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Committee on Youth Affairs
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Child and Family Services Agency

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Introduction

Good afternoon, Chairperson Parker and members of the Committee. 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 the performance of the Child and Family Services Agency (CDSA) over the past year. Children's Law Center attorneys serve as guardians-ad-litem for children in the care and custody of CDSA.¹ Currently, we represent approximately half the children involved with CDSA – several hundred children in foster care and protective supervision each year.²

Over the past year, CDSA continued to prioritize community partnership and engagement in solving problems and seeking to improve the Agency's programs and services. CDSA, along with the rest of the District government, also had to contend with significant challenges, including serious budget constraints resulting in a spending

freeze, workforce shortages accompanied by a hiring freeze, and relentless pressure and harmful intrusion from the federal government.

As a result, although we have seen some improvements in certain types of placement stability in our cases, overall placement stability for children in care has worsened for the first time in several years. Access to behavioral health services, a long-standing problem for children in care, has seen little to no improvement over the past year. Also, while the Agency is taking steps to improve outcomes for older youth in care through its work to increase access to permanency, social security benefits, and federal housing supports, much more work is needed for these efforts to bear any fruit in terms of meaningful improvements in the lives of older youth. Indeed, we believe the Agency must take a significantly more expansive approach to reforming services and programs for older youth to change the trajectory of outcomes for older youth in care.

CFSAs Has Made Some Improvements, but Overall Placement Stability Has Worsened for Children in Foster Care

For the past several years, Children's Law Center has recognized the investments CFSAs has made in expanding its placement array by increasing the number of specialized, therapeutic, and supportive placements for children in care.³ Until this year, those investments were reflected in steady decreases in the percentage of children in care who experienced 3 or more placements during the year – from 27 percent in FY2022, to around 20 percent in FY2023 and FY2024.⁴ CFSAs most recent performance oversight data, however, shows that in FY2025, the percentage of children experiencing

three or more placements during year jumped back up to over 30 percent.⁵ Given the importance of minimizing the number of placement changes a child experiences while in care, we were disappointed to see this reversal of progress.

This data was also slightly surprising to us. 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. As part of this review, we collect placement stability information that includes other circumstances not captured by CFSA's placement change data, but that we believe are important indicators of CFSA's capacity to provide children in care with stable placements. These circumstances include situations such as when a client remains in a hospital or residential treatment facility past the discharge date due to difficulty finding a placement; when a client sleeps at CFSA's offices; or when a client is placed at the Sasha Bruce homeless shelter.⁶

Our most recent review (covering cases open between October 2024 and September 2025) revealed that approximately 13 percent of our clients experienced some form of placement instability over the past year – a meaningful decrease from the previous year (17 percent) and continuing the downward trend we've observed in our internal reviews for the past several years.⁷

Building and maintaining an adequate placement array that meets the diverse needs of all children in care is an ongoing challenge that requires consistent attention, effort, and investment by the Agency. While we believe that the Agency is committed to

doing this work, and has devoted significant resources to standing up specialized, therapeutic, supportive placements, it is clear that more work must be done to identify the reasons for why the Agency's placement change data is worsening despite those investments, and to determine what additional efforts must be made to ensure all children in care have safe and stable placements. We ask the Committee to work closely with CFSAs to seek answers to these questions and to ensure the Agency has the necessary resources to provide safe and stable placements for all children in care.

Access to Behavioral Health Services for Children in Foster Care Remains Grossly Inadequate

Children placed in foster care due to abuse and neglect are prone to a range of behavioral health needs due to the impact of trauma.⁸ Whether from abuse and neglect or the removal from home itself, trauma can affect a child's emotional, cognitive, and behavioral functioning such that specialized support is needed.⁹ This support, typically in the form of therapy, can help the child improve emotional regulation or change behavioral patterns and is also crucial in helping the family work through difficult relational dynamics.¹⁰ Supporting the child and their immediate social surroundings creates a path toward reunification.¹¹

Children's Law Center's guardian-ad-litem clients have high levels of behavioral health needs, but for many of our clients, these needs go unaddressed. In FY2025, over 40% of our clients in the care of CFSAs had either diagnosed behavioral health conditions or suspected behavioral health needs.¹² Following an assessment of their

needs and recommendations for behavioral health services, only half actually received the recommended services.¹³

Access to services continues to be a major barrier for our clients, with delays and clinician turnover resulting in disruptions in care. Even after they are connected with a provider, quality of care remains a significant concern for many of our clients. Some of our clients don't receive services at the frequency they're supposed to, diminishing the efficacy of their treatment. Much of the benefit of behavioral health care relies on the therapeutic relationship developed between the therapist and client, so frequent changes or gaps between sessions destabilize the client's ability to build that relationship.

CFSAs Office of Well-Being has in-house staff who screen, assess, diagnose, and provide short-term behavioral health care to children.¹⁴ They utilize a range of evidence-based practices appropriate for children who have experienced trauma or are dealing with attachment issues or grief and loss.¹⁵ While it is laudable for CFSAs to offer these services, it is the responsibility of the Districts health agencies – the Department of Behavioral Health (DBH), the Department of Health Care Finance (DHCF), and the Department of Health (DC Health) – to provide behavioral health services, not CFSAs. CFSAs behavioral health services work is the result of the Agency stepping in to fill gaps in service provision that DBH is accountable for.

This is concerning because CFSAs will never have the capacity to meet the behavioral health needs of all the children in foster care.¹⁶ Relying on CFSAs to fill this gap is setting up a system designed to fail to meet the needs of children in foster care.¹⁷ The public behavioral health system, through the joint operation of DBH, DHCF, and DC Health, must be able to serve all youth in care, yet we have seen the availability of services deteriorate and stagnate over time.¹⁸

Further, the dual role that CFSAs takes on when providing behavioral health services, is inappropriate and potentially harmful to the children and families they serve.¹⁹ Children and families receiving therapy from the same agency with investigative duties and custodial decision-making power creates a relational dynamic that can inhibit trust and thus the openness needed to make progress in therapy.²⁰ Navigating what information may affect their case puts children and families in a position of self-protection instead of processing and healing. Also, these services are only available to children while they have an open neglect case. Meaning these children lose access to their behavioral health services at the point of transitioning out of the Agency's care – a time when those supports are often critical. For these reasons, it is critical that the District's public behavioral health system adequately meets the needs of these children and their families.

To this end, we urge the Committee on Youth Affairs to work jointly with the Committee on Health to exercise additional oversight of the health agencies responsible

for making treatment available to children in foster care, with DBH as a high priority.

Joint hearings and regular public updates from DBH and CFSA are necessary to explore challenges, set goals, and check progress on this urgent issue. It is our hope that by next year's performance oversight hearing, we will be able to report on steps being taken to improve access to behavioral health services for children in care rather than repeating today's testimony that the same problems and concerns that have existed for years remain unchanged.

CFSA's Work on SOUL, POKETT, and FUP Are Important Steps in the Right Direction, but CFSA Must Do More to Meet the Needs of Older Youth in Care

For the past few years, we have regularly testified about the overwhelming challenges youth aging out of foster care face as they enter adulthood.²¹ These challenges include finding stable employment, securing housing, and paying for rent, transportation, and other basic necessities. As we explained in our testimony before this Committee last November:

"[B]ecause 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.²² 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.²³ 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.²⁴ 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."²⁵

Although some older youth in care achieve permanency through adoption or guardianship, the vast majority of youth over the age of 18 ultimately age out of care.²⁶ It is therefore essential that CFSAs maintain a robust array of programs and services available to all youth in care that will successfully prepare them to live stable and independent lives as young adults when they leave the Agency's care.

Over the last few years, CFSAs have made efforts to address several specific areas of need for older youth in care. First, CFSAs have worked with current and former foster youth, as well as community partners including Children's Law Center, to develop SOUL, a new permanency option designed to meet the needs of older youth. Second, CFSAs have made progress over the past year in implementing requirements under the Preserving Our Kids' Equity Through Trusts (POKETT) Amendment Act of 2022 to conserve the Social Security benefits of children in foster care, with the intention of those funds serving as a nest egg for youth who age out of care. Third, CFSAs have worked to address barriers to older youth accessing stable housing through federal Family Unification Program ("FUP") vouchers.

In each of these areas, however, older youth in care have yet to see meaningful benefits as a result of the Agency's efforts. Although we commend CFSAs for its work on these areas so far, we urge the Agency and the Committee to remain focused on these efforts and follow through to ensure proper implementation of programming and services in these areas results in actual improvements in the lives of older youth.

Further, we ask the Agency and the Committee to critically examine the full scope of programs and services for older youth in care to determine why these programs and services are failing to adequately prepare youth in care for independent adulthood and commit to making the changes necessary to ensure the Agency is effectively preparing older youth to be self-sufficient and successful young adults. In particular, we recommend CFSA and the Committee focus on improving programs aimed at building financial literacy and management skills and ensuring youth aging out of care have stable full-time employment.

SOUL Will Help Older Youth Build Supportive Families Instead of Aging Out of Care Alone

In the fall of 2025, this Committee introduced the Support, Opportunity, Unity, Legal Relationships (Soul) Amendment Act of 2025 (“SOUL”), which seeks to establish 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,²⁷ SOUL offers youth that would otherwise languish in care before aging out a way to take ownership and agency in building their own futures.²⁸ CFSA developed this legislation in partnership with community, including dozens of current and former foster youth (“lived experience leaders” or “LEX Leaders”) – ensuring that lived experience was at the core of the design of SOUL in the District.

This week, this Committee voted to advance the SOUL legislation out of the Committee,²⁹ and it is our hope that SOUL will reach the full Council and be passed into law within the next few months, before the start of the FY2027 budget season. We ask this Committee to prioritize this legislation and ensure it is fully funded in the FY2027 budget, so that SOUL can become available to youth in care as early as October 2026.

Passing and funding SOUL legislation, however, is just the first step towards increasing access to permanency for older youth. Whether SOUL delivers on its promises will depend on how it is implemented. We are therefore very pleased to report that CFSA has not only been proactively moving forward with implementation planning but also remains deeply engaged with LEX Leaders and Children's Law Center in this process. Over the past year, CFSA worked with LEX Leaders, partners at OAG and Children's Law Center to: (1) develop a robust implementation plan; (2) draft regulations to support implementation of the law and establish accountability mechanisms for the Agency that were of great importance to LEX Leaders; and (3) start to think about important areas of Agency policy and practice guidance that need to be revised or created.

In the year ahead, the Agency has expressed an intention to continue this close collaboration and partnership with Children's Law Center and LEX Leaders by inviting us to provide input and feedback on the Agency's policies and practice guidance

documents for SOUL; as well as help inform and even participate in Agency trainings for SOUL.

This level of openness and engagement with community in developing an agency's internal policies and practices, regulations, and implementation strategy is unprecedented. We applaud CFSAs for their willingness and follow-through in this regard – the Agency has truly put actions to their words. We encourage the Committee to learn more about CFSAs approach in this work and consider it a model for other agencies. We also ask the Committee to pay close attention to implementation plans and efforts for SOUL, to ensure this legislation lives up to its promise.

CFSAs Implementation of the Social Security Income Requirements of the POKETT Act Has Improved, But Youth Are Still Not Accessing Benefits When They Leave Care

The District's POKETT Act requires CFSAs to screen all children in foster care to determine whether they are eligible for Social Security Benefits.³⁰ 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.³¹ Notably, the law expressly prohibits CFSAs from using these funds for "any costs associated with the child's care."³² In last year's performance oversight testimony, we raised several concerns regarding CFSAs implementation of these requirements, including that CFSAs was failing to conserve the benefits of foster children in the appropriate types of accounts, in violation of the POKETT Act.³³

This year, we are pleased to report that CFSA has made some progress in implementing the POKETT Act. First, CFSA has now opened accounts, either via 529A (ABLE) or a pooled special needs trust, for most children in care who are Supplemental Security Income (SSI) beneficiaries, such that the monthly payments CFSA conserves for them do not count against the \$2,000 resource limit. This is important because SSI beneficiaries who have more than \$2,000 in their name are rendered ineligible for SSI, regardless of state or local laws directing foster care agencies to conserve benefits for youth.³⁴ The POKETT Act requires CFSA to conserve youths' benefits in a way to avoid violating or exceeding the limits to ensure the youth continue to receive these payments as long as they meet the disability criteria.³⁵

Second, CFSA has incorporated feedback from Children's Law Center and has made marked improvements in the Agency's individualized bi-annual reporting on benefits received by our clients in care. Further, CFSA acknowledges there is more work to be done to build practices and systems around asset tracking to avoid overpayments,³⁶ and to improve the timeliness and completeness of communications related to SSI benefits to children in care and their attorneys.

Currently, our most significant outstanding concern is that CFSA has not yet developed a system to ensure that youth can actually keep and access their conserved benefits when they leave care. According to federal law, when a youth leaves CFSA's care, CFSA is required to file paperwork with the Social Security Administration (SSA),

terminating the Agency as the youth's representative payee and returning any unspent funds to SSA. F.N. 36. There is no statutory or regulatory exception for funds that have been conserved in ABLE accounts or in special needs trusts.³⁷ Based on conversations with the Agency, it is our understanding that there are only two ways to prevent the conserved funds from being sent back to SSA when the youth leaves care: (1) if the funds are conserved in an irrevocable special needs trust, then the funds cannot be sent back to SSA; and (2) if CFSAs obtains permission from SSA to transfer the funds directly to the youth when they exit care.

Special needs trusts are specifically designed for individuals with disabilities, and while they do protect conserved funds from being returned to SSA, they also come with restrictions on how the funds can be used, as well as fees for managing the trust that are taken out of the conserved funds.³⁸ As a result, it isn't always the best way to conserve funds for youth in care.

In terms of getting permission from SSA to transfer the conserved funds directly to the youth when they exit care, it is our understanding that CFSAs has attempted to obtain a general permission from SSA to transfer ABLE account management from CFSAs (as Authorized Representative of Eligible Individuals) to the youth or the youth's next representative payee. As with other states encountering this issue, SSA has declined to do so.

In fairness, this dilemma is the result of the tension between District law, which requires CFSA to conserve all SSI benefits while the youth is in care,³⁹ and federal law, which requires any unspent funds to be returned to SSA when the youth exits care and CFSA is terminated as payee.⁴⁰ Nevertheless, it is CFSA's responsibility to figure out a solution to this problem and ensure that youth are able to access their conserved funds when they leave care. It is ludicrous for the Agency to put so much effort into screening kids for eligibility, shepherding their applications through the approval process, setting up specialized accounts to conserve their benefits, reporting on those funds every six months – only to send it all back to the federal government when the youth leaves care!

SSA's program operations manual specifically authorizes SSA employees to authorize a direct transfer from representative payee to the beneficiary in specific circumstances when the best interest of the beneficiary would be promoted.⁴¹ This would require CFSA to request this permission in advance each time a youth is exiting care. Given the small number of youth to whom this applies in a given year, we believe this is well within CFSA's capacity. We urge the Agency to pursue this course of action for youth aging out of care immediately.

Over the past year, we have had several clients age out of care whose conserved funds were sent back to SSA. In these cases, we have asked the Agency to support our clients in the process of going to the local SSA office to petition for the funds to be given back to them, due to demonstrated need.⁴² Although CFSA has generally responded

positively to these requests, we are still waiting to see if any of our clients will actually receive these funds back. To date, to the best of our knowledge, none of our former clients have received a single dollar of the funds CFSAs conserved for them back from SSA.

It is our understanding that CFSAs are working to develop a better process to ensure youth who leave care can keep and access their benefits. As things currently stand, however, our clients are aging out of care without access to their conserved funds – funds that they really need, and that could mean the difference between stable housing and homelessness. We ask the Committee to follow up on this issue with CFSAs and ensure a solution is found and implemented quickly. Further, we ask the Committee and the Agency to track and publicly report not only the amounts conserved on behalf of youth in care, but also the amount of money youth ultimately get to keep and access after they leave care.⁴³

CFSAs Have Engaged in Efforts to Improve Interagency Coordination Regarding FUP Vouchers, but Older Youth Are Still Aging Out of Care Without Stable Housing

The Family Unification Program (“FUP”) voucher program can help older youth secure stable housing upon exiting foster care, one of the biggest challenges youth face when they age out of care. FUP vouchers provide older youth exiting foster care with up to 5 years of rental assistance, along with additional supportive services.⁴⁴

At last year’s performance oversight hearing, we testified that although CFSAs have made it much easier for older youth in care to apply for FUP vouchers, most of our

clients did not receive vouchers or obtain housing through the FUP program before aging out of foster care.⁴⁵ We noted that it was unclear why foster youth are consistently unable to obtain housing through FUP before exiting care and asked this Committee to tackle this issue jointly with the Committee on Housing, CFSAs, and DCs Housing Authority (DCHA) to identify root causes and design effective solutions.⁴⁶

Over the past year, we are pleased to report that CFSAs has engaged in interagency discussions with DCHA, Council staff and Childrens Law Center. Through this collaborative work, CFSAs and DCHA have identified key pain points in the process of helping youth in foster care obtain housing through FUP. CFSAs has started to make changes to address some of these pain points and has been responsive to our requests and feedback.

While we commend the Agency for its efforts to improve FUP implementation, we must also note that it is clear much more work must be done to ensure youth exiting care are housed through FUP. A review of our older youth cases showed that once again, although our clients were able to apply for FUP vouchers, most of them did not obtain housing through FUP before they aged out of care. Most frequently, our clients aged out while their FUP applications were pending or waiting to lease up after they had been approved for a voucher. Two of our clients obtained housing with a FUP voucher before their 21st birthday, which is progress compared to last year, but not sufficient.

Our clients' experiences are consistent with CFSAs most recent report on FUP voucher utilization.⁴⁷ According to this report, youth often exit care into "temporary housing arrangements while navigating the FUP voucher application process, waiting for the DC Housing Authority (DCHA) eligibility determination, or identifying a suitable unit." Further, of the 34 youth who aged out of care in FY24, 20 applied for or were in the process of applying for a FUP voucher.⁴⁸ As of January 2025, 16 of these youth received a FUP voucher, and of these, only 6 had successfully identified a unit and were utilizing their voucher.⁴⁹

We therefore ask this Committee to continue to focus on this issue through the oversight process and engage with the Committee on Housing to ensure both CFSAs and DCHA are making the changes necessary to ensure older youth can obtain housing through FUP before they age out of care.

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 Tami Weerasingha-Cote, Testimony Before the District of Columbia Council Committee on Facilities and Family Services, (February 21, 2024), p. 12-13, *available at: TWeerasingha-Cote Childrens-Law-Center-Testimony-for-Feb.-21-2024-CFSA-Oversight-Hearing_FINAL-002.pdf*; Tami Weerasingha-Cote, Testimony Before the District of Columbia Council Committee on Youth Affairs, (February 13, 2025), p. 9-12, *available at: T.Weerasingha-Cote Childrens-Law-Center FY24-Performance-Oversight-Hearing-for-CFSA_FINAL-1.pdf*.

⁴ 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*; FY2022 Child and Family Services Agency Performance Oversight Responses, response to Q102, *available at: https://dccouncil.gov/wp-content/uploads/2023/02/CFSA-FY22-Performance-Oversight-Hearing-Pre-Hearing-Responses-to-Questions_2-17-2023-FINAL-1.pdf*.

⁵ FY2025 Child and Family Services Agency Performance Oversight Responses, response to Q130, *available at: https://lims.dccouncil.gov/Hearings/hearings/2115*.

⁶ See Internal Children's Law Center Data Collection, "GAL Deep Dive," October 1, 2024, through September 30, 2025.

⁷ See Internal Children's Law Center Data Collection, "GAL Deep Dive," October 1, 2024, through September 30, 2025.

⁸ Colleen E. Bennett, M. Katherine Henry, Joanne N. Wood, *Meeting the Developmental, Behavioral, and Mental Health Needs of Children in Foster Care*, American Professional Society on the Abuse of Children, (June 2018), *available at: https://bettercarenetwork.org/sites/default/files/2019-11/Bennett_Henry_Wood_Foster-Care.pdf*.

⁹ Erin P Hambrick, et al., *Mental Health Interventions for Children in Foster Care: A Systematic Review*, Child Youth Serv Rev, (September 2016), *available at: https://pmc.ncbi.nlm.nih.gov/articles/PMC5421550/#S6*.

¹⁰ *Id.*

¹¹ Rosa Sitjes-Figueras, et al., *Pathways to Permanency: A Systematic Review of Factors Associated with Family Reunification After Foster Care*, Child & Youth Care Forum, (March 2025), *available at: https://link.springer.com/content/pdf/10.1007/s10566-025-09860-w.pdf*.

¹² See Internal Children's Law Center Data Collection, "GAL Deep Dive," October 1, 2024 through September 30, 2025.

¹³ *Id.*

¹⁴ DC Child and Family Services Agency, FY2025-2029 Health Care Oversight and Coordination Plan, (June 30, 2024), p. 11-12, *available at: DC_CFSA_FY2025-2029_Health_Care_Coordination_Plan.pdf*.

¹⁵ *Id.*

¹⁶ Tami Weerasingha-Cote and Amber Rieke, Children's Law Center, Testimony Before the District of Columbia Council Committee on Health and Committee on Facilities and Family Services, (December 6, 2023), *available at: https://childrenslawcenter.org/wp-content/uploads/2025/02/Combined-Testimonies-1.pdf*.

¹⁷ *Id.*

¹⁸ Intensive services like CBI, MST, and FFT have seen their capacities regularly shrink while cuts have intentionally been made to the District's only youth mobile crisis team, ChAMPS. The city also remains

without a crisis stabilization unit for children and a severe lack of options for acute care with only one IOP, no PHP, and no PRTF. *See* Chris Gamble, Children’s Law Center, Testimony Before the District of Columbia Council Committee on Health, (February 3, 2025), *available at: <https://childrenslawcenter.org/wp-content/uploads/2025/02/DBH-Performance-Oversight-2025-Childrens-Law-Center-Written-Testimony-2.3.25.pdf>*.

¹⁹ Tami Weerasingha-Cote and Amber Rieke, Children’s Law Center, Testimony Before the District of Columbia Council Committee on Health and Committee on Facilities and Family Services, (December 6, 2023), *available at: <https://childrenslawcenter.org/wp-content/uploads/2025/02/Combined-Testimonies-1.pdf>*.

²⁰ *Id.*

²¹ Tami Weerasingha-Cote, Testimony Before the District of Columbia Council Committee on Youth Affairs Committee on the Judiciary and Public Safety, (November 13, 2025), *available at: [TWeerasingha-Cote_Childrens-Law-Center-Testimony-for-Nov.-13-2025-Hearing-on-SOUL-Legislation_FINAL.pdf](https://childrenslawcenter.org/wp-content/uploads/2025/02/TWeerasingha-Cote_Childrens-Law-Center-Testimony-for-Nov.-13-2025-Hearing-on-SOUL-Legislation_FINAL.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: [TWeerasingha-Cote_Childrens-Law-Center-Testimony-for-Feb.-17-2022-CFSA-Oversight-Hearing_FINAL.pdf](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*.

²² 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>*.

²³ 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.

²⁴ 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 absconcence, 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>*.

[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/CFS-A-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, *see* Child and Family Services Agency, Fostering Stable Housing Opportunities: Housing for Youth Aging Out of Agency Custody Annual Status Report, (March 4, 2025), *available 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/CFS-A-Fostering-Opportunities-Annual-Status-Report-FY2023_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/CFS-A-Fostering-Stable-Housing-Opportunities-Annual-Status-Report-FY2024_FINAL%202.21.25.pdf.

²⁵ Tami Weerasingha-Cote, Testimony Before the District of Columbia Council Committee on Youth Affairs Committee on the Judiciary and Public Safety, (November 13, 2025), p. 3-4, *available at*:

[TWeerasingha-Cote_Childrens-Law-Center-Testimony-for-Nov.-13-2025-Hearing-on-SOUL-Legislation_FINAL.pdf](#).

²⁶ Tami Weerasingha-Cote, Testimony Before the District of Columbia Council Committee on Youth Affairs Committee on the Judiciary and Public Safety, (November 13, 2025), *available at*: [TWeerasingha-Cote_Childrens-Law-Center-Testimony-for-Nov.-13-2025-Hearing-on-SOUL-Legislation_FINAL.pdf](#); Youth with the permanency goal of Alternative Planned Permanent Living Arrangement (APPLA) are generally left to "age out" of the foster care system – exiting the care of CFSA at the age of 21. 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. 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. 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. FY2024-2025 Child and Family Services Agency Performance Oversight Responses, response to Q178, *available at*: <https://lims.dccouncil.gov/Hearings/hearings/698>.

²⁷ 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").

²⁸ 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).

²⁹ B26-399, Support, Opportunity, Unity, Legal Relationships (SOUL) Amendment Act of 2025, *available at: <https://lims.dccouncil.gov/Legislation/B26-0399>*.

³⁰ D.C. Law 24-309. Preserving Our Kids' Equity Through Trusts and Fostering Stable Housing Opportunities Amendment Act of 2022. Section 312(a).

³¹ *Id.*

³² D.C. Law 24-309. Preserving Our Kids' Equity Through Trusts and Fostering Stable Housing Opportunities Amendment Act of 2022. Section 312(c)(1).

³³ Tami Weerasingha-Cote, Testimony Before the District of Columbia Council Committee on Youth Affairs, (February 13, 2025), p. 15-18, *available at: [T.Weerasingha-Cote Childrens-Law-Center FY24-Performance-Oversight-Hearing-for-CFSA_FINAL-1.pdf](https://www.dccouncil.us/sites/default/files/2025-02/Performance-Oversight-Hearing-for-CFSA_FINAL-1.pdf)*.

³⁴ 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, which, since 1989, has amounted to \$2,000. 20 C.F.R. § 416.202(d). Guidance issued by the Social Security Administration (SSA) states that, "in general, conserved funds are a countable resource for the beneficiary while SSA or another agency is holding them. This is because the beneficiary: owns the funds; and is legally entitled to use them (or have them used on his or her behalf) for his or her own support and maintenance." [SSA Program Operations Manual System \(POMS\) SI 01120.022](https://www.ssa.gov/poms/01120.022). 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). To address overpayments, the beneficiary must refund any payments made during the time of ineligibility, or their future payments will be reduced in order to repay the Administration over time. 20 C.F.R. § 416.570 (a).

³⁵ The POKETT Act requires that "[w]hen the Agency serves as the representative payee or in another fiduciary capacity for a child receiving Social Security benefits, the Agency shall... [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, including by ... (B) [e]stablishing a 529A plan account for the child; .. (D) [e]stablishing a special needs trust for the child or joining a pooled special needs trust on behalf of the child... D.C. Code § 4-1303.12(c)(2)

³⁶ As we explained in last year's performance oversight testimony, POKETT requires the agency to "[m]onitor federal asset and resource limits that would affect the child's eligibility to continue to receive benefits." D.C. Law 24-309. Preserving Our Kids' Equity Through Trusts and Fostering Stable Housing Opportunities Amendment Act of 2022. Section 312(c)(2). POKETT also requires the agency to "avoid overpayment of Social Security benefits while serving as the representative payee." D.C. Law 24-309. Preserving Our Kids' Equity Through Trusts and Fostering Stable Housing Opportunities Amendment Act of 2022. Section 312(f). 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, CFSAs are 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 may deduct that money from future benefit payments – or even require the youth to make payments. Tami Weerasingha-Cote, Testimony Before the District of Columbia Council Committee on Youth Affairs, (February 13, 2025), p. 17, *available at: [T.Weerasingha-Cote Childrens-Law-Center FY24-Performance-Oversight-Hearing-for-CFSAs_FINAL-1.pdf](#)*

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

³⁸ ABLE National Resource Center, ABLE Account, Special Needs and Pooled Trust Comparison Chart, (January 2025), p. 6, *available at: [ABLE Account, Special Needs and Pooled Trust Comparison Chart..](#)*

³⁹ D.C. Law 24-309. Preserving Our Kids' Equity Through Trusts and Fostering Stable Housing Opportunities Amendment Act of 2022. Section 312(c)(1).

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

⁴¹ *Id.*

⁴² *Id.*

⁴³ Child and Family Services Agency, Social Security Income Benefit Conservation Annual Status Report 2024, (February 27, 2025), *available at:*

https://cfsa.dc.gov/sites/default/files/dc/sites/cfsa/publication/attachments/CFSAs_Social%20Security%20Income%20Benefit%20Conservation%20Annual%20Status%20Report%202024%20%28POKETT%29%2027-25%20FINAL.pdf

⁴⁴ 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.)

⁴⁵ Tami Weerasingha-Cote, Testimony Before the District of Columbia Council Committee on Facilities and Family Services, (February 21, 2024), p. 12-13, *available at: [https://childrenslawcenter.org/wp-content/uploads/2024/02/TWeerasingha-Cote Childrens-Law-Center-Testimony-for-Feb.-21-2024-CFSAs-Oversight-Hearing_FINAL-002.pdf](#)*.

⁴⁶ Tami Weerasingha-Cote, Testimony Before the District of Columbia Council Committee on Facilities and Family Services, (February 21, 2024), p. 14, *available at: [https://childrenslawcenter.org/wp-content/uploads/2024/02/TWeerasingha-Cote Childrens-Law-Center-Testimony-for-Feb.-21-2024-CFSAs-Oversight-Hearing_FINAL-002.pdf](#)*.

⁴⁷ DC Child and Family Services Agency, Fostering Stable Housing Opportunities: Housing for Youth Aging Out of Agency Custody Annual Status Report FY2024, (February 2025), *Available at:*

https://cfsa.dc.gov/sites/default/files/dc/sites/cfsa/publication/attachments/CFSAs_Fostering%20Stable%20Housing%20Opportunities%20Annual%20Status%20Report%20FY2024_FINAL_2.21.25.pdf

⁴⁸ DC Child and Family Services Agency, Fostering Stable Housing Opportunities: Housing for Youth Aging Out of Agency Custody Annual Status Report FY2024, (February 2025), p. 5, *Available at:*

https://cfsa.dc.gov/sites/default/files/dc/sites/cfsa/publication/attachments/CFSAs_Fostering%20Stable%20Housing%20Opportunities%20Annual%20Status%20Report%20FY2024_FINAL_2.21.25.pdf

⁴⁹ *Id.*