

**OPENING STATEMENT
CHAIRMAN TOM DAVIS
COMMITTEE ON GOVERNMENT REFORM
OVERSIGHT HEARING**

**“Justice for All:
A Review of the Operations of the District of Columbia Superior Court”**

APRIL 23, 2004

ROOM 2154 RAYBURN HOUSE OFFICE BUILDING

Good morning. A quorum being present, the Committee on Government Reform will come to order. I would like to welcome everyone to our oversight hearing on the D.C. Superior Court. In Federalist No. 22, Alexander Hamilton noted that the crowning defect of the Articles of Confederation was the lack of a judiciary. Today, we will look at the management and administration of that critical element of our political system in the District of Columbia. We will focus particularly on the Probate Division and the Family Court, which play an important role in protecting the most vulnerable among us – the elderly, the infirm and children.

Before we begin, I'd like to take a moment to acknowledge the passing this week of Mary McGrory, the longtime *Washington Post* and *Washington Star* columnist. I do so today because, among the many highlights in her distinguished career, Mary was a strong advocate for children in the District of Columbia, including her support of the creation of the D.C. Family Court. Using her customary mix of charm and tenacity, and her space on the editorial page of one of the nation's biggest newspapers, Mary became an irresistible force for better legal treatment for the most defenseless members of our society. Her contributions to this city and this region will be sorely missed.

This hearing will focus on three main areas: the first is general administration of the D.C. Superior Court, including performance goals and measures, fiscal management, and the Integrated Justice Information System; the second is the Probate Division, particularly the possible neglect or abuse by court-appointed guardians and conservators; and the final areas is how the establishment of the Family Court has improved child welfare in the District of Columbia.

Regarding the Probate Division, this Committee is concerned that court-appointed guardians and conservators are taking advantage of or neglecting their clients. We have received a report that a conservator's failure to make mortgage payments on the ward's house resulted in foreclosure. This same conservator failed to pay real estate taxes, failed to make annual financial filings, and failed to prevent a health care provider to take assets of the ward. This report comes on the heels of a *Washington Post* series that detailed instances of mistreatment of elderly, mentally ill and indigent individuals by guardians and conservators appointed in the District of Columbia -- and suggested that the court system exercised little control or discipline over those it appoints to protect the needy.

The Committee needs to know how, and whether, the court addresses these problems. There is a question as to whether existing safeguards – such as new training and performance standards for probate lawyers, as well as screening procedures for appointment of guardians and conservators – are enough, and whether other action by the Court, or by Congress, is needed.

I am also interested in learning more about the administration of the Probate Division because this Committee has received reports of delays in processing appointments, reports, and payment requests. We need to better understand the appointment, responsibilities, and accountability of the Register of Wills and her staff, the relationship of the Register of Wills Office with practitioners, and the adequacy of the reporting requirements for conservators and the enforcement of those requirements by the Register of Wills and the Court.

As for the Family Court, most of you know Congress created the court as part of a broader reform effort in the child welfare system, and as an extension of the reform we had already begun within the District’s Child and Family Services Agency. The Family Court Act of 2001 was crafted to resolve specific shortcomings in the court, including structural organization and case management practices. The Act increased the number of Family Court judges and required that judges have a background in family law and participate in on-going training. This was intended to ensure that Family Court judges are dedicated to serving on the court, and alleviates the sense among many judges that serving on the Family Court is a required stepping stone to more desirable positions in Superior Court.

The new Family Court permits judges to maintain manageable caseloads and is intended to reduce the backlog of cases that existed for many years. Furthermore, the critical “One Family, One Judge” concept allows for the continuity of case management and requires that a single judge follow the case through disposition. Consolidation of public functions of the Court sends the message to the public that the Family Court is an integral and critical part of the court system and not an afterthought.

Today, witnesses will discuss the court’s progress in implementing the Family Court Act, as well as its compliance with the Adoption and Safe Families Act (ASFA). GAO reports that the Family Court is making progress in both areas and is seeing tremendous improvements in its operations as a result. However, there are still areas for improvement, which we have asked the Court to address such as better compliance with the ASFA permanency deadlines. We will determine what, if any, assistance we may provide to guarantee that the Family Court continues moving in the right direction.

We have a distinguished group of witnesses before us this morning. First, we will hear from the Chief Judge of the Superior Court and the Presiding Judges of the Family Court and the Probate Division. Then we will hear from: the Council for Court Excellence, which can address their work in all three areas that we are looking at today; the General Accounting Office, which has done extensive analysis of the Family Court situation; a representative from the Legal Counsel for the Elderly, which represents indigent persons in probate proceedings; and two members of the D.C. Bar who practice in the probate court.