

DISTRICT OF COLUMBIA JUDICIAL
FINANCIAL TRANSPARENCY ACT

R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

S. 2966

TO UPDATE THE FINANCIAL DISCLOSURE REQUIREMENTS FOR
JUDGES OF THE DISTRICT OF COLUMBIA COURTS, AND TO
MAKE OTHER IMPROVEMENTS TO THE DISTRICT OF COLUMBIA
COURTS



SEPTEMBER 27, 2016.—Ordered to be printed

U.S. GOVERNMENT PUBLISHING OFFICE

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SENATE

{ REPORT
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DISTRICT OF COLUMBIA JUDICIAL FINANCIAL
TRANSPARENCY ACT

SEPTEMBER 27, 2016.—Ordered to be printed

Mr. JOHNSON, from the Committee on Homeland Security and
Governmental Affairs, submitted the following

R E P O R T

[To accompany S. 2966]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (S. 2966) to update the financial disclosure requirements for judges of the District of Columbia courts, and to make other improvements to the District of Columbia courts, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

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I. PURPOSE AND SUMMARY

S. 2966, the District of Columbia Judicial Financial Transparency and Courts Improvement Act of 2016, revises the financial disclosure requirements for District of Columbia Superior Court and District of Columbia Court of Appeals (collectively D.C. Courts) judges. The revisions establish new dollar thresholds for which judges and their spouses are required to report to the District of Columbia Commission on Judicial Disabilities and Tenure.

In addition, S. 2966 strengthens and enhances the D.C. Courts' operational capacity by addressing issues related to caseloads and

efficiency. The bill authorizes the use of Magistrate Judges in the Probate Division of the D.C. Courts to preserve access to justice that is timely, fair, and just for self-represented litigants.

S. 2966 also reduces the amount of administrative work required by the Chief Judges of the D.C. Courts by allowing them to delegate certain approval authorities to an active or senior judge, enabling them more time to see to the efficient operation of the D.C. Courts. Finally, the legislation simplifies payment methods for court fees by authorizing the use of credit cards and electronic funds transfer.

II. BACKGROUND AND THE NEED FOR LEGISLATION

The District of Columbia is an autonomous, permanent Federal district that serves as the “Seat of the Government of the United States” under Article I of the Constitution.¹ Congress has the power “to exercise exclusive Legislation in all Cases whatsoever” within this Federal district.²

Financial disclosure requirements

Financial disclosure reports serve as “safeguards against conflicts of interest and abuse of the public trust by government officials.”³ Under current law, D.C. Superior Court and D.C. Court of Appeals judges are required to file annual financial disclosure reports.⁴ However, unlike the disclosure reports for other Federal judges,⁵ very little of these reports is available to the public.⁶

When the disclosure requirements for D.C. Courts judges were codified in 1970, lawmakers modeled them after the rules that were in place at the time for Federal judges.⁷ These rules were subsequently modified when, in the wake of the Watergate scandal, Congress passed the Ethics in Government Act of 1978, which enhanced public disclosure requirements in an effort to “preserve and promote the integrity of public officials and institutions.”⁸

Because the Ethics in Government Act of 1978 amended the U.S. Code, but did not amend the D.C. Code, D.C. Courts judges’ annual financial disclosure requirements were never updated to reflect the 1978 changes.

This legislation would bring the financial disclosure requirements for D.C. Courts judges in line with those currently in place for Federal judges and enhance public trust through enhanced transparency.

Authority of probate division to use magistrate judges

Under current D.C. Code, the Chief Judge of the D.C. Superior Court, with the approval of a majority of judges in active service, is authorized to appoint magistrate judges to serve as judicial officers in the Superior Court. Magistrate judges are authorized to

¹ U.S. Const. art. I, § 8, cls. 8, 17.

² *Id.*

³ H. Doc. No. 95–139, 95 Cong. 1 sess.

⁴ D.C. Code § 11–1530.

⁵ U.S.C. app. § 105(b).

⁶ *District of Columbia Earns F for Judicial Financial Disclosure*, The Center for Public Integrity (Dec. 4, 2013, 12:01 AM), available at <https://www.publicintegrity.org/2013/12/04/13725/district-columbia-earns-f-judicial-financial-disclosure>.

⁷ D.C. Code § 11–1530 (1978).

⁸ Pub. L. No. 95–521, 92 Stat. 1824 (1978).

make findings and enter final orders or judgments in other uncontested or contested proceedings in the Civil, Criminal, and Family Divisions of the Superior Court, so long as both parties consent.⁹

The caseload of the District of Columbia Probate Division has increased in recent years, thanks, in large part, to a rise in the number of incapacitated persons under court supervision in adult guardianship cases.¹⁰

Between 2010 and 2015, the number of court orders issued in Probate Division cases increased 123 percent, from 6,755 court orders in 2010, to 15,044 in 2015.¹¹ In the same time period, the number of court hearings held increased 93 percent from—2,008 hearings in 2010, to 3,882 hearings in 2015.¹²

By granting magistrate judges authority to make findings and enter final orders or judgments in the Probate Division, this legislation grants the Chief Judge and District judges the flexibility to address the issue of the Probate Division's increased caseload and ensure the court's ability to serve the public with fair, prompt, and timely access to justice.

Credit cards

While D.C. Courts are not Federal entities, they are Federally-funded, and therefore must obligate and extend their appropriations “in the same manner as funds appropriated for salaries and expenses of other federal agencies.”¹³

An increasing number of government agencies are accepting credit cards as a form of payment. The D.C. Courts accept credit cards for limited purposes through the website pay.gov.¹⁴

Allowing the D.C. Courts to recover the commissions that credit card companies charge per use by exacting a fee from users would significantly reduce their administrative costs. It would also increase their operational efficiency, and provide the public with a convenience that is otherwise commonly available.

Increase jurisdictional amount for Small Claims Court from \$5,000 to \$10,000

The Small Claims and Conciliation Branch of the D.C. Superior Court was created in 1938 to:

[I]mprove administration of justice in small civil cases and make the service of the municipal court more easily available to all of the people whether of large or small means; to simplify practice and procedure in the commencement, handling, and trial of such cases; to eliminate delay and reduce costs; to provide for installment payment of judgments; and generally to promote confidence of the public in the courts through provision of a friendly forum

⁹D.C. Code § 11–1530 (1973).

¹⁰The Caseload of the Probate Division increased from 7,240 total cases as of August 30, 2014, including 2,432 adult guardianship cases, to a caseload of 7,563 total cases, including 2,602 adult guardianship cases as of July 1, 2016. Information provided by the DC Courts to Comm. staff on July 1, 2016.

¹¹*Id.*

¹²*Id.*

¹³Consolidated and Further Continuing Appropriations Act, 2015, Pub. L. No. 113–235, 124 Stat. 2353 (2014).

¹⁴*Pay.gov, DCD Criminal Debt Form*, <https://www.pay.gov/public/form/start/75717538>.

for disputes, small in amount but important to the parties.¹⁵

Congress has authorized an increase in the jurisdictional amount of the Small Claims Branch several times over the years.¹⁶ The most recent increase was in 1994, when the amount was raised from \$2,000 to its current level of \$5,000.¹⁷ Past increases in the jurisdictional amount have resulted in a greater number of civil cases eligible for consideration in a less formal setting, which is both faster and less expensive. This has the added benefit of reducing the caseload at the D.C. Superior Court level, thus freeing up resources and personnel to address the District's criminal and complex civil dockets.

This bill will adjust the small claims jurisdictional amount to reflect the historical effect the past 22 years has had on inflation. According to data from the Bureau of Labor Statistics on inflation in the Consumer Price Index, a claim worth \$5,000 in 1994 would be worth \$8,105 in 2016.¹⁸ Raising the jurisdictional limit to \$10,000 not only decreases the burden on the Superior Court personnel and resources; it also preserves access to Small Claims courts for litigants according to inflation.

Authority to allow the chief judges to delegate authority to approve certain vouchers

Under current law, Criminal Justice Act Vouchers (CJA Vouchers) must be approved directly by chief judges of the D.C. Superior Court and the D.C. Court of Appeals. Such administrative work can detract from the amount of time chief judges have to devote to the efficient operation of the courts and the management of their resources. This authority is similar to that which is provided to chief judges in the Federal courts.¹⁹

III. LEGISLATIVE HISTORY

S. 2966, the D.C. Judicial Financial Transparency and Courts Improvement Act of 2016, was introduced on May 23, 2016, by Senator James Lankford with Senators Ron Johnson, Tom Carper, and Cory Booker. The bill was referred to the Committee on Homeland Security and Governmental Affairs.

The Committee considered S. 2966 at a business meeting on May 25, 2016. During the business meeting, an amendment by Senator Lankford was offered and adopted. Both the amendment and the legislation as modified were passed by voice vote with Senators Johnson, Portman, Paul, Lankford, Ayotte, Ernst, Sasse, Carper, McCaskill, Tester, Baldwin, Heitkamp, Booker, and Peters present.

¹⁵ Pub. L. No. 75-441, 52 Stat. 103 (1938).

¹⁶ See Pub. L. No. 87-203, 75 Stat. 470 (1961) (from \$50 to \$150); Pub. L. No. 91-358, 84 Stat. 489 (1970) (from \$150 to \$750); Pub. L. No. 103-303, 108 Stat. 1564, §2(a) (1994) (from \$2,000 to \$5,000).

¹⁷ Pub. L. No. 103-303, 108 Stat. 1564, 2(a) (1994) (from \$2,000 to \$5,000).

¹⁸ *CPI Inflation Calculator*, U.S. Department of Labor, Bureau of Labor Statistics, available at http://www.bls.gov/data/inflation_calculator.htm.

¹⁹ "The chief judge may delegate such approval authority to an active or senior judge." 18 U.S.C. 3006A (d)(3).

IV. SECTION-BY-SECTION ANALYSIS OF THE BILL, AS REPORTED

Section 1. Short title

This section establishes the short title of the bill as the “District of Columbia Judicial Financial Transparency Act.”

Section 2. Financial disclosure requirements for judges of District of Columbia courts

Establishes rules requiring each judge of the District of Columbia courts to submit financial disclosure reports to the D.C. Commission on Judicial Disabilities and Tenure, and outlines the reporting thresholds for each source of outside income.

Section 3. Authority of probate division to use magistrate judges

Authorizes the use of magistrate judges in the probate division of the D.C. Superior Court.

Section 4. Authority of District of Columbia courts to accept certain types of payments

Section 4 expands the payment methods permitted by the D.C. Courts to include check payments, credit card payments, and electronic funds transfer, in addition to the previously accepted forms of cash or money order.

Section 5. Increase in maximum amount in controversy permitted for cases under jurisdiction of Small Claims and Conciliation Branch of Superior Court

This section increases the small claims court jurisdiction from \$5,000 to \$10,000.

Section 6. Authority to approve compensation of attorneys in excess of maximum amount

Section 6 authorizes chief judges to delegate CJA Voucher approval authority to an active or senior judge in the court in which the chief judge sits. This section also clarifies that chief judges may also delegate authority to approve counsel for Child Abuse and Neglect vouchers in addition to CJA vouchers.

V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this bill and determined that the bill will have no regulatory impact within the meaning of the rules. The Committee agrees with the Congressional Budget Office’s statement that the bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

AUGUST 3, 2016.

Hon. RON JOHNSON,
Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2966, the District of Columbia Judicial Financial Transparency Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford.

Sincerely,

KEITH HALL.

Enclosure.

S. 2966—District of Columbia Judicial Financial Transparency Act

S. 2966 would change portions of the District of Columbia Official Code that governs the D.C. Courts system. Under current law, the Congress annually appropriates funds for the District of Columbia Courts; and its expenditures are recorded in the federal budget. The legislation would revise the financial disclosure requirements for District of Columbia judges. The revisions would establish new dollar thresholds and requirements for reporting to the District of Columbia Commission on Judicial Disabilities and Tenure. The bill also would allow the District of Columbia Courts to collect fines, fees, and other payments via credit card or electronic funds transfer. In addition, S. 2966 would provide new authorities to certain judges and increase the limit for small claims cases in the District of Columbia from \$5,000 to \$10,000.

Based on an analysis of the administrative costs of the District of Columbia Courts, CBO estimates that the bill would have an insignificant effect on federal spending. However, the new financial disclosure requirements would require the District of Columbia to add up to one new staff member. Although the District of Columbia Small Claims Court could be presented with more claims under the bill, the number of judges addressing those claims would not be increased by the legislation. Cases in the setting of a small claims court are often more expeditious and inexpensive to resolve.

Enacting the legislation would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting S. 2966 would not increase direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

The revisions and increases in jurisdictional limits in the bill would be intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) because they alter local laws. CBO estimates that the aggregate costs of the mandates would be minimal and fall well below the threshold established in the UMRA (\$77 million in 2016, adjusted annually for inflation). S. 2966 contains no private-sector mandates.

The CBO staff contacts for this estimate are Matthew Pickford (for federal costs) and Rachel Austin (for the intergovernmental mandates). The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

VII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows: (existing law proposed to be omitted is enclosed in brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

CODE OF THE DISTRICT OF COLUMBIA

* * * * *

TITLE 11—ORGANIZATION AND JURISDICTION OF THE COURTS

* * * * *

CHAPTER 13—SMALL CLAIMS AND CONCILIATION BRANCH OF THE SUPERIOR COURT

* * * * *

Subchapter II—Jurisdiction and Procedures

* * * * *

SEC. 11-1321 EXCLUSIVE JURISDICTION OF SMALL CLAIMS.

The Small Claims and Conciliation Branch has exclusive jurisdiction of any action within the jurisdiction of the Superior Court which is only for the recovery of money, if the amount in controversy does not exceed **[\$5,000]** *\$10,000*, exclusive of interest, attorney fees, protest fees, and costs. An action which affects an interest in real property may not be brought in the Branch. If a counterclaim, cross claim, or any other claim or any defense, affecting an interest in real property, is made in an action brought in the Branch, the action shall be certified to the Civil Division.

CHAPTER 15—JUDGES OF THE DISTRICT OF COLUMBIA COURTS

* * * * *

Subchapter II—The District of Columbia Commission on Judicial Disabilities and Tenure.

* * * * *

SEC. 11-1530. FINANCIAL STATEMENTS

(a) Pursuant to such rules as the Commission shall promulgate, each judge of the District of Columbia courts shall, within one year following the date of enactment of the District of Columbia Court Reorganization Act of 1970 and at least annually thereafter, file with the Commission **[the following reports of the judge's personal financial interests]** *a report containing the following information:*

(1) **[A report of the judge's income and the judge's spouse's income for the period covered by the report, the sources thereof, and the amount and nature of the income received from each such source.]**

(A) *The source, type and amount of the judge's income which exceeds \$200 (other than income from the United States government and income referred to in subparagraph (C)) for the period covered by the report.*

(B) *The source and type of the judge's spouse's income which exceeds \$1,000 (other than income from the United States government and income referred to in subparagraph (C)) for the period covered by the report.*

(C) *The source and type of income which consists of dividends, rents, interest, and capital gains received by the judge and the judge's spouse during such period which exceeds \$200 in amount or value, and an indication of whether the amount or value of such an item of income is*

- (i) *not more than \$1,000;*
- (ii) *greater than \$1,000 but not more than \$2,500;*
- (iii) *greater than \$2,500 but not more than \$5,000;*
- (iv) *greater than \$5,000 but not more than \$15,000;*
- (v) *greater than \$15,000 but not more than \$50,000;*
- (vi) *greater than \$50,000 but not more than \$100,000;*
- (vii) *greater than \$100,000 but not more than \$1,000,000;*
- (viii) *greater than \$1,000,000 but not more than \$5,000,000; or*
- (ix) *greater than \$5,000,000.*

(2) The name and address of each private foundation or eleemosynary institution, and of each business or professional corporation, firm, or enterprise in which the judge was an officer, director, proprietor, or partner during such period

(3) The identity *and category of value (as set forth in subsection (b))* of each liability of **[\$5,000]** \$10,000 or more owed by the judge or by the judge and the judge's spouse jointly at any time during such period.

(4) The source and value of all gifts in the aggregate amount or value of **[\$50]** \$250 or more from any single source received by the judge during such period, except gifts from the judge's spouse or any of the judge's children or parents.

(5) The identity of each trust in which the judge held a beneficial interest having a value of \$10,000 or more at any time during such period, and in the case of any trust in which the judge held any beneficial interest during such period, the identity, if known, of each interest in real or personal property in which the trust held a beneficial interest having a value of \$10,000 or more at any time during such period. If the judge cannot obtain the identity of the trust interest, the judge shall request the trustee to report that information to the Commission **[in such manner as the Commission shall by rule prescribe]**.

(6) The identity *and category of value (as set forth in subsection (b))* of each interest in real or personal property having a value of \$10,000 or more which the judge owned at any time during such period.

(7) The amount or value and source of each honorarium of **[\$300]** \$250 or more received by the judge *and the judge's spouse* during such period.

(8) The source and amount of all money, other than that received from the United States government, received in the form of an expense account or as reimbursement for expenditures from any source aggregating more than \$250 during such period.

(9) The source and amount of all waivers or partial waivers of fees or charges accepted by the judge on behalf of the judge or the judge's spouse, domestic partner, or guest during such period.

[(b)

[(1) * * *

[(2) * * *

[(3) * * *]

(b) For purposes of paragraphs (3) and (6) of subsection (a), the categories of value set forth in this subsection are—

(1) not more than \$15,000;

(2) greater than \$15,000 but not more than \$50,000;

(3) greater than \$50,000 but not more than \$100,000;

(4) greater than \$100,000 but not more than \$250,000;

(5) greater than \$250,000 but not more than \$500,000;

(6) greater than \$500,000 but not more than \$1,000,000;

(7) greater than \$1,000,000 but not more than \$5,000,000;

(8) greater than \$5,000,000 but not more than \$25,000,000

(9) greater than \$25,000,000 but not more than \$50,000,000;

and

(10) greater than \$50,000,000.

(c)

(1) Reports filed pursuant to this section shall, upon written request, and notice to the reporting judge for purposes of making an application to the Commission for a redaction pursuant to paragraph (2), be made available for public inspection and copying within a reasonable time after filing and during the period they are kept by the Commission (in accordance with rules promulgated by the Commission), and shall be kept by the Commission for not less than three years.

(2) This section does not require the public availability of reports filed by a judge if upon application by the reporting judge, a finding is made by the Commission that revealing personal and sensitive information could endanger that judge or a family member of that judge, except that a report may be redacted pursuant to this paragraph only—

(A) to the extent necessary to protect the individual who filed the report or a family member of that individual; and

(B) for as long as the danger to such individual exists.

(d) The intentional failure by a judge of a District of Columbia court to file a report required by this section, or the filing of a fraudulent report, shall constitute willful misconduct in office and shall be grounds for removal from office under section 11-1526(a)(2).

SEC. 11-1732. MAGISTRATE JUDGES

(a) * * *

* * * * *

(j) A magistrate judge, when specifically designated by the chief judge of the Superior Court, and subject to the rules of the Supe-

rior Court and the right of review under subsection (k), may perform the following functions:

(1) * * *

* * * * *

(4) * * *

(A) In any case brought under § 11-1101(1), (3), (10), or (11) of the District of Columbia Official Code involving the establishment or enforcement of child support, or in any case seeking to modify an existing child support order, where a magistrate judge in the [Family Division] *Family Court* of the Superior Court finds that there is an existing duty of support, the magistrate judge shall conduct a hearing on support, make findings, and enter judgment as provided by law, and in accordance with guidelines established by rule of the Superior Court, which judgment shall constitute a final order of the Superior Court.

(B) * * *

(5) Subject to the rules of the Superior Court and with the consent of the parties involved, make findings and enter final orders or judgements in other uncontested or contested proceedings, in the Civil, Criminal, and [Family Divisions] *Probate Divisions, and the Family Court*, of the Superior Court, excluding jury trials and trials of felony cases.

* * * * *

CHAPTER 17—ADMINISTRATION OF DISTRICT OF COLUMBIA COURTS

* * * * *

Subchapter III—Duties and responsibilities

* * * * *

SEC. 11-1748. AUTHORITY OF COURTS TO ACCEPT CERTAIN TYPES OF PAYMENTS

(a) *DEFINITIONS.—In this section, the term ‘electronic funds transfer’—*

(1) *means a transfer of funds, other than a transaction by check, draft, or similar paper instrument, that is initiated through an electronic terminal, telephone, or computer or magnetic tape for the purpose of ordering, instructing, or authorizing a financial institution to debit or credit an account; and*

(2) *includes point of sale transfers, automated teller machine transfers, direct deposit or withdrawal of funds, transfers initiated by telephone, and transfers resulting from debit card transactions.*

(b) *AUTHORITY TO ACCEPT CREDIT CARD PAYMENTS AND ELECTRONIC FUNDS TRANSFERS.—*

(1) *IN GENERAL.—The District of Columbia courts may accept payment of fines, fees, escrow payments, restitution, bonds, and other payments to the courts by credit card or electronic funds transfer.*

(2) *USE OF VENDORS AND THIRD PARTY PROVIDERS.—The Executive officer—*

(A) may contract with a bank or credit card vendor, or other third party provider, for purposes of accepting payments by credit card or electronic funds transfer; and

(B) shall make every effort to find the lowest cost vendor for purposes of accepting such payments.

(3) RESPONSIBILITY FOR PAYING FEES.— Under any contract entered into under paragraph (2), the person making the payment shall be responsible for covering any fee or charge associated or imposed with respect to the method of payment.

(4) COMPLETION OF PAYMENT.—If a person elects to make a payment to the District of Columbia Courts by a method authorized under paragraph (1), the payment shall not be deemed to be made until the courts receive the funds.

(c) AUTHORITY TO ACCEPT CHECKS.—

(1) IN GENERAL.—The District of Columbia courts may accept payment of fines, fees, escrow payments, restitution, bonds, and other payments to the courts by check.

(2) USE OF CHECK GUARANTEE VENDOR.—The Executive Officer—

(A) may contract with a check guarantee vendor for purposes of accepting payments by check; and

(B) shall make every effort to find the lowest cost vendor for purposes of accepting such payments.

(3) RESPONSIBILITY FOR PAYING FEES.—Under any contract entered into under paragraph (2), the person making the payment by check shall be responsible for covering any fee or charge associated with or imposed with respect to the method of payment.

(d) LIABILITY FOR NON-PAYMENT.—If a check or other method of payment, including payment by credit card, debit card, or charge card, so received is not duly paid, or is paid and subsequently charged back to the District of Columbia courts, the person by whom such check or other method of payment has been tendered shall remain liable for the payment, to the same extent as if such check or other method of payment had not been tendered.

* * * * *

CHAPTER 26—REPRESENTATION OF INDIGENTS IN CRIMINAL CASES

* * * * *

SEC. 11-2604. PAYMENT FOR REPRESENTATION.

(a) * * *

(b) * * *

(1) * * *

(2) * * *

(c) Claims for compensation and reimbursement in excess of any maximum amount provided in subsection (b) of this section may be approved for extended or complex representation whenever such payment is necessary to provide fair compensation. Any such request for payment shall be submitted by the attorney for approval by the chief judge of the Superior Court upon recommendation of the presiding judge in the case or, in cases before the District of Columbia Court of Appeals, approval by the chief judge of the Court of Appeals upon recommendation of the presiding judge in

the case. **[A decision shall be made by the appropriate chief judge in the case of every claim filed under this subsection.]** *Each chief judge may delegate such approval authority to an active or senior judge in the court in which the chief judge sits.*

* * * * *

TITLE 16—PARTICULAR ACTIONS, PROCEEDINGS AND MATTERS

* * * * *

CHAPTER 23—FAMILY DIVISION [FAMILY COURT] PROCEEDINGS

* * * * *

Subchapter I—Proceedings Regarding Delinquency, Neglect, or Need of Supervision

* * * * *

SEC. 16-2326.01. COMPENSATION OF ATTORNEYS IN NEGLECT AND TERMINATION OF PARENTAL RIGHTS PROCEEDINGS.

(a) * * *

* * * * *

[(f)(1)] *(f)* Claims for compensation and reimbursement in excess of the maximum amount provided in subsection (b) may be approved for extended or complex representation when the payment is necessary to provide fair compensation. The request for payment shall be submitted by the attorney for approval by the chief judge of the Superior Court of the District of Columbia upon recommendation of the presiding judge in the case or, in cases before the District of Columbia Court of Appeals, approval by the chief judge of the District of Columbia Court of Appeals upon recommendation of the presiding judge in the case. *Each chief judge may delegate such approval authority to an active or senior judge in the court in which the chief judge sits.*

[(2)] A decision shall be made by the appropriate chief judge in the case of every claim filed under this subsection.