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**Testimony before the District of Columbia Council  
Committee on Human Services  
April 24, 2013**

**FY14 Budget Hearing:  
Child and Family Services Agency**

**Judith Sandalow  
Executive Director  
Children's Law Center**

Good morning Chairman Graham and members of the Committee on Human Services. I am Judith Sandalow, the Executive Director of Children's Law Center (CLC),<sup>1</sup> the largest non-profit legal services organization in the District of Columbia and the only such organization devoted to a full spectrum of children's legal services. Every year, we represent over 2,000 low-income children and families, including 500 children in foster care, dozens of children at risk of entering foster care, and several hundred foster parents and relatives of children in foster care.

In the last year, the Child and Family Services Agency (CFSA) has made tremendous progress in implementing its new strategic vision under the leadership of Director Brenda Donald. Under her leadership, the Agency is working to build a child welfare system that removes fewer children from home, places more children with kin, and ensures shorter stays for children who ultimately must be removed and placed into foster care. Already, we have seen the number of children removed from home drop dramatically from 613 in FY 2012 to 512 in FY 2013.<sup>2</sup> We believe that this shift in practice will result in better outcomes for children and families.

With a continued decrease in the foster care population, we are not surprised to see some decrease in CFSA's budget. However, a \$16 million reduction is substantial and raises concerns. In order to ensure the safety and well-being of the increasing number of children whom we are leaving at home and with kin, we must reinvest the resulting savings in programs that meet the needs of the fragile families with whom

these children live. Reinvestment may be accomplished either by keeping funds at CFSA or by funding other agencies in the human services cluster who also serve these families. The proposed CFSA budget does reflect smart reinvestment and my testimony today will focus on these changes. However, it is unclear where the \$16 million being cut from the CFSA budget is being shifted. I urge this Committee to ask the Mayor where the reduction will be reinvested, and ensure that these reinvestments serve the families of children who, as part of CFSA's new vision, will now remain at home.

### **Narrowing the Front Door**

CFSA proposes several investments that should allow more children to remain safely with their immediate families or kin rather than enter into foster care. These investments begin with the continued expansion of the Agency's differential response program, which should allow the Agency to offer in-home services to more families without initiating adversarial investigations. Additionally, the Agency has increased funding to sustain the recent subsidy increases in the Grandparent Caregiver Program, which provides an important source of support for relatives caring for children who might otherwise be in care. The Agency has also allocated new funding to provide substance abuse services and pre-removal legal services to families with in-home cases.

## Differential Response

Over the last few years, CFSA has increased its capacity to provide in-home services to families without first initiating an adversarial investigation. Across the country, jurisdictions have been moving to this model because of its proven positive outcomes.<sup>3</sup> Pursuant to the Families Together Amendment Act of 2010,<sup>4</sup> CFSA in 2011 established a differential response model that allows it to respond to low-risk reports (e.g. educational neglect, inadequate clothing or food, inadequate shelter) by referring families to Family Assessment units. Family Assessment unit social workers assess the families' needs, refer families to appropriate service providers in the community, and can connect them to resources for housing, transportation, substance abuse treatment and other urgent needs. Preliminary data on the effectiveness of Family Assessment shows that only 7% of the families were later referred for traditional child protective services investigations, indicating that in 93% of the cases referred to Family Assessment, it was possible to provide supports to keep children safe at home.<sup>5</sup>

Since launching differential response, CFSA has continually expanded the number of units available to conduct family assessments. For FY14, the Agency proposes an increase of \$3 million in the Child Protective Services budget,<sup>6</sup> and reported at its Community Budget Briefing that as part of this increase, it expects to raise the number of Family Assessment units to 10, an expansion of 6 units from FY2013.<sup>7</sup> Since

the Family Assessment units have not had the capacity to meet the need, this is a welcome investment.<sup>8</sup>

### Grandparent Caregiver Program

The Grandparent Caregiver Program is a component of CFSA's efforts to keep children with kin and out of foster care. In the last year, CFSA has increased the subsidy rate under this program twice, to an average of \$594 per month per child as of the end of calendar year 2012.<sup>9</sup> For FY14, CFSA proposes an increase of \$600,000 in the Grandparent Caregiver Program budget,<sup>10</sup> which the Agency reports will be used to account for these increases in the coming fiscal year. While the subsidy rate is still approximately \$150 per month less than the average rate in FY2010 and considerably less than the foster care board rate, the proposed budget increase for FY 2014 will ensure stability in rates – and therefore, certainty for families – for the coming year and provide support for kinship caregivers to care for children who might otherwise enter into foster care.

### Funding for Substance Abuse & Legal Services

CFSA reported in its Community Budget Briefing that its FY 2014 budget includes \$500,000 in new funding for substance abuse treatment for families receiving in-home services.<sup>11</sup> According to Director Donald, this new funding results from the Agency's recognition that substance abuse has often been a factor when efforts to keep children at home have not been successful. This \$500,000 in new funding is in addition

to \$270,000 for substance abuse treatment not covered by APRA for families from whom children have been removed and \$220,000 for supportive services for parents who have Family Treatment Court cases.

CFSA is also proposing \$125,000 to contract for pre-removal legal services to families, including birth families.<sup>12</sup> These are two areas in which many families have substantial needs, and if CFSA can meet these needs without resorting to removal, it will be improve the safety and well-being of at-risk families.

### **Supports for Kinship Foster Parents**

Substantial research shows that children in foster care have the best outcomes when they are placed with kinship caregivers and, in the District, kinship foster placements are three times as stable as non-kinship foster homes and four times as stable as group homes.<sup>13</sup> Kinship placements are also more likely to lead to positive permanency outcomes (reunification, adoption, or guardianship) than any other foster care placement.<sup>14</sup> For these reasons, CFSA has made a concerted effort in recent years to increase the number of foster children placed with kin.

For FY 2014, CFSA has proposed new supports that will make it easier for potential kinship caregivers to become licensed. The Agency has also proposed funding for additional supports for all foster parents – supports that should significantly benefit kinship foster parents, who may have limited familiarity with the child welfare system.

## Removing Barriers to Kinship Licensure

In our oversight testimony earlier this year, we mentioned that there are a number of structural barriers that make it more difficult for kin living in Maryland to become licensed. One of the most important is that kin living in Maryland do not receive financial assistance for necessary background checks, fire safety inspections, and lead paint inspections.<sup>15</sup> We were pleased to learn at CFSA's Community Budget Briefing that CFSA plans to allocate \$400,000 in new funding in FY2014 to support kinship caregivers and that it will be amending its home licensing contracts to cover out-of-pocket costs previously paid by Maryland kin.<sup>16</sup> This is an important development, as many of the children removed each year in the District have willing and available caregivers across the border in Maryland, and removing financial barriers to licensure will keep more children with their extended families should removal become necessary.

## Supports for Caregivers

In addition to easing barriers to licensure, CFSA also proposes \$600,000 for a 24-hour crisis service, as well as \$500,000 to form and support clusters of foster parents based on the Mockingbird Model. These supports are not just for kinship foster parents but for all foster parents, and should help foster parents to navigate the foster care system and handle emergencies as they arise.

As attorneys for many of the District's foster children, we support the Agency's on-going work to increase the number of children in licensed kinship foster homes and provide additional supports to foster parents, including kinship foster parents. Having a variety of placement options available, including relatives, not only allows the Agency to meet the immediate needs of foster children at the time of removal, it also provides foster children with the best opportunities to move from foster care to permanency.

### **Reunification & Post-Permanency Services**

One of CFSA's stated goals is to ensure that foster care is a temporary safe-haven for children and that children removed from their homes are able to exit foster care as quickly as possible to a safe, well-supported family environment or life-long connection.<sup>17</sup> CFSA itself has noted that longer stays in foster care are often associated with behavioral challenges that can make achieving permanency more difficult.<sup>18</sup>

As part of its proposed increase in contractual services, CFSA proposes \$1 million in funding for expedited reunification services and post-reunification services to families that are already CFSA-involved.<sup>19</sup> We understand from CFSA's Community Budget Briefing that this funding will be used to fund providers who use Project Connect, an evidence-based model to provide services to families affected by parental substance abuse, mental health issues and domestic violence. We are encouraged by CFSA's commitment to reducing children's length of stay in foster care, recognition of



the need for services following reunification to fully transition children out of care, and utilization of an evidence-based model to achieve its goals.

### **Conclusion**

CFSA has made tremendous strides in the last year in implementing a new vision and the proposed budget largely reflects this vision and shift in priorities and practice. However, as I stated in my introduction, while we are encouraged by several of CFSA's proposed investments, we urge the committee to ask questions about the Mayor's overall plan for reinvestment of savings from the declining foster care census. There is not only a proposed \$16 million drop in the Agency's proposed budget, but there has also been a significant amount of reprogramming from CFSA to other agencies that occurred in both FY 2012 and FY 2013, often to activities that have little or no connection to the needs of CFSA's children and families. While children and families may be disappearing from the District's foster care rolls, their needs – across a number of domains – remain as visible and as striking as ever. As CFSA and other child-serving agencies transition to serving these families in their homes and communities, it will become increasingly important to continue to reinvest savings from out-of-home care into supports that meet these families' needs where they are.

As this Committee reviews the budget of human services cluster agencies, I urge you to ensure that reinvestment is at the center of the Mayor's plan for child-serving agencies. In the coming years, it is important that CFSA, as well as the constellation of

child-serving agencies that exists here in the District, continues to evaluate the successes and challenges of its transition and allocate the resources necessary to meet families' needs as they arise.

Thank you again for the opportunity to testify and I welcome any questions.

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<sup>1</sup> Children's Law Center works to give every child in the District of Columbia a solid foundation of family, health and education. We are the largest provider of free legal services in the District and the only

<sup>2</sup> CFSA FY 12 Oversight Responses, Q27; CFSA FY 13 Oversight Responses, Q9.

<sup>3</sup> Summarizing the research, the federal Children's Bureau concluded that "differential response systems have demonstrated positive outcomes, particularly in terms of sustained child safety . . ." U.S.

Department of Health and Human Services, Administration for Children, Youth and Families, Children's Bureau, *Differential Response to Reports of Child Abuse and Neglect*, 9 (2008),

[http://www.childwelfare.gov/pubs/issue\\_briefs/differential\\_response/differential\\_response.pdf](http://www.childwelfare.gov/pubs/issue_briefs/differential_response/differential_response.pdf). For specific state studies, see Institute of Applied Research, *Extended Follow-Up Study of Minnesota's Family Assessment Response: Final Report*, 5, 27-30 (2006), <http://www.iarstl.org/papers/FinalMNFARReport.pdf>;

L. Anthony Loman and Gary L. Siegel, *Differential Response in Missouri after 5 Years at 8-9* (2004), <http://www.iarstl.org/papers/MODiffResp2004a.pdf>.

<sup>4</sup> Bill 18-667, available at <http://www.dccouncil.us/images/00001/20100624152836.pdf>.

<sup>5</sup> *LaShawn* Court Monitor's Report, Nov. 21, 2012, p. 75.

<sup>6</sup> CFSA Budget FY 2014, E-27, Line Items 2020, 3085.

<sup>7</sup> The projection of 10 Family Assessment units in FY 2014 can be found in CFSA's Responses for the FY14 Community Budget Briefing, Q23. However, there is a discrepancy between this projection and the numbers CFSA provided in response to questions prior to its 2013 Oversight hearing. In its 2013 Oversight Response, CFSA projected that over the remainder of FY 2013, it would increase the number of Family Assessment units to 7. CFSA Oversight Response, Q19. Adding 6 new Family Assessment units in FY 2014 would bring the total number of these units to 13 not 10.

<sup>8</sup> Between January and June 2012, CFSA reported that only 2% hotline calls resulted in referrals to Family Assessment. *LaShawn* Court Monitor's Report, Nov. 21, 2012, p. 64.

<sup>9</sup> Grandparent Caregiver Annual Status Report, CY 12, p. 4.

<sup>10</sup> CFSA Budget FY 2014, E-27, Line Items 3072, 4012.

<sup>11</sup> CFSA's Responses to Questions for the FY14 Community Budget Briefing, Q11.

<sup>12</sup> CFSA's Responses to Questions for the FY14 Community Budget Briefing, Q2

<sup>13</sup> In FY 2010, the ratio of placement disruptions to placements was .21 to 1 for kinship placements, .60 to 1 for non-kinship foster homes, and .81 to 1 for group homes. Government of the District of Columbia, Child and Family Services Agency, Fiscal Year 2010 Annual Report at 29 (2011). In FY 2009, the ratio of placement disruptions to placements was 0.17 to 1 for kinship placements and 0.57 to 1 for non-kinship foster care. Government of the District of Columbia, Child and Family Services Agency, Fiscal Year 2009 Annual Report at 37 (2010),

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<http://cfsa.dc.gov/DC/CFSA/About+CFSA/Who+We+Are/Publications/Annual+Report+2009>. In FY 2008, the ratio of placement disruptions to placements was 0.64 to 1 for non-kinship foster care and 0.17 to 1 for kinship care. Government of the District of Columbia, Child and Family Services Agency, Fiscal Year 2008 Annual Report, at 34 (2009),

<http://cfsa.dc.gov/DC/CFSA/About+CFSA/Who+We+Are/Publications/Annual+Report+2008>. In FY 2007, 1919 children lived in non-kinship foster care and had 1227 placement disruptions – a ratio of 0.64 to 1 – while 662 children lived in kinship care and had 101 disruptions – a ratio of 0.15 to 1. Government of the District of Columbia, Child and Family Services Agency, Fiscal Year 2007 Annual Report, at 25 (2008), <http://cfsa.dc.gov/DC/CFSA/About+CFSA/Who+We+Are/Publications/Annual+Report+2007>.

<sup>14</sup> Mary Eschelbach Hansen & Josh Gupta-Kagan, Extending and Expanding Adoption and Guardianship Subsidies for Children and Youth in the District of Columbia Foster Care System: Fiscal Impact Analysis at 9, Table 1 (2009), <http://academic2.american.edu/~mhansen/fiscalimpact.pdf>.

<sup>15</sup> Children’s Law Center FY 2013 Oversight Testimony, p. 4.

<sup>16</sup> Kinship Support (CFSA FY 14 Budget, Line Item 3095) is a new budget line, However, CFSA’s Responses to Questions for the FY14 Community Budget Briefing, Q16, identifies \$400,000 of spending in this budget line to be new.

<sup>17</sup> See, e.g. CFSA Title IV-E Waiver Application, p. 2.

<sup>18</sup> CFSA Title IV-E Waiver Application, p. 14.

<sup>19</sup> CFSA’s Responses to Questions for the FY14 Community Budget Briefing, Q2. See also, CFSA FY 2014 Proposed Budget – Child and Family Services Agency Overview for the Community, p. 10.