

Calendar No. 258

107TH CONGRESS
1ST SESSION**H. R. 2657****[Report No. 107–108]**

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 21, 2001

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

DECEMBER 5, 2001

Reported by Mr. LIEBERMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. REDESIGNATION OF FAMILY DIVISION AS FAMILY**
5 **COURT OF THE SUPERIOR COURT.**

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

8 **“§ 11–902. Organization of the court.**

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

12 “(1) The Civil Division.

13 “(2) The Criminal Division.

14 “(3) The Probate Division.

15 “(4) The Tax Division.

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

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

24 “(d) JURISDICTION DESCRIBED.—The Family Court
25 shall have exclusive jurisdiction over the actions, applica-
26 tions, determinations, adjudications, and proceedings de-

1 scribed in section 11-1101, except that those actions with-
 2 in the jurisdiction of the Domestic Violence Unit (a section
 3 of the Civil Division, Criminal Division, and the Family
 4 Court) pursuant to Administrative Order No. 96-25 (Oc-
 5 tober 31, 1996) shall remain in that Unit.”.

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

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

14 (2) Section 11-1101, District of Columbia Code, is
 15 amended by striking “Family Division” and inserting
 16 “Family Court”.

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

21 (d) CONFORMING AMENDMENTS TO TITLE 16.—

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

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

7 (3) GENERAL REFERENCES TO PRO-
 8 CEEDINGS.—Chapter 23 of title 16, District of Co-
 9 lumbia Code, is amended by inserting after section
 10 16–2301 the following new section:

11 **“§ 16–2301.1. References deemed to refer to Family**
 12 **Court of the Superior Court.**

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

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

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

1 **SEC. 3. APPOINTMENT AND ASSIGNMENT OF JUDGES; NUM-**
 2 **BER AND QUALIFICATIONS.**

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

7 **“§ 11-908A. Special rules regarding assignment and**
 8 **service of judges of Family Court.**

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

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

19 “(2) greater than 15.

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

23 “(1) the individual has training or expertise in
 24 family law;

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

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

10 “(c) TERM OF SERVICE.—

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

15 “(2) SPECIAL RULE FOR JUDGES SERVING ON
16 SUPERIOR COURT ON DATE OF ENACTMENT OF FAM-
17 ILY COURT ACT.—

18 “(A) IN GENERAL.—An individual assigned
19 to serve as a judge of the Family Court of the
20 Superior Court who is serving as a judge of the
21 Superior Court on the date of the enactment of
22 the District of Columbia Family Court Act of
23 2001 shall serve for a term of not fewer than
24 3 years.

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

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

19 “(4) PERMITTING SERVICE ON FAMILY COURT
 20 FOR ENTIRE TERM.—At the request of the judge, a
 21 judge may serve as a judge of the Family Court for
 22 the judge’s entire term of service as a judge of the
 23 Superior Court under section 431(e) of the District
 24 of Columbia Home Rule Act.

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

6 (b) PLAN FOR FAMILY COURT TRANSITION.—

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

14 (A) The chief judge’s determination of the
 15 number of judges needed to serve on the Family
 16 Court.

17 (B) The chief judge’s determination of the
 18 role and function of the presiding judge of the
 19 Family Court.

20 (C) The chief judge’s determination of the
 21 number of magistrate judges of the Family
 22 Court needed for appointment under section
 23 11–1732, District of Columbia Code.

24 (D) The chief judge’s determination of the
 25 appropriate functions of such magistrate

1 judges, together with the compensation of and
2 other personnel matters pertaining to such
3 magistrate judges.

4 (E) A plan for case flow, case manage-
5 ment, and staffing needs (including the needs
6 for both judicial and nonjudicial personnel) for
7 the Family Court.

8 (F) A description of how the Superior
9 Court will meet the requirements of section 11-
10 1104(a), District of Columbia Code (as added
11 by section 4(a)), regarding the promulgation of
12 rules to enforce the “one family, one judge” re-
13 quirement for cases and proceedings in the
14 Family Court.

15 (G) An analysis of the needs of the Family
16 Court for space, equipment, and other physical
17 plant requirements, as determined in consulta-
18 tion with the Administrator of General Services.

19 (H) An analysis of the success of the use
20 of magistrate judges under the expedited ap-
21 pointment procedures established under section
22 6(d) in reducing the number of pending actions
23 and proceedings within the jurisdiction of the
24 Family Court (as described in section 11-

1 902(d), District of Columbia, as amended by
2 subsection (a)).

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

18 (2) DISPOSITION AND TRANSFER OF PENDING
19 ACTIONS AND PROCEEDINGS.—The chief judge of
20 the Superior Court shall take such actions as may
21 be necessary to provide for the earliest practicable
22 disposition of actions and proceedings pending in the
23 Family Division of the Superior Court as of the date
24 of the enactment of this Act (together with actions
25 and proceedings described in section 11–1101, Dis-

1 trict of Columbia Code, which were initiated in the
2 Family Division but remain pending in other Divi-
3 sions of the Superior Court as of such date); but in
4 no event may any such action or proceeding remain
5 pending longer than 18 months after the date the
6 chief judge submits the transition plan required
7 under paragraph (1) to the President and Congress.

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

18 (4) ~~EFFECTIVE DATE OF IMPLEMENTATION OF~~
19 ~~PLAN.~~—The chief judge of the Superior Court may
20 not take any action to implement the transition plan
21 under this subsection until the expiration of the 30-
22 day period which begins on the date the chief judge
23 submits the plan to the President and Congress
24 under paragraph (1).

1 (c) TRANSITION TO APPROPRIATE NUMBER OF
2 JUDGES.—

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

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

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

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

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

1 eruit individuals for possible nomination and ap-
 2 pointment to the Superior Court who meet the quali-
 3 fications for judges of the Family Court of the Supe-
 4 rior Court.

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

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

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

23 (d) REPORT BY COMPTROLLER GENERAL.—

24 (1) IN GENERAL.—Not later than 2 years after
 25 the date of the enactment of this Act, the Comp-

1 troller General shall prepare and submit to Congress
2 and the chief judge of the Superior Court of the Dis-
3 trict of Columbia a report on the implementation of
4 this Act (including the effect of the transition plan
5 under subsection (b) on the implementation of this
6 Act); and shall include in the report the following:

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

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

23 (C) An analysis of the number of judges
24 needed for the Family Court, including an anal-
25 ysis of how the number may be affected by the

1 qualification requirements for judges; the avail-
 2 ability of magistrate judges; and other provi-
 3 sions of this Act or the amendments made by
 4 this Act.

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

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

21 (c) ONGOING REPORTS ON PENDING CASES AND
 22 PROCEEDINGS.—

23 (1) IN GENERAL.—The chief judge of the Supe-
 24 rior Court of the District of Columbia shall submit
 25 a status report to the President and Congress on the

1 disposition of actions and proceedings pending in the
 2 Family Division of the Superior Court as of the date
 3 of the enactment of this Act (together with actions
 4 and proceedings described in section 11-1101, Dis-
 5 trict of Columbia Code, which were initiated in the
 6 Family Division but remain pending in other Divi-
 7 sions of the Superior Court as of such date) and the
 8 extent to which the Court is in compliance with the
 9 requirements of this Act regarding the timetable for
 10 the disposition of such actions and proceedings.

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

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

22 (g) CLERICAL AMENDMENT.—The table of sections
 23 for chapter 9 of title 11, District of Columbia Code, is
 24 amended by inserting after the item relating to section
 25 11-908 the following new item:

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

1 **SEC. 4. IMPROVING ADMINISTRATION OF CASES AND PRO-**
 2 **CEEDINGS IN FAMILY COURT.**

3 (a) ~~IN GENERAL.~~—Chapter 11 of title 11, District
 4 of Columbia, is amended by adding at the end the fol-
 5 lowing new sections:

6 **~~“§ 11-1102. Use of alternative dispute resolution.~~**

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

12 **~~“§ 11-1103. Standards of practice for appointed coun-~~**
 13 **~~sel.~~**

14 ~~“The Superior Court shall establish standards of~~
 15 ~~practice for attorneys appointed as counsel in the Family~~
 16 ~~Court of the Superior Court.~~

17 **~~“§ 11-1104. Administration.~~**

18 ~~“(a) ‘ONE FAMILY, ONE JUDGE’ REQUIREMENT FOR~~
 19 ~~CASES AND PROCEEDINGS.—~~

20 ~~“(1) IN GENERAL.—The Superior Court shall~~
 21 ~~promulgate rules for the Family Court which require~~
 22 ~~all issues within the jurisdiction of the Family Court~~
 23 ~~concerning one family or one child to be decided by~~

1 one judge, to the greatest extent practicable, fea-
2 sible, and lawful.

3 “(2) SPECIFIC REQUIREMENTS.—Under the
4 rules promulgated by the Superior Court under
5 paragraph (1), to the greatest extent practicable,
6 feasible, and lawful—

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

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

24 “(b) RETENTION OF JURISDICTION OVER CASES.—
25 Any action or proceeding assigned to the Family Court

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

16 “(c) TRAINING PROGRAM.—

17 “(1) IN GENERAL.—The presiding judge of the
 18 Family Court shall carry out an ongoing program to
 19 provide training in family law and related matters
 20 for judges of the Family Court, other judges of the
 21 Superior Court, and appropriate nonjudicial per-
 22 sonnel, and shall include in the program information
 23 and instruction regarding the following:

24 “(A) Child development.

25 “(B) Family dynamics.

1 ~~“(C) Relevant Federal and District of Co-~~
2 ~~lumbia laws.~~

3 ~~“(D) Permanency planning principles and~~
4 ~~practices.~~

5 ~~“(E) Recognizing the risk factors for child~~
6 ~~abuse.~~

7 ~~“(F) Any other matters the presiding~~
8 ~~judge considers appropriate.~~

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

14 ~~“(d) ACCESSIBILITY OF MATERIALS, SERVICES, AND~~
15 ~~PROCEEDINGS; PROMOTION OF ‘FAMILY-FRIENDLY’ EN-~~
16 ~~VIRONMENT.—~~

17 ~~“(1) IN GENERAL.—To the greatest extent~~
18 ~~practicable, the chief judge of the Superior Court~~
19 ~~shall ensure that the materials and services provided~~
20 ~~by the Family Court are understandable and acces-~~
21 ~~sible to the individuals and families served by the~~
22 ~~Court, and that the Court carries out its duties in~~
23 ~~a manner which reflects the special needs of families~~
24 ~~with children.~~

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

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

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

22 “(2) to establish and operate an electronic
23 tracking and management system for cases and pro-
24 ceedings in the Family Court for the use of judges
25 and nonjudicial personnel of the Family Court, using

1 the records and materials stored and maintained
 2 pursuant to paragraph (1); and

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

5 **~~“§ 11–1105. Social services and other related services.~~**

6 ~~“(a) ON-SITE COORDINATION OF SERVICES AND IN-~~
 7 ~~FORMATION.—~~

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

23 ~~“(2) DUTIES OF HEADS OF OFFICES.—The~~
 24 ~~head of each office described in paragraph (1), in-~~
 25 ~~cluding the Superintendent of the District of Colum-~~

1 bia Public Schools and the Director of the District
2 of Columbia Housing Authority, shall provide the
3 Mayor with such information, assistance, and serv-
4 ices as the Mayor may require to carry out such
5 paragraph.

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

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

1 **“§ 11–1106. Reports to Congress.**

2 “Not later than 90 days after the end of each cal-
3 endar year, the chief judge of the Superior Court shall
4 submit a report to Congress on the activities of the Family
5 Court during the year, and shall include in the report the
6 following:

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

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

12 “(3) Information on the extent to which the
13 Court met deadlines and standards applicable under
14 Federal and District of Columbia law to the review
15 and disposition of actions and proceedings under the
16 Court’s jurisdiction during the year.

17 “(4) Information on the progress made in find-
18 ing and utilizing suitable locations and space for the
19 Family Court.

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

24 “(6) Based on outcome measures derived
25 through the use of the information stored in elec-
26 tronic format under section 11–1104(d), an analysis

of the Court's efficiency and effectiveness in managing its case load during the year, including an analysis of the time required to dispose of actions and proceedings among the various categories of the Court's jurisdiction, as prescribed by applicable law and best practices, including (but not limited to) best practices developed by the American Bar Association and the National Council of Juvenile and Family Court Judges.

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

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

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

(c) PLAN FOR INTEGRATING COMPUTER SYSTEMS.—

(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the

1 Mayor of the District of Columbia shall submit to
 2 the President and Congress a plan for integrating
 3 the computer systems of the District government
 4 with the computer systems of the Superior Court of
 5 the District of Columbia so that the Family Court
 6 of the Superior Court and the appropriate offices of
 7 the District government which provide social services
 8 and other related services to individuals and families
 9 served by the Family Court of the Superior Court
 10 (including the District of Columbia Public Schools,
 11 the District of Columbia Housing Authority, the
 12 Child and Family Services Agency, the Office of the
 13 Corporation Counsel, the Metropolitan Police De-
 14 partment, the Department of Health, and other of-
 15 fices determined by the Mayor) will be able to access
 16 and share information on the individuals and fami-
 17 lies served by the Family Court.

18 ~~(2) AUTHORIZATION OF APPROPRIATIONS.—~~

19 There are authorized to be appropriated to the
 20 Mayor of the District of Columbia such sums as may
 21 be necessary to carry out paragraph (1).

22 ~~(d) CLERICAL AMENDMENT.—~~The table of sections
 23 for chapter 11 of title 11, District of Columbia Code, is
 24 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.”.~~

1 **SEC. 5. TREATMENT OF HEARING COMMISSIONERS AS**
2 **MAGISTRATE JUDGES.**

3 ~~(a) IN GENERAL.—~~

4 ~~(1) REDESIGNATION OF TITLE.—Section 11–~~
5 ~~1732, District of Columbia Code, is amended—~~

6 ~~(A) by striking “hearing commissioners”~~
7 ~~each place it appears in subsection (a), sub-~~
8 ~~section (b), subsection (d), subsection (i), sub-~~
9 ~~section (l), and subsection (n) and inserting~~
10 ~~“magistrate judges”;~~

11 ~~(B) by striking “hearing commissioner”~~
12 ~~each place it appears in subsection (b), sub-~~
13 ~~section (c), subsection (e), subsection (f), sub-~~
14 ~~section (g), subsection (h), and subsection (j)~~
15 ~~and inserting “magistrate judge”;~~

16 ~~(C) by striking “hearing commissioner’s”~~
17 ~~each place it appears in subsection (c) and sub-~~
18 ~~section (k) and inserting “magistrate judge’s”;~~

19 ~~(D) by striking “Hearing commissioners”~~
20 ~~each place it appears in subsections (b), (d),~~
21 ~~and (i) and inserting “Magistrate judges”; and~~

22 ~~(E) in the heading, by striking “**Hearing**~~
23 ~~**commissioners**” and inserting “**Mag-**~~
24 ~~**istrate Judges**”.~~

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

5 (B) Section 16–924, District of Columbia Code,
 6 is amended—

7 (i) by striking “hearing commissioner”
 8 each place it appears and inserting “magistrate
 9 judge”; and

10 (ii) in subsection (f), by striking “hearing
 11 commissioner’s” and inserting “magistrate
 12 judge’s”.

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

“11–1732. Magistrate judges.”.

17 (b) TRANSITION PROVISION REGARDING HEARING
 18 COMMISSIONERS.—Any individual serving as a hearing
 19 commissioner under section 11–1732 of the District of Co-
 20 lumbia Code as of the date of the enactment of this Act
 21 shall serve the remainder of such individual’s term as a
 22 magistrate judge, and may be reappointed as a magistrate
 23 judge in accordance with section 11–1732(d), District of
 24 Columbia Code, except that any individual serving as a
 25 hearing commissioner as of the date of the enactment of

1 this Act who was appointed as a hearing commissioner
 2 prior to the effective date of section 11-1732 of the Dis-
 3 trict of Columbia Code shall not be required to be a resi-
 4 dent of the District of Columbia to be eligible to be re-
 5 appointed.

6 (c) EFFECTIVE DATE.—The amendments made by
 7 this section shall take effect on the date of the enactment
 8 of this Act.

9 **SEC. 6. SPECIAL RULES FOR MAGISTRATE JUDGES OF FAM-**
 10 **ILY COURT.**

11 (a) IN GENERAL.—Chapter 17 of title 11, District
 12 of Columbia Code, is amended by inserting after section
 13 11-1732 the following new section:

14 **“§ 11-1732A. Special rules for magistrate judges of**
 15 **Family Court of the Superior Court.**

16 “(a) USE OF SOCIAL WORKERS IN ADVISORY MERIT
 17 SELECTION PANEL.—The advisory selection merit panel
 18 used in the selection of magistrate judges for the Family
 19 Court of the Superior Court under section 11-1732(b)
 20 shall include certified social workers specializing in child
 21 welfare matters who are residents of the District and who
 22 are not employees of the District of Columbia Courts.

23 “(b) SPECIAL QUALIFICATIONS.—Notwithstanding
 24 section 11-1732(c), no individual shall be appointed as a

1 magistrate judge for the Family Court of the Superior
2 Court unless that individual—

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

4 “(2) is an active member of the unified District
5 of Columbia Bar;

6 “(3) for the 5 years immediately preceding the
7 appointment has been engaged in the active practice
8 of law in the District, has been on the faculty of a
9 law school in the District, or has been employed as
10 a lawyer by the United States or District govern-
11 ment, or any combination thereof;

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

14 “(5) is a bona fide resident of the District of
15 Columbia and has maintained an actual place of
16 abode in the District for at least 90 days imme-
17 diately prior to appointment (or becomes a bona fide
18 resident of the District of Columbia and maintains
19 an actual place of abode in the District not later
20 than 90 days after appointment); and retains such
21 residency during service as a magistrate.

22 “(c) SERVICE OF CURRENT HEARING COMMIS-
23 SIONERS.—Those individuals serving as hearing commis-
24 sioners under section 11–1732 on the effective date of this
25 section who meet the qualifications described in subsection

1 (b)(4) may request to be appointed as magistrate judges
2 for the Family Court of the Superior Court under such
3 section.

4 “(d) FUNCTIONS.—A magistrate judge, when specifi-
5 cally designated by the presiding judge of the Family
6 Court of the Superior Court, and subject to the rules of
7 the Superior Court and the right of review under section
8 11–1732(k), may perform the following functions:

9 “(1) Administer oaths and affirmations and
10 take acknowledgements.

11 “(2) Subject to the rules of the Superior Court
12 and applicable Federal and District of Columbia law,
13 conduct hearings, make findings and enter interim
14 and final orders or judgments in uncontested or con-
15 tested proceedings within the jurisdiction of the
16 Family Court of the Superior Court (as described in
17 section 11–1101), excluding jury trials and trials of
18 felony cases, as assigned by the presiding judge of
19 the Family Court.

20 “(3) Subject to the rules of the Superior Court,
21 enter an order punishing an individual for contempt,
22 except that no individual may be detained pursuant
23 to the authority of this paragraph for longer than
24 180 days.

1 “(e) LOCATION OF PROCEEDINGS.—To the maximum
 2 extent feasible, safe, and practicable, magistrate judges of
 3 the Family Court of the Superior Court shall conduct pro-
 4 ceedings at locations readily accessible to the parties in-
 5 volved.”

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

11 (b) CONFORMING AMENDMENTS.—(1) Section 11-
 12 1732(a), District of Columbia Code, is amended by insert-
 13 ing after “the duties enumerated in subsection (j) of this
 14 section” the following: “(or, in the case of magistrate
 15 judges for the Family Court of the Superior Court, the
 16 duties enumerated in section 11-1732A(d))”.

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

20 (3) Section 11-1732(k), District of Columbia Code,
 21 is amended—

22 (A) by striking “subsection (j),” and inserting
 23 the following: “subsection (j) (or proceedings and
 24 hearings under section 11-1732A(d), in the case of

1 magistrate judges for the Family Court of the Supe-
 2 rior Court),” and

3 (B) by inserting after “appropriate division”
 4 the following: “(or, in the case of an order or judg-
 5 ment of a magistrate judge of the Family Court of
 6 the Superior Court, by a judge of the Family
 7 Court)”.

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

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

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

17 (d) EFFECTIVE DATE.—

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

21 (2) EXPEDITED INITIAL APPOINTMENTS.—

22 (A) IN GENERAL.—Not later than 30 days
 23 after the date of the enactment of this Act, the
 24 chief judge of the Superior Court of the District

of Columbia shall appoint not more than 5 individuals to serve as magistrate judges for the Family Division of the Superior Court in accordance with the requirements of sections 11-1732 and 11-1732A, District of Columbia Code (as added by subsection (a)).

(B) APPOINTMENTS MADE WITHOUT REGARD TO SELECTION PANEL.—Sections 11-1732(b) and 11-1732A(a), District of Columbia Code (as added by subsection (a)) shall not apply with respect to any magistrate judge appointed under this paragraph.

(C) PRIORITY FOR CERTAIN ACTIONS AND PROCEEDINGS.—The chief judge of the Superior Court and the presiding judge of the Family Division of the Superior Court (acting jointly) shall first assign and transfer to the magistrate 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.

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

5 (3) SPECIAL REFERENCES DURING TRANSI-
 6 TION.—During the period which begins on the date
 7 of the enactment of this Act and ends on the effec-
 8 tive date described in section 9, any reference to the
 9 Family Court of the Superior Court of the District
 10 of Columbia in any provision of law added or amend-
 11 ed by this section shall be deemed to be a reference
 12 to the Family Division of the Superior Court of the
 13 District of Columbia.

14 **SEC. 7. SENSE OF CONGRESS REGARDING BORDER AGREE-**
 15 **MENT WITH MARYLAND AND VIRGINIA.**

16 It is the sense of Congress that the State of Mary-
 17 land, the Commonwealth of Virginia, and the District of
 18 Columbia should promptly enter into a border agreement
 19 to facilitate the timely and safe placement of children in
 20 the District of Columbia's welfare system in foster and
 21 kinship homes and other facilities in Maryland and Vir-
 22 ginia.

23 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

24 There are authorized to be appropriated to the Dis-
 25 trict of Columbia courts such sums as may be necessary

1 to carry out this Act and the amendments made by this
 2 Act, including sums necessary for salaries and expenses
 3 and capital improvements for the District of Columbia
 4 courthouse facilities.

5 **SEC. 9. EFFECTIVE DATE.**

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

15 **SECTION 1. SHORT TITLE.**

16 *This Act may be cited as the “District of Columbia*
 17 *Family Court Act of 2001”.*

18 **SEC. 2. REDESIGNATION OF FAMILY DIVISION AS FAMILY**
 19 **COURT OF THE SUPERIOR COURT.**

20 *(a) IN GENERAL.—Section 11–902, District of Colum-*
 21 *bia Code, is amended to read as follows:*

22 **“§ 11–902. Organization of the court**

23 *“(a) IN GENERAL.—The Superior Court shall consist*
 24 *of the following:*

25 *“(1) The Civil Division.*

1 “(2) *The Criminal Division.*

2 “(3) *The Family Court.*

3 “(4) *The Probate Division.*

4 “(5) *The Tax Division.*

5 “(b) *BRANCHES.—The divisions of the Superior Court*
 6 *may be divided into such branches as the Superior Court*
 7 *may by rule prescribe.*

8 “(c) *DESIGNATION OF PRESIDING JUDGE OF FAMILY*
 9 *COURT.—The chief judge of the Superior Court shall des-*
 10 *ignate one of the judges assigned to the Family Court of*
 11 *the Superior Court to serve as the presiding judge of the*
 12 *Family Court of the Superior Court.*

13 “(d) *JURISDICTION DESCRIBED.—The Family Court*
 14 *shall have original jurisdiction over the actions, applica-*
 15 *tions, determinations, adjudications, and proceedings de-*
 16 *scribed in section 11–1101. Actions, applications, deter-*
 17 *minations, adjudications, and proceedings being assigned*
 18 *to cross-jurisdictional units established by the Superior*
 19 *Court, including the Domestic Violence Unit, on the date*
 20 *of enactment of this section may continue to be so assigned*
 21 *after the date of enactment of this section.”.*

22 “(b) *CONFORMING AMENDMENT TO CHAPTER 9.—Sec-*
 23 *tion 11–906(b), District of Columbia Code, is amended by*
 24 *inserting “the Family Court and” before “the various divi-*
 25 *sions”.*

1 (c) *CONFORMING AMENDMENTS TO CHAPTER 11.*—(1)
 2 *The heading for chapter 11 of title 11, District of Columbia,*
 3 *is amended by striking “FAMILY DIVISION” and inserting*
 4 *“FAMILY COURT”.*

5 (2) *The item relating to chapter 11 in the table of*
 6 *chapters for title 11, District of Columbia, is amended by*
 7 *striking “FAMILY DIVISION” and inserting “FAMILY*
 8 *COURT”.*

9 (d) *CONFORMING AMENDMENTS TO TITLE 16.*—

10 (1) *CALCULATION OF CHILD SUPPORT.*—Section
 11 *16–916.1(o)(6), District of Columbia Code, is amend-*
 12 *ed by striking “Family Division” and inserting*
 13 *“Family Court of the Superior Court”.*

14 (2) *EXPEDITED JUDICIAL HEARING OF CASES*
 15 *BROUGHT BEFORE HEARING COMMISSIONERS.*—Sec-
 16 *tion 16–924, District of Columbia Code, is amended*
 17 *by striking “Family Division” each place it appears*
 18 *in subsections (a) and (f) and inserting “Family*
 19 *Court”.*

20 (3) *GENERAL REFERENCES TO PROCEEDINGS.*—
 21 *Chapter 23 of title 16, District of Columbia Code, is*
 22 *amended by inserting after section 16–2301 the fol-*
 23 *lowing new section:*

1 **“§ 16–2301.1. References deemed to refer to Family**
 2 **Court of the Superior Court**

3 *“Any reference in this chapter or any other Federal*
 4 *or District of Columbia law, Executive order, rule, regula-*
 5 *tion, delegation of authority, or any document of or per-*
 6 *taining to the Family Division of the Superior Court of*
 7 *the District of Columbia shall be deemed to refer to the*
 8 *Family Court of the Superior Court of the District of Co-*
 9 *lumbia.”.*

10 (4) CLERICAL AMENDMENT.—*The table of sec-*
 11 *tions for subchapter I of chapter 23 of title 16, Dis-*
 12 *trict of Columbia, is amended by inserting after the*
 13 *item relating to section 16–2301 the following new*
 14 *item:*

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

15 **SEC. 3. APPOINTMENT AND ASSIGNMENT OF JUDGES; NUM-**
 16 **BER AND QUALIFICATIONS.**

17 (a) NUMBER OF JUDGES FOR FAMILY COURT; QUALI-
 18 FICATIONS AND TERMS OF SERVICE.—*Chapter 9 of title 11,*
 19 *District of Columbia Code, is amended by inserting after*
 20 *section 11–908 the following new section:*

21 **“§ 11–908A. Special rules regarding assignment and**
 22 **service of judges of Family Court**

23 *“(a) NUMBER OF JUDGES.—*

1 “(1) *IN GENERAL.*—*The number of judges serv-*
 2 *ing on the Family Court of the Superior Court shall*
 3 *be not more than 15.*

4 “(2) *EXCEPTION.*—*If the chief judge determines*
 5 *that, in order to carry out the intent and purposes of*
 6 *this Act, an emergency exists such that the number of*
 7 *judges needed on the Family Court of the Superior*
 8 *Court at any time is more than 15, the chief judge*
 9 *may temporarily reassign qualified judges from other*
 10 *divisions of the Superior Court or qualified senior*
 11 *judges to serve on the Family Court. Such reassigned*
 12 *judges shall not be subject to the term of service re-*
 13 *quirements of this Act.*

14 “(3) *COMPOSITION.*—*The total number of judges*
 15 *on the Superior Court may exceed the limit on such*
 16 *judges specified in section 11–903 to the extent nec-*
 17 *essary to maintain the requirements of this subsection*
 18 *if—*

19 “(A) *the number of judges serving on the*
 20 *Family Court is less than 15; and*

21 “(B) *the Chief Judge of the Superior*
 22 *Court—*

23 “(i) *is unable to secure a volunteer*
 24 *judge who is sitting on the Superior Court*

1 *outside of the Family Court for reassign-*
2 *ment to the Family Court;*

3 “(ii) obtains approval of the Joint
4 Committee on Judicial Administration; and

5 “(iii) reports to Congress regarding the
6 circumstances that gave rise to the necessity
7 to exceed the cap.

8 “(b) *QUALIFICATIONS.*—*The chief judge may not as-*
9 *sign an individual to serve on the Family Court of the Su-*
10 *perior Court or handle a Family Court case unless—*

11 “(1) *the individual has training or expertise in*
12 *family law;*

13 “(2) *the individual certifies to the chief judge*
14 *that the individual intends to serve the full term of*
15 *service, except that this paragraph shall not apply*
16 *with respect to individuals serving as senior judges*
17 *under section 11–1504, individuals serving as tem-*
18 *porary judges under section 11–908, and any other*
19 *judge serving in another division of the Superior*
20 *Court;*

21 “(3) *the individual certifies to the chief judge*
22 *that the individual will participate in the ongoing*
23 *training programs carried out for judges of the Fam-*
24 *ily Court under section 11–1104(c); and*

1 “(4) *the individual meets the requirements of sec-*
2 *tion 11–1501(b).*

3 “(c) *TERM OF SERVICE.—*

4 “(1) *IN GENERAL.—*

5 “(A) *SITTING JUDGES.—An individual as-*
6 *signed to serve as a judge of the Family Court*
7 *of the Superior Court who is serving as a judge*
8 *in the Superior Court on the date of enactment*
9 *of the District of Columbia Family Court Act of*
10 *2001 shall serve in the Family Court for a term*
11 *of not fewer than 3 years as determined by the*
12 *chief judge of the Superior Court (including any*
13 *period of service on the Family Division of the*
14 *Superior Court immediately preceding the date*
15 *of enactment of such Act).*

16 “(B) *NEW JUDGES.—An individual as-*
17 *signed to serve as a judge of the Family Court*
18 *of the Superior Court who is not serving as a*
19 *judge in the Superior Court on the date of enact-*
20 *ment of the District of Columbia Family Court*
21 *Act of 2001 shall serve for a term of 5 years.*

22 “(2) *ASSIGNMENT FOR ADDITIONAL SERVICE.—*
23 *After the term of service of a judge of the Family*
24 *Court (as described in paragraph (1)) expires, at the*
25 *judge’s request and with the approval of the chief*

1 *judge, the judge may be assigned for additional serv-*
 2 *ice on the Family Court for a period of such duration*
 3 *(consistent with section 431(c) of the District of Co-*
 4 *lumbia Home Rule Act) as the chief judge may pro-*
 5 *vide.*

6 “(3) *PERMITTING SERVICE ON FAMILY COURT*
 7 *FOR ENTIRE TERM.—At the request of the judge and*
 8 *with the approval of the chief judge, a judge may*
 9 *serve as a judge of the Family Court for the judge’s*
 10 *entire term of service as a judge of the Superior Court*
 11 *under section 431(c) of the District of Columbia*
 12 *Home Rule Act.*

13 “(d) *REASSIGNMENT TO OTHER DIVISIONS.—The chief*
 14 *judge may reassign a judge of the Family Court to any*
 15 *division of the Superior Court if the chief judge determines*
 16 *that in the interest of justice the judge is unable to continue*
 17 *serving in the Family Court.”.*

18 (b) *PLAN FOR FAMILY COURT TRANSITION.—*

19 (1) *IN GENERAL.—Not later than 90 days after*
 20 *the date of the enactment of this Act, the chief judge*
 21 *of the Superior Court of the District of Columbia*
 22 *shall prepare and submit to the President and Con-*
 23 *gress a transition plan for the Family Court of the*
 24 *Superior Court, and shall include in the plan the fol-*
 25 *lowing:*

1 (A) *The chief judge's determination of the*
2 *role and function of the presiding judge of the*
3 *Family Court.*

4 (B) *The chief judge's determination of the*
5 *number of judges needed to serve on the Family*
6 *Court.*

7 (C) *The chief judge's determination of the*
8 *number of magistrate judges of the Family Court*
9 *needed for appointment under section 11-1732,*
10 *District of Columbia Code.*

11 (D) *The chief judge's determination of the*
12 *appropriate functions of such magistrate judges,*
13 *together with the compensation of and other per-*
14 *sonnel matters pertaining to such magistrate*
15 *judges.*

16 (E) *A plan for case flow, case management,*
17 *and staffing needs (including the needs for both*
18 *judicial and nonjudicial personnel) for the Fam-*
19 *ily Court.*

20 (F) *A plan for space, equipment, and other*
21 *physical plant needs and requirements during*
22 *the transition, as determined in consultation*
23 *with the Administrator of General Services.*

24 (G) *An analysis of the number of mag-*
25 *istrate judges needed under the expedited ap-*

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

7 *(H) Consistent with the requirements of*
8 *paragraph (2), a proposal for the disposition or*
9 *transfer to the Family Court of child abuse and*
10 *neglect actions pending as of the date of enact-*
11 *ment of this Act (which were initiated in the*
12 *Family Division but remain pending before*
13 *judges serving in other Divisions of the Superior*
14 *Court as of such date) in a manner consistent*
15 *with applicable Federal and District of Colum-*
16 *bia law and best practices, including best prac-*
17 *tices developed by the American Bar Association*
18 *and the National Council of Juvenile and Fam-*
19 *ily Court Judges.*

20 *(I) An estimate of the number of cases for*
21 *which the deadline for disposition or transfer to*
22 *the Family Court, specified in paragraph (2)(B),*
23 *cannot be met and the reasons why such deadline*
24 *cannot be met.*

1 (2) *IMPLEMENTATION OF THE PROPOSAL FOR*
2 *TRANSFER OR DISPOSITION OF ACTIONS AND PRO-*
3 *CEEDINGS TO FAMILY COURT.—*

4 (A) *IN GENERAL.—Except as provided in*
5 *subparagraph (C), the chief judge of the Superior*
6 *Court and the presiding judge of the Family*
7 *Court shall take such steps as may be required*
8 *as provided in the proposal for disposition of ac-*
9 *tions and proceedings under paragraph (1)(H)*
10 *to ensure that each child abuse and neglect ac-*
11 *tion of the Superior Court (as described in sec-*
12 *tion 11–902(d), District of Columbia Code, as*
13 *amended by subsection (a)) is transferred to the*
14 *Family Court or otherwise disposed of as pro-*
15 *vided in subparagraph (B). The requirement of*
16 *this subparagraph shall not apply to a child*
17 *abuse or neglect action pending before a senior*
18 *judge as defined in section 11–1504, District of*
19 *Columbia Code.*

20 (B) *DEADLINE.—*

21 (i) *IN GENERAL.—Notwithstanding*
22 *any other provision of this Act or any*
23 *amendment made by this Act and except as*
24 *provided in subparagraph (C), no child*
25 *abuse or neglect action shall remain pend-*

ing with a judge not serving on the Family Court upon the expiration of 18 months after the filing of the transition plan required under paragraph (1).

(ii) *RULE OF CONSTRUCTION.*—Nothing in this subparagraph shall preclude the immediate transfer of cases to the Family Court, particularly cases which have been filed with the court for less than 6 months prior to the date of enactment of this Act.

(C) *RETAINED CASES.*—Child abuse and neglect cases that were initiated in the Family Division but remain pending before judges in other Divisions of the Superior Court as of the date of enactment of this Act may remain before judges in such other Divisions when—

(i) the case remains at all times in full compliance with section 103(a)(3) of Public Law 105–89 (42 U.S.C. 675(5)(E)); and

(ii) the case has been assigned continuously to the judge for 18 months or more and the judge has a special knowledge of the child’s needs, such that reassignment would be harmful to the child.

1 (D) *PROGRESS REPORTS.*—*The chief judge*
 2 *of the Superior Court shall report to the Com-*
 3 *mittee on Appropriations of each House, the*
 4 *Committee on Governmental Affairs of the Sen-*
 5 *ate, and the Committee on Government Reform*
 6 *of the House of Representatives at 6-month inter-*
 7 *vals for a period of 2 years after the date of en-*
 8 *actment of this Act on the progress made towards*
 9 *disposing of actions or proceedings described in*
 10 *subparagraph (B).*

11 (3) *EFFECTIVE DATE OF IMPLEMENTATION OF*
 12 *PLAN.*—*The chief judge of the Superior Court may*
 13 *not take any action to implement the transition plan*
 14 *under this subsection until the expiration of the 30-*
 15 *day period which begins on the date the chief judge*
 16 *submits the plan to the President and Congress under*
 17 *paragraph (1).*

18 (c) *TRANSITION TO REQUIRED NUMBER OF JUDGES.*—

19 (1) *ANALYSIS BY CHIEF JUDGE OF SUPERIOR*
 20 *COURT.*—*The chief judge of the Superior Court of the*
 21 *District of Columbia shall include in the transition*
 22 *plan prepared under subsection (b)—*

23 (A) *the chief judge's determination of the*
 24 *number of individuals serving as judges of the*
 25 *Superior Court who—*

1 (i) meet the qualifications for judges of
 2 the Family Court of the Superior Court
 3 under section 11–908A, District of Colum-
 4 bia Code (as added by subsection (a)); and
 5 (ii) are willing and able to serve on the
 6 Family Court; and

7 (B) if the chief judge determines that the
 8 number of individuals described in subpara-
 9 graph (A) is less than 15, a request that the Ju-
 10 dicial Nomination Commission recruit and the
 11 President nominate (in accordance with section
 12 433 of the District of Columbia Home Rule Act)
 13 such additional number of individuals to serve
 14 on the Superior Court who meet the qualifica-
 15 tions for judges of the Family Court under sec-
 16 tion 11–908A, District of Columbia Code, as
 17 may be required to enable the chief judge to make
 18 the required number of assignments.

19 (2) *ROLE OF DISTRICT OF COLUMBIA JUDICIAL*
 20 *NOMINATION COMMISSION.*—For purposes of section
 21 434(d)(1) of the District of Columbia Home Rule Act,
 22 the submission of a request from the chief judge of the
 23 Superior Court of the District of Columbia under
 24 paragraph (1)(B) shall be deemed to create a number
 25 of vacancies in the position of judge of the Superior

1 *Court equal to the number of additional appoint-*
2 *ments so requested by the chief judge, except that the*
3 *deadline for the submission by the District of Colum-*
4 *bia Judicial Nomination Commission of nominees to*
5 *fill such vacancies shall be 90 days after the creation*
6 *of such vacancies. In carrying out this paragraph, the*
7 *District of Columbia Judicial Nomination Commis-*
8 *sion shall recruit individuals for possible nomination*
9 *and appointment to the Superior Court who meet the*
10 *qualifications for judges of the Family Court of the*
11 *Superior Court.*

12 *(d) REPORT BY COMPTROLLER GENERAL.—*

13 *(1) IN GENERAL.—Not later than 2 years after*
14 *the date of the enactment of this Act, the Comptroller*
15 *General shall prepare and submit to Congress and the*
16 *chief judge of the Superior Court of the District of Co-*
17 *lumbia a report on the implementation of this Act*
18 *(including the transition plan under subsection (b)),*
19 *and shall include in the report the following:*

20 *(A) An analysis of the procedures used to*
21 *make the initial appointments of judges of the*
22 *Family Court under this Act and the amend-*
23 *ments made by this Act, including an analysis*
24 *of the time required to make such appointments*
25 *and the effect of the qualification requirements*

1 *for judges of the Court (including requirements*
 2 *relating to the length of service on the Court) on*
 3 *the time required to make such appointments.*

4 *(B) An analysis of the impact of magistrate*
 5 *judges for the Family Court (including the expe-*
 6 *ditied initial appointment of magistrate judges*
 7 *for the Court under section 6(d)) on the workload*
 8 *of judges and other personnel of the Court.*

9 *(C) An analysis of the number of judges*
 10 *needed for the Family Court, including an anal-*
 11 *ysis of how the number may be affected by the*
 12 *qualification requirements for judges, the avail-*
 13 *ability of magistrate judges, and other provisions*
 14 *of this Act or the amendments made by this Act.*

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

23 *(e) CONFORMING AMENDMENT.—The first sentence of*
 24 *section 11–908(a), District of Columbia Code, is amended*

1 *by striking “The chief judge” and inserting “Subject to sec-*
 2 *tion 11–908A, the chief judge”.*

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

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

7 **SEC. 4. IMPROVING ADMINISTRATION OF CASES AND PRO-**
 8 **CEEDINGS IN FAMILY COURT.**

9 (a) *IN GENERAL.—Chapter 11 of title 11, District of*
 10 *Columbia, is amended by striking section 1101 and insert-*
 11 *ing the following:*

12 **“§ 11–1101. Jurisdiction of the Family Court**

13 *“(a) IN GENERAL.—The Family Court of the District*
 14 *of Columbia shall be assigned and have original jurisdiction*
 15 *over—*

16 *“(1) actions for divorce from the bond of mar-*
 17 *riage and legal separation from bed and board, in-*
 18 *cluding proceedings incidental thereto for alimony,*
 19 *pendente lite and permanent, and for support and*
 20 *custody of minor children;*

21 *“(2) applications for revocation of divorce from*
 22 *bed and board;*

23 *“(3) actions to enforce support of any person as*
 24 *required by law;*

1 “(4) actions seeking custody of minor children,
2 including petitions for writs of habeas corpus;

3 “(5) actions to declare marriages void;

4 “(6) actions to declare marriages valid;

5 “(7) actions for annulments of marriage;

6 “(8) determinations and adjudications of prop-
7 erty rights, both real and personal, in any action re-
8 ferred to in this section, irrespective of any jurisdic-
9 tional limitation imposed on the Superior Court;

10 “(9) proceedings in adoption;

11 “(10) proceedings under the Act of July 10, 1957
12 (D.C. Code, secs. 30–301 to 30–324);

13 “(11) proceedings to determine paternity of any
14 child born out of wedlock;

15 “(12) civil proceedings for protection involving
16 intrafamily offenses, instituted pursuant to chapter
17 10 of title 16;

18 “(13) proceedings in which a child, as defined in
19 section 16–2301, is alleged to be delinquent, neglected,
20 or in need of supervision;

21 “(14) proceedings under chapter 5 of title 21 re-
22 lating to the commitment of the mentally ill;

23 “(15) proceedings under chapter 11 of title 21 re-
24 lating to the commitment of the substantially re-
25 tarded; and

6 “(1) IN GENERAL.—In this chapter, the term ‘ac-
7 tion or proceeding’ with respect to the Family Court
8 refers to cause of action described in paragraphs (1)
9 through (16) of subsection (a).

14 “§ 11-1102. *Use of alternative dispute resolution*

20 “§ 11-1103. *Standards of practice for appointed coun-*
21 *sel*

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1 **“§ 11–1104. Administration**

2 “(a) ‘ONE FAMILY, ONE JUDGE’ REQUIREMENT FOR
3 CASES AND PROCEEDINGS.—To the greatest extent prac-
4 ticable, feasible, and lawful, if an individual who is a party
5 to an action or proceeding assigned to the Family Court
6 has an immediate family or household member who is a
7 party to another action or proceeding assigned to the Fam-
8 ily Court, the individual’s action or proceeding shall be as-
9 signed to the same judge or magistrate judge to whom the
10 immediate family member’s action or proceeding is as-
11 signed.

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

13 “(1) IN GENERAL.—In addition to the require-
14 ment of subsection (a), any action or proceeding as-
15 signed to the Family Court of the Superior Court
16 shall remain under the jurisdiction of the Family
17 Court until the action or proceeding is finally dis-
18 posed, except as provided in paragraph (2)(C).

19 “(2) ONE FAMILY, ONE JUDGE.—

20 “(A) FOR THE DURATION.—An action or
21 proceeding assigned pursuant to this subsection
22 shall remain with the judge or magistrate judge
23 to whom the action or proceeding is assigned for
24 the duration of the action or proceeding to the
25 greatest extent practicable, feasible, and lawful.

1 “(B) *ALL CASES INVOLVING AN INDIVIDUAL.—If an individual who is a party to an*
2 *action or proceeding assigned to the Family*
3 *Court becomes a party to another action or pro-*
4 *ceeding assigned to the Family Court, the indi-*
5 *vidual’s subsequent action or proceeding shall be*
6 *assigned to the same judge or magistrate judge to*
7 *whom the individual’s initial action or pro-*
8 *ceeding is assigned to the greatest extent prac-*
9 *ticable and feasible.*

11 “(C) *FAMILY COURT CASE RETENTION.—If*
12 *the full term of a Family Court judge to whom*
13 *the action or proceeding is assigned is completed*
14 *prior to the final disposition of the action or*
15 *proceeding, the presiding judge of the Family*
16 *Court shall ensure that the matter or proceeding*
17 *is reassigned to a judge serving on the Family*
18 *Court.*

19 “(D) *EXCEPTION.—A judge whose full term*
20 *on the Family Court is completed but who re-*
21 *mains in Superior Court may retain the case or*
22 *proceeding for not more than 18 months after*
23 *ceasing to serve if—*

24 “(i) *the case remains at all times in*
25 *full compliance with section 103(a)(3) of*

1 *Public Law 105–89 (42 U.S.C. 675(E)), if*
 2 *applicable, and the case has been assigned*
 3 *continuously to the judge for 18 months or*
 4 *more and the judge has a special knowledge*
 5 *of the child’s needs, such that reassignment*
 6 *would be harmful to the child; and*

7 *“(ii) the chief judge, in consultation*
 8 *with the presiding judge of the Family*
 9 *Court determines that such retention is in*
 10 *the best interests of the parties.*

11 *“(3) STANDARDS OF JUDICIAL ETHICS.—The ac-*
 12 *tions of a judge or magistrate judge in retaining an*
 13 *action or proceeding under this paragraph shall be*
 14 *subject to applicable standards of judicial ethics.*

15 *“(c) TRAINING PROGRAM.—*

16 *“(1) IN GENERAL.—The chief judge, in consulta-*
 17 *tion with the presiding judge of the Family Court,*
 18 *shall carry out an ongoing program to provide train-*
 19 *ing in family law and related matters for judges of*
 20 *the Family Court and other judges of the Superior*
 21 *Court who are assigned Family Court cases, includ-*
 22 *ing magistrate judges, attorneys who practice in the*
 23 *Family Court, and appropriate nonjudicial per-*
 24 *sonnel, and shall include in the program information*
 25 *and instruction regarding the following:*

1 “(A) *Child development.*

2 “(B) *Family dynamics, including domestic*
3 *violence.*

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

6 “(D) *Permanency planning principles and*
7 *practices.*

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

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

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

17 “(d) *ACCESSIBILITY OF MATERIALS, SERVICES, AND*
18 *PROCEEDINGS; PROMOTION OF ‘FAMILY-FRIENDLY’ ENVI-*
19 *RONMENT.—*

20 “(1) *IN GENERAL.—To the greatest extent prac-*
21 *ticable, the chief judge and the presiding judge of the*
22 *Family Court shall ensure that the materials and*
23 *services provided by the Family Court are under-*
24 *standable and accessible to the individuals and fami-*
25 *lies served by the Family Court, and that the Family*

1 *Court carries out its duties in a manner which re-*
2 *flects the special needs of families with children.*

3 “(2) *LOCATION OF PROCEEDINGS.*—*To the max-*
4 *imum extent feasible, safe, and practicable, cases and*
5 *proceedings in the Family Court shall be conducted at*
6 *locations readily accessible to the parties involved.*

7 “(e) *INTEGRATED COMPUTERIZED CASE TRACKING*
8 *AND MANAGEMENT SYSTEM.*—*The Executive Officer of the*
9 *District of Columbia courts under section 11–1703 shall*
10 *work with the chief judge of the Superior Court—*

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

21 “(2) *to establish and operate an electronic track-*
22 *ing and management system for cases and pro-*
23 *ceedings in the Family Court for the use of judges*
24 *and nonjudicial personnel of the Family Court, using*

1 *the records and materials stored and maintained pur-*
 2 *suant to paragraph (1); and*

3 *“(3) to expand such system to cover all divisions*
 4 *of the Superior Court as soon as practicable.*

5 **“§ 11–1105. Social services and other related services**

6 *“(a) ONSITE COORDINATION OF SERVICES AND INFOR-*
 7 *MATION.—*

8 *“(1) IN GENERAL.—The Mayor of the District of*
 9 *Columbia, in consultation with the chief judge of the*
 10 *Superior Court, shall ensure that representatives of*
 11 *the appropriate offices of the District government*
 12 *which provide social services and other related serv-*
 13 *ices to individuals and families served by the Family*
 14 *Court (including the District of Columbia Public*
 15 *Schools, the District of Columbia Housing Authority,*
 16 *the Child and Family Services Agency, the Office of*
 17 *the Corporation Counsel, the Metropolitan Police De-*
 18 *partment, the Department of Health, and other offices*
 19 *determined by the Mayor) are available on-site at the*
 20 *Family Court to coordinate the provision of such*
 21 *services and information regarding such services to*
 22 *such individuals and families.*

23 *“(2) DUTIES OF HEADS OF OFFICES.—The head*
 24 *of each office described in paragraph (1), including*
 25 *the Superintendent of the District of Columbia Public*

1 *Schools and the Director of the District of Columbia*
 2 *Housing Authority, shall provide the Mayor with*
 3 *such information, assistance, and services as the*
 4 *Mayor may require to carry out such paragraph.*

5 “(b) *APPOINTMENT OF SOCIAL SERVICES LIAISON*
 6 *WITH FAMILY COURT.*—*The Mayor of the District of Co-*
 7 *lumbia shall appoint an individual to serve as a liaison*
 8 *between the Family Court and the District government for*
 9 *purposes of subsection (a) and for coordinating the delivery*
 10 *of services provided by the District government with the ac-*
 11 *tivities of the Family Court and for providing information*
 12 *to the judges, magistrate judges, and nonjudicial personnel*
 13 *of the Family Court regarding the services available from*
 14 *the District government to the individuals and families*
 15 *served by the Family Court. The Mayor shall provide on*
 16 *an ongoing basis information to the chief judge of the Supe-*
 17 *rior Court and the presiding judge of the Family Court re-*
 18 *garding the services of the District government which are*
 19 *available for the individuals and families served by the*
 20 *Family Court.*

21 **“§ 11–1106. Reports to Congress**

22 “*Not later than 90 days after the end of each calendar*
 23 *year, the chief judge of the Superior Court shall submit a*
 24 *report to Congress on the activities of the Family Court*

1 *during the year, and shall include in the report the fol-*
2 *lowing:*

3 “(1) *The chief judge’s assessment of the produc-*
4 *tivity and success of the use of alternative dispute res-*
5 *olution pursuant to section 11–1102.*

6 “(2) *Goals and timetables as required by the*
7 *Adoption and Safe Families Act of 1997 to improve*
8 *the Family Court’s performance in the following year.*

9 “(3) *Information on the extent to which the*
10 *Family Court met deadlines and standards applicable*
11 *under Federal and District of Columbia law to the re-*
12 *view and disposition of actions and proceedings*
13 *under the Family Court’s jurisdiction during the*
14 *year.*

15 “(4) *Information on the progress made in estab-*
16 *lishing locations and appropriate space for the Fam-*
17 *ily Court that are consistent with the mission of the*
18 *Family Court until such time as the locations and*
19 *space are established.*

20 “(5) *Information on any factors which are not*
21 *under the control of the Family Court which interfere*
22 *with or prevent the Family Court from carrying out*
23 *its responsibilities in the most effective manner pos-*
24 *sible.*

25 “(6) *Information on—*

1 “(A) the number of judges serving on the
2 Family Court as of the end of the year;

3 “(B) how long each such judge has served on
4 the Family Court;

5 “(C) the number of cases retained outside
6 the Family Court;

7 “(D) the number of reassignments to and
8 from the Family Court; and

9 “(E) the ability to recruit qualified sitting
10 judges to serve on the Family Court.

11 “(7) Based on outcome measures derived through
12 the use of the information stored in electronic format
13 under section 11–1104(d), an analysis of the Family
14 Court’s efficiency and effectiveness in managing its
15 case load during the year, including an analysis of
16 the time required to dispose of actions and pro-
17 ceedings among the various categories of the Family
18 Court’s jurisdiction, as prescribed by applicable law
19 and best practices, including (but not limited to) best
20 practices developed by the American Bar Association
21 and the National Council of Juvenile and Family
22 Court Judges.

23 “(8) If the Family Court failed to meet the dead-
24 lines, standards, and outcome measures described in

1 *the previous paragraphs, a proposed remedial action*
 2 *plan to address the failure.”.*

3 *(b) EXPEDITED APPEALS FOR CERTAIN FAMILY*
 4 *COURT ACTIONS AND PROCEEDINGS.—Section 11–721, Dis-*
 5 *trict of Columbia Code, is amended by adding at the end*
 6 *the following new subsection:*

7 *“(g) Any appeal from an order of the Family Court*
 8 *of the District of Columbia terminating parental rights or*
 9 *granting or denying a petition to adopt shall receive expe-*
 10 *dited review by the District of Columbia Court of Appeals.”.*

11 *(c) PLAN FOR INTEGRATING COMPUTER SYSTEMS.—*

12 *(1) IN GENERAL.—Not later than 6 months after*
 13 *the date of the enactment of this Act, the Mayor of the*
 14 *District of Columbia shall submit to the President*
 15 *and Congress a plan for integrating the computer sys-*
 16 *tems of the District government with the computer*
 17 *systems of the Superior Court of the District of Co-*
 18 *lumbia so that the Family Court of the Superior*
 19 *Court and the appropriate offices of the District gov-*
 20 *ernment which provide social services and other re-*
 21 *lated services to individuals and families served by*
 22 *the Family Court of the Superior Court (including*
 23 *the District of Columbia Public Schools, the District*
 24 *of Columbia Housing Authority, the Child and Fam-*
 25 *ily Services Agency, the Office of the Corporation*

1 *Counsel, the Metropolitan Police Department, the De-*
 2 *partment of Health, and other offices determined by*
 3 *the Mayor) will be able to access and share informa-*
 4 *tion on the individuals and families served by the*
 5 *Family Court.*

6 (2) *AUTHORIZATION OF APPROPRIATIONS.—*
 7 *There are authorized to be appropriated to the Mayor*
 8 *of the District of Columbia such sums as may be nec-*
 9 *essary to carry out paragraph (1).*

10 (d) *CLERICAL AMENDMENT.—The table of sections for*
 11 *chapter 11 of title 11, District of Columbia Code, is amend-*
 12 *ed 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.”.

13 **SEC. 5. TREATMENT OF HEARING COMMISSIONERS AS MAG-**
 14 **ISTRATE JUDGES.**

15 (a) *IN GENERAL.—*

16 (1) *REDESIGNATION OF TITLE.—Section 11–*
 17 *1732, District of Columbia Code, is amended—*

18 (A) *by striking “hearing commissioners”*
 19 *each place it appears in subsection (a), sub-*
 20 *section (b), subsection (d), subsection (i), sub-*
 21 *section (l), and subsection (n) and inserting*
 22 *“magistrate judges”;*

1 (B) by striking “hearing commissioner”
 2 each place it appears in subsection (b), sub-
 3 section (c), subsection (e), subsection (f), sub-
 4 section (g), subsection (h), and subsection (j) and
 5 inserting “magistrate judge”;

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

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

12 (E) in the heading, by striking “**Hearing**
 13 **commissioners**” and inserting “**Mag-**
 14 **istrate judges**”.

15 (2) CONFORMING AMENDMENTS.—Section 16–
 16 924, District of Columbia Code, is amended—

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

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

23 (3) CLERICAL AMENDMENT.—The item relating
 24 to section 11–1732 of the table of sections of chapter

1 17 of title 11, D.C. Code, is amended to read as fol-
 2 lows:

“11–1732. Magistrate judges.”.

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

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

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

21 (a) *IN GENERAL.*—Chapter 17 of title 11, District of
 22 Columbia Code, is amended by inserting after section 11–
 23 1732 the following new section:

1 **“§ 11–1732A. Special rules for magistrate judges of the**
2 **Family Court of the Superior Court and**
3 **the Domestic Violence Unit**

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

11 “(b) *SPECIAL QUALIFICATIONS.*—*Notwithstanding sec-*
12 *tion 11–1732(c), no individual shall be appointed as a*
13 *magistrate judge for the Family Court of the Superior*
14 *Court or assigned to handle Family Court cases unless that*
15 *individual—*

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

17 “(2) *is an active member of the unified District*
18 *of Columbia Bar;*

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

1 “(4) has not fewer than 3 years of training or
2 experience in the practice of family law as a lawyer
3 or judicial officer; and

4 “(5)(A) is a bona fide resident of the District of
5 Columbia and has maintained an actual place of
6 abode in the District for at least 90 days immediately
7 prior to appointment, and retains such residency
8 during service as a magistrate judge; or

9 “(B) is a bona fide resident of the areas con-
10 sisting of Montgomery and Prince George’s Counties
11 in Maryland, Arlington and Fairfax Counties, and
12 the City of Alexandria in Virginia, has maintained
13 an actual place of abode in such area, areas, or the
14 District of Columbia for at least 5 years prior to ap-
15 pointment, and certifies that the individual will be-
16 come a bona fide resident of the District of Columbia
17 not later than 90 days after appointment.

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

24 “(d) FUNCTIONS OF FAMILY COURT AND DOMESTIC
25 VIOLENCE UNIT MAGISTRATES.—A magistrate judge, when

1 *specifically designated by the chief judge in consultation*
2 *with the presiding judge to serve in the Family Court or*
3 *in the Domestic Violence Unit and subject to the rules of*
4 *the Superior Court and the right of review under section*
5 *11–1732(k), may perform the following functions:*

6 “(1) *Administer oaths and affirmations and take*
7 *acknowledgements.*

8 “(2) *Subject to the rules of the Superior Court*
9 *and applicable Federal and District of Columbia law,*
10 *conduct hearings, make findings and enter interim*
11 *and final orders or judgments in uncontested or con-*
12 *tested proceedings within the jurisdiction of the Fam-*
13 *ily Court and the Domestic Violence Unit of the Su-*
14 *perior Court (as described in section 11–1101), ex-*
15 *cluding jury trials and trials of felony cases, as as-*
16 *signed by the presiding judge of the Family Court.*

17 “(3) *Subject to the rules of the Superior Court,*
18 *enter an order punishing an individual for contempt,*
19 *except that no individual may be detained pursuant*
20 *to the authority of this paragraph for longer than 180*
21 *days.*

22 “(e) *LOCATION OF PROCEEDINGS.—To the maximum*
23 *extent feasible, safe, and practicable, magistrate judges of*
24 *the Family Court of the Superior Court shall conduct pro-*

1 *ceedings at locations readily accessible to the parties in-*
 2 *volved.*

3 “(f) *TRAINING.*—*The chief judge, in consultation with*
 4 *the presiding judge of the Family Court of the Superior*
 5 *Court, shall ensure that all magistrate judges of the Family*
 6 *Court receive training to enable them to fulfill their respon-*
 7 *sibilities, including specialized training in family law and*
 8 *related matters.*”.

9 (b) *CONFORMING AMENDMENTS.*—(1) *Section 11–*
 10 *1732(a), District of Columbia Code, is amended by insert-*
 11 *ing after “the duties enumerated in subsection (j) of this*
 12 *section” the following: “(or, in the case of magistrate judges*
 13 *for the Family Court or the Domestic Violence Unit of the*
 14 *Superior Court, the duties enumerated in section 11–*
 15 *1732A(d))”.*

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

19 (3) *Section 11–1732(k), District of Columbia Code, is*
 20 *amended—*

21 (A) *by striking “subsection (j),” and inserting*
 22 *the following: “subsection (j) (or proceedings and*
 23 *hearings under section 11–1732A(d), in the case of*
 24 *magistrate judges for the Family Court or the Domes-*
 25 *tic Violence Unit of the Superior Court),”; and*

1 (B) by inserting after “appropriate division” the
 2 following: “(or, in the case of an order or judgment
 3 of a magistrate judge of the Family Court or the Do-
 4 mestic Violence Unit of the Superior Court, by a
 5 judge of the Family Court or the Domestic Violence
 6 Unit)”.

7 (4) Section 11–1732(l), District of Columbia Code, is
 8 amended by inserting after “responsibilities” the following:
 9 “(subject to the requirements of section 11–1732A(f) in the
 10 case of magistrate judges of the Family Court of the Supe-
 11 rior Court or the Domestic Violence Unit)”.

12 (c) CLERICAL AMENDMENT.—The table of sections for
 13 subchapter II of chapter 17 of title 11, District of Columbia,
 14 is amended by inserting after the item relating to section
 15 11–1732 the following new item:

 “11–1732A. Special rules for magistrate judges of the Family Court of the Supe-
 rior Court and the Domestic Violence Unit.”.

16 (d) EFFECTIVE DATE.—

17 (1) IN GENERAL.—The amendments made by
 18 this section shall take effect on the date of enactment
 19 of this Act.

20 (2) EXPEDITED INITIAL APPOINTMENTS.—

21 (A) IN GENERAL.—Not later than 60 days
 22 after the date of enactment of this Act, the chief
 23 judge of the Superior Court of the District of Co-
 24 lumbia shall appoint not more than 5 individ-

uals to serve as magistrate judges for the Family Division of the Superior Court in accordance with the requirements of sections 11–1732 and 11–1732A, District of Columbia Code (as added by subsection (a)).

(B) *TRANSITION RESPONSIBILITIES OF INITIALLY APPOINTED FAMILY COURT MAGISTRATES.*—The chief judge of the Superior Court and the presiding judge of the Family Division of the Superior Court (acting jointly) shall first assign the magistrate judges of Family Court appointed under this paragraph to work with judges to whom the cases are currently assigned in making case disposition or transfer decisions as follows:

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

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

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

1 **SEC. 7. SENSE OF CONGRESS REGARDING BORDER AGREE-**
 2 **MENT WITH MARYLAND AND VIRGINIA.**

3 *It is the sense of Congress that the State of Maryland,*
 4 *the Commonwealth of Virginia, and the District of Colum-*
 5 *bia should promptly enter into a border agreement to facili-*
 6 *tate the timely and safe placement of children in the Dis-*
 7 *trict of Columbia's welfare system in foster and kinship*
 8 *homes and other facilities in Maryland and Virginia.*

9 **SEC. 8. SENSE OF THE SENATE REGARDING THE USE OF**
 10 **COURT APPOINTED SPECIAL ADVOCATES.**

11 *It is the sense of the Senate that the chief judge of the*
 12 *Superior Court and the presiding judge of the Family Divi-*
 13 *sion should take all steps necessary to encourage, support,*
 14 *and improve the use of Court Appointed Special Advocates*
 15 *(CASA) in family court actions or proceedings.*

16 **SEC. 9. INTERIM REPORTS.**

17 *Not later than 12 months after the date of enactment*
 18 *of this Act, the chief judge of the Superior Court and the*
 19 *presiding judge of the Family Court—*

20 *(1) in consultation with the General Services Ad-*
 21 *ministration, shall submit to Congress a feasibility*
 22 *study for the construction of appropriate permanent*
 23 *courts and facilities for the Family Court; and*

24 *(2) shall submit to Congress an analysis of the*
 25 *success of the use of magistrate judges under the expe-*
 26 *ditated appointment procedures established under sec-*

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

5 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

6 *There are authorized to be appropriated to the Courts*
7 *of the District of Columbia and the District of Columbia*
8 *such sums as may be necessary to carry out the amendments*
9 *made by this Act.*

10 **SEC. 11. EFFECTIVE DATE.**

11 *The amendments made by this Act shall take effect*
12 *upon the initial appropriation of funds specifically des-*
13 *ignated by Federal law for purposes of carrying out this*
14 *Act.*

Calendar No. 258

107TH CONGRESS
1ST SESSION

H. R. 2657

[Report No. 107-108]

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.

DECEMBER 5, 2001

Reported with an amendment