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Testimony Before the District of Columbia Council
Committee on Facilities and Family Services
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Introduction

Good morning, Chairperson Lewis George, and members of the Committee. My name is Tami Weerasingha-Cote. I am the Senior Supervising Policy Attorney at Children's Law Center. I am also a Ward 4 resident and the parent of three children here in 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 performance of the Child and Family Services Agency (CFSA) over the past year. Children's Law Center attorneys serve as guardians-ad-litem for children in the care and custody of CFSA.¹ Currently, we represent approximately half the children involved with CFSA – several hundred children in foster care and protective supervision each year.² Children's Law Center also has teams of attorneys dedicated to helping families secure special education services for their children, address unhealthy housing conditions, and obtain custody or guardianship of children in their extended family.³ As a result, we not only have expertise

in the issues impacting children who are already in the care and custody of CFSA, we also have insight into systemic issues affecting the broader population of families most likely to be impacted by CFSA's policies and practices.

Over the past year, CFSA has accelerated and expanded its efforts to transform the District's child welfare agency into a "child well-being system" that seamlessly connects children and families with resources in their communities "with the goal of them never having to come to the attention of CFSA."⁴ To this end, the agency has continued to significantly invest in prevention strategies intended to meet families in need with resources, rather than separating children from their families.

The agency has also pursued several initiatives designed to reduce the harm to children and families caused by child welfare involvement – including implementing a new expungement law and developing a new permanency option designed to meet the specific needs of older foster youth.

Notably, CFSA has undertaken this work in a spirit of partnership – seeking to deeply engage both its sister government agencies and community members (organizations and individuals) as active participants and co-owners of the agency's transformation efforts. Children's Law Center strongly supports the agency's increased focus on prevention and harm reduction and shares the goal of keeping families out of the child welfare system by meeting needs with resources, instead of punitive measures.

We also appreciate CFSA's intentional and inclusive approach to this work – something we would love to see similarly embraced by other government agencies.

CFSA continues to struggle, however, with consistently providing critical services and supports that meet the needs of children in foster care, their families, and their caregivers. As a result, children in care, including many of our clients, have inconsistent experiences – with some of them experiencing instability and lack of support to a degree that is harmful to their well-being, and at times worse than the circumstances from which they were removed. Resolving these practice and implementation problems will require improvements in internal communications and practice standards, as well as increased levels of supervision and internal accountability from the agency.

My testimony today will first discuss CFSA's transformation work, specifically the agency's prevention efforts, harm reduction initiatives, and partnership focus. My testimony will then identify several key areas of implementation where the agency must continue to improve its performance to ensure it fully meets the needs of children in care. These areas include placement, access to behavioral health supports, supports for teens and older youth, and effectuating new requirements regarding social security benefits for children in care.

Building the Coordinated Network of Government and Community Supports for Families Envisioned by CFSA is Integral to Preventing Child Abuse and Neglect

CFSA's goal of transforming from a child welfare agency to a child and family well-being system is both radical and utterly necessary. When District parents struggle

to care for their children because of poverty – because they lack the means to pay for food, safe and healthy housing, or adequate clothing; or because they are struggling with serious physical or mental health problems or substance use disorders – or if they are unable to consistently ensure their children go to school, our city’s primary solution has been to funnel these families into the child welfare system. This system is built and designed with one primary purpose – to separate children from their parents and place them in foster care.⁵

For many years, CFSA has worked within the confines of its primary purpose to try to support families without removing children – through service referrals, in-home cases, informal family or kin placements, etc.⁶ But ultimately, when a parent is unable to meet the needs of their child, CFSA’s role is to take custody of that child until that parent can prove they are able to meet the child’s needs – and if the parent can’t achieve that within a prescribed window of time, then CFSA’s job is to find another permanent home for that child.⁷

CFSA’s transformation work is a recognition that to minimize the number of families that enter this system – to “narrow the front door”⁸ to only those families where removal is truly the lesser of two evils – the full panoply of District agencies and services must meet these families’ needs *before* they reach CFSA. To this end, CFSA is 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 before their circumstances crescendo into child abuse or neglect.⁹ We must, therefore, understand this work as essential to preventing the occurrence of child abuse and neglect.

CFSA has made significant investments over the past five years to increase access to city services and programs designed to address conditions of poverty, including establishing 11 Family Success Centers (FSCs) and reconstituting the District's 211 Warmline. Since opening in October 2020, the FSCs have served thousands of families and individuals.¹⁰ FSCs seek to connect residents with existing supports and services offered by both District agencies and community-based organizations, as well as offer regular specialized programming designed to meet the needs of the particular neighborhood they serve.¹¹ The most frequently requested services include food, clothing, mental and behavioral health programming, parenting supports, and assistance navigating employment and housing services – reflecting the needs we see at the heart of most of our child welfare cases.¹²

Data collection and evaluation of the longer-term impact of the FSCs has evolved over time, and it's an area we hope to see more fully developed over the coming year.¹³ We were very pleased to see the FSCs shift this past year to a centralized third-party referral platform, Unite Us, which should both streamline the referral process and allow for more consistent data collection and evaluation.¹⁴

In October 2023, CFSA “soft launched” the repurposed 211 Warmline as the District’s unified social service resource and referral line.¹⁵ Through partnerships with the Office of Unified Communications and the Collaboratives (community-based organizations that provide families with case management services, concrete supports, and parenting tools), CFSA is implementing a Community Response Model through the Warmline.¹⁶ This means that Warmline callers seeking help with a social need¹⁷ – such as food, housing, medical benefits, etc., – will either be 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 will be 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.¹⁸ All referrals will be made through Unite Us, the same third-party platform used by the FSCs that tracks referrals through handoff, engagement, and closure.¹⁹

CFSA is planning a twelve-month “soft launch” period, during which the Warmline will be operational, but not proactively marketed. The purpose of this “soft launch” period is to collect information and insight into the nature of the District’s social service-related needs, and build the capacity of both the Warmline staff and the broader network of government and community-based services.²⁰ During the first 60 days, the most common needs reported to the Warmline were for housing, utilities, food, and

income support²¹ – again reflecting the needs that most often cause the instability that brings families to the attention of the child welfare system.

Children’s Law Center applauds CFSA’s tremendous work in establishing the FSCs and reconstituting the 211 Warmline as means of increasing access to vital government and community-based resources, services, and programming. We note, however, that increased access alone is insufficient to meet needs. As the FSCs, Warmline operators, and Collaborative Community Responders work to identify families in need and match them with resources, government and community-based programs must have sufficient capacity, and – most importantly – be effective at meeting families’ needs.

CFSA recognizes this. During last year’s performance oversight hearing, Director Matthews called for District agencies “to take a unified approach to well-being.”²² In the lead-up to soft-launching the Warmline, CFSA engaged with numerous key health and human services-related agencies, including the Department of Human Services, the Department of Behavioral Health, and District of Columbia Public Schools – seeking their partnership and support for the Warmline.²³ CFSA envisions “enhanced coordination” with an even broader set of government agencies, including the Department of Youth Rehabilitation Services, the District of Columbia Housing Authority, the Department of Energy and the Environment, the Department of Disability Services, and Metropolitan Police Department.²⁴

CFSA is taking the lead in building an integrated human services system that provides a “continuum of primary prevention services” accessible to all District families – but CFSA cannot do this alone.²⁵ Transformation to a child and family well-being system requires the active support and involvement of many other government agencies. Both the Executive and the Council must buy into this vision and support this shift towards coordination and integration for it to take hold and make a difference in how DC families in need experience their government and community. We urge this Committee to take a lead role in supporting CFSA in this work, and to pursue the collaboration and coordination across Council Committees that is needed to make this vision a reality.

CFSA is Undertaking Several Initiatives Intended to Lessen Harms Caused by Child Welfare Involvement

In addition to expanding its prevention work, the agency has also put significant effort into two initiatives intended to mitigate harms to children and families caused by child welfare involvement: (1) the expungement of certain Child Protection Register (CPR) records; and (2) the development of a new permanency option designed to better meet the specific needs of older foster youth.

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 the investigation was inconclusive.²⁶ 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.).²⁷ Further, CFSA uses the Register to screen individuals seeking to become foster parents or kin caregivers.²⁸ In short, being placed on the CPR has – until recently – resulted in lifetime barriers to employment and challenges to family stability.²⁹

In 2022, the Council passed a law that created a pathway for individuals to have certain types of records expunged from the CPR.³⁰ The law creates a tiered system in which inconclusive reports and certain substantiated reports may be expunged from the CPR after a period of time if the report does not relate to death, sexual violence, or serious physical harm to a child.³¹

Since the law went into effect in October 2023, CFSA has invested time and resources to implement this law in a thoughtful and effective manner. The agency hired external expertise to accurately identify records to be expunged, drafted targeted and audience-appropriate communications, and developed plans for outreach. We commend the agency on their efforts to implement this important law and look forward to this burden of child welfare involvement being lifted from thousands of families across the District.

CFSA has also put significant effort this past year into developing a new legal permanency option for older foster youth, who often struggle to find stability and positive outcomes in our current system.³² When a child enters the foster care system and

the court finds that they have been neglected by their parents, that child generally has three pathways to closing their case and achieving permanency: reunification with their parents, adoption, or guardianship.³³ Although these pathways work for many children in care, for some children – typically older youth – find none of them are suitable for their particular situation. These youth are left to “age out” of the foster care system –exiting the care of CFSA at the age of 21.³⁴

Recognizing that aging out of foster care is harmful to youth in care and that the foster care system is ill-suited to meeting the needs of older youth,³⁵ CFSA has partnered with the Annie E. Casey Foundation and other community stakeholders to explore the development of a new legal permanency option in the District: the SOUL Family (with SOUL standing for Support, Opportunity, Unity, and Legal Relationships).³⁶ The concept originated with a group of youth leaders brought together by the Casey Foundation and supported by research and consultations with national legal experts.³⁷ The District is one of the first jurisdictions to start working on implementing this concept, putting CFSA at the forefront of figuring out how to adapt to the shifting demographics of the foster care population.³⁸

Children’s Law Center has for many years expressed concerns that older youth are languishing in foster care,³⁹ and we applaud the agency for acknowledging the multitude of ways the current system doesn’t work for older youth and proactively seeking a

creative solution. Although this work is in its early stages, we look forward to seeing continued progress in the coming year.

CFSA's Work is Strengthened by its Commitment to Community Partnership and Interagency Collaboration

Over the past few years, CFSA has increasingly sought to engage both its sister government agencies and community stakeholders in its prevention and harm reduction work. In addition to inviting agencies and community-based organizations to participate in building an integrated network of human services, CFSA has been intentional about creating spaces for individual community members to weigh in on what prevention services should look like in the District. For example, each Family Success Center has a Community Advisory Council (CAC) primarily comprised of members of the neighborhood who help guide FSC programming by providing input on which services and supports are most needed by that specific community.⁴⁰ CFSA also invited community members to join the Steering Committee and working groups tasked with setting up the Warmline and supporting the agency's transformation work more generally.⁴¹

Over the past year CFSA has also worked closely with Children's Law Center to implement expungement, consider changes to the neglect statute, and begin the process of exploring SOUL Family. CFSA's leadership also meets with us on a regular basis to discuss policy and practice issues that arise in our cases. We may not always agree, but the agency has maintained frequent and open communication with us, which we deeply

appreciate. CFSA'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. The level at which CFSA engages with us and the community more broadly in their policy and strategy work is a model for other District agencies.

Finally, we must also commend CFSA for its collaboration and partnership with the Office of the Ombudsperson for Children (“the Office”). Although the Executive did not support the creation of this independent legislative agency, once the Office was established in 2022, CFSA has engaged positively with the Office and supported its work.⁴² Although there may be areas of disagreement, we are glad to see CFSA is working in partnership with the Office towards a shared goal of improving conditions for CFSA-involved children and their families.

Although CFSA's Placement Array Has Improved, Continued Focus and Investment is Needed

We have testified for many years that CFSA's lack of placements for older youth and children with significant behavioral health needs has been harmful to children in the agency's care.⁴³ We are tentatively pleased, therefore, to see that CFSA's recent investments in specialized, therapeutic, and supportive placements appear to have resulted in some improvement in placement stability for children in care. According to CFSA's performance oversight data for FY2023, 99 children (just under 20 percent) experienced three or more placements during the year.⁴⁴ This is a meaningful

improvement compared to previous years – in FY2022, 145 children (27 percent) had three or more placements; and in FY2021, 148 children (approximately 24 percent) had three or more placements.⁴⁵

This positive trend is also supported by our own internal data and analysis. Every year, Children’s Law Center reviews several hundred of our active guardian-ad-litem cases to gain better insight into our clients’ experiences in foster care. Our most recent review (covering cases open between June 2022 and May 2023), revealed that 70 of our clients in care (approximately 20 percent) experienced some form of placement instability.⁴⁶ This is, again, an improvement over prior years – our 2021-2022 data analysis identified 110 clients (approximately 25 percent) experiencing placement instability, and our 2020-2021 data analysis identified 128 clients (approximately 33 percent) experiencing placement instability.⁴⁷

These improvements in placement stability reflect significant investments by CFSA to build out its placement array, specifically with specialized, therapeutic, and supported placement options. In July 2022, CFSA contracted with PSI Family Services to provide intensive foster care placement and case management services for up to 36 children in CFSA’s care and custody.⁴⁸ Despite PSI’s continuing struggles to maintain clinical case management staff, CFSA has supported these placements by providing the case management staffing and therefore preserved these placements for DC foster children.⁴⁹ CFSA has also invested in establishing a number of professional foster homes

(homes where resource parents are employed in a professional capacity to provide care) and entering into a new contract with Lutheran Social Services to provide foster homes and case management services for Spanish-speaking children.⁵⁰ During the past year, CFSA also established an enhanced short-term emergency placement, “The Bridge Program,” which includes on-site clinical staff and other supports designed to stabilize youth ages 13 to 17 with significant behavioral health needs.⁵¹ Finally, CFSA contracted with Sasha Bruce to recently open a new therapeutic group home, “Allen House,” which also provides supported placements for foster children ages 13 to 17.⁵²

While these additions to the placement array are a positive development, the extent to which children in care – including dozens of our clients – continue to experience placement instability remains a significant challenge. In our experience, some of this ongoing placement instability reflects inconsistencies in the agency’s practices with respect to matching children in care with appropriate placements; the information, resources, and training provided to resource parents; and the overall level of placement support and stabilizing services offered.

Further, as CFSA has increased its prevention efforts and worked to keep children in care with their families through in-home cases and kin caregiving arrangements, a greater proportion of the foster care population is comprised of older youth and children with significant behavioral health needs.⁵³ As a result, although the overall population of foster children is shrinking, the children in care are more likely to need the higher

levels of support provided by specialized resource-intensive placements. CFSA, therefore, needs to continue building out its placement array until it has enough of the right kinds of placements to support the specific population of children in care. We commend CFSA for its strategic and resource-intensive efforts to improve its placement array over the past year and ask this Committee to ensure CFSA has the resources and support needed to continue this essential work.

Foster Children Remain Unable to Access Much-Needed Behavioral Health Care Services

In December 2023, Children’s Law Center provided testimony to this Committee regarding the extent to which foster children need access to behavioral health services and their struggle to access quality services in a timely manner.⁵⁴ As we explained in our testimony:

“Children who have been removed from their parents and placed into foster care due to substantiated allegations of abuse and neglect almost universally experience significant trauma that impacts their mental and behavioral health. This trauma – due to conditions existing prior to their removal or to the removal itself – may or may not result in a diagnosable mental health condition, but the majority of children in care need behavioral health supports to address the pain and stress they have experienced, and to help them and their caregivers (birth parents or others) work through relationship challenges and achieve stability and permanency to exit CFSA’s custody.”⁵⁵

A significant number of our clients have diagnosed or suspected mental health conditions, or other behavioral health needs⁵⁶ – yet they are frequently unable to find providers offering the services they need.⁵⁷ Although CFSA has attempted to build some

in-house capacity to provide behavioral health services to youth in care,⁵⁸ meeting the behavioral health needs of CFSA- involved children and their families ultimately requires the District to have a functioning public behavioral health system. The Department of Behavioral Health (DBH) and its sister health agencies are ultimately responsible for ensuring all children who receive their health benefits through Medicaid – including foster children – have access to the best and most therapeutically appropriate behavioral health treatments, services, and interventions.

We were disheartened and baffled by the testimony presented by the government witnesses from both CFSA and DBH during the December 2023 hearing. Both agencies painted a picture of a smoothly functional system, with small or nonexistent waitlists and plenty of capacity to meet the behavioral health needs of children in care and their families.⁵⁹ This is directly at odds with the experiences of many of our clients in foster care and dismissive of the struggles our clients and their families face in getting the help they need. If CFSA and DBH cannot acknowledge there is a problem, it is very unlikely anything will be done to solve it. Although we will continue to litigate in court for our clients to have access to the behavioral health services they need on an individual case-by-case basis, we strongly urge this Committee to hold the agency accountable for its statements and investigate why the agency's perception of the availability of behavioral health services differs so much from our clients' experiences.

Supports and Services for Teens and Older Youth in Foster Care Remain Inconsistent

Children's Law Center has testified many times in recent years regarding the challenges teens and older youth often face in foster care.⁶⁰ From housing, to education, to employment – outcomes are bleak for teens and older youth in or aging out of foster care.⁶¹ Although CFSA offers a range of programming, supports, and services intended to support teens and youth and help them achieve successful outcomes in these very areas,⁶² it is our experience that these supports and services are inconsistently implemented – resulting in different youth having different experiences and opportunities.

Whether or not a particular youth is able to access a specific housing resource, obtain the educational supports they need (such as tutoring, transportation, or childcare), or receive the job training and financial coaching to support successful long-term employment and financial stability in the future seems to depend far too much on the circumstances of their case management. Meaning that the availability of these resources depends on which agency case manages their placement,⁶³ the individuals on the social work and case teams, the nature of their placement (foster home or group home), as well as whether the resource parents or staff are willing to be supportive and engaged, or there are other supportive adults able to be involved and engaged in supporting the youth. Although these circumstances will inevitably impact a youth's experience in foster care – they should not limit what resources, programming or services are available.

CFSA has expressed to us that the agency's intention is for all youth in care to have access to the same supports, services, and programs. Accomplishing this will require improvements in internal communications and practice standards, as well as increased levels of supervision and internal accountability from the agency. We ask this Committee to ensure CFSA has the resources and support needed to improve implementation of services for youth in care.

CFSA Has Not Made Sufficient Progress in Implementing New Requirements Regarding the Social Security Benefits of Foster Children

The Council passed the Preserving Our Kids' Equity Through Trusts and Fostering Stable Housing Opportunities Amendment Act of 2022 (POKETT) in late 2022 and included implementation funds for the bill in the FY2024 budget in March 2023.⁶⁴ POKETT requires CFSA to screen all children in foster care to determine whether they are eligible for Social Security Benefits.⁶⁵ If they are eligible, the agency is required to apply for benefits on their behalf and conserve those benefits for the child until the child exits care.⁶⁶ Notably, the law expressly prohibits CFSA from using these funds for "any costs associated with the child's care."⁶⁷

Despite having had close to a year to prepare for and implement POKETT, the agency has failed to implement several key aspects of this legislation. First, CFSA has yet to determine which type of financial instrument or account it will use to conserve funds on behalf of children in care.⁶⁸ This is significant because these funds have been accruing for months and may soon trigger asset caps or payback requirements if they are not

conserved properly. Second, CFSA has not complied with the notice requirements outlined in the law, which require CFSA to share communications regarding social security benefits with guardians-ad-litem.⁶⁹ To date, our attorneys have barely received any such communications – despite repeatedly reaching out to the agency. Further, we have been requesting that the agency at least notify us of all clients who are receiving any social security benefits, so we know which cases require follow-up, but we have, to date, received only a partial list. The agency’s failure to make real progress towards implementing POKETT is unacceptable. We ask this Committee to hold the agency accountable for ensuring children in care are not adversely impacted by this delay in implementation.

We must note, however, that as written, POKETT does present complex implementation challenges, and may have some unintended consequences for children in care. To name a few, the bill compels the District to replace federal dollars with local dollars; imposes a high (and expensive) administrative burden; creates disparity between youth with social security benefits and those without; and may result in significant case management complications. We ask the Committee to consider working with the agency and community stakeholders to review the impact of this law and determine whether changes are needed to fully realize the intended impact of POKETT.

Conclusion

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

¹ 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).

² DC Children’s Law Center, About Us, available at: <https://www.childrenslawcenter.org/content/about-us>.

³ Children’s Law Center, Our Impact, available at: <https://childrenslawcenter.org/our-impact/>.

⁴ 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, (February 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.

⁵ § 4–1303.01a. Establishment and purposes of Child and Family Services Agency; 42 U.S. Code Part B – Child and Family Services § 629 – Purpose; and *Child Welfare: Purposes, Federal Programs, and Funding*, Congress Research Service, October 27, 2023, available at: <https://sgp.fas.org/crs/misc/IF10590.pdf>.

⁶ Tami Weerasingha-Cote, testimony before DC Council Committee on Human Services, (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; Tami Weerasingha-Cote, testimony before DC Council Committee on Human Services, (February 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; Sharra E. Greer, testimony before DC Council Committee on Human Services, (February 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. See also Child and Family Services Agency, Program In-Home Services, (May 27, 2022), available at: <https://cfsa.dc.gov/publication/program-home-services#:~:text=It%20is%20CFSA%20policy%20to,to%20promote%20family%20well%2Dbeing>.

⁷ 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; DC Code Title 16, Chapter 23. Family Division [Family Court] Proceedings; 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. The Adoption and Safe Families Act (ASFA).

⁸ “The Front Door is a term CFSA uses to indicate families that are known to CFSA through a call to the Child Abuse and Neglect Hotline and/or through an open in-home case. CFSA’s goal is to safely narrow the Front Door, i.e. prevent entry of children into foster care. Children deserve to grow up with their families and should be removed only as the last resort. When CFSA must remove a child for safety, the Agency seeks to place with relatives first.” *See* Child and Family Services Agency, Dashboard, *available at:* <https://cfsadashboard.dc.gov/page/front-door>.

⁹ 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, (February 24, 2023), *available at:* https://www.dropbox.com/sh/kod57y5ukqmwopg/AAAGPTliA_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.

¹⁰ FY2023 Child and Family Services Agency Performance Oversight Responses, response to Q107(a), *available at:* <https://lims.dccouncil.gov/Hearings/hearings/253>.

¹¹ Child and Family Services Agency, Keeping DC Families Together, *available at:* <https://cfsa.dc.gov/page/keeping-dc-families-together>; FY2023 Child and Family Services Agency Performance Oversight Responses, response to Q107(b), *available at:* <https://lims.dccouncil.gov/Hearings/hearings/253>.

¹² FY2023 Child and Family Services Agency Performance Oversight Response, responses to Q107(b)(i) and attachment to Q107, *available at:* <https://lims.dccouncil.gov/Hearings/hearings/253>.

¹³ FY2023 Child and Family Services Agency Performance Oversight Responses, response to Q112, *available at:* <https://lims.dccouncil.gov/Hearings/hearings/253>.

¹⁴ FY2023 Child and Family Services Agency Performance Oversight Responses, response to Q112, *available at:* <https://lims.dccouncil.gov/Hearings/hearings/253>. “Unite Us is a third-party platform that provides service navigation for closed loop referrals and to identify community-based resources for both formal and informal kin

caregivers.” *See* FY2023 Child and Family Services Agency Performance Oversight Responses, response to Q134(f), *available at:* <https://lims.dccouncil.gov/Hearings/hearings/253>; FY2023 Child and Family Services Agency Performance Oversight Responses, response to Q107(c), *available at:* <https://lims.dccouncil.gov/Hearings/hearings/253>. *See also* Unite Us, *available at:* <https://uniteus.com/>.

¹⁵ FY2023 Child and Family Services Agency Performance Oversight Responses, response to Q113(c) *available at:* <https://lims.dccouncil.gov/Hearings/hearings/253>.

¹⁶ *Id.*

¹⁷ “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 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>.

¹⁸ FY2023 Child and Family Services Agency Performance Oversight Responses, responses to Q113 and Q114 *available at:* <https://lims.dccouncil.gov/Hearings/hearings/253>.

¹⁹ FY2023 Child and Family Services Agency Performance Oversight Responses, response to Q114, *available at:* <https://lims.dccouncil.gov/Hearings/hearings/253>.

²⁰ FY2023 Child and Family Services Agency Performance Oversight Responses, responses to Q113 and Q114 *available at:* <https://lims.dccouncil.gov/Hearings/hearings/253>.

²¹ FY2023 Child and Family Services Agency Performance Oversight Responses, response to Q115, *available at:* <https://lims.dccouncil.gov/Hearings/hearings/253>.

²² 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, (February 24, 2023), *available at:*

https://www.dropbox.com/sh/kod57y5ukqmwopg/AAAGPTliA_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.

²³ FY2023 Child and Family Services Agency Performance Oversight Responses, response to Q115, *available at:* <https://lims.dccouncil.gov/Hearings/hearings/253>.

²⁴ 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, (February 24, 2023), *available at:*

https://www.dropbox.com/sh/kod57y5ukqmwopg/AAAGPTliA_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.

²⁵ FY2023 Child and Family Services Agency Performance Oversight Responses, response to Q116, *available at:* <https://lims.dccouncil.gov/Hearings/hearings/253>.

²⁶ 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, (February 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. *See also* Child and Family Services Agency, Child Protection Register (CPR), *available at:* <https://cfsa.dc.gov/service/child-protection-register-cpr>.

²⁷ 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, (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.

²⁸ *Id.*

²⁹ 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.

³⁰ B24-0989 - Educator Background Check Streamlining Amendment Act of 2022.

³¹ The legislation allows for different types of reports to be expunged from the Child Protection Register after one, three, or five years depending on the report type and other circumstances. B24-0989, Educator Background Check Streamlining Amendment Act of 2022, Sec. 3, Sec. 207(a)-(f), lines 66 -100.

³² Tami Weerasingha-Cote, testimony before DC Council Committee on Human Services, (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; Tami Weerasingha-Cote, testimony before DC Council Committee on Human Services, (February 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; Sharra E. Greer, testimony before DC Council Committee on Human Services, (February 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.

³³ 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 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; 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.

³⁴ 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. APPLA is only available for youth 16 or older. The social worker shall work actively with youth with to build lifelong connections, re-engage family, and achieve a successful transition to adulthood by setting and accomplishing goals across a series of critical domains, such as housing, education, employment, and physical and mental health. 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.

³⁵ Older foster youth represent the largest number of youth who experience multiple placement disruptions. Of the 39 youth who experienced 5 or more placement disruptions, 22 of them were 16 years or older. Of the 60 youth who experienced 4 or more placement disruptions, 29 of them were 16 years or older. See FY2023 Child and Family Services Agency Performance Oversight Responses, response to Q147, available at: <https://lims.dccouncil.gov/Hearings/hearings/253>. See also, Jessica Castillo, *Fewer Adults are Willing to Care for Older Kids in Foster Care*, The Imprint, April 13, 2022, available at: <https://imprintnews.org/youth-voice/less-adults-are-willing-to-care-for-older-kids-in-foster-care/64000>;

Tami Weerasingha-Cote, testimony before DC Council Committee on Human Services, (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; Tami Weerasingha-Cote, testimony before DC Council Committee on Human Services, (February 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; Sharra E. Greer, testimony before DC Council Committee on Human Services, (February 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.

³⁶ The proposed SOUL 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>.

³⁷ 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>.

³⁸ In FY2023, older youth (16 and older) represented 33% of the foster population (165 out of 496). See FY2023 Child and Family Services Agency Performance Oversight Responses, response to Q146, *available at*: <https://lims.dccouncil.gov/Hearings/hearings/253>.

³⁹ Tami Weerasingha-Cote, testimony before DC Council Committee on Human Services, (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; Tami Weerasingha-Cote, testimony before DC Council Committee on Human Services, (February 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; Sharra E. Greer, testimony before DC Council Committee on Human Services, (February 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.

⁴⁰ FY2023 Child and Family Services Agency Performance Oversight Responses, response to Q107(b)(iii), *available at*: <https://lims.dccouncil.gov/Hearings/hearings/253>.

⁴¹ FY2023 Child and Family Services Agency Performance Oversight Responses, responses to Q3, Q27 and Q113(b), *available at*: <https://lims.dccouncil.gov/Hearings/hearings/253>.

⁴² The Mayor vetoed the Child Safety and Well-Being Ombudsperson Establishment Act of 2019 (now known as “Office of the Ombudsperson for Children Establishment Amendment Act of 2020”) on January 13, 2021. See B23-0437 - Child Safety and Well-Being Ombudsperson Establishment Act of 2019 (now known as “Office of the Ombudsperson for Children Establishment Amendment Act of 2020”), *available at*: <https://lims.dccouncil.gov/Legislation/B23-0437>. The Council subsequently overrode the Mayor’s veto to establish the Office. *Id.* Since the Office became operational in 2022, however, CFSA’s Director, Chief of Staff and Special Assistant to the Director meet with members of the Office on a bi-weekly basis. The Ombudsperson for Children has also met with the CFSA Executive leadership team and presented at a CFSA All-Staff meeting. See Office of the Ombudsperson for Children, Mid-Year Report October 1, 2022-March 31, 2023, *available at*:

[https://ofc.dc.gov/sites/default/files/dc/sites/ofc/publication/attachments/office_of_the_ombudsperson fo](https://ofc.dc.gov/sites/default/files/dc/sites/ofc/publication/attachments/office_of_the_ombudsperson_fo)

[r_children_ofc_mid-year_report_fy2023_rev.pdf](#); Office of the Ombudsperson for Children, Annual Report, January 11, 2024, *available at*: https://ofc.dc.gov/sites/default/files/dc/sites/ofc/publication/attachments/dc_office_of_the_ombudsperson_for_children_annual_report_fy_2023_final2.pdf.

⁴³ Judith Sandalow, testimony before DC Council Committee on Human Services, (April 2, 2012), *available at*: <https://childrenslawcenter.org/wp-content/uploads/files/clc/040212%20Testimony-CFSA%20budget.pdf>; Judith Sandalow, testimony before DC Council Committee on Human Services, (April 24, 2013), *available at*: <https://childrenslawcenter.org/wp-content/uploads/files/clc/042413%20Testimony-CFSA%20budget.pdf>; Judith Sandalow, testimony before DC Council Committee on Human Services, (April 14, 2014), *available at*: <https://childrenslawcenter.org/wp-content/uploads/files/clc/CLC-CFSA-Budget-Testimony-4-14-14.pdf>; Judith Sandalow, testimony before DC Council Committee on Human Services, (April 28, 2015), *available at*: <https://childrenslawcenter.org/wp-content/uploads/2021/07/CLC-Testimony-Child-Family-Services-Agency-FY16-Budget.pdf>; Judith Sandalow, testimony before DC Council Committee on Human Services, (April 27, 2016), *available at*: <https://childrenslawcenter.org/wp-content/uploads/2021/07/CLC-Testimony-Child-and-Family-Services-Agency-FY2018-Budget.pdf>; Tami Weerasingha-Cote, testimony before DC Council Committee on Human Services, (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; Aubrey Edwards-Luce, testimony before DC Council Committee on Human Services, (February 26, 2019), *available at*: <https://childrenslawcenter.org/wp-content/uploads/2021/07/AEL-CFSA-FY2018-Oversight-Testimony-FINAL.pdf>; Judith Sandalow, testimony before DC Council Committee on Human Services, (February 12, 2020), *available at*: <https://childrenslawcenter.org/wp-content/uploads/2021/07/JSandalow-CFSA-FY2019-Oversight-Testimony-FINAL.pdf>; Aubrey Edwards-Luce, testimony before DC Council Committee on Human Services, (February 12, 2020), *available at*: https://childrenslawcenter.org/wp-content/uploads/2021/07/CFSA-Performance-Oversight-Testimony_AEL_Final.pdf; Tami Weerasingha-Cote, testimony before DC Council Committee on Human Services, (November 4, 2020), *available at*: <https://childrenslawcenter.org/wp-content/uploads/2021/07/CLC-Testimony-for-Nov.-4-2020-CFSA-Public-Roundtable.pdf>; Tami Weerasingha-Cote, testimony before DC Council Committee on Human Services, (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; Tami Weerasingha-Cote, testimony before DC Council Committee on Human Services, (February 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; Sharra E. Greer, testimony before DC Council Committee on Human Services, (February 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.

⁴⁴ FY2023 Child and Family Services Agency Performance Oversight Responses, response to Q147, *available at*: <https://lims.dccouncil.gov/Hearings/hearings/253>.

⁴⁵ FY2022 Child and Family Services Agency Performance Oversight Responses, response to Q102, *available at*: https://dccouncil.gov/wp-content/uploads/2023/02/CFSA-FY22-Performance-Oversight-Hearing-Pre-Hearing-Responses-to-Questions_2-17-2023-FINAL-1.pdf; FY2021 Child and Family Services Agency Performance Oversight Responses, response to Q110, *available at*: <https://dccouncil.gov/wp-content/uploads/2022/02/FY21-22-CFSA-Performance-Oversight-Prehearing-Questions-Responses-Final.pdf>.

⁴⁶ CLC collects placement instability information that includes other circumstances that may not be captured by CFSA data including (1) times where a client remains a hospital or residential treatment facility past the discharge date due to difficulty in finding a placement; (2) times a client is sent to respite care due to difficulty in finding a placement; (3) times a client has slept at the CFSA agency building; (4) times a client was placed at the Sasha Bruce homeless shelter; (5) times a client was in abscondence; and (6) times a client was placed in an extend home stay due to difficulty finding a placement. *See* Internal Children's Law Center Data Collection, "GAL Deep Dive," June 2022 through May 2023.

⁴⁷ Internal Children's Law Center Data Collection, "GAL Deep Dive," June 2020 through May 2021; Internal Children's Law Center Data Collection, "GAL Deep Dive," June 2021 through May 2022.

⁴⁸ FY2023 Child and Family Services Agency Performance Oversight Responses, response to Q140(f), *available at*: <https://lims.dccouncil.gov/Hearings/hearings/253>.

⁴⁹ *Id.*

⁵⁰ FY2023 Child and Family Services Agency Performance Oversight Responses, response to Q150(h), *available at*: <https://lims.dccouncil.gov/Hearings/hearings/253>

⁵¹ FY2023 Child and Family Services Agency Performance Oversight Responses, response to Q87, *available at*: <https://lims.dccouncil.gov/Hearings/hearings/253>; *see also* Children's Law Center monthly meetings with CFSA and OAG, on file with the Children's Law Center.

⁵² *Id.*

⁵³ In FY2023, older youth (16 and older) represented 33% of the foster population (165 out of 496). *See* FY2023 Child and Family Services Agency Performance Oversight Responses, response to Q146, *available at*: <https://lims.dccouncil.gov/Hearings/hearings/253>. In FY2023, 25 children experienced an episode of psychiatric hospitalization, and 12 children were spent time at a psychiatric residential treatment facility (PRTF). FY2023 Child and Family Services Agency Performance Oversight Responses, responses to Q76(d), (f), *available at*: <https://lims.dccouncil.gov/Hearings/hearings/253>. In FY2023, 448 of the 496 of youth in CFSA's care were actively engaged in behavioral health services. Office of the Ombudsperson for Children, Annual Report, January 11, 2024, *available at*: https://ofc.dc.gov/sites/default/files/dc/sites/ofc/publication/attachments/dc_office_of_the_ombudsperson_for_children_annual_report_fy_2023_final2.pdf. Note: this report does not define "actively engaged in behavioral health services."

⁵⁴ Tami Weerasingha-Cote and Amber Rieke, testimony before the DC Council Committee on Facilities and Family Services, (December 6, 2023), *available at*: https://childrenslawcenter.org/wp-content/uploads/2023/12/Childrens-Law-Center-Testimony-for-Dec-6-2023-Hearing-on-B25-0500-and-Foster-Youth-Behavioral-Health_FINAL.pdf.

⁵⁵ *Id.*

⁵⁶ After reviewing several hundred of our most recent cases, we found that more than a third of our clients had at least one diagnosed mental health condition, including ADD/ADHD, depression/depressive disorder, post-traumatic stress syndrome, bipolar disorder, anxiety, mood disorder/instability/dysregulation, disruptive mood dysregulation disorder, emotional disturbance/dysregulation, suicidal thoughts/ideation, dissociative identity disorder, opposition defiant disorder, panic disorder, sexual abuse/psychosexual disorder/hyper sexualization. An additional quarter of our clients had suspected or undiagnosed mental health conditions. Further, approximately twenty percent of our clients had additional behavioral health needs that were not captured by a specific mental health condition diagnosis, including anger issues, incontinence/enuresis, witness to or victim of violence, recurring nightmares, alcohol abuse, drug abuse, grief, and disordered eating. Although our clients are arguably amongst the children in the District with the greatest and most urgent need for behavioral health services, our clients frequently struggle to access some of the most basic behavioral health services

our system should be able to provide them – including individual and family therapy, counseling, substance abuse treatment, and medication management appointments. *See* Tami Weerasingha-Cote and Amber Rieke, testimony before the DC Council Committee on Facilities and Family Services, (December 6, 2023), *available at*: https://childrenslawcenter.org/wp-content/uploads/2023/12/Childrens-Law-Center-Testimony-for-Dec-6-2023-Hearing-on-B25-0500-and-Foster-Youth-Behavioral-Health_FINAL.pdf.

⁵⁷ The most significant obstacle to our clients accessing critical services is the lack of behavioral health care providers in the District. Our clients are frequently unable to find providers offering the services they need – or if they manage to find a provider, the waitlist for an appointment is prohibitively long. Even when our clients successfully connect with a provider, they encounter issues of quality and cultural competence (issues that are both rooted in the overall lack of providers), as well as frequent turnover. Post-pandemic, many providers are unwilling to provide services in-person or outside of regular business hours – another problem reinforced by the shortage of providers. The services our clients need most – therapy and counseling – rely on interpersonal connections. Providers with appropriate language skills and cultural competence are critical to these services being successful. Frequent turnover, inconsistent provider availability, and lack of in-person services also make it very hard for children to stay engaged with their services – and as a result many of our clients ultimately give up on finding the behavioral health services they need. *See* Tami Weerasingha-Cote and Amber Rieke, testimony before the DC Council Committee on Facilities and Family Services, (December 6, 2023), *available at*: https://childrenslawcenter.org/wp-content/uploads/2023/12/Childrens-Law-Center-Testimony-for-Dec-6-2023-Hearing-on-B25-0500-and-Foster-Youth-Behavioral-Health_FINAL.pdf. *See also* Megan Conway, testimony before the DC Council Committee on Facilities and Family Services, (December 6, 2023), *available at*: https://childrenslawcenter.org/wp-content/uploads/2023/12/Megan-Conway-Testimony-for-Dec-6-2023-Hearing-on-Bill-B25-0500-and-Foster-Youth-Behavioral-Health_FINAL.pdf; Rachel Ungar, testimony before the DC Council Committee on Facilities and Family Services, (December 6, 2023), *available at*: https://childrenslawcenter.org/wp-content/uploads/2023/12/RU-Draft-Testimony-EM-updated-narrative_final.pdf; William Cox, testimony before the DC Council Committee on Facilities and Family Services, (December 6, 2023), *available at*: https://childrenslawcenter.org/wp-content/uploads/2023/12/Wil-Cox-Testimony-for-Dec-6-2023-Hearing-on-Bill-B25-0500-and-Foster-Youth-Behavioral-Health_FINAL.pdf.

⁵⁸ In 2018, CFSA’s Office of Well-Being (OWB) redesigned its mental health services program with the twin goals of: (1) ensuring timely and accessible services; and (2) centralizing mental health assessments, direct therapy, and medication management. OWB’s therapeutic team includes a clinical supervisor, four licensed therapists, and a licensed psychiatric nurse practitioner. This team conducts initial assessments and screenings, provides short-term mental and behavioral health services, and makes referrals for longer-term or higher-level therapeutic services. This team also provides emergency therapeutic services to children in crisis. *See* Tami Weerasingha-Cote and Amber Rieke, testimony before the DC Council Committee on Facilities and Family Services, (December 6, 2023), *available at*: https://childrenslawcenter.org/wp-content/uploads/2023/12/Childrens-Law-Center-Testimony-for-Dec-6-2023-Hearing-on-B25-0500-and-Foster-Youth-Behavioral-Health_FINAL.pdf. *See also* District of Columbia Child and Family Services Agency, Annual Needs Assessment 2022, p. 93-95, *available at*: https://cfsa.dc.gov/sites/default/files/dc/sites/cfsa/publication/attachments/FY22_Needs_Assessment_FY24_Resource_Development_Plan_FINAL.pdf.

⁵⁹ *See* Committee on Facilities and Family Services and Committee on Health, Joint Public Hearing on B25-0500, Alternative Restorative Therapy Options for Youth Amendment Act of 2023 and Mental Health in the Child Welfare System, (December 6, 2023), *available at*: <https://www.youtube.com/watch?v=Yjhq5ymb7vc&t=2s>. Dr. Meghan Sullivan, DBH, at 1:10 hour mark,

“I know Children's Law Center talked a lot about CBI and so while in the past there's been waitlists ... we currently have capacity so again.” *See also* Exchange between CM Henderson and Nicole Gilbert, CFSA, 1:09 hour mark, “CM Henderson: ‘how many have yet to be connected so for instance of the 105 youth that were referred to you all how many of those young people still have not received any first touch services do y'all know that answer because that's FY 23 so we're beyond that part so the information.’ Nicole Gilbert: ‘I received from DBH is that they don't have anyone on a waiting list at this time there were just to families that were waiting for family function therapy and they need a bilingual therapist.’ Nicole Gilbert, CFSA, 1:45 hour mark, “As far as the capacity for the number of referrals that we have coming through directly into the CFSA internal mental health Team, we have enough capacity to handle the load that we receive and then as Megan indicated for those services that need external support, we're able to refer those directly so right now we're...the capacity is sufficient.”

⁶⁰ Tami Weerasingha-Cote, testimony before DC Council Committee on Human Services, (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; Tami Weerasingha-Cote, testimony before DC Council Committee on Human Services, (February 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; Sharra E. Greer, testimony before DC Council Committee on Human Services, (February 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.

⁶¹ In FY2023, 5 pregnant and parenting youth were in unlicensed placements and in FY2024, to date, 7 pregnant and parenting youth were in unlicensed placements. FY2023 Child and Family Services Agency Performance Oversight Responses, response to Q188(b), *available at*: <https://lims.dccouncil.gov/Hearings/hearings/253>. In FY2023, 31 older youth were identified as needing housing supports in their YTP meeting. FY2023 Child and Family Services Agency Performance Oversight Responses, response to Q172(b), *available at*: <https://lims.dccouncil.gov/Hearings/hearings/253>. In FY2023, 9 of the 25 children that had an episode of psychiatric hospitalization were 16 years and older and four of the 12 children placed in a psychiatric residential treatment facility (PRTF) were 16 years and older. FY2023 Child and Family Services Agency Performance Oversight Responses, responses to Q76(d), (f), *available at*: <https://lims.dccouncil.gov/Hearings/hearings/253>. The graduation rate for youth in foster care for 22-23 school year was 75 percent which is lower than the graduation rate of 21-22 school year which was 87 percent. CFSA had access to GPAs for 56 youth in grades 9-12 enrolled in DCPS and PGCPs schools as of the last day of the school year. The range of GPAs included a low of 0 to a high of 4.02, with an average GPA of 1.57 and a median GPA of 1.50. For the 2021-22 school year, CFSA had access to GPAs for 86 youth in grades 9-12 enrolled in DCPS and PGCPs schools as of the last day of the school year. The range of GPAs included a low of 0 to a high of 3.85, with an average GPA of 2.08 and a median GPA of 2. FY2022 Child and Family Services Agency Performance Oversight Responses, responses to Q136(e, (g)), *available at*: https://dccouncil.gov/wp-content/uploads/2023/02/CFSA-FY22-Performance-Oversight-Hearing-Pre-Hearing-Responses-to-Questions_2-17-2023-FINAL-1.pdf; FY2023 Child and Family Services Agency Performance Oversight Responses, responses to Q178(e), (f), *available at*: <https://lims.dccouncil.gov/Hearings/hearings/253>.

⁶² FY2023 Child and Family Services Agency Performance Oversight Responses, responses to Q171-206, *available at*: <https://lims.dccouncil.gov/Hearings/hearings/253>.

⁶³ CFSA contracts with other placement agencies, PSI Family Service, Lutheran Social Services, and National Center for Children and Families, to provide foster homes and case management services (i.e.,

social work). FY2023 Child and Family Services Agency Performance Oversight Responses, responses to Q140-145, *available at*: <https://lims.dccouncil.gov/Hearings/hearings/253>.

⁶⁴ D.C. Law 24-309. Preserving Our Kids' Equity Through Trusts and Fostering Stable Housing Opportunities Amendment Act of 2022.

⁶⁵ D.C. Law 24-309. Preserving Our Kids' Equity Through Trusts and Fostering Stable Housing Opportunities Amendment Act of 2022. Section 312(a).

⁶⁶ *Id.*

⁶⁷ D.C. Law 24-309. Preserving Our Kids' Equity Through Trusts and Fostering Stable Housing Opportunities Amendment Act of 2022. Section 312(c)(1).

⁶⁸ FY2023 Child and Family Services Agency Performance Oversight Responses, responses to Q212(c), *available at*: <https://lims.dccouncil.gov/Hearings/hearings/253>.

⁶⁹ D.C. Law 24-309. Preserving Our Kids' Equity Through Trusts and Fostering Stable Housing Opportunities Amendment Act of 2022. Section 312(b); (3)(d).