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Committee on Health and Human Services
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Child and Family Services Agency

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Introduction

Good afternoon Chairperson Alexander and members of the Committee on Health and Human Services. My name is Damon King. I am a Senior Policy Attorney at Children's Law Center¹ and a resident of the District. 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 100 staff and hundreds of pro bono lawyers, Children's Law Center reaches 1 out of every 8 children in DC's poorest neighborhoods – more than 5,000 children and families each year. We serve as guardians *ad litem* for hundreds of children in foster care and represent foster parents and caregivers for children who are in or at risk of entering the District's child welfare system.

The proposed FY17 budget for the Child and Family Services Agency (CFSA) reflects a modest reduction from FY16. After accounting for the termination of a \$10 million annual federal/local funds swap with the Department of Human Services, the agency's budget has been cut by about \$3.3 million.² However, as you will see below, the programmatic changes that CFSA needs to make in FY17 go to the core of the agency's mission: protecting the safety and well-being of children who are abused, neglected, or at-risk of abuse or neglect. It is unclear whether this budget will allow the agency to meet its mandate.

I will note that we have been impressed with the leadership of CFSA Director Ray Davidson and his team, including Principal Deputy Director Heather Stowe, and I have confidence in their ability to strategize around the agency's most pressing challenges. However, even the best leaders cannot improve the quality and systems of CFSA if resources aren't sufficient for the job.

The CFSA Budget Picture

As you know, Chairperson Alexander, the agency's FY15 Performance Oversight Hearing in March raised a number of critical issues that the agency must address now if it is to protect the safety and well-being of the District's abused, neglect, and at-risk children. In response to a shortage of foster homes that stretched through the spring, summer, and fall of 2015 and led to foster children spending nights in hotels and CFSA's offices, the agency must bring a substantial number of new foster homes on-line and adopt evidence-based foster care models to serve children who are most at risk of placement disruptions and delays. Also, in light of FY15 oversight data and witness testimony that raised questions about uneven utilization of CFSA prevention services and the quality in-home services, the agency must take a hard look at its prevention service array and adjust its approach to serving its in-home families. And, with several years of data and witness testimony showing that our child welfare system regularly fails to help teenagers and young adults in foster care transition to full adulthood, the

time has come to reform the programs that serve these populations: older youth services and aftercare.

It is important to note that none of these priorities is a “luxury item” – something that the agency can afford to put off until a more forgiving budget year with friendlier fiscal conditions. Each priority goes to a core function of a child welfare agency: children in government custody must have foster homes to live in, children that the agency leaves at home with their families must be kept safe, and young people in their last years in the foster care system cannot be deprived of what all children need and deserve – adults to guide them from childhood to adulthood. A failure to take on any one of these priorities is a failure of the system itself.

At CFSA’s budget briefing and in meetings with stakeholders over the last several months, Director Davidson and his leadership team have laid out detailed plans to make progress on each of the priorities outlined above. In terms of the budget, Director Davidson has indicated that, even with the cut that his agency is being asked to take, he has allocated FY17 funds for concrete action steps on each of these priorities. I am concerned, however, that this is an overly optimistic assessment, and that in fact, the budget may actually fall short of what the agency, and the children who depend on it, actually need. There are three reasons for my concern.

First, although there are resources allocated in the budget to address challenges in the foster care system, teen services, and aftercare services, the precise costs of

reforms are not fully known at this time. This is particularly true with respect to evidence-based foster care models, as the agency is still in the process of assessing a number of different options and will likely need to adopt multiple models to adequately serve the foster care population. It may also be true of aftercare reform, as aftercare services will essentially be re-built from scratch, with more detailed expectations of the aftercare provider, a different case-management strategy, and new accountability processes.

Second, as I will discuss below, the agency is finding savings in prevention services, in part, by ending or modifying certain prevention service contracts. Because the agency's ability to serve families in their homes and communities depends on the existence of a robust network of community-based services, we are concerned that finding savings from these contracts, rather than trying to eliminate barriers to enrollment, may not be the right approach to protecting children who CFSA has decided not to remove from their homes.

Third, as the agency's responses to this Committee's written questions indicate, this budget rests on assumptions that the foster care population will remain relatively stable and that recent trends in in-home cases will hold up over the next 18 months.³ This is somewhat of a gamble. Although the foster care population declined in FY15, the number of children removed from their homes actually increased by about 12% from FY14.⁴ In recent years, the agency has seen reductions in the number of children

coming into care, but the reality is that policies designed to keep down the number of unnecessary removals have now been in place for a few years and were never likely to continue yielding declines indefinitely.⁵ The era of significant year-to-year drops in removals is likely over.⁶

Making matters more complicated for the agency is the fact that, as a general matter, demand for child welfare services is susceptible to spikes based on social and economic conditions and trends that are not entirely within the agency's control. Child welfare agencies respond to conditions on the ground but, generally, they do not create them, so an agency like CFSA is largely at the mercy of external events (including policy and budgeting decisions at other agencies) that make families more or less vulnerable from year to year.

In light of these concerns, it is important that CFSA have sufficient funds in its budget to not only meet expected demand but to remain flexible in the event that additional children and families come to its attention. Having monitored the agency's progress for several years now, I believe that during FY15, we received an advance lesson on the importance of flexibility: One of the things that we need to learn from CFSA's 2015 placement crisis is that when a child welfare agency makes conservative projections regarding demand for its services and subsequently locks itself into difficult-to-reverse resource decisions based on those projections, an unexpected increase in demand, even in only one part of the system, can have serious consequences

for children if the agency is not in a position to quickly adjust. We cannot afford to make the same mistakes in budgeting that we just made in resource allocation just a short time ago.

I suggest that the Committee use this hearing to ask detailed questions about the extent of the agency's planned reforms for FY17, as well as what it knows at this point about potential costs. The Committee should evaluate whether the agency is taking the right approach to its community-based service array, and whether the agency's strategy will adequately protect and serve in-home families in FY17. Finally, the Committee should ask about the factors that the agency considered in projecting demand for child welfare services (both in-home and out-of-home) for the coming fiscal year, so we can understand what it has and has not accounted for, and ultimately, assess the extent to which the agency will be able to handle emergencies and spikes in demand. I urge the Committee to keep in mind the need for flexibility to handle external shocks to the child welfare system when evaluating CFSA's budget.

CFSA FY17 Priorities

With these vital needs for reform and flexibility in mind, I will use the rest of my testimony today to discuss the agency's plans for FY17 and the potential impact on children and families that CFSA serves.

CFSA's Response to the Placement Crisis

As I discussed during the agency's Performance Oversight hearing, in 2015, CFSA was rocked by a placement crisis, triggered by a shortage of foster homes.⁷ Over a seven month period, beginning in April and stretching through November, some children awaiting placement were made to spend the night in hotel rooms or at CFSA's offices.⁸ Additionally, children spent time in respite placements or other temporary settings while waiting for longer-term foster homes.⁹

In response to oversight questions from this Committee, the agency identified a number of steps that it will take over the remainder of FY16.¹⁰ These include adding 80 new foster homes and building a system that will allow the agency to track vacancies among its foster homes in real time.¹¹ Since Performance Oversight, the agency has also indicated that it will recruit 80 more foster homes in FY17.¹²

However, as I noted during my March testimony, solving this problem isn't simply a matter of increasing the total number of foster homes in the system.¹³ The agency needs to have a variety of types of available foster homes with supports that are targeted to sub-populations of children who tend to experience frequent disruptions and delays: teens, pregnant or parenting youth, large sibling groups, and children with special needs (including severe behavioral health needs). Without an array of supports for children and foster parents, bottlenecks will continue to form in the system as

demand for homes for these groups of children exceeds the supply of foster parents who can dependably care for them.

Recognizing this, the agency plans to adopt one or more evidence-based foster care models in FY17. In late 2015, the agency convened a Foster Care Model Working Group that is now in the process of assessing various models targeted to children with therapeutic needs, sibling groups, and foster parents for children of all ages and levels of need. At its stakeholder budget briefing last week, the agency indicated that it plans to begin implementing the model or models it chooses in FY17 and to continue with implementation through FY18.

As long-time advocates for evidence-based therapeutic foster care, we are pleased to see that the agency has committed to adopting evidence-based practices, and that Director Davidson has brought together stakeholders to work with the agency on model selection. We expect that this will address the instability that many children in care have to endure and, hopefully, reduce the level of strain on a system that often struggles to find placement and re-placement options for many of the children in its care. From a budget standpoint, however, we note that this is an area in which the full cost of implementation will not be known until the agency has finished assessing potential models and has made a final decision regarding which models and practices it needs to adopt to safely and properly serve the District's foster youth. In reviewing the agency's proposed budget, the Committee needs to ensure that the agency has adequate

funds to adopt the programs it needs. Otherwise, children will continue to bounce around our foster care system, suffering severe disruption along the way.

Review and Adjustment of In-Home and Prevention Services

During my Performance Oversight testimony, I noted that while oversight responses showed that the agency had completed its planned development and initial build-out of community-based prevention services, data showed under-use of certain services.¹⁴ If the agency wants to continue to keep the “front door” to foster care narrow, it must ensure that when children who have been found to be abused or neglected (or who are at-risk) are left at home with their birth parents, the agency is in a position to serve them appropriately. That means that agency staff quickly connect families to services, that families feel comfortable accessing services, and that these services are actually responsive to families’ needs. Low levels of utilization of certain services suggests a problem, although it is not clear whether the cause of the problem is a breakdown in the referral process, shortcomings in family engagement, or just that the services in question are not the right ones for the District’s at-risk families. During Performance Oversight, we asked that the agency examine why under-enrolled services are under-enrolled, and develop a plan for addressing barriers to enrollment and bringing additional services to the District to more closely match offerings to community demand.¹⁵

It appears that CFSA has responded to this underutilization problem by deciding that in FY17, it will end or reduce contracts for certain services. In particular, the agency is reducing the number of units implementing the Homebuilders intensive crisis intervention model (from three to two) and the Project Connect reunification support model (from four to three).¹⁶ It will also end its contract with the Neighborhood Legal Services Program for legal services for at-risk families.¹⁷ This is on top of FY16 adjustments that have already occurred: a reduction in the number of providers of Parent Education and Support (PESP) and the expiration of the agency's contract for Father-Child Attachment Programming.^{18, 19}

Aside from these reductions, the agency reports that it is pursuing a few strategies that it expects will improve services to families with in-home cases and at-risk families. First, it will seek to lower the caseloads of in-home social workers who are working with families in which there is chronic neglect (a history of multiple substantiations). Director Davidson has indicated he can accomplish this by maintaining current staffing levels and assigning fewer families to each caseworker as current trends reduce the total number of open in-home cases. Second, although it is reducing the number of Project Connect units, the agency is simultaneously widening the eligibility criteria for Project Connect. Even though this intervention was originally intended to serve families reunifying after a child's stint in foster care, it will become available to families from whom the agency has not made a removal. Third, the agency

has indicated that it wants to work with the Collaboratives to issue more mini-grants to individuals and small community-based organizations looking to work with children and families in their neighborhoods – although the agency’s responses to the Committee’s pre-hearing questions show that funding for mini-grants will itself be reduced.²⁰

At this point, it is unclear how these changes will affect outcomes for in-home families but the decision to end or modify contracts for five services across FY16 and FY17 does raise some questions. As I noted above, there are a few different potential reasons why a service may be underutilized. Only one of these potential reasons dictates a reduction in services (as opposed to a plan to address barriers to enrollment or engagement issues). Based on what we hear from families who call into our legal helpline every day, we know there is significant demand among District families for legal services and various types of parent supports, which suggests to us that the issue is not a lack of community need. More broadly, we have to remember that the original impetus for the Safe and Stable Families program was the realization that CFSA needed community-based services to which it could link vulnerable families, but that local providers did not have nearly enough capacity to serve families appropriately. A reduction of the capacity of CFSA-funded prevention services without the addition of other reliable and high-quality services to take the place of reductions might well be a step backward, rather than forward.

In reviewing the agency's funding and policy decisions regarding community-based services for families, we urge the Committee to ask the agency what work it did to determine the reasons for under-enrollment in its programs. The Committee should also ask what assessments the agency has done to determine whether there will be adequate community-based services with sufficient capacity to meet families' needs in the event that these changes are implemented. I also want to highlight that the reduction of caseloads for chronic neglect families depends, at least in part, on recent historical trends in in-home cases holding up. This is an area in which it is important to ensure that CFSA has the flexibility to reduce caseloads even if external factors lead to a jump in the number of families being served by in-home social workers units.

Older Youth and Aftercare

During Performance Oversight I noted that, in spite of data that showed the continued struggles of older and former foster youth, there is reason for optimism due to the agency's commitment to reform. Consistent with its December 31, 2015 recommendations, the agency will use a combination of new and existing staff to begin working with 9th and 10th graders around college and career planning for the coming school year, adding two educational specialists in the third quarter of FY16 whose positions will continue to be funded in FY17.²¹ The agency will then expand to 8th graders as part of a two-year implementation plan.²² The agency will also add \$250,000 to its tutoring budget in FY17.²³ While this is short of the agency's own

recommendation (to double the FY16 tutoring allocation of \$500,000 to \$1 million), it will increase the capacity of tutoring programs by as many as 100 students.²⁴ We are especially pleased that there will be staff at CFSA to work with youth at earlier ages around college and career planning. Pre-college services will now start two years earlier than under current programming, and career planning will begin three to four years earlier. This provides youth with valuable time to prepare for the next steps in their lives and to be more competitive in college admissions and job searches with their non-foster peers.

In the area of aftercare, the agency pledged at its stakeholder budget briefing that it will implement all of the recommendations of its Aftercare Workgroup, which has been working on new standards for the aftercare program. As part of its effort to improve aftercare, the agency is also pulling \$940,039 currently allocated for aftercare services and aftercare transportation subsidies from the Collaboratives' contracts and re-bidding aftercare under its own solicitation.²⁵

We applaud the agency's work in this area and believe that releasing a new solicitation dedicated exclusively to aftercare services, with a revised scope of work and better accountability, will lead to improvements in a program that has long been a subject of testimony before this Committee. However, I will note that this is another area in which the true cost of reform is somewhat uncertain, as the agency will be taking the long-overdue step of rebuilding its aftercare program from the ground up.

Conclusion

Thank you for the opportunity to testify and I look forward to answering any questions.

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 be the voice 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 100 staff and hundreds of pro bono lawyers, we reach 1 out of every 8 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 The agency’s proposed budget is \$13.257 million less than its approved budget for FY16. However, \$9.965 million of that loss is in intra-district funds. CFSA Proposed Budget FY17, Table RL0-2, p. E-14. During its stakeholder budget briefing, agency leadership explained that the net loss of intra-district funds was due to the termination of an agreement between CFSA and DHS regarding an exchange of funds between the two agencies. Termination of this agreement has no effect on CFSA programming, leaving \$3.292 million in CFSA spending reductions.

³ Per the agency’s responses to the Committee, the agency is projecting a Foster Care Placement Count of 1,048 children in FY17. The total budgeted census capacity for FY16 is 1,068 children. CFSA FY17 Budget Request Responses to the Committee on Health and Human Services, Q6. The agency indicated at its stakeholder budget briefing that it looks at historical trends with regard to in-home cases.

⁴ CFSA removed 450 children in FY15, compared to 401 in FY14. As I noted in my Performance Oversight Testimony regarding CFSA, due to the number of children exiting care, CFSA’s foster care population declined slightly over the course of FY15. *See*, CFSA Performance Oversight Hearing – Response to Questions, Fiscal Years 2015 and 2015 (1st quarter, October 1, 2015 to December 31, 2015), Submitted to the Council of the District of Columbia Committee on Health and Human Services, Q32; CFSA FY2014 and FY2015 (1st Quarter) Responses to the DC Council Committee on Health and Human Services, Q23; Testimony of Damon King, Senior Policy Attorney, DC’s Children’s Law Center, before the DC Council Committee on Human Services, pp. 2-3, March 3, 2016.

⁵ CFSA’s Structured Decisionmaking Screening and Response Priority Assessment Tool has been in place since March, 2014. Earlier reforms, including the expansion of the agency’s differential response system and more regular use of the RED Team process, were implemented over the course of 2012 and 2013. *See*, *LaShawn* Court Monitor Report, November 17, 2014, p. 63.

⁶ This is reflected in the numbers: In FY11, the agency removed 604 children from their homes. This dropped substantially in each of the next two years, to 512 children in FY12 and 407 children in FY13. In FY14, 401 children were removed, just six fewer children than the previous year. And, as discussed in note 4, above, FY15 saw an increase in removals to 450 children. CFSA FY2011 and FY2012 (1st Quarter) Responses to the DC Council Committee on Human Services, Q27; CFSA FY2012 and FY2013 (1st Quarter) Responses to the DC Council Committee on Human Services, Q6; CFSA FY2013 and FY2014 (1st Quarter) Responses to the DC Council Committee on Human Services, Q7; CFSA FY14 Performance Oversight Question, Q23; CFSA FY15 Performance Oversight Question, Q32.

⁷ Testimony of Damon King, Senior Policy Attorney, DC’s Children’s Law Center, before the DC Council Committee on Human Services, pp. 2-4, March 3, 2016.

⁸ *See*, CFSA FY15 Performance Oversight Responses, Q83-Q85.

⁹ In addition to the children who stayed in hotels and at CFSA, in FY15, 69 children stayed in respite or emergency placements while awaiting placement, with 15 more children doing so in the first quarter of FY16. *See*, CFSA FY15 Performance Oversight Responses, Q87. Oversight responses do not indicate how

many of the children in these settings in FY15 were placed there after the onset of the placement crisis, but CFSA has noted that increasing the number of respite homes and emergency placement options is one of the steps it has taken to ensure that children do not stay in hotels. *See*, CFSA FY15 Performance Oversight Responses, Q89.

¹⁰ CFSA FY15 Performance Oversight Responses, Q81-Q82.

¹¹ *Id.*

¹² CFSA FY17 Budget Request Responses to the Committee on Health and Human Services, Q8.

¹³ Testimony of Damon King, Senior Policy Attorney, DC's Children's Law Center, before the DC Council Committee on Human Services, pp. 5-6, March 3, 2016.

¹⁴ Testimony of Damon King, Senior Policy Attorney, DC's Children's Law Center, before the DC Council Committee on Human Services, pp. 10-12, March 3, 2016.

¹⁵ *Id.* at pp. 11-12

¹⁶ CFSA FY17 Budget Request Responses to the Committee on Health and Human Services, Q4.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ It should also be noted that, in some cases, the agency is realizing savings through interagency collaboration that will allow CFSA to continue utilizing certain services while allowing other District agencies to fund them. For example, mental health specialists who are now at four of the five Collaboratives will now be paid for by the Department of Behavioral Health. Similarly, the agency entered into a Memorandum of Agreement with the Department of Health that will allow CFSA to utilize DOH-funded home visiting services rather than paying for its own "slots" with providers separately. *Id.* So long as changes in funding source do lead to service disruptions or delays for children and families, we fully support this collaboration.

²⁰ CFSA FY17 Budget Request Responses to the Committee on Health and Human Services, Q4.

²¹ CFSA FY17 Budget Request Responses to the Committee on Health and Human Services, Q16.

²² *Id.*

²³ *Id.*

²⁴ For the agency's original recommendations, *see*, Child and Family Services Agency. *Current Educational Services and Career Planning at the Child and Family Services Agency Comprehensive Analysis*, pp. 8-10. For projections regarding how many students can be served using the increase proposed in this budget, *see*, *supra*, note 21.

²⁵ CFSA FY17 Budget Request Responses to the Committee on Health and Human Services, Q4.