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Committee on Human Services
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Public Oversight Roundtable:
The Implementation of the Child and Family Services Agency's Safety Planning and
Informal Family Planning Arrangement Policies

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Introduction

Good afternoon, Chairperson Nadeau, and members of the Committee on Human Services. My name is Tami Weerasingha-Cote. I am the Supervising 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 stable 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.

Thank you for holding this public roundtable on the implementation of the Children and Family Services Agency's (CFSA) safety planning and informal family planning arrangements (IFPA) policies. Over the last few years, CFSA has increased its focus on prevention which has included building out policies like the two we are discussing today. Children's Law Center is supportive of CFSA's prevention efforts and shares the agency's goal of keeping children safe and together with their families whenever possible. In many ways, removal is the easy choice for the agency – it is much harder to parse out situations where families can safely stay together and provide them with effective supports that remediate risk of harm to the child. We therefore commend CFSA for not defaulting to removal in all circumstances, but rather working to build a nuanced system that views removal as a last resort.

Over the past two years, CLC has testified to these efforts during performance oversight.² We have shared our concerns with the transparency, communication, and accountability around CFSA's safety plan and informal family arrangement policies. We asked the agency to work with CLC on addressing concerns and strengthening these policies. CFSA did just that prior to releasing updated policies in July 2022.³ We want to thank the agency for reviewing and updating the policies as well as for engaging CLC in the process. Transparency and communication with community stakeholders is critical for CFSA to strike the balance of keeping families together whenever possible but also not leaving children in dangerous or fatal situations. We appreciate their engagement and partnership in this work.

CLC, however, remains concerned that safety planning and IFPA policies do not go far enough in creating the transparency, communication, and accountability necessary to strike this balance. There is immense value to these policies, and CLC hopes to continue to work with the agency to get them right for District families - so that families who need help can receive the supports they need to stay together safely without unnecessary government intrusion or monitoring.

Safety Planning and Informal Family Planning Arrangements Policies are Valuable Tools for CFSA's Prevention Work

CFSA's safety planning and IFPA policies are critical tools in the agency's efforts to keep families experiencing child welfare concerns out of the foster care system whenever possible. Each year, Children's Law Center attorneys serve as guardians-ad-

litem (GALs) for several hundred children in foster care and protective supervision – approximately half of all children in the care and custody of CFSA.⁴ GALs typically become involved in a case at the time when the Family Court makes the decision to remove the child(ren).⁵ During this process, GALs often learn a great deal about CFSA’s efforts to avoid removal and the reasons for bringing children into foster care.

Our GALs also witness firsthand the trauma and negative outcomes that result when a child is removed from their family. As a result, we feel strongly removal should be a last resort and families should be given the time and support they need to be part of the solution of addressing concerns regarding their child’s safety and well-being. Safety planning and IFPAs – when implemented effectively – are critical tools that support this goal.

Robust Data Collection Efforts Are Critical to Effective Safety Planning and Informal Family Planning Arrangements Policies

Striking the right balance between keeping families together whenever possible and prioritizing child safety is a challenging endeavor. Transparency and communication are needed for community stakeholders to understand how CFSA intends to strike this balance – and accountability is necessary for us all to assess how successfully we are striking the right balance and determine whether adjustments to policy or practice must be made.

As noted in our performance oversight testimony earlier this year, we believe that robust data tracking is needed for us to understand the efficacy and impact of these

policies and practices.⁶ It is critical to understand how the agency intends to track the use, quality, and impact of safety plans and IFPAs – including outcomes for families and kids (whether they ultimately end up in the system) – and the extent to which families receive services and supports.

During the pop-up briefing in August, CFSA shared new information regarding data collection for both safety plans and IFPAs. For IFPA the agency is collecting (1) demographics of the caregiver, children, and identified caregiver; (2) description of the situation which allowed for the IFPA (e.g., non-offending parent acted, use of family/kin to support, etc.); (3) description of the circumstances/incident that contributed to the creation of the plan; and (4) list of services that were offered and explained.⁷ We believe this is a great starting point and are glad to see the agency sharing more data tracking information. We feel strongly, however, that the agency's data collection efforts for IFPAs must go further. CFSA should also track and report: (1) whether families actually used any of these services offered; and (2) outcomes for those children and families in the short and long term. This information is essential if we are to evaluate whether IFPAs are successfully keeping kids out of the foster care system – or whether they are leaving children and families stranded without the interventions they need.

CFSA also shared their data collection approach to safety planning during the pop-up briefing, including tracking: (1) the number of safety plans (total and by

administration); (2) whether the child remained with the family at the expiration of the safety plan; (3) how many cases were community papered during the safety plan or after the plan expired; (4) how many children were removed during the safety plan or after the plan expired; (5) the number of IFPAs accompanying safety plans; and (6) number of cases resulting in new hotline reports (and of these, how many cases resulted in removal).⁸ CFSA also shared that their Child Information Systems Administration is working to ensure these plans are tracked and reported in their new Comprehensive Child Welfare Information System (STAAND), and that over the next six months the agency intends to comprehensively review safety plan quality and identify any systemic barriers while standardizing successful implementation.⁹

We are pleased that CFSA is redefining tracking and reporting tools to work towards accurately reporting the outcomes of these plans. We look forward to CFSA sharing more of this data in the coming months.

Updated Safety Planning and Informal Family Planning Arrangements Policies Do Not Fully Address Implementation Concerns

Although we appreciate CFSA's efforts to update its safety planning and IFPA policies this year and the agency's engagement with us in this process, we still have serious concerns around implementation that have not been sufficiently addressed by the agency's revised policies and we believe additional changes are needed for stronger, more effective policies.

Policies Should Address Specifics of When Safety Plans and Informal Family Planning Arrangements s Will Be Used

Although the written policies provide information regarding the “circumstances warranting a safety plan” and when IFPAs may be used,¹⁰ it remains unclear at what points during CFSA’s relationship with a family these tools may be used. For example, the safety plan policy seems to contemplate that it could be used after an investigation into a hotline call, but also for families with open cases after a child has been removed. Depending on where the family is in its relationship with the agency, it appears that certain aspects of how the safety plan is implemented (which social worker is working with the family on the safety plan, how families can access services, which services can be accessed) and the potential legal implications of the safety plan could shift. Because of this, it would be helpful to specify how safety planning works at different points in a case. It would also be helpful to get an understanding of how the agency expects these different policies to interact (i.e., when one might be used over the other, whether/when they can be used concurrently, etc.).

CFSA Should Make it Clear that Safety Plans Will Not Be Used Against Families in Court

We appreciate that CFSA responded to several of our comments on the draft revised safety planning policy and sought to address some of the challenging legal and power dynamics in safety planning in the revised policy (including making several improvements to the language of the safety planning form). We believe, however, that in order for families to participate in safety planning effectively and without feeling

coerced, the agency must make it clear in the revised policy that safety plans should not be used against families in court. At minimum, the revised policy needs additional clarity on whether/when/how safety plans will be used in court.

Currently the revised policy reads “Failure to abide by the requirements of the safety plan may result in CFSA action to separate the child from the home and place them into foster care if the child cannot be kept safe.”¹¹ This raises some concerns for us. On the one hand, being explicit and honest about what the agency might do is fair and reasonable. But in our experience, this is the language that is often used against families later, almost as an admission that removal is warranted because the parent lacks capacity or has been unwilling to do what is necessary to care for the child.

We believe this undermines the safety planning process because it adds a coercive element to the development and implementation of the plan. Further, the court inquiry should be focused on whether the agency’s safety concerns regarding the child warrant removal – not on penalizing the parent for not adhering to every element of the safety plan. To address this concern, we suggest adding language to the revised policy explaining that acknowledging a safety plan in no way constitutes an agreement that removal is necessary or justified.

Policies Should Include More Details Regarding Specific Supports for Families and Plans for Ensuring Consistent Implementation

We remain concerned in general how to effectively address the power dynamics when dealing with alternatives to removal. On the one hand, we want families to be

informed of the potential consequences of not signing or not following a safety plan – on the other, where their child will be potentially taken away from them, the situation is inherently and unavoidably coercive. It would be very helpful to learn more about how the agency intends to address this tension in its practice and training for social workers.

Specifically, we have questions of how the agency is ensuring consistency in use of these policies including the explanation given to families by the social workers. A safety plan or IFPA' effectiveness should not be dependent on the person who is working with the family. This gets at our concern shared above of how CFSA is tracking not only the services shared but that they are also used or engaged with and when they are not used an explanation as to why to understand barriers to engagement or family choice. CLC feels that it is critical that safety plans and IFPA document the information/options/connections the social worker provides to the families and what was the follow through on obtaining the necessary resources or supports.

It is important that there be a robust array of service options for social workers to provide. It may be helpful to clearly spell those out within the IFPA sheet or the safety plan policy. Some suggestions included more robust inclusion of appropriate behavioral health supports, agency offering help with applications or compiling paperwork for different caregiver funds like the Grandparent and Close Relative Caregiver Programs, and the inclusion housing supports as a service offered.

We would also like to see these policies (and their related forms) explicitly state that the agency can/will provide tangible assistance to the parent in the form of gift cards and/or material items for the care of the child that target the concerns, when appropriate. In our experience, there are times when meeting a specific material/tangible need makes all the difference, but the agency is not consistent about when/under what circumstances it will provide that type of assistance. It would be very helpful if all the potential forms of resources/assistance were documented so that there was clarity for all about what is possible (even if it not applicable in every case).

Continued Partnership and Engagement are Necessary for Safety Planning and Informal Family Planning Arrangements to be Effective Tools for Prevention

As CFSA has increased its focus on prevention they must have a full toolbox of different options to help families remain safely together. To this end, CFSA has continued to build out programs, policies, and practices including strengthening community supports and services aimed at identifying families at risk of having their children removed so that families who are able to stay safely together can without government intrusion or monitoring.¹² CLC cannot emphasize enough that safety planning and IFPA must be a part of this toolbox. The tools in the toolbox, however, must be in working order and do require maintenance.

The conversation we are having today is not a one and done. There is a need to continue these conversations to understand how we can best use and improve safety plans and IFPAs to ensure children are able to remain safe in their homes and never

enter the foster care system. We are encouraged by CFSA's stated intention to pursue data collection and reporting as a means of evaluating the efficacy of these policies and make adjustments as needed. Moreover, continued conversations will allow us to understand implementation of these policies on the ground and ensure we have policies that are informed by those with experience and knowledge of their true impact. We appreciate the steps that the agency has already taken and their willingness to engage. We look forward to continued collaboration to ensure the effectiveness of these valuable tools that keep families together when possible.

Conclusion

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

¹ Children's Law Center fights so every child in DC can grow up with a stable 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 Tami Weerasingha-Cote, Children's Law Center, Testimony Before the District of Columbia Council Committee on Human Services, p. 14-16; 18-21 (February 17, 2022), *available at*: https://childrenslawcenter.org/wp-content/uploads/2022/02/TWeerasingha-Cote_Childrens-Law-Center-Testimony-for-Feb.-17-2022-CFSA-Oversight-Hearing_FINAL.pdf; Children's Law Center, Testimony Before the District of Columbia Council Committee on Human Services, p. 10-14, (February 25, 2021), *available at*: https://childrenslawcenter.org/wp-content/uploads/2021/07/TWeerasingha-Cote_Childrens-Law-Center-Testimony-for-Feb.-25-2021-CFSA-Oversight-Hearing_FINAL.pdf.

³ Child and Family Services Agency, Safety Plans Policy, July 18, 2022, *available at*: <https://cfsa.dc.gov/publication/program-safety-plans#:~:text=A%20safety%20plan%20clearly%20describes,the%20participants%20in%20the%20plans>; Child and Family Services Agency, Informal Family Planning Arrangements Policy, July 18, 2022, *available at*: <https://cfsa.dc.gov/publication/ai-informal-family-planning-arrangements#:~:text=Families%20may%20develop%20their%20own,%E2%80%9Cinformal%20family%20planning%20arrangements%E2%80%9D>.

⁴ Children’s Law Center attorneys represent children who are the subject of abuse and neglect cases in DC’s Family Court. CLC attorneys fight to find safe homes and ensure that children receive the services they need to overcome the trauma that first brought them into the child welfare system. DC Children’s Law Center, About Us, *available at*: <https://www.childrenslawcenter.org/content/about-us>. The term “protective supervision” means a legal status created by Division order in neglect cases whereby a minor is permitted to remain in his home under supervision, subject to return to the Division during the period of protective supervision. D.C. Code § 16-2301(19).

⁵ Superior Court of the District of Columbia, Practice Standards for *Guardians Ad Litem* in Custody and Related Consolidated Cases, *available at*: <https://www.dccourts.gov/sites/default/files/2017-09/Order14-01-GALPracticeStandards.pdf>.

⁶ Tami Weerasingha-Cote, Children’s Law Center, Testimony Before the District of Columbia Council Committee on Human Services, p. 18-21 (February 17, 2022), *available at*: https://childrenslawcenter.org/wp-content/uploads/2022/02/TWeerasingha-Cote_Childrens-Law-Center-Testimony-for-Feb.-17-2022-CFSA-Oversight-Hearing_FINAL.pdf

⁷ CFSA Pop-Up Briefing, August 18, 2022.

⁸ *Id.*

⁹ *Id.*

¹⁰ Safety plans are formal arrangements that clearly describe immediate safety concerns and detail how the family will manage, mitigate, or eliminate the threats to the child’s safety. These plans are time-limited and require consistent re-evaluation, monitoring, and management with participants in the plans. *See* Child and Family Services Agency, Safety Plans Policy, July 18, 2022, *available at*:

<https://cfsa.dc.gov/publication/program-safety-plans#:~:text=A%20safety%20plan%20clearly%20describes,the%20participants%20in%20the%20plans>.

Informal family planning arrangements are for families when they come to the attention of the hotline via a report to child protective services, but it is determined the child(ren) can remain safe with their parent/legal guardian or in the community with an identified caregiver. Informal family planning arrangements are developed by families that permit them to identify supportive resources including a non-custodial parent, relative, or caregiver. *See* Child and Family Services Agency, Informal Family Planning Arrangements Policy, July 18, 2022, *available at*: <https://cfsa.dc.gov/publication/ai-informal-family-planning-arrangements#:~:text=Families%20may%20develop%20their%20own,%E2%80%9Cinformal%20family%20planning%20arrangements%E2%80%9D>. *See also*, generally, CFSA Pop-Up Briefing, August 18, 2022.

¹¹ Child and Family Services Agency, Safety Plans, VI. Sections, Section A: Development of the Safety Plan, (1)(f)(iii), July 18, 2022, *available at*:

https://cfsa.dc.gov/sites/default/files/dc/sites/cfsa/publication/attachments/Program_Policy_Safety_Plans_July_22_Final.pdf.

¹² CFSA, DC Families First DC, *available at*: <https://cfsa.dc.gov/page/families-first-dc>; CFSA, DC’s federal Family First Title IV-E Prevention Program Five-Year Plan: “Putting Families First in DC” (Family First Prevention Plan), (September 23, 2020), *available at*:

https://cfsa.dc.gov/sites/default/files/dc/sites/cfsa/publication/attachments/DC%20Title%20IVE%20Prevention%20Program%20Five-Year%20Plan_Amended%209.8.20.pdf; Thriving Families, Safer Children Steering Committee, The District of Columbia’s Child and Family Well-Being System Blueprint, Version 1.0, 2021, on file with the Children’s Law Center.