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Committee on Human Services
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INTRODUCTION

Good morning Chairperson Nadeau and members of the Committee on 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 9 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.

Thank you for the opportunity to testify today about the performance of the Child and Family Services Agency (CFSA). FY16 and early FY17 have been challenging for CFSA. This period saw the October departure of Director Ray Davidson, which was followed by the return of Brenda Donald, first in an interim role and then as the Mayor's choice for permanent Director. We are pleased to see Director Donald return to this role and look forward to working with her going forward.

Meanwhile, on the ground, the agency has continued to struggle with the ongoing effects of a shortage of appropriate foster homes for its population, which has made it difficult to quickly match children with caregivers who are fully equipped to meet their needs. With pressures on the system's placement array, the worrying

practice of having children stay overnight at the agency's offices has continued.

Meanwhile, the agency has continued to make adjustments to its prevention service array in response to trends in the utilization of these services.

My testimony today will address the agency's FY16 performance in three areas that have been challenging for the agency over the last few years: the availability of appropriate foster homes, in-home and prevention services, and services for older and former foster youth – an area in which there has been recent progress. However, before I do, I would like to make a general point that is relevant to many of the agency's reforms of the last several years, and which I believe will be particularly relevant as the agency moves forward with reforms that it has announced in recent weeks.

NEW INITIATIVES AND AGENCY ACCOUNTABILITY

Over the last several years, we have been pleased to see the agency announce several reforms and new initiatives aimed at improving the experiences of children in the foster care system, preventing children from needlessly entering foster care, and more broadly, preventing abuse and neglect from occurring in the first place. Through these reforms, the agency has sought to tackle important and long-standing problems in the District's child welfare system – problems that do not always have simple, straightforward solutions. However, while many of the agency's reforms over the last several years have been both needed and welcomed, all too often, we see disconnects between policy changes and on-the-ground practice. New policies or policy changes

are announced, but for a variety of reasons, are not consistently implemented.

Initiatives around improving service delivery are launched, but at the child and family level, practices around case-planning, teaming, and positive engagement with children and their families remain inconsistent and stubbornly behind where they need to be.

And the ability to identify these inconsistencies and self-correct is, at times, unfortunately, too limited.

The agency and its leadership have been quite brave in pushing forward with reforms in recent years and will need to continue to be as they confront the child welfare system's current challenges. However, I would urge that going forward, the agency pay special attention to improving implementation of any new reforms and maintaining consistent practice across the agency and the wider child welfare system. This can be accomplished by more proactive planning around policy roll-outs, more systematic gathering of feedback about how consistent practices on the ground are with policy, and stronger mechanisms for fielding community complaints and making corrections, on both the individual case and system levels.

And, as this Committee takes on oversight of CFSA, I urge it to ask questions of the agency – some of which are detailed below – about how it plans to implement and achieve the goals of upcoming reforms, how it will adapt when things do not go as planned, and how it will hold itself accountable for transitioning policy into every day practice.

AVAILABILITY OF FOSTER HOMES

As you will remember, Chairperson Nadeau, in 2015 the agency experienced a significant shortage of foster homes. As we discussed in our oversight testimony last year, the shortage was caused by a combination of two primary factors. The first was the agency's decision, at the end of 2014, to end two contracts with private foster care agencies that placed children in the District and Maryland.² The second was a collection of pre-existing weaknesses in the agency's array of foster homes and other placements, which sometimes made it difficult for the agency to place youth in certain populations, including teenagers, pregnant/parenting youth, large sibling groups, and youth with special needs (especially behavioral health needs).³ This shortage of foster homes sparked an extended period of crisis within the District's foster care system, as the agency experienced difficulties finding appropriate foster homes for children.⁴ Ultimately, 15 children in need of foster homes stayed overnight at the agency and in hotel rooms in FY15 because the agency had nowhere to place them.⁵ Following the emergence of this placement crisis, the agency pledged to take several steps to address it, including recruiting new foster parents to help fill the shortfall, creating a data system to more efficiently determine which foster homes are available for placement, improving placement matching to ensure that children are appropriately placed with caregivers to meet their needs, and expanding its temporary and emergency placement options to relieve some of the most immediate pressures on the system.⁶

The Agency Continues to Struggle with Placements

In its performance oversight responses for FY16, the agency reports some important steps, including the adoption of an automated placement matching system and the continuation of recruitment of new foster parents.⁷ However, other oversight responses show that the agency is still struggling to find timely, appropriate, stable placements for all of its foster youth. This year, the agency reports that 11 children stayed overnight at CFSA's offices in FY16,⁸ and one stayed overnight in a hotel.⁹ Further, six more children stayed overnight at CFSA in the first four months of FY17, most recently in January.¹⁰ Meanwhile, while temporary and emergency placements are certainly preferable to a hotel room or CFSA's offices, the agency's level of use of these options,¹¹ in combination with its use of offices and hotel rooms, suggests that there is still a shortage of appropriate non-short term homes for certain populations, forcing the agency to put youth in need of new placements in short term settings before moving them to more stable ones.

The numbers that CFSA reports are consistent with the experiences of our attorneys, who over the course of the year have regularly encountered difficulties achieving timely and appropriate placement changes for our clients. Much like last year, CFSA's difficulties in making timely and appropriate placement decisions have persisted even as the total number of children in foster care has continued to decline

from 1,061 at the end of FY15 to 989 at the end for FY16 and 953 children as of December, 31, 2016.¹²

In its responses, the agency is clear about factors that contributed each delayed placement. While we appreciate some of the difficulties that can accompany placement decisions, it is important to note that many of the difficulties that the agency cites (e.g., children's medical and behavioral health needs, lack of buy-in from teenagers who are between placements) are not new issues, and that for several years prior to 2015, the agency managed to avoid such frequent use of its offices as an overnight space,¹³ even with a larger population of foster youth who likely faced some of the same challenges. Simply put, in spite of the agency's efforts to address its shortage of appropriate homes, the shortage persists, along with some truly unacceptable stopgap measures.

Plans for the Coming Year: Safe Haven Re-Design

In the midst of these continuing placement issues, Director Donald has announced a major reform effort that will make significant changes to how the agency contracts with private foster care agencies for licensed foster homes and case management.¹⁴ Specifically, as part of a "Safe Haven Re-Design," the agency will release a new RFP for a private foster care agency with the goals of: (1) bringing all DC foster homes under the direct licensing and case management of CFSA and (2) bringing all Maryland foster homes in which the District places youth under the single private agency selected by competitive bid.¹⁵ This re-design will have the practical effect of

reducing the number of private foster care agencies with which the agency contracts for foster home placements and case management from the current seven down to one.¹⁶

Additionally, the agency will eliminate the “therapeutic” foster home category – a category of foster homes that has traditionally been regarded as a placement option for youth with more significant behavioral health needs, pledging instead to make a wider array of supportive services for youth with special needs available to foster parents across all homes in both the District and Maryland.¹⁷

These are significant changes, and in some respects, may make sense for the long-term health of the system. Consolidating Maryland licensing under one private agency and taking responsibility for all licensed foster parents in the District should greatly reduce some of the inconsistencies in service delivery that currently exist across the many private agencies that serve children in foster homes. Having two major foster care agencies instead of several should also make it easier to implement future system-wide reforms. We have found that, in the current system, there are sometimes delays in the implementation of policy changes announced by CFSA due to each private agency having its own separate policies, processes, and bureaucracies. And, reducing the total number of licensing and case management agencies could help improve placement matching as well. One of the challenges our attorneys have encountered fairly regularly over the years is that, once a child is case managed by a particular private agency, CFSA practices tend to encourage that agency to search through its own roster of foster homes

before requesting that CFSA and other private agencies identify placements within their respective arrays. This can lead to delays in placement decisions when a given private agency does not have any appropriate homes for a particular youth, and in general, has the potential to lead to sub-optimal matching, since it artificially shrinks the universe of available homes for children when an agency is doing an initial review of what potential matches exist. Reducing the number of private agencies will reduce the siloing of foster homes within agencies, allowing for a more efficient matching system.

That said, the timing of these changes raises serious concerns. As CFSA, the *LaShawn* Court Monitor, and CLC have all pointed out, it was the termination of two private agency contracts at the end of 2014 that led to the shortage of foster homes that currently plagues the agency.¹⁸ Specifically, when the agency announced those changes, there was an assumption that foster parents at the agencies in question would go through the re-licensing process at other agencies and maintain their status as foster parents for DC foster children.¹⁹ When a number of foster parents did not in fact re-license, the agency was left with a shortfall.²⁰ Now, the planned re-design of the foster care system will end CFSA's relationships with not just two agencies, but at least six, with 354 licensed homes among them.²¹ Based on our extensive experience working with caregivers, we believe that there is a strong likelihood of a significant number of foster parents again not pursuing re-licensing, and this re-design is slated to occur at a time when evidence suggests that the agency is already struggling with its placement

array. It is not clear to us what lessons the agency has learned from the events of 2014-2015, and a repeat of those events, but with more private agencies involved, would further destabilize an already-fragile system

Since announcing the re-design, the agency has reached out to some outside stakeholders, including CLC, to provide feedback about how to implement this reform in a way that will be less disruptive to children and caregivers. We appreciate the agency's outreach, but need to emphasize that should the agency go forward with this reform, it is crucial that it hear, understand, and incorporate stakeholder input and feedback so that the numerous transitions that would have to occur go smoothly. I also believe that this is an important area for the Committee's oversight. I urge the Committee to use today's hearing to ask the agency about its initial expectations for the re-design. In particular the Committee should ask:

1. What has the agency learned from its experiences in 2014 and 2015?
2. What are the agency's expectations regarding the number of foster parents who will successfully transition between agencies?
3. What steps does the agency plan to take to ensure that these transitions go smoothly?
4. When foster parents do not transition, what steps will the agency take to ensure smooth transitions for children who will have to change caregivers?
5. What steps does the agency believe it can take to revise its plans if, at any point, it appears that the re-design may cause a larger loss of foster parents or a more significant disruption for foster children than initially anticipated?

In the months following this hearing, we urge the Committee to closely monitor the progress of any re-design effort and its effects on the foster care system's foster home array. And, re-design aside, it is important that in the coming year, the agency continues to expand the number of available foster homes, particularly homes where parents are equipped and comfortable taking youth from special populations. Not only will expanding the number and variety of foster homes give the agency more alternatives to keeping children overnight in its offices, it is also crucial to making the agency's automated matching system work, as good matching depends on having a variety of options from which to choose.

IN-HOME AND PREVENTION SERVICES

During oversight last year, we testified that FY15 and early FY16 represented an important step forward in CFSA's efforts to build its network of community-based prevention services and services for families with in-home cases.²² Evidence-based interventions aimed at families in crisis were fully launched and accepting families, and mental health and infant-maternal health specialists were in place at the Collaboratives and working to meet families' needs.²³ We noted, however, that initial data regarding utilization of services showed that some services were being used by significant numbers of families while others were falling short of capacity.²⁴ We urged the agency to look into why under-utilized services were under-utilized so we could understand

whether the families were experiencing obstacles to accessing services (for example, a faulty referral process) or if there was simply low demand for a given service.²⁵

With the completion of FY16, we now have another year's worth of data regarding referrals to community-based services, and much like last year, there are a mix of positives and negatives. HOMEBUILDERS and Project Connect, evidence-based services which were expanded during FY15/FY16, both saw a substantial number of referrals – 53 and 189, respectively.²⁶ Meanwhile, a reduction in the number of providers of Parent Education and Support (PESP) likely led to an attendant decline in referrals, and there was a significant decline in referrals to infant/maternal health specialists as well, although specialists still saw 165 families over the course of the year.²⁷ As with last year, the key is understanding the reasons behind current utilization numbers in order to inform future adjustments.

In-Home/Prevention Reform: Safe and Stable Families Re-Design

At the same time as the announcement of the Safe Haven Re-Design, Director Donald also announced that there would be a re-design of the Safe and Stable Families Program – the program that uses federal Title IV-E Waiver funds to support CFSA's community-based prevention offerings.²⁸ Director Donald indicated that the agency would be reaching out to stakeholders and families to better understand their service needs and that there would be potential modifications to the "community hub" model that the agency has, up to this point, relied on for the delivery of prevention services.²⁹

These modifications would include a “competitive bid for broader and more responsive community-based services.”³⁰

Much like the Safe Haven Re-Design, this reform has both promise and some risk. As we have noted, now that CFSA has launched a set of foundational prevention services for families to access, it is important to regularly assess what the community needs and look critically at both the array of services and the system that delivers them. This is an important part of ensuring that the system, as a whole, is responsive to what families need. However, it is also important that, having invested significant funding and effort to launch new interventions and build up a service delivery system, the agency does not abandon services and practices that have worked in favor of something brand new. A re-design may well be a useful way for CFSA to take stock of lessons learned from the IV-E Waiver process thus far – indeed, it is the type of system-level “self-correction” that I noted earlier in my testimony is important for the agency’s growth. However, the re-design needs to take a full account of what is working and what isn’t, so that the agency is not effectively starting from scratch.

It is important for the Committee to ask:

1. What does the agency see as the strengths and weakness of the Safe and Stable Families Program, so far?
2. What does the agency hope to accomplish through a re-design?
3. What types of outreach will the agency be conducting with stakeholders?

4. How will the agency ensure that any re-design preserves the most effective aspects of the current Safe and Stable Families program, while modifying what isn't working?

As the foster care population continues to decline and the agency continues to shift its model toward one that serves families without removing children, it is crucial that the agency continue to make adjustments to its array and delivery of services. The challenge is striking the right balance between reform and continuity.

SERVICES FOR OLDER AND FORMER FOSTER YOUTH

In each of the last few years of testimony, we have spoken about the inconsistent outcomes that CFSA experiences with teenagers and young adults who are in foster care, as well as some of the ways in which the agency could improve its services for this population. While the percentage of teenagers in foster care has been declining over the last few years, teenagers still make up a substantial portion (about 45%)³¹ of the District's foster care population, and for as long as a teenager is in care, the agency has a responsibility to prepare him or her for adulthood. Additionally, over many years, we have heard witnesses at oversight hearings testify about the difficulties that young people face once they emancipate from the foster care system at age 21, including concerns about the delivery of "aftercare" services for former foster youth. I am pleased to report that over the course of FY16 and early FY17, the agency has taken important steps to address these concerns.

Older Youth Services Expansion

In 2015, the Health and Human Services Committee requested that the agency submit a report regarding services for older foster youth – particularly services around preparing youth for college, employment, and careers. That December, CFSA responded. Consistent with concerns stakeholders had raised in previous years, the report recommended some important changes to the agency’s college and career services for older youth.³² Among other things, the agency recommended that it begin to work with youth on college preparation and career exploration earlier (8th grade, as opposed to the later years of high school or beyond) and better integrate college and career advising.³³ To better support college and career preparation, the agency also recommended a substantial increase to the budget for tutoring services, so that youth would be in a better position to graduate high school and be prepared academically for post-secondary school options.³⁴

The first few months of FY17 have seen the agency begin to implement the report’s recommendations. The agency’s Office of Youth Empowerment (which serves youth ages 15 and older) is working closely with the agency’s Office of Well-Being (which houses CFSA’s educational services) to integrate their respective sets of services. During a presentation at CLC, both offices reported to our attorneys that they have begun reaching out to and holding events for foster youth in middle school around getting ready for high school, and ultimately, college preparation. The Office of Well-Being’s education specialists are also working more closely with youth’s teams to

identify educational supports. And performance oversight responses show that OYE's college preparation services are beginning to reach 8th, 9th and 10th graders, a major step toward ensuring that foster youth who are interested in going to college can begin to prepare themselves well before their junior years.³⁵ Additionally, the agency reports that, with additional funding for tutoring, it has been able to connect more youth with tutoring services.³⁶ These are important first steps to improving services for teenagers and adults in foster care, and we appreciate the agency's work to implement them as soon as resources were available to do so. We look forward to the agency continuing to develop its education and career programming for older youth in the coming months and years.

Aftercare Services Reform

Meanwhile, the agency has also made a major change to its aftercare services program. At its budget briefing last spring, the agency announced that it would be releasing an RFP to select a new provider of aftercare services based on standards generated by an Aftercare Workgroup convened by former Director Davidson. The agency has since selected a new aftercare provider, the Young Women's Project (YWP), and in the last month, YWP has begun accepting referrals of current and former foster youth. As you know, YWP has long advocated for improvements to transition and post-emancipation services for foster youth and its adult and youth staff are intimately familiar with the challenges that youth preparing to age out of foster care face. We are

looking forward to working with them to ease the transitions of our clients who are in their last year of foster care and urge the agency to continue to work collaboratively with them as they continue with the launch of their vision of youth aftercare.

CONCLUSION

Thank you for the opportunity to testify, and I look forward to answering and 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 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 Testimony of Damon King, Senior Policy Attorney, DC’s Children’s Law Center, before the DC Council Committee on Health & Human Services, pp. 3-4, March 3, 2016.

³ *Id.* at p. 5.

⁴ *Id.* at pp. 2-3.

⁵ *Id.*

⁶ CFSA FY15 Performance Oversight Responses, Q81-Q82.

⁷ CFSA FY16 Performance Oversight Responses, Q62-Q63.

⁸ CFSA FY16 Performance Oversight Responses, Q66.

⁹ CFSA FY16 Performance Oversight Responses, Q64. However, please note that this response is inconsistent with what CFSA reported to the Committee last year. Last year, CFSA reported that four children stayed at a hotel during the first few months of FY16, although none after November, 2015. CFSA FY15 Performance Oversight Responses, Q83.

¹⁰ CFSA FY16 Performance Oversight Responses, Q66.

¹¹ CFSA reports that during FY16, 100 children stayed in an emergency, short-term, respite, or otherwise temporary placement while awaiting long-term placement. CFSA FY16 Performance Oversight Responses, Q66.

¹² CFSA FY15 Performance Oversight Responses, Q77; CFSA FY16 Performance Oversight Responses, Q58.

¹³ When the placement crisis originally began, the *LaShawn* Court Monitor noted that the practice of keeping children overnight at CFSA’s offices was a “reoccurrence of an unacceptable practice that has not appeared at this level for many years.” Later in the same report, it noted that “[t]he experience of children spending nights at the CFSA office while awaiting a placement is an old problem that had been previously resolved and thus its re-emergence this monitoring period was discouraging.” Center for the

Study of Social Policy. (November 2015). *LaShawn A. v. Bowser Progress Report: For the Period January 1 – June 30, 2015*, p. 7, 99.

¹⁴ E-mail from Brenda Donald, Director, CFSA, “From the Director, CFSA: Announcing New Directions.” February 6, 2017.

¹⁵ *Id.*

¹⁶ *Id.* For a list of the current private agencies and the number of homes licensed by each, *see*, CFSA FY16 Performance Oversight Responses, Q84.

¹⁷ E-mail from Brenda Donald, Director, CFSA, “From the Director, CFSA: Announcing New Directions.” February 6, 2017.

¹⁸ *See, e.g.*, Testimony of Raymond Davidson, Director of CFSA, before the DC Council Committee on Health & Human Services, p. 3, March 3, 2016; Center for the Study of Social Policy. (November 2015). *LaShawn A. v. Bowser Progress Report: For the Period January 1 – June 30, 2015*, p. 7; Testimony of Damon King, Senior Policy Attorney, DC’s Children’s Law Center, before the DC Council Committee on Health & Human Services, pp. 3-4, March 3, 2016.

¹⁹ Testimony of Raymond Davidson, Director of CFSA, before the DC Council Committee on Health & Human Services, p. 3, March 3, 2016.

²⁰ *Id.*

²¹ CFSA FY16 Performance Oversight Responses, Q84.

²² Testimony of Damon King, Senior Policy Attorney, DC’s Children’s Law Center, before the DC Council Committee on Health & Human Services, p. 10, March 3, 2016.

²³ CFSA FY15 Performance Oversight Responses, Q19.

²⁴ Testimony of Damon King, Senior Policy Attorney, DC’s Children’s Law Center, before the DC Council Committee on Health & Human Services, p. 10-11, March 3, 2016 (citing CFSA FY15 Performance Oversight Responses, Q20).

²⁵ Testimony of Damon King, Senior Policy Attorney, DC’s Children’s Law Center, before the DC Council Committee on Health & Human Services, pp. 11-12, March 3, 2016.

²⁶ CFSA FY15 Performance Oversight Responses, Q20; CFSA FY16 Performance Oversight Responses, Q10.

²⁷ *Id.*; CFSA FY17 Budget Request Responses to the Committee on Health and Human Services, Q4..

²⁸ E-mail from Brenda Donald, Director, CFSA, “From the Director, CFSA: Announcing New Directions.” February 6, 2017.

²⁹ *Id.*

³⁰ *Id.*

³¹ CFSA FY16 Performance Oversight Responses, Q58.

³² Child and Family Services Agency. *Current Educational Services and Career Planning at the Child and Family Services Agency Comprehensive Analysis*, pp. 8-10.

³³ Previously, there had been a fairly rigid divide between career/employment services, which focused on non-college vocational training, and college advising. If a youth was deemed “college-bound,” he or she could not access most of OYE’s employment and career-related services.

³⁴ Child and Family Services Agency. *Current Educational Services and Career Planning at the Child and Family Services Agency Comprehensive Analysis*, pp. 8-10.

³⁵ CFSA FY16 Performance Oversight Responses, Q39.

³⁶ CFSA FY16 Performance Oversight Responses, Q46.