

# Family Court 2013 Annual Report

## Superior Court of the District of Columbia



Honorable Lee F. Satterfield

Chief Judge

March 31, 2014

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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. The following summarizes some of the measures taken by the Family Court in 2013 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*.
  - Implemented a comprehensive case management and scheduling plan for all neglect cases in the Family Court. The Procedures Memorandum is designed to ensure the most expeditious disposition of cases brought before the court, while providing fairness and due process to the parties, to promote the use of best practices in all phases of court involvement, and to achieve permanency for all children before the court in as timely a manner as possible.
  - The “Expediting Resolution of Adoptions” workgroup completed the study on barriers to permanency in adoption cases. The workgroup identified four areas for continued review including: the outset of a case; the disposition period; following the goal change to adoption; and the definition of adoption timeline. The workgroup report and recommendations are currently under review.
  - Commenced development of a handbook for fathers involved in child welfare or child support cases in the D.C. Family Court. The handbook is designed to help men understand their rights and responsibilities, and to navigate the court system.
  - Redesigned the Family Treatment Court program to more closely align with the current continuum of substance abuse services in the District of Columbia. The most notable shift is the movement away from a solely residential substance abuse model for mothers and children to one that is based on an individual assessment of need that includes intensive out-patient treatment and provides services to fathers.
  - Reconstituted the Family Court panel attorneys list which, in 2013, identifies attorneys approved to represent parties in persons in need of supervision, mental health, mental habilitation, and special education. The Chief Judge of the Superior Court issued Administrative Order 13-13 on July 29, 2013 to reconstitute the panels and add additional attorneys. The panel process was designed to improve the quality of representation for all parties.

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

- **Provide early intervention and diversion opportunities for juveniles charged with offenses to enhance rehabilitation and promote public safety.**
  - Coordinated with the District of Columbia’s Criminal Justice Coordinating Council (CJCC), other juvenile justice, public schools, and public chartered school stakeholders to ensure appropriate cases were brought before the judiciary and the needs of the youth and families for whom cases were brought forward were met.
  - Coordinated with the Metropolitan Police Department (MPD) and the Department of Youth Rehabilitative Services (DYRS) to provide supervision coverage at the Smithsonian’s National Zoo sponsored “African American Family Tradition Day” event. In the past, the event which features family picnics, social networking, entertainment and touring was marred by youth violence leading to an increase in arrests. Arrest data in 2013 continued to indicate that the presence of CSSD, DYRS, and MPD led to fewer arrests, despite the fact that attendance was higher than in previous years.
- **Assign and retain well-trained and highly motivated judicial officers.**
  - Continued assessing disparate treatment and developing guidelines to address the problem of disproportionality in child welfare and juvenile justice cases. In addition, judicial officers continue to utilize the National Council of Juvenile and Family Court Judges “Courts Catalyzing Change Bench Card.” The purpose underlying the development of the bench card is to transform judicial practice on the bench in child abuse and neglect cases. The bench card is designed to help judges examine potential biases that may affect their decision-making and to aid judges in inquiries surrounding due process considerations. Preliminary results indicate that judicial officers are utilizing the bench card and find it useful.
  - 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.
  - Conducted mandatory monthly luncheon trainings on Mental Health and the newly released 5<sup>th</sup> Edition of the Diagnostic and Statistical Manual for Mental Disorders, Culture, Mental Health and Adolescents, Changes in GED Testing and its Impact on Children and Families Served by the Family Court, Synthetic Marijuana and its Effects on Youth, and an In-Service Training on Initial Hearings in Neglect Cases, including IWCA.
  - Participated in 4th Annual Juvenile Justice Summit held on September 12, 2013. The theme for the Summit was “Transforming Youth, Families, and the Juvenile Justice System to Build a Stronger and Healthier Community.”

- Conducted annual in-service training on Recent Developments in Family Law and Recently Enacted Legislation Affecting Family Court, Special Immigration Juvenile Status, How Mental Health Services and Drug Recovery Services Will Work Under a Unified System of Care by the Department of Behavioral Health, How Changes in the DSM-V will Affect Family Court, Special Education in the District by the Children's Law Center, and Family Court Performance Standards.
- **Promote Alternative Dispute Resolution.**
  - Continued operation of the highly successful Child Protection Mediation Program.
  - 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.
  - In an effort to accommodate cases that are typically denied for mediation due to intimate partner violence/abuse (IPV/A), the Multi-Door Dispute Resolution Division's Family ADR Program has partnered with a team of researchers from Indiana University and the University of Arizona, who are nationally recognized for its work in the area of IPV/A, to conduct a study that will measure the presence of IPV/A in domestic relations cases referred for mediation. The study is supported by a grant from the National Institute of Justice, the Battered Women's Project and the USDOJ Office on Violence Against Women. The goal is to identify various indicators of IPV/A in the screening process and to make a more data-supported decision about case appropriateness for mediation. As a way to accommodate these cases during the study, Multi-Door will be offering shuttle mediation and video-conferencing mediation.
  - To accommodate the increase in cases referred to mediation, the program selected a training class of twelve mediators from a pool of more than 130 applicants. Those selected for the training reflect the diversity of the community we serve with respect to age, gender, race and ethnicity. The 40-hour training met the standards established by the National Child Protection Mediation (NCPM) and maintains consistency between current and new mediators. The newly-trained mediators will complete a mentorship with veteran mediators before approval for admission to the program roster.
- **Use technology effectively to track cases of children and families.**
  - Completed the successful implementation of the bi-directional interface between the Court and the CFSA. The interface provides for the electronic exchange of complaints, petitions, court reports, and court orders between the D.C. Family Court, the OAG, and the CFSA.
  - Implemented E-Filing in juvenile, neglect, termination of parental rights, and domestic relations matters. E-filing provides the legal community with

streamlined access to the Clerk's Office and an efficient electronic method to file documents in existing cases and receive service so that filings, documents and data can be transmitted to the court's case management system more effectively, timely and accurately.

- Continued development of court-wide performance measures including clearance rates, trial date certainty, time to disposition, age of pending caseload, and post-disposition case activity. These metrics assist the Family Court in assessing how well it is meeting its obligations under the Act, measuring compliance with established timelines for case processing and permanency in abuse and neglect cases at both the local and national level.
  - Commenced development of Family Court Dashboard to provide meaningful information and analysis to judicial, managerial, and operational staff for more effective decision-making.
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- **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 (CWLTL) and the Juvenile Detention Alternative Initiative (JDAI).
    - Commenced assessment of the recommendations from the D.C. Bar Family Law Task Force and the D.C. Bar Board of Governors to expand access to justice and improve the administration of justice in Family Court for pro se litigants involved in domestic relations and paternity and child support cases.
    - Worked collaboratively with DYRS and the MPD to facilitate a third public safety forum for high-risk youth.
    - Collaborated with the MPD, DYRS, OAG, Department of Employment Services (DOES), CJCC, Pre-Trial Services Agency (PSA) and Court Services and Offender Supervision Agency (CSOSA) to facilitate a third public safety forum for high risk youth under CSSD and DYRS supervision. The "Juvenile Call-In" event featured the Presiding Judge of the Family Court and a host of stakeholders and local directors representing juvenile and criminal justice partnering agencies all of whom spoke briefly with attending youth to discourage youth from violating court-ordered conditions of community supervision and/or reoffending. Following the formal gathering, participating youth were able to engage in small group discussions with their probation officers, case managers and guest speakers.
    - Participated in the Public Defender Service sponsored "Community Reentry and Expungement Summit". Participants learned about reentry support services available in D.C. including the work of the Self Help Center and kinds of services it could provide.

- **Provide a family friendly environment by ensuring materials and services are understandable and accessible.**
  - Completed 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. The video is available in English and Spanish on the court's website.
  - 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 family's needs.
  - Created a staggered calendar, as a pilot, in the Paternity and Support Branch. The pilot was developed out of the need to reduce the lengthy wait time many litigants experience in paternity and support proceedings.
  - Continued review and revision of Family Court forms to ensure they were accessible to bilingual customers. Several forms utilized in neglect cases including the Scheduling Order, Conditional Release Signature Page, Adjudication of Paternity, Biological Mother's Affidavit Concerning Paternity, Mediation Referral Form, and the Definitions of Neglect form are now available in Spanish to bilingual customers.
  - The Self Help Center opened a computer room for self represented litigants.

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

## INTRODUCTION

The District of Columbia Family Court Act of 2001, Pub.L. 107-114 (D.C. Official Code, 2001 Ed. § 11-1101 *et seq.*, hereinafter the “Family Court Act” or “Act”) requires that the Chief Judge of the Superior Court submit to the President and Congress an annual report on the activities of the Family Court. The report, summarizing activities of the Family Court during 2013, must include the following:

- (1) The Chief Judge’s assessment of the productivity and success of the use of alternative dispute resolution (see pages 30-35).
- (2) Goals and timetables as required by the Adoption and Safe Families Act of 1997 to improve the Family Court’s performance (see pages 47-56).
- (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 35-41).
- (4) Information on the progress made in establishing locations and appropriate space for the Family Court (see pages 16-25).
- (5) Information on factors not under the Family Court control which interfere with or prevent the Family Court from carrying out its responsibilities in the most efficient manner possible (see pages 121-123).
- (6) Information on: (a) the number of judges serving on the Family Court as of December 31, 2013; (b) how long each such judge has served on the Family Court; (c) the number of cases retained outside the Family Court; (d) the number of reassignments to and from the Family Court; and (e) the ability to recruit qualified sitting judges to serve on the Family Court (see pages 3-10).
- (7) An analysis of the Family Court’s efficiency and effectiveness in managing its caseload during the year, including an analysis of the time required to dispose of actions and proceedings among the various categories of Family Court jurisdiction, as prescribed by applicable law and best practices (see pages 79-121).
- (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 121-123).

## **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 2013.

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, 2014, the Family Court consisted of 13 associate judges and 14 magistrate judges, nine of whom are assigned to abuse and neglect caseloads. One additional associate judge was awaiting confirmation.

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

In December 2012, Public Law 112-229, the D.C. Courts and Public Defender Service Act of 2011 became effective. Section 4 of the law amends D.C. Code § 11-908A to reduce the term of current and future Family Court associate judges from five years to three. Public Law 112-229 changed the two-tiered length of service requirement for judges assigned to the Family Court. Prior to the law, judges assigned to the Family Court served either three or five years depending on when they were appointed to the Superior Court. Judges already on the bench when the Family Court Act was enacted were required to serve a period of three years. Judges newly appointed to the Superior Court were required to serve a term of five years in the Family Court. Public Law 112-229 established a three year requirement for all judges in the Family Court. The following are the commencement dates of associate judges currently assigned to the Family Court. The names of associate 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>	
<b>Judge Dalton</b>	August	2008
<b>Judge Puig-Lugo</b>	January	2009
<b>Judge Smith</b>	August	2010
<b>Judge Irving</b>	January	2011
<b>Judge Raffinan</b>	January	2011
Judge DiToro	October	2011
Judge Rigsby	January	2012
Judge Dayson	April	2012
Judge Krauthamer	January	2013
Judge Knowles	January	2013
Judge Pan	January	2013
Judge Epstein	January	2014
Judge Pasichow	January	2014

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 Gray	April	2002
Magistrate Judge Johnson	April	2002
Magistrate Judge Breslow	October	2002
Magistrate Judge Fentress	October	2002
Magistrate Judge Albert	January	2006
Magistrate Judge Parker	January	2006
Magistrate Judge Rook	October	2006
Magistrate Judge Melendez	January	2008
Magistrate Judge Harnett	January	2011
Magistrate Judge Arthur	January	2011
Magistrate Judge Nolan	January	2011
Magistrate Judge Seoane-Lopez	August	2012
Magistrate Judge Rohr	October	2012
Magistrate Judge Staples	January	2014

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

The Chief Judge of the Superior Court of the District of Columbia made judicial assignments for calendar year 2014 in November 2013. Those assignments, which encompassed changes in Family Court judicial staff, became effective on January 1,

2014. As part of the reassignment, three associate judges (Judges Bush, Clark and Lee) left the Family Court. All were assigned to other divisions in the Superior Court.

Associate Judges Epstein and Pasichow began their tenure in the Family Court. Magistrate Judge Nooter is awaiting Senate confirmation before assuming a position as an associate judge. All newly assigned judicial officers met 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 2013.

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

***Anthony C. Epstein***

Judge Anthony C. Epstein was nominated to the Superior Court bench by President George W. Bush and confirmed by the Senate in September 2008.

Judge Epstein grew up in Ann Arbor, Michigan. He received his undergraduate degree from Yale College in 1974 and his law degree from Yale Law School in 1977. After graduation from law school, Judge Epstein clerked for Charles B. Renfrew, United States District Judge for the Northern District of California. After his clerkship, Judge Epstein served in several capacities at the U.S. Department of Justice, first as an attorney in the Antitrust Division, then as Special Assistant to the Deputy Attorney General, and last as a prosecutor in the U.S. Attorney's Office for the Eastern District of Virginia. Judge Epstein was in private practice from 1981 until his appointment to the bench. In private practice, Judge Epstein represented a wide range of clients in a wide range of civil and criminal litigation in state and federal courts around the country and before federal agencies in Washington. Throughout his career in private practice, he made a substantial

commitment to pro bono work, including serving as a volunteer in the Family Court's Self-Help Center where he assisted litigants in domestic relations cases.

Judge Epstein served on the D.C. Court of Appeals' Committee on Unauthorized Practice of Law from 1998 to 2008, including the last eight years as chair. He was involved in a variety of D.C. Bar activities. He was Vice Chair of the D.C. Bar Rules of Professional Conduct Review Committee when it recommended a comprehensive revision of the D.C. Rules of Professional Conduct that the Court of Appeals adopted effective in 2007. He also served on the D.C. Bar Multi-jurisdictional Practice Committee and on both the Steering Committee and the Court Rules Committee of the D.C. Bar Section on Courts, Lawyers, and the Administration of Justice.

Prior to his appointment to the Family Court, Judge Epstein participated in quarterly Family Court Trainings organized by the Presiding Judge of Family Court designed to prepare Superior Court judges to serve in the Family Court. The training included instruction on the Adoptions and Safe Families Act (ASFA), The D.C. Family Court Act, permanency planning principles and practices, recognizing the signs of and risk factors for child abuse, the course of a neglect matter from initial hearing through permanency hearings, communicating with children, and working with children as witnesses. The training ensures that other judges in the Superior Court have the knowledge and skills required to serve in the Family Court should they choose to do so.

***Heidi M. Pasichow***

Judge Heidi M. Pasichow was nominated to the Superior Court bench by President George W. Bush and confirmed by the Senate on October 31, 2008.

Judge Pasichow was born in Queens, New York. She received her Bachelor of Arts degree from The George Washington University with distinction in 1977 and her Juris Doctor from the American University Washington College of Law in 1981.

During law school, Judge Pasichow was a student attorney with the District of Columbia's Law Student's in Court Program, a Legislative Assistant for a member of the United States House of Representatives, and a Law Clerk in the Office of Civil Rights at the United States Department of Commerce. After receiving her law degree, she worked in the area of occupational health for administrative law judges on the Benefits Review Board at the United States Department of Labor. From 1983 to 1985, she served as a judicial law clerk to the Honorable Sylvia Bacon of the Superior Court of the District of Columbia. After her clerkship, Judge Pasichow joined the Office of the United States Attorney for the District of Columbia where she remained until her appointment as Associate Judge.

Commencing in 1989, Judge Pasichow handled complex criminal cases and prosecuted serious violent offenders detained pre-trial. The following year, in 1990, she was promoted to the Homicide Section where she began to prosecute homicide cases. In 1994, as Deputy Chief of the Homicide Section, Judge Pasichow assisted in coordinating efforts to establish a law enforcement protocol for child deaths and served as the U.S. Attorney's Office's representative on the Child Fatality Review Committee.

In 1998, she was promoted to Chief of the Violent Crime Section and led prosecutorial efforts to bring justice to victims of violent offenses city-wide. In 1999, the United States Attorney expanded the community prosecution effort to all seven police districts in an effort to enhance effectiveness in crime prevention, reduction, and

prosecution by addressing issues unique to each particular community. Judge Pasichow worked closely with the United States Attorney during that transition and was responsible for coordinating efforts with the community's residents, school officials, civic organizations, and law enforcement agencies. Amongst others, the efforts addressed quality of life and nuisance crimes, teenage violence, school truancy, and underage drinking in commercial establishments.

In 2002, after over thirteen years of prosecuting or supervising the prosecution of violent offenders, Judge Pasichow was appointed Special Counsel for Professional Development, a position that focused exclusively on the professional development and advocacy skills of prosecutors practicing before the D.C. Superior Court. She has also instructed Assistant United States Attorneys across the country in areas of trial advocacy, criminal procedure, and evidence, at the United States Department of Justice's National Advocacy Center.

Before returning to the Homicide Section in 2006 to focus on the grand jury investigation and prosecution of previously unsolved "cold" murders and domestic and child homicides, Judge Pasichow practiced before the United States District Court for the District of Columbia for almost two years, handling a variety of federal cases for the Transnational Major Crimes and Federal Major Crimes Sections of the Office's Criminal Division.

Judge Pasichow is active with the National Institute for Trial Advocacy, serving as a faculty member since 1998. She teaches basic and advanced trial advocacy skills to attorneys through the Georgetown University Law School's Continuing Legal

Education/NITA Program. In 2007, she was honored with the National Institute for Trial Advocacy's Justin D. Simon Award for Excellence in Teaching.

### ***Sean Staples***

Sean Staples was appointed Magistrate Judge by Chief Judge Lee Satterfield in January, 2014.

Magistrate Judge Sean Staples received his undergraduate degree from Syracuse University and was a legislative assistant and assistant press secretary to Congressman Hamilton Fish (R-NY). He graduated *magna cum laude* from The Catholic University of America Columbus School of Law. Following graduation, he clerked at the District of Columbia Courts for Associate Judge Robert Morin.

Magistrate Judge Staples was a clinical professor in the criminal division of the D.C. Law Students in Court program, teaching criminal trial practice and procedure and supervising law students in the representation of adults and juveniles in D.C. Superior Court. He also worked as an assistant public defender in Fairfax, VA and as a sole practitioner.

Prior to his appointment as a magistrate judge, he served as the Guardian ad Litem (GAL) Project Director at the Children's Law Center (CLC), where he managed over half of CLC's 80 person staff in the handling of child abuse and neglect cases.

### **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. Recruitment efforts were aided by the passage of Public Law 112-229, in 2012, which reduced the term of current and future Family Court associate judges from five years to three. As required by the Act, all associate judges currently serving in 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 three whose terms expired in 2013. Based on the terms of service required, five associate judges, including the presiding and deputy presiding judges are eligible to transfer out of the Family Court at the end of 2014. 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, Superior Court associate judges who are interested in serving but do not have the requisite experience or training required by the Family Court Act are provided the opportunity to participate in a quarterly training program developed by the Presiding Judge. The training is designed to ensure that these judges have the knowledge and skills required to serve in the Family Court.

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

### **TRAINING AND EDUCATION**

The Chief Judge of the Superior Court and the Presiding and Deputy Presiding Judges of the Family Court, in consultation with the Superior Court's Judicial Education Committee, develop and provide training for Family Court judicial staff. 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 2013. In December 2013, all Family Court judicial officers participated in an extensive three-day training program updating them on current substantive family law practice and new procedures in Family Court. In addition, judicial officers new to the Family Court and judicial officers changing calendars participated in a mandatory in-service training on their respective calendars. Family Court judicial officers also participated in trainings sponsored by organizations outside the Family Court such as: the National Council of Juvenile and Family Court Judges, the D.C. Bench/Bar Dialogue on Family Court, and the annual conferences of the American Bar Association, the National Association of Drug Court Professionals, and the Juvenile Detention Alternative Initiative Juvenile Justice System Forum. In addition to participating in education and training opportunities, a number of Family Court judicial officers provided their expertise on family court related matters as trainers, presenters or panelists in 2013. One such example was the current Presiding Judge, who continued to share his expertise on the commercial sexual exploitation of children, international child abductions, and human trafficking with a variety of audiences.

In 2013, the Presiding Judge convened weekly lunch meetings and mandatory monthly meetings for Family Court judicial officers to discuss issues involving family court cases and to hear from guest speakers on a variety of relevant topics. Family Court judges also participated in several multi-disciplinary and collaborative trainings with child welfare and juvenile justice stakeholders on areas of mutual concern.

The 2013 Family Court Interdisciplinary Training, scheduled to be held in October 2013, was cancelled due to the government shut down. The conference,

focusing on Teen Pregnancy has been rescheduled to April, 2014. Annual Interdisciplinary conferences will resume in October, 2015.

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 the other stakeholders in the child welfare system. The seminars were well attended from all sectors relating to family law practice. The 2013 seminars included:

- *I Heard it Through the Grapevine: A Review of Hearsay*; Cynthia Jones, Associate Law Professor, Washington College of Law and former Director of the D.C. Public Defender Service (February 11)
- *Transgender and Gender Variant Youth: Critical Issues and Ways to Support Youth and Enhance Competence in Handling Cases*; Staff of the Whitman Walker Clinic and other experts and service providers discussed national trends, as well as DC specific data, on LGBTQ youth. In addition, the training provided participants with information and resources to assist them in working with LGBTQ court involved youth (March 8)
- *Human Trafficking: Identification, Investigation, and Intervention*; Members of the D.C. Human Trafficking Task Force, including the United States Attorney's Office for the District of Columbia, Metropolitan Police Department, Office of the Attorney General, Shared Hope International, Fairgirls, Restoration Ministries, Courtney's House, and CASA D.C. (May 31)

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. 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 in 2013 included:

- *Job Corps, College, and Other Opportunities for Youth in Foster Care*; Lisa Henig, Job Corps representative and Phillip Lartique, CFSA Office of Youth Empowerment employment specialist. (January 23)
- *Representing Incarcerated Clients*; Tenisha Jiggetts, Criminal Division Attorney Advisor, Lawrence Spillan, CJA and CCAN attorney, and Wilma Brier, CCAN Branch Chief. Discussed the ethical obligations of an attorney representing an incarcerated client, case law addressing incarcerated parents in neglect and adoption cases, the mechanics of navigating the D.C. Jail and the Correctional Treatment Facility (CTF), and the services the court provides in helping attorneys locate their clients and get them to court and mediation. There was also a discussion of video visits, telephone, and email contact for families of prisoners. (February 26)
- *Engaging Parents in Planning for Their Children: A Discussion for Parents' Attorneys*; Ann Reilly, CFSA Supervisory Social Worker and CCAN Panel Attorneys Jack Gilmore, Al Gonzalez, and Cynthia Jefferson. Parental involvement in planning for children is important whether the child ends up reunifying or with another permanency plan. This discussion for parents' attorneys provided suggestions and recommendations on how to get parents engaged in their cases and how to advocate for parents so that they want to stay involved in planning for their children. (April 17)
- *Revised Attorney Practice Standards*; Magistrate Judge Errol Arthur, Chair of the committee that revised the standards, Glen Duncan, the Family Court Trial Lawyers Association representative to the committee, and Wilma Brier, CCAN Branch Chief. Focused on revisions to the Attorney Practice Standards including new guidelines for parents' attorneys and GALs. (April 30)
- *CCAN 102: A Follow-up for Newer Attorneys*; This brown bag discussion was primarily addressed to newer CCAN attorneys, but all attorneys were welcome to attend. It was a follow-up on issues and questions that had arisen for attorneys in the cases they had been handling since their initial training. Experienced attorneys were invited to attend to help address some of the issues raised by newer attorneys. Some of the topics covered: the attorney's role post-disposition, permanency options (including helping relatives and others who might want to pursue permanency), representing absent parents, representing incarcerated parents, finding resources for parents, attorney civility, e-filing questions, financial eligibility, voucher questions, among other topics. (May 29)
- *Advocating for Clients with Mental Health Issues*; Kim Clark, Public Defender Service attorney specializing in representing clients in mental health cases and John Connelly, CCAN attorney who handles neglect and mental health cases. Discussed issues that CCAN attorneys frequently confront in representing parents and other adults with mental health issues. (June 26)

- *De-Constructing the Initial Hearing*; Magistrate Judge Noel Johnson and CCAN attorneys Jorge Vila and Adriane Marblestein-Deare. Discussion focused on the legal and practical issues which arise at initial hearings. (July 17)
- *Preparing Foster Youth for College*; Staff from Washingtonians for Children shared information on the college and vocational school prep services offered by their organization to foster care youth. (August 21)
- *De-Briefing from the ABA Center on Children and the Law Conference*; joint training with Children's Law Center. Attorneys who attended the conference shared information from sessions they attended and found useful. (August 22)
- *De-Briefing from the ABA Parent Representation Conference*; Attorneys who attended the conference shared information from sessions they attended and found useful. (September 25)
- *Housing Solutions for Child Welfare Families and Youth*; Marta Beresin, a staff attorney at the Washington Legal Clinic for the Homeless, presented information on the housing needs of and the housing resources available to families involved in the child welfare system. (October 9)
- *Lawyers in the Cloud: Ethics Implications*; Mindy Rattan, McKenna Long & Aldridge LLP, and Saul Singer, D.C. Bar Legal Ethics Counsel. From using public Wi-Fi to communicating with clients to storing or sharing files and documents in the cloud, lawyers may not realize the ethical issues raised by evolving technology. Ethics rules governing attorney competence, confidentiality, supervisory duties over non-lawyers, were among the issues discussed. (November 13)
- *Annual Case Law Update*; Cynthia Nordone, CCAN Attorney and Wilma Brier CCAN Branch Chief. Summarized the neglect, adoption, TPR, and related cases decided by the D.C. Court of Appeals in 2013. (December 17)

#### Children's Law Center Training

- *CLC Training for CCAN Attorneys*; This training provided attorneys with an opportunity to participate in two enriching sessions: Using Neglect Definitions to Develop Case Theory; and Perspectives on Advocacy Under *In re D.S.* (February 28)
- *Advanced GAL Training*; (April 18)
- *Understanding Evaluations*; Dr. David Missar, D.C. Department of Mental Health Assessment Center. Dr. Missar discussed the evaluations completed at the

Assessment Center, how to know which evaluation to request for a client, and how to interpret the results. (April 25)

- *CCAN Trial Skills Training*; The trial skills training included sessions on admitting documents, using documentary evidence to impeach, handling difficult witnesses and cross-examining experts. (June 20)
- *The Interstate Compact on the Placement of Children, Border Agreements, and Out-of-State Placements for Youth in Care*; Staff from CLC and CFSA discussed the impact CFSA's border agreements may have on out of state youth placements. (June 27)
- *Neglect and Delinquency Practice Institute (NDPI)*; Sponsored by the Bar Association of DC (BADC). (March 11-12)
- *Special Education Attorney Training*; Initial Training for Special Education Attorneys focusing on Attorney Practice Standards and Logistics. (May 30-31 and November 21-22)

Family Court non-judicial staff participated in a variety of training programs in 2013. Some of the topics covered included building empathy for a better customer service experience, conflict management and resolution, high impact decision making skills, customer service, making the service connection, driving innovation, quality control and error reduction in case filings, and managing difficult conversations and learning how to discuss what matters most in the workplace. These educational opportunities focused on a variety of topics, all with the goal of moving the court toward improved outcomes for children and families. In addition, Family Court non-judicial staff participated in training opportunities sponsored by organizations outside the Court including the National Association of Court Management's (NACM) Mid-year Conference, the Child Welfare League of America's (CWLA) State of Children & Families: *Making Children and Families A Priority: Raising the Bar*, the National Child Support Enforcement Association's (NCSEA) Annual Conference and the Court Improvement Program Annual Conference.

Family Court attorney advisors participated in the 15th Annual American Bar Association National Conference on Children and the Law: *Raising the Bar: Lawyers as Partners for Family Well-Being* and the 3<sup>rd</sup> Annual National Parents Attorney Conference: *Improving Representation in the Child Welfare System* and the CWLA annual conference.

Family Court Self Help Center staff attended a number of trainings and conferences directly relevant to the topics they confront on a daily basis. The Center held its semi-annual volunteer training, with the help and support of the D.C. Bar Pro Bono Program, adding nearly 40 new volunteers in the process. Additionally, Center staff participated in the Resource Fair at the Public Defender Service Community Reentry and Expungement Summit.

The Family Court continues to provide opportunities as well as encourage its staff to gain knowledge on finding more effective ways to streamline caseload processes and administrative procedures. As such, non-judicial staff throughout the Family Court Division attended a variety of in-house workshops and seminars on topics relating to improving and modernizing case flow and record keeping, leadership development, diversity in the workplace, ethics, sexual harassment, the court's newly implemented electronic filing system, and Microsoft Office applications and systems.

### **FAMILY COURT FACILITIES**

The Family Court Act of 2001 required that the District of Columbia immediately begin establishing and 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. Superior Court is at a critical point as it continues to make major progress towards full consolidation of the Family Court. Major projects are in various stages of design and construction. The following is a summary of major milestones achieved and initiated in 2013.

### **Summary of Milestones**

#### **Completed**

- Construction of Chambers in Room 1500 on the Indiana Avenue level to free space elsewhere.
- Construction of offices for the Interim Judge in Chambers on the 4<sup>th</sup> Floor.
- Construction Documents for the C Street Expansion Foundations.
- Updating of the Facilities Master Plan and Master Plan Implementation.
- Phased construction for offices for Court Reporting on the 5<sup>th</sup> Floor.
- Construction of Chambers on the 5<sup>th</sup> Floor to free space elsewhere.
- Building Permit review for Balanced and Restorative Justice Drop-In Centers at 920 Rhode Island and 118 Q Street NW.

#### **In Progress**

- Construction Documents for the C Street Expansion Base Building.
- Interior Design and Construction Documents for the Interior spaces of the C Street Addition.
- Phased construction for the modifications to the 4<sup>th</sup> Floor Criminal Division and attendant swing spaces.
- Construction of upgrades for domestic water infrastructure.
- Construction of upgrades for mechanical and electrical work throughout the building for modernization accommodating the C Street Expansion.
- Construction of Balanced and Restorative Justice Drop-In Centers at 920 Rhode Island and 118 Q Street NW.
- Upgrade of Balanced and Restorative Justice Drop-In Center at V Street.

### **Design and Construction of Family Court**

#### **Description**

The current design focus is the C Street expansion which will consolidate all of Court Social Services (currently at 510 4<sup>th</sup> Street, Juvenile Intake, and the remaining Branches

located on the Fourth Floor of the Moultrie Courthouse). Construction of the foundation is in progress. Construction documents for the base building and interior spaces are well underway. Design of swing space to move court components out of the way of construction, cable clean-up and cable removal planning is also in progress. New facilities will provide ADA accessibility, accommodation of technology, adjacency to genetic testing and the Mayors Liaison Office, improving all aspects of Family Court operations.

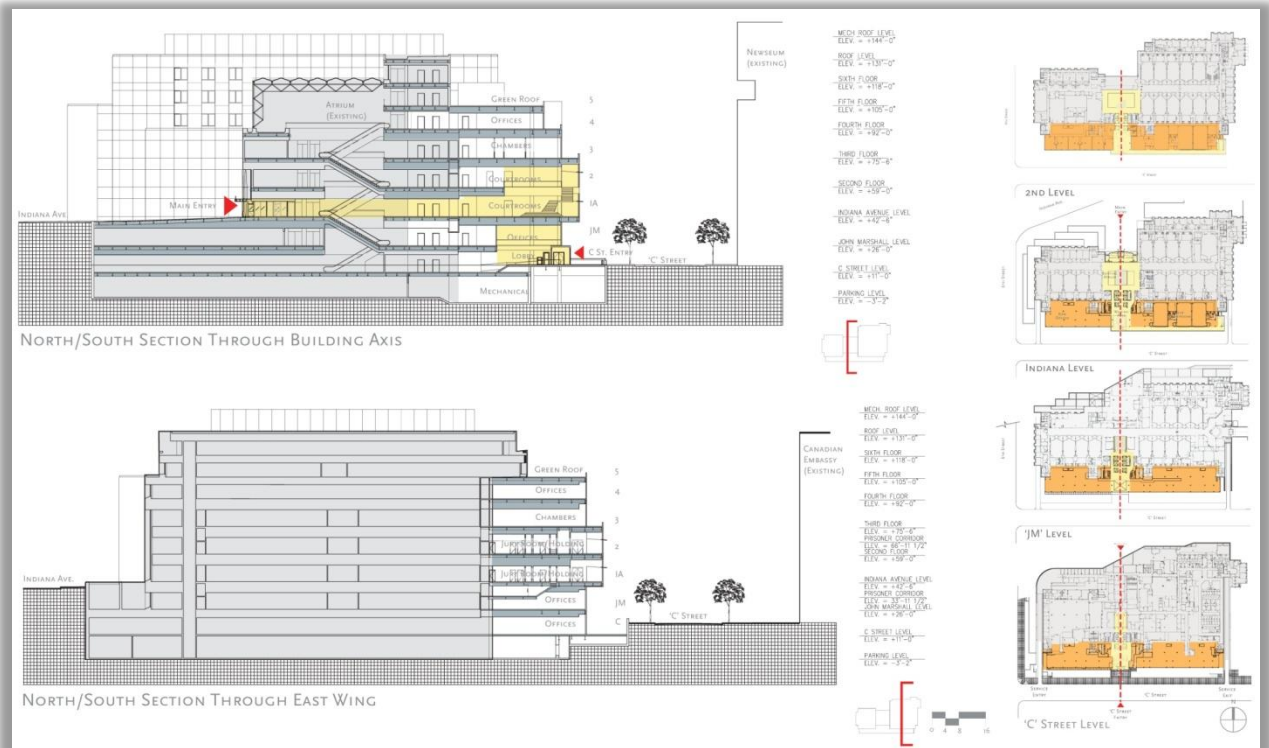
### **Design of the Moultrie Courthouse C Street Expansion**

#### **Description**

The 116,000 net square foot expansion project will rise six stories along the south facade of the Moultrie Courthouse providing over 30,000 square feet of Family Court offices and support space. The expansion will include space for social services, the children's center and supervised visitation, six courtrooms and chambers for 20 Superior Court judges. The addition will be fully integrated with the JM level space for the Family Court Mental Health and Habilitation Unit, CCAN, Juvenile Intake, Probation Supervision, Drug Court and the immediate offices for the Family Court Operations Division and Court Social Services Division. The project will be phased over 5 years (pending funding.) Construction of the foundation commenced in November 2013. The anticipated completion date for the foundation is March 2015. The construction of the superstructure and interior spaces will be accomplished in two phases. All floors of the west side of the building will be completed before construction on the east side begins.



C Street Expansion Looking Northwest (Approved Design)



C Street Expansion Cross Section



C Street Expansion Entry

## **Facilities Master Plan Update 2022**

### **Description**

Implementation of the Courts Facilities Master Plan continues. An update of the 2002 Facilities Master Plan was initiated in 2012 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, Court Social Services, and support functions. In 2002, the District's population had been in steep decline for three decades. Current census data indicates that the population is growing and many areas of the court are responding to expanding demands. Central to the Master Plan and the Family Court consolidation will be the C Street Expansion of the Moultrie Courthouse.

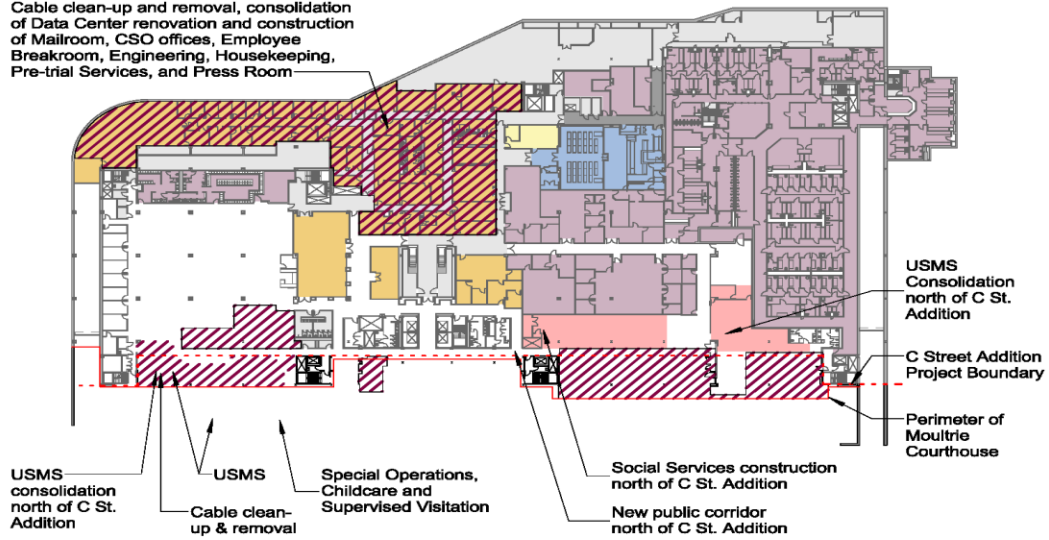
### **Projects Related to the C Street Expansion**

The following plans detail projects noted in red, within the existing Moultrie Courthouse that are critical to the C Street Expansion. They include improvements to infrastructure and security as well as swing space to move court components out of the path of construction for the C Street Expansion.

Human Resources, Special Operations and the Center for Education and Training are all located on the fourth floor of the C Street Expansion with shared public spaces related to these divisions located outside of the C Street Expansion project boundary. These projects include the Jurors' Lounge, Business Center, Training Rooms, and Conference Rooms.

All of these projects must be funded and completed as required in support of the C Street Expansion schedule. Some projects must occur prior to initiation of Phase 2A of the C Street Expansion, which is the west side superstructure and interiors. Other projects must occur in parallel with the C Street Expansion construction.

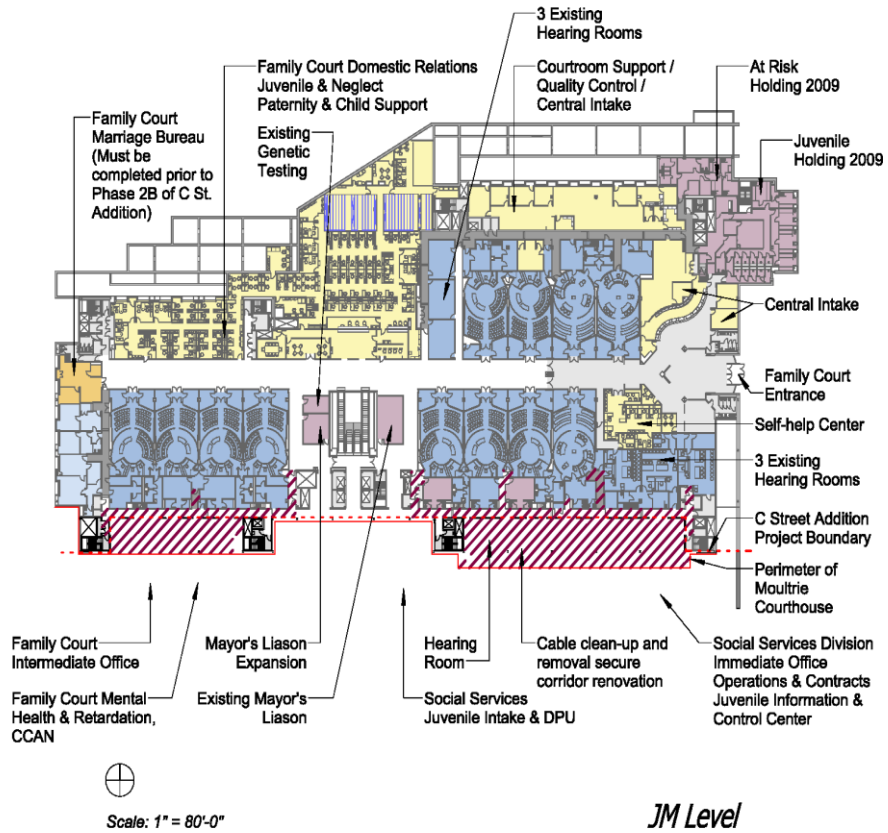
Cable clean-up and removal, consolidation of Data Center renovation and construction of Mailroom, CSO offices, Employee Breakroom, Engineering, Housekeeping, Pre-trial Services, and Press Room

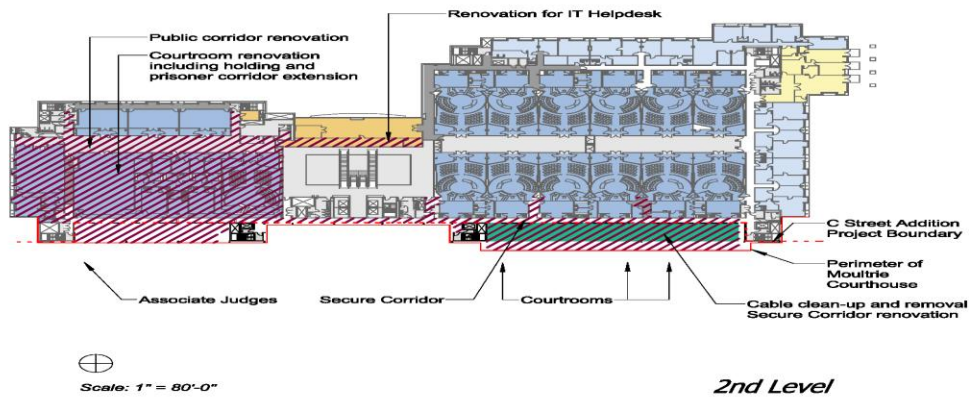
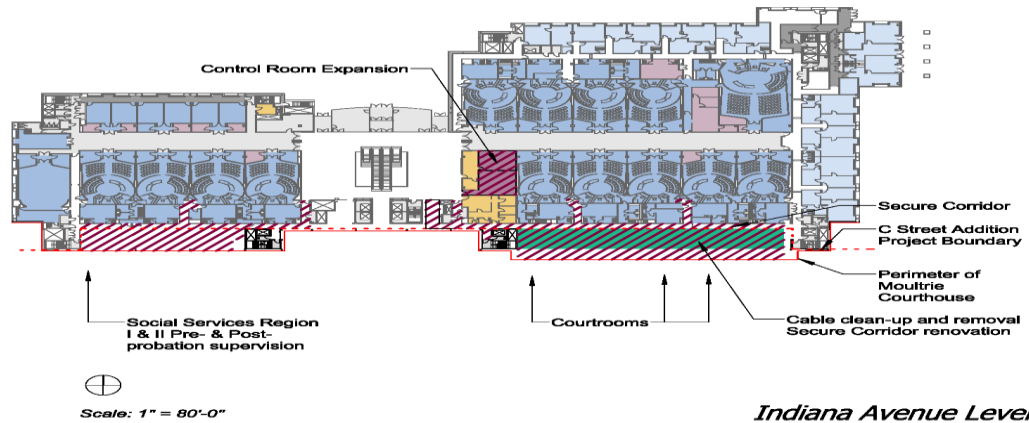


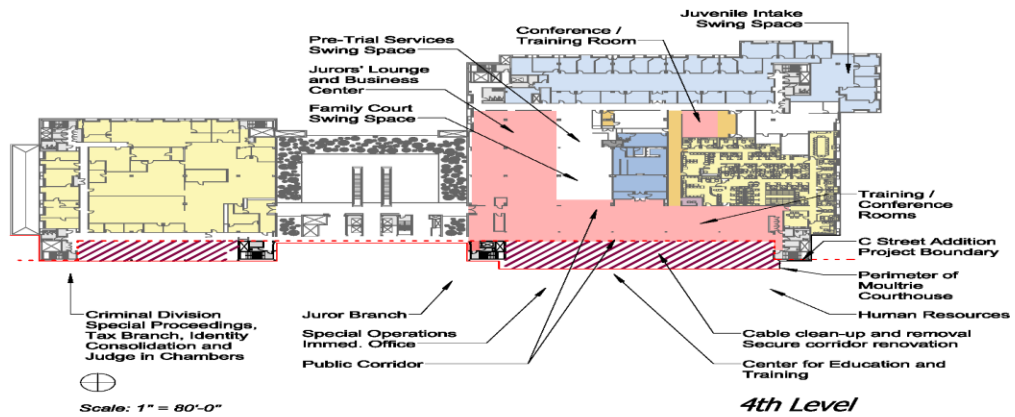
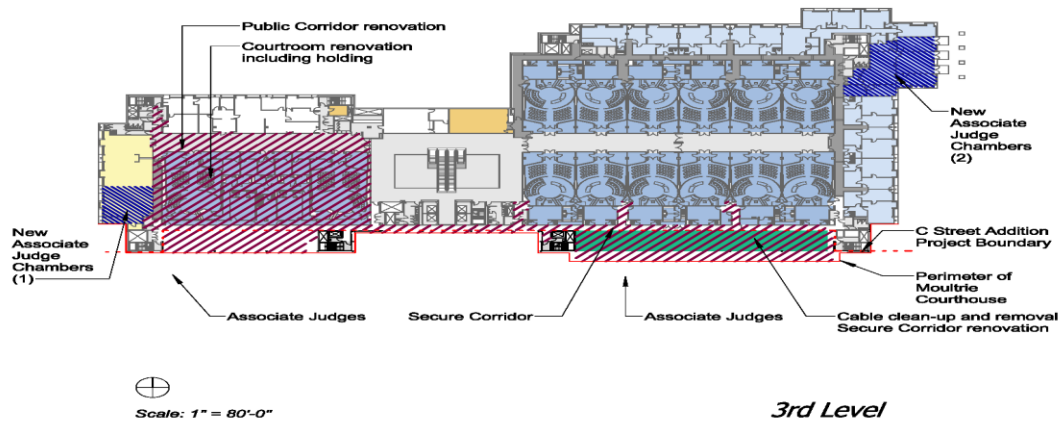
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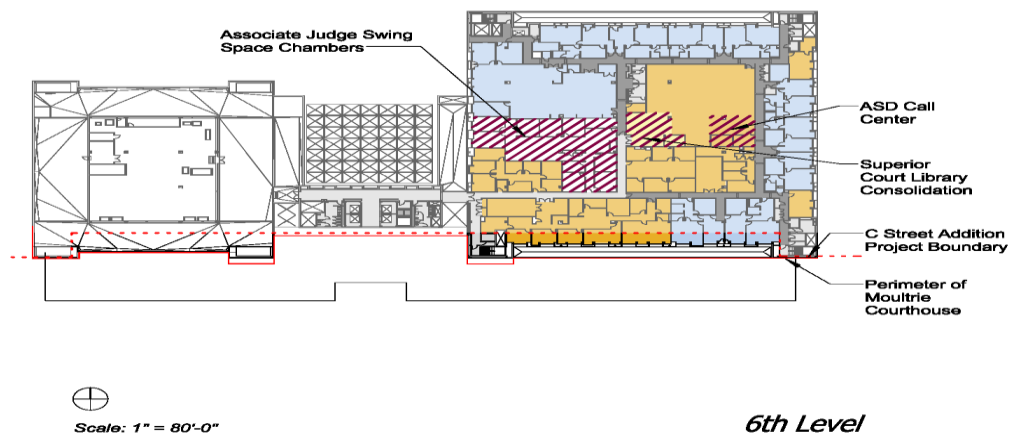
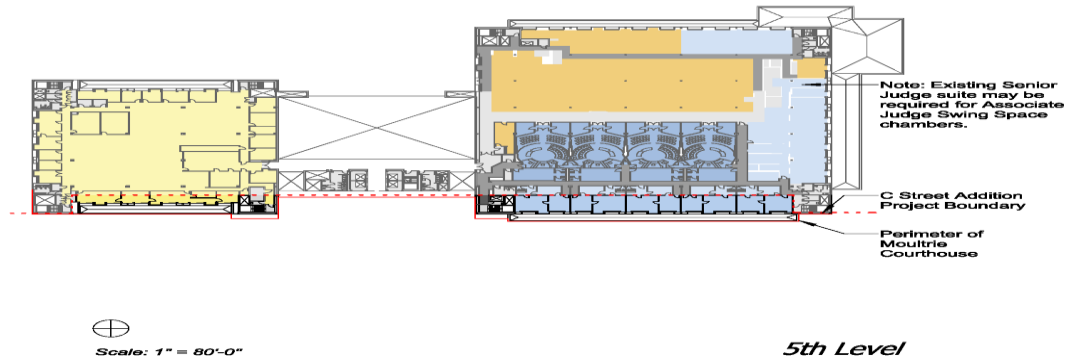
*C Level*

The plan below illustrates the planned location of Family Court elements to be located on the JM level as it will appear after the completion of the C Street Expansion:









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

The Family Court and the Court's Information Technology Division continued its partnership with the Child and Family Services Agency and the Office of the Attorney General for the electronic filing of abuse and neglect complaints, petitions and dispositional reports. Using funding provided by the CIP Data Collection and Analysis Grants, the Courts developed the CIP interface in three phases. Phase I allowed for the electronic submission of complaints from the CFSA to the Court. Phase II allowed for the electronic filing of social worker reports and prosecutor petitions. Phase III developed the capability for the court to submit and CFSA and the OAG to receive electronic versions of court orders and other associated data. These efforts have resulted in efficiencies on both sides including reduction in the data entry error rate, elimination of manual document scanning, decrease in paper volume, and more streamlined exchange of child welfare data between the court and its partner agencies. Further enhancements are planned in 2014 to automatically trigger delivery of electronic versions of CFSA documents to the CCAN attorney assigned to a given case, further reducing the reliance on paper and manual delivery procedures.

In October 2013, the Court received additional funding from the CIP Data Collection and Analysis Grant. Funds will be utilized to enhance and customize the D.C. Department of Behavioral Health's Web Infrastructure for Treatment Services (WITS) system to collect and manage data associated with treatment of individuals taking part in the Family Treatment Court (FTC) program. Additionally, the ability to generate a comprehensive report tracking the individual from treatment inception through the process is critical for judicial decision making and monitoring.

The customized version of the WITS system hosted for D.C. is known as DATA. WITS is a hosted application available to approximately 28 jurisdictions across the United States. Member jurisdictions share a common base code line with jurisdiction-specific customizations making up an additional layer. Some of the customizations and enhancements included within the Phase 1 scope of work will be done at the baseline layer allowing them to be available to all participating WITS jurisdictions.

Phase 1 of the project involves the identification and collection of FTC information not currently tracked within the Court's case management system or the CFSA FACES system. Once identified, this information will be added to the WITS system to complement existing treatment services data from participating providers. All data will be manually entered by Court and/or CFSA staff associated with the FTC program. The primary output of this data collection and entry effort will be a comprehensive recovery "report" comparing the individual's progress to the agreed upon goals of the treatment plan.

Phase 2 of the project will evaluate the feasibility of leveraging industry-accepted methods to automate the data entry process greatly reducing the errors and overhead associated with manual processing. The ability to exchange information between the Court, CFSA, OAG and the WITS platform will be based on a number of factors including the rules and regulations associated with health related information. Phase 2 will also include a feasibility analysis to determine the extent to which data residing in the Court's case management system, the CFSA FACES system and the OAG ProLaw system can be tied together along with data from the WITS DATA system to create a comprehensive treatment life cycle tracking view for all impacted stakeholders.

Requirements definition and code development sessions facilitated by FEI, developer of the DC WITS system, were conducted in late 2013. Mandatory training on the current system for all stakeholders was conducted in November 2013. The expected delivery date for the modified system is September 30, 2014.

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

The Information Technology Division is continuing the process of migrating the business logic and legacy reporting technology that generates the Family Court's Performance Measurement Reports (Age of Pending Cases, Time to Disposition, Clearance Rate and Trial Date Certainty) to a robust enterprise data warehousing and business intelligence (BI) solution. In support of the BI initiative, the Family Court has been an integral partner with the IT Division in the implementation of Business Intelligence through the validation of Performance Measure Reporting, the modified formatting of the Motions Tracking Report, and three variations of the division caseload report. Exception Reports and caseload logic checks are provided to the branches for ongoing review of data quality. Reports are organized by case type and/or assigned case judge. Reports currently available through BI include: performance measures reports and caseload summary reports by case type, judge, and judge by case type. This partnership will evolve in the re-definition of Family Court subject areas, for ad hoc Business Intelligence reporting, and an innovative seamless daily caseload report.

### **Post-Disposition Caseload**

The Family Court continued to work with representatives from the Research and Development Division, Information Technology and the Office of Strategic Planning to design and develop prototype reports to capture post-disposition activities. Post-

disposition reporting is focused on identifying judicial work that takes place after cases are determined to be “disposed of” from a case management perspective and as a result are not accounted for in current performance measure reporting. Initial activities have centered on abuse, neglect, and juvenile case loads. However, post-disposition reports are also under development for other Family Court case types such as domestic relations, paternity and support, and mental health/habilitation.

### **Youth Automated System**

The Youth Automated System (YAS), implemented in April 2013, is the end result of a custom software development project currently underway for the Family Court’s Social Services Division (CSS). YAS is a distributed, web-enabled system that retains, displays, and reports on respondent activity within the CSS.

Serving as a supplement to CourtView, YAS automates CSS process workflows and miscellaneous paper and electronic documents. Some of the major benefits of the system include: streamlined workflow processes, better information-sharing capabilities, and improved reporting capabilities. Juvenile identity and case information will still be obtained from the integrated CourtView case management system.

### **Digitalization and Indexing of Old Adoption Records**

In an effort to maintain the confidentiality and integrity of sensitive case files, the Superior Court has stored adoption and relinquishment files on site; these files date back to September 1956. Beginning in 2003, with the implementation of CourtView, files have been stored electronically. However, for cases filed between 1956 and 2003, which number in the thousands, the physical files continue to be maintained at the courthouse. To create an improved record retention system and to enhance its search and retrieval

capabilities, in 2011, the Family Court in collaboration with the Information Technology Division began a project to index, digitize, and store these files on a web based search and retrieval system compatible to CourtView. In August 2013, the indexing and digitizing of all adoption and relinquishment files was completed.

### **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, respectively. The programs 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 perceived bias on the part of the mediator.

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

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

In 2013, 406 new abuse and neglect cases<sup>2</sup> were filed in the Family Court. Eighty-six percent of those cases (222 families with 348 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>3</sup> Of those 222 families, 13 families (6% representing 18 children) whose cases were filed in 2013 were offered mediation in 2014.

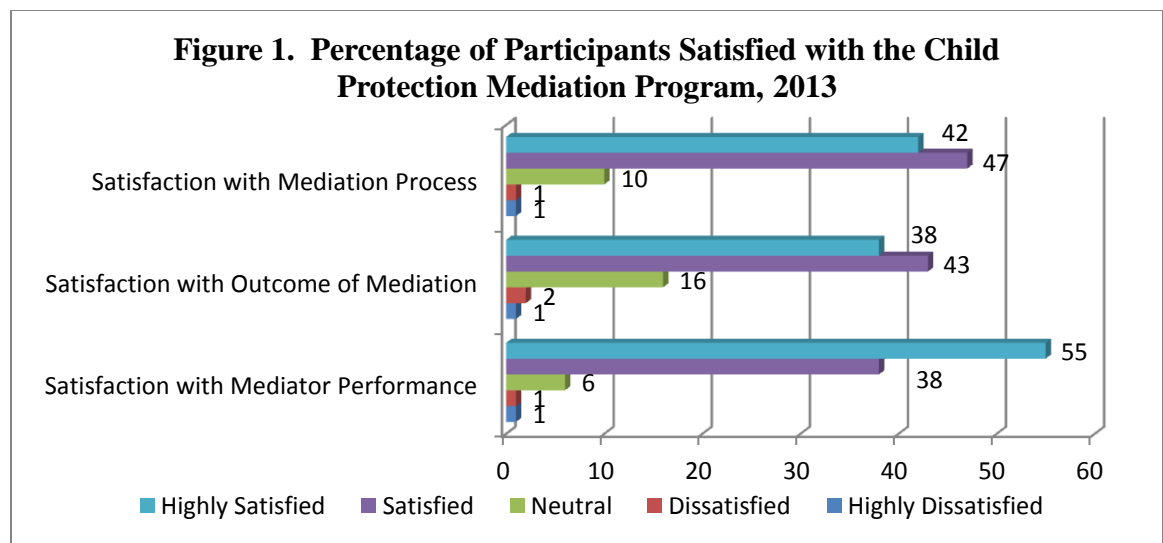
Seventy-four percent of the families (155 cases, representing 239 children) offered mediation in 2013 participated in the mediation process; twenty-six percent of the families (54 cases, representing 91 children) did not participate and their cases were

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<sup>2</sup> Each case represents one child in family court. In mediation, however, each case represents a family often with multiple children.

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

not mediated.<sup>4</sup> As was the case in 2012, for families participating in mediation, the Court continued to settle a substantial number of cases through the mediation process. Of the 155 cases mediated, 57% (89 cases representing 130 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) and a case plan was developed and presented to the Court as part of the mediation agreement. In 41% of cases (64 cases representing 107 children) the mediation was partially successful resulting in the development of a case plan even though the issue of jurisdiction was not resolved. In only 2 of the cases sent to mediation was no agreement reached.



Qualitative measures illustrate substantial satisfaction measures of 89% for the ADR process, 81% for ADR outcome, and 93% for the performance of the mediator(s).<sup>5</sup> Clearly, participation in ADR increases public trust and confidence in the Family Court.

<sup>4</sup> Scheduled cases may not be held for the following reasons: (a) case dismissed by the court; (b) case settled prior to mediation; (c) case rescheduled by the parties; (d) case cancelled (e.g., domestic violence); and (e) case scheduled in 2013 for mediation in 2014. Family Court and Multi-Door have implemented measures to reduce the number of rescheduled cases in order to expedite case resolution.

<sup>5</sup> These statistics are based on data provided by the Multi-Door Dispute Resolution Division.

## **Domestic Relations Mediation**

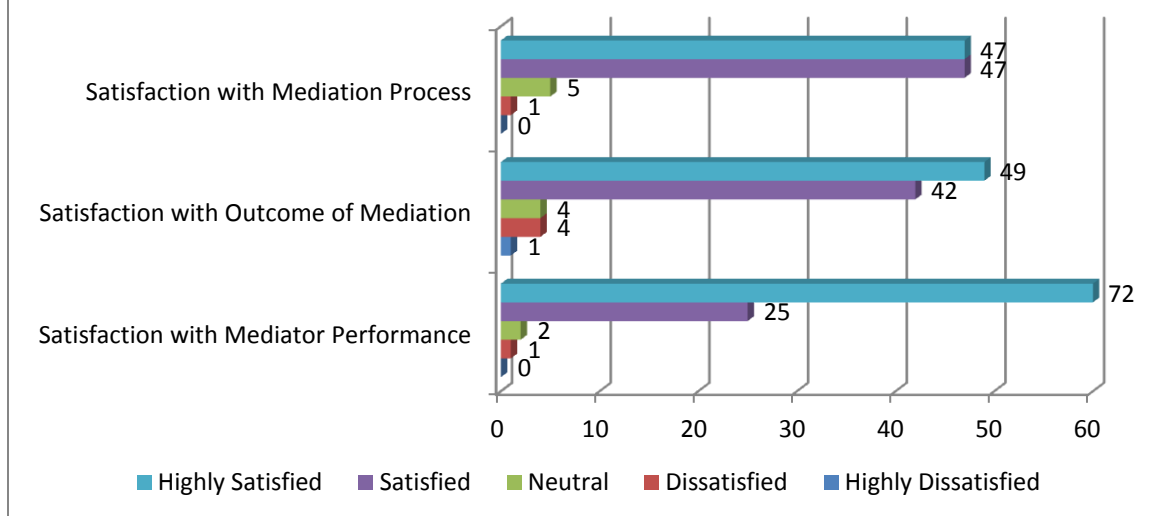
Mediation in domestic relations matters requires several sessions and typically covers issues of child custody, visitation, child and spousal support, and distribution of property. Domestic relations matters typically are characterized by hostility and limited communication which exacerbate the level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

A total of 699 domestic relations cases were referred to mediation in 2013. Forty-eight percent (333) of the cases referred were mediated and completed in 2013. The remaining fifty-two percent (366) of cases referred to mediation did not participate in mediation because they were found to be either inappropriate or ineligible for mediation or parties voluntarily withdrew from the process.

Of the 333 cases mediated, 135 (approximately 41%) settled in mediation and 198 (approximately 59%) failed to reach an agreement. Among the 135 cases that settled in mediation, full agreements were reached in 76 (56%) cases and partial agreements were reached in 59 cases (44%).

Qualitative outcome measures show satisfaction rates of 91% for ADR outcome, 94% for ADR process, and 97% 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.

**Figure 2. Percentage of Participants Satisfied with the Domestic Relations Mediation Program, 2013**



### *District of Columbia Bar ADR Program*

In addition to those Domestic Relations cases mediated through Multi-Door, the court also has a partnership with the District of Columbia Bar to conduct ADR in Domestic Relations cases. The Bar ADR program is used exclusively for domestic relations cases where the parties are represented by counsel, there are property or custody issues in dispute, and the judge and counsel determine that ADR would be beneficial. The parties and counsel agree to attend and participate in ADR for up to three hours if property is at issue and four hours if issues of custody are involved, and the parties agree to pay the mediator at a rate of \$150 per hour.

The program employs experienced family lawyers, must have at least 10 years experience in domestic relations practice, who have had mediation training or experience. Their experience allows them to provide the parties and their counsel with a

neutral evaluation of the strengths and weaknesses of their respective positions. In 2013, the Court ordered 28 families to participate in this ADR program.

### **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:

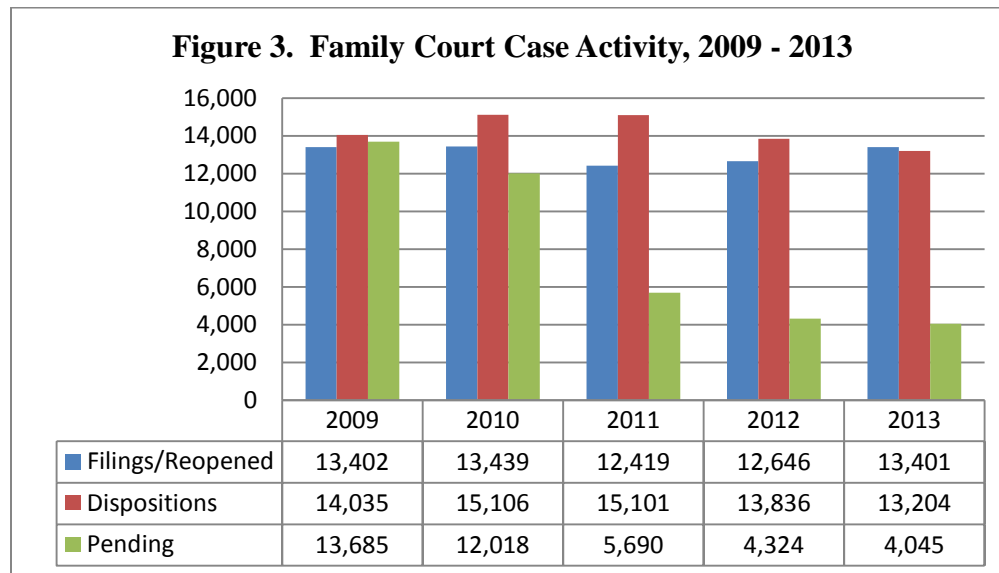
- In an effort to accommodate cases that are typically denied for mediation due to intimate partner violence/abuse (IPV/A), the Multi-Door Dispute Resolution Division's Family ADR Program has partnered with a team of researchers from Indiana University and the University of Arizona, who are nationally recognized for its work in the area of IPV/A, to conduct a study that will measure the presence of IPV/A in domestic relations cases referred for mediation. The study is supported by a grant from the National Institute of Justice, the Battered Women's Project and the USDOJ Office on Violence Against Women. The goal is to identify various indicators of IPV/A in our screening process and to make a more data-supported decision about case appropriateness for mediation. As a way to accommodate these cases during the study, Multi-Door will be offering shuttle mediation and video-conferencing mediation.
- In 2013, the Child Protection Mediation Program received 348 new abuse and neglect cases, in addition to 110 referrals for mediation in post-adjudication cases. To accommodate the increase in cases, the program selected a training class of twelve mediators from a pool of more than 130 applicants. Those selected for the training reflect the diversity of the community we serve with respect to age, gender, race and ethnicity. The 40-hour training met the standards established by the National Child Protection Mediation (NCPM) and maintains consistency between current and new mediators. The newly-trained mediators will complete a mentorship with veteran mediators before approval for admission to the program roster.
- Multi-Door conducted a two-day mediation skills training, in November 2013, for Family DRB judges. Division Director Jeannie Adams led a team of Multi-Door staff in sharing selected mediator skills to help the judges settle cases on their own calendars or those of their colleagues.

### **FAMILY COURT OPERATIONS CASE ACTIVITY**

There were 3,848 pending pre-disposition cases in the Family Court on January 1, 2013. During calendar year 2013, there were a total of 13,164 new cases filed and

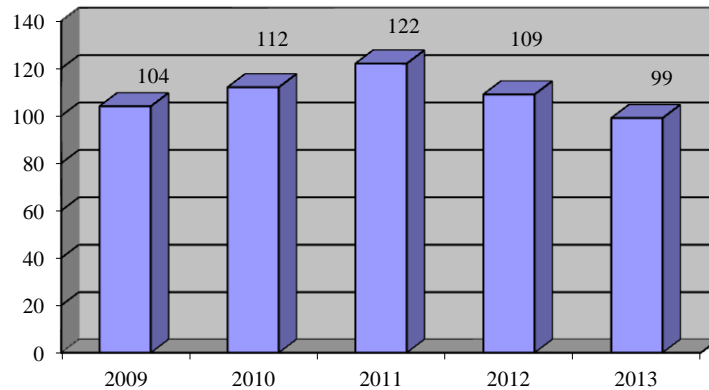
237 cases reopened in the Family Court. During the same period, 13,204 cases were disposed. As a result, there were 4,045 cases pending in the Family Court on December 31, 2013.

Over the five year period from 2009 through 2013, the number of filings (including cases reopened) and the number of dispositions has shown significant variation. Filings ranged from a low period of 12,419 in 2011 to high period of 13,439 in 2010, down to 13,402 in 2009 and 13,401 in 2013, down to 12,646 in 2012. During the same period, dispositions increased between 2009 and 2010, from 14,035 to 15,106. The number of cases disposed decreased slightly each year from 2010-2013, from 15,106 cases disposed in 2010, to 15,101 disposed in 2011, to 13,836 disposed in 2012 and 13,204 disposed in 2013.



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.

**Figure 4. Clearance Rates in Family Court, 2009-2013**



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. The overall clearance rate for Family Court in 2013 was 99%. Prior year clearance rates ranged from 104% in 2009 to 122% in 2011.

The clearance rate demonstrates that the Family Court is doing an excellent job of managing its caseload, disposing of a case for each new case filed or reopened. However, during 2014 the Family Court will continue to strive to reach its case processing standards, using recently established court-wide benchmarks with the goal of ensuring that each of the individual branches within the Family Court reach that rate.

#### **FAMILY COURT CASE ACTIVITY FOR 2013**

New case filings in the Family Court increased 7% between 2012 and 2013 (12,338 filings in 2012 and 13,164 filings in 2013). The increase in filings occurred

among all family court case types with the exception of paternity and support and mental habilitation cases. Paternity and support filings decreased slightly (1%) and there were three fewer mental habilitation filings in 2013 than in 2012. At the same time, there was a 17% increase in mental health filings, a 14% increase juvenile filings, a 9% increase in adoption filings, a 4% increase in neglect filings and a 1% increase in domestic relations (divorce and custody) filings.

During the year, the Family Court resolved more than 13,000 cases, including: 4,389 divorce and custody cases, 3,054 juvenile cases, 2,658 mental health cases, 2,493 paternity and child support cases, 368 child abuse and neglect cases, 235 adoption cases, and 7 mental habilitation cases. There was a 5% decrease in dispositions between 2012 and 2013. However, changes in the percentage of dispositions by case type varied more. Dispositions decreased in paternity and support cases (-31%), adoption cases (-12%) and neglect cases (-10%). On the other hand dispositions increased in mental health cases (11%), juvenile cases (7%) and domestic relations cases (2%) and remained the same in mental habilitation cases.

The overall clearance rate for all Family Court case types was 99%, down from a clearance rate of 109% in 2012. The clearance rate was 100% or more for domestic relations cases (divorce and custody), 100%, paternity and support cases, 102%, and mental habilitation cases, where four more cases were disposed than were filed resulting in a clearance rate of 233%. However, the clearance rates decreased between 2012 and 2013 for all cases types except domestic relations and mental habilitation.

**Table 1. Family Court Operations Case Activity for 2013**

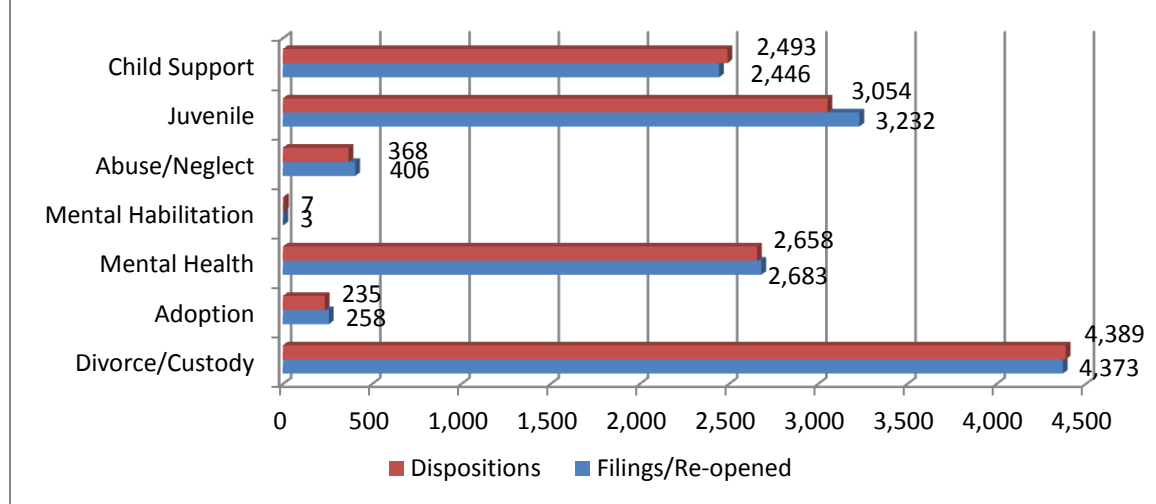
	Abuse & Neglect	Adoption	Divorce & Custody	Juvenile <sup>a</sup>	Mental Health	Mental Habilitation	Paternity & Child Support	Total
Pending Jan. 1 <sup>b</sup>	64	166	1,479	542	143	6	1,448	3,848
New Filings	406	255	4,318	3,194	2,581	3	2,407	13,164
Reopened	0	3	55	38	102	0	39	237
Total Available for Disposition	<b>470</b>	<b>424</b>	<b>5,852</b>	<b>3,774</b>	<b>2,826</b>	<b>9</b>	<b>3,894</b>	<b>17,249</b>
Dispositions <sup>c</sup>	368	235	4,389	3,054	2,658	7	2,493	13,204
Pending Dec. 31	102	189	1,463	720	168	2	1,401	4,045
Percent Change in Pending	59.4%	13.9%	-1.1%	32.8%	17.5%	-66.7%	-3.2%	5.1%
Clearance Rate <sup>d</sup>	91%	91%	100%	94%	99%	233%	102%	99%

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

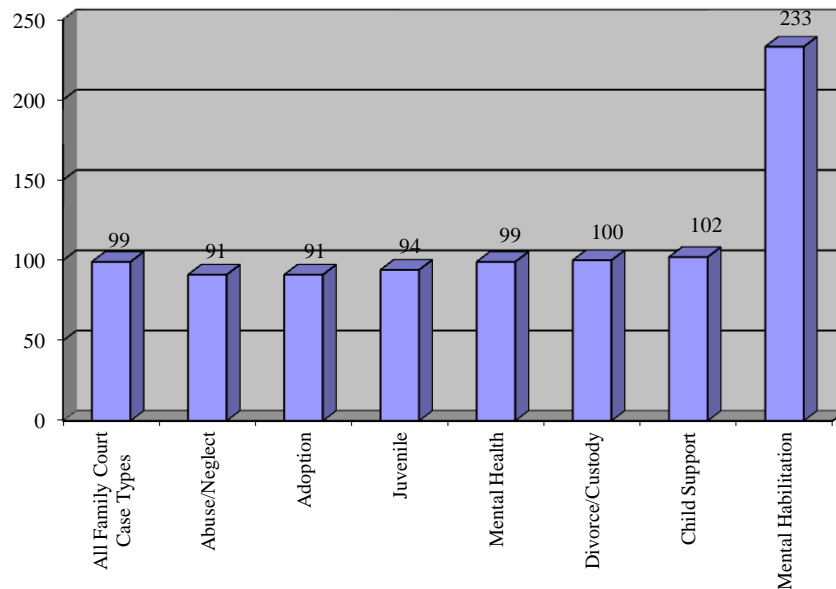
b. The figure for Paternity and Support was adjusted after a manual audit of caseload.

c. In the Family Court, a case is considered disposed when an order has been entered.

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

**Figure 5. Family Court Filings and Dispositions, by Case Type, 2013**

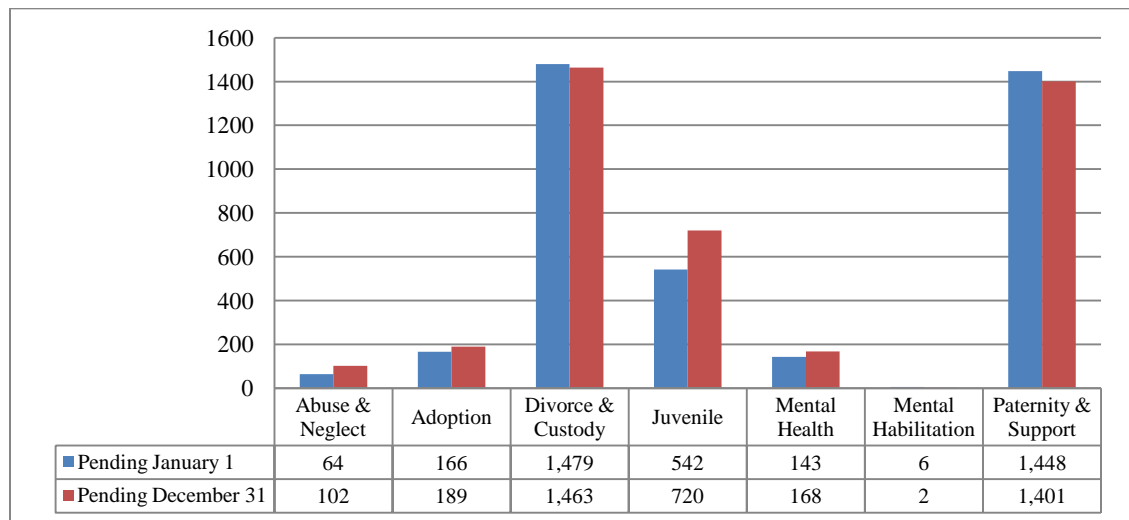
**Figure 6. Clearance Rate by Case Type, 2013**



When measuring the number of dispositions in Family Court, it is important to note that 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. For example, among the 3,054 juvenile cases resolved during 2013, 719 juvenile offenders were placed on probation. Those 719 juveniles, as well as the nearly 1,000 other active juvenile probation cases, require continuous monitoring by judicial officers to ensure compliance with probation conditions and community safety. Cases of youth under intensive probation supervision and those in the behavioral diversion court are reviewed even more frequently. 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 several 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. Mental habilitation cases are considered disposed once an order of commitment or an order of voluntary admission is entered. These cases, numbering over 900 in 2013, remain open and require annual judicial reviews to determine whether there is a need for continued commitment. Similarly, there are more than 1,300 post-disposition abuse and neglect cases that remain open and require regular judicial reviews until the child reaches permanency either through placement in a permanent living situation or ages out of the foster care system.

**Figure 7. Family Court Pending Caseload, 2013**



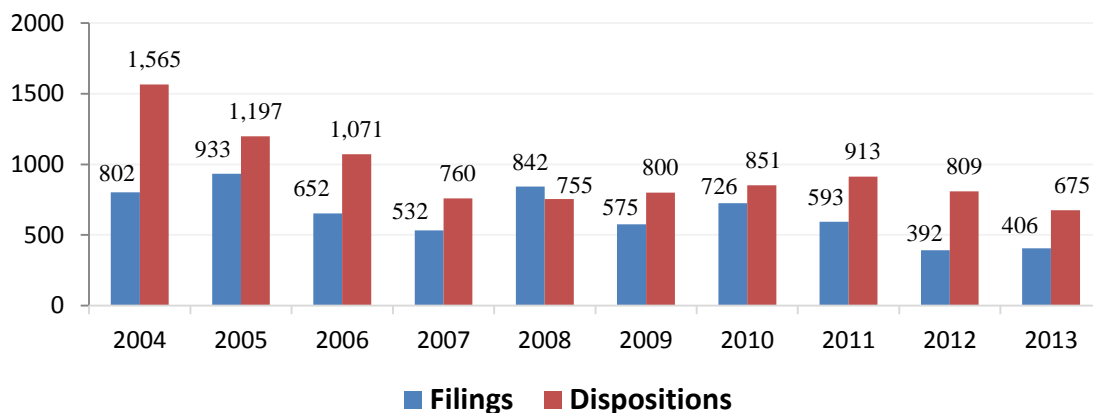
On December 31, 2013, there were 4,045 pending cases in the Family Court.

Pending cases are defined as cases that are pending an initial disposition. Pending cases consisted of 1,463 divorce and custody cases, 1,401 paternity and child support cases, 720 juvenile cases, 189 adoption cases, 168 mental health cases, 102 child abuse and neglect cases, and 2 mental habilitation cases.

### ABUSE AND NEGLECT CASES

In 2013, there were 406 new child abuse and neglect referrals to the Family Court, a 4% increase in filings from 2012. Over the ten-year period from the start of 2004 to the end of 2013, new child abuse and neglect referrals decreased by 49%. Referrals ranged from a high of 933 in 2005, to a low of 392 in 2012. Fluctuations in the number of referrals to Family Court are most often attributable to policy changes at CFSA. For example, the implementation of Family Team Meetings 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. Similarly, CFSA’s 2012 strategic agenda known as the “Four Pillars” looks to improve outcomes for children and families by reducing the number of children coming under Family Court

**Figure 8. Number of Children Entering and Exiting Family Court Jurisdiction, 2004 - 2013**

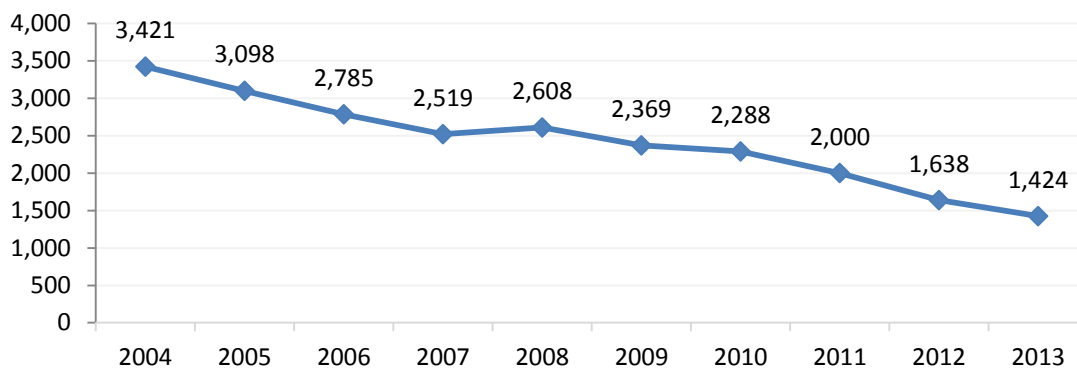


jurisdiction through adoption of Pillar One: Narrowing the Front Door. This pillar is designed to reduce the number of entries into foster care through differential response and placement with kin. The likely result of this pillar would reduce the number of

CFSA filings as they refer only the most serious cases to Family Court. On the other hand, the high number of filings in 2008 likely resulted from an intense review by CFSA of all cases awaiting investigation, the result of which was a significant increase (58%) in filings from 2007 to 2008. Continued fluctuations in referrals to Family Court are anticipated as a result of the District of Columbia's recent approval as a Title IV-E Waiver site in 2013.

As a result, the number of children under the jurisdiction of the Family Court decreased 13% from the end of 2012 to the end of 2013. Moreover, the number of children under the jurisdiction of the Family Court has steadily declined from 2004 – 2013. Over that period, there has been a 58% decrease in the number of children under court supervision.

**Figure 9. Number of Children Under Family Court Jurisdiction, on December 31, 2004 - 2013**

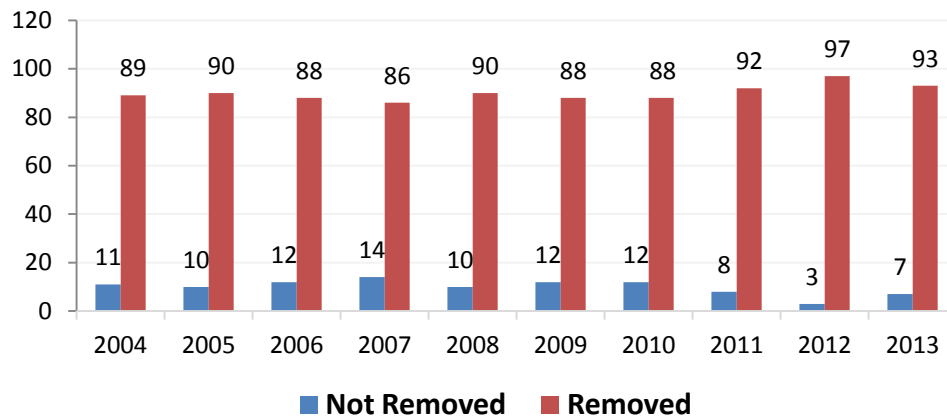


### **Children Referred to Family Court in 2013**

In 93% of the cases filed in 2013 children were removed from home and 7% remained in the home under protective supervision. The percentage of cases in which children were removed from the home has ranged from a low of 86% in 2007, to a high

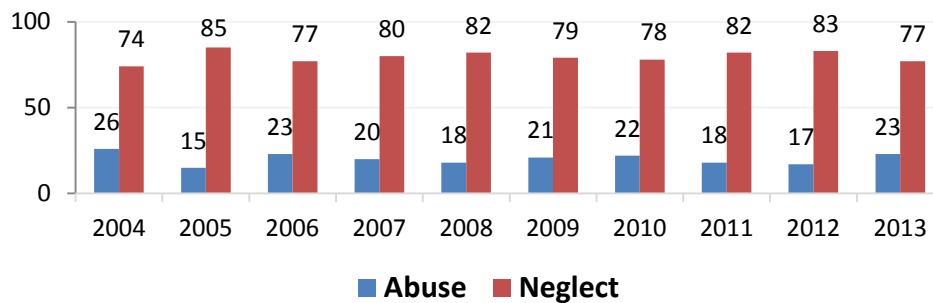
of 97% in 2012. The higher removal rate may also be related to implementation of CFSA’s “Four Pillars,” which has as one of its goals to narrow the front door to the neglect system. The result would be that only the more serious cases, ones that require removal, would come into the system. Once in the system, the Second Pillar -- foster care as a temporary safe haven-- is designed to ensure that they are returned home or placed with kin as soon as it is safe to do so.

**Figure 10. Percentage of Children Entering Family Court Jurisdiction, by Removal Status, 2004 - 2013**



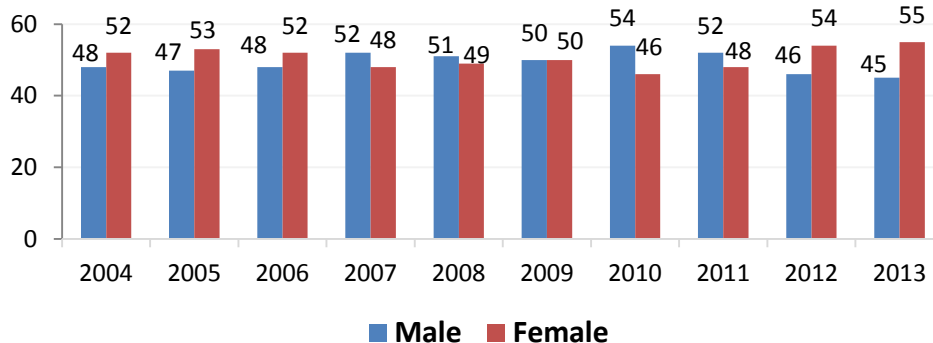
In 2013, an allegation of neglect was the most likely reason for a youth to be referred to the Family Court. Seventy-seven percent of new referrals were for allegations of neglect, the second lowest percentage over the ten-year period. The percentage of youth who were referred to Family Court as the result of a neglect allegation ranged from a low of 74% in 2004 to a high of 85% in 2005. In contrast, during the ten-year period from the start of 2004 to the end of 2013, 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 2006 and 2013.

**Figure 11. Percentage of Children Entering Family Court Jurisdiction, by Primary Reason for Entering Care, 2004 - 2013**



In 2013, females comprised 55% of all new referrals. Over the ten-year period (2004 – 2013), the percentage of female new referrals varied considerably. From 2004-2006, the percentage of females referred exceeded that of males. From 2007-2011, referrals of males exceeded that of females. Reversing the trend in 2012 and 2013, female referrals again exceeded that of males. In 2013, females accounted for 61% of the referrals for abuse and 53% of the referrals for neglect.

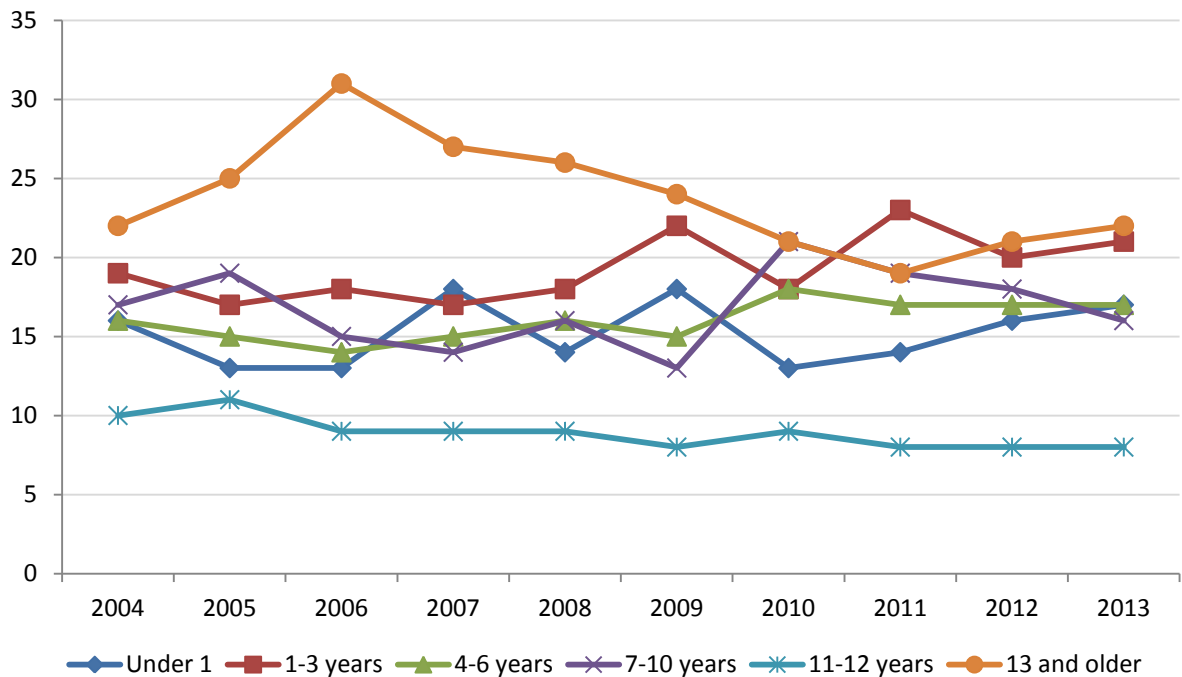
**Figure 12. Percentage of Children Entering Family Court Jurisdiction, by Gender, 2004 - 2013**



More than a fifth (22%) of new referrals to Family Court, in 2013, involved children 13 years of age and older at the time of referral. The percentage of referrals of older children, although high, steadily declined in each year from 2006 to 2011 (31% to

19%) before increasing slightly in 2012 and 2013. Notwithstanding, 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.

**Figure 13. Percentage of Children Entering Family Court Jurisdiction, by Age at Entry, 2004 - 2013**



Over the ten-year period, about a 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**

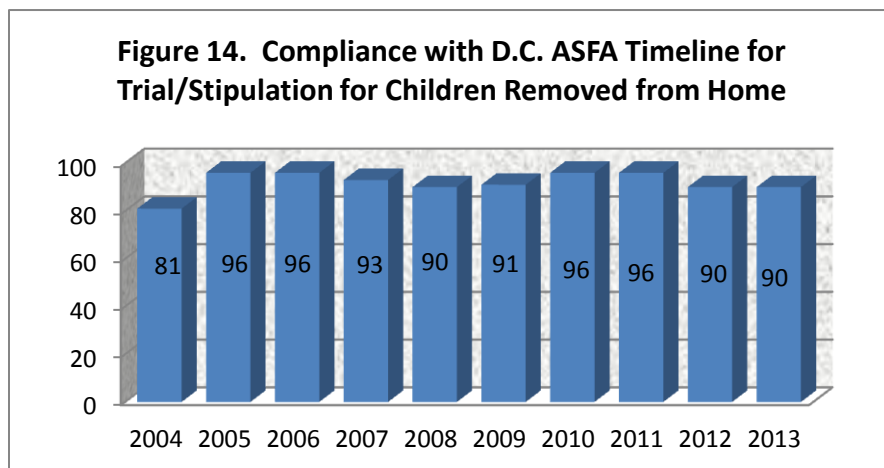
The Act required that all child abuse and neglect cases assigned to judges outside the Family Court be transferred to Family Court judges by October 4, 2003. Of the 5,145 cases pending at the time of the Act's initiation, 3,500 were assigned to judges not serving in the Family Court. Since then, all of those cases have been transferred into Family Court or closed. Today, non-Family Court judges supervise four open cases each of which is being retained 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 was likely that permanency would not be achieved more quickly by reassigning the case within the Family Court.

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

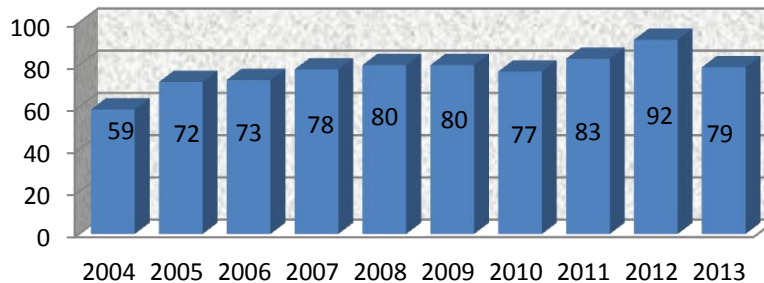
The District of Columbia Adoption and Safe Families Act (D.C. ASFA) (D.C. Official Code Sections 16-2301 et seq., (2000 Ed.)) establishes timelines for the completion of the trial and disposition hearing in abuse and neglect cases. The timelines vary depending on whether the child was removed from his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

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

Figures 14 and 15 highlight the level of compliance with the statutory requirement for trial/stipulation for both removed and non-removed children over a ten-year time period. As can be seen from Figure 14, from 2004 through 2013 the court made significant progress in completing trials/stipulations within the established timelines for children removed from home. With the exception of 2004, in each of those years, at least 9 out of 10 cases filed had a fact-finding hearing in compliance with the ASFA timeline for trials in removal cases (105 days). In 2013, the compliance rate was 90%. The Court is monitoring and tracking this performance area and will implement appropriate measures to reestablish the Court's high level of performance. In addition to high rates of compliance with the statutory timeline requirements, many cases reached trial or stipulation in considerably less time than the statute required. In 2013, the median time required for a case to reach trial or stipulation was 56 days. Over the ten-year period from 2004 to 2013, the median time required for a case to reach trial or stipulation ranged from a high of 84 days in 2004, to 59 days in 2009, 57 days in 2005, 56 days in 2013, 55 days in 2008 and 2012, 45 days in 2011, 43 days in 2006 and 2007 and to a low of 41 days in 2010.



**Figure 15. Compliance with D.C. ASFA Timeline for Trial/Stipulation for Children Not Removed from Home**

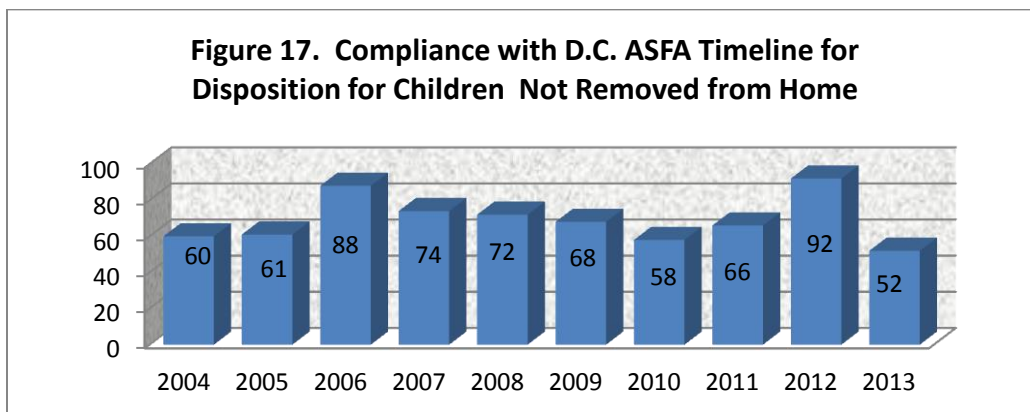
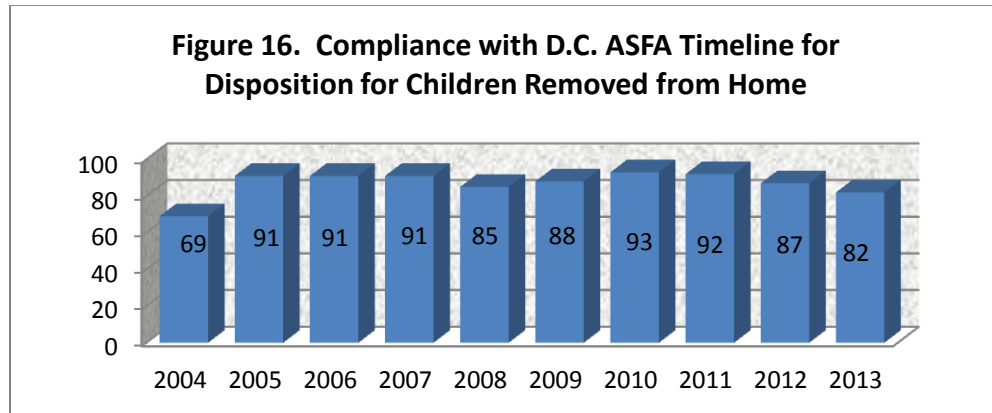


For children not removed from home, compliance with the timeline to trial or stipulation (45 days) declined after improving in each of the three previous years. As indicated in Figure 10, the majority of children referred to the court are removed from their homes. In 2013, all but 29 children were removed from home. The compliance rate for those cases was 79%. However, it is important to remember that with small caseloads, one or two cases can have a significant impact on compliance rates as was the case in previous years. The Court will continue to monitor and track this performance area and implement appropriate measures to improve the court's compliance rate.

#### **DISPOSITION HEARINGS IN ABUSE AND NEGLECT CASES**

Eighty-two percent of cases filed in 2013, in which the child was removed from home, had disposition hearings held within the 105 day timeline (Figure 16). The compliance rate, however, may rise as cases filed late in 2013, which are still pending disposition, have their hearings. With the exception of 2004, more than 4 out of 5 children removed from home during the ten-year period had their disposition hearings held in compliance with the timeline. Moreover, more than 9 out of 10 of those hearings were held in a timely fashion in years 2005 to 2007 and years 2010 and 2011. In 2013,

the median time to reach disposition was 70 days and the average was 59 days, both well below the 105-day statutory timeline.

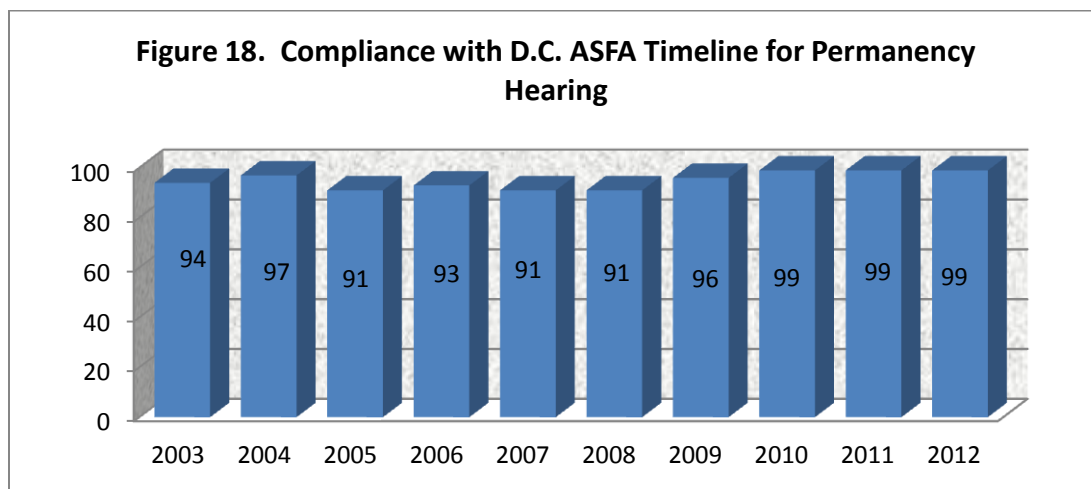


As was the case for reaching trial/stipulation for children not removed from home in a timely manner, the compliance rate for conducting disposition hearings for children not removed also declined in 2013 (Figure 17). The compliance rate of 52% was the lowest over the ten-year period and the median number of days to disposition was 46. Again, it is important to remember that due to the relatively small number of children in this category, 29 cases, even the smallest level of non-compliance will affect the percentages markedly. In 2013, two siblings groups (6 children) whose cases exceeded the timeline by 3 days accounted for more than half of the non-compliant

cases. As with time to trial and stipulation, the Family Court will continue to monitor and track compliance in this area throughout 2014, and where appropriate, will institute measures to improve compliance.

#### **COMPLIANCE WITH ASFA PERMANENCY HEARING REQUIREMENTS**

Both D.C. and Federal ASFA require the Court to hold a permanency hearing for each child who has been removed from home within 12 months of the child's entry into foster care. Entry into foster care is defined as either 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, or one year after a finding of neglect. 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 18 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 2003, more than 90% of cases had a permanency hearing or were dismissed within the required timeline. No case filed in 2013 had reached the statutory deadline for having a permanency hearing by December 31, 2013.



### **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 resulting periods of delay have shortened.

Data from 2013 indicates that a permanency goal was set at every permanency hearing and a goal achievement date was set 98% of the time. 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 ensure that these two requirements are being met. If not, the assigned judicial officer and the Presiding Judge of Family Court will be notified that the hearing was deficient and recommendations will be made to bring the case into compliance.

The National Council of Juvenile and Family Court Judges (NCJFCJ) and the American Bar Association's Center on Children and the Law have established best practices for the content and structure of permanency hearings mandated by ASFA, including the decisions that should be made, and the time that should be set aside for

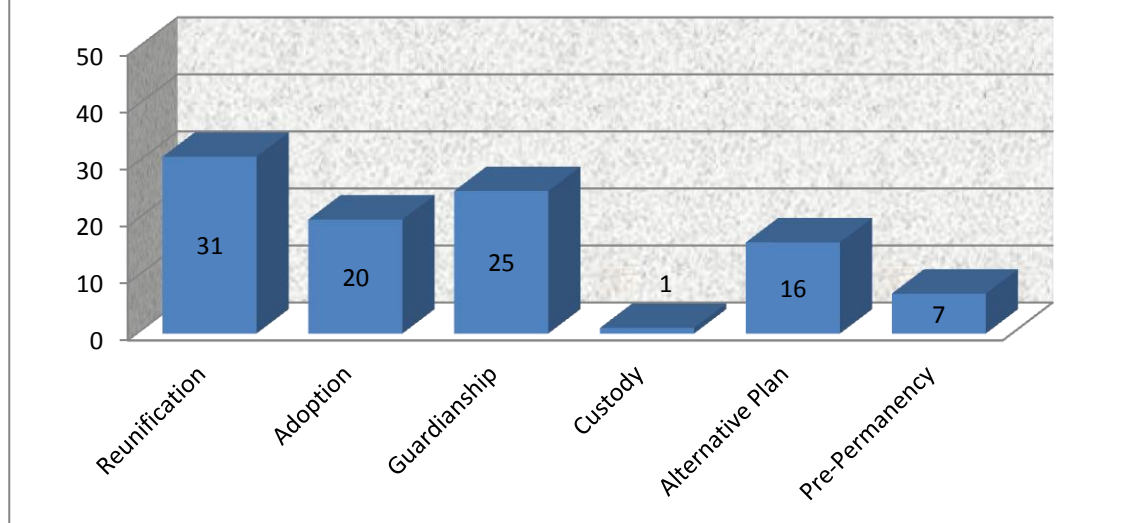
each hearing. In its publication, *Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases*, the NCJFCJ recommends that permanency hearings be set for 60 minutes. Family Court judges continue to report that the length of their permanency hearings meets or exceeds this standard.

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, 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, reviewed, revised, and piloted the official court forms for proceedings in these cases in 2012. The revised orders became effective on January 1, 2013. The orders meet not only the requirements of ASFA, but also the requirements of the Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351), the Safe and Timely Interstate Placement of Foster Children Act of 2006 (P.L. 109-239), and the Indian Child Welfare Act (ICWA). They are now used in every courtroom.

### **Barriers to Permanency**

Under ASFA, there are four preferred permanency goals for children removed from their home: reunification, adoption, guardianship or custody. Figure 19 identifies

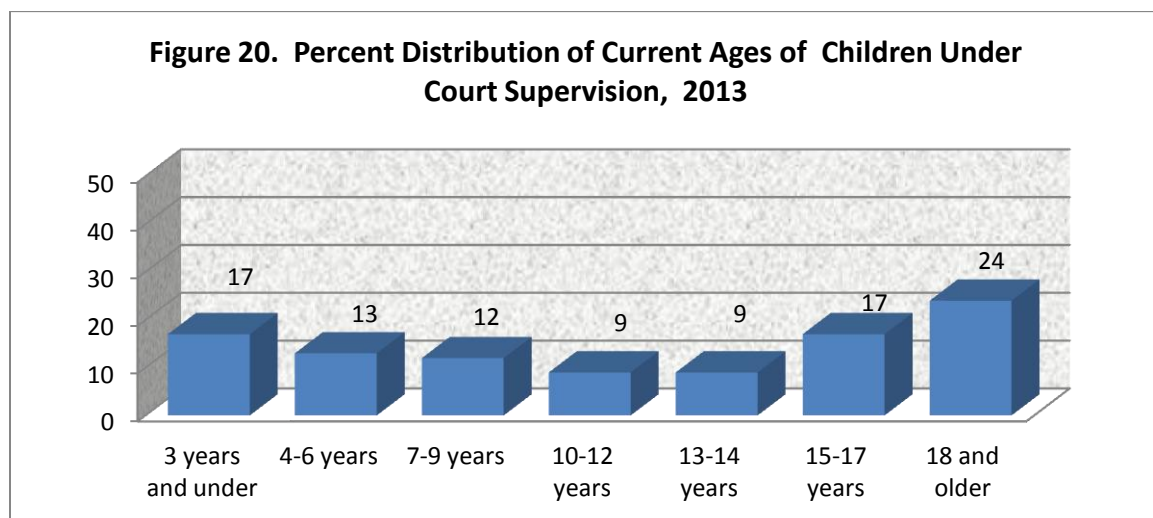
**Figure 19. Percent Distribution of Current Permanency Goal for Children Under Court Supervision, 2013**



the current permanency goal for children under court supervision. Cases involving children identified as pre-permanency have yet to have 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 to reunification was related to a disability of the parent, including the need for the parent to receive substance abuse treatment, the need for the parent to obtain life-skills training and mental health issues of the parent. The lack of adequate housing also presented a significant barrier to reunification. For children with the goal of adoption, procedural impediments, including the completion of adoption proceedings and housing issues were the most frequently identified barriers to permanency. Other frequently cited barriers to reaching permanency through adoption included the lack of adoption resources and issues related to the adoption subsidy. Similarly, procedural impediments including the completion of guardianship proceedings were the major barrier to guardianship. Disabilities of the

parent/caretaker including the need to receive substance abuse and other treatment and issues related to the guardianship subsidy were also significant barriers.

Another significant barrier to permanency was the percentage of cases which involved older children for whom the court has found compelling reasons to set a goal of APPLA. As Figure 20 shows, about a quarter of all youth in foster care are over the age of 18 and more than 4 out of 10 youth under court supervision are 15 years of age or older. Many of them cannot be returned to their parents, but do not wish to be adopted



or considered for any other permanency option, which makes permanency difficult to achieve. The agency and the court continue to work to review permanency options and services available for older youth, including reducing the number of youth with a goal of APPLA and the number of youth aging out of the child welfare system. The Family Court's *Preparing Youth for Adulthood Initiative* has been an effective tool in helping to ensure that older youth in the program who remain in care receive the necessary support in setting concrete goals for achieving independence, established timeframes for the completion of specific tasks, and are connected with at least one adult who has committed to remaining in the youth's life after emancipation. Significant changes at

CFSA's Office of Youth Empowerment have also led to improved outcomes for older youth. New initiatives undertaken in 2013 include an improved focus on youth transitional planning, independent living services, educational and vocational training, and improved life skills training.

### **FAMILY TREATMENT COURT PROGRAM**

The District of Columbia Family Treatment Court (FTC) was created in 2003. The FTC Stakeholders Group, a District-wide partnership comprised of representatives from the Family Court, CFSA, APRA, the OAG, the Department of Behavioral Health, CASA, and various community-based agencies and service providers provide program oversight. The program was an effort to promote safe and permanent homes for children of substance abusing parents and maximize chances for family reunification. The target population was mothers (or female caretakers) over the age 18 in need of substance abuse treatment while addressing the risk factors that contributed to the alleged neglect or abuse of their children. The program, which could accommodate up to 18 women at a time, was a fifteen month, comprehensive voluntary treatment program with two phases. Phase I was a six month residential treatment program and Phase II was a 9-12 month community based aftercare program. At the conclusion of the program in December 2013, the program had served over 200 women (and their children), over half of whom were reunified with their children.

Beginning in late 2012, the FTC Stakeholders Group convened a smaller interdisciplinary workgroup, the Redesign Team, charged with assessing the status of the current FTC and researching family drug courts in other jurisdictions, as well as best practices in child welfare and substance abuse treatment. The Redesign Team undertook

research of, and discussions with, family drug courts in multiple jurisdictions and conducted site visits to the Baltimore City Family Recovery Program in the Baltimore City Circuit Court, Juvenile Division (Peer Learning Court under the Family Drug Court Peer Learning Court Program) and the Miami-Dade County Family Court (Office of Juvenile Justice and Delinquency Prevention Family Drug Court Program grantee).

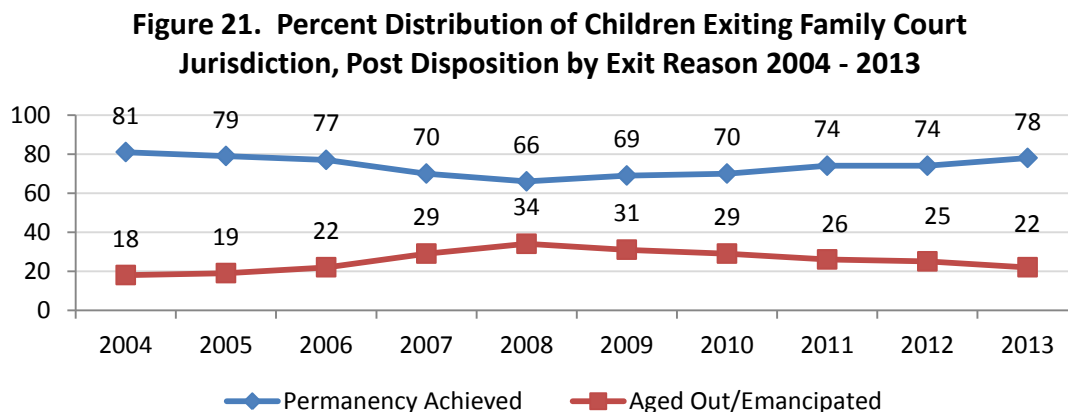
At the conclusion of its work, the team developed a series of recommendations for expanding the existing FTC model and enhancing existing elements to more closely align with the current continuum of substance abuse services in the District of Columbia. In response to both the research around evolving trends in substance abuse treatment, including the need to address the increasing numbers of custodial fathers involved with the child welfare population, the most notable shift in the program is the movement away from a solely residential substance abuse treatment model for mothers with children to one that is based on individual assessment of need; one that includes different treatment modalities along a continuum of care, this time including out-patient treatment and providing services to fathers. The expanded FTC program will provide screening, assessment, integrated case plans, and intensive case management for up to 50 families a year, out-patient and in-patient, increasing the capacity from 18 residential beds for women with children to 50 slots for mothers and fathers.

The new staffing structure employs the skills of Recovery Specialists, who are fully devoted to the substance abuse treatment needs of families enrolled in the FTC; this is expected to lead to improved program outcomes. The Recovery Specialist, in collaboration with the FTC participant and the treatment team will jointly identify goals to be achieved and the resources needed to meet desired outcomes. In addition to

intensive drug treatment, FTC participants will receive individual and family counseling to help them become substance-free while promoting emotional, financial and personal stability to improve their ability to parent their children. As in the past the Court will monitor the participant's progress through regularly scheduled review hearings where the parent, members of the treatment team, the parent's attorney and the guardian ad litem for the children are present. The first participants in the revised FTC program were admitted in December 2013.

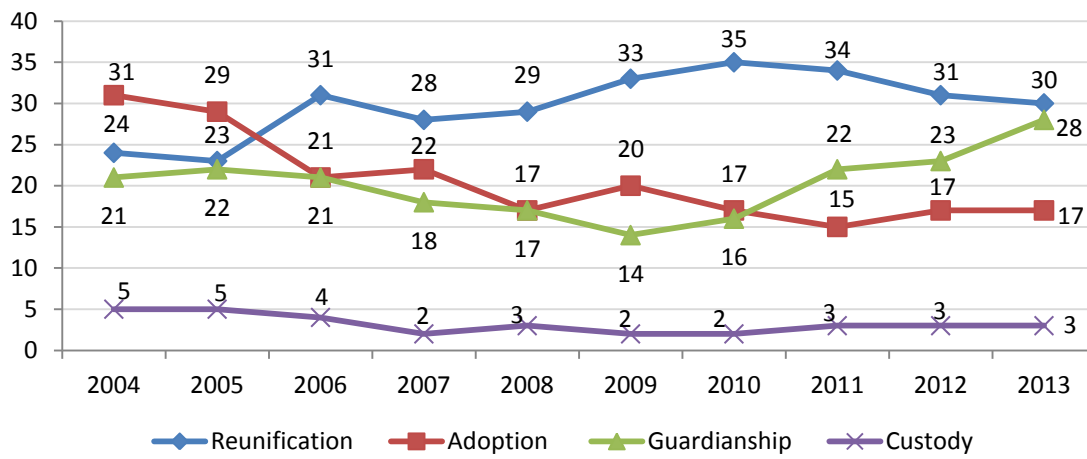
### **PERMANENCY OUTCOMES FOR CHILDREN**

In 2013, Family Court judicial officers closed 617 post-disposition abuse and neglect cases. As can be seen from Figure 21, 78% were closed because permanency was achieved. Twenty-two percent of the cases were closed without reaching permanency, either because the child aged out of the system or their cases were closed because they no longer desired to have services provided by CFSA; two cases closed because the respondent was deceased. The percentage of post-disposition cases which were closed due to a child reaching permanency continued to increase but remained below the period high of 81% in 2004.



The percentage of cases that closed due to reunification continued to decrease and the percentage of cases closed to adoption, which had been declining over the last four years, leveled off at 17% in 2013. The percentage of cases that closed because the child was placed with a permanent guardian continued to increase.

**Figure 22. Percent Distribution of Children Exiting Family Court Jurisdiction After Achievement of Permanency Goals, 2004 - 2013**



In 2012, both the Court and the agency undertook a thorough examination of cases in which the goal was adoption. The agency's review was designed to determine if there were policies and procedures that should be enforced or implemented to ensure that the child reaches permanency in a timely manner. The examination also 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 termination of parental rights motion (TPR) once the goal was changed to adoption. The Court's review focused on the timeliness of adoption proceedings and an identification of barriers at each step in the process that serve to delay the adoption and hence delay timely permanency for children. In 2013, the Court and Agency will review data from both reviews and, if appropriate, develop policies and procedures to address potential problem areas.

As stated earlier, 22% of all post-disposition cases were closed without the child achieving permanency. This was due to the child reaching the age of majority or the child refusing further services from CFSA. This finding is not surprising given that at the end of 2013, 41% of children under Court supervision were 15 years of age or older. Many of these children, who have a permanency goal of APPLA (16%), have been in care for a significant period of time, 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 issued new guidelines and procedures for social workers wishing to recommend a goal of APPLA. To help ensure that the new policy was followed, the court agreed to work with the agency to help monitor compliance with the requirements for recommending a goal change to APPLA. The agency's policy and the court's monitoring are designed to ensure that only those children for whom no other permanency option is appropriate will receive a goal of APPLA. In 2013, a social worker's recommendation to change a youth's permanency goal to APPLA was not considered by the court unless the youth had participated in a Listening to Youth and Families as Experts (LYFE) conference and the Director of the Agency approved the recommendation.

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 (in "Toolkit for Court Performance Measures 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. The “Toolkit” 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.

In 2013, the Family Court continued to measure its performance in two areas: permanency and timeliness. Data for each area of performance is measured over a five-year period. 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.

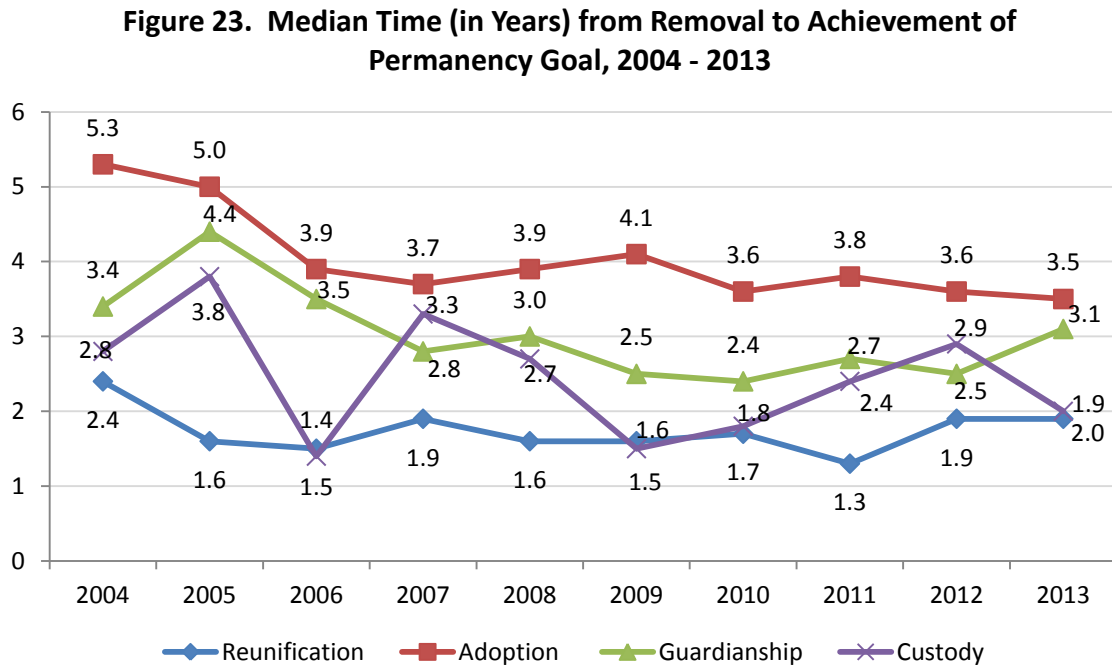
### **Performance Measure 1: Permanency**

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.

In 2013, the median time to achievement of permanency was: 1.9 years for children whose cases closed due to reunification, 3.5 years to reach a goal of adoption, 3.1 years for cases to close due to guardianship, and 2.0 years to reach permanency through a goal of custody. In 2012, the comparable figures were 1.9 years to reunification, 3.6 years to adoption, 2.5 years to guardianship, and 2.9 years to custody.

Figure 23 reflect comparative data on median time to closure for cases closed from 2004 through 2013.



The median time required to reunify children with their parents for cases that closed in 2013 was 1.9 years, the same as it was in 2012. The median time to closure for cases closed to adoption in 2013 was 3.5 years, slightly down from the 3.6 years in 2012. Over the ten-year period from 2004 to 2013, the Court and the agency has had difficulty reducing the length of time, a little less than four years, which is required to close a case to adoption. The median time to the achievement of permanency for children whose cases closed due to guardianship increased over 2012, from 2.5 years in 2012 to 3.1 years in 2013. It is important to remember that many of the cases which closed were older cases in which 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 the median time to case closure to remain high; as seen in table 2 below, 30% of

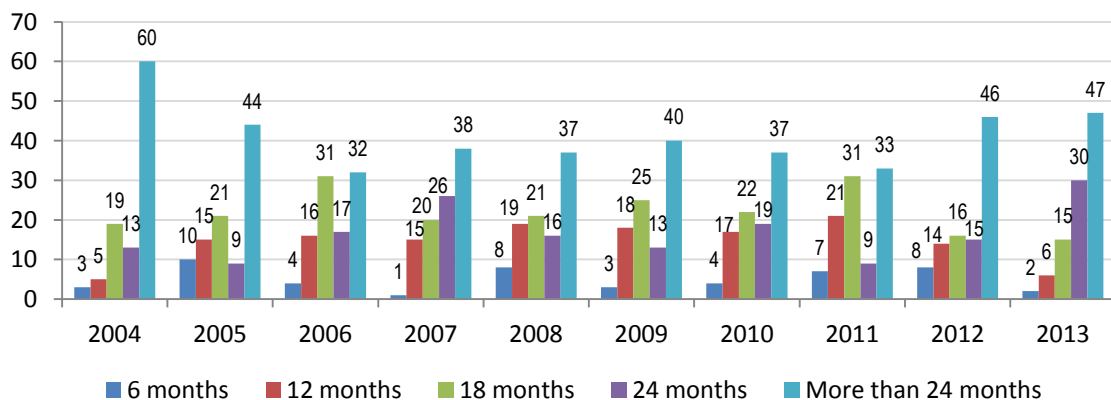
the cases under court jurisdiction at year end had been open 5 or more years. As these cases close, they will continue to drive the median time to closure and keep it high over the next several years.

**Table 2. Age of Pending Caseload, 2013**

Year Case Filed	Percent of Pending Caseload
1993-2000	8
2001-2008	22
2009	6
2010	11
2011	13
2012	15
2013	25
Number Pending	1,427

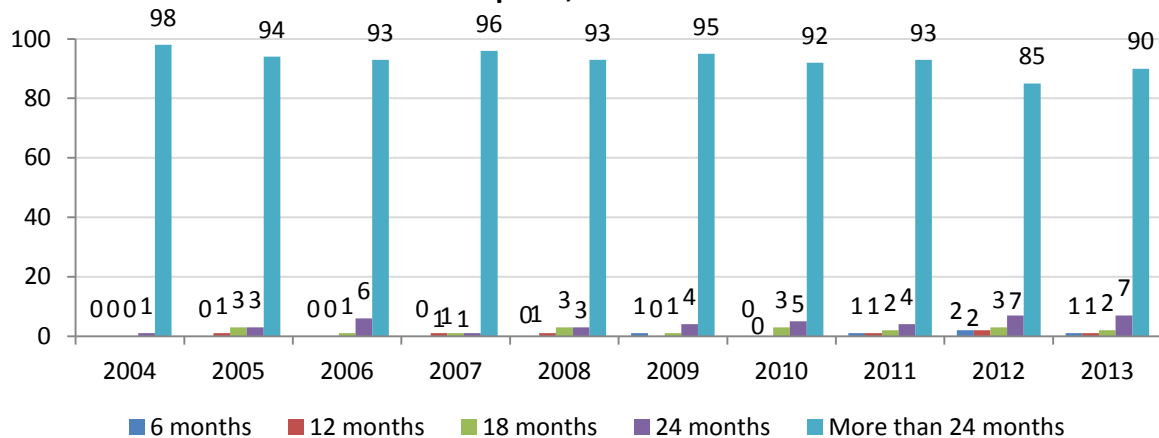
As would be expected, children who were reunified with their parents spent less time in foster care than those whose cases closed through other permanency options. In 8% of the cases closed due to reunification in 2013, children were reunified with their parents within 12 months of removal, 23% were reunified within 18 months and 53% within 24 months or less.

**Figure 24. Percent Distribution of Time Between Removal and Reunification, 2004 - 2013**



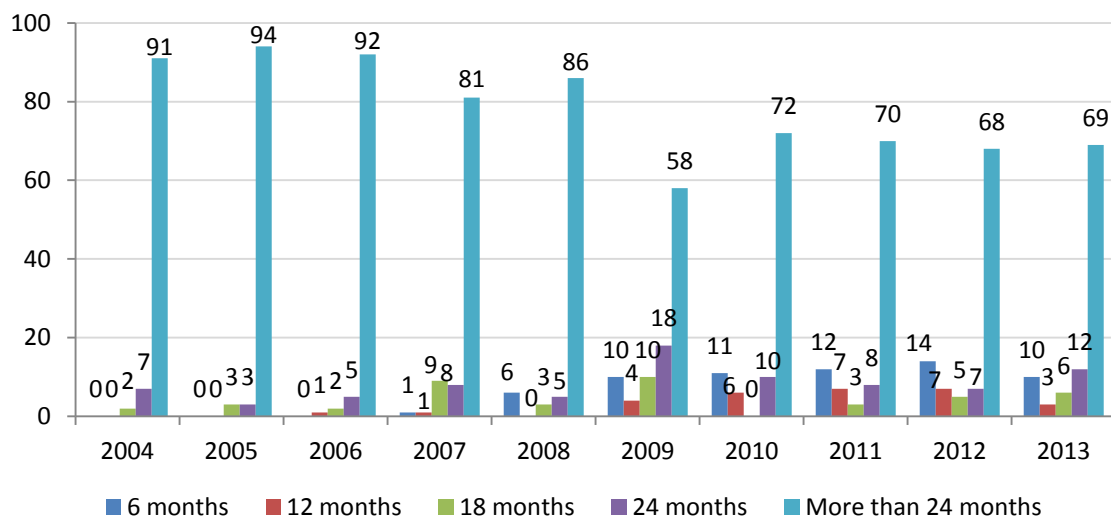
With the exception of 2012, over 90% of children in care spent more than 24 months waiting to be placed in a permanent adoptive home (see Figure 25).

**Figure 25. Percent Distribution of Time Between Removal and Adoption, 2004 - 2013**



There was also a slight increase in the number of youth who spent more than 24 months in care before being placed with a permanent guardian. However, the

**Figure 26. Percent Distribution of Time Between Removal and Guardianship, 2004 - 2013**

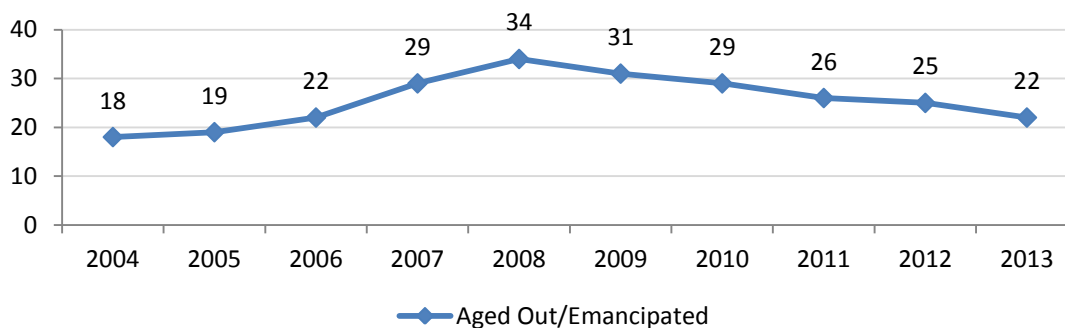


percentage of youth waiting more than two years for placement for the period from 2009 to 2013 is significantly improved over the percentage of youth waiting more than two years for the period from 2004 to 2008.

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

In 22% of the cases (133 cases) closed in 2013, the children did not achieve permanency either because they aged out of the system or were emancipated. The percentage of cases closed in this category in 2013 was lower than in previous years.

**Figure 27. Percent Distribution of Children Exiting Family Court Jurisdiction, Post Disposition by Exit Reason, 2004 - 2013**



### Reentry to Foster Care<sup>6</sup>

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

**Table 3. 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
2009	213	24	6	7	11
2010	233	9	5	2	2
2011	242	8	7	1	0
2012	221	8	8	0	0
2013	184	5	5	0	0

<sup>6</sup> All reentry rates are based on the number of youth returned to care in the District of Columbia. Excluded are those youth returned to care in other jurisdictions.

A tenth of the 213 cases closed to reunification in 2009 returned to care, six within 12 months of reunification and seven within 24 months of reunification. Of the 233 cases closed to reunification in 2010, nine returned to care, 5 within 12 months of reunification, 2 within 24 months and 2 after more than 24 months.

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

From 2009 to December 31, 2013, only three cases closed due to adoption had returned to care in this jurisdiction. All returns occurred more than 24 months after the child was adopted. No such cases have occurred in the past three years.

**Table 4. 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
2009	130	1	0	0	1
2010	112	2	0	0	2
2011	110	0	0	0	0
2012	122	0	0	0	0
2013	106	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.

**Table 5. 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
2009	99	28	1	8	15
2010	108	22	7	8	7
2011	158	35	18	7	10
2012	160	23	18	5	0
2013	162	11	11	0	0

Twenty-eight cases closed due to guardianship in 2009 disrupted after placement, nine within 24 months. Of the 22 cases closed to guardianship in 2010 that were disrupted, 15 occurred within 24 months. Similarly 25 of the 35 cases closed due

to guardianship in 2011 disrupted within 24 months of placement. Twenty-three cases closed due to guardianship in 2012 have been disrupted, 18 within 12 months of placement with a permanent guardian and five within 24 months of placement. Of the 162 cases closed due to guardianship in 2013, only 11 have disrupted. In many instances these guardianship placements disrupt due to the death or incapacity of the caregiver. Consistent with statutory requirements, successor guardians are named and those placements are approved by the court. The cases are reopened to conduct home studies to ensure child safety prior to placement with the successor guardian.

### **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 46 - 50.

### **TERMINATION OF PARENTAL RIGHTS**

Federal and local law require that when a child has been placed outside of the home for 15 of the most recent 22 months, a motion for termination of parental rights (TPR) must be filed or an exception must be documented. Since passage of the Act the number of TPR motions filed has varied considerably. Table 6 below provides information on compliance with the timely filing of TPR motions for the five-year period, 2009 through 2013.

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

**Table 6. Time Between Filing of Original Neglect Petition and Filing of TPR Motion, by Year TPR Motion Filed, 2009 – 2013**

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
2009	129	562	835	29	50	31	10	9
2010	83	559	750	26	25	22	4	6
2011	67	532	664	22	26	13	4	2
2012	77	517	693	31	15	19	11	1
2013	66	496	614	28	20	12	6	0

The OAG is mandated to take legal action or file a motion for termination of parental rights when children have been removed from home in two instances. First, when the child has been removed from the home for 15 of the most recent 22 months and second, within 45 days of a goal of adoption being set. 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 was between 18 to 20 months. There were a total of 66 TPR motions filed in 2013. Nearly three-quarters of those motions were filed within 22 months, as had at least 60% of the motions filed from 2009 through 2012. Table 6 also indicates in several cases the TPR motion was filed after the case had been open for more than 3 years. In most cases where the TPR is filed after the 22 month timeline, a goal of adoption has been set late in the case and the motion is filed within the 45 day timeframe. The OAG continues to track permanency goals of children removed from home very closely to ensure that whenever a goal changes to adoption, a timely TPR motion is filed. In addition, the status of TPR cases is reviewed by both the court and the OAG on a quarterly basis. This collaborative review process has resulted in improvement in the timely filing of such motions.

Tables 7, 8 and 9 below provide information on the court's performance as it relates to the handling of TPR motions.

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

**Table 7. Termination of Parental Rights Motions Filed, by Year  
Motion Filed and Method of Disposition, 2009 – 2013**

Year Filed	Total Filed	Total Undisposed	Total Disposed	Method of Disposition			
				Granted	Dismissed	Withdrawn	Denied
2009	134	0	134	15	81	38	0
2010	82	0	82	8	45	29	0
2011	68	3	65	11	28	23	3
2012	80	11	69	5	40	24	0
2013	66	36	30	1	24	5	0

**Table 8. Time Between Filing and Disposition of TPR Motions,  
by Year Motion Filed, 2009 – 2013**

Year Filed	Total Motions Disposed of	Median Days to Disposition	Average Days to Disposition	Number of Motions Disposed of Within:				
				120	180	270 days	365 days	365 + days
2009	134	475	539	3	5	8	17	101
2010	82	376	437	4	10	16	9	43
2011	65	499	485	6	6	8	6	39
2012	69	384	356	2	4	15	8	40
2013	30	324	278	6	3	2	11	8

**Table 9. Time Between Filing and Disposition of TPR Motion, by Year  
Motion was Filed and Type of Disposition, 2009-2013**

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
2009	134	15	779	741	119	460	513
2010	82	8	786	682	74	338	411
2011	65	11	423	361	54	554	496
2012	69	5	348	335	64	413	358
2013	30	1	329	329	29	324	250

Table 7 shows that there are a total of 50 TPR motions pending that were filed during the five-year period 2009 to 2013. All TPR motions filed in 2009 and 2010 have been disposed. There are three motions pending from 2011 and 11 motions pending which were filed in 2012. Seventy-two percent of the pending TPR motions were filed in 2013. Table 7 also highlights information on disposition of TPR motions by method of disposition. The relatively low number of motions that were granted is largely a

reflection of previous practice in the District of Columbia of terminating parental rights within the adoption case. As a result, most TPR motions are disposed of through dismissal or withdrawal of the motion after an adoption has been finalized.

Case processing performance standards for the disposition of TPR motions was established by the Chief Judge in Administrative Order 09-12, issued in October 2009. The standard, which applies to all cases filed after issuance of the order, requires that 75% of motions be resolved within 9 months and 90% within 12 months. As indicated in Table 8, 30 of the 66 TPR motions filed in 2013 (45%) have been disposed. Thirty-seven percent were disposed of within 9 months and 73% within 12 months. Compliance with the performance standard has improved over the five year period but continued improvement is needed. Twenty-five percent of motions filed in 2009 were disposed of with one year, compared to 48% of those filed in 2010, 40% of those filed in 2011 and 42% of those filed in 2012. In late 2013 the court began development of tools that will allow the court to better monitor compliance with this performance measure during 2014.

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

**Table 10. Time Between Granting TPR Motion and Filing of Adoption Petition in Abuse and Neglect Cases, by Year TPR Motion Granted, 2009 – 2013**

Year Filed	Number of TPR Motions Granted	Number of Adoption Petitions Filed	Median Days to Disposition	Average Days to Disposition	Number of Adoption Petitions Filed Within:				
					1 month	3 months	6 months	12 months	12 + months
2009	33	13	408	567	1	1	1	2	8
2010	19	6	172	302	0	1	2	1	2
2011	15	5	442	382	0	0	1	1	3
2012	8	4	263	221	0	1	0	3	0
2013	11	7	69	76	3	1	3	0	0

Over the period from 2009 through 2013, the median number of days for an adoption petition to be filed after a TPR motion had been granted ranged from a low of

69 days in 2013 to a high of 442 days in 2011. The calculation of the median does not include those cases in which an adoption petition was filed before the TPR motion was granted, 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 11. Adoption Petitions Filed by CFSA, by Year Petition Filed and Method of Disposition, 2009 - 2013**

Year Filed	Total Filed	Total Undisposed of	Total Disposed of	Method of Disposition			
				Granted	Dismissed	Withdrawn	Denied
2009	151	0	151	105	18	22	6
2010	168	0	168	115	17	34	2
2011	132	5	127	83	11	33	0
2012	144	28	116	94	9	13	0
2013	155	101	54	44	1	9	0

**Table 12. Time Between Filing and Finalization of Adoption Petition of Children in Foster Care, by Year Petition Filed, 2009 - 2013**

Year Filed	Total Adoptions Finalized	Median Days to Finalization	Average Days to Finalization	Number of Adoptions Finalized Within:				
				6 months	12 months	18 months	24 months	>24 months
2009	105	415	474	4	35	36	12	18
2010	115	403	462	10	34	37	17	17
2011	83	402	413	5	32	31	10	5
2012	94	269	281	20	49	25	0	0
2013	44	222	208	13	31	0	0	0

A third of the adoption petitions filed in 2013 have been disposed. In eight out of 10 cases disposed, the adoption petition was granted (Table 11). For those cases in which the petition was granted, the median time between filing and finalization was slightly longer than 7 months (222 days). For adoptions finalized in 2012, the median was 269 days or almost nine months. As can be seen from Table 12, almost all adoption petitions filed from 2009 to 2012 have been disposed. The median time between the filing of the adoption petition and finalization decreased steadily. It was approximately 14 months in 2009 and 13 months in 2010 and 2011.

### **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 on the day of the initial hearing.

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

The Mayor's Services Liaison Office (MSLO), located on the JM level of the Moultrie Courthouse, was established pursuant to the Act. The mission of the MSLO is to promote safe and permanent homes for children by working collaboratively with stakeholders to develop readily accessible services 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 Behavioral Health
- District of Columbia Public Schools
- District of Columbia Housing Authority
- Department of Disability Administration
- Hillcrest Children's Health Center
- Rehabilitative Services Administration
- The Fatherhood Education, Empowerment and Development Program

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:

- Department of Youth Rehabilitation Services
- Economy Security Administration
- Department of Human Services: Strong Families Division
- Department of Employment Services
- Metropolitan Police Department: Youth and Preventive Services Division
- Department of Behavioral Health: Addiction Prevention and Recovery Administration

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

Cases are referred to the MSLO from a variety of sources, including through a court order, self-referral, referral from a guardian *ad litem*, social worker, family worker, attorney, judge, and/or probation officer. 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 2013, the MSLO received 518 referrals, a seven percent decline from the 559 referrals received in 2012. The decline in referrals may be attributed to a variety of factors including fewer children being referred to the court and the reorganization of the Office of Well Being at CFSA which is providing more services to families upon first contact.

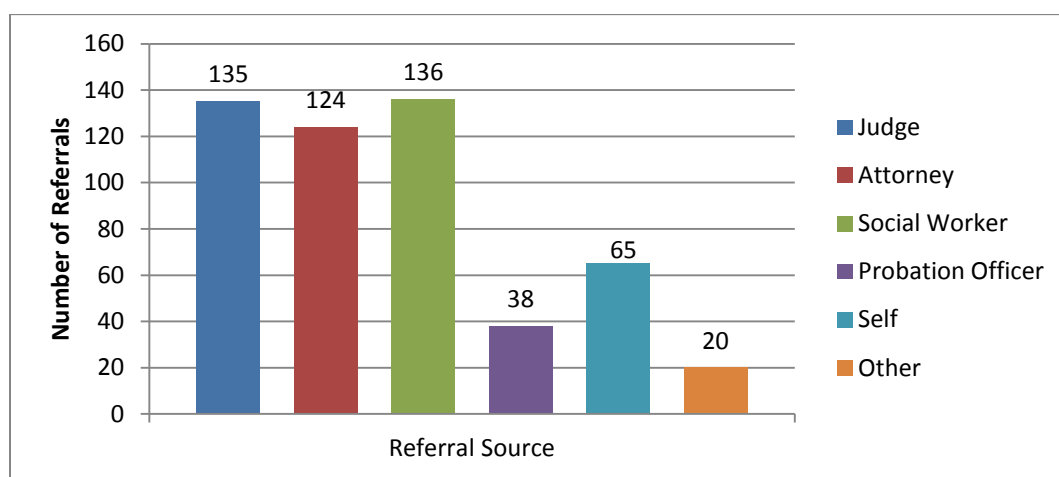
Eighty-four percent of referrals (435) were for families with a currently open case in Family Court and 16% involved walk-in clients or clients with a previous history in the Family Court. Among referrals with open court cases, 74% (322) were court involved families referred by the court to seek the services of the MSLO. The remaining 26% of those seeking services had been ordered to the MSLO by a judicial officer to be

connected with a specific service. Referrals to the MSLO were evenly distributed among Family Court judicial officers (26%), social workers (26%), and attorneys (24%).

Thirteen percent of referrals were self referred and another seven percent were referred by their probation officer.

Of the 518 referrals for service, over 450 families and children were successfully connected to the services and resources they needed.

**Figure 28. Referrals to MSLO by Referral Source, 2013**



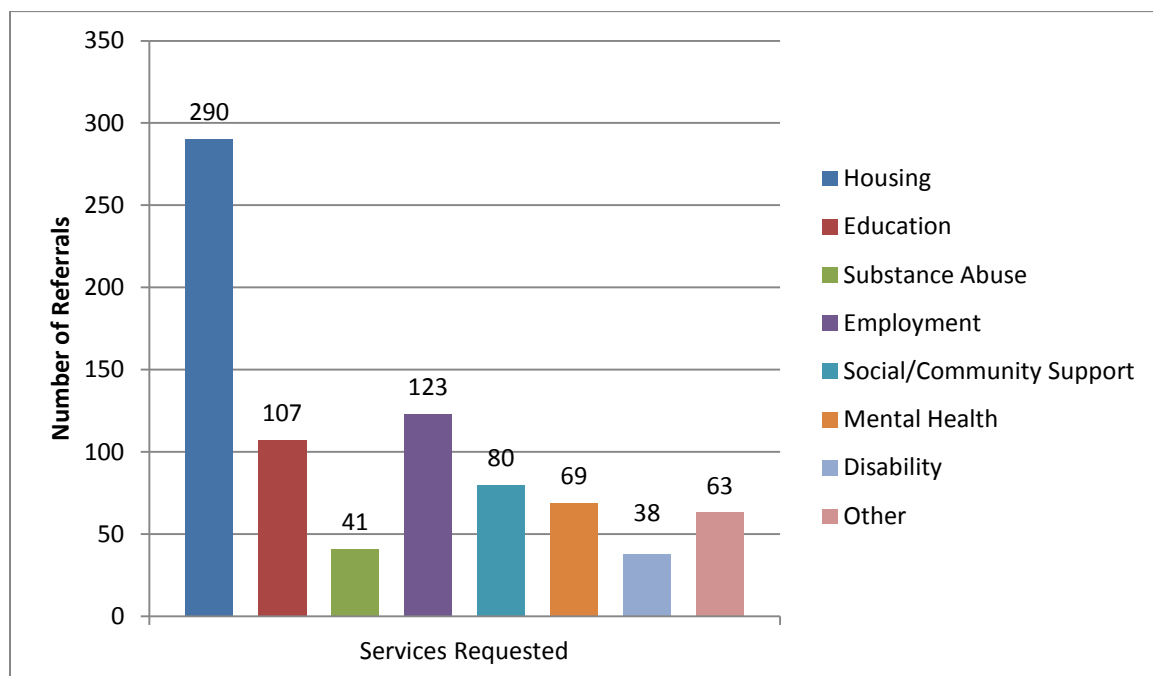
Cases seeking the services of the MSLO required assistance with: (a) issues related to housing, such as transfers, inspections, emergency housing; (b) mental health evaluations and assessments; (c) individual and family therapy; (d) substance abuse treatment; (e) school placements; (f) IEP's and other special education issues, including testing and due process; (g) general education; (h) TANF assistance; (i) medical assistance; (j) financial assistance; (k) food assistance; and (l) employment and literacy information. The MSLO effectively linked these families and children to a variety of services, chief among them was housing and employment. In addition, the MSLO provided several resources to women in the Family Treatment Court program, such as

housing assistance, including assistance with the Housing Voucher Client Placement program (D.C.H.A.), 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 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.

MSLO staff participated in several new projects in the Family Court including: the case expediting project, Safe and Sound, the D.C. Fathering Court, Grandparents program, the Fatherhood Education Empowerment and Development (FEED), and the Family Treatment Court.

**Figure 29. Referrals to the Mayors Services Liaison Office, 2013**



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

### **Court Forms**

In 2012, the Family Court created new official court forms for proceedings in abuse and neglect cases in order to comply with the Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351), the Safe and Timely Interstate Placement of Foster Children Act of 2006 (P.L. 109-239) and the Adoptions and Safe Families Act (D.C. Code §§ 16-2301, et seq. (2000)). Three courtrooms piloted the newly revised orders from April to June 2012. Recommendations for revisions to the forms were taken under advisement and the new orders were fully implemented in all Family Courtrooms in January 2013.

### **Grandparent Caregivers Program Amendment Act of 2012 (D.C. Law 19-261)**

The Grandparent Caregivers Program Amendment Act was enacted on January 14, 2013. The law amends the Grandparent Caregivers Pilot Program Establishment Act of 2005 (D.C. Code 16-69) to allow CFSA to waive certain subsidy eligibility requirements for an applicant when a child is at risk of removal from his/her home. Specifically, if CFSA determines that the child is at risk of removal, if the parent, guardian or custodian permits the grandparent to be the child's primary caregiver, and also permits the child to reside with the grandparent, the subsidy requirements that the grandparent(s) must have been the child's primary caregiver and that the child must have resided in the grandparent's home for at least the previous 6 months may be waived. This law makes it possible for relatives who are willing to be primary caregivers on a long-term basis of children who may otherwise enter the child welfare system, to be admitted in the program and to receive subsidy support as soon as possible.

### **Foster Youth Rights Amendment Act of 2012 (D.C. Law 19-276)**

The Foster Youth Rights Amendment Act was enacted on January 23, 2013. It amends the Prevention of Child Abuse and Neglect Act of 1977 to clarify the definition of “youth.” It also requires the Mayor to issue rules in the D.C. Municipal Regulations to consolidate the existing foster youth rights and incorporate new rights provided by this amendment. Those rights include the rights of youth who are under 18 and in foster care (as well as their caregivers and GALs) to receive birth certificates, social security cards, identification cards, immunization records, medical insurance information, education portfolios, health records, immigration documents, and other personal information at least 30 days before leaving care. It also gives those parties the right to receive a copy of their rights, the right to be informed of all decisions made on the youth’s behalf, and the youth’s right to report rights violations to the agency --and a process for doing so-- and the right to contact the agency to state concerns about care, placement and services. The law requires CFSA to do several things: (1) to inform youth of their rights and responsibilities upon entrance to the agency and provide explanations of the processes for exercising those rights; (2) to provide copies of the bill of rights and statement of Rights and Responsibilities to youth currently in foster care; (3) to incorporate the youth rights and responsibilities into scheduled trainings of social workers and other providers and foster parents; (4) to develop a mechanism for receiving and resolving concerns made by youth or on their behalf; and (5) to outline annual reporting and data-sharing requirements to the Council and the public on concerns and outcomes.

### **Child Sexual Abuse Reporting Amendment Act of 2012 (D.C. Law 19-315)**

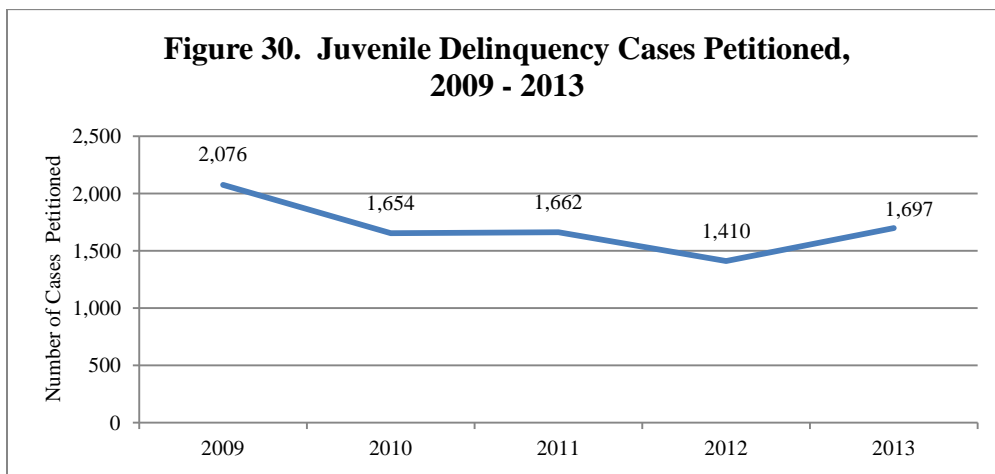
Enacted on January 22, 2013, the Child Sexual Abuse Reporting Amendment Act adds a new title II-A to the Anti-Sexual Abuse Act of 1994, D.C. Code §22-3001, et seq.,

to require any adult with knowledge or reasonable cause to believe that a child under 16 is a victim of sexual abuse to report it immediately to the MPD, 911, or CFSA; and establishes a civil fine of \$300 for the failure to report, with adjudication of the infraction handled by the Office of Administrative Hearings. The Act exempts certain parties from the reporting requirements: victims of sexual abuse if the alleged perpetrator is the victim's abuser; lawyers and persons employed by the lawyer if the basis of the belief arises solely from providing representation in a criminal, civil, or delinquency matter; and duly appointed religious ministers or Christian Science practitioners, if the basis of the knowledge is the result of a confession or penitential communication made by a penitent directly to the minister in his professional capacity in confidence. It allows a survivor of domestic violence to use that as a defense for failure to report. It also provides civil and criminal immunity from liability for a good faith report, which is presumed unless rebutted; allows a person who is fired or otherwise discriminated against with respect to employment for making a good faith report to file a civil action and seek a court order including reinstatement with back pay; and provides that violations of the mandatory reporting of child abuse by physicians and institutions under D.C. Code §4-1321.01, et seq. shall not be prosecuted under the new Title II-A. It increases the maximum penalty for failure by physicians and institutions to make reports of child abuse from \$300/90 days to \$1000/180 days.

### **JUVENILE CASES**

In 2013, there were 3,194 new juvenile complaints filed in the Family Court, a 14% increase from 2012 (2,800). Eighty-three percent (2,652) of the complaints filed were based on an allegation of delinquency, four percent (115 cases) pursuant to an

Interstate Compact Agreement (ISC)<sup>7</sup>, and 13% (427 cases) on a person in need of supervision (PINS) allegation. Nearly 70% of complaints filed (2,156) 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. Of the petitioned cases, delinquency cases comprised 79% (1,697), PINS cases (391) accounted for 18%, and ISC cases (68) accounted for 3%. The remainder of this section focuses on the 1,697 delinquency cases petitioned in 2013.



The number of delinquency cases petitioned increased by 20% between 2012 (1,410) and 2013 (1,697). There were, however, significant differences by gender in the percentage of cases petitioned. Petitions for males increased by 17%, while the number of females petitioned increased by 32%, from 283 in 2012 to 373 in 2013. Although males accounted for 78% of cases petitioned in 2013, the percentage of females among petitioned cases continued to increase -- from 12% in 2010 to 17% in 2011 to 20% in 2012 to 22% in 2013.

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<sup>7</sup> Interstate Compact cases are comprised of juvenile residents of the District of Columbia who were adjudicated in other jurisdictions, but who are referred to the Court to serve their probation under the supervision of the Court Social Services Division, as a courtesy to the referring jurisdiction.

Four percent of cases petitioned in 2013 involved youth aged 12 or younger. A quarter involved juveniles who were 13 or 14 years old, 45% were 15-16 years old at the time of petitioning, and 26% were 17 or over. Overall, youth petitioned in 2013 were younger than youth petitioned in recent years. In 2009, 53% of youth were 16 or older at the time of petitioning in comparison to 55% of youth in 2010, 56% of youth in 2011, 52% of youth in 2012, and 51% of youth in 2013.

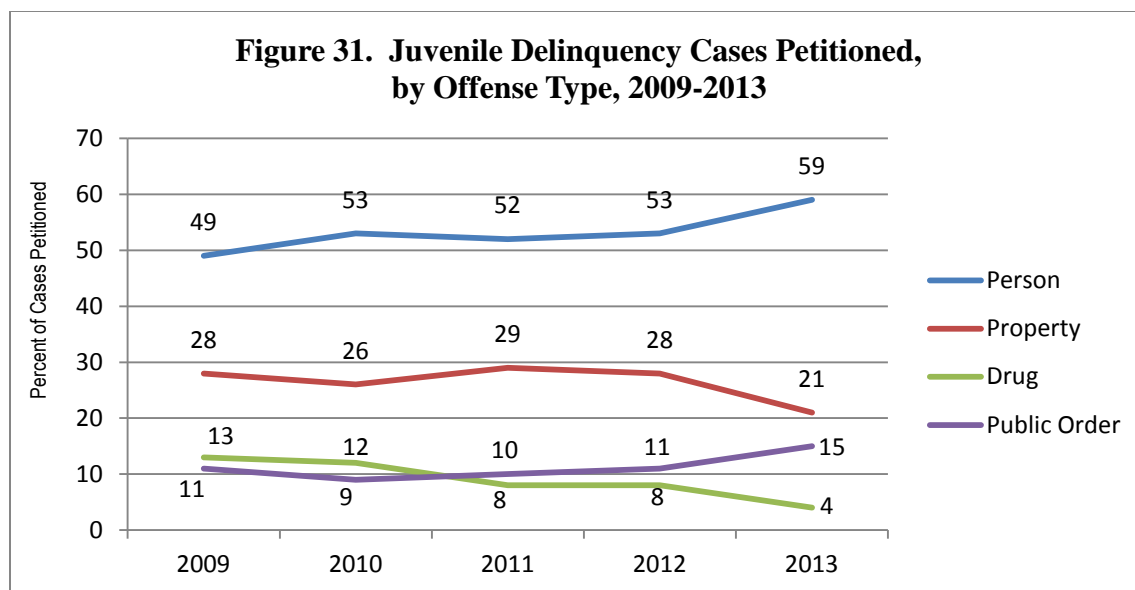
Forty-six percent of juveniles (778 cases) were detained at the time of their initial hearing (19% in non-secure facilities or shelter houses and 27% in secure detention facilities). Males comprised 82% of those detained and females 18%. By the time of disposition, the number of detained youth had decreased to 789 or 46%.

#### **MOST SERIOUS OFFENSE**<sup>8</sup>

Fifty-nine percent of new delinquency cases petitioned in 2013 were for a violent crime, 21% for a property offense, 4% for a drug law violation and 15% for a public order offense. In 2013, The most common juvenile charges resulting in a petition was for a charge of robbery (17% of referrals) or simple assault (15%), followed by aggravated assault (14%), larceny/theft (7%) and assault with a dangerous weapon (7%). Weapons offenses (6%) and obstruction of justice (6%), each accounted for a significant percentage of new referrals. Four juveniles were charged with murder and 14 with assault with the intent to kill in 2013, at least double the number of juveniles charged with these offenses in 2012.

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<sup>8</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.



Juveniles charged with assault accounted for 6 out of 10 new petitions for acts against persons (simple assault (26%), aggravated assault (24%), and assault with a dangerous weapon (11%)). Robbery (32%) was the second leading offense petitioned for acts against persons (4% armed robbery and 28% unarmed).

Thirty-three percent of all juvenile cases petitioned for acts against property involved larceny/theft, followed by unauthorized use of a vehicle (19%), burglary II (15%), property damage (15%) and unlawful entry (14%).

The majority of youth charged with acts against public order were charged with either weapons offenses (40%) or obstruction of justice (40%). Among juveniles charged with a drug law violation, 6 out of 10 were charged with drug possession and 38% were charged with drug sale or distribution.

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

New referrals were younger in 2012 than those in the previous three years. In 2013, 49% of all delinquency cases petitioned by the Family Court involved youth 15 years of age or younger at the time of referral compared to 48% in 2012, 44% in 2011,

45% in 2010, and 47% in 2009. Referrals of youth 15 or younger represented a larger proportion of offenses against persons (54%) and property (46%) and smaller proportions of drug (28%) and public order offenses (40%). In 2013, there was little difference among the age groups in the most common reasons for referral. The most likely reason for petitioning a youth 15 or younger was a charge of simple assault (18%) or robbery (17% of referrals), followed by aggravated assault (16%), assault with a dangerous weapon (8%) and larceny/theft (7%). Similarly, the most common charge for a youth age 16 or older was robbery (16%), aggravated assault (13%) or simple assault (13%), followed by obstruction of justice (8%), larceny/theft (7%), and weapons offenses (7% of referrals).

A review of most serious offense by age at time of petitioning within specific offense categories reveals some significant differences. As was the case last year, in 2013 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 65% of juveniles age 13-14, 60% of those age 15-16, and 50% of those age 17 or older at referral. In contrast, the percentage of youth charged with property offenses, public order offenses and drug law violations increased with the age of the offender. The percentages of property offense charges, by age group, were: 12 and younger, 18%; ages 13-14, 20%; ages 15-16, 21%; ages 17 and older, 23%. Similarly, youth charged with public order offenses and drug law violations increased with age.

**Table 13. Juvenile Delinquency Cases Petitioned in 2013,  
by Age and Most Serious Offense**

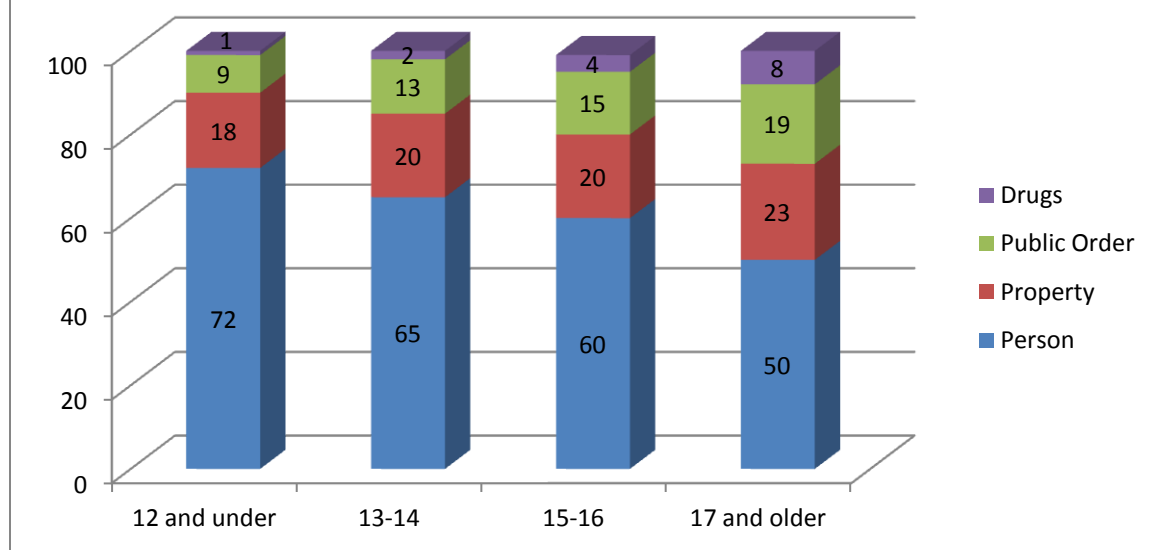
Most Serious Offense <sup>9</sup>	Age at Time of Petition								
	Total cases	Under 10 years	10-12	13-14	15-16	17	18 and over <sup>10</sup>	15 and younger	16 and older
<b>Acts against persons</b>	<b>1,004</b>	<b>0</b>	<b>49</b>	<b>274</b>	<b>462</b>	<b>216</b>	<b>3</b>	<b>545</b>	<b>459</b>
Murder	4	0	0	0	3	1	0	1	3
Assault with Intent to Kill	14	0	0	0	9	5	0	5	9
Assault with Dangerous Weapon	111	0	9	32	46	24	0	66	45
Aggravated Assault	244	0	5	76	110	52	1	130	114
Armed Robbery	39	0	0	9	24	6	0	18	21
Robbery	281	0	11	78	122	69	1	144	137
First Degree Sexual Abuse (Rape)	7	0	3	3	0	1	0	6	1
Other Violent Sex Offenses	11	0	0	6	4	1	0	9	2
Car Jacking	7	0	0	0	7	0	0	5	2
Burglary I	20	0	0	1	13	6	0	5	15
Simple Assault	258	0	21	67	119	50	1	150	108
Other Acts Against Persons	8	0	0	2	5	1	0	6	2
<b>Acts against property</b>	<b>362</b>	<b>0</b>	<b>12</b>	<b>83</b>	<b>164</b>	<b>101</b>	<b>2</b>	<b>167</b>	<b>195</b>
Burglary II	54	0	1	10	27	15	1	22	32
Larceny/Theft	119	0	3	28	55	33	0	57	62
Unauthorized Use of Auto	67	0	2	15	28	22	0	29	38
Arson	1	0	0	1	0	0	0	1	0
Property Damage	55	0	6	16	21	12	0	31	24
Unlawful Entry	49	0	0	10	26	12	1	20	29
Stolen Property	14	0	0	2	6	6	0	6	8
Other Acts Against Property	3	0	0	1	1	1	0	1	2
<b>Acts against public order</b>	<b>259</b>	<b>0</b>	<b>6</b>	<b>55</b>	<b>114</b>	<b>84</b>	<b>0</b>	<b>104</b>	<b>155</b>
Weapons Offenses	103	0	5	20	47	31	0	43	60
Disorderly Conduct	15	0	0	7	6	2	0	10	5
Obstruction of Justice	104	0	1	16	46	41	0	34	70
Other Acts Against Public Order	37	0	0	12	15	10	0	17	20
<b>Drug Law Violations</b>	<b>72</b>	<b>0</b>	<b>1</b>	<b>7</b>	<b>31</b>	<b>33</b>	<b>0</b>	<b>20</b>	<b>52</b>
Drug Sale/Distribution	27	0	0	1	11	15	0	5	22
Drug Possession	43	0	1	5	20	17	0	14	29
Other Drug Law Violations	2	0	0	1	0	1	0	1	1
<b>Total Delinquency Petitions<sup>11</sup></b>	<b>1,697</b>	<b>0</b>	<b>68</b>	<b>419</b>	<b>771</b>	<b>434</b>	<b>5</b>	<b>836</b>	<b>861</b>

<sup>9</sup> See Footnote 8.

<sup>10</sup> See D.C. Code §16-2301(3)(c)(2001).

<sup>11</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.

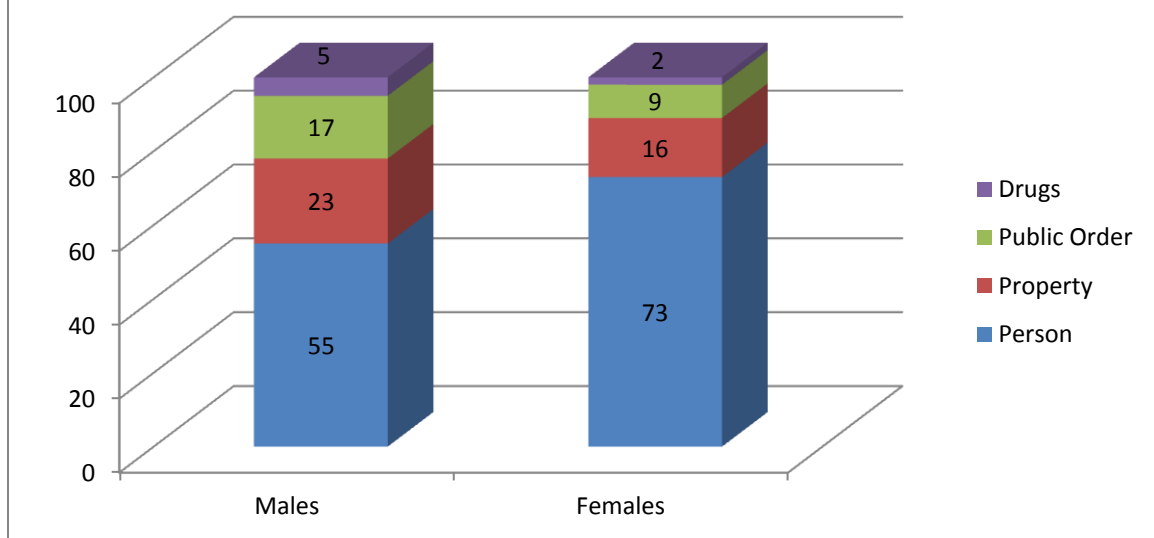
**Figure 32. Percent Distribution of Juvenile Delinquency Cases  
Petitioned, by Offense and Age, 2013**



### **Most serious offense by gender**

As has been the case in the past, when looking at data relative to the gender of youth in petitioned cases, there were significant differences in the types of offenses by gender. A larger percentage of females were charged with offenses against persons than were males – 73% of females compared to 55% of males. Conversely, a greater percentage of males than females were charged with acts against property (23% and 16%, respectively), acts against public order (17% and 9%, respectively), and drug law violations (5% and 2%, respectively).

**Figure 33. Percent Distribution of Delinquency Cases Petitioned, by Offense and Gender, 2013**



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, 56% were charged with some form of assault and 38% were charged with some form of robbery. In comparison, among females charged with violent offenses, 80% were charged with some form of assault, and 17% for some form of robbery. Among males charged with property offenses, larceny/theft (31%) was the leading charge followed by unauthorized use of a vehicle (20%) and burglary II (15%). For females, the leading property charge was larceny/theft (41%) followed by property damage (24%) and burglary II (12%). Males charged with public order offenses were

**Table 14. Juvenile Delinquency Cases Petitioned in 2013,  
by Most Serious Offense and Gender**

Most Serious Offense <sup>12</sup>	Total cases	Male	Female
<b>Acts against persons</b>	<b>1,004</b>	<b>730</b>	<b>274</b>
Murder	4	4	0
Assault W/I Kill	14	13	1
Assault Dangerous Weapon	111	63	48
Aggravated Assault	244	169	75
Armed Robbery	39	39	0
Robbery	281	235	46
First Degree Sex Abuse	7	6	1
Other Violent Sex Offenses	11	11	0
Carjacking	7	7	0
Burglary I	20	13	7
Simple Assault	258	164	94
Other Acts Against Persons	8	6	2
<b>Acts against property</b>	<b>362</b>	<b>304</b>	<b>58</b>
Burglary II	54	47	7
Larceny/Theft	119	95	24
Unauthorized Use Auto	67	62	5
Arson	1	1	0
Property Damage	55	41	14
Unlawful entry	49	44	5
Stolen Property	14	12	2
Other Acts Against Property	3	2	1
<b>Acts against public order</b>	<b>259</b>	<b>224</b>	<b>35</b>
Weapons Offenses	103	94	9
Disorderly Conduct	15	8	7
Obstruction of Justice	104	92	12
Other Acts Against Public Order	37	30	7
<b>Drug Law Violations</b>	<b>72</b>	<b>66</b>	<b>6</b>
Drug Sale/Distribution	27	26	1
Drug Possession	43	39	4
Other Drug Law Violations	2	1	1
<b>Total Delinquency Petitions</b>	<b>1,697</b>	<b>1,324</b>	<b>373</b>

equally as likely to be charged for a weapons offense (42%) as obstruction of justice (41%). Females on the other hand, were more likely to be charged for obstruction of justice (34%) than weapons offenses (26%). In contrast, while 5% of males were charged with drug offenses, only 2% of females were charged with a similar offense. However, unlike 2012 when both males and females were equally likely to be charged

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<sup>12</sup> See Footnote 8.

with sale and possession, in 2013 drug possession was the most likely charge for both males (59%) and females (67%).

### **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 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:<sup>13</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

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<sup>13</sup> See Superior Court Juvenile Rule 106.

- 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 above factors, there is a rebuttable presumption that detention is required to protect the person or property of others if the judicial officer finds by a substantial probability that the child committed a dangerous crime or a crime of violence while armed, as defined in D.C. Code § 16-2310 (a-1)(2), or committed the offense carrying a pistol without a license.

In 778 (46%) of the 1,697 juvenile delinquency cases petitioned in 2013, the youth was detained prior to trial.<sup>14</sup> The percentage of youth detained prior to trial increased between 2012 and 2013, as it did from 2011 (39%) to 2012 (42%). Table 18 below presents information on the number of juveniles detained at initial hearing by offense, one of the many factors judges must consider when making a decision to detain a youth.

In 2013, 56% of those charged with acts against public order (i.e. weapons offenses) were detained prior to trial, compared to 46% of those charged with acts against persons, 41% of those charged with property crimes and 35% of those charged with drug offenses. The comparable figures for 2012 were 47%, 46%, 37%, and 34%, respectively. With regard to specific offenses, 90% of juveniles charged with armed robbery were detained prior to trial, as were 86% of those charged with assault with

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<sup>14</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.

intent to kill and car-jacking. Three-fourths of those charged with murder and obstruction of justice, 57% of those charged with first degree sexual abuse, and 55% of those charged with assault with a dangerous weapon were also detained prior to trial. On the other hand, less than a third of those charged with drug possession, property damage, and disorderly conduct were detained prior to trial.

The percentage of males detained prior to trial (48%) continued to increase. In 2012, 44% of males were detained prior to trial as were 40% in 2011. Prior to that, 47% of males were detained in 2010 and 45% in 2009. Similarly, there was an increase in the percentage of females detained in 2013. In 2013, 37% of females were detained prior to trial compared to 35% in 2012 and 31% in both 2011 and 2010.

In 2013, 58% of those detained were held in secure detention facilities and 42% in non-secure facilities (referred to as shelter houses). The percentage of those detained held in secure detention facilities increased after four years of declining. Fifty-four percent of those detained were held in secure detention facilities in 2012, compared to 55% in 2011, 68% in 2010 and 70% in 2009. In 2013, males accounted for 88% of those detained in secure facilities and 75% of those detained in shelter houses. The percentage of females among those detained continued to increase. In 2013, 18% of those detained were females compared to 17% in 2012, 14% in 2011 and 8% in 2010.

**Table 15. Juvenile Delinquency Cases in which the Juvenile Was Detained Prior to Trial, by Offense and Type of Detention, 2013**

Most Serious Offense <sup>15</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>242</b>	<b>205</b>	<b>37</b>	<b>215</b>	<b>142</b>	<b>73</b>
Murder	3	3	3	0	0	0	0
Assault With Intent to Kill	12	12	11	1	0	0	0
Assault with Dangerous Weapon	61	29	23	6	32	13	19
Aggravated Assault	99	49	39	10	50	31	19
Armed Robbery	35	24	24	0	11	11	0
Robbery	124	67	57	10	57	46	11
First Degree Sex Abuse (Rape)	4	2	2	0	2	2	0
Other Violent Sex Offenses	4	3	3	0	1	1	0
Carjacking	6	6	6	0	0	0	0
Burglary I	10	4	2	2	6	4	2
Simple Assault	93	41	35	6	52	30	22
Other Acts Against Persons	6	2	0	2	4	4	0
<b>Acts against property</b>	<b>150</b>	<b>78</b>	<b>68</b>	<b>10</b>	<b>72</b>	<b>65</b>	<b>7</b>
Burglary II	27	16	14	2	11	10	1
Larceny/Theft	47	20	18	2	27	23	4
Unauthorized Use Auto	34	19	18	1	15	15	0
Arson	0	0	0	0	0	0	0
Property Damage	15	9	5	4	6	6	0
Unlawful entry	19	8	7	1	11	9	2
Stolen Property	8	6	6	0	2	2	0
Other Acts Against Property	0	0	0	0	0	0	0
<b>Acts against public order</b>	<b>146</b>	<b>115</b>	<b>107</b>	<b>8</b>	<b>31</b>	<b>28</b>	<b>3</b>
Weapons Offenses	52	43	42	1	9	9	0
Disorderly Conduct	4	1	1	0	3	3	0
Obstruction of Justice	78	67	60	7	11	10	1
Other Acts Against Public Order	12	4	4	0	8	6	2
<b>Drug Law Violations</b>	<b>25</b>	<b>15</b>	<b>14</b>	<b>1</b>	<b>10</b>	<b>10</b>	<b>0</b>
Drug Sale/Distribution	12	5	5	0	7	7	0
Drug Possession	12	10	9	1	2	2	0
Other Drug Law Violations	1	0	0	0	1	1	0
<b>Total number of detained cases</b>	<b>778</b>	<b>450</b>	<b>394</b>	<b>56</b>	<b>328</b>	<b>245</b>	<b>83</b>

Among those detained, there were also differences in the type of detention facility utilized based on the offense charged. Of youth detained, 100% of those charged with murder, assault with intent to kill and car-jacking were detained in secure facilities, as were 86% of those charged with obstruction of justice and 83% of those charged with either a weapons offense or drug possession. On the other hand, among detained youth,

<sup>15</sup> See Footnote 8.

more than half of those charged with burglary I, simple assault, assault with a dangerous weapon, aggravated assault, larceny/theft and unlawful entry were detained in shelter houses.

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

Many states and the District of Columbia, have established case-processing timelines for youth detained prior to trial. In addition to individual state timelines, several national organizations, including the American Bar Association, the Office of Juvenile Justice and Delinquency Prevention and the National District Attorneys Association have issued guidelines for case processing in juvenile cases.<sup>16</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 “*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.

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<sup>16</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).

When a youth is securely detained, the timeframe for the fact finding hearing is either 30 or 45 days from the date of detention, depending on the seriousness of the charge. 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.

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 internally developed court-wide performance measures.

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 must consider 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 the Attorney General, for good cause shown, may file a motion for further continuance (i.e., seek successive continuances in 30-day increments) in the following circumstances:

- 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 when it extends 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. Beginning in 2010, the court began monitoring the adjudication and disposition timeframes for youth released prior to disposition. As a result, this report examines case processing standards for youth in four categories: (1) securely detained juveniles charged with murder, assault with intent to kill, armed robbery, first degree sex abuse, and first degree burglary -- 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; (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; and (4) released youth – Administrative Order 08-13, issued by the Chief Judge in 2008, allows 270 days for disposition.

Beginning in 2011, performance data on time to adjudication and time to disposition is calculated using different performance standards. Data on time to adjudication is based on the detention status of the respondent at the time of the initial hearing. In contrast, data on time to disposition is calculated based on the detention status of the respondent at the time of the disposition hearing. In addition, court performance on time to disposition takes into account excludable delay resulting from the absence or unavailability of the child (custody orders) and the period of delay resulting from examinations related to the mental health of the respondent.

### **Securely Detained Juveniles**

Forty-four out of the 450 securely detained juveniles in 2013 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 406 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 16 shows the

adjudication status and Table 17 provides information on the time to adjudication for both categories of securely detained juveniles in 2013.

Of the 44 securely detained juveniles charged with the most serious offenses (45-day cases) 30 have been adjudicated. Sixteen of the 30 adjudicated cases (53%) met the 45 day adjudication timeline. In 2012, 43% of cases were adjudicated within the timeline. The median time from initial hearing to adjudication decreased from 48 days in 2012 to 44 days in 2013. The median number of days to adjudication was 41 days in 2009 and 2010, and 44 days in 2011.

**Table 16. Adjudication Status of Securely Detained Youth, 2013**

Adjudication Status	Secure Detention - 45 day Cases	Secure Detention - 30 day Cases	Total
Adjudication Hearing Held	30	318	348
Dismissed before adjudication	9	69	78
Pending Adjudication	5	19	24
Total	44	406	450

**Table 17. Time to Adjudication for Securely Detained Youth, 2013**

Securely Detained	Cases in Which an Adjudication Hearing Was Held								Percentage of cases within timeframe <sup>17</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)	30	11	5	5	5	4	44	51	53	47
Initial Hearing to Adjudication (Statutory Timeline 30 days)	318	198	58	26	24	12	28	32	62	38

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

For other securely detained juveniles (30-day cases) the Court was in compliance with the 30-day statutory requirement for adjudication in 62% of the cases – the same compliance rate as in 2012. It was slightly lower than in 2011 (66%) and was considerably lower than it was in 2009 (75%). The median number of days to reach adjudication increased from 25 days in 2009 to 27 days in 2010, and 28 days in 2011, 2012 and 2013.

<sup>17</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.

In 2013, a number of factors contributed to the inability to adjudicate cases of securely detained youth in a timely manner. Those factors included but were not limited to: the absence of an essential witness, unavailability of evidence, lack of availability of attorney, incomplete psychological, psychiatric and neurological tests, and difficulties in scheduling. The court will continue to monitor and track how requests for continuances are addressed with the goal of reducing the number of continuances requested and granted.

Table 18 provides information on the time between initial hearing and disposition for both categories of securely detained juveniles in 2013, based on detention status at the time of disposition.

**Table 18. Time from Initial Hearing to Disposition for Securely Detained Youth, 2013**

Securely Detained	Cases With Disposition Hearing or Closed Before Disposition Hearing								Percentage of cases within timeframe	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)	15	3	2	4	1	5	58	67	60	40
Initial Hearing to Disposition (30 Day Cases – 45 days)	243	122	42	23	28	28	30	43	67	33

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

As explained earlier, securely detained youth are required to have their cases disposed/resolved within either 60 or 45 days depending on the nature of their charges. The calculation of time to disposition includes cases that moved through the system from initial hearing to adjudication to disposition, as well as cases that were dismissed either prior to or after adjudication. Sixty percent of securely detained juveniles with the most serious charges (45-day cases) were disposed within the 60 day timeframe. The median time from initial hearing to disposition was 58 days and the average was 67 days.

For other securely detained juveniles (30-day cases), sixty-seven percent of cases disposed were disposed of within the 45 day timeframe. The median time between initial hearing and disposition was 30 days. The average was 43 days.

As was the case with delays in the timely adjudication of cases for securely detained youth, delays in the timely disposition of cases were also attributable to a variety of factors. A major factor contributing to delays in disposition was the need to identify and obtain services or programs for the youth prior to disposition. Other factors included delays related to DYRS ability to obtain placement, delays in receipt of required psychological and psychiatric reports, respondents who were not in compliance with court orders, and respondents who were involved in other proceedings before the court.

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

Three hundred twenty-eight youth were detained in non-secure facilities or shelter houses prior to adjudication in 2013. Two hundred thirty-six had adjudication hearings held, 73 were dismissed before adjudication and 19 were awaiting adjudication. In 58% of cases, adjudication hearings were held within the 45 day timeframe for non-securely detained youth. The compliance rate was 65% in 2012, 72% in 2011, 67% in 2010, and 75% in 2009. The median days to adjudication (43 days), were also higher than in previous years (Table 19).

**Table 19. Time Between Initial Hearing and Adjudication for Youth  
Detained in Non-Secure Facilities, 2013**

Non-Securely Detained	Cases in which an adjudication hearing was held								Percentage of Cases within timeframe <sup>18</sup>	Percentage of 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)	236	24	36	77	44	55	43	51	58	42

<sup>18</sup> See Footnote 17.

One hundred thirty-seven (82%) cases of youth detained in non-secure detention facilities at the time of disposition were in compliance with the time standard of 60 days from initial hearing to disposition. The median number of days from initial hearing to disposition was 34 days. In 2014, through rigorous monitoring, the Court intends to improve in meeting adjudication and disposition timelines.

**Table 20. Time Between Initial Hearing and Disposition for Youth Detained in Non-Secure Facilities, 2013**

Non-Securely Detained	Cases in which a disposition hearing was held or case closed before disposition								Percentage of Cases within timeframe	Percentage of Cases exceeding timeframe
	Days Between Events									
	Total cases	1-15	16-30	31-45	46-60	61 or more	Median	Average		
Initial Hearing to Disposition (Timeline 60 days)	167	19	52	50	16	30	34	46	82	18

### Released Offenders

In 919 (54%) of the juvenile delinquency cases petitioned in 2013, the youth was released prior to adjudication. Among released youth, 685 had their cases adjudicated and 175 had their cases closed prior to adjudication. Adjudication has not yet occurred in 59 cases. In 2013, 100% of the cases adjudicated had hearings held in compliance with the timeline (255 days). More than 99% of cases adjudicated in 2011 and 2012 were also adjudicated within the timeline. The median number of days to adjudication was 46 days in 2013, compared to 45 days in 2012 and 46 days in 2011.

**Table 21. Time Between Initial Hearing and Adjudication for Released Youth, 2013**

Released	Cases in which an adjudication hearing was held								Percentage of Cases within timeframe <sup>19</sup>	Percentage of Cases exceeding timeframe
	Days Between Events									
	Total cases	1-85	86-170	171-255	255-270	271 or more	Median	Average		
Initial Hearing to Adjudication (Timeline 255 days)	685	585	92	8	0	0	46	51	100	0

<sup>19</sup> See Footnote 17.

Currently there is no Family Court statute or rule that dictates time standards for either adjudication or disposition for cases of youth released prior to adjudication. However, Administrative Order 08-13 did establish a 270-day time standard for disposition of these cases.

In 2013, 789 youth were released at the time of their disposition hearing. More than 99% of cases of youth released at the time of their disposition hearing were in compliance with the timeframe of 270 days from initial hearing to disposition. The median number of days to disposition was 53 days.

**Table 22. Time Between Initial Hearing and Disposition for Released Youth, 2013**

Released	Cases in which a disposition hearing was held or case closed before disposition								Percentage of Cases within timeframe	Percentage of Cases exceeding timeframe
	Days Between Events									
	Total cases	1-85	86-170	171-255	255-270	271 or more	Median	Average		
Initial Hearing to Disposition (Timeline 270 days)	789	619	143	25	0	2	53	62	99	<1

### **FAMILY COURT SOCIAL SERVICES DIVISION (CSSD)**

Pursuant to Public Law 91-358, the Family Court's Social Services Division (CSSD) is responsible for screening and presenting juvenile delinquency cases in the New Referrals courtroom (JM-15), screening and presenting Status Offender cases in courtroom JM-5, 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 system in juvenile delinquency cases, youth eligible for diversion, status offenders (e.g., persons in need of supervision (PINS), truants, run away and ungovernable behavior cases) and post disposition probation youth.

CSSD is responsible for conducting psychological, psycho-educational, comprehensive clinical risk assessments, and when necessary competency evaluations on all front-end youth. The division also conducts home studies on all families involved in contested domestic custody disputes and is also responsible for conducting psycho-sexual evaluations on all youth pending adjudication for sexual offenses. On any given day, CSSD supervises approximately 1,650 juveniles. This total represents approximately 70% to 75% of all youth involved in the District's juvenile justice system.

In 2013, CSSD successfully achieved all of its objectives consistent with statutory requirements delineated in the District of Columbia Municipal Code. Working with a bevy of juvenile justice stakeholders (e.g., the Presiding Judge of the Family Court, the OAG, the Public Defender Services and the Department of Mental Health), the Division continued to successfully operate the Juvenile Behavioral Health Services and Supervision component of the Family Court's larger Juvenile Behavioral Health Court. Additionally, the Division continued working in collaboration with the Capitol Projects and Facilities Management Division (CPFMD) on the development and construction of the Superior Court's third Balanced and Restorative Justice (BARJ) Drop-In Center located in the Southwest quadrant of the city. Working in coordination with the District of Columbia's Criminal Justice Coordinating Council (CJCC), the CSSD continued its efforts with juvenile justice, public schools and public chartered school stakeholders to ensure appropriate cases were brought before the judiciary and the needs of the youth and families for whom cases were brought forward were met.

In late 2012, the Division, championed by the Deputy Presiding Judge of the Family Court, began to direct its attention to the issue of youth subjected to commercial

exploitation. This effort led to the development of a Subcommittee, chaired by the Deputy Presiding Judge, encompassing a wide array of stakeholders including providers dedicated to serving this population. Throughout the year, the Division examined existing screening tools used to identify children and youth subjected to commercial exploitation. The screening tool selected, augmented by a series of questions developed by the subcommittee, is slated for validation in 2014. As part of the validation process, the augmented screening tool will be administered to all youth referred to the CSSD for juvenile and status offender matters.

Working in collaboration with the Department of Youth Rehabilitative Services (DYRS), the Metropolitan Police Department (MPD) and the Capitol Police, the CSSD provided supervision coverage at the Smithsonian's National Zoo sponsored "African American Family Tradition Day" event. In addition to the actual event, featuring family picnics, social networking, touring, entertainment, games and door prizes on the grounds of the National Zoo, coverage was expanded to the Gallery Place area in downtown D.C., given that many youth attending the ZOO event disburse to that area. As was the case in 2012, arrest data in 2013 indicated that CSSD's presence, in tandem with the high presence of the MPD and DYRS resulted in fewer arrests, despite the higher attendance than in previous years.

In collaboration with the MPD, DYRS, OAG, Department of Employment Services (DOES), CJCC, Pre-Trial Services Agency (PSA) and Court Services and Offender Supervision Agency (CSOSA), CSSD facilitated a third public safety forum for high risk youth under CDDS and DYRS supervision. The "Juvenile Call-In" event featured the Presiding Judge of the Family Court and a host of stakeholders and local

directors representing juvenile and criminal justice partnering agencies, all of whom spoke briefly with attending youth to discourage youth from violating court ordered conditions of community supervision and/or reoffending. Following the formal gathering, participating youth and their parents (representing more than 450 attendees) were able to engage in small group discussions with their probation officers, case managers and guest speakers and partake in refreshments.

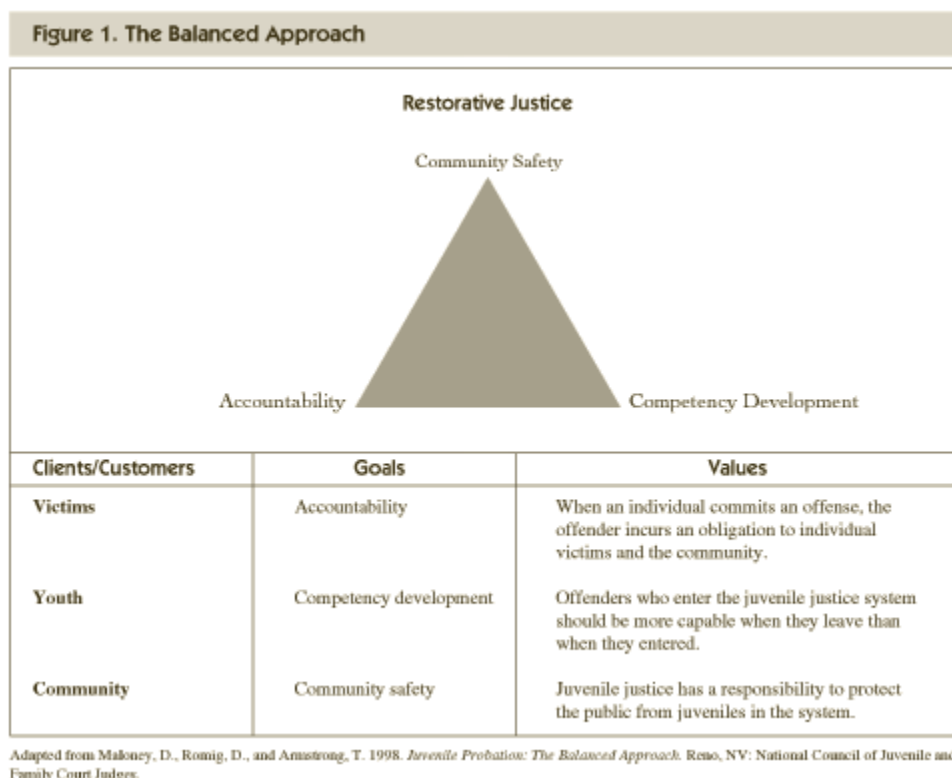
Other highlights include the creation of a Blacks and Wax Museum at the Southwest BARJ Drop-In Center to honor African-Americans during Black History month. Additional activities and efforts conducted by the CSSD include expanded weekend summer curfew checks, in addition to community supervision provided weekly. Escorting CSSD youth to several Washington National Baseball games, Wizard and Mystics games, and also attending a number of Georgetown Basketball games. The CSSD also escorted more than one hundred fifty (150) youth to play at the Kennedy Center, entitled *Jason The Invisible*.

The CSSD also continued its commitment to ensuring Division-wide training ensuring the vast majority of staff completed a Food Prep Course and also launched a Division-wide training with a focus on Balanced and Restorative Justice (BARJ) Philosophy Principles. Working in concert with the ASD, the CSSD entered into a contract with Youth and Families in Crisis, a local agency nationally trained and recognized in BARJ philosophy, principles and concepts. The purpose of the trainings, which will run across several contract years, is to build and expand the knowledge and skills of CSSD staff such that we are operating our services and supervision as well as signature programs, including our BARJ Drop-In Centers, with an all-inclusive construct

of BARJ Principles. At its core, restorative justice principles hold that when a crime is committed, the victim, offender and community are all impacted. Because the victim and community are impacted the offender must be held accountable. However, the victim, offender and community must all be restored. Guiding BARJ principles include, but are not limited to:

- All human beings have dignity and worth, and accountability for juveniles means accepting responsibility.
- Victims, parties (the victim, offender, and community) should be a central part of the response to the crime.
- The community is responsible for the well-being of all its members.

Below is a graphic representation of the balanced approach mission.



Finally, another major highlight in September 2013, included the Grand Opening of the Southwest BARJ Drop-In Center. The opening was attended by more than two

hundred (200) individuals, including Judges, juvenile justice stakeholders, attorneys, advocates, providers, residents of the community and representatives from the Executive Officer of the Mayor.

CSSD is comprised of four branches, three of which house probation satellite offices/units designated to specific populations, and two (2) administrative units.

Branches include: Juvenile Intake and Delinquency Prevention Branch, Child Guidance Clinic, Region I Pre- and Post-disposition Supervision, and Region II Pre- and Post-disposition Supervision. The three administrative units include: Juvenile Information Control Unit, Contract, Data and Financial Analysis Unit, and the Co-Located Custody Order Unit.

#### Juvenile Intake and Delinquency Prevention Branch

The Intake branch is comprised of Intake Units I (day intake) and II (night intake), and the Delinquency Prevention Unit (responsible for electronic monitoring and community relations). In 2013, the Intake branch exceeded its goals and objectives outlined in accordance with statutory duties and CSSD's Management Action Plans (MAPs). In accordance with core requirements of the federal Juvenile Justice and Delinquency Prevention (JJDP) Act, all youth referred to CSSD following arrest must be screened (resulting in a preliminary detention/release recommendation) within a four hour period, prior to presentment of the case in JM-15. Building on accomplishments over the past three years, CSSD successfully:

- Screened 100% (more than 3,300 youth) of all newly arrested youth utilizing a valid Risk Assessment Instrument (RAI), a pre-trial social assessment. Among the youth screened for juvenile crimes, 27% were females and 73% were males. Among youth referred for a status offense (Truancy) the CSSD received and screened more than 1,000 referral packages, approximately 75% of which were

returned to the referring school due to failure to demonstrate efforts to intervene and abate the truancy.

- Restructured the Intake Branch to include screening of all status offender and juvenile referral cases. The Juvenile Intake and Delinquency Branch is also responsible for making recommendations for petitioning/not petitioning, data collection and reporting and providing technical assistance to stakeholder members.
- Participation in the Juvenile Detention Alternatives Initiatives, Juvenile Data Subcommittee, which seeks to collect and interpret juvenile arrest, diversion, court involvement and overall front end data. Providing stakeholders with data trend analysis and other observable facts enables stakeholders to provide timely interventions and address specific delinquency issues occurring in the District of Columbia.
- Collaborated with the Superior Court's Identity Consolidation Unit, encompassing the Integrated Justice Information System (IJIS) team, DYRS and the Central Intake Center (CIC) to identify and correct errors in Courtview such as multiple social files, incorrectly spelled names or dates of birth, and duplicate x-reference or family ID numbers. Personal credentials are received such as birth certificates, social security cards, etc, and are scanned into Courtview.
- Successfully transitioned youth participating in electronic monitoring to a new provider which included new Global Position System (GPS) equipment and software with expanded tracking and reporting capability. The CSSD was awarded the 2013 Program of Excellence Award for the seamless and successful GPS program transition from the Contract vendor Satellite Tracking of People (STOP). In 2013, the CSSD completed 1,250 installations and device re-assignments.
- Increased collaboration with the Metropolitan Police Department (MPD) by reviewing and responding to their daily report that lists youths who have committed Type I offenses such as Murder, Robbery, APO and ADW (gun, knife, etc.).
- Provide adult arrest clearance for youth who are pending release from DC Department of Corrections.
- In an effort to build upon the information sharing with stakeholder agencies, a monthly list is compiled of CSSD youth that are also being supervised by the Pre-Trial Services Agency (PSA). PSA is provided with the youths' current CSSD probation officer and their contact information. It is the hope that this will minimize the duplication of services and forge a stronger collaboration between agencies.

### **Child Guidance Clinic: Post Doctoral Internship Program**

The Child Guidance Clinic (CGC) continued to operate its nationally recognized pre-doctoral psychology internship training program accredited by the American Psychological Association (APA). Welcoming the 2013, new class of interns from universities and colleges across the country, three (3) interns, representing Howard University, Pace University and The Chicago School of Professional Psychology were selected from a pool of over one hundred twenty-five 125 applicants.

Because of the internship program, working under the auspices of the Clinic's licensed psychologists, nearly 800 psychological evaluations (e.g., general psychological, psycho-education, neuropsychological, sex offender, violence risk, competency, and Miranda Rights competency) were completed during the year. The CGC also continued to successfully operate its Juvenile Sex Offender program. Other accomplishments include:

- Child Guidance Research Lab authored a publication in the Journal of Forensic Psychiatry and Psychology titled: ADHD Symptom Frequency and ADHD Symptom Count Clustering in African American Adolescents with Juvenile Court Contact.
- Child Guidance Research Lab authored a publication in the Journal of Forensic Psychiatry and Psychology titled: A Study on the Psychometric Properties of Conners Comprehensive Behavior Rating Scales-Self Report Scores in African Americans with juvenile Court Contact.
- Child Guidance staff attended training by the American Academy of Forensic Psychologists on Forensic Assessment.
- Conducted presentations to District of Columbia child and adolescent stakeholders, including newly assigned Judges to the juvenile calendar, on the Child Guidance Clinic.

- Facilitated presentation to UDC Clark School of Law on Psycho-educational Assessment in the Special Education Process, and provided a presentation to Trinity University-DC psychology class on Juvenile Transfer.
- Conducted presentation to Gallaudet University Psychology Trainees on Competency Evaluations in Juvenile Court. Additionally, facilitated presentation to George Washington University 3<sup>rd</sup> year law student in Juvenile Justice class on functions of Child Guidance in Juvenile Court.
- Facilitated presentation to the MPD, and OAG on Working with Gangs and Crews in DC, and conducted presentation to the American Psychological Association gave presentation of Treatment of Homeless Children in DC.

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

Region I Pre- and Post-Disposition Supervision (Region I) entails four office/units: Southwest Satellite Office (SWSO); Interstate Probation Supervision; Southeast Satellite Office/Balanced and Restorative Justice Drop-In Center (SESO/BARJ); and the Ultimate Transitions Ultimate Responsibility Unit (UTURN) for high risk youth. Region I continued to experience success in virtually all areas of operation. Highlights from Region I's year include:

- Successful pre-trial and post-disposition supervision for roughly 500 youth, of which an average of 10% were under intensive supervision.
- Continued facilitation of the following groups for CSSD youth: *Accelerating the Aptitude of Children; Adopt A Block; Topical Review and Civic Empowerment; Drug Awareness Responsibility and Education; Developing Leaders and Creating Legacies; Life Skills Influencing Future Empowerment, Juvenile Anger Management, Saturday Sanctions, Monthly Parent and Youth Orientation, Probation Offering Life options - POLO* and implemented the following new groups: *When In Rome and Life Support*
- Continuation of the *Real Men Cook Program*, which enabled CSSD BARJ youth to assist in preparing dinner for BARJ youth and staff throughout the year.
- Co-hosted a "Spring Into Fun Day" at the Southwest Vocational Center location at 1215 South Capitol Street SW, Washington, DC. Participating stakeholder

agencies included the MPD; however, the event was eclipsed by a presentation from Joshua Morgan, current Wide Receiver for the Washington Redskins.

- Facilitated a tour of several Historically Black Colleges and Universities (HBCU), which ran over the course of three (3) days and two (2) nights, during Spring Break. The tours included several CSSD staff and approximately 30 youth. The tours included Morgan State University; Coppin State University; Hampton University; Norfolk State University and Virginia Union University.
- Coordinated *Fourth Annual Back to School Drive* at the Southeast (SE) BARJ Drop-In Center, and hosted the sixth (6<sup>th</sup>) *Annual Costume Halloween Party*, where all staff members dressed in costumes and participated in a holiday gathering with CSSD youth.
- Adopted several blocks along the Martin Luther King Jr., Avenue, for which CSSD youth completed hundreds of hours of community service by cleaning weekly.

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

Region II Pre- and Post-Disposition Supervision (Region II) entails four office/units: Northwest Satellite Office (NWSO); Status Offender/Juvenile Behavioral Diversion Program; Northeast Satellite Office/Balanced and Restorative Justice Drop-In Center (NESO/BARJ); and the adolescent female unit: *Leaders of Today In Solidarity (LOTS)* unit. Region II continued to experience success in virtually all areas of operation. Highlights from Region II's 2013 year include:

- Successful pre-trial and post-disposition supervision for roughly 750 youth, of which an average 35% are status offenders, actively under CSSD supervision.
- Co-Chaired the Juvenile Behavioral Diversion Program (JBDP) Suitability Committee, and participated in the Commercially Sexually Exploited Children (CSEC) committee monthly meetings.
- Attended various Police Service Area (PSA), Area Neighborhood Commission (ANC) and other community based public safety meetings. Staff also made a series of presentations during these meetings, and interacted with the community ensuring information germane to the goals, objectives and duties of the CSSD regarding youth and families were conveyed.

- Supervised CSSD youth participating in a weekend long Community Service initiative hosted by *Cease Fire - Don't Smoke the Brothers and Sisters*, a local crime prevention organization dedicated to enabling Ex-Offenders/Returning Citizens restore communities harmed by crime.
- Participated in the monthly Citywide Child Fatality Committee charged with investigating and uncovering the causes of child fatalities in the city.
- Continued operating the “Red Door” closet providing a supply of new and gently used clothing and other items, to the Division’s female adolescent population as needed. Donations of casual wear, formal wear, coats, shoes, baby supplies, and toiletries are received from employees Court wide. Significantly, the young ladies under supervision in this unit earn community service hours organizing the donations and keeping the closet neat.
- Establishment of a “Book Shelf” which serves to provide CSSD youth with a variety of novels. These donated items help encourage reading and can assist the young ladies with school assignments.
- Coordinated participation of many youth in Job Readiness workshop facilitated by CSSD staff. Youth were exposed to resume writing and application completion, interviewing preparation and how to dress and present during interviews. The workshop also included an overview of work ethic and conduct.
- Held banking seminars during which a representative from PNC Bank informed the youth and interested parents about financial planning and account management.
- Sponsored a Mother’s Day Brunch for CSSD youth and their mothers (grandmothers and aunts). Escorted youth to a screening and discussion on *“Prince Among Slaves.”*
- Hosted a Mock Court, facilitated by OAG, for designated youth working under the City’s Summer Youth Employment Program (SYEP).
- Created holiday bags for youth, following a *Tree Trimming* and *Sock Stuffing* activity.
- Hosted a back to school drive to secure supplies for youth. CSSD staff also collected a small scholarship in the amount of \$100 dollars presented to a youth enrolling in Delaware State University.
- Implemented monthly workshops for the youth and their parents on various topics. These included guest speakers including Mr. Anthony “Jo Jo” Hunter, former local and NBA D.C. Basketball great.

- Collaborated with Cardozo Senior High School to facilitate an *Attendance Blitz*.
- Escorted CSSD youth and also participated in the Strong Bodies Strong Minds Initiative, which encompassed a week long sports health camp at Trinity Family Reunification Home.
- Conducted presentations across various local schools throughout the academic year regarding the PINS referral process and procedures.
- Ensured 90% of all Status Offender and Behavioral Health cases were connected a Core Service Agencies (CSA) for mental health services and interventions.

### **New Initiatives in Juvenile Delinquency**

#### **Attendance Accountability Amendment Act of 2013 (D.C. Law 20-17)**

Enacted on June 24, 2013, the Attendance Accountability Amendment Act amends D.C. Code §38-251 to require that within 2 business days of a minor student's 10<sup>th</sup> unexcused absence, the school shall send the student's parent notice that the student may be in violation of the school attendance requirements and may be subject to prosecution. It requires a school to notify MPD and the Office of the State Superintendent of Education, within 2 business days after a minor student's 10<sup>th</sup> unexcused absence, those entities are then required to provide the parent with the truancy prevention resource guide and refer a student age 5-13 to CFSA. The Act also directs that, beginning the 2013-2014 school year, a school shall, within 2 business days after the accrual of 15 unexcused absences, refer students age 14-17 to Court Social Services and to OAG, Juvenile Section. Within 3 business days of OAG's receipt of the referral, OAG is required to send the parent notice that he or she may be subject to prosecution for violation of the school attendance requirements. OAG is required to report to the Mayor and Council regarding truancy referrals, cases filed, and students enrolled in a diversion program. The Office of the State Superintendent of Education is then required to submit

findings and recommendations to eliminate out-of-school suspension and expulsions, except for students posing a reasonable threat of harm.

### **Juvenile Behavioral Diversion Program**

The Juvenile Behavioral Diversion Program (JBDP) was established as a problem solving program in January 2011. The program is an intensive non-sanction based program designed to link juveniles and status offenders to, and engage them in, appropriate mental health services and supports in the community. The goal is to reduce behavioral symptoms that result in contact with the court and to improve the juvenile's functioning in the home, school, and community. Program participants must be under 18 years of age and they must have been diagnosed with an Axis I mental health disorder or be at significant risk of receiving such a diagnosis. Participants may also have an Axis II developmental disability, however, an Axis II diagnosis alone does not qualify for program participation. In addition to having a qualifying mental health diagnosis, respondents also have to meet certain eligibility criteria related to their criminal history. Once eligibility is determined, respondents are reviewed by a suitability committee who take factors such as amenability to treatment and community support into account. The respondent's participation in the program will generally be for a period of four to six months, but not longer than 12 months. The judge may shorten or lengthen the period, depending on the compliance and engagement of the respondent with services and supports. In 2013, the JBDP Suitability Committee reviewed 76 cases. Fifty-nine or 78% of reviewed youth were accepted by the Suitability Committee and 42 (71%) of the youth accepted by the Committee were enrolled in JBDP. Of the 42 enrolled, 52% were female and 48% were male. As of December 2013, 23 youth referred and enrolled in the

program left. Fourteen (61%) successfully completed the program and nine (39%) were terminated (due to re-arrests or other criteria for dismissal). The remaining 19 youth are actively enrolled in the program.

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

This year there were 2,407 child support and paternity actions filed in the Family Court, and 39 cases that were reopened. In cases seeking to establish or modify child support, D.C. Code §46-206 requires the court to schedule hearings within 45 days from the date of filing. Federal regulations mandate that orders to establish support be completed in 75% of the cases within 6 months of the date of service of process and 90% of the cases within 12 months of the date of service (see 45 CFR §303.101). 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 in 2013 indicate that the Court performed well in meeting these standards: 89% of cases were disposed or otherwise resolved within 6 months (180 days) of service of process, and 100% were disposed or otherwise resolved within 12 months (365 days) of service of process. Going forward, the court will continue to monitor compliance with these mandated timeframes and performance measures as it continues to collaborate and share information with the Child Support Services Division of the OAG, the city's designated IV-D agency.

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

In 2013, the Family Court continued to refine its Fathering Court program. The Fathering Court program is a voluntary, court-supervised, comprehensive support

services program for prisoners returning to the District of Columbia who also have active child support orders.

The goal of the Fathering Court is to strengthen D.C. families by providing non-custodial parents with individualized, community support services, employment training and counseling, parenting training and interventions focused on empowering the participating parent to reconnect with minor children, to co-parent and to provide financial support concurrent with or exceeding the court-ordered child support obligation.

The Judge presiding over the Fathering Court schedules regular hearings to review the participants' progress and compliance with supervised release 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' court staff.

After one year, successful program participants are expected to have met all the conditions of their supervised release, acquired employment, substantively reconnected with their minor children and met all of their current financial child support obligations.

Program highlights for 2013 include:

- On January 25, 2013, the Fathering Court conducted its fifth Fathering Court graduation. Ten successful participants were publicly honored for having completed one full year of employment, staying current on their child support obligations and establishing meaningful participation in their minor children's lives.
- On July 28, 2013, the Fathering Court hosted its third annual "Family Day in the Park" for program participants, their minor children and families at Washington Nationals Stadium. Program participants were provided free tickets to a Washington Nationals home game through a generous donation from its program partner, the OAG's Child Support Services Division.

## **DOMESTIC RELATIONS AND CUSTODY CASES**

The Domestic Relations Branch has responsibility for all cases involving divorce, legal separation, annulments, child custody and adoptions. In 2013, 4,318 domestic relations cases were filed in Family Court and 55 cases were reopened.

In 2008, 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:

- 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 which are 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 which are disputed cases expected to require less than a week for trial – 75% within 6 months and 98% with 9 months.

In 2013, 90% of contested custody II cases reached disposition within 6 months and 98% with 9 months. In 2013, both the six and nine month compliance rates were slightly lower than in 2012 (92% and 99%, respectively). The median time to disposition was 92 days. The median was slightly higher than in 2012 (90 days) but significantly lower than in previous years, 169 days in 2009, 111 days in 2010 and 107 days in 2011. Similarly, 93% of contested divorce II cases reached disposition in 6 months (180 days) and 99% within 9 months (270 days). In both instances, the compliance rate met or exceeded the established case processing goal. The median time to disposition was 113 days, a 22% increase from 2012 (93 days).

Compliance with case processing goals in uncontested cases continued to improve in 2013. For the first time since reporting began, all uncontested divorce cases

were resolved within the time standards. Sixty-six percent of uncontested divorce cases reached disposition within 30 days, 88% within 45 days, and 97% within 60 days. The median number of days to dispose of a case in 2013 was 32 days, compared to 38 days in 2012, 43 days in 2011, and 46 days in 2010. On the other hand, forty-six percent of uncontested custody cases reached disposition within 30 days, 50% within 45 days, and 66% within 60 days. The median days to reach disposition was 60 days. For uncontested custody cases, the performance did not meet established standards. In late 2013, the court began an analysis of uncontested custody cases. Preliminary findings indicate that many of these cases were, in fact, third party custody cases and often both parents had not consented to the custody arrangement. In 2014, the court will continue to review and monitor compliance with time to disposition standards for uncontested custody cases to improve performance in these case types. In addition, the court is working to properly identify uncontested custody matters, to differentiate them from contested 3<sup>rd</sup> party filings.

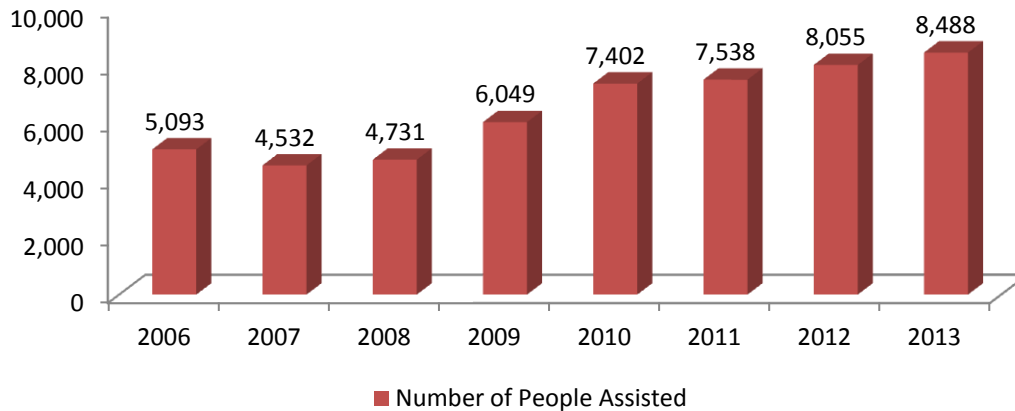
### **THE FAMILY COURT SELF HELP CENTER**

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 allowing 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 2013:

- In August 2013, the SHC achieved another milestone when they served their 50,000<sup>th</sup> customer. Continuing a steady increase, the SHC served over 8,400 persons in 2013. The 8,488 people served in 2013 was a 5% increase over the number of clients served in 2012 (8,055). On average, the Center served 707 individuals per month in 2013 compared to 671 individuals per month in 2012, 628 individuals per month in 2011, 617 individuals per month in 2010, and 504 individuals served per month in 2009.
- As has been the case since 2006, a large majority of the parties seeking help from the SHC had issues related to custody (52%), visitation (25%), child support (24%) or divorce (23%).
- Nearly ninety percent of the parties visiting the Center sought general information; 67% needed assistance with the completion of forms; 8% came in seeking a referral; and 3% sought assistance with trial preparation.
- As in 2011 and 2012, ninety percent of the parties served indicated that their primary language was English; Seven percent (7%) identified themselves as primarily Spanish speakers and 3% had another primary language.
- Among parties providing data on income, 52% of those assisted reported monthly incomes of \$1,000 or less; 20% had a monthly income between \$1,001 and \$2,000; and 14% had monthly incomes between \$2,001 and \$4,000. Fourteen percent reported monthly incomes above \$4,000.
- In May 2013, the Research and Development Division completed a continuing review of customer satisfaction with the SHC. The survey was conducted in April 2010, May 2011, April 2012 and April 2013. Data from the survey indicated satisfaction levels of 98% or higher for each reporting period for the following questions: staff at the SHC treated me with courtesy and respect; service received from the SHC was excellent; after visiting the SHC, I understand my legal situation better; if I needed help in the future, I would return to SHC; and I would recommend SHC to a friend. The only question receiving less than a 98% satisfaction rating was: I did not have to wait a long time to be assisted – a direct correlation to their increased volume. In February 2013, to address the issue of lengthy waiting times the SHC extended its hours. The Center is now open from 8:00 am to 5:30 pm.

**Figure 34. Self-Help Center**



### **Family Court Self Help Center Computer Room**

On December 16, 2013, the SHC opened a computer room for the use of self represented individuals in their Family Court cases. Users of the room can:

- Look at selected websites to try to find the address for a party in their case.
- Read legal information concerning Family matters such as custody, child support, divorce, alimony, and annulment.
- Complete court forms such as complaints, motions, answers and oppositions.
- Determine the appropriate amount of child support to be paid by using the Office's child support calculator.
- Access information that will assist them in finding the right place to file their child custody or child support case.
- Help litigants find a representative in their family law case, using [lawhelp.org/DC](http://lawhelp.org/DC).

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

#### Judicial Adjudication of Parentage Amendment Act of 2012 (D.C. Law 19-233)

The Judicial Adjudication of Parentage Amendment Act, effective March 19, 2013, allows the court to issue an adoption or parentage judgment on the basis that the child was born in District and addresses the failure of some states to recognize parental rights

of same-sex couples under DC law. It amends D.C. Code §16-301(b) to give the court jurisdiction over an adoption of a child born in the District of Columbia, regardless of the residence of the petitioner.

The law applies retroactively to all children born on or after 7/18/09 (the effective date of the Domestic Partnership Judicial Determination of Parentage Amendment Act of 2009). It allows the court to adjudicate parentage of a child born in the District of Columbia since 7/18/09 where the parents reside outside the District if: both parents have a legal relationship with the child under D.C. Code §16-909 through a presumption of parentage or consent to artificial insemination; and both parents submit to the jurisdiction of the District by consent in a record, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction. It further clarifies that the Uniform Child-Custody Jurisdiction and Enforcement Act does not govern adoption proceedings pursuant to D.C. Code §16-301, or adjudications of parentage under D.C. Code 16-909 (b-2).

JaParker Deoni Jones Birth Certificate Equality Amendment Act of 2013 (D.C. Law 20-37)

The JaParker Deoni Jones Birth Certificate Equality Amendment Act of 2013, enacted August 6, 2013 amends the Vital Records Act of 1981 to require the registrar to issue a new certificate of birth designating a new gender for any individual who provides a written request and a signed statement from a licensed healthcare provider that the individual has undergone a gender transition. It also requires that an original certificate of birth be sealed when a new certificate of birth is issued. The amended law repeals D.C. Code § 16-2502 removing the publication notification requirement for a name change,

and amends D.C. Code § 16-2503 to authorize the D.C. Superior Court to issue decrees of gender or name change in specific circumstances.

Marriage Officiant Amendment Act of 2013 (D.C. law 20-36)

The Marriage Officiant Amendment Act of 2013 was enacted on August 6, 2013 and became effective on November 5, 2013. The Act continues D.C.'s expansion of marriage equality by amending D.C. Code § 46-406 to grant a host of different parties the right to perform marriages, including: a civil celebrant, a temporary officiant, members of the Council, the Mayor, and the parties to the marriage.

CONCLUSION

Since passage of the Family Court Act, the Family Court of the D.C. Superior Court has improved significantly in the services and resources provided to the families that come before it. These improvements have occurred across the Family Court including: better trained and more knowledgeable judicial and non-judicial staff, increased use of alternative dispute resolution, enhanced diversion programs for juveniles, development of educational materials for parents, creation of programs to reconnect fathers with their families, implementation and tracking of case processing standards, and improved cooperation and collaboration with our partners in the child welfare and juvenile justice systems.

In 2013, the Court continued its focus on older youth in the child welfare system through its *Preparing Youth for Adulthood* initiative. This initiative along with several other initiatives by CFSA including the establishment of the Office of Youth Empowerment is designed to increase the array of services available to older youth while at the same time reducing the number of youth with a goal of APPLA and the number of

youth aging out of foster care. The impact of the increased focus has already shown excellent results. In 2013, fewer than 400 youth had a goal of APPLA down from the more than 800 youth with this goal when the PYA initiative was created. To further address this issue, the court continues to participate in the Permanency Forums developed by CFSA to gain greater insights into the challenges impacting permanency for older youth.

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. In 2014, 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 2013. CFSA has continued to show improvement in many areas but some of the same challenges that existed in 2012 still 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 2013, 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.

