

# Superior Court of the District of Columbia

## Family Court 2016 Annual Report



Honorable Robert E. Morin  
Chief Judge

March 31, 2017



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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 has achieved many of the goals set forth in its Family Court Transition Plan submitted to the President and Congress on April 5, 2002. The following summarizes some of the measures, aimed at improving services for children and families, taken by the Family Court in 2016 in its continued efforts to achieve each goal.

- **Make child safety and prompt permanency the primary considerations in decisions involving children.**
  - Continued to track and monitor key performance measures throughout the Family Court, including 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*.
  - Administrative Order 16-02 revised the Family Court Guardianship procedures, including the naming of successor guardians in the guardianship motion and placement of the child with the successor guardian.
  - The Court Social Services Division (CSSD) continued its efforts to screen all referred youth to identify those who may be at risk of, or subjected to, commercial sexual exploitation.
  
- **Provide early intervention and diversion opportunities for juveniles charged with offenses to enhance rehabilitation and promote public safety.**
  - Working in coordination with the District of Columbia’s Criminal Justice Coordinating Council (CJCC), the CSSD continued its focus on high-risk youth through the “Partnership 4 Success” program. The program targets and provides intensive services to high-risk youth under the supervision of CSSD and the Department of Youth Rehabilitation Services (DYRS).
  - The CSSD continued its participation in the Juvenile Detention Alternatives Initiatives, Juvenile Data Subcommittee, which seeks to collect and interpret juvenile arrest, diversion, court involvement and overall front-end data. Providing stakeholders with data trend analysis and other observable facts enables stakeholders to provide timely interventions and address specific delinquency issues occurring in the District of Columbia.
  - The Juvenile Subcommittee began reviewing viable solutions (including alternative placements) for respondents referred by the court for mental examinations exhibiting problematic aggressive behavior at the Psychiatric Institute of Washington (PIW).
  - A working group of the Juvenile Subcommittee is developing improved processes for sealing of juvenile cases, including proposed amendments of Juvenile Rule 118 and General Family Rule P, the rules pertaining to sealing. The proposed amended Juvenile Rule 118 will include a new section regarding

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

procedures for the sealing of arrest records and related court records on grounds of actual innocence, pursuant to D.C. Code §16-2335.02.

- CSSD maintained a Satellite Office, housing a Balanced and Restorative Justice (BARJ) Center, in each quadrant of the city. The BARJ centers provide a detention alternative for medium to high-risk juveniles awaiting trial. Additionally, juveniles who have violated probation can receive afterschool services in a structured community-based environment which facilitates family support and involvement.
- CSSD opened the nation's first-ever Status Offender and Behavioral Health BARJ Drop-In Center, targeting court-involved youth with charges relating to truancy, as well as status offenders (also known as Persons in Need of Supervision, or PINS, many of whom are runaways), and youth with behavioral health challenges.
- During the D.C. Public Schools spring break, the court collaborated with other juvenile justice agencies to provide youth with a variety of strengths-based, pro-social activities to encourage them to stay out of trouble. During the summer, the court joined other agencies in additional curfew checks and monitoring of youth.
  
- **Assign and retain well-trained and highly motivated judicial officers.**
  - 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, the American Bar Association, the Association of Family and Conciliation Courts, the National Judicial Institute on Domestic Child Trafficking, and the National Judicial College.
  - Conducted mandatory monthly luncheon trainings on issues involving family court cases and presentations from guest speakers on a variety of relevant topics.
  - Hosted the Family Court's 14<sup>th</sup> Annual Interdisciplinary Conference, entitled "Dismantling the School to Prison Pipeline," on October 27, 2016. The conference featured presentations and speakers on the current state of school discipline and its impact on our youth, as well as alternatives to traditional discipline, such as restorative justice programs.
  - Participated in the Criminal Justice Coordinating Council 7<sup>th</sup> Annual Juvenile Justice Summit, "Restorative Justice: A Bridge to Improving Education and Justice for Youth." Through a series of plenary sessions and workshops, attendees explored ways in which restorative practice concepts can be effectively used to reduce violence and youth recidivism, increase accountability, heal victims impacted by crime, and strengthen District communities.
  - Conducted the annual in-service training on recent developments in Family Law, recently enacted legislation affecting the Family Court and Family Court Performance Standards.

- **Promote Alternative Dispute Resolution (ADR).**
  - The Multi-Door Dispute Resolution Division entered into the final year of a study that examines the effectiveness and safety of two types of specialized mediation—specifically, shuttle and video-conferencing mediation—in family cases with high levels of intimate partner violence/abuse. Recruitment of cases for the study will conclude in early 2017 and all cases that participated in the study will be followed for one year. An analysis and report will be completed and delivered to the National Institute of Justice in the fall of 2018.
  - The Court continued its partnership with the Family Law Section of the District of Columbia Bar to provide a group of experienced family law attorneys to conduct ADR in domestic relations cases. In 2016, 37 cases were ordered to participate in this ADR program. The program includes a case evaluation component along with mediation.
  - The Domestic Relations Branch hired two Attorney Negotiators to help referred parties at the initial hearings to resolve disputes and reach agreements (both temporary and permanent) in matters of divorce, custody, visitation and support. Previously, the Branch employed a part-time negotiator and relied on volunteer negotiators to assist with the heavy caseload.
  
- **Use technology effectively to track cases of children and families.**
  - An electronic case initiation process for juvenile delinquency cases continued in the design and configuration phase. The project, under the coordination of the Criminal Justice Coordinating Council, includes the Family Court, Court Social Services, Office of the Attorney General and the Metropolitan Police Department.
  - The Mental Health and Habilitation Branch collaborated with the Information Technology Division to revise the Web Voucher System so that Mental Habilitation advocates receive their stipends more quickly and efficiently. The system enables all payment processes to be conducted through one system, shared by the Advocate Program and the Court’s Budget and Finance Division, eliminating the need to email stipend requests.
  - The Criminal Justice Act Mental Health and Habilitation attorneys began signing up for new mental health cases electronically through an app on the court’s website. The app allows each CJA attorney to note their availability for appointment during the following month; additionally, attorneys can view cases they have been assigned to on any given day.
  - The Paternity and Support Branch and Mental Health and Habilitation Branch implemented mandatory electronic filing (post-case initiation) on February 14, 2016. Electronic filing provides the legal community with streamlined access to the Clerk’s Office and an efficient electronic method to file documents in existing cases; further, it allows filings, documents and data to be transmitted to the court’s case management system in an efficient and timely manner.

- Family Court collaborated with the Criminal Division to consolidate bench warrants into one centralized location in the Criminal Division. This change improves the business functions related to the completeness, accuracy, and availability of warrants to law enforcement.
  - The Domestic Relations Branch began providing public computer access to domestic relations cases in room JM-300 allowing litigants and attorneys to look up cases, review dockets and confirm scheduled dates.
  - The Domestic Relations Branch and the Family Court Marriage Bureau began sending reminder e-notices, to parties who provided an email address. These reminders, regarding upcoming hearing dates and marriage appointments, are sent both one week and one day before the scheduled event with the goal of increasing attendance.
  - Family Court implemented a call center that reroutes calls from the individual branches to a central location. This has resulted in a dramatic reduction in calls and distractions in the branches, leading to increased efficiency and improved customer service. Customers are able to speak to a live person (not a recording) and have their issues immediately addressed. From April through December 2016, nearly 24,000 customers were assisted by the call center staff.
- **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 Family Court Implementation Committee, the Abuse and Neglect Subcommittee, the Mental Health and Habilitation Subcommittee, the Juvenile Detention Alternative Initiative (JDAI), the Domestic Relations Subcommittee, the Commercially Sexually Exploited Children Working Group, the Family Court Juvenile Subcommittee, the Paternity and Support Subcommittee, the Trial Schedule Workgroup, the Education Subcommittee, the Family Court Training Committee and the Juvenile Intake and Arraignment workgroup.
    - Implemented new protocols developed by the JM-15 New Referral Working Group to improve the efficiency of the juvenile new referrals calendar. The group is a partnership between the Office of the Attorney General, Department of Youth Services, Metropolitan Police Department, the Courts, the U.S. Marshals Service, the Public Defender Service, Criminal Justice Act Attorneys and the Pretrial Services Agency. The working group continues to meet on a periodic basis to monitor processes put in place.
    - Family Court continued collaboration with the D.C. Bar Family Law Section, the Children’s Law Center, and the D.C. Bar Pro Bono Program on training and educational programs.
    - Family Court continued its partnership with the United Planning Organization to operate the Office of Parenting Coordination (OPC). The OPC is a nationally recognized program that delivers Parenting Coordination

and related services that are tailored to state-of-the-art research and scholarship regarding medium and high conflict custody disputes. The program provides tools for co-parents to help decrease their parental conflict that, in turn, may be negatively affecting their children. Parent coordinators are typically trained psychology graduate students that engage in: creating parenting plans; individual parent coaching; facilitating agreements on parenting issues; and group parent coaching.

- **Provide a family friendly environment by ensuring materials and services are understandable and accessible.**
  - In 2016, the Program for Agreement and Cooperation (PAC) conducted twenty-four education seminars to help 388 parents understand the impact of custody disputes on co-parenting and how these disputes affect their children. Additionally, the children's component to PAC assisted 106 children in understanding how to identify and express concerns to their parents. The end goal of PAC is that participants improve working relationships and communication while striving to keep focused on their children's needs.
  - Expanded availability of a family guide on the juvenile justice system to promote understanding on what happens, what to expect, and how to successfully navigate the juvenile court process. The guide answers frequently asked questions about the juvenile justice process. It provides a checklist of things to do to prepare for court hearings or meetings, a flowchart of the juvenile justice process, and a directory of services available from the court and other agencies.
  - The Family Court Self-Help Center, a free walk-in service that provides people without lawyers with general legal information in a variety of family law matters served 9,660 people in 2016, a 17% increase from the previous year.

We continue to implement new 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 2016, must include the following:

- (1) The Chief Judge’s assessment of the productivity and success of the use of alternative dispute resolution (see pages 25-30).
- (2) Goals and timetables as required by the Adoption and Safe Families Act of 1997 to improve the Family Court’s performance (see pages 39-47).
- (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 31-34).
- (4) Information on the progress made in establishing locations and appropriate space for the Family Court (see pages 22-24).
- (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 66-67).
- (6) Information on: (a) the number of judges serving on the Family Court as of December 31, 2016; (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 3-22).
- (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 31-84, 99-104).
- (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 48-61, 77-83).

## **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 2016.

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, 2017, the Family Court consisted of 12 associate judges and 13 magistrate judges, eight of whom were assigned to hear abuse and neglect caseloads.

### **LENGTH OF TERM ON FAMILY COURT**

In December 2012, Public Law 112-229, the D.C. Courts and Public Defender Service Act of 2011 became effective. Section 4 of the law amended D.C. Code § 11-908A to reduce the term of current and future Family Court associate judges from five years to three years. The following are the commencement dates of associate judges currently assigned to the Family Court. The names of associate 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>	
<b>Judge Dalton</b>	August	2008
<b>Judge Krauthamer</b>	January	2013
Judge Iscoe	January	2015
Judge Anderson	January	2016
Judge Williams	January	2016
Judge McCabe	January	2016
Judge Okun	January	2016
Judge O’Keefe	January	2016
Judge Becker	June	2016
Judge Christian	January	2017
Judge Nooter	January	2017
Judge Wellner	January	2017

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

<u>Magistrate Judges</u>	<u>Commencement Date</u>	
Magistrate Judge Johnson	April	2002
Magistrate Judge Breslow	October	2002
Magistrate Judge Fentress	October	2002
Magistrate Judge Albert	January	2006
Magistrate Judge Rook	October	2006
Magistrate Judge Melendez	January	2008
Magistrate Judge Nolan	January	2011
Magistrate Judge Seoane Lopez	August	2012
Magistrate Judge Bouchet	January	2016
Magistrate Judge Lepley	January	2017
Magistrate Judge Trafford	January	2017
Magistrate Judge De Witt	January	2017
Magistrate Judge Mulkey	January	2017

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

In October 2016, the Chief Judge of the Superior Court of the District of Columbia made judicial assignments for calendar year 2017. Those assignments, which encompassed changes in Family Court judicial staff, became effective on January 1, 2017<sup>2</sup>. As part of the reassignment, Associate Judges Puig-Lugo, Knowles, Epstein, and Pasichow left the Family Court. Associate Judge Nash retired from Superior Court. Additionally, Magistrate Judges Arthur and Staples left the Family Court. Magistrate Judge Gray retired, and Magistrate Judges Parker and Rohr resigned.

Associate Judges Becker, Christian, Nooter and Wellner and Magistrate Judges Lepley, Trafford, De Witt, and Mulkey began their tenure in the Family Court. All

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<sup>2</sup> As a newly appointed judge, Judge Becker's commencement date was June 2016.

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 2016.

Below are brief descriptions of the education and training experience of judicial officers newly assigned to the Family Court:

***Judge Becker***

Judge Julie H. Becker was nominated by President Barack Obama in April 2015, and confirmed by the Senate in June 2016. Judge Becker was born and raised in Detroit, Michigan, and graduated from the Detroit Public Schools. She holds a Bachelor of Arts in History from the University of Michigan and a law degree from Yale Law School. After law school, Judge Becker clerked for the Honorable Sonia Sotomayor, then of the United States Court of Appeals for the Second Circuit. She then received a Skadden Fellowship to begin work at the Legal Aid Society of the District of Columbia, focusing on the implementation of welfare reform-related changes to the laws governing public housing. She remained at Legal Aid as a staff attorney after her fellowship and was promoted to Supervising Attorney in 2007, continuing in that position until her appointment to the bench. During her sixteen years at the Legal Aid Society, Judge Becker represented hundreds of low-income tenants and tenant associations in their efforts to obtain, improve, and preserve affordable housing. She appeared regularly in the Landlord and Tenant Branch, the Civil Actions Branch, and various administrative agencies. She also litigated several cases in the D.C. Court of Appeals and the D.C. Circuit concerning the rights of tenants under District and federal law. In addition, Judge Becker engaged in numerous policy initiatives relating to affordable housing, including

a comprehensive revision of the rules and regulations governing the District's subsidized housing programs and an overhaul of the District's rent control laws. Judge Becker has served on the Superior Court Advisory Subcommittee on Landlord and Tenant Rules and the Superior Court ad hoc Committee on Rules for the Housing Conditions Calendar. She also served as a member of the D.C. Bar Judicial Evaluation Committee from 2012 until 2016.

***Judge Christian***

Judge Erik P. Christian was nominated by President George W. Bush on April 4, 2001, to be an Associate Judge of the Superior Court of the District of Columbia. On May 31, 2001, the U.S. Senate confirmed his nomination, and Judge Christian was sworn in by Chief Judge Annice M. Wagner, then Chief Judge of the District of Columbia Court of Appeals on July 9, 2001. Judge Christian was born and raised in the District of Columbia. He graduated from St. Martin's Elementary School, and with distinction from Archbishop John Carroll High School, where he was inducted into the school's Hall of Honor in 2012. Judge Christian graduated with a Bachelor of Arts degree in English and Political Science, magna cum laude from Howard University in 1982, where he was elected in his junior year as a member of Phi Beta Kappa, and later inducted into Pi Sigma Alpha. In 1986, Judge Christian received his Juris Doctorate degree from Georgetown University Law Center. Following his service as a criminal investigator for the D.C. Public Defender Service, and the Criminal Justice Act defense bar, Judge Christian began his legal career with the law firm of Webster & Fredrickson. At that firm, he served as a law clerk and later was employed as an associate with a practice in the areas of general litigation, real estate and bankruptcy law. Judge Christian then

served as a judicial law clerk to the Honorable Annice M. Wagner in the Superior Court of the District of Columbia. In 1989, Judge Christian was appointed as an Assistant United States Attorney for the District of Columbia, where he initially served in the Appellate Division, and argued cases in the District of Columbia Court of Appeals and the U.S. Court of Appeals for the District of Columbia Circuit. Judge Christian also served in the Misdemeanor Trial, Felony Trial and Grand Jury Sections of the Superior Court Division and the Federal Narcotics Section of the Criminal Division before being selected to serve as a prosecutor in the Homicide Section. In 1994, he was appointed Deputy Chief of the Misdemeanor Trial Section in the Superior Court Division, where he supervised approximately 30 trial prosecutors, and was in charge of recruiting and reviewing attorney applicants from other federal agencies to serve as Special Assistant U.S. Attorneys prosecuting cases in the Superior Court of the District of Columbia. In 1995, Judge Christian was appointed First Assistant U.S. Attorney for the District of the Virgin Islands. In that position, he was second in command to the United States Attorney, and also served as Chief of the Criminal Division in that District. In addition to his administrative and supervisory positions, Judge Christian prosecuted certain complex local and federal cases. In 1997, he returned to the U.S. Attorney's Office in the District of Columbia, prosecuting several high-profile homicide cases. As a prosecutor, Judge Christian received numerous special achievement awards and other awards for his trial and managerial accomplishments. Judge Christian has also served as a guest lecturer at several area law schools. He has also lectured and provided training to law practitioners by serving as a trial instructor with the National Institute of Trial Advocacy at the Georgetown University Law Center and with the District of Columbia

Criminal Practice Institute. Following his service in the U.S. Attorney's Office, Judge Christian was appointed by District of Columbia Mayor Anthony A. Williams as the first Deputy Mayor for Public Safety and Justice, where he oversaw several agencies, including the Metropolitan Police Department, the Fire and Emergency Medical Services Department, the Department of Corrections, the Emergency Management Agency, and the Office of the Chief Medical Examiner. During his tenure as Deputy Mayor, the city experienced a steady reduction in 'part one offenses' or major crimes. The city also experienced a reduction in response time of the Fire and Emergency Medical Services Department to critical calls for emergency services. Judge Christian was also instrumental in reinstating the Citizen Complaint Review Board that provided the public with an independent and impartial forum for the review and resolution of complaints lodged against officers of the Metropolitan Police Department and Special Police Officers of the District of Columbia. As Deputy Mayor, Judge Christian, through the Mayor, re-instituted and served as Chair of the Criminal Justice Coordinating Council, which served as a forum for identifying solutions that would improve public safety and the related criminal and juvenile justice services in the District of Columbia. Judge Christian was also tasked with serving as Chair of the Mayor's Nuisance Abatement Task Force, comprised of federal and local agencies that were charged with identifying and abating dilapidated and nuisance properties. This task force was instrumental in the overall revitalization of the District of Columbia. As Deputy Mayor, Judge Christian also served as the executive branch's liaison to the federal justice agencies that provide services to the District of Columbia. Immediately prior to his appointment to the bench, Judge Christian served as Legal Counsel to Mayor Williams.

He was responsible for drafting legal opinions and memoranda, and providing oral advice to the Mayor on a variety of legal issues and legislation considered by the executive and legislative branches. Based upon his trial expertise and through an extension of his work as Chair of the Nuisance Abatement Task Force, Judge Christian was designated to prosecute criminal cases on behalf of the Office of the Corporation Counsel (re-designated as the Office of the Attorney General), where District of Columbia landlords refused or failed to maintain their properties in habitable conditions in compliance with housing code laws and regulations. As legal counsel, Judge Christian also performed a variety of other special assignments personally designated by the Mayor. Judge Christian has been active in bar activities and community service. He was appointed to serve as a Committee member and later as Chair of the District of Columbia Court of Appeals Unauthorized Practice of Law Committee. He has also served on the District of Columbia Bar's Judicial Evaluation Committee. As a member of the judiciary, Judge Christian is a member of the Washington Bar Association Judicial Council where he served as Chair-elect and Chairman from 2004 to 2005. On the Court, he serves as a member on the Superior Court Rules Committee, the Probate and Fiduciary Rules Advisory Committee, the Criminal Rules Advisory Committee, the Criminal Justice Act Implementation Committee, the Advisory Committee for the Selection of Attorneys and Duty-Day Attorneys for District of Columbia and Traffic Cases, the Superior Court Jury Committee, the Art Trust Fund Committee, the Buildings and Grounds Committee, and the Court Security Committee. Judge Christian has served as a mentor to elementary school children, and he annually participates in the Charles Hamilton Houston Pre-Law Society Judicial Forum at his alma mater Howard

University where students are prepared for futures in the legal profession. In January 2013, Judge Christian was appointed to the Court's Management Team and as Deputy Presiding Judge of the Probate and Tax Divisions. During the previous three years he served as Trial Judge in the Civil Division. Prior to that, Judge Christian has presided over Felony I, Felony II, and Misdemeanor cases in the Criminal Division, criminal and civil cases in the Domestic Violence Unit; as well as cases in the District of Columbia and Traffic Trial Branch. In addition, Judge Christian presently serves as an Adjunct Professor of Trial Advocacy at the Washington College of Law at American University, and the Howard University School of Law.

***Judge Nooter***

On July 11, 2013 President Barack Obama nominated William W. Nooter to be an Associate Judge of the Superior Court of the District of Columbia. The Senate confirmed the nomination on November 19, 2015 and Judge Nooter was sworn in on December 22, 2015. Judge Nooter was born in St. Louis, MO but has lived in Washington, D.C. since his teenage years. He received his Bachelor of Arts from St. John's College in Annapolis, Maryland. He obtained his Juris Doctor with honors from The National Law Center at George Washington University in 1981. While attending law school, Judge Nooter served as a Student Investigator for the Public Defender Service at Saint Elizabeth's Hospital. He also participated in the Law Students in Court Program, Criminal Division. Following law school, Judge Nooter worked as investigator and co-counsel for three criminal defense attorneys. He then clerked for the Honorable Tim Murphy, Superior Court of the District of Columbia. From 1982 to 1989, Judge Nooter served as a trial attorney for the Office of the Corporation Counsel

(now Office of the Attorney General), spending four years in the Juvenile Section. While serving in this capacity, he tried the case of *In re LaShawn R.* As the first case to have a finding of “child neglect” based solely upon educational deprivation, it is still cited in annotations of D.C. Code 16-2301. Judge Nooter also served in the Civil Division of the Office for three years, defending the District of Columbia in numerous civil actions in D.C. Superior Court and the United States District Court for the District of Columbia. Judge Nooter was with the law firm of Jordan Coyne & Savits, where he tried civil cases in District of Columbia and Maryland courts from 1989 to 2000. He handled a broad range of cases including personal injury actions, professional liability, employment and insurance coverage issues. Judge Nooter was installed as a Magistrate Judge of the Superior Court of the District of Columbia on October 12, 2000. As a Magistrate Judge, he has served in various assignments in the Criminal Division, Civil Division, and the Family Court, where he was assigned for 12 years, including handling a Neglect and Abuse calendar for 10 years. Judge Nooter served as the Presiding Magistrate Judge from 2010 through 2013. Since 1998, Judge Nooter has been a Trustee for the Foundation of the Bar Association for the District of Columbia and served as Secretary on the Board of Directors for the Janney Extended Day Program from 2000 to 2003. Judge Nooter also volunteered his services as a civil mediator for the Multi-Door Dispute Resolution Division of the Superior Court from 1988 until his appointment to the Court in 2000. Judge Nooter is a member of The Counsellors, a member of the National Council of Juvenile and Family Court Judges, a member of the National Conference of Specialized Court Judges, Judicial Division, American Bar Association (District 3 Representative from 2003 to 2006 and Chair of the Domestic

Law Committee from 2003 to present) and the George Washington American Inn of Court (Vice-President 2004-2005; President 2005-2006; Counselor 2006-2007). Judge Nooter has served on numerous Superior Court Committees and is currently a member of the Court's Strategic Planning Leadership Council. Judge Nooter has also participated in numerous training programs for lawyers, law students, social workers, foster parents and new judges.

### ***Judge Wellner***

In November 2013, President Barack Obama nominated Steven M. Wellner for appointment to the Superior Court of the District of Columbia. The Senate confirmed his nomination as Associate Judge on November 19, 2015. Judge Wellner was born in Madison, Wisconsin, lived briefly there and in Honolulu, Hawaii, and grew up outside Baltimore, Maryland. He graduated from Randallstown High School, received a Bachelor of Arts degree from the University of Virginia in 1981 and a law degree from the University of Michigan in 1985. After law school, Judge Wellner joined the law firm of Kirkland & Ellis. His practice as an associate included general litigation, government contracts, intellectual property and environmental law. He served in the U.S. Environmental Protection Agency's Office of General Counsel, Air Division, between 1989 and 1990, and then returned to Kirkland & Ellis to focus on the practice of environmental law. He remained at the firm, as an associate and then a partner, until 2006. For ten years, Judge Wellner was Pro Bono Coordinator for the firm's Washington office, promoting and facilitating pro bono opportunities for lawyers of all practice areas and levels of experience. In 2006, Judge Wellner was appointed to serve as an administrative law judge with the District of Columbia Office of Administrative

Hearings. During his tenure with OAH, Judge Wellner heard cases involving unemployment benefits, rental housing, public school discipline, public works and other administrative matters. From 2011 until 2015, Judge Wellner was Principal Administrative Law Judge for Unemployment Insurance Appeals. While in private practice, Judge Wellner was a member of the board of directors and an officer of the Washington Lawyers' Committee for Civil Rights and Urban Affairs. He has served for many years on the board of directors of the DC/MD/VA Chapter of the ALS Association, an organization that provides support to persons affected by Lou Gehrig's disease. Judge Wellner is married and has two children.

***Diane Lepley***

Judge Diane Stewart Lepley was appointed by Chief Judge Lee F. Satterfield on January 4, 2016. Judge Lepley came to the Superior Court from private practice and specialized in criminal and civil litigation. She represented primarily indigent criminal defendants in DC Superior Court and in the United States District Court for the District of Columbia. She is a former Director and Vice President of the D.C. Association of Criminal Defense Lawyers. Judge Lepley has worked in all three branches of government. She worked for the United States Senate Committee on the Environment and Public Works where she studied water resources and wrote articles about public works projects for the Honorable Senator Jennings Randolph. She later became a Congressional Liaison at the National Bureau of Standards (now the National Institute of Standards and Technology) where she analyzed federal legislation and testimony to be presented to the Congress. Following her graduation from law school, she served as the law clerk for the Honorable Tim Murphy in this Court. Judge Lepley graduated from the University of Illinois in Champaign/Urbana

with a Bachelor of Arts in English/Speech. She received a Master's degree in Speech Communications from West Virginia University where her thesis examined the effect of language intensity on the art of persuasion by men and women. She went to law school locally at George Washington University where she obtained her Juris doctor. Judge Lepley was born in Morgantown, West Virginia and was raised there and in Cookeville, Tennessee with two younger brothers. Her parents, Guy and Patricia Stewart, are native West Virginians. Dr. Guy Stewart is the former Dean of Journalism at West Virginia University and Patricia Stewart is the founding principal of Pat Stewart Real Estate. She and Judge Lepley have won numerous awards in advertising over the past fifteen years.

***Sherry Trafford***

Sherry Trafford was appointed Magistrate Judge of the Superior Court by Acting Chief Judge Frederick Weisberg and the Board of Judges in February 2016. Prior to joining the Court, Magistrate Judge Trafford served as a staff attorney in the Mental Health Division at Public Defender Service since 2004. In that capacity, she represented numerous individuals in mental health detention and commitment cases and post-trial not guilty by reason of insanity release proceedings. Prior to serving in the Mental Health Division, Judge Trafford was a staff attorney in the Civil Legal Services Division at Public Defender Service, representing youth and adults in landlord/tenant, custody, abuse and neglect, and public benefits cases. Judge Trafford received a Skadden Public Interest Law Fellowship in 1997, and served as a staff attorney at the Bazelon Center for Mental Health Law, where she represented individuals with mental illness and provided technical assistance and training regarding enforcement of fair housing rights. Judge Trafford played an active role in community organizations in the District of Columbia, chairing the

Board for Open Doors/More Light Presbyterians, volunteering at Miriam's Kitchen, and serving in leadership roles over 12 years as an active District of Columbia Public Schools parent. She graduated from Indiana University with a Bachelor of Arts degree in economics, with honors, and she earned her law degree from Yale Law School. After law school she served as a law clerk for the Honorable William B. Bryant in the United States District Court for the District of Columbia.

***Tyrona De Witt***

Tyrona T. De Witt was sworn in as a Magistrate Judge on October 31, 2016 by Chief Judge Robert E. Morin. Judge De Witt was born and raised in New Jersey. In 1997, Judge De Witt graduated with a Bachelor's Degree in Political Science from Rutgers University. Judge De Witt relocated to the District of Columbia in 1999 to attend the University of the District of Columbia, David A Clark School of Law, where she served as Managing Editor of the District of Columbia Law Review and was the recipient of the Earl H. Davis Advocacy Award. After graduating summa cum laude with a J.D. in 2002, Judge De Witt clerked for the Honorable Judith Bartnoff. Prior to her appointment, Judge De Witt worked for twelve years as an Assistant Attorney General in the Family Services Division of the Office of the Attorney General for the District of Columbia. Judge De Witt's primary area of concentration was in the Child Protection Section within the Office of the Attorney General where she litigated cases concerning the abuse and neglect of children with related adoptions, termination proceedings, and guardianship matters. Additionally, Judge De Witt completed a rotation in the Mental Health Section of the Office of the Attorney General where she addressed petitions related to mental health issues. Judge De Witt has also been certified as a Child Welfare Law Specialist in the District of Columbia.

***Shelly Mulkey***

Shelly A. Mulkey was appointed by Chief Judge Robert E. Morin to serve as Magistrate Judge on the D.C. Superior Court on October 31, 2016. Judge Mulkey received a Bachelor of Arts degree in Sociology from Tulane University and her law degree from the American University, Washington College of Law in 2001. Judge Mulkey is a former Dean's Fellow for Professor David E. Aaronson. Following law school, Judge Mulkey clerked for the Honorable Eric M. Johnson, Sixth Judicial Circuit of Maryland. She was previously an Assistant Attorney General in the Child Support Services Division of the Office of the Attorney General for the District of Columbia, where she represented the District of Columbia in paternity and child support cases. At the Law Offices of Alice Paré, Judge Mulkey represented clients in civil matters, including domestic relations and bankruptcy cases. The judge currently serves as a co-chair of the D.C. Superior Court's Education Subcommittee, participates on the Paternity & Support Subcommittee, and is a member of the Preparing Youth for Adulthood Committee. She also serves as a co-chair of the Mentoring Committee for the Women's Bar Association of the District of Columbia, and she is an active member of the Hispanic Bar Association of the District of Columbia. Judge Mulkey volunteers as a mentor through Mentors, Inc. in the District of Columbia.

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

Since its inception, the Family Court has successfully recruited qualified judges to serve on the Family Court. Recruitment efforts were aided by the passage of Public Law 112-229 in 2012, which reduced the term of current and future Family Court associate judges from five years to three years. As required by the Act, all associate judges currently serving in the Family Court volunteered to serve on the court. 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 Judges Dalton and Krauthamer. 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, Superior Court associate judges who are interested in serving but do not have the requisite experience or training required by the Family Court Act are provided the opportunity to participate in a quarterly training program developed by the Presiding Judge. The training is designed to ensure that these judges have the knowledge and skills required to serve in the Family Court.

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

### **TRAINING AND EDUCATION**

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

Family Court judicial officers took advantage of a number of training opportunities in 2016. In December 2016, all Family Court judicial officers participated in an extensive three-day training program updating them on current substantive family law practice and

new procedures in Family Court. Some of the topics covered included: Addressing the Needs of LGBTQ Youth in Care; the Reasonable and Prudent Parenting Standard under the Preventing Sex Trafficking Act; Commercial Sexual Exploitation of Children; Restorative Justice; and The Children in Court Policy. In addition, judicial officers new to the Family Court and judicial officers changing calendars participated in a mandatory in-service training on their respective calendars.

Family Court judicial officers also participated in trainings sponsored by organizations outside the Family Court, including: the National Council of Juvenile and Family Court Judges, the American Bar Association, the Association of Family and Conciliation Courts, the National Judicial Institute on Domestic Child Trafficking, and the National Judicial College.

In 2016, the Presiding Judge convened weekly lunch meetings and mandatory monthly meetings for Family Court judicial officers to discuss issues involving family court cases and to hear from guest speakers on a variety of relevant topics. Topics covered in the monthly meetings included: the Interstate Compact on Placement of Children, use of mental health evaluations and the Assessment Center, talking to children in the courtroom, and the work of the Howard University Legal Clinic. Family Court judges also participated in several multi-disciplinary and collaborative trainings with child welfare and juvenile justice stakeholders on areas of mutual concern.

The 14<sup>th</sup> Annual Family Court Interdisciplinary Training entitled “Dismantling the School to Prison Pipeline” was held on October 27, 2016. The conference featured presentations and speakers on the current state of school discipline and its impact on our youth, as well as alternatives to traditional discipline, such as restorative justice.

In addition to the annual training, the Training and Education Subcommittee established a training series on topics related to the Family Court for judicial officers and the other stakeholders in the child welfare system. The seminars were well attended from all sectors relating to family law practice. The 2016 seminars included:

- Preventing Child Sexual Exploitation (January 2016)
- Understanding the Residential Treatment Process (April 2016)
- Children and Family Court Proceedings (June 2016)
- The Intersection of Education and Justice: Overcoming Barriers Facing Older Students Involved in D.C.'s Justice Systems (September 2016)

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, co-sponsors an annual two-day Neglect Practice Institute, and coordinates 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 in 2016 included: Child and Family Services Agency Roundtable; Guardianship Administrative Order 16-02; Mental Health Services and the Discharge Planning Process; Attorney Resources for Special Education Help; Children in Court Policy; Foster Youth Bill of Rights; The Interstate Compact on Placement of Children; 2016 Case Law; and, Ethics Roundtable Discussion.

Additionally, the Children's Law Center offered the following training

presentations to the Family Court: Ethics Training; Trial Skills Workshop; Evidence Training; Adoption Training; Monthly Case Rounds – A Roundtable Discussion.

The D.C. Bar Family Law Section in conjunction with the Family Court provided trainings on the Affordable Care Act and Implications for Family Law; the Annual Domestic Relations Bench and Bar Dialogue; and, Incorporation and Merger: What You Need to Know.

Family Court non-judicial staff also participated in a variety of training programs in 2016. Family Court Managers presented a two-day training for Court staff during judicial training days dealing specifically with child abuse and neglect. Among the many matters covered, topics included: updates in legislation; the effects of new legislation in the courtroom and in data collection; the new Children in Court policy; confidentiality; the law and how it applies to the courtroom and handling of documents; the importance of accurate data; federal and local child welfare legislation and how the law affects administrative duties; and issues related to the Court's case management system.

Topics covered in other trainings throughout the year included: coping with conflicts using emotional intelligence; the challenges of mental illness in the courthouse; effective communication; procedural justice, fairness, and implicit bias; professional leadership skills; developing effective working relationships; customer service; and, leading and managing in a diverse workplace. 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 also participated in training opportunities sponsored by organizations outside the court including the Mid-Atlantic Association for

Court Management (MAACM) Annual Conference, the National Council of Juvenile and Family Court Judges (NCJFCJ) National and Annual Conferences, the National Child Support Enforcement Association (NCSEA) Policy Forum, the Eastern Regional Interstate Child Support Association (ERCSA) Annual Conference, the American Bar Association (ABA) Equal Justice Conference, the Association of Family and Conciliation Courts (AFCC) Annual Conference, and the Administration for Children and Families (ACF) National Research Conference on Early Childhood.

Family Court Self-Help Center staff participated in a number of trainings and conferences directly relevant to the topics they confront daily; and, with the help of the DC Bar Pro Bono Center, held its semi-annual volunteer training.

Members of the Family Court Central Intake Center, Self-Help Center, and the Domestic Violence Unit also provided their expertise in a panel presentation at the Annual Conference of the Mid-Atlantic Association for Court Management about the integrated electronic check-in systems in the Marriage Bureau, Central Intake Center, Self-Help Center and Domestic Violence Unit. The presentation highlighted the check-in systems benefits to both court users and court management. The systems are customer friendly, improve court efficiency and provide crucial data to managers. The data collected is very helpful for performance management, when preparing budget requests, and in pinpointing training needs.

The Family Court continues to provide opportunities as well as encourages its staff to gain knowledge on finding more effective ways to streamline caseload processes and administrative procedures. As such, non-judicial staff throughout the Family Court attended a variety of in-house workshops and seminars on topics related to improving and

modernizing case resolution and data integrity; encouraging innovation; developing leaders at every level; the importance of diversity, ethics, and court values in the workplace; and, Microsoft Office and Oracle Business Intelligence applications and systems.

### **FAMILY COURT FACILITIES**

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

Construction of the C-Street Addition will reunite the Family Court to one campus from its present multiple locations. The 116,000 net square foot expansion project will rise six stories along the south facade of the Moultrie Courthouse providing over 30,000 square feet of Family Court offices and support space. The expansion will include space for social services, the childcare center and supervised visitation, six courtrooms, and chambers for 20 Superior Court judges. The addition will be fully integrated with the JM level space for the Family Court Mental Health and Habilitation Unit, CCAN, Juvenile Intake, Probation Supervision, Drug Court and the administrative offices for the Family Court Operations and Family Court Social Services Divisions' directors. New facilities will provide ADA accessibility, accommodation of technology, adjacency to genetic testing and the Mayor's Liaison Office, improving Family Court operations.

This effort is a phased multi-year endeavor based upon a Facilities Master Plan initiated in 2003, with its most recent update in 2015. Construction of the foundation commenced in November 2013 and was completed in 2015.

The construction of the superstructure and interior spaces will be accomplished in two phases, 2A and 2B. Phase 2A of the C Street Addition includes construction of the west side of the building, which will be completed before construction of the addition's eastern half begins. Construction of Phase 2A began in March 2016. Within the existing building, work continued to prepare for this construction; these predecessor projects included creating swing space for associate judges, relocating administrative functions, and upgrading mechanical systems.



C Street Expansion Looking Northwest



C Street Expansion Entry



Interior Views of Indiana Avenue Waiting Area

## **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, respectively. The programs had an equally positive effect on court processing timeframes and cost. These results provide compelling support for the continuation of these valuable public service programs.

### **ADR PERFORMANCE MEASURES**

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

- **ADR Outcome** – measures clients' satisfaction with the outcome of the mediation process (including whether a full agreement on the case was reached or if specific contested issues were resolved), fairness of outcome, level of understanding of opposing party's concerns, impact upon communications with other party, and impact upon time spent pursuing the case;
- **ADR Process** – measures clients' satisfaction with the overall mediation process, including their ability to discuss issues openly, fairness of the process, length of session, and whether the participants 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 perceived bias on the part of the mediator.

These quality performance indicators are measured through participant surveys distributed to all participants in ADR processes at Multi-Door. Statistical measures include the satisfaction level of respondents with the overall ADR process, ADR outcome, and mediator performance. Multi-Door staff holds periodic meetings to review these statistical measures and determine initiatives to improve overall program performance. Performance indicators provide a measure of the extent to which ADR is meeting the objectives of settlement, quality and responsiveness.

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

In 2016, 453 new abuse and neglect cases were filed in the Family Court<sup>3</sup>. Seventy-seven percent of those cases (224 families with 348 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>4</sup> Of those 224 families, 8 families (4%, representing 9 children) whose cases were filed in 2016 were offered mediation in 2017.

Sixty-five percent of the families (146 cases, representing 237 children) offered mediation in 2016 participated in the mediation process; 31% of the families (70 cases, representing 102 children) did not participate and their cases were not

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<sup>3</sup> Each case represents one child in family court. In mediation, however, each case represents a family often with multiple children.

<sup>4</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.

mediated.<sup>5</sup>

As was the case in 2015, for families participating in mediation, the court continued to settle a substantial number of cases through the mediation process.<sup>6</sup> In 2016, all cases which went to mediation reached an agreement on jurisdiction, family services, or a plan to resolve the case. Of the 146 cases mediated, 59 (40% of cases representing 100 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 87 cases (60% of the cases, representing 137 children) the mediation was partially successful, resolving significant family issues.

Qualitative measures, shown in Figure 1, illustrate satisfaction measures (highly satisfied and satisfied) of 90% for the ADR process, 84% for ADR outcome, and 89% for the performance of the mediator(s).<sup>7</sup>

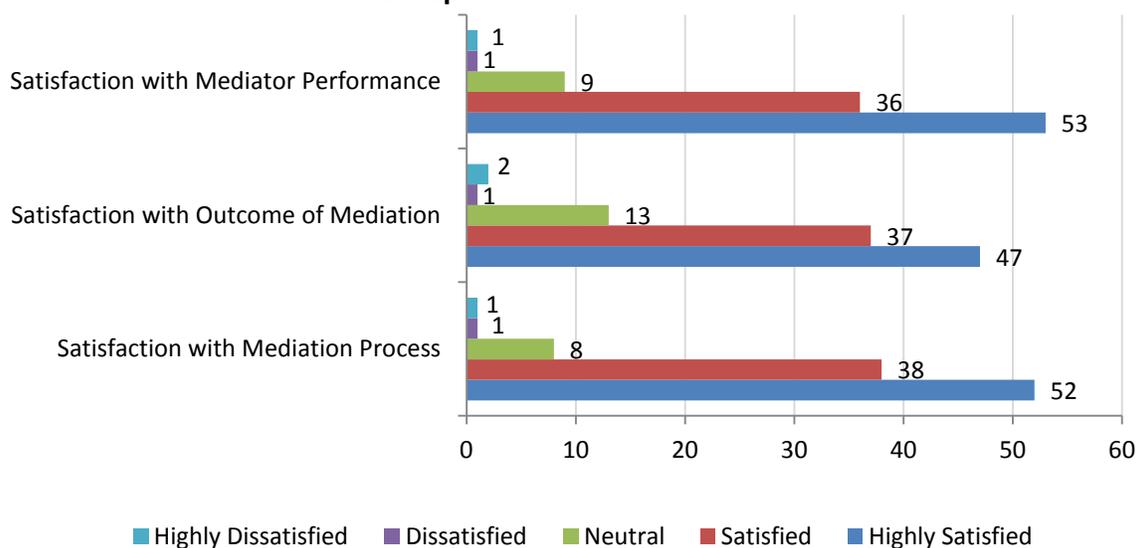
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<sup>5</sup> Scheduled cases may not be held for the following reasons: (a) case dismissed by the court; (b) case settled prior to mediation; (c) case rescheduled by the parties; (d) case cancelled (e.g., domestic violence); and (e) case scheduled in 2016 for mediation in 2017. Family Court and Multi-Door have implemented measures to reduce the number of rescheduled cases in order to expedite case resolution.

<sup>6</sup> In addition to the new abuse and neglect referrals 55 post adjudication cases were referred with issues of permanency, custody, visitation and/or post adoption communication. Of these cases, 73% (40 cases representing 57 children) mediated, 27% (15 cases representing 19 children) did not participate. Of the 40 cases mediated 52% (21 cases representing 25 children) reached settlement on custody or adoption. Partial settlement was reached in 30% of the mediated cases (12 cases representing 24 children). No agreement was reached in 18% of these cases (7 cases representing 8 children).

<sup>7</sup> These statistics are based on data provided by the Multi-Door Dispute Resolution Division. In 2016 participant survey responses were expanded to include the option of selecting neutral.

**Figure 1. Child Protection Mediation Program - Percent of Participant Satisfaction**



**DOMESTIC RELATIONS MEDIATION**

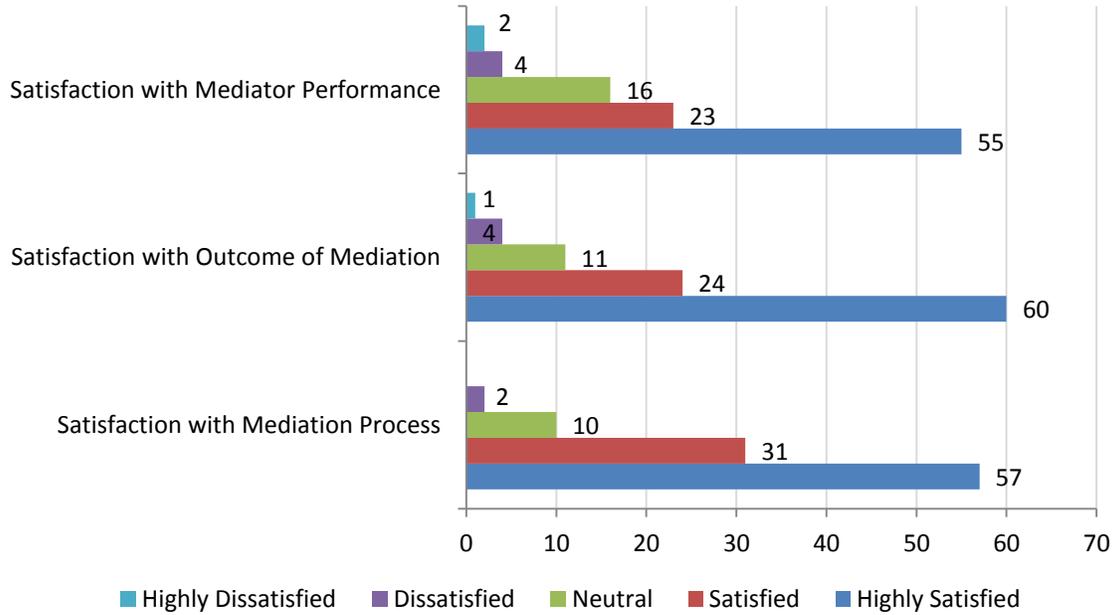
Mediation in domestic relations matters requires several sessions and typically covers issues of child custody, visitation, child and spousal support, and distribution of property. Domestic relations matters often are characterized by high levels of discord and poor communication, factors which contribute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

A total of 581 domestic relations cases were referred to mediation in 2016. Seventy-nine percent (457) of the cases referred were mediated and completed in 2016. The remaining 21% (124) 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 the process.

Of the 457 cases mediated, 205 (approximately 45%) settled in mediation and 252 (approximately 55%) failed to reach an agreement. Among the 205 cases that settled in mediation, full agreements were reached in 154 (75%) cases and partial agreements were reached in 51 cases (25%).

Qualitative outcome measures, Figure 2, show satisfaction rates of 84% for ADR outcome, 88% for ADR process, and 78% for the performance of the mediator(s).

**Figure 2. Domestic Relations Mediation Program - Percent of Participant Satisfaction**



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

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

participation in the program, ADR Facilitators agree to accept one pro bono case per year.

The ADR Facilitators are experienced family lawyers with at least 5 years of experience in domestic relations practice and mediation training or experience. The program includes a case evaluation component along with mediation. Parties and counsel are provided with an actual assessment of the strengths and weaknesses of their respective positions. In 2016, the court ordered 37 families to participate in this ADR program.

### **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:

- The Multi-Door Dispute Resolution Division has entered into the final year of a study that examines the effectiveness and safety of two types of specialized mediation—specifically, shuttle and video-conferencing mediation—in family cases with high levels of intimate partner violence/abuse. The study, *Intimate Partner Violence and Custody Decisions: A Randomized Controlled Trial of Outcomes from Family Court, Shuttle Mediation, and Video-Conferencing Mediation* began on September 22, 2014 and is funded by a National Institute of Justice grant. To date, 196 cases have consented to participate in the study. Each mediation type will be compared to traditional, adversarial court process regarding both outcomes (e.g., settlement or court decree) and process. No empirical study to date has examined whether mediation of any kind is safe and effective for family disputes involving high levels of IPV/A. As the first of its kind, this study will impact not only local families but also families nationwide. Recruitment of cases for the study will conclude in early 2017 and all cases that participated in the study will be followed for one year. An analysis and report will be completed and delivered to the National Institute of Justice during the fall of 2018.
- In 2016, 24 education seminars helped 388 parents understand the impact of custody disputes on co-parenting and how these disputes affect their children. Likewise, the children's component to PAC assisted 106 children in understanding how to identify and express concerns to their parents. The end goal is that participants may improve working relationships and effective communication while striving to keep focused on their children's needs.

**FAMILY COURT OPERATIONS CASE ACTIVITY**

There were 3,290 pending pre-disposition cases in the Family Court on January 1, 2016. During calendar year 2016, there were a total of 10,909 new cases filed and 250 cases reopened in the Family Court. During the same period, 11,428 cases were disposed. As a result, there were 3,021 cases pending in the Family Court on December 31, 2016 (Table 1).

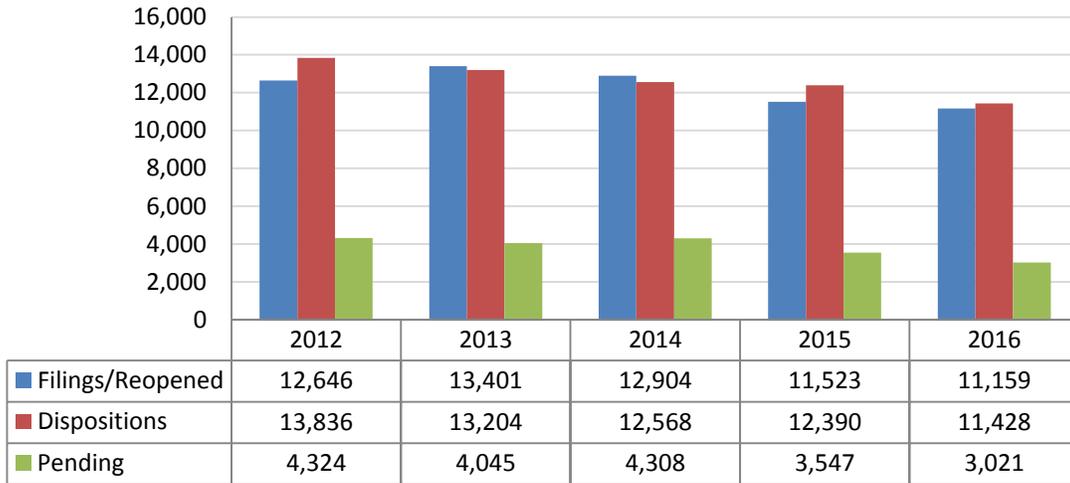
**Table 1. Family Court Operations Case Activity for 2016**

	<b>Abuse &amp; Neglect</b>	<b>Adoption</b>	<b>Divorce &amp; Custody</b>	<b>Juvenile<sup>a</sup></b>	<b>Mental Health</b>	<b>Mental Habilitation</b>	<b>Paternity &amp; Child Support</b>	<b>Total</b>
Pending Jan. 1 <sup>b</sup>	160	167	1,423	627	224	1	688	3,290
New Filings	453	217	4,671	1,715	2,016	2	1,835	10,909
Reopened	1	5	64	21	135	0	24	250
Total Available for Disposition	<b>614</b>	<b>389</b>	<b>6,158</b>	<b>2,363</b>	<b>2,375</b>	<b>3</b>	<b>2,547</b>	<b>14,449</b>
Dispositions <sup>c</sup>	466	230	4,929	1,799	2,256	2	1,746	11,428
Pending Dec. 31	148	159	1,229	564	119	1	801	3,021
Percent Change in Pending	-7.5%	-4.8%	-13.6%	-10.0%	-46.9%	0.0%	16.4%	-8.2%
Clearance Rate <sup>d</sup>	103%	104%	104%	104%	105%	100%	94%	102%

- a. Includes cases involving Delinquency, PINS (Persons In Need of Supervision), and Interstate Compact.
- b. Figures for Abuse & Neglect, Adoption, Divorce & Custody, Juvenile, Mental Health and Paternity & Child Support were adjusted after an audit of these caseloads.
- c. A Family Court case is considered disposed when a permanent order has been entered except for Paternity and Child Support (P&S) cases. A P&S case is disposed when a temporary order is entered.
- d. The clearance rate, a measure of court efficiency, is the total number of cases disposed divided by the total number of cases added (i.e., new filings/reopened) during a given time period. Rates of over 100% indicate that the court disposed of more cases than were added, thereby reducing the pending caseload.

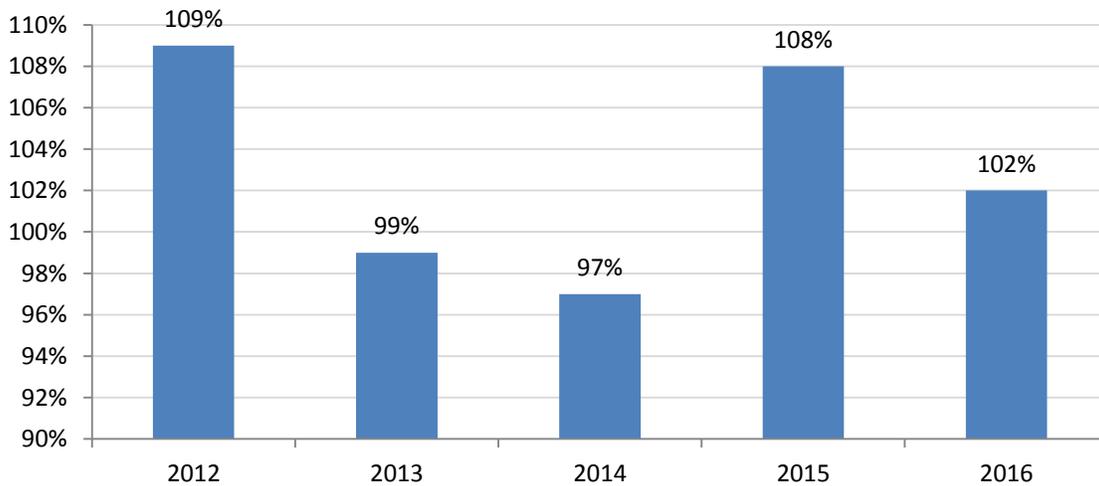
Over the five year period from 2012 through 2016, the number of filings (including reopened cases) and the number of dispositions has fluctuated (Figure 3). New filings/reopened cases experienced a 12% drop from 12,646 in 2012 to 11,159 in 2016; additionally, case dispositions dropped 17% from 13,836 to 11,428 for the same time period.

**Figure 3. Family Court Case Activity, 2012-2016**



The best measure of whether a court is managing its caseload efficiently is its clearance rate, or disposing of a case for each new case filed or reopened (Figure 4). Disposing of cases in a timely manner helps ensure that the number of cases awaiting disposition (pending caseload) does not grow. The overall clearance rate for the Family Court in 2016 was 102%, a decrease from 108% in 2015.

**Figure 4. Clearance Rates in Family Court, 2012-2016**



## **FAMILY COURT CASE ACTIVITY FOR 2016**

New case filings in the Family Court decreased 3% from 2015 to 2016 (11,285 in 2015; 10,909 in 2016). The decrease was attributed to the decrease in new mental health filings (-19%), abuse and neglect filings (-8%), and juvenile filings (-6%). Conversely, new filings increased by 4% each in divorce and custody, adoption, and child support case types.

During the year, the Family Court resolved 11,428 cases. There was an 8% decrease in dispositions from 2015 to 2016. Dispositions decreased in child support (-30%), mental health (-16%), and adoption cases (-2%). On the other hand, dispositions increased in domestic relations cases (5%) and abuse and neglect cases (4%). Dispositions in juvenile cases remained relatively unchanged from last year.

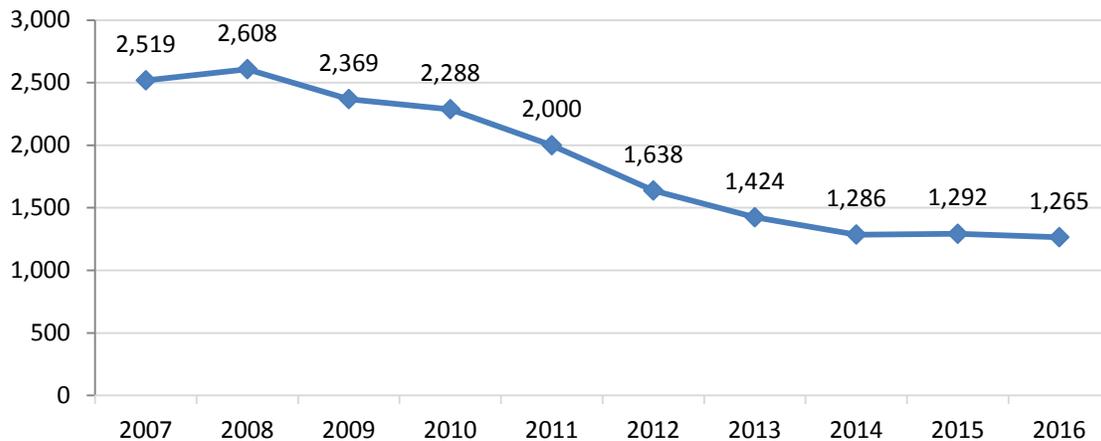
A disposition does not always end the need for court oversight and judicial involvement. In many Family Court cases, after an order is entered, there is post-disposition activity. Dispositions in paternity and support cases include cases resolved through the issuance of either a temporary or a permanent support order. Cases resolved through issuance of a temporary support order often have financial review hearings scheduled after disposition until a permanent support order is established. In addition, all support cases are subject to contempt and modification hearings that require judicial oversight. Mental habilitation cases are considered disposed once an order of commitment or an order of voluntary admission is entered. In 2016, 724 post-disposition cases remained open and required annual judicial reviews to determine whether there was a need for continued commitment. Similarly, there were 1,117 post-disposition abuse and neglect cases that remained open and required regular judicial reviews until the child

reached permanency either through placement in a permanent living situation or aged out of the foster care system.

### **ABUSE AND NEGLECT CASES**

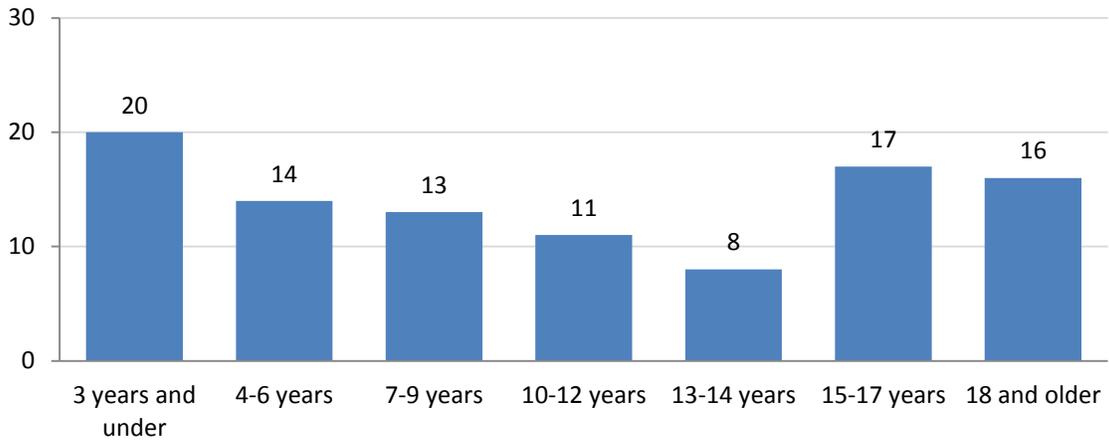
In 2016, there were 1,265 children under Family Court jurisdiction, representing a 2% decrease from 2015 (Figure 5). This number includes children with open cases that are either undisposed or where a disposition hearing was held, followed by regularly scheduled permanency hearings.

**Figure 5. Number of Children Under Family Court Jurisdiction, on December 31, 2007-2016**

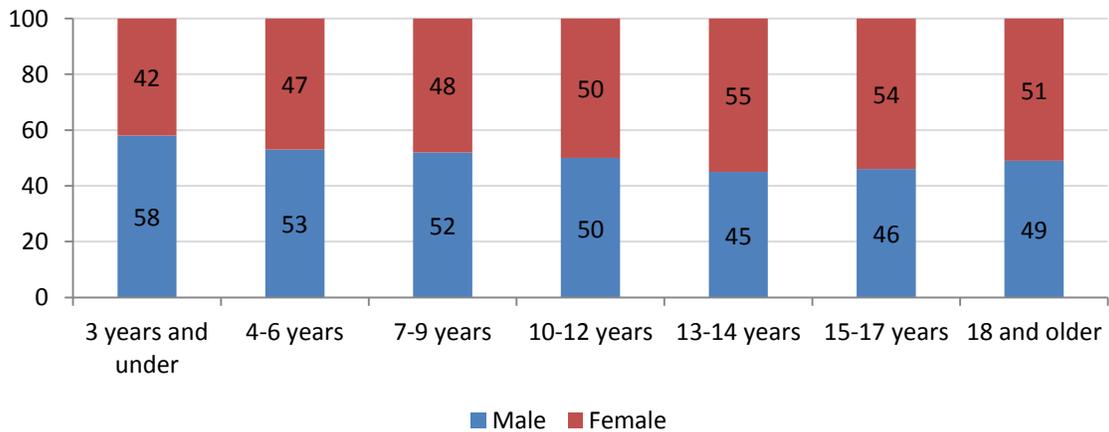


Youth age 15 and older account for 33% of all cases under Family Court jurisdiction. Twenty percent of the child population is age three years and under (Figure 6). While children age nine and younger are more likely to be male, children age 13 and older are more likely to be female (Figure 7). While this section focused on all children under Family Court jurisdiction, the next section is specific to child abuse and neglect referrals in 2016.

**Figure 6. Percent Distribution of Current Ages of Children Under Family Court Jurisdiction, 2016**



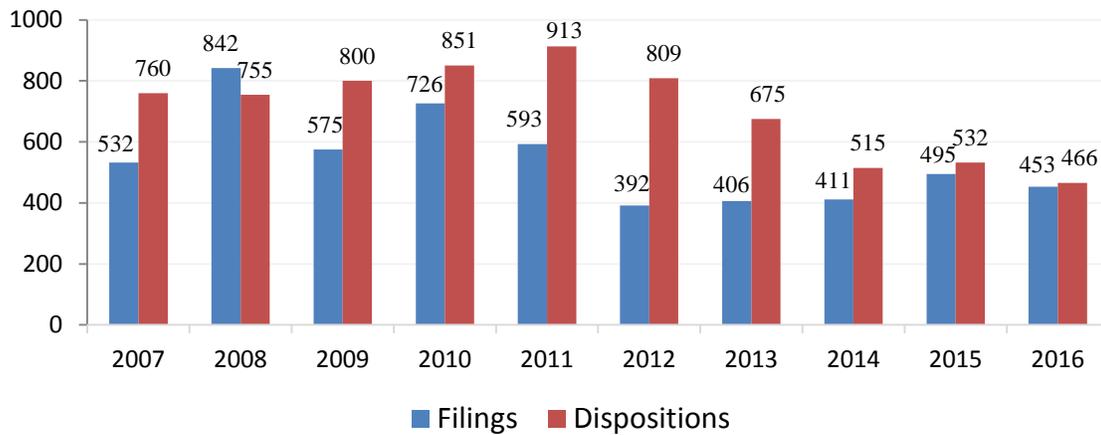
**Figure 7. Percent Distribution of Current Ages of Children Under Family Court Jurisdiction by Gender, 2016**



**CHILDREN REFERRED TO FAMILY COURT IN 2016**

In 2016, there were 453 new child abuse and neglect referrals and 466 child abuse and neglect cases disposed (Figure 8). At the end of 2016, of the 453 entry cohort cases, 87% (394) remained undisposed, 7% (32) were dismissed, 4% (20) were not petitioned, and 2% (7) were closed to reunification or custody.

**Figure 8. Number of Children Entering and Exiting Family Court Jurisdiction, 2007-2016**



Fluctuations in the number of referrals to Family Court are often attributable to policy changes at CFSA such as handling more cases as “in home” cases. In-home supervision of cases by CFSA provides the family and the agency with an opportunity to address the family’s needs without Court supervision. In 2012, CFSA’s strategic agenda known as the “Four Pillars” sought to improve outcomes for children and families by reducing the number of children coming under Family Court jurisdiction through application of “Pillar One: Narrowing the Front Door.” This pillar was designed to reduce the number of entries into foster care through differential response and placement with kin.<sup>8</sup>

<sup>8</sup> CFSA’s “The Four Pillars”

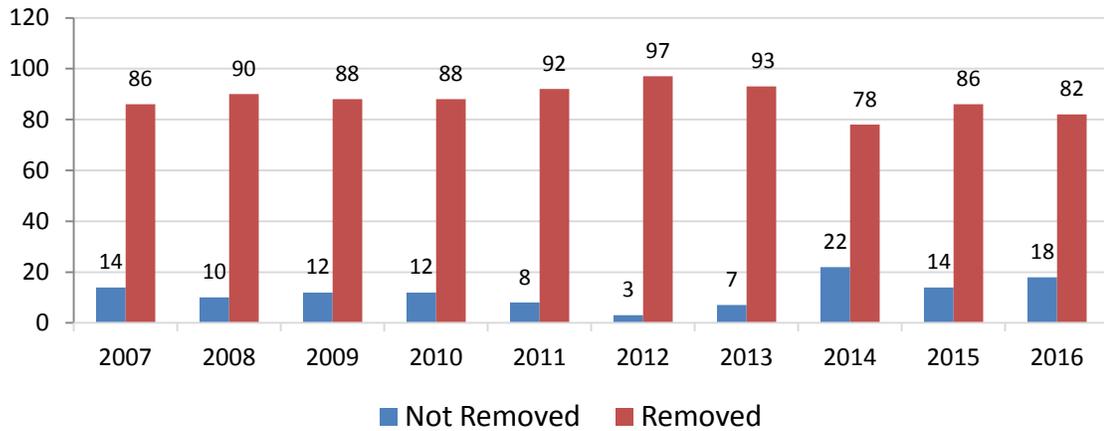
**Front Door:** Children deserve to grow up with their families and should be removed from their birth homes only as the last resort. Child welfare gets involved only when families cannot or will not take care of children themselves. When we must remove a child for safety, we seek to place with relatives first.

**Temporary Safe Haven:** Foster care is a good interim place for children to live while we work to get them back to a permanent home as quickly as possible. Planning for a safe exit begins as soon as a child enters the system.

**Well Being:** Every child has a right to a nurturing environment that supports healthy growth and development, good physical and mental health, and academic achievement. Institutions don’t make good parents. But when we must bring children into care for their safety, we give them excellent support.

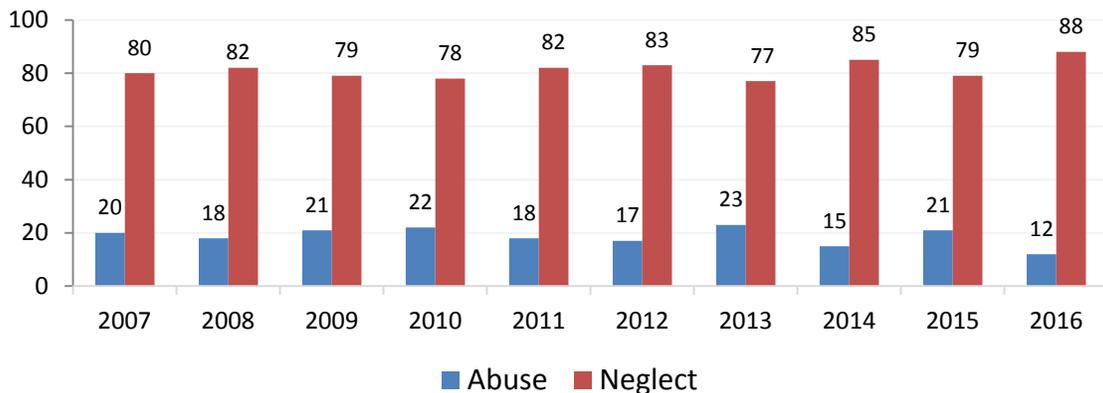
**Exit to Permanence:** Every child and youth exits foster care as quickly as possible for a safe, well-supported family environment or life-long connection. Older youth have the skills they need to succeed as adults.

**Figure 9. Percent of Children Entering Family Court Jurisdiction, by Removal Status, 2007-2016**



In 82% of the cases filed in 2016, children were removed from the home and 18% remained in the home under protective supervision (Figure 9). In 2016, an allegation of neglect was the most likely reason for a youth to be referred to the Family Court (Figure 10). In 2016, the percent of neglect allegations was the highest (88%), while the abuse allegations were the lowest (12%) for the ten-year period.

**Figure 10. Percent of Children Entering Family Court Jurisdiction, by Primary Reason for Entering Care, 2007-2016**

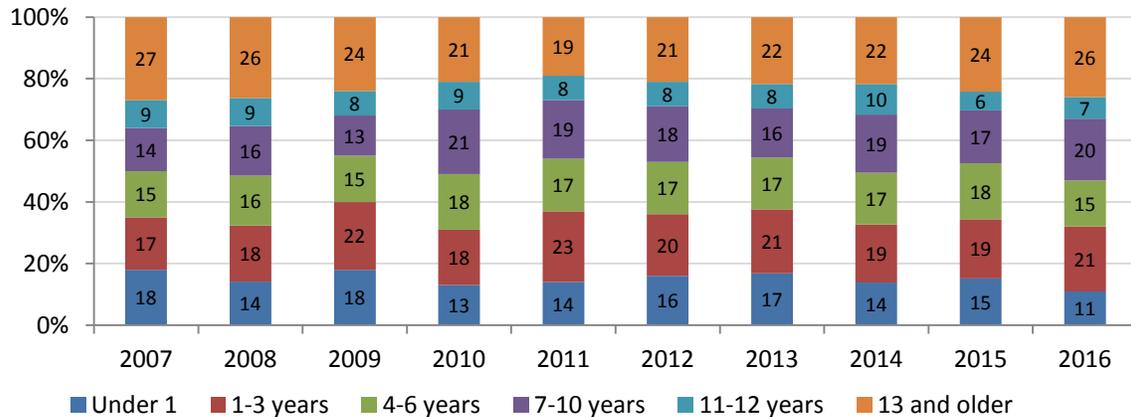


In 2016, 26% of new petitions to Family Court involved children 13 years of age and older at the time of referral (Figure 11). Referrals of older children steadily increased

each year from 2011 to 2016. 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 options once they are in care.

In 2016, 32% of new petitions were children three years old or younger at the time of referral. Given the vulnerability of children in this age group, the Family Court and CFSA are also continuing to review the needs of this population, especially as it relates to educational and developmental services and access to other early intervention programs.

**Figure 11. Percent of Children Entering Family Court Jurisdiction, by Age at Entry, 2007 - 2016**



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

Under the Family Court Act, if the term of a Family Court judge expires before the cases before him/her are disposed, the presiding judge shall reassign the case to a Family Court judge. The exception is that non-Family Court judges can retain a case, with approval from the Chief Judge, under the conditions that: (1) the judge retaining the

case had the required experience in family law; (2) the case was in compliance with ASFA; and (3) it was likely that permanency would not be achieved more quickly by reassigning the case within Family Court. In 2016, no judges leaving Family Court requested to retain any abuse and neglect cases.

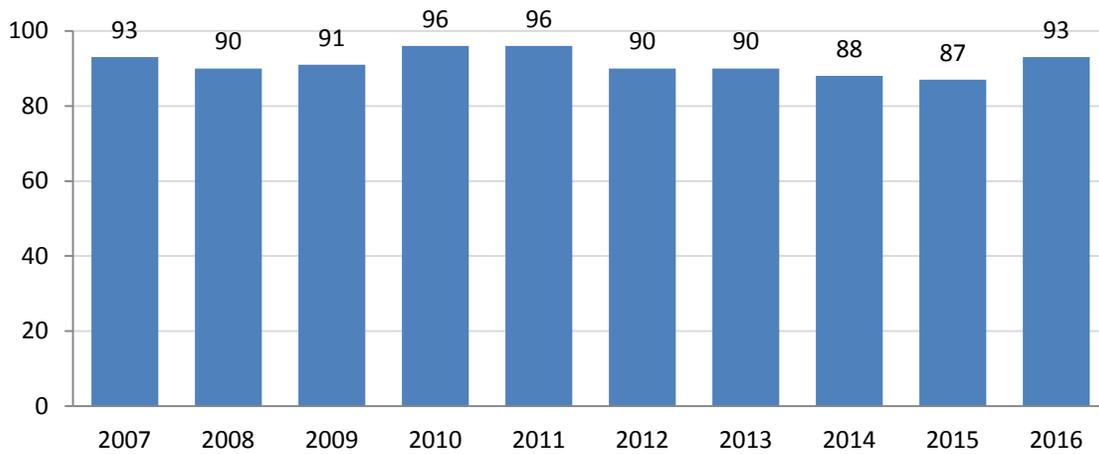
### **COMPLIANCE WITH D.C. ASFA REQUIREMENTS**

The District of Columbia Adoption and Safe Families Act (D.C. ASFA) (D.C. Official Code 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 or not the child was removed from the home. For a child who is removed from the home, the statutory timeframe between filing of the petition and trial or stipulation is 105 days from the date of removal. For a child who is not removed from the home, the statutory timeframe between filing of the petition and trial or stipulation is 45 days from the petition filing date. The statute requires that trial and disposition occur on the same day, whether the child has been removed or not, but permits the court 15 additional days to hold a disposition hearing for good cause shown, as long as the continuance does not result in the hearing exceeding the deadline.

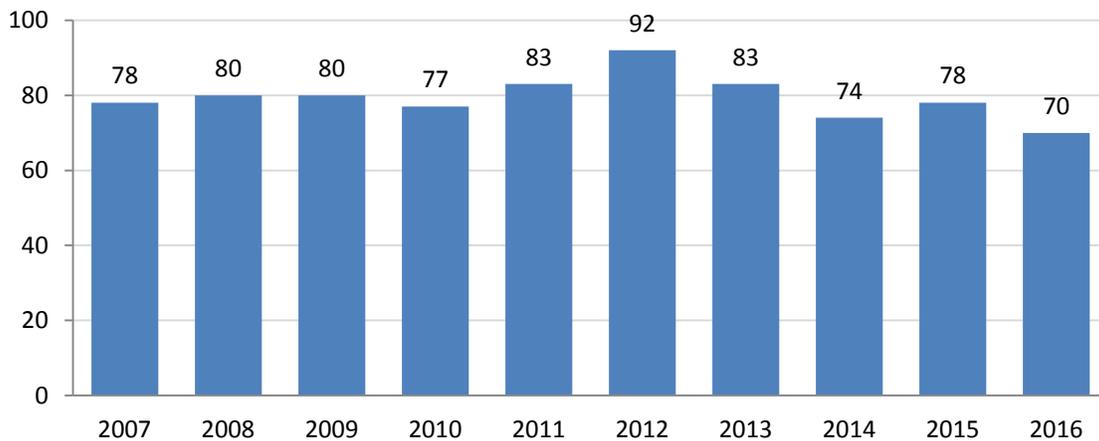
### **TRIAL/STIPULATION OF ABUSE AND NEGLECT CASES**

In 2016, 82% of children referred to the court were removed from their homes (Figure 9). Ninety-three percent of cases filed had a fact-finding hearing in compliance with the 105 day ASFA timeline for trials in removal cases (Figure 12). The court improved the compliance rate by 6% from 2015. The median time for a case to reach trial or stipulation was 58 days, which was less than the 61-day average in 2016.

**Figure 12. Compliance with D.C. ASFA Timeline for Trial/Stipulation for Children Removed from Home, 2007-2016**



**Figure 13. Compliance with D.C. ASFA Timeline for Trial/Stipulation for Children Not Removed from Home, 2007-2016**



Eighteen percent of children referred to the court were not removed from their homes (Figure 9). For children not removed from home, compliance with the timeline to trial or stipulation (45 days) declined from 78% in 2015 to 70% in 2016 (Figure 13). The median time for a case to reach trial or stipulation was 31 days, which was less than the 39-day average in 2016.

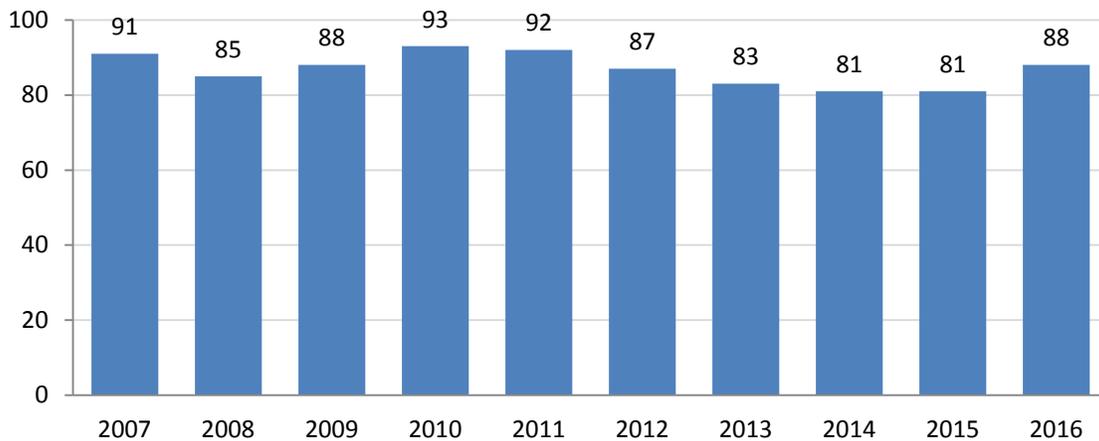
When dealing with such small caseloads, a few cases can have a significant impact on compliance rates. The court will continue to monitor and track this

performance area and implement appropriate measures to improve the court’s compliance rate.

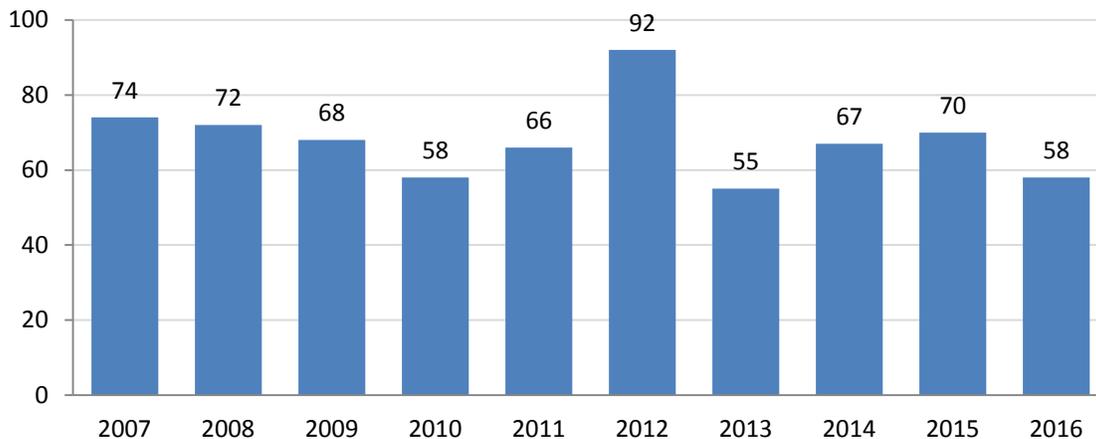
**DISPOSITION HEARINGS IN ABUSE AND NEGLECT CASES**

Eighty-eight percent of cases filed in 2016 in which the child was removed from home had disposition hearings held within the 105 day timeline, representing a 7% increase over the previous year (Figure 14). This number may increase as pending cases filed late in 2016 have their disposition hearings. In 2016, the median time to reach disposition was 73 days and the average was 72 days.

**Figure 14. Compliance with D.C. ASFA Timeline for Disposition for Children Removed from Home, 2007-2016**



**Figure 15. Compliance with D.C. ASFA Timeline for Disposition for Children Not Removed from Home, 2007-2016**



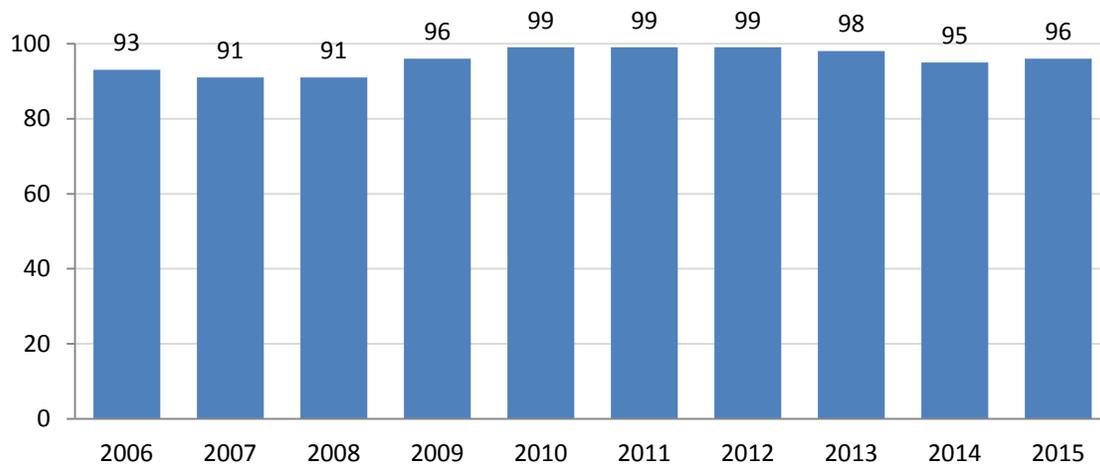
Due to the relatively small number of children who are not removed from home, the compliance rate for conducting disposition hearings in these cases fluctuated considerably over the ten-year period (Figure 15). The compliance rate in 2016 (58%) was the lowest since 2013. The median time to reach disposition was 41 days and the average was 53 days. As with time to trial and stipulation, the Family Court will continue to monitor and track compliance in this area throughout 2017, and where appropriate, will institute measures to improve compliance.

**COMPLIANCE WITH ASFA PERMANENCY HEARING REQUIREMENTS**

Both the D.C. and Federal ASFA require the court to hold a permanency hearing for each child who has been removed from home within 12 months of the child’s entry into foster care. Entry into foster care is defined in D.C. Code §16-2301(28) as the earlier of 60 days after the date on which the child is removed from the home, or the date of the first judicial finding that the child has been neglected. The purpose of the permanency hearing, ASFA’s most important requirement, is to decide the child’s permanency goal and to set a timetable for achieving it. Figure 16 shows the court’s compliance with

holding permanency hearings within the ASFA timeline. The level of compliance with this requirement has consistently remained high. Since 2006, more than 90% of cases had a permanency hearing within the required timeline. No cases filed in 2016 had reached the statutory deadline for having a permanency hearing by December 31, 2016.

**Figure 16. Compliance with D.C. ASFA Timeline for Permanency Hearing, 2006-2015**



**GOAL-SETTING AND ACHIEVEMENT DATE**

ASFA requires that the Family Court set a specific goal (reunification, adoption, guardianship, custody, or another planned permanent living arrangement (APPLA)) and a date for achievement of that goal at each permanency hearing. The Family Court has made significant strides at each hearing, in both goal-setting and in determining a specific date for achievement of that goal.

Judges are required to raise the issue of identified barriers in achieving the permanency goal. The early identification of such issues has led to more focused attention and an expedited resolution of issues that would have caused significant delays in the past. Although barriers still exist, the timeframes to achieve permanency have shortened.

In 2016, a permanency goal was set at every permanency hearing and a goal achievement date was set 99% of the time. To maintain 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 ensure that these two requirements are being met. If they are not, the assigned judicial officer and the Presiding Judge of Family Court will be notified that the hearing or the court's order was deficient and recommendations will be made to bring the case into compliance.

The National Council of Juvenile and Family Court Judges (NCJFCJ) and the American Bar Association's Center on Children and the Law have established best practices for the content and structure of permanency hearings mandated by ASFA, including the decisions that should be made and the time that should be set aside for each hearing. In its publication, *Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases*, the NCJFCJ recommends that permanency hearings be set for 60 minutes. Family Court judges continue to report that the length of their permanency hearings meets or exceeds this standard.

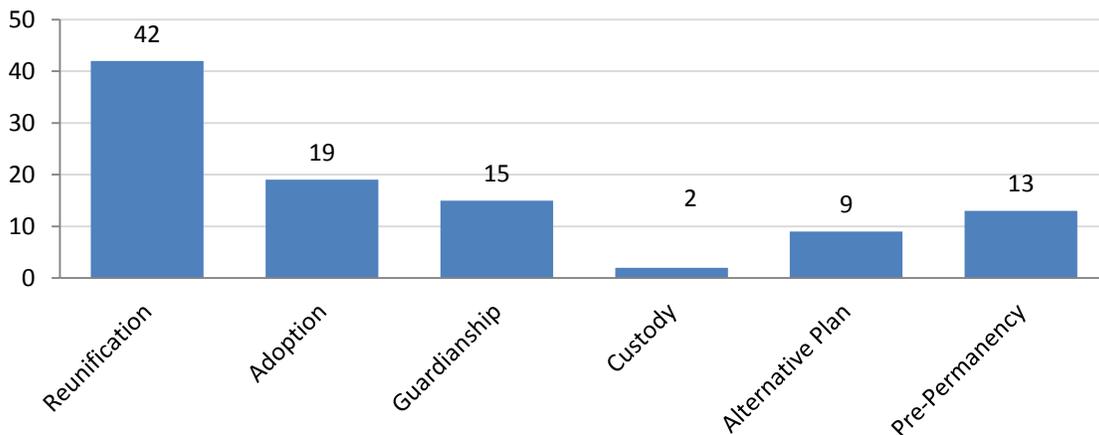
Judicial officers are required to use a standardized court order for all permanency hearings. The Family Court Implementation Committee, through a court orders workgroup of the Abuse and Neglect Subcommittee, reviewed, revised, and piloted the official court forms for proceedings in these cases in 2012. The revised orders became effective on January 1, 2013 and are used in every courtroom. The orders not only meet the requirements of ASFA but also the requirements of the Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351), the Safe and Timely Interstate Placement of Foster Children Act of 2006 (P.L. 109-239), and the Indian Child Welfare

Act (ICWA). Further modifications of the orders have been submitted for approval to comply with the Preventing Sex Trafficking and Strengthening Families Act of 2014.<sup>9</sup>

### **BARRIERS TO PERMANENCY**

Figure 17 illustrates permanency goals for children removed from their home including: reunification, adoption, guardianship, legal custody, or another planned permanent living arrangement. Pre-permanency cases (13%) have not yet had a disposition hearing, the earliest point at which a permanency goal would be set. Although the court has improved significantly in establishing goals for children, the achievement of those goals presents a variety of challenges.

**Figure 17. Percent Distribution of Current Permanency Goal for Children Under Court Supervision, 2016**



For children with the goal of reunification (42%), the primary barrier to reunification was related to the disability of a parent, the parent’s mental health issues, the need for the parent to receive substance abuse treatment, and the need to obtain life-skills training. The lack of adequate housing also presented a significant barrier to reunification. For children with the goal of adoption (19%), procedural impediments such

<sup>9</sup> 42 U.S. C. 671 et.seq.

as the completion of adoption proceedings and obtaining appropriate housing were the most frequently identified barriers to permanency. The lack of adoption resources and issues related to the adoption subsidy were additional frequently cited barriers. For the 15% of children with the goal of guardianship, impediments such as completion of the guardianship proceedings, disabilities of the parent/caretaker, the need to receive substance abuse and other treatment, and issues related to the guardianship subsidy were barriers to achieving permanency.

Youth age 15 and older comprise one-third (33%) of all children in foster care. Many of these children cannot return to their parents, but do not wish to be adopted or considered for any other permanency option, making permanency difficult to achieve. In such cases, the court agreed with the agency determination that it was in the youths' best interests to set a goal of APPLA (9%). Pursuant to federal requirements, the agency and the court continue to work to review permanency options and services available for older youth, including reducing the number of youth with a goal of APPLA and the number of youth aging out of the child welfare system.<sup>10</sup> Under the Preventing Sex Trafficking and Strengthening Families Act of 2014, only youth 16 and older are eligible for an APPLA goal. The cases of youth under 16 with an APPLA goal are required to have permanency hearings scheduled to change the APPLA goal to one of the other four goals.

The *Preparing Youth for Adulthood Program*, created through collaboration between CASA for Children of D.C. and the Family Court, has been an effective tool in helping to ensure that older youth in the program, who remain in care through age 21,

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<sup>10</sup> The Court is an active participant in the agency's development of a Program Improvement Plan (PIP) resulting from the Child and Family Services Review held in June 2016, in which the Court also participated.

receive necessary support in achieving independence. The program focuses on life skills development through positivity, empowerment and opportunity, working with each youth on setting and achieving goals, building financial literacy and budgeting skills, and working on long-term housing, employment and education. The program's main component emphasizes connection, as each older youth is paired with one adult who has committed to remaining in the youth's life after emancipation and will continue to mentor that youth as needed in order to create a more seamless transition out of care. The program works seamlessly with CFSA's Office of Youth Empowerment on youth transitional planning, independent living services, educational and vocational training, and improved life skills training. The PYA is funded through the Court Improvement Program (CIP) basic grant, which was recently reauthorized through a continuing resolution. The Court has applied for the next series of five year grants in order to continue funding this program.

### **FAMILY TREATMENT COURT PROGRAM**

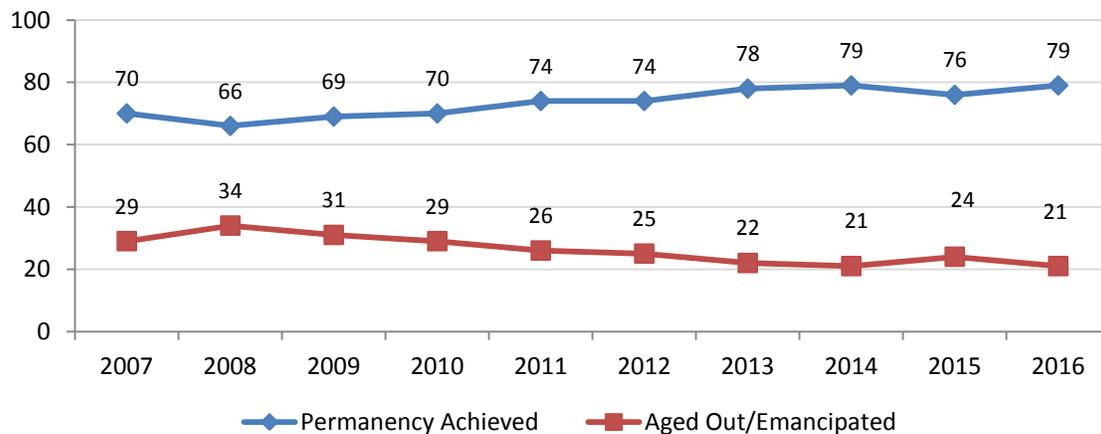
The Family Treatment Court, in operation since 2003, serves child-welfare involved mothers and their children. In 2012, the Family Treatment Court expanded its existing model, enhancing existing elements to more closely align with the current continuum of substance abuse services in the District of Columbia. The most notable change in the program was the movement away from a solely residential substance abuse treatment model to one that is based on individual assessment of need, along a continuum of care, including intensive outpatient treatment and services to fathers. The new model, a 12-15 month intensive program, takes a holistic approach to serving court-involved families. The expanded program provides screening, assessment, integrated case plans,

and intensive case management for up to 30 families per year in either an outpatient or inpatient setting, exponentially increasing the programs capacity to serve mothers and fathers. The goal of the program is to help participants break the cycle of addiction and sustain abstinence – through treatment and close monitoring – and to expedite the reunification process.

**PERMANENCY OUTCOMES FOR CHILDREN**

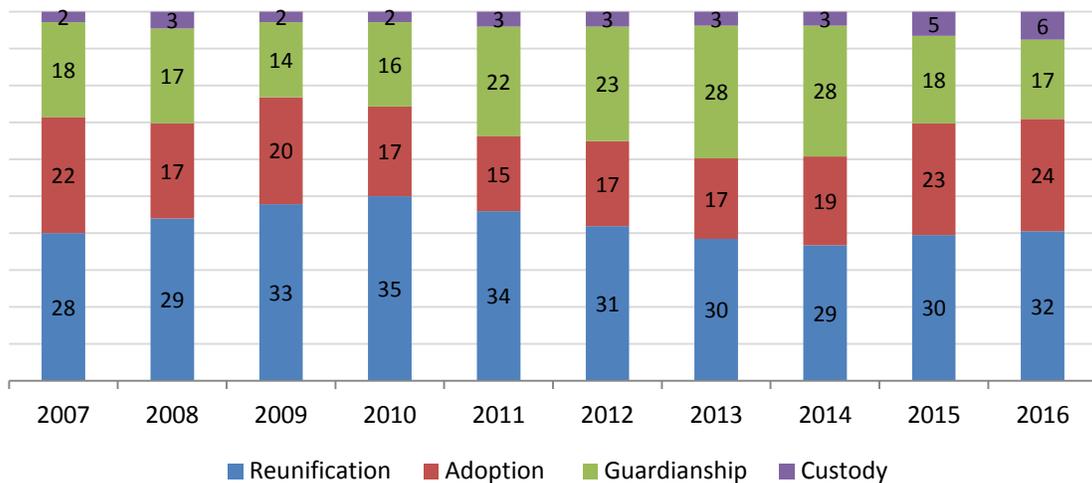
In 2016, Family Court judicial officers closed 394 post-disposition abuse and neglect cases. Seventy-nine percent were closed because permanency was achieved. Twenty-one percent of the cases were closed without reaching permanency, either because the child aged out of the system or their cases were closed because they no longer desired to have services provided by CFSA; one case closed because the respondent died (Figure 18).

**Figure 18. Percent Distribution of Children Exiting Family Court Jurisdiction, Post Disposition by Exit Reason 2007-2016**



This year, cases that closed due to reunification or adoption increased slightly, to 32% and 24%, respectively (Figure 19). Cases that closed because the child was placed with a permanent guardian decreased slightly, to 17%, in 2016.

**Figure 19. Percent Distribution of Children Exiting Family Court Jurisdiction By Achieved Permanency Goals, 2007-2016**



In the past several years, the court and CFSA have examined policies and procedures to enhance permanency for children with the goal of adoption. In 2014, the Chief Judge entered an Administrative Order requiring timely entry of findings of fact and conclusions of law and timely decisions on motions filed in adoption, termination of parental rights and neglect cases; the order also set a schedule and actions to be taken in the case of delays. In 2015, a working group led by Magistrate Judge Albert addressed the delays in adoption and termination of parental rights cases. This resulted in the implementation of a pre-trial meeting of counsel and pre-trial hearing to ensure that trials are scheduled on consecutive dates. The court continues to examine how these measures have affected the timeliness of the adoption and termination of parental rights hearing process, including time to trial and disposition and, if appropriate, develop additional policies and procedures to address potential problem areas. The court and the agency will continue to collaborate in examining what factors contribute to delays in reaching permanency in these areas.

Twenty-one percent of post-disposition cases were closed without the child achieving permanency. This was due to the child reaching the age of majority or the child refusing further services from CFSA. CFSA issued new guidelines and procedures for social workers considering a goal of APPLA to ensure that the maximum number of children reach permanency. The court agreed to work with the agency to help monitor compliance with the requirements for recommending a goal change to APPLA. The agency's policy and the court's monitoring are designed to ensure that only those children for whom no other permanency option is appropriate will receive a goal of APPLA. In 2014, the agency instituted a requirement for youth to participate in a Listening to Youth and Families as Experts (LYFE) conference prior to the social worker making an APPLA recommendation. In addition, approval of the APPLA goal by the CFSA Director was also required.

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

in age or developmental appropriate activities. These requirements have been submitted as proposed changes to the Court orders.

As required by the Act, the court has been developing a case management and tracking system that 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, the court has developed baseline data in a number of areas critical to outcomes for children. The “Toolkit for Court Performance Measures in Child Abuse and Neglect Cases” identifies four performance measures (safety, permanency, timeliness, and due process) which courts can assess their performance. Each measure has a goal, outcomes, and a list of performance elements that courts should consider when developing performance plans to assess their success in meeting the identified goals.

In 2016, the Family Court continued to measure its performance in two areas: permanency and timeliness. Performance information is also shown for a third factor: due process. This factor is thoroughly addressed in the District of Columbia as counsel is appointed for all parents, guardians and custodians who meet the financial eligibility requirements, and Guardians Ad Litem are appointed for all children.<sup>11</sup> As such, all parties are provided with due process in that manner.

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

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<sup>11</sup> D.C. Code § 16-2304 (2016); Superior Court Neglect Rule 42.

**PERFORMANCE MEASURE 1: PERMANENCY**

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

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

Table 2 reflects median time (in years) to case closure from 2007 through 2016. In 2016, the median time required to reunify children with their parents remained relatively stable at 1.8 years, while cases closed to adoption increased from last year’s low of 2.7 years to 3.6 years. The median time to the achievement of permanency for children whose cases closed due to guardianship was 2.8 years and those closed to custody was 1.9 years. It should be noted, however, that many of the cases which closed were older cases in which the children had already been in care for extended periods of time.

**Table 2. Median Time from Removal to Achieved Permanency Goal, 2007-2016**

	Reunification	Adoption	Guardianship	Custody
2007	1.9	3.7	2.8	3.3
2008	1.6	3.9	3.0	2.7
2009	1.6	4.1	2.5	1.5
2010	1.7	3.6	2.4	1.8
2011	1.3	3.8	2.7	2.4
2012	1.9	3.6	2.5	2.9
2013	1.9	3.5	3.1	2.0
2014	1.5	2.9	3.0	1.1
2015	1.5	2.7	2.8	2.1
2016	1.8	3.6	2.8	1.9

In 2016, 25% of children were reunified with their parents within 12 months of removal, 50% were reunified within 18 months, and 63% within 24 months (Figure 20).

**Figure 20. Percent Distribution of Time Between Removal and Reunification, 2007-2016**



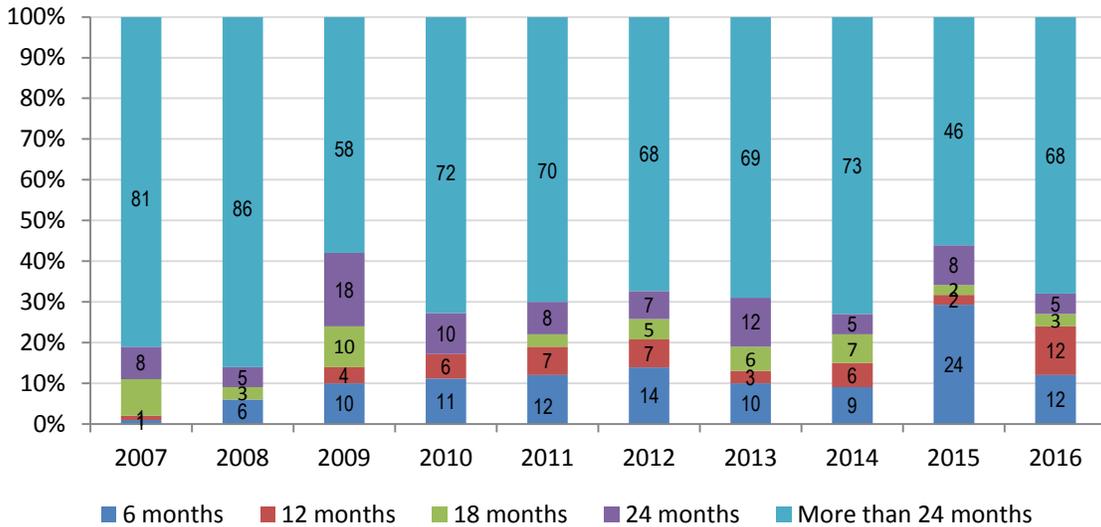
In 2016, 18% of children whose cases closed to adoption spent two years or less in care waiting to be placed in a permanent adoptive home. There was a slight increase from 2015 (78%) to 2016 (82%) in the percent of children in care who spent more than 24 months waiting to be placed in a permanent adoptive home (Table 3).

Figure 21 shows 24% of children spent a year or less in care before being placed with a permanent guardian. At the same time, 68% of youth spent more than 24 months in care before being placed with a permanent guardian.

**Table 3. Percent Distribution of Time Between Removal and Adoption, 2007-2016**

	6 months	12 months	18 months	24 months	More than 24 months
2007	0	1	1	1	96
2008	0	1	3	3	93
2009	1	0	1	4	95
2010	0	0	3	5	92
2011	1	1	2	4	93
2012	2	2	3	7	85
2013	1	1	2	7	90
2014	1	0	9	12	78
2015	1	1	8	12	78
2016	0	1	6	11	82

**Figure 21. Percent Distribution of Time Between Removal and Guardianship, 2007-2016**



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

In 19% of the cases (74 cases) closed in 2016, the children did not achieve permanency either because they aged out of the system or were emancipated. The remaining 2% of youth (7), who did not achieve permanency, were living independently

(5), continuing services (1), or deceased (1).

### **REENTRY TO FOSTER CARE**<sup>12</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.*

Four of the cases closed to reunification in 2016 have returned to care, all of which did so within 12 months of being returned to their families (Table 4). There were no children, whose cases closed to adoption within the past 5 years, returned to care in this jurisdiction (Table 5).

**Table 4. Children Reentering Foster Care Pursuant to a Court Order After Reunification, 2012-2016**

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
2012	224	17	8	2	7
2013	188	15	6	2	7
2014	147	9	6	2	1
2015	138	10	8	2	0
2016	131	4	4	0	0

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

**Table 5. Children Reentering Foster Care Pursuant to a Court Order After Adoption, 2012-2016**

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
2012	125	0	0	0	0
2013	106	0	0	0	0
2014	105	0	0	0	0
2015	104	0	0	0	0
2016	94	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.*

Sixty-eight cases closed to guardianship in 2016 with five disruptions, all within the first 12 months (Table 6). In many instances guardianship placements disrupt due to

<sup>12</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.

the death or incapacity of the caregiver. Consistent with statutory requirements, successor guardians are named and those placements are approved by the court. The cases are reopened to conduct home studies and background checks to ensure child safety prior to placement with the successor guardian.<sup>13</sup>

**Table 6. Children Reentering Foster Care Pursuant to a Court Order After Placement With a Permanent Guardian, 2012-2016**

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
2012	160	50	18	6	26
2013	166	35	14	9	12
2014	136	14	5	6	3
2015	83	5	1	4	0
2016	68	5	5	0	0

**PERFORMANCE MEASURE 2: TIMELINESS**

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

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

See discussion under ASFA compliance, pages 39-47.

**TERMINATION OF PARENTAL RIGHTS**

Federal and local law require that when a child has been placed outside of the home for 15 of the most recent 22 months from the date of entry into foster care,<sup>14</sup> a motion for termination of parental rights (TPR) must be filed or compelling reason to exempt the case from the TPR requirement<sup>15</sup> must be documented. To comply with this requirement, the OAG is mandated to take legal action or file a TPR motion when children have been removed from the home in two instances. First, when the child has been

<sup>13</sup> AO 16-02 enacts new guardianship procedures which formalize the process for naming a successor guardian and requirements for performance of background and other checks, as well as home studies.

<sup>14</sup> See 42 USCS § 675 (5) (E) and (F)

<sup>15</sup> Id.

removed from the home for 15 of the most recent 22 months, as indicated above, and second, within 45 days of a goal of adoption being set.<sup>16</sup>

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

Table 7 provides information on compliance with the timely filing of TPR motions for the five-year period, 2012 through 2016. The median time between the filing of the original neglect petition and the subsequent filing of a 2016 TPR motion was approximately 17 months. There were a total of 70 TPR motions filed in 2016. Thirty-six percent of those motions were filed within 15 months. 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 status of TPR cases is reviewed by both the court and the OAG on a quarterly basis. This collaborative review process has resulted in an improvement in the timely filing of such motions.

**Table 7. Time Between Filing of Original Neglect Petition and Filing of TPR Motion, 2012 – 2016**

Year Filed	Total TPR Motions Filed	Median Days To Filing	Number of Motions Filed Within:				
			15 months	22 months	36 months	60 months	More than 60 months
2012	80	517	27	20	19	11	3
2013	65	496	25	22	12	6	0
2014	49	558	13	17	10	5	4
2015	61	557	17	29	12	0	3
2016	70	508	25	21	19	0	5

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

Tables 8 and 9 provide information on the court’s performance as it relates to the handling of TPR motions.

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

**Table 8. Time Between Filing and Disposition of TPR Motions,  
2012-2016**

Year Filed	Total TPR Motions Filed	Total TPR Motions Undisposed	Total TPR Motions Disposed	Median Days to TPR Disposition	Number of TPR Motions Disposed of Within:				
					120 days	180 days	270 days	365 days	365 + days
2012	80	0	80	427	2	4	15	8	51
2013	65	0	65	311	8	5	9	22	21
2014	49	0	49	266	13	2	11	8	15
2015	61	20	41	313	4	5	6	16	10
2016	70	66	4	123	2	1	1	0	0

**Table 9. TPR Motions Disposed, by Time to Disposition and Method of Disposition,  
2012 – 2016**

Year Filed	Total TPR Motions Disposed	Method of Disposition							
		Granted	Median Days to Disposition	Dismissed	Median Days to Disposition	Withdrawn	Median Days to Disposition	Denied	Median Days to Disposition
2012	80	10	522	43	441	26	271	1	670
2013	65	2	405	43	324	20	166	0	0
2014	49	3	219	18	143	28	276	0	0
2015	41	8	313	16	301	16	256	1	641
2016	4	1	162	3	85	0	0	0	0

There are a total of 86 TPR motions pending that were filed during the five-year period 2012 to 2016 (Table 8). All TPR motions filed in 2012-2014 have been disposed, but 20 pending motions remain that were filed in 2015. Seventy-seven percent of the currently pending TPR motions were filed in 2016. The method of disposition of the TPR motions illustrates the relatively low number of motions that were granted (Table 9). This is largely due to the practice of terminating parental rights within the adoption case, based upon the District of Columbia adoption statute.<sup>17</sup> As a result, most TPR motions are disposed of through dismissal or withdrawal of the motion at the conclusion of the adoption trial or the entry of the decree.

Case processing performance standards for the disposition of TPR motions were

<sup>17</sup> A determination as to whether the natural parents are withholding their consents to adoption contrary to a child's best interest requires the weighing of the factors considered in termination of parental rights proceedings, pursuant to D.C. Code § 16-2353 (b) (2001). See *In re Petition of P.S.*, supra, 797 A.2d at 1223.

established by the Chief Judge in Administrative Order 09-12, issued in October 2009.

The standard requires that 75% of TPR motions be resolved within nine months and 90% within 12 months. As indicated in Table 8, four of the 70 TPR motions (6%) filed in 2016 have been disposed. All four motions (100%) were disposed within nine months. Seventy-six percent of motions filed in 2015 - that have since disposed - did so within one year. Compliance with the performance standard has improved over the five-year period and monitoring will continue in this area.

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

**Table 10. Time Between Granting TPR Motion and Filing of Adoption Petition in Abuse and Neglect Cases, 2012 – 2016**

Year Filed	Number of TPR Motions Granted	Number of Adoption Petitions Filed	Median Days to Disposition	Number of Adoption Petitions Filed Within:				
				1 month	3 months	6 months	12 months	12 + months
2012	8	5	279	0	1	0	3	1
2013	11	10	132	3	1	3	2	1
2014	5	2	13	2	0	0	0	0
2015	6	1	320	--	--	--	1	--
2016	9	3	52	--	2	1	--	--

Over the period from 2012 through 2016, the median number of days for an adoption petition to be filed after a TPR motion had been granted has ranged from a low of 13 days in 2014 to a high of 320 days in 2015. In 2016, three adoption petitions were filed in cases where a TPR was granted. The median number of days to filing was 52 days, an 84% decrease from 2015. The caveats to the calculation of the median is that it 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 was filed.

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

**Table 11. Adoption Petitions Filed by CFSA, by Method of Disposition, 2012 - 2016**

Year Filed	Total Filed	Total Adoption Petitions Undisposed	Total Adoption Petitions Disposed	Method of Disposition			
				Granted	Dismissed	Withdrawn	Denied
2012	148	0	148	117	10	17	4
2013	160	1	159	118	9	27	5
2014	148	1	147	111	10	21	5
2015	127	13	114	99	5	10	0
2016	126	96	30	19	5	6	0

**Table 12. Time Between Filing and Finalization of Adoption Petition of Children in Foster Care, 2012 - 2016**

Year Filed	Total Adoptions Finalized	Median Days to Adoption Finalization	Number of Adoptions Finalized Within:				
			6 months	12 months	18 months	24 months	>24 months
2012	117	317	20	49	25	8	15
2013	118	345	15	52	27	9	15
2014	111	386	11	50	32	10	8
2015	99	313	12	50	30	7	0
2016	19	266	10	9	0	0	0

Twenty-four percent of the adoption petitions filed in 2016 have been disposed (Table 11). The adoption petition was granted in 63% of disposed cases. There are currently 111 pending adoption petitions filed from 2012 to 2016. The median time between the filing of the adoption petition and finalization has steadily declined from 13 months in 2014 to 9 months in 2016 (Table 12).

**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 on the day of the initial hearing.

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

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

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

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

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

agencies and can access their respective agencies' information systems and resources from the courthouse. The agency liaisons respond to inquiries and requests for information concerning services and resources, and consult with the assigned social workers or case workers in an effort to access available services for the child and/or family. Each liaison 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 Behavioral Health
- District of Columbia Public Schools
- District of Columbia Housing Authority
- Department of Disability Administration
- Hillcrest Children's Health Center
- Rehabilitative Services Administration
- Department of Employment Services

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

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

#### **REFERRAL PROCESS TO THE MAYOR'S SERVICES LIAISON OFFICE**

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

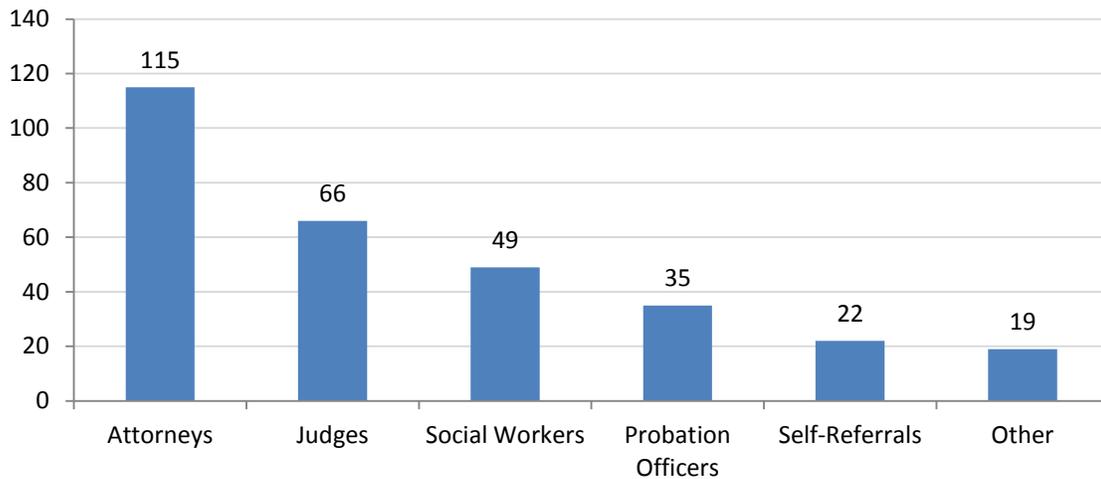
MSLO is to create a seamless system of care for accessing client information, appropriate services, and resources supporting families and children.

In 2016, the MSLO received 306 referrals, an 11% decline from the 345 referrals received in 2015. The decline in referrals may be attributed to a variety of factors including fewer children being referred to the court, the reorganization of the CFSA which is providing more services to families upon first contact, meeting the family needs in the community where they live, and providing wrap-around services to the family.

Ninety-three percent (285) of all referrals were for families with an open case in Family Court and 7% (21) involved walk-in clients or clients with a previous history in the Family Court. Among referrals with open court cases, 84% (239) were court-involved families, referred by the court to seek the services of the MSLO. The remaining 16% (46) of those seeking services had been ordered to the MSLO by a judicial officer to be connected with a specific service. Attorneys (38%; 115) were the most likely to refer families to the MSLO, followed by Family Court judicial officers (22%; 66), social workers (16%; 49), probation officers (11%; 35), self-referred (7%; 22), and some other referral source (6%; 19) (See Figure 22).

Of the 306 referrals for service, over 250 families and children were successfully connected to the services and resources they needed.

**Figure 22. Number of Referrals to MSLO by Referral Source, 2016**

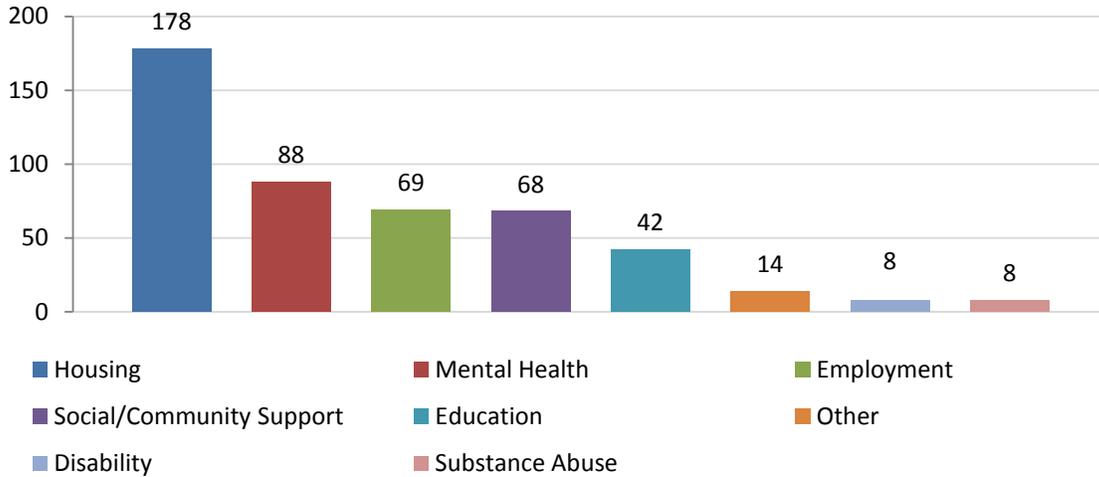


Cases seeking the services of the MSLO required assistance with: (a) issues related to housing, such as transfers, inspections, emergency housing; (b) mental health evaluations and assessments; (c) individual and family therapy; (d) substance abuse treatment; (e) school placements; (f) IEP's and other special education issues, including testing and due process; (g) general education; (h) TANF assistance; (i) medical assistance; (j) financial assistance; (k) food assistance; and (l) employment and literacy information (See Figure 23). The MSLO effectively linked these families and children to a variety of services, chief among them was housing, mental health, and employment. In addition, the MSLO provided 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 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 23. Number of Referrals to MSLO by Service Requested, 2016**



**NEW INITIATIVES IN CHILD ABUSE AND NEGLECT**

**Revised Guardianship Administrative Order**

The Abuse and Neglect Subcommittee convened a workgroup to update Administrative Order 02-05 governing Guardianship cases. The workgroup expanded upon the previous order with Administrative Order 16-02, addressing issues in greater depth, such as procedures relating to the naming of and placement with successor guardians to conform to the new statute.

**Administrative Order 16-04: Children in Court Policy in Abuse and Neglect Proceedings**

The Abuse and Neglect Subcommittee convened a workgroup to draft a proposed policy encouraging the appearance of children and youth at their abuse and neglect hearings. The policy was based on the model policy developed by the American Bar

Association as well as statutes, rules and policies enacted in other jurisdictions. The policy recognizes the right of a child or youth to be present at hearings and provides creative methods of participation as alternatives to presence in the courtroom. It further emphasizes the child's age and level of development as factors in how the hearing is conducted, calls for the collaboration and coordination among the professionals to make court appearances meaningful to the child, and considers the needs of the child's school and activities schedule. The policy supports the communications required between the Court and the child or youth as set forth in the Preventing Sex Trafficking and Strengthening Families Act of 2014.

### **Court Improvement Program**

The Court Improvement Program Advisory Committee was formed and held three meetings discussing the ongoing grant funded programs and plans for new programs to be funded by the new five-year grants. Co-chaired by the Deputy Presiding Judge and CIP Director, the committee membership reflects participation by many stakeholders in the child welfare community including the Child and Family Services Agency (CFSA), the Office of the Attorney General for the District of Columbia, foster parents, a former foster youth, the Department of Behavioral Health, the Court and others. The CIP grant application for all three grants (basic, data and training) for years 2017 through 2021 was submitted to the Children's Bureau. Congress did not pass legislation containing renewal of the CIP grants and failed to include renewal of two (data and training) of the three grants in its continuing budget resolution.

The Court Improvement Program director participated in the Child and Family Services Review at CFSA in June 2016 and continues to be involved in the Program

Improvement Plan (PIP) process. It is anticipated that the CIP will collaborate with the CFSA on projects to address issues related to improved permanency planning.

### **Counsel for Child Abuse and Neglect**

As part of the ongoing effort to improve scheduling of hearings and avoid continuances, the task of assigning attorneys to cases for representation of parties and as Guardians ad Litem has been moved from the judicial officers to the CCAN (Counsel for Child Abuse and Neglect) office. It is anticipated that this change will promote a more equal distribution of cases, which will in turn decrease scheduling conflicts. It will also ensure that attorneys are properly prepared to assume particular assignments based on training and experience.

### **Child Protection Mediation Evaluation**

The Abuse and Neglect Subcommittee discussed the need to evaluate the current child protection mediation program to determine whether it should continue in its current format, whether it is meeting its stated objectives or whether it should be modified and whether new objectives should be developed. An evaluator was selected and work, including conducting focus groups, has commenced.

### **Order for Appointment of Educational Decision-Maker**

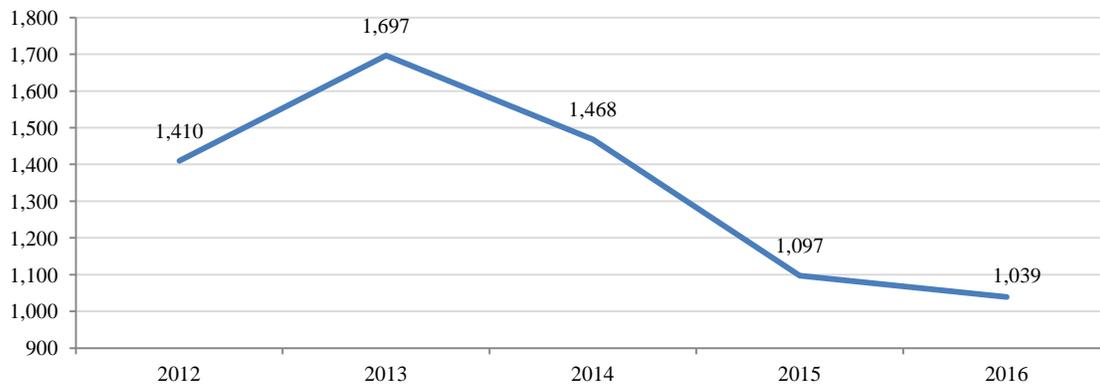
The Education Subcommittee led by Magistrate Judge Arthur and a representative of the CFSA worked with a representative from the American Bar Association Children and the Law Section to craft an order when an educational decision maker must be appointed. The committee thoroughly researched District of Columbia and federal law to develop a detailed order. Committee members have held training sessions with judges, lawyers and others as part of its implementation.

## JUVENILE CASES

In 2016, there were 1,715 new juvenile complaints filed in the Family Court, a 6% decrease from 2015 (1,815). Eighty-seven percent (1,489) of the complaints filed were based on an allegation of delinquency, 9% (153 cases) on a person in need of supervision (PINS) allegation, and 4% (73 cases) pursuant to an Interstate Compact Agreement (ISC)<sup>18</sup>.

Of the 1,489 complaints based on an allegation of delinquency, 70% (1,039) resulted in a formal petition being filed by the OAG (Figure 24). The remaining 450 cases were either not petitioned-diversion cases or not petitioned (“no papered”). The number of petitioned delinquency cases decreased by 5% from 2015 (1,097) to 2016 (1,039). The following analysis focuses on these 1,039 petitioned cases in 2016.

**Figure 24. Juvenile Delinquency Petitioned Cases, 2012-2016**



### MOST SERIOUS OFFENSE<sup>19</sup>

Sixty-two percent of new delinquency cases petitioned in 2016 were for crimes

<sup>18</sup> Interstate Compact cases are comprised of juvenile residents of the District of Columbia who were adjudicated in other jurisdictions, but who are referred to the Court to serve their probation under the supervision of the Court Social Services Division, as a courtesy to the referring jurisdiction.

<sup>19</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.

against persons, 24% for property offenses, 12% for public order offenses, and 2% for drug law violations (Figure 25). Table 13 illustrates the most common juvenile charges, resulting in a petition, were for armed and unarmed robbery (22%) followed by simple assault (15%) and aggravated assault (10%). Assault with a dangerous weapon and weapons offenses accounted for 10% of new petitions, respectively, followed by larceny/theft (8%).

Juveniles charged with assault accounted for nearly 6 out of 10 new petitions for acts against persons (simple assault (25%), aggravated assault (17%), and assault with a dangerous weapon (16%)). Robbery (36%) was the second leading offense petitioned for acts against persons (27% unarmed robbery and 9% armed robbery).

Thirty-one percent of all juvenile cases petitioned for acts against property involved larceny/theft, followed by unauthorized use of a vehicle (24%), unlawful entry (15%), burglary II (11%), and property damage (11%).

The majority of youth charged with acts against public order were charged with weapons offenses (85%). Among juveniles charged with a drug law violation, 85% were charged with drug sale or distribution and 15% were charged with drug possession.

**Figure 25. Percent Distribution of Juvenile Delinquency  
Petitioned Cases, by Offense Type, 2012-2016**



**Table 13. Juvenile Delinquency Petitioned Cases in 2016,  
by Age and Most Serious Offense**

Most Serious Offense <sup>20</sup>	Age at Time of Petition								
	Total cases	Under 10 years	10-12	13-14	15-16	17	18 and over <sup>21</sup>	15 and younger	16 and older
<b>Acts against persons</b>	641	0	18	161	330	130	2	353	288
Murder	2	0	0	0	2	0	0	1	1
Assault With Intent to Kill	1	0	0	0	1	0	0	0	1
Assault With A Dangerous Weapon	101	0	3	22	58	18	0	51	50
Aggravated Assault	108	0	0	17	57	33	1	44	64
Armed Robbery	57	0	1	15	31	10	0	40	17
Robbery	175	0	6	43	94	32	0	106	69
First Degree Sexual Abuse (Rape)	11	0	1	2	7	1	0	4	7
Other Violent Sex Offenses	6	0	0	5	1	0	0	6	0
Car Jacking	13	0	1	1	10	1	0	6	7
Burglary I	3	0	0	1	1	1	0	2	1
Simple Assault	161	0	6	54	66	34	1	90	71
Other Acts Against Persons	3	0	0	1	2	0	0	3	0
<b>Acts against property</b>	253	1	2	32	134	80	4	105	148
Burglary II	28	0	0	4	15	7	2	12	16
Larceny/Theft	78	0	1	12	40	24	1	35	43
Unauthorized Use of Auto	60	0	0	3	32	24	1	20	40
Arson	1	0	0	0	1	0	0	0	1
Property Damage	29	1	1	5	13	9	0	15	14
Unlawful Entry	39	0	0	2	27	10	0	16	23
Stolen Property	16	0	0	5	6	5	0	6	10
Other Acts Against Property	2	0	0	1	0	1	0	1	1
<b>Acts against public order</b>	125	0	1	13	62	48	1	33	92
Weapons Offenses	106	0	1	9	54	41	1	25	81
Disorderly Conduct	3	0	0	0	2	1	0	2	1
Obstruction Of Justice	4	0	0	0	0	4	0	0	4
Other Acts Against Public Order	12	0	0	4	6	2	0	6	6
<b>Drug Law Violations</b>	20	0	0	0	10	9	1	3	17
Drug Sale/Distribution	17	0	0	0	7	9	1	2	15
Drug Possession	3	0	0	0	3	0	0	1	2
Other Drug Law Violations	0	0	0	0	0	0	0	0	0
<b>Total Delinquency Petitions<sup>22</sup></b>	<b>1,039</b>	<b>1</b>	<b>21</b>	<b>206</b>	<b>536</b>	<b>267</b>	<b>8</b>	<b>494</b>	<b>545</b>

<sup>20</sup> See Footnote 19.

<sup>21</sup> See D.C. Code §16-2301(3)(c)(2001).

<sup>22</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.

### MOST SERIOUS OFFENSE BY AGE

In 2016, 48% of all delinquency cases petitioned by the Family Court involved youth 15 years of age or younger at the time of petition compared to 54% in 2015. The average age of a petitioned youth in 2016 was 15.5 years old.

In 2016, the percent of youth charged with crimes involving acts against persons decreased as youth became older (Figure 26). Specifically, 82% of juveniles aged 12 or younger were charged with a crime against a person as compared to 78% of juveniles age 13-14, 61% of those age 15-16, and 48% of those age 17 or older at referral. In contrast, the percent of youth charged with property offenses, public order offenses, and drug law violations increased with the age of the offender.

**Figure 26. Percent Distribution of Juvenile Delinquency Petitioned Cases, by Offense and Age, 2016**

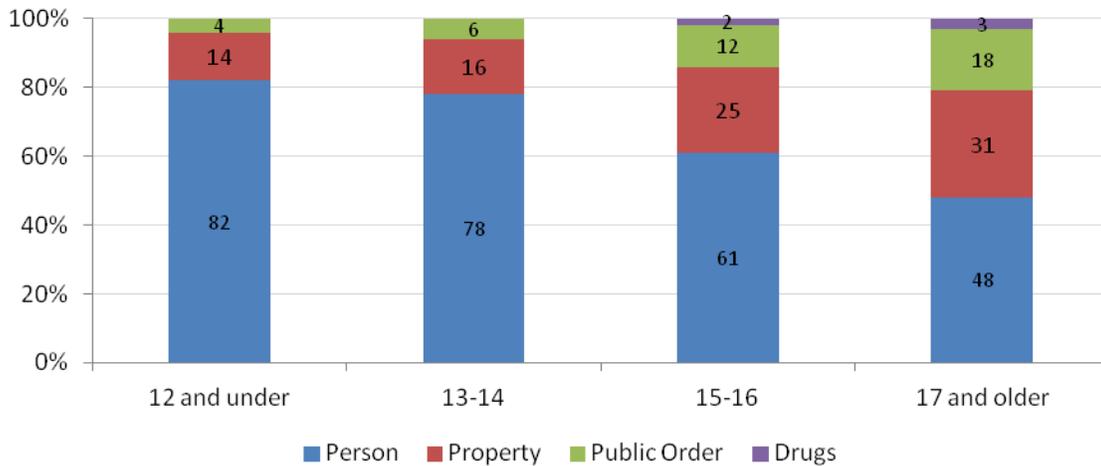


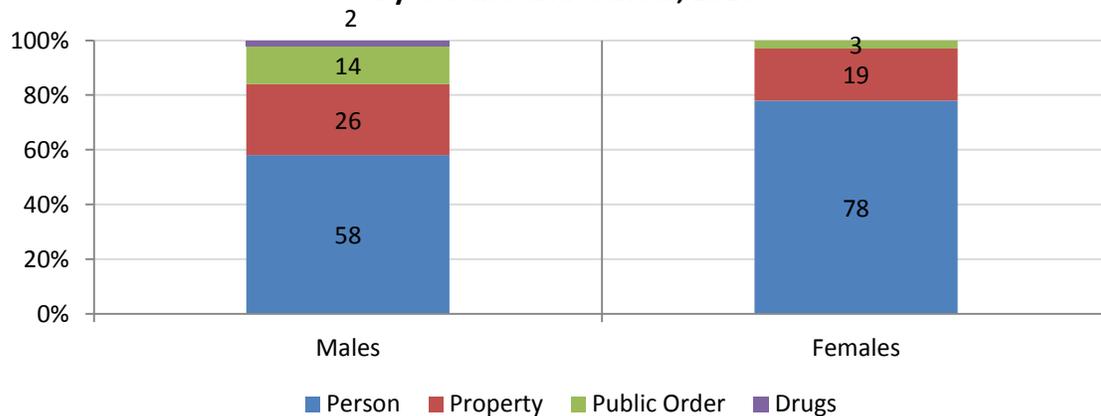
Table 13 illustrates the differences among the age groups in the most common reasons for referral. The most likely reason for petitioning a youth 15 or younger was a charge of robbery (21%), simple assault (18%), or assault with a dangerous weapon (10%) followed by aggravated assault (9%) and armed robbery (8%). The most common

charge for a youth age 16 or older was weapons offenses (15%), simple assault (13%), robbery (13%), and aggravated assault (12%).

**MOST SERIOUS OFFENSE BY GENDER**

In 2016, males accounted for 81% (845) of petitioned cases and females accounted for 19% (194). A larger percent of females were charged with offenses against persons than were males – 78% of females compared to 58% of males. Conversely, a greater percent of males than females were charged with acts against property (26% and 19%, respectively), acts against public order (14% and 3%, respectively), and drug law violations (2% and 0%, respectively) (Figure 27).

**Figure 27. Percent Distribution of Delinquency Petitioned Cases, by Offense and Gender, 2016**



As shown in Table 14, among male offenders with crimes against persons, 53% were charged with assault (aggravated assault, simple assault, and assault with a dangerous weapon), and 40% with robbery (unarmed and armed). Among females with crimes against persons, 74% were charged with assault (aggravated assault, simple assault, and assault with a dangerous weapon), and 24% with robbery (unarmed and armed). Among males with property offenses, larceny/theft (28%) was the leading charge followed by unauthorized use of a vehicle (25%) and unlawful entry (15%). For females, the leading property charge was larceny/theft (47%) followed by unlawful entry (17%).

Eighty-seven percent of the males with public order offenses were charged with a weapons offense and 9% with other acts against public order. Females were charged with weapons offenses (50%) more than any other public order offense. Only 2% of males were charged with drug law violations, 85% of which were for drug sale/distribution.

**Table 14. Juvenile Delinquency Petitioned Cases in 2016, by Most Serious Offense and Gender**

Most Serious Offense <sup>23</sup>	Total cases	Male	Female
<b>Acts against persons</b>	<b>641</b>	<b>489</b>	<b>152</b>
Murder	2	1	1
Assault With Intent to Kill	1	1	0
Assault With A Dangerous Weapon	101	82	19
Aggravated Assault	108	80	28
Armed Robbery	57	56	1
Robbery	175	140	35
First Degree Sexual Abuse (Rape)	11	11	0
Other Violent Sex Offenses	6	6	0
Carjacking	13	12	1
Burglary I	3	3	0
Simple Assault	161	95	66
Other Acts Against Persons	3	2	1
<b>Acts against property</b>	<b>253</b>	<b>217</b>	<b>36</b>
Burglary II	28	24	4
Larceny/Theft	78	61	17
Unauthorized Use Auto	60	55	5
Arson	1	1	0
Property Damage	29	26	3
Unlawful Entry	39	33	6
Stolen Property	16	15	1
Other Acts Against Property	2	2	0
<b>Acts against public order</b>	<b>125</b>	<b>119</b>	<b>6</b>
Weapons Offenses	106	103	3
Disorderly Conduct	3	1	2
Obstruction Of Justice	4	4	0
Other Acts Against Public Order	12	11	1
<b>Drug Law Violations</b>	<b>20</b>	<b>20</b>	<b>0</b>
Drug Sale/Distribution	17	17	0
Drug Possession	3	3	0
Other Drug Law Violations	0	0	0
<b>Total Delinquency Petitions</b>	<b>1,039</b>	<b>845</b>	<b>194</b>

<sup>23</sup> See Footnote 19.

### **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 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 or her, and no alternative resources or arrangements are available to the family to safeguard the child without requiring removal. *See* D.C. Code § 16-2310 (b). In order to detain the child, the 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:<sup>24</sup>

- the nature and circumstances of the pending charge;
- the record of and seriousness of the child's previous offenses, if any;
- whether there are allegations of danger or threats to any witnesses;
- the 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 above factors, there is a

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<sup>24</sup> See Superior Court Juvenile Rule 106.

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

In 31% of the 1,039 juvenile delinquency cases petitioned in 2016, the youth was detained prior to trial<sup>25</sup> – a decline from 32% in 2015. Table 15 details information on the number of juveniles detained at initial hearing by offense, one of the many factors judges must consider when making a decision to detain a youth.

**Table 15. Pre-Trial Detention Cases, by Offense and Type of Detention, 2016**

Most Serious Offense <sup>26</sup>	All Detained Delinquency Cases						
	Total detained	Securely Detained			Non-Securely Detained		
		Total	Males	Females	Total	Males	Females
<b>Acts against persons</b>	204	104	91	13	100	82	18
Murder	2	2	1	1	0	0	0
Assault With Intent to Kill	1	1	1	0	0	0	0
Assault With A Dangerous Weapon	37	21	20	1	16	14	2
Aggravated Assault	39	19	17	2	20	13	7
Armed Robbery	29	18	17	1	11	11	0
Robbery	47	20	16	4	27	24	3
First Degree Sex Abuse (Rape)	7	3	3	0	4	4	0
Carjacking	7	6	6	0	1	1	0
Burglary I	1	1	1	0	0	0	0
Simple Assault	34	13	9	4	21	15	6
<b>Acts against property</b>	57	23	22	1	34	31	3
Burglary II	3	3	3	0	0	0	0
Larceny/Theft	14	4	3	1	10	9	1
Unauthorized Use Auto	18	8	8	0	10	10	0
Property Damage	8	3	3	0	5	4	1
Unlawful Entry	12	4	4	0	8	7	1
Stolen Property	2	1	1	0	1	1	0
<b>Acts against public order</b>	50	27	27	0	23	23	0
Weapons Offenses	69	48	27	0	21	21	0
Obstruction Of Justice	2	1	0	0	1	1	0
Other Acts Against Public Order	2	1	0	0	1	1	0
<b>Drug Law Violations</b>	10	3	3	0	7	7	0
Drug Sale/Distribution	8	3	3	0	5	5	0
Drug Possession	2	0	0	0	2	2	0
<b>Total number of detained cases</b>	<b>321</b>	<b>157</b>	<b>143</b>	<b>14</b>	<b>164</b>	<b>143</b>	<b>21</b>

<sup>25</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.

<sup>26</sup> See Footnote 19.

In 2016, 50% of youth charged with drug offenses were detained prior to trial, compared to 40% of youth charged with acts against public order, 32% of youth charged with acts against persons, and 23% of youth charged with property crimes. The comparable figures for 2015 were 38%, 35%, 32%, and 29%, respectively. With regard to specific offenses, 100% of youth charged with murder and assault with intent to kill were detained prior to trial. In addition, 65% of youth charged with weapons offenses, 64% of youth charged with first degree sex abuse (rape), 54% of youth charged with carjacking, 51% of youth charged with armed robbery, 50% of youth charged with obstruction of justice, and 36% of youth charged with assault with a dangerous weapon or aggravated assault were detained pre-trial. On the other hand, 27% of youth charged with robbery and 21% charged with simple assault were detained prior to trial.

Thirty-three percent of male youth and 18% of female youth were detained prior to trial. In 2016, 51% of those detained were held in non-secure facilities (referred to as shelter houses) and 49% in secure detention facilities. In 2016, males accounted for 91% of those detained in secure facilities and 87% of those detained in shelter houses. Thirteen percent of females were detained in shelter houses and 9% in secure facilities in 2016.

Table 15 also depicts pre-trial detention cases by type of detention facility. Of youth detained, 100% charged with murder, assault with intent to kill, burglary I, and burglary II were detained in secure facilities as were 70% of youth charged with weapons offenses, 62% of youth charged with armed robbery, and 57% of youth charged with assault with a dangerous weapon. On the other hand, among detained youth, 100% of youth charged with drug possession, 71% of youth charged with larceny/theft, 67% of

youth charged with unlawful entry, 63% of youth charged with drug sale/distribution, and 62% 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>27</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 “*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 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) establishes timeframes for the trial or fact-finding hearing for youth detained prior to trial in secure detention facilities and non-secure detention facilities or shelter houses. In certain instances, the court may extend the time limit for the fact finding hearing. See D.C. Code §16-2310(e)(2)(A). In addition,

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<sup>27</sup> See “Delays in Juvenile Court Processing of Delinquency Cases” by Jeffrey A. Butts conducted under the sponsorship of the Office of Juvenile Justice and Delinquency Prevention (1997) and “Waiting for Justice: Moving Young Offenders Through the Juvenile Court Process” by Jeffrey Butts and Gregory Halima conducted under the sponsorship of the National Center for Juvenile Justice (1996).

upon good cause, the Attorney General may move for further continuance in 30-day increments.

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

This report examines case processing standards for youth in four categories: (1) securely detained juveniles charged with murder, assault with intent to kill, armed robbery, first degree sex abuse, and first degree burglary – 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 allows 270 days for disposition.

Data on time to adjudication is based on the detention status of the respondent at the time of the initial hearing. In contrast, data on time to disposition is calculated based

on the detention status of the respondent at the time of the disposition hearing. In addition, court performance on time to disposition 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**

Twenty-five out of the 157 securely detained juveniles in 2016 were charged with most serious offenses constituting 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 (referred to as “Secure Detention 45-day cases”). As seen in Table 16, 20 of the 25 securely detained juveniles had an adjudication hearing, 60% of which occurred within the timeframe. The other five juveniles’ cases were dismissed prior to adjudication. The median time from initial hearing to adjudication was 39 days.

**Table 16. Time Between Initial Hearing and Adjudication for Securely Detained Youth, 2016**

Securely Detained	Cases in Which an Adjudication Hearing Was Held								Percent of cases within timeframe <sup>28</sup>	Percent 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)	20	4	8	3	4	1	39	50	60	40
Initial Hearing to Adjudication (Statutory Timeline 30 days)	79	41	17	8	10	3	29	37	52	48

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

There were 132 securely detained juveniles who were charged with serious offenses (other than most serious cases) who were required to have their cases adjudicated within 30

<sup>28</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.

days, and their disposition within 15 days of adjudication – for a total of 45 days (referred to as “Secure Detention 30-day cases”). Seventy-nine of the 132 juveniles had an adjudication hearing, 52% of which occurred within the timeframe (Table 16). The remaining 53 cases were either pending adjudication (27) or dismissed prior to adjudication (26), and not included in the calculation. The median time to adjudication was 29 days.

In 2016, a number of factors contributed to the inability to adjudicate cases of securely detained youth in a timely manner. Those factors included but were not limited to: the absence of an essential witness, unavailability of evidence, lack of availability of attorney, incomplete psychological, psychiatric and neurological tests, and difficulties in scheduling. 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 17. Time Between Initial Hearing and Disposition for Securely Detained Youth, 2016**

Securely Detained	Cases With Disposition Hearing or Closed Before Disposition Hearing								Percent of cases within timeframe	Percent 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)	12	0	0	1	4	7	90	134	8	92
Initial Hearing to Disposition (30 Day Cases – 45 days)	74	11	7	8	17	31	81	98	24	76

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

The calculation of time to disposition includes case processing from initial hearing to adjudication to disposition, as well as timeframes for cases that were dismissed either prior to or after adjudication. Twelve (60%) of the most serious adjudicated cases reached disposition in 2016 (Table 17). Eight percent of disposed securely detained most serious cases (45-day cases) were disposed within the 60 day timeframe. The median time from initial hearing to disposition was 90 days.

For securely detained adjudicated juveniles with serious offenses (30-day cases), 74 (56%) reached disposition in 2016. Twenty-four percent of cases disposed were disposed of within the 45 day timeframe. The median time between initial hearing and disposition was 81 days.

A major factor contributing to delays in disposition was the need to identify and obtain services or programs for the youth prior to disposition. Other factors included delays related to DYRS ability to obtain placement, delays in receipt of required psychological and psychiatric reports, respondents who were not in compliance with court orders, and respondents who were involved in other proceedings before the court.

**NON-SECURELY DETAINED JUVENILES**

In 2016, there were 164 juveniles detained in non-secure facilities or shelter houses prior to adjudication. In 2016, 69% of the non-securely detained youth with adjudication hearings had them held within the 45 day timeframe. The median number of days to adjudication was 36 days (Table 18).

**Table 18. Time Between Initial Hearing and Adjudication for Non-Securely Detained Youth, 2016**

Non-Securely Detained	Cases in which an adjudication hearing was held								Percent of Cases within timeframe <sup>29</sup>	Percent 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)	96	13	27	18	8	30	36	51	69	31

Forty cases (43%) 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 66 days. In 2017, the court will continue to monitor these cases to enhance compliance with

<sup>29</sup>See Footnote 28.

case disposition requirements.

**Table 19. Time Between Initial Hearing and Disposition for Non-Securely Detained Youth, 2016**

Non-Securely Detained	Cases in which a disposition hearing was held or case closed before disposition								Percent of Cases within timeframe	Percent 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)	93	5	5	17	13	53	66	99	43	71

**RELEASED JUVENILES**

In 718 (69%) of the juvenile delinquency cases petitioned in 2016, the juveniles were released prior to adjudication. Of the cases that had an adjudication hearing, 100% were held in compliance with the timeline (255 days). The median number of days to adjudication was 40 days.

**Table 20. Time Between Initial Hearing and Adjudication for Released Youth, 2016**

Released	Cases in which an adjudication hearing was held								Percent of Cases within timeframe <sup>30</sup>	Percent of Cases exceeding timeframe
	Days Between Events									
	Total cases	1-85	86-170	171-255	255-270	271 or more	Median	Average		
Initial Hearing to Adjudication (Timeline 255 days)	388	331	50	7	0	0	40	52	100	0

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, however, Administrative Order 08-13 did establish a 270-day time standard for disposition of these cases.

In 2016, 480 youth were released at the time of their disposition hearing. Ninety-nine percent of released cases met the disposition hearing compliance timeframe of 270 days from initial hearing to disposition. The median number of days to disposition was 57 days.

<sup>30</sup> See Footnote 28.

**Table 21. Time Between Initial Hearing and Disposition for Released Youth, 2016**

Released	Cases in which a disposition hearing was held or case closed before disposition								Percent of Cases within timeframe	Percent of Cases exceeding timeframe
	Days Between Events									
	Total cases	1-85	86-170	171-255	255-270	271 or more	Median	Average		
Initial Hearing to Disposition (Timeline 270 days)	480	349	98	23	6	4	57	70	99	1

**JUVENILE BEHAVIORAL DIVERSION PROGRAM**

The Juvenile Behavioral Diversion Program (JBDP) continues to operate as a problem-solving program. 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. The goal is 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 and they must have been diagnosed with a mental health or substance use disorder according to the current version of the Diagnostic and Statistical Manual of Mental Health Disorders (DSM). Youth with co-morbid mental health and Intellectual or Autistic Spectrum Disorders are also eligible for clinical consideration. In addition to having a qualifying mental health diagnosis, respondents also have to meet certain eligibility criteria related to their criminal history. Once eligibility is determined, respondents are reviewed by a suitability committee who take factors such as amenability to treatment and community support into account. The respondent’s participation in the program will generally be for a period of four to six months, but not 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. In 2016, the JBPD Suitability Committee reviewed 96 cases. Seventy-six of reviewed youth were accepted by the Suitability Committee and 59 (78%)

of the youth accepted by the Committee were enrolled in JBDP. Of the 59 enrolled, 20 were female and 39 were male. As of December 2016, 22 youth referred and enrolled in the program left. 18 successfully completed the program and four were terminated (due to re-arrests or other criteria for dismissal). The remaining 37 youth are actively enrolled in the program.

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

Pursuant to Public Law 91-358, the Family Court's Social Services Division (CSSD) is responsible for screening, assessing, and presenting juvenile delinquency cases in the new referrals courtroom (JM-15) and status offender cases in courtroom JM-5, managing cases, as well as serving and supervising all pre- and post-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 in juvenile delinquency cases, youth eligible for diversion, status offenders (persons in need of supervision (PINS), truants, runaways, and ungovernable behavior cases) and post-disposition probation youth.

CSSD is responsible for conducting psychological, psycho-educational, comprehensive clinical risk assessments, and, when necessary, competency evaluations/restoration on all front-end youth. The division also conducts home studies on all families involved in contested domestic custody disputes and is responsible for conducting psycho-sexual evaluations on all youth pending adjudication for sexual offenses. On average, CSSD supervises approximately 1,000 juveniles. This total represents approximately 75-80% of all youth involved in the District's juvenile justice system.

In 2016, CSSD successfully achieved all of its objectives consistent with statutory requirements delineated in the District of Columbia Code, as well as best practice and emerging practices within the field of juvenile justice. Working with a variety of juvenile justice stakeholders (e.g., the Presiding Judge of the Family Court, the Office of the Attorney General (OAG), the Public Defender Services, and the Department of Behavioral Health), the Division continued to successfully operate the Juvenile Behavioral Diversion Program (JBDP) and Supervision component of the Family Court. Working in collaboration with the Executive Office, a grand opening ceremony was coordinated to celebrate the comprehensive operations of the nation's first-ever Status Offender Balanced and Restorative Justice (BARJ) Drop-In Center, targeting court-involved youth referred as Truants, PINS and/or Behavioral Health Diversion. The new Status Offender and JBDP BARJ is located on Rhode Island Avenue, NE.

Additionally, the Division continued working in collaboration with the Capitol Projects and Facilities Management Division (CPFMD) on the development and construction of the Superior Court's sixth BARJ Drop-In Center. This center, which will be located in the northwest quadrant of the city, will serve court-involved youth residing in the surrounding area. The CSSD also worked with city-wide stakeholders to successfully effectuate a test run of the city's Continuity of Operations Plan (COOP). The COOP entailed operating the juvenile arraignment procedures at the Northeast Balanced and Restorative Justice (BARJ) Drop-In Center, a facility built to house a full courtroom, robing room, two small holding cells and a secure entrance into the facility. The COOP test run demonstrated that in the event of an emergency, the JM-15 courtroom can successfully operate outside of the H. Carl Moultrie Courthouse.

Working in coordination with the District of Columbia's Criminal Justice Coordinating Council (CJCC), the CSSD continued its focus on high-risk youth through the "Partnership 4 Success" program. The program targets and provides intensive services to high risk youth under the supervision of CSSD and the Department of Youth Rehabilitation Services (DYRS). The program also relies upon resources provided by stakeholders from the Metropolitan Police Department (MPD), the Department of Parks and Recreation (DPR) Roving Leaders, the District of Columbia Public Schools (DCPS) and D.C. Public Chartered Schools (DCPCS).

Other coordinated efforts included: facilitating several pro-social delinquency prevention initiatives during spring break, including a crime prevention carnival-like day-long gathering on the grounds of St. Elizabeth's Hospital, with educational, recreational and therapeutic activities and refreshments; community service projects throughout the city; a full day of in-house educational activities including guest speakers and collegial workshops. CSSD youth also participated in a number of field trips to local historic landmarks, including museums, monuments, historic houses, tours of federal buildings and visits to the local and federal legislative branches of government. These field trips occurred weekly on either Friday or Saturday of each week and were determined to have been a vitally important set of activities for our youth. The CSSD also co-sponsored several block parties in various communities impacted by serious crimes and coordinated its annual "*Fright Night*" Halloween party for youth under supervision. Following the Fright Night activity, CSSD staff joined the MPD in the Gallery Place area of the city to provide an increased presence to prevent crime.

In 2016, the CSSD continued its enhanced cross-agency community supervision and monitoring efforts during spring break and the summer months. Approximately 250 youth (25% of the CSSD daily population) were engaged intensively every Friday and Saturday. The remaining CSSD population was engaged programmatically – weekly, bi-weekly and monthly – based on their level of progress. In 2015, the CSSD facilitated two very successful Juvenile Call-Ins (designed to reduce delinquency and recidivism among CSSD youth), one of which was facilitated in Northeast and the second was facilitated in the Southeast quadrant of the city. Building on that initiative, in 2016 the CSSD facilitated an end of the summer back-to-school Juvenile Call-In in the Southeast quadrant of the city, which was attended by more than 500 court-involved youth. Participating youth gathered for a semi-formal banquet-style dinner, featuring an awards ceremony honoring the youth and the distribution of backpacks and school supplies for each attendee.

The CSSD also continued its efforts to screen all newly-referred youth to identify children and youth who may be subjected to sex trafficking and exploitation. The screening tool, which encompasses components adopted from other jurisdictions and the Conner Screening tool, is administered 24 hours-a-day at three locations, by contractors specifically hired to perform the screening. Subsequent to screening five hundred youth, the screening tool (entitled Sexual Exploitation and Trafficking Assessment Review - STAR), was validated in 2015.

Other highlights include activities and efforts conducted by the CSSD to expand weekend summer curfew checks, daily community supervision visits, escorting youth to several Washington Nationals, Wizards and Mystics games, Laser Tag, bowling, touch football and Tee-ball competitions and also attending a Redskins Meet and Greet at FedEx

Field. The CSSD also escorted more than 250 youth to the National Great Blacks in Wax Museum in Baltimore, Maryland.

The CSSD continued its commitment to ensure that the vast majority of staff completed a Food Prep Course and continued its division-wide training of staff in Balanced and Restorative Justice (BARJ) Philosophy Principles. The purpose of the trainings is to build and expand the knowledge and skills of CSSD staff such that we are operating our services and supervision as well as signature programs, including our BARJ Drop-In Centers, with an all-inclusive construct of BARJ Principles.

At its core, restorative justice principles hold that when a crime is committed, the victim, offender, and community are all impacted. Because the victim and community are impacted, the offender must be held accountable. However, the victim, offender, and community must all be restored. Guiding BARJ principles include, but are not limited to:

- All human beings have dignity and worth, and accountability for juveniles means accepting responsibility.
- Parties (the victim, offender, and community) should be a central part of the response to the crime.
- The community is responsible for the well-being of all its members.

CSSD is comprised of four branches, three of which house probation satellite offices/units designated to specific populations, and two administrative units. Branches include: Juvenile Intake and Delinquency Prevention Branch, Child Guidance Clinic, Region I Pre- and Post-Disposition Supervision, and Region II Pre- and 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 AND DELINQUENCY PREVENTION BRANCH**

The Intake Branch is comprised of Intake Units I (day intake) and II (night intake), and the Delinquency Prevention Unit (responsible for electronic monitoring and community relations). The Branch is responsible for screening, investigating, making recommendations, and case presentment for all newly referred youth for delinquency cases. The Branch is also responsible for screening and determining the status of all truancy referrals and also the operation of all electronic monitoring services for CSSD youth. In 2016, the Intake Branch exceeded its goals and objectives outlined in accordance with statutory duties and CSSD's Management Action Plans (MAPs). The Intake Branch successfully screened 1,240 youth referred for truancy and 3,169 youth referred for juvenile matters. The Intake Branch also successfully completed 1,250 Global Position System (GPS) Electronic Monitoring installations. In accordance with 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 hold/release recommendation) within a four hour period, prior to presentment of the case in the Initial Hearing located in courtroom JM-15. Building on accomplishments over the past four years, CSSD successfully:

- Screened 100% (3,169 youth) of all newly arrested youth utilizing a valid Risk Assessment Instrument (RAI), a pre-trial social assessment. Among the youth screened for juvenile crimes, 29% (911) were females and 71% (2,258) were males. Among youth referred for a status offense (truancy), the CSSD received and screened approximately 1,250 referrals.
- Participated in the Juvenile Detention Alternatives Initiatives, Juvenile Data Subcommittee, which seeks to collect and interpret juvenile arrest, diversion, court involvement and overall front end data. Providing stakeholders with data trend analysis and other observable facts enables stakeholders to provide timely interventions and address specific delinquency issues occurring in the District of Columbia.

- Collaborated with the Superior Court’s Identity Consolidation Unit, encompassing the Integrated Justice Information System (IJIS) team, DYRS, and the Central Intake Center (CIC) to identify and correct errors in CourtView such as multiple social files, incorrectly spelled names or dates of birth, and duplicate cross-reference or family ID numbers. Personal credentials are received such as birth certificates, social security cards, etc., and are scanned into CourtView.
- Continued to serve as a stakeholder on the Truancy Taskforce, a citywide initiative to address causes and reduce the incidents of truancy in public and private schools through coordinated efforts and meaningful interventions.
- The CSSD also continued to participate in the Juvenile Intake and Arraignment workgroup tasked with analyzing and refining current stakeholder (MPD, DYRS OAG, CSSD, and Juvenile Clerk’s Office) processes to create better workflow for cases that are presented in the Juvenile New Referrals (JM-15) courtroom.
- Attended Advisory Neighborhood Commission (ANC), Police Service Area (PSA) and other community meetings, sharing findings with their managers. These reports support the expectation of being the “eyes and ears of the court.” Their presence at these meetings supports CSSD’s visibility in the community.
- Actively participated in the development of a new case management platform for CSSD. Upon completion, the system should facilitate tracking and updating cases while providing accurate data reports across CSSD. All cases are currently being updated to include a PDID which is the unique identifier initiated by MPD.

**REGION I PRE AND POST-DISPOSITION SUPERVISION**

Region-I Pre and Post-Disposition Supervision (Region I) is comprised of four teams: Southeast Satellite Office (SESO)/Balance and Restorative Justice (BARJ) Drop-In Center; Southwest Satellite Office (SWSO)/Balance and Restorative Justice (BARJ) Drop-In Center; Interstate Probation Supervision Team; and the Ultimate Transition Ultimate Responsibility Now (UTURN) Team. Throughout 2016, Region-I experienced success in virtually all areas of operation including successful implementation of the Balanced and Restorative Justice (BARJ) philosophy and principles throughout the division.

Additional highlights include:

- Supervised a monthly average of approximately 337 youth, while preparing approximately 198 reports for the judiciary per month.
- Conducted an average of 225 school visits, 252 home visits, 951 curfew calls, and 910 curfew visits per month; also conducted an average of 287 service referrals per month for the benefit of youth and their families.
- Maintained the following groups in the SESO/BARJ which are conducted throughout the week with the BARJ youth: *Accelerating the Aptitude of Children; Adopt A Block; Topical Review and Civic Empowerment; Drug Awareness Responsibility and Education; Real Men Cook; Developing Leaders and Creating Legacies; Life Skills Influencing Future Empowerment and Juvenile Anger Management*. Moreover, the SESO/BARJ developed and implemented two new groups: *When in Rome* and *Life Support*.
- Maintained the following groups in the SWSO/BARJ which are conducted throughout the week with the BARJ youth: *Drug Free World Drug Education Program; Things My Momma Taught Me; Juvenile Anger Management; Moral Reconciliation Therapy* and *The Male Empowerment Program*.
- The Intensive Supervision team maintained the following groups which are conducted throughout the week with those youth who are in need of intensive supervision: *Probation Options Life Options; Saturday Sanctions Program; Monthly Parent; Youth Orientation; and Life Skills*.
- Collaborated with the District of Columbia Metropolitan Police Department (MPD) in an effort to locate those youth who have outstanding Custody Orders throughout the city. UTURN and MPD worked together as a juvenile absconders unit. This required them to conduct early morning home visits starting at 7 a.m. on those youth having outstanding custody orders, for the purpose of executing the orders.
- Coordinated the participation of youth at the National Capital Area Food Bank located 4900 Puerto Rico Avenue, NE. The youth packed food boxes for delivery to senior citizens in DC.
- Escorted youth to participate in the DC Fire and Emergency Services (FEMS) Hands on Heart Cardio Pulmonary Resuscitation (CPR) awareness training. The youth also made emergency kits for senior citizens at the Southwest Library, 900 Wesley Place SW.
- During the 2016 winter school break the SESO/BARJ and SWSO/BARJ escorted youth participating in their regular BARJ programming, to the newly

opened National Museum of African American History and Culture. After the museum visit, the youth were treated to lunch, at which time discussion of their various experiences and observations relating to the museum were shared.

### **REGION II PRE AND POST-DISPOSITION SUPERVISION**

Region-I Pre and Post-Disposition Supervision (Region I) is comprised of four (4) teams: Northwest Satellite Office (NWSO); Northeast Satellite Office (NESO)/Balanced and Restorative Justice (BARJ) Drop-In Center; Status Offender and Behavioral Health Office (SOBHO); and the Leaders of Today in Solidarity (LOTS) Satellite Office.

Throughout 2015 Region-II experienced success in virtually all areas of operation including successful implementation the Balanced and Restorative Justice (BARJ) philosophy and principles throughout the division. Additional highlights include:

- Throughout 2016, Region II successfully conducted an average of 332 home visits, 241 school visits, and also completed on average 950 curfew calls and 536 curfew visits monthly.
- Maintained the following groups in the NESO/BARJ which are conducted throughout the week with the BARJ youth: *Just Chill Anger Management*, *PAID-Preventing Addiction through Information and Dedication*; *Boys to Men (Young Men's Peer Group)*; *Taking Care of Business (Lifeskills)*.
- Maintained the following groups in the LOTS Unit which are conducted throughout the week with the youth: *Image Building and Self Esteem*; *Ladies Etiquette*; *Conflict Resolution*; *Banking and Finance*.
- The SOJBDP/BARJ team maintained the following groups which are conducted throughout the week: *What Does Anger Look Like?*; *Physical and Mental Effects of Drugs*; *Critical Thinking-Forming Opinions*; *Self Worth*; *Wellness and Fitness*.
- A senior staff member received the Public Service Award as one of the co-chairs for the CSSD Special Events and Activities Committee.
- Supported two youth under supervision who received the “*Right Direction Award*” from the Office of the Attorney General. This award is bestowed upon youth who have overcome obstacles, remained crime free, improved their academic performance, and served as role models for other youth.

- Participated in a wide array of CSSD activities aimed at providing proactive positive experiences to court-involved youth. Staff participating in these activities also maintained the day-to-day responsibilities regarding youth under supervision.
- Successfully opened the Status Offender and Behavioral Health BARJ Drop-In Center aimed at addressing issues contributing to truancy, poor academic performance and untreated behavioral health needs.
- Continued to serve as a major stakeholder and coordinator of the Truancy Court and the Juvenile Behavioral Diversion Court Program. As a result of these efforts more than 350 youth were diverted from adjudication and post-disposition probation supervision.
- Continued to participate in the monthly Citywide Child Fatality Committee, demonstrating we are partnering with other city-wide stakeholders in investigating and uncovering the causes of child fatalities in the city.
- Ensured all BARJ Drop-In Centers facilitated a Thanksgiving Dinner for youth and families. Thanksgiving baskets were also distributed to families as needed.
- Participated in the citywide Multidisciplinary Team (MDT) meetings focusing on youth victimized by commercial trafficking and/or sexual exploitation.
- Developed and implemented a Parent Empowerment Group in partnership with interns from the Child Guidance Clinic. The group offers both an orientation to parents of youth entering the juvenile justice system and also enables parents to meet weekly to process their experiences and share lessons learned.
- Continued to manage the “Red Door” closet providing a supply of new and gently used clothing and other items, available to youth and families in need. Donations of casual wear, formal wear; coats, shoes, baby supplies, and toiletries are received from court employees.

### **CHILD GUIDANCE CLINIC**

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 the 2016 new class of interns from universities and colleges across the country, three interns, representing Howard University, George Washington University, and the American School of Professional

Psychology at Argosy were selected from a pool of over 150 applicants. The internship program was also reaccredited for another seven years, the longest reaccreditation period that can be bestowed on a training site.

Clinic psychologists and trainees conducted nearly 700 psychological evaluations (e.g., general psychological, psycho-education, neuropsychological, sex offender, violence risk, competency, and Miranda Rights competency) during the year. The CGC has six contractors to administer the Conner assessment instrument and the newly developed Sex Trafficking Assessment Review (STAR), which is used to identify youth vulnerable to sex trafficking. The CGC also continued to successfully operate its Juvenile Sex Offender Program and welcomed a postdoctoral research fellow to the staff. Other accomplishments include:

- Provided clinical and assessment services to over 1000 youth offenders in the District of Columbia
- Developed a mock trial that provided training for the clinic's APA accredited interns, new attorneys from the Attorney General's Office and DC Lawyers for Youth.
- Continued to serve on varying committees that support the mental health of youth in Washington, DC. These committees include the Internal Residential Review Committee, the Psychiatric Residential Treatment Facility Committee, COOL House, JBDP, and the Committee for Commercial Sexual Exploitation of Children.
- Attended multiple trainings on commercial sexual exploitation of children.
- Continued to serve as a member of the DC Ombudsman Office, Clinical Subcommittee. This committee reviews clinically-related insurance appealed cases.

### **Research Highlights:**

- One paper in press and nine published manuscripts in four APA journals:
  - *Psychology, Public Policy, and Law*
  - *Journal of Family Psychology*
  - *Cultural Diversity and Ethnic Minority Psychology*
  - *Journal of Counseling Psychology*
- Two symposia/paper and 4 poster presentations at national conferences
- Research data shows our research is being consumed: 114 reads and 13 citations

### **Manuscripts in Press**

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

### **Published Manuscripts (selected manuscripts)**

- Andretta, J. R., Worrell, F. C., Ramirez, A.M., Barnes, M.E., Odom, T., & Woodland, M. H. (2016). A pathway model for emotional distress and implications for therapeutic jurisprudence in African American juvenile court respondents. *Cultural Diversity and Ethnic Minority Psychology*, 22, 341-349. doi: 10.1037/cdp0000053
- Andretta, J.R., Ramirez, A.M., Barnes, M.E., Odom, T., Roberson-Adams, S., & Woodland, M.H. (2015). Perceived parental security profiles in African American adolescents involved in the juvenile justice system. *Journal of Family Psychology*, 29, 884-894. doi: 10.1037/fam000105
- Andretta, J.R., Worrell, F.C., Ramirez, A.M., Barnes, M.E., Odom, T., Brim, S., & Woodland, M.H. (2015). The effects of stigma priming on forensic screening in African American youth. *The Counseling Psychologist*, 43, 1162-1189. doi: 10.1177/0011000015611963
- Ramirez, A.M., Andretta, J. R., Barnes, M. E., & Woodland, M. H. (2015). Recidivism and psychiatric symptom outcomes in a juvenile mental health court. *Juvenile and Family Court Journal*, 66, 31-46. doi: 10.1111/jfcj.12025
- Woodland, M.H., Andretta, J. R., Moore, J. A., Bennett, M. T., Worrell, F. C., & Barnes, M. E. (2014). MACI scores of African-American males in a forensic setting: Are we measuring what we think we are measuring? *Journal of Forensic Psychology Practice*, 14, 418-437. doi: [10.1080/15228932.2014.973773](https://doi.org/10.1080/15228932.2014.973773)

## **NEW INITIATIVES IN JUVENILE DELINQUENCY**

### **Initiatives of the Juvenile Subcommittee**

In 2016, the Juvenile Subcommittee focused on issues pertaining to respondents, referred by the court for mental examinations who exhibited aggressive behavior at the Psychiatric Institute of Washington (PIW). The Subcommittee is reviewing viable solutions including whether any alternative placements exist for this population of respondents.

A working group of the Juvenile Subcommittee is developing improved processes for sealing of juvenile cases including proposed amendment of Juvenile Rule 118 and General Family Rule P, the rules pertaining to sealing. The proposed amended Juvenile Rule 118 will include a new section regarding procedures for sealing of arrest records and related court records subject to motions to seal on grounds of actual innocence, to implement D.C. Code §16-2335.02.

### **Use of Restraints in Delinquency Proceedings - Administrative Order 16-09**

Consistent with the national trend and in response to requests from judicial officers and other stakeholders in the juvenile delinquency community for clarity regarding the use of restraints in juvenile court proceedings, the Court entered Administrative Order 15-07, Individual Determinations for the Use of Restraints on Respondents. It became effective on April 6, 2015. This order establishes a policy against the indiscriminate use of restraints in judicial proceedings involving juveniles and provides clear guidance for judicial officers to assess whether there is a need for the use of restraints. It states that the Family Court will order the removal of restraints, unless the Family Court finds that there is reason to believe that the use of restraints is necessary for the safety of the respondent or

others, or to prevent flight. It also requires that when the use of restraints is ordered the Family Court must make written findings of fact. Administrative Order 16-09, issued on May 31, 2016, superseded the previous Administrative Order 15-07, by specifically requiring that the Family Court raise the issue of restraints before every hearing in which restraints are involved and provide the respondent an opportunity to contest the use of restraints.

### **Juvenile Justice Parents' Informational Handbook**

*The Family Guide to the District of Columbia Juvenile Justice System* (published in 2015), a handbook intended to help guide parents and guardians through the Juvenile justice process, continues to be made available as a valuable resource to parents and caregivers in the District of Columbia. Detailed information is provided, from the point of arrest through the appeals process, along with an explanation of the persons involved in the process, the various hearings, a description of available services and other important resources. The handbook is available in hardcopy as well as on the D.C. Courts' website.

### **Juvenile Delinquency New Referrals**

The JM-15 New Referral Working Group was developed to improve the efficiency of the juvenile new referral calendar while protecting the due process rights of juveniles. The group is a partnership between the Office of the Attorney General, Department of Youth Services, Metropolitan Police Department, the Courts, the U.S. Marshal's Service, the Public Defender Service, Criminal Justice Act Attorneys and the Pretrial Services Agency to improve the new case referral process. The group has developed written protocols modifying business processes to make them more efficient. Some examples include:

- Phone trees for the Office of the Attorney General and Central Intake Center have been created
- Daily emailing groups have been created to notify status and issues
- DYRS created a pickup and drop off schedule
- The JM-15 judge has created a calendar call between CSS, OAG, PDS, and CJA
- Definition of “Cut-Off” accepted by all agencies

This group continues to meet on a periodic basis to monitor the business processes implemented to ensure that they remain effective and optimize efficiency.

### **Electronic Case Initiation in Juvenile Delinquency Cases**

The juvenile electronic papering initiative, coordinated by the Criminal Justice Coordinating Council (CJCC), in collaboration with the Family Court, Court Social Services, Office of the Attorney General and Metropolitan Police Department is developing an electronic case initiation process for juvenile delinquency cases. Each agency has submitted its requirements and the project continues in the design and configuration phase. The project is expected to be fully implemented in 2017.

### **PATERNITY AND CHILD SUPPORT BRANCH**

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

In 2016, 1,835 child support and paternity actions were filed in the Family Court and 24 cases were reopened. In cases seeking to establish or modify child support, D.C. Code §46-206 requires the court to schedule an initial hearing within 45 days from the date of filing. In 2016, 96% of all initial hearings in paternity and support cases were scheduled within 45 days.

Federal regulations mandate that orders to establish support be completed in 75% of the cases within six months of the date of service of process and 90% of the cases

within 12 months of the date of service (see 45 CFR §303.101). Data for cases disposed in 2016 indicate that the court performed well in meeting these standards: 89% of cases were disposed or otherwise resolved within six months (180 days) of service of process, and 97% were disposed or otherwise resolved within 12 months (365 days) of service of process. Going forward, 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 OAG, the city's designated IV-D agency.

### **NEW INITIATIVES IN PATERNITY AND CHILD SUPPORT BRANCH**

#### **Bench Warrant Consolidation Project**

The Family Court collaborated with the Criminal Division to consolidate bench warrants into one centralized location in the Criminal Division. Doing so improves the business functions related to the completeness, accuracy, and availability of warrants to law enforcement.

#### **Commencement of Electronic Filing**

Administrative Order 15-24 was issued by the Chief Judge of the Superior Court and became effective on December 2, 2015. The order provided that mandatory electronic filing shall commence in the Paternity and Support Branch on February 14, 2016. Electronic filing provides the legal community with streamlined access to the Clerk's Office and an efficient electronic method to file documents in existing cases; further, it allows filings, documents and data to be transmitted to the court's case management system in an efficient and timely manner.

## **New Laws Pertaining to Child Support**

The Child Support Guideline Revision Act of 2016, which became effective on May 12, 2016, modifies D.C. Code §16-916.01, the Child Support Guideline. Some of the primary changes implemented by this legislation are as follows:

- The minimum child support payment was increased from \$50.00 to \$75.00 per month;
- The factors a judicial officer can consider, when the \$75.00 minimum order is challenged, were expanded;
- The definition of “in-kind compensation” explicitly includes military housing and food allowances;
- The judicial officer can enter a minimum child support order when the paying parent is uncooperative or no reliable income information exists;
- The self-support reserve provision was updated to implement the change that went into effect on April 1, 2015; and
- When entering a minimum child support order, the judicial officer may consider the subsistence needs of the custodial parent and extreme hardship to the child when making the final calculation of the guideline.

The Uniform Interstate Family Support Revision Act of 2015 amends the Uniform Interstate Family Support Act via a comprehensive law drafted by the National Conference of Commissioners on uniform state laws. This law provides the basic framework for child support cases in which the parties are connected to two different states. Federal law requires the District of Columbia to adopt Uniform Interstate Family Support Revision Act to receive federal funding for child support enforcement. The law became effective on February 27, 2016.

## **MENTAL HEALTH AND HABILITATION BRANCH**

The Mental Health and Habilitation Branch is responsible for the adjudication of cases involving matters related to the hospitalization and continued treatment of persons in need of mental health services and persons with intellectual disabilities, and the accurate and secure maintenance of records resulting from these activities. The Mental Health and

Habilitation Branch also recruits and provides volunteer advocates for persons with intellectual disabilities through the Mental Habilitation Advocate Program. This year 2,016 mental health cases were filed and 135 cases were reopened; additionally, two new mental habilitation cases were filed.

Court performance measures established by Administrative Order include disposing of 99% of cases filed within 60 days. In 2016, the branch disposed of 91% of the cases within the standards, with an average disposition of 30 days. This was a slight reduction from 2015 when 93% of the cases were disposed of within the established timeline, with an average disposition of 29 days.

### **NEW INITIATIVES IN MENTAL HEALTH AND HABILITATION BRANCH**

#### **Commencement of Electronic Filing**

Administrative Order 15-24 was issued by the Chief Judge of the Superior Court and became effective on December 2, 2015. The order provided that mandatory electronic filing shall commence in the Mental Health and Habilitation Branch on February 14, 2016. Electronic filing provides the legal community with streamlined access to the Clerk's Office and an efficient electronic method to file documents in existing cases; further, it allows filings, documents and data to be transmitted to the court's case management system in an efficient and timely manner.

#### **Web Voucher Enhancement**

The Mental Health and Habilitation Branch collaborated with the Information Technology Division to revise the Web Voucher System so that Mental Habilitation advocates can receive their stipends more efficiently and timely. The system enables all payment processes to be conducted through one system shared by the Advocate Program

and the Court's Budget and Finance Division, eliminating the need to email stipend requests.

### **Criminal Justice Act (CJA) Attorney "App"**

The Criminal Justice Act Mental Health and Habilitation attorneys began signing up for new mental health cases electronically through an app on the court's website. The application allows each CJA attorney to note their availability for appointment during the following month; additionally, attorneys can view cases they have been assigned to on any given day.

### **DOMESTIC RELATIONS BRANCH**

The Domestic Relations Branch has responsibility for all cases involving divorce, legal separation, annulment, child custody, and adoption. In 2016, 4,671 domestic relations cases were filed and 64 cases were reopened.

Court performance measures in domestic relations cases are as follows:

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

Performance in uncontested divorce cases disposed in 2016 exceeded established standards with 96% of the cases reaching disposition within 60 days. This was an improvement of 1% over the numbers achieved in 2015.

Performance in uncontested third-party custody cases met the 95% standard in 2016, improving by 13% over the 2015 numbers. Compliance with case processing goals in uncontested custody cases was 69% disposed within 60 days, falling short of the 95%

goal. However, compliance improved 13% in these cases over 2015 numbers. The Court will continue to monitor these cases to continue the improvements shown in 2016.

In 2016, 87% of contested custody II cases reached disposition within nine months – a 4% improvement over 2015 performance. Additionally, 92% of the contested custody II third-party cases were disposed of within the time standard, which was a 1% decrease from 2015. Ninety-two percent of contested divorce II cases reached disposition within the nine month standard – a 2% improvement over 2015 numbers.

### **NEW INITIATIVES IN DOMESTIC RELATIONS BRANCH**

#### **Attorney Negotiators**

The Branch hired two Attorney Negotiators to help referred parties – at the initial hearing of domestic relations cases – resolve disputes and reach agreements (temporary and permanent) in divorce, custody, visitation and support matters. Previously, the Branch employed a part-time negotiator and relied on volunteer negotiators to assist with the heavy caseload. The new Attorney Negotiators review issues of concern with both parties, and attempt to reach temporary or permanent settlements, thereby reducing the burden on the judiciary and enhancing the speed of case resolution.

#### **Public Computers**

The Domestic Relations Branch began providing public computer access to domestic relations cases in room JM-300 allowing litigants and attorneys to look up cases, review dockets and confirm scheduled dates.

#### **Electronic Notices**

The Domestic Relations Branch, in collaboration with IT, began sending reminder e-notices to parties who have provided an e-mail address, regarding upcoming hearing

dates for custody and divorce cases. With the increasing reliance on smartphones to communicate, these electronic notices provide another reminder to parties in cases, thereby enhancing public access and timely disposition of cases.

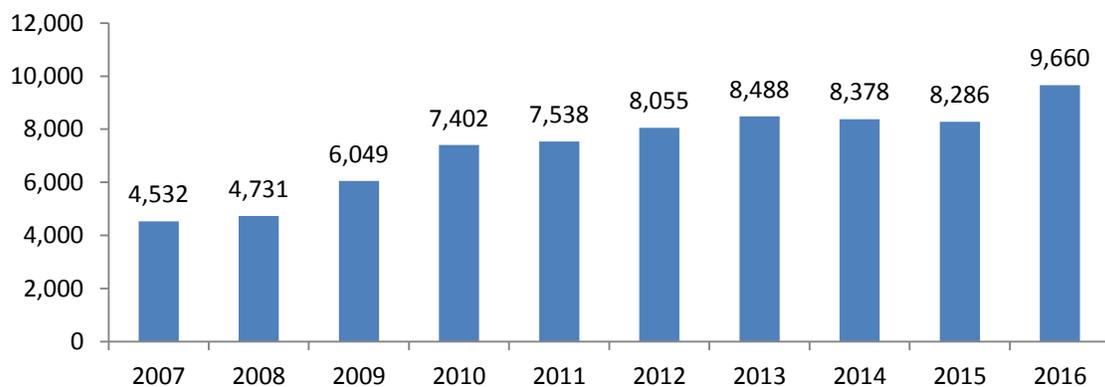
### **FAMILY COURT SELF HELP CENTER**

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

Detailed below are a few of the findings from data collected for 2016:

- Since its inception in March 2005, the SHC has served over 78,000 customers.
- The SHC served 9,660 people in 2016, a 17% increase from the previous year (Figure 28).

**Figure 28. Self-Help Center Client Count 2007-2016**



- On average, the Center served 805 individuals per month in 2016 compared to 690 individuals per month in 2015, and 698 individuals per month in 2014.
- As has been the case since 2006, a large majority of the parties seeking help from the SHC had issues related to custody (55%), visitation (24%), divorce (23%), or child support (20%).
- Eighty-eight percent of the parties visiting the Center sought general information; 67% needed assistance with the completion of forms; 7% came in seeking a referral; and 2% sought assistance with trial preparation.
- Eighty-nine percent of the parties served indicated that their primary language was English; 8% identified themselves as primarily Spanish speakers and 3% had another primary language.
- Among parties providing data on income, 50% of those assisted reported monthly incomes of \$1,000 or less; 19% had a monthly income between \$1,001 and \$2,000; and 15% had monthly incomes between \$2,001 and \$4,000. Sixteen percent reported monthly incomes above \$4,000.

## CONCLUSION

In 2016, the Family Court built on the progress already made by our hard-working judiciary and personnel, as well as our justice system and community partners. In keeping with the mission of protecting and providing permanency for children, strengthening families, and deciding disputes fairly and expeditiously, the Court resolved over 11,000 cases, improved access and services to court participants, continued the modernization of court facilities, and supported our judicial officers and workforce through education and training.

The Court continued to focus on abuse and neglect, TPRs, and adoptions, resulting in expedited permanency for children removed from their families. Compliance with the performance standard of disposing of TPRs within one year continued its five-year improvement. Additionally, the median time between the filing and finalization of an adoption petition declined from 13 months in 2014 to 9 months in 2016.

The Family Court made progress in case processing times in juvenile cases. The time to adjudication for all categories of youth (securely detained – most serious, securely detained – serious, non-securely detained, and released juveniles) showed improvements in median time over 2015. Similarly, the median time to disposition for all categories of youth, with the exception of securely detained serious offenders, decreased compared to 2015.

In the area of domestic relations, family disputes were resolved quicker in 2016 than in 2015, which allowed families to begin the healing process sooner. The Domestic Relations Branch hired two Attorney Negotiators to help referred parties at the initial hearing resolve disputes and reach agreements (temporary and permanent), thereby

reducing the burden on the judiciary and improving case resolution on these high volume calendars.

In 2016, performance in paternity and support cases improved compared to the previous year. The Court disposed of 89% of cases within six months of service of process and 97% within 12 months of service of process, exceeding federally mandated standards by 14% and 9% respectively.

Other enhancements for Family Court participants included: assisting 17% more clients in the Family Court Self-Help Center; implementing e-filing in paternity and support and mental health and habilitation cases; monitoring new business processes related to juvenile delinquency new petitions; developing new procedures related to the sealing of juvenile cases; utilizing ADR to resolve appropriate cases; implementing a call center so that phone calls are answered by a live person; sending reminder e-notices to parties, regarding upcoming hearing dates and scheduled marriage ceremonies; and others.

The Family Court is committed to meeting the changing and complex needs of juveniles and their families. The highly motivated judicial officers and staff will continue to utilize best practices, expanded technology and data analysis, and collaborations with our justice partners to promote child safety, prompt permanency, and enhanced rehabilitation for the good of the families of the District of Columbia.



*Open to All ^ Trusted By All ^ Justice for All*