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**Testimony before the District of Columbia Council
Committee on Human Services
January 13, 2012**

**Public Hearing:
Bill 19-466, Child Abuse Prevention and Treatment Act of 2011**

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Executive Director
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Good morning Chairman Graham and members of the Human Services Committee. My name is Judith Sandalow. I am the Executive Director of Children's Law Centerⁱ (CLC) and I am 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 1,200 low-income children and families, focusing on children who have been abused and neglected and children with special health and educational needs. The majority of our clients are children in foster care or their caretakers.

The Child Abuse Prevention and Treatment Act (CAPTA) is one of the federal laws governing funding for child welfare programs. In 2010, Congress amended CAPTA to include several additional eligibility requirements that states must meet in order to receive CAPTA funds. Bill 19-466, the Child Abuse Prevention and Treatment Amendment Act of 2011, addresses two of those additional eligibility requirements: the requirement to address the needs of infants with Fetal Alcohol Spectrum Disorders and the requirement not to require reunification of a child with a parent who must register in a sex offender registry under the Adam Walsh Child Protection and Safety Act of 2006.ⁱⁱ I commend the Child and Family Services Agency (CFSA) and the Council for acting in a timely manner to bring DC law in line with the new federal requirements.

While I support the bill overall, I do propose one change. The change in CAPTA requires that even if a state does not "require" reunification in general – which DC does not – the state must still have "provisions, procedures, and mechanisms in place which address the fact that reunification is not required" if that parent must register in a sex offender registry pursuant to the Adam Walsh Act.ⁱⁱⁱ The proposed legislation seeks to address this Federal requirement by removing the requirement that CFSA make *reasonable efforts* toward reunification in such circumstances. This is more than the federal law requires. We are concerned that removing the requirement that reasonable efforts be made will discourage reasonable efforts in cases where reunification is

appropriate. The Adam Walsh Act sweeps broadly in its sex offender registration requirements and as a result some of the individuals required to register may not pose any current or future threat. For example, Adam Walsh requires that individuals register if they were convicted of certain sex offenses at or after the age of 14.^{iv} It is quite conceivable that someone who was convicted of a sex offense at 14 might be fully rehabilitated at the time that he seeks reunification with his child, which could be 10, 20, or 30 years after that childhood offense. While the proposed change would not bar reunification, we are concerned that removing the reasonable efforts requirement will discourage reunification with fit parents who pose no danger to their children's safety.

We propose that instead of a statutory change, CFSA issue a policy or regulation clarifying that reunification is not required if a parent has to register under the Adam Walsh Act. In the alternative, we propose that the language implementing the new CAPTA requirements related to Adam Walsh be moved from the Reasonable Efforts section of the DC Code to a separate section and that it state simply that "Reunification is not required if the parent is required to register with a sex offender registry under section 113(a) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. § 16913(a))." Either step would fulfill the requirements of federal law and address our concern.

Thank you for the opportunity to testify. I am happy to answer any questions.

ⁱ 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 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.

ⁱⁱ The CAPTA Reauthorization Act of 2010 (P.L. 111-320) amended the eligibility requirements for CAPTA grants to states to include that the states must have laws or programs to, among other requirements, address the needs of infants with Fetal Alcohol Spectrum Disorders and not require reunification with parents who must register in a sex offender registry pursuant to Adam Walsh. *See* 42 U.S.C. §§ 5106a(b)(2)(B)(ii) and 5106a(b)(2)(B)(xvi)(VI).

ⁱⁱⁱ *See* U.S. Department of Health and Human Services' Administration for Children and Families guidance, http://www.acf.hhs.gov/cwpm/programs/cb/laws_policies/laws/cwpm/questDetail.jsp?QAId=580.

^{iv} *See* 42 U.S.C. § 16911(8).