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**SUMMARY D.C. BAR FAMILY LAW SECTION
 POSITION ON
D.C. FAMILY COURT LEGISLATION**

The Steering Committee of the Family Law Section has drafted a position paper in response to legislation drafted by Congressman DeLay that would establish a separate "Family Court" in the District of Columbia. The statement was prepared primarily by Margaret J. McKinney, co-chair of the Steering Committee, with the assistance of Garrett L. Lee, and Kala Shah. Input was received from the entire Steering Committee and at least six other members of the Family Law Section. The Family Law Section does not support the establishment of a separate "Family Court." The reforms being crafted by the Superior Court promise a faster, less expensive, more comprehensive, and more flexible response to meeting the needs of the city's most vulnerable children and families than would be possible if we were to start from scratch by creating a separate new court entitled a "Family Court."

- Many of the problems with the system are with other city agencies and entities that need similar reform. The court is only one small part of a larger system.
- A separate court, entitled a "family" court is likely to become a "lesser" court.
- A separate court is likely to create significant additional administrative expense without providing a direct and immediate benefit to the city's children.
- There are too many open child abuse and neglect cases in the Superior Court. The Superior Court is committed to promptly dedicating additional judicial resources to address the needs of the children who have been in the abuse and neglect system too long.
- Creating a separate stand-alone court to address the short-term problem would not be a productive use of resources.
- The DeLay proposal fails to address the many other family division cases that would be dramatically affected by transfer to a separate court.
- The Family Law Section urges focus on public oversight and accountability of the city's child abuse and neglect system.

The Family Law Section supports a combination of administrative and legislative reforms that would change the existing Family Division of the Superior Court including: expansion and better funding of the current Family Division; appointment of Family Division Magistrates and more judges to handle abuse and neglect and other Family Division proceedings; a collaborative team approach to case management and reviews of abuse and neglect proceedings with strong support staff; improved and more extensive mediation services; reduced demands on social worker time for attendance at court hearings; additional funding resources to ensure that at least a few staff attorneys are assigned to the Family Division and for an overhaul of the computer system; extensive training for all participants in the system; longer judicial assignments to the Family Division; larger courtrooms and hearing rooms, a waiting room, and conference rooms for attorneys, mediators, and social workers, in a centralized location within the courthouse.

The views expressed herein represent only those of the Family Law Section of the District of Columbia Bar ("Family Law Section") and not those of the D.C. Bar or of its Board of Governors.

**D.C. BAR FAMILY LAW SECTION POSITION ON
D.C. FAMILY COURT LEGISLATION**

The views expressed herein represent only those of the Family Law Section of the District of Columbia Bar ("Family Law Section") and not those of the D.C. Bar or of its Board of Governors.

The Family Law Section of the District of Columbia Bar does not support a separate "Family Court". The Family Law Section supports a combination of administrative and legislative reforms that would change the existing Family Division of the Superior Court of the District of Columbia in the following ways:

1. Expansion and better funding of the current Family Division.
2. The Family Law Section supports a proposal that provides for at least one additional judge and a number of Family Division Magistrates with enhanced judicial authority to adjudicate cases in the abuse and neglect branch. We support assignment of additional judges to handle TPRs and adoptions, and to serve as back up to the existing judge positions in emergencies and other matters. If the proposal were in the form of legislation, the legislation would need to provide flexibility to ensure that judges could be moved as caseload demands change.
3. Additional judges and magistrates for other branches of the Family Division.
4. Family Division Magistrates and judges serving in the Family Division would be recruited for their expertise, interest in, and commitment to family law and child abuse and neglect cases. Those judges who volunteer for the Division should be given preference for the assignment.
5. A collaborative team approach to neglect and abuse case management and reviews with strong support staff, including specifically assigned social workers to assist judicial officers with managing cases and coordinating with the social service agency and other participants.
6. Mediation services should be funded for all family proceedings and judges would regularly utilize their authority to mandate the use of mediation in all phases of abuse and neglect and other family law cases, as appropriate.
7. There should be reduced demands on social worker time for attendance at court hearings, i.e. better coordination in scheduling of initial hearings and review hearings.
8. Additional funding resources should exist to ensure that at least a few staff attorneys are available to support the abuse and neglect branch.
9. Funds for an immediate overhaul of the computer system to enable it to be upgraded as well as coordinated within the Court and with other agencies and entities in the system. The goal is to permit careful tracking of cases and coordination of all cases related to one family.
10. There should also be continuous and extensive training for all participants in the system.
11. Judicial assignments to the Family Division should be for a minimum of four years.

12. The Family Law Section would also like to see larger courtrooms and hearing rooms for family law cases (currently some rooms cannot even accommodate the litigants and lawyers whose cases are scheduled), a family-friendly waiting room (for the many witnesses, children, and family friends who crowd the hallways outside the courtrooms), and conference rooms for attorneys, mediators, and social workers, in a centralized location within the courthouse.

Reforming the current system promises a faster, less expensive, more comprehensive, and more flexible response to meeting the needs of the city's most vulnerable children and families than would be possible if we were to start from scratch by creating a separate new court entitled a "Family Court." While creating a separate stand-alone family court offers the appeal of a structural change, it does not address the fundamental problems with the system, which include complex management, limited judicial resources, and other branches of government.

It is the opinion of the Family Law Section that the following factors must be taken into consideration in reforming the current system:

- Many of the problems with the system are with other city agencies and entities that need similar reform. The court is only one small part of a larger system. The proposed legislation does not address the equal need for systemic reform throughout the city's child abuse and neglect system, particularly in the operations of the Child and Family Services Agency, the Metropolitan Police Department, and the Office of Corporation Counsel. Court reform will not fix the system.
- A separate court, entitled a "family" court is likely to become a "lesser" court as it has been clear from the 30+ year history of the Superior Court that family law assignments are often the most challenging and least appealing to many judicial officers. This unfortunate reality has made it difficult to attract and retain judicial officers in the Family Division of the Superior Court and will likely result in similar challenges in staffing any "family" court.
- The Superior Court is committed to promptly dedicating additional judicial resources to address the needs of the children who have been in the abuse and neglect system too long. Creating a separate stand-alone court to address the short-term problem of the backlog in one division of the court would leave the city's judicial system with less flexibility to adapt to changing needs of the community after the backlog is resolved.
- The proposed legislation fails to take into account the many other family division cases that would be dramatically affected by transfer to a separate court. Allowing the court to manage the abuse and neglect cases would build well on the court's recent efforts to establish a domestic violence unit that consolidates and coordinates criminal and civil proceedings involving families with intrafamily violence. The Family Law Section cannot ignore the impact upon and potential harm to children who are in the court system in custody, domestic violence or intrafamily, paternity and support, and divorce proceedings. A separate "family" court could not adequately address all of these other proceedings that involve the same children and families currently in the abuse and neglect system.
- A separate court is likely to create significant additional administrative expense without adding significant management accountability in a manner that will have direct and immediate benefit to the city's children.