006	2007	2006	2007
6 months	4	1	0	0	0	0	5	0
12 months	16	15	0	1	1	0	16	9
18 months	31	18	1	1	2	6	24	0
24 months	17	25	6	1	5	8	3	9
More than 24 months	32	41	93	96	92	86	51	82
<b>Total Cases Closed</b>	<b>284</b>	<b>173</b>	<b>197</b>	<b>135</b>	<b>192</b>	<b>110</b>	<b>37</b>	<b>11</b>
<b>Median Time to Achieve Goal</b>	<b>1.5</b> years	<b>2.0</b> years	<b>3.9</b> years	<b>3.7</b> years	<b>3.5</b> years	<b>2.8</b> years	<b>2.0</b> years	<b>3.6</b> years
<b>Average Time to Achieve Goal</b>	<b>2.1</b> years	<b>2.6</b> years	<b>4.5</b> years	<b>4.5</b> years	<b>4.1</b> years	<b>3.3</b> years	<b>2.8</b> years	<b>5.7</b> years

**Table 4b. Percent Distribution of Time Between Case Filing and Achievement of Permanency Goal, for Cases Closed in 2008 and 2009**

Number of months to achieve goal	Permanency Goal							
	Reunification		Adoption		Guardianship		Custody	
	2008	2009	2008	2009	2008	2009	2008	2009
6 months	5	2	0	0	0	0	0	8
12 months	19	17	1	0	0	0	0	8
18 months	20	22	2	1	3	11	12	31
24 months	16	16	3	4	5	23	12	23
More than 24 months	40	43	94	95	92	67	76	31
<b>Total Cases Closed</b>	<b>163</b>	<b>211</b>	<b>95</b>	<b>127</b>	<b>93</b>	<b>93</b>	<b>17</b>	<b>13</b>
<b>Median Time to Achieve Goal</b>	<b>1.7</b> years	<b>1.7</b> years	<b>3.9</b> years	<b>4.1</b> years	<b>3.0</b> years	<b>2.7</b> years	<b>2.7</b> years	<b>1.5</b> years
<b>Average Time to Achieve Goal</b>	<b>2.5</b> years	<b>2.7</b> years	<b>4.6</b> years	<b>5.2</b> years	<b>3.8</b> years	<b>3.2</b> years	<b>2.7</b> years	<b>2.1</b> years

As was the case with adoption, the median time to achievement of permanency for children whose cases closed to guardianship also increased slightly in 2011 to 2.7

years. The median ranged from 2.4 years in 2010 to 2.7 years in 2009 and 2011, to 2.8 years in 2007, 3.0 years in 2008 and 3.5 years in 2006.

**Table 4c. Percent Distribution of Time Between Case Filing and Achievement of Permanency Goal, for Cases Closed in 2010 and 2011**

Number of months to achieve goal	Permanency Goal							
	Reunification		Adoption		Guardianship		Custody	
	2010	2011	2010	2011	2010	2011	2010	2011
6 months	4	7	0	1	8	12	0	0
12 months	17	22	0	1	6	6	25	6
18 months	22	31	3	2	0	3	12	6
24 months	19	8	4	4	11	8	19	22
More than 24 months	37	33	93	93	75	71	44	67
<b>Total Cases Closed</b>	<b>234</b>	<b>241</b>	<b>112</b>	<b>109</b>	<b>105</b>	<b>154</b>	<b>16</b>	<b>18</b>
<b>Median Time to Achieve Goal</b>	<b>1.7 years</b>	<b>1.3 years</b>	<b>3.6 years</b>	<b>3.9 years</b>	<b>2.4 years</b>	<b>2.7 years</b>	<b>1.8 years</b>	<b>2.4 years</b>
<b>Average Time to Achieve Goal</b>	<b>2.2 years</b>	<b>2.1 years</b>	<b>4.5 years</b>	<b>4.5 years</b>	<b>3.1 years</b>	<b>3.1 years</b>	<b>2.8 years</b>	<b>2.7 years</b>

It is important to remember that many of the cases closed since 2006 were older cases where the children had already been in care for extended periods of time. As these older cases close or the youth age out of the system, the court expects the median time to case closure to remain high. Table 5 shows the year of case filings for the pending caseload and demonstrates why the median will remain high over the next several years.

**Table 5. Age of Pending Caseload, 2011**

Year Case Filed	Percent of Pending Caseload
1991-1996	3
1997-2001	10
2002-2003	6
2004- 2005	8
2006	5
2007	5
2008	11
2009	12
2010	20
2011	21
<b>Number Pending</b>	<b>2,000</b>

Nearly a third of the cases under court jurisdiction at year end had been open five or more years. As these cases close, they will continue to drive the median time to closure and keep it high over the next several years. Table 6, on the other hand, shows that the court is making significant progress in achieving permanency for newly filed cases.

**Table 6. Status of Cases Filed, 2006-2011**

Year Filed	Number Filed	Case Status	
		Percent Open	Percent Closed
2006	652	14	86
2007	532	17	83
2008	842	24	76
2009	575	39	61
2010	726	52	48
2011	593	67	33

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

In 27% of the cases (190 cases) closed in 2011, the children did not achieve permanency either because they aged out of the system or were emancipated. The percentage of cases closed in 2011 in this category was lower than it was in 2010 (30%) and 2009 (31%).

### **Reentry to Foster Care<sup>6</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.

Over the five year period, 2007-2011, no more than six percent of children whose cases closed to reunification returned to care with 24 months of case closure.

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<sup>6</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.

Sixteen of the 186 cases closed to reunification in 2007 returned to care, five within 12 months of case closure and seven within 24 months of closure. An additional four cases

**Table 7. Children who reenter foster care pursuant to a court order after being returned to their families**

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
2007	186	16	5	7	4
2008	170	3	1	2	0
2009	211	11	6	4	1
2010	232	6	5	1	0
2011	241	3	3	0	0

returned to care more than 24 months after case closure. Three of the 170 cases closed to reunification in 2008 returned to care, one within 12 months and two within 24 months of reunification. Eleven of the 211 cases closed to reunification in 2009 returned to care, six within 12 months of reunification and four within 24 months of reunification. Of the 241 cases closed to reunification in 2011, three returned to care within 12 months of reunification.

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

As of December 31, 2011, no case closed to adoption in 2008, 2009, 2010 or 2011 had returned to care in this jurisdiction. Of the 135 cases closed to adoption in 2007, one child was returned to care within 24 months of being adopted.

**Table 8. Children who reenter foster care pursuant to a court order after being adopted**

Year	Number of Cases Closed by Adoption	Number of Children Returned to Foster Care after Adoption	Number of Months Before Return		
			12 Months	24 Months	More than 24 Months
2007	135	1	0	1	0
2008	95	0	0	0	0
2009	128	0	0	0	0
2010	112	0	0	0	0
2011	109	0	0	0	0

**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.

**Table 9. Children who reenter foster care pursuant to a court order after being placed with a permanent guardian**

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
2007	132	31	4	6	21
2008	101	14	3	6	5
2009	96	13	1	7	5
2010	105	8	4	4	0
2011	154	9	9	0	0

Thirty-one cases closed to guardianship in 2007 have disrupted, four within 12 months of placement with a permanent guardian, six within 24 months of placement and 21 more than 24 months after placement. Fourteen percent of cases closed to guardianship in 2008 and 2009 disrupted after placement, as did eight cases closed to guardianship in 2010 and six cases in 2011.

**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 43 to 53.

**TERMINATION OF PARENTAL RIGHTS**

Federal and local law requires that when a child has been placed outside of the home for 15 of the most recent 22 months, a motion for termination of parental rights (TPR) be filed or that an exception be documented. Since passage of the Act the number of TPR motions filed has varied from a high of 161 motions in 2008 to 134 motions in 2009, to 129 in 2007 and 83 in 2010. During 2011, 67 TPR motions were filed. Table 10

below provides information on compliance with the timely filing of TPR motions for the five-year period, 2007 through 2011.

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

**Table 10. Time Between Filing of Original Neglect Petition and Filing of TPR Motion, by Year TPR Motion Filed, 2007 - 2011**

Year Filed	Total TPR Motions Filed	Median Days To Filing	Average Days To Filing	Number of Motions Filed Within :				
				15 months	22 months	36 months	60 months	More than 60 months
2007	129	688	940	37	26	31	23	12
2008	161	585	871	38	55	35	18	15
2009	129	562	835	29	50	31	10	9
2010	83	559	750	26	25	22	4	6
2011	67	532	664	22	26	13	4	2

The OAG is mandated to take legal action or file a motion for termination of parental rights when children have been removed from home in two instances. First, when the child has been removed from home for 15 of the most recent 22 months and second within 45 days of a goal of adoption being set. A review of the time between the filing of the original neglect petition in a case and the subsequent filing of a TPR motion in that case indicates that the median number of days between these two events was between 1 ½ to 2 years. However, there has been steady improvement in the timely filing of TPR motions. Whereas, forty-nine percent of motions filed in 2007 were filed within 22 months the percentage within 22 months had risen to 72 percent of motions filed in 2011. On the other hand, Table 10 also indicates in several cases the TPR motion was filed after the case had been open for more than 3 years. In most cases where the TPR is filed after the 22 month timeline, a goal of adoption has been set late in the case and the motion is filed within the 45 day timeframe. The OAG continues to track permanency goals of children removed from home very closely to ensure that whenever a goal

changes to adoption, a timely TPR motion is filed. In addition, the CWLT monitors the status of TPR cases identified by both the court and the OAG at each of its quarterly meetings. This collaborative review process has resulted in continued improvement in the timely filing of TPR motions.

Tables 11 – 13 below provide information on the court’s performance as it relates to the handling of TPR motions.

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

**Table 11. Termination of Parental Rights Motions Filed, by Year Motion Filed and Method of Disposition, 2007 - 2011**

Year Filed	Total Filed	Total Undisposed	Total Disposed	Method of Disposition			
				Granted	Dismissed	Withdrawn	Denied
2007	129	1	128	17	89	19	3
2008	161	5	156	30	101	23	2
2009	134	7	127	13	78	36	0
2010	83	25	58	3	35	20	0
2011	67	51	16	5	3	8	0

**Table 12. Time Between Filing and Disposition of TPR Motions, by Year Motion Filed, 2007 - 2011**

Year Filed	Total Motions Disposed of	Median Days to Disposition	Average Days to Disposition	Number of Motions Disposed of Within:				
				30 days	90 days	120 days	180 days	180 + days
2007	128	736	729	1	1	2	3	121
2008	156	531	598	1	0	0	2	153
2009	127	469	502	0	2	1	5	119
2010	58	270	280	0	2	2	9	45
2011	16	180	184	2	3	1	6	4

**Table 13. Time Between Filing and Disposition of TPR Motion, by Year Motion was Filed and Type of Disposition, 2007-2011**

Year Filed	Total Motions Disposed of	Time to Disposition, by Type of Disposition					
		Motion Granted			Other Disposition of Motion*		
		Number of Motions Granted	Median Days to Disposition	Average Days to Disposition	Number of Other Dispositions	Median Days to Disposition	Average Days to Disposition
2007	128	17	594	606	111	747	748
2008	156	30	479	564	126	535	607
2009	127	13	687	658	114	459	484
2010	58	3	613	478	55	270	269
2011	16	5	180	144	11	170	169

\*Includes motions dismissed, withdrawn or denied.

The length of time between filing the TPR motion and the order granting the TPR varied considerably over the five year period from 2007 to 2011. The median time between filing the motion and the order granting the motion ranged from a low of 479 days in 2008 to a high of 687 days in 2009. Seventy percent of TPR motions filed in 2010 have been disposed. The median time to disposition for motions disposed was 270 days. Approximately a quarter of TPR motions filed in 2011 have been disposed. For those disposed the median days to disposition was 180 days.

The median time required to dispose of TPR motions by means other than granting of the motion (i.e., dismissal, denied, withdrawn) exceeded one year in each year from 2007 to 2009. In 2010 the median was 270 days. Again, the majority of motions filed in 2011 have not yet been disposed.

Case processing performance standards for the disposition of TPR motions was established by the Chief Judge in Administrative Order 09-12 issued in October 2009. The standard, which applies to all cases filed after issuance of the order, requires that 75% of motions be resolved within 9 months and 90% within 12 months. As indicated earlier, 67 TPR motions were filed in 2011. Sixteen of those motions have been disposed. All 16 dispositions were in compliance with the time standard. During 2012, the court will continue to monitor compliance with this performance measure.

On December 31, 2011 there were 101 TPR motions pending disposition, a 41% reduction from 2010 (172 motions pending) and a 72% reduction from 2008 (361 motions pending). This reduction in the pending caseload is attributable to the increased focus on the efficient handling of TPR motions at both the OAG and the court. It is important to note that TPR motions that have been pending for a number of years, as well

as the large number of TPR motions disposed of through dismissal are largely a reflection of previous practice in the District of Columbia of terminating parental rights within the adoption case.

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

Over the period from 2007 through 2011, the median number of days to file an adoption petition after a TPR motion had been granted ranged from a low of 97 days in 2010 to a high of 421 days in 2008. The calculation of the median does not include those cases in which an adoption petition was filed before the TPR motion was granted, or those cases in which a TPR motion was granted and no adoption petition has been filed.

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

A quarter of the adoption petitions filed in 2011 have been disposed. In more than half of the cases disposed, the adoption petition was granted (Table 14). For those cases in which the petition was granted, the median time between filing and finalization was almost eight months (232 days). For adoptions finalized in 2010 the median was one year (367 days). As can be seen from Table 15, the median time between filing of the adoption petition and finalization was approximately 16 months in 2008, 15 months in 2007, and 13 months in 2009.

**Table 14. Adoption Petitions Filed by CFSA, by Year  
Petition Filed and Method of Disposition, 2007 - 2011**

Year Filed	Total Filed	Total Undisposed of	Total Disposed of	Method of Disposition			
				Granted	Dismissed	Withdrawn	Denied
2007	168	0	168	118	26	24	0
2008	180	6	174	121	21	31	1
2009	151	7	144	98	18	22	6
2010	168	35	133	92	12	28	1
2011	130	97	33	17	3	13	0

**Table 15. Time Between Filing and Finalization of Adoption  
Petition of Children in Foster Care, by Year Petition Filed, 2007 - 2011**

Year Filed	Total Adoptions Finalized	Median Days to Finalization	Average Days to Finalization	Number of Adoptions Finalized Within:				
				3 months	6 months	12 months	18 months	>18 months
2007	118	459	518	0	9	34	39	36
2008	121	491	508	0	7	20	47	47
2009	98	403	440	1	3	34	36	24
2010	92	367	371	1	9	34	36	12
2011	17	232	232	0	5	11	1	0

**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* who is an attorney for all children involved in neglect proceedings. Guardians *ad litem* were appointed for all children in advance of the initial hearing.

**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 in advance 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 that are 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 twelve 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 worker(s) or case worker(s) in an effort to access available services for the child and/or

family. Each liaison is able to 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 have staff physically located in the MSLO, during specific, pre-assigned days of the week:

- Child and Family Services Agency
- Department of Mental Health
- District of Columbia Public Schools
- Department of Disability Services
- Hillcrest Children's Health Center

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:

- District of Columbia Housing Authority
- Department of Human Services: Income Maintenance Administration
- Metropolitan Police Department: Youth and Preventive Services Division
- Department of Human Services: Strong Families Division
- Department of Health: Addiction Prevention and Recovery Administration
- Department of Health: Maternal and Family Health and Youth Prevention Services Division
- Department of Employment Services
- Department of Youth Rehabilitation Services

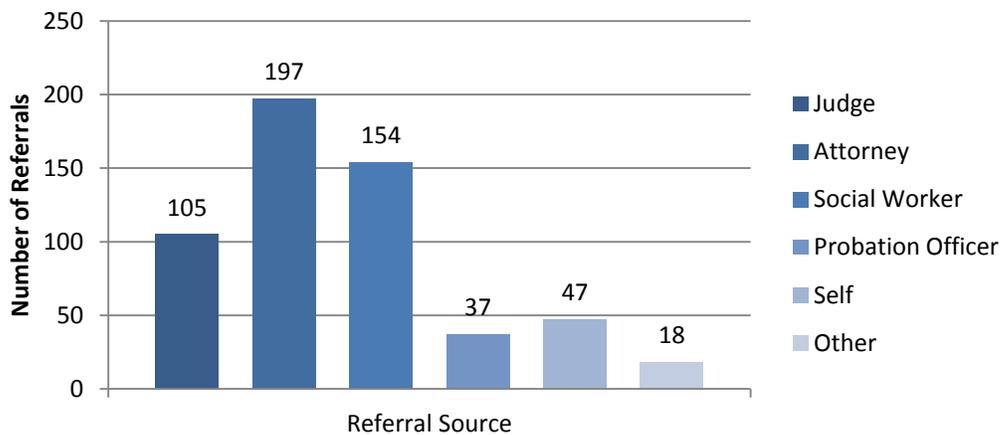
### **Referral Process to the Mayor's Services Liaison Office**

Cases are referred to the MSLO from a variety of sources, including self-referral, referral from a guardian *ad litem*, social worker, family worker, attorney, judge, and/or probation officer, or through a court order. 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.

During 2011, the MSLO received 558 referrals. Eighty-eight percent of referrals (493) were for families with a currently open case in Family Court and 12% involved walk in clients or clients with a previous history in the Family Court. Among referrals with open court cases, 83% (410) were court involved families referred by the court to seek the services of the MSLO. The remaining 17% of those seeking services had been ordered to the MSLO by a judicial officer to be connected with a specific service. Attorneys were the most likely source of referrals to the MSLO, followed by judges and social workers.

Cases seeking the services of the MSLO were for assistance with issues related to housing, such as transfers, inspections, emergency housing; mental health evaluations and assessments; individual and family therapy; substance abuse treatment; school placements; IEP's and other special education issues, including testing and due process; general education; TANF assistance; medical assistance; financial assistance; food; and

**Figure 16. Referrals to MSLO by Referral Source, 2011**

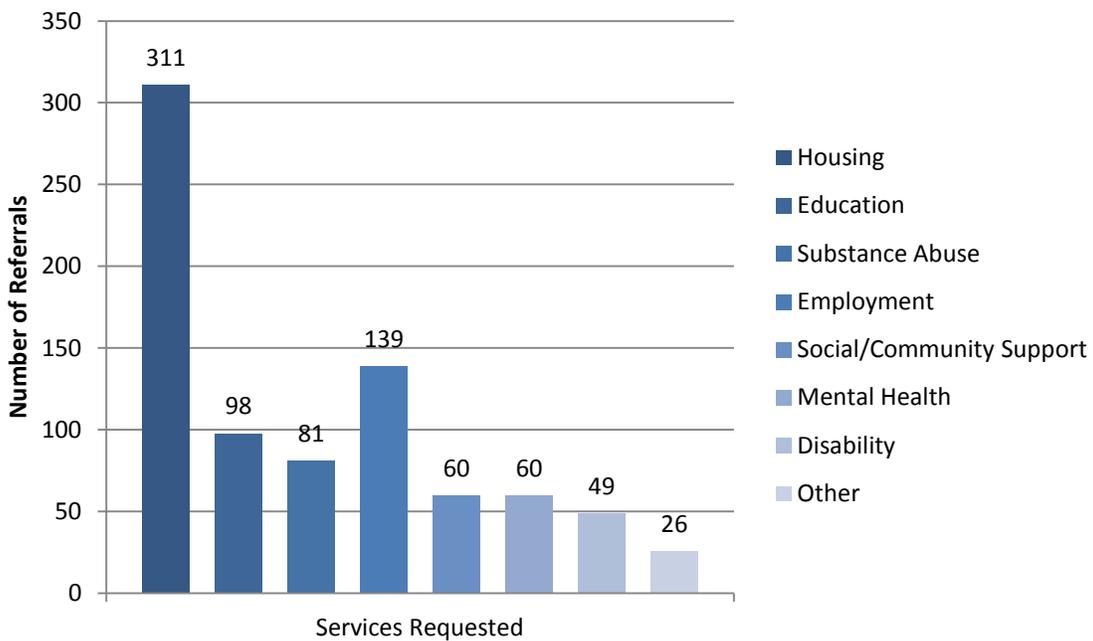


employment and literacy information. The MSLO effectively linked these families and children to a variety of services. Chief among them was housing and employment. In addition, the MSLO provides several resources to women in the Family Treatment Court

program, such as housing assistance, including assistance with the Housing Voucher Client Placement program (D.C.H.A.), eviction prevention, TANF assistance, and medical assistance.

In general, service requests to the MSLO are immediately assigned to the appropriate agency liaison. The agency liaison immediately meets with the family and provides the services and the resources necessary to resolve the issue(s), usually within 24 to 48 hours of meeting with the party. In many instances, services are provided in the MSLO at the time of the request.

**Figure 17. Referrals to the Mayors Services Liaison Office, 2011**



**NEW INITIATIVES IN ABUSE AND NEGLECT**

**First Annual Family Celebration Day**

The first “Family Celebration Day” was held on Saturday, June 4, 2011. The goal of this event was to celebrate the accomplishments of families who have overcome an

array of challenges to reunify safely and successfully and to recognize the vital role that community partners – including mental health and substance abuse providers, courts and judges, foster parents and others – play in helping to reunify, strengthen and support families. An additional goal was to inspire and persuade other parents – particularly those going through the recovery process – that it is possible to confront and resolve the issues that led to their separation, and to reunify with their children. The event was the result of a joint collaboration between the Family Court and the Child and Family Services Agency. Overall, the event was a success. However, the greatest challenge to the event is family engagement and participation. District of Columbia families move regularly between D.C. and its surrounding suburbs in Maryland and Virginia making it very difficult to locate them for an event of this nature. Although the event did not attract the number of families anticipated for in 2011, valuable lessons were learned that have proven useful in the planning of this year’s event. Judicial officers, social workers and attorneys are notifying parents of the 2012 celebratory event at the time of case closure and asking parents to update their contact information including addresses and telephone numbers. We are also reaching out to other community organizations that work with reunified families after they leave care with the hope that they will remain in contact with the families and help secure their participation in our next event.

### **Safe and Sound**

In 2011, the Family Court implemented the “Safe and Sound: Community Court Program for In-Home Families Involved with the District of Columbia Child Welfare System” designed to reduce the number of child welfare cases that convert from in-home (community cases) to court-involved cases. Safe and Sound is a collaborative effort

between the Family Court, the CFSA, the OAG and other child welfare stakeholders. The voluntary program focuses on families currently being served in home by CFSA. During the pilot period, the project was to assist a maximum of ten (10) families at any point in time. During 2011, the program served 14 families, eight of which have successfully completed the program. Data gathered from the cases at entry and exit from the program will assist the CFSA in learning more about the barriers to successful closure of in-home cases, enabling the agency to develop best practices in working with this vulnerable population.

### **Courts Catalyzing Change**

In 2006, the NCJFCJ and the Victims Act Model Courts in collaboration with Casey Family Programs, adopted a national goal to reduce racial disproportionality and disparate treatment in foster care. Through its committee on Disproportionate Representation of Minorities (DRM), the Family Court continued its work of assessing disparate treatment and developing guidelines to address the problem of disproportionality. In March 2011, the Family Court offered training on the National Council of Juvenile and Family Court Judges “Courts Catalyzing Change Bench Card.” The purpose underlying the development of the bench card is to transform judicial practice on the bench in child abuse and neglect cases. The bench card is designed to help judges examine potential bias that may affect their decisions and aids judges in inquiries surrounding due process considerations and other areas of inquiry appropriate at the initial stages of a neglect or abuse proceeding. The Family

Court is currently in the process of developing a methodology to measure the impact of use of the bench card.

### **JUVENILE CASES**

During 2011, there were 3,419 new juvenile complaints filed in the Family Court, a two percent increase from filings in 2010 (3,342). Eighty-five percent (2,891) of all complaints filed were based on an allegation of delinquency, four percent (149 cases) pursuant to an Interstate Compact Agreement (ISC), and 11% (378 cases) on a person in need of supervision (PINS) allegation. The percentage of filings based on a PINS allegation increased 195% from 4% of filings in 2010 to 11% in 2011. The increase is largely attributable to an increase in the number of juveniles referred for being habitually truant from school. Sixty-one percent of complaints filed (2,070) resulted in a formal petition being filed by the OAG. The remaining cases were either “no papered” or the petition has yet to be filed. Delinquency cases comprised eighty percent (1,662) of the cases that were petitioned; PINS cases (316) accounted for 15 percent of petitioned cases and ISC cases (92) accounted for 4%. The remainder of this section focuses on the 1,662 cases alleging delinquency in which a petition was filed during 2011.

The number of delinquency cases petitioned increased less than one percent between 2010 (1,654) and 2011 (1,662). There were however significant differences by gender in the percentage of cases petitioned. Petitions for males decreased by 8% and for females increased by 31%. Although males continued to account for more than 8 out of every 10 cases petitioned in 2011 (83%), the percentage of females among petitioned cases increased (from 12% in 2010 to 17% in 2011).

Four percent of cases petitioned in 2011 involved youth aged 12 or younger. A fifth involved juveniles who were 13 and 14 years old, nearly half were 15-16 years old at the time of petitioning, and 30% were 17 or over. Overall, youth petitioned in 2011 were older than youth petitioned in 2009 and 2010. In 2009, 53% of youth were 16 or older at the time of petitioning in comparison to 55% of youth in 2010, and 56% of youth in 2011.

Thirty-eight percent of juveniles (643 cases) were detained at the time of their initial hearing (17% in non-secure facilities or shelter houses and 21% in secure detention facilities). Males comprised 86% of those detained and females 14%.

#### **MOST SERIOUS OFFENSE**<sup>7</sup>

Fifty-two percent of new delinquency cases petitioned in 2011 were for a violent crime, 29% for a property offense, 8% for a drug law violation and 10% for a public order offense. The most common juvenile charges resulting in a petition in 2011 was for a charge of robbery (15% of referrals) or simple assault (13% of referrals), followed by aggravated assault (11%), and unauthorized use of a vehicle (8%). Weapons offenses, assault with a dangerous weapon, and larceny/theft each accounted for 6% of new referrals. Although few in number, it is important to point out that four juveniles were charged with murder and seven with assault with the intent to kill in 2011.

Juveniles charged with assault accounted for nearly 6 out of 10 new petitions for acts against persons (aggravated assault (21%), simple assault (25%) and assault with a dangerous weapon (11%)). Robbery (36%) was the second leading offense petitioned

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<sup>7</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. Thus data presented in this table does not provide a count of the number of crimes for which a juvenile was charged.

for acts against persons (6% armed robbery and 30% unarmed), followed by juveniles charged with other violent sex offenses (2%).

Twenty-eight percent of all juvenile cases petitioned for acts against property involved the unauthorized use of a vehicle; followed by larceny/theft (22%), unlawful entry (17%), burglary II (15%), and property damage (11%).

The majority of youth charged with acts against public order were charged with a weapons offenses (61%); 15% were charged with obstruction of justice. Among juveniles charged with a drug law violation, slightly more than half (54%) were charged with drug sale or distribution and the remaining (46%) were charged with drug possession.

### **Most serious offense by age**

New referrals in 2011 were slightly older than those in 2009 and 2010. In 2009, 47% of all delinquency cases petitioned by the Family Court involved youth 15 years of age or younger at the time of referral compared, 45% in 2010 and 44% in 2011.

Referrals of youth 15 or younger represented a larger proportion of offenses against persons and property and smaller proportions of drug and public order offenses. The most likely reason for petitioning a youth 15 or younger was a charge of simple assault (17% of referrals) or robbery (16%), followed by aggravated assault (11%) and unauthorized use of a vehicle (8%) and assault with a dangerous weapon (7%). In contrast, the most common charge for a youth age 16 or older was robbery (15%), aggravated assault and simple assault (each 11% of referrals), followed by unauthorized use of an auto and weapons offenses (each 8% of referrals).

**Table 16. Juvenile Delinquency Cases Petitioned in 2011,  
by Age and Most Serious Offense**

Most Serious Offense <sup>8</sup>	Age at Time of Petition								
	Total cases	Under 10 years	10-12	13-14	15-16	17	18 and over <sup>9</sup>	15 and younger	16 and older
<b>Acts against persons</b>	<b>866</b>	<b>0</b>	<b>38</b>	<b>213</b>	<b>406</b>	<b>199</b>	<b>10</b>	<b>428</b>	<b>438</b>
Murder	4	0	0	0	2	0	2	2	2
Assault with Intent to Kill	7	0	0	0	4	3	0	2	5
Assault with Dangerous Weapon	97	0	8	27	40	22	0	49	48
Aggravated Assault	180	0	5	35	90	49	1	82	98
Armed Robbery	57	0	5	10	28	14	0	31	26
Robbery	257	0	6	65	124	58	4	119	138
First Degree Sexual Abuse (Rape)	10	0	0	4	4	1	1	5	5
Other Violent Sex Offenses	15	0	5	2	5	2	1	8	7
Car Jacking	5	0	0	2	3	0	0	3	2
Burglary I	9	0	0	2	2	5	0	3	6
Simple Assault	220	0	9	64	102	44	1	122	98
Other Acts Against Persons	5	0	0	2	2	1	0	2	3
<b>Acts against property</b>	<b>487</b>	<b>0</b>	<b>17</b>	<b>99</b>	<b>215</b>	<b>154</b>	<b>2</b>	<b>211</b>	<b>276</b>
Burglary II	72	0	5	20	29	16	2	44	28
Larceny/Theft	106	0	5	22	46	33	0	43	63
Unauthorized Use of Auto	134	0	7	25	66	36	0	60	74
Arson	3	0	0	1	2	0	0	3	0
Property Damage	55	0	0	10	28	17	0	22	33
Unlawful Entry	84	0	0	14	31	39	0	25	59
Stolen Property	29	0	0	5	11	13	0	11	18
Other Acts Against Property	4	0	0	2	2	0	0	3	1
<b>Acts against public order</b>	<b>168</b>	<b>0</b>	<b>4</b>	<b>20</b>	<b>92</b>	<b>51</b>	<b>1</b>	<b>60</b>	<b>108</b>
Weapons Offenses	103	0	3	11	54	34	1	32	71
Disorderly Conduct	6	0	0	0	4	2	0	2	4
Obstruction of Justice	26	0	0	5	15	6	0	11	15
Other Acts Against Public Order	33	0	1	4	19	9	0	15	18
<b>Drug Law Violations</b>	<b>141</b>	<b>0</b>	<b>1</b>	<b>12</b>	<b>53</b>	<b>74</b>	<b>1</b>	<b>31</b>	<b>110</b>
Drug Sale/Distribution	76	0	0	7	27	41	1	17	59
Drug Possession	65	0	0	5	26	33	0	14	51
Other Drug Law Violations	0	0	0	0	0	0	0	0	0
<b>Total Delinquency Petitions<sup>10</sup></b>	<b>1,662</b>	<b>0</b>	<b>60</b>	<b>344</b>	<b>766</b>	<b>478</b>	<b>14</b>	<b>730</b>	<b>932</b>

In addition, a review of most serious offense by age at time of petitioning within specific offense categories also reveals some significant differences. In 2011, the

<sup>8</sup> See Footnote 7.

<sup>9</sup> See D.C. Code §16-2301(3)(c)(2001).

<sup>10</sup> This table excludes new referrals whose cases were not petitioned by the OAG after a complaint was filed. It also excludes juveniles 16 and over who were charged as adults.

percentage of youth charged with crimes involving acts against persons decreased as youth became older. Specifically, 63% of juveniles aged 12 or younger were charged with a crime against a person as compared to 61% of juveniles age 13-14, 53% of those age 15-16, and 42% of those age 17 or older at referral.

In comparison, the percentage of youth charged with a drug offense increased with the age of the offender. No youth 12 or younger was charged with a drug offense. The percentages of drug offense charges, by age group, were: ages 13-14, 3%; ages 15-16, 7%; ages 17 and older, 15%. Similarly, youth charged with acts against the public order also increased with age.

### **Most serious offense by gender**

As was the case in 2010, when looking at data relative to the gender of youth in petitioned cases, there were significant differences in the types of offenses by gender. A larger percentage of females were charged for offenses against persons than were males – 70% of females were charged with acts against persons, compared to 48% of males. Conversely, a greater percentage of males than females were charged with acts against property (32% and 18%, respectively), acts against public order (10% and 9%), and drug law violations (10% and 3%, respectively).

Within major crime categories, there were also significant differences in the offenses for which males and females were charged. Among male offenders charged with crimes against persons, 51% were charged with some form of assault and 42% were charged with some form of robbery. In comparison, among females charged with violent offenses, 81% were charged with some form of assault, and 17% for some form of robbery. Among males charged with property offenses, unauthorized use of a vehicle

(28%) was the leading charge followed by larceny/theft (20%) and unlawful entry (16%).

**Table 17. Juvenile Delinquency Cases Petitioned in 2011 by Most Serious Offense and Gender**

Most Serious Offense <sup>11</sup>	Total cases	Male	Female
<b>Acts against persons</b>	<b>866</b>	<b>667</b>	<b>199</b>
Murder	4	3	1
Assault W/I Kill	7	7	0
Assault Dangerous Weapon	97	67	30
Aggravated Assault	180	137	43
Armed Robbery	57	53	4
Robbery	257	227	30
First Degree Sex Abuse	10	10	0
Other Violent Sex Offenses	15	15	0
Carjacking	5	5	0
Burglary I	9	9	0
Simple Assault	220	131	89
Other Acts Against Persons	5	3	2
<b>Acts against property</b>	<b>487</b>	<b>436</b>	<b>51</b>
Burglary II	72	69	3
Larceny/Theft	106	86	20
Unauthorized Use Auto	134	120	14
Arson	3	3	0
Property Damage	55	49	6
Unlawful entry	84	79	5
Stolen Property	29	27	2
Other Acts Against Property	4	3	1
<b>Acts against public order</b>	<b>168</b>	<b>143</b>	<b>25</b>
Weapons Offenses	103	91	12
Disorderly Conduct	6	6	0
Obstruction of Justice	26	22	4
Other Acts Against Public Order	33	24	9
<b>Drug Law Violations</b>	<b>141</b>	<b>133</b>	<b>8</b>
Drug Sale/Distribution	76	74	2
Drug Possession	65	59	6
Other Drug Law Violations	0	0	0
<b>Total Delinquency Petitions</b>	<b>1,662</b>	<b>1,379</b>	<b>283</b>

For females, however, the leading property charge was larceny/theft (39%) followed by unauthorized use of a vehicle (27%) and property damage (12%). Among

<sup>11</sup> See Footnote 7.

both males and females charged with public order offenses, weapons offenses were the leading charge (64% and 48% respectively). In contrast, while 10% of males were charged with drug offenses, only 3% of females were charged with a similar offense. More than half of males charged with a drug offense were charged with drug sale distribution. In contrast, 75% of female drug offenders were charged with drug possession.

### **Most serious offense by detention status**

A child shall not be detained pending a trial or disposition hearing unless he is alleged to be delinquent or in need of supervision and unless it appears that detention is required to protect the person or property of others or of the child, or to secure the child's presence at the next court hearing. *See* D.C. Code §16-2310 (a). 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, 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 judicial officer 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, exercising their discretion, consider a myriad of factors before making the detention decision. Factors taken into consideration include but are not limited to the following:<sup>12</sup>

- the nature and circumstances of the pending charge;
- the record of and seriousness of the child's previous offenses, if any;

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<sup>12</sup> See Superior Court Juvenile Rule 106.

- whether there are allegations of danger or threats to any witnesses;
- the emotional character and mental condition of the child;
- indication of the child's drug/alcohol addiction or drug/alcohol use;
- any suicidal actions or tendencies of the child;
- any other seriously self-destructive behavior creating imminent danger to the child's life or health;
- 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);
- record of the child's appearances at prior court hearings; and
- the record of, and circumstances of, any previous abscondences by the child from home.

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 factors above, there is a 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.

After careful consideration of the above factors, in 643 (39%) of the 1,662 juvenile delinquency cases petitioned in 2011, the youth was detained prior to trial.<sup>13</sup> Reversing an upward trend, the percentage of youth detained prior to trial decreased between 2010 and 2011. In 2008, 41% of youth were detained; during 2009, that figure rose to 43%; it rose again in 2010 to 45%. The decrease in the use of detention occurred across all offense categories. Table 18 presents information on the number of juveniles

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<sup>13</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.

detained at initial hearing by offense, one of the many factors taken into account when making a decision to detain a youth.

In 2011, 42% of those charged with acts against public order (i.e. weapons offenses) were detained prior to trial, compared to 28% of those charged with drug offenses, 36% of those charged with property crimes and 41% of those charged with acts against persons. The comparable figures for 2010 were 57%, 40%, 41%, and 46% respectively. With regard to specific offenses, all juveniles charged with assault with intent to kill and carjacking were detained prior to trial. Seventy-eight percent of those charged with burglary I, 69% of those charged with obstruction of justice, 68% of those charged with armed robbery, and 57% of those charged with assault with a dangerous weapon were also detained prior to trial. On the other hand, less than 25% of those charged with drug possession, unlawful entry, and other violent sex offenses were detained prior to trial.

The percentage of males detained prior to trial decreased in 2011 compared to 2009 and 2010. In 2011, 40% of males were detained prior to trial. However, in 2009, 45% of males were detained and that figure rose to 47% in 2010. On the other hand, the percentage of females detained was the same in 2010 and 2011 (31%). As with males, the percentage of females detained was slightly lower than it was in 2009 (33%).

During 2011, 55% of those detained were held in secure detention facilities and 45% in non-secure facilities referred to as shelter houses. The percentage of those detained held in secure detention facilities (55%) continued its downward trend. Sixty-eight percent of those detained were held in secure detention facilities in 2010, compared to 70% in both 2009 and 2008. In 2011, males accounted for 86% of those

detained in secure facilities and 87% of those detained in shelter houses. In 2010, males also accounted for 93% of those detained in secure facilities, and 89% of those detained in shelter houses.

**Table 18. Juvenile Delinquency Cases in which the Juvenile Was Detained Prior to Trial, by Offense and Type of Detention**

Most Serious Offense <sup>14</sup>	All Detained Delinquency Cases						
	Total detained	Securely Detained			Non-Securely Detained		
		Total	Males	Females	Total	Males	Females
<b>Acts against persons</b>	<b>357</b>	<b>197</b>	<b>163</b>	<b>34</b>	<b>160</b>	<b>132</b>	<b>28</b>
Murder	2	2	1	1	0	0	0
Assault W/I Kill	7	7	7	0	0	0	0
Assault Dangerous Weapon	55	32	25	7	23	15	8
Aggravated Assault	66	40	31	9	26	24	2
Armed Robbery	39	22	21	1	17	15	2
Robbery	106	53	46	7	53	51	2
First Degree Sex Abuse	3	2	2	0	1	1	0
Other Violent Sex Offenses	2	1	1	0	1	1	0
Carjacking	5	3	3	0	2	2	0
Burglary I	7	6	6	0	1	1	0
Simple Assault	64	29	20	9	35	22	13
Other Acts Against Persons	1	0	0	0	1	0	1
<b>Acts against property</b>	<b>175</b>	<b>93</b>	<b>84</b>	<b>9</b>	<b>82</b>	<b>75</b>	<b>7</b>
Burglary II	27	15	15	0	12	12	0
Larceny/Theft	35	21	16	5	14	13	1
Unauthorized Use Auto	61	43	41	2	18	16	2
Arson	1	0	0	0	1	1	0
Property Damage	21	7	5	2	14	13	1
Unlawful entry	21	3	3	0	18	17	1
Stolen Property	8	4	4	0	4	3	1
Other Acts Against Property	1	0	0	0	1	0	1
<b>Acts against public order</b>	<b>71</b>	<b>47</b>	<b>40</b>	<b>7</b>	<b>24</b>	<b>22</b>	<b>2</b>
Weapons Offenses	48	29	28	1	19	18	1
Disorderly Conduct	0	0	0	0	0	0	0
Obstruction of Justice	18	14	12	2	4	3	1
Other Acts Against Public Order	5	4	0	4	1	2	0
<b>Drug Law Violations</b>	<b>40</b>	<b>16</b>	<b>16</b>	<b>0</b>	<b>24</b>	<b>22</b>	<b>2</b>
Drug Sale/Distribution	28	13	13	0	15	15	0
Drug Possession	12	3	3	0	9	7	2
<b>Total number of detained cases</b>	<b>643</b>	<b>353</b>	<b>303</b>	<b>50</b>	<b>290</b>	<b>251</b>	<b>39</b>

Among those detained, there were also differences in the type of detention facility by offense. Of youth detained, 100% of those charged with murder, and assault

<sup>14</sup> See Footnote 7.

with intent to kill were detained in secure facilities, as were 86% of those charged with burglary I, 78% of those charged with obstruction of justice, and 72% of those charged with unauthorized use of an auto. On the other hand, among detained youth, 100% of those charged with arson, 86% of those charged with unlawful entry, 67% of those charged with property damage, and 55% of those charged with simple assault were detained in shelter houses.

### **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 and the National District Attorneys Association have issued guidelines for case processing in juvenile cases.<sup>15</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 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.

In August 2005, the NCJFCJ published the *“Juvenile Delinquency Guidelines: Improving Court Practice in Juvenile Delinquency Cases.”* The Guidelines establish national best practices in the handling of juvenile delinquency cases, in addition to establishing time parameters from initial hearing to disposition for both detained and

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<sup>15</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 Halemba conducted under the sponsorship of the National Center for Juvenile Justice (1996).

non-detained youth. Suggested timeframes range from two weeks to six weeks depending on the child's detention status.

District of Columbia Code §16-2310 (e), in part, establishes timeframes for the trial or fact finding hearing for youth detained prior to trial in secure detention facilities. When a youth is securely detained, the timeframe for the fact finding hearing is 30 days or 45 days, from detention, depending on the seriousness of the charge. Specifically, if a youth is securely detained and charged with murder, assault with intent to kill, first degree sexual abuse, first degree burglary, or armed robbery the case must go to trial within 45 days of the child's detention. For all other securely detained youth, the case must be tried within 30 days.

In 2007, the District of Columbia City Council implemented emergency legislation, which amended D.C. Code §16-2310 (e) by establishing a 45 day trial timeframe for youth detained in non-secure detention facilities or shelter houses. The Juvenile Speedy Trial Equity Act of 2008 was enacted on January 5, 2009. Since 2007, the Family Court began monitoring compliance with the 45 day trial timeline for non-secure detention cases based on court-wide performance measures developed by the Court.

District of Columbia law sets forth a number of reasons for extending the fact finding hearing for one additional 30 day period beyond the statutory period in certain circumstances. Pursuant to D.C. Code §16-2310 (e)(2)(A), upon motion of the Attorney General and for good cause, the court may extend the time limit for trial. The law provides, in part, that in determining whether there is "good cause," the court considers

whether there has been , or will be, delay resulting from one or more of the following factors:

- Other proceedings concerning the child, including, but not limited to, examinations to determine mental competency or physical capacity;
- A hearing with respect to other charges against the child;
- Any interlocutory or expedited appeals;
- The making of, or consideration by the court of any pretrial motions;
- Proceedings related to the transfer of the child pursuant to D.C. Code §16-2307;
- The absence or unavailability of an essential witness; and
- When necessary autopsies, medical examinations, fingerprint examinations, ballistic tests, drug analysis, or other scientific tests are not completed, despite due diligence.

The Juvenile Speedy Trial Equity Act further amends D.C. Code §16-2310 (e) to state that in the following circumstances, the Attorney General, for good cause shown, may file a motion for further continuance (i.e., seek successive continuances in 30-day increments) if:

- The child is charged with murder, assault with intent to kill, or first degree sexual abuse;
- The child is charged with a crime of violence, as defined in D.C. Code §23-1331(4), committed while using a pistol, firearm, or imitation firearm; or
- Despite the exercise of due diligence by the District and the federal agency, DNA evidence, analysis of controlled substances, or other evidence possessed by federal agencies has not been completed.

In addition, under D.C. Code §16-2330, in part, the following time periods are excluded from the time computation for reaching adjudication:

- The period of delay resulting from a continuance at the request or consent of the child or his counsel;
- The period of delay resulting from other proceedings concerning the child, including but not limited to an examination or hearing on mental health or retardation and a hearing on a transfer motion;
- The period of delay resulting from a continuance granted at the request of the OAG if it is granted because of unavailability of material evidence in the case, or if the continuance is granted to allow the OAG additional time to prepare;
- The period of delay resulting from the imposition of a consent decree;
- The period of delay resulting from the absence or unavailability of the child; and
- A reasonable period of delay when the child is joined for a hearing with another child as to whom the time for a hearing has not run and there is good cause for not hearing the case separately.

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 Juvenile Rule 32 is directory rather than mandatory and that the trial court does not err in extending 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).

Since 2007, the court has monitored the adjudication and disposition timeframes for youth held in non-secure detention facilities or shelter houses, in addition to timeframes for juveniles held in secure detention facilities. Beginning in 2010, the court began monitoring the adjudication and disposition timeframes for youth released prior to disposition. As a result, 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 -- the statute allows 45 days to reach adjudication and Juvenile 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) --the statute allows 30 days from initial hearing to adjudication and Juvenile 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 Juvenile 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 issued by the Chief Judge in 2008 allows 270 days for disposition.

Beginning this year, performance data on time to adjudication and time to disposition is calculated using different performance standards. 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, for the first time, court performance on time to disposition takes into account excludable delay resulting from the absence or unavailability of the child (custody orders) and the period of delay resulting from examinations related to the mental health of the respondent.

### **Securely Detained Juveniles**

Thirty-nine out of the 353 securely detained juveniles were charged with murder, assault with intent to kill, armed robbery, first degree sexual abuse, or first degree burglary. As such they were required to have their cases adjudicated within 45 days and

their disposition hearing within 15 days of adjudication for a total of 60 days.

Throughout this report they will be referred to as “Secure Detention 45-day cases.” The remaining 314 securely detained juveniles were required to have their cases adjudicated within 30 days and their disposition within 15 days of adjudication for a total of 45 days, they will be referred to as “Secure Detention 30-day cases.” Table 19 shows the adjudication status and Table 20 provides information on the time to adjudication for both categories of securely detained juveniles in 2011.

Twenty-four of the 39 securely detained juveniles charged with the most serious offenses (45-day cases) have been adjudicated. Twelve of the 24 adjudicated cases (50%) met the 45 day adjudication timeline. In 2010, 62% of cases were adjudicated within the timeline. The comparable figure in 2009 was 67% and for 2008, 68%. The median time from initial hearing to adjudication increased from a median of 33 days in 2008 to a median of 41 days in 2009 and 2010, and 44 days in 2011.

For other securely detained juveniles (30-day cases) the Court was in compliance with the 30- day statutory requirement for adjudication in 66% of the cases. The compliance rate in 2011 increased slightly from 2010 (64%) but was still considerably lower than it was in 2008 and 2009 (each 75%). The median number of days to reach adjudication increased from 25 days in both 2008 and 2009 to 27 days in 2010, and 28 days in 2011.

During 2011, a number of factors contributed to the inability to adjudicate cases of securely detained youth in a timely manner. Those factors include but are not limited to: the absence of an essential witness, unavailability of evidence, attorney.

**Table 19. Adjudication Status of Securely Detained Youth, 2011**

Adjudication Status	Secure Detention - 45 day Cases	Secure Detention - 30 day Cases	Total
Adjudication Hearing Held	24	260	284
Dismissed before adjudication	15	47	62
Pending Adjudication	0	7	7
Total	39	314	353

**Table 20. Time to Adjudication for Securely Detained Youth, 2011**

Securely Detained	Cases in Which an Adjudication Hearing Was Held								Percentage of cases within timeframe <sup>16</sup>	Percentage of cases exceeding timeframe
	Days Between Events									
	Total cases	1-30	31-45	46-60	61-90	91 or more	Median	Average		
*Initial Hearing to Adjudication (Statutory Timeline 45 days)	24	3	9	4	3	5	44	60	50	50
Initial Hearing to Adjudication (Statutory Timeline 30 days)	260	172	43	21	15	9	28	32	66	34

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

unavailability, incomplete psychological, psychiatric and neurological tests, and difficulties in scheduling. During 2012, the court will continue to monitor and track how requests for continuances are addressed with the goal of reducing the number of continuances requested and granted.

Table 21 provides information on the time between initial hearing and disposition for both categories of securely detained juveniles in 2011 based on detention status at the time of disposition.

**Table 21. Time from Initial Hearing to Disposition for Securely Detained Youth, 2011**

Securely Detained	Cases With Disposition Hearing or Closed Before Disposition Hearing								Percentage of cases within timeframe	Percentage of cases exceeding timeframe
	Days Between Events									
	Total cases	1-30	31-45	46-60	61-90	91 or more	Median	Average		
Initial Hearing to Disposition* (45 Day Cases – 60 days)	26	8	3	8	4	3	53	51	73	27
Initial Hearing to Disposition (30 Day Cases – 45 days)	239	127	48	22	21	21	30	41	73	27

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

<sup>16</sup> This table uses straight time in determining cases within the timeframe. As such, periods of delay resulting from statutorily allowed continuances have not been excluded from the calculation.

As stated earlier, securely detained youth are required to have their cases disposed/resolved within either 60 days or 45 days depending on their charges. The calculation of time to disposition includes cases that moved through the system from initial hearing to adjudication to disposition, as well as cases that were dismissed either prior to or after adjudication. Seventy-three percent of securely detained juveniles with the most serious charges, (45-day cases), were disposed within the 60 day timeframe. The median time from initial hearing to disposition was 53 days and the average was 51 days.

For other securely detained juveniles, (30-day cases), seventy-three percent of cases disposed were disposed of within the 45 day timeframe. The median time between initial hearing and disposition was 30 days. The average was 41 days.

As was the case with delays in the timely adjudication of cases for securely detained youth, delays in the timely disposition of cases are also attributable to a variety of factors. A major factor contributing to delays in disposition is the need to identify and obtain services or programs for the youth prior to disposition; other factors include delays related to DYRS ability to obtain placement, delays in receipt of required psychological and psychiatric reports, respondents who are not in compliance with court orders, and respondents who are involved in other proceedings before the court.

### **Non-Securely Detained Offenders**

Two hundred ninety youth were detained in non-secure facilities or shelter houses prior to adjudication in 2011. Two hundred thirty two had adjudication hearings held, 48 were dismissed before adjudication and 10 were awaiting adjudication. In 72% of cases, adjudication hearings were held within the 45 day timeframe for non-securely

detained youth. The compliance rate was higher than in 2010 (67%) but lower than it was in 2009 (75%) and 2008 (80%). The median days to adjudication (36 days) was a day less than it was in 2009 and 2010 (Table 22).

**Table 22. Time Between Initial Hearing and Adjudication for Youth Detained in Non-Secure Facilities, 2011**

Non-Securely Detained	Cases in which an adjudication hearing was held								Percentage of Cases within timeframe <sup>17</sup>	Percentage of Cases exceeding timeframe
	Days Between Events									
	Total cases	1-15	16-30	31-45	46-60	61 or more	Median	Average		
Initial Hearing to Adjudication (Timeline 45 days)	232	43	44	79	22	44	36	43	72	28

One hundred ninety-four (82%) cases of youth detained in non-secure detention facilities at the time of disposition were in compliance with the time standard of 60 days from initial hearing to disposition. The median number of days from initial hearing to disposition was 37 days. During 2012, through rigorous monitoring, the Court intends to improve in meeting adjudication and disposition timelines.

**Table 23. Time Between Initial Hearing and Disposition for Youth Detained in Non-Secure Facilities, 2011**

Non-Securely Detained	Cases in which a disposition hearing was held or case closed before disposition								Percentage of Cases within timeframe	Percentage of Cases exceeding timeframe
	Days Between Events									
	Total cases	1-15	16-30	31-45	46-60	61 or more	Median	Average		
Initial Hearing to Disposition (Timeline 60 days)	236	40	56	71	27	42	37	41	82	18

### Released Offenders

During 2011, in 1,019 (61%) of juvenile delinquency cases petitioned, the youth was released prior to adjudication. Among released youth, 768 had their cases adjudicated and 201 had their cases closed prior to adjudication. Adjudication has not yet occurred in 50 cases. As was the case in 2010, more than 99% of cases of released

<sup>17</sup> See Footnote 16.

youth were adjudicated within the timeline in 2011. The median number of days to adjudication was 46 days in 2011 compared to 47 days in 2010.

**Table 24. Time Between Initial Hearing and Adjudication for Released Youth, 2011**

Released	Cases in which an adjudication hearing was held								Percentage of Cases within timeframe <sup>18</sup>	Percentage of Cases exceeding timeframe
	Days Between Events									
	Total cases	1-15	16-85	86-170	171-255	255 or more	Median	Average		
Initial Hearing to Adjudication (Timeline 255 days)	768	185	501	75	4	3	46	47	99	<1

Currently 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. As previously mentioned, Administrative Order 08-13, established a 270-day time standard for disposition of these cases.

During 2011, 935 youth were released at the time of their disposition hearing. More than 99% of cases of youth released at the time of their disposition hearing were in compliance with the timeframe of 270 days from initial hearing to disposition. The median number of days to disposition was 56 days.

**Table 25. Time Between Initial Hearing and Disposition for Released Youth, 2011**

Released	Cases in which a disposition hearing was held or case closed before disposition								Percentage of Cases within timeframe	Percentage of Cases exceeding timeframe
	Days Between Events									
	Total cases	1-15	16-85	86-170	171-255	255 or more	Median	Average		
Initial Hearing to Disposition (Timeline 270 days)	935	90	611	205	25	4	56	65	99	<1

**FAMILY COURT SOCIAL SERVICES DIVISION**

Pursuant to Public Law 91-358, the Family Court’s Social Services Division (CSSD) is responsible for screening and presenting cases in the New Referrals JM-15 courtroom, managing cases, as well as serving and supervising all pre- and post-

<sup>18</sup> See Footnote 16.

adjudicated juveniles 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 system on juvenile delinquency cases, youth eligible for diversion, status offenders (e.g., persons in need of supervision (PINS) cases and truants) and post-disposition probation youth.

Additionally, CSSD is responsible for conducting psychological, psycho-educational, comprehensive clinical risk assessments, and when necessary competency evaluations on all front-end youth as well as conducting home studies on all families involved in contested domestic custody disputes. CSSD is also responsible for conducting psycho-sexual evaluations on all youth pending adjudication for sexual offenses. On any given day, CSSD supervises approximately 1,750 juveniles. This total represents approximately 65% to 70% of all youth involved in the District's juvenile justice system.

Of major significance, is the fact that CSSD successfully achieved all of its objectives consistent with statutory requirements delineated in the District of Columbia Code. In January 2011, working with a bevy of juvenile justice stakeholders (e.g., the Presiding Judge of the Family Court, the Office of the Attorney General, the Public Defender Service and the Department of Mental Health), the Division launched its Behavioral Health Services and Supervision component of the Family Court's larger Behavioral Health Court. The Division, working in tandem with the Capitol Projects and Facilities Management Division commenced working on the construction of its third BARJ Drop-In Center that will be located in the Southwest quadrant of the city.

Working in tandem with the Department of Youth Rehabilitative Services (DYRS) and the Metropolitan Police Department (MPD), CSSD facilitated a public safety forum in July for high-risk youth under CSSD and DYRS supervision at the Moultrie Courthouse. The event, entitled “Juvenile Call-In” featured the Chief Judge, Presiding and Deputy Presiding Judge of the Family Court, and a host of local directors representing juvenile and criminal justice partnering agencies, all of whom spoke briefly with attending youth to discourage youth from violating court ordered conditions of community supervision and/or reoffending. Following the formal gathering, participating youth were able to engage in small group discussions with their probation officers, case managers and guest speakers. Data analysis following the Call-In underscores that the event was a huge success, so much so, that MPD, DYRS and CSSD are planning to replicate the gathering during the incoming 2012 year.

Also, the Division successfully completed a Senior Managers Team Building training and a subsequent All Managers Team Building training. Additionally, several CSSD staff members were selected by the American Institute of Research (AIR) to participate on a panel among national juvenile justice practitioners in a stakeholder one-day forum on improvement in the juvenile justice systems. Highlighted during this forum, was the work achieved by CSSD in the areas of BARJ and adolescent girls. Another major highlight during this year included the Grand Opening of the Northeast BARJ Drop-In Center. The opening was attended by more than 175 people, including judges, attorneys, advocates, providers and other local juvenile justice stakeholders.

CSSD is comprised of four branches, three of which house probation satellite offices/units designated to specific populations, and three administrative units. Branches

include: Juvenile Intake and Delinquency Prevention; Child Guidance Clinic; Region I Pre & Post-disposition Supervision; and Region II Pre & Post-disposition Supervision.

The three administrative units include: Juvenile Information Control Unit; Contract, Data and Financial Analysis Unit; and the Co-Located Custody Order Unit.

### Juvenile Intake & Delinquency Prevention Branch

In 2010, the Intake Branch exceeded its goals and objectives outlined in accordance with statutory duties and CSSD's Management Action Plans (MAPs).

Pursuant to core requirements of the federal Juvenile Justice and Delinquency Prevention (JJDP) Act, all youth referred to CSSD following arrest must be screened (resulting in a preliminary detention/release recommendation) prior to presentment of the case in

Courtroom JM-15. Building on accomplishments over the past three years, CSSD successfully:

- Screened 100% of all newly arrested youth, more than three thousand five hundred 3,500 screened by way of a Risk Assessment Instrument (RAI), a pre-trial social assessment. Among the youth screened for juvenile crimes, eighteen 18% were females and eighty-two 82% were males; fifteen 10% were referred for domestic violence related offenses; and eleven 11% were out-of-state residents.
- Launched a collaborative measure with the District of Columbia's Child & Family Services Agency (CFSA) to cross-reference all newly petitioned status offenders. This was conducted for the purpose of attaining the vitally important outcomes of neglect and abuse investigations, in order for CSSD to make sound release/detention decisions and recommendations in dual-jacketed cases.
- Commenced comprehensive collaborative partnership with Sasha Bruce Youthworks, and the Department of Human Services' Parent and Adolescent Support Services (PASS) program to expand the net of services and resources for status offenders.
- Screened 99% of all newly arrested youth, more than three thousand five hundred 3,500 screened by way of a Risk Assessment Instrument (RAI), a pre-trial social assessment and the Global Appraisal of Individual Needs (GAIN-SS) substance abuse assessment tool.

- Participated in the information sharing initiative with juvenile justice stakeholders facilitated by MPD to provide accurate and timely information regarding juveniles active in CSSD and other criminal justice stakeholder agencies. The resulting information from weekly briefings and written reports is essential to the coordination of services and recommendations provided to the court by CSSD and other stakeholder agencies.
- Screened , managed ,and served 235 truancy petitions, an increase from 103 petitions in 2010. The 235 truancy cases constituted 62.2% of the total status offender (Truants and Persons In Need of Supervision - PINS) population. Analysis of referrals suggest the increase in referrals and petitions correlates with legislative measures underway to reduce the number of school absences from 25 down to 15, thereby triggering a referral to the Court.

### **Child Guidance Clinic: Post Doctoral Internship Program**

The Child Guidance Clinic (CGC) continued to operate its nationally recognized pre-doctoral psychology internship training program accredited by the American Psychological Association (APA). Welcoming a new class of interns from universities and colleges across the country, three 3 interns, representing Fielding University, Howard University and Argosy University were selected from a pool of over one hundred 100 applicants.

Because of the internship program, working under the auspices of the Clinic's licensed psychologists, a total of 672 psychological evaluations (e.g., general psychological, psycho-education, neuropsychological, sex offender, violence risk, competency, and Miranda Rights competency) were completed during the year. The CGC also continued to successfully operate its Juvenile Sex Offender program. Other accomplishments include:

- Serving as a lead author on a study examining the influence of after school programs on adolescent African American males, "*The Most Blessed Room In The City.*"

- The Clinic's Research Unit has made significant progress on the development of a comprehensive database of youth arrested in D.C. including demographic and mental health data.
- The Clinic's Research Unit has submitted a proposal to the Society of Personality Assessment that examines test measurement questions with the youth offender population at the court.
- The Clinic, after an intensive Self-Study and site visit from the American Psychological Association Accreditation Site Visit Committee, was re-accredited for five years (through 2016).
- Began a post-doctoral training program associated with the newly established (January 3, 2011) Juvenile Behavioral Diversion Program (JBDP) by recruiting post-doctoral fellows for screening and interviewing juveniles that enter the justice system.
- JBDP presentations were made to the Executive Council of the D.C. Department of Mental Health, D.C. Children's Roundtable, and the D.C. Public Defender Service (PDS).
- The Clinic made a presentation at the Association of Black Psychologists Annual Convention in Crystal City, VA on "Minorities Entering the Forensic Psychology Profession."
- The Clinic established the screening process, identified the screening instrument and the case preparation process for participation in the JBDP Suitability Committee and hosts its weekly eligibility meeting.
- The Clinic hosted one day training for pediatric medical interns from Children's Hospital.
- The Clinic provides a summer externship training program in forensic assessment for local universities and training school for graduate professionals interested in enhancing such skills as well as their portfolios for pre-doctoral internships abroad.
- The Clinic provided approximately 3,600 hours of individual counseling/psychotherapy for juveniles who were uninsured or under- insured.
- The Clinic has participated in approximately 180 hours of District of Columbia Public Schools (D.C.PS) Due Process Hearings on behalf of juveniles who needed customized educational and placement interventions.
- Served as panelist for the presentation of the Family Court's Behavioral Health Court at the Juvenile Justice Summit held at the Kellogg Conference Center at

Gallaudet University, sponsored by the District of Columbia's Criminal Justice Coordinating Council (CJCC).

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

Region I Pre and Post-Disposition Supervision (Region I) entails four office/units: Southwest Satellite Office (SWSO); Interstate Probation Supervision; Southeast Satellite Office/Balanced and Restorative Justice Drop-In Center (SESO/BARJ); and the Ultimate Transitions Ultimate Responsibility Unit (UTURN) for high risk youth. Region I continued to experience success in virtually all areas of operation. One outstanding highlight included the Southeast Satellite Office youth's participation the D.C. Summer Night Life Basketball league, having won the league's tournament and received a cash award, which was shared by each of the youth on the summer league. Additional highlights from Region I's 2011 year include:

- Operated three concurrent *Mood Altering Chemical (MAC)* groups, designed to prevent the use of drugs and alcohol. Note: these groups are facilitated by case carrying probation officers.
- Continued to operate a monthly Parent Orientation, led by the Supervisory Probation Officers managing the Interstate Probation Supervision Office.
- Continued to operate the SESO/BARJ *Anger Management Group*, and launched additional group for youth supervised by the SESO. Note: these groups are facilitated by case carrying probation officers.
- Maintained the largest number of youth participating in the *Afterschool Kids Program operated by Georgetown University*, for which forty 40% of the graduates of the program were supervised under Region I.
- Maintained a "Creating Legacies" Clothes Closet at the SESO/BARJ Center, replete with shirts and ties for young males. Note: probation officers assist the males in learning how to match and adorn the shirt and ties and males are given credit for wearing their shirts and ties to court hearings.
- Initiated a teen Domestic Violence group, facilitated by probation officers at the SESO/BARJ facility.

- Continued to operate the *Real Men Cook*, a Saturday class, in which probation officers (adorned in cooking garments designed by the staff) teach young males meal preparation.
- Coordinated a bevy of outdoor activities, including: community-service, trips to historic sites in the District of Columbia, educational plays, town hall meetings, car washing to redress the theft of automobiles by citizens, letter writing to local elected officials, facilitation of a mock primary election, and operation of a youth oriented community court and other social outings throughout the city.
- Maintained an average daily population of youth roughly eighty-five 85 youth actively under Global Position System (GPS) electronic monitoring.
- Successfully diverted seven youth from detention.
- Attended approximately 100 community meetings (e.g., Area Neighborhood Commission - ANC, Police Service Agency - PSA, Civic Association and Parent Teacher Association - PTA).
- Initiated steps to complete CSSD's third Balanced and Restorative Justice (BARJ) Drop-In Center, located on South Capitol Street that will serve youth residing in the Southwest quadrant of the city.
- Facilitated a 6 week life skills group, entitled "YES" (Youth Engagement Series) for delinquent youth and their friends who resided in the Northwest quadrant of the city, aimed at reducing gang violence.
- Probation Officers in Region I performed over 600 weekend curfew accountability checks during the period of June-August 2011, as part of the D.C. Summer Safety Initiative.
- Continued to work in partnership with MPD, DYRS, and other stakeholder Agencies through the "Partnership for Success" initiative on high-risk youth who are in community –based programming.
- Became a partner in the Inter-Agency "Cross-Borders" initiative which includes representatives from various juvenile and adult criminal justice agencies from cities in Virginia and Maryland that border the District of Columbia.

### **Region II Pre and Post-disposition Supervision**

Region II Pre and Post-Disposition Supervision (Region II) entails four office/units: Northwest Satellite Office (NWSO); Status Offender/Juvenile Behavioral

Diversion Program, Northeast Satellite Office/Balanced and Restorative Justice Drop-In Center (NESO/BARJ); and the adolescent female unit: *Leaders of Today In Solidarity (LOTS)* unit. Region II continued to experience success in virtually all areas of operation.

Highlights from Region II's 2011 year include:

- Successful pre-trial and post-disposition supervision of roughly 700 youth, of which an average of 15% were under intensive supervision.
- Successfully conducted a total of: 2,723 school visits; scheduled 3,870 home visits, of which 3,096 were successful; maintained an 80% compliance rate among curfew visits and maintained a 77% compliance rate among curfew call.
- Operated four concurrent *Mood Altering Chemical (MAC)* groups, designed to prevent the use of drugs and alcohol. Also operated three Anger Management groups, one of which was uniquely designed to reduce the likelihood of domestic violence suffered by adolescent girls. Note: these groups are facilitated by case carrying probation officers.
- Developed a Red Door Closet, which consist of donated clothes and personal hygiene products provided to LOTS girls at no cost.
- Continued to operate the Saturday Sanctions Community Service project for males under intensive supervision and developed a Saturday Community Service project for LOTS girls. This group permits girls to complete service projects while at the same time addressing behavior modification, as a way of restoring justice and reducing recidivism.
- Coordinated a visit for youth to the Andrew Air force Base, following which officers stationed at the Base held a cookout at the Patuxent River Park.
- Developed a newsletter to alert youth, parents and stakeholders of the progress made by youth under intensive supervision.
- Launched a life-skills group, targeting high-risk youth, entitle *Probation Offering Life Options (POLO)*.
- Grand Opening - Northeast Satellite Office (NESO)/Balanced and Restorative Justice Drop-In Center (BARJ) on 10/13/11. Program services commenced in September 2011.
- Began the Juvenile Behavioral Diversion Program (JBDP). JBBDP is a mental health court which provides supervision for youth with eligible charges who also have a suitable mental health diagnosis. JBBDP staff members participated in the

Suitability Committee meetings to determine the intensive mental health needs of each youth. The JDBP team spent a day observing the York, Pennsylvania Mental Health Court.

- Acting Program Manager participated in panel presentation for JDAI Conference.
- Acting Program Manager coordinated JBDP stakeholders' training and coordination with Core Service Agencies (CSA) and Department of Mental Health (DMH).
- The LOTS girls and youth from the Status Offender team participated in Civil Rights tours.
- LOTS girls participated in the MPD mentoring program.
- LOTS girls participated in a community service project with KaBOOM! to help build a playground for Imagine Southeast Public Charter School during the Congressional Day of Community Service. This event was attended by First Lady Michelle Obama.
- LOTS girls participated in D.C. Mayor Vincent Gray's Youth Summit to provide feedback on the kinds of services they want in their community.
- NWSO boys and LOTS girls participated in Offender Aid and Restoration life skills program (Why Try).
- NWSO worked with the UTURN team to provide a Thursday sanctions program for youth not in compliance with weekend curfews during the summer.
- NESO provided a weekly sanctions program for youth not in compliance with weekend summer curfews.

## **New Initiatives in Juvenile Delinquency**

### **Juvenile Reoffending Study**

During 2010, the Superior Court of the District of Columbia entered into a contract with the National Center for Juvenile Justice (NCJJ), the research division of the National Council of Juvenile and Family Court Judges to examine reoffending activity of post-disposition youth in the District of Columbia. The study examines data on a cohort of juvenile offenders who were either placed on probation or committed to the

Department of Youth Rehabilitation Services in 2007. The NCJJ expects to have the report completed by late spring 2012.

### **Criminal Code Amendment Act of 2010 (D.C. Law 18-377)**

Enacted on June 3, 2011, the Criminal Code Amendment Act among other things amends D.C. Code 16-2320.01 pertaining to juvenile restitution. The Act requires the court to include restitution conditions in both the disposition order and in a separate judgment of restitution which shall be filed in a Family Court special proceedings case, and requires that the order state that it constitutes a judgment and lien against the person's property, and may be recorded in any office for the filing of liens against real or personal property. This provision also requires the Clerk of the Court to provide the victim with a notarized and sealed copy of the order of restitution or reparation. Restitution payments are to be made to the Family Court Finance Office and disbursed by the Court to the recipient. The Family Court has developed new restitution orders and an oracle report that will be utilized by the CSSD to monitor compliance with restitution payments.

### **Interstate Compact On Juveniles Amendment Act of 2011**

Enacted in November 2011, the Interstate Compact on Juveniles Amendment Act updates the 1955 Interstate Compact for tracking and supervising juveniles that move across state borders. The [ICJ Rules](#) promulgated by the Interstate Commission for Juveniles establish the obligations of the compact states, and have the force and effect of statutory law (Art. II). Courts must take judicial notice of the compact and rules (Art. VII). Compact provisions take precedence over conflicting State laws and take precedence when the provisions are inconsistent with existing laws of a compact State

(Art. XIII). The Compact authorizes the ICJ to impose fines, fees and costs on a compact state that defaults on its responsibilities.

### **Expanding Access to Juvenile Records Amendment Act of 2010**

The Expanding Access to Juvenile Records Amendment Act of 2010 (D.C. Law 18-284, effective on March 8, 2011) reorganized and amended the juvenile case, social file, and law enforcement record confidentiality statutes. In addition, in pertinent part, the Pretrial Services Agency (PSA), the Court Services and Offender Supervision Agency (CSOSA), and the Juvenile Abscondence Review Committee were added to those entities allowed access to court *case* records without need for a court rule or order. See D.C. Code § 16-2331(c)(3)(C) and (D) and (c)(4)(F). In addition, a provision was added to D.C. Code § 16-2332 to allow the sharing of *social record* health and human services information in accordance with the Data-Sharing Act. See D.C. Code § 16-2332(d)(2).

### **Prevention of Child Abuse and Neglect Amendment Act of 2010**

The Prevention of Child Abuse and Neglect Amendment Act of 2010 (D.C. Law 18-312, effective on March 12, 2011) was enacted in order to comply with recent federal amendments for Title IV-E funding, and, in pertinent part, requires CFSA to address the educational stability and appropriateness of the permanency goal for children in foster care. This law amends the definition of a case plan to include additional requirements for any child in foster care whose permanency plan is placement with a relative guardian and receipt of kinship guardianship assistance and also requires the inclusion of a plan for ensuring the educational stability of a child at the shelter care stage, and while the child is in foster care.

## **Truancy Intervention Initiatives**

The Presiding Judge of the Family Court is the Co-Chair, along with the Deputy mayor for Education (DME) of the city's Truancy Taskforce, which is comprised of a cross-section of the city's health and human services, education and criminal justice agencies. The Taskforce began its work by completing a Memorandum of Agreement that allows for the sharing of student-level data among the DME, Department of Health and Human Services, Office of the State Superintendent for Education, MPD, CSSD, DCPS, Criminal Justice Coordinating Council, and CFSA.

The Task Force began a Case Management Partnership which identified first time and repeat ninth grade students who have historically exhibited chronic truant behavior at Anacostia and Ballou high schools. The school attendance counselors and the Far Southeast Family Strengthening Collaborative provide intensive case management support for a subset of these high need students and their families.

The Family Court sponsored training to judges, school administrators, probation officers and social workers on the "Byer Model," a truancy intervention program. Students at Kramer and Johnson Middle Schools, who have been identified as truant or who are at risk for truancy participate in a ten-week program which provides intensive case management from a community collaborative social worker, and one-on-one sessions with a volunteer judge in order to improve overall school attendance.

The Task Force also conducted a "Back to School" Media Campaign in which 500 youth signed up for text messaging, and 1.8 million Washington area residents heard three radio station messages which promoted school attendance.

## **Juvenile Behavioral Diversion Program**

The voluntary Juvenile Behavioral Diversion Program (JBDP) was established as a problem solving program in January 2011. The program is an intensive non-sanction based program designed to link juveniles and status offenders to, and engage them in, appropriate mental health services and supports in the community in order to reduce behavioral symptoms that result in contact with the court and to improve the juvenile's functioning in the home, school, and community. Program participants must be under 18 years of age, have an Axis I mental health disorder or be at significant risk of receiving an Axis I diagnosis. Participants may also have an Axis II developmental disability. However, an Axis II diagnosis alone does not qualify for program participation. In addition to having a qualifying mental health diagnosis, respondents also have to meet certain eligibility criteria related to criminal history. Once eligibility is determined, respondents are reviewed by a Suitability Committee to determine actual program participation. Factors taken into account by the suitability committee include, but are not limited to, amenability to treatment and community support. The respondent's participation in the program will generally be for a period of four to six months, but no longer than 12 months. The judge may shorten or lengthen the period, depending on the compliance and engagement of the respondent with services and supports. The Superior Court's Research and Development Division is in the process of establishing performance measures to evaluate the program. Measures under consideration include: re-arrest during and after period of supervision; compliance with mental health treatment during and after period of supervision; attendance at court hearings; school attendance; and completion of the program.

## CHILD SUPPORT AND PATERNITY CASES

During 2011 there were 1,928 child support and paternity actions filed in the Family Court, in addition to 73 cases that were reopened. D.C. Code §46-206 requires the court to schedule hearings in cases seeking to establish or modify child support within 45 days from the date of the filing of the petitions. Additionally, federal regulations mandate that orders to establish support be completed in 75% of the cases within 6 months and 90% of the cases within 12 months of the date of service of process (see 45 CFR §303.101). In 2008, as part of a court-wide initiative to capture time to disposition data in most Family Court case types, the court began to monitor compliance with these important milestones. Data for cases filed during 2011 indicate that the Court performed well in meeting these standards; 89% of cases were disposed or otherwise resolved within 6 months (180 days) of service of process, and 100% were disposed or otherwise resolved within 12 months (365 days) of service of process. During 2012, the court will continue to monitor compliance with these mandated timeframes and performance measures as it continues to collaborate and share information with the Child Support Services Division of the Office of the OAG, the designated IV-D agency for the city.

### **Initiatives in Paternity and Support**

During 2011, the Family Court continued to refine its Family Fathering Reentry Court program. The Fathering Reentry Court program is a voluntary, court-supervised, comprehensive support services program for prisoners returning to the District of Columbia who also have active child support orders.

The goal of the Fathering Reentry Court program is to strengthen D.C. families by providing non-custodial parents with individualized, community support services, employment training and counseling, parenting training and interventions focused on empowering the participating parent to reconnect with minor children, to co-parent and to provide financial support concurrent with or exceeding the court-ordered child support obligation.

The Judge presiding over the Fathering Reentry Court calendar schedules regular hearings to review the participants' progress and compliance with supervised release requirements, monitored by the Court Services and Offender Supervision Agency (CSOSA), child support payments, tracked by the OAG Child Support Services Division, and various training and employment services monitored by the programs' court staff.

After one year, the successful program participants are expected to have met all the conditions of their supervised release, acquired substantive employment, substantively reconnected with their minor children and met all of their current financial child support obligations. Program highlights for 2011 include:

- The Fathering Reentry Court conducted its Third Fathering Court Graduation on January 28, 2011, where six of the eight most recently successful participants in the Fathering Reentry Court were publicly honored for having completed one full year of employment, current child support payments and establishing meaningful participation in their minor children's lives.<sup>19</sup>
- On February 19, 2011 the Fathering Reentry Court conducted a Completion Ceremony for nine participants who successfully completed the parenting curriculum "Quenching the Father Thirst." Quenching the Father Thirst is a researched-based curriculum developed by the Urban Father/Child Project to

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<sup>19</sup> At a jubilant ceremony at D.C. Superior Court, there were eight of them in graduation gowns, looking out at their families and shaking the hands of the judges who had put them in jail. And standing right there beside them were their kids. Washington Post, February 7, 2011: <http://www.washingtonpost.com/wp-dyn/content/article/2011/02/07/AR2011020705927.html?hpid=news-col-blog>

reach out to fathers in urban areas who face challenging situations with the goal of increasing the well-being of their children. It was written to be relevant to real life issues, engaging all learning styles, taking place in a therapeutic small group and effecting life changes through break-through fathering skills. This mandatory program curriculum is an intensive 14 session course, dedicated to teaching participants both parenting and life skills.

- On June 22, 2011, the Fathering Reentry Court hosted a “Baseball Night Out” for program participants and their minor children and families at Washington Nationals Stadium. Program participants were provided free tickets to a Washington Nationals home game through a generous donation from program partner, the Office of the Attorney General, Office of Child Support Services Division.
- Beginning in August 2011, Fathering Reentry Court participants began receiving a monthly stipend for subway and bus fares, through the SmarTrip system. This help with defraying the high cost of commuting to and from work and job interviews is a source of inspiration for many of the participants.
- On December 3, 2011, the Fathering Reentry Court conducted a Completion Ceremony for seventeen (17) participants who successfully completed the parenting curriculum “Quenching the Father Thirst.”
- As of December 31, 2011, fourteen (14) participants are scheduled and on track to graduate from the Fathering Reentry Court. Successful completion of the program requires the participant to retain full time employment, be actively engaged in the lives of their minor children, and receive no additional criminal charges for a period of one (1) year.
- As of December 31, 2011 the Fathering Reentry Court had delivered services to forty-four (44) fathers who were reentering the community or have faced a period of incarceration.

### **Fathering Court Data Collection and Reporting**

The court provides quarterly reports that include performance measuring information for the Family Court’s Fathering Reentry Court program. Currently, the information comes from multiple sources and is stored in a combination of hard copy and soft copy documents. The Family Court has a project underway to develop a web-based system that will provide a central location in which the Fathering Reentry Court program

information can be input, viewed, and managed. Major benefits include a more efficient and streamlined data collection process and improved reporting capabilities.

### **DOMESTIC RELATIONS AND CUSTODY CASES**

The Domestic Relations Branch has responsibility for all cases involving divorce, legal separation, annulments, child custody and adoptions. During 2011, 4,040 domestic relations cases were filed in Family Court. In addition, 98 domestic relations cases formerly disposed were reopened.

In 2008, as part of a court-wide initiative to capture time to disposition data in most Family Court case types, the court adopted the following performance measures in domestic relations cases:

- Uncontested divorce cases and uncontested custody cases, 30% within 30 days, 70% within 45 days, and 95% within 60 days;
- Contested divorce and custody I- cases scheduled to take more than a week to try due to the complexity of legal issues involved – 75% within 9 months and 98% with a year; and
- Contested divorce and custody II – disputed cases expected to require less than a week for trial – 75% within 6 months and 98% with 9 months.

In 2011, 85% of contested custody II cases reached disposition within 6 months (180 days) and 97% with 9 months (270 days). The six month compliance rate exceeded that in 2010, while the 9 month rate was slightly lower. The median time to disposition continued to decrease from 169 days in 2009 to 111 days in 2010 to 107 days in 2011. Similarly, 90% of contested divorce II cases reached disposition in 6 months (180 days) and 99% within 9 months (270 days). In both instances, the compliance rate met or exceeded the established case processing goal. The median time to disposition, was 104 days.

Compliance with case processing goals in uncontested cases continued to improve in 2011. Twenty-five percent of uncontested divorce cases reached disposition within 30 days, 57% within 45 days, and 91% within 60 days. The 91% compliance rate, while lower than the established goal was 8% higher than in 2010 (84%). The median number of days to dispose of a case in 2011 was 43 days compared to 46 days in 2010. Nine percent of uncontested custody cases reached disposition within 30 days, 21% within 45 days, and 56% within 60 days. The median days to reach disposition was 57 days. For both uncontested divorce and uncontested custody cases, the performance did not meet established standards. During 2012, the court will continue to review and monitor compliance with time to disposition standards for uncontested cases to improve performance in these case types.

### **THE FAMILY COURT SELF HELP CENTER**

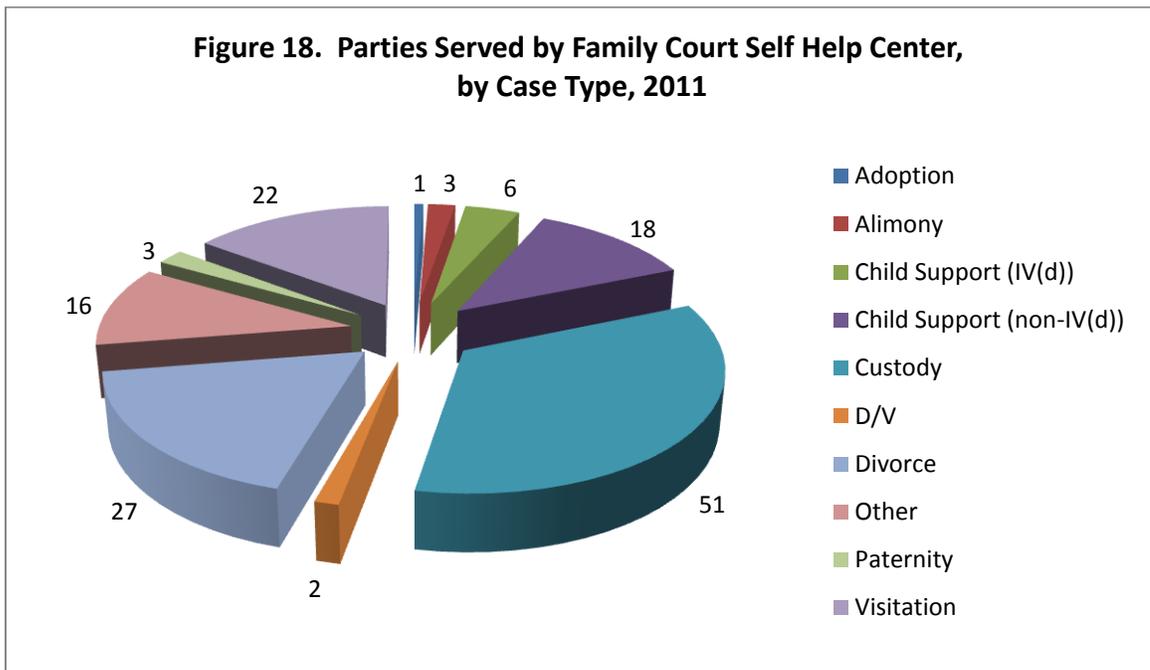
The Family Court Self-Help Center (SHC) is a free walk-in service that provides people without lawyers (self-represented parties) with general legal information in a variety of family law matters, such as divorce, custody, visitation and child support. Although the SHC does not provide legal advice,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

Detailed below are a few of the findings from data collected for 2011:

- The number of clients served by the SHC continued to increase. The SHC served 7,538 people in 2011 – an increase of 2% from 2010, when 7,402 people were served and a 25% increase from 2009 when 6,049 people were served. On average the

Center served 628 individuals per month in 2011 compared to 617 individuals per month in 2010, 504 individuals served per month in 2009 and 394 individuals served per month in 2008.

- As has been the case since 2006, a large majority of the parties seeking help from the SHC had issues related to custody (51%), divorce (27%) or child support (24%).
- Eighty-nine percent of the parties visiting the Center sought general information; 64% needed assistance with the completion of forms; 9% came in seeking a referral; and 2% sought assistance with trial preparation.
- Like 2010, ninety percent of the parties served indicated that their primary language was English. Eight percent (8%) identified themselves as primarily Spanish speakers; and 2% had another primary language.
- Among parties providing data on income, 53% of those seen had monthly incomes of \$1,000 or less; 23% had a monthly income between \$1,001 and \$2,000; and 16% had monthly incomes between \$2,001 and \$4,000. Seven percent had monthly incomes above \$4,000.00.



## **New Initiatives in Domestic Relations**

### **Religious Freedom and Civil Marriage Equality Amendment Act of 2009**

The Family Court was extremely successful in its implementation of the historical Religious Freedom and Civil Marriage Equality Amendment Act of 2009 (D.C. Code § 46-401) legalizing same sex marriages in the District of Columbia. The Act, effective March 3, 2010, resulted in a significant increase in marriage applications. From the date of enactment through December 2010, the court received 5,828 marriage applications. The comparable figure in 2009 was 2,725 applications. While still considerably higher than before the Act, the figure in 2011 was 5,664 marriage license applications, a three percent reduction from 2010. The court has seen a stark increase in the number of civil weddings performed since the law was amended. Court judicial and non-judicial staff members have performed 2,117 weddings in 2011 compared to 2,154 weddings from March 3<sup>rd</sup> through December of 2010, and 824 for the same time period in 2009.

### **The Program for Agreement and Cooperation in Custody Cases (PAC)**

The PAC program was implemented in the Family Court in 2007. The PAC is an education program provided to parents involved in contested custody cases in the Family Court targeted at reducing conflicts between parents and the adverse effects of the legal disputes on children. PAC cases are identified from the total population of contested custody matters with children ages 15 years old and younger. Parties and children participate in a mandatory educational seminar and mediation sessions in an effort to establish a custody agreement in the best interest of all parties, especially the children.

Psychologists, trained and licensed in child psychology and early child development, facilitate the education seminars for parents and children. In 2011, 2,538 parents (1,247 plaintiffs and 1,291 defendants) and 614 children aged 6-15 were scheduled to participate in an educational seminar. Twenty-four seminars were held for 785 adults and 24 seminars for 172 children.

A 2009 evaluation of the PAC program found that adults who participated in the education seminar felt that participation increased their understanding of the effects of conflict on their children, helped them deal more effectively with their children, and improved their ability to communicate about family issues. It also found that child participants had a positive perception of the program. The majority of children learned why it is important to talk to people in their family about their feelings and learned new things from listening to other children in the group.

In November 2008, the Family Court developed the Office of the Parenting Coordinator (OPC) as a pilot program to serve low-income families involved in high conflict domestic relations cases. During 2011, the Office of the Parenting Coordinator which includes one psychologist and three graduate students from local universities provided services to 67 families.

During fiscal year 2011, the OPC received active consent orders (to work with families for at least 12 months) to provide services to a total of 19 new families (a total of 3 families remain on their roster from 2009-2010). The OPC provided a total of 112 individual sessions, 71 joint sessions, and participated in 46 status hearings with our active families. The OPC served a total of 67 families. After one year of participation with OPC, families are expected to have improved communication, acquired skills to

work with the other co-parent, and be able to address impasses in a productive manner keeping the child's best interest as the priority for all decisions.

The OPC highlights the following as successes and accomplishments:

- Assisting with keeping ten cases from going to trial (utilizing the OPC as an alternative dispute resolution).
- Actively minimizing the need for families to file emergency motions to address immediate co-parenting issues.
- Successfully collaborated with the Office of Interpreter Services to provide parenting coordination services to hearing impaired families.

### CONCLUSION

Since passage of the Family Court Act, the Family Court of the DC Superior Court has improved significantly in the services and resources provided to families that come before the court. The improvements have occurred throughout the court and include better trained and more knowledgeable judicial and non judicial staff, increased use of alternative dispute resolution, enhanced diversion programs for juveniles, implementation of a program to reduce the number of child welfare cases that convert from in home (community cases) to court cases, improved decision making regarding detention in cases of youth who are dually jacketed, engaged in enhanced truancy intervention initiatives, celebrated families whose abuse cases closed to reunification, creation of programs to reconnect fathers with their families, implementation and tracking of case processing standards, and improved cooperation and collaboration with our partners in the child welfare and juvenile justice systems.

In 2011, the Court continued its focus on older youth in the child welfare system through its *Preparing Youth for Adulthood* initiative. This initiative along with several

other initiatives by CFSA including the establishment of the Office of Youth Empowerment is designed to increase the array of services available to older youth while at the same time reducing the number of youth with a goal of APPLA and the number of youth aging out of foster care. The impact of the increased focus has already shown excellent results. In 2011, fewer than 400 youth had a goal of APPLA down from the more than 800 youth with this goal when the PYA initiative was created. To further address this issue, the court continues to participate in the Permanency Forums developed by CFSA to gain greater insights into the challenges impacting permanency for older youth.

The court recognizes that work must continue on several levels if we are to be successful in moving children to permanency sooner. The Family Court and CFSA both accept responsibility for ensuring adequate and timely case processing in abuse and neglect cases and share a strong commitment to achieving outcomes of safety, permanency and well-being for children and families. During 2012 we will continue to prioritize the barriers to permanency and expect to make significant improvements in the coming year for children with all permanency goals.

The same factors that have historically affected the Family Court's ability to carry out its responsibilities in the most effective manner possible continued to be factors in 2011. CFSA has continued to show improvement in many areas but some of the same challenges that existed in 2010 remain: lack of adoption resources for older children; the lack of sufficient drug treatment resources for children and parents; and the inability of the District of Columbia Public Schools to provide educational assessment services, such as Individual Education Plans in a more timely manner. The District's

need to further build service capacity to meet the changing and complex needs of juveniles and their families also continue to impact the effectiveness of the court in improving outcomes in delinquency matters.

In 2011, the Family Court continued to improve its ability to serve the community and to collaborate with other members of the justice system to protect, support and strengthen families. Where goals have not been met, the court maintains a strong commitment to improve. The Family Court remains committed to its mission to provide positive outcomes for children and families in the District of Columbia.

