



**TESTIMONY OF LEE F. SATTERFIELD
CHIEF JUDGE,
SUPERIOR COURT OF THE DISTRICT OF COLUMBIA**

**BEFORE THE SENATE SUBCOMMITTEE ON
OVERSIGHT OF GOVERNMENT MANAGEMENT, THE
FEDERAL WORKFORCE AND THE DISTRICT OF
COLUMBIA**

*Assessing Foster Care and Family Services in the District of
Columbia: Challenges and Solutions*

Tuesday, March 16, 2010

Chairman Akaka, Senator Voinovich, Senator Landrieu, Subcommittee members. Thank you for inviting me to testify before you today on this most important issue. I am Lee Satterfield, Chief Judge of the Superior Court of the District of Columbia. I was Presiding Judge of the Family Court from the enactment of the Family Court Act in January 2002 until January 2006. Over that time many improvements have been made, both by the Court and by the Child and Family Services Agency (CFSA). We appreciate the guidance and support you have provided. We are proud of how far we have come, but we know that more can and should be done. I would like to outline some of the improvements that have been made, some of our accomplishments, and also identify a few areas in which I think more needs to be done and more resources are needed.

Initiatives to Increase the Number of Foster Children Achieving Permanency in a Timely Manner

Since the enactment of the Family Court Act of 2001 (“the Act”), the Family Court of the D.C. Superior Court (“Family Court”) has worked diligently to address barriers to permanency and to expedite permanency for children in the foster care system and, as a result, has implemented many initiatives to increase the number of children achieving permanency in a timely manner. I will outline a few of the major changes, but want to note that a more detailed and comprehensive list of the Family Court’s efforts to expedite permanency may be found in our Annual Reports to Congress, sent to you each March.

Transfer of Cases to the Family Court

After the enactment of the Act, the first initiative undertaken to expedite permanency was the transfer back to the Family Court of approximately three thousand five hundred (3,500) abuse and neglect cases that were assigned to judges not serving in the Family Court under the case distribution system that preceded the Act. This requirement ensured that all cases for all children would be heard by judges with training and expertise in the handling of abuse and neglect cases. Currently, any case retained by a Family Court judge after he/she leaves Family Court is done so only under the provisions of the Act with approval of the Chief Judge. The principal reason for retaining these cases is the judge's belief, based on the record in the case, that permanency would not be achieved more quickly if it were reassigned to a judge in the Family Court. After review of each request, the Chief Judge determines, pursuant to criteria set forth in the Act, that (1) the judge retaining the case has the required experience in family law, (2) the case is in compliance with the Adoption and Safe Families Act (ASFA) and (3) it is likely that permanency would not be achieved more quickly by having it remain in the Family Court.

One Family One Judge Case Management Model

The One Family One Judge case management model – required by the Act - was designed to ensure that all cases involving a child, his family and household members are heard by one judicial officer or judicial team. There are three premises underlying the model (1) a judge will gain familiarity with a family and therefore will be able to make more informed and effective decisions; (2) consolidation of cases before a single judicial officer will improve the delivery of services thereby expediting permanency; and (3) the

risk of conflicting court orders and the necessity of multiple court appearances by members of the same family will be reduced.

Creation of the Mayor's Services Liaison Office

The Mayor's Services Liaison Office (MSLO) was established pursuant to the Act, and implemented pursuant to a Memorandum of Understanding between the District of Columbia and the D.C. Superior Court. The mission of the MSLO is to promote safe and permanent homes for children by working collaboratively with stakeholders to develop readily accessible services that are based on a continuum of care that is culturally sensitive, family-focused and strength-based. The MSLO is supported by twelve District of Columbia government agency liaisons who are familiar with the types of services and resources available through their agencies and who can access their respective agencies' information systems and resources. The objectives of the MSLO is to (1) support social workers, case workers, attorneys, family workers, and judges in identifying and accessing client-appropriate information and services across District agencies and in the community for children and families involved in Family Court proceedings; (2) provide information and referrals to families and individuals; (3) facilitate coordination in the delivery of services among multiple agencies; and (4) provide information to the Family Court on the availability and provision of services and resources across District agencies. The underlying belief in establishing the MSLO was that better coordination of services would result in expedited permanency for children in the foster care system.

Expanded Use of Mediation

In 1998, after a lengthy study of methods to improve the management of child abuse and neglect matters, the Family Court designed and implemented a pilot project –

the Child Protection Mediation Pilot – to mediate child abuse cases. The Center for Children and the Law of the American Bar Association (ABA) favorably evaluated this pilot project in 1999, noting that mediation resulted in earlier case dispositions, expedited case processing, and increased client satisfaction with the court process. Budget limitations precluded an expansion of the pilot program until September 2001, when the Council for Court Excellence funded a one-year expansion and adaptation of the Child Protection Mediation Pilot (called the ASFA Mediation Pilot) through a grant provided by the Annie E. Casey Foundation. The pilot program, which required that every other case be referred to mediation, was expanded when the Act was passed and has become a permanent program of the Family Court. Since January 2003, *all* abuse and neglect cases have been referred to mediation.

The Permanency Planning for Children Department of the National Council of Juvenile and Family Court Judges (NCJFCJ) completed an evaluation of the Child Protection Mediation program in 2004. The evaluation report, like the earlier one conducted by the ABA, revealed that mediated cases reached adjudication, disposition, and permanency (case closure) significantly faster than cases processed without the benefit of mediation. In addition, it found a lower recidivism rate for parties participating in mediation. Specifically, it found that parties participating in mediation were far less likely to return to court within 12 months after the case closed than parties not participating in mediation.

Development and Implementation of a Family Treatment Court

In recognition of the pervasive issue of substance abuse among families involved in the child welfare system, the Family Court and CFSA partnered with the Department

of Health's Addiction Prevention and Recovery Administration (APRA) to create the Family Treatment Court program (FTC) to address the complicated yet critical challenges of effectively serving families impacted by substance abuse and addiction.

FTC, a fifteen month comprehensive substance abuse treatment program for mothers or female caretakers, was created in 2003 to support and expedite the reunification efforts of parents whose substance abuse led to the neglect of their children. Once a woman is accepted into FTC she enters the six-month residential component of the program. After an initial adjustment period, mothers may be reunited with their children in the treatment facility, which permits them to care for up to four of their children under the age of 10 in a supervised setting. The ability to keep mothers and children together is the most significant aspect of the program in that it enables children to stay out of foster care, and families to generally reach permanency sooner. Its success has improved permanency outcomes for families and has resulted in sustained partnership among these key stakeholders to continue the program.

Enhanced Tracking and Monitoring of Cases

In addition to court-wide performance measures, the Family Court has continued to develop and monitor six of the nine abuse and neglect performance measures identified by the Child Welfare Collaborative established by the U.S. Department of Health and Human Services (HHS), including data on termination of parental rights and adoptions. Through the use of attorney advisors, case coordinators, and other court staff the Family Court has improved its ability to track and monitor progress of abuse and neglect cases. The enhanced review of abuse and neglect cases has assisted the Court in resolving case

processing issues early in the life of a case and in some instances it has resulted in children reaching permanency sooner.

Encouraged and Promoted Collaboration among Stakeholders

Through its participation in the Child Welfare Leadership Team (CWLT), the Family Court has continued to encourage and promote collaboration among all participants in the child welfare system to develop better working relationships between the Family Court and CFSA, DC Public Schools, attorneys responsible for child welfare cases, health care providers, service organizations and volunteers. The CWLT is facilitated by the Council for Court Excellence and provides a structured approach for both the Court and CFSA to engage in substantial, ongoing and meaningful collaboration. Through the CWLT, the Court and CFSA identify priorities, jointly plan initiatives for implementation, and share data for evaluation. As a result of this collaborative process, the Family Court and CFSA both accept responsibility for ensuring adequate and timely case processing in abuse and neglect cases and share a strong commitment to achieving outcomes of safety, permanency and well-being for children and families.

Establishment of Family Court Performance Standards

Performance measurement reporting is an important strategic objective for the Superior Court. Since 2005, the Family Court has been involved in a court-wide effort, led by the Chief Judge of Superior Court, to develop and implement court performance measures. Once fully developed, the measures --which include clearance rates, trial date certainty, time to disposition, and age of pending caseload -- will help the Family Court to assess how well it is meeting its obligations under the Act to measure compliance with established timelines for case processing and permanency in abuse and neglect cases at both the local and national level. In addition, as required in the Act, if performance

measures indicate that the Family Court failed to meet expected standards, the information will be used to assist the Family Court in developing an improvement plan.

Improvement of Legal Representation for Children

The Family Court has also developed initiatives to help children achieve permanency sooner by addressing the quality of legal representation available to parties in abuse and neglect cases. To improve representation in abuse and neglect cases, the Court has implemented attorney practice standards; created panels of qualified attorneys seeking appointment; executed a contract with the Children's Law Center to provide guardian ad litem services; in collaboration with the National Association of Counsel for Children offered 40 local attorneys training and the opportunity to become certified as Child Welfare Law Specialists; and entered into a contract with the University of the District of Columbia's David A. Clarke School of Law to establish a child welfare legal clinic. The goal of these objectives is to improve permanency outcomes for children and families by enhancing the quality of representation.

Progress Toward Accomplishing Goals Established by the Family Court Transition Plan submitted to the President on April 5, 2002.

Since submission of the Family Court's Transition Plan the goals and objectives identified in the Plan continue to provide the direction for our mission. The mission of the Family Court is "to protect and support children brought before it, strengthen families in trouble, provide permanency for children and decide disputes involving families fairly and expeditiously while treating all parties with dignity and respect." The following summarizes measures taken and progress made by the Family Court to achieve the goals identified in the plan since the Act was signed into law.

Goal 1: Make child safety and prompt permanency the primary considerations in decisions involving children.

- Completed transfer of all cases retained by judges outside the Family Court to Family Court judicial officers;
- Completed implementation of One Family One Judge case management model;
- Increased compliance with the Adoptions and Safe Families Act (ASFA);¹
- Established Attorney Practice Standards for abuse and neglect cases and juvenile cases and established panels of qualified attorneys to represent clients in these cases;
- Developed and implemented ASFA compliant court order forms;
- Continued operation of the Mayor's Services Liaison Office on the Family Court level of the courthouse;
- Implemented the Benchmark Permanency Hearing and later the "Preparing Youth for Adulthood" Initiative pilot programs for older youth in foster care to help them make decisions and plans for their future and to coordinate a full range of services necessary for their success when they gain independence;
- Developed and implemented the Family Treatment Court for substance abusing mothers;
- In 2006, in collaboration with CFSA and the D.C. Office of the Attorney General (OAG), completed a review of all termination of parental rights (TPR) cases, including the development of procedures for documenting when there are compelling reasons not to file a TPR motion; and in 2007, expanded the examination of policies to ensure that policies and/or practices that cause delay in permanency are reviewed and modified, if appropriate;
- In collaboration with CFSA and the OAG, developed policies and procedures governing the use of "Another Planned Permanent Living Arrangement" (APPLA) as a goal. Continued the examination of policies and practices related to use of the permanency goal APPLA to ensure that its use is restricted to only those for whom no other permanency option is feasible, through participation on the Permanent Connections Workgroup;
- In collaboration with the CFSA and other child welfare stakeholders participated in the Child and Family Services Review and development of the subsequent Program Improvement Plan to address issues related to child safety and permanency;
- Developed performance measures, utilizing materials provided by the NCJFCJ, to monitor performance in handling of abuse and neglect cases; and
- Developed and implemented an Education Checklist for Judicial Officers, in collaboration with CFSA and the OAG. The Checklist is designed to provide judicial officers with a tool to obtain essential information on a child's educational needs, progress and the efforts made by CFSA to provide appropriate educational services.

¹ "ASFA" refers to the federal statute, P.L.105-89 unless otherwise specified.

Goal 2: Provide early intervention and diversion opportunities for juveniles charged with offenses to enhance rehabilitation and promote public safety.

- Coordinated with the OAG to implement its Restorative Justice Diversion Program;
- Utilized Time Dollar Institute's Youth Court Diversion Program;
- Created a Restorative Justice Supervision Program in collaboration with D.C.'s Metropolitan Police Department to address the increase in unauthorized use of motor vehicle crimes by juveniles;
- Developed the "Leaders of Today in Solidarity" program to improve gender-specific programming for adolescent girls involved in the juvenile justice system;
- Developed a seamless adolescent services and supervision model to improve programming for males on probation based on the success of the "Leaders of Today in Solidarity" program;
- Developed first ever truancy program for middle school children in the District of Columbia at Garnett-Patterson Middle School. Expanded program to two additional middle schools;
- Launched a new Global Position System (GPS) electronic monitoring program. The program, which uses "real time" tracking, was designed to increase the capacity to effectively monitor juveniles on electronic monitoring;
- Launched a re-engineered intensive supervision program "Ultimate Transitions Ultimate Responsibilities Now" (UTURN) to address the complex needs of high-risk juveniles;
- Developed a first ever Balanced and Restorative Justice Drop-In Center (BARJ Drop-In Center) for juvenile offenders in Southeast D.C. The center is an innovative, non-traditional juvenile rehabilitation program that offers pro-active services, including tutoring, mentoring, peer mediation, and recreation for youth in addition to supervision services. Completed construction of Phase I of a second BARJ Drop-In Center for juvenile offenders in Northeast D.C.;
- Instituted the internationally recognized Family Group Conferencing (FGC) model for use in the development of all pre-trial and post-disposition service and supervision plans. The FGC engages youth involved in the juvenile justice system in the development of their supervision plan with the collaboration and support of self-identified family members. The foundation of the model is accountability and restorative justice; and
- Conducted two civil rights leadership tours. The tours are designed to teach young offenders about their cultural history and the accomplishments that can be achieved when working together for a common cause. Throughout the journey, youth are asked to reflect on their behavior and how it impacts their community. The expectation is that youth will return home with a better understanding of their place in the community and with a renewed commitment to achieve their maximum potential.

Goal 3: Assigned and retained well-trained and highly motivated judicial officers.

- Chief Judge requested and received the appointment of three additional associate judges to the Family Court;
- Created the Training and Education Subcommittee of the Family Court Implementation Committee to ensure the development of a training program that met the requirements of the Act. This interdisciplinary committee consists of judicial officers, attorneys, social workers, psychologists, and other experts in the area of child welfare who jointly plan, execute and evaluate all trainings offered by the subcommittee;
- Developed a comprehensive training program for new judges in the Family Court. The program provides intensive training in three categories: (1) topics specific to issues involving children and families; (2) guidance on how to conduct court hearings in cases of children and families; and (3) general and administrative topics;
- Conducted annual interdisciplinary training conferences that addressed issues such as systems of care, substance abuse, education, mental health, adolescent females, minority overrepresentation, involving and empowering families, and domestic violence;
- Conducted monthly mandatory trainings for Family Court judicial officers to discuss issues relating to family cases and to hear from guests invited to speak on a myriad of topics relating to the Family Court. Past topics have included issues such as judicial handling of cases under the One Family One Judge case management approach; the Court Appointed Special Advocates (CASA) program and its approach to addressing the needs of dual jacketed cases; permanent guardianship proposed rules for motions to modify, enforce and terminate permanent guardianship orders; and an overview of Safe Shores, the DC Children's Advocacy Center; and
- Promoted the participation of Family Court judicial officers in national training programs on issues relating to children and families. Such programs have included courses sponsored by the NCJFCJ; the National Judicial College; the American Bar Association's National Conference on Children and the Law; and the National Center on Substance Abuse and Child Welfare.

Goal 4: Promoted alternative dispute resolution.

- Expanded operation of the Child Protection Mediation Pilot to include all child abuse and neglect cases;
- Implemented same day mediation in domestic relations cases;
- Increased the pool of mediators through creation of an open enrollment process. Through open enrollment, trained and experienced mediators are conditionally accepted into Family Court mediation programs without completing Multi-Door's basic mediation training prerequisites if they can demonstrate knowledge and proficiency in mediation skills;

- Launched a new training model for prospective mediators that offer the fundamentals of mediation for five different Multi-Door mediation programs in a combined classroom setting;
- Created the Program for Agreement and Cooperation (PAC) in custody cases to assist families involved in high conflict child custody cases and lessen the impact on children; and
- In cooperation with the Family Law Section of the DC Bar, piloted an Attorney Negotiator Program to assist unrepresented litigants in domestic relations cases.

Goal 5: Used technology effectively to track cases of children and families.

- Collaborated with CFSA to reassign abuse and neglect cases to judicial teams in the Family Court using an automated database;
- Collaborated with CFSA to scan court orders into the agency's automated system to ensure timely access to complete and accurate information;
- Implemented a court-wide integrated case management system;
- Defined business rules to support the assignment of unique family identification numbers (FID) to further support the one family one judge case management model;
- Began electronic data-sharing of case schedules in abuse and neglect cases with the CFSA;
- Developed policies and procedures to support a three-phase data exchange initiative with CFSA and the OAG. The exchange would allow for the electronic initiation of abuse and neglect cases by the CFSA, subsequent filings by the OAG and CFSA, and the electronic transfer of court orders from the Court to CFSA;
- Collaborated with the D.C. Department of Motor Vehicles (DMV) to develop traffic and drug extracts to satisfy applicable statutory and municipal regulations related to juveniles; and
- Developed performance measures to allow the Court to monitor compliance with established case processing standards.

Goal 6: Encouraged and promoted collaboration with the community and community organizations.

- Continued to meet regularly with stakeholders and participated on numerous committees of organizations serving children and families;
- Continued to collaborate with community partners to refine and fully implement the Family Fathering Court initiative involving fathers returning home from prison who have child support obligations;
- Opened a Self Help Center in the Family Court in partnership with the D.C. Bar, so litigants without counsel can obtain materials about Family Court processes and seek assistance with court forms. Developed an outreach initiative to ensure that the services provided by the Self Help Center are available and accessible to the Latino community. Expanded the Self Help Center Southeast D.C., in

- collaboration with community organizations, to ensure that the services provided by the Center are available to residents in underserved communities in the area;
- Collaborated with the University of the District of Columbia, David A. Clark School of Law, to develop and operate a child welfare legal clinic; and
- Convened the D.C. Model Court Collaborative on Disproportionate Representation of Minorities to assess the representation of minorities in the child welfare and juvenile justice systems.

Goal 7: Provided a family friendly environment by ensuring materials and services are understandable and accessible.

- Developed a handbook for parents and a coloring book for young children, and a guide for older youth on the court process in abuse and neglect cases;
- Continued review and revision of Family Court forms, through working groups, to make them more legally compliant, understandable and user friendly. Where appropriate, forms have been translated into Spanish;
- Officially opened the redesigned Family Court entrance to the Courthouse. The redesign increased usable space and created a familiar, friendlier and ADA-compliant entrance while maintaining the required level of security;
- Developed the Balanced and Restorative Justice Drop-In Center for juveniles in Southeast D.C. and completed Phase I of the Northeast Center. The Center has facilities for pro-social activities such as tutoring, mentoring, peer mediation, and recreation; and
- Completed revision of all informational materials including pamphlets and forms in the Marriage Bureau. All are now readily accessible on the court's website for Spanish speaking and bi-lingual citizens.

Long term strategic planning to ensure compliance with the Adoptions and Safe Families Act of 1997 and the District of Columbia Adoption and Safe Families Act.

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

good cause shown. Both D.C. ASFA and federal ASFA require the Court to hold a permanency hearing for each child who has been removed from home within 12 months of the child's entry into foster care. Entry into foster care is defined as 60 days after removal from the home, resulting in a net requirement for a permanency hearing 14 months after a child is removed from his or her home.

Since enactment of the Family Court Act, the Court has made significant progress in completing trials, stipulations, disposition hearings and permanency hearings within the established timelines for children removed from home. In addition to improving the rate of compliance with the statutory timeline requirements, the Court has also shown significant improvement in reducing the median time it takes for a case to reach a specified hearing. Federal ASFA addresses the timeliness and quality of permanency hearings, by requiring that at the first permanency hearing the Family Court set a specific goal (reunification, adoption, guardianship, custody, or another planned living arrangement), a date for achievement of that goal and raise the issue of identified barriers to the permanency goal.

To ensure compliance with ASFA and to assist Family Court judges in ensuring that the content and structure of the permanency hearing are consistent with best practices, the Chief Judge issued an administrative order requiring all judicial officers to use a standardized form of court order for all initial hearings, pre-trial hearings, disposition hearings and permanency hearings. The use of these standard forms continues to contribute to an increase in compliance with best practices and legal requirements. In its ongoing effort to ensure that the structure and content of permanency hearing orders, as well as other orders remain consistent with best practices, the Family

Court Implementation Committee through its Abuse and Neglect Subcommittee, is reviewing and modifying, if appropriate, all standard orders. This process is expected to be completed by summer 2010. To further assist in this effort, the Abuse and Neglect Subcommittee developed the *Family Court Abuse and Neglect Bench Book*. The Bench Book was designed to be a comprehensive document to guide judicial officers in the handling of dependency cases in a manner consistent with federal and District of Columbia laws, and in accordance with national best practice standards for handling abuse and neglect cases.

A second initiative undertaken that has yielded great success was the creation of the attorney advisor position within the Family Court. Attorney advisors review all cases coming from initial hearing to ensure that all future events have been scheduled in a timely manner. If events are not scheduled timely, the assigned judge and the presiding judge of Family Court are notified, and the assigned judge is asked to reset the case within the timelines or to explain in writing why the hearing cannot take place within the timeline. The presiding judge monitors those cases that are set outside the timeline. In addition, attorney advisors also review each case after a permanency hearing to determine if a specific goal has been set, as well as a goal achievement date. If not, the assigned judicial officer and the presiding judge of Family Court are notified that the hearing was deficient and recommendations for bringing the case into compliance are made. Finally, the Court recognizes that the early identification of barriers to permanency leads to more focused attention and earlier resolution of issues that have caused significant delays in the past. To ensure the Court has access to this information when making decisions, attorney advisors review the court's case management data to determine if identified barriers to

specified goals are captured and entered into the database. Since implementing this review process barriers still exist, although the periods of delay that result from those barriers has decreased.

As another vehicle to monitor compliance with ASFA the Family Court has been involved in a court-wide initiative, led by the Chief Judge of the Superior Court, to develop and implement court performance measures. The measures, which include clearance rates, trial date certainty, time to disposition, and age of pending caseload, once fully developed will allow the Family Court to meet its obligations under the Family Court Act to measure compliance with established timelines for case processing in all Family Court case types at both the local and national level. In addition to court-wide performance measures, the Family Court has continued to develop and monitor six of the nine abuse and neglect performance measures identified by the Child Welfare Collaborative established by the U.S. Department of Health and Human Services (HHS) for courts receiving court improvement grant funds and expects to continue development of the remaining measures in 2010. Measures here include time to adjudication, time to first permanency hearing, time to termination of parental rights, time to permanent placement, achievement of child permanency, and child safety after release from court jurisdiction. Court performance on these measures is contained in our annual reports submitted to Congress.

Last, but not least, the Child Welfare Leadership team has been instrumental in keeping the issue of compliance with ASFA in the forefront of our work. Through quarterly meetings, the Agency presents data on the status of all children in care and the Court presents data on ASFA compliance. The expected outcome of these discussions is

that children in the District are beginning to achieve permanency sooner through elimination of identified obstacles.

Partnerships with the D.C. Child and Family Services Agency and the Office of the Attorney General to improve the entire adoption process.

The Child Welfare Leadership Team (CWLT) facilitated by the Council for Court Excellence is a multi-agency taskforce assembled to address the issues confronting children and families involved in the District's foster care system. At CWLT quarterly meetings, CFSA and the Family Court present and exchange data on the number of TPRs and adoptions filed and disposed, the timeliness of dispositions, and the status of pending cases. In addition, the Family Court presents information on the time between filing of the TPR petition and the original neglect petition and the Agency presents information on all children with a goal of adoption and their current status including such information as their current placement. The CWLT then discusses the data and makes recommendations that are expected to result in improved permanency outcomes for children with a goal of adoption. To assist the CWLT in its discussions the Center for the Study of Social Policy prepared a discussion paper on termination of parental rights. The paper entitled *Criteria and Procedures for Determining a "Compelling Reason" Not to File a TPR: Discussion Paper and Recommendations* has been of great assistance to the team in identifying barriers to adoption.

As is the case in most jurisdictions there is no simple answer to the adoption question. However, several common barriers have been identified, including children who are not free for adoption, licensing and Interstate Compact on the Placement of Children (ICPC) issues, timely adoption for children under the age of two, lack of adoptive resources, difficulty placing sibling groups, relationship between youth and

foster parents who are not interested in adoption, children who do not want to be adopted and more than a quarter of new referrals to the Family Court in the area of abuse and neglect involve children 13 years old and older at the time of referrals.

Considerable work has been done to address the issues related to termination of parental rights. First in 2005, after implementation of the voluntary guidelines on compelling reasons not to file a TPR, the OAG, working with CFSA and the Family Court, using the compelling reasons document as a guide, completed a detailed review of all cases in which the child had been in an out of home placement for more than 15 of the most recent 22 months. In each case reviewed, the OAG made a decision as to whether to file a motion for a TPR or document acceptable compelling reasons for not filing. The review led to almost 250 TPR motions being filed. In addition, a process was put in place to prevent future delays in the filing of TPR motions. The OAG now tracks the permanency goals of children more closely once they are removed from the home. In addition, as indicated earlier the CWLT monitors the number and status of TPR cases identified by both the court and the OAG at each of its quarterly meetings. This collaborative review process has resulted in a reduction of pending TPR motions from 361 at the end of 2008 to 253 at the end of 2009, a 30% reduction in the pending caseload. In addition to progress in reducing the number of pending TPR motions, there was also a significant increase in the number of abuse and neglect cases closed to adoption during the same period. In 2008, 95 abuse and neglect cases were closed by adoption compared to 127 cases closed by adoption in 2009, a 34% increase. This increase is attributable to the increased focus on adoptions at both CFSA and the Court.

While the Court recognizes the important role TPRs play in moving cases to adoption sooner, we also recognize that work must continue on several levels if we are to be successful in moving children to permanency sooner through adoption. Both CFSA and the Court continue to prioritize the barriers to permanency and expects to make significant improvements in the coming year.

Examination of the policies and practices related to the use of the permanency goal Another Planned Permanent Living Arrangement (APPLA).

Federal law identifies APPLA as the least preferred permanency goal which may be set in a child welfare case. Federal law or regulations do not specifically define “another planned permanent living arrangement” (APPLA) but do provide some limited guidance for its use. According to federal law, a permanency goal of APPLA may only be set if: “the State agency has documented to the State court a compelling reason for determining that it would not be in the best interests of the child to return home, be referred for termination of parental rights, or be placed for adoption, with a fit and willing relative, or with a legal guardian.” In November 2006, the Center for the Study of Social Policy, on behalf of the CWLT, undertook an analysis of the use of APPLA as a goal in jurisdictions around the country. Their report entitled *Guidelines and Procedures for Determining When to Use the Goal of “Alternative Planned Permanent Living Arrangement”*: Discussion Paper and Recommendations for the District of Columbia served as a foundation for discussion in the CWLT on how to approach the issue of the large numbers of children in the District with a goal of APPLA. At the time of the study more than 800 children under the supervision of the Family Court had a goal of APPLA. Two major recommendations came out of the report. The first recommendation required

agency approval for recommending a goal of APPLA at the program administrator level of CFSA rather than the social work supervisor level. The second recommendation required that all cases with a goal of APPLA be reviewed every six months to ensure that the conditions that led to the designation of APPLA remained relevant.

In 2008, to get a better understanding of the circumstances of the children that led to the designation of the APPLA goal, the Family Court partnered with CFSA to conduct a thorough review of all APPLA cases. The study was designed to validate the number and the profile of children with this goal. At the conclusion of the study it was determined that approximately 750 children had a goal of APPLA and that there was the possibility that several children with the goal might be able to have their goals changed to a more appropriate permanency option. As a result of the findings, CFSA promulgated an Administrative Issuance that restricted the number of new APPLA cases by requiring that the Director of CFSA sign off on all new cases in which a goal of APPLA would be recommended to the Court. While the Administrative Issuance did not require a retroactive approval of the APPLA goal for those children whose current goal was APPLA, it was designed to serve as a gate-keeping mechanism to reduce the number of children who would receive the goal in the future. To address the needs of the children with a goal of APPLA, the Permanency Connection Workgroup was formed. This workgroup was charged with examining the cases of those children currently with the goal of APPLA to determine if in fact all other permanency options had been ruled out or if circumstances in the case had changed so that revisiting the goal was appropriate. To implement the work of the group, a pilot study of 60 APPLA cases were reviewed to determine how many children, if any, could have their goals modified as a result of

changed circumstances in their cases. The goal of the pilot study, which was achieved, was to have 30 of the 60 youth permanency goals changed from APPLA to a new non-APPLA permanency option. As a result of this preliminary work, CFSA expects to significantly reduce the number of children with a goal of APPLA over the next year or so.

In addition to addressing these issues, the Family Court has undertaken two initiatives to ensure that youth with a goal of APPLA have increased success after aging-out of the foster care system. Both programs, designed for youth with a goal of APPLA, were designed to address the lack of preparation for the challenges of emancipation, as well as the lack of information and coordination of services necessary to assist in their transition to independence. Overall the goal is to reduce the number of young people who emancipate from the system ill-equipped for independent living. The *Preparing Youth for Adulthood Initiative* was developed in collaboration with the D.C. Court Appointed Special Advocates (CASA of D.C.) program. This initiative began in 2007 because more than 800 children in the D.C. child abuse and neglect system and under the jurisdiction of the Family Court were age 15 and older and had a goal of APPLA. While it is clear to the Court that some of these youth will attend college or secure vocational skills, obtain employment and locate stable housing, far too many will not have even graduated from high school, established a savings account, or obtained the daily living skills they need by their 21st birthdays. More importantly, many will not have established positive permanent connections with caring and responsible adults that will continue to exist after their emancipation from the child welfare system. This program is designed to ensure that youth nearing emancipation do in fact get the services they need and are

encouraged and guided in the process of establishing lasting relationships with caring adults. To assist in this effort, the Court appoints CASA volunteers, specially trained in working with older youth, to youth who have an open neglect case and are transitioning to independence.

CASA volunteers work to ensure that all necessary services are accessible and provided in a timely manner in accordance with the youth's transition plan. In so doing, they work closely and cooperatively with other parties in the case. CASA volunteers also provide the Court with independent and objective information regarding, among other things: appropriateness of services and supports received or needed; whether services and supports are resulting in positive outcomes for the youth; youth and service provider compliance with court-ordered services and supports; parent/caregiver compliance with court-ordered obligations, services and supports; and the youth's progress toward and preparation for independence.

While the CASA volunteer is not responsible for providing direct services to the youth, s/he is responsible for seeing that court-ordered services and supports are provided, that they are fulfilling their objectives, and that proper and effective coordination among participating agencies is taking place. To ensure that volunteer advocates meet these requirements, the CASA program mandates that all CASA volunteers meet with their assigned youth a minimum of two times per month. Most CASA volunteers exceed this requirement and in addition to visits, many maintain close and consistent relationships through frequent phone calls, text messages, and emails with their assigned youth, as well as, through collateral contacts they make with other stakeholders involved with youth. As a result of their high level of involvement, CASA

volunteers continue to ensure that youth receive the services they need. To date three youth have emancipated from the program. Due to the support and diligence of the CASA volunteers who follow up with recommended services for the youth and provide support, the three youth have successfully transitioned and left care in a safe and stable manner. Each youth successfully found a safe and secure living situation before emancipation. One youth went on to the Job Corps program, another went to a fashion design school and the last youth found employment. More importantly, all had established a connection with a supportive adult who will remain in their lives after emancipation.

The second initiative, begun in 2009, was the development and finalization of a handbook on the court process, permanency outcomes and aging out of foster care system for older youth in the child welfare system, specifically those with a goal of APPLA, entitled *Pathway to the Future: Your Journey from Adolescence to Adulthood*. This handbook was developed to help youth understand the issues involved in transitioning from foster care to living independent lives. While acknowledging that the process is difficult, the handbook is designed as a guide and “how to” book to address many of the issues they will face during the transition process. The objective of the handbook is to provide youth with a ready reference that provides at minimum a starting point from which to tackle the myriad of issues they are likely to confront, but more importantly its goal is to empower youth with the knowledge and understanding they will need to be strong advocates for themselves now and in the future.

Long term strategic plan to ensure complete implementation of a comprehensive case management and tracking system.

The Superior Court has made significant progress in implementing a comprehensive case management and tracking system. Begun in 2003, the first phase of the court-wide integrated justice information system (IJIS) was the development of a fully functional system for the Family Court to perform all aspects of case processing, such as Case Management, Financial Accounting, Case Initiation, Scheduling, Management Reporting and Docketing.

Implementation of IJIS within Family Court

In August 2003, the Family Court began using IJIS to process adoptions cases, abuse and neglect cases, and juvenile delinquency cases. In addition, juvenile probation cases in the Family Court Social Services Division and mediation cases in support of Family Court operations in the Court's Multi-Door Dispute Resolution Division began to be processed in IJIS. In December 2003, additional Family Court case types --including domestic relations, mental health and mental retardation, the Marriage Bureau and the Council for Child Abuse and Neglect-- began processing cases in IJIS. In August 2004, the Court incorporated paternity and support cases into IJIS completing the implementation of IJIS within the Family Court.

Goals of the new case management system included monitoring the implementation of the One Family One Judge case management model to ensure that all cases involving a child, his family and household members were heard by one judicial officer or judicial team. The premise underlying the model is to allow judges to gain familiarity with a family so that the judge is able to make more informed and effective decisions. The model also reduces the risk of conflicting court orders and avoids the necessity of multiple court appearances by members of the same family.

Electronic Data Exchange with the Child and Family Services Agency and the Office of the Attorney General

Beginning in 2003, the Family Court began electronically exchanging data on a limited basis with CFSA. Each night the Court provides scheduling data for abuse and neglect cases to CFSA. Data is extracted from IJIS and provided to CFSA through a secure File Transfer Protocol server. The Court is prepared to provide similar data on adoption cases when the Agency is technologically able to accept it.

In addition, the Family Court is in the process of expanding its capacity to electronically exchange information in abuse and neglect cases with CFSA and OAG, utilizing funds from the Court Improvement Project (CIP). The data exchange program under development has three phases: electronic case initiation with CFSA; electronic submission of subsequent filings, including the petition, with the OAG; and electronic transmission of court orders to CFSA.

Beginning in late 2007 and continuing through 2009, the Court's Information Technology Division facilitated a series of meetings between Family Court staff, CFSA program staff, CFSA IT staff, and CourtView Justice Solutions (CVJS) to clarify requirements and formulate a design which would address the business needs and functional requirements of phase I of the data exchange system. Following finalization of the functional and business requirements, CVJS constructed a comprehensive design specification that outlined the architecture and technical requirements necessary to develop, configure, and ultimately test the application that will automate the abuse and neglect case initiation process. In addition to receiving data from CFSA, the data

exchange will produce automated complaints as an output of the case management process. The CFSA IT team also completed modifications to the agency's FACES program, a case management application that had been previously identified as a critical component of the automated case initiation process. The overall goal of Phase I is to create a more accurate and expeditious process for the creation of complaints and legal cases for all participating agencies. Full implementation of the automated case initiation process is anticipated by mid 2010.

Although the focus during 2009 was primarily on completing Phase I of the project, the Court also began initial work on Phases II and III of the project, which call for further automation of the case filing and document sharing process, including submission of subsequent filings, including the petition, with OAG and electronic transmission of court orders to CFSA. The court, CFSA, and the CVJS teams have scheduled meeting during the first quarter of 2010 to further define the functional requirements for the subsequent phases that are scheduled for completion in 2011.

Identity Consolidation

During 2004, to improve its compliance with the One Family One Judge mandate, the Family Court undertook the task of consolidating thousands of individual electronic identifications that were a product of the previous case management systems. That work continues and procedures have been developed to ensure that identities in new cases coming into the system are screened against existing identities and consolidated when appropriate. The processes and procedures established by the Family Court for identity consolidation are serving as a model for other divisions of the court.

Family Identity Number Assignment

Starting with Abuse and Neglect cases the Court's IT Division facilitated the identification of business rules and procedures to correct inconsistent "family" identity numbers in the IJIS system created in 2003, during the conversion of data from the courts legacy system to its new integrated case management system. These business rules are designed to identify members of the same family unit and assign a unique Family Identifier to each family member to ensure that cases involving all family members are assigned to one judicial officer. During 2010, the rule set will be applied to all of the case types in Family Court including juvenile delinquency, adoption, domestic relations, mental health, mental retardation, and paternity and support.

Recommendations for Congress regarding areas where action is needed to support the Family Court and increase the efficiency of the foster care adoption process.

There are three areas where action is needed. First, there are still barriers related to the implementation of the ICPC that impacts the Family Court's ability to permanently place children in homes of people in neighboring jurisdictions. Second, in order to encourage more foster parents to adopt, more resources are needed to support adoptive parents. And, third, because a quarter of the referrals to the Family Court in the area of neglect and abuse are children 13 years and older, more resources are needed to prepare children for emancipation and for life after leaving the child welfare system.

Mr. Chairman, Senator Voinovich, Senator Landrieu, again I thank you for the opportunity to testify on these important issues. We appreciate the support you have shown in the past for our Family Court. I am pleased to have had the opportunity to present some of our achievements and outline some of our goals. I would be pleased to answer any questions you may have now, or may submit later in writing. Thank you.

