

Volume 1: Case Management

Table of Contents

<u>Section</u>	<u>Page</u>
Executive Summary	i
I. Introduction	3
II. Background on Superior Court Family Division	5
A. Creation and Structure	5
B. Organization of the Family Court	6
III. Overview of Family Court Transition Plan	7
A. Goals and Objectives	7
B. One Family One Judge	9
C. Transfer of Cases to Family Court	12
D. Judicial Resources Needed for Family Court	14
E. Training and Education	14
F. Other Family Court Resources	16
G. Collaboration	17
H. Planned Enhancements	18
I. Performance Outcomes and Evaluation	21
IV. Discussion of Components of the Transition Plan	24
A. Role of Presiding Judge and Deputy Presiding Judge	24
B. Role of Magistrate Judge and Compensation	27
C. Number of Judicial Officers Needed For Family Court	30
D. Description of Personnel Needed In Family Court	35
E. Transfer and Disposition of Abuse and Neglect Cases Assigned to Judges Outside the Family Court	38
F. Case Flow, Case Management and Implementation of the One Family One Judge Principle	41
1. One Family One Judge	41
2. Case Management	46
3. Case Management in Domestic Violence Cases	48
4. Alternative Dispute Resolution in Family Court	49
5. Family Court Judicial Assignments	51
6. Abuse and Neglect Case Flow Chart	54
7. Abuse and Neglect Judicial Assignment Chart	55
G. Other Family Court Services	56

V.	Appendices		
	Appendix A	Composition of the District of Columbia Family Court	59
	Appendix B	Survey of One Family One Judge Implementation Strategies	64
	Appendix C	Current Judicial Assignments in Family Court	70
	Appendix D	Chart of Responsibilities of Magistrate Judges in Family Court Jurisdictions	71
	Appendix E	Intake/Cross-Reference Form	91
	Appendix F	List of Attendees at Community Outreach Forums	96

Volume II: Information Technology

Volume III: Space and Facilities

EXECUTIVE SUMMARY

The District of Columbia Family Court Act of 2001 fundamentally changed the way the Superior Court handles its family cases. The Act created a Family Court, rather than simply a Family Division, within the Superior Court and set out principles for how cases should be handled, how long judges should serve in the Court, established the position of Magistrate Judge and was clear that the guiding principle behind all decisions, procedures, and policies was that the safety, permanency and well-being of the child was of paramount importance. The Act required a report to Congress within 90 days of its enactment (which occurred on January 8, 2002). This is that report.

Chief Judge Rufus G. King III designated Family Court Presiding Judge Lee F. Satterfield and Deputy Presiding Judge Anita Josey-Herring to develop the process, protocols, calendars and staffing plan that would enable the Family Court to meet the legislative mandates set forth in the Family Court Act of 2001. The attached plan follows the “one-family/one judge” principle, ensures greater resources will be devoted to expeditious resolution of family cases, and will improve the family law and child development skills of all those who handle Family Court cases.

Specifically, the plan will:

1) Fully implement the one-family/one-judge approach by:

- Assignment of all cases involving the same family or household members to one judicial team. This will begin with the initial hearing by a magistrate judge on that team and continue throughout the life of the case.
- Centralization of family case intake and filing in one location.
- Automate case records in an integrated case management system that enables clerks to immediately assess whether other family members’ cases are before the Court. [Note: this will occur once the IJIS system is fully operational, beforehand the clerks will coordinate cases by utilizing the differing databases that the Court has currently.]

2) Expedite case resolution and timely permanency for children through:

- Deployment of trained professionals, such as case coordinators and attorney advisors, to track and monitor progress of cases, ensuring children reach permanency sooner.

- Expanded use of mediation to encourage early case resolution and improved access to justice in child protection and other Family Court cases.
- Continuous, coordinated, collaboration between the Family Court, Child & Family Services Agency (CFSA), and attorneys responsible for child welfare cases with a focus on permanency for children.
- Coordination with CFSA so that social workers appear before fewer judges, thereby freeing up time for them to supervise children, conduct site visits, and ensure that needed social services and evaluations are provided in a timely fashion.
- Establishment of Family Court performance standards, permanency guidelines and relevant case-processing benchmarks.

3) Ensure that all judges, social service providers, and other personnel handling family matters have expertise in child development and family issues through:

- Staggered, focused judicial assignments to Family Court of 5 years for judges, 4 years for magistrate judges and 3 years for judges on the bench as of January 8, 2002. Judges will develop an expertise in the handling of family law cases and can provide consistency to children so that each child deals solely with one judicial team, not numerous different judges.
- Enhanced training, including a three-week training course for all judges entering Family Court for the first time, periodic training for all judges thereafter, and mandatory quarterly interdisciplinary training (“cross-training”) for Family Court judges and non-judicial staff.
- Court-sponsored cross-training program for stakeholders responsible for child welfare and related family issues.
- Establishment of Counsel for Child Abuse and Neglect (CCAN) panel attorneys, enhanced training programs and development of attorney practice standards.
- Expanded use and training of Court-Appointed Special Advocates (CASA) volunteers.

4) Create a Family Court within the Moultrie Courthouse that is contiguous, family-friendly and has all needed services, or contacts for them, on- site.

- In phases, consolidate Family Court operations, expanding its physical plant, and reconfiguring office, courtroom and other spaces so that it is family and child-friendly.
- Establish a Family Services Center within the Family Court that will house representatives from city agencies that assist families, as well as personnel from the Court's Social Services Division (responsible for supervising juvenile probation in the District).
- In addition, the Family Court will house the current Family Waiting Room and the Supervised Visitation Center.

I. Introduction

On January 8, 2002, the District of Columbia Family Court Act of 2001 (hereinafter, "the Act") was enacted into law. The Act requires that, within 90 days of its enactment, the chief judge of the Superior Court submit to the President and Congress a transition plan for the implementation of the major components of the Family Court Act. The plan must include:

- (1) the chief judge's determination of the role and function of the presiding judge of Family Court;
- (2) the chief judge's determination of the number of judges needed to serve on the Family Court;
- (3) the chief judge's determination of the number of magistrate judges needed for appointment to the Family Court;
- (4) the chief judge's determination of the functions of the magistrate judges, compensation for magistrate judges and other personnel needed to support magistrate judges;
- (5) a plan for case flow, case management and staffing needs for Family Court, including a description of how the court will handle the one family/one judge requirement for case management;
- (6) a plan for space, equipment, and other physical plant needs and requirements during the transition as determined in consultation with the Administrator of General Services;

- (7) an analysis of the number of magistrate judges needed under the expedited appointment procedures established in the Act;
- (8) a proposal for the disposition or transfer to the Family Court of pending abuse and neglect cases assigned to non-family court judges;
- (9) An estimate of the number of cases for which the deadline for disposition or transfer to the Family Court cannot be met and the reasons why such deadline cannot be met.

The following is that transition plan. It consists of three volumes: Volume I, Case Management; Volume II, Information Technology; and Volume III, Space and Facilities. The plan was created after extensive consultations with those entities whose work may be affected by the provisions of the Act, including District of Columbia Government agencies, such as the Child and Family Services Agency (**CFSA**) and the Office of Corporation Counsel (**OCC**), child advocacy organizations and members of the Bar. In addition to receiving input from various agencies, Court staff and judicial officers have attended the following workshops: (1) a “Symposium on Child Welfare Issues” facilitated by the Council for Court Excellence and attended by CFSA, the Department of Mental Health, the District of Columbia Schools, the Office of the Corporation Counsel and many other community stakeholders; (2) a “Family Court Colloquium” sponsored by the Catholic University Columbus School of Law Clinical Program; (3) and a “Bench/Bar Dialogue: Family Practice In The New Family Court, A Perspective From The Bench” facilitated by the Family Law

Section of the D.C. Bar.¹ In addition, Superior Court administrators and members of the Family Court bench have consulted with the National Council of Juvenile and Family Court Judges (NCJFCJ), made a site visit to a family court, and met with or conducted telephone interviews with judges and administrators from courts nationwide.

II. Background on Superior Court Family Division

A. Creation and Structure

The Family Division of the Superior Court of the District of Columbia was created in 1970 by the United States Congress as part of the District of Columbia Court Reform and Criminal Procedure Act of 1970, which established the Superior Court, D.C. Code § 11-901 (1995 Repl.). The District of Columbia was one of the first jurisdictions to create a unified Family Division.² Consistent with the mandate of Chapter 11 of Title 11 of the D.C. Code, D.C. Code § 11-1101 (2001), the Family Division consisted of the following Branches: the Domestic Relations Branch; the Juvenile and Neglect Branch; the Child Support Branch; the Counsel for Child Abuse and Neglect Branch; the Mental Health and Retardation Branch; and the Marriage Bureau. See Appendix A for a description of each branch and case activity for 2001.

¹ For a complete list of attendees at the workshops and symposium, see Appendix F.

² The impact of the creation of the Superior Court was the establishment of a unified court system, which among other things brought what had been a fragmented judicial process under one entity. The Family Division was recognized as a unified family court by the American Bar Association, and was selected in May 2000 by the National Council of Juvenile and Family Court Judges as a model court. The Model

B. Organization of the Family Court

To enhance the Superior Court's ability to implement effectively the District of Columbia Family Court Act of 2001, the chief judge established a Family Court Implementation Committee. This committee, chaired by the presiding judge of the Family Court, consists of judicial officers, court staff, and representatives from the Office of Corporation Counsel, Child and Family Services Agency, Public Defender Service, Youth Services Administration, the District of Columbia Public Schools, the Metropolitan Police Department and District of Columbia Bar. These entities have vast experience in and responsibility for handling matters affecting families, whether it involves children experiencing difficulties in school due to family related problems, children in foster care, or juvenile offenders. The Family Court Implementation Committee recognizes that the effective resolution of family matters requires a coordinated and multi-disciplinary approach. It also acknowledges that the Family Court is a court of law operating under Federal and local law. Within this context the committee recommends approaches for the implementation of the Act.

In addition to the Family Court Implementation Committee, the chief judge has also established the Family Court Management and Oversight Team. The team includes the Family Court presiding and deputy presiding judges and senior level court managers who are responsible for making recommendations on the case management, fiscal management, information technology, and space and facilities aspects of implementing the Act.

Court Program is a program of selected courts chosen for both current strengths and potential for promising improvements.

III. Overview of Family Court Transition Plan

A. Goals and Objectives

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.

The Family Court, as mandated by the Act and in consultation with the Family Court Implementation Committee, has established the following goals and objectives that will be implemented to ensure that the Court's mission is achieved.

1. Make child safety and prompt permanency the primary considerations in decisions involving children by undertaking the following steps to assure that children are safe and grow up in permanent families:
 - a. provide oversight of children and families under its jurisdiction to ensure that children are safe and have permanent families in a timely fashion;
 - b. organize the handling of cases to allow the same judicial officer to preside over the entire child welfare case and all related proceedings except when not legal, practicable and feasible;
 - c. use legal authority to require that social and protective services are provided to children and families under court jurisdiction to ensure safe, permanent outcomes for children and a fair opportunity, within a time frame that is sensitive to the child's individual development needs for parents to become competent and safe caretakers;
 - d. design and participate in cross-training programs for all participants in the child welfare system;

- e. encourage and promote collaboration among all participants in the child welfare system to develop better working relationships between the Court, child welfare agencies, schools, health care providers, service organizations and volunteers;
 - f. ensure the highest possible standard of legal representation for children under the court's jurisdiction and their parents or caretakers; and
 - g. obtain and maintain manageable caseloads within nationally accepted standards to permit judicial officers adequate time to devote to each child or family.
2. Provide early intervention and diversion opportunities for juveniles charged with offenses to enhance rehabilitation and promote public safety.
 3. Select and retain well trained and highly motivated judicial and non-judicial personnel by providing education on issues relating to children and families and creating work assignments that are diverse and rewarding to Family Court judicial officers and staff.
 4. Promote the use of alternative dispute resolution (**ADR**) in appropriate cases involving children and families to resolve disputes in a non-adversarial manner and with the most effective means.
 5. Use technology to ensure the following:
 - a. effective tracking of cases of families and children;
 - b. 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;
 - c. communication between the court and the related protective and social service systems;
 - d. collection, analysis and reporting of information relating to court performance and the timely processing and disposition of cases.

6. Encourage and promote collaboration with the community and the community organizations that provide services to children and families served by the Family Court.
7. Provide a family-friendly environment by ensuring that materials and services are understandable and accessible to those being served and that the waiting areas for families and children are comfortable and safe.

B. One Family One Judge

The organizing principle of the Family Court is one family one judge to the extent feasible, practicable and lawful. One judicial officer or judicial team will handle all cases related to one family or household, including dissolution of marriage, paternity, child support, custody, juvenile delinquency, civil domestic violence cases, mental health and retardation, and abuse and neglect proceedings, including termination of parental rights, adoption, custody and guardianship. There are three premises underlying this case management approach:

- a judge will gain familiarity with a family and thereby will make more informed and effective decisions;
- consolidation of cases before a single judge will improve the delivery of services; and
- the risk of conflicting orders or multiple court appearances of the parties will be reduced.

Prior to preparing this transition plan, Court staff surveyed 10 urban Family Courts to obtain information on the implementation and practices of the

one family one judge concept. The survey results indicated that in each jurisdiction the implementation of the one family one judge concept was customized to the needs and resources available to that jurisdiction (see Appendix B).

Given the volume and broad range of cases filed in the Family Court, the Court has determined that the gradual implementation of the one family one judge concept would be the most feasible and practicable in this jurisdiction. The concept will be implemented in phases that will progressively consolidate more cases related to a child before one judicial officer or judicial team. The following is a description of the phases for implementing the one family one judge concept:

- **Phase I:** Beginning in June 2002, all new abuse and neglect cases filed will be assigned to a judicial team composed of a Family Court judge and a magistrate judge who will be responsible for case management following the initial hearing in a case. See Chart 1 (p.54) for a description of the case flow in abuse and neglect cases and Chart 2 (p.55) for a description of case assignments between judicial team members in abuse and neglect cases. Any subsequent actions arising out of the abuse and neglect case (such as guardianship, termination of parental rights, custody, adoption, or civil domestic violence) will be assigned to the judicial team responsible for the original abuse and neglect case. All new sibling cases will also be heard by the same judicial team. For existing abuse and neglect cases, the Family Court has already begun transferring related cases to the Family Court

judges responsible for the original case. Similarly, siblings cases that are not already consolidated will also be consolidated on a single judicial team during this period.

- **Phase II:** Beginning in January 2003, the magistrate judge currently assigned to the initial hearing calendar will be assigned to a judicial team. Each judicial team will become responsible for staffing the child abuse and neglect initial hearing courtroom on a rotating basis. The magistrate judge on each team will be responsible for picking up cases for the team. If the magistrate judge is unavailable, the judge will pick up cases for the team. Criteria for the assignment of cases between team members will be developed. For example, cases where a child is either physically or sexually abused will be assigned to the judge. Also scheduled to begin this month, is the consolidation of other child-related cases such as child support and post disposition juvenile cases to the same judicial team responsible for the original abuse and neglect case, if consolidation is likely to contribute to the safety or well being of the child and does not delay permanency.
- **Phase III:** Beginning in March 2003, related cases that do not arise out of the abuse and neglect case, such as domestic relations or mental health cases of immediate family or household members, will be assigned to the same judicial team.
- **Phase IV:** In June 2003, the Family Court will expand the judicial teams handling abuse and neglect cases to include social workers,

assistant corporation counsel, Guardian Ad Litem (GALs) and parents' attorneys that routinely appear before the judicial team on abuse and neglect cases.

Detailed timelines for the implementation of each phase are being developed through the Family Court Implementation Committee and in meetings with stakeholders. The Family Court will continue to consult and collaborate with all stakeholders on these issues.

C. Transfer of Cases Into Family Court

The District of Columbia Family Court Act requires that all abuse and neglect cases being supervised by Superior Court judges assigned to divisions outside the Family Court (approximately 3,500 of the 4,400 post-disposition cases at the end of 2001) must be transferred to the Family Court within 18 months of the filing of this transition plan. Under the Act, abuse and neglect cases initiated prior to January 8, 2000 that are presently assigned to judges outside the Family Court must be assigned to the initial group of magistrate judges.

To begin the transfer of these cases to the Family Court, the Court in collaboration with representatives from the Child Welfare Leadership Team³ have identified four categories of cases that could be immediately returned to the Family Court. The majority of these cases will either be targeted for resolution through the District's newly enacted guardianship program or for closure by interagency agreements and court orders. In addition to retaining all cases

³ This team consists of members of the Superior Court, the OCC, the CFSA, the District of Columbia Public Schools, and the Department of Mental Health.

initiated after January 8, 2002, the Court expects to transfer approximately 1,500 older cases into the Family Court in May 2002. The first five magistrate judges have been hired under the expedited appointment procedures of the Family Court Act and are expected to begin their employment on April 8, 2002. After the magistrate judges participate in an intensive training program, these cases will be transferred to those magistrate judges.

Once Congress reviews the transition plan, and facilities can be constructed or arranged, the Court will request that the process begin for appointing three new Family Court judges. The Court also expects to appoint four additional magistrate judges by December 2002. After the four additional magistrate judges have been trained, another 1,200 cases assigned to judges outside the Family Court will be transferred to the Family Court. In January 2003, when judicial teams begin taking initial hearings on a rotating basis, the magistrate judge regularly assigned to initial hearings will instead be given a caseload of 300 cases transferred from judges outside the Family Court. The Court anticipates that by the end of January 2003 approximately 3,000 of the 3,500 abuse and neglect cases assigned to judges outside the Family Court will have been returned to the Family Court.

The Court expects that three new judges can be nominated and appointed to the Family Court by May 2003. After they are appointed, they will participate in an intensive training program. Thereafter, the Court anticipates that all open abuse and neglect cases remaining outside the Family Court will be transferred to Family Court by June 2003.

D. Judicial Resources Needed for Family Court

The Family Court is authorized to consist of up to 15 judges. There are currently 12 judges assigned to Family Court (complete list of judicial assignments attached in Appendix C). After a detailed analysis of caseloads in the Family Court and the impact of the return of approximately 3,500 abuse and neglect cases to the Family Court, it was determined that three additional judges are necessary.⁴

The Court also determined that 17 magistrate judges will be necessary to implement the Family Court Act. Currently, eight magistrate judges handle the workload on existing case calendars. Nine additional magistrate judges are needed to handle the post-disposition abuse and neglect cases, which will be returned from judges outside the Family Court. The expectation is that these new judicial officers will primarily be handling post-disposition cases, monitoring compliance with and enforcing court orders, to expedite permanency.

E. Training and Education

The presiding and deputy presiding judges will coordinate and implement a quarterly training program for Family Court judges, magistrate judges and staff.

Training topics envisioned for judicial officers and staff include:

- Child Development
- Family Dynamics
- Domestic Violence
- Child Abuse and Neglect permanency planning principles and practices
- Risk Factors for Child Abuse and Neglect

⁴ For a full discussion of the optimal judicial caseload size, see Section C, page 30.

- Adoption and Safe Families Act (**ASFA**) and other relevant Federal and D.C. Laws Governing Child Abuse and Neglect
- Cultural and Ethnic Diversity
- Divorce, Custody and Support
- Adoption
- Juvenile Justice
- Substance Abuse
- Social Services and Mental Health Systems

The Family Court will invite local and national experts to provide multi-disciplinary training. Family Court judges will also participate in programs and conferences put on by the National Judicial College, the National Council of Juvenile and Family Court Judges and others.

Upon appointment, new judges and magistrate judges will participate in a 2-3 week training program, which will include many of the aforementioned topics. In addition, they will be mentored by incumbent Family Court judges.

The quality of legal representation in cases involving children and families to a great extent affects the quality of justice in such cases. Therefore, the Court is carefully reviewing how legal services are delivered and is exploring various models for representing children and families, which include the use of government agencies, independent contractors, as well as individual appointment panels. In the short term, the Court will establish formal panels of attorneys eligible for appointment in such cases and will also implement practice standards to govern the quality of representation. All new attorneys will be required to undergo training on family law issues prior to their inclusion on the appointment panels. Attorneys already representing children and families in child protection and juvenile delinquency cases will also be required to participate in periodic training on family law issues. The Family Court's CCAN Branch will

coordinate training programs for attorneys and monitor the training requirements. The attorney standards will set forth in detail the experience and training requirements of appointed counsel. Among the training topics envisioned for attorneys are: basic legal training in juvenile delinquency and child abuse and neglect law, evidentiary issues, trial practice techniques and many other topics relating to child welfare cases.

The Family Court Implementation Committee has created a subcommittee on training which will collaborate with other stakeholders to develop a cross-training program for the Court and its stakeholders. This subcommittee will include judicial officers, lawyers, educators, medical professionals including psychiatrists, and child welfare professionals including social workers, family and child counselors and other individuals with substantial experience in the areas relating to children and families. The Family Court will promote and encourage participation in cross training and will conduct periodic seminars and workshops.

F. Other Family Court Services

The Court intends to focus increased resources on family matters to ensure that these cases are resolved expeditiously and in the best interest of children. The Family Court will use case coordinators, child protection mediators, attorney advisors and attorney negotiators⁵ to support the functioning of the judicial team in expediting case resolution.

⁵ Since 1996, the Court has successfully used attorney negotiators in its Domestic Violence Unit. They have proven effective in facilitating the resolution of custody and visitation disputes among parties without lawyers on the same day as the court hearing. The effectiveness of the attorney negotiators in the Domestic Violence Unit has helped to reduce judicial caseloads and allowed judicial officers to spend more time resolving contested matters.

The Act requires the Mayor of the District of Columbia, in consultation with the Chief Judge, to ensure on-site coordination of city services and information for individuals and families served by the Family Court. To accomplish this goal, a Family Services Center will be located in the Family Court.⁶ This Center will house representatives of the District of Columbia Public Schools, the District of Columbia Housing Authority, CFSA, OCC, the Metropolitan Police Department, and the Department of Mental Health as well as Court Social Services. The space provided to CFSA and the OCC may include space to allow them to initiate abuse and neglect and juvenile cases, make service referrals to families and to operate a drug testing facility for parents, caregivers and children in child abuse and neglect cases. In addition, this Center will contain offices for a pro se clinic. The Court is exploring the possibility of staffing the clinic with volunteers from the D.C. Bar and area law schools.

G. Collaboration

The Family Court's ability to deliver quality services expeditiously to children and families depends in substantial part on institutional and community service providers. Collaboration with these stakeholders plays a significant role in achieving the mission of the Family Court and in meeting the goals and objectives of this Court. The Court recognizes the importance of building strong linkages with its stakeholders. In the past, such linkages have contributed to the success of many court initiatives such as the Court's Civil Delay Reduction Program, the adult and juvenile drug courts and the Domestic Violence Unit. The

⁶ Its design is more particularly addressed in volume 3 of this plan.

Court expects that similar collaboration with its stakeholders will contribute to the success of the Family Court in improving the lives of children and families.

Recent collaboration with the CFSA has resulted in the end of the bifurcated process of providing social services in child abuse and neglect cases. Effective collaboration has also resulted in the improved scheduling of court hearings in abuse and neglect cases, affording social workers additional time to devote to their field work. Collaboration with our stakeholders through the Family Court Implementation Committee, the Child Welfare Leadership Team, and symposiums and workshops conducted by members of the D.C. Bar, legal clinics and legal aid societies, has significantly contributed to this transition plan.

The Court recognizes that implementation of the transition plan will require further collaboration. The presiding and deputy presiding judges of the Family Court will meet monthly with heads of CFSA, District of Columbia Department of Mental Health, Office of Corporation Counsel, Public Defender Services, District of Columbia Public Schools and the Family Division Trial Lawyers Association in an effort to resolve any interagency problems and to coordinate services that affect the child welfare cases filed in Family Court. They will also continue to reach out to members of the Bar and other community based volunteers in workshops, symposiums and colloquiums to build a network of service providers and to afford such providers an opportunity to voice their concerns and priorities.

H. Planned Enhancements

The requirement in the Family Court Act of 2001, of a one family one judge case management approach significantly enhances the way the Court will

provide services to children and families in the District of Columbia. In order to implement this case management approach, the Family Court plans to:

- Assign all cases involving allegations of abuse or neglect to a single judicial team. All subsequent proceedings arising out of the abuse and neglect case will be handled by a single member of the judicial team to the greatest extent possible;
- Transfer 1,500 abuse and neglect cases supervised by judges outside the Family Court into the Family Court by June 2002, and all remaining cases before June 2003.
- Increase the use of ADR in abuse and neglect cases by assigning one half of all appropriate cases to the Child Protection Mediation program, a pilot project to evaluate mediation in these cases before assigning all appropriate cases to mediation;
- Expand the use of mediation in domestic relations cases to include same day mediation.
- Develop a better educated Judiciary by conducting quarterly judicial training in the areas of child welfare, domestic relations or juvenile justice and periodic cross-training with other child welfare professionals;
- Improve compliance with the ASFA guidelines as adopted in the District of Columbia⁷ through the use of case coordinators and attorney advisors;

⁷ DC Code Section 16-2316.01, referred to throughout as, simply, “AFSA”.

- Decrease the time between the filing of a petition in an abuse and neglect case and the disposition hearing in order to increase compliance with ASFA.
- Develop and implement a centralized Family Court Filing and Intake Center, so that all cases within the Family Court will be filed and screened in one location rather than the current system of separate clerks offices for each branch.

The creation of the Family Court will enhance the Court's ability to serve children and families. It is important to note that until the District's CFSA and the OCC are sufficiently staffed and reorganized to complement the changes taking place in the Family Court, substantial improvements in the experiences of children and families in Court will remain a challenge. Improvements in the Family Court both depend on and promote improvements at CFSA and the OCC, and improvements in all three must happen hand-in-hand in order to accomplish substantial improvements. An additional challenge to the successful implementation of the Family Court is the number of qualified attorneys handling abuse and neglect cases. Components of the Family Court that need to be addressed as quickly as funding and required reviews will allow are: the development of an integrated case management system and construction of sufficient physical space to accommodate the needs of the Family Court.

I. Performance Outcome and Evaluation

The evaluation of the Family Court will consist of both a process evaluation and an impact evaluation. The process evaluation will be designed to describe and document the program planning and development process, to assess whether program components of the Family Court were implemented as planned, whether unexpected factors affected implementation strategies, and whether any program components require modification. An impact analysis will be done to determine if the Family Court is, in fact, a more efficient and effective approach for addressing the needs of those it serves. Identification of baseline data elements, which will serve as the foundation for the evaluation, are in the process of being developed.

As part of the process of developing outcome measures, members of the judiciary as well as senior court managers participated in a 3-day workshop on family court performance standards facilitated by the National Center for State Court's Institute on Court Management. The evaluation of the Family Court will assess Court performance against several of the performance measures identified in the training.

Outcome measures will assess success rates and, when appropriate, pre- vs post-test comparisons will be made. The evaluation will primarily center on five major areas: transfer of cases to Family Court, including the number of judges hearing family matters; implementation of one family one judge; performance of magistrate judges appointed under the expedited appointment

process; AFSA compliance and efficiency in achieving permanency; and training for members of the judiciary and stakeholders.

The evaluation study will include, but not be limited to, the following areas:

- a pre and post comparison of time between key events in a child abuse and neglect case
- age of pending abuse and neglect caseload
- development and implementation of a timetable for reduction in number of judges outside the Family Court hearing family cases
- ratio of filings to dispositions for all Family Court cases
- success in meeting timelines for transition of cases into the Family Court
- success in meeting timelines for implementation of the one family one judge model
- number of training sessions held, frequency of training and number of people trained
- enforcement and monitoring of orders in abuse and neglect cases
- development of a centralized intake and screening center
- development of the Family Services Center
- development of pro se clinic for domestic relations cases
- extent to which the Court's financial auditing practices and statistical reports on resource allocation are appropriate
- extent to which the Court participates in and engages the public and other community stakeholders in the implementation of the Family Court by attending community workshops, participating in forums, symposiums, and colloquiums, etc.

When completed, the evaluation will be able to provide judicial officers and Family Court administrators with information which will aid in decision making

and future program planning. Program components that prove effective will be identified, as well as those in need of improvement.

IV. Discussion of Components of the Transition Plan

A. Role of the Presiding and Deputy Presiding Judges

Under the Family Court Act of 2001, the chief judge of the Superior Court must designate a Superior Court associate judge as presiding judge of the Family Court. Chief Judge Rufus G. King III has designated Judge Lee F. Satterfield as Presiding Judge of the Family Court. In addition, consistent with past practice and to better enable the presiding judge to administer the court, Judge Anita Josey-Herring was designated Deputy Presiding Judge. Traditionally, the presiding and deputy presiding judges of the Court's divisions manage caseloads in addition to their administrative responsibilities. However, to ensure that the District of Columbia Family Court Act of 2001 is implemented efficiently, this practice will cease in its current form. The role and function of such judges will be as follows:

- The presiding and deputy presiding judges of the Family Court will handle the administrative functions of the Family Court, including implementing the transition plan and overseeing the goals and objectives of the Family Court. At the direction of the chief judge, and as required under the Act, they will coordinate training for Family Court judicial officers who handle abuse and neglect cases and cross-training with stakeholders.
- The presiding and deputy presiding judges will ensure implementation of the Child Protection Mediation Project, the development and implementation of Attorney Practice Standards, and the development and implementation of selection criteria for panels of attorneys representing parties in juvenile and abuse and neglect cases. Once the attorney practice standards are implemented, these judges will serve on the evaluation and removal panels established under the standards.
- The judges will also oversee grant-funded projects in the Family Court such as the Court Improvement Project and the Cooperative Permanency Resolution Project.

- The presiding and deputy presiding judges will each handle more than 80 post-disposition abuse and neglect cases under review. They will continue to handle these cases in an effort to achieve permanency for the children and will handle any related custody, guardianship, termination of parental rights and adoption cases which arise out of these cases in furtherance of the one family one judge concept.
- They will serve as back-up judges to all Family Court judges, as needed, particularly during times when a Family Court judge retires or transfers to another Superior Court Division after the judge's term expires.

The presiding and deputy presiding judges will continue to consult and coordinate with stakeholders affected by the Court's reorganization to ensure that the Court remains responsive to community needs by receiving input from those with expertise to recommend changes to better serve and protect children.

Detailed below is a listing of the committees on which the presiding and deputy presiding judges serve:

- CFSA Local Advisory Board
- Child Welfare Leadership Team
- Mayor's Advisory Committee on Child Abuse and Neglect
- Mayor's Advisory Committee on Permanent Families for Children
- Mayor's Child Fatality Review Committee
- Mayor's Interagency Task Force on Substance Abuse Prevention, Treatment and Control
- District of Columbia Youth Investment Collaborative
- Mayor's Intergovernmental Youth Investment Collaborative Sub-Council for Mental Health Services for Children and Youth
- Youth Services Administration Committee
- Juvenile Justice Advisory Board
- Family Court Grants Committee
- Family Court Implementation Committee
- Family Court Management and Oversight Team
- Family Drug Court Committee
- Family Court Advisory Rules Committee
- Family Treatment Court Committee
- Juvenile Drug Court Status Committee
- Adoptions Day Committee
- Permanency Resolution Advisory Committee

The Family Court Act of 2001 places additional responsibilities on the presiding judge. The presiding judge must implement procedures for monitoring those abuse and neglect cases still assigned to judges outside the Family Court to ensure that those cases are in compliance with the mandates of ASFA. The presiding judge will assist the chief judge in meeting the numerous reporting requirements under the Family Court Act. The Act requires progress reports every six months during the two-year period from the date of enactment.

B. Role of Magistrate Judges and Compensation and an Analysis of Number of Magistrate Judges needed under the Expedited Appointment Procedures

To assist in defining the role of magistrate judges in the District of Columbia Family Court, the Court contacted several jurisdictions with a Family Court component to gather information on the responsibilities of magistrate judges or their equivalents. Information was collected from administrative officials in 13 jurisdictions concerning the appointment, qualifications and tenure of magistrate judges; their case jurisdiction and authority, including contempt power; and their role in rendering final decisions. Appendix D provides a comparative overview of select responsibilities as well as detailed summary information for each jurisdiction.

As was the case with the implementation of the one family one judge concept, the role of magistrate judges varied among jurisdictions. In eight of the jurisdictions surveyed, magistrate judges preside over abuse and neglect cases as well as hear contested matters. In only two jurisdictions (Cincinnati and Portland) do magistrate judges handle final adoptions. Magistrate judges have contempt authority in five jurisdictions. However, in one of those jurisdictions, this authority is limited to child support matters. Each jurisdiction reported that rulings or decisions by magistrate judges are appealable to the trial court.

In the Family Court, magistrate judges will be responsible for initial hearings in new child abuse and neglect cases, and the resolution of cases assigned to them by the Family Court judge to whose team they are designated. They will be assigned initial hearings in juvenile, as well as, abuse and neglect

cases, non-complex abuse and neglect trials and the subsequent review and permanency hearings related to those cases, civil domestic violence matters, paternity and support matters, mental retardation matters, mental competency matters and domestic relations matters – including uncontested divorce, temporary support, visitation, legal custody and alimony cases.

The magistrate judges assigned abuse and neglect cases will form teams with family court judges who are assigned abuse and neglect cases. Abuse and neglect cases will be assigned to a judicial team at the initial hearing. Thereafter, either the Family Court judge or magistrate judge would handle all matters relating to the case until permanency is achieved. If there is any related contested domestic relations proceeding, termination of parental rights proceeding or adoption proceeding the Family Court judge, rather than the magistrate judge will preside. During the transition period, magistrate judges will also be assigned to work with judges currently outside the Family Court to assist in the transfer of abuse and neglect cases back to the Family Court.

The five magistrate judges appointed pursuant to the expedited appointment process under the Act would initially focus on abuse and neglect cases that are at least two years old and are assigned to judges outside the Family Court. Because all new abuse and neglect cases must now remain in the Family Court until closure, the five magistrate judges will also be teamed with Family Court judges to handle new abuse and neglect cases.

The current magistrate judges assigned to the Family Court by the chief judge will continue to handle uncontested domestic relations matters, paternity

and support matters⁸, juvenile new referrals, and abuse and neglect initial hearings. They will assist Family Court judges assigned to domestic relations matters by handling status hearings associated with those cases. Additionally, they will handle pretrial motions involving discovery, support issues and any other uncontested matters.

The compensation for magistrate judges is \$119,682 plus benefits. The level of compensation for magistrate judges will be reviewed periodically for adequacy to attract and retain qualified magistrate judges in the Family Court.

⁸ The Act expanded and elevated the powers of the judicial officers hearing paternity & support matters. These officers, now magistrate judges, were previously hearing commissioners for which the Court received IV-D funding from the District pursuant to Federal financial participation (FFP). Because of the recent enhancement of their status to magistrate judges, with addition of contempt powers and removal of the requirement that parties consent to proceeding before them, the Department of Health & Human Services has indicated that this funding is no longer available to reimburse the court for costs related to these judicial officers. Therefore, the Court will need additional funding to cover the costs associated with the new magistrate judges.

C. Number of Judicial Officers Needed For Family Court

Due to the volume of family cases, as detailed in Appendix A, and the need to maintain manageable caseloads to ensure effective case resolution, the Court estimates that 15 judges and 17 magistrate judges are required to serve the needs of children and families involved. Twelve judges have volunteered to serve in the Family Court and have certified that they will serve the required term under the Act. Three additional judges are needed to accommodate the transfer of cases into the Family Court while continuing to adequately handle other Family Court cases and implement the one family one judge concept.

Currently eight magistrate judges are assigned to the Family Court, seven of whom handle significant caseloads not related to abuse and neglect. Nine additional magistrate judges, including the five appointed under the Act's expedited procedures, are necessary to handle the estimated 1,500 new abuse and neglect cases filed annually and the approximately 3,500 cases that are returned to the Family Court during the 18 month transition period. Once all abuse and neglect cases are in the Family Court, its judges and magistrate judges will be responsible for 4,500 older cases in addition to the new cases filed each year.

On average, judges conduct at least three permanency review hearings annually per case. They also handle emergency hearings as needed. These hearings take approximately forty-five minutes each. These magistrate judges will each have approximately 400 cases and will devote most of their available

bench time to these cases and related matters.⁹ In addition to their own cases, the nine magistrate judges will provide support and continuity to handle abuse and neglect cases of judges retiring from or leaving the Family Court upon expiration of their terms. When not on the bench, magistrates judges will review and prepare for upcoming cases, as well as attend mandatory Family Court training.

In part, the number of judicial officers needed for the Family Court was derived from information provided by the National Council of Juvenile and Family Court Judges.¹⁰ Using a “best practices” approach to case management, the Council has identified the average amount of judicial time needed per case that can be used to determine judicial resource needs for abuse and neglect cases. The following calculations are derived using that model. On average, 1,500 new abuse and neglect cases are filed in Superior Court annually. The Council found that 6.1 judicial hours are spent on each new case from filing to disposition. The 1,500 new filings would therefore result in a total of 9,150 judicial hours for the year. Judges have approximately 1,712 hours per year.¹¹ Thus, it would require five judicial officers to handle the new abuse and neglect cases each year. The Court also has 4,500 post-disposition abuse and neglect review cases. The

⁹ Nine magistrate judges are requested in the Transition Plan. One existing magistrate judge who currently handles initial hearings in abuse and neglect cases will be reassigned to conduct post-disposition review hearings in these cases.

¹⁰ National Council of Juvenile and Family Court Judges. Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases. Reno, Nevada. Spring 1995.

¹¹ This calculation was derived by multiplying the expected number of days per year that judges are on the bench (“Judge Year”) by the number of hours judges spend each day on their cases. The calculation of Judge Years takes into account days judges are off the bench, including weekends, vacation, holidays, sick days and training days. Most States estimate that there are between 200-224 judge days in a year. The average among 25 states included in a national study performed by the National Center for State Courts

Council found that 6.6 judicial hours are spent on each of these cases in a year, totaling 29,700 judicial hours of work. Using the same total of 1,712 hours of judicial time available and a best practices case management approach, it would require 17 judicial officers to handle the post-disposition review caseload. Using the Council's guidelines would require 22 judicial officers to handle the Family Court's abuse and neglect caseload.

The judicial officers requested are also needed to ensure that cases are processed timely. ASFA establishes strict timeframes for conducting fact-finding hearings in abuse and neglect cases. A fact-finding hearing for a child alleged to be neglected must be held within 45 days of the filing of the petition if the child is not removed from the home. On the other hand, if the child is removed from the home, then, under D.C. Code §16-2316.01(b)(1), the fact-finding hearing shall be held within 45 days after the child's entry into foster care. "Entry into foster care" is defined in D.C. Code § 4-1301.02(9)(A) & (B) as the earlier of the date of the first judicial finding that the child is neglected or 60 days after the date on which the child is removed from the home. Therefore, in cases where the child is removed from the home, the fact-finding hearing must be held within 105 days, although the Family Court is striving to bring the time below the statutory maximum. Under the statute, disposition hearings must be completed within 15 days following the completion of the fact-finding phase. The statute also requires that a permanency hearing be held within 12 months of a child's entry into foster care and permanency review hearings are required every six months thereafter.

was 215 days. The Judge Year in the District is 214 days. Judge hours in the District were calculated to be 8.0 hours per day (from 9:00 am to 5:30 pm).

Based on figures compiled by the Council for Court Excellence between 2/1/01 and 1/31/02, the average time for an abuse and neglect case to go to trial or stipulation in the District was 103 days. The average time for such cases to go to disposition was an additional 68 days. Moreover, representatives from CFSA has advised the Court to expect a substantial increase in petitions for termination of parental rights filed by the OCC in order to comply with the conditions related to the termination of the receivership of CFSA and to remain in compliance with ASFA.

It should be noted that the District of Columbia City Council is currently considering three legislative proposals that may increase the size of the Family Court caseload: the “Improved Child Abuse Investigations Amendment Act of 2001”, the “Mental Health Commitment Amendments Act of 2001” and the “Standby Guardianship Act of 2001”. The Court anticipates that the Improved Child Abuse Investigations Amendment Act of 2001 may increase abuse and neglect filings, because the Act would specifically define as neglected, those children: (1) who are born addicted or dependent on a controlled substance or have a significant presence of a controlled substance in their systems at birth; (2) in whose bodies there are controlled substances as a direct and foreseeable consequence of the acts or omissions of parents, guardians or custodians; or (3) who are regularly exposed to drug-related activity in the home.

The Mental Health Commitment Amendments Act of 2001 would increase the number of hearings in mental health cases because it limits the term of commitment to one year. The current statute permits indeterminate

commitments. Under the proposed amendments, petitions for recommitment would be filed and heard in the Family Court annually.

The Standby Guardianship Act of 2001 allows a parent, legal guardian, or legal custodian who is terminally ill or periodically incapable of making long term plans for a child to designate a standby guardian for the child. The designation does not terminate or limit the person's parental or custodial rights but does require a petition for approval of the designation which must be considered by the Family Court.

The foregoing analysis of the number of judges and magistrate judges needed is based in large part upon the Court's prior experience in the Family Division. With additional resources and strengthening city agencies, the Family Court anticipates that it will be able to close cases earlier, with resulting reduced need for judicial oversight during the post disposition phases of the cases. That is the goal under both ASFA and the Family Court Act. If and when this happens, the Court would be able to reduce the number of judicial officers. However, until the Family Court actually experiences improved case closure times and rates, the Court believes it prudent to implement the transition plan based on current case processing data.

D. Description of Personnel Needed In Family Court

The identification of personnel and the number requested in the Court's budget were derived from current operating practices in the Family Court. The following are descriptions of the personnel needed to operate the Family Court effectively. The Court is preparing an estimate of the number of different types of personnel, pending the completion of a staffing study now in progress.

Presiding and Deputy Presiding Judges: Two Family Court judges who are designated by and will serve at the discretion of the chief judge. These judges will handle the administrative functions of the Family Court, including implementing the Family Court Plan and overseeing the goals and objectives of the Family Court. The presiding and deputy presiding judges will also handle a designated number of abuse and neglect cases. They will assist other judges in efficiently handling cases so children reach permanency as quickly as possible. At the direction of the chief judge, the presiding and deputy presiding judge are also responsible for planning training for judicial officers assigned to the Family Court and cross training with other child welfare professionals.

Family Court Judges: Judges of the Superior Court who have received training or have expertise in family law. Currently sitting judges must serve at least 3 consecutive years in Family Court; newly appointed judges will serve 5 year terms. Ultimately, 15 such judges are needed in the Family Court. Three additional judges must be appointed in addition to those currently serving.

Family Court Magistrate Judges: Qualified individuals with expertise and training in family law who receives four-year, renewable appointments by the Superior Court board of judges. Magistrate judges will be responsible for intake of new cases, and the resolution of cases assigned to them by Family Court judges with whom they are designated to work. Magistrate judges may hear juvenile, abuse and neglect, intrafamily, paternity and support, mental retardation, mental competency and domestic relations - including uncontested divorce, temporary support, visitation, legal custody and alimony cases. With respect to abuse and neglect cases, in all but the more complex matters, magistrate judges may handle trials, permanency and review hearings. Magistrate judges have the power of contempt to enforce their own court orders. One magistrate judge will serve as the Mental Health Commissioner pursuant to DC Code § 21-502.

Family Court Director and Deputy Director: These employees will be responsible for policy and management of all administrative functions performed by non-judicial personnel. In addition, the Family Court director and deputy director will be responsible for the administration of all Family Court grants and services

programs. They will have direct oversight of Family Court branch chiefs, program directors, calendar coordinators, case coordinators, courtroom and other clerks employed in the various branches of the Family Court. They are also responsible for budget preparation and planning training for non-judicial Family Court personnel.

Family Court Branch Chiefs: Branch chiefs are responsible for the day to day operation of the various branches of the Family Court, which consists of the Juvenile and Neglect Branch, Domestic Relations Branch, the Mental Health and Retardation Branch, the Marriage Bureau, Counsel for Child Abuse and Neglect (CCAN) and the Paternity and Child Support Branch.

Family Court Branch Supervisors: Branch supervisors assist branch chiefs in the day to day operation of the branches and supervise the staff in each branch.

Family Court Section Supervisors: Section supervisors directly supervise clerical staff assigned to the various sections of the branches.

Family Court Case and Calendar Coordinators: The case and calendar coordinators will provide day to day liaison between the Family Court judges and magistrate judges, counsel, litigants, the Family Court clerks and CFSA. Also, these individuals will identify all cases involving the same family, coordinate cases so as to accomplish the one judge one family case management approach and monitor the cases for ASFA compliance as they move through the judicial system.

Family Court Clerks: The Family Court clerks consist of courtroom clerks and aides, deputy clerks, and other clerks who provide courtroom support and perform case processing duties and who work with the public in designated branches of the Family Court.

Quality Control Office Personnel: Consist of a supervisor, and calendar coordinators who have the overall administrative responsibility of processing prisoner transfer requests in the Family Court, reviewing juveniles files and preparing courtroom clerks and court aides staffing assignments.

Child Support Program Personnel: Consist of a program director, branch chiefs, branch supervisor, finance clerks and deputy clerks who process support payments and ensure compliance with child support orders.

Counsel for Child Abuse and Neglect Personnel: Consists of a branch chief, social worker, and other clerical personnel who assist in the attorney appointment process, determine eligibility for counsel for indigent parties and provide training and other needed resources for counsel appointed to represent parties in child abuse and neglect cases.

Multi-Door Dispute Resolution Center Child Protection Mediation Staff and Mediators: Experienced attorneys and other appropriate professionals who will be used to resolve issues related to child abuse and neglect cases to facilitate the early resolution of cases and to expedite permanency for children.

Multi-Door Dispute Resolution Center Family Mediation Staff and Mediators: Experienced attorneys and other appropriate personnel who will attempt to settle property, custody and alimony issues in domestic relations cases. Staff will include special masters functioning in the capacity of attorney negotiators, who will serve as onsite mediators in these cases on the day of the court hearing in cases where the parties are not represented by counsel.

Attorney Advisors: Experienced attorneys who will assist the Family Court in maintaining compliance with ASFA, the Interstate Compact on Placement of Children (**ICPC**) and other federal and local statutes.

Social Services Division Personnel: Consist of a director and deputy director, administrative assistants, program managers and coordinators, probation officers, intake officers, psychologists and other supporting staff.

Law Clerks: Individuals who provide legal services to judges and magistrate judges.

Statistical Data Analyst: An experienced social science researcher capable of analyzing Family Court statistics.

Applications Manager: An individual with experience in data management systems capable of overseeing the design and development of data management systems for the Family Court.

E. Transfer and Disposition of Abuse and Neglect Cases Assigned To Judges Outside the Family Court

The Family Court Act provides for an 18 month period from the date of the filing of the Court's transition plan for the return of abuse and neglect cases assigned to judges outside the Family Court. The Act does not preclude such cases from being returned prior to the expiration of that period. The timing of the return of abuse and neglect cases to the Family Court during the 18 month transition period will depend on how near the case is to resolution; the availability of judicial resources to handle all cases; and the availability of additional hearing rooms and courtrooms necessary for new judicial personnel to conduct the required hearings in these cases. The following is a description of how the Superior Court intends to return cases to the Family Court during the transition period.

The first five magistrate judges hired will work with judges outside the Family Court on cases over two years old in an effort to either achieve permanency for those children or return their cases to the Family Court. The Child Welfare Leadership Team, a group facilitated by the Council for Court Excellence, has identified categories of abuse and neglect cases currently assigned outside the Family Court that are appropriate for immediate transfer to the five magistrate judges appointed under the expedited procedures. All older cases will first be reviewed for possible closure into a permanency placement by December 31, 2002. Those cases will not be transferred into the Family Court unless their closure is delayed for reasons not foreseeable at this time.

Each Superior Court judge has been asked to review his or her cases to identify those that meet the following criteria:

- cases where the child is 16 years of age or older and has a mental health or retardation issue, but where there are no recent allegations of abuse or neglect;
- cases where the child is 18 years of age and older, the case is being monitored primarily for the delivery of services and there are no recent allegations of abuse or neglect;
- cases where the child is not committed to CFSA but is in the custody of a third-party who does not qualify under the current guardianship law, the case is open only for the delivery of services, and there are no recent allegations of abuse or neglect; and
- cases where the child is committed to CFSA and is placed with a relative in a kinship care program.

Judges have been asked to determine cases that are not candidates for transfer by June 2002. They include cases where:

- the judge believes a particular case will close before the end of this year because the child will turn 21 years old or because there is a pending adoption, custody, or guardianship proceeding that the judge expects will be resolved;
- the judge believes that transferring a particular case to Family Court by June 2002 would delay permanency such as a case close to family reunification; and
- the judge believes that transferring a particular case by June 2002 would place the child at greater risk, for example, where the child is currently in a crisis situation that the judge is trying to resolve.

The Court estimates that approximately 1,500 cases will be eligible for immediate transfer based on the above criteria. In order to reduce the number of judicial officers that social workers are required to appear before, the Court will transfer the entire abuse and neglect caseloads of several judges outside the Family

Court. After review of the transition plan, the Court will seek appointment of three Family Court judges and appoint four additional magistrate judges. By December 2002, after the four additional magistrate judges are trained, an additional 1,200 cases assigned to judges outside the Family Court will be transferred to the Family Court, with most going to magistrate judges and the most complex being assigned to judges. In addition, in January 2003, when magistrate judges begin taking new cases by rotating through the initial hearings assignment, the magistrate judge currently assigned initial hearings will be assigned to a judicial team and will receive a caseload of 300 abuse and neglect cases transferred from judges outside the Family Court. The process of appointing three additional Family Court judges is expected to be completed by May 2003. As was the case with magistrate judges, when the Family Court judges are appointed they will participate in an intensive training process. Once that process is complete, the remaining abuse and neglect cases assigned to judges outside the Family Court that have not been closed will be transferred to the Family Court by June 2003.

The pace for the transition of all cases back to the Family Court will depend upon the time for nomination and confirmation of three additional judges to the Family Court and the availability of space for all of the new judicial officers to handle cases. Currently, the Superior Court does not have sufficient space to house the additional judicial officers necessary to implement the Family Court Act. Volume III of this plan discusses the construction of space and facilities and the Court's proposed timetable.

F. Case Flow, Case Management and the Implementation of the One Family One Judge Principle

The Act provides that to the “greatest extent practicable, feasible, and lawful, if an individual who is a party to an action or proceeding assigned to the Family Court has an immediate family or household member who is a party to another action or proceeding assigned to the Family Court, the individual’s action or proceeding shall be assigned to the same judge or magistrate judge to whom the immediate family member’s action or proceeding is assigned.” The premise underlying this approach is that a judge who is familiar with a family will make more informed and effective decisions, the delivery of services to a family will be improved, and court orders and appearances of the parties would be coordinated.

One Family One Judge

As indicated in the Overview, prior to preparing this transition plan, Court staff surveyed urban Family Courts to obtain information on the implementation and practices of the one family one judge principle. Appendix B provides a comparative overview of the implementation strategies for each jurisdiction. The survey found wide variations in the implementation of the one family one judge principle. For instance:

- The New York City Family Court does not have jurisdiction over divorce, separation or annulment. Additionally, the New York City Family Court is divided into three sections: permanency, delinquency, and domestic. Judges are assigned to one of the three sections and do not rotate or take cases from other sections. However, in the permanency section, the Court follows a strict one family one judge

model, and the same judicial officer hears a dependency case from beginning to end.

- In Hamilton County (Cincinnati, Ohio), the one family one judge concept only applies to dependency cases. In that jurisdiction, magistrate judges hear all aspects of a dependency case through termination of parental rights. However, all adoptions, even those arising out of a termination of parental rights must be heard in a separate Probate Court.
- The Family Courts in Harris County, Texas (Houston) have jurisdiction over divorce, support, and ancillary custody issues, while the Juvenile Court handles delinquency, status offenses, dependency, and adoptions. Within each Court cases are heard by the same judge from beginning to end but coordination of cases across courts is the rare exception.
- In contrast, the Philadelphia Family Court does not follow the one family one judge model for case management of any cases.

To further inform the development of the Court's transition plan, staff also conducted research on family court best practices. It was found that case resolution can often be expedited and trial delays can be reduced through the use of judicial teams. Studies in Florida and New Jersey have shown that in urban courts, given the sheer volume of cases, the benefits of a one family one judge approach is best achieved through the use of judicial teams.¹² In Florida, the family court found that it was extremely difficult to keep one judge with one family as the number of judges in a court grew to more than seven. The court also found it inefficient to divide all cases equally among judges. Instead, the Florida courts use a "Coordinated Management" Model to manage family court cases. Under this model, a family is not assigned to one judge, but all relevant

¹² Jeffrey A Kuhn, *A Seven-Year Lesson on Unified Family Courts: What We Have Learned*, Family Law Quarterly, Volume 32, Number 1, Spring 1998.
A Model Family Court for Florida: Recommendations of the Florida Supreme Court's Family Court Steering Committee, June 2000.

case information is shared with all judges hearing particular aspects of a family's case.

The Family Court has chosen the judicial team as its model for the implementation of the one family one judge principle. During the initial transition phase, the judicial team will consist of a family court judge and a magistrate judge. Team members will have the same responsibilities with respect to abuse and neglect cases after the initial hearing, except that the Family Court judge, acting as team leader, will preside over any contested divorce, termination of parental rights, custody and adoption proceeding arising out of the abuse or neglect case. When necessary, the team members will consult about cases assigned to the team, so that each member of the team has familiarity with all cases assigned to the team. Team members will have a strict continuance policy, set clear expectations for all parties, conduct thorough and timely case reviews and hold all child welfare professionals involved in the case accountable for their actions. Teams members will use uniform court orders that follow the ASFA framework in decision-making about children.

The Court recognizes the important role of the child abuse and neglect initial hearing in establishing the facts of the case as well as for setting the tone of the case. Late last year, the Court expanded the initial hearing by shifting a number of items that had been addressed later in a case to the initial hearing. Now the initial hearing addresses the following issues: should the child be returned home or kept in foster care prior to trial; has the agency made reasonable efforts to avoid removal of the child; are there services that, if

provided, will allow the child to remain safely at home; are there family resources for placement; does paternity need to be established; and whether the ICPC process should begin. Also at the initial hearing, the magistrate judge will: ensure speedy notice of all proceedings to all affected parties; set deadlines for discovery and filing of all procedural motions; and set the date for child protection mediation. It is anticipated that a thorough initial hearing could move the case more quickly to the later stages of adjudication and disposition as well as shorten the time a child spends in foster care by speeding the judicial process to achieve earlier permanency resolution for children.

The Court also recognizes that for greatest effectiveness of the expanded initial hearing, it should be conducted by a member of the judicial team ultimately responsible for the case. Beginning in January 2003, judicial teams will rotate through the initial hearings on weekly basis to take in new cases. This will assure that the judicial officer, or at least a fellow member of the team to whom a case is permanently assigned, is involved in the case from the beginning. In addition, the presiding judge of Family Court and the director of CFSA have agreed to explore other methods for assigning new abuse and neglect cases such as alphabetically or by geographical origin.

The team approach promotes the one family one judge principle by consolidating related cases on a single calendar, ensuring consistency in judicial decision making, and improving services to families. It will also provide case continuity and consistency in abuse and neglect cases when a Family Court judge or magistrate judge's term expires or the judicial officer is reassigned to

other Superior Court Divisions. The terms of the judicial officers will be staggered, so that there will always be a judicial officer on the team knowledgeable about the children and families assigned to their team.

D.C. Code Section 11-1732(k) and Superior Court Family Division Rule D provide parties with the right to appeal rulings of magistrate judges (formerly hearing commissioners) to a Superior Court judge. See, Arlt v. United States, 562 A.2d 633 (D.C. 1989).¹³ In turn, the Superior Court judge's ruling on review may be appealed to the D.C. Court of Appeals, resulting in a lengthy two-tiered appeal process. Under the team approach, the Family Court judge will preside over the termination of parental rights, the contested custody and the adoption proceedings related to the abuse and neglect case. Appeals from these proceedings will be directly to the D.C. Court of Appeals by expedited procedure, thereby eliminating the intermediate review of a magistrate judge's decision and speeding up the permanency process.

Under this Plan, Family Court judges assigned to abuse and neglect cases would handle related custody, divorce, guardianship, termination of parental rights, adoption, civil domestic violence cases and post adjudicated juvenile proceedings. Magistrate judges assigned to abuse and neglect cases would handle the same related cases, except for proceedings involving contested

¹³ The D.C. Court of Appeals ruled that a statutory amendment, which made it possible for hearing commissioners to enter a final order, does not eliminate the requirement for a review by a Superior Court Judge as an intermediate step before appellate review.

custody, termination of parental rights, and adoptions. Those matters would be handled by the Family Court judge on the team responsible for that child. In many cases where re-unification is the goal, the magistrate judge would handle the matter until the goal is accomplished and the case is dismissed.

In determining which Family Court judicial team would handle a family's related cases, preference will be given to the team with the most familiarity with the family. Factors to be considered are:

- which judicial team has the earliest case and, therefore has been involved with the family longer;
- whether the judicial officer with the most familiarity can maintain his or her impartiality in taking on additional matters involving the same family; and
- the need to maintain manageable caseloads to ensure effective case management.

Case Management

To identify families with related Family Court cases in order to implement the principle of one family one judge, the following will occur: (1) case coordinators will screen cases at filing; (2) Family Court judicial officers will inquire of parties if there are any related cases filed in the Family Court; and (3) court rules¹⁴ requiring that parties and attorneys in Family Court cases notify the court of related cases will be enforced. These actions are discussed in detail below.

¹⁴ See the following Superior Court Rules that deal with consolidation of various Family Court cases:

- SCR – Dom. Rel. Rule 42
- SCR – Domestic Violence Rule 2(c)
- SCR – Neglect Rule 3(a)
- SCR - Adoption Rule 42

To assist in the identification of related cases, at intake, case coordinators will provide the individual filing the case with an “Intake/Cross Reference Form” for completion (see Appendix E). Pro se parties will be provided assistance with the form if needed. The case coordinator will ensure that the form is complete and, when appropriate, will ask questions designed to elicit responses regarding related cases. Once the form is complete, the case coordinator will check the various mainframe databases of all Family Court branches for related cases involving the family. Governmental entities filing cases will either be asked to complete the cross reference form for submission with their petitions or to provide the necessary information identified on the form in some other format. Case coordinators will still be required to search the necessary databases for further identification of related cases. If a related matter is found, the case jacket will be annotated accordingly and a copy of the form will be forwarded to the branch housing the related case for annotation of their jacket. A separate form memorandum will be transmitted to the judge with the related case providing the specifics of the new case (i.e., case number, assigned judge, and next scheduled date) and notice that case assignment decisions are pending. If no related case is found through the cross-referencing process, a jacket entry will so indicate and no additional action is needed.

In order to maximize the coordination of cases, the Family Court will establish of a central intake and assignment office for the Family Court. The office will encompass all the functions currently being carried on by the various clerks offices in the Family Court (juvenile, domestic relations, paternity and

support, mental health) now involved in the screening and scheduling of cases. Under this reorganization, all family matters will be filed in one intake office. All scheduling before a judge or magistrate judge would be performed by this centralized office, allowing for better coordination and monitoring of cases.

As stated previously, in determining which Family Court judicial officer would handle a family's related cases, preference will generally be given to the judicial officer who has the most familiarity with the family. The following protocols have been developed as a guide in the assignment of related cases to a judicial officer; they apply to all cases except juvenile trials:

- If the Court has had no prior contact with the child, the case will follow the standard, random assignment of cases for each judicial officer;
- If the child has been involved with the Court, but there is no pending case in the Court, and the previous judicial officer is in the Family Court, the case may be assigned to that judicial officer;
- If there is a pending case involving the child, the judicial officer assigned to the earlier case will be assigned the new case.
- In those rare instances that there is a pending case involving a child remaining with a judge outside the Family Court, the new case will be assigned to a judicial officer in the Family Court, and the other case will be brought into the Family Court.

Case Management and Coordination in Domestic Violence Cases

Currently in the Domestic Violence Unit, two judges are assigned to calendars consisting of family related cases such as civil protection orders and custody and divorce cases; two judges are assigned to calendars consisting of criminal misdemeanor trials involving domestic violence; one magistrate judge is assigned to a calendar consisting of temporary protection order cases, and one magistrate judge is assigned to a calendar consisting of a mixture of family

related cases and criminal cases. In order to further the goal of one family one judge, related cases that are cross jurisdictional will be handled according to the following procedures.

- Presiding judges of the Family Court and the Domestic Violence Unit will consult to determine which entity should handle the cases.
- When a complex divorce or custody case is filed in the Family Court and a civil domestic violence case is pending in the Unit, both cases may be handled by a Family Court judge due to greater resource availability.
- If the new domestic relations case does not qualify as complex, the Domestic Violence Unit judge may handle it and the older domestic violence case.
- When an abuse and neglect case is already pending in the Family Court and a related civil domestic violence or domestic relations case is filed, those cases will be assigned to the Family Court judge handling the abuse and neglect case.

Judges assigned to the Family Court and Domestic Violence Unit will be cross-trained on related issues.

ADR in Family Court

ADR will be used extensively in Family Court matters to facilitate timely, appropriate, and effective case resolution. Detailed below is a description of the four major ADR programs, which are currently used in the Family Court.

Child Protection Mediation

Child Protection Mediation is the centerpiece of ADR services for Family Court. It is a multi-party mediation program for child abuse and neglect cases that has achieved an overall case settlement rate of 91% in 2000,

and 86% in 2001. Cases are mediated in a single session of up to 3 hours. This program is an essential strategy to reduce acrimony and trauma for children and to achieve compliance with the ASFA. The program will increase the number of families served from 78 families (approximately 150 children) in 2001 to 400 families (approximately 800 children) in 2002. Once the evaluation by the National Council of Juvenile and Family Court Judges is complete, the program will be expanded to serve all families involved in abuse and neglect proceedings in 2003.

Permanency Resolution

The Permanency Resolution Program is a federally grant funded program that offers mediation in abuse and neglect cases involving adoption, guardianship or permanent legal custody. Cases considered for the program are those in which the child has been removed from parental care for two years or more. The goal of the program is to provide supportive services to assist adoptive parents and birth parents in resolving issues of continuing contact post adoption, to encourage parents to consent to the adoption, guardianship or custody, and to avoid lengthy litigation in these cases. The program expects to decrease the length of time from the filing of an adoption petition or guardianship or custody action from between 18 months to 3 years to a more appropriate time frame of 6-12 months.

Family Mediation

Family Mediation serves domestic relations litigants as well as residents of the District of Columbia who have yet to file a domestic relations matter. Issues to be mediated include child custody, support, visitation, spousal support, and property distribution. The program achieved an overall settlement rate of 39% in 2001, and 38% in 2000. Approximately 900 mediation sessions were held in each year. Two co-mediators facilitate mediation sessions with both parents, and also with counsel, if counsel are interested and available. Sessions last up to two hours, and multiple sessions are often held to achieve agreement on all issues. Mediators draft detailed agreements developed by the parties, which then are reviewed by parties' counsel.

Community Information and Referral

The Community Information and Referral Program (CIRP) provides information about resources and options, referrals to over 300 community agencies, conciliation, and mediation to residents of the District of Columbia. This program also performs all intake interviews (including domestic violence screenings) of all domestic relations litigants and other potential parties to family mediation. This program served 2,444 clients in 2001, and opened 1,744 cases. 152 matters were either conciliated or mediated in 2001, and 59% of these cases settled. Individuals contact CIRP on a call-in or walk-in basis, and receive immediate ADR services.

Family Court Judicial Assignments

All judges in the Family Court will handle abuse and neglect cases and related matters within the Family Court's jurisdiction. However, in recognition that a majority of cases within the Family Court do not involve abuse and neglect and are unrelated, and to recruit and retain well trained and highly motivated judicial officers, cases will be assigned in the following way when the Family Court is fully staffed:

Judges

All 15 Family Court judges will handle a caseload of post-disposition abuse and neglect cases. Ten judges will handle abuse and neglect cases, as part of team with a magistrate judge, from case initiation to closure. One judge will handle abuse and neglect cases independently from case initiation to closure. In addition,

- 4 judges will hear juvenile trials;
- 4 judges will handle domestic relations cases;
- 2 judges will handle complex and protracted domestic relations cases, complex contested guardianship cases, and other complex family court cases certified to these calendars by the presiding judge;
- 1 judge will handle mental health trials and probable cause hearings;
- 1 judge will handle the Family and Juvenile Drug Court;
- 1 judge handling adoption cases that do not arise out of abuse and neglect cases.

Magistrate Judges

Assignments of magistrate judges will be as follows:

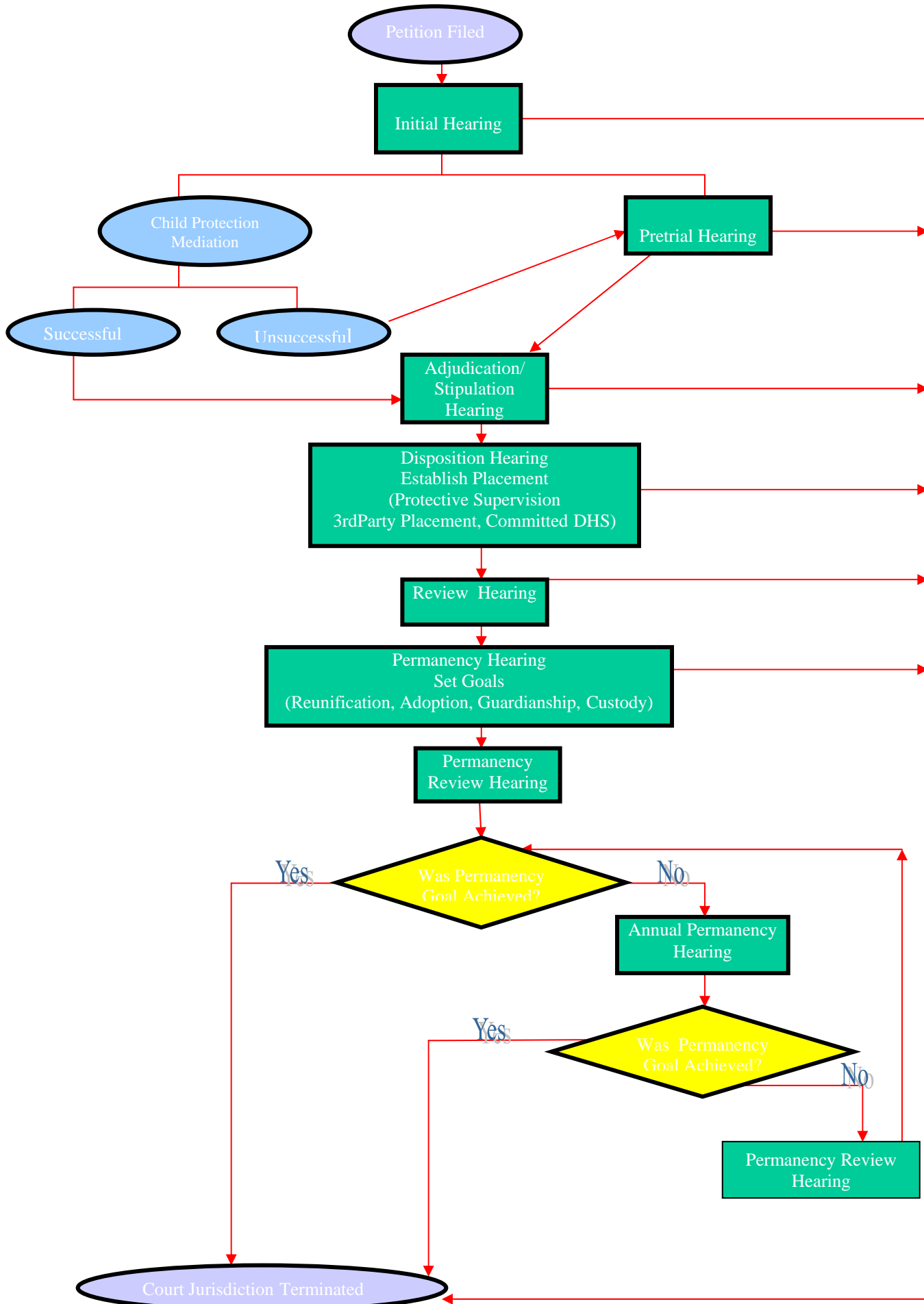
- 10 magistrate judges will handle abuse and neglect cases returned to the Family Court, and neglect and abuse trials; These magistrate judges will form teams with family court judges who handle abuse and neglect trials and provide support for those judges; as well as rotate through initial hearings;
- 4 magistrate judges will handle domestic relations motions, paternity and support trials, paternity and support arraignments, or contempt motions related to the enforcement of child support orders;

- 1 magistrate judge will handle initial hearings in juvenile cases;
- 1 magistrate judge will handle mental retardation cases; and
- 1 magistrate judge will handle mental health cases.

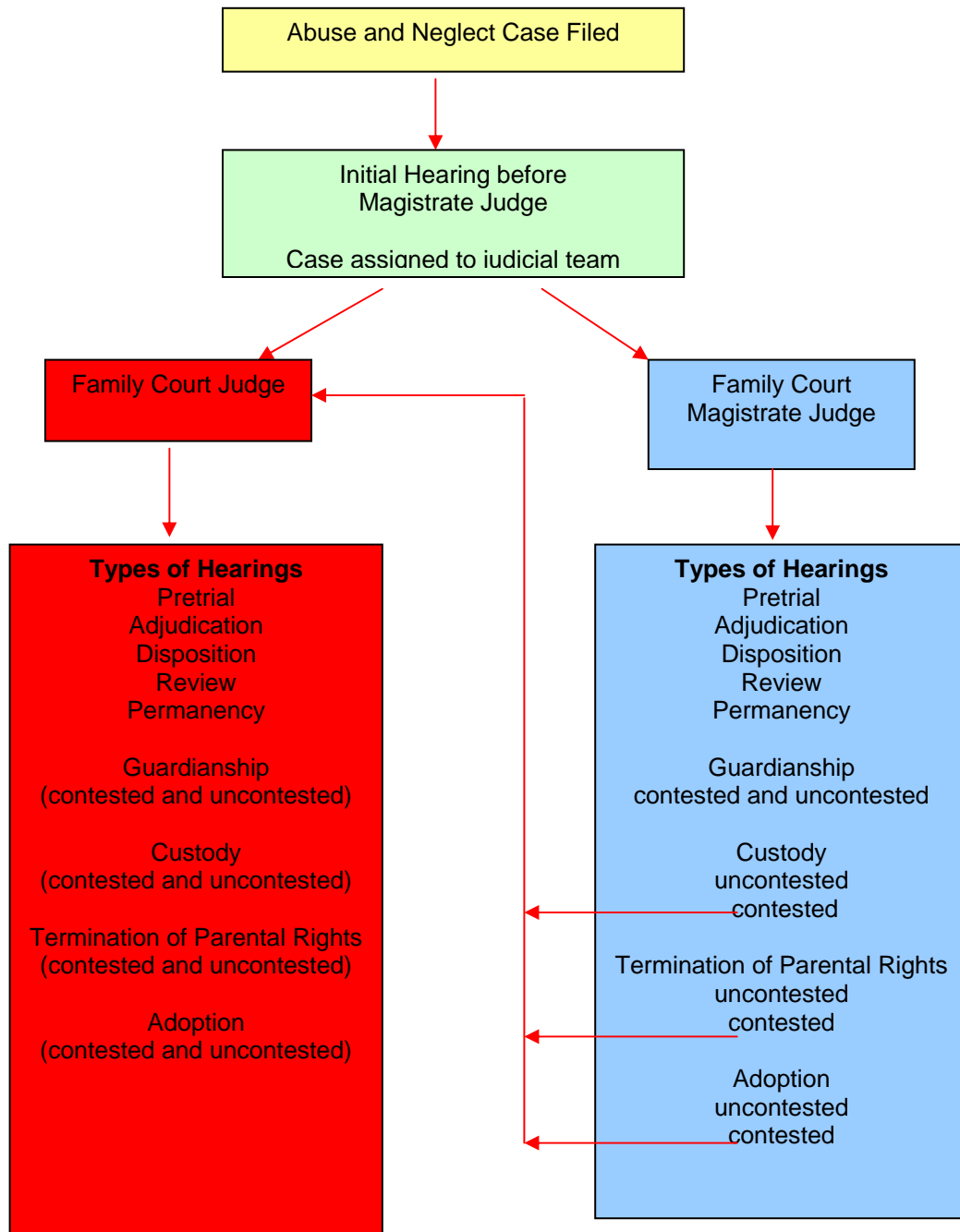
Family court judges and magistrate judges are expected to confer and coordinate on cases assigned to the team. In appropriate abuse and neglect cases, the judicial officers will meet for the purpose of bringing together all of their expertise to achieve permanency for children.

The following charts illustrate the new case flow and the one family one judge case management approach in abuse and neglect cases.

Flow Chart of Events in an Abuse and Neglect Case



Abuse and Neglect Case Assignment Process



In the Family Court both the Family Court Judge (FCJ) and the Magistrate Judge (MJ) will handle abuse and neglect cases, and any other cases arising out of the abuse and neglect case, from the Pre-Trial hearing through permanency. However, the FCJ, as the judicial team leader, will also handle any contested hearings arising out of the MJ caseload. The FCJ and the MJ will conference on cases as needed to ensure coordination and monitor ASFA compliance.

G. Other Family Court Services¹⁵

Family Court Implementation Committee: This committee consist of representatives from the Family Court, the Office of Corporation Counsel, Child and Family Services Agency, attorneys who represent parties in abuse and neglect cases, and the District Columbia Bar. The Committee is responsible for review of and consultation on of the implementation of this plan and the ongoing operation of the Family Court.

Family Services Center: The Center will be comprised of the following agencies under the direction of the Mayor: District of Columbia Public Schools, District of Columbia Housing Authority, the Child and Family Services Agency, the Office of the Corporation Counsel, the Metropolitan Police Department, and the Department of Health. The following Family Court entities will also be represented: the Family ADR Program, the Juvenile Probation Department (Social Services Division) and others as the need arises. The Center will be located onsite to enhance the coordination and provision of services for individuals and families before the Family Court.

Social Services Division: This Division consist of the Child Guidance Center, the Family Counseling Program, the Educational Center, the Urban Services Program, the Employment Information Resource Center, the Juvenile Diagnostic and Field Supervision Services offices, and the Juvenile Drug Court.

Multi-Door Dispute Resolution Center's Child Protection Mediation Program: This program will provide child protection mediation services in all cases, where safe and appropriate. The process will include parents, the Office of the Corporation Counsel, the Child and Family Services Agency, the guardian ad litem and all other relevant parties and representatives. The Program's purpose is to encourage early settlement of abuse and neglect cases, early provision of services, and earlier permanency.

Multi-Door Dispute Resolution Center's Family Mediation Program: This program will provide mediation of custody and property issues in domestic relations cases where safe and appropriate. The service will be provided by practicing attorneys with substantial expertise in the area of domestic relations. The purpose of this service is to encourage early settlement of these issues.

Counsel for Child Abuse and Neglect Branch: This Division will provide periodic training for the CCAN Bar and other attorneys handling abuse and neglect cases.

¹⁵ For a description of the complete Family Court Structure, see Appendix A.

Visitation Center: The Center will be a facility where trained social workers oversee supervised visits between parents and children, and a location for pick-up and drop-off of children under court ordered visitation in domestic violence cases.

Family Waiting Room: This will be a suite of family friendly rooms for litigants who appear in Family Court and the Domestic Violence Unit and their children. There will be adequate space so that opposing litigants can wait in separate rooms.

Courtwide Day Care Center: This facility, already in operation for many years will continue to provide child supervision services for parties before the Court.

Juvenile Drug Court: The absence of drug treatment in the District of Columbia is a pervasive problem. Statistics from the Pretrial Services Agency show that approximately 50% of children in the delinquency system test positive for drugs. In recognition of the need, the Superior Court of the District of Columbia, with grants from the United States Department of Justice and local law enforcement, established the Juvenile Drug Court in 1998. The Juvenile Drug Court Program is aimed at promoting abstinence and healthy life choices for non-violent juveniles through: structured supervision; regular court appearances; mandatory drug testing; group, individual, and familial counseling; drug education; and recreational therapy. Juvenile Drug Court expands the traditional concept of treatment to include the judge, defense attorneys, prosecuting attorneys, probation officers, treatment case managers, family, and service providers as members of the treatment team. To date, over 250 juveniles have participated in the program. Although the Juvenile Drug Court is an extremely valuable resource in helping Court involved children obtain sobriety, the program is limited in scope and resources. Therefore, as the Family Court seeks to improve the quality of lives for families in the District, serious attention should be paid to the issue of drug treatment. Not only is drug use a common problem amongst District juveniles, it is also a common factor in the inability of parents in neglect and abuse cases to properly care for their children.

Family Drug Treatment Court: To address the increasingly pervasive problem of substance abuse among parents in abuse and neglect cases, the Superior Court began investigating the feasibility of developing a Family Drug Treatment Court, as a specialized calendar within the Court. In March 2000, the Court was accepted into a national planning initiative of the Drug Courts Program Office of the U.S. Department of Justice to plan such a court. For the past two years, and more intensely during the past year, an interagency team, assembled by the Court and comprised of

representatives of the Court, the U.S. Attorney's Office for the District of Columbia, the Pretrial Services Agency, the Mayor's Office, the District's Child and Family Services Agency, the Office of the Corporation Counsel, the Addiction, Prevention and Recovery Administration and private attorneys, have conducted site visits and been trained on how to design key components of a family drug treatment court. The team is led by the Honorable Anita Josey-Herring, Deputy Presiding Judge of the Family Court. Given the combined effects of (1) the pressing need to address the inability of parents in abuse and neglect cases to properly care for their children, (2) the enactment of the Adoption and Safe Families Act and its attendant, mandatory placement timelines, and (3) the creation of a Family Court, the Superior Court is moving forward with its initiative to develop a Family Drug Treatment Court, and has been approved by the Department of Justice for an additional year of planning this fiscal year. As funding becomes available, the Court would pilot a specialized calendar/court within the Family Court dedicated to the particular needs of substance abusing parents. The Family Drug Treatment Court would consist of, at minimum, a courtroom where the judicial officer is assigned to manage court ordered drug treatment for parents of children within the Court's abuse and neglect jurisdiction. Essential to the implementation of such a court is the availability of and access of the Court to residential and non-residential treatment services to address the substance abuse problems of families, which may have existed for years, or even generations. On a parallel and related track, the Court, as a member of the Mayor's Interagency Task Force on Substance Abuse Prevention, Treatment and Control, is working with the Executive Branch and the treatment community to assess and, hopefully, effect the availability of needed treatment resources for families under the supervision of the Court.

Appendix A

Composition of the District of Columbia Family Court

The District of Columbia Family Court is comprised of the following branches, which are set forth with their responsibilities:

The Domestic Relations Branch - is responsible for processing cases involving divorce, adoption, custody, foreign judgments, annulments, property rights, visitation, child support, spousal support and amendments to marriage certificates.

The Juvenile and Neglect Branch - is responsible for processing cases involving children alleged to be neglected, abused, delinquent or otherwise in need of supervision. It is also responsible for processing guardianship and termination of parental rights matters. As a general rule, the Branch has jurisdiction over cases where respondents are under the age of eighteen with jurisdiction continuing until age twenty-one.

The Paternity and Child Support Branch - is responsible for processing paternity and support cases, and related activities including the collection and disbursement of child support payments, pursuant to title IV-D of the Social Security Act (42 USCS § 651 et seq.). The branch also undertakes child support activities for cases arising outside the scope of the Act.

Counsel for Child Abuse and Neglect (CCAN) Branch - processes attorney appointments for parties in abuse and neglect cases and monitors in and out-of-court representation by attorneys who represent indigent parents, children and caretakers. The office interviews parents and caretakers to determine if they are financially eligible for court appointed counsel. The CCAN Branch also plans, develops and conducts initial training of new attorneys and continuing legal, psychological and sociological education on child abuse and neglect issues for practicing attorneys in the child welfare area.

The Mental Health and Retardation Branch - is responsible for the adjudication of matters involving the commitment of individuals who are mentally ill or substantially retarded.

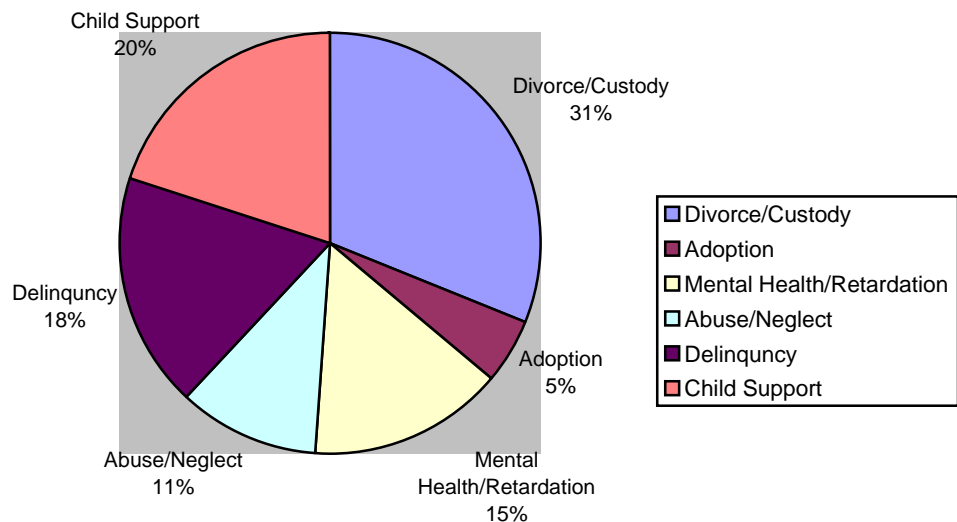
The Marriage Bureau - issues marriage licenses and officiant authorizations for marriages performed in the District of Columbia. The Bureau also performs civil marriages at the court.

Case Statistics for 2001

As displayed in Exhibit 1 below, during calendar year 2001, there were a total of 13,132 new cases filed in the Family Court. The distribution of new cases at the Court was: divorce and custody 31%; child support 20%; juvenile delinquency 18%; mental health and mental retardation 15%; child abuse and neglect 11%; and adoption 5%.

Exhibit 1

**Percent Distribution of New Cases Filed
in the Family Court January 1- December 31, 2001**



Overall case filings in the Family Court increased 8% from 2000 to 2001. An increase in filings occurred for every type of case with the exception of juvenile delinquency cases, which showed a slight decrease.

Exhibit 2

Family Court Case Activity During 2001

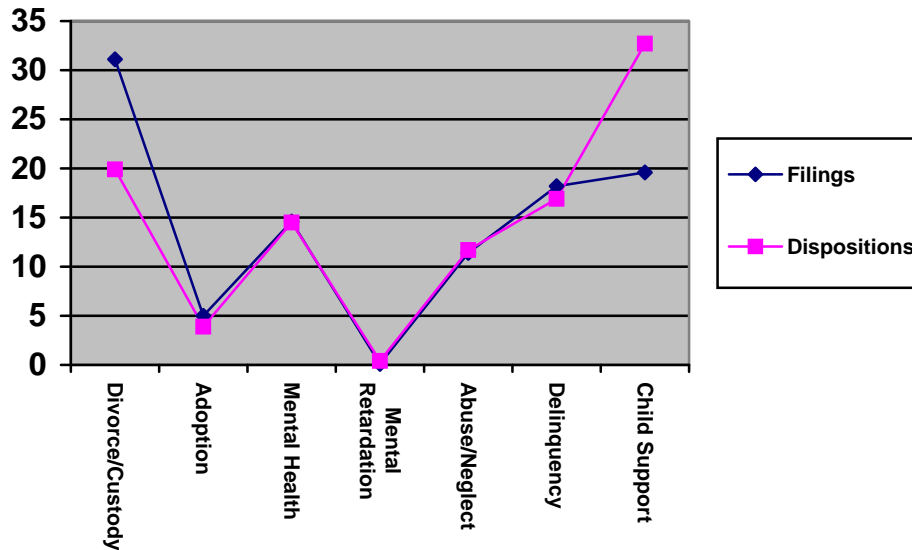
Case Type	Filings	Dispositions	Pending
Divorce/Custody	4,086	2,771	6,663
Paternity and Support	2,578	4,564	8,497
Juvenile Delinquency	2,390	2,354	825
Mental Health and Retardation	1,931	2,086	2,436
Child Abuse/Neglect	1,490	1,634 ¹⁶	5,145
Adoption	657	548	807
Total	13,132	13,957	24,373

During the year, the Family Court resolved almost 14,000 cases, including: 2,771 divorce and custody cases; 548 adoption cases; 2,030 mental health cases; 56 mental retardation cases; 1,634 child abuse and neglect cases; 2,354 juvenile delinquency cases; and 4,564 paternity and child support cases. As shown in Exhibit 2, the Family Court is able to keep pace with its current caseload.

¹⁶ Includes cases that left court jurisdiction because they were not petitioned, dismissed, aged out of system, or their permanency goal was achieved.

Exhibit 3

**Percent Distribution of Filings and Dispositions
in the Family Court, Calendar Year 2001**

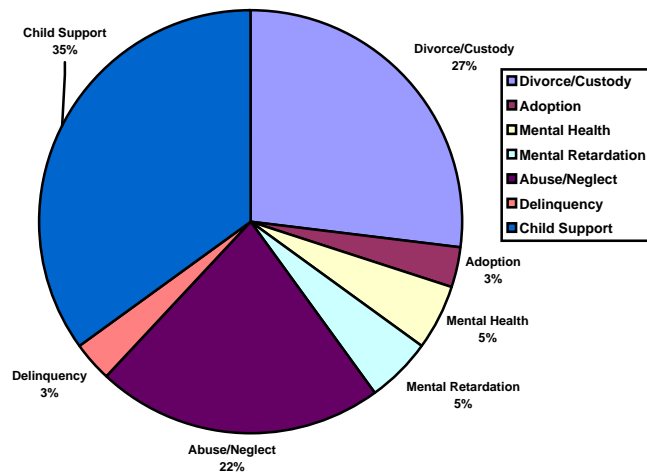


As of January 1, 2002, more than 24,000 cases were pending resolution in the Family Court, including: 6,663 divorce and custody cases; 807 adoption cases; 1,237 mental health cases; 1,199 mental retardation cases; 5,145 child abuse and neglect cases (787 abuse and neglect pre-disposition cases and 4,358 abuse and neglect post-disposition review cases); 825 juvenile delinquency cases; and 8,497 child support cases. There were also 39 pending petitions seeking to terminate parental rights and 44 pending guardianship petitions. The Court's pending cases, coupled with new cases filed during the year, constitute a substantial workload for the Family Court bench. The distribution of cases pending at the Court was: divorce and custody 27%; child

support 35%; juvenile delinquency 3%; mental health and mental retardation 10%; child abuse and neglect 22%; and adoption 3%.

Exhibit 4

**Percent Distribution of Cases Pending
in the Family Court as of December 31, 2001**



APPENDIX B

Implementation of One Family One Judge in Selected Jurisdictions

- Name:** Pima County Juvenile Court (Tucson, Arizona)
- Jurisdiction:** Pima County Juvenile Court has jurisdiction over delinquency, dependency, mental health and adoption matters. Domestic relations and all its ancillary cases are in Domestic Relations Court and domestic violence is in the Criminal Court.
- Judicial Officers:** All judges in Pima County are appointed to the Superior Court. Appointments are for life, but judges stand for retention every 4 years. Judges rotate between the criminal, civil, domestic, probate and juvenile benches every 3-5 years. There are 10 judicial officers in the juvenile court. The court follows a strict one family one judge model. All case related information is automated and shared between judges.
- Name:** New Castle County Family Court (Wilmington, Delaware)
- Jurisdiction:** The Family Court in Delaware is a unified Family Court with jurisdiction over juvenile delinquency (except first degree kidnapping, rape, and murder), dependency, termination of parental rights, adoptions, paternity, support, custody and visitation, all misdemeanor crimes against children, adult intrafamily misdemeanors, civil domestic violence, divorce and all ancillary matters, and involuntary commitments for children.
- Judicial Officers:** There are 15 judges and 15 commissioners in the Family Court. The Court adheres to a one family one judge policy only in dependency cases initiated by the child welfare agency. Judges are assigned to cases at the emergency removal hearing and remain with the case through permanency. Dependency cases initiated by someone other than the child welfare agency may be heard by commissioners, and also usually follow a one family one judge model.

Name: Fulton County Family Court (Atlanta, Georgia)

Jurisdiction: The Family Court Pilot Project in Fulton County is a three-year project to consolidate the work of the Family Division of the Superior Court and the Juvenile Court. The Family Court Pilot, instituted in 1998, is designed around the one family/one judge concept and as such seeks to consolidate multiple court cases for a family under one judge. The emphasis is to provide a comprehensive approach to the resolution of multiple family problems and to provide intervention services that will help improve outcomes for children and families. The pilot court has jurisdiction over divorce, separation, annulment, custody and visitation, child support, contempt, modification, paternity, adoption, appointment of legal guardians, abuse and neglect, deprivation, abandonment, termination of parental rights, truancy, domestic violence and other intra-family criminal offenses, such as child molestation, delinquency and other general juvenile law violations.

Judicial Officers: The Family Division is staffed by two judges and two magistrates (each assigned to a particular judge). Judge and magistrate serve as a team and address all matters in the court's jurisdiction related to a family.

Name: Essex County Family Court (Newark, New Jersey)

Jurisdiction: The Essex County Family Court is part of the statewide family court system in New Jersey. Judges stay in the court at least three years although many stay longer. The Court has jurisdiction over divorce, custody, visitation, support, domestic violence, juvenile delinquency, abuse and neglect, termination of parental rights, adoption, criminal non-support, criminal contempt in domestic violence, and family crises intervention.

Judicial Officers: There are 15 judges who are appointed for a seven year term. Within the Family Court judges are assigned to a specific calendar. With the exception of judges hearing dependency cases which follows a one family one judge model, the Court does not adhere to the one family one judge model. Judges in other divisions may however combine cases from one or more sections in the Family Court.

Name: New York City Family Court (New York, New York)

Jurisdiction: The New York City Family Court has jurisdiction over juvenile delinquency, persons in need of supervision, intra-family domestic violence, neglect and abuse, termination or parental rights, adoption, paternity, custody and visitation, support, and guardianship.

Judicial Officers: Judges are appointed for a ten year term to the Family Court. The Court is divided into three sections: permanency; delinquency; and domestic. Judges are assigned to one of the three sections and do not rotate. Court referees are assigned to individual judges. The only division of the Court that adheres to the one family one judge principle is the permanency division. In that division the court strictly follows the one family one judge model, and when appropriate will connect custody cases to the permanency case.

Name: Hamilton County Juvenile Court (Cincinnati, Ohio)

Jurisdiction: The Hamilton County Juvenile Court is a separate court that operates independently within the Court of Common Pleas. The juvenile court has jurisdiction over the following cases: delinquency, unruly, paternity and support not arising out of a divorce, custody not arising out of a divorce, dependency and termination of parental rights. A separate court the Court of Domestic Relations handles all dissolution of marriage cases and any paternity, support or custody cases arising out of them. The probate court handles all adoption cases. In January 2002, the National Center for Juvenile Justice conducted a feasibility study for the State to explore the possibility of creating a fully unified family court. The report recommended that the State begin the process of moving toward the creation of a Family Court.

Judicial Officers: There are 2 judges who are elected to a six-year term and 26 magistrates that are appointed by the judges of the court for an indefinite period of time. Judges are elected to the juvenile bench so there is no rotation among other court divisions. Within the juvenile court the two judges hear all types of cases. Most magistrates also hear all types of cases, with the exception of those assigned to dependency cases (currently 8 magistrates). The one family one judge principle applies only to dependency cases. In these cases, adherence to this principle is mandatory and there are almost no exceptions.

Name: Philadelphia Courts Family Division

Jurisdiction: Juvenile Branch - delinquency, dependency, and adoptions
Domestic Branch – paternity, support, custody, visitation, divorce, and domestic violence

Judicial Officers: There are 22 judges in the Family Division, 11 assigned to the Juvenile Branch and 11 assigned to the Domestic Branch. Movement of judges between the various court divisions is by request, although there is very little rotation between the family division branches. The Court does not adhere to a one family one judge model. A single judge remains with a case from filing through the permanency hearing (about 1 year). Depending on the goal, the case is then assigned to a specialized calendar for that goal.

Name: Allegheny County Family Division (Pittsburgh, Pennsylvania)

Jurisdiction: The Family Division, referred to as Family Court, is one of three major divisions of the Court of Common Pleas (a general jurisdiction court). The Family Division has two major branches: the Juvenile Branch and the Domestic Branch. The juvenile branch handles delinquency, dependency, and mental health matters related to juveniles. The domestic branch handles divorce, custody, paternity and support, and civil domestic violence matters.

Judicial Officers: Judges are elected to the Court of Common Pleas and assigned to the divisions. Once in a division there is no automatic rotation and many judges in the Family Division stay there for extended periods of time. The court does not adhere to the one family one judge model. In fact, the two branches are housed in separate courthouses and there is rarely interaction between the two. Additionally, there is very little judicial movement between the two branches. There are 22 judges in the Family Division, 11 in the Juvenile Branch and 11 in the Domestic Branch. Within the dependency cases however, a single judge is assigned to a family. However, the court has been working with National Center for Juvenile Justice and is rethinking how they assign dependency cases. They are thinking of having one judge stay with a case from filing up to the permanency hearing (about 1 year). A separate calendar would be developed for permanency reviews. At the time a child's goal was changed to TPR or adoption a separate calendar would be created.

Name: Harris County Family Court (Houston, Texas)

Jurisdiction: The Family Court has jurisdiction over divorce, support and ancillary custody issues, such as child support and visitation, adoptions, modifications, and paternity. The Juvenile Court handles delinquency, status offenses, neglect, dependency, and CPS cases. The Criminal Court handles domestic violence cases.

Judicial Officers: There are nine judges in the family court each of whom has an associate judge working with them. Judges are elected to a family court seat and do not rotate among different court divisions. There is a separate juvenile court, with three judges, with whom the family court sometimes has concurrent jurisdiction. In cases of concurrent jurisdiction, the County has established a filing order that instruct the clerks where to file cases and under what conditions. In some instances, dependency cases may be transferred from the Juvenile Court to the Family Court. Each Court contains a single judicial team which hears all cases related to the families that are before the Court.

Name: Alexandria Juvenile and Domestic Relations Court
(Alexandria, Virginia)

Jurisdiction: The Juvenile and Domestic Relations Court exercises jurisdiction over juvenile delinquency, dependency, termination of parental rights, paternity, support, custody and visitation, all misdemeanor crimes against children, adult interfamily misdemeanors, and civil domestic violence matters. The Circuit Court has jurisdiction over divorce and adoption matters.

Judicial Officers: There are two judicial officers. The Court follows a strict one family one judge policy in abuse and neglect cases. Other cases, on an individual basis, may be heard by the same judge hearing the abuse and neglect case. The Court is exploring the possibility of extending the one family one judge principle to other matters before the Court.

Appendix C

Current Judicial in Assignments Family Court

Calendar # and/or Assignment	Judicial Officer
<i>Family Court Judges¹⁷</i>	
1. Domestic Relations and Abuse and Neglect	Judge Robert Morin
2. Domestic Relations and Abuse and Neglect	Judge Ronna Lee Beck
3. Domestic Relations and Abuse and Neglect	Judge John Mott
4. Domestic Relations and Abuse and Neglect	Judge Linda Kay Davis
5. Domestic Relations	Judge Judith Bartnoff
6. Abuse and Neglect	Judge Linda Turner
7. Abuse and Neglect	Judge Hiram Puig-Lugo
8. Juvenile Delinquency	Judge Ramsey Johnson
9. Juvenile Delinquency	Judge Odessa Vincent
10. Juvenile Delinquency/Drug Court	Judge Anita Josey-Herring
11. Adoption	Judge Nan Shuker
12. Paternity and Child Support Enforcement	Judge Lee Satterfield
13. Mental Health	Judges Satterfield and Josey-Herring
<i>Family Court Magistrate Judges¹⁸</i>	
Divorce, Domestic Relations Support	Magistrate Judge Pamela Diaz
Neglect Initial Hearings	Magistrate Judge William Nooter
Juvenile New Referrals	Magistrate Judge Fern Saddler
Paternity and Child Support Initial Hearing	Magistrate Judge Hugh Stevenson
Paternity and Child Support Financial Reviews	Magistrate Judge Aida Melendez
Paternity and Child Support Motions	Magistrate Judge Jerry Byrd
Mental Health	Magistrate Judge Arlene Robinson
Mental Retardation	Magistrate Judge Milton Lee

¹⁷ In addition to cases on their assigned calendar, all Family Court judges are assigned approximately 80 post-disposition abuse and neglect review cases.

¹⁸ These assignments are current. On April 8, 2002 five newly appointed magistrate judges will begin three weeks of training, after which they will assume responsibility for abuse and neglect cases filed before January 8, 2000 which are pending before judges outside the Family Court.

APPENDIX D

Chart of Responsibilities of Magistrate Judges in Family Court Jurisdictions

- Delaware
- Florida
- Fulton County (Atlanta), Georgia
- Cook County (Chicago), Illinois
- Baltimore City, Maryland
- Montgomery County, Maryland
- New Jersey
- New York City
- Cincinnati, Ohio
- Multnomah County (Portland), Oregon
- Allegheny County (Pittsburgh), Pennsylvania
- El Paso, Texas
- Harris County (Houston), Texas
- Richmond, Virginia (Pilot Project)

Overview: Select Responsibilities of Magistrate Judges in Family Court Jurisdictions

State/ Jurisdiction	Abuse & Neglect	Final Adoptions	Power of Contempt Authority	Contested Matters	Appealable Decisions
Delaware	Yes		Yes	Yes	Yes
Florida	Yes			Yes	Yes
Fulton County, GA			Yes		Yes
Cook County, IL	Yes			Yes	Yes
Baltimore County, MD	Yes			Yes	Yes
Montgomery County, MD			Limited. Can recommend contempt proceedings or other sanctions	Yes	Yes
New Jersey			Child Support Only		Yes
New York City	Monitor Dispositions Only				Yes
Cincinnati, OH	Yes	Yes	Yes	Yes	Yes
Portland, OR	Yes	Yes	Yes	Yes	Yes
Pittsburgh, PA	Yes			Support Issues/ Abuse & Neglect	Yes
El Paso, Texas	Yes	Yes	Yes	Yes	Yes
Harris County, TX	Yes	Yes	Yes	Yes	Yes
Richmond, VA (Pilot Project)					NA
Total	10	4	8	10	13

Name: Family Court; Wilmington, Delaware

Structure: Unified family court

Judicial Officers: Statewide: judges – 15; commissioners (equivalent to magistrate judges) – 15

Appointment of Commissioners:

- full-time employees
- appointed by the Governor with the consent of a majority of all members elected to the Senate
- serve four-year terms
- authority is derived from Statute (Rules of Criminal and Civil Procedures for the Family Court)

Qualifications of Commissioners:

- resident of the State for at least five years immediately preceding appointment
- duly admitted to practice before the highest court of any State in the United States

Case Jurisdiction by Commissioners:¹

- delinquent misdemeanors
- domestic violence
- CPOs
- abuse and neglect cases (not initiated by a government agency)

Authority Level for Commissioners:

- Power of contempt authority, including incarceration for contempt.
- Do not preside over final adoption hearings.
- Preside over contested matters.
- Authority to preside over abuse and neglect cases; however, only judges handle abuse and neglect cases initiated by a government agency such as the Child Protection Agency.
- All matters can be appealed to the Family Court judges.

(See next page for footnote.)

¹The statute provides for the hearing of any civil case within the jurisdiction of the Family Court. However, the chief judge designates the types of cases heard by commissioners. In accordance with Title 10, Section 915 of the Delaware Code, commissioners have:

- all powers and duties conferred or imposed upon commissioners by law or by the rules of Criminal and Civil Procedure for the Family Court;
- the power to hear any civil case within the jurisdiction of the Family Court, as designated by the chief judge;
- the power to order the issuance of legal process to compel the attendance of necessary parties and witnesses;
- the power to administer oaths and affirmations, and take acknowledgements, affidavits and depositions; the power to examine the parties and witnesses;
- the power to conduct juvenile detention hearings and to commit or bind, with or without surety, as a committing magistrate, for appearance at the proper court, persons charged with having violated the law together with material witnesses; the power to conduct adult bail hearings and to commit or bind, with or without surety, as a committing magistrate, for appearance at the proper court, persons who have failed to appear for a prior court hearing, either civil or criminal, or who are charged with having violated the law together with material witnesses and impose conditions;
- the power to conduct all delinquency and criminal proceedings, including but not limited to, amenability hearings, arraignments, preliminary hearings, case reviews and trials;
- the power to accept pleas (including, but not limited to, pleas of guilty, not guilty and nolo contendere) to any offense within the jurisdiction of the Family Court and to appoint counsel to represent indigent defendants;
- the power to enter sentence or disposition for criminal misdemeanors, criminal violations, criminal violation of probation and criminal contempt of court, whether the person has pleaded guilty to or has been convicted of one or more of the above offenses or whether the person has been adjudicated delinquent as a result of acts which would constitute such offenses if committed by an adult;
- the power to enter sentence, including incarceration, for criminal felonies, whether the person has pleaded guilty to or has been convicted of such an offense or whether the person has been adjudicated delinquent as a result of acts which would constitute a felony if committed by an adult; and,
- the power to impose sanctions, including incarceration, for civil contempt.
- A commissioner's order, including emergency ex parte orders, shall be an enforceable order of the Court.

Name: Family Division, Superior Court; Florida

Structure: Circuit courts (general jurisdiction trial courts) of which there are 20 throughout the state; one judge one family goal

Judicial Officers: Judges - 500; hearing officers and general masters referred to, collectively, as quasi-judicial officers – 100

Appointment of Quasi-Judicial Officers:

- full-time and part-time employees
- appointed and supervised by the chief judges of their respective circuit courts
- tenure is determined by performance and need

Qualifications of Quasi-Judicial Officers:

- JD degree
- member of the Florida Bar
- resident within locality of their circuit court

Case Jurisdiction by Quasi-Judicial Officer:

- child support (only case type for hearing officers)
- abuse and neglect
- divorce
- no domestic violence

Authority Level for Quasi-Judicial Officers:

- No power of contempt authority.
- Do not preside over final adoption hearings.
- Preside over contested matters; chief judge makes determination regarding hearing officers' authority in such cases.
- Preside over abuse and neglect cases in some circuit courts; however, chief judge makes determination regarding hearing officers' authority in such cases.
- All matters can be appealed; parties can file an exception to the report and/or recommendation for a judge's ruling/decision.

Name: Fulton County Superior Court, Family Division; Georgia

Structure: One family one judge

Judicial Officers: Judges – 3; judicial officers (equivalent to magistrate judges) – 8

Appointment of Judicial Officers:

- part-time; 2 days per week
- originally appointed as magistrates, however, once assigned to the Family Division, designated judicial officers
- term limits routinely reviewed and require reappointment to the Family Division
- duties assigned by Family Division judges

Qualifications of Judicial Officers:

- JD degree
- good standing with the Bar of Georgia
- resident of Fulton County
- minimum 7 years experience as a practicing attorney, with at least 50% in the area devoted to family law; judicial experience in family law cases; or a combination

Case Jurisdiction of Judicial Officers:

- domestic relations; interim/status conferences
- no domestic violence matters; separate calendar

Authority Level for Judicial Officers:

- Power of contempt authority.
- Do not preside over final adoption hearings.
- Do not preside over contested matters.
- Do not preside over abuse and neglect cases.
- All matters can be appealed.
- Parties can request a judge.

Name: Circuit Court Family Division; Cook County, Illinois

Structure: Child protection division of the Circuit Court of Cook County

Judicial Officers: Judges—16; hearing officers (equivalent to magistrate judges)-17

Appointment of Hearing Officers:

- full-time, permanent employees; assigned to a judge
- appointed by the chief judge of the circuit court; supervised by the presiding judge of the child protection division
- authorization is derived from statute

Qualifications of Hearing Officers:

- JD degree
- 7 years experience as a practicing attorney (after 9/1/97)
- 3 years experience in abuse and neglect or permanency planning

Case Jurisdiction of Hearing Officers:

- abuse and neglect cases; including, permanency hearings², post-disposition matters, progress reports

Authority Level for Hearing Officials:

- No contempt authority.
- Do not preside over final adoption hearings; however, can accept consents to adoption and surrenders of parental rights.
- Preside over contested matters; recommendations are reviewed by a Circuit Court judge for decision/order of the court.
- Preside over abuse and neglect cases.
- All matters can be appealed; parties must file written objection for judge's decision.

²The Juvenile Court Act empowers the juvenile court hearing officers to: summon and compel witnesses; administer oaths and affirmations; receive testimony under oath or affirmation; require the production of evidence; rule on the admissibility of evidence; issue notices requiring any party or any agency responsible for the ward's care to appear before the hearing officer; and, prepare recommended orders, including recommended findings of fact. In addition, the juvenile court hearing officers may conduct hearings on progress towards the permanency goal and are among a limited number of state-wide individuals entrusted by the General Assembly to accept specific consents to adoption and surrenders of parental rights.

Name: Circuit Court, Family Division; Baltimore City, Maryland

Structure: The Circuit Court of Baltimore has a family division that includes a family court and a juvenile court.

Judicial Officers: Judges: 3 (family court), 9 (juvenile court)³

Appointment of Masters:

- full-time employees
- appointed by the chief judge of either the family court or the juvenile court after being interviewed by a panel of judges and the full bench of each respective court
- serve indefinite terms at the pleasure of the appointing judge

Qualifications of Masters:

- JD degree
- active with the Bar
- resident of Baltimore County

Case Jurisdiction of Masters:

- uncontested divorces
- temporary child support orders
- modification of custody orders, visitation
- emergency cases, where a child's life is threatened
- *ex-parte* domestic violence cases
- PINS
- delinquency cases
- abuse and neglect

Authority Level for Masters:

- No power of contempt authority; recommendations require judge's approval.
- Do not preside over final adoptions; masters review files and forward recommendations for judge's decision.
- Preside over contested matters, except TPRs.
- Preside over abuse and neglect cases.
- All matters can be appealed; parties can file an exception requesting a judge's decision.

³While Baltimore City has masters, they are not considered judicial officers by a recent ruling by the state legislature and, therefore, can not wear robes or use a gavel.

Name: Circuit Court, Montgomery County, Maryland

Structure: Unified family court; caseload is not managed one family one judge (master and case-worker stays with the family)

Judicial Officers: Judges – 5; masters - 5

Appointment of Masters:

- full-time or part-time employees
- appointed by the chief judge
- serve at the will of the court
- authority is derived from Maryland Rules of Practice and Procedures (Rule 9-208 and 11-111)

Qualifications of Masters:

- JD degree
- member of the Maryland Bar

Case Jurisdictions by Masters:

- custody (post-judgement)
- visitation
- child support *pendente lite*
- uncontested divorce, annulment, or alimony
- detention or shelter care

Authority Level for Masters:⁴

- Can recommend contempt proceedings or other sanctions to the court (may not include an order of incarceration).
- Do not preside over adoption hearings
- Preside over contested matters.
- Do not preside over abuse and neglect.
- All orders must be finalized by judges; any party may file an exception to the Master's proposed findings, conclusions or recommendations.

⁴Subject to the provisions of an order referring a matter or issue to a master, the master has the power to regulate all proceedings in the hearing, including the power to: direct the issuance of a subpoena to compel the attendance of witnesses and the production of documents or other tangible things; administer oaths to witnesses; rule on the admissibility of evidence; examine witnesses; convene, continue, and adjourn the hearing, as required; recommend contempt proceedings or other sanctions to the court; and recommend findings of fact and conclusions of law.

Name: Superior Court of New Jersey

Structure: Unified family court

Judicial Officers: Judges in the family court: 141 of which 15 are presiding judges; hearing officers (equivalent to magistrate judges): 21, including 1- chief hearing officer and 3 supervisory hearing officers

Appointment of Hearing Officers:

- appointed by the chief judge; supervised by the presiding judge of the county in which they are assigned (administrative supervision is vested in the Administrative Director of the Courts)
- serve at the pleasure of the presiding judge

Qualifications of the Hearing Officers:

- BA/BS degree
- 5 years experience, preferably in child support enforcement

Case Jurisdiction of Hearing Officers:⁵

- child support actions
- uncontested matters, such as child support and visitation
- post-matrimonial restraining orders
- initial restraining orders

Authority Level of Hearing Officers:

- Power of contempt authority; limited to child support matters.
- Do not preside over final adoption hearings.
- Do not preside over contested matters.
- Do not preside over abuse and neglect matters.
- All matters can be appealed to the presiding judge.

See next page for footnote.

⁵Exclusively hears child support matters in the establishment, modification and enforcement of all Title IV-D (of the federal Social Security Act). In accordance with Court rule 5:25-3, with powers and duties prescribed in the order of appointment or in the Rules of Procedure of the Family Part, Child Support Hearing Officers shall:

- regulate all proceedings before them;
- take testimony and establish a record;
- do all acts and take all measures necessary or proper for the efficient performance of their duties;
- recommend that the court order the production of books, papers, vouchers, documents, and writings;
- rule upon the admissibility of evidence;
- recommend the issuance of summonses or subpoenas for the appearance of parties or witnesses, administer oaths, examine parties and witnesses under oath;
- accept voluntary acknowledgment of support liability and stipulations or agreements setting the amount of child support to be paid and/or admitting paternity;
- evaluate evidence and make recommendations as to the establishment and enforcement of child-support orders;
- recommend entry of default judgments in appropriate cases;
- in appropriate cases and with the immediate review by the court, make written findings, and based thereon have the power of contempt and can recommend incarceration;
- recommend that the court issue a warrant upon the failure of a party or witness to appear after having been properly served, and recommend an amount to be fixed for bail, bond, or cash payment to satisfy arrears and the warrant; and,
- recommend that the court order a party to participate in blood or genetic tests for the purpose of establishing paternity.

Name: Family Court; New York City

Structure: Unified family court

Judicial Officers: Judges - 9; judicial hearing officer – 1; referees - 6; and, hearing examiners - 4

Appointment of Referees/Hearing Examiners:

- Referees; merit employees hired by family court; a two-tier/track system: hear and report to judges - preside over child welfare issues (i.e., permanency orders, case disposition monitoring); or hear and determine - written consents, custody and visitation cases (parties must consent to accept final decision).
- hearing examiners; preside over child support cases only; appointed by administrative judges and serve 3-year term limits that can be extended.

Qualifications of Referees/Hearing Examiners:

- JD degree
- experience in family law

Case Jurisdiction of Referees/Hearing Examiners:

- permanency orders
- disposition monitoring of cases
- custody
- written consent
- visitation

Authority Level for Referees/Hearing Examiners:

- No contempt authority.
- Do not preside over final adoption hearings.
- Do not preside over abuse and neglect cases; however Referees may monitor dispositions in abuse and neglect cases.
- All matters can be appealed; parties can file written objection for judge's decision.
- Matrimony and divorce issues handled by Supreme Court.

Name: Juvenile Court; Cincinnati, Ohio

Structure: Unified juvenile court

Judicial Officers: Child abuse & neglect division: judges – 2; magistrates – 8 (Total of 26 magistrates in Juvenile Court.)

Appointment of Magistrates in Child Abuse and Neglect Division:

- full-time (6) and part-time (2)
- appointed by presiding judge of the family or juvenile court, for a term set by the judge.

Qualifications of Magistrates in Child Abuse and Neglect Division:

- JD degree
- practicing attorney
- active member of the Bar

Case Jurisdiction of Magistrates in Child Abuse and Neglect Division:

- abuse and neglect matters; same authority as judges - hear cases from point of entry into the court system to disposition, i.e., trials to TPRs to uncontested matters

Authority Level for Magistrates in Child Abuse and Neglect Division:

- Power of contempt authority; indirect contempt sanctions issued by judge.
- Probate Court magistrates handle final adoption hearings.
- Preside over contested matters.
- Preside over abuse and neglect cases.
- All matters can be appealed.

Name: Family Law Department of the Circuit Court for Multnomah County; Portland, Oregon

Structure: Unified family court; 1 family 1 referee

Judicial Officers: Judges – 7; referees – 5

Appointment of Referees:

- most are full-time; some participate in job-sharing
- approved as judge *pro tempore*
- excepted term; hired by court administrator
- authorization by statute

Qualifications of Referees:

- JD degree
- practicing attorney; not less than 2 years experience in law or conduct of administrative hearings
- active member of the Bar for minimum of 3 years

Case Jurisdiction of Referees:

- abuse and neglect
- domestic relations

Authority Level for Referees:

- Power of contempt authority; rarely exercised.
- Preside over final adoption hearings.
- Preside over contested matters.
- Preside over abuse and neglect cases.
- All matters can be appealed.

Name: Family Division of the Court of Common Pleas; Pittsburgh, Pennsylvania (Allegheny County)

Structure: The Family Division of the Court of Common Pleas; not a unified family court, however, the case management goal is one family one judge.

Judicial Officers: Judges and hearing officers

Appointment of Hearing Officers:

- full-time, merit employees appointed by the chief judge
- serve unlimited terms

Qualifications of Hearing Officers:

- JD degree
- extensive litigation experience in family law
- admission to the Pennsylvania Bar
- preferably a resident of Allegheny County

Case Jurisdiction of Hearing Officers:

- support matters
- abuse and neglect

Authority Level for Hearing Officers:

- No contempt authority.
- Do not preside over final adoption hearings.
- Preside over contested matters; limited to support issues and abuse and neglect.
- Preside over abuse and neglect matters.
- All matters can be appealed; judge reviews recommendations for ruling/decision.

Name: 65th Family District Court; El Paso, Texas

Structure: Family district court⁷

Judicial Officers: Judge – 1; and associates (equivalent to magistrate judges): Juvenile Court Referee, hears juvenile cases; family law associate judge, hears family law cases, such as divorces, custody; and Child Welfare associate judge, hears child welfare cases.

Appointment of Associate Judges:

- full-time
- serve four year terms; terms may be re-appointed
- selected by Merit Selection Committee; recommendation to family law judge; appointed by the El Paso Council of Judges

Qualifications of Associate Judges:

- JD degree
- active member of Texas Bar for minimum of 5 years
- minimum of 5 years experience in state law or experience as judge of record
- not related to members of the Merit Selection Committee, a family law judge or the Council of Judges

Case Jurisdiction of Associate (Child Welfare cases):

- hears all pre-trial matters; show cause hearings, status conference
- permanency hearings
- dependency cases
- if parties agree, TPRs and adoptions
- court cases initially assigned to Associate, unless objected by parties

Authority Level for Associate (Child Welfare cases):

- Power of contempt authority.
- Presides over final adoption hearings.
- Presides over contested matters.
- Presides over abuse and neglect matters.
- Matters can be appealed.

⁷The 65th Family District Court functions as a unified family court and handles all county juvenile and child welfare cases; family law cases shared with two other courts – the 383rd and 388th – which are general jurisdiction courts. The 65th Family District Court

handles all three types of cases and has an associate/referee for each case type, whereas the two other courts each have one associate judge. The 65th Family District Court also handles all felony criminal matters that are related to the family law cases.

Name: 312th Family District Court; Harris County, Texas

Structure: Family district court

Judicial Officers: Judges – 9; and associates (equivalent to magistrate Judges) 9

Appointment of Associate Judges:

- full-time
- selected by elected judicial officer (each judicial officer selects an associate judge, trial court coordinator, courtroom clerk and security officer)

Qualifications of Associate Judges:

- JD degree

Case Jurisdiction of Associate Judges:

- adoptions; custody hearings; divorce; annulments; paternity; visitation
- TPRs
- POs
- Title IV
- jury trials

Authority Level for Associate Judges:

- Contempt authority.
- Preside over final adoption hearings.
- Preside over contested matters.
- Preside over abuse and neglect matters; CPS case is referred from juvenile court.
- Matters can be appealed; parties can sign waiver and if appealed, cases are sent to the appeals court.
- Associate judges approve or recommend orders; however, judges must sign orders.

Name: Family Court Pilot Project; Richmond, Virginia

Structure: Juvenile and domestic relations district court found in each of the state's 32 districts

Judicial Officers: Judges are assigned to district courts; magistrates appointed in each of the 32 districts

Appointment of Magistrates:

- not considered judicial officers; considering phase-out
- full-time or part-time
- serve four year terms; terms may be re-appointed
- appointed by circuit court chief judges; have full supervisory authority but may delegate to general district court judge

Qualifications of Magistrates:

- high school diploma; often magistrates are lawyers with a family practice
- any U.S. citizen and resident of the judicial district for which they are seeking appointment; unless statutory conflict

Case Jurisdiction of Magistrates.⁶

- issue emergency protective orders on a 24-hour basis, seven days/week – valid for 72 hour
- probable cause determinations for issuing warrants and revoking bonds
- enforcement of custody orders

Authority Level for Magistrates:

- No contempt authority.
- Do not preside over final adoption hearings.
- Do not preside over contested matters.
- Do not preside over abuse and neglect matters.
- Matters of appeal are not applicable.

⁶Magistrates have no power to take any action unless authority has been expressly conferred by statute. Magistrates have the following powers: to issue arrest warrants; to issue search warrants; to admit to bail or commit to jail; to issue warrants and subpoenas; to issue civil warrants; to administer oaths and take acknowledgements; to act as a conservator of the peace; to accept prepayment for traffic and certain minor misdemeanor offenses; to issue emergency custody orders; to issue temporary mental

detention orders; to issue medical emergency temporary detention orders; to issue emergency protective orders; and, to issue out of service orders. As a general rule, magistrates may exercise their authority only within the borders of their judicial district.

Appendix E

Intake/Cross Reference Form

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
FAMILY COURT
INTAKE/CROSS REFERENCE SHEET

Filing Branch/Agency

Docket Number: _____

Please provide the following information concerning the parties' immediate family and household members in order to assist the court in processing your case.

Child Name: _____ Current Address _____ _____	Natural Mother: _____ Current Address _____ _____	Natural Father: _____ Current Address _____ _____
D.O.B. _____	D.O.B. _____	D.O.B. _____
If known , provide the following information:		
IV-D UPI _____	IV-D UPI _____	IV-D UPI _____
SFN: _____	SFN: _____	SFN: _____
Other's Information		
Other's Name _____ Relationship to the Child, if any listed above? _____ Current Address _____ _____ D.O.B. _____	Other's Name _____ Relationship to Child _____ Current Address _____ _____ D.O.B. _____	Other's Name _____ Relationship to Child _____ Current Address _____ _____ D.O.B. _____
If known , provide the following information:		
IV-D UPI _____	IV-D UPI _____	IV-D UPI _____
SFN: _____	SFN: _____	SFN: _____

If you are aware of any other family court matters, (Paternity Determinations, Child Support, Child Custody, Juvenile Delinquency, Child Neglect or Abuse, Divorce, Mental Health or Adult Protection) involving this family and household members, please list those below.

PARTY NAME(s)	TYPE OF CASE AND DOCKET NUMBER	WHERE WAS THE CASE FILED?	WHAT WAS THE OUTCOME OF THE CASE?	IS THE CASE STILL OPEN?	IF OPEN, NEXT HEARING DATE, IF KNOWN?
_____	_____	_____	_____	(Yes) (No)	_____
_____	_____	_____	_____	(Yes) (No)	_____
_____	_____	_____	_____	(Yes) (No)	_____

FOR OFFICIAL USE ONLY

COMPUTER SEARCH OF SYSTEM FOR RELATED CASES.

SYSTEM SEARCHED	Name, Docket Number(s), Social Files Number, PDID Number	Clerks Name	NEXT HEARING DATE	FOUND HIT: Notice Forwarded (Date)
Neglect or Abuse				
Juvenile				
Domestic Relations				
Paternity & Support				
MH& MR				
Domestic Violence				

Xrefintake.Jan28

Superior Court of the District of Columbia
FAMILY COURT

(Date)

MEMORANDUM

To: _____
(Judicial Officer)

(Bldg./ Room No.)

From: _____
(Name of Sending Branch)

Re: Notification of Intake/Cross Reference Findings

According to standard operational procedures within the Family Court, the above noted sending branch has performed an initial check of Family Court records concerning the party(s), immediate family and household members in an effort to verify any prior or pending Family Court matters involving any of the family members. Please note the following:

A case was filed in our branch on _____.
(Date)

Docket Number:	Mother's Name: (If applicable)
Case Name:	Father's Name: (If applicable)

It appears that this new filing is related to the following case(s) which is currently assigned to you or has been previously assigned to you:

Docket Number:			
Case Name:			
Date Case Filed:			
Next Hearing Date (if known):			
Name of Related Party:		Relationship to new case party: (i.e. Mother, Brother, Uncle, etc.)	

Note: In some instances, several related docket number(s) or name(s) may be listed. See attached page if box is checked.

(Name of Certifying Clerk)

(Date Forwarded to Receiving Branch)

IV. Note: The following Section is to be completed by the Receiving Branch Only

Date of Verification by Receiving Branch:	Name/Signature of Verifying Clerk/Supervisor:	Name of Sending Branch:
Name & Location of Judicial Officer:		
Date Notification of Cross Reference Findings Forwarded to Judicial Officer:		

Superior Court of the District of Columbia
FAMILY COURT

Additional Related Family Court Matters

New Case Number: _____

Case Name: _____

Docket Number:			
Case Name:			
Date Case Filed:			
Next Hearing Date (if known):			
Name of Related Party:		Relationship to new case party: (i.e. Mother, Brother, Uncle, etc.)	

Docket Number:			
Case Name:			
Date Case Filed:			
Next Hearing Date (if known):			
Name of Related Party:		Relationship to new case party: (i.e. Mother, Brother, Uncle, etc.)	

Docket Number:			
Case Name:			
Date Case Filed:			
Next Hearing Date (if known):			
Name of Related Party:		Relationship to new case party: (i.e. Mother, Brother, Uncle, etc.)	

Docket Number:			
Case Name:			
Date Case Filed:			
Next Hearing Date (if known):			
Name of Related Party:		Relationship to new case party: (i.e. Mother, Brother, Uncle, etc.)	

Appendix F

List of Attendees at Community Outreach Forums

Bench/Bar Dialogue – sponsored by the Family Law Section of the District of Columbia Bar

Members of the Family Law Section
Legal Aid Society of DC
DC Bar Pro Bono Program
George Washington University Law School
Georgetown University School of Law
Office of the Corporation Counsel
Family Division Trial Lawyers Association
The Children's Law Center
Lawyers for Children America
Counsel for Court Excellence
Court Appointed Special Advocates (CASA)
Women Empowered Against Violence (WEAVE)
AYUDA
Bread for the City

Family Court Colloquium – hosted by the Columbus Community Legal Services (CCLS) of the Catholic University of America's Columbus School of Law

AARP, Legal Counsel for the Elderly
American Bar Association, Center on Children and the Law
American University Domestic Violence Clinic
American University Women and the Law Clinic
Bread for the City
Catholic University, Columbus School of Law
Counsel for Court Excellence
Children's Rights Counsel
Counsel for Child Abuse and Neglect (CCAN)
DC Action for Children
DC Prisoner's Legal Services Project
DC School of Law
Georgetown University School of Law
George Washington University Law School
Lawyers for Children America
Legal Aid Society of DC
Members of the Family Law Section
Office of the Corporation Counsel
Public Defender Service
Wilmer Cutler Pickering
Women Empowered Against Violence (WEAVE)

Family Court Symposium – sponsored by the Council for Court Excellence

American Bar Association, Center on Children and the Law
Annie E. Casey Foundation
Center for the Study of Social Policy
Child and Family Services Agency
Children's Law Center
Collaborative Council
Consortium for Child Welfare
Council for Child Abuse and Neglect
Council for Court Excellence
Court Appointed Special Advocates (CASA)
DC Department of Health, APRA
DC Department of Mental Health
DC Metropolitan Foster Parent Association
DC Public Schools, Division of Special Education
DC Superior Court, Family Court
DC Superior Court, Information and Technology Division
DC Superior Court, Research and Development Division
DC Superior Court, Social Services Division
Division of Youth and Family Services – Newark, New Jersey
Foster Parent Advocacy
General Counsel, Child and Family Services, Chicago, Illinois
Jefferson County Family Court, Louisville, Kentucky
Lutheran Social Services
Maryland Foster Care Court Improvement Project
Metropolitan Police Department, Youth and Preventive Services Division
Office of DC Councilmember Sandy Allen
Office of DC Councilmember Kathy Patterson
Office of the Chief Technology Officer, DC Government
Office of the Corporation Counsel
Office of the Deputy Mayor for Children, Youth & Families
Virginia Foster Care and Adoption Court Improvement Project