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Committee on Human Services  
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Public Roundtable:

Child and Family Services Agency's Response to the COVID-19 Public Health  
Emergency

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## **Introduction**

Good morning, Chairperson Nadeau and members of the Committee. My name is Tami Weerasingha-Cote. I am a Senior Policy Attorney at Children's Law Center<sup>1</sup> 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 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.

I appreciate this opportunity to testify regarding the response of the Child and Family Services Agency (CFSA) to the COVID-19 public health emergency and the impact that the pandemic has had on CFSA-involved children and families in the District. My testimony today will cover several topics, including education, child protective services investigations, and visitation, as well as other efforts CFSA is making in response to the pandemic.

### **CFSA Revised Attendance Reporting Procedures to Prevent Unnecessary Educational Neglect Investigations**

Prior to the start of the 2020-2021 school year, CFSA took proactive steps to ensure that the challenges of remote learning would not result in an avalanche of educational neglect referrals. Such referrals would have resulted in investigations that unnecessarily burdened families already struggling to cope with the pandemic and its economic consequences and wasted the agency's resources.

DC law currently requires students between the ages of 5 and 13 years who have 10 or more unexcused absences within a school year to be referred to CFSA.<sup>2</sup> Although schools are required to refer these students to CFSA, the accrual of 10 unexcused absences alone does not necessarily constitute educational neglect requiring CFSA involvement. Schools are expected to do further outreach and engagement with students and families to determine the underlying causes for the absences and assess whether there is an issue of educational neglect requiring investigation by CFSA.

Prior to the start of the pandemic, schools did not always do the outreach and engagement work they were supposed to do before and after referring these types of cases to CFSA. Anticipating that challenges caused by remote learning (including lack of access to technology) could lead to a spike in referrals, before the start of this school year CFSA updated its attendance reporting procedures and worked with schools directly to ensure schools had procedures in place to reach out to students and families struggling with attendance.<sup>3</sup> CFSA's updated procedures: detail the steps schools should take to reach out to students and families before 10 unexcused absences are accrued; explain CFSA's response options upon receiving a referral; and make clear that CFSA will only investigate referrals where the school's report includes "sufficient information to support an allegation of educational neglect," which is when "a student has missed an excessive amount of school as a direct result of action or inaction by the parent or caregiver."<sup>4</sup>

CFSA's guidance also explicitly recognizes the challenges families may encounter with remote learning. For example, the child may not have the appropriate technology to engage in remote learning or the child's parents may not be able to provide the necessary support because they work outside the home or are supporting multiple students in the household. CFSA encourages schools to consider whether these types of absences should be excused, and notes that such circumstances are "unlikely to constitute a child welfare concern."<sup>5</sup>

We are now a few months into the school year, and it appears that CFSA's revised attendance reporting procedures have been effective at preventing a large number of unnecessary educational neglect investigations. Although some students have, unfortunately, accrued 10 or more unexcused absences in this school year already, CFSA informs us that the majority of these cases are due to technology-related issues.<sup>6</sup> As a result, only a small number of absence-related referrals from schools have been screened in for further investigation of educational neglect. We commend CFSA for its proactive efforts to prevent unnecessary educational neglect investigations and for its work with schools to ensure children and families are not penalized for circumstances beyond their control that make it hard for them to participate in remote learning. We hope to see this approach continue even after the pandemic is over and students return to in-person learning.

## **CFSA Is Working to Support Remote Learning for Children in Foster Care, But Challenges Remain**

The transition to remote learning has been challenging for students and families across the District. As discussed above, some students lack access to appropriate technology, many parents are unable to support remote learning because they have to work, and the format of remote learning simply does not work for some children, including those with special needs. CFSA has taken some steps to mitigate these challenges for children in foster care. The Agency has been willing to provide devices and assist with access to Wi-Fi and, at this point in the school year, foster children generally have the technology they need to engage in remote learning. CFSA's policy, however, is that foster children should try to obtain devices and help with Wi-Fi from their schools first and rely on CFSA to bridge the digital divide as a backup option. While we appreciate that it is primarily the duty of the public-school system to provide devices and ensure access to internet for students, this policy resulted in some foster children having to wait weeks for devices at the start of the school year, depending on their school's ability to provide these resources. Further, some of our foster children with special education needs who are enrolled in non-public schools have had significant difficulty obtaining devices. As the pandemic continues and no end to remote learning is in sight, we ask CFSA to reconsider its policy on device distribution. Foster children should not be left without the tools they need to attend school while government agencies figure out who is responsible for helping them. CFSA should

promptly provide devices to foster children when needed and look to DCPS or charter schools for compensation or replacement devices after the child's needs have been met.

In addition to providing technological support, CFSA is working to support remote learning for foster children in other ways. CFSA is currently piloting Virtual Learning Hubs for foster children engaged in remote learning. The plan is for CFSA to offer a small stipend to foster parents willing to host foster children (in addition to their own) during the day and oversee virtual instruction, enabling the other foster parents to work or meet other obligations during the day. The goal of the program is to help stabilize placements that have been negatively affected by virtual learning during the pandemic. CFSA is also working to provide students in care with access to virtual tutoring. Finally, as DCPS and other public schools consider plans for reopening school buildings for specific groups of students, including children in foster care, CFSA is proactively working with DCPS and OSSE to ensure foster children are able to secure those seats as needed.

We commend CFSA for its work to support remote learning for foster children and the proactive approach the agency has taken with respect to school reopening. We must note, however, that foster families still need more help to effectively engage in remote learning – especially as it becomes clear that school (and life) will not be returning to normal anytime soon. Foster parents need additional financial support to provide students with the equipment and supplies they need at home (e.g., lap desks,

proper lighting, headphones, etc.). Foster parents also need solutions for childcare during school hours so they can work. The planned Virtual Learning Hubs program is a good start, but some families may require financial resources to pay for in-home care or other solutions that work for their specific situations. Providing this support is essential to foster children's ability to access their education and to placement stability. We urge CFSA to provide more resources to foster families who are struggling to make remote learning work.

### **Remote Learning Has Created New Burdens for Families with Children in Protective Supervision**

Even in the best of times, families with children in protective supervision often struggle to meet the expectations required of them to avoid further involvement with CFSA and the potential revocation of protective supervision and commitment of their children to foster care.<sup>7</sup> The pandemic has brought additional burdens to these families, including the challenges presented by remote learning. These challenges include: lack of access to adequate and appropriate technological devices for remote learning; unreliable or insufficient Internet access; and irregular cell phone access; as well as struggles associated with trying to help children with special needs engage in remote learning or simultaneously assisting multiple children in different grades with remote learning.

Although CFSA is supposed to provide these children with the same level of support as those in foster care, it has been our experience that children in protective

supervision are not receiving the resources or support that they need to successfully engage in remote learning. As a result, the burden associated with remote learning challenges is falling on parents that are already stretched to the limit between the pandemic, its economic fallout, and the circumstances that led their children to be placed in protective supervision in the first place. We urge the Agency to do more to support these families' efforts to engage in remote learning so that their children don't fall behind in their education and these families have a better chance of successfully staying together.

### **Lack of Personal Protective Equipment (PPE) Impedes Child Protective Services (CPS) Investigations**

CPS social workers are responsible for investigating reported allegations of child abuse and neglect to determine if the report is true or false.<sup>8</sup> Given the critical safety implications of this work, CFSA has prioritized keeping CPS investigations in-person as much as possible since the start of the pandemic. Unfortunately, because the city has not prioritized providing CPS investigators with the appropriate PPE, there are limits to what CPS investigators can do in person without taking on substantial risks of exposing themselves to the coronavirus.

As a result, in some cases CPS investigators have had to do significant amounts of work remotely, including sensitive interviews and safety inspections. Not only does this compromise the quality of CPS investigations, it compounds the trauma of children and families to discuss sensitive issues – including allegations of physical and sexual



abuse – over video calls. CPS investigations are an essential function of CFSA’s core mission of protecting children from abuse and neglect. CPS investigators’ need for PPE should be given the same priority as law enforcement and health care workers. We urge the Committee and the Council to ensure CFSA has funding for and access to the PPE needed for CPS investigators to be able to conduct their work in-person when needed without having to compromise their own health and safety.

### **Restrictions on Parent-Child Visitation Make Reunification Harder**

When a child has been removed from their family due to a finding of neglect, parent-child visitation is often an essential component of the path towards reunification. Parent-child visitation provides time for the child and parent to maintain, repair and strengthen their bond and gives the parent an opportunity to demonstrate improvements in their parenting abilities. The nature of the ongoing pandemic has inevitably impacted the ability of children to visit with their parents in person – the safety considerations of two or more households have to be taken into account, as well as the more complicated logistics of arranging safe in-person visits during this time.

CFSA has generally taken a case-by-case approach to parent-child visitation, working with foster parents, biological parents, children, and the social work team to assess options, work through safety protocols, and develop a consensus approach to visitation in each individual case. CFSA has also provided updated guidance to families regarding safety checks and parameters for visitation during the pandemic. In

some cases, families have been able to do socially-distant in-person visits with safety precautions in place. In other cases, unfortunately, only virtual visits have been possible.

We commend CFSA for its thoughtful and individualized approach to visitation. We must recognize, however, that restrictions on parent-child visitation are taking a significant toll on the relationships and mental health of children who are unable to see their parents, siblings, and other family members in person. As the pandemic continues to stretch on, these restrictions are starting to impact the trajectories and ultimate resolution of certain cases. We are finding that restrictions on in-person parent-child visits are making reunification harder to achieve and therefore less likely – especially within the timeframes generally set by CFSA (which are driven by federal requirements).

Infants and toddlers have been particularly impacted by pandemic restrictions on visitation. The fragility and vulnerability of children this age often make in-person visits untenable from a safety perspective. Early childhood and infancy, however, are critical times for the development of the parent-child bond and children this age are less able to engage with their parents in virtual settings.

We appreciate that CFSA is aware of the impact of these restrictions and limitations on parent-child visitation. We urge the Agency to consider supporting additional visits (including multiple visits per week), where pandemic restrictions have

resulted in short or less substantive visits. We also ask this Committee and the Council to support CFSA's efforts to mitigate the impact of the pandemic on visitation and case trajectories – including potentially extending timelines for reunification.

### **Extended Care is Working, but Presents Additional Challenges as the Pandemic Continues**

Young people aging out of foster care already face significant challenges as they transition into adulthood, such as finding employment, securing housing, and paying for rent and transportation. The pandemic, however, has made these challenges even more formidable. For this reason, we supported Chairperson Nadeau's legislation this past spring that gives youth who would otherwise "age out" of care during the pandemic the option of staying in foster care for up to 90 days after the end of the public health emergency.<sup>9</sup>

Giving older youth additional time to prepare for this critical transition during this exceptionally challenging time has provided much relief for many of our clients. Many of the foster youth that we work with have expressed heightened feelings of anxiety and stress as a result of the pandemic, which derailed the plans of many young adults preparing for independence after foster care. Therefore, the extra time in care that DC is now offering to those who turn 21 during the pandemic has been life-changing, allowing these individuals to enter into adulthood feeling more secure about their future.<sup>10</sup>

Though this temporary continuation of foster care has been greatly beneficial to

the lives of older youth, challenges related to implementation are emerging as the duration of the pandemic lengthens. The foster care system isn't designed to meet the needs of adults and as time goes on, it is harder for the existing structures to support youth in extended care. CFSA group homes and foster homes, for example, are generally unwilling to accept new placements for adults. This hasn't been an issue where the youth is already in a stable placement – but if placements disrupt, it is much harder for CFSA to find a new placement for youths in extended care who are over the age of 21.

It's our understanding that CFSA wants to find ways to meet the needs of youth in extended care by helping them make progress towards independence. We look forward to working with them to develop effective strategies for serving this population while they remain in care and ask for the Committee's support in this work.

### **Community Respite Center Has Seen Minimal Use and Is Changing Locations**

As part of the Agency's response to the pandemic, CFSA contracted with Sasha Bruce to set up and staff a Community Respite Center designed to quarantine children in care who have been exposed to the coronavirus. It's our understanding and experience, that the number of children that have been quarantined at this facility since it opened in June has remained quite low. In October, the location of the Community Respite Center changed from a hostel in Southeast to the Capital Skyline Hotel. It's our understanding that an entire floor of the hotel now serves as the Community Respite

Center and the rest of the hotel is being used by the Department of Human Services.

According to CFSA, the Community Respite Center floor is staffed around-the-clock by Sasha Bruce and there is security present on the floor and at the elevators.

We acknowledge and appreciate CFSA's proactive pandemic response in setting up the Community Respite Center. At the same time, we are relieved to see the need for the facility has been quite minimal to date and hope that continues through the remainder of the pandemic.

### **Child Abuse Hotline Referrals Have Decreased Significantly**

One final area of concern we want to bring to the Committee's attention is the steep decline in the number of calls to CFSA's emergency hotline since the start of the pandemic. The stressors that many parents are experiencing such as unemployment and financial insecurity, coupled with mandatory isolation and social distancing policies, have put many vulnerable children at risk for abuse or neglect.<sup>11</sup> School and daycare closures have further isolated children from the adults who are most likely to spot signs of abuse and neglect and report it to CFSA.

According to CFSA, the total number of hotline calls through June of this year has decreased by 32%, compared to the same time period last year. Further, when comparing April through June of this year to the same period last year, the total number of hotline calls has decreased by 63%.<sup>12</sup> The majority of these calls are made by child day care providers and school personnel, who normally comprise "60 to 75 percent of

[CFSA's] typical hotline calls," according to CFSA Director Brenda Donald.<sup>13</sup>

Meanwhile, ER doctors across the country, including in the District, have reported spikes in the number of children admitted to the hospital for child abuse during the pandemic.<sup>14</sup> In addition to these severe cases requiring hospitalization, there are likely many more that will go unnoticed and unreported as the public health crisis continues.

CFSA is aware of these troubling facts and it's our understanding that CFSA is taking steps to work with schools and teachers to help them identify signs of child abuse and neglect in a virtual setting.

More broadly, however, we know that one of the best ways to prevent child abuse is to support families. The pandemic has only made it harder for families on the edge to survive. Our most vulnerable children and families are bearing the brunt of the public health crisis and the economic fallout. Meeting the most essential needs of families – housing, food security, access to mental health services – will go a long way towards enabling children to stay safely with their parents and avoid the trauma of entry into foster care. We urge the Council and the all the human services agencies to continue to work to relieve the enormous strain currently on children and families.

## **Conclusion**

Thank you for the opportunity to testify today. I welcome any questions the Committee may have.

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<sup>1</sup> 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 nearly 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.

<sup>2</sup> D.C. Code § 38-208(c)(1)(A).

<sup>3</sup> See, CFSA, *School Year 2020-21 School Personnel*, retrieved from: <https://cfsa.dc.gov/page/school-personnel>. See also, CFSA, *School Year 2020-21 Operating Procedures in Response to Student Attendance Concerns*, (August 28, 2020), retrieved from: [https://cfsa.dc.gov/sites/default/files/dc/sites/cfsa/publication/attachments/CFSA\\_SY2020-21%20Attendance%20Reporting%20Procedures\\_Final.pdf](https://cfsa.dc.gov/sites/default/files/dc/sites/cfsa/publication/attachments/CFSA_SY2020-21%20Attendance%20Reporting%20Procedures_Final.pdf).

<sup>4</sup> See, CFSA, *School Year 2020-21 Operating Procedures in Response to Student Attendance Concerns* at pages 3 - 6.

<sup>5</sup> *Id.* at 3.

<sup>6</sup> It should also be noted that each Local Education Agency (LEA) determines what constitutes an “unexcused absence” and how to track attendance for remote learning. As a result, some portion of the students who have been reported to CFSA for accruing 10 or more unexcused absences this year have been identified as such due to the particular parameters for attendance set by their schools’ LEA.

<sup>7</sup> Pursuant to D.C. Code § 16-2320, the court may place a child found to be neglected in protective supervision, meaning that the child is permitted to remain with their parent, usually under specific conditions the parent is obligated to meet. These conditions typically involve treatments or programs the parent must complete and/or the parent ensuring the child receives certain services. If the parent fails to meet these conditions, the agency may petition the court to revoke protective supervision and place the child in foster care. See, D.C. Code § 16-2301(19). See also, Council for Court Excellence, *Practice Manual for Child Abuse and Neglect Cases in the District of Columbia*, page 115 (Third Edition, 2018), retrieved from: <http://www.courtexcellence.org/uploads/publications/ChildAbusePracticeManual3dEd.pdf>.

<sup>8</sup> See, CFSA, *When Child Welfare Investigates Your Family*, (May 1, 2010), retrieved from: <https://cfsa.dc.gov/page/when-child-welfare-investigates-your-family>.

<sup>9</sup> D.C. Code § 16-2303(b).

<sup>10</sup> Theresa Vargas (October 14, 2020). *She will ‘age out’ of foster care in two months. Her hope: That lawmakers will make sure young people like her aren’t pushed out during the pandemic*, The Washington Post, retrieved from: [https://www.washingtonpost.com/local/she-will-age-out-of-foster-care-in-two-months-her-hope-that-lawmakers-will-make-sure-young-people-like-her-arent-pushed-out-during-the-pandemic/2020/10/14/ffc4a28e-0e50-11eb-b1e8-16b59b92b36d\\_story.html](https://www.washingtonpost.com/local/she-will-age-out-of-foster-care-in-two-months-her-hope-that-lawmakers-will-make-sure-young-people-like-her-arent-pushed-out-during-the-pandemic/2020/10/14/ffc4a28e-0e50-11eb-b1e8-16b59b92b36d_story.html). Children’s Law Center, *Turning 21 During a Pandemic* (April 17, 2020), retrieved from: <https://www.childrenslawcenter.org/article/turning-21-during-pandemic>.

<sup>11</sup> Samantha Schmidt (August 19, 2020). *The Centers helping child abuse victims have seen 40,000 fewer kids amid the pandemic*, The Washington Post, retrieved from: [https://www.washingtonpost.com/dc-md-va/2020/08/19/child-abuse-victims-plunge-pandemic/?hpid=hp\\_hp-top-table-main\\_virus-childabuse-702pm%3Ahomepage%2Fstory-ans](https://www.washingtonpost.com/dc-md-va/2020/08/19/child-abuse-victims-plunge-pandemic/?hpid=hp_hp-top-table-main_virus-childabuse-702pm%3Ahomepage%2Fstory-ans).

<sup>12</sup> CFSA, *Hotline Calls by Referral Type*, retrieved from: <https://cfsadashboard.dc.gov/page/hotline-calls-referral-type>.

<sup>13</sup> Brenda Donald on The Kojo Nnamdi Show, WAMU 88.5 (May 12, 2020), retrieved from: <https://thekojonnamdishow.org/shows/2020-05-12/how-the-child-welfare-system-is-handling-the-pandemic>.

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<sup>14</sup> Samantha Schmidt and Hannah Natanson (April 30, 2020). *With kids stuck at home, ER doctors see more severe cases of child abuse*, The Washington Post, retrieved from: <https://www.washingtonpost.com/education/2020/04/30/child-abuse-reports-coronavirus/>