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Report to Congressional Committees

January 2004

D.C. FAMILY COURT

Progress Has Been Made in Implementing Its Transition

GAO-04-234

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GAO Accountability • Integrity • Reliability

Highlights

Highlights of GAO-04-234, a report to Congressional Committees

Why GAO Did This Study

The D.C. Family Court Act (P.L. 107-114) mandated that GAO examine the performance of the D.C. Family Court. GAO addressed the following objectives: (1) What procedures were used to make judicial appointments to the Family Court and what effect did qualification requirements have on appointment timeframes? (2) How timely was the Family Court in meeting established timeframes for transferring and resolving abuse and neglect cases, and what impact did magistrate judges have on the workload of judges and other personnel? (3) What progress has the D.C. Courts made in procuring permanent space? (4) What progress have the Superior Court and District agencies made in sharing data from their computer systems? To address these objectives, GAO analyzed court data on its timeliness in resolving cases, reviewed the Family Court Act, applicable District laws, and reports required by the act; reviewed documents regarding the Family Court's progress in acquiring permanent space and those related to sharing data from the computer systems of the Superior Court and the District; and interviewed relevant District, Superior Court, and Family Court officials.

In commenting on this report, the Superior Court agreed with our conclusions and cited additional progress. The Deputy Mayor for Children, Youth, Families, and Elders clarified the roles and responsibilities of various District offices.

www.gao.gov/cgi-bin/getrpt?GAO-04-234.

To view the full product, including the scope and methodology, click on the link above. For more information, contact Cornelia M. Ashby at (202) 512-8403 or ashbyc@gao.gov.

What GAO Found

The Superior Court and the District of Columbia used established procedures to appoint magistrate and associate judges to the Family Court, but an issue related to qualification requirements and other factors delayed appointments. One nominee expressed some reluctance to meeting Family Court training requirements. A second nominee was found to have had delinquent tax filing issues a few years prior to his nomination. The Senate Committee charged with approving the nominees determined that these issues were adequately resolved, but chose to defer their confirmation until other Superior Court nominees were approved. The Family Court met its statutory deadlines for transferring cases into the court from other Superior Court divisions and closed 620, or 19 percent, of these cases (see table). The court has also decreased the timeframes for resolving abuse and neglect matters and magistrate judges have played a key role in handling cases. Several factors, however, such as shortages of substance abuse treatment services, posed barriers to achieving Family Court goals.

Frequency of Reasons for Closing Abuse and Neglect Cases Transferred to the Family Court

Reason for case closure	Number of cases	Percent of cases
Permanency goal achieved		
Reunification	210	34
Adoption	174	28
Guardianship	52	8
Custody	42	7
Child reached age of majority (21 years old)	79	13
Emancipated child[a]	43	7
Court case closed/continued for services[b]	15	2
Child deceased	5	1
Total	**620**	**100**

Source: D.C. Superior Court.

[a]An emancipated child is a youth who know longer wants, or who refuses to accept, services.

[b]Includes cases where the court has reached an agreement with the District's Child and Family Services Agency to continue the provision of services after the court case is closed.

To accommodate the operations of the Family Court, D.C. Courts—comprised of all components of the District's judiciary branch—has made progress in procuring permanent space for the Family Court. This new space, expected to be complete in late 2009, will consolidate 76 percent of the Family Court functions and associated personnel. The Superior Court and the District of Columbia have made progress in exchanging data from their respective information systems. In August 2003, the Superior Court implemented the Integrated Justice Information System, which is used to manage its cases and exchange data with other agencies. Although the District has developed a model to enable the exchange of data between various District agencies and the court, it has not fully resolved several critical issues we reported in August 2002. The District plans to address these issues as it incorporates solutions into the plans it is developing to modernize District agency computer systems.

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Abbreviations

ASFA	Adoption and Safe Families Act
CCE	Council for Court Excellence
CFSA	Child and Family Services Agency
IJIS	Integrated Justice Information System
JNC	Judicial Nomination Commission
OCTO	Office of the Chief Technology Officer
SPIS	Safe Passages Information Suite

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United States General Accounting Office
Washington, DC 20548

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Congressional Committees

Child abuse, juvenile delinquency, domestic violence, and child support are some of the issues that fall under the jurisdiction of the D.C. Family Court (Family Court). The Family Court, established by the D.C. Family Court Act of 2001, was created in part to transition the former Family Division of the D.C. Superior Court into a court solely dedicated to matters concerning children and families. To assist the court in the handling of such matters, the Family Court Act authorized the Family Court to hire associate judges and magistrate judges (formerly hearing commissioners)[1] with expertise in family law; required the court to develop a transition plan to transfer all family-related cases from other divisions of the Superior Court into the Family Court and implement various case management practices to expedite their resolution in accordance with timeframes established by the Adoption and Safe Families Act (ASFA) of 1997;[2] required a plan for space, equipment, and other needs; and required the Superior Court to integrate its computer system with those of relevant District of Columbia agencies to share information regarding children and families.

To monitor the progress of the Family Court, the Congress established three mandates requiring that we assess various aspects of the court's progress at different intervals. In response to the first mandate, requiring that we assess the Superior Court's plan to transition the Family Division to a Family Court, we reported that the Family Court had made progress, but faced challenges in acquiring space to house all of its personnel and developing an automated information system to support its operations, as well as other challenges.[3] In response to the second mandate, requiring that we evaluate the Mayor of the District of Columbia's plan to integrate

[1]In the D.C. Family Court, magistrate judges have authority to preside over several proceedings, including abuse and neglect, and matters related to child support orders. Family Court associate judges preside over matters, such as trials involving juveniles, adoptions, and other proceedings.

[2]ASFA establishes specific timeframes for making permanent living arrangements for children removed from their homes.

[3]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.: May 2002).

the computer systems of relevant District agencies with the Superior Court's, we reported that successful implementation of the plan was contingent on resolving several critical issues, such as ensuring confidentiality of electronic records and the quality of data exchanged with the court.[4] This report responds to the third mandate and agreements reached with cognizant congressional offices to address the following four objectives:

1. What procedures were used to make initial judicial appointments to the Family Court and what effect did qualification requirements have on the length of time to make appointments of magistrate judges and associate judges?

2. How timely was the Family Court in meeting established timeframes for transferring and resolving abuse and neglect cases, and what impact did magistrate judges have on the workload of judges and other court personnel?

3. What progress has the D.C. Courts made in procuring permanent physical space?

4. What progress have the Superior Court and relevant District of Columbia agencies made in sharing data from their computer systems?[5]

To answer these questions, we analyzed data provided by the Family Court on the status of transferred cases and its timeliness in resolving these and other abuse and neglect cases. We also reviewed the Family Court Act, applicable District laws, and the Family Court Transition Plan and subsequent reports required by the act to identify qualification requirements for judges and prescribed procedures for appointing associate judges; reviewed documents regarding the Family Court's progress in acquiring permanent physical space and those related to integrating the computer systems of the Superior Court and the District;

[4]U.S. General Accounting Office, *District of Columbia: More Details Needed on Plans to Integrate Computer Systems with the Family Court and Use Federal Funds*, GAO-02-948 (Washington, D.C.: Aug. 2002).

[5]To fulfill the Family Court Act requirement to integrate the computer systems of appropriate District of Columbia agencies with the Superior Court's, the District has embarked on a modernization program to enable the Family Court and relevant District agencies to access and share data with each other.

and interviewed relevant District, Superior Court, and Family Court officials. In addition, we interviewed child welfare and court experts, as well as court officials in other jurisdictions, to obtain information on potential best practices and a perspective on court operations in other jurisdictions. We focused our review on abuse and neglect cases because of congressional interest and the former Family Division's past problems in handling such cases. We conducted our work between April and December 2003 in accordance with generally accepted government auditing standards. Appendix I provides a more detailed discussion of our scope and methodology.

Results in Brief

Procedures established by the Superior Court and the District of Columbia were used to appoint judges to the Family Court, but an issue related to the qualification requirements and two other factors slowed the appointment of two of the three associate judges sought by the Superior Court. The procedures included using an internal panel of Superior Court judges to recommend magistrate judge candidates for appointment by the Chief Judge of the Superior Court and using the District's Judicial Nomination Commission (JNC) to recommend associate judge candidates for nomination by the President. The D.C. Family Court Act, among other qualification requirements, requires that candidates certify that they will serve a specified term and participate in training programs designated by the Family Court before being assigned. The JNC queried applicants about their ability to meet these requirements prior to nominating them to the President. However, one applicant—whose name was forwarded by the President to the U.S. Senate Committee on Governmental Affairs for approval—later expressed reluctance to participate in the Family Court's training programs during discussions with the Committee. In addition, though not related to a requirement of the Family Court Act, a Senate background investigation disclosed that another candidate was delinquent in filing prior year federal and District tax returns. After further questioning, the Committee determined that the training and delinquent tax issues were adequately resolved. According to a Senate staff member involved in the investigation of the judicial nominees, the additional time required to investigate these issues, as well as the Committee's desire to first approve pending Superior Court judicial nominees for other Superior Court divisions, delayed the Senate approval of the two Family Court nominees.

The Family Court met established timeframes for transferring cases into the Family Court and decreased the timeframes for resolving abuse and neglect cases; however, magistrate judges' effect on reducing the workload of other court officials has been limited. In November 2003, the Superior Court reported that the vast majority of cases had been transferred from other divisions of the Superior Court by the statutory deadline of October 2003. According to Family Court officials, the 30 cases remaining outside the Family Court primarily represent children who would soon become 21 and no longer be in the care of the Family Court or have mental health or educational issues that complicate their placement in a permanent home. Although the presence of additional magistrate judges, primarily hired to handle cases transferred into the Family Court from other divisions and to improve the Court's timeliness in handling its cases, has increased the Family Court's ability to process additional cases in a more timely manner, court officials said that other factors have also improved the Court's timeliness. They noted, however, that several factors have constrained the effect of magistrate judges reducing the workload of other court personnel. For example, court officials said that shortages in substance abuse treatment services, housing, and other barriers posed significant impediments to the timely placement of children in permanent homes, resulting in cases remaining open for longer periods of time. In addition, several associate and magistrate judges and other court officials said that the Family Court has not hired sufficient support personnel to update automated data, prepare cases for court, and process court documentation. Similarly, a June 2002 Booz, Allen, and Hamilton study of the Superior Court's staffing needs found that the Family Court had the largest staffing shortage of any division in the Superior Court. According to the Chief Judge of the Superior Court, the Superior Court has hired additional support personnel but will reassess staff needs as it completes a review of its business processes.

The D.C. Courts, comprised of all components of the District's judiciary branch, has made progress in procuring permanent space for the Family Court, but the new space will not consolidate all Family Court operations. To prepare for construction of the new Family Court, the D.C. Courts designated space for the exclusive use of the Family Court in the H. Carl Moultrie I Courthouse and made several interim renovations to provide for consolidation of Family Court operations. The first phase of the Family Court construction project, scheduled for completion in July 2004, will provide the Family Court with many court components, including new judges' chambers, a family waiting area, and a children's play area. However, completion of the entire Family Court construction project, scheduled for late 2009, depends on the renovations of several court

buildings located on the Judiciary Square Campus and coordination with several regulatory agencies, such as the National Capital Planning Commission. As currently configured, the new Family Court space will consolidate 76 percent of the functions and associated personnel of the Family Court on the John Marshall and C Street levels of the H. Carl Moultrie I Courthouse. Other Family Court components will be located on other levels of the Moultrie Courthouse. The current Family Court space plan is an alternative to a larger plan, which would provide the Family Court with greater consolidation. The larger plan would replace the current plan if funding is approved by the Congress.

The Superior Court and the District of Columbia are exchanging some data and making progress toward developing a broader capability to exchange data from their respective information systems to comply with the Family Court Act. In August 2003, the Superior Court began implementing the Integrated Justice Information System (IJIS), which is intended to help the court better manage its caseload and exchange data with District agencies. The Superior Court is using IJIS to automate the exchange of data with District agencies, such as providing the Child and Family Services Agency and the Office of the Corporation Counsel with information on the date, time, and location of scheduled court proceedings. The District's Office of the Chief Technology Officer (OCTO), responsible for leading the information technology development for the District's data exchange effort, has developed a prototype or model to enable the exchange of data among the police department, social services agencies, and the court. While the District has made progress toward exchanging data, it has not yet fully resolved several critical issues we reported in August 2002. These issues include the need to specify the integration requirements of the Superior Court and District agencies, and resolve privacy restrictions and data quality issues among District agencies. OCTO is developing plans to provide the capability for sharing data to comply with the Family Court Act and meet the information needs of participating agencies. According to OCTO's Program Manager, the agency will work to resolve the issues we raised and incorporate the solutions into its plans.

In commenting on this report, the D.C. Superior Court agreed with our conclusion that it has made progress in implementing the D.C. Family Court Act and cited additional progress in other areas required by the D.C. Family Court Act. In addition, the court clarified its implementation of one judge/one family and provided additional information on its compliance with permanency hearing requirements and on its efforts to provide appropriate space. The court also provided technical clarifications, which we incorporated when appropriate. The Deputy Mayor for Children,

Youth, Families, and Elders also provided comments, but did not express agreement or disagreement with the contents of the report. The District did, however, clarify the roles and responsibilities of the Office of the Deputy Mayor for Children, Youth, Families, and Elders and the Office of the Chief Technology Officer in implementing the Mayor's plan to integrate the information systems of the District's human services agencies and the D.C. Superior Court.

Background

The D.C. Family Court Act fundamentally changed the way the Superior Court's Family Division handled its family cases. To transition the Family Division into a Family Court, the Family Court Act required that the Superior Court prepare a transition plan describing such things as the function of the presiding judge and the number of magistrate judges, the flow and management of cases, and staffing needs. One of the central organizing principles for establishing the Family Court was the one family/one judge case management concept, whereby the same judge handles all matters related to one family. Judges in other court jurisdictions, such as Hamilton County Juvenile Court in Cincinnati, Ohio, report that implementing a one family/one judge approach in their courts facilitated more efficient and effective court operations and improved compliance with required timeframes of ASFA. The act re-established the Family Division as a Family Court, which has jurisdiction over alleged child abuse and neglect, juvenile delinquency, domestic violence, child support, and other family matters. The act also established specific qualifications for judges and extended their term requirements and established various case management practices to improve the Family Court's administration of cases and proceedings. Additionally, in creating the new position of magistrate judge (formerly hearing commissioners), the act specified that the magistrate judges would assist associate judges in deciding how to dispose of cases and identifying cases that were to be transferred from judges outside of the Family Court. To assist the Family Court in meeting its responsibilities, the Chief Judge of the Superior Court determined that the Family Court needed 15 associate judges and 17 magistrate judges. Twelve associate judges and 8 magistrate judges initially joined the Family Court, creating the need to hire 3 additional associate judges and 9 magistrate judges. The act specified that before assigning individuals to serve as judges in the Family Court, the individuals would certify to the Chief Judge of the Superior Court that they

intend to serve the full term of service[6] and would participate in ongoing training programs designated by the Family Court on various family-related topics. The act also requires judges to have prior training or expertise in family law. New associate judges appointed to the Family Court are required to serve a 5-year term, except for judges who previously served in the Superior Court, who must serve 3-year terms.[7] Magistrate judges are required to serve a 4-year term. To support implementation of the Family Court, a total of about $30 million in federal funds was budgeted to fund the Family Court's transition from fiscal years 2002 through 2004.

In addition to the D.C. Family Court Act, which required that all pending abuse and neglect cases assigned to judges outside of the Family Court be transferred to the Family Court by October 2003, other federal and District laws establish required timeframes for handling abuse and neglect case proceedings. ASFA requires each child to have a permanency hearing within 12 months of the child's entry into foster care, defined as the earlier of the following two dates: (1) the date of the first judicial finding that the child has been subjected to child abuse or neglect or (2) the date that is 60 days after the date on which the child is removed from the home. The permanency hearing is to decide the goal for where the child will permanently reside and set a timetable for achieving the goal. Permanency may be accomplished through reunification with a parent, adoption, guardianship, or some other permanent placement arrangement. In addition to ASFA's requirements, District of Columbia law establishes deadlines for conducting trials to determine the veracity of neglect or abuse allegations and dispositions to determine the remedy for confirmed abuse and neglect cases. The deadlines differ depending upon whether children remain in their homes or are removed from their homes. In general, if children are not removed from their homes, both the trial and the disposition must begin within 45 days of the filing of the petition requesting that the court review an alleged abuse and neglect case. If children are removed from their homes and placed in foster care, the statute requires that the trial and disposition begin within 105 days of

[6]The Family Court Act makes exceptions for the full service term requirement for senior judges (which include retired judges who provide assistance to the court), individuals serving as temporary judges, and judges from other Superior Court divisions serving in the Family Court on an emergency temporary basis.

[7]The 3-year term is reduced for associate judges who previously served in the Family Division by the period of time they served in the Family Division immediately prior to the enactment of the Family Court Act.

removal from their home. To ensure that abuse and neglect cases are properly managed, the Council for Court Excellence, at the request of Congress, evaluates Family Court data on these cases.[8]

It is important that District social service agencies and the Family Court receive and share information they need on the children and families they serve. For example, Child and Family Services Agency (CFSA) caseworkers need to know from the court the status of a child's case, when a hearing is scheduled, and a judge's ruling. The Family Court needs case history information from caseworkers, such as whether services have been provided and if there is evidence of abuse or neglect. Recognizing the need to share such information, the Family Court Act required that the Family Court and the District government integrate their computer systems to share essential information. According to District officials, current plans to exchange information between the Superior Court and District agencies and among District agencies are estimated to cost about $66 million, of which about $22 million would support initiatives outlined in the Mayor's plan issued in July 2002.[9] According to District officials, about $36 million of the $66 million would come from capital funds that are currently available; however, they would need to seek additional funding for the remaining $30 million. Currently, budget submissions are being made to the District's Office of Budget and Planning for the fiscal year 2005 budget. In addition to the $66 million needed to fund District data exchange efforts, the total cost of the IJIS project to the Superior Court is expected to be between $20 and $25 million, depending on the availability of funds for project-related infrastructure improvements and other project initiatives. Funding for this project is being made available through the D.C. Courts' capital budget.

The Deputy Mayor for Children, Youth, Families, and Elders and the eight District agencies identified in the District of Columbia Family Court Act or by the Mayor are responsible for defining the program and operational requirements for data sharing and integration. The Deputy Mayor established the Children and Youth Program Coordinating Council, comprising the Directors of the District agencies, the Mayor's Court

[8]The Council for Court Excellence is a nonprofit, nonpartisan, civic organization that works to improve the administration of justice in the local and federal courts and related agencies in the Washington, D.C., metropolitan area and in the nation.

[9]*Supporting the Vision: Mayor's Plan to Integrate the District of Columbia's Social Services Information Systems with the Family Court of the DC Superior*, July 8, 2002.

Liaison, and the D.C. Public Schools, to lead the effort to define the business and program requirements derived from the Family Court Act and the Mayor's July 2002 plan to integrate District social services and related information systems with the information systems of the Family Court. The planned Safe Passages Information Suite (SPIS) is expected to link disparate health and human services databases across the District to provide individual case managers with critical information regarding cross-agency servicing of children, families, and individuals within the District's health and human services system. The effort to develop SPIS is being conducted within a broader project to modernize the District's human services and related information systems.

OCTO is responsible for leading the technology development and system deployment necessary to support the District's health and human services business process requirements. The Child and Family Program Coordinating Council and affected agencies will have the opportunity to review, adjust, and subsequently affirm the detailed plans, interim milestones, decision points, and project phases prepared by OCTO for this development.

Court and District Procedures Were Used to Appoint New Judges, but Three Issues—One Related to the Qualification Requirements—Delayed Some Appointments

Although the Superior Court and the District followed established procedures to appoint new judges to the Family Court, an issue related to the qualification requirements and two other factors deferred the appointment of 2 of the 3 associate judges sought by the Superior Court. The Superior Court had planned to appoint 3 new associate judges to the Family Court by May 2003, but as of September 2003, only one nominee had been appointed. The other two nominees recently received Senate approval on October 24, 2003, and will likely begin hearing cases by January 2004, according to the Chief Judge of the Superior Court. According to a Senate staff member involved in the investigation of judicial nominees, Senate approval was delayed in part by the additional time required to investigate issues surrounding the nominees. For example, one of the nominees was delayed because of further investigation into the nominee's reluctance to participate in training specified by the Family Court Act.

The Superior Court Used Internal Procedures to Appoint Magistrate Judges

The Superior Court followed internal procedures to appoint the 9 new magistrate judges to the Family Court. The Superior Court used a panel of judges to recruit, interview, and make recommendations to the chief judge to fill magistrate judge positions. The judicial panel consisted of 11 active judges selected by the chief judge from different areas throughout the Superior Court, including the presiding judge of the Family Court. The

Family Court Act established several specific qualification requirements for magistrate judges. For example, the act required that magistrate judges have not fewer than 3 years of training or experience in the practice of family law as a lawyer or judicial officer.

The judicial panel began formally recruiting for magistrate judges in January 2002 using a variety of recruitment media, including professional legal organizations, newspapers, and the Superior Court's Web site. To assist the Superior Court in filling the initial magistrate judge vacancies, the Family Court Act authorized the court to use expedited appointment procedures. The panel received 115 applications for the first 5 magistrate judge positions. According to the chair of the judicial panel, some candidates did not meet the basic qualifications, while others had qualifications that far exceeded the requirements. The judicial panel ranked the candidates using a 5-point scale, with 5 representing outstanding, and interviewed candidates determined to be best qualified. The panel submitted its recommendations—three names for each vacancy—to the chief judge using a rank-ordered listing. The chief judge made selections from the list after obtaining input from judges throughout the Superior Court who had some knowledge of the candidates' qualifications.

The Superior Court appointed the first 5 magistrate judges in April 2002 in accordance with its Transition Plan. The panel received an additional 15-20 applications for the second vacancy announcement for the 4 remaining magistrate judge positions and also considered the applications of interested candidates in the first applicant pool. The Superior Court appointed the remaining 4 magistrate judges in October 2002 as planned.[10]

[10]In October 2003, the Family Court was below its authorized ceiling of 17 magistrate judges because one of the magistrate judges was appointed as an associate judge in another division of the Superior Court.

The District Used Established Procedures to Appoint Associate Judges, but A Qualification Related Issue and Two Other Factors Delayed Two Appointments

The District used procedures established by District laws to appoint associate judges to the Family Court. In June 2002, the chief judge requested that the JNC begin the process for appointing 3 additional associate judges to the Family Court. JNC, comprised of academicians, legal experts, and other District of Columbia residents, selects and recommends to the President judicial nominees for the Superior Court and D.C. Court of Appeals.[11] JNC considered 37 applicants for the 3 vacancies, 29 of whom had previously applied for associate judge positions and 8 new applicants. In considering each applicant, JNC queried applicants about their ability to meet the qualification requirements outlined in the Family Court Act, prior to nominating them to the President. In November 2002, JNC forwarded its recommendations—three names for each vacancy—to the President and in December 2002, the President nominated 3 candidates to fill the Superior Court vacancies and forwarded their names to the Senate Committee on Governmental Affairs for confirmation. However, one nominee later expressed reluctance to participate in the Family Court's training programs during discussions with the committee. The other two candidates nominated by the President for the Family Court included a magistrate judge serving in Family Court and an attorney with the D.C. Public Defender Service, who was found during a Senate background investigation to have had delinquent federal and District tax filing issues a few years prior to his nomination, though this was not in violation of the Family Court Act. After further questioning, the committee determined that the training and delinquent tax issues were adequately resolved.

The Senate held a confirmation hearing to consider the three candidates in June 2003 and approved one of the candidates in July 2003. Following Senate approval, the candidate was appointed to the Superior Court in September 2003. However, the Senate delayed confirmation of the two remaining candidates to allow it to first approve other pending Superior Court judicial nominees for vacancies in other Superior Court divisions.[12] These two candidates were confirmed on October 24, 2003. According to a

[11]The members of the JNC are appointed by the President, the D.C. Mayor, the D.C. City Council, the D.C. Bar Association, and the Chief Judge of the U.S. District Court to serve 6-year terms, except for certain lesser specified terms. The JNC is responsible for selecting and recommending judicial nominees to the President for D.C. Superior Court and D.C. Court of Appeals vacancies.

[12]As mandated by a statutory cap, the Superior Court is limited to the Chief Judge and 58 associate judges and may not exceed the cap except to make additional appointments, after meeting certain procedural requirements, to the Family Court.

Senate staff member, the process for appointing associate judges typically takes less than 12 months from the time that JNC receives the request to fill vacancies to the time that the Senate confirms the appointments. However, because of the additional time required to investigate outstanding issues and to confirm other Superior Court nominees, the appointment process for the two remaining candidates will have taken about 18 months by the time the new judges begin hearing cases, scheduled for January 2004.

The Court Was Timely in Transferring Cases and Conducting Other Court Proceedings, but Magistrate Judges' Effect on Reducing Workloads Has Been Limited

The Family Court met established timeframes for transferring cases into the Family Court and decreased the timeframes for resolving abuse and neglect cases; however, magistrate judges' effect on reducing the workload of other court officials has been limited. For example, magistrate judges have limited authority, which requires the involvement of associate judges in many cases. The hiring of new magistrate judges has also increased the need for additional support personnel to update automated data, prepare cases for court, and process court documentation. As a result, several associate and magistrate judges and other court officials said the Family Court does not have sufficient support personnel to manage its caseload more efficiently. According to the Chief Judge of the Superior Court, the Superior Court hired additional support personnel but will reassess staff needs as it completes a review of its business processes.

Almost All Cases Have Been Transferred to the Family Court, and Timeframes for Resolving Pending Case Proceedings Have Decreased

To consolidate all abuse and neglect cases in the Family Court, the D.C. Family Court Act required that judges in other divisions of the Superior Court transfer their abuse and neglect cases into the Family Court. While the act generally required the transfer of abuse and neglect cases by October 2003, it also permitted judges outside the Family Court to retain certain abuse and neglect cases provided that their retention of cases met criteria specified in the Family Court Act. Specifically, these cases were to remain at all times in full compliance with ASFA, and the Chief Judge of the Superior Court must determine that the retention of each case would lead to a child's placement in a permanent home more quickly than if the case were to be transferred to a judge in the Family Court.

In its October 2003 progress report on the implementation of the Family Court, the Superior Court reported that it had transferred all abuse and

neglect cases back to the Family Court, with the exception of 34 cases that remained outside the Family Court, as shown in table 1.[13] The Chief Judge of the Superior Court said that, as of August 2003, a justification for retaining an abuse and neglect case outside the Family Court had been provided in all such cases. According to the Superior Court, the principal reason for retaining abuse and neglect cases outside the Family Court was a determination made by non-Family Court judges that the cases would close before December 31, 2002, either because the child would turn 21, and thus no longer be under court jurisdiction, or because the case would close with a final adoption, custody, or guardianship decree. In the court's October 2003 progress report, it stated that the cases remaining outside the Family Court involve children with emotional or educational disabilities.

Table 1: Status of Abuse and Neglect Cases Outside the Family Court (Oct. 2003)

Status of cases	Number of cases	Percent of cases
Cases transferred to Family Court judges	3,255	94
Cases retained by judges outside the Family Court and closed	182	5
Cases retained by judges outside the Family Court and not closed	34	1
Total	**3,471**	**100**

Source: D.C. Superior Court.

While the Superior Court reported that 4 of the 34 abuse and neglect cases remaining outside the Family Court had closed subsequent to its October 2003 progress report, children in the remaining 30 cases had not yet been placed in permanent living arrangements. On average, children in these 30 cases are 14 years of age and have been in foster care for 8 years, nearly three times the average number of years in care for a child in the District of Columbia. Table 2 provides additional information on the characteristics of the 30 cases that remain outside the Family Court.

[13]The Superior Court completed an initial transfer of 1,554 abuse and neglect cases to the Family Court in June 2002 and began transferring the additional abuse and neglect cases outside the Family Court in November 2002.

Table 2: Characteristics of Abuse and Neglect Cases Remaining Outside the Family Court (Nov. 2003)

Permanency goal	Number of cases (percent)	Average age of child	Average number of years in care
Alternative plan[a]	16 (53)	18	10
Adoption	11 (37)	9	5
Reunification	3 (10)	16	10
Total for all cases	**30 (100)**	**14**	**8**

Source: D.C. Superior Court and GAO analysis.

[a]Alternative plans include permanency goals other than reunification, adoption, custody, and guardianship, such as independent living.

The Superior Court also reported that the Family Court had closed 620 of the 3,255 transferred cases, or 19 percent, as shown in table 3. Among the transferred cases closed by the Family Court, 77 percent of the 620 cases closed following reunification of the child with a parent or adoption, guardianship, or custody of the child by a designated family member or other individual. In most of the remaining transferred cases that had closed, the child had reached the age of majority, or 21 years of age in the District of Columbia.

Table 3: Frequency of Reasons for Closing Abuse and Neglect Cases Transferred to the Family Court (Oct. 2003)

Reason for case closure	Number of cases	Percent of cases
Permanency goal achieved		
Reunification	210	34
Adoption	174	28
Guardianship	52	8
Custody	42	7
Child reached age of majority (21 years old)	79	13
Emancipated child[a]	43	7
Court case closed/continued for CFSA services[b]	15	2
Child deceased	5	1
Total	**620**	**100**

Source: D.C. Superior Court.

[a]An emancipated child is a youth who no longer wants, or who refuses to accept, services.

[b]Includes cases where the court has reached an agreement with CFSA to continue the provision of services after the court case is closed.

In addition to transferring cases to the Family Court, the Family Court is responsible for the routine handling of all newly filed cases. For alleged cases of abuse and neglect, complainants file a petition with the Family Court requesting a review of the allegation. After the filing of the petition, the Family Court holds an initial hearing in which it hears and rules on the allegation. Following the initial hearing, the court may resolve the case through mediation or through a pretrial hearing.[14] Depending on the course of action that is taken and its outcome, several different court proceedings may follow to achieve permanency for children, thereby terminating the court's jurisdiction. Family Court abuse and neglect proceedings include several key activities, such as adjudication, disposition,[15] and permanency hearings. ASFA requires that a permanency hearing be held within 12

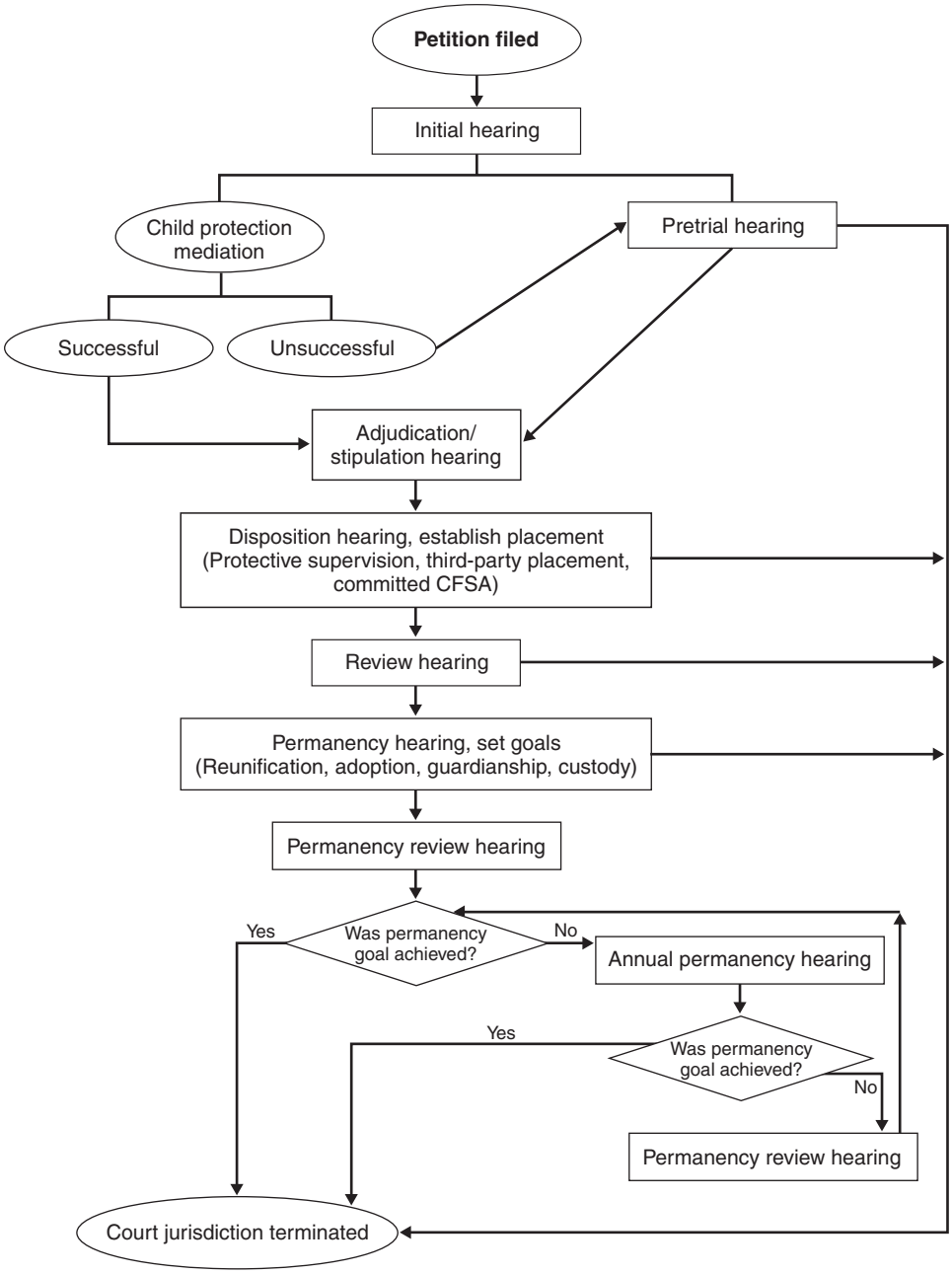
[14]Mediation procedures, involving judges, family members, attorneys, and others, attempt to mitigate alleged matters of abuse and neglect cases before conducting subsequent court proceedings. The court conducts periodic review hearings on the status of abuse and neglect cases.

[15]Adjudication hearings determine whether allegations of abuse or neglect are sustained by the evidence and disposition hearings establish where a child will be placed.

months of a child's placement in foster care.[16] The objective of a permanency hearing is to establish a permanency goal for the child, such as adoption or reunification with a parent, and to establish a time for achieving the specified permanency goal. Figure 1 depicts the flow of abuse and neglect cases through the various case activities handled by the D.C. Family Court.

[16]Similarly, the District requires that permanency hearings be held within 12 months of a child's placement in foster care.

Figure 1: Flow of D.C. Family Court Steps for Managing Child Abuse and Neglect Cases

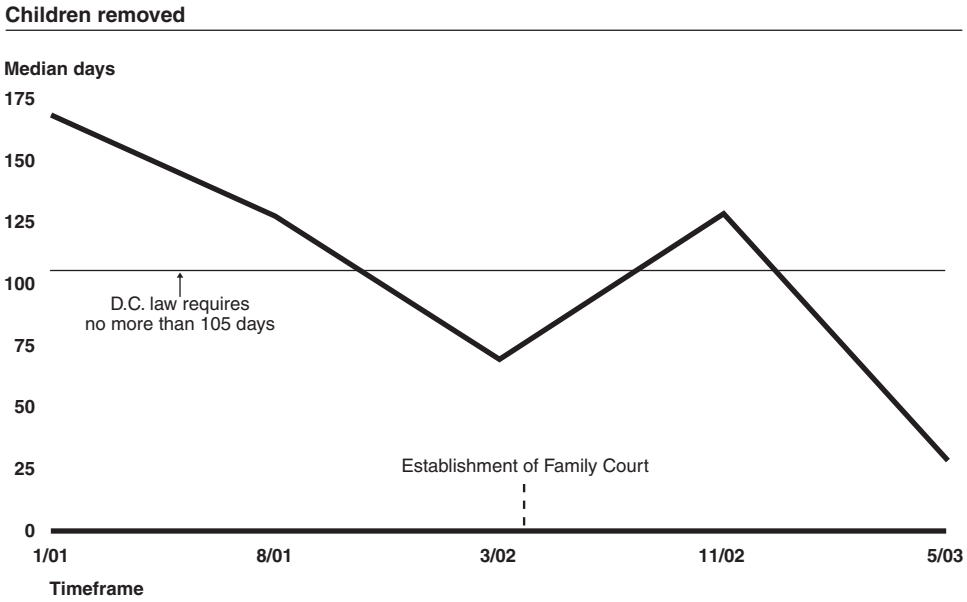


Source: D.C. Superior Court.

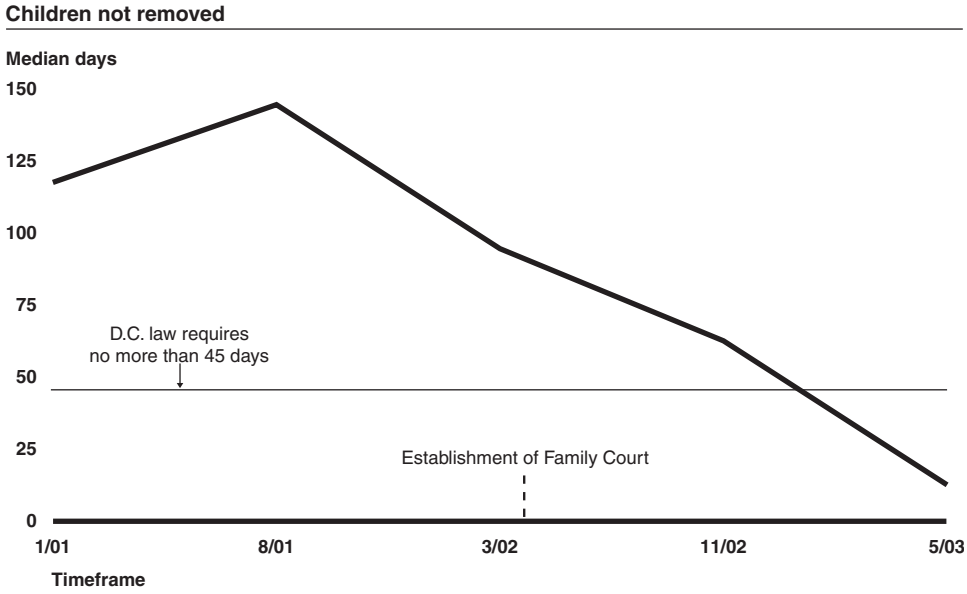
Data provided by the court show that in the last 2 years there has been a decrease in the amount of time to begin an adjudication hearing[17] for children in abuse and neglect cases. Figure 2 shows median times to begin hearings for children removed from their homes and for children not removed from their home. As required by District law, the court must begin the hearing within 105 days for children removed from their home and placed in foster care and within 45 days for children not removed from their home. Between 2001 and 2003, the median time to begin adjudication hearings in cases when a child was removed from home declined by 140 days to 28 days, or about 83 percent. Similarly, the decline in timeframes to begin the hearings was about as large in cases when children remained in their home. In these cases, median timeframes declined by about 90 percent during this same period to 12 days. In both cases, the Superior Court is beginning the hearings within D.C. law requirements. While the reduction in timeframes for these hearings began prior to the establishment of the Family Court, median days to begin hearings for children removed from their home increased immediately following the court's establishment before declining again in more recent months. According to two magistrate judges, the increase in timeframes immediately following establishment of the Family Court for children removed from their homes was attributable to the complexity of cases initially transferred to it.

[17]These hearings are also known as trials/stipulations.

Figure 2: Median Days to Begin Adjudication Hearings for Children Removed and Not Removed from Home, January 2001 through May 2003



Source: D.C. Superior Court.

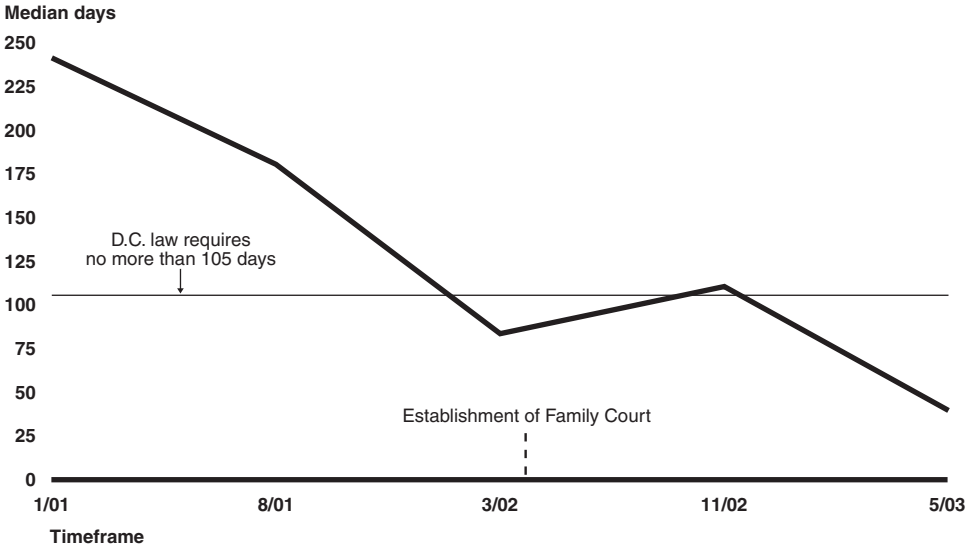


Source: D.C. Superior Court.

Similarly, timeframes to begin disposition hearings, a proceeding that occurs after the adjudication hearing and prior to permanency hearings, declined between 2001 and 2003, as shown in figure 3. As required by District law, the court must begin disposition hearings within 105 days for children removed from their home and within 45 days for children not removed from their home. The median days to begin disposition hearings for children removed from their home declined by 202 days to 39 days, or about 84 percent, between 2001 and 2003. The median days to begin disposition hearings for children not removed from their home declined by 159 days to 42 days, or about 79 percent. Therefore, the Superior Court is also within the timeframes required by D.C. law for these hearings. While the decline in the timeframes for disposition hearings began prior to the Family Court, according to two magistrate judges we interviewed the time required to begin these hearings increased in the 7-month period following the establishment of the Family Court because of the complexity of these cases.

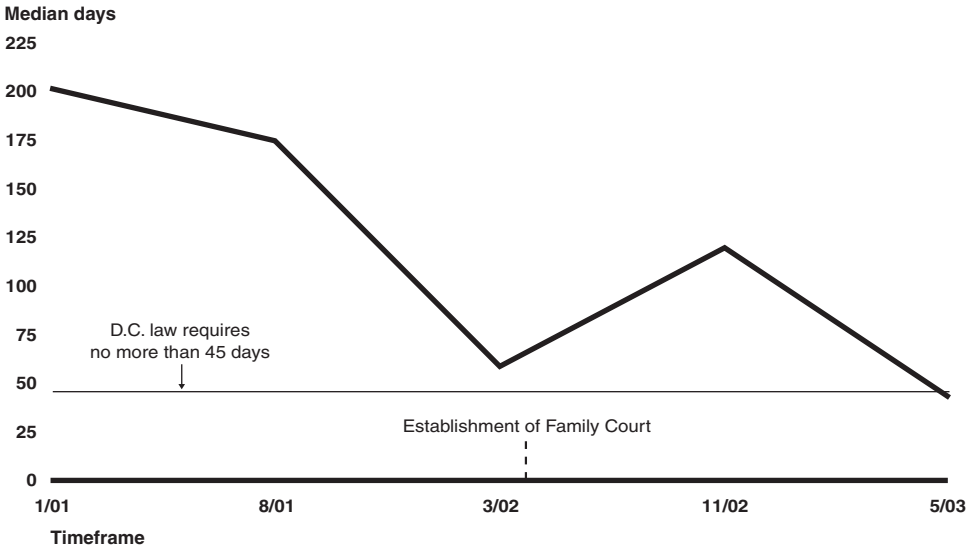
Figure 3: Median Days to Disposition for Children Removed and Not Removed from Home, January 2001 though May 2003

Children removed



Source: D.C. Superior Court.

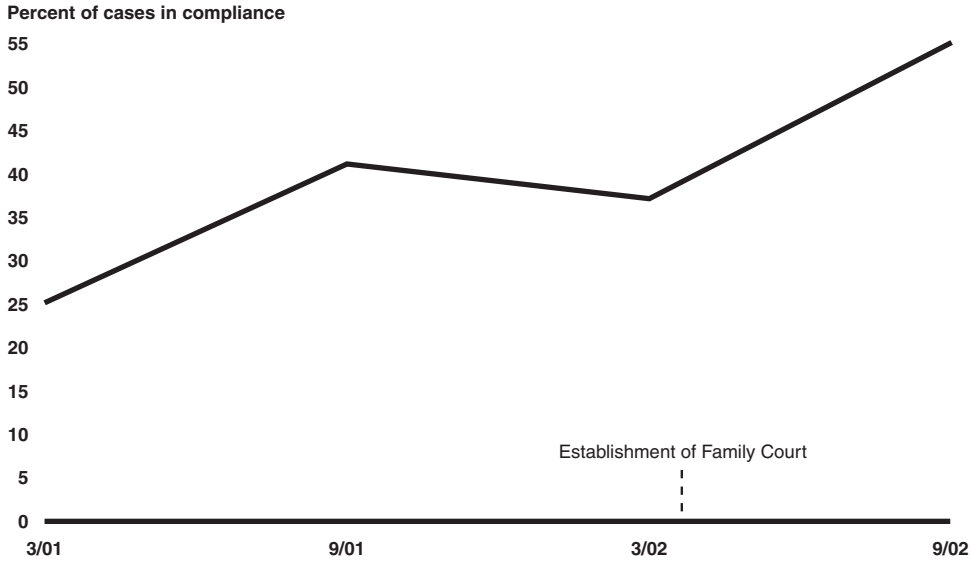
Children not removed



Source: D.C. Superior Court.

Despite declines in timeframes to begin adjudication and disposition hearings, the Family Court has not yet achieved full compliance with ASFA's requirement to hold permanency hearings within 12 months of a child's placement in foster care. The percentage of cases with timely permanency hearings increased from 25 percent in March 2001 to 55 percent in September 2002, as shown in figure 4.[18]

Figure 4: Percent of Cases in Compliance with ASFA's Permanency Hearing Requirement, March 2001 through September 2002



Source: Council for Court Excellence.
Note: These data on ASFA compliance apply to cases filed in 2000 and 2001 for which 12 months had expired since the time the child was placed in foster care.

Several factors affected the timeliness of Family Court permanency hearings. Factors that contributed to the decrease in the time required to conduct these hearings included reminders to judges of upcoming permanency hearing deadlines and the use of uniform court order forms. In addition, the Council for Court Excellence (CCE) reported that higher rates of compliance with timely permanency hearing deadlines should

[18]In commenting on a draft of this report, the Superior Court reported an 84 percent compliance rate with the ASFA permanency hearing requirement for cases filed between January and June 2002. However, we did not use this court-reported data in reporting the court's compliance with ASFA because neither GAO nor CCE had verified the data. In reporting the information in figure 4, CCE verified automated case data with information contained in the paper case file.

result from the use of uniform court orders. However, other factors continue to impede the Family Court's full achievement of ASFA compliance. Some D.C. Family Court judges have questioned the adequacy of ASFA's timelines for permanency, citing barriers external to the court, which increase the time required to achieve permanency.

These barriers include lengthy waits for housing, which might take up to a year, and the need for parents to receive mental health services or substance abuse treatment before they can reunite with the child. For example, from January through May 2003, Family Court judges reported that parental disabilities, including emotional impairments and treatment needs, most often impeded children's reunification with their parents. In nearly half of these reported instances, the parent needed substance abuse treatment. Procedural impediments to achieving reunification included the lack of sufficient housing to fully accommodate the needs of the reunified family. Regarding adoption and guardianship, procedural impediments included the need to complete administrative requirements associated with placing children with adoptive families in locations other than the District of Columbia. Financial impediments to permanency included insufficient adoption or guardianship subsidies. Table 4 provides additional details on impediments to achieving permanency goals.

Table 4: Impediments to Permanency by Current Permanency Goal, January through May 2003

Barriers to permanency	Current permanency goal (percent of hearings in which barrier impeded permanency)[a]						Total hearings
	Reunification	Adoption	Guardianship	Custody	Alternative plan[b]	Goal not designated	
Permanency options declined	8 (1)	19 (1)	3 (0)	0 (0)	101 (10)	2 (4)	133 (3)
Disabilities (child)	340 (24)	313 (19)	96 (11)	8 (11)	409 (39)	12 (23)	1,178 (23)
Disabilities (parent/ caretaker)	531 (37)	36 (2)	54 (6)	8 (11)	19 (2)	4 (8)	652 (13)
Procedural impediments	205 (14)	824 (51)	456 (52)	45 (59)	12 (1)	15 (28)	1,557 (30)
Agency impediments	32 (2)	193 (12)	57 (7)	8 (11)	28 (3)	1 (2)	319 (6)
Financial impediments	1 (0)	78 (5)	91 (10)	0 (0)	0 (0)	3 (6)	173 (3)
Legal impediments	19 (1)	14 (1)	12 (1)	3(4)	23 (2)	1 (2)	72 (1)
Other circumstances	305 (21)	148 (9)	107 (12)	4 (5)	466 (44)	15 (28)	1,045 (20)
Total[c]	**1,441(100)**	**1,625 (100)**	**876 (99)**	**76 (101)**	**1,058 (101)**	**53 (101)**	**5,129 (99)**

Source: D.C. Superior Court.

[a]Associate and magistrate judges reported barriers to specified permanency goals using a questionnaire distributed by the Family Court. Judges reported information on barriers to permanency in 74 percent of the hearings held between January and May 2003.

[b]Alternative plans include permanency goals other than reunification, adoption, custody, and guardianship, such as independent living.

[c]All percentages do not add to 100 due to rounding error.

Associate judges we interviewed cited additional factors that impeded the achievement of the appropriate foster care placements and timely permanency goals. For example, one judge said that the District's Youth Services Administration inappropriately placed a 16-year old boy in the juvenile justice facility because CFSA had not previously petitioned a neglect case before the Family Court. As a result, the child experienced a less appropriate and more injurious placement in a juvenile justice facility than what the child would have experienced had he been appropriately placed in foster care. In other cases, an associate judge has had to mediate disputes among District agencies that did not agree with court orders to pay for services for abused and neglected children, further complicating and delaying the process for providing needed services and achieving established permanency goals.

Magistrate Judges Increased the Court's Ability to Process Cases, but Several Factors Limited the Gains Achieved

To assist the Family Court in its management of abuse and neglect cases, the Family Court transition plan required magistrate judges to preside over abuse and neglect cases transferred from judges in other divisions of the Superior Court, and these judges absorbed a large number of those cases. In addition, magistrate judges, teamed with associate judges under the one family/one judge concept, had responsibility for assisting the Family Court in resolving all new abuse and neglect cases. Both associate and magistrate judges cited factors that have limited the court's ability to fully implement the one family/one judge concept and achieve the potential efficiency and effectiveness that could have resulted. For example, the court's identification of all cases involving the same child depends on access to complete, timely, and accurate data in IJIS. In addition, Family Court judges said that improvements in the timeliness of the court's proceedings depends, in part, on the continuous assignment of the same caseworker from CFSA to a case and sufficient support of an assigned assistant corporation counsel from the District's Office of Corporation Counsel. Family Court judges said the lack of consistent support from a designated CFSA caseworker and lack of assistant corporation counsels, has in certain cases prolonged the time required to conduct court proceedings. In commenting on a draft of this report, the Superior Court indicated that the one family/one judge concept does not apply to all proceedings, and as a result multiple judges may preside over cases involving the same child and family. After consultations with Family Court stakeholders, the court chose to apply the concept to juvenile cases only after adjudication of the case. Therefore, in all instances, a different associate or magistrate judge handles the adjudication phase of a juvenile case from the one responsible for all other cases related to the same child and family.

In addition, several judges and court officials told us that they do not have sufficient support personnel to allow the Family Court to manage its caseload more efficiently. For example, additional courtroom clerks and court aids could improve case flow and management in the Family Court. These personnel are needed to update automated data, prepare cases for the court, and process court documentation. Under contract with the Superior Court, Booz, Allen, and Hamilton analyzed the Superior Court's staffing resources and needs; this evaluation[19] found that the former Family Division, now designated as the Family Court, had the highest need

[19] *District of Columbia Courts: Phase I Final Report*, Booz, Allen, and Hamilton (Washington, D.C.: June 25, 2002).

for additional full-time positions to conduct its work. Specifically, the analysis found that the Family Court had 154 of the 175 full-time positions needed, or a shortfall of about 12 percent. Two branches—juvenile and neglect and domestic relations—had most of the identified shortfall in full-time positions. In commenting on a draft of this report, the Superior Court stated that the Family Court, subsequent to enactment of the D.C. Family Court Act, hired additional judges and support personnel in excess of the number identified as needed in the Booz, Allen, and Hamilton study to meet the needs of the newly established Family Court. However, several branch chiefs and supervisors we interviewed said the Family Court still needs additional support personnel to better manage its caseload.

The Superior Court has decided to conduct strategic planning efforts and re-engineer business processes in the various divisions prior to making the commitment to hire additional support personnel. According to the Chief Judge of the Superior Court, intervening activities, such as the initial implementation of IJIS and anticipated changes in the procurement of permanent physical space for the Family Court, have necessitated a reassessment of how the court performs its work and the related impact of its operations on needed staffing. In September 2003, the Superior Court entered into another contract with Booz, Allen, and Hamilton to reassess resource needs in light of the implementation of the D.C. Family Court Act.

Progress Has Been Made in Procuring Permanent Physical Space for Family Court, but the New Space Will Not Consolidate All Court Operations

The D.C. Courts, comprising all components of the District's judiciary branch, has made progress in procuring permanent space for the Family Court, but all Family Court operations will not be consolidated under the current plan. To prepare for the new Family Court space, D.C. Courts designated and redesigned space for the Family Court, constructed interim chambers for the new magistrate judges and their staff, and relocated certain non-Family Court-related components in other buildings, among other actions. The first phase of the Family Court construction project, scheduled for completion in July 2004, will provide new judges' chambers, a family waiting area, and many other components the court needs to serve the public. However, completion of the entire Family Court construction project, scheduled for late 2009, will require the timely completion of renovations in several court buildings located on the Judiciary Square Campus and coordination with several regulatory agencies. While many of the Family Court operations will be consolidated in the new space, several court functions will remain in other areas. The current Family Court construction plan is an alternative to a larger plan for which the D.C. Courts has requested $6 million for fiscal year 2005 to

design Family Court space and $57 million for fiscal year 2006 to construct court facilities. In the longer term, D.C. Courts is pursuing this larger-scale plan in order to fully consolidate all Family Court and related operations in one location.

D.C. Courts Has Designated Permanent Space for the Family Court and Has Undertaken Several Interim Actions and Renovations to Prepare for the New Family Court Space

D.C. Courts has designated the John Marshall (JM) level of the H. Carl Moultrie I Courthouse (Moultrie Courthouse) as the base for the new Family Court. The new court will consolidate many of the existing Family Court operations currently spread among various levels of the Moultrie Courthouse, on the JM, C Street, and Indiana Avenue levels of the courthouse, and provide new facilities to create greater efficiency in court operations and a more family friendly environment. The Family Court construction project is part of the overall Judiciary Square Master Plan intended to provide for the current and long-term space needs of D.C. Courts located in buildings on the Judiciary Square Campus, including the Moultrie Courthouse. Figure 5 provides a depiction of the buildings on the Judiciary Square Campus.

Figure 5: Depiction of the Buildings on the Judiciary Square Campus

1. H. Carl Moultrie I Courthouse
   - 1a. Indiana Avenue Pavilion
   - 1b. C Street Expansion (Lamination)
2. Building A
3. Building B
4. Building C
5. Old Courthouse (Building D)
6. U.S. Court of Appeals for the Armed Forces
7. D.C. Metropolitan Police Department
8. One Judiciary Square
9. U.S. Attorney's Office
10. National Building Museum

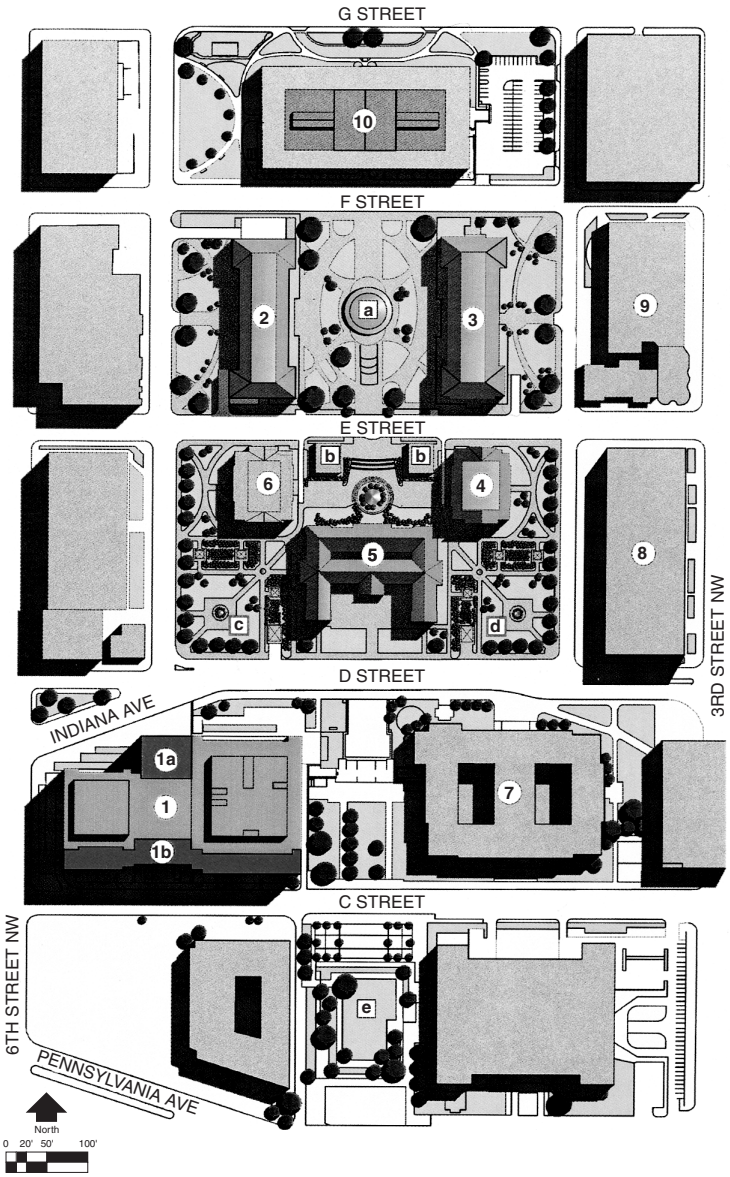
a. National Law Enforcement Officers Memorial

b. New Law Enforcement Officers Museum

c. Old Courthouse (SW) Garage (below grade)

d. SE Garage (below grade)

e. John Marshall Park



Source: Metropolitan Architects & Planners, Inc. and Gruzen Samton, LLP, Alexandria, Virginia, *District of Columbia Courts, Master Plan for Facilities,* (December 2002).

Consolidating Family Court operations primarily on the JM and the C Street levels of the Moultrie Courthouse is scheduled to begin in December 2003 and is estimated to be completed by 2009. The project will

also provide space for some Family Court operations on the Indiana Avenue level. The timely completion of the project will depend on timely renovations and upgrades of existing buildings on the Judiciary Square Campus and coordination with multiple regulatory authorities, such as the National Capital Planning Commission.

To prepare for the new Family Court, the courts completed a number of interim actions. For example, in March 2002, the courts completed construction of chambers for the full complement of new magistrate judges and their staff. Also in October 2002, the Courts completed renovations in Building B to provide temporary hearing rooms for 4 of the new magistrate judges and to renovate space for the Social Services Division,[20] already located in Building B, which includes counseling, educational, and other services for families. In addition, in October 2003, the courts completed additional renovations to Building B to relocate the Landlord and Tenant and Small Claims Courts from the JM level.

The first phase of the Family Court construction project, scheduled for completion in July 2004, will consolidate Family Court support services, and provide additional courtrooms, hearing rooms, and judges' chambers. In addition, the project will provide an expanded Mayor's Liaison Office, which coordinates Family Court services for families and provides families with information on such services, and a new family waiting area, among other facilities. Further actions required to complete the Family Court consolidation project, scheduled for 2009, will require the movement of several non-Family Court-related functions presently located on the JM and C Street levels to other levels of the Moultrie Courthouse or to other buildings on the Judiciary Square Campus. Table 5 provides a summary of the various actions required to complete the Family Court consolidation project and their impact on various facilities within the Judiciary Square Complex. For example, as shown in table 5, the Superior Court's Information Technology Division, currently located on the C Street level, will be relocated to Building C to allow for further consolidation of various Social Service functions and other Family Court operations on that level.

[20]This Social Services Division was relocated to provide construction space on the JM level of the Moultrie Courthouse and will later be relocated back to the courthouse.

Table 5: Summary of District of Columbia Facilities Master Plan Actions Required for the Consolidation of the Family Court and Their Impact on Various Facilities within the Judiciary Square Complex

	Estimated construction		Building								
D.C. Facilities Master Plan	Start Date	Completion Date	A	B	C	D	Other levels of Moultrie	JM level	C street level of Moultrie	Leased space	Annex[a]
Reconfigure 4th Floor of Moultrie Courthouse to house new magistrate judges and their staff	Completed March 2002										
Renovate Building B to provide temporary hearing rooms for four of the magistrate judges	Completed October 2002										
Renovate Building B to provide for interim consolidation of Social Services Division	Completed October 2002										
Relocate Landlord and Tenant and Small Claims Courts to Building B[b]	Completed November 2003			+				-			
Renovate partial JM Level of Moultrie Courthouse[c]	12/2003	07/2004									
Relocate Administrative Services to leased space	03/2004	05/2004	-							+	
Relocate Probate, Multi-Door Functions and two hearing rooms from Moultrie Courthouse to Building A[d]	06/2004	03/2005	+				-	-			
Relocate Juvenile Holding to Annex	10/2004	08/2005						-			+
Expand, Renovate the Old Courthouse (Building D) to relocate DC Court of Appeals	10/2004	03/2007				+	-				
Modify C Street Cafeteria Space for Social Services[c]	10/2004	06/2005									
Relocate civil functions and hearing rooms from JM Level	05/2005	09/2005					+	-			
Relocate US Attorneys to Building B	08/2005	11/2005		+					-		

D.C. Facilities Master Plan	Estimated construction		Building				Other levels of Moultrie	JM level	C street level of Moultrie	Leased space	Annex[a]
	Start Date	Completion Date	A	B	C	D					
Relocate selected Family Court functions to JM Level	12/2005	04/2006					-	+			
Relocate Social Service Elements to former US Attorneys C Street Space	03/2006	06/2006		-					+		
Relocate Social Service Elements from Building B to 4th Floor East	02/2007	05/2007		-			+				
Relocate Chambers from JM to 6th Floor and build three New Chambers	02/2007	05/2007					+	-			
Relocate Counsel for Child Abuse and Neglect on JM and Renovate 4th Floor	07/2007	02/2008					-	+			
Relocate Marriage Bureau on 4th Floor[c]	07/2007	09/2007									
Relocate Family Court Immediate Office on 4th Floor[c]	07/2007	10/2007									
Relocate Social Services Immediate Office from Building B to 4th Floor South	11/2007	02/2008		-			+				
Relocate the Information Technology Division and Multi-Door to Building C	08/2007	06/2008			+				-		
Relocate Central Reporting and Administrative Services to C Street	08/2008	02/2009					-		+		
Relocate three Hearing Rooms From Building B to Moultrie 2nd Floor	03/2009	11/2009		-			+				
Relocate Remaining Social Services to C Street and Build Lawyers Lounge	03/2009	11/2009		-					+		

Source: D.C. Superior Court.

(+) Indicates the facility where the unit will be relocated.

(-) Indicates the facility from which the unit will be relocated.

[a]The Annex is comprised of two levels on the JM and the C Street levels of the Moultrie Courthouse located in the northeast quadrant of the building. Juvenile Holding is currently located in the northwest quadrant of the JM level.

[b]Support functions for the Small Claims Court still occupy the JM level of the Moultrie Courthouse, but will later be moved to the 5th floor of the Courthouse when Probate, currently located on the 5th floor, moves to Building A in June 2004.

[c]Action does not require movement to another level of Moultrie Courthouse or another building.

[d]Probate will be temporarily relocated to swing space until major renovations are completed for Building A.

Because of the historic nature of Buildings A, B, C, and D, which will require significant repairs and renovations, the Superior Court must obtain necessary approvals for exterior modifications from various regulatory authorities, including the National Capital Planning Commission. In addition, some actions may require environmental assessments and their related formal review process.

The New Family Court Space Will Not Provide for Consolidation of All Court Operations

While the new Family Court space will consolidate many of the existing Family Court operations dispersed among various levels of the Moultrie Courthouse on the JM, C Street, and Indiana Avenue levels of the Moultrie Courthouse, some Family Court operations will not be included. As currently configured, the new Family Court space will consolidate 76 percent of the functions and associated personnel for the Family Court. Some of the Family Court operations that will remain outside the new space include the Juvenile Intake and Diagnostic Branch, which processes juveniles into the Family Court and assesses their character and needs, and some judges chambers. Appendix II provides additional details on the final configuration of the Family Court that the D.C. Courts plans to complete in 2009. The current Family Court space plan is an alternative to a larger Family Court space plan that would provide for greater consolidation of Family Court operations. The D.C. Courts has requested $57 million in its fiscal year 2006 capital budget to construct an addition to the C Street level of the Moultrie Courthouse to provide additional square footage to accommodate Family Court operations. If the D.C. Courts does not receive funding for the larger Family Court space plan, it will continue with the current alternative plan.

Superior Court and the District Are Making Progress toward Exchanging Data among Their Computer Systems, but the District Has Not Yet Resolved Several Critical Issues

The Superior Court and the District of Columbia are exchanging some data and making progress toward developing a broader capability to share data among their respective information systems. In August 2003, the Superior Court began using the Integrated Justice Information System (IJIS), which is intended to help the Superior Court better manage its caseload and share data with District agencies. The District has expanded and further evolved the Mayor's plan to integrate the information systems of eight District agencies with the Superior Court.[21] The expanded effort, called the Human Service Modernization Program, is expected to enable the exchange of data among the police department, social services agencies, and the court. While the District has made progress, it has not yet fully addressed or resolved several critical issues we reported in August 2002. The District is preparing plans and expects to begin developing a data sharing capability and data warehouses[22] to enable data sharing among the Child and Family Services Agency, Department of Human Services' Youth Services Administration, Department of Mental Health, and the Superior Court in 2004. According to the Program Manager, OCTO will work to resolve the issues we raised in our August 2002 report and incorporate the solutions into its plans.

The Superior Court Has Begun Using a New Computer System to Manage Its Cases and Provide for Some Data Exchanges

The Superior Court has been implementing IJIS to help manage its caseload and share data with District agencies. In August 2003, the Superior Court launched the first phase of IJIS using a commercially available case management system. The first phase of the implementation was rolled out to 300 court users in the Juvenile and Neglect Branch of the Family Court, as well as the Social Service Division and part of the Multi-Door Dispute Resolution Division[23] of the Superior Court. In the next phase, planned for November 2003, the Superior Court plans to expand IJIS to the remaining components of the Family Court and some other court users. This would include implementing IJIS in the Family Court's

[21]The Family Court Act lists six District offices that the Mayor's plan was to address regarding accessing and sharing information on individuals and families served by the Family Court: the D.C. Public Schools, D.C. Housing Authority, Child and Family Services Agency, Office of the Corporation Counsel, Metropolitan Police Department, and Department of Health. In addition, the Mayor determined that the plan should address the Department of Human Services and Department of Mental Health.

[22]A data warehouse is a collection of data from many different databases.

[23]The Multi-Door Dispute Resolution Division administers the Small Claims Mediation Program, Family Mediation Program, Civil Dispute Resolution Program, and Community Family Information and Referral Center.

Domestic Relations, Mental Health and Mental Retardation, Paternity and Child Support, and Counsel for Child Abuse and Neglect branches and Superior Court's Domestic Violence Division and additional users in the Multi-Door Dispute Resolution Division. Future phases involve the planned implementation of the system in the Superior Court's Probate and Civil Divisions in 2004 and the Criminal Division in 2005. IJIS is intended to be Superior Court's primary case and information management system.

According to D.C. Courts' Director of Information Technology, the implementation of IJIS provides new capabilities, such as the ability to schedule events, record results of proceedings and document participants, print orders, and create dockets in the courtroom. Superior Court employees also have the capability to search all related cases for individuals to determine what other issues the court should be aware of during proceedings.

While the first phase of IJIS is being implemented and further adapted for its use, the court has exchanged data with District agencies using IJIS and the existing District of Columbia Justice Information System.[24] This includes exchanges of data to help meet information needs until the final data exchange capability with District agencies is developed and implemented. These exchanges include sharing with CFSA and the Office of Corporation Counsel calendar information, which identifies the date, time, and location of scheduled court proceedings. Other data exchanges include general case information, drug testing orders and results, and placement recommendations. In addition, CFSA staff stationed at the Superior Court have been electronically scanning court orders directly into the agency's FACES information system.[25] In discussing data exchanges, the Director of Information Technology, D.C. Courts, noted that the court is becoming concerned about its ability to continue funding some of the interim data exchanges it has developed. The Director said they will be meeting with the D.C. Chief Financial Officer to discuss how to share the funding required for these data exchanges.

In the second phase of IJIS, the court will require District agencies to provide information for its new system. The court has been discussing its

[24]An information system that allows 13 participating criminal justice agencies in Washington, D.C., to access and contribute data for the benefit of the D.C. justice community. This system is commonly known as JUSTIS.

[25]FACES is the Child and Family Services Agency's case management system.

data requirements with District agencies and OCTO. According to the D.C. Courts' Director of Information Technology, during these meetings, requirements are defined based on documents currently exchanged, users requirements for additional information, and an overall understanding of the business processes that each agency uses.

District Continues to Plan for Data Exchanges with the Family Court, but Has Not Yet Addressed Key Concerns to Ensure Successful Results

The District of Columbia has been seeking to develop capabilities and evolve plans to integrate District agencies' information systems with the Superior Court. While the ultimate form of integration has not yet been completely defined, integration over the next several years is expected to occur primarily through the exchange of data using new capabilities. OCTO has been developing a prototype to provide the capability to exchange data among District law enforcement and social services agencies and the Superior Court. This capability is expected to provide the interconnection of systems through enterprise application integration software[26] and data warehouses, thus eliminating many of the current technical barriers to data exchange. Combined with a citywide Internet portal, OCTO officials expect that users in various District agencies and the Superior Court will be able to access data that they are authorized to view. According to the OCTO Program Manager, with the implementation of the enterprise application integration software, data will be (1) readily transformable into formats required by the Superior Court or any participating District agency and (2) available as required by the Superior Court.

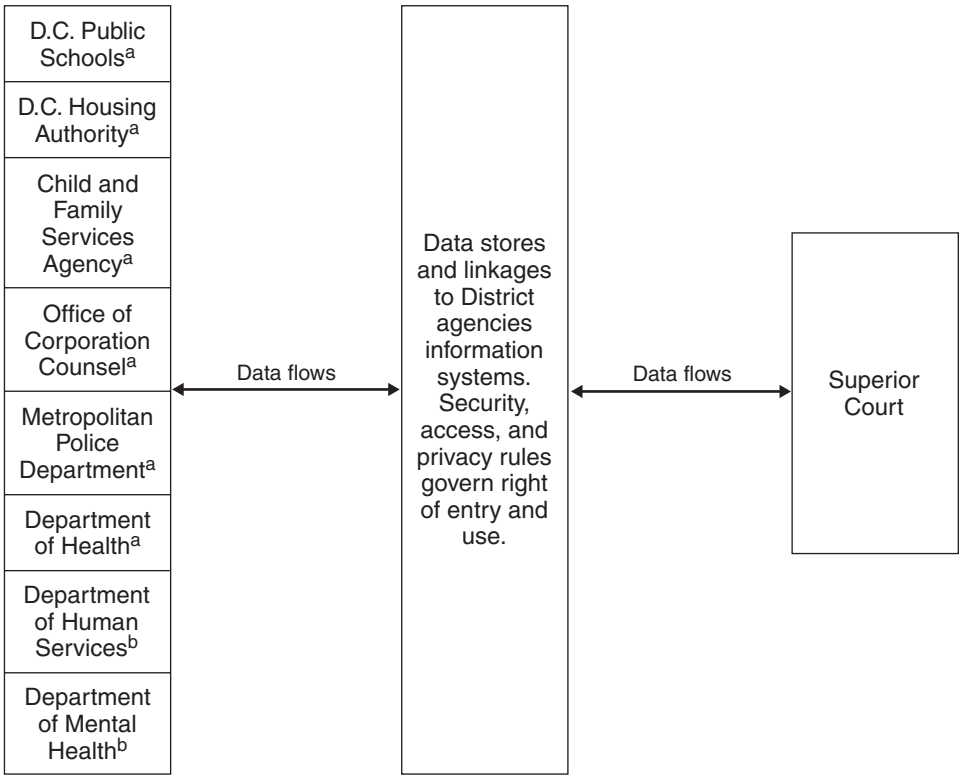
The planning and development of the prototype are part of a broader program to modernize the District's human services agencies' IT capabilities and improve business processes to better serve clients.[27] OCTO plans to continue analyzing and designing the prototype through 2003 and begin developing full capabilities in 2004 for the District's Child and Family Services Agency, Youth Services Administration, Department of Mental Health, Courts, and Office of the Corporation Counsel. OCTO officials expect that full data exchange capabilities for other agencies will be accomplished between 2004 and 2006, when the data exchange capabilities are expected to be complete. Figure 6 shows a simplified view

[26]A commercial software product that uses a type of software called middleware to permit two or more incompatible systems to exchange data from different databases.

[27]The program is known as the District of Columbia Human Services Modernization Program.

of District agencies and the Superior Court exchanging data to meet their needs and fulfill the data-sharing mandate of the D.C. Family Court Act.

Figure 6: Simplified Representation of Data Exchanges between the Superior Court and District Agencies



Source: GAO analysis.

[a]District agencies identified in the D.C. Family Court Act.

[b]District agencies included at the discretion of the Mayor.

The District has made progress on defining and designing a data exchange solution to meet the needs of District agencies and the Superior Court, and OCTO is preparing an overall program plan and detailed project plans to develop and implement the solution. The OCTO Program Manager expects the have the plans prepared by December 2003. According to the Deputy Mayor for Children, Youth, Families, and Elders, affected District agencies will have the opportunity to review, adjust, and subsequently affirm the detailed plans, interim milestones, decision points, and project phases prepared by OCTO for this development. It is expected that final plans for upcoming phases will be confirmed later in the spring of 2004.

While the District is making progress toward exchanging data, it has not yet fully resolved several key issues we reported in August 2002. In that report, we stated that the Mayor's plan contained useful information, but did not contain important elements that are critical to assessing the adequacy of the District's strategy. These elements were: establishing project milestones for completing activities, defining how and to what extent the District will integrate the systems of the six specific offices covered by the Family Court Act and the two offices added by the Mayor, defining details on the type of data the District will be providing to the Family Court and how this will be achieved, and defining how the District will achieve the Mayor's integration priorities. These elements are also necessary to plan, develop, acquire, and implement the software, hardware, and communications resources that are required to meet the information and information processing needs of the Family Court and participating District agencies. As noted below, the OCTO Program Manager said that the District would address these key elements and incorporate them into its plans.

In discussing how the District is addressing these issues, the OCTO Program Manager provided the following information:

- *Establishing project milestones for completing activities*—The definition, scope, and structure of efforts to upgrade the health and human services agencies' information systems broadened significantly during fiscal year 2003 to provide data exchanges necessary to meet the needs of participating agencies and the people who rely on them to provide support services. The overall program plan for the human services modernization project is being developed, and key project components have been defined and are expected to be detailed in project plans by December 2003. OCTO will establish milestones for activities, decision points, and project phases as it develops plans for the modernization project.

- *Defining how and to what extent the District will integrate the systems of the six specific offices designated by the Family Court Act and the two offices added by the Mayor*—OCTO, the Superior Court, and several District agencies are conducting joint requirements sessions to finalize detailed requirements on data and document exchanges and common process functions. Mutual agreement exists that all data exchanges by District agencies to the Superior Court will be accomplished through the enterprise application integration capability being designed by OCTO. From the Superior Court's perspective, one gateway will exist for accessing data from and providing data to all District agencies. OCTO has

documented its current understanding of data requirements for the Child and Family Services Agency, Youth Services Administration, and Superior Court. These requirements will be refined as OCTO proceeds with its integration efforts in 2004. OCTO intends to finalize these requirements and build the capability to meet them. These requirements and OCTO's plans will define how and to what extent OCTO will integrate the systems of participating agencies.

- *Defining details on the type of data the District will be providing to the Family Court and how this will be achieved*—Initially, when resources and time constraints limited the capability for a full-fledged process, OCTO relied on the requirements gathering processes of the Superior Court's IJIS team. Information technology staff and contractors of key agencies worked collaboratively with the Superior Court to begin requirements definition, with the court's team taking the lead. With the emergence of the human services modernization program, the District's process will be more aggressive in fulfilling its requirements definition needs. New analysts are being added to the modernization project team, and a defined project team has been established to manage and coordinate the multiagency, court-related integration efforts. As OCTO proceeds with the modernization efforts, it will identify and define the data that the District will provide to the Superior Court and how this will be achieved.

- *Defining how the District will achieve the Mayor's integration priorities*—Regarding the calendar management, notification, and electronic document management priorities, the Child and Family Services Agency is receiving basic information from the Superior Court. The agency is also providing the Superior Court with inquiry-level access[28] to basic information on active cases and scanning Family Court orders into FACES. In the second phase of IJIS, a major shift from paper to electronic business processes will be initiated among the Superior Court, CFSA, and Office of the Corporation Counsel.

  These priorities will also be addressed in the Human Services Modernization Program. Regarding the inquiry-level access of information and reporting priorities, OCTO has developed an initial prototype for a "common case view" that would enable authorized users to view key demographic information, elements of service plans, and service-related

[28]Inquiry-level access and sharing of critical case information would enable caseworkers from one agency to view relevant information about a client contained in another agency's system.

events across multiagency case management activities. This prototype will be used to identify the Superior Court's requirements and user access restrictions. CFSA has worked with the Superior Court to match records and family member profiles to ensure accuracy of trend analysis and progress reporting, both for the Superior Court and the District government. The planned data warehouses are expected to facilitate reporting across and among agencies and support reporting for court-related needs. Presently this work is in its embryonic stage, and as the modernization program progresses, these priorities will be addressed in OCTO's plans and activities.

In addition, we previously reported that the effectiveness and ultimate success of the Mayor's plan hinged on resolving critical issues and implementing disciplined processes. These critical issues were: confidentiality and privacy issues governed by laws and regulations; data accuracy, completeness, and timeliness problems that have hampered program management and operations; current legacy systems' limitations; and human capital acquisition and management. Finally, we said another key to the effectiveness of the Mayor's plan was developing and using disciplined processes in keeping with information technology management best practices. In the past, we reported that the District had not used disciplined practices and had difficulties developing, acquiring, and implementing new systems.[29] Disciplined processes include the use of a life-cycle model,[30] the development of an enterprise architecture,[31] the use of adequate security measures, and the use of a well-developed business case that evaluates the expected returns against the cost of an investment. These critical issues are necessary to plan, develop, acquire, and implement the software, hardware, and communications resources that are required to meet the information and information processing needs of the Superior Court and participating District agencies. As noted below, the OCTO Program Manager said that the District would address these critical

[29]GAO-01-489, *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).

[30]A life-cycle model provides a means for defining expectations for managing IT investments from conception, development, and deployment through maintenance and support.

[31]An enterprise architecture is a well-defined and enforced blueprint for operational and technological change, which provides a clear and comprehensive picture of an entity or a functional or mission area that cuts across more than one organization.

issues and incorporate them into its plans, except for human capital issues. According to the Program Manager, OCTO has sufficient capability to acquire people with the skills needed to accomplish the modernization.

In discussing how the District is addressing these issues, the OCTO Program Manager provided the following information:

- *Confidentiality and privacy issues governed by laws and regulations*—Confidentiality and privacy issues have posed significant challenges to the District for many years and are recognized as one of the most complicated domains that remain to be fully addressed. The District is beginning a multifaceted process of determining program confidentiality requirements and how they must be addressed. This effort is drawing upon staff in both the Office of the Mayor and OCTO. OCTO has added to its team a nationally renowned technology lawyer with broad experience in privacy, security, and Freedom of Information Act and related issues, who will be playing a central role in determining both requirements and solutions. As the District resolves these issues, and agreements are reached, OCTO will incorporate the solutions into its plans and activities. In commenting on a draft of this report, the Deputy Mayor for Children, Youth, Families, and Elders said that the Children and Youth Program Coordinating Council has established a subcommittee to evaluate the data-sharing issues, including the relevant policies and laws governing that sharing. This subcommittee, comprising agency program personnel, policy directors, legal support teams—including Office of Corporation Counsel and outside counsel—and OCTO staff, will make recommendations to the full Council for legislative changes that may be necessary to support or allow some aspects of data sharing.

- *Data accuracy, completeness, and timeliness problems that have hampered program management and operations*—Data quality concerns are a high priority for the Mayor, and in turn, OCTO and its staff. Prior studies have documented too many data errors resulting from human error, inadequate business processes, inadequate controls and reviews, and insufficient computer-assisted mechanisms that can identify errors or inconsistencies.[32] To correct these problems, OCTO is putting in place infrastructure and software to support individual agency efforts to improve data quality and reliability and strengthen their practices to maintain higher levels of data quality and reliability. Once the

[32]U.S. General Accounting Office, *D.C. Child and Family Services: Better Policy Implementation and Documentation of Related Activities Would Help Improve Performance*, GAO-03-646, (Washington, D.C.: May 27, 2003).

infrastructure is in place, OCTO will coordinate agency-specific efforts within the overall Human Services Modernization Program initiative. OCTO is putting together a comprehensive plan to perform a major data cleanup with the key health and social services agencies and will provide tools to help the agencies identify inconsistent data and potential data errors. OCTO will work with agencies to identify data stewards who will have ongoing responsibility for monitoring data accuracy. We note that some agencies with critical child welfare roles, such as CFSA, have data inaccuracies, as we previously reported.

- *Current legacy systems limitations*—Several issues related to legacy systems or certain agencies' or departments' business processes may hamper integration implementation. For example, some information systems do not reflect agencies' business process or support integration; some are outdated, difficult and costly to maintain, and difficult to integrate fully within a citywide integration infrastructure; some systems can support agencies' business processes to some extent, but have severe security limitations and cannot support interagency business processes. OCTO plans to address these issues as part of its current efforts, and incorporate the solutions into OCTO's modernization plans and activities.

- *Human capital acquisition and management*—OCTO does not anticipate any issues with the acquisition or management of human capital. OCTO has the option of contracting for specific tasks, functions, deliverables, or system components; contracting for fulfillment of specific project tasks; or contracting for various combinations of functions. Alternately, the District can determine the roles or skills it requires for time-limited technical support and hire temporary employees to satisfy these needs. This flexibility enables OCTO to structure projects and programs most appropriately to fit the District's needs.

- *Developing and using disciplined processes in keeping with IT management best practices. Disciplined processes include the use of a life-cycle model, the development of an enterprise architecture, the use of adequate security measures, and the use of a well-developed business case that evaluates the expected returns against the cost of an investment*—The District will apply a system's life-cycle model as it proceeds with its modernization efforts. The lifecycle is based on the Project Management Institute's project life-cycle methodologies and procedures. Also, OCTO is employing software engineering tools, risk management and mitigation methods, and systems development methodologies that are commonly used in the information technology industry. Use of the lifecycle and other methods will be incorporated into the plans that OCTO is developing.

Regarding the development of an enterprise architecture, OCTO said that it has made great strides in creating an enterprise architecture framework upon which enterprise architecture can evolve. The District is committed to producing an enterprise architecture through an evolutionary manner and has designated an Enterprise Architect. The architect will be working with the modernization team to set technical standards and ensure the modernization is aligned with the enterprise architecture.

As to the use of adequate security measures, the District's approach to security in a multiagency setting requires controls down to the data-element level.[33] The development of this framework is in early stages. It will be gradually developed as interagency protocols are developed. These controls over data are in addition to the security the District has in place to protect its computing environment. A comprehensive security assessment is being planned as part of the modernization project.

Regarding using a business case that evaluates the expected returns against the cost of an investment, the District's Deputy Chief Technology Officer said the District will prepare a benefit-cost analysis in 2004 for the overall Human Services Modernization Program. The official added that more detailed benefit-cost analysis would be prepared for each project within the program to help in the selection of specific technical alternatives. We agree that such analyses are important to evaluating information technology investments as well as evaluating the relative cost of alternative solutions to meet business needs. Typically, these analyses are performed to evaluate alternatives before decisions are made, and the analyses are periodically updated to support decision-making as alternatives are considered during the course of a project.

Conclusions

While the Superior Court and the District of Columbia have made progress in implementing the D.C. Family Court Act, several issues continue to affect the court's progress in meeting all requirements of the Act. Several barriers, such as a lack of substance abuse services, hinder the court's ability to more quickly process cases. While the Superior Court and the District have made progress in exchanging information and building a greater capability to perform this function, it remains paramount that their

[33]A data element is a unit of data, such as name, address, city, state, or account number.

plans fully address several critical issues we previously reported and our prior recommendations.

Agency Comments and Our Evaluation

We received written comments from the Chief Judge of the D.C. Superior Court and the Deputy Mayor of the District of Columbia for Children, Youth, Families, and Elders. These comments are reprinted as appendixes III and IV, respectively. The Chief Judge agreed with our conclusion that the Superior Court has made progress in implementing the D.C. Family Court Act. In addition, the court cited several other areas in which it has made progress. These areas include development of Family Court Self-Help Center for unrepresented individuals served by the Family Court, an expanded child protection mediation program, and a new Family Treatment Court for mothers with substance abuse problems. The Superior Court also provided additional information on the court's compliance with ASFA, the role of magistrate judges, the hiring of support personnel, and procurement of permanent physical space, which we incorporated when appropriate. Although the court provided information on its level of ASFA compliance, we did not use this information because neither GAO nor CCE had verified the data. We used information reported by CCE because CCE verified automated case data with information contained in the paper case files. Regarding the acquisition of permanent physical space, the court commented that we had confused the D.C. Courts' space plans with a contingency alternative, stating that a less costly contingency plan had been developed in the event that funding to expand the Moultrie Courthouse is not provided. However, our analysis of construction documents and discussions with the D.C. Courts' Administrative Officer indicate that D.C. Courts is currently following the alternative plan while it continues to pursue funding for the long-term addition to the Courthouse.

The District government did not express agreement or disagreement with the contents of the report. The District did, however, offer clarification of the roles and responsibilities of the Office of the Deputy Mayor for Children, Youth, Families, and Elders and the Office of the Chief Technology Officer in implementing the Mayor's plan to integrate the information systems of the District's human services agencies and the Superior Court of the District of Columbia.

We are sending copies of this report to the Office of Management and Budget, the Joint Committee on Judicial Administration in the District of Columbia, the Chief Judge of the Superior Court of the District of Columbia, the presiding judge of the Family Court of the Superior Court of

the District of Columbia, and the Executive Director of the Judicial Nomination Commission. Copies of this report will also be made available to others upon request.

If you have any questions about this report, please contact me on (202) 512-8403. Other contacts and staff acknowledgements are listed in appendix V.

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

List of Congressional Committees

The Honorable George V. Voinovich
Chairman
The Honorable Richard J. Durbin
Ranking Member
Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia
Committee on Governmental Affairs
United States Senate

The Honorable Tom Davis
Chairman
The Honorable Henry A. Waxman
Ranking Member
Committee on Government Reform
House of Representatives

The Honorable Mike DeWine
Chairman
The Honorable Mary L. Landrieu
Ranking Member
Subcommittee on the District of Columbia
Committee on Appropriations
United States Senate

The Honorable Rodney P. Frelinghuysen
Chairman
The Honorable Chaka Fattah
Ranking Member
Subcommittee on the District of Columbia
Committee on Appropriations
House of Representatives

The Honorable Eleanor Holmes Norton
House of Representatives

Appendix I: Scope and Methodology

This appendix discusses in more detail the scope and methodology for assessing the progress of the Family Court since its transition from the Family Division of the Superior Court, as mandated by the D.C. Family Court Act, to determine: (1) the procedures used to make initial judicial appointments to the Family Court and the effect of qualification requirements on the length of time to make these appointments; (2) the timeliness of the Family Court in meeting established timeframes for transferring and resolving pending cases, and the impact of magistrate judges on the workload of judges and other court personnel; (3) the D.C. Court's progress in procuring permanent physical space; and (4) the Superior Court and relevant District of Columbia agencies' progress in sharing data from their computer systems.

To get an overall perspective on the Family Court's progress and applicable statutes, we reviewed past GAO reports, the Family Court Act, the Family Court Transition Plan and subsequent reports required by the Family Court Act, and applicable District of Columbia laws. Specifically, to respond to the first objective, we reviewed the Family Court Act and the D.C. Code for qualifications and tenure requirements for judges and applications material for the judge positions and prescribed procedures for appointing associate judges. We also interviewed Superior Court officials involved in the recruitment and selection of magistrate judges, the Executive Director and the Chairperson of the Judicial Nomination Commission, and a Senate staff member regarding the confirmation process for associate judges.

For objective two, we analyzed Family Court data on its timeliness in meeting required timeframes for transferring cases back to the Family Court from other divisions in the Superior Court and its timeliness in resolving abuse and neglect cases in accordance with timeframes established by the District of Columbia and federal Adoptions and Safe Families Act requirements. We focused our review on abuse and neglect cases because of congressional interest and the former Family Division's past problems in handling such cases. We analyzed the court's performance in meeting timeframes to begin court proceedings leading up to permanency hearings. Specifically, we analyzed timeframes to begin adjudication hearings for suspected abuse and neglect cases and to begin disposition hearings to determine placement arrangements for children. In addition, we analyzed the time required to initiate permanency hearings to establish a goal for the permanent placement of a child (e.g., reunification with parents or adoption) and a timeframe for achieving the goal. We relied on a verification of the accuracy of the Family Court's data conducted by the Council for Court Excellence as part of its role in

overseeing the Family Court implementation. In addition, we analyzed Family Court data on the barriers to finding permanent homes for children. We also interviewed 5 associate judges to determine the impact that magistrate judges had on their workload, and interviewed 5 magistrate judges to obtain information on their caseload assignments and other responsibilities and other information regarding their experiences in working with the Family Court. In addition, we interviewed 10 branch chiefs and supervisors to determine the impact of magistrate judges and reviewed related reports by Booz, Allen, and Hamilton.

For objective three, we obtained and reviewed documents on the Family Court's space plans and the Judiciary Square Master Facilities Plan to determine how other buildings on the Judiciary Square Campus would be affected by the Family Court space. We also interviewed Superior Court officials, officials of the federal government's General Services Administration, and the lead design architects for the new Family Court space to determine the timeframes for the Family Court construction project, the challenges of meeting those timeframes, and the court operations that would be consolidated in the new Family Court space. We also spoke with an official at the National Capitol Planning Commission to obtain information on issues regarding the Judiciary Square Master Facilities Plan that could potentially interfere with the Family Court's timeframe for acquiring permanent space.

To respond to objective four, we reviewed documentation provided by Superior Court and District officials. We interviewed officials in the Superior Court's Information Technology Division, the Office of the Deputy Mayor for Children, Youth, Families and Elders, and officials in the District of Columbia's Office of the Chief Technology Officer, responsible for leading the District's efforts to integrate the computer systems of relevant district agencies with the Superior Court's system. In addition, we interviewed officials in all eight of the District agencies required by the D.C. Family Court Act or by the Mayor of the District of Columbia to exchange data with the Family Court. We interviewed these officials to obtain their perspectives on their data exchange efforts. The eight agencies included: the Child and Family Services Agency, D.C. Public Schools, D.C. Housing Authority, Office of the Corporation Counsel, the Metropolitan Police Department, D.C. Department of Mental Health, D.C. Department of Health, and the D.C. Department of Human Services.

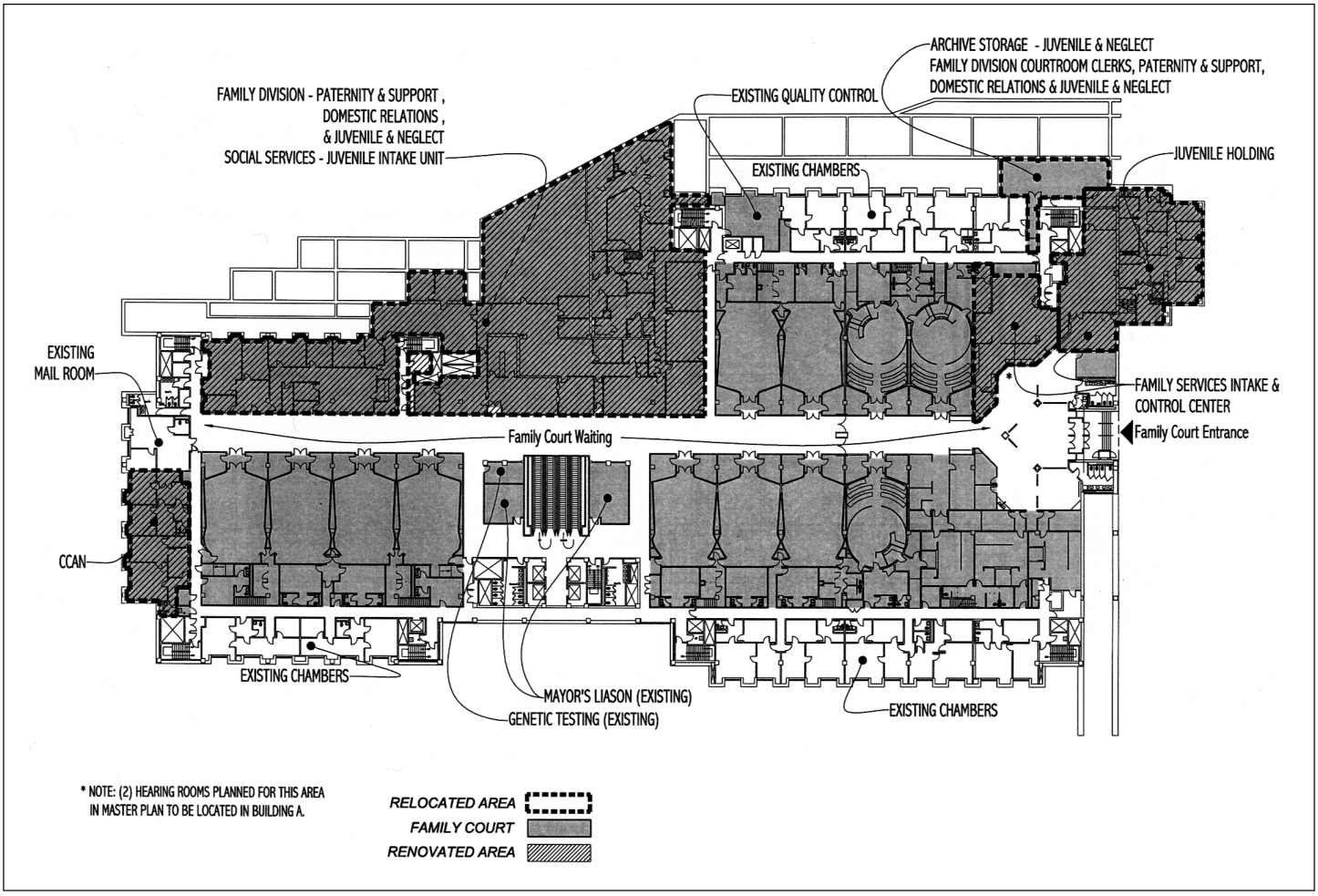
In addition, to gain an overall perspective on court practices in other jurisdictions, we interviewed judges in family courts in Honolulu, Hawaii; Louisville, Kentucky; and Cincinnati, Ohio, by telephone. We chose these

court jurisdictions because they served populations similar to the D.C. Family Court's and because of their experience in managing family court operations. In addition, we interviewed court experts with the National Council of Juvenile and Family Court Judges, National Center for State Courts, Council for Court Excellence, and the American Bar Association, to gain a perspective on court best practice standards. We conducted our work from April through November 2003 in accordance with generally accepted government auditing standards.

Appendix II: D.C. Family Court Procurement of Physical Space Planned for 2009

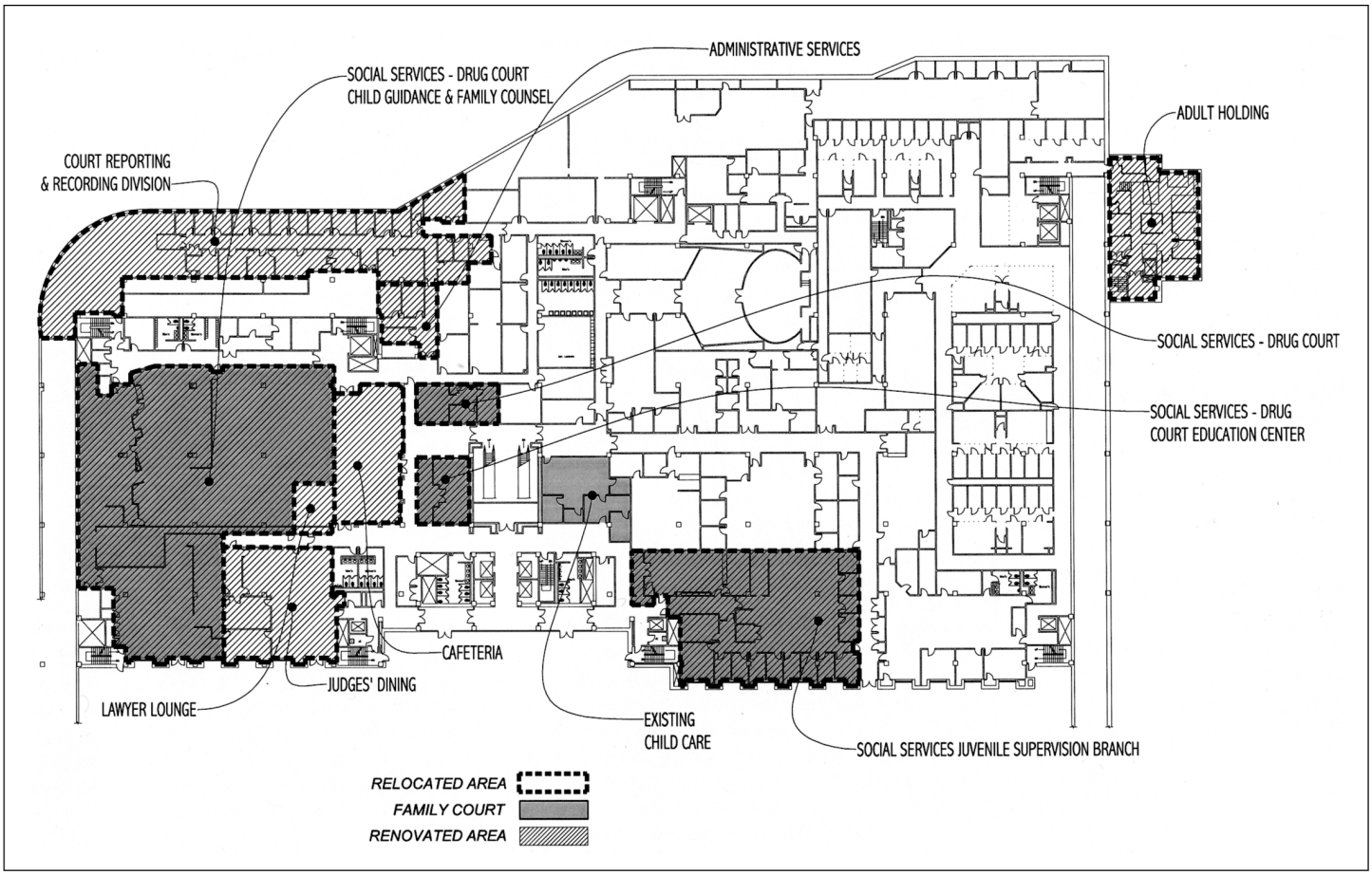
The following architectural drawings depict the final configuration of the D.C. Family Court. D.C. Courts plans to complete procurement of its permanent physical space, configured on multiple floors of the Moultrie Courthouse, in 2009.

Figure 7: Family Court Floor Plan for the John Marshall Level of the Moultrie Courthouse



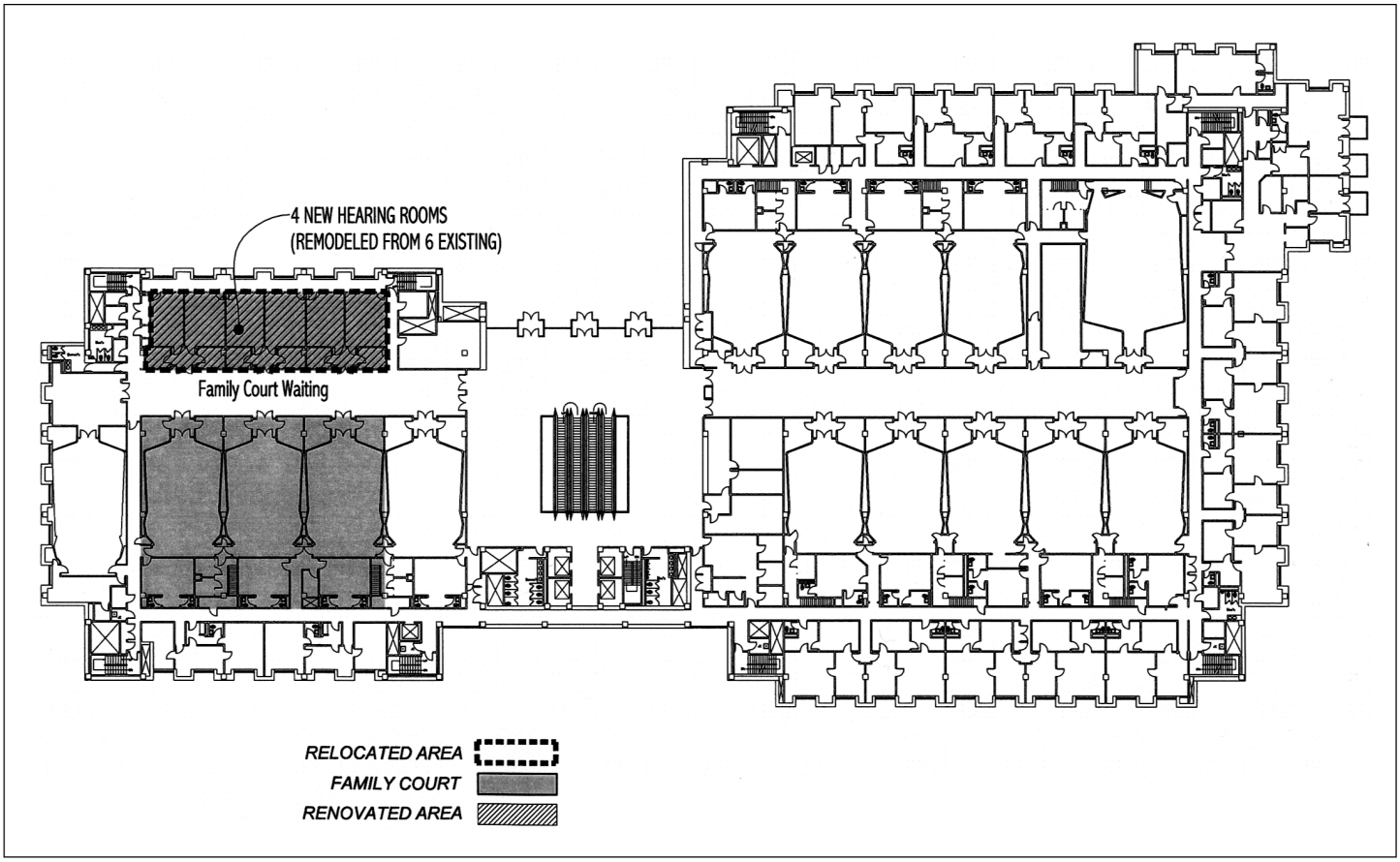
Source: D.C. Superior Court.

Figure 8: Family Court Floor Plan for the C Street Level of the Moultrie Courthouse



Source: D.C. Superior Court.

Figure 9: Family Court Floor Plan for the Indiana Avenue Level of the Moultrie Courthouse



Source: D.C. Superior Court.

Appendix III: Comments from the D.C. Superior Court

Superior Court of the District of Columbia
Washington, D.C. 20001

Rufus King III
Chief Judge

(202) 879-1600

December 16, 2003

Cornelia M. Ashby, Director
Education, Workforce, and Income Security Issues
United States General Accounting Office
441 G Street, NW
Washington, DC 20548

Dear Ms. Ashby:

On behalf of the Superior Court of the District of Columbia, I want to thank you for the opportunity to comment on the draft General Accounting Office (GAO) report on the progress the D.C. Superior Court has made in implementing its Family Court Transition Plan and the Family Court Act of 2001. We agree with the GAO's general conclusion that the Superior Court has made progress in implementing the District of Columbia Family Court Act. In addition, the Court is pleased to report significant progress in several areas required by the Act that are not referenced in the GAO report. Since the Act was passed the Court has:

• Developed a Family Court Self Help Center for unrepresented individuals served by the Family Court to ensure that materials and services provided by Family Court are understandable and accessible;

• Established a training program that includes bi-monthly cross-training among judges, lawyers, social workers, foster parents and other professionals in the field of family law and conducted two annual cross training conferences, each attended by more than 300 persons, on topics relating to children and families;

• Vigorously encouraged, supported and improved the use of court appointed special advocates by entering into memoranda of understanding with two special advocate organizations and appointing and working with special advocates for neglected children;

• Expanded the child protection mediation program to include all cases of neglected children, when appropriate, and a same day mediation program for parties in domestic relations cases who are not represented by attorneys;

• Established standards of practice for guardians ad litem and attorneys representing parents and caretakers in cases of neglected children and established formal panels of qualified attorneys representing children and youth charged as delinquents and representing children, parents and caretakers in cases of neglected children;

• Entered into a contract with the Children's Law Center for guardian ad litem services and training services for attorneys appointed to represent children, parents and caretakers in cases of neglected children; and

• Established a Family Treatment Court which recently celebrated its first graduation of substance abusing mothers who had neglected their children but were helped before their families had to be broken up.

All of these accomplishments, as well as those addressed in the report, are essential to ensuring better outcomes for children and families served by the Family Court.

While we agree with the general conclusion of the report, the Court has four overall concerns relating to the report as follows:

Compliance with ASFA Permanency Hearing Requirement

The District of Columbia Adoptions and Safe Families Act (ASFA) requires the Court to hold a permanency hearing for each child within 12 months of the child's entry into foster care. Entry into foster care is defined as 60 days after removal from the home, resulting in a net requirement for a permanency hearing 14 months after removal from the home. The most recent compliance data for the Court uses the methodology adopted by the Council for Court Excellence in the report (see GAO report, page 21), which aggregated data for all cases filed from 2000 –2002. Those data indicate that the compliance rate has now increased to 69%. However, data presented by the Court in its October 3, 2003 progress report to Congress show considerably more progress. The table below reflects more recent compliance data for the Court by year for the three-year time period. It

differs from that presented in the CCE data in that it is restricted to those cases which have met the statutory benchmark for a permanency hearing.

Time from Petition to Permanency Hearing in Abuse and Neglect Cases

		Cases in which a permanency hearing was held					Cases closed before a permanency hearing was held				
Year	Total Number of Cases	Total	Median Days to Hearing	Average Days to Hearing	Hearing held within 425 days	Hearing held more than 425 days	Total	Closed within 425 days	Closed after 425 days	**Cases Pending Permanency Hearing**	ASFA Compliance Rate[1]
2000	1137	576 (51%)	531	559	169 (15%)	407 (36%)	531 (47%)	410 (36%)	121 (11%)	30 (2%)	51%
2001	1110	638 (57%)	365	372	460 (41%)	178 (16%)	443 (40%)	432 (39%)	11 (1%)	29 (3%)	80%
1/1/02-6/30/02	519	256 (49%)	201	199	254 (49%)	2 (0)	182 (35%)	181 (35%)	1 (0)	81 (16%)	84%

As found by the CCE, the level of compliance with ASFA has increased substantially over the period for which data are available, from 51% of cases in 2000 to 80% of cases in 2001. Of the 519 cases filed in 2002 that have reached the 425-day (14 month) permanency hearing benchmark, 84% are in compliance. It should be noted that many cases filed in 2002 have not yet reached the statutory deadline (425 days) for permanency hearings and have not been counted. However, it appears the Court is on track to meet this important timeline in a significantly higher percentage of cases than the data from CCE show.

Role of Magistrate Judges

The analysis of the role of magistrate judges in the report (see GAO Report, page 23) erroneously indicates that magistrate judges have limited authority in juvenile cases, which has limited the gains achieved. In its Transition Plan, the Court outlined its decision to apply the one family/one judge model to juvenile cases only after adjudication of the case by trial or plea (see Family Court Transition Plan, Page 45). The decision to bundle juvenile cases only after adjudication was the result of numerous discussions and consultations with Family Court stakeholders and is not related to the authority of the Magistrate Judge. Therefore, in all instances, a different judge or magistrate judge handles the adjudication phase of a juvenile

[1] Includes cases where the first permanency hearing was held within 425 days or the case was closed within 425 days.

delinquency case from the one responsible for all other cases related to the family. This separation protects the juvenile's civil rights, thus minimizing the potential for reversal on appeal. Once the adjudication has been determined, the judge or magistrate judge assigned to the family oversees the post disposition review of the juvenile case, as well as any other related matters.

Staffing

To provide the resources to implement the Family Court Act, Congress appropriated funds for 72 new positions in the Family Court. One-third of the new positions were judicial, and two-thirds were courtroom and administrative support positions. Since the enactment of the Family Court Act in January 2002, the Court has filled nearly all of these positions. Currently, more than 40% of the Superior Court workforce is dedicated to serving children and families as part of the Family Court or the Social Services Division (which handles functions related to juvenile probation).

In contrast to information provided in the report (see GAO report, page 11), the Family Court is not experiencing any difficulty in meeting its operational needs. In fact, there have been numerous improvements in the way cases are processed in the Family Court, many of which are highlighted in the report. These improvements include significant decreases (e.g., 80 - 90%) in the time for cases to be resolved, as well as in the time before adjudication hearings are scheduled. In addition, all but 1% of the child abuse and neglect cases have been transferred from judges in other court divisions to judges in the Family Court within the required time frames, and those remaining outside the Family Court meet the criteria detailed in the Act for retention by judges outside the Family Court.

The Booz, Allen and Hamilton staffing study referenced in the report was conducted prior to the enactment of the Family Court Act and the subsequent hiring of the additional staff consistent with FY 2002 and FY 2003 appropriations. The number of Family Court staff who have been hired is greater than that identified as needed in the original Booz, Allen and Hamilton study, which actually recommended a combination of training and reengineering to fill most of the staffing gap. However, given the enactment of the Family Court Act and the attendant staff increases, as well as the implementation of the Court's Integrated Justice Information System (IJIS), in September 2003 the Court contracted with Booz, Allen and Hamilton to

reassess the staffing requirements of the Family Court. When the Court has the results of this updated study and has completed courtwide strategic planning, IJIS and reengineering initiatives currently underway, it will undertake further evaluation of staffing needs.

Space Planning

The GAO draft report confuses the D.C. Courts' space plans with a contingency alternative. The Courts' long-term space plan for the Family Court will consolidate all operations in one location of the Moultrie Courthouse by constructing an addition. Construction is scheduled to begin in FY 2006 and to be completed in FY 2009. Like all of the Courts' capital projects, it is dependent on Congressional appropriations. Phasing for the project will require the expansion of the Moultrie Courthouse, renovation of several court buildings, and coordination with several regulatory agencies. The Courts also have developed a less costly contingency plan in the event that funding to expand the Moultrie Courthouse is not provided. The contingency plan will provide for the consolidation of only about three-fourths of Family Court operations in one location, including all public functions, while locating the remaining administrative support functions on additional floors within the Moultrie Courthouse. Consistent with discussions at the time of enactment of the Family Court Act, the Courts are pursuing the long-term addition plan in order to fully consolidate all Family Court and related operations in the Moultrie Courthouse, and they hope to receive adequate appropriations to stay on this course in FY 2005.

Thank you again for allowing the District of Columbia Superior Court to comment on the progress the D.C. Family Court has made in implementing its Transition under the Family Court Act. If you have questions or concerns, please contact me at (202) 879-1600.

Sincerely,

Rufus King, III

Appendix IV: Comments from the Deputy Mayor of the District of Columbia for Children, Youth, Families, and Elders

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Deputy Mayor for Children, Youth, Families & Elders

Carolyn Graham
Deputy Mayor

December 16, 2003

Cornelia M .Ashby
Director, Education, Workforce, and
Income Security Issues
U.S. General Accounting Office
441 G Street, N.W.
Washington, D.C. 20548

Dear Ms. Ashby:

Thank you for the opportunity to offer comments to the U.S. General Accounting Office's draft report entitled *D.C Family Court Progress Has Been Made in Implementing Its Transition*. The purpose of this correspondence is to clarify the roles and responsibilities of the Office of the Deputy Mayor for Children Youth Families and Elders and the Office of the Chief Technology Officer in implementing the Mayor's plan to integrate the information systems of the District's health and human services agencies with the Family Court of the Superior Court of the District of Columbia.

As development of the District's Safe Passages Information System (SPIS) evolves under the Human Services Modernization Program, the Deputy Mayor and District agencies identified in the District of Columbia Family Court Act will remain responsible for defining the program and operational requirements with respect to data sharing and integration. The Office of the Chief Technology Officer will lead the technology development and system deployment necessary to support the District's health and human services business process requirements. As we proceed in the rollout of the data integration supporting the Family Court, it is extremely important that technology is developed that supports, but does not drive, agency best practice in service delivery.

To that end, it is important for the District's agencies to concur with the technology planning as HSMP evolves. Consistent with the governance structure with HSMP and the Child and Family Program Coordinating Council, the agencies will have the opportunity to review, adjust and subsequently affirm the detailed plans, interim milestones, decision points and project phases prepared by OCTO for this development. For example, on page 35 of this report, when OCTO completes the detailed planning indicated for December 2003, the process of review and agreement by the impacted agencies will begin. As a result of that, final plans for upcoming phases will be confirmed later in the spring.

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On page 37 and 38 of the draft report, the GAO reiterated the need for resolving critical issues, specifically confidentiality and privacy issues governed by laws and regulations; data accuracy, completeness, and timeliness problems that have hampered program management and operations. The Children and Youth Program Coordinating Council has established a sub-committee to evaluate the data sharing issues, including the relevant policies and laws governing that sharing. This subcommittee, comprised of agency program personnel, policy directors, legal support teams including Office of Corporation Council (OCC) and outside council, as well as the OCTO staff (identified in the draft report), will also make recommendations to the full Council for District legislative changes that may be necessary to support or allow some aspects of data sharing. Any legislative changes will be properly referred to the Mayor and Council for action.

The Child and Youth Program Coordinating Council and the HSMP teams will continue to work with the Mayor's Services Liaison Office and the Court, CFSA, DHS, DOH, DMH, the DCPS, the DC Housing Authority, OCC, and the Metropolitan Police Department (MPD) to assure appropriate timing and extent of their inclusion in HSMP.

Thank you for allowing the District of Columbia to provide further details on its plans to integrate computer systems with the Family Court. Please do not hesitate to contact me directly at (202) 727-4270 or Gerry Roth (202) 727-7170 in the Office of the Deputy Mayor, if either of us can be a further assistance.

Sincerely,

Carolyn Graham

1350 Pennsylvania Avenue, N.W., Suite 307, Washington, D.C. 20004 (202) 727-8001

Appendix V: GAO Contacts and Acknowledgments

GAO Contacts

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Mark. E. Ward, (202) 512-7274, wardm@gao.gov

Acknowledgments

The following individuals also made important contributions to this report: Steve Berke, Richard Burkard, Karen Burke, Mary Crenshaw, Patrick diBattista, Linda Elmore, Nila Garces-Osorio, David G. Gill, Joel Grossman, James Rebbe, and Norma Samuel.

Related GAO Products

D.C. Child and Family Services: Better Policy Implementation and Documentation of Related Activities Would Help Improve Performance. GAO-03-646. Washington, D.C.: May 27, 2003.

D.C. Child and Family Services: Key Issues Affecting the Management of Its Foster Care Cases. GAO-03-758T. Washington, D.C.: May 16, 2003.

District of Columbia: Issues Associated with the Child and Family Services Agency's Performance and Policies. GAO-03-611T. Washington, D.C.: April 2, 2003.

District of Columbia: More Details Needed on Plans to Integrate Computer Systems With the Family Court and Use Federal Funds. GAO-02-948. Washington, D. C.: August 7, 2002.

Foster Care: Recent Legislation Helps States Focus on Finding Permanent Homes for Children, but Long-Standing Barriers Remain. GAO-02-585. Washington, D. C.: June 28, 2002.

D. C. Family Court: Progress Made Toward Planned Transition and Interagency Coordination, but Some Challenges Remain. GAO-02-797T. Washington, D.C.: June 5, 2002.

D. C. Family Court: Additional Actions Should Be Taken to Fully Implement Its Transition. GAO-02-584. Washington, D.C.: May 6, 2002.

D. C. Family Court: Progress Made Toward Planned Transition, but Some Challenges Remain. GAO-02-660T. Washington, D. C.: April 24, 2002.

D. C. Courts: Disciplined Processes Critical to Successful System Acquisition. GAO-02-316. Washington, D. C.: February 28, 2002.

District of Columbia Child Welfare: Long-Term Challenges to Ensuring Children's Well-Being. GAO-01-191. Washington, D. C.: December 29, 2000.

Foster Care: Status of the District of Columbia's Child Welfare System Reform Efforts. GAO/T-HEHS-00-109. Washington, D. C.: May 5, 2000.

Foster Care: States' Early Experiences Implementing the Adoption and Safe Families Act. GAO/HEHS-00-1. Washington, D. C.: December 22, 1999.

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