

107TH CONGRESS
1ST SESSION

H. R. 2657

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 21, 2001

Received; read twice and referred to the Committee on Governmental Affairs

AN ACT

To amend title 11, District of Columbia Code, to redesignate the Family Division of the Superior Court of the District of Columbia as the Family Court of the Superior Court, to recruit and retain trained and experienced judges to serve in the Family Court, to promote consistency and efficiency in the assignment of judges to the Family Court and in the consideration of actions and proceedings in the Family Court, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “District of Columbia
 5 Family Court Act of 2001”.

6 **SEC. 2. REDESIGNATION OF FAMILY DIVISION AS FAMILY**
 7 **COURT OF THE SUPERIOR COURT.**

8 (a) IN GENERAL.—Section 11–902, District of Co-
 9 lumbia Code, is amended to read as follows:

10 **“§ 11–902. Organization of the court.**

11 “(a) IN GENERAL.—The Superior Court shall consist
 12 of the Family Court of the Superior Court and the fol-
 13 lowing divisions of the Superior Court:

14 “(1) The Civil Division.

15 “(2) The Criminal Division.

16 “(3) The Probate Division.

17 “(4) The Tax Division.

18 “(b) BRANCHES.—The divisions of the Superior
 19 Court may be divided into such branches as the Superior
 20 Court may by rule prescribe.

21 “(c) DESIGNATION OF PRESIDING JUDGE OF FAMILY
 22 COURT.—The chief judge of the Superior Court shall des-
 23 ignate one of the judges assigned to the Family Court of
 24 the Superior Court to serve as the presiding judge of the
 25 Family Court of the Superior Court.

1 “(d) JURISDICTION DESCRIBED.—The Family Court
2 shall have exclusive jurisdiction over the actions, applica-
3 tions, determinations, adjudications, and proceedings de-
4 scribed in section 11–1101, except that those actions with-
5 in the jurisdiction of the Domestic Violence Unit (a section
6 of the Civil Division, Criminal Division, and the Family
7 Court) pursuant to Administrative Order No. 96–25 (Oc-
8 tober 31, 1996) shall remain in that Unit.”.

9 (b) CONFORMING AMENDMENT TO CHAPTER 9.—
10 Section 11–906(b), District of Columbia Code, is amended
11 by inserting “the Family Court and” before “the various
12 divisions”.

13 (c) CONFORMING AMENDMENTS TO CHAPTER 11.—
14 (1) The heading for chapter 11 of title 11, District of Co-
15 lumbia, is amended by striking “FAMILY DIVISION” and
16 inserting “FAMILY COURT”.

17 (2) Section 11–1101, District of Columbia Code, is
18 amended by striking “Family Division” and inserting
19 “Family Court”.

20 (3) The item relating to chapter 11 in the table of
21 chapters for title 11, District of Columbia, is amended by
22 striking “FAMILY DIVISION” and inserting “FAMILY
23 COURT”.

24 (d) CONFORMING AMENDMENTS TO TITLE 16.—

1 (1) CALCULATION OF CHILD SUPPORT.—Sec-
 2 tion 16–916.1(o)(6), District of Columbia Code, is
 3 amended by striking “Family Division” and insert-
 4 ing “Family Court of the Superior Court”.

5 (2) EXPEDITED JUDICIAL HEARING OF CASES
 6 BROUGHT BEFORE HEARING COMMISSIONERS.—Sec-
 7 tion 16–924, District of Columbia Code, is amended
 8 by striking “Family Division” each place it appears
 9 in subsections (a) and (f) and inserting “Family
 10 Court”.

11 (3) GENERAL REFERENCES TO PRO-
 12 CEEDINGS.—Chapter 23 of title 16, District of Co-
 13 lumbia Code, is amended by inserting after section
 14 16–2301 the following new section:

15 **“§ 16–2301.1. References deemed to refer to Family**
 16 **Court of the Superior Court.**

17 “Upon the effective date of the District of Columbia
 18 Family Court Act of 2001, any reference in this chapter
 19 or any other Federal or District of Columbia law, Execu-
 20 tive order, rule, regulation, delegation of authority, or any
 21 document of or pertaining to the Family Division of the
 22 Superior Court of the District of Columbia shall be
 23 deemed to refer to the Family Court of the Superior Court
 24 of the District of Columbia.”.

1 (4) CLERICAL AMENDMENT.—The table of sec-
 2 tions for subchapter I of chapter 23 of title 16, Dis-
 3 trict of Columbia, is amended by inserting after the
 4 item relating to section 16–2301 the following new
 5 item:

“16–2301.1. References deemed to refer to Family Court of the Superior
 Court.”.

6 **SEC. 3. APPOINTMENT AND ASSIGNMENT OF JUDGES; NUM-**
 7 **BER AND QUALIFICATIONS.**

8 (a) NUMBER OF JUDGES FOR FAMILY COURT;
 9 QUALIFICATIONS AND TERMS OF SERVICE.—Chapter 9 of
 10 title 11, District of Columbia Code, is amended by insert-
 11 ing after section 11–908 the following new section:

12 **“§ 11–908A. Special rules regarding assignment and**
 13 **service of judges of Family Court.**

14 “(a) NUMBER OF JUDGES.—The number of judges
 15 serving on the Family Court of the Superior Court at any
 16 time may not be—

17 “(1) less than the number of judges determined
 18 by the chief judge of the Superior Court to be need-
 19 ed to serve on the Family Court under the transition
 20 plan for the Family Court prepared and submitted
 21 to the President and Congress under section 3(b) of
 22 the District of Columbia Family Court Act of 2001;
 23 or

24 “(2) greater than 15.

1 “(b) QUALIFICATIONS.—The chief judge may not as-
2 sign an individual to serve on the Family Court of the
3 Superior Court unless—

4 “(1) the individual has training or expertise in
5 family law;

6 “(2) the individual certifies to the chief judge
7 that the individual intends to serve the full term of
8 service, except that this paragraph shall not apply
9 with respect to individuals serving as senior judges
10 under section 11–1504; and

11 “(3) the individual certifies to the chief judge
12 that the individual will participate in the ongoing
13 training programs carried out for judges of the
14 Family Court under section 11–1104(c).

15 “(c) TERM OF SERVICE.—

16 “(1) IN GENERAL.—Except as provided in para-
17 graph (2), an individual assigned to serve as a judge
18 of the Family Court of the Superior Court shall
19 serve for a term of 5 years.

20 “(2) SPECIAL RULE FOR JUDGES SERVING ON
21 SUPERIOR COURT ON DATE OF ENACTMENT OF FAM-
22 ILY COURT ACT.—

23 “(A) IN GENERAL.—An individual assigned
24 to serve as a judge of the Family Court of the
25 Superior Court who is serving as a judge of the

1 Superior Court on the date of the enactment of
2 the District of Columbia Family Court Act of
3 2001 shall serve for a term of not fewer than
4 3 years.

5 “(B) REDUCTION OF PERIOD FOR JUDGES
6 SERVING IN FAMILY DIVISION.—In the case of
7 a judge of the Superior Court who is serving as
8 a judge in the Family Division of the Court on
9 the date of the enactment of the District of Co-
10 lumbia Family Court Act of 2001, the 3-year
11 term applicable under subparagraph (A) shall
12 be reduced by the length of any period of con-
13 secutive service as a judge in such Division as
14 of the date of the enactment of such Act.

15 “(3) ASSIGNMENT FOR ADDITIONAL SERVICE.—
16 After the term of service of a judge of the Family
17 Court (as described in paragraph (1) or paragraph
18 (2)) expires, at the judge’s request the judge may be
19 assigned for additional service on the Family Court
20 for a period of such duration (consistent with section
21 431(c) of the District of Columbia Home Rule Act)
22 as the chief judge may provide.

23 “(4) PERMITTING SERVICE ON FAMILY COURT
24 FOR ENTIRE TERM.—At the request of the judge, a
25 judge may serve as a judge of the Family Court for

1 the judge's entire term of service as a judge of the
2 Superior Court under section 431(c) of the District
3 of Columbia Home Rule Act.

4 “(d) REASSIGNMENT TO OTHER DIVISIONS.—The
5 chief judge may reassign a judge of the Family Court to
6 any division of the Superior Court if the chief judge deter-
7 mines that the judge is unable to continue serving in the
8 Family Court.”.

9 (b) PLAN FOR FAMILY COURT TRANSITION.—

10 (1) IN GENERAL.—Not later than 90 days after
11 the date of the enactment of this Act, the chief
12 judge of the Superior Court of the District of Co-
13 lumbia shall prepare and submit to the President
14 and Congress a transition plan for the Family Court
15 of the Superior Court, and shall include in the plan
16 the following:

17 (A) The chief judge's determination of the
18 number of judges needed to serve on the Family
19 Court.

20 (B) The chief judge's determination of the
21 role and function of the presiding judge of the
22 Family Court.

23 (C) The chief judge's determination of the
24 number of magistrate judges of the Family

1 Court needed for appointment under section
2 11–1732, District of Columbia Code.

3 (D) The chief judge’s determination of the
4 appropriate functions of such magistrate
5 judges, together with the compensation of and
6 other personnel matters pertaining to such
7 magistrate judges.

8 (E) A plan for case flow, case manage-
9 ment, and staffing needs (including the needs
10 for both judicial and nonjudicial personnel) for
11 the Family Court.

12 (F) A description of how the Superior
13 Court will meet the requirements of section 11–
14 1104(a), District of Columbia Code (as added
15 by section 4(a)), regarding the promulgation of
16 rules to enforce the “one family, one judge” re-
17 quirement for cases and proceedings in the
18 Family Court.

19 (G) An analysis of the needs of the Family
20 Court for space, equipment, and other physical
21 plant requirements, as determined in consulta-
22 tion with the Administrator of General Services.

23 (H) An analysis of the success of the use
24 of magistrate judges under the expedited ap-
25 pointment procedures established under section

1 6(d) in reducing the number of pending actions
2 and proceedings within the jurisdiction of the
3 Family Court (as described in section 11–
4 902(d), District of Columbia, as amended by
5 subsection (a)).

6 (I) Consistent with the requirements of
7 paragraph (2), a proposal and timetable for the
8 disposition of actions and proceedings pending
9 in the Family Division of the Superior Court as
10 of the date of the enactment of this Act (to-
11 gether with actions and proceedings described
12 in section 11–1101, District of Columbia Code,
13 which were initiated in the Family Division but
14 remain pending in other Divisions of the Supe-
15 rior Court as of such date) in a manner con-
16 sistent with applicable Federal and District of
17 Columbia law and best practices, including (but
18 not limited to) best practices developed by the
19 American Bar Association and the National
20 Council of Juvenile and Family Court Judges.

21 (2) DISPOSITION AND TRANSFER OF PENDING
22 ACTIONS AND PROCEEDINGS.—The chief judge of
23 the Superior Court shall take such actions as may
24 be necessary to provide for the earliest practicable
25 disposition of actions and proceedings pending in the

1 Family Division of the Superior Court as of the date
2 of the enactment of this Act (together with actions
3 and proceedings described in section 11–1101, Dis-
4 trict of Columbia Code, which were initiated in the
5 Family Division but remain pending in other Divi-
6 sions of the Superior Court as of such date), but in
7 no event may any such action or proceeding remain
8 pending longer than 18 months after the date the
9 chief judge submits the transition plan required
10 under paragraph (1) to the President and Congress.

11 (3) TRANSFER OF ACTIONS AND PRO-
12 CEEDINGS.—The chief judge of the Superior Court
13 shall take such steps as may be required to ensure
14 that each action or proceeding within the jurisdiction
15 of the Family Court of the Superior Court (as de-
16 scribed in section 11–902(d), District of Columbia
17 Code, as amended by subsection (a)) which is pend-
18 ing as of the effective date described in section 9 is
19 transferred or otherwise assigned to the Family
20 Court immediately upon such date.

21 (4) EFFECTIVE DATE OF IMPLEMENTATION OF
22 PLAN.—The chief judge of the Superior Court may
23 not take any action to implement the transition plan
24 under this subsection until the expiration of the 30-
25 day period which begins on the date the chief judge

1 submits the plan to the President and Congress
2 under paragraph (1).

3 (c) TRANSITION TO APPROPRIATE NUMBER OF
4 JUDGES.—

5 (1) ANALYSIS BY CHIEF JUDGE OF SUPERIOR
6 COURT.—The chief judge of the Superior Court of
7 the District of Columbia shall include in the transi-
8 tion plan prepared under subsection (b)—

9 (A) the chief judge’s determination of the
10 number of individuals serving as judges of the
11 Superior Court who meet the qualifications for
12 judges of the Family Court of the Superior
13 Court under section 11–908A, District of Co-
14 lumbia Code (as added by subsection (a)); and

15 (B) if the chief judge determines that the
16 number of individuals described in subpara-
17 graph (A) is less than the number of individuals
18 the chief judge is required to assign to the
19 Family Court under such section, a request
20 that the President appoint (in accordance with
21 section 433 of the District of Columbia Home
22 Rule Act) such additional number of individuals
23 to serve on the Superior Court who meet the
24 qualifications for judges of the Family Court
25 under such section as may be required to enable

1 the chief judge to make the required number of
2 assignments.

3 (2) ONE-TIME APPOINTMENT OF ADDITIONAL
4 JUDGES TO SUPERIOR COURT FOR SERVICE ON FAM-
5 ILY COURT.—If the President receives a request
6 from the chief judge of the Superior Court of the
7 District of Columbia under paragraph (1)(B), the
8 President (in accordance with section 433 of the
9 District of Columbia Home Rule Act) shall appoint
10 additional judges to the Superior Court who meet
11 the qualifications for judges of the Family Court in
12 a number equal to the number of additional appoint-
13 ments so requested by the chief judge, and each
14 judge so appointed shall be assigned by the chief
15 judge to serve on the Family Court of the Superior
16 Court.

17 (3) ROLE OF DISTRICT OF COLUMBIA JUDICIAL
18 NOMINATION COMMISSION.—For purposes of section
19 434(d)(1) of the District of Columbia Home Rule
20 Act, the submission of a request from the chief
21 judge of the Superior Court of the District of Co-
22 lumbia under paragraph (1)(B) shall be deemed to
23 create a number of vacancies in the position of judge
24 of the Superior Court equal to the number of addi-
25 tional appointments so requested by the chief judge.

1 In carrying out this paragraph, the District of Co-
2 lumbia Judicial Nomination Commission shall re-
3 cruit individuals for possible nomination and ap-
4 pointment to the Superior Court who meet the quali-
5 fications for judges of the Family Court of the Supe-
6 rior Court.

7 (4) JUDGES APPOINTED UNDER ONE-TIME AP-
8 POINTMENT PROCEDURES NOT TO COUNT AGAINST
9 LIMIT ON NUMBER OF SUPERIOR COURT JUDGES.—

10 Any judge who is appointed to the Superior Court
11 of the District of Columbia pursuant to the one-time
12 appointment procedures under this subsection for
13 assignment to the Family Court of the Superior
14 Court shall be appointed without regard to the limit
15 on the number of judges of the Superior Court
16 under section 11–903, District of Columbia Code.

17 Any judge who is appointed to the Superior Court
18 under any procedures other than the one-time ap-
19 pointment procedures under this subsection shall
20 count against such limit, without regard to whether
21 or not the judge is appointed to replace a judge ap-
22 pointed under the one-time appointment procedures
23 under this subsection or is otherwise assigned to the
24 Family Court of the Superior Court.

25 (d) REPORT BY COMPTROLLER GENERAL.—

1 (1) IN GENERAL.—Not later than 2 years after
2 the date of the enactment of this Act, the Comp-
3 troller General shall prepare and submit to Congress
4 and the chief judge of the Superior Court of the Dis-
5 trict of Columbia a report on the implementation of
6 this Act (including the effect of the transition plan
7 under subsection (b) on the implementation of this
8 Act), and shall include in the report the following:

9 (A) An analysis of the procedures used to
10 make the initial appointments of judges of the
11 Family Court under this Act and the amend-
12 ments made by this Act, including an analysis
13 of the time required to make such appointments
14 and the effect of the qualification requirements
15 for judges of the Court (including requirements
16 relating to the length of service on the Court)
17 on the time required to make such appoint-
18 ments.

19 (B) An analysis of the impact of mag-
20 istrate judges for the Family Court (including
21 the expedited initial appointment of magistrate
22 judges for the Court under section 6(d)) on the
23 workload of judges and other personnel of the
24 Court.

1 (C) An analysis of the number of judges
2 needed for the Family Court, including an anal-
3 ysis of how the number may be affected by the
4 qualification requirements for judges, the avail-
5 ability of magistrate judges, and other provi-
6 sions of this Act or the amendments made by
7 this Act.

8 (D) An analysis of the timeliness of the
9 resolution and disposition of pending actions
10 and proceedings required under the transition
11 plan (as described in subsection (b)(1)(I) and
12 (b)(2)), including an analysis of the effect of
13 the availability of magistrate judges on the time
14 required to resolve and dispose of such actions
15 and proceedings.

16 (2) SUBMISSION TO CHIEF JUDGE OF SUPERIOR
17 COURT.—Prior to submitting the report under para-
18 graph (1) to Congress, the Comptroller General shall
19 provide a preliminary version of the report to the
20 chief judge of the Superior Court and shall take any
21 comments and recommendations of the chief judge
22 into consideration in preparing the final version of
23 the report.

24 (e) ONGOING REPORTS ON PENDING CASES AND
25 PROCEEDINGS.—

1 (1) IN GENERAL.—The chief judge of the Supe-
2 rior Court of the District of Columbia shall submit
3 a status report to the President and Congress on the
4 disposition of actions and proceedings pending in the
5 Family Division of the Superior Court as of the date
6 of the enactment of this Act (together with actions
7 and proceedings described in section 11–1101, Dis-
8 trict of Columbia Code, which were initiated in the
9 Family Division but remain pending in other Divi-
10 sions of the Superior Court as of such date) and the
11 extent to which the Court is in compliance with the
12 requirements of this Act regarding the timetable for
13 the disposition of such actions and proceedings.

14 (2) TIMING OF REPORTS.—The chief judge of
15 the Superior Court shall submit the report required
16 under paragraph (1) not later than 6 months after
17 submitting the transition plan under subsection (b)
18 and every 6 months thereafter until the final disposi-
19 tion or transfer to the Family Court of all of the ac-
20 tions and proceedings described in such paragraph.

21 (f) CONFORMING AMENDMENT.—The first sentence
22 of section 11–908(a), District of Columbia Code, is
23 amended by striking “The chief judge” and inserting
24 “Subject to section 11–908A, the chief judge”.

1 (g) CLERICAL AMENDMENT.—The table of sections
 2 for chapter 9 of title 11, District of Columbia Code, is
 3 amended by inserting after the item relating to section
 4 11–908 the following new item:

“11–908A. Special rules regarding assignment and service of judges of Family Court.”.

5 **SEC. 4. IMPROVING ADMINISTRATION OF CASES AND PRO-**
 6 **CEEDINGS IN FAMILY COURT.**

7 (a) IN GENERAL.—Chapter 11 of title 11, District
 8 of Columbia, is amended by adding at the end the fol-
 9 lowing new sections:

10 **“§ 11–1102. Use of alternative dispute resolution.**

11 “To the greatest extent practicable and safe, cases
 12 and proceedings in the Family Court of the Superior
 13 Court shall be resolved through alternative dispute resolu-
 14 tion procedures, in accordance with such rules as the Su-
 15 perior Court may promulgate.

16 **“§ 11–1103. Standards of practice for appointed coun-**
 17 **sel.**

18 “The Superior Court shall establish standards of
 19 practice for attorneys appointed as counsel in the Family
 20 Court of the Superior Court.

21 **“§ 11–1104. Administration.**

22 “(a) ‘ONE FAMILY, ONE JUDGE’ REQUIREMENT FOR
 23 CASES AND PROCEEDINGS.—

1 “(1) IN GENERAL.—The Superior Court shall
2 promulgate rules for the Family Court which require
3 all issues within the jurisdiction of the Family Court
4 concerning one family or one child to be decided by
5 one judge, to the greatest extent practicable, fea-
6 sible, and lawful.

7 “(2) SPECIFIC REQUIREMENTS.—Under the
8 rules promulgated by the Superior Court under
9 paragraph (1), to the greatest extent practicable,
10 feasible, and lawful—

11 “(A) if an individual who is a party to an
12 action or proceeding assigned to the Family
13 Court has an immediate family or household
14 member who is a party to another action or
15 proceeding assigned to the Family Court, the
16 individual’s action or proceeding shall be as-
17 signed to the same judge or magistrate judge to
18 whom the immediate family member’s action or
19 proceeding is assigned; and

20 “(B) if an individual who is a party to an
21 action or proceeding assigned to the Family
22 Court becomes a party to another action or pro-
23 ceeding assigned to the Family Court, the indi-
24 vidual’s subsequent action or proceeding shall
25 be assigned to the same judge or magistrate

1 judge to whom the individual's initial action or
2 proceeding is assigned.

3 “(b) RETENTION OF JURISDICTION OVER CASES.—

4 Any action or proceeding assigned to the Family Court
5 of the Superior Court shall remain under the jurisdiction
6 of the Family Court until the action or proceeding is fi-
7 nally disposed. If the judge to whom the action or pro-
8 ceeding is assigned ceases to serve on the Family Court
9 prior to the final disposition of the action or proceeding,
10 the presiding judge of the Family Court shall ensure that
11 the matter or proceeding is reassigned to a judge serving
12 on the Family Court, unless there are extraordinary cir-
13 cumstances, subject to approval and certification by the
14 presiding judge and based on appropriate documentation
15 in the record, which demonstrate that a case is nearing
16 permanency and that changing judges would both delay
17 that goal and result in a violation of the Adoption and
18 Safe Families Act of 1997 (or an amendment made by
19 such Act).

20 “(c) TRAINING PROGRAM.—

21 “(1) IN GENERAL.—The presiding judge of the
22 Family Court shall carry out an ongoing program to
23 provide training in family law and related matters
24 for judges of the Family Court, other judges of the
25 Superior Court, and appropriate nonjudicial per-

1 sonnel, and shall include in the program information
2 and instruction regarding the following:

3 “(A) Child development.

4 “(B) Family dynamics.

5 “(C) Relevant Federal and District of Co-
6 lumbia laws.

7 “(D) Permanency planning principles and
8 practices.

9 “(E) Recognizing the risk factors for child
10 abuse.

11 “(F) Any other matters the presiding
12 judge considers appropriate.

13 “(2) USE OF CROSS-TRAINING.—The program
14 carried out under this section shall use the resources
15 of lawyers and legal professionals, social workers,
16 and experts in the field of child development and
17 other related fields.

18 “(d) ACCESSIBILITY OF MATERIALS, SERVICES, AND
19 PROCEEDINGS; PROMOTION OF ‘FAMILY-FRIENDLY’ EN-
20 VIRONMENT.—

21 “(1) IN GENERAL.—To the greatest extent
22 practicable, the chief judge of the Superior Court
23 shall ensure that the materials and services provided
24 by the Family Court are understandable and acces-
25 sible to the individuals and families served by the

1 Court, and that the Court carries out its duties in
2 a manner which reflects the special needs of families
3 with children.

4 “(2) LOCATION OF PROCEEDINGS.—To the
5 maximum extent feasible, safe, and practicable,
6 cases and proceedings in the Family Court shall be
7 conducted at locations readily accessible to the par-
8 ties involved.

9 “(e) INTEGRATED COMPUTERIZED CASE TRACKING
10 AND MANAGEMENT SYSTEM.—The Executive Officer of
11 the District of Columbia courts under section 11–1703
12 shall work with the Joint Committee on Judicial Adminis-
13 tration in the District of Columbia—

14 “(1) to ensure that all records and materials of
15 cases and proceedings in the Family Court are
16 stored and maintained in electronic format accessible
17 by computers for the use of judges, magistrate
18 judges, and nonjudicial personnel of the Family
19 Court, and for the use of other appropriate offices
20 of the District government in accordance with the
21 plan for integrating computer systems prepared by
22 the Mayor of the District of Columbia under section
23 4(c) of the District of Columbia Family Court Act
24 of 2001;

1 “(2) to establish and operate an electronic
2 tracking and management system for cases and pro-
3 ceedings in the Family Court for the use of judges
4 and nonjudicial personnel of the Family Court, using
5 the records and materials stored and maintained
6 pursuant to paragraph (1); and

7 “(3) to expand such system to cover all divi-
8 sions of the Superior Court as soon as practicable.

9 **“§ 11-1105. Social services and other related services.**

10 “(a) ON-SITE COORDINATION OF SERVICES AND IN-
11 FORMATION.—

12 “(1) IN GENERAL.—The Mayor of the District
13 of Columbia, in consultation with the chief judge of
14 the Superior Court, shall ensure that representatives
15 of the appropriate offices of the District government
16 which provide social services and other related serv-
17 ices to individuals and families served by the Family
18 Court (including the District of Columbia Public
19 Schools, the District of Columbia Housing Author-
20 ity, the Child and Family Services Agency, the Of-
21 fice of the Corporation Counsel, the Metropolitan
22 Police Department, the Department of Health, and
23 other offices determined by the Mayor) are available
24 on-site at the Family Court to coordinate the provi-

1 sion of such services and information regarding such
2 services to such individuals and families.

3 “(2) DUTIES OF HEADS OF OFFICES.—The
4 head of each office described in paragraph (1), in-
5 cluding the Superintendent of the District of Colum-
6 bia Public Schools and the Director of the District
7 of Columbia Housing Authority, shall provide the
8 Mayor with such information, assistance, and serv-
9 ices as the Mayor may require to carry out such
10 paragraph.

11 “(b) APPOINTMENT OF SOCIAL SERVICES LIAISON
12 WITH FAMILY COURT.—The Mayor of the District of Co-
13 lumbia shall appoint an individual to serve as a liaison
14 between the Family Court and the District government for
15 purposes of subsection (a) and for coordinating the deliv-
16 ery of services provided by the District government with
17 the activities of the Family Court and for providing infor-
18 mation to the judges, magistrate judges, and nonjudicial
19 personnel of the Court regarding the services available
20 from the District government to the individuals and fami-
21 lies served by the Court. The Mayor shall provide on an
22 ongoing basis information to the chief judge of the Supe-
23 rior Court and the presiding judge of the Family Court
24 regarding the services of the District government which

1 are available for the individuals and families served by the
2 Family Court.

3 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to the Mayor of the Dis-
5 trict of Columbia for each fiscal year such sums as may
6 be necessary to carry out this section.

7 **“§ 11–1106. Reports to Congress.**

8 “Not later than 90 days after the end of each cal-
9 endar year, the chief judge of the Superior Court shall
10 submit a report to Congress on the activities of the Family
11 Court during the year, and shall include in the report the
12 following:

13 “(1) The chief judge’s assessment of the pro-
14 ductivity and success of the use of alternative dis-
15 pute resolution pursuant to section 11–1102.

16 “(2) Goals and timetables to improve the Fam-
17 ily Court’s performance in the following year.

18 “(3) Information on the extent to which the
19 Court met deadlines and standards applicable under
20 Federal and District of Columbia law to the review
21 and disposition of actions and proceedings under the
22 Court’s jurisdiction during the year.

23 “(4) Information on the progress made in find-
24 ing and utilizing suitable locations and space for the
25 Family Court.

1 “(5) Information on any factors which are not
2 under the control of the Family Court which inter-
3 fere with or prevent the Court from carrying out its
4 responsibilities in the most effective manner possible.

5 “(6) Based on outcome measures derived
6 through the use of the information stored in elec-
7 tronic format under section 11–1104(d), an analysis
8 of the Court’s efficiency and effectiveness in man-
9 aging its case load during the year, including an
10 analysis of the time required to dispose of actions
11 and proceedings among the various categories of the
12 Court’s jurisdiction, as prescribed by applicable law
13 and best practices, including (but not limited to)
14 best practices developed by the American Bar Asso-
15 ciation and the National Council of Juvenile and
16 Family Court Judges.

17 “(7) If the Court failed to meet the deadlines,
18 standards, and outcome measures described in the
19 previous paragraphs, a proposed remedial action
20 plan to address the failure.”.

21 (b) EXPEDITED APPEALS FOR CERTAIN FAMILY
22 COURT ACTIONS AND PROCEEDINGS.—Section 11–721,
23 District of Columbia Code, is amended by adding at the
24 end the following new subsection:

1 “(g) Any appeal from an order of the Family Court
2 of the District of Columbia terminating parental rights or
3 granting or denying a petition to adopt shall receive expedited review by the District of Columbia Court of Appeals
4 and shall be certified by the appellant.”.

6 (c) PLAN FOR INTEGRATING COMPUTER SYSTEMS.—

7 (1) IN GENERAL.—Not later than 6 months
8 after the date of the enactment of this Act, the
9 Mayor of the District of Columbia shall submit to
10 the President and Congress a plan for integrating
11 the computer systems of the District government
12 with the computer systems of the Superior Court of
13 the District of Columbia so that the Family Court
14 of the Superior Court and the appropriate offices of
15 the District government which provide social services
16 and other related services to individuals and families
17 served by the Family Court of the Superior Court
18 (including the District of Columbia Public Schools,
19 the District of Columbia Housing Authority, the
20 Child and Family Services Agency, the Office of the
21 Corporation Counsel, the Metropolitan Police Department,
22 the Department of Health, and other offices
23 determined by the Mayor) will be able to access
24 and share information on the individuals and families
25 served by the Family Court.

1 (2) AUTHORIZATION OF APPROPRIATIONS.—

2 There are authorized to be appropriated to the
3 Mayor of the District of Columbia such sums as may
4 be necessary to carry out paragraph (1).

5 (d) CLERICAL AMENDMENT.—The table of sections
6 for chapter 11 of title 11, District of Columbia Code, is
7 amended by adding at the end the following new items:

“11–1102. Use of alternative dispute resolution.

“11–1103. Standards of practice for appointed counsel.

“11–1104. Administration.

“11–1105. Social services and other related services.

“11–1106. Reports to Congress.”.

8 **SEC. 5. TREATMENT OF HEARING COMMISSIONERS AS**
9 **MAGISTRATE JUDGES.**

10 (a) IN GENERAL.—

11 (1) REDESIGNATION OF TITLE.—Section 11–
12 1732, District of Columbia Code, is amended—

13 (A) by striking “hearing commissioners”
14 each place it appears in subsection (a), sub-
15 section (b), subsection (d), subsection (i), sub-
16 section (l), and subsection (n) and inserting
17 “magistrate judges”;

18 (B) by striking “hearing commissioner”
19 each place it appears in subsection (b), sub-
20 section (c), subsection (e), subsection (f), sub-
21 section (g), subsection (h), and subsection (j)
22 and inserting “magistrate judge”;

1 (C) by striking “hearing commissioner’s”
 2 each place it appears in subsection (e) and sub-
 3 section (k) and inserting “magistrate judge’s”;

4 (D) by striking “Hearing commissioners”
 5 each place it appears in subsections (b), (d),
 6 and (i) and inserting “Magistrate judges”; and

7 (E) in the heading, by striking “**Hearing**
 8 **commissioners**” and inserting “**Mag-**
 9 **istrate Judges**”.

10 (2) CONFORMING AMENDMENTS.—(A) Section
 11 11–1732(c)(3), District of Columbia Code, is amend-
 12 ed by striking “, except that” and all that follows
 13 and inserting a period.

14 (B) Section 16–924, District of Columbia Code,
 15 is amended—

16 (i) by striking “hearing commissioner”
 17 each place it appears and inserting “magistrate
 18 judge”; and

19 (ii) in subsection (f), by striking “hearing
 20 commissioner’s” and inserting “magistrate
 21 judge’s”.

22 (3) CLERICAL AMENDMENT.—The item relating
 23 to section 11–1732 of the table of sections of chap-
 24 ter 17 of title 11, D.C. Code, is amended to read as
 25 follows:

“11–1732. Magistrate judges.”.

1 (b) TRANSITION PROVISION REGARDING HEARING
2 COMMISSIONERS.—Any individual serving as a hearing
3 commissioner under section 11–1732 of the District of Co-
4 lumbia Code as of the date of the enactment of this Act
5 shall serve the remainder of such individual’s term as a
6 magistrate judge, and may be reappointed as a magistrate
7 judge in accordance with section 11–1732(d), District of
8 Columbia Code, except that any individual serving as a
9 hearing commissioner as of the date of the enactment of
10 this Act who was appointed as a hearing commissioner
11 prior to the effective date of section 11–1732 of the Dis-
12 trict of Columbia Code shall not be required to be a resi-
13 dent of the District of Columbia to be eligible to be re-
14 appointed.

15 (c) EFFECTIVE DATE.—The amendments made by
16 this section shall take effect on the date of the enactment
17 of this Act.

18 **SEC. 6. SPECIAL RULES FOR MAGISTRATE JUDGES OF FAM-**
19 **ILY COURT.**

20 (a) IN GENERAL.—Chapter 17 of title 11, District
21 of Columbia Code, is amended by inserting after section
22 11–1732 the following new section:

1 **“§ 11-1732A. Special rules for magistrate judges of**
2 **Family Court of the Superior Court.**

3 “(a) USE OF SOCIAL WORKERS IN ADVISORY MERIT
4 SELECTION PANEL.—The advisory selection merit panel
5 used in the selection of magistrate judges for the Family
6 Court of the Superior Court under section 11-1732(b)
7 shall include certified social workers specializing in child
8 welfare matters who are residents of the District and who
9 are not employees of the District of Columbia Courts.

10 “(b) SPECIAL QUALIFICATIONS.—Notwithstanding
11 section 11-1732(c), no individual shall be appointed as a
12 magistrate judge for the Family Court of the Superior
13 Court unless that individual—

14 “(1) is a citizen of the United States;

15 “(2) is an active member of the unified District
16 of Columbia Bar;

17 “(3) for the 5 years immediately preceding the
18 appointment has been engaged in the active practice
19 of law in the District, has been on the faculty of a
20 law school in the District, or has been employed as
21 a lawyer by the United States or District govern-
22 ment, or any combination thereof;

23 “(4) has not fewer than 3 years of training or
24 experience in the practice of family law; and

25 “(5) is a bona fide resident of the District of
26 Columbia and has maintained an actual place of

1 abode in the District for at least 90 days imme-
2 diately prior to appointment (or becomes a bona fide
3 resident of the District of Columbia and maintains
4 an actual place of abode in the District not later
5 than 90 days after appointment), and retains such
6 residency during service as a magistrate.

7 “(c) SERVICE OF CURRENT HEARING COMMIS-
8 SIONERS.—Those individuals serving as hearing commis-
9 sioners under section 11–1732 on the effective date of this
10 section who meet the qualifications described in subsection
11 (b)(4) may request to be appointed as magistrate judges
12 for the Family Court of the Superior Court under such
13 section.

14 “(d) FUNCTIONS.—A magistrate judge, when specifi-
15 cally designated by the presiding judge of the Family
16 Court of the Superior Court, and subject to the rules of
17 the Superior Court and the right of review under section
18 11–1732(k), may perform the following functions:

19 “(1) Administer oaths and affirmations and
20 take acknowledgements.

21 “(2) Subject to the rules of the Superior Court
22 and applicable Federal and District of Columbia law,
23 conduct hearings, make findings and enter interim
24 and final orders or judgments in uncontested or con-
25 tested proceedings within the jurisdiction of the

1 Family Court of the Superior Court (as described in
2 section 11–1101), excluding jury trials and trials of
3 felony cases, as assigned by the presiding judge of
4 the Family Court.

5 “(3) Subject to the rules of the Superior Court,
6 enter an order punishing an individual for contempt,
7 except that no individual may be detained pursuant
8 to the authority of this paragraph for longer than
9 180 days.

10 “(e) LOCATION OF PROCEEDINGS.—To the maximum
11 extent feasible, safe, and practicable, magistrate judges of
12 the Family Court of the Superior Court shall conduct pro-
13 ceedings at locations readily accessible to the parties in-
14 volved.

15 “(f) TRAINING.—The Family Court of the Superior
16 Court shall ensure that all magistrate judges of the Fam-
17 ily Court receive training to enable them to fulfill their
18 responsibilities, including specialized training in family
19 law and related matters.”.

20 (b) CONFORMING AMENDMENTS.—(1) Section 11–
21 1732(a), District of Columbia Code, is amended by insert-
22 ing after “the duties enumerated in subsection (j) of this
23 section” the following: “(or, in the case of magistrate
24 judges for the Family Court of the Superior Court, the
25 duties enumerated in section 11–1732A(d))”.

1 (2) Section 11–1732(c), District of Columbia Code,
 2 is amended by striking “No individual” and inserting “Ex-
 3 cept as provided in section 11–1732A(b), no individual”.

4 (3) Section 11–1732(k), District of Columbia Code,
 5 is amended—

6 (A) by striking “subsection (j),” and inserting
 7 the following: “subsection (j) (or proceedings and
 8 hearings under section 11–1732A(d), in the case of
 9 magistrate judges for the Family Court of the Supe-
 10 rior Court),”; and

11 (B) by inserting after “appropriate division”
 12 the following: “(or, in the case of an order or judg-
 13 ment of a magistrate judge of the Family Court of
 14 the Superior Court, by a judge of the Family
 15 Court)”.

16 (4) Section 11–1732(l), District of Columbia Code,
 17 is amended by inserting after “responsibilities” the fol-
 18 lowing: “(subject to the requirements of section 11–
 19 1732A(f) in the case of magistrate judges of the Family
 20 Court of the Superior Court)”.

21 (c) CLERICAL AMENDMENT.—The table of sections
 22 for subchapter II of chapter 17 of title 11, District of Co-
 23 lumbia, is amended by inserting after the item relating
 24 to section 11–1732 the following new item:

“11–1732A. Special rules for magistrate judges of Family Court of the Superior
 Court.”.

1 (d) EFFECTIVE DATE.—

2 (1) IN GENERAL.—The amendments made by
3 this section shall take effect on the date of the en-
4 actment of this Act.

5 (2) EXPEDITED INITIAL APPOINTMENTS.—

6 (A) IN GENERAL.—Not later than 30 days
7 after the date of the enactment of this Act, the
8 chief judge of the Superior Court of the District
9 of Columbia shall appoint not more than 5 indi-
10 viduals to serve as magistrate judges for the
11 Family Division of the Superior Court in ac-
12 cordance with the requirements of sections 11–
13 1732 and 11–1732A, District of Columbia Code
14 (as added by subsection (a)).

15 (B) APPOINTMENTS MADE WITHOUT RE-
16 GARD TO SELECTION PANEL.—Sections 11–
17 1732(b) and 11–1732A(a), District of Columbia
18 Code (as added by subsection (a)) shall not
19 apply with respect to any magistrate judge ap-
20 pointed under this paragraph.

21 (C) PRIORITY FOR CERTAIN ACTIONS AND
22 PROCEEDINGS.—The chief judge of the Supe-
23 rior Court and the presiding judge of the Fam-
24 ily Division of the Superior Court (acting joint-
25 ly) shall first assign and transfer to the mag-

istrate judges appointed under this paragraph
actions and proceedings described as follows:

(i) The action or proceeding involves
an allegation of abuse or neglect.

(ii) The action or proceeding was initiated in the Family Division prior to the
2-year period which ends on the date of
the enactment of this Act.

(iii) The judge to whom the action or
proceeding is assigned as of the date of the
enactment of this Act is not assigned to
the Family Division.

(3) SPECIAL REFERENCES DURING TRANSITION.—During the period which begins on the date
of the enactment of this Act and ends on the effective date described in section 9, any reference to the
Family Court of the Superior Court of the District
of Columbia in any provision of law added or amended by this section shall be deemed to be a reference
to the Family Division of the Superior Court of the
District of Columbia.

SEC. 7. SENSE OF CONGRESS REGARDING BORDER AGREEMENT WITH MARYLAND AND VIRGINIA.

It is the sense of Congress that the State of Maryland, the Commonwealth of Virginia, and the District of

1 Columbia should promptly enter into a border agreement
2 to facilitate the timely and safe placement of children in
3 the District of Columbia's welfare system in foster and
4 kinship homes and other facilities in Maryland and Vir-
5 ginia.

6 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

7 There are authorized to be appropriated to the Dis-
8 trict of Columbia courts such sums as may be necessary
9 to carry out this Act and the amendments made by this
10 Act, including sums necessary for salaries and expenses
11 and capital improvements for the District of Columbia
12 courthouse facilities.

13 **SEC. 9. EFFECTIVE DATE.**

14 The amendments made by sections 2 and 4 shall take
15 effect on the first date occurring after the date of the en-
16 actment of this Act on which 10 individuals who meet the
17 qualifications described in section 11-908A, District of
18 Columbia Code (as added by section 3(a)) are available
19 to be assigned by the chief judge of the Superior Court
20 of the District of Columbia to serve as associate judges
21 of the Family Court of the Superior Court (as certified
22 by the chief judge).

Passed the House of Representatives September 20,
2001.

Attest:

JEFF TRANDAHL,

Clerk.