

**DISTRICT OF COLUMBIA  
SUPERIOR COURT**



**FAMILY COURT  
FOURTH ANNUAL REPORT**

**Submitted  
March 30, 2006**

**Honorable Rufus G. King, III  
Chief Judge**

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## EXECUTIVE SUMMARY

Since the enactment of the District of Columbia Family Court Act of 2001, the Court has made significant strides towards achieving the goals set forth in its Family Court Transition Plan submitted to the President and Congress on April 5, 2002. Each measure taken is aimed at improving services for children and families in Family Court. The following summarizes some of the measures taken to achieve each goal during 2005.

- **Made child safety and prompt permanency the primary considerations in decisions involving children.**
  - Increased compliance with the Adoptions and Safe Families Act (ASFA)<sup>1</sup>.
  - Continued and increased use of improved AFSA compliant court order forms.
  - Continued operation of the Mayor’s Services Liaison Center at the courthouse.
  - Strengthened operation of the Benchmark Permanency Hearing pilot program for older youth in foster care to help them make decisions and plans for their future and to coordinate a full range of services necessary for their success when they gain independence.
  - Continued operation of the Family Treatment Court.
  
- **Provided early intervention and diversion opportunities for juveniles charged with offenses, to enhance rehabilitation and promote public safety.**
  - Developed the “Leaders of Today in Solidarity” program to improve gender-specific programming for adolescent girls.
  - Collaborated with Metropolitan Police Department in creating a Restorative Justice Supervision Program to address an increase in unauthorized use of motor vehicle crimes by juveniles.
  - Developed first ever truancy program for middle school children in the District of Columbia.
  
- **Appointed and retained well-trained and highly motivated judicial officers.**
  - Conducted fourth annual interdisciplinary cross training conference.
  - Planned and hosted bi-monthly cross training programs for all stakeholders.
  - Participated in National Training programs on issues relating to children and families.

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

- **Promoted alternative dispute resolution**
  - Continued operation of the Child Protection Mediation Program.
  - Continued operation of the same day mediation in domestic relations cases.
- **Used technology effectively to track cases of children and families.**
  - Collaborated with CFSA to scan court orders into the agency's automated system so that agency social workers have complete and accurate information.
  - Continued operating court wide integrated case management system (IJIS).
- **Encouraged and promoted collaboration with the community and community organizations.**
  - Continued to meet regularly with stakeholders and participated on numerous committees of organizations serving children and families.
- **Provided a family friendly environment by ensuring materials and services are understandable and accessible.**
  - Assumed full operation of the Pro-Se Self Help Clinic at the courthouse, in partnership with the D.C. Bar, so litigants without counsel can obtain materials about Family Court processes and seek assistance with court forms.
  - Developed a handbook for parents and a coloring book for children on the court process in abuse and neglect cases. Both documents are available in English and Spanish.
  - Continued review and revision of Family Court forms, through working groups, to make them more understandable.

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

## INTRODUCTION

The District of Columbia Family Court Act of 2001, Pub.L. 107-114 (hereinafter the “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 2005, must include the following:

- (1) The chief judge’s assessment of the productivity and success of the use of alternative dispute resolution (see pages 27-35).
- (2) Goals and timetables as required by the Adoption and Safe Families Act of 1997 to improve the Family Court’s performance (see pages 42-52).
- (3) Information on the extent to which the Family Court met deadlines and standards applicable under Federal and District of Columbia Law to the review and disposition of actions and proceedings under the Family Court’s jurisdiction during the year (see pages 36-41).
- (4) Information on the progress made in establishing locations and appropriate space for the Family Court (see pages 23-25).
- (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 85-86).
- (6) Information on: (a) the number of judges serving on the Family Court as of December 31, 2005, (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 3-18).
- (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 65-84).
- (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 85-86).

## **GOALS AND OBJECTIVES**

The goals and objectives outlined in our Transition Plan continue to provide the focal point for our mission as a Family Court.

### ***Mission Statement***

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

### **Goals and Objectives**

The Family Court, in consultation with the Family Court Implementation Committee, established the following goals and objectives to ensure that the Court's mission is achieved.

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 to Family Court judicial officers and staff.
4. Promote the use of alternative dispute resolution (ADR) in appropriate cases involving children and families to resolve disputes in a non-adversarial manner and with the most effective means.
5. Use technology to ensure the 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 the community organizations that provide services to children and families served by the Family Court.

7. Provide a family-friendly environment by ensuring that materials and services are understandable and accessible to those being served and that the waiting areas for families and children are comfortable and safe.

**JUDICIAL RESOURCES IN THE FAMILY COURT**

On December 31, 2005, the Family Court consisted of the full complement of 15 associate judges and 16 magistrate judges. In addition, Senior Judge Nan Shuker assisted the Family Court by presiding over a portion of the neglect and adoption caseload. Prior to becoming a senior judge, Judge Shuker had served extensively in the Family Court where she presided over adoption cases.

**Length of Term on Family Court**

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

<u>Associate Judges</u>	<u>Commencement Date</u>		<u>Service Requirement</u>
Judge Josey-Herring	September	2000	3 years
Judge Beck	January	2002	3 years
Judge Davis	January	2002	3 years
Judge Vincent	January	2002	3 years
Judge Macaluso	July	2003	5 years
Judge Saddler	July	2003	5 years
Judge Byrd	November	2003	5 years
Judge Ryan	November	2003	5 years

Judge Kaye Christian	January	2005	3 years
Judge Bush	January	2005	3 years
Judge Cordero	January	2005	5 years
Judge William Jackson	January	2006	3 years
Judge Long	January	2006	3 years
Judge Campbell	January	2006	3 Years
Judge McKenna	January	2006	5 years

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

<u>Magistrate Judges</u>	<u>Commencement Date</u>	
Magistrate Judge Nooter	January	2001
Magistrate Judge Dalton	April	2002
Magistrate Judge Deull	April	2002
Magistrate Judge Gray	April	2002
Magistrate Judge Johnson	April	2002
Magistrate Judge Breslow	October	2002
Magistrate Judge Fentress	October	2002
Magistrate Judge Goldfrank	October	2002
Magistrate Judge Howze	October	2002
Magistrate Judge McCabe	October	2002
Magistrate Judge Brenneman	January	2004
Magistrate Judge Lee	January	2005
Magistrate Judge Doyle	January	2006
Magistrate Judge Harnett	January	2006
Magistrate Judge Albert	January	2006
Magistrate Judge Parker	January	2006

**The number of reassignments to and from Family Court:**

During 2005, Judge Blackburne-Rigsby who volunteered to serve in the Family Court beginning in January 2005 was reassigned to the Court's Civil Division pursuant to §11-1708A(d) of the Family Court Act. Judge Laura Cordero, newly appointed to the bench in January 2005 replaced her in the Family Court. In addition, four associate judges and one magistrate judge were assigned to the Family Court effective January 1, 2006. Judges William Jackson, Cheryl Long, John Campbell, and Juliet McKenna

joined the Family Court replacing Judges Lee Satterfield, John Mott, Robert Morin, and Linda Turner who were reassigned to other divisions after completing more than their required term of service. In addition, Magistrate Judge Lori Parker, was assigned to the Family Court as a replacement for Magistrate Judge McKenna who was appointed an Associate Judge in 2005. All newly assigned judicial officers meet or exceed the educational and training requirements required for service in the Family Court.

Detailed below is a brief description of newly assigned judicial officers:

***William Jackson, Deputy Presiding Judge***

Judge Jackson was appointed to the bench as an associate judge in June of 1992. Since his appointment to the bench, Judge Jackson has served in a number of divisions of the Superior Court including several tours of duty in the former Family Division.

Judge Jackson's first assignment as an associate judge was in the Family Division in 1992. For the next year and a half, Judge Jackson presided over cases involving juvenile delinquency, abuse and neglect, paternity and support, and mental health. During this assignment, he presided full time over a juvenile delinquency calendar and later an abuse and neglect calendar.

In 1997, Judge Jackson returned to the Family Division where he was one of only two judges to preside over both an abuse and neglect calendar and a juvenile delinquency calendar.

From January 2002 through December 2005, Judge Jackson served in the Domestic Violence Unit. He was elevated to the position of Presiding Judge of the Unit in January of 2004 and served in that capacity until his recent appointment as Deputy Presiding Judge of the Family Court. During his 4 years in the Domestic Violence Unit,

Judge Jackson presided over thousands of cases involving individuals, families, and children who were victims of domestic violence. He also handled child custody, divorce, and paternity and support cases involving allegations of domestic violence.

In 2005, the District of Columbia Bar honored Judge Jackson for his leadership of the Domestic Violence Unit and his contributions in providing access to justice for residents of the District of Columbia. In 2003, the Department of Justice honored Judge Jackson for his work with Anacostia High School Students in their Environmental Law Program.

Prior to joining the bench, Judge Jackson served in the United States Attorney's Office of the District of Columbia. As an Assistant United States Attorney, he served in all sections of the Superior Court Division. In 1986, he was selected to serve in the Felony I Section, which was then responsible for the prosecution of child sex abuse offenses, rape cases, and first-degree murder cases.

In 1988, Judge Jackson joined the supervisory ranks of the United States Attorney's Office. In the spring of 1988, he was appointed Chief of the Misdemeanor Trial Section. He served in that capacity until the spring of 1989 when he was appointed Deputy Chief of the Felony Trial Division. In 1990, Judge Jackson was appointed Chief of the Chronic Offender Unit and later was selected as the first Chief of the Homicide Unit, which was responsible for the prosecution of all homicide cases in Superior Court.

Judge Jackson is a graduate of Brown University and the Harvard Law School.

***Laura Cordero***

Judge Cordero was appointed as an associate judge in July 2005 and began her judicial career in the Family Court. She currently handles abuse and neglect, domestic

relations and paternity and child support cases. Judge Cordero also presides over Juvenile Drug Court.

Judge Cordero chairs the Drug Court Implementation Committee and serves on the Juvenile Subcommittee of the Family Court Implementation Committee.

Judge Cordero has attended numerous court training programs that focused on family law and on a wide range of issues related to children and families including pre-service and pre-assignment programs and court programs. She has attended several sessions involving presentations from CFSA, Court Social Services, the Department of Youth and Rehabilitation Services, the Psychiatric Institute of Washington, and the Addiction Prevention and Recovery Agency. In addition, Judge Cordero attended a week-long training program sponsored by the National Conference of the National Council of Juvenile and Family Courts Judges in the summer of 2005 and a week-long judicial training program for drug court sponsored by the National Drug Court Institute at the National Judicial College in Reno, Nevada in the fall of 2005.

Judge Cordero's prior experience includes working as an Assistant United States Attorney for over twelve years and in the Civil Rights Division of the United States Department of Justice. During her tenure as an Assistant United States Attorney, she investigated and prosecuted numerous domestic violence cases and other intra-family offenses, and participated in training programs on issues of physical, mental and sexual abuse, and resources for families and children that are victim of crimes. She was also responsible for coordinating a full range of community-based programs and initiatives for at-risk youth specifically aimed at preventing substance abuse and reducing violent crime in the District of Columbia. While at Harvard Law School, Judge Cordero represented

indigent clients seeking assistance on domestic relations matters for two years and instituted a *pro se* divorce clinic for uncontested divorces.

Judge Cordero's volunteer work includes teaching a criminal law course to fifth grade students at a local D.C. Public School that focused on self esteem, peer pressure and conflict resolution for over six years.

***Cheryl Long***

Judge Long was sworn in as Associate Judge on May 26, 1988. She joined the Family Court most recently on January 1, 2006. Judge Long has served in each and every division of the Superior Court, including several tours of duty in the former Family Division.

Judge Long's first assignment to the Family Division was in 1991. In that year, she presided over neglect and abuse cases, domestic violence cases, divorce and other domestic relations trials, mental health hearings, and a wide variety of paternity and support matters.

In 1994, she was assigned to the Family Division for a second time. During that period of time, she was one of only two judges who presided full-time over a calendar of neglect and abuse cases. She also handled juvenile cases for part of that year.

From January 1995 through the year 2000, Judge Long served simultaneously in the Probate Division and the Tax Division. She was elevated to the position of Presiding Judge of both in 1996. As part of her ongoing duties in Probate, Judge Long handled thousands of cases involving incapacitated persons who needed court-appointed fiduciaries. She also handled hundreds of cases involving the protection of financial

assets of children. They included, for example, disabled children who had been victims of medical malpractice and who had obtained judgments and settlements.

Within the Court, Judge Long has made significant contributions to judicial education in the field of family law. In 1993, Judge Long wrote an entirely new benchbook for Domestic Relations, a comprehensive legal and procedural guide to be used by all judges in that assignment. The court-wide Benchbook Committee continues to make periodic updates of that original reference work.

In 1996, Judge Long received an award from the Family Law Section of the District of Columbia Bar. This was presented to highlight Judge Long's work in guiding the rewriting and re-publication of the Rules of Domestic Relations.

Prior to her experience on the bench, Judge Long served from 1975 to 1982 as an Assistant United States Attorney for the District of Columbia. Her criminal trial experience included working with children who were witnesses and victims of crime. From 1985 to 1988, Judge Long served as the Director of the Public Defender Service for the District of Columbia. In managing this multi-million dollar independent agency, Judge Long hired and supervised attorneys who represented juveniles charged with criminal acts. The agency also had and still has an entire Division devoted to representing indigent citizens who are subject to involuntary commitment for mental health treatment.

From 1991 until the creation of the present Family Court, Judge Long maintained a calendar of neglect cases in addition to her regular assignments. During these years, she attended numerous in-service training programs on various issues involving child welfare and neglect, including ASFA requirements.

Presently, Judge Long is the Co-Chair of the CCAN Panels Subcommittee of the Family Court Implementation Committee. The purpose of this subcommittee is to make recommendations regarding the composition of appointment panels of attorneys who will represent children and their parents in neglect and abuse cases.

***John Campbell***

Judge Campbell was appointed as an associate judge in November 1997. He began his judicial career in the Family Division, where he presided over juvenile delinquency trials and child abuse and neglect trials. He continued to handle abuse and neglect cases on a continuous basis through 2001. He served in the Criminal Division from 1998 through 2001, in the Domestic Violence Unit during 2002, and in the Civil Division from 2003 through 2005. He returned to the Family Court in January 2006, where he is assigned to a domestic relations calendar.

Judge Campbell is co-chair of the Domestic Relations Subcommittee of the Family Court Implementation Committee. He has participated in court training programs on family law and on issues relating to children and families, including pre-service and pre-assignment programs, and court programs on ASFA. He has also participated in a two-week training program at the National Judicial College, which covered a wide variety of topics, including family law.

***Juliet McKenna***

Judge McKenna was appointed as an associate judge in October 2005 and has served in the Family Court since that time. Prior to becoming an associate judge, Judge McKenna was among the first five magistrate judges appointed in April 2002 pursuant to the Family Court Act of 2001. In that capacity she presided primarily over child abuse

and neglect matters, as well as numerous related adoption, custody, juvenile, and domestic violence proceedings. Judge McKenna also developed and implemented the Family Court Benchmark Permanency Hearing Pilot Program in an effort to ensure that individual youth are more fully prepared and supported in the transition from foster care to adulthood. Prior to her service on the court, Judge McKenna worked with Lawyers for Children America, a non-profit organization that trains and provides ongoing support to pro bono attorneys appointed as guardians ad litem on behalf of children in the abuse and neglect system. After serving as a Program Director for two and a half years, Judge McKenna became the National Executive Director of the organization in March 2001. During her tenure, she represented numerous children in abuse and neglect matters and assisted in developing an evaluation to assess positive outcomes achieved for children. From October 1996 until September 1998, Judge McKenna served as a trial attorney with the Office of Corporation Counsel, now the Office of the Attorney General, prosecuting civil child abuse and neglect matters on behalf of the District of Columbia. During her two years with the office, she handled hundreds of child protection cases.

Judge McKenna has served as a member of numerous D.C. Superior Court committees tasked with improving court procedures and practices in the area of family law, including the D.C. Superior Court's Family Court Implementation Committee, the Family Court Panels Committee and the Advisory Rules and Practice Standards Committee. In 2001, Judge McKenna was elected to a three-year term on the D.C. Bar Family Law Section Steering Committee. Judge McKenna also has organized and participated in multiple training seminars on topics pertaining to child welfare law and best practices.

Judge McKenna received the Arthur Liman Public Service Fellowship in 1999, an award to Yale Law School graduates who demonstrate a commitment to serving the public interest through the law. In 2001, the Bar Association of the District of Columbia presented Judge McKenna with an Unsung Hero of the Law Award for her work on behalf of abused and neglected children. Judge McKenna graduated summa cum laude from Georgetown University in 1992 and received her juris doctor from Yale Law School in 1995.

***J. Dennis Doyle***

Magistrate Judge J. Dennis Doyle was appointed as a Hearing Commissioner with the Superior Court of the District of Columbia in May 1980. His early years with the court were exclusively in the Family Division (now Family Court) where he heard Mental Retardation, Divorce, and Paternity and Support cases. In the mid-1980s, he began to hear cases in the Civil and Criminal Divisions. In subsequent years, he has heard cases in the Civil, Criminal, and Family Court and the Domestic Violence Unit. In his Family Court assignments he has heard Juvenile and Abuse and Neglect cases primarily in the New Referrals assignment.

Prior to his appointment as a Hearing Commissioner, Magistrate Judge Doyle worked with a training and technical assistance project with Georgetown University Hospital concerning developmentally disabled youthful offenders, and as a teaching fellow at Antioch School of Law, focusing on Special Education and juveniles, and mental retardation issues.

Magistrate Judge Doyle served on the Child Support Guidelines committee that drafted the first Child Support Guidelines for the court, and was the first Hearing

Commissioner appointed to the Judicial Education Committee. Chief Judge King appointed him as the first Presiding Hearing Commissioner (now Magistrate Judge) in December 2001, and he served in that capacity through 2004. He has served on numerous other committees as well, including Family Court Management and Oversight committee.

***Andrea Harnett***

Magistrate Judge Harnett was appointed as a Hearing Commissioner with the Superior Court of the District of Columbia in January 1985. Prior to her assignment to Family Court in January 2006 she served in the Domestic Violence Unit. Magistrate Judge Harnett was instrumental in the development of the Domestic Violence Arraignment Court where all domestic violence defendants are arraigned and all conditions of release are set. For the last four years, she has presided over criminal arraignments and detention hearings in misdemeanor domestic violence cases. She has also presided over temporary protection order hearings, contested and uncontested civil protection order hearings, temporary custody and visitation cases and child support cases, where domestic violence was a factor. In addition to her work on the bench, Magistrate Judge Harnett has conducted training for numerous groups, including defense attorneys and child support associations, on domestic violence and child support.

Prior to her assignment to the Domestic Violence Unit, Magistrate Judge Harnett had served several tours of duty in the Family Court. In that capacity, she has presided over initial hearings in both juvenile and abuse and neglect cases; established paternity and child support; conducted uncontested domestic relations hearings; and presided over mental health commitments, reviews and discharges.

Preceding her appointment as a Hearing Commissioner, Magistrate Judge Harnett served as a supervisory Assistant United States Attorney for the District of Columbia.

Magistrate Judge Harnett graduated with honors from Northwestern University in 1970 and received her juris doctor from Columbia University Law School in 1973.

***Janet Albert***

Magistrate Judge Albert was sworn in as a magistrate judge for the Superior Court of the District of Columbia, on August 25, 2003 and assigned to the Domestic Violence Unit where she remained until assigned to the Family Court in January 2006. During her tenure in the Domestic Violence Unit, she presided over criminal arraignments and detention hearings in misdemeanor domestic violence cases. She also presided over temporary protection order hearings, civil protection order hearings and child support cases, where domestic violence was a factor.

Magistrate Judge Albert began her involvement in Family Law as a law student. While in law school, she was a student attorney for the Women and the Law Clinic, representing mothers in the abuse and neglect system of D.C. Superior Court and she worked as a legal intern for the Office of the Corporation Counsel (now Office of the Attorney General), Child Support Section.

Upon completing law school, Magistrate Judge Albert returned to the Office of the Corporation Counsel where she served in the Child Support Section, Domestic Violence Unit and the Abuse and Neglect Section. Over the years, she held numerous positions in the office, including Trial Attorney, Termination of Parental Rights Coordinator, Special Assistant to the Deputy of the Family Services Division, Interim

Chief of the Domestic Violence Section, and ultimately, Chief of the Abuse and Neglect Section.

During Magistrate Judge Albert's time at the Office of the Corporation Counsel, she was a member of numerous committees responsible for improving practices in the child abuse and neglect system, including, the D.C. Children's Advocacy Center Case Review Team and Working Group, and the Child Protection Legislation Committee. She was also a member of both the Child and Family Services Agency's Child Fatality Review Committee and the D.C. Fatality Review Committee. Magistrate Judge Albert also participated in the D.C. Superior Court Improvement Project Advisory Committee and was the co-chair of the Mediation Subcommittee. In that capacity, she was instrumental in the establishment of the Child Protection Mediation Pilot Project, which has since become a program of the DC Superior Court's Multi-Door Dispute Resolution Division.

In September 2001, Ms. Albert became an Assistant United States Attorney for the United States Attorney's Office for the District of Columbia. During her tenure, she worked in the Appellate Division, the Sex Offense and Domestic Violence Section, and the Community Prosecution and Grand Jury Section.

Magistrate Judge Albert graduated magna cum laude from Northeastern University in 1988 and received her Juris Doctor in 1991 from the American University Washington College of Law. She was awarded a L.L.M. in Litigation and Dispute Resolution from the George Washington University Law School in 2000. She also became a licensed foster parent in April 2001.

***Lori Parker***

Magistrate Judge Parker was assigned to the Family Court in January 2006. Prior to her appointment as a Magistrate Judge, she served in all three branches of District government and on numerous task forces and committees. She most recently served as the Chief of Staff to the Deputy Mayor for Children, Youth, Families and Elders from June 2004 to December 2005, following her appointment by Mayor Anthony A. Williams in January 2004 to oversee the city's social services and public health agencies as the Interim Deputy Mayor for Children, Youth, Families and Elders. Magistrate Judge Parker joined the Williams Administration in January 2002, initially serving as a senior advisor on legal and legislative affairs in the Deputy Mayor's office and subsequently as the Mayor's Liaison to the Family Court. While serving as the Mayor's Liaison to the Family Court, Magistrate Judge Parker was responsible for the joint development, management and operation of an on-site liaison office established pursuant to the Family Court Act to facilitate interagency coordination and delivery of services to children and families involved in Family Court proceedings.

From 1999 to 2001, Magistrate Judge Parker served as the intergovernmental affairs specialist for the General Receiver of the District's child welfare agency and on the Mayor's Advisory Committee on Child Abuse and Neglect. Between 1996 and 1999, she served as the director of the D.C. Superior Court's Counsel for Child Abuse and Neglect (CCAN) Program. In addition, she served as a Committee Clerk and attorney for the D.C. Council's Committee on the Judiciary between 1992 and 1996, under the chairmanships of the Honorable James E. Nathanson and the Honorable William P. Lightfoot, respectively. In 1994, Magistrate Judge Parker also served as an Assistant

Corporation Counsel in the Family Services Division of the Office of the Corporation Counsel, now the Office of the Attorney General of the District of Columbia. Upon her graduation from law school in 1989, she served as a law clerk to the Honorable Iraline G. Barnes (deceased) in the D.C. Superior Court. From 1990 to 1992, following her clerkship, she worked as an associate with the former *Wilkes, Artis, Hedrick and Lane* law firm.

Magistrate Judge Parker graduated from Barnard College of Columbia University in 1986 with a degree in psychology. She received her law degree from George Washington University in 1989, and a master's degree in developmental psychology from Johns Hopkins University in 1999.

**The ability to recruit qualified sitting judges to serve on Family Court:**

Since its inception, the Family Court has not experienced any problems in recruiting qualified judges to serve on the Family Court. All associate judges currently serving on Family Court volunteered to serve on the Court. As the terms of associate judges currently assigned to Family Court expire, the Court anticipates that some may choose to extend their terms, as did many whose terms expired in 2005. Based on the terms of service required, four associate judges, including the presiding judge are eligible to transfer out of the Family Court in 2006. For those who choose to transfer out, a two-fold process has been implemented to replace them. First, there is an ongoing process to identify and recruit other associate judges interested in transferring into Family Court who have the requisite educational and training experience required by the Act. Second, associate judges who are interested in serving but do not have the requisite

experience or training will be provided appropriate training before assignment to Family Court.

Similarly, because of the overwhelming response from the bar for the magistrate judge positions previously advertised, no recruitment difficulties are envisioned for future magistrate judge vacancies.

## **TRAINING AND EDUCATION**

The chief judge of the Superior Court and the presiding and deputy presiding judges of the Family Court, in consultation with the Superior Court's Judicial Education Committee, develop and provide training for Family Court judicial staff. To assist in this effort, a Training and Education Subcommittee of the Family Court Implementation Committee was established in February 2002. This interdisciplinary committee, which oversees Family Court training, consists of judicial officers, court staff, attorneys, social workers, psychologists, and other experts in the area of child welfare.

Family Court personnel took advantage of a number of training opportunities in 2005. Prior to assignment to Family Court, Judges Jackson, Cordero, Long, Campbell, and McKenna and Magistrate Judge Parker, participated in an extensive three-day training program updating them on current family law and new procedures in Family Court. Family Court judicial officers also participated in: the annual conference on Family Court sponsored by the National Council of Juvenile and Family Court Judges (NCJFCJ); attended courses sponsored by the NCJFCJ on Evidence in Juvenile and Family Court Cases and the Judicial Response to Abuse of Alcohol and Other Drugs by Parents and Children; the American Bar Association's National Conference on Children and the Law; and the Substance Abuse, Child Welfare and Dependency Court Conference sponsored by the National Center on Substance Abuse and Child Welfare.

The Presiding Judge continues to conduct weekly lunch meetings for Family Court judicial officers to discuss family matters and hear from guests invited to speak about a variety of topics relating to the Family Court.

In addition, all Family Court judges, magistrate judges, and senior managers participated in the fourth annual Family Court Interdisciplinary Training program in October 2005. The training, entitled “Substance Use and Abuse: Promoting Recovery and Celebrating Resilience” was facilitated by the Family Court Implementation Committee Subcommittee on Training and Education. The training was attended by more than 300 invited guests including judges, social workers, attorneys, court staff, foster parents, non-profits and other community stakeholders.

In addition to the annual training, the Training and Education Subcommittee has established a training series on topics related to the Family Court for judicial officers and all stakeholders in the child welfare system. Each seminar was well attended with more than 50 participants from all sectors relating to family law practice. The 2005 seminars included the following:

- “New and Exciting Developments in Court Social Services” by Teri Odom, Director of the Social Services Division of the DC Superior Court;
- “Individuals with Disabilities Education Act (IDEA): Changes to IDEA and How They Affect Practice” by Erika Pierson, Office of General Counsel, District of Columbia Public Schools; Sabrina Bazemore, Nina Isaacson and Jamie Rodriguez, Public Defender Services, Civil Legal Services; and Judith Smith, Office of Special Education, District of Columbia Public Schools;
- “2005 Omnibus Juvenile Justice Act: How Does this New Law Affect Delinquency and Neglect Practice” by David Rosenthal, Office of the Attorney General and Hannah McElhinny, the Public Defender Service of the District of Columbia; and
- “The Beat Down Club” a Freddie Mac Foundation sponsored documentary film on foster care in America. A panel discussion followed the showing of the film. Panelists include Don Horwitz, Film Maker; Brenda Donald Walker, Director, Child and Family Services Agency; Juliet McKenna, Magistrate Judge; and Nadia Moritz, the Young Women’s Project.

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

The Council for Child Abuse and Neglect Branch (CCAN) of the Family Court, which oversees the assignment of attorneys in child welfare cases, conducts training for new child abuse and neglect attorneys, holds an annual two-day Neglect Practice Institute, and facilitates a brown bag lunch series on topics of importance in child abuse and neglect practice. During 2005, CCAN sponsored nearly 20 brown-bag seminars. The series employs the skills of a number of stakeholders involved in the child welfare system and is designed to be interdisciplinary in nature. Topics covered include the following:

- DC Education Scholarship Program, Alicia Robinson and Jennifer Brown of the Washington Scholarship Fund, January 5;
- Drafting HIPAA and DC Compliant Medical and Mental Health Authorizations, Ken Rosenau, Esq. and Richard Landis, Esq., January 26;
- Attorney Vouchers and Billing, Vicky Jeter, Finance Office, Wilma Brier and Deborah Myrick, CCAN, February 2;
- Child Support for Children in the Neglect System, Kristin Henrikson, March 1;
- Mental Health Services for Foster Children, Roque Gerald, CFSA; John Gibbons, Dept. of Mental Health, April 14;
- CCAN Investigation, James Simmons, CFSA Diligent Search; Brendan Wells, PDS; Valerie Despres, Esq., D.C. Bar Pro Bono Program, April 26;
- Family Team Meetings, co-sponsored with FCTLA, Lena Levitt, Esq., CFSA Office of General Counsel; Nicole Wright-Gurdon, CFSA, Roque Gerald, CFSA, May 2;
- Mental Health Law, Tanya Robinson, Assistant Attorney General; Harry Goldwater, CCAN attorney, June 1;
- The New Standby Guardianship Law and How It Can Help in Neglect Cases, Matthew Fraidin, Esq., Univ. of the DC School of law, June 6;
- Foster Parent Advocacy Center (FAPAC) and the Role of the Foster Parent in Court, Margie Chalofsky and Marilyn Egerton, FAPAC; Carol Dalton, Magistrate Judge, June 22;

- Sexually Active Youth, Anne Schneiders, Esq. and a CFSA Social Worker, July 25;
- Third Party Placements and Interstate Compact of the Placement of Children, Carla Rappaport, August 16;
- GAL Training (including video on importance of GAL role) Wilma Brier and Andrea Larry, September 14;
- Mediation In-House Training on Negotiating the Stipulation, September 16;
- Fair Hearings/Administrative Procedure Related to Neglect Cases, September 21, Paul Kratchman, CFSA Office of General Counsel; Laurie McManus, CCAN Attorney;
- Pre-Trial Preparation, Magistrate Judges Dalton and Gray, October 20;
- Interstate Compact on the Placement of Children (ICPC), Liz Oppenheim, Esq., American Public Human Services Agency (APHSA), November 14; and
- Consortium on Child Welfare Birth Parent Center: Services for Biological Parents, Vivian McCarter, December 7.

Family Court non-judicial staff also participated in a number of training sessions.

Training sessions included the Child Welfare Leadership Summit sponsored by the Pew Foundation, several trainings sponsored by the NCJFCJ including the 68<sup>th</sup> annual child welfare conference, “Sustaining the Gains,” National Conference on Juvenile Justice, and the Child Victims Act Model Court All Sites Meeting. In addition, non-judicial staff participated in the 2005 Summit on Developmentally Disabled Individuals, the Child Welfare League of America National Conference on Children 2005: Crossing the Cultural Divide, the National Adoption Conference, the National Drug Court Institute Regional Evaluation Training, the National Child Support Enforcement Administration Annual Training Conference and Exposition, and the National Association for Court Management’s 2005 annual conference. Non-judicial staff also attended the fourth

annual Family Court Interdisciplinary Training, other seminars sponsored by the Training and Education Subcommittee, and CCAN brown-bag seminars. They also attended a variety of in-house workshops on customer service, performance evaluations, ethics, the Court's Integrated Justice Information System, (IJIS), and Microsoft Word, PowerPoint and Excel computer programs.

### **FAMILY COURT FACILITIES**

During 2005, the Court launched additional phases of the consolidation of the Family Court. Leased space was obtained to create swing space on the Judiciary Square Campus to allow for the commencement and continuation of various Family Court design and construction projects. The current state of the Family Court facilities is detailed below.

#### **Building B, Phase II Renovation**

Phase II of the Building B Renovation was completed in January 2005. Hearing rooms that were previously relocated from the H. Carl Moultrie courthouse to make room for the new Family Court Intake Center functions and courtrooms were reopened as auxiliary Family Court hearing rooms and courtrooms, and Social Services Division was allowed to occupy its newly renovated office space designed to maximize efficiency.

#### **Family Court Intake Center Rest Room and HVAC Modifications**

Due to GSA design deficiencies the Court had to modify the Heating Ventilation and Air Conditioning System (HVAC) in the rest rooms of the new Family Court Intake Center. This modification improved the heating supply to the heat deficient rest rooms. Additionally, the hot water circulating loop, as installed was not in accordance with the

original design. The loop would have provided adequate hot water to the rest room faucets. In light of the inadequate installation the Court corrected this deficiency.

### **Design of Juvenile Holding Annex Renovation**

The Court solicited competitive offers and awarded a contract to the Architectural firm HKS, P.C. to design the new Juvenile Holding Facility and an improved Family Court Intake Center entrance on the east side of the H. Carl Moultrie Courthouse. A new elevator configuration will allow for enhanced secure movement and circulation of juveniles detainees. Additionally, the new Juvenile Holding area will reduce the use of unfinished concrete masonry walls and prison bars and maximize the use of state of the art security equipment and building materials to improve the environment in which juveniles are held. The 95% design was submitted in December 2005 for review with the final submission expected in the first quarter of 2006.

### **New Family Court Entrance**

The new Family Court Entrance on the east side of the H. Carl Moultrie Courthouse was also designed by HKS, P.C. as part of the Juvenile Holding / Annex renovation. The redesign of this entrance will replace the steps with a ramp and increase the useable space in the Family Court Intake lobby. The increased space will provide a more family friendly entrance while maintaining the required level of security. The installation of a 40 foot ADA compliant ramp with a 7% incline will allow easy access for our physically challenged and senior citizens as well as parents using strollers.

### **Building A Redesign and Renovation**

Construction commenced on the renovation of Building A to accommodate the Probate Division, which is scheduled to move to Building A in 2007. When the Probate

Division vacates its space in the Moultrie Courthouse, the space will become the home of the Civil Division, which is currently on the John Marshall Level with the Family Court. Once the Civil Division is relocated, additional Family Court functions will occupy the former Civil Division space.

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

The Court has continued the utilization of the integrated justice information system (IJIS), which was fully implemented in 2004, in support of all Family Court case types. There was a number of operational maintenance enhancements made to the Family Court case processing systems throughout the year. A new functionality was designed to allow the Court to better collect data on goals and barriers in abuse and neglect cases. The new functionality allows multiple permanency goals and their applicable barriers to be entered for each party on a case. The new data facilitates the ability of the Court to identify those factors, both within the court and from outside entities, which impact the Court's ability to move children to permanency in an expedited manner. Similarly, enhancements in reports previously developed to aid the court in monitoring and tracking the time between key events in abuse and neglect and juvenile cases as they progress through the system were created. Again, these reports will further our ability to measure compliance with established timelines for case processing at both the local and national level.

#### *Interfaces*

The Court continues to refine and where necessary enhance existing electronic interfaces with The Child and Family Services Agency (CFSA), Department of Youth

Rehabilitative Services (DYRS), Office of the Attorney General (OAG) and the Pre-Trial Services Agency (PSA) developed during the Family Court's 2003 implementation of IJIS. During 2005, the Court worked closely with the PSA, in the development of an MOU, to address the need for data validation and exchange of information to accommodate the Court's need of drug test result data in Family Court cases. The court also worked closely with CFSA in data sharing activities and validation as necessary to accommodate data flow between the organizations. The court continues to publish data, including judge assignments and legal case dockets via the JUSTIS system, to the PSA, DYRS, and the OAG. In addition, the Family Court and the Criminal Division in consultation with the U.S. Attorney's Office and the OAG has completed redesigning the categorization of criminal charges to make them consistent throughout the D.C. Courts.

#### *Identity Consolidation*

The Family Court, with assistance from IT, has effectively used the ID consolidation procedures established and has, as a matter of business, incorporated ID consolidation into their daily work product. This ID consolidation effort endeavors to uphold the one judge one family mandate by actively consolidating identities in the system.

#### *Performance Measures Workgroup*

The Performance Measures Workgroup continues to progress and address reporting requirements of the Family court. The group meets regularly to refine and validate the accuracy of reports developed to allow the Court to measure its performance. These reports capture and monitor case events in abuse and neglect cases for compliance

with the Adoption and Safe Families Act (ASFA) and for reporting performance under the Family Court Act of 2001.

Six of the reports are timeline reports that calculate, in days, the time elapsing between events in abuse and neglect cases. These reports calculate the time children are removed from the home or a petition is filed to the trial/stipulation, disposition hearing or permanency hearing. One report summarizes family court case activity by noting the changes in filings and dispositions between two designated periods for Family Court case types. The remainder of the reports summarize abuse and neglect data by types of hearings held, current permanency goals for children under court supervision, post-disposition cases by reason for closure, the age distribution of children in abuse and neglect cases, termination of parental rights motion tracking and the return to foster care after a permanency goal has been reached.

#### *Family Treatment Court*

The Family Court, with assistance from IT and the Research and Development Division, began the evaluation of the Family Treatment Court case management process. A work group was established that defined data needs, business processes, and reporting aspects of this process. The integration of the Family Treatment Court functions within the IJIS system is scheduled for 2006.

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

Alternative Dispute Resolution (ADR) in the Family Court is provided through the Court's Multi-Door Dispute Resolution Division (Multi-Door). The Child Protection Mediation and Family Mediation programs facilitated by the Division have

both proven to be highly successful in resolving child abuse and neglect cases and domestic relations cases within Family Court.

*Mediation of Child Abuse and Neglect Cases*

Among the cases most responsive to ADR are child abuse and neglect cases. After lengthy study of methods to improve the management of child abuse and neglect matters,<sup>2</sup> the District of Columbia Courts in 1998 designed and implemented a pilot project – the Child Protection Mediation Pilot – to mediate child abuse cases. The Center for Children and the Law of the American Bar Association favorably evaluated this pilot project in 1999, noting that mediation resulted in earlier case dispositions, expedited case processing, and increased client satisfaction with the court process. Budget limitations precluded an expansion of the pilot program until September of 2001, when the Council for Court Excellence funded a one-year expansion and adaptation of the Child Protection Mediation Pilot (called the ASFA Mediation Pilot) through a grant provided by the Annie E. Casey Foundation.

The Permanency Planning for Children Department of the National Council of Juvenile and Family Court Judges (NCJFCJ) published its findings regarding the effectiveness of Child Protection Mediation in April of 2005. The evaluation randomly reviewed 200 cases referred to mediation between January 1, 2002 and September 30, 2002 and 200 cases not referred to mediation during the same timeframe. The results showed that cases receiving mediation reached adjudication an average of 49 days after the initial hearing, as compared to an average of 86 days for cases not referred to

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<sup>2</sup> The District of Columbia Courts conducted this study through its Court Improvement Project, funded through the U.S. Department of Health and Human Services. The Final Assessment Report of this project recommended the use of mediation for all child abuse and neglect cases.

mediation. Similarly, cases participating in mediation also reached disposition and permanency in shorter timeframes than cases not referred to mediation. For example, cases receiving mediation reached disposition an average of 69 days after the initial hearing, as compared to 132 days for cases not receiving mediation. Cases receiving mediation closed an average of 7 months after the initial hearing was held, as compared to 8.6 months for cases not referred mediation.

In mediated cases, full settlement (agreement on both the case plan and a stipulation) was achieved in 54% (108 out 200 cases) of all cases. A partial settlement (agreement on either a case plan or stipulation but not both) was achieved in 39% (78 out of 200 cases) of all cases. As a result, 93% of all cases mediated were able to settle some or all of the issues presented for mediation. Only 7% of mediated cases (14 out of 200) failed to reach any settlement at all.

The evaluation also analyzed which group of cases was more likely to re-enter the child welfare system after a case was closed. Mediated cases were less likely to return to court within 12 months of closure than cases that were not mediated. Only seven percent of the mediated cases returned to court with an additional petition filing after closure, as compared to 21% the of cases not referred to mediation.

The evaluation results overwhelmingly demonstrate that Child Protection Mediation has a positive impact on the lives of children and their families. It also has an equally positive effect on court processing timeframes and cost. These results provide compelling support for the continuation of this valuable service to the public.

### Mediation of Domestic Relations Cases

Domestic relations cases are also highly responsive to ADR. Issues of child custody, visitation, child and spousal support, and property are all addressed through the Family Mediation Program, which has existed since 1985. Support for this program has increased under the Family Court Act, resulting in a substantial increase in the number of cases mediated and providing for the referral, and if appropriate, mediation of cases on the same day parties appear for their initial court hearing.

### ADR Performance Measures

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

- ADR Outcome – measures clients’ satisfaction with the outcome of the mediation process, including whether a full agreement on the case was reached or if specific contested issues were resolved, fairness of outcome, level of understanding of opposing party’s concerns, impact upon communications with other party, and impact upon time spent pursuing the case;
- ADR Process – measures clients’ satisfaction with the overall mediation process, including their ability to discuss issues openly, fairness of the process, length of session, and whether the participants perceive coercion by party or neutral;
- Neutral Performance – measures clients’ satisfaction with mediators’ performance in conducting the process, including explaining the process and the mediator’s role, providing parties’ the opportunity to fully explain issues, the neutral’s understanding of the issues, whether the mediator gained the parties’ trust, and any bias on the part of the mediator.

These quality performance indicators are measured through participant surveys distributed to all participants in ADR processes at Multi-Door. Statistical measures include the satisfaction level of respondents with the overall ADR process, outcome, and neutral performance. Multi-Door staff holds periodic meetings to review these statistical

measures and determine initiatives to improve overall program performance.

Performance indicators provide a measure of the extent to which ADR is meeting its objectives of settlement, quality and responsiveness.

### **ADR Performance Statistics**

ADR performance in programs serving Family Court show significant positive outcomes in the areas of children and families served, cases settled, and participant satisfaction with the ADR process, outcome, and mediator performance.

#### **Child Protection and ASFA Mediation:**

During 2005, more than 90% of all new abuse and neglect cases filed (481 families representing 851 children) were referred to this mediation program, consistent with the mandate in the Family Court Act to resolve cases and proceedings through ADR to the greatest extent practicable consistent with child safety<sup>3</sup>.

The Court continued to settle a substantial number of child abuse and neglect cases through mediation during calendar year 2005. A total of 481 families (representing 851 children) were referred to mediation; mediation did not occur in seventy-nine of the families (16%) referred to mediation.<sup>4</sup> For the 402 cases that participated in mediation, 534 sessions were scheduled,<sup>5</sup> and 413 sessions were held. In 202 (50%) of the cases mediated (representing 391 children), the issue of legal jurisdiction was resolved and the mediation resulted in a stipulation (an admission of

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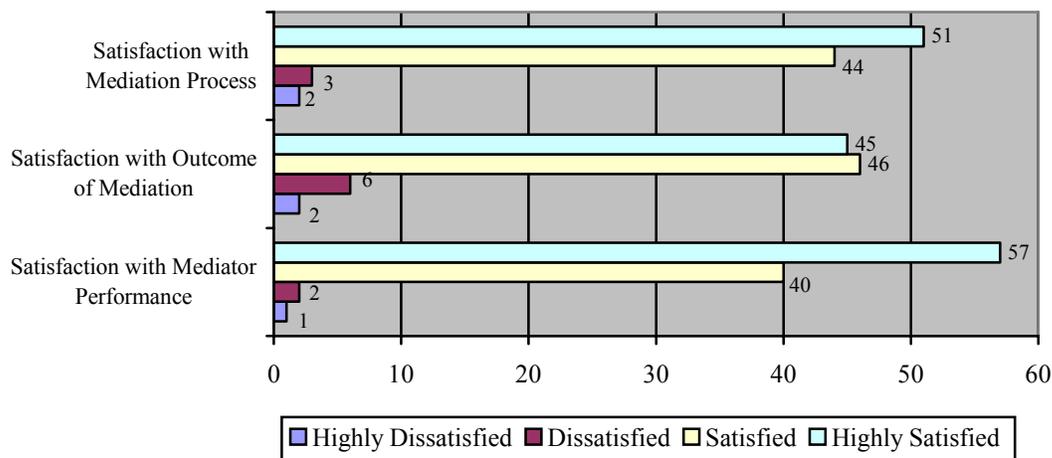
<sup>3</sup> These multi-party mediations are structured so as to enhance safety: pre-mediation information is provided to participants; parents are included in the sessions; appropriate training is provided; and a layered domestic violence screening protocol is implemented for cases with a history of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

<sup>4</sup> Scheduled cases may not be held for the following reasons: (a) case dismissed by the Court; (b) case settled prior to mediation; (c) case rescheduled by the parties; (d) case cancelled (e.g., sibling violence); and (e) case scheduled in 2005 for mediation in 2006. Family Court and Multi-Door have implemented measures to reduce the number of rescheduled cases in order to expedite case resolution.

neglect by a parent or guardian). In all of these cases, a case plan was also developed and presented to the Court as a part of the mediation agreement. In another 161 (40%) cases (representing 302 children), mediation resulted in the development of a case plan even though the issue of jurisdiction was not resolved. Thirty-nine (10%) families, did not reach an agreement during the mediation process.

Qualitative outcomes, as measured by families participating in the mediation process, illustrate substantial satisfaction measures of 95% for the ADR process, 91% for ADR outcome, and 97% for the performance of the mediator(s).<sup>6</sup> Clearly, participation in ADR increases public trust and confidence in Family Court.

### Participant Satisfaction with Child Protection Mediation Program



### Domestic Relations Mediation:

Mediation in domestic relations matters require several sessions, and typically cover issues of child custody, visitation, child and spousal support, and distribution of

<sup>5</sup> In a number cases, follow-up sessions were scheduled, resulting in a larger number of sessions scheduled than families referred.

<sup>6</sup> These qualitative outcome statistics reflect the percentage of mediation participants who report that they are either satisfied or highly satisfied. These statistics are drawn from the Child Protection Mediation program.

property. Domestic relations matters typically are characterized by hostility and limited communication, which exacerbate the level of conflict.

A total of 354 domestic relations cases were referred to mediation in 2005. During the year, 1,309 sessions were scheduled,<sup>7</sup> and 816 sessions were held. Two hundred sixty one (261) of the cases referred were mediated and completed in 2005.<sup>8</sup> Of the cases mediated, 88 settled in mediation. The overall settlement rate was 34% (Full agreements were reached in 22% of cases, and partial agreements were reached in another 12% of cases).

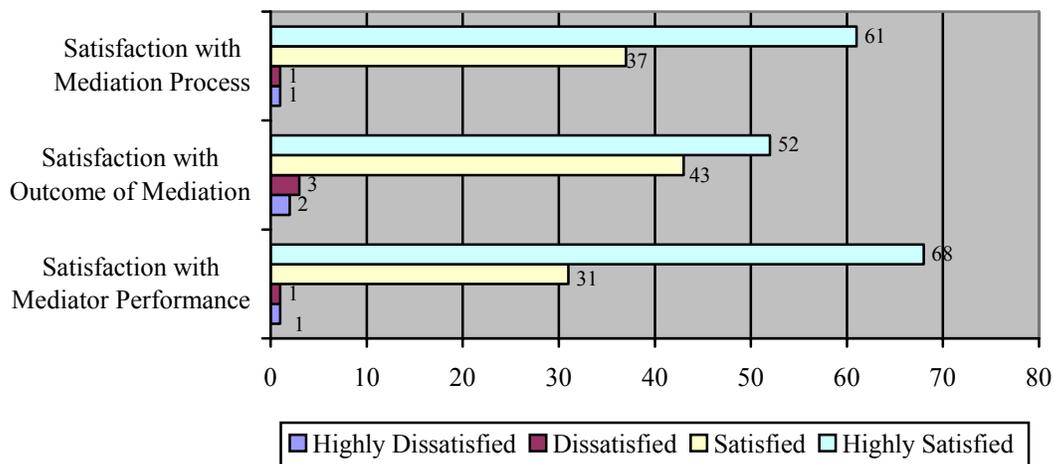
Qualitative outcome measures show satisfaction rates of 98% for ADR outcome, 93% for ADR process, and 98% for the performance of the mediator(s). These satisfaction measures indicate that, as is the case in the Child Protection and ASFA Mediation Program, participation in Family ADR increases public trust and confidence in Family Court.

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<sup>7</sup> Domestic Relations Mediation cases typically have multiple sessions scheduled, resulting in more sessions scheduled than cases referred.

<sup>8</sup> Of those cases referred but not completed, in 41 cases the parties withdrew from mediation before the process was completed. In the remaining cases the mediation process is continuing.

### Participant Satisfaction with the Domestic Relations Mediation Program



In October 2003 Multi-Door began the Same-Day Mediation program. The Same-Day Mediation program provides accelerated access to family mediation for domestic relations litigants by providing for intake interviews and the first mediation session immediately following the initial court appearance. In calendar year 2005, 110 cases were referred for same-day mediation.

#### ***Family Court ADR Initiatives***

Family Court and Multi-Door have coordinated efforts to implement initiatives to support ADR consistent with the Family Court Act of 2001. These initiatives are as follows:

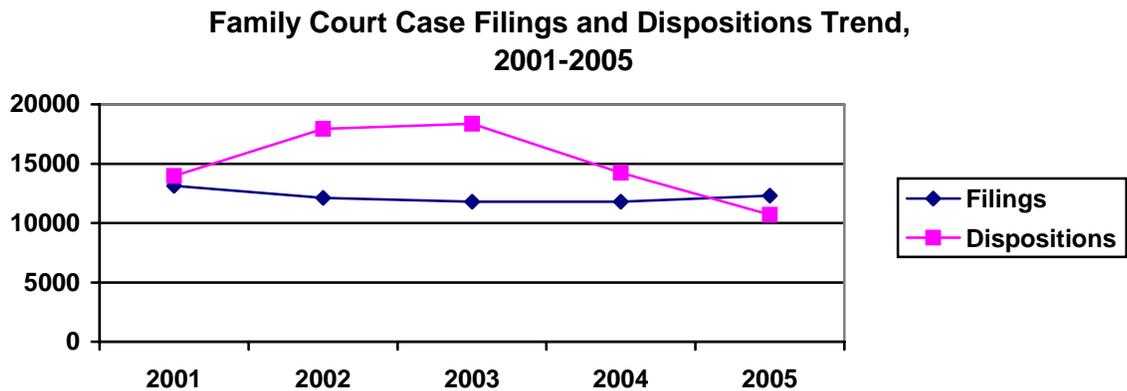
- ***Program Performance Goals.*** Multi-Door adopted new goals in 2002 for quantitative and qualitative program performance. In 2005, the third year of operation under these performance goals, the Division’s mediation programs maintained high levels of client satisfaction for all measures: 94% satisfaction with the performance of the mediator, 93% satisfaction with the process of mediation, and 88% satisfaction with the outcome of mediation.
- ***Expanding Mediator Rosters.*** Multi-Door conducted training for a new group of beginning mediators in June 2005, which provided an additional

seventeen mediators who are available to mediate issues of child support, custody and visitation. These mediators received more than 50 hours of classroom training and were mentored by experienced program mediators to ensure an adequate starting level of proficiency.

- ***Continuing Education for Neutrals.*** Multi-Door provided ongoing training for its existing corps of mediators in both the Child Protection and Family Mediation Programs during 2005, as part of ensuring a continued high level of proficiency and skills maintenance. Family mediators were offered two in-service training courses in 2005. Child Protection Mediators also were offered two in-service training courses.
- ***Development of Mediator Code of Ethics.*** Multi-Door developed a Code of Ethics for mediators, based on codes developed by national dispute resolution organizations (the American Arbitration Association, the American Bar Association, and the Association for Conflict Resolution, among others). This code defines the appropriate role of a mediator and conduct of mediation, for both mediators and clients.
- ***Same Day Mediation.*** Multi-Door implemented a same day mediation program in October of 2003. Same day mediation offers litigants the opportunity to be interviewed for mediation and start mediation on the same day they appear in court for their initial hearing before a Family Court Judge. The program has proven popular, as measured by the referral of 110 cases in 2005.

## FAMILY COURT CASE ACTIVITY

During calendar year 2005, there were a total of 12,048 new cases filed and 221 cases reactivated or reopened in the Family Court. During the same period, 10,696 cases were disposed. The total number of filings reflected an increase from 2004 (11,793 filings) and a decrease in dispositions (14,231 in 2004). The best assessment of whether a court is managing its caseload efficiently is its clearance rate<sup>9</sup>. A clearance rate of 100% indicates that a court has disposed of as many cases as were filed during the year. Disposing of cases in a timely manner helps ensure that the number of cases awaiting disposition (pending caseload) does not grow. In 2005, the overall clearance rate for the Family Court was 87%. This is in sharp contrast to 2004, where the clearance rate was 121%. In addition, the clearance rate had exceeded 100% in each year since 2001.



### **Family Court Case Activity For 2005**

New case filings in the Family Court increased 2.5% between 2004 and 2005 (11,793 filings in 2004 and 12,084 filings in 2005). There were however, significant

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<sup>9</sup> Clearance rates, calculated by dividing the number of cases disposed by the number filed, measures how well a Court is keeping up with its incoming caseload.

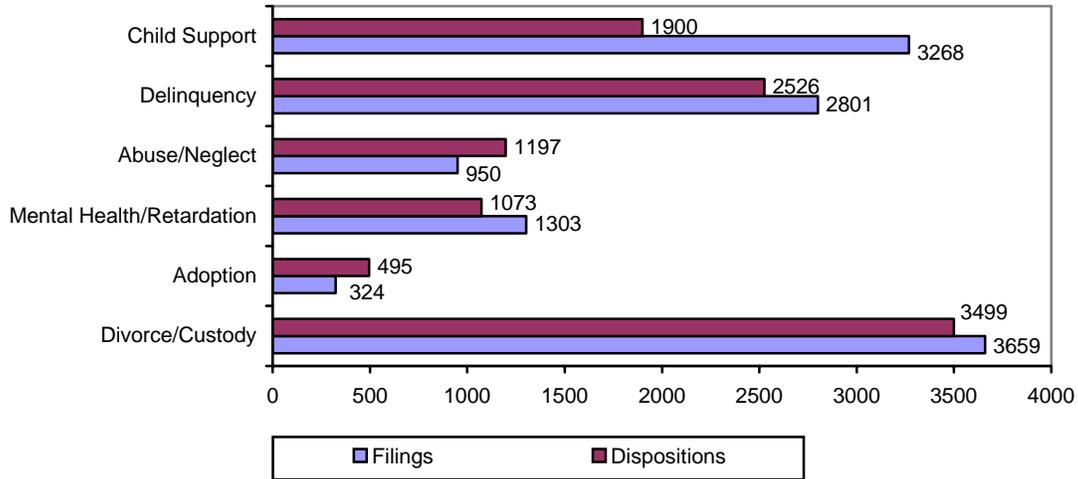
differences in the types of cases filed. For instance, there was a 30% decline in adoption filings and a 27% decline in mental health and mental retardation filings, at the same time abuse and neglect filings increased 16% and paternity and support filings increased 23%. New filings for divorce increased by 4% and new filings for juvenile delinquency declined by less than 1%.

New cases filed in the Family Court during 2005 were distributed in the following manner: divorce and custody 3,659; child support 3,192; juvenile delinquency 2,772; mental health and mental retardation 1,204; child abuse and neglect 933; and adoption 324. In addition, 17 child abuse and neglect cases; 29 juvenile delinquency cases; 99 mental health and mental retardation cases; and 76 child support cases were reopened or reactivated.

During the year, the Family Court resolved slightly more than 10,600 cases, including: 3,499 divorce and custody cases; 495 adoption cases; 1,073 mental health cases; 6 mental retardation cases; 1,197 child abuse and neglect cases; 2,526 juvenile delinquency cases; and 1,900 paternity and child support cases. There was nearly a 25% decrease in dispositions from 2004 to 2005. The decrease is largely attributable to a decrease in dispositions of paternity and support cases (55%). During 2004, the Court reviewed how it was handling motions within the paternity and support caseload. The review determined that motions filed to modify support were being treated as separate reopenings and closings within the same case. This inflated the number of case dispositions within that caseload. This practice, which was inconsistent with the way motions were addressed within other case types, was modified in 2005. The result is that the number of case dispositions appears lower but is more accurate. As such, the

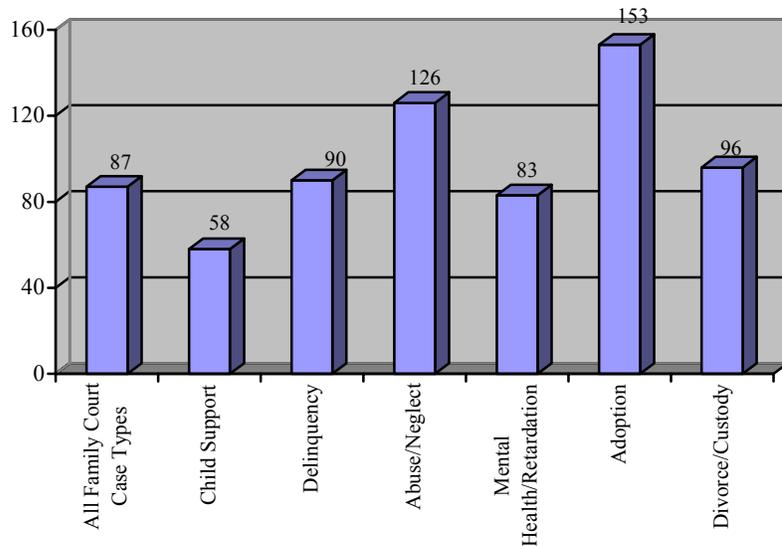
number of paternity and support cases shown as reopened declined from 1,591 in 2004 to 76 in 2005 and the number of dispositions shown within this caseload also declined from more than 4,200 in 2004 to 1,900 in 2005.

### Family Court Filings and Dispositions, 2005



As was the case with overall case filings in Family Court, some individual branches of the Family Court also experienced difficulty keeping pace with their current caseload. With the exception of adoption cases and abuse and neglect cases, where more cases were disposed than were filed, the clearance rates in 2005 were less than 100% for all other case types. The rate was 153% for adoption cases and 126% for abuse and neglect cases.

### Clearance Rate by Case Type, 2005



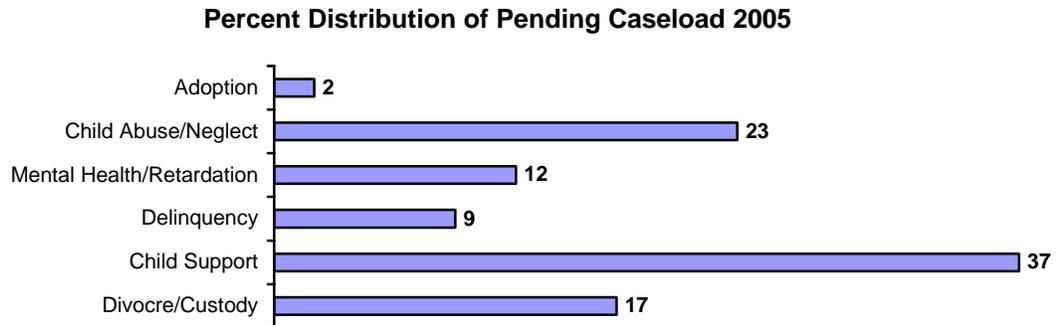
While measuring the number of dispositions is important for any Court, it is important to remember that in Family Court disposition of a case does not always end the need for judicial involvement. For example, among the 2,526 juvenile cases resolved during 2005, 626 juvenile offenders were placed on probation. Those 626 cases as well as the more than 800 other active juvenile probation cases require continuous monitoring by judicial officers to ensure compliance with probationary conditions and community safety. On average, each open probation case is scheduled for a review hearing before a judicial officer three times per year. Cases of juveniles under intensive probation supervision and those in juvenile drug court are reviewed more frequently. Juvenile Drug Court cases are not officially closed or disposed of until the child actually completes one year of outpatient drug treatment. Similarly, paternity and support cases that are disposed of in a given year often come before the Court after resolution. Dispositions in paternity and support cases include cases resolved through

the issuance of either a temporary or a permanent support order. Those cases resolved through issuance of a temporary support order often have financial reviews scheduled after disposition until a permanent support order is established.

Similarly, while clearance rates are an important measure of how well a Court is managing its caseload, all case types in Family Court do not fit neatly into such an analysis. This is primarily because high clearance rates, like those in Family Court, generally lead to a reduction in the pending caseload. However, cases involving children who were abused or neglected and mental retardation cases remain in the Court's pending caseload after disposition and until they are closed. The process of closing such cases may take several years to accomplish.

As of January 1, 2006, more than 14,000 cases were pending resolution in the Family Court, including: 2,347 divorce and custody cases; 336 adoption cases; 409 mental health cases; 1,232 mental retardation cases; 3,167 child abuse and neglect cases (117 pre-disposition and 3,050 post-disposition cases); 1,290 juvenile delinquency cases and 5,231 child support cases. The pending caseload is comprised of two separate types of cases. First, it includes pre-disposition cases that are pending adjudication by the Family Court. Second, it includes a large number of post-disposition cases that require judicial review on a recurring basis. For instance, of the 3,167 pending abuse and neglect cases, only 117 cases were awaiting trial or disposition at the beginning of this year, while 3,050 are post-disposition cases in which the Family Court and the CFSA are working towards permanency. The mental retardation pending caseload also includes post-disposition cases that require long term recurring judicial review prior to case closure. Similarly, many post-disposition paternity and support cases also require

continued judicial involvement to enforce child support orders through civil or criminal contempt, and parties frequently seek to modify existing child support orders.



In addition, the Family Court also registered a significant increase in filings and dispositions of motions to terminate parental rights (TPR). During 2005, there was a 65% increase in TPR filings (144 filings in 2004 compared to 237 filings in 2005) and a 114% increase in TPR dispositions (93 dispositions in 2004 compared to 199 in 2005). Filings of motions for guardianship continued at a high pace in 2005 (282 filings), though not as many were filed in 2005 as in 2004 (317 filings). Similarly, dispositions were also down between 2004 and 2005 (326 in 2004 compared to 268 in 2005). The effect of the increased use of both TPR and guardianships is that abused and neglected children achieve permanency sooner because barriers to permanent placement are removed.

## Abuse and Neglect Cases

During 2005, there were 933 new child abuse and neglect referrals to the Family Court. Eighty-five percent of new referrals were for allegations of neglect and 15% were for allegations of abuse. The percentage of allegations for abuse was down significantly from 2004 and 2003, when approximately a quarter of all new referrals were for abuse. The age at referral and the gender of new referrals was not significantly different than in either 2003 or 2004.

### Abuse and Neglect Referrals 2003-2005, by age, gender, and type of abuse

Characteristic	Year of Referral		
	2003	2004	2005
<i>Type of referral</i>			
Abuse	28	26	15
Neglect	72	74	85
<i>Gender</i>			
Male	47	48	47
Female	53	52	53
<i>Age at referral</i>			
Under 1 year	9	16	13
1-3 years	18	19	17
4-6 years	15	16	15
7-10 years	21	17	19
11-12 years	10	10	11
13 and older	26	22	25
Total	853	802	933

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

The Family Court Act required that all child abuse and neglect cases assigned to judges outside the Family Court be transferred to Family Court judges by October 4, 2003. Of the 5,145 cases pending at that time of the Act's initiation, 3,500 were assigned to judges not serving in the Family Court. Nearly all of those 3,500 cases have

been transferred into Family Court or closed. On December 31, 2005, 31 cases were being retained by non-Family Court judges under provisions of the Act with the approval of the Chief Judge. The principal reason for retaining these cases is the judge's belief, based on the record in the case, that permanency will not be achieved more quickly if it is reassigned to a judge in the Family Court. As required by the Act, however, judges seeking to retain cases outside the Family Court had to submit formal retention requests to the Chief Judge. After review of each request, the Chief Judge determined, pursuant to criteria set forth in the Act, that (1) the judge retaining the case had the required experience in family law, (2) the case was in compliance with the Adoption and Safe Families Act (ASFA) and (3) it is likely that permanency would not be achieved more quickly by transferring it to the Family Court.

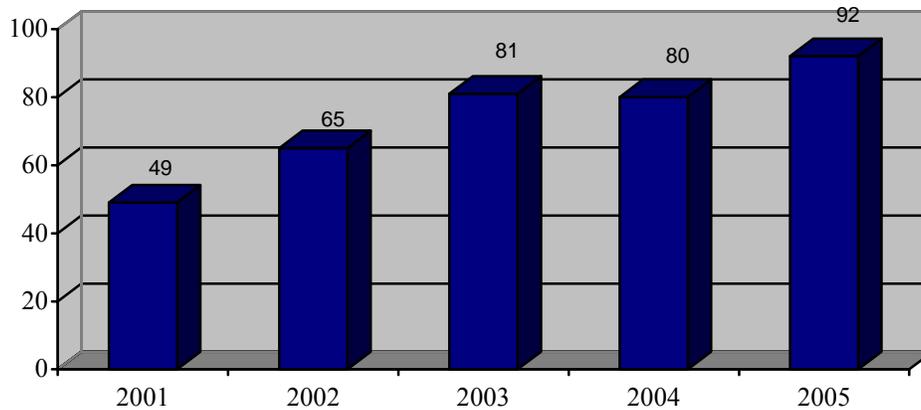
#### **COMPLIANCE WITH D.C. ASFA'S REQUIREMENTS**

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

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

The chart below highlights the level of compliance with the statutory requirement for trial/stipulation for both removed and non-removed children over a five-year time period. As can be seen from the chart, the Court has made significant progress in completing trials/stipulations within the established timelines for children removed from home. For example, 92% of the cases filed in 2005 were in compliance with the ASFA timeline for trials compared to 80% of the cases filed in 2003 and 2004, 65% of the cases filed in 2002, and 49% of the cases filed in 2001.

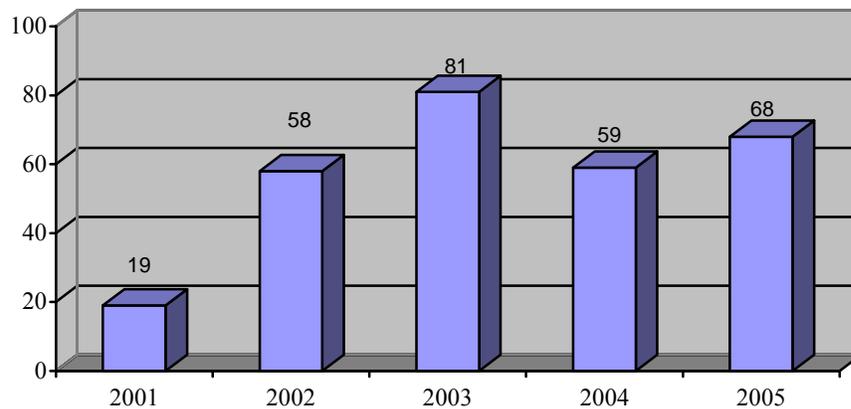
**Compliance with DC ASFA Timeline for Trial/Stipulation for Children Removed from Home**



For children not removed from home, the percentage of cases in compliance with the timeline to trial or stipulation, 45 days, had been steadily increasing from 2001 to 2003, but dropped sharply in 2004. After the institution of a number of measures to improve compliance, the rate rose in 2005 to 68%. The compliance rate was 19% in 2001, 51% in 2002, 81% in 2003, and 59% in 2004 and 68% in 2005. Although showing some improvement, the time between filing and trial in the cases of children who are not removed from home continues to be an issue for the Court. In response to

the drop and to increase compliance with the statutory time limit, since January 2005 the presiding judge has required that all Family Court judicial officers schedule the mediation, pre-trial hearing and trial dates within the 45-day period at the initial hearing. The intent is to schedule all hearings within the statutory limits, and if the mediation is successful the pre-trial and trial hearing dates will be vacated. Family Court attorney advisors are also required to review all cases coming from initial hearing to ensure that all events have been scheduled within the timeline. If events are not scheduled, the assigned judge and the presiding judge of family court are notified, and the assigned judge is asked to reset the case within the timelines or to explain in writing why the hearing cannot take place within the timeline. The presiding judge monitors those cases that are set outside the timeline.

**Compliance with DC ASFA Timeline for Trial/Stipulation for Children Not Removed from Home**



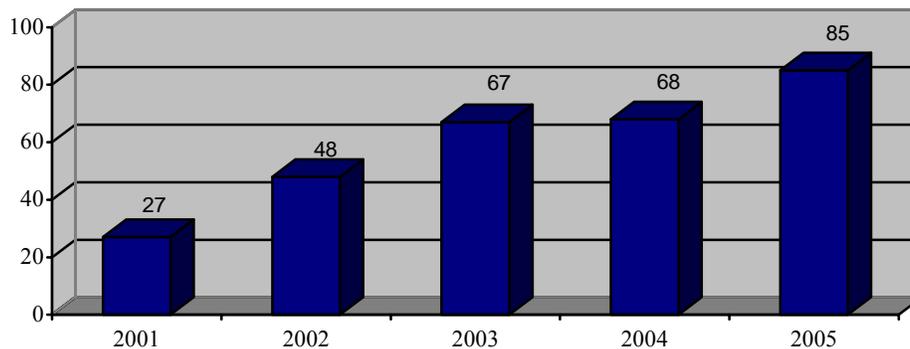
It is important to note that when non-removed cases are scheduled within the statutory timeframe, Family Court Judicial Officers frequently report that there are still delays in adjudicating cases. The delay is often due to the lack of service of process on

the parents and the scheduling conflicts of attorneys representing children and parents due to their heavy caseloads.

**Disposition Hearings in Abuse and Neglect Cases**

Judges are also improving their performance in meeting the timelines for conducting disposition hearings in abuse and neglect cases. Among children removed from home there was a significant increase in the percentage of cases in compliance with the ASFA timeline for disposition hearings. Eighty-five percent (85%) of the cases filed in 2005 were in compliance with the timeline as compared to 68% in 2004, 67% in 2003, 48% in 2002, and 27% in 2001.

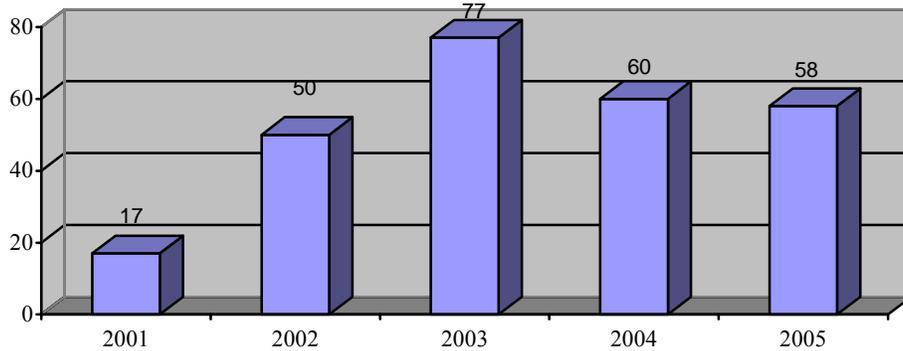
**Compliance with DC ASFA Timeline for Disposition for Children Removed from Home**



As was the case for trials/stipulations, the compliance rate for conducting disposition hearings for children not removed from home had also been increasing steadily, but declined significantly in 2004. The compliance rate in 2005 continued to decline (from 60% in 2004 to 58% in 2005). The Family Court had expected to see the same improvement in compliance with disposition timelines for non-removed children that it saw with trial/stipulation timelines. The Family Court will continue to monitor

and track compliance in this area throughout 2006 and where appropriate will institute measures to improve compliance.

**Compliance with DC ASFA Timeline for Disposition  
for Children Not Removed from Home**

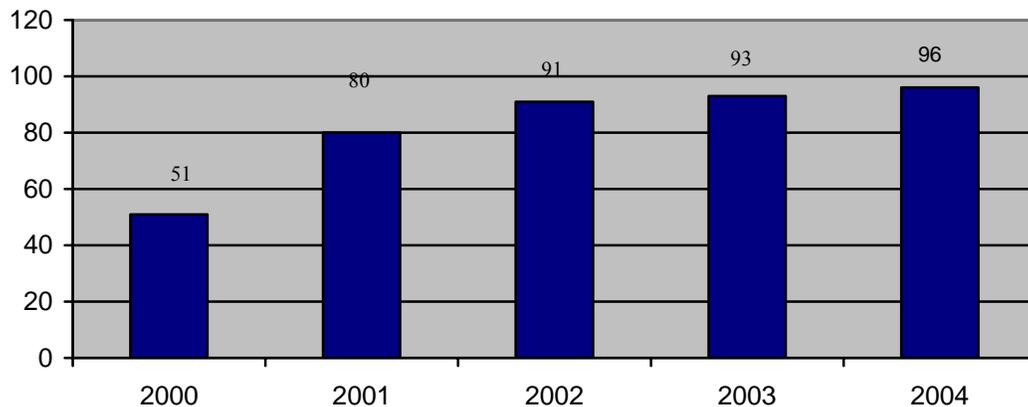


**COMPLIANCE WITH ASFA’S PERMANENCY HEARING REQUIREMENTS**

Both D.C. ASFA and Federal ASFA require the Court to hold a permanency hearing for each child who has been removed from home within 12 months of the child’s entry into foster care. Entry into foster care is defined as 60 days after removal from the home, resulting in a net requirement for a permanency hearing 14 months after a child is removed from his or her home. 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.

The chart below shows the Court's compliance with holding permanency hearings within the ASFA timeline. The level of compliance with this requirement has increased substantially over the five-year period for which data are available. In 2000, 51% of cases had a permanency hearing or the case was dismissed within the 425-day (14 month) deadline; in 2001, 80% of the cases had a permanency hearing or were dismissed; in 2002, 91% of the cases had a permanency hearing or were dismissed

**Compliance with ASFA Timeline for Permanency Hearing**



within the 425-day required statutory deadline; in 2003, 93% of the cases were in compliance; and in 2004, 96% of the cases were in compliance. No case filed in 2005 had reached the statutory deadline for having a permanency hearing by December 31, 2005.

*Goal Setting and Achievement Date*

In addition to holding permanency hearings in a timely manner and making a reasonable efforts determination, ASFA also requires that the Family Court set a specific goal (reunification, adoption, guardianship, custody, or an alternative planned living arrangement) and a date for achievement of that goal at each permanency hearing. The Family Court has made significant progress in meeting the requirement of setting a

specific goal at the hearing, and has improved in its requirement of ensuring that a specific date for achievement of that goal is set at each hearing.

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

Data from 2004 and 2005 indicates that 95% of cases had a permanency goal set at the permanency hearing and 83% had a goal achievement date set. To better monitor compliance with these requirements the Family Court has required that its attorney advisors review every case after a permanency hearing to determine if these two requirements have been met. If not, the assigned judicial officer and the presiding judge of family court are notified that the hearing was deficient, and recommendations for bringing the case into compliance are made. The Court will continue to work closely with judicial officers during 2006 to ensure 100% compliance with these important measures.

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

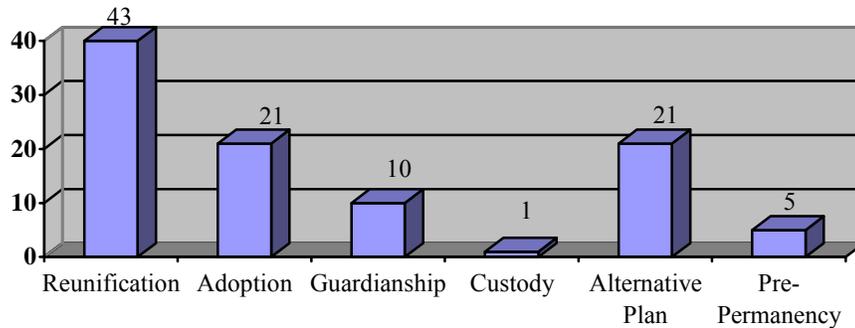
set for 60 minutes. Family Court judges report that the length of their permanency hearings are within this standard.

To ensure continued compliance with ASFA and to assist Family Court judges in ensuring that the content and structure of the permanency hearing are consistent with best practices, all judicial officers are required to use a standardized court order for all permanency hearings. As required by ASFA, the form requires the judge to set a specific goal and achievement date at each hearing. The use of this standard form continues to contribute to an increase in compliance with best practices and legal requirements.

*Barriers to Permanency*

Under ASFA there are four preferred permanency goals for children removed from their home: reunification, adoption, guardianship or custody. The chart below identifies the current permanency goal for children under court supervision. Cases of children identified as pre-permanency have not yet had a disposition hearing, the earliest point at which a goal would be set.

**Percent Distribution of Current Permanency Goal for Children Under Court Supervision**

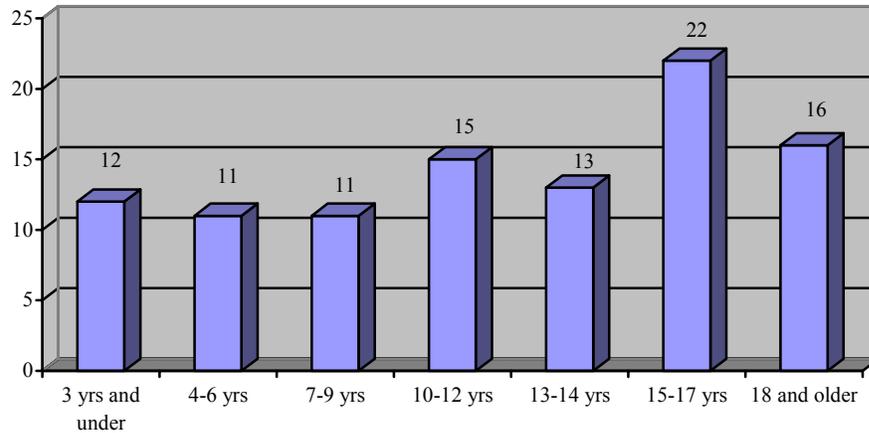


Although the Court has improved significantly in establishing goals for children, the achievement of those goals still remains a challenge. For children with the goal of reunification, the primary barrier is disability of the parent, including the need for substance abuse treatment, followed by disability of the child, such as significant developmental or educational deficits, and procedural impediments, such as housing issues; timeliness of services; and, in some cases, the need for the family to receive additional services while the child is under the supervision of the Court but in the custody of the parent.

In cases where the goal is adoption or guardianship, procedural impediments, including the processing of paperwork under the Interstate Compact on the Placement of Children (ICPC) and timeliness of services are the major identified barriers to permanency. Improvements in removing these barriers have resulted in a significant increase in judicial action in this area.

In addition, a significant percentage of the cases involve older children for whom the Court has found compelling reasons to plan for an alternative permanent living arrangement. As can be seen from the chart below almost 40% of the children under court supervision are 15 years of age or older. Many of them cannot be returned to their parents but do not wish to be adopted or considered for any other permanency option. Additionally, in many of these cases, the child's disabilities and the need for the child to receive additional services while in independent living situations are identified as major barriers to permanency. The Family Court is continuing to work with CFSA and other stakeholders to eliminate or reduce the impact of such barriers on permanency in the future.

### Percent Distribution of Current Age of Children Under Court Supervision



### Family Treatment Court Program

The Family Treatment Court (FTC) is a therapeutic yearlong drug court that provides comprehensive services for women and children. The program, begun as a pilot in 2003, gives mothers a chance to rebuild their lives and their families. The program is designed for substance abusing mothers whose children are in danger of entering the foster care system. Mothers involved in neglect and/or abuse cases where there is a nexus between substance abuse and neglect are submitted for consideration to the FTC program through the Office of the Attorney General (OAG) after a review of their case and an initial screening. Mothers who qualify for the program enter into a contract with the FTC, agreeing to the mandates of the program. After an initial adjustment period, mothers may be reunited with their children in the treatment facility. A mother may have up to four children under age 10 with her in the treatment facility. This feature, the ability to keep mothers and children together, is the most significant aspect of the

program in that it enables children to stay out of foster care, and families to reach permanency sooner.

While in the facility, mothers participate in a rigorous six to nine month long supervised drug treatment program that includes in addition to drug treatment and education, life skills and parenting training. Upon completion of the in-patient phase of the program, the FTC clients participate in a ceremony to memorialize their transition to community-based aftercare. While in aftercare, ongoing drug testing continues. In addition, clients participate in job-readiness training or GED preparation.

Since its inception, 318 women have been referred to the FTC program. Sixty-five women (20% of referrals) along with their 93 children have been admitted. Most women found not eligible for participation in FTC had severe mental illness, a violent criminal history, or the requisite nexus between their substance abuse and neglect was not present. Other factors such as current or prior allegations of serious physical or sexual abuse, as well as the need for methadone treatment also reduced the number of women eligible for the program. In addition, because the FTC is a voluntary program, some women who were eligible chose not to participate. Approximately a third of the women admitted into FTC completed the entire program, including the aftercare component, and were reunited with their children and their cases are now closed. During 2006, the FTC stakeholders will review the eligibility criteria and program components with a goal of increasing enrollment in the program and maximizing the number of women who successfully complete it.

## PERMANENCY OUTCOMES FOR CHILDREN

During 2005, Family Court judicial officers closed 950 post-disposition abuse and neglect cases. As can be seen from the chart, 79% were closed because permanency was achieved. Nineteen percent of the cases were closed without reaching permanency, either because the children aged out of the system or they were emancipated because they no longer desired to have services provided by CFSA; one percent of the cases were closed because the children died while in care; and in another 1 percent of the cases the court case was closed but CFSA is continuing to provide services. There were no significant differences in the distribution of post disposition case closures between 2004 and 2005. Adoption was the primary method of case disposition (30%) followed by reunification and guardianship. In each year about a fifth of the cases closed post-disposition did so without the child achieving permanency, either because they reached the age of majority or they no longer wanted services from CFSA. As part of its ongoing efforts to ensure that the maximum number of children reach permanency, the Court in consult with the Child Welfare Leadership Team is developing voluntary guidelines and procedures for determining when to use the goal of “Another Planned Permanent Living Arrangement”. The Court expects to finalize the guidelines and procedures for the use of this goal in 2006.

**Abuse and Neglect Cases Closed Post-Disposition  
By Reason for Closure, 2004-2005**

Reason for Case Closure	Number and percent distribution of cases closed			
	2004		2005	
	Number	Percent	Number	Percent
<b>Permanency Goal Achieved</b>	<b>1,115</b>	<b>81</b>	<b>752</b>	<b>79</b>
Reunification	325	24	215	23
Adoption	421	31	279	29
Guardianship	292	21	210	22
Custody	77	5	48	5
<b>Child Reached Age of Majority</b>	<b>117</b>	<b>9</b>	<b>90</b>	<b>9</b>
<b>Child Emancipated</b>	<b>122</b>	<b>9</b>	<b>98</b>	<b>10</b>
<b>Child Deceased</b>	<b>12</b>	<b>1</b>	<b>2</b>	<b>1</b>
<b>Court Case Closed-Continued for CFSA services</b>	<b>12</b>	<b>1</b>	<b>8</b>	<b>1</b>
<b>Total</b>	<b>1,378</b>	<b>100</b>	<b>950</b>	<b>100</b>

As required by the Family Court Act, the Court has been actively involved in developing a case management and tracking system that would allow it to measure its performance and monitor the outcomes of children under court supervision. Using the performance measures developed by the American Bar Association, the National Center for State Courts and the National Council of Juvenile and Family Court Judges promulgated in the document “Building A Better Court: Measuring and Improving Court Performance and Judicial Workload in Child Abuse and Neglect Cases” as a guide, the Court has developed baseline data in a number of areas critical to outcomes for children. “Building A Better Court” identifies four performance measures (safety, permanency, timeliness, and due process) against which courts can assess their performance. Each measure has a goal, outcomes, and a list of performance elements that Courts should consider when developing performance plans that will allow them to assess their performance in meeting the identified goals.

The Family Court elected to measure two of these performance measures during 2005: permanency and timeliness. Baseline data for each measure that the Family Court

addressed during 2005 are displayed below. Data presented is restricted to cases filed and/or disposed within a specific timeframe. As such it may differ from data presented elsewhere in the report. Such an analysis, using a cohort approach based on when a case was filed, will better allow for a study of the impact of legislative changes as well as allow for a better assessment of performance over time in achieving positive outcomes for children.

### **Performance Measure 2: Permanency**

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

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

The Family Court, for the first time in 2004, was able to measure the time for children to reach permanency. The table below reflects comparative data on median time to closure for cases closed in 2004 and 2005. From the data it is clear that children in the District continue to spend a considerable amount of time in care under court supervision before reaching permanency, irrespective of permanency outcome. As would be expected, children who were reunified with their parents spent less time in care than those whose cases closed through other permanency options in both 2004 and 2005. The time to closure declined 33 percent from 2004 to 2005 (2.4 years compared to 1.6 years) for cases closed to reunification. The median time to closure for cases closing to adoption while still high also declined in 2005. For children whose cases closed through the awarding of custody, usually to a non-custodial parent not involved in the abuse or neglect, and for those whose cases closed to guardianship the median time to case closure increased in 2005.

**Percent Distribution of Time Between Case Filing and Achievement of Permanency Goal, for Cases Closed in 2004 and 2005**

Number of months to achieve goal	Permanency Goal							
	Reunification		Adoption		Guardianship		Custody	
	2004	2005	2004	2005	2004	2005	2004	2005
6 months	3	10	0	0	0	0	8	4
12 months	5	15	0	1	0	0	9	14
18 months	19	21	0	3	2	3	12	8
24 months	13	9	1	3	7	3	4	6
More than 24 months	60	44	98	94	91	94	67	69
<b>Total Cases Closed</b>	<b>325</b>	<b>215</b>	<b>420</b>	<b>279</b>	<b>293</b>	<b>218</b>	<b>77</b>	<b>51</b>
<b>Median Time to Achieve Goal</b>	<b>2.4</b> years	<b>1.6</b> years	<b>5.3</b> years	<b>5.0</b> years	<b>3.4</b> years	<b>4.4</b> years	<b>2.8</b> years	<b>3.8</b> years
<b>Average Time to Achieve Goal</b>	<b>2.9</b> years	<b>2.6</b> years	<b>5.8</b> years	<b>5.4</b> years	<b>4.3</b> years	<b>4.9</b> years	<b>3.2</b> years	<b>4.0</b> years

In viewing time to closure it is important to remember that many of the cases closed in 2004 and 2005 were older cases where the children had already been in care for extended periods of time. As older cases continue to close, the Court expects to see the median time to case closure remain high. The first table below shows the age of the pending caseload and demonstrates why the median will remain high over the next several years. The second table, on the other hand, shows that the Court is making significant progress in achieving permanency for newly filed cases.

**Age of Pending Caseload, 2005**

Year Case Filed	Percent of Pending Caseload
1986-1995	12
1996-2000	22
2001-2002	14
2003	10
2004	15
2005	23
2006	4
<b>Number Pending</b>	<b>3,098</b>

### Status of Cases Filed, 2003-2005

Year Filed	Number Filed	Case Status	
		Percent Open	Percent Closed
2003	853	37	63
2004	802	56	44
2005	933	75	25

**Measure 2.** Percentage of children who do not achieve permanency in foster care system.

In 20% of the cases (188 cases) closed in 2005, the children did not achieve permanency either because they aged out of the system or were emancipated. The percentage of cases closed in this category was higher than it was in 2004 (18%). Again, this is probably attributable to the number of older children in the system.

**Measure 3.** Percentage of children who reenter foster care pursuant to a court order within 12 and 24 months of being returned to their families.

Of the 325 children whose cases closed to reunification in 2004, 25 (8%) have returned to care; 23 returned to care within 12 months, 1 returned to care within 24

months, and 1 returned to care after 24 months of reunification with new allegations of abuse. Of the 215 cases closed to reunification in 2005, 3 have returned to care, 2 within 12 months of reunification and 1 within 24 months of reunification.

**Measure 4a.** Percentage of children who reenter foster care pursuant to a court order within 12 and 24 months of being adopted.

To date, none of the 425 children whose cases closed to adoption in 2004 and none of the 280 cases closed to adoption in 2005 have returned to care in this jurisdiction.

**Measure 4b.** Percentage of children who reenter foster care pursuant to a court order within 12 and 24 months of being placed with a permanent guardian.

Of the 292 children whose cases closed to guardianship in 2004, 10 have had their neglect cases reopened. To date, none of the 210 children whose cases closed to guardianship in 2005 have had their cases reopened.

#### **Performance Measure 4: Timeliness**

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

**Measures 1-5.** 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 42 to 51.

### **TERMINATION OF PARENTAL RIGHTS**

Federal law requires that when a child has been placed outside of the home for 15 of the most recent 22 months, a petition for termination of parental rights (TPR) be filed or that an exception be documented. In light of decisions from the D.C. Court of Appeals, the general practice in the District had been to file the TPR motion, then hold it in abeyance while the adoption petition moves forward, or to not file the TPR motion at all and sever the parent-child relationship within the adoption process. Stakeholder interviews during the Court Improvement Program reassessment indicated that there is still considerable concern about the processing of TPR motions. Concerns again center on the appeals process, in addition to difficulties created by the current process in recruiting adoptive parents, the conflict for social workers who must, based on legal requirements, continue to provide services and contact for birth parents once the Court has identified adoption as the permanency goal and TPR as the means for achieving that goal, as well as the delay in permanency for children who are left in what are perceived to be stable placements but are not leading to permanency.

Considerable work has been done to address this lingering issue in the past 12 months. First, the Child Welfare Leadership Team developed voluntary guidelines on compelling reasons not to file a TPR. The document was reviewed and a consensus was reached concerning compelling reasons. Second, the Office of the Attorney General (OAG), working with CFSA and the Court, using the compelling reasons document as a

guide, completed a detailed review of all cases in which the child had been in an out of home placement for more than 15 of the most recent 22 months. In each case reviewed the OAG made a decision as to whether a TPR needed to be filed or documented acceptable compelling reasons for not filing. If it was determined that a TPR was necessary, the OAG had thirty days from the date of review to file the motion. Once the TPR was filed, the OAG turned over all relevant documents to the attorneys for the parents to advance the discovery process and reduce delay in proceeding on TPR matters.

To prepare for the anticipated increase in TPR filings, Family Court judicial officers participated in specialized training on the management of TPR proceedings and the importance of moving these cases forward as expeditiously as possible. As part of the training, CFSA adoption recruitment workers spoke to judicial officers about CFSA's efforts to recruit pre-adoptive families and the positive impact that legally "free" children have on their recruitment efforts. In addition, the Family Court has established a policy that TPR motions should be considered a priority when there are no related adoption proceedings.

To prevent future backlogs in the filing of TPR cases, the OAG plans to track the permanency of children more closely once they are removed from the home. The CFSA 12-month administrative review will review the proposed permanency goal, and an assistant attorney general will attend to ensure he or she is fully aware of the case considerations and prepared to take appropriate legal actions if warranted.

The measures below detail the Court's performance as it relates to the handling of termination of parental rights cases. It is important to bear in mind the above discussion when reviewing the findings.

**Measure 8.** Time between the filing and disposition of termination of parental rights (TPR) motions in abuse and neglect cases.

**Termination of Parental Rights Motions Filed,  
by Year Motion Filed and Method of Disposition**

Year Filed	Total Filed	Total Undisposed	Total Disposed	Method of Disposition			
				Granted	Dismissed	Withdrawn	Denied
2002	65	13	52	7	44	1	0
2003	185	30	155	24	119	6	6
2004	144	75	69	27	39	3	0
2005	237	170	67	18	38	11	0

**Time Between Filing and Disposition of Termination of  
Parental Rights Motion, by Year Motion Filed**

Year Filed	Total Motions Disposed	Median Days to Disposition	Average Days to Disposition	Number of Motions Disposed Within:				
				30 days	90 days	120 days	180 days	180 + days
2002	52	877	760	0	0	0	1	51
2003	155	612	500	4	7	4	6	134
2004	69	328	310	0	2	2	4	61
2005	67	209	188	3	7	6	19	32

As a result of the renewed focus on termination of parental rights motions there has been a significant increase in the number of TPR motions filed. In 2002, only 65 termination of parental rights motions were filed. One hundred eighty-five TPR motions were in 2003, 144 motions were filed in 2004, and 237 motions were filed in 2005.

There has also been a significant decrease in the length of time between filing the motion and disposition. On average, TPR motions filed in 2002, which have been disposed, took 760 days to reach disposition. Motions filed in 2003, took on average 500 days compared to 310 days for motions filed in 2004. Although the majority of motions filed in 2005 are still pending, those that have been disposed required an average of 188 days, a considerable reduction from previous years. Currently, there are nearly 300 TPR motions pending disposition. As those motions are disposed, it will be important to see if the improvements noted above remain.

**Measure 9.** Time between granting of the termination of parental rights motion (TPR) and filing of the adoption petition in abuse and neglect cases.

Twenty TPR motions were granted in 2004. Adoption petitions were filed in 13 cases after the TPR had been granted. It took a median of 109 days for the adoption petition to be filed. It is important to note that in two additional cases in which the motion for TPR was granted an adoption petition had been filed previously. In one case the adoption was granted on the same day the TPR motion was granted and in another case the adoption was granted two months after the TPR motion was granted.

In 2005, 47 TPR motions were granted. Adoption petitions were filed in 9 cases after the TPR had been granted.

**Measure 10.** Time between the filing of adoption petition and finalization of adoption in abuse and neglect cases.

**Adoption Petitions Filed by CFSA, by Year Petition Filed and Method of Disposition**

Year Filed	Total Filed	Total Undisposed	Total Disposed	Method of Disposition			
				Granted	Dismissed	Withdrawn	Denied
2002	471	11	460	317	127	13	3
2003	366	28	338	253	55	27	3
2004	314	66	248	187	42	18	1
2005	243	186	57	37	17	3	0

**Time Between Filing of Adoption Petition by CFSA and Finalization of Adoption, by Year Petition Filed**

Year Filed	Total Adoptions Finalized	Median Days to Finalization	Average Days to Finalization	Number of Adoptions Finalized Within:				
				3 months	6 months	12 months	18 months	>18 months
2002	317	517	572	1	9	59	113	135
2003	253	436	460	4	7	56	140	46
2004	187	236	309	4	22	106	51	4
2005	37	228	206	2	9	26	0	0

For adoption petitions filed in 2003, it took, on average, 14 months from the time the adoption petition was filed until it was granted. For petitions filed in 2004, it took on average, 7.7 months from the time of filing until the petition was granted, about half the time it took for petitions filed in 2003. At present, only a small portion of the adoptions filed in 2005 have been finalized. However, among those that have been there is a continued reduction in the time between filing and finalization of the adoption.

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

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

The Family Court has established a history of success on the goal of due process. In all cases that meet the eligibility criteria, counsel is appointed for parents who cannot afford counsel and guardian ad litem are appointed in all cases in advance of the initial hearing, which prior to 2005 was scheduled within 24 hours for children removed from home. The enactment of the “Child in Need of Protection Amendment Act of 2004” which became effective in 2005 changed child neglect law and the timeframes for appointment of counsel. Key provisions under the new law are:

- The time limit for commencing a shelter care hearing changed from the next day (excluding Sundays) to 72 hours (excluding Sundays) after the removal of a child from the home.
- Authorized a Family Team Meeting (FTM) to be held during the 72-hour period after removal of the child from the home with the child’s guardian *ad litem* invited to the FTM, along with the parents, the extended family, service providers, involved family friends, and the social worker.
- Required the appointment of a guardian *ad litem* for the child within 24 hours of the child’s removal from home.
- Required that parents’ attorneys continue to be appointed, if eligible for appointment, on the day of the initial court hearing, 72 hours after the child’s removal.
- Required the Child and Family Services Agency to arrange for an independent evaluation of the family team meetings and 72-hour time frame for initial hearings for removed children.

Tools to monitor compliance on other due process issues such as changes in counsel for parents and children and the timeliness of notification to parents were developed in late 2005 and are in the testing stage. The Court expects to be able to report baseline data on these measures in 2006. The implementation of the one judge

one family case management approach is complete and there has been a significant reduction in the number of judicial officers involved in a case.

### **Recent and Upcoming Initiatives**

- The Family Court participated in the Child Welfare Summit organized by the Pew Foundation. As part of their participation, the Court developed a state action plan for the improvement of the handling of abuse and neglect cases in collaboration with the Child and Family Services Agency. In addition, the Court completed a reassessment of its handling of abuse and neglect cases as part of the HHS sponsored Court Improvement Project.
- The abuse and neglect subcommittee of the Family Court Implementation Committee has begun an in depth analysis of disruptions in abuse and neglect cases. The work of the committee will focus on disruptions that occur after the case is closed, as well as those that occur after the child has been returned to the parent, placed with a guardian or a pre-adoptive family but before the case is officially closed. The goal of the committee is to identify factors that contribute to disruptions.
- A workbook for children on the court process, “Peter’s Day in Family Court”, was published and is disseminated to all children as they come to court. Response to the workbook has been very positive. A Spanish translation should be available for distribution in early 2006.
- In conjunction with the Child Welfare Leadership Team, the Court is drafting voluntary guidelines and procedures for determining when to use the goal of: “Another Planned Permanent Living Arrangement”
- Launched the “Hooked On Books” program to encourage reading and improve literacy among families coming to the Family Court. The program ensures that each child visiting the Court leaves with a book of his or her own.
- Issued a foster parent participation policy that serves as guidance with respect to how provide foster parents an opportunity to be heard, when to provide them the opportunity and other factors that should be considered in providing foster parents the opportunity to be heard, In addition to the policy, a uniform motion for foster parents to request party status and a uniform court order was developed.

## JUVENILE CASES

Filings in juvenile cases remained virtually unchanged from 2004 (2,783 filings) to 2005 (2,772 filings). Despite the overall stability of filings, variations were found in the offenses for which juveniles were referred. Referrals for drug law violations declined 10%; property crimes declined 6 percent; and acts against the public order declined 5%. On the other hand, referrals for violent crimes were up about 3 percent; as were referrals for persons in need of supervision (52%) and interstate compact cases (14%).

As has historically been the case, females comprised about a quarter of all new referrals in 2005 (19%). In comparison, females comprised 21% of referrals in 2004, 18% in 2003, and 19% in 2002 and 2001. Six percent of all juvenile referrals in 2005 involved youth aged 12 or younger. Another quarter of the referrals involved juveniles between the ages of 13-14. The percentage of referrals that were age 14 or younger (33%) was lower than in 2004 (38% of referrals), but considerably higher than in 2003 (24% of referrals), 2002 (18% of referrals) and 2001 (18% of referrals).

### **Most Serious Offense<sup>10</sup>**

Thirty-nine percent of new referrals in 2005 were for a violent crime, 28% for a property offense, 13% for a drug law violation and 11% for a public order offense. The respective percentages in 2004 were 38% violent, 30% property, 14% drug law violations, and 11% public order. Juveniles charged with assault comprised nearly two-

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<sup>10</sup> Juvenile referrals involving multiple offenses are categorized according to their most serious offense. For example, in a single case where a juvenile is charged with robbery, simple assault and a weapons offense, the case is counted as a robbery. Thus new referral data does not provide a count of the number of crimes committed by juveniles.

thirds of the new referrals for a violent offense. Robbery (25%) was the second leading reason for referral for a violent offense. The distribution of charges among juveniles referred for property offenses changed significantly between 2004 and 2005. Among juveniles charged with property offenses in 2005, 29% were charged with unauthorized use of a vehicle (UUV) and 47% were charged with larceny/theft. By contrast, in 2004, 57% were charged with UUV and 17% were charged with larceny/theft. As a result of the high level of involvement of juveniles in UUV, during 2004, the Social Services Division of the Family Court in collaboration with the Youth Division of the Metropolitan Police Department provided services to deter and reduce the number of youthful offenders charged with UUV. Program youth participated in anger management classes, were paired with mentors, and participated in tutoring and self-esteem building exercises. Parental participation was also a required component of the program effort. The significant reduction in juveniles charged with UUV in 2005 may be a direct result of these efforts. Weapons offenses (56%) and disorderly conduct (24%) were the leading cause of referrals for public order offenses.

*Most serious offense by age at referral*

A review of referral offense by age at time of referral reveals some significant differences. First, the percentage of juveniles referred for a crime against a person reduced significantly with age. Fifty-three percent of juveniles aged 12 or younger were referred for a crime against a person. In comparison, 44% of juveniles age 13-14 at referral and 35% of those ages 15-17 at referral were referred for a violent crime. In contrast, the percentage of juveniles referred for a drug offense increased with age. Only 3% of juveniles 12 or younger were referred for a drug offense, while 5% of those

ages 13-14 and 17% of those ages 15-17 were referred for drug offenses. There were relatively few differences between 2004 and 2005 in the distribution of referral offenses by age. The most substantial change was among 15-17 year olds where there was a three percentage point increase in those referred for a crime against a person (from 32% to 35%) and a three percentage point decrease in those referred for a drug law violation (from 20% to 17%).

***Juvenile Referrals in 2005, by Age at Referral for Most Serious Offense***

Offense	Age at referral					
	Total cases	Under 10 years	10-12	13-14	15-17	18 and over
<b>Acts against persons</b>	<b>1,073</b>	<b>8</b>	<b>85</b>	<b>332</b>	<b>640</b>	<b>8</b>
Assault	671	6	56	202	403	4
Robbery	273	1	12	84	175	1
Rape or other violent sex offense	46	1	9	22	12	2
Other Acts Against Persons	83	0	8	24	50	1
<b>Acts against property</b>	<b>775</b>	<b>2</b>	<b>49</b>	<b>243</b>	<b>479</b>	<b>2</b>
Larceny/Theft	365	0	19	123	223	0
Unauthorized Use of Auto	225	0	10	56	157	2
Property Damage	83	1	7	33	42	0
Burglary	33	0	5	14	14	0
Stolen Property	18	0	1	5	12	0
Other Acts Against Property	51	1	7	12	31	0
<b>Acts against public order</b>	<b>296</b>	<b>0</b>	<b>7</b>	<b>66</b>	<b>222</b>	<b>1</b>
Weapons Offenses	165	0	2	37	126	0
Disorderly Conduct	72	0	5	16	51	0
Other Acts Against Public Order	59	0	0	13	45	1
<b>Drug Law Violations</b>	<b>353</b>	<b>0</b>	<b>5</b>	<b>35</b>	<b>312</b>	<b>1</b>
<b>PINS</b>	<b>114</b>	<b>0</b>	<b>14</b>	<b>37</b>	<b>63</b>	<b>0</b>
<b>Interstate Compact</b>	<b>136</b>	<b>0</b>	<b>5</b>	<b>30</b>	<b>95</b>	<b>6</b>
<b>Other Offenses</b>	<b>25</b>	<b>0</b>	<b>1</b>	<b>8</b>	<b>16</b>	<b>0</b>
<b>Total cases</b>	<b>2,772</b>	<b>10</b>	<b>166</b>	<b>751</b>	<b>1,827</b>	<b>18</b>

*Most serious offense by gender*

As was the case in 2004, there were significant differences in the types of referral offenses by gender. Juvenile girls were more likely to be referred for offenses against persons than were juvenile boys – 52% of girls were charged with acts against persons, compared to 36% of boys. Juvenile boys, on the other hand, were more likely

than girls to be referred for acts against property (31% and 14%, respectively) and drug law violations (15% and 4%, respectively).

Within major crime categories there were also significant differences in the crimes for which males and females were referred. Among male offenders referred for crimes against persons, 54% were referred for assault and 31% were referred for robbery. In comparison, among females referred for violent offenses, 87% were referred for assault and only 9% for robbery. Among referrals for public order offenses, the leading cause of referrals for females was disorderly conduct (38%), whereas for males 64% of the referrals for public order offenses were for a weapons offense. Similarly, while 15% of males were referred for a drug offense only 4% of females were referred for a similar offense.

***Juvenile Referrals in 2005, by Offense, Gender and Detention Status***

Offense	Total cases	Male	Female	Juveniles Detained
<b>Acts against persons</b>	<b>1,073</b>	<b>803</b>	<b>270</b>	<b>45</b>
Assault	671	435	236	19
Robbery	273	249	24	20
Rape or other violent sex offense	46	44	2	2
Other Acts Against Persons	83	75	8	4
<b>Acts against property</b>	<b>775</b>	<b>702</b>	<b>73</b>	<b>69</b>
Larceny/Theft	365	335	30	24
Unauthorized Use of Auto	225	208	17	22
Property Damage	83	73	10	12
Burglary	33	28	5	4
Stolen Property	18	16	2	5
Other Acts Against Property	51	42	9	2
<b>Acts against public order</b>	<b>296</b>	<b>230</b>	<b>66</b>	<b>35</b>
Weapons Offenses	165	148	17	18
Disorderly Conduct	72	47	25	1
Other Acts Against Public Order	59	35	24	16
<b>Drug Law Violations</b>	<b>353</b>	<b>332</b>	<b>21</b>	<b>46</b>
<b>PINS</b>	<b>114</b>	<b>76</b>	<b>38</b>	<b>7</b>
<b>Interstate Compact</b>	<b>136</b>	<b>84</b>	<b>52</b>	<b>0</b>
<b>Other Offenses</b>	<b>25</b>	<b>23</b>	<b>2</b>	<b>4</b>
<b>Total cases</b>	<b>2,772</b>	<b>2,250</b>	<b>522</b>	<b>206</b>

### *Most serious offense by detention status*

Fewer than 10 percent of all new juvenile referrals were detained in secure detention facilities prior to trial in 2005. This percentage was a slight increase from the percentage detained in 2004 (seven percent in 2005 compared to six percent in 2004).

Unlike 2004 when there were few differences among juveniles detained prior to trial by offense, 2005 showed considerable variation in the percentage of those detained by offense. In 2005, thirteen percent of those detained for drug offenses were detained prior to trial, compared to 12% of those referred for acts against public order, 9% of those referred for property crimes and 5% of those referred for acts against persons. The comparable figures for 2004 were 8% of juveniles referred for acts against public order were detained prior to trial, compared to 7% of those referred for acts against property, 7% of those referred for drug law violations and 5% of those referred for acts against persons.

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

Regardless of the offense, many states have established case-processing timelines for juveniles detained prior to trial. In addition to individual state timelines, several national organizations, such as the American Bar Association, the Office of Juvenile Justice and Delinquency Prevention and the National District Attorneys Association have issued guidelines for case processing in juvenile cases<sup>11</sup>. The guidelines both at the state and national level address the time between key events in a juvenile case. In general, these guidelines suggest that the maximum time between court

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<sup>11</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 and “Waiting for Justice: Moving Young Offenders Through the Juvenile Court Process” by Jeffrey Butts and Gregory Halemba conducted under the sponsorship of the National Center for Juvenile Justice.

filing and court adjudication for juveniles detained prior to trial be set at 30 days or less and from filing to disposition for detained juveniles be set at 60 days or less.

In August 2005, the NCJFCJ published the “*Juvenile Delinquency Guidelines: Improving Court Practice in Juvenile Delinquency Cases*”. The Guidelines establish best practices in the handling of juvenile delinquency cases, in addition to establishing time parameters from initial hearing to disposition for both detained and non-detained juveniles. Suggested timeframes range from two weeks to six weeks depending on the child’s detention status.

As is the case in many states, the District of Columbia Code and Superior Court Rules establish that juveniles detained prior to trial in secure detention have an adjudicatory hearing within either 30 days or 45 days depending on the seriousness of the charge. Court rules require that the disposition in cases of detained juveniles be held within 15 days after adjudication. The District of Columbia Code sets forth a number of reasons for extending the trial or adjudication, for good cause shown for additional periods not to exceed 30 days each, beyond the statutory period. Under D.C. Code §16-2310 the following constitute good cause to extend the time limit for trial or adjudication:

- The delay resulting from other proceedings concerning the child, including, but not limited to, examinations to determine mental competency or physical capacity;
- The delay resulting from a hearing with respect to other charges against the child;
- The delay resulting from any proceeding related to the transfer of the child pursuant to §16-2307;
- The delay resulting from the absence of an essential witness;

- The delay resulting when necessary autopsies, medical examinations, fingerprint examinations, ballistic tests, drug analysis, or other scientific tests are not completed, despite due diligence.
- The delay resulting from a continuance granted at the request of the OAG if it is granted because of unavailability of evidence in the case; and
- When the ends of justice outweigh the interest of the child and the public in a speedy trial.

The disposition of a detained juvenile's case may also be extended beyond the 15-day period. Under D.C. Code §16-2330 the following time periods are excluded in the time computation for reaching disposition:

- The delay resulting from a continuance at the request of the child or his counsel;
- The delay resulting from other proceedings concerning the child;
- The delay resulting from a continuance granted at the request of the OAG if it is granted because of unavailability of evidence in the case;
- The delay resulting from the imposition of a consent decree;
- The delay resulting from the absence or unavailability of the child; and
- The delay when the child is joined for a hearing with another child as to whom the time for a hearing has not run and there is good cause for not hearing the case separately.

During 2005, the median time between initial hearing and disposition was 77 days for those juveniles detained prior to trial who are required to have a trial within 30 days. Specifically, the median time from initial hearing to the fact-finding hearing, or adjudication, was 24 days and the median time between adjudication and disposition was 45 days. For detained juveniles charged with the most serious offenses, who are required to have a trial within 45 days, the median time from initial hearing to

disposition was 119 days; median time to trial was 63 days and the median time between trial and disposition was 17 days. However, it is important to note that these times include requests for extension by agreement of the parties, by counsel on behalf of the juvenile, or by the OAG consistent with the requirements of D.C. Code §16-2310; absent such a request, adjudication is held within either the 30 day or 45 day statutory period. As can be seen from the table below, although there were some improvements in case processing time from 2004-2005, the median time from initial hearing to disposition for all detained youth exceeds the 45 day and 60 day statutory timelines. What is not reflected in the data is information that documents the reasons for exceeding the timeline, including data on statutory exceptions. Beginning in January 2006, the Court began documenting the reasons why cases exceed the timelines, including the statutory exceptions listed above and will in subsequent reports be able to better document and explain reasons why cases exceed the timelines.

**Median Time Between Events  
for Juveniles Held in Secure Detention, 2004-2005**

Level of Offense for Detained Juveniles	Median Days Between Events		Average Days Between Events	
	2004	2005	2004	2005
<i>Serious</i>				
Initial Hearing to Adjudication (Statutory Timeline 30 days)	36	24	48	30
Adjudication to Disposition (Statutory Timeline 15 days)	43	45	51	57
Initial Hearing to Disposition (Statutory Timeline 45 days)	79	77	99	86
<i>Most Serious</i>				
Initial Hearing to Adjudication (Statutory Timeline 45 days)	43	63	63	78
Adjudication to Disposition (Statutory Timeline 15 days)	68	17	79	69
Initial Hearing to Disposition (Statutory Timeline 60 days)	111	119	142	147

## **Family Court Social Services Division**

The Family Court's Social Services Division (SSD) is responsible for serving and supervising juveniles involved in the front-end of the District of Columbia's juvenile justice system. Juveniles on the front end of the system include: all new arrestees entering the Court system in juvenile delinquency cases, persons in need of supervision (PINS) cases, truancy cases, and probation and diversion matters. On any given day, SSD supervises approximately 1,600 juveniles, roughly 70% of all youth involved in the District's juvenile justice system.

In addition to the many changes that occurred in the Family Court over the past four years, a variety of changes took place in 2005 including the selection of a new director to lead SSD. Terri Odom, former Deputy Administrator for the Youth Services Administration (YSA), now the Department of Youth Rehabilitation Services (DYRS) was appointed to lead the Court's efforts to improve the supervision of court involved juveniles. Under her guidance, an analysis of the Division's supervision programs and initiatives was conducted by the National Center for State Courts (NCSC). In addition, staff undertook an examination of the existing probation supervision logic-model utilized by the Division, reviewed data trends in arrest rates and types of offenses for which juveniles were referred, and analyzed the availability of community services available to juveniles. Collectively, these efforts resulted in a determination by the Court to recast its probation supervision logic-model into a case management model consistent with the Family Court's "one –judge-one family" case management system.

*Leaders of Today in Solidarity - LOTS*

More than a decade ago, SSD created the city's first ever pro-social life-skills program for adolescent females involved in the juvenile justice system, *For All Inspired Through Hope – Faith*. The program, which addressed the social, emotional, and mental health concerns of females, was an essential component of the services provided to females and was highly regarded in the community.

As part of its review of probation supervision programs, the Division also facilitated a series of strategic planning meetings with probation officers and other juvenile justice stakeholders to assess the extent to which its supervision programs for adolescent females coincided with *Best Practices*. As a result of those planning sessions, the Division determined that although its existing supervision and service delivery model encompassed gender specific pro-social services such as life-skills, mentoring, and tutoring, enhanced supervision and monitoring programs were required to enable the Court to move in the favorable direction of *Best Practices*.

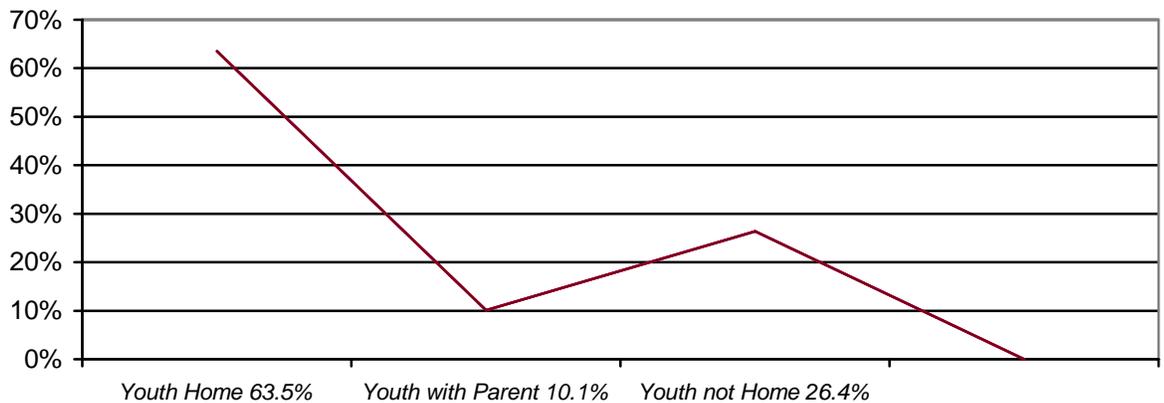
Following more than six months of analysis and review of adolescent female offenders, SSD developed a new seamless probation supervision and services framework for adolescent girls. The new model reflects a full understanding of the concerns of females, and includes a comprehensive assessment of their social, emotional, psychological, and educational needs. The new supervision model entitled "*Leaders of Today in Solidarity - LOTS*" was implemented in February 2006, after thorough vetting within the Family Court and with other key juvenile justice stakeholders. To augment the programming and to ensure that it has the best chance for success all girls (pre-disposition and on probation) under the supervision of the Family Court have been

assigned to a single supervision team with the SSD. Similarly, all girls have been assigned to a single judicial officer who will oversee all aspects of the case.

*Improved Monitoring of Juveniles on Probation*

In June, SSD expanded efforts to monitor court involved juveniles residing in the community. SSD instituted evening curfew monitoring for all juveniles ordered to adhere to a curfew. To support this effort, the Division secured mobile telephones, established alternative tour of duty schedules for probation officers, and developed buddy systems for those officers assigned to curfew monitoring (evening home visits and telephone calls). In addition, through collaboration with the Metropolitan Police Department (MPD), probation officers received training on leading safety measures and techniques utilized to canvass communities.

To date, SSD has observed that on average, almost 74% of all juveniles court ordered to comply with curfews are either home at the time of the curfew check or with their parent as permitted by the court order (See Figure 1).

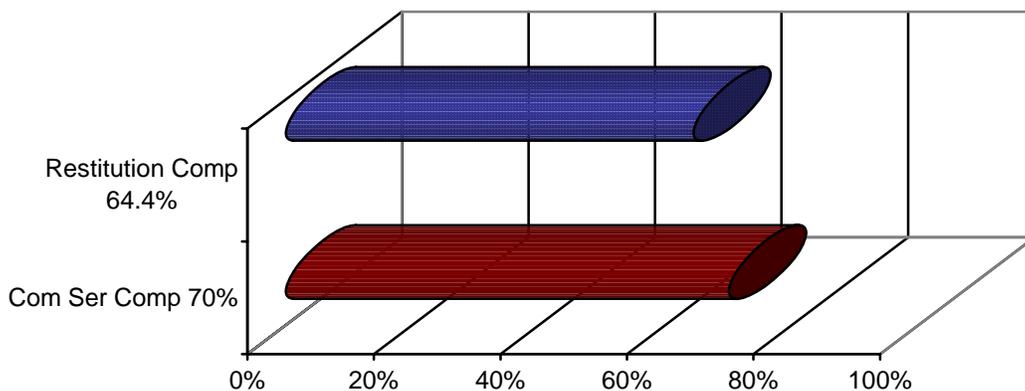


To enhance compliance among juveniles with court ordered curfews, efforts are underway to finalize a graduated sanction framework derived from *Balanced and Restorative Justice (BARJ)* principles adopted by the federal Office of Juvenile Justice

and Delinquency Prevention (OJJDP). SSD believes this framework will enable probation officers to draw upon a wide array of sanctions to hold juveniles accountable to comply with court orders and probation supervision agreements.

*Juvenile Accountability - Restitution and Community Service*

Building on successful implementation of curfew monitoring efforts, SSD began collecting baseline data on how well the Court was holding juveniles accountable to their victims and the community by enforcing completion of court ordered restitution and meaningful community service requirements. In October 2005, SSD initiated monthly reporting to detail compliance among juveniles and families with court ordered sanctions. Thus far, SSD has observed that 70% of all juveniles' with court ordered community service are participating in a meaningful community service effort and 64% of juveniles ordered to pay restitution have done so. (See Figure 2).



Additional initiatives under consideration to further increase compliance with court ordered community service and restitution include collaborative work with several community-based organizations (CBO), public agencies and non-government organizations (NGO) to support the designation of identified facilities, neighborhoods and communities as appropriate community service sites, where a juvenile may earn

community service hours, serve as volunteer or possibly secure employment. These measures will support the desire to ensure that community service is provided in or near the area in which the offense occurred (to the maximum extent possible). It will also support the commitment to increasing awareness among juveniles with respect to the impact of their offense(s) and holding them accountable for their actions.

In addition to holding juveniles accountable, the Family Court has also established procedures to ensure that parents are involved in all juvenile proceedings related to their child, unless it is not in the child's best interest. Beginning in 2004, the Court began issuing parent participation orders to ensure that a parent or guardian was in attendance at hearings. Underlying the participation orders was the belief that family involvement was critical to successful outcomes in most cases involving juveniles. During 2005, more than 95% of parents, under parent participation court orders, were in attendance at required hearings.

#### *Delinquency Prevention*

Delinquency prevention is a primary objective for the Family Court. Building on the Court's efforts to enhance public safety and prevent delinquency, SDD retooled a subset of its support staff to launch an innovative initiative to engage local neighborhoods, communities, area neighborhood commissions (ANCs), civic associations, police service areas (PSA), and schools in thinking about juvenile crime. Our new *Delinquency Prevention* initiative enables designated staff to serve as liaisons between the Court and various communities working to reduce delinquency and recidivism among youth. As part of their liaison activities, staff exchange information regarding arrest trends and offenses among youth, organized and non-organized

gang/crew activity, as well as localities of offenses. Now in existence for six months, the public responses to our *Delinquency Prevention* initiative indicates an increased awareness among citizens of issues related to delinquency, recidivism and reform efforts underway across the city's juvenile justice system.

#### *Juvenile Sex Offenders*

To address the problem of an increasing number of young juveniles adjudicated for sex offenses, SSD continues to provide services through the Juvenile Interpersonal Behavior Management (JIBM) Program. The JIBM program is a comprehensive twelve-week cognitive-behavioral relapse prevention program designed to address the needs of juvenile adjudicated for sexual offenses. Interventions are conducted in a group format, augmented by individual counseling sessions and parent/guardian participation.

Parents/guardians are court ordered to attend weekly sessions to support behavioral objectives outlined and achieved by participating youth. In 2005, 16 youth and families participated in the program. Eleven successfully completed the program with no re-arrest for a sexual offense. Among the five youth who did not successfully complete the program, two were rearrested for non-sexual offenses.

#### *Anger Management*

The Division continued to offer its Juvenile Anger Management (JAM) program to youth adjudicated for assault and aggravated assault offenses. During the first quarter of the year, 38 youth were enrolled, of which 27 or 77% (10 females and 17 males) actively participated and completed the program. Among those youth who completed the program, none were rearrested; however, among the 11 youth who did not complete the program two were rearrested for simple assault and one was arrested for possession with

intent to distribute cocaine. Based on the measurable outcomes of the JAM program, the Division is currently exploring ways to bridge the 30% gap, on average, between the number of youth enrolled versus the number of youth actively participating in the program.

**New Initiatives:**

- Developed and implemented the first ever DC middle school truancy programs. The program has been implemented in two middle schools, Garnet Patterson in Northwest, D.C. and Kramer in Southeast, D.C.
- Expanded the one judge one family case management model to include juvenile traffic cases papered in conjunction with delinquency matters. Those cases are now consolidated before one magistrate judge and supervised by one probation officer.
- Created a workgroup on continuances to review current continuance policy, including requests for continuances, who makes the request, reasons for request, judicial action on request, and possible adoption of uniform court policy.
- Created workgroup to study the feasibility of expanding the scope of initial hearings in juvenile cases to include an inquiry into social background and living conditions with a focus on the provision of services.
- With the support of the Annie E. Casey Foundation, launched the Juvenile Detention Alternative to Incarceration (JDAI) effort in collaboration with the Executive Branch of Government. JDAI, an interagency collaboration among critical juvenile justice stakeholders, is working to ensure that appropriate youth are detained in secure facilities and youth who are not appropriate for secure detention are monitored by way of alternatives to detention. Three key areas under the rubric of JDAI include: data gathering (involving information sharing across the court, law enforcement, prosecutors and defense counsel); case processing (examining the time-frame cases move through trial, adjudication and disposition) and an analysis of existing services and supports necessary to divert low-to-medium risk non-violent youth from secure detention.

**CHILD SUPPORT AND PATERNITY CASES**

During 2005, there were 3,192 child support and paternity actions filed in the Family Court. D.C. Code, 2001 Ed. § 46-206 requires the Court to schedule hearings in

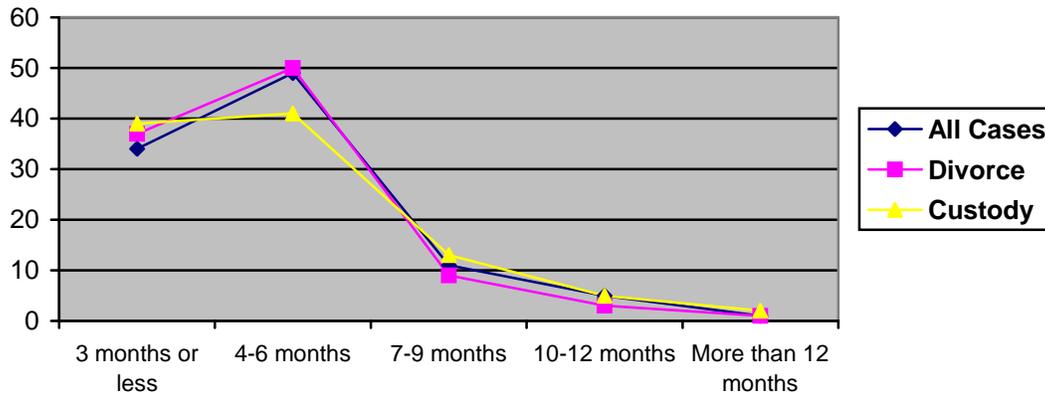
cases seeking to establish or modify child support within 45 days from the date of filing of the petitions. Additionally, federal regulations mandate that orders to establish support be completed in 75% of the cases within 6 months and 90% of the cases within 12 months of the date of service of process (see 45 CFR §303.101). At the present time, the Court does not collect data on federal case processing timelines. At present, discussions continue on the best approach to ensuring that the data necessary to assess compliance with these guidelines is available to the Court.

During 2005, legislation was enacted that authorized the transfer of wage withholding functions from the court to the Child Support Services Division of the Attorney General's Office. This transfer of responsibility completed the transition of all administrative enforcement functions from the Court to the CSSD. The consolidation of enforcement functions in one agency promises to improve the City's ability to provide much needed support to families receiving child support.

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

During 2005, 3,659 domestic relations and custody cases were filed in Family Court. By December 31, 2005, 67% of those cases were closed and 33% were still pending. The chart below shows the time from filing to disposition for cases filed in 2005 that were closed (2,459 cases) by December 31, 2005. Custody cases filed in 2005 took a slightly longer time to reach disposition than divorce cases filed during the same period.

*Time from filing to disposition for closed domestic relations  
and custody cases filed in 2005.*

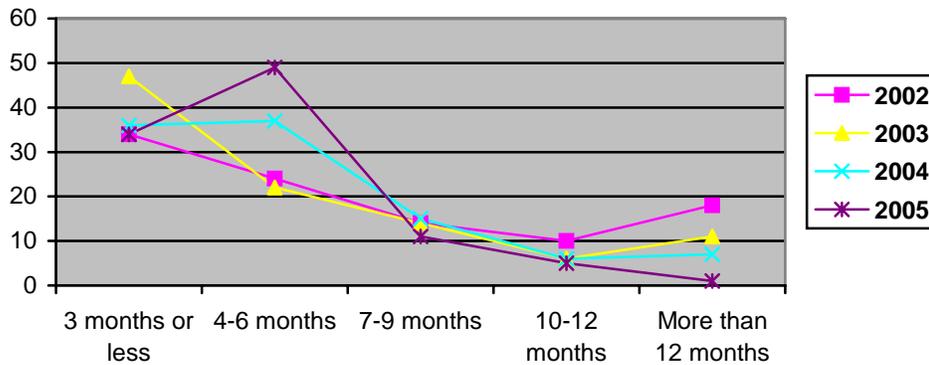


The figure below provides information on time from filing to disposition for domestic relations and custody cases filed from 2002 thru 2005. On December 31, 2005 more than 98% of the cases filed in 2003 and 94% of the cases filed in 2004 were closed. Seventy-six percent of the cases filed in 2005 were also closed. Cases filed in 2004 showed improvement in the time to disposition when compared to cases filed in 2003. Seventy-three percent of cases filed in 2004 were disposed of within 6 months compared to 69% of the cases filed in 2003. Cases filed in 2005 seem to be taking slightly less time to disposition than those filed in 2004. However, nearly a quarter of the cases filed in 2005 have not reached a disposition. As required by the Family Court Act, court staff reviewed the literature for the existence of national timelines for case processing in divorce and custody cases. Although there are no universally accepted national standards on case processing in domestic relations cases, the American Bar Association (ABA) has established some recommended guidelines for case processing. According to the ABA, 90% of domestic relations cases filed should reach trial, settlement, or conclusion within 3 months, 98% within 6 months, and 100% within one year. Family Court data for domestic relations cases filed in 2004 indicate that 36%

were concluded within 3 months, 73% within 6 months, 88% within 9 months and 94% within 1 year.

To date, the Family Court has reduced substantially the amount of time it takes to resolve a domestic relations and custody case, nearly 60% were resolved within 6 months in 2002 compared to 69% resolved within the same time period in 2003 and 73% within 6 months in 2004 and 83% within 6 months in 2005.

*Time from filing to disposition for domestic relations and custody cases filed in 2002 -2005*



### **The Family Court Self Help Center**

#### *Background*

The Family Court Self-Help Center (“FCSHC”) is a free walk-in service that provides unrepresented people with general legal information in a variety of family law matters, such as divorce, custody, visitation, child support. Although the FCSHC does not provide legal advice, it does provide legal information and assistance to customers that allow them to determine which of the standard form pleadings are most appropriate and how to complete them, and explains how to navigate the court process. When appropriate, the FCSHC Staff will refer litigants to other helpful clinics and programs in the community.

The FCSHC started as a Pilot Project, of the D.C. Bar Pro Bono Program, the D.C. Bar Family Law Section, and the Women's Bar Association of D.C., in November 2002. Although the FCSHC was located in the DC Superior Court, volunteer facilitators who were trained and supervised by the D.C. Bar saw the customers. In early 2005, the FCSHC became a fully funded program of the D.C. Family Court. With funded positions the Court was able to expand services provided to the growing number of self-represented parties. A family law facilitator and two paralegals were hired resulting in the court's ability to increase the hours of operation from 4 hours 3 days per week to 8 hours 5 days per week. The FCSHC, however has not only continued to rely on the volunteer facilitators but has continued to recruit and train new volunteers as well (most recent training was held on December 2, 2005). The volunteers supplement the work of the permanent staff and help the FCSHC to run smoothly, especially on the busier days.

Beginning in May 2005, the program began use of data-gathering tools that will allow the court do an assessment of the services provided by the FCSHC. Detailed below are a few of the preliminary findings from data collected from May 2005 through December 2005.

- The FCSHC served 3,221 parties in Family Court cases between May 1, 2005 and December 31, 2005; an average of 402 customers per month;
- Nearly three-quarters of the parties sought assistance with custody and divorce cases; 20% sought assistance for a child support case;
- Eighty-two percent of the parties visiting the Center sought general information; 68% needed assistance with the completion of forms; and 1% needed a referral.
- The majority of the parties served were male (51%);
- Ninety-one percent of the parties served spoke English; only 7% identified themselves as Spanish speakers.

- Half of those seen had monthly incomes of \$1000.00 or less; 25% had a monthly income between \$1001.00 and \$2000.00; and 20% had incomes between \$2001.00 and \$4000.00.
- Sixteen percent of the parties were seen by the Volunteer Facilitators.

## CONCLUSION

Whether training to enhance the knowledge of judges and others, implementing diversion programs for juveniles, developing educational materials for parents and children or creating a central location for the filing of all Family Court cases, the Family Court has as its core values protecting children, strengthening families and public safety. 2005 saw a significant increase in the filing and disposition of termination of parental rights motions and an increase in the number of children achieving permanency through adoption and guardianship. The impact of the increased focus in these areas is to shorten the timeline for permanency for children removed from their families by removing barriers to permanent placement. This will ultimately result in a greater number of children being free for adoption.

In 2005, the Family Court resolved the legal issues of jurisdiction in more cases of abused and neglected children and more quickly than in 2004, largely as a result of the Court's successful Child Protection Mediation Program. Consequently, issues of permanency were considered much earlier in the life of a case. In the area of domestic relations, family disputes were resolved more quickly in 2005 than in 2004, which allowed families to begin the healing process sooner. The full implementation of the Family Court Self-Help Center in 2005 as expected has helped to reduce the time required to resolve domestic relations cases.

The same factors that have historically affected the Family Court's ability to carry out its responsibilities in the most effective manner possible continued to be factors in 2005. CFSA has shown considerable improvement in many areas over the years but some of the same challenges remain: lack of adoption resources for older children; the lack of sufficient drug treatment resources for children and parents; and the

inability of DCPS to provide educational assessment services, such as individual education plans (IEPs) in a timely manner. The need to further build service capacity to meet the changing and complex needs of juveniles and their families also continue to impact the effectiveness of the Court in improving outcomes in delinquency matters.

The Family Court has steadily increased its compliance with ASFA. Continued monitoring, especially as it relates to children who are not removed from home, is required for the Family Court to identify and improve in those areas where full compliance is not being achieved.

Finally, during 2005 the Family Court began monitoring case processing times in juvenile cases. The Family Court has developed a number of monitoring procedures to ensure that juveniles held in secure detention prior to adjudication reach trial and disposition in a timely manner.

In 2005, the Family Court continued to improve its ability to serve the community and to collaborate with other members of the justice system to protect, support and strengthen families. The new year brings new challenges and changes, but as 2006 begins, the Family Court remains committed to our mission to provide positive outcomes for children and families in the District of Columbia.

