AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

BEST INTERESTS OF THE CHILD? A REEXAMINATION OF THE DISTRICT OF COLUMBIA'S CHILD AND FAMILY SERVICES RELATIONSHIP

HEARING

BEFORE THE

SUBCOMMITTEE ON THE DISTRICT OF COLUMBIA

OF THE

COMMITTEE ON
GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTH CONGRESS

SECOND SESSION

SEPTEMBER 20, 2000

Serial No. 106–266

Printed for the use of the Committee on Government Reform

Available via the World Wide Web: http://www.gpo.gov/congress/house
http://www.house.gov/reform

U.S. GOVERNMENT PRINTING OFFICE

74–760 PDF WASHINGTON : 2001

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2250 Mail: Stop SSOP, Washington, DC 20402–0001

COMMITTEE ON GOVERNMENT REFORM

DAN BURTON, Indiana, *Chairman*

BENJAMIN A. GILMAN, New York
CONSTANCE A. MORELLA, Maryland
CHRISTOPHER SHAYS, Connecticut
ILEANA ROS-LEHTINEN, Florida
JOHN M. MCHUGH, New York
STEPHEN HORN, California
JOHN L. MICA, Florida
THOMAS M. DAVIS, Virginia
DAVID M. MCINTOSH, Indiana
MARK E. SOUDER, Indiana
JOE SCARBOROUGH, Florida
STEVEN C. LATOURETTE, Ohio
MARSHALL "MARK" SANFORD, South Carolina
BOB BARR, Georgia
DAN MILLER, Florida
ASA HUTCHINSON, Arkansas
LEE TERRY, Nebraska
JUDY BIGGERT, Illinois
GREG WALDEN, Oregon
DOUG OSE, California
PAUL RYAN, Wisconsin
HELEN CHENOWETH-HAGE, Idaho
DAVID VITTER, Louisiana

HENRY A. WAXMAN, California
TOM LANTOS, California
ROBERT E. WISE, JR., West Virginia
MAJOR R. OWENS, New York
EDOLPHUS TOWNS, New York
PAUL E. KANJORSKI, Pennsylvania
PATSY T. MINK, Hawaii
CAROLYN B. MALONEY, New York
ELEANOR HOLMES NORTON, Washington, DC
CHAKA FATTAH, Pennsylvania
ELIJAH E. CUMMINGS, Maryland
DENNIS J. KUCINICH, Ohio
ROD R. BLAGOJEVICH, Illinois
DANNY K. DAVIS, Illinois
JOHN F. TIERNEY, Massachusetts
JIM TURNER, Texas
THOMAS H. ALLEN, Maine
HAROLD E. FORD, JR., Tennessee
JANICE D. SCHAKOWSKY, Illinois

BERNARD SANDERS, Vermont (Independent)

KEVIN BINGER, *Staff Director*
DANIEL R. MOLL, *Deputy Staff Director*
JAMES C. WILSON, *Chief Counsel*
ROBERT A. BRIGGS, *Clerk*
PHIL SCHILIRO, *Minority Staff Director*

SUBCOMMITTEE ON THE DISTRICT OF COLUMBIA

THOMAS M. DAVIS, Virginia, *Chairman*

CONSTANCE A. MORELLA, Maryland
STEPHEN HORN, California
JOE SCARBOROUGH, Florida

ELEANOR HOLMES NORTON, Washington, DC
CAROLYN B. MALONEY, New York
EDOLPHUS TOWNS, New York

EX OFFICIO

DAN BURTON, Indiana

HENRY A. WAXMAN, California

MELISSA WOJCIAK, *Staff Director*
HOWIE DENIS, *Professional Staff Member*
VICTORIA PROCTOR, *Professional Staff Member*
JENNY MAYER, *Clerk*
JON BOUKER, *Minority Counsel*

CONTENTS

	Page
Hearing held on September 20, 2000	1
Statement of:	
Graham, Carolyln, Deputy Mayor for Children, Youth and Families, District of Columbia; Grace Lopes, special counsel, receivership and institutional litigation; Linda Mouzon, executive director, Social Services Administration, Maryland Department of Human Resources; and Ernestine F. Jones, general receiver, District of Columbia Child and Family Services	20
Letters, statements, etc., submitted for the record by:	
Davis, Hon. Thomas M., a Representative in Congress from the State of Virginia, prepared statement of	5
DeLay, Hon. Tom, a Representative in Congress from the State of Texas, prepared statement of	16
Graham, Carolyln, Deputy Mayor for Children, Youth and Families, District of Columbia, prepared statement of	23
Jones, Ernestine F., general receiver, District of Columbia Child and Family Services, prepared statement of	56
Lopes, Grace, special counsel, receivership and institutional litigation, prepared statement of	36
Mouzon, Linda, executive director, Social Services Administration, Maryland Department of Human Resources, prepared statement of	41
Norton, Hon. Eleanor Holmes, a Delegate in Congress from the District of Columbia, prepared statement of	12

BEST INTERESTS OF THE CHILD? A REEXAMINATION OF THE DISTRICT OF COLUMBIA'S CHILD AND FAMILY SERVICES RELATIONSHIP

WEDNESDAY, SEPTEMBER 20, 2000

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON THE DISTRICT OF COLUMBIA,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:05 a.m., in room 2154, Rayburn House Office Building, Hon. Thomas M. Davis (chairman of the subcommittee) presiding.

Present: Representatives Davis, Morella, Horn, Burton [ex officio], and Norton.

Also present: Representative DeLay.

Staff present: Howie Denis, Victoria Proctor, and Hana Brilliant, professional staff members; David Marin, communications director/counsel; Melissa Wojciak, staff director; Jenny Mayer, clerk; Jon Bouker, minority counsel; and Jean Gosa, minority assistant clerk.

Mr. DAVIS. Good morning. Today we will once again examine the receivership of the District of Columbia's Child and Family Service Agency [CFSA]. I wanted to begin this hearing today with the same question I asked at the conclusion of our last hearing: Can Brianna Blackmond's death happen again?

Unfortunately, recent events at CFSA reveal their continued operational breakdowns and have convinced this subcommittee that such a tragedy could happen tomorrow or even today. Instead of standing by and waiting for the next innocent child to be harmed by abuse or negligence, we are demanding that the courts and the parties to the LaShawn case put an emergency plan in place that will immediately unite CFSA with the District Court Social Services Agency and other parties involved in child welfare cases in the District of Columbia, including the Metropolitan Police Department, the D.C. Superior Court, and the D.C. Corporation Counsel. This emergency plan also must return CFSA to the District of Columbia. This plan of action must be presented to Congress within 10 days of this hearing. On May 5, this subcommittee heard too many promises of cooperation and has seen very little action to correct the situation. Working with my good friend, Tom DeLay, my colleague, Ms. Norton, my colleague, Mrs. Morella, and the Mayor, Tony Williams, we intend to end the period of slow and incremental reform. The children can't wait any longer. Our Nation's Capital

needs a fully functioning child welfare agency to serve its neediest, most vulnerable citizens.

The Child Family Services Agency has languished in receivership for 5 years. There has never been a government agency in the entire Nation that has floundered under the supervision of a court-appointed monitor for this long a period of time that I'm aware of. There have been five public agencies in other localities in the United States that have been placed in receivership, yet each of these receiverships were short-lived and quickly reformed and returned as a functioning agency to the government.

CFSA under the direction of its second court-appointed receiver, Mrs. Ernestine Jones, has continued to demonstrate extreme deficiencies in the delivery of expected services. At our last hearing, we heard from Mrs. Jones about CFSA's reform efforts in such areas as identifying at-risk children and families; ensuring appropriate support services are available to children in need; developing out-of-home care; meeting the Adoption and Safe Families requirements; meeting the needs of children with special physical and emotional needs; improving the quality of social work practices; supporting a stable and qualified work force; and proper compliance with and utilization of the interstate compact with Virginia and Maryland for child welfare services. Each of these areas of reform are required by the receivership court order in order for the agency to function efficiently and to return to the District of Columbia.

This subcommittee commissioned the GAO investigative report on the current state of these reforms instituted by Mrs. Jones. The initial report that we have received from GAO regarding CFSA's operation is quite simply appalling. The GAO briefed me on what they found, and I believe it is a miracle every time this city makes it 24 hours without the death of another child. For example, the report revealed that CFSA is not governed by any form of formal operational procedures to guide their 28 child welfare programs. Written procedures on how to handle casework or how CFSA should work in collaboration with other district agencies simply doesn't exist. The last time CFSA had any form of written directions was in 1994, before it was placed in receivership. This is not in compliance with the modified final order. Mrs. Jones has taken this lack of compliance so seriously that only 1 of over 210 receivership employees is tasked to develop this procedural manual.

Additionally, the agency is plagued by poor recordkeeping, with only 52 percent of their child welfare cases inputted into their computer system. GAO found many of these records are inaccurate or incomplete. I am convinced that the agency does not know where children it placed are now, and if they are better off or worse off than when they entered. Furthermore CFSA continues to operate at below acceptable staffing levels with staff members overwhelmed by their enormous caseloads. The agency is at 80 percent staffing and is consistently losing a third of its employees. That is despite assurances this subcommittee heard from witnesses that the situation would be corrected by the end of the summer. The staffing shortages have led to children not receiving the special services they need and social workers not able to monitor children at the court-ordered time intervals. For instance, social workers must

visit a new foster care placement every 2 weeks for the first 2 months. GAO found social workers are able to visit a child every 3 months to 2 years after the original placement. If little Brianna had been properly monitored and looked after by CFSA, she would be with us here today.

This mishandling of children's cases was again brought to the public's attention when D.C. Superior Court Judge Kaye Christian demanded that CFSA be held accountable for their services in the case of a 20-month-old neglected boy. The social worker assigned to the case had failed to visit the boy or his family for 3 months and did not appear for two scheduled court hearings, and neglected to file a required court report updating the child's situation. His supervisor also did not appear in court for two hearings, and court-appointed Receiver Ernestine Jones, who was subpoenaed to appear on July 26, also failed to appear. The court had to go so far as to arrest Mrs. Jones when she refused to recognize the authority of the District of Columbia court system. After this disgraceful series of events, the receiver sued D.C. Superior Court to make it clear that she is accountable to no one. With an agency that has lost the confidence of the public and the children at risk, the receiver determined it was more important to sue D.C. Superior Court than to bring this agency into compliance with any single piece of the MFO. When it was clear that the public could take no more of this nonsense, the lawsuit was eventually withdrawn. It is clear to this subcommittee that we all must be accountable for CFSA and their inability to help and protect children.

It is this committee's opinion that CFSA is functioning no better than when it was removed from the District's authority in 1995. Five years ago, the District government was under a different administration, riddled by corrupt inefficiencies, and the government of this city was deeply broken. Today, the District is under the steady and capable leadership of Mayor Anthony Williams and making a turnaround. Returning CFSA as a reunified agency to the District, in my judgment, is the most effective means of immediately reforming CFSA.

The purpose of this hearing today is to call on all parties involved in this situation, CFSA, the plaintiffs, the court system, and the District government to come together and create and implement an emergency plan to reform CFSA and end the receivership. With our Nation's Capital's most vulnerable and underrepresented voices in dire need of our assistance, this reunification needs to occur as soon as possible. We owe it to Brianna Blackmond's memory to take every step possible to improve outcomes for children potentially placed in similar predicaments. We must let them know that help is on the way by working together to institute the best course of action needed to correct CFSA's systemic inadequacies.

We are joined today by the District's Deputy Mayor, Carolyn Graham, and special counsel, Grace Lopes, to learn about the District's efforts to negotiate the return of CFSA and to support them in their reform efforts. We are also joined by Linda Mouzon of the Maryland Child Welfare Service Agency to discuss Maryland's difficulties in aiding the District with their out-of-State foster home placements, and by Mrs. Ernestine Jones, CFSA's receiver, to learn why this agency is still performing so poorly. I expect to hear from

our witnesses today what will be done to reform CFSA and comply with the receivership court order.

We are also fortunate to be joined by concerned Members of Congress. We are honored by the presence of Congressman Tom DeLay whose personal interest and experience with child welfare systems will be extremely beneficial to this hearing. Thank you very much for joining us today. I will now yield to Delegate Norton for her opening statement.

[The prepared statement of Hon. Thomas M. Davis follows:]

DAN BURTON, INDIANA
CHAIRMAN
BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
ILEANA ROS-LEHTINEN, FLORIDA
JOHN M. McHUGH, NEW YORK
STEPHEN HORN, CALIFORNIA
DAN L. MICA, FLORIDA
THOMAS M. DAVIS III, VIRGINIA
DOUG OSE, CALIFORNIA
PAUL RYAN, WISCONSIN
HELEN CHENOWETH-HAGE, IDAHO
DAVID VITTER, LOUISIANA

ONE HUNDRED SIXTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143
MAJORITY (202) 225–5074
MINORITY (202) 225–5051
TTY (202) 225–6852

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER
TOM LANTOS, CALIFORNIA
ROBERT E. WISE, JR., WEST VIRGINIA
MAJOR R. OWENS, NEW YORK
EDOLPHUS TOWNS, NEW YORK
PAUL E. KANJORSKI, PENNSYLVANIA
PATSY T. MINK, HAWAII
CAROLYN B. MALONEY, NEW YORK
ELEANOR HOLMES NORTON,
DISTRICT OF COLUMBIA
CHAKA FATTAH, PENNSYLVANIA
ELIJAH E. CUMMINGS, MARYLAND
DENNIS J. KUCINICH, OHIO
ROD R. BLAGOJEVICH, ILLINOIS
DANNY K. DAVIS, ILLINOIS
JOHN F. TIERNEY, MASSACHUSETTS
JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE
HAROLD E. FORD JR., TENNESSEE
JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT
INDEPENDENT

DAVIS

REPRESENTATIVE TOM DAVIS
CHAIRMAN, DISTRICT OF COLUMBIA SUBCOMMITTEE
OPENING STATEMENT
SEPTEMBER 20, 2000
CHILD AND FAMILY SERVICE AGENCY

Good Morning. Today, we will once again examine the Receivership of the District of Columbia's Child and Family Service Agency (CFSA). I want to begin this hearing with the same question I asked at the conclusion of our last hearing, "Can Brianna Blackmond's death happen again?" Unfortunately, recent events at CFSA reveal their continued operational breakdowns and have convinced this Subcommittee that such a tragedy could happen tomorrow, or even today. Instead of standing by and waiting for the next innocent child to be harmed by abuse or neglect, we are demanding the Courts and the parties to the LaShawn case put an emergency plan in place that will immediately reunite CFSA with the District Court Social Services Agency and the other parties involved in child welfare cases in the District of Columbia including the Metropolitan Police Department, D.C. Superior Court, and D.C. Corporation Counsel. This emergency plan must also return CFSA to the District of Columbia. This plan of action must be presented to Congress within ten days of this hearing. On May 5th, this Subcommittee heard too many promises of cooperation and has seen no action to correct the situation. Working with my good friend, Tom DeLay, my colleague, Mrs. Norton, and the Mayor,

Tony Williams, we intend to end the period of slow and incremental reform–the children cannot wait any longer. Our Nation's Capitol needs a fully functioning child welfare agency to serve its neediest, most vulnerable citizens.

The Child Family Services Agency has languished in receivership for five years. There has never been a government agency in the entire nation that has floundered under the supervision of a court-appointed monitor for this long a period of time. There have been five public agencies in other localities in the U.S. that have been placed in receivership, yet each of these receiverships were short-lived and quickly reformed and returned as a functioning agency to the government.

CFSA, under the direction of its second court-appointed receiver, Mrs. Ernestine Jones, has continued to demonstrate extreme deficiencies in the delivery of expected services. At our last hearing we heard from Mrs. Jones about CFSA's reform efforts in such areas as: identifying at-risk children and families; ensuring appropriate support services are available to children in need; developing out-of-home care; meeting the Adoption and Safe Families requirements; meeting the needs of children with special physical and emotional needs; improving the quality of social work practices; supporting a stable and qualified workforce; and proper compliance with and utilization of the Inter-State Compact with Virginia and Maryland for child welfare services. Each of these areas of reform are required by the receivership court order in order for the agency to function efficiently and to return to the District of Columbia.

This Subcommittee commissioned a GAO investigative report on the current state of these reforms instituted by Mrs. Jones. The initial report we have received from GAO regarding CFSA's operations is, quite simply, appalling. GAO briefed me on what they found and I believe it is a miracle every time this city makes it twenty four hours without the death of a child. For example, the report

revealed that CFSA is not governed by any form of formal operational procedures to guide their 28 child welfare programs. Written procedures on how to handle casework or how CFSA should work in collaboration with other District agencies simply do not exist. The last time CFSA had any form of written directions was in 1994, before it was placed in receivership. This is not in compliance with the Modified Final Order. Mrs. Jones has taken this lack of compliance ***so seriously*** that only one of the over 210 receivership employees is tasked to develop this procedural manual.

Additionally, the agency is plagued by poor record keeping, with only 52% of their child welfare cases inputted into their computer system. GAO found many of these records are inaccurate or incomplete. I am convinced that the agency does not know where children it placed are now, and if they are better or worse off.. Furthermore, CFSA continues to operate at below acceptable staffing levels, with staff members overwhelmed by their enormous case loads. The agency is at 80% staffing and is consistently losing a third of its employees. That is despite assurances this Subcommittee heard from witnesses that the situation would be corrected by the end of the summer. The staffing shortages have led to children not receiving the special services they need, and social workers not able to monitor children at the court-ordered time intervals. For instance, social workers must visit a new foster care placement every two weeks for the first two months–GAO found social workers are able to visit a child ***every three months to two years after the original placement***. If little Brianna had been properly monitored and looked after by CFSA, she would be here with us today.

This mishandling of children's cases was again brought to the public's attention when D.C. Superior Court Judge Kaye Christian demanded that CFSA be held accountable for their services in the case of a 20-month old neglected boy. The social worker assigned to the case had failed to visit the boy or his family for three months, did not appear for two scheduled court hearings and neglected to file

a required court report updating the child's situation. His supervisor also did not appear in court for two hearings and Court-appointed Receiver Ernestine Jones, who was ***subpeaoned*** to appear in Court on July 26, also failed to appear. The Court had to go so far as to arrest Mrs. Jones when she refused to recognize the authority of the D.C. Superior Court System. After this disgraceful series of events, the Receiver sued D.C. Superior Court to make it clear that ***she is accountable to no one***. With an agency that has lost the confidence of the public and children at risk, the Receiver determined it was more important to sue D.C. Superior Court than bring this agency into compliance with any single piece of the MFO. When it was clear that the public could take no more of this nonsense, the lawsuit was eventually withdrawn. It is clear to this Subcommittee that we must all be accountable for CFSA and their inability to help and protect children.

It is this Committee's opinion that CFSA is functioning no better than when it was removed from the District's authority in 1995. Five years ago, the District government was under a different Administration riddled by corrupt inefficiencies and the government of this City was deeply broken. Today, the District is under the steady and capable leadership of Mayor Anthony Williams and making a turn around. Returning CFSA as a reunified agency to the District is the most effective means of immediately reforming CFSA.

The purpose of this hearing today is to call on all parties involved in this situation, CFSA, the plaintiffs, the Court system, and the District government to come together to create and implement an emergency plan to reform CFSA and end the receivership. With our Nation's Capitol's most vulnerable and underreperesented voices in dire need of our assistance, this reunification needs to occur as soon as possible. We owe it to Brianna Blackmond's memory to take every step possible to improve outcomes for children potentially placed in similar predicaments. We must let them know that

help is on the way by working together to institute the best course of action needed to correct CFSA's systemic inadequacies.

We are joined today by the District's Deputy Mayor Carolyn Graham and Special Counsel Grace Lopes to learn about the District's efforts to negotiate the return of CFSA and to support them in their reform efforts. We are also joined by Linda Muzon of the Maryland Child Welfare Services Agency to discuss Maryland's difficulties in aiding the District with their out-of-state foster home placements. And by Mrs. Ernestine Jones, CFSA's receiver, to learn why this agency is still performing so poorly. I expect to hear from our witnesses today what will be done to reform CFSA and comply with the receivership court order.

We are also fortunate to be joined by concerned members of Congress. We are honored by the presence of Chairman Dan Burton of the Government Reform Committee, and Congressman Tom DeLay of Texas whose personal interests and experiences with child welfare systems will be extremely beneficial to this hearing. Thank you very much for joining us today.

Ms. NORTON. Thank you, Mr. Chairman, and I thank you for convening this oversight hearing and for the way you have handled this very urgent problem.

This subcommittee, of course, held a hearing on the District of Columbia Child and Family Services Receivership as part of a series of hearings on what were then three outstanding receiverships. All were troubled. The subcommittee intervened to look at all the receiverships after the death of baby Brianna Blackmond when no specific vehicle for assessing responsibility or plan for bringing changes emerged, and in the absence of jurisdiction by the District, which lost control of the agency to a Federal court receiver in 1995. My bill, the District of Columbia Receivership Accountability Act, co-sponsored by Chairman Davis, speedily passed the House in June, and I am pleased to report that the bill will be marked up in the Senate Governmental Affairs Committee and may go to the floor of the Senate as early as this week and that passage is virtually assured.

The last thing Chairman Davis and I thought would be necessary after a tough hearing and GAO investigation, promises made, and a receivership bill passed, is that we would be calling back any of the receiverships for further hearings.

In calling this hearing today, we emphasize what we have thought was clear before: that foster and abused children may have lost a normal family life, but we do not intend to allow them to be lost in government bureaucracies; that this subcommittee will maintain its oversight until we are satisfied that improvements that ensure the safety of these children have been made; and, above all, that these children matter as much as any others to the District and to the Congress.

We have not forgotten baby Brianna Blackmond, found dead after being returned to a mother who had been adjudged neglectful of all eight of her children by the courts. Today, we are unaware of any policy or operational changes that would prevent a similar loss of life or injuries to children. The indications point in the opposite direction—very critical findings by the GAO, the arrest of the receiver for failing to appear before a city judge, and the reported refusal of the State of Maryland to receive foster care children because of the indications that the receivership has no reliable way to track children placed in Maryland. We will be particularly interested to learn how today's witnesses view the actual state of the agency.

The receivership may be outside of the jurisdiction of the District of Columbia, but it is not beyond the jurisdiction of this subcommittee. Our receivership accountability bill, which we expect the President to sign soon, will require that receiverships must use best practices, engage in an annual management and fiscal audit by an independent auditor, ensure cost controls consistent with regional and national standards, use procurement practices that foster full and open competition, and meet a number of other standards that should be routine for any entity charged with public responsibility using public funds.

H.R. 3995, of course, will not be applicable until passed by the Senate and signed by the President. However, recent developments in the agency leave us unconvinced that even the new legislation

will be sufficient to help turn around this deeply troubled agency quickly enough. After Baby Brianna's death, the city, to its credit, did its own investigation and its D.C. Child Fatality Review Committee issued an objective and highly critical report of the role of city agencies in the child's death. I am convinced that if the Child and Family Services Agency were under the direct jurisdiction of Mayor Williams, by now we would have in place for this agency an interagency task force, management plans with goals, and risk assessment plans of the kind that are now operational in all city agencies. By now I believe we would be seeing at least the beginning of changes as are apparent in the agencies under the Mayor's direct control.

Representative Tom DeLay—himself a foster parent and nationally known advocate for children, who will testify before this subcommittee once again today—Chairman Davis, and I held a productive meeting with Mayor Williams last week. We agreed that the most direct way to bring immediate and measurable results would be to directly involve the Mayor and the city with the receiver in the presentation of an emergency plan to be submitted to this subcommittee, to other parties, and to the Federal court. Such a plan is consistent with the existing mandates of the court and should assist the receiver to meet court deadlines. The additional participation of the city will assure the integration of sister agencies necessarily involved but not now under the jurisdiction of the receiver. An emergency plan developed with the oversight of the Mayor will also assist in the transition of the Child and Family Services Agency back to the city.

As unacceptable as we find the state of the agency, we are well beyond mere criticism today. I hope all will regard this hearing as we do—as a way to help solve a problem of great urgency, immediacy, and priority.

I welcome Representative DeLay and today's other witnesses and look forward to an exchange that will begin the process of visible and satisfactory change.

Mr. DAVIS. Thank you, Ms. Norton.

[The prepared statement of Hon. Eleanor Holmes Norton follows:]

ELEANOR HOLMES NORTON
DISTRICT OF COLUMBIA

COMMITTEE ON
TRANSPORTATION AND
INFRASTRUCTURE

SUBCOMMITTEES

AVIATION

ECONOMIC DEVELOPMENT, PUBLIC
BUILDINGS, HAZARDOUS MATERIALS
AND PIPELINE TRANSPORTATION

COMMITTEE ON
GOVERNMENT REFORM

SUBCOMMITTEES

RANKING MINORITY MEMBER,
DISTRICT OF COLUMBIA

CIVIL SERVICE

Congress of the United States
House of Representatives
Washington, D.C. 20515

STATEMENT OF CONGRESSWOMAN ELEANOR HOLMES NORTON
DISTRICT OF COLUMBIA SUBCOMMITTEE HEARING
DISTRICT OF COLUMBIA CHILD AND FAMILY SERVICES RECEIVERSHIP

September 20, 2000

This subcommittee held a hearing on the District of Columbia Child and Family Services Receivership as part of a series of hearings on what were then three outstanding receiverships. All three were troubled. The subcommittee intervened to look at all the receiverships after the death of baby Brianna Blackmond, when no specific vehicle for assessing responsibility or plan for bringing changes emerged and in the absence of jurisdiction by the District, which lost control of the agency to a federal court receiver in 1995. My bill, H.R. 3995, the District of Columbia Receivership Accountability Act, co-sponsored by Chairman Davis, speedily passed the House in June, and I am pleased to report that the bill is being marked up in the Senate Governmental Affairs Committee, and could go to the floor of the Senate as early as this week and that passage is virtually assured. The last thing Chairman Davis and I thought would be necessary after a tough hearing and GAO investigation, promises made, and a receivership bill passed is that we would be calling back any of the receiverships for further hearings.

In calling this hearing today, we emphasize what we thought was clear before: that foster and abused children may have lost a normal family life, but we do not intend to allow them to be lost in government bureaucracies; that this subcommittee will maintain its oversight until we are satisfied that improvements that ensure the safety of these children have been made; and above all, that these children matter as much as any others to the District and to the Congress.

We have not forgotten baby Brianna Blackmond, found dead after being returned to a mother who had been adjudged neglectful of all eight of her children by the courts. Today, we are unaware of any policy or operational changes that would prevent a similar loss of life or injuries to children. The indications point in the opposite direction – very critical findings by the GAO, the arrest of the receiver for failing to appear before a city judge, and the reported refusal of the state of Maryland to receiver foster care children because of indications that the receiveship has no reliable way to track children placed in Maryland. We will be particularly interested to learn how today's witnesses view the actual state of the agency.

The receivership may be outside of the jurisdiction of the District, but it is not beyond the

[illegible]-15TH STREET, N.W., SUITE 100
WASHINGTON, D.C. 20005-2201
(202) 783-5065
(202) 783-5211 (FAX)

1424 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515-5101
(202) 225-8050
(202) 225-3002 (FAX)
(202) 225-7829 (TDD)
www.house.gov/norton

2041 MARTIN L. KING AVENUE, S.E.
SUITE 300
WASHINGTON, D.C. 20020-5734
(202) 678-8900
(202) 678-8844 (FAX)

Recycled Paper

jurisdiction of this subcommittee. Our receivership accountability bill, which we expect the President to sign soon, will require that receiverships must use best practices; engage in an annual management and fiscal audit by an independent auditor; ensure cost controls consistent with regional and national standards; use procurement practices that foster full and open competition, and meet a number of other standards that should be routine for any entity charged with public responsibility using public funds.

H.R. 3995, of course, will not become applicable until passed by the Senate and signed by the President. However, recent developments in the agency leave us unconvinced that even the new legislation will be sufficient to turn around this deeply troubled agency quickly enough. After Baby Briannna's death, the city, to its credit, did its own investigation and its D.C. Child Fatality Review Committee issued an objective and highly critical report of the role of city agencies in the child's death. I am convinced that if the Child and Family Services Agency were under the direct jurisdiction of Mayor Williams, by now he would have in place for this agency, an interagency taskforce, management plans and goal and risk assessment plans of the kind that are now operational in all city agencies. By now we would be seeing at least the beginning of changes as are apparent in agencies under the Mayor's direct control,

Representative Tom DeLay, himself a foster parent and nationally known advocate for children, who will testify before this subcommittee once again today, Chairman Davis and I held a productive meeting with Mayor Williams last week. We agreed that the most direct way to bring immediate and measurable results would be to directly involve the Mayor and the city with the receiver in the preparation of an emergency plan to be submitted to this subcommittee, to other parties, and to the federal court. Such a plan is consistent with the existing mandates of the court and should assist the receiver to meet court deadlines. The direct, additional participation of the city will assure the integration of city agencies necessarily involved but not now under the jurisdiction of the receiver. An emergency plan developed with the oversight of the Mayor will also assist in the transition of the Child and Family Services Agency back to the city.

As unacceptable as we find the state of the agency, we are well beyond mere criticism today. I hope all will regard this hearing as we do- as a way to help solve a problem of great urgency, immediacy, and priority. I welcome Representative Delay and today's other witnesses and look forward to an exchange with that will begin the process of visible change and satisfactory change.

Mr. DAVIS. I would now recognize our whip, Mr. DeLay. Tom, thank you for being here today.

Mr. DELAY. Thank you, Mr. Chairman. Thank you for all your courtesies, for allowing me to be here today. I particularly thank Ms. Norton and Mrs. Morella for their interest and leadership in this, and I thank the witnesses for being here today.

Let me say a few things if I may Mr. Chairman. We are in the middle of the last few weeks of our legislative session, and my responsibilities are many and my schedule is full right now as we try to get our work done and adjourn sine die. But let me tell you unequivocally, that the remaining conference reports, whipping votes, and meetings with the Senate leadership are a last priority for me today. There is nothing more important, nothing, than the well-being of kids right here in our own backyard.

Right now and right here in the shadow of this Capitol, in the shadow of the Capitol of the greatest country on Earth, we are failing to effectively intervene on behalf of suffering children. Shame on us. Shame on us.

I am not here to assign blame but to call for accountability and action. Miss Jones, I know there are problems left over from the corrupt administrations, and I know that change takes time. But I am just incredibly frustrated with excuses and the lack of sense of urgency that I have witnessed in the last 10 months that I've been involved in this situation. It has got to stop and it has got to stop right now.

This is so much more than each of us here in this room. No one wants to admit it, but under current circumstances, the best interests of the District's children are not being served. Certainly no one wants this to be the case, but it is time to face facts, face reality, and make some changes.

This isn't about permits and jurisdictions and bureaucracies and offices and jealousies and those kinds of things. This is about comprehending the gravity of a situation and doing whatever is necessary to address it. This is about children.

What I have found in my work with abused children is that people do not want to face the reality of what adults are doing to their children. These are children that, upon birth, within the first 18 months, their arms are broken, their legs are broken, their heads are bashed in, they are put in scalding water, they are burned with cigarettes and cigars. Children that are at the age of 6 are being sexually raped by their family members. Girls that are being sold into prostitution at the age of 6, 7, 8 years old, by their drug-addicted mothers. That is what we are talking about here. Those kind of children.

And the worst part about it is this system is abusing them even worse. That is in your Nation's Capital. We have seen little or no evidence of change since the May hearing. The GAO report reveals that over 1,200 cases, that is 1,200 abused or neglected, children weren't even investigated. Those cases weren't even investigated in the mandatory 48-hour period, between the months of June and July. These are children that either someone noticed were beaten and abused or made an outcry of their own. And the system wouldn't even investigate it. And worse than that, 150 children had no investigation within 30 days; 30 days.

Now, you put yourself in the position of that child who finally has had enough of what the adult is doing to them and makes an outcry, and the system won't even investigate it for 30 days. Maybe we ought to take some of you and put you in that situation and see how helpless you are or how you would feel if no one cared and you're trying to get some help.

I am convinced that the drastic changes and emphasis on accountability that this agency must adopt to begin functioning at a minimum level of competence requires the full attention of Mayor Williams and his administration. Let's give him the opportunity to take back this agency and address the systemic function within it. The agency should be removed from receivership and placed under the control of the city at the earliest possible date. Under these atrocious circumstances, we not only have the duty to act, we have a moral imperative to do so.

Let's end this silly bifurcation that has led us to chaos and confusion. Let's create a cohesive investigative team that includes police and social workers. Let's create a family court that focuses on the needs of children. Let's support and enable volunteer organizations such as CASA, or court advocates here in Washington, DC, to help overworked social workers put children first by giving judges the most accurate and detailed reports possible.

I'll do whatever it takes to bring accountability to this agency. I am committed to seeing this process through. And, Mr. Chairman, I hope to see a joint emergency action plan from the city and the receiver within 10 days. Because please note, I am prepared to take legislative action if I am not convinced that the necessary steps have been taken. I am going to do it on behalf of the children.

Let's commit here today to stop talking and meeting and start doing something. I've told the Mayor that I will help him bring together a task force of the most qualified people in the country to help the city restructure the agency. There are models all over this country of success stories that we can draw from. My staff is at his disposal and my door is open to him at any time, and I welcome the interest of the Mayor. The Mayor is very interested in doing something if he'd ever be given the chance to do it.

Finally, let's just remember the point of this whole thing. It is not us and how well we are or aren't doing our jobs; the point is that we see the lives of our most vulnerable children in jeopardy. What are we going to do about it?

Thank you Mr. Chairman.

Mr. DAVIS. Thank you very much Mr. DeLay.

[The prepared statement of Hon. Tom DeLay follows:]

Delay

For Immediate Release
September 20, 2000

Contact: Emily Miller
Phone: (202) 225-0197

DeLay Statement on the Crisis of D.C.'s Foster Children

Washington, DC: Tom DeLay (R-TX), the House Majority Whip, joined District of Columbia Subctme. Chairman Tom Davis (R-VA), Ranking Member Eleanor Holmes Norton (D-DC) and Vice Chair Connie Morella (R-MD) at a press conference today prior to an emergency oversight hearing on the crisis of foster children in the District of Columbia.

After the death of a toddler, Brianna, last Christmas, Congress called for a GAO report on the District of Columbia's Child and Family Services. The report revealed a shocking amount of dysfunction surrounding the agency. Last week, Davis, Norton and DeLay met with D.C. Mayor Tony Williams to express their concerns about the continuing difficulties in the receivership. They decided to hold an emergency oversight hearing to look into the situation.

Congressman DeLay's statement follows:

"As many of you know, I am philosophically inclined to allow local people to resolve problems and manage solutions with the methods they find to be most effective. I do not favor mandates from the federal government. At most times and in most instances, this approach leads to greater efficiency and a leaner, more responsive government.

That does not mean, however that I will ignore a fire bell in the night. I will not stand idle while an agency that is charged with protecting the weakest and most vulnerable members of our society defaults on its duty through negligence, indifference, and incompetence.

I have seen things and heard things about the way that Child and Family Services is defaulting on its charter to care for children that turned my stomach. I cannot and will not allow this behavior to continue.

This agency has essentially been on probation for several years. Shocking things and disturbing patterns of conduct have emerged under this scrutiny. The most troubling problem to me is the seemingly pervasive complacency at the top. No one in authority at

this agency seems to recognize the obvious: this situation is an emergency. This agency is in crisis and within its bureaucracy there is no sense of urgency. Children suffer every day because of poor decisions, mismanagement and institutional incompetence.

Many bureaucracies are inefficient, but in this case, it's not just paperwork that is lost or decisions delayed; lives are being destroyed every day because this agency does not do its job. Not even close.

We have seen no evidence of change since the May hearing, and the GAO report actually describes an agency that is growing even more dysfunctional. This agency is out of touch and out of control. Some of the egregious lapses in practice include the over 1200 cases, between June and July, that were not investigated within the mandatory 48 hour period and the failure of social workers to check on kids placed in foster homes.

For this agency, the window of opportunity for internal solutions closed long ago—and now the window of opportunity for change under the Receiver seems to have closed as well.

I am convinced that the drastic changes and emphasis on accountability that this agency must adopt to begin functioning at a minimal level of competence requires the full attention of Mayor Williams and his administration. Let's give him the opportunity to take back the agency and address the systemic dysfunction within it. The agency should be removed from receivership and placed under the control of the City at the earliest possible date.

Let's end the bifurcation that has only exacerbated the chaos and confusion within this agency. Let's create a cohesive investigative team that combines both police and social workers. Let's create a Family Court that focuses on the needs of children. Let's bring in volunteer organizations such as CASA- Court Appointed Special Advocates- that will help overworked social workers put children first by giving judges the most accurate and detailed reports possible. Let's get to work and get this problem solved.

Under these atrocious circumstances, we not only have a duty to act, we have a moral imperative to do so. I will do whatever it takes to bring accountability to this agency. One way or another, this agency WILL make the best interest of the at risk children of the District of Columbia its top priority. One way or another, they will."

For more information on Mr. DeLay's involvement with child welfare issues, go to www.majoritywhip.house.gov and click on the "Shine the Light" section.

###

Mr. DAVIS. Mrs. Morella, our vice chairman of the committee.

Mrs. MORELLA. Thank you Mr. Chairman. I appreciate your calling this very important hearing today, and I wanted to extend my thanks to you and I certainly want to thank Mr. DeLay because he demonstrates the leadership's focus on this issue, and I applaud that because it is for our children. I certainly thank Ms. Norton for her work in this, too.

The outcome of today's oversight hearing concerning the District of Columbia's Child and Family Services Receivership I think is very critical to determine the independence of the District of Columbia in controlling its own agencies and the proper functioning of interstate child services in the region. However, I want to also underline the fact that really what we are talking about is the safety and welfare of the foster children of the District of Columbia.

I like the adage that when you touch a rock you touch the past, and when you touch a flower you touch the present, but when you touch a child you touch the future. That is what we have heard over and over again, and that's our deep belief. It is their fate that hangs in the balance as we develop an emergency plan detailing the reforms that will be enacted to conform to the court order in an effort to return the Child and Family Services Receivership to the District of Columbia's jurisdiction.

As we are all well aware, the District's Child and Family Services Agency has been under a Federal court order since 1991 and has been under receivership since 1995. The District of Columbia has the dubious distinction of being the only jurisdiction in the history of the United States with more than one agency in receivership at the same time. As was pointed out in the May hearing, the District of Columbia's three receiverships combined will cost the District taxpayer $352 million this year in court-controlled spending with the government of the District of Columbia unable to control the operations of these vital agencies.

In the wake of the shocking death of the 23-month-old Brianna Blackmond, the D.C. Subcommittee held a hearing to discuss what actions the Child and Family Services Receivership must take in order to prevent such a terrible tragedy from ever happening again. Some of those recommendations included additional training for social workers and requiring social workers to provide field reports to judges 10 days before hearings on a child's status.

Unfortunately, since the May hearing, the receivership has not shown the necessary and sufficient improvements in its management and operations. We will hear from Miss Jones, but recently she herself was arrested for failure to respond to a subpoena issued by the D.C. Superior Court in the neglect case of a 20-month-old boy. Miss Jones was only issued a subpoena after the child's social worker did not visit the child for 3 months, failed to appear in court twice, and failed to file a required court report about the child's condition.

Most recently, Maryland's Social Services Administration has prevented any new D.C. foster children from being placed in the State, a critical decision for the District of Columbia since nearly half of the District's 3,100 foster children live in Maryland. The State of Maryland was unfortunately forced to make this decision as they discovered that the Child and Family Services Receivership

was not notifying the State before the foster children were placed with Maryland families. Consequently, without the proper paperwork, criminal background checks and home inspections were not being performed before a child's placement, a fact that is simply abhorrent.

So while I support the initial decision of the Maryland Social Services Administration, this certainly says we have to work together to help to devise a plan to revitalize this failed agency and return it to the jurisdiction of the District of Columbia where it belongs.

My hope is that the recommendations that we make will forever prevent another Brianna from being hurt by the inadequacies of a mismanaged government service. A foster child should feel the same warmth and love as any other child, perhaps more. A foster child should never feel that he or she is the burden of the government.

I thank you, Mr. Chairman.

Mr. DAVIS. Thank you, Mrs. Morella.

I now call our panel witnesses to testify. I think we are all here now.

Carolyn Graham, the deputy director for Children, Youth and Families; Miss Grace Lopes, who is the special counsel for receivership and institutional litigation. They will address areas of reform that need to be enacted by the Child and Family Services Agency in the efforts to return the agency to the District government. Miss Linda Mouzon, who will address Maryland's difficulties in working with the District of Columbia on interstate compact issues; and Mrs. Ernestine Jones, the general receiver of the District of Columbia Child and Family Services, who will address the current state of affairs of the Child and Family Services Agency and the lack of any substantial reforms in this agency over the course of the receivership.

As you know, it is the policy of this committee that all witnesses be sworn before you testify. Would you please rise with me and raise your right hands.

[Witnesses sworn.]

Mr. DAVIS. Be seated. Thank you.

To afford sufficient time for questions I would ask each of you to keep your oral testimony to 5 minutes, and that will give us time for questions. We have read the prepared statements, so if you highlight what you want to and if you want to add something to it you can do that.

Let me start with Miss Graham, and then we will go to Grace Lopes and then Ms. Mouzon, and you will be our cleanup hitter, Ms. Jones.

STATEMENTS OF CAROLYLN GRAHAM, DEPUTY MAYOR FOR CHILDREN, YOUTH AND FAMILIES, DISTRICT OF COLUMBIA; GRACE LOPES, SPECIAL COUNSEL, RECEIVERSHIP AND INSTITUTIONAL LITIGATION; LINDA MOUZON, EXECUTIVE DIRECTOR, SOCIAL SERVICES ADMINISTRATION, MARYLAND DEPARTMENT OF HUMAN RESOURCES; AND ERNESTINE F. JONES, GENERAL RECEIVER, DISTRICT OF COLUMBIA CHILD AND FAMILY SERVICES

Ms. GRAHAM. Good morning, Congressman Davis, Congresswoman Norton and members of the congressional Subcommittee on the District of Columbia, and you as well, Mr. DeLay. I am Carolyn N. Graham, Deputy Mayor for Children, Youth and Families in the District of Columbia; and on behalf of Mayor Anthony A. Williams I welcome the opportunity to testify at this oversight hearing today.

As we discussed at the May hearing, the quality of our child welfare system has been a longstanding concern for the city. As you know, the city has been under a Federal court order since 1991; and the Child and Family Services Agency has been in some form of receivership since 1993.

Overall, our assessment is that, despite improvements in the infrastructure within CFSA, substantial improvements have not yet been seen in terms of case practice and better permanency outcomes for children. Children in this city stay in foster care far too long without either being returned home or adopted. Although some progress has been made, where we are now remains untenable.

We believe that it is time to transition the agency back to the Mayor's control. Receiverships are not intended as permanent solutions, and this administration has clearly demonstrated a commitment to improving the child welfare system in the city.

Turning the corner on this will require this administration's leadership not only to improve CFSA but also to improve the communication among all stakeholder agencies, end the so-called bifurcated system, improve the operations of the Superior Court and expand creative strategies to engage the community in supporting birth, foster and adoptive families.

Before I describe the initiatives we have taken to prepare for the transition, I want to address the issue of children placed in Maryland because I know this is a concern for all of us.

The interstate compact on the placement of children, or the ICPC, governs such placement in out-of-State situations. I want to first clarify for you that many of the cases that lack the ICPC agreement are situations in which CFSA was ordered by the Superior Court to place a child with relatives prior to the child's official entry into foster care and, thus, prior to the initiation or completion of the ICPC.

Regardless, the cumbersome and frequently delayed process for establishing ICPC agreements has been untenable, and the responsibilities for resolving this rests squarely with both our Department of Human Services and CFSA. I am thus very pleased to report today that a memorandum of understanding establishing clear processes to expedite the execution of ICPC agreements was signed yesterday, September 19, by the State of Maryland, the receiver

and myself as the interim director of the District of Columbia's Department of Human Services. The MOU establishes a corrective action plan to address the backlog of current cases that lack ICPCs and establishes protocols to establish new ICPC agreements more quickly.

Admittedly, it took too long to get this done. However, I am confident that we now have in place the basis for establishing a more efficient system for processing ICPCs. This will help us to increase the number of children who are adopted in a timely fashion and improve compliance with the Federal Adoption and Safe Families Act.

At this point, I would like to describe several of the actions and initiatives that this administration has taken to improve the child welfare system and to lay the groundwork for its return to the control of the Mayor.

We have established working processes for completing foster home inspections and approval by the Fire Department and the Department of Health. As a result, there are no longer backlogs of foster care homes needing health department and fire inspections.

When the Williams administration assumed responsibility for this government, we found in excess of 100 applications in both the Department of Health and the Department of Fire where inspections were needed. We have eliminated all these backlogs.

To further help, we have also assisted social worker recruitment and retention by issuing an order signed by this administration allowing temporary reciprocity for social workers licensed in other jurisdictions.

I recently instructed the director of the Department of Health to go farther and issue an order allowing permanent reciprocity. The current order allows social workers to be issued a temporary license for 1 year, during which time they have to pass the social worker examination. The new order will allow social workers licensed in other jurisdictions to be licensed here without having to take another test.

This administration is now developing group home regulations for the city.

We are also working with SOS Children's Villages and Boys Town to develop other permanent placement options here in the District of Columbia for children in foster care.

We are continuing to work with the CFSA on the Bring Our Children Home public outreach campaign to recruit foster and adoptive parents. Since January 2000, CFSA has approved 94 new foster homes—55 in the District, 38 in Maryland and 1 in Virginia.

We have developed and are awaiting congressional approval of a plan to utilize $5 million for adoption support services and incentives.

This administration is now developing a Children's Assessment Center that will significantly improve the investigation and prosecution of child abuse and neglect cases. The CAC will locate and integrate the work of all agencies involved in these cases. This model has been successfully implemented in several other jurisdictions, including Texas, Alabama, New York and California. This strategy was highlighted in a followup white paper issued by the Mayor last month that describes the current fragmented system of

investigation and prosecution of child abuse and neglect. The CAC is scheduled to come on line in the District by the end of 2001.

In addition to initiatives directly related to the child welfare system, this administration is also taking a more proactive and preventive approach to improving outcomes for children as evidenced by the following: The establishment of neighborhood-based parent development centers. We have established six in this city over the course of the summer. Implementation of nurse home visits for all newborn children. This initiative goes on line in October. Significant expansion of after-school programs for children and youth in the city. By the end of September we will have added 30 new out-of-school-time programs. We have increased the affordability of child care slots in the District of Columbia. We are also taking every opportunity to ensure there is a seamless transition of CFSA back to the Mayor's control through the development of linkages between the child welfare system and our health and human service agencies.

The receiver participates in twice-monthly meetings of the directors of all of our human service agencies. This provides an opportunity to identify and resolve cross-agency issues. CFSA actively participates in a stakeholders group focusing on reform of the Superior Court related to the processing of child welfare cases.

CFSA serves as a resource for the Mayor's Blue Ribbon Commission on Youth Safety and Juvenile Justice Reform.

CFSA's director of policy and planning is a member of a 10-person interagency planning group that is developing wraparound services in the District for children with mental health needs and their families.

CFSA is also participating in the development of an interagency children's tracking system, a city-wide data system that will track children receiving services from any city agency such as CFSA, Juvenile Justice, TANF, Food Stamps and Special Education.

In closing, let me say this administration looks forward to taking responsibility for the full functions and day-to-day operations of the child welfare system. We are committed to working with all stakeholders to improve outcomes for all children in the system. I thank you very much for this opportunity to testify before the distinguished members of this committee and am happy to answer any questions that you might have.

Mr. DAVIS. Thank you very much.

[The prepared statement of Ms. Graham follows:]

GRAHAM

TESTIMONY OF CAROLYN N. GRAHAM, DEPUTY MAYOR FOR CHILDREN, YOUTH AND FAMILIES

COMMITTEE ON GOVERNMENT REFORM
SUBCOMMITTEE ON THE DISTRICT OF COLUMBIA

WEDNESDAY, SEPTEMBER 20, 2000

GOOD MORNING CONGRESSMAN DAVIS, CONGRESSWOMAN NORTON AND MEMBERS OF THE CONGRESSIONAL SUBCOMMITTEE ON THE DISTRICT OF COLUMBIA. I AM CAROLYN N. GRAHAM, DEPUTY MAYOR FOR CHILDREN, YOUTH AND FAMILIES IN THE DISTRICT OF COLUMBIA. ON BEHALF OF MAYOR ANTHONY A. WILLIAMS, I WELCOME THE OPPORTUNITY TO TESTIFY AT THIS OVERSIGHT HEARING TODAY.

AS WE DISCUSSED AT THE MAY HEARING, THE QUALITY OF OUR CHILD WELFARE SYSTEM HAS BEEN A LONGSTANDING CONCERN FOR THE CITY. AS YOU KNOW, THE CITY HAS BEEN UNDER A FEDERAL COURT ORDER SINCE 1991 AND THE CHILD AND FAMILY SERVICES AGENCY (CFSA) HAS BEEN IN SOME FORM OF RECEIVERSHIP SINCE 1993.

OVERALL, OUR ASSESSMENT IS THAT, DESPITE IMPROVEMENTS IN INFRASTRUCTURE WITHIN CFSA, SUBSTANTIAL IMPROVEMENTS HAVE NOT YET BEEN SEEN IN TERMS OF CASE PRACTICE AND BETTER PERMANENCY OUTCOMES FOR CHILDREN. CHILDREN IN THIS CITY STAY IN FOSTER CARE FOR TOO LONG WITHOUT EITHER BEING RETURNED HOME OR ADOPTED. ALTHOUGH SOME PROGRESS HAS BEEN MADE, WHERE WE ARE NOW REMAINS UNACCEPTABLE.

WE BELIEVE THAT IT IS TIME TO TRANSITION THE AGENCY BACK TO THE MAYOR'S CONTROL. RECEIVERSHIPS ARE NOT INTENDED AS PERMANENT SOLUTIONS AND THIS ADMINISTRATION HAS CLEARLY DEMONSTRATED A COMMITMENT TO IMPROVING THE CHILD WELFARE SYSTEM IN THE CITY.

TURNING THE CORNER ON THIS WILL REQUIRE THIS ADMINISTRATION'S LEADERSHIP NOT ONLY TO IMPROVE CFSA, BUT ALSO TO IMPROVE COMMUNICATION AMONG ALL STAKEHOLDER AGENCIES, END THE SO-CALLED BIFURCATED

SYSTEM, IMPROVE THE OPERATIONS OF THE SUPERIOR COURT AND EXPAND CREATIVE STRATEGIES TO ENGAGE THE COMMUNITY IN SUPPORTING BIRTH, FOSTER AND ADOPTIVE FAMILIES.

BEFORE I DESCRIBE THE INITIATIVES WE'VE TAKEN TO PREPARE FOR THE TRANSITION, I WANT TO ADDRESS THE ISSUE OF CHILDREN PLACED IN MARYLAND BECAUSE I KNOW THIS IS A CONCERN FOR ALL OF US. THE INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (ICPC) GOVERNS THE PLACEMENT OF CHILDREN WHO ARE IN FOSTER CARE ACROSS STATE LINES. IT REQUIRES THAT THE RECEIVING JURISDICTION APPROVE THE FOSTER OR ADOPTIVE PLACEMENT BEFORE A CHILD IS PLACED THERE.

I WANT TO FIRST CLARIFY FOR YOU THAT MANY OF THE CASES THAT LACK THE ICPC AGREEMENT ARE SITUATIONS IN WHICH CFSA WAS ORDERED BY THE SUPERIOR COURT TO PLACE A CHILD WITH RELATIVES PRIOR TO THE CHILD'S "OFFICIAL"

ENTRY INTO FOSTER CARE AND, THUS, PRIOR TO THE INITIATION OR COMPLETION OF THE ICPC.

REGARDLESS, THE CUMBERSOME AND FREQUENTLY DELAYED PROCESS FOR ESTABLISHING ICPC AGREEMENTS HAS BEEN UNTENABLE. I AM THUS VERY PLEASED TO REPORT TODAY THAT A MEMORANDUM OF UNDERSTANDING—ESTABLISHING CLEAR PROCESSES TO EXPEDITE THE EXECUTION OF ICPC AGREEMENTS—WAS SIGNED YESTERDAY (SEPTEMBER 19) BY THE STATE OF MARYLAND, THE RECEIVER AND MYSELF, AS THE INTERIM DIRECTOR OF THE DISTRICT OF COLUMBIA'S DEPARTMENT OF HUMAN SERVICES. THE MOU ESTABLISHES A CORRECTIVE ACTION PLAN TO ADDRESS THE BACKLOG OF CURRENT CASES THAT LACK ICPC'S AND ESTABLISHES PROTOCOLS TO EXECUTE NEW ICPC AGREEMENTS MORE QUICKLY.

ADMITTEDLY, IT TOOK TOO LONG TO GET THIS DONE; HOWEVER, I AM CONFIDENT THAT WE NOW HAVE IN PLACE THE BASIS FOR ESTABLISHING A MORE EFFICIENT SYSTEM FOR

PROCESSING ICPC'S. THIS WILL HELP US TO INCREASE THE NUMBER OF CHILDREN WHO ARE ADOPTED IN A TIMELY FASHION AND IMPROVE COMPLIANCE WITH THE FEDERAL ADOPTION AND SAFE FAMILIES ACT (ASFA).

AT THIS POINT, I WOULD LIKE TO DESCRIBE SEVERAL MORE ACTIONS AND INITIATIVES THAT THIS ADMINISTRATION HAS TAKEN TO IMPROVE THE CHILD WELFARE SYSTEM AND LAY THE GROUNDWORK FOR ITS RETURN TO THE CONTROL OF THE MAYOR:

- WORKING PROCESSES FOR COMPLETING FOSTER HOME INSPECTIONS AND APPROVALS HAVE BEEN DEVELOPED BETWEEN CFSA, THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF FIRE AND EMERGENCY MEDICAL SERVICES. AS A RESULT, THERE ARE NO LONGER BACKLOGS OF FOSTER HOMES NEEDING HEALTH DEPARTMENT AND FIRE INSPECTIONS.

- TO HELP WITH SOCIAL WORKER RECRUITMENT AND RETENTION, AN ORDER WAS SIGNED BY THIS ADMINISTRATION ALLOWING TEMPORARY RECIPROCITY FOR SOCIAL WORKERS LICENSED IN OTHER JURISDICTIONS.

  I RECENTLY INSTRUCTED THE DIRECTOR OF THE DEPARTMENT OF HEALTH TO GO FURTHER AND ISSUE AN ORDER ALLOWING PERMANENT RECIPROCITY. THE CURRENT ORDER ALLOWS SOCIAL WORKERS TO BE ISSUED A TEMPORARY LICENSE FOR ONE YEAR DURING WHICH TIME THEY HAVE TO PASS THE SOCIAL WORKER EXAMINATION. THE NEW ORDER WILL ALLOW SOCIAL WORKERS LICENSED IN OTHER JURISDICTIONS TO BE LICENSED HERE WITHOUT HAVING TO TAKE ANOTHER TEST.

- THIS ADMINISTRATION IS NOW DEVELOPING GROUP HOME REGULATIONS FOR THE CITY. THESE REGULATIONS ARE NECESSARY TO ENSURE THAT CHILDREN IN GROUP

HOMES ARE BEING SERVED BY QUALIFIED STAFF IN APPROPRIATE ENVIRONMENTS. THE REGULATIONS WILL ALSO PROVIDE PROCESSES AND PROTOCOLS FOR REVOKING LICENSES FROM FACILITIES THAT ARE OUT OF COMPLIANCE.

- WE ARE WORKING WITH SOS CHILDREN'S VILLAGES AND BOYS TOWN TO DEVELOP OTHER PERMANENT PLACEMENTS OPTIONS HERE IN THE DISTRICT OF COLUMBIA FOR CHILDREN IN FOSTER CARE.

- WE ARE CONTINUING TO WORK WITH CFSA ON THE *BRING OUR CHILDREN HOME* PUBLIC OUTREACH CAMPAIGN TO RECRUIT FOSTER AND ADOPTIVE PARENTS. SINCE JANUARY 2000, CFSA HAS APPROVED 94 NEW FOSTER HOMES—55 IN THE DISTRICT OF COLUMBIA, 38 IN MARYLAND AND 1 IN VIRGINIA.

- THIS ADMINISTRATION IS NOW DEVELOPING A CHILDREN'S ASSESSMENT CENTER (CAC) THAT WILL

SIGNIFICANTLY IMPROVE THE INVESTIGATION AND PROSECUTION OF CHILD ABUSE AND NEGLECT CASES. THE CAC WILL CO-LOCATE AND INTEGRATE THE WORK OF ALL AGENCIES INVOLVED IN THESE CASES.[1] THIS MODEL HAS BEEN SUCCESSFULLY IMPLEMENTED IN SEVERAL OTHER JURISDICTIONS INCLUDING TEXAS, ALABAMA, NEW YORK AND CALIFORNIA. THIS STRATEGY WAS HIGHLIGHTED IN A FOLLOW-UP WHITE PAPER ISSUED BY THE MAYOR LAST MONTH (AUGUST 1999) THAT DESCRIBES THE CURRENT FRAGMENTED SYSTEM OF INVESTIGATION AND PROSECUTION OF CHILD ABUSE AND NEGLECT. THE CAC IS SCHEDULED TO COME ON LINE IN THE DISTRICT BY THE END OF 2001.

- IN ADDITION TO INITIATIVES DIRECTLY RELATED TO THE CHILD WELFARE SYSTEM, THIS ADMINISTRATION IS ALSO TAKING A MORE PROACTIVE AND PREVENTIVE APPROACH TO IMPROVING OUTCOMES FOR CHILDREN AS EVIDENCED BY THE FOLLOWING:

[1]The agencies include CFSA, the Metropolitan Police Department, the Safe Shores Children's Advocacy Center, Children's Hospital, the Superior Court, the Office of Corporation Counsel and the U.S. Attorney's office.

- ESTABLISHMENT OF NEIGHBORHOOD-BASED PARENT DEVELOPMENT CENTERS;
- IMPLEMENTATION OF NURSE HOME VISITS FOR ALL NEWBORNS;
- SIGNIFICANT EXPANSION OF AFTER-SCHOOL PROGRAMS FOR CHILDREN; AND
- INCREASES IN AFFORDABLE CHILD CARE SLOTS.

WE ARE TAKING EVERY OPPORTUNITY TO ENSURE THAT THERE IS A SEAMLESS TRANSITION OF CFSA BACK TO THE MAYOR'S CONTROL THROUGH THE DEVELOPMENT OF LINKAGES BETWEEN THE CHILD WELFARE SYSTEM AND OUR HEALTH AND HUMAN SERVICES AGENCIES.

- THE RECEIVER PARTICIPATES IN TWICE-MONTHLY MEETINGS OF THE DIRECTORS OF ALL OF OUR HUMAN SERVICE AGENCIES. THIS PROVIDES AN OPPORTUNITY TO IDENTIFY AND RESOLVE CROSS-AGENCY ISSUES.

- CFSA ACTIVELY PARTICIPATES IN A STAKEHOLDERS GROUP FOCUSING ON REFORM OF THE SUPERIOR COURT RELATED TO THE PROCESSING OF CHILD WELFARE CASES.

- CFSA SERVES AS A RESOURCE FOR THE MAYOR'S BLUE RIBBON COMMISSION ON YOUTH SAFETY AND JUVENILE JUSTICE REFORM.

- CFSA'S DIRECTOR OF POLICY AND PLANNING IS A MEMBER OF A 10-PERSON INTERAGENCY PLANNING GROUP THAT IS DEVELOPING WRAPAROUND SERVICES IN THE DISTRICT FOR CHILDREN WITH MENTAL HEALTH NEEDS AND THEIR FAMILIES. THE DISTRICT IS ONE OF FIVE JURISDICTIONS SELECTED NATIONWIDE BY THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES TO RECEIVE SUPPORT FOR THIS WORK.

- CFSA IS ALSO PARTICIPATING IN THE DEVELOPMENT OF AN INTERAGENCY CHILDREN'S TRACKING SYSTEM, A CITYWIDE DATA SYSTEM THAT WILL TRACK CHILDREN

RECEIVING SERVICES FROM ANY CITY AGENCY—CFSA, JUVENILE JUSTICE, TANF, FOOD STAMPS, SPECIAL EDUCATION, ETC.

IN CLOSING, THIS ADMINISTRATION LOOKS FORWARD TO TAKING FULL RESPONSIBILITY FOR THE FULL FUNCTIONS AND DAY TO DAY OPERATIONS OF THE CHILD WELFARE SYSTEM. WE ARE COMMITTED TO WORKING WITH ALL STAKEHOLDERS TO IMPROVE OUTCOMES FOR ALL CHILDREN IN THE SYSTEM. I THANK YOU FOR THIS OPPORTUNITY TO TESTIFY BEFORE THE DISTINGUISHED MEMBERS OF THIS COMMITTEE AND AM HAPPY TO ANSWER ANY QUESTIONS THAT YOU MIGHT HAVE.

Mr. DAVIS. Miss Lopes.

Ms. LOPES. Thank you very much.

Good morning, Chairman Davis, Ms. Norton, Mr. DeLay, Mr. Horn, members of the committee. I am Grace Lopes. I am the Mayor's special counsel for receivership and institutional litigation.

My testimony will address three matters.

First, I will explain my role in the LaShawn case, which is the class action that governs the child welfare system. I will describe the current posture of the case, the legal posture, as it is now, and I will clarify our position in the litigation with respect to termination of the receivership.

With respect to my role as special counsel, this role was created as part of Mayor Williams' administration's initiative to address the proliferation of litigation against the District and the intervention of the courts in the operation of District agencies.

I began this role in February of this year, and my responsibilities generally are two-fold. One, they extend to all litigation that implicates receiverships of government functions or public functions and, second, all litigation where there is a potential for increased intervention in the operation of our agencies.

My responsibilities in LaShawn are multifaceted: First, I am responsible for developing the litigation strategies for terminating the receivership and transitioning back to the District.

Second, I am responsible for developing and implementing the strategies to resolve the underlying court orders. Because, in fact, once the receivership is vacated, those orders remain unless and until the District comes into compliance with those orders. So vacating the receivership is a predicate to vacating the courts, but compliance with those underlying orders unless they are modified is a predicate to eliminating the court's involvement in the operation of the agency.

Third, I am responsible for facilitating compliance with the court's orders and supporting the receiver as appropriate with respect to accelerating her compliance and accelerating ultimately the termination of the orders in the case.

I am also responsible for intervening as necessary in cross-agency issues in order to support compliance with the court's orders, and I do that typically in coordination with Deputy Mayor Graham.

And, finally, I act as the Mayor's liaison with all the stakeholders—the Federal court, the Court Monitor, plaintiffs' counsel, etc., in this case.

When I came into this case or shortly thereafter, in February, I initiated an assessment, my own assessment, of the receivership and the receivership's compliance with the orders. I used typical audit methodology for a lawyer in this kind of situation—conducted my own investigation, extensive interviews with all the stakeholders, review of the court record, review of the monitor's reports, etc. I found and I think the evidence is pretty clear that, in fact, if we look at all of the traditional performance indicators, in most instances there has not been significant improvements under receivership.

I also want to clarify that this case has been or this agency has been in receivership since 1994, initially with three limited receivers who came in, followed by two general receivers, one appointed

in 1995 and the latter in 1997. But despite the succession of receiverships there has not been demonstrable and significant improvement with respect to those performance indicators, and that is what my assessments show. On the basis of that, I concluded that it would be prudent and very important for us to move forward as expeditiously as possible to terminate the receivership; and the strategy that I embarked upon was a negotiation strategy where we could work with all of the stakeholders collaboratively to resolve it as expeditiously as possible.

I initiated discussions over the summer with all of the stakeholders and, in an effort to accelerate the negotiation process, requested the court's intervention. I am happy to report that the court instructed the Court Monitor to convene the parties and to convene them for the purpose of attempting to work together to resolve a transition plan to be presented to the court. We have had one very substantial and recent negotiation session with respect to that plan. There are several more scheduled within the next month, and we are—all parties—scheduled to meet with the court on October 18.

My plan, if we are unable to reach agreement on October 18 and present the court with an agreement to transition out, is to request that the court set a briefing schedule so that we can move forward to litigate and move to vacate this receivership. I cannot predict what the course of the negotiations will be. I can say that there are many areas where there is significant agreement but many more areas to address and resolve. These are complex negotiations, as I am sure you can appreciate.

In conclusion, let me just say that the District is determined to transition out of this receivership as expeditiously and responsibly as possible. We want to lead this transition effort, and we want it to be marked by creative thinking, careful planning and an expedited frame work. I thank you and look forward to responding to any questions you may have.

Mr. DAVIS. Thank you very much.

[The prepared statement of Ms. Lopes follows:]

GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR

Lopes

GRACE M. LOPES
Special Counsel for Receiverships
and Institutional Reform Litigation

Testimony of Grace M. Lopes
Special Counsel to the Mayor for Receiverships and Institutional Reform Litigation

Subcommittee on the District of Columbia
Committee on Government Reform and Oversight
U.S. House of Representatives

September 20, 2000

Chairman Davis, Congresswoman Norton, and members of the Committee: thank you for the opportunity to testify before you today.

My testimony will explain my role in *LaShawn A., et al. v. Williams, et al.*, C.A. No. 89-1754 (D.D.C.) (TFH),[1] describe the current posture of the case, and clarify the District of Columbia's position regarding the termination of this receivership.

Role of Special Counsel in *LaShawn A*.

The role of Special Counsel for Receiverships was created as part of the Williams' administration's response to the proliferation of federal and local court intervention into the operation of District agencies. I began my work as Special Counsel on February 7, 2000. My responsibilities extend to all litigation involving receiverships of public functions as well as litigation in which there is potential for increased court intervention into governmental operations.[2]

[1] The *LaShawn A.* case is the class action lawsuit that governs the operation of the Child and Family Services Agency.

[2] During the District's fiscal crisis, courts imposed receiverships in the following cases: *Dixon, et al. v. Williams, et al.*, C.A. No. 74-285 (D.D.C.)(NHJ)(Commission on Mental Health Services); *LaShawn A., et al. v. Williams, et al.*, C.A. No. 89-1754 (D.D.C.) (TFH)(Child and Family Services Agency); *Pearson, et al. v. Williams, et al.*, C.A. No. 92-14030 (Super. Ct.) (Department of Public and Assisted Housing); *Jerry M., et al. v. District of Columbia, et al.*, C.A. No. 98-1571 (Super. Ct.) (Youth Services Administration; general and special education at the Oak Hill facility); and, *Campbell, et al. v. McGruder, et al., C.A.. No. 1462-71 (D.D.C.)(WBB) (pre-trial detainees), consolidated with, Inmates of D.C. Jail v. Jackson, et al., C.A. No. 75-1668 (D.D.C.) (WBB) (all other detainees and sentenced prisoners) (medical and mental health care at the D.C. Jail).* Pursuant to a court order negotiated by the District, day-to-day operation of the Commission on Mental Health Services will revert to government control on or before April 1, 2001. During the past week, the Housing Authority receivership and the D.C. Jail receivership were

In the *LaShawn* case, my responsibilities include the following:

- Developing and implementing legal strategies for terminating the receivership and transitioning day-to-day control back to the District of Columbia government.
- Developing and implementing legal strategies for successfully resolving the underlying court orders, including designing and implementing disengagement or exit plans.
- Assessing, and if appropriate, supporting the work of the Receiver in order to facilitate compliance with court orders and ultimately accelerate the termination of those orders.
- Intervening, as necessary, with impacted District of Columbia agencies, to resolve intra-agency compliance issues as they are identified; and
- Serving as the Mayor's liaison with the Court Monitor, the trial judge, plaintiffs' counsel, and other community stakeholders.

Shortly after I assumed the role of Special Counsel, I initiated my own assessment of the *LaShawn* receivership as a predicate to crafting a transition strategy. I reviewed the court record and other relevant documents, charted performance indicators, and conducted interviews with receivership staff, social workers, members of the advocacy community, judges, attorneys who work in the abuse and neglect system, staff from some of the community collaboratives, and other governmental and community stakeholders. I found that despite imposition of three receiverships, there has not been significant improvement in most of the major performance measurements that relate directly to the lives of children. Based on this assessment, I concluded that it was in the District's interests to move forward aggressively to initiate the transition out of receivership.

Current Posture of the Case

During the summer, I initiated discussions regarding the terms of a transition back to government control. The discussions were encouraging and have helped to refine the District's position with respect to a host of complex transition-related issues. In an effort to accelerate the course of negotiations, I requested the Court's intervention. Recently, the Judge instructed the Court Monitor to convene the parties and the Receiver in order to determine whether agreement could be reached on the terms of a transition process out of receivership.

I met last week with the Receiver, counsel for the plaintiff class, and the Court Monitor for the first of several formal negotiation sessions which are scheduled to take place within the next month. I cannot predict whether negotiations will be successful. However, all parties have committed to the negotiation process and there appear to be a number of critical areas of agreement. The parties are scheduled to meet with the Judge on October 18, 2000. At that time

---

both terminated by the courts. As I have previously advised this Committee, the trial court's imposition of the receivership at Oak Hill was vacated on appeal.

I anticipate that we will either report on a transition agreement or, if it appears agreement cannot be reached, I will seek imposition of a briefing schedule so that any contested matters can be resolved by the Court.

Conclusion

The District of Columbia government is determined to transition out of this receivership as expeditiously as possible. However, we are committed to leading a responsible transition, marked by creative thinking and careful planning, so we can avoid further destabilization of this long-troubled agency. We are actively pursuing a transition process that is characterized by collaboration with the plaintiffs, the Court, and the Receiver but we will be prepared to institute litigation to terminate the receivership if negotiations are unsuccessful.

I appreciate this opportunity to testify and welcome the discussion of your questions and concerns.

Mr. DAVIS. Miss Mouzon, I am glad you got here through the traffic. It was Maryland traffic, wasn't it?

Ms. MOUZON. No. Believe it or not, I am from Washingotn, DC. I thought I knew where I was going, went over to the Senate building where I did not belong, had to be redirected, thought I knew the Green Line from the Red Line and took a wrong turn on the Green Line. So I do apologize to the committee.

Mr. DAVIS. That is fine. I'm glad you're here.

Ms. MOUZON. Good morning, Chairman Davis, members of the committee.

My name is Linda Mouzon. I am the executive director of the Social Services Administration and the Department of Human Resources for the State of Maryland. I do thank you for this opportunity to allow me to speak to this committee today to talk about the common interest that Maryland has with the District of Columbia for the safe placement of children into the State of Maryland.

Prior to 1989, Maryland and D.C.—I'm sorry, the District of Columbia shared reciprocity when it came to placement of children into—between the two. This allowed the District and Maryland to place children without having to go through the interstate compact process.

As of 1989, the District of Columbia signed the interstate compact and, therefore, Maryland and the District were expected to conform to the requirements that were in the compact whenever a child had to be placed.

Maryland is committed to the safety of all children that reside within our borders; and because we are a border State, sharing our border also with Virginia, West Virginia, Pennsylvania and Delaware, we do insist that children go through the interstate compact process so that we will know which children are in our State, where they are placed. That way we will have a mechanism in place in case we later receive a complaint from the community or from a resident indicating that there is further neglect or abuse, which Maryland would be charged to go out and investigate.

As a result of our discussions with the District of Columbia, from 1989 until yesterday we did not have a formal agreement although we were all part of the interstate compact process whereby we could review the numbers of the vast volume of children who are now placed in Maryland.

One of the issues for Maryland is we firmly believe that children should reside in their community. Therefore, we have instituted throughout our State the family to family process which allows us to maintain a child within their community with resource families as much as possible so that the mother or the father or the guardian who has come to our attention can work with the foster family as part of a team. It causes the least disruption to the child, allowing the child to maintain community supports as well as allowing the community to rally around the family and allow some continuity when it comes to the education of the child.

I would also like to point out that Maryland did not ban the District of Columbia from placing children into Maryland. All we ask is that the District comply with the requirements of the compact whenever a child is placed. We do not have a mechanism in place that will Maryland allow the District to approve foster homes with-

in Maryland, nor do we allow them to license group care placements within Maryland.

However, Maryland does license facilities for the District to utilize.

We also, through the agreement that we entered into yesterday, will have someone in place who will be able to provide us with the home studies required in Maryland, the criminal background checks, the health inspections, the fire inspections, as well as the medical inspections that we require of all of our families that we have as foster placements. This will also be done for relatives who come to the fore and are able to take care of relative children.

I want to emphasize that Maryland is more than willing to work with the District to move children as quickly as possible into placement, and we do want to do that. We do realize there is some competition, particularly with Prince George's county when it comes to resource homes, because indeed we in Maryland are committed to keeping our children in our borders, and therefore, when we're entering into agreements, we have to be aware that we are competing for the same resource families. That is why I look forward to collaborating with the District of Columbia when it comes to the foster homes as well as adoptive homes.

I would also like to say that Maryland has been very pleased with the process that we have engaged in as of late. We are very pleased to be a part of the agreement that we have now. We feel it addresses all the children who are already residing in Maryland that we did not know about, as well as children who will be placed in Maryland in the future. It is our hope and our expectation that we will continue to follow the agreement as it was drawn up yesterday, and we look forward to working with the District of Columbia in ensuring that all children placed within Maryland's borders are kept safe.

I will be more than happy to answer any questions.

Mr. DAVIS. Thank you very much.

[The prepared statement of Ms. Mouzon follows:]

State of Maryland
Department of Human Resources

Maryland's Human Services Agency

Parris N. Glendening
Governor

Kathleen Kennedy Townsend
Lt. Governor

Lynda G. Fox
Secretary

HEARING ON
D.C. CHILD WELFARE SYSTEM

Wednesday, September 20, 2000
10:00 a.m.

HOUSE COMMITTEE ON GOVERNMENT REFORM
SUB-COMMITTEE ON THE DISTRICT OF COLUMBIA

Rayburn House Office Building, Room B-349A

Testimony Presented By:

Linda E. Mouzon, Executive Director
Social Services Administration,
Maryland Department of Human Resources

311 West Saratoga Street • Baltimore, Maryland 21201-3521 • General Information 410-767-7000
Toll Free 800-332-6347 • TTY 800-925-4434 • www.dhr.state.md.us • Equal Opportunity Employer

Good morning, Chairman Davis and Committee Members. I am Linda Mouzon, the Executive Director of the Social Services Administration for the Maryland Department of Human Resources. Thank you for allowing me the opportunity to speak to you today.

I serve as Child Welfare Director for the State and am delighted to be here today to discuss the mission and guiding principles for Maryland's Child Welfare system as well as our efforts to work with the District of Columbia on behalf of children who are placed in Maryland.

Role of Maryland Social Services Administration

The role and mission of the Social Services Administration in Maryland is to employ strategies to prevent child abuse and neglect, protect vulnerable children, support family stability and promote family independence. The Social Services Administration operates with the guiding principle that all children deserve to live free of violence in families where they are safe from physical and mental injury. There are times when a child's needs cannot be met in the child's own home, or it is determined that the child is unsafe in the home. This can mean that the child must be taken from the home and placed in foster care. When a child is placed in out of home care (foster care) it is our primary objective to provide a safe, stable placement that meets all the needs of that child. The two primary considerations for placement of any child outside of his/her home are:

1. the child's safety; and
2. the ability to provide appropriate and adequate services for that child's needs.

Commitment to Safety

Maryland's most important commitment is to the safety of every child, but especially to those children who are out of their home and in our care. Pre-placement steps are taken to ensure that every child's placement in out-of-home care is safe. These steps include a meticulous home study and a background check. The home study includes visits to the prospective placement to view the condition of the home to avoid placement where there may be physical dangers to the child. The background check includes a federal and state criminal background check and a protective services history check. In addition, Maryland performs a safety assessment of the resource home prior to placement. This takes the examination of the resource home beyond basic safety concerns to assess whether this home is safe for a child or children with particular needs. In addition to taking measures to ensure safety prior to placement, Maryland also continues to monitor the resource home for safety throughout the placement.

Placement Services

Family to Family is a community-based system of service delivery. The Family to Family philosophy, practices and tools have been incorporated as Maryland's model for the delivery of family and children services. For community-based services, it is essential that children be placed in their own neighborhoods. All efforts are made to place children in a family setting rather than congregate care such as group homes or

residential treatment facilities. Placing children in their own neighborhoods and in family settings allows Social Services to better meet the specialized needs of that particular child and the family. Family to Family also engages the community in taking responsibility for of children in the neighborhood.

The placement of any child must always take into consideration the best interest of that child. Social Services must have the ability to provide services that:

1. promote continued interaction with parent(s), sibling(s) and other family members;
2. maintain the child in familiar surroundings in terms of culture and community;
3. provide for the continuity in education services; and
4. nurture the child's relationships with friends and peers.

Service delivery that focuses on the family strengths is an attempt to maintain as much continuity in the child's life as possible during a time of vulnerability, while still meeting the needs of the child.

A necessary part of placement and services is providing resource homes. In order to be an approved resource family in Maryland, families must pass criminal background checks, protective services history checks, medical examinations, health and fire inspections of the home in addition to participating in 27 hours of pre-service training.

Out of Home Placement in foster care is temporary. Therefore, once a child is in a placement, the delivery of services is designed not only to meet that child's safety and care needs, but also to try and move the child to permanency, whether that be to return home, placement with relatives, or adoption. Part of this service delivery requires

regular visits to the placement and interaction with the resource family. In compliance with the Adoption and Safe Families Act of 1997, the local departments are required to develop concurrent permanency plans for children to develop a permanent home within 15 months of placement. Local departments are accountable for documentation of each child's permanency plan and service provision to meet the goals of the permanency plan.

The Interstate Compact for the Placement of Children

Children placed out of state need to be assured of the same protections and services that would be provided if they remained in their home states. This assurance is the reasoning behind the Interstate Compact for the Placement of Children. The Interstate Compact for the Placement of Children is a uniform law that has been enacted in all 50 states, the District of Columbia and the U.S. Virgin Islands. It establishes orderly procedures for the interstate placement of children and fixes responsibilities for those involved in placing the child. Through the Interstate Compact, the state of origin and the state in which a child is placed work in collaboration to ensure the safety of the child and the proper delivery of services.

Maryland continues to welcome all children from other states and the District who are placed in accordance with the Interstate Compact. Maryland has not banned children from the District or any other state, but has reiterated the need for the District to comply with the law of the Interstate Compact. A placement state must maintain the ability to monitor and track current placements within its borders in order to ensure the safety and welfare of the children. Maryland is responsible for those resource families who have completed the application process and been approved, for placements that

have been licensed, or for placements that have been approved under the Interstate Compact law.

History of relationship between Maryland and the District of Columbia

The District joined the Interstate Compact on the Placement of Children on September 10, 1989. Before the District joined the Interstate Compact there was a reciprocal agreement between the District and Maryland. This agreement allowed Maryland and the District and its private agencies to operate in each other's jurisdiction.

In January 1993 the Maryland Interstate Compact Administrator advised all private agencies in the District that in order to continue to operate in the State of Maryland they would need to become licensed by the Maryland State Department of Human Resources. The agencies were reminded that the reciprocal agreement had ended "...several years ago and we are now bringing these practices into compliance with the Code of Maryland Regulations (COMAR) 07.02.13.03(A-B)."

In the spring of 1995, the Interstate Compact Administrator for the District requested a new reciprocal agreement with Maryland due to large backlogs of children needing placement in the District. In June 1995, Maryland reviewed the District's proposed reciprocal agreement, and after giving the matter serious consideration, decided not to pursue reciprocity with the District. This decision was in keeping with the requirement Maryland has with its other neighbors (Delaware, Pennsylvania, Virginia, and West Virginia) that out-of-state placement of children would follow the requirements of the Interstate Compact.

In April 1997, a meeting was held with the Interstate Compact Secretariat concerning the placement of children from the District in Maryland and Virginia (titled

the LaShawn Proposal submitted by the then General Receiver for the District). This proposal recommended that Court ordered children from the District be allowed placement within 75 miles of their jurisdiction without Interstate Compact approval.

In June 1997, a letter was sent to the Interstate Compact Secretariat, from the LaShawn Deputy Receiver, requesting development of a Memorandum of Understanding to facilitate placement of children in other jurisdictions. In spring 1998, the District Interstate Compact office contacted Maryland to suggest a meeting focusing on ways to expedite the placement of District children in Maryland through the Interstate Compact. Several months later the District and Maryland met to discuss the options available to them. At this meeting, the District agreed to identify the number of children illegally placed in Maryland, and to provide Maryland with these children's names and addresses. Once these children were identified, the District Receiver would then provide staff to assist Maryland in expediting the approval of the children.

On August 13, 1999, Maryland provided District Interstate Compact staff training. At that time, Maryland had identified 822 placements from the District using the Interstate Compact. On October 20, 1999, a meeting was held between the Department of Human Resources' staff and staff of the District Receiver's Office. At the meeting, it was agreed that the District would operate within Interstate Compact regulations, and that no other District children would be placed in Maryland without Interstate Compact approval.

In November 1999, a letter was received from the District Receiver's Office showing 746 cases out of compliance at that time.

On February 11, 2000, Maryland made a written request to the District to move forward with a formal Memorandum of Understanding regarding completing the Interstate Compact for District children already placed in Maryland, and staff requirements to better expedite current and future Interstate Compact approvals. A subsequent letter reiterating the request was forwarded to the District Receiver in April 2000. Maryland drafted a Memorandum of Understanding and forwarded the same to the District Receiver.

In June 2000, Maryland and the District met again regarding interstate placement issues. At this meeting, the District furnished Maryland with a preliminary list of children placed in Maryland without Interstate Compact approval. The District Receiver informed Maryland that the Memorandum of Understanding would be reviewed by the legal staff and then returned to Maryland for drafting of a final agreement. Since September 1989 (when the District joined the Interstate Compact), the District has continued to place children in Maryland without following the provision of the Interstate Compact.

Barriers

The placement of the District's children in the State of Maryland is presently under the direction of two separate offices. The District Interstate Compact Office and the District Receiverships share the responsibility for placing children outside the District, but are under different departments and in different offices. This separation makes communication difficult and fragments the decision making process in the placement of children. In addition, the ordered placement of children in Maryland by the

District's courts without the benefit of any pre-placement safety protocol, has impeded Maryland's efforts to work with the District.

Proposed Solutions

The State of Maryland is more than willing to work in collaboration with the District to complete the Interstate Compact process for children they would like to place in Maryland. Maryland would be pleased to work jointly with the District to help clear up the backlog for their children awaiting placements in Maryland. Maryland would also be available to assist them in obtaining licenses for facilities, approving family care providers, and expediting all children through Interstate Compact approval. Furthermore, the Social Services Administration is anxious to work in collaboration with the District to review any Maryland resource in which District children are currently placed without Interstate Compact approval.

The focus and concern of the Social Services Administration of the Maryland Department of Human Resources is the safety and care of children. Because the safety of each child in Out of Home care is paramount, delineation of responsibilities as set forth in the Interstate Compact is important. This is the purpose of the Interstate Compact and the reason why every state and the District have joined. Maryland stands ready to take appropriate actions to help the District comply with the Interstate Compact and to place children safely and appropriately.

Mr. DAVIS. Ms. Jones.

Ms. JONES. Good morning, Chairperson Tom Davis and members of the subcommittee of the District of Columbia. I would hope you would indulge me for a few minutes more than 5 minutes so that I might respond.

OK. Thank you for the opportunity to again present information on the status of the reforms that are being made to bring the Child and Family Services Agency into compliance with the requirements of the Modified Final Order. My name is Ernestine F. Jones, and I am the court-appointed general receiver for the Child and Family Services Agency.

I am pleased to take this opportunity to share with you information about the work that has continued since we came before this committee in May of this year. I will highlight for you information on the most critical areas.

I've also attached to this presentation a copy of a recent release that outlines the major accomplishments of this administration. If there is interest in further detail, I will be glad to make additional information available to you.

I do not want to mislead you and suggest that all of the problems that have plagued the child welfare system for the last 15 years are fixed. They are not. But we have made significant strides, and I hope that you and the general public will be able to put our accomplishments in perspective. I'm confident that we can achieve the goals that will permit us to bring this agency into compliance and assure the protection of children and the preservation of families.

Once again, let me provide you with a brief profile of the clients that we serve in this agency. These statistics are for the period ending August 31st.

The average number of neglect and abuse complaints called into the Hotline each month is 350. Of this number, 40 percent are reports of abuse, and 60 percent are reports of neglect. There are 2,500 calls per month for general information that are not related to child welfare. To make it easier for the public to report instances of suspected abuse and neglect and to provide accountability that all reports are recorded and properly investigated, we have put into place a single Hotline reporting number: 671-SAFE.

Let me pause here to clarify that in addressing the 1,200 children that was reported in the GAO report, while I can't give you all the specifics on it because I have not been privy to the report, I can assure you that the investigations have been initiated on those cases. When we report on the number of investigations completed, our definition of what a completed investigation is goes beyond the initial visit. So that in almost all instances our worker is out there within a 24-hour period. In some cases, if there is a large surge, it may take 48 hours, but completing the investigation as reported in the system does not take place until you have done all of the ancillary work.

The Hotline is the essential front door of any child protective service system, and I am pleased to report that we have shown major improvements in our intake division since May. We have a new administrator and are now fully staffed. As of the end of August we have been able to reduce the number of cases that failed

to meet the 30-day deadline for completion—and once again, I reiterate, completion means that we have done all ancillary work—of the investigations to 72 neglect and 74 abuse, and that number is even lower in September.

This is the first time that we have been able to accurately track what happens with abuse cases which are investigated and followed up on by the police, and it is the lowest number of overdue investigations we have had since the imposition of the LaShawn decree. That number has at times been in excess of 500. This has allowed us to be very close to compliance with the MFO in this area. It also will make it possible for us to increase the number of situations where our social workers can do joint visits with the police in abuse investigations in an effort to further reduce the number of instances in which children have to be removed from their own homes.

There were 3,271 children in out-of-home care at the end of August. Of the children in out-of-home care, 484 children are in group care and 152 are in residential placements. Of the children in out-of-home care, 1,903 are placed with relatives.

There are 427 children in the adoptions program; 250 were adopted in 1999, and 247 have been finalized through August 2000. I might add, that number as of last week is 283.

With the support and cooperation of the Superior Court, we expect to finalize over 300 adoptions this fiscal year, an all-time record for this program. In this program, we are currently three staff short of the required number to come into compliance with the MFO, and I might add that we have identified those three replacement workers. We have implemented the Post Adoption Services Initiative that is intended to prevent adoption disruption. Through this service any adoptive parent may contact the agency to get additional help or services, if appropriate, whenever there is a need.

There are 835 families with 2,014 children under agency supervision receiving services through our Kinship Care program and 530 families with 1,882 children receiving Family Services. In the Family Services Division, we are in compliance with the MFO for staffing. We have also served 102 families with 350 children thus far this year in the Intensive Services program. Thirty-nine percent of these families have remained together as a family unit.

Since May, we have expanded our Intensive Family Services program through two additional private agency contracts. Adding these two contracts brought this program into compliance with the MFO. There is a continuing need to expand this service further which we plan to do certainly, subject to available funding, in fiscal year 2001. This program allows us to work on an intensive basis with a family while allowing the children to remain safely in the home. This service is offered 24 hours per day, 7 days per week. Staff are sent into the home to work in a very concentrated way with families who have serious problems through intensive use of support services such as home management, prevental teaching, day care, close supervision with increased visitation, and counseling.

Through the preventive services that we continue to make available to at-risk children and families through the Healthy Families/Thriving Communities Collaboratives we are continuing to make

progress in keeping children in their own homes. The Collaboratives have provided services to 956 families and 2,912 children thus far during this fiscal year, up from 1,800 served throughout the entire last year. This represents a 37 percent increase thus far over the past fiscal year.

These services are also a requirement of the MFO and enable us to meet the Federal expectation to make reasonable efforts to prevent the placement of children and to support reunification when appropriate.

The ASFA legislation has been implemented, and we're working with the members of the judiciary to meet the requirements as defined. The process that we are using has a three-track approach.

The first is a process implemented to review all of the cases that were in the system prior to February 2000, when the law was enacted that needed to have the permanency plan established and approved.

The second process is designed to ensure that all new cases coming into the system have a plan put into place in accordance with the requirements.

The third process is designed to fast track the cases where adoption or relative care is the immediate or preferred plan for permanency for the child, such as with an abandoned child.

Our struggle to come into compliance in this area and our recent difficulties in meeting the expectations of the Superior Court results primarily from the shortfall of social workers in the Foster Care and Kinship Care programs. Overall, we have increased the number of social workers on board in the last few months, but our turnover has continued to be high in these two programs. Our most recent job fair resulted in eight social workers that will be assigned to fill vacancies in these two programs.

To address the continuing shortfall, we have hired four bachelor level social workers that have been assigned to the foster care unit to perform casework. A second group of bachelor level social workers will begin this month to perform similar work in the Kinship Care program. Finally, we have recently contracted with licensed social workers that only want to work on a temporary basis. This staff will be used to augment vacancies, especially where the new worker is still in training or to provide temporary coverage when a social worker leaves.

We continue to experience problems in addressing the needs of this group of children, our special physical and emotionally handicapped children. The most difficult group is older adolescents who have special needs such as mental retardation and mental illness. These children are particularly difficult to place in foster home care. To address this problem, we have released a request for proposals for additional therapeutic foster homes with a special emphasis on children with dual diagnosis, and we are continuing our efforts to recruit proctor home parents. Proctor homes are specially recruited, two-parent homes to care for a particular child and the caretaker is paid a stipend so that one parent remains at home.

With the assistance of a grant from the Annie E. Casey Foundation, a special review by the Chapin Hall Center out of Chicago has given us a clearer picture of the available resources in the Washington, DC, area to serve these children. While the raw capacity is

there, their ability to meet the additional need will require this agency to expand their contracts to allow for increased support services for the most difficult to place children.

We are currently working with the Mental Health receiver to develop more resources for mental health services for children. In general, this is a resource that is very limited in the District. We expect to release request for proposals for additional mental health services within the next 2 weeks. Our ability to develop these additional services is tied to additional funding that has been requested for fiscal year 2001 and is included in the Mayor's fiscal year 2001 budget.

We have developed a Memorandum of Understanding with the Addiction, Prevention and Recovery Administration to enable us to expand the available pool of resources to treat substance abuse among our young adults and for our own parents that want their children returned. At this time, there are virtually no treatment programs for adolescents beyond detoxification. We are working with APRA to simulate the effort of new services targeted to this population.

You have heard a lot in the press recently about our problems with the interstate compact. There are minimal interstate compact issues with those children who are placed in programs located in the State of Virginia. Placement of District children in Virginia is handled through Lutheran Social Services which is licensed in Virginia to complete the compact process for us. There are now 96 children currently in placement in Virginia foster homes or group facilities.

The interstate compact issue with the State of Maryland is more problematic because of the number of placements, especially placements with relatives, and implementing the changes in the requirements under the Adoption and Safe Families Act for the many foster homes that were already in use. The interstate compact agreement was not designed to reflect a situation where so many children are placed across State boundaries.

For many years, the District has assumed all responsibility for the approval of the homes, monitoring of the homes and all payments for services required by the children placed in them. We have a total of 218 foster homes in Maryland; and, in addition, we contract with private agencies that have 536 foster homes in Maryland. These homes represent about 60 percent of our available homes that we have for placement of children and currently provide care for more than half of the children in out-of-home care.

This issue is not that we do not know where these homes are—where these homes and children are, nor that we are not supervising these placements. And I might add, all of these homes have, indeed, met the approval process for the District, which has been even more stringent than the approval process that had previously been used in Maryland. We are now, however, all in sync with the same process because we all are required to meet the Adoption and Safe Families Act. So that I want to assure the committee that none of these homes lacked proper fire, police, or physical inspections, nor was there any lack of assessment of the homes. All clearances were done. The problem was that we were not submitting the

paperwork through Maryland prior to the placement of the children.

This issue was a compliance issue with the agreement that requires prior approval by a State when the child from a different State is placed in that jurisdiction. We have entered, as was previously stated, into a formal agreement now with Maryland that is intended to have us work together to not only resolve the current situation but also to put in place a longer term agreement that will prevent such problems in the future.

I am most pleased to report to you that, in contrast to last year, we have made great progress in the management and operation of the budget for this agency during this past year. Among the accomplishments has been increasing of foster care and day care rates. All of our continuing foster care day care and vendor payments have been brought up to date, and most vendors are being paid well within the District's payment schedule of 45 days.

I'm also pleased to advise that, based upon the most recent review, we expect to end this year without a shortfall in this budget.

To respond to the most critical areas of concern, I've put in place two emergency procedures. I've authorized—for the issue of expansion of resources. I've authorized that modification be made to contracts of existing District of Columbia vendors who have an immediate capacity to accept additional children for placement within the District. This will give us some additional slots while we complete the necessary paperwork for interstate placements where appropriate.

To handle the additional contracting workload, we have hired two additional contract specialists to assist with the necessary paperwork. We expect to have a minimum of 20 additional placements in the District within 2 weeks and another 30 available within 4 weeks.

In addition, we are continuing to work aggressively to reorient our foster and adoptive home recruitment to keep more children in the District and in neighborhoods close to their homes. In June, we launched the Family to Family Project, funded in part by the Annie E. Casey Foundation. This is a neighborhood-based foster care—foster home recruitment project that is aimed at assisting is us in keeping children not only in the District but in their own neighborhoods.

To address the additional staff needs in the Foster Care and Kinship Care programs, we expect to hire 22 additional social workers to fill the remaining vacant positions. Based upon the response that we received at the most recent job fair, we expect to meet our original goal of having commitments to fill the remaining vacancies by the end of this fiscal year. Further, I plan to hire 10 additional staff during October to ensure our capacity to offset ongoing turnover and maintain compliance with the MFO.

Finally, we continue to work to improve practice at the frontline by providing clear expectations for staff, consistent supervision, and enforcement of performance expectations. These changes will not occur overnight, but I'm clear that they must occur.

In conclusion, we have begun discussions with representatives of the Mayor's office, the plaintiffs and the Monitor to begin the process of preparing a transition strategy. It is my opinion that the

agency will be in a position to initiate the remaining work required under the MFO during this coming fiscal year if the funding requested is made available. The processes have now been put in place to begin to develop the additional resources needed to meet the service needs of our clients subject, of course, to available funding.

Thank you for the opportunity to address this committee. I ask only for your continued support in our efforts to achieve compliance with the requirements of the MFO allowing the return of the agency to the District government. I thank you.

Mr. DAVIS. Thank you very much.

[The prepared statement of Ms. Jones follows:]

Child and Family Services Agency

Testimony before the House of Representatives

Committee on Government Reform

Subcommittee on the District of Columbia

September 20, 2000

Chairperson, Tom Davis and members of the Subcommittee on the District of Columbia, thank you for the opportunity to again present information on the status of the reforms that are being made to bring the Child and Family Services Agency into compliance with the requirements of the Modified Final Order. My name is Ernestine F. Jones and I am the Court appointed General Receiver for the Child and Family Services Agency. The Agency continues to operate under the mandates of the Modified Final Order (MFO) issued by U.S. District Court Judge Thomas F. Hogan on January 28, 1994 in the LaShawn vs. Barry Federal Court Order.

I am pleased to take this opportunity to share with you information about the work that has continued since we came before this committee in May of this year. I will highlight for you information on the most critical areas. I have also attached to this presentation a copy of a recent release that outlines the major accomplishments of this administration. If there is interest in further detail I will be glad to make additional information available to you. I do not want to mislead you and suggest that all of the problems that have plagued the child welfare system for the last 15 years are fixed – they are not. But we have made significant strides and I hope that you and the

general public will be able to put our accomplishments in perspective. I am confident that we can achieve the goals that will permit us to bring this Agency into compliance with the MFO and assure the protection of the children and the preservation of families.

Agency Profile

Once again let me first provide you with a brief profile of the clients that we serve in this Agency. These caseload statistics are for the period ending August 31, 2000.

- The average number of neglect and abuse complaints called into the Hotline each month is 350. Of this number 40 percent are reports of abuse and 60 percent are reports of neglect. There are 2500 calls per month for general information that are not related to child welfare services. To make it easier for the public to report instances of suspected abuse and neglect and to provide accountability that all reports are recorded and promptly investigated, we have put in place a single hotline reporting number (671-SAFE).

  The Hotline is the essential front door of any child protective service system and I am pleased to report that we have shown major improvements in our Intake Division since May. We have a new administrator and are now fully staffed. As of the end of August we have been able to reduce the number of cases that fail to meet the 30 day deadline for completion of investigations to 72 neglect cases and 74 abuse cases. This is the first time we have been able to accurately track what happens with abuse cases (which are investigated and followed up on by the police) and it is the lowest number of overdue investigations

we have had since the imposition of the LaShawn decree. That number has at times been in excess of 500 investigations. This has allowed us to be very close to compliance with the MFO in this area. It, also, will make it possible for us to increase the number of situations where our social workers can do joint visits with the police in abuse investigations in an effort to further reduce the number of instances in which children have to be removed from their own homes.

- There were 3271 children in out of home care at the end of August 2000. Of the children in out-of-home care 484 children are in group care and 152 are in residential placements. Of the children in out-of-home care 1903 are placed with relatives.

- There are 427 children in the adoptions program (250 were adopted in fiscal year 1999 and 247 have been finalized through August 2000). With the support and cooperation of the Superior Court we expect to finalize over 300 adoptions this fiscal year, an all-time record number. In this program, we are currently three staff short of the required number to come into compliance with the MFO. We have implemented the Post Adoption services initiative that is intended to prevent adoption disruption. Through this service, any adoptive parent may contact the Agency to get additional help or services, if appropriate, whenever there is a need.

There are 835 families with 2014 children under agency supervision receiving services through our Kinship Care program and 530 families with 1882 children receiving Family Services. In the Family Services

Division, we are in compliance with the MFO for staffing. We have, also, served 102 families with 350 children thus far this year in the Intensive Services program. Thirty nine percent of these families have remained together as a family unit. Since May we have expanded our Intensive Family Services through two additional private agency contracts. Adding these two contracts brought this program into compliance with the MFO. There is a continuing need to expand this service further which we plan to do (subject to available funding) in fiscal year 2001. This program allows us to work on an intensive basis with a family while allowing the children to remain safely in the home. This service is offered twenty-four hours per day, seven days per week. Staff are sent into the home to work in a very concentrated way with families who have serious problems through intensive use of support services such as home-management, parental teaching services, day care, close supervision with increased visitation, and counseling.

Identifying at-risk children and families, and making services and supports available to them.

Through the preventive services that we continue to make available to at-risk children and families through the Healthy Families\Thriving Communities Collaboratives we are continuing to make progress in keeping children in their own homes. The Collaboratives have provided services to 956 families and 2,912 children during this fiscal year, up from 1813 children served last year. This represents a 37 percent increase thus far over the past fiscal year. These services are a requirement of the MFO and enable us to meet the

federal expectation to make reasonable efforts to prevent the placement of children and to support reunification when appropriate.

Developing and Supporting Out-Of-Home Care

The ASFA legislation has been implemented and we are working with the members of the Judiciary to meet the requirements as defined. The process that we are using has a three-track approach. The first is a process implemented to review all of the cases that were in the system prior to February, 2000 that needed to have the permanency plan established and approved. The second process is designed to ensure that all new cases coming into the system have a plan put into place in accordance with the requirements. The third process is designed to fast track the cases where adoption or relative care is the immediate or preferred plan for permanency for the child, such as an abandoned baby situation.

Our struggle to come into compliance in this area and our recent difficulties in meeting the expectations of the Superior Court results primarily from the shortfall of social workers in the Foster Care and Kinship Care programs. Overall, we have increased the number of social workers on board in the last few months but our turnover has continued to be high in these two programs. Our most recent job fair resulted in 8 social workers that will be assigned to fill the vacancies in these two programs. To address the continuing shortfall, we have hired four bachelor level social workers that have been assigned to the Foster Care Unit to perform casework. A second group of bachelor level social workers will begin this month to perform similar work in the Kinship Care program. Finally, we have recently contracted with licensed social workers that only want to work on a temporary basis. This staff will be used

to augment vacancies, especially where the new worker is still in training or to provide temporary coverage when a social worker leaves.

Meeting the needs of children with special physical and emotional needs

We continue to experience problems in addressing the needs of this group of children. The most difficult group is older adolescents who have special needs such as mental retardation and mental illness. These children are particularly difficult to place in foster home care. To address this problem we have released a Request for Proposals for additional Therapeutic Foster Homes with a special emphasis on children with dual diagnosis and we are continuing our effort to recruit Proctor Home parents. Proctor Homes are specially recruited, two parent homes, to care for a particular child and the caretaker is paid a stipend so that one parent remains at home. With the assistance of a grant from the Annie E. Casey Foundation, a special review by the Chapin Hall Center out of Chicago has given us a clearer picture of the available resources in the Washington, DC area to serve these children. While the raw capacity is there, their ability to meet the additional need will require this Agency to expand their contracts to allow for increased support services for the more difficult to place children.

We are currently working with the Mental Health Receiver to develop more resources for mental health services for children. In general this is a resource that is very limited in the District. We expect to release Request for Proposals for additional mental health services within the next two weeks. Our ability to develop these additional services is tied to additional funding that has been requested for fiscal year 2001 and is included in the Mayor's fiscal year 2001 budget.

We have developed a Memorandum of Understanding with the Addiction, Prevention, and Recovery Administration (APRA) to enable us to expand the available pool of resources to treat substance abuse among our young adults and for our own parents that want their children returned. At this time there are virtually no treatment programs for adolescents beyond detoxification. We are working with APRA to stimulate development of new services targeted for our population.

Interstate Compact Issues

You have heard a lot in the press recently about our problems with the Interstate Compact. There are minimal interstate compact issues with those children who are placed in programs located in the State of Virginia. Placement of District children in Virginia is handled through Lutheran Social Services who is licensed in Virginia to complete the compact process for us. There are 96 children currently in placement in Virginia foster homes or group facilities.

The interstate compact issue with the State of Maryland is more problematic because of the number of placements, especially placements with relatives, and implementing the changes in the requirements under the Adoption and Safe Families Act for the many foster homes that were already in use. The Interstate Compact Agreement was not designed to reflect a situation where so many children are placed across state boundaries. For many years, the District has assumed all responsibility for the approval of the homes, monitoring of the homes and all payments for any services required by the

children placed in them. We have a total of 218 foster homes in Maryland and in addition we contract with private agencies that have 536 foster homes in Maryland. These homes represent 60 percent of the available homes that we have for placement of children and currently provide care for more than half of the children in out of home care. This issue is not that we do not know where these homes and children are nor that we are not supervising these placements. This issue is compliance with an agreement that requires prior approval by a state when a child from a different state is placed in that jurisdiction.

We have entered into a formal agreement with Maryland that is intended to have us work together to not only resolve the current situation but to also put in place a longer term agreement that will prevent such problems in the future. We have developed a process to bring the existing placements into compliance and have agreed to develop a longer term process that meets the expectations and needs of the District and Maryland for the ongoing work.

Budgetary issues and concerns

I am most pleased to report to you that in contrast to last year we have made great progress in the management and operation of the budget for this Agency during this past year. Among the accomplishments has been the increasing of foster care and day care rates. All of our continuing foster care, day care and vendor payments have been brought up to date and most vendors are being paid well within the District payment schedule of 45 days. I am also pleased to advise that based upon the most recent review, we expect to end this fiscal year without a shortfall in this budget.

CFSA Emergency Plans

To respond to the most critical areas of concern at this time, I have put into place two emergency procedures.

Expansion of Resources

I have authorized that modifications be made to contracts of existing District of Columbia vendors who have an immediate capacity to accept additional children for placements within the District. This will give us some additional placement slots while we complete the necessary paper work for interstate placements where appropriate. To handle the additional contracting workload we have hired two additional contract specialists to assist with the necessary paperwork. We expect to have a minimum of 20 additional placements in the District in two weeks and another 30 available within four weeks. In addition, we are continuing to work aggressively to reorient our foster and adoptive home recruitment to keep more children in the District and in neighborhoods close to their homes. In June we launched the Family to Family Project, funded in part by the Annie E. Casey Foundation, that is a neighborhood based foster home recruitment project.

Recruitment of Staff

To address the additional staff needs in the foster care and kinship care programs, we expect to hire 22 additional social workers to fill the remaining vacant positions. Based upon the response that we received at the most recent job fair we expect to meet our original goal of having commitments to fill the remaining vacancies by the end of this fiscal year. Further, I plan to hire 10 additional staff during October, to ensure our

capacity to offset ongoing turnover and maintain compliance with the MFO. Finally, we continue to work to improve practice at the frontline by providing clear expectations for staff, consistent supervision and enforcement of performance expectations. These changes will not occur overnight but I am clear that they must occur.

Conclusion

We have begun discussions with representatives of the Mayor's office, the Plaintiff's and the Monitor to begin the process of preparing a transition strategy. It is my opinion that the Agency will be in a position to initiate the remaining work required under the MFO during the next fiscal year if the funding requested is made available. The processes have now been put in place to begin to develop the additional resources needed to meet the service needs of our clients subject to the available funding.

Thank you again for the opportunity to address this Committee. I ask for your continued support in our efforts to achieve compliance with the requirements of the MFO allowing the return of the Agency to the District government.

CFSA's Accomplishments

At-a-Glance

- ✓ In establishing fiscal compliance with the LaShawn Modified Final Order the General Receiver and the Agency negotiated with city officials the highest budget authority ever in the history of the District's child welfare system, a 54.1% increase over FY 2000's budget.

- ✓ FY 2000, the Agency has improved the fiscal payment system providing our vendors, foster and adoptive parents, day care parents, and other services providers with payments on a regular basis and within the timelines established by the D.C. government.

- ✓ Foster and Adoptive Care rates were increased in FY 2000 and Day care rates have been brought in line with D.C. and surrounding areas' rates.

- ✓ Since late March 2000, the Agency has hired 72 new social workers to fill vacancies in various program areas resulting in substantial progress, particularly, in Intake, Adoptions and Family Services. The two remaining areas - Traditional Foster care and Kinship Care are being worked on diligently at this time.

- ✓ January 2000, the staff relocated into a new building centralizing the agency's services improving quality of services to clients, as well as, providing employees with decent and appropriate space to work more effectively.

- ✓ Established single reporting hotline **(202-671-SAFE)** in FY1999 for all calls about suspected child abuse and neglect.

- ✓ Since the General Receiver's appointment in November 1997, adoptions have increased 198%. In FY 1999, 250 adoptions were finalized, a 49% increase from 1998. Adoptions continue to increase. As of July 2000, 236-adoptions have been finalized. With additional cases pending, the Agency anticipates exceeding the FY 2000 adoption goal of 300.

- ✓ In 1999 a hotline was established for adoption and foster care recruitment **-202- 671-LOVE**.

- ✓ FY 1999, 2,220 children in 987 families received services from the Healthy Families/Thriving Communities collaboratives, such as day care services, housing assistance, employment training and parenting skills. As of July 2000, 3,030 children and 1,069 families have received services.

- ✓ FY 2000, **DCKIDS-** (CFSA's comprehensive health services program), has screened 1,284 children since the program's inception in 1999, almost doubling since CFSA's FY 1999 annual report.
- ✓ FY 1999, more than 2,100 children were living with kin in their own communities. Before the Kinship Care program existed, many children might have been removed from their homes and families. In FY 2000, CFSA was granted a Title IV-E waiver for a Kinship Care Demonstration Project by the Department of Health and Human Services.
- ✓ FY 2000, President Clinton declared The US Dream Academy program (which is a joint effort with CFSA's community-based program Ferebee Hope Community Services Center and the Ferebee Hope Elementary School), as America's model program. This is a project that allows 130 children to participate in a computer learning center as a part of their school curriculum.
- ✓ FY 2000, CFSA established a Training Institute for on-site orientation and in-service training for all staff.
- ✓ FY 2000, the Agency established Intake Services as a separate Administration that allows for better management of the child neglect investigations.
- ✓ FY 2000, established an Office of Planning, Policy and Program supports to develop, issue, and standardize CFSA policies based on federal and local mandates and to support long range planning.
- ✓ FY 2000, the Agency implemented the Adoptions and Safe Families Act (ASFA) which will enhance efforts to ensure permanency for children in a more expedited manner.
- ✓ FY 2000, the Agency established a voucher system for use in purchasing clothing for children.
- ✓ FY 2000, the Agency received grants from our public and private partnerships to enhance our foster care and adoptive parent recruitment efforts.

Mr. DAVIS. I'm going to start the questioning over on my left with Mr. Horn.

Mr. HORN. Thank you very much, Mr. Chairman.

Child and Family Services is failing to comply with the court order that social workers investigate reports of neglected children within 48 hours. Is that true?

Ms. JONES. As I was attempting to clarify in my testimony, the way the process works is the call comes in and we have, according to District law, 48 hours to initiate the investigation. The modified final order requires us to initiate the investigation in 24 hours.

We initiate the investigations in almost all instances within the time period. But when a report is generated off the system, it reflects when we have completed the entire process, and we are expected to complete that process within 30 days. And the numbers that I reported earlier reflect how we have brought the numbers down in getting those completed within that 30-day period.

Mr. HORN. Is it correct that the agency's Hotline receives at least 350 neglect reports each month?

Ms. JONES. We receive at least 350. That goes up depending on the time of year. We receive a lot more calls, but when you break down the calls, it translates to approximately 350 a month.

Mr. HORN. Now, I gather the GAO study did not address whether the delays had caused injuries to any children, and it's known that failure to thoroughly investigate reports in the past has led to child deaths. Doesn't that concern you?

Ms. JONES. Certainly that concerns me, and that's one of the reasons why we insist on meeting the initial requirement of initiating a contact on each of the complaints within the time period. Absent having in my presence the GAO report, I was not clear as to what the context was in which they reported that.

If they simply took the raw numbers and interpreted that to mean that we had not initiated contact, then that would be incorrect because we have initiated contact. That is to go out and attempt to see the complainent investigate the complaint to ensure that children are protected.

Now, that's two different entities. We go out on the neglect. The police go out on the abuse.

Mr. HORN. I understand that 18 children younger than 6 years of age have been placed in group homes, some for as long as 2 years. Is that correct?

Ms. JONES. I'm not aware. I would have to see what that report is. We do place some children under age 6 in group homes. I would prefer not to do that, but, unfortunately, not having a sufficient number of foster homes at any given time who can take them, we do end up with children under 6 in a group home which we do not want.

What we have put in place, however—and that's primarily in two facilities that we have licensed as emergency placement resources for children under age 6. What we have put in place, though, is a process that allows us to get those children out of that group facility and into homes within a shortened period of time and now we pretty much are holding to less than 30 days.

Mr. HORN. Now 45 children have been placed in unlicensed foster homes in the District, and you also have noted that there have

been, I would guess, licensed homes in Maryland to which a number of the children are put. Is that correct?

Ms. JONES. Well, let me clarify two things. We do not place any child in a home that has not been licensed. But licenses must be renewed for all homes annually—biannually. What happens is—and I have the most current figures on that. We have 10 homes now where there are children as of this point, where there are children in a home without a current license. These homes were licensed. When they came up for the renewal they have to repeat certain processes. One of the ones they repeat is the parent has to get an updated medical.

One of the problems we have encountered, and we are attempting to develop a plan to deal with this, is many of our parents are part of HMOs. When they attempt to get a medical, routine medical, many times they aren't able to get an appointment immediately to get that done. So that for that time period that it takes them to get their current medical, that home technically is unlicensed. They have met all the requirements. There is not a problem in terms of home and all of that. What we're attempting to do is to get another resource that they could go to to get that medical when they aren't able to get it done through their own licensed health care provider.

Mr. HORN. You mentioned in your testimony the need for staff. And I gather we have about 3,000 open foster care cases in the District, and you, I think, believe that 80 percent of the social worker positions are filled resulting in high caseloads. Now, a lot of the universities in Virginia, in Maryland that would have an MSW, a master of social work degree, is there a possibility that you and others could talk to the deans of those schools and say isn't it about time you get some reality in these programs and let's have some internships to see what the world is really like? And has that been done and thought about?

Ms. JONES. We work with all—in fact, the majority of my recruits come from local area universities. That has not been a problem. And, in fact, this past spring to now, we have been very successful in recruiting social workers with a master's level. We have also put in place a much more efficient system of helping them get licensed so that they can in fact practice. And we also instituted, at the request of Delegate Norton, bringing in bachelor level staff; and we're bringing them in and we're using them effectively.

So that the issue is not that we are not now having success at recruiting and getting them in. But in the two program areas that I identified, Foster Care and Kinship Care, we continue to experience a heavy turnover in those areas. I don't need to go through all the reasons why they leave, but that area is one where we have experienced—continue to experience higher turnover.

In our other areas we're just about at full staff—in intake, in Family Services, and right now in adoption. So the two areas that remain are Foster Care and Kinship Care.

Mr. HORN. I've got two questions. Then I'll be done. But I think 40 percent of the District's foster children require special services such as various therapies and education. To what degree are they making those specialists to be able to handle some of these young people?

Ms. JONES. That's one of the reasons why we have engaged in the process with mental health and with the substance abuse programs. While we know that many of the children need the help, the resource pool of services for children—now you have resources for the adults—has historically been limited in the District.

You have got two ways you can get that. You can try and get the child where the resource is, which means you're looking at out-of-District placements, or you can try and stimulate development of those services here. Working with the Mental Health receiver, it's his belief that we can develop those resources here in the District. But to do that, he has to be able to stimulate the development, and that usually requires funds.

Mr. HORN. Do we have some sort of nonprofit groups, such as 100 Black men or whatever, that would be sort of a mentor to some of these children?

Ms. JONES. We have a lot of mentoring programs. That is one service that we do not have a shortage of in terms of being able to find them—and a lot of the mentoring services are not even services where we have to pay for them. This is where groups voluntarily do this. We have not experienced difficulty in getting mentoring services, and tutoring service has been very effective.

Now, where we experience difficulty is when you have a child that has what I call dual diagnosis, where you have multiple problems. Then that usually requires us to make a special arrangement for that child. And we try to do that, but unfortunately, the numbers of children with those kind of dual problems is high here in the District. And trying to buildup a resource pool sufficient to address that need has been difficult.

Mr. HORN. My last question is, the Federal court has mandated a policy manual, and apparently they're simply sending newspapers around. What do you think about that?

Ms. JONES. First of all, we have policies and procedures for each of our program areas. What we have been working on is pulling all of that together and synchronizing that with the automated system that we have. What we are trying to make sure of now is that in each program the procedures outlined in the policy track against the steps that a worker goes through in the system. We have been doing that, using workers, using supervisors, because it is important that the practitioners understand and help with how that process works.

We have not finished all of them, but we are well—I believe at this point two of the programs remain to be reviewed and correlated with that. Once that happens, the manual then will be able to be on line to all workers. But as it stands right now we have policies and procedures in each of the program areas. They are on paper. They're in paper format because we don't want to put them on line until we're sure that all the steps in the policy are synchronized with the steps that a worker goes through as they navigate through the system. And that requires sitting down with each one, going through it one by one, and we have been doing that. I would expect, and I can't give you an exact time line, but we are very close to being able to put the policy manual on line. But I don't want you to assume we don't have policies and procedures. We do.

Mr. HORN. Thank you, Mr. Chairman.

Mr. DAVIS. Thank you very much, Mr. Horn.

I recognize Ms. Norton for 10 minutes.

Ms. NORTON. Thank you, Mr. Chairman.

Let me say I appreciate the testimony of all four of the witnesses. I think the testimony has been enlightening and has at least caused me to think about some ways that might be totally outside of the box.

We recognize that you are dealing with a problem that, throughout the country, has yielded unsatisfactory results. Our frustration comes because, although that is the case, we've got to deal with this case. And I think part of the problem may be that we are dealing with these cases as we have traditionally dealt with them, as if things hadn't changed, as if children weren't coming into foster care in huge numbers, as if there weren't a drug crisis out there, as if there weren't the breakdown of family life in the way that it was not when I was growing up as a child in this town.

Let me first try to get a couple or three of the red flag issues that led Chairman Davis and I to know that something must be wrong, because we simply read them in the newspaper and the GAO report was not out.

First, the State of Maryland. I want to say to Ms. Mouzon how much I appreciate her being here in particular. When we talk about D.C.'s children and family unification, there are no borders. So many of our folks have fled to Maryland. Perhaps that is the wrong word. "Moved" to Maryland. That everybody's grandmother and aunt and cousins are either here or there, and the cooperation that we've received from the State of Maryland is particularly important to us.

Even if that were not the case, the District is a city. Every other foster care system at least has a whole State that it can look to rely upon because everybody wants to keep the children as close to home as possible, but at least you don't have to deal with somebody in another jurisdiction. So our problem is it is not only more difficult for us, it is more difficult for you. With a diminishing population, even though I hear what Ms. Jones is saying about more parents in the District of Columbia, one really begins to wonder whether we could ever be anything but inordinately dependent on the State of Maryland.

Now, let me ask this straight out, Ms. Mouzon. As of yesterday, if a child needs to be placed in the State of Maryland, will that child be—from the District of Columbia, will that child be accepted and how long will it take for that child to be placed in the State of Maryland?

Ms. MOUZON. The agreement that we entered into yesterday deals with two populations. One, those are the children who are already in Maryland from the District. The big issue for Maryland is that we need to know that the clearances that are conducted include Maryland Child Protective Service clearance. There is no mechanism in place for the District to enter into our system and determine whether or not a parent or a relative who comes forward as a potential foster parent, has been a perpetrator of abuse in the State of Maryland, and that's why we are insisting on the ICPC process being utilized.

Under the system we put in place yesterday, we do allow for emergency placements. So what would happen is certain homes would be designated by the District of Columbia as emergency homes, and those children could enter those homes immediately. We also have asked in the terms of Kinship Care that certain requirements be met, including that they contact the State of Maryland so that we can check our automated system to ensure that what do not get what we call a hit, in other words, that person is not known to us through our Child Protective Service System. And once we know that those paperwork pieces are in place, we would allow that child to be placed.

So we're not talking about a delay. We are talking about a system that will allow those children to enter into Maryland and then for us to finish with the requirements of the ICPC system after the placement is made.

In addition, we would also have a group that is licensed by the State of Maryland provide us with the home studies due to the volume, because we do realize that it would be a resource issue for the State of Maryland. As you pointed out, we do realize that many people have left the District and are now living within our borders. Therefore, we don't want to prohibit those placements because we do want to help the District move those children as expeditiously as possible.

Ms. NORTON. You are perfectly justified, it seems to me, in making sure that your own standards are met. But, as I hear you, at the very least a child would be put in an emergency home, and there would be no delay in order to matriculate through the requirements.

Ms. MOUZON. That's right.

Ms. NORTON. This is very important to us. The GAO says 70 to 90 percent of District children requiring home placements are placed outside of the District of Columbia, usually in Virginia or Maryland. We have no hope without you.

Let me ask a question of Ms. Jones. Ms. Jones, part of what brought this to our attention was whatever happened with the Superior Court. I'd like to know if your initial refusal to appear was on advice of counsel or was a decision that you yourself made and whether or not the decision to appeal was on advice of counsel or something that you requested?

Ms. JONES. Ms. Norton, you know that this issue is still pending before Judge Christian; and I think that it would be better if I did not go into detail on it. But I will say that I meant no disrespect to the Judge and feel strongly that our agency must cooperatively work with Judge Christian, and all of the judges because we have a common goal. It is my hope that we will get this resolved quickly and that we can, in fact, move forward with the work that we were doing before this incident. I regret that this happened and have assured the Judge that—the court that this kind of an incident will not occur again as far as I'm concerned.

Ms. NORTON. Ms. Jones, I was under the impression that the appeal had been withdrawn and, therefore, that the matter involving you personally would not any longer be before the Superior Court. What is pending before the Superior Court with respect to you personally?

Ms. JONES. The entire thing is still pending at this point.

Ms. NORTON. The contempt citation?

Ms. JONES. The entire thing is still pending.

Ms. NORTON. I certainly wouldn't ask you to incriminate yourself.

There was a report, a very troubling report—again, we can only go by what we hear in the newspapers on this—that there were children once again being housed in office buildings in the absence of homes for these children or foster parents to take them.

Is that occurring now at all? Is there a single child that overnight has to be put up in a city office building or anything other than a group home or a foster home?

Ms. JONES. There—let me be clear in saying that there have been instances in which a child has had to remain overnight in our—what we call reception center. Now it was I think mislabeled respite center and sent the wrong message to many people.

What we have found—we have analyzed what has recently occurred that caused all of this to begin to happen. What we found was that a number of our providers felt that they could not maintain a given child in their facility, and so the child was being brought back to us. And when we get children in that kind of a situation, we have to then find another placement; and, generally speaking, we're not going to be able to find a placement the same day that the child comes in. Most of the times we do, but there are situations where that doesn't—does occur.

One of the changes that I have instituted is that we are in the process of establishing a contract with a vendor where—with a group facility where we can, in fact, place a child on an emergency basis if, in fact, we get a situation where we cannot immediately find a placement for a child. But there have been some instances in which that's occurred. We tried to keep it at minimum but, unfortunately—we always have new children coming in. The police bring them to us immediately, and that can happen any point in time. If we get them earlier in the day, we usually are able to find places——

Ms. NORTON. Ms. Jones, that is something that is perfectly understandable. You can't know when somebody will say, I can't take this child, you go ahead and take it back. I don't have any legal responsibility for this child.

At the same time, that is perfectly predictable. See, what is bothersome to us is that something that is absolutely predictable, it must happen, that you are now seeking a vendor.

Ms. JONES. We've had—we've had vendors. The unfortunate thing is that a number of these children are coming back from a vendor.

Ms. NORTON. The point is that there is not in place now a vendor who can take these children overnight so the children have had to be placed in an office building, and that is the kind of thing that was predictable, and it is the kind of criticism that the agency is going to continue to get if it is not proactive in dealing with predictable problems like that.

There were reports, big complaints about foster parents not receiving their checks. Now as hard as it is to get foster—people to be foster parents, that problem only would deter people from coming on board, I'm sure you would agree.

Ms. JONES. That is—I'm pleased to report that is no longer a problem. We have got—our fiscal system is in very good shape now in terms of paying our vendors. I think if you asked any of our larger vendors as well as the foster parents, we are paying our vendors now on time. It's invoiced now, rather than the way it used to be. We generate an invoice, and they submit their invoice. We clear it. Because we can now track the children in the system, and we authorize—send the paperwork on to the District. But we are paying, and we've instituted the grant increases.

In fact, I would say to you that I think the foster parents are now very satisfied—for the most—I'm not going to tell you that there is not a case where something might happen, but for the most part our foster parents are very pleased with the progress we are making in addressing their concerns. We haven't addressed them all, but they—now work with us and have said to me personally that they feel that we are responding to their needs.

Ms. NORTON. I see that my 10 minutes is up.

I must say that I have heard improvements in this system, that it is not as bad as we thought it was. But it is still, in my judgment, in crisis.

In my next go-round I would like to pursue alternatives, because I believe that in a real sense you are on a track that is not going to ultimately lead to the kind of solution you want or, for that matter, Ms. Lopes, that the city will do much better given the way—given the matrix somewhere out in the 1930's that we are using as a way to deal with foster children.

Mr. Chairman, do you want—what does the chairman want me to do now that the bell has rung?

Mrs. MORELLA [presiding]. The gentlewoman's time has expired, and I will precede with the questions before we go to vote.

The chairman of the full committee had joined us, but he did not have a statement to make at this time.

I want to thank you all for being here, and I think you have heard over and over from us how important this issue is. And I want to thank you, Mrs. Mouzon, for coming here from the State of Maryland to comment on what the concerns are and maybe how we can solve them.

So the questions I will ask will probably be directed to you with regard—also, Ms. Jones responding, if anybody else wants to respond.

I note in your testimony you indicated that one of the major barriers is this two-pronged agency bit where you—two separate offices that you have, the District interstate compact office and the District receiverships share the responsibility for placing the children outside the District, but they have different departments and different offices. And with this separation it makes it very difficult and adds a barrier. And I'm just wondering, you indicate the State of Maryland is willing to work with the District to complete the interstate compact. What is that situation right now? I mean, is the District cooperating? Where are you? How fast are you traveling in that? Do you see remedy?

Ms. MOUZON. We feel that we are getting cooperation now.

The issue for us—as I indicated earlier, is that Maryland is a border State. With our other States we are only dealing with one

agency. With the District of Columbia, the interstate compact office lies in the Department of Human Services, whereas the responsibility for the foster children lies in the Child and Family Service Agency.

So when we enter into negotiations with the District of Columbia, we are bringing several groups of people to the table. One group is responsible for tracking the children and telling us where they are; another group is responsible for keeping track of the interstate compact issues.

We also know from some of the discussions with our private providers there is a small minority of children that are placed particularly with relatives, directly into some of our neighboring counties and particularly by the court. As a result of that, we don't have a mechanism in place where we can talk to just one person and determine exactly which children are within our State. And that's the barrier that we are talking about.

We are willing to work with all of those agencies, but certainly it is much easier when we can get that one signature that we get from the other States and then we are able to enter into the interstate compact and not have to go any further in dealing with other agencies.

Mrs. MORELLA. Are you hoping that will be one of the recommendations from this subcommittee, that this be worked out to facilitate it? I mean, where do we go from here?

Ms. MOUZON. We are hoping that would happen. That would be most advantageous I feel not only for the District in terms of some of the issues that I have heard discussed this morning but also for our partners in Virginia as well as to any of the other States that enter into compact agreement. Because of the way adoption is under the Safe and Stable Families Act, we now put all our children on Internet across the Nation, and for any State it would be the same issue if we tried to place children, not only from Maryland but also the District, because you would to be able to deal with one entity.

Mrs. MORELLA. Let me ask another question. In Maryland, if a child is ordered out of a home and placed in the care of a relative, does the State inspect the home to ensure that it meets the needs of the child?

Ms. MOUZON. Yes, we do. We require the same inspections for our Kinship Care providers—that's what we call a relative—as we do for our Foster Care providers; and, therefore, we have the same medical requirements, we have the same fire inspection, the same health inspection. We also have training that we require of all of our foster parents or relative parents in advance.

In addition, we have support groups throughout the State for our relative providers because we know it's difficult.

Mrs. MORELLA. Is a social worker also a part of that team and followup with visits?

Ms. MOUZON. Yes, they are; and they have to see the relative provider on a regular basis.

Mrs. MORELLA. How long do you think it's going to take to identify and inspect all of the homes where children have been placed in violation of the interstate compact?

Ms. MOUZON. According to the agreement that we reached yesterday, it is expected that all of the family foster homes—which does not mean Kinship Care providers—that those reports would be finished by the end of October. And we expect to finish all the relative providers by the end of December of this year. So, therefore, we would enter into—well, the District will enter into an agreement with the provider who can complete all of those home studies.

Mrs. MORELLA. Is the District of Columbia working with you to inspect and monitor these homes?

Ms. JONES. Yes. First of all, the traditional foster homes have already met all of the requirements. We have to complete that and work it through so that Maryland has the record of that, so that's why that group will not take as long.

With the relatives—and in my testimony I reference the fact that the change that was brought on with the Adoption and Safe Families Act is that, we, too, require the exact same requirements of relatives as is required of traditional foster homes. The problem that we encountered is we had a large group that were already doing this that previously were not subject to the same requirements. So now we have to go through a process of getting all of those homes into the system.

But now, even relative homes, we do the clearances. They are required to meet the same requirements. They are required to go through training. And we in the District also require all of our foster parents and relatives now to have in-service training. So it is not just training you get before you become a foster parent. It is required on a biannual basis that a certain number of additional training hours must be continued after they become foster parents.

So, we are not asking not to have the same requirements. What we are saying is that there is going to be a period of time for us to get all of the ones that were in the system already in compliance and for them to be registered through the interstate compact. That's why it will take us a little bit longer on those.

Mrs. MORELLA. Final question is, it has been reported that Maryland waited over 18 months for a report from CFSA on the number of children placed in homes in Maryland that were in violation of the interstate compact and that when CFSA finally provided the numbers to the State they were wrong. Is that an accurate assessment? And is that because of the lack of—if that is accurate, is that because of the lack of coordination between the agencies?

Ms. MOUZON. The list that we received we were not able to track because we needed things like date of birth. We also needed the exact addresses. When we did receive that list we were told that it was not accurate. The next list we received did not have the addresses of the homes.

I don't want to speculate on why it could not come from the District. I just know that we were not able to then take that list and match it against our interstate compact list to determine which children had actually gone through the compact. And it was a little lengthy time there before we were able to get a list, and we do expect to get that list by the end of this month.

Mrs. MORELLA. If I were to just very briefly ask one final question and then rush off to vote. Ms. Mouzon, do you want to ask

Mrs. Jones anything? Is there anything that you want the record to show?

Ms. MOUZON. We met for an extremely long period of time yesterday, and I was very pleased with the agreement that we came to at the end. So if the District honors everything that is in the agreement, we should not have any issues from here on out as it pertains to children being moved from the District into Maryland in an expedient manner.

Mrs. MORELLA. Anyone else want to make any statement? Mrs. Graham. Ms. Lopes.

Well, I know that Ms. Norton probably has a few more questions she wants to ask. I don't know what the procedure is on this committee, but as far as I'm concerned it is a bipartisan committee, and I would—as I go to vote, I would be willing to let her have the gavel and ask questions.

Ms. NORTON [presiding]. This is a temporary leave of the gavel.

Mrs. MORELLA. Don't complain.

Ms. NORTON. I won't. Thank you.

In light of what Ms. Mouzon testified, that with other States, because there are other States who also have children in Maryland, the State of Maryland deals with one agency and with D.C. there are several agencies at the table. And, you know, there is the ICPC effort, and the ICPC office has to obviously deal with the receiver. Then there are the court services agencies and others that obviously need some interfacing here. Which raises questions, really, for Deputy Mayor Graham and is related to the finding of the GAO that there was no policy or protocol for the relationship—for the working relationship between the District agencies that are often central to the problem, and the GAO even says that there is reliance on verbal or oral communication.

I'd like to know, Deputy Mayor Graham, what is your role in assuring that the agencies of the District of Columbia are part of solution and not part of the problem? And why is it that there cannot be one person sitting toe to toe with Ms. Mouzon and her folks, just as there is when she deals with people from West Virginia or Virginia?

Ms. GRAHAM. Ms. Norton, when the Williams' administration assumed responsibility for the District government, one of the first things that the Mayor wanted to do was to understand how this child welfare system functioned, because he wanted to make a real commitment to the work associated with foster care and adoption; and he asked me to do an assessment or a study of that system.

We did. We released a paper last year on the dysfunctionality between the receiver and the other District government agencies which impacted the receiver's ability to affect good outcomes for children in the system. One had to do with the licensing process of Foster Care homes, one had to do with fire inspections, and so forth and so on. The interstate compact office should have actually gone with the receivership when this agency went into receivership. Instead, it stayed in the Human Services Department without little direction or oversight from the administrators of that department.

Ms. NORTON. Why didn't you all just ask for it to go in there? If that was a coordination problem and you couldn't deal with it,

why didn't you say to the court why don't you take this so they could coordinate this?

Ms. GRAHAM. We weren't here at the time.

Ms. NORTON. Well, you are here now. You have been here over a year now. Bring this up in the middle of this—because it does seem to me, when you have a problem, you have got to find a solution. You should have been there. OK, court, you took it. We can't do anything with it over here. You take that, and let's get it done. Why not do that then?

Ms. GRAHAM. Well, instead of doing that, what we did was to begin to work very aggressively with that office and the receiver trying to overcome many of the issues.

Ms. NORTON. Ms. Lopes, as we listen to—Ms. Lopes, I'm sorry, and Ms. Graham, you know, I just point this out as a case example. Instead of working your buns off to do what you think is basically impossible or getting a half-baked solution, we need structural thinking here. The court—if you say to the court, I can't do the job very easily with it bifurcated this way unless I spend a whole lot of time trying to build arteries and veins between these things, then if you think structurally and put the—what's it called?

Ms. GRAHAM. ICPC.

Ms. NORTON. ICPC with that, then that just might allow you to work on the real problems, rather than coordination problems, and Ms. Mouzon tells me that the other agencies don't even have in the first place. I just point it out.

One of the things we want to have come out of this hearing is thinking totally outside the box. We are tired of hearing about how we are trying to get everybody together and we work 30 hours a day trying to get them all together. We believe that part of what you are doing is impossible to do because you are accepting the present configuration and it does not fit. So that if you find that, you know—and I picked this up only because you said it—that it will put more work on you because something is placed someplace, then place it someplace else. Go ahead, I'm sorry.

Ms. GRAHAM. I fully agree with your assessment, Ms. Norton. What we've been trying to do, though, in working with the receiver is to overcome some of the structural issues, to put in place some of the things that needed to be put in place, to ensure a smooth transition back to the District.

We make no excuses for the dysfunctionality that exists, recognize it and are seeking to work to overcome it so that the agency can achieve its goals and can, in fact, be returned to the District's governance structure.

Ms. NORTON. Let me be more direct. Could you, by working with—recognizing that you're trying to get the agency back, which would make this easier—could you on the District side get the District agencies together so that working with the receiver you could not create more work for Ms. Mouzon but put one person there—maybe you, Deputy Mayor Graham—who would say, I now speak for the District of Columbia and all its agencies and the interstate compact, and this is what we propose. Could that happen?

Ms. GRAHAM. I am that person. I'm one of the signators on that ICPC.

Ms. NORTON. She says there are several agencies that she has to deal with.

Ms. GRAHAM. She has to deal with the Department of Human Services. As the interim director of that agency—and the ICPC is in the Department of Human Services, so I'm responsible for that ICPC. That's why I've signed the Memorandum of Understanding. We are working together now. I am at the table now.

Ms. NORTON. Let me make sure that Ms. Mouzon and you have the same understanding. Ms. Mouzon, is it your understanding that you only have to deal with Deputy Mayor Graham now in the placement of children in the State of Maryland?

Ms. MOUZON. Not exactly. I thought I also had to deal with the receiver. And I do know, in further discussions that we had yesterday—I don't know if your representative got back to you—there are also some issues in terms of your interfacing with us for the courts. I think there are two people at least, maybe three. Because I know in Maryland the judiciary is separate from the executive branch. I think that might be a little bit true in the District, so we may have to have some further discussions, but I'm not clear.

Ms. NORTON. Let me tell you what I'm asking you to do, Deputy Mayor Graham. I believe that if the issues were brought up in advance with the receiver—and with the courts, for that matter, separate branch though it be—that our goal should be to face Maryland with exactly what she faces from the other States that place children in Maryland.

And I think that our goal should be that even more than the other States, because I would venture to say that we probably have a disproportionate number of children, certainly, per capita and that as long as she has to deal with a more complicated system, that unravels down to the child itself and delays somehow for that child itself, relative to a child from West Virginia or Maryland or some other State.

So what I'm asking you now is, are you prepared to create a system where there would be one person to interface with Ms. Mouzon and with Virginia?

Ms. GRAHAM. I am prepared to do that, but I think the point that Ms. Mouzon was making is that as long as this agency is in receivership, she deals with me and she deals with the receiver.

Ms. NORTON. I do not accept that, and that is just the kind of in-the-box thinking that I am trying to press you out of. I believe that working with the receiver——

Ms. GRAHAM. Absolutely.

Ms. NORTON [continuing]. You would not have to regard her as some kind of separate box so long as you and the receiver agree upon what Ms. Mouzon was to be told with respect to the receiver's duties. So I don't accept the notion that the receiver has to be there. I don't accept the box notion of how this is. That is part of the problem and your answers illustrate that to me.

I ask again because West Virginia—every one of these systems are messed up. All of them or most of them have some kind of court stuff in them. So you're no different from the rest of them in that respect, and yet she does not have to deal with two or three entities. But again, are you prepared to work out an understanding with the receiver and the courts as they may be involved, so that

Ms. Mouzon is dealing with one person and one person only so as to facilitate rapid placement of these children in the State of Maryland and, for that matter, other States as well?

Ms. LOPES. Ms. Norton, if I could interject for a moment. This is—in order to do that, and there is a lot of out-of-the-box thinking going on—in order to do that, we clearly need the approval of the Federal court.

Ms. NORTON. You see that. Everybody stop and listen to this. As if the court would be the problem. You know what courts need? Particularly when we are talking about courts who sit only to hear from people who come and tell them what it is you want the court to do? So, Ms. Lopes, don't you get to be part of the problem.

Ms. LOPES. I don't think I am.

Ms. NORTON. You do not have to tell me, who is also a practicing attorney with a bar license in the District of Columbia, that in order to do what I am saying to do, if there is someone the court hasn't spoken to, that you may need to go to the court and say does the receiver have the permission to negotiate with the Deputy Mayor. That is the kind of structural response we have consistently gotten from the foster care system.

I am trying to kick that out of your brain; to say if there is an impediment, so that you immediately move to the next level of thinking and say well, what's the answer to that impediment? OK, ask the court: Court, do you have any problem with my dealing with the receiver, dealing with a Deputy Mayor? Because the District, unlike every other State, has several different entities before a child can be placed in Maryland, and if we have your permission to work this out we are prepared to put one person before them.

I don't want to hear about the court unless you're going to tell me that you are prepared to ask the court to do what I can say, without fear of contradiction, that I believe a court might well do.

Ms. LOPES. Ms. Norton, if I could finish.

Ms. NORTON. I hope you will finish more than telling me you got to ask the court, because you try my patience when I hear that kind of response.

Ms. LOPES. Unfortunately, we do harbor under court orders and we are subject to the court's jurisdiction in this case. Now, with respect to that issue, there are many creative and out-of-the-box discussions going on in these negotiations. Many of them include a shift in paradigm, a shift in thinking that is very consistent with what you are recommending that the parties explore.

Ms. JONES. May I make a comment?

Ms. NORTON. You see what I mean? I asked a very specific question; I get a very general answer about paradigms. All I am saying, I asked you a very specific question, and I think Ms. Graham has said that she is willing to act as the person and to enter into negotiations. Ms. Lopes intervened to tell me what I think even the average layman knows, that if there is an impediment that means you got to ask permission of the court. You have to do it, granted.

All I want to establish here with Ms. Mouzon sitting at the table is that the District is prepared to give her the kind of system she deals with in the other States. I don't think it is fair to say to the State of Maryland, you got to deal with us in some special fashion

because we can't get our act together to straighten it out, because you have to understand we got courts and we got receivers.

Anybody who is looking at what the GAO has done with respect to foster care systems around the country has absolutely no sympathy with your notion that other States somehow have it easier. They have the same kind of problems, the same kind of court orders, and yet Ms. Mouzon deals with one person.

This plan that the chairman has asked for in 10 days better not come back with notions "if the court says," or whatever. It ought to come back with, for example, if a court order is necessary or presenting the matter to the court for permission is necessary, with the notion that we are prepared to ask the court for permission to do this within a time certain.

Thank you Mr. Chairman.

Mr. DAVIS. Thank you, Ms. Norton. For the record, I am also a licensed attorney in D.C. I thought I would point that out. And clearly we just need everybody working together. If we get everybody working together, can we get a plan in 10 days? Is everyone willing to commit to get a plan in 10 days.

Ms. JONES. Yes.

Ms. GRAHAM. Yes.

Mr. DAVIS. That's all we want to see. We just want to get this focused on a plan and implement the plan. That's really what this hearing is about. We can go back, and there is plenty of culpability to go around for everybody on this.

I want to just ask a few questions if I can. Ms. Jones, you talked about maintaining the appropriate staff and your recruiting and so on, but one of big problems seems to be retention. And I want to ask you: Are you doing exit interviews to pinpoint the reasons employees leave the agency in droves. Or are you just so overwhelmed trying to keep it set?

Ms. JONES. No, we do exit interviews with everyone that leaves. The turnover has shifted some. We're still losing some staff, but I've been conducting an analysis of the turnover since May and our turnover rate has dropped dramatically. We've been averaging now about six employees a month, whereas before we were averaging—last year, of course, we lost 40 in 1 month. But our turnover has come down dramatically.

The primary area where we are losing staff now is in Foster Care, that is workers that work in Foster Care and Kinship Care. And I think there are some variables that are influencing that, not the least of which is the amount of attention that has been given—public attention that has been given to it.

The staff have developed their own committee that works on making recommendations about things we can do to help encourage employees to remain in the agency. And I act on just about every recommendation they present. Now, I certainly don't do anything that is outside the bounds of what is responsible management. But I believe that if we can get a period in which there is less public attention on the intricacies—and I know that you know that may not happen—I think that will slow down the reason why many workers leave. These young workers are at the beginning of their career and they, too, have to weigh whether or not they want to

continue to work in an agency where this will potentially influence their ability to get jobs elsewhere. So they leave.

But I think we've slowed that down a lot. I don't think we're over the hump, but I think we're in a much better position now than back in the spring.

Mr. DAVIS. Let me take it another step further. I know in one case in press accounts, you called a social worker, one of the ones that needed to go, and kind of were blaming the social worker. So I don't know the specifics of that problem; but in your judgment, do social workers have confidence in the agency and do social workers trust leadership right now under this court receivership? GAO told us that social workers feared that they'll be blamed for problems that are not of their making. All of that sort of has a morale problem in the agency.

Ms. JONES. Sure, that affects morale. One thing I am comfortable about is that we've not structured a process in the agency that lays the blame on the workers. That's not to say that—I do not believe that social workers should not be held accountable for the work they do. And while I recognize that in many instances a worker may have more cases than what they should have, that does not mean that when they are working on a case they should not do the best quality of work that they can. And the overwhelming majority—let me put it in perspective. The overwhelming majority of our workers are doing a good job. Just looking at the issue of court involvement, we have roughly 10,000 cases a year that go into court. Now, we only have a population of roughly about 3,000 children in of-out-home care. But we are in court on about 10,000 hearings a year. Of that, we're talking about 200 that generally fall into the category of where we are failing to meet the requirement. And more often than not, those cases are associated with a caseload where we've had turnover.

What we're trying to grapple with is to get the stability there. If we get it there, then I think we will deal not only with retention but we will be able to zero in on the quality.

Now, when you've got a work force where more than half of the staff are relatively new, you're dealing with inexperience, you're dealing with workers that have to be nurtured and supported, you're dealing with workers that need to have legal representation when they go into court because they are afraid to stand on their own.

Mr. DAVIS. Now, you mentioned in discussing the Foster Care and the Kinship Care programs, that the CFSA is going to contract temporary social workers, I guess, as kind of a stop gap. Let's think aloud on that. Is that wise? Is this an improvement or is this just because you're so overwhelmed and you want to get somebody up there that you're willing to do this short term with temporary workers? What kind of continuity of care do you foresee these children getting if their social workers are constantly changing?

Ms. JONES. I don't see that as the solution to the problem. For example, what I am trying to buffer against is if you've got a worker who notifies you that they are leaving, you know, in 2 weeks this is one of the things that you have to plan for. And that is the reason why I want to be able to hire more workers than what I need. What you have to plan for, then, is what's the window of time

it's going to take before you get another full-time licensed worker on that caseload and how do you help that supervisor at least do some of the staff work, the legwork on a case, to go out and do visits, to write up the reports that need to be done?

Mr. DAVIS. Let me ask this. With the addition of the new full-time social workers to your staff, how many children is each social worker responsible for?

Ms. JONES. It varies according to programs. In Foster Care it is supposed to be 1 to 20. For family services, Kinship Care, you're dealing with families, it's 1 to 17. In adoptions it's 1 to 12—I get them mixed up sometimes. I can give you the exact count later.

Mr. DAVIS. Let me ask Ms. Mouzon what about the numbers in Maryland, do you know?

Ms. MOUZON. Maryland is undergoing accreditation and therefore we have had some graciousness from our general assembly, which allows us to move the Child Welfare League of America Standards, so therefore we are in a court decree in Baltimore City which allows us 1 to 20 in Foster Care, 1 to 30 for Kinship Care. But under the Child Welfare League of America Standards, that lowers our caseloads. And we will be following those standards beginning next year, which in our—CPS, it's 1 to 13. Thank you. I was going to say 12. And Foster Care will be 1 to 15. The same in Kinship Care. And then we are also running some pilots where we have one worker assigned to eight families.

Mr. DAVIS. Let me make an observation and see if this is right, because I think we all recognize this is not stable, this is not where we want it to be. I think we all acknowledge that, for various reasons, today we don't. We would want to meet those standards in the city and it could be argued that in the city you're more likely to get a tougher type of case then you do, on average, out in northern Virginia or out in Maryland in some of these cases.

Ms. MOUZON. We also have Baltimore City, and Baltimore City——

Mr. DAVIS. I am not trying to compare, but city cases are tougher than suburban cases on average.

Ms. MOUZON. I will say this. We have had some issues in Maryland particularly that dealt with turnover. We had a bill that was passed 2 years ago called House Bill 1133, which allowed us to increase the salary that we pay our workers, also allowed us to provide our workers with more training and to decrease our caseloads. We also dealt with the issues of retention of our staff and have instituted some programs that allow staff recognition. We also pay hiring bonuses. These things have brought a lot of stability to the staff within the State of Maryland.

Mr. DAVIS. This is a good economy and people who are talented and trained have a lot of options. And that doesn't mean working for the court receiver and doing some of the toughest cases in the country with an overworked caseload, and that is the bottom line. What we want you to do in this 10-day plan we want you to come up with, let's meet these standards. Let's not go to the waive standards, or 1 to 20; come to the 1 to 15 if that's what it takes, if these are the standards. Let's talk about what it takes to get there. Let's talk about what it takes to stay there.

And, look, I think all issues are on the table. This is a very critical issue for the city, because we can see these kids further down the road in another venue if we don't take care of them here. We would like you to do that. It is not unlimited money, but that's a part of the problem. But a lot of it is just management and getting the caseload management and a little extra money sometimes. A little extra management care can help you retain people.

We've got to get this thing back. It's not where we want it to be. And the difficulty now is the accountability. People who are reporting to each other aren't accountable to the same people. And it is just not working. So put the finger pointing aside. If we can have you all sit down and come up with a program where we can be in a very short period of time, the resources it's going to take, and what the accountability will be, I think we'll come away from this hearing having accomplished something. And we can come back and review this in January in terms of seeing how it's implemented. And if it's a resource issue, we need to know that. The sky is not the limit.

But I'll tell you, what we have now, you can pour millions more into it, and under this, the way we are looking at it, the way it is operated right now, that's not going to solve it. You got to work it smarter. We have to have the programs and the protocols and everything up. And it's just not there. And one of reasons, in fairness, Ms. Jones, to you and everyone else, is when you're so overwhelmed, you don't have much time to be proactive. You're just trying to cover cases. You're just trying to get visits. I know what it's like. So we need to get this stable, and we need everybody working in the same area.

I feel really pretty good about the fact that they have told us here that they will come back in 10 days and they think they can all work together. And we need to bring the plaintiffs in, too. They are obviously a piece of this. We've had problems in the city before where you have the suits and the plaintiffs don't want to agree, and it just holds up progress. But we need to get everybody going in the same direction.

Let me just recognize the chairman of our full committee is here, Mr. Burton, and he did not want to say anything before but I know he has an interest in this. And, Dan, if you would like to say anything before we conclude, we'd be happy to.

Mr. BURTON. The only thing I would like to say is, first of all, I appreciate you and Ms. Norton holding this hearing today. I, when I was a boy, went through the kind of situations that a lot of these children are going through and I am very, very interested in it. And anything that I can assist Mr. Davis and Ms. Norton in doing to help solve this problem in Washington, DC, I want to do. And whatever it takes, I'll be supportive. The situation, as I understand it, now is an intolerable one and it has to be corrected very quickly, and so you have my full cooperation, Chairman Davis.

Mr. DAVIS. Thank you very much, Chairman Burton. I think Ms. Norton wants to say a couple comments. And I think we can sum up and let you go. Let me just say on behalf of the committee, we appreciate everybody being here, and if we can solve this problem we will have accomplished what we are trying to do.

Ms. NORTON. Thank you, Mr. Chairman. Just a couple of questions.

Ms. Mouzon spoke about hiring bonuses. We know people are doing that for teachers. I wonder—and apparently they are doing it also for social workers in Maryland—are we doing anything like that in the District of Columbia?

Ms. JONES. We did step increases for social workers who had outstanding records in school. We have not done the bonuses, although we have submitted that as one of our requests in this fiscal year's budget. Yes, we do have it on the table.

Ms. NORTON. I think looking at the best practices in the region, I think that is something that is worth looking at.

Finally, I think we ought to ask Ms. Lopes about the transition work in which she's been involved. Ms. Lopes, you will have to forgive me for my impatience. I believe that you and the other three witnesses, including Ms. Mouzon, are dealing in an impossible system, and to the extent that you accept the premises of the system, it does seem to me that we are going to be in difficulty. I know that in—I think it was Ms. Jones' testimony—there were discussions of the children's villages. Is it your testimony?

Ms. GRAHAM. It is in my testimony.

Ms. NORTON. Deputy Mayor Graham. I know we have some Boys Towns coming in the District of Columbia. Mr. DeLay, who knows this problem thoroughly, indicated to me that those kinds of solutions are the kind of breakthrough solutions that he is seeing around the country; that if we keep dealing with these one on one, foster homes, many of which are not equipped to accept children, you know, which comes out of the thirties when people would take in another child when they already had children in the home and things worked out all right—if we keep dealing within that system, we will leave most of these children right where we have them.

That's why I want to encourage us to think straight outside of the box, to understand that in a real sense you could help redesign another way to deal with foster care. And the one-on-one Foster Care way has worked nowhere in the United States, and I don't expect D.C. to leap forward and somehow find the magic solution operating within the premises of the present system.

Therefore, Ms. Lopes, you have to understand I am a lawyer who has spent her entire career trying to think as little like a lawyer as possible and more like an innovator. I chaired the Equal Employment Opportunity Commission, where if I had kept thinking like they were thinking, which was you had to resolve every case by taking it 2 years, we would continue to have the backlog which I got rid of. So I understand what you are up against, and I want to compliment you on having apparently arranged to get the Mental Health Agency back, as I understand it, as of April 2001—is that when it's due to come back?

Ms. LOPES. That's correct.

Ms. NORTON. We know that on its own—because it did such an extraordinary job because public housing is back. I know that you are beginning discussions to get this agency back. You said that these are very complex discussions, but you gave us no idea of what those complexities were.

So I would like to give you the opportunity to let us know some of what you're up against. Are you trying, for example, to somehow meet the requirements that the court laid out which would be, obviously, almost impossible; or are you trying to do a transition plan that would leave the District with the responsibility for meeting what the receiver was unable to meet on her own, in part because she didn't even have jurisdiction over many of the agencies involved? If you could lay out some of the complexities for us, it would give us a greater appreciation for what you and the city are up against.

Ms. LOPES. Certainly. We are in discussions that really address the latter issue; and that is, what are the conditions upon which the transfer of day-to-day operations will revert to the Mayor, not modification of the MFO which is a subsequent issue and an issue that the District is very interested in tackling. But initially, the threshold issue and the issue that we want to resolve as quickly as possible is under what conditions can we get the agency back, and it is that agreement that I am trying to broker.

Ms. NORTON. Do you have any notion of—have you set for yourself a deadline by which the city would want to have this agency back under the jurisdiction of the District of Columbia, recognizing that you obviously have to get the court and everyone involved to agree to that?

Ms. LOPES. By the end of the year. If we don't have an agreement by October 18, we will be prepared to litigate.

Ms. NORTON. Thank you very much.

Thank you, Mr. Chairman.

Mr. DAVIS. Thank you very much. I would like to thank again our witnesses for participating in this hearing. I want to thank Tom DeLay for his assistance and his ongoing leadership, as well as Chairman Burton. I want to thank Ms. Norton, Mrs. Morella, and Mr. Horn for participating.

I look forward to receiving an emergency plan from all the parties involved in this situation. It's a goal that we can bring this issue to a close without requiring further congressional intervention. If that's not the case, my colleagues and I will consider all options available to us to bring the receivership to a close.

There is no further business before the subcommittee today. This hearing is adjourned.

[Whereupon, at 12:17 p.m., the subcommittee was adjourned.]

[Additional information submitted for the hearing record follows:]

ANTHONY A. WILLIAMS
MAYOR

The Honorable Thomas M. Davis
Chairman, Committee on Government Reform
Subcommittee on the District of Columbia
U.S. House of Representatives
222 Cannon House Office Building
Washington, DC 20515

Dear Chairman Davis:

As you are aware, on September 20, 2000, members of my senior staff, officials from the Child and Family Services Agency Receivership and Maryland state officials, provided testimony before the U.S. House of Representatives, Committee on Government Reform, Subcommittee on the District of Columbia, on the status of the District of Columbia's Child and Family Services Agency Receivership. At the hearing, the Subcommittee requested that District officials, in collaboration with the CFSA Receiver, the LaShawn Monitor and plaintiffs, and other relevant parties, develop an emergency plan to address the short term critical needs of the child welfare system (including CFSA and other agencies), and the long-term strategy for complete reform of the child welfare system in the District.

Attached herewith is the District of Columbia's Child Welfare System Emergency Reform Plan. This plan details critical short and long-term strategies aimed at unifying and improving outcomes for children. There are six critical elements to the plan to unify the child welfare system.

The overall goals of the plan are to:

- Unify child welfare functions through the creation of a single state agency
- Expanded partnerships with local service providers to provide neighborhood-based services to children and families.
- Create a one-stop shop to integrate the resources of all agencies involved in child welfare investigations and prosecutions
- Support efforts to ensure that appropriate staffing and resources are provided to the DC Superior Court to achieve compliance with the Adoptions and Safe Families Act (ASFA).
- Assess staffing and financial resource needs for the Office of Corporation Counsel to support ASFA compliance
- Integrate CFSA's information system, FACES, into the citywide Safe Passages Children's Tracking System to better provide and monitor services to children.

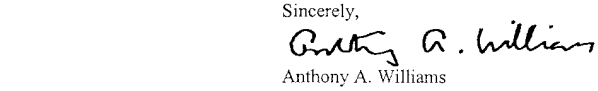
Specifically, the plan addresses these short-term needs:

1. Improve procedures to expedite processing allowing for placement of children in foster homes outside the District of Columbia;
2. Supporting DC Superior Court efforts to obtain additional federal resources to appoint Commissioners and support staff to address the backlog of adoptions and foster care cases pending before the Court;
3. Based on data obtained from a 90-day assessment, provide additional staffing and financial resources to the Office of Corporation Counsel to address the backlog of adoptions and foster care cases;
4. Obtain approval to increase the current IV-E reimbursement rate (50%) to the level of the Medicaid Matching rate (70%).

The District of Columbia is committed to ensuring the safety and well being of all its children, particularly those whose life circumstances require a greater reliance on governmental and community resources. We are eager to work with Congress and all key stakeholders to develop a child welfare system that effectively and compassionately addresses the needs of our most vulnerable citizens.

If you need additional information regarding this report, please do not hesitate to contact either Deputy Mayor Carolyn N. Graham at (202) 727-4270 or myself. Thank you for your ongoing support of the District of Columbia.

Sincerely,



Anthony A. Williams
Mayor

cc: The Honorable Eleanor Holmes Norton
The Honorable Thomas D. Delay

DISTRICT OF COLUMBIA

CHILD WELFARE SYSTEM EMERGENCY REFORM PLAN

SUBMITTED TO THE
U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON GOVERNMENT REFORM
SUBCOMMITTEE ON THE DISTRICT OF COLUMBIA

OCTOBER 4, 2000

ANTHONY A. WILLIAMS
MAYOR

TABLE OF CONTENTS

CHILD WELFARE SYSTEM
EMERGENCY REFORM PLAN 1

IMPLEMENTATION PLAN 18

PART ONE -- CHILD WELFARE SYSTEM EMERGENCY REFORM PLAN

Part One -- District of Columbia Child Welfare System Emergency Reform Plan

This document provides a plan to reform and improve the District of Columbia's child welfare system. The plan was developed by the District of Columbia in response to a request from the United States House of Representatives, Committee on Government Reform, Subcommittee on the District Columbia, due to ongoing concerns about the quality of the District's child welfare system. This plan was developed in consultation with key stakeholders within the District as well as national experts in child welfare.[1] The plan includes both short term actions to address immediate concerns, as well as longer term strategies to substantially reform the child welfare system. Part One provides an overview of the current child welfare system and the elements of this plan. Part Two provides an implementation plan with specific tasks and timeframes.

The goal of this plan is to establish a unified child welfare system that

(1) Provides high quality services to ensure specific outcomes for children and families—namely, safety, family preservation and permanency;

(2) Maintains an institutional capacity to support an effective service delivery system; and

(3) Engages a variety of community stakeholders and resources in supporting families and protecting and achieving permanency for children.

This plan is informed and guided by the Adoption and Safe Families Act as well as documents including Mayor Williams' white papers on the child welfare system, reports from the LaShawn Monitor, reports from the Mayor's Child Fatality Review Committee, the Receiver's strategic plan and studies by the General Accounting Office (GAO) of the District's child welfare system. However, this plan is not intended to be exhaustive in its presentation of strategies for systemic reform.

The District's Child and Family Services Agency (CFSA) is currently in a receivership imposed by the federal court in LaShawn A., et al. v. Williams, et al. Negotiations on a consent agreement to transition the agency back to the District's control are underway. The negotiations are scheduled to conclude on October 18, 2000 when all parties will meet with the judge to report on their progress. Absent substantial agreement on a transition plan, the District of Columbia intends to request that the Court terminate the receivership. The initiatives set forth in this plan are consistent with the court orders in the LaShawn case.

---

[1] Among other entities, the Child Welfare League of America (CWLA) provided input into the development of this plan. In addition the LaShawn Court Monitor reviewed and commented on the plan. The Monitor found that the plan is consistent with the Court orders, and indicated that, in her view, the plan could be helpful in achieving implementation of those orders. The LaShawn counsel for the Plaintiff class also reviewed the plan. Plaintiffs' counsel do not object to the initiatives in the plan and have requested that we note that they are currently engaged in negotiations with the District of Columbia about implementation of the Court's orders.

Background

The District of Columbia's Fiscal Year (FY) 2000 Children and Youth Action Plan, *Safe Passages*, states that, "[t]he experiences children encounter as they travel through the major passageways of life dramatically impact where they go, how far they go, and the kind of people they grow up to be" (1999, p.1). Indeed, this Administration has made children and their healthy growth and development a clear priority. Among other initiatives, parent development centers are being established in neighborhoods; a nurse home visiting program for all newborns in the District is being implemented; after-school programs for children are being greatly expanded; and access to affordable childcare is being increased.

Children who have been abused and/or neglected are particularly vulnerable to poor life outcomes. These children depend on the child welfare system for safety and permanency. Unfortunately, many abused and neglected children in this City have not been well served by the District's child welfare system. Indeed, the quality of the District's child welfare system has been a longstanding concern; the City has been under a federal court order to reform the system since 1991 and the Child and Family Services Agency (CFSA) has been in some form of receivership since 1993.

For example, investigations of abuse and neglect are currently done by two different agencies and are not appropriately coordinated between the two agencies.[2] Prosecutions of adults who commit crimes against children are relatively rare. Needed services are not available and/or not provided. Ongoing abuse and neglect cases are also managed by two different agencies, causing both service gaps and duplication of effort.[3] Children stay in

[2] The Child and Family Services Agency (CFSA) conducts investigation of child neglect. The Metropolitan Police Department (MPD) investigates allegations of child abuse (physical and sexual).

[3] The Child and Family Services Agency (CFSA) is responsible for carrying all cases (both in-home and foster care) that result from neglect. CFSA is also responsible for carrying foster care cases resulting from abuse. A separate agency, the Social Services Division of the D.C. Superior Court (commonly known as

foster care far too long with no permanent home. Many grow up in foster care, never knowing the security of a permanent and loving family.

Specifically,

- In September 1999, there were 3,334 in foster care; approximately one third of these children had a goal of adoption, which means that they are not going to return home to their birth families.
- The average length-of-stay for children in foster care in the District is 3.71 years, almost double the national average.
- Although resources for families have increased through the HFTC Collaboratives and other strategies, adequate supports and services, especially mental health and substance abuse services, are not available for many children and families.
- Relationships between CFSA, OCC and the D.C. Superior Court and lack of adequate resources and structural problems within the Court make it difficult to move children to permanency and comply with ASFA.
- The division of responsibility and authority with regard to investigating child abuse and neglect between CFSA and the Metropolitan Police Department (MPD) and the lack of coordination between the two agencies places children at risk; and
- The division of responsibility between CFSA and Court Social Services (CSS) for carrying ongoing abuse and neglect cases creates a confusing system in which there are both service gaps and duplication of effort.

Notwithstanding the deficits in the District's child welfare system, there has been some progress in building agency infrastructure. The agency now funds, albeit in limited form, preventive services through the neighborhood collaboratives. Also, a staff training

---

Court Social Services) carries in-home cases resulting from abuse. In other words, if an abuse report is founded but a determination is made that the children can remain at home with services and supervision, the case is carried by Court Social Services. If an abuse allegation is founded and the children need to be removed from the home, the case is carried by CFSA.

academy, a new information system and the agency personnel system are now functional. In addition, the annual number of finalized adoptions has increased significantly from 86 in FY 1995 to 329 in FY 2000.[4] The District expects that progress will be accelerated following the termination of the receivership – which itself contributes to the fragmentation of the child welfare system.

This plan outlines concrete steps to begin the process of establishing a child welfare system with the following principles and characteristics:

- Child safety is the paramount concern and focus.
- Services and supports are available in neighborhoods to prevent child abuse and neglect before it occurs.
- There is an immediate and effective response when abuse or neglect occurs.
- Children are protected against recurrence of abuse and neglect.
- Reasonable efforts are made to support biological families so that children can grow and thrive and remain safely with their biological families;
- All children who must enter foster care remain in this temporary placement for the least amount of time possible;
- All children who enter foster care and can not return safely to their biological families have the opportunity to grow up in a safe, nurturing and stable family, whether this is through placement with relatives or adoption;
- Case management and services are neighborhood-based, meaning that caseloads are geographically assigned; services and resources within neighborhoods are identified, strengthened and utilized; and neighborhood residents participate directly in shaping the local service delivery system; and
- Case management and services are child and family centered, meaning that children and families are meaningfully engaged in case planning and decision making and that services are flexible to meet identified needs.

[4] The number of adoption finalizations has increased steadily during the past five years—from 86 in FY 1995, to 113 in FY 1996, to 132 in FY 1997, to 168 in FY 1998, to 250 in FY 1999, to 329 in FY 2000.

Overview of the Emergency Reform Plan

This plan has six major goals which are listed below and described in more detail in the remainder of this document:

1. Establish CFSA as the single child welfare agency in the District of Columbia with responsibility for handling child abuse and neglect, ending the current bifurcated and fragmented system;

2. Develop a community-based service delivery system in which services are provided to children and families in their own neighborhoods through expanded partnerships with private and community-based service providers and neighborhood networks;

3. Expand the current Safe Shores Children's Advocacy Center into a modern Children's Assessment Center, which will co-locate and integrate the work of all agencies involved in the investigation and prosecution of child abuse and neglect (CFSA, Metropolitan Police Department, Office of Corporation Counsel, U.S. Attorney's Office, Children's Hospital). This will improve the timeliness and quality of investigations and increase referrals for prosecution for crimes against children;

4. Support efforts to ensure that the D.C. Superior Court has the staff and resources necessary in the short term to eliminate the backlog of foster care and adoption cases and achieve compliance with the Adoption and Safe Families Act (ASFA).[5] In the long term, the City proposes that the Court and key stakeholders comprise a task force to explore family court models and study the possibility of establishing a family court in the District of Columbia;

[5] The District of Columbia Superior Court is funded by the federal government and is not under the control of the Mayor. However, the ability of the Court to efficiently process child welfare cases directly impacts the City's ability to achieve compliance with ASFA and good outcomes for children.

5. Within 90 days, conduct an assessment of the Office of Corporation Counsel and a survey of other jurisdictions to determine the staffing and resource levels necessary to ensure compliance with the Adoption and Safe Families Act and to expedite prosecutions for child abuse and neglect. Based on this assessment, provide necessary level of staff and resources; and

6. Integrate CFSA's information system, FACES, into the citywide Safe Passages Child Tracking System that is now being developed.

Clearly, an important part of this plan is immediately providing necessary staff and resources to the Office of the Corporation Counsel and the Superior Court in order to facilitate compliance with ASFA. ASFA requires expedited timelines for permanency plans for children in foster care. However, the plan contemplates much larger systemic reforms through the exploration of family court models, the ending of the bifurcated child welfare system, the creation of a fully integrated response to child victimization and, significantly, through the development of a neighborhood-based service delivery system utilizing community-based providers and resources.

The District's Child and Family Services Agency (CFSA) is currently in a receivership imposed by the federal court in *LaShawn A., et al. v. Williams, et al.* Negotiations on a consent agreement to transition the agency back to the District's control are underway. The negotiations are scheduled to conclude on October 18, 2000 when all parties will meet with the judge to report on their progress. Absent substantial agreement on a transition plan, the District of Columbia intends to request that the Court terminate the receivership. The initiatives set forth in this plan are consistent with the court orders in the *LaShawn* case.

Indeed, states that are realizing success in their child welfare systems are focusing on collaboration between critical government agencies and the community to better protect children and support families. Jurisdictions across the country—including Louisville, St. Louis, Los Angeles, Cedar Rapids, Jacksonville, New York City, Kansas, Michigan and

North Dakota—are developing strategic partnerships between the public child welfare agency and the community. In these partnerships, the community—comprised of private agencies, schools, advocates, residents, churches, grass roots organizations—is sharing responsibility with the public agency for protecting children, supporting families and recruiting and supporting foster and adoptive homes. These jurisdictions have realized that the public system simply cannot do it alone.

The District has already taken steps in this direction. Approximately five hundred foster care cases are already handled by private agencies, not including cases being managed or shared with CFSA by the Collaboratives. This type of partnering with the community can be further expanded. However, doing so requires ensuring that there is both appropriate capacity in the private sector and effective quality assurance and monitoring capacity within CFSA.

To be clear, this plan is not just about doing more contracting out to the private sector, but about a different approach to the work system-wide. This plan seeks to develop a neighborhood service delivery system in which caseloads are geographically assigned (both within CFSA and the community); services and resources within neighborhoods are identified, strengthened and utilized; and neighborhood residents participate in directing and shaping the local service delivery system.

Expanding partnerships with community-based providers will not only enable but require CFSA to focus more on its regulatory role—policy and planning, licensing, quality assurance monitoring, staff training and development, revenue maximization, etc. Currently, CFSA serves both the "state" and "local" functions of a child welfare agency. For example, CFSA is responsible for the state function of documenting compliance with the requirements of the federal Title IV-E of the Social Security Act (in order to receive federal funds for children in foster care). CFSA is also responsible for the local function of actually coordinating the services provided in thousands of child welfare cases. Due to the District's unique political status, many District agencies have responsibility for

carrying out both state and local functions and this has arguably contributed to reduced effectiveness in both roles.

Aggressive steps must be taken to ensure that a unified child welfare system is established with the resources and relationships needed so that our children are no longer compromised; that CFSA is reintegrated into the governance structure of the District of Columbia; and that compliance with the LaShawn Orders is achieved. The children of the District of Columbia simply cannot wait any longer. Resolving these problems requires the collaboration and active participation of all segments of government and the community.

THE REFORM PLAN: SIX MAJOR ELEMENTS

1. Establish CFSA as the single child welfare agency in the District of Columbia with responsibility for handling child abuse and neglect, ending the current bifurcated and fragmented system.

All stakeholders believe that there should exist a single child welfare agency responsible for abuse and neglect. Under this plan, the following will occur:

- Responsibility for implementing the Interstate Compact for the Placement of Children (ICPC) will be transferred from DHS to CFSA, making CFSA the single point of contact for ICPC processing;
- Responsibility for licensing, regulating and monitoring foster and group homes will be shifted from the Department of Health to CFSA;
- CFSA will be authorized to co-lead all investigations of child abuse with the police (ending the current bifurcated system in which the police are responsible for investigating child abuse and CFSA is responsible for investigating child neglect). This will occur in the context of the new Children's Assessment Center (see p.11);
- CFSA will take over responsibility for managing in-home abuse cases currently managed by Court Social Services (ending the bifurcation of responsibility for case management between CFSA and Court Social Services).

- CFSA's computerized information management system FACES will be integrated into the *Safe Passages* city-wide child tracking system (see p.15)

In addition to the functions noted above, CFSA will also focus on the following:

- developing policies, regulations and procedures for quality child welfare practice based on national experience and professional guidelines;
- establishing and maintaining a professional development and staff training system (for both public and private agencies);
- developing an intensive quality assurance monitoring and performance tracking process for CFSA and all private providers; and
- developing and coordinating complementary policies, services and resources among other critical District agencies such as the Commission on Mental Health Services, the Departments of Health, Human Services, Employment Services and D. C. Public Schools.

To further augment and support the steps listed above, the District of Columbia is requesting that Congress take the following steps:

- Increase the current Title IV-E reimbursement rate from 50% to the District's Medicaid matching rate of 70%, as is authorized by the Social Security Act for every other state but the District of Columbia; and
- Support Mayor Williams' *Bring Our Children Home* campaign by approving the plan developed by the Advisory Committee on Permanent Homes for Children to utilize $5 million for adoption incentives and supports and services for pre and post-adoptive families. Specifically, the monies will be used to create a flexible fund to support adoptions of sibling groups and other hard-to-place children; establish a scholarship fund to support transition to independence for adopted teens; create and Adoption Resource Center; and enhance recruitment and support of District foster and adoptive families.

2. Develop a community-based service delivery system in which services are provided to children and families in their own neighborhoods through expanded partnerships between the public child welfare agency and neighborhood networks of community-based service providers.

Under this plan, CFSA will geographically assign its own caseloads so that, to the greatest extent possible, each worker's caseload is focused in one particular neighborhood. In other words, instead of a worker having one family in Anacostia, one family in Shaw, one family in Trinidad, etc., all or most of the worker's cases would be located in just one of these neighborhoods. This helps workers to become intimately familiar with the resources available in particular communities and enables them to spend more time on child welfare work by cutting down on travel time. (The investigation unit within CFSA is already geographically assigned.)

Under this plan, CFSA will also undertake an assessment of existing private service providers and community based networks such as the Collaboratives to determine if they have the capacity to play a more significant role in the delivery of child welfare services. It is likely that this assessment will find that some organizations are ready now to take on more responsibility; some organizations would be able to play a larger role if some additional resources and technical assistance were provided; and some organizations may not be appropriate for handling any additional casework functions.

Once these determinations are made, CFSA will pilot expanded partnerships with those organizations that are found to have the necessary capacity for handling additional direct service casework responsibilities. This pilot will be characterized by a very cautious and methodical transfer of casework responsibilities and by intensive oversight and monitoring by CFSA. (Geographic caseload assignment within CFSA will help facilitate close oversight and monitoring.) CFSA will revise contracting practices to reflect the neighborhood-based approach, requiring providers to work in neighborhoods and function as part of community-based networks. Contracts will also be results-driven and hold providers accountable for meeting performance measures related to child well being and permanency.

For the second group of organizations, CFSA will work closely with them to develop and implement a targeted capacity development plan with clear goals and measurable indicators. Upon completion of the plan, another capacity assessment will be conducted to determine if the organization is ready to enter into the pilot phase described above.

In summary, the development of a neighborhood-based child welfare service delivery system will be characterized by the following:

- Ongoing assessments of community capacity;
- Targeted technical assistance and capacity-building for community-based organizations and networks;
- Development of strategic partnerships between the public child welfare system and neighborhood agencies and networks where necessary capacity exists;
- Intensive quality assurance monitoring and oversight; and
- Accountability for child outcomes.

The development of a neighborhood based child welfare service delivery system is not an item than can be crossed off on a plan as having been completed. Indeed, all of the functions listed above will be part of an ongoing process to ensure high quality child welfare service provision and improved outcomes for children.

3) Expand the current Safe Shores Children's Advocacy Center into a modern Children's Assessment Center which will co-locate and integrate the work of all agencies involved in the investigation and prosecution of child abuse and neglect (CFSA, Metropolitan Police Department, Office of Corporation Counsel, U.S. Attorney's Office, Children's Hospital).

As explained above, in the current system, CFSA investigates child neglect and MPD investigates child abuse. Failure of these agencies to communicate and coordinate has resulted in delayed investigations, increased risk to children and low prosecution rates for crimes against children. This plan proposes the establishment a Children's Assessment

Center which co-locates and integrates the work of all of the agencies with responsibility for investigating and prosecuting child abuse and neglect—CFSA, MPD, OCC, U.S. Attorney's Office, Safe Shores Children's Advocacy Center and Children's Hospital. At the CAC, CFSA, as the unified child welfare agency would coordinate work with team members in conducting all investigations of abuse and neglect. In cases of alleged abuse, CFSA and MPD would jointly conduct investigations. MPD will develop a specialized team of officers dedicated to cases involving crimes against children.

The establishment of the CAC will improve the timeliness and quality of abuse and neglect investigations and increase referral for prosecution for crimes against children. The integration of the agencies will also help to make the interviewing process more coordinated and less traumatic for children.

Specifically, the CAC will include the following functional changes:

- A Child Victim Center within the CAC to house multiple agencies including MPD, CFSA Intake and Investigations Unit, D.C. Superior Court Visitation Program, U.S. Attorney's Office Victim Witness Unit, Child Victim Advocates and the Office of Corporation Counsel Victim Witness Unit.

- MPD will create a consolidated Crimes Against Children Unit (CACU) to be located within the CAC. The unit will work jointly with CFSA to investigate criminal child abuse and neglect. Referrals will be made as appropriate for prosecution to OCC and the U.S. Attorney's Office. Crimes investigated by MPD will include interfamilial and non-familial physical and sexual abuse, sexual exploitation, homicide, reckless endangerments that have or may cause physical harm, missing persons and Internet crimes. These crimes would be investigated by the CACU without regard to whether the alleged offender is an adult or juvenile or without regard to where the crime occurs.

- Other critical agencies and organizations with representation within the CAC:

- Forensic/Clinical Program (Children's Hospital)
- OCC-Abuse and Neglect Section
- OCC-Juvenile Section
- U.S. Attorney's Office – Sex Offense and Domestic Violence Units
- DC Public Schools Prevention Program *(proposed)*
- Training Academy *(for child abuse professionals)*
- The National Children's Alliance *(national headquarters)*

A strategic alliance will be formed among the participating entities. The current children's advocacy center, *Safe Shores*, located in the One Judiciary Square Building, now coordinates the conduct of all child sexual abuse medical examinations for the District. In as much as it plays an effective role in coordinating this work among some of these diverse government agencies, it is envisioned to continue in this capacity. Through a Memorandum of Understanding (MOU), Safe Shores will serve as the lead for the Alliance. An MOU, setting forth the rules that govern each entity's actions in the conduct of the CAC's work, is currently under development, and will be signed by all parties in mid-October.

4. In the short term, additional resources must be provided to the D.C. Superior Court in order to eliminate the backlog of foster care and adoption cases and achieve compliance with the federal Adoption and Safe Families Act (ASFA). In the long term, consideration should be given to family court models operating in other jurisdictions in terms of their potential for implementation here.

The District of Columbia Superior Court is funded by the federal government and is not under the control of the Mayor. However, the ability of the Court to effectively process child welfare cases directly impacts upon the City's ability to achieve compliance with ASFA and good outcomes for children.

Currently, child welfare cases are spread across the Court's fifty-nine (59) judges who rotate in and out of the Family Division. Thus, the Court does not have a consistent and centralized focus on child welfare and family cases. Scheduling problems cause social

workers and other parties to spend hours waiting for their cases to be called. In addition, the Court's case tracking systems need improvement and coordination with the child welfare agency.

The Court has indicated that it needs additional staff and resources in order to assist the judges in expediting backlogged foster care and adoption cases. The City is also aware that additional support is needed for the Court Appointed Special Advocates (CASA) and Guardian Ad Litem (GAL) programs.

Beyond these more immediate steps, the City would strongly support and participate in the creation of a task force to explore family court models operating in other jurisdictions and assess the possibility of implementing such models in the District of Columbia.

5. In the short term, additional resources must be provided to the Office of the Corporation Counsel to eliminate the backlog of foster care and adoption cases and achieve compliance with the federal ASFA. Within 90 days, conduct a workload analysis of the Office of Corporation Counsel and a survey of other jurisdictions to determine the staffing and resource levels necessary to ensure compliance with the Adoption and Safe Families Act and to expedite prosecutions for child abuse and neglect. Based on this assessment, provide adequate level of staff and resources.

The Office of the Corporation Counsel is required by law to present evidence to adjudicate children as abused and neglected, represent the District in status and permanency hearings of children under protective supervision or in foster care, file termination of parental rights petitions and handle adoption cases.

Current data from OCC show that there are approximately 14,000 total children's hearings per year, representing 1,200 children's hearings on a monthly basis. Approximately 1,500 -1,750 children a year are referred to OCC's Abuse and Neglect Section for adjudication in the Family Division of the Superior Court. Furthermore, approximately 3,500 foster children must appear, at least once a year, for periodic review. By statute, OCC must handle these matters.

In June 2000, the City Council enacted the District of Columbia Adoption Safe Families Act of 1999. Under ASFA, new and expedited time lines are required to adjudicate abuse and neglect cases in the Family Division of Superior Court. Current staffing levels within OCC do not allow for adequate coverage of court hearings in the pre and post adjudication stages of abuse and neglect matters, or for termination of parental rights matters. Under ASFA, the District must initiate or join in Termination of Parental Rights (TPR) litigation within a short time frame after the Child and Family Services Agency designates adoption as a goal. Presently, there is a backlog of some 1,000 children who are awaiting permanency hearings. The problem of adequate attorney coverage in abuse and neglect cases is aggravated by the non-unified family court system.

The provision of adequate legal resources is essential to ASFA implementation. The District of Columbia risks substantial federal penalties for non-compliance with law and regulations under ASFA that could include the loss of federal IV-E funds.
Within 90 days, OCC will complete a bench marking study to determine the additional number of attorneys required to comply with ASFA. If the District is to achieve compliance with ASFA and allow expedited and full prosecution of abuse and neglect matters, additional OCC attorneys are essential.

6. Integrate CFSA's information system, FACES, into the developing Safe Passages Child Tracking System.

The Safe Passages Child Tracking system will provide a tool to promote seamless service delivery for the District's children. The system will gather, match, display and summarize information from all the child-serving agencies in the District including CFSA, Department of Human Services (DHS), Department of Health (DOH), D.C. Public Schools (DCPS) and the Commission on Mental Health Services (CMHS). The information will be used by caseworkers at public and private agencies to track and monitor individual case progress and to help determine service plans and interventions and to recover costs. The initial implementation of the tracking system will come on line in mid-October.

PART TWO -- IMPLEMENTATION PLAN

Abbreviations

CAC = Children's Advocacy Center
CFSA = Child and Family Services Agency
DHS = Department of Human Services
DMCYF = Deputy Mayor for Children, Youth and Families
DMPSJ = Deputy Mayor for Public Safety and Justice
DOH = Department of Health
MPD = Metropolitan Police Department
OCC = Office of the Corporation Counsel
OCTO = Office of the Chief Technology Officer
USAO = United States Attorney's Office

DISTRICT OF COLUMBIA
CHILD WELFARE SYSTEM EMERGENCY REFORM PLAN

PART 2 -- IMPLEMENTATION PLAN

GOAL: To create a fully unified child welfare system in the District of Columbia to focus on ensuring safety for all children and integrating governmental and community-based services to support this aim.

AREA OF REFORM	OBJECTIVE	ACTION STEPS	MEASURE/COSTS (If applicable)	RESPONSIBLE ENTITY	TIMELINE
Child and Family Services Agency (CFSA)	**1. Designation of CFSA as the single child welfare agency responsible for child abuse and neglect and to eliminate bifurcation among government agencies responsible for child welfare**	• Develop legislation to consolidate all child welfare functions to a single Child welfare agency (CFSA)	New legislation creating a single child welfare agency	DMCYF, OCC, CFSA	Legislation to City Council by Jan. 2001
		• Transfer the Interstate Compact for the Placement of Children (ICPC) from the Department of Human Services to CFSA	Draft appropriate document to transfer functions and resources of ICPC office from DHS to CFSA	DMCYF, DHS, CFSA	October 30, 2000
		• Transfer responsibility for abuse cases from the Superior Court of the District of Columbia, Court Social Services Division to the Child and Family Services Agency	New legislation creating a single child welfare agency[1]	DMCYF, DC Superior Court/Court Social Services, CFSA	Legislation drafted by December 2000; To Council by Jan. 2001

[1] Legislation creating CFSA as the single child welfare agency will include language transferring abuse functions and resources from DC Superior Court, Court Social Services to the new child welfare agency

DISTRICT OF COLUMBIA
CHILD WELFARE SYSTEM EMERGENCY REFORM PLAN

PART 2 -- IMPLEMENTATION PLAN

GOAL: To create a fully unified child welfare system in the District of Columbia to focus on ensuring safety for all children and integrating governmental and community-based services to support this aim.

AREA OF REFORM	OBJECTIVE	ACTION STEPS	MEASURE/COSTS (If applicable)	RESPONSIBLE ENTITY	TIMELINE
CFSA (Cont.)		• Authorize CFSA to co-lead investigations with MPD in all abuse cases[2]	Legislation introduced to the Council of the District of Columbia	DMCYF, CFSA, MPD	Amendment drafted by Nov. 15, 2000; to Council by Dec. 2000
		• CFSA will geographically assign its caseload to focus each caseworker on a specific neighborhood.	CFSA's cases are geographically assigned		
		• Expand and improve CFSA's oversight functions to include licensing and regulation of foster care homes; quality assurance and monitoring; training and policy planning.	Develop MOU to transfer licensing and regulation of foster homes from the Department of Health to CFSA Legislation introduced to the Council of the District of Columbia	DMCYF, CFSA, DOH	December 2000 January 2001

[2] District of Columbia Code sections 6-2102, 6-2103, 6-2104, 6-2105 and 6-2106 delineate the respective responsibilities of the MPD and CFSA/CPSD for conducting the initial investigation of suspected child abuse and neglect, and determining whether the child should be removed from the home or protected by the provision of services or resources. Under the current statutory design, MPD is primarily responsible for commencing the initial investigation in all cases involving reports of suspected child abuse; 2) MPD is jointly responsible with CFSA/CPSD for initiating an investigation in cases involving suspected neglect of a child in immediate danger and reports alleging a child is or has been left alone or without adequate supervision; and, 3) CFSA/CPSD is primarily responsible for commencing the initial investigation in all other cases of an allegedly neglected child.

DISTRICT OF COLUMBIA
CHILD WELFARE SYSTEM EMERGENCY REFORM PLAN

PART 2 -- IMPLEMENTATION PLAN

GOAL: To create a fully unified child welfare system in the District of Columbia to focus on ensuring safety for all children and integrating governmental and community-based services to support this aim.

AREA OF REFORM	OBJECTIVE	ACTION STEPS	MEASURE/COSTS (If applicable)	RESPONSIBLE ENTITY	TIMELINE
CFSA (Cont.)		• Increase the current IV-E reimbursement rate (50%) to the level of the Medicaid Matching rate (70%)	Explore necessity for statutory revision and develop appropriate language for approval by the Council	Requires Congressional Approval	Immediate
		• Obtain Congressional support for the District's ***Bring Our Children Home*** campaign that utilizes $5 million for adoption incentives, supports and services for pre- and post-adoptive families.	Increases in funding provided to pre- and post-adoptive families for sibling group and hard-to-place adoptions; scholarship funds for adopted teens transitioning to independence; creation of an Adoption Resource Center; and enhanced recruitment and support for foster and adoptive families.	U.S. Congress, CFSA, Mayor's Advisory Committee on Permanent Homes for Children	

DISTRICT OF COLUMBIA
CHILD WELFARE SYSTEM EMERGENCY REFORM PLAN

PART 2 -- IMPLEMENTATION PLAN

GOAL: To create a fully unified child welfare system in the District of Columbia to focus on ensuring safety for all children and integrating governmental and community-based services to support this aim.

AREA OF REFORM	OBJECTIVE	ACTION STEPS	MEASURE/COSTS (If applicable)	RESPONSIBLE ENTITY	TIMELINE
	2. Develop a community-based service delivery system in which services are provided to children and families in their own neighborhoods through expanded partnerships with private and community-based service providers and neighborhood networks	• Conduct an assessment of the seven largest community-based child welfare agencies to assess their staffing and operational capacity to handle full responsibility case management	Target and assess 7 largest child welfare provider agencies for readiness	CFSA	November 2000 – January 2001
		• Develop a performance-based contracting and quality assurance structure to support neighborhood-based service delivery.[3]	Performance-based contracting and quality assurance structure	CFSA	February 2001
		• Based on the assessment data, develop a pilot program for expansion of partnerships with community-based organizations	Begin pilot programs	CFSA	February 2001-May 2002

[3] "Neighborhood-based Service Delivery" is defined as providers having caseloads that are geographically assigned, services and resources within neighborhoods are identified, strengthened and utilized; and neighborhood residents participate directly in shaping the local service delivery system.

DISTRICT OF COLUMBIA
CHILD WELFARE SYSTEM EMERGENCY REFORM PLAN

PART 2 -- IMPLEMENTATION PLAN

GOAL: To create a fully unified child welfare system in the District of Columbia to focus on ensuring safety for all children and integrating governmental and community-based services to support this aim.

AREA OF REFORM	OBJECTIVE	ACTION STEPS	MEASURE/COSTS (If applicable)	RESPONSIBLE ENTITY	TIMELINE
Children's Assessment Center (CAC)	**3. Expand the current Safe Shores Children's Advocacy Center into a modern Children's Assessment Center that will co-locate and integrate the work of all agencies involved in the investigation and prosecution of child abuse and neglect (CFSA, Metropolitan Police Department, Office of Corporation Counsel, U.S. Attorney's Office, Children's Hospital, et al).**	Phase I: • Finalize and sign MOU between all partner agencies • Finalize transfer of Gale School to Safe Shores/National Children's Alliance Phase II: • All partner agencies relocate to the Gale School facility	Signed MOU between all parties and complete operations commenced at the Children's Advocacy Center Judiciary Square location Gale School open and 100% of partner agencies operating out of the facility	DMCYF, CAC, CFSA, MPD, USAO, OCC, Children's Hospital, National Children's Alliance, Victim's Services	Phase I: October/ November 2000 Phase II: November 2001
		• The MPD establishes a consolidated crimes against children unit and co-locate this unit within the CAC	New MPD unit dedicated to investigation of child abuse and neglect	DMCYF, DMPSJ, MPD, CAC	January 2000

DISTRICT OF COLUMBIA
CHILD WELFARE SYSTEM EMERGENCY REFORM PLAN

PART 2 -- IMPLEMENTATION PLAN

GOAL: To create a fully unified child welfare system in the District of Columbia to focus on ensuring safety for all children and integrating governmental and community-based services to support this aim.

AREA OF REFORM	OBJECTIVE	ACTION STEPS	MEASURE/COSTS (If applicable)	RESPONSIBLE ENTITY	TIMELINE
Superior Court of the District of Columbia	**4. Support efforts to ensure additional resources are provided to the DC Superior Court to address backlog of adoptions and foster care cases. Also support the Court's efforts to explore models for a Family Court in the District of Columbia.**	Short-term: The DC Superior Court has provided an estimate of the financial and staffing resources needed to expeditiously address the backlog of adoptions and foster care cases through hiring Commissioners and support staff to finalize the cases.	DC Court estimate: $900,000 for 6 commissioners, 6 paralegals, 12 support staff; and 2 law clerks	DC Superior Court, U.S. Congress (The DC Superior Court is funded by the federal government and is not under the control of the Mayor).	Immediate
		Support efforts to obtain additional funding to Court programs that support adoptions and foster care processes (e.g. Court Appointed Special Advocates (CASA) and Guardian Ad Litems (GALs)	DC Court Estimate of cost to adequately resource CASA and GAL: $500,000	DMCYF, U.S. Congress	Immediate

DISTRICT OF COLUMBIA
CHILD WELFARE SYSTEM EMERGENCY REFORM PLAN

PART 2 -- IMPLEMENTATION PLAN

GOAL: To create a fully unified child welfare system in the District of Columbia to focus on ensuring safety for all children and integrating governmental and community-based services to support this aim.

AREA OF REFORM	OBJECTIVE	ACTION STEPS	MEASURE/COSTS (If applicable)	RESPONSIBLE ENTITY	TIMELINE
Superior Court of the District of Columbia (Cont.)		Explore family court models and possibility for implementation of a family court in the District	Appoint task force to identify 2 potential models of a family court structure Select appropriate family court model for the District	DC Superior Court, DMCYF, CFSA	November 2000-February 2001 March 2001
		Transfer responsibility for in-home abuse cases to the Child and Family Services Agency	Legislation introduced to the Council of the District of Columbia	DC Superior Court/Court Social Services, CFSA	January 2001

DISTRICT OF COLUMBIA
CHILD WELFARE SYSTEM EMERGENCY REFORM PLAN

PART 2 -- IMPLEMENTATION PLAN

GOAL: To create a fully unified child welfare system in the District of Columbia to focus on ensuring safety for all children and integrating governmental and community-based services to support this aim.

AREA OF REFORM	OBJECTIVE	ACTION STEPS	MEASURE/COSTS (If applicable)	RESPONSIBLE ENTITY	TIMELINE
Office of the Corporation Counsel (OCC)	**5. Assess appropriate staffing levels for OCC based on best practices research from other jurisdictions in an effort to ensure compliance with the Adoptions and Safe Families Act**	Conduct a 90-day workload analysis of the Office of Corporation Counsel and survey of other jurisdictions to determine the staffing and resource levels necessary to ensure compliance with the Adoption and Safe Families Act and to expedite prosecutions for child abuse and neglect.	Based on the 90-day assessment, ensure appropriate staffing and financial resources	OCC, DMCYF,	Immediate

DISTRICT OF COLUMBIA
CHILD WELFARE SYSTEM EMERGENCY REFORM PLAN

PART 2 -- IMPLEMENTATION PLAN

GOAL: To create a fully unified child welfare system in the District of Columbia to focus on ensuring safety for all children and integrating governmental and community-based services to support this aim.

AREA OF REFORM	OBJECTIVE	ACTION STEPS	MEASURE/COSTS (If applicable)	RESPONSIBLE ENTITY	TIMELINE
Information Systems	**6. Integrate CFSA information management system into the District's Safe Passages Children's Services Tracking System**	Extract critical data elements necessary to track adoptions and foster care services from the CFSA system and align with information management system tracking services to children throughout all District agencies	100% of the CFSA information management system will be integrated with the Safe Passages Children Services Tracking System	DMCYF, CFSA, OCTO	March 2001