

# Calendar No. 257

107TH CONGRESS  
1ST SESSION

# S. 1382

**[Report No. 107-107]**

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.

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## IN THE SENATE OF THE UNITED STATES

AUGUST 3, 2001

Mr. DEWINE (for himself and Ms. LANDRIEU) introduced the following bill; which was 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]

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# A BILL

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 following:

13                   “(1) The Civil Division.

## 14                   “(2) The Criminal Division.

15                           “(3) The Family Court.

#### 16                   “(4) The Probate Division.

17                   “(5) 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       “(e) 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

1 the Superior Court to serve as the presiding judge of the  
2 Family Court of the Superior Court.

3       “(d) JURISDICTION DESCRIBED.—The Family Court  
4 shall have original jurisdiction over the actions, applica-  
5 tions, determinations, adjudications, and proceedings de-  
6 scribed in section 11-1101.”.

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

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

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

19       (d) CONFORMING AMENDMENTS TO TITLE 16.—

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

24           (2) EXPEDITED JUDICIAL HEARING OF CASES  
25           BROUGHT BEFORE HEARING COMMISSIONERS.—See-

1       tion 16-924, District of Columbia Code, is amended  
2       by striking “Family Division” each place it appears  
3       in subsections (a) and (f) and inserting “Family  
4       Court”.

11        “Any reference in this chapter or any other Federal  
12 or District of Columbia law, Executive order, rule, regula-  
13 tion, delegation of authority, or any document of or per-  
14 taining to the Family Division of the Superior Court of  
15 the District of Columbia shall be deemed to refer to the  
16 Family Court of the Superior Court of the District of Co-  
17 lumbia.”.

“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.—

10 “(1) IN GENERAL.—The number of judges serv-  
11 ing on the Family Court of the Superior Court at  
12 any time may not be less than 12 or more than 15.

13 “(2) REPORT.—The total number of judges on  
14 the Superior Court may exceed the limit on such  
15 judges to the extent necessary to maintain the re-  
16 quirements of this subsection if the chief judge of  
17 the Superior Court—

18 “(A) obtains the approval of the Joint  
19 Committee on Judicial Administration; and

20 “(B) reports to Congress regarding the cir-  
21 cumstances that gave rise to the necessity to  
22 exceed the cap.

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

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

3           “(2) the individual certifies to the chief judge  
4 that the individual intends to serve the full term of  
5 service, except that this paragraph shall not apply  
6 with respect to individuals serving as senior judges  
7 under section 11-1504 and individuals serving as  
8 temporary judges under section 11-908;

9           “(3) the individual certifies to the chief judge  
10 that the individual will participate in the ongoing  
11 training programs carried out for judges of the  
12 Family Court under section 11-1104(e); and

13           “(4) the individual meets the requirements of  
14 section 11-1732A(b).

15           “(e) TERM OF SERVICE.—

16           “(1) IN GENERAL.—

17           “(A) SERVING JUDGES.—An individual as-  
18 signed to serve as a judge of the Family Court  
19 of the Superior Court who is serving as a judge  
20 in the Superior Court on the date of the enact-  
21 ment of the District of Columbia Family Court  
22 Act of 2001 shall serve for a term of not fewer  
23 than 3 years as determined by the chief judge  
24 of the Superior Court (including any consecu-  
25 tive period of service on the Family Division of

1 the Superior Court immediately preceding the  
2 date of the enactment of such Act).

3                             “(B) NEW JUDGES.—An individual as  
4                             signed to serve as a judge of the Family Court  
5                             of the Superior Court who is not serving as a  
6                             judge in the Superior Court on the date of the  
7                             enactment of the District of Columbia Family  
8                             Court Act of 2001 shall serve for a term of 5  
9                             years.

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

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

24        “(d) REASSIGNMENT TO OTHER DIVISIONS.—The  
25 chief judge may reassign a judge of the Family Court to

1 any division of the Superior Court if the chief judge deter-  
2 mines that the judge is unable, for cause, to continue serv-  
3 ing in the Family Court.”.

4 (b) PLAN FOR FAMILY COURT TRANSITION.—

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

12 (A) The chief judge’s determination of the  
13 role and function of the presiding judge of the  
14 Family Court.

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

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

22 (D) The chief judge’s determination of the  
23 appropriate functions of such magistrate  
24 judges, together with the compensation of and

1           other personnel matters pertaining to such  
2           magistrate judges.

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

7           (F) A plan for space, equipment, and other  
8           physical plant needs and requirements during  
9           the transition, as determined in consultation  
10           with the Administrator of General Services.

11           (G) An analysis of the success of the use  
12           of magistrate judges under the expedited ap-  
13           pointment procedures established under section  
14           6(d) in reducing the number of pending actions  
15           and proceedings within the jurisdiction of the  
16           Family Court (as described in section 11-  
17           902(d), District of Columbia, as amended by  
18           subsection (a)).

19           (H) Consistent with the requirements of  
20           paragraph (2), a proposal for the disposition or  
21           transfer to the Family Court of actions and  
22           proceedings within the jurisdiction of the Fam-  
23           ily Court as of the date of the enactment of this  
24           Act (together with actions and proceedings de-  
25           scribed in section 11-1101, District of Colum-

12 (A) IN GENERAL.—The chief judge of the  
13 Superior Court and the presiding judge of the  
14 Family Court shall take such steps as may be  
15 required as provided in the proposal for disposi-  
16 tion of actions and proceedings under para-  
17 graph (1)(H) to ensure that each action or pro-  
18 ceeding within the jurisdiction of the Family  
19 Court of the Superior Court (as described in  
20 section 11-902(d), District of Columbia Code,  
21 as amended by subsection (a)) is transferred to  
22 the Family Court or otherwise disposed of as  
23 provided in subparagraph (B). The requirement  
24 of this subparagraph shall not apply to an ac-  
25 tion or proceeding pending before a senior

(B) DEADLINE.—Notwithstanding any other provision of this Act or any amendment made by this Act, no action or proceeding which is within the jurisdiction of the Family Court (as described in section 11-902(d), District of Columbia Code, as amended by subsection (a)) shall remain pending with a judge not serving on the Family Court upon the expiration of 18 months after the date of enactment of this Act.

12 (C) PROGRESS REPORTS.—The chief judge  
13 of the Superior Court shall report to the Com-  
14 mittee on Appropriations of each House, the  
15 Committee on Governmental Affairs of the Sen-  
16 ate, and the Committee on Government Reform  
17 of the House of Representatives 6 months and  
18 12 months after the date of enactment of this  
19 Act on the progress made towards disposing of  
20 actions or proceedings described in subpara-  
21 graph (B).

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

1 day period which begins on the date the chief judge  
2 submits the plan to the President and Congress  
3 under paragraph (1).

4 (e) TRANSITION TO REQUIRED NUMBER OF  
5 JUDGES.—

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

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

16 (B) if the chief judge determines that the  
17 number of individuals described in subpara-  
18 graph (A) is less than 15, a request that the  
19 Judicial Nomination Commission recruit and  
20 the President nominate (in accordance with sec-  
21 tion 433 of the District of Columbia Home Rule  
22 Act) such additional number of individuals to  
23 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.

22 (1) IN GENERAL.—Not later than 2 years after  
23 the date of the enactment of this Act, the Comptroller  
24 General shall prepare and submit to Congress  
25 and the chief judge of the Superior Court of the Dis-

1       trict of Columbia a report on the implementation of  
2       this Act (including the transition plan under sub-  
3       sektion (b)), and shall include in the report the fol-  
4       lowing:

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

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

21                   (C) An analysis of the number of judges  
22      needed for the Family Court, including an anal-  
23      ysis of how the number may be affected by the  
24      qualification requirements for judges, the avail-  
25      ability of magistrate judges, and other provi-

1                   sions of this Act or the amendments made by  
 2                   this Act.

3                   (2) SUBMISSION TO CHIEF JUDGE OF SUPERIOR  
 4                   COURT.—Prior to submitting the report under para-  
 5                   graph (1) to Congress, the Comptroller General shall  
 6                   provide a preliminary version of the report to the  
 7                   chief judge of the Superior Court and shall take any  
 8                   comments and recommendations of the chief judge  
 9                   into consideration in preparing the final version of  
 10                   the report.

11                   (e) CONFORMING AMENDMENT.—The first sentence  
 12                   of section ~~11-908(a)~~, District of Columbia Code, is  
 13                   amended by striking “The chief judge” and inserting  
 14                   “Subject to section ~~11-908A~~, the chief judge”.

15                   (f) CLERICAL AMENDMENT.—The table of sections  
 16                   for chapter 9 of title 11, District of Columbia Code, is  
 17                   amended by inserting after the item relating to section  
 18                   ~~11-908~~ the following new item:

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

19                   **SEC. 4. IMPROVING ADMINISTRATION OF CASES AND PRO-  
 20                   CEEDINGS IN FAMILY COURT.**

21                   (a) IN GENERAL.—Chapter 11 of title 11, District  
 22                   of Columbia, is amended by striking section ~~1101~~ and in-  
 23                   serting the following:

1    **“§ 11-1101. Jurisdiction of the Family Court**

2        “(a) **IN GENERAL.**—The Family Court of the District  
3    of Columbia shall be assigned and have original jurisdic-  
4    tion over—

5                “(1) actions for divorce from the bond of mar-  
6    riage and legal separation from bed and board, in-  
7    cluding proceedings incidental thereto for alimony,  
8    pendente lite and permanent, and for support and  
9    custody of minor children;

10               “(2) applications for revocation of divorce from  
11    bed and board;

12               “(3) actions to enforce support of any person as  
13    required by law;

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

16               “(5) actions to declare marriages void;

17               “(6) actions to declare marriages valid;

18               “(7) actions for annulments of marriage;

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

23               “(9) proceedings in adoption;

24               “(10) proceedings under the Act of July 10,  
25    1957 (D.C. Code, sees. 30-301 to 30-324);

1           “(11) proceedings to determine paternity of any  
2        child born out of wedlock;

3           “(12) civil proceedings for protection involving  
4        intrafamily offenses, instituted pursuant to chapter  
5        10 of title 16;

6           “(13) proceedings in which a child, as defined  
7        in section 16-2301, is alleged to be delinquent, ne-  
8        glected, or in need of supervision;

9           “(14) proceedings under chapter 5 of title 21  
10      relating to the commitment of the mentally ill;

11           “(15) proceedings under chapter 11 of title 21  
12      relating to the commitment of the substantially re-  
13        tarded; and

14           “(16) proceedings under Interstate Compact on  
15        Juveniles (described in title IV of the District of Co-  
16        lumbia Court Reform and Criminal Procedure Act of  
17        1970).

18           “(b) **DEFINITION.**—In this chapter, the term ‘action  
19        or proceeding’ with respect to the Family Court refers to  
20        cause of action described in paragraphs (1) through (16)  
21        of subsection (a).

22           **“§ 11-1102. Use of alternative dispute resolution**

23           “To the greatest extent practicable and safe, cases  
24      and proceedings in the Family Court of the Superior  
25      Court shall be resolved through alternative dispute resolu-

1 tion procedures, in accordance with such rules as the Su-  
2 perior Court may promulgate.

3 **“§ 11-1103. Standards of practice for appointed coun-  
4 sel**

5 “The Superior Court shall establish standards of  
6 practice for attorneys appointed as counsel in the Family  
7 Court of the Superior Court.

8 **“§ 11-1104. Administration**

9 **“(a) ‘ONE FAMILY, ONE JUDGE’ REQUIREMENT FOR  
10 CASES AND PROCEEDINGS.**—To the greatest extent prac-  
11 ticable and feasible, if an individual who is a party to an  
12 action or proceeding assigned to the Family Court has an  
13 immediate family or household member who is a party to  
14 another action or proceeding assigned to the Family  
15 Court, the individual’s action or proceeding shall be as-  
16 signed to the same judge or magistrate judge to whom  
17 the immediate family member’s action or proceeding is as-  
18 signed.

19 **“(b) RETENTION OF JURISDICTION OVER CASES.**—

20 **“(1) IN GENERAL.**—In addition to the require-  
21 ment of subsection (a), any action or proceeding as-  
22 signed to the Family Court of the Superior Court  
23 shall remain under the jurisdiction of the Family  
24 Court until the action or proceeding is finally dis-  
25 posed.

1       “(2) ONE FAMILY, ONE JUDGE.—

2               “(A) FOR THE DURATION.—An action or  
3               proceeding assigned pursuant to this subsection  
4               shall remain with the judge or magistrate judge  
5               to whom the action or proceeding is assigned  
6               for the duration of the action or proceeding to  
7               the greatest extent practicable, feasible, and  
8               lawful.

9               “(B) ALL CASES INVOLVING AN INDIVIDUAL.—If an individual who is a party to an  
10               action or proceeding assigned to the Family Court becomes a party to another action or proceeding assigned to the Family Court, the individual’s subsequent action or proceeding shall  
11               be assigned to the same judge or magistrate  
12               judge to whom the individual’s initial action or  
13               proceeding is assigned to the greatest extent  
14               practicable, feasible, and lawful.

15               “(C) REASSIGNMENT.—If the judge to  
16               whom the action or proceeding is assigned  
17               ceases to serve on the Family Court prior to the  
18               final disposition of the action or proceeding, the  
19               presiding judge of the Family Court shall en-  
20               sure that the matter or proceeding is reassigned  
21               to a judge serving on the Family Court, except

1           that a judge who ceases to serve in Family  
2           Court but remains in Superior Court may re-  
3           tain the case or proceeding for not more than  
4           6 months after ceasing to serve if such reten-  
5           tion is in the best interests of the parties.

6           “(3) STANDARDS OF JUDICIAL ETHICS.—The  
7           actions of a judge or magistrate judge in retaining  
8           an action or proceeding under this paragraph shall  
9           be subject to applicable standards of judicial ethics.

10           “(e) TRAINING PROGRAM.—

11           “(1) IN GENERAL.—The presiding judge of the  
12           Family Court shall carry out an ongoing program to  
13           provide training in family law and related matters  
14           for judges of the Family Court, including magistrate  
15           judges, attorneys who practice in the Family Court,  
16           and appropriate nonjudicial personnel, and shall in-  
17           clude in the program information and instruction re-  
18           garding the following:

19           “(A) Child development.

20           “(B) Family dynamics, including domestic  
21           violence.

22           “(C) Relevant Federal and District of Co-  
23           lumbia laws.

24           “(D) Permanency planning principles and  
25           practices.

1                   “(E) Recognizing the risk factors for child  
2 abuse.

3                   “(F) Any other matters the presiding  
4 judge considers appropriate.

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

10                  “(d) ACCESSIBILITY OF MATERIALS, SERVICES, AND  
11 PROCEEDINGS; PROMOTION OF ‘FAMILY FRIENDLY’ EN-  
12 VIRONMENT.—

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

21                  “(2) LOCATION OF PROCEEDINGS.—To the  
22 maximum extent feasible, safe, and practicable,  
23 eases and proceedings in the Family Court shall be  
24 conducted at locations readily accessible to the par-  
25 ties involved.

1       “(e) INTEGRATED COMPUTERIZED CASE TRACKING  
2 AND MANAGEMENT SYSTEM.—The Executive Officer of  
3 the District of Columbia courts under section ~~11-1703~~  
4 shall work with the chief judge of the Superior Court—

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

16           “(2) to establish and operate an electronic  
17 tracking and management system for cases and pro-  
18 ceedings in the Family Court for the use of judges  
19 and nonjudicial personnel of the Family Court, using  
20 the records and materials stored and maintained  
21 pursuant to paragraph (1); and

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

1   **“§ 11-1105. Social services and other related services**2       **“(a) ON-SITE COORDINATION OF SERVICES AND IN-**  
3       **FORMATION.—**4           **“(1) IN GENERAL.—**The Mayor of the District  
5       of Columbia, in consultation with the chief judge of  
6       the Superior Court, shall ensure that representatives  
7       of the appropriate offices of the District government  
8       which provide social services and other related serv-  
9       ices to individuals and families served by the Family  
10      Court (including the District of Columbia Public  
11      Schools, the District of Columbia Housing Author-  
12      ity, the Child and Family Services Agency, the Of-  
13      fice of the Corporation Counsel, the Metropolitan  
14      Police Department, the Department of Health, and  
15      other offices determined by the Mayor) are available  
16      on-site at the Family Court to coordinate the provi-  
17      sion of such services and information regarding such  
18      services to such individuals and families.19           **“(2) DUTIES OF HEADS OF OFFICES.—**The  
20      head of each office described in paragraph (1), in-  
21      cluding the Superintendent of the District of Colum-  
22      bia Public Schools and the Director of the District  
23      of Columbia Housing Authority, shall provide the  
24      Mayor with such information, assistance, and serv-  
25      ices as the Mayor may require to carry out such  
26      paragraph.

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

17 **“§ 11–1106. Reports to Congress**

18       “Not later than 90 days after the end of each cal-  
19 endar year, the chief judge of the Superior Court shall  
20 submit a report to Congress on the activities of the Family  
21 Court during the year, and shall include in the report the  
22 following:

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

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

5           “(3) Information on the extent to which the  
6           Court met deadlines and standards applicable under  
7           Federal and District of Columbia law to the review  
8           and disposition of actions and proceedings under the  
9           Court’s jurisdiction during the year.

10           “(4) Information on the progress made in es-  
11           tablishing locations and appropriate space for the  
12           Family Court that are consistent with the mission of  
13           the Family Court until such time as the locations  
14           and space are established.

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

19           “(6) Based on outcome measures derived  
20           through the use of the information stored in elec-  
21           tronic format under section 11-1104(d), an analysis  
22           of the Court’s efficiency and effectiveness in man-  
23           aging its case load during the year, including an  
24           analysis of the time required to dispose of actions  
25           and proceedings among the various categories of the

1      Court's jurisdiction, as prescribed by applicable law  
2      and best practices, including (but not limited to)  
3      best practices developed by the American Bar Asso-  
4      ciation and the National Council of Juvenile and  
5      Family Court Judges.

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

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

14                 “(g) Any appeal from an order of the Family Court  
15      of the District of Columbia terminating parental rights or  
16      granting or denying a petition to adopt shall receive expe-  
17      dited review by the District of Columbia Court of Appeals  
18      and shall be certified by the appellant. An oral hearing  
19      on appeal shall be deemed to be waived unless specifically  
20      requested by a party to the appeal.”.

21         (e) PLAN FOR INTEGRATING COMPUTER SYSTEMS.—

22                 (1) IN GENERAL.—Not later than 6 months  
23      after the date of the enactment of this Act, the  
24      Mayor of the District of Columbia shall submit to  
25      the President and Congress a plan for integrating

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

16 (2) AUTHORIZATION OF APPROPRIATIONS.—

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

20 (d) CLERICAL AMENDMENT.—The table of sections  
21 for chapter 11 of title 11, District of Columbia Code, is  
22 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 (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 (e) 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**”.

25 (2) CONFORMING AMENDMENTS.—(A) Section  
 26 11—1732(e)(3), District of Columbia Code, is amend-

1       ed by striking “, except that” and all that follows  
 2       and inserting a period.

3           (B) Section 16-924, District of Columbia Code,  
 4       is amended—

5               (i) by striking “hearing eommissioner”  
 6       each placee it appears and inserting “magistrate  
 7       judge”; and

8               (ii) in subsection (f), by striking “hearing  
 9       eommissioner’s” and inserting “magistrate  
 10       judge’s”.

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

“11-1732. Magistrate judges.”

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

1      District of Columbia Code shall not be required to be a resi-  
2      dent of the District of Columbia to be eligible to be re-  
3      appointed.

4            (e) **EFFECTIVE DATE.**—The amendments made by  
5      this section shall take effect on the date of the enactment  
6      of this Act.

7      **SEC. 6. SPECIAL RULES FOR MAGISTRATE JUDGES OF FAM-  
8            ILY COURT.**

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

12     **“§ 11–1732A. Special rules for magistrate judges of  
13            the Family Court of the Superior Court**

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

21            “(b) **SPECIAL QUALIFICATIONS.**—Notwithstanding  
22     section 11–1732(e), no individual shall be appointed as a  
23     magistrate judge for the Family Court of the Superior  
24     Court unless that individual—

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

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

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

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

11           “(5)(A) is a bona fide resident of the District  
12       of Columbia and has maintained an actual place of  
13       abode in the District for at least 90 days imme-  
14       diately prior to appointment, and retains such resi-  
15       dency during service as a magistrate judge; or

16           “(B) is a bona fide resident of the areas con-  
17       sisting of Montgomery and Prince George's Counties  
18       in Maryland, Arlington and Fairfax Counties, and  
19       the City of Alexandria in Virginia, has maintained  
20       an actual place of abode in such area for at least 5  
21       years prior to appointment, and certifies that the in-  
22       dividual will become a bona fide resident of the Dis-  
23       trict of Columbia not later than 90 days after ap-  
24       pointment.

1       “(c) SERVICE OF CURRENT HEARING COMMISSIONERS.—Those individuals serving as hearing commissioners under section 11-1732 on the effective date of this section who meet the qualifications described in subsection

2       (b)(4) may request to be appointed as magistrate judges

3       for the Family Court of the Superior Court under such

4       section.

5       “(d) FUNCTIONS.—A magistrate judge, when specifically 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,

1       except that no individual may be detained pursuant  
2       to the authority of this paragraph for longer than  
3       180 days.

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

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

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

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

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

1 (A) by striking “subsection (j),” and inserting  
2 the following: “subsection (j) (or proceedings and  
3 hearings under section ~~11-1732A(d)~~, in the case of  
4 magistrate judges for the Family Court of the Supe-  
5 rior Court);” and

11 (4) Section 11-1732(l), District of Columbia Code,  
12 is amended by inserting after "responsibilities" the fol-  
13 lowing: "(subject to the requirements of section 11-  
14 1732A(f) in the case of magistrate judges of the Family  
15 Court of the Superior Court)".

16 (e) CLERICAL AMENDMENT.—The table of sections  
17 for subchapter H of chapter 17 of title 11, District of Co-  
18 lumbia, is amended by inserting after the item relating  
19 to section 11-1732 the following new item:

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

20 (d) EFFECTIVE DATE.—

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

24 (2) EXPEDITED INITIAL APPOINTMENTS.—

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

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

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

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

18 SEC. 8. SENSE OF THE SENATE REGARDING THE USE OF  
19 COURT APPOINTED SPECIAL ADVOCATES.

20 It is the sense of the Senate that the Chief Judge  
21 of the Superior Court and the Presiding Judge of the  
22 Family Division should take all steps necessary to encour-  
23 age and support the use of Court Appointed Special Advo-  
24 eates (CASA) in family court actions or proceedings.

1 **SEC. 9. INTERIM REPORTS.**

2 Not later than 12 months after the date of enactment  
3 of this Act, the chief judge of the Superior Court and the  
4 presiding judge of the Family Court—

5 (1) in consultation with the General Services  
6 Administration, shall submit to Congress a feasi-  
7 bility study for the construction of appropriate per-  
8 manent courts and facilities for the Family Court;  
9 and

10 (2) shall submit to Congress an analysis of the  
11 success of the use of magistrate judges under the ex-  
12 pedited appointment procedures established under  
13 section 6(d) in reducing the number of pending ac-  
14 tions and proceedings within the jurisdiction of the  
15 Family Court (as described in section 11-902(d),  
16 District of Columbia).

17 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

18 There are authorized to be appropriated to the  
19 Courts of the District of Columbia and the District of Co-  
20 lumbia such sums as may be necessary to carry out the  
21 amendments made by this Act.

22 **SEC. 11. EFFECTIVE DATE.**

23 The amendments made by section 4 shall take effect  
24 upon the expiration of the 18 month period which begins  
25 on the date of the enactment of this Act.

## 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 Colum-*  
7 *bia 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 following:

## 11                   “(1) *The Civil Division.*

## 12                   “(2) *The Criminal Division.*

13                   “(3) *The Family Court.*

#### 14                   “(4) *The Probate Division.*

## 15                   “(5) *The Tax Division.*

16        "(b) *BRANCHES*.—*The divisions of the Superior Court*  
17    *may be divided into such branches as the Superior Court*  
18    *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 original jurisdiction over the actions, applica-  
26 tions, determinations, adjudications, and proceedings de-

1 scribed in section 11–1101. Actions, applications, deter-  
2 minations, adjudications, and proceedings being assigned  
3 to cross-jurisdictional units established by the Superior  
4 Court, including the Domestic Violence Unit, on the date  
5 of enactment of this section may continue to be so assigned  
6 after the date of enactment of this section.”.

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

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

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

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

20 (1) *CALCULATION OF CHILD SUPPORT.*—Section  
21 16–916.1(o)(6), *District of Columbia Code*, is amend-  
22 ed by striking “Family Division” and inserting  
23 “Family Court of the Superior Court”.

24 (2) *EXPEDITED JUDICIAL HEARING OF CASES  
25 BROUGHT BEFORE HEARING COMMISSIONERS.*—Sec-

1        *tion 16–924, District of Columbia Code, is amended*  
2        *by striking “Family Division” each place it appears*  
3        *in subsections (a) and (f) and inserting “Family*  
4        *Court”.*

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

9        **“§ 16–2301.1. References deemed to refer to Family**  
10                    **Court of the Superior Court**

11        *“Any reference in this chapter or any other Federal*  
12        *or District of Columbia law, Executive order, rule, regula-*  
13        *tion, delegation of authority, or any document of or per-*  
14        *taining to the Family Division of the Superior Court of*  
15        *the District of Columbia shall be deemed to refer to the*  
16        *Family Court of the Superior Court of the District of Co-*  
17        *lumbia.”.*

18                *(4) CLERICAL AMENDMENT.—The table of sec-*  
19        *tions for subchapter I of chapter 23 of title 16, Dis-*  
20        *trict of Columbia, is amended by inserting after the*  
21        *item relating to section 16–2301 the following new*  
22        *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; QUALI-*  
4 *FICATIONS AND TERMS OF SERVICE.*—*Chapter 9 of title 11,*  
5 *District of Columbia Code, is amended by inserting after*  
6 *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.*—

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

13       “(2) *EXCEPTION.*—*If the chief judge determines*  
14 *that, in order to carry out the intent and purposes of*  
15 *this Act, an emergency exists such that the number of*  
16 *judges needed on the Family Court of the Superior*  
17 *Court at any time is more than 15, the chief judge*  
18 *may temporarily reassign qualified judges from other*  
19 *divisions of the Superior Court or qualified senior*  
20 *judges to serve on the Family Court. Such reassigned*  
21 *judges shall not be subject to the term of service re-*  
22 *quirements of this Act.*

23       “(3) *COMPOSITION.*—*The total number of judges*  
24 *on the Superior Court may exceed the limit on such*  
25 *judges specified in section 11-903 to the extent nec-*

1       *essary to maintain the requirements of this subsection*  
2       *if—*

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

5               “(B) *the Chief Judge of the Superior*  
6       *Court—*

7               “(i) *is unable to secure a volunteer*  
8       *judge who is sitting on the Superior Court*  
9       *outside of the Family Court for reassig-*  
10      *nment to the Family Court;*

11               “(ii) *obtains approval of the Joint*  
12      *Committee on Judicial Administration; and*

13               “(iii) *reports to Congress regarding the*  
14      *circumstances that gave rise to the necessity*  
15      *to exceed the cap.*

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

19               “(1) *the individual has training or expertise in*  
20      *family law;*

21               “(2) *the individual certifies to the chief judge*  
22      *that the individual intends to serve the full term of*  
23      *service, except that this paragraph shall not apply*  
24      *with respect to individuals serving as senior judges*  
25      *under section 11–1504, individuals serving as tem-*

1       *porary judges under section 11-908, and any other*  
2       *judge serving in another division of the Superior*  
3       *Court;*

4       “(3) *the individual certifies to the chief judge*  
5       *that the individual will participate in the ongoing*  
6       *training programs carried out for judges of the Fam-*  
7       *ily Court under section 11-1104(c); and*

8       “(4) *the individual meets the requirements of sec-*  
9       *tion 11-1501(b).*

10      “(c) *TERM OF SERVICE.*—

11      “(1) *IN GENERAL.*—

12       “(A) *SITTING JUDGES.*—*An individual as-*  
13       *signed to serve as a judge of the Family Court*  
14       *of the Superior Court who is serving as a judge*  
15       *in the Superior Court on the date of enactment*  
16       *of the District of Columbia Family Court Act of*  
17       *2001 shall serve in the Family Court for a term*  
18       *of not fewer than 3 years as determined by the*  
19       *chief judge of the Superior Court (including any*  
20       *period of service on the Family Division of the*  
21       *Superior Court immediately preceding the date*  
22       *of enactment of such Act).*

23       “(B) *NEW JUDGES.*—*An individual as-*  
24       *signed to serve as a judge of the Family Court*  
25       *of the Superior Court who is not serving as a*

1           *judge in the Superior Court on the date of enact-*  
2           *ment of the District of Columbia Family Court*  
3           *Act of 2001 shall serve for a term of 5 years.*

4           “(2) *ASSIGNMENT FOR ADDITIONAL SERVICE.*—  
5           *After the term of service of a judge of the Family*  
6           *Court (as described in paragraph (1)) expires, at the*  
7           *judge’s request and with the approval of the chief*  
8           *judge, the judge may be assigned for additional serv-*  
9           *ice on the Family Court for a period of such duration*  
10           *(consistent with section 431(c) of the District of Co-*  
11           *lumbia Home Rule Act) as the chief judge may pro-*  
12           *vide.*

13           “(3) *PERMITTING SERVICE ON FAMILY COURT*  
14           *FOR ENTIRE TERM.*—*At the request of the judge and*  
15           *with the approval of the chief judge, a judge may*  
16           *serve as a judge of the Family Court for the judge’s*  
17           *entire term of service as a judge of the Superior Court*  
18           *under section 431(c) of the District of Columbia*  
19           *Home Rule Act.*

20           “(d) *REASSIGNMENT TO OTHER DIVISIONS.*—*The chief*  
21           *judge may reassign a judge of the Family Court to any*  
22           *division of the Superior Court if the chief judge determines*  
23           *that in the interest of justice the judge is unable to continue*  
24           *serving in the Family Court.”.*

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

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

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

1                   *judicial and nonjudicial personnel) for the Fam-*  
2                   *ily Court.*

3                   *(F) A plan for space, equipment, and other*  
4                   *physical plant needs and requirements during*  
5                   *the transition, as determined in consultation*  
6                   *with the Administrator of General Services.*

7                   *(G) An analysis of the number of mag-*  
8                   *istrate judges needed under the expedited ap-*  
9                   *pointment procedures established under section*  
10                   *6(d) in reducing the number of pending actions*  
11                   *and proceedings within the jurisdiction of the*  
12                   *Family Court (as described in section 11-902(d),*  
13                   *District of Columbia, as amended by subsection*  
14                   *(a)).*

15                   *(H) Consistent with the requirements of*  
16                   *paragraph (2), a proposal for the disposition or*  
17                   *transfer to the Family Court of child abuse and*  
18                   *neglect actions pending as of the date of enact-*  
19                   *ment of this Act (which were initiated in the*  
20                   *Family Division but remain pending before*  
21                   *judges serving in other Divisions of the Superior*  
22                   *Court as of such date) in a manner consistent*  
23                   *with applicable Federal and District of Colum-*  
24                   *bia law and best practices, including best prac-*  
25                   *ties developed by the American Bar Association*

1           *and the National Council of Juvenile and Fam-*  
2           *ily Court Judges.*

3           *(I) An estimate of the number of cases for*  
4           *which the deadline for disposition or transfer to*  
5           *the Family Court, specified in paragraph (2)(B),*  
6           *cannot be met and the reasons why such deadline*  
7           *cannot be met.*

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

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

1       *judge as defined in section 11-1504, District of*  
2       *Columbia Code.*

3       *(B) DEADLINE.—*

4           *(i) IN GENERAL.—Notwithstanding*  
5       *any other provision of this Act or any*  
6       *amendment made by this Act and except as*  
7       *provided in subparagraph (C), no child*  
8       *abuse or neglect action shall remain pend-*  
9       *ing with a judge not serving on the Family*  
10       *Court upon the expiration of 18 months*  
11       *after the filing of the transition plan re-*  
12       *quired under paragraph (1).*

13           *(ii) RULE OF CONSTRUCTION.—Noth-*  
14       *ing in this subparagraph shall preclude the*  
15       *immediate transfer of cases to the Family*  
16       *Court, particularly cases which have been*  
17       *filed with the court for less than 6 months*  
18       *prior to the date of enactment of this Act.*

19           *(C) RETAINED CASES.—Child abuse and ne-*  
20       *glect cases that were initiated in the Family Di-*  
21       *vision but remain pending before judges in other*  
22       *Divisions of the Superior Court as of the date of*  
23       *enactment of this Act may remain before judges*  
24       *in such other Divisions when—*



1       (c) *TRANSITION TO REQUIRED NUMBER OF JUDGES.*—2           (1) *ANALYSIS BY CHIEF JUDGE OF SUPERIOR*  
3       *COURT.*—*The chief judge of the Superior Court of the*  
4       *District of Columbia shall include in the transition*  
5       *plan prepared under subsection (b)—*6           (A) *the chief judge's determination of the*  
7       *number of individuals serving as judges of the*  
8       *Superior Court who—*9           (i) *meet the qualifications for judges of*  
10       *the Family Court of the Superior Court*  
11       *under section 11-908A, District of Colum-*  
12       *bia Code (as added by subsection (a)); and*  
13           (ii) *are willing and able to serve on the*  
14       *Family Court; and*15           (B) *if the chief judge determines that the*  
16       *number of individuals described in subpara-*  
17       *graph (A) is less than 15, a request that the Ju-*  
18       *dicial Nomination Commission recruit and the*  
19       *President nominate (in accordance with section*  
20       *433 of the District of Columbia Home Rule Act)*  
21       *such additional number of individuals to serve*  
22       *on the Superior Court who meet the qualifica-*  
23       *tions for judges of the Family Court under sec-*  
24       *tion 11-908A, District of Columbia Code, as*

1           *may be required to enable the chief judge to make*  
2           *the required number of assignments.*

3           *(2) ROLE OF DISTRICT OF COLUMBIA JUDICIAL*  
4           *NOMINATION COMMISSION.—For purposes of section*  
5           *434(d)(1) of the District of Columbia Home Rule Act,*  
6           *the submission of a request from the chief judge of the*  
7           *Superior Court of the District of Columbia under*  
8           *paragraph (1)(B) shall be deemed to create a number*  
9           *of vacancies in the position of judge of the Superior*  
10           *Court equal to the number of additional appoint-*  
11           *ments so requested by the chief judge, except that the*  
12           *deadline for the submission by the District of Colum-*  
13           *bia Judicial Nomination Commission of nominees to*  
14           *fill such vacancies shall be 90 days after the creation*  
15           *of such vacancies. In carrying out this paragraph, the*  
16           *District of Columbia Judicial Nomination Commis-*  
17           *sion shall recruit individuals for possible nomination*  
18           *and appointment to the Superior Court who meet the*  
19           *qualifications for judges of the Family Court of the*  
20           *Superior Court.*

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

22           *(1) IN GENERAL.—Not later than 2 years after*  
23           *the date of the enactment of this Act, the Comptroller*  
24           *General shall prepare and submit to Congress and the*  
25           *chief judge of the Superior Court of the District of Co-*

1       *lumbia a report on the implementation of this Act*  
2       *(including the transition plan under subsection (b)),*  
3       *and shall include in the report the following:*

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

13               *(B) An analysis of the impact of magistrate*  
14       *judges for the Family Court (including the expe-*  
15       *dited initial appointment of magistrate judges*  
16       *for the Court under section 6(d)) on the workload*  
17       *of judges and other personnel of the Court.*

18               *(C) An analysis of the number of judges*  
19       *needed for the Family Court, including an anal-*  
20       *ysis of how the number may be affected by the*  
21       *qualification requirements for judges, the avail-*  
22       *ability of magistrate judges, and other provisions*  
23       *of this Act or the amendments made by this Act.*

24               *(2) SUBMISSION TO CHIEF JUDGE OF SUPERIOR*  
25       *COURT.—Prior to submitting the report under para-*

1       *graph (1) to Congress, the Comptroller General shall*  
2       *provide a preliminary version of the report to the*  
3       *chief judge of the Superior Court and shall take any*  
4       *comments and recommendations of the chief judge*  
5       *into consideration in preparing the final version of*  
6       *the report.*

7 (e) CONFORMING AMENDMENT.—The first sentence of  
8 section 11–908(a), *District of Columbia Code*, is amended  
9 by striking “The chief judge” and inserting “Subject to sec-  
10 tion 11–908A, the chief judge”.

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

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

15 **SEC. 4. IMPROVING ADMINISTRATION OF CASES AND PRO-  
16 CEEDINGS IN FAMILY COURT.**

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

20 “§ 11–1101. Jurisdiction of the Family Court

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

1           “(1) actions for divorce from the bond of mar-  
2       riage and legal separation from bed and board, in-  
3       cluding proceedings incidental thereto for alimony,  
4       pendente lite and permanent, and for support and  
5       custody of minor children;

6           “(2) applications for revocation of divorce from  
7       bed and board;

8           “(3) actions to enforce support of any person as  
9       required by law;

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

12          “(5) actions to declare marriages void;

13          “(6) actions to declare marriages valid;

14          “(7) actions for annulments of marriage;

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

19          “(9) proceedings in adoption;

20          “(10) proceedings under the Act of July 10, 1957  
21       (D.C. Code, secs. 30-301 to 30-324);

22          “(11) proceedings to determine paternity of any  
23       child born out of wedlock;

1           “(12) civil proceedings for protection involving  
2           intrafamily offenses, instituted pursuant to chapter  
3           10 of title 16;

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

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

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

12           “(16) proceedings under *Interstate Compact on*  
13           *Juveniles* (described in title IV of the *District of Co-*  
14           *lumbia Court Reform and Criminal Procedure Act of*  
15           *1970*).

16           “(b) *DEFINITION.*—

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

21           “(2) *EXCEPTION.*—*An action or proceeding may*  
22           *be assigned to or retained by cross-jurisdictional units*  
23           *established by the Superior Court, including the Do-*  
24           *mestic Violence Unit.*

1     **“§ 11-1102. Use of alternative dispute resolution**

2         “To the greatest extent practicable and safe, cases and  
3     proceedings in the Family Court of the Superior Court shall  
4     be resolved through alternative dispute resolution proce-  
5     dures, in accordance with such rules as the Superior Court  
6     may promulgate.

7     **“§ 11-1103. Standards of practice for appointed coun-  
8         sel**

9         “The Superior Court shall establish standards of prac-  
10   tice for attorneys appointed as counsel in the Family Court  
11   of the Superior Court.

12    **“§ 11-1104. Administration**

13         “(a) ‘ONE FAMILY, ONE JUDGE’ REQUIREMENT FOR  
14   CASES AND PROCEEDINGS.—To the greatest extent prac-  
15   ticable, feasible, and lawful, if an individual who is a party  
16   to an action or proceeding assigned to the Family Court  
17   has an immediate family or household member who is a  
18   party to another action or proceeding assigned to the Fam-  
19   ily Court, the individual’s action or proceeding shall be as-  
20   signed to the same judge or magistrate judge to whom the  
21   immediate family member’s action or proceeding is as-  
22   signed.

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

24         “(1) IN GENERAL.—In addition to the require-  
25   ment of subsection (a), any action or proceeding as-  
26   signed to the Family Court of the Superior Court

1       *shall remain under the jurisdiction of the Family*  
2       *Court until the action or proceeding is finally dis-*  
3       *posed, except as provided in paragraph (2)(C).*

4       “(2) *ONE FAMILY, ONE JUDGE.*—

5           “(A) *FOR THE DURATION.*—*An action or*  
6       *proceeding assigned pursuant to this subsection*  
7       *shall remain with the judge or magistrate judge*  
8       *to whom the action or proceeding is assigned for*  
9       *the duration of the action or proceeding to the*  
10       *greatest extent practicable, feasible, and lawful.*

11           “(B) *ALL CASES INVOLVING AN INDIVIDUAL.*—*If an individual who is a party to an*  
12       *action or proceeding assigned to the Family*  
13       *Court becomes a party to another action or proceeding assigned to the Family Court, the individual’s subsequent action or proceeding shall be*  
14       *assigned to the same judge or magistrate judge to*  
15       *whom the individual’s initial action or proceeding is assigned to the greatest extent practicable and feasible.*

21           “(C) *FAMILY COURT CASE RETENTION.*—*If*  
22       *the full term of a Family Court judge to whom*  
23       *the action or proceeding is assigned is completed*  
24       *prior to the final disposition of the action or proceeding, the presiding judge of the Family*

1           *Court shall ensure that the matter or proceeding*  
2           *is reassigned to a judge serving on the Family*  
3           *Court.*

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

9           “*(i) the case remains at all times in*  
10           *full compliance with section 103(a)(3) of*  
11           *Public Law 105-89 (42 U.S.C. 675(E)), if*  
12           *applicable, and the case has been assigned*  
13           *continuously to the judge for 18 months or*  
14           *more and the judge has a special knowledge*  
15           *of the child’s needs, such that reassignment*  
16           *would be harmful to the child; and*

17           “*(ii) the chief judge, in consultation*  
18           *with the presiding judge of the Family*  
19           *Court determines that such retention is in*  
20           *the best interests of the parties.*

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

25           “*(c) TRAINING PROGRAM.*—

1           “(1) *IN GENERAL.*—The chief judge, in consulta-  
2        tion with the presiding judge of the Family Court,  
3        shall carry out an ongoing program to provide train-  
4        ing in family law and related matters for judges of  
5        the Family Court and other judges of the Superior  
6        Court who are assigned Family Court cases, includ-  
7        ing magistrate judges, attorneys who practice in the  
8        Family Court, and appropriate nonjudicial per-  
9        sonnel, and shall include in the program information  
10      and instruction regarding the following:

11           “(A) *Child development.*

12           “(B) *Family dynamics, including domestic  
13        violence.*

14           “(C) *Relevant Federal and District of Co-  
15        lumbia laws.*

16           “(D) *Permanency planning principles and  
17        practices.*

18           “(E) *Recognizing the risk factors for child  
19        abuse.*

20           “(F) *Any other matters the presiding judge  
21        considers appropriate.*

22           “(2) *USE OF CROSS-TRAINING.*—The program  
23        carried out under this section shall use the resources  
24        of lawyers and legal professionals, social workers, and

1       *experts in the field of child development and other re-*  
2       *lated fields.*

3       “(d) *ACCESSIBILITY OF MATERIALS, SERVICES, AND*  
4       *PROCEEDINGS; PROMOTION OF ‘FAMILY-FRIENDLY’ ENVI-*  
5       *RONMENT.*—

6       “(1) *IN GENERAL.*—*To the greatest extent prac-*  
7       *ticable, the chief judge and the presiding judge of the*  
8       *Family Court shall ensure that the materials and*  
9       *services provided by the Family Court are under-*  
10       *standable and accessible to the individuals and fami-*  
11       *lies served by the Family Court, and that the Family*  
12       *Court carries out its duties in a manner which re-*  
13       *flects the special needs of families with children.*

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

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

22       “(1) *to ensure that all records and materials of*  
23       *cases and proceedings in the Family Court are stored*  
24       *and maintained in electronic format accessible by*  
25       *computers for the use of judges, magistrate judges,*

1       *and nonjudicial personnel of the Family Court, and*  
2       *for the use of other appropriate offices of the District*  
3       *government in accordance with the plan for inte-*  
4       *grating computer systems prepared by the Mayor of*  
5       *the District of Columbia under section 4(b) of the*  
6       *District of Columbia Family Court Act of 2001;*

7               “(2) *to establish and operate an electronic track-*  
8       *ing and management system for cases and pro-*  
9       *ceedings in the Family Court for the use of judges*  
10       *and nonjudicial personnel of the Family Court, using*  
11       *the records and materials stored and maintained pur-*  
12       *suant to paragraph (1); and*

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

15       **“§ 11-1105. Social services and other related services**

16               “(a) *ONSITE COORDINATION OF SERVICES AND INFOR-*  
17       *MATION.—*

18               “(1) *IN GENERAL.—The Mayor of the District of*  
19       *Columbia, in consultation with the chief judge of the*  
20       *Superior Court, shall ensure that representatives of*  
21       *the appropriate offices of the District government*  
22       *which provide social services and other related serv-*  
23       *ices to individuals and families served by the Family*  
24       *Court (including the District of Columbia Public*  
25       *Schools, the District of Columbia Housing Authority,*

1       *the Child and Family Services Agency, the Office of*  
2       *the Corporation Counsel, the Metropolitan Police De-*  
3       *partment, the Department of Health, and other offices*  
4       *determined by the Mayor) are available on-site at the*  
5       *Family Court to coordinate the provision of such*  
6       *services and information regarding such services to*  
7       *such individuals and families.*

8       “*(2) DUTIES OF HEADS OF OFFICES.—The head*  
9       *of each office described in paragraph (1), including*  
10       *the Superintendent of the District of Columbia Public*  
11       *Schools and the Director of the District of Columbia*  
12       *Housing Authority, shall provide the Mayor with*  
13       *such information, assistance, and services as the*  
14       *Mayor may require to carry out such paragraph.*

15       “*(b) APPOINTMENT OF SOCIAL SERVICES LIAISON*  
16       *WITH FAMILY COURT.—The Mayor of the District of Co-*  
17       *lumbia shall appoint an individual to serve as a liaison*  
18       *between the Family Court and the District government for*  
19       *purposes of subsection (a) and for coordinating the delivery*  
20       *of services provided by the District government with the ac-*  
21       *tivities of the Family Court and for providing information*  
22       *to the judges, magistrate judges, and nonjudicial personnel*  
23       *of the Family Court regarding the services available from*  
24       *the District government to the individuals and families*  
25       *served by the Family Court. The Mayor shall provide on*

1 *an ongoing basis information to the chief judge of the Supe-*  
2 *rior Court and the presiding judge of the Family Court re-*  
3 *garding the services of the District government which are*  
4 *available for the individuals and families served by the*  
5 *Family Court.*

6 **“§ 11–1106. Reports to Congress**

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

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

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

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

24       *“(4) Information on the progress made in estab-*  
25 *lishing locations and appropriate space for the Fam-*

1       *ily Court that are consistent with the mission of the*  
2       *Family Court until such time as the locations and*  
3       *space are established.*

4       “(5) *Information on any factors which are not*  
5       *under the control of the Family Court which interfere*  
6       *with or prevent the Family Court from carrying out*  
7       *its responsibilities in the most effective manner pos-*  
8       *sible.*

9       “(6) *Information on—*

10       “(A) *the number of judges serving on the*  
11       *Family Court as of the end of the year;*

12       “(B) *how long each such judge has served on*  
13       *the Family Court;*

14       “(C) *the number of cases retained outside*  
15       *the Family Court;*

16       “(D) *the number of reassessments to and*  
17       *from the Family Court; and*

18       “(E) *the ability to recruit qualified sitting*  
19       *judges to serve on the Family Court.*

20       “(7) *Based on outcome measures derived through*  
21       *the use of the information stored in electronic format*  
22       *under section 11-1104(d), an analysis of the Family*  
23       *Court’s efficiency and effectiveness in managing its*  
24       *case load during the year, including an analysis of*  
25       *the time required to dispose of actions and pro-*

1       *ceedings among the various categories of the Family*  
2       *Court's jurisdiction, as prescribed by applicable law*  
3       *and best practices, including (but not limited to) best*  
4       *practices developed by the American Bar Association*  
5       *and the National Council of Juvenile and Family*  
6       *Court Judges.*

7           “(8) *If the Family Court failed to meet the dead-*  
8       *lines, standards, and outcome measures described in*  
9       *the previous paragraphs, a proposed remedial action*  
10      *plan to address the failure.”.*

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

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

19       (c) *PLAN FOR INTEGRATING COMPUTER SYSTEMS.*—  
20           (1) *IN GENERAL.*—*Not later than 6 months after*  
21 *the date of the enactment of this Act, the Mayor of the*  
22 *District of Columbia shall submit to the President*  
23 *and Congress a plan for integrating the computer sys-*  
24 *tems of the District government with the computer*  
25 *systems of the Superior Court of the District of Co-*

1       *lumbia so that the Family Court of the Superior*  
 2       *Court and the appropriate offices of the District gov-*  
 3       *ernment which provide social services and other re-*  
 4       *lated services to individuals and families served by*  
 5       *the Family Court of the Superior Court (including*  
 6       *the District of Columbia Public Schools, the District*  
 7       *of Columbia Housing Authority, the Child and Fam-*  
 8       *ily Services Agency, the Office of the Corporation*  
 9       *Counsel, the Metropolitan Police Department, the De-*  
 10       *partment of Health, and other offices determined by*  
 11       *the Mayor) will be able to access and share informa-*  
 12       *tion on the individuals and families served by the*  
 13       *Family Court.*

14                   (2) *AUTHORIZATION OF APPROPRIATIONS.*—  
 15       *There are authorized to be appropriated to the Mayor*  
 16       *of the District of Columbia such sums as may be nec-*  
 17       *essary to carry out paragraph (1).*

18                   (d) *CLERICAL AMENDMENT.*—*The table of sections for*  
 19       *chapter 11 of title 11, District of Columbia Code, is amend-*  
 20       *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.”.

21       **SEC. 5. TREATMENT OF HEARING COMMISSIONERS AS MAG-**  
 22                   **ISTRATE JUDGES.**

23                   (a) *IN GENERAL.*—

(E) in the heading, by striking “**Hearing commissioners**” and inserting “**Magistrate judges**”

22 (2) CONFORMING AMENDMENTS.—Section 16—  
23 924 *District of Columbia Code is amended—*

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

“11-1732. *Magistrate judges.*”.

(b) TRANSITION PROVISION REGARDING HEARING COMMISSIONERS.—Any individual serving as a hearing commissioner under section 11–1732 of the District of Columbia Code as of the date of the enactment of this Act shall serve the remainder of such individual’s term as a magistrate judge, and may be reappointed as a magistrate judge in accordance with section 11–1732(d), District of Columbia Code, except that any individual serving as a hearing commissioner as of the date of the enactment of this Act who was appointed as a hearing commissioner prior to the effective date of section 11–1732 of the District of Columbia Code shall not be required to be a resident of the District of Columbia to be eligible to be reappointed.

1       (c) *EFFECTIVE DATE.*—*The amendments made by this*  
2 *section shall take effect on the date of the enactment of this*  
3 *Act.*

4 **SEC. 6. SPECIAL RULES FOR MAGISTRATE JUDGES OF FAM-**

5                   **ILY COURT.**

6       (a) *IN GENERAL.*—*Chapter 17 of title 11, District of*  
7 *Columbia Code, is amended by inserting after section 11–*  
8 *1732 the following new section:*

9       **“§ 11–1732A. Special rules for magistrate judges of the**  
10                   **Family Court of the Superior Court and**  
11                   **the Domestic Violence Unit**

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

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

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

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

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

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

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

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

1       “(c) *SERVICE OF CURRENT HEARING COMMISSIONERS.*—Those individuals serving as hearing commissioners under section 11–1732 on the effective date of this section who meet the qualifications described in subsection 5 (b)(4) may request to be appointed as magistrate judges for 6 the Family Court of the Superior Court under such section.

7       “(d) *FUNCTIONS OF FAMILY COURT AND DOMESTIC VIOLENCE UNIT MAGISTRATES.*—A magistrate judge, when specifically designated by the chief judge in consultation 10 with the presiding judge to serve in the Family Court or 11 in the Domestic Violence Unit and subject to the rules of 12 the Superior Court and the right of review under section 13 11–1732(k), may perform the following functions:

14           “(1) Administer oaths and affirmations and take 15 acknowledgements.

16           “(2) Subject to the rules of the Superior Court 17 and applicable Federal and District of Columbia law, 18 conduct hearings, make findings and enter interim 19 and final orders or judgments in uncontested or con- 20 tested proceedings within the jurisdiction of the Fam- 21 ily Court and the Domestic Violence Unit of the Su- 22 perior Court (as described in section 11–1101), ex- 23 cluding jury trials and trials of felony cases, as as- 24 signed by the presiding judge of the Family Court.

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

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

11           “(f) *TRAINING.—The chief judge, in consultation with*  
12           *the presiding judge of the Family Court of the Superior*  
13           *Court, shall ensure that all magistrate judges of the Family*  
14           *Court receive training to enable them to fulfill their respon-*  
15           *sibilities, including specialized training in family law and*  
16           *related matters.”.*

17           (b) *CONFORMING AMENDMENTS.—(1) Section 11–*  
18           *1732(a), District of Columbia Code, is amended by insert-*  
19           *ing after “the duties enumerated in subsection (j) of this*  
20           *section” the following: “(or, in the case of magistrate judges*  
21           *for the Family Court or the Domestic Violence Unit of the*  
22           *Superior Court, the duties enumerated in section 11–*  
23           *1732A(d))”.*

1       (2) *Section 11–1732(c), District of Columbia Code, is*  
2 *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, is*  
5 *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 or the Domes-*  
10 *tic Violence Unit of the Superior Court),”;* and

11           (B) *by inserting after “appropriate division” the*  
12 *following: “(or, in the case of an order or judgment*  
13 *of a magistrate judge of the Family Court or the Do-*  
14 *mestic Violence Unit of the Superior Court, by a*  
15 *judge of the Family Court or the Domestic Violence*  
16 *Unit)”.*

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

22       (c) *CLERICAL AMENDMENT.—The table of sections for*  
23 *subchapter II of chapter 17 of title 11, District of Columbia,*  
24 *is amended by inserting after the item relating to section*  
25 *11–1732 the following new item:*

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

1        *(d) EFFECTIVE DATE.—*

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

5            *(2) EXPEDITED INITIAL APPOINTMENTS.—*

6            *(A) IN GENERAL.—Not later than 60 days*  
7            *after the date of enactment of this Act, the chief*  
8            *judge of the Superior Court of the District of Co-*  
9            *lumbia shall appoint not more than 5 individ-*  
10            *uals to serve as magistrate judges for the Family*  
11            *Division of the Superior Court in accordance*  
12            *with the requirements of sections 11–1732 and*  
13            *11–1732A, District of Columbia Code (as added*  
14            *by subsection (a)).*

15            *(B) TRANSITION RESPONSIBILITIES OF INI-*  
16            *TIALLY APPOINTED FAMILY COURT MAG-*  
17            *ISTRATES.—The chief judge of the Superior*  
18            *Court and the presiding judge of the Family Di-*  
19            *vision of the Superior Court (acting jointly)*  
20            *shall first assign the magistrate judges of Family*  
21            *Court appointed under this paragraph to work*  
22            *with judges to whom the cases are currently as-*  
23            *signed in making case disposition or transfer de-*  
24            *cisions as follows:*

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

13        *It is the sense of Congress that the State of Maryland,*  
14    *the Commonwealth of Virginia, and the District of Colum-*  
15    *bia should promptly enter into a border agreement to facili-*  
16    *tate the timely and safe placement of children in the Dis-*  
17    *trict of Columbia's welfare system in foster and kinship*  
18    *homes and other facilities in Maryland and Virginia.*

19 **SEC. 8. SENSE OF THE SENATE REGARDING THE USE OF**  
20 **COURT APPOINTED SPECIAL ADVOCATES.**

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

1 **SEC. 9. INTERIM REPORTS.**

2       *Not later than 12 months after the date of enactment*  
3 *of this Act, the chief judge of the Superior Court and the*  
4 *presiding judge of the Family Court—*

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

9           *(2) shall submit to Congress an analysis of the*  
10 *success of the use of magistrate judges under the expe-*  
11 *dited appointment procedures established under sec-*  
12 *tion 6(d) in reducing the number of pending actions*  
13 *and proceedings within the jurisdiction of the Family*  
14 *Court (as described in section 11-902(d), District of*  
15 *Columbia).*

16 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

17       *There are authorized to be appropriated to the Courts*  
18 *of the District of Columbia and the District of Columbia*  
19 *such sums as may be necessary to carry out the amendments*  
20 *made by this Act.*

21 **SEC. 11. EFFECTIVE DATE.**

22       *The amendments made by this Act shall take effect*  
23 *upon the initial appropriation of funds specifically des-*  
24 *ignated by Federal law for purposes of carrying out this*  
25 *Act.*



**Calendar No. 257**

107TH CONGRESS  
1ST SESSION **S. 1382**

**[Report No. 107-107]**

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**A BILL**

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.

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DECEMBER 5, 2001

Reported with an amendment