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Testimony Before the District of Columbia Council  
Committee on the Judiciary & Public Safety  
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Public Hearing:  
Performance Oversight Hearing  
Office of the Attorney General

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## **Introduction**

Good morning, Chairwoman Pinto, and members of the Committee. My name is Makenna Osborn. I am a Policy Attorney at Children's Law Center and a resident of Ward 2. 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.

At Children's Law Center, our work often interacts with the Office of the Attorney General (OAG) – as counsel in family court cases, as a partner in protecting tenants, and in development of law and policy that impacts the children and families we work with. While our attorneys may not always agree with OAG with respect to specific cases or policy issues, we want to commend OAG's willingness to meet and collaborate on ways to improve the lives of District residents. Specifically, we thank OAG for their supportive approach to truancy prevention, their partnership in improving the District's child welfare system, and their pursuit of safe and healthy housing for low-income tenants.

Our testimony and recommendations today arise from our experience working with OAG in each of these areas.

### **OAG Has Done Important Work to Support Students Facing Barriers to School Attendance**

Absenteeism has long been a challenge for the District, and several programs currently exist to support students and families in overcoming their barriers to attendance. We have appreciated recent attention on this issue from the Executive<sup>1</sup> and the Council<sup>2</sup> and the pursuit of tools to support improved student engagement at school. Over the years, the District has developed several tools to address student disengagement and the Office of the Attorney General has played an important role in creating a system that focuses on supporting students and families in overcoming barriers to attendance.

OAG has long recognized that prosecution is not an effective means of improving attendance.<sup>3</sup> Instead, OAG is more focused on “proactive approaches to reduce truancy— approaches that address the actual barriers that are causing kids to miss school.”<sup>4</sup> This strategy is consistent with trends seen across the country where jurisdictions are moving away from punitive attendance policies in favor of systems that offer wraparound services to students facing barriers.<sup>5</sup> Research shows that using the juvenile justice system to address absenteeism does not improve school attendance. In fact, a recent study found that “youth who became involved with the juvenile justice system missed, on average, five additional days of school—a statistically significant difference.”<sup>6</sup>

Over the past year, we have been glad to see Attorney General Schwalb and his team continue to treat truancy referrals as an opportunity to support – rather than prosecute – students and families facing barriers to attendance. OAG’s philosophy on addressing truancy and chronic absenteeism is best expressed in their recent testimony at the Committee of the Whole’s hearing:

“OAG prioritizes supporting families of truant and chronically absent kids over reflexive prosecution. More often than not, kids who are chronically absent are suffering from trauma, poverty, and instability at home. Many kids have also fallen behind in school, and rather than struggling to keep up with a curriculum that has passed them by, they simply stop going to school. Prosecuting them or their parents won’t fix any of those issues; it won’t make them catch up to grade level, ease the burden of poverty, or repair the trauma. If our goal is to get and keep kids in school, we must address the underlying problems that pull them out of the classroom in the first place.”<sup>7</sup>

Consistent with this approach to addressing truancy in the District, OAG runs two truancy prevention programs – ATTEND and I Belong Here! For families of younger students, OAG operates the Addressing Truancy Through Engagement and Negotiated Dialogue (ATTEND).<sup>8</sup> This program offers an alternative to the traditional court system that connects parents to appropriate services that can work to address their underlying needs. OAG reports that “[a]s of October 31, 2023, ATTEND has worked with 272 families and 389 children.”<sup>9</sup> The Agency has also implemented a student-facing program called I Belong Here! In this program, OAG staff work in schools to “positively reinforce the idea that students belong in school.”<sup>10</sup> Pre-pandemic results from the program saw a 75%

reduction in truancy at Sousa Middle School.<sup>11</sup> OAG reports that I Belong Here! has reached approximately 130 students since the start of the 2021-2022 school year.<sup>12</sup>

However, per OAG's testimony at the recent attendance hearing, "these programs are limited in scope and resources."<sup>13</sup> As the Committee reviews performance over the past year and prepares for the upcoming budget season, we urge you examine what lessons can be learned from OAG's truancy prevention work. While OAG has done important and impactful work to reduce truancy in DC, we agree with their assessment that they are "not the best-positioned District agency to tackle truancy."<sup>14</sup> When students facing attendance barriers are referred to OAG, the agency often connects them to truancy diversion programs within the Department of Human Services (DHS) – such as Alternatives to Court Experience (ACE) or Parent and Adolescent Support Services (PASS). These programs address root causes, develop action plans, and provide crucial follow up with students and families to see what is working and what can be improved. ACE "assesses the needs of [truant] youth, links youth and their families with appropriate services, and monitors successful program participation."<sup>15</sup> Currently, referrals to ACE can only be made by the Metropolitan Police Department (MPD) or OAG.<sup>16</sup> PASS is an intensive case management program that assists youth aged 10 to 17 who are engaging in behaviors such as skipping school.<sup>17</sup> This model provides "early intervention services to the youth and families it serves with the ultimate goal of keeping youth out of the juvenile justice and/or child welfare systems by reducing or eliminating these

behaviors.”<sup>18</sup> However, under the current system, youth cannot access these programs without first being referred to OAG. This referral pathway adds undue administrative burden on OAG while requiring harmful court involvement for the student before they can access supportive programming.

If a student’s school has already identified the student as in need of truancy intervention, why not skip the middleman and have the school make a referral directly to ACE or PASS? Under this alternative referral pathway, the administrative burden on schools would be approximately the same – monitoring students with attendance concerns and making a referral as needed. However, by making the referral directly to a truancy reduction program, they could avoid the interceding court involvement that often proves harmful to students and families. These changes to the truancy referral pathway will require coordination across several District agencies and, thus, across several Council committees with the relevant oversight jurisdiction. We urge the Judiciary Committee to learn from the truancy reduction work that OAG has done and identify how to improve collaboration and coordination among other agencies and Council committees.

**OAG’s Partnership on Issues in the Child Welfare System Improves the District’s Ability to Meet the Needs of Children and Families**

At any given time, Children’s Law Center represents approximately half the children involved with the DC Child and Family Services Agency (CFSA) – several hundred children in foster care and protective supervision each year.<sup>19</sup> Through this

casework, we interact daily with OAG's Family Services Division. OAG, under the leadership of Erin Cullen, Deputy Attorney General of Family Services Division, also meets regularly with our policy team to discuss both policy and practice issues arising in our child welfare work. We greatly value the open communication and problem-solving opportunities provided by these meetings and commend OAG's consistent participation and openness during these meetings. Although we may not always agree, OAG's approach has enabled our organizations – despite areas of disagreement – to work in partnership on several fronts with a shared goal of improving conditions for children in care and their families.

Over the past year OAG has worked closely with Children's Law Center on several initiatives intended to mitigate harms to children and families caused by child welfare involvement, including: (1) the expungement of certain Child Protection Register (CPR) records; (2) the development of a new permanency option designed to better meet the specific needs of older foster youth; and (3) CFSA's efforts to repurpose the District's 211 Warmline as a unified social service resource and referral line, with the goal of meeting families in need with resources, rather than separating children from their families

Regarding expungement, the CPR is a database maintained by CFSA that identifies individuals who have been investigated in response to allegations of child abuse or neglect in the District, and those allegations have either been substantiated or found inconclusive.<sup>20</sup> Placement on the CPR prevents individuals from obtaining jobs

involving close contact with children. This includes schools, daycares, aftercare/out-of-school time programs, and all manner of child-serving programs (tutoring, sports clubs, extracurricular programs, etc.).<sup>21</sup> Further, CFSA uses the CPR to screen individuals seeking to become foster parents or kin caregivers.<sup>22</sup> In short, being placed on the CPR has – until recently – resulted in lifetime barriers to employment and challenges to family stability.<sup>23</sup> In 2022, the Council passed a law that created a pathway for individuals to have certain types of records expunged from the CPR.<sup>24</sup> Since the law went into effect in October 2023, OAG has worked closely with CFSA and community partners, including Children’s Law Center, to implement this law in a thoughtful and effective manner. We appreciate OAG’s inclusive approach and look forward to this burden of child welfare involvement being lifted from thousands of families across the District.

OAG has also been deeply involved in CFSA’s effort to develop a new legal permanency option for older foster youth.<sup>25</sup> Often this subset of children and youth in care have needs that are not being met by the District’s current foster care system. To address this problem, OAG and CFSA are working with community partners, including Children’s Law Center, to develop a new legal permanency option for older foster youth when existing pathways—reunification with family, adoption, or guardianship<sup>26</sup>— do not suit their circumstances. As an alternative, SOUL Family<sup>27</sup> would provide young people who are sixteen or older with greater agency in developing a plan that honors—and gives legal weight to—their existing circle of relationships.<sup>28</sup> Under this option, youth



can choose one or more adults to share legal caregiving responsibilities without severing legal ties to their birth families.<sup>29</sup> The District—where nearly half of foster youth are fourteen or older<sup>30</sup>—is one of the first jurisdictions working to enact this proposal.<sup>31</sup> Although this work is in its early stages, we appreciate OAG’s collaborative approach and look forward to working together to make continued progress in the coming year.

Finally, OAG is heavily involved in supporting CFSA’s efforts to transform the District’s child welfare agency into a “child well-being system” that connects children and families with resources in their communities “with the goal of them never having to come to the attention of CFSA.”<sup>32</sup> CFSA “soft launched” the repurposed 211 Warmline in October 2023.<sup>33</sup> Warmline callers seeking help with a social need<sup>34</sup> – such as food, housing, medical benefits, etc., – are either provided with the detailed information and guidance they need to resolve the problem (e.g. contact information for shelter intake, or date/time/location information for grocery distributions), or they are connected with a Community Responder from one of the Collaboratives who can provide more in-depth case management support and assist with navigating the relevant District-funded and community-based services.<sup>35</sup> Through this initiative, OAG and CFSA are working to support the integration of DC’s human services agencies, programs, and services into a well-coordinated and accessible network of effective resources so that families struggling with poverty and deprivation can receive the help they need – effectively preventing the occurrence of child abuse and neglect. We commend OAG for its work to support CFSA

in this vital work and are deeply appreciative of the OAG's willingness to bring the community – including Children's Law Center – into this work as partners and co-owners of this transformation.

### **OAG's Public Advocacy Division Promotes Stable and Healthy Housing for District Tenants**

Poor housing conditions and housing instability can profoundly impact a child's well-being.<sup>36</sup> Each year, Children's Law Center works with hundreds of District families living in rental housing with unsafe and unsanitary conditions like mold, pest infestations, and inadequate heat that are harming a child's health.<sup>37</sup> Many of these families feel properties with substandard conditions are their only option because those are the only landlords that will accept their rental subsidy.<sup>38</sup> DC law recognizes the importance of a safe and healthy living environment for all tenants and establishes standards that housing providers must uphold to operate in the District.<sup>39</sup> OAG's Public Advocacy Division<sup>40</sup> plays a vital role in holding landlords accountable for violating these laws.

While legal service providers like Children's Law Center assist individual tenants with claims against their landlord, OAG can address poor conditions at an entire property or discriminatory practices across a housing provider's portfolio through one lawsuit. OAG litigation is an important enforcement tool for securing remedies for District tenants and effectively deterring bad actors from violating the law in the first

place. The Public Advocacy Division is a valued partner in our efforts to promote safe, healthy, and affordable rental housing across the District.

*The Social Justice Section Holds Landlords Accountable for Putting Tenant Health and Safety at Risk*

As we testified during the Department of Building's (DOB) Performance Oversight hearing last week, DOB is still struggling to secure quality repairs and fine payment by negligent landlords through its housing code enforcement mechanisms.<sup>41</sup> Therefore, it is important that OAG's Social Justice Section<sup>42</sup> uses its enforcement authority to investigate and litigate claims against the owners of rental properties with a history of harmful and unaddressed housing code violations under the Tenant Receivership Act (TRA).<sup>43</sup> Children's Law Center appreciates that the Social Justice Section regularly seeks input from tenant advocates about properties with the worst conditions and least responsive owners to help strategically guide their decisions about which properties to investigate. As a result, the landlords the Social Justice Section sues under the TRA often own properties from which Children's Law Center has received a high number of referrals for health-harming conditions.

For example, in 2021 OAG filed a lawsuit against the owners and managers of Marbury Plaza for failing to maintain the property and exposing tenants "to dangerous and unlawful conditions including widespread toxic mold, infestations of mice and bedbugs, broken elevators and stairlifts, and non-working air conditioning."<sup>44</sup> For years Children's Law Center has worked with families living in Marbury Plaza and observed

the harmful impact the property's conditions have on children's health.<sup>45</sup> It is also one of the problem properties highlighted on the Healthy Housing Map that Children's Law Center developed with Children's National and Yachad for having both high rates of asthma-related pediatric emergency department visits and housing conditions that contribute to asthma severity.<sup>46</sup> As a result of OAG's lawsuit, residents of the property received significant rent abatements – including retroactive credits – in 2023.<sup>47</sup> It is very difficult for Children's Law Center attorneys to secure rent abatement or any kind of monetary award for our clients in their individual cases at Housing Conditions Court so it was particularly valuable for our clients living in Marbury Plaza to receive this through OAG's litigation.<sup>48</sup> Additionally, after years of the owner failing to comply with court orders to correct housing code violations at the property, in February 2024 OAG secured the appointment of a receiver to take control of Marbury Plaza and ensure repairs are made to address "threats to [the] life, health, safety, and welfare" of residents.<sup>49</sup>

Because we have several clients living at Marbury Plaza and other properties that were the subject of OAG litigation in FY23, we want to specifically thank the Social Justice Section's team for maintaining regular and open communication with Children's Law Center and other organizations representing individual tenants throughout the litigation. This allows our attorneys to keep clients informed about developments in an OAG case and update OAG's attorneys on outstanding housing code violations at a property impacting our clients.

While the Marbury Plaza lawsuit is an example of the positive impact OAG's litigation can have for tenants, it also illustrates the dangers of unintended consequences from OAG litigation and why it is important for the Social Justice Section to collaborate with tenants and tenant attorneys to develop litigation strategies that are truly in the best interests of District tenants. After being ordered to grant tenants an escalating rent abatement, including a year's worth of retroactive rent abatement, the owner of Marbury Plaza filed for bankruptcy, prolonging the time it will take for tenants to see improvements in their living conditions.<sup>50</sup> Children's Law Center is concerned that other property owners will follow suit and declare bankruptcy when stiff penalties are imposed through OAG litigation. We want to maintain a dialogue with OAG assessing their litigation tactics and the outcomes litigation has for tenants to strike an appropriate balance between punishing bad landlords, securing successful outcomes for tenants in a timely manner, and preserving affordable housing in the District.

The Social Justice Section's environmental justice team also plays an important role in promoting healthy rental housing for DC children and families. Children's Law Center applauds the Social Justice Section's increased focus on ensuring that landlords, developers, and contractors are held accountable for violating the environmental laws meant to protect the health of District residents in their homes. In FY23 the Social Justice Section secured lead-based paint hazard abatement at six properties in Wards 7 and 8, in addition to penalties paid to the District, as part of pre-litigation settlement agreements

with property owners.<sup>51</sup> OAG also continued its partnership with the Department of Energy and Environment (DOEE) to use data on elevated blood lead levels in children living in multi-family rental properties to investigate owners that have failed to address lead-based paint hazards in accordance with DC law.<sup>52</sup>

OAG's commitment to enforcing the Lead-Hazard Prevention and Elimination Act, which regulates lead-based paint hazards, is especially critical for young children in the District because exposure to lead through deteriorated or disturbed lead-based paint is the largest cause of childhood lead poisoning.<sup>53</sup> While a child's body is still developing and growing rapidly – until around 6 years old – even low amounts of lead in their blood can cause serious and long-lasting harm including damage to the brain and nervous system, delayed growth and development, and hearing and speech problems.<sup>54</sup> The adverse health effects from lead exposure result in lower cognitive function and decreased ability to pay attention and control impulses, which pose lifelong challenges to a child's ability to learn and thrive.<sup>55</sup> Children's Law Center thanks the Social Justice Section for their regular advocacy to strengthen the District's lead laws and we hope we can work with them in the coming year to move forward legislation requiring proactive remediation of potential lead-based paint hazards in all pre-1978 rental housing to better protect the health of DC children.

*The Civil Rights Section Holds Housing Providers Accountable for Unlawfully Discriminating Against Tenants*

Under the DC Human Rights Act, it is illegal for housing providers to directly or indirectly deny a prospective tenant the opportunity to rent a unit based on the person's source of income.<sup>56</sup> These protections are vital for tenants, like Children's Law Center's clients, who pay rent with the assistance of a housing subsidy but are often flouted by housing providers. Our clients regularly report that it is difficult to secure a rental unit of their choice because housing providers in their desired buildings or neighborhoods refuse to rent to voucher holders. Therefore, we appreciate that the Civil Rights and Elder Justice Section<sup>57</sup> of the Public Advocacy Division investigates source of income discrimination in the District and prosecutes housing providers that unlawfully refuse to accept applications from voucher holders. In FY23 the Civil Rights and Elder Justice Section secured a historic settlement in their litigation against three real estate firms with a practice of illegally discriminating against renters with Section 8 vouchers and other forms of rental assistance.<sup>58</sup>

Over 82,000 DC residents (12% of all residents) – a quarter of whom are children – are currently experiencing housing insecurity, mostly due to unaffordability.<sup>59</sup> The rents in DC are simply too high compared to available wages for many families to afford to be stably housed in the District without assistance from a housing subsidy.<sup>60</sup> We thank the Civil Rights Section for its commitment to ensuring that the rights of these families are respected by housing providers; we hope they will continue this work throughout the

next year. Bad actors must be held accountable for unlawful source of income discrimination so more DC families have access to housing in safe and healthy buildings in neighborhoods where they can thrive.

## Conclusion

Children’s Law Center looks forward to continuing to collaborate with OAG’s dedicated staff in the coming year. Thank you for the opportunity to testify and I welcome any questions.

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<sup>1</sup> Paul Kihn, Deputy Mayor for Education, testimony before DC Council’s Committee of the Whole, (Dec. 12, 2023), available at: <https://lims.dccouncil.gov/Hearings/hearings/171>.

<sup>2</sup> See DC Council Committee of the Whole, Hearing on Chronic Absenteeism and Truancy, (Dec. 12, 2023) available at: <https://lims.dccouncil.gov/Hearings/hearings/171>.

<sup>3</sup> See Dana Edwards, Office of the Attorney General for the District of Columbia, Testimony Before DC Council’s Committee of the Whole, Public Roundtable on Attendance, Chronic Absenteeism, and Truancy in the District (Nov. 30, 2022), available at: <https://oag.dc.gov/release/oag-testimony-attendance-chronic-absenteeism-and#:~:text=Under%20Attorney%20General%20Racine's%20leadership,causing%20kids%20to%20miss%20school>.

<sup>4</sup> *Id.*

<sup>5</sup> Phyllis Jordan & Hedy Chang, *State Strategies for Fighting Chronic Student Absenteeism* (Aug. 23, 2023), available at: <https://www.future-ed.org/state-strategies-for-fighting-chronic-student-absenteeism/>

<sup>6</sup> See Josh Weber & Rebecca Cohen, The Council of State Governments Justice Center, *Rethinking the Role of the Juvenile Justice System: Improving Youth’s School Attendance and Educational Outcomes*, at 9-10 (Sept. 2020), available at: [https://csgjusticecenter.org/wp-content/uploads/2020/09/CSG\\_RethinkingtheRoleoftheJuvenileJusticeSystem\\_15SEPT20.pdf](https://csgjusticecenter.org/wp-content/uploads/2020/09/CSG_RethinkingtheRoleoftheJuvenileJusticeSystem_15SEPT20.pdf).

<sup>7</sup> Alicia Washington, Office of the Attorney General, Testimony before DC Council’s Committee of the Whole, at 2 (Dec. 12, 2023), available at: <https://lims.dccouncil.gov/Hearings/hearings/171>.

<sup>8</sup> See Office of the Attorney General for the District of Columbia, “Keeping Kids in School,” available at: <https://oag.dc.gov/public-safety/keeping-kids-school>.

<sup>9</sup> OAG Testimony before Comm. of the Whole, *supra* note 7, at 3.

<sup>10</sup> See Office of the Attorney General for the District of Columbia, “Attorney General Racine Celebrates Success of ‘I Belong Here’ Program to Reduce Truancy at Sousa Middle School” (Apr. 23, 2018), available at: <https://oag.dc.gov/release/attorney-general-racine-celebrates-success-i>.

<sup>11</sup> *Id.*

<sup>12</sup> OAG Testimony before Comm. of the Whole, *supra* note 7, at 3.

<sup>13</sup> *Id.*, at 1.

<sup>14</sup> *Id.*, at 4



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<sup>15</sup> See Department of Human Services, “Alternatives to the Court Experience (ACE) Diversion Program,” available at: <https://dhs.dc.gov/page/alternatives-court-experience-ace-diversion-program>.

<sup>16</sup> *Id.*

<sup>17</sup> See Department of Human Services, “Parent and Adolescent Support Intensive Case Management (PASS ICM),” available at: <https://dhs.dc.gov/service/parent-and-adolescent-support-intensive-case-management-pass-icm>.

<sup>18</sup> *Id.*

<sup>19</sup> DC Children’s Law Center, “About Us,” available at:

<https://www.childrenslawcenter.org/content/about-us>; Tami Weerasingha-Cote, testimony before DC Council’s Committee of the Whole (Feb. 20, 2024), available at:

<https://childrenslawcenter.org/resources/2023-24-oversight-testimony-child-and-family-services-agency/>.

<sup>20</sup> The District’s Child and Family Services Agency (CFSA) investigates reports of child abuse and neglect. At the end of an investigation, CFSA decides one of the following three results: (1) Unfounded; (2) Inconclusive; and (3) Substantiated. Only the names of people with inconclusive or substantiated reports are put on the Register. People’s name will not be put on the Register if the report is unfounded. See Child and Family Services Agency, ASSESSMENT FINDINGS AND NOTICE OF INVESTIGATION RESULTS, (Feb. 27, 2009), available at:

[https://cfsa.dc.gov/sites/default/files/dc/sites/cfsa/publication/attachments/Tip%2520Sheets\\_CPS%2520Assessment%2520Findings%2520Notice%2520of%2520Investigation%2520Results.pdf](https://cfsa.dc.gov/sites/default/files/dc/sites/cfsa/publication/attachments/Tip%2520Sheets_CPS%2520Assessment%2520Findings%2520Notice%2520of%2520Investigation%2520Results.pdf). See also Child and Family Services Agency, Child Protection Register (CPR), available at: <https://cfsa.dc.gov/service/child-protection-register-cpr>.

<sup>21</sup> Child and Family Services Agency, Child Protection Register (CPR), available at:

<https://cfsa.dc.gov/service/child-protection-register-cpr>; Tami Weerasingha-Cote, testimony before DC Council Committee on Human Services, (Nov. 2, 2022), available at: [https://childrenslawcenter.org/wp-content/uploads/2022/11/TWeerasingha-Cote\\_CLC-Testimony-for-Nov.-2-2022-Hearing-on-B24-0989\\_FINAL.pdf](https://childrenslawcenter.org/wp-content/uploads/2022/11/TWeerasingha-Cote_CLC-Testimony-for-Nov.-2-2022-Hearing-on-B24-0989_FINAL.pdf).

<sup>22</sup> *Id.*

<sup>23</sup> Tami Weerasingha-Cote, testimony before DC Council Committee on Human Services, (November 2, 2022), available at: [https://childrenslawcenter.org/wp-content/uploads/2022/11/TWeerasingha-Cote\\_CLC-Testimony-for-Nov.-2-2022-Hearing-on-B24-0989\\_FINAL.pdf](https://childrenslawcenter.org/wp-content/uploads/2022/11/TWeerasingha-Cote_CLC-Testimony-for-Nov.-2-2022-Hearing-on-B24-0989_FINAL.pdf).

<sup>24</sup> B24-0989 - Educator Background Check Streamlining Amendment Act of 2022.

<sup>25</sup> Tami Weerasingha-Cote, testimony before DC Council Committee on Human Services, (Feb. 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](https://childrenslawcenter.org/wp-content/uploads/2021/07/TWeerasingha-Cote_Childrens-Law-Center-Testimony-for-Feb.-25-2021-CFSA-Oversight-Hearing_FINAL.pdf); Tami Weerasingha-Cote, testimony before DC Council Committee on Human Services, (Feb. 27, 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](https://childrenslawcenter.org/wp-content/uploads/2022/02/TWeerasingha-Cote_Childrens-Law-Center-Testimony-for-Feb.-17-2022-CFSA-Oversight-Hearing_FINAL.pdf); Sharra E. Greer, testimony before DC Council Committee on Human Services, (Feb. 24, 2023), available at: [https://childrenslawcenter.org/wp-content/uploads/2023/02/Sharra-E.-Greer\\_Childrens-Law-Center\\_Performance-Oversight\\_FY2022-23-CFSA\\_final.pdf](https://childrenslawcenter.org/wp-content/uploads/2023/02/Sharra-E.-Greer_Childrens-Law-Center_Performance-Oversight_FY2022-23-CFSA_final.pdf).

<sup>26</sup> Alternative Planned Permanent Living Arrangement (APPLA) is a last-resort permanency option once reunification, adoption by kin, permanent guardianship by kin, or non-kin adoption resources have been exhausted and/or have been determined not to be in the best interests of the child; legal custody happens when the agency supports legal custody to an individual who has demonstrated a commitment to assuming long-term responsibility for a child is pursued as a permanency goal only under rare and

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specific circumstances; reunification happens when the agency works with the birth parent or caregiver from whom the child was removed, and their supports, to ameliorate conditions of neglect such that the child can safely return home; adoption happens if safe reunification is not a viable option, the agency will pursue adoption for the child with kin or the current resource provider based on whomever is most clinically appropriate, and if neither is an option, by recruiting a new adoptive resource; and guardianship may be pursued in lieu of adoption if neither reunification nor adoption is a viable option; the agency shall pursue guardianship for the child with willing kin or, under certain circumstances, a non-kin resource. *See* Child and Family Services, Permanency Practice, (May 19, 2020), *available at*: [https://cfsa.dc.gov/sites/default/files/dc/sites/cfsa/publication/attachments/Permanency\\_Practice\\_Policy\\_FINAL%20%282%29\\_0.pdf](https://cfsa.dc.gov/sites/default/files/dc/sites/cfsa/publication/attachments/Permanency_Practice_Policy_FINAL%20%282%29_0.pdf); DC Code Title 4. Public Care Systems, Chapter 12. Child Abuse and Neglect. Subchapter I. Prevention of Child Abuse and Neglect, Part C. Child and Family Services Agency § 4–1303.03. Duties and powers of the Director; Public Law 105–89.

<sup>27</sup> “The proposed SOUL [Support, Opportunity, Unity, and Legal Relationships] Family permanency option would create a circle of caring adults who provide support, opportunity, unity and legal relationships for young people ages 16 and older as they move from foster care to adulthood.” *See* The Annie E. Casey, SOUL FAMILY PERMANENCY OPTION FOR OLDER YOUTH IN FOSTER CARE, May 9, 2022, *available at*: <https://www.aecf.org/blog/soul-family-permanency-option-for-older-youth-in-foster-care>. *See also* The Annie E. Casey, What Is SOUL Family? A Proposal to Expand Permanency Options for Teens in Foster Care, YouTube, February 2023, *available at*: <https://youtu.be/sPN3oai4XI8>.

<sup>28</sup> The Annie E. Casey, SOUL FAMILY PERMANENCY OPTION FOR OLDER YOUTH IN FOSTER CARE, May 9, 2022, *available at*: <https://www.aecf.org/blog/soul-family-permanency-option-for-older-youth-in-foster-care>.

<sup>29</sup> The Annie E. Casey, *Comparing Existing Legal Permanency Pathways to Proposed SOUL Family Option*, *available at*: <https://assets.aecf.org/m/blogdoc/aecf-soul-comparison-2022.pdf>.

<sup>30</sup> Child and Family Services Agency, *Foster Care Demographics FY 2022-23*, *available at*: <https://cfsadashboard.dc.gov/page/foster-care-demographics>.

<sup>31</sup> Kansas is currently piloting SOUL. As of February 2024, the state legislature’s Child Welfare and Foster Committee has recommended that the full House pass the bill that would enact permanency option. H.B. 2536, 2023-2024 Leg. Sess. (Kan. 2024), *available at*: [https://www.kslegislature.org/li/b2023\\_24/measures/hb2536/](https://www.kslegislature.org/li/b2023_24/measures/hb2536/); *see also* Children’s Alliance of Kansas, SOUL Family: A Proposed Permanency Option Designed by Youth in Foster Care, *available at*: <https://www.childally.org/soul-family>.

<sup>32</sup> Robert L. Matthews, Testimony before the DC Council Committee on Facilities and Family Services, Performance Oversight Hearing Fiscal Year 2022, Child and Family Service Agency, (Feb. 24, 2023), *available at*: [https://www.dropbox.com/sh/kod57y5ukqmwopg/AAAGPTIiA\\_GzfrtaDmi8CcKca/2023%20Folders/2.24.23%20-%20POH%20for%20CFSA%20and%20Ombuds%20for%20Children/Government%20Testimony?e=2&preview=CFSA+FY22+Performance+Oversight+Hearing+Testimony\\_Director+Robert+L+Matthews-Final.pdf&subfolder\\_nav\\_tracking=1&dl=0](https://www.dropbox.com/sh/kod57y5ukqmwopg/AAAGPTIiA_GzfrtaDmi8CcKca/2023%20Folders/2.24.23%20-%20POH%20for%20CFSA%20and%20Ombuds%20for%20Children/Government%20Testimony?e=2&preview=CFSA+FY22+Performance+Oversight+Hearing+Testimony_Director+Robert+L+Matthews-Final.pdf&subfolder_nav_tracking=1&dl=0).

<sup>33</sup> FY2023 Child and Family Services Agency Performance Oversight Responses, response to Q113(c) *available at*: <https://lims.dccouncil.gov/Hearings/hearings/253>.

<sup>34</sup> “Based on their stated needs, they may be re-routed to 211 Warmline, 311, 911, or the CPS Hotline. If the needs are solely social service related, callers will all be transferred to 211 for assistance. Likewise, 211 Warmline call center agents are trained to route and escalate calls to the other lines i.e., CPS Hotline, 311, and/or 911 depending on the nature and sensitivity of the caller’s needs (be it child maltreatment

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concerns, repairs and/or damage concerns to property, or crisis emergency response needs).” See FY2023 Child and Family Services Agency, response to Q114(b) available at:

<https://lims.dccouncil.gov/Hearings/hearings/253>.

<sup>35</sup> FY2023 Child and Family Services Agency Performance Oversight Responses, responses to Q113 and Q114 available at: <https://lims.dccouncil.gov/Hearings/hearings/253>.

<sup>36</sup> Living in housing with substandard conditions is a consistent and strong predictor of emotional and behavioral problems in children and exposure to certain conditions, especially mold and pests, is closely associated with increased asthma prevalence and severity in children. Levine Coley et. al., *Poor Quality Housing Is Tied to Children’s Emotional and Behavioral Problems*, MacArthur Foundation: How Housing Matter (Sept. 2013), available at: <https://housingmatters.urban.org/sites/default/files/wp-content/uploads/2014/09/How-Housing-Matters-Policy-Research-Brief-Poor-Quality-Housing-Is-Tied-to-Childrens-Emotional-and-Behavioral-Problems.pdf>; Ganesh et. al., *The Relationship between Housing and Asthma Among School-Age Children*, Urban Institute (Oct. 2017), available at:

[https://www.urban.org/sites/default/files/publication/93881/the-relationshi-between-housing-and-asthma\\_2.pdf](https://www.urban.org/sites/default/files/publication/93881/the-relationshi-between-housing-and-asthma_2.pdf). Rent burden (paying over 30% of household income toward rent) and eviction are

“significantly associated with higher mortality risk” likely due to renters prioritizing housing costs over spending on health-related needs, including preventive care. Graetz et. al., *The Impacts of Rent Burden and Eviction on Mortality in the United States, 2000-2019*, *Social Science & Medicine* 340 (2024). See also, Weitzman et. al., *Housing and Child Health*, 43 *Current Problems in Pediatric and Adolescent Health Care* 187 (Sept. 2013) (how the physical, chemical, and biological aspects of a child’s home impact their health and development).

<sup>37</sup> Children’s Law Center’s innovative medical legal partnership, Healthy Together, places attorneys at primary care pediatric clinics throughout the city with Children’s National, Unity Health Care, and Mary’s Center to receive referrals from pediatric providers for assistance with non-medical barriers to a child’s health and well-being. See Children’s Law Center, available at: <https://childrenslawcenter.org/our-impact/health/>.

<sup>38</sup> Such as the Housing Choice Voucher Program (HCVP), see Center on Budget and Policy Priorities, *Policy Basics: The Housing Choice Voucher Program*, available at: <https://www.cbpp.org/research/housing/the-housing-choice-voucher-program>; Local Rent Supplement Program (LRSP), which is funded by and Family Re-Stabilization Program (FRSP, commonly known as Rapid Re-Housing), DHS, “Rapid Rehousing for Individuals,” available at: <https://dhs.dc.gov/page/rapid-rehousing-individuals>.

<sup>39</sup> See D.C. Mun. Regs. tit. 14, §§ 106, 301, 400-999 (housing code/warranty of habitability); DC Code § 8-231, Lead-Hazard Prevention and Elimination (elimination of lead-based paint hazards in properties with special protections for housing occupied by young children); DC Code § 8-241, Residential Indoor Mold Assessment and Remediation (requirements to assess and remediate of residential indoor mold); DC Code § 2-1402.21, Housing and Commercial Space: Prohibitions (protection from housing discrimination).

<sup>40</sup> Office of the Attorney General, Responses for FY23-24 Performance Oversight Hearing, at 2 (Feb. 21, 2024), available at: <https://lims.dccouncil.gov/Hearings/hearings/264>.

<sup>41</sup> Makenna Osborn, Testimony before DC Council’s Committee of the Whole (Feb. 22, 2024), available at: <https://childrenslawcenter.org/wp-content/uploads/2024/02/DOB-Performance-Oversight-Childrens-Law-Center-Written-Testimony-02.21.2024.pdf>.

<sup>42</sup> Office of the Attorney General, Responses for FY23-24 Performance Oversight Hearing, at 6 (Feb. 21, 2024), available at: <https://lims.dccouncil.gov/Hearings/hearings/264>. We understand that the Social Justice Section was recently renamed the Housing and Environmental Justice Section but refer to it as the Social Justice Section for the purposes of this testimony as that was the Section’s name during the relevant time period. *Id.* at 10.

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<sup>43</sup> Office of the Attorney General, “How OAG Can Help,” available at: <https://oag.dc.gov/tenant-resources/how-oag-can-help>.

<sup>44</sup> Office of the Attorney General, “AG Racine Files New Lawsuits Over Dangerous and Unlawful Conditions at Marbury Plaza and Two Other Apartment Complexes,” (July 2, 2021), available at: <https://oag.dc.gov/release/ag-racine-files-new-lawsuits-over-dangerous-and>.

<sup>45</sup> Children’s Law Center receives a particularly high number of referrals for families living at Marbury Plaza because it is such a large complex—674 units and approximately 2,500 residents—and close to Children’s National’s Anacostia clinic in Ward 8, one of the pediatric providers Children’s Law Center has a medical-legal partnership with. See Maria Godoy, “When Landlords Won’t Fix Asthma Triggers Like Mold, Doctors Call in the Lawyers,” NPR (Nov. 20, 2023), available at:

<https://www.npr.org/sections/health-shots/2023/11/20/1213555737/asthma-mold-housing-medical-legal-partnership>; Office of the Attorney General, “AG Schwalb Compels Owners of District Apartment Complexes – Including Foster House and Marbury Plaza – to Remedy Housing Conditions “ (May 8, 2023), available at: <https://oag.dc.gov/release/ag-schwalb-compels-owners-district-apartment>.

<sup>46</sup> Children’s National, “IMPACT DC’s Healthy Housing Map,” available at: <https://www.childrensnational.org/get-care/departments/impact-dc-asthma-clinic/provider-resources/healthy-housing-map>.

<sup>47</sup> Office of the Attorney General, “AG Schwalb Compels Owners of District Apartment Complexes – Including Foster House and Marbury Plaza – to Remedy Housing Conditions “ (May 8, 2023), available at: <https://oag.dc.gov/release/ag-schwalb-compels-owners-district-apartment>.

<sup>48</sup> When unaddressed housing code violations are harming a child’s health, Children’s Law Center attorneys represent clients in the Housing Conditions Calendar of the DC Superior Court (Housing Conditions Court), where tenants may sue landlords for housing code violations on an expedited basis and seek the limited relief of enforcing compliance with the housing code. See District of Columbia Courts Housing Conditions Calendar, available at: <https://www.dccourts.gov/services/civil-matters/housing-conditions-calendar>.

<sup>49</sup> Office of the Attorney General, Responses for FY23-24 Performance Oversight Hearing, at 57 (Feb. 21, 2024), available at: <https://lims.dccouncil.gov/Hearings/hearings/264>. Superior Court of the District of Columbia, Case No. 2021-CA-2209-B, Consent Order Appointing Receiver.

<sup>50</sup> Khalida Volou, “Marbury Plaza Apartments in SE DC files for bankruptcy after judge orders 50% cut in rents,” ABC7 (Sept. 1, 2023) available at: <https://wjla.com/news/local/marbury-plaza-apartments-southeast-dc-tenants-residents-bankruptcy-cut-in-rent-living-conditions-cost-lawsuit-superior-court-judge-kravitz-barbara-cooper-financial-inflation>.

<sup>51</sup> Office of the Attorney General, Responses for FY23-24 Performance Oversight Hearing, at 32 (Feb. 21, 2024), available at: <https://lims.dccouncil.gov/Hearings/hearings/264>.

<sup>52</sup> Office of the Attorney General, Responses for FY23-24 Performance Oversight Hearing, at 5 (Feb. 21, 2024), available at: <https://lims.dccouncil.gov/Hearings/hearings/264>.

<sup>53</sup> Environmental Protection Agency, Office of Enforcement & Compliance Assurance, *Lead Bulletin*, (Oct. 2018), available at: [https://www.epa.gov/sites/default/files/2018-10/documents/enforcement-lead-bulletin-10-2018\\_0.pdf](https://www.epa.gov/sites/default/files/2018-10/documents/enforcement-lead-bulletin-10-2018_0.pdf).

<sup>54</sup> Centers for Disease Control and Prevention, *Health Effects of Lead Exposure*, (Sept. 2, 2022), available at: <https://www.cdc.gov/nceh/lead/prevention/health-effects.htm>.

<sup>55</sup> *Id.*

<sup>56</sup> DC Code § 2–1402.21; See also § 2–1401.02(29); Office of Human Rights, “Source of Income” Discrimination in Housing, *OHR Enforcement Guidance*, (Dec. 9, 2022), available at:

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[https://ohr.dc.gov/sites/default/files/dc/sites/ohr/publication/attachments/OHR%20Updated%20SOI%20Housing%20Discrimination%20Guidance%20\\_0.pdf](https://ohr.dc.gov/sites/default/files/dc/sites/ohr/publication/attachments/OHR%20Updated%20SOI%20Housing%20Discrimination%20Guidance%20_0.pdf).

<sup>57</sup> Office of the Attorney General, Responses for FY23-24 Performance Oversight Hearing, at 2 (Feb. 21, 2024), available at: <https://lims.dccouncil.gov/Hearings/hearings/264>.

<sup>58</sup> Office of the Attorney General, Responses for FY23-24 Performance Oversight Hearing, at 26 (Feb. 21, 2024), available at: <https://lims.dccouncil.gov/Hearings/hearings/264>.

<sup>59</sup> Claudia Solari, Lydia Lo, Alavi Rashid, & Lynden Bond, *Housing Insecurity in the District of Columbia*, Urban Institute (Nov. 29, 2023), available at: [https://www.urban.org/sites/default/files/2023-11/Housing%20Insecurity%20in%20the%20District%20of%20Columbia\\_0.pdf](https://www.urban.org/sites/default/files/2023-11/Housing%20Insecurity%20in%20the%20District%20of%20Columbia_0.pdf).

<sup>60</sup> National Low Income Housing Coalition, *District of Columbia State Profile*, available at: <https://nlihc.org/oor/state/dc>.