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

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Introduction

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

Thank you for the opportunity to testify today regarding the Mayor’s proposed FY2025 budget for the Office of the Ombudsperson for Children (“Office”). We are deeply concerned by the Mayor’s decision to defund the Office of the Ombudsperson for Children and repeal the legislation establishing this critical Office.¹ Children’s Law Center has been a staunch supporter of the Council’s extraordinary efforts to establish this Office for many years – through unanimously voting to establish the Office in 2020² and unanimously overriding the Mayor’s veto in 2021,³ to fully funding the Office in FY2022⁴ and fully restoring funding for the Office when the Mayor defunded it the first time in FY2023.⁵

We believe in the need for and value of this Office because we see firsthand how children in foster care and their families and caregivers struggle to navigate the child welfare system on their own. Each year, Children’s Law Center attorneys serve as guardians-ad-litem for several hundred children in foster care and protective supervision – over half of all children in the care and custody of the Child and Family Services Agency (CFSA).⁶ And each year, we see our clients fail to have their needs met by the child welfare system in the District – a system that encompasses many agencies beyond just the CFSA.⁷ The Department of Behavioral Health (DBH), the Department of Human Services (DHS), the Department of Health (DC Health), the Department of Health Care Finance (DHCF), the Office of the Superintendent of Education (OSSE), District of Columbia Public Schools (DCPS), the Department of Youth Rehabilitation Services, the DC Housing Authority, and the Metropolitan Police Department all have a role to play in ensuring the District fulfills its responsibilities to foster children and their families. In the past year, the Office of the Ombudsperson for Children has begun to assist in holding relevant city agencies accountable for meeting the needs of child welfare-involved families and actively facilitate interagency communication and coordination.⁸

The Mayor has attempted to justify her decision to eliminate the Office of the Ombudsperson by deeming it “duplicative” and thus unnecessary.⁹ This is patently false and unfairly diminishes the critical role of the Office. In fact, the Office of the Ombudsperson for Children serves no less than four unique functions within the District:

1. **Transparency and Accountability:** CFSA case files and records are highly confidential, as they should be. This necessary privacy protection, however, creates obstacles to public oversight and review of CFSA's practices and outcomes. The Office of the Ombudsperson is explicitly authorized to access all records and data and can therefore provide deeper levels of transparency and accountability than would otherwise be possible.
2. **Interagency Coordination:** As noted above, numerous District agencies directly impact the health, functioning and well-being of DC's children and their families and are therefore part of the District's child welfare system. The Office of the Ombudsperson is the only agency tasked with examining how coordination between these agencies (or the lack thereof) impacts child welfare-involved families and creates or exacerbates conditions of abuse and neglect.
3. **Responsibility for Crossover Youth:** The Office of the Ombudsperson is required to produce basic information regarding crossover youth (children involved in both the child welfare and the juvenile justice system), as well as insights into issues impacting this population. No other government entity holds this responsibility or produces this information.
4. **Day-to-Day Problem-Solving:** No matter the skill and kindness of the social workers involved, CFSA is and always will be an agency with enormous power over children and families. CFSA has the power to remove children from their parents, significantly influence where and with whom those children will live and determine the conditions under which families can be reunited, if ever. Because of this power dynamic, child welfare-involved children and families are at a significant disadvantage when it comes to raising concerns about agency policies or practices. As an independent office with system expertise and good relationships within CFSA, the Office of the Ombudsperson is a safe place for children and families to go when they have concerns or need help.

As the District prepared for cuts to the budget at a scale the city has not seen since the Great Recession, many feared that the District's impressive advancements in housing, behavioral health, child welfare, and education would come to a halt. This is now a reality. In a difficult budget year that already puts significant burden on the shoulders of District residents – we cannot afford to lose such an essential support especially for child

welfare-involved children and families. We, therefore, ask this Committee to fully restore funding to the Office of the Ombudsperson for Children and strike the repeal language from the Budget Support Act.¹⁰

To this end, my testimony today will: (1) discuss the distinct and important role the Office of the Ombudsperson for Children plays in the District, and (2) highlight the significant investment by the Council to support the Office's establishment within the community.¹¹ We cannot afford to lose the progress that has already been made by the uniquely positioned Office of the Ombudsperson for Children.

The Office of the Ombudsperson for Children is Not Duplicative in its Role in the District

The Office of the Ombudsperson for Children is a critical tool enabling the Council to exercise effective oversight over the agencies that impact the District's most vulnerable children and families, but the Office's work goes much deeper and broader than the Council's oversight ever could.¹² The Office of the Ombudsperson serves several distinct and unique functions critical to strengthening the District's public systems that work with children and families.

The Office of the Ombudsperson for Children Ensures Transparency and Accountability in the Child Welfare System

For thirty-one years, CFSA was under the supervision of a court-appointed monitor as a result of *LaShawn A. v. Bowser* ("LaShawn") – a federal class action lawsuit filed in 1989 on behalf of abused and neglected children in the District of Columbia.¹³ In

September 2022, the Mayor announced the official exit from the federal court oversight.¹⁴ With the official exit came the end of the Center for the Study of Social Policy (“CSSP”) monitoring and reporting on the District’s progress in implementing the extensive remedial order imposing numerous requirements, changes, and reforms in every area of the child welfare system. As the court monitor, CSSP was able to collect data, documents, and other information from CFSA. CSSP, in turn, provided this information to the public and the Council in the form of regular reports and testimony.¹⁵

CSSP reports were essential to creating transparency and accountability within the District’s child welfare system. CSSP’s work went far beyond just collecting data from CFSA. CSSP had access to case records in CFSA’s FACES.NET to collect supplementary data and verify performance on activities across the agency.¹⁶ As part of its monitoring, CSSP would present to a panel consisting of CFSA representatives and other CSSP staff to ensure reliability of the information and better inform data collection practices for the agency. Per CSSP, over its time as the court monitor the data reporting by CFSA improved significantly due to CSSP involvement.¹⁷

Understanding the significant impact CSSP had on improving the District’s child welfare system, the Council agreed that it could not afford to lose this level of oversight. The Council recognized that while there were other existing sources of systemic accountability of CFSA – the Citizen Review Panel on Child Abuse and Neglect (“CRP”), Council performance oversight, and the court monitor for LaShawn – these entities did

not have the deep access necessary to provide sufficient oversight of CFSA and are not designed to consider broader systemic issues affecting children.¹⁸

The Office of the Ombudsperson for Children fills gaps left by the end of the court monitor's reporting. Per the enacting legislation, the Office has access to relevant records and databases, CFSA facilities and staff, as well as holds subpoena power to fulfill its duties.¹⁹ The Ombudsperson for Children has direct access to CFSA data in the same way as the court monitor and is responsible for regularly reporting data trends and analysis to the Council, just as the court monitor did.²⁰ Because of this, the Office is uniquely positioned to support and inform the Council's oversight of CFSA.²¹

The Office of the Ombudsperson for Children Identifies Systemic Issues and Provides Recommendations Across the Entire Child Welfare System to Support Interagency Coordination

The Office is also responsible for analyzing and reporting on systemic issues including those related to interagency communication and coordination. Our prior testimonies explain, in detail, the types of systemic issues the Ombudsperson for Children will be able to address including:

- the ongoing placement crisis, which has resulted in foster children bouncing through multiple foster homes every year, running away, or spending nights at homeless shelters or the agency building;
- a significant number of foster children requiring psychiatric hospitalization each year;
- low high school graduation rates among foster children; and

- foster youth aging out into unstable housing situations or homelessness.²²

The systemic work continues to be expanded as capacity within the Office grows.²³ The Ombudsperson shared in their performance oversight, “Although the OFC has only started receiving complaints in February 2023, we have been able to identify topics trending from the complaints submitted so far. For example, the closure of relative caregiver cases prior to the completion of a comprehensive needs assessment for the family, improving CFSA’s perception in the community, and improving communication between CFSA and the school system.”²⁴ The Office also shared that as they continue to receive complaints, their goal is to be able to identify issues for further examination and develop recommendations for improvement.²⁵

The Ombudsperson has undertaken a significant amount of work in its first full year. The Office has diligently worked to make connections in both the community and with governmental partners to improve interagency coordination and navigation through the full child welfare system.²⁶ Interagency coordination is important as CFSA continues its work to transform from the child welfare system into the child well-being system through its Keeping DC Families Together Initiative.²⁷ We support CFSA’s underlying goal of prevention, but we must ensure there are proper guardrails to ensure child safety and well-being. The Ombudsperson can help identify where those guardrails are working and where they are not. During a time of transformation, the District cannot

afford to lose the level of oversight and insight into the child welfare system that is required from the independent, impartial Office of the Ombudsperson for Children.

The Office of the Ombudsperson for Children is the Only District Agency Comprehensively Tracking Crossover Youth and Providing Systemic Analyses

The need for the Ombudsperson for Children is particularly acute with respect to systemic issues impacting crossover youth – children who experience both the foster care system and juvenile justice system.²⁸ Crossover youth experience significant challenges to their well-being and stability, too often rolling from one system into the next – from foster care to DC’s homeless or juvenile justice systems, for example. They face even greater barriers to positive outcomes in adulthood – including more difficulties in school and higher unemployment rates – than foster care youth involved in only one system.²⁹ From Children’s Law Center’s own internal data, we know that over 40 percent of Children’s Law Center crossover youth clients experienced placement issues or problems with receiving services from CFSA due to their juvenile or adult criminal legal system involvement.³⁰

Currently, no District agency comprehensively tracks crossover youth or conducts systemic analyses on factors affecting their outcomes. As a result, these youth and their problems have remained largely invisible to the Council and the agencies responsible for their well-being. The Ombudsperson for Children is explicitly tasked by law to report annually on crossover youth and identify systemic issues impacting their outcomes.³¹

The Office of the Ombudsperson for Children has made substantial steps in collecting data on crossover youth in the District. In establishing data collection on crossover youth, the Office encountered several obstacles including differing data collection process by CFSA and Department of Youth Rehabilitation Services (DYRS) as well as confidentiality concerns of juvenile records which limited full data collection.³² We commend the Office's persistence and ongoing collaboration with both agencies to establish entry level data for the District's crossover youth population.³³ Without the Office's tenacity and relationship-building, the District would not even have a baseline of data on crossover youth including the number of youth in dual status, the placement type, and pathways to involvement trends.³⁴

While the Office of the Ombudsperson for Children still has more work to do to establish data for crossover youth – we cannot afford to lose the progress that has already been made. In particular, the Office has facilitated important conversations between the two main agencies – CFSA and DYRS – serving crossover youth. The Office has been at the center of partnering, developing, and instituting data sharing agreements between the two agencies to understand the full scope of the crossover youth population. If the District loses the Ombudsperson, it will lose the intermediary between the two agencies. There will no longer be oversight on a population that no one else is monitoring or supporting – sending a clear message that this population will continue to be deprioritized despite a growing need for investment and support. Investment in the

Office of the Ombudsperson for Children is investment in the District's crossover youth population.

The Office of the Ombudsperson for Children Resolves Day-to-Day Problems for District Children and Families

The Office of the Ombudsperson for children is also in a unique and necessary position to give youth and families a forum to resolve the issues that arise at the individual level. The Office receives resident complaints regarding their experiences with the child welfare system and seeks to resolve those complaints efficiently and effectively by investigating relevant agencies and providing targeted recommendations to solve ongoing day-to-day problems.³⁵

In our experience, CFSA and other DC agencies often offer programs and services designed to meet the needs of child welfare-involved children and families but many times our clients and their families struggle to connect with the right person or to get their needs met in a timely manner. In the past, we have sometimes had to escalate these issues to the court to get the relief our foster children clients needed. For example, the Ombudsperson can help resolve visitation issues between the birth parent and the child or help a kin caregiver access services and support like school transportation or grandparent/caregiver subsidies.³⁶ These everyday problems have a profound impact on a child but should not require formal court hearings to be resolved. Children, families, and agency staff need a place to informally work through and resolve these conflicts

quickly together – the Ombudsperson for Children provides that space and the necessary support.

The Ombudsperson first started receiving complaints from constituents in February 2023. Between February 2023 and September 2023, the Office of the Ombudsperson fielded 49 complaints. The majority of complaints were from mothers and community professionals.³⁷ The Office was able to close 32 of the 49 cases at the end of FY2023 and the remaining, except one, were closed by December 2023.³⁸ We appreciate the thoroughness and care which the Office is taking to ensure a full investigation that results in solutions and recommendations to alleviate similar issues in the future.³⁹

With each investigation, the Office provides a series of findings as well as recommendations. For example, the Office has been able to help parents navigate visitations, support relative kin caregivers to communicate options and needs more clearly, and address vital record issues.⁴⁰ The Ombudsperson annual report highlighted that at times families are reaching out to the Office for information and referrals, and not with a complaint.⁴¹ In June 2023, the Office received eight complaints but in the same month received seven calls for information and referrals.⁴² This provides the Office with an important additional insight into what District families may be looking for to be better connected with resources, services and supports.⁴³

As a part of the legislative branch, the Office of the Ombudsperson for Children has the ability to conduct impartial and independent investigations which is critical to

address the very real structural power differential among the child welfare-involved children, youth, and caregivers and the case-carrying social workers and agency leadership. Although CFSA has made significant efforts in recent years to focus on prevention services that aim to keep families together and avoid removals whenever possible, the fact remains that families involved with DC's child welfare system are facing the possibility that their children may be taken away from them.⁴⁴ This is a terrifying prospect that inevitably creates a significant power imbalance between CFSA and the families it serves. The Ombudsperson for Children can be an essential tool for rebalancing this power dynamic, providing families with a safe place to get information and raise concerns – but only if families believe the Ombudsperson for Children is an independent entity that can be trusted to help them.

Finally, the unique and necessary position of the Office of the Ombudsperson for Children within the District is highlighted by the way CFSA has embraced the Office. In response to the establishment of this Office, the agency eliminated its internal ombudsman and worked to build a strong partnership with the Office. The strength of this relationship is evident: the Deputy CFSA Ombudsperson has an established office within CFSA;⁴⁵ the Office has meets with the CFSA Director, Chief of Staff and Special Assistant to the Director on a bi-weekly basis;⁴⁶ and the Office has been able to directly engage with CFSA staff, including social workers.⁴⁷ Finally, as noted above, the Office has worked closely with CFSA and DYRS to establish data collection protocols for the

District's crossover youth population furthering cementing this Office's place in CFSA's work.

All of this reflects a growing recognition by District agencies of the important role the Office plays in resolving the day-to-day problems and addressing the concerns of the District's children and families – and why the Council must act to preserve the Office.

The Council's Investment in the Office of the Ombudsperson for Children Has Enabled Significant Progress

Thanks to the Council's steadfast support and investment, the Ombudsperson has made significant progress in hiring staff, establishing its operations and building relationships within the community and across the District government.⁴⁸ Over the last year, the Office has hired staff to help investigate complaints and move forward solutions for DC children and families.⁴⁹ The Office is working to finish hiring the remaining positions – with the interview process underway for two open positions. Additionally, the Office has built its internal capacity to move forward day-to-day operations. This has included working with the Office of the Chief Technology Officer (OCTO) to develop the complaints form, website, and administrative database for the Office.⁵⁰ Recognizing a need for multiple ways for residents to contact the Office, the Ombudsperson has established permanent Offices near a metro station, set up an office within CFSA and ensured a working complaint form, email and phone number for residents to utilize.⁵¹

Finally, the Office has also established its practices, policies, and procedures to ensure transparency, service, collaboration and accountability. In 2023, the Office focused

on collaboration as it built out relationships across the District. This work included presenting at meetings with relevant stakeholders, providing training on how to engage with the Office, and attending community facing events.⁵² The Office also spent time engaging with different government officials across DC's legislative and executive branches.⁵³

Restoring the funds to the Office will allow the Office to finish hiring the necessary staff and build on its already significant work in the District. We look forward to continuing to work with the Office, this Committee and Council, and community and government partners to make improvements to the District's child welfare system so that children and families in the District can access the supports, resources, and services they need to thrive.

Conclusion

While the proposed cut to the Office of the Ombudsperson for Children may appear to balance the budget books, it takes a valuable resource away from the District's most vulnerable families. We cannot achieve long-term stability without a budget that prioritizes the well-being of *all* of the District's residents.

The Ombudsperson for Children is a critical resource to do just that. It is clear that the Office has already been an incredible support to families navigating the complicated child welfare system.⁵⁴ And their impact continues to grow – the Office has received almost as many complaints in FY2024 as it did in FY2023, and the year is only a

little over halfway over. Given the connections the Office has already made with residents, community-based organizations and other government agencies, elimination of the Office would be strongly felt across the District.

In addition to the impact on families, there will be consequences for the District's economy in the long run. Just as eviction is a short-term fix that is ultimately more costly than prevention services like rental assistance, it is ultimately better to sustain programs through a tough budget year than to try to rebuild them later. The District has already invested a significant number of resources – time, energy, and money – into the Office. To walk back on this investment would result in a loss of trust and reputation built within the community, further financial implications, and missed opportunities.

Creating a balanced budget that ensures investments in the above budget ask and others does not always require cuts – the District can and should also consider opportunities to raise revenue. To truly maintain our values and the programs that support economically vulnerable District residents, and ensure a stronger economic future, we encourage the Council to consider revenue-raising proposals. The Council must be mindful that the revenue-raising options are balanced and do not wrongly burden low-income residents. We welcome the opportunity to work with the Council as it navigates a difficult budget season to ensure that revenue raised goes to support children and their families including fully restoring funding to the Office of the

Ombudsperson for Children and strike the repeal language from the Budget Support Act.⁵⁵

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

¹ Office of the Chief Financial Officer, Fiscal Impact Statement – “Fiscal Year 2025 Budget Support Act of 2024,” April 3, 2024, *available at*: <https://static1.squarespace.com/static/5bbd09f3d74562c7f0e4bb10/t/660d71837324b67e8fedff8a/1712157059867/FIS+Fiscal+Year+2025+Budget+Support+Act+of+2024+Mayors+introduction.pdf>; Mayor’s Proposed FY 2025 Budget and Financial Plan, Volume 4 Agency Budget Chapters – Part 3, Office of the Ombudsperson for Children, p. E-97.

² Office of the Ombudsperson for Children Establishment Amendment Act of 2020, Legislative History, *available at*: <https://lims.dccouncil.gov/Legislation/B23-0437>.

³ *Id.*

⁴ Judith Sandalow, Children’s Law Center Testimony before the DC Council Committee of the Whole, (June 7, 2021), *available at*: https://childrenslawcenter.org/wp-content/uploads/2021/07/JSandalow_Childrens-Law-Center-Testimony-for-June-7-2021-Committee-of-the-Whole-Budget-Oversight-Hearing_FINAL-1.pdf.

⁵ Judith Sandalow, Children’s Law Center Testimony before the DC Council Committee of the Whole, (April 8, 2022), *available at*: https://childrenslawcenter.org/wp-content/uploads/2022/04/JSandalow_Childrens-Law-Center-Testimony-for-April-8-2022-Committee-of-the-Whole-Budget-Oversight-Hearing_FINAL-Exhibits-A-and-B-1.pdf.

⁶ 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).

⁷ Tami Weerasingha-Cote, testimony before DC Council Committee on Human Services, (February 25, 2021), *available at*: https://childrenslawcenter.org/wp-content/uploads/2021/07/TWeerasinghaCote_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_ChildrensLaw-Center-Testimony-for-Feb.-17-2022-CFSA-Oversight-Hearing_FINAL.pdf; Tami Weerasingha-Cote, Children’s Law Center, Testimony before the District of Columbia Council Committee on Human Services, (September 22, 2022), *available at*: https://childrenslawcenter.org/wpcontent/uploads/2022/09/TWeerasingha-Cote_CLC-Testimony-for-Sept.-22-2022-Hearing-on-B24-0857B24-0941_FINAL.pdf. Sharra E. Greer, testimony before DC Council Committee on Facilities and Family Services, (February 24, 2023), *available at*:

https://childrenslawcenter.org/wp-content/uploads/2023/02/Sharra-E.-Greer_Childrens-LawCenter_Performance-Oversight_FY2022-23-CFSA_final.pdf; Tami Weerasingha-Cote, testimony before DC Council Committee on Facilities and Family Services, (February 21, 2024), *available at*: https://childrenslawcenter.org/wp-content/uploads/2024/02/TWeerasingha-Cote_Childrens-Law-Center-Testimony-for-Feb.-21-2024-CFSA-Oversight-Hearing_FINAL-002.pdf.

⁸ District of Columbia Office of the Ombudsperson for Children, Fiscal Year 2023 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.

⁹ Office of the Chief Financial Officer, Fiscal Impact Statement – “Fiscal Year 2025 Budget Support Act of 2024,” April 3, 2024, *available at*:

<https://static1.squarespace.com/static/5bbd09f3d74562c7f0e4bb10/t/660d71837324b67e8fedff8a/1712157059867/FIS+Fiscal+Year+2025+Budget+Support+Act+of+2024+Mayors+introduction.pdf>; Mayor’s Proposed FY 2025 Budget and Financial Plan, Volume 4 Agency Budget Chapters – Part 3, Office of the Ombudsperson for Children, p. E-97. Mayor Muriel Bowser, Washington DC, “As I understand it is an office that the council created without my support in fact I vetoed it several years ago because at that time we thought it was duplicative um if I recall it’s about a million doll office and it’s job is to provide you know oversight well that’s the council’s job to provide oversight of those agencies the council is also assisted by the auditor um who could provide audit assistance and having a separate office as a layer of duplication that in our view is not necessary.” See Mayor Bowser Holds Media Availability, 4/3/24, *available at*:

<https://www.youtube.com/watch?v=bIPZdm3s1PU>.

¹⁰ B25-0784 - Fiscal Year 2025 Budget Support Act of 2024. SUBTITLE F. DUPLICATIVE OMBUDSPERSON FOR CHILDREN OFFICE. “Repeal of the Duplicative Ombudsperson for Children Office Amendment Act of 2024”.

¹¹ District of Columbia Office of the Ombudsperson for Children, Fiscal Year 2023 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.

¹² Judith Sandalow, Children’s Law Center, Testimony Before the District of Columbia Council Committee on Human Services, (October 28, 2019), *available at*: <https://childrenslawcenter.org/wp-content/uploads/files/attachments/testimonies/FINAL%20CLC%20Testimony%20before%20the%20DC%20Council%20on%20B23-437%20%20.pdf>; Judith Sandalow, Testimony Before the District of Columbia Council, Committee of the Whole, (June 7, 2021), *available at*: https://childrenslawcenter.org/wp-content/uploads/2021/07/JSandalow_Childrens-LawCenterTestimony-for-June-7-2021-Committee-of-the-Whole-Budget-Oversight-Hearing_FINAL-1.pdf; Sharra E. Greer, Testimony Before the District of Columbia Council, Committee on Human Services, (June 10, 2021), *available at*:

https://childrenslawcenter.org/wp-content/uploads/2021/07/JSandalow_Childrens-Law-Center-Testimony-for-June-25-2021-Committee-of-the-Whole-Budget-Oversight-Hearing-FINAL.pdf; Sharra E. Greer, Testimony Before the District of Columbia Council, Committee on Housing & Executive Administration, (June 22, 2021), *available at*: https://childrenslawcenter.org/wp-content/uploads/2021/07/SGreer_Childrens-Law-Center-Testimony-for-June-22-2021-City-Administrator-Budget-Oversight-Hearing_FINAL.pdf; Tami Weerasingha-Cote, Testimony Before the District of Columbia Council, Committee on Human Services, (March 24, 2022), *available at*:

https://childrenslawcenter.org/wpcontent/uploads/2022/03/TWeerasingha-Cote_Childrens-Law-Center-Testimonyfor-Mar.-24-2022-CFSABudget-Hearing_Final-1.pdf; Sharra E. Greer, Testimony Before the District of Columbia Council, Committee on Facilities and Family Services, (February 24, 2023), *available*

at: https://childrenslawcenter.org/wp-content/uploads/2023/02/Sharra-E.-Greer_Testimony-for-the-Committee-on-Facilities-and-Family-Services_Office-of-the-Ombudsperson_final.pdf; and Leah Castelaz, Testimony Before the District of Columbia Council, Committee on Facilities and Family Services, (February 21, 2024), available at: https://childrenslawcenter.org/wp-content/uploads/2024/02/Leah-Castelaz_Testimony-before-the-Committee-on-Facilities-and-Family-Services_Ombudsperson-for-Children_2.21.24_final.pdf.

¹³ *LaShawn A v. Kelly*, 887 F. Supp. 297, 298 – 300 (D.D.C. 1995).

¹⁴ Executive Office of the Mayor, *With the End of a Three-Decade Class Action Lawsuit, Mayor Bowser Announces a New Era for the DC Child and Family Services Agency*, September 9, 2022, available at: <https://mayor.dc.gov/release/end-three-decade-class-action-lawsuit-mayor-bowser-announces-new-era-dc-child-and-family>.

¹⁵ Center for the Study of Social Policy, *Class Action Litigation: Washington DC’s Child and Family Services Agency Reports*, available at: <https://cssp.org/our-work/projects/our-projects/class-action-litigationwashington-dcs-child-and-family-services-agency/>.

¹⁶ Examples of the activities the Monitor reported on include: (1) the quality and timely initiation of investigations; (2) collaborative referrals for low or moderate risk families; (3) visits between parents and workers and parents and children; (4) CFSA’s case load; (5) quality service reviews; (6) social worker and supervisor training; and (7) timely licensure of foster and adoptive parents. See Center for the Study of Social Policy, *LASHAWN A. V. BOWSER PROGRESS REPORT FOR THE PERIOD January 1 – December 31, 2020, (March 31, 2021)*, available at: <https://cssp.org/wp-content/uploads/2021/03/LaShawn-A-v.-Bowser-Report-for-Period-Jan-Dec-2020.pdf>.

¹⁷ A 2015 report found that CFSA was responsible for data irregularities in reporting to the Court Monitor. See *A Better Childhood, LaShawn A. V. Mayor Bowser*, available at: <https://www.abetterchildhood.org/washington-dc>. At the time of the Settlement Agreement, CFSA had made significant strides in their reporting. Judith Meltzer, CSSP president and one of the original members of the monitoring team. “CSSP has been instrumental in the District’s changes through its independent research and data tracking, technical assistance, and problem-solving approach to monitoring the District’s reform efforts.” See Center for the Study of Social Policy, *Final Settlement Agreement in LaShawn A v. Bowser Approved*, (June 4, 2021), available at: <https://cssp.org/about-us/connect/press-room/final-settlement-agreement-in-lashawn-a-v-bowser-approved/>.

¹⁸ Committee on Human Services, Report on Bill 23-0437, the “Office of the Ombudsperson for Children Establishment Amendment Act of 2020,” (November 24, 2020), available at: https://lims.dccouncil.gov/downloads/LIMS/43171/Committee_Report/B23-0437-Committee_Report2.pdf?Id=114187.

¹⁹ D.C. Act 23-617. The Office of the Ombudsperson for Children. Sec. 106. Powers. (a)(1)-(8). ((1) records from agency, an agency-licensed or contracted service and placement provider, or an entity that must operate under or comply with guidance from an agency; (2) log-in directly to CFSA’s web-based case management and electronic data systems that service CFSA children without having to first obtain CFSA’s consent or provide notice; (3) conduct inspections of the premises, or any part thereof, without prior notice, of CFSA and licensed or contracted placement providers, including secure facilities and group homes and without prior notice, of single-family foster homes and contracted or licensed service providers; (4) issue a subpoena, enforceable in Superior Court of the District of Columbia, to compel the attendance and testimony; and (5) communicate privately with CFSA child (who wishes to speak with the Ombudsperson) and agency employee.).

²⁰ D.C. Act 23-617. The Office of the Ombudsperson for Children. Sec. 108. Reporting.

²¹D.C. Act 23-617. The Office of the Ombudsperson for Children. Sec. 108. Reporting. The Office is required to produce an annual report which is an important avenue for the Office to share out this critical reporting. However, recognizing a need for greater transparency, the Office has gone further and produced a mid-year report as well. We commend the Office for taking this extra step. The reporting done by the Office thus far serves as a solid foundation from which to expand future reporting on the full child welfare system. In the second annual report, the Office highlights the unique position of the Ombudsperson to help children and families, provide critical data, and inform systemic reform. The second annual report highlights issue pertaining to placement, kin caregiver supports, and safety measures, which reflect some of the same concerns Children’s Law Center has for our own clients. We are glad to see these issues being highlighted by the Ombudsperson as it helps amplify the issues and provide solutions to long-term, persistent concerns. See Leah Castelaz, Testimony Before the District of Columbia Council, Committee on Facilities and Family Services, (February 21, 2024), *available at*: https://childrenslawcenter.org/wp-content/uploads/2024/02/Leah-Castelaz_Testimony-before-the-Committee-on-Facilities-and-Family-Services_Ombudsperson-for-Children_2.21.24_final.pdf; District of Columbia Office of the Ombudsperson for Children, Fiscal Year 2023 Annual Report, January 11, 2024, *available at*: <https://lims.dccouncil.gov/downloads/LIMS/54520/Introduction/RC25-0115Introduction.pdf?Id=182575>.

²² Judith Sandalow, *supra* note 12.

²³ Leah Castelaz, Testimony Before the District of Columbia Council, Committee on Facilities and Family Services, (February 21, 2024), *available at*: https://childrenslawcenter.org/wp-content/uploads/2024/02/Leah-Castelaz_Testimony-before-the-Committee-on-Facilities-and-Family-Services_Ombudsperson-for-Children_2.21.24_final.pdf.

²⁴ Petrina Jones-Jesz, Testimony Before the DC Council Committee on Facilities and Family Services, (February 21, 2024), *available at*: <https://lims.dccouncil.gov/Hearings/hearings/253>.

²⁵ District of Columbia Office of the Ombudsperson for Children, Fiscal Year 2023 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.

²⁶ *Id.*

²⁷ FY2023 Child and Family Services Agency Performance Oversight Responses, responses to Q113, Q114, Q115, and Q116, *available at*: <https://lims.dccouncil.gov/Hearings/hearings/253>; Appendix 1. Summary of Case Recommendations, Case Summary A, in the District of Columbia Office of the Ombudsperson for Children, Fiscal Year 2023 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.

²⁸ Council of the District of Columbia Committee on Human Services, Committee Report on Bill 23-0437, the “Office of the Ombudsperson for Children Establishment Act of 2020,” p. 15, (November 24, 2020), *available at*: https://lims.dccouncil.gov/downloads/LIMS/43171/Committee_Report/B23-0437Committee_Report2.pdf?Id=114187.

²⁹ *Id.* at p. 17.

³⁰ Internal Children's Law Center Data Collection, "GAL Deep Dive," June 2022 through May 2023.

³¹ D.C. Law 23-270. Office of the Ombudsperson for Children Establishment Amendment Act of 2020.

³² District of Columbia Office of the Ombudsperson for Children, Fiscal Year 2023 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.

³³ *Id.*

³⁴ *Id.*

³⁵ D.C. Law 23-270. Office of the Ombudsperson for Children Establishment Amendment Act of 2020.

³⁶ District of Columbia Office of the Ombudsperson for Children, Fiscal Year 2023 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.

³⁷ *Id.*

³⁸ District of Columbia Office of the Ombudsperson for Children, Fiscal Year 2023 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.

³⁹ The policy for the completion of cases is within 45 business days, and the average time for a completed case was 52 days in FY2023. *See* District of Columbia Office of the Ombudsperson for Children, Fiscal Year 2023 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.

⁴⁰ District of Columbia Office of the Ombudsperson for Children, Fiscal Year 2023 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.

⁴¹ District of Columbia Office of the Ombudsperson for Children, Fiscal Year 2023 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.

⁴² *Id.*

⁴³ Leah Castelaz, Testimony Before the District of Columbia Council, Committee on Facilities and Family Services, (February 21, 2024), *available at*: https://childrenslawcenter.org/wp-content/uploads/2024/02/Leah-Castelaz_Testimony-before-the-Committee-on-Facilities-and-Family-Services_Ombudsperson-for-Children_2.21.24_final.pdf.

⁴⁴ Tami Weerasingha-Cote, Testimony Before the DC Council Committee on Facilities and Family Services, (February 21, 2024), *available at*: https://childrenslawcenter.org/wp-content/uploads/2024/02/TWeerasingha-Cote_Childrens-Law-Center-Testimony-for-Feb.-21-2024-CFSA-Oversight-Hearing_FINAL-002.pdf.

⁴⁵ District of Columbia Office of the Ombudsperson for Children, Fiscal Year 2023 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.

⁴⁶ District of Columbia Office of the Ombudsperson for Children, Fiscal Year 2023 Mid-Year Report, July 31, 2023, *available at*:

https://ofc.dc.gov/sites/default/files/dc/sites/ofc/publication/attachments/office_of_the_ombudsperson_for_children_ofc_mid-year_report_fy2023_rev.pdf.

⁴⁷ District of Columbia Office of the Ombudsperson for Children, Fiscal Year 2023 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.

⁴⁸ The Council in FY2024 ensured funding was maintained and the Committee of Facilities and Families Services included additional investment to support the Office’s growing needs. *See* Council of the District of Columbia Office of the Budget Director, Certification of the Report and Recommendations of the Committee on Facilities and Family Services on the Fiscal Year 2024 Budget and Financial Plan for Agencies Under Its Purview, (May 3, 2023), *available at*:

https://lims.dccouncil.gov/downloads/LIMS/52615/Committee_Report/B25-0203-Committee_Report2.pdf?Id=162322; FY21 Office of the Ombudsperson for Children Budget, Table RO0-6, p. E-100.

⁴⁹ Petrina Jones-Jesz, Testimony Before the DC Council Committee on Facilities and Family Services, (February 21, 2024), *available at*: <https://lims.dccouncil.gov/Hearings/hearings/253>.

⁵⁰ District of Columbia Office of the Ombudsperson for Children, Fiscal Year 2023 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.

⁵¹ *Id.*

⁵² District of Columbia Office of the Ombudsperson for Children, Fiscal Year 2023 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.

⁵³ *Id.*

⁵⁴ District of Columbia Office of the Ombudsperson for Children, Fiscal Year 2023 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; Petrina Jones-Jesz, Testimony Before the DC Council

Committee on Facilities and Family Services, (February 21, 2024), *available at*:

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

⁵⁵ B25-0784 - Fiscal Year 2025 Budget Support Act of 2024. SUBTITLE F. DUPLICATIVE OMBUDSPERSON FOR CHILDREN OFFICE. “Repeal of the Duplicative Ombudsperson for Children Office Amendment Act of 2024”.