



**DISTRICT OF COLUMBIA
CHILD WELFARE SYSTEM:**

Compliance with the Adoption and Safe Families Acts
and the District of Columbia Family Court Act

May 6, 2004

COUNCIL FOR COURT EXCELLENCE
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Council for Court Excellence

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FOREWORD

The Council for Court Excellence's *District of Columbia Child Welfare System Reform – A Progress Report*, issued in October 2002, assembled performance data on the three organizations that share responsibility for the DC child welfare system – the DC Superior Court Family Court, the Child and Family Services Agency, and the Office of the Corporation Counsel. The report quantified the progress made by these system leaders toward meeting the requirements of the federal and DC laws designed to reduce the amount of time children spend in foster care. The report documented the beginning of positive change in the city's child welfare system over the period studied, 2000 through mid-2002. CCE's 2002 report also stressed the importance of continuing to measure and monitor the system's performance.

Following CCE's October 2002 report, Congress, the author of both the federal Adoption and Safe Families Act and the DC Family Court Act, provided CCE with funds to continue monitoring and reporting on the progress of the DC child welfare system. The results of CCE's second study are presented in the report which follows. It tells the story of remarkable improvement in a formerly dysfunctional system that is beginning to translate into real progress for children and families. The report also highlights the major challenges that the DC child welfare system continues to face.

Founded in 1982, the Council for Court Excellence is a nonpartisan, nonprofit local civic organization that works to improve the administration of justice in the federal and local courts and related agencies in the Washington metropolitan area. This report is the product of independent study and analysis by the Council for Court Excellence. However, many other individuals and organizations generously assisted the Council's work in numerous ways, and CCE sincerely thanks them:

- Presiding Judge Lee F. Satterfield, Deputy Presiding Judge Anita Josey-Herring, and the other associate and magistrate judges of the DC Family Court,
- Dianne King, Stephanie Minor-Harper, Charles Dickerson, Deborah White, and many other staff members of the DC Family Court,
- Dr. Olivia Golden, Director of the Child and Family Services Agency until late April 2004,
- Robert Spagnoletti, District of Columbia Corporation Counsel,
- Janet Maher, the liaison between CFSA and the Office of the Corporation Counsel,
- Judith Meltzer and Clare Anderson of the Center for the Study of Social Policy, who have shared their child welfare expertise, data, and professional insights with CCE for five years,
- Participants in the focus groups and interviews CCE conducted during this study,
- Our project consultants, listed on the inside back cover, who helped develop the research methodology and instruments and who analyzed the data collected,
- The United States Congress, for funding this study, and
- The Annie E. Casey Foundation, the Freddie Mac Foundation, and the Trellis Fund, which have supported CCE's work to improve the DC child welfare system for many years.

INTRODUCTION

This is the Council for Court Excellence's (CCE) second public progress report on the District of Columbia's child welfare system.¹ The report is issued at the direction of Congress who in early 2003 provided CCE with funding and a mandate to "continue ongoing independent oversight... [of the system and to provide]...an annual report to Congress on the implementation of the District of Columbia Family Court Act of 2001 and the [federal] Adoption and Safe Families Act of 1997 (ASFA)." The purpose of this report is to assess the reform and ensure public accountability of a system that for too long allowed children to languish in foster care.

The report assembles and analyzes the most current information available on the progress of the organizations that make up the DC child welfare system - the Child and Family Services Agency, the Office of the Corporation Counsel, and the DC Family Court - in implementing the federal ASFA and the Family Court Act. The report also examines the city's compliance with the DC Adoption and Safe Families Amendment Act of 2000; this local law brings DC into conformity with federal ASFA and it creates additional deadlines. Both ASFA statutes are intended to reduce the amount of time abused and neglected children spend in foster care by setting deadlines for case milestones in child abuse and neglect court cases. The Family Court Act requires the Family Court to implement the structure and tools necessary to meet ASFA deadlines.

CCE's second progress report is more comprehensive than the first. CCE reviewed 1,708 child abuse and neglect court case files for children who entered the DC child welfare system over a six-year period, 1998 through June 30, 2003. This sampling strategy enabled CCE to produce data results with a 95% confidence level and a 5% confidence interval. In other words, the sample produced the true value 95% of the time plus or minus 5 percentage points.²

CCE did not review cases filed prior to 1998, before the current reform effort began. Thus, the ASFA compliance rates presented in this report may tend to be higher than those in studies that are representative of all court-filed child abuse and neglect cases. Also because more of their cases were filed prior to 1998, the sample includes fewer older children than would a sample of all court-filed cases. This limitation prevents CCE from providing quantitative information on older children in the system, as children tend to enter the child welfare system at younger ages.

¹ The first report was *District of Columbia Child Welfare System Reform: A Progress Report*, Council for Court Excellence, October 2002.

² A fuller explanation of CCE's research methodology is presented in Appendix A.

CCE studied children for each of the six years as separate groups or “cohorts” based upon their date of admission into the system. This “admission cohort” sampling approach allowed the study to track children who entered the child welfare system in the same year throughout their child welfare experience and allowed for comparison over time. This report compares the city’s performance on behalf of children whose neglect or abuse cases entered the system over three time intervals:

- 1) 1998 and 1999 - prior to the city’s implementation of ASFA or the Family Court Act;
- 2) 2000 and 2001 - the initial ASFA implementation; and
- 3) 2002 and 2003 - continued ASFA implementation and Family Court Act implementation.

CCE also observed 352 child abuse and neglect court proceedings, primarily permanency hearings, between October 14 and November 16, 2003. Additional information was obtained from interviews of the child welfare system leaders and their key staff members. CCE also made site visits and conducted surveys and focus groups. Focus group participants included parents (biological, foster, and adoptive), adolescents, government and private attorneys, and associate and magistrate judges. In addition, the Family Court and the Child and Family Services Agency provided CCE with a demonstration of their information and technology systems. All of this additional information was useful in corroborating case file review findings.

The results of CCE’s comprehensive study of the DC child welfare system are presented below. The report begins with a summary of key findings in Part 1. Part 2 provides background information on the framework of the system: the major DC agencies that share responsibility for the child welfare system and an overview of the major legislation at issue. Part 3 is a chronological analysis of the DC child welfare system’s compliance with the federal and local Adoption and Safe Families Acts – beginning with the phone call to the child abuse and neglect Hotline and ending with the child’s return home, adoption, guardianship, custody or until the child “ages out” of the system. Part 4 examines the implementation of the improved practices and procedures required by the Family Court Act. Finally, Part 5 offers recommendations for action and describes the major issues in need of further study.

In summary, the CCE research results show that neglected or abused DC children are in far better hands now than they were a few years ago. In the aggregate, the city’s child protection system is performing at a far higher level than before, though there is still both room and need for improvement overall. It is also worth remembering that improved overall performance can never guarantee against bad occurrences in an individual case.

In CCE’s opinion, the improved overall performance of the District of Columbia’s child neglect and abuse system over the past three years is attributable to several factors:

- stable, superior leadership of the responsible DC governmental agencies, especially the Family Court and the Child and Family Services Agency (CFSA);

- collaboration among the Family Court, CFSA, and the Office of the Corporation Counsel, which has led to joint planning and implementation of system reforms and of the important organizational reforms mandated by the Family Court Act;
- substantial increases in funding to all three of those entities, which for the first time have provided each of them with adequate resources to discharge their responsibilities; and
- a shared commitment among system leaders to routinely measure performance against statutory and other legal benchmarks.

The results show steadily increasing compliance rates with federal and local ASFA deadlines which, no doubt, are aided by the significantly improved practices and procedures implemented as required by the Family Court Act. The report also documents nearly complete compliance with each requirement of the Family Court Act, though progress is slower on the Mayor's Safe Passages data system.

Even more important, these improvements are beginning to translate into shorter stays in foster care for some children. Data from 2002 and 2003 indicate that those children who can safely be reunited with their families are going home in less than one year's time. This is a significant improvement from pre-DC ASFA days, when it took nearly two years to reunify children with their families.

PART 1: KEY FINDINGS

1. Over the past six years, the first hearing in a DC child neglect or abuse case consistently has been held within statutory deadlines. In addition, the Family Court, with the input of the parties, is approaching a 100% compliance rate with statutory qualitative requirements for the initial hearing.
2. Early case mediation has been implemented in the Family Court for nearly 100% of child neglect and abuse cases and has resulted in full or partial settlements of more than 90% of those cases, thereby expediting the handling of the cases.
3. The city's compliance with DC ASFA deadlines for child neglect and abuse adjudication, disposition, and review hearings is improving steadily, particularly in cases where the child has been removed from home.
4. The District of Columbia is nearing full compliance with the federal and DC ASFA requirement to hold a permanency hearing within 12 months of a child's entry into foster care. Timely permanency hearings were held in 87% of cases filed in 2002.
5. The city is close to full compliance with the qualitative requirement to decide the child's permanency goal at permanency hearings, but it is far from compliant with the qualitative requirement to set a date for achieving the child's permanency goal at these hearings, having done so in only 29% of permanency hearings for cases filed in 2002. Failing to set a date for achievement of a child's permanency plan reduces the sense of urgency about achieving permanency for children that ASFA intended to create.
6. There appears to be no Family Court protocol for advising parents of the stringent ASFA reunification deadlines at initial hearings or later hearings. CCE court observers reported that the court discussed ASFA reunification deadlines in only one of the thirteen initial hearings observed and discussed reunification deadlines in only 10 of the 170 permanency hearings at which parents or other family members were present. Parents should be informed early and often, both orally and in writing, that they have a limited amount of time to remedy the conditions of neglect or abuse or risk losing their children.
7. DC children who can be safely reunified with their families are now going home in less than one year, less than half the time it took before the city began implementing the Adoption and Safe Families Act in 2000. On the other hand, achieving permanency for DC children who cannot return home takes significantly longer. For example, 47% of the children in CCE's case file sample with cases pending since 1998 have an unrealized goal of adoption.
8. Very few cases in CCE's closed-case sample have resulted in adoption. Over 1,000 children now in foster care in the District have a permanency goal of adoption, but over one-third of them await placement in pre-adoptive homes. Historically, the District has filed very few Termination of Parental Rights petitions, and the Family Court has been reluctant to act on a TPR petition if the child is not placed in a pre-adoptive home. Other

barriers include delays in obtaining FBI clearance checks of adoptive parents, and procedural difficulties in placing children in out-of-state homes under the Interstate Compact for the Placement of Children (ICPC). The result is that a disproportionately high number of children remain in the DC child welfare system with an unrealized permanency goal of adoption.

9. Guardianships also take significantly longer to complete than reunifications. The District created and funded a subsidized guardianship program that began in fiscal year 2002. The first year, the program completed 13 guardianships. In fiscal year 2003, 110 subsidized guardianships were completed and 89 were completed by mid-fiscal year 2004. As familiarity with the program grows, it is likely that children with a case goal of legal guardianship will begin to reach permanency more quickly.
10. Very few cases in CCE's closed-case sample closed as a result of the child reaching age 21, probably because CCE did not review case files of children who entered the system prior to 1998. The Family Court reports that approximately 25% of children in the system will reach adulthood without finding a permanent home. Though the court and CFSA have created programs that reach some of the children in this population, not all children are aware of the services available to them. Older children who participated in CCE focus groups expressed serious concern over the lack of education, job training, and substance abuse treatment options available to help them successfully transition to adulthood.
11. Nearly all child neglect and abuse cases formerly pending outside the Family Court have been transferred to the Family Court. Twenty-five child neglect and abuse cases remain outside the Family Court, even though sufficient time has passed that it no longer appears these cases will reach permanency more quickly by remaining with judges outside the Family Court.
12. District of Columbia child neglect and abuse cases and some related family law cases are now being handled by judicial officers with experience and expertise in family law who have volunteered for extended terms of Family Court service. Most children's cases are now handled by a single judicial officer from filing through permanency. Family Court judicial officers generally make efforts to ensure that parents and other lay persons understand court proceedings and permit them to speak and ask questions.
13. The Mayor, with the assistance of the Family Court, has established a multi-agency liaison office in the Family Court which is assisting with the coordination of social services to court-involved families.
14. The Family Court has implemented a computerized case tracking system and is making good progress toward exchanging information on shared cases electronically with the Child and Family Services Agency. The Mayor has made less progress on implementing a system to integrate the computer systems of other District of Columbia agencies with the Family Court's system.

PART 2: FRAMEWORK OF THE SYSTEM

I. Overview of the DC Child Abuse and Neglect System

In its October 2002 report, CCE compared the organizational structure of the DC child welfare system to a three-legged stool. The analogy still applies. The three legs or organizations are: 1) the Child and Family Services Agency which receives and investigates reports of child neglect and abuse and provides services to children and their families; 2) the Office of the Corporation Counsel which prosecutes the cases and provides legal support until permanency is achieved or the case is otherwise closed; and 3) the Family Court which adjudicates the cases and oversees progress toward permanency and case closure.

A. The Child and Family Services Agency

After nearly 15 years, the end to the LaShawn A. v. Williams federal class-action lawsuit is in sight. The lawsuit was filed against the city to reform the Child and Family Services Agency, a process that is nearing completion. The Child and Family Services Agency has been operating as an independent cabinet-level agency since emerging from federal court-ordered receivership in January 2001. After successfully completing a series of performance standards, CFSA shed its court-imposed probationary status in January 2003. In May 2003, the LaShawn A. court approved an implementation plan that would bring CFSA into full compliance by 2006 with the court's Modified Final Order. In its January 2004 report, the Center for the Study of Social Policy, appointed in LaShawn A. to monitor the Child and Family Services Agency, found that while some additional improvements are necessary, the agency has achieved many of the implementation plan performance benchmarks.³ Unfortunately, Olivia Golden, the Child and Family Services Agency Director who has guided the agency through the transformation process over the past three years, stepped down in April 2004. However, the management team she recruited remains in place at this time.

B. The Office of the Corporation Counsel

Under the new leadership of Corporation Counsel Robert Spagnoletti, the Office of the Corporation Counsel Child Abuse and Neglect Section has maintained the high staffing levels it achieved in late 2001 and early 2002. The Section has about 45 full-time attorney positions, which has enabled it for the first time to provide legal support to child neglect and abuse cases not just through adjudication and disposition, but all the way through to the achievement of permanency. Assistant corporation counsel are each assigned to handle cases before one judicial team of an associate judge and magistrate judge. This new organizational practice lends consistency and familiarity to the process.

To better serve the Child and Family Services Agency, the Office of the Corporation Counsel moved its Child Abuse and Neglect Section offices to the CFSA headquarters. After

³ LaShawn A. v. Williams, *An Assessment of the District of Columbia's Progress in Meeting the Implementation and Outcomes Benchmarks for Child Welfare Reform*, Center for the Study of Social Policy, January 2004.

approximately two years of co-location, both the Office of the Corporation Counsel and the Child and Family Services Agency are generally pleased with the arrangement. One assistant corporation counsel said, “it is convenient for everyone who works on cases - efficient and effective.”

C. The DC Superior Court Family Court

The DC Family Court, led by Presiding Judge Lee Satterfield, has undergone a major transformation. Most of the changes required by the Family Court Act were swiftly implemented within the Act’s two-year implementation period. Perhaps the most significant change is that all child neglect and abuse cases and related family law cases are being handled by judicial officers with experience and expertise in family law who volunteered for Family Court service. In addition, the Family Court has implemented early case mediation and, with the assistance of the Mayor’s Office, has established an on-site office to assist with the coordination of social services to Family Court-involved families.

Some Family Court Act requirements are taking longer to implement. The Family Court has connected most of its branches to its Integrated Justice Information System (IJIS). However, it will take some time before this computerized case tracking system is operating smoothly and is producing regular performance reports for management. The IJIS system also must be connected to the civil, criminal, tax, and probate divisions of the Superior Court to achieve full integration. The project to expand the Court’s physical space to accommodate all Family Court operations also is a multi-year project.

II. Legislative Overview

A. Federal Adoption and Safe Families Act

Child development experts have long known that childhood is a critical time for personality formation and brain development. To thrive and grow, children need a consistent, protective, and nurturing relationship with an adult.⁴ The federal ASFA, enacted in 1997, recognizes the importance of these qualities in a child’s life. When a child becomes the victim of neglect or abuse, ASFA deadlines impose a sense of urgency that did not exist previously. Parents must act quickly to remedy the cause of neglect or abuse or risk losing their children. ASFA represents a public policy move away from prolonged efforts at family reunification toward prompt, permanent, and safe placement of children.

The major provisions of the federal ASFA include:

- 1. Clarification of Reasonable Efforts** – The requirement, created in the 1980’s,⁵ that the child welfare agency must make “reasonable efforts” to prevent removal of a child or reunify the family often was misinterpreted to require extraordinary efforts. Congress felt this resulted in children being

⁴ *Developmental Issues for Young Children in Foster Care*, American Academy of Pediatrics, Vol 106, Number 5 (2000), at 1145-1150.

⁵ See the “Adoption Assistance and Child Welfare Act of 1980,” P.L. 96-272.

returned to unsafe homes or spending lengthy periods of time in foster care while parents underwent rehabilitation.⁶ ASFA attempts to clarify the reasonable efforts requirement. It makes the child's safety the top priority in determining whether reasonable efforts should be made. *42 U.S.C. 671 (a)(15)(A)*. When "aggravated circumstances"⁷ exist, no reasonable efforts are required. *42 U.S.C. 671 (a)(15)(D)*.

The court must determine, within 60 days of the date of a child's removal from home, whether reasonable efforts were made to prevent that removal or whether they are not required.⁸ ASFA uses a carrot and stick approach to encourage compliance with this requirement. Unless a timely reasonable efforts determination is made, the state is ineligible for federal title IV-E Social Security financial assistance to pay for foster care expenses. DC ASFA also requires a reasonable efforts determination at the disposition hearing. *DC Code § 16-2320(f)(2)(A)*. At the permanency hearing, federal regulations require a determination as to whether reasonable efforts were made to achieve the child's permanency plan.⁹

2. Contrary to the Welfare – Keeping families together remains a top priority under ASFA.¹⁰ In the first court order sanctioning a child's removal from home, the court must make a finding as to whether it would be contrary to the child's welfare to remain at home. A timely "contrary to the welfare" finding also is required for federal Title IV-E financial assistance. DC ASFA requires a "contrary to the welfare" finding at the disposition hearing. *DC Code § 16-2320(f)(2)(B)*.

3. Permanency Hearings – One of ASFA's most important requirements is that the court hold a "permanency hearing" no later than 12 months after a child's entry into foster care. "Entry into foster care" is defined as the earlier of (1) the date the court determines that the child has been neglected or (2) 60 days after the date on which the child has been removed from home. *DC Code § 16-2301*. Because the judicial determination of neglect generally occurs after 60 days has elapsed, the permanency hearing is most often required within 14 months, or 425 days, of the child's removal from home. At the permanency hearing, the court must decide what the child's permanent placement goal will be – whether the child can safely return home, must be placed for adoption, placed in the permanent guardianship or custody of a relative, or placed in an alternative living arrangement. The court also must set a timetable for achieving the permanency plan.

⁶ Congressional Record, Nov. 13, 1997, at H10788.

⁷ Under DC law "aggravated circumstances" include cruelty, abandonment, torture, chronic abuse, sexual abuse, etc. of a sibling or another child. *DC Code § 4-1301.09a(d)*.

⁸ Federal Register, Vol. 65, No. 16, January 25, 2000, Rules and Regulations, at 4052.

⁹ *Id.*

¹⁰ *Id.* at 4055.

- 4. Termination of Parental Rights** - When a child has been in foster care for 15 of the last 22 months, ASFA draws a line. The state is required to file a petition to terminate the parental rights (TPR) of the child's parents unless:
- 1) the child is living with a relative;
 - 2) the agency failed to provide necessary services; or
 - 3) other compelling reasons exist.

B. DC Adoption and Safe Families Act

The Adoption and Safe Families Amendment Act of 2000 (*DC Code §§ 4-1301.02 et seq. and DC Code §§ 16-23001 et seq.*), DC's ASFA statute, was enacted to bring DC law into conformity with the federal ASFA. In addition to mirroring the federal ASFA requirements, the DC ASFA creates additional hearing deadlines.

DC ASFA sets deadlines for the trial or fact-finding hearing - where the truth or falsity of the neglect or abuse allegations is determined - and the disposition hearing - which focuses on remedying the neglect or abuse. The deadlines differ depending upon whether the child is removed from home. In general, if the child is not removed from home, both the trial and disposition must be held within 45 days of the filing of the petition. *DC Code § 16-2316.01(1)*. If the child is removed from home, the statute allows 45 days from "entry into foster care," which results in a 105 day deadline for the trial and disposition of out-of-home children's cases.¹¹ *DC Code §§ 16-2316.01(1) & 16-2301(28)*.

C. The District of Columbia Family Court Act

The DC Family Court Act, enacted by Congress in late 2001, lays out the structure and tools necessary to meet ASFA deadlines. As a result of the Family Court's hard work over the past two years, much of the structure has been put in place and the court's toolkit is nearly complete. The Family Court Act requires:

1. Transfer to the Family Court of child neglect and abuse cases that were being handled in other divisions of the court.
2. A maximum of 15 Family Court associate judges and expedited appointment of additional magistrate judges to assist with neglect and abuse cases that had been pending outside the Family Court for more than two years.
3. That all associate and magistrate judges have expertise or experience in family law.
4. Three-year or five-year terms of Family Court service for associate judges who volunteer for service in the Family Court.

¹¹ Proposed legislation, "The Child in Need of Protection Act" would make the trial and disposition deadline essentially the same for both in and out-of-home children, i.e., 45 days from filing of the petition or removal from home.

5. Ongoing interdisciplinary training of associate and magistrate judges.
6. Implementation of the One Judge/One Family approach, whereby the same Family Court judge hears a neglect or abuse case from beginning to end and hears related family law cases involving the same family.
7. Implementation of a computerized case tracking and management system.
8. On-site coordination of social services.
9. Use of alternative dispute resolution techniques.
10. Expansion of physical facilities to accommodate all Family Court functions.

PART 3: FINDINGS AND ANALYSIS ON ASFA COMPLIANCE

I. Case Chronology

This section of the report describes the process for handling child neglect and abuse cases in the District of Columbia and analyzes how well the city is doing to meet ASFA hearing deadlines and make ASFA findings. It begins with the report of neglect or abuse to the CFSA Hotline and continues through to the permanency hearing, where a decision must be made as to what the child's permanent placement will be and when it will be achieved. Section II of this Part discusses the achievement of a permanent placement for children.

For the most part the city is making good progress. Its compliance with ASFA permanency hearing deadlines is greatly improved, although some improvement is required in meeting permanency hearing requirements. Compliance with DC trial, disposition and review hearing deadlines also is improving. Other positives include increased attendance, particularly by social workers and assistant corporation counsels, at review and permanency hearings, which improves the quality of decisions that can be made on behalf of children.

A. Calls to the CFSA Hotline

Anyone may report suspected child neglect or child abuse in DC through a single point of entry, the Child and Family Services Agency Hotline (202-671-SAFE). CFSA established the Hotline in late 2001, as required by the La Shawn Modified Final Order, when it assumed responsibility for abuse as well as neglect cases. Prior to that time, reports of abuse or neglect were made to a variety of agencies, preventing comparison of the number and type of reports received prior to 2002.

In its recent report, the Center for the Study of Social Policy, the court-appointed monitor of the Child and Family Services Agency, reported that CFSA's FACES information technology system indicates that the Hotline receives an average of 612 calls per month, including requests for information and referrals as well as reports of child abuse and neglect. FACES' data also suggest that the majority of Hotline calls are reports of neglect or abuse, rather than requests for information or referral.¹² The Center for the Study of Social Policy suspects, however, that the opposite is true; based upon its observations, it believes that many information and referral calls simply are not entered into the data system. All reports of suspected child neglect or abuse must be investigated.

¹² *An Assessment of the Functioning of the Child Abuse and Neglect Hotline of the District of Columbia Child and Family Services Agency*, Center for the Study of Social Policy, January 20, 2004, at 10

B. CFSA Investigation

CFSA policy requires social workers to begin an investigation of a report of child neglect or abuse within 24 hours of the call to the Hotline and to complete the investigation within 30 days. According to the recent Center for the Study of Social Policy study, an average of 95% of child neglect or abuse reports are accepted for investigation; the remainder are deemed inappropriate for investigation.¹³ Approximately 32% of investigations are “substantiated” for child neglect or abuse, a figure the Center for the Study of Social Policy reports is consistent with national experience.¹⁴ The Center for the Study of Social Policy also reports that only 39% of investigations are completed within the 30-day deadline, and only 78% are completed within 60 days.¹⁵ This delay raises concern about children’s safety and well-being. CFSA asserts, however, that it is using a variety of strategies to improve the timeliness of its investigations.

Even though a case may not be substantiated, if CFSA finds that the family is at risk, the agency may provide them with services. As CFSA becomes more focused on prevention and early intervention, the city’s seven Healthy Families/Thriving Communities Collaboratives have become an important resource. The Collaboratives are nonprofit civic organizations that CFSA contracts with to provide neighborhood-based services to families and children in need. More detailed information on each of the Collaboratives is contained in Appendix B.

C. Substantiated Cases – The ASFA Clock Begins to Run – Day 1

When a CFSA investigation substantiates a case, the agency must decide what action to take to protect the child and help the family. Every substantiated case in which CFSA decides the child’s safety requires removal from the home must be brought to the Office of the Corporation Counsel for “papering,” preparation of a Family Court petition alleging neglect or abuse.¹⁶ If, after reviewing the case, the attorney (assistant corporation counsel) determines that there is a factual and legal basis for alleging neglect or abuse, the attorney will file a petition in Family Court. *DC Code §16-2305(c)*. For ASFA purposes, time begins to run from the date the child was removed from home.

For those substantiated cases in which CFSA determines that a child may be protected without removal from home, CFSA must decide whether to bring the case to the Office of the Corporation Counsel for papering or to handle it under its own procedures as an agency case. CFSA may bring a substantiated case to the OCC for papering if it believes that the authority of the Family Court will be necessary to enforce the provision of services. If the case is papered, ASFA time limits begin to run from the date the neglect or abuse petition is filed in court. If OCC declines to prosecute the case, the case is considered “no-papered” and CFSA

¹³ Id. at 10.

¹⁴ Id. at 11.

¹⁵ *An Assessment of the District of Columbia’s Progress as of September 30, 2003 in Meeting the Implementation and Outcome Benchmarks for Child Welfare Reform*, Center for the Study of Social Policy, February 9, 2004, at 5. Compliance with the 30-day deadline, which CFSA reports is among the most ambitious in the country, has varied from 70% to 39% during 2003.

¹⁶ When a child is removed from home, DC Code § 16-2312(a)(2) requires that a petition be filed prior to the initial hearing.

may decide to handle it as an agency case. According to the DC Courts' 2003 annual report, CFSA was managing 4,384 children's court-involved abuse and neglect cases at the end of December 2003.

Family Team Meetings

One of CFSA's recent key implementation strategies is to engage families in the case-planning process. Families who are involved in planning the future are more likely to be invested in the process and presumably will be more dedicated to implementing the case plan. In 2003, CFSA selected the *Family to Family* model of team decision-making and, beginning in September 2004, will hold family team meetings whenever a child is removed from home or the child's placement changes. In addition, CFSA is currently engaged in a variety of programs designed to ensure a more seamless process for children by stabilizing families. CFSA is working with the neighborhood-based Collaboratives to hold family group conferences and emergency assessment program family meetings, and is also participating in Family Court Mediation.

D. The Shelter Care Hearing or Initial Appearance – Day 2 (Removal Cases) or Day 5 (In-Home Cases)

In petitioned cases where the child has been removed from home, the first hearing, called a Shelter Care Hearing, must take place the next day (excluding Sundays).¹⁷ *DC Code §16-2312(a)(1)*. If a child has not been removed from home, the first hearing, called the Initial Appearance, must take place within 5 days of the filing of the petition. *DC Code §16-2308*.

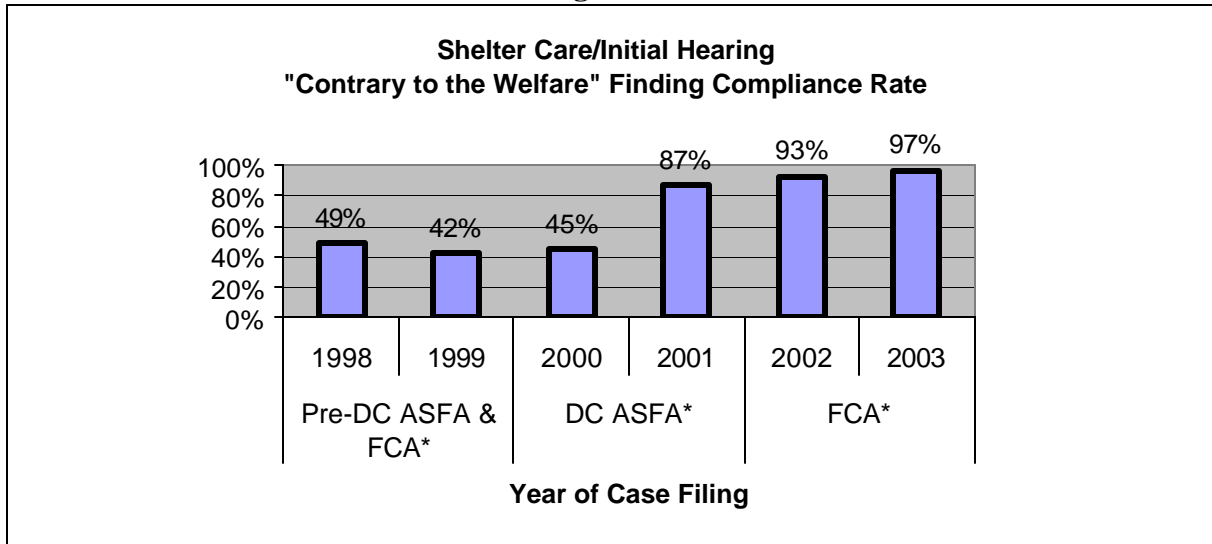
CCE's data show that over the past six years the Family Court consistently has held shelter care hearings and initial appearances within statutory time frames. According to CCE court observers, who observed 13 initial hearings, the average duration of the initial hearings was 50 minutes.

¹⁷ Proposed DC Council legislation, "The Child in Need of Protection Act," would extend the time from removal to initial hearing to 72 hours. Proponents of the provision argue that it will allow time to conduct early family case conferencing, put services in place, locate alternative placements, etc.

1. “Contrary to the Welfare” Finding at Shelter Care Hearings and Initial Appearances

If a child has been removed from home, after input from the social worker and others, the Family Court judge must make a finding at the first hearing sanctioning the child’s removal as to whether it is “contrary to the welfare” of the child to return to his or her home. Safety is the key determining factor. CCE’s data show that the Family Court is approaching a 100% compliance rate with this federal ASFA requirement. See Figure 1 below.

Figure 1



Source: Council for Court Excellence – 2004

* **Pre-DC ASFA & FCA:** cases filed prior to the DC Adoption and Safe Families Act or the Family Court Act

* **DC ASFA:** cases filed after the DC Adoption and Safe Families Act

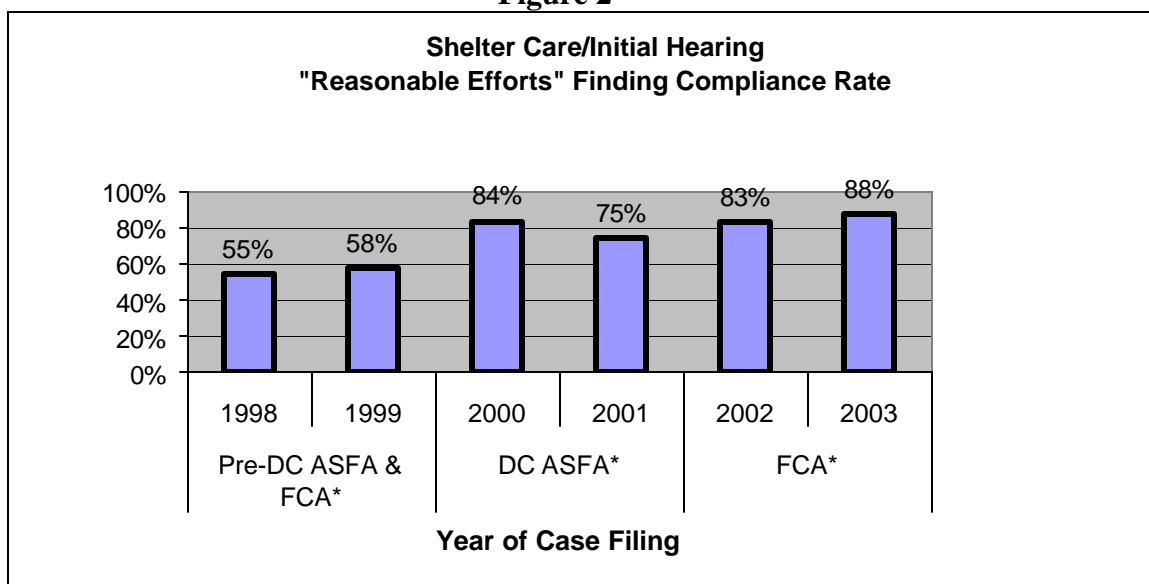
* **FCA:** cases filed after the Family Court Act

CCE court observers reported an oral “contrary to the welfare” finding in all but one of the shelter care hearings they observed (9 out of 10). Detailed reasons for the finding were given orally in each of these instances. In some cases the reasons were articulated by the judicial officers; in other cases they were articulated by the social worker or the assistant corporation counsel.

2. “Reasonable Efforts” Finding at Shelter Care Hearings and Initial Appearances

If a child has been removed from home, within 60 days of removal, the Family Court judge must make a finding, after input from the social worker and others, as to whether CFSA made “reasonable efforts” to prevent the removal. Although it is not required for 60 days, CCE’s data show that Family Court judicial officers increasingly have been making a determination at the shelter care hearing as to whether or not reasonable efforts were made or whether or not reasonable efforts were required, as indicated in Figure 2 below. The compliance rate at the shelter care hearing reached 88% for 2003 cases. Although CCE does not have reasonable efforts data on the remaining 12% of the cases, reasonable efforts findings also may be made within 60 days of removal at subsequent hearings such as pre-trial hearings. CCE court observers reported an oral “reasonable efforts” finding in all but one of the shelter care hearings (9 out of 10) they observed.

Figure 2



Source: Council for Court Excellence – 2004

* **Pre-DC ASFA & FCA**: cases filed prior to the DC Adoption and Safe Families Act or the Family Court Act

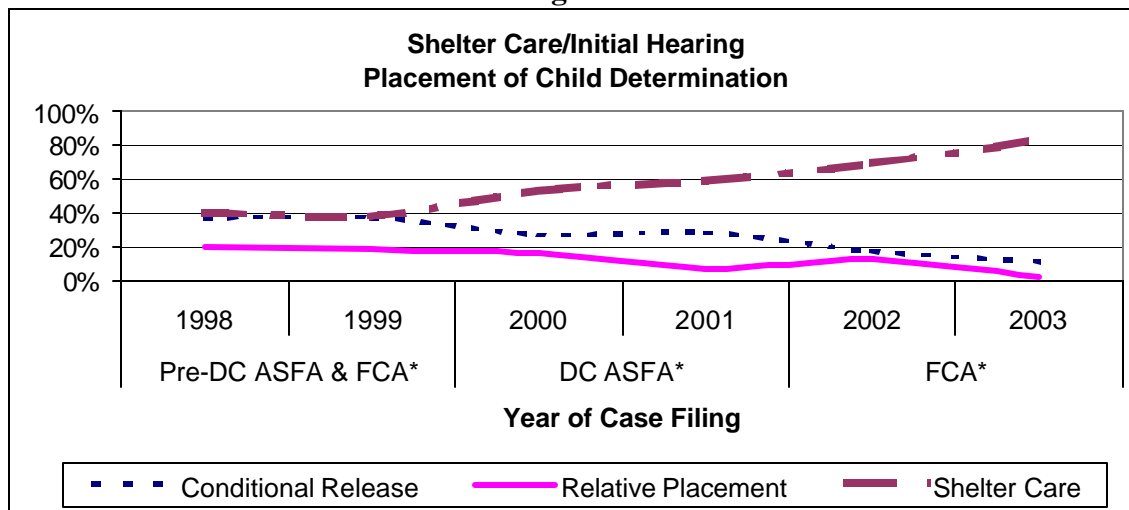
* **DC ASFA**: cases filed after the DC Adoption and Safe Families Act

* **FCA**: cases filed after the Family Court Act

3. Placement at Shelter Care and Initial Hearings

At the shelter care or initial hearing the judicial officer, after input from the social worker and others, must determine the child’s placement pending further hearings. The child may be “conditionally released” to a parent, placed with a relative, or placed in “shelter care,” the term for foster care before a case has been adjudicated.¹⁸ CCE’s data show that over the past six years the most common court-ordered placement at the initial/shelter care hearing is shelter care. This is illustrated in Figure 3.

Figure 3



Source: Council for Court Excellence – 2004

- * **Pre-DC ASFA & FCA**: cases filed prior to the DC Adoption and Safe Families Act or the Family Court Act
- * **DC ASFA** : cases filed after the DC Adoption and Safe Families Act
- * **FCA**: cases filed after the Family Court Act

CCE court observers reported that the court reviewed the child’s placement in each of the thirteen shelter care and initial hearings observed. In all but one of the 11 hearings in which an order regarding placement was issued, the court discussed the possibility of placement with a relative. When parents or other relatives were present, the court explained the purpose of the hearing and ensured that they understood the proceedings in all but one of the initial hearings. In nine of the hearings, the parties were offered an opportunity to speak or ask questions. Observers reported, however, that the court discussed ASFA reunification deadlines in only one of the initial hearings. Parents should be informed as soon as possible that they have a limited amount of time to remedy the conditions of abuse or neglect or risk losing their children.

¹⁸ A parent who opposes shelter care may require the government to produce evidence that there is probable cause to believe the allegations in the petition are true. *DC Code § 16-2312(e)*.

E. Adjudication – Day 45 (Non-Removal Cases) or Day 105 (Removal Cases)

The truth or falsity of the allegations of child neglect or abuse may be adjudicated by agreement, called a stipulation, or by trial. If during early case mediation, which is being conducted in all newly filed neglect and abuse cases (see Part 4.IX. below), parties are able to come to an agreement on responsibility for one or more of the allegations, the parties will proceed immediately to court to formally execute the stipulation before the judge. If the parties are unable to come to an agreement during mediation or at any time prior to the scheduled trial date, the case will proceed to trial, which is a fact-finding hearing where the government must prove its case to the Family Court judge by a preponderance of the evidence.¹⁹ See *DC Code §16-2316*.

Federal ASFA does not have a deadline for adjudication. Under DC ASFA, if a child is removed from home, adjudication, whether by stipulation or by trial, must be held within 105 days of the child's removal. If the child is not removed from home, DC ASFA requires that adjudication be held more quickly, within 45 days.

1. Children Removed From Home – Compliance with 105-Day Adjudication Deadline

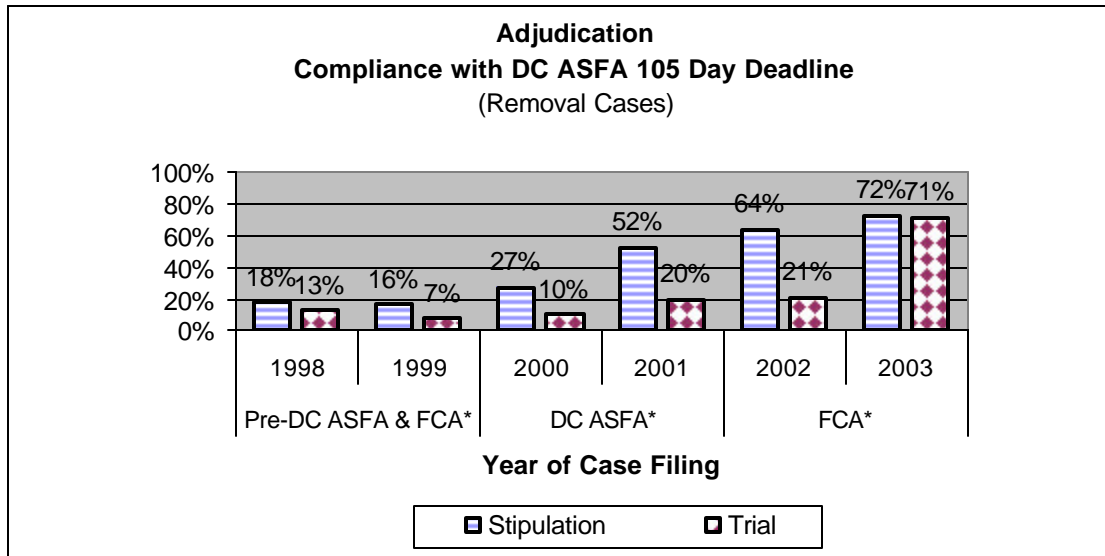
Figure 4 below shows the adjudication compliance rates by admission cohort for cases of children removed from home. Since the enactment and implementation of DC ASFA in 2000, the city has made steady progress toward compliance with the 105-day adjudication deadline in cases adjudicated by stipulation, reaching 72% for cases filed in 2003. For cases filed in 2002, the average time to stipulation was 83 days; the median time to stipulation was 61 days.

Compliance rates for cases adjudicated by trial have been approximately 20% or less until 2003, when the rate jumped to 71%. The average time to trial for cases filed in 2002 was 139 days and the median was 125 days. For cases filed in the first half of 2003, the average time to trial fell to 79 days and the median fell to 80 days.

While these figures are impressive, more work must be done to reach 100% compliance. Cases are considered to be ASFA compliant if they reached the case milestone within the ASFA deadline or were dismissed within the ASFA deadline, with the exception of no-papered cases, which are not included in the compliance calculations.

¹⁹ CCE court observers observed only two trials. One lasted one hour and seven minutes. The other lasted four hours and twenty-five minutes.

Figure 4



Source: Council for Court Excellence – 2004

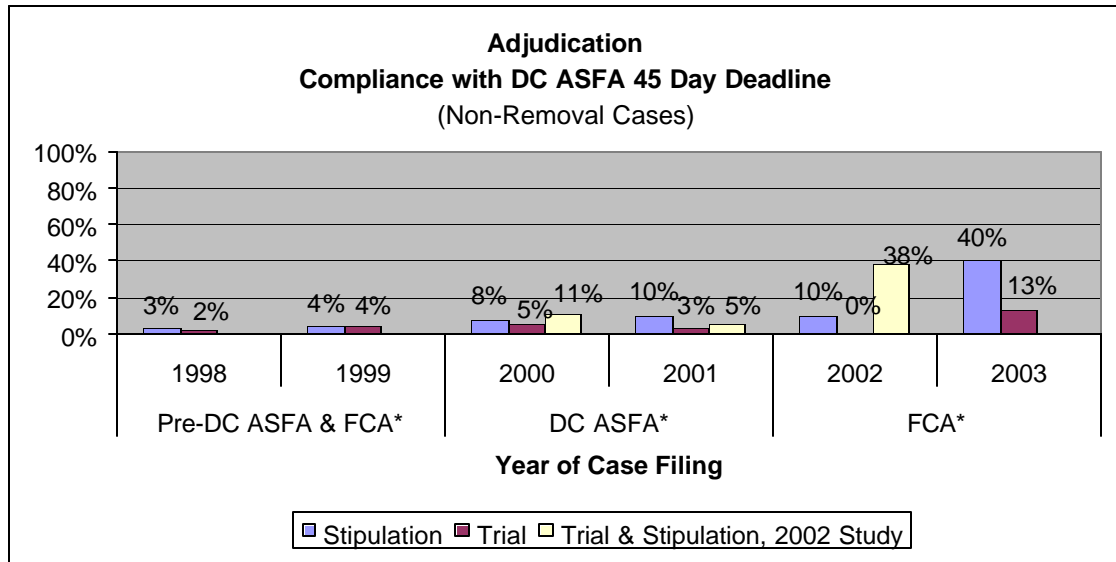
- * **Pre-DC ASFA & FCA**: cases filed prior to the DC Adoption and Safe Families Act or the Family Court Act
- * **DC ASFA**: cases filed after the DC Adoption and Safe Families Act
- * **FCA**: cases filed after the Family Court Act

2. Children Remaining in the Home – Compliance with 45-Day Adjudication Deadline

Compliance with DC ASFA’s 45-day adjudication deadline for cases of children not removed from home has been low, regardless of whether a case was adjudicated by stipulation or by trial. With the exception of 2003, when the compliance rate for stipulated cases rose to 40%, the data indicate that the compliance rate has been 10% or less.

Figure 5 below shows the adjudication compliance rates by admission cohort for cases of children not removed from their homes. Because these compliance figures are so low, CCE checked them against data from an earlier CCE study that included 100% of cases filed in 2000, 2001, and the first six months of 2002. The results of this earlier study, which combined compliance rates for trial and stipulation, are comparable. The earlier study showed an 11% compliance rate in 2000, 5% in 2001, and 38% for the first half of 2002. These figures are also displayed in Figure 5. Regardless of which figures are used, adherence to DC ASFA adjudication deadlines in non-removal cases requires considerable improvement.

Figure 5



Source: Council for Court Excellence – 2002 and 2004

* **Pre-DC ASFA & FCA:** cases filed prior to the DC Adoption and Safe Families Act or the Family Court Act

* **DC ASFA:** cases filed after the DC Adoption and Safe Families Act

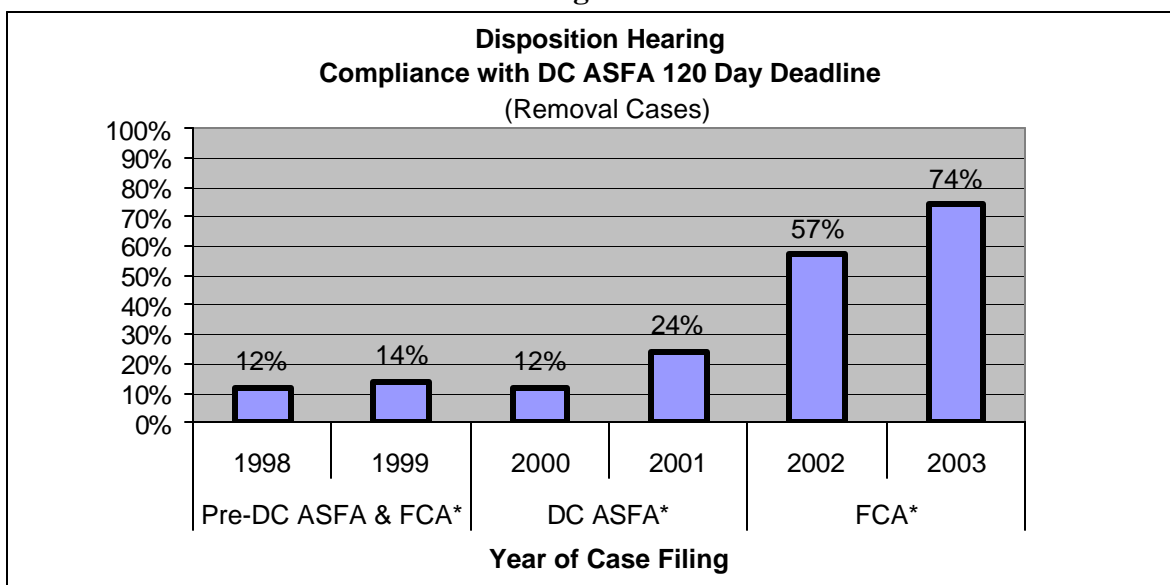
* **FCA:** cases filed after the Family Court Act

F. Disposition Hearing - Day 60 (Non-Removal Cases) or Day 120 (Removal Cases)

At a disposition hearing, after receiving input from the parties, the court must determine where the child should be placed until the conditions of neglect or abuse can be remedied. Federal ASFA does not have a deadline for disposition. In general, DC ASFA requires that the disposition hearing be combined with the fact-finding hearing. *DC Code §16-2316.01(a)*. In practice, however, parties often are permitted a 15-day extension of time to prepare for a separate disposition hearing. *See DC Code § 16-2316(3)*. Thus, practically speaking, the deadlines for disposition are 120 days in removal cases and 60 days in in-home cases.

1. Children Removed From Home – Compliance with 120-Day Disposition Hearing Deadline

Figure 6



Source: Council for Court Excellence – 2004

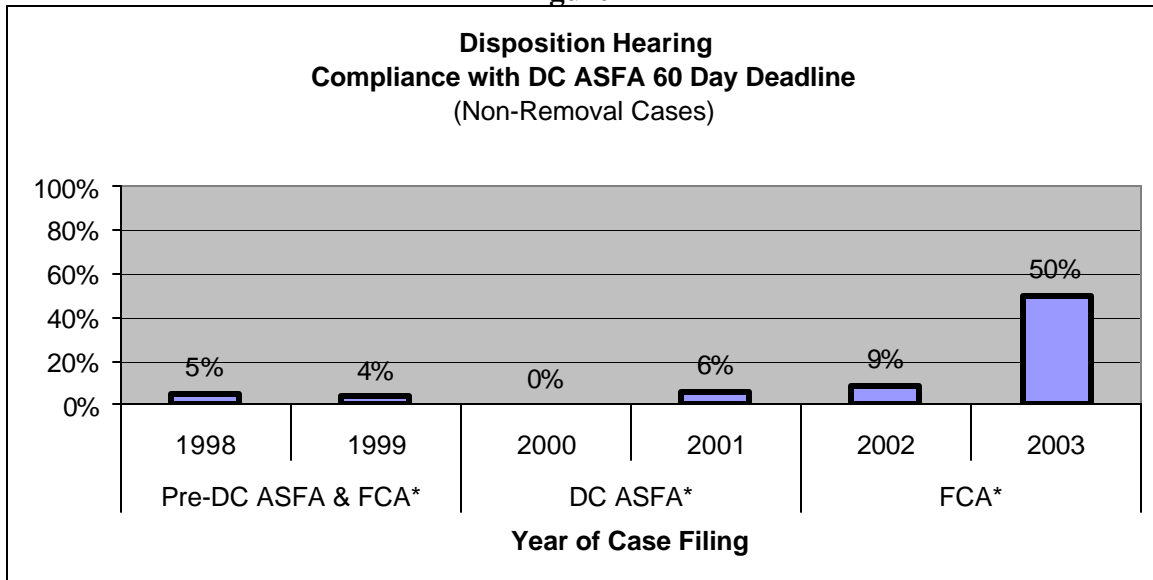
- * **Pre-DC ASFA & FCA**: cases filed prior to the DC Adoption and Safe Families Act or the Family Court Act
- * **DC ASFA**: cases filed after the DC Adoption and Safe Families Act
- * **FCA**: cases filed after the Family Court Act

Figure 6 above shows that since 2000, the date DC ASFA was implemented, the city has made considerable progress in complying with the statute’s disposition deadline in out-of-home cases, although it has not yet reached the 100% mark. Cases are considered to be ASFA compliant if they reached the case milestone within the ASFA deadline or were dismissed within the ASFA deadline, with the exception of no-papered cases which are not included in the compliance calculations. For cases filed in 2002, the compliance rate was 57% and the average time from removal to disposition was 132 days; the median time was 104 days. For cases filed in the first half of 2003, when the compliance rate rose to 74%, the average time from removal to disposition was 67 days; the median time was 56 days.

2. Children Remaining in the Home – Compliance with 60-Day Disposition Hearing Deadline

The city's progress in complying with DC ASFA's statutory deadline for disposition of in-home cases, 60 days, is lagging behind, as illustrated in Figure 7 below, though it reached 50% for cases filed in the first half of 2003. Cases are considered to be ASFA compliant if they reached the case milestone within the ASFA deadline or were dismissed within the ASFA deadline, with the exception of no-papered cases which are not included in the compliance calculations. For cases filed in 2002, the average time from petition to disposition was 134 days and the median was 130 days.

Figure 7



Source: *Council for Court Excellence – 2004*

* **Pre-DC ASFA & FCA:** cases filed prior to the DC Adoption and Safe Families Act or the Family Court Act

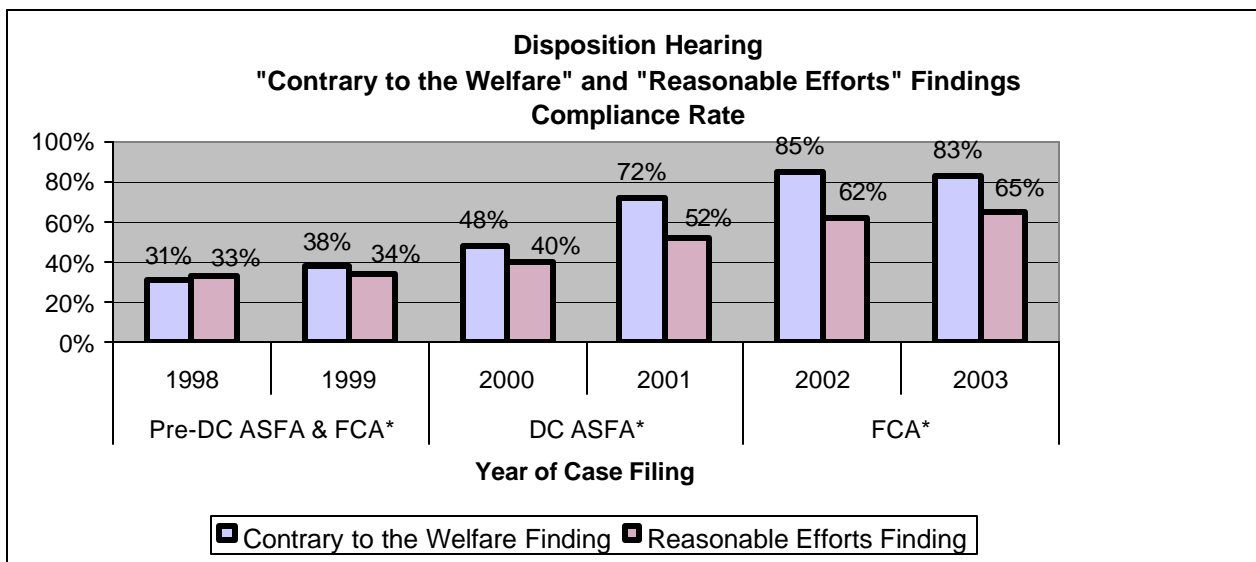
* **DC ASFA :** cases filed after the DC Adoption and Safe Families Act

* **FCA:** cases filed after the Family Court Act

3. “Contrary to the Welfare” and “Reasonable Efforts Findings” at Disposition Hearings

At the disposition hearing, DC ASFA requires that the Family Court judge again make “reasonable efforts” and “contrary to the welfare” findings. The court’s compliance with these requirements is illustrated in Figure 8 below, by admission cohort. As with most other measures, performance is improving but has not yet reached 100% compliance.

Figure 8



Source: Council for Court Excellence – 2004

* **Pre-DC ASFA & FCA**: cases filed prior to the DC Adoption and Safe Families Act or the Family Court Act

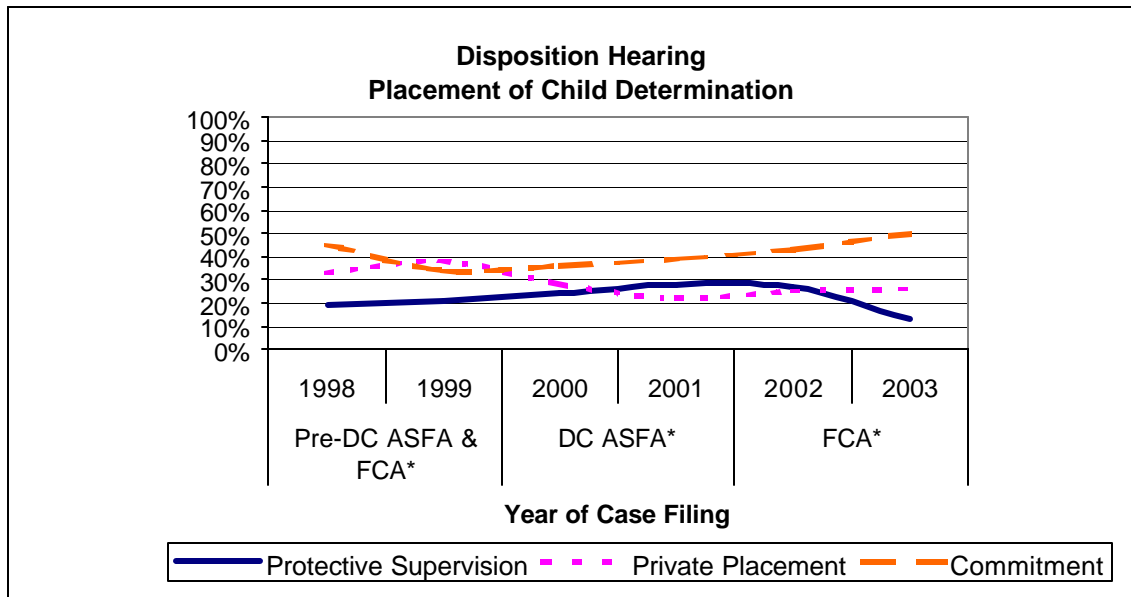
* **DC ASFA**: cases filed after the DC Adoption and Safe Families Act

* **FCA**: cases filed after the Family Court Act

4. Placement of Children at Disposition Hearings

At a disposition hearing, the judge may: 1) allow the child to remain in the home under protective supervision while requiring the child and/or family to receive services; 2) order private placement, that is, place the child with a relative or non-relative; or 3) commit the child to CFSA - place the child in foster care, including kinship foster care. *DC Code §16-2320*. Commitment to the Child and Family Services Agency is the most common placement decision made at disposition hearings.

Figure 9



Source: Council for Court Excellence – 2004

* **Pre-DC ASFA & FCA**: cases filed prior to the DC Adoption and Safe Families Act or the Family Court Act;

* **DC ASFA** : cases filed after the DC Adoption and Safe Families Act;

* **FCA**: cases filed after the Family Court Act

G. Review Hearing – Day 300 (Removal Cases) or Day 365 (Non-Removal Cases)

Under DC ASFA, the Family Court must hold a review hearing for children who have been removed from their home within six months of the disposition and every six months thereafter unless a permanency hearing has been held. *DC Code §16-2323(a)(1)*. This results in a 300-day deadline for the first review hearing (180 days from the disposition hearing, which must be held by day 120). For in-home children, a review hearing must be held once a year. *DC Code §16-2323(a)(2)*

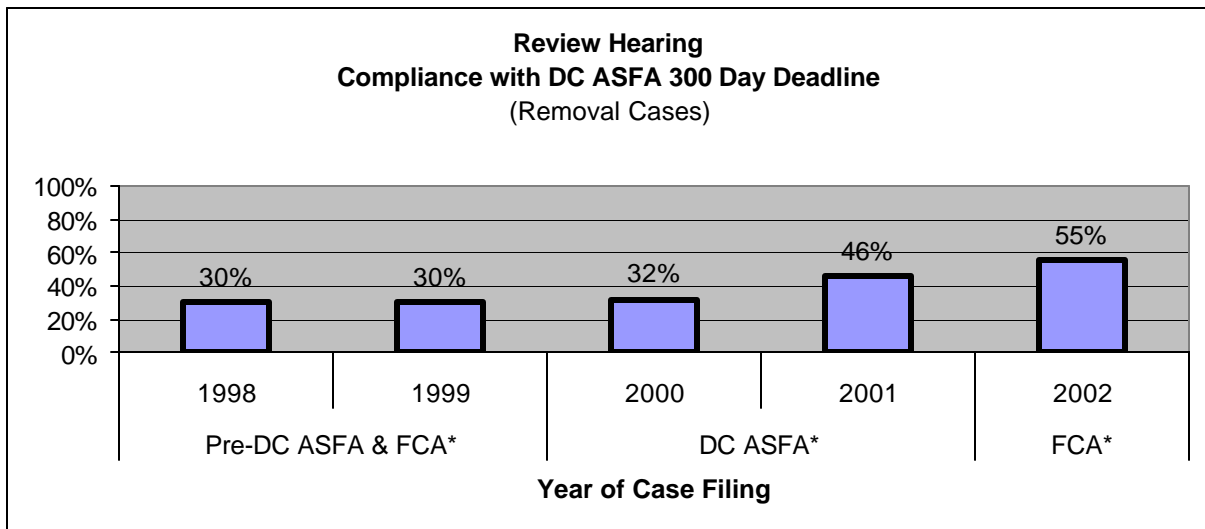
At the review hearing the court is required to make a number of determinations: for example, whether the current placement is safe and appropriate, the extent of compliance with plans to remedy the neglect, and the child’s potential permanent placement. At this phase of the proceedings, it is permissible to pursue two alternative permanency goals in the event that one of them is not achievable.

Figures 10 and 11 below demonstrate the Family Court’s compliance for the 1998 through 2002 cohorts with the DC ASFA review hearing deadline. If a permanency hearing was held within the deadline in lieu of a review hearing, the case was considered to be in compliance because a permanency hearing would meet all of the requirements of a review hearing. Year 2003 is omitted because no cases in CCE’s 2003 sample had been pending long enough to reach the 300-day deadline at the time of CCE’s research.

1. Children Removed from the Home – Compliance with 300-Day Review Hearing Deadline

Figure 10, which shows the compliance rates for out-of-home cases, indicates that the city made progress toward meeting the review hearing deadline for cases filed in 2001 and 2002, though it is still far below full compliance. For cases filed in 2002, the compliance rate was 55% and the average time to review hearing was 218 days; the median time to review hearing was 192 days.

Figure 10



Source: Council for Court Excellence – 2004

* **Pre-DC ASFA & FCA:** cases filed prior to the DC Adoption and Safe Families Act or the Family Court Act

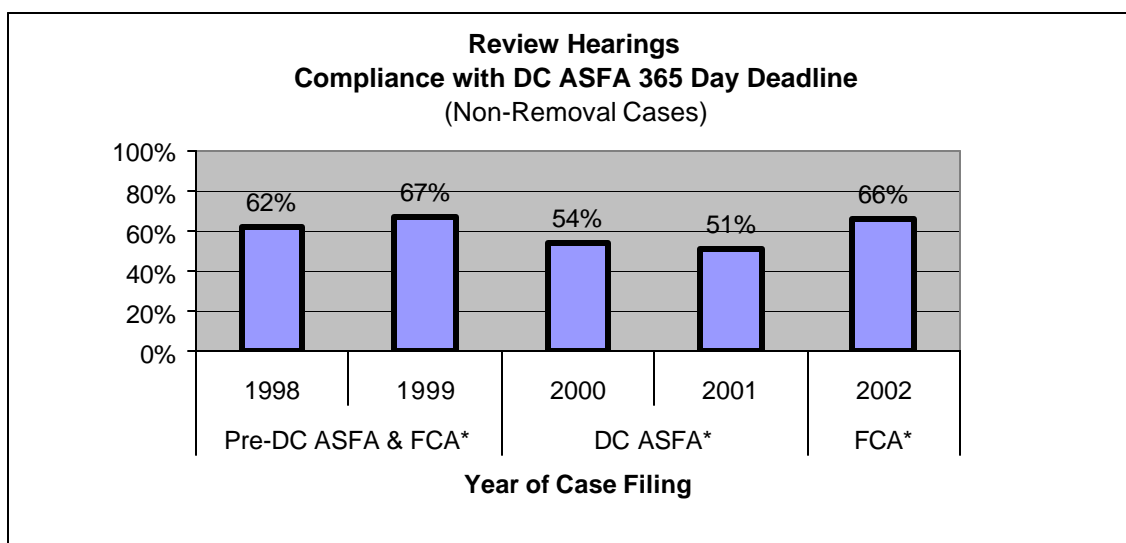
* **DC ASFA :** cases filed after the DC Adoption and Safe Families Act

* **FCA:** cases filed after the Family Court Act

2. Children Remaining in the Home – Compliance with the 365-Day Review Hearing Deadline

Figure 11 shows that the review hearing deadline compliance rates for in-home children have been consistently higher, reaching nearly 70% for cases filed in 2002. For cases filed in 2002, the average time to review hearing was 235 days and the median time was 243.

Figure 11



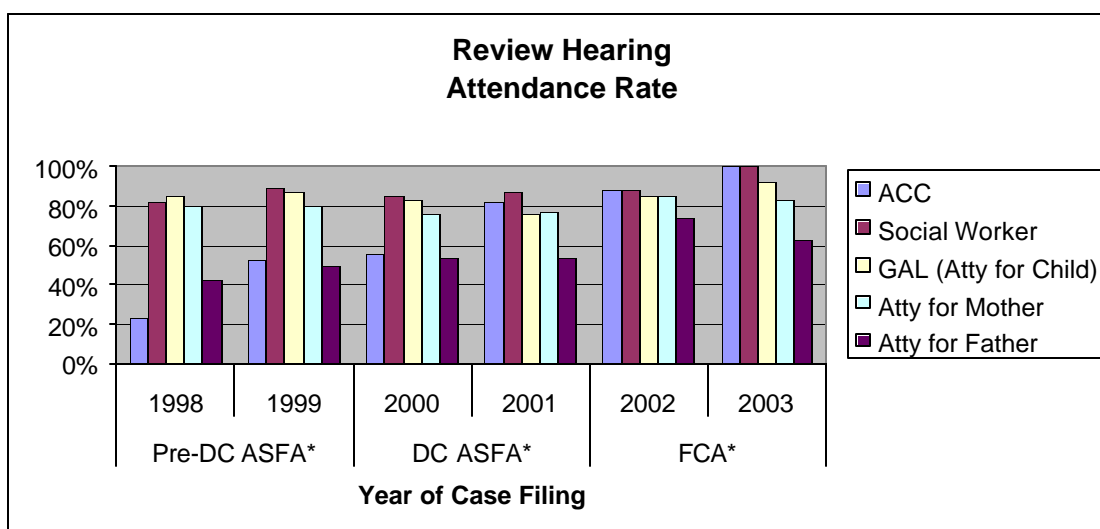
Source: Council for Court Excellence – 2004

- * **Pre-DC ASFA & FCA:** cases filed prior to the DC Adoption and Safe Families Act or the Family Court Act
- * **DC ASFA :** cases filed after the DC Adoption and Safe Families Act
- * **FCA:** cases filed after the Family Court Act

3. Attendance at Review Hearings

Figure 12 below shows that attendance at review hearings has increased over time for all participants. The improvement in attendance is particularly impressive among assistant corporation counsels starting in 2001, when the city made a commitment of increased resources to the Office of the Corporation Counsel to help improve the city’s child welfare system. In review hearings held in the first half of 2003, CCE’s research found that both social workers and assistant corporation counsels were present at 100% of review hearings.²⁰ Improved attendance and the availability of assistant corporation counsels to prepare and accompany social workers to hearings are among the many changes that have contributed to the overall improvement of the city’s child welfare system.

Figure 12



Source: Council for Court Excellence – 2004

* **Pre-DC ASFA & FCA**: cases filed prior to the DC Adoption and Safe Families Act or the Family Court Act

* **DC ASFA** : cases filed after the DC Adoption and Safe Families Act

* **FCA**: cases filed after the Family Court Act

It is anticipated that more foster and pre-adoptive parents, guardians, and relatives will begin attending review and permanency hearings. ASFA requires that these individuals be given notice and an opportunity to be heard in neglect and termination of parental rights hearings. *DC Code § 16-2304(4)(A)*. CFSA has agreed to take responsibility for the notification, and the first notices were sent in March 2004.

²⁰ Compliance with the Review Hearing timeframe is not reported for cases filed in 2003 because none of those cases were technically required to have a review hearing by June 30, 2003. However, review hearings were held in some 2003 cases and data on attendance at Review Hearings include those hearings.

H. Permanency Hearing – Day 425 (Removal Cases)

Federal and DC ASFA require the Family Court to hold a permanency hearing within 12 months of a child’s “entry into foster care” and every six months thereafter as long as the child remains in an out-of-home placement. *DC Code § 16-2323(a)(4)*. “Entry into foster care” is defined as the earlier of: 1) the date the court determines the child has been neglected; or 2) 60 days after the date on which the child has been removed from home. *DC Code § 16-2301*. Because the judicial determination of neglect generally occurs after 60 days has elapsed, the permanency hearing is most often required within 14 months of a child’s removal from home.

At the 14-month permanency hearing, in addition to addressing the issues listed above for review hearings, the court must decide what the child’s permanent placement goal will be – reunification, adoption, guardianship, custody, or an alternative planned permanent living arrangement. *DC Code § 16-2323*. Concurrent planning of alternative permanency goals is no longer permissible. Just as important, the court must set a timetable for achieving the permanency plan. *Id.* Federal ASFA regulations also require that the court determine whether reasonable efforts are being made to achieve the permanency plan.²¹

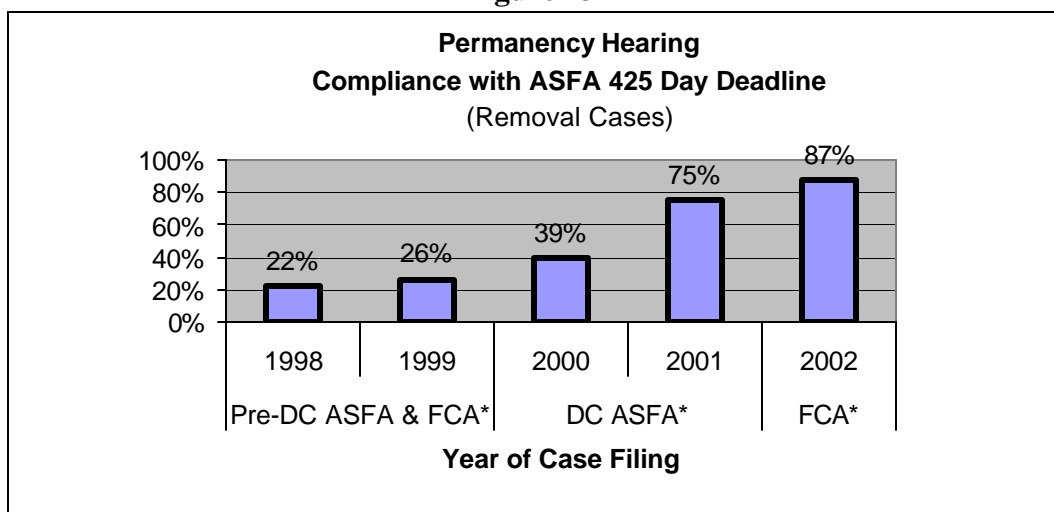
CCE court observers witnessed 271 permanency hearings, by far the most frequently observed hearing type. Some of the 271 hearings were the first (14-month) permanency hearing for a case; others were subsequent permanency hearings. The average duration of the permanency hearings was 35 minutes. Court observers reported that judicial officers made efforts to ensure that parents and other lay persons understood the proceedings in 165 of the 184 hearings in which those persons were present. The court also permitted parents and other lay persons to speak or ask questions in 176 of those 184 hearings.

²¹ Federal Register, Vol. 65, No. 16, January 25, 2000, Rules and Regulations, at 4052

1. Compliance with the 425-Day Permanency Hearing Deadline

Figure 13 indicates, by cohort, that the Family Court is increasingly holding permanency hearings within the ASFA deadline, that is, within 425 days of the child's removal from his or her home. No data are shown for the 2003 admission cohort, because those cases had not reached the permanency hearing deadline at the time of CCE's research. For cases filed in 2002, when the compliance rate was 87%, the average time from removal to a permanency hearing was 267 days; the median was 246 days. Cases are considered to be ASFA compliant if they reached the case milestone within the ASFA deadline or were dismissed within the ASFA deadline, with the exception of no-papered cases, which are not included in the compliance calculations.

Figure 13



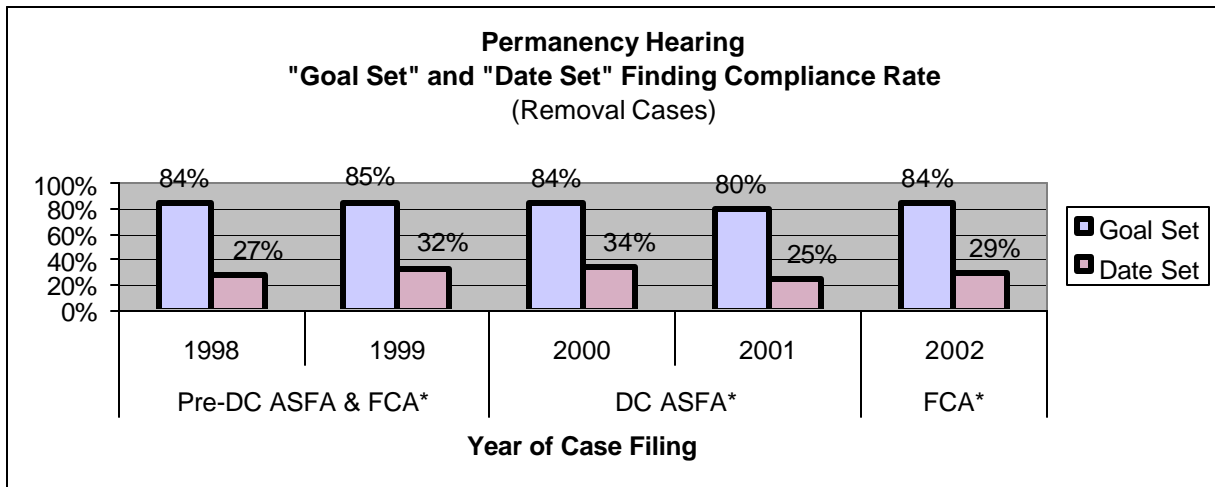
Source: Council for Court Excellence – 2004

- * **Pre-DC ASFA & FCA:** cases filed prior to the DC Adoption and Safe Families Act or the Family Court Act
- * **DC ASFA :** cases filed after the DC Adoption and Safe Families Act
- * **FCA:** cases filed after the Family Court Act

2. Compliance with Permanency Hearing Requirements

When CCE's case file reviewers examined the permanency hearing orders in detail, they found that the court does not always make the determinations required by the permanency hearing statute. Figure 14 below shows that the court has made a decision on the child's permanent placement goal 80% to 85% of the time since 1998, but performance on setting a date for achieving the placement is far below what it needs to be. CCE's court observers found that judicial officers discussed reunification deadlines in only 10 of the 170 permanency hearings at which parents or other family members were present. Failing to set a date for achievement of a child's permanency plan or to discuss reunification deadlines reduces the sense of urgency about achieving permanency for children that ASFA intended to create. No data are shown for the 2003 admission cohort, because those cases had not reached the permanency hearing deadline at the time of CCE's research.

Figure 14



Source: Council for Court Excellence – 2004

* **Pre-DC ASFA & FCA:** cases filed prior to the DC Adoption and Safe Families Act or the Family Court Act

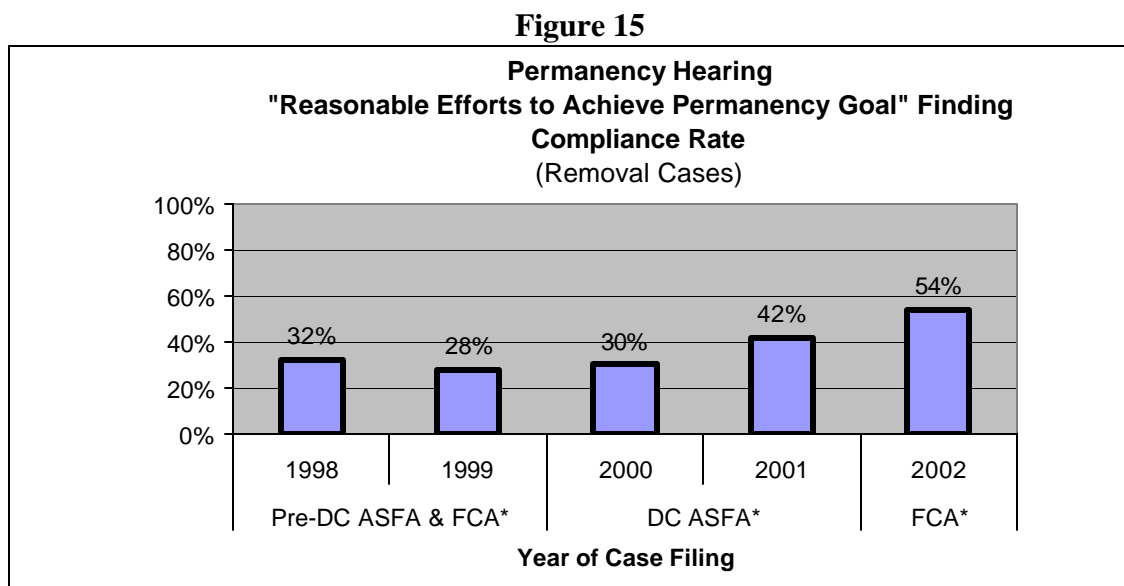
* **DC ASFA:** cases filed after the DC Adoption and Safe Families Act

* **FCA:** cases filed after the Family Court Act

3. "Reasonable Efforts" Determination at Permanency Hearings

Figure 15 below illustrates the court's compliance at the first permanency hearing with the ASFA regulation requirement to determine whether the child welfare agency has made reasonable efforts to achieve the permanency plan. While compliance is increasing the compliance rate for cases filed in 2002 was only 54%. No data are shown for the 2003 admission cohort, because those cases had not reached the permanency hearing deadline at the time of CCE's research.

According to CCE's court observers, a written report or affidavit (generally from the Child and Family Services Agency) was provided to the court in 202 of the 271 permanency hearings observed. In 55 permanency hearings, observers heard a complaint or discussion about a report or other information not being provided to the court or the parties in a timely manner.



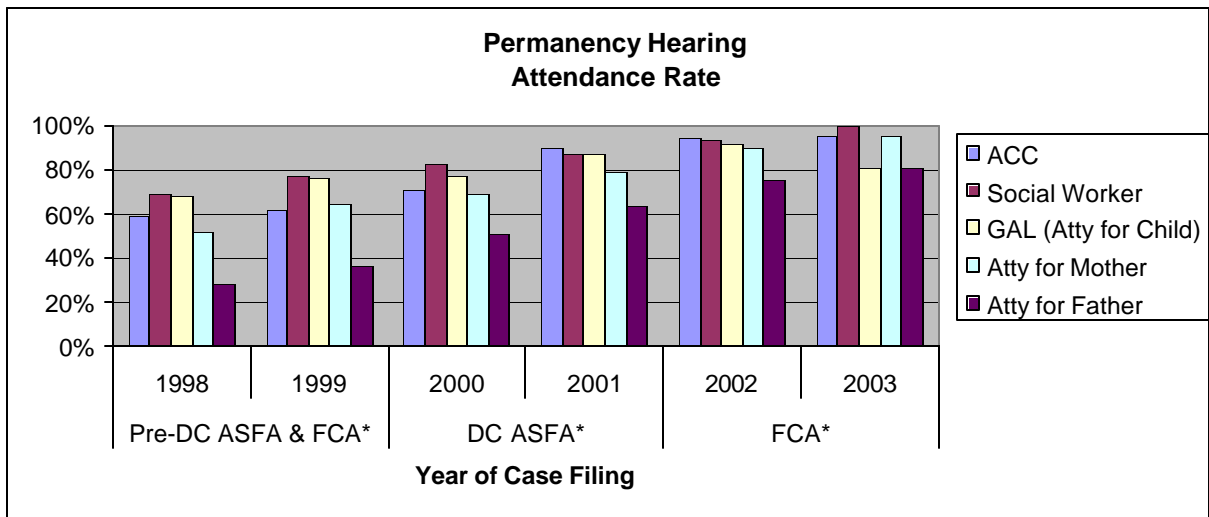
Source: Council for Court Excellence – 2004

- * **Pre-DC ASFA & FCA:** cases filed prior to the DC Adoption and Safe Families Act or the Family Court Act
- * **DC ASFA :** cases filed after the DC Adoption and Safe Families Act
- * **FCA:** cases filed after the Family Court Act

4. Attendance at Permanency Hearings

As was true for Review Hearings (Figure 12), Figure 16 below shows that attendance at permanency hearings has increased over time for all participants. Improved attendance at hearings is among the many changes which have contributed to the overall improvement of the city's child welfare system.

Figure 16



Source: Council for Court Excellence – 2004

- * **Pre-DC ASFA & FCA**: cases filed prior to the DC Adoption and Safe Families Act or the Family Court Act
- * **DC ASFA**: cases filed after the DC Adoption and Safe Families Act
- * **FCA**: cases filed after the Family Court Act

5. Distribution of Hearing Orders

It is considered good practice to make the court's order available for distribution or mailing at the end of every hearing, so that everyone has a record of what decisions were made and what actions were ordered. It is especially important to provide parties a copy of the order in Family Court neglect and abuse cases, because the order contains the date and time of the next hearing; the Family Court no longer provides a separate written notice of the next hearing. Family Court orders were made available in only 174 of the 271 permanency hearings CCE observed. Court observers were uncertain whether court orders were available in an additional 29 of the 271 permanency hearings observed.

6. In-Home Cases and Permanency Hearings

The DC Family Court has been conducting permanency hearings for in-home children, though a permanency hearing is not required by law in such cases. For cases filed in 2002, 74% of the permanency hearings in in-home cases were held within 425 days.

II. Permanency Outcomes and Case Closure

One of the major questions CCE's research and this report attempt to answer is whether children who enter the District of Columbia's child welfare system are actually finding safe, permanent homes as a result of ASFA and the DC Family Court Act.

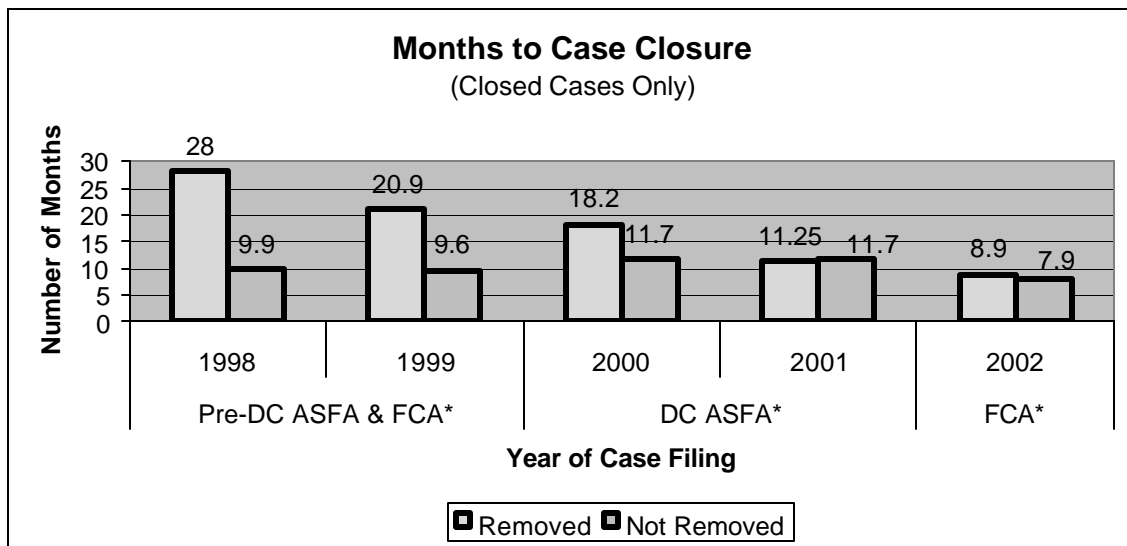
Several factors point to the conclusion that neglected or abused DC children are better off today than prior to the implementation of ASFA and the DC Family Court Act:

- First, as described in Part 5 of this report, fewer children are coming into the system. For those children who do enter, the substantially reduced Child and Family Services Agency social worker caseloads and the substantially improved case practices documented recently by the Center for the Study of Social Policy can result in increased attention to the specific needs of a family.
- Second, those children who have cases in the Family Court now are more likely than before to have a single judge attending to their cases from the time they enter the court system until they find a permanent home.
- Third, children are more likely than before to have a permanency goal set at the permanency hearing in compliance with ASFA requirements.
- Finally, those children who do enter care are exiting more quickly, according to CCE's closed-case sample.

These are important advances, though much remains to be done to expedite the process of finding permanent homes for all of DC's foster children.

Figure 17 below shows a steep decline in the time it takes for children who are removed from their homes to reach case closure²² – from an average of 28 months for cases that entered in 1998 to an average of 9 months for cases that entered in 2002. These results must be interpreted cautiously, however. As illustrated by Figure A1 in Appendix A, many cases in CCE’s case sample remain open: 24.6% of cases that entered in 1998; 26% from 1999; 32.8% from 2000; 33.5% from 2001; 44.3% from 2002; and 62% from 2003. Thus, it is important to recognize that as the cases in CCE’s sample that are still open close over time, all the durations in Figure 17 will increase.

Figure 17



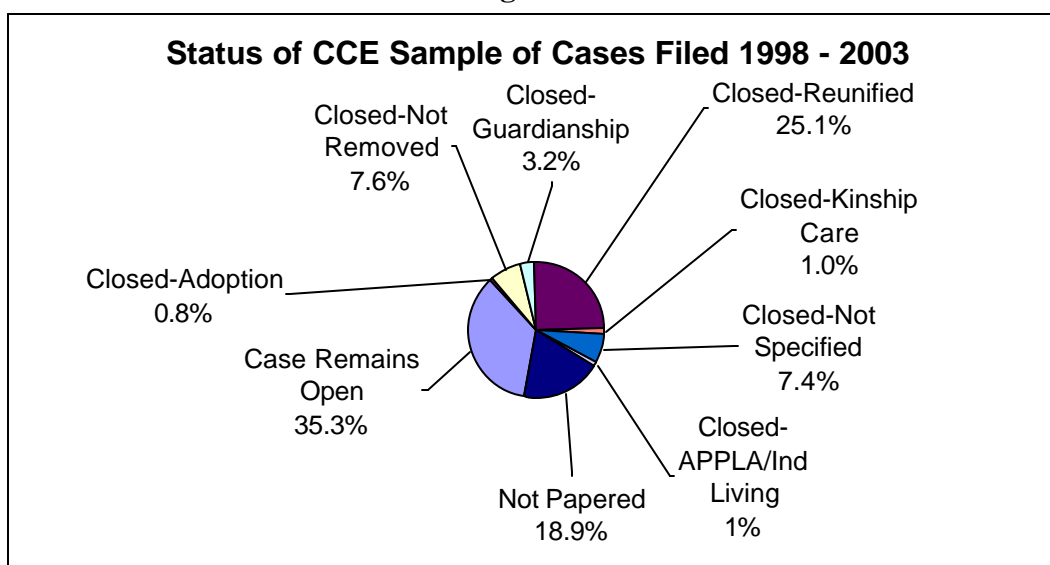
Source: Council for Court Excellence (2004)

- * **Pre-DC ASFA & FCA**: cases filed prior to the DC Adoption and Safe Families Act or the Family Court Act
- * **DC ASFA** : cases filed after the DC Adoption and Safe Families Act
- * **FCA**: cases filed after the Family Court Act

²² This decline is largely the result of children being reunified with their parents in a shorter time in recent years. As discussed below, CCE’s closed case sample contains very few cases that closed through permanency options other than reunification; thus the decrease in time to case closure is driven by those reunification cases.

Figure 18 below illustrates the status, at the time of CCE’s research, of the 1708 cases in CCE’s case file review sample of child neglect and abuse cases filed from 1998 through mid-2003. The pie chart shows that in CCE’s sample of cases, 25% of children removed from home have been reunified with their parents, and their cases closed; an additional 7.6% of children in the sample were never removed from home and have had their cases closed. Reunifications occur significantly more quickly than other permanency outcomes. Because it takes longer for children to reach adoption, guardianship, custody, or to age out of the system, fewer children have achieved those outcomes at this point. As the cases in CCE’s sample that remain open begin to close, it is likely that the proportion of children exiting through outcomes other than reunification will increase.

Figure 18



Source: Council for Court Excellence – 2004

As shown in Figure 18 above, CCE’s case file review found that 7.4% of the cases were closed but no outcome was specified in the Family Court case files. CCE found that case files that date to before the implementation of DC ASFA and the Family Court Act are extremely difficult to read. Prior to July 2002, some court files simply indicated that a case was closed. Use of uniform court orders was not standard practice and crucial pieces of information were missing from the files. The Family Court reports that since July 2002, Family Court records specifically indicate how a case was closed. In CCE’s sample, the number of closed cases with no outcome specified fell from 52 case files in the 1998 and 1999 cohorts, to 37 files in the 2000 and 2001 cohorts, to only 6 case files in 2002 and 2003 cohorts.

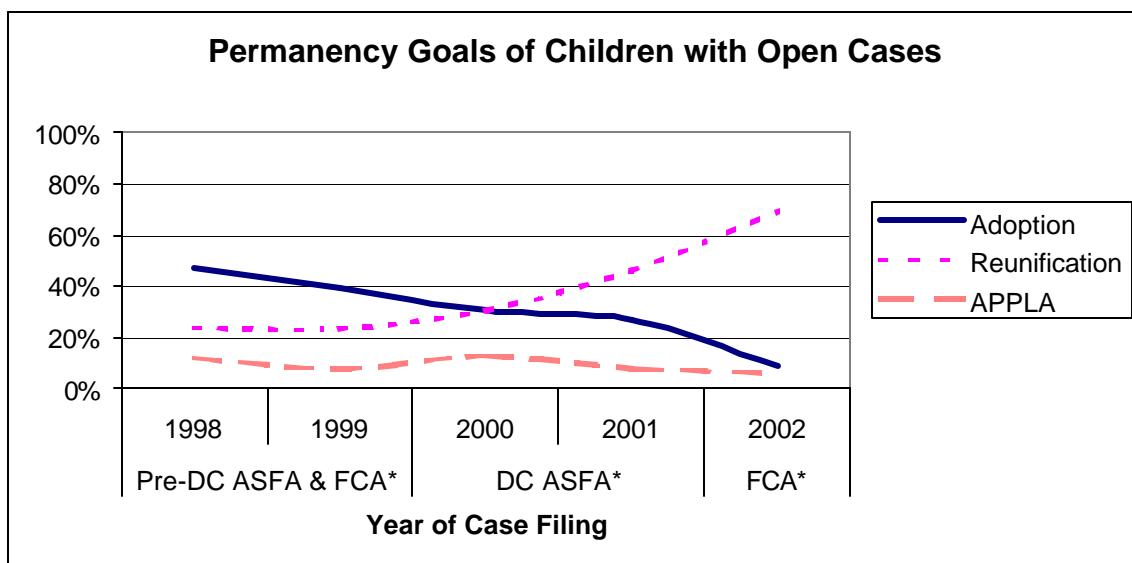
In addition, tracking outcomes from the neglect or abuse case files is made difficult because a new, separate Family Court case is opened for certain permanency outcomes. For example, once adoption proceedings begin, the child’s neglect case is consolidated and closed, and CCE’s reviewers did not find later notation in the neglect file of a finalized adoption. Beginning in March 2004, all guardianship petitions will be filed as part of the neglect case,

so tracking completed guardianships through neglect case file reviews will become more feasible. In addition, the Family Court informs CCE that the uniform Permanency Hearing Order is being modified to include the specific reason for the case closure on the order itself.

Although CCE found that the quality of Family Court case files has improved since the implementation of ASFA and especially since the implementation of the Family Court Act, CCE’s case file review research underscores the importance of implementing a Family Court data system which tracks a child in addition to tracking a case. According to the Family Court, the new information system (IJIS) discussed in Part 4.VII.A. below does identify and track all cases related to a child.

In CCE’s case sample, 25% of cases that entered in 1998 and 1999 are still open (*See Figure A1 in Appendix A*). These tend to be the more difficult adoption cases or children who will transition directly from the system to adulthood. As shown in Figure 19, nearly one-half of the 1998 cases in the CCE sample that remain open are children with a permanency goal of adoption. Over 10% of children whose cases entered in 1998 have a permanency goal of “another planned permanent living arrangement” (APPLA). The percentage of children with a permanency goal of reunification in the open-case sample increases substantially with the more recent cohorts of cases, as would be expected with ASFA’s emphasis on reunification. Cases filed in 2002 and 2003 would be unlikely to have a stated permanency goal other than reunification at this point, because ASFA requires the agency to make reasonable efforts to reunify the family or prevent the child’s removal, until reunification is deemed to be not in the best interests of the child. Figure 19 does not display data for the permanency goals guardianship or custody from CCE’s open case sample, because the figures were too low to display.

Figure 19



Source: Council for Court Excellence – 2004

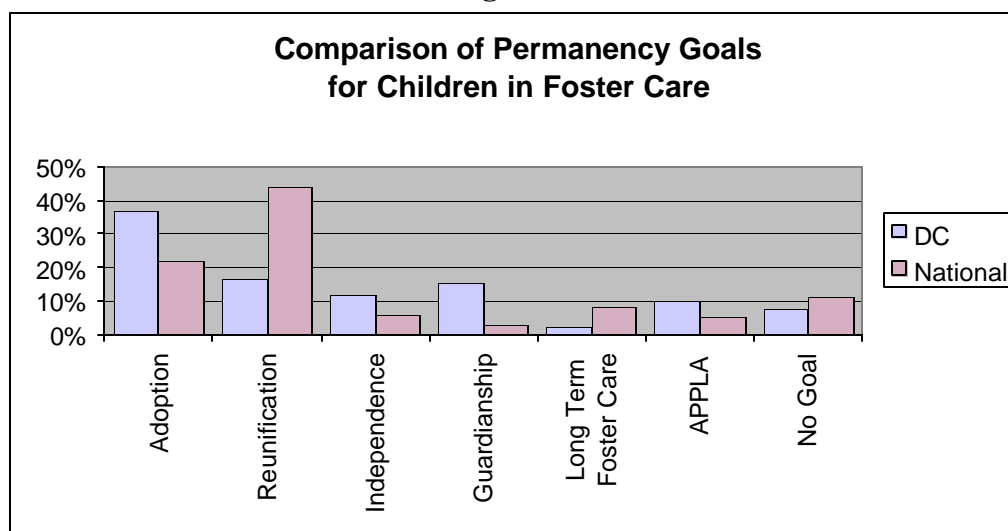
* **Pre-DC ASFA & FCA**: cases filed prior to the DC Adoption and Safe Families Act or the Family Court Act

* **DC ASFA**: cases filed after the DC Adoption and Safe Families Act

* **FCA**: cases filed after the Family Court Act

The permissible permanency goals under ASFA are “reunification,” “adoption,” “legal guardianship,” “legal custody,” or if none of these are appropriate, “another planned permanent living arrangement.”²³ Using data from the recent Center for the Study of Social Policy report on CFSA and national data from the Adoption and Foster Care Analysis Reporting System (AFCARS), Figure 20 illustrates the most recent data available for the stated permanency goals of children in foster care both in DC and nationally. Of the nearly 3,000 children in District care at the time of the CSSP study, 37% (1,089 children) have a permanency goal of adoption as compared to only 22% nationally, and 15% (453) have a goal of guardianship compared to only 3% of children nationally. Many fewer children in the District than nationally have a permanency goal of reunification, only 16% (478) compared to 44%. The permanency goals of APPLA or Independent Living are also very different for children in DC, 22% (636) versus only 11% nationally.

Figure 20



Sources: Center for the Study of Social Policy (February 2004)
Adoption and Foster Care Analysis Reporting System (March 2003)

DC permanency goals are much different from national permanency goals for several reasons. Some relate to positive differences in services offered by the District compared to those offered in other states. For example, the District provides care for children up to age 21, whereas children leave the system at age 18 in most jurisdictions. As a result the proportion of DC children with a goal of Independence and APPLA is higher because of the higher proportion of older children. In addition, DC has taken the initiative with local funds to implement a successful subsidized guardianship program that provides permanent homes for many children who would otherwise likely linger in the system. The city’s larger guardianship

²³ Long Term Foster Care is no longer an acceptable permanency goal for children. The number of children with this goal in the District has decreased steadily; however, 57 D.C. children have this as their stated permanency goal. Center for the Study of Social Policy. “LaShawn A.v. Williams: An Assessment of the District of Columbia’s Progress as of September 30, 2003 in Meeting the Implementation and Outcome Benchmarks for Child Welfare Reform.” February 9, 2004 at 10 (hereinafter cited as “CSSP Report”). The percentage of children with this permanency goal in DC is very small compared to the percentage of children with this goal nationally.

goal percentage reflects that local initiative. However, some of the differences in permanency goals are explained by the failure of the District's child welfare system in the past to help children achieve permanency. As discussed below, the city's larger proportion than nationally of children with a permanency goal of adoption may be one indication that children with a case goal of adoption are facing serious barriers to permanency.

The remainder of this section will explore the permanency outcomes for DC children, including the potential reasons for the atypical appearance of permanency goals and the actual permanency outcomes for neglect and abuse cases in the District of Columbia.

A. Reunification and Legal Custody

As expressed in federal statutes, reunification of the child with his or her family is the preferred outcome for child neglect or abuse cases, so long as it is found to be in the best interests of the child. From the Adoption Assistance and Child Welfare Act of 1980 through ASFA in 1997, in order for a child to be removed from the home the court must make a finding that the state made reasonable efforts to maintain the child in her own home. Once the child is removed, the state must continue to make reasonable efforts to enable the child to return home.²⁴ These requirements obligate the child welfare agency (CFSA in the District) to provide assistance to families who are capable of raising their children, but simply need additional support. In CCE's sample of cases that entered between 1998 and 2003, nearly three-fourths of those that had closed as of June 30, 2003 consisted of children reunified with their parents, or children who were never removed from their homes.²⁵

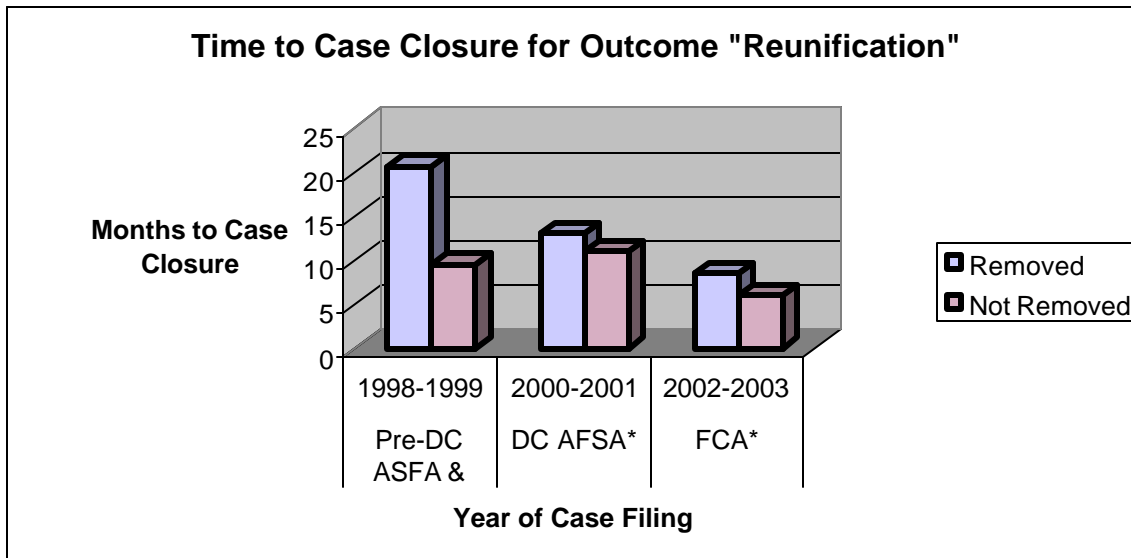
In addition, in CCE's closed-case sample, most children who enter the DC child welfare system and return home do so after a comparatively brief stay in care. Over the six years covered by CCE's study, cases in which the child was reunified with the parents closed within an average of 15 months, second only to children placed with relatives, and significantly more quickly than children with any other permanency outcome. The comparative speed of reunification is the primary reason that the proportion of children who are reunified is so high in CCE's closed case sample.

²⁴ ASFA eased the requirement somewhat, by creating an exception for particularly egregious situations, such as when a parent has killed another child, when the child is the victim of serious physical abuse or when the parent's rights have been terminated as to another child. 42 U.S.C. § 671(a)(15)(D).

²⁵ As stated earlier, this proportion is not aligned with case goals of children in foster care and represents a skewed view of DC case outcomes. This figure must be interpreted cautiously as case closure information for a particular year cannot be accurately reported until all cases that entered in that year are closed.

As illustrated in Figure 21 below, over time there has been a decrease in the length of time it takes for a child's case to close due to reunification. Prior to the implementation of ASFA, for a child removed from home it took 20 months for the child to go home and that case to close. Since the implementation of ASFA and the Family Court Act, time to case closure through reunification has declined to 8.5 months.²⁶

Figure 21



Source: Council for Court Excellence – 2004

* **Pre-DC ASFA & FCA:** cases filed prior to the DC Adoption and Safe Families Act or the Family Court Act

* **DC ASFA :** cases filed after the DC Adoption and Safe Families Act

* **FCA:** cases filed after the Family Court Act

Several studies have documented the importance of visitation between parent and child for successful reunification.²⁷ Though CCE's case file review did not measure the extent of visitation, CCE's court observers found that parental visitation was discussed in 134 of the 271 permanency hearings, and sibling visitation was discussed in 97 of the 271 permanency hearings.²⁸ Biological parents who participated in a CCE focus group reported that CFSA helped arrange visitation and, for the most part, parents were satisfied with the arrangements. However, one parent noted that she had to set up her own visitation schedule, and several reported that they did not have enough time with their children during visitation. Foster parents who participated in a separate focus group stated that the frequency of visitation really depended upon the situation, with varying degrees of regularity. One also pointed out that, depending on the family, visits can be extremely disruptive for the child. Though visits can be disruptive, visitation is critical to successful reunification.

²⁶ Information on case closure timelines for the more recent cohorts cannot be reported definitively due to the number of cases from those cohorts that remain open.

²⁷ See Wulczyn at 109.

²⁸ These findings do not filter out hearings in which the parent was no longer involved or there was no sibling, as those circumstances are not observable in hearings.

The permanency goal of “legal custody” is related to reunification. Generally, this case goal is assigned when a noncustodial parent who is not involved in the neglect or abuse case is identified as an alternative home for the child. To achieve permanency, that parent must gain custody of the child. The Family Court reports that approximately 2% of the children in the neglect system have a permanency goal of legal custody. Prior to the creation of new uniform court orders, legal custody was recorded in Family Court case files as “reunification,” which made it difficult for CCE’s case file reviewers to determine accurately whether a child’s goal was reunification or legal custody. As a result, CCE is unable to report on this sub-population. The new Family Court form court orders clearly list legal custody as a permanency goal, making this an easier option to track in the future.

Family Treatment Court Pilot Program

"To be able to avoid foster care placement and provide treatment for moms is key to the kind of changes that have to happen in child welfare in this country." Dr. Cassie Statuto Bevan, Senior Policy Advisor to House Majority Leader Tom DeLay, (R-Tex.).

On December 12, 2003, a very special graduation ceremony was held for the first graduating class of the DC Women's Residential Family Treatment Court Program. The one-year pilot program is designed for substance abusing mothers whose children are in the neglect system. Mothers who qualify for the program are permitted to live with their children at the treatment facility while undergoing six months of rigorous, supervised, drug treatment. The program is a collaborative effort among government organizations - the Family Court, the Mayor's Office, the Department of Health's Addiction Prevention and Recovery Administration, and others - and neighborhood-based service organizations – the Community Action Group and the 19th Street Baptist Church.

The Family Treatment Court Program, modeled after programs in New York, Florida, Ohio, and Virginia, gives mothers a chance to rebuild their lives and their families within ASFA time lines. Mothers enter the program with no guarantee they will be able to keep their children. They must make regular court appearances, undergo mandatory weekly drug testing, and follow a regimented schedule of treatment and counseling. They receive job skills training. They also receive life skills training, including household management, budgeting, and interactive parenting classes with their own children. Mental health diagnostic and treatment services also are provided.

After six months of this structured but supportive environment, the women face an even greater challenge - reentry into the community. Program counselors have developed a six-month aftercare program staffed by social workers who maintain regular contact with the women. Each woman must have a sponsor. In addition, she must continue to submit to random drug testing and appear in court every two weeks until the neglect case is closed. Children are provided with a Court Appointed Special Advocate (CASA) who looks out for their interests.

CCE observed a handful of Family Treatment Court hearings. The hearings conducted by Family Court Deputy Presiding Judge Anita Josey-Herring, who is one of the major forces behind the program, generally had a theme of positive change. One observer noted, "the women looked healthy, were dressed well, and were able to acknowledge that their past drug use was detrimental to both their lives and their children's." In cases where change was not readily forthcoming, the hearings took on a therapeutic tone. Judge Josey-Herring offered the women support, compassion and encouragement.

Through the courtesy of Judge Josey-Herring, CCE visited the Family Court treatment facility. Located in Southeast Washington, DC, the treatment center was a bustling multi-family house filled with active women and children. The mothers (14 then in residence) were attending daily program sessions, children were attending school, and preschoolers and babies were being looked after by a lively day care provider. The clinical supervisor and Family Treatment Court coordinator took time from their duties to give CCE a tour and an orientation. Their dedication, enthusiasm, and optimism were impressive.

The one-year pilot project is intended to serve a total of 36 women. Up to 18 women can be treated in residential care at one time; each may have up to 4 children under the age of 10 reside with her. The biggest advantage of the program is that children stay out of foster care; they can be with the person they know best, mom, and because mom is receiving treatment and no longer using drugs there is a greater chance they can become a family again. More capacity in programs like this is needed to address substance abuse, which many experts believe is the underlying issue in a majority of child abuse and neglect cases. This program is funded by the executive branch of the DC government.

B. Termination of Parental Rights and Adoption

1. Termination of Parental Rights

ASFA's goal of finding safe, permanent homes for children translated into a firm requirement for states to either reunite a child with his or her biological parents or release the child for adoption after a limited period of time. To free a child for adoption, the District must petition to terminate parental rights (TPR).²⁹ ASFA requires that a TPR be filed for any child who has been in foster care for 15 of the previous 22 months. The TPR requirement also applies in cases where the court determines the child to be an abandoned baby; or that the parent has committed murder of another child of the parent; aided or abetted, attempted, conspired, or solicited to commit such a murder or such a voluntary manslaughter; or committed a felony assault that has resulted in serious bodily injury to the child or to another child of the parent.³⁰ DC ASFA adds a TPR requirement when the child is determined to have been subject to intentional and severe mental abuse.³¹

In recognition that termination of parental rights may not be the best route for all children who cannot be reunified with their parents, ASFA and the District's implementation of the federal law include several exceptions to this TPR requirement: 1) if the child is being cared for by a relative; 2) a documented compelling reason for determining that a TPR petition would not be in the best interests of the child; or 3) reasonable efforts were not made by the state to return the child home.³² If one of these reasons exists, the Family Court may find that the District government is not required to file a TPR.

The federal government's 2002 Child and Family Services Review of the District noted several problems with the TPR process. Historically, the District has filed very few TPR petitions, and the Family Court has been reluctant to act on a TPR petition if the child is not placed in a pre-adoptive home. In addition, finalization of an adoption automatically grants a TPR; thus the Family Court generally holds TPR petitions in abeyance when an adoption petition is filed. However, because a birth parent has thirty days to appeal a TPR *after* the adoption has been finalized, some prospective adoptive parents are hesitant to start adoption proceedings for a child still linked to his birth parents.³³ Although the court process of litigating a contested TPR is comparable to litigating a contested adoption, the hesitancy of a caregiver to take the initial step of becoming a pre-adoptive home can hinder the child's progress toward permanency. CCE's interviews with assistant corporation counsel and social workers revealed that this issue continues to be a problem.

A TPR occurs as a function of the child's adoption case, and the grant of a TPR has not been routinely noted in the child's Family Court neglect case file. Because this study reviewed only

²⁹ A petition for a termination of parental rights can also be filed by the child, through his or her guardian *ad litem*.

³⁰ Pub. L. No. 105-89; 111 Stat. 2115, 2118 codified at 42 U.S.C. 675(5)(E).

³¹ D.C. Code §16-2354(b)(3)(D).

³² 42 U.S.C. 675(5)(E)(i)-(iii); D.C. Code § 16-2354(g)(1)-(3).

³³ U.S. Department of Health and Human Services. "Child and Family Services Review: District of Columbia Summary of Findings." (2002) available at www.acf.hhs.gov/programs/cb/cwrp/staterpt/dc.htm

child neglect and abuse case files, and because CCE's research found that those case files do not routinely show the filing of a TPR petition, CCE is unable to report on whether TPR petitions are being filed in accordance with federal and DC ASFA for every child who has been in foster care for 15 of the previous 22 months, except those for whom the Family Court has found a specific exception to the rule. This is an area in which the Family Court's forthcoming ASFA compliance data reports, which will track 100% of cases, rather than a random sample, will be especially important.

Although this study cannot quantify the extent of the issue, CCE discovered through interviews that the District's TPR process continues to present obstacles to permanency for DC children in foster care. The case file review process found that neglect or abuse case closure due to adoption took significantly longer than other permanency outcomes. Whether this is due to reluctance on the part of potential adoptive caregivers, or the failure to adequately document the compelling circumstances that exempt the District from filing a TPR, or another reason, the result is a larger proportion of DC foster children who will not find permanent homes before they transition to adulthood directly from the system.

To increase the sense of urgency in permanency planning, CFSA has drafted a new permanency policy, currently under the review of the Court Monitor, the Center for the Study of Social Policy.³⁴ The Court Monitor informs CCE that it will continue to press the Office of the Corporation Counsel for an increase in TPR filings commensurate with ASFA requirements. The Office of the Corporation Counsel has focused attention on the TPR issue by increasing the number of TPRs filed beyond the number ever filed in the past, increasing from 113 filings in fiscal year 2002 to 144 filings in fiscal year 2003.³⁵ In addition, increased collaboration between CFSA and the Office of the Corporation Counsel, and new "permanency staffings" for children with a goal of adoption but no adoptive homes may help resolve this issue. This area requires further study to analyze the impact of the District's previous TPR practice and the effects of new procedures on finding permanent homes for children.

2. Adoption

Very few cases in CCE's closed case sample resulted in an adoption. Of the closed sample cases filed in 1998 and 1999, only 12 cases resulted in an adoption, and only 2 cases from year 2000 to 2003 resulted in adoption. It is likely that a portion of the cases that had a "not specified in file" outcome were neglect cases that closed because an adoption case opened. It is also possible, however, that there are major barriers to children achieving permanency through adoption in a timely manner. The fact that 47% of children's cases open since 1998 have a permanency goal of adoption indicates a serious problem with the adoption process.³⁶

³⁴ CFSA did not provide CCE a copy of the draft permanency policy.

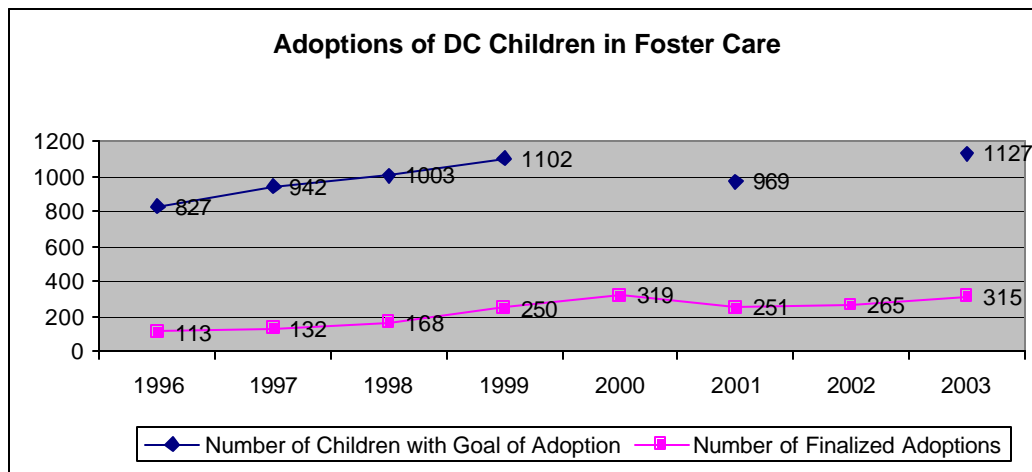
³⁵ Though the number of filings has increased, the Office of the Corporation Counsel reports that many of the TPRs filed have been dismissed for various reasons. The primary reasons for the TPR dismissals were that an adoption petition was filed, or that the child's permanency goal was changed.

³⁶ See Figure 19 above.

Through the Adoption Incentive Program, federal law authorizes substantial incentives to states for increasing the number of finalized adoptions over the state's baseline.³⁷ The baseline is an average of finalized adoptions from 1995, 1996 and 1997. In addition, recent legislation enhanced the incentives available to states for finalizing adoptions of children older than nine.³⁸

The District has made notable gains in finalizing adoptions of DC foster children over the past five years. CFSA reports that 315 adoptions were finalized in 2003,³⁹ a 19% gain over 2002 and a 139% increase since 1997. Although the District has increased the number of foster children adopted, there continues to be an unfortunate disparity between children with a stated permanency goal of adoption, those with an identified adoptive resource, and finalized adoptions, as illustrated by Figure 22. Currently, 1,089 of the children in foster care in the District have a permanency goal of adoption, but 35% of those children are not yet placed in pre-adoptive homes.⁴⁰

Figure 22



Sources: *DC Action for Children – 2002*
Center for the Study of Social Policy – February 2004

³⁷ Data for fiscal years 1995-1997 set the baseline for the Adoption Incentive Program. The District of Columbia baseline is 110. See Testa, Mark F., *When Children Cannot Return Home: Adoption and Guardianship*. Children, Families, and Foster Care. 14:1 at 129 available at <<http://www.futureofchildren.org>>.

³⁸ *Adoption Promotion Act of 2003*. Pub. L. No. 108-45, 117 Stat. 1789.

³⁹ CSSP report at 66.

⁴⁰ As reported by CFSA to CSSP (April 2004).

The Adoption Resource Center

“More than 40 years ago, my parents made the choice to open their hearts and their home to one more child. In my life it has made a world of difference. I’m a living example of the difference a caring family can make in the life of a foster child.” Anthony A. Williams, Mayor of Washington, DC.

On January 27, 2004, Mayor Anthony Williams joined Child and Family Services Agency director Olivia Golden to open the new Adoption Resource Center – a partnership effort of CFSA and Family and Child Services, Inc. The Center’s mission is to “educate, serve, and support individuals and families who adopt in the District,” and “increase public awareness about adoption and related issues.” The new Center is not an adoption agency; instead it is designed to provide free or low-cost support services to families at any stage during or after the adoption process.

The Adoption Resource Center can help families find supportive community resources in the areas of mental health, parenting, emergency services, public health, academic support and subsidies. The center also houses a licensed social worker who supports and assists children and families adjusting to the changes the family is experiencing during the adoption process. Short-term counseling is available to focus on issues such as grief and loss, abandonment, identity development and family formation. Other resources include support groups for children, youths and parents, a 24-hour crisis hotline, and training seminars for parents and professionals.

In addition to its funding from CFSA, the Adoption Resource Center received funding from the Freddie Mac Foundation to expand into additional space and increase the number of trainings and support services the Center can now offer.

C. Legal Guardianship

ASFA's recognition of kinship placements as an allowable permanency plan led to the rebirth of the legal guardianship – as legal guardianship is often the most viable permanency outcome for children in the care of relatives.⁴¹ For many reasons, adoption may not be the most appropriate path for some relative caregivers. Adoption requires severing legal ties with the child's biological family, leaving the child's adoptive family with the legal and financial obligations of raising the child. Legal guardianship offers children a permanent placement while preserving the guardian's and the child's connections to their biological families.⁴² As discussed below, the District of Columbia has created a very successful subsidized guardianship program wholly with local funds.

A judicial officer may grant guardianship based on a motion filed by the potential guardian or the child, which must include a statement as to why permanent guardianship, as opposed to adoption or reunification, is in the child's best interests.⁴³ Because of the city's commitment of law and local funds, legal guardianship is a permanency option that has special promise for DC foster children. District law requires that kin be sought out and given preference when an out-of-home placement is needed for a child in the Agency's care.⁴⁴ As noted above, CCE's court observers reported that the court discussed a relative placement in all but one of the shelter care hearings in which the court ordered a placement for the child.⁴⁵

Nearly a quarter of the children in foster care in the District are placed with relatives who are licensed kinship foster caregivers, and another 120 children are living in what are called third-party placements (typically unlicensed kinship arrangements).⁴⁶ Kinship placements are generally recognized as more stable for children than placement with non-relatives, and the use of a formal appointment process, licensing, guardianship subsidies, and post-permanency services (such as used in DC) reduces the number of disruptions. Conversely, studies conducted in states that rely heavily on *informal* kinship arrangements found high rates of displacement.

Though informal kinship arrangements are allowable under ASFA, the District has made a strong effort to ensure that all children removed from home are placed in a licensed foster home, whether the child is placed with a relative or not. CFSA has created an Office of Licensing and Monitoring to monitor the license status of all foster homes, group homes and independent living facilities. The Agency has also recently developed a policy for emergency licensing of kinship placements to reduce the amount of time children spend in emergency placements when a relative is available.⁴⁷ CCE's case file study found a substantial decrease in the number of third-party placements, as shown in Figure 3, falling from 12% for cases filed in 2002 to 2% for those in 2003. This effort to license kinship homes as foster homes

⁴¹ Testa at 124

⁴² Id. at 121.

⁴³ D.C. CODE ANN. § 16-2384.

⁴⁴ D.C. CODE ANN. § 16-2310(b)(3); SCR Neglect Rule 11.

⁴⁵ See Part 3 (I.D.3), above.

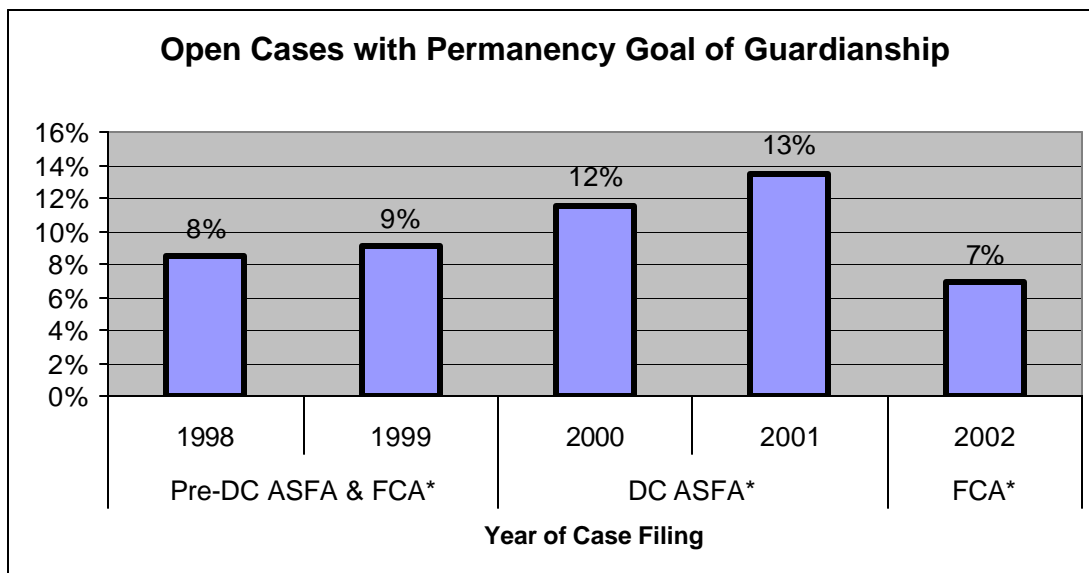
⁴⁶ CSSP Report at 8

⁴⁷ CSSP Report at 15.

ensures that relative caregivers have a financial option not available in many states. Rather than relying on payments through the state Temporary Assistance for Needy Families (TANF) agency, kinship caregivers who are licensed foster care providers can obtain foster care payments until they become legal guardians, at which time they qualify for DC's guardianship subsidy.

Though guardianships present tremendous potential for children in foster care in the District, CCE's case file review found only a small number of completed guardianships. For cases in CCE's closed case sample that entered in 1998 and 1999, 24 cases closed by guardianship. Twenty-seven cases that entered in 2000 and 2001 closed by guardianship, and only 2 cases that entered in 2002 or 2003 have closed by guardianship.⁴⁸ The numbers from CCE's closed case sample are likely small because, like adoptions, guardianships take longer to complete than reunifications. As a result, there is also a small backlog of children with a permanency goal of guardianship. Figure 23 below illustrates the percentage of children in CCE's sample of open cases who have a permanency goal of guardianship. It is likely that this backlog is the result of the anticipated implementation of the District's innovative subsidized guardianship program. As discussed on the next page, there has been a great increase in completed subsidized guardianships in the actual foster care population since the program began. As the program and process become more familiar, it is expected that children for whom guardianship is appropriate will reach permanency more quickly.

Figure 23



Source: Council for Court Excellence – 2004

* **Pre-DC ASFA & FCA:** cases filed prior to the DC Adoption and Safe Families Act or the Family Court Act

* **DC ASFA :** cases filed after the DC Adoption and Safe Families Act

* **FCA:** cases filed after the Family Court Act

⁴⁸ In Fiscal Year 2003, a total of 110 subsidized guardianships were finalized.

Permanent Guardianship Subsidy Program

“One of our primary goals is not only to reduce out-of-home placements, but also to place in family settings more children whom we must remove from their birth homes.”

Dr. Olivia A. Golden, Director, District of Columbia Child and Family Services Agency

Though ASFA recognized reunification and adoption as the preferred permanency choices, the Children’s Bureau of the federal Department of Health and Human Services invited states to submit applications for a subsidized guardianship demonstration. The District of Columbia was one of eight jurisdictions awarded a waiver to test the use of guardianships as a permanency option. On January 16, 2001 Mayor Anthony Williams signed into law the *Foster Care Guardianship Law of 2000*,⁴⁹ establishing the new Permanent Guardianship Subsidy Program. The program created through the Child and Family Services Agency is designed to provide financial assistance to help families stay together.

A child’s caregiver may qualify for a subsidy payment if the caregiver: (1) has been awarded permanent guardianship by the Family Court; (2) has been an approved kinship caregiver for at least six continuous months immediately preceding application for the guardianship subsidy; and (3) has continued to be the child’s approved kinship caregiver since the court entered the permanent guardianship order. The child must have been adjudicated neglected and placed in the legal custody of the Child and Family Services Agency.

Since the creation of the subsidy program, there has been tremendous response. According to CFSA, in fiscal year 2002 (the first year the subsidy was available), 13 guardianships were completed. In fiscal year 2003, 110 guardianships were finalized, and already in fiscal year 2004, 89 guardianships have been completed.

There is still some disincentive to becoming a legal guardian. The District provides foster care payments until a child reaches age 21 (though payments are reimbursed by the federal government only up to age 18), but guardianship subsidy payments, which are made entirely with local funds, end when the child reaches age 18. Some social workers expressed a concern that foster parents are unwilling to become permanent caregivers because of this financial obstacle.

⁴⁹ D.C. Law 13-273 codified at D.C. Code §16-2381 to 2399

D. Another Planned Permanent Living Arrangement (APPLA)

One of the major changes in foster care as a result of ASFA was the elimination of “long-term foster care” as an allowable permanency option. The principle of permanency emphasized the need to establish the child in a family setting, to enable the child to create and sustain lifelong ties. ASFA accepted there might be instances in which reunification, adoption, guardianship, or custody would not be feasible and so allows a child to be placed in “another planned permanent living arrangement” (APPLA). DC ASFA defines this to include kinship care, another relative placement, or independent living though, as discussed previously, through CFSA’s initiative almost all DC kinship caregivers are now licensed foster homes.⁵⁰ Title IV-E only reimburses foster care costs for children up to age 18. Unlike many jurisdictions, the District has made a commitment to provide services to children up to age 21 with wholly local funding.

The decision to employ APPLA as a permanency plan is a last option and should rest on the decision that compelling circumstances preclude the use of other options. As described in Part 3.II.B.1. above, “compelling circumstances” must also exist to justify the finding that a termination of parental rights is not in the best interest of the child. Thus, Court-approved use of APPLA requires two findings: 1) termination of parental rights is not in the child’s best interest due to compelling circumstances; and 2) reunification, adoption, guardianship, and custody are not feasible due to compelling circumstances.

Unfortunately, compelling circumstances is a phrase that remains undefined by federal and local law, perhaps because of the desire to ensure that the best interest of each child is determined on a case-by-case basis. The ABA has noted that the failure to define compelling circumstances could lead to its overuse – a result that seems to have come to pass in the District, given the strikingly high percentage of children with this goal – 22% of children in the District have a permanency goal of Independent Living/APPLA versus only 11% nationally. This is likely the result of the earlier dysfunction of DC’s child neglect and abuse system, which did not focus sufficiently on the urgency of achieving permanency for children. CFSA reports that policies now being implemented should reform practice so that the permanency process begins as soon as the child enters the system.

An issue in the District, however, is the failure to document the existence of the compelling circumstances. As a result, some have argued that APPLA is merely a new way to assign “long-term foster care” as a permanency goal. The 2002 federal Child and Family Services Review of CFSA noted a virtual absence of any documentation in Family Court orders or CFSA case plans of “compelling circumstances,” in either the decision not to terminate parental rights, or in the decision to set a case goal of APPLA. The failure to document the decision not to terminate parental rights precludes the city from identifying potential trends and creating services that help children get into permanent homes. The potential risks facing children who transition directly to adulthood from the foster care system are more than sufficient reasons to carefully weigh the decision to change a child’s goal to APPLA. The new form orders adopted by the Family Court subsequent to the 2002 Child and Family Services

⁵⁰ D.C. CODE ANN. § 16-2323

Review, which require an explicit finding of compelling circumstances, should result in a marked improvement in documenting the compelling circumstances that require a permanency goal of APPLA.

Nationally, 19% of children in foster care are over the age of 15. In the District, this population accounts for 25% of the children in care.⁵¹ Older children in the foster care system have needs distinct from those of younger children. In general, they have been in care substantially longer and have had more placements. Studies conducted in jurisdictions across the country find that children leaving foster care are at increased risk of involvement with the criminal justice system, teen pregnancy, and homelessness.⁵² As young people approach emancipation from the child welfare system, the key players in the system must ensure that the child feels empowered and competent to make good decisions and avoid the pitfalls that so many children leaving foster care face.

Currently, the Center for the Study of Social Policy reports that 346 children in foster care in the District have a permanency goal of independent living, 290 children have a permanency goal of another planned permanent living arrangement, and 57 have a goal of long-term foster care.⁵³ As noted in Footnote 24, long-term foster care is not an acceptable permanency goal under ASFA. According to the Presiding Judge, almost 25% of the Family Court's neglect cases involve children who will achieve independence without finding permanent homes.⁵⁴ The lack of basic support services for older children, such as mental health services, educational services, and drug treatment was continually cited as a concern by judges, foster parents and even the children who participated in CCE focus groups. One youth commented that the city needs more out-patient facilities for youths and children who do drugs to keep kids off the streets.

Lack of employment services was also a major concern. One of the young people participating in a focus group said, "We need jobs, skills, and programs to attend so that we can be prepared for life." Interviews with social workers and guardians *ad litem* pointed to the lack of summer internship opportunities for high school students.

But the key concern for young people is inclusion in the decision-making regarding their own futures, "They need to listen to the children/youth more. We know what we need." In response to that need, CFSA has created an Office of Youth Development to focus on the needs of older teenagers in the system. One particularly effective model in place is called "Keys for Life." The program teaches young people life skills, and in return for attending these meetings, youths build savings to attend college. Unfortunately, social workers indicate to CCE that the program is growing beyond its capacity.

⁵¹ CSSP Report at 9.

⁵² Massinga, Ruth & Peter J. Pecora. *Providing Better Opportunities for Older Children in the Child Welfare System*. Children, Families, and Foster Care: 152 available at www.futureofchildren.org.

⁵³ CSSP Report at 10.

⁵⁴ Satterfield, Hon. Lee F., *The New District of Columbia Family Court – Only the Beginning* FAMILY LAW QUARTERLY Vol. 37, No. 3; at 438.

In addition to Keys for Life, CFSA is implementing independent living program regulations that now have clear requirements for skills development for teens participating in the programs.⁵⁵ The regulations include an emphasis on ensuring that teens develop the necessary life skills by the time they leave the system. The Family Court has also focused attention on older teenagers who will leave foster care without finding a family, by creating a pilot program called Benchmark Permanency Hearings.

⁵⁵ The regulations were published in the DC Register on February 27, 2002.

Benchmark Permanency Hearings

“For children who have ‘aged out’ of foster care [...], the government is, in effect, their parent and we should do more to help them become independent and self sufficient, just as other parents do.”

Former Senator Daniel Patrick Moynihan (D-New York).

Far too many youths who age out of foster care will not have graduated from high school, established a savings account, or obtained the daily living skills they need by the time they exit the child welfare system. Children who exit foster care without finding a permanent home are at increased risk of poverty, homelessness, addiction, and re-entry into the public welfare system and adult criminal courts. In an effort to avoid the particular obstacles faced by older youths in the foster care system, the Family Court established the Benchmark Permanency Hearing Pilot Program in September 2003. The Benchmark Hearings attempt to help these young people establish positive relationships with caring adults and ensure the coordination of services vital to a successful transition to independence.

Family Court Magistrate Judge Juliet McKenna serves as the Benchmark Permanency Program judicial officer. Based in part on an initiative in place in the Child Protection Division of the Cook County, Chicago, Circuit Court, Benchmark Hearings are designed to assist the young person in setting educational, career, and personal goals for their future. Since September 2003, 60 youths age 16 or older with a court-approved permanency goal of APPLA -Independent Living have participated in the Benchmark Program. The hearings are held every six months, alternating with the child’s six-month permanency hearing.

Prior to the hearing, the child receives a worksheet that asks her to think about and describe her goals for the future. It also asks her to identify challenges she might encounter and whether she has any ideas for reaching her goals. The child must be available for the hearing to proceed. The child’s social worker and guardian *ad litem* (GAL) must also attend the hearing. Birth parents and any additional parties are invited only at the youth’s request. The hearings are conducted informally and no orders issue. At the conclusion of the hearing, the judge and the child enter into an agreement detailing what actions the youth will take in the coming months. CCE had the opportunity to observe several Benchmark Hearings and one observer noted, “Each respondent seemed nervous in the beginning but by the end of the hour, they were very willing and enthusiastic to tell Judge McKenna their needs and wants.”

In addition to attending hearings, CCE interviewed Magistrate Judge McKenna and 25 participating GALs to assess their experiences with and suggestions for the program. The responses were overwhelmingly positive. The GALs appreciated the informal nature of the hearings and most emphasized that the intimate nature of the hearings bolstered the youth’s confidence in verbalizing plans for the future. The hearings empower the young person to take control of his future and are an important step in his transition out of the system. One GAL commented that she did not believe her client would have been successful in attending junior college if it were not for the Benchmark program. Another stated that from the young person’s perspective the Benchmark hearing is a unique forum for the child to voice unmet needs and plans for the future, as the plan is driven by the child and not what others would have the child do.

Concerns were expressed over the youths’ need for housing, employment and job training, mentoring services, and educational services. Judge McKenna and most of the GALs highlighted the need to have agency representatives who are able to provide information specific to the child’s needs. Though the hearings addressed services, housing and employment issues, some youths experienced difficulty in actually obtaining and following through with services agreed upon. Among the GALs, there is a general hope that the Benchmark Permanency Program will expand to more judges. Until then, one GAL reports he has begun to hold similar conversations with his other clients. It is crucial that all children exiting system have a support network in place – these hearings “keep people on their toes and makes sure that the system isn’t forgetting about the kids.”

PART 4: FINDINGS AND ANALYSIS ON FAMILY COURT ACT COMPLIANCE

CCE also examined the city's compliance with the District of Columbia Family Court Act of 2001. This Congressional legislation required the Family Court to implement, within a two-year time period, what are considered to be the latest and best practices used by family courts throughout the country. For the most part, the Family Court has succeeded in implementing the Act's requirements. These improvements in practice, no doubt, have contributed to the improved compliance rates with ASFA deadlines. The Mayor has made less progress on implementing one of the Family Court Act requirements for which the city is responsible.

I. Transferring Cases to the Family Court

The DC Family Court Act of 2001 required that all child abuse and neglect cases pending before judges in Superior Court divisions other than the Family Court be transferred to the Family Court not later than October 4, 2003. An exception permitted the current judge to retain the case if this would result in the achievement of permanency more quickly than transferring the case to the Family Court.

This seemingly simple requirement resulted in sweeping changes in the Superior Court's practice of assigning child abuse and neglect cases. Since the early 1990's, due to an overwhelming caseload, the Superior Court had assigned post-disposition child abuse and neglect cases to all of its 59 judges, including those serving in divisions other than the Family Court.⁵⁶ At the time the Family Court Act was passed, approximately 3,500 child neglect and abuse cases were pending before judges outside the Family Court. The Act directed the Court to include in its Transition Plan an explanation of how it would transfer these cases.

According to the Court, by the end of August 2003, with one month to spare, 3,255 of the cases had been transferred to the Family Court, 182 were closed prior to transfer, and 34 were retained by judges outside the Family Court with the approval of the Chief Judge.⁵⁷ In addition, 620 of the cases transferred to the Family Court had been closed by the transfer deadline.⁵⁸ Several agencies deserve credit for this enormous accomplishment. The Family Court, CFSA, and the Office of the Corporation Counsel worked together to identify cases appropriate for transfer and closure and to prioritize the sequence of transfers.

CCE received only positive comments from members of its focus groups regarding the transfer of abuse and neglect cases to the Family Court. Several people acknowledged the benefit of having an experienced and dedicated cadre of judicial officers handling child abuse and neglect cases. One comment was, "the judges who want to do the work are now the only ones involved." Another person commented, "The overall change of having a Family Court versus farming out cases to 60 different judges with 'more important things to do' is a huge improvement." The judicial officers themselves also expressed their pleasure with the new system. One judicial officer commented, "It's great to talk with someone who knows what [we] are talking about. We are all able to bounce ideas off of one another."

⁵⁶ Satterfield, at 433 provides an explanation of the origins of this practice.

⁵⁷ *District of Columbia Superior Court Family Court – Progress Report*, October 3, 2003, at 2-3 & 5.

⁵⁸ *Id.* at 3.

Not surprisingly, many commented upon the improvement in the scheduling of child abuse and neglect cases. When people were asked if scheduling had become more manageable since the transfer of abuse and neglect cases to the Family Court, the answer was an unequivocal Ayes. An assistant corporation counsel responded, A individuals are before one to two judges versus being before eight judges.

Timeliness of Family Court Hearings

According to CCE court observers, Family Court hearings generally took place when scheduled. Of the 307 hearings for which a scheduled hearing start time and an actual hearing start time were recorded,⁵⁹ the average difference between the scheduled start time and the actual start time was 20 minutes. This average includes 4 hearings that started *before* their scheduled start time. Nearly two-thirds of the hearings (194) started within 15 minutes of their scheduled start time, and 54 hearings started within 5 minutes of the scheduled start time. However, in 58 of the 307 hearings, parties had to wait 30 minutes or more before the hearing began, with an average wait time of 44 minutes. Forty-eight of the 58 hearings with a delay of 30 minutes or more were permanency hearings.

The vast majority of hearings observed (339 of 352) were held as scheduled and were *not* continued to a future date or time. The 13 continuances that were observed occurred in permanency hearings and were caused by the absence of the children's attorney and/or the case worker.

For the most part, the cases transferred from outside the Family Court are being handled by the nine Family Court magistrate judges appointed to assist in the transfer process. Transferred cases involving contested custody, adoption, and TPR issues are being handled by the associate judges with whom the magistrate judges are teamed.

The Family Court reports that the number of child abuse and neglect cases still pending outside the Family Court has been reduced from 34 to 25. While this is an improvement, sufficient time has passed that it no longer appears that these children will reach permanency more quickly by remaining with judges outside the Family Court. The Chief Judge should revisit the decision to allow these cases to remain outside the Family Court.

⁵⁹ The 13 initial hearings observed were excluded from this analysis because they do not have a "scheduled" start time.

II. Appointment of Associate and Magistrate Judges

The Family Court has done an effective job of recruiting and retaining judicial resources. The Family Court Act permits a maximum of 15 Family Court associate judges. Twelve associate judges already serving in the Superior Court at the time of the Family Court Act agreed to serve on the Family Court. The three additional vacancies were filled in late 2003 following confirmation by the United States Senate of the President's nominees. Candidates had been screened through the merit-selection process of the D.C. Judicial Nomination Commission.

The Act also authorized new magistrate judge positions, to be appointed by the Chief Judge, and called for expedited appointment of some magistrate judges to handle the initial transfer of cases from outside the Family Court.⁶⁰ The court expeditiously created a task force of five newly hired magistrate judges in April 2002 to handle the first wave of more than 2000 transferred cases. In October 2002, the court hired four additional magistrate judges to handle the second wave of transferred cases. A tenth new Family Court magistrate judge was hired to preside over mental health cases, which are under the Family Court's jurisdiction.

The Family Court is now fully staffed with 31 judicial officers: 15 associate judges and 16 magistrate judges. Ten teams, each consisting of an associate judge and a magistrate judge, have been created to handle child neglect and abuse and related cases. The remaining Family Court associate and magistrate judges handle other family law matters such as domestic relations, juvenile, child support, and mental health cases.

III. Expertise and Experience of Associate and Magistrate Judges

The Family Court Act requires that all associate judges have experience in family law and that all magistrate judges have at least three years experience in family law.

The Family Court has assembled a strong corps of judicial officers. The twelve associate judges who volunteered to serve on the Family Court are well qualified and had prior service in the Family Division. In addition, two of the three newly appointed associate judges served in the Family Division as magistrate judges (formerly hearing commissioners). The third has an extensive background of public service and expertise in mental health law.

Because of the large number of applicants for the new magistrate judge positions, the Chief Judge was able to select highly qualified individuals with extensive experience and expertise in family law. Many have experience in either defending or prosecuting child abuse and neglect cases. Several have experience in juvenile justice, mental health, custody, adoption, paternity and various other related family law areas.

⁶⁰ Prior to Congress's authorization of the appointment of magistrate judges, the Family Division employed hearing commissioners to assist with child abuse and neglect cases. Magistrate judges, unlike hearing commissioners, have contempt power to enforce their own orders. Also, they do not need the consent of the parties to hear a case. To eliminate any controversy over authority, Congress elevated currently sitting Family Court hearing commissioners to magistrate judges.

IV. Terms of Service for Associate Judges

Under the Family Court Act, associate judges appointed to Superior Court after the Family Court Act who volunteer for Family Court must serve a minimum five-year term. Associate judges who were serving on the Superior Court at the time the Family Court Act passed and who volunteer for Family Court serve a minimum three-year term. For the initial corps of Family Court judges, the three-year term minimum was reduced by whatever time they had been serving in the Family Division at the time the Act passed, though in fact no eligible judge took advantage of this reduction from a three-year term.

The above term of service requirements represent a compromise on an issue that was hotly contested during Congressional hearings on the Family Court Act. Proponents of a five-year term of service argued that it takes time to develop the requisite set of skills to be a good family law judge. Opponents argued that a five-year term would result in judicial fatigue and desensitization and would make it more difficult to recruit qualified judges. This same debate was echoed in the comments of the associate judges who participated in CCE's focus group. When asked how they felt about the term of service requirements for associate judges, one judge replied, "I volunteered for this, so I want to do it." Other positive comments were, "It is a good notion" and "we are doing good with it." Others felt that the commitment was too long. One judge said, "Saying I have to sign-up for three years means I won't be coming back. Now my expertise will be unavailable."

In January 2005, the three-year term of service of the original Family Court associate judges will expire, and the Chief Judge will need to replace those who rotate to other divisions with other Superior Court associate judges with family law expertise and a willingness to serve the 3 or 5 year term required by the Family Court Act. If an insufficient number of current Superior Court associate judges is available, the court will need the assistance of the DC Judicial Nomination Commission to recruit judicial candidates who fit these qualifications.

V. Interdisciplinary Training

The Family Court Act requires the Family Court to carry out a program of ongoing interdisciplinary training in family law and related matters.

The Family Court tackled this requirement by organizing the Family Court Interdisciplinary Training Committee. The committee, chaired by one of the Family Court's magistrate judges, appropriately includes an interdisciplinary group of professionals and organizations such as the Public Defender Service, Georgetown Center for Child and Human Development, the Office of the Corporation Counsel, the Child and Family Services Agency, the DC Public Schools, the Department of Mental Health, and CCE. For the past two years, the committee has organized an annual, full-day training event for judges, lawyers, social workers, and others. In November 2003, the annual training topic was education and the event, held in the city's new convention center, was entitled, "The Family Court, DC Agencies, and Communities: Partners in Education." The Committee expects 2004's training event to be held

in September; the topic is families and mental health. Attendance at this annual event is mandatory for Family Court judicial officers and other court personnel.

The Family Court Training Committee also organizes periodic early-evening multidisciplinary training sessions on a variety of family law topics. In 2003, eight such sessions were held. Attendance by judicial officers was mandatory for only one of the sessions - Mental Retardation and Developmental Disabilities Administration - Overview, Treatment, and Transition. A similar number of evening training sessions will be held in 2004.

The third mandatory family law training event for Family Court judicial officers and personnel was a two-day Division training held in December 2003. The training covered the gamut of legal subjects under the jurisdiction of the Family Court. For the past several years, the training has included an update on ASFA.⁶¹

In addition to the training sessions described above, in 2003 five judicial officers attended training sponsored by the National Council of Juvenile and Family Court Judges. One session was Evidence in Juvenile and Family Courts; the other was The Judicial Response to Alcohol and Other Drugs. Three judges, including the presiding and deputy presiding judges, attended a national conference on juvenile justice. One judge attended the National Council of Juvenile and Family Court Judges' Annual Child Abuse and Neglect Institute, entitled The Role of the Judge. Judicial officers also received initial and some follow-up training on IJIS, the Court's information technology system.

Less formal training takes place at weekly luncheons organized by the Family Court Presiding Judge. The Family Court's Council for Child Abuse and Neglect Branch, which supervises the appointment of attorneys in child welfare cases, holds twice monthly brown-bag seminars on a variety of child welfare issues which are attended largely by attorneys. The Family Court also has two attorney advisors on staff to provide guidance on ASFA compliance, monitor and track changes in legislation that affect child abuse and neglect cases, and research issues of general interest to the Family Court.

VI. One Family/One Judge

The Family Court Act requires the Family Court to implement the one judge/one family approach to handling child abuse and neglect cases. Under this approach, the same judge handles a child neglect or abuse case from filing through to permanency and closure. Also, depending upon the extent to which the one judge/one family approach is implemented, the judge may handle family law cases that arise out of or are related to the neglect or abuse case. The benefits of the approach include more informed decision-making, better coordination, and consistency and convenience for families.

⁶¹All Superior Court judicial officers must also attend a two-day training session in the spring of each year. This mandatory training focuses on court-wide issues.

Taking advantage of the Family Court's broad jurisdiction over a wide variety of family law cases, the Family Court devised a plan to implement the one judge/one family approach in new child neglect and abuse cases to the fullest extent practical. The plan consisted of four phases to be implemented over time. In addition, the Court chose to use judicial teams as its implementation vehicle.

In Phase 1, the Court created 10 judicial teams, each consisting of one associate judge and one magistrate judge to handle child neglect and abuse cases and subsequent actions arising out of these cases such as TPR/adoption, guardianship, and custody. If the subsequent action were contested, the magistrate judge would transfer the contested proceeding to the associate judge member of the team.⁶²

In Phase 2, the magistrate judge on each team became responsible for presiding over the initial hearing docket for one week on a rotating basis and picking up new child abuse and neglect cases. (Since January 1, 2004, in a refinement crafted in consultation with CFSA and the Office of the Corporation Counsel, new child neglect and abuse cases have been divided into two categories based upon geographical origin.⁶³ Initial hearings are held daily by two magistrate judges, each responsible for one of the geographical areas.) Phase 2 of the original implementation plan also required the teams to hear related child support and post-disposition juvenile cases. Phase 3, initiated in March 2003, went farther and required the teams to hear related cases that do not arise out of the neglect or abuse case, such as domestic relations and mental health cases of immediate family members.

Because CCE's case file review included only child neglect and abuse cases, the research was unable to confirm whether related cases were handled by the same judge. During court observations, CCE saw few related cases being heard along with neglect and abuse cases. The Court reported that it is within the judge's discretion to hear related cases jointly or separately and that few families have more than one case pending.⁶⁴ In addition, the Court noted that upon filing of a new child neglect or abuse case, the Family Court's case coordinators search the Integrated Justice Information System (IJIS) and the computer systems of any Family Court Branches not yet connected to IJIS for related cases and present their findings to the assigned judge. In 89 out of 271 of the hearings CCE observed, the judicial officer indicated awareness of or made an inquiry about related cases involving the same family. The Family Court declined CCE's request for information on the number and types of cases assigned to each judicial officer.

The final phase of the original one team/one family implementation plan, which was to be initiated in June 2003, called for expanding the team approach to include social workers,

⁶² This policy eliminates the potential for a two-tiered appeal. A magistrate judge's decision can be appealed to an associate judge. The associate judge's decision can then be appealed to the DC Court of Appeals. Having the associate judge handle the contested proceedings eliminates the intermediate appeal. The Family Court may change its policy regarding the handling of contested proceedings, however, because it has found that few appeals are being filed.

⁶³ The theory of geographic assignment is that it will permit better decision making because of increased familiarity with the services available in the assigned sector of the city.

⁶⁴ For example, the Family Court indicated that as of December 2003 there were only 60 children with "dual jackets," i.e., both a child neglect or abuse case and a juvenile case.

assistant corporation counsel, children's and parents' attorneys. Thus far, assistant corporation counsel have been added to the teams and, for the most part, the judges and the assistant corporation counsel are happy with the team approach. However, after a brief pilot arrangement, in which certain social workers were teamed with a magistrate judge, the Family Court and the Child and Family Services Agency mutually agreed that this team approach did not suit their purposes. As an alternative, on January 1, 2004, they implemented the geographic case assignment described above. It is unclear if the Family Court still intends to pursue a team approach with attorneys representing children or parents.

The one team/one family approach has reduced the number of judicial officers handling a child neglect or abuse case. Prior to this approach, one judge handled the initial hearing, a second judge handled the status hearing (now replaced by a pre-trial conference), and a third judge handled the adjudication and disposition. The case might then be transferred outside the Family Division to a fourth judge who would handle post-disposition proceedings. Now with the one team/one family approach, the magistrate judge who picks up the case at the initial hearing handles the case all the way through to permanency or transfers it immediately to the associate judge on the team, who handles it through to permanency. Unless the Family Court changes its current policy, if a case involves a contested adoption, guardianship or custody proceeding, the contested proceeding will be handled by the associate judge on the team (*see footnote 63*).

VII. Implementation of a Computerized Case Tracking and Management System

A. Integrated Justice Information System (IJIS)

The Family Court Act directed the Superior Court to implement its planned Integrated Justice Information System (IJIS) in the Family Court before doing so in other court divisions. The Superior Court selected ACourtView® software for the IJIS system.

The Superior Court is making progress towards implementation of IJIS, an automated data exchange system designed to assist the Court in managing its caseload and sharing appropriate data with District agencies. In August 2003, the first phase of the IJIS implementation plan, IJIS was made available to 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 of the Superior Court. In December 2003, with the exception of the Paternity and Child Support Unit,⁶⁵ IJIS was expanded to the Family Court's remaining branches, the Superior Court's Domestic Violence Division, and additional users in the Multi-Door Dispute Resolution Division. IJIS is scheduled to be implemented in the Superior Court's Probate, Tax, and Civil Divisions by 2004 and Criminal Division by 2005.

The Superior Court provided CCE with a presentation on IJIS's capabilities. CourtView appears to be a logical and user-friendly system. It also is capable of performing a myriad of

⁶⁵ The Paternity and Child Support unit of the Family Court currently uses the collections database of the Office of the Corporation Counsel.

functions such as scheduling hearings, calling up cases in which a deadline has been missed, and displaying the results of drug testing. Family Court personnel and judicial officers, received extensive training on IJIS including training on data entry. Data are being entered in the courtroom, in chambers, and in the clerk's office.

In the Family Court, CourtView contains docket information only, that is, case event and outcome information, on approximately 200,000 cases dating back to the mid-1960s. However, for cases filed on and after August 2003, in addition to entering docket information, court personnel are scanning court orders and related documents into the system. To reduce the amount of scanning that must be done, court technicians are working on a project that would enable judicial officers to electronically sign orders. Work is also being done to enable the Child and Family Services Agency and the Office of the Corporation Counsel to file documents with the Court electronically.

While CourtView is capable of producing a variety of management reports, the Family Court is using Crystal Reports software to glean data from CourtView and manipulate it to produce statistical reports, such as ASFA compliance reports. That reporting function is still in the development stage.

B. Safe Passages Information Suite (SPIS)

The District of Columbia Family Court Act mandates that the Mayor submit a plan to integrate the computer systems of the District government with those of the Superior Court. The Act lists six District agencies that are to be linked electronically with the Family Court: the District of Columbia Public Schools, the District of Columbia Housing Authority, the Child and Family Services Agency, the Office of the Corporation Counsel, the Metropolitan Police Department, and the Department of Health. The Mayor exercised his discretion to add the Department of Human Services and the Department of Mental Health.

The purpose of the Act's mandate is to enable District health and human service agencies to access and share appropriate information on the individuals and families served by the Family Court. In accordance with the Mayor's Plan,⁶⁶ the Office of the Chief Technology Officer is working to develop the Safe Passages Information Suite (SPIS), which is intended to serve as the middleware that would connect the Superior Court's Integrated Justice Information System and the city's disparate service agencies.

While the District has made progress in developing SPIS, it has encountered several obstacles. Confidentiality and privacy issues pose the most significant challenges. To assist with these issues, the Office of the Chief Technology Officer has added to its staff a technology lawyer with extensive experience in confidentiality laws and privacy issues. In addition, the Office of the Chief Technology Officer is meeting with representatives of each of the agencies to determine the various levels of confidentiality within the agency. As confidentiality issues are addressed and resolved, the Office of the Chief Technology Officer is implementing the

⁶⁶ *Supporting the Vision: Mayor's Plan to Integrate the District of Columbia Social Services Information Systems with the Family Court of the DC Superior Court*. July 8, 2002.

solutions. What makes this process difficult and time-consuming, however, is that many agencies have no written protocols regarding access to information.

Data accuracy and quality also have presented a problem. To address this, the city is implementing an overall Human Services Modernization Program Initiative while implementing SPIS. The modernization program is intended to put new infrastructure and software in place, improve business processes, and provide better training for users.

According to District officials, current plans to exchange information between and among the Superior Court and District agencies are estimated to cost a total of \$66 million. About \$36 million of the total \$66 million would come from District capital funds that are currently available. However, additional funding must be sought for the remaining \$30 million. Although the Family Court Act authorizes federal funds to support this mandate, CCE does not believe the city has requested federal funding.

In the interim, the Court and CFSA have created alternative means of exchanging information. For example, the Family Court downloads case scheduling information on a nightly basis to the Child and Family Services Agency's FACES system. The Family Court provides court orders to CFSA staff who scan them into FACES. As mentioned above, work also is being done to enable CFSA and the Office of the Corporation Counsel to file documents with the Family Court electronically.

VIII. On-site Coordination of Social Services

The Family Court Act required the Mayor to establish a liaison office at the Family Court to connect the newly formed Family Court with services administered by the city's executive branch agencies. The Act required that DC government agencies that provide social services and related services to individuals and families served by the Family Court be located at the court, including District of Columbia Public Schools, the DC Housing Authority, the Child and Family Services Agency, the Office of the Corporation Counsel, the Metropolitan Police Department and the Department of Health.⁶⁷

In February 2003, the Mayor's Services Liaison Office opened its doors to "focus on addressing the service and resource needs of children and families involved in child abuse and neglect proceedings, juvenile matters and related cases."⁶⁸ The liaison office is located on the JM level of the Moultrie Courthouse, and it houses representatives from the DC Public Schools, DC Housing Authority, the Child and Family Services Agency, the Department of Health and the Department of Mental Health.⁶⁹ Though not stationed on-site, representatives from the Metropolitan Police Department and the Office of the Corporation Counsel are also liaison partners and are available by telephone during the 8:30 a.m. to 5:00 p.m. liaison office

⁶⁷ Pub. L. 107-117. January 8, 2003. Section 11-1105.

⁶⁸ Office of the Deputy Mayor for Children, Youth, Families and Elders. 2002. "District of Columbia Family Court Liaison Activities: Proposed FY 2003 Performance Plan." *Submitted to The Family Court of the Superior Court of the District of Columbia.*

⁶⁹ Office of the Deputy Mayor for Children, Youth, Families and Elders. 2003. "The Mayor's Services Liaison Office to the Family Court of the District of Columbia: A User's Guide."

hours. Referrals to the liaison office are generally initiated by social workers, probation officers or attorneys working with the families, although occasionally judges also make referrals.

When a person enters the liaison office, he or she is first asked to sign a sign-in sheet and fill out the referral form.⁷⁰ On the referral form, the user notes what she considers to be the primary service issue holding the court case back. From that information the liaison office assigns the lead agency. Most cases have multiple service issues, and the agency assigned the lead must coordinate the Liaison team to address the family's service needs in a logical sequence. The liaison team attempts to convene a meeting while the family is still in the courthouse. One of the major needs of the office is a private room where the liaison team can meet with the family members.

As of March 2004, the office had served a total of 899 requests. The majority of requests dealt with housing or education; however, those numbers are based only on the primary service issue. The office records multiple service needs on the referral form and in an electronic database, but currently captures each referral under only the predominant service issue for statistical reporting purposes.

Social workers and assistant corporation counsels reported to CCE that the office is useful in addressing a family's service needs when the social worker has exhausted her own resources. CCAN attorneys, on the other hand, view the office as a general one-stop resource center. The office is currently filled with a wide variety of resource material. The office director stated that she hopes to develop a resource manual, so that liaison team members would be able to concentrate on the more difficult service issues, while still appropriately directing resource questions.

IX. Use of Alternative Dispute Resolution Techniques

[C]ontinuing mediation of child abuse and neglect cases through the Multi-Door Dispute Resolution Division is a key strategy of Family Court. Lee F. Satterfield, Presiding Judge of the Family Court.

The Family Court Act requires the court to use alternative dispute resolution techniques to the greatest extent practicable and safe.

In 2002, the Family Court implemented an innovative, early case mediation program that has changed the nature of child abuse and neglect practice. Early case mediation or "ASFA mediation" began as a one-year grant-funded pilot project. In the 2002 pilot project, the Family Court, in connection with the Court's Multi-Door Dispute Resolution Division, randomly referred one-half of its newly filed child neglect or abuse cases to mediation; the

⁷⁰ Noting early on that file space was limited and that the office did not require extensive information about the family to fulfill its mission, the Liaison Office developed a referral form. The form captures information about the child's legal status and any related court cases. Then the form asks the user to identify service issues to be addressed by the Liaison office. Hearing information, interagency contacts made previously, and the reason for the referral make up the remainder of the form.

other half became a control group. The theory tested and validated by the pilot project is that early participation in mediation, a cooperative rather than adversarial process, results in earlier case planning, earlier access to needed services, and a significant reduction in case processing times. As a result, children and families have a better opportunity of achieving reunification or another form of permanency within ASFA deadlines.

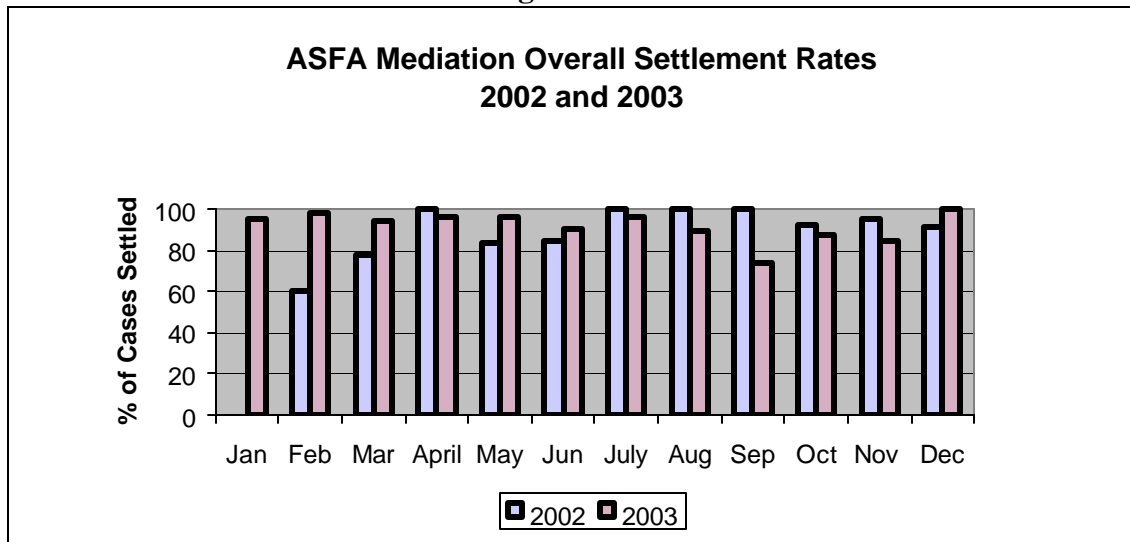
A Superior Court Administrative Order now requires that mediation be scheduled within 30 days of the initial hearing for all child neglect and abuse cases. For the 2002 cohort of cases, CCE's case sample data indicate that the median time from initial hearing to mediation was 39 days for out-of-home cases and 41 days for in-home cases. For the 2003 cohort, mediation was held 27 days after filing for out-of-home cases and 25 days after filing for in-home cases.

Because of the pilot program's success, ASFA mediation has been incorporated into the Court's existing Child Protection Mediation Program, and it is now funded by the Court.⁷¹ Not all child neglect and abuse practitioners agree with the mandatory mediation policy. Some assistant corporation counsel argue that some cases, especially cases where parents are missing or uninvolved in a child's life, are not appropriate for mediation, in part because there is almost no chance of obtaining a stipulation to the legal charges. Others argue that these types of cases benefit from the early case planning and early access to services that mediation provides.

The Multi-Door Division reports that ASFA mediation is highly successful. ASFA mediation focuses primarily on case planning and accountability for child neglect and abuse allegations. The Multi-Door Division calculates an "overall" settlement rate, which is the sum of: 1) the "full" settlement rate (agreement on both a case plan and a stipulation) and 2) the "partial" settlement rate (agreement on either a case plan or a stipulation). It reports that, with 652 children's cases referred to ASFA mediation, the 2003 overall settlement rate was 92%: 48% of the settlements were full, and 43% were partial. A comparison of the "overall" settlement rates for 2002 and 2003 is shown in Figure 24 below.

⁷¹ The Child Protection Mediation Program provides mediation at various stages of the case.

Figure 24



Source: DC Superior Court Multi-Door Dispute Resolution Division – 2004

Using funds from the original 2002 pilot project, the Superior Court contracted with the National Council of Juvenile and Family Court Judges to conduct a formal evaluation of the ASFA Mediation Program. That report will be published sometime in 2004. The study compares the outcomes of the cases randomly assigned to mediation in 2002 with the cases that were part of the 2002 control group. Staff from the National Council advise CCE that the evaluation is largely positive.

The Family Court also operates a permanency mediation program. The program is used to negotiate some form of continuing contact with the biological parents when the child's permanency plan is adoption, guardianship, or legal custody rather than reunification with the parents. The goal of the program is to encourage an agreement among the parties to permit the child and the biological parents to retain some connection when that is in the child's best interest. The Family Court reports that since the program's creation in February 2002, the cases of 82 children involving 50 families have been mediated or are in the process of mediation. Permanency mediation produced an agreement for continuing contact in 31 of the 82 cases.

X. Expansion of Physical Facilities to Accommodate all Family Court Functions

The Family Court Act authorized the Superior Court to expand and reorganize its staff and facilities to accommodate the Family Court's mandate.

Construction is underway on an interim Family Court space plan that will consolidate approximately 75% of Family Court operations, including all public operations, primarily on the John Marshall and C Street levels of the existing Moultrie Courthouse. Phase I of the interim plan, scheduled for completion in July 2004, will consolidate Family Court support services, and provide additional courtrooms, hearing rooms, and judges' chambers. It also will provide an expanded Mayor's Services Liaison Office, a new family waiting room, and a centralized filing and intake center. In its annual report to Congress filed in March 2004, the Family Court indicated that as of that date construction was on schedule.⁷²

The DC Courts' long-term space plan for the Family Court will consolidate all operations in one location in the Moultrie Courthouse by constructing an addition to the building. Completion of this long-term plan by the target date 2009 is contingent upon obtaining additional funding from Congress.

⁷² The Government Accounting Office's January 2004 report, *D.C. Family Court, Progress has Been Made in Implementing its Transition*, pp 30-31, contains a summary of the numerous steps necessary to complete the interim Family Court space plan.

PART 5: RECOMMENDATIONS FOR ACTION AND FURTHER STUDY

I. Recommendations for Action

A. Notify Parents Orally and In Writing of ASFA Reunification Deadlines

Parents whose children have been removed from their care should be advised of ASFA reunification deadlines early, at the initial hearing, and often, at every subsequent hearing, as long as reunification is a possible goal. Parents' attorneys and social workers have a responsibility to advise parents who wish to be reunified with their children that they have a limited time to correct the conditions of neglect or abuse or risk losing their children permanently. However, the court is in a position to amplify this warning and should do so both orally and in writing. Practice in this area needs improvement. The court discussed reunification deadlines with parents in only one of the 11 initial hearings CCE observed and in only 10 of the 170 permanency hearings at which parents or other family members were present.

B. Improve the Quality of Permanency Hearings to Expedite Permanency

Too many DC children still spend too long in foster care before finding permanent homes. Since deadlines tend to focus attention on the ultimate goal of permanency, all professionals in the system must place more emphasis on setting and working toward a target date for achieving the child's permanency goal. For cases that entered Family Court as recently as 2002, only 29% of children had a date set at their initial permanency hearing for finding a permanent home. Practice in this area needs improvement.

C. Focus on Meeting the Needs of Older Children

Too many DC children were badly served by the formerly dysfunctional DC child welfare system and will likely leave that system as young adults without finding permanent families. The Superior Court reports that 26% of the children with open child neglect or abuse cases are 16 years of age or older and that an additional 18% are 13 to 15. It is incumbent upon the Child and Family Services Agency and the Family Court to make exceptional efforts either to find permanent families for those children or to prepare them well for their coming emancipation, so that they have the opportunity to live productive lives.

Because long-term foster care is an improper permanency goal under ASFA, the 57 children with this permanency goal should have a permanency hearing immediately so the court can reassess the child's needs, set an appropriate goal, and set a date for accomplishing that goal.

D. Expedite Permanency for Children with the Goal of Adoption

More than 1,000 DC foster children have a permanency goal of adoption but have not yet been adopted. Pre-adoptive homes are needed for approximately 1/3 of those children. Others face impediments to timely adoption caused by FBI clearance checks and issues related to the Interstate Compact for the Placement of Children. It is incumbent upon the Child and Family

Services Agency and the Family Court to make exceptional efforts to locate permanent homes for children and perform the steps necessary to finalize adoptions or, if that is not possible, to revisit children's goals and seek prompt permanency through guardianship or custody.

E. Better Coordinate the Provision of Appropriate Services

Social workers, assistant corporation counsel, biological and foster parents all reported to CCE that too often ordered services are not well-suited to the needs of parents and children. Routinely ordering a multitude of services solely because they are available should not continue, without regularly re-assessing the appropriateness of those services. CFSAs, the court, and other parties and participants must cooperate to 1) identify the underlying needs with the assistance of the family); 2) create an individual service plan that works with the family's strengths and circumstances; and 3) re-evaluate the plan regularly to ensure that the services continue to be effective, properly sequenced, and aimed at finding a permanent home for the child.

F. Expand Services to Families and Children

The District has taken important steps to increase the services available to vulnerable children and families. Even so, some gaps are well known and should be addressed: substance abuse treatment for adults and children, mental health treatment, employment training and assistance, and affordable housing.

G. Prepare for Increase in Petitions for Termination of Parental Rights

The Office of the Corporation Counsel recognizes that filing petitions for termination of parental rights is an important step which highlights the urgency of finding children safe and permanent homes. TPR filings have increased from 113 in fiscal year 2002 to 144 in fiscal year 2003, and the office has set the bar higher for 2004. This is an important step, but the Family Court must also recognize the importance of processing the petitions. Copies of the petition and the outcome of the filing should be included in every neglect file, as well as noted on the case jacket. If a TPR petition is dismissed, the reasons should be clearly stated on the form order.

H. Document and Track "Compelling Circumstances"

If the Family Court does not document the compelling circumstances that excuse the filing of a TPR and compelling circumstances that justify changing a child's permanency goal to "another planned permanent living arrangement," there is no way to identify systemic problems that might be resolved through policy changes. More work must be done to ensure that all system participants understand when APPLA is an appropriate goal, when circumstances are compelling, and that permanency planning must begin immediately upon the child's entry into care.

I. Locate Funding for Implementation of the Safe Passages Information Suite

Additional funding in the amount of \$30 million is needed for the Mayor's Safe Passages Information Suite, which is required to integrate the Family Court's information system with the information systems of the city's social service agencies. While federal funds were authorized to fund SPIS under the Family Court Act, as of late January of this year the city had made no effort to seek federal funding.⁷³

J. Expand the Capacity of the Mayor's Service Liaison Office

The Mayor's Liaison Office has been successful in helping advocates navigate the complicated systems in which families are involved. Many people are still unaware of the services the office can provide, but usage is increasing rapidly. For the office to continue to successfully meet the needs of families, it will need more space, specifically to meet with families in a private setting. In addition, it is important for the liaison office to develop the means to statistically measure the extent of multi-service referrals resolved to accurately capture the scope of the office's services and identify systemic problems which might be resolved.

K. Periodically Review the Decision to Permit Cases to Remain Outside the Family Court

The Family Court reports that 25 child neglect and abuse cases remain pending outside the Family Court. The Family Court Act permitted judges outside the Family Court to retain child neglect and abuse cases if this would lead to permanent placement of the child more quickly than would reassignment to the Family Court. Sufficient time has passed that it no longer appears that these 25 children will reach permanency more quickly by remaining with judges outside the Family Court. The Chief Judge should periodically review his decision to allow each of these cases to remain outside the Family Court.

L. Make Court Orders Available at the End of the Hearing or Shortly Thereafter

Court orders should be available for distribution or mailing at the end of a hearing so that all parties have written documentation of the court's rulings, including the date and time set for the next hearing. From what CCE court observers were able to determine, Family Court orders were made available in only 64% of permanency hearings observed. Greater effort should be made to provide the order at the end of the hearing or shortly thereafter, particularly because the Family Court does not issue a separate notice of the next hearing.

⁷³ Federal funding might also be available to the city's individual social service agencies to assist with modernization and integration of their information systems. CCE does not know whether these agencies have sought federal funding.

II. Recommendations for Further Study

A. Length of Time to Permanency for Children Who Are Not Reunified

Though the efforts of the Family Court, Office of the Corporation Counsel, and CFSA have resulted in a much-reduced time in care for children who leave the child welfare system through reunification, much work is required to expedite permanency for those children who do not. CCE's research was not able to measure the city's compliance with the requirement to either file a TPR for every child who has spent fifteen months in foster care or document why such action is not required. CCE's research methodology was designed to measure compliance with ASFA and Family Court Act requirements, and those requirements do not include limits on time to permanency. The research was thus unable to produce reliable data on the time to permanency for children who are not reunified with their families, though it is obvious that other permanency options take more time. To make well-reasoned policy and procedure decisions, the city's child welfare system leaders need to know how long it takes to place each neglected or abuse child in a permanent home and close his Family Court cases.

B. Tracking Re-Entry into the Foster Care System

National results from the Multistate Foster Care Data Archive⁷⁴ reveal that 28% of children admitted to foster care in 1990 reentered over the next 10 years. CCE found no evidence that children were being tracked to determine the extent of reentry in the District. CCE did find that 7% of cases in its sample consisted of families previously known to the Court.⁷⁵ As CFSA moves to a more prevention-oriented practice, and the Family Court moves toward prompter permanency and case closure than were the case previously in the District, re-entry tracking becomes an important issue. CCE has advocated for inclusion of re-entry tracking as one of the system assessments required under the proposed DC Child in Need of Protection Act, now under consideration by the DC Council.⁷⁶ However, such tracking can and should be done without such a statutory mandate.

Understanding reentry trends is critical to providing high quality services that stabilize and strengthen reunited families. Results from the Quality Service Reviews of CFSA cases conducted by the Center for the Study of Social Policy noted that families are receiving multiple services to meet educational, mental health, and physical health needs, but the services are not necessarily "well matched to the identified underlying needs or sufficiently coordinated."⁷⁷

⁷⁴ The Multistate Foster Care Data Archive is a longitudinal dataset that includes data on approximately 1.3 million foster children in 12 states. Wulczyn, Fred. *Family Reunification*. Children, Families and Foster Care. 14:1 (Winter 2004) available at <<http://www.futureofchildren.org>> at 100.

⁷⁵ Court files include only random mention of previous cases, so this finding very likely does not account for all of the children who re-enter the system.

⁷⁶ Statement of Deborah Luxenberg, Chairperson, Children in the Courts Committee of the Council for Court Excellence, before the Committees on Human Services and the Judiciary on Bill 15-039, *The Child In Need Of Protection Act of 2003* (November 24, 2003) available at <<http://www.courtexcellence.org/issuesadvocacy/children/legislation.org>>.

⁷⁷ CSSP Report at 41.

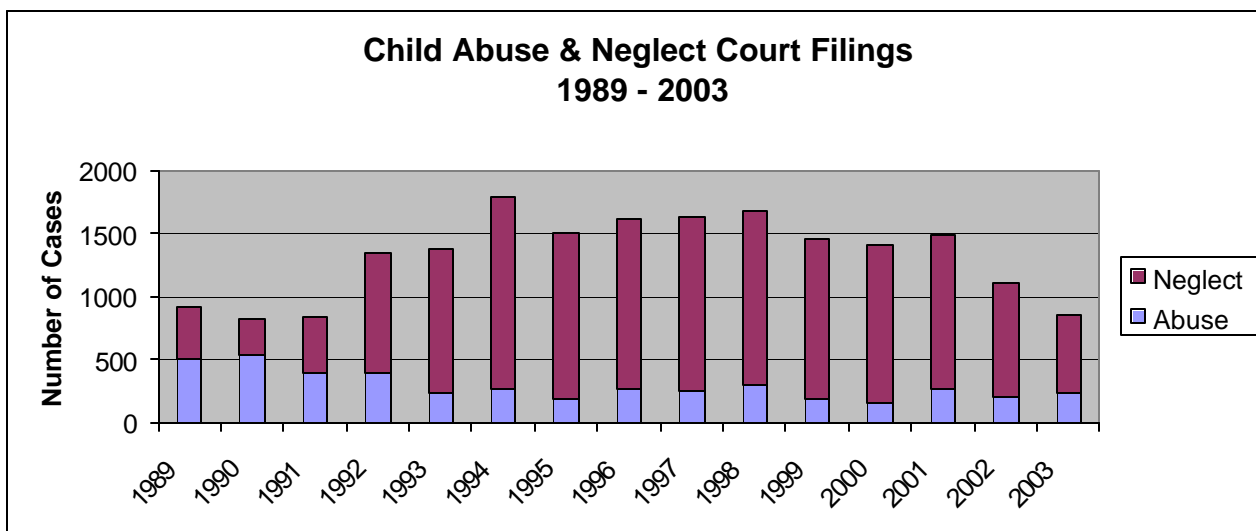
This finding underscores the importance of tracking what happens to families who leave the system. If services are being offered in an uncoordinated way and fail to address the family’s fundamental troubles, it is likely that the family will return to the system the next time a crisis strikes.

C. Decrease in Child Neglect and Abuse Case Filings: Good News or Bad?

There has been a 45% decrease over the past two years in the number of child neglect and abuse new case filings by the Office of the Corporation Counsel in Family Court. Filings dropped approximately 25% from 2001 to 2002 and approximately 20% from 2002 to 2003. Further study is required to determine whether the trend represents good or bad news.

Figure 25 below illustrates a fifteen-year trend line in child neglect and abuse case filings in the DC Family Court. It shows that after a large increase in the number of filings, the number of new child neglect and abuse cases has declined consistently since the late 1990s and that total child neglect and abuse case filings are now returning to the levels of 15 years ago.

Figure 25



Compiled by the Council for Court Excellence – 2004
Source: D.C. Superior Court’s Annual Reports

The reasons for the decrease in case filings are not entirely clear, but several factors may be contributing. It is worth remembering that the population of the District of Columbia has decreased over the past 15 years from approximately 750,000 to approximately 570,000. With a smaller population, one would expect fewer instances of child neglect and abuse.

Because the CFSA Hotline has been in existence as the city’s single-entry-point reporting medium only since 2002, it is unclear whether call volume was higher before the centralized Hotline. All cases in which CFSA removes a child from home are filed in Family Court. CCE’s random sample of reviewed cases (Figure A3 in Appendix A) demonstrates that

removals have been a steady 75% of all cases filed since 1998, though the decline in overall filings also means the absolute number of removals has declined.

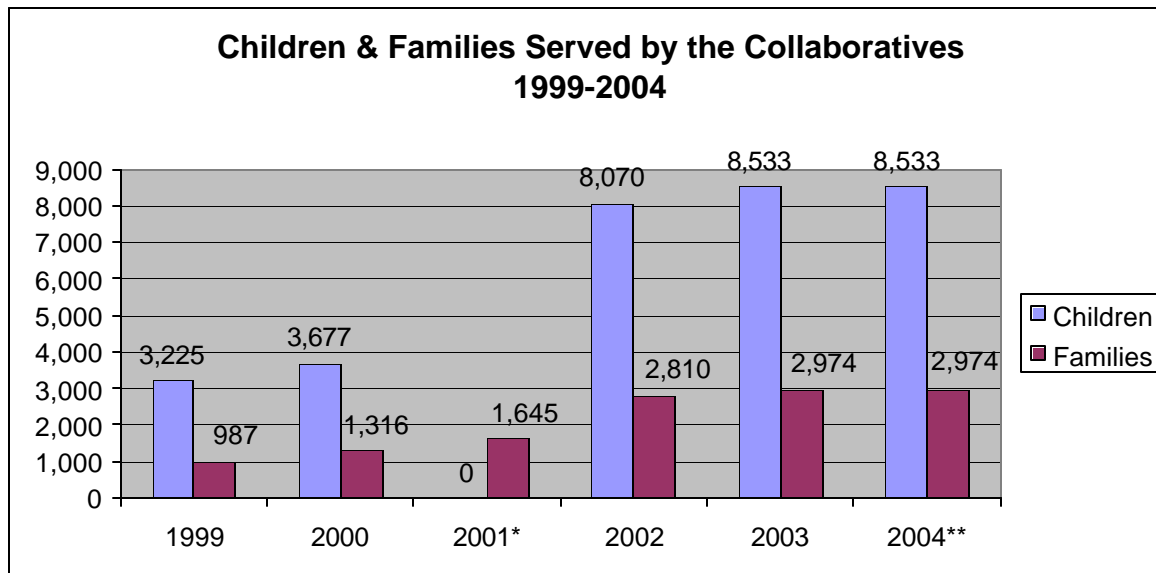
In that regard, it is worth noting that the decrease in case filings coincides with the Child and Family Services Agency's assumption of responsibility for child abuse cases. Prior to 2001, under the city's bifurcated system, child abuse cases were investigated by the Metropolitan Police Department and handled by the Superior Court's Division of Court Social Services; the Child and Family Services Agency handled only child neglect cases. One result of ending this bifurcation of responsibility, according to CFSA, is that fewer children are being removed from their homes because social workers are trained to do risk assessments and offer social work services and solutions that can keep children safely at home. Metropolitan Police Department officers did not have the training or resources to provide such services to families and children.

Approximately 35% of the Child and Family Service Agency's caseload consists of cases in which the child is not removed from home and the court is not involved.⁷⁸ One other resource which might account for the decline in court case filings is the recently increased capacity of the city's seven Healthy Families/Thriving Communities Collaboratives, with which CFSA contracts. The Collaboratives are nonprofit civic organizations that provide neighborhood-based services to families and children in need. They are described more fully in Appendix B.

⁷⁸ Testimony of Olivia Golden, Director of the Child and Family Services Agency, before the DC Council, Committee on Human Services, October 22, 2003, at 10.

Data from DC Action for Children's 2003 annual *What's in it for Kids?* Report show that the number of children and families being served by the Collaboratives has increased dramatically since 1999.⁷⁹ These data are summarized in Figure 26 below.

Figure 26



Source: *DC Action for Kids – 2003*

*Data on the number of children served by the Collaboratives are unavailable for 2001.

**According to DC Action for Children, the figures for FY 2004 represent CFSA's view that the service levels will not increase significantly.

Though providing services without court intervention is theoretically good social work practice, in keeping with ASFA's mandate to make reasonable efforts to prevent the removal of children, some system stakeholders have expressed concern about the level of monitoring that those cases receive. Some worry about the level of agency supervision of non-court-involved cases and about the agency's capacity to monitor the Collaboratives' quality of service. According to some interviewees, the quality of the services provided by the Collaboratives depends upon the particular collaborative: "some are stronger than others." In fairness, it should be pointed out that non-court cases are subject to external review by the CFSA monitor, the Center for the Study of Social Policy. The implementation plan designed to bring CFSA into compliance with the LaShawn A. Modified Final Order contains goals for in-home cases regarding visitation, case plans, and service requirements that are monitored monthly by the CFSA monitor. In addition, CFSA includes in-home cases in its quality assurance reviews.⁸⁰

The District of Columbia is not alone in seeing a decline in child neglect and abuse court case filings. According to the National Council of Juvenile and Family Court Judges, other urban

⁷⁹ *What's in it for Kids: A Budget and Policy Analysis for the District of Columbia, FY 2004*, DC Action for Children, September 2003, at 23.

⁸⁰ Some in-home cases were part of a quality service review conducted by a team of national experts in the fall of 2003.

jurisdictions that have adopted the type of social-services-oriented approach CFSA is following have also experienced a drop in child abuse and neglect court case filings. These jurisdictions include Chicago, Los Angeles, Louisville, and Nashville.

D. Children in Both the Neglect and Juvenile Systems

Studies conducted in various jurisdictions consistently find high rates of juvenile delinquency among children who have spent time in foster care. In a Milwaukee study, 66% of male juvenile offenders previously had been victims in substantiated reports of neglect or abuse.⁸¹ In a three-state study, the proportion of juvenile offenders who had been victims of neglect or abuse ranged from 29% in Virginia, to 45% in Colorado, to 53% in Nevada.⁸² Given the poor performance of the District's child welfare system until recently, it is likely that many children now in the city's juvenile delinquency system are unfortunate products of the foster care system.

The Family Court reports that there are currently 60 children who are in both systems ("dual jacketed"). However, this figure does not count children whose neglect case was consolidated with the juvenile case and then closed because the child was adjudicated "involved" and committed to the city's Youth Services Administration, nor does it measure the children who may have exited the foster care system and then subsequently entered the juvenile delinquency system.

The District's juvenile justice system is in crisis. Like the child welfare system, the juvenile justice system has been operating under a court-ordered consent decree for many years, but unlike CFSA, there is little evidence of a plan to improve the system. It is time to critically examine the juvenile justice system to identify how many children, failed by the child welfare system, are being failed again by the juvenile justice system, and then to make every effort to rehabilitate those children and let them reclaim productive lives.

⁸¹ Pawaserat, J. 1991. *Identifying Milwaukee Youth in Critical Need of Intervention: Lessons From the Past, Measures for the Future*. Milwaukee, WI: University of Wisconsin Employment and Training Institute, at 1–12.

⁸² Wiebush, R., McNulty, B., and Le, T. 2000. *Implementation of the Intensive Community-Based Aftercare Program*. Bulletin. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

APPENDIX A: METHODOLOGY

This report assembles and analyzes the most current information available on the DC child welfare system's compliance with the federal and DC Adoption and Safe Families Act, and the Family Court Act of 2001. CCE obtained all quantitative data from a review of child abuse and neglect Family Court case files. CCE also obtained information from observation of child abuse and neglect Family Court proceedings. In addition, CCE conducted interviews, focus groups, surveys, and site visits. The use of multiple information gathering techniques enabled CCE to verify and cross-check the validity of the data.

I. Case File Review

A. CCE Sampling Strategy

CCE reviewed 1,708 of the total 7,625 child abuse and neglect case files for children entering the DC child welfare system from January 1, 1998 through June 30, 2003. A power analysis¹ guided the sampling strategy that was used to obtain the final randomly selected sample of cases to be included for case file review: approximately 300 cases for each of the six years (See Figure A1). This rigorous sampling strategy enabled CCE to produce data results with a 95% confidence level and a 5% confidence interval. In other words, the sample produced the true value 95% of the time plus or minus 5 percentage points.

Figure A1: CCE Sample of Cases

| | Total Child Neglect and Abuse Cases Filed | Sample Needed for 95%Conf. Level +/- 5% | Actual # of Cases Obtained for Sample | Difference Between Needed and Obtained | % of Needed Sample that Was Obtained |
|---------------|--|--|--|---|---|
| 1998 | 1685 | 313 | 305 | -8 | 97% |
| 1999 | 1460 | 304 | 309 | +5 | 102% |
| 2000 | 1417 | 302 | 326 | +24 | 108% |
| 2001 | 1490 | 306 | 328 | +22 | 107% |
| 2002 | 1105 | 285 | 298 | +13 | 105% |
| 2003 | 468* | 203* | 142 | -61 | 70% |
| Total: | 7625 | 1713 | 1708 | -5 | 99.71% |

* CCE sampled only those cases filed through June 30, 2003

¹ Studies with a high statistical power are very likely to detect the effects of treatments, interventions, or, for CCE's purposes, a legislative change.

As shown in Figure A1, there was a slight over-sampling of cases filed in 1999, 2000, 2001 and 2002, and a slight under-sampling of cases filed in 1998 and 2003. The under-sampling of 2003 cases is not a concern, as a large number of cases remain open for that year, and most had not reached the relevant benchmarks measured in this study. Thus, results from 2003 are interpreted cautiously in this report, and provide only supplemental information.

CCE studied the children for each of the six years as six separate groups or “cohorts” based upon their date of admission into the system. This “admission cohort” sampling approach allowed the study to track children entering the child welfare system in the same year throughout their child welfare experience and allowed for comparison over time. CCE was particularly interested in analyzing the impact of the DC Adoption and Safe Families Act, effective in 2000, and the DC Family Court Act, which became effective in 2002. Thus, CCE analyzed three time periods:

- Pre-DC ASFA and Pre-FCA – 1998 and 1999;
- DC ASFA Implementation – 2000 and 2001, the initial Adoption and Safe Families Act implementation period; and
- DC FCA Implementation – 2002 and 2003, continued ASFA implementation and the Family Court Act implementation period.

The case file review process lasted approximately eight weeks. During that time CCE researchers pulled case files from the Juvenile/Neglect Branch Clerk’s Office based upon a list of randomly selected cases. The researchers then coded relevant information from the file on a pre-designed form. The random sample included all open, closed, and “not petitioned” cases. Inevitably, many files were in transit during the review period, creating the need for a replacement strategy. Researchers routinely checked for cases returned and the Clerk’s Office staff provided assistance in locating files. If a particular file could not be located, the researcher pulled the immediate next case filed.²

The child neglect and abuse hard-copy case files provide a complete picture of the child’s journey through the Family Court only if the child is reunited with his or her family or stays in foster care until aging-out of the child welfare system. However, if a child reaches a permanent home through termination of parental rights and adoption, guardianship, or custody, the Family Court opens a separate case file to handle these proceedings. CCE did not have access to these separate case files. Therefore, unless the original child neglect or abuse case file included a reference to the existence, progress, and outcome of those separate related cases, CCE’s study was unable to track the child through to permanency.

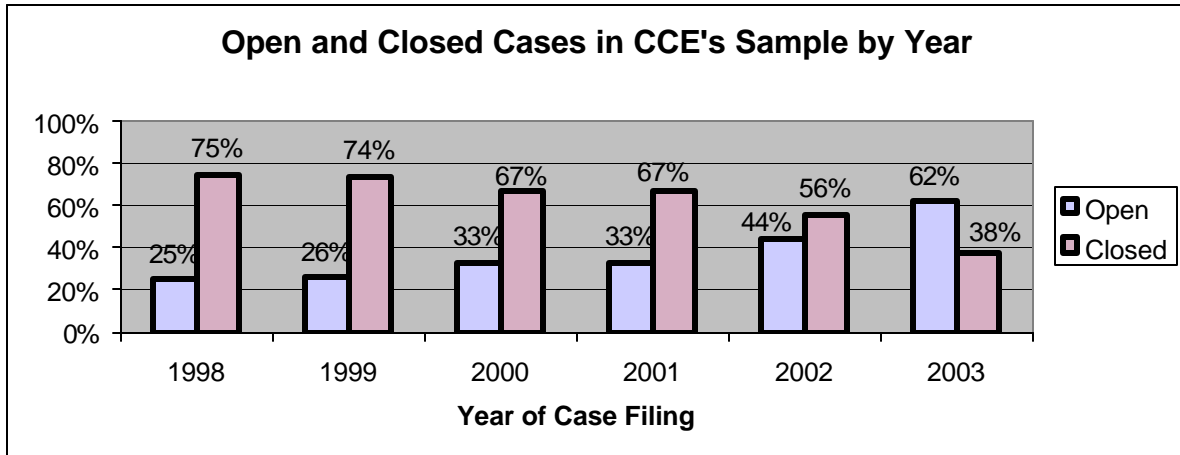
In addition, CCE used a check-coding process to ensure the accuracy of the coding. Approximately 25% of the original sample was re-coded by a different researcher. The two forms were then compared to one another. Forms from the entire sample of cases were also reviewed to ensure that coders did not miss information. These strategies were useful because of the challenge that lengthy case files present in finding relevant information and recording it accurately.

² For example: If N841-02 did not appear, the researcher pulled and coded N842-02.

B. Description of the Case File Review Sample

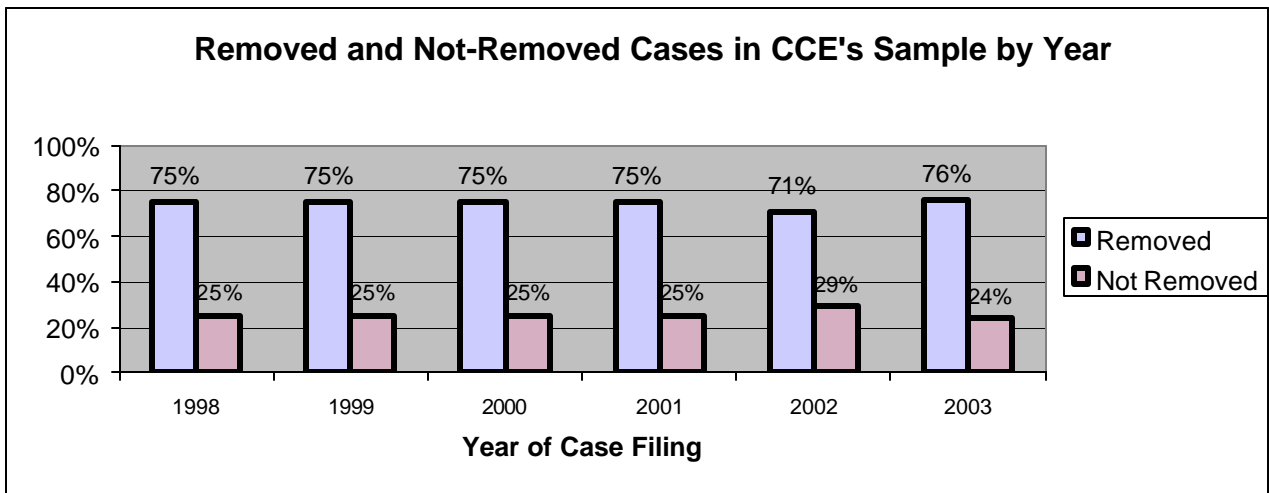
The random sample of cases CCE reviewed from each admission cohort included cases still pending or open, and cases that had been closed. Figure A2 below shows the percentage of open and closed cases from each year's sample.

Figure A2



Each admission cohort sample also included cases in which the child had been removed from his or her home and cases in which the child was allowed to remain in the home. Figure A3 shows the percentage of "removed" and "not removed" cases from each year's sample. The percentages are stable from year to year, with 75% of cases involving children who have been removed from their homes and the remaining 25% of cases involving children who remained at home. This finding is the result of random sampling, and thus represents an interesting feature of the larger population of children with cases before the Family Court

Figure A3



C. Case Sample Demographic Information

Figure A4 shows the age distribution, at the time of CCE's research, of the 593 children in CCE's case sample whose Family Court cases are still open. CCE's case file review teams were unable to determine the date of birth for 14 children with open cases.

Figure A4

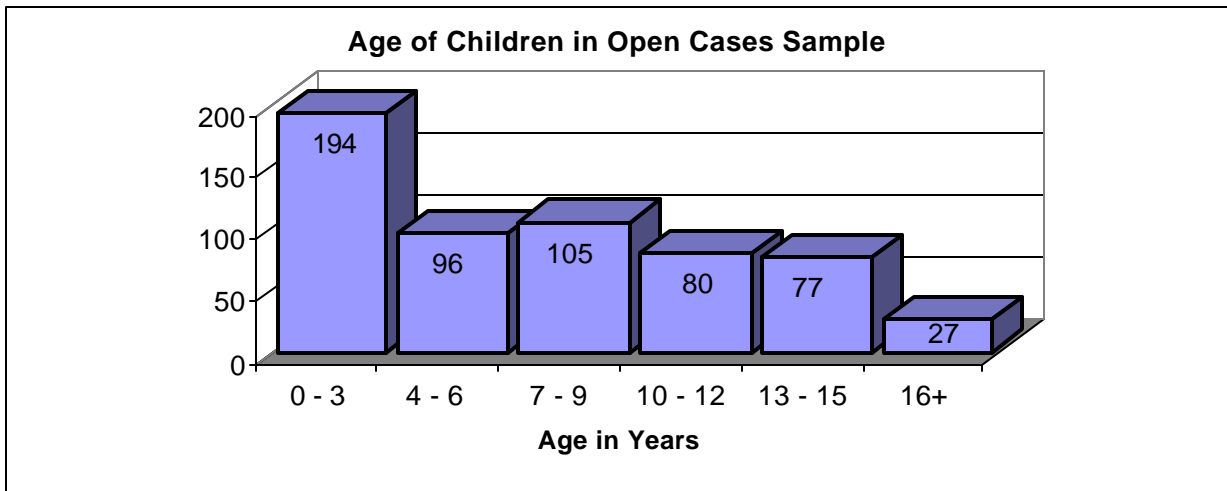
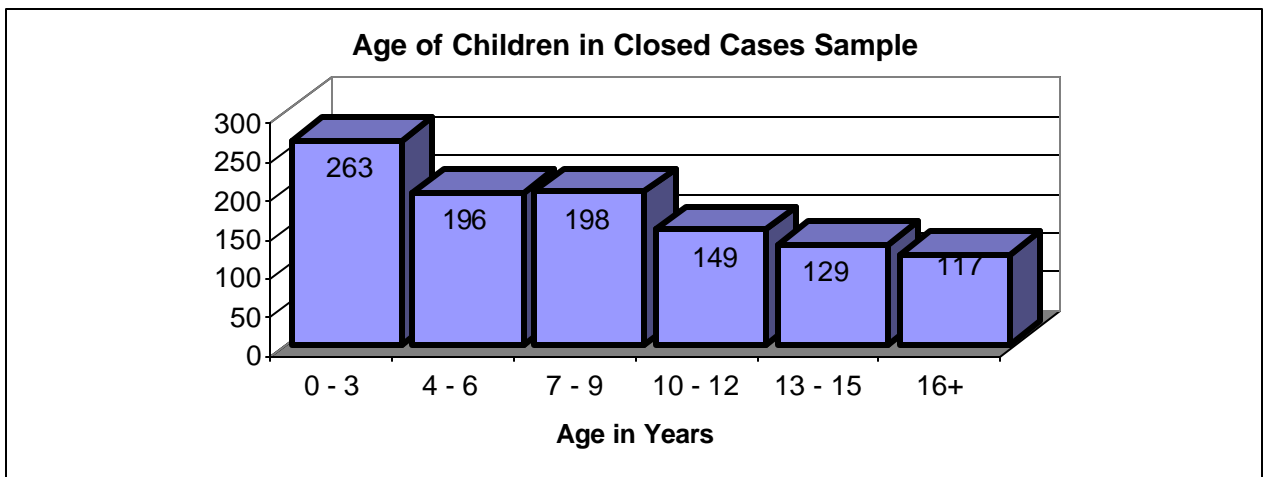


Figure A5 shows the age distribution, at the time of case filing, of the 1115 children in CCE's case sample whose cases in Family Court had been closed. CCE was unable to determine the date of birth for 63 children with a closed case.

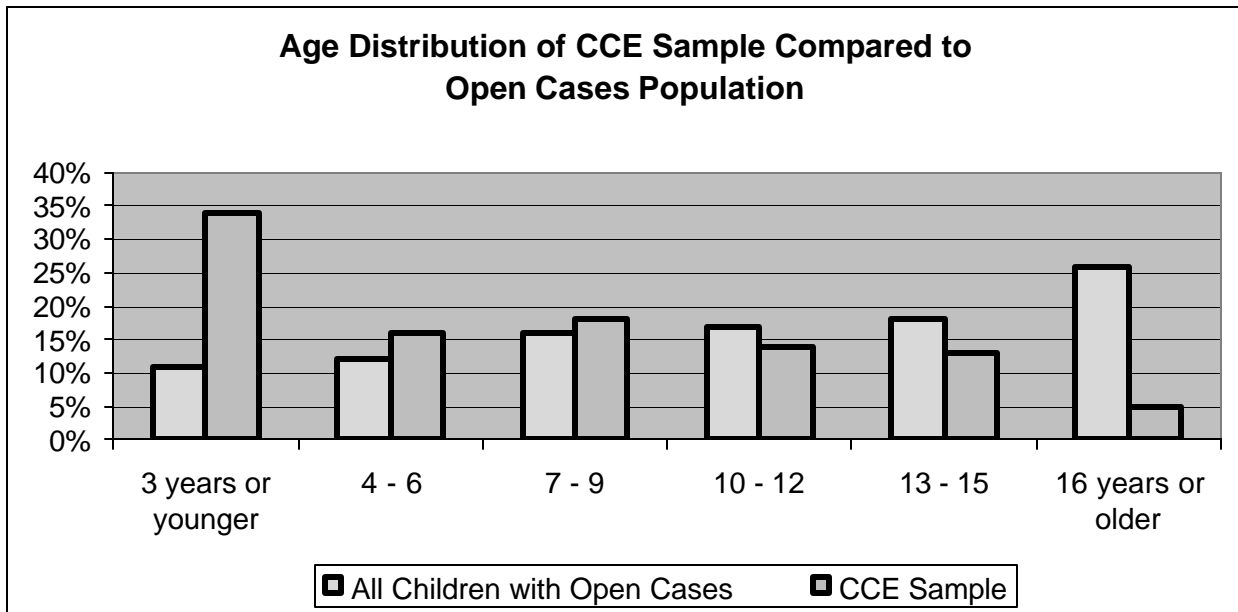
Figure A5



The age distribution of CCE's sample is the result of the research design of the study. CCE reviewed only cases that entered Family Court from 1998 to 2003. Thus, CCE is unable to report information on cases that entered prior to 1998. Because children are more likely to be younger when they enter the child welfare system, CCE's sample is weighted in favor of a

younger sample of the larger population of children. This limitation presents particular difficulty in quantifying information on older children and the permanency goal of “another planned permanent living arrangement,” as CCE’s sample did not include many children in that subpopulation. Figure A6 illustrates the differences between CCE’s sample and the whole population of children with open cases in the Family Court.

Figure A6



II. Court Observations

CCE also observed 352 child abuse and neglect court proceedings between October 14 and November 16, 2003. CCE obtained the neglect hearing calendar from the Clerk’s Office of the Family Court approximately two times per week. Initial hearings are not scheduled in advance, but are assigned to the morning or afternoon session. CCE was in contact with the Clerk’s Office daily to find out whether any initial hearings were being held that day. From the hearing schedule, CCE designed a daily schedule assigning researchers in pairs to a particular judicial officer. Generally, pairs were assigned to a judicial officer for a morning session or an afternoon session. Research pairs rotated among the judicial officers, and the composition of the teams changed between the morning and afternoon sessions to control interrater reliability.

Each member of the team took a pre-designed form into the courtroom and coded information he or she observed. After the hearing, the two researchers compared forms and reconciled any differences. If the two disagreed about a particular observation, they coded the situation from which the disagreement arose on the form in detail.

Because magistrate judges have dedicated neglect calendars, but associate judges have alternating calendars (one week of Neglect hearings, and then one week of Domestic

Relations or Juvenile hearings), CCE attempted to observe associate judges whenever one was hearing a neglect case. This strategy enabled CCE to observe all magistrate and associate judges holding neglect hearings. CCE observed an average of 11 hearings per associate judge,³ and an average of 22 hearings per magistrate judge.⁴ Figure A7 illustrates the number of hearings CCE observed by hearing type and the average length of hearing by hearing type.

Figure A7: CCE Court Observations

| Type of Hearing | Number of Hearings* | Number of Different Judicial Officers Observed | Average Duration of Hearing (hours:minutes) | Maximum Duration (hours:minutes) | Minimum Duration (hours:minutes) |
|------------------------|---------------------|--|---|----------------------------------|----------------------------------|
| Initial | 13 | 3 | :50 | 1:23 | :20 |
| Further Initial | 3 | 3 | :45 | 1:30 | :15 |
| Status | 13 | 10 | :20 | :40 | :05 |
| Adjudication | 2 | 2 | 2:46 | 4:25 | 1:07 |
| Disposition | 10 | 6 | :44 | 1:20 | :10 |
| Permanency | 271 | 22 | :35 | 2:20 | :01 |
| Show Cause | 3 | 2 | :18 | :30 | :07 |
| Adoption | 4 | 2 | :55 | 1:23 | :15 |
| Guardianship | 3 | 1 | :23 | :25 | :21 |

* Observers were unable to determine hearing type for the remaining 30 hearings not found on this chart

Most of the hearings observed, 271, were permanency hearings, both because permanency hearings occurred more frequently than any other type of hearing and because CCE was interested in determining whether the system is focused on the prompt, permanent placement of children. While the court observation sampling strategy does not yield statistically valid results, the observations provided valuable information regarding current practice in Neglect proceedings.

In addition to hearings observed, CCE attempted to observe a total of 46 hearings that were scheduled but not held. Most frequently (for 15 hearings), the research team arrived for the hearing, but was unable to determine why the hearing did not go forward. In seven cases, the team was able to speak with the Courtroom Clerk to discover that the hearing had been continued to a later date. In 12 cases, the court held the hearing that appeared on the schedule but the hearing was not a neglect case. Twelve of the cases did not go forward because of scheduling issues (e.g. the Court was in trial, the judicial officer was unable to appear).

³ A low of 2 hearings and a high of 28 hearings.

⁴ A low of 13 hearings and a high of 32 hearings.

III. Other Data Collection Methods

A. Focus Groups

CCE also conducted eight focus groups with various system stakeholders: biological and kinship parents, foster and adoptive parents, associate judges, magistrate judges, Assistant Corporation Counsels, private attorneys (members of the DC Superior Court CCAN Bar), adolescents age 15-17, and adolescents age 18-21. The adolescents who participated in the focus groups received one \$25 gift certificate to a music store; no other participants were compensated. Each focus group session lasted one hour and ranged in size from 2 to 11 participants. CCE held the focus groups at the most convenient location for the particular group – judicial officer and private attorney focus groups were held at DC Superior Court, Assistant Corporation Counsel and adolescent focus groups occurred at Child and Family Services Agency, and foster and biological parent groups were held at Catholic Charities. CCE was unable to organize a CFSA social worker focus group, and instead conducted an interview of four supervisory social workers to obtain information about social worker experiences.

B. Surveys

CCE conducted written surveys of the Family Court clerks to gauge reactions to the various changes resulting from the implementation of the Family Court Act. CCE designed the forms and distributed the survey to all Family Court Courtroom Clerks and Deputy Clerks from the Juvenile and Neglect Branch clerk's office. The overall return rate for the surveys was 30%.

C. Interviews

CCE obtained additional information from interviews of the leadership of the Family Court, Child and Family Services Agency, and the Office of Corporation Counsel. In addition, the Center for the Study of Social Policy provided CCE with extensive background information and quantitative data on the District's child welfare system.

Because the Benchmark Permanency Project reaches only a small population of children, CCE conducted phone interviews with 25 attorneys representing children involved with the pilot program. The attorneys answered approximately eight questions related to their experiences with the program.

CCE also conducted phone interviews with six of the seven executive directors of the Healthy Families/Thriving Communities Collaboratives.

D. Site Visits

The Family Court provided CCE with a demonstration of the Court's Integrated Justice Information System (IJIS). The Child and Family Services Agency also provided a demonstration of its information system, FACES. CCE interviewed the Office of the Chief Technology Officer about Safe Passages, the Mayor's computer system intended to integrate

IJIS with the information systems of the city's social service agencies, including FACES. With the exception of listings of scheduled hearings from mid-October to mid-November 2003, CCE did not receive any computerized data or data reports from the Family Court's recently installed Integrated Justice Information System, CourtView.

CCE made a field trip to the Family Court Treatment Center for drug-addicted mothers whose children are in the neglect system. During the trip, CCE took a tour of the facility and interviewed staff about the day-to-day activities of the women and children involved with the program. CCE attended the Family Treatment Court's first graduation ceremony held at the Nineteenth Street Baptist Church. CCE also spent time observing hearings within the Family Court's special projects – the Family Treatment Court and the Benchmark Permanency Hearings.

APPENDIX B:

THE HEALTHY FAMILIES/THRIVING COMMUNITIES COLLABORATIVES

As the Child and Family Services Agency becomes more focused on prevention and early intervention, the city's seven Healthy Families/Thriving Communities Collaboratives have become an important resource. The Collaboratives are nonprofit civic organizations that CFSA contracts with to provide neighborhood-based services to families and children in need.

Information on each of the seven Collaboratives is presented in this Appendix. Additional information is available at www.dccollaboratives.org.

Georgia Avenue/Rock Creek East Family Support Collaborative
1104 Allison Street, NW 4422 Georgia Avenue, NW
Washington, DC 20011 Washington, DC 20011
Phone: (202) 722-1815
Fax: (202) 722-4561 Fax: (202) 722-0041

Executive Director: Karen Feinstein

Mission: “To work with community-based organizations and residents to help children, youth and families become healthy by choice, empowered by knowledge, and connected to community support.”

Services Provided: Intake and assessment, information and referral, crisis intervention, intensive case management, family team meetings, linkage to housing, employment, and job training, visitation and other supports aimed at family reunification, aftercare services to youth aging-out of the child welfare system, support groups for parents and caregivers, parent education classes, and partnership development. All services are offered both on-site and through home and collateral visits.

Neighborhood Served: Ward 4 and part of Ward 1.

Partnership with CFSA: The Collaborative has a contract with CFSA to serve families with open abuse or neglect cases as well as families that are “at-risk” for abuse or neglect. CFSA refers a minimum of 20% of the Collaboratives total cases each year. In open cases, the CFSA social worker is paired with a family support case worker who assists with home and collateral visits, housing issues, service linkage, and concrete needs such as clothing, food, utilities, etc. Staff communicate with CFSA as needed regarding the progress of “at-risk” families including the need to “Hotline” the case.

Community Partners: Peoples Congregational Church, Change, Inc., Plymouth Congregational Church, Emory Beacon of Light, the Israel CME Church Care and Share Program., First Home Care, the STEP Foundation Dreamers Program., the Community Partnership for the Prevention of Homelessness, Housing Counseling Services, McFarland Middle School, Brightwood Elementary School, Park View Elementary School, the Maya Angelou Public Charter School, New Commandment Baptist Church, Zion Hill Baptist Church, Emery Recreation Center, Petworth Assembly, Lutheran Social Services, Community Academy Public Charter School, Transitional Housing Corporation.

Staff: 16 staff members including at least 3 licensed social workers and 6 family support workers with extensive experience in child welfare. Four members of the staff speak Spanish in addition to English.

Case Capacity: In 2003, the Collaborative managed the cases of 240 families. The average length of service per case is 10 and ½ months.

Information Tracking & Sharing: The Collaborative shares aggregate statistics with CFSA on a monthly and quarterly basis. Information sharing is usually done outside of FACES, because the Collaborative is experiencing problems with this system. Once services have been provided and the case is closed, the Collaborative no longer tracks the family. There is no means of determining whether families served by the Collaborative later enter the child abuse and neglect court system.

Case Closure: A case is closed when risk for abuse or neglect is reduced from high to low, the family is stabilized, the family’s goals have been accomplished, the family reunifies, or the family refuses/does not comply with services.

Edgewood/Brookland Family Support Collaborative

1345 Saratoga Avenue, NE, #2

Washington, DC 20018

Phone: (202) 832-9405

Fax: (202) 832-9401

Executive Director: Louvenia Williams

Mission: “To create an infrastructure that supports and strengthens all of the members of the community--individually and collectively. Working from a strength-based focus and through the service efforts of residents and other community stakeholders, [the collaborative] will ensure that all of the community members are healthy and thriving.”

Services Provided: Mental health and counseling (referrals, transportation, on-site counseling), food (food pantry, vouchers), transportation (token, fare cards, bus passes, company vehicles), homemaker assistance (Fresh Start household maintenance program), youth recreation/mentoring (referrals, Beacon House programs, Girl Scouts, Boy’s Group, Girl’s Group), and utilities assistance (referrals, funding, information on programs).

Neighborhood Served: Residents of Ward 5 and a portion of Ward 6.

Partnership with CFSA: The Collaborative has a contract with CFSA to provide neighborhood-based services. CFSA refers families when abuse and neglect allegations are found to be unsubstantiated but the family is at-risk.

Community Partners: The collaborative has a contract with Community Partnership for the Prevention of Homelessness, funded by the Department of Human Services. Families are often referred to the Beacon House Community Ministry, which currently serves about 300 children.

Staff: The 29 member staff includes social workers with various social work degrees and family support and outreach workers.

Case Capacity: Information and referral services are provided for about 200 families per month

Information Tracking & Sharing: CFSA shares information on cases it refers. The Collaborative enters information on these cases into FACES. There is no means of determining whether families served by the Collaborative later enter the child abuse and neglect court system.

Case Closure: Services are discontinued and the case is closed when the family has been stabilized. In general, CFSA cases remain open from 6 months to 2 years. Non-CFSA cases generally close within 30 days to 1 year.

East River Family Strengthening Collaborative
John A. Wilson Resource Center
3732 Minnesota Avenue, NE
Washington, DC 20019
Phone: (202) 397-7300
Fax: (202) 397-7882

Executive Director: Mae Best

Mission: "To strengthen family functioning by reducing the risk and incidence of child maltreatment; and to improve the viability of neighborhoods as nurturing environments by promoting integrated service delivery. ERFSC achieves the objectives of its mission by improving child safety, preventing child placements in foster care, reducing the incidence of child maltreatment and improving neighborhood capacity to care for its children."

Services Provided: Respite care, emergency and transitional housing, father to family support, adolescent services, substance abuse treatment and support, parenting programs, day care, housing assistance, and financial literacy information sessions.

Neighborhood Served: Residents of Ward 7. Many cases come from residents within four public housing developments and surrounding areas: East Capitol Dwellings, Lincoln Heights, Benning Terrace, and Stoddert Terrace.

Partnership with CFSA: The Collaborative has a contract with CFSA to provide services to the community. Families referred by CFSA include those diverted at intake, as well as families with open abuse and neglect cases. The Collaborative's case manager, the CFSA social worker, and the family discuss goals and objectives. The goal is to have constant communication between the Collaborative and CFSA, so that the social workers work in unison.

Community Partners: The Collaborative is an expansion of the Child Welfare Working Group of the Rebuilding Communities Initiative spearheaded by Marshall Heights Community Development Organization.

Staff: The Collaborative has 2 supervisors, and 5 full-time caseworkers who have college degrees. One caseworker has a master's degree in social work. Most have prior social work experience.

Case Capacity: Each month, East River manages about 93 to 98 active long-term cases. In November 2003, the collaborative provided assistance to 132 families and offered information and referrals to many more.

Information Tracking and Sharing: The Collaborative strives to maintain communication with CFSA. Case Managers provide periodic reports to keep a record of services provided. Once the case goals are met and the case is closed, the collaborative no longer tracks the family.

South Washington/West of the River Family Strengthening Collaborative

1501 Half Street, SW #31

Washington, DC 20024

Phone: (202) 488-7997

Fax: (202) 488-7441

Executive Director: Samuel Tramel

Services Provided: Counseling and crisis intervention, domestic violence workshops, family case conferences, individual and/or family therapy, information and referral services, job training and placement assistance, parent support groups, financial management, substance abuse services, and tutorial services. Onsite services also include educational support (GED) and case management.

Partnership with CFSA: The collaborative is under contract with CFSA to provide prevention and intervention services in the community.

Staff: The Collaborative has about 15 staff members who have “experience in helping people.” The “staff ranges from residents to Ph.Ds.”

Case Capacity: The Collaborative serves an estimated 12 to 13 families each month totaling about 140 families each year. The Collaborative receives about 500 information and referral cases per year.

Information Tracking and Sharing : There is no means of determining whether families served by the Collaborative later enter the child abuse and neglect court system.

Case Closure: Once a family’s goals are met, services are discontinued and the case is closed.

North Capitol Area Healthy/Families Thriving Communities Collaborative

**1190 First Place, NW
Washington, DC 20001
Phone: (202) 898-1800
Fax: (202) 898-1805**

**113 Q Street, N.W.
Washington, DC 20001
Phone: (202) 299-0031
Fax: (202) 299-9809**

Executive Director: Charon Ellis

Services Provided: Case management, financial planning, visitation services, after care support services for youth aging out of foster care system, support services and financial assistance to foster parents, certified parenting education classes, weekly parent support groups, support services for fathers, conflict resolution, and family mediation. The Collaborative also refers families to its community partners for mentoring, tutoring service, mental health and substance abuse treatment.

Partnership with CFSA: The Collaborative has a contract with CFSA to provide families with prevention and intervention services to reduce child abuse and neglect. Case managers conduct home visits, at a monthly minimum, contingent upon risk level of case. Weekly home visits with families are mandated for high-risk cases. Otherwise, contacts are made by phone. Open CFSA cases are usually served by the Collaborative from 90 days to 1 year.

Community Partners: Walker-Jones Elementary, Walker-Jones Health Clinic, Perry School, Covenant House for Youth, Victory Outreach, Associates for Renewal in Education, Harry Thomas Center, So Other Might Eat, Catholic Charities, Boys & Girls Club, Edgewood Civic Association, Father McKenna Center, Northwest Church Family Network, North Capitol Neighborhood Development Center, Community Family Life Services, Center City Community Corporation, Circle of Hope, World Missions Extension Outreach Center, Terrell Junior High School, Salvation Army, Jubilee Jobs, St. Martin's Catholic Church, Northwest Cooperative Homes, City Lights, various tenant and civic associations and other community partners.

Staff: The Collaborative has 18 staff members including two individuals with a Master's degree in social work, a certified addiction counselor, three individuals with bachelor's degrees, and four others with Master's degrees in areas such as community development, accounting, and business.

Case Capacity: Community Cases: 70 families; Foster Parent Support: 10 families; Family Group Decision Making: 10 families; Supportive Case Management: 45 families; Visitation Services: 10 families; Parent Education Training: 30 parents; and Aftercare: 15 youths.

Information Tracking and Sharing: Case managers keep records of all home visits, meetings and case notes are housed on-site at the North Capitol facility. The Collaborative has an automated tracking system to keep a record of all clients served.

Case Closure: Once services have been provided and the case goals have been reached, the family is given written notification that the case will be closed.

Far Southeast Family Strengthening Collaborative, Inc. (FSFSC)

2401 Martin Luther King Jr., Avenue, SE, Suite 304

Washington, DC 20020

Phone: (202) 889-1425

Fax: (202) -889-2213

Executive Director: Carmen Robles-Gordon

Services Provided: Through linkages with other community-based organizations, FSFSC provides mental health, substance abuse treatment service, food and clothing banks, emergency assistance sources, training, and employment. A considerable amount of time is also spent working with area property managers and utility companies to assist families with housing needs, including apartment searching, assisting families with housing applications, negotiating with landlords or utility companies, and advocating for service delivery.

Neighborhood Served: Residents of Ward 8.

Partnership with CFSA: The Collaborative has contracted with Child and Family Services Agency (CFSA) since 1997 to provide community-based child welfare and family support services, capacity building, and prevention, and intervention services

Neighborhood Partners: Catholic Charities of Washington, DC, Matthews Memorial Baptist Church, and Sasha Bruce Youth Works, Addiction Prevention and Recovery Administration, Hart Middle School, DC Public Schools, the Partnership for the Prevention of Homelessness, the Center for Mental Health, United Planning Organization, Bread for the City, Covenant House Washington, and several real estate property managers, and community based organization.

Staff: The Collaborative's thirty-two member staff (which includes staff of our partner network) includes several licensed social workers, MSWs, certified addiction counselors, and others with various professional degrees and/or training.

Case Capacity: Approximately 130 cases per month. Of this number, about 50% are referred by CFSA.

Case Tracking: Since February 2001, the Collaborative has been using a database system to track families served and compliance with the citywide practice standards manual. Once the case is closed, the collaborative no longer tracks the family and it is unable to determine whether a case is subsequently filed as a court case (without specifically asking CFSA).

Case Closure: The collaborative discontinues services in accordance with criteria outlined in the Healthy Families Thriving Communities Collaboratives Practice Standards Manual, which specifies: (1) reduction of risk from high to low, (2) achievement of the family's goals, as represented in the case plan, (3) stabilization of the family, (4) family relocates to another collaborative area, (5) family reunifies with children, or (6) family refuses services or does not comply with the service plan.

Comments: During the past two years, the Collaborative has experienced a significant upswing in demand, and in FY2003, it was forced to close intake at least three times, when it reached full capacity. On average, a family is served approximately three (3) to six (6) months, depending on risk level of case or family need.

Columbia Heights/Shaw Family Support Collaborative
1816 12th Street, NW, 2nd Floor
Washington, DC 20009
Phone: (202) 518-6737
Fax: (202) 518-6742

Executive Director: Marion Uguilla

Mission: To prevent child abuse and neglect, help families in need, and build a family support network in Columbia Heights and Shaw.

Services Provided:

Family Support: provide home visitation to first time parents and promote health parent/child interaction; support groups for parents, creativity workshops for children, comprehensive information and referral service.

Family Preservation: short-term counseling, clinical assessment, home visitation, case management, advocacy, and family case conferencing.

Capacity Building: ongoing training, clinical supervision, crisis support, and technical assistance to agency partners.

Neighborhood Served: the Northwest quadrant of the city which includes the highest density of Latino and Vietnamese residents and the largest concentration of subsidized housing stock.

Partnership with CFSA: The Collaborative contracts with CFSA to provide services to children and families.

Community Partners: Calvary Bilingual/Multicultural Learning Center, Change Inc., Columbia Heights Youth Club, For Love of Children, Health Families DC, Latin American Youth Center, Neighborhood Job Initiative, Northwest Family Center, Sister to Sister/Hermana a Hermana and many others.

Staff: The Collaborative has a skilled staff of licensed professionals including a clinical psychologist, licensed clinical social workers, a certified addiction counselor, and highly trained and community savvy paraprofessionals referred to as “support workers.”

Case Capacity: Unknown

Information Tracking & Sharing: Unknown

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