



501 3rd Street, NW · 8th Floor
Washington, DC 20001
T 202.467.4900 · F 202.467.4949
childrenslawcenter.org

Testimony Before the District of Columbia Council
Committee on Human Services
February 12, 2020

Public Hearing:
Performance Oversight Hearing
Child and Family Services Agency

Aubrey Edwards-Luce
Senior Policy Attorney
Children's Law Center

Introduction

Good morning Chairwoman Nadeau and members of the Committee on Human Services. My name is Aubrey Edwards-Luce. I am a Senior Policy Attorney at Children's Law Center¹. I am testifying today on behalf of Children's Law Center, which fights so every DC child can grow up with a loving family, good health and a quality education. With nearly 100 staff and hundreds of pro bono lawyers, Children's Law Center reaches 1 out of every 9 children in DC's poorest neighborhoods – more than 5,000 children and families each year. As institutional advocates for children and youth who have come into contact with the Child and Family Services Agency (CFSA), we are committed to closely examining CFSA's performance and reporting on the state of child welfare in the District.

The State of Child Welfare

Each year, the Committee on Human Services submits questions to CFSA to answer in advance of the Agency's performance oversight hearing. As a policy attorney, it is my job to review CFSA's responses and to look for trends, changes, and explanations that are relevant to the experiences of our clients and the Children's Law Center's Guardian *ad Litem* (GAL) attorneys, social workers, and investigators that support their child abuse and neglect cases. While our executive director, Judith Sandalow, provided an overview of some of the important progress and struggles that CFSA experienced during fiscal year 2019 (FY19), my testimony will discuss other

issues raised by CFSA's oversight answers. Each outcome is a set of data points, each data point is a child's experience, and each child's experience with our child welfare agency impacts how they recover from the trauma that they have faced and how they succeed as members of our community.

Positive Outcomes

Judith commented on several positive outputs that CFSA generated in FY19.

While I will focus primarily on CFSA's outcomes, I would be remiss not to mention a few other positive outputs. In FY19, CFSA:

- Launched the CFSA Data Dashboard,² which provides the public access to Agency data;
- Produced two videos for children and youth about entering foster care;³
- Contracted with Children's Choice for 36 foster homes for youth with intensive needs;⁴
- Received a 3-year grant from Youth Villages to implement the YV LifeSet Program;⁵ and
- Met three of its five placement array commitments pursuant to the *LaShawn* Exit and Sustainability Plan. ⁶

Examining CFSA's outcomes provides the clearest picture of the CFSA's impact on the children in its care and on whether its strategies are working..

We consider it a positive outcome that the Agency has been able to detect an increased number of youth in its care that are being or that are at risk of being sex trafficked.⁷ In FY18, CFSA identified seven children in their care that were being sex

trafficked or were at risk of being sex trafficked⁸ and identified 11 youth who are being sex trafficked or who are at risk of being sex trafficked,⁹ In the future we urge CFSA to collect and share data that reflects the impact that it's actions are having on these youth. Specifically, it would be helpful to see employment, mental health, placement and permanency outcomes for these young people so that we can better understand the experiences of youth in care who have been or who are at risk of being commercially and sexually exploited.

Ongoing Problems

In past oversight hearings, we have shared our clients' experiences in order to make clear the real life impact on children that is represented by the poor outcomes that CFSA has consistently generated in the areas of placement, education, employment, and housing. This year, however, the numbers really speak for themselves and show that our clients' experiences are not unique.

As it relates to placement, CFSA had a 238% increase in the number of children who stayed overnight in the Agency. Thirteen children stayed overnight in the CFSA building during FY18 and 31 children stayed overnight at the Agency in FY19.¹⁰

Children only stay overnight in the Agency when there is no foster family or other emergency placement available. But, this is not the only data which shows that CFSA has an inadequate number and array of foster families. The Agency also utilizes Sasha Bruce shelter and emergency respite to shelter youth who are awaiting a long term

placement.¹¹ In FY19, 100 youth (i.e. approximately one in every 8 children) in CFSA's care stayed in an emergency shelter or respite home.¹² CFSA also places children in the Sasha Bruce shelter while they are waiting for long-term placements. In FY18, 20 CFSA youth stayed at the Sasha Bruce shelter.¹³ That number increased by 245% in FY19, to 49 youth.¹⁴ Taken together, the increase of children staying at CFSA overnight and the increase in the number of children who stay in emergency placement indicate that the Agency continues to struggle to obtain or identify appropriate long-term placements for the children in its care.

The outcomes related to education and employment suggest that kids in care need considerably more support. The high school graduation rate decreased from 67% in FY18¹⁵ to 56% in FY19.¹⁶ Unfortunately, CFSA only has access for grade point averages for 84 of the 186 high school aged children in its care.¹⁷ It is disturbing that the grade point average for those high school students in DC Public Schools and Prince George's County Public Schools is 1.69.¹⁸ We hope that once CFSA acquires access to the other 102 students' data, that the Agency will use an equity lens while processing the data in order to identify the causes of this poor performance and to fashion an effective solution.¹⁹

High school and college dropout rates also indicate that students have unmet needs. Nearly 10% of high school students who were in CFSA care dropped out in FY19.²⁰ Furthermore, approximately 50% (n=19) of the 40 young people in foster care

who enrolled in college in FY19 dropped out.²¹ Half of the youth who dropped out of college reportedly left college because of employment. This leads us to question how the financial support of CFSA compares to the room and board and cost of living for foster youth who are in college.

Regarding employment, the data shows that youth in care are acquiring limited workplace experience. Of the 141 youth between the ages of 18 and 21, 41 (approximately 29%) were not employed or advancing their education.²² Moreover, we are concerned about the youth's ability to gain workplace skills and maintain employment because less than half of the young people enrolled in vocational programs completed the programs.²³ Because so few youth complete their programs, it is not surprising that the number of youth who were unemployed when they aged out of foster care increased between FY18 and FY19.²⁴

We have grave concerns about lack of housing stability for youth . Although In FY18, the Agency reported that only four of 53 youth who aged out exited to unstable living arrangements.²⁵ However, we continue to believe that the Agency improperly identifies transitional housing, college dorms, staying with friends, and DDS placements as "stable living arrangements." Also, the Agency reported that two youth aged out to DC's adult and family homelessness system, thereby requiring a referral to Virginia Williams in FY19.²⁶

New Problems

CFSA's prehearing responses also exposed new areas of concern that we hope the committee will further explore. First, the responses revealed a huge increase in the number of youth who were psychiatrically hospitalized: from 15 unique youth in FY18 to 118 unique youth in FY19. That means nearly 1 in 7 of the children in CFSA's care have been psychiatrically hospitalized. A closer look at the ages of the youth who have been psychiatrically hospitalized shows that about half of all the middle school aged youth in CFSA's care have been psychiatrically hospitalized. This finding is troubling because it involves a very high number of youth (especially of middle school aged youth) and because it involves a very intensive, but not very specific type of intervention. We hope the Committee will inquire further into the reasons for hospitalization and the experience of the youth during these hospitalizations. In response to a Committee question requesting solutions to youth staying overnight in the Agency, CFSA identifies a need for "mental health resources such as sub-acute psychiatric beds and partial hospitalization programs."²⁷ We think this proposal is worth further exploration in the context of lowering rate of psychiatric hospitalization.

In its discussion about changes in the Office of Youth Empowerment's Career Pathways' Program, CFSA reports that it has terminated the Career Pathways program and initiated the YV LifeSet program.²⁸ Even in its sunseting year, Career Pathways served 113 youth while Youth Villages served 37 during FY19. It is unclear whether the YV LifeSet program will build up its capacity such that it could serve all of the youth in

care between the ages of 17 and 21 (n= 187). We hope the Committee will inquire about CFSA's plans to increase capacity or to otherwise serve the remaining children in this age group.

One of CFSA's most important duties is to ensure that all children safely and permanently exit its care and supervision, because prolonged stays in foster care are harmful to children. Therefore, data concerning permanency outcomes are very important. According to the Agency's oversight responses, there has been a four month increase in the time it takes to finalize an adoption after the petitioner has filed her petition. In FY18, it took 10 months on average to finalize an adoption.²⁹ Whereas in FY19, it took 14 months on average.³⁰ This four month delay means that children are having to manage the uncertainty of their futures for four additional months, thereby causing an increase in their stress level.

Child Safety and Well-Being Ombudsperson: One Way to Do Better

As CFSA looks for ways to address these concerns and improve negative outcomes, we strongly recommend the Council and the agency work together to move forward with establishing an independent Ombudsperson focused on child safety and well-being. Although CFSA doesn't need to be the sole focus of the proposed office, we believe an independent Ombudsperson is a critical resource for children, families, kin, foster parents, child advocates, the Council, and CFSA itself as we all work together to improve outcomes for DC's most vulnerable children.

CFSA's mission is not easy or straight-forward. Many of the problems CFSA is struggling with –, the lack of adequate mental health services, the lack of appropriate placements and paths forward for older youth, poor education outcomes – are the same problems child welfare agencies across the country are facing. But CFSA has one big advantage – it has a very small number of children in care and thus can focus on individualized plans and supports for each child.

An Ombudsperson can help CFSA improve outcomes in two ways. First, an Ombudsperson would give youth, families, and CFSA a neutral forum to informally work through and resolve case-level issues quickly. Using creativity and alternative dispute resolution skills, an Ombudsperson can address the unique circumstances of each case and find workable solutions, without the burdens associated with taking case-level conflicts to court or even through the chain of command at CFSA. Second, an Ombudsperson would have the investigative capacity to consider macro-level data and analyze systemic issues affecting the functioning of the Agency. Through this function, an Ombudsperson would provide increased transparency and accountability for CFSA, which would in turn lessen reliance on the court monitor established by *LaShawn A. v. Bowser*.³¹ By serving in these dual roles, an Ombudsperson can support CFSA's efforts to resolve the complex problems it faces and improve outcomes for children in CFSA's care.

Conclusion

Thank you for the opportunity to testify today and I look forward to answering any questions.

¹ Children’s Law Center fights so every child in DC can grow up with a loving family, good health and a quality education. Judges, pediatricians and families turn to us to advocate for children who are abused or neglected, who aren’t learning in school, or who have health problems that can’t be solved by medicine alone. With nearly 100 staff and hundreds of pro bono lawyers, we reach 1 out of every 9 children in DC’s poorest neighborhoods – more than 5,000 children and families each year. And, we multiply this impact by advocating for city-wide solutions that benefit all children.

² CFSA Public Dashboard, Available at: <https://cfsadashboard.dc.gov/>.

³ DC Child and Family Services Agency, *CFSA Videos for Children and Families Entering Foster Care*, YOUTUBE (Feb. 12, 2020), https://www.youtube.com/playlist?list=PLXk_g2mnCvB7_yuX8IUv4wjVJ_Z2CAR6q.

⁴ See Children and Families Service Agency, *FY2019 Performance Oversight Reponses*, response to Q97(l). Available at: <https://dccouncil.us/wp-content/uploads/2020/02/cfsa20.pdf>.

⁵ See Children and Families Service Agency, *FY2019 Performance Oversight Reponses*, response to Q131(a). Available at: <https://dccouncil.us/wp-content/uploads/2020/02/cfsa20.pdf>.

⁶ Letter from Judith Meltzer, Executive Vice President, Court Appointed Monitor, *La Shawn A. v. Bowser*, to The Honorable Thomas F. Hogan, (Dec. 10, 2019), Regarding *LaShawn A. v. Bowser*, Civil Action No. 89-1754 (TFH) Current Placement Data and Placement Commitment Updates.

⁷ While increased identification is a positive outcome, we are concerned that the oversight responses indicated that the number of sex trafficking referrals that CFSA received from the Metropolitan Police Department is down from 27 in FY18 to 14 in FY19. Compare Children and Families Service Agency, *FY2018 Performance Oversight Reponses*, response to Q39(b). Available at: <https://dccouncil.us/wp-content/uploads/2019/02/cfsa19.pdf>, with Children and Families Service Agency, *FY2019 Performance Oversight Reponses*, response to Q39(b). Available at: <https://dccouncil.us/wp-content/uploads/2020/02/cfsa20.pdf>.

⁸ See Children and Families Service Agency, *FY2018 Performance Oversight Reponses*, response to Q41. Available at: <https://dccouncil.us/wp-content/uploads/2019/02/cfsa19.pdf>.

⁹ *Id.*

¹⁰ Compare Children and Families Service Agency, *FY2018 Performance Oversight Reponses*, response to Q87. Available at: <https://dccouncil.us/wp-content/uploads/2019/02/cfsa19.pdf>, with Children and Families Service Agency, *FY2019 Performance Oversight Reponses*, response to Q100. Available at: <https://dccouncil.us/wp-content/uploads/2020/02/cfsa20.pdf>.

¹¹ CFAs utilizes both emergency placements and respite placements.

¹² See Children and Families Service Agency, *FY2019 Performance Oversight Reponses*, response to Q101. Available at: <https://dccouncil.us/wp-content/uploads/2020/02/cfsa20.pdf>.

¹³ See Children and Families Service Agency, *FY2018 Performance Oversight Reponses*, response to Q89(a). Available at: <https://dccouncil.us/wp-content/uploads/2019/02/cfsa19.pdf>.

¹⁴ See Children and Families Service Agency, *FY2019 Performance Oversight Reponses*, response to Q102(a). Available at: <https://dccouncil.us/wp-content/uploads/2020/02/cfsa20.pdf>.

-
- ¹⁵ See Children and Families Service Agency, *FY2018 Performance Oversight Responses*, response to Q68(c). Available at: <https://dccouncil.us/wp-content/uploads/2019/02/cfsa19.pdf>.
- ¹⁶ Reports 73%, but by calculation (18/32) only 56% of seniors graduated. See Children and Families Service Agency, *FY2019 Performance Oversight Responses*, response to Q130(b). Available at: <https://dccouncil.us/wp-content/uploads/2020/02/cfsa20.pdf>.
- ¹⁷ See Children and Families Service Agency, *FY2019 Performance Oversight Responses*, response to Q130(e). Available at: <https://dccouncil.us/wp-content/uploads/2020/02/cfsa20.pdf>.
- ¹⁸ *Id.*
- ¹⁹ We recommend that CFSA is examine the whole data set by gender, ability, and placement.
- ²⁰ See Children and Families Service Agency, *FY2019 Performance Oversight Responses*, response to Q130(a),(f). Available at: <https://dccouncil.us/wp-content/uploads/2020/02/cfsa20.pdf>.
- ²¹ See Children and Families Service Agency, *FY2019 Performance Oversight Responses*, response to Q128(c). Available at: <https://dccouncil.us/wp-content/uploads/2020/02/cfsa20.pdf>.
- ²² See Children and Families Service Agency, *FY2019 Performance Oversight Responses*, response to Q136(a), (b). Available at: <https://dccouncil.us/wp-content/uploads/2020/02/cfsa20.pdf>.
- ²³ 8 out of 18 completed their vocation programs. See Children and Families Service Agency, *FY2019 Performance Oversight Responses*, response to Q131(b),(d). Available at: <https://dccouncil.us/wp-content/uploads/2020/02/cfsa20.pdf>.
- ²⁴ Compare Children and Families Service Agency, *FY2018 Performance Oversight Responses*, response to Q77(b). Available at: <https://dccouncil.us/wp-content/uploads/2019/02/cfsa19.pdf>, with Children and Families Service Agency, *FY2019 Performance Oversight Responses*, response to Q138(b). Available at: <https://dccouncil.us/wp-content/uploads/2020/02/cfsa20.pdf>.
- ²⁵ See Children and Families Service Agency, *FY2019 Performance Oversight Responses*, response to Q138(c). Available at: <https://dccouncil.us/wp-content/uploads/2020/02/cfsa20.pdf>.
- ²⁶ See Children and Families Service Agency, *FY2019 Performance Oversight Responses*, response to Q138(e). Available at: <https://dccouncil.us/wp-content/uploads/2020/02/cfsa20.pdf>.
- ²⁷ See Children and Families Service Agency, *FY2019 Performance Oversight Responses*, response to Q100. Available at: <https://dccouncil.us/wp-content/uploads/2020/02/cfsa20.pdf>.
- ²⁸ See Children and Families Service Agency, *FY2019 Performance Oversight Responses*, response to Q131(a). Available at: <https://dccouncil.us/wp-content/uploads/2020/02/cfsa20.pdf>.
- ²⁹ See Children and Families Service Agency, *FY2018 Performance Oversight Responses*, response to Q97. Available at: <https://dccouncil.us/wp-content/uploads/2019/02/cfsa19.pdf>.
- ³⁰ See Children and Families Service Agency, *FY2019 Performance Oversight Responses*, response to Q113. Available at: <https://dccouncil.us/wp-content/uploads/2020/02/cfsa20.pdf>.
- ³¹ *LaShawn A. v. Kelly*, 1994 U.S. Dist. LEXIS 20872 (D. D.C. 1994).