



616 H Street, NW · Suite 300
Washington, DC 20001
T 202.467.4900 · F 202.467.4949
www.childrenslawcenter.org

**Testimony before the District of Columbia Council
Committee on Human Services
February 10, 2012**

Child and Family Services Agency FY 2011 Oversight Hearing

**Judith Sandalow
Executive Director
Children's Law Center**

Good morning Chairman Graham and members of the Council. My name is Judith Sandalow. I am the Executive Director of Children's Law Center¹ (CLC) and a resident of the District. I am testifying today on behalf of CLC, the largest non-profit legal services organization in the District and the only such organization devoted to a full spectrum of children's legal services. Every year, we represent over 1,200 low-income children and families, including 500 children in foster care, dozens of children at risk of entering foster care, and several hundred foster parents and relatives of children in foster care.

This has been a year of significant transitions for the Child and Family Services Agency (CFSA). Director Roque Gerald left at the end of May 2011 and Debra Porchia-Usher stepped in as interim Director until this January when Acting Director Brenda Donald re-joined the agency. Even with these transitions, the agency made important progress. Last year, we came to this Committee urging significant reforms – several of which were achieved during Deputy Director Porchia-Usher's leadership as interim Director. We called for differential response to be implemented, and CFSA launched the pilot project in September 2011. We urged CFSA to lower barriers for kin placement, including defining the non-safety-related licensing factors that may be waived and empowering staff other than the Director to make waiver decisions– and CFSA issued policies doing exactly that.² We urged more transparency with regard to rulemaking and policies and CFSA has begun to share certain policies for comment and issued several regulations for notice and comment. It is encouraging that even during a challenging year CFSA made strides in the right direction.

Acting Director Donald comes back to the agency with a strong knowledge of both child welfare and the District. While only in place for slightly over a month, she has started off on the right foot by reaching out to the community and understanding the role that community partners play. We look forward to working with her in the coming years.

Despite the important changes last year, if DC is to have a successful child welfare system it must institute reform at every step in the process. On the front end, the government does not adequately prevent abuse and neglect, and CFSA does not do a good enough job keeping children safely with their birth families. Once CFSA removes children, it does not serve them well in foster care – and they stay in foster care too long because CFSA fails to reunify them with their parents or find alternative permanent families. These problems have existed for many years and while the agency has made progress, the problems are far from solved.

I. Preventing Abuse and Neglect and Preventing Unnecessary Removals

It is still true that too often the District takes the drastic step of removing children from their families. Forcibly removing a child from his parents is traumatic and sometimes can cause even more harm than staying in a troubled home environment. So, the law requires that unless children face imminent and significant danger, CFSA’s job is to help them stay safely with their parents.³ Three of the programs CFSA operates to help achieve this goal are the Grandparent Caregivers, Rapid Housing and Differential Response programs. My testimony discusses each program and also suggests additional work that is necessary.

a. Grandparent Caregivers Program

The Grandparent Caregivers Program contributes to children’s safety and keeps them out of foster care by providing essential financial support for the grandparents, great-aunts and great-uncles who have stepped in to raise them when their parents cannot. More than half of the grandparents receiving the grandparent caregiver subsidy who answered a recent survey reported that they might not be able to continue taking care of their grandchildren without it.⁴ They reported that they primarily use the subsidy to meet basic needs such as food, clothing, transportation, and furniture.⁵

In FY 11, 774 children received financial support from the Grandparent Caregivers Program, an increase over the 727 children served in FY 10.⁶ There is currently no waiting list for

services, which is a major improvement over the long waiting lists of past years.⁷ The lack of a waiting list does not necessarily mean, though, that the program is fully meeting the existing need. CFSA estimates that many more children in the city may be eligible for the program.⁸ We encourage CFSA's efforts to reach out to those families, and we also urge that CFSA restore the program's funding to its pre-December 2010 level. Before December 2010, families received an average of \$740.10 per month from the Grandparent Caregivers Program,⁹ while currently families receive only an average of \$448.80 per month.¹⁰ This lower rate puts a significant burden on low-income grandparents, many of whom are on a fixed income, and makes the program less effective.

b. Rapid Housing Program

Rapid Housing helps families stay together when they otherwise could not afford safe and stable housing by providing funding to help a family pay rent for up to a year. In FY 11, 449 children benefited from Rapid Housing funds. For 278 of those children, the funds were used for preservation efforts to keep the children with their parents rather than bringing them into foster care. In FY 12 so far, 367 children have already benefited from Rapid Housing awards, including 319 for whom the funds are going to preservation efforts.¹¹ We are not clear on whether the apparent high rate of use of Rapid Housing funds so far this fiscal year means that a larger number of families will be provided services or that the funds will run out before the year is over, so we request that CFSA clarify this point. We hope that many families will benefit from Rapid Housing this year and urge CFSA to fully fund the program.

c. Differential Response Pilot

The Families Together Amendment Act of 2010 allowed CFSA to begin to implement a better practice model – differential response – for responding to the wide range of child protection hotline calls that CFSA receives.¹² Differential response is a practice model that allows CFSA to triage calls to the child protective services (CPS) hotline, responding to low-risk situations by

providing the family with needed supports rather than by initiating an adversarial investigation.

Differential response is important because it keeps children safely with their families, reducing the number of children re-reported to child protection authorities¹³ and placed in foster care.¹⁴

One of CFSA's major accomplishments this year was the implementation of a pilot differential response program, which became operational in September 2011.¹⁵ Between September 2011 and mid-January 2012, 97 families were referred to the differential response pilot program¹⁶ rather than for a formal CPS investigation.¹⁷ The vast majority of those families agreed to begin receiving the services that CFSA recommended for them.¹⁸ CFSA estimates that nearly 300 additional families who came to CFSA's attention this fall might have been appropriate candidates for differential response had the agency had the capacity to serve them, indicating a great need to expand the program.¹⁹

We look forward to CFSA's expanding this program and tracking outcomes and metrics to ensure that it is being implemented effectively. The practice shift holds great promise, but it will only be successful if the District provides sufficient resources to both expand the current pilot program and ensure that the services that families need are available.

d. Policy Changes to Prevent Unnecessary Removals

Despite these programs aimed at preventing abuse and neglect and preventing unnecessary removals, in nearly every case CFSA removes children before filing a court petition. Although DC law prohibits CFSA from removing a child without a court order unless there is imminent risk to the child's safety,²⁰ CFSA routinely disregards that prohibition. In last year's oversight responses, CFSA acknowledged that it removed children before filing a court petition in 98% of all cases in FY 2010.²¹ The recent Citizen Review Panel report found that in every one of the randomly-selected cases they reviewed CFSA did not seek a court order before removing a child.²² In over three-quarters of those cases, the panel found that there was no imminent risk that justified the child's immediate removal

without a court order.²³ Removing a child in such circumstances causes the child unnecessary trauma and violates the child's and parent's rights. In many of these cases, children are returned quickly to their parents – CFSA reports that, in FY 11, 149 children who were removed exited foster care within one month and another 47 exited foster care within four months²⁴ – but at that point the damage has already been done.

We urge CFSA to take immediate steps to address this chronic problem of unnecessary removals. In particular, we recommend that CFSA hold family team meetings (FTMs) before removing a child from his family in the majority of cases. FTMs are intended to bring the strengths of the extended family network to bear on protecting a child and often identify supports that can prevent a child's removal.²⁵ But the *LaShawn A.* court monitor found that CFSA fails to hold FTMs for most children at risk of removal.²⁶ CFSA's own data shows that a huge percentage of families referred for pre-removal FTMs do not receive them – and CFSA's data does not include those families who should have a FTM but are not referred for one.²⁷ Although the current number of pre-removal FTMs is low, there is reason for hope: CFSA's FTM policy recognizes the importance of pre-removal FTMs,²⁸ CFSA can obtain IV-E reimbursement for pre-removal FTMs,²⁹ and CFSA has implemented several very new policies designed to increase the number of cases referred for pre-removal FTMs.³⁰ We are heartened by CFSA's current focus on increasing pre-removal FTMs and encourage CFSA to hold pre-removal FTMs in all cases where a child is at imminent risk of removal. Any costs should be offset by the savings from children not needing to enter foster care or exiting foster care more quickly.³¹

We also recommend, as we did last year, that CFSA develop a policy that allows social workers to file court papers without also removing children. The policy should require child protection workers *only* to remove children following a court order or in true emergencies. We understand that CFSA recently trained CPS staff, in-home social workers, and OAG staff on

community papering procedures and we hope that this training will lead to an increased use of community papering in appropriate cases.³²

II. Kinship Placement

Years of national research show that kinship placements serve foster children better than living with strangers.³³ District of Columbia data reveals that children living in kinship foster care have placements that are three times as stable as non-kinship foster homes and four times as stable as group homes³⁴ and are more likely to leave foster care to positive permanency outcomes (reunification, adoption, or guardianship) than children in any other foster care placement.³⁵ The District kin placement rates are low: only 17% of DC foster children live with kin,³⁶ far below the national average of 24%.³⁷

CFSA this year took a critical step toward placing more foster children with kin by promulgating regulations making clear that non-safety licensing standards may be waived for kin applying for both temporary and permanent foster care licenses.³⁸ CFSA also issued a policy that gives social workers guidance on which licensing standards may be waived and designates the staff members at CFSA that have the authority to grant waivers.³⁹ We expect that these two policy issuances will lead to many more foster children being placed with kin, an important outcome because kinship placements increase foster children's placement stability, reduce the time children spend in foster care, and reduce the risk of abuse or neglect by a foster parent or group home.⁴⁰ Those gains have not been realized yet, however: CFSA reports that currently 17% of foster children are placed with kin,⁴¹ only a small increase over the 16% that were placed with kin in FY 11.⁴²

We understand that increasing kinship placements is a priority for Acting Director Donald and we look forward to working with her to implement additional reforms to remove the remaining barriers to kinship placements. In particular, we hope to work with CFSA to find a workaround for the "exigent circumstances" requirement that currently limits temporary kinship licenses to children

who are pre-disposition or need to leave their current placement immediately.⁴³ We also hope to work with CFSA to remove barriers for children whose kin live in Maryland or whose kin need assistance in abating lead hazards at their home.

III. Mental Health Services

I cannot overstate the importance of providing prompt and effective mental health services to children and families. Providing these services can help families better manage children's behavior and avoid the need for foster care; failing to do so can lead a family's relationship to deteriorate to the point of danger to a child. Providing mental health services can help children heal from abuse and neglect and reunify safely and permanently or leave foster care to a new family without the need for ongoing government oversight.

There have been modest improvements in some aspects of mental health services for children in foster care over the past year, but there are also troubling indications that many children's needs remain unmet. CFSA's data shows, and our experience confirms, that the need for mental health services remains high. 66% of the children CFSA screened in FY 11 had mental health needs.⁴⁴ In the past year, the number of psychiatric hospitalizations for youth in foster care increased to 117, a marked and concerning increase over last year's 76 psychiatric hospitalizations.⁴⁵ The number of applications for emergency admission for observation and diagnosis, known as FD12s, increased from 67 last year to 78 this year.⁴⁶ At the same time, fewer youth were referred for multi-systemic therapy (MST)⁴⁷ and community-based intervention (CBI),⁴⁸ both programs targeted at stabilizing the most high-needs children. The total referrals from CFSA to core service agencies (CSAs), the primary mental health provider for foster youth, decreased by 21% from last year to this year.⁴⁹ In combination, these statistics are troubling. It appears that the proportion of children in foster care who are receiving the mental health services that they need may have decreased over the past year, resulting in an increase in psychiatric crises that precipitated hospitalizations. There may

also be other explanations for these trends; we urge the agency to review them carefully and share the results of their review with the Council and the public.

We remain concerned about the lack of evidence-based treatment available for children in foster care. CFSA identifies evidence-based treatment as the category of mental health services with the most frequent and highest attrition of staff once trained.⁵⁰ In particular, we are concerned about the low numbers of referrals for multi-systemic therapy, which declined from 82 in FY 07 to 13 in FY 11. We are also concerned that CFSA reports a complete lack of capacity for trauma-focused cognitive behavioral therapy, child-parent psychotherapy for family violence, and multi-systemic therapy for problem sexual behavior.⁵¹ In addition, we are concerned that CFSA still does not track the number of children receiving in-home services through CFSA who are referred for evidence-based therapies, though we understand that CFSA is initiating efforts to do so.⁵²

CFSA did make some clear, if small, steps forward in providing prompt screenings and referrals for children who enter foster care. In FY 11, 56% of children who entered or reentered care received a mental health screening, an improvement over the only 35% who received a mental health screening in FY 10,⁵³ but still far below the level we hope to see. The average wait from when a child is referred by CFSA to DMH to when the child is linked to a core service agency (CSA) fell from 6 days to 5.5 days.⁵⁴ CFSA did not provide data on the average time between linkage to a CSA and the actual delivery of services, though our clients' experiences indicate that it often continues to take an unreasonably long time.

IV. Older Youth

We remain deeply concerned about older youth in care. CFSA's latest numbers show that 435 youth in foster care are 18, 19, or 20.⁵⁵ These youth face many challenges as they prepare to enter adulthood. In our clients' experience, it is all too common for youth to age out of foster care without a high school diploma, stable housing, or the skills to obtain employment. In FY 11, only 44

youth completed a vocational program from an accredited institution.⁵⁶ Only 77 youth are currently employed.⁵⁷ 103 youth in care are teen mothers.⁵⁸ While CFSA is making efforts to hold Youth Transition Planning (YTP) meetings for 18 to 20 year-olds to make sure that they are on track to age out successfully and our attorneys report that those meetings are often helpful, CFSA is falling far short of the benchmarks set in its own policy for how often such meetings should be held.⁵⁹ Finally, CFSA reports that only 12 of the 210 youth referred to the Collaboratives in FY 11 for aftercare services were referred at least 180 days prior to aging out.⁶⁰ This is problematic because aftercare workers, rather than CFSA social workers, are generally the ones responsible for helping the youth obtain the housing and other supports that they will need after they age out. We are glad that CFSA is planning to require social workers to submit referrals to the Collaboratives when youth turn 20⁶¹ and we urge CFSA to strengthen all of the agency's programs for older youth in care.

V. Education

a. Educational Outcomes

To our knowledge, CFSA is able to report very little data on foster children's educational outcomes. The agency does not currently have a systematic way of tracking where children attend school, how many times they change school placements, whether they advance from grade to grade, or whether they graduate and enroll in post-secondary education. This is a significant problem because educational outcomes are a major predictor of the ability to support oneself and one's family as an adult.

We understand that CFSA and OSSE have undertaken a pilot data-sharing program to allow the two agencies to track foster children's educational trends and outcomes.⁶² We encourage this effort and hope that necessary financial resources will be provided to allow the agencies to implement whatever technology is required to capture, share, and analyze this data.

b. School Stability Transportation

When a child in foster care changes schools, he often loses credits, leaves behind beloved friends and teachers, and loses educational ground.⁶³ The federal Fostering Connection Act seeks to prevent this harm by requiring child welfare agencies to maintain foster children at their school of origin despite placement changes whenever remaining at the school of origin is in the child's best interests.⁶⁴ Recent federal legislation clarified that the law requires child welfare agencies to maintain children at the school of origin they attended when they were first brought into foster care and, if they no longer attend that original school, also to maintain them at whatever school they may be attending at the time that their home placement changes.⁶⁵ In our clients' experience, CFSA is not implementing this new guidance. We urge the agency to fully comply with the requirements of Fostering Connections. If additional funding is necessary to do so, that funding should be included in the FY 2013 budget.⁶⁶

VI. Transparency

CFSA has made improvements in transparency this year. The agency issued several rulemakings for public comment and responded thoughtfully to comments provided.⁶⁷ However, it is still very difficult to find policies and find out when policies change. CFSA's website remains difficult to navigate and there is not a mechanism to indicate when policies are updated or changed. We encourage CFSA to make the website more functional and improve the dissemination of new policies. We also urge that they continue and expand their increased use of formal rulemaking and openness to feedback from community partners.

Conclusion

Thank you again for the opportunity to testify today. I look forward to your questions.

1 Children’s Law Center works to give every child in the District of Columbia a safe home, meaningful education and healthy life. As the largest nonprofit legal services provider in the District, our over 80-person staff partners with hundreds of pro bono attorneys to serve 1,200 at-risk children each year. Applying the knowledge gained from this direct representation, we advocate for changes in the city’s laws, policies and programs. For more information, visit www.childrenslawcenter.org.

² See CFSA Temporary Licensing of Foster Homes for Kin policy, available at <http://cfsa.dc.gov/DC/CFSA/About+CFSA/Policy/CFSA+Policy+Manual+Table+of+Contents/Program+Policies/Program+-+Temporary+Licensing+of+Foster+Homes+for+Kin> and CFSA Notice of Emergency and Proposed Rulemaking amending Chapter 60, Foster Homes, of title 29, Public Welfare of the DCMR, Nov. 18, 2011, available at <http://www.dcregs.dc.gov/Notice/NoticeListForPublic.aspx?type=Issue&CategoryName=Emergency%20and%20Proposed%20Rulemaking&IssueID=254>.

³ CFSA may only legally remove children without a court order when some imminent risk to children’s safety exists. D.C. Code § 16-2309(a).

⁴ Approximately 80 out of 140 respondents stated “no” or “unsure” to the question of whether they would be able to continue caring for their grandchildren without the subsidy. CFSA FY 2012 Performance Oversight Questions, Attachment_Q34, Appendix.

⁵ CFSA FY 2012 Performance Oversight Responses, Attachment_Q34, Appendix.

⁶ CFSA FY 2012 Performance Oversight Responses, Attachment_Q34, p. 2.

⁷ CFSA FY 2012 Performance Oversight Responses, Attachment_Q34, p. 3.

⁸ CFSA calculated that 10,702 children in DC reside in households led by a grandparent or other relative with no biological parent present. CFSA FY 2012 Performance Oversight Responses, Attachment_Q34, p. 6.

⁹ Grandparent Caregivers Program: Annual Status Report, CY 10, Jan. 2011, p. 5.

¹⁰ CFSA FY 2012 Performance Oversight Responses, Attachment_Q34, p. 5.

¹¹ CFSA FY 2012 Performance Oversight Responses, Q33.

¹² Bill 18-667, available at <http://www.dccouncil.us/images/00001/20100624152836.pdf>.

¹³ Summarizing the research, the federal Children’s Bureau concluded that “differential response systems have demonstrated positive outcomes, particularly in terms of sustained child safety . . .” U.S. Department of Health and Human Services, Administration for Children, Youth and Families, Children’s Bureau, *Differential Response to Reports of Child Abuse and Neglect*, 9 (2008),

http://www.childwelfare.gov/pubs/issue_briefs/differential_response/differential_response.pdf. For specific state studies, see Institute of Applied Research, *Extended Follow-Up Study of Minnesota’s Family Assessment Response: Final Report*, 5, 27-30 (2006), <http://www.iarstl.org/papers/FinalMNEARReport.pdf>; L. Anthony Loman and Gary L. Siegel, *Differential Response in Missouri after 5 Years at 8-9* (2004), <http://www.iarstl.org/papers/MODiffResp2004a.pdf>.

¹⁴ In Ohio, children families receiving a traditional investigation were twice as likely to be removed as similar families receiving an alternative response. Caren Kaplan & Amy Rohm, American Humane Association, *Ohio Alternative Response Pilot Project: Final Report of the AIM Team*, at 90 (2010) (3.7 percent of families receiving an investigation versus 1.8 percent of families receiving an alternative response).

<http://www.law.capital.edu/adoption/AR/Section%201%20AIM%20Final%20Report.pdf>. Minnesota’s differential response program yielded similar results. See Institute of Applied Research, *Extended Follow-up Study of Minnesota’s Family Assessment Response: Final Report* 8, 43-44 (2006), <http://www.iarstl.org/papers/FinalMNEARReport.pdf>. In Virginia, for example, social workers performed risk assessments regarding families before and after they received services through a differential response system. Those assessments revealed a dramatic decrease in the percentage of families deemed to be at “high risk” of future abuse or neglect – from 67% of families at the beginning of a case to 17% 90 days later. Virginia Department of Social Services, *Evaluation of the Differential Response System* at vi, 41-43 (2008), http://www.dss.virginia.gov/files/about/reports/children/cps/all_other/2008/differentialresponsesystem_evaluation_annualreport_2008_12-08.pdf.

¹⁵ *LaShawn A. v. Gray* Progress Report for the Period January 1 – June 30, 2011, Center for the Study of Social Policy, Nov. 21, 2011, p. 9.

¹⁶ CFSA’s pilot differential response unit is called the Family Assessment Unit, but we have used the term “differential response” rather than “family assessment” in our testimony for clarity.

¹⁷ CFSA FY 2012 Performance Oversight Responses, Q35.

¹⁸ Of the 97 families, 71 have agreed to accept services and 13 are “pending the decision to receive services.” CFSA FY 2012 Performance Oversight Responses, Q35.

¹⁹ CFSA reported that there was a “potential of 469 family assessment referrals, based upon the seven selected allegations” that might trigger referrals and that 388 of those referrals were accepted for investigations, meaning that 291

additional referrals could have been sent to the Family Assessment Unit if that unit had more capacity. CFSA FY 2012 Performance Oversight Responses, Q35.

²⁰ D.C. Code § 16-2309(a).

²¹ CFSA reported that out of 661 neglect petitions in FY 2010, 648 involved pre-petition removals. CFSA FY 2011 Performance Oversight Responses, Round 2, Q6. CFSA did not provide this information in answer to this year's oversight questions.

²² "An Examination of the Child and Family Services Agency's Performance When It Removes Children from and Quickly Returns Them to Families," The District of Columbia Citizen Review Panel, Sept. 2011, p. 5.

²³ "An Examination of the Child and Family Services Agency's Performance When It Removes Children from and Quickly Returns Them to Families," The District of Columbia Citizen Review Panel, Sept. 2011, p. 5.

²⁴ CFSA FY 2012 Performance Oversight Responses, Q27(d).

²⁵ Faced with a similar pattern of unnecessary removals, Polk County (Des Moines), Iowa began holding FTMs at an early stage in the investigation, and this strategy resulted in preventing removals by providing services to families earlier and, for those children who had to be removed, increasing the number of kinship placements. Casey Family Programs, *Breakthrough Series Collaboratives: Reducing Racial Disproportionality and Disparate Outcomes for Children and Families of Color in the Child Welfare System*, at 35 (2009),

http://www.casey.org/Resources/Publications/pdf/BreakthroughSeries_ReducingDisproportionality_process.pdf.

More generally, research has found that FTMs "provide[] cost neutrality or savings" because they keep more children out of expensive foster care or in kinship care instead of congregate care. Lisa Merkel-Holquin, Paul Nixon & Gale Burford, *Learning with families: A Synopsis of FGDM Research and Evaluation in Child Welfare*, 18 *Protecting Children* 2, 9 (2003).

²⁶ Center for the Study of Social Policy, "An Assessment of the Quality of Child Abuse and Neglect Investigative Practices in the District of Columbia," at 41, <http://www.cssp.org/publications/child-welfare/class-action-reform/an-assessment-of-the-quality-of-child-protective-services-investigative-practices-in-the-district-of-columbia-may-2010.pdf>.

²⁷ In FY 11 and FY 12 to date, only 34 of the 71 children referred for pre-removal FTMs actually had pre-removal FTMs. CFSA FY 2012 Performance Oversight Responses, Q27(b).

²⁸ The CFSA FTM policy states that "it is the policy of CFSA to hold FTMs when a child is at imminent risk of removal." CFSA FTM Policy, Oct. 25, 2010, p. 3, available at

<http://cfsa.dc.gov/DC/CFSA/Publication%20Files/Policy%20Manual/Policies/Program%20-%20Family%20Team%20Meetings%20%28FTM%29%20%28final%29%28H%29.pdf>.

²⁹ Child welfare agencies may obtain federal revenue to support case-planning activity like FTMs for children at risk of entering foster care (known as "candidates"). Although CFSA's recent State Plan Amendment (SPA) to seek reimbursement for candidates for foster care was not approved by ACF, CFSA reported in Nov. 2011 that they had received verbal approval to seek reimbursement for candidates. *LaShawn A. v. Gray* Progress Report for the Period January 1 – June 30, 2011, Center for the Study of Social Policy, Nov. 21, 2011, p. 98.

³⁰ CFSA's new policies include providing a definition of "at-risk of removal" to identify which cases are appropriate for pre-removal FTMS, requiring social workers to submit pre-removal FTM referrals based on the new definition, and assessing the effectiveness of pre-removal FTMs at keeping children out of foster care or planning with kin for children who must enter foster care. CFSA FY 2012 Performance Oversight Responses, Q27(b).

³¹ Research has found that FTMs "provide[] cost neutrality or savings because they keep more children out of expensive foster care or in kinship care instead of congregate care. See Lisa Merkel-Holquin, Paul Nixon & Gale Burford, *Learning with families: A Synopsis of FGDM Research and Evaluation in Child Welfare*, 18 *Protecting Children* 2, 9 (2003). Also, CFSA can obtain IV-E revenue for pre-removal FTMs as administrative costs because they are crucial elements of CFSA's efforts to prevent removal.

³² CFSA Response to Citizen Review Panel Final Report, Oct. 31, 2011, p. 3.

³³ Robert M. Gordon, *Drifting Through Byzantium: The Promise and Failure of the Adoption and Safe Families Act of 1997*, 83 *Minn. L. Rev.* 637, 658 (1999) (kinship care facilitates more frequent parent-child visitation); Matched Comparison of Children in Kinship Care and Foster Care on Child Welfare Outcomes, *Marc A. Winokur, et al.*, 89 *Families in Society: Journal of Contemporary Social Services* 338 (2008), <http://www.familiesinsociety.org/New/Teleconf/081007Winokur/89-3Winokur.pdf> (kinship care increases foster children's placement stability, reduces the time children spend in foster care, reduces the risk of abuse or neglect by a foster parent or group home); Richard P. Barth, *et al.* *Kinship Care and Nonkinship Foster Care: Informing the New Debate*, in *Child Protection: Using Research to Improve Policy and Practice* at 187 (Ron Haskins *et al.* eds. 2007). (kinship care enhances the likelihood that children will be placed with siblings).

³⁴ In FY 2010, the ratio of placement disruptions to placements was .21 to 1 for kinship placements, .60 to 1 for non-kinship foster homes, and .81 to 1 for group homes. Government of the District of Columbia, Child and Family

Services Agency, Fiscal Year 2010 Annual Report at 29 (2011). In FY 2009, the ratio of placement disruptions to placements was 0.17 to 1 for kinship placements and 0.57 to 1 for nonkinship foster care. Government of the District of Columbia, Child and Family Services Agency, Fiscal Year 2009 Annual Report at 37 (2010), <http://cfsa.dc.gov/DC/CFSA/About+CFSA/Who+We+Are/Publications/Annual+Report+2009>. In FY 2008, the ratio of placement disruptions to placements was 0.64 to 1 for non-kinship foster care and 0.17 to 1 for kinship care. Government of the District of Columbia, Child and Family Services Agency, Fiscal Year 2008 Annual Report, at 34 (2009), <http://cfsa.dc.gov/DC/CFSA/About+CFSA/Who+We+Are/Publications/Annual+Report+2008>. In FY 2007, 1919 children lived in non-kinship foster care and had 1227 placement disruptions – a ratio of 0.64 to 1 – while 662 children lived in kinship care and had 101 disruptions – a ratio of 0.15 to 1. Government of the District of Columbia, Child and Family Services Agency, Fiscal Year 2007 Annual Report, at 25 (2008), <http://cfsa.dc.gov/DC/CFSA/About+CFSA/Who+We+Are/Publications/Annual+Report+2007>.

³⁵ Mary Eschelbach Hansen & Josh Gupta-Kagan, Extending and Expanding Adoption and Guardianship Subsidies for Children and Youth in the District of Columbia Foster Care System: Fiscal Impact Analysis at 9, Table 1 (2009), <http://academic2.american.edu/~mhansen/fiscalimpact.pdf>.

³⁶ CFSA FY 2012 Performance Oversight Responses, Q40

³⁷ U.S. Department of Health and Human Services, Administration for Children and Families, Children’s Bureau, *The AFCARS Report: Preliminary FY 2009 Estimates as of October 2010*, at 1, http://www.acf.hhs.gov/programs/cb/stats_research/afcars/tar/report17.pdf.

³⁸ On Nov. 18, 2011, CFSA issued emergency and proposed regulations giving the CFSA director or her designee the authority to grant waivers of non-safety requirements for both the temporary and permanent licensing of kin, amending 29 DCMR § 6000.5 which had previously allowed waivers only for temporary licensing. D.C. Register, Emergency and Proposed Rulemaking Amending Chapter 60 to Title 29, Nov. 18, 2011.

³⁹ CFSA Temporary Licensing of Foster Homes for Kin policy, Sept. 20, 2011, Attachment B, available at <http://cfsa.dc.gov/DC/CFSA/About+CFSA/Policy/CFSA+Policy+Manual+Table+of+Contents/Program+Policies/Program+-+Temporary+Licensing+of+Foster+Homes+for+Kin>.

⁴⁰ See Matched Comparison of Children in Kinship Care and Foster Care on Child Welfare Outcomes, *Marc A. Winokur, et al.*, 89 *Families in Society: Journal of Contemporary Social Services* 338 (2008), <http://www.familiesinsociety.org/New/Teleconf/081007Winokur/89-3Winokur.pdf>

⁴¹ CFSA FY 2012 Performance Oversight Responses, Q40.

⁴² CFSA FY 2011 Performance Oversight Responses, Round 2, Q30.

⁴³ See 29 DCMR § 6027(e). It appears that the exigent circumstances requirement results from the FBI’s requirement that noncriminal justice agencies may only access the FBI’s Interstate Identification Index to perform criminal record searches without providing fingerprints in cases that involve exigent circumstances. See 28 C.F.R. § 901.2. However, federal law does not define the term “exigent circumstances” and therefore DC law could define it in a more expansive way.

⁴⁴ CFSA FY 2012 Performance Oversight Responses, AttachmentQ30_FY11CFSA Programs Utilization Update Quarter 4, “Mental Health Screenings Conducted by DMH Clinical Staff at CFSA.”

⁴⁵ CFSA FY 2012 Performance Oversight Responses, AttachmentQ30_FY11CFSA Programs Utilization Update Quarter 4, “Mobile Crisis Services (Child/Youth).”

⁴⁶ CFSA FY 2012 Performance Oversight Responses, AttachmentQ30_FY11CFSA Programs Utilization Update Quarter 4, “Mobile Crisis Services (Child/Youth).”

⁴⁷ CFSA FY 2012 Performance Oversight Responses, AttachmentQ31_ Mental Health Specialized Services Matrix-Jan 26 2012update

⁴⁸ CFSA FY 2012 Performance Oversight Responses, AttachmentQ30_FY11CFSA Programs Utilization Update Quarter 4, “Home and Community Based Intervention Services.”

⁴⁹ CFSA FY 2012 Performance Oversight Responses, AttachmentQ30_FY11CFSA Programs Utilization Update Quarter 4, “CFSA Mental Health Referrals and Assessments.”

⁵⁰ CFSA FY 2012 Performance Oversight Responses, Q30(b).

⁵¹ CFSA FY 2012 Performance Oversight Responses, AttachmentQ31_ Mental Health Specialized Services Matrix-Jan 26 2012update

⁵² CFSA FY 2012 Performance Oversight Responses, Q31.

⁵³ CFSA FY 2012 Performance Oversight Responses, Q30(c).

⁵⁴ CFSA FY 2012 Performance Oversight Responses, Q30(e). Compare to CFSA FY 2011 Performance Oversight Responses, Round 2, Q10, Attachment at 2.

⁵⁵ CFSA FY 2012 Performance Oversight Responses, Attachment Data_Q46_Youth Ages 13-21 Resn.

⁵⁶ CFSA FY 2012 Performance Oversight Responses, Q53(a).

⁵⁷ CFSA FY 2012 Performance Oversight Responses, Q53(c).

⁵⁸ CFSA FY 2012 Performance Oversight Responses, Q58.

⁵⁹ CFSA FY 2012 Performance Oversight Responses, AttachmentQ53_Youth Transition Planning Presentation See CFSA Transition Planning for Youth Policy, Dec. 30, 2010 available at <http://cfsa.dc.gov/DC/CFSA/Publication%20Files/Policy%20Manual/AIs/AI%20%20Transition%20Planning%20for%20Youth%20%28final%29.pdf>.

⁶⁰ CFSA FY 2012 Performance Oversight Responses, Q56.

⁶¹ CFSA FY 2012 Performance Oversight Responses, Q56

⁶² OSSE and CFSA have reported on their pilot data-sharing efforts at meetings of the D.C. Superior Court's Education Subcommittee.

⁶³ American Bar Association Legal Center on Foster Care and Education, Fact Sheet on Educational Stability and continuity for Children and Youth in Out-of-Home Care, 2007, available at http://www.americanbar.org/content/dam/aba/migrated/child/education/publications/Stability_Fact_Sheet.authcheckdam.pdf.

⁶⁴ 42 U.S.C. 675(1)(G))

⁶⁵ "Child and Family Services Improvement and Innovation Act" H.R. 2883..

⁶⁶ In FY 11, CFSA was reimbursed approximately \$50,000 on transportation costs of approximately \$204,000. In FY 12, CFSA anticipates claiming \$100,000 "due to higher expenditures and heightened documentation." CFSA FY 2012 Performance Oversight Responses, Q21(d).

⁶⁷ CFSA issued proposed regulations regarding family assessments, temporary kinship licensing, and newborn safe haven.