

107TH CONGRESS  
1ST SESSION

# S. 1382

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

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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,*

1 **SECTION 1. SHORT TITLE.**

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

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

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

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

9 “(a) IN GENERAL.—The Superior Court shall consist  
10 of the 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  
17 Court may be divided into such branches as the Superior  
18 Court may by rule prescribe.

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

24 “(d) JURISDICTION DESCRIBED.—The Family Court  
25 shall have original jurisdiction over the actions, applica-

1 tions, determinations, adjudications, and proceedings de-  
2 scribed in section 11–1101.”.

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

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

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

15 (d) CONFORMING AMENDMENTS TO TITLE 16.—

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

20 (2) EXPEDITED JUDICIAL HEARING OF CASES  
21 BROUGHT BEFORE HEARING COMMISSIONERS.—Sec-  
22 tion 16–924, District of Columbia Code, is amended  
23 by striking “Family Division” each place it appears  
24 in subsections (a) and (f) and inserting “Family  
25 Court”.

1           (3) GENERAL REFERENCES TO PRO-  
 2           CEEDINGS.—Chapter 23 of title 16, District of Co-  
 3           lumbia Code, is amended by inserting after section  
 4           16–2301 the following new section:

5   **“§ 16–2301.1. References deemed to refer to Family**  
 6                           **Court of the Superior Court**

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

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

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

19   **SEC. 3. APPOINTMENT AND ASSIGNMENT OF JUDGES; NUM-**  
 20                           **BER AND QUALIFICATIONS.**

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

1 **“§ 11-908A. Special rules regarding assignment and**  
2 **service of judges of Family Court**

3 “(a) NUMBER OF JUDGES.—

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

7 “(2) REPORT.—The total number of judges on  
8 the Superior Court may exceed the limit on such  
9 judges to the extent necessary to maintain the re-  
10 quirements of this subsection if the chief judge of  
11 the Superior Court—

12 “(A) obtains the approval of the Joint  
13 Committee on Judicial Administration; and

14 “(B) reports to Congress regarding the cir-  
15 cumstances that gave rise to the necessity to  
16 exceed the cap.

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

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

22 “(2) the individual certifies to the chief judge  
23 that the individual intends to serve the full term of  
24 service, except that this paragraph shall not apply  
25 with respect to individuals serving as senior judges

1 under section 11–1504 and individuals serving as  
2 temporary judges under section 11–908;

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

7 “(4) the individual meets the requirements of  
8 section 11–1732A(b).

9 “(c) TERM OF SERVICE.—

10 “(1) IN GENERAL.—

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

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

1           enactment of the District of Columbia Family  
2           Court Act of 2001 shall serve for a term of 5  
3           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 the judge may be assigned for addi-  
8           tional service on the Family Court for a period of  
9           such duration (consistent with section 431(c) of the  
10          District of Columbia Home Rule Act) as the chief  
11          judge may provide.

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

18          “(d) REASSIGNMENT TO OTHER DIVISIONS.—The  
19          chief judge may reassign a judge of the Family Court to  
20          any division of the Superior Court if the chief judge deter-  
21          mines that the judge is unable, for cause, to continue serv-  
22          ing in the Family Court.”.

23          (b) PLAN FOR FAMILY COURT TRANSITION.—

24                  (1) IN GENERAL.—Not later than 90 days after  
25          the date of the enactment of this Act, the chief

1 judge of the Superior Court of the District of Co-  
2 lumbia shall prepare and submit to the President  
3 and Congress a transition plan for the Family Court  
4 of the Superior Court, and shall include in the plan  
5 the following:

6 (A) The chief judge's determination of the  
7 role and function of the presiding judge of the  
8 Family Court.

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

12 (C) The chief judge's determination of the  
13 number of magistrate judges of the Family  
14 Court needed for appointment under section  
15 11-1732, District of Columbia Code.

16 (D) The chief judge's determination of the  
17 appropriate functions of such magistrate  
18 judges, together with the compensation of and  
19 other personnel matters pertaining to such  
20 magistrate judges.

21 (E) A plan for case flow, case manage-  
22 ment, and staffing needs (including the needs  
23 for both judicial and nonjudicial personnel) for  
24 the Family Court.

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

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

13 (H) Consistent with the requirements of  
14 paragraph (2), a proposal for the disposition or  
15 transfer to the Family Court of actions and  
16 proceedings within the jurisdiction of the Fam-  
17 ily Court as of the date of the enactment of this  
18 Act (together with actions and proceedings de-  
19 scribed in section 11-1101, District of Colum-  
20 bia Code, which were initiated in the Family  
21 Division but remain pending in other Divisions  
22 of the Superior Court as of such date) in a  
23 manner consistent with applicable Federal and  
24 District of Columbia law and best practices, in-  
25 cluding best practices developed by the Amer-

1           ican Bar Association and the National Council  
2           of Juvenile and Family Court Judges.

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

6                   (A) IN GENERAL.—The chief judge of the  
7           Superior Court and the presiding judge of the  
8           Family Court shall take such steps as may be  
9           required as provided in the proposal for disposi-  
10          tion of actions and proceedings under para-  
11          graph (1)(H) to ensure that each action or pro-  
12          ceeding within the jurisdiction of the Family  
13          Court of the Superior Court (as described in  
14          section 11–902(d), District of Columbia Code,  
15          as amended by subsection (a)) is transferred to  
16          the Family Court or otherwise disposed of as  
17          provided in subparagraph (B). The requirement  
18          of this subparagraph shall not apply to an ac-  
19          tion or proceeding pending before a senior  
20          judge as defined in section 11–1504, District of  
21          Columbia Code.

22                   (B) DEADLINE.—Notwithstanding any  
23          other provision of this Act or any amendment  
24          made by this Act, no action or proceeding which  
25          is within the jurisdiction of the Family Court

1 (as described in section 11–902(d), District of  
2 Columbia Code, as amended by subsection (a))  
3 shall remain pending with a judge not serving  
4 on the Family Court upon the expiration of 18  
5 months after the date of enactment of this Act.

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

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

23 (c) TRANSITION TO REQUIRED NUMBER OF  
24 JUDGES.—

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

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

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

23           (2) ROLE OF DISTRICT OF COLUMBIA JUDICIAL  
24 NOMINATION COMMISSION.—For purposes of section  
25 434(d)(1) of the District of Columbia Home Rule

1 Act, the submission of a request from the chief  
2 judge of the Superior Court of the District of Co-  
3 lumbia under paragraph (1)(B) shall be deemed to  
4 create a number of vacancies in the position of judge  
5 of the Superior Court equal to the number of addi-  
6 tional appointments so requested by the chief judge,  
7 except that the deadline for the submission by the  
8 District of Columbia Judicial Nomination Commis-  
9 sion of nominees to fill such vacancies shall be 90  
10 days after the creation of such vacancies. In car-  
11 rying out this paragraph, the District of Columbia  
12 Judicial Nomination Commission shall recruit indi-  
13 viduals for possible nomination and appointment to  
14 the Superior Court who meet the qualifications for  
15 judges of the Family Court of the Superior Court.

16 (d) REPORT BY COMPTROLLER GENERAL.—

17 (1) IN GENERAL.—Not later than 2 years after  
18 the date of the enactment of this Act, the Comp-  
19 troller General shall prepare and submit to Congress  
20 and the chief judge of the Superior Court of the Dis-  
21 trict of Columbia a report on the implementation of  
22 this Act (including the transition plan under sub-  
23 section (b)), and shall include in the report the fol-  
24 lowing:

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

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

17          (C) An analysis of the number of judges  
18          needed for the Family Court, including an anal-  
19          ysis of how the number may be affected by the  
20          qualification requirements for judges, the avail-  
21          ability of magistrate judges, and other provi-  
22          sions of this Act or the amendments made by  
23          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  
 8 of section 11–908(a), District of Columbia Code, is  
 9 amended by striking “The chief judge” and inserting  
 10 “Subject to section 11–908A, the chief judge”.

11 (f) CLERICAL AMENDMENT.—The table of sections  
 12 for chapter 9 of title 11, District of Columbia Code, is  
 13 amended by inserting after the item relating to section  
 14 11–908 the 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  
 18 of Columbia, is amended by striking section 1101 and in-  
 19 serting 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 jurisdic-  
 23 tion 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,  
21           1957 (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  
5           in section 16–2301, is alleged to be delinquent, ne-  
6           glected, or in need of supervision;

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

9           “(15) proceedings under chapter 11 of title 21  
10          relating 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.—In this chapter, the term ‘action  
17          or proceeding’ with respect to the Family Court refers to  
18          cause of action described in paragraphs (1) through (16)  
19          of subsection (a).

20          **“§ 11–1102. Use of alternative dispute resolution**

21          “To the greatest extent practicable and safe, cases  
22          and proceedings in the Family Court of the Superior  
23          Court shall be resolved through alternative dispute resolu-  
24          tion procedures, in accordance with such rules as the Su-  
25          perior Court may promulgate.

1 **“§ 11–1103. Standards of practice for appointed coun-**  
 2 **sel**

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

6 **“§ 11–1104. Administration**

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

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

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

24 “(2) ONE FAMILY, ONE JUDGE.—

25 “(A) FOR THE DURATION.—An action or  
 26 proceeding assigned pursuant to this subsection

1 shall remain with the judge or magistrate judge  
2 to whom the action or proceeding is assigned  
3 for the duration of the action or proceeding to  
4 the greatest extent practicable, feasible, and  
5 lawful.

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

16 “(C) REASSIGNMENT.—If the judge to  
17 whom the action or proceeding is assigned  
18 ceases to serve on the Family Court prior to the  
19 final disposition of the action or proceeding, the  
20 presiding judge of the Family Court shall en-  
21 sure that the matter or proceeding is reassigned  
22 to a judge serving on the Family Court, except  
23 that a judge who ceases to serve in Family  
24 Court but remains in Superior Court may re-  
25 tain the case or proceeding for not more than

1           6 months after ceasing to serve if such reten-  
2           tion is in the best interests of the parties.

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

7           “(c) TRAINING PROGRAM.—

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

16                 “(A) Child development.

17                 “(B) Family dynamics, including domestic  
18          violence.

19                 “(C) Relevant Federal and District of Co-  
20          lumbia laws.

21                 “(D) Permanency planning principles and  
22          practices.

23                 “(E) Recognizing the risk factors for child  
24          abuse.

1           “(F) Any other matters the presiding  
2           judge considers appropriate.

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

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

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

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

24           “(e) INTEGRATED COMPUTERIZED CASE TRACKING  
25          AND MANAGEMENT SYSTEM.—The Executive Officer of

1 the District of Columbia courts under section 11–1703  
2 shall work with the chief judge of the Superior Court—

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

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

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

22 **“§ 11–1105. Social services and other related services**

23           “(a) ON-SITE COORDINATION OF SERVICES AND IN-  
24 FORMATION.—

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

16           “(2) DUTIES OF HEADS OF OFFICES.—The  
17 head of each office described in paragraph (1), in-  
18 cluding the Superintendent of the District of Colum-  
19 bia Public Schools and the Director of the District  
20 of Columbia Housing Authority, shall provide the  
21 Mayor with such information, assistance, and serv-  
22 ices as the Mayor may require to carry out such  
23 paragraph.

24           “(b) APPOINTMENT OF SOCIAL SERVICES LIAISON  
25 WITH FAMILY COURT.—The Mayor of the District of Co-

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

15 **“§ 11–1106. Reports to Congress**

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

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

24 “(2) Goals and timetables as required by the  
25 Adoption and Safe Families Act of 1997 to improve

1 the Family Court’s performance in the following  
2 year.

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

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

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

17 “(6) Based on outcome measures derived  
18 through the use of the information stored in elec-  
19 tronic format under section 11–1104(d), an analysis  
20 of the Court’s efficiency and effectiveness in man-  
21 aging its case load during the year, including an  
22 analysis of the time required to dispose of actions  
23 and proceedings among the various categories of the  
24 Court’s jurisdiction, as prescribed by applicable law  
25 and best practices, including (but not limited to)

1 best practices developed by the American Bar Asso-  
2 ciation and the National Council of Juvenile and  
3 Family Court Judges.

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

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

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

19 (c) PLAN FOR INTEGRATING COMPUTER SYSTEMS.—

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

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

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

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

21 **SEC. 5. TREATMENT OF HEARING COMMISSIONERS AS**  
 22 **MAGISTRATE JUDGES.**

23 (a) IN GENERAL.—

1 (1) REDESIGNATION OF TITLE.—Section 11–  
2 1732, District of Columbia Code, is amended—

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

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

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

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

19 (E) in the heading, by striking “**Hearing**  
20 **commissioners**” and inserting “**Mag-**  
21 **istrate Judges**”.

22 (2) CONFORMING AMENDMENTS.—(A) Section  
23 11–1732(c)(3), District of Columbia Code, is amend-  
24 ed by striking “, except that” and all that follows  
25 and inserting a period.

1 (B) Section 16–924, District of Columbia Code,  
2 is amended—

3 (i) by striking “hearing commissioner”  
4 each place it appears and inserting “magistrate  
5 judge”; and

6 (ii) in subsection (f), by striking “hearing  
7 commissioner’s” and inserting “magistrate  
8 judge’s”.

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

“11–1732. Magistrate judges.”.

13 (b) TRANSITION PROVISION REGARDING HEARING  
14 COMMISSIONERS.—Any individual serving as a hearing  
15 commissioner under section 11–1732 of the District of Co-  
16 lumbia Code as of the date of the enactment of this Act  
17 shall serve the remainder of such individual’s term as a  
18 magistrate judge, and may be reappointed as a magistrate  
19 judge in accordance with section 11–1732(d), District of  
20 Columbia Code, except that any individual serving as a  
21 hearing commissioner as of the date of the enactment of  
22 this Act who was appointed as a hearing commissioner  
23 prior to the effective date of section 11–1732 of the Dis-  
24 trict of Columbia Code shall not be required to be a resi-

1 dent of the District of Columbia to be eligible to be re-  
2 appointed.

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

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

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

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

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

20 “(b) SPECIAL QUALIFICATIONS.—Notwithstanding  
21 section 11–1732(c), no individual shall be appointed as a  
22 magistrate judge for the Family Court of the Superior  
23 Court unless that 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 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 COMMIS-  
2       SIONERS.—Those individuals serving as hearing commis-  
3       sioners under section 11–1732 on the effective date of this  
4       section who meet the qualifications described in subsection  
5       (b)(4) may request to be appointed as magistrate judges  
6       for the Family Court of the Superior Court under such  
7       section.

8       “(d) FUNCTIONS.—A magistrate judge, when specifi-  
9       cally designated by the presiding judge of the Family  
10      Court of the Superior Court, and subject to the rules of  
11      the Superior Court and the right of review under section  
12      11–1732(k), may perform the following functions:

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

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

24           “(3) Subject to the rules of the Superior Court,  
25      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(c), 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

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

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 (c) CLERICAL AMENDMENT.—The table of sections  
 17 for subchapter II 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)).

10 (B) APPOINTMENTS MADE WITHOUT RE-  
11 GARD TO SELECTION PANEL.—Sections 11-  
12 1732(b) and 11-1732A(a), District of Columbia  
13 Code (as added by subsection (a)) shall not  
14 apply with respect to any magistrate judge ap-  
15 pointed under this paragraph.

16 (C) PRIORITY FOR CERTAIN ACTIONS AND  
17 PROCEEDINGS.—The chief judge of the Supe-  
18 rior Court and the presiding judge of the Fam-  
19 ily Division of the Superior Court (acting joint-  
20 ly) shall first assign and transfer to the mag-  
21 istrate judges appointed under this paragraph  
22 actions and proceedings described as follows:

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

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

5                   (iii) The action or proceeding was ini-  
6                   tiated in the Family Division prior to the  
7                   2-year period which ends on the date of  
8                   the enactment of this Act.

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 cates (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.

