



SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Family Court Operations Division
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Washington, D.C. 20001

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MEMORANDUM

TO: Zabrina W. Dempson, Esq.
Clerk of Court, Superior Court of the District of Columbia

FROM: Avi Sickel, Esq.
Director, Family Court Operations Division

Toni F. Gore
Deputy Director, Family Court Operations Division

Jennifer A. Di Toro, Presiding Judge, Family Court

Darlene Soltys, Deputy Presiding Judge, Family Court

SUBJECT: Reimagining the Family Court

Beginning in March 2020, when the start of the COVID-19 pandemic demanded a turn to remote operations, the Family Court moved quickly to establish, train, and implement online operations. As the pandemic continued into year two, the Family Court substantially increased the number and types of cases heard by our judicial officers and in accordance with public health guidelines, returned to partial onsite services.

In March 2021, Family Court leadership, including Director Avi Sickel and Deputy Director Toni F. Gore, convened six meetings with internal stakeholders throughout the Family Court, including: domestic relations, juvenile delinquency, abuse and neglect, parentage and support, mental health and habilitation and adoption. The internal stakeholder meetings included courtroom clerks, deputy clerks, members of the management team, and judges assigned to those calendars. That same month, then-Presiding Judge Krauthamer and Deputy Presiding Judge Di Toro held six meetings with external stakeholders who work in and around the Family Court in those same case types. The participants included the DC Bar Pro Bono Center, Bread for the City, the Legal Aid Bureau, Children's Law Center, members of the private bar, the Office of Attorney General, the Public Defender Service (PDS), Court Appointed Counsel for Abuse and Neglect (CCAN), the Department of Behavioral Health (DBH), Department of Youth Rehabilitative

Services (DYRS), Metropolitan Police Department (MPD) and the United States Marshal Services (USMS). The purpose of these gatherings was to discuss which aspects of remote court operations were working well, to suggest improvements, and to consider which remote operations should remain upon the conclusion of the public health emergency.

Some general concepts emerged:

(a) Remote hearings are an excellent option in many situations, but are not always appropriate, especially in contested matters.

(b) Box.com is a useful and efficient way to submit exhibits and will continue to be used.

(c) Box.com is also very useful for the submission of confidential and sealed documents to the clerk's office. It will also continue to be used.

(d) Leveraging of electronic payment portals are a time savings for customers who cannot or do not wish to physically visit to the courthouse, as well as consistent with reducing the overall "footprint" of the Superior Court. We recommend continuing to offer this option.

(e) Processing of warrants and custody orders using electronic mail and Webex has been both efficient and consistent with public health. It will continue to be used.

What follows is a reimagining of the Family Court in a future without a quarantine, social distancing or other COVID-19 related restrictions. This plan is not an immutable document. It will be changed as the needs of the court and the public require.

Summary of the plan

In Family Court, evidentiary hearings will generally require parties and attorneys to be present with the judge in the courtroom. For non-evidentiary hearings, parties and attorneys may generally participate via Webex. Note also that judicial officers, staff, and managers will all continue to accommodate some remote access for litigants, including conducting "hybrid" hearings wherein some participants will be present in the courthouse while other appear via Webex. The Presiding and Deputy Presiding Judges together with the Family Court management team will be responsible for managing schedules throughout the Family Court to ensure both a robust onsite presence and the availability of remote access, consistent with the principles outlined above.

Further, when the judge is present in the courtroom, the courtroom clerk will also be present in the courtroom, to facilitate the entry and exit of parties appearing via Webex, to make docket entries and issue electronic orders, and to direct the flow of parties appearing in the courtroom.

Processing of Search and Arrest Warrant Requests and Returns

All warrants have been processed remotely since the outset of the pandemic. This process has been a significant improvement in process, which the Family Court will keep in place. The specific processes for processing of Search Warrants and Pre-Petition Custody Orders is detailed below:

Search Warrants (SW)

1. Officers shall email a copy of the coversheet and the affidavit to OAG at juvenilewarrants@dc.gov for initial review.

2. Once OAG has reviewed the Custody Order, the order will be electronically signed and forwarded back to the officer.
3. Officers shall e-mail a signed copy of the coversheet (if applicable), and affidavit to the CIC, at FamilyCourtJ&NProcessing@dcsc.gov along with his or her contact information (phone number and e-mail address).
4. CIC shall assign a number to the SW and forward the signed warrant paperwork and the officer contact info to the assigned FC judge.
5. The judge shall call the officer to swear to the affidavit and shall take whatever action appropriate (approve or deny) and e-mail a signed copy back to CIC.
6. The judge shall sign electronically on an I-pad (on the old I -pads with Good Reader and on the new ones with Good Reader which is included in the MDM package with or any other PDF annotation app).
7. If any modifications are made (and sworn to, obviously), pursuant to Court Rule, the modified PPCO or SW must be e-mailed to the applicant and CIC.
8. CIC will email the signed warrant to OAG at juvenilewarrants@dc.gov and to the police officer. CIC will also email the signed SW to the Juvenile and Neglect Clerk's Office at WalesCustodyOrders@dcsc.gov; that office will upload the warrant into CourtView.

Pre-Petition Custody Orders (PPCO)

1. Officers shall email a copy of the affidavit and all police paperwork to juvenilewarrants@dc.gov for initial review.
2. Once OAG has reviewed the PPCO and approved it, a petition will be generated. The AAG will then call the Officer and swear the officer to the petition and the affidavit over the phone.
3. The AAG will email the signed petition, affidavit, custody order form, and charge code form (collectively known as the PPCO packet) back to the officer.
4. Officers shall e-mail a signed copy of the PPCO Packet to the CIC, at: FamilyCourtJ&NProcessing@dcsc.gov along with his or her contact information (phone number and e-mail address).
5. CIC shall assign a number to the warrant and forward the signed warrant paperwork and the officer contact info to the assigned FC judge.
6. The judge shall call the officer to swear to the affidavit and shall take whatever action appropriate (approve or deny) and e-mail a signed copy back to CIC.
7. The judge shall sign electronically on an I-pad (on the old I -pads with Good Reader and on the new ones with Good Reader which is included in the MDM package with or any other PDF annotation app).
8. If any modifications are made (and sworn to, obviously), pursuant to Court Rule, the modified PPCO or SW must be e-mailed to the applicant and CIC.
9. CIC will email the signed warrant to OAG at juvenilewarrants@dc.gov and to the officer. CIC will also email the signed warrant (PPCO) to the Juvenile and Neglect Clerks' Office at WalesCustodyOrder@dcsc.gov; that office will upload the warrant into CourtView and will enter it into WALES.

Neglect PPCOs

Neglect PPCO will follow the same procedure as in DEL/PINS cases, except that CIC will email CFSA PPCO at childprotection@dc.gov.

Abuse and Neglect

Courtroom:

Initial Hearings will be held via Webex, unless otherwise ordered by the Court.

Trials and other evidentiary hearings will generally require parties and attorneys to be present with the judge in courtroom. Parties may move the court to hold the hearings (or allow certain parties, such as expert witnesses, teachers, or other professionals), via Webex.

Administrative Process:

All filings will continue to be electronic. Unrepresented parties may file either electronically or in-person in the Central Intake Center (CIC).

Posting of notices in neglect cases may be made on the court's website and in the courthouse.

CCAN will provide both online and in-person brown bag trainings.

Adoptions

Courtroom:

All adoption hearings will be held via Webex, unless otherwise ordered.

For contested adoption trials, unless otherwise ordered, parties and attorneys shall be present with the judge in the courtroom. On motion of the parties, finalization hearings may be held in the courthouse with the judge and parties present. All finalization hearings shall include the option to appear via Webex to allow family and friends to join in the virtual celebration.

Administrative process:

All filings will continue to be electronic, using Box.com.

Birth Certificate and Name Changes

Courtroom:

All uncontested hearings will be held remotely. For all contested hearings, parties and attorneys shall be present with the judge in the courtroom.

Administrative process:

All filings may be made electronically. Unrepresented parties will have the option to file in-person at the Central Intake Center (CIC).

Divorce and Custody

Courtroom:

All uncontested hearings, including settlements, uncontested divorces, pre-trial hearings, and certain status hearings will be held via Webex unless otherwise ordered.

All initial hearings require parties and attorneys to be present with the judge in the courtroom, unless otherwise ordered. At the initial hearing, the parties shall agree if future hearings will be held in person in the courtroom or via Webex.

All contested hearings and all trials require that the parties and attorneys be present with the judge in the courtroom, unless otherwise ordered.

Upon consent of the parties or order of the court, witnesses providing expert testimony, those upon whom it would be a hardship to appear in person, or upon a showing of necessity, may appear via Webex.

Administrative Process:

Applications for permission to proceed *In Forma Pauperis* will be handled electronically unless filed by unrepresented in person (at the Central Intake Center, which will be staffed in-person at the courthouse).

Initial pleadings may be filed in person (unrepresented parties) or through an electronic process (unrepresented parties and attorneys).

Emergency Motions may be filed either electronically or in person (unrepresented parties) and the motion will be forwarded to the assigned judge.

The attorney negotiators will negotiate in-person on the day of the Initial Hearing and will also continue to offer remote mediation sessions, where appropriate.

Certified copies can be ordered and paid for either online or in-person, whichever the customer prefers.

Juvenile Delinquency and PINS

Courtroom:

Juvenile Arraignments (JM-15):

Juvenile arraignments will be held in-person in JM-15. Family members who are permitted in such hearings will be allowed to appear remotely.

Initial hearings all detained children will be transported to the courthouse from Youth Services Center (YSC)

Court Social Services representatives may request to appear via Webex.

Status Hearings will usually be held via Webex for non-detained respondents. If the respondent is detained, the parties and the court shall determine whether the subsequent hearing will be held via Webex, or with all parties present with the judge in the courtroom.

Guilty Pleas will be taken remotely for all respondents unless otherwise scheduled by chambers.

Trials will be held with all parties, the judge, attorneys, and the courtroom clerk(s) present in the courtroom.

Victim Impact Statements can be made via Webex or by presence in the courtroom, taking the victim's preference into account.

Administrative Process:

Clerks will continue to have remote access to eAgent/WALES to enter and clear warrants. OAG will maintain the electronic papering process.

Remaining Technical Requirements:

Based on requests from members of the CJA Bar, who foresee scheduling both remote and on-site hearings in the same day, the Court will explore office space to allow for attorneys to login to remote hearings.

Mental Habilitation

All Mental Habilitation hearings will be held via Webex unless a motion is filed by any party requesting a hearing in-person with the judge in the courtroom.

Mental Health

Courtroom:

Probable Cause Hearings will be heard by either the Magistrate Judge assigned to juvenile new referrals, the Presiding, or Deputy Presiding Judge of the Family Court.

The Court retains the ability to conduct probable cause hearings both on-site and via Webex. Parties may request that a probable cause hearing be conducted in person, with the respondent in person or with the respondent via Webex; if no request is made the probable cause hearing will be held via Webex.

Status hearings -- where a respondent is accepting commitment, parties may file an acceptance of commitment signed by the respondent and witnessed by another party. If a signed, witnessed, document cannot be obtained or for any other reason, the parties may request an in person hearing or a hearing via Webex, as an alternative to acceptance on the papers. If a Guardian *ad Litem* recommends commitment, a signed, witnessed, statement from the respondent is not required. Generally, status hearings will be held via Webex.

Pretrial Hearings will be held via Webex, unless otherwise requested by either party.

Evidentiary Hearings, Revocations, and Trials will generally require parties and attorneys to be present with the judge in the courtroom. Respondents may participate via Webex if requested.

Mental Health Commission Hearings will no longer be held at St. Elizabeth's Hospital. The Court will work to implement a process whereby the doctors responsible for assessing the mental health of respondents may do so, either remotely or upon transport of the respondent from the hospital.

Administrative Process:

Electronic filing will continue via email. However, in view of the strict statutory deadlines controlling these matters, should the clerks' office experience a failure of technology, all parties shall be notified that filing must be done at the courthouse.

Parentage and Support

Courtroom:

All Initial Hearings will be held with the parties present with the judge in the courtroom. The courtroom clerks will also be present with the judge. At the initial hearing, the parties shall agree whether further hearings will be held at the courthouse or via Webex.

Administrative Process:

We will continue to send Service Packets and other information to OAG electronically. We will continue to update CPJ forms in Forms Generation so that they can automatically be docketed with image upload; already completed for NOHODA and Notices of Motion.

Specialty Calendars

Family Treatment Court -- Maintain the option of participation via Webex in group hearings and staffing as the presiding judge of FTC determines. For companion Neglect matters, see guidance above.

Fathering Court—All hearings will be held via Webex, unless otherwise ordered. The case manager will meet with the participants, both in-person and through electronic means, based on the needs of the program participant.

HOPE Court – Hearings will be both via Webex and by appearing with the judge in-person at the courthouse. Final determinations shall be made by the HOPE Court team.

Special Immigrant Juvenile Status – hearings will be held remotely unless contested.

Marriage Bureau

Applications for marriage licenses will be accepted online, however, parties must report onsite to complete the process – including payment of fees, review of license and swearing in of the parties. Certified copies and triple seals requests will remain remote but the same services will also be available on-site.

All emergency requests for certified copies and triple seals must be made on-site.

Civil marriages performed by the clerk's office: Parties will be able to select either on-site or virtual ceremonies. This selection will be made during the application process and scheduled by the marriage bureau clerk.

Self-Help Center

The Family Court Self-Help Center will continue to provide services both in person and remotely, Monday-Friday from 8:30 AM – 5:00 PM. The center will explore the use of a chat function as well, but that may require additional resources and/or the participation of volunteer facilitators.