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Committee on Human Services
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Good morning Chairwoman Nadeau and members of the Committee on 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 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. Children's Law Center recognizes and applauds numerous CFSA's Fiscal Year 2019 successes and, as advocates for the city's youth, we also lift up the areas where the agency's performance needs improvement.

The Tale of Two Agencies

Each year we strive to submit coherent comments on the performance of the Child and Family Services Agency (CFSA) based on the written responses provided by the Agency in response to this Committee's oversight answers and our experiences representing the best interests of hundreds of children in foster care and representing or working with hundreds of foster parents and relative caregivers. Once again, we tell the tale of two agencies because CFSA's outcomes are so varied. In some areas CFSA has exceeded all expectations and shown the D.C. Council (and the nation) why it is considered a national leader in the child welfare community. At the same time, the

children in CFSA's care have had outcomes and experiences that are undeniably unacceptable.

Positive Steps Forward

During FY19, CFSA showed determination and creativity in some critical programmatic areas. For example, CFSA was the first child welfare agency in the country to submit a statewide prevention plan pursuant to the federal Family First Prevention Services Act. The Agency plans to use 13 evidence-based practices to keep more children from coming into foster care. We congratulate the Agency's leadership including Director Brenda Donald, Ms. Natalie Craver, and Deputy Director Robert Matthews for making CFSA the first state agency to have a Children's Bureau approved prevention plan and for strategically obtaining an extension for its Title IV-E Waiver funding so that it could maintain existing prevention services.

Since last February, when we voiced our concern about the lack of transparency of CFSA's Family First planning process, the Agency has been far more open to input and feedback from advocates and community members. We have found CFSA to be more inclusive and candid regarding its Family First Act Services implementation and evaluation plans, although we have heard that the Agency has not been very open about its kinship navigator program plans.

The Agency's plan for primary prevention, i.e., Families First DC, also focuses on community engagement. In FY19, CFSA chose nine nonprofits in Wards 7 and 8, to

operate 10 DC Success Centers. The Centers will work with Community Advisory Councils, comprised of neighborhood leaders, to identify services that will be beneficial to their community and provide referrals to services. We are hopeful that the DC Success Centers will generate demonstrable positive outcomes for Ward 7 and 8, and we have been very impressed with the transparent and thoughtful way in which the Agency is planning to evaluate the programs.

CFSA's creation of an in-house mental health provider unit and its support for the Close Relative Caregiver's Subsidy Pilot are two good examples of the Agency's responsiveness to needs expressed by community members and advocates. In an effort to address a critical barrier to children's wellbeing, CFSA hired in-house mental health providers who provided individual therapy for 73 children in foster care during FY19. Given the ongoing challenge of timely connecting youth in care to quality mental health services, this is an important way to address a critical need. In just five months, the Close Relative Caregiver Pilot program is serving 12 caregivers, and 22 children are benefiting from this expanded support.

New and Ongoing Concerns

Unfortunately, despite this programmatic progress, CFSA failed to improve in a few areas that are absolutely essential to the wellbeing of children in foster care. The objective data undeniably demonstrates what we have observed representing children, kin and foster parents: CFSA does not have enough foster parents able, willing, and

properly supported to successfully meet the range of needs of the children coming into care.

In her December 2019 letter to District Court Judge Hogan, who oversees CFSA's progress in the *LaShawn v. Bowser* class action, Ms. Judy Meltzer, the Court Monitor and then Executive Vice President of the Center for the Study of Social Policy, acknowledged that CFSA's placement challenges have continued. Specifically, she wrote that "children have continued to stay overnight in the CFSA office building while stable placements are identified, and placement instability has increased for one cohort of children (children in care less than 12 months)."² In order to complete the Exit and Sustainability Plan (ESP) and thereby exit *LaShawn*, CFSA cannot have any children stay overnight in the Agency. However, from April 2019 to November 2019, "31 unique children experienced 60 overnight night stays at the Agency."³ This data is troubling because (1) they show an increase in the number of children who stayed overnight at the Agency compared to 2018;⁴ and (2) the data supports the conclusion that CFSA has yet to solve its placement crisis.

Children spending a night or two at CFSA is just one problem caused by the placement crisis. Children in CFSA's care are also experiencing a significant amount of placement instability. In FY19, approximately 22% (n=176) of the 796 youth in CFSA's care experienced three or more placements. This data point was nearly identical last year.⁵ For years, we have shared with this committee the research about the traumatic

impact that placement disruptions can have on youth in care. It is not uncommon for youth in care to experience significant behavioral and emotional health decline when they must move to a new foster parent. When foster children are bounced from foster home to foster home, they struggle to form healthy attachments to adults,⁶ which in turn makes it harder for them to be open to the prospect of reunifying with their parents or being adopted by their foster parents. For the sake of the permanency and wellbeing of the children in its care, CFSA must improve placement stability.

Lastly, Children's Law Center is extremely troubled by the data on the mental health of middle school aged children. In FY19, 118 children in CFSA's care experienced at least one episodes of psychiatric hospitalization.⁷ This is a dramatic increase from the 15 children who experienced at least one episode of psychiatric hospitalization in FY18. Fifty of the children who were psychiatric hospitalized in FY19 were between the ages of 11 and 14, almost half of the 108 children in CFSA's care in that age range. This dramatic increase warrants the Committee's attention. It would be beneficial for the committee to learn the reasons for and efficacy of hospitalizing these youth. We are particularly concerned because some of the children that we represent experienced concerning unsafe incidents occur while they were psychiatrically hospitalized. Most important, we urge the Committee to learn what plans CFSA has address this deeply disturbing trend.

Conclusion

CFSA launched some important new programs this year. However, as my testimony and that of my colleague Aubrey Edwards-Luce illustrates, there was little improvement in several key areas and some significant and negative outcomes. The small population of youth in foster care gives the Agency an advantage as it focuses on meeting the individualized needs of DC's children. As we look forward to 2021, we ask the committee to ensure that CFSA has the resources it needs to address the placement crisis and improve on core outcomes necessary to truly give our children the safety and stability they need. Thank you.

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

² Letter from Judith Meltzer, Current President, Court Appointed Monitor, *La Shawn A. v. Bowser*, to The Honorable Thomas F. Hogan, (Dec. 10, 2019), Regarding *LaShawn A. v. Bowser*, Civil Action No. 89-1754 (TFH) Current Placement Data and Placement Commitment Updates.

³ *Id.*

⁴ In 2018 between January and June, 10 children stayed overnight in the agency, which indicates an increase in FY19. See Center for Study of Social Policy, *Lashawn A. v. Bowser Progress Report for The Period July 1, 2018 – March 31, 2019*. Table One, Available at: <https://cssp.org/wp-content/uploads/2019/06/LaShawn-A-v.-Bowser-Progress-Report-for-Period-July-2018-March-2019.pdf>.

⁵ In FY18, approximately 22% (n=189) of the 839 youth in CFSA's care experienced three or more placement episodes. See Children and Families Service Agency, *FY2018 Performance Oversight Responses*, response to Q80a. Available at: <https://dccouncil.us/wp-content/uploads/2019/02/cfsa19.pdf>.

⁶ B. Troutman, et al., (ND). *The Effects of Foster Care Placement on Young Children's Mental Health*. University of Iowa Hospitals and Clinics. Available at: https://www.healthcare.uiowa.edu/icmh/archives/reports/Foster_Care.pdf.

⁷ See Children and Families Service Agency, *FY2019 Performance Oversight Responses*, response to Q31e. Available at: <https://dccouncil.us/wp-content/uploads/2020/02/cfsa20.pdf>.