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Testimony Before the District of Columbia Council
Committee on Health & Human Services
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Public Hearing:
PR-167 Director of the Child and Family Services Agency Raymond Davidson
Confirmation Resolution Of 2015

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Introduction

Good morning Chairman Alexander and members of the Committee on Health and Human Services. My name is Judith Sandalow. I am the Executive Director of 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 child in DC 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. Each year we serve as guardians *ad litem* for hundreds of children in foster care and represent foster parents and relatives of children who are in or at risk of entering the child welfare system.

Children's Law Center has a longstanding policy of not taking formal positions on mayoral appointments. However, since the choice of director should be informed by an understanding of the current state of the District's child welfare system, I am providing testimony today that I hope will lay out the challenges currently facing the agency and the tools that will be necessary to tackle them.

CFSA is an agency in transition. More than three years ago, CFSA leadership set the goal of becoming an agency that removed fewer children from their homes and, instead, served children and families through a network of community-based services that would keep children safely at home and help families to address their needs and challenges. This remains the right goal for the agency, and, thanks to major shifts in

philosophy, staffing, and programming, the agency has started down the path toward achieving it. The incoming director has the challenge of taking these important policy shifts and ensuring that programs and resources are available to make these changes successful, that both CFSA and private agency staff have the training and guidance to effectively implement these new policies, and that decisions include the perspective and input of community stakeholders, including foster parents, lawyers and other service providers.

Supporting Families When Children Remain at Home

Over the past three years, the agency “narrowed the front door” to the District’s foster care system through two key reforms. First, as part of its differential response system, it implemented a process called family assessment, which diverted low-risk families from the full investigation process and offered them access to services.² Second, it identified families in which abuse or neglect had occurred, but which were stable enough for children to remain safely with their parents as long as some support was provided. The agency then adapted its removal policies so that more of these families would be served through “in-home cases” – monitored and supported by CFSA social workers without their children being removed.³

These new practices have brought about significant changes in where the agency needs to focus its resources. As of June, 2014, more than 60% of open CFSA cases were for “in-home cases” rather than out-of-home cases (foster care with relatives or foster

parents) and hundreds of families have been diverted away from investigations altogether and into Family Assessment.⁴ In practice as well as in theory, the agency now uses removal as a last resort and has created multiple levels of agency intervention for families it deems lower-risk.

Families with In-Home Cases

Now that CFSA has reduced the flow of children into the foster care system, it must ensure that it is adequately serving the children who in years past would have been removed, but are now at home with parents. On this count, the agency still has a lot of work to do. While the agency has previously announced the availability of a range of new services for these children and families, many of these services are only recently or partially launched.⁵ In short, the services are not yet reaching many of the families who need them. There is also no information about how effective these services are in addressing families' needs or whether they are the right services to help stabilize families. Completing the launch of services and then gathering outcome data and feedback from families and stakeholders to inform further programming decisions will be important tasks for CFSA's next director.

In addition to assessing the adequacy and quality of programs for in-home families, the new director will need to take a close look at the agency's practice – whether the agency is doing an appropriate job of monitoring in-home cases, engaging with children and families, case planning, referring families to appropriate services in

the community, and ensuring that the family successfully receives those services. While noting the agency' progress in a number of areas, the most recent report from the *LaShawn* Court Monitor indicates that, in the area of case planning and promoting safety, permanency, and well-being, the agency continues to struggle, and such struggles are more pronounced in in-home cases than out-of-home ones.⁶ We continue to believe that, when it can be done safely, it is better to serve families at home than through removal and foster care. However, in a system in which more than 60% of families are served at home and children are unlikely to be removed absent immediate safety concerns, it is important that the new director carefully examine the performance of the agency's in-home staff and ensure that families served through in-home cases are receiving the level of support they need to overcome their challenges.

Family Assessments

The next director will also have to address the large number of families who turn down the support that is offered during the Family Assessment process (more than one-third of closed cases in FY14).⁷ While it may be natural for some families to hesitate to work with a child welfare agency, ensuring high rates of family participation is essential to building a differential response system that actually serves low-risk but still vulnerable families, getting them the help that they need.

Reforming Services for Children in Foster Care

Not to be forgotten is the fact that the District's foster care population, while smaller than in the past, still numbers more than 1,000 children.⁸ While we applaud CFSA's efforts to ensure that fewer children enter foster care, there are a number of issues that need to be addressed in order for children in care to be served as they should be.

Foster Homes & Placement Matching

The first is what we believe to be a crisis around the availability of foster care placements as well as appropriate placement matching. In recent months, our attorneys have increasingly reported that the agency has had difficulty finding foster homes for foster youth. Affected foster youth have included children entering care for the first time and children who are already in foster care but, for one reason or another, can no longer remain in their current foster homes. This problem is particularly acute for teenagers, as well as younger children with significant mental or behavioral health needs, and is deeply concerning. If the agency does not have a sufficient number of available foster homes for the children currently in its care (or for certain sub-groups), that puts children – who are in the District's custody precisely because of safety issues in their homes – at risk of significant emotional harm by leaving them in temporary or rapidly-deteriorating placements while awaiting new foster homes. Further, particularly for older foster youth who are trying to complete tasks to prepare themselves for independence, uncertainty and instability surrounding their foster

homes can seriously impede their progress – it is difficult to finish school, complete a training program, or search for or hold down a job, for example, if you do not know where in the District or Maryland you will be living next week.

Mr. Davidson and his senior staff have met with members of the community to discuss this problem, and he has acknowledged that short and long term steps need to be taken. If confirmed, he will need to take immediate action on this issue. In the short term, he must be creative – possibly reaching out to Maryland foster care agencies or creating a professional foster parent program to meet the urgent need today. In the long term, the agency must come up with a strategy to ensure that there are enough foster parents, that there are foster parents available to take children and youth with varying needs, and that the agency provides the training and support which will prevent the repeated disruptions that we are now seeing.

Services for Teenagers & Young Adults in Foster Care

Beyond this placement issue, the agency has also struggled for a number of years to effectively prepare teenagers and young adults for the transition to adulthood – a significant problem given that teenagers now make up just over half of the foster care population.⁹ When young people enter the system and are committed to CFSA's custody, the agency has a responsibility, not just to ensure their day-to-day well-being, but to lay the foundation for their growth and gradual transitions to the adult world. Building this foundation includes helping youth to develop and maintain relationships,

both inside and outside the foster care system, which will provide stability as they navigate major life changes. It also includes providing youth with individualized support on topics such as college preparation, employment, and career planning early enough in their time in foster care that they can make meaningful decisions about their futures. Finally, for young people who do struggle after they leave the foster care system, it means ensuring that aftercare and other services can effectively meet their needs and help them get back on their feet.

In the area of preparing foster youth to transition to adulthood, the agency has performed unevenly. As I noted during oversight, a more than two-thirds of youth who emancipated from foster care at age 21 in FY14 were unemployed.¹⁰ Youth who enrolled in college struggled to graduate.¹¹ In our work, we have seen far too many young people leave foster care with unclear prospects for their futures and frayed support networks. We expect the new director to take advantage of the opportunity that this period of low foster care census presents to thoughtfully and thoroughly reform these services.

Based on the experiences of our attorneys who work with foster youth, we believe that one of the major causes of poor outcomes for youth transitioning to adulthood is that CFSA offers services to youth only once they reach their late teens – too late for youth to actually make plans for their futures or prepare for post-high school education and training. As you know, Chairman Alexander, we have advocated

for CFSA to expand the availability of its college, employment, and vocational services to reach youth at the beginning of high school, so they can begin preparation earlier.

We thank you, Chairman Alexander, for including a request for feasibility and cost studies from CFSA regarding older youth service expansion in this Committee's FY16 Budget Report, and believe that one of the most important tasks for the incoming director will be the implementation of these much-needed service expansions. Given that the foster care population continues to trend older, teen services reform will be a pivotal event in this agency's development, and getting it right is crucial.

Similar to teen services, aftercare services are in need of re-examination and reform as well. As you know, Chairman Alexander, former foster youth have testified at multiple hearings at CFSA that there is a disconnect between the current youth aftercare program and their needs. The agency's leadership must take steps to address this so that young people feel fully supported as they enter the final stages of transitioning to adulthood.

CFSA's Role in the Larger Child Welfare System

My testimony has focused on the work that must occur within CFSA. The agency, however, is just one player in the child welfare system. Children will not be safe nor thrive without strong families (birth, foster, kinship and adoptive), strong advocacy from lawyers, wise decisions by judges, and an array of supportive services provided by private and governmental child-serving agencies. The incoming director will only

succeed if he works closely with these groups, hearing their perspective, building their capacity and keeping them informed about the agency's practices and policies. During Mr. Davidson's short tenure as acting director, he has actively sought the input and advice of Children's Law Center and of such groups as the Foster and Adoptive Parent Advocacy Center. Also, in collaboration with the Collaboratives, Mr. Davidson recently hosted a Youth Aftercare Forum in which he involved a range of stakeholders to discuss the current state of aftercare services.

Conclusion

In my testimony before this Committee over the last few years, I have noted that CFSA has made remarkable progress in remaking itself as an agency that serves children and families in a way that is more responsive to their unique needs and circumstances.

While this progress is very real, it is also still fragile, and important challenges remain.

As you speak with Mr. Davidson today, I urge you to discuss his plans to address the challenges. And, Chairman Alexander, we hope that in the months and years to come, you and your Committee members will work closely with agency leadership and stakeholders to ensure that these and other needed reforms are carried through to completion.

Thank you for the 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 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 CFSA FY 2014 and FY 2015 (1st Quarter) Responses to the DC Council Committee on Health & Human Services Oversight, Q43.

³ See, *LaShawn* Court Monitor Report, November 17, 2014, p. 63.

⁴ In June, 2014, CFSA had 1,818 open in-home cases and 1,141 out-of-home cases. 61.4% of cases were in-home cases. *Id.*, pp. 10, 102. CFSA has continued referring eligible children and families for Family Assessment rather than investigation, with 2,428 Family Assessment referrals in FY14. CFSA FY 2014 and FY 2015 (1st Quarter) Responses to the DC Council Committee on Health & Human Services Oversight, Q19(b).

⁵ As I noted in my Performance Oversight testimony, newly-launched or partially launched services include family crisis intervention services, family reunification services, community-based maternal/infant health specialists, and community-based behavioral health specialists. See, Testimony of Judith Sandalow, Executive Director of DC's Children's Law Center, before the DC Council Committee on Human Services, p. 7, February 18, 2015.

⁶ *LaShawn* Court Monitor Report, May 15, 2015, pp. 78-83, 120-124.

⁷ Of the 2,181 Family Assessment cases that closed in FY14, 37.5% (818 cases in all) closed due to the family declining participation. Only 8.8% of case closures (191) closed due to referrals to a Collaborative, DHS, or Mary's Center for further services. CFSA FY 2014 and FY 2015 (1st Quarter) Responses to the DC Council Committee on Health & Human Services Oversight, Q43(h).

⁸ As of December 31, 2014, there were 1,068 children in foster care. CFSA FY 2014 and FY 2015 (1st Quarter) Responses to the DC Council Committee on Health & Human Services Oversight, Q44.

⁹ As of December 31, 2014, 52.7% of foster youth were ages 13 through 20. *Id.*

¹⁰ The percentage actually rose in FY14 from 50% in FY13 to 69.9%. Part of this increase was due to a reported increase in the number of youth who were disabled and unable to work, but the leading non-disability causes were "early case closure" and "not engaged." CFSA FY 2013 and FY 2014 (1st Quarter) Responses to the DC Council Committee on Human Services Oversight, Q21(a); CFSA FY 2014 and FY 2015 (1st Quarter) Responses to the DC Council Committee on Health & Human Services Oversight, Q67(a).

¹¹ CFSA reported 93 youth as enrolled in college in FY14. During the same period, 32 youth (about one-third) dropped out. The problem of foster youth not completing college is actually a recurring one. For example, the agency noted in its 2013 Needs Assessment that its FY13 college graduation rate was only 18%, reflecting the difficulty that foster youth face completing college. CFSA FY 2014 and FY 2015 (1st Quarter) Responses to the DC Council Committee on Health & Human Services Oversight, Q72. CFSA 2013 Needs Assessment, p. 25.