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THE PERFORMANCE OF THE COURT OF APPEALS AND THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

HEARING

BEFORE THE

SUBCOMMITTEE ON THE DISTRICT OF COLUMBIA

OF THE

COMMITTEE ON
GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTH CONGRESS

SECOND SESSION

JUNE 5, 2002

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THE PERFORMANCE OF THE COURT OF APPEALS AND THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

WEDNESDAY, JUNE 5, 2002

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON THE DISTRICT OF COLUMBIA,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:52 a.m., in room 2154, Rayburn House Office Building, Hon. Constance A. Morella, (chairwoman of the subcommittee) presiding.

Present: Representatives Morella, Norton and DeLay.

Staff present: Russell Smith, staff director; Heea Vazirani-Fales, counsel; Robert White, communications director; Matthew Batt, legislative assistant/clerk; Shalley Kim, staff assistant; Jean Gosa, minority assistant clerk; and Jon Bouker, minority counsel.

Mrs. MORELLA. Thank you all for being here today. Just about a year ago, many of us were gathered here, in this same room, to discuss a proposal to reform the family division of the District of Columbia Superior Court. After much debate and discussion and negotiation, Congress passed, and the President signed, the District of Columbia Family Court Act of 2001, the first major overhaul of the District Family Court System in three decades.

Today, we are here to not only get a status report on how the D.C. Family Court Act is being implemented, but also to take a broader look at the entire District of Columbia Court System. As part of the 1997 Revitalization Act, the Federal Government assumed responsibility for the city's Court of Appeals and its Superior Court, which encompasses the new Family Court, the criminal and civil divisions and other operations.

There are four general areas we are going to examine in depth today. One, as I mentioned, is the progress of the Family Court Implementation Plan. From all accounts, court officials have worked diligently and collaboratively on developing this plan, and their efforts should be applauded. The General Accounting Office, however, raised several questions regarding this plan, noting that it does not include some elements required by law—such as getting the Judicial Nominating Commission involved in recruiting judges and a detailed determination of how many judicial staff and magistrates should be hired.

The second is the development and application of the Integrated Justice Information System. This system essentially allows users to move more easily to track cases and manage information. It is criti-

cally important for the court system to interact with so many Federal and local agencies. It is especially important to the success of the new Family Court.

Third, we want to look at the Court's development of a strategic plan. How is the court system planning to measure its own performance and how is it going to determine how well resources are being used to ensure that citizens receive adequate access to justice, that proceedings are both fair and swift, that the court system is independent and accountable, and that the public has trust and confidence in the courts. These are the questions we pose.

Finally, we will discuss the Victims of Violent Crime Compensation Fund. As of September 2000, there was an $18 million balance to this fund, which was to go toward compensation payments to crime victims to make victims aware of the program. For too long, this money has been there unused. I would like to have the subcommittee get a status report on the District's plan to distribute it.

[The prepared statement of Hon. Constance A. Morella follows:]

CONSTANCE A. MORELLA
8TH DISTRICT, MARYLAND

COMMITTEE ON GOVERNMENT REFORM
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SUBCOMMITTEE ON THE DISTRICT OF COLUMBIA
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COMMITTEE ON SCIENCE
SUBCOMMITTEE ON ENVIRONMENT, TECHNOLOGY, AND STANDARDS

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House of Representatives

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Chairwoman Constance A. Morella
House District of Columbia Subcommittee
"Oversight Hearing on the Performance of the Court of Appeals and the Superior Court of the District of Columbia
June 5, 2002

Thank you all for being here today. Just about a year ago, many of us were gathered here, in this same room, to discuss a proposal to reform the family division of the District of Columbia Superior Court. After much debate and discussion and negotiation, Congress passed, and the President signed, the District of Columbia Family Court Act of 2001, the first major overhaul of the District family court system in three decades.

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The second is the development and application of the Integrated Justice Information System, or IJIS. This system – essentially it allows users to more easily track cases and manage information – is critically important for the court system, which has to interact with so many different agencies, both federal and local. It is especially important to the success of the new Family Court, which must share information closely with the Department of Child and Family Services.

Thirdly, we want to look at the court's development of a strategic plan. How is the court system planning to measure its own performance and determine how well resources are being used to ensure that citizens receive adequate access to justice, that proceedings are both fair and swift; that the court system is independent and accountable; and that the public has trust and confidence in the courts?

And, finally, we will discuss the Victims of Violent Crime Compensation Fund. As of September 2000, there was an $18 million balance in this fund, which is supposed to go toward compensation payments to crime victims and outreach efforts to make victims aware of the program. Congress has previously requested the District to come up with a plan for distributing this money. For too long, this money has sat unused, and I'd like to know where the account stands currently.

Mrs. MORELLA. I would now like to recognize the distinguished ranking member of the subcommittee.

Ms. NORTON. Thank you, Madam Chair.

I appreciate the Chair for organizing this oversight hearing on the District Superior Court and its recently reformed Family Court and her work on the District of Columbia Family Court Act. May I say in advance that there is an important hearing of another one of my subcommittees taking place on the floor unfortunately and I am have to go back and forth because a matter involving the District of Columbia may well come up at that hearing. I apologize but I will be back if I have to leave.

I particularly appreciate that today we also will hear from the Director of the Child and Family Services Agency which is central to the District's most vulnerable children and families whether or not under the court's jurisdiction. Both the Superior Court and the new Family Court, which is part of the Superior Court, recently have gone through a rocky period. The Superior Court encountered budget shortfalls, used funds intended for criminal defense of indigents for operations, experienced a lengthy period in which regular staff increases were suspended, and was subject to a critical GAO investigation and report. Oversight during this period, including several hearings was with D.C. Appropriations Subcommittees.

Today's District of Columbia Subcommittee oversight hearing is especially welcome because it is the first hearing by the authorizing committee on the Superior Court since the Revitalization Act transferred Superior Court costs to the Federal Government. This District of Columbia Subcommittee hearing affords the opportunity for court leaders to discuss the post-transitional period of the Superior Court and for Congress to learn whether the problems the Court encountered have been resolved. The subcommittee is particularly interested in the status of the Court's strategic plan.

Problems in the organization of the Family Division attracted the interest and concern of Congress after the death of infant Brianna Blackman while under the jurisdiction of the Court. The Court continued distributing cases to all 59 judges, a system that did not guarantee priority to the District's most troubled children.

Congress, which alone, can change existing law affecting D.C. courts, believed that only statutory change could accomplish the necessary reform. I am grateful to Representative Tom DeLay who worked closely with me on the Family Court Act. Not only did Representative DeLay obtain $23 million in additional funding for the Court to assure fruitful reform, Mr. DeLay, who had strong views concerning the Court and originally desired to create a separate Family Court outside of the Superior Court, was willing to work closely with me on these and other differences. After months of working together, he and I arrived at a consensus compromise bill that was signed by President Bush this year. Representative DeLay requested the GAO report on the Family Court's 90-day transition plan that we will hear about presently.

The task of transferring widely disbursed cases involving the District's most vulnerable children and families to a smoothly running new Family Court vehicle is delicate at best. We look forward to learning the details concerning this critical transition.

Although the Family Court, like all component parts of the District's child welfare system, was in need of reform, the most daunting task facing the District always has been the complete reengineering of the Child and Family Services Agency. We are eager to hear what progress has been made regarding the District's efforts to reform this agency which has been transferred back to the District from receivership and to learn whether satisfactory coordination of the agency's services with the operations of the new Family Court is occurring.

We appreciate the work of the Superior Court, the Family Court, the Child and Family Services Agency, and all who are working on these difficult issues and we appreciate the testimony that will be received today.

Thank you, Madam Chair.

[The prepared statement of Hon. Eleanor Holmes Norton follows:]

ELEANOR HOLMES NORTON
DISTRICT OF COLUMBIA

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AGENCY ORGANIZATION

Congress of the United States
House of Representatives
Washington, D.C. 20515

Statement of Congresswoman Eleanor Holmes Norton
District of Columbia Subcommittee Hearing
Performance of the Court of Appeals and the Superior Court of the District of Columbia

June 5, 2002

I appreciate the chair's work in organizing this oversight hearing on the District's Superior Court and its recently reformed Family Court, and her work on the District of Columbia Family Court Act. I particularly appreciate that today we also will hear from the Director of the Child and Family Services Agency, which is central to the District's most vulnerable children and families, whether or not under the court's jurisdiction. Both the Superior Court and the new Family Court, which is part of the Superior Court, recently have gone through a rocky period. The Superior Court encountered budget shortfalls, used funds intended for criminal defense of indigents for operations, experienced a lengthy period in which regular staff increases were suspended, and was the subject of a critical GAO investigation and report. Oversight during this period, including several hearings, was with the D.C. appropriations subcommittees. Today's D.C. subcommittee oversight hearing is especially welcome because it is the first hearing by the authorizing subcommittee on the Superior Court since the Revitalization Act transferred Superior Court costs to the federal government. This D.C. subcommittee hearing affords the opportunity for court leaders to discuss the post-transitional period of the Superior Court and for Congress to learn whether the problems the court encountered have been resolved. The subcommittee is particularly interested in the status of the court's strategic plan.

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vulnerable children and families to a smoothly running new Family Court vehicle is delicate at best. We look forward to hearing the details concerning this critical transition.

Although the Family Court, like all components of the District's child welfare system, was in need of reform, the most daunting task facing the District always has been the complete re-engineering of the Child and Family Services Agency. We are eager to hear what progress has been made regarding the District's efforts to reform this agency, which has been transferred back to the District from receivership, and to learn whether satisfactory coordination of the agency's services with the operations of the new Family Court is occurring.

We appreciate the work of the Superior Court, its Family Court, the Child and Family Services Agency, and of all who are working on these difficult issues, and, of course, we appreciate the testimony that will be received today.

Mrs. MORELLA. Thank you, Ms. Norton. I am now pleased to recognize Majority Whip, Tom DeLay, who has been instrumental in the legislation that became law and now the oversight by GAO and our discussion of the implementation. He has been indefatigable and unrelenting in his efforts to make sure that the children of the District of Columbia are well served. Congressman DeLay.

Mr. DELAY. Thank you, Madam Chairwoman. I appreciate your remarks and thank you, Congresswoman Norton, for your remarks. It has been a pleasure working with both of you on this issue. Both of you are leaders, not just on this issue but on so many issues that affect Washington, DC, and we greatly appreciate your leadership.

As the House prepares to release funding for the new Family Court, I think we need to answer a few basic questions. We need to be certain that the Court is actually organizing itself consistently with the intent of Congress. The GAO studied the transition plan and found it meets "most, but not all," of the act's requirements. I am pleased that the District is attempting to ensure that the Family Court organizes itself around that most important principle, that children come first.

There are several important issues that I hope this hearing addresses concerning the implementation of the Family Court legislation. To make children's needs the true priority in the Family Court requires that the judges and magistrates hearing their cases be both experienced and well trained. This Congress drafted the Family Court Act of 2001 to require expertise and experience in family law as a condition of being seated on the Court. While 12 judges have been assigned to Family Court, the GAO is still uncertain what specific experience or expertise in family law made them eligible to join the Family Court. I hope that today's testimony reveals their qualifications. We need to know why these 12 judges are on the Court, Congress must be assured that this critical reform is in place.

The appointment of senior judges raises additional concerns about judicial qualifications. Clearly, we cannot accept substandard expertise or experience from senior judges but the GAO tells us that we know very little about senior judges and the actual qualifications they bring to the bench. For example, will senior judges hear abuse and neglect cases, how many part-time senior judges are currently serving on the Superior Court, will the Court randomly assign cases to senior judges? It is far from clear how the Court can protect the one family, one judge concept if senior judges hear dependency cases. The answers to these questions must be fully explored because we must determine that the children and families of the District of Columbia receive the highest quality of service.

The successful implementation of the Family Court Act depends on the response not just from the Court but from the Child and Family Services Agency as well. As we all know, the purpose of the court reforms, that Congress put into place, was to ensure the District's abused and neglected children are placed in safe and permanent families as quickly as possible. Children grow best in loving families and we designed the Family Court Act to ensure that children don't languish in foster care.

To achieve this goal, it is important that the Court and the agency begin obeying the mandates of the Adoption and Safe Families Act. These mandates require that the courts and the agency work together to ensure that children are always returned to safe homes. It requires that for every child. The agency thoroughly investigates the biological home and the potential foster home so that judges never release children to unsafe settings. Further, it requires that the social workers are sufficiently trained. They must write comprehensive and meticulous reports and their recommendations must be based upon all the relevant facts of that child's case. Finally, the Courts and the Agency need to work together and identify benchmarks so that Congress can evaluate their performance and measure the effectiveness of our revised system to protect Washington's children.

I continue to hope that the D.C. Courts and the District's Child Welfare System reform themselves into models for the rest of the Nation. To achieve this goal, it is important that all of us work together. We must dedicate ourselves to changing the Court and the Child Protective System so that children's needs for safety, permanency and well being are the system's paramount concern.

I look forward to reviewing the testimony today and I hope our witnesses will provide the detailed and definitive responses that will alleviate our concerns.

Thank you for your gracious hospitality, Madam Chairwoman, and I have to apologize but duty calls me elsewhere but we will review the testimony and look forward to seeing the record. I am glad to see you, Chief Justice King, and everyone else on the panel.

Mrs. MORELLA. Thank you, Mr. DeLay. I know you will be following very closely what is stated today and the responses to questions. Again, thanks for seeing the baby being produced, coming to fruition.

We have a very prominent series of two panels. The first panel before us, we thank you for being here. Cornelia M. Ashby is the Director, Education, Workforce and Income Security Issues, Government Accounting Office. The Honorable Annice M. Wagner is Chief Judge, District of Columbia Court of Appeals. The Honorable Rufus G. King, III is Chief Judge, District of Columbia Superior Court. The Honorable Lee F. Satterfield is Presiding Judge, District of Columbia Family Court. Anne Wicks is Executive Officer, District of Columbia Superior Court.

I would like to ask you in accordance with our procedure on the full committee and the subcommittee, if you would stand and raise your right hand for an oath.

[Witnesses sworn.]

Mrs. MORELLA. The record will show an affirmative response. Please confine your comments not more than 5 minutes. Your statements in their entirety will be placed in the record. We will start off with you, Ms. Ashby.

STATEMENTS OF CORNELIA M. ASHBY, DIRECTOR, EDUCATION, WORKFORCE AND INCOME SECURITY ISSUES, GENERAL ACCOUNTING OFFICE; ANNICE M. WAGNER, CHIEF JUDGE, DISTRICT OF COLUMBIA COURT OF APPEALS; RUFUS G. KING III, CHIEF JUDGE, DISTRICT OF COLUMBIA SUPERIOR COURT; AND LEE F. SATTERFIELD, PRESIDING JUDGE, DISTRICT OF COLUMBIA FAMILY COURT

Ms. ASHBY. I am pleased to be here today to discuss the progress made by the District of Columbia Superior Court in transitioning its Family Division to the Family Court.

The D.C. Family Court Act required the Chief Judge of the Superior Court to submit to the President and the Congress a transition plan outlining the proposed operation of the Family Court. The Congress also required that we report the results of our analysis of the contents and effectiveness of the plan. Our report was issued in May 2002 and included a number of recommendations to improve the plan.

My testimony today is based on our analysis of the transition plan. My remarks include preliminary observations on court initiatives to coordinate its activities with those of other District social service agencies. Our ongoing examination of these efforts will culminate in a report containing a more detailed assessment of factors to facilitate and hinder plan coordination later this year.

In summary, the Superior Court had made progress in planning the transition to a Family Court but in implementing the plan, the Family Court will face challenges. Full transition to the Family Court in a timely and effective manner is dependent on obtaining and renovating appropriate space for all new Family Court personnel and integration of court activities with those of District social service agencies and development and installation of a new automated system currently planned as part of the D.C. Court's IJIS system.

The Court acknowledges that its implementation plans may be slowed if appropriate space cannot be obtained in a timely manner. For example, the transition plan states that the complete transfer to the Family Court of abuse and neglect cases currently being heard by judges of other divisions of Superior Court is dependent in part on the Court's ability to provide appropriate space for additional judges and magistrate judges. However, there are a number of risks associated with the space plan. These include very aggressive implementation schedules and a design that makes the success of each part of the plan dependent on the timely completion of other parts of the plan. However, the transition plan does not include alternatives that the Court will pursue if its current plans for renovating space encounter delays or problems.

The Family Court Act and court practices recommended by various national associations require the coordination of court activities with related social services. In this regard, the transition plan specifies several court initiatives, including the use of case coordinators, child protection mediators, attorney advisors and other legal representatives to support the judicial team initially comprised of the Family Court judge and a magistrate judge, but eventually to include an attorney from the Office of Corporation Counsel, guardians ad litem, parents, attorneys, and social workers.

Other initiatives include interagency committees, monthly meetings involving the presiding and deputy presiding judges of the Family Court and heads of District agencies and the Family Service Center where representatives of several District social service agencies will be co-located with the Family Court.

Along with these coordination initiatives come challenges. For example, the Court's transition plan states that until key agencies are sufficiently staffed and reorganized to complement the changes taking place in the Family Court, substantial improvements in the experiences of children and families served by the Court will remain a challenge. In addition, according to the Court, it takes time to obtain interagency commitments to coordinate the use of staff resources. Further, the availability of Family Service Centers depends on the timely completion of complex, interdependent space and facilities plans.

The Family Court's current reliance on non-integrated automated information systems that do not fully support planned court operations such as the one family, one judge approach to case management required by the Family Court Act constrains its transition to a family court. As we reported in February 2002, a number of factors significantly increased the risk associated with acquiring and managing IJIS. In that report, we made several recommendations designed to reduce the risk associated with this effort. In April 2002, we met with D.C. Court officials to discuss the actions taken on our recommendations and found that significant actions had been initiated, that if properly implemented, will help reduce the risk.

Although these are positive steps, D.C. courts still face many challenges in efforts to develop a system. Examples of these include ensuring that adequate controls and processes are in place to mitigate any adverse impacts on IJIS of interfacing with District systems of lesser quality; effectively implementing the discipline processes necessary to reduce the risk associated with IJIS to acceptable levels; ensuring that the requirements used to acquire IJIS contain the necessary specificity to reduce requirement-related defects to acceptable levels; ensuring that users receive adequate training and avoiding a schedule-driven effort.

Madam Chairwoman, Congresswoman Norton, this concludes my statement. I will be happy to answer any questions either of you have.

[The prepared statement of Ms. Ashby follows:]

United States General Accounting Office

GAO

Testimony

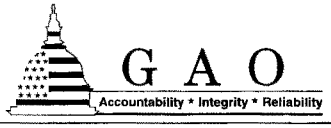
Before the District of Columbia Subcommittee,
Committee on Government Reform,
House of Representatives

For Release on Delivery
Expected at 10:00 a.m. DST
Wednesday, June 5, 2002

D.C. FAMILY COURT

Progress Made Toward Planned Transition and Interagency Coordination, but Some Challenges Remain

Statement of Cornelia M. Ashby, Director
Education, Workforce, and Income Security Issues



GAO-02-797T

Madam Chairman and Members of the Subcommittee:

I am pleased to be here today to discuss the progress made by the District of Columbia Superior Court in transitioning its Family Division to a Family Court. In January 2002, the District of Columbia Family Court Act of 2001 (P.L. 107-114) was enacted to, among other things, (1) redesignate the Family Division of the Superior Court of the District of Columbia as the Family Court of the Superior Court, (2) recruit trained and experienced judges to serve in the Family Court, and (3) promote consistency and efficiency in the assignment of judges to the Family Court and in the consideration of actions and proceedings in the Family Court. The passage of this act represented the first major overhaul of the Superior Court's Family Division in 3 decades. The Congress, in considering such an overhaul, found that poor communication between participants in the child welfare system, a weak organizational structure, and a lack of case management were serious problems plaguing the Family Division.

As a first step in initiating changes to the Family Division, the Family Court Act required the chief judge of the Superior Court to submit to the president and the Congress a transition plan outlining the proposed operation of the Family Court. The Congress also required that the chief judge submit the transition plan to the U.S. General Accounting Office (GAO) and that, within 30 calendar days after submission of the plan by the Superior Court, we submit an analysis of the contents and effectiveness of the plan in meeting the requirements of the Family Court Act. My testimony is based on our analysis of the transition plan, including discussions with court and child welfare experts,[1] juvenile and family court judges across the country, and officials from the District of Columbia Superior Court and the Family Court. To further assist us in our analysis of the transition plan, we also asked several court experts to examine the plan and highlight its strengths and areas that may need more attention. This analysis was presented in our May 2002 report.[2] In addition, my remarks today will include preliminary observations on court initiatives to coordinate its activities with other District social service

[1]We interviewed officials of a variety of organizations, such as the National Council of Juvenile and Family Court Judges; the National Center for State Courts; the Center for Families, Children and the Courts at the University of Baltimore; and the Child Welfare League of America.

[2]U.S. General Accounting Office, *D.C. Family Court: Additional Actions Should Be Taken to Fully Implement Its Transition*, GAO-02-584, (Washington, D.C.: 2002).

agencies. We will provide a more detailed assessment of service coordination, the integration of automated information systems, and related spending plans later this year.[3]

In summary, the District of Columbia Superior Court has made progress in planning the transition of its Family Division to a Family Court, but some challenges remain. The Superior Court's transition plan addresses most, but not all, of the required elements outlined in the act. Significantly, the completion of the transition hinges on timely completion of a complex series of interdependent plans intended to obtain and renovate physical space to house the court and its functions. For example, the plan explains how the abuse and neglect cases currently being heard by judges in other divisions of the Superior Court will be closed or transferred to the Family Court; however, the plan states that the complete transfer of these cases can only occur if additional judges and magistrate judges are hired, trained, and housed in appropriate space. All required space may not be available, as currently planned, to support the additional judges the Family Court needs to perform its work in accordance with the act, making it uncertain as to when the court can fully complete its transition. While not required as part of its transition plan efforts, the Superior Court has begun to coordinate its activities with social service agencies in the District. However, the court and agencies face challenges in achieving coordinated services in the longer term. For example, the court believes it will take time to obtain interagency commitments to provide resources and to coordinate their use. Finally, the development and application of the District of Columbia Courts'[4] Integrated Justice Information System (IJIS)[5]

[3]The District of Columbia Family Court Act of 2001 and the fiscal year 2002 District of Columbia Appropriations Act (P.L. 107-96) require the mayor to submit a plan to the president and the Congress to integrate social services and automated systems with the family court and to specify related spending plans. P.L. 107-96 requires GAO to report on the contents and effectiveness on the mayor's plan within 30 days of its submission.

[4]The D.C. Courts includes three main entities—the Superior Court, the Court of Appeals, and the Executive Office—and provides the overall organizational framework for judicial operations. The Superior Court contains five components: Civil Division, Criminal Division, Family Court, Probate Division, and the Tax Division. The Court of Appeals, among other responsibilities, handles appellate functions referred to it from the Superior Court. The Executive Office performs various administrative management functions.

[5]Faced with a myriad of nonintegrated systems that do not provide the necessary information to support its overall mission, the D.C. Courts is in the process of acquiring a replacement system called IJIS. See U.S. General Accounting Office, *DC Courts: Disciplined Processes Critical to Successful System Acquisition*, GAO-02-316, (Washington, D.C.: 2002) for more details on the court's planning of IJIS.

will be critical for the Family Court to be able to operate effectively, evaluate its performance, and meet its judicial goals in the context of the changes mandated by the Family Court Act.

Background

The District of Columbia Family Court Act of 2001 (P.L. 107-114) was enacted on January 8, 2002. The act stated that, not later than 90 days after the date of the enactment, the chief judge of the Superior Court shall submit to the president and Congress a transition plan for the Family Court of the Superior Court, and shall include in the plan the following:

- The chief judge's determination of the role and function of the presiding judge of the Family Court.
- The chief judge's determination of the number of judges needed to serve on the Family Court.
- The chief judge's determination of the number of magistrate judges[6] of the Family Court needed for appointment under Section 11-1732, District of Columbia Code.
- The chief judge's determination of the appropriate functions of such magistrate judges, together with the compensation of and other personnel matters pertaining to such magistrate judges.
- A plan for case flow, case management, and staffing needs (including the needs of both judicial and nonjudicial personnel) for the Family Court, including a description of how the Superior Court will handle the one family/one judge requirement pursuant to Section 11-1104(a) for all cases and proceedings assigned to the Family Court.
- A plan for space, equipment, and other physical needs and requirements during the transition, as determined in consultation with the administrator of General Services.
- An analysis of the number of magistrate judges needed under the expedited appointment procedures established under Section 6(d) in reducing the number of pending actions and proceedings within the

[6]A magistrate judge is a local judicial official entrusted with the administration of the law, but whose jurisdiction may be limited.

jurisdiction of the Family Court.

- A proposal for the disposition or transfer to the Family Court of child abuse and neglect actions pending as of the date of enactment of the act (which were initiated in the Family Division but remain pending before judges serving in other divisions of the Superior Court as of such date) in a manner consistent with applicable federal and District of Columbia law and best practices, including best practices developed by the American Bar Association and the National Council of Juvenile and Family Court Judges.

- An estimate of the number of cases for which the deadline for disposition or transfer to the Family Court cannot be met and the reasons why such deadline cannot be met.

- The chief judge's determination of the number of individuals serving as judges of the Superior Court who meet the qualifications for judges of the Family Court and are willing and able to serve on the Family Court. If the chief judge determines that the number of individuals described in the act is less than 15, the plan is to include a request that the Judicial Nomination Commission recruit and the president nominate additional individuals to serve on the Superior Court who meet the qualifications for judges of the Family Court, as may be required to enable the chief judge to make the required number of assignments.

The Family Court Act states that the number of judges serving on the Family Court of the Superior Court cannot exceed 15. These judges must meet certain qualifications, such as having training or expertise in family law, certifying to the chief judge of the Superior Court that he or she intends to serve the full term of service and that he or she will participate in the ongoing training programs conducted for judges of the Family Court. The act also allows the court to hire and use magistrate judges to hear family court cases. Magistrate judges must also meet certain qualifications, such as holding U.S. citizenship, being an active member of the D.C. Bar, and having not fewer than 3 years of training or experience in the practice of family law as a lawyer or judicial officer. The act further states that the chief judge shall appoint individuals to serve as magistrate judges not later than 60 days after the date of enactment of the act. The magistrate judges hired under this expedited appointment process are to assist in implementing the transition plan, and in particular, assist with the transition or disposal of child abuse and neglect proceedings not currently assigned to judges in the Family Court.

The Superior Court submitted its transition plan on April 5, 2002. The plan consists of three volumes. Volume I contains information on how the court will address case management issues, including organizational and human capital requirements. Volume II contains information on the development of IJIS and its planned applications. Volume III addresses the physical space the court needs to house and operate the Family Court.

Courts interact with various organizations and operate in the context of many different programmatic requirements. In the District of Columbia, the Family Court frequently interacts with the child welfare agency—the Child and Family Services Agency (CFSA)—a key organization responsible for helping children obtain permanent homes. CFSA must comply with federal laws and other requirements, including the Adoption and Safe Families Act (ASFA), which placed new responsibilities on child welfare agencies nationwide.[7] ASFA introduced new time periods for moving children who have been removed from their homes to permanent home arrangements and penalties for noncompliance. For example, the act requires states to hold a permanency planning hearing not later than 12 months after the child is considered to have entered foster care. Permanent placements include the child's return home and the child's adoption. Other organizations that the Family Court interacts with include the Office of Corporation Counsel (OCC)[8] and the Metropolitan Police Department.

[7]For additional details on the challenges facing the District of Columbia's child welfare system and the implementation of ASFA, see U.S. General Accounting Office, *District of Columbia Child Welfare: Long-Term Challenges to Ensuring Children's Well-Being*, GAO-01-191, (Washington, D.C.: 2000) and *Foster Care: States' Early Experiences Implementing the Adoption and Safe Families Act*, GAO/HEHS-00-1, (Washington, D.C.: 1999).

[8]OCC, among its other duties, represents the District of Columbia in child abuse and neglect cases and represents victims of intra-family domestic violence by obtaining civil protection orders and prosecuting related contempt of court matters in the Superior Court.

The Transition Plan Reveals Progress and Challenges in Planning the Transition to the Family Court

The Family Court transition plan provides information on most, but not all, of the elements required by the Family Court Act; however, some aspects of case management, training, and performance evaluation are unclear. For example, the plan describes the Family Court's method for transferring child abuse and neglect cases to the Family Court, its one family/one judge case management principle,[9] and the number and roles of judges and magistrate judges.[10] However, the plan does not (1) include a request for judicial nomination, (2) indicate the number of nonjudicial staff needed for the Family Court, (3) indicate if the 12 judges who volunteered for the Family Court meet all of the qualifications outlined in the act, and (4) state how the number of magistrate judges to hire under the expedited process was determined. In addition, although not specifically required by the act, the plan does not describe the content of its training programs and does not include a full range of measures by which the court can evaluate its progress in ensuring better outcomes for children.

The Transition Plan Includes a Description of the Court's Plan for Transferring Abuse and Neglect Cases to the Family Court

The transition plan establishes criteria for transferring cases to the Family Court and states that the Family Court intends to have all child abuse and neglect cases pending before judges serving in other divisions of the Superior Court closed or transferred into the Family Court by June 2003. According to the plan, the court has asked each Superior Court judge to review his or her caseload to identify those cases that meet the criteria established by the court for the first phase of case transfer back to the Family Court for attention by magistrate judges hired under the expedited process provided in the act. Cases identified for transfer include those in which (1) the child is 18 years of age and older, the case is being monitored primarily for the delivery of services, and no recent allegations of abuse or neglect exist; and (2) the child is committed to the child welfare agency and is placed with a relative in a kinship care program.

[9]The Family Court Act requires the Family Court, to the greatest extent practicable, feasible, and lawful, to assign one judge to handle a case from initial filing to final disposition, as well as to handle related family cases that are subsequently filed.

[10]In the Family Court, two Family Court judges—the presiding and deputy presiding judges—will primarily handle the administrative functions of the court. Family Court judges are judges of the Superior Court who have received training or have expertise in family law. These judges will hear a variety of cases in the court. Family Court magistrate judges are qualified individuals with expertise and training in family law. These magistrate judges will also hear various Family Court cases.

Cases that the court believes may not be candidates for transfer by June 2002 include those the judge believes transferring the case would delay permanency. The court expects that older cases will first be reviewed for possible closure and expects to transfer the entire abuse and neglect caseloads of several judges serving in other divisions of the Superior Court to the Family Court. Using the established criteria to review cases, the court estimates that 1,500 cases could be candidates for immediate transfer.

The act also requires the court to estimate the number of cases that cannot be transferred into the Family Court in the timeframes specified. The plan provides no estimate because the court's proposed transfer process assumes all cases will be closed or transferred, based on the outlined criteria. However, the plan states that the full transfer of all cases is partially contingent on hiring three new judges.

The Transition Plan Describes the Family Court's Approach to Managing Its Cases, but the Court Could Consider Additional Approaches to Assessing Implementation

The transition plan identifies the way in which the Family Court will implement the one family/one judge approach and improve its case management practices; however, some aspects of case management, training, and performance evaluation are unclear. The plan indicates that the Family Court will implement the one family/one judge approach by assigning all cases involving the same family to one judicial team—comprised of a Family Court judge and a magistrate judge. This assignment will begin with the initial hearing by the magistrate judge on the team and continue throughout the life of the case. Juvenile and family court experts indicated that this team approach is realistic and a good model of judicial collaboration. One expert said that such an approach provides for continuity if either team member is absent. Another expert added that, given the volume of cases that must be heard, the team approach can ease the burden on judicial resources by permitting the magistrate judge to make recommendations and decisions, thereby allowing the Family Court judge time to schedule and hear trials and other proceedings more quickly. Court experts also praised the proposed staggered terms for judicial officials—newly-hired judges, magistrate judges, and judges who are already serving on the Superior Court will be appointed to the Family Court for varying numbers of years—which can provide continuity while recognizing the need to rotate among divisions in the Superior Court.

The plan also describes other elements of the Family Court's case management process, such as how related cases will be assigned and a description of how many judges will hear which types of cases. For

example, the plan states that, in determining how to assign cases, preference will generally be given to the judge or magistrate judge who has the most familiarity with the family. In addition, the plan states that (1) all Family Court judges will handle post-disposition child abuse and neglect cases; (2) 10 judges will handle abuse and neglect cases from initiation to closure as part of a judicial team; (3) 1 judge will handle abuse and neglect cases from initiation to closure independently (not as part of a team); and (4) certain numbers of judges will handle other types of cases, such as domestic relations cases, mental health trials, and complex family court cases. However, because the transition plan focuses primarily on child abuse and neglect cases, this information does not clearly explain how the total workload associated with the approximately 24,000[11] cases under the court's jurisdiction will be handled. One court expert we consulted commented on the transition plan's almost exclusive focus on child welfare cases, making it unclear, the expert concluded, how other cases not involving child abuse and neglect will be handled.

In addition to describing case assignments, the plan identifies actions the court plans to take to centralize intake. According to the plan, a centralized office will encompass all filing and intake functions that various clerks' offices—such as juvenile, domestic relations, paternity and support, and mental health—in the Family Court currently carry out. As part of centralized intake, case coordinators[12] will identify any related cases that may exist in the Family Court. To do this, the coordinator will ensure that a new "Intake/Cross Reference Form" will be completed by various parties to a case and also check the computer databases serving the Family Court. As a second step, the court plans to use alternative dispute resolution to resolve cases more quickly and expand initial hearings to address many of the issues that the court previously handled later in the life of the case. As a third step, the plan states that the Family Court will provide all affected parties speedy notice of court proceedings and implement strict policies for the handling of cases—such as those for

[11]During 2001, court activity included 13,132 filings, 13,957 dispositions, and 24,373 pending cases (including approximately 5,100 child abuse and neglect cases—most of which were being handled by judges outside of the Family Division).

[12]Coordinators will provide day-to-day liaison between judges and magistrate judges, legal counsel, litigants, court clerks, and the child welfare agency. They will also be responsible for monitoring the cases for ASFA compliance.

granting continuances[13]—although it does not indicate who is responsible for developing the policies or the status of their development.

The plan states that the court will conduct evaluations to assess whether components of the Family Court were implemented as planned and whether modifications are necessary; the court could consider using additional measures to focus on outcomes for children. One court expert said that the court's development of a mission statement and accompanying goals and objectives frames the basis for developing performance standards. The expert also said that the goals and standards are consistent with those of other family courts that strive to prevent further deterioration of a family's situation and to focus decision-making on the needs of those individuals served by the court. However, evaluation measures listed in the plan are oriented more toward the court's processes, such as whether hearings are held on time, than on outcomes. According to a court expert, measures must also account for outcomes the court achieves for children. Measures could include the number of finalized adoptions that did not disrupt, reunifications that do not fail, children who remain safe and are not abused again while under court jurisdiction or in foster care, and the proportion of children who successfully achieve permanency. In addition, the court will need to determine how it will gather the data necessary to measure each team's progress in ensuring such outcomes or in meeting the requirements of ASFA, and the court has not yet established a baseline from which to judge its performance. In our May 2002 report, we recommended that the Superior Court consider identifying performance measures to track progress toward positive outcomes for the children and families the Family Court serves.

The Transition Plan Addresses the Number and Roles of Judicial Officers, but Other Human Capital Issues Remain Unclear

The transition plan states that the court has determined that 15 judges are needed to carry out the duties of the court and that 12 judges have volunteered to serve on the court, but does not address recruitment and the nomination of the three additional judges. Court experts stated that the court's analysis to identify the appropriate number of judges is based on best practices identified by highly credible national organizations and is, therefore, pragmatic and realistic. However, the plan only provides calculations for how it determined that the court needed 22 judges and magistrate judges to handle child abuse and neglect cases. The transition

[13]When a continuance is granted by the judge, the case is rescheduled for another day.

plan does not include a methodology for how it determined that the court needed a total of 32 judges and magistrate judges for its total caseload of child abuse and neglect cases, as well as other family cases, such as divorce and child support, nor does it explain how anticipated increases in cases will be handled.[14] In addition, the plan does not include a request that the Judicial Nomination Commission recruit and the president nominate the additional three individuals to serve on the Superior Court, as required by the Family Court Act. At a recent hearing on the court's implementation of the Family Court Act, the chief judge of the Superior Court said that the court plans to submit its request in the fall of 2002.[15]

The Superior Court does not provide in the plan its determination of the number of nonjudicial staff needed. The court acknowledges that while it budgeted for a certain number of nonjudicial personnel based on current operating practices, determining the number of different types of personnel needed to operate the Family Court effectively is pending completion of a staffing study.[16] In our May 2002 report, we recommended that the Superior Court supplement its transition plan by providing information on the number of nonjudicial personnel needed when the staffing study is complete.

Furthermore, the plan does not address the qualifications of the 12 judges who volunteered for the court. Although the plan states that these judges have agreed to serve full terms of service, according to the act, the chief judge of the Superior Court may not assign an individual to serve on the Family Court unless the individual also has training or expertise in family law and certifies that he or she will participate in the ongoing training programs conducted for judges of the Family Court. In our May 2002

[14]The transition plan states that three legislative proposals pending before the District of Columbia City Council could increase the size of the Family Court caseload—the Improved Child Abuse Investigations Amendment Act of 2001, the Mental Health Commitment Amendments Act of 2001, and the Standby Guardianship Act of 2001. However, no estimates of the anticipated increases were provided.

[15]The hearing was held before the Senate Subcommittee on DC Appropriations, April 24, 2002.

[16]D.C. Courts has hired Booz-Allen & Hamilton to conduct a workforce planning analysis. The analysis and the development of a customized automated tool for ongoing workforce planning and analysis are scheduled to be complete in the near future. The courts contracted for this project in response to our report, *D.C. Courts: Staffing Level Determination Could Be More Rigorous*, GAO/GGD-99-162, (Washington, D.C.: Aug. 27, 1999).

report, we recommended that the Superior Court supplement its transition plan by providing information on the qualifications of the 12 judges identified in the transition plan to serve on the Family Court. The act also requires judges who had been serving in the Superior Court's Family Division at the time of its enactment to serve for a term of not fewer than 3 years, and that the 3-year term shall be reduced by the length of time already served in the Family Division. Since the transition plan does not identify which of the 12 volunteers had already been serving in the Family Division prior to the act and the length of time they had already served, the minimum remaining term length for each volunteer cannot be determined from the plan. In commenting on our May 2002 report, the Superior Court said it would provide information on each judge's length of tenure in its first annual report to the Congress.

The transition plan describes the duties of judges assigned to the Family Court, as required by the act. Specifically, the plan describes the roles of the designated presiding judge, the deputy presiding judge, and the magistrate judges. The plan states that the presiding and deputy presiding judges will handle the administrative functions of the Family Court, ensure the implementation of the alternative dispute resolution projects, oversee grant-funded projects, and serve as back-up judges to all Family Court judges. These judges will also have a post-disposition[17] abuse and neglect caseload of more than 80 cases and will continue to consult and coordinate with other organizations (such as the child welfare agency), primarily by serving on 19 committees.[18] One court expert has observed that the list of committees to which the judges are assigned seems overwhelming and said that strong leadership by the judges could result in consolidation of some of the committees' efforts.

The plan also describes the duties of the magistrate judges, but does not provide all the information required by the act. Magistrate judges will be responsible for initial hearings in new child abuse and neglect cases and the resolution of cases assigned to them by the Family Court judge to whose team they are assigned. They will also be assigned initial hearings

[17]At the disposition hearing, a decision is made regarding who will have custody and control of the child, and a review is conducted of the reasonable efforts made to prevent the removal of the child from the home.

[18]These committees include the Child Welfare Leadership Team, the Mayor's Advisory Committee on Child Abuse and Neglect, and the Mayor's Advisory Committee on Permanent Families for Children.

in juvenile cases, noncomplex abuse and neglect trials, and the subsequent review and permanency hearings,[19] as well as a variety of other matters related to domestic violence, paternity and support, mental competency, and other domestic relations cases. As noted previously, one court expert said that the proposed use of the magistrate judges would ease the burden on judicial resources by permitting these magistrate judges to make recommendations and decisions. However, although specifically required by the act, the transition plan does not state how the court determined the number of magistrate judges to be hired under the expedited process. In addition, while the act outlines the qualifications of magistrate judges, it does not specifically require a discussion of qualifications of the newly hired magistrate judges in the transition plan. As a result, no information was provided, and whether these magistrate judges meet the qualifications outlined in the act is unknown. In our May 2002 report, we recommended that the Superior Court supplement its transition plan by providing information on the analysis it used to identify the number of magistrate judges needed under the expedited appointment procedures. In commenting on that report, the Superior Court said that it considered the following in determining how many magistrate judges should be hired under the expedited process: optimal caseload size, available courtroom and office space, and safety and permanency of children. In addition, the court determined, based on its criteria, that 1,500 child abuse and neglect cases could be safely transferred to the Family Court during the initial transfer period and that a caseload of 300 cases each was appropriate for these judicial officers. As a result, the court appointed five magistrate judges on April 8, 2002.

A discussion of how the court will provide initial and ongoing training for its judicial and nonjudicial staff is also not required by the act, although the court does include relevant information about training. For example, the plan states that the Family Court will develop and implement a quarterly training program for Family Court judges, magistrate judges, and staff covering a variety of topics and that it will promote and encourage participation in cross-training.[20] In addition, the plan states new judges and

[19]Review hearings are held to review case progress to ensure children spend the least possible time in temporary placement and to modify the family's case plan, as necessary. Permanency hearings decide the permanent placement of the child, such as returning home or being placed for adoption.

[20]Cross-training refers to the practice of bringing together various participants in the child welfare system to learn each other's roles and responsibilities. The act requires the court to use the resources of lawyers and legal professionals, social workers, and experts in the field of child development and other related fields in developing its cross-training program.

magistrate judges will participate in a 2 to 3 week intensive training program, although it does not provide details on the content of such training for the five magistrate judges hired under the expedited process, even though they were scheduled to begin working at the court on April 8, 2002. One court expert said that a standard curriculum for all court-related staff and judicial officers should be developed and that judges should have manuals available outlining procedures for all categories of cases. In commenting on our May 2002 report, the Superior Court said that the court has long had such manuals for judges serving in each division of the court. In our report on human capital, we said that an explicit link between the organization's training offerings and curricula and the competencies identified by the organization for mission accomplishment is essential.[21] Organization leaders can show their commitment to strategic human capital management by investing in professional development and mentoring programs that can also assist in meeting specific performance needs. These programs can include opportunities for a combination of formal and on-the-job training, individual development plans, and periodic formal assessments. Likewise, organizations should make fact-based determinations of the impact of its training and development programs to provide feedback for continuous improvement and ensure that these programs improve performance and help achieve organizational results. In commenting on our May 2002 report, the Superior Court said that—although not included in the plan—it has an extensive training curriculum that will be fine-tuned prior to future training sessions.

[21]U.S. General Accounting Office, *Human Capital: A Self-Assessment Checklist for Agency Leaders*, GAO/OCG-00-14G (Washington, D.C.: Sept. 2000).

The Court Has Initiated Efforts To Coordinate Its Activities with District Social Services, but Faces Challenges in Achieving Longer Term Coordination

While the court's transition plan specifies initiatives to coordinate court activities with social services, the Family Court and District social service agencies face challenges in coordinating their respective activities and services in the longer term, such as the time it will take to obtain interagency commitments to provide resources and to coordinate their use. Today, we can offer some preliminary observations of efforts to coordinate family court activities with social services—our ongoing examination of these efforts and related challenges will culminate in a more detailed assessment of factors that facilitate and hinder planned coordination later this year.

Collectively, the Family Court Act and court practices recommended by various national associations provide a framework for planning, establishing, and sustaining court activities that are coordinated with related social services. Specifically, the act requires the mayor, in consultation with the chief judge of the Superior Court, to make staff of District offices that provide social services and other related services to individuals and families served by the Family Court available on-site at the Family Court to coordinate the provision of services. These offices include CFSA, District of Columbia Public Schools, the Housing Authority, OCC, the Metropolitan Police Department, and the Department of Health. The act also requires the heads of each specified office to provide the mayor with such information, assistance, and services as the mayor may require. In addition, the mayor must appoint a liaison between the Family Court and the District government for purposes of coordinating the delivery of services provided by the District government with the activities of the Family Court.

National associations, such as the National Center for State Courts, the National Council of Juvenile and Family Court Judges, and the Council for Court Excellence, have also recommended court practices to enhance service coordination and thereby aid in the timely resolution of cases. Key elements that can help establish and maintain coordinated services include:

- Case management—decisions by judicial officers, nonjudicial officers, legal representatives, and officials from other agencies that link children and families to needed services. According to the National Center for State Courts, for example, effective case-level service coordination requires the involvement of individuals familiar with both the legal and service areas. Service coordinators can be court or social service agency employees and can be composed of individuals or teams.

- Operational integration—organizational commitments and integrated operations that routinely link court and social service priorities, resources, and decisions. For example, in the interest of integrating court and agency operations, the National Center for State Courts reported that various jurisdictions have established a formal or informal policy committee to discuss issues of relevance to all entities involved in providing services to children and families served by the court.[22] In addition, courts can play a key role in providing centralized access to a network of social services. In some cases, this role includes establishing courthouse resource centers to carry out service referrals or mandates immediately.

The Family Court has begun several initiatives to integrate its activities with the social services provided by other District agencies. At the case management level, the court states in its transition plan that it intends to focus increased attention on family matters to ensure that cases are resolved expeditiously and in the best interests of children and families. The family court will use case coordinators, child protection mediators, attorney advisors, and other legal representatives to support the functioning of the judicial team. In addition, the court has asked OCC to assign attorneys to particular judicial teams and anticipates guardians ad litem, parents' attorneys, and social workers being assigned to particular teams as well. For example, the court said in its April 24, 2002, testimony before the Subcommittee on D.C. Appropriations, Senate Committee on Appropriations, that it has offered CFSA the opportunity to identify clusters of social workers that could be assigned to the teams.

To help achieve operational coordination, the court established interagency committees—the Family Court Implementation Committee and the Child Welfare Leadership Team—that include representatives from CFSA and other agencies. According to court officials, these committees constitute the court's major vehicle for collaborating with other agencies. In addition, the presiding and deputy presiding judges of the Family Court will meet monthly with heads of CFSA, District of Columbia Department of Mental Health, OCC, Public Defender Services, District of Columbia Public Schools, and the Family Division Trial Lawyers Association in an effort to resolve any interagency problems and to coordinate services that affect the child welfare cases filed in Family

[22]Casey, Pamela and William E. Hewitt, "*Courts Responses to Individuals in Need of Services: Promising components of a service coordination strategy for courts*", National Center for State Courts (Williamsburg, Va.: 2001).

Court. Other Family Court initiatives to achieve coordinated services include the Family Service Center, which will be comprised of the following agencies under the direction of the mayor: District of Columbia Public Schools, District of Columbia Housing Authority, CFSA, OCC, Metropolitan Police Department, and the Department of Health.

In achieving coordinated services in the longer term, the court faces several challenges. For example, the court's transition plan states that until certain key agencies, such as CFSA and OCC, are sufficiently staffed and reorganized to complement the changes taking place in the Family Court, substantial improvements in the experiences of children and families served by the court will remain a challenge. Moreover, to the extent that improvements in the agencies and the court do not happen simultaneously, or improvements in one do not keep pace with the others, the court has concluded that the collective ability to collaborate will become compromised. The court also said in its April 24, 2002, testimony that it takes time to obtain interagency commitments to coordinate the use of staff resources. Finally, the availability of the Family Service Center as a forum to coordinate services depends on the timely completion of complex and interdependent space and facilities plans discussed in more detail below.

The Transition Plan Reveals that Challenges in Obtaining the Necessary Physical Space and in Developing a New Information System Could Impede Family Court Implementation

Two factors are critical to fully transitioning to the Family Court in a timely and effective manner: obtaining and renovating appropriate space for all new Family Court personnel and developing and installing a new automated information system, currently planned as part of the D.C. Courts IJIS system. The court acknowledges that its implementation plans may be slowed if appropriate space cannot be obtained in a timely manner. For example, the plan addresses how the abuse and neglect cases currently being heard by judges in other divisions of the Superior Court will be transferred to the Family Court, but states that the complete transfer of cases hinges on the court's ability to hire, train, and provide appropriate space for additional judges and magistrate judges. In addition, the Family Court's current reliance on nonintegrated automated information systems that do not fully support planned court operations, such as the one family/one judge approach to case management, constrains its transition to a Family Court.

The Plan for Obtaining the Necessary Space and Facilities Carries a Number of Project Risks

The transition plan states that the interim space plan[23] carries a number of project risks. These include a very aggressive implementation schedule and a design that makes each part of the plan interdependent with other parts of the plan. The transition plan further states that the desired results cannot be reached if each plan increment does not take place in a timely fashion. For example, obtaining and renovating the almost 30,000 occupiable square feet of new court space needed requires a complex series of interrelated steps—from moving current tenants in some buildings to temporary space, to renovating the John Marshall level of the H. Carl Moultrie Courthouse by July 2003.

The Family Court of the Superior Court is currently housed in the H. Carl Moultrie Courthouse, and interim plans call for expanding and renovating additional space in this courthouse to accommodate the additional judges, magistrate judges, and staff who will help implement the D.C. Family Court Act. The court estimates that accommodating these judges, magistrate judges, and staff requires an additional 29,700 occupiable square feet, plus an undetermined amount for security and other amenities. Obtaining this space will require nonrelated D.C. Courts entities to vacate space to allow renovations, as well as require tenants in other buildings to move to house the staff who have been displaced.

The plan calls for renovations under tight deadlines and all required space may not be available, as currently planned, to support the additional judges the Family Court needs to perform its work in accordance with the act, making it uncertain as to when the court can fully complete its transition. For example, D.C. Courts recommends that a portion of the John Marshall level of the H. Carl Moultrie Courthouse, currently occupied by civil court functions, be vacated and redesigned for the new courtrooms and court-related support facilities. Although some space is available on the fourth floor of the courthouse for the four magistrate judges to be hired by December 2002, renovations to the John Marshall level are tentatively scheduled for completion in July 2003—2 months after the court anticipates having three additional Family Court judges on board. The Family Service Center will also be housed on this level. Another D.C. Courts building—Building B—would be partially vacated by non-court tenants and altered for use by displaced civil courts functions

[23]The interim space plan addresses facility needs of the Family Court in response to the act. D.C. Courts is also developing a comprehensive master plan to address the needs of the courts through 2012.

and other units temporarily displaced in future renovations. Renovations to Building B are scheduled to be complete by August 2002. Space for 30 additional Family Court-related staff, approximately 3,300 occupiable square feet, would be created in the H. Carl Moultrie Courthouse in an as yet undetermined location. Moreover, the Family Court's plan for acquiring additional space does not include alternatives that the court will pursue if its current plans for renovating space encounter delays or problems that could prevent it from using targeted space.

Reducing Risks in Developing the New Information System Critical to Meeting Family Court Goals

The Family Court act calls for an integrated information technology system to support the goals it outlines, but a number of factors significantly increase the risks associated with this effort, as we reported in February 2002.[24] For example,

- The D.C. Courts had not yet implemented the disciplined processes necessary to reduce the risks associated with acquiring and managing IJIS to acceptable levels. A disciplined software development and acquisition effort maximizes the likelihood of achieving the intended results (performance) on schedule using available resources (costs).
- The requirements[25] contained in a draft Request for Proposal (RFP) lacked the necessary specificity to ensure that any defects in these requirements had been reduced to acceptable levels[26] and that the system would meet its users' needs. Studies have shown that problems associated with requirements definition are key factors in software projects that do not meet their cost, schedule, and performance goals.
- The requirements contained in the draft RFP did not directly relate to industry standards. As a result, inadequate information was available for prospective vendors and others to readily map systems built upon these standards to the needs of the D.C. Courts.

[24]U.S. General Accounting Office, *DC Courts: Disciplined Processes Critical to Successful System Acquisition*, GAO-02-316, (Washington, D.C.: February 2002).

[25]Requirements represent the blueprint that system developers and program managers use to design, develop, and acquire a system. Requirements should be consistent with one another, verifiable, and directly traceable to higher-level business or functional requirements.

[26]Although all projects of this size can be expected to have some requirements-related defects, the goal is to reduce the number of such defects so that they do not significantly affect cost, schedule, or performance.

Prior to issuing our February 2002 report, we discussed our findings with D.C. Courts officials, who generally concurred with our findings. The officials said that the D.C. Courts would not go forward with the project until the necessary actions had been taken to reduce the risks associated with developing the new information system. In our report, we made several recommendations designed to reduce the risks. In April 2002, we met with D.C. Courts officials to discuss the actions taken on our recommendations and found that significant actions have been initiated that, if properly implemented, will help reduce the risks associated with this effort. For example, D.C. Courts is

- beginning the work to provide the needed specificity for its system requirements. This includes soliciting requirements from the users and ensuring that the requirements are properly sourced (e.g., traced back to their origin). According to D.C. Courts officials, this work has identified significant deficiencies in the original requirements that we discussed in our February 2002 report. These deficiencies relate to new tasks D.C. Courts must undertake. For example, the Family Court Act requires D.C. Courts to interface IJIS with several other District government computer systems. These tasks were not within the scope of the original requirements that we reported on in our February 2002 report.

- issuing a Request for Information to obtain additional information on commercial products that should be considered by the D.C. Courts during its acquisitions. This helps the requirements management process by identifying requirements that are not supported by commercial products so that the D.C. Courts can reevaluate whether it needs to (1) keep the requirement or revise it to be in greater conformance with industry practices or (2) undertake a development effort to achieve the needed capability.

- developing a systems engineering life-cycle process for managing the D.C. Courts information technology efforts. This will help define the processes and events that should be performed from the time that a system is conceived until the system is no longer needed. Examples of processes used include requirements development, testing, and implementation.

- developing policies and procedures that will help ensure that the D.C. Courts' information technology investments are consistent with the requirements of the Clinger-Cohen Act of 1996 (P.L. 104-106).[27]

- developing the processes that will enable the D.C. Courts to achieve a level 2 rating—this means basic project management processes are established to track performance, cost, and schedule—on the Software Engineering Institute's[28] Capability Maturity Model.[29]

In addition, D.C. Courts officials told us that they are developing a program modification plan that will allow the use of existing (legacy) systems while the IJIS project proceeds. Although they recognize that maintaining two systems concurrently is expensive and causes additional resource needs, such as additional staff and training for them, these officials believe that they are needed to mitigate the risk associated with any delays in system implementation.

Although these are positive steps forward, D.C. Courts still faces many challenges in its efforts to develop an IJIS system that will meet its needs and fulfill the goals established by the act. Examples of these include:

[27]D.C. Courts has decided to apply the Clinger-Cohen Act to its investments even though it is not required to do so. The act requires federal executive agencies to establish a process to maximize the value and assess and manage the risks of information technology investments. This process is to provide for, among other things, identifying for a proposed investment quantifiable measurements for determining the net benefits and risks of the investment, and minimum criteria for undertaking a particular investment, including specific quantitative and qualitative criteria for comparing and prioritizing alternative systems investment projects. Only by comparing the costs, benefits, and risks of a full range of technical options can agencies ensure that the best approaches are selected.

[28]The Software Engineering Institute is recognized for its experience in software development and acquisition processes. It has also developed methods and models that can be used to define disciplined processes and determine whether an organization has implemented them.

[29]Capability Maturity Model[SM] (a service mark of Carnegie Mellon University, and CMM is registered in the U. S. Patent and Trademark Office) provides a logical and widely accepted framework for baselining an organization's current process capabilities (i.e., strengths and weaknesses) and assessing whether an organization has the necessary process discipline in place to repeat earlier successes on similar projects.

Ensuring that the Systems Interfacing with IJIS Do Not Become the Weak Link

The Family Court Act calls for effectively interfacing information technology systems operated by the District government with IJIS. According to D.C. Courts officials, at least 14 District systems will need to interface with IJIS. However, several of our reviews have noted problems in the District's ability to develop, acquire, and implement new systems.[30] The District's difficulties in effectively managing its information technology investments could lead to adverse impacts on the IJIS system. For example, the interface systems may not be able to provide the quality of data necessary to fully utilize IJIS's capabilities or provide the necessary data to support IJIS's needs. The D.C. Courts will need to ensure that adequate controls and processes have been implemented to mitigate the potential impacts associated with these risks.

Effectively Implementing the Disciplined Processes Necessary to Reduce the Risks Associated with IJIS

The key to having a disciplined effort is to have disciplined processes in multiple areas. This is a complex task and will require the D.C. Courts to maintain its management commitment to implementing the necessary processes. In our February 2002 report, we highlighted several processes, such as requirements management, risk management, and testing that appeared critical to the IJIS effort.

Ensuring that the Requirements Used to Acquire IJIS Contain the Necessary Specificity to Reduce Requirement-Related Defects to Acceptable Levels

Although D.C. Courts officials have said that they are adopting a requirements management process that will address the concerns expressed in our February 2002 report, maintaining such a process will require management commitment and discipline.

[30]For example, see U.S. General Accounting Office, *District of Columbia: Weaknesses in Financial Management System Implementation*, GAO-01-489, (Washington, D.C.: Apr. 30, 2001); *District of Columbia: The District Has Not Adequately Planned for and Managed Its New Personnel and Payroll System*, GAO/AIMD-00-19, (Washington, D.C.: Dec. 17, 1999); and *District of Columbia: Software Acquisition Processes for A New Financial Management System*, GAO/AIMD-98-88, (Washington, D.C.: Apr. 30, 1998).

Ensuring that Users Receive Adequate Training

As with any new system, adequately training the users is critical to its success. As we reported in April 2001,[31] one problem that hindered the implementation of the District's financial management system was its difficulty in adequately training the users of the system. In commenting on our May 2002 report, the Superior Court said that $800,000 has been budgeted for staff training during the 3 years of implementation.

Avoiding a Schedule-Driven Effort

According to D.C. Courts officials, the Family Court Act establishes ambitious timeframes to convert to a family court. Although schedules are important, it is critical that the D.C. Courts follow an event-driven acquisition and development program rather than adopting a schedule-driven approach. Organizations that are schedule-driven tend to reduce or inadequately complete activities such as business process reengineering and requirements analysis. These tasks are frequently not considered "important" since many people view "getting the application in the hands of the user" as one of the more productive activities. However, the results of this approach are very predictable. Projects that do not perform planning and requirements functions well typically have to redo that work later. However, the costs associated with delaying the critical planning and requirements activities is anywhere from 10 to 100 times the cost of doing it correctly in the first place.[32]

With respect to requirements, court experts report that effective technological support is critical to effective family court case management. One expert said that, at a minimum, the system should include the (1) identification of parties and their relationships; (2) tracking of case processing events through on-line inquiry; (3) generation of orders, forms, summons, and notices; and (4) production of statistical reports. The State Justice Institute's report on how courts are coordinating family cases[33] states that automated information systems, programmed to inform

[31]U.S. General Accounting Office, *District of Columbia: Weaknesses in Financial Management System Implementation*, GAO-01-489, (Washington, D.C.: Apr. 30, 2001).

[32]*Rapid Development: Taming Wild Software Schedules*, Bruce McConnell, (Microsoft Press).

[33]Flango, Carol R., Flango, Victor E., and Rubin, H. Ted, *"How are Courts Coordinating Family Cases?"*, State Justice Institute, National Center for State Courts (Alexandria, Va.: 1999).

a court system of a family's prior cases, are a vital ingredient of case coordination efforts. The National Council of Juvenile and Family Court Judges echoes these findings by stating that effective management systems (1) have standard procedures for collecting data; (2) collect data about individual cases, aggregate caseload by judge, and the systemwide caseload; (3) assign an individual the responsibility of monitoring case processing; and (4) are user friendly.[34] While anticipating technological enhancements through IJIS, Superior Court officials said that the current information systems do not have the functionality required to implement the Family Court's one family/one judge case management principle. In providing technical clarifications on a draft of this report, the Superior Court reiterated a statement that the presiding judge of the Family Court made at the April 24, 2002, hearing. The presiding judge said that the Family Court is currently implementing the one family/one judge principle, but that existing court technology is cumbersome to use to identify family and other household members. Nonetheless, staff are utilizing the different databases, forms, intake interviews, questions from the bench, and other nontechnological means of identifying related cases within the Family Court.

Concluding Observations

Basically, even though some important issues are not discussed, the Superior Court's transition plan represents a good effort at outlining the steps it will take to implement a Family Court. While the court has taken important steps to achieve efficient and effective operations, it still must address several statutory requirements included in the Family Court Act to achieve full compliance with the act. In addition, opportunities exist for the court to adopt other beneficial practices to help ensure it improves the timeliness of decisions in accordance with ASFA, that judges and magistrate judges are fully trained, and that case information is readily available to aid judges and magistrate judges in their decision making. Acknowledging the complex series of events that must occur in a timely way to achieve optimal implementation of the family court, the court recognizes that its plan for obtaining and renovating needed physical space warrants close attention to reduce the risk of project delays. In addition, the court has initiated important steps that begin to address many of the shortcomings we identified in our February 2002 report on its

[34]National Council of Juvenile and Family Court Judges, *Information Management: A Critical Component of Good Practice in Child Abuse and Neglect Cases*, Technical Assistance Bulletin, Vol. II, No. 8 (Reno, Nev.: Dec.1998).

proposed information system. The effect of these actions will not be known for some time. The court's actions reflect its recognition that developing an automated information system for the Family Court will play a pivotal role in the court's ability to implement its improved case management framework. In commenting on our May 2002 report, the court generally agreed with our findings and concurred with our recommendations. Our final report on the mayor's plan to coordinate social services, integrate automated information systems, and develop a spending plan to support these initiatives may discuss some additional actions the mayor and court might take to further enhance their ability to achieve intended service coordination and systems integration. By following through on the steps it has begun to take and by evaluating its performance over time, the court may improve its implementation of the Family Court Act and provide a sound basis for assessing the extent to which it achieves desired outcomes for children.

Madam Chairman, this concludes my prepared statement. I will be happy to respond to any questions that you or other members of the subcommittee may have.

GAO Contacts And Acknowledgments

For further contacts regarding this testimony, please call Cornelia M. Ashby at (202) 512-8403. Individuals making key contributions to this testimony included Diana Pietrowiak, Mark Ward, Nila Garces-Osorio, Steven J. Berke, Patrick DiBattista, William Doherty, John C. Martin, Susan Ragland, and Norma Samuel.

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Mrs. MORELLA. Thank you, Ms. Ashby.

I am now pleased to recognize Judge Annice Wagner.

Judge WAGNER. Madam Chairwoman, Congresswoman Norton, members of the subcommittee, thank you for this opportunity to discuss the work of the District of Columbia Courts. I appear today in my capacity as Chief Judge of the District of Columbia Court of Appeals and as Chair of the Joint Committee on Judicial Administration, the policymaking body for the District of Columbia Courts.

I have submitted written testimony and therefore, I will highlight only a few matters in this oral statement.

Briefly, on the District of Columbia Court of Appeals, we have continued our efforts to make management improvements and to use available resources to expedite the resolution of cases. We have been working with the Superior Court's Office of the Appeals Coordinator and the Court Reporting Division to reduce and ultimately eliminate any delays in completing the record of the trial court proceedings. We have hired an expert in the field, and procedures have been implemented which have resulted already in a 65 percent decrease in overdue transcripts. We anticipate that all overdue transcripts will be eliminated by August 2002. Originally, we had anticipated June, but we had to revise that schedule. Ultimately, this will mean that the overall time on appeal will be reduced.

In the District of Columbia Court of Appeals, judicial productivity remains high. The Court's appeals disposition rate in 2001 was 110.2 percent of dispositions over filings. This has been the case for the last 3 years, that the number of dispositions have exceeded the number of cases filed for appeal. Last year, we also reduced the overall time on appeal. You will be interested to know that 2 years ago we started according full expedited treatment to appeals involving termination of parental rights and adoptions. We started training sessions for lawyers who handle these cases and developed forms to assist these lawyers to process their cases more expeditiously. We monitor the cases on a regular basis. We are close to finalizing the rule that will formalize implementation of the Family Court Act's expedition requirements for appeals.

In many ways, last year marked a turning point for the District of Columbia Courts. The Court's ability to recruit and retain highly qualified staff was enhanced significantly as the fiscal year 2001 appropriation permitted the Courts' non-judicial employees to achieve pay parity with their counterparts in the Federal agencies. As a result, we have been able to assemble and retain a strong management team in the past few years which has had a significant impact on the operations of the Courts. Many of our employees have been trained at the Institute for Court Management, which is an arm of the National Center for State Courts. Our employee turnover rate has been cut in half, dropping from 10.9 percent in fiscal year 2000 to 5.2 percent in fiscal year 2001.

I am also pleased to report that the District of Columbia Courts are fiscally sound, a position which results in part from the appropriation of funds by Congress which more closely meets the Courts' fiscal requirements. We appreciate the support that each of you provided to assure our sound fiscal condition.

This also results from sound fiscal management of our resources and careful development and monitoring of the Courts' spending

plan. The Joint Committee does this on an ongoing basis, and many improvements have resulted. Our Defender Services Account, from which we pay lawyers who provide legal representation in proceedings involving abused and neglected children and indigent defendants, is solid. Management improvements have resulted in better tracking of vouchers for lawyers, the development of information which allows us to predict better future costs for the account and we have also reduced payment time to lawyers by 54 percent. It takes about 26 days as of March 2001.

We have been able to turn our attention to long term strategic planning and reengineering projects that will allow the Courts to determine priorities and seek measurable results in the coming years. We have always monitored our performance to ensure we provide excellent service to the residents of the District of Columbia. However, we are developing our strategic plan, and we are looking forward to making performance measurement systems even better than those we have today. We have enlisted in this effort the best available experts to assist us in gathering information and statistics about the Courts' work for use in planning and in setting and improving performance goals. We have appointed a Strategic Planning Leadership Counsel to work with these experts to develop long range strategic plans.

The planning and performance assessment process will buildupon the nationally recognized Appellate and Trial Court Performance Standards and the Appellate Court Performance Standards. These standards identify key performance areas for appellate and trial courts and quantifiable indicators which can be used by courts to measure performance. It is our understanding that this approach is consistent with the Performance and Results Act and performance-based budgeting.

The Courts have underway the first comprehensive master plan study, which is being conducted by the General Services Administration and experts in architecture and planning, to provide a blueprint for the Courts' capital projects and space utilization for the next 10 years as well as to identify the optimal location for the Family Court. This is an exciting project. A key element in this project is the restoration of the Old Courthouse at 451 Indiana Avenue for use by the Court of Appeals. The space currently occupied by the Court of Appeals will be needed to provide space for Superior Court functions.

We are taking full advantage of the expertise of such agencies and organizations as the National Center for State Courts and the Institute for Court Management in all of these efforts. We will continue to work toward improving our court system in a way that supports our values, our independence and integrity, fairness and quality of service. We will continue to examine current practices to ensure that we manage our existing resources in the most prudent manner. Where structural reforms are needed to achieve additional efficiencies, we will work hard to address them. We appreciate the support that you have given to our efforts.

Again, thank you for this opportunity to discuss these important achievements. We would be pleased to address any questions.

[The prepared statement of Judge Wagner follows:]

Statement of
Annice M. Wagner
Chief Judge, District of Columbia Court of Appeals and
Chair, Joint Committee on Judicial Administration in the District of Columbia
To the Subcommittee on the District of Columbia
Committee on Government Reform
U.S. House of Representatives
June 5, 2002

Madam Chairwoman, Congresswoman Norton, members of the Subcommittee, thank you for this opportunity to discuss the work of District of Columbia Courts.

I am Annice Wagner, and I am appearing in my capacity as Chief Judge of District of Columbia Court of Appeals and the Chair of the Joint Committee on Judicial Administration in the District of Columbia. I am very pleased to speak to you today about the work of the Courts, our accomplishments and challenges.

Introduction

Comprised of the Court of Appeals, the Superior Court, and the Court System, the District of Columbia Courts constitute the Judicial Branch of the District of Columbia government. The Joint Committee on Judicial Administration is the policy-making body for the Courts. The mission of the D.C. Courts is to administer justice fairly, promptly, and effectively. Through our strategic goals, the Courts strive to provide fair, swift, and accessible justice; enhance public safety; and ensure public trust and confidence in the justice system.

In many ways, last year marked a turning point for the Courts. The Courts' ability to recruit and, particularly, retain highly qualified staff was significantly enhanced as the FY 2001 appropriation permitted the Courts' non-judicial employees to achieve pay parity with their counterparts in federal agencies. Our employee turnover rate has been cut in half, dropping from 10.9% in FY 2000 to 5.2% in FY 2001. This has enhanced our ability to improve operations. In addition, the Courts undertook or reached major milestones in several initiatives to improve the administration of justice in the District.

Strategic Planning

The Courts have initiated comprehensive long-term strategic planning and reengineering projects that will enable us to determine priorities and seek measurable results. Our goal in this effort is to determine where we need to focus our resources and energies in order to address issues of vital importance to the bar, our employees, and all who must rely upon the Courts. We will examine the nature, sources, and magnitude of the demands which will be placed upon the Courts in the coming years.

In preparation for this effort, early in 2001, the Courts held two management training conferences which were attended by a broad group of Court leaders, including both judges and top administrators. Facilitated by experts in court management from around the country, the training sessions provided conferees with an opportunity to explore the key issues and challenges which face the Courts and to discuss goals and desired outcomes in critical strategic areas.

To continue the work initiated at the management training conferences, the Courts have appointed a full-time strategic planning director and established the Strategic Planning Leadership Council. The Council is chaired by Judge Eric T. Washington of the Court of Appeals and Judge Ann O'Regan Keary of the Superior Court. In addition to the Courts' Executive Officer and Clerks of the Court of Appeals and Superior Court, the 14-member Council includes judicial officers and representatives from key operational areas, including the Fiscal Officer, Director of Information & Technology, and Director of Human Resources. To assist the Council, the Courts have retained a nationally-known expert in court strategic planning and performance assessment, Dr. Daniel H. Straub, President of Straub & Associates, and a faculty member of the Institute for Court Management, National Center for State Courts, and University of Southern California, School of Public Administration.

The Strategic Planning Leadership Council's first task is to develop the Courts' long-range strategic plan. Once that is drafted – a process which will involve input from judges, court employees, attorneys and the community we serve – the Courts will begin to evaluate processes to ensure that they are consistent with long-term goals. The Council will then monitor progress in reaching goals, while it periodically evaluates the strategic plan to ensure that it is responsive to the changing needs of the community.

Performance measurement – making sure that the Courts are achieving the goals they set out to achieve in the strategic plan – is a key component of this new approach. The Courts' strategic planning and performance assessment process will build upon the nationally recognized Appellate and Trial Court Performance Standards developed by the National Center for State Courts and the Appellate Court Performance Standards Commission. These standards identify key performance areas for appellate and trial courts and quantifiable indicators which can be used by Courts to measure their performance.

Performance areas are grouped in five broad categories for trial courts, including 1) Access to Justice, 2) Expedition and Timeliness, 3) Equality, Fairness & Integrity, 4) Independence and Accountability, and 5) Public Trust and Confidence. The trial court performance measurement system includes 22 standards in these five areas, and a total of 68 specific performance measures which can be tailored to meet court-specific circumstances or characteristics.

The appellate court performance system identifies four broad performance areas: 1) Protecting the Rule of the Law, 2) Promoting the Rule of Law, 3) Preserving the

Public Trust, and 4) Using Public Resources Efficiently, and 15 standards addressing such areas as the quality of the judicial process, public access, and case management.

The D.C. Courts are currently in the first stage of strategic planning, an assessment that involves input from internal and external stakeholders through surveys, focus groups and other means. We are currently gathering information, including feedback on aspects of the Appellate and Trial Court Performance Standards, to help us identify those areas in which we are doing well and those areas in which we need to do better. We are also analyzing a variety of trends and socio-economic and demographic projections to prepare the Courts for what we may need to do in the future. We are establishing benchmarks and reviewing best practices to help define how our work should be performed and measured. The Strategic Planning Leadership Council will then develop a court-wide strategic plan which contains measurable performance goals and benchmarks.

The Courts' strategic planning approach is consistent with the Government Performance and Results Act and performance-based budgeting. Although we are not covered by this legislation, we recognize the value of and need for public agencies to involve the people they serve in defining the organization's mission and objectives. Therefore, we are involving our stakeholders extensively in this process.

The performance measurement system we anticipate adopting, the Appellate and Trial Court Performance Standards, was designed in response to the recognition that courts have historically focused on outputs that reflect court workload activity, rather than on outcomes important to those served by the Courts. This system is currently being used by numerous courts around the country with success.

Finally, I would note that the Courts' strategic planning process provides an important mechanism for monitoring and integrating the results of several large-scale initiatives that will have a strong impact on the way the Courts do business. For example, the Courts are nearing completion of a court-wide staffing study that will facilitate strategic *workforce* planning, as envisioned by The President's Management Agenda, as a component of our strategic planning process. The Courts' reengineering and Integrated Justice Information System (IJIS) initiatives are two other examples of large-scale initiatives which will be monitored through the Courts' strategic planning and performance assessment process.

Performance Measurement at the Courts Today

As our strategic planning effort moves ahead, the Courts will refine our performance measurement to ensure that we have the data we need to make strategic decisions about our programs and activities. We plan to identify additional performance measures and develop baseline data so we can assess our performance and our progress in the future toward meeting our goals.

Of course, the Court of Appeals already monitors performance in processing cases efficiently in terms of the case clearance rate, a traditional measure used by the National Center for State Courts (NCSC). The clearance rate represents the ratio of cases disposed to cases filed in a given year. A 100% clearance rate, meaning one case disposed for each case filed, reflects a solid efficiency measure.

In calendar year 2001, Judicial productivity and efficient management practices and technological improvements resulted in a case clearance rate of 110%, the second highest rate since 1991. For the past three years, we have succeeded in disposing of more cases than were filed, attaining clearance rates above 100%. In 2001, 1,604 new cases were filed. The Court is setting special calendars in July to hear extra cases, as we anticipate a greater number of cases ready to be heard due to successful efforts to reduce, and soon eliminate, delay in the production of transcripts.

Sound Management Practices

As the Courts approach the fifth year of direct federal funding in FY 2003, we are pleased with the many enhancements we have made that demonstrate our commitment to sound management and fiscal responsibility. We look forward to building on these accomplishments to fulfill our strategic goals. We are proud of the Courts' recent achievements that include the following:

- *Unqualified Audit Opinion.* Received an "unqualified" opinion for the second year in a row in our annual independent financial audit, conducted by KPMG;

- *Staffing Study.* Initiated an independent study of staffing levels by Booz-Allen and Hamilton to provide data and a methodology to facilitate the most effective deployment of limited staff by the Courts and address GAO's recommendation for a more rigorous methodology;

- *Human Resources Data.* Implemented a Human Resources Information System to provide ready access to detailed personnel information, enabling managers to reach better human resources management decisions;

- *IT Strategic Plan.* Developed an Information Technology strategic plan to focus the resources of the IT Division and ensure that IT efforts, including performance measures and our IT architecture, conform to and support the larger vision and mission of the Courts and the District's criminal justice community; and

- *Master Plan Study.* Initiated the Courts' first comprehensive master space plan study, conducted by GSA and experts in architecture and planning, to provide a blueprint for court capital projects and space utilization for the next ten years and to identify the optimal location for the Family Court. In conjunction with the master plan study, we have completed a Building Evaluation Report, also conducted by GSA, which

provides a comprehensive assessment of the condition of the Courts' physical plant and will enable the Courts to prioritize capital improvement needs.

Financial Management

Following the enactment of the District of Columbia Appropriations Act, 2002, Public Law 107-96, the Joint Committee approved a spending plan to prudently steward our resources in FY 2002 in accordance with the requirements of the Act. The Joint Committee closely monitors the execution of this spending plan, receiving regular reports from our Budget and Finance Division and discussing them at our monthly meetings.

I am pleased to report that our spending plan execution is on track. As of April 30, 2002, the Courts' obligations were at 56%, or two percentage points below the projected 58% rate. These obligations include nearly $600,000 in operating and capital obligations for activities necessary to implement the Family Court Act, with additional obligations being incurred every day.

Defender Services Management

The Courts are also proud of their improved management of the Defender Services Account and the significant reduction in processing time for payments to attorneys representing the indigent. To access data needed to estimate more accurately future obligations, the Courts assumed responsibility for the issuance of attorney vouchers for services from the Public Defender Service and implemented an automated system to track obligations. We are now able to track vouchers from issuance through payment. As a result of the Courts' reengineering the processing of submitted vouchers, attorneys serving the indigent receive their payment twice as fast.

- **Payment time cut in half.** By reengineering procedures to process vouchers, the Courts have reduced the average time from voucher submission to payment by 54%, from 57 days in October 2000, to 26 days in March 2001.

- **Web based voucher.** The Courts have created a secure, automated version of the voucher on our website. This paperless voucher permits attorneys to fill out and submit the vouchers on-line, and the Courts to process them electronically. The electronic voucher eliminates manual arithmetic audits and expedites transmission to the reviewing judicial officer.

- **Court issues vouchers.** In September 2001, the Courts assumed responsibility for issuing vouchers for court-appointed attorneys. This step enables the Courts to track the voucher from issuance to payment, providing better information on financial liabilities and, ultimately, permitting more accurate projections of future costs.

- **Criminal Justice Act (CJA) Plan undergoing revision.** The Joint Committee is nearing completion of major revisions to the CJA Plan to streamline the processing of

vouchers and set guidelines for the cost of cases. The Courts solicited comments and recommendations from the community, including organizations representing CJA attorneys, on the proposed revisions and incorporated their input into the draft revision.

- **Panel of qualified CJA attorneys created.** In July 2000, the Superior Court revised its panel of attorneys eligible to represent indigent defendants, carefully screening applicants to select the most highly skilled defense trial attorneys with a view toward enhancing efficiency and effectiveness of legal representation. To ensure the quality of appellate CJA attorneys, the Court of Appeals routinely monitors attorney performance on a case by case basis and takes informal measures, where needed. The Court of Appeals revisions to the CJA Plan, now being finalized, contemplate revising procedures to identify and select appellate panel attorneys.

- **Standards for submission of vouchers developed.** In February 2001, the Courts promulgated revised standards for attorney submission of completed vouchers and the Courts' payment of interest to comply with District of Columbia Appropriations Act, 2001.

- **Panels for juvenile delinquency and Counsel for Child Abuse and Neglect (CCAN) attorneys.** In April 2002, Chief Judge King issued an administrative order establishing a committee to recommend panels of attorneys to represent indigents in Family Court cases.

- **Continuing Legal Education for CJA Attorneys.** A committee is studying a Continuing Legal Education requirement for CJA attorneys, and finds that attorneys appear to support the requirement.

- **Rate Increase.** The District of Columbia Appropriations Act, 2002, raised the hourly rate of compensation for legal services performed in the CJA and CCAN Programs and increased the statutory limitations. It also increased the hourly rate of compensation for investigative services. Effective for cases initiated on or after March 1, 2002, a rate of $65 per hour is authorized for attorneys and $25 per hour is authorized for investigators. This increase places our Courts in a better position to attract and retain highly motivated and qualified counsel to represent parties in child abuse and neglect proceedings and indigent defendants.

Transcript Reengineering

Timely production of the record of cases has long posed a significant challenge to the Courts. Limited resources prevented the Courts from hiring and maintaining optimal levels of court reporting staff and investing adequate funds in new digital recording equipment. During the past year, the Courts have directed particular attention and additional resources to this issue, and the changes we implemented have had a dramatic impact.

- In June 2001, the Courts hired an expert in this field to assess the situation and analyze our process. From June to September 2001, he analyzed the workflow and devised business process improvement plans, developed and implemented new procedures to reengineer the work and exert greater administrative control, and increased the accountability of the staff. New equipment was purchased, new positions were funded, and new techniques, such as "automated speech recognition" are being implemented.

- As a result, from July 2001 to May 2002, overdue court reporter transcripts were decreased by 65%. We had projected elimination of the overdue court reporter case list by the end of June, but have had to revise our target date to August 2002. We believe we are on track to meet the August date.

- Also, from October 2001 to May 2002, the Courts increased production of the record through tape transcription by 43%, increasing the average number of pages transcribed per month from 6,300 to 9,000. This increase has cut the tape transcription case backlog by more than 60%. Again, we had projected elimination of the tape transcription backlog by June, but have had to revise our projected date to August 2002. We believe we are on track to meet the August date.

Working to Improve the Administration of Justice in the District

The D.C. Courts' basic mission is to administer justice in the District of Columbia. We strive to enhance and improve the administration of justice. To this end, we engage in many activities and programs, both internally and in collaboration with other agencies and community groups. Some examples follow.

- Perhaps the largest initiative underway at the D.C. Courts is the implementation of the D.C. Family Court Act of 2001. Judge Satterfield will discuss the Family Court operations in detail, but its impact is courtwide. The Court of Appeals began partial expedition of adoption and termination of parental rights matters in 1998 and moved to full expedition in May 2000. The Court close to finalizing a proposed rule that will formalize procedures for expedited review, consistent with the Family Court Act.

- This year, the Courts and the D.C. Bar held a special joint session of the 27th Annual Judicial Conference of the District of Columbia and the District of Columbia Bar Conference. The Court and members of the legal community came together to discuss "Law, Liberty & Justice After September 11." Seminars and discussions focused on this tremendously important topic, and the new Family Court was also addressed.

- The Courts' Standing Committee on Fairness and Access seeks to improve community access to the courts, enhance public trust and confidence in the courts, and ensure compliance with the law, including the Americans with Disabilities Act,

and the Courts' policies on nondiscrimination. The Standing Committee reviews national standards and best practices in these areas and has conducted Outreach Initiative Forums with various community groups. It is now working to make the D.C. Courts the first to develop procedures and strategies to assist blind court users. To enhance access, the Courts have translated nearly all court forms and many information packets into Spanish. A 10-year retrospective review is underway to examine the state of race, ethnic, and gender bias in the Courts. The chair of the Fairness and Access Committee also chairs the Retrospective Review Committee.

- The Courts also use our website to enhance public access to the Courts. For example, the Court of Appeals publishes its opinions on the website; monthly schedules, contact information, and even applications for admission to the bar are also posted on the website. The Superior Court posts many of its forms, juror information, and phone numbers on line. In addition the Courts post job announcements on our website. Currently, our website is hosted by the D.C. Bar, and we plan to migrate it to our own web hosting server in the fall, permitting us to expand the information available to the public in an electronic forum.

- The District's award-winning Domestic Violence Project, spearheaded by the Superior Court, promotes victim safety and integrates the adjudication of both criminal and civil aspects of domestic violence cases. This project provides one central location for a victim to meet with representatives of various agencies, and permits one specially trained judge to address both civil and criminal aspects of a case. To better serve domestic violence victims, the Court is now working with these agencies to open a community-based intake center where victims can file cases and access services on-site in Southeast Washington. More than 50% of victims who request civil protection orders in the Superior Court live in Wards 7 and 8.

- The Courts are taking positive steps toward restoring habitability to the Old Courthouse at 451 Indiana Avenue. Constructed in 1820, the Old Courthouse is the fourth oldest government building in the District of Columbia. Its architectural and historical significance led to its listing in the National Register of Historic Places and its designation as an Official Project of Save America's Treasures. A GSA study of the facility found that, although the structure is sound, all major systems need to be replaced, and hazardous materials must be removed. In FY 2001, Congress provided funding for roof repairs to help prevent further deterioration of this historic structure. This work was completed in December, resulting in a watertight roof that protects the neoclassical interior from the elements. The Old Courthouse now stands ready to begin restoration of habitability and readaptation for use as a courthouse by the Court of Appeals.

- The Courts introduce young people to the justice system by hosting an annual Youth Law Fair in cooperation with the D.C. Bar and other community groups. Teens participate in mock trials and discussions of legal issues such as racial profiling and teen violence. Judges lead very popular tours of courtrooms, judges' chambers, and

the courthouse cellblock. This year, nearly 300 teens and their parents participated in the Youth Law Fair.

- The Superior Court actively participates in the Criminal Justice Coordinating Council (CJCC) which seeks to improve the criminal justice system in the District. The Superior Court is currently utilizing the results of a CJCC-sponsored study in its effort to assist the District in reducing police overtime costs, thereby better using resources throughout the criminal justice system.

- The Courts recently implemented a Community Court initiative to process more expeditiously "quality of life" misdemeanor cases while creating a system of more meaningful sanctions. The initiative uses diversion, community service, and treatment programs to create opportunities for same-day disposition of these minor matters, thereby reducing the criminal justice resources, such as police officer, attorney (both prosecutor and defender services), and Court time, needed to process the cases. By addressing the underlying social issues driving many of these cases (mental illness, substance abuse, homelessness, etc.) the Court also seeks to reduce recidivism and improve the quality of life in the District.

- The Courts are considering future improvements which will enhance access and timeliness, including an expanded pilot project in e-filing, a single point of filing appeals, and enhancements in the record for appeal (including, for example, the feasibility of using the original lower court record and changing trial court record preparation procedural requirements).

Conclusion

Madam Chairwoman, Congresswoman Norton, the District of Columbia Courts have long enjoyed a national reputation for excellence, and we are proud of the Courts' record of administering justice. Participation as a member and, currently, president of the Conference of Chief Justices[1] has provided me with an opportunity to acquire information about best court practices around the country, with potential application for the D.C. Courts. We believe we are using many of these best practices and taking the administrative steps, as highlighted above, needed to enhance our operations and ensure the fair administration of justice in the District of Columbia. Madam Chairwoman, we thank you for the opportunity to discuss the work of the Courts.

Chief Judge King; Judge Satterfield, the presiding judge of the Family Court; Anne Wicks, the Courts' Executive Officer; and I would be pleased to address any questions.

[1] The Conference of Chief Justices (CCJ) is an organization of the chief justices or chief judges of the highest court of each state, the District of Columbia, and various Federal territories. The members of the CCJ share information and work to improve the administration of justice throughout the nation.

Mrs. MORELLA. Thank you very much, Judge Wagner.

I am now pleased to recognize Judge King who has been involved with this from its beginning.

Judge KING. Thank you, Madam Chairwoman.

I am Rufus G. King III, Chief Judge, Superior Court of the District of Columbia. I would like to note that in addition to my colleagues at the table here, with me in the audience today are: Anita Josey Herring, Deputy Presiding Judge, Family Court; Juliette McKenna, one of the new Family Court magistrate judges; Ken Foor, the Court's IT director; and Anthony Rainey, our Chief Financial Officer.

I thank you for the opportunity to discus the Court's productivity, effectiveness and innovation.

As Chief Judge Wagner outlined, the Courts are engaged in a comprehensive strategic planning effort that will inform our practices in coming years. This will be of vital assistance to the Superior Court, as we operate one of the busiest courthouses in the country with among the highest number of case filings per capita and the highest number of cases per judge in the Nation.

We have been monitoring case clearance rates, the ratio of cases filed to cases closed, more than 100 percent is good, less than 100 percent is bad. We have also been monitoring pending caseloads as measures of our progress. In the course of our strategic planning effort, we anticipate adding many more measures of our performance consistent with the trial court performance standards promulgated by the National Center for State Courts. We also plan to implement the computer capacity to report on them more capably.

The Integrated Justice Information System is a crucial next step to upgrading our performance capabilities. IJIS will combine 18 different data bases within the Court so that records can be easily accessed. The first phase of IJIS will be installed in the Family Court. It will enable us to more effectively implement the principle of one judge one family and measure and report our performance to the Congress and the public.

Following the submission of a detailed plan for IJIS to Congress in May 2001, the General Accounting Office reviewed the project. GAO's recommendations, which we are implementing in close coordination with that agency, have strengthened the project, helping to ensure its success. As we implement IJIS, we are also working with the Child and Family Services Agency and the Office of Corporation Counsel, as well as numerous other D.C. agencies, to ensure appropriate access to each other's systems. The high level of cooperation among the different agencies responsible for protecting child welfare promises significant improvement in the level of service offered.

I would like to thank especially the Chair and ranking member of this subcommittee for your leadership. It has been critical to moving this effort toward a successful completion. Since 1999 when the Criminal Justice Coordinating Council began to focus intently on police overtime, its members, the Federal and D.C. criminal justice agencies, have been working together in unprecedented collaboration. As a result, many new initiatives are being implemented and are quickly producing results. I won't take time to detail them, but I can report that according to Chief of Police Charles Ramsey,

court related police overtime costs have dropped 30 percent during the second quarter of fiscal year 2002 compared with the same period last year, notwithstanding a 10 percent increase in arrests. Again, this subcommittee's support, particularly by the Chair and ranking member, has played an important role in the Council's strengthening and its ability to achieve this success.

I would like to answer specifically the question raised by Representative DeLay. He submitted a letter to us for which we are preparing the answers that are due the 15th, and the response will be timely. Essentially, as to senior judges, they would participate in Family Court duties under three circumstances. First, a few, and it is only two or three senior judges who retained neglect and abuse cases at the time they retired, will be turning those cases back to the Family Court during our transition period. During the transition period, they will hear those cases in the same manner that they would have had they remained active duty judges, but only for the period necessary to arrange their transfer back to the Family Court.

Second, any particular case, would be handled consistent with those of active duty judges. If transfer back would delay permanency or would be detrimental to the interests of the child involved, the Senior Judge will be allowed to retain that case for a period to resolve a crisis or whatever would be necessary so that neither of those conditions would apply.

Finally, if there were an emergency under the conditions outlined in the act, a Senior Judge might be called upon to fill in in the Family Court, but I can assure this subcommittee that no Senior Judge who was asked to substitute in that circumstance would be allowed to do so unless he or she met the criteria applicable to active judges sitting in the Family Court. For example, one of our former presiding judges of the Family Court, who has many years of experience in the Family Court, might be called upon after he takes senior status to assist in the Family Court on a short term basis.

Those would be the only circumstances under which Senior Judges would sit in the Family Court.

I thank you for the opportunity to discuss some of the challenges and our progress. I appreciate the interest you have shown in the Courts. I look forward to working with you to ensure that justice in the District of Columbia continues to be administered promptly, fairly and effectively.

[The prepared statement of Judge King follows:]

Statement of Rufus King, III
Chief Judge
Superior Court of the District of Columbia
To The Subcommittee on the District of Columbia
Committee on Government Reform
U.S. House Of Representatives
June 5, 2002

Madam Chairwoman, Congresswoman Norton, members of the Subcommittee: I am Rufus G. King, III, and I am appearing in my capacity as Chief Judge of the Superior Court of the District of Columbia. I thank you for the opportunity to speak to you today. Chief Judge Wagner of the D.C. Court of Appeals, as chair of the Courts' Joint Committee on Judicial Administration, has provided an overview of the Courts' strategic plan and recent accomplishments. Judge Satterfield, Presiding Judge of Family Court, will address the implementation of the Family Court Act. I wanted to take this opportunity to address technology and some other issues that directly affect the Superior Court. Specifically, I would like to discuss the Superior Court's performance measurement, our efforts to improve efficiency through technological improvements and our efforts to assist the Metropolitan Police Department in reducing police overtime through a number of improved case management tools.

Performance Measurement At The Courts

As Chief Judge Wagner outlined, the Courts are engaged in a comprehensive strategic planning effort that will inform our performance measurement practices in the coming years. This will be of vital assistance to the Superior Court, as we run one of the busiest courthouses in the country. According to the National Center for State Courts (NCSC), the District of Columbia has among the highest numbers of case filings per capita and cases per judge in the nation. In 2001 over 144,000 new cases were filed. In combination with pending cases, nearly 214,000 cases were awaiting Court action last year.

Currently, to support our goal of providing fair, swift, and accessible justice, the Superior Court monitors two major performance measures. First, the Court tracks the case clearance rate, a traditional measure used by the NCSC, represents the ratio of cases disposed to cases filed in a given year. A rate of 100%, means one case disposed for each case filed, while higher or lower figures mean the Court is keeping up with or falling behind its incoming cases. Second, we measure the reduction in pending cases at the end of the year.

In calendar year 2001, the Court's caseload management practices resulted in a courtwide case clearance rate of 109%. This rate compares favorably with state level clearance rates across various case types. For example, in Maryland and Virginia, the clearance rates for civil cases were 96% and 88%, respectively, in 2000, while the Superior Court's clearance rate that year was 102%. In addition, the Superior Court reduced the number of cases waiting to be resolved by 9% in 2001. We will continue to monitor case clearance rates and pending caseloads as we develop the capacity to track other measures, first in the Family Court and then courtwide.

Information Technology

The Courts were already in the planning stages of an integrated information system when the Family Court Act was proposed. That system, the Integrated Justice Information System, or IJIS, would combine the 18 different databases within the Court so that records can be easily accessed across divisions. The first phase of IJIS will be installation of an integrated database in the Family Court to enable us to more effectively implement the "one judge/one family" approach, better serve children and families in the District, and better track and report our progress to the Congress. To fully implement IJIS in all divisions of the Court is a three-year project, estimated to cost approximately $7 million.

IJIS will improve Court operations and services by:

- Improving the identification of related cases (e.g., individuals and families) thereby enhancing the information available to judges responsible for case resolution;
- Improving management reports, thereby allowing for more informed decision-making by court managers, including the ability to effectively monitor performance, identify needed improvements and develop budgets;
- Enhancing public access to court information and services;
- Facilitating calendar management, thereby reducing wait time in court for police, attorneys, litigants and the public;
- Reducing the flow of paper across and within operating divisions and the statistical reporting unit of the Court; and
- Eliminating redundant data entry at the Courts.

The initial planning phase of IJIS was completed in December 2000 and resulted in a written requirements analysis by an independent contractor, the National Center for State Courts (NCSC). In its analysis, the NCSC recommended that the Courts acquire and modify a commercially available, off-the-shelf software package, as well as integrated modules for specific case types. Implementation of these modules by segments, including training, is expected to span three fiscal years. Following the submission of the detailed plan for IJIS to Congress in May 2001, the General Accounting Office (GAO) reviewed the project. GAO's recommendations, which we are implementing, have strengthened the project, helping to ensure that IJIS will serve the Court, and thus the residents of the District, more effectively.

Currently, the Courts are nearly ready to begin procurement of IJIS. In early May, we installed software to help the Court develop the disciplined process GAO recommended. We will continue to use this software as IJIS is implemented throughout the Court. In addition, as GAO recommended, we distributed a request for information (RFI) to potential vendors, identifying four vendors who may be able to meet our needs.

A draft of the request for proposals (RFP) is now undergoing internal review. GAO has agreed to review the RFP later this week to ensure it addresses the issues of concern to GAO.

Following a favorable review, we plan to release the RFP, thus beginning the formal procurement process. We expect to begin implementation of the Family Court module in the fall, and have that module in operation in September 2003. IJIS modules to serve other divisions will follow. This collaboration is essential to the Court's IJIS development and will remain an important part of the Court's implementation effort.

I would like to note that, as we implement IJIS, we are also developing transition programming to meet immediate needs for the Family Court. Our IT staff is actively working with the Mayor's Office on an Information Sharing deliverable due on July 8. In addition, we are coordinating with the Child and Family Services Agency to share access to each others' systems.

Reducing Police Overtime

Since 1999, when the Criminal Justice Coordinating Council ("CJCC") began to focus intently on police overtime, the District criminal justice agencies have been working together in unprecedented collaboration. The products of much study, innovative strategy, and hard work are being implemented and quickly producing results. We believe that because they change the way we operate, recent initiatives will continue to address excessive police overtime for the long term. The Court is building on these early initiatives to reduce the number of hearings at which police officers need to appear throughout our criminal caseload. The next step for the Court is a Felony Case Management Plan, which will be similar to our highly successful program to reduce delay in civil cases. We want to build on the improved relationships that have been forged and see that the collaborative efforts of the CJCC continue.

The Superior Court began by establishing a staggered schedule for preliminary hearings to reduce officer waiting time with a goal of limiting each officer's time in court to 2-3 hours per case. In September 2001, the Court began scheduling hearings beginning at 9 a.m., 11 a.m., and 2 p.m. The consensus of the CJCC members is that the staggered scheduling of these cases is effectively reducing the number of police overtime hours associated with preliminary hearings.

Second, the Court added a status hearing prior to trial in certain misdemeanor cases and in all felony cases. Police officers are required to appear for trial; however, over 95% of all cases are resolved without a trial prior to or on the scheduled day of trial.

Working with the U.S. Attorney's Office ("USAO"), in early October 2001 the Superior Court began to identify characteristics of misdemeanor cases that make a pre-trial disposition likely and scheduled status hearings for them to encourage earlier disposition of cases without trial. To date, a significant number of these cases have been resolved without even scheduling a trial date, thereby eliminating the need for police officers to come to the courthouse. The USAO has been working to encourage early case dispositions in felonies by providing earlier discovery and plea offers with early, pretrial expiration dates. These measures have increased the number of cases resolved early enough to eliminate police officers' attendance on scheduled trail dates.

Third, and most important, the Court is developing a comprehensive Criminal Case Management Plan. In September 2001, the Court began phase I of this project, which involved

D.C. misdemeanor and traffic cases. Typically, these "quality of life" and traffic cases are scheduled for trial (at which officers need to appear), with little effort to resolve the case prior to trial. Further, most defendants plead guilty on the trial date, and, therefore, very few trials are actually conducted. However, because the plea often does not occur until trial, the police officer is already in attendance at the courthouse.

In January 2002, the Superior Court implemented a Community Court initiative to process these "quality of life" misdemeanor and traffic cases more expeditiously, while creating a system of meaningful sanctions. The initiative uses diversion, community service, and treatment programs to create opportunities for disposition of these minor matters at the time of arrest ("same-day disposition"), thereby reducing demands on the time of police officers, prosecutors, defense attorneys, and judges. By addressing the underlying social issues driving many of these cases (mental illness, substance abuse, homelessness, etc.) the Court also seeks to reduce recidivism and improve quality of life in the District. Early statistics show that same-day disposition of these cases has risen, that there are fewer cases being scheduled for a trial, and that the number of arrest warrants issued for defendants who fail to appear for trial or to pay fines has decreased by almost 50%.

According to Chief Ramsey, as a result the reforms already put in place by the Superior Court and other agencies, "court related" police overtime costs dropped 30% during the second quarter of FY 2002 compared to the same period last year, despite a 10% increase in arrests.[1]

Conclusion

Chairwoman Morella, Congresswoman Norton, thank you for the opportunity to comment on these important and pressing issues. I appreciate the interest and support you have shown for the Courts and I look forward to working with you to ensure that justice in the District of Columbia continues to be administered promptly, fairly, and effectively.

[1] Source: testimony before the Subcommittee on the District of Columbia, Committee on Appropriations, U.S. House of Representatives, April 10, 2002.

Mrs. MORELLA. Thank you, Judge King.

I am now pleased to recognize Judge Satterfield.

Judge SATTERFIELD. Thank you for this opportunity to update you on the progress we have made in implementing the Family Court Act of 2001.

The work on that act actually started for the Court prior to the passing of the act because in December of last year, the Chief Judge and I went to a number of qualified judges to see if they were interested in serving in a new Family Court. We were happy to have ten volunteers of qualified judges to join me and Judge Josey Herring in our efforts to work the Family Court. These judges volunteered knowing the act would be passed and that they would be required to certify that they would stay in Family Court and go through ongoing training. Some of these judges had already been in the Family Division, so they were already working the cases of the Family Division.

They have brought a commitment, a new energy and a spirit of cooperation and it has been a pleasure to work with them for these last 6 months under the Family Court. Immediately after the act was passed, the Court acted quickly through the Chief Judge and developed a management team of experienced court managers and judges to work on the transition plan and as you know, the plan was filed in a timely manner.

We also recognized that in order to implement this act, you had to have your stakeholders involved and you had to listen to and collaborate with them to have a collaborative effort. So we developed a Family Court Implementation Committee and invited our stakeholders to participate with us in implementing the Family Court Act. During this time period, Judge Josey Herring and I, and other Family Court non-judicial staff, went out into the community and talked to child welfare professionals, juvenile justice professionals and members of the Bar and solicited their views and received their priorities regarding the Family Court.

You gave us a provision in the Family Court Act that enabled us to do even more during that transition period and that was the provision that allowed the Court to hire five magistrate judges and we determined to hire five new magistrate judges during that transition period. I have to say they are well qualified and are of a pool of well qualified family law attorneys. We are waiting to hire more from that pool and we are excited by the prospects of doing that.

If you will let me highlight some of the things we have done that are indicated in the transition plan. The reassignment of cases from outside the Family Court to the new magistrate judges, we have met our initial goal of transferring the initial group of cases of children back to Family Court. In meeting that goal, we also achieved another goal. We were able to reduce the number of judges who handled cases of children that are assigned to other divisions of the Court. The way we did that was by taking the entire caseload of the 17 judges outside of the Family Court and bringing their children back to Family Court. We took the entire caseload with the exception of cases they indicated were going to achieve permanency in the next few months and that resulted, I am pleased to say, in reducing the number of judges who had these cases outside of Family Court from 48 to 31. We will gradually con-

tinue to do that because we told the magistrate judges don't measure your success by reducing your caseload, measure it by achieving permanency for the children. As you do that in each case, we are going to go back outside Family Court and bring in another case during this transition period. When we bring aboard the remaining judicial officers, we are going to bring them all back. We are pleased that is going well.

We have started implementation of the one judge/one family case management approach. We met with our stakeholders and came to the decision that we need to focus first on the children's cases and focus on making sure we are not delaying permanency but we are speeding up permanency as we bring in the related cases. The judges were asked to start to handle all related cases that help achieve permanency in those cases such as custody, guardianship and adoption cases. We will continue with this effort as we meet this goal of completely and fully implementing this system.

One of the things we find is that you want to resolve these cases as early as you can in a non-adversarial way because once you have done that, you can start focusing on the issues of permanency. At the beginning of this year, we developed and implemented a Child Mediation Program. We are excited about this program because we are taking half of the children's cases filed this year into that program. We are having it evaluated by a nationally recognized organization so that by the end of the year, we will know whether all appropriate cases should come in that program. We will expand that program to include all appropriate cases, so that we can resolve these child cases earlier and start working toward achieving permanency.

In the training area, we are planning for the first time ever, a cross training program; we have a Subcommittee on Education and training working with all of our stakeholders to develop this program which we hope to implement some time later this year or early next year. We are striving to create a court friendly environment, not just waiting rooms for the parties who come to court, but also clinics where parties who come to court not represented by counsel, cannot afford counsel, and as you mentioned, the Family Service Center, we are looking forward to having a centralized intake center for Family Court filings.

We know that you want better outcomes for children and we do too. An article about reinventing government says, "If you do not measure results, you cannot tell success from failure." We want to see success, we know you want to see success and we want to see better outcomes for children. So we are going to work to measure what we are doing. We are going to look to make sure children are not in foster care as long as they have been by measuring the age of our cases to see how we are doing. We are going to look at the number of cases where permanency is not achieved due to the child aging out because then we know we need to work harder to achieve permanency before that occurs.

We are going to work hard to meet the ASFA time lines because as you know it was designed to create a process to tell the courts, you need to be doing more in terms of meeting time lines because at the end of meeting those time lines, there is a better outcome

for children. So we will seek to meet that process, meet those time lines so we can have better outcomes with children.

The same article says, "If you can demonstrate results, you can win public support." If I can put it another way for this committee, we know if we demonstrate great results for children and families, we will have your support. That is why you enacted the Family Court Act of 2001. We want to be in a position to tell you the results we have made for children and the reasons why we are not making certain results. We are recording more information from our cases so we can tell you what the barriers are, we can tell you where the delays are, and we can tell you the areas in which we are successful in achieving permanency. You will be able to measure what we are doing because the act contains sufficient number of reporting mechanisms, evaluations and review periods to assure you know what we are doing.

You will continue to use the Comptroller General, the GAO and the GSA to monitor our progress. We intend to report to you in a timely fashion on our progress.

Let me finish by saying there are challenges. Some have been detailed in the GAO report. There are challenges we still face, some of which the agency is working on and we are pleased to see the agency making progress in reducing the number of children per social worker, their challenges in terms of drug treatment in the city because a significant number of our cases involve drug abuse in our child welfare cases and in our juvenile cases. We are working toward developing a new Family Drug Court in order to address those needs, but we need commitment and more drug treatment in the city.

With these challenges, I am still optimistic that we will achieve better results for children in the future and if I can say on a personal note, having been born and raised in this city, I am excited about that prospect.

Thank you.

[The prepared statement of Judge Satterfield follows:]

Statement of Judge Lee F. Satterfield
Presiding Judge of the Family Court
Superior Court of the District of Columbia
Before the Subcommittee on the District of Columbia
House Committee on Government Reform
June 5, 2002

Madam Chairwoman, Congresswoman Norton, members of the Subcommittee, I want to thank you for the opportunity to testify today and to provide you with an update on the implementation of the Family Court Act of 2001. I look forward to answering any questions you have, address any concerns, and listen if you have some suggestions on how we can continue to move toward our common goal of better outcomes for children in the District of Columbia.

Background

As the subcommittee well knows, the District saw a dramatic surge in abuse and neglect filings in the late 1980's and, while the most recent increases do not seem to be as significant, they have not yet leveled off. Each year, more than 1500 children are alleged to be neglected or abused by their parents. The Child and Family Services Agency is completing its transition out of receivership and is striving to strengthen its ability to deliver services to children and families.

At the heart of the Family Court Act of 2001 was the principle of one family/ one judge; the Superior Court's Family Court has already begun implementation of that case management approach. Since January, all new abuse and neglect cases have been retained in the Family Court. The transition of cases of neglected and abused children being reviewed by judges outside the Family Court to judges within the Family Court is on-going.

The Family Court Act

The District of Columbia Family Court Act of 2001 fundamentally changed the way the Superior Court serves children and families. The Act elevated the Family Division, creating a Family Court within the Superior Court, set out principles for processing children's cases, and established judges' terms and the position of Magistrate Judge. The Act emphasized that the guiding principle behind all decisions, procedures, and policies must be to make the safety, permanency, and well being of the child of paramount importance.

As required by the Act, we submitted to Congress a report on how we will implement the provisions of the Act. Chief Judge Rufus G. King III designated me, along with Deputy Presiding Judge Anita Josey-Herring, to develop the processes, protocols, calendars, and staffing plan that will enable the Family Court to meet the legislative mandates. The plan follows the "one-family/one judge" principle, ensures

greater resources will be devoted to expeditious resolution of family cases, and is a blueprint for how we will improve the family law and child development skills of all those who handle Family Court cases.

I was pleased that ten of our colleagues volunteered to serve with Judge Josey-Herring and myself in the new Family Court. All twelve of us have certified to the Chief Judge that we will serve three consecutive years; all have a combination of experience and training that makes us well-suited to working in the new Family Court. But most importantly, all of us are committed to making sure that the new Family Court works for the children it serves.

To that end, the Court swore-in five new magistrate judges under the expedited provisions of the Act. The five who were chosen and have already been installed – Carol Dalton, Pamela Gray, Noel Johnson, Alec Haniford Deull and Juliet McKenna – are truly top-notch family law practitioners with a level of commitment to family cases and dedication to children that I find inspiring. They have taken on a big task – each will begin with nearly 300 children they are responsible for – but they do so with an enthusiasm that is inspiring. On behalf of Judge Josey-Herring and myself, I have to say that we are fortunate to have such a talented and dedicated group of jurists working with us on such a vital project.

The Family Court Transition Plan

The Family Court Transition Plan provides a phased-in transition by which all cases outside of the Family Court will be returned to the Family Court and the one family/ one judge approach will be fully implemented. The plan proposes teams each composed of one associate judge and one magistrate judge, so that one member of the team hears most aspects of each child's case, but the other keeps apprised of all cases assigned to the team, to provide back-up and to cover during transitions at the end of a judge's term. The team approach will ensure that each family's dynamics are well known to a judge and builds in redundancy so that the additional team member knows the children and their families and can make very well-informed decisions at any stage of the case, if needed. We have already begun to implement the one family/one judge approach by ending the practice of referring cases to judges outside the Family Court.

There are several other aspects of the family court plan that are essential to its success. First, we look forward to the implementation of the Integrated Justice Information System (IJIS) which will enable us to better track and monitor the progress of cases, as Chief Judge King discussed. Most importantly, IJIS will allow us to determine, when a child comes into the abuse and neglect system, whether other family members or household members have cases before the Family Court, so we can assign their case to the same judicial team, the team already familiar with that family's dynamics.

The plan also calls for centralizing intake for all of the branches of the Family Court – mental health and retardation, domestic relations, paternity and child support, juvenile delinquency and abuse & neglect – in a single location. This would be easier for those filing cases *and* enhance the Court's ability to accomplish the one family/ one judge mandate.

Further, we plan to establish a Family Services Center within the Family Court to provide a centralized location with referral to services that the District and the Court offers. For many parents, it is crucial to have available treatment, or at least a referral or appointment, *when they are in the courthouse.* Follow-up is less likely when the parents have to make the calls and locate available services themselves. The Act's provision requiring that District agencies provide on-site representatives provides a wonderful addition to the services already available to children and families through the Court's Social Services Division.

Enhanced training is another crucial element of the statute and the plan. Our Family Court Implementation Committee formed a sub-group – a subcommittee on education and training – to determine what training was needed, who best could provide it, and what the curricula should be. The Court has already increased its judicial training. We held a three-week training course for the five new magistrate judges entering Family Court. Topics covered included: child development, substance abuse, Adoption and Safe Families Act (ASFA), and dealing with children who are in both the neglect and juvenile system.

We also plan periodic training sessions for judges, as well as staff in the Family Court and Social Services Division. In addition, we will provide mandatory quarterly interdisciplinary training ("cross-training") for Family Court judges, case-coordinators, attorney advisors and other staff. Lastly, we plan to hold periodic cross-training programs for stakeholders responsible for child welfare and related family issues. The Family Court Implementation Committee's Education and Training Subcommittee is working with the Child Welfare Team put together by the Council for Court Excellence, the DC Bar, and the Child and Family Services Agency to plan for the first-ever cross training program. This program will be a full-day conference later this year or early next, and would include judges, court personnel, attorneys, social workers and other stakeholders.

We are establishing attorney panels for those who accept cases as Counsel for Child Abuse and Neglect ("CCAN attorneys"). We are developing attorney practice standards and then a committee will use them to determine which attorneys will serve on the panels and take CCAN cases.

We are also pleased with the expanded role that ADR – alternative dispute resolution – or mediation will play in the new Family Court. We have already begun, through a grant from the Council for Court Excellence, to refer half of all cases to our mediation program, the Multi-Door Dispute Resolution Office. Our goal is to determine,

at the end of one year, which cases are most assisted by mediation and then to use that experience to speed resolution of cases in the future by utilizing mediation in those cases where it promises to be most effective.

Perhaps most important is continuous, close coordination between the Family Court, Child & Family Services Agency (CFSA), and the Office of Corporation Counsel (OCC). Director Golden and I meet every other week to coordinate efforts overall. The Court is working closely with CFSA, OCC, and the Family Division Trial Lawyers Association, so that the team approach involves not just judges and children, but also social workers and attorneys. We are working together to determine the best method of assigning cases to judicial teams so as to allow their staff to work in the team approach as well.

Outcomes

The General Accounting Office report mentioned the need to evaluate outcomes. Clearly this is something that the Court intends to do. We set up processes, but those processes are designed to ensure an outcome: that children are placed in safe, permanent homes as soon as possible. The more timely hearings we have, the more thorough those hearings are, the sooner children will reach permanency, our overriding goal. We can't guarantee that there will be adoptive parents available – that is not the Court's role – but we can work to ensure that services are provided to the family and the children in a timely fashion. These were the goals of ASFA, and the Court is anxious to meet the timelines, but more importantly to achieve positive outcomes for children in a shorter period of time. This is not entirely within the Court's control, but we are committed to making sure we are doing our part as thoroughly and professionally as possible. And we are committed to measuring outcomes so that we can determine not only whether permanency is being achieved more rapidly, but also so that we can determine what factors are causing the greatest delay and work with our partners – CFSA, OCC, the Department of Health's Addiction Prevention and Recovery Administration, DC Public Schools and others – to address them.

Conclusion

As you may be aware, the Senate Appropriations Committee has included language in the Supplemental Appropriations Act that would allow the Courts to reimburse our operating and capital accounts for Family Court expenses that had to be incurred prior to the funding becoming available later this month. We have borne significant expenses to comply with the Family Court Act - hiring magistrate judges and their staff, building and equipping their offices, and beginning architectural and construction plans to accommodate the full Family Court. To fully fund court operations for the balance of the year, we need to charge those expenses to the Family Court account. We would be most grateful for your continued support as the supplemental appropriation moves forward.

In closing, please let me thank you, Chairwoman Morella and Congresswoman Norton, for all you have done to establish and support the Family Court. I appreciate the opportunity to testify today to discuss the Family Court Transition Plan and tell you about changes that are already underway. I am happy to answer any questions.

Mrs. MORELLA. Ms. Wicks, I know as the Executive Officer, you make sure they have whatever they need and you kind of monitor them. Are there any comments you wanted to make before we go to questioning?

Ms. WICKS. No.

Mrs. MORELLA. All right. Well, we have you there as a great resource.

We all know that outcome measures, as referred to in many instances, are really important. I know GAO has identified them too. I would ask our judges in particular what standards does the Court believe are needed to gauge the effectiveness of the court? Judge Wagner, you listed some strategic roles, that the courts strive to provide fair, swift, accessible justice, enhanced public safety and ensure public trust and confidence in the justice system. I am wondering, how should this community and the Congress gauge your performance in meeting your strategic goals?

Judge WAGNER. I think our strategic plan will include in some way measures nationally recognized in appellate and trial court performance standards which have been developed by the National Center for State Courts and the Appellate Court Performance Standards Commission. There are, as you indicated, several areas that are measured. These include in the trial court, access to justice, expedition and timeliness, equality, fairness and integrity, independence and accountability, and public trust and confidence. On the appellate court, they include quality of the judicial process, public access, case management and efficient use of public resources.

As we move along in developing our strategic plan, our intention is that these performance standards will be incorporated to assure that those priorities that we have identified, as well as the work that we are performing, do measure up to those standards.

Apparently the National Center for State Courts which, as you know, is a premiere national organization that was established initially by Chief Justice Berger to assist State courts to function better, has developed these standards. They have been working with courts throughout the Nation, with State court systems.

We have an expert, Daniel Straub, who is an instructor at the Institute for Court Management, assisting us to incorporate these standards into our evaluation mechanisms.

Mrs. MORELLA. I appreciate the efforts in developing the strategic plan. I am wondering when will the plan be completed. The National Center for State Courts, as you mentioned, has developed a trial court performance standard and measurement system that would incorporate 75 measures for assessing assessibility, timely processing of cases, public education.

Does the Court plan to include the National Center's measurement system into its management system?

Judge WAGNER. That is our intention, yes.

Mrs. MORELLA. How about a timeline?

Judge WAGNER. We are presently in the process of information gathering from employees, attorneys and litigants. I am not sure that was the very first one, but we started preparing survey instruments for these various stakeholders at our Joint Judicial and Bar Conference in April. We distributed these surveys. We have gath-

ered information from the bench and from the Bar in an effort to set our performance goals.

After getting input, we will identify best practices from around the country to help us establish performance expectations and optimal operations. We are looking at trends and demographic projections for what our caseload might be expected to be in the future and we will then develop the courtwide strategic plan. It will be based on these trial and appellate court performance standards. We do expect the anticipated date will be October 2002. We expect after that, it will take 2 years to fully implement the plan and focus performance objectives at the divisional level.

That does not mean that there will not be work in progress; however the plan itself, we do anticipate having by October 2002.

Mrs. MORELLA. Who reviews the plan when you get it by October? Does the plan go into operation immediately or does it go through further review, transition?

Judge WAGNER. My hope would be that by October 2002, when it is on paper, that it would be a ready product. Whether it would have gone through every level of review, I really cannot answer that for you at this moment. I guess I would have to gauge how much review goes in before the final product we expect in October, i.e., how much review precedes the October 2002 date.

My expectation is that most judges and many in the legal community would have reviewed the product by then.

Mrs. MORELLA. I would hope that it would really be an operation by that time having gone through all the different reviewers and stakeholders.

I didn't know whether or not the other judges, Judge King or Judge Satterfield, would like to comment on that aspect of the strategic plan?

Judge KING. The strategic planning effort is one that involves both courts and we have a Senior Leadership Committee which draws on representatives from both courts including both chief judges and judges from both courts and senior staff. Much of what you just heard applies as well to the Superior Court.

The standards involved for trial courts obviously are weighted much more toward things like convenience of access to large numbers of the public, timeliness and pre-trial and trial activity in the cases and things that are uniquely applicable to trial. It is the same set of performance measures that we will be referring to only it will be those uniquely applicable to trial courts. We anticipate shaping our implementation very much in accordance with their dictates.

I would say as to the measures we are going to be applying as Judge Satterfield said, some of the things we are not waiting for, we already know some things that we can begin to measure more fully, particularly in the Family Court to keep track of how we are doing in bringing cases to permanency and what sort of safety measures we can determine.

Mrs. MORELLA. Has the Court conducted any survey of satisfaction of the various users of the activities of the Court?

Judge KING. In the strategic planning project, yes, we have. In fact, in response to your question as to how much review would take place, Chief Judge Wagner is exactly on point. The process is

so much a consultative process as we go along that much of the review will have been done.

We surveyed the Bar, we are surveying jurors, we have surveyed and plan to survey members of the public so that there will be some relevant input from every agency, lawyer, official or others who have some reason to have an involvement with the courts. That is very much a part of the strategic planning process.

Mrs. MORELLA. I note there has been a decline of cases before the courts. I have some figures here. In 1991, there were 18,000 civil cases; in 2001, there were 9,000 civil cases. That is a tremendous drop. Felony indictments dropped from more than 7,000 in 1997 to about 6,000 in 2001. I am curious about the judges' observations on this phenomenon. How is this decline for the positive? How was it attained?

Judge KING. A number of things have taken place in the civil area. We are now a little more than 10 years into a major reorganization almost on the dimensions of the reorganization of the Family Court that the legislation has made possible for us.

I think there is another factor I have been made aware of in the strategic planning and consultations for the long term construction plans for the Family Court and other parts of the Court. That is that in court systems around the country, there has been observed a cyclical nature to the caseloads, so that what may be down now could go up again in 2, 3 or 4 years. I wouldn't want to say it is because all of a sudden for the first time in the history of the Court, we have stronger judges or something else. We don't know that for sure. I think a view of caution is required in planning based on where the caseloads are.

Mrs. MORELLA. I guess it is sort of like the economy.

Judge KING. I think there is some of that. We like to think we are doing very well with our civil caseloads. Our criminal caseloads we are reducing, we are reducing police overtime, we are reducing the number of court appearances and, hopefully, causing pleas and other dispositions earlier in the process. So all those can help, but I hope we are not all going to the bank on the notion that our caseloads will never go up again.

Mrs. MORELLA. That ties in with the whole concept of staffing. I note the Court has engaged a firm to review its staffing requirements. What is the status of the review and when will it be completed? Is the review going to compare the workload of the Court with other urban court systems?

Judge KING. If I might defer to Ms. Wicks?

Ms. WICKS. The Court did enter a contract with Booz, Allen & Hamilton to look at our staffing levels and how we determine those, in part in response to a GAO review and in part in response to fiscal constraints and the need to most effectively use our resources. The study has been ongoing. We have extended the contract a number of times since January to get additional information from Booz Allen.

Basically, they are proceeding in three phases. The first is what they call a weighted caseload model and staffing level assessment where they look at existing work flow and workload in each division. They are looking at workflow processes, functions and activities and the time spent performing each of these tasks. They are

close to done with that and we expect their final report on June 14. We have reviewed draft reports and we expect a final on June 14 which will then be reviewed in-house and shared with the Joint Committee on Judicial Administration for final review.

The second phase of their study is a workforce planning analysis where they are obtaining additional information relating to anticipated changes that will impact the Court's workload. They will be doing trends analysis and looking at shifts in demographic goals and desired employee skill levels. They will do a gap analysis to try to determine where improvements need to be made, where process reengineering could be considered.

The final part of their study is to actually develop an automated tool that we will be able to use in the future. It will hold the work force data that they are gathering now and it will enable us to do "what if" scenarios and to reflect changes in our workload by using this automated tool.

The tool they have actually developed and are going to demonstrate it to us this month as well, but it is still in the refining stages because they are still collecting data.

Mrs. MORELLA. When you continue to renew the contract with Booz Allen?

Ms. WICKS. They are no cost extensions. Booz Allen wanted more information from us, we have wanted more work from them. In January, for instance, when the Family Court bill was passed, we asked them to take a second and new look at Family Court in light of the changes that were going to be implemented.

Mrs. MORELLA. I know their contracted expired in January and you renewed it several times?

Ms. WICKS. Exactly.

Mrs. MORELLA. I note that you say the weighted caseloads prior to that first phase will be completed on June 14 but then you didn't mention anything about timelines or the rest of it, the workload analysis which you say there is a second phase?

Ms. WICKS. Right. It is a three phase project but the phases are concurrent, they are not consecutive. They are just about complete with the workforce planning analysis as well; they are just not to final reporting yet. As I said, on the third phase, the tool, they have already designed and developed this automated tool and will be testing it for us. I would anticipate probably before the end of this fiscal year, the entire project will be complete.

Mrs. MORELLA. Very good because that was one of the concerns we had with the whole concept of the staffing.

Speaking of cases and caseload and the case clearance rate, that I know is the measure you refer to in your statement, Judge Wagner, as a pretty good performance measure, the number of cases disposed annually compared to the number of cases filed but case clearance doesn't measure how long it takes for the public to get a decision in its case, the time for disposition, the time to the disposition. I commend you for providing such time to disposition statistics in your annual report for the Court of Appeals; however, as I look at it, some of the data is somewhat troubling because it takes a very long time, 522 days, for the Court of Appeals to issue rulings on cases—that is on page 46. I wondered is there a goal or strategy that you for reducing that time?

Judge WAGNER. I think we do. I don't know whether you have the entire chart, but for some time we have measured the overall time on appeal in segments because there are many steps in the process. A party notes an appeal and then a party has to get a record. The record consists of documents filed which have to be reproduced as well as transcripts of the proceedings.

We have been monitoring the time it takes for getting the transcripts and the records and then the time it takes after we get the transcripts and the records to get the briefs from the parties. Our goal is to find out what causes the problem and to fix it. If you note, for example, the time for filing a notice of appeal to filing of the record was 256 of those days. I mentioned in my testimony the successful efforts we have made in securing transcripts in a more timely manner. The impact of securing those transcripts in a more timely manner you will not see probably for some time because first, once that gets cleared, you will have to have lawyers filing briefs. We have to have ready cases, cases that have been fully through this entire process before the judges can ever hear them. That is a number we believe you will see reduced and that will impact the overall time on appeal number.

Then you move from the time of filing the record to the completing briefing. We have rules which specify how long you have to file a brief. Nevertheless, we do have people who ask for extensions. We have a number of institutional representatives who have a number of cases in our court, therefore, they have more than one brief to file. Extensions are requested, but we try to minimize and discourage the number of extensions requested. Thus, we have reduced that number between 2000 and 2001 and we hope to continue to reduce that number. That accounts for 263 of your days.

Then it is the time it takes to get on the calendar and that depends on how many cases are standing ready to get on the calendar. That is 153 days, but that is greatly reduced between 1999 and 2001. It has gone from 202 days in 1999 to 153 days in 2001.

What we do is troubleshoot each of the areas where we are having problems. Whether the problem is lawyers not getting briefs in on time, or not getting the records on time, or not paying for the transcripts where they have to be paid for or not paying for the record where they have to be paid for, or if it is in-house, where our transcribers are not transcribing fast enough, we troubleshoot each one of those areas. I think we will have measured successes from our efforts, particularly on the transcripts.

In terms of the time from argument to submission of decision, that is 4 months. So once appeals are heard, on average, it is not a long delay. I might say that for the expedited TPRs and adoptions, the time from argument to decision is half as long on the average approximately 50 days.

Mrs. MORELLA. I can see some points where there has been improvement, others where there hasn't. I am not a lawyer, I just look at all these numbers and think they could all use improvement, quite frankly. I would respectfully request that may be instead of dwelling on this now, maybe our staffs could keep posted in terms of what is happening and what is being done.

Judge WAGNER. We know it is a complicated issue for people to understand who are not dealing with it on a daily basis. We have

excellent staff dealing with these numbers. They work with each segment to make sure you make improvements in each segment. Only then will the sum of the parts be improved overall.

Mrs. MORELLA. Right, and I can see some improvement in some areas. By and large, I think the areas could use some improvement. I thank you very much.

I wanted to ask GAO, what standards do you think there should be for these outcome measures since you refer to that in the GAO report?

Ms. ASHBY. We refer to them in the context of the Family Court and in looking at the transition plan, we were somewhat concerned because what we saw in terms of measures were mostly process measures, input measures and there is nothing wrong with process measures and output measures, certainly those are appropriate to certain types of activities.

What we didn't see were what we would call outcome measures. In our statement, we listed a couple of examples. As an example, the Court could look at changes in the number of instances in which adoptions proceed without some type of disruption or in terms of length of time in foster care, the trends in terms of whether children in foster care are undergoing instances of abuse or not and how that changes over time. There are outcomes that should be measured and looked at to get a full picture of performance.

It is possible to have a process that is proceeding exactly as intended but not reaching the desired outcomes because it is not the right process. That is why you need the full array of measures in order to make decisions about performance and the quality of what is happening.

Mrs. MORELLA. Have you, Ms. Ashby, assessed the Family Court module of IJIS? Is it able to communicate with the District's information system?

Ms. ASHBY. We are not at that point yet. The Court is not at that point yet as far as I know. As I understand, later this week the Court is going to submit to GAO its request for proposal as it attempts to develop and install systems. We will review that.

As stated in our statement, GAO did, in February, issue a report on IJIS and we found that basically the difficulty was the discipline processes that are necessary to develop a system that will meet user needs had not happened at that point. The courts agreed and have gone back and revisited a lot of the steps and is now instilling that discipline in its processes. We are now at a point where there is a draft RFP where the Court actually sought information on what on-the-shelf software might be available to meet some of the needs and so forth. So we are not at the point yet where we can assess how the Court's doing with regard to the Family Court.

Mrs. MORELLA. Have you reviewed the latest version of the RFP?

Ms. ASHBY. We have not. As I understand, we will get that later this week.

Mrs. MORELLA. Judge King.

Judge KING. I think she is correct. When we get the final plan to them, I assume, at least from our point of view, the effort has been to work closely with GAO, so that we stay in step with the concerns they have and address them promptly. There is nothing that would be a worse outcome for everybody than to have this

project get completed and then have to go back and redo part of it. So we are working very hard to stay in step with GAO's concerns.

What I can say on the question you raised about communication with the rest of the District is that we have locked in contracts for one of two or three of the most universal platforms in use in the District and around the country for communication across different systems. So our goal is going to be to design a system which anybody can use at whatever level they are capable of sharing data with us without detriment to either us or to them. We have already taken a significant step in locking in software licenses on an important piece of that software.

Mrs. MORELLA. Ms. Wicks would like to comment.

Ms. WICKS. If I could add, it is my understanding that staff from the GAO and our IT Division will be meeting on Friday to go through a final RFP. Since we have been working closely with GAO, we are quite hopeful that everything has been ironed out and we will be able to go forward and issue that RFP.

Mrs. MORELLA. Yes, Judge Satterfield?

Judge SATTERFIELD. If I may respond to some of the outcome measures, not the IJIS system, I have started to work with Dr. Golden about measuring certain outcomes because we have common goals for children and we have to measure it jointly because some of the information in terms of measuring is with the agency and some is with the court. So when we talk about things such as disruption of adoptions, those are sort of joint things we can do together to measure.

The processes that have been developed are important because they lead to timely decisionmaking for the children and better quality hearings for the children. That results in achieving permanency for the children a lot quicker. So we are working on these outcome measures. We recognize that and intend to continue to collaborate and work with the other stakeholders who have the information we need and share that information so that we can reach the outcomes we all agree are necessary to achieve our common goals for children.

Mrs. MORELLA. Judge Satterfield and Judge King, have you determined or delineated what the qualifications are of the judges?

Judge SATTERFIELD. Yes, we have and we are pleased to say that they are all qualified from experience, training or both. We have had a significant amount of training for these judges over the last few years in domestic violence, in abuse, neglect. We train these judges at the end of each year before they go into assignment. We give these judges a pre-service before they become a judge and are assigned. As indicated earlier, a number of the judges in the Family Court now were judges already serving cases of children and families within our Family Division. So we have a training program, we have a wonderful curriculum that addresses a number of the topics contained in the Family Court Act and are going to continue to provide the training.

That is one of the things that excited the judges about coming to the Family Court, that there would be ongoing training and ongoing opportunity to better themselves and how they serve these cases.

Mrs. MORELLA. I was curious before this hearing about the number of senior judges that have been assigned to the Family Court. If I remember your testimony, Judge King, you said two. Would you like to comment on that?

Judge SATTERFIELD. Right now there are two senior judges who still have abuse and neglect cases. Judge Burnett who also has helped us out with our adoptions, has been a stellar judge in family matters and another judge who is experienced in family matters. I think Chief Judge King said their cases just like the other judges are going during the transition period back into Family Court. As he said, we do not intend to use senior judges except if it is an emergency situation.

We are going to do a fair amount of training, so it would be necessary to have a qualified senior judge in family law to do emergency hearings while the other judges are doing the training, or in situations where a judge may go out on medical leave, but we will strive hard to make sure it doesn't hurt the case management approach of one judge/one family by giving them types of cases that are not part of that case management because not all the cases we do in Family Court do lend themselves to one judge/one family. In other words, we don't expect they will be handling abuse and neglect cases except if they were going to handle the emergency hearings that come up when the Court is training.

Mrs. MORELLA. So have any senior judges been assigned to the Family Court and how many?

Judge SATTERFIELD. No, they are not assigned to the Family Court now.

Mrs. MORELLA. They have not been assigned and will not be assigned to the Family Court?

Judge SATTERFIELD. One clarification. Judge Burnett has been resolving some of the adoption cases that he had last year when he was assigned to the Family Division and he is working on that because we want to increase the number of adoptions we have. Using him as well as Judge Shuger has helped us, with the Child and Family Services Agency, to achieve certain benchmarks they had to achieve this year on adoption cases.

Mrs. MORELLA. One final question in the interest of time and we would love to be able to send some questions to you, and I know you love to receive them.

This would be to Ms. Wicks. Your annual financial report is prepared using a modified accrual method of accounting and your monthly financial reports are prepared on a cash basis. How do you reconcile the different accounting treatments? Do you prepare a monthly financial report using the modified accrual treatment?

Ms. WICKS. We use GSA as our contractor for payroll and accounting. The payroll function has been adequate for us but, as your question points out, the system lacks a general ledger which makes it very difficult for us to efficiently handle financial management. We are certainly capable of doing it, but what we have to do at this point is use several standalone software applications and spreadsheets and various tools to reconcile the fact that there is both obligation basis accounting and this cash basis.

We produce monthly reports. We receive information from GSA to prepare those reports and provide the information back to GSA

to prepare the reports for you. Our long term goal is to develop our own financial management system which will integrate and reconcile these two methods of accounting and really provide a more budget oriented report.

The GSA monthly reports look at expenses, in and out the door. What we really need is to budget for these and start with a budget figure at the start of the year and then each month come off the top budget figure and see how much we have and balance this in the different operating divisions. We do it now manually. If you take a new look in our 2003 budget, you will see a request for funding to develop an integrated financial management system with a general ledger function.

Mrs. MORELLA. May I ask how that relationship with GSA has worked?

Ms. WICKS. The relationship is fine. It is a contractual relationship. We are their largest customer, they can't really provide the services we need at this point in time, so we are negotiating with them to see if they will be capable of providing what we need or if we should be looking to another vendor or develop our own system.

Mrs. MORELLA. Please keep us posted.

I want to thank the panel and I now want to defer to Congresswoman Norton if she has any final questions for the first panel.

Ms. NORTON. I will ask only a few questions. I am assuming most of my questions have been asked. I apologize again that I have another hearing which also raises important issues for my District that I had to attend and therefore missed part of the testimony. If I begin to ask a question that has been asked, please stop me before I kill.

Let me begin this question with the notion of the transition period. Mr. DeLay was very impatient with the notion of a transition. I had to talk long and hard about the need for a transition, the time for transition but he was justifiably interested that the transition take place and take place without delay.

You had a structural problem literally and metamorphically, namely space. I was concerned that the GSA indicated the way in which space goes—often the case when you build space—the neck bone is connected to the thigh bone or whatever and if it doesn't fall in place, the next one doesn't fall in place. The GSA mentioned the absence of alternatives. Assuming there is a glitch in this interdependent space plan being put in place, what I want to know because there will be real consternation in the Congress, if there is something you tell us you couldn't help because you couldn't, because you can't always deal with how construction does or does not fall in place and it notoriously does not fall in place often, the Congress is not going to want to hear that I am sorry, there were construction delays. The Congress is going to want to hear that we went to Plan B on a temporary basis and put in place.

Judge KING. Let me make an observation. I very much appreciate that concern. There are parts of the implementation that would be extremely costly and time consuming to try to go out and rent duplicate space unless we knew we absolutely needed it. Of course, if we had to, we would. In fact, I did an early assessment myself of space alternatives to what the architects were planning

as a way of just making sure we understood what they were telling us. I can say the result of that survey was that other than our court buildings in the justice campus, it becomes geometrically more complicated to do firm alternatives farther out.

As for the short term, getting the people in so we can bring all the cases back into the Family Court, we have looked at some alternatives in our space. It would be cramped, but we would figure out a way to do it.

Ms. NORTON. Judge Satterfield.

Judge SATTERFIELD. I was going to add to that. One of the important pieces of the Family Court Act is that we move the cases from outside of Family Court back in during this transition period, so we are looking at alternatives if the space isn't built out as we want it, to make sure we find some space. As the Chief Judge says, it may be smaller than the average space that we use but we want to have more magistrate judges hearing more of those cases so we can achieve permanency. So we are looking at those options of building out smaller spaces temporarily until the major overall of space is done, if we run into those problems as identified in the GAO report.

Ms. NORTON. I am not sure what building out smaller space means but whatever it means——

Judge SATTERFIELD. Let me clarify, smaller space so that we can have hearing rooms to hear those cases so those judges can actively work those cases. When I talk about smaller space, I am talking about hearing rooms.

Ms. NORTON. I appreciate, Judge King, that nobody would go out and rent space that is not what we are talking about. Creatively one would have to think about things like subdividing space and the rest of it temporarily. All I want to do is prevent a controversy from developing on the Hill. I don't like to deal with problems after they develop, particularly when they are problems people could not have foreseen and cannot do anything about. It will raise a problem here because the GAO pointed out the problem.

I would advise the Court to consider what kinds of alternatives might be available, not because you want to move to them but simply because you may have to and you could more easily do so if you had a few options on the table to think about.

When Judge Judy Rogers was the Chief Judge, she worked closely with me and in fact, was very energetic about getting an appellate court. When you say your court hears more cases, the Congress should understand it is not because the District of Columbia has more cases than anyplace in the United States; it is because it doesn't have an intermediate court. So you go straight from the trial court to the court of appeals.

Actually, we worked hard on it here, there wasn't a lot of interest in it, particularly in the Senate. I note that even though there has been some criticism of the Court for backlogs, the fact is caseloads have declined fairly remarkably. Felony and reinstatements have declined by 14 percent over the past 5 years; civil actions declined by 49 percent over the past 10 years. Does that mean that the Court—the Superior Court—believes that without an intermediate court, given these declines, that these declines are not simply because they have taken place over a period of an entire decade, are

not simply declines that are short term, that could rise again, but are structural declines and perhaps the Court is performing in a satisfactory way, all things considered, without yet another subdivision of the Court?

Judge KING. I did address that.

Ms. NORTON. Then don't answer it. I don't want to take the time.

Judge KING. It is a mixture of things. I hope that we have made some gains on the caseload.

Ms. NORTON. You answered the bottom line question, whether you need an intermediate court? You have answered that for our record?

Judge KING. From my point of view as the trial court, I would say no, we don't need it but I would defer to my boss, if I might.

Ms. NORTON. Judge Wagner.

Judge WAGNER. This is not a question I could answer immediately at this hearing because, as indicated, there are a number of issues related to population increase, caseload trends, a lot of issues affecting today's reality that we have to look at, that we have not looked at, in order to answer your question today.

What we do know is, insofar as our caseload is concerned, that there are fluctuations over 10 years. It shows that right now the filings are down, but our space planners tell us that in constructing courts throughout the country, you have to look at caseloads for a period of time.

Ms. NORTON. The reason these are significant, Judge Wagner, is that the figures I just read were 10 year figures. I am aware from year to year you get fluctuations but these are declines over a period of 10 years. They would tend to argue against an intermediate court.

Judge WAGNER. My suggestion would be that bench, Bar and the others who are stakeholders in this examine this in light of the strategic planning that is underway. We certainly will have a great deal of information from which to make an informed judgment about what is necessary now. So I would like to work with you on that.

Ms. NORTON. I would not submit a strategic plan that did not speak to that issue one way or another particularly in light of these figures and in light of the difficulty I had in trying to get the court. I don't think it would be doable but we do need to do as long as you are doing a strategic plan whether or not somehow in the foreseeable future down the road, you think this court would need an intermediate court.

Judge WAGNER. I think there are just a few States.

Ms. NORTON. Thank you very much, Madam Chair.

Mrs. MORELLA. Thank you, Congresswoman Norton. Just one final question. I mentioned in my opening statement the fact I saw there was $18 million left in the Crime Victims Compensation Fund. I am curious about the number of claims, increased by 39 percent in 2001 to a total of 1,538. I just wonder why is there that slowness in dispensing the compensation? What percentage of individuals who filed in 2001 received compensation?

Judge KING. I think generally the fund is becoming better known, so I hope it will continue to increase in its use, but I am going to defer Ms. Wicks.

Ms. WICKS. As you mentioned, we did serve about 1,500 crime victims last year which is a fifteenfold increase from the year before we took it over, 1996 when 140 victims were served. It is a matter of outreach, people recognizing that the funding is available. The $18 million surplus is something that accumulated over a number of years.

I think, as you are aware, there was language in the 2002 Appropriations Act that the District of Columbia could receive 50 percent of the unobligated balance in that account. We have been working with the District of Columbia in order for them to have access to that balance. Currently they have submitted their plan to Congress on how they have used those funds and how they will get better outreach to the community and better victim services.

The problem right now is a technical problem. The District needs the money to be "no year" money so that when the moneys transfer over, they have the ability to use the money. We are working with the District and are ready to transfer about $12 million in crime victims money to the District. They cannot receive the money as yet.

As far as ongoing claims, day in and day out, in this fiscal year, we are up to $2.6 million in claims going out the fund takes in, I would say, roughly $6 million a year. We are approaching where we are providing 50 percent of the funds back out annually.

Mrs. MORELLA. But you haven't given any of the funds back yet?

Ms. WICKS. To the District?

Mrs. MORELLA. Why not?

Mr. WICKS. We have tried to give funds to the District. Mr. Ghandi has asked us to retain the funds until he has the ability to take them and use them.

Ms. NORTON. Madam Chair, apparently the bill is in second reading today. This has been one of the great tragedies. I go on the streets and victims of crime, to give examples, the District doesn't have enough beds for women who are victims of domestic violence and here we are sitting on this money.

Part of this is not the Court's fault. Part of this is the Court was giving out money to victims. The way this was set up, it was kind of on a retail basis. Do you need some money? Of course if somebody comes forward to say you need some money, you have to show a series of things in order to get money on a retail basis. That is not the way to give the money out if you are interested in dealing with victims of crime.

For example, somebody who is no longer in her house because of domestic violence may not have come before the court and may not yet have been adjudicated a victim of crime, but that person doesn't have any place for herself or her family to stay. We were so concerned about this money building up in a bank that we got the Appropriations Committee to give 50 percent of the money to the District Government so it could be used more broadly, in a broader definition of what a victim of crime is.

Some of this money is going to go for a Child Advocacy Center, something we desperately need, a one shop place where an abused child can come—many jurisdictions have these child advocacy centers but we haven't had the money to do it.

Mrs. MORELLA. But nothing has been done, right?

Ms. NORTON. Part of this has to do with the bill that is in the second reading. That is why I wanted to get that on the record. The bill is in the second reading. The bill is indicate where this money is going, it is going to be a revolving fund. Some of the money is going to be used not on a retail basis but on the basis in which victims come forward which is often the need for bed space for a mother and child who have no place to go, sometimes for victims advocates at the Metropolitan Police Department. You point out a very important issue.

This has been out there for years ever since 1997 when the fund was created because we thought it was a wonderful thing. It became available when the Federal Government took over the court costs. I think now that the bill it coming to second reading and going to existence any day now or any week now, we need to follow whether or not this is a better way to allocate the money.

I don't think anyone should have a proprietary sense of this money. The Court has wanted to hold onto this money, even given the fact the money wasn't being spent. It seems to me the best way to look at this money is who can spent this money and get it to victims of crime without some court driven, law driven definition of what a victim of a crime is.

We will be following this very closely because we are going on 5 years or so now where essentially we have allowed this money to buildup, knowing full well there are people who anybody in the general public would know has been a victim of crime but because of the way the fund is structured, we have not been able to get these resources to them.

Mrs. MORELLA. In Maryland, they have a Criminal Justice Compensation Committee and Fund also. It is a requirement to notify victims that this is available. I think as part of your outreach you should consider that in addition. Did you want to comment?

Ms. WICKS. I would love to comment on that. The Court has to follow Federal statute on eligibility for reimbursement to the crime victims. We do outreach. MPD carries cards that we provide to give out at all crime scenes to anyone, family members or direct victims, who may be eligible for compensation. We give out cards at the local hospitals; we are working with child abuse victims and domestic violence victims. People do not have to be court involved to apply for and receive funds from the program.

The Court has been very actively involved with the District to try to get the moneys over to the District. The District's plan, it is not constrained by these Federal requirements as to the way the court's program is structured. So they will be able to provide less direct individual victim services, but more services such as establishing child advocacy centers, which we all know benefit victims but not specific individual victims having to come forward.

The Court quite honestly rather than trying to retain these funds. We were required by the Appropriations Act to turn the $18 million in to the U.S. Treasury at the end of the last fiscal year, I believe, on October 30 which we did do according to law. Then we immediately worked in response to the city's request to get the Treasury Department to transfer the money back so we could keep it available to the District.

Ms. NORTON. The reason is if the money isn't spent, the U.S. Government claims the money. What we have to do is look at this 50 percent and see if it gets spent and review whether or not it works. I am not blaming the Court for this and you are absolutely right about the Federal guidelines but we can't allow that situation to go on much longer, given quite desperate needs in the District while we sit on this money and let it grow.

Ms. WICKS. We totally agree. I think the issue right now is the $18 million because that money expires; the Federal Government wants to take it. Annually, obviously there is not $18 million. If $6 million is going in to the fund and each year we are paying out more and more to victims, we are at $3.5 million, next year it will be $4.5 million, there is not going to be that balance available in the future. So it is very important that the District gets that balance now because it is a one-time opportunity for a large infusion of money to do some victim assistance.

Ms. NORTON. If I could put on the record, the bill sets up a revolving fund so that this money does not get reclaimed by the Treasury. It must be reclaimed by the Treasury as we think of how to retain the money. The bill that is its second reading will be a revolving fund so the Treasury won't come in an snatch the money out.

Ms. WICKS. Exactly.

Mrs. MORELLA. I want to thank the first panel for being with this for such a long period of time and appreciate what I call a work in progress. We look forward to having further updates. Thank you Ms. Ashby, thank you Judge Wagner, Judge King, Judge Satterfield and Ms. Wicks.

If the second panel that has been so patient would come forward: Steve Harlan, Dr. Olivia Golden and Arabella Teal.

We have the distinguished Stephen Harlan, Chairman of the Board, Council for Court Excellence; Dr. Olivia Golden, Director, District of Columbia Child and Family Services; and Ms. Arabella Teal, Principal Deputy Corporation Counsel, District of Columbia.

I am going to ask if I might swear you in. Please stand and raise your right hand.

[Witnesses sworn.]

Mrs. MORELLA. You have responded affirmatively. We will start with Mr. Harlan. It is good to see you. I notice there has been an addition fully cultivated and it looks very good. Thank you, sir.

STATEMENTS OF STEPHEN HARLAN, CHAIRMAN OF THE BOARD, COUNCIL FOR COURT EXCELLENCE; DR. OLIVIA GOLDEN, DIRECTOR, DISTRICT OF COLUMBIA CHILD AND FAMILY SERVICES; AND ARABELLA TEAL, PRINCIPAL DEPUTY CORPORATION COUNSEL, DISTRICT OF COLUMBIA

Mr. HARLAN. Thank you, Madam Chair.

We really appreciate being invited to be here today. As you pointed out, my name is Steve Harlan and I serve as Chair of the Council for Court Excellence and have been so since December 1998.

Having served on the D.C. Financial Control Board and focused my attention while on that board to oversight of public safety, i have a special interest in court operations and citizen participation and understanding of the courts.

Not at the table, but here with me today, I am joined by Sam Harihan, the outgoing Executive Director of the Council for Court Excellence. This is almost his last day which is tomorrow. Jeanne Bonds, our new Executive Director, is here today; as is Priscilla Skillman.

I am honored to present the views of the Council for Court Excellence to this committee. The Council is a non-partisan, non-profit civic organization that works to improve the administration of justice in the local and Federal courts and related agencies in Washington, DC. We have worked closely with the Senate and the House District of Columbia Subcommittees in the past on such issues.

We have submitted full written testimony and I will touch on the highlights this morning. I would like to point out that no judicial member of the Council for Court Excellence participated in or contributed to the formulation of our testimony here today.

Overall, we have found through our independent observations, analyses and studies that the D.C. Trial Court and Appellate Court possess and excellent bench. There are many examples where the D.C. Courts function well. For example, the D.C. Drug Court, the Domestic Violence Court and the Civil II courts each represent aspects of the Trial Courts which appear to functioning well and the D.C. Superior Court should be commended for the implementation of these courts.

However, there is room for some improvement, especially with respect to the openness of the courts and their ability to present timely data to the community that shows how well they are operating and progressing. We are encouraged by the fact that the D.C. Courts are now undertaking a strategic planning process to focus on long range planning and self assessment.

Using some of the nationally recognized performance standards and that the courts have invited a variety of groups and individuals, including us, to make comments and participate in discussions with the Court's Strategic Planning Council. I would like to take a few moments to focus on several recent reports and analyses of the D.C. Superior Court operations which the Council for Court Excellence has done.

A major court improvement area in which the Council has been engaged for the past 2 years is the facilitation of the joint work by the city's public officials to reform the child welfare system and specifically to meet the challenges of implementing the Federal Adoptions and Safe Family Act of 1997. We believe the D.C. Superior Court has done an excellent job preparing the Family Court's case management plan and we commend the Court both for the inclusive and collaborative process followed in developing the plan and for the quality of the resulting document. Once fully implemented, this plan should yield better, more consistent and more expeditious service to everyone who has business before the Family Court, especially the city's abused and neglected children.

We applaud the Court, especially Chief Judge Rufus King, Family Court Presiding Judge Lee Satterfield, and Family Court Deputy Presiding Judge Anita Josey-Herring, for their strong leadership and commitment to the success of this planning process.

There are three areas of particular interest to the Council. First is calendaring practices of the judicial officers; second is support

staffing and business processing reengineering; and third, training and cross-training programs. The D.C. child welfare system will not improve unless the plans and reform of the courts, the Child and Family Services Agency and the Office of Corporation Counsel are fully synchronized and unless the performance of all participants in the D.C. child welfare system improves.

The Court's calendaring process will determine how frequently Child and Family Services Agency social workers and the Office of Corporation Counsel attorneys will need to be in each of the 25 courtrooms handling child abuse and neglect cases. The way the courts organize for Family Court judicial hearings has a great impact on the resource needs and management practices of the Child and Family Services Agency and the Office of Corporation Counsel and how these agencies will work, how they will be managed and how successful they will be in the future. So it all is very interrelated and has to be well coordinated.

Our second area of concern is the Family Court supporting staffing and business processing reengineering. The Court's transition plan emphasizes the organization and assignment of the caseload among judicial officers with little description of the Family Court support staffing infrastructure and case management processes. Lawyers, other court users, and concerned civil groups, like the Council, have strong interest in the staffing and processing topics.

Our third topic of concern is training and cross training. The courts planned quarterly in-house and cross-training will be planned and presented for the Court and stakeholder personnel. The Council has offered to provide any appropriate help to the Court and other child welfare leadership team stakeholders to plan these training initiatives.

The second area in which the Council has engaged was police overtime for prosecutions and court hearings. We commend the Congress for two things you have done. First, you have given the D.C. Criminal Justice Coordinating Council demonstration funding of $1 million a year for the past 2 years to enable experimentation and testing of new approaches. Innovative programs like the D.C. Community Court are the direct result of Congress providing modest risk capital to the D.C. Superior Court and other criminal justice agencies.

The second critically important thing that Congress has done is to hold the courts, the police and other D.C. criminal justice agencies accountable to deliver a more efficient and effective criminal justice system to the D.C. residents. Just as in the case of the D.C. child welfare system, the management of police officers over time can only be addressed by assessing the entire system and the performance of all participants.

The Council is concerned with several major areas: monitoring the various agencies to assure the reduction in police overtime; the reliability of case scheduling and the manner in which officers are summoned and the continued funding of the Criminal Justice Coordinating Council.

Time permitting, I would like to briefly mention several other topics in our findings. The Council has undertaken two separate court observation programs using trained volunteers to observe court sessions and provide comments on the court's operations.

This project provides members of the community a direct voice in how their courts are run and a means to provide the court with fresh, common sense feedback and perspectives of persons who do not frequent the courts regularly.

Our studies focused on the Civil Division and the Criminal Division of the D.C. Superior Court. We have had literally hundreds of observations. There were three major findings from these two observation projects. First, citizens experienced confusion and difficulty finding where to go in the D.C. Courthouse. Second, citizen observers were very impressed with our judges. Finally, our court observers were fully gratified and impressed to observe firsthand the proceedings in the D.C. Drug Court.

Last July, the Council concluded an examination of the grand jury system. Our report contained many important recommendations. On a practical level, we urged the D.C. Superior Court to take steps to reduce the size of the grand jury; to further reduce the amount of time citizens spend on grand juries; and to relocate the Superior Court grand juries from the present, inappropriate home within the U.S. Attorneys Office to an appropriate court building. We think that should be a part of this whole facilities planning operation.

In 1989 we undertook our first study of the civil trial case processing along with recommendations for improvement. The D.C. Superior Court responded with a comprehensive civil case delay reduction plan. In our 2002 report, which will be off the presses tomorrow, we looked back and assessed the past 10 years and found the reforms implemented by the D.C. Superior Court in 1991 significantly reduced the time for civil case filings and disposition. Our recent report documents that as of 1999, the D.C. Superior Court's Civil Division disposed of 81 percent of its cases within 12 months; 86 percent within 18 months; and 99 percent within 24 months. That is a very good record.

In conclusion, we would like to highlight several other areas. First, as I said the willingness of the D.C. courts to demonstrate their improvement and performance in the community through regularly, publicly released and timely statistics will encourage public understanding. Specific statistics will highlight trends and enable courts to objectively assess whether they are or are not operating plans and that they might need adjustments. The successful design and implementation of the court's planned Integrated Justice Information System is a critical element in this commitment to transparency.

Second, public distribution of court budget priorities will enable the community to provide input as to whether or not those priorities match the trends and focus of the issues of importance to the citizens the courts serve. We encourage the D.C. courts to consider analyzing all their operational data against American Bar Association standards as a number of other States already do, and publicly show the community their progress.

Third, now and in the coming years, as the number of pro se litigants continues to increase generally and in specific areas, our courts will need to address self service opportunities at the courthouse and electronically to handle the public's interaction with the courts. Careful planning, innovation and coordination of the profes-

sional staff for efficient processing in these areas needs to begin now.

The majority of our testimony today has been addressed to the trial court issues. It is important that the needs of the D.C. Court of Appeals be understood and addressed as well. We have long been troubled by the delay in the appellate court. It was a concern 10 years ago and it is a concern today.

We thank the subcommittee for your policy and fiscal leadership in overseeing the D.C. trial and appellate courts and we thank the D.C. courts for the plans it has laid out for itself and the manner in which it has received our various recommendations. We look forward to working with the D.C. courts and with Congress as you continue to bring planned reforms to fruition.

I am happy to answer your questions.

[The prepared statement of Mr. Harlan follows:]

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Statement of the

Council for Court Excellence

to the

United States House of Representatives

Government Reform

Subcommittee on District of Columbia

Regarding the

Performance of the District of Columbia Courts

June 5, 2002



COUNCIL FOR COURT EXCELLENCE

Introduction

Good Morning, Madame Chair Morella and other members of the US House of Representatives Government Reform Subcommittee on the District of Columbia. Thank you for inviting the Council for Court Excellence to provide testimony at today's hearing on the subject of the review of the performance of the DC Courts. My name is Steve Harlan, and I have served as the Chair of the Council for Court Excellence since December 1998. Having served on the DC Financial Control Board and focused my oversight work there on public safety, I have a special interest in court operations and citizen participation and understanding of the Courts.

I am honored to present the views of the Council for Court Excellence to this Committee. For the record, let me summarize the mission of the Council for Court Excellence. The Council for Court Excellence is a District of Columbia-based non-partisan, non-profit civic organization that works to improve the administration of justice in the local and federal courts and related agencies in the Washington, DC area. Since 1982, the Council for Court Excellence has been a unique resource for our community, bringing together members of the civic, legal, business, and judicial communities to work jointly to improve the administration of justice. We have worked closely with Senate and House DC Subcommittees in the past on such issues as the DC Jury System Act of 1986 (setting the One Day/One Trial term of jury service), the DC Criminal Justice Coordinating Council and, throughout the past year, the development of the DC Family Court Act of 2001.

No judicial member of the Council for Court Excellence participated in or contributed to the formulation of our testimony here today.

Overview

Overall, we have found through our independent observation and analysis that the DC trial and appellate Courts possess an excellent bench. Their overall capacity has the potential and often the reality to provide this community with a high quality administration of justice.

Before addressing some of the areas where we believe the DC Courts could and should improve, it is important for the record to state that there are many examples where the DC Courts function well. For example, in the past this Committee has expressed concern about the Court's management of the Criminal Justice Act system. The Court addressed the concerns and we understand that indigent defense attorneys are paid much more promptly today than previously. The DC Drug Court, Domestic Violence Court, and Civil II Court each represent aspects of the trial court which appear to be functioning well and the DC Superior Court should be commended for the implementation of these courts.



There is room for some operational improvement, especially with respect to the openness of the Courts, and their ability to present timely data to the community that shows how they are operating and progressing. Community understanding and knowledge of court operations is not as easy to quantify as other operational areas but it represents the one true test of Court performance. If the public is not provided with the information necessary to make an informed decision as to how their Courts are operating, the potential exists for miscommunication and misunderstanding. We are encouraged by the fact that the DC Courts are now undertaking a strategic planning process to focus on long-range planning and self-assessment using some of the nationally recognized performance standards. We are equally encouraged that the DC Courts have invited a variety of groups and individuals to make written comments and participate in discussions with the Court's strategic planning council.

Madame Chair, I would like to now focus our testimony and draw upon several recent reports and analyses of DC Superior Court operations which the Council for Court Excellence has done. These reports include: Court Observation, Grand Jury Reform, Criminal Case Processing and Police Overtime, Civil Case Processing, and Family Court Implementation.

Recent Reports and Analyses

1. Court Observation Projects

Beginning 16 months ago, in February 2001, we have undertaken two separate Court Observation programs whereby trained civic volunteers observe court sessions and provide comments on the Court's operations. The rationale underlying this project has been to provide members of the community a direct voice on how their courts are run and to provide the court with the fresh, common sense feedback and perspective of persons who do not frequent the court regularly. Our first study focused on the Civil Division of the DC Superior Court and involved 70 volunteers making 250 separate in-court observations. We are now concluding our second program, an observation of the Criminal Division of the DC Superior Court. This second report will be the result of intensive three-month in-court observations by 90 persons from all walks of life. From February through April, these individuals made just under 300 separate in-court observations, comprising 750 hours of observation time.

There were three major findings from these two DC Superior Court Observation projects. First, citizens experience confusion and difficulty finding where to go in the DC Courthouse. There is no general directory for the building and very limited general signage, and Spanish language signage. In July 2001, the Council for Court Excellence presented this concern to the Court and we are disappointed to find that the very same concern has been expressed nine months later in the second court observation project. The DC Courts should put greater near-term priority on this matter of public access. While it is clear that the Courts operate in an over-taxed building that was built to accommodate less activity, and fewer judges and staff, sufficient signage for citizens is needed.



Second, citizen observers are very impressed with our judges. The overwhelming majority of the 160 community volunteers who spent time observing DC Superior Court trials and hearings rated the proceedings they observed as being conducted courteously, with appropriate sensitivity to all concerned, and with clear explanations of what was taking place.

Finally, our court observers were very gratified and impressed to observe first hand the proceedings in the DC Drug Court. The community observers feel that this innovative court program needs to be better known in the general community.

2. Criminal Division

A. Grand Jury Reform

The Council for Court Excellence completed a major policy report last July examining the grand jury system. As you know, the grand jury operates under the authority of the DC Superior Court but with a great deal of day-to-day involvement by the prosecutor, who in the District of Columbia is the United States Attorney. Madame Chair, our July 2001 report contained many important recommendations. On a practical level, we urge the DC Superior Court to take steps now to reduce the size of the grand jury, and to further reduce the amount of time citizens spend on grand juries. And, to relocate the Superior Court grand juries from the present inappropriate home in within the U.S. Attorney's office to the appropriate Court building.

B. Criminal Case Processing and Police Overtime

Regarding the Council for Court Excellence March 2001 report on our year-long study of police overtime for prosecutorial and court hearings, we commend the Congress for two things you have done. First, you gave the DC Criminal Justice Coordinating Council demonstration funding of $1 million a year for the last two years to enable experimentation and testing of new approaches.

Innovative programs like the DC Community Court are the direct result of Congress providing modest risk capital to the DC Superior Court and other criminal justice agencies. We urge Congress to continue this useful support next fiscal year.

The second critically important thing Congress has done is to hold the Courts, the Police, and other DC criminal justice agencies accountable to deliver a more efficient criminal justice system to DC residents. Periodic oversight hearings by the Congress are essential and we believe they should continue annually at least.

3. Civil Case Processing

Another subject in which the Council for Court Excellence has examined court operations is civil case processing. The efficiency and quality with which the DC Superior Court and the DC Court of Appeals resolve civil cases has a tremendous impact on the community. Recently, we concluded a year-long study that found that civil case processing in the DC Superior Court remains efficient and makes good use of court resources and time. In 1989, we undertook our first study of civil trial case processing, along with recommendations for improvement. The DC



Superior Court responded with a comprehensive civil case delay reduction plan. In our 2002 report we looked back and assessed the past ten years. We found that the reforms implemented by the DC Superior Court in 1991 significantly reduced the time from civil case filing to disposition. We were gratified to document ten years later that the DC Superior Court continues to manage most types of civil cases, using the single case assignment system, promptly and efficiently. Importantly, there is much greater case scheduling certainty than before the Court implemented their reforms. Trials and other civil court proceedings are held on the date set, and when held over, are heard by the Court within a day or so of when initially calendared.

Our recent report documents that, as of 1999, the DC Superior Court Civil Division disposes of 81% of its cases within 12 months, 86% within 18 months, and 99% within 24 months, a very good record.

4. Family Court Implementation

The final major court improvement area in which the Council for Court Excellence has been engaged over the past 2 years is the facilitation of the joint work by the City's public officials to reform the child welfare system, and specifically to meet the challenge of implementing the federal Adoption and Safe Families Act of 1997. We believe that the DC Superior Court has done an excellent job preparing the Family Court case management plan, and that the plan provides a clear initial blueprint for implementation of the new Family Court. We commend the Court both for the inclusive, collaborative process they followed in developing the plan and for the quality of the resulting document. The case management plan submitted to the Congress, in our opinion, fully embraces both the letter and the spirit of the Family Court Act of 2001. Once fully implemented, this plan should yield better, more consistent, and more expeditious service to everyone who has business before the Family Court, especially the City's abused and neglected children.

In our opinion, both the Superior Court's actions to date in assigning judges and selecting magistrate judges for the Family Court, and the Court's case management and training plans laid out in the document match the act's policy requirements. Furthermore, the Court proposes to complete the phase-in of all case management changes several months before the October 2003 18-month implementation deadline. For all of this, we applaud the Court, and especially Chief Judge Rufus King, Family Court Presiding Judge Lee Satterfield, and Family Court Deputy Presiding Judge Anita Josey-Herring, for their strong leadership and commitment to the success of this planning process.

The Court has made an excellent start and is building momentum, but there are many details that remain to be worked out and there is a long way to go to capitalize on the promise of the changes already specified. Three areas are of particular interest to the Council for Court Excellence, based on our work over the past 2 years. First, calendaring practices of the judicial officers. Second, support staffing and business process re-engineering. Third, training and cross-training programs.



Specifically, we and others want to know more detail about how the Family Court plans to manage the judicial officers' mixed-caseload calendars. While Congress is primarily interested in child abuse and neglect cases, those cases represent only 22% of the Family Court caseload, according to the Court's transition plan, and thus many court users are focused on other portions of the Family Court's overall caseload. The detail of the Family Courts calendaring, or case scheduling, practices will determine whether service improves or declines for the 78% of the Family Court caseload which is not child abuse and neglect.

As to the child abuse and neglect system, the Court's calendaring practices will also determine how frequently Child and Family Services Agency (CFSA) social workers and Office of Corporation Counsel (OCC) attorneys will need to be in each of the 25 courtrooms (15 judges and 10 magistrate judges) handling child abuse and neglect cases. The way the Court organizes for Family Court judicial hearings has a great impact on the resource needs and management practices of CFSA and OCC, and on how much time CFSA social workers will have available for their primary responsibility -- to provide direct services to our City's children and families.

The DC child welfare system will not improve unless the plans and reforms of the Court, CFSA, and OCC are fully synchronized, and unless the performance of all participants in the DC child welfare system improves. Over the past year, we at the Council for Court Excellence have been eyewitnesses to a new positive spirit of genuinely shared responsibility among the leaders of the Family Court and DC executive branch agencies. This makes us quite hopeful that, over the next 14 months, the remaining important details of calendaring DC Family Courtrooms, reducing the number of courtrooms hearing abuse and neglect cases from 60 to less than 25, and matching judicial teams with social worker and attorney teams will be worked out in a manner and on a timetable which meets each Agency's needs and results in improved productivity and service to city residents. We urge the Congress and this Committee to review progress on this matter periodically over the next 18 months of implementation, and we pledge that, to the best of our ability, the Council for Court Excellence will do likewise.

Our second area of remaining concern is Family Court support staffing and business process re-engineering. The Court's transition plan emphasizes the organization and assignment of the caseload among the judicial officers, with little description of the Family Court support staffing infrastructure and case management processes. This initial focus is understandable, given both the 90-day deadline and the plan topics mandated in the statute. Yet lawyers, other court users, and concerned civic groups like the Council for Court Excellence have a strong interest in the staffing and processing topics, and we read the plan to understand how it will work on the ground on a daily basis.

The quality of life for DC Family Court users (and presumably for judicial officers as well) is affected as much by what happens outside the courtroom as by what happens within it. The plan simply lists the various job titles within the Family Court, with brief descriptions of general functions, and notes: The Court is preparing an estimate of the number of different types of personnel, pending the completion of a staffing study now in progress. We are unaware if that

staffing study includes a full examination of the business processes followed within the Family Court. If it does not, we urge the Court and Congress to seek such an examination to determine if re-engineering those back-office Family Court Clerk's Office processes could yield efficiencies, economies of scale, improved morale and job satisfaction, and better service to the public and court users alike. We offer any appropriate assistance from the Council for Court Excellence to ensure that such a management study can take place promptly. And we urge that the Court offer a timetable for completing the back-office planning process.

Our third and final topic of concern is training and cross-training. We commend the Court for laying out in its transition plan an ambitious agenda of training topics and training initiatives. The Court plans quarterly in-house training for Family Court judicial officers and staff. Court-appointed attorneys who practice in the Family Court will also be required to participate in periodic training. In addition, cross-training will be planned and presented for Court and stakeholder personnel. Many details and logistics must be worked out to maximize the efficiency and the effectiveness of all of this training, including how it will all be jointly scheduled well in advance to accommodate all participants planning. We suggest this as a further topic for Congress and this Committee to review periodically over the next 18 months of implementation. The Council for Court Excellence has already offered to provide any appropriate help to the Court and other Child Welfare Leadership Team stakeholders to plan these training initiatives and to carry out the plans.

Conclusion

As for other areas in need of improved operational performance, we would like to highlight several. First, as I said at the onset, the willingness of the DC Courts to demonstrate their improvements and performance to the community through regular, publicly released, and timely statistics will encourage public understanding. Statistics -- by case type, time data, ADR case types with settlement rates and amounts, jury data, data on probate -- will highlight trends and enable the Courts to objectively assess whether or not their operational plans need adjustments. Successful design and implementation of the Court's planned Integrated Justice Information System is a critical element to this commitment to transparency of statistics.

Second, public distribution of Court budget priorities will enable the community to make input as to whether or not those priorities match the trends and focus on the issues of importance to the citizens the Courts serve. We encourage the DC Courts to consider analyzing all of their operational data against the American Bar Association standards, as a number of other States do, and publicly show the community their progress.

Third, now and in the coming years, as the number of *pro se* litigants continues to increase generally, and in specific areas, our Courts will need to address self-service opportunities at the Courthouse and electronically to handle the public's interaction with the Courts. Careful planning, innovation and coordination with the professional staff for efficient processing are areas the Court could begin to focus.

Fourth, Madame Chair, the majority of our testimony today has addressed trial court issues. It is important that the needs of the DC Court of Appeals be understood and addressed as well. We have long been troubled by delay in the appellate court. It was a concern ten years ago and remains so today.

We thank this Subcommittee for your policy and fiscal leadership in overseeing the DC trial and appellate Courts in the District of Columbia. We thank the DC Courts for the plans it has laid out for itself and the manner in which it has received our various recommendations. We look forward to working with the DC Courts and with the Congress as you continue to bring planned reforms to fruition. I am happy to answer your questions at this time.

Mrs. MORELLA. Thank you for your service on the Council for Court Excellence as well as your work earlier on the Control Board.

I also want to acknowledge, as you did, Sam Harihan who has helped to guide the Council for Excellence for I think 20 years, a long time. You have been an unyielding advocate for court reform and we appreciate you being here.

Dr. Golden, I am delighted to recognize you. Thank you for being here.

Dr. GOLDEN. I am Olivia Golden, Director of the District's Child and Family Services Agency. You have my written testimony, so I will briefly summarize.

I appreciate the opportunity to testify today on behalf of Mayor Williams and Deputy Mayor Graham regarding the implementation of the Family Court. I would like to express my gratitude for your leadership in the passage of the Family Court Act and for the leadership of Chief Judge King and Presiding Judge Satterfield in the implementation of the act. I believe we have entered a new era of collaboration with the Court.

I would like to express appreciation for several broad themes included in the Court's transition plan for implementing the act, the clear focus of the plan on children's safety and prompt movement toward permanence; the commitment to move immediately to a one judge/one family approach for all new abuse and neglect cases; the commitment to joint decisionmaking with stakeholders; and the commitment to team work among all those who work with children.

Within the District, we have laid the groundwork for implementation of the act over the past year by dramatically expanding and restructuring legal support for CFSA. In the past, in an agency with as many as 1,500 court hearings a month regarding abused and neglected children, the work of social workers used to be supported by only 16 abuse and neglect attorneys, meaning social workers were generally not represented in court and there was rarely time for attorneys and social workers to prepare together and provide the court with high quality information.

We now have 39 attorneys on board and are covering approximately 85 percent of all court hearings. We have also reformed the structure of legal services to create an attorney/client relationship with agency social workers and we have completed the co-location of attorneys and social workers to facilitate communication. We are currently awaiting the completion of a staffing study commissioned from the American Bar Association which we expect to recommend that we convert to vertical prosecution meaning a single attorney will keep the case from just after the initial hearing through the permanency decision consistent with the Court's one judge/one family structure.

My written testimony includes many examples of collaborative planning and early victories in implementing the Family Court legislation of which I will mention two here.

CFSA, the Court and other stakeholders worked together to identify those cases that are best suited for an immediate transfer into the Family Court. We chose cases where the transfer could make an immediate difference to the child's chance of growing up in a permanent family. For example, we chose cases where a child has been living for a long time in a kin setting that is well suited to

adoption or guardianship and as a result of the close relationship with the Court that we have developed through the Family Court process, we are now likely to achieve our goal of 328 finalized adoptions in the 12 months ending May 31, 2002. This goal set for us by the Federal Court Monitor represents a substantial increase over the previous 12 months and it is only within reach because our collaboration with the Court has streamlined the process.

As a key next step in Family Court implementation, we look forward to continuing our work with the Court, highlighted also by Judge Satterfield, to reduce the number of judges hearing abuse and neglect cases. This is of vital importance because reducing the number of courtrooms makes possible the support and training for a core group of judicial officers envisioned in the act, reduces scheduling conflicts for attorneys and social workers, increases the amount of time social workers are able to spend in the field, and therefore allows higher quality case management on behalf of children.

My written testimony goes on to provide additional information on the status of child welfare reform in the District. Ten days from today marks the 1-year anniversary of the termination of the Federal Court receivership on June 15, 2001. Since that time, the pace of reform in the District's child welfare system has been extraordinary. I know this committee has been a part of it all the way.

Coupled with the work of the Court, the reforms initiated by the District have created a unique window of opportunity to enhance the well-being of children in the District. As I say, the details or in my written testimony. I would be happy to answer questions.

I would like to conclude by highlighting two next steps for the attention of the Congress over the coming months. First, I would like to express my appreciate to the Congress for focusing in the Family Court Act on the need to develop border agreements among Maryland, Virginia and the District in order to ensure prompt movement toward permanence for the District's children.

We are currently working closely with Maryland to secure an agreement. In fact, I am delighted to report a very successful meeting in Baltimore yesterday with Maryland Secretary, Imelda Johnson. We look forward to continuing to update the Congress on progress and next steps in the agreements with both Maryland and Virginia.

Second, I am extremely appreciative of the support of this committee for the District's proposal that Congress increase the Federal reimbursement rate for foster care and adoption in the District to 70 percent, the same reimbursement rate as Medicaid, as in all other jurisdictions. I appreciate your support and ask for your continued assistance to ensure congressional enactment.

Thank you for your consistent support of the vulnerable children of the District of Columbia and I look forward to answering any questions.

[The prepared statement of Dr. Golden follows:]

STATEMENT OF OLIVIA GOLDEN, DIRECTOR
CHILD AND FAMILY SERVICES AGENCY
TO THE U.S. HOUSE SUBCOMMITTEE ON THE DISTRICT OF COLUMBIA, COMMITTEE ON GOVERNMENT REFORM
"OVERSIGHT HEARING ON THE PERFORMANCE OF THE COURT OF APPEALS AND THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA"

Wednesday, June 5, 2002

Good morning Chairwoman Morella, Ranking Member Norton, and Members of the Subcommittee on the District of Columbia. I am Olivia Golden, the Director of the Child and Family Services Agency (CFSA) for the District of Columbia.

I appreciate the opportunity to testify here today on behalf of Mayor Anthony A. Williams and the Deputy Mayor for Children, Youth, Families and Elders Carolyn Graham regarding the performance of the courts that serve the District of Columbia. I am going to focus my testimony on the implementation of the Family Court – and more specifically, on the coordination of that implementation with the Deputy Mayor and the District's Child and Family Services Agency. I would like to express my gratitude for your leadership, along with that of Representatives Delay and Norton, and Senators Landrieu and DeWine, in the passage of the Family Court Act, and for the leadership of Chief Judge King and Presiding Judge Satterfield in the implementation of the Act.

The Family Court Act represents a critical reform which complements the equally broad and ambitious reforms of the child welfare system undertaken by Mayor Williams and the District of Columbia Council. Together, these reforms are designed to protect children's safety, ensure that children grow up in permanent families, and promote the well-being of the District's most vulnerable children. Consistent with the goals of Mayor Williams' Safety Net, "Strengthening Children, Youth and Families Initiative," the coordinated reform effort underway is dismantling the last of the institutional and legal barriers that once stood in the way of providing effective and efficient services to the District's abused and neglected children.

I believe that we have entered a new era of collaboration with the Court. Since the District of Columbia Family Court Act of 2001 was signed into law by President Bush on January 8, 2002, CFSA has been working closely on implementation with the Deputy Mayor for Children, Youth, Families and Elders, the Superior Court, and other key stakeholders. The Court's openness and willingness to receive input and undertake dialogue with the key stakeholders are a testament to its efforts to create the best possible environment for children in the District. For example, I was privileged to be a part of a retreat co-sponsored by the Superior Court and the Anne E. Casey Foundation several months ago. At the retreat, which included representatives of all stakeholders – including judges, social workers, guardian ad litems, Assistant Corporation Counsels (ACCs), community providers and foster parents - we met with representatives from other jurisdictions which are currently operating successful family courts. The Court's plan for Family Court implementation includes lessons learned from the retreat, such as the importance of a continuing mechanism for all key stakeholders to be involved in decision-making.

As you know, the Court submitted the mandated Transition Plan to Congress on April 5th of this year. I would like to express appreciation for several broad themes of the Court's Plan which provide a solid foundation for child welfare in the District:

- The clear focus of the plan on children's safety and prompt movement towards permanence, consistent with the Federal and District Adoption and Safe Families Acts;
- The commitment to move immediately to a One Judge/One Family approach for all new abuse and neglect cases by bringing together all aspects of the abuse/neglect proceeding from just after the initial hearing through the final steps to permanence;
- The commitment to an ongoing and regular framework for consultation and joint decision-making with stakeholders, which reflects the principle that we must move forward together on reform of the whole system;

- The commitment of promoting improved outcomes for children through teamwork among the judicial team, the attorneys, and social workers who work with children, as well as through family engagement; and
- The understanding that achieving teamwork and better outcomes requires improved scheduling and a sharp reduction in the number of judges that attorneys and social workers must appear before, as well as training (including cross-training), clarification of roles, and the development of mutual respect and trust across all members of the team.

I would like to focus my testimony today on three areas:

- First, a status report on the implementation of the Family Court Act from CFSA's perspective, with a focus on those steps which are particularly important in improving results for the District's abused and neglected children;
- Second, a brief summary of the key accomplishments of the District's child welfare reform efforts over the last year, to illustrate the ways in which the whole range of systemic reforms are critical to improving results for children; and
- Third, next steps including those which require Congressional support.

IMPLEMENTATION OF THE FAMILY COURT ACT

Ensuring the safety of the District's children and creating a speedier path for abused and neglected children to grow up in a permanent family are critical goals that cannot be accomplished by CFSA alone, nor by the Court alone. Both the Court and the Agency, along with key partner agencies within District government as well as non-governmental community partners, must work together to accomplish those critical outcomes. I am very pleased to report to you that the implementation of the Family Court legislation has engaged a wide array of partners in reforming old practices for the benefit of children. From CFSA's perspective, we have reformed our internal legal

structure, in partnership with the District's Office of Corporation Counsel (OCC); we have engaged with the Court in early collaborative planning and implementation, yielding early victories for children; and we have identified a number of crucial next steps on which we are working together.

Restructuring of Legal Services within CFSA – OCC. Over the past year, the District has dramatically expanded and restructured the entire structure for legal support for CFSA, consistent with the framework in the consent order that enabled CFSA to return from Federal Court Receivership. In the past, in an agency with as many as 1,500 court hearings a month regarding abused and neglected children, the work of social workers was supported by only 16 abuse and neglect attorneys, meaning that social workers were generally not represented in court and, when they were, there was rarely time for attorneys and social workers to prepare together and provide the court with high quality information. As part of the Consent Agreement, the District committed to more than doubling the number of attorneys and reforming the structure of our legal services to improve communication and problem solving between social workers and attorneys and therefore higher quality information for the court and better results for children.

We have accomplished dramatic reform. We now have 39 attorneys on board, with three more coming on board by July, and are covering approximately 85% of all court hearings. Our goal is 100%, which we expect to accomplish later this summer, once scheduling conflicts are reduced with the Court's planned reduction in the number of judges assigned to abuse and neglect cases. At the same time, the District has also reformed the structure of legal services to create an attorney-client relationship with agency social workers, consistent with the Federal consent decree, and to promote close communication and coordination between attorneys and social workers. Along with increasing the number of ACCs on staff, we have also just this spring completed the co-location of the ACCs with CFSA social workers, thus facilitating communication between the social workers and the attorneys.

We anticipate that the next steps in our reform will enable us to link even more closely with the new mission and structure of the Family Court. To give us the benefit of national best practices in designing our new legal services structure, CFSA and OCC

commissioned a study of legal staffing needs through the American Bar Association (ABA), and we are expecting the results of that study shortly. Our initial conversations with the ABA indicate that they are likely to recommend the (OCC) convert to vertical prosecution, meaning that a single ACC will keep the case from just after the initial hearing through the permanency decision – consistent with the court's one judge/one family structure where one judge hears a case from discovery through permanency. This is a departure from the previous practice where different teams of attorneys handle different phases of the case. This practice would allow the attorney to have a much greater knowledge of the case, build stronger relationships with the judicial team and social worker, and most importantly, enhance the safety and permanency of the children.

The legal unit is already taking steps to implement the vertical structure in a phased-in approach. Furthermore, the supervisory structure of the ACCs is being reworked to create a more seamless relationship, ACCs with smaller caseloads are holding on to their cases, rather than transferring them to other attorneys. We will be conducting trainings for ACCs so they are versed in all aspects of the court process.

COLLABORATIVE PLANNING AND EARLY ACCOMPLISHMENTS

Under the leadership of Deputy Mayor Carolyn Graham, CFSA, along with other District Agencies such as the Department of Mental Health and the Department of Human Services, is also working to coordinate programmatically with the court. Key accomplishments over the last six have included the following:

- CFSA, the Court and other stakeholders worked together to identify categories of cases that we believe are the best suited for an immediate transfer into the Family Court, consistent with the statutory mandate. Together, we looked for cases where the transfer to the Family Court could make an immediate difference to the child's chance of growing up in a permanent family: for example cases where a child has been living for a long time in a kin setting that appears to be well-suited to adoption or guardianship. We also looked for cases where older children appeared to be remaining in care primarily for service needs, such as mental heath or retardation

services, rather than for ongoing issues with abuse or neglect. In those cases, we believe that the appropriate agencies working together and linking with the court may be able to arrange the right services for the child and lead to closure of court and CFSA involvement in the abuse/neglect matter.

- CFSA, our attorneys from OCC, and the Court are now beginning to pilot immediately some of the key features of the Family Court. Specifically, we have identified specific units of social workers whose cases are more likely to be assigned to one of the new Magistrate Judges, in an effort to learn about the benefits to case practice -- and therefore to children -- of teamwork among judicial officers, attorneys, and social workers. Our hope is that we will be able to promote prompter movement to permanency – particularly, for the children in these units, to adoption and subsidized guardianship with kin families – through the shared work on these cases.
- Through collaboration between CFSA, OCC, and the Court, we have developed new formats for Court Reports, which are now being programmed into our database system. At the same time, the court is working with information from our lawyers to provide uniformity in Court orders. These efforts not only provide compelling evidence of our new relationship with the Court, but also address issues identified as weaknesses in the system and offer benefits to children through higher quality information and streamlined processes.
- A key area for our work with the Court, consistent with the clear focus of the Family Court Act, has been cross-training to ensure better outcomes for children. Beginning with the planning retreat that I have already described, we have now established an expectation of cross-training and information-sharing. Judge Satterfield has briefed CFSA staff on the Family Court at an "All Staff" meeting as well as participated in a smaller conversation with our attorneys; CFSA staff, both attorneys and social workers, provided a full afternoon of training for the new Magistrate Judges and other judges from the Family Court; and we are in the early stages of discussion with the Court and a wide range of other partners regarding more extensive training plans during the coming months. Based on what we have learned from national experience, nothing is more important to the successful establishment of a Family Court.

- Finally, I am delighted to report on an early accomplishment that has already resulted in measurable improvement for children. As a result of the close relationship with the Court that we have developed through the Family Court process, we met with the court to discuss a specific goal for increasing finalized adoptions for children that has been set for us as part of the Federal Court's assessment of the agency's first year out of Receivership. This goal, of 328 finalized adoptions in the twelve months ending May 31, 2002, represents a substantial increase over the previous twelve months, and at first we thought it might be out of reach. But with close collaboration with the court intended to streamline all the processes and eliminate any delays due to paperwork or tracking, we now believe – although we are still completing our count – that we have at least come extremely, extremely close to accomplishing this result for children.

REMAINING STEPS IN IMPLEMENTATION

- As a key part of the one judge/one family design, the Family Court Act calls for a limited number of highly trained, well-supported judges and magistrates to serve in the Court. I appreciate the Court's commitment to this goal in the Plan and look forward to continuing work to reduce the number of judges hearing the abuse and neglect cases, enabling social workers and attorneys to work as teams with a limited number of family court judges. This is of vital importance, because reducing the number of courtrooms will have a two-fold benefit. First, it makes possible the support and training for a core group of judicial officers that is envisioned in the Act. Second, it reduces scheduling conflicts for attorneys and social workers, increases the amount of time social workers are able to spend in the field visiting children and families, and therefore allows a higher quality case management on behalf of children. Today, approximately 55 judges hear abuse and neglect cases. This means that CFSA social workers and attorneys at OCC who represent us must cover all 55 courtrooms, creating a schedule of constant court appearances that makes it extremely difficult to schedule social workers' family visits. We are working with the Court to ensure, that as rapidly as possible, the number of judges hearing abuse and neglect

cases will be reduced as older cases move into the Family Court. Like the other points in the Implementation Plan I mentioned, the reduction in courtrooms before which social workers and attorneys appear is expected to have a direct and positive impact on the safety and permanence of our children.

- As you know, the Family Court Act has two technology components. The Mayor is on target to submit a plan to the President and Congress on July 8, 2002 concerning the integration of the new Family Court's information system with a District-wide children's information system under development. The Chief Technology Officer for the District is coordinating this effort with Deputy Mayor Graham. At the same time, our social workers and attorneys have shared input with the Court in expressing our needs in the mandated Integrated Computerized Case Tracking and Management System. The implementation of both systems will improve access to records, communication and service delivery.
- The Family Court Act also requires the Mayor to implement an on-site service liaison function at the Family Court. This work is ongoing under the leadership of Deputy Mayor Graham. The cross-cutting nature of the early implementation efforts described above, under Deputy Mayor Graham's lead and with the involvement of partner agencies such as the Department of Mental Health, provide a basis for designing the next steps.

We look forward to working closely with the Court on the development of outcome measures for children. Judge Satterfield and I have already discussed the joint work that we would like to do around measurements of children's safety, permanence, and wellbeing. As illustrated above by our work together to accomplish an outcome measure in regard to adoptions, there is no better way to create change for children across service systems than to focus together on a critical, measurable result that will make a difference for children. During this first year at CFSA, we have worked intensively to improve our measurement capacity and to focus our work on key results, including results identified by the Federal Court and by HHS, and we are committed to ongoing coordination of our work with the Court's work. In addition, this is an area in which I have a great personal interest, through my work at the Federal level in designing the

outcome-focused Child and Family Services Reviews that assess state child welfare performance.

CHILD WELFARE REFORM IN THE DISTRICT

Paralleling the work in Congress as well as the work of the Court, the District has taken swift and dramatic steps to address the safety of children and their need to grow up in permanent families. Ten days from now will mark the one-year anniversary of the termination of the Federal Court Receivership on June 15, 2001. Since that time the pace of reform in the District's child welfare system has been extraordinary. Coupled with the work of the court, the reforms initiated by the District have transformed the child welfare system and created a unique window of opportunity to enhance the well-being of children in the District. I would like to highlight just several of the measures we have taken in the last year:

- **Unification under CFSA of the responsibility for abuse and neglect investigation and services, thus ending the fragmentation that had placed responsibility for investigation of alleged abused children in the District with two separate agencies (the Metropolitan Police Department (MPD) and Court Social Services) and responsibility for neglected children with CFSA.** Today, children who are victims of either abuse or neglect are protected by a unified set of services and dedicated professionals. To bring this new structure into being, CFSA has increased staffing for investigations, trained every intake staff member through a curriculum jointly developed with MPD, created new specialized units to investigate sexual abuse and serious physical abuse as well as abuse in out-of-home settings, and sought out experts from across the country to ensure that we take full advantage of already established and tested best practices.
- **Reform of the legal support provided to CFSA social workers, including more than doubling the number of attorneys so social workers can always be represented in court and restructuring legal services to enable much closer coordination between attorneys and social workers. Major emphasis on the**

recruitment, retention, and training of social workers to reduce caseloads so that workers can serve children more effectively and ensure that new workers gain the skills they need. Our goal is to have 300 case carrying social workers on board by the end of September 2002. As of April 2002, before the height of Spring recruiting from undergraduate and graduate social work programs, we have 250 licensed Masters of Social Work (MSW) and Bachelors of Social Work (BSW) qualified social workers. In addition, there are 27 Social Worker Trainees on staff who are not yet licensed. Additionally, our preliminary Spring recruiting drive has 26 new social worker and trainees scheduled to start over the next three months – along with another 23 offers pending. Additionally, we are also about to sign a memorandum of Understanding with the United States Public Health Service with the goal of finalizing an agreement whereby the Public Health Services Commissioned Corps will provide social workers to fill critical staff shortages. I am very excited about how far we have come in staffing over the last year. I am excited because realization of these staffing goals will have an immediate and positive impact of the safety and permanency of children in the District. I am also delighted to report a focus on retention of our highly qualified staff, including the creation for the first time of training units, so that new case-carrying staff enter the Agency through a training unit led by a specially selected supervisor who is prepared to coach new staff and increase their caseloads gradually as they gain mastery.

- Promulgation of the District's first ever licensing rules for foster homes, youth group homes, independent living programs, youth shelters, runaway shelters, and emergency care facilities. These rules address the major aspects of safety and quality, including staffing, training, management, and facility maintenance; they enable us to focus on quality and our children's well-being in out-of-home care. CFSA's new Office of Licensing, Monitoring, and Placement Support Administration provides technical assistance, monitoring, and enforcement of the new standards.
- Organizational Structure. The Agency's new organizational structure is designed to focus on quality both internally and in the work of our contracted partners. The new structure creates for the first time an Office of Clinical Practice, which provides a

focal point both for supporting quality and holding staff accountable, through training, clinical consultation, administrative review, and the review of critical cases.

These reforms, together with the enactment of the Family Court Act, have transformed the institutional structure for child welfare in the District of Columbia.

Our task now is to ensure that the institutional reforms result in a dramatic improvement in safety, permanency, and well-being for the children of the District. I would like to highlight one such improvement that we are able to report even at this early stage. We are now focusing on ensuring that very young children, an age group that is disproportionately represented in child welfare here and across the country, are placed with families rather than in group settings. Over a period of just a few months, we were not only able to place all of the children who were in these temporary shelters in more permanent settings, mostly with families, but also ensured that other children who come into care go straight to stable settings, generally family foster homes including extended family. We are pleased to report that we have already reduced the number of children under six years of age in group care from 99 in May 2001, the end of the Receivership, to just 53 today. The targets we have set are 50 for Fiscal Year 2002 and 25 for Fiscal Year 2003. Achieving those goals will help us ensure that children grow up in permanent families. We are particularly concerned about young children who come into the child welfare system. It is our responsibility to give them an opportunity to live in settings that support rather than weaken their ability to form permanent, loving family ties.

Other measurable improvements for children evident even this early include a dramatic reduction in the backlog of intake cases that take more than the statutory 30 days to investigate, an important step to protect children's safety; and an increase in adoptions built on close collaboration with the Family Court. At the end of April of this year, we had 143 investigations over 30 days, compared to more than 800 at the end of May a year ago.

NEXT STEPS

Over the next several months we are going to continue to build on the dramatic reforms in an ambitious manner – both in the scope of the Family Court and within the

broader scope of child welfare reform. The coming reforms will serve to tie together all of the components of the Districts child welfare system – and provide children with the safest environment possible and also provide them with a speedier path to permanency. We will most certainly be working with the Court and other key stakeholders on all of these issues.

One key component of the Family Court Act is that of obtaining border agreements with both Maryland and Virginia. I would like to express my appreciation to the Congress for its focus on this critical need and for its recognition that if children in the District of Columbia are to move rapidly to permanent families, including kin, we need to take a metropolitan approach to children's safety and permanence. The District's children grow up with family and community ties that cross state boundaries, and when they need help, we need to ensure that there are no unnecessary barriers to placing them safely and securely with the families who can provide that help. We are currently working closely with Maryland to secure an agreement and look forward to discussions with Virginia as well in the immediate future. We look forward to continuing to update the Congress on progress and next steps. I would also like to highlight one area where your continued support is particularly important to our success: the District is proposing that Congress increase the Federal reimbursement rate for foster care and adoption under Title IV-E of the Social Security Act to 70% -- the same reimbursement rate as Medicaid. As you are aware, several years ago the Medicaid reimbursement rate was raised for the District in light of the unique demographics and needs of the city. This proposal would bring the Title IV-E rate in line with the Medicaid rate, as is the case in other jurisdictions.

Because of Mayor Williams' deep commitment to children and to the most vulnerable children in particular, he has made a major budget commitment to child welfare reform in the District in this time of overall budget austerity. Your support in enhancing Federal revenues would make a major difference in ensuring the security and stability of this commitment – and therefore of children - in the future.

CONCLUSION

In conclusion, I would like to thank this Committee as well as your Congressional colleagues for your consistent support of the vulnerable children of the District of Columbia. It has been a pleasure working with Judge King, Judge Satterfield, and all of the partners and stakeholders in child welfare reform. I look forward to continuing our work together to keep children safe, enable children to grow up in permanent families, and promote the wellbeing of our most vulnerable children and families.

Thank you, and I would be happy to answer any questions.

Mrs. MORELLA. Thank you very much and I want to just reiterate the fact that your testimony in its entirety as presented will be a part of the record.

I am very pleased now to recognize Arabella Teal. Thank you for being with us.

Ms. TEAL. Good afternoon. I am Arabella Teal, the Principal Deputy Corporation Counsel for the District of Columbia. Thank you for the opportunity to testify here today on behalf of Corporation Counsel Robert Rigsby.

I would like to focus my testimony today on how the Office of the Corporation Counsel is coordinating with the Family Court and other key stakeholders to ensure the elements of the implementation plan are completed in a timely and successful manner. I have submitted a statement for the record but my remarks will briefly address five key areas.

The first if the role of the Office of the Corporation Counsel in the new Family Court. As you know, the District of Columbia Family Court Act of 2001 requires major changes in the way family law cases are handled. The act replaces the Superior Court's Family Division with a Family Court involving matters in the Domestic Relations Branch, the Juvenile Branch, the Child Support Branch, the Child Abuse and Neglect Branch, the Mental Health and Retardation Branch and the Marriage Bureau. The act also requires that the Court handle all family cases pursuant to a one judge/one family model.

The provisions of the Family Court Act as well as the Superior Court's implementation plan require that my office reevaluation the legal structure of all units of our office involved in the Family Court process, so that the elements of the implementation plan are completed and so that children and families are better served by the system.

The Office of the Corporation Counsel has been very diligent in examining these legal structures to determine what systemic and internal changes are necessary to support efficient and effective implementation. Recognizing that safety, support and permanency for children is the primary mission of the Court plan, OCC has taken immediate steps to address its legal support to the District's Child Welfare Agency, as you heard from Dr. Golden.

In partnership with CFSA, we have accomplished dramatic reform by more than doubling the number of attorneys assigned to the Legal Services Unit at CFSA. To further assess the most appropriate and efficient legal structure for the agency, the District has engaged the American Bar Association to conduct a staffing study for the Legal Services Unit at UFSA.

Like CFSA, OCC is awaiting the final results of the ABA staffing study to finalize the design of our legal structure. Preliminary discussions suggest that the ABA will recommend vertical prosecution to allow attorneys to have a greater knowledge of their cases and build stronger relationships with the judicial teams and social workers. OCC and the CFSA have already started to implement the vertical prosecution structure as individual assistant corporation counsel are beginning to handle cases from just after initial hearing through to permanency decisions.

One of the most significant changes for our office has been the full co-location of the Abuse and Neglect Assistant Corporation Counsel at CFSA to facilitate and improve communication and collaboration among attorneys and social workers. Attorneys and social workers are already, we believe, experiencing the benefits of coordinated case management in advance of hearings that is permitted by co-location.

While permanency and safety for children are the main goals of the Family Court Act and the Court's implementation plan, strengthening families in trouble and deciding disputes among families fairly are also stated objectives of the plan. Consequently, the Family Court Act and the new one judge/one family concept required by the act has wide reaching effects on many divisions and sections of the Office of the Corporation Counsel. The Juvenile Section, Domestic Violence Unit, Child Support Enforcement Division, and Mental Health Division also have responsibility in the District of Columbia to handle matters affecting children and families and are significantly impacted by the new legislation.

It is apparent that as the judicial resources have and are expected to increase under the new legislation, additional staff and resources in other divisions and sections of our office beyond abuse and neglect will be needed for our office to adequately support the Family Court one judge/one family model.

Representatives of the various divisions and sections have been working diligently with the Court and key stakeholders to develop a coordinated resolution of issues that arise as we transition to this new system. For example, representatives from the Child Support Enforcement Division have been working with a court appointed committee to recommend how the Family Court can best utilize magistrate judges for child support in light of the new one judge/one family approach.

Various models identifying the point of entry for the family and the number of magistrate judges to serve child support enforcement cases are being examined to determine the most appropriate modification of the legal structure of our office to meet the needs of the Court.

Similarly, representatives from the OCC Juvenile Section have been participating in numerous working groups with the Court to anticipate the breadth of the impact of the Family Court Act and the one judge/one family concept on the juvenile justice system.

Our office has exclusive jurisdiction over the prosecution of juvenile delinquency cases in the District of Columbia. The present staffing levels in the juvenile section only ensure that four designated juvenile courtrooms are continuously covered. These courtrooms include two trial courtrooms, the Juvenile Drug Court and the arraignments or new referral courtroom.

While it may appear that there could be significant overlap in our office's representation of the Family Court, a closer look reveals that the one judge/one family concept involves a complex set of issues that require an in-depth analysis by all stakeholders, as definite development of a set of defined criteria to assist the Court in determining the most appropriate application of the model that is in the best interest of children.

Moreover, legal restrictions requiring the confidentiality of juvenile and mental health records also restrict intra and inter agency collaboration and joint multi-agency hearings. In order for agencies and parties to share information and allow the one judge/one family process to operate in an effective manner, various statutes will need to be amended. We are working diligently with the Court and various stakeholders to do that.

Mrs. MORELLA. May I ask you to kind of sum up, please?

Ms. TEAL. Yes. I echo Dr. Golden's comments about entering a new era of collaboration with the Court. I think we are well on the way to doing that.

I would be happy to answer any questions you have.

[The prepared statement of Ms. Teal follows:]

STATEMENT OF ARABELLA TEAL, PRINCIPAL DEPUTY OFFICE OF THE CORPORATION COUNSEL TO THE U.S. HOUSE SUBCOMMITTEE ON THE DISTRICT OF COLUMBIA, COMMITTEE ON GOVERNMENT REFORM "OVERSIGHT HEARING ON THE PERFORMANCE OF THE COURT OF APPEALS AND THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

WEDNESDAY, JUNE 5, 2002

Good morning Chairwoman Morella, Congresswoman Norton, and Members of the Subcommittee on the District of Columbia. I am Arabella Teal, the Principal Deputy Corporation Counsel for the District of Columbia.

Thank you for the opportunity to testify here today on behalf of the Corporation Counsel, Robert Rigsby. You have already heard testimony from Chief Judge Wagner, Chief Judge King, Judge Satterfield, and the Director of the Child Family Services Agency, Olivia Golden. I would like to focus my testimony today on how the Office of the Corporation Counsel (OCC) is coordinating with the Family Court and other key stakeholders to ensure that the elements of the implementation plan are completed in a timely and successful manner.

Most specifically, I would like to address five key areas:

- **The role of OCC in the new Family Court Plan.**
- **The recent systemic and internal changes made by OCC to achieve the objectives of the Family Court legislation.**
- **The impact of the "One Judge-One Family" concept on OCC operations.**
- **The collaborative efforts made by the Office of the Corporation Counsel to implement the Family Court Legislation.**

- **The technological improvements contemplated by OCC and the District to enhance the Family Court mission.**

- **The Role of the Office of the Corporation Counsel in the new Family Court.**

As you know, the District of Columbia Family Court Act of 2001 requires major changes in the way family law cases are handled. The Act replaces the Superior Court's Family Division with a Family Court involving matters in the Domestic Relations Branch; the Juvenile Branch; the Child Support Branch; the Child Abuse and Neglect Branch; the Mental Health and Retardation Branch and the Marriage Bureau. The Act also requires that the Court handle all family cases pursuant to a "One Judge-One Family" model. Assistant Corporation Counsel (ACC's) assigned to the Legal Services Unit of the Child and Family Services Agency (CFSA), Juvenile Section, Domestic Violence Unit, Child Support Enforcement Division and Mental Health Division of the office handle matters in the Family Court on a daily basis. The provisions of the Family Court Act, as well as the Superior Court's implementation plan require that OCC reevaluate the legal structure of all units involved in the Family Court process, so that the elements of the implementation plan are completed in an efficient and successful manner, and so that children and families are better served by the system.

- **Recent Systemic and Internal Changes made by OCC to Achieve the Objectives of the Family Court Act.**

The Office of the Corporation Counsel has been very diligent in examining the legal structure of the units involved in litigating Family Court matters to determine what systemic and internal changes are necessary to support efficient and effective

implementation of the Family Court Plan. Recognizing that safety, support and permanency for children is the primary mission of the Court Plan, OCC has taken immediate steps to address its legal support to the District's Child Welfare Agency. As you are well aware, OCC, in partnership with CFSA has accomplished dramatic reform by more than doubling the number of attorneys assigned to the legal services unit at CFSA. Compared to numbers in the past, OCC currently has 39 attorneys working in the legal services unit. Two additional attorneys are expected to start in June and another attorney is expected to begin in July. Currently, there are only three vacant positions in the unit.

To further assess the most appropriate and efficient legal structure for the agency, the District of Columbia has engaged the American Bar Association (ABA) to conduct a staffing study for the legal services unit at CFSA. The study is very comprehensive and will address best practices, staffing needs for support functions, as well as attorney and supervisory needs. Like CFSA, OCC is awaiting the final results of the ABA staffing study to finalize the design of the new legal structure. Preliminary discussions suggest that the ABA will recommend a "vertical prosecution" structure to allow the attorneys to have a greater knowledge of their cases, and build stronger relationships with the judicial teams and social workers. OCC and CFSA have already started to implement the vertical prosecution structure, as individual ACCs are beginning to handle cases from just after initial hearing through to a permanency decision. One of the most significant changes for OCC has been the full co-location of the abuse and neglect ACC's at CFSA to facilitate and improve communication and collaboration among attorneys and social workers.

Attorneys and social workers are already experiencing the benefits of coordinated case management in advance of hearings that co-location facilitates.

- **The Impact of the "One Judge-One Family Concept on OCC Operations.**

While permanency and safety for children are the main goals of the Family Court Act and the Court's implementation plan, strengthening families in trouble and deciding disputes among families fairly are also stated objectives of the plan. Consequently, the Family Court Act and the new "One Judge-One Family" concept required by the Act, has wide reaching effects on many Divisions and Sections of the Office of the Corporation Counsel. The Juvenile Section, Domestic Violence Unit, Child Support Enforcement Division, and Mental Health Division also have the responsibility in the District of Columbia to handle matters effecting children and families and are significantly impacted by the new legislation. The Family Court Implementation Plan calls for 15 Judges and 17 Magistrate Judges. Of these, 10 Judges and 10 Magistrate judges will form 10 distinct "teams" to which multi-jurisdictional Family Court cases will be assigned. It is apparent that as the judicial resources have and are expected to increase under the new legislation, additional staff and resources in other Divisions/Sections beyond abuse and neglect will be needed for OCC to adequately support the Family Court "One Judge-One Family" model.

Nevertheless, representatives from the various Divisions/Sections have been working diligently with the Court and key stakeholders to develop a coordinated resolution of issues that arise, as we transition to a new system. For example, representatives from the Child Support Enforcement Division have been working with a court appointed committee to recommend how the Family Court can best utilize Magistrate Judges for

Child Support in light of the new "One Judge-One Family" approach. Various models identifying the point of entry for the family and the number of Magistrate Judges to serve Child Support Enforcement cases are being examined to determine the most appropriate modification of the legal structure of the Division to meet the needs of the Court.

Similarly, representatives from the OCC Juvenile Section have been participating on numerous working groups with the Court to anticipate the breadth of the impact of the Family Court Act and "One Judge-One Family" concept on the juvenile justice system. OCC has exclusive jurisdiction over the prosecution of juvenile delinquency cases in the District of Columbia. The present staffing levels in the juvenile section only ensure that four designated "Juvenile Courtrooms" are continuously covered. These courtrooms include two trial courtrooms, the Juvenile Drug Court, and the arraignments or new referral courtroom.

While it may appear that there could be significant overlap in OCC's representation in the Family Court, a closer look reveals that the "One Judge -One Family" concept involves a complex set of issues that require an in-depth analysis by all stakeholders, as well as the development of a set of defined criteria to assist the court in determining the most appropriate application of the model that is in the best interest of children. Moreover, legal restrictions requiring the confidentiality of juvenile and mental health records also restrict intra- and inter-agency collaboration and joint multi-agency hearings. In order for agencies and parties to share information and allow the "One Judge-One Family" process to operate in an effective manner, various statutes will need to be amended. OCC, the Court and various stakeholders have been working very diligently and collaboratively to determine the most efficient and effective way to implement the "One Judge-One

Family" model. The Office of the Corporation has held a number of multi-agency sessions, to begin to develop a process by which the District can effectively represent often competing interests, while maintaining a level of understanding of the differing roles, interests, and legal options available when other Divisions within OCC or other Government Agencies are involved with a single family unit. It OCC's intent to represent the District by working collectively with all government agencies to maximize the delivery of services to children and families without compromising respective legal obligations. As such, additional funds for more attorneys in other Divisions and resources for cross training and new hire training is essential.

- **Collaborative Planning Efforts and Coordination with Stakeholders**

I echo Dr. Golden's comments about entering a new era of collaboration with the Court. We have also witnessed a new era of collaboration and coordination between agencies within the District of Columbia, like never before. The Office of the Corporation Counsel recognizes the importance of building strong linkages with stakeholders to achieve the mission of the Family Court, to provide effective and efficient services to children and families, and to assist the Court in meeting its goals and objectives. Historically, OCC has been fully engaged in the planning, implementation, and success of various court initiatives such as the creation of the Juvenile Drug Court and the Superior Court Domestic Violence Unit. Similarly, OCC has been working very closely with the Court and other stakeholders on the Family Court implementation process. OCC attorneys and managers represent the agency on the Family Court Implementation Committee, various subcommittees of the Implementation Committee, and the Child Welfare Leadership Team. Notably, over a year ago, the Office of the Corporation

Counsel, with the assistance of the Council for Court Excellence, convened one of the first comprehensive cross training programs involving the Abuse and Neglect ACC's, CFSA social workers, Court Social Services, the CCAN Bar, and the Superior Court. OCC representatives have participated in retreats sponsored by the Court and the Annie Casey Foundation. OCC has also collaborated with the Courts and CFSA on developing formats for Court reports. OCC has fully participated in retreat planning for intra-agency coordination, and convened working groups to assess and plan for the implementation of the new legislation. The Office remains committed to work with the Court and all stakeholders to create a system to improve the well-being of the District's most vulnerable population.

- **Technological Improvements**

It is understood by all Family Court stakeholders that an integrated computerized tracking and management system linking the court and the District of Columbia government is vital. While presently, the OCC technology systems do not communicate with those of the Family Court, the District of Columbia is in the planning stages concerning the integration of the District of Columbia government computer system with the computer system of the Family Court. OCC attorneys have participated in meetings and have provided insight into the implementation of a system that will enhance access to records, communication across agencies and the court, and service delivery to children and families. Additionally, OCC has recently taken steps to improve its own case management capability. PROLAW is a state of the art matter management system for legal offices. OCC expects to implement PROLAW in the abuse and neglect, juvenile, mental health and domestic violence units by the end of the summer.

- **Conclusion**

In conclusion, I would like to publicly thank the Court and all of the stakeholders in the child welfare system for fostering a spirit of collaboration and coordination during this important transition. The Office of the Corporation Counsel looks forward to continuing our work together to promote the goals of safety and permanency of children and stability of families. I thank this Committee for your continued support and the opportunity to testify on behalf of Mr. Rigsby today. I would now be happy to answer any questions.

Mrs. MORELLA. The only reason I was rushing you was because we have a vote where I have about 8 minutes left to get over there. I should do that but I don't want to have a recess. What I will do is I will not return but I will take the liberty of giving Ms. Norton 15 minutes to sum up the questions. I will thank our minority committee staff, Jean Gosa, and Jon Bouker; majority staff, Russell Smith, Robert White, Matt Batt, Shalley Kim, Heea Vazirani-Fales, Dr. Cassie Statuto-Bevin, with Mr. DeLay who has been following closely.

I thought your testimonies were all great. I would love to submit some questions to you too. I am certainly glad you are working out those border agreements, Dr. Golden, with Maryland. Obviously we have in front of us, too, articles from the Washington Post about what was happening with Maryland returning the foster children to the District of Columbia. Are there enough foster homes, kinship homes, residential homes to place these children?

Dr. GOLDEN. As you saw in the final article in the Post, in fact children continue to be in the homes in Maryland, both kinship and foster family homes.

Our agreements for the future have to do with several things. First of all, they have to do with making sure children can move promptly to kinship homes. One of the problems in the past—an enormous burden for the Superior Court—has been there might be an appropriate home for a child with a grandmother who lives in Prince George's County. The child has been there every weekend of their life but in the past, one of the things that created problems both for Maryland and the District, there has been a very cumbersome, bureaucratic process. So we might have that child in a group home in the District waiting for months for the process to be approved to live with their grandmother.

The agreements we are in the process of reaching with Maryland—and I want to express my appreciation, particularly for Cabinet Secretary Imelda Johnson, who has been wonderful to negotiate with—we think we will have an agreement within days where we can place a child with a family member in Maryland the same way we could in the District or Maryland could with a Maryland child based on an immediate check of home safety and Child Protective Service clearance but not months of bureaucracy. That will be wonderful.

We also believe we are reaching the right kind of agreement about other family homes that might be appropriate for children in the District, so we are very excited.

Mrs. MORELLA. Please let me know as soon as you reach that agreement. It would be great to talk about the regional cooperation we experience.

One final question, how about your recruiting and retaining social workers? I know that is a major problem. Does anyone want to comment on that?

Dr. GOLDEN. It is an area where we have made important progress but we have a lot more to do. We are currently at about 250 social workers, Masters and BSW qualified, about 27 more at the end of April who we had on board as trainees but were not yet licensed and we have to get them licensed to be able to carry cases. We are getting much better at doing that quickly within a 90-day

period. Our goal is 300 licensed social workers by the end of the year.

We have done intensive recruiting this spring with Masters and Bachelor's level programs, so we have many people planning to start in June-July August. We were also on the point of signing agreement with the Federal Public Health Service because there are social workers who are within the commissioned Corps who can be detailed to us for a period of 2 to 3 years. That will be very helpful.

We are also very proud we have just received a grant from the Annie Casey Foundation to do targeted recruiting of social workers nationally. We hope to be able to learn some things useful to child welfare agencies across the country because it is a national problem.

I would say we are at the point of making a difference but we are not finished yet.

Mrs. MORELLA. It sounds again like it is a good work in progress.

Thank you all very much, Mr. Harlan, Dr. Golden and Ms. Teal. I will now defer for the rest of the hearing to the ranking member.

Ms. NORTON [presiding]. Thank you, Madam Chair.

To pick up on the issue of the Maryland border agreement the Chair raised, Ms. Golden, I don't think bureaucracy was the only problem. Maryland, I think, may have had a number of different concerns and I am not sure all of them were valid. One of them was certainly valid and that was, that the District was not supervising these children in the State of Maryland, anymore than the District was supervising the children in the District of Columbia. That is to say that the number of visits apparently if you were in Maryland, Maryland would expect to be made were not being made by the District of children in Maryland, so Maryland raised the notion about whether or not we were simply dumping these children in Maryland where you rightly say they had every reason to be given family and other connections and given the fact the District of Columbia could never, could never take care of all the children in need.

Particularly in light of what you just said about social workers, I would like to know whether or not we are going to live up to what Maryland does for its own children, to make the kind of visits so that we will not get into that kind of controversy. I am a whole lot less concerned about bureaucracy and about some concerns Maryland may have raised that I don't agree with. One concern they raised I very much agree with because I don't think it is Maryland alone, I think it was D.C. as well. I still don't know how Maryland can get social workers to visit with greater frequency than the District can, and the kind of frequency Maryland requires. The standards problem raises a very serious concern.

You talk about 90 days to get a license, who cares? Pending a license, can the social workers be on the job or are we going to fall back into a problem that has been a major problem for CFSA, the social work problem to which all other problems are traceable?

Dr. GOLDEN. Let me comment on each of those issues. First, on visits in general and in Maryland and how we in Maryland are working together on them and then on the licensing issues.

We are tracking both our ability to visit children and other key aspects of case management—like how we are doing on case plans and investigations—as part of our 1 year measurement from the court monitor. May 31 was the date at which the court monitor will be reviewing all those things. We are looking at where we are.

In some areas we have truly dramatic improvements. For example, at the front of the system, the investigations of abuse neglect where we have concentrated resources and done early improvements, we have gone from about more than 800 investigations last year at this time, were backlogged more than 30 days. Now we are down to about 150 which is well below the target, much better than the target that the court monitor set for us. So we have made dramatic improvements in some areas and in other areas, while we expect to see some improvement, we won't be where we hoped to be but we are on the right track.

We discussed at length with Maryland some of the issues around visiting and oversight. I think what we both brought to the table is we both acknowledge the areas where both jurisdictions have to do some more work. We have committed some resources to assist Prince George's County because there are pieces of the process that are their's to do that they were not fully able to carry out and we have been able to make some commitments in that regard.

For example, on the intake side, investigations, they actually have worse caseloads for their social workers than we do. We needed to make sure they were able to promptly investigate should there be a report of abuse or neglect in a grandmother's home that a child is with. So we have done some things to address that. On our side we have made the commitment to appropriate oversight and to report to them monthly.

I think what I want to report I am particularly pleased with is we have all come to the table with the well being of Maryland and District children foremost in our minds and with making the arrangements that will work best for that, even if it involves some sharing or some working together of a kind that didn't happen in the past.

Ms. NORTON. I am real pleased that you indicated on the record there will be a border agreement "within days."

Dr. GOLDEN. An interim agreement actually. The "within days" will not be the final border agreement.

Ms. NORTON. Well, that means you are on your way and I congratulate you on that.

What progress have you made in complying with the Adoption and Safe Families Act?

Dr. GOLDEN. We are making important progress in a number of areas. Again, I would say what we will know after we look at this first year's review how far we have come from the baseline but we are not going to be all the way to where we need to be in 1 year.

As a couple of examples, I highlighted the increase in adoptions in my testimony. That is one of the areas where we are seeing some dramatic success. We are also focusing on some of the key issues in terms of legal action where we need to work with the court. For example, filing termination of parental rights at appropriate times, we have made some dramatic changes in that.

I know there were earlier questions for Judge Satterfield about outcome measures. Judge Satterfield and I have talked about how to look across the outcome measures we are using that because they are identified by the Federal Government, identified by the Federal court, or our own priorities, and the outcome measures for the court to pick the ones we want to work on in a shared way to measure information.

We are making progress but we are not going to be everywhere we need to be after 1 year.

Ms. NORTON. Do I understand that you have met the mandate of the Family Court Act that representatives will be onsite to coordinate social services and provide information to judges about the availability of those services? Two, has the Mayor appointed a social services liaison with the Family Court for coordinating delivery of services?

Dr. GOLDEN. Those provisions are in process; they are not finished yet. Deputy Mayor Graham is the lead. We have done some important work in bringing the multiple agencies together, including the Department of Mental Health in our deliberations around services for children and which cases to transfer. So we have begun that.

We haven't yet done the job descriptions, identified the liaisons and located them onsite but we are talking about that in process and also discussing the space issues with the court.

Ms. NORTON. I have to alert you, as far as Mr. DeLay and I were concerned, that was an absolutely critical part. We weren't just about a court and if we have judges who were able to testify today they are on target on their transition plan, they are not behind, I would think getting these staff in place would not be the most cumbersome part of the transition we are thinking about.

They have ten judges, I understand, already. I think they testified they are down to only 31?

Dr. GOLDEN. I think they will be after the transition is complete. That is right, 31 plus the Family Court judges, 31 outside and 15 Family Court.

Ms. NORTON. We really were not very interested in a court except insofar as the Court was ready to work with you, so I am going to have to ask, the Mayor has not appointed a social services liaison for the court? What does that take? That is not the hardest part of that.

Dr. GOLDEN. I will take that back. We have been working together, the Deputy Mayor's Office has been the lead on the social services linkages and we have been driving the key operational pieces with the child abuse and neglect portion of the Family Court. We have been talking frequently.

An example of how it has worked is that one of the big operational questions was how do we pick which cases move from those judges outside the Family Court into the court. With the Deputy Mayor's leadership, we involved a range of agencies, not just CFSA, so we could identify cases where the child would benefit from coming into the Family Court because we could then look at those issues intensively. So we have been working together but we haven't physically moved people over to the Family Court.

I hear the comment that working with the Court on space and on identifying the people for the physical move is important to the committee but I would note the work has been happening.

Ms. NORTON. Have you been involved in the space?

Dr. GOLDEN. We have been asked for comments and involved in the conversations.

Ms. NORTON. Would you reply to the record within 30 days with when a social services liaison with the Family Court will be appointed for the purpose of coordinating the delivery of services? Without that person in place, I don't see how the rest—you can't do this. You have an overwhelming job. I can think of no more difficult a job in the city government than what you have. You are proceeding forthwith here. You should not be the person who has to worry about the coordination of these services. You are quite right, it is not just CSFA. It is a tough job. The Mayor needs to appoint somebody right away to do that job or the court is going to be sitting there without what it takes to make all we have done with the court work. This is very important and I am very concerned.

In 30 days we need to know when that person will be onsite and you need to report that date to us, to the record and my staff will look to see that date has been recorded.

Dr. GOLDEN. We will make that report. I would note I don't think the work has been slowed down because people have been doing the work collegially but I share the view that we need to make that appointment.

Ms. NORTON. If there is not a person in charge, as far as I am concerned there is not a person in charge of that very important service delivery component liaison with the court, it is not going to happen. Unless there is somebody accountable for making sure the court has availability so the court can say, this, that or the other.

We are dealing with a court that sometimes in light of the lack of service knowledge, has had to put children in Oak Hill because nobody could tell them where to find services in the District of Columbia. Congress is going to be awfully displeased if the city side of this is missing and you cannot do that, you should not be called upon to do that. The statute says, "appoint" somebody to do that. You can't tell me when somebody will be appointed. You have 30 days to tell the committee when somebody will be appointed. Just carry that back. I know that is not your job to appoint somebody.

Let me quickly ask two more questions. Mr. Harlan, you mentioned the Congress had been particularly concerned about the reduction in police overtime and you seem to indicate some work had been done on that. We are very interested in that issue. That is one of the great waste of resources the District hasn't dealt with. What has been the reduction, if any, in police overtime wasted in the courts? What has been the progress of the U.S. Attorney and the courts in dealing with this complicated issue?

Mr. HARLAN. We have not done a followup study to know the exact numbers, Ms. Norton. I will tell you there has been progress. I believe Judge King referenced that progress in his testimony this morning. It is like so many things, it is going to take a continued focus, a continued effort to get these agencies to work together and

to receive and obtain the results of reduction of police overtime that is so necessary.

The Criminal Justice Coordinating Council is in an excellent position to implement this across the judicial system. I have just heard they have now hired an executive director for the Criminal Justice Coordinating Council which is good news because it needs proper staff. I would hope that progress would continue. To be specific, I just don't have the information for you.

Ms. NORTON. It may be that Mr. Harlan, whom I want to congratulate on the record and commend for the most extraordinary work he has done on the Family Court matter which he worked on long before it came to the attention of the Congress or any of us, among other things. It may be that if he has some information from the Council of Court Excellence, we could get that information. I appreciate you raised it and it is a very important issue.

The Family Court Act that we recently passed requires that within 6 months of the enactment, the Mayor must submit a plan for integrating computer systems with those of the court. We just learned we don't have a Family Court Services Liaison. Does that mean this matter of integrating computer systems has not begun yet?

Dr. GOLDEN. No.

Ms. NORTON. No later than July 8, 2002.

Dr. GOLDEN. That is well on track. The leadership is with the District's Chief Technology Officer and the Deputy Mayor for Children and Families. They are working together on it. The representatives of both offices are here today.

Both the computer people have been talking with the court but also the program people to discuss what the requirements are. I know our program people have been involved in saying what we need. The group has been looking at short term and longer term solutions because there are very immediate things that we need to connect like having information on court hearing dates and then the much broader connections envisaged in the statute. That effort is moving along with that leadership by both the technology side and the Deputy Mayor for Children and Families.

Ms. NORTON. We have a very good Technology Office despite that everyone knows what happened to DMV. If that happened to the court, we would all be in a lot of trouble and it happens because computers do that to us.

I very much appreciate what you said about short term and long term. If DMV had assumed error, as we now must if we put computers in place, then it would have had an alternative plan. This is very difficult, what you have to do. In fact, everything you have to do in Child and Family Services and with the court is just awesome.

If you hear some criticism from us, please understand what you are having to do is very much akin to starting new. You would be better off if you started anew because you wouldn't have to unravel so much mess. It is happening with the court and it is happening here. We can see very substantial progress.

Dr. GOLDEN. Thank you.

Ms. NORTON. I questioned the court about alternative space, not because the court isn't doing all it can do but because we would un-

derstand this if we were in private business. If you are in private business, you wouldn't leave it to the construction as to whether you are going to open. You have to open and see because there is a bottom line. We don't have any bottom line except the children and they will have to wait.

When you say short term and long term on these computers, let me just encourage you have in place something that if it doesn't click, what you are doing is much harder than what the District Government is doing because you are taking one branch of government and trying to connect it with another branch of government. If it doesn't click, your notion of a short term approach while the long term computer hookup is going on, is very, very wise.

Let me congratulate you on your work, Ms. Golden. It is a work in which many before you have failed, not because they haven't tried very, very seriously to make this system work. People are failing all over the country. We don't see this as a District of Columbia problem. We know how to read what is happening to family courts and to troubled families all over the United States. Yet our job is to put pressure on ourselves and also on you to just get it right and do it better.

We are very pleased with the progress that has been made. I am very proud that the District now is in control again of Family and Child Services but of all of the agencies that were put in receivership. That is a monumental achievement. The mayor and his administration deserve a lot of credit for having the credibility to get these back from the courts, to show we could do it even better than the courts. He deserves praise and he can get that praise only if he gets it through you.

The court is on track on its transition. I am very pleased with that and if you proceed as you are now and get that Family Services Coordinator in place, may be the most important thing you could do for the court. If that is missing, no testimony we heard from the Court today will matter. It will be callosal criticism from the Congress.

If we can just turn our attention to that part of it, stressing not your attention, then it does seem to me this hearing has demonstrated that both the court and CSFA are on their way to reinventing a new system for our vulnerable children and families. We appreciate all the work you have done.

On behalf of the Chair who alone has the power and authority to either conduct or adjourn this hearing, she had indicated that when I got through it would be adjourned, so Mrs. Morella says the hearing is adjourned.

[Whereupon, at 1:20 p.m., the subcommittee was adjourned, to reconvene at the call of the Chair.]

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