

# Family Court 2010 Annual Report

## Superior Court of the District of Columbia



Honorable Lee F. Satterfield

Chief Judge  
March 31, 2011

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## **EXECUTIVE SUMMARY**

Since the enactment of the District of Columbia Family Court Act of 2001, Pub.L. 107-114 (D.C. Official Code, 2001 Ed. § 11-1101 *et seq.*), the Family Court continues to make significant strides toward achieving the goals set forth in its Family Court Transition Plan submitted to the President and Congress on April 5, 2002. Each measure taken is aimed at improving services for children and families in Family Court. The following summarizes some of the measures taken by the Family Court in 2010 in its continued efforts to achieve each goal.

- **Make child safety and prompt permanency the primary considerations in decisions involving children.**
  - Continued monitoring compliance with the Adoption and Safe Families Act (ASFA)<sup>1</sup> and the performance measures in the *Toolkit for Court Performance Measures in Child Abuse and Neglect Cases*.
  - Collaborated with the District of Columbia Child and Family Services Agency (CFSA) on the Permanency Forums and subsequent workgroups. The goals of both groups included an examination of policies, practices, and barriers related to permanency goal setting in abuse and neglect cases.
  - Created the Safe and Sound In Home Judicial project which is a collaborative effort between the Family Court, CFSA, the Office of the Attorney General for the District of Columbia (OAG), and other District child welfare stakeholders. The purpose of *Safe and Sound* is two-fold. The first is to reduce the number of child welfare cases that convert from in-home (community) cases to court-involved cases. The second is to utilize qualitative data gathered from the cases at entry and exit from the program to assist CFSA in learning more about the barriers to successful closure of in-home cases, enabling the agency to develop best practices in working with this vulnerable population.
- **Provide early intervention and diversion opportunities for juveniles charged with offenses to enhance rehabilitation and promote public safety.**
  - Improved release/detention decision making and recommendations in dual jacketed cases by working collaboratively with the Child and Family Services Agency to attain outcome information on abuse and neglect investigations.
  - Began planning and design of the third Balanced and Restorative Justice Drop-In Center (BARJ) for juvenile offenders in Southwest D.C. The BARJ provides innovative, non-traditional juvenile rehabilitation programming and has facilities for pro-social activities.

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

- Collaborated with Sasha Bruce Youthworks and the Department of Human Services' Parent and Adolescent Support Services (PASS) to expand the number of services and resources for status offenders.
- **Assign and retain well-trained and highly motivated judicial officers.**
  - Conducted the ninth annual interdisciplinary cross training conference entitled "Child Sexual Abuse and Exploitation: Educating, Empowering and Transforming Lives." The conference provided an overview of the current knowledge about child sexual abuse. Participants received information on topics such as dealing with allegations of sexual abuse in a domestic relations case; victim's rights in the Family Court and overlap with the adult system; law enforcement response to online sexual exploitation of children and youth; how to meet the need for a compassionate, comprehensive and coordinated response to child abuse in the District of Columbia; sexual abuse from the medical perspective; legal consequence of sexual abuse allegations; child witnesses; and best practices in treatment options for sexual abuse.
  - Implemented a quarterly training program for four judicial officers new to the Family Court and four non Family Court judicial officers who expressed interest in serving in the Family Court in the future.
  - Continued to promote the participation of Family Court judicial officers in national training programs on issues relating to children and families. Such programs have included courses sponsored by the National Council of Juvenile and Family Court Judges (NCJFCJ); the National Judicial College; the American Bar Association's National Conference on Children and the Law; and the National Center on Substance Abuse and Child Welfare.
- **Promote Alternative Dispute Resolution.**
  - Continued operation of the highly successful Child Protection Mediation Program.
  - Piloted an Attorney Negotiator Program to assist unrepresented litigants in domestic relations cases, in cooperation with the Family Law Section of the DC Bar.
  - Provided ongoing training for Multi Door's existing corps of mediators in both the Child Protection and Family Mediation programs, as part of ensuring a continued high level of proficiency and skills maintenance.
- **Use technology effectively to track cases of children and families.**
  - Implemented electronic case initiation system for abuse and neglect cases developed in partnership with the CFSA.
  - Implemented program designed to perform an automated clean up and assignment of unique family identification numbers (FID), relying on

previously defined business processes to further support the One Family One Judge case management model.

- Continued development of court-wide performance measures --which include clearance rates, trial date certainty, time to disposition, age of pending caseload, and post disposition case activity – which will assist the Family Court in assessing how well it is meeting its obligations under the Act to measure compliance with established timelines for case processing and permanency in abuse and neglect cases at both the local and national level.
- **Encourage and promote collaboration with the community and community organizations.**
  - Continued to meet regularly with stakeholders and participated on numerous committees of organizations serving children and families, including the Child Welfare Leadership Team (CWLTL) and the Juvenile Detention Alternative Initiative (JDAI).
  - Expanded relationship with CASA of DC to provide services for youth involved in both the abuse and neglect system and the juvenile system.
  - Participated in town hall meetings with community leaders and members representing each ward of the city. The purpose of the meetings was to provide the community leaders and members with an opportunity to meet members of the judiciary and to allow community members to identify and ask questions about issues in their community that could be addressed by the court.
- **Provide a family friendly environment by ensuring materials and services are understandable and accessible.**
  - Completed development of 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.

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

## INTRODUCTION

The District of Columbia Family Court Act of 2001, Pub.L. 107-114 (D.C. Official Code, 2001 Ed. § 11-1101 *et seq.*, hereinafter the “Family Court Act” or “Act”) requires that the Chief Judge of the Superior Court submit to the President and Congress an annual report on the activities of the Family Court. The report, summarizing activities of the Family Court during 2010, must include the following:

- (1) The Chief Judge’s assessment of the productivity and success of the use of alternative dispute resolution (see pages 35-40).
- (2) Goals and timetables as required by the Adoption and Safe Families Act of 1997 to improve the Family Court’s performance (see pages 49-59).
- (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 40-46).
- (4) Information on the progress made in establishing locations and appropriate space for the Family Court (see pages 28-32).
- (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, 2008; (b) how long each such judge has served on the Family Court; (c) the number of cases retained outside the Family Court; (d) the number of reassignments to and from the Family Court; and (e) the ability to recruit qualified sitting judges to serve on the Family Court (see pages 3-19).
- (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 85-118).
- (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 2010.

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, 2011, the Family Court consisted of 14 associate judges, 16 magistrate judges, and the Honorable Nan Shuker, a senior judge who has extensive experience in the Family Court.

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

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

<u>Associate Judges</u>	<u>Commencement Date</u>		<u>Service Requirement</u>
<b>Judge Bush</b>	January	2005	3 years
<b>Judge McKenna</b>	January	2006	5 years
<b>Judge Broderick</b>	January	2007	3 years
<b>Judge Mitchell-Rankin</b>	January	2008	3 years
Judge Dalton	August	2008	5 years
Judge Puig-Lugo	January	2009	3 years
Judge Bayly	January	2010	3 years



Judge Kravitz	January	2010	3 years
Judge Ross	January	2010	3 years
Judge Clark	January	2010	5 years
Judge Smith	August	2010	5 years
Judge Lee	January	2011	5 years
Judge Irving	January	2011	5 years
Judge Raffinan	January	2011	5 years

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

<u>Magistrate Judges</u>	<u>Commencement Date</u>	
Magistrate Judge Nooter	January	2001
Magistrate Judge Gray	April	2002
Magistrate Judge Johnson	April	2002
Magistrate Judge Breslow	October	2002
Magistrate Judge Fentress	October	2002
Magistrate Judge Goldfrank	October	2002
Magistrate Judge Brenneman	January	2004
Magistrate Judge Albert	January	2006
Magistrate Judge Parker	January	2006
Magistrate Judge Rook	October	2006
Magistrate Judge Melendez	January	2008
Magistrate Judge Doyle	January	2009
Magistrate Judge Epps	January	2011
Magistrate Judge Harnett	January	2011
Magistrate Judge Arthur	January	2011
Magistrate Judge Nolan	January	2011

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

The Chief Judge of the Superior Court of the District of Columbia made judicial assignments for calendar year 2011 in November 2010. Those assignments, which encompassed changes in Family Court judicial staff, became effective on January 1, 2011. As part of the reassignment, three associate judges (Judges Jackson, Ryan, and Cordero) left the Family Court. All three were assigned to other divisions in the Superior Court after serving longer terms than statutorily mandated by the Act.

Judges Irving, Lee, Smith, and Raffinan replaced the outgoing associate judges. All newly assigned judicial officers meet the educational and training standards required for service in the Family Court. In addition, a pre-service training for newly assigned judicial officers was held in December 2010.

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

**Alfred S. Irving, Jr.**

Alfred S. Irving, Jr. was sworn in as an associate judge on December 3, 2008. He was previously a magistrate judge with the Court.

Judge Irving was born in Charlottesville, Virginia. He received his Bachelor of Arts degree in History from Wake Forest University in 1981. He received his juris doctor degree in 1987 from Georgetown University Law Center. He was a member of *The Tax Lawyer*, one of the four law reviews at Georgetown.

After law school Judge Irving worked as an associate with the firms LeBoeuf, Lamb, Greene, & MacRae (previously LeBoeuf, Lamb, Leiby & MacRae), and later at the now-defunct Newman & Holtzinger, where he focused his practice in the area of electric utility ratemaking, representing clients primarily before the Federal Energy Regulatory Commission. While at Newman & Holtzinger, as part of his active participation in the firm's *pro bono* program, Judge Irving enjoyed his first experience with the Family Division of the Superior Court of the District of Columbia, successfully litigating a child custody case. After gaining significant experience in private practice, Judge Irving served the District of Columbia as a legal consultant to the General Counsel of the District of Columbia Armory Board, where he was responsible for daily

administration of legal matters, including providing advice on questions of law, policy, and legislation.

Judge Irving began his service with the federal government as a trial attorney with the United States Department of Justice in 1993. Starting at the Commercial Litigation Branch of the Civil Division, he served as a trial attorney, defending the United States in complex government contract matters before the U.S. Court of Federal Claims, the U.S. Court of Appeals for the Federal Circuit, and the U.S. Department of Transportation Board of Contract Appeals. He also served as a trial attorney in the Asset Forfeiture and Money Laundering Section of the Criminal Division. In addition, Judge Irving served with the Environmental Enforcement Section of the Environment and Natural Resources Division, where he prosecuted civil enforcement actions in the United States District Courts against corporations and individuals for violations of federal environmental laws.

Judge Irving participated in the D.C. Bar's Pro Bono Program providing legal services to individuals through the Bar's Advice & Referral Clinic held at Bread for the City in the Shaw and Anacostia neighborhoods.

Judge Irving participated in 2010 in the quarterly Family Court Act training, which encompassed: early childhood development, permanency planning principles and practices, recognizing the risk factors for child abuse, how to talk to children and the child as a witness, and the disproportionate representation of minorities in family court. In addition, Judge Irving attended the 2010 annual conference of the National Council of Juvenile and Family Court Judges (NCJFCJ).

**Milton C. Lee, Jr.**

Milton C. Lee was sworn in as an associate judge of the Superior Court of the District of Columbia on July 13, 2010.

Judge Lee is a native of the District of Columbia. He received his Bachelor of Arts from the American University School of Justice in 1982. He obtained his Juris Doctor from the Catholic University of America's Columbus School of Law. Following law school, Judge Lee joined the District of Columbia Public Defender Service as a staff attorney. There he served as a trial attorney, representing indigent persons in the Family, Misdemeanor, and Felony Divisions of the Superior Court. He also argued a number of appellate cases before the District of Columbia Court of Appeals.

Judge Lee took leave from the Public Defender Service and taught as a Visiting Associate Professor of Law at Georgetown University Law Center in the Criminal Justice Clinic. He also served as a supervisor in the E. Barrett Prettyman Program. He returned briefly to the Public Defender Service as Deputy Trial Chief where he had oversight of the daily operations of the trial division. In 1993 Judge Lee joined the faculty at the former District of Columbia School of Law, where he supervised students in the Juvenile Law Clinic. In 1995, he published an article analyzing the recent amendments to the Court's juvenile detention statute. Judge Lee continued his focus in the classroom, teaching Evidence, Criminal Law and Procedure, Advanced Criminal Procedure, Trial Advocacy, and Wills and Estates. In 1995 he received the honor of "Professor of the Year" from the student body. In 2004 he received the same award for his service as a member of the adjunct faculty.

Judge Lee joined the Court as a Magistrate Judge in November 1998. Since his appointment, Judge Lee has served in Criminal and Civil Divisions of the court as well as in the Family Court. He served as the presiding magistrate judge from 2006 until he was sworn in as an associate judge. Judge Lee has remained active in both the legal and academic communities. He continues to serve the law school community as an adjunct faculty member. Judge Lee and the members of the Juvenile Law Clinic published a manual for practitioners in the area of special education advocacy. Judge Lee later authored an article entitled “Criminal Discovery: What Truth Do We Seek?” supporting greater discovery in criminal cases.

After serving on the Superior Court Task Force for Families and Violence, Judge Lee assisted in the development of the Teen Court Diversion Program. In addition, Judge Lee has been a consistent contributor to the Criminal Practice Institute, Neglect Practice Institute as well as many other local bar programs. He also taught in the Harvard Trial Advocacy Program for several years.

Recently, Judge Lee has spearheaded the development of the Superior Court’s Fathering Court. The initiative represents a partnership between the Court, several governmental agencies and the private sector directed toward creating opportunities for noncustodial parents to become meaningful contributors to the development of their children. The initiative has worked with many reentry parents by providing employment, educational training, parenting training and support groups as well as wrap around services for the entire family. The Fathering Court Initiative has garnered national recognition for its innovative problem-solving approach to reunited families.

## **Judith Smith**

Judith Smith was sworn in as an associate judge of the Superior Court of the District of Columbia on July 13, 2010.

Judge Smith was born in Columbus, Ohio and raised in Grove City, Ohio. She received her Bachelor of Science in Accounting, with High Distinction, from The Pennsylvania State University in 1985. Upon graduation, Judge Smith worked at Price Waterhouse. She later obtained her Certified Public Accountant license from the State of Ohio in 1988 and became Comptroller of Clarke & Company, a Boston-based advertising and public relations agency.

In 1989, Judge Smith attended the Georgetown University Law Center and received her Juris Doctor in 1992. During law school, she interned at The Legal Aid Society for the District of Columbia, the National Criminal Justice Association, Bricker and Eckler in Columbus, Ohio, and at the Public Defender Service for the District of Columbia. Upon graduation from law school, Judge Smith clerked for the Honorable A. Franklin Burgess, Jr., Associate Judge, of the D.C. Superior Court. Following her clerkship, Judge Smith opened her own law practice in 1993, where she represented juveniles and adults in delinquency and criminal matters in D.C. Superior Court. She also successfully litigated several administrative matters as a *pro bono* attorney for the Washington Legal Clinic for the Homeless. While in private practice, Judge Smith returned to Georgetown as an Adjunct Professor of the Street Law Corrections Clinic and also handled neglect and child support matters.

In 1994, Judge Smith worked for the Public Defender Service for the District of Columbia (PDS), as Staff Attorney in the Juvenile Services Program. She represented

juveniles in disciplinary matters in the detention centers, initially at the former Receiving Home for Children. In 1996, she became the first special education attorney at PDS, assisting in growing the program to more than five special education and civil legal services attorneys. In 2001, at the request of the Court, Judge Smith planned and presented a special education law conference focused exclusively on representing children and their families involved in the court system in special education administrative hearings. During her first tenure at PDS, Judge Smith represented more than 250 clients in special education and competency matters and was also active in assessing the adequacy of the education program at Oak Hill Youth Center as part of the ongoing class action, *Jerry M. vs. D.C.* She was also appointed by former Mayor Anthony Williams to the State Advisory Panel on Special Education.

Later in 2001, Judge Smith left PDS to become Executive Director - Mediation and Compliance and then Executive Director - Federal and Family Court Monitoring, in the Office of Special Education of the District of Columbia Public Schools (DCPS), working to assist the school system in complying with thousands of administrative hearing decisions and federal and family court orders on special education matters. After assisting DCPS in reaching a Consent Decree in the long-running federal court class action, *Blackman-Jones vs. D.C.*, Judge Smith left DCPS in 2007 to return to the Public Defender Service as Coordinator of its Juvenile Services Program, supervising attorneys and law clerks representing youth in aftercare revocation and disciplinary hearings at the city's two detention centers. Judge Smith participated in a number of the Family Court committees, including the Implementation Committee and subcommittees on Juvenile Justice, Training, and the Education Checklist, as well as being active in the Juvenile

Detention Alternatives Initiative (JDAI). Judge Smith was asked to chair a special project committee consisting of several leading local attorneys in D.C. to draft Attorney Practice Standards for the Court's Special Education Panel Attorneys and to provide ongoing Continuing Legal Education training in special education. She was also appointed to the Juvenile Justice Advisory Group by Mayor Adrian Fenty.

In 2008, Judge Smith joined the Office of the State Superintendent of Education (OSSE) in the General Counsel's office to spearhead the agency's legal compliance with a number of federal court orders in class action cases and directives from the U.S. Department of Education. Later that year, she was appointed magistrate judge by Chief Judge Rufus G. King, III where she presided over child abuse and neglect matters in the Family Court.

Judge Smith has participated as a Big Sister in the Big Brothers/Big Sisters program and has maintained a relationship for more than 17 years with her first DC Little Sister match.

### **Maribeth Raffinan**

Maribeth Raffinan was sworn in as an associate judge of the Superior Court of the District of Columbia on October 29, 2010.

Judge Raffinan was born in Cincinnati, Ohio and was raised in Cincinnati, Ohio and Clearwater, Florida. She graduated from Boston College in Chestnut Hill, Massachusetts in 1992. She graduated from The Columbus School of Law for the Catholic University of America in 1995. During her law school career, Judge Raffinan volunteered and interned with various legal agencies in the District of Columbia including the District of Columbia Bar, Family Representation Task Force, The District



of Columbia Office of Corporation Counsel, Intra-Family Offense Unit and the Superior Court for the District of Columbia.

From March 1996 to September 1999, Judge Raffinan worked with the Federal Public Defender Service for the District of Columbia. As a research and writing specialist, Judge Raffinan worked with both the trial division and the appellate division preparing cases for trial and assisting appellate attorneys with appellate briefs, petitions for certiorari and other research matters.

In addition, Judge Raffinan worked as a staff attorney with the Public Defender Service for the District of Columbia (PDS) for eleven years as well as worked as a supervising attorney since 2006 until her confirmation by the Senate in September of 2010. In those capacities, she represented indigent clients charged with criminal offenses and supervised junior attorneys in criminal trial matters in the Superior Court for the District of Columbia.

During her tenure at PDS, in addition to her trial responsibilities, Judge Raffinan also co-chaired the 2006 Deborah T. Creek Criminal Practice Institute, served on the Superior Court's Drug Court Committee, performed trainings for Criminal Justice Act panel attorneys, led trial practice groups and served as a rotating attorney with the Special Litigation Division.

Judge Raffinan also worked as an adjunct professor in the Spring Semester of 2006 at her alma mater, The Columbus School of Law for the Catholic University of America, where she taught a clinical seminar on Client Interviewing, Counseling and Negotiating and, prior to that, served as a teaching assistant at the law school with Federal Public Defender, Mr. Neil Jaffee, in a course on appellate advocacy. She was an

instructor for the AFL/CIO Coordinating Committee Litigation Skills Training in 2007 and 2009 and served on the DC Bar Committee on Criminal Law and Individual Rights in 2010 prior to her nomination.

Judge Raffinan is a member of the Asian Pacific American Bar Association (APABA) and the Philippine American Bar Association (PABA). As a member of APABA, she served on a panel discussing career options for law school students, served on the Government Attorney Forum Committee and participated in the Mentor/Mentee Program.

### **Andrea Harnett**

Andrea Harnett was appointed a magistrate judge to the Superior Court of the District of Columbia in January 1985 by the Honorable H. Carl Moultrie I.

Judge Harnett graduated from Northwestern University and from Columbia Law School, after being named a Harlan Fiske Scholar. As a very active law student, she participated in the Greenhaven Prison Legal Assistance Project, held a New York City Court clerkship with the Honorable Mary Johnson Lowe, and served as a student intern in the Official Corruption Unit of the United States Attorney's Office for the Southern District of New York.

Following law school, Judge Harnett worked as an Assistant United States Attorney, serving in this capacity until her appointment to the Superior Court. She rose to positions of increasing responsibility, including rotations through Superior Court Misdemeanor Trials, Grand Jury, Felony Trials, and Career Criminal Units, as well as the Appellate Division, and the United State District Court Criminal Trials and Special Proceedings Units, and finally as the first Chief of the Victim/Witness Assistance Unit.

As the Chief of this unit, she had the unique opportunity of acting as a liaison between community groups and the prosecutor's office.

As the representative of the United States Attorney, Judge Harnett also served on many Superior Court committees, including the Mental Health Rules committee, the Ugast Committee on Forensics Procedures, the Prisoner Movement Committee, the Victims of Violent Crime Compensation Act of 1981 Committee, and the Emergency Interpreter Program Committee.

While serving as a Magistrate Judge, Judge Harnett has worked in the Criminal, Family, and Civil Divisions, and the Domestic Violence Unit of the Superior Court. She helped implement the Domestic Violence Unit and developed an expertise in the civil and criminal responses to domestic violence. In 2004, she helped to organize the court's Domestic Violence Arraignment Court where defendants charged with misdemeanor domestic violence offenses are arraigned. While there, she presided over criminal arraignments and detention hearings in misdemeanor domestic violence cases. She has also presided over temporary protection order hearings, contested and uncontested civil protection order hearings, temporary custody and visitation cases and child support cases, where domestic violence was a factor. Prior to her assignment to the Domestic Violence Unit, Judge Harnett served several tours of duty in the Family Court. In that capacity, she presided over initial hearings in both juvenile and abuse and neglect cases; established paternity and child support; conducted uncontested domestic relations hearings; and presided over mental health commitments, reviews and discharges.

In addition to her work on the bench, Judge Harnett has conducted trainings for numerous groups, including defense attorneys and child support associations, on

domestic violence and child support. Judge Harnett has also participated in programs at the Gallaudet College Criminal Justice Clinic, American University College of Law, and the Georgetown University Street Law Project. She has spoken at local schools and at community meetings about crime, domestic violence and the court system.

As a magistrate judge, she participates in many court committees, including the Criminal Rules Committee, the Security Committee, and the city-wide Criminal Justice Coordinating Council Pre-Trial Systems Subcommittee. For years she was an active member of the Domestic Violence Implementation Committee.

### **Diana Harris Epps**

Diana Harris Epps was appointed a magistrate judge to the District of Columbia Superior Court in July 2003 by Chief Judge Rufus G. King, III.

Judge Harris-Epps' first assignment was to the Family Court in January 2004. She served as a magistrate judge in the Family Court overseeing child support matters until December 31, 2005, when she transferred to the Domestic Violence Unit. Upon her return to the Family Court in January 2007 she was reassigned to a child support calendar.

Prior to her appointment as a magistrate judge, she served as an attorney with the United States Attorney's Office for the District of Columbia for 12 years. In that capacity she prosecuted countless violent offenders. Prior to joining the United States Attorney's Office, Judge Harris-Epps worked for the Office of the Corporation Counsel in the Juvenile Section. While there, in addition to prosecuting some of the most violent juvenile offenders, she volunteered as a mentor-tutor to local high school students and

served on a city-wide multi-agency committee whose goal was to design and develop alternative community-based programs for the District's juvenile offenders.

Judge Harris-Epps received her B.A. degree from Cornell University and her J.D. from the Faculty of Law and Jurisprudence at the State University of New York at Buffalo.

### **Errol R. Arthur**

Errol R. Arthur was appointed a magistrate judge to the Superior Court by Chief Judge Lee F. Satterfield in August 2010.

Judge Arthur is a native of the District of Columbia. He graduated from St. John's College High School in 1990, and received his B.A. in English from the University of Maryland at College Park in 1994. After graduating from Maryland, Judge Arthur entered the Howard University School of Law. While at Howard Law, Judge Arthur was a student attorney in the Criminal Justice Clinic, and Editor In Chief of *The Barrister*, Howard Law's Newspaper.

After graduating from Howard Law in 1998, Judge Arthur obtained a clerkship with the Honorable Mary A. Gooden Terrell of the Superior Court of the District of Columbia. In that capacity, he worked on a variety of criminal law and child abuse and neglect issues. After completing his clerkship with Judge Terrell in 1999, Judge Arthur joined the Public Defender Service for the District of Columbia (PDS) as a staff attorney. While at PDS, he represented indigent clients in criminal, delinquency, and parole matters before the Court, United States Parole Commission, and the D.C. Department Youth Rehabilitation Services.

In 2002, Judge Arthur started his own law practice where he represented clients in the District of Columbia and in Maryland in criminal, delinquency, child abuse and neglect, and civil matters. Judge Arthur maintained his law practice until his appointment as a Magistrate Judge. In 2008, Mayor Adrian Fenty appointed Judge Arthur as the Chairman of the Board of Elections and Ethics for the District of Columbia where he provided oversight for the District's Board of Elections as well as the District's Office of Campaign Finance. Additionally, Judge Arthur, along with fellow board members assisted in the administration of the District's elections, the selection and implementation of the new voting equipment, and enforcement of the District's elections and campaign finance laws.

**Lloyd U. Nolan, Jr.**

Lloyd U. Nolan, Jr was appointed a magistrate judge to the Superior Court by Chief Judge Lee F. Satterfield in August 2010.

Judge Nolan was born and raised in Pittsfield, Massachusetts. He has lived in the D.C. metropolitan area for the last 15 years. He received his B.A. Degree in 1988 from American International College in Springfield, Massachusetts. After graduation, he worked the next six years in sales and marketing with both the Nabisco and Kraft General Foods companies.

In 1998, he received his Juris Doctorate from The George Washington University School of Law. While in law school Judge Nolan was a member of the Faculty Tenure and Promotions Committee, and participated in the D.C. Law Students in Court program representing indigent clients in a variety of legal matters. In addition, he received the

Shapiro Public Service Internship Award, the 1998 Patricia Roberts Harris Award, and the Black Law Students Associations student of the year award.

Upon graduating from law school, Judge Nolan obtained a judicial clerkship position with the Honorable Russell F. Canan of the Superior Court. In that capacity, he worked on a variety of domestic relations and drug court issues.

Judge Nolan then joined the Public Defender Service for the District of Columbia where he spent the past 11 years doing trial work on all levels from juvenile criminal matters through the most serious adult felony one criminal cases. While with the public defender service, Judge Nolan also did a rotation in the appellate division where he had an opportunity to argue cases before the District of Columbia Court of Appeals. Judge Nolan while at the Public Defender Service was a member of the hiring committee, the forensic practice group and a former chair of the Deborah T. Creek Criminal Practice Institute which provided training to local criminal practitioners.

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

Since its inception, the Family Court has successfully recruited qualified judges to serve on the Family Court. Although, successful in its recruitment efforts, the term requirement of five years for associate judges coming into the Family Court continues to present a challenge to recruitment efforts. All associate judges currently serving on the Family Court volunteered to serve on the Court. As the terms of associate judges currently assigned to the Family Court expire, the court anticipates that some may choose to extend their terms, as did some whose terms expired in 2010. Based on the terms of service required, four associate judges, including the presiding judge are eligible to transfer out of the Family Court in 2011. 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, the Family Court instituted a quarterly training of Superior Court judges in other divisions of the court on relevant Federal and District of Columbia laws governing Family Court cases. The training included five (5) judges from the Criminal, Civil and Domestic Violence divisions of the court and included instruction on the Adoptions and Safe Families Act, The DC 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 children as witnesses, and the disproportionate representation of minorities in family court. The training ensures that other judges in the Superior Court 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 2010. In December 2010, Judges Irving, Lee, Smith, and Raffinan participated in an extensive three-day training program updating them on current substantive family law practice and new procedures in Family Court. In addition, all Family Court judicial officers participated in a mandatory training in December 2010. Topics covered included: “Same Sex Marriages and Related Issues,” “New Family Court Calendars: Juvenile Behavioral Health Division program; Domestic relations and Juvenile Certifications; and Staggered Paternity and Support Calendar,” “Supreme Court Review and Preview,” “2010 District of Columbia Appellate Family Court Decisions-Analysis of Pertinent Decisions,” “Pending Legislation: How Would It Impact the Family Court,” and “Family Court Performance Measures and Compliance Monitoring.” In addition, the judges toured the Safe Shores Child Advocacy Center. Safe Shores is a non-profit, private-public partnership that provides a coordinated and child-friendly approach to the investigation and prosecution of civil and criminal child abuse cases in the District of Columbia. Safe Shores staff work with a multidisciplinary team of representatives from local and federal law enforcement, legal, social service, and mental health agencies at the Safe Shores facility to provide a warm and welcoming place where children and adolescents can feel safe and supported while waiting for forensic interviews, therapy, court appearances, or placement resolutions. Safe Shores' overall goal is to minimize and reduce trauma experienced by child and adolescent victims of sexual and physical abuse

in connection with the investigative and prosecutorial processes, including reducing the number of interviews a child needs to undergo regarding the same allegation of abuse.

Family Court judicial officers participated in trainings sponsored by organizations outside the Family Court such as: the 2010 Model Court All Sites Conference entitled *Model Courts: No Matter What Door* sponsored by the NCJFCJ; NCJFCJ's 37<sup>th</sup> Annual Conference on Juvenile Justice as well as its 73<sup>rd</sup> Annual Conference on Family Courts; the Child Abuse and Neglect Institute sponsored by the NCJFCJ; and the American Bar Association (ABA) Annual Conference. In addition to participating in education and training opportunities, a number of Family Court judges continued to provide their expertise on family court related matters as trainers, presenters or panelists in 2010.

The presiding judge continued to convene weekly lunch meetings for Family Court judicial officers to discuss issues involving family court cases and to hear from guests invited to speak about a variety of topics relating to the Family Court. In addition, Family Court judges, magistrate judges, and senior managers participated in the ninth annual Family Court Interdisciplinary Training program in October 2010 entitled "Child Sexual Abuse and Exploitation: Educating, Empowering and Transforming Lives." As a result of the training, participants came away with a clearer vision of how the courts, agencies, and its community partners can work collaboratively with the families we serve and with each other in a collective effort to eradicate child sexual abuse and exploitation. A total of 390 participants including judges, court staff, social workers, attorneys, foster parents, non-profit organizations and other community stakeholders were in attendance at the all day conference and received information on

topics such as the sexualization of children by the media, the rapid growth of ICT (information and communication technologies) crimes against children, how one organization is empowering young women who have experienced commercial sexual exploitation to exit the commercial sex industry and develop to their full potential, strategies to address sexual abuse from the medical perspective and the legal perspective, impact and treatment for young sexual abuse victims, the use of child witnesses, and strategies for meeting the need for a compassionate, comprehensive, and coordinated response to child abuse in the District of Columbia. An overwhelming majority of conference attendees rated the conference as good or excellent and indicated that the conference met or exceeded their expectations.

Prior interdisciplinary conferences, which also attracted a variety of community stakeholders, have focused on juvenile justice, systems of care, education, mental health, substance abuse, and adolescent females in the Family Court. Although the interdisciplinary trainings are an annual event, many of the issues addressed are recurring themes that continue to be addressed in subsequent years. For example, the 2007 training that focused on the disproportionate representation of minorities in the child welfare and juvenile justice systems continued to be a focal point for interdisciplinary collaboration in 2010. The D.C. Model Court Collaborative on the Disproportionate Representation of Minorities continues to meet quarterly to review the “SMART Goals” (Specific, Measurable, Attainable, Realistic and Timely) of its stakeholders, the Court, Office of the Attorney General, Metropolitan Police Department, Public Defender Service, Department of Youth Rehabilitation Services, Child and Family Services Agency, and Court Social Services. A retreat for 100 mid level managers and supervisors from the Court, CFSA,

and other stakeholder agencies was held in May 2010. Training for judicial officers new to the Family Court and judicial officers interested in serving in the Family Court in the future was held in November 2010. Similarly, the 2008 training, “Involving and Empowering Our Families”, which addressed the benefits of having family members involved in the court process as well as highlights of best practices for courts and agencies working together to collaboratively serve families in the District of Columbia, continues to be addressed at monthly meetings of the Family Court Juvenile Subcommittee. Through the subcommittee, the agency stakeholders and family representatives have undertaken to prepare handbooks and brochures to provide family members with information and resources on juvenile justice issues and facilities. Preliminary plans are already underway for the 2011 Family Court Interdisciplinary Training scheduled to be held in October 2011. The expectation is that the topic will be finalized in the spring of 2011.

In addition to the annual training, the Training and Education Subcommittee has established a training series on topics related to the Family Court for judicial officers and all stakeholders in the child welfare system. Each seminar, held on Wednesday afternoon, was well attended with more than 50 participants from all sectors relating to family law practice. The 2010 seminars included the following:

- *Functional Family Therapy*. Presented by Yvonne Doerre, Evidence Based Associates, January 20.
- *Licensing Of Foster Homes and Adoptive Homes*. Presented by James Toscano, Esq., General Counsel, Child & Family Services Agency, Paul Kratchman, Esq., Asst. General Counsel, Child & Family Services Agency, and Rula Swann, Program Manager, Family Licensing Division, CFSA, February 17.
- *Evidence and Trial Advocacy*. Presented by Magistrate Judges John McCabe, Noel Johnson, and Mary G. Rook, March 17.

- *Advanced Guardian ad Litem Training*. Presented by the Children’s Law Center, April 12.
- *Services for Persons with Developmental Disabilities*. Presented by Magistrate Judge Diane M. Brenneman, Dana Pagan, Esq., AAG for Department on Disability Services (DDS), Neha Patel, Esq., AAG, Department on Disability Services - Office of the General Counsel, John Connelly, Esq., CCAN/CJA Attorney, Joseph Jose, CWLS, Esq., CCAN/CJA Attorney, April 21.
- *National Institute of Trial Advocacy (NITA) Trials Skills Training*. Presented by NITA staff and local faculty, May 6 and 7.
- *Residential Treatment Level of Care Process*. Presented by, Wendy Smeltzer, Department of Youth Rehabilitation Services (DYRS); Jose DeArteaga, DYRS; Laurie Ellington, Department of Mental Health; Anne Clements, Beacon Strategies; Bernadette Boozer-Madison, Ph.D., Health Services for Children with Special Needs (HSCSN); and Charita Pope, M.D., (HSCSN), May 19.
- *Domestic Violence Intake Center and Civil Protection Orders*. Presented by Janese Bechtol, Office of the Attorney General; Elisabeth Olds, WEAVE; and William Agosto, Director, Domestic Violence Unit, June 16.
- *Environmental Health Concerns for Children*. Presented by staff of the Children’s Law Center, July 6.
- *Residential Treatment*. Presented by speakers from CFSA, DYRS, DMH, and University Legal Services, July 28.
- *Representing Adoption Petitioners*. Presented by Judge Juliet McKenna, Wilma Brier, CCAN, and Rebecca Goldfrank, Children’s Law Center, November 3.
- *Off and Running*. A screening and discussion of the award winning documentary about adoption, November 17.

The Family Court continues to promote and encourage participation in cross-training and, in collaboration with others, conducts periodic seminars and workshops. The Counsel for Child Abuse and Neglect Branch (CCAN) of the Family Court, which oversees the assignment of attorneys in child welfare cases, conducts training for new child abuse and neglect attorneys, holds an annual two-day Neglect Practice Institute, and facilitates a brown bag lunch series on topics of importance in child abuse and

neglect practice. During 2010, CCAN sponsored nearly 30 brown-bag seminars. The series employs the skills of a number of stakeholders involved in the child welfare system and is designed to be interdisciplinary in nature. Topics covered included the following:

- *Meet the Court Psychiatrist and Other Department of Mental Health Staff.* Presented by Dr. Marc Dalton, Dr. Sonali Mahajan, and Marie Morilus-Black, Child and Youth Services Director, Department of Mental Health, January 20, 2010.
- *Basic Guardian Ad Litem Training.* Presented by Wilma Brier, Murphy Henry and Beverley Gibbs, February 17, 2010.
- *Implementing the Fostering Connections Law in DC.* Presented by Despina Belle-Isle, Family Court Attorney Advisor, and Loren Ganoe, CFSA Chief of Staff, February 24, 2010.
- *Child Custody and Neglect Cases.* Presented by Jenny Brody, Volunteer Lawyers Project, April 14, 2010.
- *Involving Parents in Administrative Reviews.* Presented by Benoy Thomas, CFSA, Sina Baktash, CFSA and Darlene Barber-Shirley, CFSA April 21, 2010.
- *An Introduction to the Revised Neglect Court Orders.* Presented by Family Court Attorney Advisor Despina Belle-Isle, April 28 and May 12, 2010.
- *New Developments in Family Treatment Court.* Presented by Magistrate Judge Pamela Gray, Family Court Presiding Judge William Jackson, and CCAN Attorney Bashiru Jimoh, May 5, 2010.
- *Understanding Criminal and Juvenile Cases in Maryland and Virginia.* Presented by Erin Josendale, Prince Georges County Public Defender Service; Brad Haywood, Alexandria Public Defender Service, and Alan Drew, Montgomery County Public Defender Service, May 19, 2010.
- *Special Education Overview.* Presented by Yael Cannon, American University Law School, and Laura Rinaldi, University of the District of Columbia Law School, May 26, 2010.
- *Representing Immigrant Foster Children.* Presented by Stacy Jones and Maureen Contreni, National Center for Refugee and Immigrant Children, June 16, 2010.

- *Trial Skills Training for CCAN Panel.* Presented by Children’s Law Center, June 18, 2010.
- *Jurisdictional Issues in Neglect Cases.* Presented by Ronald Colbert, Esq. and Avi Sickel, Esq., Self Help Center Branch Chief, June 23, 2010.
- *Safe Shores Child Advocacy Center Presentation & Facility Tour.* Presented by Diamond Van-Scott, staff member, July 21, 2010.
- *Consent to Psychotropic Medication for Foster Children under the G.K. Case.* Presented by Tanya Cooper, University of the District of Columbia Law Clinic, and Jonathan Krell, CCAN Panel, July 28, 2010.
- *Guardianship Basics and Legal Update.* Presented by Wilma Brier, CCAN, and Lise Adams, Children’s Law Center, August 5, 2010.
- *Solo Practice Management: Best Practices for Family Court Panel Attorneys.* Presented by Daniel Mills, D.C. Bar, and CCAN attorneys, September 22, 2010.
- *CCAN/Volunteer Lawyers Project on Understanding Substance Abuse.* Presented by Richard Davis, CFSA Substance Abuse Specialist, October 14, 2010.
- *Working with CASA Volunteers.* Presented by Liza Bush, CASA, Sean Staples, and Charles Feezor, December 1, 2010.
- *Internet Legal Research.* Presented by Laura Moorer, Esq., Public Defender’s Service, Legal Reference Specialist, December 7, 2010.
- *Annual Case Law Update.* Presented by Family Court Trial Lawyers Association members & CCAN attorneys, December 15, 2010.

Family Court non-judicial staff also participated in a number of new and expanded training programs in 2010. These educational opportunities focused on a variety of topics, all with the goal of moving the court toward improved outcomes for children and families.

Family Court non-judicial staff also attended training sessions sponsored by the NCJFCJ including the 73<sup>rd</sup> Annual National Conference on Juvenile and Family Law, the 37<sup>th</sup> National Conference on Juvenile Justice, and the Child Victims Act Model

Court All Sites Meeting entitled *Model Courts: No Matter What Door*. In addition, staff attended the National Association for Court Management's Annual Conference; the National Association of Counsel for Children's Annual Conference; the Eastern Regional and National Child Support Enforcement Association Conference; the National Association of Counsel for Children Annual Juvenile and Family Law Conference; The National Association of Family and Conciliation Courts Annual Conference; The American Bar Association sponsored Equal Justice Conference and Family Law Conference; the National Association of Blacks in Criminal Justice Annual Conference; the Disability Policy Seminar; the Neglect and Delinquency Practice Institute; and the Children's Bureau of the Department of Health and Human Services (HHS) Court Improvement Program (CIP) Meeting.

Non-judicial staff in the Family Court's Central Intake Center participated in the DCESS Orientation and System Security Training conducted by the DC Office of Attorney General Child Support Office as well as training in the areas of customer service, effective oral and written communication, and interacting with other public agencies; staff in the Paternity and Child Support Branch received professional development training in the areas of power, influence, authority and leadership, principles and practice of leadership, customer service and performance monitoring. The staff of the Self Help Center attended a number of workshops and conferences including training on the Uniform Child Abduction Prevention Act and the performance of home studies and mental health evaluations in custody cases. Additionally, the center held two volunteer trainings, with the support of the D.C. Bar Pro Bono Program, which resulted in 44 newly, trained volunteer facilitators. Staff in the Mental Health/Mental Habilitation



Branch participated in training sponsored by the DC Quality Trust Organization on Domestic Violence and the Mental Health Habilitation Person and Medical Issue Spotting for the Mental Health Habilitation Person. Staff also attended the “Going to Scale, Making What Works Accessible for All” Disability Conference sponsored by the Association of University Centers and “Working Together for a Future That Works” Disability Policy Seminar conducted The Arc of the United States. They also participated in training on timelines in Mental Health and Habilitation cases facilitated by Judge Cordero and Magistrate Judge Goldfrank. Staff in Juvenile and Neglect Branch participated in the Juvenile Justice Summit hosted by the Criminal Justice Coordinating Council, as well as enhancing customer service and conflict resolution. Staff in the Domestic Relations Branch participated in training on the distinction between providing court information versus legal advice and training on the implementation of the newly enacted Religious Freedom and Civil Marriage Equality Amendment Act of 2009. Non-judicial staff throughout the Family Court Division also attended a variety of in-house workshops on topics relating to leadership development, diversity in the workplace, ethics, sexual harassment, the court’s information system (IJIS), Oracle and Microsoft Office applications and systems.

### **FAMILY COURT FACILITIES**

The Family Court Act of 2001 required that the District of Columbia immediately begin establishing an operating Family Court as a separate component of the Superior Court. To this end, a series of interim steps were taken and planned creating a

functioning Family Court which captured the spirit of the Act well in advance of full implementation.

The D.C. Courts continue to make major progress towards full consolidation of the Family Court. The following is a summary of major milestones achieved and initiated in 2010.

### **Summary of Milestones**

#### Completed

- Completed Juvenile Holding and Annex.
- Completed the construction of the Fifth Floor Civil Division creating space for Family Court consolidation on the JM level of the Moultrie Courthouse.
- Completed the second Balanced and Restorative Justice Drop-In Center (BARJ), on Rhode Island Avenue, in Northeast DC.
- National Capital Planning Commission and CFA concept design approval for the C Street Expansion which when completed will complete the full consolidation of Family Court.
- Construction of Consolidated Family Court space on the JM level.

#### In Progress

- Design of third Balanced and Restorative Justice Drop-In Center.
- Design of the C Street Expansion.
- Master Plan Implementation.

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

#### Description

Completed construction work to relocate the Family Court Branches and Court Social Services Juvenile Intake to the JM Level of the Moultrie Courthouse. This consolidation was possible because of the relocation of the Civil Division. Family Court branches to be consolidated include: Paternity and Support, Domestic Relations, Juvenile and Neglect, Central Intake, Quality Control and Courtroom Support, and the Self-Help Center. This project involves renovation of approximately 21,000 square feet (sf); 18,700 square feet renovated and allocated to the relocation of 118 staff for the Family Court Branches and

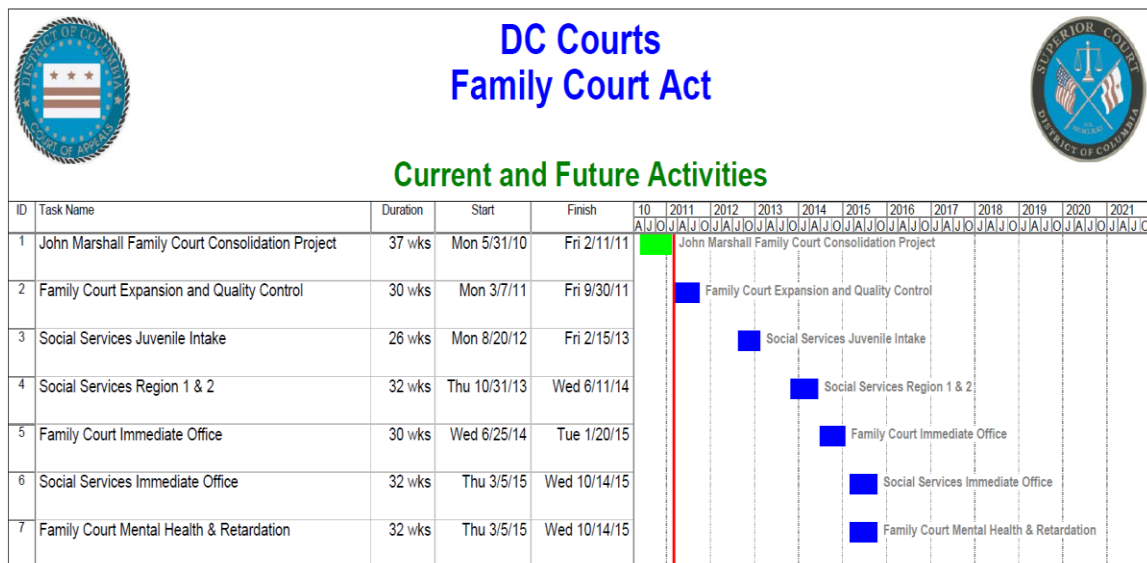
the renovation of 2,500 square feet and relocation of 11 people for Court Social Services Juvenile Intake.

## Design of the Moultrie Courthouse C Street Expansion

### Description

The 116,000 square foot project will rise 6 stories along the south facade of the Moultrie Courthouse providing over 30,000 square feet of Family Court offices and support space. The addition will include the space for social services, the children's center and supervised visitation, 6 courtrooms and chambers for 20 Superior Court judges. The expansion will be fully integrated with the JM level space for the Marriage Bureau, Family Court Mental Health and Habilitation Unit, CCAN, Drug Court and the immediate offices for the Family Court and Court Social Services.

### Schedule





C Street Expansion Looking Northwest

### **Facilities Master Plan Update 2018**

#### **Description**

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

## Location

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

In July 2010, utilizing Court Improvement Project (CIP) funds, the Court implemented Phase I of its electronic data exchange program between the Family Court and the Child and Family Services Agency (CFSA). The electronic case initiation interface allows CFSA to initiate new case filings in abuse and neglect cases through an interface developed between their case management system, FACES, and the court's case management system, Court View. The initiative saves time by eliminating the need for a visit to the courthouse by agency staff and also improves the quality of court data by eliminating the need to manually input agency data into the court's database.

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

Electronic case initiation is the first of three phases identified within the scope of the CIP data sharing program. The Court made a strategic decision in mid 2010 to combine the remaining two phases into a single activity to ensure delivery by late 2011. The remaining phases will provide the Court capability to accept submission of subsequent filings, including the petition, with the Office of the Attorney General as well as send electronic transmissions of court orders to CFSA.

Following the implementation of Phase I, the Court's project team, led by the Court's Information Technology Division, organized four joint application development (JAD) sessions with stakeholders from CFSA, OAG, and the Family Court to validate business requirements defined in 2007. Facilitating the sessions, the Court's case management system vendor, Court View Justice Solutions (CJS), focused participants on the data to be exchanged and expectations for processing it in the target system.

In an effort to leverage the Court's existing electronic filing program, the OAG participants agreed to submit and receive filings via a hosted third party system the Court currently uses for Civil and Tax electronic filings. Several enhancements to this existing system were identified during the JADs, but overall it was deemed an acceptable solution. Additionally, using the existing hosted third-party system will eliminate any technical development on the OAG side of the process. Currently, like the Courts, OAG is engaged in a major project to bring out electronic criminal case initiation in the District as well as another project to upgrade their existing case management system to a Web platform. Both projects have left OAG with little bandwidth to accommodate any technical development associated with the Court Improvement Program.

While CFSA was engaged in several competing projects in 2010, the agency's management team has committed to providing resources for technical development in mid to late April 2011. Like Phase I, CFSA will be developing a capability to select information from its FACES system as well as deposit information in the form of data and images back into the system. All transactions will rely on the accuracy of the legal case number assigned in the Court View system.

The Court is in the process of putting together an overall project schedule for the completion of phase II and III functionality by the end of FY 2011. The first major milestone following validation of the requirements is the Detailed Design specification document package. The detailed design package includes all of the documentation necessary for technical development including a narrative description of the functionality, data mapping spreadsheets, and proposed technical data schemas for both the Court and CFSA to send/receive transactions.

Court View Justice Solutions has been collecting and compiling additional information from the Court since late 2010 to complete this deliverable. CJS has estimated delivery of this document package for Court review in March 2011.

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

As planned, the Family Court began generating Age of Active Pre-Disposition case reports in mid 2010 along with the other reports that make up the Court's court-wide performance measure reporting initiative. To date, the performance measures reporting initiative requires presentation of results for clearance rate calculations, time to disposition, trial date certainty, and age of active pre-disposition a minimum of twice a

year. Each report is generated by the Information Technology Division monthly and made available to Family Court stakeholders for validation via the Court's Intranet.

The Chief Judge of the Superior Court continues to oversee this initiative and monitors the process through an established committee that meets monthly to discuss further enhancements to performance measure reporting. The committee is comprised of the presiding and deputy presiding judges of each operational Division within the Court and Division Directors including Family Court Operations management. The Research and Development Division, Information Technology, and the Office of Strategic Planning provide ongoing support for this effort.

Continuing work begun in 2009, the Chief Judge's committee will be focusing on post disposition reporting in 2011 in an effort to identify judicial workload that is not accounted for in current performance measure reporting. The Family Court is working actively with representatives from Research and Development Division, Information Technology, and the Office of Strategic Planning to identify specific legal "events" that take place after cases are determined to be "disposed of" from a case management system prospective. While especially germane to abuse, neglect, and juvenile case loads, other Family Court case types such as domestic relations, paternity and support as well as mental health/habilitation also include post disposition activity.

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

Alternative Dispute Resolution (ADR) in the Family Court is provided through the Superior Court's Multi-Door Dispute Resolution Division (Multi-Door). Both the Child Protection Mediation and Family Mediation programs facilitated by Multi-Door have proven to be highly successful in resolving child abuse and neglect cases and



domestic relations cases. The programs also had an equally positive effect on court processing timeframes and cost. These results provide compelling support for the continuation of these valuable public service programs.

### **ADR Performance Measures**

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

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

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

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

During 2010, 620 new abuse and neglect cases were petitioned in the Family Court. Ninety-three percent of those cases (334 families with 575 children) were referred to mediation, consistent with the mandate in the Family Court Act to resolve cases and proceedings through ADR to the greatest extent practicable consistent with child safety.<sup>2</sup> Of those 334 families, 18 families (5% representing 32 children) whose cases were filed in 2010 were offered mediation in 2011.

Eighty-one percent of the families (255 cases) offered mediation in 2010 participated in the mediation process; nineteen percent of the families (61 cases, representing 93 children) did not participate and their cases were not mediated.<sup>3</sup> As was the case in 2009, for families participating in mediation, the court continued to settle a substantial number of cases through the mediation process. Of the 255 cases mediated, 149 (58% of cases representing 269 children) resulted in a full agreement. In these cases, the issue of legal jurisdiction was resolved and the mediation resulted in a stipulation (an admission of neglect by a parent or guardian). In addition, a case plan was developed and presented to the court as part of the mediation agreement. In 103 cases (40% of cases representing 176 children) the mediation was partially successful resulting in the development of a case plan even though the issue of jurisdiction was not

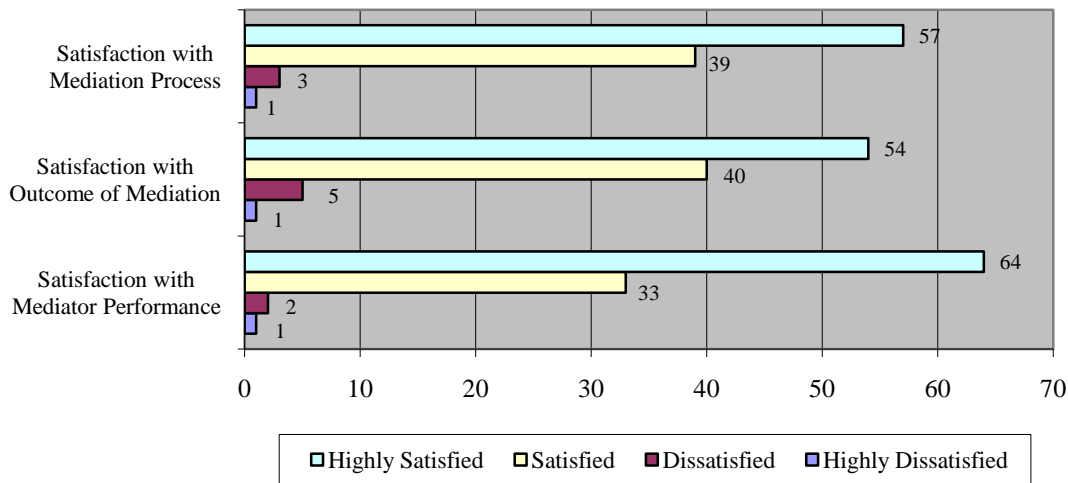
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<sup>2</sup> These multi-party mediations are structured so as to enhance safety: pre-mediation information is provided to participants; parents are included in the sessions; appropriate training is provided; and a layered domestic violence screening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

<sup>3</sup> Scheduled cases may not be held for the following reasons: (a) case dismissed by the Court; (b) case settled prior to mediation; (c) case rescheduled by the parties; (d) case cancelled (e.g., sibling violence); and (e) case scheduled in 2010 for mediation in 2011. Family Court and Multi-Door have implemented measures to reduce the number of rescheduled cases in order to expedite case resolution.

resolved. No agreement was reached in three (2% representing 5 children) of the cases that went to mediation.

**Figure 1. Percentage of Participants Satisfied with Child Protection Mediation Program, 2010**



Qualitative measures illustrate substantial satisfaction measures of 96% for the ADR process, 94% for ADR outcome, and 97% for the performance of the mediator(s).<sup>4</sup> Clearly, participation in ADR increases public trust and confidence in the Family Court.

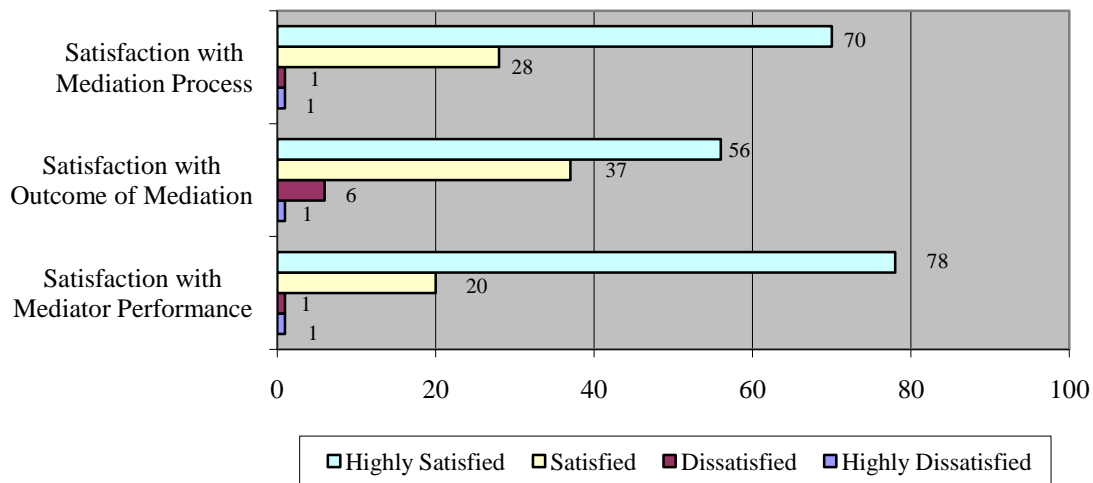
#### **Domestic Relations Mediation:**

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 779 domestic relations cases were referred to mediation in 2010. Forty-one percent (320) of the cases referred were mediated and completed in 2010. The remaining fifty-nine percent (459) of cases referred to mediation did not participate in mediation because they were found to be either inappropriate or ineligible for mediation.

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

**Figure 2. Percent of Participants Satisfied with the Domestic Relations Mediation Program, 2010**



Of the 320 cases mediated, 143 (approximately 45%) settled in mediation and 177 (approximately 55%) did not reach an agreement. Among the 143 cases that settled in mediation, full agreements were reached in 98 (69%) cases and partial agreements were reached in 45 cases (31%).

Qualitative outcome measures show satisfaction rates of 89% for ADR outcome, 95% for ADR process, and 96% for the performance of the mediator(s). These satisfaction measures indicate that, as is the case in the Child Protection Mediation Program, participation in Family ADR increases public trust and confidence in the Family Court.

### **Family Court ADR Initiatives**

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

- **Continuing Education for Mediators.** Multi-Door provided ongoing training for its existing corps of mediators in both the Child Protection and Family Mediation Programs during 2010, as part of ensuring a continued high level of proficiency and skills maintenance.

- **Same Day Mediation.** A same-day mediation program for domestic relations cases was implemented in October of 2003. The program offers litigants the opportunity to be interviewed for mediation and start mediation on the same day they appear in court for their initial hearing before a Family Court Judge. The program has proven popular; there were 75 referrals in 2010.

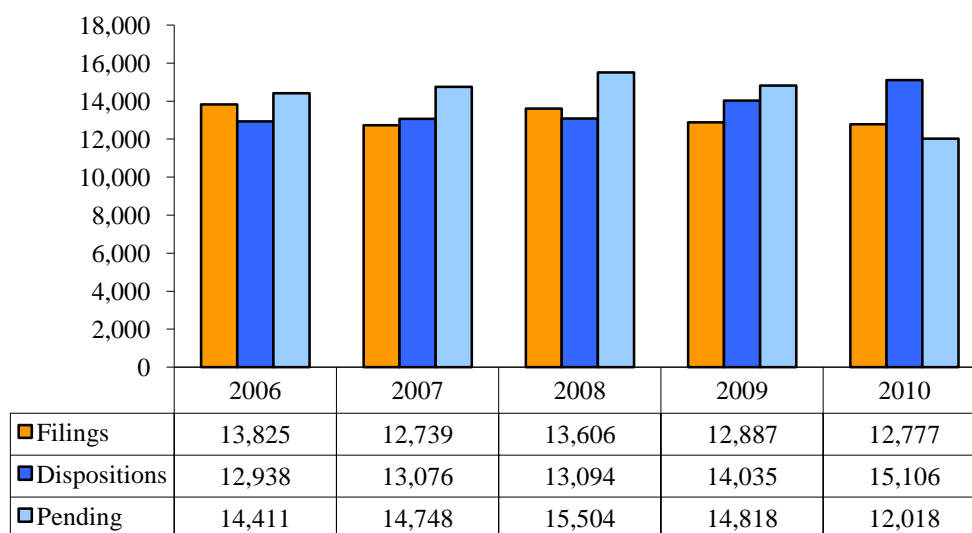
### **FAMILY COURT OPERATIONS CASE ACTIVITY**

There were 13,685 cases pending in the Family Court on January 1, 2010.

During calendar year 2010, there were a total of 12,777 new cases filed and 662 cases reopened in the Family Court. During the same period, 15,106 cases were disposed. As a result, there were 12,018 cases pending in the Family Court on December 31, 2010.

Over the five year period from 2006 through 2010, the number of filings (including cases reopened) and the number of dispositions has shown significant variation. Filings ranged from a period low of 13,402 in 2009 to period high of 14,329 in 2006, down to 13,851 in 2008 and 13,439 in 2010, down to 13,418 in 2007. During

**Figure 3. Family Court Case Activity, 2006-2010**



the same period, the number of cases disposed has risen slightly each year, from 12,938 cases disposed in 2006, to 13,072, 13,094 and 14,035 respectively from 2007 through 2009, to a high of 15,106 cases disposed in 2010.

**Table 1. Family Court Operations Case Activity for 2010**

	<b>Abuse &amp; Neglect</b>	<b>Adoption</b>	<b>Divorce</b>	<b>Juvenile<sup>a</sup></b>	<b>Mental Health</b>	<b>Mental Habilitation<sup>b</sup></b>	<b>Paternity &amp; Child Support</b>	<b>Total</b>
Pending Jan. 1 <sup>c</sup>	2,352 <sup>d</sup>	296	3,087	703	558	26	6,663	13,685
Filings	726	238	3,902	3,342	1,534	7	3,028	12,777
Reopened <sup>c</sup>	61	2	76	54	341	0	128	662
Total Available for Resolution	<b>3,139</b>	<b>536</b>	<b>7,065</b>	<b>4,099</b>	<b>2,433</b>	<b>33</b>	<b>9,819</b>	<b>27,124</b>
Resolutions/Dispositions <sup>e</sup>	851	245	3,697	3,607	2,209	19	4,478	15,106
Pending Dec. 31	2,288 <sup>f</sup>	291	3,368	492	224	14	5,341	12,018
Percent Change in Pending	-2.7%	-1.7%	9.1%	-30.0%	-59.9%	-46.2%	-19.8%	-12.2%
Clearance Rate <sup>g</sup>	108%	102%	93%	106%	118%	271	142%	112%

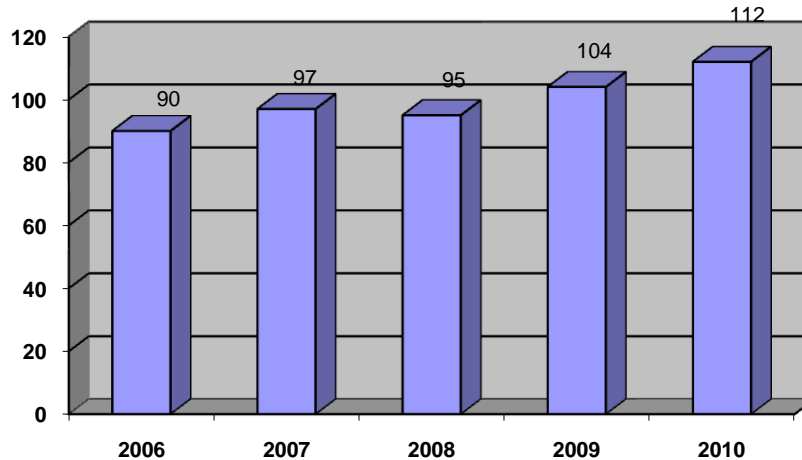
- a. Includes cases involving Delinquency, PINS, and Interstate Compact.
- b. In 2010, the method of calculating the number of pending cases in mental habilitation cases was modified to include only those cases pending an initial disposition. Excluded are post-disposition cases under review by the Court.
- c. Figures for Abuse and Neglect and Juvenile were adjusted after a manual audit of caseload. Figure for Mental habilitation was adjusted to reflect pending pre-disposition cases only.
- d. Includes 130 cases pending pre-disposition and 2,222 cases that were pending post-disposition.
- e. In the Family Court, a case is considered disposed when an order has been entered.
- f. Figure includes 93 cases that are pending pre-disposition and 2,195 cases that are pending post-disposition.
- g. 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.

Because filings and dispositions can vary significantly from year to year, the best assessment of whether a court is managing its caseload efficiently is its clearance rate. A clearance rate of 100% indicates that a court is very efficient and has disposed of as many cases as were filed during the year. Disposing of cases in a timely manner helps ensure that the number of cases awaiting disposition (pending caseload) does not grow. This performance measure is a single number that can be used to compare performance within the Family Court over time and by case type. The overall clearance rate for

Family Court in 2010 was 112%, the highest rate over the five year period. Prior year clearance rates ranged from a low of 90% in 2006 to a high of 104% in 2009.

Although the clearance rate demonstrates that the Family Court is doing an excellent job of managing its caseload, during 2011 the Family Court will continue to strive to reach our case processing standards, using recently established court-wide benchmarks with the goal of ensuring that each of the individual branches within the Family Court that have not reached a 100% clearance rate, reach that rate.

**Figure 4. Clearance Rates in Family Court, 2006-2010**

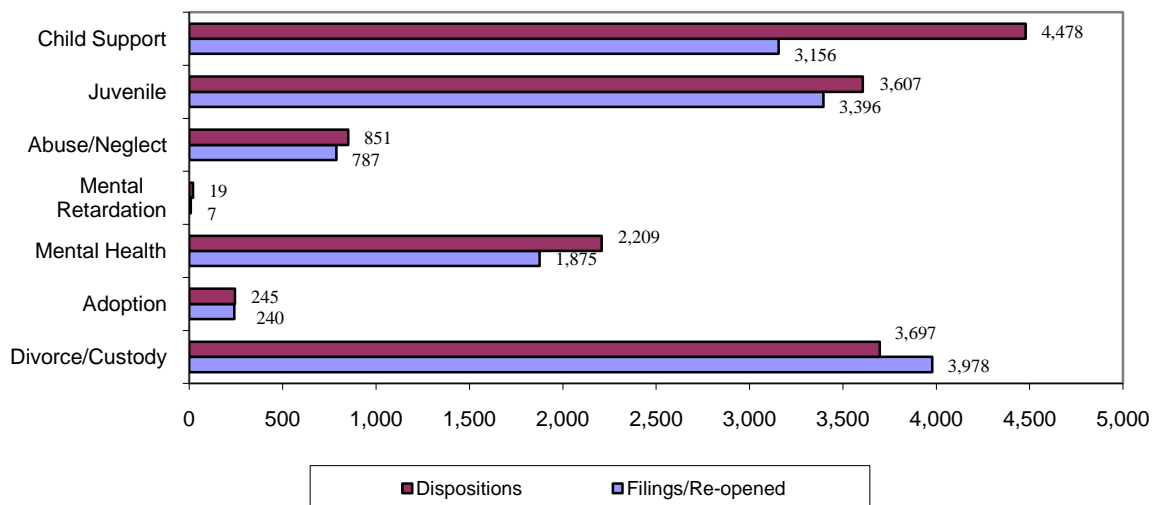


#### **FAMILY COURT CASE ACTIVITY FOR 2010**

New case filings in the Family Court were unchanged between 2009 and 2010 (12,887 filings in 2009 and 12,777 filings in 2010). There were significant differences in the types of cases filed. For instance, there was a 72% decrease in mental habilitation filings, an 11% decrease in juvenile filings, and a 3% decrease in filings for paternity and support. At the same time, abuse and neglect filings increased 26%, mental health filings increased by 12%, adoption filings increased by 5%, and domestic relations (divorce and custody) filings increased by 3%.

During the year, the Family Court resolved more than 15,000 cases, including: 3,607 juvenile cases; 3,697 divorce and custody cases; 245 adoption cases; 2,209 mental health cases; 19 mental habilitation cases; 851 child abuse and neglect cases; and 4,478 paternity and child support cases. There was an 8% increase in dispositions from 2009 to 2010. The increase reflects the rise in dispositions for certain case types during the period. For instance, dispositions increased significantly in mental health cases (31%), paternity and child support cases (12%), domestic relations cases (11%), adoption cases (7%) and abuse and neglect cases (6%). On the other hand, dispositions decreased in mental habilitation cases (84%) and juvenile cases (7%). The decrease in dispositions for Mental Habilitation cases is attributable to a change in definition of disposed cases. In prior years, a mental habilitation case was considered disposed when the respondent died, left the jurisdiction or in limited circumstances returned to his/her family. Beginning in 2009, but most notably in 2010 a mental habilitation case is considered

**Figure 5. Family Court Filings and Dispositions,  
by Case Type, 2010**

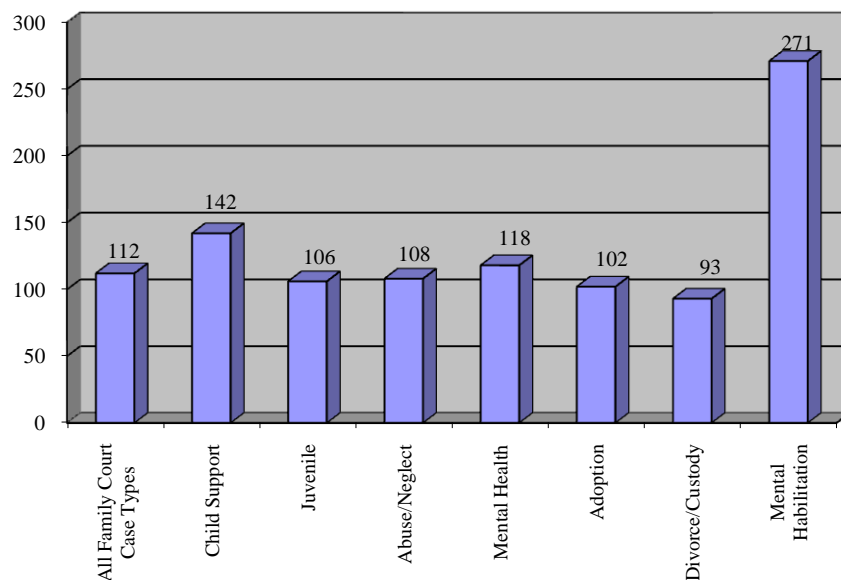




disposed when the case is dismissed or an order of commitment or an order for voluntary admission is filed. As in the past, once an order has been entered, the case will remain open in the court's database for post-disposition reviews.

Clearance rates increased between 2009 and 2010 for all family court case types with the exception of abuse and neglect cases. However, although increasing from 2009 to 2010 the clearance rate for domestic relations cases remained below 100%. The rate increased to 93% in 2010 from 88% in 2009.

**Figure 6. Clearance Rate by Case Type, 2010**



For all other case types the clearance rate exceeded 100% indicating that the Court is managing its caseload efficiently. As a result, the clearance rate in 2010 met or exceeded 100% for abuse and neglect, adoption, juvenile, mental health, and paternity and support cases.

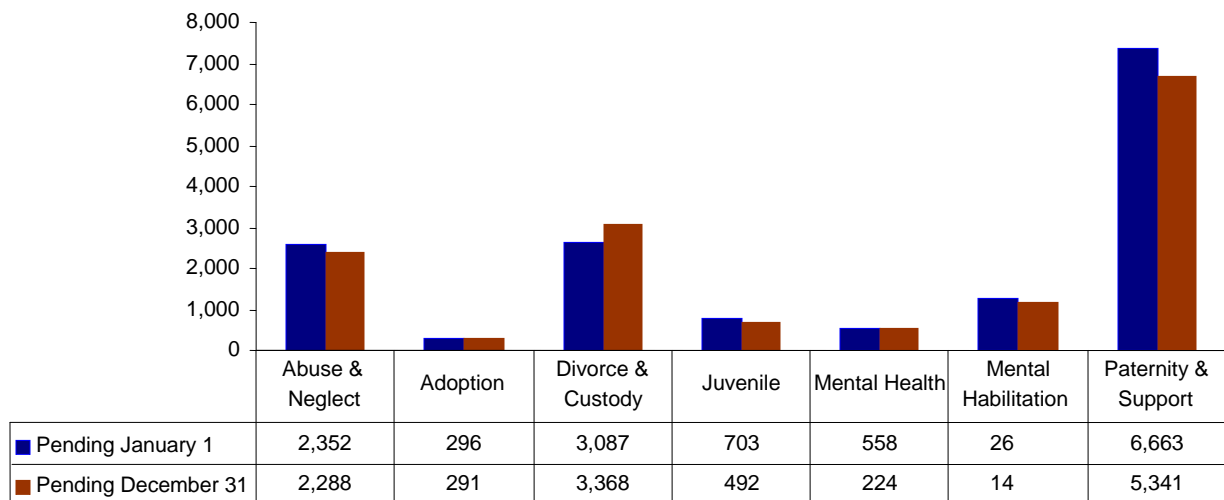
Measuring the number of dispositions is important for any court; however, it is important to note that in Family Court cases, a disposition does not always end the need

for court oversight and judicial involvement. In many Family Court cases, after an order is entered there is significant post disposition activity that occurs. For example, among the 3,607 juvenile cases resolved during 2010, 836 juvenile offenders were placed on probation. Those 836 juveniles, as well as the more than 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 juvenile drug court are reviewed more frequently. Juvenile drug court cases are not officially closed or disposed of until the child actually completes four months to one year of outpatient drug treatment. Paternity and support cases that are disposed of in a given year often come before the court after resolution. Dispositions in paternity and support cases include cases resolved through the issuance of either a temporary or a permanent support order. Those cases resolved through issuance of a temporary support order often have financial reviews scheduled after disposition until a permanent support order is established. In addition, all support cases are subject to contempt and modification hearings that require judicial oversight. Similarly, mental habilitation cases are considered disposed once an order of commitment or an order of voluntary admission is entered. These cases, over 900 in 2010, remain open and require annual judicial reviews to determine whether there is a need for continued commitment.

On December 31, 2010, 12,018 cases were pending resolution in the Family Court, including: 3,368 divorce and custody cases, 291 adoption cases, 224 mental health cases, 14 mental habilitation cases, 2,288 child abuse and neglect cases,

492 juvenile cases, and 5,341 paternity and child support cases. With the exception of abuse and neglect cases, the pending caseload consists of pre-disposition cases that are pending adjudication and disposition by the Family Court. The abuse and neglect pending caseload figure also includes a large number of post-disposition cases that require judicial review on a recurring basis. Among the 2,288 pending abuse and neglect cases, only 93 cases were awaiting trial or disposition at the end of the year, while 2,195 are post-disposition cases in which the Family Court and the CFSA are working towards achieving permanency for the child.

**Figure 7. Family Court Pending Caseload, 2010**

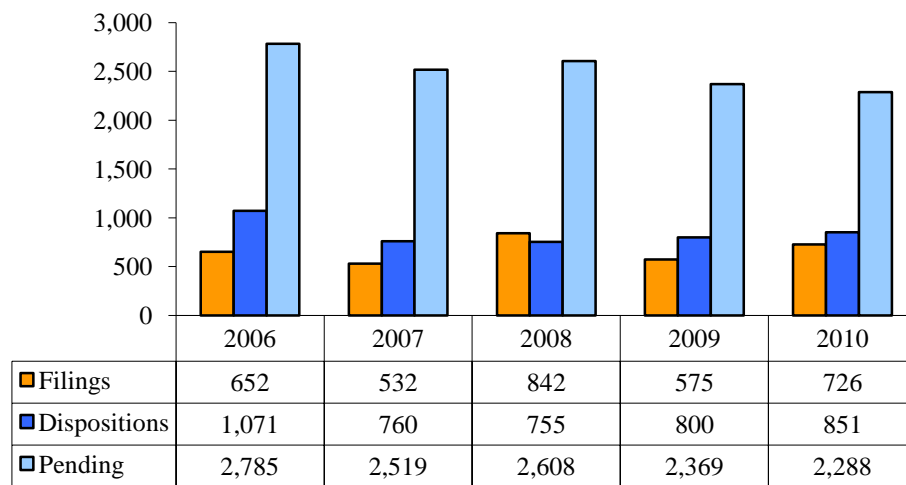


### **ABUSE AND NEGLECT CASES**

During 2010, there were 726 new child abuse and neglect referrals to the Family Court, a 26% increase in filings from 2009. Over the five year period (2006 to 2010), new child abuse and neglect referrals increased by 11%. Referrals ranged from a high of 842 in 2008, to a low of 532 in 2007. 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. It is important to note, despite the increase in referrals over the period there was an 18% decrease in the number of children under court supervision during the same time period.

**Figure 8. Abuse and Neglect Case Activity, 2006 - 2010**



Among cases filed in 2010, 96% of the children were removed from home at the time the complaint was filed and 4% remained in the home. The percentage of children removed from home has ranged from a low of 86% in 2007, to a high of 96% in 2010. The agency's policy of serving more families through the provision of in-home services and bringing fewer and more serious cases to the attention of the Court is a likely contributor to the high number of children removed from home among those whose cases are referred to the court.

Seventy-eight percent of new referrals in 2010 were for allegations of neglect and 22% were for allegations of abuse. During the five-year period from 2006 to 2010, the percentage of children referred for an allegation of abuse has ranged from a low of 18% in 2008 to a high of 23% in 2006. As was the case in 2007 and 2008, females were less

likely than males to be the subject of an abuse and neglect referral in 2010. In 2006, females were more likely to be referred than males and in 2009 males and females each comprised 50% of referrals. Reversing a trend, females also represented a smaller percentage of abuse referrals than did males. More than a fifth (21%) of new referrals to Family Court involved children 13 and older at the time of referral. The figure increases to 30% of referrals when older youth between the ages of 11 and 12 are included. Although high, the percentage of referrals of older children has steadily declined in each year from 2006 to 2010 (31% to 21%). 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

**Table 2. Percent Distribution of Abuse and Neglect Referrals 2006-2010, by reason for referral, removal status, gender, and age**

<b>Characteristic</b>	<b>Year of Referral</b>				
	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
<b>Reason for Referral</b>					
Abuse	23	20	18	21	22
Neglect	77	80	82	79	78
<b>Removal Status</b>					
Removed	88	86	90	88	88
Not Removed	12	14	10	12	12
<b>Gender</b>					
Male	48	52	51	50	54
Female	52	48	49	50	46
<b>Age at referral</b>					
Under 1 year	13	18	14	18	13
1-3 years	18	17	18	22	18
4-6 years	14	15	16	15	18
7-10 years	15	14	16	13	21
11-12 years	9	9	9	8	9
13 and older	31	27	26	24	21
<b>Total number of referrals</b>	<b>652</b>	<b>532</b>	<b>842</b>	<b>575</b>	<b>726</b>

the District to assist parents and caregivers in addressing the needs of this segment of the population before they come into care, as well as the need to identify and develop appropriate placement resources once they are in care.

Over the five year period, another 30% 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 one percent of open cases (17 cases), all of which are 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 is likely that permanency would not be achieved more quickly by reassigning the case within the Family Court.

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

The District of Columbia Adoption and Safe Families Act (D.C. ASFA) (D.C. Official Code Sections 16-2301 et seq., (2000 Ed.)) establishes timelines for the

completion of the trial and disposition hearing in abuse and neglect cases. The timelines vary depending on whether the child was removed from his or her home. The statute sets the time between filing of the petition and trial or stipulation at 45 days for a child not removed from the home and at 105 days for a child removed from the home. The statute requires that trial and disposition occur on the same day whether the child has been removed or not, but permits the court 15 additional days to hold a disposition hearing for good cause shown.

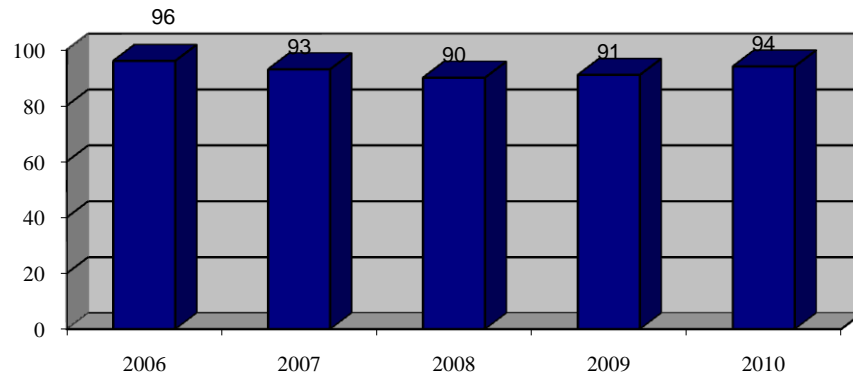
During 2010, compliance rates increased from 2009 for both time to adjudication and time to disposition for children removed from home. On the other hand, compliance rates for both time to adjudication and time to disposition for children not removed from home decreased.

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

Figures 9 and 10 highlight the level of compliance with the statutory requirement for trial/stipulation for both removed and non-removed children over a five-year time period. As can be seen from Figure 9, the court has made significant progress in completing trials/stipulations within the established timelines for children removed from home since 2006. Although the compliance rates in 2008 and 2009 were slightly lower than 2010, at least 9 out of 10 cases filed in a given year had a fact-finding hearing in compliance with the ASFA timeline for trials in removal cases (105 days). In addition to high rates of compliance with the statutory timeline requirements, many cases reach trial or stipulation in considerably less time than the statute allows. In 2010, the median time it took for a case to reach trial or stipulation was 40 days a 29% reduction from the median in 2009. Over the period, the median time it took for a case

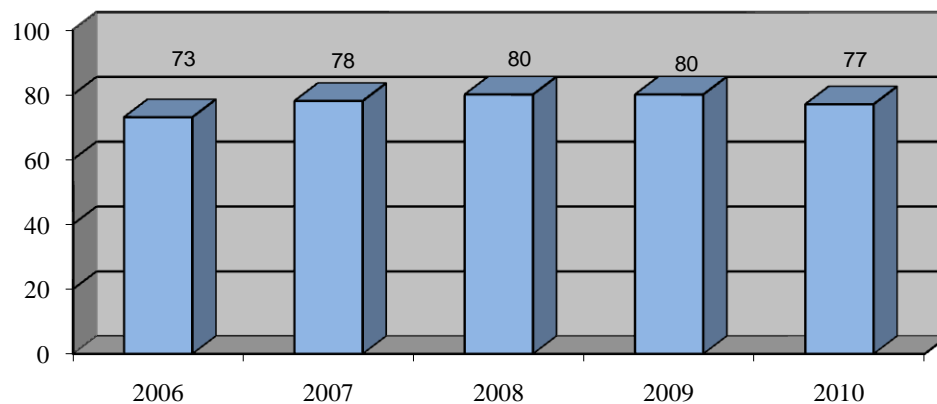
to reach trial or stipulation has ranged from a high of 56 days in 2009, to 47 days in 2008, to 43 days in 2006 and 2007 and to a low of 40 days in 2010.

**Figure 9. Compliance with D.C. ASFA Timeline for Trial/Stipulation for Children Removed from Home**



For children not removed from home, 24 of the 31 cases were in compliance with the timeline to trial or stipulation (45 days) for a 77 percent compliance rate. The median number of days to stipulation was 25 days and the average 37 days.

**Figure 10. Compliance with D.C. ASFA Timeline to Trial or Stipulation for Children Not Removed from Home**



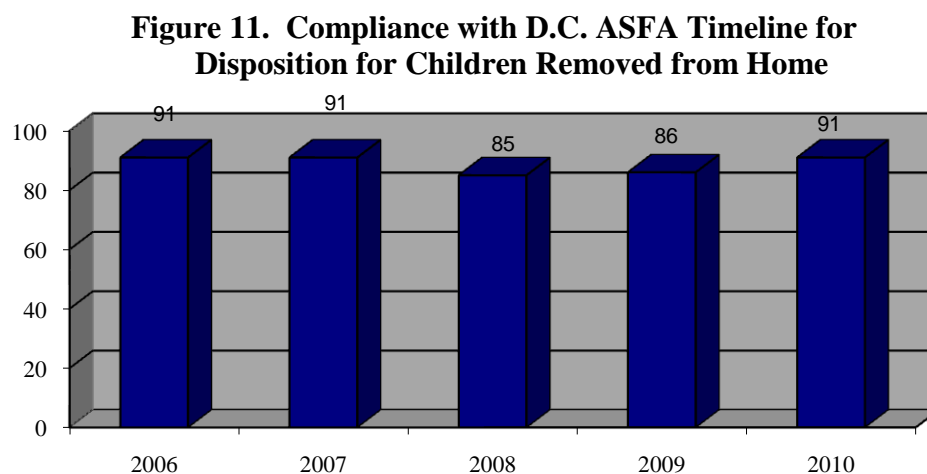
To improve performance in meeting the trial/stipulation timeline in cases of children who were not removed the Family Court attorney advisors continue to review all cases after initial hearing to ensure that all events have been scheduled in a timely manner. If events are not scheduled, the assigned judge and the presiding judge of



Family Court are notified, and the assigned judge is asked to reset the case within the timelines or to explain in writing why the hearing cannot take place within the timeline. Seven of the 31 not removed cases were non-compliant the trial or adjudication timeline. It is important to note that five of the seven non-compliant cases in 2010 did not go to trial; each was dismissed at the request of the government after the 45 day timeline. One case was set within the timeline but continued. In another the case the trial was not set at the initial hearing. At the further initial hearing (10 days later) the child was removed and all events were scheduled based on time standards for removed children. In 2011, the Court will continue to monitor and track this area and implement appropriate measures to improve the court's compliance rate.

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

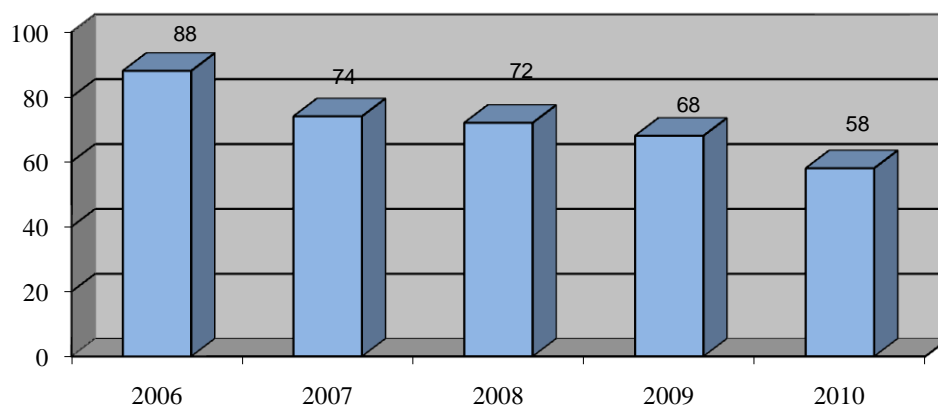
Ninety-one percent of cases filed in 2010 had disposition hearings held within the 105 day timeline reversing a downtrend that began in 2008 (Figure 11). Among children removed from home in 2006, 2007 and 2010 more than 9 out of 10 were in compliance with the timeline for disposition.



In contrast, only 85% were compliant in 2008 and 86% in 2009. The compliance rate for 2010, however, may rise as cases filed in 2010 that are still pending disposition have their hearings. In 2010, the median time to reach disposition was 54 days and the average 47 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 from home also varied significantly over the five year period (Figure 12). The compliance rate has ranged from a high of 88% in 2006 to a low of 58% in 2010. The rate for 2010 is a fifteen percent decrease from the rate in 2009 which was 68%. However, this compliance rate reflects that in 2010, thirteen children had

**Figure 12. Compliance with D.C. ASFA Timeline for Disposition for Children Not Removed from Home**



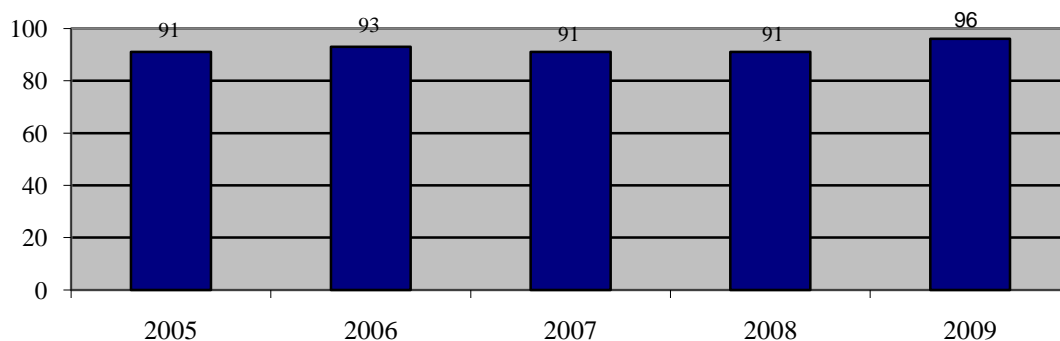
disposition dates that were non-compliant. Five of the non-compliant cases were dismissed before a disposition hearing was held. In six cases (one family), the disposition was set timely, but the parents did not show for the disposition hearing. The rescheduled hearings were outside the timeline. In one case the trial was continued. Although the disposition occurred on the same day of the rescheduled trial both hearings were non-compliant. In the remaining case the trial was not set at the initial hearing. At

the further initial hearing (10 days later) the child was removed and all events (trial and disposition) were scheduled based on time standards for removed children. Because of the relatively small number of children in this category of cases, any level of non-compliance results in a large percentage. As with time to trial and stipulation, the Family Court will continue to monitor and track compliance in this area throughout 2011, and where appropriate, will institute measures to improve compliance.

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

Both D.C. ASFA and Federal ASFA require the Court to hold a permanency hearing for each child who has been removed from home within 12 months of the child's entry into foster care. Entry into foster care is defined as 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 13 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 2005, more than

**Figure 13. Compliance with ASFA Timeline  
for Permanency Hearing**



90% of cases had a permanency hearing or were dismissed within the required timeline. The compliance rate for 2009 is a 5% increase over that in 2008. No case filed in 2010 had reached the statutory deadline for having a permanency hearing by December 31, 2010.

### **Goal Setting and Achievement Date**

In addition to holding permanency hearings in a timely manner, ASFA also requires that the Family Court set a specific goal (reunification, adoption, guardianship, custody, or another planned permanent living arrangement (APPLA)) and a date for achievement of that goal at each permanency hearing. The Family Court has made significant progress in meeting the requirement of setting a specific goal at the hearing and has improved in its requirement of ensuring that a specific date for achievement of that goal is set at each hearing.

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

During 2010, the court continued to improve on meeting the requirements that at a permanency hearing, it establish both a permanency goal and an achievement date for the goal. Data from 2010 indicates that a permanency goal was set at every permanency hearing and a goal achievement date was set at 98% of hearings. To ensure that the court maintains a high level of compliance in this area, the Family Court will continue to require its attorney advisors to review every case after a permanency hearing to

determine if these two requirements have been met. If not, the assigned judicial officer and the presiding judge of Family Court will be notified that the hearing was deficient and recommendations made for bringing the case into compliance.

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

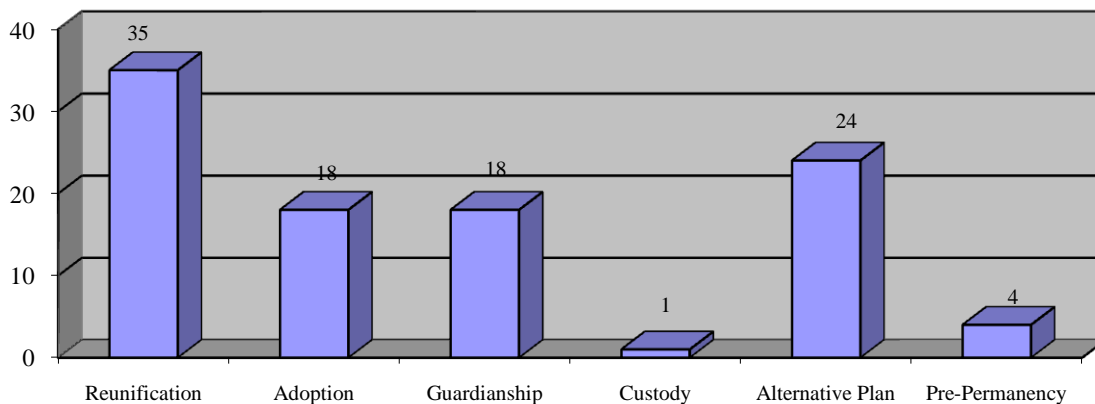
To ensure continued compliance with ASFA and to assist Family Court judges in ensuring that the content and structure of the permanency hearing are consistent with best practices, all judicial officers are required to use a standardized court order for all permanency hearings. As required by ASFA, the form requires the judge to set a specific goal and achievement date at each hearing. The use of this standard form continues to contribute to an increase in compliance with best practices and legal requirements. In its ongoing effort to ensure that the structure and content of permanency hearing orders are consistent with best practices and easy to use, the Family Court Implementation Committee through the Abuse and Neglect Subcommittee completed a review of this and all other form orders during late 2009 and early 2010. As a result of the review, the Family Court created new official court forms for proceedings in abuse and neglect cases which in addition to meeting the requirements of the Adoptions and Safe Families Act

also comply with 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. The uniform court forms became effective by Administrative Order in October 2010.

### **Barriers to Permanency**

Under ASFA, there are four preferred permanency goals for children removed from their home: reunification, adoption, guardianship or custody. Figure 14 identifies the current permanency goal for children under court supervision. Cases of children identified as pre-permanency have not yet had a disposition hearing, the earliest point at which a goal would be set. Although the court has improved significantly in establishing goals for children, the achievement of those goals still remains a challenge. For children with the goal of reunification, the primary barrier was related to a disability of the parent, including the need for substance abuse treatment, the need for the parent to receive life skills training, and procedural impediments related to housing.

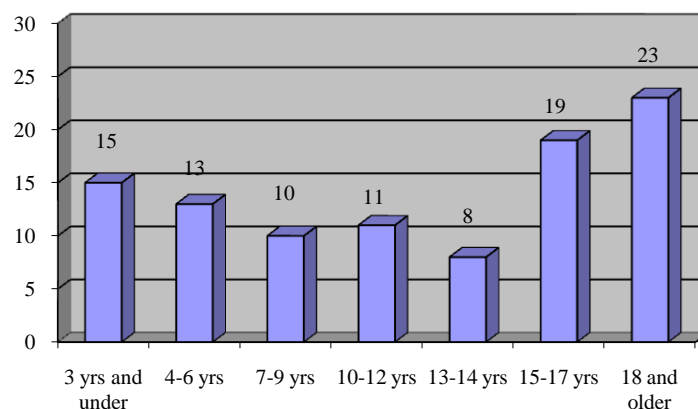
**Figure 14. Percent Distribution of Current Permanency Goal for Children Under Court Supervision**



Disabilities related to the child, including significant emotional impairment were an impediment to accomplishing the goal of adoption. Similarly, disabilities of the child were also a major impediment in guardianship cases, followed by the need for the parent/caretaker to receive life skills training, and substance abuse or other treatment. For youth with the goal of adoption and guardianship, the lack of subsidies beyond the age of 18 was a significant barrier to accomplishment of those goals. However, the Adoption Reform Amendment Act which provides subsidies for youth until age 21 should significantly reduce this barrier in the future. In addition, continued improvements in addressing these and other barriers to permanency have led to improved outcomes for children in care.

In addition, another significant barrier to permanency is the percentage of cases which involve older children for whom the court has found compelling reasons to set a goal of APPLA. As Figure 15 shows, more than 4 out of 10 youth under court supervision are 15 years of age or older. Indeed, 50% of youth under court supervision are 13 years of age or older. Many of them cannot be returned to their parents, but do not wish to be adopted or considered for any other permanency option, which makes permanency difficult to achieve. 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

**Figure 15. Percent Distribution of Current Ages of Children Under Court Supervision**



welfare system. The court's *Preparing Youth for Adulthood Initiative* has been an effective tool in ensuring that older youth in the program who remain in care receives 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 lifelong connection with an adult who has committed to remaining in the youth's life after emancipation. In addition, the Family Court is continuing to work with CFSA and other stakeholders to eliminate or reduce the impact of barriers on permanency for all children in care.

#### **FAMILY TREATMENT COURT PROGRAM**

The Family Treatment Court (FTC) is a fifteen-month comprehensive voluntary substance abuse treatment program for mothers or female guardians whose children are the subject of a child abuse or neglect case. The program gives mothers a chance to rebuild their lives and their families. Mothers involved in neglect and/or abuse cases where there is a nexus between substance abuse and child neglect are submitted for consideration to the FTC program through the OAG after a review of their case and an initial screening. Potential cases identified after this initial screening are then forwarded



to the CFSA's Office of Clinical Practice. Cases are also subjected to a local criminal background check, a Department of Mental Health check, and an interview by the Family Treatment Court Coordinator. Mothers who qualify for the program enter into a contract with the FTC, agreeing to the mandates of the program, including stipulating to the allegations of neglect, if their child was not already adjudicated neglected at trial.

Once the FTC contract is signed, clients enter the six-month residential treatment component of the program. After an initial adjustment period, mothers may be reunited with their children in the treatment facility. A mother may have up to four children under age 10 with her in the treatment facility. The ability to keep mothers and children together is the most significant aspect of the program in that it enables children to stay out of foster care, and families to generally reach permanency sooner.

While in the facility, mothers participate in a rigorous, supervised drug treatment program that includes drug treatment and education, life skills, parenting training, and relapse prevention. In addition, through our stakeholder and community partnerships, both mothers and children receive a variety of services. These services include but are not limited to: psychological and/or psychiatric counseling, individual counseling, educational assessments, developmental evaluations, speech and bonding studies, GED preparation, job skills training, tutoring, family counseling, play therapy, and summer camp opportunities for children. Funding for many of these services is provided through Medicaid, the Crime Victims Compensation Fund, and CFSA.

The Second Genesis-Melwood Facility continues to provide residential/inpatient treatment services for the FTC program. Their mission is "to empower individuals and families with the tools to break the cycle of addiction, to make choices that will enable

them to experience a healthy, responsible life free from alcohol, drugs, crime, violence, and exploitation.”

Upon completion of the inpatient phase of the program, FTC clients participate in a graduation ceremony to memorialize their transition to community-based aftercare. Clients returning to the community either return to their pre-existing housing or move into transitional housing units provided through the FTC program. Presently, the majority of program participants choose to live in transitional housing. During 2010, Catholic Charities, New Day Transitional House, and the House of Ruth provided transitional housing services. Funding for transitional housing is provided by CFSA through an independent contract with each provider for a specified number of units for the sole use of the FTC program. While in aftercare, ongoing drug testing continues. In addition, clients continue to participate in job-readiness training, GED preparation, and other components of their individualized treatment plan.

In 2010, 71 women were referred to the in-patient phase of the FTC program. Eighteen women (25% of referrals) were admitted and 53 were not admitted. Most of those referred to the program chose not to participate. For those that were interested, the primary reasons for ineligibility were: severe mental illness, a violent criminal history, or lack of the requisite nexus between their substance abuse and neglect. Other factors such as current or prior allegations of serious physical or sexual abuse, as well as the need for methadone treatment also reduced the number of women eligible for the program.

During the year, 20 women left the in-patient phase of the program as follows: 12 (or 60%) after successful completion of the program, five (or 25%) voluntarily left the program, two (or 10%) were terminated from the program and one (5%) transferred to a

different program. The 60% success rate in 2010 was unchanged from 2009. While higher than the 54% success rate in 2008 it was still significantly lower than it was in both 2007 (77%) and 2006 (88%). The lower success rates prompted stakeholders to reexamine the methods used to determine eligibility for the program. During 2010, FTC stakeholders continued to evaluate the effectiveness of the Additional Severity Index (ASI) for fit in determining success in the FTC program.

In September 2010, a graduation celebration was held to honor six women who successfully completed the in-patient phase of the program and entered the community-based aftercare phase. They, along with 11 other women already in aftercare at the beginning of the year and six women who completed residential after the graduation celebration, participated in a very rigorous schedule of activities and continuing care programs. Fourteen women left the aftercare phase of the program during the year. Five (36%) successfully completed the aftercare program, eight were terminated and one quit. More importantly, all 5 women who completed the aftercare program had their neglect cases closed and were successfully reunited with their children. Among women remaining in the aftercare program at the end of 2010, two were at home in the community and seven were in transitional housing units provided by the FTC program. FTC stakeholders continue to review the eligibility criteria and program components with a goal of increasing the yield from women referred to the program, as well as, maximizing the number of women who successfully complete the program. The yield from referrals in 2010 (25% of referrals) was a 32 % increase over the yield in 2009 (19% of referrals). It was comparable to the yield in 2008 (26%) but less than that in 2007 (35%).

Beginning in late 2009 and continuing through 2010, the FTC program underwent a number of changes designed to better meet the needs of participants and to ensure that they have the greatest possibility for successful completion of the program. As discussed above, changes have been made in the tools used to determine program eligibility. Other changes currently under consideration include: the provider of assessment functions, courtroom procedures, the focus and frequency of case staffings, and changes in training provided to program participants. A new vehicle for sharing information, the FTC Newsletter, was created in 2009 to keep current and former program participants in contact with one another. During 2010, three issues of the newsletter were published. A new community service component for program participants and a review of the use of incentives and sanctions in the program are both in the discussion/consideration phase. Finally, during 2010, the FTC Manual was revised. Implementation of the new manual is expected in early 2011. In 2011, the workbook “Passport to a New Beginning” will be revised. The workbook will allow clients to document and track key milestones in their case, and serve as a repository for important information they will need when they leave the FTC program.

In September 2009, the Superior Court entered into a contract with Westat, Inc. to conduct a process/implementation and outcome evaluation of the FTC. The evaluation is intended to assist the Court in determining whether the program has been implemented as it was envisioned and how the outcomes for participants and their children compare to those achieved by women who do not participate in the program. Of specific interest to FTC stakeholders is the length of time it takes to reunify families in the FTC program

compared to non FTC participants with similar substance abuse issues. The evaluation is expected to be completed in June 2011.

### **PERMANENCY OUTCOMES FOR CHILDREN**

In 2010, Family Court judicial officers closed 656 post-disposition abuse and neglect cases. As can be seen from Table 3, 69% were closed because permanency was achieved. Thirty-one percent of the cases were closed without reaching permanency, either because the children aged out of the system or they were emancipated because they no longer desired to have services provided by CFSA; and two cases closed because the respondent was deceased.

**Table 3. Abuse and Neglect Cases Closed Post-Disposition  
By Reason for Closure, 2008-2010**

Reason for Case Closure	Number and percent distribution of cases closed					
	2008		2009		2010	
	Number	Percent	Number	Percent	Number	Percent
<b>Permanency Goal Achieved</b>	<b>368</b>	<b>66</b>	<b>445</b>	<b>69</b>	<b>453</b>	<b>69</b>
Reunification	163	29	211	33	227	35
Adoption	95	17	128	20	111	17
Guardianship	93	17	93	14	99	15
Custody	17	3	13	2	16	2
<b>Child Reached Age of Majority</b>	<b>123</b>	<b>22</b>	<b>139</b>	<b>22</b>	<b>158</b>	<b>24</b>
<b>Child Emancipated</b>	<b>67</b>	<b>12</b>	<b>56</b>	<b>9</b>	<b>42</b>	<b>6</b>
<b>Child Deceased</b>	<b>3</b>	<b>1</b>	<b>2</b>	<b>-</b>	<b>2</b>	<b>&lt;1</b>
<b>Court Case Closed-Continued for CFSA services</b>	<b>4</b>	<b>1</b>	<b>0</b>	<b>-</b>	<b>1</b>	<b>&lt;1</b>
<b>Total Cases Closed</b>	<b>606</b>	<b>100</b>	<b>642</b>	<b>100</b>	<b>656</b>	<b>100</b>

In 2010, as was the case in 2009, about 70% of cases closed because a child had reached permanency. The percentage of cases that closed to reunification continued to increase (29% in 2008 to 35% in 2010). While the percentage of cases closed to adoption decreased slightly. During 2010, the agency undertook a thorough examination of all children with the goal of adoption to determine if there were policies

and procedures that should be enforced or implemented to ensure that they reach permanency in a timely manner. In addition, the examination included a review of children with a goal of adoption that had not been placed in a pre-adoptive home and the timeliness of filing a TPR motion once the goal was changed to adoption. Although, the number of children awaiting adoption has decreased many still wait too long to find a permanent home.

As has been the case, a significant number of cases in 2010 closed without reaching permanency. Thirty-four percent of cases closed without reaching permanency in 2008 and 31% in 2009 and 2010.

In 2010, 31% of all post-disposition cases closed without the child achieving permanency, either because the child reached the age of majority or no longer wanted services from CFSA. The finding that nearly a third of children aged out of the system is not surprising given that at the end of 2010, 42% of the children under Court supervision were 15 years of age or older. Many of these children, who have APPLA as their permanency goal (25%), have been in care for a significant period of time, or are unlikely to be reunited with their parents and do not wish to be adopted. As indicated earlier, to ensure that the maximum number of children reach permanency, CFSA has issued new guidelines and procedures for social workers planning to recommend a goal of APPLA to the court. The policy is designed to ensure that only those children for whom no other permanency option is appropriate will receive a goal of APPLA. In addition, a review of all older youth currently with a goal of APPLA which began in 2009 is continuing. The Child Welfare Leadership Team (CWLT) also continues to review the use of APPLA in its quarterly meetings.

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

During 2010, 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 2006, the median time to achievement of permanency was 1.5 years for children whose cases closed to reunification; 3.9 years to reach a goal of adoption; 3.5 years for cases to close to guardianship; and 2.0 years to reach permanency through a goal of custody. In 2007, the comparable figures were 2.0 years to reunification, 3.7 years to adoption, 2.8 years to guardianship, and 3.6 years to custody. In 2008, the figures were 1.7 years to reunification, 3.9 years to adoption, 3.0 years to guardianship, and 2.7 years to custody. Table 4 reflects comparative data on median time to closure for cases closed in 2009 and 2010.

As would be expected, children who were reunified with their parents spent less time in foster care than those whose cases closed through other permanency options. In a fifth of the cases closed to reunification in 2010, children were reunified with their parent within 12 months of removal, and slightly more than three-fifths were reunified within 24 months or less. The median time required to reunify children with their parents for cases that closed in 2010 was 1.7 years, the same as it was in 2009.

The median time to closure for cases closed to adoption decreased in 2010. During the period from 2006-2009, it took approximately four years to close a case to adoption. In 2010, it dropped to about 3 1/2 years. However, as has been the case, more than 9 out of 10 children spend more than 24 months in care waiting to be adopted. As was the case with adoption, the median time to achievement of permanency for children whose cases closed to guardianship also decreased slightly in 2010 to 2.4 years. The



**Table 4. Percent Distribution of Time Between Case Filing and Achievement of Permanency Goal, for Cases Closed in 2009 and 2010**

Number of months to achieve goal	Permanency Goal							
	Reunification		Adoption		Guardianship		Custody	
	2009	2010	2009	2010	2009	2010	2009	2010
6 months	2	4	0	0	0	8	8	0
12 months	17	17	0	0	0	6	8	25
18 months	22	22	1	3	11	0	31	12
24 months	16	19	4	4	23	11	23	19
More than 24 months	43	37	95	93	67	75	31	44
<b>Total Cases Closed</b>	<b>211</b>	<b>227</b>	<b>127</b>	<b>110</b>	<b>93</b>	<b>99</b>	<b>13</b>	<b>16</b>
<b>Median Time to Achieve Goal</b>	<b>1.7 years</b>	<b>1.7 years</b>	<b>4.1 years</b>	<b>3.6 years</b>	<b>2.7 years</b>	<b>2.4 years</b>	<b>1.5 years</b>	<b>1.8 years</b>
<b>Average Time to Achieve Goal</b>	<b>2.7 years</b>	<b>2.1 years</b>	<b>5.2 years</b>	<b>4.6 years</b>	<b>3.2 years</b>	<b>3.1 years</b>	<b>2.1 years</b>	<b>2.8 years</b>

median ranged from 2.8 years in 2007, to 3.0 years in 2008, to 2.7 years in 2009. It is important to remember that many of the cases closed since 2007 were older cases where the children had already been in care for extended periods of time. As these older cases close or the youth age out of the system, the court expects the median time to case closure to remain high. Table 5 shows the year of case filings for the pending caseload and demonstrates why the median will remain high over the next several years. Nearly a

**Table 5. Age of Pending Caseload, 2010**

Year Case Filed	Percent of Pending Caseload
1990-1996	4
1997-2001	11
2002-2003	6
2004	4
2005	7
2006	7
2007	6
2008	15
2009	15
2010	24
<b>Number Pending</b>	<b>2,288</b>

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

**Table 6. Status of Cases Filed, 2005-2010**

Year Filed	Number Filed	Case Status	
		Percent Open	Percent Closed
2005	933	18	82
2006	652	25	75
2007	532	25	75
2008	842	41	59
2009	575	61	39
2010	726	74	26

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

In 31% of the cases (200 cases) closed in 2010, the children did not achieve permanency either because they aged out of the system or were emancipated. The percentage of cases closed in 2010 in this category was the same as it was in 2009 but slightly lower than it was in 2008 (34%).

### **Reentry to Foster Care<sup>5</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.

Three of the 170 cases closed to reunification in 2008 returned to care, 1 within 12 months and 2 within 24 months of reunification. Seven of the 211 cases closed to reunification in 2009 returned to care within 12 months of reunification and one within

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<sup>5</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.

24 months of reunification. Of the 227 cases closed to reunification in 2010, two returned to care within 12 months of reunification.

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

Year	Number of Cases Closed by Reunification	Number of Children Returned to Foster Care after Reunification	Number of Months Before Return		
			12 Months	24 Months	More than 24 Months
2006	281	19	8	10	1
2007	186	16	5	7	4
2008	170	3	1	2	0
2009	211	7	6	1	0
2010	227	2	2	0	0

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

On December 31, 2010, none of the cases closed to adoption in 2006, 2008, 2009, or 2010 have returned to care in this jurisdiction. Of the 135 cases closed to adoption in 2007, one child was returned to care within 24 months of being adopted.

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

Year	Number of Cases Closed by Adoption	Number of Children Returned to Foster Care after Adoption	Number of Months Before Return		
			12 Months	24 Months	More than 24 Months
2006	196	0	0	0	0
2007	135	1	0	1	0
2008	95	0	0	0	0
2009	128	0	0	0	0
2010	111	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.

Seven of the 194 cases closed to guardianship in 2006 disrupted, one within 12 months of placement with a permanent guardian, three within 24 months and 3 after more than 24 months of placement. In addition, four cases closed to guardianship in 2007 have also been disrupted, three within 12 months and one within 24 months of

placement with permanent guardianship. No child whose case closed to guardianship in 2008, 2009 or 2010 has returned to care in this jurisdiction.

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

Year	Number of Cases Closed by Guardianship	Number of Children Returned to Foster Care after Guardianship	Number of Months Before Return		
			12 Months	24 Months	More than 24 Months
2006	194	7	1	3	3
2007	125	4	3	1	0
2008	93	0	0	0	0
2009	93	0	0	0	0
2010	99	0	0	0	0

## **Performance Measure 2: Timeliness**

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

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

See discussion under ASFA compliance, pages 49 to 59.

## **TERMINATION OF PARENTAL RIGHTS**

Federal and local law requires that when a child has been placed outside of the home for 15 of the most recent 22 months, a motion for termination of parental rights (TPR) be filed or that an exception be documented. Since passage of the Act the number of TPR motions filed has varied from a high of 145 motions in 2006 to 129 motions in 2007, to 163 in 2008 and 128 in 2009. During 2010, 82 TPR motions were filed. Table 10 below provides information on compliance with the timely filing of TPR motions for the five-year period, 2006 through 2010.

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

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

Year Filed	Total TPR Motions Filed	Median Days To Filing	Average Days To Filing	Number of Motions Filed Within :				
				15 months	22 months	36 months	60 months	More than 60 months
2006	145	569	937	49	38	21	14	23
2007	129	688	940	37	26	31	23	12
2008	161	585	871	38	55	35	18	15
2009	128	558	821	29	50	30	10	9
2010	82	559	750	26	24	22	4	6

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 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 1 ½ to 2 years. Moreover, half of the TPR motions filed in 2006 through 2010 were filed within the 22 months timeframe. On the other hand, Table 10 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 45 day timeframe. The OAG continues to track permanency goals of children 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 CWLT monitors the status of TPR cases identified by both the court and the OAG at each of its quarterly meetings. This collaborative review process is expected to result in continued improvement in the timely filing of TPR

motions. Furthermore, it is important to note that some of the cases which were filed late since 2006 had been thoroughly reviewed as part of an overall assessment of TPR cases by the OAG in 2005. At the time of the assessment in each of these cases, there were documented compelling reasons for not filing the TPR. Unfortunately, since the review process was complete, changes in the status of the case led to the decision to file the TPR.

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

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

**Table 11. Termination of Parental Rights Motions Filed, by Year Motion Filed and Method of Disposition, 2006 –2010**

Year Filed	Total Filed	Total Undisposed	Total Disposed	Method of Disposition			
				Granted	Dismissed	Withdrawn	Denied
2006	145	1	145	41	93	9	2
2007	129	9	120	17	83	17	3
2008	161	30	131	29	86	15	1
2009	135	61	74	6	58	10	0
2010	82	62	20	0	16	4	0

**Table 12. Time Between Filing and Disposition of TPR Motions, by Year Motion Filed, 2006-2010**

Year Filed	Total Motions Disposed of	Median Days to Disposition	Average Days to Disposition	Number of Motions Disposed of Within:				
				30 days	90 days	120 days	180 days	180 + days
2006	145	636	666	0	0	0	3	142
2007	120	727	685	1	1	2	3	113
2008	131	509	535	1	0	0	2	128
2009	74	378	372	0	2	1	5	66
2010	20	165	169	0	1	1	9	9

The length of time between filing the TPR motion and the order granting the TPR varied considerably over the four year period from 2006 to 2009. The median time between filing the motion and the order granting the motion ranged from a low of 354

days in 2006 to a high of 594 days in 2007. The majority of TPR motions filed in 2010 have yet to be decided.

**Table 13. Time Between Filing and Disposition of TPR Motion, by Year Motion was Filed and Type of Disposition, 2006-2010**

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
2006	145	41	354	415	104	762	749
2007	120	17	594	606	103	701	692
2008	131	29	455	498	102	512	491
2009	74	6	248	296	68	317	338
2010	20	0	-	-	20	165	169

\*Includes motions dismissed, withdrawn or denied.

The median time required to dispose of TPR motions by means other than granting of the motion (i.e., dismissal, denied, withdrawn) exceeded 1 year in each year from 2006 to 2008. In 2009 the median was 317 days. Again, the majority of motions filed in 2010 have not yet been disposed.

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 earlier, 82 TPR motions were filed in 2010. Twenty of those motions have been disposed. All 20 dispositions were in compliance with the time standard. During 2011, the court will continue to monitor compliance with this performance measure.

On December 31, 2010 there were 172 TPR motions pending disposition, a 32% reduction from 2009 (253 motions pending) and a 52% reduction from 2008 (361 motions pending). This reduction in the pending caseload is attributable to the increased

focus on the efficient handling of TPR motions at both the OAG and the court. It is important to note that TPR motions that have been pending for a number of years, as well as the large number of TPR motions disposed of through dismissal are largely a reflection of previous practice in the District of Columbia of terminating parental rights within the adoption case.

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

Over the period from 2006 through 2010, the median number of days to file an adoption petition after a TPR motion had been granted ranged from a low of 222 days in 2006 to a high of 399 days in 2008. 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.

A fifth of the adoption petitions filed in 2010 have been disposed. In more than half of the cases disposed, the adoption petition was granted (Table 14). For those cases in which the petition was granted, the median time between filing and finalization was slightly more than six months (194 days). For adoptions finalized in 2009 the median was approximately 12 months (359 days). As can be seen from Table 15, the median time between filing of the adoption petition and finalization was approximately 16 months in 2008, 15 months in 2007, and 13 months in 2006.



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

Year Filed	Total Filed	Total Undisposed of	Total Disposed of	Method of Disposition			
				Granted	Dismissed	Withdrawn	Denied
2006	209	3	206	146	32	26	2
2007	165	4	161	113	26	22	0
2008	180	14	166	117	19	29	1
2009	150	40	110	75	15	17	3
2010	165	128	37	20	5	12	0

**Table 15. Time Between Filing and Finalization of Adoption  
Petition of Children in Foster Care, by Year Petition Filed**

Year Filed	Total Adoptions Finalized	Median Days to Finalization	Average Days to Finalization	Number of Adoptions Finalized Within:				
				3 months	6 months	12 months	18 months	>18 months
2006	146	402	463	1	25	37	40	43
2007	113	439	481	0	9	34	39	31
2008	117	484	483	0	7	20	47	43
2009	75	361	359	1	3	34	31	6
2010	20	194	197	1	7	12	-	-

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

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

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

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

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

D.C. Code §16-2304 also entitles parents to be represented by counsel at all critical stages of neglect proceedings, and if financially unable to obtain adequate

representation, to have counsel appointed for them. In all cases that met the eligibility criteria, counsel was appointed for parents in advance of the initial hearing.

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

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

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

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

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

family. Each liaison is able to provide information to the court about whether a family or child is known to its system, and what services are currently being provided to the family or child.

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

- Child and Family Services Agency
- Department of Mental Health
- District of Columbia Public Schools
- Department of Disability Services
- Hillcrest Children's Health Center

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:

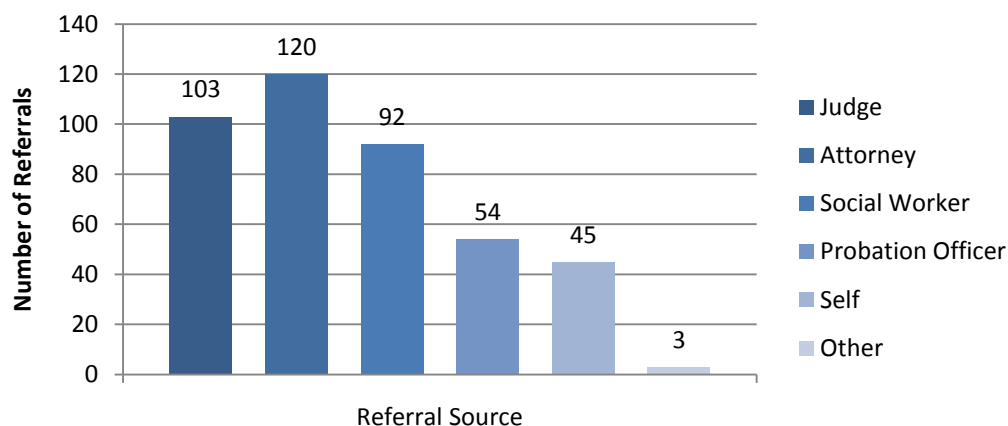
- District of Columbia Housing Authority
- Department of Human Services: Income Maintenance Administration
- Metropolitan Police Department: Youth and Preventive Services Division
- Department of Human Services: Strong Families Division
- Department of Health: Addiction Prevention and Recovery Administration
- Department of Health: Maternal and Family Health and Youth Prevention Services Division
- Department of Employment Services
- Department of Youth Rehabilitation Services

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

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

During 2010, the MSLO received 417 referrals. Eighty-five percent of referrals (355) were for families with a currently open case in Family Court and 15% involved walk in clients or clients with a previous history in the Family Court. Among referrals with open court cases, 86% were court involved families under the jurisdiction of the court for whom it was recommended that they seek the services of the MSLO, the remaining 14% of those seeking services had been ordered to the MSLO by a judicial officer to be connected with a specific service. Attorneys were the most likely source of referrals to the MSLO, followed by judges and social workers.

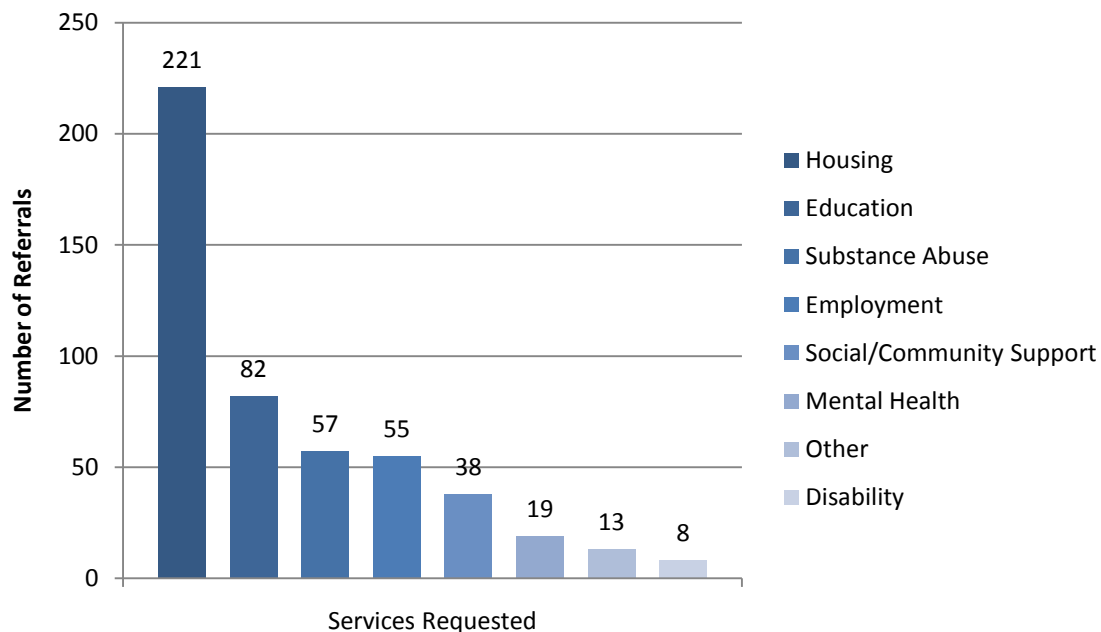
**Figure 16. Referrals to MSLO by Referral Source, 2010**



Cases seeking the services of the MSLO were for assistance with issues related to housing, such as transfers, inspections, emergency housing; mental health evaluations and assessments; individual and family therapy; substance abuse treatment; school placements; IEP's and other special education issues, including testing and due process; general education; TANF assistance; medical assistance; financial assistance; food; and employment and literacy information. The MSLO effectively linked these families and children to a variety of services. Chief among them was drug treatment for parents/guardians and youth. Other service linkages and resources included housing,

mental health services, and educational services. The MSLO provides several resources to women in the Family Treatment Court program, such as housing assistance, including assistance with the Housing Voucher Client Placement program (DCHA), eviction prevention, TANF assistance, and medical assistance.

**Figure 17. Referrals to the Mayors Services Liaison Office, 2010**



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

## NEW INITIATIVES IN ABUSE AND NEGLECT

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

The Family Court recognizes the practice of law for children and families as an area of specialty that requires the skill and commitment of highly qualified counsel. Therefore, the Family Court, utilizing grant funds, in partnership with the National Association of Counsel for Children (NACC), provided the opportunity for 40 eligible agency, CCAN and GAL panel attorneys to obtain Child Welfare Law Certification in 2009. Of the 40 attorneys, six did not pass the initial screening, either because they did not complete their applications or because their experience was considered insufficient and they were asked to withdraw their applications. Thirty-four attorneys were deemed qualified to take the certification exam in May 2009. Of the qualified attorneys, thirty took the exam and four did not. During 2009, 25 attorneys took the NACC certification test and passed the exam earning them the certification of Child Welfare Law Specialists (CWLS). The twenty-five attorneys who passed the test were honored at a court reception attended by the attorneys, judges, and court staff. They were also recognized at the annual NACC conference in August 2009 in Brooklyn, New York and in an article and picture published in the Court newsletter, *Full Court Press*. During 2010, the court conducted test preparation sessions for those attorneys who were either found ineligible to sit for the exam or though found eligible, did not take the exam in 2009. As a result, four additional attorneys were certified as Child Welfare Legal Specialists. The expertise gained through this program will assist these attorneys in their work providing high quality representation to children and parents in abuse and neglect cases in the Family Court.

### **First Annual Family Celebration Day**

The goal of this event is to celebrate the accomplishments of families who have overcome an array of challenges to reunify safely and successfully; to recognize the vital role that community partners – including mental health and substance abuse providers, courts and judges, foster parents and others – play in helping to reunify, strengthen and support families; and to inspire other parents – particularly those going through the recovery process – that it is possible to confront and resolve the issues that led to their separation, and to reunify with their children. The first “Family Celebration Day” is scheduled for Saturday, June 4, 2011, and will feature a picnic lunch, activities for children and families and a recognition ceremony.

### **Safe and Sound**

This initiative is a collaborative effort between the Family Court, DC Child and Family Services Agency (CFSA), the Office of the Attorney General for the District of Columbia (OAG), and other District child welfare stakeholders. The purpose of Safe and Sound is two-fold. The first is to reduce the number of child welfare cases that convert from in-home (community) cases to court-involved cases. Additionally, qualitative data gathered from the cases at entry and exit from the program will assist CFSA in learning more about the barriers to successful closure of in-home cases, enabling the agency to develop best practices in working with this vulnerable population.

### **Family Court Orientation Video**

During 2010, through the use of Court Improvement Project (CIP) grant funds, the Family Court developed an orientation video for parents and caregivers entitled,

*Understanding Child Abuse and Neglect Cases in the District of Columbia.* The video is an enactment of a child welfare case from removal of the children through reunification. It was created to decrease parental anxiety about the court process and enhance their understanding of court proceedings by explaining the types of hearings, legal timelines and roles of various stakeholders in the child welfare system. The video was finalized in September 2010.

The development of this video completes the initial development of resource materials explaining the court process for all participants. Materials developed to date include: a handbook, *A Parent's Guide to Child Abuse and Neglect Cases in the D.C. Family Court* and Family Court Calendar for parents, a workbook for younger children, *Peter's Day in Family Court* and the *Pathways to Permanency* handbook for older youth. The video, available in English and Spanish, is easily accessible from the court's website.

#### **Abuse and Neglect Videoconferencing**

During 2010, the Family Court began installing videoconferencing software (WebX) and video cameras on computers in each abuse and neglect courtroom. The goal is to improve the quality of hearings for youth involved in the child welfare system placed outside of the District of Columbia in residential treatment facilities. The software and cameras will allow the youth to participate in their proceedings from their placement sites.

#### **Review of Magistrate Judges Orders**

The Family Court in consultation with the Research and Development and the Information Technology Divisions collaborated to develop a report that examines the timeliness of resolution of motions to review magistrate judges' decisions in neglect,



guardianship, adoption and termination of parental rights matters as required by Administrative Order 10-04.

### **Courts Catalyzing Change**

In 2006, the NCJFCJ and the Victims Act Model Courts in collaboration with Casey Family Programs, adopted a national goal to reduce racial disproportionality and disparate treatment in foster care. Through its committee on Disproportionate Representation of Minorities (DRM), the Family Court continued its work of assessing disparate treatment and developing guidelines to address the problem of disproportionality. In 2010, the Family Court collaborated with the NCJFCJ and the Criminal Justice Coordinating Council (CJCC) to convene a retreat for juvenile justice agency stakeholders in the District of Columbia to further engage them in a commitment to reduce and eliminate disproportional and disparate treatment. Participating agencies included the Metropolitan Police Department, CFSA, Juvenile Justice Advisory Group, Public Defender Service, Department of Youth Rehabilitation Services, OAG, National Center for Juvenile Justice, CSS, Family Court and the Criminal Justice Coordinating Council. Stakeholders developed a list of recommended goals and activities to be implemented within their respective agencies. Among the recommended goals were:

- reduce the amount of abscondance and missing person reports from community placements;
- ensure accurate data collection of race and ethnicity at all stages of involvement;
- reduce the negative impact on children resulting from involvement in the delinquency system;
- improve awareness of community based programs to lessen dependency on juvenile justice and other government systems; and

- determine if disparity exists in the papering and handling of alternatives to adjudication by geographic area.

### **The Adoption Reform Amendment Act of 2010**

The Adoption Reform Amendment Act (D.C. Law #18-230) enacted September 24, 2010 provides for the extension of adoption and guardianship subsidies until children turn 21 and expanded guardianship subsidies to non-kin. Prior to the legislation, adoption and guardianship subsidies ended when a youth reached 18 years of age, but foster care payments could continue until the child reached 21 years of age. This legislation aligns the respective durations of foster care payments and subsidy payments and removes a long standing subsidy disparity viewed by many as a barrier to permanency. It also includes provisions for judicial enforcement of voluntarily-entered post-adoption contact agreements between adoptive and biological parents; eased requirements for adoption of foster children over the age of 18; and established a foster care registry so adults who are or were in foster care can seek out biological family members with whom they have lost contact.

### **JUVENILE CASES**

During 2010, there were 3,342 new juvenile complaints filed in the Family Court, an 11% decrease from filings in 2009 (3,752). As was the case in 2009, ninety-one percent (3,038) of all complaints filed were based on an allegation of delinquency, 5% (176 cases) pursuant to an Interstate Compact Agreement (ISC), and 4% (128 cases) on a person in need of supervision (PINS) allegation. Fifty-four percent of all complaints filed (1,820) resulted in a formal petition being filed by the OAG. The remaining cases were either “no papered” or the petition has yet to be filed.

Delinquency cases comprised eighty-nine percent (1,654) of the cases that were petitioned; PINS cases (72) accounted for 6 percent of petitioned cases and ISC cases (81) accounted for 5%. The remainder of this section focuses on the 1,654 cases alleging delinquency in which a petition was filed during 2010.

The number of delinquency cases petitioned decreased 2% from 2009 to 2010; the decrease for males was 1% and for females 4%. Males continued to account for more than 8 out of every 10 cases petitioned in 2010 (88%). The percentage of females among petitioned cases decreased slightly (from 14% in 2009 to 12% in 2010).

Four percent of cases petitioned in 2010 involved youth aged 12 or younger. A fifth involved juveniles who were 13 and 14 years old, nearly half were 15-16 years old at the time of petitioning, and nearly 30% were 17 or over. Overall, youth petitioned in 2010 were older than youth petitioned in 2009. In 2009, 53% of youth were 16 or older at the time of petitioning in comparison to 55% of youth in 2010.

Forty-five percent of juveniles (745 cases) were detained at the time of their initial hearing (14% in non-secure facilities or shelter houses and 31% in secure detention facilities). Males comprised 92% of those detained and females 8%.

#### **MOST SERIOUS OFFENSE**<sup>6</sup>

Fifty-three percent of new delinquency cases petitioned in 2010 were for a violent crime, 26% for a property offense, 12% for a drug law violation and 9% for a public order offense. The most common reason for a juvenile case to be petitioned in 2010 was for a charge of robbery or aggravated assault (each 14% of referrals), followed

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<sup>6</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.

by simple assault (12%), and unauthorized use of a vehicle (9%). Weapons offenses, drug sale/distribution, assault with a dangerous weapon, drug possession, and larceny/theft each accounted for 6% of new referrals. Although few in number, it is important to point out that two juveniles were charged with murder and 10 with assault with the intent to kill in 2010.

Juveniles charged with assault accounted for 6 out of 10 new petitions for acts against persons (aggravated assault (26%), simple assault (22%) and assault with a dangerous weapon (11%)). Robbery (35%) was the second leading reason for a petition for acts against persons (8% armed robbery and 27% unarmed), followed by juveniles charged with Burglary I (2%).

Thirty-six percent of all juvenile cases petitioned for acts against property involved the unauthorized use of a vehicle; followed by larceny/theft (22%), burglary II (12%), and property damage and unlawful entry (each 10%).

The overwhelming majority of youth charged with acts against public order were charged with a weapons offenses (66%); 9% were charged with obstruction of justice. Among juveniles charged with a drug law violation, half were charged with drug sale or distribution and half with drug possession.

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

New referrals in 2010 were slightly older than those in 2009. In 2010, 45 % of all delinquency cases petitioned by the Family Court involved youth 15 years of age or younger at the time of referral compared to 47% in 2009. Referrals of youth 15 or younger represented a larger proportion of offenses against persons and property and smaller proportions of drug and public order offenses. The most likely reason for

petitioning a youth 15 or younger was a charge of robbery or simple assault (each 15% of referrals), followed by aggravated assault (12%) and unauthorized use of a vehicle

**Table 16. Juvenile Delinquency Cases Petitioned in 2010,  
by Age and Most Serious Offense**

Most Serious Offense <sup>7</sup>	Age at Time of Petition								
	Total cases	Under 10 years	10-12	13-14	15-16	17	18 and over <sup>8</sup>	15 and younger	16 and older
<b>Acts against persons</b>	<b>877</b>	<b>1</b>	<b>42</b>	<b>183</b>	<b>430</b>	<b>214</b>	<b>7</b>	<b>438</b>	<b>439</b>
Murder	2	0	0	1	1	0	0	2	0
Assault with Intent to Kill	10	0	0	2	6	2	0	5	5
Assault with Dangerous Weapon	97	0	9	24	44	20	0	57	40
Aggravated Assault	228	0	8	37	107	74	2	88	140
Armed Robbery	66	0	2	13	43	8	0	37	29
Robbery	233	0	10	44	108	68	3	114	119
First Degree Sexual Abuse (Rape)	3	0	0	0	1	1	1	1	2
Other Violent Sex Offenses	9	0	1	6	0	1	1	7	2
Car Jacking	10	0	0	0	6	4	0	2	8
Burglary I	18	0	0	7	9	2	0	12	6
Simple Assault	191	1	12	48	98	32	0	111	80
Other Acts Against Persons	10	0	0	1	7	2	0	2	8
<b>Acts against property</b>	<b>434</b>	<b>0</b>	<b>15</b>	<b>93</b>	<b>212</b>	<b>109</b>	<b>5</b>	<b>210</b>	<b>224</b>
Burglary II	52	0	1	12	23	15	1	23	29
Larceny/Theft	95	0	3	16	48	26	2	43	52
Unauthorized Use of Auto	156	0	5	44	76	30	1	89	67
Arson	6	0	2	3	1	0	0	6	0
Property Damage	45	0	3	9	21	12	0	22	23
Unlawful Entry	43	0	0	5	20	17	1	10	33
Stolen Property	32	0	1	3	21	7	0	16	16
Other Acts Against Property	5	0	0	1	2	2	0	1	4
<b>Acts against public order</b>	<b>150</b>	<b>0</b>	<b>6</b>	<b>24</b>	<b>66</b>	<b>51</b>	<b>3</b>	<b>50</b>	<b>100</b>
Weapons Offenses	99	0	4	15	40	38	2	27	72
Disorderly Conduct	1	0	0	0	1	0	0	0	1
Obstruction of Justice	14	0	2	2	6	4	0	7	7
Other Acts Against Public Order	36	0	0	7	19	9	1	16	20
<b>Drug Law Violations</b>	<b>193</b>	<b>0</b>	<b>0</b>	<b>13</b>	<b>92</b>	<b>86</b>	<b>2</b>	<b>45</b>	<b>148</b>
Drug Sale/Distribution	98	0	0	4	40	53	1	22	76
Drug Possession	95	0	0	9	52	33	1	23	72
Other Drug Law Violations	0	0	0	0	0	0	0	0	0
<b>Total Delinquency Petitions<sup>9</sup></b>	<b>1,654</b>	<b>1</b>	<b>63</b>	<b>313</b>	<b>800</b>	<b>460</b>	<b>17</b>	<b>743</b>	<b>911</b>

<sup>7</sup> See Footnote 6.

<sup>8</sup> See D.C. Code §16-2301(3)(c)(2001).

<sup>9</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.

(12%). In contrast, the most common charge for a youth age 16 or older was aggravated assault (15%), robbery (13%), followed by simple assault (9%), drug sale/distribution (8%), drug possession (8%) and weapons offenses (8%).

In addition, a review of most serious offense by age at time of petitioning within specific offense categories also reveals some significant differences. In 2010, the percentage of youth charged with crimes involving acts against persons decreased as youth became older. Specifically, 66% of juveniles aged 12 or younger were charged with a crime against a person as compared to 58% of juveniles age 13-14, 54% of those age 15-16, and 46% of those age 17 or older at referral.

In comparison, the percentage of youth charged with a drug offense increased with the age of the offender. No youth 12 or younger was charged with a drug offense. The percentages of drug offense charges, by age group, were: ages 13-14, 4%; ages 15-16, 12%; ages 17 and older, 19%. Similarly, youth charged with acts against the public order also increased with age.

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

As was the case in 2009, 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 for offenses against persons than were males – 75% of females were charged with acts against persons, compared to 50% of males. Conversely, a greater percentage of males than females were charged with acts against property (28% and 15%, respectively), acts against public order (9% and 8%), and drug law violations (13% and 1%, respectively).

Within major crime categories, there were also significant differences in the offenses for which males and females were charged. Among male offenders charged

with crimes against persons, 55% were charged with some form of assault and 38% were charged with some form of robbery. In comparison, among females charged with violent offenses, 81% were charged with some form of assault, and 15% for some form of robbery. Among males charged with property offenses, unauthorized use of a vehicle (37%) was the leading charge followed by larceny/theft (20%) and Burglary II (12%).

**Table 17. Juvenile Delinquency Cases Petitioned in 2010  
by Most Serious Offense and Gender**

Most Serious Offense <sup>10</sup>	Total cases	Male	Female
<b>Acts against persons</b>	<b>877</b>	<b>725</b>	<b>152</b>
Murder	2	2	0
Assault W/I Kill	10	10	0
Assault Dangerous Weapon	97	78	19
Aggravated Assault	228	182	46
Armed Robbery	66	63	3
Robbery	233	213	20
First Degree Sex Abuse	3	3	0
Other Violent Sex Offenses	9	6	3
Carjacking	10	10	0
Burglary I	18	17	1
Simple Assault	191	134	57
Other Acts Against Persons	10	7	3
<b>Acts against property</b>	<b>434</b>	<b>404</b>	<b>30</b>
Burglary II	52	49	3
Larceny/Theft	95	82	13
Unauthorized Use Auto	156	150	6
Arson	6	5	1
Property Damage	45	41	4
Unlawful entry	43	43	0
Stolen Property	32	29	3
Other Acts Against Property	5	5	0
<b>Acts against public order</b>	<b>150</b>	<b>134</b>	<b>16</b>
Weapons Offenses	99	95	4
Disorderly Conduct	1	1	0
Obstruction of Justice	14	14	0
Other Acts Against Public Order	36	24	12
<b>Drug Law Violations</b>	<b>193</b>	<b>189</b>	<b>4</b>
Drug Sale/Distribution	98	98	0
Drug Possession	95	91	4
Other Drug Law Violations	0	0	0
<b>Total Delinquency Petitions</b>	<b>1,654</b>	<b>1,452</b>	<b>202</b>

<sup>10</sup> See Footnote 6.

For females, however, the leading property charge was larceny/theft (43%) followed by unauthorized use of a vehicle (20%) and property damage (13%). Among both males and females charged with public order offenses, weapons offenses were the leading charge (71% and 25% respectively). In contrast, while 13% of males were charged with drug offenses, only 4% of females were charged with a similar offense. Approximately, half of males charged with a drug offense were charged with drug sale distribution and half with drug possession. All female drug offenders were charged with drug possession.

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

A child shall not be detained pending a trial or disposition hearing unless he is alleged to be delinquent or in need of supervision and unless it appears that detention is required to protect the person or property of others or of the child, or to secure the child's presence at the next court hearing. *See* D.C. Code §16-2310 (a). In addition, a child shall not be placed in shelter care pending a trial or disposition hearing unless it appears that shelter care is required to protect the child or because the child has no parent, guardian, custodian, or other person or agency able to provide supervision and care for him, and no alternative resources or arrangements are available to the family to safeguard the child without requiring removal. *See* D.C. Code § 16-2310 (b). In order to detain the child, the judicial officer must also have probable cause to believe that the child committed the offense. In determining whether a youth should be detained or not, judicial officers, exercising their discretion, consider a myriad of factors before making



the detention decision. Factors taken into consideration include but are not limited to the following:<sup>11</sup>

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

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

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

After careful consideration of the above factors, in 745 (45%) of the 1,654 juvenile delinquency cases petitioned in 2010, the youth was detained prior to trial.<sup>12</sup> The percentage of juveniles detained prior to trial increased each year from 2008 to 2010. In

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<sup>11</sup> See Superior Court Juvenile Rule 106.

<sup>12</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.

2008, 41% of youth were detained; during 2009, that figure rose to 43% ; it rose again in 2010 to 45% . The increase in the use of detention occurred across all offense categories. Table 18 presents information on the number of juveniles detained at initial hearing by offense, one of the many factors taken into account when making a decision to detain a youth.

In 2010, 57% of those charged with acts against public order (i.e. weapons offenses) were detained prior to trial, compared to 40% of those charged with drug offenses, 41% of those charged with property crimes and 46% of those charged with acts against persons. The comparable figures for 2009 were 50%, 36%, 40%, and 45% respectively. With regard to specific offenses, all juveniles charged with murder and assaults with intent to kill were detained prior to trial. Eighty percent of those charged with carjacking, 68% of those charged with armed robbery, 61% of those charged with burglary I, and 59% of those charged with assault with weapon offenses were also detained prior to trial. As expected, those charged with drug possession, burglary II, simple assault, and stolen property were less likely to be detained prior to trial. In addition, 17% of those charged with arson were detained prior to trial.

The percentage of males detained prior to trial increased each year from 2008 to 2010. In 2010, 47% of males were detained prior to trial. In 2008, 43% of males were detained. That number rose to 45% in 2009 and 47% in 2010. On the other hand, the percentage of females decreased from 2009 to 2010. Thirty-three percent of females were detained in 2009 compared to 31% in 2010. The comparable figure in 2008 was 32%.

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

Most Serious Offense <sup>13</sup>	All Detained Delinquency Cases						
	Total detained	Securely Detained			Non-Securely Detained		
		Total	Males	Females	Total	Males	Females
<b>Acts against persons</b>	<b>402</b>	<b>264</b>	<b>242</b>	<b>22</b>	<b>138</b>	<b>116</b>	<b>22</b>
Murder	2	2	2	0	0	0	0
Assault W/I Kill	10	10	10	0	0	0	0
Assault Dangerous Weapon	43	22	19	3	21	18	3
Aggravated Assault	98	65	59	6	33	27	6
Armed Robbery	45	35	35	0	10	9	1
Robbery	114	75	72	3	39	37	2
First Degree Sex Abuse	1	0	0	0	1	1	0
Other Violent Sex Offenses	3	2	1	1	1	1	0
Carjacking	8	6	6	0	2	2	0
Burglary I	11	10	10	0	1	1	0
Simple Assault	58	31	24	7	27	18	9
Other Acts Against Persons	9	6	4	2	3	2	1
<b>Acts against property</b>	<b>179</b>	<b>130</b>	<b>125</b>	<b>5</b>	<b>49</b>	<b>47</b>	<b>2</b>
Burglary II	15	12	12	0	3	3	0
Larceny/Theft	38	20	18	2	18	17	1
Unauthorized Use Auto	77	64	63	1	13	12	1
Arson	1	1	1	0	0	0	0
Property Damage	19	11	9	2	8	8	0
Unlawful entry	15	11	11	0	4	4	0
Stolen Property	10	8	8	0	2	2	0
Other Acts Against Property	4	3	3	0	1	1	0
<b>Acts against public order</b>	<b>86</b>	<b>61</b>	<b>53</b>	<b>8</b>	<b>25</b>	<b>23</b>	<b>2</b>
Weapons Offenses	58	46	46	0	12	11	1
Disorderly Conduct	0	0	0	0	0	0	0
Obstruction of Justice	8	4	4	0	4	4	0
Other Acts Against Public Order	20	11	3	8	9	8	1
<b>Drug Law Violations</b>	<b>78</b>	<b>54</b>	<b>54</b>	<b>0</b>	<b>24</b>	<b>23</b>	<b>1</b>
Drug Sale/Distribution	50	37	37	0	13	13	0
Drug Possession	28	17	17	0	11	10	1
<b>Total number of detained cases</b>	<b>745</b>	<b>509</b>	<b>474</b>	<b>35</b>	<b>236</b>	<b>209</b>	<b>27</b>

Sixty-eight percent of those detained were held in secure detention facilities and 32% in non-secure facilities referred to as shelter houses. The percentage of juveniles held in secure detention facilities in 2010 was slightly lower than in either 2008 or 2009 (70%). In 2010, males accounted for 93% of those detained in secure facilities and 89%

<sup>13</sup> See Footnote 6.

of those detained in shelter houses. In 2009, males also accounted for 91% of those detained in secure facilities, and 85% of those detained in shelter houses.

Among those detained, there were also differences in the type of detention facility by offense. Of youth detained, 100% of those charged with murder, assault with intent to kill and arson were detained in secure facilities, as were 91% of those charged with burglary I, 83% of those charged with unauthorized use of an auto, 80% of those charged with stolen property, and 80% of those charged with burglary II. On the other hand, among detained youth, 100% of those charged with first degree sexual abuse, 50% of those charged with obstruction of justice, 49% of those charged with assault with a dangerous weapon, 47% of those charged with larceny/theft, and 47% of those charged with simple assault were detained in shelter houses.

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

Many states, including the District of Columbia, have established case-processing timelines for youth detained prior to trial. In addition to individual state timelines, several national organizations, including the American Bar Association, the Office of Juvenile Justice and Delinquency Prevention and the National District Attorneys Association have issued guidelines for case processing in juvenile cases.<sup>14</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.

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<sup>14</sup> See “Delays in Juvenile Court Processing of Delinquency Cases” by Jeffrey A. Butts conducted under the sponsorship of the Office of Juvenile Justice and Delinquency Prevention (1997) and “Waiting for Justice: Moving Young Offenders Through the Juvenile Court Process” by Jeffrey Butts and Gregory Halemba conducted under the sponsorship of the National Center for Juvenile Justice (1996).

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

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

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

District of Columbia law sets forth a number of reasons for extending the fact finding hearing for one additional 30 day period beyond the statutory period in certain

circumstances. Pursuant to D.C. Code §16-2310 (e)(2)(A), upon motion of the Attorney General and for good cause, the court may extend the time limit for trial. The law provides, in part, that in determining whether there is “good cause”, the court considers whether there has been , or will be, delay resulting from one or more of the following factors:

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

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

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

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

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

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

Since 2007, the court has monitored the adjudication and disposition timeframes for youth held in non-secure detention facilities or shelter houses, in addition to timeframes for juveniles held in secure detention facilities. Beginning in 2010, the court

began monitoring the adjudication and disposition timeframes for youth released prior to detention. 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 allows 270 days for disposition.

As indicated in previous reports, all timeline information contained in this report is calculated as straight time. It measures the time between the initial hearing and when the adjudication hearing and disposition hearing was held and completed. It does not exclude time periods attributable to those factors outlined in D.C. Code §16-2310 and §16-2330 or the time between the commencement and conclusion of a hearing. As a result, the compliance rate would be greater if the calculations excluded time periods attributable to those factors.

### **Securely Detained Juveniles**

Fifty-five out of the 509 securely detained juveniles were charged with murder, assault with intent to kill, armed robbery, first degree sexual abuse, or first degree



burglary. As such they were required to have their cases adjudicated within 45 days and their disposition hearing within 15 days of adjudication for a total of 60 days.

Throughout this report they will be referred to as “Secure Detention-45 day cases”. The remaining 454 securely detained juveniles were required to have their cases adjudicated within 30 days and their disposition within 15 days of adjudication for a total of 45 days, they will be referred to as “Secure Detention-30 day cases”. Table 19 shows the adjudication status and Table 20 provides information on the time to adjudication for both categories of securely detained juveniles in 2010.

**Table 19. Adjudication Status of Securely Detained Youth, 2010**

Adjudication Status	Secure Detention - 45 day Cases	Secure Detention - 30 day Cases	Total
Adjudication Hearing Held	45	384	429
Dismissed before adjudication	7	58	65
Pending Adjudication	3	12	15
Total	55	454	509

**Table 20. Time to Adjudication for Securely Detained Youth, 2010**

Securely Detained	Cases in Which an Adjudication Hearing Was Held								Percentage of cases within timeframe <sup>15</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)	45	17	11	8	6	3	41	43	62	38
Initial Hearing to Adjudication (Statutory Timeline 30 days)	384	245	80	29	23	7	27	30	64	36

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

Forty-five of the 55 securely detained juveniles charged with the most serious offenses (45 day cases) had been adjudicated. Twenty-eight of the 45 adjudicated cases (62%) met the 45 day adjudication timeline. In 2009, 67% of cases were adjudicated within the timeline. The comparable figure for 2008 was 68%. The median time from

<sup>15</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.

initial hearing to adjudication increased from a median of 33 days in 2008 to a median of 41 days in 2009 and 2010.

For other securely detained juveniles (30 day cases) the Court was in compliance with the 30- day statutory requirement for adjudication in 64% of the cases. The compliance rate in 2010 was lower (64%) than it was in 2008 and 2009 (each 75%). The median number of days to reach adjudication increased from 25 days in both 2008 and 2009 to 27 days in 2010.

During 2010, a number of factors contributed to the inability to adjudicate cases of securely detained youth in a timely manner. Those factors include but are not limited to: the absence of an essential witness, unavailability of evidence, attorney unavailability, incomplete psychological, psychiatric and neurological tests, and difficulties in scheduling. During 2011, 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 21 shows the disposition status and Table 22 provides information on the time between adjudication and disposition for both categories of securely detained juveniles in 2010. Thirty-two of the 55 securely detained juveniles charged with the most serious offenses (45 day cases) cases had a disposition hearing. As can be seen from Table 22, the court had difficulty holding disposition hearings within the 15 day timeframe for this group of juveniles. Only 41% of the disposition hearings for juveniles charged with the most serious crimes were held within 15 days of adjudication as required by Juvenile Rule 32. The median number of days between adjudication and disposition was 34 days.

**Table 21. Disposition Status of Securely Detained Youth, 2010**

Disposition Status	Secure Detention - 45 day Cases	Secure Detention - 30 day Cases	Total
Disposition Hearing Held	32	339	371
Dismissed before Disposition	16	72	88
Pending Disposition	7	43	50
Total	55	454	509

**Table 22. Number of Days Between Adjudication and Disposition Hearing for Securely Detained Youth, 2010**

Securely Detained	Adjudicated Cases in Which A Disposition Hearing Was Held								Percentage of cases within timeframe <sup>16</sup>	Percentage of cases exceeding timeframe
	Days Between Events									
	Total cases	1-15	16-30	31-45	46-60	61 or more	Median	Average		
Adjudication to Disposition* (45 day Cases)	32	13	1	10	1	7	34	36	41	59
Adjudication to Disposition (30 day Cases)	339	122	50	50	30	86	30	42	36	64

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

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

As stated earlier, securely detained youth are required to have their cases disposed/resolved within either 60 days or 45 days depending on their charges. The calculation of time to disposition includes cases that moved through the system from initial hearing to adjudication to disposition, as well as cases that were dismissed either prior to or after adjudication. Of the 55 securely detained juveniles with the most serious charges, (45 day cases), 48 have had their cases resolved. Seven are still

<sup>16</sup> See Footnote 15.

pending, three are pending adjudication and four have been adjudicated and are awaiting their disposition hearing.

Among the 48 cases that have been disposed, 46% were disposed within the 60 day timeframe up from 45% in 2009, 40% in 2008 and 16% in 2007. There was also a reduction in the median number of days to reach disposition. The median time from initial hearing to disposition was 63 days in 2010 down from 65 days in 2009, 73 days in 2008 and 101 days in 2007.

**Table 23. Time from Initial Hearing to Disposition for Securely Detained Youth, 2010**

Securely Detained	Cases With Disposition Hearing or Closed Before Disposition Hearing								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 Disposition* (45 Day Cases – 60 days)	48	9	4	9	15	11	63	69	46	54
Initial Hearing to Disposition (30 Day Cases – 45 days)	411	92	84	59	86	90	52	64	43	57

\*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), 411 out of 454 cases had been resolved and 43 were pending, 12 are pending adjudication and 31 have been adjudicated and are awaiting their disposition hearing. Forty-three percent of the 411 cases disposed were disposed of within the 45 day timeframe. The percentage of cases disposed within the timeframe was lower than it was in 2009 (51%) and 2008 (55%) but was a significant improvement over 2007 (32%). The median time between initial hearing and disposition, 52 days, was higher than in either 2009 (45 days), 2008 (44 days), but lower than in 2007 (66 days).

As was the case with delays in the timely adjudication of cases for securely detained youth, delays in the timely disposition of cases are also attributable to a variety

<sup>17</sup> See Footnote 15.

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

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

Two hundred thirty-six youth were detained in non-secure facilities or shelter houses prior to adjudication in 2010. Among youth held in shelter houses, 181 had their cases adjudicated and 40 were closed before adjudication occurred. Adjudication has not yet occurred in 15 cases (Table 24).

**Table 24. Adjudication and Disposition Status of Non-Securely Detained Youth, 2010**

Adjudication Status		Disposition Status	
Adjudication Hearing Held	181	Disposition Hearing Held	156
Dismissed before adjudication	40	Disposed - Dismissed before or after adjudication	52
Pending Adjudication	15	Pending Disposition	28
Total	236	Total	236

One hundred fifty-six of the cases adjudicated in 2010, also had their disposition hearing. Twelve adjudicated cases were dismissed after adjudication and 13 adjudicated cases are awaiting a disposition hearing. In total, 208 of the 236 cases of youth held in non-secure facilities have been disposed or dismissed and 28(12%) are pending. Fifteen are pending adjudication and 13 are awaiting their disposition hearing.

Adjudication hearings were held within the 45 day timeframe for non-securely detained youth in approximately 70% of the cases. The compliance rate was lower than it was in 2009 (75%) and 2008 (80%) but much higher than it was in 2007 (53%). The median days to adjudication was 37 days the same as it was in 2009 (Table 25).

**Table 25. Median Time Between Events for Youth Detained in Non-Secure Facilities, 2010**

Non-Securely Detained	Cases in which a disposition hearing was held or case closed before disposition								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)	181	35	29	58	34	25	37	40	67	33
Adjudication to Disposition (Timeline 15 days)	156	38	27	31	15	45	37	48	24	76
Initial Hearing to Disposition (Timeline 60 days)	208	3	8	22	21	102	73	85	35	65

Of the 156 adjudicated cases which also had a disposition hearing, 25% of the hearings were held within 15 days of adjudication. The median number of days to reach the disposition hearing once a case had been adjudicated was 37 days. The median was 34 days in 2009 and 28 days in 2008.

Between 2009 and 2010, there was a 16% reduction in the percent of cases of youth detained in non-secure detention facilities prior to adjudication that were in compliance with the timeframe of 60 days from initial hearing to disposition (43% in 2010 compared to 51% in 2009). In 2010, 58% of cases were compliant. The median times from initial hearing to disposition in 2010, 67 days, was also higher than in 2009 (60 days) and in 2008 (55 days).

From 2008 to 2010, compliance with required timelines for hearings for youth held in non-secure detention facilities prior to trial declined. A lower percentage of hearings are being held within the timeframe and the median days between events have been increased. Through rigorous monitoring, the Court intends to improve in meeting adjudication and disposition timelines.

<sup>18</sup> See Footnote 15.

### Released Offenders

During 2010, in 909 (55%) of juvenile delinquency cases petitioned, the youth was released prior to adjudication. Among released youth, 751 had their cases adjudicated and 121 were closed prior to adjudication. Adjudication has not yet occurred in 37 cases (Table 26).

**Table 26. Adjudication and Disposition Status of Released Youth, 2010**

Adjudication Status		Disposition Status	
Adjudication Hearing Held	751	Disposition Hearing Held	491
Dismissed before adjudication	121	Disposed - Dismissed before or after adjudication	321
Pending Adjudication	37	Pending Disposition	97
Total	909	Total	909

Four hundred ninety-one of the cases adjudicated in 2010, also had their disposition hearing. Two hundred adjudicated cases were dismissed after adjudication and 60 adjudicated cases are awaiting a disposition hearing. In total, 812 of the 909 cases of released youth have been disposed or dismissed and 97 (11%) are pending. Thirty-seven are pending adjudication and 60 are awaiting their disposition hearing.

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 issued in 2008, established a 270 day time standard for disposition of these cases. With the exception of three cases, all adjudication hearings for released youth were held within the 255 day timeframe. The median days to adjudication were 47 days (Table 27).

Of the 491 adjudicated cases which also had a disposition hearing, 36% of the disposition hearings were held within 15 days of adjudication. The median number of days to reach the disposition hearing once a case had been adjudicated was 30 days.

During 2010, 99% of cases of youth released prior to adjudication were in compliance with the timeframe of 270 days from initial hearing to disposition.

**Table 27. Median Time Between Events for Youth Released Prior To Adjudication, 2010**

Released	Cases in Which A Hearing Was Held								Percentage of Cases within timeframe <sup>19</sup>	Percentage of Cases exceeding timeframe
	Days Between Events									
	Total cases	1-15	16-85	86-170	171-255	255 or more	Median	Average		
Initial Hearing to Adjudication (Timeline 255 days)	751	162	497	83	6	3	47	48	100	-
Adjudication to Disposition (Timeline 15 days)	491	175	268	37	8	3	30	38	36	64
Initial Hearing to Disposition (Timeline 270 days)	812	82	462	222	35	11	63	75	99	1

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

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

Additionally, CSSD is responsible for conducting psychological, psycho-educational, comprehensive clinical risk assessments, and when necessary competency evaluations on all front-end youth as well as conducting home studies on all families involved in contested domestic custody disputes. CSSD is also responsible for conducting psycho-sexual evaluations on all youth pending adjudication for sexual

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<sup>19</sup> See Footnote 15.



offenses. On any given day, CSSD supervises approximately 1,750 juveniles. This total represents approximately 65% to 70% of all youth involved in the District's juvenile justice system.

Of major significance is the fact that CSSD, at the request of juvenile justice stakeholders throughout New York state, was asked to present during a five 5 part statewide training broadcasted via web throughout the state. The Division presented on its front-end continuum of care for youth under court supervision. Responses to the presentation were so favorable that in addition to creating a link to the trainings, CSSD staffs have been contacted by many chief probation officers throughout the state for additional guidance on program creation and replication. The Division also hosted the regional representative from the Office of Juvenile Justice and Delinquency Prevention (OJJDP), during a site visit to the Southeast Satellite Office/Balanced and Restorative Justice Drop-In Center.

Another major highlight included facilitating 888 service referrals. Eighty percent of service referrals facilitated were for males and 20% of facilitated services were for females under CSSD supervision. The total number of referrals for services completed in 2010 represents an increase of 18% over and above the volume of referrals for services in 2009.

CSSD is comprised of four branches, three of which house probation satellite offices/units designated to specific populations, and two administrative units. Branches include: Intake Services, Status Offender & Juvenile Drug Court; Child Guidance Clinic; Region I Pre & Post Disposition Supervision; and Region II Pre and Post Disposition

Supervision. The two units entail: Juvenile Information Control Unit; and Contract, Data and Financial Analysis Unit.

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

In 2010, the Intake branch exceeded the goals and objectives outlined in accordance with CSSD's Management Action Plans (MAPs). Pursuant to core requirements of the federal Juvenile Justice and Delinquency Prevention Act (JJDP), all youth referred to CSSD, following arrest must be screened (resulting in a preliminary detention/release decision or recommendation) prior to presentment of their case in JM-

15. Building on accomplishments over the past three years, CSSD successfully:

- Screened 100% of all newly arrested youth, representing more than 3,500 youth, by way of a valid Risk Assessment Instrument (RAI), a pre-trial social assessment, and the Global Appraisal of Individual Needs (GAIN-SS) substance abuse assessment tool. Among the youth screened for juvenile crimes, 18% were females and 82% were males; 8% were referred for domestic violence; and 11% were out-of-state residents.
- Launched a collaborative initiative with the District of Columbia's Child & Family Services Agency (CFSA) to cross-reference all newly petitioned status offenders, for the purpose of attaining the vitally important outcomes of neglect and abuse investigations, in order for CSSD to make sound release/detention decisions and recommendations in dual-jacketed cases.
- Collaborated with Sasha Bruce Youthworks and the Department of Human Services' Parent and Adolescent Support Services (PASS) program to expand the number of services and resources for status offenders.
- Successfully served 265 youth referred to juvenile drug court and 440 youth referred for status offender cases.

### **Child Guidance Clinic (CGC): Post Doctoral Internship Program**

The Child Guidance Clinic (CGC) continued to operate its nationally recognized post doctoral psychology internship training program accredited by the American

Psychological Association (APA). Welcoming a new class of interns from universities and colleges across the country, three 3 interns, representing University of Miami, Southern University and Argosy University were selected from a pool of over one hundred 100 applicants.

Because of the internship program, working under the auspice of the Clinic's licensed psychologist, a total of 969 psychological evaluations (e.g., general psychological, psycho-education, neuropsychological, sex offender, violent 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:

- Served as lead author on a study examining the influence of after school programs on adolescent African American males, *"The Most Blessed Room In The City."*
- Presented findings of the Clinic's year and a half study of the validity of the Millon Adolescent Clinical Inventory in collaboration with the American Psychological Association's Division of Ethnic Minority Issues Conference at the University of Michigan-Ann Arbor. (Poster to be displayed in Building B and on the John Marshall Level of the H. Carl Moultrie Courthouse).
- Presented research regarding the lack of healthy food options in Washington, DC's Ward 8 at the National Institutes of Health (NIH) Health Disparities Conference in Washington, DC.
- Served as panelist at the Juvenile Justice Summit sponsored by the District of Columbia's Criminal Justice Coordinating Council (CJCC).
- Served as panelist at the 9<sup>th</sup> Annual Family Court's Training Conference, addressing the needs of adolescent victims and offenders of sexual abuse.
- Continued to work extensively with satellite office/units to expand the volume of in-house facilitated Anger Management Groups.

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

Region I Pre and Post Disposition Supervision (Region I) is comprised of four offices /units: Southwest Satellite Office (SWSO); Interstate Probation Supervision; Southeast Satellite Office/Balanced and Restorative Justice Drop-In Center (SESO/BARJ); and the Delinquency Prevention Unit. During 2010, Region I continued to experience success in virtually all areas of operation, including the Southeast Satellite Office receiving the D.C. Courts Public Service Award during the 2010 Employee Awards Ceremony. Additional highlights for 2010 include:

- Successful pre-trial and post-disposition supervision of approximately 625 youth, 23% of which reside outside the District of Columbia.
- Successfully conducted 774 school visits; 1,081 home visits, of which 978 were completed; maintained a 68% compliance rate for curfew visits and a 68% compliance rate for curfew calls.
- Operated 3 concurrent *Mood Altering Chemical (MAC)* groups, designed to prevent the use of drugs and alcohol.
- Launched a monthly Parent Orientation program, led by the Supervisory Probation Officers managing the Interstate Probation Supervision Office.
- Continued to operate the SESO/BARJ *Anger Management Group*, and launched an additional group for youth supervised by the SWSO.
- Maintained the largest number of youth participating in the *Afterschool Kids Program operated by Georgetown University*, for which forty 40% of the graduates of the program were supervised under Region I.
- Developed a Today's Man Closet at the SESO/BARJ Center, replete with shirts and ties for young males. Note: probation officers assist the males in learning how to match and adorn the shirt and ties and males are given credit for wearing their shirts and ties to court hearings.
- Continued to operate the *Real Men Cook*, a Saturday class, in which probation officers (adorned in cooking garments designed by the staff) teach young males meal preparation.

- Coordinated a number of outdoor activities, including: community-service, trips to historic sites in the District of Columbia, educational plays, town hall meetings, car washing to redress the theft of automobiles by citizens, letter writing to local elected officials, facilitation of a mock primary election, and operation of a youth oriented community court and other social outings throughout the city.
- Maintained an average daily population of approximately 85 youth actively under Global Position System (GPS) electronic monitoring.
- Successfully diverted seven youth from detention.
- Attended approximately 100 community meetings (e.g., Area Neighborhood Commission - ANC, Police Service Agency - PSA, Civic Association and Parent Teacher Association - PTA).
- Initiated steps to complete CSSD's third Balanced and Restorative Justice (BARJ) Drop-In Center, located on South Capitol Street that will serve youth residing in the Southwest quadrant of the city.

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

Region II Pre and Post Disposition Supervision (Region I) entails four office/units: Northwest Satellite Office (NWSO); Intensive Supervision: *Ultimate Transitions Ultimate Responsibilities Now (UTURN)*; 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 2010 year include:

- Successful pre-trial and post-disposition supervision of approximately 700 youth, of which an average of 15% were under intensive supervision.
- Successfully conducted 2,723 school visits; scheduled 3,870 home visits, of which 3,096 were completed; maintained an 80% compliance rate for curfew visits and a 77% compliance rate for curfew calls.
- Operated four concurrent *Mood Altering Chemical (MAC)* groups, designed to prevent the use of drugs and alcohol. Operated three Anger Management groups, one of which was uniquely designed to reduce the likelihood of domestic violence suffered by adolescent girls.

- Developed the Red Door Closet, an initiative which provides donated clothes and personal hygiene products to girls in the LOTS program at no cost.
- Continued to operate the Saturday Sanctions Community Service project for males under intensive supervision and developed a Saturday Community Service project for LOTS girls. This group permits girls to complete service projects while at the same time addressing behavior modification, as a way of restoring justice and reducing recidivism.
- Coordinated a visit for youth to the Andrews Air Force Base. Following the visit officers stationed at the Base held a cookout for the youth.
- Developed a newsletter to alert youth, parents and stakeholders of the progress made by youth under intensive supervision.
- Launched a life-skills group, targeting high-risk youth, entitled *Probation Offering Life Options* (POLO).

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

#### **Juvenile Reoffending Study**

During 2010, the Superior Court of the District of Columbia entered into a contract with the National Center for Juvenile Justice, the research division of the National Council of Juvenile and Family Court Judges to examine reoffending activity of post-disposition youth in the District of Columbia. The study examines data on a cohort of juvenile offenders who were either placed on probation or committed to the Department of Youth Rehabilitation Services in 2007. Preliminary data analysis has been completed. The full study is expected to be completed by late spring 2011.

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

During 2010 there were 3,028 child support and paternity actions filed in the Family Court, in addition to 128 cases that were reopened. D.C. Official Code §46-206 requires the court to schedule hearings in cases seeking to establish or modify child

support within 45 days from the date of filing of the petitions. Additionally, federal regulations mandate that orders to establish support be completed in 75% of the cases within 6 months and 90% of the cases within 12 months of the date of service of process (see 45 CFR §303.101). In 2008, as part of a court-wide initiative to capture time to disposition data in most Family Court case types, the court began to monitor compliance with these important milestones. Data for cases filed during 2010 indicate that the Court performed well in meeting these standards; 88% 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. During 2011, the Court will continue to monitor compliance with these mandated timeframes and performance measures as it continues to collaborate and share data with the Child Support Services Division of the Office of the OAG, the designated IV-D agency for the city.

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

During 2010, the Family Court continued to refine its Family Fathering Reentry Court initiative. The Fathering Reentry Court operating under the Fathering Court Initiative is a voluntary, court-supervised, comprehensive support services program for prisoners returning to the District of Columbia who also have active child support orders. Since its inception in 2007, the program has experienced continuous growth and serves 30 to 40 participants concurrently.

The goal of the Fathering Court Initiative and the Fathering Reentry 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 Presiding Judge of the Fathering Court calendar schedules regular hearings to review the participants' progress and compliance with supervised probation requirements, monitored by the Court Services and Offender Supervision Agency (CSOSA), child support payments, tracked by the OAG Child Support Services Division, and various training and employment services monitored by the programs' court staff.

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

In June 2010 President of the United States, Barack Obama, named this Reentry Court program as the model that the U.S. Attorney General, and former DC Superior Court Judge, Honorable Eric Holder, would follow to establish federally based "Fathering" Reentry Courts across the United States of America.

In July 2010 the Fathering Reentry Court in close collaboration with the OAG, Child Support Services Division hosted a Family Health Fair where community partners and government agencies that included Devry University, TD Bank, Capital Area Asset Builders, the DC Department of Health, Washington Sports Club, and the Howard University Center of Bariatric Medicine provided information and informal counseling on topics as diverse as cardiovascular health, diabetes prevention, sexual and reproductive health, nutrition, exercise, physical fitness and financial fitness. This public event was



open to the community, but included special incentives for the Reentry Court participants who, if they visited each provider at the event, became eligible for a prize awarded by a random selection of their event coupon.

In September of 2010 the Fathering Reentry Court was recognized as “A Bright Idea”<sup>20</sup> by the Ash Center for Democratic Governance and Innovation at the Harvard Kennedy School and thus became an entry to the Government Innovators Network (GIN) portal at [www.innovations.harvard.edu](http://www.innovations.harvard.edu). The prestigious award is given to government entities in recognition of their implementation of creative and promising programs.

The Fathering Reentry Court conducted its Third Fathering Court Graduation on January 28, 2011, where six of the eight most recently successful participants in the Fathering Reentry Court were publicly honored for having completed one full year of employment, current child support payments and establishing meaningful participation in their minor children’s lives.<sup>21</sup>

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

The Domestic Relations Branch has responsibility for all cases involving divorce, legal separation, annulments, child custody and adoptions. During 2010, 3,902 domestic relations cases were filed in Family Court. In addition, 76 domestic relations cases formerly disposed were reopened.

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<sup>20</sup> Bright Ideas is an initiative that recognizes creative and promising government programs and partnerships. The initiative is offered through the Innovations in Government Program, a program of the Ash Center for Democratic Governance and Innovation at Harvard Kennedy School. For more information, please visit <http://innovationsaward.harvard.edu/BrightIdeas.cfm>.”

<sup>21</sup> At a jubilant ceremony at the Court, there were eight of them in graduation gowns, looking out at their families and shaking the hands of the judges who had put them in jail. And standing right there beside them were their kids. Washington Post, February 7, 2011: <http://www.washingtonpost.com/wp-dyn/content/article/2011/02/07/AR2011020705927.html?hpid=news-col-blog>

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

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

Time to disposition for contested domestic relations cases improved significantly from 2009 to 2010. In 2010, 86% of contested custody II cases reached disposition within 6 months (180 days) and 98% with 9 months (270 days). In both instances, the compliance rate met or exceeded the established case processing goal. The median time to disposition decreased 34% from 169 days in 2009 to 111 days in 2010. Similarly, 89% of contested divorce II cases reached disposition in 6 months (180 days) and 98% within 9 months (270 days), also meeting or exceeding established goals. The median days to disposition decreased 25% from 104 days in 2009 to 78 days in 2010.

Although improved from 2009, compliance with case processing goals in uncontested cases continued to lag behind contested cases. Four percent of uncontested divorce cases reached disposition within 30 days, 47% within 45 days, and 84% within 60 days. The median number of days to dispose of a case was 46 days. Five percent of uncontested custody cases reached disposition within 30 days, 20% within 45 days, and 49% within 60 days. The median days to reach disposition was 62 days. For both uncontested divorce and uncontested custody cases, the performance did not meet

established standards. During 2011, the court will continue to review and monitor compliance with time to disposition standards for uncontested cases to improve performance in these case types.

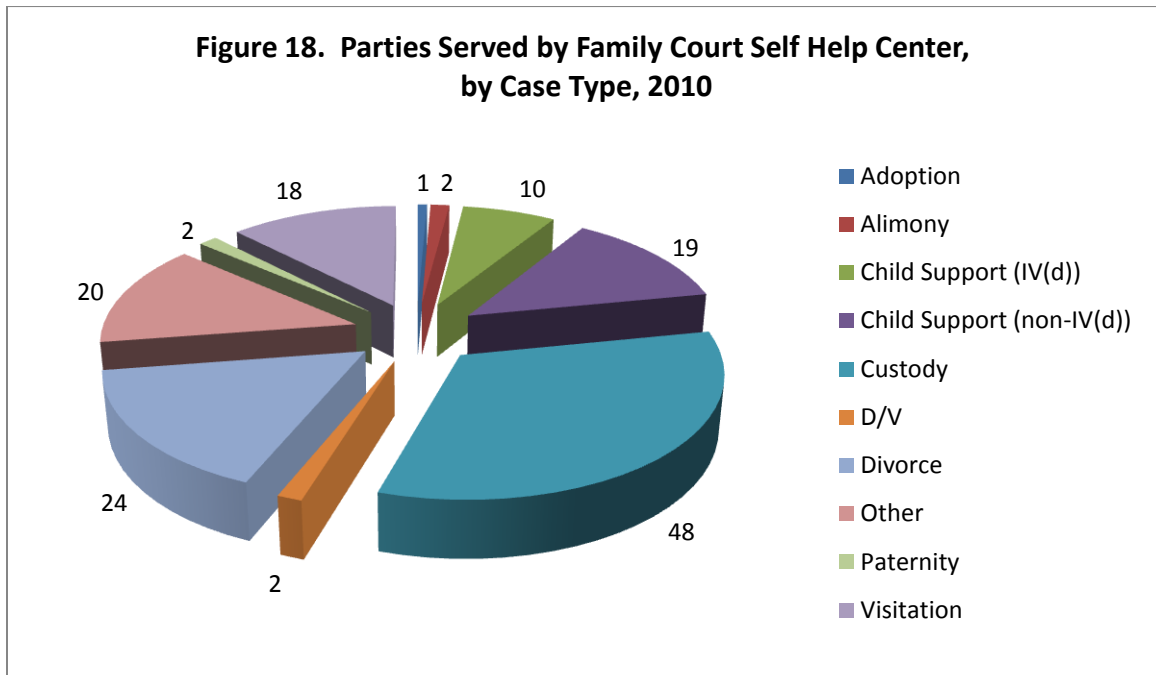
### **THE FAMILY COURT SELF HELP CENTER**

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

Detailed below are a few of the findings from data collected for 2010:

- The number of clients served by the SHC continued to increase. The SHC served 7,402 people in 2010 – an increase of 22% from 2009, when 6,049 people were served. On average the Center served 617 individuals per month in 2010, in contrast to the 504 individuals served per month in 2009 and 394 individuals served per month in 2008.
- As has been the case since 2006, a large majority of the parties seeking help from the SHC had issues related to custody (48%) or divorce (24%). As was the case in 2009, nearly 30% of SHC clients sought assistance for a child support matter.
- Eighty-four percent of the parties visiting the Center sought general information; 69% needed assistance with the completion of forms; and 6% came in seeking a referral.
- Like 2009, eighty-nine percent of the parties served indicated that their primary language was English. Eight percent (8%) identified themselves as primarily Spanish speakers; and 3% had another primary language.

- Among parties providing data on income, 57% of those seen had monthly incomes of \$1,000 or less; 22% had a monthly income between \$1,001 and \$2,000; and 16% had monthly incomes between \$2,001 and \$4,000. Five percent had monthly incomes above \$4,000.00.



### New Initiatives in Domestic Relations

#### **Religious Freedom and Civil Marriage Equality Amendment Act of 2009**

The Family Court was extremely successful in its implementation of the historical Religious Freedom and Civil Marriage Equality Amendment Act of 2009 (D.C. Code § 46-401) legalizing same sex marriages in the District of Columbia. The Act, effective March 3, 2010, resulted in more than 150 couples filing applications to the court on that day. From the date of enactment through December 2010, the court received 5,828 marriage applications. The court received 2,725 applications during the same time period last year. The court has also seen a stark contrast in the number of civil weddings performed since the law was amended. Court judicial and non-judicial staffs have

performed 2,154 weddings from March 3<sup>rd</sup> through December of 2010 compared to 824 for the same time period in 2009.

### **The Program for Agreement and Cooperation in Custody Cases (PAC)**

The PAC program of the Domestic Relations/ Paternity & Support Subcommittee of the Family Court Implementation Committee was created in 2007. The PAC is an education program provided to parents involved in contested custody cases in the Family Court targeted at reducing conflicts between parents and the adverse effects of the legal disputes on children. PAC cases are identified from the total population of contested custody matters with children ages 14 years old and younger. Parties and children participate in a mandatory educational seminar and mediation sessions in an effort to establish a custody agreement in the best interest of all parties, especially the children.

The American Psychological Association facilitates the education seminars for parents and children. During 2010, 2,855 parents (1,396 plaintiffs and 1,459 defendants) and 470 children aged 7-14 participated in education seminars. Twenty seminar sessions were held for 781 adults and 20 sessions for 151 children.

A 2009 evaluation of the PAC program found that adults who participated in the education seminar felt that participation increased their understanding of the effects of conflict on their children, helped them deal more effectively with their children, and improved their ability to communicate about family issues. It also found that child participants had a positive perception of the program. The majority of children learned why it is important to talk to people in their family about their feelings and learned some new things from listening to other children in the group.

In November 2008, the Family Court developed the Office of the Parenting Coordinator as a pilot program to serve low-income families involved in high conflict domestic relations cases. During 2010, the Office of the Parenting Coordinator which includes one psychologist and three graduate students from local universities provided services to 35 families and conducted 227 parenting coordination sessions.

### **CONCLUSION**

Since passage of the Family Court Act, the Family Court of the DC Superior Court has improved significantly in the services and resources provided to families that come before the court. The improvements have occurred throughout the court and include implementation of an integrated case management system that allows for the monitoring and tracking of case processing standards and enhanced facilities which has led to the creation of a more centralized Family Court. In addition, since passage of the Act, the Family Court has better trained and more knowledgeable judicial and non judicial staff, increased use of alternative dispute resolution, enhanced diversion programs for juveniles, developed educational materials for parents and youth, created programs to reconnect fathers with their families, and improved cooperation and collaboration with our partners in the child welfare and juvenile justice systems.

In 2010, 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 2010, fewer than 600 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. During 2011 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 2010. CFSA has continued to show improvement in many areas but some of the same challenges that existed in 2009 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 2010, 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.



