

# Superior Court of the District of Columbia



Honorable Rufus G. King, III  
Chief Judge  
March 30, 2007

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## EXECUTIVE SUMMARY

Since the enactment of the District of Columbia Family Court Act, 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 2006.

- **Made child safety and prompt permanency the primary considerations in decisions involving children.**
  - Continued to monitor compliance with the Adoptions and Safe Families Act (ASFA)<sup>1</sup>.
  - In collaboration with the Child and Family Services Agency (CFSA) and the Office of the Attorney General (OAG) completed a review of all termination of parental rights (TPR) cases, including the development of procedures for documenting when there are compelling reasons not to file a TPR motion.
  - In collaboration with the CFSA and the OAG, developed policies and procedures governing the use of “Another Planned Permanent Living Arrangement (APPLA)” as a goal.
  - Expanded operation of the Family Treatment Court to include the development of a transitional housing program.
  
- **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 programming for adolescent girls on probation.
  - Launched a new Global Position System (GPS) electronic monitoring program. The program, which uses “real time” tracking, was designed to increase the capacity to effectively monitor juveniles on electronic monitoring.
  - Expanded the truancy program for middle school children in the District of Columbia to include three schools.
  
- **Appointed and retained well-trained and highly motivated judicial officers.**
  - Conducted the fifth 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.
  - Supported CFSA in the development and implementation of Family Team Meetings.
  - Trained 25 additional child protection mediators.
  
- **Used technology effectively to track cases of children and families.**
  - Collaborated with CFSA to provide scheduling information in abuse and neglect cases through a direct interface with the agency's automated system, so that agency social workers have complete and accurate information.
  - Developed policies and procedures to support the electronic submission of post complaint filings from the Office of the Attorney General in juvenile cases.
  - Pending the completion of a successful interface, the Court gained direct access to the PRISM system, utilized by the Pre Trial Services Agency to record and track drug test results for juveniles and other parties in Family Court cases.
  
- **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, including the Child Welfare Leadership Team and the Juvenile Detention Alternative to Incarceration Initiative.
  - Hosted a town hall meeting and sought community input into the development of the Family Fathering Court initiative.
  - Conducted focus group to identify strengths and weaknesses in the Family Court as part of the Superior Court's strategic planning process.
  
- **Provided a family friendly environment by ensuring materials and services are understandable and accessible.**
  - Officially opened the redesigned Family Court entrance to the Courthouse. The redesign increased usable space and created a familiar, friendlier and ADA compliant entrance while maintaining the required level of security.
  - Developed the Balanced and Restorative Justice Drop-In Center in Anacostia for juveniles. The Center has facilities for pro-social activities such as

tutoring, mentoring, peer mediation, recreation, as well as a courtroom providing the opportunity for community based justice.

- Continued review and revision of Family Court forms, to ensure that they are legally compliant and to make them bilingual where appropriate.

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

## INTRODUCTION

The District of Columbia Family Court Act of 2001, Pub.L. 107-114 (D.C. Official Code, 2001 Ed. § 11-1101 *et seq.*, hereinafter the “Family Court Act”) 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 2006, must include the following:

- (1) The chief judge’s assessment of the productivity and success of the use of alternative dispute resolution (see pages 21-28).
- (2) Goals and timetables as required by the Adoption and Safe Families Act of 1997 to improve the Family Court’s performance (see pages 38-47).
- (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 29-35).
- (4) Information on the progress made in establishing locations and appropriate space for the Family Court (see pages 15-19).
- (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 86-87).
- (6) Information on: (a) the number of judges serving on the Family Court as of December 31, 2006, (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 3-8).
- (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 64-85).
- (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 86-87).

## GOALS AND OBJECTIVES

The goals and objectives outlined in our Transition Plan continue to provide the direction 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 for Family Court judicial officers and staff.
4. Promote the use of alternative dispute resolution (ADR) in appropriate cases involving children and families to resolve disputes in a non-adversarial manner and with the most effective means.
5. Use technology to ensure the effective tracking of cases of families and children; identification of all cases under the jurisdiction of the Family Court that are related to a family or child and any related cases of household members; communication between the court and the related protective and social service systems; collection, analysis and reporting of information relating to court performance and the timely processing and disposition of cases.
6. Encourage and promote collaboration with the community and 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, 2006, 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 Superior Court are required to serve a term of five years on the Family Court bench. 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 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
Judge Broderick	January	2007	3 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 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 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
Magistrate Judge Rook	October	2006
Magistrate Judge Epps	January	2007

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

During 2006, two magistrate judges left the Family Court. Magistrate Judge Alec Deull, one of the five original magistrate judges appointed under the Family Court Act resigned from his position in the Superior Court and relocated to another jurisdiction. Magistrate Judge Mary Grace Rook was appointed in October 2006 to replace him. Magistrate Judge Karen Howze transferred to the Domestic Violence Unit after serving her four year term in the Family Court. Magistrate Judge Diana Epps who

had previously served in the Family Court from January 2004 through December 31, 2005 replaced her.

In addition, one associate judge was assigned to the Family Court effective January 1, 2007. Judge Patricia Broderick joined the Family Court replacing Judge Ronna Beck, who was reassigned to another court division after completing more than her required term of service. 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:

***Patricia Broderick***

Judge Broderick was appointed an Associate Judge in November 1998 and began her judicial career in the Family Division where she served until 2001. While in the Family Division she handled family motions, mental health commitments and numerous neglect and abuse cases. She currently handles juvenile delinquency cases.

Judge Broderick has also served in the Criminal Division, including the Felony 1 calendar, as well as the Civil Division.

Prior to joining the Court, Judge Broderick worked as an Assistant United States Attorney in the Felony One Section. While in that position, she investigated and prosecuted numerous child sex abuse cases. She also participated in a conference that focused on understanding the issues involved in prosecuting cases with child victims and witnesses.

Judge Broderick also worked in the Violence Against Women Office of the Department of Justice, where she was Special Counsel. The office was responsible for the coordination of the Department's efforts to combat violence against women. While

working there she also worked *pro bono* for the Corporation Counsel (now the Attorney General) of the District of Columbia prosecuting cases of Domestic Violence.

In addition to a law degree, Judge Broderick holds a Masters Degree in Rehabilitation Counseling. Judge Broderick has participated in numerous court training programs on issues involving children and families including pre-service and pre-assignment programs, court programs on ASFA, the May 2001 program on abuse and neglect and the May 2000 program on domestic violence.

***Mary Grace Rook***

Magistrate Judge Mary Grace Rook was sworn in as a magistrate judge for the Superior Court of the District of Columbia, in August, 2006 and serves in the Family Court on a neglect and abuse calendar. Magistrate Judge Rook serves on the Family Court Training Committee.

Her prior experience includes representation of children and parents as a Counsel for Child Abuse and Neglect (CCAN) attorney. Magistrate Judge Rook also worked as a special education attorney in private practice and later, in the civil division of the D.C. Public Defender Service, where she assisted the juvenile trial attorneys whose clients had outstanding special education needs. Magistrate Judge Rook was a planner and teacher at the Public Defender Service's (PDS') first special education training in 2000.

Following her work as a special education attorney, Magistrate Judge Rook served as Coordinator of the Juvenile Services Program for PDS. In this capacity, she was responsible for training and supervising staff attorneys and law clerks that worked with PDS at the Oak Hill Youth Center and the Youth Services Center. While at the

Public Defender Service, Magistrate Judge Rook served as a representative to several Family Court committees.

Additionally, while at the Public Defender Service, Magistrate Judge Rook was part of the truancy workgroup that developed the middle school truancy diversion program. She will continue with her truancy work as a judge at one of the designated D.C. middle school truancy programs.

***Diana H. Epps***

Judge Epps was sworn in as a magistrate judge on September 7, 2003 and assigned to the Family Court in January 2004. She served as a magistrate judge in the Family Court overseeing child support matters until December 31, 2005, when she transferred to the Domestic Violence Unit. Upon her return to the Family Court in January 2007 she was reassigned to a child support calendar.

Prior to her appointment as a magistrate judge, she served as an attorney with the United States Attorney's Office for the District of Columbia for 12 years. In that capacity she prosecuted countless violent offenders. Prior to joining the United States Attorney's Office, Magistrate Judge Epps worked for the Office of the Corporation Counsel in the Juvenile Section. While there, in addition to prosecuting some of the most violent juvenile offenders, she volunteered as a mentor-tutor to local high school students and served on a city-wide multi-agency committee whose goal was to design and develop alternative community-based programs for the District's juvenile offenders. Judge Epps received her B.A. degree from Cornell University and her J.D. from the Faculty of Law and Jurisprudence at the State University of New York at Buffalo.

### **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 some whose terms expired in 2006. Based on the terms of service required, three associate judges, including the presiding judge are eligible to transfer out of the Family Court in 2007. A two-fold process has been implemented to replace those judges who choose to transfer out. First, there is an ongoing process to identify and recruit associate judges interested in serving on the Family Court who have the requisite educational and training experience required by the Act. Second, associate judges who are interested in serving but do not have the requisite experience or training will be provided appropriate training before assignment to 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 judicial and non-judicial staff took advantage of a number of training opportunities in 2006. Prior to assignment to Family Court, Judge Broderick and Magistrate Judge Rook participated in an extensive three-day training program updating them on current substantive family law practice 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); 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 issues relating to family cases and to 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 fifth annual Family Court Interdisciplinary Training program in October 2006. The training, entitled “Female Adolescents and Family Court: A New Focus,” was designed to address the growing number of adolescent girls in the juvenile justice system and the gender-specific issues they present. The conference sessions provided information on best practices for assisting girls within the juvenile justice system who have co-occurring disorders such as substance abuse and mental health issues, girls who have been sexually exploited, and teenage mothers. One of the highlights of the day was a panel of female juvenile offenders who described their experiences within the juvenile justice system and the risks and challenges they faced.

The training was well received by the more than 300 participants comprised of judges, court staff, social workers, attorneys, foster parents, non-profits and other community stakeholders. An overwhelming majority, 96%, rated the conference as good or excellent and indicated that the conference met their expectations. Individual comments were very positive, with high praise for conference presenters and organizers. Several participants suggested that the conference be expanded to two days.

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 2006 seminars included the following:

- “The Rules of Evidence in Family Court Proceedings” by D.C. Family Court Magistrate Judge John McCabe, February 15;

- “The Rules of Evidence in Family Court Proceedings – Part II” by D.C. Family Court Magistrate Judges John McCabe, Milton Lee, and Noel Johnson, March 15;
- “Autistic Spectrum Disorders in Children and Youth: Why They are at Risk for Involvement with the Juvenile Justice System and What Can We Do About It?” by Peter Daniolos, MD, Medical Director and Joette James, PhD, Psychologist – Center for Autism Spectrum Disorders, Children’s National Medical Center and Marisa Brown, parent, April 19;
- “Navigating Ethical Issues in Juvenile and Neglect Cases” by Jennifer Renne, American Bar Association, Center on Children and the Law, May 3;
- “Immigration Issues in Juvenile and Neglect Proceedings” by Mai Fernandez, Managing Director, Latin American Youth Center and Jason Dzubow, CCAN Practitioner and Immigration Attorney, June 21;
- “Mediation Training” by Family Court Presiding Judge Anita Josey-Herring, September 25; and
- “The Silent Epidemic: Maternal Depression and its Impact on Young Children and Families” by Deborah Perry, PhD, Women’s & Children’s Health Policy Center, Johns Hopkins Bloomberg School of Public Health, Department of Population, Family and Reproductive Health, November 15.

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 2006, 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:

- Criminal Law for the CCAN Practitioner: Michael O’Keefe, Esq., Santha Sonnenberg, Esq., Public Defender Service, January 18;
- Meet the New Family Court Judges: Judges Anita Josey-Herring, John Campbell, Laura Cordero, and Cheryl Long, February 1;
- Education Vouchers and Other Services for Older Youth: Afrilasia Joseph-Phipps and Cecile Hollingsworth, Child and Family Services Agency (CFSA) Keys for Life Unit, February 8;
- Neglect and Delinquency Practice Institute, two day 16 hour annual training for ongoing CCAN attorneys, March 6 and 7;
- Services Offered by the New CFSA Post Permanency Unit: Sharon Knight, Trantina Waugh, and Theodora Reynolds, CFSA, Jim Toscano, CFSA Office of General Counsel, and Adoption Resource Center, March 23;
- Understanding Special Needs Trusts: Joint training with Probate and CCAN, March 29;
- New CCAN/GAL Training, conducted by CCAN Branch Chief Wilma Brier, April 10 and 11;
- Brown Bag with the Court of Appeals, “Getting It Right: A Guide to Practice in the Court of Appeals”, Rosanna Mason, Court of Appeals Staff Counsel, April 20;
- Family Treatment Court Update: Magistrate Judge Pamela Gray, JoElla Brooks, Treatment Court Coordinator, and Beverley Gibbs, CCAN Social Worker, April 27;
- Temporary/Emergency Licensing of Kinship Care Foster Parents: Carla Rappaport, Esq. and other staff from Children’s Law Center, May 15;
- Child and Family Services Agency: New Practice Model, Dr. Sharlynn Bobo, CFSA Deputy Director for Organizational Development and Practice Improvement, and Attorney James Toscano, Office of General Counsel, May 25;
- Comparing Permanency Option(s), A Power Point Presentation: Wilma Brier, Esq. and Larry Spillan, Esq., June 29;
- Adoption and Guardianship Subsidy: Patricia Johnson, CFSA Supervisory Social Worker, August 2;
- Unveiling of the New Multi Agency Placement Team Process, Family Team Conferencing: Nicole Wright Gurdon, Child and Family Services Agency; Yvonne Doerre, Department of Mental Health, September 13;

- Mental Health Services for Children, Co-sponsored with National Association Counsel for Children, D.C. Chapter, Shauna Spencer, Department of Mental Health, Dr. Roque Gerald, Child and Family Services Agency, CCAN attorneys Anne Schneiders and Kate Gould, September 27;
- Special Education Issues for CCAN Attorneys: Professor Joe Tulman, University of the District of Columbia School of Law; Elizabeth Jester, Esq., October 23;
- Navigating the Probono.net Website: Diane Weinroth, Children's Law Center; Mark Herzog, D.C. Bar; Carla Rappaport, Children's Law Center; Wilma Brier, CCAN; Angela Jacobs, Lawyers for Children America, November 9;
- Medical Services for Children: Dr. Cheryl Williams, Director of Health Services, Child and Family Services Agency, November 13; and
- An Attorney's Guide to Magistrate Judge Appeals: Judges Anita Josey-Herring and Kaye Christian, December 6.

Family Court non-judicial staff also participated in a number of training sessions. Training sessions included several trainings sponsored by the NCJFCJ including the 69<sup>th</sup> annual child welfare conference, National Conference on Juvenile Justice, and the Child Victims Act Model Court All Sites Meeting. In addition, non-judicial staff participated in the 2006 National Association for Council of Children Conference, the Child Welfare League of America National Conference on Children 2006: Crossing the Cultural Divide, the National Center for Adoption Law and Policy 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 2006 annual conference. Representatives from the Court and other child welfare stakeholders in the District of Columbia also participated in a number of trainings sponsored by the Children's Bureau of the Department of Health and Human Services (HHS) including the Court Improvement Project Annual

Meeting, a specialized Court Improvement Project training designed to assist Courts in applying for and utilizing new HHS federal grant funds for improving court performance in the areas of training and data technology; and a Regional Training on the Child and Family Services Review entitled “Sustaining the Momentum: Child Welfare Reform Through the CFSRs” . Non-judicial staff also attended the fifth 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**

The consolidation of the Family Court continued in 2006 with the partial completion of Building A, a new Family Court Entrance with a symbolic sculpture and the establishment of the Balanced and Restorative Justice Drop-In Center for juveniles under Court supervision. The project summaries are detailed below.

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



The renovation of Building A meets two purposes in furtherance of the Family Court Act. Specifically, it:

1. allows the relocation of 2 divisions out of the Moultrie Courthouse, thereby freeing up space for Family Court functions to be co-located or consolidated, within the courthouse; and
2. makes space available for the creation of a separate, secure state-of-the-art

## Juvenile Holding Facility.

The first phase of the renovation of Building A was completed in December 2006. Phase II, which began in January 2007, will create space to house the Probate Division. When the Probate Division relocates, its Moultrie Courthouse space will become the home of the Civil Division, which currently shares the John Marshall Level with the Family Court. Once the Civil Division is relocated, the Family Court will move into the former Civil Division space and occupy the entire John Marshall Level, thereby consolidating additional elements of the Family Court.

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

The design for the new Juvenile Holding Facility was completed by HKS, P.C. in June of 2006. It includes a new elevator configuration to allow for enhanced secure movement and circulation of juvenile detainees within the Moultrie Courthouse and segregated from adult prisoners. Additionally, the new Juvenile Holding area will maximize the use of state of the art security equipment and building materials to improve the environment in which juveniles are held. Once construction gets underway it is expected to take approximately one year to complete.

## New Family Court Entrance and Visionary Sculptures



During 2006, the Family Court entrance was under construction to enhance accessibility for the public. The redesign of this entrance removed the steps and increased the useable space in the Family Court lobby. The increased space provides 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 allows easy access for our physically challenged and senior citizens as well as parents using strollers.

Visionary statues were commissioned by the District of Columbia Courts as part of the Facilities Master Plan and the development of the new Family Court. A local competition was held to select the artist who could capture the commitment of the Family Courts to the D.C. Community. Antonio Mendez is well known for his bronze castings that are installed at prominent locations around the country and throughout the Washington, D.C. metropolitan area, including in the nearby Navy Memorial.

A dedication celebration was held on February 1, 2007 to officially open the redesigned Family Court entrance and unveil the visionary sculpture created by local artist Antonio Tobias Mendez.

### **Balanced and Restorative Justice Drop-In Center (BARJ)**



The newly opened Balanced and Restorative Justice (BARJ) Drop-In Center is an innovative, non-traditional juvenile rehabilitation program. The BARJ Drop-In Center, a multi-faceted facility located east of the Anacostia River, is host to a traditional off-site courtroom. It has facilities for pro-social activities such as tutoring, mentoring, education and prevention groups, peer mediation, recreation, field trips and refreshments.

The BARJ venue was funded by the Family Court and a grant from the D.C. Office of Justice Grants Programs. The vision for BARJ was that of the Court Social Services Division (CSSD) which primarily serves juveniles in the Family Court. CSSD

is responsible for assessing young offenders' risks to public safety and supervising juveniles during the pre-adjudication phase, developing comprehensive probation supervision plans, and coordinating services for juveniles and families.

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

In a continuing effort to satisfy the Family Court Act, the District of Columbia Courts' Family Court continues to aggressively pursue technological opportunities to satisfy its data sharing obligations and responsibilities.

Utilizing the Court's case management system, the Integrated Justice Information System (IJIS), the Family Court was able to rapidly respond to emergency legislation enacted by the Council of the District of Columbia in July 2006. Under the Enhanced Crime Prevention and Abatement Emergency Amendment Act of 2006, the Family Court is required to disclose to the Metropolitan Police Department (MPD) case record information relating to address, release conditions and stay away orders on juveniles who are charged with certain crimes of violence, weapons and other enumerated offenses and not detained by the Family Court. The case record information is required to be submitted to MPD within 48 hours of the decision not to detain the juvenile. In order to immediately comply with the Act, the Family Court revised relevant court orders in order to capture the required information in the courtrooms. Utilizing a server based document management system, court staff scans images of court orders and route them to an electronic queue where they are stored for retrieval by MPD. Police officers are able to quickly gain access to this information for their use in the field when they encounter potential juvenile delinquents. An additional provision in the Omnibus Public Safety Amendment Act of 2006 requires that the Court share information on judicial stay-away

and post-adjudication orders with the DC Metropolitan Police Department. From the courtroom, clerks trigger electronic images of court orders to be automatically delivered to MPD where the information is entered into a system for officers to access in the field when they encounter potential juvenile delinquents.

In late 2006, the Family Court developed policies and procedures to support the electronic receipt of post complaint filings from the Office of the Attorney General (OAG) in juvenile cases. This functionality is now in operation. This process provides for a more efficient means of filing between the Court and juvenile case prosecutors by significantly reducing the number of documents the Court has to scan.

In addition to those with the OAG, the Court remains committed to expanding its electronic interfacing capabilities with agencies such as the Child and Family Services Agency (CFSA), the Department of Youth Rehabilitative Services (DYRS), and the Pre-Trial Services Agency (PSA). This year the Court worked with PSA to gain direct access to their case management system, PRISM, which is used to record and maintain drug test results for juvenile offenders and other parties in Family Court cases. In 2007, the Court will enhance the existing electronic interface with CFSA that provides scheduling information for Abuse and Neglect cases to include the same type of data for Adoption cases.

The Court is also collaborating closely with OAG and CFSA to design additional solutions for the exchange of abuse and neglect case information. Using funding from the Court Improvement Project (CIP), the Family Court intends to allow electronic filings in abuse and neglect cases. Another key goal of the CIP is to eliminate the exchange of paper by providing electronic copies of judicial orders.

Performance measurement reporting is also part of the Court's CIP strategy, with work underway to design and develop reports for clearance rate, time to disposition, trial certainty, and age of active pending caseload. These reports will assist the Family Court in its continuing obligation to measure compliance with established timelines for case processing at both the local and national level.

#### *Family Treatment Court*

The Family Court, with assistance from the Information Technology and the Research and Development Divisions of the Superior Court, completed an assessment of the Family Treatment Court case management process. The workgroup established to define data needs, business processes, and reporting aspects of this process, also completed its work. The development of a Family Treatment Court case type and the integration of the Family Treatment Court functions within the IJIS system were completed in January 2007.

#### **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. As detailed below, mediation produces more expeditious case disposition, more satisfactory resolutions due to settlements, and a higher probability that the family will not reenter the child welfare system.

### 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 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

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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 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 2006, nearly 95% of all new abuse and neglect cases petitioned (353 families with 530 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 2006 the cases of 372 families were referred to mediation (353 cases filed in 2006 and 19 cases carried over from 2005). Of these cases, 24% (91 cases) were not mediated<sup>4</sup>, 72 % (266 cases) successfully mediated some issues, and 4% (15 cases) were unable to reach agreement. In 158 (56%) of the cases mediated (representing 245 children), the issue of legal jurisdiction was resolved and the mediation resulted in a stipulation (an admission of 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 108 (38%) cases (representing 170 children), mediation resulted in the development of a case plan even though the issue of

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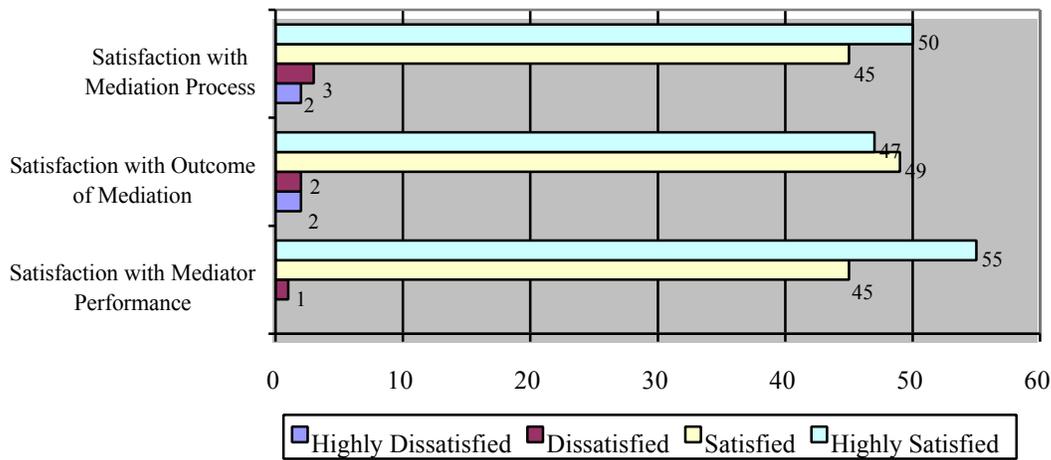
<sup>3</sup> These multi-party mediations are structured so as to enhance safety: pre-mediation information is provided to participants; parents are included in the sessions; appropriate training is provided; and a layered domestic violence screening protocol is implemented for cases with a history of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

jurisdiction was not resolved. Fifteen (5%) families (representing 19 children) 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, 96% for ADR outcome, and 99% for the performance of the mediator(s).<sup>5</sup> Clearly, participation in ADR increases public trust and confidence in Family Court.

**Percent of Participants Satisfied with Child Protection Mediation Program**



**Domestic Relations Mediation:**

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

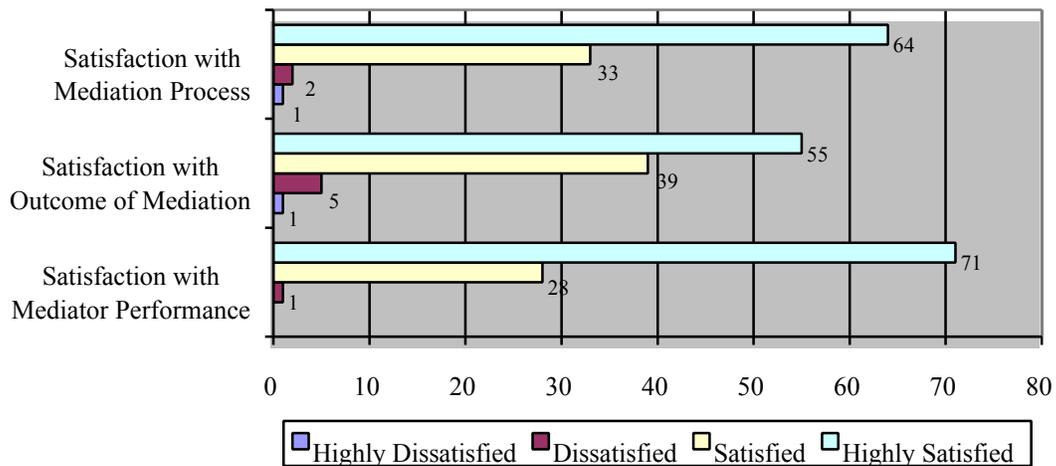
A total of 379 domestic relations cases were referred to mediation in 2006. Two hundred sixty-three (or 69%) of the cases referred were mediated and completed in

<sup>5</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.

2006.<sup>6</sup> Of the cases mediated, 101 (38%) settled in mediation. Full agreements were reached in 22% of all mediated cases, and partial agreements were reached in another 16% of cases. During the year, 1,317 sessions were scheduled,<sup>7</sup> and 830 sessions were held.

Qualitative outcome measures show satisfaction rates of 94% for ADR outcome, 97% for ADR process, and 99% 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.

**Percent of Participants Satisfied with the Domestic Relations Mediation Program**



<sup>6</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.

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

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

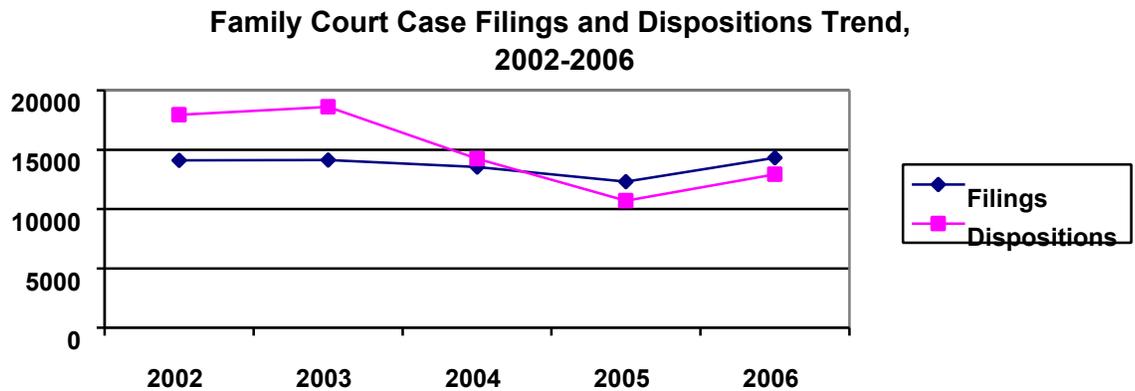
Family Court and Multi-Door have coordinated efforts to implement initiatives to support ADR consistent with the Family Court Act. These initiatives are as follows:

- ***Expanding Mediator Rosters.*** Multi-Door conducted training for a new group of beginning mediators in September 2006, which provided an additional 25 mediators who are available to mediate in child protection cases. These mediators received more than 65 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 2006, as part of ensuring a continued high level of proficiency and skills maintenance. Family mediators were offered two in-service training courses in 2006. Child Protection Mediators were offered five in-service training courses, including a training with staff from the Office of the Attorney General, a training on Family Team Meetings facilitated by CFSA, two trainings for mediators only on the role of children in the mediation process and harnessing intense conflict, and finally an open forum on the mediation process with mediators and attorneys facilitated by the Presiding Judge of the Family Court.
- ***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 99 cases in 2006.

## FAMILY COURT CASE ACTIVITY

There were 13,091 cases pending in the Family Court on December 31, 2005. During calendar year 2006, there were a total of 13,825 new cases filed and 504 cases reopened in the Family Court. During the same period, 12,938 cases were disposed. As a result, there were 14,482 cases pending in the Family Court on December 31, 2006.

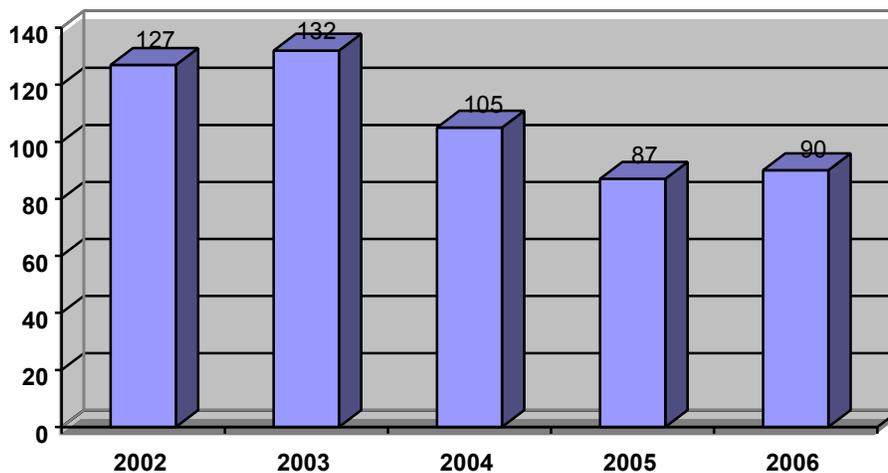
Over the 5-year period from 2002 through 2006, the number of filings (including cases reopened) and the number of dispositions has shown significant variation. Filings ranged from 14,108 in 2002, down to 12,305 in 2005, up to a high of 14,329 in 2006. Similarly, the number of cases disposed each year has also shown significant variation, ranging from a high of 18,593 cases disposed in 2003 to 10,696 cases disposed in 2005.



Because filings and dispositions can vary significantly from year to year, the best assessment of whether a court is managing its caseload efficiently is its clearance rate<sup>8</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. This

performance measure is a single number that can be used to compare performance within the Family Court over time and by case type. In 2006, the overall clearance rate for Family Court was 90%, up from a rate of 87% in 2005. During 2007, the Family Court will continue to examine its case processing standards and improve its efficiency with the goal of meeting the 100% clearance rate standard.

**Clearance Rates in Family Court, 2002-2006**



The Family Court continued to record a significant number of filings of motions for the termination of parental rights (TPR). During 2006, 144 termination of parental rights motions were filed. There were 237 TPR filings in 2005, and 144 filings in 2004 bringing the three-year total to over 500 TPR filings, more than twice the number filed in the previous three-year period (250). The number of TPRs disposed over the period

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<sup>8</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.

showed a similar increase (31 were disposed in 2003, 92 in 2004, 204 in 2005 and 166 in 2006).

### **Family Court Case Activity For 2006**

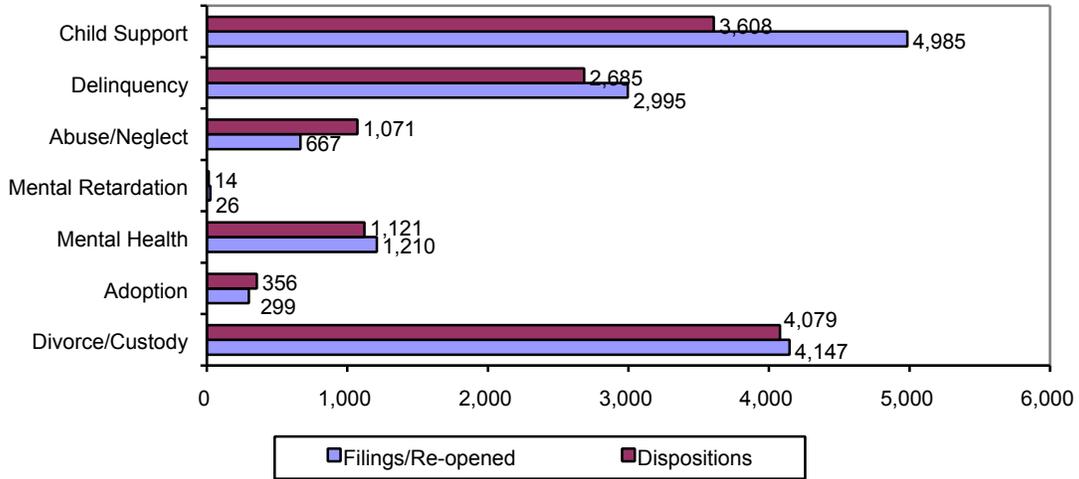
New case filings in the Family Court increased 14.4% between 2005 and 2006 (12,084 filings in 2005 and 13,825 filings in 2006). There were significant differences in the types of cases filed. For instance, there was a 47% decline in mental retardation filings from 2005 to 2006, a 30% decline in abuse and neglect filings, and an 8% decline in adoption filings, while at the same time paternity and support filings increased 44% and divorce and custody filings increased 13%. New filings for juvenile delinquency increased by 7% and new filings for mental health declined by 2%.

New cases filed in the Family Court during 2006 were distributed in the following manner: paternity and child support 4,603; divorce and custody 4,131; juvenile delinquency 2,978; mental health 1,136; child abuse and neglect 652; adoption 299; and mental retardation 26. In addition, 15 child abuse and neglect cases; 16 divorce and custody cases; 17 juvenile delinquency cases; 74 mental health cases; and 382 child support cases were reopened during the year.

During the year, the Family Court resolved nearly 13,000 cases, including: 4,079 divorce and custody cases; 356 adoption cases; 1,121 mental health cases; 14 mental retardation cases; 1,071 child abuse and neglect cases; 2,689 juvenile delinquency cases; and 3,608 paternity and child support cases. There was a 21% increase in dispositions from 2005 to 2006. The increase is largely attributable to a 90% increase in dispositions

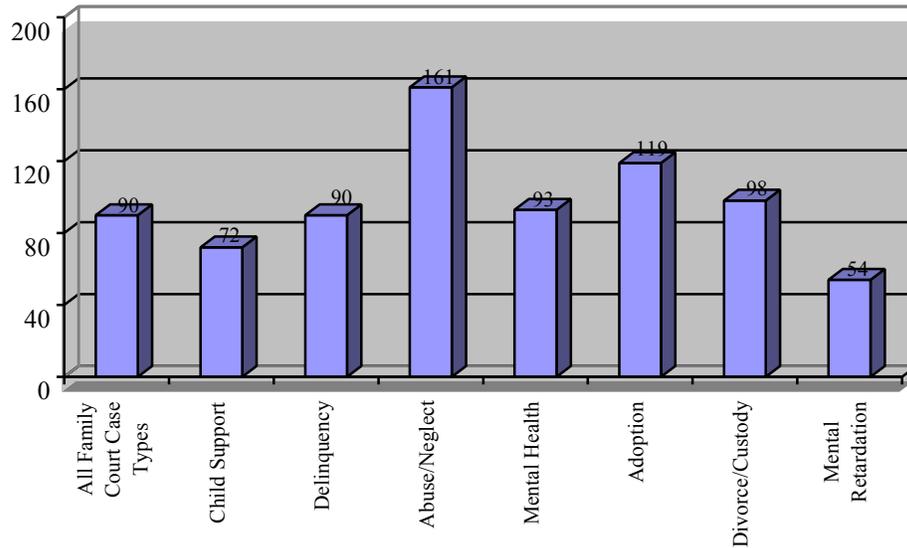
of paternity and support cases.

### Family Court Filings and Dispositions, by Case Type, 2006



As was the case with the overall clearance rate in Family Court, some individual branches of the Family Court also experienced difficulty keeping pace with their current

### Clearance Rate by Case Type, 2006



caseload. With the exception of adoption cases and abuse and neglect cases, where more cases were disposed than were filed, the clearance rates in 2006 were less than the

optimum of 100% for all other case types. The rate was 161% for abuse and neglect cases and 119% for adoption cases.

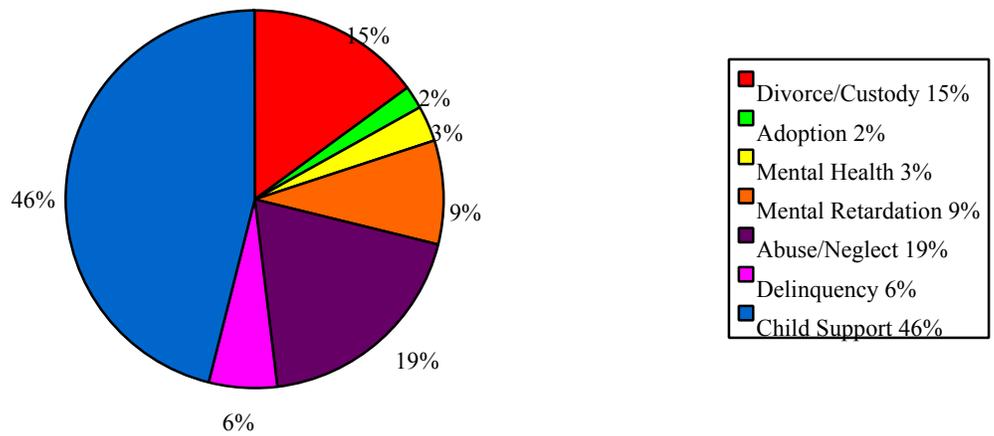
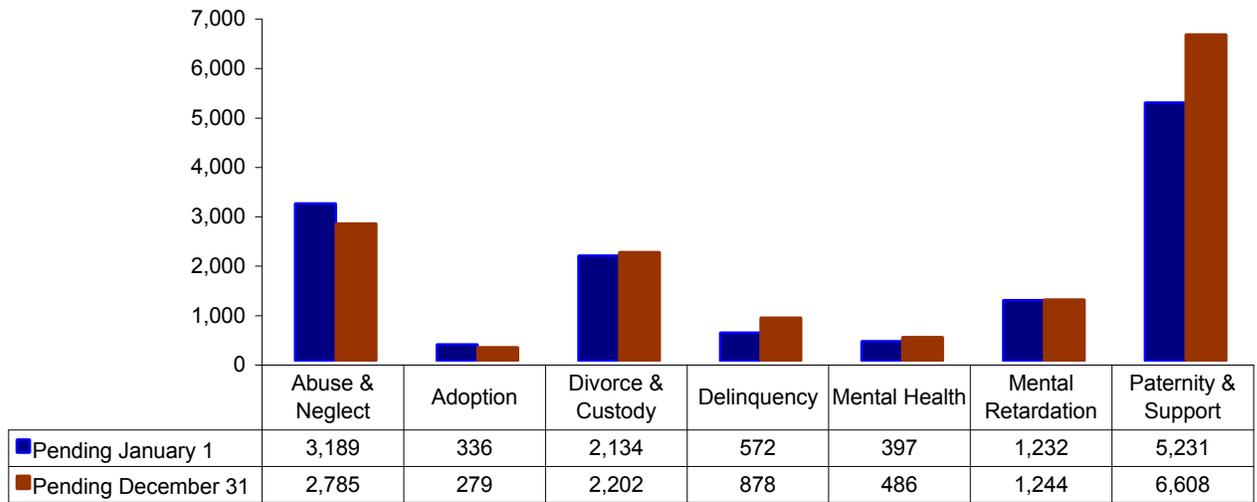
While measuring the number of dispositions is important for any Court, it is important to remember that in Family Court the disposition of a case does not always end the need for judicial involvement. For example, among the 2,685 juvenile cases resolved during 2006, 792 juvenile offenders were placed on probation. Those 792 cases as well as the more than 950 other active juvenile probation cases require continuous monitoring by judicial officers to ensure compliance with probation 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 four months to 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 Family Court cases involving children who were abused or neglected and mental retardation cases remain in the Court's pending caseload for extended periods of time. Mental retardation cases are considered disposed only if

the respondent dies or leaves the jurisdiction, and abuse and neglect cases remain in the pending caseload until a final permanency option is achieved which may take several years to accomplish.

As of January 1, 2007, 14,482 cases were pending resolution in the Family Court, including: 2,202 divorce and custody cases; 279 adoption cases; 486 mental health cases; 1,244 mental retardation cases; 2,785 child abuse and neglect cases; 878 juvenile delinquency cases; and 6,608 child support cases. The pending caseload consists of two separate types of cases. First, it includes pre-disposition cases that are pending adjudication and disposition 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 2,785 pending abuse and neglect cases, only 126 cases were awaiting trial or disposition at the beginning of this year, while 2,659 are post-disposition cases in which the Family Court and the CFSA are working towards permanency. The mental retardation pending caseload includes post-commitment cases that require long term recurring judicial review to determine whether there is a need for continued commitment. Similarly, many post-disposition paternity and support cases require continued judicial involvement to enforce child support orders through civil or criminal contempt, and parties frequently seek to modify existing child support orders.

### Family Court Pending Caseload, 2006



## **Abuse and Neglect Cases**

During 2006, there were 652 new child abuse and neglect referrals to the Family Court, a 43% decrease in filings from 2005. Of those cases filed in 2006, 88% of the children were removed from home at the time the complaint was filed and 12% remained in the home. Seventy-seven percent of new referrals were for allegations of neglect and 23% were for allegations of abuse. The percentage of children referred based on an allegation for abuse was higher in 2006 than 2005, it is similar to 2003 and 2004 when approximately a quarter of all new referrals were for abuse.

The significant reduction in new case filings is likely attributable to policy changes at CFSA, especially the implementation of Family Team meetings which has resulted in a decision on the part of the agency to handle more cases as “in home” cases. In-home supervision of cases by CFSA dispenses with the need to petition or officially charge a parent or caretaker with neglect or abuse, and thus such cases are not subject to supervision by the Family Court.

There were no significant differences in the gender of the children with new referrals for abuse and neglect cases between 2004 and 2006. The Court has observed an increase in the number of complaints received for older youth. In 2006, 31% of the complaints were for youth 13 and older, compared to 25% of the complaints in 2005, and 22% of complaints in 2004. The rise in referrals for older youth may be related to the lack of resources in the District to assist parents and caregivers in addressing the needs of this segment of the population.

The Family Court and CFSA in collaboration with the D.C. CASA program, through the use of CIP funds, will be implementing a program in early 2007 specifically

focused on older youth coming into care, as well as better transition planning for those youth aging out of care.

**Percent Distribution of Abuse and Neglect Referrals 2004-2006,  
by age, gender, and type of abuse**

Characteristic	Year of Referral		
	2004	2005	2006
<b><i>Type of referral</i></b>			
Abuse	26	15	23
Neglect	74	85	77
<b><i>Gender</i></b>			
Male	48	47	48
Female	52	53	52
<b><i>Age at referral</i></b>			
Under 1 year	16	13	13
1-3 years	19	17	18
4-6 years	16	15	14
7-10 years	17	19	15
11-12 years	10	11	9
13 and older	22	25	31
<b>Total number of referrals</b>	<b>802</b>	<b>933</b>	<b>652</b>

*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. By December 31, 2006, all but six of those cases had been transferred into Family Court or closed. Judges who left the Family Court after 2003 were also retaining an additional 5 cases. All 11 cases currently retained by non-Family Court judges are being retained under provisions of the Act with the approval of the Chief Judge. 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 reassigning it within the Family Court.

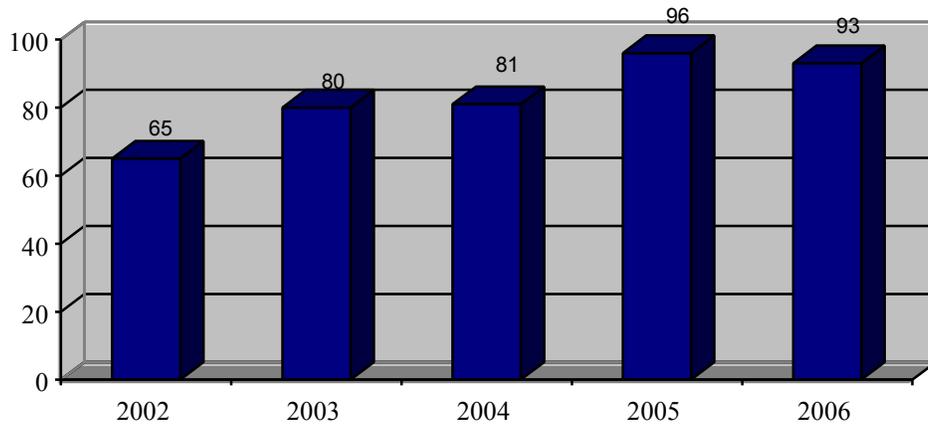
### **COMPLIANCE WITH D.C. ASFA'S REQUIREMENTS**

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 tables and charts below highlight the level of compliance with the statutory requirement for trial/stipulation for both removed and non-removed children over a five-year time period. As can be seen from the chart, the Court has made significant progress in completing trials/stipulations within the established timelines for children removed from home. For 2006, over 90% of the cases filed were in compliance with the ASFA timeline for trials in removal cases.

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

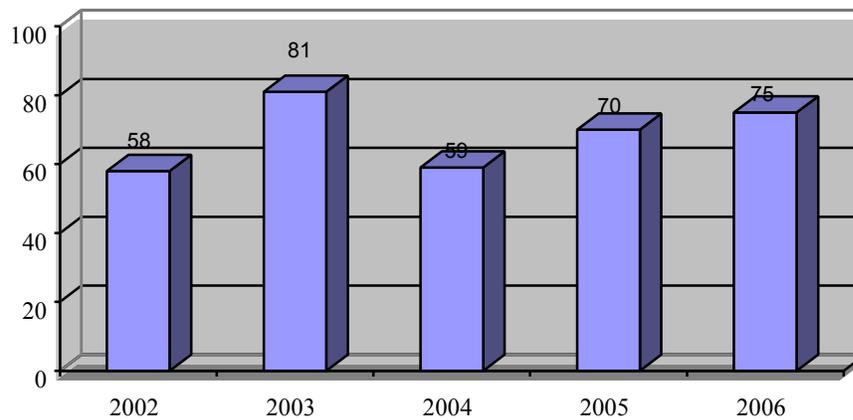


In addition to improving the rate of compliance with the statutory timeline requirements, the Court has also shown significant improvement in reducing the median time it takes for a case to reach trial or stipulation from a high of 84 days in 2003 and 2004 to 40 days in 2006.

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 through 2003, but dropped sharply in 2004. After the institution of a number of measures to improve compliance, the rate rose in 2006 to 75% (see chart). Although showing 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 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. It is important to note that when non-removed cases are scheduled within

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



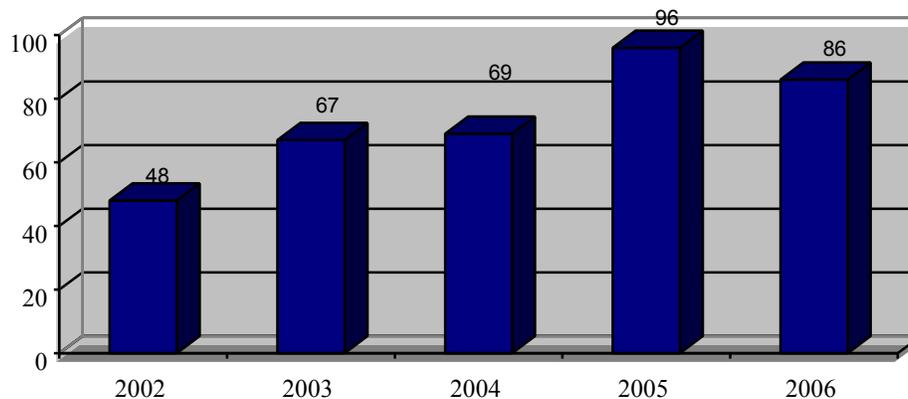
the statutory timeframe, Family Court Judicial Officers frequently report that there are still delays in adjudicating cases. Delays are often due to the lack of service of process on the parents, timeliness of mediation or scheduling conflicts of attorneys in the cases. Through continued monitoring the Court intends to continue to improve in this area.

**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

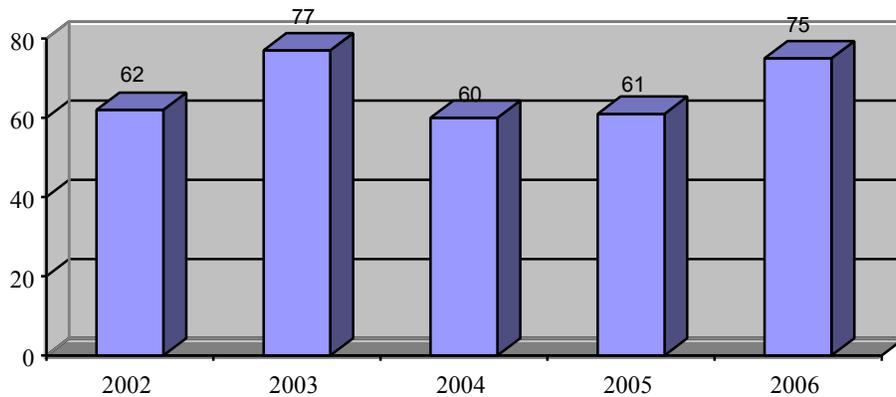
with the ASFA timeline for disposition hearings. Eighty-six percent (86%) of the cases filed in 2006 were in compliance with the timeline. Another 45 cases or 8% of cases filed during the year have not reached their statutory timeframe for a disposition hearing. The Court expects that those hearings will be held within the timeframe, thereby increasing the compliance rate.

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



As was the case for reaching trial/stipulation for children not removed from home, the compliance rate for conducting disposition hearings had been increasing steadily, but declined significantly in 2004. The compliance rate rose slightly in 2005 to 61% and continued to rise in 2006 to 75%. As with time to trial and stipulation the Family Court will continue to monitor and track compliance in this area throughout 2007 and, where appropriate, will institute measures to improve compliance.

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

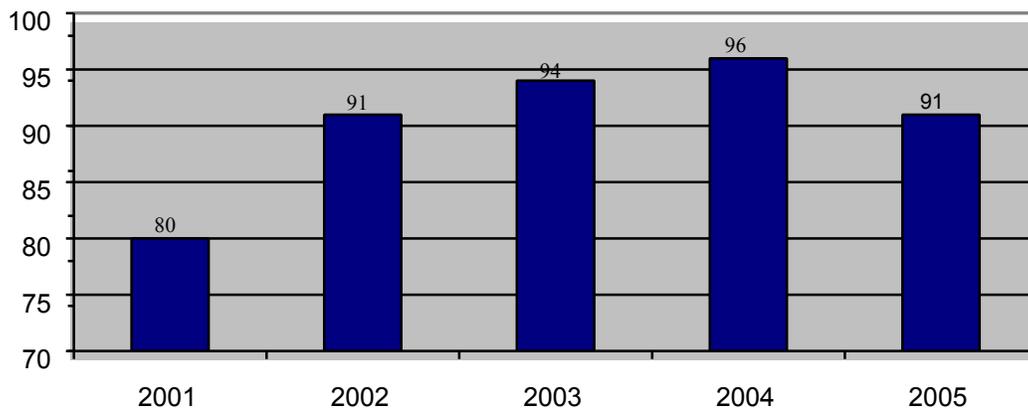


### COMPLIANCE WITH ASFA'S PERMANENCY HEARING REQUIREMENTS

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 2001, 80% of cases had a permanency hearing or the case was dismissed within the 425-day (14 month) deadline; by 2005, 91% of the cases had a permanency hearing or were dismissed within the deadline. No case filed in 2006 had reached the statutory deadline for having a permanency hearing by December 31, 2006.

**Compliance with ASFA Timeline for Permanency Hearing**



*Goal Setting and Achievement Date*

In addition to holding permanency hearings in a timely manner, ASFA also requires that the Family Court set a specific goal (reunification, adoption, guardianship, custody, or 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.

During 2006 the Court continued to improve on meeting the requirements that at a permanency hearing it establish both a permanency goal and an achievement date for the goal. Data from 2006 indicates that 95% of cases had a permanency goal set at the permanency hearing and 85% 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 2007 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

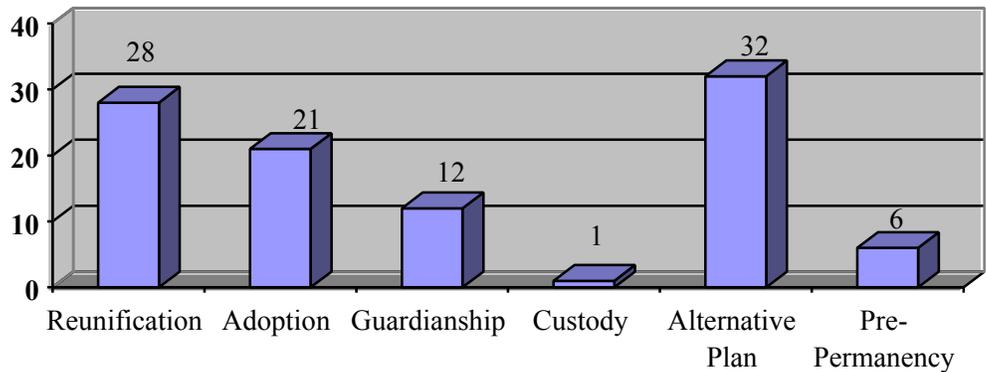
set for 60 minutes. Family Court judges report that the length of their permanency hearings are within this standard.

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

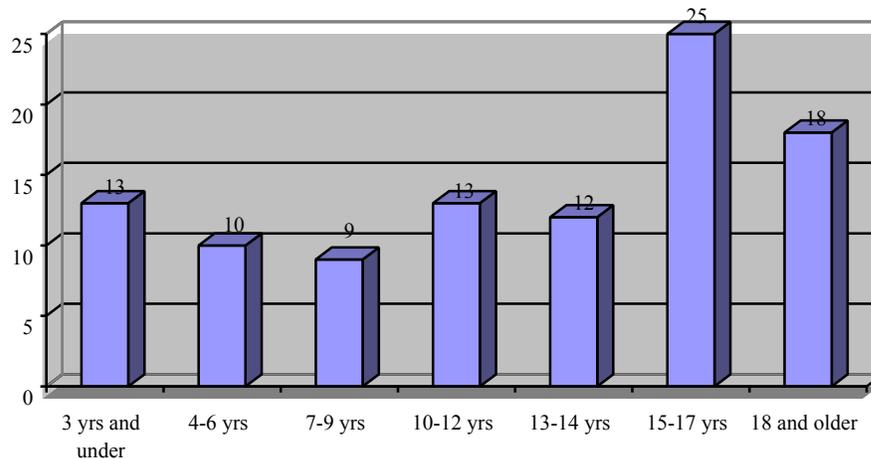


Although the Court has improved significantly in establishing goals for children, the achievement of those goals still remains a challenge. For children with the goal of reunification, the primary barrier is disability of the parent, including the need for substance abuse treatment, followed by disability 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 set a goal of another planned permanent living arrangement (APPLA). As can be seen from the chart below more than 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 year-long 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 child 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. 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 drug treatment and education, life skills and parenting training. Upon completion of the inpatient 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.

During 2006, 95 women were referred to the in-patient phase of the FTC program. Twenty-eight women (29% of referrals) were admitted. In addition to the women, 52 children resided in the facility in 2006. 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.

Because the FTC is a voluntary program, some women who were eligible chose not to participate.

During the year, 26 women left the in-patient phase of the program, 22 after successful completion of the program, two because they quit and two who were terminated from the program. This represents an 85% success rate. During the course of the year two graduation celebrations were held, and 19 of the women participated in the celebrations.

The twenty-two women who successfully completed the in-patient phase of the program entered the community-based aftercare phase. They along with 13 other women already in aftercare at the beginning of the year participated in a very rigorous schedule of activities and treatment programs. Seventeen women left the aftercare phase of the program during the year. Fifteen (or 88%) successfully completed the program and two were terminated. More importantly, 13 of the 15 women who completed the program had their neglect cases closed and were successfully reunited with their children. Among women remaining in the aftercare program at the end of 2006, seven were at home in the community and seven were in transitional housing units provided by the FTC program. During 2007, the FTC stakeholders will review the eligibility criteria and program components with a goal of increasing the yield from women referred to the program as well as maximizing the number of women who successfully complete it.

A significant achievement for the FTC program during 2006 was the full implementation of its transitional housing program. As indicated in earlier reports, many of the women who complete the residential phase of the program remain in the residential facility because they have no home to return to, the home from which they came is

inappropriate to return to, or they simply need more structured treatment time before transitioning to community based aftercare. Working in collaboration with CFSA, the FTC program secured six residential units for women in need of transitional housing. The program has partnered with three providers who each have designated two housing units specifically for women in the FTC program. Preliminary indications are that the program is successful, and the FTC partners will continue to pursue funding to ensure the continued existence of this essential program component.

During the year work also began on the development of a learning library for children in the FTC program. The library is an extension of the successful “Hooked On Books” program designed for all children under the jurisdiction of the Family Court. The learning library provides youth in the facility an opportunity to get hooked on books and to develop a passion for reading. In addition, for younger children the program encourages parents to read to their pre-school age children.

### **PERMANENCY OUTCOMES FOR CHILDREN**

During 2006, Family Court judicial officers closed 916 post-disposition abuse and neglect cases. As can be seen from the chart, 77% were closed because permanency was achieved. Twenty-two 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 one percent of the cases the court case was closed but CFSA is continuing to provide services.

The reasons for post-disposition case closure in 2006 were considerably different from that in 2004 and 2005. In each of those years, adoption was the primary method of case disposition (30%) followed by reunification and guardianship. In 2006, 31% of the cases closed to reunification, and only 21% closed to adoption. The change in the distribution of case closures reflects the collaborative efforts of the OAG, CFSA and the Court to reduce the number of children in foster care awaiting adoption over the past two years. The number of children awaiting adoption dropped from more than 1,100 in 2003 to 583 at the beginning of 2006. This change reflects the continued focus on achieving permanency sooner for children coming into care. As will be seen later, there has been a significant reduction in the time it takes to achieve permanency through reunification. As has been the case for the last two years, about a

**Abuse and Neglect Cases Closed Post-Disposition  
By Reason for Closure, 2004-2006**

Reason for Case Closure	Number and percent distribution of cases closed					
	2004		2005		2006	
	Number	Percent	Number	Percent	Number	Percent
<b>Permanency Goal Achieved</b>	<b>1,115</b>	<b>81</b>	<b>752</b>	<b>79</b>	<b>707</b>	<b>77</b>
Reunification	325	24	215	23	284	31
Adoption	421	31	279	29	197	21
Guardianship	292	21	210	22	192	21
Custody	77	5	48	5	34	4
<b>Child Reached Age of Majority</b>	<b>117</b>	<b>9</b>	<b>90</b>	<b>9</b>	<b>108</b>	<b>12</b>
<b>Child Emancipated</b>	<b>122</b>	<b>9</b>	<b>98</b>	<b>10</b>	<b>93</b>	<b>10</b>
<b>Child Deceased</b>	<b>12</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>3</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>5</b>	<b>1</b>
<b>Total</b>	<b>1,378</b>	<b>100</b>	<b>950</b>	<b>100</b>	<b>916</b>	<b>101</b>

fifth of the cases that closed post-disposition did so without the child achieving permanency, either because the child reached the age of majority or no longer wanted services from CFSA. The finding that a fifth of children age out of the system is not

surprising given that at the end of 2006, more than 40% of the children under Court supervision were 15 years of age or older. Many of these children, who have an another planned permanent living arrangement (APPLA) as their permanency goal, have been in care for a significant period of time, or unlikely to be reunited with their parents and do not wish to be adopted. As part of its ongoing efforts to ensure that the maximum number of children reach permanency, the Court and the Child Welfare Leadership Team developed a joint policy on the use of APPLA as a goal for children in foster care. By the end of 2006, the new guidelines and procedures for the use of this goal had been approved by the Court and CFSA. A training for other child welfare stakeholders was held in February 2007.

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.

During 2006, the Family Court continued to measure its performance in two areas: permanency and timeliness. Data for each area of performance was measured against baseline data established in 2005. 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, allows the Court to examine its performance over time in achieving permanency for children, as well as allowing an assessment of the impact of legislative and/or administrative changes over time.

### **Performance Measure 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 first measured time to achievement of permanency goal for children exiting foster care in 2004. At that time, the median time to achievement of permanency was 2.4 years for children whose cases closed to reunification; 5.3 years to reach a goal of adoption; 3.4 years for cases to close to guardianship; and 2.8 years to reach permanency through a goal of custody. The table below reflects comparative data on median time to closure for cases closed in 2005 and 2006.

As would be expected, children who were reunified with their parents spent less time in foster care than those whose cases closed through other permanency options. The time to case closure by reunification declined by almost 40% from 2004 to 2006 (2.4 years compared to 1.5 years). More importantly, over half the cases closed in 18 months or less and two-thirds closed within 24 months or less, the national standard

developed by the Department of Health and Human Services. The median time to closure for cases closed to adoption while still high also declined over the period (5.3 years in 2004, 5.0 years in 2005 to 3.9 years in 2006). However, in spite of the decline in median time to closure, fewer than 10% of children adopted had their cases closed within 24 months. 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 also decreased in 2006.

**Percent Distribution of Time Between Case Filing and Achievement of Permanency Goal, for Cases Closed in 2005 and 2006**

Number of months to achieve goal	Permanency Goal							
	Reunification		Adoption		Guardianship		Custody	
	2005	2006	2005	2006	2005	2006	2005	2006
6 months	10	4	0	0	0	0	4	6
12 months	15	16	1	0	0	1	14	18
18 months	21	31	3	1	3	2	8	29
24 months	9	17	3	6	3	5	6	3
More than 24 months	44	32	94	93	94	92	69	44
<b>Total Cases Closed</b>	<b>215</b>	<b>284</b>	<b>279</b>	<b>197</b>	<b>218</b>	<b>192</b>	<b>51</b>	<b>34</b>
<b>Median Time to Achieve Goal</b>	<b>1.6 years</b>	<b>1.5 years</b>	<b>5.0 years</b>	<b>3.9 years</b>	<b>4.4 years</b>	<b>3.5 years</b>	<b>3.8 years</b>	<b>1.4 years</b>
<b>Average Time to Achieve Goal</b>	<b>2.6 years</b>	<b>2.1 years</b>	<b>5.4 years</b>	<b>5.1 years</b>	<b>4.9 years</b>	<b>4.1 years</b>	<b>4.0 years</b>	<b>2.2 years</b>

It is important to remember that many of the cases closed in 2005 and 2006 were older cases where the children had already been in care for extended periods of time. As these older cases close or the youths age out of the system, the Court expects to see the median time to case closure remain high. The first table below shows the year of case filing for the pending caseload and demonstrates why the median will remain high over the next several years. More than 30% of the cases under court jurisdiction at year end had been open six or more years; another one-tenth had been open at least four years.

As these cases close, they will continue to drive the median time to closure and keep it 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, 2006**

<b>Year Case Filed</b>	<b>Percent of Pending Caseload</b>
1987-1995	11
1996-2000	20
2001-2002	11
2003	7
2004	12
2005	21
2006	18
<b>Number Pending</b>	<b>2,785</b>

**Status of Cases Filed, 2003-2006**

<b>Year Filed</b>	<b>Number Filed</b>	<b>Case Status</b>	
		<b>Percent Open</b>	<b>Percent Closed</b>
2003	853	22	78
2004	802	38	62
2005	933	58	42
2006	652	75	25

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

In 22% of the cases (201 cases) closed in 2006, 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 either 2005 (19%) or 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, 31 (10%) have returned to foster care; 23 returned to care within 12 months, three returned to care within 24 months, and five returned to care after 24 months of reunification with new allegations of abuse.

Of the 215 cases closed to reunification in 2005, four have returned to foster care, two within 12 months of reunification and two within 24 months of reunification. To date, eight of the 286 cases closed to reunification in 2006 have returned to care.

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

Of the 425 children whose cases closed to adoption in 2004, two adoptions disrupted and the children returned to care during 2006. To date, none of the 281 cases closed to adoption in 2005 or the 197 cases closed in 2006 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 guardianships disrupted and the children had their neglect cases reopened. Of the 210 children whose cases closed to guardianship in 2005, one case disrupted. In addition, one case closed to guardianship in 2006 has also disrupted. In the majority of these cases, the child returned to care while the Court appointed a successor guardian.

#### **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 38 to 45.

#### **TERMINATION OF PARENTAL RIGHTS**

Federal and local law requires that when a child has been placed outside of the home for 15 of the most recent 22 months, a 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 center on the appeals process, difficulties created by the current process in recruiting adoptive parents, the conflict for social workers legally obligated to 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, and 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 over the past two years. 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 30 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 fairly and expeditiously. 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 "freeing" 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 tracks the permanency of children more closely once they are removed from the home. The CFSA 12-month administrative review will assess 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. In addition,

the Child Welfare Leadership Team monitors the number and status of TPR cases identified by both the Court and the OAG at each of its quarterly meetings.

The tables below detail the Court’s performance as it relates to the handling of termination of parental rights motions. 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	64	7	57	10	45	2	0
2003	185	8	177	27	132	12	6
2004	144	28	116	43	68	4	1
2005	238	89	149	33	95	21	0
2006	144	132	12	7	5	0	0

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

Year Filed	Total Motions Disposed	Time to Disposition, by Type of Disposition					
		Motion Granted			Other Disposition of Motion*		
		Number of Motions Granted	Median Days to Disposition	Average Days to Disposition	Number of Other Dispositions	Median Days to Disposition	Average Days to Disposition
2002	57	10	1,169	1,139	47	834	763
2003	177	27	662	632	150	559	573
2004	116	43	343	390	73	456	489
2005	149	33	202	244	116	352	343
2006	12	7	242	237	5	186	203

\*Includes motions dismissed, withdrawn or denied.

As a result of the renewed focus on termination of parental rights there has been a significant increase in the number of TPR motions filed over the last several years. In 2002, only 64 TPR motions were filed. One hundred eighty-five TPR motions were filed in 2003, 144 motions were filed in 2004, and 238 motions were filed in 2005. Due to the

extensive work done by the OAG in 2005 to reduce the backlog of TPR cases, in 2006 fewer motions were filed (144).

The length of time between filing the TPR motion and the order granting termination of parental rights has declined significantly over the last 5 years. The ten TPR motions filed in 2002 that were granted took a median of 1,169 days to be granted. By contrast, motions granted took a median of 662 days, 343 days and 202 days, respectively in 2003, 2004 and 2005. The majority of TPR motions filed in 2006 have yet to be decided. However, the median time from filing to granting of the motion for those motions that have been granted was 242 days.

Similar reductions in time to disposition have occurred for motions disposed by means other than granting of the motion (i.e., dismissal, denied, withdrawn). The median time to dispose of motions through those methods declined from a median of 834 days for motions filed in 2002 to 352 days for motions filed in 2005. Again, the majority of motions filed in 2006 are still pending. Those disposed required a median of 186 days for disposition.

Currently, there are 264 TPR motions pending disposition. As those motions are disposed, it will be important to see if the improvements noted above remain. At present, the District has not developed case processing standards for TPR cases. The Court continues to examine this data with the goal of establishing case processing standards in the near future.

It is important to note that TPR motions that have been pending for a number of years, as well as the large number of TPR motions disposed through dismissal are largely a reflection of previous practice in the District of terminating parental rights within the

adoption case. As a result, a significant percentage of these motions are being held in abeyance or are trailing an adoption case and are dismissed once the adoption is granted.

**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. In total, adoptions were filed in 18 of the 20 cases in which a TPR had been granted. Adoption petitions were filed in 14 cases after the TPR had been granted. It took a median of 240 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 prior to the granting of the TPR. In another 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, 51 TPR motions were granted. Adoption petitions were filed in 20 cases after the TPR had been granted. The median days to filing the adoption petition was 253 days. As was the case in 2004, in several cases in which a TPR was granted the adoption petition had been filed prior to the granting of the TPR. In 2006, 38 TPR motions were granted and adoption petitions were filed in 7.

**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	3	468	323	128	14	3
2003	369	5	364	269	63	29	3
2004	316	19	297	226	43	27	1
2005	247	56	191	122	42	27	0
2006	205	143	62	45	14	3	0

**Time Between Filing and Finalization of Adoption Petition of Children  
in Foster Care, 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	323	517	572	1	9	59	113	141
2003	269	436	460	4	7	56	140	62
2004	226	236	309	4	22	106	67	27
2005	122	228	206	2	16	58	43	3
2006	45	183	201	1	19	24	1	0

For adoption petitions filed in 2003, the median time from filing of the adoption petition to finalization of the adoption was 15 months. For petitions filed in 2004, the median was 7.8 months from the time of filing until the petition was granted, about half the time it took for petitions filed in 2003. In 2005, the median time between filing and finalization of an adoption was 7.6 months. At present, only a small portion of the adoptions filed in 2006 have been finalized. However, among those 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.

*Appointment of Counsel*

The Family Court has established a history of success on this due process measure. 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 the time limit for commencing a

shelter care hearing from the next day (excluding Sundays) to 72 hours (excluding Sundays) after the removal of the child from the home. The requirement for appointment of the guardian ad litem for the child remained within 24 hours. However, the requirement for appointment of parents' attorneys was changed to the day of the initial hearing, 72 hours after removal.

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 are being developed. The Court expects to be able to report baseline data on these measures in 2007. 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, a national initiative, 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. During 2006, the Court made significant progress in implementing the initiatives outlined in the Plan.
- In conjunction with the Child Welfare Leadership Team, the Court finalized voluntary guidelines and procedures for determining when to use the goal of: "Another Planned Permanent Living Arrangement". A multi-disciplinary training session was held for stakeholders in February 2007.
- The Family Court sought and received funding from the Department of Health and Human Services Children's Bureau for continuation of the Court Improvement Project Grant. In 2006, two new funding opportunities became available: the first focuses on the exchange of data between the Court and the Child Welfare Agency and the second focuses on enhancing training opportunities for judicial officers, court staff and other child welfare stakeholders.

## JUVENILE CASES

New filings in juvenile cases increased 7% in 2006, from 2,772 filings in 2005 to 2,978 filings in 2006. The overall increase was largely driven by an increase in referrals for violent crimes (19%) and public order crimes (10%). Referrals for property offenses increased 4% and referrals for drug law violations decreased by 1%. Filings increased for both males (7%) and females (10%).

As has been the case since 2001, females comprised about a quarter of all new referrals in 2006 (19%). Six percent of all juvenile referrals in 2006 involved youth aged 12 or younger. Another quarter of the referrals involved juveniles who are 13 and 14 years old. Although unchanged from 2005, juveniles referred to the Court are still much younger than they were in the past. The percentage of referrals that were age 14 or younger was 32% in both 2005 and 2006. That percentage 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>9</sup>**

Forty-three percent of new referrals in 2006 were for a violent crime, 27% for a property offense, 12% for a drug law violation and 11% for a public order offense. The respective percentages in 2005 were 39% violent, 28% property, 13% drug law violations, and 11% public order. Juveniles charged with assault comprised nearly two-thirds of the new referrals for a violent offense. Assault charges were equally

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<sup>9</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.

distributed between those referred for aggravated assault (34%) and those referred for simple assault (33%). Robbery (25%) was the second leading reason for referral for a violent offense. Juveniles referred for sexual abuse comprised 5% of new referrals. More than half of all juveniles referred for a property crime were referred for larceny/theft (52%). Thirteen percent were referred for property damage and another 7% were referred for burglary.

Twenty percent of juveniles were referred to the Court for unauthorized use of a vehicle (UUV) in 2006. This represents a decrease of 27% from 2005 and continues a downward trend. Among juveniles charged with property offenses in 2005, 29% were charged with unauthorized use of a vehicle (UUV) in comparison to 57% of the referrals for property offenses in 2004. As a result of the high level of juvenile involvement 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 and the further reduction in 2006 may be a direct result of these efforts.

Weapons offenses (54%) and disorderly conduct (26%) were the leading cause of referrals for public order offenses. Among juveniles referred for a drug offense, two-thirds were charged with drug sale or distribution and 31% with drug possession.

*Most serious offense by age at referral*

A review of referral offense by age at time of referral reveals some significant differences. As was the case in 2005, the percentage of juveniles referred for a violent crime decreased significantly with the age of the offender. Specifically, 56% of juveniles aged 12 or younger were referred for a crime against a person compared to 49% of juveniles age 13-14, 41% of those age 15-16, and 36% of those age 17 at referral. This reduction may be largely attributable to older juveniles who commit violent crimes being more likely to be charged as an adult.

In contrast, the percentage of juveniles referred for a drug offense increased with the age of the offender. There were no juveniles 12 or younger referred for a drug offense; 4% of those ages 13-14, 12% of those ages 15-16, and 25% of those aged 17 were referred for drug offenses. There were relatively few differences between 2005 and 2006 in the distribution of referral offenses by age. The most substantial change was among 15-17 year olds, where there was a 5% increase in those referred for a crime against a person (from 35% to 40%) and a two-percentage point decrease in those referred for a drug law violation (from 17% to 15%).

***Juvenile Referrals in 2006, by Age at Referral for Most Serious Offense***

Offense	Age at referral						
	Total cases	Under 10 years	10-12	13-14	15-16	17	18 and over
<b>Acts against persons</b>	<b>1,279</b>	<b>0</b>	<b>97</b>	<b>375</b>	<b>594</b>	<b>207</b>	<b>6</b>
Assault	859	0	58	243	400	153	5
Robbery	318	0	21	100	155	41	1
Sexual Abuse	62	0	18	17	19	8	0
Car jacking	23	0	0	8	12	3	0
Other Acts Against Persons	17	0	0	7	8	2	0
<b>Acts against property</b>	<b>805</b>	<b>5</b>	<b>53</b>	<b>236</b>	<b>404</b>	<b>102</b>	<b>5</b>
Larceny/Theft	416	1	22	144	202	43	4
Unauthorized Use of Auto	165	0	8	28	100	29	0
Property Damage	104	0	16	35	41	12	0
Burglary	57	4	6	15	29	3	0
Unlawful Entry	39	0	0	8	20	11	0
Stolen Property	15	0	1	4	8	2	0
Other Acts Against Property	9	0	0	2	4	2	1
<b>Acts against public order</b>	<b>327</b>	<b>1</b>	<b>11</b>	<b>64</b>	<b>160</b>	<b>88</b>	<b>3</b>
Weapons Offenses	177	1	11	28	82	55	0
Disorderly Conduct	85	0	0	30	40	14	1
Obstruction of Justice	12	0	0	1	9	1	1
Other Acts Against Public Order	53	0	0	5	29	18	1
<b>Drug Law Violations</b>	<b>350</b>	<b>0</b>	<b>0</b>	<b>33</b>	<b>171</b>	<b>142</b>	<b>4</b>
Drug Sale/Distribution	233	0	0	23	117	90	3
Drug Possession	109	0	0	7	52	49	1
Other Drug	8	0	0	3	2	3	0
<b>PINS</b>	<b>28</b>	<b>0</b>	<b>0</b>	<b>9</b>	<b>16</b>	<b>3</b>	<b>0</b>
<b>Interstate Compact</b>	<b>157</b>	<b>0</b>	<b>2</b>	<b>45</b>	<b>78</b>	<b>32</b>	<b>0</b>
<b>Other Offenses</b>	<b>32</b>	<b>0</b>	<b>3</b>	<b>6</b>	<b>20</b>	<b>3</b>	<b>0</b>
<b>Total number of referrals</b>	<b>2,978</b>	<b>6</b>	<b>166</b>	<b>768</b>	<b>1,443</b>	<b>577</b>	<b>18</b>

*Most serious offense by gender*

As was the case in 2005, there were significant differences in the types of referral offenses by gender. More girls were referred for offenses against persons than were boys – 62% of girls were charged with acts against persons, compared to 39% of boys. Conversely, more boys were referred for acts against property (30% and 16%, respectively) and drug law violations (14% and 2%, respectively).

*Juvenile Referrals in 2006, by Offense, Gender and Detention Status*

Offense	Total cases	Male	Female	Juveniles Detained
<b>Acts against persons</b>	<b>1,279</b>	<b>925</b>	<b>354</b>	<b>125</b>
Assault	859	544	315	69
Robbery	318	288	30	40
Sexual Abuse	62	53	9	3
Car jacking	23	23	0	7
Other Acts Against Persons	17	17	0	6
<b>Acts against property</b>	<b>805</b>	<b>716</b>	<b>89</b>	<b>96</b>
Larceny/Theft	416	374	42	67
Unauthorized Use of Auto	165	144	21	18
Property Damage	104	90	14	4
Burglary	57	51	6	5
Unlawful entry	39	34	5	0
Stolen Property	15	14	1	2
Other Acts Against Property	9	9	0	0
<b>Acts against public order</b>	<b>327</b>	<b>291</b>	<b>36</b>	<b>47</b>
Weapons Offenses	177	169	8	37
Disorderly Conduct	85	67	18	1
Obstruction of Justice	12	12	0	1
Other Acts Against Public Order	53	43	10	8
<b>Drug Law Violations</b>	<b>350</b>	<b>339</b>	<b>11</b>	<b>43</b>
Drug Sale/Distribution	233	225	8	36
Drug Possession	109	106	3	7
Other Drug	8	8	0	0
<b>PINS</b>	<b>28</b>	<b>13</b>	<b>14</b>	<b>9</b>
<b>Interstate Compact</b>	<b>157</b>	<b>92</b>	<b>65</b>	<b>31</b>
<b>Other Offenses</b>	<b>32</b>	<b>28</b>	<b>4</b>	<b>9</b>
<b>Total number of referrals</b>	<b>2,978</b>	<b>2,405</b>	<b>573</b>	<b>360</b>

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.

### *Most serious offense by detention status*

Twelve percent of all new juveniles referred were detained in secure detention facilities prior to trial in 2006. This percentage was significantly higher than the percentage detained in 2005 (7%) and 2004 (6%).

In 2006, 12% of those referred for acts against public order were detained prior to trial, compared to 8% of those referred for drug offenses, 9% of those referred for property crimes and 6% of those referred for acts against persons. The comparable figures for 2005 were 12% of juveniles referred for acts against public order were detained prior to trial, compared to 9% of those referred for acts against property, 13% of those referred for drug law violations and 5% of those referred for acts against persons. With regard to specific offenses, 30% of those referred for carjacking were detained prior to trial as well as 21% of those referred for weapons offenses 16% of those referred for larceny/theft.

### **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, including the American Bar Association, the Office of Juvenile Justice and Delinquency Prevention and the National District Attorneys Association have issued guidelines for case processing in juvenile cases<sup>10</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>10</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 Official 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 Official 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. Official 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. Official 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 2006, the median time between initial hearing and disposition was 67 days for those juveniles detained prior to trial who are required to have a trial within 30 days and disposition within 45 days. Specifically, the median time from initial hearing to the fact-finding hearing, or adjudication, was 23 days and the median time between adjudication and disposition was 34 days. For detained juveniles charged with the most serious offenses, who are required to have a trial within 45 days and disposition within

60 days, the median time from initial hearing to disposition was 185 days; median time to trial was 136 days and the median time between trial and disposition was 48 days. However, it is important to note that while these times significantly exceed the standard, they include requests for time extension by agreement of the parties, by counsel on behalf of the juvenile, or by the OAG consistent with the requirements of D.C. Official Code §16-2310; absent such a request, the adjudication and disposition is held within statutory period.

As can be seen from the table below, although there were some improvements in case processing time from 2005-2006, the median time from initial hearing to disposition for all detained youth exceeds the 45 day and 60 day statutory timelines. Information that documents the reasons for exceeding the timeline, including data on statutory exceptions is not captured and reflected in the data. In late 2006, the Court began developing reports to document 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, 2005-2006**

Level of Offense for Detained Juveniles	Median Days Between Events		Average Days Between Events	
	2005	2006	2005	2006
<i>Serious</i>				
Initial Hearing to Adjudication (Statutory Timeline 30 days)	24	23	30	31
Adjudication to Disposition (Statutory Timeline 15 days)	45	34	57	49
Initial Hearing to Disposition (Statutory Timeline 45 days)	77	67	86	80
<i>Most Serious</i>				
Initial Hearing to Adjudication (Statutory Timeline 45 days)	63	136	78	111
Adjudication to Disposition (Statutory Timeline 15 days)	17	48	69	56
Initial Hearing to Disposition (Statutory Timeline 60 days)	119	185	147	161

## **Family Court Social Services Division**

Pursuant to Public Law 91-358, the Family Court's Social Services Division (CSSD) is responsible for screening, assessing, presenting in the New Referrals courtroom JM-15, case managing, and serving and supervising all pre and post adjudicated juveniles involved in the front-end of the District of Columbia's juvenile justice system. Juveniles involved in the front end of the system include: all newly arrested youth coming before the Family Court in juvenile delinquency cases, youth eligible for diversion, status offenders (e.g., persons in need of supervision (PINS) cases and truancy cases), and post disposition probation youth. Additionally, CSSD is responsible for conducting psychological evaluations on all front-end youth and conducting home studies on all families involved in contested domestic custody disputes. On any given day, CSSD supervises approximately 1,600 juveniles, roughly 65%-to-70% of all youth involved in the District's juvenile justice system.

### *Leaders of Today in Solidarity - LOTS*

Building on initiatives undertaken in 2005, in 2006 the Division continued to fine-tune many of these changes resulting in favorable outcomes for Family Court involved youth and families. For example, the CSSD continued to experience success by way of its female adolescent, Leaders of Today in Solidarity (LOTS) pre and post adjudicated probation supervision Unit. Female adolescents supervised by LOTS participated in a variety of court supervised measures including field trips and a successfully well attended cotillion. The CSSD also augmented the efforts of designated staff probation officers assigned to LOTS through the institution of a Third-Party Monitoring Contract, operated by Peaceoholics—a progressive community based provider, designed to enhance

supervision of high-risk females and males. With recidivism rates for adolescent females under 20%, the SSD working in tandem with Peaceholics and a host of additional community-based providers saw a reduction in the number of court-involved adolescent females rearrested for violent “girl gang/crew” activity.<sup>11</sup>

#### *Child Guidance Clinic and Juvenile Sex Offender Services*

Following years of hard work, dedication and coordination, the Division’s Child Guidance Clinic (CGC) post doctoral psychology internship training program was accredited by the American Psychological Association (APA). As an accredited internship program, the program has begun to receive applications from post doctoral psychology students across the country interested in completing their post doctoral practical training in the nation’s capital. The CGC also continued to successfully serve youth adjudicated for sex offenses by way of its Juvenile Interpersonal Behavior Management (JIBM) program. Because the JIBM represents the only community-based intervention targeting youth adjudicated for sex offenses, participating youth who would otherwise be placed in an out-of-state residential program benefit from a local service consistent with *Best Practices* with respect to community-based alternatives. In addition to the JIBG program, the CGC also continued to offer its Juvenile Anger Management (JAM) counseling services to pre and post adjudicated youth.

#### *Delinquency Prevention*

In 2005, CSSD launched its new Delinquency Prevention Unit (DPU) designed to increase public awareness, assist in diverting youth awaiting pick-up from their parent, guardian or custodian from referral to the District’s Child Welfare Agency or court

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<sup>11</sup> The Family Court Annual Report for 2005 incorrectly stated that all girls (pre-disposition and on probation) were assigned to a single judicial officer.

ordered shelter home placement, and coordinate electronic monitoring. Because of the efforts of DPU, no youth were needlessly detained or placed in shelter homes, simply because his or her parent, guardian or custodian failed appeared in court to take custody of the minor. DPU was able to successfully locate the parent, guardian or custodian unable to appear in court and transport the youth to the parent, guardian or custodian. Building on this success, the CSSD also launched its new Global Position System (GPS) electronic monitoring program. Prior to the CSSD's migration to GPS "real time" tracking, the Division used a passive electronic monitoring system that produced surveillance reports 48-to-72 hours after a violation. As the CSSD continues its use of GPS electronic monitoring, it is anticipated that the 100 units accessible by contract will be increased to 150 unit, pending availability of funds.

#### *Integrated Case Management/Probation Services and Supervision*

As indicated in 2005, the Division undertook the monumental effort to assess its construct by way of a strengths, weaknesses, assets and threats (SWAT) analysis involving carefully facilitated focus groups. Data gathered from the focus groups gave rise to the need to overhaul the traditionally utilized pre and post adjudicated probation supervision logic-model. To achieve the results desired, the CSSD initially created LOTS, which integrated the role of multiple probation officers assigned throughout various stages of adjudication and disposition into the role of one probation officer per adolescent female/family. Because adolescent girls constitute roughly 20% of the Division's population, this measure proved effective and timely primarily because the core group of Division staff responsible for developing the LOTS model were also designated to staff the model.

Adopting the one probation officer per youth or family model for adolescent males, however, involved a more in-depth process as probation officers, designated to perform independently exclusive intake, diagnostic or supervision functions, had to be appropriately cross-trained. To fully implement the one probation officer of record case-management logic model for adolescent males, the CSSD removed and integrated the case management function from its Intake Branch into the case management function under its Diagnostic Units. The measure resulted in the temporary creation of a Pre-Disposition Branch. One year following this effort, the CSSD fully augmented pre-disposition probation case management and probation supervision by adding post-disposition probation supervision. This measure also resulted in the creation of the District's first-ever Southwest Satellite Probation Office serving juveniles.

#### *Juvenile Accountability and Restoration*

The CSSD continued to provide curfew monitoring, school checks, and home visits on front-end youth consistent with Court Orders. As indicated in the 2005 report, the Division undertook efforts to complete a graduated sanctions framework to guide decision-making and recommendations relative to sanctions for youth who fail to comply with Court Ordered conditions. As the Division continued its work on this project, it was determined that the framework could not be completed absent the development of a rewards component necessary to acknowledge and praise those youth in compliance with Court Ordered conditions and successfully completing conditions of probation. Thus the Division began working on this component of the framework and looks to finalize the framework and began training across probation officers during the summer of 2007.

### *Creation of Innovative Services and Supervision*

In 2007 the CSSD will launch the pro-social services component of its new Drop-In Center located in the Southeast quadrant of the District of Columbia. In 2006, the Division (working in tandem with many administrative managers of the D.C. Courts) successfully relocated from its long-standing office located in Southeast to a newly constructed facility encompassing ample space for probation officers designated to serve youth/families residing in the Southeast quadrant. The facility was also designed to permit group facilitation among youth as well as individual services such as tutoring, mentoring, counseling and recreation and the facility houses a satellite courtroom. While it was envisioned that the services planned for the facility would commence in February 2007 targeting pre adjudicated youth, budgetary shortfalls delayed implementing the program services element until the Spring of 2007. However, despite this delay the Southeast Satellite Office, housed in the Drop-In Center was able to initiate one major portion of the services envisioned for the Drop-In Center, the alternative suspension program which requires post adjudicated probation youth who have been suspended from school for 3 or more days to report to the Drop-In Center from 9:00am to 3:30pm in order to complete their school work and stay out of trouble and/or harms way. To date, five youth have been served by this measure in addition to the more than 200 post adjudicated probation youth supervised by probation officers located at the Center and, following the implementation of services to pre adjudicated youth, the CSSD looks to serve an average of 250 youth by way of the Center.

## New Initiatives:

- Expanded DC middle school truancy programs. The program is now serving youth at Garnet Patterson in Northwest, D.C., Kramer in Southeast, D.C., and Walker-Jones in Northeast, D.C.
- Created a workgroup on continuances to review current continuance policy, including requests for continuances, who makes the request, reasons for request, and judicial action on request. Baseline data was gathered and is now being shared with the Deputy Presiding judge who reviews the data and monitors compliance with statutory timelines.
- In late 2005, created a 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. During 2006, work on this initiative continued. Final recommendations from the workgroup are expected to be completed in 2007.
- 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.
- Implemented the District of Columbia “Enhanced Crime Prevention and Abatement Emergency Amendment Act of 2006”, later replaced by the “Crime Reduction Initiative Emergency Amendment Act of 2006”. The Act, made amendments to Title 16 of the D.C. Official Code by adding a new subsection (d-1) requiring the Family Court to disclose case information to the Metropolitan Police Department on non-detained juvenile defendants (within 48 hours of the decision not to detain) charged with certain offenses enumerated in the Act, or against whom the Office of the Attorney General has filed 3 or more petitions. The Act also requires that specific case information be provided for all respondents who are the subject of stay-away and post-adjudication probation orders. To comply with the Act, the Court began manual submissions of data to the MPD beginning in July 2006. Electronic transmission of data began in August 2006. To generate the data needed the Court revised relevant court orders to capture information required under the Act, revised business processes to include the transmission of such data and trained courtroom and quality control staff on revised business processes. The Act expired January 17, 2007 but the

mandatory disclosure provisions were enacted under a new Act, the “Mandatory Juvenile Public Safety Notification Act of 2006”. Under the new Act, a new paragraph was added, D.C. Code 16-2331(d-1)(5), which requires the Family Court to notify MPD within 48 hours of cases involving juveniles that do not result in a disposition so that MPD can destroy the records provided pursuant to earlier amendments to Section 16-2331 of the D.C. Code. The Family Court in consultation with the Court’s IT Division is exploring technological options for providing the disposition information to MPD.

- Implemented the “Omnibus Public Safety Emergency Amendment Act of 2006”, enacted July 2006, replaced in October 2006 by the “Omnibus Public Safety Act of 2006”. Provisions of the Act amended Title 16 of the D.C. Code and requires the Chief Judge of the Superior Court to submit to the D.C. Council a semiannual report detailing the number of respondents in delinquency cases that fail to appear before any judicial officer. For each respondent that fails to appear, his or her age, offense, and previous failure to appear history must also be reported. In order to comply with the requirements of this legislation, the Court developed a special report to collect all relevant information. At the end of 2006, the Court was in the process of validating the requirements and verifying and correcting the data. The Court anticipates providing its first submission to the Council in April 2007.
- In addition to data on failure to appear, the Act also amended the D.C. Traffic Act found in Title 50 of the D.C. Official Code. The Act allows the Mayor to suspend or delay the issuance of a driver’s license to persons adjudicated or convicted of certain crimes. To this end, the Court is required to provide copies of orders of adjudication and convictions, social security numbers, driver permit numbers and copies of permits to the Mayor of the District of Columbia for juveniles and adults adjudicated or convicted of the offenses enumerated in the Act. Prior to the amendment, the Traffic Act required the submission of adjudication and conviction orders on persons convicted of drug related offenses. The amendment expands the submission requirement to cover a host of additional charges such as stolen vehicle offenses, operating a motor vehicle without a permit and a catchall submission for persons convicted of any felony where a motor vehicle is involved. To comply with the requirements of this legislation, the Court is exploring the use of a data extract in conjunction with an interface to provide the required data to the Department of Motor Vehicles.

## CHILD SUPPORT AND PATERNITY CASES

During 2006, there were 4,603 child support and paternity actions filed in the Family Court. D.C. Official 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 present, discussions continue on the best approach to ensuring that the data necessary to assess compliance with these guidelines is available to the Court. In the interim, the Court has continued to collaborate and share data with the Child Support Services Division of the Office of the Attorney General (OAG), the State's IV-D agency.

During 2005, legislation authorized the transfer of wage withholding functions from the court to the OAG. This transfer of responsibility initiated the transition of all remaining administrative enforcement functions from the Court to the OAG. During 2006, the Court completed the transfer of responsibility to that agency. 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.

### ***Recent Initiatives***

To better serve the families and children coming to the Court to address issues related to child support and paternity, the District of Columbia began studying the feasibility of developing a Family Fathering Court (FFC) Pilot Program. The District of Columbia's Family Fathering Court Planning Committee was established at the direction of the Family Court Presiding Judge in October 2006. Its charge is to create a specialized court designed to give non-custodial fathers the tools to become financially and emotionally responsible for their children. The District's interagency FFC Team is a collaborative effort among key District of Columbia stakeholders such as the Department of Human Services, the Healthy Families Thriving Communities Collaborative Council, the Community Outreach Section of the Office of the Attorney

General, the Child Support Services Division of the Office of the Attorney General, the Mayor's Services Liaison Office and the Court Services and Offender Supervision Agency. Other City departments represented on the FFC are: Criminal Justice Coordinating Council; Bureau of Prisons; U.S. Department of Parole, Far Southeast Family Strengthening Collaborative; Georgia Avenue/Rock Creek East Family Support Collaborative; the Center for Law and Social Policy; and the Urban Institute.

In October 2006 the Family Court led a team of court personnel and stakeholder representatives to a site visit to the Fathering Court in Kansas City, Missouri. There the participants observed the court proceedings, talked extensively with the legal and social support partners and observed the outcomes at a program graduation ceremony. On December 5, 2006 the Family Court hosted a town hall meeting to introduce the District's initiative to the community and to invite the community's input. On December 14, 2006 the many governmental and community agents met to form working groups that have earnestly begun formulating the infrastructure to make the District of Columbia Fathering Court a reality.

There is no denying the overall benefit children have from strong healthy relationships with both parents. However, a staggering number of children in the District of Columbia grow up with little financial support from their fathers. In many cases fathers are simply ill equipped to handle the rigors of parenting and therefore have no meaningful chance to build a healthy family unit. When such failures occur the District of Columbia is left with the financial responsibility associated with raising these children. This becomes an endless cycle where family bonds are never allowed to develop.

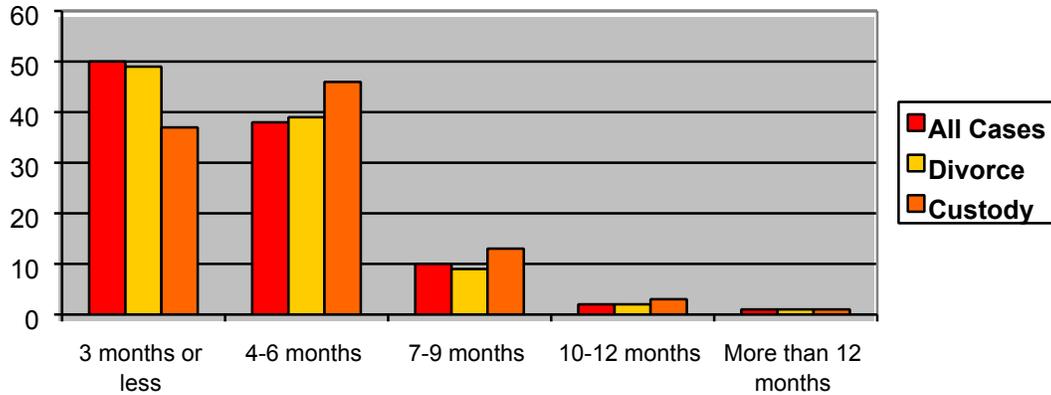
The District's Fathering Court is being created in direct response to the overwhelming need to provide services to fathers who are unable to maintain healthy relationships with their children or to provide adequate financial support for their children's well being. The Fathering Court program is designed to equip fathers with skills that will enable them to contribute positively to the emotional and economic well-being of their children.

### **DOMESTIC RELATIONS AND CUSTODY**

The Domestic Relations Branch has responsibility for all cases involving divorce, legal separation, annulments, child custody and adoptions. During 2006, 4,131 domestic relations cases were filed in Family Court. By December 31, 2006, 68% of those cases were closed and 32% were still pending. The chart below shows the time from filing to disposition for cases filed in 2006 that were closed (2,804 cases) by December 31, 2006. Of the cases closed, 46% closed because an absolute divorce was

granted, 14% because custody was granted, 12% were dismissed and 28% closed for other reasons. Cases in which custody was granted took a slightly longer time to reach disposition than divorce cases in which an absolute divorce was granted.

*Time from filing to disposition for closed divorce and custody cases filed in 2006*



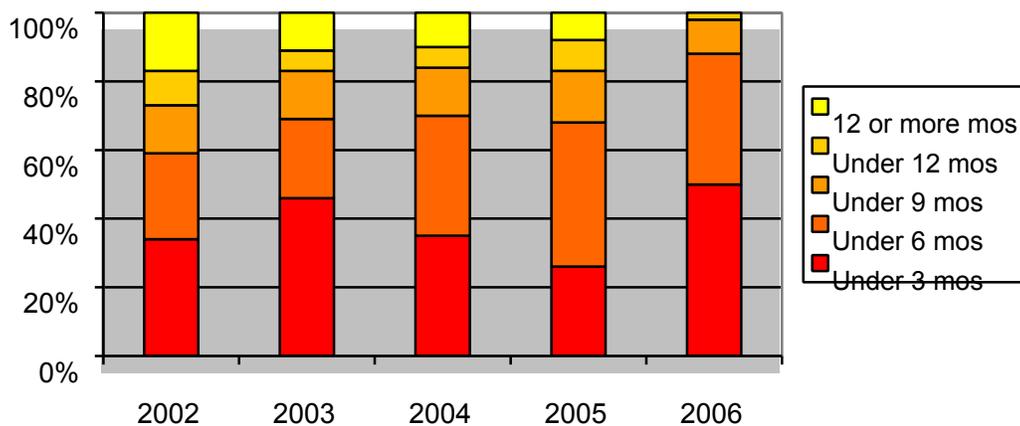
The figure below provides information on the time from filing to disposition for domestic relations and custody cases filed from 2002 thru 2006. On December 31, 2006 more than 99% of the cases filed in 2002 and 2003, 97% of the cases filed in 2004, and 93% of cases filed in 2005 were closed. Sixty-eight percent of the cases filed in 2006 were also closed. Approximately 60% of the cases filed in 2002 closed within six months and 83% closed within a year. Beginning in 2003 and continuing through 2005, nearly 70% of cases closed within six months and 90% within a year. Cases filed in 2006 seem to be taking slightly less time to reach disposition than those filed in 2005. Nearly 90% of the closed cases filed in 2006 had closed within 6 months. However, more than 30% of the cases filed in 2006 have not reached a disposition. Only when those cases close will the Court be able to determine if it has improved in this area.

As required by the Family Court Act, court staff reviewed the literature for the existence of national standards 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, which have been accepted by several states. 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 2005 indicate that 26% were concluded within 3 months, 68% within 6 months, 83% within 9 months and 92% within 1 year.

The Domestic Relations subcommittee of the Family Court Implementation Committee is continuing the study of national standards in this practice area. In addition to general standards, the subcommittee is seeking information on timelines that factor in such issues as representation and the number of contested issues. The committee has set as a goal for 2007 the development of District of Columbia specific case processing standards.

*Time from filing to disposition for divorce and custody cases filed in 2002 -2006*



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

### *Background*

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

The SHC started as a Pilot Project, in consultation with 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 SHC was located in the D.C. Superior Court, volunteer facilitators who were trained and supervised by the D.C. Bar saw the litigants. In early 2005, the SHC 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 SHC, however has not only continued to rely on the volunteer facilitators but has continued to recruit and train new volunteers as well. The volunteers supplement the work of the permanent staff and help the SHC 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 to do an assessment of the services provided by the SHC. Detailed below are a few of the findings from data collected for 2006:

- The SHC served 5,093 parties in Family Court cases during 2006. On average the Center served 424 individuals per month in 2006 in comparison to 402 per month in 2005.
- Nearly three-quarters of the parties sought assistance with custody and divorce cases; 17% sought assistance for a child support case, 3% for visitation;
- Eighty-six percent of the parties visiting the Center sought general information; 59% needed assistance with the completion of forms; and 1% needed a referral.
- Females were slightly more likely to use the services of the Center than males, 52% to 48%. In 2005, the majority of the parties served were male (51%);
- Eighty-eight percent of the parties served indicated that their primary language was English; 8% identified themselves as primarily Spanish speakers; and 4% had another primary language;
- Forty-five percent of those seen had monthly incomes of \$1000.00 or less; 29% had a monthly income between \$1001.00 and \$2000.00; and 21% had incomes between \$2001.00 and \$4000.00. Five percent had incomes above \$4000.00.

### ***Recent Initiatives***

The Program for Agreement and Cooperation in Custody Cases (PAC) is a pilot program of the Domestic Relations/ Paternity & Support Subcommittee of the Family Court Implementation Committee. This program was created to assist parents with developing skills to improve their interactions with each other and to help children develop skills to better manage the negative effects of parents in conflict.

The family education seminars run three to four hours two weekends per month, with adults and children participating in separate sessions at the same time. The goal of the program is to give parents the skills to mediate their disagreements in the future, thereby reducing the impact of their conflicts on their children. Children will be encouraged to give voice to their feelings, and helped to understand that they are not at fault. Children will learn coping skills for dealing with conflict, as well as skills for dealing with the negative emotions they may be experiencing. Two weeks after they attend the session, parents or caretakers will go to mediation to attempt to resolve custody issues and settle the case. Parents and primary caretakers in all cases involving a contested custody issue will be required to participate in this pilot program.

This new and innovative program is funded by grants from the State Justice Institute and the Women's Bar Association of the District of Columbia. The American Psychological Association will facilitate the family education program seminars for both parents and children.

## 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. 2006 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 expedite 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 2006, the Family Court resolved the legal issues of jurisdiction in more cases of abused and neglected children and more quickly than in 2005, 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 2006 than in 2005, which allowed families to begin the healing process sooner. The full implementation of the Family Court Self-Help Center in 2005 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 2006. 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 the District of Columbia Public Schools to provide educational assessment services, such as individual education plans (IEPs) in a timely manner. The District's need to further build service capacity to meet the changing and complex needs of juveniles and their families also continue to impact the effectiveness of the Court in improving outcomes in delinquency matters.

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

Finally, during 2006 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 2006, 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 2007 begins, the Family Court remains committed to our mission to provide positive outcomes for children and families in the District of Columbia.