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Testimony Before the District of Columbia Council  
Committee on Youth Affairs  
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Office of the Ombudsperson for Children

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## **Introduction**

Good morning, Chairperson Parker, and members of the Committee. My name is Leah Castelaz. I am a Senior Policy Attorney at Children's Law Center and a Ward 5 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 performance of the Office of the Ombudsperson for Children over the last year. Each year, Children's Law Center attorneys serve as guardians-ad-litem for several hundred children in foster care and protective supervision – over half of all children in the care and custody of the Child and Family Services Agency (CFSA).<sup>1</sup> As a result, we see firsthand how children and families who are involved in the child welfare system struggle to have their needs met by CFSA and its sister agencies. For example, our clients and their families frequently experience excessive delays to accessing appropriate behavioral health services, face unmet educational needs, and struggle to find affordable, suitable

housing.<sup>2</sup> Failure to meet these needs in turn causes and prolongs family instability and undermines children's ability to thrive and reach their full potential.<sup>3</sup>

The Ombudsperson for Children is a critical tool to be able to fulfill the District's duty to DC's foster children and exercise effective oversight of DC's child welfare system – a system that encompasses many agencies beyond just CFSA.<sup>4</sup> The Department of Behavioral Health (DBH), Department of Health (DC Health), District of Columbia Housing Authority (DCHA), Department of Human Services (DHS), the Department of Health Care Finance (DHCF), the Office of the Superintendent of Education (OSSE), District of Columbia Public Schools (DCPS), the Office of the Attorney General (OAG), the Department of Youth Rehabilitation Services (DYRS), and the Metropolitan Police Department (MPD) all have a role to play in ensuring the District fulfills its responsibilities to DC's foster children and their families.

Given the Ombudsperson's very important, unique position, as the second ever independent legislative body, there are numerous opportunities for the Ombudsperson to engage in ensuring that District agencies are meeting their obligations to DC's foster youth.<sup>5</sup> The Ombudsperson's core functions – effective oversight, systemic trend analysis, interagency coordination, and investigation and day-to-day problem solving<sup>6</sup> – allow it to play a critical role in assisting the Council with holding DC agencies accountable for their role in protecting and uplifting DC's most vulnerable children and families. The Ombudsperson sits in a position that allows the Ombudsperson to

understand governmental agencies' roles in the lives of DC families and children, address interagency coordination, and build relationships with all agencies involved in the District's child welfare system.

Given the clear need for the Ombudsperson,<sup>7</sup> we are grateful for Council's extraordinary efforts to establish it – through unanimously voting to establish the Ombudsperson in 2020 and unanimously overriding the Mayor's veto in 2021,<sup>8</sup> to fully fund the Ombudsperson in FY2022,<sup>9</sup> and fully restoring funding for the Ombudsperson both in FY2023 and FY2025 after the Mayor defunded the Office from the proposed budget.<sup>10</sup> This investment has paid off.

In two short years the Ombudsperson has made significant progress in its role with continued opportunities for advancement. My testimony today will (1) highlight how the Ombudsperson has been a critical resource for the District through their complaint process and improved coordination efforts; (2) discuss how the Ombudsperson supports the DC Council and their oversight function; and (3) provide insight into the continued barriers to the Ombudsperson being able to exercise effective oversight of crossover youth in the District.

### **The Ombudsperson is a Crucial Resource for the District by Resolving Complaints and Improving Coordination Between the Government and the Community**

Petrina Jones-Jesz wrote in the FY2024 report, "Although our office is new and has existed for only two full fiscal years (FYs 2023 and 2024), we have made tremendous progress in standing up the office and serving the residents of DC." We agree. Over the

past year, the Ombudsperson for Children has continued to grow its capacity to problem-solve on behalf of individuals and families involved in the child-welfare family, deepen its connections to and impact in the community, and provide valuable insights to the Council in support of its oversight of the child welfare system.

The Ombudsperson for Children helps children and families navigate the complexities of the child welfare system through its many functions. First, the Ombudsperson works to resolve everyday problems by providing the space for children, families, and agency staff to work through and resolve these conflicts together or ensure children and families can connect with the right person to get their needs met in a timely manner.

The Ombudsperson has received 134 complaints since it first started receiving complaints in February 2023 and has engaged with the community in other informal ways like in townhalls and community gathering spaces.<sup>11</sup> Through their direct constituent work, the Ombudsperson has served as a place to connect grandparents with school transportation for their grandchildren, support kinship caregiver connections for children in care, connect services to families, and facilitate visitations between birth parents and children in care – to name a few.<sup>12</sup> In FY2023, the Ombudsperson closed 32 complaints, and FY2024, they closed 74 complaints – meaning out of the 134 complaints in the two fiscal years only 28 remain open.<sup>13</sup> Often a case remains open for a longer period of time due to the complexity of the complaint and the

steps needed for a thorough assessment of the constituent's concerns.<sup>14</sup> We appreciate the thoroughness and care which the Ombudsperson is taking to ensure a full investigation that results in solutions and recommendations to alleviate similar issues in the future.

The Ombudsperson's impact is also felt outside of complaints to the Ombudsperson. First, it has served as a place for information and referrals for DC residents as indicated in their annual reports.<sup>15</sup> During FY2024, the Ombudsperson received 22 contacts that were assigned as an "Information & Referral" and the Ombudsperson was able to make needed connections for District children and families.<sup>16</sup> The Ombudsperson has additional insights to what District families may be looking for with regards to resources, services, and supports. We ask the Ombudsperson to continue to share insight on calls about information and referral to help support how the District understands the needs of residents, where gaps in information exist, and opportunities to improve connections to services.

Second, the Ombudsperson plays a crucial role in making connections across the community and the government that help to facilitate information sharing as well as improved communication, coordination and connectiveness in the District. According to the 2024 Annual Report, "connecting and engaging with the community and government organizations continues to be a mission for the OFC. The purpose for this

engagement is to promote the work of the office, understand resources available to children and families in the District, and develop partnerships.”<sup>17</sup>

In both FY2023 and FY2024, the Ombudsperson engaged with a variety of stakeholders. The Ombudsperson continues to make significant efforts to do outreach to the community to share the mission and goals of the Ombudsperson. In FY2024, the Ombudsperson engaged in monthly and quarterly child welfare advocate meetings, presented at Foster and Adoptive Parents Advocacy Center (FAPAC) Youth and Parent Summit, and was a strong partner with the Children’s Law Center to support our guardians-ad-litem – just to name a few examples of engagement.<sup>18</sup> Being community facing is a critical component to help DC residents see the Ombudsperson as a tool to help resolve concerns and issues arising in the child welfare system.

Moreover, the Ombudsperson deepened their connections with government stakeholders. The Ombudsperson has a strong relationship with CFSA but has also worked to replicate that across other government agencies like the Department of Youth Rehabilitation Services (DYRS). The Ombudsperson has also worked in partnership with multiple agencies at a time to discuss issues like DC residents’ access to utilities.<sup>19</sup> The Ombudsperson continues to work to identify and build relationships with those agencies impacting the lives of children and families involved in the child welfare system.

The Ombudsperson also provides opportunities to bring the government and community together. For example, in December 2024, the Agency had an open house at their office. This was a chance to sit down and engage in conversation across stakeholders and to hear more about the Ombudsperson's work. Ultimately, the work of the Ombudsperson to resolve complaints and provide solutions must be done in partnership with DC government agencies. The relationship building done by the Ombudsperson is critical to ensure they can execute day-to-day problem solving. We applaud this work and ask that this Committee continue to support the efforts of the Ombudsperson by providing them the resources, tools, and spaces to move forward solutions to complaints as well as develop these critical relationships.

### **The Ombudsperson Plays a Critical Role in Supporting the Oversight Functions of the Council**

Another key function of the Ombudsperson is identifying trends and systemic issues impacting children and families involved in the child welfare system and developing recommendations based on this analysis, which are shared primarily through the Ombudsperson's annual report.<sup>20</sup>

The FY2024 report reflects thematic concerns that reflect our own client experiences, particularly their findings related to supports for kin caregivers.<sup>21</sup> A kin caregiver is an individual who either has a familial relation to a child or is known to have a close personal or emotional tie with the child or the child's family and is willing



to step in to care for the child in a day-to-day capacity.<sup>22</sup> Kin caregivers can prevent the removal of child into the formal foster care system by stepping in to care for a child when a parent/current caregiver is unable to at the time.<sup>23</sup> For the purposes of this testimony, we will refer to this as kinship diversion.<sup>24</sup>

As CFSA continues to prioritize prevention of children into the child welfare system, kinship diversion has a critical role to play. Kinship diversion, done right, can keep families together, reduce the trauma associated with placement in foster care, and allow families to make decisions without the oversight of a court or child welfare agency.<sup>25</sup> There must be guardrails for this practice, however, so that kinship caregivers are not coerced into these arrangements, they are receiving adequate information regarding these arrangements, as well as their options and rights, and they are provided sufficient support to care for the children.<sup>26</sup> Getting kinship diversion right can mean that fewer children are unnecessarily drawn into the child welfare system and subjected to the harm of being removed from their own people and community and placed with strangers.

The FY2024 Annual Report finds that getting kinship diversion right is an area for improvement in the District. Specifically, the report states there are continued challenges regarding the agency's ability to address the needs of kin caregivers that step in to provide temporary care to avoid the children's placement into foster care.<sup>27</sup> In the Ombudsperson's investigations, the kin caregivers struggled to receive resources that

are needed to care for the child which in turn led to difficulties for the caregiver when trying to access housing, childcare, employment, and transportation.<sup>28</sup>

The Ombudsperson has identified some important trends regarding kin caregivers. First, kin caregivers require well-documented supports in the beginning of taking a child into their care.<sup>29</sup> Second, kin caregivers require supports throughout the care of the child/children.<sup>30</sup> Third, the District's lack of interagency coordination hinders kin caregivers' ability to take on the responsibilities of caring for the children in their lives.<sup>31 32</sup>

To address these concerns, the Ombudsperson offers several recommendations, including: (1) the use of a comprehensive needs assessment and a standardized checklist to ensure all areas of needs are addressed for families in the initial stages of a potential kinship diversion; (2) better documentation of the options provided to kin caregivers; (3) better education materials for kin caregivers to use in navigating resources and understanding their responsibility; (4) closed-loop referrals to the Collaboratives and Family Success Centers; and (5) ongoing connection with relevant government agencies for support outside the immediate connection. We agree with these recommendations.<sup>33</sup>

The Ombudsperson's work – informing the Council regarding trends, persistent gaps, and new emerging issues, and offering recommendations such as in the case of kinship diversion – is critical to supporting the DC Council and this Committee's

oversight functions. As the Ombudsperson continues to grow and develop in its role, however, we would like to see the Ombudsperson increase its focus on interagency coordination. For example, with respect to kinship diversion, the report discussed the case of a grandmother, who lost her job and was no longer able to care for her grandchildren.<sup>34</sup> Currently, the recommendations only identify ways in which CFSA could provide support for this family. However, there are other government agencies that may be able to intervene and/or support the grandmother – agencies like the Department of Employment Services and the Department of Human Services could possibly be helpful in these circumstances.<sup>35</sup>

As noted above the child welfare system is more than CFSA; it encompasses many, many more government agencies. The Ombudsperson is explicitly required to “build relationships with other government agencies and identify areas where interagency coordination must be improved to better meet the needs of DC’s foster children.”<sup>36</sup> As exemplified in the next section, the Ombudsperson has done significant work in interagency coordination between the juvenile legal system and CFSA. We hope to see this continue to expand into other areas of the child welfare system. Therefore, we ask this Committee to support the Ombudsperson’s efforts to build these relationships across the District. This Committee can identify agencies and partners that should be connected with the Ombudsperson and help ensure those connections are made.

## **The Ombudsperson Plays a Critical Role in Assessing Improvements to the Juvenile Legal System, But Faces Continued Challenges to Accessing Key Data**

As noted above, the Ombudsperson for Children is positioned to identify areas where interagency coordination must be improved to better meet the needs of DC's foster children. The Ombudsperson is the only District agency that is legislatively mandated to track crossover youth or conduct system analyses on factors affecting their outcomes.<sup>37</sup> Crossover youth are children who experience both the foster care system and the juvenile legal system even if at separate times.<sup>38</sup> This population of youth experience significant challenges to their wellbeing and stability, too often rolling from one system into the next.<sup>39</sup> Additionally, crossover youth face even greater barriers to positive outcomes including more difficulties in school and higher unemployment rates than foster care youth involved in only one system. The Ombudsperson's analysis of data informs gaps in services, and opportunities for collaboration towards improved outcomes for crossover youth.

However, there have been clear challenges to data collection.<sup>40</sup> First, the Office of the Ombudsperson found that CFSA and DYRS each have their own differing data collection processes, definitions, and procedures. These challenges are also highlighted in "A Broken Web: Improved Interagency Collaboration is Needed for D.C.'s Crossover Youth" – a recent report by the Council for Court Excellence for the Office of D.C. Auditor.<sup>41</sup>

The Broken Web report found that the District lacks a unified approach to collect information on crossover youth and ensure the District is addressing the needs of these vulnerable young people. Further, “to the extent that the audited agencies are communicating about and coordinating services for crossover youth, it is only for the subset who simultaneously are committed to DYRS and have an open CFSA case.”<sup>42</sup> Meaning that the District is unable to accurately identify the number and traits of crossover youth in our community because the scope is too narrow. This also means that we cannot assess the District’s ability to coordinate the services being offered or supervision being provided, target specialized programming for these youth, or provide resources for their families and caregivers.

Fortunately, there has been great partnership between DYRS, CFSA, and the Ombudsperson. In FY2024, the Ombudsperson provided recommendations about standardizing data from CFSA and DYRS.<sup>43</sup> The three teams – Ombudsperson, CFSA, and DYRS – now have a monthly reconciliation process. However, these data processes only focus on youth involved in DYRS – a significantly smaller population than the total youth involved in the juvenile legal system.

Although the Ombudsperson has made progress with the smaller population of DYRS committed youth, there continues to be significant challenges in assessing the broader crossover youth population outside of DYRS involvement. This requires the Ombudsperson to be able to access records that are in other areas of the government

including OAG and Court Social Services (CSS). The Ombudsperson does not report explicitly working with either of these offices in its efforts to collect data on crossover youth. We encourage the Ombudsperson to strengthen their relationships with OAG, in particular, to better understand how they may be able to properly track youth who are involved in both the child welfare system and the juvenile legal system. We also ask that this Committee support the Ombudsperson in their relationship with OAG, especially given the Committee's joint oversight of OAG.

Addressing the persistent challenges in collecting information on crossover youth would greatly benefit the Committee on Youth Affairs, which is responsible for oversight of both CFSA and DYRS. Towards the end of 2024, Chairman Parker held roundtables on DYRS. In these roundtables Chairman Parker highlighted his interest in crossover youth and addressing the challenges they face particularly in accessing appropriate placements and needed services.<sup>44</sup>

The roundtables and the hearing on the Recidivism Reduction at DYRS Amendment Act of 2024 ("ROAD Act") highlighted the persistent challenges in the juvenile legal system and the need for effective oversight. Specifically, at the DYRS government roundtable it was highlighted that data continues to be an issue due to lack of unified system.<sup>45</sup> Given the Office of the Ombudsperson role in monitoring and reporting on data for crossover youth and their direct experience with the difficulties of

accessing data it would appear that the Ombudsperson has a significant role in helping to address persistent challenges in the juvenile legal system.

The Ombudsperson could help to identify ways in which to create more unified data sharing to improve better interagency coordination. Specifically, the Office of the Ombudsperson is required to report: (A) The number, demographics, and other relevant characteristics of the crossover-youth population; (B) Data, metrics, and trend analyses related to outcomes for crossover youth; (C) Assessment of interagency communication and coordination related to crossover youth and its impact on outcomes for crossover youth; and (D) Any other information the Ombudsperson considers relevant to the outcomes for crossover youth.<sup>46</sup> The information collected should inform many of the key issue areas cited in the roundtables – issues like placement, behavioral health services, interagency coordination.

However, as noted above, the Ombudsperson must be able to access the information it needs to properly monitor the youth who are involved in both the juvenile legal system and child welfare system whether simultaneously or at different points in time. Therefore, we ask this Committee to support the Ombudsperson in ensuring they are able to access the necessary data. We also encourage this Committee to ensure a strong relationship with the Ombudsperson and look to it to support crossover youth initiatives in the District.

## Conclusion

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

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<sup>1</sup> Children’s Law Center attorneys represent children who are the subject of abuse and neglect cases in DC’s Family Court. CLC attorneys fight to find safe homes and ensure that children receive the services they need to overcome the trauma that first brought them into the child welfare system. DC Children’s Law Center, About Us, *available at*: <https://www.childrenslawcenter.org/content/about-us>. The term “protective supervision” means a legal status created by Division order in neglect cases whereby a minor is permitted to remain in his home under supervision, subject to return to the Division during the period of protective supervision. D.C. Code § 16-2301(19).

<sup>2</sup> Internal Children's Law Center Data Collection, "GAL Deep Dive," June 2022 through May 2023.

<sup>3</sup> 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](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](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](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](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). See also Sharra E. Greer and Amber Rieke, testimony before the District of Columbia Council Committee on Health, (February 1, 2023), *available at*: <https://childrenslawcenter.org/resources/fy23-oversight-testimony-department-of-behavioral-health/>; Makenna Osborn, testimony before the District of Columbia Council Committee on Housing, District of Columbia Housing Authority, (February 22, 2024), *available at*: <https://childrenslawcenter.org/resources/2023-24-oversight-testimony-committee-on-housing-district-of-columbia-housing-authority/>.

<sup>4</sup> D.C. Law 23-270. Office of the Ombudsperson for Children Establishment Amendment Act of 2020.

<sup>5</sup> DC Council, Organizational Chart, *available at*: <https://dccouncil.gov/wp-content/uploads/2023/02/CP-25-Organization-Chart.pdf>.

<sup>6</sup> DC Act 23-617. Office of the Ombudsperson for Children Establishment Amendment Act of 2020; See also Office of the Ombudsperson for Children, About, *available at*: <https://ofc.dc.gov/>.

<sup>7</sup> Judith Sandalow, Testimony Before the District of Columbia Council, Committee of the Whole, (June 7, 2021), *available at*: [https://childrenslawcenter.org/wp-content/uploads/2021/07/JSandalow\\_Childrens-Law-Center-Testimony-for-June-7-2021-Committee-of-the-Whole-Budget-Oversight-Hearing\\_FINAL-1.pdf](https://childrenslawcenter.org/wp-content/uploads/2021/07/JSandalow_Childrens-Law-Center-Testimony-for-June-7-2021-Committee-of-the-Whole-Budget-Oversight-Hearing_FINAL-1.pdf); Sharra E. Greer, Testimony Before the District of Columbia Council, Committee on Human Services, (June 10, 2021), *available at*: [https://childrenslawcenter.org/wp-content/uploads/2021/07/SGreer\\_Childrens-Law-Center-Testimony-for-June-10-2021-CFSA-Budget-Oversight-Hearing\\_FINAL.pdf](https://childrenslawcenter.org/wp-content/uploads/2021/07/SGreer_Childrens-Law-Center-Testimony-for-June-10-2021-CFSA-Budget-Oversight-Hearing_FINAL.pdf); Sharra E. Greer, Testimony Before the District of Columbia Council, Committee on Housing & Executive Administration, (June 22, 2021), *available at*: [https://childrenslawcenter.org/wp-content/uploads/2021/07/SGreer\\_Childrens-Law-Center-Testimony-for-June-22-2021-City-Administrator-Budget-Oversight-Hearing\\_FINAL.pdf](https://childrenslawcenter.org/wp-content/uploads/2021/07/SGreer_Childrens-Law-Center-Testimony-for-June-22-2021-City-Administrator-Budget-Oversight-Hearing_FINAL.pdf);



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and Tami Weerasingha-Cote, Testimony Before the District of Columbia Council, Committee on Human Services, (March 24, 2022), available at: [https://childrenslawcenter.org/wp-content/uploads/2022/03/TWeerasingha-Cote\\_Childrens-Law-Center-Testimonyfor-Mar.-24-2022-CFSA-Budget-Hearing\\_Final-1.pdf](https://childrenslawcenter.org/wp-content/uploads/2022/03/TWeerasingha-Cote_Childrens-Law-Center-Testimonyfor-Mar.-24-2022-CFSA-Budget-Hearing_Final-1.pdf). Sharra E. Greer, testimony before the DC 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](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); Leah Castelaz, testimony before the DC 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](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); Leah Castelaz, testimony before the DC Council Committee on Facilities and Family Services, (April 25, 2024), available at: <https://childrenslawcenter.org/resources/fy25-budget-testimony-office-of-the-ombudsperson-for-children/>.

<sup>8</sup> Office of the Ombudsperson for Children Establishment Amendment Act of 2020, Legislative History, available at: <https://lirms.dccouncil.gov/Legislation/B23-0437>.

<sup>9</sup> 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](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).

<sup>10</sup> 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](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); FY2023, Office of the Ombudsperson for Children, Table RO0-1, E-107; Leah Castelaz, testimony before the DC Council Committee on Facilities and Family Services, (April 25, 2024), available at: <https://childrenslawcenter.org/resources/fy25-budget-testimony-office-of-the-ombudsperson-for-children/>; FY2025, Office of the Ombudsperson for Children, Table RO0-1, E-103.

<sup>11</sup> District of Columbia Office of the Ombudsperson for Children, FY2024 Annual Report, available at: [https://ofc.dc.gov/sites/default/files/dc/sites/ofc/page\\_content/attachments/OFC\\_FY2024\\_Annual\\_Report.pdf](https://ofc.dc.gov/sites/default/files/dc/sites/ofc/page_content/attachments/OFC_FY2024_Annual_Report.pdf).

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

<sup>13</sup> District of Columbia Office of the Ombudsperson for Children, FY2023 Annual Report, 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](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). See also District of Columbia Office of the Ombudsperson for Children, FY2024 Annual Report, available at:

[https://ofc.dc.gov/sites/default/files/dc/sites/ofc/page\\_content/attachments/OFC\\_FY2024\\_Annual\\_Report.pdf](https://ofc.dc.gov/sites/default/files/dc/sites/ofc/page_content/attachments/OFC_FY2024_Annual_Report.pdf).

<sup>14</sup> District of Columbia Office of the Ombudsperson for Children, FY2024 Annual Report, available at:

[https://ofc.dc.gov/sites/default/files/dc/sites/ofc/page\\_content/attachments/OFC\\_FY2024\\_Annual\\_Report.pdf](https://ofc.dc.gov/sites/default/files/dc/sites/ofc/page_content/attachments/OFC_FY2024_Annual_Report.pdf).

<sup>15</sup> *Id.*

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

<sup>17</sup> District of Columbia Office of the Ombudsperson for Children, FY2024 Annual Report, available at:

[https://ofc.dc.gov/sites/default/files/dc/sites/ofc/page\\_content/attachments/OFC\\_FY2024\\_Annual\\_Report.pdf](https://ofc.dc.gov/sites/default/files/dc/sites/ofc/page_content/attachments/OFC_FY2024_Annual_Report.pdf).

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

<sup>19</sup> *Id.*

<sup>20</sup> D.C. Law 23-270. Office of the Ombudsperson for Children Establishment Amendment Act of 2020.

<sup>21</sup> District of Columbia Office of the Ombudsperson for Children, FY2024 Annual Report, available at:

[https://ofc.dc.gov/sites/default/files/dc/sites/ofc/page\\_content/attachments/OFC\\_FY2024\\_Annual\\_Report.pdf](https://ofc.dc.gov/sites/default/files/dc/sites/ofc/page_content/attachments/OFC_FY2024_Annual_Report.pdf).

<sup>22</sup> D.C. Code § 4-1301.02. Definitions.

<sup>23</sup> Stronger Kinship Diversion Policies Are Needed to Support Children and Caregivers, available at:

<https://www.aecf.org/blog/stronger-kinship-diversion-policies-are-needed-to-support-children-and-caregivers#:~:text=Most%20child%20welfare%20agencies%20facilitate,children%20out%20of%20foster%20care.>

<sup>24</sup> There are significant complexities around this term. First, there is no uniform definition of kinship diversion, but in our testimony, we use it describe situations in which a child welfare agency investigates a report of child abuse or neglect, determines that a child cannot remain safely with parents/guardians, and helps to facilitate that child’s care by a relative instead of bringing the child into state custody. See Judicial

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Council of California, Beyond the Bench 2023 Conference Materials, *available at*: [https://courts.ca.gov/sites/default/files/courts/default/2024-12/btb\\_23\\_4n\\_7.pdf](https://courts.ca.gov/sites/default/files/courts/default/2024-12/btb_23_4n_7.pdf). As noted in this article there are several conflicting perceptions and opinions on diversion that make this a complex term and difficult to navigate through policy. Additionally, CFSA does not use the term diversion. They do use policies around informal family planning arrangements and safety planning. Specifically, informal family planning arrangements are used with families after a child and their family come to the attention of CFSA through a hotline report, and the investigative social worker conducts an assessment and determines the child(ren)/youth can remain safe with the parents/legal guardian of the child or in the community with an identified caretaker. Families may develop their own plan and identify supportive resources to help safely care for their children. These supportive resources may include the non-custodial parent, a relative or another identified caretaker. *See* District of Columbia Child and Family Services Agency (CFSA), AI Informal Family Planning Arrangements Process, (May 2024), *available at*: [https://cfsa.dc.gov/sites/default/files/dc/sites/cfsa/publication/attachments/AI\\_Informal\\_Family\\_Planning\\_Arrangements\\_Process\\_Final\\_May\\_2024.pdf](https://cfsa.dc.gov/sites/default/files/dc/sites/cfsa/publication/attachments/AI_Informal_Family_Planning_Arrangements_Process_Final_May_2024.pdf).

<sup>25</sup> New Insights on State Kinship Diversion Policies, *available at*: <https://www.aecf.org/resources/new-insights-on-state-kinship-diversion-policies>.

<sup>26</sup> *Id.*

<sup>27</sup> District of Columbia Office of the Ombudsperson for Children, FY2024 Annual Report, *available at*: [https://ofc.dc.gov/sites/default/files/dc/sites/ofc/page\\_content/attachments/OFC\\_FY2024\\_Annual\\_Report.pdf](https://ofc.dc.gov/sites/default/files/dc/sites/ofc/page_content/attachments/OFC_FY2024_Annual_Report.pdf).

<sup>28</sup> *Id.*; *See also* District of Columbia Office of the Ombudsperson for Children, FY2023 Annual Report, *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](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).

<sup>29</sup> According to the FY2024 report, kin caregivers are frequently offered support when CFSA first gets involved. However, the supports and services CFSA offers to kin caregivers, at the beginning of a case, are not well-documented. This means that there is no way to track CFSA's standard practices or whether kin caregivers are consistently being offered the services they need to be able to care for children diverted to their homes. *See* District of Columbia Office of the Ombudsperson for Children, FY2024 Annual Report, *available at*: [https://ofc.dc.gov/sites/default/files/dc/sites/ofc/page\\_content/attachments/OFC\\_FY2024\\_Annual\\_Report.pdf](https://ofc.dc.gov/sites/default/files/dc/sites/ofc/page_content/attachments/OFC_FY2024_Annual_Report.pdf).

<sup>30</sup> For example, in one case the Ombudsperson highlighted in their report included a grandmother who had her grandchildren in her care from August 2022 to June 2023. Home visits stopped in November 2022 and ongoing phone contact with the social worker ended in December 2022. By February 2023, the grandmother had lost her job. This highlights that early in the care of her grandchildren, the grandmother was well supported by the agency. However, as the case continued the grandmother still needed supports but was not connected with relevant agencies or support systems that could have allowed her to continue to care for her grandchildren. *See* District of Columbia Office of the Ombudsperson for Children, FY2024 Annual Report, *available at*:

[https://ofc.dc.gov/sites/default/files/dc/sites/ofc/page\\_content/attachments/OFC\\_FY2024\\_Annual\\_Report.pdf](https://ofc.dc.gov/sites/default/files/dc/sites/ofc/page_content/attachments/OFC_FY2024_Annual_Report.pdf).

<sup>31</sup> Moreover, as identified by the Ombudsperson, kin caregivers often need supports across many agencies like education, health, and housing. CFSA alone cannot provide all these supports and instead must rely on its sister agencies to ensure kin caregivers are connected with the necessary resources the family will need after CFSA is no longer involved. *See* District of Columbia Office of the Ombudsperson for Children, FY2024 Annual Report, *available at*: [https://ofc.dc.gov/sites/default/files/dc/sites/ofc/page\\_content/attachments/OFC\\_FY2024\\_Annual\\_Report.pdf](https://ofc.dc.gov/sites/default/files/dc/sites/ofc/page_content/attachments/OFC_FY2024_Annual_Report.pdf).

<sup>32</sup> District of Columbia Office of the Ombudsperson for Children, FY2024 Annual Report, *available at*: [https://ofc.dc.gov/sites/default/files/dc/sites/ofc/page\\_content/attachments/OFC\\_FY2024\\_Annual\\_Report.pdf](https://ofc.dc.gov/sites/default/files/dc/sites/ofc/page_content/attachments/OFC_FY2024_Annual_Report.pdf).

<sup>33</sup> Tami Weerasingha-Cote, Children's Law Center Testimony for the CFSA Budget Hearing, (March 24, 2022), *available at*: [https://childrenslawcenter.org/wp-content/uploads/2022/03/TWeerasingha-Cote\\_Childrens-Law-Center-Testimony-for-Mar.-24-2022-CFSA-Budget-Hearing\\_Final-1.pdf](https://childrenslawcenter.org/wp-content/uploads/2022/03/TWeerasingha-Cote_Childrens-Law-Center-Testimony-for-Mar.-24-2022-CFSA-Budget-Hearing_Final-1.pdf).

<sup>34</sup> District of Columbia Office of the Ombudsperson for Children, FY2024 Annual Report, *available at*: [https://ofc.dc.gov/sites/default/files/dc/sites/ofc/page\\_content/attachments/OFC\\_FY2024\\_Annual\\_Report.pdf](https://ofc.dc.gov/sites/default/files/dc/sites/ofc/page_content/attachments/OFC_FY2024_Annual_Report.pdf).

<sup>35</sup> The Department of Employment Services could provide assistance by offering job training, employment placement services, and unemployment benefits, which may help kin caregivers regain financial stability and continue providing care. The Department of Human Services could support kin caregivers through programs like TANF,

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SNAP, and emergency rental or utility assistance, ensuring that families facing economic hardships can access the resources needed to maintain stable caregiving arrangements.

<sup>36</sup> D.C. Law 23-270. Office of the Ombudsperson for Children Establishment Amendment Act of 2020.

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> Council of Court Excellence, *A Broken Web: Improved Interagency Collaboration is Needed for D.C.'s Crossover Youth*, DC Auditor, (May 28, 2024), available at: [https://cdn.prod.website-files.com/659c0df344c9c8325dd821ca/673caf1772f0ea16a294172a\\_Crossover.Youth.Report.5.28.24.Final.pdf](https://cdn.prod.website-files.com/659c0df344c9c8325dd821ca/673caf1772f0ea16a294172a_Crossover.Youth.Report.5.28.24.Final.pdf).

<sup>40</sup> Council of Court Excellence, *A Broken Web: Improved Interagency Collaboration is Needed for D.C.'s Crossover Youth*, DC Auditor, (May 28, 2024), available at: [https://cdn.prod.website-files.com/659c0df344c9c8325dd821ca/673caf1772f0ea16a294172a\\_Crossover.Youth.Report.5.28.24.Final.pdf](https://cdn.prod.website-files.com/659c0df344c9c8325dd821ca/673caf1772f0ea16a294172a_Crossover.Youth.Report.5.28.24.Final.pdf).

<sup>41</sup> Crossover Youth Report, (May 28, 2024), available at: [https://cdn.prod.website-files.com/659c0df344c9c8325dd821ca/673caf1772f0ea16a294172a\\_Crossover.Youth.Report.5.28.24.Final.pdf](https://cdn.prod.website-files.com/659c0df344c9c8325dd821ca/673caf1772f0ea16a294172a_Crossover.Youth.Report.5.28.24.Final.pdf).

<sup>42</sup> *Id.*

<sup>43</sup> District of Columbia Office of the Ombudsperson for Children, FY2024 Annual Report, available at: [https://ofc.dc.gov/sites/default/files/dc/sites/ofc/page\\_content/attachments/OFC\\_FY2024\\_Annual\\_Report.pdf](https://ofc.dc.gov/sites/default/files/dc/sites/ofc/page_content/attachments/OFC_FY2024_Annual_Report.pdf).

<sup>44</sup> Ward 5 Councilmember Zachary Parker, *Oversight Roundtable: DYRS Performance, Processes, and Continuum of Services*, (November 18, 2024), available at: <https://www.youtube.com/watch?v=kQ2eiAaWQwA&t=10179s>. See also Ward 5 Councilmember Zachary Parker, *Public Hearing: DYRS Performance, Processes, and Continuum of Services*, available at: <https://www.youtube.com/watch?v=NXiicROlqqA&t=20s>

<sup>45</sup> Ward 5 Councilmember Zachary Parker, *Oversight Roundtable: DYRS Performance, Processes, and Continuum of Services*, (November 18, 2024), available at: <https://www.youtube.com/watch?v=kQ2eiAaWQwA&t=10179s>.

<sup>46</sup> DC Act 23-617. Office of the Ombudsperson for Children Establishment Amendment Act of 2020. Sec. 108. "Reporting." (b)(3)(A)-(D).