



501 3rd Street, NW · 8th Floor
Washington, DC 20001
T 202.467.4900 · F 202.467.4949
childrenslawcenter.org

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Aubrey Edwards-Luce
Senior Policy Attorney
Children's Law Center

Introduction

Good morning Chairwoman Nadeau and members of the Committee on Human Services. My name is Aubrey Edwards-Luce and I am a Senior Policy Attorney at Children's Law Center¹. I am testifying today on behalf of Children's Law Center, which fights so every DC child can grow up with a loving family, good health and a quality education. With nearly 100 staff and hundreds of pro bono lawyers, Children's Law Center reaches 1 out of every 9 children in DC's poorest neighborhoods – more than 5,000 children and families each year. We have been testifying about the Mayor's proposed budget for the Child and Family Services Agency (CFSA) for at least a decade, and each year we try to highlight for the Committee the numbers that really matter, which is the number of children and youth whose lives are impacted by how effectively CFSA utilizes the investment we, the people, provide.²

Our goal for our CFSA budget review is to assess whether the proposed budget is proffering adequate investments into the supports and services that will truly make a difference for DC's children and families. The ultimate question we have when we examine the budget is: will these investments improve outcomes for children, youth, and families? We focused our examination looking for investments in prevention, placements for children and youth in foster care, and supports for the biological parents, kin and foster families that are caring for D.C.'s kids. And while the dollar

amounts of these investments are important, their true value derives from the impact they will have on placement stability, family and caregiver supports and prevention.

Concerns

Unfortunately, the proposed budget does not contain the details necessary for us to complete the thorough assessment that D.C. children's and families deserve. And the agency chose not to answer the majority of questions stakeholders submitted in writing in advance of the March 28, 2019 CFSA budget briefing. As a result, Children's Law Center continues to have many concerns and unanswered questions about the impact that the proposed CFSA FY20 budget will have on children and families.

Therefore, we are asking you, Chairwoman Nadeau, and the other members of the Committee on Human Services to ask CFSA very detailed questions that go past the dollar amounts that will be spent and that dig into the number of children and families that will be served and the types of programs and supports that will be available. From the perspective of my colleagues, who represent thousands of DC children and families each year, the areas that need the most diligent examination are placement, family and caregiver support, and prevention.

Will CFSA have Adequate Resources to Address the Placement Crisis?

CFSA is experiencing a placement crisis. As we explained in our FY19 Performance Oversight testimony for CFSA, the Agency does not have enough foster parents with the range of skills, supports and types of household compositions to

successfully make the first placement for a child the best placement for that child. Poorly matched and supported placements lead to children experiencing multiple placement changes and disruptions, which results in assaults on their self-esteem and mental health; this makes children in foster care more vulnerable to behavioral issues and justice system involvement.³ Per information shared with our social workers and attorneys, the placement crisis is also leading to delayed removals, children staying in poorly matched placements, or youth leaving their official placements for spaces that promise improved safety or better accommodations.

There are multiple divisions and activities in CFSA's budget that relate to the Agency's ability to enlarge its placement array and to make better placement matching decisions. The Agency Management division, which houses funds for CFSA's soon to be new data management system, called Comprehensive Child Welfare Information System (CCWIS), will play a role in the agency's ability to do more sophisticated placement matching between children in need of foster parents and the available foster parents. Inside of the Agency Program division, the Child Placement, Family Resources, Facility Licensing, and the Kinship Support activities each play a role in recruiting, licensing, and compensating foster homes, group homes and independent living programs for providing living arrangements for children in CFSA's care and custody.

We are concerned that the proposed budget will not equip CFSA to adequately expand its placement array and address the placement crisis. The FY20 proposed

budget proffers a \$4.1 million decrease in Child Placement, a \$247,000 decrease in Kinship Support, and a \$50,000 decrease in Family Resources. Meanwhile, Facilities Licensing is poised for a \$778,000 or 4 FTE increase. The table below depicts these changes and provides the percentage change between FY19 and FY20 as well. Most notably there is a six percent decrease in these agency program activities between FY9 and FY20.

Table 1: Agency Program Activities related to Placement by year

	Child Placement	Kinship Support	Family Resources	Facility Licensing	Total
FY18 Actual	61,875,000	3,737,000	2,503,000	1,408,000	69,523,000
FY19 Approved	46,884,000	3,421,000	2,725,000	3,532,000	56,562,000
FY20 Proposed	42,754,000	3,174,000	2,676,000	4,310,000	52,914,000
FY19 to FY20 % change	-9%	-7%	-2%	+22%	-6%

When investigating the sources of these decreases, we noticed a large decrease in federal child placement funds actually spent in FY18 and the federal funds that are being proposed for FY20. In 2018, CFSA spent nearly \$23.9 million of federal monies for child placement. In FY19, CFSA was approved to spend approximately \$13.3 million of federal monies on child placement and CFSA proposes that they will spend just \$12.7 million of federal monies on the same expense in FY20.⁴ This is nearly a 50% reduction in federal child placement spending over these three years. Another helpful way to think about this change is to realize that federal funds made up approximately 38% of

the Child Placement budget in FY18, but only make up 28% of the Child Placement budget in FY19 and FY20.

We know that the Family First Prevention Service Act (FFPSA) places restrictions on the types of child placements for which that CFSA could receive federal Title IV-E funding. In general, we think that CFSA's family-based placements typically meet or exceed the standards set by the FFPSA. However, we are concerned that the anticipated decrease in federal funding reflects the Agency's fear of or knowledge that their placements will not be in conformity with the standards set by the FFPSA and will therefore be ineligible for additional Title IV-E funding. We think that CFSA would be able use more of its local funds to expand its placement array to include unique and creative placement opportunities for some youth if the Agency maximized its use of the more restrictive federal child placement funds. We hope that the committee will be able to learn why CFSA's child placement budget includes disproportionately fewer federal dollars.

Historically, CFSA has justified deductions to Child Placement as a result of administrative cost savings related to the Temporary Safe Haven Redesign, where CFSA eliminated its contracts with all but one private case management provider.⁵ CFSA has also justified decreases to this line item by pointing to the declining number of children in out home placements.⁶ Indeed, at the budget briefing, CFSA explained that it was saving \$4.2 million on placement related costs by: "reducing child placement

services based on efficiencies gained from full implementation of the Temporary Safe Haven Redesign; reducing private family-based placement providers from seven to two and projected savings based on the solicitation and award of new congregate care contracts during FY20.”⁷ Given that the Child Placement activities budget is decreasing by \$4.1 million from last year’s approved budget, this entire deduction could be accounted for by the \$4.2 million savings. Without any additional investments, our most optimistic interpretation of CFSA’s Child Placement spending indicates that CFSA is preparing to maintain the status quo as it relates to the placement crisis.

We were prematurely hopeful when we learned that the mayor proposed a \$4.6 million enhancement of local funds to the Agency Programs division “to support placement activities for youth in foster care.”⁸ Via the Agency’s budget briefing and upon a closer read of the budget chapter, we learned that this \$4.6 million local enhancement is dedicated to the CCWIS system and will allow CFSA to receive an additional \$4.5 million in federal grant funds, to total a \$9 million investment into CCWIS.⁹

Ultimately, our assessment of CFSA’s Agency Program activities related to the placement crisis reveals that CFSA is not receiving adequate resources to address the placement crisis. This is distressing because the current situation is unsafe for DC’s children and youth. It is unsafe for the 2-year-old who isn’t removed from his parents’ care because his big brother was the one who was left black and blue during the latest

domestic violence incident. It is unsafe for the 16-year-old whose permanent guardian is kicking her out of her forever home because of her sexuality. It is unsafe for the 18-year-old who is being encouraged to engage in sexual exploitation by the men outside her group home. We believe, and Children's Law Center has been told by some CFSA employees, that CFSA is leaving children in these types of unsafe situations because it does not have enough placements. We are concerned that the lack of placements is tempering CFSA's zeal for the safety of children under the age of 18 who are in the community and all the infants, children, and youth in their care under the age of 21. We are concerned that the proposed budget will not equip CFSA to identify high-quality placement options and placement matches. Without substantial investment, we are concerned that CFSA will continue to struggle to prioritize the safety of children at risk of entering foster care or those who are already in foster care.

Will CFSA have Adequate Resources to Support Families?

It is also crucial that CFSA have adequate resources to support birth families, foster families, and kinship households. Birth parents who have suffered trauma, including the removal of the children, often need more than case management in order to successfully reunify their families. The time separated from their children passes agonizingly slowly and the invasive and critical examinations they endure from case managers and service providers adds hours to days that are already overwhelmed by trying to survive. In some of the cases CLC attorneys have handled, we have seen the

agency provide foster parents with babysitting services, but this support is never offered to birth parents when they are court-ordered to go to therapy sessions. Some birth parents need monetary supports and others need the time, guidance and opportunity to develop their own support system.

Until last year, CFSA's primary method of supporting birth parents was providing referrals to external service providers or to the Healthy Families Thriving Communities Collaboratives, which primarily offer referrals to external service providers. During FY18, CFSA implemented the PEER unit, which provides birth parents with support from trained peers who have navigated the foster care system. CLC attorneys report that the parents who have support from the PEER unit more readily engage with team meetings and appear to have more confidence in their ability to successfully reunify their families.

We attempted to locate the PEER unit within CFSA's budget, but there are no programs, activities or divisions that clearly include support for birth parents of children in foster care within their description. We hope that this is not an indication of the CFSA's commitment to supporting birth families and we recommend that CFSA's budget sufficiently invests in supports for birth parents, such as the PEER unit.

In order to provide the best care for children in CFSA's custody, kinship caregivers and foster families also rely on agency support. Children pay the price when their caregivers are not given adequate agency support. For example, we represent a set

of siblings who were being cared for by a relative who was undergoing kinship licensing. Being employed, the relative needed the children to be in daycare during the day. He was not given a daycare voucher so he paid out of pocket for the children's daycare for several months, effectively running up his credit card bill to so that the kids could stay together and with family. The licensing process took many months and the agency never provided him back pay for the care he provided before his license was complete. The children were kicked out of daycare after the relative could no longer pay and the relative lost his job after trying to manage providing care for the children with his employment schedule, and ultimately the children had to be placed in another home. Foster parents of our clients have lived similarly frustrating experiences, wherein a lack of adequate mental health support for a child results in the child cycling from respite, to hospital, to a different foster home. In order to avoid these types of scenarios, CFSA needs enough funding to support kinship caregivers and foster parents.

Both the Family Resources activity and the Kinship Support activity contain funds for supporting foster parents and kinship caregivers. According to the mayor's proposed budget, Family Resources activity "provides... support services to current and potential foster, kinship, and adoptive parents."¹⁰ In addition to its recruitment duties, the Kinship Support activity "provides supportive services for kinship caregivers."¹¹ Unfortunately, both Family Resources and Kinship Support line items are proposed to decrease in FY20. As I mentioned earlier, and as Table 1 depicts above, Kinship Support

is poised for a \$247,000 decrease and Family Resources is scheduled for a \$50,000 decrease.

It is unclear what impact these proposed decreases will have on CFSA's ability to provide adequate supports for kinship caregivers and foster parents. We are convinced that the adults who care for children in foster care need better supports than what have been provided by CFSA in FY18 or in FY19 to date. CFSA may not need to spend more money to provide better supports, but we are unclear on how CFSA plans to provide better supports with less money.

Will CFSA have Adequate Resources to Effectively Prevent Maltreatment and Foster Care involvement?

The District can be proud that its child welfare agency leaders have been pioneers on prioritizing prevention well in advance of other jurisdictions. Historically, CFSA has used funds from the Title IV-E waiver to pay for prevention services for families with in-home cases and families who work with the Health Families Thriving Community Collaboratives. The Title IV-E waiver funding is sunseting near the end of FY19 and CFSA projects that this sunset will cost it \$12.6 million in federal funds. Nevertheless, CFSA's has maintained its commitment to prevention.

CFSA's commitment to prevention is evidenced by its efforts to be one of the very first agencies to provide its state prevention plan to the Children's Bureau pursuant to the Family First Prevention Services Act (Family First).¹² Family First was

signed into law in February 2018 and it presents DC with an opportunity to be reimbursed for its investments into prevention programs that provide mental health treatment and support, substance abuse prevention and treatment, or in-home parenting skills training to the parents or caregivers of children who are candidates for foster care. Under this legislation, CFSA will use trauma-informed, evidence-based (or evidence-supported) prevention services to keep as many children safely out of foster care as is possible. Children's Law Center and other concerned stakeholders do not know which services CFSA plans to utilize to reach this goal, but we hope to learn these details once the plan is made public.

The Mayor's proposed budget announced an additional local initiative called Families First DC, which will establish one Family Success Center in "10 neighborhoods East of the River to empower families, integrate services and focus on upstream services to ensure families are safe, healthy and able to thrive."¹³ Families First DC aims to strengthen families and reduce the number of children who are abused or neglected. This initiative will be funded by a local enhancement of \$4.7 million via CFSA's Community Partnerships division. As reported to the Mayor's Advisory Committee on Abuse and Neglect, the funds will be used to award 10 grants of less than \$500,000 to local nonprofits to provide system navigation assistance and community-identified, direct services to the neighborhood's resident families.

Children's Law Center supports the goals of both CFSA's Family First plan and Families First DC, but we do not have enough information to determine if the strategies will yield the results needed to strengthen families and protect children. And we think adequate funding will be necessary for DC to see a return on its prevention investments. Under the proposed budget, Community Partnerships Division is netting an additional \$180,000 in comparison to the approved FY19 budget. We are concerned that this slight increase may not provide the Agency enough resources to successfully execute its plans. Therefore, more details are needed before we can offer our full support. For example, we think it would be helpful to have the number of families and children that CFSA's Family First plan and the Families First DC expect to serve, how many employees are needed, and what infrastructure needs to be developed in order to execute these plans.

Conclusion

We trust the Committee members and Chairwoman Nadeau to ask the nuanced questions that get to the important realities behind the tables and charts. For the sake of DC's children, before the Council approves this budget, you need to know that CFSA has the resources it needs to stop the placement crisis, to support birth parents, kinship caregivers and foster parents and to prevent more children from being abused, neglected, or placed into foster care. The more details we have about CFSA's plans the better equipped we will be to assess whether the mayor's proposed FY20 budget

adequately supports the Agency to address these and other needs. We are also hopeful that the more we learn about Families First DC and CFSA's Family First plan, the more support we will be to offer.

Thank you for this opportunity to testify.

¹ Children's Law Center fights so every child in DC can grow up with a loving family, good health and a quality education. Judges, pediatricians and families turn to us to advocate for children who are abused or neglected, who aren't learning in school, or who have health problems that can't be solved by medicine alone. With more than 100 staff and hundreds of pro bono lawyers, we reach 1 out of every 9 children in DC's poorest neighborhoods – more than 5,000 children and families each year. And, we multiply this impact by advocating for city-wide solutions that benefit all children.

² CFSA's proposed fiscal year 2020 (FY20) budget remains flat in comparison of fiscal year 2019 (FY19), with a decrease of nearly \$4.1 million or 1.8%. See CFSA Proposed Budget FY20, Table RLO-1, p. E-19.

³ Children who are moved to multiple foster homes are 36%-63% more at risk of behavioral problems. See D.M. Rubin, et al., (February 2007). *The Impact of Placement Stability on Behavioral Well-Being for Children in Foster Care*. Pediatrics. Vol. 119(2). Retrieved from

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2693406/pdf/nihms-92063.pdf>. Additionally, boys who experience placement instability in foster care are at increased risk of entering the juvenile justice system. See J. P. Ryan & M. F. Testa, (March 2005). *Child maltreatment and juvenile delinquency: Investigating the role of placement and placement instability*. Children and Youth Services Review, Vol.27(3). Retrieved from <http://www.sciencedirect.com/science/article/pii/S0190740904002026>.

⁴ FY19 Proposed Budget for the District of Columbia Government: Program Summary by Activity Schedule 30-PBB, p E-14. Retrieved from https://cfo.dc.gov/sites/default/files/dc/sites/ocfo/publication/attachments/rl_cfsa_tables_2019j.pdf.

⁵ E-mail from Brenda Donald, Director, CFSA, "From the Director, CFSA: Announcing New Directions." February 6, 2017.

⁶ CFSA. *FY19 Proposed Budget: CFSA Overview for the Community*. Presented on April 12, 2018, slide 3.

⁷ CFSA. *FY2020 Proposed Budget: CFSA Stakeholder/Community Briefing*. Presented on March 28, 2019, slide 7.

⁸CFSA Proposed Budget FY20, p. E-26.

⁹ CFSA Proposed Budget FY20, p. E-26. See also CFSA. *FY2020 Proposed Budget: CFSA Stakeholder/Community Briefing*. Presented on March 28, 2019, slide 11.

¹⁰ CFSA Proposed Budget FY20, p. E-23.

¹¹ CFSA Proposed Budget FY20, p. E-23.

¹² See generally 42 U.S.C.A. § 671 (e).

¹³ Government of the District of Columbia; Mayor Muriel Bowser. *Putting Families First in DC* (flyer). Presented at CFSA's budget briefing on March 28, 2019.