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Testimony Before the District of Columbia Council  
Committee on Facilities and Family Services  
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Public Hearing:  
Performance Oversight for the Office of the Ombudsperson for Children

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## **Introduction**

Good afternoon, Chairperson Lewis George, members of the Committee, and staff. My name is Sharra E. Greer. I am the Policy Director of the Children's Law Center and a resident of the District. Children's Law Center believes every child should grow up with a strong foundation of family, health, and education and live in a world free from poverty, trauma, racism, and other forms of oppression. Our more than 100 staff – together with DC children and families, community partners, and pro bono attorneys – use the law to solve children's urgent problems today and improve the systems that will affect their lives tomorrow. Since our founding in 1996, we have reached more than 50,000 children and families directly and multiplied our impact by advocating for city-wide solutions that benefit hundreds of thousands more.

Thank you for this opportunity to testify regarding the Office of the Ombudsperson for Children.<sup>1</sup> Each year, Children's Law Center attorneys serve as guardians-ad-litem for several hundred children in foster care and protective supervision – over half of all children in the care and custody of the Child and Family Services Agency (CFSA).<sup>2</sup>

Children's Law Center has testified to the urgent need for this Office many times over the past few years.<sup>3</sup> We commend the Council for its decisive action to establish and fund this Office despite the many obstacles and appreciate all the work that has gone into the creation of this Office.<sup>4</sup> Since her appointment, the Ombudsperson, Shalonda

Cawthon, has been working diligently to build a solid foundation for the Office through learning, active partnership building, and establishing office practices and procedures. During this time, the Office has made significant steps forward, including hiring the Chief Deputy Ombudsperson and the Deputy CFSA Ombudsperson.<sup>5</sup> We believe the Office has the right vision focusing on Collaboration, Service, and Accountability to foster improved outcomes for CFSA-involved children and families.<sup>6</sup>

**The Office of the Ombudsperson is working with the District’s government and collaborating with key stakeholders including community members**

From the beginning of her tenure, Ombudsperson Cawthon understood this work could not be done in a silo. In five short months, she has met with CFSA, the Department of Youth and Rehabilitation Services (DYRS), and the Department of Human Services (DHS) leadership to discuss matters like inter-agency coordination.<sup>7</sup> Additionally, the Ombudsperson has sought out and received support from the Office of the District of Columbia Auditor (ODCA), the Office of the Inspector General for the District of Columbia (OIG), and the Office of the Attorney General (OAG) to ensure smooth operation of the Office of the Ombudsperson for Children.<sup>8</sup>

The Ombudsperson and her team are working on growing relationships not only within the government but also with community members. The Office of the Ombudsperson has met with local child welfare advocates several times since the establishment of the Office.<sup>9</sup> Recently, the Ombudsperson held a Community Pop-up Briefing in partnership with CFSA.<sup>10</sup> Additionally, the Ombudsperson met with other

Ombuds from across the nation to learn from their experiences, structures, and processes.<sup>11</sup>

We are impressed with the collaboration between the Ombudsperson, CFSA, and DYRS.<sup>12</sup> Currently, no District agency comprehensively tracks crossover youth or conducts systemic analyses on factors affecting their outcomes. As a result, these youth and their problems have remained largely invisible to the Council and the agencies responsible for their well-being.<sup>13</sup> The Ombudsperson for Children is explicitly tasked by law to report annually on crossover youth and identify systemic issues impacting their outcomes.<sup>14</sup>

The Office has already partnered with CFSA and DYRS to develop and execute data sharing agreement between the two agencies that allows for a better understanding of the population of youth served by both agencies, as well as those youth who have prior history with CFSA and have crossed over from one system to the other.<sup>15</sup> Last year, CLC had 49 clients who were identified as cross-over youth.<sup>16</sup> Crossover youth experience significant challenges to their wellbeing and stability, too often rolling from one system into the next: from foster care to DC's homeless or juvenile justice systems; from the juvenile justice system to prison. Between June 2021 and May 2022, 11 of CLC's 49 cross-over youth experience placement issues relating to their juvenile justice involvement.<sup>17</sup> Additionally, cross over youth face even greater barriers to positive outcomes including more difficulties in school and higher unemployment rates than foster care

youth involved in only one system. The Ombudsperson's analysis of data will inform gaps in services, and opportunities for collaboration towards improved outcomes for crossover/dual status youth. The Office had hoped to have an update on this agreement by January 2023, but we understand this kind of agreement can take time to ensure it is robust and not overly onerous on either agency. We look forward to hearing an update on the progress of this agreement.

The Office has also made strides working directly with CFSA. CFSA has made the decision to transfer the CFSA internal ombudsman function to the Office of the Ombudsperson for Children. We applaud CFSA for recognizing the value of the Office and believe this will give a streamlined approach to address complexities of the child welfare system, work to resolve everyday problems, and identify areas for long term, systemic reform. CFSA and the Ombudsperson plan to work together to ensure a smooth transition, which will not take effect until after the Office of the Ombudsperson has systems in place to receive and respond to complaints from constituents and the Deputy CFSA Ombudsperson has been onboarded.<sup>18</sup>

Finally, the Ombudsperson will be instrumental in supporting the Council in fulfilling its duty to children and families in the foster care system and to exercise effective oversight of DC's child welfare system – a system that encompasses many agencies beyond just CFSA. The Department of Behavioral Health (DBH), the Department of Health Care Finance (DHCF), the Office of the Superintendent of

Education (OSSE), District of Columbia Public Schools (DCPS), DYRS, the DC Housing Authority (DCHA), and the Metropolitan Police Department (MPD) all have a role to play in ensuring the District fulfills its responsibilities to DC's foster children and their families. The Ombudsperson for Children can help the Council hold all relevant city agencies accountable for meeting the needs of child welfare-involved families and actively facilitate interagency cooperation.

**The Office of the Ombudsperson has opened its services to the public and will begin to facilitate complaints**

In early February the Office of the Ombudsperson website went live and is now able to begin to serve constituents including youth, birth parents, relative caregivers, foster parents and others concerned with services provided to CFSA children and youth.<sup>19</sup> The Ombuds Office will now be a place for families to turn to when they are struggling to resolve day-to-day problems as well as navigate the complexities of the child welfare system. Such problems could include overcoming bureaucratic hurdles to obtaining essential items; connecting children and families to hard-to-find behavioral health services; and figuring out where to get additional support for achieving critical milestones such as obtaining a driver's license, work permit, or applying for college.

The complaint form will be entered into the database that the Office of the Chief Technology Officer (OCTO) helped to create.<sup>20</sup> This will allow the Office to keep track and streamline their work as well as report out key information regarding patterns in complaints which will be critical for identifying areas for systemic reform.

At the time of this testimony, it is still too early to report on how the services are working, including the complaint form via the website. Given the level of collaboration to date, we expect the Office to be transparent and provide forums for feedback on areas working well and areas that need improvement. As we testified to in our CFSA performance oversight testimony, we envision the Office serving as a crucial resource for District children and families, but it needs the time and support to do so.<sup>21</sup>

We ask this Committee to apply a critical eye to the implementation of the Ombudsperson's services and provide the necessary feedback and assistance to ensure the Office's success in serving the District and achieving better outcomes for CFSA-involved children, youth, and their families.

**The Office of the Ombudsperson is working on accountability through data collection and targeting key partnerships across the District**

The Ombuds Office is responsible for monitoring CFSA's performance using data metrics in order to identify areas of strength and areas needing improvement.<sup>22</sup> This is particularly important as almost a year ago, the court monitoring of CFSA ended.<sup>23</sup> CLC and other advocates voiced concerns of going from 30 years of supervision by a court monitor to nothing.<sup>24</sup> During the court monitoring, the Center for the Study of Social Policy (CSSP), collected data, documents, and other information from CFSA and provided this information to the Court, public, and the Council in the form of regular reports and testimony. Losing the court monitor and its regular publication of detailed analysis and data reports could have significantly impacted public transparency of the

agency and the Council's ability to exercise oversight over CFSA. Performance oversight simply cannot cover the depth and complexity that the court monitor's reports did – nor does the testimony of the agency provide the independent insight into the agency's performance that the court monitor did.

Fortunately, we will not have to experience this gap in accountability. The Ombudsperson for Children has direct access to CFSA data in the same way that the court monitor did and has already begun regularly reporting data trends and analysis to the Council, just as the court monitor did. The Ombudsperson inaugural report provides data regarding placement stability, hospitalizations and placements in residential treatment facilities, and access to behavioral health services. The Office identified three additional metrics to report on, which included the number of entries into care, the number of children in care by placement type, and the number of exits from foster care by exit type. As noted above, the Ombudsperson is still working to collect data on crossover youth.

We appreciate the Office already identifying additional metrics and building out a report in their first five months that will help inform future reporting and data collection. Collecting this level of data, along with the data from any complaints, will be critical for the long-term work of the Ombudsperson to address systemic issues.

## **Conclusion**

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



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<sup>1</sup> The Office of the Ombudsperson for Children is the legislative agency tasked with helping CFSA-involved children and families resolve day-to-day problems and tackling systemic issues that affect outcomes for foster children. *See Office of the Ombudsperson for Children*, DC Act 23-617.

<sup>2</sup> 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).

<sup>3</sup> Judith Sandalow, Testimony Before the District of Columbia Council, Committee of the Whole, (June 7, 2021), available at: [https://childrenslawcenter.org/wp-content/uploads/2021/07/JSandalow\\_Childrens-Law-CenterTestimony-for-June-7-2021-Committee-of-the-Whole-Budget-Oversight-Hearing\\_FINAL-1.pdf](https://childrenslawcenter.org/wp-content/uploads/2021/07/JSandalow_Childrens-Law-CenterTestimony-for-June-7-2021-Committee-of-the-Whole-Budget-Oversight-Hearing_FINAL-1.pdf); Sharra E. Greer, Testimony Before the District of Columbia Council, Committee on Human Services, (June 10, 2021), available at: [https://childrenslawcenter.org/wp-content/uploads/2021/07/SGreer\\_Childrens-Law-Center-Testimony-for-June-10-2021-CFSA-Budget-Oversight-Hearing\\_FINAL.pdf](https://childrenslawcenter.org/wp-content/uploads/2021/07/SGreer_Childrens-Law-Center-Testimony-for-June-10-2021-CFSA-Budget-Oversight-Hearing_FINAL.pdf); Sharra E. Greer, Testimony Before the District of Columbia Council, Committee on Housing & Executive Administration, (June 22, 2021), available at: [https://childrenslawcenter.org/wp-content/uploads/2021/07/SGreer\\_Childrens-Law-Center-Testimony-for-June-22-2021-City-Administrator-Budget-Oversight-Hearing\\_FINAL.pdf](https://childrenslawcenter.org/wp-content/uploads/2021/07/SGreer_Childrens-Law-Center-Testimony-for-June-22-2021-City-Administrator-Budget-Oversight-Hearing_FINAL.pdf); and Tami Weerasingha-Cote, Testimony Before the District of Columbia Council, Committee on Human Services, (March 24, 2022), available at: [https://childrenslawcenter.org/wp-content/uploads/2022/03/TWeerasingha-Cote\\_Childrens-Law-Center-Testimonyfor-Mar.-24-2022-CFSA-Budget-Hearing\\_Final-1.pdf](https://childrenslawcenter.org/wp-content/uploads/2022/03/TWeerasingha-Cote_Childrens-Law-Center-Testimonyfor-Mar.-24-2022-CFSA-Budget-Hearing_Final-1.pdf).

<sup>4</sup> The first vote for the Office of Ombudsperson for Children, B23-0437, took place at the December 1, 2020 legislative meeting, and the second vote took place on December 15, 2020 legislative meeting. At both meetings, all thirteen Councilmembers voted to approve the Bill. *See* B23-0437, Child Safety and WellBeing Ombudsperson Establishment Act of 2019 (now known as “Office of the Ombudsperson for Children Establishment Amendment Act of 2020), LIMS Home, Legislation Detail, available at: <https://lims.dccouncil.us/Legislation/B23-0437>. At the legislative meeting on February 2, 2021, however, Councilmember Cheh voted against overriding the Mayor’s veto. The remaining twelve Councilmembers voted to override the veto and the Bill passed. *Id.* In both the FY2022 and FY2023 Mayor’s proposed budget, the Mayor provided no funding for the Office of the Ombudsperson. *See* Mayor’s Proposed FY 2023 Budget and Financial Plan, Volume 4 Agency Budget Chapters – Part III, Office of the Ombudsperson for Children [RO0], p. E-101; Mayor’s Proposed FY 2022 Budget and Financial Plan, Volume 4 Agency Budget Chapters – Part III, Office of the Ombudsperson for Children [RO0], p. E-169. Both years the Council recognized the importance of the Office and ensured full funding. *See* FY2023 Office of the Ombudsperson for Children Budget, Table, Table RO0-1, p. E-107.

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<sup>5</sup> District of Columbia Office of the Ombudsperson for Children, Inaugural Annual Report (July 25, 2022 – December 29, 2022), December 30, 2022, *available at*:

<https://cfsa.dc.gov/sites/default/files/dc/sites/cfsa/publication/attachments/D.C.%20Office%20of%20the%20Ombudsperson%20for%20Children%20Inaugural%20Annual%20Report%20December%2029%202022a.pdf>.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> District of Columbia Office of the Ombudsperson for Children, Inaugural Annual Report (July 25, 2022 – December 29, 2022), December 30, 2022, *available at*:

<https://cfsa.dc.gov/sites/default/files/dc/sites/cfsa/publication/attachments/D.C.%20Office%20of%20the%20Ombudsperson%20for%20Children%20Inaugural%20Annual%20Report%20December%2029%202022a.pdf>.

<sup>9</sup> *Id.*

<sup>10</sup> The Community Briefing took place on Thursday, February 16, 2023, from 4-5 PM.

<sup>11</sup> District of Columbia Office of the Ombudsperson for Children, Inaugural Annual Report (July 25, 2022 – December 29, 2022), December 30, 2022, *available at*:

<https://cfsa.dc.gov/sites/default/files/dc/sites/cfsa/publication/attachments/D.C.%20Office%20of%20the%20Ombudsperson%20for%20Children%20Inaugural%20Annual%20Report%20December%2029%202022a.pdf>.

<sup>12</sup> *Id.*

<sup>13</sup> Crossover youth experience significant challenges to their well-being and stability, too often rolling from one system into the next: from foster care to DC’s homeless or juvenile justice systems; from the juvenile justice system to prison. Crossover youth face even greater barriers to positive outcomes in adulthood – including more difficulties in school and higher unemployment rates – than foster care youth involved in only one system. The steps described above by the Office are in the right direction of bringing attention to this long-overlooked population and begin providing solutions for better outcomes.

<sup>14</sup> *Office of the Ombudsperson for Children*, DC Act 23-617, Sec. 108(b)(3).

<sup>15</sup> District of Columbia Office of the Ombudsperson for Children, Inaugural Annual Report (July 25, 2022 – December 29, 2022), December 30, 2022, *available at*:

<https://cfsa.dc.gov/sites/default/files/dc/sites/cfsa/publication/attachments/D.C.%20Office%20of%20the%20Ombudsperson%20for%20Children%20Inaugural%20Annual%20Report%20December%2029%202022a.pdf>.

<sup>16</sup> Internal Children’s Law Center Data collected between June 2021 through May 2022.

<sup>17</sup> *Id.*

<sup>18</sup> District of Columbia Office of the Ombudsperson for Children, Inaugural Annual Report (July 25, 2022 – December 29, 2022), December 30, 2022, *available at*:

<https://cfsa.dc.gov/sites/default/files/dc/sites/cfsa/publication/attachments/D.C.%20Office%20of%20the%20Ombudsperson%20for%20Children%20Inaugural%20Annual%20Report%20December%2029%202022a.pdf>.

<sup>19</sup> See Office of the Ombudsperson for Children, Home Page, *available at*: <https://ofc.dc.gov/>. CFSA Ombudsperson Flyer, February 6, 2023, on file with the Children’s Law Center.

<sup>20</sup> District of Columbia Office of the Ombudsperson for Children, Inaugural Annual Report (July 25, 2022 – December 29, 2022), December 30, 2022, *available at*:

<https://cfsa.dc.gov/sites/default/files/dc/sites/cfsa/publication/attachments/D.C.%20Office%20of%20the%20Ombudsperson%20for%20Children%20Inaugural%20Annual%20Report%20December%2029%202022a.pdf>.

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<sup>21</sup> Sharra E. Greer, Testimony Before the District of Columbia Council, Committee on Facilities and Family Services, (February 24, 2023).

<sup>22</sup> District of Columbia Office of the Ombudsperson for Children, Inaugural Annual Report (July 25, 2022 – December 29, 2022), December 30, 2022, *available at*: <https://cfssa.dc.gov/sites/default/files/dc/sites/cfssa/publication/attachments/D.C.%20Office%20of%20the%20Ombudsperson%20for%20Children%20Inaugural%20Annual%20Report%20December%2029%202022a.pdf>.

<sup>23</sup> See District of Columbia Office of the Attorney General, *AG Racine Statement on Conclusion of Three-Decade Long Court Oversight of District's Child & Family Services Agency*, June 1, 2021, *available at*: <https://oag.dc.gov/release/ag-racine-statement-conclusion-three-decade-long>.

<sup>24</sup> Office of the Budget Director, *Report and Recommendations of the Committee on Human Services on the Fiscal Year 2023 Budget and Financial Plan for Agencies Under Its Purview*, April 28, 2022, p. 99-100, *available at*: [https://lims.dccouncil.gov/downloads/LIMS/49081/Committee\\_Report/B24-0716-Committee\\_Report2.pdf](https://lims.dccouncil.gov/downloads/LIMS/49081/Committee_Report/B24-0716-Committee_Report2.pdf);

Tami Weerasingha-Cote, Testimony Before the District of Columbia Council, Committee on Human Services, (March 24, 2022), *available at*: [https://childrenslawcenter.org/wp-content/uploads/2022/03/TWeerasingha-Cote\\_Childrens-Law-Center-Testimonyfor-Mar.-24-2022-CFSA-Budget-Hearing\\_Final-1.pdf](https://childrenslawcenter.org/wp-content/uploads/2022/03/TWeerasingha-Cote_Childrens-Law-Center-Testimonyfor-Mar.-24-2022-CFSA-Budget-Hearing_Final-1.pdf); Akosua Ali, NAACP, Testimony Before the District of Columbia Committee on Human Services, (March 24, 2022), *available at*:

[https://lims.dccouncil.gov/downloads/LIMS/49081/Committee\\_Report/B24-0716-Committee\\_Report2.pdf](https://lims.dccouncil.gov/downloads/LIMS/49081/Committee_Report/B24-0716-Committee_Report2.pdf);

Marla Spindel, D.C. KinCare Alliance, Testimony Before the District of Columbia Committee on Human Services, (March 24, 2022), *available at*: [https://lims.dccouncil.gov/downloads/LIMS/49081/Committee\\_Report/B24-0716-Committee\\_Report2.pdf](https://lims.dccouncil.gov/downloads/LIMS/49081/Committee_Report/B24-0716-Committee_Report2.pdf).