

# Superior Court of the District of Columbia



## 2021 Family Court Annual Report



Honorable Anita Josey-Herring  
*Chief Judge*

March 31, 2022



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## **Family Court Operations During the Covid-19 Pandemic**

On March 18, 2020, the Joint Committee on Judicial Administration issued an order invoking emergency authority under the D.C. Code to modify court operations.<sup>1</sup> Modifications continued in 2021, consistent with the best interests of the administration of justice while balancing the health and safety needs of litigants, court visitors, and personnel. Recognizing that the state of the pandemic was a fluid situation and the timetable for the resumption of modified court operations would have to be based on guidance from public health officials, the order vested the Chief Judges with the authority to issue additional orders extending the period during which deadlines were tolled or extended.

On May 19, 2021, Chief Judge Anita Josey-Herring issued an emergency order resuming in-person fact-finding hearings in juvenile delinquency matters, with priority given to detained respondents. Additionally, the order permitted in-person hearings in all other family case types upon request with good cause shown and approval of the Family Court Presiding Judge. Most Family Court hearings continued virtually on the Webex platform, with a few in-person hearings occurring on-site. All on-site hearings took place in courtrooms large enough to accommodate social distancing, and modified with plexiglass partitions for the judge, courtroom clerk, and the parties.

The Family Court resumed limited in-person operations at the Moultrie Courthouse on July 12, 2021. All clerk's offices, the Central Intake Center, the Self-Help Center, and the Marriage Bureau implemented hybrid work models, with some staff reporting in-

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



person with others working remotely. Staff rotated between working on-site and working remotely on a weekly basis, adjusting as needed to ensure adequate in-person staffing levels to assist on-site customers.

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

- Co-locating the Self-Help Center at the Central Intake Center to provide immediate assistance for unrepresented litigants at the time of filing.
- Hosting and recording several online training presentations. Training recordings were made available upon request via an online link.
- The Marriage Bureau reopened for in-person business while continuing to offer online marriage ceremonies as an option for customers. The Marriage Bureau performed 1,003 civil marriages (a 4% decrease over CY 2020). The Marriage Bureau also processed 7,318 marriage applications (a 9% decrease over CY 2020), resulting in 4,905 marriages being performed in the District of Columbia.
- The Custody Assessment Unit transitioned to conducting all home studies and brief focused assessments virtually. With the virtual assessments, the Unit can handle assessments for parties located in any state – an improvement over a previous limit of 20 miles from the courthouse. The Unit also conducted a virtual training hosted by DC Bar for the law community on July 28, 2021.
- The DC Superior Court and the DC Child and Family Services Agency (CFSA) hosted the 35th Annual Adoption Day on November 20, 2021 with a virtual ceremony. During fiscal year 2021, 186 children were adopted in the District of Columbia -- more than in the any of the previous four years. Former NBC4 anchor Barbara Harrison, who has been presiding over every adoption ceremony since 1987, interviewed the families and shared their stories with the audience.

## **Executive Summary**

Since the enactment of the District of Columbia Family Court Act of 2001, Pub.L. 107-114 (D.C. Official Code, 2001 Ed. § 11-1101 *et seq.*), the Family Court has achieved many of the goals set forth in its Family Court Transition Plan submitted to the President and Congress on April 5, 2002. The following summarizes some of the measures, aimed at improving services for children and families, taken by the Family Court in 2021 in its continued efforts to achieve each goal.

- **Make child safety and prompt permanency the primary considerations in decisions involving children.**
  - The Family Court monitored key performance measures, including compliance with the Adoption and Safe Families Act (ASFA)<sup>2</sup> and the performance measures in the *Toolkit for Court Performance Measures in Child Abuse and Neglect Cases*.
  - The Court Social Services Division (CSSD) continued to screen all referred youth to identify those who may have been exposed to and/or have been victims of human trafficking and exploitation. The CSSD also administers the Conners Behavioral Rating Scale (CBRS) to help ascertain each youth's need for more extensive behavioral health assessments and evaluations.
  - Family Court continued H.O.P.E. "Here Opportunities Prepare You for Excellence" Court in 2021. The program is a treatment court established to address the multiple needs of court-involved youth who are suspected of being, confirmed to be, or at risk of becoming victims of commercial sexual exploitation. For youth in the delinquency system, H.O.P.E. Court offers a path to case closure for those who succeed and graduate. For youth in the neglect system, H.O.P.E. Court offers specialized services to assist youth and families to achieve their permanency goal.
  - The Counsel for Child Abuse and Neglect (CCAN) offered multiple trainings for panel attorneys throughout the year, including: Ethics; New DC Court of Appeals Cases; Understanding the New Web Voucher System; Paternity; Best Practices for Using Education Attorneys; Weighty Consideration; Permanency Mediation; CFSA Policy Update; and *Ta.L.* Best Practices.
  - The Court Improvement Program (CIP) continues its collaboration with the Child and Family Services Agency and the Office of the Attorney General for the District of Columbia to evaluate delays in achieving permanency in neglect cases. The CIP is exploring working with the Agency using its permanency tracker to examine how Agency and Court processes can better manage case events before they result in delay. Specific causes of delay have been identified and further analysis is ongoing.
  - The Family Court Magistrate Judges, Court Improvement Program, Counsel for Child Abuse and Neglect, Children's Law Center, the Child and Family Services Agency and Office of the Attorney General and other stakeholders are holding virtual permanency forums. Participants meet to address specific

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

questions focused on current Neglect and Abuse practice, what improvements are needed and how improvements can be addressed by all the partner agencies.

- Family Treatment Court (FTC) was awarded a three-year grant from the Office Juvenile Justice Delinquency Prevention (OJJDP) which will enhance the program by adding Peer Mentors, a Wellness Coach, and specialized services and trainings for parents and their children. FTC hosted its 2<sup>nd</sup> virtual commencement ceremony in December 2021, honoring 5 parents whose cases closed and who were reunified with their children. To date, the FTC program has served more than 600 families.
- **Provide early intervention and diversion opportunities for juveniles charged with offenses to enhance rehabilitation and promote public safety.**
  - Restructured services and supports to Court Social Services Division (CSSD) youth, including home visits, curfew monitoring, pro-social and restorative justice groups, family group conferencing, mentoring and tutoring using Webex, Zoom, Google Duo and Facetime platforms in response to the Covid-19 Pandemic. Additionally, successfully facilitated intermittent face-to-face home visits to CSSD youth using personal protective equipment (PPE) and social distancing.
  - Continued to facilitate the expressive art initiative, during which youth draw and paint images reflective of how they feel, see themselves, and believe others see them in the world. This measure has been successful, and CSSD will commence replicating it across all other BARJ Drop-In Centers in 2022.
  - CSSD co-chaired and staffed the city's Restorative Justice Subcommittee, created to examine alternative measures for resolving conflict and disputes which give rise to juvenile crime and to explore alternatives to adjudication.
  - CSSD supported the city-wide Summer Safety Surge. Coordinated several ice cream socials across the city, which were lauded by the MPD Youth Division as directly contributing to crime reductions across several communities.
  - CSSD continued to operate the Juvenile Behavioral Diversion Program (JBDP), as an intensive non-sanction-based program, designed to link juveniles and status offenders to, and engage them in, appropriate mental health services and support in the community. The goal is to reduce behavioral symptoms that result in the youth's involvement with the juvenile justice system and to improve the youth's functioning in the home, school, and community.
- **Assign and retain well-trained and highly motivated judicial officers.**
  - Promoted the participation of Family Court judicial officers in national training programs on issues relating to children and families. Such programs have included courses sponsored by the National Judicial College, the National Council of Juvenile and Family Court Judges, the National Bar Association, and the Capacity Building Center for State Courts.
  - Conducted mandatory monthly luncheon trainings on issues frequently

arising in family court cases, and presentations from guest speakers on a variety of relevant topics.

- Hosted the 19th Annual Family Court Interdisciplinary Conference entitled “Exploring Overlapping Biases and How They Affect Decision Making in Family Court” virtually on October 15, 2021. The conference featured Dr. Rita Cameron Wedding, Faculty Emeritus in the departments of Women’s and Ethnic Studies at Sacramento State University. In addition to Dr. Wedding, the conference featured panel discussions regarding implicit bias and racial equity in the workplace. The speakers shared important information and insights and there was an informative question and answer period and discussion where attendees voiced interest in follow-up trainings and conferences on this topic.
- Held an annual in-service training on recent developments in family law and recently enacted legislation affecting the Family Court.
- **Promote Alternative Dispute Resolution (ADR).**
  - The Court partnered with the Family Law Community of the District of Columbia Bar—a group of experienced family law attorneys—to conduct alternative dispute resolution (ADR) in domestic relations cases. In 2021, 44 families were ordered to participate in this ADR program, a 36% increase from 2020. The program includes a case evaluation component along with mediation.
  - In 2021, nearly all cases which went to mediation via Multi-Door or the ADR program reached an agreement on jurisdiction, family services, or a plan to resolve the case.
- **Instituted a hybrid work model to expand in-person access to justice and continue to use technology to track cases of children and families.**
  - Expanded operations to resume on-site service at all public offices, including the Central Intake Center, Self-Help Center, Marriage Bureau, and all clerk’s offices.
  - Continued use of remote courtrooms for all judges.
  - Conducted in-person hearings upon request of litigants and for good cause shown.
  - Continued both in-person and electronic case initiation in all case types, including adoption (using box.com).
  - Accepted payments for certain court fees, fines and costs either in-person or via the electronic payment portals, PayPort and PromptPay.
  - Accepted marriage application and payments in-person or electronically.
  - Processed juvenile bench warrants and arrest warrants both in-person and electronically.
  - Provided certified documents to the public both in-person and electronically.
  - Exchanged confidential documents securely with agency partners and the public through use of box.com.

- Family Court continued implementation of a call center that reroutes calls from the individual branches to a central location. Customers speak to a live person and have their issues immediately addressed. This has resulted in a dramatic reduction in calls in the individual branches, leading to increased work production in an uninterrupted environment. The Center assisted 54,649 customers in 2021, a 5.9% increase over 2020.
- Family Court converted the digital information board in the juvenile arraignment courtroom (JM-15) into a remote access system. Information such as papering decisions, the name of the assigned Assistant Attorney General, probable cause hearing information and interpreting requests can be obtained via the web browser portal. The status board refreshes every five minutes and uses color-coded keys to indicate papering decisions (e.g., grey equals no papered, yellow equals no papered for diversion, etc.). The Status Board is a communication tool that is updated by the courtroom clerks and Court Social Services Division staff. It will not completely replace email communication, but will serve as an additional mode of communication for parties and will reduce phone traffic to the courtroom.
- **Encourage and promote collaboration with the community and community organizations.**
  - Family Court regularly met with stakeholders and participated on numerous committees of organizations serving children and families, including the Family Court Implementation Committee, the Abuse and Neglect Subcommittee, the Mental Health and Habilitation Subcommittee, the Domestic Relations Subcommittee, the H.O.P.E. Court Committee, the Family Court Juvenile Subcommittee, the Parentage and Support Subcommittee, the Education Subcommittee, the Family Court Training Committee and the Juvenile Intake and Arraignment workgroup.
  - Family Court collaborated with the D.C. Bar Family Law Community, Children’s Law Center, the D.C. Bar Pro Bono Program, and other stakeholders, on multiple training and educational programs.
  - Family Court worked closely with the Family Law Assistance Network (FLAN), a joint project of the D.C. Bar Pro Bono Center, the DC Affordable Law Firm, and the Legal Aid Society of the District of Columbia. FLAN offers D.C.-based individuals confidential, free legal advice or representation in custody, child support, parentage, and divorce cases heard in the Domestic Relations Branch of DC Superior Court. The Self-Help Center referred 41 customers to FLAN in 2021.
- **Provide a family friendly environment by ensuring materials and services are understandable and accessible.**
  - Family Court, along with the Domestic Violence Division, Court of Appeals, Probate Division, Pro Bono Net and the DC Bar Pro Bono Program, continued to participate in the development of interactive interviews to assist court

customers in completing court forms online concerning their cases. New online forms developed in 2021 include the CCAN Attorney Eligibility Screening tool for parties in neglect cases.

- The Family Court Self-Help Center (FCSHC), conducted 6,848 customer interviews in CY 2021. FCSHC began providing services remotely after the courthouse closed for the pandemic, but shifted to a hybrid work model in July 2021. FCSHC also collaborated with the Pro Bono community to assist self-represented filers who did not have access to email to help file court documents. In 2021, FCSHC referred 103 litigants to legal service organizations for further assistance.
- The Family Court revised court forms by implementing use of plain language to make them more understandable and accessible.

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

## **Introduction**

The District of Columbia Family Court Act of 2001, Pub.L. 107-114 (D.C. Official Code, 2001 Ed. § 11-1101 *et seq.*, hereinafter the “Family Court Act” or “Act”) requires that the Chief Judge of the Superior Court submit to the President and Congress an annual report on the activities of the Family Court. The report, summarizing activities of the Family Court during 2021, must include the following:

- (1) The Chief Judge’s assessment of the productivity and success of the use of alternative dispute resolution (see pages 15-21).
- (2) Goals and timetables as required by the Adoption and Safe Families Act of 1997 to improve the Family Court’s performance (see pages 29-37).
- (3) Information on the extent to which the Family Court met deadlines and standards applicable under Federal and District of Columbia law to review and dispose of actions and proceedings under the Family Court’s jurisdiction during the year (see pages 21-51, 57-75, 89-92).
- (4) Information on the progress made in establishing locations and appropriate space for the Family Court (see pages 13-15).
- (5) Information on factors not under the Family Court control which interfere with or prevent the Family Court from carrying out its responsibilities in the most efficient manner possible (see pages i-ii).
- (6) Information on: (a) the number of judges serving on the Family Court as of December 31, 2021; (b) how long each such judge has served on the Family Court; (c) the number of cases retained outside the Family Court; (d) the number of reassignments to and from the Family Court; and (e) the ability to recruit qualified sitting judges to serve on the Family Court (see pages 3-10).
- (7) An analysis of the Family Court’s efficiency and effectiveness in managing its caseload during the year, including an analysis of the time required to dispose of actions and proceedings among the various categories of Family Court jurisdiction, as prescribed by applicable law and best practices (see pages 21-51, 57-75, 89-92).
- (8) A proposed remedial plan of action if the Family Court failed to meet the deadlines, standards, and outcome measures prescribed by such laws or practices (see pages 38-51, 68-75, 89-92).

## **Mission Statement**

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

## **Goals and Objectives**

The Family Court, in consultation with the Family Court Strategic Planning Committee (currently the Family Court Implementation Committee), established the following goals and objectives to ensure that the court's mission is achieved. They remained the goals and objectives for continued improvement in 2021.

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



### **Judicial Resources in Family Court**

On January 1, 2022, the Family Court consisted of nine associate judges and 11 magistrate judges, six of whom were assigned to hear abuse and neglect cases.

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

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

<u>Associate Judges</u>	<u>Commencement Date</u>	
Judge Di Toro	January	2019
Judge Soltys	January	2019
Judge Salerno	January	2020
Judge Hertzfeld	February	2020
Judge Israel	February	2020
Judge Becker	January	2022
Judge Higashi	January	2022
Judge Pittman	January	2022
Judge Saddler	January	2022

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

<u>Magistrate Judges</u>	<u>Commencement Date</u>	
Magistrate Judge Johnson	April	2002
Magistrate Judge Breslow	October	2002
Magistrate Judge Fentress	October	2002
Magistrate Judge Albert	January	2006
Magistrate Judge Rook	October	2006
Magistrate Judge Seoane Lopez	August	2012

Magistrate Judge De Witt	January	2017
Magistrate Judge Noti	January	2020
Magistrate Judge Wiedmann	January	2020
Magistrate Judge Trabal	February	2020
Magistrate Judge Beatty-Arthur	July	2020

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

In October 2021, the Chief Judge of the Superior Court of the District of Columbia issued judicial assignments for calendar year 2022. Those assignments became effective on January 1, 2022. Judge Di Toro is now the Family Court Presiding Judge, and Judge Soltys is the Deputy Presiding Judge. As part of the reassignment, Judges Krauthamer, Leibovitz, Wingo, McLean, Berk, and Magistrate Judge Vila left Family Court. Judges Becker, Higashi, Pittman, and Saddler joined Family Court. Judges Becker and Saddler previously served on Family Court, while Judges Higashi and Pittman joined Family Court for the first time. All four judges are assigned to the Domestic Relations Calendar. Judge Salerno moved from a Domestic Relations calendar to a Juvenile calendar, while Judge Hertzfeld remains on the Juvenile calendar. Judge Israel also remains on the Domestic Relations Calendar.

Below is a brief description of the education and training experience of the judges joining Family Court in 2022.

#### ***Judge Becker***

Judge Julie H. Becker was nominated by President Barack Obama in April 2015, and confirmed by the Senate in June 2016. Judge Becker was born and raised in Detroit, Michigan, and graduated from the Detroit Public Schools. She holds a Bachelor of Arts in History from the University of Michigan and a law degree from Yale Law School.

After law school, Judge Becker clerked for the Honorable Sonia Sotomayor, then of the United States Court of Appeals for the Second Circuit. She then received a Skadden Fellowship to begin work at the Legal Aid Society of the District of Columbia, focusing on the implementation of welfare reform-related changes to the laws governing public housing. She remained at Legal Aid as a staff attorney after her fellowship and was promoted to Supervising Attorney in 2007, continuing in that position until her appointment to the bench. During her sixteen years at the Legal Aid Society, Judge Becker represented hundreds of low-income tenants and tenant associations in their efforts to obtain, improve, and preserve affordable housing. She appeared regularly in the Landlord and Tenant Branch, the Civil Actions Branch, and various administrative agencies. She also litigated several cases in the D.C. Court of Appeals and the D.C. Circuit Court concerning the rights of tenants under District and federal law. In addition, Judge Becker engaged in numerous policy initiatives relating to affordable housing, including a comprehensive revision of the rules and regulations governing the District's subsidized housing programs and an overhaul of the District's rent control laws. Judge Becker has served on the Superior Court Advisory Subcommittee on Landlord and Tenant Rules and the Superior Court Ad hoc Committee on Rules for the Housing Conditions Calendar. She also served as a member of the D.C. Bar Judicial Evaluation Committee from 2012 until 2016.

***Judge Higashi***

Kelly A. Higashi was nominated by President Trump to be an Associate Judge of the Superior Court of the District of Columbia on February 5, 2018. Her nomination was confirmed by the United States Senate on July 12, 2018. Judge Higashi was born and

raised in Los Angeles, California. She received her Bachelor of Arts degree in History from the University of Pennsylvania and her Juris Doctor degree from the George Washington University School of Law. After law school, Judge Higashi served as a judicial law clerk to the Honorable Frederick H. Weisberg of the Superior Court of the District of Columbia from 1992 to 1994. In September 1994, Judge Higashi was sworn in as an Assistant United States Attorney in the District of Columbia, where she served for twenty-four years until her appointment to the Superior Court bench. For the last fifteen of those years, Judge Higashi served as the Chief of the U.S. Attorney's Office's Sex Offense and Domestic Violence Section. In that capacity, Judge Higashi led a section of thirty-eight prosecutors who specialized in the prosecution, in both the United States District Court for the District of Columbia and the Superior Court of the District of Columbia, of sexual assaults, domestic violence, child abuse, stalking, human trafficking, online child exploitation, and sex offender registration offenses. Prior to that, Judge Higashi served as the Chief of the U.S. Attorney's Office's Misdemeanor Trial Section. In that capacity, she was instrumental in the creation of several diversion programs for misdemeanor defendants, such as the Community Mediation Program, and she was part of the multi-disciplinary group which implemented the first Community Court pilot project. As an Assistant United States Attorney, Judge Higashi investigated and tried numerous criminal cases in the Superior Court of the District of Columbia and in the United States District Court for the District of Columbia, including some of the most serious domestic violence and sexual assault cases involving both adult and child victims. Judge Higashi was the 2016 recipient of the United States Attorneys Association Harold Sullivan Award. She has also been awarded several United States

Attorney's Awards for Special Achievement, the United States Attorney's Justice for Victims of Crime Award, the United States Attorney's Award for Excellence in Management, the United States Attorney's Award for Creativity and Innovation, and several Federal Bureau of Investigation, Washington Field Office Service Awards. For several years, Judge Higashi was a member of the Superior Court's Domestic Violence Rules Advisory Committee.

### ***Judge Pittman***

Judge Pittman was nominated by President Trump to be an Associate Judge on the Superior Court of the District of Columbia Court on March 9, 2017. His nomination was confirmed by the United States Senate on January 25, 2018. Judge Pittman was born in New York City and grew up on Sullivan's Island, South Carolina. Following graduation from high school in Charleston, South Carolina, Judge Pittman attended Vassar College, where he received a bachelor's degree in Economics in 1985. He received a law degree from Vanderbilt University School of Law in 1990, where he served as an Authorities Editor on the Vanderbilt Journal of Transnational Law and was a member of the Order of the Coif. In September 1990, Judge Pittman began his legal career in this courthouse, where he served as a law clerk to the Honorable John A. Terry of the D.C. Court of Appeals until 1991. From 1991 to 2012 Judge Pittman was an associate and then a partner with the Washington, D.C. office of Crowell & Moring LLP, where he represented commercial clients in complex civil litigation in courts throughout the country at both the trial court and appellate levels, primarily in large insurance coverage disputes concerning environmental and mass tort liabilities. Judge Pittman was one of the founding members of Crowell & Moring's Insurance and Reinsurance Practice

Group, and was ranked as one of the leading insurance coverage lawyers in the District of Columbia by Chambers USA, The Client's Guide to America's Leading Lawyers. In 2012, Judge Pittman joined the Office of the Attorney General for the District of Columbia. He initially served as a Section Chief in the Civil Litigation Division, where he supervised the attorneys and staff who defend the District of Columbia, its agencies and employees in tort actions, civil rights actions and employment actions brought in the Superior Court for the District of Columbia and the United States District Court for the District of Columbia. In April 2016 Judge Pittman was promoted to the position of Assistant Deputy Attorney General for the Civil Litigation Division of the Office of the Attorney General for the District of Columbia, where he served until his appointment to the Superior Court.

### ***Judge Saddler***

In 2003, President George W. Bush appointed Judge Fern Flanagan Saddler as an Associate Judge of the Superior Court of the District of Columbia. Judge Saddler received her Bachelor of Arts degree in 1976 from Wellesley College in Wellesley, Massachusetts. After college, she attended Georgetown University Law Center in Washington, D.C., where she received her Juris Doctor degree in 1979. Upon graduating from law school, Judge Saddler worked as an attorney for the general practice law firm of Mitchell, Shorter & Gartrell, where she was involved in trial and appellate work in local and federal courts in the Washington, D.C. metropolitan area. In 1984, she became an Assistant Bar Counsel for the District of Columbia Office of Bar Counsel, where she investigated and prosecuted complaints of attorney misconduct. Beginning in 1988, Judge Saddler served as Senior Staff Attorney for the District of Columbia Court of

Appeals, where she supervised staff attorneys and court law clerks. From July 1990 through January 1991, she served as Acting Chief Deputy Clerk at the District of Columbia Court of Appeals. From 1991 to 2003, Judge Saddler served as a Magistrate Judge (formerly known as Hearing Commissioner) of the Superior Court of the District of Columbia, where she presided over thousands of matters in the Criminal, Civil, and Family Divisions of the court. As an Associate Judge, Judge Saddler has served in the Domestic Violence Division, Criminal Division, Civil Division, and Family Court. Judge Saddler has been active in many bar associations and professional organizations, including: the Washington Bar Association; the Women's Bar Association of the District of Columbia; the National Association of Women Judges; and the Greater Washington Area Chapter, Women's Lawyers Division of the National Bar Association (GWAC). From 2014 to 2016, she served as the Chair of the Judicial Council Division of the Washington Bar Association. On February 23, 2016, Judge Saddler was awarded the Charlotte E. Ray Award by the Greater Washington Area, Women Lawyers Division of the National Bar Association. The Charlotte E. Ray Award is awarded every year in recognition of an outstanding African American woman from the Washington area that has been a trailblazer in the legal community. Charlotte E. Ray was the first woman admitted to practice law in the District of Columbia and the first African American woman certified as a lawyer in the United States. Judge Saddler was awarded the Charlotte E. Ray Award in recognition of her strong commitment to mentorship, outstanding leadership, dedication to the advancement of female attorneys, and overall excellence in the Washington, D.C. community. Judge Saddler is married to Reverend Dr. Paul Harvey Saddler.

### **Ability to Recruit Qualified Sitting Judges to Serve on Family Court**

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

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

### **Training and Education**

The Chief Judge of the Superior Court and the Presiding and Deputy Presiding Judges of the Family Court, in consultation with the Superior Court's Judicial Education Committee, develop and provide training for Family Court judicial staff through the Training and Education Subcommittee of the Family Court Implementation



Committee. This interdisciplinary committee consists of judicial officers, court staff, attorneys, social workers, psychologists, and other experts in child welfare.

Family Court judicial officers took advantage of several training opportunities in 2021. In December 2021, all Family Court judicial officers participated in an extensive two-day training program updating them on current substantive family law practice and new procedures in Family Court. Some of the topics included: Law and Process in Juvenile Court; Calendar and Chambers Management; Settling Cases: Mediation, Self-Help Center, Alternative Dispute Resolution (“ADR”), Stipulations; Introduction to Child Abuse and Neglect/Life of a Neglect Case; Intersection of Domestic Violence and Domestic Relations; the Custody Assessment Unit; Child Support: Paternity and Support Calendar and Domestic Relations Cases; and Guardians ad litem in Custody and Neglect Cases. Additionally, judicial officers new to the Family Court and judicial officers changing calendars participated in a mandatory in-service training on their respective calendars.

In 2021, the Presiding Judge convened weekly lunch meetings and mandatory monthly meetings for Family Court judicial officers to discuss issues involving family court cases and to hear from guest speakers on a variety of relevant topics.

The 19th Annual Family Court Interdisciplinary Conference, entitled “Exploring Overlapping Biases and How They Affect Decision Making in Family Court” was held virtually on October 15, 2021. The conference featured Dr. Rita Cameron Wedding, Faculty Emeritus in the departments of Women’s and Ethnic Studies at Sacramento State University. Dr. Cameron Wedding’s curriculum, *Implicit Bias: Impact on Decision-Making*, has been used to train judges, public defenders, practitioners in child welfare,

juvenile justice, law enforcement and education in jurisdictions throughout the country since 2005. In addition to Dr. Wedding, the conference featured panel discussions regarding implicit bias and racial equity in the workplace. The speakers shared important information and insights and there was an informative question and answer period and discussion where attendees voiced interest in follow-up trainings and conferences on this topic.

The Family Court continues to promote and encourage participation in cross-training and, in collaboration with others, conducts periodic seminars and workshops. The seminar “Best Practices for Using Education Attorneys in Juvenile and Neglect Cases” was held virtually. Additionally, in conjunction with the Child and Family Services Agency (“CFSA”), the Court hosted a series of Judicial Permanency Forums focusing on paternity issues, featuring presentations by panel attorneys, small group discussions led by the Magistrate Judges, and a final large session where each group reported out on the results of their conversations.

The Counsel for Child Abuse and Neglect Branch (CCAN) of the Family Court, which oversees the assignment of attorneys in child welfare cases, conducts trainings for new child abuse and neglect attorneys, and coordinates a brown bag lunch series on important topics in child abuse and neglect practice. The brown bag lunches employ the skills of many stakeholders involved in the child welfare system and are designed to be interdisciplinary in nature. Topics covered in 2021 included: a presentation on weighty consideration by the Howard University Legal Clinic; an overview and discussion of the Permanency Mediation Program featuring representatives from the Court’s Multi-Door Division; a CFSA presentation on their permanency tracking system; best

practices for litigating *Ta.L.* hearings; a presentation on local community legal resources; an ethics presentation by DC Bar Counsel; and a 2021 case law review.

Family Court non-judicial staff also participated in a variety of training programs in 2021. Topics covered included: adapting to a telework environment; business friendly customer service; collaborative leadership, effective communication; procedural fairness; time management; leading with empathy; improving case resolution, data integrity, and many others. These educational opportunities focused on a variety of topics, all with the goal of moving the court toward improved outcomes for children and families.

### **Family Court Facilities**

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

Construction of the C Street Addition will reunite the Family Court to one campus from its present multiple locations. The 175,000-gross square foot expansion project will rise six stories along the south facade of the Moultrie Courthouse providing over 30,000 square feet of Family Court offices and support space. The expansion will include space for social services, the childcare center and supervised visitation, six courtrooms, and chambers for 20 Superior Court judges. The addition will be fully integrated with JM level and first floor space for the Family Court Mental Health and Habilitation Unit, CCAN,

Juvenile Intake, Probation Supervision, Drug Court and the administrative offices for the Family Court Operations and Family Court Social Services Divisions. New facilities will provide ADA accessibility, accommodation of technology, adjacency to genetic testing and the Mayor's Liaison Office, improving Family Court operations.

There were several milestones reached during 2021, as the structural steel to support the addition was set and the prominent glass shown in the photo below is now installed and complete. The previously installed green roof was finalized with the installation of selected plants and solar panels for greater energy efficiency. The final interior and exterior construction is underway and a specially designed inlaid marble wall sculpture was completed and installed.

The Family Court will be reaching full consolidation with the relocation of the balance of the Court Social Services Division at the end of Phase 2B construction. Substantial completion of Phase 2A is anticipated in July 2022, with furniture installation and move in final by November 2022.



C Street Addition Looking Northwest

### **Alternative Dispute Resolution in Family Court**

Alternative Dispute Resolution (ADR) in the Family Court is provided through the Superior Court's Multi-Door Dispute Resolution Division (Multi-Door). Both the Child Protection Mediation and Family Mediation programs facilitated by Multi-Door have proven to be highly successful in resolving both child abuse and neglect cases and domestic relations cases. The programs had an equally positive effect on court processing timeframes and costs. These results provide compelling support for the continuation of these valuable public service programs.

Due to the pandemic, the Family ADR Branch of the Multi-Door Division ceased all in-person mediations to prevent the spread of Covid-19 among court personnel and families that entered the mediation process. All mediation services were moved to an online platform via a secured service through ZoomGov.com. All families referred to mediation in all family branch programs were invited to participate via Zoom or telephone beginning with Child Protection Mediation in early May 2020, followed by family mediations in late May 2020, with virtual mediation continuing through 2021.

#### **ADR Performance Measures**

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

- a) ADR Outcome – measures clients' satisfaction with the outcome of the mediation process (including whether a full agreement on the case was reached or if specific contested issues were resolved), fairness of outcome, level of understanding of opposing party's concerns, impact upon communications with other party, and impact upon time spent pursuing the case;

- b) ADR Process – measures clients’ satisfaction with the overall mediation process – including their ability to discuss issues openly, fairness of the process, length of session, and whether the participants perceived coercion by the other party or mediator; and
- c) Mediator Performance – measures clients’ satisfaction with mediators’ performance in conducting the process, including explaining the process and the mediators’ role, providing parties the opportunity to fully explain issues, the mediators’ understanding of the issues, whether the mediator gained the parties’ trust, and any perceived bias on the part of the mediator.

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

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

In 2021, 262 new abuse and neglect cases were filed in the Family Court.<sup>3</sup> Fifty-five percent of those cases (156 families with 255 children) were referred to mediation, consistent with the mandate in the Family Court Act to resolve cases and proceedings

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

through ADR to the greatest extent practicable, consistent with child safety.<sup>4</sup> Of those 156 families, 12 families (8%, representing 15 children) whose cases were filed in 2021 were offered mediation in 2022. Mediation was offered to 144 families with 240 children in 2021.

Of the 144 families offered mediation in 2021, 72% of the families (102 cases, representing 181 children), participated in the mediation process and 32% of the families (42 cases, representing 59 children) did not participate and their cases were not mediated.<sup>5</sup>

As was the case in 2020, for families participating in mediation, the court continued to settle a substantial number of cases through the mediation process.<sup>6</sup> In 2021, nearly all cases which went to mediation reached an agreement on jurisdiction, family services, or a plan to resolve the case. Of the 102 cases mediated, 26 (25% of cases representing 44 children) resulted in a full agreement. In these cases, the issue of legal jurisdiction was resolved, and the mediation resulted in a stipulation (an admission of neglect by a parent or guardian). In 70 cases (69% of the cases, representing 125

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<sup>4</sup> These multi-party mediations are structured to enhance safety: pre-mediation information is provided to participants; parents are included in the sessions; appropriate training is provided; and a layered domestic violence screening protocol is implemented for cases with a history of domestic violence by Multi-Door staff and mediators.

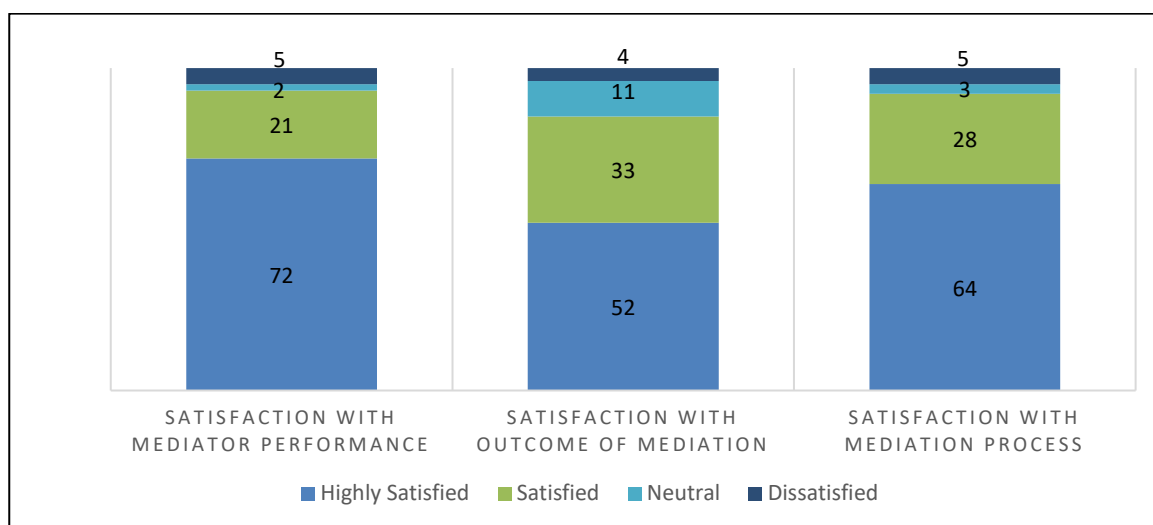
<sup>5</sup> Scheduled cases may not be held for the following reasons: (a) case dismissed by the court; (b) case settled prior to mediation; (c) case rescheduled by the parties; (d) case cancelled (e.g. domestic violence); and (e) case scheduled in 2019 for mediation in 2020. Family Court and Multi-Door have implemented measures to reduce the number of rescheduled cases to expedite case resolution.

<sup>6</sup> In addition to the new abuse and neglect referrals, 31 post adjudication cases were referred with issues of permanency, custody, visitation and/or post adoption communication. Of those 31 cases that were referred in 2021, 30 cases were offered mediation in 2021 and one (1) case was offered mediation in 2022. Of the 30 cases (representing 45 children), 87% (26 cases representing 40 children) mediated, 13% (4 cases representing 5 children) did not participate. Of the 26 cases that mediated, 35% (9 cases representing 13 children) reached settlement on custody or post adoption contact. Partial settlement was reached in 35% of the mediated cases (9 cases representing 14 children). No agreement was reached in 30% of these cases (8 cases representing 13 children).

children) the mediation was partially successful, resolving significant family concerns. There were 6 cases (6% of the cases, representing 12 children) in which mediation resulted in no agreement.

Qualitative measures, shown in Figure 1, illustrate satisfaction measures (highly satisfied and satisfied) of 93% for performance of the mediator(s), 85% for ADR outcome, and 92% for the ADR process.<sup>7</sup>

**Figure 1. Child Protection Mediation Program - Percent of Participant Satisfaction<sup>8</sup>**



## Domestic Relations Mediation

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

<sup>7</sup> These statistics are based on data provided by the Multi-Door Dispute Resolution Division. In 2019, participant survey responses were expanded to include the option of selecting neutral.

<sup>8</sup> Data collected from participant surveys conducted from January-December 2021.

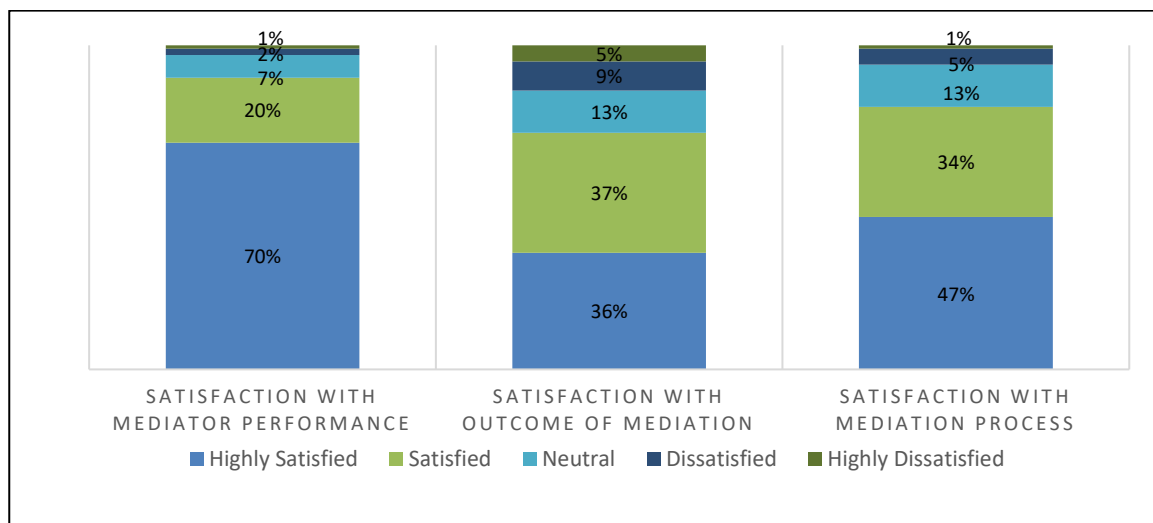


A total of 653 domestic relations cases were referred to mediation in 2021.<sup>9</sup> Sixty-four percent (421) of the cases referred were mediated and completed in 2021. The remaining 36% (232) of cases referred to mediation did not participate because they were found to be either inappropriate or ineligible for mediation or the parties voluntarily withdrew from the process.<sup>10</sup>

Of the 421 cases mediated, 118 cases (28%) settled in mediation and 303 cases (72%) did not reach a settled resolution. Of the 118 settled cases, a full agreement was reached in 83 cases (70%) and a partial agreement was reached in 35 cases (30%), resolving significant family concerns.

Qualitative outcome measures, Figure 2, show satisfaction rates (highly satisfied and satisfied) of 90% for the performance of the mediator(s), 73% for the ADR outcome, and 81% for the ADR process.

**Figure 2. Domestic Relations Mediation Program Participant Satisfaction<sup>11</sup>**



<sup>9</sup> There were 979 cases opened at intake. Prior to reaching mediation, 326 of those cases were closed at intake because at least one essential party did not complete the intake interview process or a party refused to mediate.

<sup>10</sup> Cases that did not participate in mediation include: 29 cases deemed inappropriate for mediation and 203 cases where parties withdrew.

<sup>11</sup> Data collected from participant surveys conducted from January-December 2021.

## **Family Court ADR Initiatives**

The Family Court and Multi-Door have coordinated efforts to implement initiatives to support ADR consistent with the Act. In 2021, The Program for Agreement and Cooperation in Contested Custody Cases or PAC, was conducted remotely via Zoom and there were 17 education seminars conducted, which helped 137 parents understand the impact of custody disputes on co-parenting and how these disputes affect their children. The objective of the program was to help participants improve working relationships and develop effective communication skills while prioritizing their children's need. During this time, the children's component to PAC remained suspended in response to the COVID-19 pandemic.<sup>12</sup>

## **District of Columbia Bar, Family Law Community/Family Court ADR Program**

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

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<sup>12</sup> Effective April 2021, the adult component of the PAC seminar was relaunched via Zoom; however, the children's component remained suspended through 2021.

The ADR Facilitators are family lawyers with at least five years of experience in domestic relations practice and mediation training or experience. The program includes a case evaluation component, along with mediation, in which parties and counsel are provided with an assessment of the strengths and weaknesses of their respective positions. In 2021, the court ordered 44 families to participate in this ADR program.

### **Family Court Operations Case Activity**

There were 3,410 pending pre-disposition cases in the Family Court on January 1, 2021. In calendar year 2021, there were 8,437 new cases filed<sup>13</sup> and 190 cases reopened in the Family Court. During the same period, 8,312 cases were disposed. As a result, there were 3,716 cases pending in the Family Court on December 31, 2021 (Table 1).

***Table 1. Family Court Operations Case Activity, 2021***

	Abuse & Neglect	Adoption	Divorce & Custody	Juvenile <sup>a</sup>	Mental Habilitation	Mental Health	Parentage & Support	Total
Pending Jan. 1 <sup>b</sup>	52	134	1,396	349	0	290	1,189	3,410
New Filings	262 <sup>e</sup>	194	3,314	811 <sup>e</sup>	2	2,594	1,260	8,437
Reopened	0	4	52	2	0	129	3	190
Total Available for Disposition	314	332	4,762	1,162	2	3,013	2,452	12,037
Dispositions <sup>c</sup>	255	208	3,232	809	1	2,901	915	8,321
Pending Dec. 31	59	124	1,530	353	1	112	1,537	3,716
Percent Change in Pending	13.5%	-7.5%	9.6%	1.1%	NA	-61.4%	29.3%	9.0%
Clearance Rate <sup>d</sup>	97%	105%	96%	100%	NA	107%	72%	96%

a. Includes cases involving Delinquency, PINS (Persons In Need of Supervision), and Interstate Compact.

b. Except for Mental Habilitation, figures were adjusted after audits of caseloads.

c. Family Court cases are considered disposed when a permanent order has been entered except for Parentage and Support (P&S) cases. A P&S case is disposed when a temporary order is entered.

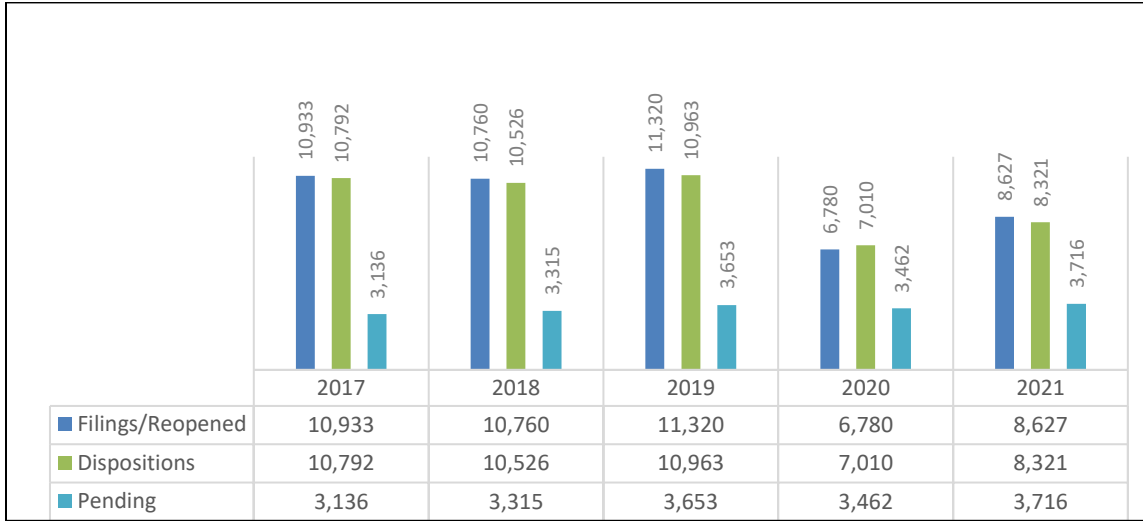
d. The clearance rate, a measure of court efficiency, is the total number of cases disposed divided by the total number of cases added (i.e., new filings/reopened) during a given time period. Rates of over 100% indicate that the court disposed of more cases than were added, thereby reducing the pending caseload.

e. New filings do not reflect cases in pre-petition custody order status.

<sup>13</sup> In 2021, new filings in Abuse and Neglect (28) and Juvenile (9) that were initiated with a pre-petition custody order were excluded from new cases filed pending the filing of a petition to more accurately reflect cases that were available to be processed. Prior to 2018, those cases were automatically added to the new filing category.

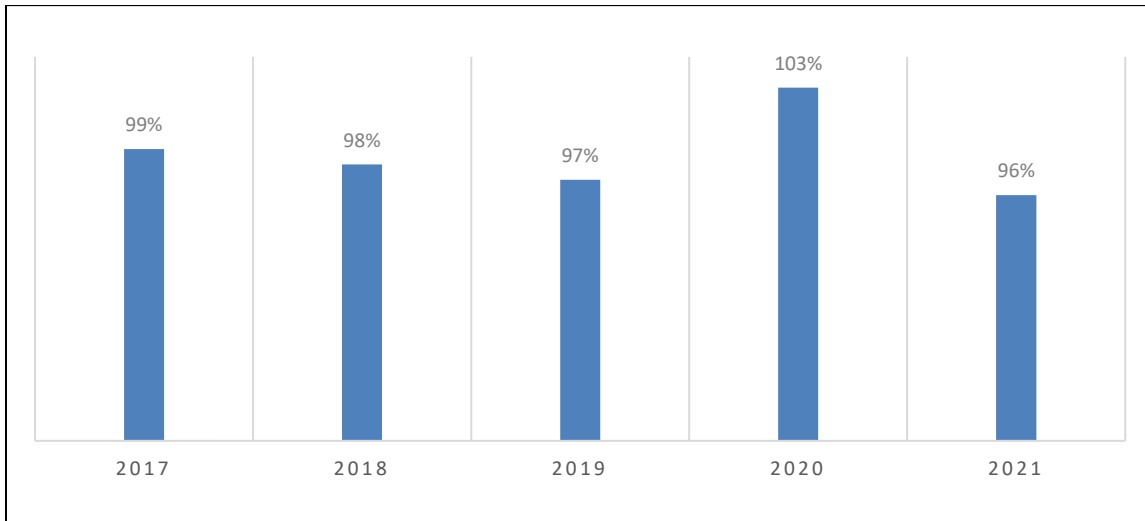
Over the five-year period from 2017 through 2021, the number of filings (including reopened cases) and the number of dispositions has fluctuated (Figure 3). New filings/reopened cases decreased by 21.5% from 2017 (10,993) to 2021 (8,627) while dispositions decreased 22.9% from 2017 (10,792) to 2021 (8,321).

**Figure 3. Family Court Case Activity, 2017-2021**



The best measure of whether a court is managing its caseload efficiently is its clearance rate, or disposing of one case for each new case filed or reopened (Figure 4). Disposing of cases in a timely manner helps ensure that the number of cases awaiting disposition (pending caseload) does not grow. The overall clearance rate for the Family Court in 2021 was 96%, a decrease from 103% in 2020.

**Figure 4. Family Court Clearance Rates, 2017-2021**



### **Family Court Case Activity**

New case filings in the Family Court increased 27.7% from 2020 to 2021 (6,608 in 2020; 8,437 in 2021). New case filings increased across all case types. In 2021, the Family Court resolved 8,321 cases, a 18.7% increase in the number of dispositions from 2020 (7,010). Disposition counts increased in all Family Court case types except Juvenile.

A disposition does not always end court oversight and judicial involvement. In many Family Court cases, after an order is entered, there is a significant amount of post-disposition activity. For example, dispositions in parentage and support cases include cases resolved through the issuance of either a temporary or permanent support order. Cases resolved through issuance of a temporary support order often have financial review hearings scheduled after disposition until a permanent support order is established. In addition, all support cases are subject to contempt and modification hearings that require judicial oversight. Child support orders entered in DC are valid until the child attains the age of 21 or is emancipated. In 2021, 1,094 post-disposition parentage and support

motions were filed.

Domestic Relations cases are also subject to post-disposition activity such as motions to modify or enforce custody or visitation and motions for contempt; these motions require judicial, administrative and courtroom management. In 2021, 3,675 of these post-disposition motions were filed.

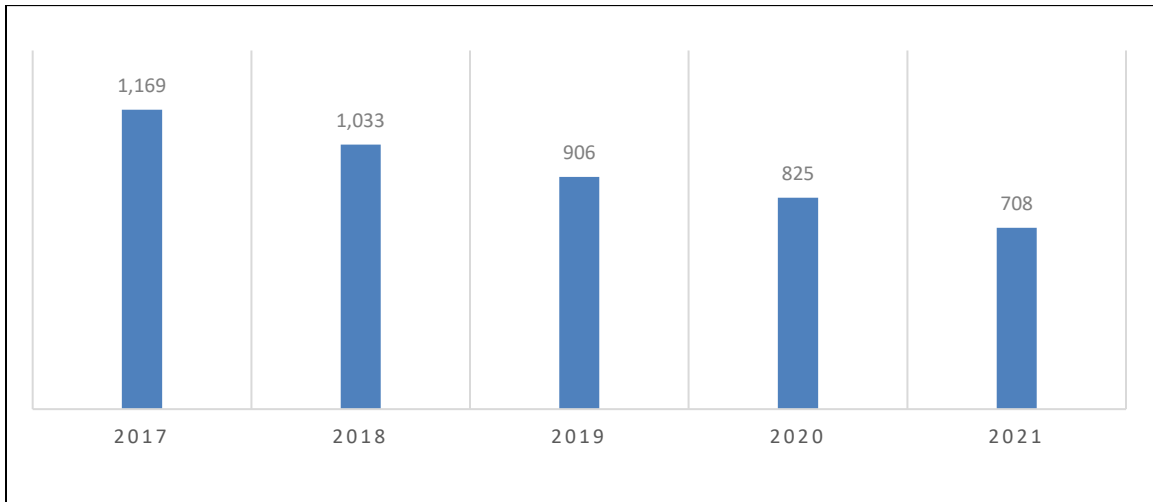
Mental Habilitation cases are considered disposed once an order of commitment or an order of voluntary admission is entered. In 2021, 551 post-disposition mental habilitation cases remained open, requiring annual judicial reviews to determine the need for continued commitment.

Juvenile cases are disposed at sentencing and stay open until sentence expiration or until the Family Court no longer has jurisdiction over the juvenile. In 2021, there were 1,596 post-disposition juvenile cases. Similarly, 649 post-disposition abuse and neglect cases remained open and required regular judicial reviews until the child reached permanency either through placement in a permanent living situation or aging out of the foster care system.

### **Abuse and Neglect Cases**

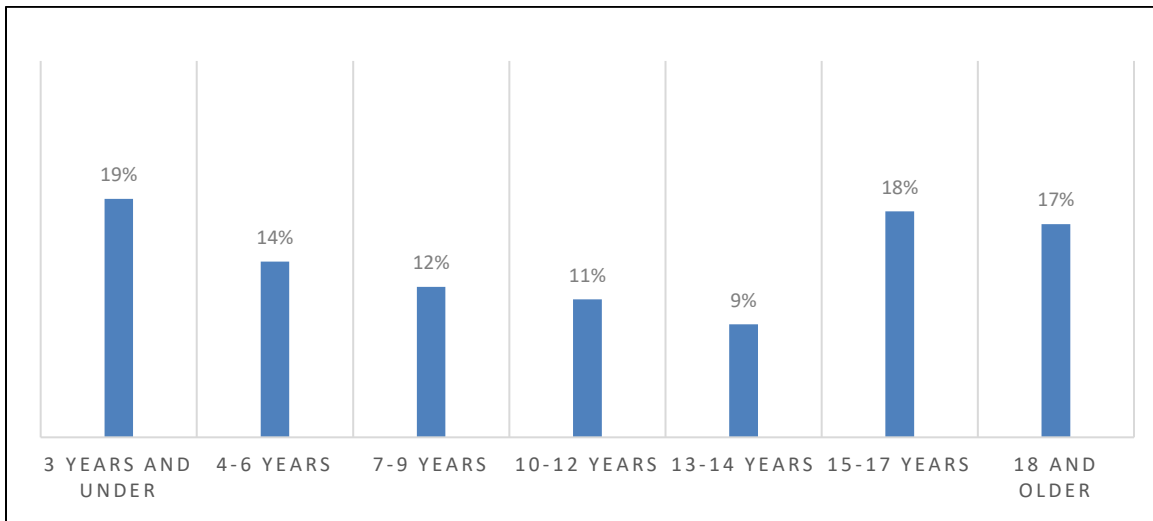
In 2021, there were 708 children under Family Court jurisdiction, representing a 14% decrease from 2020 (Figure 5). This number includes children with open cases that are either undisposed or where a disposition hearing was held, followed by regularly scheduled permanency hearings. Ninety-four cases in pre-petition custody order status are excluded from the total number.

**Figure 5. Number of Child Abuse and Neglect Cases on December 31, 2017-2021**

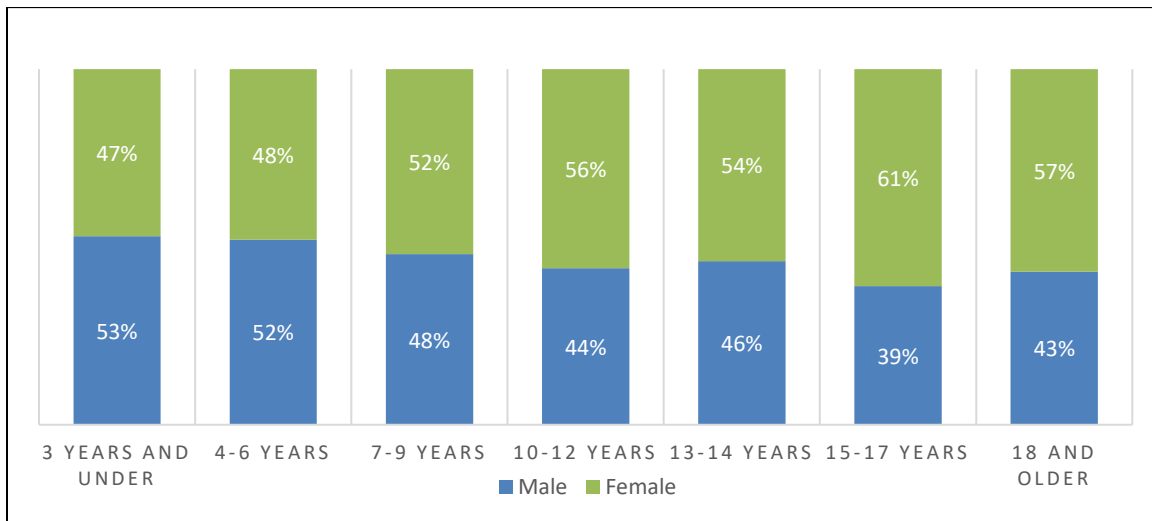


Youth age 15 and older accounted for 35% of all cases under Family Court jurisdiction (Figure 6). Nineteen percent of the children were aged three years and under. While children aged 6 and younger were more likely to be male, children aged 7 and older were more likely to be female (Figure 7).

**Figure 6. Child Abuse and Neglect Cases by Child's Current Age, 2021**



**Figure 7. Child Abuse and Neglect Cases by Child's Current Age and Gender, 2021**



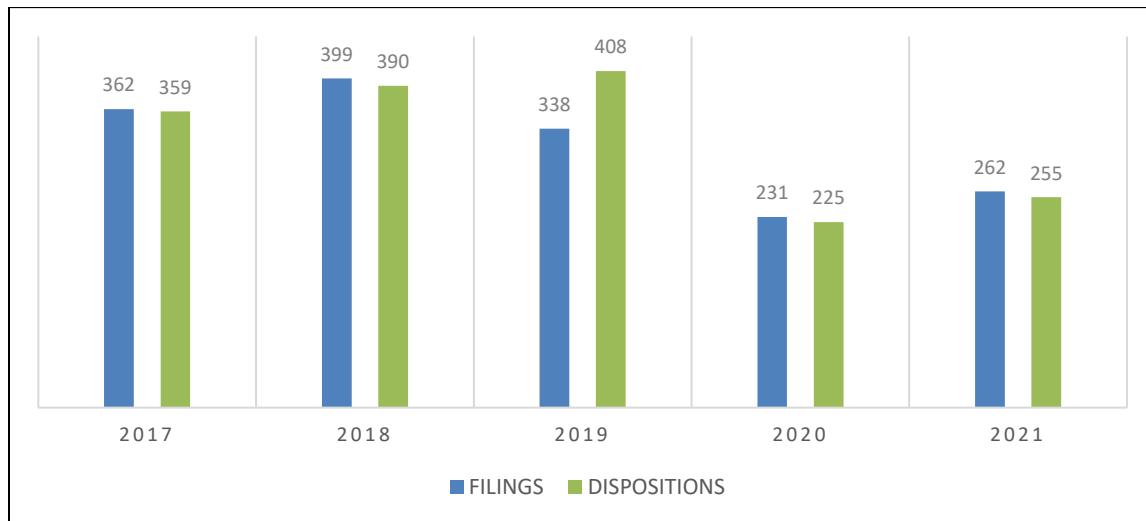
Whereas the previous section focused on all children with open abuse and neglect cases in 2021, the next section is specific to child abuse and neglect new referrals.

### **Children Referred to Family Court**

In 2021, there were 262 new child abuse and neglect referrals and 255 child abuse and neglect cases disposed (Figure 8). At the end of 2021, of the 262 entry cohort cases, 56% (146) had a completed disposition hearing, 23% (59) remained undisposed, 9% (25) were not petitioned, 7% (19) were dismissed, and 5% (13) were closed with a permanency outcome of reunification (12) or custody (1).



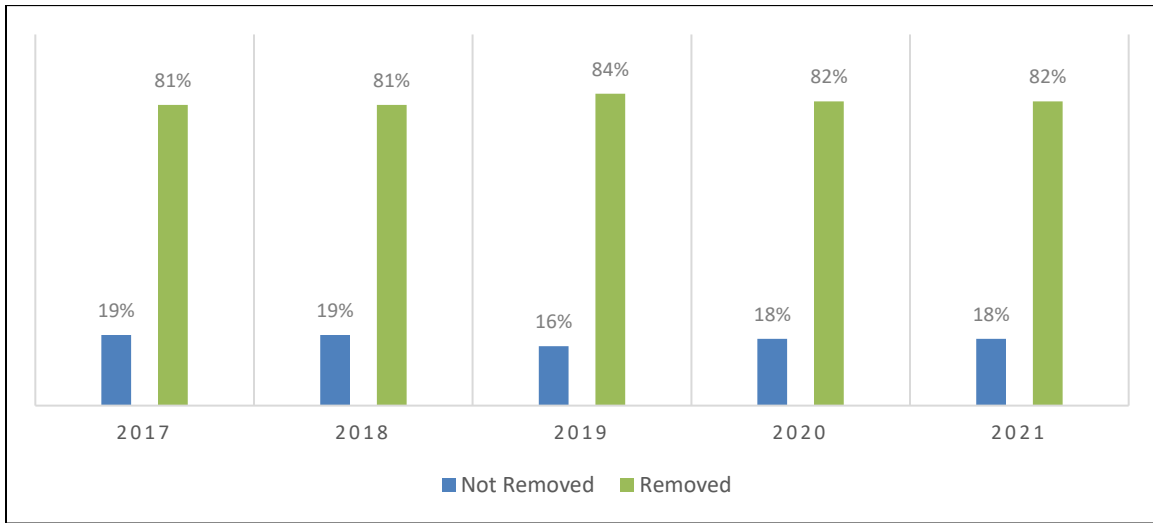
**Figure 8. Number of Child Abuse and Neglect Cases Filed and Disposed, 2017-2021**



Fluctuations in the number of referrals to Family Court are often attributed to policy changes at CFSA, such as handling more cases as “in home” cases. In-home supervision of cases by CFSA provides the family and the agency with an opportunity to address the family’s needs without Court supervision. CFSA’s strategic agenda known as the “Four Pillars” endeavors to improve outcomes for children and families by reducing the number of children coming under Family Court jurisdiction through application of “Pillar One: Narrowing the Front Door.” This pillar was designed to decrease the number of entries into foster care through differential response and placement with kin.<sup>14</sup>

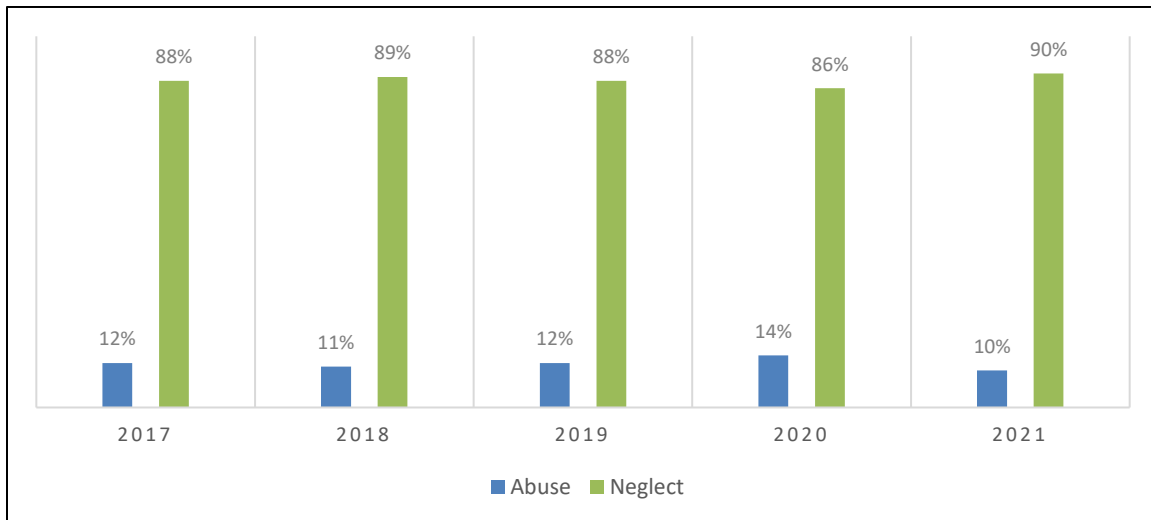
<sup>14</sup> CFSA.DC.GOV. [online] Available at: <<https://cfsa.dc.gov/page/four-pillars>> [Accessed 12 March 2021].

**Figure 9. Child Abuse and Neglect Cases Filed by Removal Status, 2017-2021**



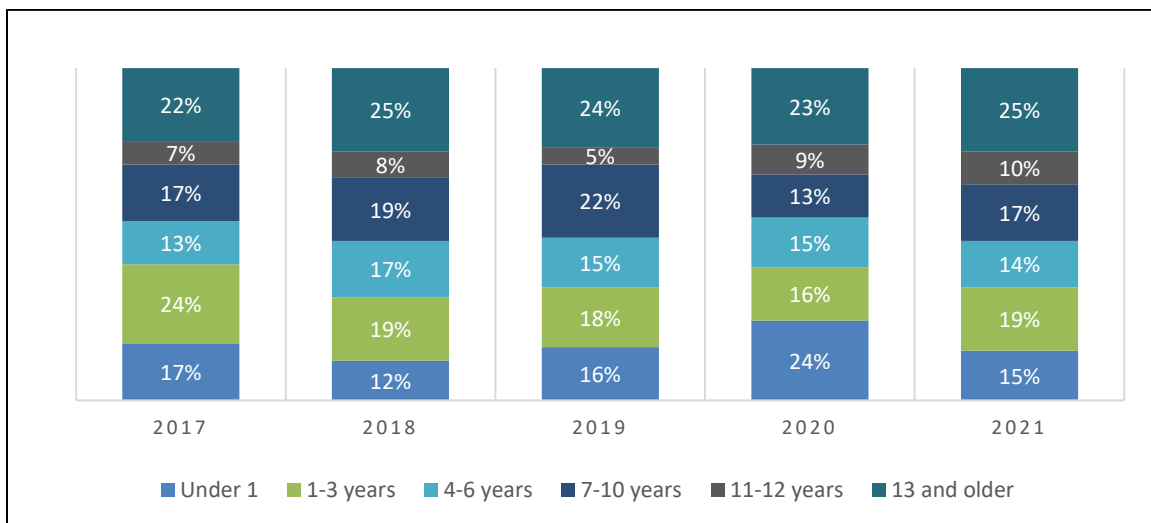
In 2021, children were removed from the home in 82% of the cases; children remained in the home under protective supervision in 18% of the cases (Figure 9). In 2021, an allegation of neglect (90%) was the most likely reason for a youth to be referred to the Family Court (Figure 10).

**Figure 10. Child Abuse and Neglect Cases by Primary Reason of Filing, 2017-2021**



At the time of referral, 34% of new petitions were for children three years old or younger and 14% were for children four to six years old (Figure 11). Given the vulnerability of children in these age groups, the Family Court and CFSA are continuing to review the needs of this population, especially as it relates to educational and developmental services and access to other early intervention programs. In 2021, 25% of new petitions to Family Court involved children 13 years of age and older at the time of referral. Referrals of older children increased by 2% from 2020 to 2021, comprising the second largest age group in the 2021 cohort. The Family Court, CFSA, and other child welfare stakeholders continue to examine the implications of a larger population of older youth coming into care. The examination includes an assessment of resources in the District to assist parents and caregivers in addressing the needs of this segment of the population before they come into care, as well as the need to identify and develop appropriate placement options once they are in care.

**Figure 11. Child Abuse and Neglect Cases Filed by Child Age, 2017-2021**



## **Transfer of Abuse and Neglect Cases to Family Court**

Under the Family Court Act, if the term of a Family Court judge expires before the cases before him/her are disposed, the presiding judge shall reassign the case to a Family Court judge. The exception is that non-Family Court judges can retain a case, with approval from the Chief Judge, under the conditions that: (1) the judge retaining the case had the required experience in family law; (2) the case was in compliance with ASFA; and (3) it was likely that permanency would not be achieved more quickly by reassigning the case within Family Court. In 2021, no judges leaving Family Court retained any abuse and neglect cases.

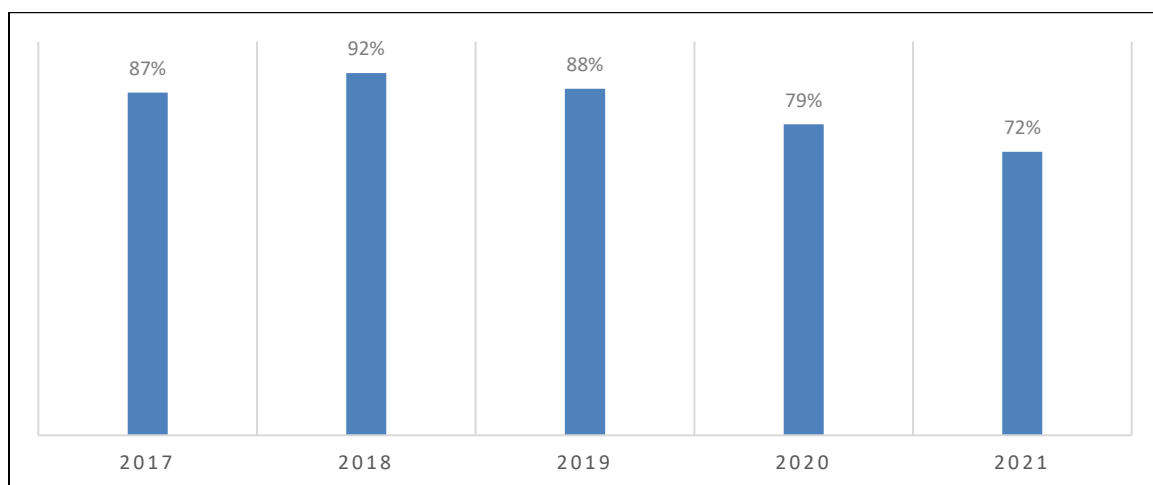
## **Compliance with D.C. ASFA Requirements**

The District of Columbia Adoption and Safe Families Act (D.C. ASFA) (D.C. Official Code §§ 16-2301 et seq., (2000 Ed.)) establishes timelines for the completion of trials and disposition hearings in abuse and neglect cases. The timelines vary depending on whether the child was removed from the home. For a child removed from the home, the statutory timeframe between filing of the petition and trial or stipulation is 105 days from the date of removal. For a child not removed from the home, the statutory timeframe between filing of the petition and trial or stipulation is 45 days from the petition filing date. The statute requires that trial and disposition occur on the same day, whether the child has been removed or not, but permits the court 15 additional days to hold a disposition hearing for good cause shown, if the continuance does not result in the hearing exceeding the deadline.

## **Trial/Stipulation of Abuse and Neglect Cases**

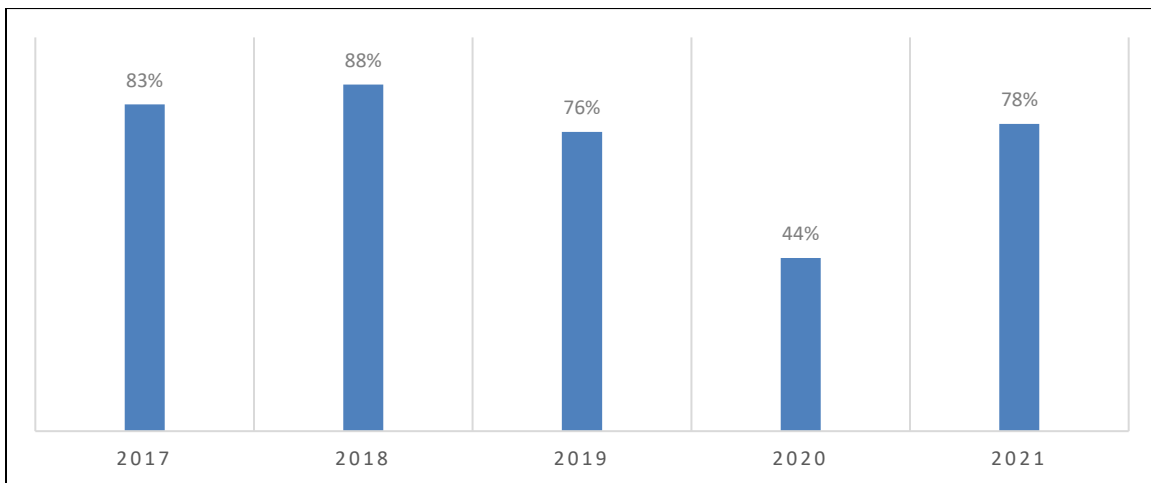
In 2021, 82% of children referred to the court were removed from their homes (Figure 9). Seventy-two percent of cases filed had a factfinding hearing in compliance with the 105 day ASFA timeline for trials in removal cases (Figure 12), down from 79% in 2020. The median time for a case to reach trial or stipulation was 63 days. The recent performance for time to trial or stipulation can be attributed to issues related to holding stipulated neglect findings in abeyance for one parent/guardian while the other parent/guardian awaits trial, and trial scheduling, especially under the Covid-19 Pandemic Emergency orders. Additionally, the decline in performance can be attributed to the number of cases involving sibling groups with several parents and step-parents as parties, thereby increasing the complexity of the trial or stipulation events. In 2021, there were 98 cases involving siblings – 20 sibling groups with two siblings, eight sibling groups with three siblings, seven sibling groups with four siblings and one sibling group with six siblings.

***Figure 12. Trial/Stipulation Compliance for Child Abuse and Neglect Removed Cases, 2017-2021***



Eighteen percent of children referred to the court were not removed from their homes (Figure 9). For children not removed from home, compliance with the timeline to trial or stipulation (45 days) increased from 44% in 2020 to 78% in 2021 (Figure 13). The median time for a case to reach trial or stipulation was 26 days. When dealing with such small caseloads (46 in 2021), a few cases (10) can have a significant impact on compliance rates. The Family Court will continue to monitor and track compliance in this area throughout 2021.

**Figure 13. Trial/Stipulation Compliance for Child Abuse and Neglect Not Removed Cases, 2017-2021**

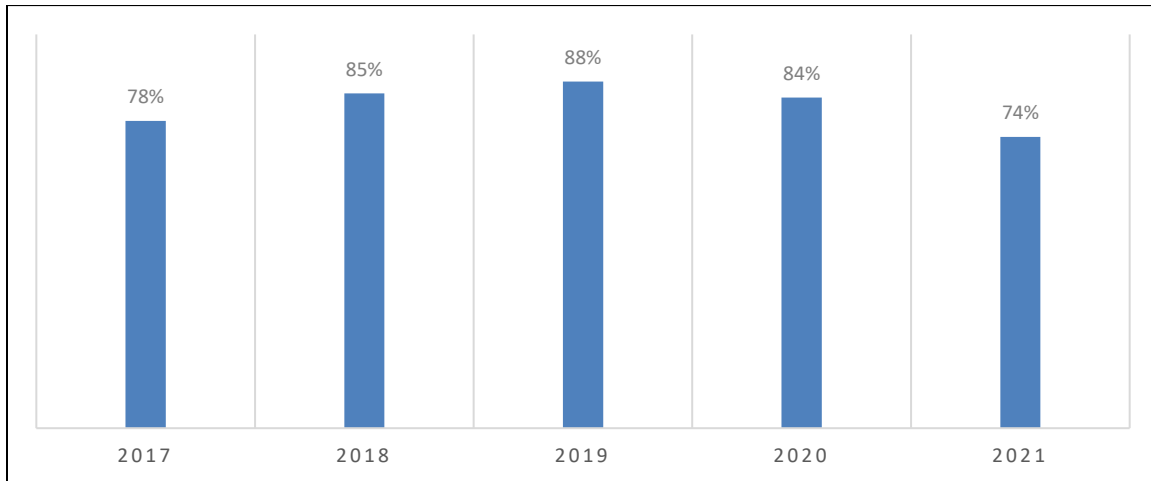


### **Disposition Hearings in Abuse and Neglect Cases**

Seventy-four percent of cases filed in 2021 where the child was removed from the home held disposition hearings within the 105-day timeline (Figure 14). This number may increase as pending cases filed late in 2021 have their disposition hearings. In 2021, the median time to reach disposition was 83 days. As with time to trial or stipulation, the decrease in performance for time to disposition in 2021 can be attributed to pandemic scheduling issues and the holding of neglect findings in abeyance for one parent/guardian

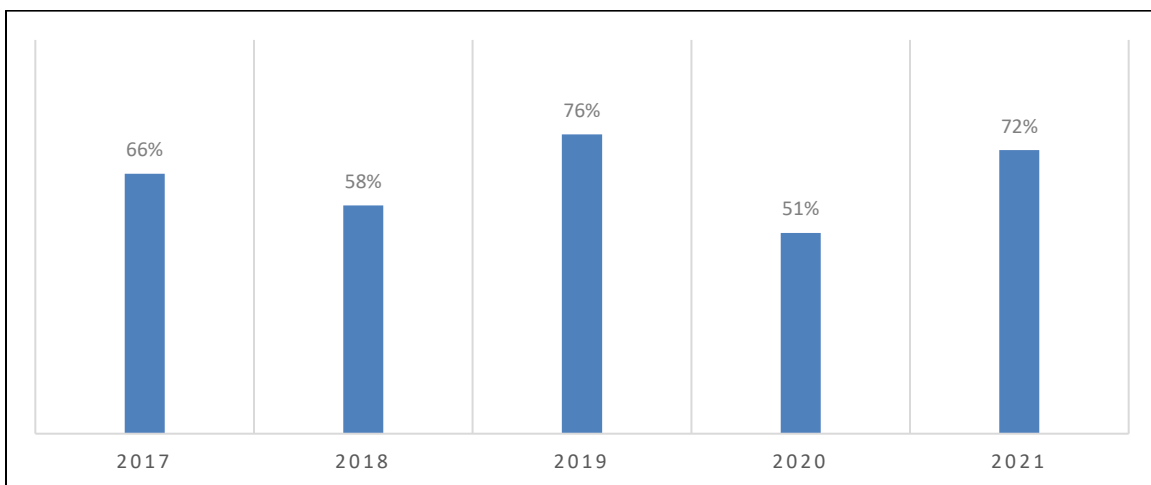
while the other parent/guardian awaited trial. Additionally, the legal complexities in some cases caused disposition delays as parties worked to resolve them prior to trial.

**Figure 14. Time to Disposition Compliance for Child Abuse and Neglect Removed Cases, 2017-2021**



Seventy-two percent of cases filed in 2021 where the child was not removed from the home held disposition hearings within the 45-day timeline, an increase from 51% in 2020 (Figure 15). The median time to reach disposition was 35 days.

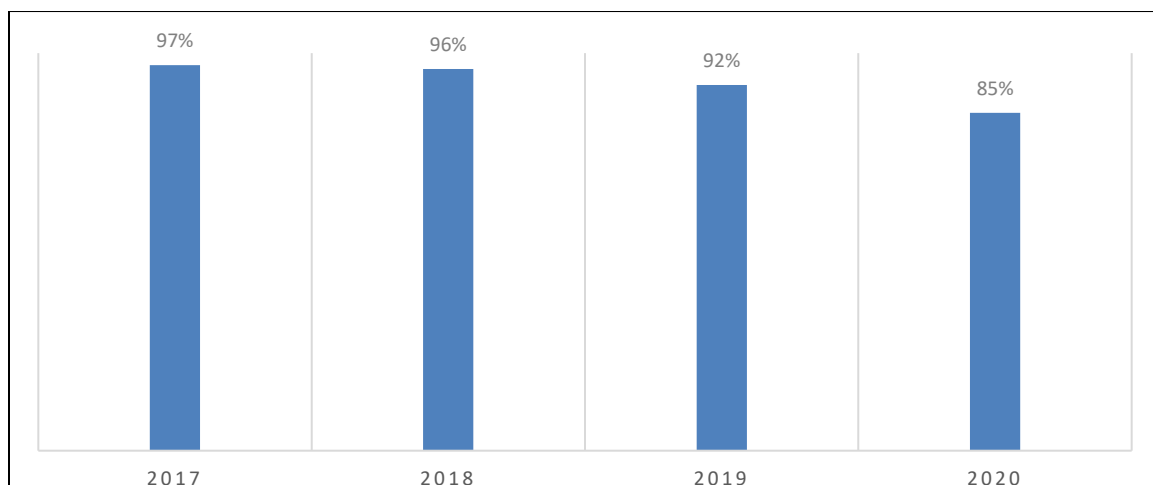
**Figure 15. Time to Disposition Compliance for Child Abuse and Neglect Not Removed Cases, 2017-2021**



## Compliance with ASFA Permanency Hearing Requirements

Both the D.C. and Federal ASFA require the court to hold a permanency hearing for each child who has been removed from home within 12 months of the child's entry into foster care. Entry into foster care is defined in D.C. Code § 16-2301(28) as the earlier of 60 days after the date on which the child is removed from the home, or the date of the first judicial finding that the child has been neglected. The purpose of the permanency hearing, ASFA's most important requirement, is to decide the child's permanency goal and to set a timetable for achieving it. Figure 16 shows the court's compliance with holding permanency hearings within the ASFA timeline. The level of compliance with this requirement has consistently remained high. Since 2017, 85% or more of cases had a permanency hearing within the required timeline. Cases filed in 2021 are pending a permanency hearing, and, if held timely, will increase the compliance rate.

**Figure 16. Time to Permanency Hearing Compliance for Child Abuse and Neglect Removed Cases, 2017-2020**



## Goal-Setting and Achievement Date

ASFA requires that the Family Court set a specific goal (reunification, adoption,



guardianship, custody, or another planned permanent living arrangement (APPLA)) and a date for achievement of that goal at each permanency hearing. The Family Court continued to meet this goal in 2021 with a permanency goal and achievement date set in 98% of the hearings.

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

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

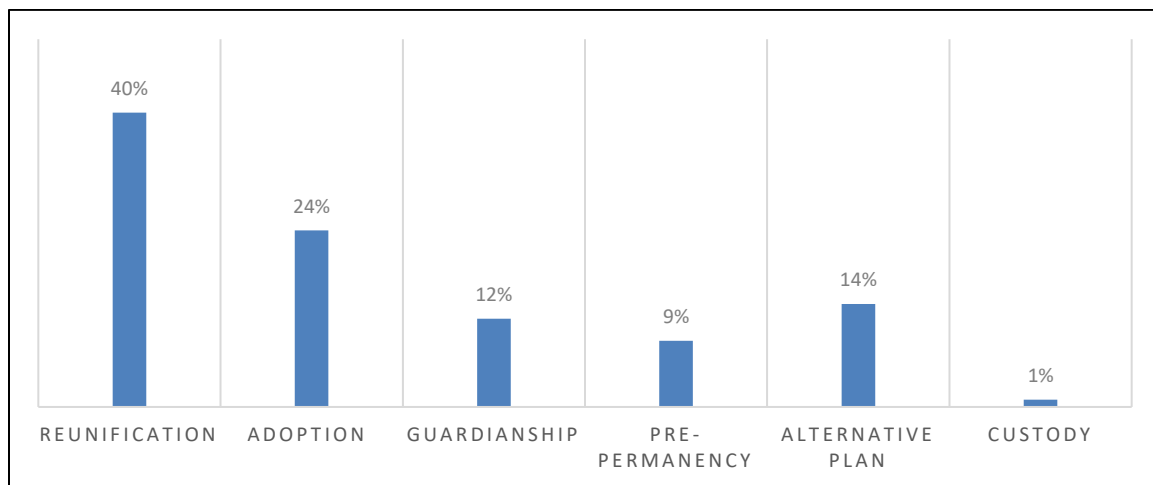
Judicial officers are required to use a standardized court order for all permanency hearings. In 2012, the Family Court Strategic Planning Committee, through a court orders workgroup of the Abuse and Neglect Subcommittee, reviewed, revised, and piloted the official court forms for proceedings in these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

Act (ICWA). Further modifications of the orders have been submitted for approval to comply with the Preventing Sex Trafficking and Strengthening Families Act of 2014, with the rollout of the new orders expected in 2022.<sup>15</sup>

### Barriers to Permanency

Figure 17 illustrates permanency goals for children including: reunification, adoption, guardianship, legal custody, or another planned permanent living arrangement (APPLA). Pre-permanency cases (9%) have not yet had a disposition hearing, the earliest point at which a permanency goal would be set. Although the court has succeeded in establishing goals for children, achievement of each type of goal presents several challenges.

**Figure 17. Child Abuse and Neglect Current Permanency Goal, 2021**



For children with the goal of reunification (40%), the primary barrier to reunification was related to the disability of a parent, the parent's mental health issues, the need for the parent to receive substance abuse treatment, and the need for the parent

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<sup>15</sup> 42 U.S.C. 671 et.seq.

to obtain life-skills training. The lack of adequate housing also presented a significant barrier to reunification. For children with the goal of adoption (24%), procedural impediments such as the completion of adoption proceedings and obtaining appropriate housing were the most frequently identified barriers to permanency. The lack of adoption resources and issues related to the adoption subsidy were additional frequently cited barriers. For the 12% of children with the goal of guardianship, impediments such as completion of the guardianship proceedings, disabilities of the parent/caretaker, the need to receive substance abuse and other treatment, and issues related to the guardianship subsidy were barriers to achieving permanency.

Youth aged 15 and older comprise 35% of all children in foster care. Many of these children cannot return to their parents but do not wish to be adopted or considered for any other permanency option, making permanency difficult to achieve. In such cases, the court agreed with the agency's determination that it was in the youths' best interests to set a goal of APPLA (14%). Pursuant to federal requirements, the agency and the court continue to work to review permanency options and services available for older youth, including reducing the number of youth with a goal of APPLA and the number of youth aging out of the child welfare system.<sup>16</sup> Under the Preventing Sex Trafficking and Strengthening Families Act of 2014, only youth 16 and older are eligible for an APPLA goal. The cases of youth under 16 with an APPLA goal are required to have permanency hearings scheduled to change the APPLA goal to one of the other four goals.

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<sup>16</sup> The Court is an active participant in the agency's development of a Program Improvement Plan (PIP). The PIP resulted from the Child and Family Services Review held in June 2016, in which the Court also participated. The next Child and Family Services Review is scheduled for June 2022 and the Court will participate.

The *Preparing Youth for Adulthood Program (PYA)*, created through collaboration between CASA for Children of D.C. and the Family Court, has been an effective tool in helping to ensure that older youth in the program, who remain in care through age 21, receive necessary support in achieving independence. The program focuses on life skills development through positivity, empowerment and opportunity, working with each youth on goal setting and achievement, building financial literacy and budgeting skills, and working on long-term housing, employment and education. The program's main component emphasizes connection, as each older youth is paired with one adult who has committed to remaining in the youth's life after emancipation and will continue to mentor that youth as needed to create a more seamless transition out of care. The program works seamlessly with CFSA's Office of Youth Empowerment on youth transitional planning, independent living services, educational and vocational training, and improved life skills training. The PYA is funded through the Court Improvement Program (CIP) basic grant, which was reauthorized and funded. The program admission criteria have been expanded to include youth aged 14 and up with any permanency goal. CASA hired a new program director who is a former foster youth herself and who is building new relationships with community groups to ensure that the program operates at full capacity and provides a wide array of services to assist youth as they transition out of foster care.

### **Family Treatment Court Program**

The Family Treatment Court (FTC), in operation since 2003, provides a viable option for the treatment of substance use disorders for families involved in the child welfare system. FTC takes a holistic approach to help participants break the cycle of addiction, shorten the out-of-home placement of children, and expedite permanency. FTC

enhanced its program model to include Recovery Support Services, providing an additional layer of support to its participants. In 2021, FTC was awarded a three-year grant from the Office Juvenile Justice Delinquency Prevention (OJJDP) which will enhance the program by adding Peer Mentors, a Wellness Coach, and specialized services and trainings for parents and their children. FTC partnered with the Court Improvement Program to provide laptops for all FTC participants. In December 2021, FTC hosted its 2<sup>nd</sup> virtual commencement ceremony, honoring 5 parents whose cases closed and who were reunified with their children. To date, the FTC program has served more than 600 families.

### **Permanency Outcomes for Children**

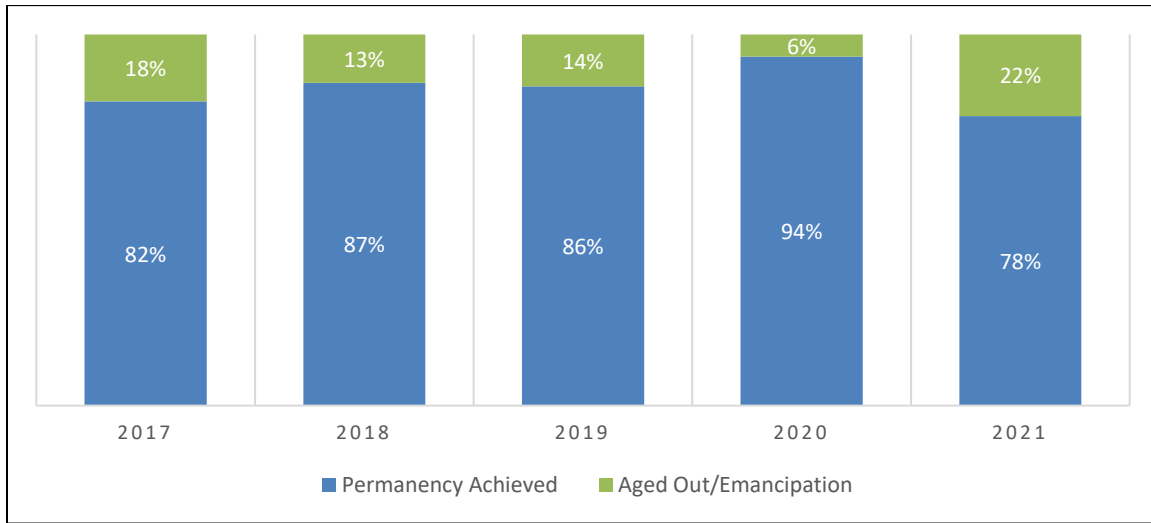
This section focuses on permanency outcomes for children following a disposition hearing. In 2021, Family Court judicial officers closed 314 post-disposition abuse and neglect cases. Seventy-eight percent were closed because permanency was achieved, representing the lowest permanency rate in the last 5 years (Figure 18). Twenty-two percent of the cases were closed without reaching permanency, either because the children aged out of the system (71%; 48) or emancipated (29%; 20). This accounts for the highest aged out/emancipation rate in the last 5 years.<sup>17</sup>

In 2021, 44% of cases closed due to adoption, an increase from 32% in 2020 (Figure 19). The percent of cases that closed to reunification (35%), guardianship (16%), and custody (5%) decreased from 2020 to 2021.

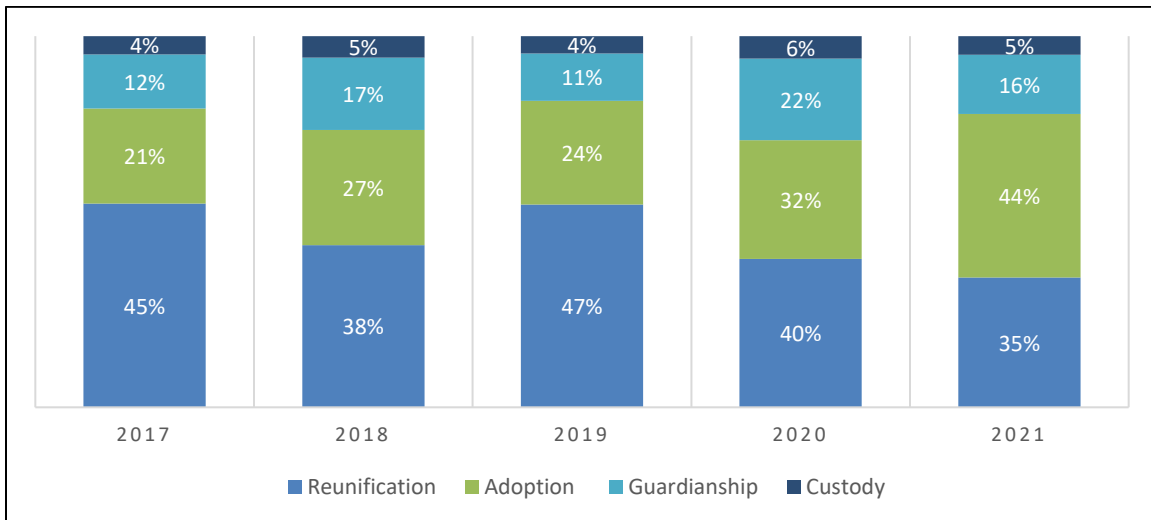
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<sup>17</sup> D.C. Code § 23-286(402)(b) provides for the voluntary extension of jurisdiction for youth in foster care upon reaching the age of 21 for a period not exceeding 90 days after the end of the public health emergency; provided, that the youth consents to the Agency's continued custody. Therefore, the percent of cases that close without reaching permanency, because youth age out of the system, increased in 2021. The official end date of the extension of jurisdiction was 10/23/21.

**Figure 18. Child Abuse and Neglect Disposed Cases by Reason, 2017-2021**



**Figure 19. Child Abuse and Neglect Disposed Cases Achieved Permanency Goals, 2017-2021**



Twenty-two percent of post-disposition cases were closed without the child achieving permanency. This was due to the child reaching the age of majority or the child refusing further services from CFSA. CFSA established enhanced guidelines and procedures for social workers considering a goal of APPLA to ensure that the maximum number of children reach permanency. The court agreed to work with the agency to help

monitor compliance with the requirements for recommending a goal change to APPLA. The agency's policy and the court's monitoring are designed to ensure that only those children for whom no other permanency option is appropriate will receive a goal of APPLA.

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

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

of performance elements that courts should consider when developing performance plans to assess their success in meeting the identified goals.

The Family Court performance measures, permanency and timeliness, are discussed below. Performance information is also tracked for a third factor: due process. Due process is thoroughly addressed in the District of Columbia, as counsel is appointed for all parents, guardians and custodians who meet the financial eligibility requirements, and *Guardians ad litem* are appointed for all children.<sup>18</sup>

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

### **Performance Measure 1: Permanency**

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

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

**Table 2. Median Time (in Months) from Removal to Achieved Permanency Goal in Child Abuse and Neglect Cases, 2017-2021**

Year	Reunification	Adoption	Guardianship	Custody
2017	18.0	31.5	33.6	20.4
2018	20.4	31.5	36.0	21.6
2019	18.0	33.6	34.8	15.3
2020	20.4	37.0	24.0	21.6
2021	22.8	30.2	32.9	20.7

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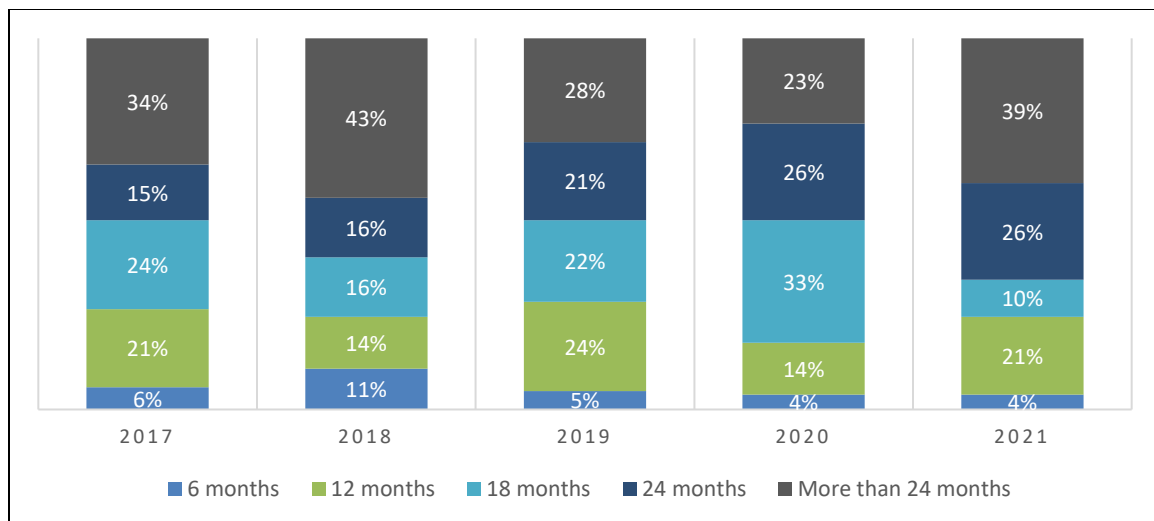
<sup>18</sup> D.C. Code § 16-2304 (2016); Superior Court Neglect Rule 42.



Table 2 reflects median time (in months) to case closure. In 2021, the median time required to achieve permanency from time of removal increased in reunification and guardianship while decreasing in adoption and custody.

In 2021, 25% of children were reunified with their parents within 12 months of removal, 35% were reunified within 18 months, and 61% within 24 months (Figure 20). Thirty-nine percent of children reunified in more than 24 months in 2021, the highest percent since 2018.

**Figure 20. Time Between Removal and Reunification in Child Abuse and Neglect Cases, 2017-2021**



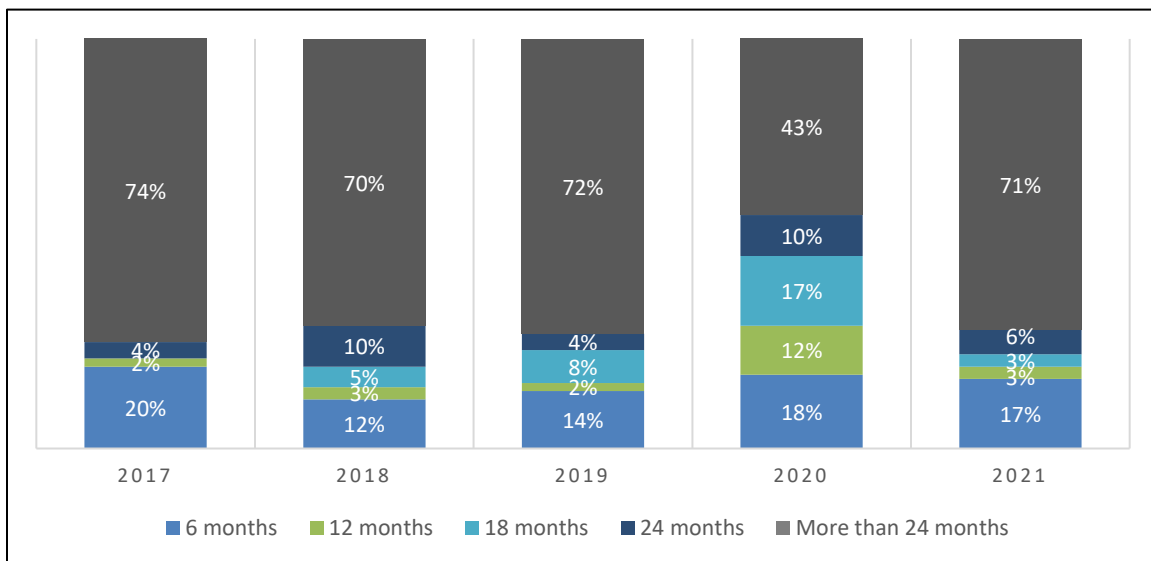
In 2021, 29% of children whose cases closed to adoption spent two years or less in care waiting to be placed in a permanent adoptive home. The percentage of children in care who spent more than 24 months waiting to be placed in a permanent adoptive home was the lowest (71%) over the past 5 years (Table 3).

**Table 3. Time Between Removal and Adoption in Child Abuse and Neglect Cases, 2017-2021**

Year	6 months	12 months	18 months	24 months	> 24months
2017	0%	0%	4%	17%	79%
2018	0%	0%	5%	16%	79%
2019	0%	1%	9%	14%	75%
2020	0%	0%	6%	19%	75%
2021	0%	0%	9%	20%	71%

As illustrated in Figure 21, 20% of children spent 12 months or less and 29% of children spent 24 months or less in care before being placed with a permanent guardian. At the same time, 71% of youth spent more than 24 months in care before being placed with a permanent guardian – a 28% increase from 2020.

**Figure 21. Time Between Removal and Guardianship in Child Abuse and Neglect Cases, 2017-2021**



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

In 22% (68) of the 314 cases closed in 2021, the children did not achieve permanency either because they aged out of the system or emancipated (Figure 18).

## Reentry to Foster Care<sup>19</sup>

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

In 2021, one child returned to foster care within 12 months of family reunification (Table 4). In 2020, five children returned to foster care within 12 months of reunification.

**Table 4. Number of Children Reentering Foster Care after Reunification, 2017-2021**

Year	Number of Cases Closed by Reunification	Number of Children Returned to Foster Care after Reunification	Number of Months Before Return		
			12 Months	24 Months	More than 24 Months
2017	186	27	8	4	15
2018	165	30	16	4	10
2019	201	12	5	5	2
2020	115	5	5	0	0
2021	88	1	1	0	0

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

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

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

Thirty-three cases closed to guardianship in 2021 with 3 disruptions (Table 5). In many instances, guardianship placements disrupt due to the death or incapacity of the caregiver. Consistent with statutory requirements, successor guardians are named and those placements are reviewed by the court. The cases are reopened to conduct home studies and background checks to ensure child safety prior to placement with the

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<sup>19</sup> All reentry rates are based on the number of youth returned to care in the District of Columbia. Excluded are those youth returned to care in other jurisdictions.

successor guardian.<sup>20</sup>

**Table 5. Number of Children Reentering Foster Care after Placement with a Permanent Guardian, 2017-2021**

Year	Number of Cases Closed by Guardianship	Number of Children Returned to Foster Care after Guardianship	Number of Months Before Return		
			12 Months	24 Months	More than 24 Months
2017	57	16	2	5	9
2018	76	19	8	6	5
2019	46	5	2	2	1
2020	54	4	3	1	0
2021	33	3	3	0	0

### **Performance Measure 2: Timeliness**

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

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

See discussion under ASFA compliance, pages 31-36.

### **Termination of Parental Rights**

Federal and local law require that when a child has been placed outside of the home for 15 of the most recent 22 months from the date of entry into foster care,<sup>21</sup> a motion for termination of parental rights (TPR) must be filed or a compelling reason to exempt the case from the TPR requirement<sup>22</sup> must be documented. To comply with this requirement, the Office of the Attorney General (OAG) is mandated to take legal action or file a TPR motion when children have been removed from the home in two instances – first, when the child has been removed from the home for 15 of the most recent 22

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<sup>20</sup> AO 16-02 enacts new guardianship procedures which formalize the process for naming a successor guardian and requirements for performance of background and other checks, as well as home studies.

<sup>21</sup> See 42 USCS § 675(5)(E) and (F).

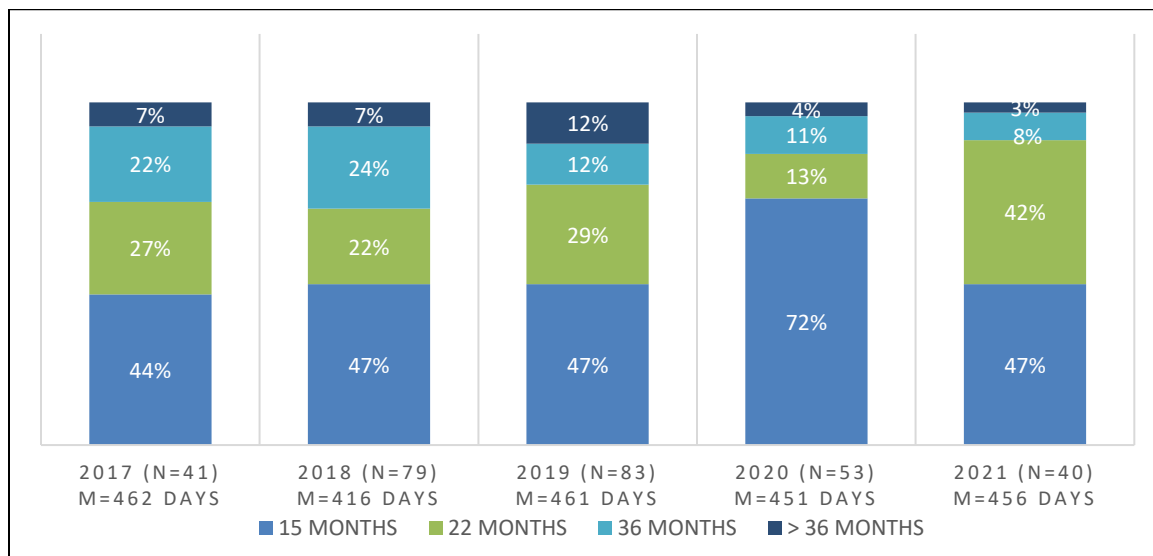
<sup>22</sup> Id.

months, as indicated above, or second, within 45 days of a goal of adoption being set.<sup>23</sup>

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

Figures 22-25 provide information on the court's performance as it relates to the handling of TPR motions. Figure 22 depicts the compliance rates of TPR motions filed for the five-year period. The median time between the filing of the original neglect petition and the subsequent filing is listed in the figure under each year. In 2021, 40 TPR motions were filed, a decrease from 53 filed in 2020 (Figure 22). In 2021, the median time was 456 days. Forty-seven percent (19) of those motions were filed within 15 months. On a quarterly basis, the status of TPR cases is reviewed by both the court and the OAG quarterly to ensure that whenever a goal changes to adoption, a timely TPR motion is filed.

**Figure 22. Percent of TPR Motions by Time Between Filing of Neglect Petition, 2017-2021**



<sup>23</sup> D.C. Code § 16-2354(b) (2016) sets forth the criteria dictating under what circumstances a TPR can be filed, including the 15 out of 22 months' timeline. The 45-day filing deadline is a policy set by the Office of the Attorney General to ensure timely action, rather than a deadline set by statute.

There are 48 TPR motions pending that were filed during the five-year period from 2017 to 2021 (Figure 24). Three motions filed in 2018, 3 motions filed in 2019, 6 motions filed in 2020, and 36 motions filed in 2021 remain undisposed.

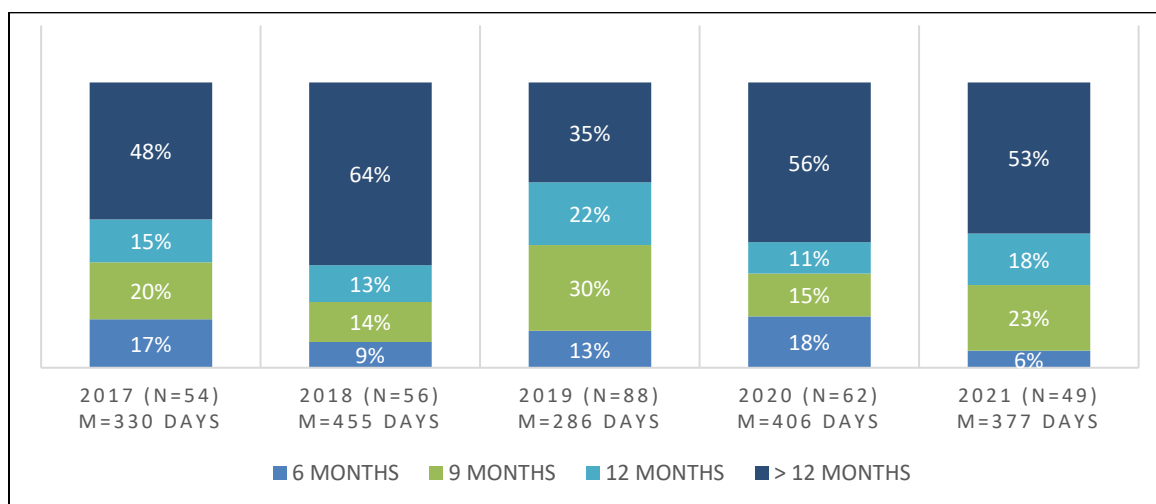
**Figure 23. Number of Undisposed TPR Motions by Filing Year, 2017-2021**



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

Forty-nine TPR motions were disposed in 2021 (Figure 23). The disposed motions were filed in, and prior to, 2021. The median time between TPR filing and disposition was 377 days in 2021, representing a decrease from 2020 (406 days).

**Figure 24. Percent of TPR Motions Disposed by Disposition Year, 2017-2021**

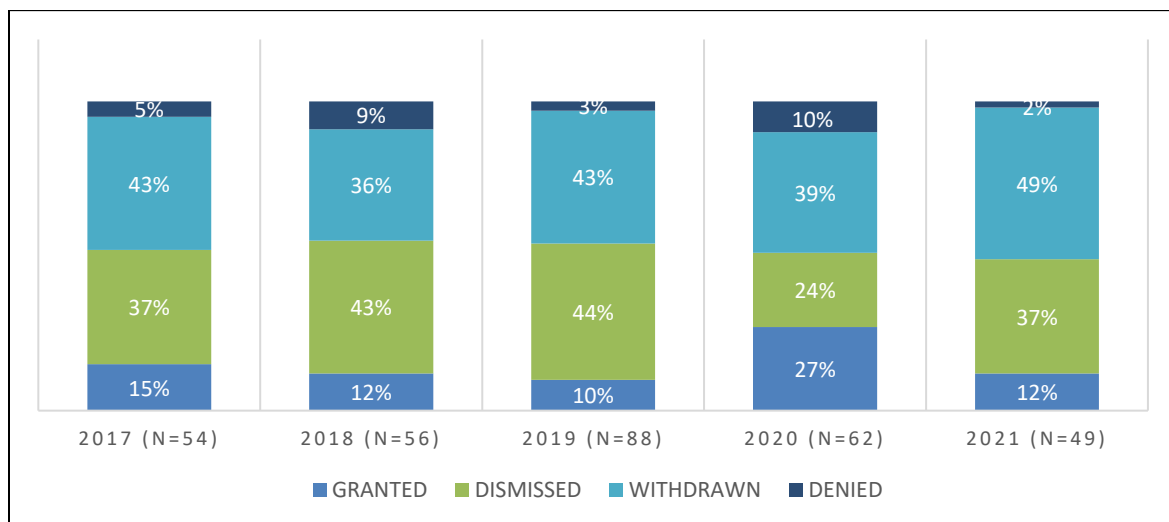


The government is under a statutory requirement to file a TPR, yet there is no

deadline requirement for the resolution of the TPR once it is filed. As a practical matter, the TPR continues simultaneously with the adoption case and is dismissed at the time the adoption is granted, if it is not withdrawn for some other reason. The practice of terminating parental rights within the adoption case is based upon the District of Columbia adoption statute.<sup>24</sup>

In 2021, of the 49 disposed TPR motions, 24 (49%) were withdrawn, 18 (37%) dismissed, 6 (12%) granted, and one (2%) was denied. The percent of motions disposed by dismissed and withdrawn increased, while dispositions of granted and denied decreased from the previous year (Figure 25).

**Figure 25. Percent of TPR Motions by Disposition Type and Disposition Year, 2017-2021**



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

<sup>24</sup> A determination as to whether the natural parents are withholding their consents to adoption contrary to a child's best interest requires the weighing of the factors considered in termination of parental rights proceedings, pursuant to D.C. Code § 16-2353(b)(2001). See *In re Petition of P.S.*, *supra*, 797 A.2d at 1223.

**Table 6. Number of Adoption Petitions Filed by Time from TPR Motion Granted, 2017-2021**

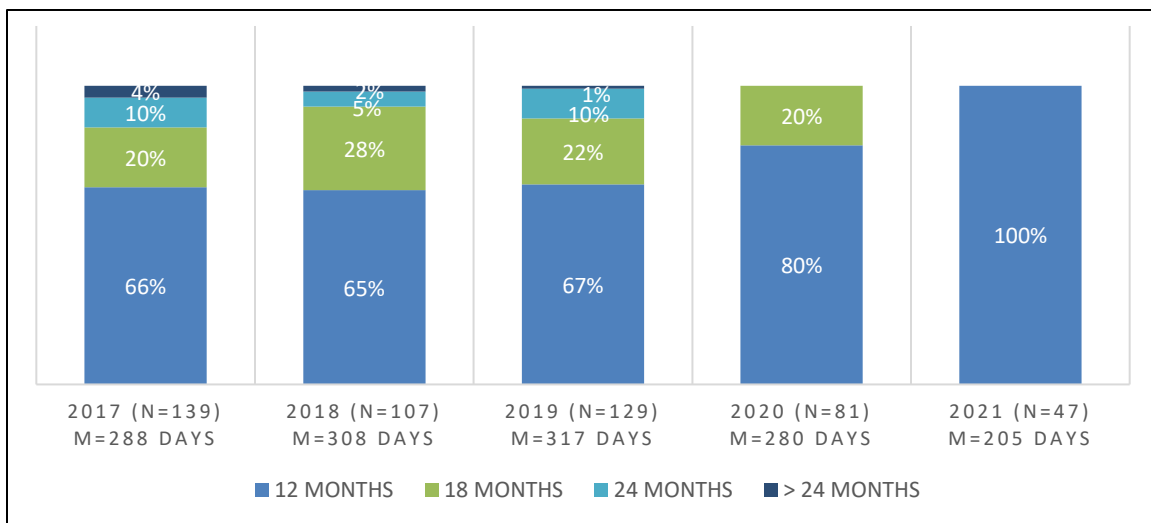
Year Filed	Number of Adoption Petitions Filed	Number of Adoption Petitions Filed Within:					Total Number of Granted TPRs (Year Disposed)
		1 month	3 months	6 months	12 months	12 + months	
2017	3	0	0	1	1	1	8
2018	0	0	0	0	0	0	7
2019	2	0	0	0	0	2	9
2020	0	0	0	0	0	0	17
2021	0	0	0	0	0	0	6

Table 6 depicts the time between the granting of a TPR motion and the filing of the adoption petition. Although 6 TPR motions were granted in 2021, no adoption petitions were filed.

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

Thirty-eight percent (47) of the adoption petitions filed in 2021 were disposed within 12 months (Figure 26). The median time between the filing and finalization of the adoption petition has decreased from 280 days in 2020 to 205 days in 2021.

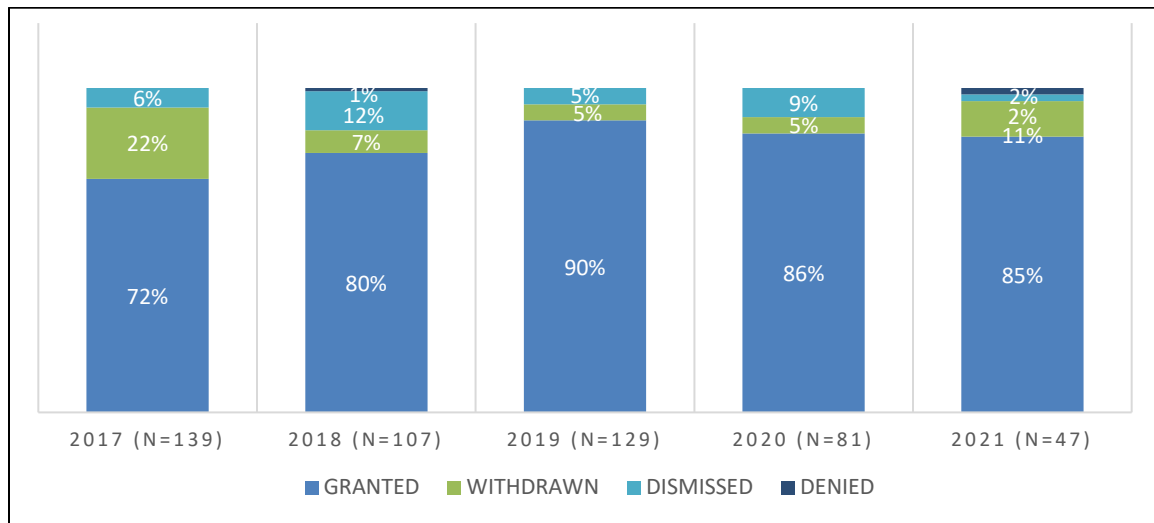
**Figure 26. Percent of Finalized Neglect-Related Adoption Petitions by Time to Disposition, 2017-2021**





Of the 47 disposed adoption petitions, 85% were granted, 11% were withdrawn, and 2% were dismissed and denied, respectively (Figure 27). While petitions withdrawn increased 6% from 2020, all the other disposition categories decreased.

**Figure 27. Percent of Neglect-Related Adoption Petitions, by Method of Disposition, 2017-2021**



There are currently 91 pending adoption petitions, 89 of which were filed between 2017 and 2021. There are no undisposed adoption petitions in 2017 or 2018, although four filed in 2019, 10 filed in 2020, and 75 filed in 2021 remain undisposed (Figure 28).

**Figure 28. Number of Undisposed Neglect-Related Adoption Petitions, 2017-2021**



### **Performance Measure 3: Due Process**

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

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

D.C. Code § 16-2304 requires the appointment of a guardian *ad litem* for all children involved in neglect proceedings. In 2021, guardians ad litem were appointed for all children in advance of their initial hearings.

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

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

### **Mayor's Services Liaison Office**

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

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

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

- d) Provide information to the Family Court on the availability and provision of services and resources across District agencies.

The MSLO serves children, youth, and families who are involved in Family Court proceedings. The office is supported by 13 District of Columbia government agency liaisons that are familiar with the types of services and resources available through their agencies and can access their respective agencies' information systems and resources from the courthouse. The agency liaisons respond to inquiries and requests for information concerning services, resources, and consult with the assigned social workers or case workers to access available services for the child and/or family. Each liaison can provide information to the court about whether a family or child is known to its system and what services are currently being provided to the family or child.

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

- a) Child and Family Services Agency (CFSA)
- b) Department of Behavioral Health (DBH)
- c) District of Columbia Public Schools (DCPS)
- d) District of Columbia Housing Authority (DCHA)
- e) Department of Disability Administration (DDA)
- f) Rehabilitative Services Administration (RSA)

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

- a) Department of Youth Rehabilitation Services (DYRS)
- b) Department of Human Services (DHS)
- c) Department of Employment Services (DOES)
- d) Metropolitan Police Department: Youth and Preventive Services Division (MPD)
- e) Department of Behavioral Health: Addiction Prevention and Recovery Administration (APRA)
- f) Addressing Truancy Through Engagement and Negotiated Dialogue (ATTEND) program with the Office of the Attorney General (OAG)

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

Due to the COVID-19 pandemic, the MSLO began working remotely in mid-March 2020. The office created a telework plan and shared it with all partnering agencies and the Family Court. Since that time, the MSLO has been operating in accordance with CFSA's telework policies - meeting with families virtually via phone and video conferencing platforms. At the outset of the pandemic, all incoming referrals were emailed to the MSLO Program Manager for review and distributed to the appropriate liaison based on the family's needs. As the pandemic evolved, the MSLO team returned to the office in July 2021, resuming in-person consultations by appointment and establishing revised in-office schedules. MSLO moved reporting and data tracking online, creating a web-based database to track new and existing referrals by date, month, service issue(s), referral source, and referring agency. All new and existing updates continue to be tracked in this web-based database and are linked to the original MSLO referral (if on paper).

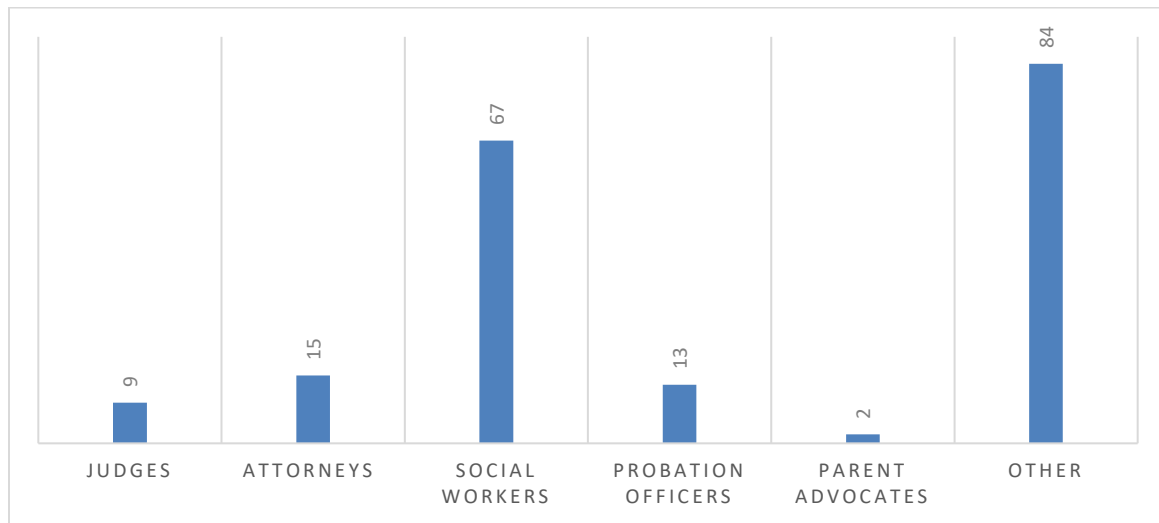
## **Referral Process to the Mayor's Services Liaison Office**

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

In 2021, the MSLO received 190 referrals, a 17% decrease from the 230 referrals received in 2020. Of the referrals, 168 (88%) were for court-involved cases, 20 cases (11%) were informational, and 2 cases (1%) were for court-ordered services. Of those identified, social workers (67, 36%) referred families to the MSLO most often, followed by attorneys

(15, 8%), probation officers (13, 7%), and Family Court judicial officers (9, 5%) (Figure 29). The largest referral source was “other,” encompassing referrals from private individuals and other organizations not affiliated with the Family Court (84, 44%). Of the 190 referrals for services in 2021, all were successfully connected to needed services and resources.

**Figure 29. Number of Referrals to MSLO by Referral Source, 2021 (N=190)**

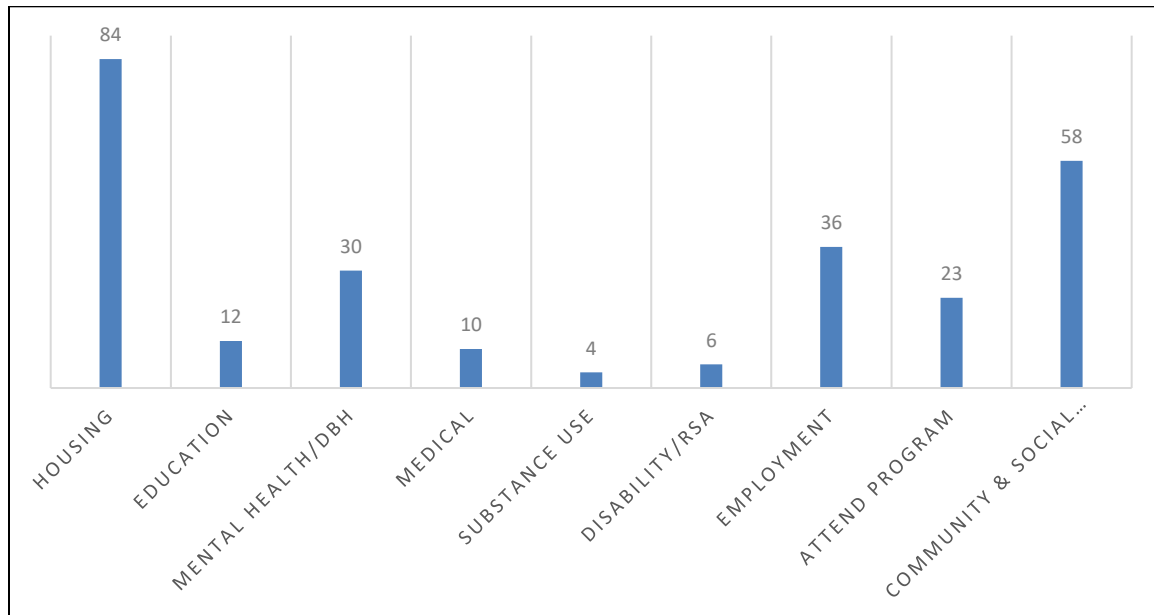


Families seeking the services of the MSLO required assistance with: (a) issues related to housing, such as transfers, inspections, and emergency housing; (b) social community support including Temporary Assistance for Needy Families (TANF) assistance, as well as financial and food support; (c) employment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

Of those referred to the MSLO, the total services requested include the following: housing (84); education (12); mental health (30); medical (10); substance use (4);

disability and rehabilitation services (6); employment (36); the ATTEND program (23); and community and social supports (58).

**Figure 30. Referrals to MSLO by Services Requested, 2021 (N=263)**



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

### **Continuing Initiatives**

MSLO staff continue to participate in several continuing projects in the Family Court, including: The Case Expediting Project, the Fathering Court, Grandparent Caregivers Program, and the Family Treatment Court. The newest initiative is a collaboration between the Office of the Attorney General, the Superior Court of the District of Columbia, and the MSLO to decrease truancy of younger children through parent engagement, dialogue, and linkage to community-based services. The Addressing Truancy Through Engagement and Negotiated Dialogue (ATTEND) program is designed

to help youth and their families address the underlying issues causing chronic absenteeism, while minimizing the likelihood of repeat referrals. The program also aims to divert parents from criminal prosecutions, while increasing attendance for some of the District's most vulnerable children, thereby helping the entire family. This initiative has been successful and recently expanded to include two new D.C. schools.

### **New Initiatives in Child Abuse and Neglect**

#### **Court Improvement Program**

The Court Improvement Program Advisory Committee held quarterly meetings to discuss programs funded by the current five-year grants. Co-chaired by the Presiding Judge and the Family Court Attorney Advisor, the committee is comprised of stakeholders in the child welfare community, including the court, Child and Family Services Agency (CFSA), the Office of the Attorney General (OAG), foster parents, former foster youth, the Department of Behavioral Health, and others. The Court submitted the CIP grant application for the 2022-2026 grant cycle, and received approval for all three grants (basic, data and training) through 2026 as part of the Family First Prevention Services Act.

The Family Court Attorney Advisor represented the Court and facilitated the Court's involvement in CFSA's Program Improvement Plan (PIP). As part of the PIP, the Court and CFSA co-hosted a series of Permanency Forums. Attendees included all neglect judges, CCAN, CLC, and OAG attorneys, social workers, and others. Following a panel discussion, participants met in small groups to discuss specific issues relevant to a variety of topics, including parental engagement in court and parentage, and how these issues contribute to permanency delays. The discussions were recorded and shared with the other groups during a wrap-up session. Participant surveys indicated a high level of satisfaction

with the event and a strong desire to participate in future events. Upcoming plans for the Abuse and Neglect Subcommittee include ongoing similar Stakeholder Forums, addressing other important abuse and neglect-related issues.

Other PIP-related programs include the Permanency Mediation Program which adds to the existing mediation options, the option for parents to mediate a permanency goal change from reunification to adoption and waive a sometimes lengthy and unpleasant evidentiary proceeding. The CIP is surveying participants in the program and has received mostly positive responses.

To ensure that the Court and the Agency are meeting statutory requirements regarding determination of the appropriateness of filing for termination of parental rights, the Attorney General's Office is raising the issue at every permanency hearing and documenting the court's finding in the order. The PIP-related projects will continue.

The CIP continued its collaboration with the Child and Family Services Agency and the Office of the Attorney General for the District of Columbia to evaluate delays in achieving permanency in neglect cases. The Court's case evaluation process is exploring working with the Agency using its permanency tracker to examine how Agency and Court processes can better manage case events before they result in delay. Specific causes of delay have been identified and further analysis is ongoing.

The CIP coordinated with the Family Treatment Court (FTC) to purchase laptops, using funds from a one-time federal grant for Covid-19 related technology needs, for FTC parents to attend virtual court hearings and communicate electronically with their attorneys and members of the FTC treatment team. The CIP also worked with CFSA and the DC neighborhood collaboratives to explore providing laptops and/or other computer



equipment on-site at the collaboratives. The CIP will pilot on-site computers at one or more collaborative locations in 2022.

As a condition of receiving CIP grant funding, courts are required to engage in a quality legal representation project aimed at improving legal representation for parents in the neglect system. The CIP is in the process of developing a multidisciplinary representation project that will create parental defense teams to improve parent representation in neglect cases. In 2021, the CIP surveyed the CCAN bar asking what new initiatives would most improve their practice. An overwhelming majority of attorneys selected access to a defense social worker as the resource that would have the greatest impact on the quality of their legal representation. To implement this project, CIP formed a workgroup consisting of representatives from CFSA, OAG, the Court, and the CCAN bar and has consulted with the ABA, other state CIPs and other states' multi-disciplinary programs. In 2022, the Court will use CIP funds to hire a social worker consultant to guide the rollout of this project and add social workers to the list of available resources for parent attorneys.

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

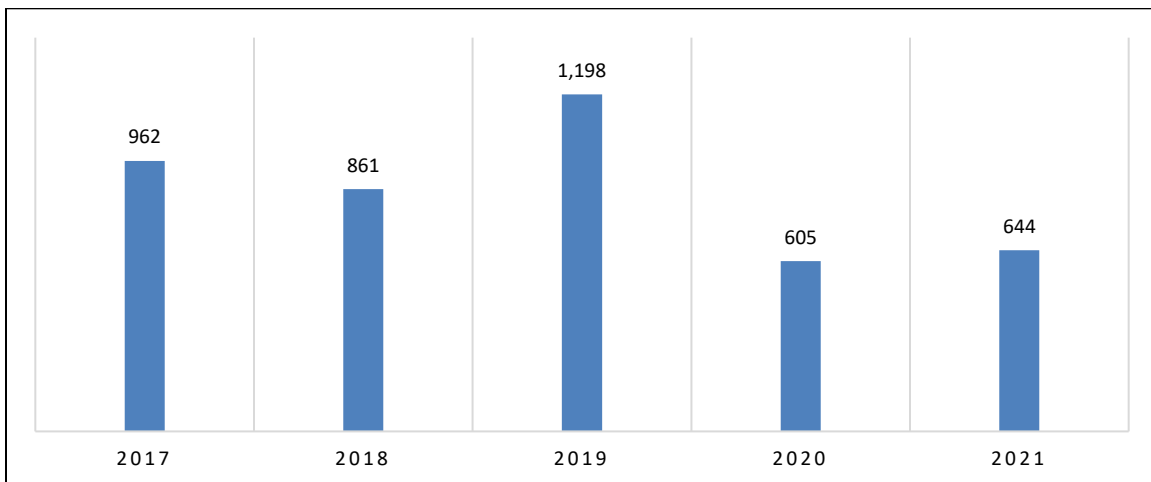
This group's mission is to standardize and consolidate the Court's forms, eliminate unnecessary forms, and ensure that automated forms are properly configured in the case management system. The Attorney Advisor is providing guidance on neglect forms to ensure that any changes to neglect forms and all new neglect forms meet statutory requirements.

## **Juvenile Cases**

In 2021, there were 819 new juvenile complaints filed in the Family Court, a slight increase from 2020 (810). Ninety-four percent (770) of the complaints filed were based on an allegation of delinquency, 5% (42) pursuant to an Interstate Compact Agreement (ISC)<sup>25</sup>, and 1% (7) on a person in need of supervision (PINS) allegation.

Of the 770 complaints filed based on an allegation of delinquency, 84% (644) resulted in a formal petition being filed by the OAG (Figure 31). In 2021, the number of petitioned delinquency cases (644) increased 6% (605) from 2020. The following analysis focuses on the 644 cases petitioned in 2021.

**Figure 31. Number of Juvenile Delinquency Petitioned Cases, 2017-2021**



### **Most Serious Offense<sup>26</sup>**

Fifty-seven percent of new delinquency cases petitioned in 2021 were for acts against persons, 23% for property offenses, 18% for public order offenses, and 2% for

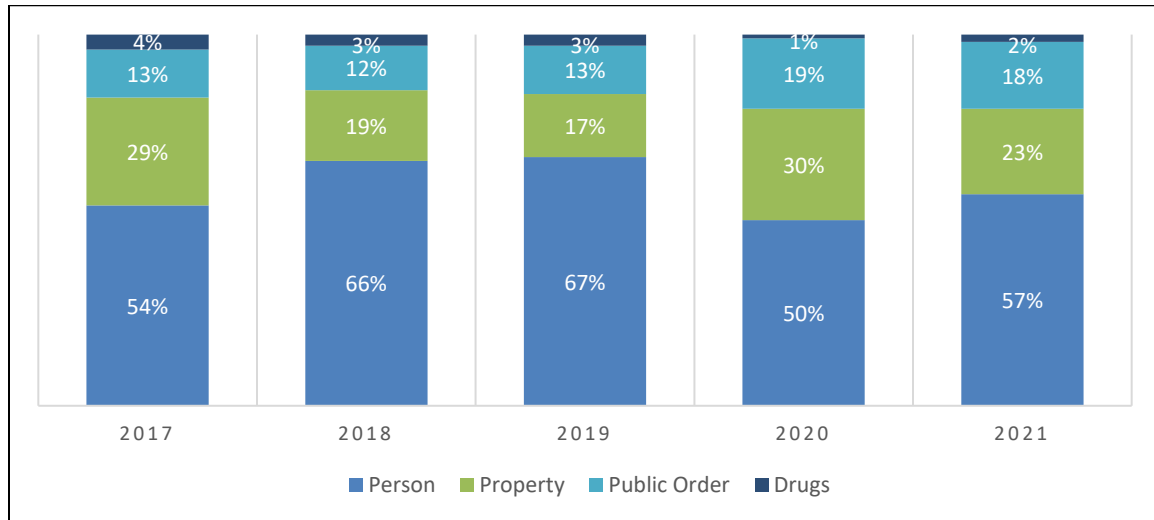
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<sup>25</sup> Interstate Compact cases are comprised of juvenile residents of the District of Columbia who were adjudicated in other jurisdictions, but who are referred to the Court to serve their probation under the supervision of the Court Social Services Division, as a courtesy to the referring jurisdiction.

<sup>24</sup> Juveniles charged with multiple offenses are categorized according to their most serious offense. For example, in a single case where a juvenile is charged with robbery, simple assault, and a weapons offense, the case is counted as a robbery.

drug law violations (Figure 32). Cases petitioned for acts against persons increased by 7% (50% to 57%) from 2020.

**Figure 32. Juvenile Delinquency Petitioned Cases by Offense Type, 2017-2021**



The most common juvenile charges resulting in a petition were for armed and unarmed robbery (18%; 116), weapons offenses (18%, 113), carjacking (15%, 95), and unauthorized use of automobile (14%, 92) (Table 7).

Assault (33%; 120) was the leading offense petitioned for acts against persons -- (simple assault (19%; 68), assault with a dangerous weapon (11%; 39), aggravated assault (2%; 9), and assault with intent to kill (1%; 4)). Juveniles charged with robbery accounted for 32% (116) of new petitions for acts against persons (unarmed robbery (15%; 54) and armed robbery (17%; 62). Sixty-two percent of all juvenile cases petitioned for acts against property involved unauthorized use of a vehicle (92), followed by larceny/theft at 23% (34).

Most youth charged with acts against public order were charged with weapons offenses (96%; 113). Most youth charged with a drug law violation were charged with drug sale or distribution (92%; 11)

**Table 7. Number of Juvenile Delinquency Petitioned Cases by Age and Most Serious Offense, 2021**

Most Serious Offense <sup>27</sup>	Total Cases	10-12	13-15	16-17	18-19
<b>Acts Against Persons</b>	<b>365</b>	<b>4</b>	<b>212</b>	<b>135</b>	<b>14</b>
Murder	9	0	6	3	0
Assault with Intent to Kill	4	0	1	3	0
Assault with a Dangerous Weapon	39	1	21	16	1
Aggravated Assault	9	0	5	3	1
Armed Robbery	62	0	36	25	1
Robbery	54	1	29	22	2
First Degree Sexual Abuse (Rape)	9	0	6	2	1
Other Violent Sex Offenses	9	0	2	4	3
Carjacking	95	2	64	25	4
Burglary I	7	0	4	3	0
Simple Assault	68	0	38	29	1
<b>Acts Against Property</b>	<b>149</b>	<b>1</b>	<b>80</b>	<b>68</b>	<b>0</b>
Larceny/Theft	34	0	21	13	0
Unauthorized Use of Auto	92	1	47	44	0
Property Damage	10	0	5	5	0
Unlawful Entry	1	0	1	0	0
Stolen Property	9	0	4	5	0
Other Acts Against Property	3	0	2	1	0
<b>Acts Against Public Order</b>	<b>118</b>	<b>0</b>	<b>34</b>	<b>84</b>	<b>0</b>
Weapons Offenses	113	0	31	82	0
Disorderly Conduct	2	0	2	0	0
Obstruction of Justice	2	0	1	1	0
Other Acts Against Public Order	1	0	0	1	0
<b>Drug Law Violations</b>	<b>12</b>	<b>0</b>	<b>1</b>	<b>11</b>	<b>0</b>
Drug Sale/Distribution	11	0	1	10	0
Drug Possession	1	0	0	1	0
<b>Total Delinquency Petitions</b>	<b>644</b>	<b>5</b>	<b>327</b>	<b>298</b>	<b>14</b>

### Most Serious Offense by Age

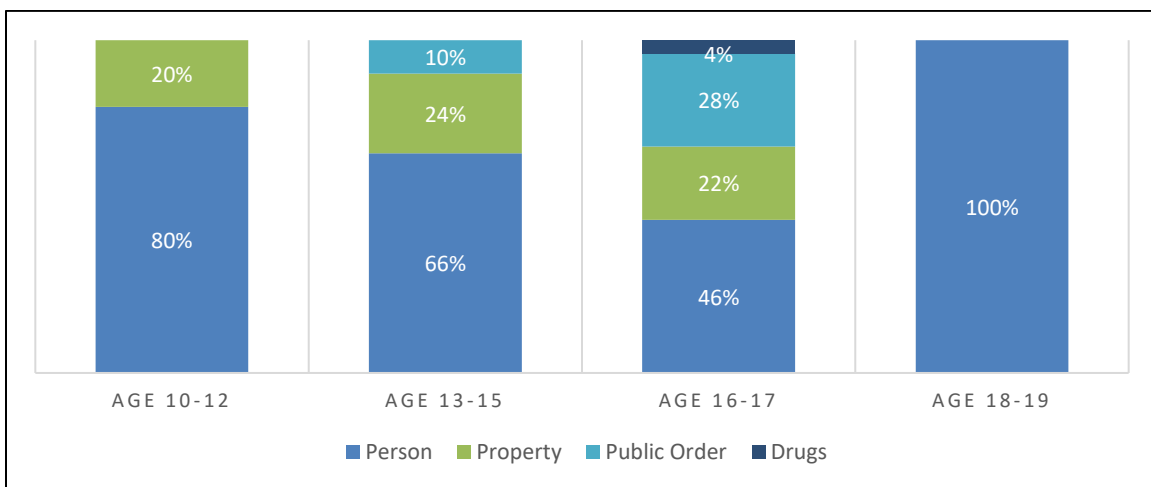
In 2021, 52% of all petitioned delinquency cases involved youth 15 years of age or younger at the time of petition. The median age of a petitioned youth was 15 years old.

In 2021, the percentage of youth charged with crimes against persons had highs at both

<sup>27</sup> Juveniles charged with multiple offenses are categorized according to their most serious offense. Thus, data presented in this table does not provide a count of the number of crimes for which a juvenile was charged.

ends of the age spectrum - 80% (four cases) at age 10-12 and 100% (14 cases) for juveniles age 18-19 (Figure 33). The percentage of youth charged with crimes involving acts against property decreased as youth became older (24% for the 13-15 age group; 22% for the 16-17 age group); the 20% representing the 10-12 age group is only one case. The percentage of youth charged with public order offenses was the highest for age 16-17 (28%, 84). The percentage of youth charged with drug offenses was predominantly in the 16-17 age group (4%; 11) although there was one in the 13-15 age group (not pictured as it was less than 1%).

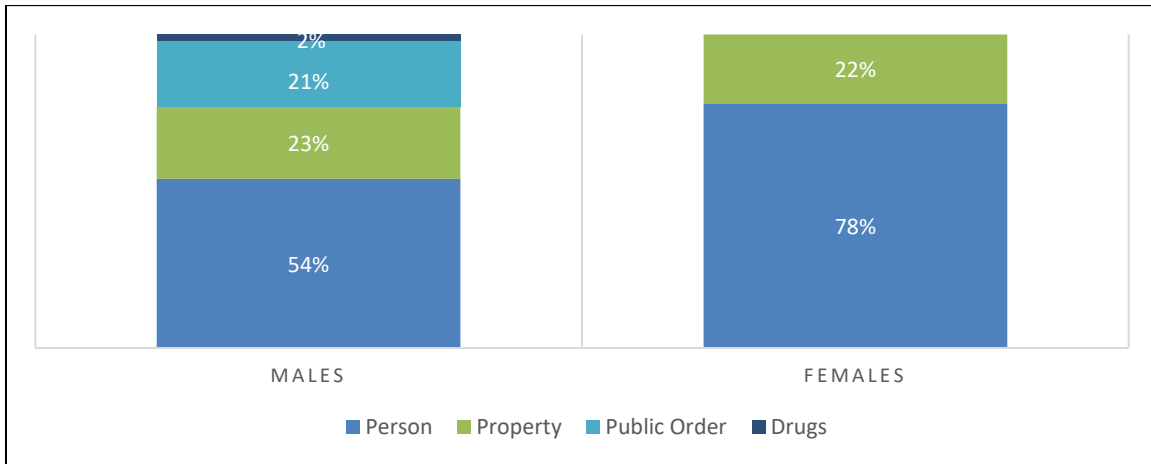
**Figure 33. Juvenile Delinquency Petitioned Cases by Offense and Age, 2021**



### Most Serious Offense by Gender

In 2021, males accounted for 89% (572) of petitioned cases and females accounted for 11% (72). Females were charged with offenses against persons (78% of females compared to 54% of males) at a higher rate than males. Conversely, more males were charged with acts against property (23% of males compared to 22% of females), acts against public order (21% and 0%, respectively), and drug law violations (2% and 0%, respectively) than females (Figure 34).

**Figure 34. Juvenile Delinquency Petitioned Cases by Offense and Gender, 2021**



Among males charged with crimes against persons, 35% (109) were charged with robbery (unarmed and armed) and 26% (80) were charged with assault (simple assault, aggravated assault, assault with a dangerous weapon, and assault with intent to kill) (Table 8). Among females charged with crimes against persons, 71% (40) were charged with assault (simple assault, aggravated assault, and assault with a dangerous weapon), and 13% (7) with robbery (unarmed and armed).

The most common property offenses charged against males were unauthorized use of a vehicle (64%, 85) and larceny/theft (23%; 30). For females, the leading property charge was unauthorized use of automobile (50%, 8) followed by larceny/theft and property damage, respectively (19%; 3). Ninety-six percent (113) of the males with public order offenses were charged with a weapons offense. Ninety-two percent (11) of males with drug law violations were charged with drug sale/distribution.

**Table 8. Number of Juvenile Delinquency Petitioned Cases by Most Serious Offense and Gender, 2021**

Most Serious Offense <sup>28</sup>	Total cases	Male	Female
<b>Acts Against Persons</b>	<b>365</b>	<b>309</b>	<b>56</b>
Murder	9	7	2
Assault with Intent to Kill	4	4	0
Assault with a Dangerous Weapon	39	28	11
Aggravated Assault	9	7	2
Armed Robbery	62	58	4
Robbery	54	51	3
First Degree Sexual Abuse (Rape)	9	9	0
Other Violent Sex Offenses	9	9	0
Carjacking	95	89	6
Burglary I	7	6	1
Simple Assault	68	41	27
<b>Acts Against Property</b>	<b>149</b>	<b>133</b>	<b>16</b>
Larceny/Theft	33	30	3
Unauthorized Use Auto	93	85	8
Property Damage	10	7	3
Unlawful Entry	1	1	0
Stolen Property	9	8	1
Other Acts Against Property	3	2	1
<b>Acts Against Public Order</b>	<b>118</b>	<b>118</b>	<b>0</b>
Weapons Offenses	113	113	0
Disorderly Conduct	2	2	0
Obstruction of Justice	2	2	0
Other Acts Against Public Order	1	1	0
<b>Drug Law Violations</b>	<b>12</b>	<b>12</b>	<b>0</b>
Drug Sale/Distribution	11	11	0
Drug Possession	1	1	0
<b>Total Delinquency Petitions</b>	<b>644</b>	<b>572</b>	<b>72</b>

<sup>28</sup> See *supra* note 27.

## **Most Serious Offense by Detention Status**

A child shall not be detained pending a trial or disposition hearing unless he or she is alleged to be delinquent and it appears that detention is required to protect the person or property of others, or to secure the child's presence at the next court hearing. *See* D.C. Code §16-2310(a).<sup>29</sup> In addition, a child shall not be placed in shelter care pending a trial or disposition hearing unless it appears that shelter care is required to protect the child or because the child has no parent, guardian, custodian, or other person or agency able to provide supervision and care for him or her, and no alternative resources or arrangements are available to the family to safeguard the child without requiring removal. *See* D.C. Code § 16-2310(b). To detain the child, the judge or magistrate judge must also have probable cause to believe that the child committed the offense. In determining whether a youth should be detained or not, judicial officers consider a myriad of factors before making the detention decision. Factors taken into consideration include but are not limited to:<sup>30</sup>

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

If the judicial officer determines that detention appears to be justified, he/she has discretion to consider whether the child's living arrangements and degree of supervision might justify release pending adjudication. Notwithstanding the above factors, there is a rebuttable presumption that detention is required to protect the person or property of others if the judicial officer finds by a substantial probability that the child committed a dangerous

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<sup>29</sup> D.C. Code § 16-2310 was amended by the Comprehensive Youth Justice Amendment Act of 2016, D.C. Law No. 21-238, § 102(c) (April 4, 2017).

<sup>30</sup> *See* Superior Court Juvenile Rule 106 which has not been amended but will be amended to reflect the changes warranted by the Comprehensive Youth Justice Amendment Act of 2016.



crime or a crime of violence while armed, as defined in D.C. Code § 16-2310(a-1)(2), or committed the offense carrying a pistol without a license.

In 2021, youth were detained prior to the factfinding hearing in 20% (131) of the 644 petitioned cases, representing a 9% decrease from 2020.<sup>31</sup> Table 9 details information on the number of juveniles detained at initial hearing by offense, one of the many factors judges must consider when deciding to detain a youth.

In 2021, 25% (93) of youth charged with acts against persons were detained prior to factfinding, compared to 20% (24) of youth charged with acts against public order, and 9% (14) of youth charged with property crimes. The comparable numbers for detention prior to factfinding in 2020 were: acts against public order (43%), acts against persons (31%), drug offenses (29%), and property crimes (16%). Regarding specific offenses, 100% of youth charged with murder (9) and 75% of youth charged with assault with intent to kill (3) were detained prior to factfinding.

Twenty-one percent of male youth and female youth, respectively, were detained prior to trial in 2021. While male youth were detained at a lower rate than the previous year (10% decrease), female youth were detained at a higher rate (5% increase) than the previous year.

In 2021, 57% (75) of youth detainees were held in non-secure facilities (shelter houses), a 19% decrease from 2020. In 2021, 43% (56) of youth detainees were held in secure detention facilities, a 32% decrease from 2020.

In 2021, males accounted for 89% (50) of those detained in secure facilities and

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<sup>29</sup> For purposes of this report, a juvenile's pre-trial detention status is based on the detention decision made at the initial hearing. It does not reflect the movement of juveniles from one placement status to another either prior to or after adjudication.

88% (66) of those detained in shelter houses. Since 2020, the percentage of detained males has decreased by 6% in secure facilities and by 2% in shelter houses. Conversely, the female youth detainee population has increased by 6% for secure facilities and by 2% for shelter houses.

**Table 9. Number of Juvenile Delinquency Pre-Trial Detention Cases by Offense and Type of Detention, 2021**

Most Serious Offense <sup>32</sup>	All Detained Delinquency Cases						
	Total	Securely Detained			Non-Securely Detained		
		Total	Males	Females	Total	Males	Females
<b>Acts against persons</b>	<b>93</b>	<b>40</b>	<b>35</b>	<b>5</b>	<b>53</b>	<b>45</b>	<b>8</b>
Murder	9	9	7	2	0	0	0
Assault with Intent to Kill	3	2	2	0	1	1	0
Assault with a Dangerous Weapon	12	6	4	2	6	5	1
Aggravated Assault	3	1	1	0	2	2	0
Armed Robbery	20	10	9	1	10	9	1
Robbery	8	1	1	0	7	6	1
Carjacking	23	8	8	0	15	14	1
Burglary I	7	2	2	0	5	2	3
Simple Assault	7	1	1	0	6	5	1
First Degree Sexual Abuse	1	0	0	0	1	1	0
<b>Acts against property</b>	<b>14</b>	<b>3</b>	<b>2</b>	<b>1</b>	<b>11</b>	<b>10</b>	<b>1</b>
Larceny/Theft	3	0	0	0	3	2	1
Unauthorized Use Auto	10	2	2	0	8	8	0
Property Damage	1	1	0	1	0	0	0
<b>Acts against public order</b>	<b>24</b>	<b>13</b>	<b>13</b>	<b>0</b>	<b>11</b>	<b>11</b>	<b>0</b>
Weapons Offenses	24	13	13	0	11	11	0
<b>Total number of detained cases</b>	<b>131</b>	<b>56</b>	<b>50</b>	<b>6</b>	<b>75</b>	<b>66</b>	<b>9</b>

<sup>32</sup>See *supra* note 27.

## **Timeliness of Juvenile Delinquency Case Processing**

Many states, and the District of Columbia, have established case processing timelines for youth detained prior to trial. In addition to individual state timelines, several national organizations, including the American Bar Association, the Office of Juvenile Justice and Delinquency Prevention, the National Council of Juvenile and Family Court Judges (NCJFCJ), and the National District Attorneys Association have issued guidelines for case processing in juvenile cases.<sup>33</sup>

The guidelines, both at the state and national levels, address the time between key events in a juvenile delinquency case. In general, these guidelines suggest that the maximum time between court filing and adjudication for youth detained prior to trial be 30 days or less, and from filing to disposition for detained youth be 60 days or less.

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

As for the timeframe for disposition of juvenile cases, Superior Court Juvenile Rule 32 requires that the disposition hearing in cases of securely and non-securely detained youth may be held immediately following adjudication, but must be held not more than 15 days after adjudication. The D.C. Court of Appeals has held that the 15-day

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<sup>33</sup> See “Delays in Juvenile Court Processing of Delinquency Cases” by Jeffrey A. Butts conducted under the sponsorship of the Office of Juvenile Justice and Delinquency Prevention (1997), and “Waiting for Justice: Moving Young Offenders Through the Juvenile Court Process” by Jeffrey Butts and Gregory Halima conducted under the sponsorship of the National Center for Juvenile Justice (1996). Also see “Juvenile Delinquency Guidelines: Improving Court Practice in Juvenile Delinquency Cases” (NCJFCJ) (2005) which establishes national best practices in the handling of juvenile delinquency cases.

time requirement of Rule 32 is directory rather than mandatory and that the trial court does not err when it extends the 15-day period for a reasonable length of time to obtain the predisposition report. *See, In re J.B.*, 906 A.2d 866 (D.C. 2006).

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

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

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

(3) Non-securely detained juveniles charged with any offense: The statute allows 45 days from initial hearing to adjudication and Rule 32 allows 15 days from adjudication to disposition, for a total of 60 days from initial hearing to disposition; and

(4) Released youth: Administrative Order 08-13 allows 270 days for disposition. There is no Family Court statute or rule that dictates time standards for either adjudication or disposition for cases of youth released prior to adjudication.

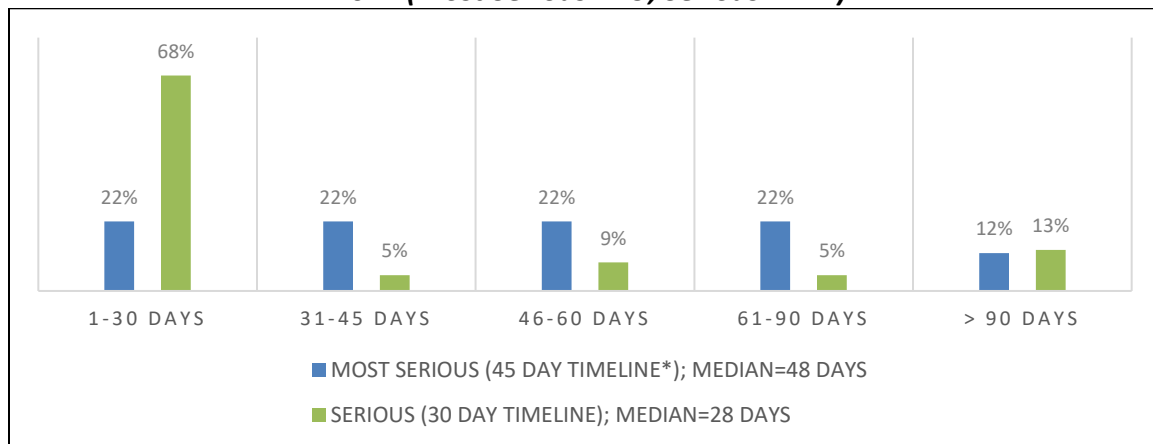
Data on time to adjudication is based on the detention status of the respondent at the time of the initial hearing. In contrast, data on time to disposition is calculated based on the detention status of the respondent at the time of the disposition hearing. In addition, court performance on time to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

resulting from various examinations and assessments.

### Securely Detained Juveniles

In 2021, 23 (41%) out of the 56 securely detained juveniles were charged with the most serious offenses of murder, assault with intent to kill, armed robbery, first degree sexual abuse, or first-degree burglary. As stated above, these cases require adjudication within 45 days and the disposition hearing within 15 days of adjudication, for a total of 60 days (referred to as “Secure Detention 45-day cases”). An adjudication hearing occurred in 9 (39%) of these 23 cases (Figure 35). Forty-four percent (4) of those adjudication hearings occurred within the 45-day timeframe. The median time from initial hearing to adjudication was 48 days. This was an improvement from 2020 when 30% of the securely detained juveniles had adjudication hearings within the 45-day timeline with a median time of 61 days. Of the remaining 14 securely detained most serious cases, twelve (86%) remain undisposed, pending adjudication, and two (14%) were dismissed pre-adjudication.

**Figure 35. Time Between Initial Hearing and Adjudication for Securely Detained Youth, 2021 (Most Serious N=9; Serious N=22)**

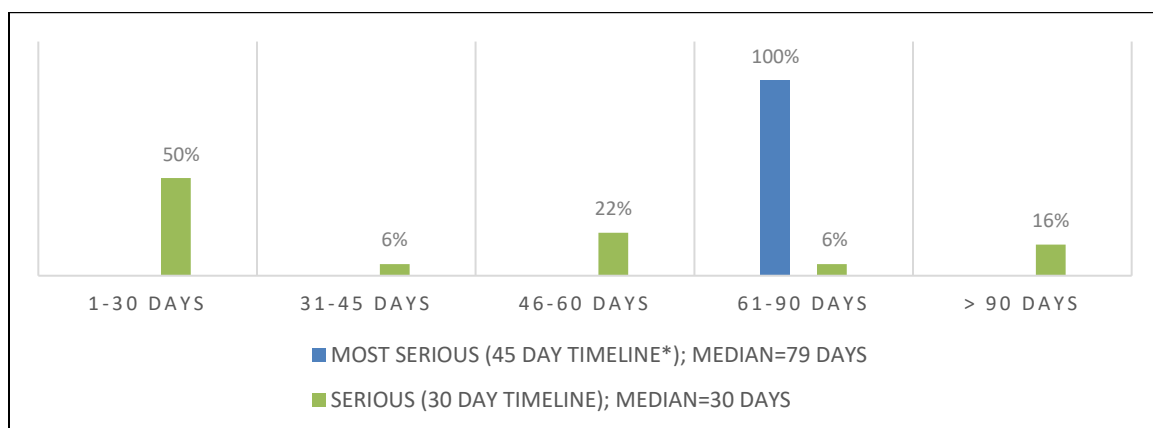


There were 33 securely detained juveniles who were charged with serious offenses (other than the most serious cases) who were required to have their cases adjudicated

within 30 days, and their disposition within 15 days of adjudication – for a total of 45 days (referred to as “Secure Detention 30-day cases”). Twenty-two (67%) of the 33 juveniles had an adjudication hearing, 68% (15) of which occurred within the 30-day timeframe (Figure 35). The remaining 11 cases were all undisposed. The median time to adjudication was 28 days. These serious cases increased from 2020, when 61% of the cases had their adjudication hearing, yet the median time to adjudication increased from 25 days to 28 days.

Several factors contributed to the inability to adjudicate all cases of securely detained youth in a timely manner. Those factors included, but were not limited to: the absence of an essential witness, unavailability of evidence, unavailability of an attorney, incomplete psychological, psychiatric and neurological tests, and difficulties in scheduling, especially as the court responded to the Covid-19 pandemic. The court will monitor and track how requests for continuances are addressed with the goal of reducing the number of continuances requested and granted.

**Figure 36. Time Between Initial Hearing and Disposition for Securely Detained Youth, 2021 (Most Serious N=1; Serious N=18)**



The calculation of time to disposition includes case processing from initial hearing to disposition. One (11%) of the nine most serious adjudicated cases reached disposition in 2021 (Figure 36). The time from initial hearing to disposition in these cases was 72 days, seven days faster than the median of 79 days in 2020.

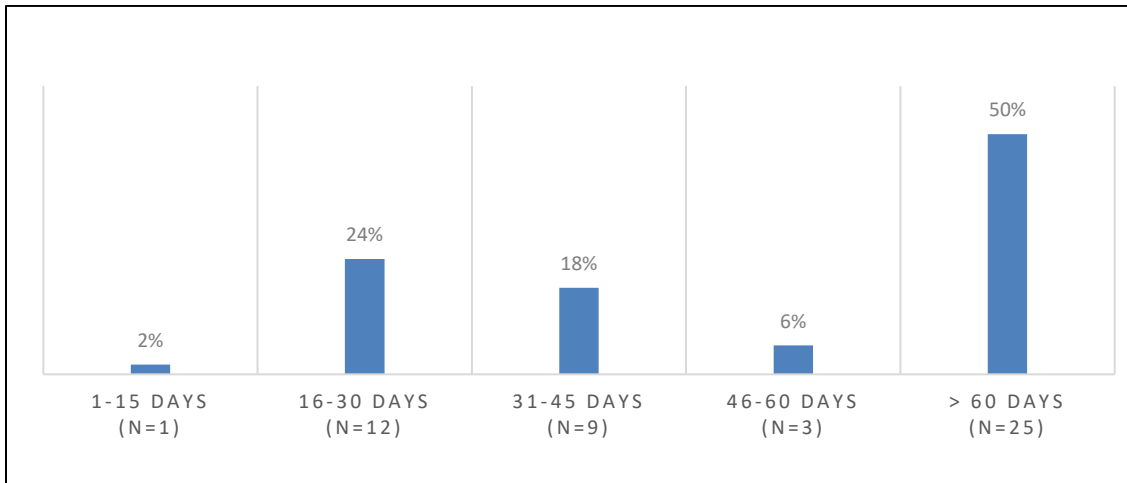
For securely detained juveniles with serious offenses (30-day cases; 33), 18 (55%) reached disposition in 2021. Fifty-six percent (10) of these cases disposed within the 45-day timeframe compared to 52% in 2020. In these cases, the median time between initial hearing and disposition improved from 41 days in 2020 to 30 days in 2021.

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

### **Non-Securely Detained Juveniles**

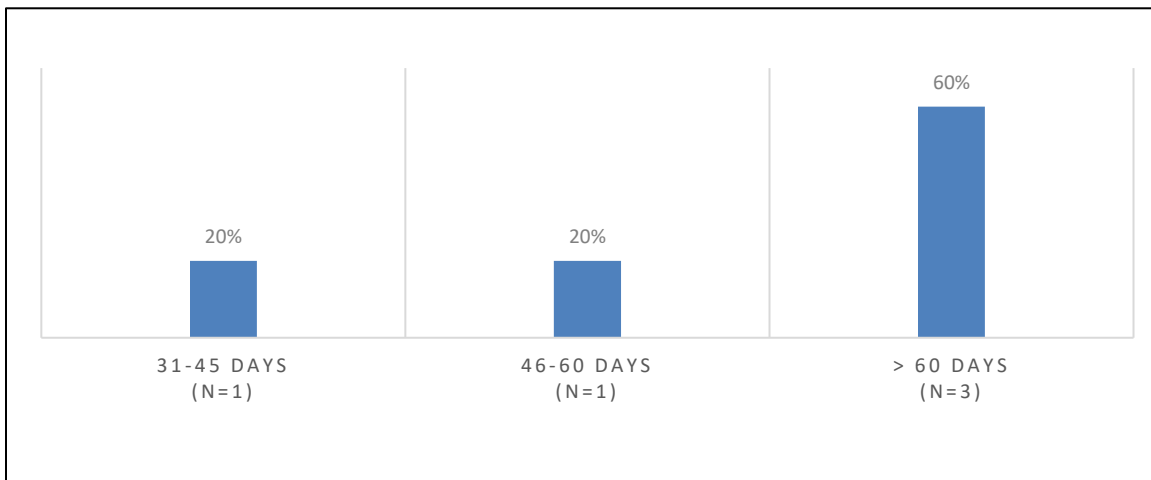
In 2021, there were 75 juveniles detained in non-secure facilities or shelter houses prior to adjudication. Sixty-seven percent (50) of non-securely detained juveniles reached adjudication (Figure 37). Forty-four percent (22) of the non-securely detained youth had timely adjudication hearings within the 45-day timeframe compared to 53% in 2020. The breakdown of the 44% (22) compliance rate was: 2% (1) within 15 days, 24% (12) between 16-30 days, and 18% (9) between 31-45 days. The median number of days to adjudication was 62 days, an increase from 38 days in 2020.

**Figure 37. Time Between Initial Hearing and Adjudication for Non-Securely Detained Youth, 2021 (N=50; Median=62 Days)**



Two non-secure detention cases (40%) were timely disposed within the 60-day timeframe from initial hearing to disposition, a 10% decrease from 2020 (Figure 38). The 40% compliance rate is composed of one case disposed between 31-45 days and one between 45-60 days. The median number of days from initial hearing to disposition was 65 days versus 57 days in 2020. The court will monitor these cases to continue the improvements achieved this year with case disposition.

**Figure 38. Time Between Initial Hearing and Disposition for Non-Securely Detained Youth, 2021 (N=5; Median=65 Days)**

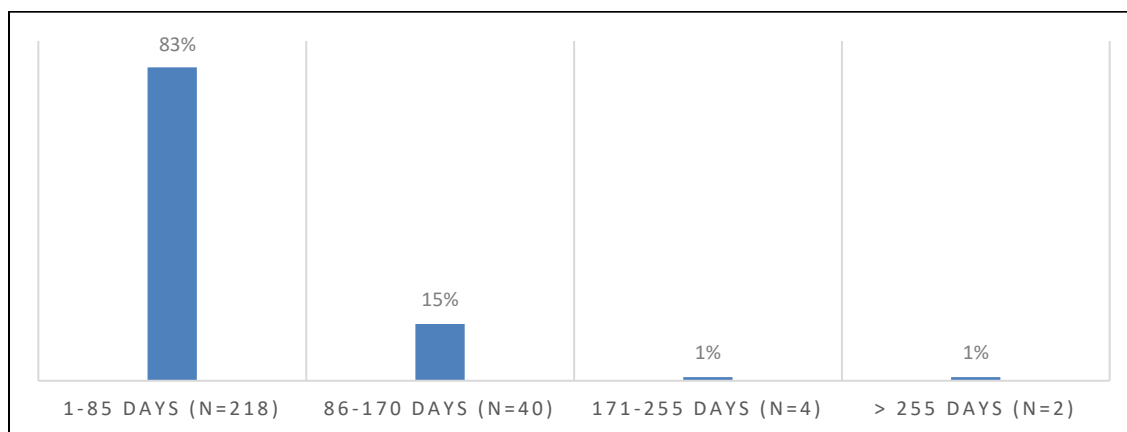




## Released Juveniles

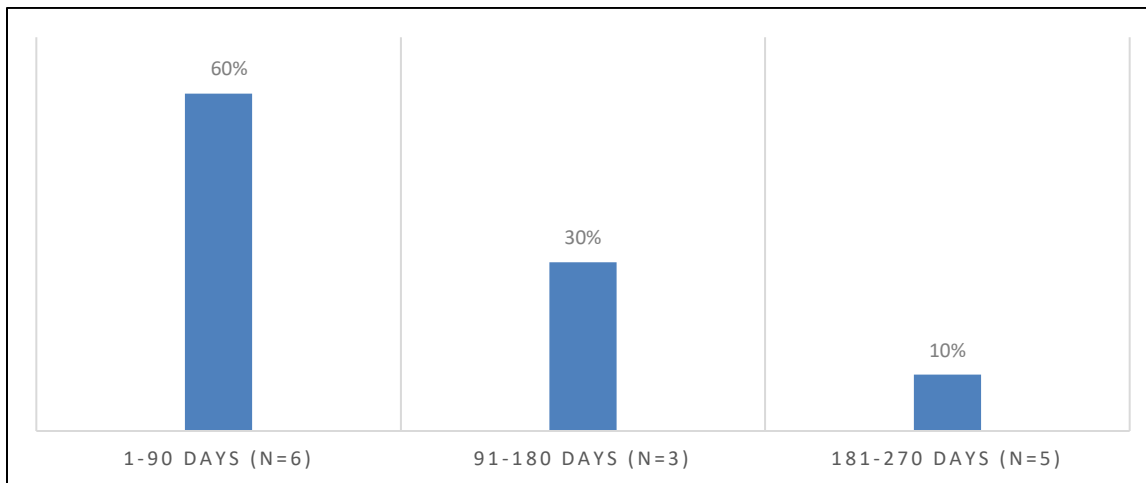
In 2021, 513 juveniles (80%) were released prior to adjudication. Of the 264 cases that had an adjudication hearing, 83% (218) were adjudicated within the 85 days, 15% (40) between 86-170 days, 1% (4) between 171-255 days, and 1% (2) greater than 255 days (Figure 39). This equates to a 99% compliance rate with the 255-day timeframe. In adjudicated cases, the median number of days to adjudication was 55 days.

**Figure 39. Time Between Initial Hearing and Adjudication for Released Youth, 2021 (N=264; Median=55 Days)**



In 2021, ten youth were released at the time of their disposition hearing (Figure 40). Sixty percent (6) of cases were disposed within 90 days, 30% (3) between 91-180 days, and 10% (1) between 181-270 days. Therefore, all (100%; 10) of the released cases met the disposition hearing compliance timeframe of 270 days, an increase from 77% in 2020. The median number of days to disposition was 71, a decrease from 105 days in 2020. As was the case with securely detained youth, a major factor contributing to delays in disposition was the need to identify and obtain services or programs for the youth prior to disposition, which was more problematic due to the Covid-19 emergency. Other factors included examinations concerning mental competency, failures to appear, and non-compliance with a court order.

**Figure 40. Time Between Initial Hearing and Disposition for Released Youth, 2021  
(N=10; Median=71 Days)**



**Family Court Social Services Division (CSSD)**

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

CSSD is responsible for conducting psychological, neuro-psychological, psycho-educational, comprehensive clinical risk (e.g., violence risk, psychosexual) evaluations. The division conducts competency to waive trial and Miranda rights evaluations,

restoration interventions, and waiver of juvenile jurisdiction evaluations. CSSD administers the Risk Assessment Instrument (RAI), Sex Trafficking Assessment Review (STAR) screening tool, developed by the division in 2015, and administers the Conner Baseline Behavioral Rating Scale (CBRS), which helps ascertain behavioral health needs for each youth. In 2021, RAI, STAR and Conner screenings and Social Assessments were administered 24 hours a day at the Department of Youth Rehabilitative Services' (DYRS) Youth Services Center (YSC), the extended location of all CSSD Intake teams because of the Covid-19 pandemic.

On average, the CSSD supervised approximately 360-380 pre-and post-disposition juveniles and status offenders daily. Youth under CSSD's supervision represented approximately 70-75% of all youth involved in the District's juvenile justice system. In 2021, the division returned to a hybrid telework and on-site schedule, and achieved its objectives consistent with statutory requirements by employing a combination of emerging, best and evidenced-based practices in the field of juvenile justice and child welfare. Working with a variety of juvenile justice stakeholders (e.g., the Presiding and Deputy Presiding Judges of the Family Court, the Office of the Attorney General (OAG), the Public Defender Services (PDS), the Criminal Justice Attorneys (CJA), and the Department of Behavioral Health (DBH), the CSSD continued to successfully co-lead and support the mental health court, Juvenile Behavioral Diversion Program (JBDP), and serve victims of commercial sex exploitation and human trafficking, supported by the Family Court's HOPE (Here Opportunities Prepare You for Excellence) Court. Through its multifaceted continuum of services, the CSSD continued to identify and address Adverse Childhood Experiences (ACE) among its youth population.

The JBDP continued to operate as an intensive non-sanction based voluntary program, designed to engage juveniles and status offenders in appropriate mental health services and support in the community. JBDP eligible youth are those under 18 years of age diagnosed with a behavioral or substance use disorder, according to the current version of the Diagnostic and Statistical Manual of Mental Health Disorders (DSM). Youth with co-morbid mental health, intellectual and/or Autistic Spectrum Disorders are also eligible for clinical consideration. In addition to a qualifying mental health diagnosis, youth must also meet certain eligibility criteria specific to their delinquency history and legal charge(s). Once eligibility is determined, each youth is reviewed by a suitability committee that considers factors such as amenability to treatment and community support. Each youth's participation in the program ranges from three to twelve months; however, shorter or longer durations of time are permitted, depending on the level of engagement with services. From 2010 to date, approximately 244 youth have successfully completed the JBDP.

Working in collaboration with the District of Columbia's (DC) Criminal Justice Coordinating Council (CJCC), DC Public Schools and DC Public Chartered Schools as well as the Metropolitan Police Department (MPD), the CSSD continued its focus on high-risk youth through the "Partnership 4 Success" initiative. The CSSD and MPD also maintained its collaborative Co-Located Absconder Initiative, developed more than a decade ago with a focus on locating youth with outstanding custody orders and returning these youth to court. The Co-Located Absconder Initiative ensures youth who are not in contact with their Probation Officer (PO) and high-risk youth are identified and provided comprehensive intensive services. The initiative also relies upon resources provided by

stakeholders from the Department of Parks and Recreation (DPR) Roving Leaders, Child and Family Services (CFSA), the District of Columbia Public Schools (DCPS), D.C. Public Chartered Schools (DCPCS), and Violent Interrupters and Credible Messengers.

Additional coordinating efforts included: (1) co-chairing and staffing the city's Restorative Justice subcommittee, created to examine alternative measures for resolving conflict and disputes which give rise to juvenile crime and to explore alternatives to adjudication; and (2) serving as a long-standing member on the following advisory groups and committees: Juvenile Justice Advisory Group (JJAG); Juvenile Justice Committee; City-wide Truancy Taskforce; Building Blocks DC Scientific and Expert Advisory Board; DC Shooter Review Panel; Child Fatality Review Committee; Psychiatric Residential Treatment Facility Review Committee and Commercial Sexual Exploitation of Children Multi-Disciplinary Team (MDT).

Despite reducing in-person contact with youth and families as a result of the Covid-19 pandemic, CSSD facilitated a host of delinquency prevention measures including, but not limited to: (1) co-hosting two cohort groups in the Awesome Science Technology Engineering and Mathematics (STEM) Crime Prevention measure in partnership with the DC Department of Forensic Science; (2) facilitation of a host of pro-social youth oriented virtual groups; (3) coordinating the on-site therapeutic "Paint n Jam," sessions, during which youth were guided to express themselves through portrait painting; and (4) hosting six simultaneous Trunk or Treat Halloween initiatives.

In July 2021, CSSD returned to on-site operations, hosting youth in cohort groups under a reduced reporting schedule. The division also worked in collaboration with the MPD and DPR to enhance summer safety throughout the city on Fridays and Saturdays.

CSSD concentrated its intensive supervision efforts each Friday and Saturday night, targeting roughly 85 high-risk youth (approximately 24% of the daily population). Low, medium, and high-risk youth were engaged programmatically weekly, bi-weekly, and monthly based on their level of progress. In 2021, the CSSD coordinated a Back-to-School Backpack Drive distributing backpacks filled with school supplies during home and curfew visits to more than 50 court-involved youth and families.

CSSD staff also convened virtual team, regional, managers and all staff meetings, many of which were co-facilitated by Change Fusion, a management consulting firm working with the DC Court.<sup>34</sup> During team meetings, staff and managers participated in breakout groups focusing on the DC Courts Values: Accountability, Excellence, Fairness, Integrity, Respect, and Transparency. The CSSD designated several staff to co-chair its values initiatives via committee, and the Division continues to work on improvements in communication, trust, and team-building.

CSSD continued its commitment to ensure more than 50% of its staff completed a food handling and preparation course certifying that staff preparing meals for youth are credentialed in food preparation requirements established by the DC Department of Regulatory Affairs. Additionally, CSSD continued its division-wide training of staff in Balanced and Restorative Justice (BARJ) Philosophy Principles to build and expand the knowledge and skills of CSSD staff. At its core, balanced and restorative justice principles hold that when a crime is committed, the victim, wrongdoer, and community are all impacted. The victim, wrongdoer, and community must all be restored to achieve balance. Guiding BARJ principles include, but are not limited to the following:

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<sup>34</sup> <https://change-fusion.com/>

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

### **Additional 2021 Highlights**

- a) Continued to operate 100% of all Intake and Delinquency Prevention Unit (DPU) services at the Youth Services Center (YSC), a pre-trial secure detention center. Intake successfully staffed remote arraignment hearings using Webex technology. Continued to provide direct screenings, assessments and recommendations for all newly arrested youth as a core component of juvenile intake services on-site at the YSC.
- b) Continued to utilize restructured services and supports to CSSD youth, including home visits, curfew monitoring, pro-social and restorative justice groups, Family Group Conferencing, mentoring and tutoring using Webex, Zoom, Google Duo and Facetime platforms.
- c) In collaboration with the District of Columbia Department of Forensic Sciences, offered two (2) Science Technology Engineering and Math (STEM) cohorts utilizing the Microsoft Teams virtual platform.
- d) Successfully facilitated access to online remote Webex court hearings at the Northeast BARJ Drop-In Center for youth and families unable to access the hearings remotely.
- e) Continued to provide individual and family counseling services virtually facilitated by psychologist and interns staffing the Child Guidance Clinic (CGC).
- f) Continued to provide in-person clinical evaluations to youth housed at YSC and community youth coming to the NE BARJ Center and successfully facilitated intermittent face-to-face home visits to CSSD youth using PPE and social distancing.
- g) In collaboration with Strategic Management Division (SMD), hosted the DC Court's first-ever virtual conference focusing on a ten-year review of solution courts under the Family Court. Featured workshops focused on the Juvenile Behavioral Diversion Program (JBDP) and the Here Opportunities Prepare you for Excellence (H.O.P.E) Court.

### **CSSD Organization**

CSSD is comprised of five branches, two of which have probation satellite offices/teams designated to serve specific populations. Branches include: (1) the Juvenile Intake and Delinquency Prevention Branch; (2) Child Guidance Clinic; (3) Information Contacts and Community Outreach (ICCO), which also oversees the Co-Located Custody

Order Absconder Unit; (4) Region I Pre-and Post-Disposition Supervision; (5) and Region II Pre-and Post-Disposition Supervision. These branches operate under the Office of the Director.

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

The Intake Branch is comprised of Intake Units I (day intake) and II (night intake), and the Delinquency Prevention Unit (responsible for electronic monitoring, transporting all eligible youth home following arrest when the parent/guardian/custodian is unable to retrieve their child, and community relations). The Branch is responsible for screening, investigating, making recommendations, and case presentation in JM-15 for all newly referred youth in delinquency cases. The Branch is also responsible for screening and determining the status of all truancy referrals and the operation of all electronic monitoring services for CSSD youth.

In 2021, the Intake Branch successfully screened 531 youth referred for truancy, compared to 639 in CY 2020, a 24% decrease. With respect to youth referred for delinquency matters, CSSD screened a total of 1,104 youth, compared to 1,241, an 11% reduction from CY 2020. The Intake Branch also successfully completed 406 Global Positioning System (GPS) Electronic Monitoring installations. Notwithstanding the accomplishments across the Intake and Delinquency Prevention Branch, the Covid-19 pandemic undoubtedly played a significant role in the decrease of referrals to the CSSD.

Consistent with core requirements of the federal Juvenile Justice and Delinquency Prevention (JJDP) Act, all youth referred to the CSSD following arrest must be screened (resulting in a preliminary hold/release recommendation when court is in session and determination when court is not in session) within a four (4) hour period, prior to



presentation of the case at the Initial Hearing. Building on accomplishments over the past four years, CSSD successfully:

- a) Screened 100% (1,104 youth) of all newly arrested youth utilizing a valid Risk Assessment Instrument (RAI), a pre-trial social assessment. Among the youth screened for juvenile crimes, 331 or 30% were females and 773 or 70% were males. Among youth referred for a status offense (truancy), the CSSD received and screened approximately 531 referral packages. The Intake Branch also ensured 244 Global Positioning System Electronic Monitoring units were installed timely, following each court order.
- b) Continued as a principal stakeholder on the Juvenile Justice Committee, coordinated by the Criminal Justice Coordinating Council, and co-chaired the Juvenile Data Subcommittee, which seeks to collect and interpret juvenile arrest, diversion, court involvement and overall front-end data. Providing stakeholders with data trend analysis and other observable facts enables stakeholders to provide timely interventions and address specific delinquency issues occurring in the District of Columbia.
- c) Continued to serve as a stakeholder on the Truancy Taskforce, a citywide initiative to address causes and reduce the incidents of truancy through coordinated meaningful intervention. Continued to participate in the Juvenile Intake and Arraignment workgroup tasked with analyzing and refining current stakeholder (MPD, DYRS OAG, CSSD, and Juvenile Clerk's Office) processes to create better workflow for cases that are presented in the Juvenile New Referrals (JM-15) courtroom.
- d) Attended Area Neighborhood Committee (ANC), Police Service Area (PSA) and other community meetings and shared their findings with their managers. These information exchanges enabled the CSSD to continue serving as the "eyes and ears of the court" and maintain high visibility in the community.

### **Child Guidance Clinic**

Despite the pandemic, 2021 was a uniquely successful year for the Child Guidance Clinic (CGC). In January, the CGC commenced scheduled on-site evaluations across three locations: Youth Services Center (YSC); Northeast Balanced and Restorative Justice (BARJ) Drop-In Center; and the H. Carl Moultrie Courthouse. As the Family Court continued holding juvenile hearings via virtual platforms, the clinic received 209 referrals for psychological evaluations (i.e., general psychological, psycho-educational, neuropsychological, sex offender risk, violence risk, competency, and Miranda Rights competency), of which 144 were completed with the use of personnel protective

equipment (PPE) and social distancing. It is noted that although the CGC saw a 9% reduction in the number of referrals from CY 2020, the completion rate of evaluations increased by 30%.

CGC maintained its nationally recognized pre-doctoral psychology internship training program accredited by the American Psychological Association (APA).

Welcoming three (3) new interns in 2021, students were selected from the Fordham University, Wisconsin University, and the Chicago School of Professional Psychology. The interns were selected from a diverse pool of roughly 75 applicants.

Clinical staff and interns continued to serve as interim primary clinicians for court ordered emergency forensic evaluations. Forensic evaluations are generally conducted by psychiatrists under the Department of Behavioral Health (DBH); unfortunately, the pandemic diminished DBH's staffing ability to conduct these important evaluations. CGC staff were also able to effectively continue operating its signature sex offender prevention program, Sex Abuse Violates Everyone (SAVE) virtually and offer individual and family therapy and competency attainment training also online. Additional highlights include:

- a) Continued to serve as a member of the DC Ombudsman Office, Clinical Subcommittee.
- b) Clinic staff continued to serve on various committees that support the mental health of youth in Washington, DC. These committees include the Psychiatric Residential Treatment Facility (PRTF) committee, the JBDP Suitability Committee, the Restorative Justice Committee, and the H.O.P.E. Court planning committee.
- c) Maintained frequent and regular contact, providing individual therapy and crisis support to court-involved youth using secure, virtual platforms throughout the Covid-19 pandemic
- d) Conducted in-person and virtual trainings for CSSD probation officers on the administration of the Sex Trafficking Assessment Review (STAR).
- e) Virtual presentation to sub-members of the National Center for Juvenile and Family Court Judges explaining the Sex Trafficking Assessment and Review

(STAR) screening instrument and how it is used to assess the sex trafficking risk of youth under the supervision of CSSD.

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

The CSSD Information Contracts and Community Outreach (ICCO) team processed referrals for more than 300 youth, enabling the provision of mentoring, life skills and tutoring sessions funded with CSSD resources. ICCO also oversaw a host of other contracts including Global Positioning System (GPS) Electronic Monitoring, Balanced and Restorative Justice (BARJ) principles and philosophy training, and food preparation for all staff. The Branch oversaw incoming and outgoing mail delivery, managed the division's fleet of vehicles fueling and maintenance, answered calls, and provided general information about the Division and staff contacts. Additionally, ICCO recruited from solicitations reviewed by an Internal Source Solicitation Evaluation Board (SSEB), resulting in the award of contracts to eleven new vendors who will commence working with CSSD youth in calendar year 2022. Finally, ICCO ensured the Co-Located Absconder Team (CAT) continued its operations in partnership with the Metropolitan Police Department (MPD) to bring youth into custody who failed to participate in scheduled court hearings, absconded from court ordered placements, lost contact with their Probation Officers (PO), or were alleged to have been involved in a crime under investigation. For the calendar year 2021, the CAT conducted 125 custody order checks, resulting in 65 youth retrieved at homes and listed addresses in the District of Columbia.

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

Region I Pre-Trial and Post-Disposition Supervision (Region I) is comprised of four teams: (1) Southeast Satellite Office (SESO)/Balanced and Restorative Justice (BARJ) Drop-In Center; (2) Southwest Satellite Office (SWSO)/Balanced and Restorative

Justice (BARJ) Drop-In Center; (3) Interstate Probation Supervision Team; and (4) the Ultimate Transition Ultimate Responsibility Now (UTURN) Team. Despite major augmentations in services supervision and program support due to the pandemic, in 2021 Region I achieved success in a significant degree of operations. Among the many accomplishments, Region I successfully supervised 886 youth and completed approximately 886 reports. Region I also conducted a total of 597 home visits, 588 school visits, 1,969 curfew visits, and 11,082 curfew calls. Additional highlights include, but are not limited to:

- a) Maintained the following groups in the SESO/BARJ in collaboration with co-located Interstate and UTURN staff, and service providers: *Accelerating the Aptitude of Children; Adopt A Block; Topical Review and Civic Empowerment; Drug Awareness Responsibility and Education; Anger Management; Real Men & Women Cook; Developing Leaders and Creating Legacies; Life Skills; Influencing Future Empowerment; and Anger & Emotional Management*. Staff facilitated circle groups focused on a host of topics including gun violence, mass incarceration, the use of violence and force and shootings by police. Staff also expanded community service opportunities to include continued volunteering at the DC Central Kitchen.
- b) Staff continued their relationship with Fifth, Sixth and Seventh District MPD Community Beat Officers resulting in weekly visits to the SESO BARJ center, attendance at community meetings and targeted summer safety community-based measures.
- c) Maintained the following groups in the SWSO/BARJ Drop-In Center, in collaboration with Interstate and UTURN staff and service providers: *Anger & Emotional Management; Life Skills; Sport of Life; Financial Management* and ongoing intervention groups to quell neighborhood differences. SWSO staff successfully worked with UTURN Intensive Supervision staff to enhance the scope of BARJ programming and youth participants.
- d) Staff continued to participate in community-based virtual public safety meetings.
- e) SWSO BARJ, SESO BARJ and the UTURN manager continued to participate in the Dual Supervision Committee, joined by representatives of the Department of Youth Rehabilitative Services, Child and Family Services Agencies and the Court Services and Offender Supervision Agency, coordinated by the Criminal Justice Coordinating Committee.
- f) In partnership with service providers, coordinated a limited number of outings, during which youth and staff maintained social distance and wore face coverings.

- g) Transported youth to and from residential placement programs and assisted parents and youth in accessing virtual platforms necessary to interface with Probation Officers (PO) and participate in remote court hearings.
- h) Supported the city-wide Summer Safety Surge. Coordinated several ice cream socials across the city, which were lauded by the MPD Youth Division as directly contributing to crime reductions across several communities.
- i) Interstate migrated to a new national database for all states and territories, designed a process for Interstate matters to include Requests for Transfer of Supervision (RTOS), Home Evaluations, Travel Permits and Quarterly Progress Reports (QPR's). The migration from JIDS to UNITY was seamless. Since the migration, Interstate has been able to maintain compliance in submitting scheduled reports timely.

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

Region II Pre-Trial and Post-Disposition Supervision (Region II) is comprised of four teams: (1) Northwest Satellite Office (NWSO)/Balanced and Restorative Justice (BARJ) Drop-In Center; (2) Northeast Satellite Office (NESO)/Balanced and Restorative Justice (BARJ) Drop-In Center; (3) Status Offender, Behavioral Health Diversion and H.O.P.E. Court Office (SOBHDHC) Balanced and Restorative Justice (BARJ) Drop-In Center; and (4) the Leaders Of Today In Solidarity (LOTS)/ Balanced and Restorative Justice (BARJ) Drop-In Center. In 2021, Region II achieved success in a significant degree of operations. Among the many accomplishments, Region II successfully supervised 603 youth and completed approximately 603 reports. Region II also conducted a total of 784 home visits, 497 school visits, 1,597 curfew visits, and 9,921 curfew calls. Additional highlights include, but are not limited to:

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

*Management, Preventing Addiction through Information and Dedication (PAID); Healthy Lifestyles; Boys to Men (Young Men's Peer Group); and Taking Care of Business (Life skills).*

- c) Maintained the following groups at the LOTS/BARJ Drop-In Center facilitated by staff and service providers: *Daily Circle Groups; Anger & Emotional Management; Image Building and Self Esteem; Ladies Etiquette; Conflict Resolution; Your Network Is Your Net Worth, Teen Dating; and Banking and Finance.* LOTS staff also maintained its "Red Door" closet, supplying new and gently used clothing and other items available to youth and families in need. Donations of casual wear, formal wear, coats, shoes, baby supplies, and toiletries received from employees of the DC Courts and external juvenile justice stakeholders. Finally, the youth were engaged by speakers from a variety of areas such as Courtney's House, the Department of Behavioral Health, Planned Parenthood and DCPS.
- d) Maintained the following groups at the SOBHDHC/BARJ and NE BARJ Drop-In Centers, facilitated weekly by staff and service providers: *What Does Anger Look Like? (An Enhanced Anger & Emotional Management Group); Physical and Mental Effects of Drugs; Critical Thinking-Forming Opinions; On Our Block; Self Worth; Wellness and Fitness.* Staff continued to serve and supervise three distinct populations including: Status Offenders, Behavioral Health Diversion and H.O.P.E. Court. Additionally, staff partnered with Courtney's House and Fair Girls, renowned providers serving adolescents victimized by human trafficking and exploitation and continued to participate on the citywide Missing Youth Committee.
- e) Continued to participate in the monthly Citywide Child Fatality Committee, enabling CSSD to partner with other citywide stakeholders in investigating and uncovering the causes of child fatalities in the city and continued to participate in the citywide Multi-Disciplinary Treatment Committee targeting youth at-risk of or victimized by human trafficking and/or exploitation.
- f) Continued to facilitate the Expressive Art initiative, during which youth draw and paint images reflective of how they feel, see themselves, and believe others see them in the world. This program has been successful, as measured by the number of youth in attendance, positive feedback from youth, and continued high levels of youth participation. CSSD will commence replicating it across all other BARJ Drop-In Centers in 2022.
- g) Continued to develop and maintain relationships with various Area Neighborhood Commissions (ANC), civic associations and other community groups and collaborated with Fair Girls and Courtney's House.
- h) Transported youth to and from residential placement programs and assisted parents and youth in accessing virtual platforms necessary to interface with Probation Officers (PO) and participate in remote court hearings.
- i) Supported the city-wide Summer Safety Surge and coordinated ice cream socials across the city, which were lauded by the MPD Youth Division as contributing directly to reductions in crime across several communities.
- j) Acquired two (2) comfort turtles as phase one of creating a therapeutic milieu calming area for adolescents. Youth can care for and feed the turtles; further

developing empathy and responsibility. In 2022, youth will participate in a competition to name the turtles.

**CSSD Published the Following Article:**

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

**Parentage and Support Branch**

The Parentage and Support Branch is responsible for the adjudication of cases involving the establishment of parentage and support and the accurate and secure maintenance of records resulting from these activities. In 2021, 1,260 new parentage and support actions were filed in the Family Court, and 3 cases were re-opened, an increase of 191% (434) from 2020. In 2021, the Office of the Attorney General initiated 96% (1,212) of parentage and support filings. The remaining 4% (48) were filed privately.

Federal regulations mandate that orders to establish support be completed in 75% of the cases within six months of the date of service of process and 90% of the cases within 12 months of the date of service (*see* 45 CFR § 303.101). Data for cases disposed in 2021 indicate that the court did not meet these standards: 40% of the cases were disposed or otherwise resolved within six months (180 days) of service of process and 52% within 12 months of service of process. Except for emergency matters, all child support hearings were canceled until July 13, 2020, when one remote courtroom was assigned for remote hearings. In August 2020, another Parentage and Support courtroom was assigned for remote hearings as a second magistrate judge joined the calendar. As discussed on page i of this report, deadlines were tolled or extended for all statutory and

rules-based time limits in the D.C. Code, the D.C. Rules of Appellate Procedure, and the Superior Court Rules.

There has been extensive collaboration between the court and the OAG Child Support Services Division to work through all Covid-19 related issues and to efficiently work through the pending cases. In 2021, each of the Parentage and Support magistrate judges scheduled 46 remote hearings per week and expanded to 66 remote hearing per week by June 2021. From May 2021 thru July 2021, a senior judge assisted the Parentage and Support magistrate judges by conducting remote hearings twice a week, accounting for 30 cases per week. In November 2021, the court had scheduled all active pending cases for a future hearing date.

### **Mental Health and Habilitation Branch**

The Mental Health and Habilitation Branch is responsible for the adjudication of cases related to the hospitalization and continued treatment of persons in need of mental health services and persons with intellectual disabilities, and the accurate and secure maintenance of records resulting from these activities. The Mental Health and Habilitation Branch also recruits and provides volunteer advocates for persons with intellectual disabilities through the Mental Habilitation Advocate Program. In 2021, 2,594 mental health cases were filed, compared to 2,615 in 2020. One hundred twenty-nine cases were reopened. There were only two mental habilitation cases filed in 2021. The “Disability Services Reform Amendment Act of 2018,” which took effect on May 5, 2018,<sup>35</sup> comprehensively repealed and amended the “Citizens with Intellectual Disabilities

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



Constitutional Rights and Dignity Act of 1978,” ending new admissions and commitments of persons with intellectual disabilities and providing that, for current commitments, the court will terminate commitment unless there is informed consent for continued commitment.

Court performance measures established by Administrative Order 09-12 require that 99% of cases filed are disposed within 60 days. Despite the challenges of 2021, the Court disposed of 88% of the cases within that standard, a 5% decrease from 2020. Cases were disposed with an average time to disposition of 26 days, an increase of two days from the average in 2020.

### **Domestic Relations Branch**

The Domestic Relations Branch has responsibility for all cases involving divorce, legal separation, annulment, child custody, and adoption. In 2021, 3,314 domestic relations cases were filed and 52 cases were reopened, a 42% increase (2,357 filings; 18 reopens) over 2020.

Court performance measures in domestic relations cases are as follows:

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

As the pandemic continued, the scheduling constraints of remote hearings negatively impacted time to disposition in these cases. In 2021, 96% of uncontested divorce cases, 88% of uncontested custody cases, and 66% of uncontested third-party custody cases met established disposition standards. Additionally, 63% of contested

custody cases, 69% of the contested custody third-party cases, and 80% of the contested divorce cases reached disposition within the nine-month standard. The court will continue to monitor and track this performance area and implement appropriate measures to improve compliance rates.

### **Family Court Self-Help Center**

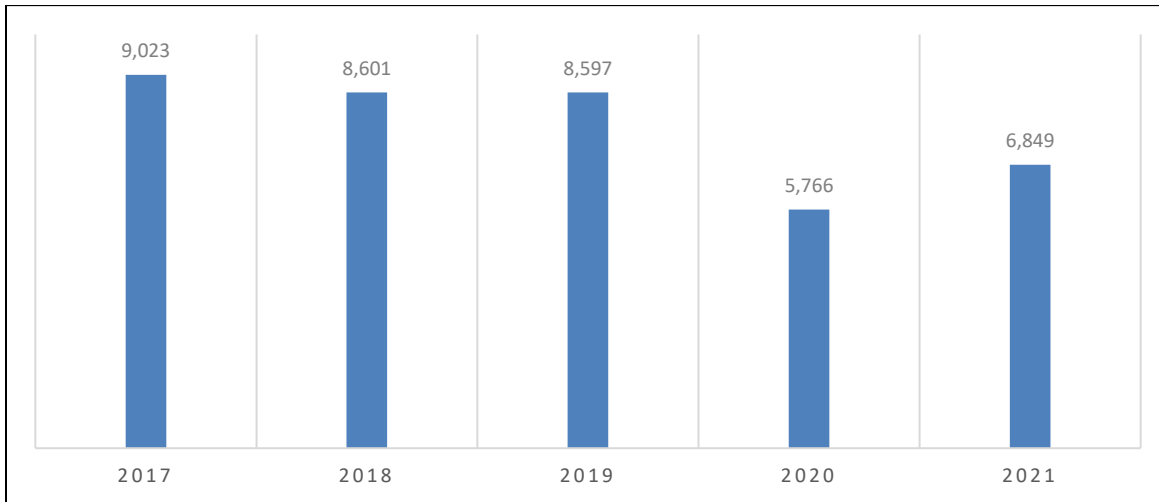
The Family Court Self-Help Center (SHC) is a free walk-in service that provides people without lawyers (self-represented parties) with general legal information in a variety of family law matters, such as divorce, custody, visitation, and child support. Although the SHC does not provide legal advice,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

In July of 2021, the Self-Help Center returned to serving customers on-site while continuing to serve them remotely, due to the Covid-19 emergency. The SHC continued to collaborate with the Pro Bono community to assist self-represented filers, who did not have access to email, to file court documents.

Detailed below are a few of the findings from data collected for 2021:

- a) Since its inception in March 2005, the SHC has served over 111,000 customers.
- b) The SHC served 6,849 people in 2021, a 19% increase over 2020, attributable to staff returning to provide services on-site midway through the year (Figure 41).
- c) On average, the SHC served 571 individuals per month in 2021, compared to 481 individuals per month in 2020, and 716 individuals per month in 2019.
- d) As has been the case since 2006, a large majority of the parties seeking help from the SHC had issues related to custody (55%), divorce (19%) or child support (12%).

**Figure 41. Self-Help Center Customer Count, 2017-2021**



### **Conclusion**

In 2021, the Family Court built on the progress already made by our dedicated judiciary and personnel to adapt to the ever-changing conditions during the Covid-19 pandemic. Working alongside our community partners and stakeholders, the Court expanded on-site operations and implemented a hybrid service model, permitting access to justice both virtually and in-person. In keeping with the mission of protecting and providing permanency for children, strengthening families, and deciding disputes fairly and expeditiously, the Court resolved 8,321 cases. Through the Family Court Social Services Division, we additionally screened and assessed nearly 2,000 status offender and juvenile delinquency cases, as well as supervised, on average, 370 pre-trial and post-adjudicated juveniles daily. The Court implemented new remote courtrooms and new and enhanced electronic case initiation, fee payment, and other remote services to court participants to allow for the continuance of court services. We continued the modernization of court facilities, and supported our judicial officers and workforce through education and training.

The Court continued to focus on abuse and neglect, termination of parental rights, and adoptions. For children not removed from home, compliance with the timeline to trial or stipulation increased 34 percentage points over 2020, coupled with a 51% increase in disposition hearings held within the 45-day timeline. As the Court continued to identify and eliminate barriers to permanency, the percentage of children who spent more than 24 months waiting to be placed in a permanent adoptive home was the lowest over the past 5 years. Additionally, the median time between the filing and finalization of adoption petitions decreased from 280 days in 2020 to 205 days in 2021. Cases reached permanency via adoption and custody faster in 2021 than any other period since 2017, achieving permanency at a median of 7 months earlier than in 2020.

The Family Court made progress in case processing times in juvenile cases as well. For securely detained youth, 44% of adjudication hearings occurred within the 45-day timeframe, an improvement of fourteen percentage points from 2020. For securely detained youth charged with serious offenses, 68% were disposed within the 30-day timeframe, an increase of seven percentage points over 2020. The time from initial hearing to disposition in most serious cases improved from a median of 79 days in 2020 to 72 days in 2021. Additionally, the median time from initial hearing to disposition for securely detained juveniles with serious offenses improved from 41 days in 2020 to 30 days in 2021. For released youth, the median number of days to disposition dropped from 105 days in 2020 to 71 days in 2021.

Other enhancements for Family Court participants included: utilizing alternative dispute resolution to resolve appropriate cases, including continuation of a new Permanency Mediation Program; co-hosting two Permanency Forums; collaborating with our justice partners to implement and expand the development of interactive interviews to

assist court customers in completing online court forms related to their cases; continuing to provide a free service to people without lawyers with general legal information in a variety of family law matters, including divorce, custody, visitation, and child support; improving service in the call center so that 54,649 phone calls were answered by a live person, not a recording; and others.

Moving forward, there are some areas for improvement in the Family Court. The Court will continue to closely monitor to ensure scheduling of timely permanency hearings in neglect matters. Additionally, the Court is working diligently to address the backlog of Parentage and Support cases resulting from the Covid pandemic. The Court will continue to engage stakeholders and community partners to ensure that all members of the community can access the Court, whether it be in-person or via the use of technology.

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

## **Notes**



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