

**STATEMENT OF THE HONORABLE RUFUS G. KING III
CHIEF JUDGE, SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
BEFORE THE HOUSE GOVERNMENT REFORM COMMITTEE
April 23, 2004**

Mr. Chairman, Congresswoman Norton, other committee members, I appreciate the opportunity to testify before you today about the operations of the Superior Court of the District of Columbia, recent accomplishments and initiatives, and our plans for the future.

I must begin by thanking both of you, as well as the Majority Leader, for all the support you have given the Superior Court and our Family Court. The Family Court Act of 2001 and the resources that you helped provide to implement that act, upgrade our I.T. systems, and enhance our facilities, have been most beneficial not just to the court, but more importantly to the District of Columbia public. On behalf of Chief Judge Annice Wagner of the Court of Appeals and myself, I want to express great appreciation for the strong support you have shown us.

SUPERIOR COURT OVERALL

I would like to begin by highlighting some of our accomplishments and achievements of the past year, beginning with the Family Court.

- The D.C. Family Court Act is now fully implemented – one judge/one family, transfer of cases, more timely permanency for abused and neglected children have all been put in place.
- The Mayor's Services Liaison Office is up and running in the Moultrie Courthouse.
- The Family Court Self-Help Center was developed and implemented in partnership with the bar to assist unrepresented litigants.
- The Family Treatment Court was established for mothers with substance abuse problems, so that they may receive drug treatment, counseling and parenting classes while still together with their children.
- Cross-trainings have been held annually for judges, social workers and others serving the city's most vulnerable families.

And elsewhere in the Superior Court:

- The Landlord & Tenant Resource Center developed and implemented in partnership with the bar.
- The Probate Fiduciary Panel was established to ensure high quality legal representation.
- The Greater SE DV unit was established and assists well over 100 domestic violence victims each month in the East of the River community, enabling them to get a Temporary Protection Order (TPO) at a location near their home
- Community courts have been piloted – first DC/Traffic and then our ‘East of the River’ community court as well as a separate prostitution calendar.
- Town hall meetings have been held, providing the community with the opportunity to tell us about their concerns about public safety and how we can make the justice system more responsive to their needs.
- The Courts’ new integrated justice information system (IJIS) has been implemented in Family Court and will be brought on line in the Probate and Civil Divisions shortly. IJIS replaces close to 20 different databases the courts have been using for over two decades.
- Building B has been renovated, and Small Claims and L&T Courts have been relocated there to new, public-friendly space within steps of the Judiciary Square metro stop.
- The Crime Victims Compensation Program received a major physical renovation in Court Building A.
- Currently a major construction project is underway in the Moultrie Courthouse to consolidate Family Court operations on the JM-level. This new family-friendly space, with a central case intake function, child waiting areas and new courtrooms and hearing rooms, will open in July.
- These construction projects have all been completed on time and within budget.

Strategic Plan

Perhaps our most important achievement in the past year is the development and implementation of the District of Columbia Courts’ Strategic Plan. This effort has been led by the Strategic Planning Leadership Council (SPLC), which is made up of judges and key administrators from both courts. The SPLC met for innumerable hours, solicited input from a wide array of stakeholders – attorneys, other agency workers and leaders, community members, court users, and many others, – and developed a five-

year plan identifying key strategic issues the D.C. Courts must address. In addition to stakeholder input, the SPLC studied nationally-recognized trial and appellate court performance standards and began identifying best practices in various areas of court operations.

The strategic issues, goals, and strategies of the Plan are being taken up by divisions, branches, units and employees, through the development of Management Action Plans (MAPs). These identify specific activities to be undertaken within a division or unit to help achieve the Courts' Vision and Mission. Through this process, employees will be able to see more clearly how their job, fits into the "big picture" of ensuring that the District of Columbia Courts fulfill their mission: "To protect rights and liberties, uphold and interpret the law, and resolve disputes peacefully, fairly and effectively in the Nation's Capital." We want employees to see that there are no unimportant jobs, and to see how their job fits with our overall role of administering justice to the community.

This is not easy work – self-assessment and change come hard for most of us. But we have been told recently by a nationally-recognized court strategic planning expert that our performance has set us apart – we have not only created an excellent and appropriate strategic plan, but are working effectively to implement it throughout the Courts.

All of our division managers have received training and have been at work for the past year assessing where they are, and where they need to be with respect to our mission, and developing MAPs to ensure that we achieve it. I can report that the Probate Division has been the leader in this initiative. The Division has a comprehensive plan for the future and a committed team that has already developed and begun implementing its MAP. Improvements and changes are underway in the division, with the support of employees and managers.

PROBATE DIVISION

Background

As you may know, the Probate Division of the Superior Court has jurisdiction over decedents' estates, trusts, guardianships of minors, and guardianships and conservatorships of incapacitated adults. The organizational components are the Office of the Register of Wills, a statutory office, and three branches: the Auditing and Appraisals Branch, which audits accounts of fiduciaries and appraises personal property; the Probate Operations Branch, consisting of the Small Estates Section, which processes decedents' estates having assets of \$40,000 or less, and the Decedents Estates and Guardianships of Minors Section, which processes estates having assets in excess of \$40,000 and guardianships of minors; and the Interventions & Trusts Branch, which processes guardianships and conservatorships of incapacitated adults and trusts. The Division is staffed by 46 full time employees, consisting of five attorneys, sixteen auditors, and a variety of mid-level and clerical positions.

Two judges are assigned to the Probate Division, and they are assisted by four senior, part-time judges as needed. The judges usually serve in the Division for approximately six years, three years as deputy presiding and three years as presiding judge. I appointed Judge José M. López as presiding judge and A. Franklin Burgess, Jr. as deputy presiding judge in January of this year.

At the end of 2003, there were 7,208 cases pending in the Division, consisting of: 4,427 decedents' estates, 2,153 guardianships and conservatorships of incapacitated adults, 350 guardianships of minors, and 278 trusts. Fiduciaries in these cases filed 2,163 accounting reports in 2003.

Register of Wills

Register of Wills

The Office of the Register of Wills is established by DC Code § 11-2101 and has been in existence for over 200 years. The appointment and qualifications of the Register of Wills are governed by D.C. Code § 11-2102. Under that section, the Superior Court shall appoint and remove the Register of Wills. In practice, a selection committee of judges conducts the recruitment and selection process and presents recommendations to the Board of Judges of the Superior Court, which acts by majority vote. Effective fiscal year 2004, all senior court managers including the Register of Wills were transferred to the Court Executive Service and are accountable for achieving both court-wide performance objectives as well as division objectives consistent with the Courts' strategic plan.

In addition to the responsibilities as clerk of the division, the Register of Wills is authorized by court rule, SCR-PD 2, to review all *ex parte* matters and all orders on consent or waiver of notice prepared for the signature of a judge and to make such recommendations to the judges as may be appropriate. Four deputies, who meet with the public to review filings and write recommendations, assist the Register of Wills in this function. Approximately 10,000 matters annually are processed in this manner. Most matters are routine in nature, and the recommendations of the Register of Wills are adopted. Matters requiring the exercise of judicial discretion are fully briefed by the Register of Wills and submitted to the judges for action without recommendation. And in some instances court hearings are recommended.

Under separate court rules, the Register of Wills has the responsibility to bring to the attention of the probate judges irregularities in the administration of estates, including a failure to comply with reporting requirements, and to seek removal of fiduciaries when appropriate. Hearings on the subject of removal (referred to as "summary hearings") are scheduled in approximately 15% of the cases pending, resulting in approximately 1,000 such hearings annually. Most fiduciaries comply during the summary hearing process, though two to three percent of fiduciaries are actually removed from cases.

Statutory Changes Affecting the Probate Division

Under the *Probate Reform Act of 1994*, effective March 21, 1995, and applicable to estates of persons dying on or after July 1, 1995, court supervision of the administration of decedents' estates was diminished in a manner consistent with model uniform laws. Previously, annual accountings of estates were required and audits were conducted by the Probate Division. Under the *Probate Reform Act of 1994*, administration of these estates is now unsupervised, and though accountings must be provided to interested persons, they need not be filed with the Court. The Act also dispensed with Court review of compensation to personal representatives and their counsel. Instead, review of compensation occurs only when requested by an interested person. Consequently, the vast majority of decedents' estates now proceed without Court supervision, and the Division has experienced a substantial reduction in the number of account filings. During the last decade, the staffing in the Division was gradually reduced by attrition from 76 full time employees to its current level of 46.

The *Probate Reform Act of 1994* followed enactment of another uniform law, the *Guardianship, Protective Proceedings, and Durable Power of Attorney Revision Amendment Act of 1989*, which became effective September 22, 1989. That law enhanced the protections of adult incapacitated individuals and required the involvement of a greater number of service providers at the initial stage of the proceedings, including the court appointment of counsel for the incapacitated adult; examiners, such as gerontologists, psychiatrists, or qualified mental retardation professionals; visitors, who may be social workers or any independent fact-finder; and guardians *ad litem*, who are generally attorneys appointed when the subject of the proceeding is unable to communicate his or her interest. The increased number of service providers for incapacitated adults resulted in an increase in compensation requests filed in the Probate Division, as both accountings and compensation require court review under this law.

Two other statutory changes have occurred in the past three years having lesser operational implications. Effective April 27, 2001, the *Omnibus Trusts, and Estates Amendment Act of 2000* was adopted, which substantially altered the probate law governing descent and distribution and payment of claims. Effective March 10, 2004, the *Uniform Trust Code Act of 2003* was adopted, providing the first comprehensive trust code for the District of Columbia. Implementation of both laws required rule revisions, development of court forms and staff training which have been completed for the *Omnibus Trusts Act* and are being completed for the *Uniform Trust Code Act*.

Need for Modern Technology

The Probate Division is implementing a new computerized case management system as part of the Superior Court's IJIS program. The probate component of IJIS is scheduled to go on-line this summer. Until then, the Division will continue to use a computerized indexing and docketing system that was installed in the late 1980s and that has little case management capability. Despite the shortcomings of this older system, the Division has had a relatively high degree of success in monitoring its caseload.

Monitoring of Guardianships and Conservatorships

When implementing the 1989 Guardianship and Protective Proceedings Act, the Court considered a number of methods to monitor these cases. Meetings were held with stakeholders including the American Association of Retired Persons (AARP) and the Advisory Committee on Probate and Fiduciary Rules, and the Court decided not to conduct site visits in a *parens patriae* approach to monitoring the care and supervision of wards.

Accordingly, in the case of a guardian who is appointed to provide care and supervision of an incapacitated person, the Court Rules require the filing of a written report to the Court on the condition of the ward and the ward's estate that has been subject to the guardian's possession or control. The first report is due six months from the date of appointment, with each succeeding report due at six-month intervals thereafter.

Upon the filing of the reports, the Probate Division staff reviews them for procedural compliance and brings any substantive irregularity to the attention of the judges for such action as may be deemed appropriate. Approximately 1,400 guardianship reports are filed semi-annually and less than one percent are brought to the attention of the judges for further action. Virtually no objections are filed to these reports. These procedures have recently been augmented by an administrative order which requires any attorney seeking compensation in a guardianship case to personally verify, at least by telephone, the location and circumstances of the ward.

Conservators are appointed to manage the financial affairs of incapacitated persons and they are required to file a conservatorship plan and inventory within 60 days from the date of appointment. They are also required to file an accounting annually. These accounts are examined by the Probate Division staff, who also examine financial documentation for each transaction. Irregularities in the accounts that cannot be resolved by the administrative staff are brought to the attention of the judges. Approximately 1,000 conservatorship accounts are filed annually. Probate Division staff estimate that about 60% of the accounts have no or only minor irregularities and 40% have substantive deficiencies, most of which are resolved administratively. The detailed audits are completed and the accounts are approved by the Court, within an average of 120 days.

Reforms Made

To ensure that attorneys appointed by the Court are qualified to provide effective representation in probate cases, several actions were taken during 2002. The Probate Education Committee developed a training program for attorneys who are seeking court appointments. Three extensive training programs have been conducted since October 2002. In addition, Attorney Practice Standards were drafted. They have been reviewed by Bar Counsel and are in the final stage of revision for issuance by the court. The on-going attorney training programs consist of a three-day video seminar, with each day's

session approximately two-and-one-half hours long. The seminar topics include Intervention Proceedings, Probate Administration and Guardianship of Minors-Bond Issues-Register of Wills and Fiduciary Responsibility. The Division also conducted a special seminar with a leading bio-ethicist to acquaint lawyers and judges with some of the complexities of bioethical issues that arise in fiduciary proceedings.

A new Fiduciary Panel of attorneys eligible for appointment was created effective January 1, 2003 to exercise greater oversight of court-appointed counsel. Only attorneys who have attended at least six hours of training presented by the Division and who have submitted Certificates Concerning Discipline from the Office of Bar Counsel are included on the panel. The Fiduciary Panel was formalized by Administrative Order 03-16 issued by the Chief Judge on June 17, 2003, which made membership on the panel a prerequisite to appointment as counsel or fiduciary in guardianship, conservatorship, and other Probate Division proceedings. The Administrative Order also mandates that attorneys certify to the Court that they are current with filings in all probate cases where court approval is required as a condition of an award of compensation.

On November 12, 2003, the Probate Division held a Bench/Bar meeting as an outreach initiative to improve communication. The presiding judge of the division facilitated a panel discussion followed by a question and answer period. The panel was comprised of judges, a representative of the bar and the Register of Wills.

Current Status

In April of 2003, the Probate Division volunteered as a division to pilot the development of a Management Action Plan (MAP), the division plan on how to implement the Courts' overall Strategic Plan and ensure consistency of goals and objectives. The Division recently celebrated completion of several milestones in its MAP designed to enhance service to the public. On February 19 and 25, 2004, the staff participated in a customer service training program facilitated by an outside trainer. The program included an open discussion sharing recently received comments from bar members regarding areas in which services provided by the Division could be improved.

The Division also administered a survey during the period February 23 through 27, as a key step in its MAP objective to solicit input from Probate Division consumers regarding probate clerical operations and performance. A second survey will be conducted later in July 2004, which will enable management to measure performance and determine where changes or improvements may be needed to best serve the public. This MAP objective is consistent with the court-wide goal to be responsive to the community. The expected outcome of the surveys is to provide a standard mechanism to receive and evaluate input from the public regarding Probate Division performance and to track those results over time. The survey target is to obtain input in the form of completed surveys from at least 50% of persons served in the clerk's office on the days

the surveys are administered. The targets of both the training and survey objectives thus far, have been met. A third MAP objective designed to enhance satisfaction among those appearing before the Division offices has also been met - to limit waiting times to ten minutes 95% of the time.

Completed surveys were received from over 75% of the persons assisted in the Probate Division on the days the surveys were administered. The results show that more than 90% of the respondents agreed or strongly agreed that the service they received in the Probate Division was courteous and responsive. Ninety five percent received assistance within 10 minutes of waiting, and 96% reported that their visit was a positive experience. The completion of the training, maintaining minimal waiting times, administering the first of two planned surveys and the achievement of high marks from persons doing business there are all milestones in the Probate Division's efforts to achieve its 2004 - 2006 performance objectives.

The Superior Court sought additional resources in its FY'05 appropriation request to enhance the protection of, and services to, incapacitated adults, and to improve timeliness of case resolution. The Courts requested an additional 8 FTEs, and approximately \$1.6 million, which was not supported in the President's FY'05 budget recommendation for the Courts. Absent needed additional resources, the Probate Division will continue to re-engineer processes, enhance public access and service, and adopt mechanisms to ensure that persons and assets under the court's supervision are protected.

FAMILY COURT

Congress passed the Family Court Act in December 2001 and required that the Court submit to Congress a progress report on its implementation activities every 6 months for the first two years following enactment of the Act. In addition, the Act required that the Court submit an annual report on its progress, including progress on meeting the required timelines established under Federal and D.C. ASFA, by March 31 of each year. My remarks this morning will summarize and highlight the most important findings included in our most recent Annual Report, submitted on March 28, 2004.

ASFA Compliance in General

The effective date of ASFA implementation in the District of Columbia was February 1, 2000. In order to monitor compliance with ASFA timelines, the Court began compiling data on the time between the filing of a petition on the one hand and trial, disposition and permanency hearing on the other, in all cases filed since that time. Federal and D.C. ASFA legislation require the Court to hold a permanency hearing for each child within 12 months of the child's entry into foster care. Entry into foster care is defined as 60 days after removal from the home, resulting in a net requirement for a permanency hearing 14 months after removal. The purpose of the permanency hearing is to decide the child's permanency goal and to set a timetable for achieving it. Under Federal ASFA, a permanency hearing is required for all children removed from home.

In approximately 80% of the cases filed in the D.C. Family Court, the children were removed from their homes and thus subject to the 14-month permanency requirement. Although not required under either Federal or D.C. ASFA, the practice in the D.C. Family Court is to conduct permanency hearings for all children, including those not removed from home.

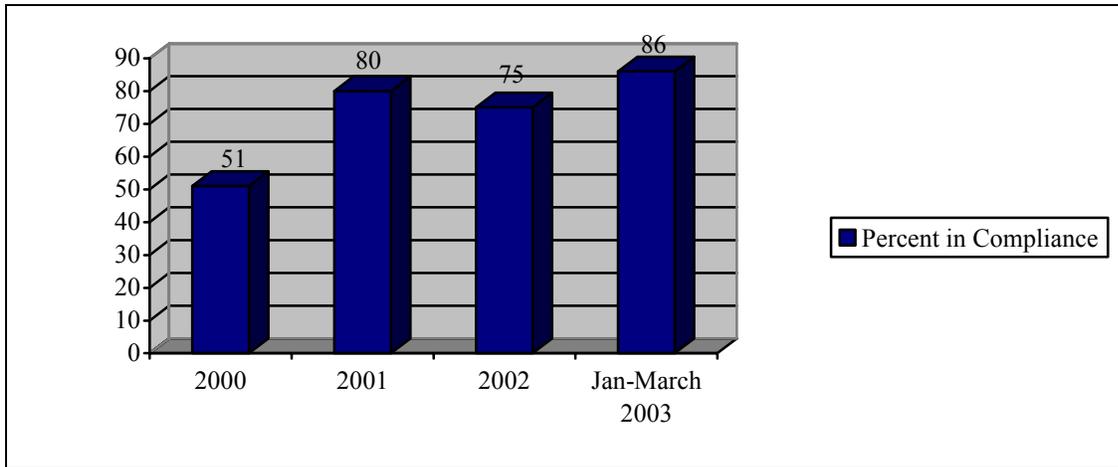
In addition to establishing a timeline for conducting a permanency hearing, the D.C. ASFA establishes timelines for the completion of the trial and disposition in abuse and neglect cases. The timelines vary depending on whether the child was removed from his or her home. The statute sets the time between 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 fifteen additional days to hold a disposition hearing for good cause shown.

Over the four-year period for which data is available, the Court has made considerable progress toward achieving the goals of ASFA. To be considered compliant, the required hearing must be held within the timeline or the case must be dismissed within the timeline.

ASFA Compliance -- Permanency Hearing timeliness

Figure 1 below shows the Court's compliance with the permanency hearing requirement. The level of compliance has increased substantially over the three-year period for which data are available. In 2000, 51% of cases had a permanency hearing or the case was dismissed within the 425-day deadline; in 2001, 80% of the cases had a permanency hearing or were dismissed; and in 2002, 75% of the cases had a permanency hearing or were dismissed within the 425-day deadline. Only cases filed during the first quarter of 2003 have reached the statutory deadline for having a permanency hearing. All cases filed during that period which have had a permanency hearing, had their hearing within the 14-month statutory deadline. However, 14% of the cases filed during that period have not had a permanency hearing, possibly because the hearing date has not yet occurred. Thus these findings should be considered tentative. Newly developed protocols designed to ensure compliance with the deadline are in place to ensure that all remaining cases filed in 2003 will have a hearing within the required timeframe and that the required findings by judicial officers are made.

Figure 1.
Cases in Compliance with ASFA Permanency Hearing Requirement



ASFA Compliance -- Time to Trial and Disposition

During the four-year period over which the Court has been tracking data, the Court has made significant progress in completing trials within the established timelines (Figure 2). For example, among children removed from home, 73% of the cases filed in 2003 were in compliance with the ASFA timeline for trials (105 days), compared to 65% of the cases filed in 2002, 49% of the 2001 cases and 34% of the cases filed in 2000. Thus the compliance rate has more than doubled.

Similarly, for children not removed from home, the percentage of cases in compliance with the timeline to trial or stipulation (45 days) has also increased significantly (Figure 3). The compliance rate was 18% in 2000, 19% in 2001, 51% in 2002, and 59% in 2003. Thus the compliance rate has more than tripled.

Figure 2.
Percentage of Cases Conducting Trials/Stipulations in Compliance with ASFA Timelines When the Child Was Removed From the Home

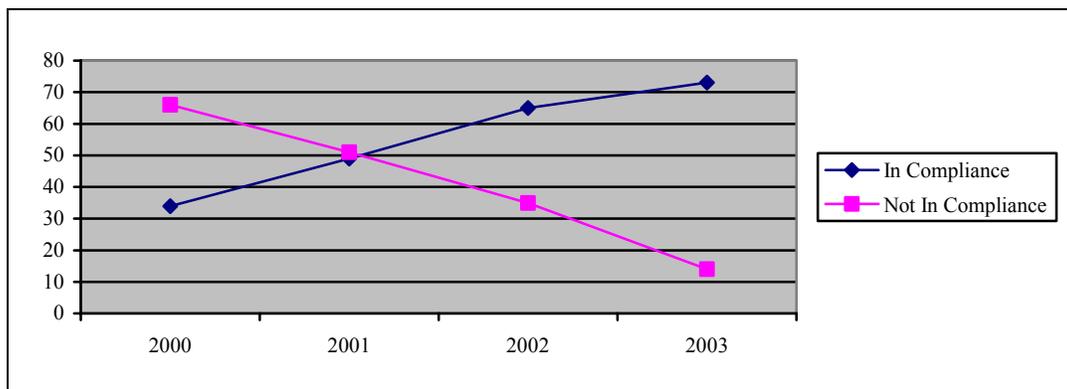
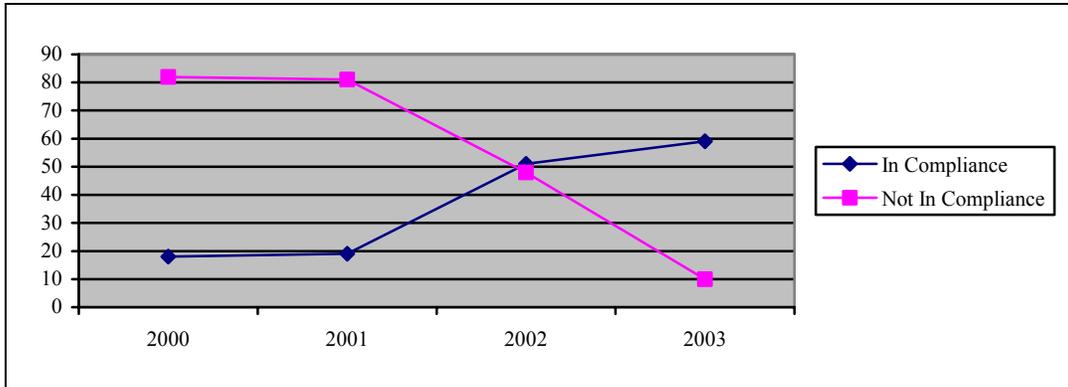


Figure 3.
 Percentage of Cases Conducting Trials/Stipulations in Compliance with ASFA
 Timelines When the Child Was Not Removed From the Home



The Family Court has also seen great improvement in meeting the timelines for moving cases from filing to disposition. Among children removed from home (Figure 4) there was a significant increase in the percentage of cases in compliance with the ASFA timeline for disposition. Sixty one percent (61%) of the cases filed in 2003 were in compliance with the timeline for dispositions as compared to 48% in 2002, 27% in 2001 and 26% in 2000. For children not removed from home, the compliance rate also increased (Figure 5), in fact, it more than doubled.

Figure 4.
 Percentage of Cases Conducting Disposition Hearings in Compliance with ASFA
 Timelines When the Child Was Removed From the Home

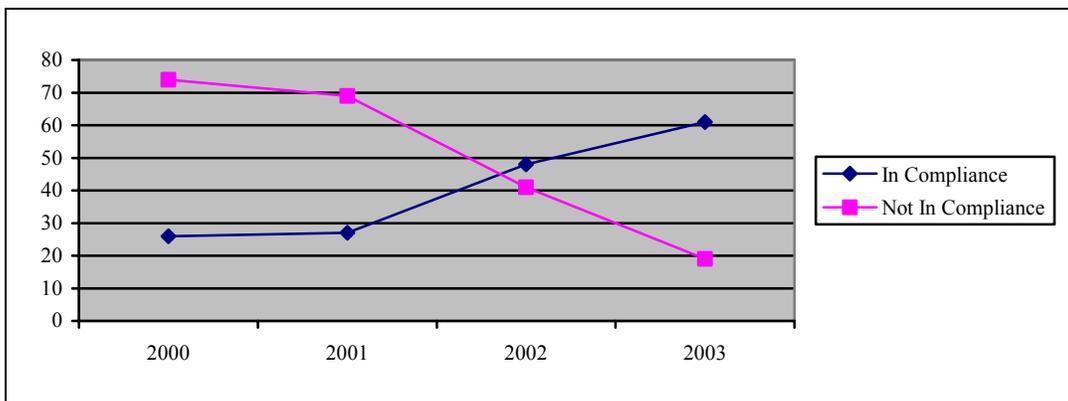
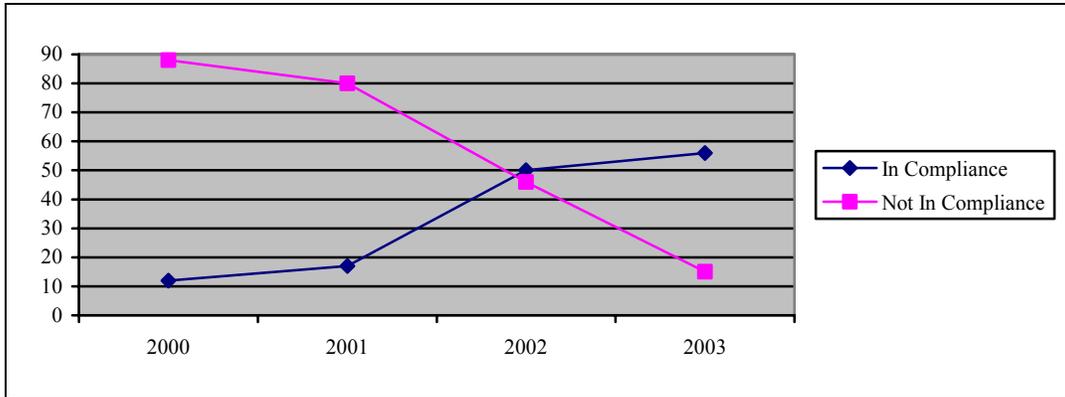


Figure 5.
 Percentage of Cases Conducting Disposition Hearings in Compliance with ASFA
 Timelines When the Child Was Not Removed From the Home



D.C. Family Court Act of 2001-- Transfer of Cases To Family Court Judges

When the Family Court Act was enacted, there were 5,145 abuse and neglect cases pending in the Superior Court. Approximately, three thousand five hundred (3,500) of those cases were in the review stage and were assigned to judges not serving in the Family Court. The Act required that these cases be transferred to Family Court judges or meet the criteria outlined in the Act for retention by non-Family Court judges by the end of the transition period.

At the end of the transition period, October 4, 2003, all abuse and neglect cases assigned to judges outside the Family Court were transferred to Family Court judicial officers, with the exception of those cases which met the specific exemption criteria in the Act. As can be seen in Table 1, below, 3,255 cases were transferred to Family Court judges, primarily magistrate judges, 182 were closed prior to transfer, and 34 were retained. Currently, 25 cases are retained by non Family Court judges in accordance with the Act.

Table 1.
 Status of Cases Assigned to Judges Outside the
 Family Court at Start of Transition Period

| Status of Cases | Number | Percent |
|---|---------------|----------------|
| Cases Transferred to Family Court Judges | 3,255 | 94 |
| Cases Closed by Judges Outside Family Court Prior to Transfer to Family Court | 182 | 5 |
| Cases Retained by Judges Outside Family Court | 34 | 1 |
| Total Number of Cases Assigned to Judges Outside Family Court | 3,471 | 100 |

D.C. Family Court Act of 2001—One Family/One Judge

Under the one family/one judge approach, a single judicial officer or judicial team handles all cases involving members of the same family. The types of cases that may be heard by a single judicial officer or judicial team include: dissolution of marriage, paternity, child support, custody, juvenile delinquency, civil domestic violence, mental health and retardation, abuse and neglect, and adoption. The cases remain before the same judicial officer or judicial team until they have been finally resolved; e.g., the same judicial officer or judicial team retains abuse and neglect cases through a permanency disposition by adoption, custody or guardianship.

Given the volume and broad range of cases filed in the Family Court, the Court, in consultation with the Office of the Corporation Counsel (OCC) and the Child and Family Services Agency (CFSA), designed a four-stage implementation strategy for the one family/ one judge case management approach, beginning with Phase I, in June 2002 and ending with the completion of Phase IV, in January 2004.

In Phase I, which was initiated in June 2002, each judicial team became responsible for all case management in their new abuse and neglect cases following the child's initial hearing. This included any subsequent actions arising out of the abuse and neglect case such as guardianship, termination of parental rights, custody, adoption, or civil domestic violence, as well as the coordination of neglect cases involving siblings. Beginning on March 1, 2004, the Court vacated the requirement that only adoption petitions arising out of abuse and neglect cases filed after June 2002 be heard by the same judicial team, so the one judge/one family approach applied to adoptions regardless of when the abuse and neglect petition was filed. This decision has expanded the one judge/one family approach in adoption cases beyond what had been contemplated in the Transition Plan.

During Phase II, which was initiated in January 2003, the Court began consolidating other related cases involving families, such as child support and post disposition juvenile cases before the same judicial team responsible for the original abuse and neglect case. Phase III of implementation began March 2003. In this phase, related cases that did not arise out of the abuse and neglect case, such as domestic relations or mental health cases of immediate family or household members, were reviewed for possible assignment to the same judicial team managing the original abuse and neglect case.

Phase IV, the final phase of implementation, was due to begin in June 2003. Prior to June 2003, the 10 judicial teams, which consisted of a judge and a magistrate judge serving abused and neglected children were expanded to include assistant corporation counsel. The expectation was that by the end of the transition period, social workers would also be assigned to each judicial team. After a trial period in which some social workers were assigned to a judicial team, the implementation plan was modified at the request of the Child and Family Services Agency (CFSA). Instead of assigning social workers to judicial teams, the Court, in coordination with CFSA, began assigning cases of abused and neglected children to social workers on a geographic basis. Thus, beginning in January 2004, judicial teams consist of a judge,

a magistrate judge, and an assistant corporation counsel. It is anticipated that the geographic assignment will ensure that the team will have available to it a familiarity with the resources in a given community and this will lead to improved services for children.

To assist in the identification of related family cases at intake, three case coordinators review all new abuse and neglect case filings. When related cases are found, the case coordinators present that information to the judicial officer handling the case that initially brought that family to court. Decisions about how to schedule hearings in related cases are left to the discretion of the judicial officer. If appropriate, hearings in multiple case types may be heard at a single hearing or separate hearings may be scheduled.

Judicial Resources In The Family Court

The D.C. Family Court Act authorized the assignment of up to 15 associate judges. Twelve associate judges and eight magistrate judges were assigned to the Family Division prior to enactment of the Family Court Act. Three associate judges and nine magistrate judges have been appointed since passage of the Act.

The Chief Judge appointed the first five magistrate judges on April 8, 2002, under the expedited appointment procedures provided in the Act. In October 2002, four more magistrate judges were appointed pursuant to the Act. Three associate judges were appointed to the Family Court in the fall of 2003.

Currently, 15 associate judges and 16 magistrate judges are assigned to Family Court. On January 31, 2004, Judge Nan Shuker became the first associate judge to leave the Family Court, when she was appointed to senior judge status. Judge Fern Saddler replaced her in the Family Court. Magistrate Judge Lee was reassigned to the Criminal Division in January 2004. Magistrate Judges Epps and Brenneman were assigned to Family Court as replacements for Magistrate Judges Macaluso and Byrd who were appointed Associate Judges in 2003. As is the case with all judicial officers currently assigned to the Family Court, all newly assigned associate judges and magistrate judges meet or exceed the educational and training requirements for service in the Family Court.

In addition, Judge Arthur Burnett and Judge Nan Shuker, both senior judges, assist the Family Court by presiding over a portion of the neglect and adoption caseloads. Prior to becoming senior judges, both Judge Burnett and Judge Shuker had served extensively in the Family Court where they presided over adoption cases.

Length of Judges' Terms on Family Court

Associate judges currently assigned to Family Court have certified that they will serve a term of either three years or five years depending on when they were appointed to the Superior Court. Judges already on the bench when the Family Court

Act was enacted are required to serve a period of three years. Judges newly assigned to the Family Court are required to serve a term of five years. Based on the terms of required service, six associate judges, including the presiding and deputy presiding judges of the Family Court will be eligible to transfer out of Family Court during 2004. An additional five associate judges will be eligible to transfer in January 2005. The process of identifying associate judges interested in transferring into Family Court who have the educational and training experience required under the Act to serve has begun. In addition, associate judges who are interested in serving but do not have the requisite experience are being encouraged to pursue appropriate training.

Training And Education

The Family Court Act requires the Chief Judge, in consultation with the Presiding Judge of the Family Court, to carry out an ongoing interdisciplinary training program in family law and related matters for Family Court judicial and non-judicial staff, as well as for attorneys who practice in Family Court. To assist in this effort, a Training and Education Subcommittee of the Family Court Implementation Committee was established in February 2002. This interdisciplinary committee, which oversees Family Court training, consists of judicial officers, attorneys, social workers, psychologists, and other experts in the area of child welfare.

Family Court personnel took advantage of a number of training opportunities in 2003. Immediately upon appointment, the three new associate judges participated in an extensive, six-week training program. Training was provided in three categories: (1) topics specific to issues involving children and families; (2) guidance on how to conduct court hearings in cases of children and families; and (3) general and administrative topics.

In addition, all Family Court judges, magistrate judges, and senior managers participated in the annual Family Court Interdisciplinary Training program in November 2002 and November 2003, entitled "Systems of Care" and "The Family Court, DC Agencies, and Communities: Partners in Education," respectively. The training was attended by more than 300 invited guests including judges, social workers, attorneys, court staff, non-profits and other community stakeholders.

Family Court judicial officers also participated in a two day training on mediation presented by the Court's Multi-Door Dispute Resolution Division and attended courses sponsored by the National Council of Juvenile and Family Court Judges (NCJFCJ) on the Role of the Judge in Neglect Cases, Evidence in Juvenile and Family Court Cases, and the Judicial Response to Abuse of Alcohol and Other Drugs by Parents and Children, and the NCJFCJ annual conference on Family Court.

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

Twice a month, the Counsel for Child Abuse and Neglect Branch (CCAN) of the Family Court, which oversees the assignment of attorneys in child welfare cases, facilitates brown bag lunches on topics of importance to the Family Court for attorneys who represent abused and neglected children and their parents or caretakers. During 2003, CCAN sponsored more than twenty seminars. The series employed the skills of a number of stakeholders involved in the child welfare system and was designed to be interdisciplinary in nature.

In addition to these sessions, the Training and Education Subcommittee has established a monthly training series on topics related to the Family Court for judicial officers and all stakeholders in the child welfare system. The 2003 seminars included the following: "The Best Interests of the Child: the Legal versus the Psychological Perspective"; "MAPT Training and Development: The District's Multi-Agency Planning Team Process"; "Forensic Assessments: Juvenile Evaluations and Competency Issues"; "Immigration Issues in Family Law Cases"; "Mental Retardation and Developmental Disabilities Agency-Overview, Treatment and Transition"; "Understanding Interdisciplinary Assessments and Evaluations of Children and Youth"; and "Cultural Considerations Diagnosing Children and Youth". Each seminar was well-attended with more than 50 participants from all parts of the child welfare system.

Family Court non-judicial staff also participated in a number of training sessions provided by the NCJFCJ including "A Forum on Family Courts" "Drug Court" and the "Child Victims Act Model Court All Sites Conference". Other training included "Caseflow Management in Family Court" sponsored by the National Center for State Court; The "Child Welfare Data Conference" sponsored by the Children's Bureau of the Department of Health and Human Services; "Access to Justice for Children" the annual "Child Support Conference" sponsored by the National Child Support Enforcement Administration, and training on the Court's new Integrated Justice Information System.

Case and Data Management in the Family Court

The Court made significant progress in development of its integrated case management system (CourtView) during 2003. The first phase of the court-wide integrated system (IJIS) was the development of this fully functional system for the Family Court to perform all aspects of case processing, such as Case Management, Financial Accounting, Case Initiation, Scheduling, Management Reporting and Docketing. Once complete, the system will allow the Court to store and retrieve data electronically as well as electronically exchange vital information with outside agencies with minimal effort.

In August 2003, the Family Court began using CourtView to process adoptions cases, abuse and neglect cases, and juvenile delinquency cases. In addition, juvenile probation cases in the Court's Social Services Division and mediation cases in support of Family Court operations in the Court's Multi-Door Dispute Resolution Division began to be processed in IJIS. In December 2003, additional Family Court case types including domestic relations, mental health and mental retardation, the Marriage Bureau and the Council for Child Abuse and Neglect began processing cases in IJIS. Paternity

and Support cases, currently processed through a system owned and managed by the Office of the Corporation Counsel (OCC), remain outside the Court's integrated justice system. However, discussions are ongoing with the Child Support Enforcement Division of the OCC to bring these cases into CourtView.

Court Interfacing Efforts with CFSA

In early 2003, the Court established an electronic interface with FACES, CFSA's case management system. The interface allows the Court to share abuse and neglect case and party demographic data, a schedule for future hearings, judicial assignments and attorney data with CFSA. The origin of this data was the Court's juvenile and neglect case management system JISRA, which was used to provide CFSA a batch file daily. As part of the initial implementation of CourtView, in August 2003, the interface was upgraded to allow for a more timely exchange of data as well as a more focused set of data based on CFSA's specific requirements.

During the collection and validation of requirements for CourtView in mid-2003, the Court and CFSA identified additional opportunities for exchange such as complaint forms, court orders, and social worker reports. Using these requirements as a basis for collaboration, the Court and CFSA meet monthly to discuss options for fulfilling these needs through the Court's own facilities such as enhancements to the CourtView application, e-filing, web access, and email. The Court is also investigating the use of the City's data sharing initiatives as a means of satisfying these needs.

ASFA Reports

The IJIS implementation team is working with the Court to develop and validate approximately 16 separate reports the Court will use to monitor its compliance with the Adoption Safe Families Act and the Family Court Act of 2001 and to report on performance outcomes. These reports are comprised of data converted from the Court's JISRA, TDM-Adoption, and Interim Database legacy systems as well as data collected through the CourtView integrated case management system application.

As indicated above, all of the Family Court units, with the exception of Paternity and Support, are using the CourtView system to fulfill key elements of the Family Court Act such as One-Family One Judge. All data elements necessary to monitor compliance with ASFA are being captured in the CourtView application. The Court uses the Crystal Reports tool to extract the data from CourtView for monitoring and reporting purposes. The Court is in the process of validating the accuracy of each report to ensure the integrity of the reporting process.

Family Court facilities

During 2003, significant progress was made in implementing the interim Family Court space plan. The current status of capital facilities and space projects in support of the Interim Family Court is detailed on the following page:

Building B, Phase I Renovation

During November 2003 the Phase I Renovation of Building B was completed. The Small Claims and Landlord-Tenant Courts were relocated from the Moultrie Courthouse to the newly completed space. Social Services offices in the building were also consolidated in preparation for Phase II, renovation of the second floor.

New Interim Hearing Rooms

Four new temporary hearing rooms were constructed to replace those closed by Building B, Phase II renovation. Three hearing rooms were constructed on the Indiana level of the Moultrie Courthouse. A fourth was constructed on the second floor of Building A.

Family Court Facilities – JM Level of the Moultrie Courthouse Building:

The General Services Administration (GSA) awarded a contract for construction services for the Family Court Interim Consolidation on the JM level of the Moultrie Courthouse. Upon relocation of the Small Claims and Landlord-Tenant courts to Building B, staging and demolition activities commenced in December 2003. Construction is scheduled to be completed by mid-July 2004, with occupancy scheduled for the end of July 2004. As of mid-April 2004, construction is on schedule.

Use of Alternative Dispute Resolution In Family Court

Alternative Dispute Resolution (ADR) in the Family Court is provided through the Court's Multi-Door Dispute Resolution Division. During 2003, approximately 90% of all abuse and neglect cases were referred to the Child Protection Mediation Program, consistent with the mandate in the Family Court Act to resolve cases and proceedings through ADR to the greatest extent practicable and safe. During the year, 726 children, in 390 families, were referred to this mediation program. Forty-five percent of the mediations resulted in a full settlement (the issue of legal jurisdiction was resolved and a case plan developed). This is a positive result for 372 children in that there is a plan and they do not have to go through the emotionally challenging process of a trial. In 35% of the mediations, a partial settlement was achieved, (a case plan was developed even though the issue of legal jurisdiction was not resolved). Again, good news for 269 children in 148 families. Thus more than more than $\frac{3}{4}$ of those surveyed were pleased with the ADR process, the outcome and the mediators.

Collaboration with CFSA and other Child Welfare System Stakeholders

The Family Court's ability to accomplish its mission -- provision of quality services in an expeditious manner -- depends in substantial part on the relationships that exist between the Court and the other child welfare system stakeholders. The Child Welfare Leadership Team and the Family Court Implementation Committee, both comprised of heads of partner agencies, are representative of the initiatives being

undertaken by the Court to ensure that decisions affecting the handling of cases involving children and families have the broadest possible input. In addition to these two committees, the presiding judge of the Family Court meets bi-monthly with the Director of CFSA and the Director of the Department of Mental Health in an effort to resolve any interagency problems and to coordinate services that affect the child welfare cases filed in Family Court. Together, the Court and these agencies are working collaboratively to strengthen and improve the services we provide to children and families in the District of Columbia. There are two recent initiatives that are examples of the benefits gain from such collaboration, the Family Treatment Court for substance abusing mothers and the Benchmark Permanency Hearing Program for older foster children. The Family Court is also working with CFSA as it moves toward implementing its Facilitated Family Team Conference program.

CONCLUSION

In closing, please let me thank you, Chairman Davis and Congresswoman Norton, for the opportunity to testify before you today to discuss the Superior Court, and more specifically its Probate Division and the Family Court. As with most institutions of government, there have been challenges to face and hurdles to overcome. But by and large the job done by the staff of the D.C. Superior Court is one in which the community can take a great deal of pride. We see the mission of the Court as critically important when dealing with those who, because of youth or mental or physical frailty, are more vulnerable.

I look forward to continuing our positive working relationship with members of this Committee to improve the administration of justice in the District of Columbia. I would be pleased to answer any questions.