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Testimony Before the District of Columbia Council
Committee on Youth Affairs
Committee on the Judiciary and Public Safety
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Joint Public Hearing:
B26-399 – Support, Opportunity, Unity, Legal Relationships (Soul) Amendment Act of 2025

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Introduction

Good morning, Chairperson Parker and Chairperson Pinto, and members of the Committees. My name is Tami Weerasingha-Cote. I am the Policy Director at Children's Law Center, a resident of Ward 4, 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 B26-399, Support, Opportunity, Unity, Legal Relationships (Soul) Amendment Act of 2025 ("the Act" or "SOUL"). Children's Law Center attorneys serve as guardians-ad-litem for children in the care and custody of the District of Columbia.¹ Currently, we represent approximately half the children involved with the Child and Family Services Agency ("CFSA") – several hundred children in foster care and protective supervision each year.² Over the nearly three decades we've been doing this work, we have worked with hundreds of older youth in foster care. We have been with them through their journeys towards permanency –

sometimes achieving their goals, sometimes not. We have seen the District's existing framework of reunification, adoption, or guardianship meet the needs of some youth in foster care – but we have also seen this framework fail our older youth clients many times. We know there are gaps in the District's existing permanency framework that result in some of our clients aging out of care and into adulthood alone and unsupported, sometimes with tragic outcomes.

For these reasons, Children's Law Center strongly supports the passage of SOUL and urges these Committees to move this legislation forward as quickly as possible. My testimony today will first explain why the District needs to pass SOUL as quickly as possible. My testimony will then describe how the legislation before the Committees today is directly informed by the lived experience of current and former foster youth, as well as practitioners from a variety of perspectives. Finally, I will identify several places where SOUL can strengthen protections for youth in care who choose to pursue this new permanency option.

SOUL Enables Older Youth in Care to Build Safe and Stable Families Instead of Aging Out of Care Alone

Under current law, 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.³ 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. When this happens, these youth are given the “least preferred” permanency goal of Alternative Planned Permanent Living Arrangement (APPLA).⁴ Youth with the permanency goal of APPLA are generally left to “age out” of the foster care system – exiting the care of CFSA at the age of 21.⁵

Although APPLA is the “least preferred” permanency goal for youth in care, it is also – by far – the most common goal for youth aged 16 and older in the District’s foster care system. According to CFSA’s most recent oversight data, 97 of the 162 youth in care aged 16 years and older – approximately 60 percent – have APPLA as their permanency goal.⁶ In contrast, only 31 youth have the goal of reunification, 20 youth have the goal of guardianship, and only 14 youth have the goal of adoption.⁷ CFSA’s data aligns with our experiences representing older youth. Over the past ten years, Children’s Law Center has represented hundreds of older youth in care. Sadly, we have seen many of them – over one hundred youth over the past ten years alone – age out and enter adulthood alone and unsupported. The relatively high number of youth aging out of the District’s foster care system is undeniable evidence of a significant gap in our permanency framework for older youth.

Youth aging out of care face significant challenges when they transition out of foster care and into independent living – including finding employment, securing housing, and paying for rent and transportation. Unfortunately, because the foster care system is a poor substitute for parents or family, youth who age out of foster care are

often under-prepared to meet these challenges.⁸ For example, according to the most recent performance oversight data available, the vast majority of DC youth who age out of care are unemployed at the time they age out – meaning they have no income at the point in time the District stops providing them with housing or meeting their basic needs.⁹ Unsurprisingly, CFSA’s data also shows that very few youth who age out of care have stable independent living situations by the time they age out.¹⁰ Here again, CFSA’s data matches what we’ve seen in our years of representing older youth in care. Time and time again, our clients have aged out without sufficient resources or preparation for them to live independently, often falling into homelessness and instability.

It is, therefore, urgent for the District to fill this gap by establishing SOUL as a new permanency option for older youth in care. SOUL meets the critical need of older youth in care to have an alternative to aging out. By enabling youth in care to build families that work for their individual circumstances, that can be dynamic and flexible in structure, and that don’t have to fit within preconceived notions of what a family “should” look like,¹¹ SOUL offers youth that would otherwise languish in care before aging out a way to take ownership and agency in building their own futures.¹²

Although more flexible in structure than adoption or guardianship, SOUL includes important guardrails to ensure the youth’s safety and long-term well-being. SOUL Family members commit not only to providing housing for and meeting the basic needs of the youth, but also to doing the work of helping the youth to build the skills and

capacity they need to be independent adults.¹³ SOUL also requires that although the youth plays a central role in building their SOUL Family,¹⁴ the government and other professionals are still responsible for supporting the youth throughout the process.¹⁵ Finally, SOUL ensures that SOUL Families are safe, stable, and secure for youth by requiring the court to find that the formation of the SOUL Family is in the best interests of the youth by means of a full evidentiary adjudicatory hearing.¹⁶

For these reasons, we ask these Committees to move this legislation forward as expeditiously as possible. We hope to see SOUL pass in the next few months and be funded in the FY2027 budget, so that older youth in the District’s foster care system can have the option to pursue SOUL as soon as possible.

SOUL Reflects the Lived Experience of Current and Former Foster Youth

The District – specifically leaders from CFSA and the Office of the Attorney General (OAG) – began exploring the concept of SOUL as a new permanency option for older youth with community stakeholders in 2023. Early on, the District committed to ensuring the lived experience of current and former foster youth was at the core of the design of SOUL in the District. To this end, CFSA partnered with DC Family and Youth Initiative (DC FYI) – a community-based organization focused on building relationships between teens in foster care and supportive adults¹⁷ – to bring together a group of current and former DC foster youth invested in developing the idea of SOUL into a concrete legislative and policy proposal (“lived experience leaders” or “LEX Leaders”). Children’s

Law Center also joined as a partner in this effort and was tasked with leading the legislative work of the group.

From the beginning, the development of SOUL in DC has been a collaborative endeavor between government (CFSA and OAG) and community (LEX Leaders, DCFYI, and Children's Law Center). The leadership and participation of the LEX Leaders are invaluable. Their work is no mere focus group exercise or check-the-box activity. Every step of the development of this legislation was informed by the perspective of those most deeply affected by the current permanency framework. Starting in early 2024, the LEX Leaders gathered for a brainstorming session, where they first spent time learning about the legislative process and the existing permanency framework, before diving deep into sharing their own experiences with what has and has not worked for them in the current system, and sharing ideas about what SOUL needs to be for the District's older youth in care.

Throughout the summer and fall of 2024, the LEX Leaders generated content for the legislative proposal, provided iterative feedback on drafts, asked questions, and pushed hard for answers. They participated in a fiscal planning session to develop the budget for the implementation of SOUL in the District. They co-led multiple working groups examining various aspects of policy and practice necessary to creating SOUL in the District – covering areas such as training, social work practice, and court policies and practices. When the draft legislation was complete, the LEX Leaders met with agency

leaders, Councilmembers, and other community stakeholders to share their vision for SOUL and build support.

Because the LEX Leaders invested significant time and effort into the design and development of SOUL, the resulting proposed legislation is a true reflection of their lived experiences and their expertise concerning what our present system and permanency framework lacks. We therefore urge these Committees to trust the LEX Leaders' insight into the needs of older youth in care, support their vision for SOUL, and move this legislation forward as quickly as possible.

The Committees Should Strengthen SOUL By Ensuring Protections for Youth are in Place

As noted above, the proposed legislation before these Committees is largely the same as the legislative proposal developed by government and community stakeholders, including the LEX Leaders. There are a few areas, however, where the current draft of the proposed legislation diverges from the original proposal, and we are concerned that these changes may inadvertently cause problems for older youth in care who choose to pursue permanency under SOUL in the future. We therefore strongly recommend the Committees revise the legislation to strengthen protections for youth pursuing SOUL. These areas of concern (and our recommendations on how best to address these concerns) are as follows:

Parties Who Disagree with the Youth's Proposed Family Should Bear the Burden of Explaining the Disagreement

In the section explaining how the youth can file a motion to establish their SOUL Family, the proposed legislation requires the youth to identify any parties that don't agree with their proposed SOUL Family, explain the reasoning for the disagreement, and describe the efforts to resolve the disagreement.¹⁸

Given that the youth is already taking on a great deal of responsibility in leading the process to form and propose their own SOUL Family, we do not think it is appropriate to add the burden of explaining why another adult party doesn't support the youth's proposed family. In some cases, the youth may not know why the adult party doesn't agree and may not have the opportunity to engage with that person. In other cases, trying to engage an adverse party (like an angry birth parent) could be painful and traumatic for the youth, subjecting them to harm that simply isn't necessary.

Accordingly, we recommend this section be revised to place the burden of identifying the reasons for disagreement and the efforts made to resolve the disagreement on the adult party who disagrees.

SOUL Supporters Should Not Be Made Full Parties to the Case

The proposed legislation makes SOUL Supporters full parties to the SOUL Family Proceeding,¹⁹ which would give them access to the full case file for the entire neglect case. Because SOUL Supporters are often taking on a smaller role and a lower level of

responsibility in the youth's SOUL Family, it is not necessary for them to have access to so much private, and often painful or sensitive, information.

We therefore recommend that the legislation be revised to ensure SOUL Supporters are able to fully participate in the SOUL Family proceedings by inserting the language: "A proposed SOUL Supporter shall be provided notice of, and an opportunity to be heard in the SOUL Family proceedings," without making them full parties to the case.

To the extent situations arise where it does make sense for a SOUL Supporter to have full party status, the proposed legislation already contains a provision that enables the Family Court to join additional parties at its discretion.²⁰

The Legislation Should Not Suggest Family Courts Direct the Agency to Put Background Checks into Evidence

The proposed legislation states that the Family Court may "direct the parties to present specific evidence, including a background check of relevant background information."²¹ Although we are not certain what a "background check of relevant background information" refers to, we are deeply concerned that this will be interpreted as suggesting the Family Court should direct the Agency to enter into evidence background checks on SOUL Family Members. This is troubling for several reasons.

First, putting the actual background checks into evidence means that all the parties (including all the members of the SOUL Family) will have access to a lot of personal information about all the other members. This could cause embarrassment, anger,

frustration, and other negative feelings towards each other, the youth, and the SOUL Family process in general – with no clear purpose. In a worst-case scenario, fear of exposure and loss of privacy could ultimately discourage people from agreeing to be a part of a youth’s SOUL Family in the first place.

Second, this type of directive is not a part of the adjudicatory process for any other permanency option – including adoption and guardianship. Singling out SOUL Family members in this way would disadvantage SOUL in comparison to the other permanency options, which is unhelpful in accomplishing the goal of reducing the number of older youth in care who age out without achieving permanency.

Third, this language is unnecessary. CFSA will conduct background checks and have a vetting process in place for potential SOUL Family members to ensure the youth’s safety – just as it does for any homes, placements, or adults responsible for the care of children in the custody of CFSA.²² To the extent the Family Court or any other party raises concerns about the safety of the proposed SOUL Family, the court can always ask CFSA to testify as to what steps have been taken to ensure the youth’s safety and testify on the Agency’s assessment of the youth’s safety. This would be more akin to how such concerns are addressed in adoption or guardianship proceedings.

We therefore urge the Committees to remove this language from the proposed legislation – or at least reframe it (e.g., requiring CFSA to address any safety concerns with the Court) to avoid causing the problems identified above.

SOUL Caregivers and Supporters Should Not Be Able to Modify the Final Order Establishing the SOUL Family

The proposed legislation allows a “permanent guardian” to move the court to modify a SOUL Family order after the case has closed and the youth has achieved permanency.²³ We are concerned that this language will be interpreted as giving SOUL Caregivers and Supporters the option to return to Court to change or end the commitments they made to support the youth. Enabling SOUL Caregivers and Supporters the ability to modify the final order undermines the sense of permanence – and the safety and security for the youth – that was the purpose of SOUL, and that is a key distinguishing feature from guardianship.²⁴ Further, the intention of not giving SOUL Caregivers and Supporters the right to modify the final order was to make it clear from the outset that these are intended to be lifelong relationships and, in so doing, mitigate the potential that adult SOUL Family members don’t live up to their commitments.

We therefore ask the Committees to consider removing this language from the statute and ensure the youth’s sense of permanence and security is protected.

Conclusion

Thank you for the opportunity to testify today. I welcome any questions the Committees 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 “Legal custody” is a fourth permanency option that involves the Agency supporting legal custody to an individual who has demonstrated a commitment to assuming long-term responsibility for a child and is pursued as a permanency goal only under rare and specific circumstances. *See* Child and Family Services, Permanency Practice, (May 19, 2020), p. 4, *available at*: https://cfsa.dc.gov/sites/default/files/dc/sites/cfsa/publication/attachments/Permanency_Practice_Policy_FINAL%20%282%29_0.pdf.

⁴ Child and Family Services, Establishing A Goal of Alternative Planned Permanent Living Arrangement (APPLA) (June 9, 2009), *available at*: https://cfsa.dc.gov/sites/default/files/dc/sites/cfsa/publication/attachments/Program%20-%20Establishing%20A%20Goal%20of%20Alternative%20Planned%20Permanent%20Living%20Arrangement%20%28APPLA%29%20%28final%29_2.pdf.

⁵ Under APPLA, the Agency is supposed to work actively with youth “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” - essentially preparing them to enter adulthood on their own. Child and Family Services, Permanency Practice, (May 19, 2020), p. 5, *available at*: https://cfsa.dc.gov/sites/default/files/dc/sites/cfsa/publication/attachments/Permanency_Practice_Policy_FINAL%20%282%29_0.pdf.

⁶ FY2024-2025 Child and Family Services Agency Performance Oversight Responses, response to Q178, *available at*: <https://lims.dccouncil.gov/Hearings/hearings/698>.

⁷ *Id.*

⁸ The Annie E. Casey Foundation, What Happens to Youth Aging Out of Foster Care? (February 25, 2025), *available at*: <https://www.aecf.org/blog/what-happens-to-youth-aging-out-of-foster-care>.

⁹ In FY2020, of the 42 youth who aged out, 5 had full-time jobs, 9 had part-time jobs, and the rest, 28 youth, were unemployed. FY2020-2021 Child and Family Services Agency Performance Oversight Responses, response to Q113(c), *available at*: https://dccouncil.gov/wp-content/uploads/2021/03/FY20-21_CFSA_POH_PreHearing_Responses_FINAL2.pdf. In FY2021, of the 13 youth who aged out, zero had full-time jobs, 3 had part-time jobs, and the rest, 10 youth, were unemployed. FY2021-2022 Child and Family Services Agency Performance Oversight Responses, response to Q144(c), *available at*: <https://dccouncil.gov/wp-content/uploads/2022/02/FY21-22-CFSA-Performance-Oversight-Prehearing-Questions-Responses-Final.pdf>. In FY2022, of the 39 youth who aged out, 9 had full-time jobs, 6 had part-time jobs, and the rest, 23 youth, were unemployed. FY2022-2023 Child and Family Services Agency Performance Oversight Responses, response to Q146(c), *available at*: https://dccouncil.gov/wp-content/uploads/2023/02/CFSA-FY22-Performance-Oversight-Hearing-Pre-Hearing-Responses-to-Questions_2-17-2023-FINAL-1.pdf. The Agency stopped reporting this type of performance oversight data in FY2023. We urge the Committee on Youth Affairs to include these questions in this year’s performance oversight questions.

¹⁰ In FY2020, of the 25 youth who aged out of care (17 youth remained in care past their 21st birthday due to the Covid-19 public health emergency), only 3 had their own apartment, and another 3 were in a college dorm or Department of Disability Services (“DDS”) placement. The rest were all in temporary situations – including staying with family and friends, living in transitional housing, in abscondence, and incarceration. FY2020-2021 Child and Family Services Agency Performance Oversight Responses, response to Q113(d), *available at*: <https://dccouncil.gov/wp-content/uploads/2021/03/FY20-21-CFSA-POH-PreHearing-Responses-FINAL2.pdf>. In FY2021, of the 14 youth who aged out of care, zero had their own apartment, 1 was in a college dorm, and 4 were in a DDS placement. FY2021-2022 Child and Family Services Agency Performance Oversight Responses, response to Q144(d), *available at*: <https://dccouncil.gov/wp-content/uploads/2022/02/FY21-22-CFSA-Performance-Oversight-Prehearing-Questions-Responses-Final.pdf>. In FY2022, of the 38 youth who aged out of care, only 3 had their own apartment, 3 were in a college dorm, and 2 were in a DDS placement. FY2022-2023 Child and Family Services Agency Performance Oversight Responses, response to Q146(d), *available at*: <https://dccouncil.gov/wp-content/uploads/2023/02/CFSA-FY22-Performance-Oversight-Hearing-Pre-Hearing-Responses-to-Questions-2-17-2023-FINAL-1.pdf>. The Agency stopped reporting this type of performance oversight data in FY2023. Comparable data can be found in the Agency’s Fostering Stable Housing Opportunities: Housing for Youth Aging Out of Agency Custody Annual Status Reports, which can be found at <https://cfsa.dc.gov/publication/fostering-stable-housing-opportunities-housing-youth-aging-out-agency-custody-annual#gsc.tab=0>. According to the two publicly available reports, of the 33 youth who aged out of care in FY2023, 4 exited to “independent living,” 5 were in a DDS placement, and 1 was in a college dorm. Child and Family Services Agency, Fostering Stable Housing Opportunities: Housing for Youth Aging Out of Agency Custody Annual Status Report FY2023, pp. 4-5 (February 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. In FY2024, of the 41 youth who aged out of care, 3 exited to “independent living,” 2 were in a DDS placement, and 1 was in a college dorm. Child and Family Services Agency, Fostering Stable Housing Opportunities: Housing for Youth Aging Out of Agency Custody Annual Status Report FY2024, pp. 4-5 (February 2025), *available at*: https://cfsa.dc.gov/sites/default/files/dc/sites/cfsa/publication/attachments/CFSA%20Fostering%20Stable%20Housing%20Opportunities%20Annual%20Status%20Report%20FY2024_FINAL_2.21.25.pdf.

¹¹ B26-399, *Support, Opportunity, Unity, Legal Relationships (SOUL) Amendment Act of 2025*, lines 67-68 (defines family established under SOUL as requiring a youth, a caregiver, and either a caregiver or supporter, but noting families may also include “additional caregivers and supporters”).

¹² The proposed legislation includes several provisions that explicitly empower the youth to take a leadership role in forming and establishing their SOUL Family. *See* B26-399, *Support, Opportunity, Unity, Legal Relationships (SOUL) Amendment Act of 2025*, lines 73-85 (establishes that only the youth can request a permanency goal change to SOUL; requires the court to make this change unless the court makes written findings that the change is not in the youth’s best interest); lines 89-90 (establishes that only the youth can file the motion to establish a family under SOUL); lines 146-47 (establishes that the process for developing a Family Agreement under SOUL shall be “youth-driven”); lines 230-31 (establishes that the youth bears the burden of proving the proposed family under SOUL is in the youth’s best interest); lines 262-69 (establishes that the neglect case cannot be closed and the order establishing the family under SOUL cannot be issued until requested by the youth).

¹³ B26-399, *Support, Opportunity, Unity, Legal Relationships (SOUL) Amendment Act of 2025*, lines 131-140 (in addition to providing housing, food, clothing, transportation, and meeting any other basic needs of the youth, SOUL family members must also provide support for the youth’s education, support the youth’s

physical and mental health and well-being, offer the youth guidance and consistent support through challenges, and support the development financial management, problem-solving, and independent living skills by the youth).

¹⁴ Supra note 12.

¹⁵ The proposed legislation is clear that both CFSA and the youth's legal counsel are responsible for supporting the youth as they pursue permanency under SOUL. See B26-399, *Support, Opportunity, Unity, Legal Relationships (SOUL) Amendment Act of 2025*, lines 79-82 (establishes options for changing the permanency goal that specify that the youth's legal counsel will support their effort); lines 89-90 (establishes that the youth's legal counsel may support the filing of the motion seeking to establish a family under SOUL); lines 105-108 (establishes that a stated interest attorney may be appointed if the youth's guardian-ad-litem does not support the proposed family agreement as being in the best interest of the youth); lines 146-47 (specifies that the process for developing the proposed family agreement shall be "youth-driven, with support, guidance, and structure from the Agency"); lines 173-177 (requires the youth's guardian-ad-litem and the Agency to sign the proposed family agreement).

¹⁶ B26-399, *Support, Opportunity, Unity, Legal Relationships (SOUL) Amendment Act of 2025*, lines 217-75 (establishes parameters of the adjudicatory hearing, evidence, and best interest factors that the court must consider when determining whether to establish a proposed family under SOUL). Among other things, the best interest factors the court must consider include whether the fulfillment of the proposed family agreement "ensures the youth has a stable home and their basic needs are met" and "promotes the youth's well-being and growth toward independent adulthood."

¹⁷ Family and Youth Initiative, *Our Story*, available at: [Our Story | DCFYI](#).

¹⁸ B26-399, *Support, Opportunity, Unity, Legal Relationships (SOUL) Amendment Act of 2025*, lines 99-104.

¹⁹ B26-399, *Support, Opportunity, Unity, Legal Relationships (SOUL) Amendment Act of 2025*, line 185.

²⁰ B26-399, *Support, Opportunity, Unity, Legal Relationships (SOUL) Amendment Act of 2025*, lines 191-92.

²¹ B26-399, *Support, Opportunity, Unity, Legal Relationships (SOUL) Amendment Act of 2025*, lines 227-29.

²² D.C. Code § 4-1305.02; 42 U.S.C. § 671(a)(20)(A).

²³ B26-399, *Support, Opportunity, Unity, Legal Relationships (SOUL) Amendment Act of 2025*, lines 333-35.

²⁴ D.C. Code § 16-2395(a).