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Committee on Youth Affairs
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Introduction

Good afternoon, Chairman Parker and members of the Committee. My name is Tami Weerasingha-Cote and I am the Policy Director for 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 continued its efforts to transform the District's child welfare agency into a "child and family 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 significantly invested in prevention strategies intended to meet families in need with resources, rather than separating children from their families.

CFSA also put substantial effort this past year into working with current and former foster youth, as well as community partners including Children's Law Center, to develop a legislative proposal for a new legal permanency option for older foster youth, who often struggle to find stability and positive outcomes in our current system.⁵ We applaud the agency's intentional and inclusive approach to this work, which centered youth voices. We hope to see this legislative proposal move forward quickly with the full support of this Committee and the broader Council.

In other areas, however, our clients' experiences with CFSA have been mixed. Although CFSA has meaningfully expanded its placement array over the past few years, additional investments are needed to ensure that appropriate placements are available for every child in foster care. With respect to housing for youth aging out of foster care,

CFSA has removed some barriers to housing supports – but most youth still struggle to obtain stable housing before they exit care. Finally, the agency’s failure to properly conserve foster youth’s social security funds as required by District law has put those funds at risk of being reclaimed by the Social Security Administration and, in some cases, may have already resulted in those funds being lost.

CFSA’s Transformation Work to Build a Child and Family Well-Being System Provides a Way for the District to Meet the Needs of Children and Families Without Inflicting the Harms of the Child Welfare System

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 (meaning they can’t pay for food, safe and healthy housing, childcare, or adequate clothing) or because of untreated physical or mental health problems or substance use disorders, 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.⁶

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.⁷ 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.⁸

CFSA's transformation work is a recognition that to minimize the number of families that enter this system – to “narrow the front door”⁹ 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.¹⁰ We must, therefore, understand this work as essential to preventing the occurrence of child abuse and neglect.

CFSA has made significant investments in recent 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.¹¹ Since opening in October 2020, the FSCs have served tens of thousands of families and individuals.¹² 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.¹³ The most frequently requested services include food, clothing, mental and behavioral health programming, parenting supports, and assistance navigating services

– reflecting the needs we see at the heart of most of our child welfare cases.¹⁴ In FY2024, DC residents received over 10,000 services from FSCs.¹⁵

In October 2023, CFSA “soft launched” the repurposed 211 Warmline as the District’s unified social service resource and referral line.¹⁶ Warmline callers seeking help with a social need¹⁷ – such as food, housing, medical benefits, etc., – are either provided with the detailed information and guidance they need to resolve the problem (e.g. contact information for shelter intake, or date/time/location information for grocery distributions), connected directly with a specific program or resource through a closed-loop referral, or connected with a community-based organization that provides more in-depth case management and assistance with navigating the relevant District-funded and community-based services.¹⁸

During its twelve-month “soft launch” period (when the Warmline was operational but not proactively marketed), the Warmline received 12,671 calls from District residents and families seeking help.¹⁹ The most common needs reported to the Warmline were housing, food assistance, and utilities²⁰ – again reflecting needs that often cause the instability that brings families to the attention of the child welfare system.

The Warmline officially launched just this past week. It is our understanding that CFSA will be widely promoting the Warmline to the public – engaging in community outreach, awareness campaigns through social media, and issuing promotional materials – all of which is likely to increase the volume of calls to the Warmline.

Children’s Law Center strongly supports CFSA’s 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 and Warmline operators 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. The Warmline is a critical tool for understanding the needs of our residents and identifying the gap between those needs and existing services and supports in the District. Closing this gap provides a way for the city to meet the needs of children and families, without bringing them into harmful systems – including the child welfare system.

Among the “lessons learned” by CFSA during the Warmline’s soft-launch period, CFSA flagged that “District partnerships need strengthening to enhance [the] continuum of care across agencies.”²¹ Further, the agency noted that “limited access to other agency’s systems create barriers” to meeting the needs of those who call the Warmline for help.²² In other words, CFSA cannot do this work alone. 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.²³ Transformation to a child and family well-being system requires the active support and involvement of many other government agencies.

To this end, CFSA has built partnerships with several key health and human services-related agencies to support the Warmline, including the Department of Human Services, the Department of Behavioral Health, District of Columbia Public Schools, and the DC Housing Authority.²⁴ For the Warmline to be successful, however, deeper engagement across a wider set of agencies is needed. 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’s Support for SOUL – a Youth-Driven Permanency Option – Demonstrates a Commitment to Preventing Youth from Aging Out of Care and Empowering Youth Voices

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.²⁵ Although these pathways work for many children in care, some children – typically older youth – find that 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 21.²⁶ Approximately 50-60% of older youth in foster care age out of the system²⁷ – meaning they will go into the adult world without a permanent family; without the sustained

support that everyone needs to be successful in life. Challenges and struggles are part of becoming an adult, and no one should have to navigate them alone.

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,²⁸ over the past year CFSA, in partnership with Children’s Law Center and a group of former and current foster youth (“Lived Experience/LEX Leaders”) and others, supported the development of a proposal for a new legal permanency option in the District: SOUL. SOUL stands for Support, Opportunity, Unity & Legal Relationships.

SOUL is a youth-driven, new permanency goal for older youth (16+) in foster care. SOUL legally recognizes and supports the circle of loving adults in an older youth’s life who are committed to their future. By choosing a SOUL permanency goal, older youth can create a permanent family and codify legal relationships with multiple caregivers and supporters, including people from their families of origin.

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.²⁹ Children’s Law Center has for many years expressed concerns that older youth are languishing in foster care,³⁰ 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. In particular, we must commend the agency for prioritizing youth and community voices throughout the process of

developing this legislative proposal. LEX Leaders co-chaired every working group and were at the table for every discussion. The legislative proposal that resulted from this process is stronger and better designed because of the input and leadership of those most impacted by the child welfare system – the youth in it. We are excited for this proposed legislation to move forward and ask this Committee and the full Council to do everything in their power to pass and fund it as swiftly as possible.

CFSA’s Investments in Expanding its Placement Array Have Been Effective at Increasing Placement Stability, but Additional Work is Needed

In our performance oversight testimony last year, we expressed cautious optimism that CFSA’s investments in specialized, therapeutic, and supportive placements appeared to result in some improvement in placement stability for children in care.³¹ We are pleased to report that the trend towards improved placement stability seems to have continued over the past year. Although CFSA’s performance oversight data for FY2024 shows that the percent of children in care who experienced three or more placements during the year stayed approximately the same at around 20 percent,³² this remains a meaningful improvement compared to previous years – in FY2022 it was 27 percent and in FY2021 it was 24 percent.³³

This positive trend is supported by our 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. One area we capture in our review is the level of “placement instability” our clients experience, beyond what is

captured as a “placement change” in CFSA’s data.³⁴ Our most recent review (covering cases open between June 2023 and May 2024), revealed that 59 of our clients in care (approximately 17 percent) experienced some form of placement instability.³⁵ This continues the decrease in placement instability for children in foster care that we’ve seen over the past three years: from 128 clients (approximately 33 percent) in 2020-2021, to 110 clients (approximately 25 percent) in 2021-2022, to 70 clients (approximately 20 percent) in 2022-2023.³⁶

These improvements in placement stability reflect significant investments by CFSA over the past few years to build out its placement array, specifically with specialized, therapeutic, and supported placement options, including:

- **PSI Family Services**, which provides intensive foster care placements for children in CFSA’s care and custody.³⁷
- **Professional Foster Homes**, which are homes where resource parents are employed in a professional capacity to provide care, particularly for foster children who are medically fragile, have high-level behavioral health needs, or are pregnant and parenting foster youth.³⁸
- **Lutheran Social Services**, which provides foster homes and case management services for Spanish-speaking children.³⁹
- **Allen House**, a therapeutic group home run by Sasha Bruce, which also provides supported placements for foster children ages 13 to 17.⁴⁰

- **The Bridge Program**, a residential facility that includes on-site 24/7 clinical staff and other supports designed to stabilize youth ages 13 to 17 with significant behavioral health needs.⁴¹ This program opened during the past year and showed early success at being a good placement option for children in care who previously would have been left to spend nights at the agency or the youth homeless shelter due to the lack of an appropriate placement for them.⁴² The city had to unexpectedly terminate the contract with the provider of these services at the end of 2024, but is looking to reopen the program as soon as possible. In the meantime, several of our clients have ended up sleeping at the agency – underscoring the importance of this placement option.⁴³

Although we commend CFSA for the progress the agency has made towards expanding its placement array, the extent to which children in care – including dozens of our clients – continue to experience placement instability remains a significant challenge. As we have testified for many years, 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.⁴⁴

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.⁴⁵ 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.

Despite the Elimination of Some Barriers, Eligible Foster Youth Still Struggle to Access Housing Through the FUP Voucher Program

As we have testified previously, youth aging out of foster care face significant challenges transitioning out of foster care and into independent living.⁴⁶ Among other issues, these challenges often include finding employment, securing housing, and paying for rent and transportation.

The Family Unification Program (“FUP”) voucher program offers a potential solution to a frequent challenge older youth experience – securing stable housing upon exiting care. FUP vouchers provide older youth exiting foster care with up to 5 years of rental assistance, along with additional supportive services.⁴⁷ Unfortunately, our clients – and most youth aging out of CFSA’s care – have struggled to obtain housing through this program.

As we have testified previously, “[t]he reasons why our clients are not able to consistently access FUP vouchers are unclear – though it appears obstacles exist at various points along the pipeline from the federal Department of Housing and Urban Development (HUD) to DC’s Housing Authority (DCHA), to CFSA itself.”⁴⁸

The 2023 passage of the Preserving Our Kids' Equity Through Trusts and Fostering Stable Housing Opportunities Amendment Act of 2022 (“POKETT”), has helped to eliminate some of those obstacles. Before POKETT, we found that many of our clients were not informed or aware that they could be eligible for FUP vouchers. Further, CFSA had an opaque, internal process for determining which youths would be allowed to apply for FUP – separate and apart from the federal criteria.

We are pleased to report that these aspects of the process, at least, have improved. Older youth in care appear to be informed of their potential eligibility for FUP vouchers, and the agency is no longer gatekeeping access to the program. As a result, in our experience, older youth in care are more consistently able to apply for FUP vouchers. For example, a recent review of our cases showed that for our older youth clients, everyone who wanted to apply for a FUP voucher was able to.

Unfortunately, our review also showed that although they were able to apply for FUP, most of these clients did not receive vouchers or obtain housing through the FUP program before aging out of foster care. Our clients’ experience is consistent with the agency’s most recent report on housing for youth aging out of care – which found that

of the 33 youth who aged out of care in FY2024, only 4 successfully applied for FUP – and of these none received a voucher or housing through the FUP program before aging out.⁴⁹

Despite our attorneys' best efforts, we still don't have clarity on why foster youth exiting care – the population FUP vouchers are explicitly designed to help – are consistently unable to obtain housing through this program before exiting care. We believe there may be some confusion between CFSA and DCHA regarding which agency should be taking the lead on supporting foster youth through the process of securing housing through the FUP voucher program. Based on what we've seen in our cases, we would like CFSA to take steps to ensure social workers support youth through the initial FUP application process – including gathering key documentation and proactively tracking the eligibility determination. Once the application is submitted to DCHA and youth is determined to be eligible, however, it's our view that DCHA likely needs to provide a deeper level of individual support for foster youth navigating the rest of the process – from securing the voucher, to finding an apartment, to getting the landlord to fill out and submit the required paperwork, to passing inspection, to finally – moving in.

More information is needed to fully understand this problem, identify the root causes, and design effective solutions. To this end, we ask this Committee to convene a hearing on this issue jointly with the Committee on Housing, inviting both CFSA and

DCHA to testify and answer questions. Together, we hope the Committees will bring clarity to this issue and take steps to increase foster youths' access to housing through the FUP program.

CFSA's Failure to Properly Implement the Social Security Income Requirements of the POKETT Act Violates the Law and Puts Foster Youths' Assets At Risk

POKETT also requires CFSA to screen all children in foster care to determine whether they are eligible for Social Security Benefits.⁵⁰ 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.⁵¹ Notably, the law expressly prohibits CFSA from using these funds for "any costs associated with the child's care."⁵² Despite having had years to plan for and implement the requirements of this law, CFSA is still failing to do so, putting the youths' assets at risk and denying them the benefits intended for them under the law.

First, although POKETT requires CFSA to screen every child in care for social security benefit eligibility,⁵³ this is not happening consistently. In the last year, we've had at least two clients with obvious SSI-qualifying disabilities who were not screened, and for whom no benefit application was filed. As a result, both clients missed out on benefits that they should have received because CFSA failed to comply with POKETT.

Second, and most significantly, POKETT requires CFSA to "[m]onitor federal asset or resource limits that would affect the child's eligibility to continue to receive benefits and conserve the benefits in a way to avoid violating or exceeding those

limits.”⁵⁴ The law provides a list of potential accounts or methods by which this can be done, including the establishment of a dedicated 529A or ABLE, or a special needs trust.⁵⁵ CFSA has not done this. Instead, CFSA has continued to keep youths’ social security benefits in CFSA-held bank accounts. Children’s Law Center currently has 52 clients in foster care receiving Social Security benefits – and zero of them are having their benefits properly conserved in an appropriate account.

POKETT requires the funds to be properly conserved in specific types of accounts because otherwise the funds are subject to being reclaimed by the Social Security Administration.⁵⁶ By failing to conserve the funds in appropriate accounts, CFSA is violating both District and federal law, and creating a huge risk that youth in care will ultimately lose access to these funds altogether.

The risk of the funds getting reclaimed by the Social Security Administration is highest when youth are exiting care. At that time, CFSA is required to file paperwork with the Social Security Administration terminating the agency as the youth’s payee and returning any unspent funds.⁵⁷ Because POKETT prohibits the agency from spending youths’ Social Security benefits, if the funds have not been conserved in an appropriate account that shields them (like an ABLE account or special needs trust), they must be reported as unspent funds and sent back to the Social Security Administration.⁵⁸ Of 10 clients receiving benefits who exited care within the last year, only two had their funds properly conserved before case closure – and that was due to

extensive pressure from our attorneys. For the remaining eight clients, their funds are considered “unspent”, and the youth are likely no longer able to use them because they were not properly conserved.

Third, in addition to requiring the agency to “[m]onitor federal asset and resource limits that would affect the child's eligibility to continue to receive benefits,”⁵⁹ POKETT also requires the agency to “avoid overpayment of Social Security benefits while serving as the representative payee.”⁶⁰ To fulfill these requirements, CFSA must keep track of how other benefits, programs, income, and placement impact a youth’s eligibility for Social Security benefits, and timely report relevant information to the Social Security Administration to avoid overpayment. In our experience, CFSA is not doing this. Social workers generally do not seem to be aware of the types of things that can impact our clients’ social security eligibility and as a result, are not reporting the relevant information. If and when the Social Security Administration discovers the overpayment (for example, when they see the W-2 from a client’s summer job), the Social Security Administration then deducts that money from future benefit payments – or even requires the youth to make payments. Again, the youth is penalized for the agency’s failures.⁶¹

Fourth, POKETT requires CFSA to provide “financial literacy education, financial management training, and financial skills building” to youth exiting care and gaining access to their conserved funds, and to collaborate with the youth to develop a

“written plan” for the future use of the conserved funds.⁶² To the best of our understanding, this is not happening. Of our 10 clients receiving benefits who exited care within the last year, only two received any financial literacy education and none were assisted in developing a written plan.

By failing to comply with the requirements of POKETT, the agency is risking youths’ assets and denying them important benefits – both of which could be vital to the youths’ future stability and success. We strongly urge the Committee to hold CFSA accountable for these violations and maintain close oversight over this program until these issues are resolved.

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 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.

⁶ § 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>.

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/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 17, 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>.

⁸ 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).

⁹ “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>.

¹⁰ 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.

¹¹ In June of 2023, the Directors of the following District agencies all signed on to do their part to realize the vision of Keeping DC Families together and the shared ownership of operating a child and family well-being system: Department of Aging and Community Living, DDS, DCPS, DYRS, DCHA, DC Health, DBH, DHS, and OUC. FY2023 Child and Family Services Agency Performance Oversight Responses, response to Q113(b), *available at*: <https://lims.dccouncil.gov/Hearings/hearings/253>. *See also* FY2024 Child and Family Services Agency Performance Oversight Responses, response to Q131, *available at*: <https://lims.dccouncil.gov/Hearings/hearings/698>

¹² FY2024 Child and Family Services Agency Performance Oversight Responses, response to Q126(a), *available at*: <https://lims.dccouncil.gov/Hearings/hearings/698>. Please note that CFSA articulates the difference in tracking between FY21, FY22, FY23, and FY24. This is primarily due to a shift from FSCs self-reporting to CFSA using a third-party system to more accurately track. While it may look like there is a drop in number of families served, it is actually reflective of more accurate tracking.

¹³ Child and Family Services Agency, Keeping DC Families Together, *available at*: <https://cfsa.dc.gov/page/keeping-dc-families-together>; FY2024 Child and Family Services Agency Performance Oversight Responses, response to Q126, *available at*: <https://lims.dccouncil.gov/Hearings/hearings/698>.

¹⁴ FY2024 Child and Family Services Agency Performance Oversight Responses, response to Q126(b), *available at*: <https://lims.dccouncil.gov/Hearings/hearings/698>.

¹⁵ On file with Children’s Law Center.

¹⁶ FY2024 Child and Family Services Agency Performance Oversight Responses, response to Q133(e), *available at*: <https://lims.dccouncil.gov/Hearings/hearings/698>.

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* FY2024 Child and Family Services Agency Performance Oversight Responses, response to Q134(b), *available at*: <https://lims.dccouncil.gov/Hearings/hearings/698>.

¹⁸ Y2024 Child and Family Services Agency Performance Oversight Responses, responses to Q134, Q136, *available at*: <https://lims.dccouncil.gov/Hearings/hearings/698>.; CFSA Nov. 7, 2024 Pop-Up Briefing Slide, slides 9, 15, 16, on file with Children’s Law Center.

¹⁹ CFSA Nov. 7, 2024 Pop-Up Briefing Slide, slide 7, on file with Children’s Law Center.

²⁰ *Id.* Slide 6.

²¹ *Id.* Slide 6.

²² *Id.* Slide 6.

²³ FY2024 Child and Family Services Agency Performance Oversight Responses, response to Q136, *available at*: <https://lims.dccouncil.gov/Hearings/hearings/698>.

²⁴ 211warmline, Our Partners, *available at*, <https://211warmline.dc.gov/page/our-partners>.

²⁵ 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.

²⁶ 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.

²⁷ Child and Family Services Agency (CFSA), FACES.net management report CMT 367, "Children who Exited Care for Calendar Year 2024," pulled January 30, 2025.

²⁸ 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>. Older foster youth represent the largest number of youths who experience multiple placement disruptions. Of the 40 youth who experienced 5 or more placement disruptions, 23 of them were 16 years or older. Of the 73 youth who experienced 4 or more placement disruptions, 23 of them were 16 years or older. FY2024 Child and Family Services Agency Performance Oversight Responses, response to Q168, *available at*: <https://lims.dccouncil.gov/Hearings/hearings/698>; Tami Weerasingha-Cote, testimony before DC Council Committee on Human Services, (February 17, 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 Facilities and Family 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; Tami Weerasingha-Cote, testimony before DC Council Committee on Facilities and Family Services, (February 20, 2024), *available at*: <https://childrenslawcenter.org/resources/2023-24-oversight-testimony-child-and-family-services-agency/>.

²⁹ 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 FY2024, older youth (16 and older) represented 30% of the foster population (166 out of 547). FY2024 Child and Family Services Agency Performance Oversight Responses, response to Q167, available at: <https://lims.dccouncil.gov/Hearings/hearings/698>.

³⁰ 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 17, 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.

³¹ 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, pg. 12-24.

³² FY2024 Child and Family Services Agency Performance Oversight Responses, response to Q168, available at: <https://lims.dccouncil.gov/Hearings/hearings/698>; FY2023 Child and Family Services Agency Performance Oversight Responses, response to Q147, available at: <https://lims.dccouncil.gov/Hearings/hearings/253>.

³⁴ 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 2023 through May 2024.

³⁵ Internal Children's Law Center Data Collection, "GAL Deep Dive," June 2023 through May 2024.

³⁶ 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; Internal Children's Law Center Data Collection, "GAL Deep Dive," June 2022 through May 2023.

³⁷ FY2024 Child and Family Services Agency Performance Oversight Responses, response to Q161, available at: <https://lims.dccouncil.gov/Hearings/hearings/698>; FY2023 Child and Family Services Agency Performance Oversight Responses, response to Q140(f), available at: <https://lims.dccouncil.gov/Hearings/hearings/253>.

³⁸ FY2024 Child and Family Services Agency Performance Oversight Responses, response to Q171(k), available at: <https://lims.dccouncil.gov/Hearings/hearings/698>.

³⁹ FY2024 Child and Family Services Agency Performance Oversight Responses, response to Q166, available at: <https://lims.dccouncil.gov/Hearings/hearings/698>.

⁴⁰ FY2024 Child and Family Services Agency Performance Oversight Responses, response to Q106, available at: <https://lims.dccouncil.gov/Hearings/hearings/698>.

⁴¹ FY2024 Child and Family Services Agency Performance Oversight Responses, response to Q172, available at: <https://lims.dccouncil.gov/Hearings/hearings/698>.

⁴² *Id.*

⁴³ In FY24, there were a total of 33 overnight stays by 7 unique youth, one youth stayed in the

building for 22 consecutive days. FY2024 Child and Family Services Agency Performance Oversight Responses, response to Q173, *available at:* <https://lims.dccouncil.gov/Hearings/hearings/698>. In FY23, there were a total of 124 overnight stays. Two youths accounted for 103 of them. FY2023 Child and Family Services Agency Performance Oversight Responses, response to Q152, *available at:* <https://lims.dccouncil.gov/Hearings/hearings/253>.

⁴⁴ 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.

⁴⁵ 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 FY2024, older youth (16 and older) represented 30% of the foster population (166 out of 547). FY2024 Child and Family Services Agency Performance Oversight Responses, response to Q167, *available at:* <https://lims.dccouncil.gov/Hearings/hearings/698>. 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 FY2024, 30 children experienced an episode of psychiatric hospitalization, and 19 children were spent time at a psychiatric residential treatment facility (PRTF). FY2024 Child and Family Services Agency Performance Oversight Responses, response to Q194(d), (f), *available at*: <https://lims.dccouncil.gov/Hearings/hearings/698>. In 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.”

⁴⁶ 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, pg. 8-10, 14-15; 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 17, 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.

⁴⁷ U.S. Department of Housing and Urban Development, *Family Unification Program (FUP)*, February 8, 2024, *available at*: [https://www.hud.gov/program_offices/public_indian_housing/programs/hcv/family#:~:text=The%20Family%20Unification%20Program%20\(FUP,%2Dof%2Dhome%20care%2C%20or.](https://www.hud.gov/program_offices/public_indian_housing/programs/hcv/family#:~:text=The%20Family%20Unification%20Program%20(FUP,%2Dof%2Dhome%20care%2C%20or.)

⁴⁸ Tami Weerasingha-Cote, testimony before DC Council Committee on Human Services, (September 22, 2022), *available at*: [TWeerasingha-Cote_CLC-Testimony-for-Sept.-22-2022-Hearing-on-B24-0857-B24-0941_FINAL.pdf](https://childrenslawcenter.org/wp-content/uploads/2022/09/TWeerasingha-Cote_CLC-Testimony-for-Sept.-22-2022-Hearing-on-B24-0857-B24-0941_FINAL.pdf); p. 13.

⁴⁹ FY2023 CFSA Fostering Opportunities Annual Status Report, *Fostering Stable Housing Opportunities: Housing for Youth Aging Out of Agency Custody*, (February 28, 2024), *available at*: https://cfsa.dc.gov/sites/default/files/dc/sites/cfsa/publication/attachments/CFSA%20Fostering%20Opportunities%20Annual%20Status%20Report%20FY2023_FINAL%205.6.24.pdf; p. 4-5.

⁵⁰ D.C. Law 24-309. Preserving Our Kids' Equity Through Trusts and Fostering Stable Housing Opportunities Amendment Act of 2022. Section 312(a).

⁵¹ *Id.*

⁵² D.C. Law 24-309. Preserving Our Kids' Equity Through Trusts and Fostering Stable Housing Opportunities Amendment Act of 2022. Section 312(c)(1).

⁵³ D.C. Law 24-309. Preserving Our Kids' Equity Through Trusts and Fostering Stable Housing Opportunities Amendment Act of 2022. Section 312(a).

⁵⁴ D.C. Law 24-309. Preserving Our Kids' Equity Through Trusts and Fostering Stable Housing Opportunities Amendment Act of 2022. Section 312(c)(2).

⁵⁵ *Id.*

⁵⁶ D.C. Code § 4-1303.12 (c)(2). In order to remain eligible for SSI payments, beneficiaries may not accumulate resources in excess of the asset limit set forth in 20 CFR § 416.1205 (a), which, since 1989, has

amounted to \$2,000. 20 C.F.R. § 416.202 (d). If cash attributed to a beneficiary exceeds \$2,000, the beneficiary is thus ineligible for any further payments due to not meeting the requirements. 20 C.F.R. § 416.1240 (a). When the Social Security Administration discovers that payments have been made while the beneficiary did not meet the eligibility requirements, this is considered overpayment. 20 C.F.R. § 416.537 (a). In order to address overpayments, the beneficiary must refund any payments made during the time of eligibility, or their future payments will be reduced in order to repay the Administration over time. 20 C.F.R. § 416.570 (a).

⁵⁷ 20 C.F.R. § 416.660; Social Security, Program Operations Manual System (POMS), GN 00603.055 Transfer of Conserved Funds.

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ D.C. Law 24-309. Preserving Our Kids' Equity Through Trusts and Fostering Stable Housing Opportunities Amendment Act of 2022. Section 312(f).

⁶¹ 20 C.F.R. § 416.570 (a).

⁶² D.C. Law 24-309. Preserving Our Kids' Equity Through Trusts and Fostering Stable Housing Opportunities Amendment Act of 2022. Section 312(d) and (g).