

# Family Court 2009 Annual Report

## Superior Court of the District of Columbia



Honorable Lee F. Satterfield  
Chief Judge  
March 31, 2010

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## **EXECUTIVE SUMMARY**

Since the enactment of the District of Columbia Family Court Act of 2001, Pub.L. 107-114 (D.C. Official Code, 2001 Ed. § 11-1101 *et seq.*), the Family Court continues to make significant strides toward 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 by the Family Court in 2009 in its continued efforts to achieve each goal.

- **Make child safety and prompt permanency the primary considerations in decisions involving children.**
  - Continued monitoring compliance with the Adoption and Safe Families Act (ASFA)<sup>1</sup> and the performance measures in the *Toolkit for Court Performance Measures in Child Abuse and Neglect Cases*.
  - Collaborated with the District of Columbia Child and Family Services Agency (CFSA) on the Permanency Outcomes Project and the Permanent Connections Workgroup. The goals of both groups included an examination of policies and practices related to permanency goal setting in abuse and neglect cases.
  - Created the In-Home Judicial Project (IJP) which is a collaborative effort between the Family Court, CFSA, the Office of the Attorney General for the District of Columbia (OAG), and other District child welfare stakeholders. The purpose of the IJP is two-fold. The first is to reduce the number of child welfare cases that convert from in-home (community) cases to court-involved cases. The second is to utilize qualitative data gathered from the cases at entry and exit from the program to assist CFSA in learning more about the barriers to successful closure of in-home cases, enabling the agency to develop best practices in working with this vulnerable population.
  
- **Provide early intervention and diversion opportunities for juveniles charged with offenses to enhance rehabilitation and promote public safety.**
  - Continued implementation of Family Group Conferencing (FGC) in the development of all pre-trial and post-disposition services and supervision plans. The FGC engages youth in the development of their supervision plan with the collaboration and support of self-identified family members. The foundation of the model is accountability and restorative justice.
  - Completed construction of Phase I of the second Balanced and Restorative Justice Drop-In Center (BARJ) for juvenile offenders in Northeast D.C. The BARJ provides innovative, non-traditional juvenile rehabilitation programming and has facilities for pro-social activities.

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

- Building on prior success, the Juvenile Interpersonal Behavior Management program continued to successfully treat youth adjudicated for sex offenses in the community. The program, which is based on best practices and relies on parental involvement, has reduced the number of youth who are placed in out-of-state residential programs.
- **Assign and retain well-trained and highly motivated judicial officers.**
  - Conducted the eighth annual interdisciplinary cross training conference entitled “Domestic Violence in Families: Strengthening the Community Response.” The conference provided an overview of the current knowledge about the dynamics of domestic violence and how to handle domestic violence cases in the context of different social systems including social service, mental health, justice, education and community advocacy.
  - Implemented a quarterly training program for non Family Court judicial officers who are interested in serving in the Family Court.
  - Continued to promote the participation of Family Court judicial officers in national training programs on issues relating to children and families. Such programs have included courses sponsored by the National Council of Juvenile and Family Court Judges (NCJFCJ); the National Judicial College; the American Bar Association’s National Conference on Children and the Law; and the National Center on Substance Abuse and Child Welfare.
- **Promote Alternative Dispute Resolution.**
  - Continued operation of the highly successful Child Protection Mediation Program.
  - Conducted an evaluation of the Program for Agreement and Cooperation (PAC) in Custody Cases which was designed to assist families involved in high conflict child custody cases.
  - Piloted an Attorney Negotiator Program to assist unrepresented litigants in domestic relations cases, in cooperation with the Family Law Section of the DC Bar.
  - Provided ongoing training for Multi Door’s existing corps of mediators in both the Child Protection and Family Mediation programs, as part of ensuring a continued high level of proficiency and skills maintenance.
- **Use technology effectively to track cases of children and families.**
  - Began system integration testing of the electronic case initiation system for abuse and neglect cases developed in partnership with the CFSA.
  - Implemented program designed to perform an automated clean up and assignment of unique family identification numbers (FID), relying on previously defined business processes to further support the One Family One Judge case management model.

- Continued development of court-wide performance measures --which include clearance rates, trial date certainty, time to disposition, and age of pending caseload – which will assist the Family Court in assessing how well it is meeting its obligations under the Act to measure compliance with established timelines for case processing and permanency in abuse and neglect cases at both the local and national level.
- **Encourage and promote collaboration with the community and community organizations.**
  - Continued to meet regularly with stakeholders and participated on numerous committees of organizations serving children and families, including the Child Welfare Leadership Team (CWLT) and the Juvenile Detention Alternative Initiative (JDAI).
  - Expanded relationship with CASA of DC to provide services for youth involved in both the abuse and neglect system and the juvenile system.
  - Participated in town hall meetings with community leaders and members representing each ward of the city. The purpose of the meetings was to provide the community leaders and members with an opportunity to meet members of the judiciary and to allow community members to identify and ask questions about issues in their community that could be addressed by the court.
- **Provide a family friendly environment by ensuring materials and services are understandable and accessible.**
  - Completed development of a handbook for older youth in the child welfare system, entitled *Pathway to the Future: Your Journey from Adolescence to Adulthood*. The handbook is designed to increase their knowledge and understanding of the court process and the options available to them as they emancipate from the child welfare system.
  - Began development of an informational video for families with child abuse and neglect cases. The video is designed to explain the court process, the persons involved in neglect proceedings, the timeframe for addressing issues in neglect cases, as well as possible outcomes for children and families.
  - Developed a Family Court calendar. The calendar was designed to help families understand the court process while offering them a tool to help keep track of court hearings, appointments for them and their children, and other important dates. It includes an overview of the court process, family court terminology, court room etiquette, and community resources available to assist them in meeting their families needs.

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” or “Act”) requires that the Chief Judge of the Superior Court submit to the President and Congress an annual report on the activities of the Family Court. The report, summarizing activities of the Family Court during 2009, must include the following:

- (1) The Chief Judge’s assessment of the productivity and success of the use of alternative dispute resolution (see pages 27-32).
- (2) Goals and timetables as required by the Adoption and Safe Families Act of 1997 to improve the Family Court’s performance (see pages 42-51).
- (3) Information on the extent to which the Family Court met deadlines and standards applicable under Federal and District of Columbia Law to review and dispose of actions and proceedings under the Family Court’s jurisdiction during the year (see pages 32-39).
- (4) Information on the progress made in establishing locations and appropriate space for the Family Court (see pages 22-24).
- (5) Information on factors not under the Family Court control which interfere with or prevent the Family Court from carrying out its responsibilities in the most efficient manner possible (see pages 111-113).
- (6) Information on: (a) the number of judges serving on the Family Court as of December 31, 2008; (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 3-12).
- (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 76-111).
- (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 111-113).

## **GOALS AND OBJECTIVES**

The goals and objectives outlined in our Transition Plan continue to guide 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. They remained the goals and objectives for continued improvement in 2009.

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

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

**JUDICIAL RESOURCES IN THE FAMILY COURT**

On January 1, 2010, the Family Court consisted of 13 associate judges, 16 magistrate judges, and the Honorable Nan Shuker, a senior judge who has extensive experience in the Family Court.

**Length of Term on Family Court**

Associate judges currently assigned to the Family Court have certified that they will serve a term of either three or five years depending on when they were appointed to the Superior Court. Judges already on the bench when the 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 in the Family Court. 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. The names of judges who continue to serve in the Family Court beyond the minimum required term have been marked in bold.

<u>Associate Judges</u>	<u>Commencement Date</u>		<u>Service Requirement</u>
<b>Judge Ryan</b>	November	2003	5 years
<b>Judge Bush</b>	January	2005	3 years
<b>Judge Cordero</b>	January	2005	5 years
<b>Judge Jackson</b>	January	2006	3 years
Judge McKenna	January	2006	5 years
<b>Judge Broderick</b>	January	2007	3 years
Judge Mitchell-Rankin	January	2008	3 years



Judge Dalton	August	2008	5 years
Judge Puig-Lugo	January	2009	3 years
Judge Bayly	January	2010	3 years
Judge Kravitz	January	2010	3 years
Judge Ross	January	2010	3 years
Judge Clark	January	2010	5 years

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

<u>Magistrate Judges</u>	<u>Commencement Date</u>	
Magistrate Judge Nooter	January	2001
Magistrate Judge 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 Albert	January	2006
Magistrate Judge Parker	January	2006
Magistrate Judge Rook	October	2006
Magistrate Judge Melendez	January	2008
Magistrate Judge Wingo	January	2008
Magistrate Judge Doyle	January	2009
Magistrate Judge Smith	January	2009

**Reassignments to and from Family Court:**

The Chief Judge of the Superior Court of the District of Columbia made judicial assignments for calendar year 2010 in November 2009. Those assignments, which encompassed changes in Family Court judicial staff, became effective on January 1, 2010. As part of the reassignment, five associate judges (Judges Byrd, Davis, Campbell, Saddler and Vincent) left the Family Court. Three were assigned to other divisions in the Superior Court after serving longer terms than statutorily mandated by the Act. Judge Byrd retired from the Superior Court effective December 11, 2009; and Judge

Vincent left after a year of service pursuant to the provision in the Act for the transfer of judicial officers at the discretion of the Chief Judge. Judges Bayly, Clark, Kravitz and Ross replaced the outgoing associate judges. Presently, there is one vacant judicial position in the Family Court. The expectation is that the position will be filled by Magistrate Judge Milton Lee who is awaiting Senate confirmation as an associate judge. All newly assigned judicial officers meet the educational and training standards required for service in the Family Court. In addition, a pre-service training for newly assigned judicial officers was held in December 2009.

Detailed below is a brief description of the education and training experience of judicial officers newly assigned to the Family Court:

***John H. Bayly, Jr.***

Judge John H. Bayly, Jr. was appointed an associate judge to the Superior Court of the District of Columbia in 1990 by President George H. W. Bush.

He was born in Washington, D.C. where he attended Gonzaga High School. Judge Bayly graduated from Fordham College and thereafter, attended Harvard Law School. Upon graduation from law school, Judge Bayly joined the staff of the Federal Communications Commission and then became an Assistant United States Attorney.

In 1975, Judge Bayly became a staff attorney with the Senate Select Committee on Intelligence. At the conclusion of the Select Committee's term, Judge Bayly joined the General Counsel's office at the Corporation for Public Broadcasting. In 1978, he returned to the United States Attorney's Office where he worked on civil and criminal cases.

In 1985, Judge Bayly served as general counsel of the Legal Services Corporation. Two years later, he became president of the Corporation. Judge Bayly served as counsel with the firm of Stein, Mitchell & Mezines from 1989 until his appointment to the Superior Court of the District of Columbia. Judge Bayly has served in the Civil, Criminal, and Family Divisions of the Court. During his previous service in the Family Division, Judge Bayly presided over neglect and abuse, domestic relations and juvenile calendars. He is a member of the Family Court Rules Advisory Committee and is chairman of the Superior Court Buildings and Grounds Committee. Additionally, Judge Bayly is a member of the John Carroll Society, the Counsellors, the Lawyers' Club, and the William B. Bryant American Inn of Court.

***Jeanette J. Clark***

Judge Jeanette Jackson Clark was appointed to the District of Columbia Superior Court in 2002 by President George W. Bush.

Judge Clark was born and raised in Washington, D.C. where she graduated from McKinley High School. She received her Bachelor of Arts degree in History from Trinity College, Washington, D.C. in 1970, a Master of Science in Education from Wheelock College, Boston, Massachusetts, in 1972, and a law degree, *cum laude*, from Howard University Law School in 1983.

Upon graduation from law school, Judge Clark served as a law clerk to the Honorable Warren R. King of the Superior Court of the District of Columbia. After her clerkship, Judge Clark was an associate with the law firm of Steptoe & Johnson until 1986. She then began her tenure with the Washington Metropolitan Area Transit Authority (WMATA). While at WMATA, Judge Clark practiced law in the civil

litigation and general law sections of the Office of the General Counsel and served as Special Assistant to a WMATA General Manager for two and one-half years. Judge Clark served as Deputy General Counsel of the District of Columbia Housing Authority for eighteen months between 1996 and 1997 and afterwards returned to WMATA before her appointment to the bench.

During her tenure on the Superior Court, Judge Clark has served in the Civil and Criminal Divisions of the Superior Court and the Domestic Violence Unit. While serving in the Domestic Violence Unit, Judge Clark presided over hearings involving issues of child support, child custody, and domestic relations.

Judge Clark's appointments include serving as a committee member and later Chair of a Hearing Committee of the D.C. Board on Professional Responsibility and as a member of the D.C. Committee on the Unauthorized Practice of Law. She also served on the Board of Trustees of Trinity College, Washington, D.C. for six years. Judge Clark serves on the following court committees: Buildings & Grounds, Civil Rules Committee, Library Committee and the Security Committee as well as the Family Court Implementation Committee, Family Court Panels Oversight Committee, Family Rules Advisory Subcommittee on Adoption, and she is the Co-Chair of the Domestic Relations/Paternity and Support Subcommittee.

***Neal E. Kravitz***

Judge Neal E. Kravitz was appointed to the Superior Court of the District of Columbia in 1998 by President William Jefferson Clinton.

Judge Kravitz graduated from Yale College in 1979 and from Harvard Law School in 1983. He was a Wasserstein Public Interest Fellow-in-Residence at Harvard

Law School from 1995-1996. Judge Kravitz began his legal career in 1983 as a law clerk to the Honorable Henry A. Politz of the United States Court of Appeals for the Fifth Circuit. He then joined the Public Defender Service for the District of Columbia in 1984 as a staff attorney.

For six years, Judge Kravitz represented indigent criminal defendants and juvenile respondents in all stages of the criminal process in the District of Columbia Courts. He was lead defense counsel in more than twenty D.C. Superior Court jury trials involving indigent defendants charged with murder, rape, armed robbery, and other serious offenses, and he briefed and argued more than ten criminal cases in the District of Columbia Court of Appeals.

Judge Kravitz left the D.C. Public Defender Service in the early 1990s to become the Executive Director of the New Hampshire Public Defender, a statewide public defender program with 50 lawyers in six offices across New Hampshire. As Executive Director, Judge Kravitz managed and directed the daily activities of the statewide public defender program, represented the interests of indigent defendants before the state legislature, and litigated several complex trial and appellate matters in the New Hampshire state courts.

Judge Kravitz returned to the District of Columbia in late 1991 and accepted a position as Special Investigative Counsel to the United States Senate Select Committee on POW/MIA Affairs. Judge Kravitz worked closely with several senators investigating allegations that the governments of Vietnam, Laos, and Cambodia failed to release all American prisoners of war still alive in captivity at the end of the Vietnam War. Judge Kravitz became a staff attorney at the Washington Lawyers' Committee for Civil Rights

and Urban Affairs in early 1993, at the conclusion of the Senate POW/MIA investigation. Judge Kravitz spent the majority of his time at the Lawyers' Committee serving as co-lead counsel for six African-American Secret Service officers who sued the Denny's Restaurant chain on behalf of a nationwide class alleging a corporate practice of racial discrimination against African-American customers. Judge Kravitz's clients won a landmark settlement against Denny's consisting of extensive injunctive relief and a record monetary award ultimately shared by more than 100,000 African-American victims of racial discrimination.

Judge Kravitz returned to Capitol Hill in 1994 to serve as the Principal Deputy Democratic Special Counsel to the Senate Whitewater Committee. Judge Kravitz advised Senators on the committee and participated in all aspects of the committee's investigation, including the questioning of senior White House officials and other witnesses at public hearings and depositions. Judge Kravitz left the Senate in early 1997 to accept an appointment at the United States Department of Justice as Counsel to the Assistant Attorney General for Civil Rights. In this position, Judge Kravitz assisted the head of the Civil Rights Division in coordinating the federal government's law enforcement response to hate crimes, church arsons, and acts of violence committed against providers of reproductive health services. Judge Kravitz remained as Counsel to the Assistant Attorney General for Civil Rights until his appointment to the Superior Court bench.

Judge Kravitz has presided over cases in the Superior Court's Civil, Criminal, and Family Divisions and has sat by designation in the District of Columbia Court of Appeals. While in the Family Division, Judge Kravitz was responsible for both juvenile

delinquency cases and abuse and neglect cases. He is a member of the Standing Committee on Fairness and Access to the District of Columbia Courts, the Superior Court Rules Committee, the Landlord-Tenant Advisory Rules Subcommittee, and the External Affairs Committee. Judge Kravitz has been a member of the Board of Directors of the City Lights School in Northeast Washington since 1996. He was a trombonist with the Boston Pops Orchestra from 1979 through 1983 and with the New Haven Symphony Orchestra from 1975 through 1979.

***Maurice A. Ross***

Judge Maurice A. Ross was appointed an associate judge of the Superior Court of the District of Columbia in 2001. He was born and raised in Washington, D.C. where he graduated from Saint Francis Xavier School and Saint John's College High School.

Judge Ross received his Bachelor of Arts degree in history, *cum laude*, from Yale College in 1983, and a Juris Doctor from Harvard Law School in 1986.

Judge Ross began his legal career in 1986 as an associate with the law firm of Shaw Pittman, litigating complex civil and administrative cases. After leaving Shaw Pittman in 1989, Judge Ross held the positions of Assistant United States Attorney, special assistant to the deputy attorney general of the United States, and associate deputy attorney general in the United States Department of Justice. From 1993 until 1997, Judge Ross held the position of senior counsel at the Federal Home Loan Mortgage Corporation ("Freddie Mac"), where he handled all aspects of numerous commercial and personal injury cases in the federal and state courts across the United States. In 1997, Judge Ross returned to the United States Department of Justice as an assistant counsel in the Office

of Professional Responsibility, which investigates allegations of misconduct by Department of Justice attorneys.

His appointments included serving on the Legal Ethics Committee of the District of Columbia Bar Association, the Board of Directors of the Greater Washington Urban League, the Executive Committee of the Greater Washington Urban League, the Murch Elementary School Principle Selection Committee, the Murch Development Team, and on the Washington Bar Association Board of Directors. In addition, Judge Ross has served as Vice-Chair and Chair-Elect of the Washington Bar Association Judicial Council. Currently, Judge Ross chairs the Judicial Council.

During his tenure at the Superior Court, Judge Ross has served in the Criminal and Civil Divisions of the Superior Court and the Domestic Violence Unit. While in the Domestic Violence Unit, Judge Ross presided over hearings involving child support, child custody and domestic relations. He is currently a member of the Family Court Juvenile Subcommittee, Family Court Panels Oversight Subcommittee and the Training Subcommittee.

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

Since its inception, the Family Court has successfully recruited qualified judges to serve on the Family Court. Although, successful in its recruitment efforts, the term requirement of five years for associate judges coming into the Family Court continues to present a challenge to recruitment efforts. All associate judges currently serving on the Family Court volunteered to serve on the Court. As the terms of associate judges currently assigned to the Family Court expire, the court anticipates that some may choose to extend their terms, as did some whose terms expired in 2009. Based on the



terms of service required, five associate judges, including both the presiding judge and deputy presiding judge are eligible to transfer out of the Family Court in 2010. 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. Currently, five judges not assigned to the Family Court are participating in a quarterly training program along with the four new assigned Family Court judges. The most recent training included the following topics: Adoptions and Safe Families Act; The DC Family Court Act; Investigation and Papering of Cases by CFSA; the Course of a Neglect Matter in Superior Court from Initial Hearing through Permanency Hearings; and Permanency Goals.

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

#### **TRAINING AND EDUCATION**

The Chief Judge of the Superior Court and the presiding and deputy presiding judges of the Family Court, in consultation with the Superior Court's Judicial Education Committee, develop and provide training for Family Court judicial staff. To assist in this effort, the Family Court established the Training and Education Subcommittee of the Family Court Implementation Committee in 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 officers took advantage of a number of training opportunities in 2009. In December 2009, Judges Bayly, Clark, Kravitz, and Ross participated in an extensive three-day training program updating them on current substantive family law practice and new procedures in Family Court. In addition, all Family Court judicial officers participated in a mandatory training in December 2009. Topics covered included: “Review of Magistrate Judges’ Orders and Ineffective Assistance of Counsel after *In Re R.E.S.*,” “2009 District of Columbia Appellate Family Court Decisions-Analysis of Pertinent Decisions ,” “Fostering Connections to Success and Increasing Adoptions Act 2008,” “Courts and Social Media: Personal and Professional Opportunities and Risks,” “Special Immigrant Juvenile Status,” “Evidence,” and “Family Court Performance Standards.” In addition, the judges participated in a tour of the Court Services and Offender Supervision Agency (CSOSA) Drug Test and Compliance Unit, the Family Court Self Help Center, the Mayor’s Services Liaison Office, the New Juvenile Cell Block, the Department of Youth Rehabilitation Services At-Risk Cell Block and the Urgent Care Clinic.

Family Court judicial officers participated in trainings sponsored by organizations outside the Family Court such as: the 2009 Model Court All Sites Conference entitled *Model Courts: Better Together* sponsored by the NCJFCJ; the third National Judicial Leadership Summit on the Protection of Children; the Mini-Conference on Performance Measures sponsored by the NCJFCJ; NCJFCJ’s 36<sup>th</sup> Annual Conference on Juvenile Justice as well as its 72<sup>nd</sup> Annual Conference on Family Courts;

the American Bar Association (ABA) Annual Conference; the District of Columbia Bar's (D.C. Bar) Family Law Section's Bench/Bar Dialogue on Family Court; the Leadership Greater Washington's Community of Interest "Child Sexual Abuse: What You Don't Know Will Hurt"; the Juvenile Detention Alternative Initiative Annual Conference (JDAI); and the National Association of Drug Court Professionals (NADCP) 16<sup>th</sup> Annual Training Conference.

In addition to participating in education and training opportunities, a number of Family Court judges provided their expertise on family court related matters as trainers, presenters or panelists in 2009. Judge Jackson served as a trainer on the issue of domestic violence and custody on behalf of the ABA's Commission on Domestic Violence; Judge Nooter presented at the Children's Law Center's Family Permanency Project on the topic "The Judge's Perspective in Abuse and Neglect Cases;" Judge Rook presented at the Children's Law Center pro bono training; Judge Goldfrank conducted training for the District of Columbia Office of the Attorney General (OAG) Mental Health and Mental Retardation Division; Judge Ryan presented at the First National Parents' Attorneys Conference sponsored by the American Bar Association on "Representing Incarcerated and Criminally-Charged Parents in Child Welfare Proceedings;" and Judge Melendez presented at several community outreach meetings as well as appeared on the University of the District of Columbia's public television program, *Sound Advice*, to inform the public about services available in the Superior Court and the various self help resources offered by the Family Court Self-Help Center.

The presiding judge continued to convene weekly lunch meetings for Family Court judicial officers to discuss issues involving family court cases and to hear from

guests invited to speak about a variety of topics relating to the Family Court. During 2009, some of the guest speakers and topics included representatives from the D.C. Department of Mental Health who discussed their new program on crisis intervention and in-home intervention services. Staff from the District of Columbia Public Schools (DCPS) Office of Youth Engagement, Chancellor's Critical Response Team discussed the types of services they offer youth as well as ways in which they could provide additional services to judges and assist court involved students. DC CASA (Court Appointed Special Advocate) was also in attendance at the meeting and discussed its role in court proceedings, its services to youth in foster care, and encouraged the judges to appoint volunteers. Also, the D.C. Department of Special Education, the Office of the State Superintendent on Education and the Children's Law Center Guardian *ad Litem* Project provided the judges with an overview of the process of appointing surrogate parents for special education purposes.

In addition, Family Court judges, magistrate judges, and senior managers participated in the eighth annual Family Court Interdisciplinary Training program in October 2009 entitled "Domestic Violence in Families: Strengthening the Community Response." The conference provided an overview of the current knowledge about the dynamics of domestic violence and how to handle domestic violence cases in the context of different social systems including social service, mental health, justice, education and community advocacy.

As a result of the training, participants came away with a clearer vision of how the courts, agencies, and its community partners can work collaboratively with the families we serve and with each other in a collective effort to respond to the challenges of

domestic violence. More than 375 participants including judges, court staff, social workers, attorneys, foster parents, non-profit organizations and other community stakeholders were in attendance and received information on topics such as strategies to enhance community and justice system responses to children exposed to violence; how to utilize current legal structures in efforts to better respond to victims of abuse; how to address domestic violence in custody disputes; assisting judges, attorneys, evaluators, and other professionals in evaluating and litigating claims of domestic violence in custody cases; and methods of identifying and treating victims of domestic violence. An overwhelming majority of conference attendees rated the conference as good or excellent and indicated that the conference met or exceeded their expectations.

Prior interdisciplinary conferences, which also attracted a variety of community stakeholders, have focused on juvenile justice, systems of care, education, mental health, substance abuse, and adolescent females in the Family Court. Although the interdisciplinary trainings are an annual event, many of the issues addressed are recurring themes that continue to be addressed in subsequent years. For example, the 2007 training that focused on the disproportionate representation of minorities in the child welfare and juvenile justice systems continues to be a focal point for interdisciplinary collaboration in 2009 and 2010. The D.C. Model Court Collaborative on the Disproportionate Representation of Minorities continues to meet quarterly to review the “SMART Goals” (Specific, Measurable, Attainable, Realistic and Timely) of its stakeholders, the Court, Office of the Attorney General, Metropolitan Police Department, Public Defender Service, Department of Youth Rehabilitation Services, Child and Family Services Agency, and Court Social Services. A retreat for stakeholders in the child welfare and

juvenile justice communities was held in February 2010, at which front line workers from the stakeholder agencies met to collaboratively recommend steps that their respective agencies could take to reduce/eliminate disproportionality and disparate treatment of minorities. Similarly, the 2008 training, “Involving and Empowering Our Families”, which addressed the benefits of having family members involved in the court process as well as highlights of best practices for courts and agencies working together to collaboratively serve families in the District of Columbia, continues to be addressed at monthly meetings of the Family Court Juvenile Subcommittee. Through the subcommittee, the agency stakeholders and family representatives have undertaken to prepare handbooks and brochures to provide family members with information and resources on juvenile justice issues and facilities. Preliminary plans are already underway for the 2010 Family Court Interdisciplinary Training scheduled to be held in October 2010. The expectation is that the topic will be finalized in the spring of 2010.

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, held on Wednesday afternoon, was well attended with more than 50 participants from all sectors relating to family law practice. The 2009 seminars included the following:

- *Substance Abuse and Drug Testing*. Presented by Dr. James Jones, Director of Forensic Toxicology, Drug Testing Laboratory, and Cliff Keenan, Pretrial Services Agency Deputy Director, February 18, 2009.
- *The Role of Attorneys and Parent Advocates in Family Court – Part 2*. Presented by Diane Boyd Rauber, Esq., ABA Center on Children and the Law, Jennifer Renne, Esq., ABA Center on Children and the Law, Peter Krauthamer, Esq., Public Defender Service, and Tanya Cooper, Esq., UDC Law Clinic, March 18, 2009.

- *Mental Health Evaluations*. Presented by Giselle Hass, Psy.D., Seth King, Psy.D., Jackson Peyton, Psy.D., and Susan Theut, M.D., MPH, April 15, 2009.
- *Medicaid and More – Accessing Services for Children in the Juvenile Justice System*. Presented by Jose DeArtega, BSCJ, JD, and Wendy Smeltzer, MS, NCC, ATR-BC, LPC, May 20, 2009.
- *How to Effectively Cross Examine an Expert Witness*. Presented by the Honorable J. Michael Ryan, June 24, 2009.
- *Bruises, Burns, Breaks – What You Need to Know About Child Physical Abuse*. Presented by Dr. Katherine Deye, MD, FAAP, Child and Adolescent Protection Center, Children’s National Medical Center, September 16, 2009.
- *Panel Discussion on the Newly Amended Superior Court Rules Governing Juvenile Proceedings: What You Need to Know Now to Handle Juvenile Cases*. Presented by Magistrate Judge William Nooter, Dave Rosenthal, Office of the DC Attorney General, Hannah McElhinny, D.C. Public Defender Service, Frank Lacey, private practitioner, November 18, 2009.

The Family Court continues to promote and encourage participation in cross-training and, in collaboration with others, conducts periodic seminars and workshops. The Counsel for Child Abuse and Neglect Branch (CCAN) of the Family Court, which oversees the assignment of attorneys in child welfare cases, conducts training for new child abuse and neglect attorneys, 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 2009, CCAN sponsored nearly 30 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 included the following:

- *Procedure for Neglect and Adoption Cases in the D.C. Court of Appeals*. Presented by Roseanna Mason and Joy Chapper, January 7, 2009.
- *Study Sessions for National Association of Counsel for Children Attorney Specialty Program*. Wilma Brier, CCAN Branch Chief, co-facilitator with CCAN attorneys participating in program, January 8, 2009; January 22, 2009; February 5,

2009; February 19, 2009; March 5, 2009; March 19, 2009; April 2, 2009; April 23, 2009; and April 30, 2009.

- *Initial Training for New CCAN Attorneys.* Wilma Brier and speakers brought in from Children's Law Center, OAG, CFSA, Child Protection Mediation, Attorney Advisor's Office, and the CCAN Bar, February 12-13, 2009.
- *Attachment and Bonding When Children Are in the Foster Care System.* Presented by psychologists Seth King and Jackson Peyton, February 26, 2009.
- *Annual Neglect and Delinquency Practice Institute.* University of the District of Columbia Law School, March 9-10, 2009.
- *Family Court Training on The Role of the Attorney and Parent Advocate in Family Court.* Presented by speakers from UDC Law Clinic, Public Defender Service, ABA Center on Children and the Law, and Parent Advocacy programs, March 18, 2009.
- *View from the Bench.* Presented by Presiding Judge William Jackson, Deputy Presiding Judge Zoe Bush, and several Magistrate Judges, April 1, 2009.
- *Family Treatment Court Update.* Presented by Magistrate Judge Pamela Gray, Family Treatment Court Coordinator Jo-Ella Brooks, Family Treatment Court Liaison Chele Robinson, and CCAN Liaison Bashiru Jimoh, April 29, 2009.
- *Advanced GAL Training.* Presented by Nancy Drane and other Children's Law Center staff attorneys, June 5, 2009.
- *Ethical Considerations for Attorneys Representing Non-Resident Fathers.* Presented by Jennifer Renne, ABA Center on Children and the Law, June 11, 2009.
- *Asserting the Constitutional Rights of Non-Resident Father with Children Involved in Child Welfare Proceedings.* Presented by Wilma Brier, CCAN Office, and LaShanda Taylor, UDC Law School, June 24, 2009.
- *Informational Session on the New Family Court Panel Re-Application Procedures.* Presented by Judge Juliet McKenna, July 1, 2009.
- *New Educational Surrogate Parent Program.* Presented by Elisabeth Morse, Office of the State Superintendent of Education (OSSE), and Elizabeth Tossell, Children's Law Center, July 23, 2009.
- *Effective Ways to Advocate for Non-Resident Fathers Outside of the Courtroom.* Presented by Cynthia Jefferson, CCAN attorney, and Tanya Cooper, UDC Law School, July 29, 2009.



- *System of Care Process and Residential Treatment*. Presented by Laurie Ellington, Department of Mental Health, August 4, 2009.
- *Effective Ways to Advocate for Non-Resident Fathers Inside the Courtroom*. Presented by Sabine Brown, CCAN attorney, and Matthew Fraidin, UDC Law School, August 11, 2009.
- *Special Education Attorney Brown Bag on Advanced Ethics*. Presented by Special Education Attorney Elizabeth Jester and Public Defender Service Ethics Counsel Julia Leighton, September 17, 2009.
- *Residential Placements for DC Children*. Presented by Jennifer Lav, Staff Attorney, University Legal Services, September 23, 2009.
- *Effective Advocacy and Appeals in Family Court: Practitioner Tips*. Presented by Laurie McManus, Esq. and Carla Rappaport, Esq., September 29, 2009.
- *School Disciplinary Hearings*. Presented by Attorney Kaitlin Dunne, American Civil Liberties Union, Megan Blamble, Children's Law Center, and Jamie Rodriguez, Public Defender Service, October 14, 2009.
- *Representing Parents at Neglect Disposition Hearings*. Presented by Matthew Fraidin, University of the District of Columbia Law Clinic, November 4, 2009.
- *Rehabilitation Services for Clients with Disabilities*. Presented by Luana Stewart, Developmental Disability Administration, November 18, 2009.
- *Center of Keys for Life Program on Services Available for Teen Clients*. Presented by Tanya Edwards and Afrilasia Joseph-Phipps, CFSA Social Workers, November 19, 2009.
- *Early Stages: A Program for 3 to 5 Year Olds with Special Needs*. Presented by Dr. Nathaniel Beers, December 8, 2009.
- *Case Law Update: A Discussion and Summary of Recent Neglect, TPR, and Adoption Case Law*. Presented by Wilma Brier, Esq. and Cynthia Nordone, Esq., December 16, 2009.

Family Court non-judicial staff also participated in a number of new and expanded training programs in 2009. These educational opportunities focused on a variety of topics, all with the goal of moving the court toward improved outcomes for children and families.

Family Court non-judicial staff also attended training sessions sponsored by the NCJFCJ including the 72nd Annual Child Welfare Conference, the 36<sup>th</sup> National Conference on Juvenile Justice, the Child Victims Act Model Court All Sites Meeting entitled *Model Courts: Better Together*, and the Mini-Summit on Performance Measures. In addition, staff attended the Court Technology Conference and the Institute for Court Management; the National Association for Court Management's Annual Conference; the National Association of Counsel for Children's Annual Conference; the Eastern Regional Child Support Conference; the National Center for State Courts Management Training Conference; the Mid-Atlantic Association for Court Management Training Conference; and the Children's Bureau of the Department of Health and Human Services (HHS) Court Improvement Program (CIP) Meeting.

Non-judicial staff in the Family Court's Central Intake Center received updated instruction on the electronic initiation of Family Court cases as well as training in the areas of customer service, effective oral and written communication, leadership development and team building; staff in the Paternity and Child Support Branch received professional development training in the areas of conflict resolution, leadership performance and personnel policies. The staff of the Self Help Center attended a number of workshops and conferences including training on inter-jurisdictional custody issues and critical pre-trial preparation strategies in the Family Court. Additionally, the center held two volunteer trainings, with the support of the D.C. Bar Pro Bono Program, which resulted in 51 newly, trained volunteer facilitators. Staff in the Mental Health/Mental Retardation Branch participated in training which addressed filing/processing timelines in mental health and mental retardation cases. The training was facilitated by Judge Cordero

and Magistrate Judge Goldfrank, assisted by branch managers. Non-judicial staff throughout the Family Court Division also attended a variety of in-house workshops on topics relating to diversity in the workplace, ethics, the court's information system (IJS), Oracle and Microsoft Office applications and systems.

### **FAMILY COURT FACILITIES**

The Family Court Act of 2001 required that the District of Columbia immediately begin establishing an operating Family Court as a separate component of the Superior Court. To this end, a series of interim steps were taken and planned creating a functioning Family Court which captured the spirit of the Act well in advance of full implementation.

The D.C. Courts continue to make major progress towards full consolidation of the Family Court. The following is a summary of major milestones achieved and initiated in 2009.

#### **Summary of Milestones**

##### **Completed**

- Completed Juvenile Holding and Annex.
- Completed the construction of the Fifth Floor Civil Division creating space for Family Court consolidation on the JM level of the Moultrie Courthouse.
- Completed Phase 2 of the Balanced and Restorative Justice Drop-In Center (BARJ), Rhode Island Avenue, N.E.
- Completed a Facilities Master Plan Update through 2018 including long term expansion space for Family Court.

##### **In Progress**

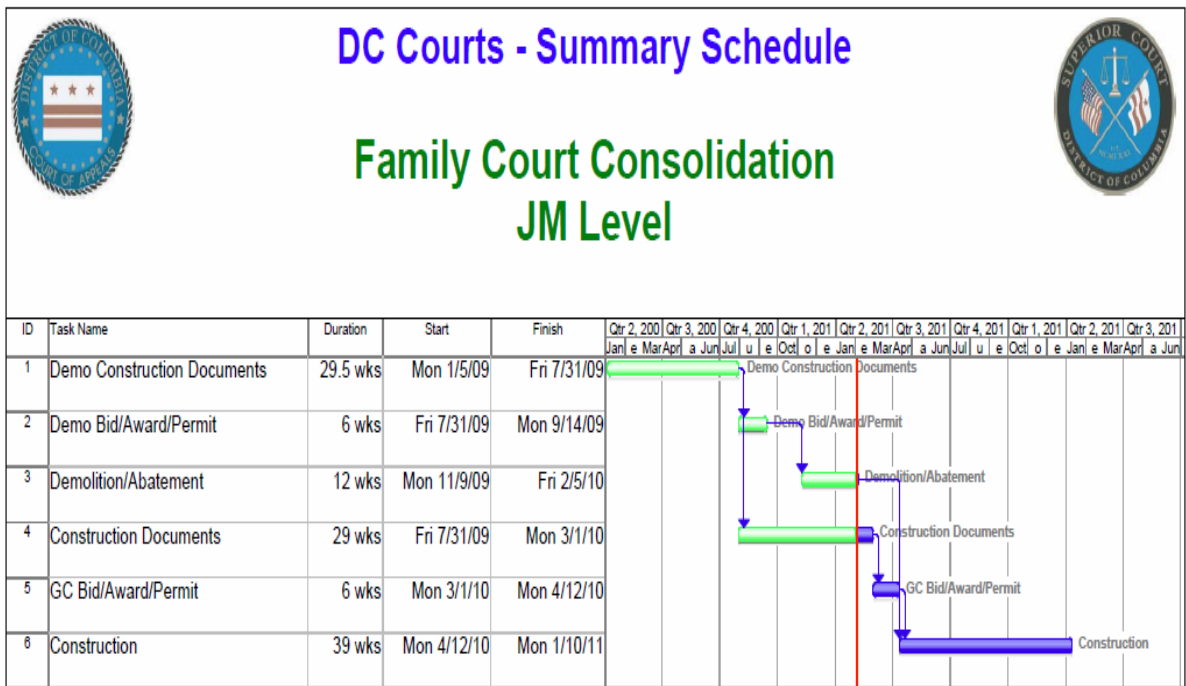
- Design of Consolidated Family Court space on the JM level.
- Master Plan Implementation.

## Design and Construction of Family Court – Paternity & Support, Domestic Relations, Juvenile & Neglect, JM Level, Moultrie Courthouse

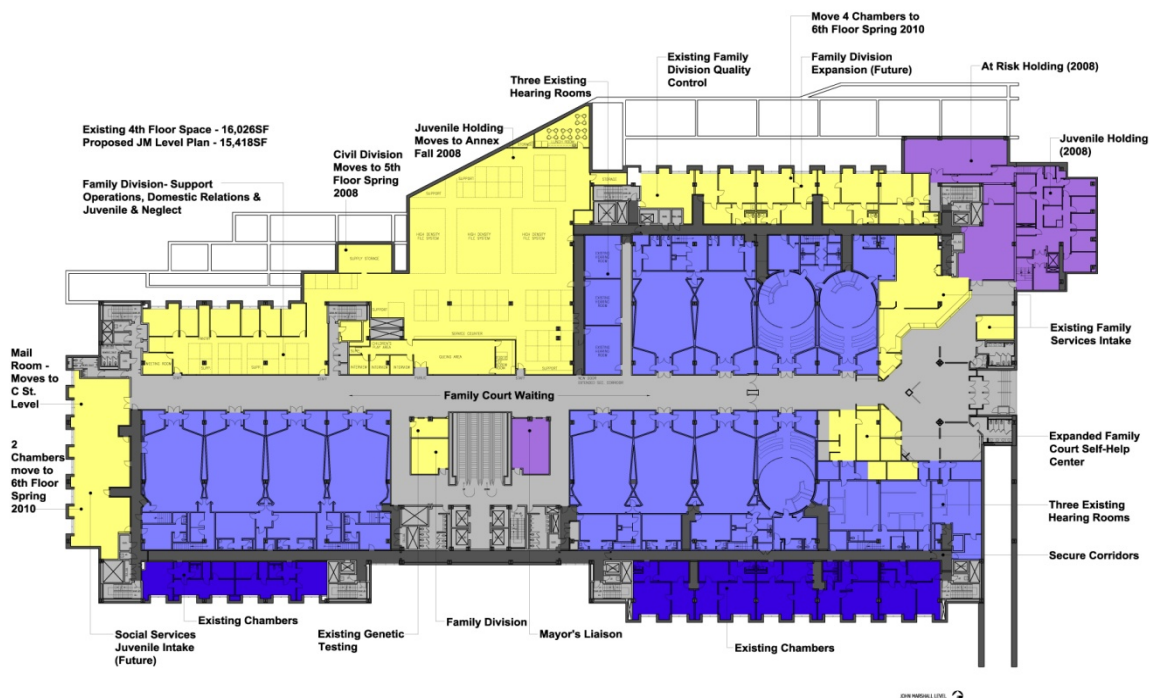
### Description

Construction work is in progress to relocate the Family Court Branches and Court Social Services Juvenile Intake to the JM Level of the Moultrie Courthouse. This consolidation will be possible because of the relocation of the Civil Division. Family Court branches to be consolidated are: Paternity and Support, Domestic Relations, Juvenile and Neglect, Central Intake, Quality Control and Courtroom Support, and the Self-Help Center. This project involves renovation of approximately 21,000 square feet (sf); 18,700 square feet and relocation of 118 staff for the Family Court Branches and renovation of 2,500 square feet and relocation of 11 people for Court Social Services Juvenile Intake.

### Schedule



## Location



## Facilities Master Plan Update 2018

### Description

Implementation of the Courts Facilities Master Plan continues. An update was initiated in 2009 of its 2002 Facilities Master Plan to capture changes in court technology, organization and operations, and the growth of the District of Columbia's population. These changes affect all aspects of the Court including Family Court, Social Services, and support functions. In 2002 it was believed that the District's population had been in steep decline for three decades.

According to the 2000 Decennial Census and the 2007 update, it was discovered the decline had reversed and the population has been growing since the late 1990s. The facilities programming is complete and the courts are exploring physical options to address long term space needs.

### CASE AND DATA MANAGEMENT IN THE FAMILY COURT

Throughout 2009, the court's Information & Technology (IT) team vigorously performed system integration testing of the electronic case initiation component of the Court Improvement Project (CIP) between the Family Court and CFSA. While the IT

team led the testing effort and was largely responsible for coordinating with CFSA technology staff, key personnel within the Family Court provided guidance and understanding of the business process.

### **Electronic Interfaces in Abuse and Neglect Cases**

The data exchange program under development has three phases: electronic case initiation with CFSA; electronic submission of subsequent filings, including the petition, with the OAG; and electronic transmission of court orders to CFSA.

While early test results indicated the first phase – electronic case initiation with CFSA - was ready for production implementation, further testing uncovered several defects as well as enhancements necessary to ensure effective communication between the court and CFSA. Working closely with the court’s case management system vendor, CourtView Justice Solutions, the Family Court reviewed and approved enhancement specifications based on requests submitted by CFSA users involved in the test process. These enhancements included additional data elements being transmitted to the court as well as some minor formatting changes to the CFSA complaint form image being generated by the interface.

The CFSA to court interface will greatly streamline the process of creating legal cases in the court’s CourtView case management system. It is designed to reduce data entry for both CFSA social workers as well as court staff responsible for manually reviewing complaints and creating legal cases. The overall goal is to create a more accurate and expeditious process for the creation of complaints, petitions and legal cases for all participating agencies.

As 2009 drew to a close, both IT organizations were satisfied the critical defects had been addressed by changes to the interface applications and/or business process agreements between the Family Court and CFSA social workers. Both organizations felt confident an early April 2010 “go-live” date would be possible.

In mid 2010, following successful implementation of Phase 1, the Court anticipates kicking off Phases 2 and 3 of the CIP initiative. Functionality in these subsequent phases will center on further automation of the case filing process with the submission of subsequent filings including the petition with OAG and electronic transmission of court orders to CFSA.

### **Court-wide Performance Measures**

In 2009, the Family Court continued its active participation in the court-wide performance measure reporting initiative led by the Chief Judge of the Superior Court. Finalizing reporting requirements for clearance rate calculations, time to disposition, and trial date certainty in late 2009, the Family Court is moving forward with age of active pre-disposition case reporting.

Anticipating a mid-2010 date for reporting figures for this measure, the Family Court continues to generate and review results monthly for the other three performance measures as part of its obligations under the Act to measure compliance with established timelines for case processing in all Family Court case types at both the local and national level. Development of reports for each measure continues to encourage collaboration between Family Court Operations management, the Research and Development Division and the Office of Strategic Planning. Additionally, the Family Court has been asked to

identify cases in post disposition status to further represent the Family Court's true body of responsibility and work in a given reporting period.

### **Family Identity Consolidation**

Working together in early and mid 2009, the Family Court and IT teams validated Family Identifier updates to data in the integrated case management system (CourtView) testing environment. After looking at hundreds of cases, Family Court personnel signed off on this process paving the way for similar updates in the production environment.

Using rule sets first derived from abuse and neglect cases, the IT team updated thousands of cases in the Family Court including juvenile delinquency, domestic relations, adoption, and child support to correct inconsistent family identity numbers assigned to individuals during conversion from the court's mainframe legacy system to CourtView.

In addition to facilitating the review of cases for validation, the IT team tested scripts designed to "roll back" changes to the production system in the event a system error is discovered shortly after the updates. Family Court managers insisted on this safeguard during the requirements definition phase of this initiative, which started in late 2007.

Plans are already underway to apply the same basic rule set to other Family Court case types not included in the original scope such as mental health and mental retardation.

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

Alternative Dispute Resolution (ADR) in the Family Court is provided through the Superior Court's Multi-Door Dispute Resolution Division (Multi-Door). Both the



Child Protection Mediation and Family Mediation programs facilitated by Multi-Door have proven to be highly successful in resolving child abuse and neglect cases and domestic relations cases. The programs also had an equally positive effect on court processing timeframes and cost. These results provide compelling support for the continuation of these valuable public service programs.

### **ADR Performance Measures**

The Multi-Door Division relies on 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 the other party or mediator; and
- Mediator Performance – measures clients’ satisfaction with mediators’ performance in conducting the process, including explaining the process and the mediator’s role, providing parties the opportunity to fully explain issues, the mediators understanding of the issues, whether the mediator gained the parties’ trust, and any bias on the part of the mediator.

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

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

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

During 2009, 575 new abuse and neglect cases were petitioned in the Family Court. Ninety-nine percent of those cases (353 families with 573 children) were referred to mediation, consistent with the mandate in the Family Court Act to resolve cases and proceedings through ADR to the greatest extent practicable consistent with child safety.<sup>2</sup> Of those 353 families, 337 were offered mediation in 2009. The remaining 16 families (5%) whose cases were filed in 2009 were offered mediation in 2010.

Seventy-seven percent of the families (260 cases) offered mediation in 2009 participated in the mediation process; twenty-three percent of the families (77 cases) did not participate and their cases were not mediated.<sup>3</sup> As was the case in 2008, for families participating in mediation, the court continued to settle a substantial number of cases through the mediation process. Of the 260 cases mediated, 112 (43% of cases representing 188 children) resulted in a full agreement. In these cases, the issue of legal jurisdiction was resolved and the mediation resulted in a stipulation (an admission of neglect by a parent or guardian). In addition, a case plan was developed and presented to the court as part of the mediation agreement. In 140 cases (54% of cases representing 242 children) the mediation was partially successful resulting in the development of a

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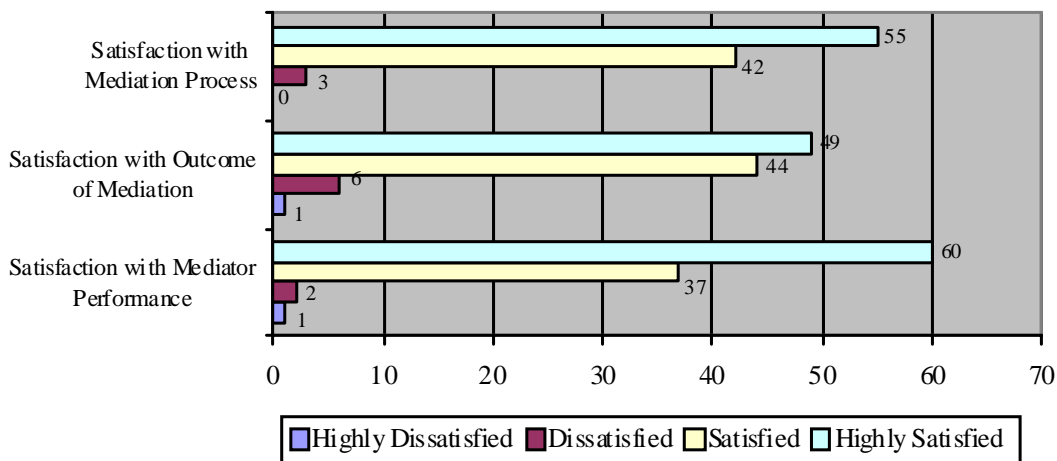
<sup>2</sup> These multi-party mediations are structured so as to enhance safety: pre-mediation information is provided to participants; parents are included in the sessions; appropriate training is provided; and a layered domestic violence screening protocol is implemented for cases with a history of domestic violence by Multi-Door staff and mediators.

<sup>3</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);

case plan even though the issue of jurisdiction was not resolved. No agreement was reached in eight (3%) of the cases that went to mediation.

Qualitative measures illustrate substantial satisfaction measures of 97% for the ADR process, 93% for ADR outcome, and 97% for the performance of the mediator(s).<sup>4</sup> Clearly, participation in ADR increases public trust and confidence in the Family Court.

**Figure 1. Percentage 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 800 domestic relations cases were referred to mediation in 2009, an increase of 20% from 2008 (666 cases). Fifty-three percent (421) of the cases referred

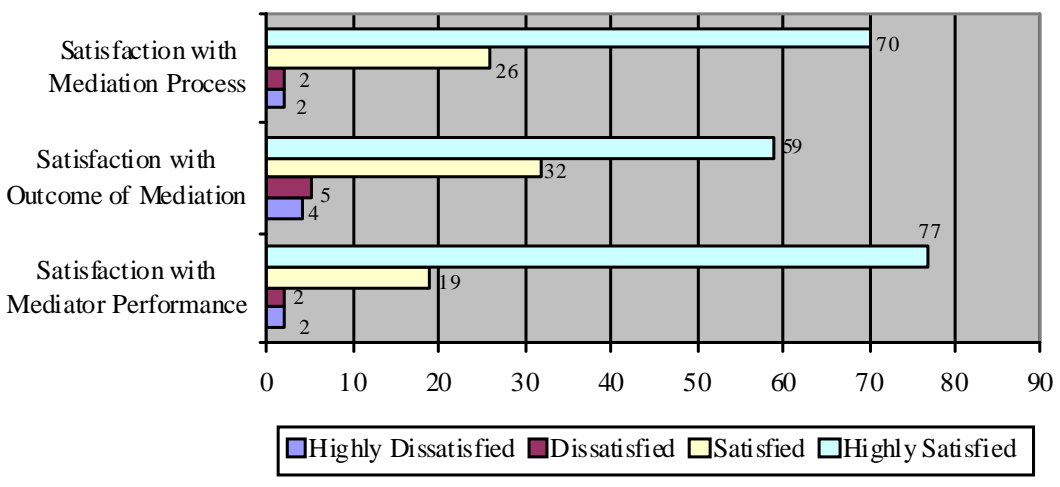
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and (e) case scheduled in 2009 for mediation in 2010. Family Court and Multi-Door have implemented measures to reduce the number of rescheduled cases in order to expedite case resolution.

<sup>4</sup> These statistics are based on data provided by the Multi-Door Dispute Resolution Division.

were mediated and completed in 2009. The remaining forty-seven percent (379) of cases referred to mediation did not participate in mediation because they were found to be either inappropriate or ineligible for mediation. Of the 421 cases mediated, 175 (42%) settled in mediation and 246 (58%) did not reach an agreement. Among the 175 cases that settled in mediation, full agreements were reached in 140 (80%) cases and partial agreements were reached in 35 cases (20%).

**Figure 2. Percent of Participants Satisfied with the Domestic Relations Mediation Program**



Qualitative outcome measures show satisfaction rates of 91% for ADR outcome, 96% for ADR process, and 96% for the performance of the mediator(s). These satisfaction measures indicate that, as is the case in the Child Protection Mediation Program, participation in Family ADR increases public trust and confidence in the Family Court.

**Family Court ADR Initiatives**

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

- **Continuing Education for Mediators.** Multi-Door provided ongoing training for its existing corps of mediators in both the Child Protection and Family Mediation Programs during 2009, as part of ensuring a continued high level of proficiency and skills maintenance.
- **Same Day Mediation.** A same-day mediation program for domestic relations cases was implemented in October of 2003. The program 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; there were 155 referrals in 2009.

**FAMILY COURT OPERATIONS CASE ACTIVITY**

There were 15,451 cases pending in the Family Court on January 1, 2009.

During calendar year 2009, there were a total of 12,887 new cases filed and 515 cases reopened in the Family Court. During the same period, 14,035 cases were disposed. As a result, there were 14,818 cases pending in the Family Court on December 31, 2009.

Table 1. Family Court Operations Case Activity for 2009								
	Abuse & Neglect	Adoption	Divorce	Juvenile <sup>b</sup>	Mental Health	Mental Retardation	Paternity & Child Support	Total
Pending Jan. 1 <sup>a</sup>	2,570	299	2,613	774	556	1,253	7,386	15,451
Filings	575	227	3,806	3,752	1,375	25	3,127	12,887
Reopened <sup>c</sup>	24	-	-	35	312	-	144	515
<b>Total Available for Resolution</b>	<b>3,169</b>	<b>526</b>	<b>6,419</b>	<b>4,561</b>	<b>2,243</b>	<b>1,278</b>	<b>10,657</b>	<b>28,853</b>
Resolutions/Dispositions	800	230	3,332	3,877	1,685	117	3,994	14,035
Pending Dec. 31	2,369	296	3,087	684	558	1,161	6,663	14,818
Percent Change in Pending	-7.8%	-1.0%	18.1%	-11.6%	0.4%	-7.3%	-9.8%	-4.1%
Clearance Rate <sup>d</sup>	134%	101%	88%	102%	100%	N/A	122%	104%

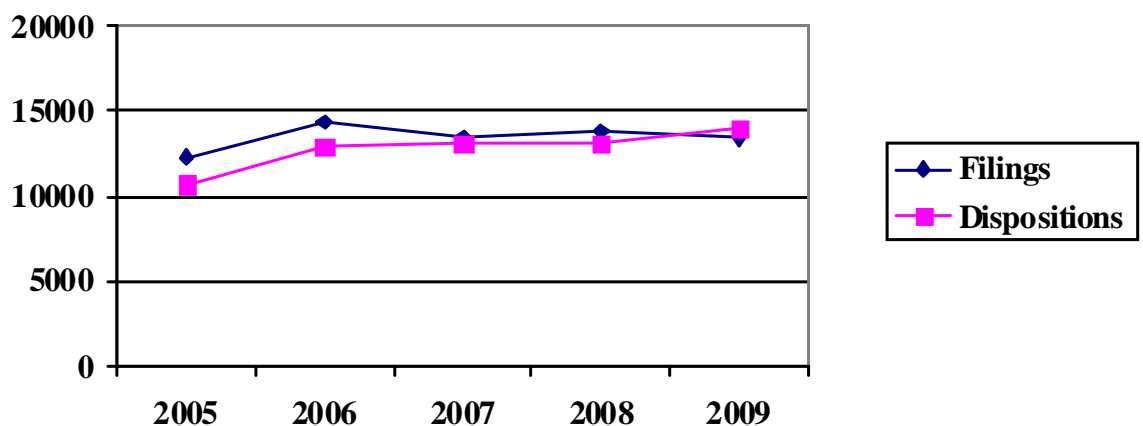
a. Pending January 1 figures for Abuse & Neglect and Juvenile were adjusted after an audit of caseload.  
b. Includes cases involving Delinquency, PINS, and Interstate Compact.  
c. Includes cases that had previously reached a final disposition, but have been restored to the court's pending caseload due to the requirement of additional judicial activity in the case.  
d. Clearance rates are calculated by dividing the number of cases disposed by the number filed and measures how well a court is keeping up with its incoming caseload.

Over the five year period from 2005 through 2009, the number of filings (including cases reopened) and the number of dispositions has shown significant

variation. Filings ranged from a period low of 12,305 in 2005 to period high of 14,329 in 2006, down to 13,851 in 2008 and 13,418 in 2007, down to 13,402 in 2009.

Similarly, the number of cases disposed each year has also shown significant variation, ranging from a low of 10,696 cases disposed in 2005 to a high of 14,035 cases disposed in 2009.

**Figure 3. Family Court Case Filings and Dispositions  
2005-2009**

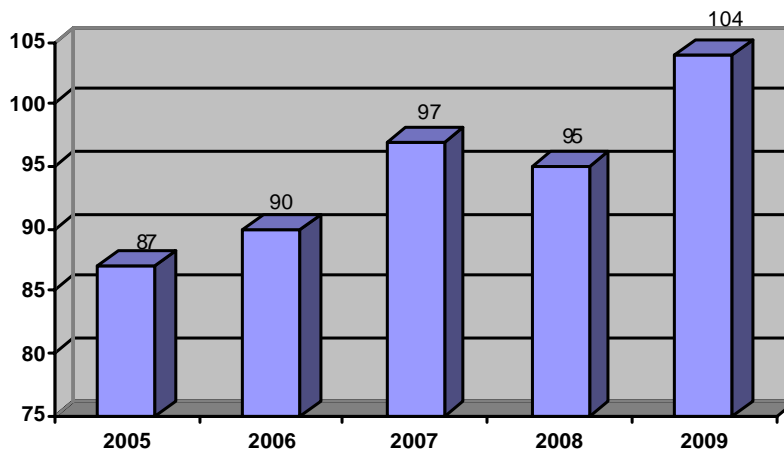


Because filings and dispositions can vary significantly from year to year, the best assessment of whether a court is managing its caseload efficiently is its clearance rate. A clearance rate of 100% indicates that a court is very efficient and has disposed of as many cases as were filed during the year. 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 2009, the method of counting dispositions in mental retardation cases was changed. As a result, the clearance rate for that case type was not available. Excluding mental retardation cases, the overall

clearance rate for Family Court was 104%, the highest rate over the five year period. Prior year clearance rates ranged from a low of 87% in 2005 to a high of 97% in 2007.

Although the clearance rate demonstrates that the Family Court is doing an excellent job of managing its caseload, during 2010 the Family Court will continue to monitor case processing standards, using recently established court-wide benchmarks with the goal of ensuring that each of the individual branches within the Family Court that have not reached a 100% clearance rate, reach that rate.

**Figure 4. Clearance Rates in Family Court, 2005-2009**



**FAMILY COURT CASE ACTIVITY FOR 2009**

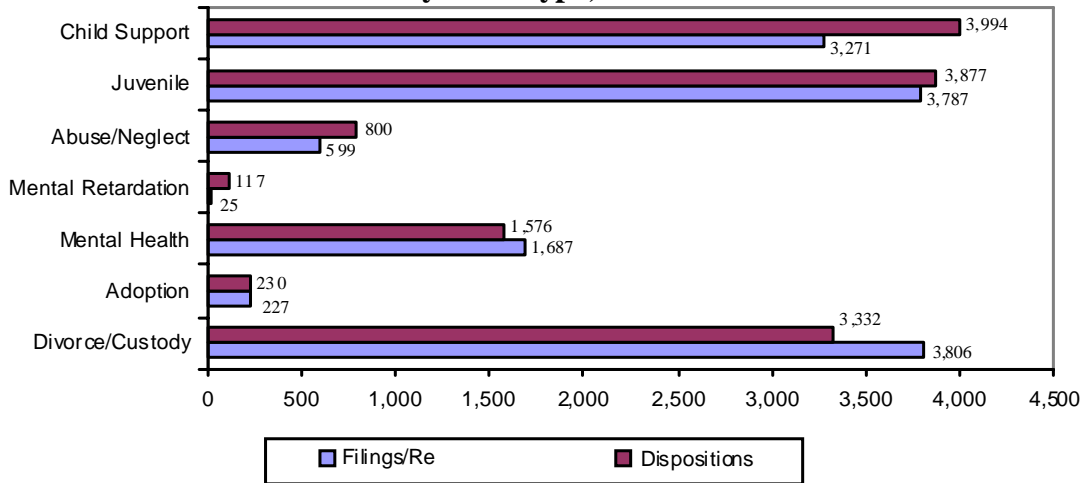
New case filings in the Family Court decreased 5.3% between 2008 and 2009 (13,606 filings in 2008 and 12,887 filings in 2009). There were significant differences in the types of cases filed. For instance, there was a 32% decrease in abuse and neglect filings, a 17% decrease in adoption filings, and a 20% decrease in filings for paternity and support. At the same time, mental retardation filings, which had a 50% decrease in 2008, had the largest increase in 2009, 108%. In addition, mental health filings increased by 4%, juvenile filings increased by 7%, and domestic relations (divorce and custody) filings increased by 1%.

Divorce and custody cases and juvenile cases each accounted for nearly 3 out of 10 new cases filed in the Family Court during 2009. Paternity and support cases accounted for a quarter of new cases filed and abuse and neglect cases accounted for 4% of new filings.

During the year, the Family Court resolved more than 14,000 cases, including: 3,877 juvenile cases; 3,332 divorce and custody cases; 230 adoption cases; 1,685 mental health cases; 117 mental retardation cases; 800 child abuse and neglect cases; and 3,994 paternity and child support cases. There was a 7% increase in dispositions from 2008 to 2009. The increase reflects the rise in dispositions for certain case types during the period. For instance, dispositions increased significantly in mental health cases (21%), juvenile cases (12%), paternity and child support cases (10%), and abuse and neglect cases (6%). On the other hand, dispositions decreased in divorce and custody cases (9%) and adoption cases (9%). As indicated earlier, the increase in dispositions for mental retardation cases is attributable to change in definition of disposed cases. Prior to 2009, a mental retardation case was considered disposed when the respondent died, left the jurisdiction or in limited circumstances returned to his/her family. Beginning in 2009, a mental retardation case is considered disposed when the case is dismissed or an order for admission is filed. As in the past, the case will remain open in the court's database for post-disposition reviews.

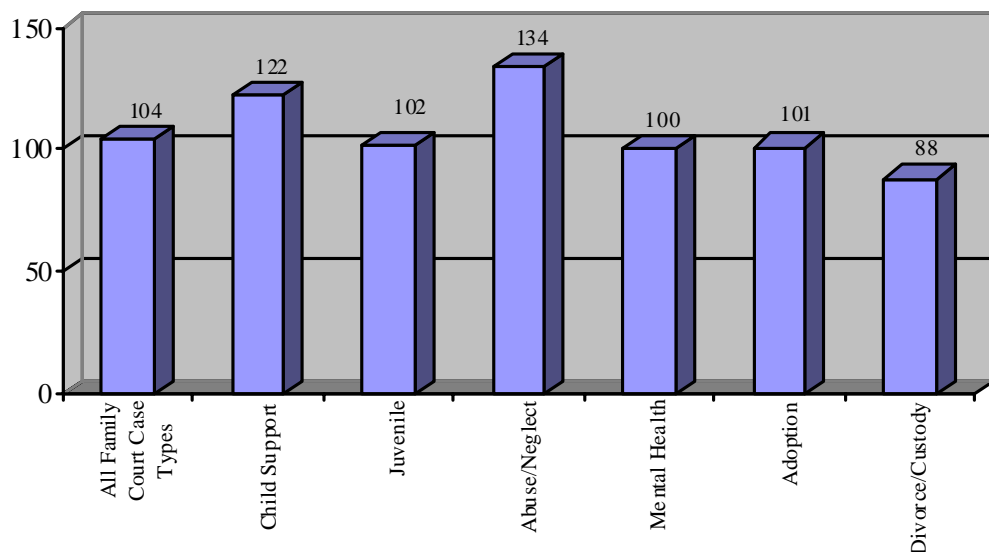


**Figure 5. Family Court Filings and Dispositions, by Case Type, 2009**



Clearance rates increased between 2008 and 2009 for all family court case types with the exception of domestic relations cases. The clearance rate for domestic relations cases in 2008 was 98%. The rate decreased to 88% in 2009. For all other case types,

**Figure 6. Clearance Rate by Case Type, 2009**



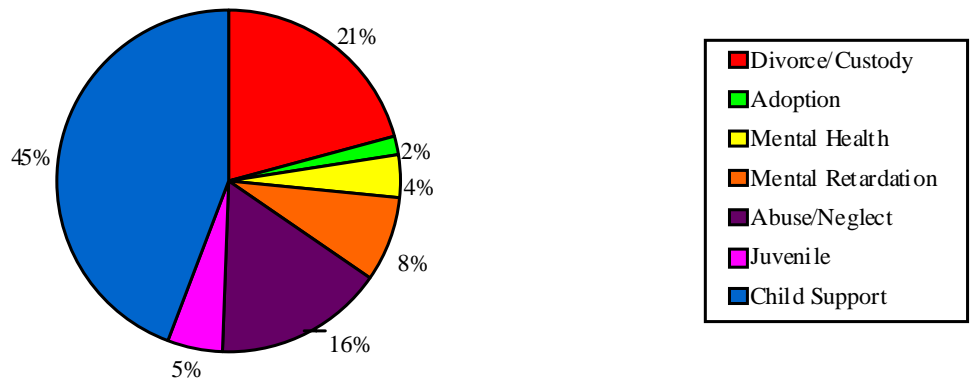
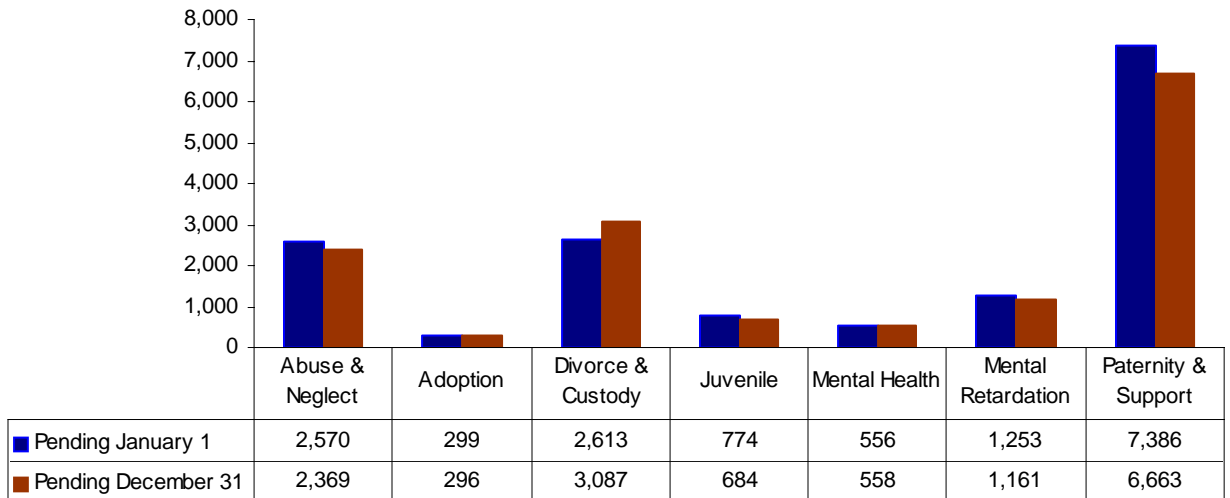
the Family Court disposed of as many or more cases than it received during the year. As

a result, the clearance rate in 2009 met or exceeded 100% for abuse and neglect, adoption, juvenile, mental health, and paternity and support.

Measuring the number of dispositions is important for any court; however, it is important to note that in Family Court cases, a disposition does not always end the need for court oversight and judicial involvement. In many Family Court cases, after an order is entered there is significant post disposition activity that occurs. For example, among the 3,877 juvenile cases resolved during 2009, 1,095 juvenile offenders were placed on probation. Those 1,095 juveniles, as well as the more than 900 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 youth 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. In addition, all support cases are subject to contempt and modification hearings that require judicial oversight.

On December 31, 2009, 14,818 cases were pending resolution in the Family Court, including: 3,087 divorce and custody cases, 296 adoption cases, 558 mental health cases, 1,161 mental retardation cases, 2,369 child abuse and neglect cases, 684 juvenile cases, and 6,663 paternity and 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 2,369 pending abuse and neglect cases, only 135 cases were awaiting trial or disposition at the end of the year, while 2,234 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 facilitate the entry of permanent orders, to enforce child support orders through civil or criminal contempt, and to modify existing child support orders.

**Figure 7. Family Court Pending Caseload, 2009**



**ABUSE AND NEGLECT CASES**

During 2009, there were 575 new child abuse and neglect referrals to the Family Court, a 32% decrease in filings from 2008. Over the five year period (2005 to 2009), new child abuse and neglect referrals have decreased by 38%. Referrals ranged from a high of 933 in 2005, to a low of 532 in 2007. With the exception of 2008, which showed an increase in referrals over the previous year, there had been a substantial decrease in the number of new referrals in each year (933 in 2005, 652 in 2006, 532 in

2007, and 842 in 2008). The decreases in 2006 and 2007 were likely attributable to policy changes at CFSA, especially the implementation of Family Team Meetings, which resulted in an agency decision 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. Just as the decreases were related to CFSA, the increase in filings in 2008 resulted from an intense review by CFSA of all cases awaiting investigation, the result of the review was a significant increase, 58%, in filings from 2007 to 2008.

The agency’s policy of serving more families through the provision of in-home services and bringing fewer and more serious cases to the attention of the Court is also a likely contributor to the high number of children removed from home among those whose cases are referred to the court. Among cases filed in 2009, 88% of the children were removed from home at the time the complaint was filed and 12% remained in the home. The percentage of children removed from home has ranged from a low of 86% in 2007, to a high of 90% in both 2005 and 2008.

Seventy-nine percent of new referrals in 2009 were for allegations of neglect and 21% were for allegations of abuse. During the five-year period from 2005 to 2009, the percentage of children referred for an allegation of abuse has ranged from a low of 15% in 2005 to a high of 23% in 2007. Females were more likely than males to be the subject of an abuse and neglect referral in 2005 and 2006; in 2007 and 2008 males (51%) were more likely to be the subject of a referral than females (49%); in 2009 males and females

**Table 2. Percent Distribution of Abuse and Neglect Referrals 2005-2009, by reason for referral, removal status, gender, and age**

Characteristic	Year of Referral				
	2005	2006	2007	2008	2009
<b>Reason for Referral</b>					
Abuse	15	23	20	18	21
Neglect	85	77	80	82	79
<b>Removal Status</b>					
Removed	90	88	86	90	88
Not Removed	10	12	14	10	12
<b>Gender</b>					
Male	47	48	52	51	50
Female	53	52	48	49	50
<b>Age at referral</b>					
Under 1 year	13	13	18	14	18
1-3 years	17	18	17	18	22
4-6 years	15	14	15	16	15
7-10 years	19	15	14	16	13
11-12 years	11	9	9	9	8
13 and older	25	31	27	26	24
<b>Total number of referrals</b>	<b>933</b>	<b>652</b>	<b>532</b>	<b>842</b>	<b>575</b>

each comprised 50% of referrals. Females did, however, continue to represent a higher percentage of abuse referrals than did males. As has been the case over the last several years, nearly a quarter of new referrals to Family Court involved children 13 and older at the time of referral. The figure increases to a third of referrals when older youth between the ages of 11 and 12 are included. Although high, the percentage of referrals of older children has decreased in each year from 2007 to 2009. The Family Court, CFSA and other child welfare stakeholders continue to examine the implications of large numbers of older youth coming into care. The examination includes an assessment of resources in the District to assist parents and caregivers in addressing the needs of this segment of the population before they come into care, as well as the need to identify and develop appropriate placement resources once they are in care.

Over the five year period, another third of new referrals were children less than four years old at the time of referral. Given the vulnerability of children in this age group, the Family Court and CFSA are also reviewing the needs of this population, especially as it relates to educational and developmental services and access to other early intervention programs.

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

The 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 the time of the Act's initiation, 3,500 were assigned to judges not serving in the Family Court. Since then, all of those cases have been transferred into Family Court or closed. Today, non-Family Court judges supervise 19 cases, all of which are being retained under provisions of the Act with the approval of the Chief Judge who 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 ASFA; and (3) it is likely that permanency would not be achieved more quickly by reassigning the case within the Family Court.

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

The District of Columbia Adoption and Safe Families Act (D.C. ASFA) (D.C. Official Code Sections 16-2301 et seq., (2000 Ed.)) establishes timelines for the completion of the trial and disposition hearing in abuse and neglect cases. The timelines vary depending on whether 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

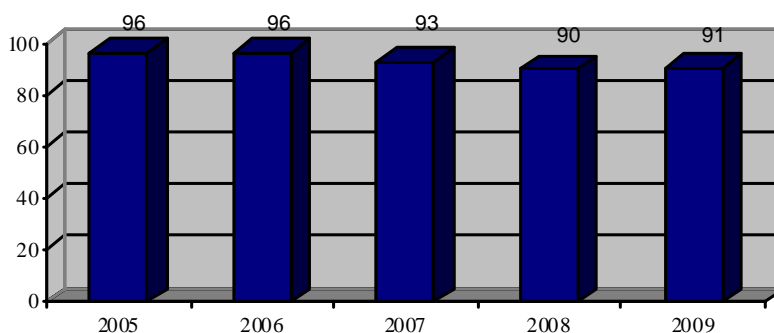
not removed from the home and at 105 days for a child removed from the home. The statute requires that trial and disposition occur on the same day whether the child has been removed or not, but permits the court 15 additional days to hold a disposition hearing for good cause shown.

During 2009, there was no difference in compliance rates from 2008 for both time to adjudication and time to disposition for children removed from home. There was a slight decrease in compliance rates for time to disposition for children not removed from home.

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

Figures 7 and 8 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 Figure 7, the court has made significant progress in completing trials/stipulations within the established timelines for children removed from home since 2005. Although the compliance rate in 2009 has decreased slightly from 2005 and 2006, at least 9 out of 10 cases filed in a given year had a fact-finding hearing in compliance with the ASFA timeline for trials in removal cases (105 days). In

**Figure 7. Compliance with D.C. ASFA Timeline for Trial/Stipulation for Children Removed from Home**



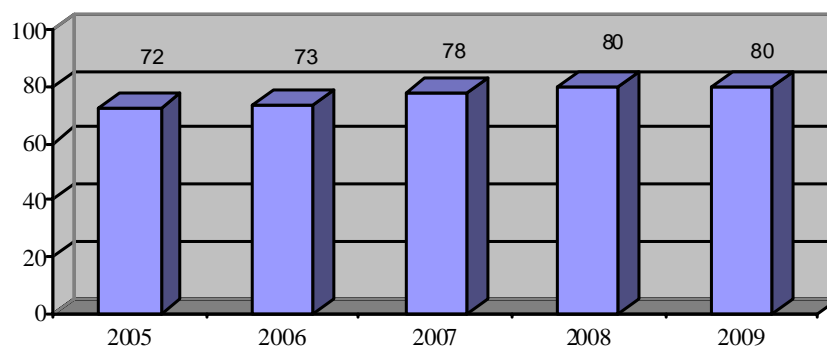


addition to high rates of compliance with the statutory timeline requirements, many cases reach trial or stipulation in considerably less time than the statute allows. In 2009, the median time it took for a case to reach trial or stipulation was 56 days. The median time it took for a case to reach trial or stipulation has ranged from a high of 57 days in 2005, to a low of 43 days in 2006 and 2007.

For children not removed from home, the percentage of cases in compliance with the timeline to trial or stipulation (45 days) was 80 percent. The median number of days to stipulation was 33 days and the average 38 days.

Family Court attorney advisors continue to review all cases coming from initial hearing to ensure that all events have been scheduled in a timely manner. 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. In 2010, the Court will continue to monitor and track this area and implement appropriate measures to improve the court's compliance rate.

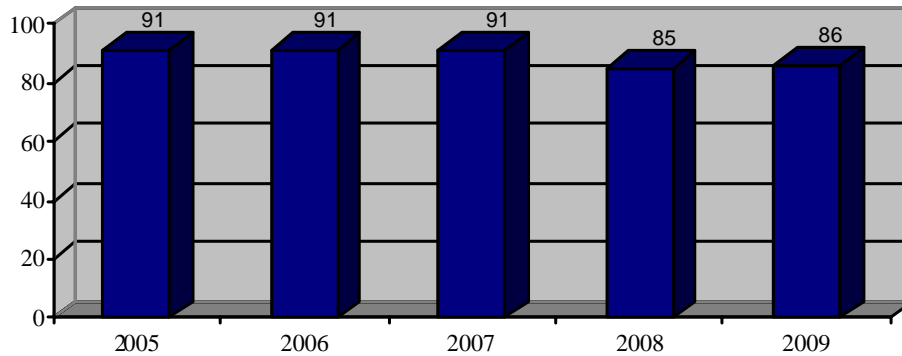
**Figure 8. Compliance with D.C. ASFA Timeline to Trial or Stipulation for Children Not Removed from Home**



## DISPOSITION HEARINGS IN ABUSE AND NEGLECT CASES

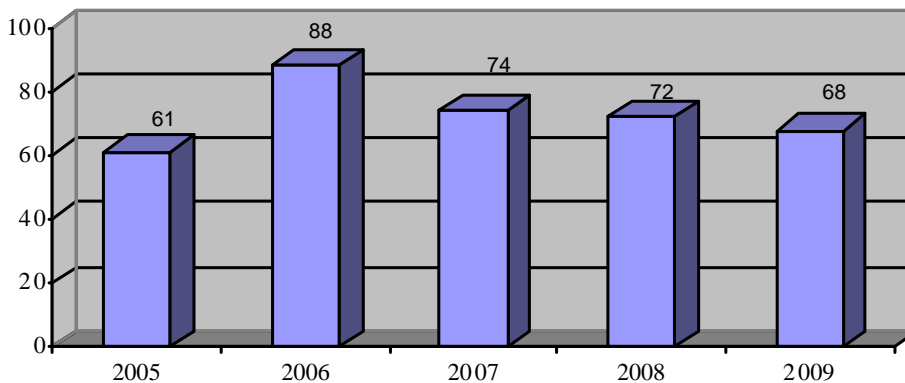
Over the five-year period from 2005 to 2009, there has been a decrease in the number of cases meeting the timelines for disposition hearings in abuse and neglect cases (Figure 9). Among children removed from home in each year from 2005 to 2007,

**Figure 9. Compliance with D.C. ASFA Timeline for Disposition for Children Removed from Home**



more than 9 out of 10 were in compliance with the timeline for disposition. In contrast, only 85% were compliant in 2008 and 86% in 2009. The compliance rate for 2009, however, may rise as cases filed in 2009 that are still pending disposition have their hearings. In 2009, the median time to reach disposition was 70 days and the average 54 days, both well below the 105-day statutory timeline.

**Figure 10. Compliance with D.C. ASFA Timeline for Disposition for Children Not Removed from Home**

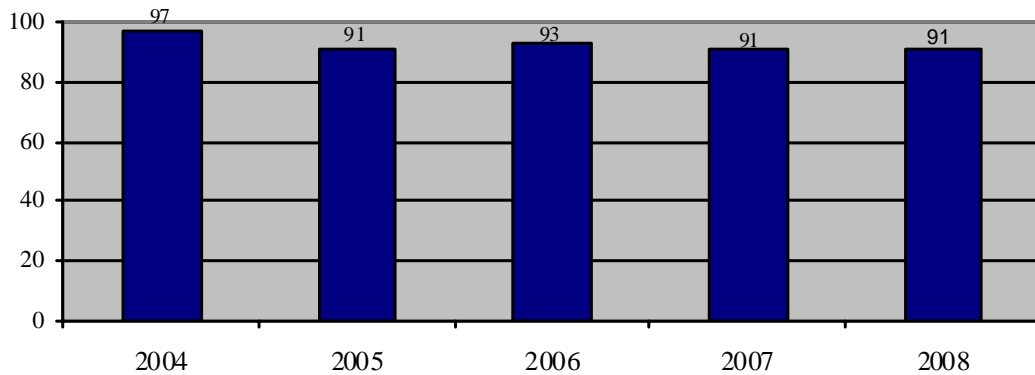


As was the case for reaching trial/stipulation for children not removed from home in a timely manner, the compliance rate for conducting disposition hearings for children not removed from home also varied significantly over the five year period (Figure 10). The compliance rate has ranged from a high of 88% in 2006 to a low of 61% in 2005. The rate for 2009, 68%, is a six-percent decrease from the rate in 2008 which was 72%. As with time to trial and stipulation, the Family Court will continue to monitor and track compliance in this area throughout 2010, and where appropriate, will institute measures to improve compliance.

#### **COMPLIANCE WITH ASFA 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. Figure 11 shows the Court's compliance with holding permanency hearings within the ASFA timeline. The level of compliance with this requirement has remained consistently high. Since 2004, more than 90% of cases had a permanency hearing or were dismissed within the 425 day deadline. Compliance rates ranged from a high of 97% in 2004, to 93% in 2006, to the current rate of 91% in 2005, 2007 and 2009. No case filed in 2009 had reached the statutory deadline for having a permanency hearing by December 31, 2009.

**Figure 11. 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 another planned permanent living arrangement (APPLA)) 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.

In addition, judges are required to raise the issue of identified barriers to the permanency goal. The early identification of such issues has 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 2009, 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 2009 indicates that a permanency goal was set at every permanency

hearing and a goal achievement date was set at 98% of hearings. To ensure that the court maintains a high level of compliance in this area, the Family Court will continue to require its attorney advisors to review every case after a permanency hearing to 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 National Council of Juvenile and Family Court Judges (NCJFCJ) and the American Bar Association's (ABA's) Center on Children and the Law have established best practices for the content and structure of permanency hearings mandated by ASFA, including the decisions that should be made, and the time that should be set aside for each hearing. In its publication, *Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases*, the NCJFCJ recommends that permanency hearings be set for 60 minutes. Family Court judges report that the length of their permanency hearings meets or exceeds this standard.

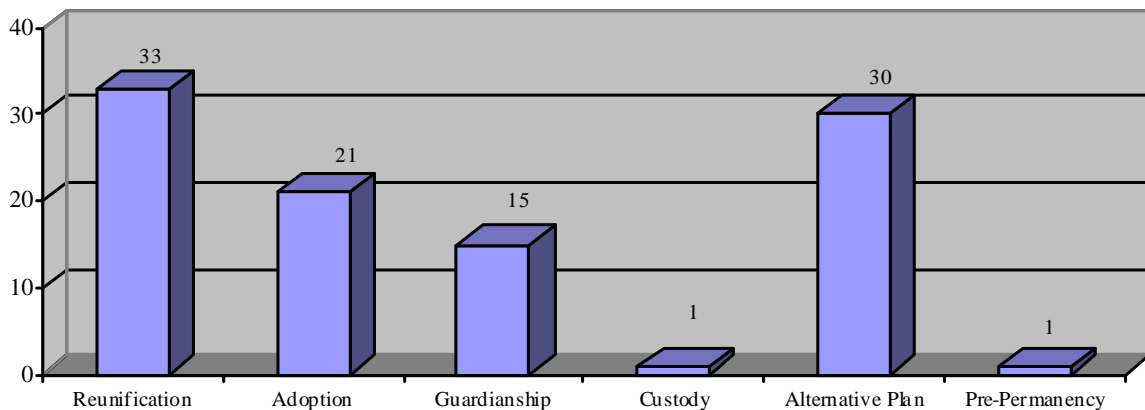
To ensure continued compliance with ASFA and to assist Family Court judges in ensuring that the content and structure of the permanency hearing are consistent with best practices, all judicial officers are required to use a standardized court order for all permanency hearings. As required by ASFA, the 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. In its ongoing effort to ensure that the structure and content of permanency hearing orders are consistent with best practices and easy to use, the Family Court Implementation Committee through the Abuse and Neglect Subcommittee

completed a review and modification of this and all other form orders during 2009. The revised orders are expected to be implemented by June 2010.

### **Barriers to Permanency**

Under ASFA, there are four preferred permanency goals for children removed from their home: reunification, adoption, guardianship or custody. Figure 12 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. 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 was disability of the parent, including significant emotional impairment, the need for substance abuse treatment and the need for the parent to receive life skills training, followed by significant disabilities related to the child, such as significant emotional impairment, procedural impediments, such as housing, and finally, other circumstances such as the family's need for additional protective supervision services.

**Figure 12. Percent Distribution of Current Permanency Goal for Children Under Court Supervision**

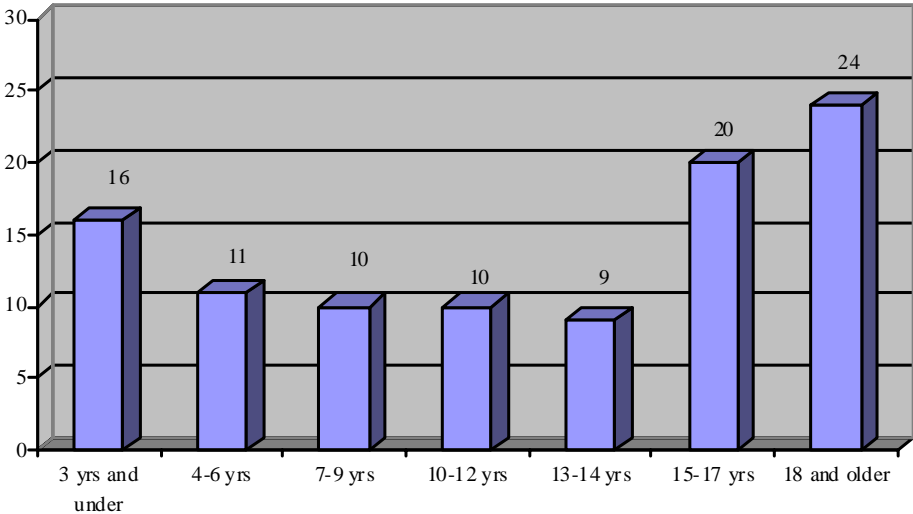


Disabilities related to the child, including significant emotional impairment, developmental/educational deficits, and serious anti-social behavior were major impediments to accomplishing the goal of adoption. Disabilities of the child including significant emotional impairment of the child was also a major impediment in guardianship cases, followed by the need for the parent/caretaker to receive life skills training, and procedural impediments, including the guardianship subsidy. For youth with the goal of adoption and guardianship, the lack of subsidies beyond the age of 18 was a significant barrier to accomplishment of those goals. Continued improvements in addressing the barriers to permanency have led to improved outcomes for children in care.

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 Figure 13 shows, more than 4 out of 10 youth under court supervision are 15 years of age or older. Indeed, more than 50% of youth under court supervision are 13 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, which makes permanency difficult to achieve. 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. In 2008, the Family Court partnered with CFSA in a study of youth with a goal of APPLA. The study reviewed the number and profile of youth with a goal of APPLA. The outcome of the study was the development of a new agency administrative policy outlining the steps

social workers must take before recommending a goal of APPLA to the court in the future. The new policy led to the initiation of a pilot study involving 60 youth with a goal of APPLA to determine if that goal could be changed because some other permanency option may now be viable. In approximately half of those cases it was determined that another permanency goal should be pursued for the child. The agency and the court continue to work to review the new permanency options. In addition, the Family Court is continuing to work with CFSA and other stakeholders to eliminate or reduce the impact of barriers on permanency for all children in care.

**Figure 13. Percent Distribution of Current Ages of Children Under Court Supervision**





## **FAMILY TREATMENT COURT PROGRAM**

The Family Treatment Court (FTC) is a fifteen-month comprehensive voluntary substance abuse treatment program for mothers or female guardians whose children are the subject of a child abuse or neglect case. The program gives mothers a chance to rebuild their lives and their families. 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 OAG after a review of their case and an initial screening. Potential cases identified after this initial screening are then forwarded to the CFSA's Office of Clinical Practice. Cases are also subjected to a local criminal background check, a Department of Mental Health check, and an interview by the Family Treatment Court Coordinator. Mothers who qualify for the program enter into a contract with the FTC, agreeing to the mandates of the program, including stipulating to the allegations of neglect, if their child was not already adjudicated neglected at trial.

Once the FTC contract is signed, clients enter the six-month residential treatment component 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 generally reach permanency sooner.

While in the facility, mothers participate in a rigorous, supervised drug treatment program that includes drug treatment and education, life skills, parenting training, and relapse prevention. In addition, through our stakeholder and community partnerships, both mothers and children receive a variety of services. These services include but are

not limited to: psychological and/or psychiatric counseling, individual counseling, educational assessments, developmental evaluations, speech and bonding studies, GED preparation, job skills training, tutoring, family counseling, play therapy, and summer camp opportunities for children. Funding for many of these services is provided through Medicaid, the Crime Victims Compensation Fund, and CFSA.

The Second Genesis-Melwood Facility continues to provide residential/inpatient treatment services for the FTC program. Their mission is “to empower individuals and families with the tools to break the cycle of addiction, to make choices that will enable them to experience a healthy, responsible life free from alcohol, drugs, crime, violence, and exploitation.”

Upon completion of the inpatient phase of the program, FTC clients participate in a graduation ceremony to memorialize their transition to community-based aftercare. Clients returning to the community either return to their pre-existing housing or move into transitional housing units provided through the FTC program. Presently, the majority of program participants choose to live in transitional housing. Catholic Charities, New Day Transitional House, and the House of Ruth currently provide transitional housing services. Funding for transitional housing is provided by CFSA through an independent contract with each provider for a specified number of units for the sole use of the FTC program. While in aftercare, ongoing drug testing continues. In addition, clients continue to participate in job-readiness training, GED preparation, and other components of their individualized treatment plan.

In 2009, 114 women were referred to the in-patient phase of the FTC program. Twenty-two women (19% of referrals) were admitted and 92 were not admitted. Most of

those referred to the program chose not to participate. For those that were interested, the primary reasons for ineligibility were: severe mental illness, a violent criminal history, or lack of the requisite nexus between their substance abuse and neglect. 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.

During the year, twenty women left the in-patient phase of the program as follows: 12 (or 60%) after successful completion of the program, three (or 15%) because they voluntarily left the program, and five (or 25%) who were terminated from the program. The success rate in 2009, increased from the 54% success rate in 2008 but was still significantly lower than it was in both 2007 (77%) and 2006 (88%). The lower success rates prompted stakeholders to reexamine the methods used to determine eligibility for the program. To better ensure that women admitted to FTC are appropriately suited for program, the FTC began administering a new screening tool in 2009, the Addiction and Severity Index (ASI). The ASI is widely used in the evaluation of substance abuse and it should more accurately determine the probability of a client's success in the FTC program. The instrument is used to gather information on a person's history, frequency, and consequences of alcohol and drug use, as well as the five areas that are commonly associated with drug use: medical, legal, employment, social/family, and psychological functioning. FTC stakeholders will continue to evaluate the effectiveness of the instrument during 2010, and will consider other methods that can be used to better support women and to ensure their successful completion of the FTC program.

In May 2009, a graduation celebration was held to honor the eight women who successfully completed the in-patient phase of the program and entered the community-based aftercare phase. They, along with 17 other women already in aftercare at the beginning of the year and four women who completed residential after the graduation celebration, participated in a very rigorous schedule of activities and continuing care programs. Eighteen women left the aftercare phase of the program during the year. Eleven (61%) successfully completed the aftercare program and seven were terminated. More importantly, all 11 women who completed the aftercare program had their neglect cases closed and were successfully reunited with their children. Among women remaining in the aftercare program at the end of 2009, six were at home in the community and five were in transitional housing units provided by the FTC program. FTC stakeholders continue to 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 the program. The yield from referrals in 2009 (19% of referrals) was a 27% decrease from the yield of referrals in 2008 (26%) and a 46% decrease from the yield in 2007 (35%).

Beginning in late 2009 and continuing through 2010, the FTC program is undergoing a number of changes designed to better meet the needs of participants and to ensure that they have the greatest possibility for successful completion of the program. As discussed above, changes have been made in the tools used to determine program eligibility. Other changes currently in progress include: the provider of assessment functions, courtroom procedures, the focus and frequency of case staffings, and changes in training provided to program participants. A new vehicle for sharing information, the

FTC Newsletter, was created in 2009 to keep current and former program participants in contact with one another. A new community service component for program participants and a review of the use of incentives and sanctions in the program are both in the discussion/consideration phase. In addition, during 2009, program materials for stakeholders and clients were revised, including the FTC Manual, the FTC participant handbook, and the FTC parent calendar and guide book. In 2010, the workbook “Passport to a New Beginning” will be revised. The workbook will allow clients to document and track key milestones in their case, and serve as a repository for important information they will need when they leave the FTC program.

In September 2009, the Superior Court entered into a contract with Westat, Inc. to conduct an evaluation of the FTC. The FTC evaluation will include both a process/implementation component and an outcome component. The evaluation is intended to assist the Court in determining whether the program has been implemented as it was envisioned and how the outcomes for participants and their children compare to those achieved by women who do not participate in the program. The evaluation is expected to be completed in June 2011.

#### **PERMANENCY OUTCOMES FOR CHILDREN**

In 2009, Family Court judicial officers closed 642 post-disposition abuse and neglect cases. As can be seen from Table 3, 69% were closed because permanency was achieved. Thirty-one 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; and two cases closed because the respondent was deceased.

In 2009, the percentage of cases that closed because a child had reached permanency was higher than it was in 2008. More than 30% of cases closed to reunification and 20% to adoption, both increases over comparable figures in 2008. There was also a significant increase in the actual number of adoptions from 95 in 2008 to 128 in 2009, or a 35% increase. The increase in adoptions reflects the significant work done by the OAG, CFSA and the court to reduce the number of children in foster care awaiting adoption over the past three years. During 2009, the agency undertook a thorough examination of all children with the goal of adoption to determine if there were policies and procedures that should be enforced or implemented to ensure that they reach permanency in a timely manner. In addition, the examination included a review of children with a goal of adoption that had not been placed in a pre-adoptive home and the timeliness of filing a TPR motion once the goal was changed to adoption. Although, the number of children awaiting adoption has decreased many still wait too long to find a permanent home.

**Table 3. Abuse and Neglect Cases Closed Post-Disposition  
By Reason for Closure, 2007-2009**

Reason for Case Closure	Number and percent distribution of cases closed					
	2007		2008		2009	
	Number	Percent	Number	Percent	Number	Percent
<b>Permanency Goal Achieved</b>	<b>429</b>	<b>70</b>	<b>368</b>	<b>66</b>	<b>445</b>	<b>69</b>
Reunification	173	28	163	29	211	33
Adoption	135	22	95	17	128	20
Guardianship	110	18	93	17	93	14
Custody	11	2	17	3	13	2
<b>Child Reached Age of Majority</b>	<b>131</b>	<b>22</b>	<b>123</b>	<b>22</b>	<b>139</b>	<b>22</b>
<b>Child Emancipated</b>	<b>40</b>	<b>7</b>	<b>67</b>	<b>12</b>	<b>56</b>	<b>9</b>
<b>Child Deceased</b>	<b>2</b>	<b>-</b>	<b>3</b>	<b>1</b>	<b>2</b>	<b>-</b>
<b>Court Case Closed-Continued for CFSA services</b>	<b>5</b>	<b>1</b>	<b>4</b>	<b>1</b>	<b>0</b>	<b>-</b>
<b>Total Cases Closed</b>	<b>916</b>	<b>101</b>	<b>606</b>	<b>100</b>	<b>642</b>	<b>100</b>

Although the number of cases in which the permanency goal was achieved increased during 2009, a significant number of cases continued to close without reaching permanency. Twenty-nine percent of cases closed without reaching permanency in 2007; 34% in 2008; and 31% in 2009.

In 2009, 31% of all post-disposition cases closed without the child achieving permanency, either because the child reached the age of majority or no longer wanted services from CFSA. The finding that nearly a third of children aged out of the system is not surprising given that at the end of 2009, 44% of the children under Court supervision were 15 years of age or older. Many of these children, who have APPLA as their permanency goal (30%), have been in care for a significant period of time, or are unlikely to be reunited with their parents and do not wish to be adopted. As indicated earlier, to ensure that the maximum number of children reach permanency, CFSA has issued new guidelines and procedures for social workers planning to recommend a goal of APPLA to the court. The policy is designed to ensure that only those children for whom no other permanency option is appropriate will receive a goal of APPLA. In addition, a review of all older youth currently with a goal of APPLA which began in 2009 is continuing. The CWLT also continues to review the use of APPLA in its quarterly meetings.

As required by the 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 NCJFCJ 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 2009, 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 2004. Data presented is restricted to cases filed and/or disposed of 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 1: Permanency**

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

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

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. In 2005, the comparable figures were 1.6 years to reunification, 5 years to adoption, 4.4 years to guardianship, and 3.8 years to custody. Table 4 reflects comparative data on median time to closure for cases closed in 2008 and 2009.

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. In a fifth of the cases closed to reunification in 2009, children were reunified with their parent within 12 months of removal, and nearly three-fifths were reunified within 24 months or less. The median time required to reunify children with their parents for cases that closed in 2009 was 1.7 years.

The median time to closure for cases closed to adoption, approximately four years, has remained consistent in each year since 2006. More than 9 out of 10 children spend more than 24 months in care waiting to be adopted. As was the case with adoption, the median time to achievement of permanency for children whose cases

**Table 4. Percent Distribution of Time Between Case Filing and Achievement of Permanency Goal, for Cases Closed in 2008 and 2009**

Number of months to achieve goal	Permanency Goal							
	Reunification		Adoption		Guardianship		Custody	
	2008	2009	2008	2009	2008	2009	2008	2009
6 months	5	2	0	0	0	0	0	8
12 months	19	17	1	0	0	0	0	8
18 months	20	22	2	1	3	11	12	31
24 months	16	16	3	4	5	23	12	23
More than 24 months	40	43	94	95	92	67	76	31
<b>Total Cases Closed</b>	<b>163</b>	<b>211</b>	<b>95</b>	<b>128</b>	<b>93</b>	<b>93</b>	<b>17</b>	<b>13</b>
<b>Median Time to Achieve Goal</b>	<b>1.7 years</b>	<b>1.7 years</b>	<b>3.9 years</b>	<b>4.1 years</b>	<b>3.0 years</b>	<b>2.7 years</b>	<b>2.7 years</b>	<b>1.5 years</b>
<b>Average Time to Achieve Goal</b>	<b>2.5 years</b>	<b>2.7 years</b>	<b>4.6 years</b>	<b>5.2 years</b>	<b>3.8 years</b>	<b>3.2 years</b>	<b>2.7 years</b>	<b>2.1 years</b>

closed to guardianship has also remained consistent for the last three years, ranging from 2.8 years in 2007, to 3.0 years in 2008, to 2.7 years in 2009. It is important to remember that many of the cases closed in 2008 and 2009 were older cases where the children had already been in care for extended periods of time. As these older cases close or the youth age out of the system, the court expects to see the median time to case closure to remain high. Table 5 shows the year of case filings for the pending caseload and demonstrates

**Table 5. Age of Pending Caseload, 2009**

<b>Year Case Filed</b>	<b>Percent of Pending Caseload</b>
1990-1996	6
1997-2001	14
2002-2003	7
2004	5
2005	9
2006	9
2007	9
2008	21
2009	19
<b>Number Pending</b>	<b>2,369</b>

why the median will remain high over the next several years. Nearly a third of the cases under court jurisdiction at year end had been open five or more years. As these cases close, they will continue to drive the median time to closure and keep it high over the next several years. Table 6, on the other hand, shows that the court is making significant progress in achieving permanency for newly filed cases.

**Table 6. Status of Cases Filed, 2005-2009**

<b>Year Filed</b>	<b>Number Filed</b>	<b>Case Status</b>	
		<b>Percent Open</b>	<b>Percent Closed</b>
2005	933	22	78
2006	652	32	68
2007	532	37	63
2008	842	55	45
2009	575	74	26

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

In 31% of the cases (195 cases) closed in 2009, the children did not achieve permanency either because they aged out of the system or were emancipated. The percentage of cases closed in 2009 in this category was lower than it was in 2008 (34%), but higher than it was in 2007 (29%) and 2006 (22%). Again, this may be attributable to the number of older children in the system.

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

Sixteen of the 186 cases closed to reunification in 2007 have returned to care, 5 within 12 months of reunification, 7 within 24 months of reunification, and 4 more than 24 months after reunification. Only three of the 170 cases closed to reunification in 2008 returned to care, 1 within 12 months and 2 within 24 months of reunification. Five of the 211 cases closed to reunification in 2009 returned to care within 12 months of reunification.

**Table 7. Children who reenter foster care pursuant to a court order after being returned to their families**

Year	Number of Cases Closed by Reunification	Number of Children Returned to Foster Care after Reunification	Number of Months Before Return		
			12 Months	24 Months	More than 24 Months
2005	215	15	3	2	10
2006	281	19	8	10	1
2007	186	16	5	7	4
2008	170	3	1	2	0
2009	211	5	5	0	0

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

By 2009, none of the cases closed to adoption in 2005, 2006, 2008, or 2009 have returned to care in this jurisdiction. Of the 135 cases closed to adoption in 2007, one child was returned to care within 24 months of being adopted.

**Table 8. Children who reenter foster care pursuant to a court order after being adopted**

Year	Number of Cases Closed by Adoption	Number of Children Returned to Foster Care after Adoption	Number of Months Before Return		
			12 Months	24 Months	More than 24 Months
2005	285	0	0	0	0
2006	196	0	0	0	0
2007	135	1	0	1	0
2008	95	0	0	0	0
2009	128	0	0	0	0

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

Of the 214 children whose cases closed to guardianship in 2005, three cases disrupted, two within 24 months and one after more than 24 months of being placed with a permanent guardian. Seven of the 194 cases closed to guardianship in 2006 disrupted, one within 12 months of placement with a permanent guardian, three within 24 months and 3 after more than 24 months of placement. In addition, four cases closed to guardianship in 2007 have also disrupted. No child whose case closed to guardianship in 2008 or 2009 has returned to care.

**Table 9. Children who reenter foster care pursuant to a court order after being placed with a permanent guardian**

Year	Number of Cases Closed by Guardianship	Number of Children Returned to Foster Care after Guardianship	Number of Months Before Return		
			12 Months	24 Months	More than 24 Months
2005	214	3	0	2	1
2006	194	7	1	3	3
2007	125	4	3	1	0
2008	93	0	0	0	0
2009	93	0	0	0	0

**Performance Measure 2: Timeliness**

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

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

See discussion under ASFA compliance, pages 42 to 51.

**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 motion for termination of parental rights (TPR) be filed or that an exception be documented. Since passage of the Act there has been a renewed focus on TPR. As a result, there was a significant increase in the number of TPR motions filed from 2003 through 2005. In 2003, 177 TPR motions were filed. One hundred forty-one TPR motions were filed in 2004, and 248 motions were filed in 2005. Due to the extensive work done by the OAG in 2005 to timely file TPR motions, TPR filings declined in 2006 and 2007 (145 in 2006 and 129 in 2007), rose again in 2008 (163) and decreased in 2009 (128). Table 10 below provides information on compliance with the timely filing of TPR motions for the five-year period, 2005 through 2009.

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

**Table 10. Time Between Filing of Original Neglect Petition and Filing of TPR Motion, by Year TPR Motion Filed**

Year Filed	Total TPR Motions Filed	Median Days To Filing	Average Days To Filing	Number of Motions Filed Within :				
				15 months	22 months	36 months	60 months	More than 60 months
2005	248	1,059	1,510	31	37	59	37	84
2006	145	569	937	49	38	21	14	23
2007	129	688	940	37	26	31	23	12
2008	163	585	871	38	55	35	19	16
2009	128	562	835	29	50	30	10	9

A review of the time between the filing of the original neglect petition in a case and the subsequent filing of a TPR motion in that case indicates that the median number

of days between these two events declined 47% from 2005 (1,059 days) through 2009 (562 days). Moreover, half of the TPR motions filed in 2006 through 2009 were filed within the 22 months timeframe. On the other hand, Table 10 also indicates in many cases the TPR motion was filed after the case had been open for more than 3 years. To prevent future delays in the filing of TPR motions, the OAG is now tracking the permanency goals of children more closely once they are removed from the home. In addition, the CWLT monitors the number and status of TPR cases identified by both the court and the OAG at each of its quarterly meetings. This collaborative review process is expected to result in continued improvement in the timely filing of TPR motions. Furthermore, it is important to note that many of the cases which were filed late since 2006 had been thoroughly reviewed as part of an overall assessment of TPR cases by the OAG in 2005. At the time of the assessment in each of these cases, there were documented compelling reasons for not filing the TPR. Unfortunately, since the review process was complete, changes in the status of the case led to the decision to file the TPR.

Tables 11 – 13 below provide information on the court’s performance as it relates to the handling of TPR motions.

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

**Table 11. Termination of Parental Rights Motions Filed, by Year Motion Filed and Method of Disposition**

Year Filed	Total Filed	Total Undisposed of	Total Disposed of	Method of Disposition			
				Granted	Dismissed	Withdrawn	Denied
2005	248	11	237	54	152	28	3
2006	145	7	138	41	89	7	1
2007	129	21	108	19	70	15	4
2008	163	66	97	22	63	11	1
2009	128	109	19	0	16	3	0

**Table 12. Time Between Filing and Disposition of TPR Motion, by Year Motion Filed**

Year Filed	Total Motions Disposed of	Median Days to Disposition	Average Days to Disposition	Number of Motions Disposed of Within:				
				30 days	90 days	120 days	180 days	180 + days
2005	237	710	569	3	7	7	22	198
2006	138	586	630	0	0	0	3	135
2007	108	657	635	1	1	2	3	101
2008	97	445	440	1	0	0	2	94
2009	19	299	222	0	2	1	4	12

**Table 13. Time Between Filing and Disposition of TPR Motion, by Year Motion Filed and Type of Disposition**

Year Filed	Total Motions Disposed of	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
2005	237	54	358	494	183	494	629
2006	138	41	354	415	97	700	721
2007	108	19	594	606	89	662	641
2008	97	22	405	447	75	452	438
2009	19	0	0	0	19	299	222

\*Includes motions dismissed, withdrawn or denied.

The length of time between filing the TPR motion and the order granting the TPR varied considerably over the four year period from 2005 to 2008. The median time between filing the motion and the order granting the motion ranged from a low of 354 days in 2006 to a high of 594 days in 2007. The majority of TPR motions filed in 2009 have yet to be decided.

The median time required to dispose of TPR motions by means other than granting of the motion (i.e., dismissal, denied, withdrawn) exceeded 1 year in each year since 2005; it took nearly 2 years in 2006. The median time to dispose of motions through those methods ranged from a median of 452 days for motions filed in 2008, to 700 days for motions filed in 2006. Again, the majority of motions filed in 2009 have not yet been disposed.

In light of decisions from the D.C. Court of Appeals, the general practice in the District had been to file the TPR motion, and hold it in abeyance when an adoption petition has been filed thereby terminating parental rights through the adoption case. This process resulted in it taking much longer to dispose of a TPR motion. To address the time required to dispose of a TPR motion, the Chief Judge issued Administrative Order 09-12 in October 2009 which established case processing performance standards in termination of parental rights cases. The standard requires that 75% of motions be resolved within 9 months and 90% within 12 months. During 2010, the court will monitor compliance with this performance measure.

On December 31, 2009 there were 253 TPR motions pending disposition a 30% reduction in pending cases from 2008 (361 motions pending). In addition to progress in reducing the number of pending TPR motions, there was also a significant increase in the number of abuse and neglect cases closed to adoption during the same period. In 2008, 95 abuse and neglect cases were closed by adoption compared to 127 cases closed by adoption in 2009, a 34% increase. This increase is attributable to the increased focus on TPR motions and adoptions at both CFSA and the court which worked closely with the agency to ensure that all cases that were ripe for closure were closed in a timely manner by identifying barriers to closure and resolving them as quickly as possible.

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 of 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 will be dismissed once the adoption is granted.

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

Over the period from 2005 through 2009, the median number of days to file an adoption petition after a TPR motion had been granted ranged from a low of 171 days in 2009 to a high of 275 days in 2005. The calculation of the median does not include those cases in which an adoption petition was filed before the TPR motion was granted, a situation that occurred in each year during that period, or those cases in which a TPR motion was granted and no adoption petition has been filed.

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

**Table 14. Adoption Petitions Filed by CFSA, by Year  
Petition Filed and Method of Disposition**

Year Filed	Total Filed	Total Undisposed of	Total Disposed of	Method of Disposition			
				Granted	Dismissed	Withdrawn	Denied
2005	247	0	247	157	54	34	2
2006	209	4	205	145	32	26	2
2007	165	15	150	108	22	20	0
2008	180	47	133	96	16	21	0
2009	150	109	41	25	9	7	0

**Table 15. 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
2005	157	480	418	2	16	58	52	29
2006	145	338	437	1	22	40	53	29
2007	108	353	446	0	9	34	42	23
2008	96	427	441	0	7	20	48	21
2009	25	200	232	1	3	19	2	0

At present, a quarter of the adoption petitions filed in 2009 have been disposed.

In sixty percent of the cases disposed, the adoption petition was granted. For those cases

in which the petition was granted, the median time between filing and finalization was approximately seven months (200 days). For adoption petitions filed in 2008, the median time from filing of the adoption petition to finalization of the adoption was 14 months. As can be seen from Table 15, the median time between filing of the adoption petition and finalization was approximately 11 months in 2006, 12 months in 2007, and 16 months in 2005.

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

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

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

D.C. Code §16-2304 requires the appointment of a guardian *ad litem* who is an attorney for all children involved in neglect proceedings. Guardians *ad litem* were appointed for all children in advance of the initial hearing.

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

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

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

The Mayor's Services Liaison Office (MSLO), located on the JM level of the Moultrie Courthouse, was established pursuant to the Act. The mission of the MSLO is

to promote safe and permanent homes for children by working collaboratively with stakeholders to develop readily accessible services that are based on a continuum of care that is culturally sensitive, family-focused and strength-based.

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

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

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

The following District of Columbia government agencies have staff physically located in the MSLO, during specific, pre-assigned days of the week:

- Child and Family Services Agency
- Department of Mental Health
- District of Columbia Housing Authority
- District of Columbia Public Schools
- Department of Youth Rehabilitation Services
- Department of Health: Addiction Prevention and Recovery Administration
- Department of Disability Services

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

- Income Maintenance Administration
- Metropolitan Police Department: Youth and Preventive Services Division
- Department of Health and Human Services: Strong Families Division
- Department of Health: Maternal and Family Health and Youth Prevention Services Division
- Department of Employment Services

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

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

During 2009, the MSLO served more than 1,800 individuals. A quarter of the requests were for information on issues such as education, employment opportunities, and financial assistance; nearly sixty percent of those seeking service had been ordered to the MSLO by a judicial officer to be connected with a specific service; and another fifth involved families under the jurisdiction of the court for whom it was recommended that they seek the services of the MSLO.

Cases seeking the services of the MSLO through a court order were for assistance with issues related to housing, such as transfers, inspections, emergency housing; mental health evaluations and assessments; individual and family therapy; substance abuse treatment; school placements; IEP's and other special education issues, including testing and due process; general education; TANF assistance; medical assistance; financial assistance; food; and employment and literacy information. The MSLO effectively linked these families and children to a variety of services. Chief among them was drug treatment for parents/guardians and youth. Other service linkages and resources included housing, mental health services, and educational services. The MSLO provides several resources to women in the Family Treatment Court program, such as housing assistance, including assistance with the Housing Voucher Client Placement program (DCHA), eviction prevention, TANF assistance, and medical assistance.

In general, service requests to the MSLO are immediately assigned to the appropriate agency liaison. The agency liaison immediately meets with the family and provides the services and the resources necessary to resolve the issue(s), usually within 24 to 48 hours of meeting with the party. In many instances, services are provided in the MSLO at the time of the request. Finally, the MSLO provides drug test results for juveniles and for adults involved in abuse and neglect cases. Drug test results are completed within three days.

#### **NEW INITIATIVES IN ABUSE AND NEGLECT**

##### ***Abuse and Neglect Clinic at the University of District of Columbia's David A. Clarke School of Law***

The University of the District of Columbia's David A. Clark School of Law (UDC-DCSL) completed its first year of programming in June 2009. Under the

supervision of three full-time attorney-professors, court-certified law students assist families facing a wide range of permanency and neglect issues in the Family Court. The goal of the clinic is two-fold: first, to develop a recruitment strategy that ensures a continual stream of attorneys interested in serving this area of the law; second, to provide practical experience in a training environment to a pool of well trained young lawyers who are willing to represent parties in abuse and neglect cases under the guidance of senior attorneys/faculty.

During 2009, the Clinic demonstrated substantial progress in achieving both of its stated goals. The program has achieved positive outcomes for parents and families in Family Court by providing high-quality legal representation, information, and support to parents and families in the DC community in addition to increasing the pool of students interested in practicing child welfare law.

Since its inception in September 2008, 37 students have participated full-time in the clinic, devoting over 14,000 hours to clinic cases. Twelve of those 37 students have graduated; two have joined the DC public interest community (at The Children's Law Center and the Public Defender Service), and two more students have worked for CCAN practitioners while awaiting their bar examination results. In addition, one former clinic student applied to the CCAN panel.

The clinic is currently comprised of 15 students (including two students who have elected to work continuously in the clinic since January 2009 – beyond the one-semester requirement) and one post-graduate fellow (deferred law-firm associate). Since July 2009, clinic students have represented parents in 17 abuse and neglect matters. In these

matters, students represent parents in trial, review hearings, administrative hearings, and appellate matters.

### ***National Association of Counsel for Children (NACC) Attorney Certification***

The Family Court recognizes the practice of law for children and families as an area of specialty that requires the skill and commitment of highly qualified counsel. Therefore, the Family Court, utilizing grant funds, in partnership with the National Association of Counsel for Children (NACC), provided the opportunity for 40 eligible agency, CCAN and GAL panel attorneys to obtain Child Welfare Law Certification. The American Bar Association recognized Child Welfare Law as a specialty in 2001, and in 2004, NACC received accreditation as the certifying body.

During 2009, 25 attorneys took the NACC certification test and passed the exam earning them the certification of Child Welfare Law Specialists (CWLS). Initially, 40 attorneys were enrolled in the NACC program. These attorneys, along with some attorneys on a waiting list, were invited to the initial day-long certification training in February 2008. Following the initial training, the application and screening process began. Of the 40 attorneys, six did not pass the initial screening, either because they did not complete their applications or because their experience was considered insufficient and they were asked to withdraw their applications. These six attorneys are eligible to re-apply and can take the test in 2010 without any additional cost to the court or to them and have been encouraged to do so.

Thirty-four attorneys were deemed qualified to take the certification exam in May 2009. Of the qualified attorneys, thirty took the exam and four did not. The four attorneys that did not take the exam are eligible to take it in 2010 without any additional

cost and have been encouraged by the court to do so.

The twenty-five attorneys who passed the test were honored at a court reception attended by the attorneys, judges, and court staff. They were also recognized at the annual NACC conference in August 2009 in Brooklyn, New York and in an article and picture published in the D.C. Superior Court newsletter, *Full Court Press*. The expertise they gained through this program will assist these attorneys in their work providing high quality representation to children and parents in abuse and neglect cases in the Family Court.

As a final step in the process, the court sent out evaluations to the thirty attorneys who completed the NACC certification program. More than half of them responded. The feedback regarding the NACC certification program was positive with several expressing their appreciation for the court's sponsorship of their participation in this initiative.

### ***Handbook for Older Youth on the Court Process***

During 2009, the court completed design and development of a handbook for older youth aging out of the foster care system entitled "Pathway to the Future: Your Journey from Adolescence to Adulthood." As indicated in earlier reports, the development of this handbook completes the initial development of resource materials explaining the court process for all participants. Materials developed to date include a handbook and calendar for parents, a workbook for younger children and this resource for older youth. Both the handbook for parents and the workbook for younger children, available in English and Spanish, are widely distributed in court and are readily available to the public. It is anticipated that this resource will be available for distribution to older youth beginning in May, 2010.



## JUVENILE CASES

During 2009, there were 3,752 new juvenile complaints filed in the Family Court, a 7% increase over filings in 2008 (3,499). Ninety-one percent (3,428) of all complaints filed were based on an allegation of delinquency, 5% (185 cases) on an Interstate Compact Agreement (ISC), and 4% (139 cases) on a person in need of supervision (PINS) allegation. Sixty-two percent of all complaints filed (2,319) resulted in a formal petition being filed by the OAG. The remaining cases were either “no papered” or the petition has yet to be filed. Delinquency cases comprised eighty-nine percent (2,076) of the cases that were petitioned; PINS cases (135) accounted for 6 percent of petitioned cases and ISC cases 5%. The remainder of this section focuses on the 2,076 cases alleging delinquency in which a petition was filed during 2009.

The number of delinquency cases petitioned decreased 2% from 2008 to 2009; the decrease for males was 1% and for females 4%. Males continued to account for more than 8 out of every 10 cases petitioned in 2009 (86%). The percentage of females among petitioned cases decreased slightly (from 15% in 2008 to 14% in 2009).

Five percent of cases petitioned in 2008 involved youth aged 12 or younger. A quarter involved juveniles who were 13 and 14 years old, nearly half were 15-16 years old at the time of petitioning, and slightly more than a quarter were 17 or over. Overall, youth petitioned in 2009 were older than youth petitioned in 2008. In 2008, 51% of youth were 16 or older at the time of petitioning in comparison to 53% of youth in 2009.

Forty-three percent of juveniles (893 cases) were detained at the time of their initial hearing (12% in non-secure facilities or shelter houses and 31% in secure detention facilities). Males comprised 89% of those detained and females 11%.

### **MOST SERIOUS OFFENSE<sup>5</sup>**

Forty-nine percent of new delinquency cases petitioned in 2009 were for a violent crime, 28% for a property offense, 13% for a drug law violation and 10% for a public order offense. The single most common reason for a juvenile case to be petitioned in 2009 was for a charge of aggravated assault (13%), followed by robbery (12%), simple assault (11%), larceny/theft and unauthorized use of an vehicle (each 9% of referrals), a weapons offense (7%) and drug sale/distribution (7%). Although few in number, it is important to point out that one juvenile was charged with murder and 15 with assault with the intent to kill in 2009.

Juveniles charged with assault accounted for more than 6 out of 10 new petitions for acts against persons (aggravated assault (27%) and simple assault (22%)). Robbery (29%) was the second leading reason for a petition for acts against persons (6% armed robbery and 24% unarmed), followed by juveniles charged with first degree sexual abuse or rape (3%).

Thirty-three percent of all juvenile cases petitioned for acts against property involved the unauthorized use of a vehicle (33%) and larceny/theft (33%) followed by property damage (13%) and unlawful entry (10%).

The overwhelming majority of youth charged with acts against public order were charged with a weapons offenses (63%); 6% were charged with obstruction of justice and 5% with disorderly conduct. Among juveniles charged with a drug law violation, 56% were charged with drug sale or distribution and 43% with drug possession.

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<sup>5</sup>Juveniles charged with multiple offenses are categorized according to their most serious offense. For example, in a single case where a juvenile is charged with robbery, simple assault and a weapons offense, the case is counted as a robbery. Thus data presented in this table does not provide a count of the number of crimes for which a juvenile was charged.

### ***Most serious offense by age***

In 2009, 47 % of all delinquency cases petitioned by the Family Court involved youth 15 years of age or younger at the time of referral. Compared with delinquency referrals for older youth (16 and older), referrals of youth 15 or younger included larger proportions of offenses against persons and property and smaller proportions of drug and public order offenses. The single most likely reason for petitioning a youth 15 or younger was a charge of simple assault (14%), followed by aggravated assault (13%), robbery (12%), unauthorized use of a vehicle (11%) and larceny/theft (11%). In contrast, the most common charge for a youth age 16 or older was aggravated assault (13%), robbery (12%), followed by drug sale/distribution (11%), weapons offenses (9%) and simple assault (8%). Compared to 2008, both younger and older youth experienced a decrease in acts against property and drug law violations; while there was an increase in acts against persons and public order offenses.

In addition, a review of most serious offense by age at time of petitioning within specific offense categories also reveals some significant differences. In 2009, the percentage of youth charged with crimes involving acts against persons decreased as youth became older. Specifically, 72% of juveniles aged 12 or younger were charged with a crime against a person as compared to 58% of juveniles age 13-14, 46% of those age 15-16, and 42% of those age 17 or older at referral.

In comparison, the percentage of youth charged with a drug offense increased with the age of the offender. No youth 12 or younger was charged with a drug offense. The percentages of drug offense charges, by age group, were: ages 13-14, 4%; ages 15-

16, 14%; ages 15-16, 14%; ages 17 and older, 21%. Similarly, youth charged with acts against the public order also increased with age.

**Table 16. Juvenile Delinquency Cases Petitioned in 2009, by Age and Most Serious Offense**

Most Serious Offense <sup>6</sup>	Age at Time of Petition								
	Total cases	Under 10 years	10-12	13-14	15-16	17	18 and over <sup>7</sup>	15 and younger	16 and older
<b>Acts against persons</b>	<b>1,011</b>	<b>1</b>	<b>61</b>	<b>259</b>	<b>451</b>	<b>230</b>	<b>9</b>	<b>525</b>	<b>486</b>
Murder	1	0	0	0	1	0	0	0	1
Assault with Intent to Kill	15	0	0	1	8	5	1	5	10
Assault with Dangerous Weapon	120	1	10	29	53	26	1	67	53
Aggravated Assault	275	0	15	70	117	72	1	133	142
Armed Robbery	58	0	3	13	28	13	1	32	26
Robbery	241	0	9	58	107	64	3	114	127
First Degree Sexual Abuse (Rape)	27	0	4	8	8	6	1	15	12
Other Violent Sex Offenses	12	0	1	3	6	2	0	7	5
Car Jacking	18	0	0	6	8	4	0	11	7
Burglary 1	15	0	0	0	10	5	0	3	12
Simple Assault	226	0	18	71	104	32	1	137	89
Other Acts Against Persons	3	0	1	0	1	1	0	1	2
<b>Acts against property</b>	<b>576</b>	<b>2</b>	<b>17</b>	<b>131</b>	<b>297</b>	<b>125</b>	<b>4</b>	<b>311</b>	<b>265</b>
Burglary 2	39	0	2	3	26	7	1	18	21
Larceny/Theft	188	2	8	50	85	42	1	106	82
Unauthorized Use of Auto	191	0	5	49	93	43	1	104	87
Arson	8	0	0	2	6	0	0	5	3
Property Damage	75	0	2	22	37	14	0	42	33
Unlawful Entry	57	0	0	4	39	14	0	28	29
Stolen Property	13	0	0	1	10	2	0	7	6
Other Acts Against Property	5	0	0	0	1	3	1	1	4
<b>Acts against public order</b>	<b>220</b>	<b>0</b>	<b>5</b>	<b>38</b>	<b>91</b>	<b>83</b>	<b>3</b>	<b>78</b>	<b>142</b>
Weapons Offenses	138	0	4	22	57	54	1	44	94
Disorderly Conduct	12	0	1	2	5	4	0	6	6
Obstruction of Justice	13	0	0	3	6	4	0	5	8
Other Acts Against Public Order	57	0	0	11	23	21	2	23	34
<b>Drug Law Violations</b>	<b>269</b>	<b>0</b>	<b>0</b>	<b>17</b>	<b>132</b>	<b>115</b>	<b>5</b>	<b>67</b>	<b>202</b>
Drug Sale/Distribution	150	0	0	8	71	69	2	29	121
Drug Possession	117	0	0	9	59	46	3	36	81
Other Drug Law Violations	2	0	0	0	2	0	0	2	0
<b>Total Delinquency Petitions<sup>8</sup></b>	<b>2,076</b>	<b>3</b>	<b>83</b>	<b>445</b>	<b>971</b>	<b>553</b>	<b>21</b>	<b>981</b>	<b>1,095</b>

<sup>6</sup> See Footnote 5.

<sup>7</sup> See D.C. Code §16-2301(3)(c)(2001).

<sup>8</sup> This table excludes new referrals whose cases were not petitioned by the OAG after a complaint was filed. It also excludes juveniles 16 and over who were charged as adults.

***Most serious offense by gender***

As was the case in 2008, when looking at data relative to the gender of youth in petitioned cases, there were significant differences in the types of offenses by gender.

**Table 17. Juvenile Delinquency Cases Petitioned in 2009 by Most Serious Offense and Gender**

Most Serious Offense <sup>9</sup>	Total cases	Male	Female
<b>Acts against persons</b>	<b>1,011</b>	<b>807</b>	<b>204</b>
Murder	1	1	0
Assault W/I Kill	15	15	0
Assault Dangerous Weapon	120	80	40
Aggravated Assault	275	220	55
Armed Robbery	58	54	4
Robbery	241	216	25
First Degree Sex Abuse	27	25	2
Other Violent Sex Offenses	12	12	0
Carjacking	18	17	1
Burglary 1	15	14	1
Simple Assault	226	150	76
Other Acts Against Persons	3	3	0
<b>Acts against property</b>	<b>576</b>	<b>519</b>	<b>57</b>
Burglary 2	39	35	4
Larceny/Theft	188	165	23
Unauthorized Use Auto	191	178	13
Arson	8	8	0
Property Damage	75	63	12
Unlawful entry	57	54	3
Stolen Property	13	12	1
Other Acts Against Property	5	4	1
<b>Acts against public order</b>	<b>220</b>	<b>196</b>	<b>24</b>
Weapons Offenses	138	133	5
Disorderly Conduct	12	12	0
Obstruction of Justice	13	12	1
Other Acts Against Public Order	57	39	18
<b>Drug Law Violations</b>	<b>269</b>	<b>256</b>	<b>13</b>
Drug Sale/Distribution	150	146	4
Drug Possession	117	108	9
Other Drug Law Violations	2	2	0
<b>Total Delinquency Petitions</b>	<b>2,076</b>	<b>1,778</b>	<b>298</b>

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<sup>9</sup> See Footnote 5.

A larger percentage of females were charged for offenses against persons than were males – 68% of females were charged with acts against persons, compared to 45% of males. Conversely, a greater percentage of males than females were charged with acts against property (29% and 19%, respectively) and drug law violations (14% and 4%, respectively).

Within major crime categories, there were also significant differences in the offenses for which males and females were charged. Among male offenders charged with crimes against persons, 58% were charged with some form of assault and 34% were charged with some form of robbery. In comparison, among females charged with violent offenses, 84% were charged with some form of assault, and 14% for some form of robbery. Among males charged with property offenses, unauthorized use of a vehicle (34%) was the leading charge followed by larceny/theft (32%) and property damage (12%). For females, however, the leading property charge was larceny/theft (40%) followed by unauthorized use of a vehicle (23%) the property damage (21%). Among both males and females charged with public order offenses, weapons offenses were the leading charge (68% and 21% respectively). In contrast, while 14% of males were charged with drug offenses, only 4% of females were charged with a similar offense.

#### ***Most serious offense by detention status***

A child shall not be detained pending a trial or disposition hearing unless he is alleged to be delinquent or in need of supervision and unless it appears that detention is required to protect the person or property of others or of the child, or to secure the child's presence at the next court hearing. *See* D.C. Code §16-2310 (a). In addition, a child shall not be placed in shelter care pending a trial or disposition hearing unless it

appears that shelter care is required to protect the child or because the child has no parent, guardian, custodian, or other person or agency able to provide supervision and care for him, and no alternative resources or arrangements are available to the family to safeguard the child without requiring removal. *See* D.C. Code § 16-2310 (b). In order to detain the child, the judicial officer must also have probable cause to believe that the child committed the offense.

In determining whether a youth should be detained or not, judicial officers, exercising their discretion, consider a myriad of factors before making the detention decision. Factors taken into consideration include but are not limited to the following:<sup>10</sup>

- the nature and circumstances of the pending charge;
- the record of and seriousness of the child's previous offenses, if any;
- whether there are allegations of danger or threats to any witnesses;
- the emotional character and mental condition of the child;
- indication of the child's drug/alcohol addiction or drug/alcohol use;
- any suicidal actions or tendencies of the child;
- any other seriously self-destructive behavior creating imminent danger to the child's life or health;
- the length of, and community ties related to, the child's residence in D.C.;
- the child's school record and employment record (if any);
- record of the child's appearances at prior court hearings; and
- the record of, and circumstances of, any previous abscondences by the child from home.

If the judicial officer determines, that detention appears to be justified, he/she has discretion to consider whether the child's living arrangements and degree of supervision might justify release pending adjudication.

Notwithstanding the factors above, there is a rebuttable presumption that detention is required to protect the person or property of others if the judicial officer finds

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<sup>10</sup> See Superior Court Juvenile Rule 106.

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

After careful consideration of the above factors, in 893 (43%) juvenile delinquency cases petitioned in 2009, the youth was detained prior to trial.<sup>11</sup> The percentage of juveniles detained prior to trial increased from 2008 to 2009. In 2008, 41% of youth were detained; during 2009, that figure rose to 43%. The increase in the use of detention occurred across all offense categories. Table 18 presents information on the number of juveniles detained at initial hearing by offense, one of the many factors taken into account when making a decision to detain a youth.

In 2009, 50% of those charged with acts against public order (i.e. weapons offenses) were detained prior to trial, compared to 36% of those charged with drug offenses, 40% of those charged with property crimes and 45% of those charged with acts against persons. The comparable figures for 2008 were 48%, 36%, 38%, and 44% respectively. With regard to specific offenses, 16 out of 18 youth charged with carjacking and 13 out of 15 youth charged with assault with intent to kill were detained prior to trial. Eighty percent of those charged with burglary 1, 71% of those charged with armed robbery, 60% of those charged with weapons offenses, and 58% of those charged with assault with a dangerous weapon were also detained prior to trial. As expected, those charged with drug possession, unlawful entry, property damage, and simple assault were less likely to be detained prior to trial.

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<sup>11</sup> For purposes of this report, a juvenile's pre-trial detention status is based on the detention decision made at the initial hearing. It does not reflect the movement of juveniles from one placement status to another either prior to or after adjudication.



**Table 18. Juvenile Delinquency Cases in which the Juvenile Was Detained Prior to Trial, by Offense and Type of Detention**

Most Serious Offense <sup>12</sup>	All Detained Delinquency Cases						
	Total detained	Securely Detained			Non-Securely Detained		
		Total	Males	Females	Total	Males	Females
<b>Acts against persons</b>	<b>457</b>	<b>324</b>	<b>286</b>	<b>38</b>	<b>133</b>	<b>104</b>	<b>29</b>
Murder	1	1	1	0	0	0	0
Assault W/I Kill	13	13	13	0	0	0	0
Assault Dangerous Weapon	69	49	37	12	20	13	7
Aggravated Assault	110	71	63	8	39	29	10
Armed Robbery	41	34	34	0	7	6	1
Robbery	106	76	69	7	30	27	3
First Degree Sex Abuse	15	10	10	0	5	5	0
Other Violent Sex Offenses	3	2	2	0	1	1	0
Carjacking	16	16	15	1	0	0	0
Burglary 1	12	9	8	1	3	3	0
Simple Assault	70	42	33	9	28	20	8
Other Acts Against Persons	1	1	1	0	0	0	0
<b>Acts against property</b>	<b>230</b>	<b>152</b>	<b>143</b>	<b>9</b>	<b>78</b>	<b>71</b>	<b>7</b>
Burglary 2	14	9	9	0	5	4	1
Larceny/Theft	74	47	46	1	27	25	2
Unauthorized Use Auto	87	63	59	4	24	21	3
Arson	4	2	2	0	2	2	0
Property Damage	25	12	9	3	13	12	1
Unlawful entry	18	12	11	1	6	6	0
Stolen Property	6	5	5	0	1	1	0
Other Acts Against Property	2	2	2	0	0	0	0
<b>Acts against public order</b>	<b>110</b>	<b>85</b>	<b>75</b>	<b>10</b>	<b>25</b>	<b>23</b>	<b>2</b>
Weapons Offenses	83	68	67	1	15	15	0
Disorderly Conduct	3	0	0	0	3	3	0
Obstruction of Justice	4	2	2	0	2	2	0
Other Acts Against Public Order	20	15	6	9	5	3	2
<b>Drug Law Violations</b>	<b>96</b>	<b>74</b>	<b>71</b>	<b>3</b>	<b>22</b>	<b>22</b>	<b>0</b>
Drug Sale/Distribution	69	55	53	2	14	14	0
Drug Possession	27	19	18	1	8	8	0
<b>Total number of detained cases</b>	<b>893</b>	<b>635</b>	<b>575</b>	<b>60</b>	<b>258</b>	<b>220</b>	<b>38</b>

The percentage of both males and females detained prior to trial was higher in 2009 than in 2008. In 2009, 45% of males were detained prior to trial and 33% of females. The comparable figures for 2008 were 43% males and 32% females.

<sup>12</sup> See Footnote 5.

Seventy-one percent of those detained were held in secure detention facilities and 29% in non-secure facilities referred to as shelter houses. The percentage of juveniles held in secure detention facilities in 2008 and 2009 (70%) was higher than the number held in similar facilities in 2007 (55%). In 2009, males accounted for 91% of those detained in secure facilities and 85% of those detained in shelter houses. In 2008, males also accounted for 91% of those detained in secure facilities, but only 82% of those detained in shelter houses.

Among those detained, there were also differences in the type of detention facility by offense. Of youth detained, 100% of those charged with murder, assault with intent to kill, carjacking, other acts against property, and other acts against persons were detained in secure facilities, as were 83% of those charged with armed robbery, 83% of those charged with stolen property, 82% of those charged with a weapons offense, and 80% of those charged with drug sale/distribution. On the other hand, among detained youth, 100% of those detained for disorderly conduct, 52% of those charged with property damage, 50% of those charged with arson, 40% of those charged with simple assault, and 35% of those charged with aggravated assault were detained in shelter houses.

#### **TIMELINESS OF JUVENILE DELINQUENCY CASE PROCESSING**

Many states, including the District of Columbia, have established case-processing timelines for youth detained prior to trial. In addition to individual state timelines, several national organizations, including the American Bar Association, the

Office of Juvenile Justice and Delinquency Prevention and the National District Attorneys Association have issued guidelines for case processing in juvenile cases.<sup>13</sup>

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

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

District of Columbia Code §16-2310 (e), in part, establishes timeframes for the trial or fact finding hearing for youth detained prior to trial in secure detention facilities. When a youth is securely detained, the timeframe for the fact finding hearing is 30 days or 45 days, from detention, depending on the seriousness of the charge. Specifically, if a youth is securely detained and charged with murder, assault with intent to kill, first degree sexual abuse, first degree burglary, or armed robbery the case must go to trial within 45 days of the child’s detention. For all other securely detained youth, the case must be tried within 30 days.

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<sup>13</sup> See “Delays in Juvenile Court Processing of Delinquency Cases” by Jeffrey A. Butts conducted under the sponsorship of the Office of Juvenile Justice and Delinquency Prevention (1997) and “Waiting for Justice: Moving Young Offenders Through the Juvenile Court Process” by Jeffrey Butts and Gregory Halemba conducted under the sponsorship of the National Center for Juvenile Justice (1996).

In 2007, the District of Columbia City Council implemented emergency legislation, which amended D.C. Code §16-2310 (e) by establishing a 45 day trial timeframe for youth detained in non-secure detention facilities or shelter houses. The Juvenile Speedy Trial Equity Act of 2008 was enacted on January 5, 2009. Since 2007, the Family Court began monitoring compliance with the 45 day trial timeline for non-secure detention cases based on court-wide performance measures developed by the Court.

District of Columbia law sets forth a number of reasons for extending the fact finding hearing for one additional 30 day period beyond the statutory period in certain circumstances. Pursuant to D.C. Code §16-2310 (e)(2)(A), upon motion of the Attorney General and for good cause, the court may extend the time limit for trial. The law provides, in part, that in determining whether there is “good cause”, the court considers whether there has been , or will be, delay resulting from one or more of the following factors:

- Other proceedings concerning the child, including, but not limited to, examinations to determine mental competency or physical capacity;
- A hearing with respect to other charges against the child;
- Any interlocutory or expedited appeals;
- The making of, or consideration by the court of any pretrial motions;
- Proceedings related to the transfer of the child pursuant to D.C. Code §16-2307;
- The absence or unavailability of an essential witness; and
- When necessary autopsies, medical examinations, fingerprint examinations, ballistic tests, drug analysis, or other scientific tests are not completed, despite due diligence.

The Juvenile Speedy Trial Equity Act further amends D.C. Code §16-2310 (e) to state that in the following circumstances, the Attorney General, for good cause shown, may file a motion for further continuance (i.e., seek successive continuances in 30-day increments) if:

- The child is charged with murder, assault with intent to kill, or first degree sexual abuse;
- The child is charged with a crime of violence, as defined in D.C. Code §23-1331(4), committed while using a pistol, firearm, or imitation firearm; or
- Despite the exercise of due diligence by the District and the federal agency, DNA evidence, analysis of controlled substances, or other evidence possessed by federal agencies has not been completed.

In addition, under D.C. Code §16-2330, in part, the following time periods are excluded from the time computation for reaching adjudication:

- The period of delay resulting from a continuance at the request or consent of the child or his counsel;
- The period of delay resulting from other proceedings concerning the child, including but not limited to an examination or hearing on mental health or retardation and a hearing on a transfer motion;
- The period of delay resulting from a continuance granted at the request of the OAG if it is granted because of unavailability of material evidence in the case, or if the continuance is granted to allow the OAG additional time to prepare;
- The period of delay resulting from the imposition of a consent decree;
- The period of delay resulting from the absence or unavailability of the child; and
- A reasonable period of 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.

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

Since 2007, the court has monitored the adjudication and disposition timeframes for youth held in non-secure detention facilities or shelter houses, in addition to timeframes for juveniles held in secure detention facilities. As a result, this report examines case processing standards for youth in three categories: (1) securely detained juveniles charged with murder, assault with intent to kill, armed robbery, first degree sex abuse, and first degree burglary -- the statute allows 45 days to reach adjudication and Juvenile Rule 32 allows 15 days from adjudication to disposition, for a total of 60 days from initial hearing to disposition; (2) securely detained juveniles charged with any offense other than those identified in (1) --the statute allows 30 days from initial hearing to adjudication and Juvenile Rule 32 allows 15 days from adjudication to disposition, for a total of 45 days from initial hearing to disposition; and (3) non-securely detained juveniles charged with any offense -- the statute allows 45 days from initial hearing to adjudication and Juvenile Rule 32 allows 15 days from adjudication to disposition, for a total of 60 days from initial hearing to disposition.

As indicated in previous reports, all timeline information contained in this report is calculated as straight time. It measures the time between the initial hearing and when

the adjudication hearing and disposition hearing was held and completed. It does not exclude time periods attributable to those factors outlined in D.C. Code §16-2310 and §16-2330 or the time between the commencement of a fact finding hearing and the conclusion of a disposition hearing.

### **Securely Detained Juveniles**

Sixty-seven out of the 635 securely detained juveniles were charged with murder, assault with intent to kill, armed robbery, first degree sexual abuse, or first degree burglary. As such they were required to have their cases adjudicated within 45 days and their disposition hearing within 15 days of adjudication for a total of 60 days. Throughout this report they will be referred to as “Secure Detention-45 day cases”. The remaining 569 securely detained juveniles were required to have their cases adjudicated within 30 days and their disposition within 15 days of adjudication for a total of 45 days, they will be referred to as “Secure Detention-30 day cases”. Table 19 shows the adjudication status and Table 20 provides information on the time to adjudication for both categories of securely detained juveniles in 2009.

**Table 19. Adjudication Status of Securely Detained Youth, 2009**

Adjudication Status	Secure Detention - 45 day Cases	Secure Detention - 30 day Cases	Total
Adjudication Hearing Held	58	500	558
Dismissed before adjudication	7	56	63
Pending Adjudication	2	13	15
<b>Total</b>	<b>67</b>	<b>569</b>	<b>636</b>

**Table 20. Time to Adjudication for Securely Detained Youth, 2009**

Securely Detained	Cases in Which an Adjudication Hearing Was Held								Percentage of cases within timeframe <sup>14</sup>	Percentage of cases exceeding timeframe
	Days Between Events									
	Total cases	1-30	31-45	46-60	61-90	91 or more	Median	Average		
*Initial Hearing to Adjudication (Statutory Timeline 45 days)	58	17	22	9	7	3	41	45	67	33
Initial Hearing to Adjudication (Statutory Timeline 30 days)	500	375	71	23	23	8	25	26	75	25

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

Fifty-eight of the 67 securely detained juveniles charged with the most serious offenses (45 day cases) had been adjudicated. Thirty-nine of the 58 adjudicated cases (67%) met the 45 day adjudication timeline. In 2008, 68% of cases were adjudicated within the timeline. The comparable figure for 2007 was 58%. The median time from initial hearing to adjudication increased from a median of 33 days in 2008 to a median of 41 days in 2009.

For other securely detained juveniles (30 day cases) the Court was in compliance with the 30- day statutory requirement for adjudication in 75% of the cases. As was the case with securely detained juveniles with the most serious charges the compliance rate and median days to disposition was essentially unchanged from 2008 (75% compliance and median of 25 days) but improved from 2007 (62% compliance and median of 27 days).

Table 21 shows the disposition status and Table 22 provides information on the time between adjudication and disposition for both categories of securely detained juveniles in 2009. Forty-seven of the 67 securely detained juveniles charged with the

<sup>14</sup> This table uses straight time in determining cases within the timeframe. As such, periods of delay resulting from statutorily allowed continuances have not been excluded from the calculation.



most serious offenses (45 day cases) cases had a disposition hearing. As can be seen from Table 22, the court had difficulty holding disposition hearings within the 15 day timeframe for this group of juveniles. Only 17 disposition hearings for juveniles charged with the most serious crimes were held within 15 days of adjudication as required by Juvenile Rule 32. The median number of days between adjudication and disposition was 34 days.

**Table 21. Disposition Status of Securely Detained Youth, 2009**

Disposition Status	Secure Detention - 45 day Cases	Secure Detention - 30 day Cases	Total
Disposition Hearing Held	47	426	473
Dismissed before Disposition	9	70	79
Pending Disposition	11	73	84
Total	67	569	636

Similarly, 75% of secure detention – 30 day cases had a disposition hearing. For this category of securely detained youth, the Court also experienced difficulty in meeting the 15 day timeframe from adjudication to disposition. Forty percent of disposition hearings were held within 15 days after adjudication. The median number of days between the two events was 27 days.

**Table 22. Number of Days Between Adjudication and Disposition Hearing for Securely Detained Youth, 2009**

Securely Detained	Adjudicated Cases in Which A Disposition Hearing Was Held								Percentage of cases within timeframe <sup>15</sup>	Percentage of cases exceeding timeframe
	Days Between Events									
	Total cases	1-15	16-30	31-45	46-60	61 or more	Median	Average		
Adjudication to Disposition* (45 day Cases)	47	17	5	13	2	10	34	38	36	64
Adjudication to Disposition (30 day Cases)	426	169	79	52	28	98	27	37	40	60

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

<sup>15</sup> See Footnote 14.

As stated earlier, securely detained youth are required to have their cases disposed/resolved within either 60 days or 45 days depending on their charges. The calculation of time to disposition includes cases that moved through the system from

**Table 23. Time from Initial Hearing to Disposition for Securely Detained Youth, 2009**

Securely Detained	Cases With Disposition Hearing or Closed Before Disposition Hearing								Percentage of cases within timeframe <sup>16</sup>	Percentage of cases exceeding timeframe
	Days Between Events									
	Total cases	1-30	31-45	46-60	61-90	91 or more	Median	Average		
Initial Hearing to Disposition* (45 Day Cases – 60 days)	56	8	6	11	15	16	65	73	45	55
Initial Hearing to Disposition (30 Day Cases – 45 days)	496	146	109	59	73	109	45	60	51	49

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

initial hearing to adjudication to disposition, as well as cases that were dismissed either prior to or after adjudication. Of the 67 securely detained juveniles with the most serious charges, (45 day cases), 56 have had their cases resolved. Eleven are still pending, two are pending adjudication and nine have been adjudicated and are awaiting their disposition hearing.

Among the 56 cases that have been disposed, 45% were disposed within the 60 day timeframe up from 40% in 2008 and 16% in 2007. There was also a reduction in the median number of days to reach disposition. The median time from initial hearing to disposition was 65 days in 2009 down from 73 days in 2008 and 101 days in 2007.

For other securely detained juveniles, (30 day cases), 496 out of 569 cases had been resolved and 73 were pending, 13 are pending adjudication and 60 have been adjudicated and are awaiting their disposition hearing. Fifty-one percent of the 496 cases disposed were disposed of within the 45 day timeframe. The percentage of cases

<sup>16</sup> See Footnote 14.

disposed within the timeframe was down slightly from 2008 (55%) but was a significant improvement over 2007 (32%). The median time between initial hearing and disposition, 45 days, was slightly higher than in was in 2008 (44 days), but down from a median of 66 days in 2007.

In general, the court was as successful in 2009 as it was in 2008 in adjudicating and disposing of securely detained cases (both 45- day and 30-day cases) within the established timeframes.

### **Non-Securely Detained Offenders**

Two hundred fifty-eight youth were detained in non-secure facilities or shelter houses prior to adjudication in 2009. Among youth held in shelter houses, 222 had their cases adjudicated and 23 were closed before adjudication occurred. Adjudication has not yet occurred in 13 cases (Table 24).

One hundred ninety of the cases adjudicated in 2009, also had their disposition hearing. Six adjudicated cases were dismissed after adjudication and 26 adjudicated cases are awaiting a disposition hearing. In total, 219 of the 258 cases of youth held in non-secure facilities have been disposed or dismissed and 39 (15%) are pending. Thirteen are pending adjudication and 26 are awaiting their disposition hearing.

**Table 24. Adjudication and Disposition Status  
of Non-Securely Detained Youth, 2009  
(258 cases)**

Adjudication Status		Disposition Status	
Adjudication Hearing Held	222	Disposition Hearing Held	190
Dismissed before adjudication	23	Disposed - Dismissed before or after adjudication	29
Pending Adjudication	13	Pending Disposition	39
Total	258	Total	258

Adjudication hearings were held within the 45 day timeframe for non-securely detained youth in three-fourths of the cases. The compliance rate was lower than it was

in 2008 (80%) but much higher than it was in 2007 (53%). There was also an increase in the median days required to reach adjudication. The median days to adjudication in 2009 was 37 days, in comparison to a median of 30 days in 2008 (Table 25).

Of the 190 adjudicated cases which also had a disposition hearing, 26% of the hearings were held within 15 days of adjudication. The median number of days to reach the disposition hearing once a case had been adjudicated was 34 days. The median was 28 days in 2008 and 41 days in 2007.

**Table 25. Median Time Between Events for Youth Detained in Non-Secure Facilities, 2009**

Non-Securely Detained	Cases in Which A Hearing Was Held								Cases within timeframe <sup>17</sup>	Cases exceeding timeframe
	Days Between Events									
	Total cases	1-15	16-30	31-45	46-60	61 or more	Median	Average		
Initial Hearing to Adjudication (Timeline 45 days)	222	58	40	67	29	28	37	36	165	57
Adjudication to Disposition (Timeline 15 days)	190	49	41	36	27	37	34	42	49	141
Initial Hearing to Disposition (Timeline 60 days)	219	13	22	36	40	108	60	69	111	108

Between 2008 and 2009, there was a 10% reduction in the percent of cases of youth detained in non-secure detention facilities prior to adjudication that were in compliance with the timeframe of 60 days from initial hearing to disposition (51% in 2009 compared to 58% in 2008). In 2007, only 30% of cases were compliant. The median times from initial hearing to disposition in 2009, 60 days, was also higher than in 2008 (55 days), but less than in 2007 (91 days).

From 2007 to 2009, hearings for youth held in non-secure detention facilities prior to trial showed significant improvement. A higher percentage of hearings are being held within the timeframe and the median days between events have been reduced.

<sup>17</sup> See Footnote 14.

Through continued monitoring, the Court intends to continue to improve in meeting adjudication and disposition timelines.

### **FAMILY COURT SOCIAL SERVICES DIVISION**

Pursuant to the D.C. Court Reorganization Act of 1970, Public Law 91-358, the Family Court's Social Services Division (CSSD) is responsible for assessing, screening and presenting all new referrals in the New Referrals JM-15 courtroom, managing cases, as well as serving and supervising all pre- and post-adjudicated juveniles involved in the front-end of the District of Columbia's juvenile justice system. Juveniles involved in the front end of the system include: all newly arrested youth entering the Family Court on juvenile delinquency cases, youth eligible for diversion, status offenders (e.g., persons in need of supervision (PINS) and truants) and post-disposition probation youth.

Additionally, CSSD is responsible for conducting psychological, psycho-educational, comprehensive risk assessments, and when necessary competency evaluations on all front-end youth as well as conducting home studies on all families involved in contested domestic custody disputes. CSSD is also responsible for conducting psycho-sexual evaluations on all youth pending adjudication for sexual offenses. On any given day, CSSD supervises approximately one thousand seven hundred (1,700) juveniles, which is approximately sixty-five percent (65%) to seventy percent (70%) of all youth involved in the District's juvenile justice system.

#### ***Intake Units I & II, Status Offender and Juvenile Drug Court Branch***

In 2009, Intake Units I & II continued achieving its goals and objectives in accordance with CSSD's Management Action Plans (MAPs) and CSSD's duties delineated in Title §16, Chapter 23 of the D.C. Code. Pursuant to core requirements of

the federal Juvenile Justice and Delinquency Prevention Act (JJDP), all youth referred to CSSD, following arrest must be screened (resulting in a preliminary detention/release decision or recommendation) prior to presentment of their case in JM-15. Building on accomplishments over the past three years, CSSD successfully screened ninety-eight (98%) of all newly arrested youth, representing roughly three thousand five hundred (3,500) by way of a valid Risk Assessment Instrument (RAI) and a pre-trial social assessment within the allotted four (4) hour timeline.

In 2007, CSSD restructured its case management efforts to include one probation officer of record for each youth throughout his/her involvement in the Family Court. This measure also included staffing status offender referrals. Furthermore, newly enacted legislation placed the D.C. Public School System under the executive branch of the D.C. government. This resulted in CSSD experiencing a mass influx of truancy referrals, many of which did not meet the threshold for adjudication. As a result of this increase in caseload, CSSD enhanced its in-house cross training targeting status offender screenings in tandem with accelerated timelines for screening all status offender referrals. The average active caseload was twenty-five (25) to twenty-eight (28) cases per Status Offender/Juvenile Drug Court Probation Officer. CSSD's efforts were also augmented by utilizing a comprehensive tutoring program provided by Georgetown University by way of an after school enrichment program contract.

Additionally, a highlight for the Branch in 2009 was that more than fifty (50) youth participated and successfully completed Juvenile Drug Court (JDC). Each youth completing the JDC received movie tickets, souvenirs, signed baseballs, tee-shirts and rubber bracelets which highlighted the length of abstinence (in intervals of 30 days).

### ***Child Guidance Clinic (CGC) and Juvenile Sex Offender Services***

The Child Guidance Clinic (CGC) continued to operate its nationally recognized post doctoral psychology internship training program accredited by the American Psychological Association (APA). Utilizing a cadre of diverse students from universities and colleges across the country, the CGC continued to complete court ordered evaluations well under CSSD's established thirty (30) day timeline. The CGC completed roughly 700 evaluations in 2009. On average, the vast majority of evaluations completed by the CGC were done in twenty-five (25) days or less, absent extenuating circumstances (e.g., sickness, failure of transportation or release of a youth from secure detention or shelter placement prior to the evaluation). Additionally, the CGC continued to successfully serve youth adjudicated for sex offenses in the Juvenile Interpersonal Behavior Management (JIBM) program. JIBM is the only community-based intervention program targeting youth adjudicated for sex offenses. The participants, all of whom are male youth who would have otherwise been placed in an out-of-state residential program, benefited from a myriad of local services consistent with best practices with respect to community-based alternatives. This measure continues to boast a low recidivism rate, in part because the measure is designed to work with the youth and the youth's parents. As a result, parents and/or family members are educated regarding the behavioral implications of the youth's conduct and are able to aide the youth in forward development and the acquisition of necessary skills.

### ***Family Group Conferencing***

CSSD continued to facilitate structured decision-making, which requires families to participate in the development of service(s) and supervision plans via Family Group

Conferences (FGCs). FGCs are provided to all families prior to the development of the pre-trial plan for youth under CSSD supervision. As a result of CSSD's use of the FGC model, CSSD completed ninety-two percent (92%) of all court reports and ninety percent (90%) of all disposition reports prior to court scheduled hearings. CSSD also found its use of FGC, combined with coordination of services and supervision during the adjudication phase of juvenile case processing, resulted in shorter periods of post-disposition probation supervision.

Also in 2009, several probation officers (PO) and supervisory probation officers (SPO) retired in accordance with the law enforcement retirement compensation. As a result, several internal POs were promoted to the rank of SPO, and in 2010 a mass number of newly minted POs will be appointed. The CSSD estimates that roughly eighteen (18) new POs will participate in FGC training in the areas of FGC Facilitation and FGC Coordination. These trainings will also provide an opportunity for existing staff to refresh their skills.

### ***Nationally Recognized State of the Art Programming***

In 2009 via a partnership with one of its premier contract vendors, CSSD successfully coordinated two (2) civil rights tours which featured designated tours of historic landmarks and meetings with long-time civil rights advocates such as Julian Bond and others in Georgia and Alabama. Participating youth toured county and local jails that were used to house demonstrators protesting segregation, as well as met many adults arrested as youth more than forty (40) years ago during demonstrations. At the conclusion of the trip, participating youth, their families, Judges and CSSD staff attended a dinner reception in which youth made presentations regarding their experiences, recited



poems and received certificates for their participation. For many youth attending the civil rights tours, it was their first time traveling out-of-state. For some youth, it was their first time touring a college or university, all of which were Historically Black Colleges and Universities (HBCUs). A number of youth reported how inspired they were during their participation and reported feeling renewed with a sense of hope and purpose upon their return. In 2010, CSSD will explore the possibility of adding a third civil rights tour to the annual calendar.

***Seamless Female Adolescent Services and Supervision: Leaders of Today in Solidarity (LOTS)***

In 2009, the CSSD continued to celebrate the success of its nationally recognized adolescent girls pre- and post-disposition services/supervision probation unit, Leaders of Today in Solidarity (LOTS). LOTS is a comprehensive multi-faceted unit uniquely designed to offer a variety of court supervised measures including mentoring, tutoring, life skills, community service/service learning, field trips, a civil rights tour, social justice activities, attendance and testimonies at D.C. City Council Hearings, conflict resolution, anger management, gang mediation, drug use/abuse prevention and community service. Supported by a cadre of highly trained probation officers and managers, LOTS continues to be recognized as a model across many jurisdictions for its success in reducing the use of pre-trial detention for girls and reducing recidivism.

To ensure services, supervision and resources provided by LOTS correlate to the reality and needs of targeted adolescent girls, CSSD managers and staff routinely assess data trends amassed from various stakeholders, including high schools, community and recreation centers as well as the Metropolitan Police Department. In 2009, the CSSD observed an increase in the volume and type of domestic violence cases filed against

adolescent girls. Further review of the data indicated an increase in home assaults as well as assaults among adolescent courtships initiated by adolescent girls. While the overall percentage of juvenile crime amounts for adolescent girls remained virtually the same in 2008 and 2009, the rate of vandalism and threats slightly decreased at the same time that the rate of simple and aggravated assault (domestic) slightly increased. In response, the CSSD staff reassessed its anger management individual and group services in order to include a focus on domestic violence. These groups will begin in 2010 and include an educational component requiring participating girls to complete a 500 word essay or speech on the nature, impact and implications of domestic violence.

***Seamless Male Adolescent Services and Supervision: Ultimate Transitions Ultimate Responsibilities (UTURN)***

Created to address the complex needs of high-risk juveniles and serve as an alternative to post-dispositional commitment, UTURN staff is charged with providing services and supervision to the most serious juveniles involved in Family Court. UTURN staff also provides increased community supervision resulting in two (2) evening home visits, two (2) or more weekly school visits, and eight (8) weekly telephone contacts. However, through the use of Third-Party Monitoring, UTURN youth received an additional eight (8) to ten (10) community contacts weekly. UTURN is highly prescriptive, culturally sound and a comprehensive model that is positively effective for high-risk and serious offense juveniles. It is augmented by a comprehensive life skills component, entitled Probation Offering Life Options (POLO), a mood altering chemical (MAC) drug education and prevention group, parenting skills and community service/service learning. Notwithstanding the above, UTURN is also supported by the behavioral health services provided by the CSSD's Child Guidance Clinic (CGC).

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

In 2009, CSSD's SE BARJ Drop-In Center which is located east of the Anacostia River, continued to experience success among youth served by the Center. Complete with ample office space for probation officers, designated space for community-based providers, a large recreation room supplied with table-top games, a movie screen projector, a flat-screen television, various educational and recreational programs, and a satellite courtroom and kitchen, youth assigned to the Center continued to benefit from evening programming, an alternative day suspension program (for youth suspended from school for three (3) or more days) and community service on Saturdays. Data tracked on youth participating in the BARJ program as well as the larger population served by the facility revealed more than a ninety percent (90) successful completion rate. Similar to signature initiatives detailed herein, Drop-In Center probation officers also facilitated anger management and drug use/abuse prevention groups, as well as mentoring, tutoring, life-skills, food preparation courses, community service/service learning and behavioral health services.

### ***Southwest Satellite Office***

In 2008, CSSD launched its newly created Southwest Satellite Office (SWSO), designed to address the needs of youth residing in the Southwest quadrant of the District of Columbia as well as youth residing in Ward 2 and the lower area of Ward 1 near downtown Washington, DC. For years, youth residing in these locations, as well as the portion of Southwest located near Ward 8 of Southeast, were served and supervised by way of the Southeast Satellite Office and the Northwest Satellite Office. However, following extensive analysis of data regarding juvenile crime, as well as the residential

proximity of youth and a review of the impact on existing Satellite Offices endeavoring to respond to the needs of youth residing in the Southwest quadrant, the CSSD determined the need to create a Southwest Satellite Office, located on the third floor of Building B of the Judiciary Square campus. Similar to other units, SWSO offers supervision and monitoring of youth, tutoring provided by a contract with Georgetown University, mentoring, drug use/abuse prevention and life-skills. The population is ninety-nine (99) percent African-American males, ranging in age from fifteen (15) to seventeen (17).

***NE Balanced and Restorative Justice (BARJ) Drop-In Center: Projected Completion Date-2010***

In 2009, the D.C. Courts completed Phase I of the construction for the Family Courts' second Drop-In Center, located at 2575 Reed Street, NE. Phase I of the development included construction of the kitchens, a staff conference room, a classroom for students attending the alternative suspension day program, a group meeting room, and more than half of the office space contemplated in the design plans.

During the first quarter of 2010, Phase II of the facility will be completed, at which point the CSSD will commence engaging youth based on the intended use of the facility. Phase II of the facility will include additional rest rooms, additional office space for staff, a large multi-purpose room, a judge's robing room, a courtroom and two holding cells as a core component of the D.C. Courts Contingency of Operations Plan (COOP).

## **New Initiatives in Juvenile Delinquency**

### ***Juvenile Speedy Trial Equity Amendment Legislation***

The Juvenile Speedy Trial Equity Amendment legislation amended D.C. Code §16-2310 (e) to require, in part, that fact-finding hearings for children ordered to shelter care be conducted within 45 days of the initial hearing. The legislation also placed limits, with exceptions, on the length of time a child may be held in secure detention or shelter care. The Juvenile Speedy Trial Equity Act of 2008 was enacted on January 5, 2009, and became effective on March 21, 2009.

### **CHILD SUPPORT AND PATERNITY CASES**

During 2009 there were 3,127 child support and paternity actions filed in the Family Court, in addition to 144 cases that were reopened. D.C. Official Code §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). In 2008, as part of a court-wide initiative to capture time to disposition data in most Family Court case types, the court began to monitor compliance with these important milestones. Data for cases filed during 2009 indicate that the Court performed well in meeting these standards; 73% of cases were disposed or otherwise resolved within 6 months (180 days) of service of process, and 95% were disposed or otherwise resolved within 12 months (365 days) of service of process. During 2010, the Court will continue to refine and monitor compliance with these mandated timeframes and performance measures as it continues to collaborate and share

data with the Child Support Services Division of the Office of the OAG, the designated IV-D agency for the city.

### **New Initiatives in Paternity and Support**

During 2009, the Family Court continued to refine its Family Fathering Court Reentry Pilot Program which was launched in November 2007. The Fathering Court initiative is a voluntary, court-supervised, comprehensive support services program for prisoners returning to the District of Columbia who are the subject of active child support cases. The judge presiding over the Fathering Reentry Court schedules regular hearings to review the participants' progress and compliance with supervised probation requirements, monitored by the Court Services and Offender Supervision Agency (CSOSA), child support payments, tracked by the OAG Child Support Services Division, and various training and employment services monitored by the programs' case monitors. The use of improved recruitment techniques, including direct referrals from Case Supervision Officers at CSOSA led to the growth of the program from 3 participants at the beginning of 2008, to 50 participants by December 31, 2009.

During 2009, the Family Court Fathering Court Initiative managed two grants. One grant covers the costs associated with the provision of individual case monitoring services by The Healthy Families, Thriving Communities Collaborative. The second grant provided funds to cover the costs associated with employment counseling services provided by Educational Data Systems, Inc. These services are intended to provide participants with the additional training and skills needed to transition from subsidized wages to private, stable and upwardly mobile employment. At the end of 2009, 37 participants were receiving this service and 20 had acquired employment in the private

sector. Additionally, several other participants were working part-time with the objective of gaining full-time employment.

To date, every participant who successfully completed the training program and was placed into a subsidized employment position, including those who have now moved to private sector employment, has remained current in paying the modified child support ordered by the Court and is compliant with the program's other components that are designed to build parenting skills and re-integrate the participant into the community as a person with and who acknowledges his responsibilities.

The Fathering Court hosted its first Fathering Court Luncheon on July 31, 2009, to celebrate the achievement of participants and provide fellowship and dialogue between community partners and members. At this ceremony, the Presiding Judge, Milton C. Lee, presented children of the Fathering Court with back-to-school materials, donated from private donors in the community. Also in 2009, the Fathering Court received a generous donation from the Boy Scouts of America of shirts and ties, collected as a group project to help Fathering Court participants have the proper attire for job interviews and substantive employment.

The Fathering Court conducted its 2nd annual Fathering Court Graduation on January 29, 2010, where five (5) participants in Fathering Court successfully completed (1) full year of employment in addition to a (1) full year of meaningful participation in their minor children's lives. This graduation was a great success in that it was well attended by partners, friends and families in the community, and multiple media outlets. During the graduation, the Eagle Scout who conducted the shirt and tie collection effort, was formally recognized.

## DOMESTIC RELATIONS AND CUSTODY CASES

The Domestic Relations Branch has responsibility for all cases involving divorce, legal separation, annulments, child custody and adoptions. During 2009, 3,806 domestic relations cases were filed in Family Court. On December 31, 2009, 68% of those cases were closed and 32% were still pending.

In 2009, as part of a court-wide initiative to capture time to disposition data in most Family Court case types, the court adopted the following performance measures in domestic relations cases beginning in 2009:

- Uncontested divorce cases and uncontested custody cases, 30% within 30 days, 70% within 45 days, and 95% within 60 days;
- Contested divorce and custody I- cases scheduled to take more than a week to try due to the complexity of legal issues involved – 75% within 9 months and 98% with a year; and
- Contested divorce and custody II – disputed cases expected to require less than a week for trial – 75% within 6 months and 98% with 9 months.

As was the case in 2008, data indicates that the Court is more successful at meeting disposition time standards in contested cases than in uncontested cases.

Specifically, 54% of contested custody II cases reached disposition within 6 months (180 days) and 81% with 9 months (270 days). The median time to disposition was 169 days. Similarly, 72% of contested divorce II cases reached disposition in 6 months (180 days) and 87% within 9 months (270 days). The median days to disposition was 104 days.

On the other hand, 24% of uncontested divorce cases reached disposition within 30 days, 67% within 45 days, and 83% within 60 days. The median number of days to dispose of a case was 38 days. Six percent of uncontested custody cases reached



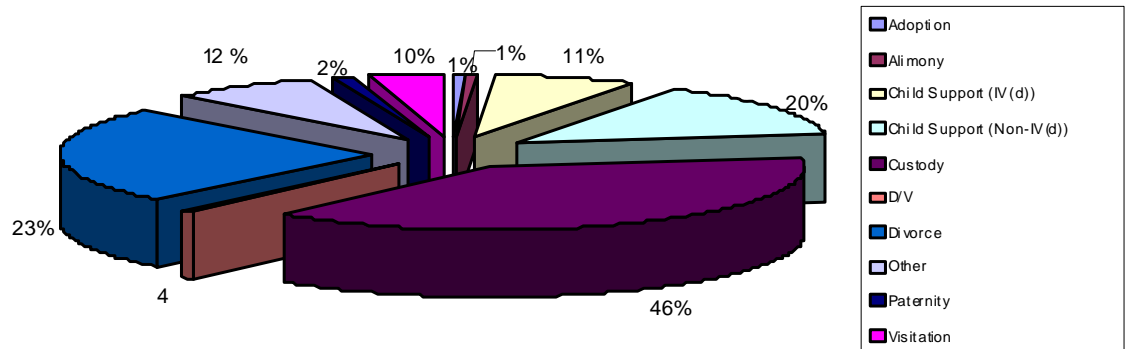
disposition within 30 days, 11% within 45 days, and 18% within 60 days. The median days to disposition was 87 days. For both uncontested divorce and uncontested custody cases, the performance did not meet established standards. During 2010, the court will continue to refine and monitor compliance with time to disposition standards for uncontested cases to improve performance in these case types.

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

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

Detailed below are a few of the findings from data collected for 2009:

**Figure 16. Parties Served by Family Court Self Help Center, By Case Type, 2008**



- The number of clients served by the SHC continued to increase. The SHC served 6,049 people in 2009 – an increase of 28% from 2008, when 4,732 people were served. On average the Center served 504 individuals per month in 2009, in contrast to the 394 individuals served per month in 2008, and 378 per month in 2007.
- As has been the case since 2006, a large majority of the parties seeking help from the SHC had issues related to custody (46%) or divorce (23%). This year, however, there was a steep increase in the percentage of parties seeking assistance in child support matters – from 24% in 2008 to 31% in 2009.
- Eighty-seven percent of the parties visiting the Center sought general information; 71% needed assistance with the completion of forms; and 6% came in seeking a referral.
- Eighty-nine percent of the parties served indicated that their primary language was English, a slight increase from 2008 (87%). Eight percent (8%) identified themselves as primarily Spanish speakers, down 2% from 2008; and 2% had another primary language.
- Among parties providing data on income, 53% of those seen had monthly incomes of \$1,000.00 or less; 23% had a monthly income between \$1,001.00 and \$2,000.00; and 18% had monthly incomes between \$2,001.00 and \$4,000.00. Six percent had monthly incomes above \$4,000.00.

### **New Initiatives in Domestic Relations**

The Program for Agreement and Cooperation in Custody Cases (PAC) a program of the Domestic Relations/ Paternity & Support Subcommittee of the Family Court Implementation Committee was created in 2007. The program offers alternatives for resolution in cases of contested custody issues in divorce, custody and legal separation cases. The cases are identified from the total population of contested custody matters with children ages 14 years old and younger; whereby, the parties and children participate in a mandatory educational seminar and mediation sessions in an effort to establish a custody agreement in the best interest of all parties, especially the children.

During 2009, 935 cases involving 452 children aged 7-14 participated in education seminars. In addition, all 935 cases were scheduled for mediation. The American Psychological Association who provides the education seminars contracted with Child Trends to conduct an outcome and implementation evaluation of the program. The evaluation was completed in October 2009. The evaluation report, which covers cases referred to the PAC program between February 2007 and July 2009, found that adults who participated in the education seminar felt that participation increased their understanding of the effects on conflict on their children, helped them deal more effectively with their children, and improved their ability to communicate about family issues. Children participating in the program also had a positive perception of the program. The majority of children learned why it is important to talk to people in their family about their feelings and learned some new things from listening to other children in the group. The report also found that participation in the education seminar improved the outcomes of mediation. PAC participants, when compared to non-PAC participants, participated in more mediation sessions, were more likely to discuss child custody

issues, were more likely to reach consent or mediated custody agreements, and were less likely to have a contested custody hearing.

In November 2008, the Office of the Parenting Coordinator was developed as a pilot program to serve low-income families involved in high conflict domestic relations cases. The program is the result of collaboration between the court, the American Psychological Association (APA) and the Family Law Section of the D.C. Bar and provides parenting coordination services, a highly specialized form of dispute resolution, to court involved parties.

### **CONCLUSION**

Whether training to enhance the knowledge of judges and others, implementing diversion programs for juveniles, developing educational materials for older youth or creating new programs for families in high conflict cases, the Family Court has as its core values, protecting children and strengthening families and public safety. In 2009, the Court continued its focus on TPR and adoptions. The impact of the increased focus has already shown excellent results. In 2009, the number of pending TPR cases declined from 361 at the beginning of the year to 253 by year end, a 30% reduction in the pending caseload. More importantly, the number of children who reached permanency through adoption saw a similar increase. In 2008, 95 abuse and neglect cases were closed by adoption compared to 127 cases closed by adoption in 2009, a 34% increase. The court anticipates that continued focus during 2010 on TPR and adoption cases will continue to expedite permanency for children removed from their families by removing barriers to permanent placement. The court recognizes that focusing on TPRs alone will not resolve all of the issues related to expediting permanency through adoption.

In addition to TPR and adoption, the court also continued its focus on the use of APPLA as a goal and the impact of the goal on youth in care. The court continues to participate in the Permanency Outcomes Workgroup with CFSA to address the issues related to the large number of youth with a goal of APPLA. In addition, to ensure that those youth who emancipate from the system with a goal of APPLA have the best possible chance to succeed, the court developed a handbook on the court process, permanency outcomes and aging out of foster care system for older youth, specifically those with a goal of APPLA, entitled *Pathway to the Future: Your Journey from Adolescence to Adulthood*.

The court recognizes that work must continue on several levels if we are to be successful in moving children to permanency sooner. The Family Court and CFSA both accept responsibility for ensuring adequate and timely case processing in abuse and neglect cases and share a strong commitment to achieving outcomes of safety, permanency and well-being for children and families. During 2010 we will continue to prioritize the barriers to permanency and expect to make significant improvements in the coming year for children with all permanency goals.

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 2009. CFSA has continued to show improvement in many areas but some of the same challenges that existed in 2008 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 in a more 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.

In 2009, 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. Where goals have not been met, the court maintains a strong commitment to improve. The Family Court remains committed to its mission to provide positive outcomes for children and families in the District of Columbia.

