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ASSESSING FOSTER CARE AND FAMILY SERVICES IN THE DISTRICT OF COLUMBIA: CHALLENGES AND SOLUTIONS

HEARING

BEFORE THE

OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA SUBCOMMITTEE

OF THE

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS UNITED STATES SENATE

ONE HUNDRED ELEVENTH CONGRESS

SECOND SESSION

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ASSESSING FOSTER CARE AND FAMILY SERVICES IN THE DISTRICT OF COLUMBIA: CHALLENGES AND SOLUTIONS

TUESDAY, MARCH 16, 2010

U.S. SENATE,
SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA,
OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS,
Washington, DC.

The Subcommittee met, pursuant to notice, at 2:08 p.m., in room SD–342, Dirksen Senate Office Building, Hon. Daniel K. Akaka, Chairman of the Subcommittee, presiding.

Present: Senators Akaka and Landrieu.

OPENING STATEMENT OF SENATOR AKAKA

Senator AKAKA. I call this hearing of the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia to order. I want to welcome our witnesses to today's hearing, "Assessing Foster Care and Family Services in the District of Columbia: Challenges and Solutions." I want to thank all of you for being here.

I also want to recognize Senator Landrieu for her strong leadership on foster care and adoption issues. This hearing is an opportunity to examine how Congress can work together with the District Government, child advocates, and, most importantly, the families and children within the system to improve the foster care and adoption process in D.C. I am particularly interested in exploring how Congress can support D.C. as it strives to find a permanent, loving home for every child under its care.

Almost two decades have passed since the D.C. child welfare system was placed under Federal court supervision. Since then, D.C. has made real, though uneven, progress reforming the system.

I would like to commend Director Roque Gerald. He assumed leadership during a time of crisis, and he brought stability back to the agency. However, stability is not success, and several significant issues remain. In particular, I have three concerns I would like to address this afternoon.

The first is the need for the District to set higher expectations for finding permanent homes for children in foster care. In 2009, 127 children in D.C. foster care were adopted—only 28 percent of all D.C. foster children with the goal of adoption. While this num-

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ber exceeded the District's target for the year, it is much less than previous years and it is not nearly good enough. Greater transparency about how these adoption goals are set will help us understand the challenges Child and Family Services Agency (CFSA) faces and how it is working to address them. This hearing is a good opportunity for CFSA to explain the process used to determine its adoption goals.

Second, in order to meet higher permanency goals, CFSA must develop and implement a consistent approach to finding permanent homes for foster children. I am encouraged that CFSA has launched nationally recognized programs, such as the Permanency Opportunities Project. This high-impact team strategy fosters collaboration and creativity to achieve a better, faster, adoption process. I urge Director Gerald to institute a strategic plan to fully implement these best practice models and make sure they become a permanent part of CFSA operations.

My third concern is financial management. The current economic recession has forced State and local governments to confront declining revenues as the need for assistance increases. Like other governments, D.C. faces significant spending pressures that will require difficult choices.

At the same time, CFSA has lost tens of millions of dollars in Medicaid funds due to an inability to properly file claims. These problems are so severe that CFSA has stopped filing Medicaid claims altogether.

It is critical that CFSA quickly address these issues so the agency has the funds it needs for the children in its care.

It is clear that the District faces great challenges in improving its child welfare system. However, rather than be discouraged by the work remaining, I am inspired by the dedicated witnesses here today. I believe if we work together over the coming years, we will make a difference for thousands of D.C. children who deserve a loving and permanent home.

I look forward to hearing from our witnesses, and I would like to call on Senator Landrieu for her opening statement. Senator Landrieu.

OPENING STATEMENT OF SENATOR LANDRIEU

Senator LANDRIEU. Thank you, Mr. Chairman, and thank you for your thoughtful opening statement on this subject and for your overall interest always in stepping up to try to help our Subcommittee, the full Committee, and Congress to be the very best partner we can be in many aspects of the District of Columbia's government, and particularly the subject that is before us this morning, and that is the subject of child welfare in the District.

I thank you for agreeing to this hearing, and my request for this hearing was prompted just recently by a series of articles in the *Washington Post.* I just want to read for the record just a couple of short paragraphs that could cause us to focus on some of these areas.

The first is from a July 20, 2009 article, the number of D.C. foster children, according to this article, being adopted is falling precipitously, frustrating child welfare advocates who say the city's Child and Family Services Agency is not doing enough to find per-

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manent homes for the hundreds of children who are unlikely to be returned to their parents. Only 68 children were adopted in the first 9 months of the District's current fiscal year, leaving the city unlikely to reach even last year's goal of 119, which was less than a quarter of the roughly 500 children eligible for adoption.

Just 4 years ago, in contrast, during a major reform push, of which I was a part, so was the Chairman, and others, 314 children—almost half of those who sought placement of adoption—were, in fact, adopted.

Another article that appeared more recently, January 11, 2010, by the same reporter, says that one of the problems could be lack of funding—maybe not the only problem—some lack of funding in the budget. After a year of halting Medicaid claims so it could straighten out its billing, D.C. Child and Family Services told city officials that it faces a shortfall of about $10 million because it had not fixed all the problems and is not ready to resume claiming money from Medicaid.

As the city's child welfare agency, CFSA, investigates abused and neglected children, as we know, and oversees about 2,000 children in foster care, its failings in child protection have been widely noted over the past decades, and its mismanagement of the Medicaid process has been a persistent problem as well. Auditors have found staggering errors and rejected millions in claims.

Now, the hearing today, Mr. Chairman, is, as you stated, not about the financial or the audits. It is really about the bigger picture. I just want to recognize—I understand there are some financial difficulties, but what I really want to focus my questions and hear from our panelists—who I have all worked with and have a great deal of respect for—is the answers or explanations for some of this or comments about a different view if that is not your feeling at this time. And I just want to say, as the Chair of the Congressional Coalition on Adoption, how proud I am of the work of 200 Members of Congress, Republicans and Democrats, that really try our best to stay focused not just on the District of Columbia's child welfare system, but on systems all over the country and, in fact, all over the world, about trying to make sure that we have the very best practices in child welfare—preventing abandonment, reunifying families, placing children in kinship care, if appropriate, and then finding, of course, community adoptions if all else fails to provide them with the kind of care and support they need.

Mr. Chairman, thank you very much. I look forward to hearing from our witnesses today.

Senator AKAKA. Thank you very much, Senator Landrieu.

I want to welcome our first panel of witnesses to the Subcommittee: Dr. Roque Gerald, who is the Director of the D.C. Child and Family Services Agency; Hon. Lee Satterfield, Chief Judge of the Superior Court of the District of Columbia; and Judith Meltzer, the Deputy Director of the Center for the Study of Social Policy.

As you know, it is the custom of this Subcommittee to swear in all witnesses, so I ask you to please stand and raise your right hand. Do you solemnly swear that the statement and testimony you are about to give before this Subcommittee is the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. GERALD. I do.

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Judge SATTERFIELD. I do.

Ms. MELTZER. I do.

Senator AKAKA. Thank you. Let the record note that the witnesses answered in the affirmative.

Before we start, I want you to know that your full written statements will be part of the record, and I would like to remind you to please limit your oral remarks to 5 minutes. Director Gerald, will you please proceed with your statement?

TESTIMONY OF ROQUE R. GERALD, PSY.D.,[1] DIRECTOR, DISTRICT OF COLUMBIA CHILD AND FAMILY SERVICES AGENCY

Mr. GERALD. Good afternoon, Chairman Akaka, Ranking Member Voinovich, and Members of the Subcommittee. I am Dr. Roque Gerald, Director of the District of Columbia's Child and Family Services Agency. I appreciate the opportunity to present the highlights of our continued child welfare reform, especially our all-out efforts to increase and expedite adoptions. I also want to point to the Director of my Youth Advisory Panel or Board, that is sitting right directly behind me and has joined me here today.

In 2001, when CFSA became a cabinet-level agency, our overall goal was building a strong safety net. As a charter member of that executive team, I established a unique in-house clinical practice function. By 2007, the District's second Federal Child and Family Services Review found a strong system delivering improved outcomes.

In January 2008, discovery of the tragic deaths of the four District girls at the hands of their mother shocked and saddened the community. Mirroring a nationwide trend following high-profile child tragedies, calls to our hotline skyrocketed. In response, Mayor Fenty mobilized his administration to assist CFSA.

When I stepped in as the director in July 2008, CFSA was facing a daunting backlog of over 1,700 investigations. By the end of 2008, we had reduced the backlog to less than 100 and instituted numerous safety reforms. The backlog has remained in the range of 20 to 40 cases ever since, the lowest level for the longest period in the agency's history.

Using the momentum of these achievements, the next area for CFSA focus was permanency. By definition, reunification with birth parents, guardianship, and adoption are all options as long as the outcome is a safe, nurturing, and permanent home. At the very least, every older youth will exit with a lifelong connection to a stable, caring adult.

Innovative strategies are succeeding on two fronts. In 2009, the District reversed a 4-year decline in adoptions, exceeding the target of 125 with 128 adoptions, a 25-percent increase over 2008. At the beginning of last year, CFSA drew on input from the national experts to initiate the proven best practice of high-impact teams. Six months later, I described it to the *Washington Post* for their article in July. One set of teams is composed of CFSA's adoption specialists. Another is a public-private partnership with the local nonprofit adoptions together. All teams focused on finding homes for children and youth with a goal of adoption and moving those into

[1] The prepared statement of Mr. Gerald appears in the Appendix on page 27.

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pre-adoptive placements to finalization promptly. Main features of this approach include multi-agency teaming, barrier busting, and thinking outside of the box to find permanent homes.

The second front in our push for permanence is older youth. In 2009, CFSA ended the automatic assignment of the Alternative Plan Permanent Living Arrangement (APPLA), as a goal for older youth. In a little over a year, youth with the goal dropped from 850 to 678.

In the first half of 2009, CFSA reviewed the cases of 722 youth destined to age out and to explore their opportunities for permanence. We found 80 percent already had an established or potential lifelong connection, and social workers are now using this information to rekindle or create legal permanence or lasting connections for these youths.

While making important strides, CFSA faces several challenges in maximizing our push for permanence. Among these are: Raising public awareness about opportunities to adopt from the public system or to provide foster care; doing more to build lifelong relationships for older youth in care for whom legal permanence is not possible; providing better preparation of children, youth, and adults for the transition to adoptive family life; implementing a differential response approach to reports of child neglect.

In conclusion, the District of Columbia assures you that we are building on recent successes to ensure every child and youth in the system has a clear pathway to permanence.

Thank you for your attention and for your interest in the District's children, youth, and families.

Senator AKAKA. Thank you very much, Dr. Gerald.

And now we will hear the testimony of Chief Judge Satterfield.

TESTIMONY OF THE HON. LEE F. SATTERFIELD,[1] CHIEF JUDGE, SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Judge SATTERFIELD. Good afternoon, Chairman Akaka, Senator Landrieu, and Subcommittee staff. Thank you for convening this hearing to talk about foster care and family services here in the District. I am joined here by the judicial leadership in our Family Court, Presiding Judge William Jackson and Deputy Presiding Judge Zoe Bush, as well as the Director of our Family Court, Dianne King.

We know from previous work with the Congress during the enactment of the Family Court Act how interested you are in increasing the number of children achieving permanency in the District of Columbia, and we share your commitment to this crucial goal. With your support and guidance, we have been able to make many improvements in the manner that we help children and families in our court system here in the District, and many of those initiatives I have set forth in my written testimony, so I will not talk about them now. However, I am sure you will agree that more work is necessary not only to help foster children achieve permanency quicker, but also to prepare many of our children for life after they leave the child welfare system.

[1] The prepared statement of Judge Satterfield appears in the Appendix on page 36.

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Dr. Gerald talked about what permanency is. I will not go into that. But this past year, the Court has worked collaboratively with the agency to increase the number of children achieving permanency through adoption, a significant increase from the previous year. This is great news, but there are still a few barriers that prevent more children from achieving permanency quicker. We are still meeting the challenge of the Interstate Compact for the Placement of Children (ICPC) that continues to slow the court's ability to permanently place children in homes of people in neighboring jurisdictions. In addition, the concern that many foster parents have about available resources after adoption is another area that slows permanency through adoption. I know that the D.C. City Council is attempting to address some of these concerns by considering proposed legislation to increase the eligible age for an adoption subsidy to 21 years of age.

But the more resources that we can make available for adoptive parents, such as in-home therapy or, when appropriate, short-term residential care, the less concern many potential adoptive parents will have about providing permanent homes for more children in our foster care system.

And even though I think we all agree that children should be raised in a loving, permanent home, and we will continue to work as hard as we can to make that happen for most children, the reality is that many may not have this opportunity.

Each year in the District, an average of 25 percent of the referrals of children that we get in our Family Court in the area of neglect and abuse involve children 13 years and older. Therefore, we have a significant number of children entering the child welfare system each year who, due to their age, present challenges to achieving permanency by adoption or guardianship. This is especially true because DC law provides that once the child turns 14, he or she can choose not to consent to adoption. So for these reasons, sometimes neither adoption nor reunification with the birth parent may be in the best interest of the child, and we have to often prepare the child or the children for life when they reach the statutory age for independence, which is 21 years old here in the District.

Over the past years, we have focused many court initiatives on preparing youth to achieve permanency through independence. These programs have helped older youth make decisions and plans for their future and involve coordination of a full range of services necessary for their success.

But I think any resources that the Congress can continue to provide to help older youth, particularly in the area of housing and employment, can have a huge benefit to the children here in the District and, in fact, the children nationwide. We all know that children in our neglect system are at greater risk moving to our juvenile justice system, somewhere we do not want them to be, as well as those children in the juvenile justice system are at greater risk of moving to our criminal justice system. So our investment in foster children who will not have the benefit of being raised in loving, permanent homes is an investment that will result in many positive returns for our children, our community, and our Nation.

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Thank you for inviting me to testify today. I would be pleased to answer any questions you may have.

Senator AKAKA. Thank you very much, Judge Satterfield. Now we will hear from Judith Meltzer. Would you please proceed?

TESTIMONY OF JUDITH MELTZER,[1] DEPUTY DIRECTOR, CENTER FOR THE STUDY OF SOCIAL POLICY

Ms. MELTZER. Good afternoon, Chairman Akaka, Senator Landrieu, and staff. I am Judith Meltzer, the Deputy Director of the Center for the Study of Social Policy, and I serve as the Federal court-appointed monitor under *LaShawn A. vs. Fenty.*

I have the advantage of working closely with child welfare systems across the country, including the District of Columbia, where there remain significant challenges to ensuring that all children and youth grow up in safe and stable families.

All children—regardless of age, race, or ethnicity—need and deserve a safe and nurturing family to protect and guide them. Within the child welfare field, we call this permanency, and it can be achieved either through safe family reunification as the preferred choice, but also through kinship/guardianship and adoption.

Research clearly shows that children who exit foster care to a permanent family do better than those who exit foster care to emancipation without family connections. The results for those who do not achieve permanency are often bleak.

Despite improvements in child welfare services in the District of Columbia and at the Child and Family Services Agency in the last decade, reducing the length of stay in foster care and in ensuring a permanent home for every child has not been achieved. The data show painfully that too many children remain in the custody of the District far too long. The District does not meet the Federal standards on any of the permanency measures used to evaluate performance.

While many children leaving foster care return to their families, many exit without a permanent home, and this has remained virtually unchanged since 2005. In fact, the number of children adopted and/or who achieve guardianship has significantly declined, as was discussed in your opening statement.

Also, 80 percent of those adopted in 2009 were under the age of 12, and the permanency practice with older youth is particularly deficient. Even when you look at the combined total of exits to adoption and guardianship, the performance remains low and absolutely poor for older children and youth.

Let me turn quickly to barriers and recommendations. Overall, there is a lack of citywide urgency to produce permanency results for all children, and especially older children. Since 2006, many "best practice" permanency initiatives and projects have been instituted, but none have been followed through to completion. While all of the stakeholders—CFSA, their private agency partners, the Family Court, children's legal guardians—have adopted the language of permanency, they do not always agree on how long it should take, to whom it applies, nor do they have clear protocols,

[1] The prepared statement of Ms. Meltzer appears in the Appendix on page 63.

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common timeframes for case processing, and consistent ways to measure progress.

First, CFSA should clearly articulate its organizational structure and internal policies and protocols for its workers and for the private agencies. Clear policy on adoption and guardianship should be aligned with CFSA's practice model and the rest of the agency's work.

Second, CFSA staff, the private agency providers, and legal partners need to develop and act on shared operational protocols for tracking and achieving permanency. This means they need to jointly set ambitious outcomes for children's permanency, consistently track progress, and widely share the results with the public.

Third, the District should extend adoption and guardianship subsidies to families until a child turns age 21 in accordance with the option available under the Federal Fostering Connections Act. Legislation to extend subsidies to age 21 in the District is now pending before the District Council and should be approved.

As the Subcommittee is aware, Medicaid reimbursement issues are problematic for CFSA. In April 2009, the District stopped claiming for Medicaid reimbursement and shifted a portion of the Medicaid claiming to Title IV–E. Almost a year later, the District is still in the early stages of engaging a consultant with a goal of reinstituting Medicaid claiming. CFSA should be held accountable to immediately engage and use high-quality expert assistance to quickly resolve their Medicaid and Title IV–E claiming issues.

A final recommendation involves Federal oversight. Currently, the data collected at the Federal level is insufficient to track outcomes for children over time, and the performance review process does not allow for comparison between States. Based on this, we believe that the Adoption and Foster Care Analysis and Reporting System (AFCARs), needs to be constructed to measure longitudinal performance and that the Child and Family Service Reviews (CFSRs), should also be reviewed to determine how better to assess a child and family's well-being.

In conclusion, in the past decade the District of Columbia has moved, sometimes with fits and starts, and often without sufficiently institutionalizing short-term gains, towards establishing a child welfare system that can consistently provide for children's safety, well-being, and permanency. We cannot wait another decade and permit hundreds of additional children to grow up rootless in foster care, leaving the system at age 18 or 21 without the support of a family and without the tools to become successful adults.

I appreciate the Subcommittee's interest and continued support for the District's work to fix these problems. Thank you.

Senator AKAKA. Thank you very much for your statements.

Ms. Meltzer, as Deputy Director of the Center for the Study of Social Policy, you have expressed concern that CFSA does not have a consistent permanency practice model and adoption policy for finding children permanent homes. Please describe why a model and policy is needed and discuss what it must contain to be effective.

Ms. MELTZER. Thank you. That is a very important and a very big question. By a permanency practice model, I mean that there needs to be a set of written policies and practice guidance, includ-

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ing training and supervision, that are clear and understood by the multiple actors that are involved in making sure a child ends up in a permanent home.

Everyone, including the caseworker at CFSA, the Office of Attorney General attorney, the child's parents and/or relatives, the Guardian Ad Litem (GAL), the private agency workers, and the foster parents—they must understand the values that govern agency practice; the protocols that are used, and the time frames that are expected to get a child to permanency. And each of them have to be accountable within the timeframes for producing the end result.

For example, under current practice, about half of the children in the District's foster care system are case managed by private agencies that are under contract, and we see cases frequently where there is confusion about who is "on first" to move the case forward to permanency. This is particularly true when an adoptive family has to be recruited. Also we see the lack of the consistent practice in the fact that often the connection between the need to support foster parents and provide them with the services that they need is not conceptually viewed as linked to the outcome of permanency at the other end.

Senator AKAKA. Dr. Gerald, I commend you for starting promising programs and strategies, such as the Permanency Opportunities Project. As Director of D.C. Child and Family Services Agency, you have done a good job in this respect.

Do you have a strategic plan to fully implement these best practice models so they become a part of permanent operations?

Mr. GERALD. Yes, Chairman Akaka, we do. As you are aware and as has been testified, the District for many years started initiatives that never were completed. I have called those the concept cars that have never gone to production. And the goal of this process was to be able to really build onto successes that we learnt through the stabilization of the agency and spread that outward.

So while GALs and the court and others have not with us formulated that overall umbrella policy, as has been identified, we believe that we now have the solid base through our practice model, which is the first time the agency has a uniform guide of how we are going to approach working with families from beginning to end. That approach, we now have national experts on the ground coaching and training our workers, but that process has to also be spread to the next stage in establishing uniform expectations of our GALs, of our court, of our other partners in being able to practice.

But the practice model is the core of how we are beginning to do that, and it is the first time the agency has undertaken that process in its history.

Senator AKAKA. Director Gerald, in 2009, CFSA finalized 128 adoptions exceeding the agency's goal of 125. This was welcome news. However, your goal was below previous years, such as 2005, when 272 adoptions were completed. Will you please discuss why adoptions have dropped in recent years and how CFSA sets its annual adoption goals?

Mr. GERALD. There are two or three elements that I think are important in the discussion, not just the raw number of adoptions but the percentage of adoptions to the entire population, which is one that we have to be able to really focus on because the foster

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care population continues to diminish, and the number of children with the goal of adoption continues to diminish. So when you compare the number of adoptions, as has been described, to the population that it was being applied to, there is still much to be improved, but a different picture.

I think clearly we have to reverse the approach that the agency had been having over the years where there had been a real decline in permanence for youth. That is undisputed. We did that coming out of stabilizing the agency, so we were not fully operational and institutionalized in the kinds of approaches we were doing. We were still testing, clearly, the Permanency Opportunities Project, which has proved to be very powerful, and we see that as now establishing much more robust targets for us going forward.

Senator AKAKA. Director Gerald, what is the agency's 2010 adoption goal? Do you have a strategic plan to make sure this goal is met?

Mr. GERALD. Yes, we do. Our expectations clearly are to not only supersede the targets that we have had this year, of last calendar year of the 128, but also to focus critically on not just the numbers, but as Senator Landrieu had alluded to, this past Adoption Day, we had for the first time an increase in older youth being adopted and sibling groups being adopted.

So the goal for us is really to improve overall the quality of the adoptions, not just the adoption numbers. So we are still modest in what we are doing in terms of adoption numbers, but we are trying to improve the overall outcomes. It is a whole lot better to have sibling groups adopted together than separately.

Senator AKAKA. Ms. Meltzer, do you believe the District has appropriate expectations for finding permanent homes for D.C. foster children?

Ms. MELTZER. No. I think their expectations are too low. There are currently about 550 children with a goal of adoption in the District and approximately 700 youth who have the goal of Another Planned Permanent Living Arrangement (APPLA), which is basically long-term foster care and exit. And I think that the District's goals are set primarily on the basis of what they think they can achieve based on current performance, and that the District really needs to set much more ambitious goals that are tied to the number of waiting children. This is important because we are talking about people and young children, and the longer we wait, the bleaker their futures become.

So we have advocated for the District to set more ambitious adoption goals and permanency goals, and then to figure out what it is going to take to achieve them.

Senator AKAKA. Chief Judge Satterfield, in her testimony Ms. Meltzer stated all stakeholders must develop a shared vision about the importance and urgency of permanency. Please describe the steps the Family Court is taking with various stakeholders to reach a shared agreement on the process and time frames for achieving permanency?

Judge SATTERFIELD. Thank you. I think that there have been significant steps taken during the last several years, particularly since the Family Court Act was passed, and the work that the Court has done with the agency. There has been a significant

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amount of collaboration, such that on at least two occasions national organizations have recognized the Court and the agency for their collaborative process and asked us to come out and really talk about how we get it done.

The agency, as well as other stakeholders, have been meeting on the Child Welfare Leadership Team for many years to talk about these issues that could be barriers to permanency. They have come out with procedures out of those meetings for when to set as a goal the Alternative Planned Permanent Living Arrangements in an effort to avoid abusing that goal. They have come out with procedures for when you do not have to file a total physical response (TPR) because we wanted to make sure everybody is consistent about when one does not have to be filed because we want to make sure they are filed in the cases that they should be filed. These were all papers that have come out of the collaborative process that many, including Ms. Meltzer, were involved in with the Child Welfare Leadership Team, in addition to working with the Court on its model Court initiative with the National Council of Juvenile and Family Court Judges.

So I think that there have been many collaborative efforts. I do not agree that we do not have a shared vision of where we need to go. I think it is just challenging because of the demographics and who we have coming into our system. But I do agree that we have to all make better efforts in getting older children adopted because that is the challenge that we face here in the District.

Senator AKAKA. Well, thank you very much for your testimony. Your testimonies have been valuable to the Subcommittee.

I will not be able to stay for the entire hearing, so Senator Landrieu will take the gavel for the rest of the hearing. So let me turn it over to Senator Landrieu.

Senator LANDRIEU [presiding]. Thank you, Mr. Chairman. And, again, thank you for calling the hearing and for your leadership on this important subject.

Let me begin, Ms. Meltzer, asking you if, in your opinion, does the leadership of the District of Columbia know the ranking of this child welfare system in the sense that the information is presented in a way that helps the leadership of the District understand how this particular child welfare system is ranked in the country. Are they in the top one-third, the middle third, or the lowest, or the last? You were referring in your testimony, the reason I ask, that you think the data has to be improved. Could you comment about that? Because sometimes when it is not clear to people how dire the situation is, it prevents them from acting with the urgency that may be necessary.

So could you give just a comment about the way this data is reported amongst all child welfare systems in the country, which would be 50 States plus.

Ms. MELTZER. It is very difficult to have true and objective State-by-State comparisons. Each State's laws are different. The systems are different. People define things slightly differently.

The best way one gets to see a State-by-State comparison these days is through the Child and Family Service Reviews and the outcomes that are established by the Federal Government. The Federal standards are primarily medians and States can see where

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they are in relation to the permanency measures that have been set by the Child and Family Services Review.

The District leadership at the Child and Family Services Agency looks at that data and knows where they are in relation to the national standards. And, again, on those permanency measures, they are below the national standards.

The collective leadership does look at data and a lot of process data is measured. Some of the process measurements have come about through the lawsuit. Some of them measure timeframes to permanency and the District does that. But there has been, in my opinion, not a lot of collective understanding of the fact that there are today 500 children awaiting adoption and 700 youth that do not have prospects for permanent connections.

I want to also, if I can, comment on something mentioned previously. I agree with Judge Satterfield that it is not so much that the vision is missing. I do think all of the leadership wants and has a vision that children need homes. What they do not have in place are the protocols and the standards to measure themselves consistently about the work to achieve this vision.

Senator LANDRIEU. Well, it gets me back to my question. I do not want to dwell too much on this, but when I said does the District know how it ranks according to other States, it would also be States/metropolitan areas that are similar, because you can measure the District basically to other metropolitan areas that have 600,000-plus, 700,000 people, the same demographics, the same income levels. And I think as a person helping to try to lead this reform effort nationally, it really helps when you have got the data in the right ways so that you can really understand and either stop fooling yourself about what you are or are not doing and you can see, or take credit for what you are doing. And you could see how whatever your position is on the work of the reform of the school system in the District, a lot of that was prompted by pretty accurate data drilled down by local committees and some committees here in Congress about actually how much money was being spent per child in the District of Columbia for education and what were those outcomes, even when compared not to States but to similar demographics in cities in America where the District and the leadership had to really understand we are missing the mark, we have to change.

Now, this is very difficult. We do this work all over the country. Is there anything specific, before I move on to my other question, that you could recommend in terms of getting the data clearer in a way that could maybe prompt more efficient or effective action? I mean, if you think the vision is shared, then maybe it is the data we are not clear about.

Ms. MELTZER. I think that the systems have to develop benchmarks and expected timeframes and measure the timeframes from when a child comes into care to when they achieve permanency. They need to consistently look at the data and set up the mechanisms to consistently review children's cases against those timeframes and benchmarks.

One of the things that Director Gerald alluded to was that CFSA received help from the Annie S. Casey Foundation which looked at the District's data about the number of children that have the

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APPLA goal as compared to cities and urban areas in other areas of the country. They looked at DC in relation to New York and Philadelphia and some other cities. The data were powerful for the agency, in understanding how significantly their practice was out of line.

I also think that sometimes we measure the wrong things. For example, we measure whether the agency files for Termination of Parental Rights (TPRs) in those cases where they should file for TPRs quickly, but we have not been measuring how quickly the TPRs get resolved and what the outcome is.

So I think it is worth looking at the measurement and making sure that we are measuring the right things and that the data are available on a regular basis to the public.

Senator LANDRIEU. OK. Judge Satterfield, we have worked together for many years, and I am extremely impressed with your general compassion on this issue and your attention to it, many of the court appearances that we have made together and appearances on this issue in the District, and you have always stepped up so well.

Are there two or three things that maybe the city or the Congress could be doing in terms of either resources to you or reductions in regulations or additional regulations that would help the courts operate more efficiently? Because I really believe meeting many of the judges here that you all are—I mean, in some ways, in my view, advanced in the way of your understanding and appreciation and your willingness to take on this issue. But it is either a resource or a disconnect. I do not know if you want to say a word about that. And then, Ms. Meltzer, I am going to ask you from your perspective, is it something that we could be more attentive to at the court system to help them process this more quickly?

Judge SATTERFIELD. I have to say that you never want to pass up an opportunity to ask for more resources, but you all have been very generous and we are very grateful for the resources that Congress has given us. And while we always can use additional resources, I think we have the resources to continue to make a difference in the manner in which we handle these cases.

Ms. Meltzer talked about data on termination of parental rights because the thought being that if the rights are terminated, the child is in a better position to be adopted. We are tracking that better now. I issued an administrative order back in October of last year setting performance standards to ensure that these motions, these hearings, are handled expeditiously, and we are going to be tracking that even more as we go into the future because, early on in the Family Court Act or right after the Family Court Act was passed, there was a significant increase in us handling termination of parental rights and that dropped, and we have addressed that drop, and we are back to increasing to make sure that we handle them in a more expeditious fashion.

So we are able to do that, and we are going to continue to do that.

Senator LANDRIEU. OK. Do the judges have overall authority, just in your given authority, or do you need any extra to determine if social workers are either consistently not appearing in your court or not stepping up when they should? What is the authority that

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you have over the operational professionals, whether they be full-time with the department or contract? Because I am going to ask you all how many contract employees we have and then how many full-time employees. But do the judges give a report about the X number of professionals that actually show up and do their work, the X number of professionals that might not? Help me understand that a little bit.

Judge SATTERFIELD. I have not heard that that is a problem with professionals not showing up in trying to do their jobs. I know Judge Jackson, the presiding judge of our Family Court, meets monthly with Dr. Gerald, and they can talk about and work on those systemic issues. If he has a problem with how we are processing things, he can be frank and tell us. If we have a problem with what they are doing, we can be frank and tell him.

However, we do have the authority under D.C. law to order services, and the agency that we hold accountable is CFSA even if they contract with another agency, because they are the responsible government entity that——

Senator LANDRIEU. But when you order them to do it, they say they do not have the resources to do it, or no?

Judge SATTERFIELD. Well, usually, in most instances we are in agreement with what services are needed. In some instances where we are not in agreement and the Court orders the service, the agency does not necessarily like the fact that we order something that they do not agree with, but they comply. I have not had and do not recall—and Judge Jackson can let me know—instances in the recent past where more action needed to be taken. I do not think that is a problem. The agency is working hard to get these things done. They are showing up. They are producing their reports. And in most instances—although I am sure you can find some instances in which it is not happening, but in most instances, I think that is working well.

I go back to that we just have to find better strategies for our older kids, and we have to look into what other jurisdictions are doing, because we have a significant amount of referrals of older kids coming in. And I think that you saw a lot of adoptions early on after the Family Court Act because we were working to get some of that backlog out that had built up. And so there was that big push, and so you saw a lot of adoptions during that time. Things kind of evened out, and now we have to not just sit and just relax on that. We have to start up again to make sure that we can go back to where we are.

But in terms of certain kids of certain ages, those kids were being adopted or going into guardianship. Our issue, in my view, is that we have to continue to strive to find placements for the older kids.

Senator LANDRIEU. OK. Dr. Gerald, let me ask you, describe your agency in terms of your total budget. What percentage of it is taken up by salaried full-time personnel that work for you to accomplish this mission? And what percentage of it is in contractors?

Mr. GERALD. Essentially, 80 percent or more of our budget goes directly to the services of children, and that is in two forms: About 50 percent of our cases are case-managed by private agencies, both

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in the District and in Maryland; but the budget sustains direct services to those kids.

Senator LANDRIEU. But 50 percent of that work is carried out by contractors and 50 percent of the work you think by in-house personnel?

Mr. GERALD. Of the out-of-home cases, just over 50 percent is by the private contracted providers, unlike in most other States, Florida has it almost 100 percent.

Also the agency has several other functions. Those kids who are prevented from coming into the system, those cases that are in-home cases that we do not want to penetrate further and we want to provide the services in the home to prevent them from coming; and then our collaboratives, which provide preventive services for cases not being able to hit the agency.

So the budget really is focused in that sense primarily in those three arenas, ensuring that kids that come in we can get out as quickly as possible.

Senator LANDRIEU. I know this is difficult, but many of the foster care children that I have gotten to know complain bitterly that every time they look up, there is a new person trying to help their situation, because they seem to get passed on, like if you work with one caseworker if you are going to be reunited. Then you have to work with another caseworker if reunification is not possible. And then you work with another agency, if permanency planning or adoption is not possible.

Is that the way you are organized conceptually or you are organized like we have tried to get the courts to organize, one judge, one family? Are you organized like one caseworker or one person per child? Or are you organized in a way that has them change depending on what their status is that month or that year?

Mr. GERALD. I think that is a great question, and while two elements impact the consistency of one person with that child—one is retention of social workers, which we have worked hard to be able to do, but the other is what you have described.

We now more than ever have the ability—have the organization where it is a worker working with that child from start to finish. We are not perfectly set there, but that is part of the reorganization we did around permanency. The Permanency Opportunities Project provides an overall umbrella to both the private and the public sector to ensure that they are barrier busting where they need to and providing technical assistance to the front line social worker carrying the case. In the past, the adoption or permanency workers used to carry cases. We have been moving away from that.

We did the same thing with our Office of Youth Development. In the past, when the children became APPLA, they would get another social worker, and they would be in that arrangement. And the goal, again, was to move away from that arrangement and to develop them to be youth development specialists providing support across the realm to all social workers.

Senator LANDRIEU. Well, it is really good to hear that because the best practice models that are developing are all focused in that way to try to have the most consistency for these young people who have already enough disruption, in large measure no fault of their own, and they have already been disrupted in so many ways to try

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to keep them as consistently helped and supported with familiar faces over the longest period of time because you get to know the child and children and sibling groups, you get to know the family situation, either its promise for repair and unification, or it is fairly clear over time that possibility is not going to happen and in the course of that can identify very common-sense potential solutions to that difficulty, like an aunt or a godmother or a grandmother or a neighbor or a teacher that could step in and provide that permanency.

I think when you switch workers, you just lose so much of that. The children get frustrated, and the older they get, the angrier they get, and it is just one thing—but let me show you something else. I went on the Website this morning, and I have to say, unfortunately, I was disappointed in what I saw. This is your Website, and I am sorry it is not bigger for anyone to really see. But you can go and pull up your Website. If somebody in the District went on your Website this morning to try to become an adoptive foster care parent, it looks so boring and uninviting and complicated. I spent a few minutes going around and it just did not strike me—as an adoptive mom who has already adopted two children, I have been through the process.

I want to show you the Massachusetts site. Now, you cannot really tell the difference because this looks a little more boring, that looks a little more exciting. But what is different is when you hit "About Our Children," what it says, or when you hit "Adoption Facts" or "Adopting," there are actual pictures of children waiting to be adopted that come up, which is done by a great organization—I think you have probably heard of it—the Gallery of Hearts program where volunteer photographers have gone out and taken the most beautiful pictures of children that are in the foster care system, and they are actually gorgeous pictures of these children, because sometimes we communicate to people in ways that I try constantly to get over and better, that these children, while they may have had difficulty, are really extraordinarily promising young people. And we could not find any of the pictures.

Now, maybe I was looking in the wrong place, so do you have them?

Mr. GERALD. For me, this is one of the joys that I had this year of the progress we have made. We do have an adoption Website that—adoptusdc.org—but we are also in the midst right now of totally revamping our official Website that is including—for the first time we have asked a lot of our advocates for input of what would make the Website much more readable, attractive, and informative.

Senator LANDRIEU. Well, I cannot impress upon you how important I think that is because people today, they just simply function on the Internet. When people want to buy, find, inquire about anything, more and more and more, over broad swaths of the population, from poor to rich, of all racial backgrounds, they hit the Internet. And if somebody says, "I read this article, I would really like to be a foster care parent," they go and they try to find information. It has got to be clear, it has got to be compelling, because the need is so great. And I want those listening to go to this Website. This is just one. Maybe there are others that are better. Maybe this is not the best. But I thought it was pretty good. It is

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the Massachusetts Website. They had pictures of the children, sibling groups, a little description of the child. Each child had a certain registration number and a caseworker. If you wanted information, you could specifically call the caseworker, so it was very clear that they were pretty organized.

Now, I am going to do, just for my own—I am going to check on a lot of Websites around the country because we have spent literally, from Congress, millions and millions of dollars trying to get technology on the side of the kids, on their side, and giving them an opportunity, respectfully and appropriately, to let their stories be told and how much they want to be a valuable member of society and give them a chance.

So I cannot urge you enough, and——

Mr. GERALD. And I will make sure that we forward you our Website as well and look forward to getting any comments regarding—and it is adoptdckids.org.

Senator LANDRIEU. OK. And I have some other questions. I will just have to submit them for the record because I would like to hear from our second panel. So is there anything that you want to add, Ms. Meltzer?

Ms. MELTZER. I just wanted to respond to the question on what Congress might do.

Senator LANDRIEU. Go ahead.

Ms. MELTZER. My suggestion comes from the comment by Judge Satterfield that one of the barriers for foster parents who are potentially interested in adopting is the fear about the loss of services. Continued and expanded investment in the availability of mental health and support services to foster parents after adoption and the availability of post-adoption supports is something very concrete that could be supported.

Senator LANDRIEU. It is a real barrier, and everyone listening should know. If you are in foster care, you get financial support. And if that same family wanted to adopt that same child, providing the same love and support, the minute they are adopted they lose that support, generally.

We are very interested in getting legislation passed here—I am working closely with Senator Grassley on this—to have basically the funding track the child, basically under the direction, theoretically, of the courts. So when the court is stepping in to make final decisions about either reunification, permanency, adoption, or guardianship, that the money in the system—which is significant; I believe it is $8 billion in the Federal system to support not just the District but all of the communities in the country—$8 billion. It is not pocket change. And if that money followed the child and the best decisions of the professionals on the ground as opposed to supporting the system, we might get better results and outcomes. And we are going to fight very hard in the next year to do that.

But there are some immediate issues here with the District that are separate and apart from the overall challenges of the system nationwide.

But, Judge Satterfield, the last word to you.

Judge SATTERFIELD. I do not have anything else to add. I think everything has been covered. I would just like to say to you that I know when we were going to have this hearing in February, with

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the snowstorm and all, but congratulations for that big weekend you had just before that with your brother and the football.

Senator LANDRIEU. A big weekend with the Saints. Well, the city needed a lot of therapy after Hurricane Katrina, and it has been 5 years.

Judge SATTERFIELD. We were all rooting for them.

Senator LANDRIEU. Yes, the whole city had great therapy that weekend that the Saints won, so thank you very much.

Thank you all, and we will see panel two now. And if you all could stay and listen to panel two.

Judge SATTERFIELD. I am going to stay.

Senator LANDRIEU. But stay and listen to the panel, we would really appreciate it. And I know your times and schedules are tough.

First we have Judith Sandalow, Executive Director of the Children's Law Center. We are very pleased to have two foster care children with us, former foster youth children with us: Sarah Ocran, Vice President of the Foster Youth Campaign, Young Women's Project, and Dominique Davis.

I really appreciate these two young ladies coming to testify because, as I have asked, in all the work that we do, we always like to hear from the young people themselves. I was actually at Ms. Davis's adoption, and I remember her. She has grown quite a bit. She probably does not remember me, but I was there and remember that adoption.

Ms. Sandalow, why don't you begin with your testimony.

TESTIMONY OF JUDITH SANDALOW,[1] EXECUTIVE DIRECTOR, CHILDREN'S LAW CENTER

Ms. SANDALOW. Thank you. Good afternoon, Senator Landrieu. I am Judith Sandalow, the Executive Director of Children's Law Center, which, as you know, is the largest nonprofit legal services organization in the District of Columbia, and it is the only organization devoted to a full spectrum of children's legal issues. Every year, Children's Law Center represents 1,200 children and families, including 500 children in the foster care system and several hundred foster parents and relatives of children in foster care. We partner with law firms from all over the city to provide lawyers to foster parents, for example, to Dominique's foster parents so that she could adopt her.

Any serious effort to fix D.C.'s child welfare system—and to ensure that children leave foster care to legally permanent families—begins with preventing abuse and neglect, moves on to intervening wisely when abuse or neglect occurs, and continues through several critical stages, hopefully ending with reunification, adoption, or guardianship.

Although there is good news to report about the District's progress at some of these stages, as you know, serious problems still remain. These problems result in the large number of District children who are growing up in foster care. In short, too little abuse and neglect is prevented, too many removal decisions are made poorly, too few foster children live with their relatives, the

[1] The prepared statement of Ms. Sandalow appears in the Appendix on page 72.

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placement array, the foster parent array, for children in foster care is limited, efforts to ensure children's well-being while in care are too weak, and because of all of this, permanency occurs way too infrequently.

My written testimony details CFSA's performance at each critical stage, but today I want to focus on efforts to help foster children who cannot return to their birth parents and who need new legally permanent families. I want to start with guardianship because that is something which Congress can play a role in.

The District of Columbia deserves extraordinary credit for being one of the first jurisdictions to create the legal option of guardianship, which we did back in 2001. Children's Law Center is proud of our role in drafting that legislation. It has allowed hundreds of children to leave foster care to permanent families.

The Federal Government, through your work in its 2008 legislation, Fostering Connections, also recognized the value of guardianship. In fact, just last month, the Department of Health and Human Services (HHS) issued new guidance making Fostering Connections funds available for guardianships entered into before Fostering Connections took effect, which we are very pleased about.

We hope that HHS will also move quickly to define the word "relative" within the statute. This definition matters because a step-grandparent, for example, or the father of a child's half-sibling can have a familial relationship which should be recognized for the purposes of receiving a guardianship subsidy. Congressional support for defining the term "relative" broadly would help more children move into legally permanent homes.

I also want to address adoption. You have heard testimony about the increased number of adoptions between 2008 and 2009, as well as the historical downward trend over the past several years. What I think is important is that we understand from Dr. Gerald that much of the recent increase resulted from removing such administrative barriers as CFSA social workers completing final adoption reports more quickly. Making the bureaucracy work more efficiently is a significant accomplishment, and I think you heard that when the Family Court first came into effect, that was one of the reasons why we were able to move so many children out. But now we need to address the deeper problems, the really serious impediments to adoption more than the bureaucracy, and I think that is why you are holding this hearing.

The good news is that I think the District is well on its way to addressing the most significant barrier: The disparity between our foster payments and our adoption and guardianship subsidies. As you know, the D.C. Council held a hearing in early March on legislation which includes provisions extending adoption and guardianship subsidies to age 21 and also allowing guardianship subsidies to be granted to non-kin. Not only is this good for children, but the District's Chief Financial Officer, whose fiscal impact studies are like the District equivalent to the Congressional Budget Office, has concluded that by moving children out of foster care, these subsidy changes will result in $3.9 million in savings to the District—obviously money that can then be turned around to use to help more children get out of foster care and into adoptive homes.

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Now I would say that CFSA has to turn to the District's second biggest barrier to permanency: The failure to place children with their extended family. D.C. children in kinship care are more than 30 percent more likely to leave foster care to a permanent family than children living in other placements. Yet D.C. is far behind the national average of 24 percent of foster children living with kin. At the end of this past year, only 15 percent of children lived in kinship foster care.

CFSA should begin to address this problem with better implementation of the tools Congress provided through Fostering Connections.

First, CFSA must implement a policy, as Fostering Connections permits, to make clear what licensing rules CFSA will waive for kin. Many relatives that we work with are dissuaded from becoming kinship caregivers by the complex licensing process.

Second, CFSA should more aggressively identify potential kinship placements. All too often, the attorneys in my office identify kin of whom the child welfare agency is not aware. In a better functioning system, of course, social workers would know of kin before we do.

Just to wrap up, the District's foster care system faces, as I think I have said, serious, complex, and truly deeply rooted challenges. The good news is that with concerted focus and cooperation among the different entities, we can make significant progress. The best example right now is the pending legislation—developed between my organization, CFSA and the D.C. Council—to extend and expand adoption and guardianship subsidies and thus help hundreds more children leave foster care to permanent families.

I look forward to future successes and to this Subcommittee playing a constructive role in helping achieve them. Thank you.

Senator LANDRIEU. Thank you, Ms. Meltzer. Ms. Ocran.

TESTIMONY OF SARAH M. OCRAN,[1] VICE PRESIDENT, FOSTER CARE CAMPAIGN, YOUNG WOMEN'S PROJECT

Ms. OCRAN. Good afternoon, Members of the Subcommittee and everyone here today. My name is Sarah Ocran, and I am 18 years old, and I have been a part of the D.C. foster care system for the past 2 years. I attend Cesar Chavez Public Charter High School for Public Policy in Washington, DC. Today I want to share my story about trying to get placed in a permanent home. I would also like to voice my opinion about permanency and its connection to living in foster care.

Permanency is important to me because I want to have a network of people that I can depend on to love me and support me for the rest of my life. Being in foster care has taken that away. For 2 years now, I have desired to live with my godmother—someone who is loving and supportive of me. The environment she creates is stress free. My godmother has a two-bedroom apartment, and she is willing to move so that I would have my own room. My godmother is very stable to take care of me.

[1] The letter from Nadia Moritz and revised prepared statement of Ms. Ocran appears in the Appendix on page 93 and 95 respectively.

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The reason why I am not with my godmother is because my old social worker never called my godmother back, and there was a lot of miscommunication going on. So my godmother became very frustrated with the Child and Family Services Agency. Because I cannot live with my godmother, I do not want to go off to college. I want to stay local because I am scared that when I come back from school, I will not have a permanent place to call my home. When my godmother first started the process to be licensed so I could live with her, I was never told how long it would take for me to transition to her house.

I currently live in a Supervised Independent Living Program. Before then I lived in a group home for about a year. The Independent Living Program has both pros and cons. Living in this Independent Living Program has made it harder for me to focus on important things, such as college. I want to go out of State to college at North Carolina A&T. But I am afraid that when I return from my winter break and spring break—I mean summer break, I will not have a permanent place to call my home. If I was with my godmother, I would not have to worry about where I would live when I come back from school breaks because I can count on her to support me and love me the way a teenager should be cared for.

Being in the foster care system takes away the opportunities that I should have as a teenager. At my Independent Living Program, I have to come home, cook, and also do homework for school. I should not have to do all of this. When we have new girls come to our Independent Living for overnight stays, things tend to come up missing. Sometimes I hate the fact that staff are in our apartment because they try to tell us how to live and what to do. But at my Independence Living Program, I am able to have my own room to myself. Having my own room means a lot to me because I am able to have my privacy and some alone time. I also have a good deal of responsibility that will prepare me for the "real world." I like living in my own apartment, but I do not have the support I would have if I was living with my godmother.

I feel that my time in the system is winding down and I am not able to live my life the way that I want to. I am growing up too fast.

During the past month, I have had some time to reflect on my experience in the system and trying to find a permanent home. I have contemplated on how my social worker and I never talked once about what my permanency options are and if legal guardianship was something that I really wanted. I waited for a long time to move in with my godmother. But as time passed, I felt as though it was not going to happen.

I began to think what if I move in with my godmother and things get really bad and we get into an argument and she puts me out. I wondered what would happen if she would get money for me and then decide she would not give it to me. I also thought what if she puts me out because I did not fit into her lifestyle. All of this was going though my mind, and I did not know how to deal with it. I did not know how to communicate to my godmother to tell her exactly how I felt and what I was thinking. I felt like I was wasting her time by making her go through the licensing process for me and me not even be there with her. I tried to find out what was

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going on from my social worker by writing to CFSA's Office of Youth Empowerment, but my social worker could not even provide me with information to let me know why I was not approved to live with my godmother and why I am still not there.

I do not communicate with my godmother that much anymore. Our communication has become "sometimey" because I feel like I put her through all of this to get me there and I am not even at her house. I also began to think maybe the judge was right and maybe my godmother was never a good place for me. I also lost hope because of the procrastination from CFSA. I think now that maybe my Independent Living is the best place for me because it feels like everyone gave up on me. I have been told that if I do well in my current placement that I will have my own apartment and it will eventually be mine. I was given the option to move into my apartment last month, but I did not feel I was ready so I said no and I stayed—because I felt like I was not really focusing on my grades in high school. Having my own apartment now sounds OK since I was scared about moving in with my godmother.

The time is slowly approaching for me to age out, and I do not have stability. I turned 18 in December. I have less than 3 years until I age out of the foster care system. It hurts because I really wanted to be with my godmother, but the system made it hard for me to be there.

I have four recommendations that I would like to share with the Senate that could help foster youth like me.

One, social workers should be more experienced in all aspects of foster care.

Two, there should be an extension on the age when youth are aging out because there are youth like myself who are lost and do not have no one to turn to but the streets.

Three, foster youth should have a transition center that will provide foster youth with resources like safety nets, education, and permanency that would be funded by money given from CFSA.

And, last, CFSA should develop goals and better practice and organization for their work on permanence. If they were organized and tried harder, they would be able to get youth like me into permanent homes when they have the chance. I feel like I had the chance last year to make my transition, but because CFSA could not get their act together, that chance was wasted and now it is not an option anymore.

Thank you for your time.

Senator LANDRIEU. Thank you, Ms. Ocran. That was an excellent presentation, and thank you for your recommendations.

Ms. Davis.

TESTIMONY OF DOMINIQUE JACQUELINE DAVIS,[1] FORMER DISTRICT OF COLUMBIA FOSTER YOUTH

Ms. DAVIS. Good morning, Senator Landrieu and Members of the Subcommittee. I appreciate the opportunity to talk about my experience of being adopted from the Child and Family Services Agency.

[1] The prepared statement of Ms. Davis appears in the Appendix on page 98.

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My name is Dominique Davis. I am 16 years old and in the 11th grade. I like to play softball and spend time with my friends and family. After high school, I would like to go to college and become a computer specialist and work for the FBI.

I was in foster care since I was 4 years old. When I was 11 years old, I went to live with my foster mom, Ms. Davis. Ms. Davis adopted me on November 21, 2009. Adoptions Together helped finalize the adoption and made sure it went smoothly.

Having a permanent home is very important to me, especially changing my name so I know I belong to that family. Other kids should want to get adopted because everyone needs a family to support their future.

I would also like to say that adults should adopt teenagers and not just young children because they need families too. Without that support, teenagers cannot succeed and sometimes end up on the streets.

Thank you again for the opportunity to tell you my story. I would be happy to answer your questions.

Senator LANDRIEU. Thank you, Ms. Davis. I really appreciate that. I do have just a couple of questions. You were in the foster care system, and you were adopted at 11, so that is, what, 7 years—adopted at 16. I am sorry. You were adopted at 16, and you went into the system at 4 years of age.

Ms. DAVIS. Yes.

Senator LANDRIEU. So you were in the system for 12 years. How many homes did you have in that 12-year period? Can you remember? Approximately, just roughly? Is it less than three or more than five?

Ms. DAVIS. I have been in seven homes and three group homes.

Senator LANDRIEU. Seven homes and three groups home, so in 10 different places in those years. And how many elementary schools did you go to? Can you remember?

Ms. DAVIS. I think one. That is all I can remember.

Senator LANDRIEU. You stayed in one elementary school. You stayed in the same school all through elementary school, or do you think you went to different ones?

Ms. DAVIS. I started at Flowers Elementary School. Then I had to leave my foster home, and I went to a group home. Then I went to Rock Creek Academy where they had elementary up to, I think, fifth grade, and I kept moving on and on.

Senator LANDRIEU. Well, one of the things that is very clear to me is that we have to do a much better job of trying to help the children that are in the system to stay at least in their school. And families may come and go around them and social workers may come and go around them, but if we could figure out a way to at least—I have had young people that have worked for me that have a 4.0 average and they went to 11 high schools. How they managed to keep a 4.0 average, I have absolutely no idea, but obviously they have a lot of talent. I could barely keep an A average, and I went to one high school.

But, anyway, Judith, what do you want to add to this? And your testimony is very comprehensive and lengthy, but when Mr. Gerald testified about children moving from caseworker to caseworker, try-

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ing to stay with one caseworker, are you seeing that? Are you feeling that? Or is that still sort of planning in the future?

Ms. SANDALOW. I think that they are beginning to stabilize the social workers so that is less of a problem than it was. I think the biggest problem—and I think that Ms. Meltzer really hit the nail on the head—if there is a strategic plan, a vision, and a strategy, it is not public yet. And I am eager to have all of us who are working with children know what the plan is.

We see one of the biggest problems—and I think that Ms. Ocran's testimony, although I do not know her personal situation, is right on point, which is it is very hard for relatives to stick to children in our system. We have a wealth of extended family in the District and in the neighboring suburbs. Really focusing at the early stages and helping children, especially our teenagers, connect to the relatives they do have in their lives and find a way to make that permanent I believe is one of the most important things that CFSA has to do right now.

Senator LANDRIEU. In the law—and this is mentioned in the testimony—if a child is 14 or older, they have to give their consent for adoption. Is it also, though, required that the children 14 and over be asked what their preference is? Is that in the law? Do you know?

Ms. SANDALOW. You are testing my knowledge of the law. I do not know whether it is in the law.

Senator LANDRIEU. I do not think so.

Ms. SANDALOW. I do know it regularly happens. But whether it is followed through on is another matter altogether. It really takes good, hard social work to make these things happen, and I think that is the piece that we are missing right now, which is there are a number of barriers to social workers being able to navigate the licensing regulations, know what the regulations are, know how to move a child successfully into a home.

Senator LANDRIEU. Do you know what the average casework ratio is?

Ms. SANDALOW. It is quite low. I am sure Ms. Meltzer could answer that more easily than I could, but I think it is still about 10 or 12 kids per social worker. So I do not think it is caseload. I think it is the administrative barriers between social workers and success.

I do want to echo one of the other big problems we have, and this is not CFSA's problem, but the whole city needs to address how we support families post-adoption and post-guardianship and post-reunification. Dr. Gerald's hands are tied when it comes to mental health services, substance abuse treatment, homeless services, because that is outside of his agency. But, in fact, it is one of the biggest barriers to both permanency and abuse and neglect prevention that we have.

Senator LANDRIEU. And if you could change that, how would you suggest that we do it?

Ms. SANDALOW. We have a very fragmented children's mental health system. I think about 10 percent of the children who come into foster care come into foster care because of behavioral problems. Obviously, we need to support those children and their fami-

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lies with appropriate mental health services. So the city needs to really focus on building the network of mental health services.

Senator LANDRIEU. Ms. Ocran or Ms. Davis, do you have anything to add to that in any way?

Ms. OCRAN. No.

Ms. DAVIS. No.

Senator LANDRIEU. OK. Let me see here. Ms. Ocran, you commented on this, but your permanency goal was recently switched from guardianship to APPLA.

Ms. OCRAN. Yes.

Senator LANDRIEU. Could you describe how you were notified that your goal was changed? Did someone come to talk to you, or did you receive a document in the mail? Or how did that actually happen?

Ms. OCRAN. Actually, we were just sitting in the courtroom, and the judge was just basically saying that, "Well, she shows a great level of independence, she is responsible, she goes to school, she goes to work, and she is 18 and she don't need parents, so let's just change her goal." And everybody agreed.

Senator LANDRIEU. What in your experience—you must know other children in the group home. What are some of the things that they say to you about their independent living? Are they excited about it? Are they nervous about it? Are they looking forward to it? Or could you describe a little bit about some of the other young people that you get to talk with?

Ms. OCRAN. Yes. Actually, I work for the Young Women's Project, and so being there, we work hands on with foster youth. But in my home, I have three other roommates, and quite frankly, they are scared because they do not know what is going to happen on their 21st birthday. They do not know what to expect, and most of the time they do not have a good relationship with their social worker. And me, speaking for myself as an example, I am scared because in 3 years I will be aging out of the system, and I do not know who I can count on. My godmother, she is there, but she is not there, and I do not know if I was to get really sick, who is going to come to the hospital to bring me flowers? And I cannot even rely on my social worker because I do not even have a social worker right now. She has been on leave ever since March.

And so it is hard when you are trying to go to school and you are trying to make a doctor's appointment for yourself. It is just things that you would want a parent to be around to do. And like I said, I am trying to finish high school. I will be graduating in 3 months, and I am working on a big paper. It is called a thesis paper, 15 to 20 pages. And it is difficult. And it feels good to have a parent around to say, "you are doing a good job." I have none of that. I go home and it is just me.

Senator LANDRIEU. Well, we are going to work harder to fix this because there are thousands of children, maybe not as articulate and as smart as you, but there are thousands of children that are in this same situation. I will just share, and then we are going to call a close to the hearing in just a few minutes.

There are some extraordinary mentorship programs that I am aware of that are happening, and I know our President and the First Lady are very committed to strong mentorship programs. And

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one that I am familiar with is one that the National Guard Youth Challenge Program works nationwide, and it is an 18-month residential—well, 6-month residential, 12-month follow-up. But in order to come into the program, which is a very interesting model, they take children between the ages of 16 and 18, not foster care children—well, foster care children are eligible, but this is for all children 16 to 18 having difficulty, maybe potential high school dropout children, not necessarily children like you who are writing their papers and staying in school. But the key is this: Every child coming to that program has to sign and the program has to meet an adult that is a responsible friend or advocate for that child, and so the young person goes through the program, but the adult also receives some sort of counseling and training opportunities so that the permanent match between them can stay on after the program.

And while we would love, and our goal is, for parents to be connected, the fallback is a more structured mentorship with the right support for you and your lifetime coach or lifetime mentor. We are not anywhere where we need to be, but there are new Federal laws that are incentivizing that kind of mentorship. So I hope that the child welfare community could listen up to these models that are coming up in health, coming up in education, and so there can be at least a permanency with a lifetime connection, not just a name written on a piece of paper but an actual person that has been trained and signed—at least a general understanding that this is what they are committed to do at least for some period of time.

Does anybody want to add anything that we have not covered? Ms. Davis, any final thoughts?

Ms. DAVIS. No.

Senator LANDRIEU. OK. And were you adopted with your siblings? Did you have siblings, brothers and sisters?

Ms. DAVIS. No.

Senator LANDRIEU. OK. Ms. Ocran, any closing remarks?

Ms. OCRAN. I just want to say thank you.

Senator LANDRIEU. OK. Well, thank you for your courage and bravery and your strength. Ms. Sandalow.

Ms. SANDALOW. Thank you for drawing your attention to these issues. You raised the school stability issue, and I think you are exactly right that in order for our kids to succeed, in addition to permanent families, they need school stability. And there is good legislation on this, there is funding to help children go back to their school of origin. The regulations are very limiting, and they only refer to the first placement. And I think that congressional support to expand that so that if a child gets into a foster home and then has to move, that they can at least go back to that school, would be very helpful.

Senator LANDRIEU. Well, I am going to push it even further for a certain age for the children to go to the school that they would like to go to and give them a lot more power to—if even the system is dysfunctional, a lot of these children can make very good decisions for themselves, and we at least owe them that stability while we are figuring out their own situation.

But thank you very much. I appreciate it. The meeting is adjourned. Thank you.

[Whereupon, at 3:41 p.m., the Subcommittee was adjourned.]

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APPENDIX

Government of the District of Columbia

Child and Family Services Agency

Testimony of

Roque R. Gerald, Psy.D.

Director

"Assessing Foster Care and Family Services in the District of Columbia: Challenges and Solutions"

United States Senate Committee on Homeland Security and Governmental Affairs

Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia

The Honorable Daniel K. Akaka, Chairman
The Honorable George V. Voinovich, Ranking Member

March 16, 2010

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Good morning Chairman Akaka, Ranking Member Voinovich and members of the subcommittee. My name is Dr. Roque Gerald and I currently serve as the Director of the District of Columbia Child and Family Services Agency (CFSA). I appreciate the opportunity to talk with you today about our continued child welfare reform efforts and our ongoing plan to increase and expedite adoptions for those children who are in need of permanent, loving homes.

CFSA's mission is to ensure the safety, permanence, and well being of abused and neglected children and to strengthen troubled families in the District of Columbia. We operate a 24-hour child abuse and neglect reporting Hotline (202-671-SAFE) and investigate reports of child abuse and neglect. Our services include foster care, adoption, and supportive community-based assistance.

When CFSA was established as a cabinet-level agency in 2001, I joined the executive leadership team and established a unique in-house Clinical Practice function that administered physical, mental, and behavioral health programs for children, youth, and families. At the time, we set out to build a highly functioning child welfare system that was responsive to the needs of the District's at-risk families. We also implemented programs consistent with best practices in the field while developing a sound agency infrastructure. Our success was directly related to hiring a skilled staff of licensed social workers, investing in a broad array of resources that directly supported quality services for children and families and establishing a federally certified case management system. These improvements were reflected in the 2007 Federal Child and Family Services Review (CFSR) of CFSA, which noted a strong system that was delivering improved outcomes for children.

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In January of 2008, the discovery of the tragic deaths of the Jacks and Fogle girls shocked and saddened our entire community. In response, Mayor Adrian Fenty immediately mobilized his administration to provide tangible assistance to CFSA to address the systemic issues that contributed to the tragedy. Mirroring a nationwide trend following high-profile child welfare cases, calls to our hotline skyrocketed. When I became CFSA's interim director in July 2008, the agency was faced with a daunting backlog of Child Protective Services (CPS) investigations stemming from the aforementioned case. Nevertheless, the agency worked diligently and we achieved our goal of reducing the backlog to fewer than 100 cases in the first quarter of FY 2009. CFSA currently averages a backlog of 20-40 investigations and we are now posting solid achievements in every area of our core mission and forging ahead to improve outcomes for the children, youth, and families we serve.

New Strategies for Permanence

As I mentioned earlier, achieving permanence for children and youth in foster care is a fundamental aspect of our mission. We want every child and youth, regardless of age, to exit the system to a permanent home and it is our deeply held belief that everyone needs and deserves a family. We believe all pathways—reunification with birth parents, guardianship, or adoption—should be explored as long as the outcome is a safe, nurturing and permanent home. At the very least, if that is not possible, we hope that every older youth will exit with a life-long connection to one or more stable, caring adults outside the system. This represents a change in thinking about ways to achieve permanence and we continue to use new and innovative strategies to move forward on this front.

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Goal of Adoption

Throughout much of the last decade CFSA made significant progress in expediting a backlog of stalled adoptions. However, by 2008, adoptions began to decline. While some of this was attributable to the decline in the District's foster care population, it is clear that barriers to timely permanency existed and needed to be addressed.

In 2009, CFSA and our private-provider partners reversed the decline in adoptions, exceeding the target of 125 with 128 adoptions in the calendar year—a 25 percent increase over the 102 adoptions in 2008. Finding adoptive homes for young people in foster care can be challenging because many are older or want to stay together with their brothers and sisters. Among young people adopted from the system in 2009 were 16 teens and 20 sibling groups—the highest number of children in these categories achieving adoption in several years. Our work also resulted in a record number of finalizations at the annual *Adoption Day in Court* during National Adoption Month last November. I would like to take this opportunity to thank Senator Landrieu for her ongoing support of Adoption Day. It means a great deal to both our staff and the participating families that she makes time to attend each year and we welcome the future participation of every Senator on this committee.

For children and youth with the goal of adoption, CFSA initiated the proven best practice of high-impact teams, which are established to focus on and expedite adoption. High-impact teams are composed of CFSA adoption specialists and representatives from the local non-profit agency, Adoptions Together. The high-impact team strategy at CFSA is called the Permanency Opportunity Project (POP). Key features of this unique program include: 1) collaboration around

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individual cases across all levels and systems both inside and outside of the agency; 2) consideration of multiple pathways to permanence beginning at the moment a child or youth enters care; and 3) diligence in using new strategies to identify adoptive families for children and youth and promptly move those in pre-adoptive homes to finalization.

In 2009, the high-impact teams reviewed and worked on a total of 260 cases with the goal of adoption. They also provided consultation and coaching around adoption to case-carrying social workers both within CFSA and at private providers who manage about half the local caseload.

Older Youth

The second front in our push for permanence focuses on older youth in care. Reflecting the trend of other urban child welfare agencies, CFSA is presiding over a groundswell of youth growing up in care - fully 60 percent of the District's foster care population today. Also mirroring a national trend, we are seeing an increase in young people entering care in their teens.

In a 2007 report, the Casey Strategic Consulting Group provided us with a wake-up call by showing that CFSA and the Family Court had institutionalized "aging out" without permanence as the default goal for older youth. The use of this local practice far exceeded that of several other comparable jurisdictions. In the fall of 2008, I signed an Administrative Issuance that put an end to automatic assignment of Alternative Planned Permanent Living Arrangement (APPLA) as a goal for older youth. In a little over a year, our census of youth with the goal of APPLA dropped from a high of 850 to 678.

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In the first half of 2009, CFSA reviewed the cases of 722 youth who had the goal of "aging out" to explore their opportunities for legal permanence or life-long connections. Delving in from this new perspective revealed that 80 percent of these youth already had an established or potential life-long connection with at least one stable, caring adult. Social workers are now using this information to rekindle or create legal permanence or lasting connections for older youth. Adoption and legal guardianship are pathways for some. For others, birth-family circumstances have changed so that reunification with parents is possible. A new approach is the "Commitment Contract" where a caring adult and youth agree to maintain a supportive, life-long relationship. This is reserved only for those cases where legal permanence is not possible.

While we are making important strides, CFSA faces several challenges in maximizing our push for permanence for more children and youth in care. Increased public awareness about opportunities to adopt from the public system or provide foster care would provide the broad-based, sustained outreach necessary to increase recruitment. Doing more to build life-long relationships for older youth in care, for whom legal permanence is not possible, and providing better preparation of children, youth, and adults for the transition to adoptive family life would also be beneficial. Finally, implementing a differential response approach to reports of child neglect would aid the District in its efforts to increase child safety, improve parental engagement, and reduce the recurrence of maltreatment.

Enhancing Well Being

Whenever possible, child welfare should leave those we serve in a safer, more stable, and improved condition. In 2009, CFSA continued to bolster efforts around our core mission of

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caring for the well being of the children and youth we serve. I will briefly describe two improvements among many, which are very much in line with the intent of portions of the Fostering Connections and Increasing Adoptions Act.

First, every child and youth needs to have a health screening, including comprehensive medical and dental exams, within 30 days of placement. For years, CFSA contracted out for these services, which did not wholly fulfill our needs. In December 2009, we brought routine pre-placement health screening of children and youth in-house to our headquarters. Among the advantages of this approach is the collection of medical histories from families, development of sound medical files for children and youth in care, improved health information for foster caregivers, and greater convenience for social workers.

Second, in 2009 CFSA introduced an enhanced Educational Assessment that social workers complete semi-annually for each school-age child and youth whether at home or in foster care. The Educational Assessment helps social workers better support regular school attendance and academic achievement and helps them identify and work with the educational decision maker for each child and youth in care. For older youth in care, we are working to increase the high school graduation rate and streamline access to opportunities for college or vocational training.

I would also like to provide a brief update on two of CFSA's ongoing efforts to support the well being of the children in our care. When I was Director of Clinical Practice, the support of Congress helped initiate innovative programs for children and families and contributed to launching the practice of Family Team Meetings, which build capacity in mental health services

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for children and youth in care. Today, the District's unique approach to Family Team Meetings is embedded in the field, routinely receives high marks from families, and has gained national and international recognition.

Core service agencies that today serve the mental and behavioral health needs of children and youth in the District's care are a direct outgrowth of evidence-based mental health services that Congress supported years ago. I had direct experience with these projects and want you to know that your investments yielded significant, long-term dividends for the residents of the District of Columbia and we are most appreciative.

Local Control

CFSA is stronger today than ever before. Even so, District child welfare remains under Federal Court oversight and I would like to provide a brief update on the status of the lawsuit. In February 2009, the District of Columbia filed a motion asking the Federal District Court to expedite a process to terminate court oversight by the end of the calendar year. The request, which is currently pending, is fully consistent with the Supreme Court's admonition in *Horne v. Flores* [129 S. Ct. 2579, 2595 (2009)] to "return control to state and local officials as soon as a violation of federal law has been remedied." The District has corrected the violations of law the Court originally found in 1991, and has implemented important structural changes including, among others, elevating CFSA to cabinet-level agency and creating a local Family Court which oversees CFSA performance in each case where abuse or neglect has been adjudicated. Today, CFSA bears no resemblance to what was described in testimony before the Court in 1991. The

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District has ambitious goals for our child welfare efforts and it is time for District child welfare obligations to completely return to local control.

Building Excellence

In 2010 CFSA will continue its agenda on behalf of the District's children and youth by: 1) continuing effective strategies for excellence in safety, permanence, and well-being; 2) institutionalizing best practices in case management that support better and faster outcomes for children, youth, and families; and 3) completing the redesign of programs for older youth in care. The District is moving forward and building on our recent successes to ensure that every child we serve has a clear pathway to permanency. I appreciate the Committee's attention this morning and would be happy to answer your questions.

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TESTIMONY OF LEE F. SATTERFIELD
CHIEF JUDGE,
SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

BEFORE THE SENATE SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE AND THE DISTRICT OF COLUMBIA

Assessing Foster Care and Family Services in the District of Columbia: Challenges and Solutions

Tuesday, March 16, 2010

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Chairman Akaka, Senator Voinovich, Senator Landrieu, Subcommittee members. Thank you for inviting me to testify before you today on this most important issue. I am Lee Satterfield, Chief Judge of the Superior Court of the District of Columbia. I was Presiding Judge of the Family Court from the enactment of the Family Court Act in January 2002 until January 2006. Over that time many improvements have been made, both by the Court and by the Child and Family Services Agency (CFSA). We appreciate the guidance and support you have provided. We are proud of how far we have come, but we know that more can and should be done. I would like to outline some of the improvements that have been made, some of our accomplishments, and also identify a few areas in which I think more needs to be done and more resources are needed.

Initiatives to Increase the Number of Foster Children Achieving Permanency in a Timely Manner

Since the enactment of the Family Court Act of 2001 ("the Act"), the Family Court of the D.C. Superior Court ("Family Court") has worked diligently to address barriers to permanency and to expedite permanency for children in the foster care system and, as a result, has implemented many initiatives to increase the number of children achieving permanency in a timely manner. I will outline a few of the major changes, but want to note that a more detailed and comprehensive list of the Family Court's efforts to expedite permanency may be found in our Annual Reports to Congress, sent to you each March.

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Transfer of Cases to the Family Court

After the enactment of the Act, the first initiative undertaken to expedite permanency was the transfer back to the Family Court of approximately three thousand five hundred (3,500) abuse and neglect cases that were assigned to judges not serving in the Family Court under the case distribution system that preceded the Act. This requirement ensured that all cases for all children would be heard by judges with training and expertise in the handling of abuse and neglect cases. Currently, any case retained by a Family Court judge after he/she leaves Family Court is done so only under the provisions of the Act with approval of the Chief Judge. The principal reason for retaining these cases is the judge's belief, based on the record in the case, that permanency would not be achieved more quickly if it were reassigned to a judge in the Family Court. After review of each request, the Chief Judge determines, pursuant to criteria set forth in the Act, that (1) the judge retaining the case has the required experience in family law, (2) the case is in compliance with the Adoption and Safe Families Act (ASFA) and (3) it is likely that permanency would not be achieved more quickly by having it remain in the Family Court.

One Family One Judge Case Management Model

The One Family One Judge case management model – required by the Act - was designed to ensure that all cases involving a child, his family and household members are heard by one judicial officer or judicial team. There are three premises underlying the model (1) a judge will gain familiarity with a family and therefore will be able to make more informed and effective decisions; (2) consolidation of cases before a single judicial officer will improve the delivery of services thereby expediting permanency; and (3) the

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risk of conflicting court orders and the necessity of multiple court appearances by members of the same family will be reduced.

Creation of the Mayor's Services Liaison Office

The Mayor's Services Liaison Office (MSLO) was established pursuant to the Act, and implemented pursuant to a Memorandum of Understanding between the District of Columbia and the D.C. Superior Court. The mission of the MSLO is to promote safe and permanent homes for children by working collaboratively with stakeholders to develop readily accessible services that are based on a continuum of care that is culturally sensitive, family-focused and strength-based. The MSLO is supported by twelve District of Columbia government agency liaisons who are familiar with the types of services and resources available through their agencies and who can access their respective agencies' information systems and resources. The objectives of the MSLO is to (1) support social workers, case workers, attorneys, family workers, and judges in identifying and accessing client-appropriate information and services across District agencies and in the community for children and families involved in Family Court proceedings; (2) provide information and referrals to families and individuals; (3) facilitate coordination in the delivery of services among multiple agencies; and (4) provide information to the Family Court on the availability and provision of services and resources across District agencies. The underlying belief in establishing the MSLO was that better coordination of services would result in expedited permanency for children in the foster care system.

Expanded Use of Mediation

In 1998, after a lengthy study of methods to improve the management of child abuse and neglect matters, the Family Court designed and implemented a pilot project –

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the Child Protection Mediation Pilot – to mediate child abuse cases. The Center for Children and the Law of the American Bar Association (ABA) favorably evaluated this pilot project in 1999, noting that mediation resulted in earlier case dispositions, expedited case processing, and increased client satisfaction with the court process. Budget limitations precluded an expansion of the pilot program until September 2001, when the Council for Court Excellence funded a one-year expansion and adaptation of the Child Protection Mediation Pilot (called the ASFA Mediation Pilot) through a grant provided by the Annie E. Casey Foundation. The pilot program, which required that every other case be referred to mediation, was expanded when the Act was passed and has become a permanent program of the Family Court. Since January 2003, *all* abuse and neglect cases have been referred to mediation.

The Permanency Planning for Children Department of the National Council of Juvenile and Family Court Judges (NCJFCJ) completed an evaluation of the Child Protection Mediation program in 2004. The evaluation report, like the earlier one conducted by the ABA, revealed that mediated cases reached adjudication, disposition, and permanency (case closure) significantly faster than cases processed without the benefit of mediation. In addition, it found a lower recidivism rate for parties participating in mediation. Specifically, it found that parties participating in mediation were far less likely to return to court within 12 months after the case closed than parties not participating in mediation.

Development and Implementation of a Family Treatment Court

In recognition of the pervasive issue of substance abuse among families involved in the child welfare system, the Family Court and CFSA partnered with the Department

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of Health's Addiction Prevention and Recovery Administration (APRA) to create the Family Treatment Court program (FTC) to address the complicated yet critical challenges of effectively serving families impacted by substance abuse and addiction.

FTC, a fifteen month comprehensive substance abuse treatment program for mothers or female caretakers, was created in 2003 to support and expedite the reunification efforts of parents whose substance abuse led to the neglect of their children. Once a woman is accepted into FTC she enters the six-month residential component of the program. After an initial adjustment period, mothers may be reunited with their children in the treatment facility, which permits them to care for up to four of their children under the age of 10 in a supervised setting. The ability to keep mothers and children together is the most significant aspect of the program in that it enables children to stay out of foster care, and families to generally reach permanency sooner. Its success has improved permanency outcomes for families and has resulted in sustained partnership among these key stakeholders to continue the program.

Enhanced Tracking and Monitoring of Cases

In addition to court-wide performance measures, the Family Court has continued to develop and monitor six of the nine abuse and neglect performance measures identified by the Child Welfare Collaborative established by the U.S. Department of Health and Human Services (HHS), including data on termination of parental rights and adoptions. Through the use of attorney advisors, case coordinators, and other court staff the Family Court has improved its ability to track and monitor progress of abuse and neglect cases. The enhanced review of abuse and neglect cases has assisted the Court in resolving case

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processing issues early in the life of a case and in some instances it has resulted in children reaching permanency sooner.

Encouraged and Promoted Collaboration among Stakeholders

Through its participation in the Child Welfare Leadership Team (CWLT), the Family Court has continued to encourage and promote collaboration among all participants in the child welfare system to develop better working relationships between the Family Court and CFSA, DC Public Schools, attorneys responsible for child welfare cases, health care providers, service organizations and volunteers. The CWLT is facilitated by the Council for Court Excellence and provides a structured approach for both the Court and CFSA to engage in substantial, ongoing and meaningful collaboration. Through the CWLT, the Court and CFSA identify priorities, jointly plan initiatives for implementation, and share data for evaluation. As a result of this collaborative process, the Family Court and CFSA both accept responsibility for ensuring adequate and timely case processing in abuse and neglect cases and share a strong commitment to achieving outcomes of safety, permanency and well-being for children and families.

Establishment of Family Court Performance Standards

Performance measurement reporting is an important strategic objective for the Superior Court. Since 2005, the Family Court has been involved in a court-wide effort, led by the Chief Judge of Superior Court, to develop and implement court performance measures. Once fully developed, the measures --which include clearance rates, trial date certainty, time to disposition, and age of pending caseload -- will help the Family Court to assess how well it is meeting its obligations under the Act to measure compliance with established timelines for case processing and permanency in abuse and neglect cases at both the local and national level. In addition, as required in the Act, if performance

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measures indicate that the Family Court failed to meet expected standards, the information will be used to assist the Family Court in developing an improvement plan.

Improvement of Legal Representation for Children

The Family Court has also developed initiatives to help children achieve permanency sooner by addressing the quality of legal representation available to parties in abuse and neglect cases. To improve representation in abuse and neglect cases, the Court has implemented attorney practice standards; created panels of qualified attorneys seeking appointment; executed a contract with the Children's Law Center to provide guardian ad litem services; in collaboration with the National Association of Counsel for Children offered 40 local attorneys training and the opportunity to become certified as Child Welfare Law Specialists; and entered into a contract with the University of the District of Columbia's David A. Clarke School of Law to establish a child welfare legal clinic. The goal of these objectives is to improve permanency outcomes for children and families by enhancing the quality of representation.

Progress Toward Accomplishing Goals Established by the Family Court Transition Plan submitted to the President on April 5, 2002.

Since submission of the Family Court's Transition Plan the goals and objectives identified in the Plan continue to provide the direction for our mission. The mission of the Family Court is "to protect and support children brought before it, strengthen families in trouble, provide permanency for children and decide disputes involving families fairly and expeditiously while treating all parties with dignity and respect." The following summarizes measures taken and progress made by the Family Court to achieve the goals identified in the plan since the Act was signed into law.

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Goal 1: Make child safety and prompt permanency the primary considerations in decisions involving children.

- Completed transfer of all cases retained by judges outside the Family Court to Family Court judicial officers;
- Completed implementation of One Family One Judge case management model;
- Increased compliance with the Adoptions and Safe Families Act (ASFA); [1]
- Established Attorney Practice Standards for abuse and neglect cases and juvenile cases and established panels of qualified attorneys to represent clients in these cases;
- Developed and implemented ASFA compliant court order forms;
- Continued operation of the Mayor's Services Liaison Office on the Family Court level of the courthouse;
- Implemented the Benchmark Permanency Hearing and later the "Preparing Youth for Adulthood" Initiative pilot programs for older youth in foster care to help them make decisions and plans for their future and to coordinate a full range of services necessary for their success when they gain independence;
- Developed and implemented the Family Treatment Court for substance abusing mothers;
- In 2006, in collaboration with CFSA and the D.C. Office of the Attorney General (OAG), completed a review of all termination of parental rights (TPR) cases, including the development of procedures for documenting when there are compelling reasons not to file a TPR motion; and in 2007, expanded the examination of policies to ensure that policies and/or practices that cause delay in permanency are reviewed and modified, if appropriate;
- In collaboration with CFSA and the OAG, developed policies and procedures governing the use of "Another Planned Permanent Living Arrangement" (APPLA) as a goal. Continued the examination of policies and practices related to use of the permanency goal APPLA to ensure that its use is restricted to only those for whom no other permanency option is feasible, through participation on the Permanent Connections Workgroup;
- In collaboration with the CFSA and other child welfare stakeholders participated in the Child and Family Services Review and development of the subsequent Program Improvement Plan to address issues related to child safety and permanency;
- Developed performance measures, utilizing materials provided by the NCJFCJ, to monitor performance in handling of abuse and neglect cases; and
- Developed and implemented an Education Checklist for Judicial Officers, in collaboration with CFSA and the OAG. The Checklist is designed to provide judicial officers with a tool to obtain essential information on a child's educational needs, progress and the efforts made by CFSA to provide appropriate educational services.

[1] "ASFA" refers to the federal statute, P.L.105-89 unless otherwise specified.

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Goal 2: Provide early intervention and diversion opportunities for juveniles charged with offenses to enhance rehabilitation and promote public safety.

- Coordinated with the OAG to implement its Restorative Justice Diversion Program;
- Utilized Time Dollar Institute's Youth Court Diversion Program;
- Created a Restorative Justice Supervision Program in collaboration with D.C.'s Metropolitan Police Department to address the increase in unauthorized use of motor vehicle crimes by juveniles;
- Developed the "Leaders of Today in Solidarity" program to improve gender-specific programming for adolescent girls involved in the juvenile justice system;
- Developed a seamless adolescent services and supervision model to improve programming for males on probation based on the success of the "Leaders of Today in Solidarity" program;
- Developed first ever truancy program for middle school children in the District of Columbia at Garnett-Patterson Middle School. Expanded program to two additional middle schools;
- Launched a new Global Position System (GPS) electronic monitoring program. The program, which uses "real time" tracking, was designed to increase the capacity to effectively monitor juveniles on electronic monitoring;
- Launched a re-engineered intensive supervision program "Ultimate Transitions Ultimate Responsibilities Now" (UTURN) to address the complex needs of high-risk juveniles;
- Developed a first ever Balanced and Restorative Justice Drop-In Center (BARJ Drop-In Center) for juvenile offenders in Southeast D.C. The center is an innovative, non-traditional juvenile rehabilitation program that offers pro-active services, including tutoring, mentoring, peer mediation, and recreation for youth in addition to supervision services. Completed construction of Phase I of a second BARJ Drop-In Center for juvenile offenders in Northeast D.C.;
- Instituted the internationally recognized Family Group Conferencing (FGC) model for use in the development of all pre-trial and post-disposition service and supervision plans. The FGC engages youth involved in the juvenile justice system in the development of their supervision plan with the collaboration and support of self-identified family members. The foundation of the model is accountability and restorative justice; and
- Conducted two civil rights leadership tours. The tours are designed to teach young offenders about their cultural history and the accomplishments that can be achieved when working together for a common cause. Throughout the journey, youth are asked to reflect on their behavior and how it impacts their community. The expectation is that youth will return home with a better understanding of their place in the community and with a renewed commitment to achieve their maximum potential.

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Goal 3: Assigned and retained well-trained and highly motivated judicial officers.

- Chief Judge requested and received the appointment of three additional associate judges to the Family Court;
- Created the Training and Education Subcommittee of the Family Court Implementation Committee to ensure the development of a training program that met the requirements of the Act. This interdisciplinary committee consists of judicial officers, attorneys, social workers, psychologists, and other experts in the area of child welfare who jointly plan, execute and evaluate all trainings offered by the subcommittee;
- Developed a comprehensive training program for new judges in the Family Court. The program provides intensive training in three categories: (1) topics specific to issues involving children and families; (2) guidance on how to conduct court hearings in cases of children and families; and (3) general and administrative topics;
- Conducted annual interdisciplinary training conferences that addressed issues such as systems of care, substance abuse, education, mental health, adolescent females, minority overrepresentation, involving and empowering families, and domestic violence;
- Conducted monthly mandatory trainings for Family Court judicial officers to discuss issues relating to family cases and to hear from guests invited to speak on a myriad of topics relating to the Family Court. Past topics have included issues such as judicial handling of cases under the One Family One Judge case management approach; the Court Appointed Special Advocates (CASA) program and its approach to addressing the needs of dual jacketed cases; permanent guardianship proposed rules for motions to modify, enforce and terminate permanent guardianship orders; and an overview of Safe Shores, the DC Children's Advocacy Center; and
- Promoted the participation of Family Court judicial officers in national training programs on issues relating to children and families. Such programs have included courses sponsored by the NCJFCJ; the National Judicial College; the American Bar Association's National Conference on Children and the Law; and the National Center on Substance Abuse and Child Welfare.

Goal 4: Promoted alternative dispute resolution.

- Expanded operation of the Child Protection Mediation Pilot to include all child abuse and neglect cases;
- Implemented same day mediation in domestic relations cases;
- Increased the pool of mediators through creation of an open enrollment process. Through open enrollment, trained and experienced mediators are conditionally accepted into Family Court mediation programs without completing Multi-Door's basic mediation training prerequisites if they can demonstrate knowledge and proficiency in mediation skills;

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- Launched a new training model for prospective mediators that offer the fundamentals of mediation for five different Multi-Door mediation programs in a combined classroom setting;
- Created the Program for Agreement and Cooperation (PAC) in custody cases to assist families involved in high conflict child custody cases and lessen the impact on children; and
- In cooperation with the Family Law Section of the DC Bar, piloted an Attorney Negotiator Program to assist unrepresented litigants in domestic relations cases.

Goal 5: Used technology effectively to track cases of children and families.

- Collaborated with CFSA to reassign abuse and neglect cases to judicial teams in the Family Court using an automated database;
- Collaborated with CFSA to scan court orders into the agency's automated system to ensure timely access to complete and accurate information;
- Implemented a court-wide integrated case management system;
- Defined business rules to support the assignment of unique family identification numbers (FID) to further support the one family one judge case management model;
- Began electronic data-sharing of case schedules in abuse and neglect cases with the CFSA;
- Developed policies and procedures to support a three-phase data exchange initiative with CFSA and the OAG. The exchange would allow for the electronic initiation of abuse and neglect cases by the CFSA, subsequent filings by the OAG and CFSA, and the electronic transfer of court orders from the Court to CFSA;
- Collaborated with the D.C. Department of Motor Vehicles (DMV) to develop traffic and drug extracts to satisfy applicable statutory and municipal regulations related to juveniles; and
- Developed performance measures to allow the Court to monitor compliance with established case processing standards.

Goal 6: Encouraged and promoted collaboration with the community and community organizations.

- Continued to meet regularly with stakeholders and participated on numerous committees of organizations serving children and families;
- Continued to collaborate with community partners to refine and fully implement the Family Fathering Court initiative involving fathers returning home from prison who have child support obligations;
- Opened a Self Help Center in the Family Court in partnership with the D.C. Bar, so litigants without counsel can obtain materials about Family Court processes and seek assistance with court forms. Developed an outreach initiative to ensure that the services provided by the Self Help Center are available and accessible to the Latino community. Expanded the Self Help Center Southeast D.C., in

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collaboration with community organizations, to ensure that the services provided by the Center are available to residents in underserved communities in the area;
- Collaborated with the University of the District of Columbia, David A. Clark School of Law, to develop and operate a child welfare legal clinic; and
- Convened the D.C. Model Court Collaborative on Disproportionate Representation of Minorities to assess the representation of minorities in the child welfare and juvenile justice systems.

Goal 7: Provided a family friendly environment by ensuring materials and services are understandable and accessible.

- Developed a handbook for parents and a coloring book for young children, and a guide for older youth on the court process in abuse and neglect cases;
- Continued review and revision of Family Court forms, through working groups, to make them more legally compliant, understandable and user friendly. Where appropriate, forms have been translated into Spanish;
- Officially opened the redesigned Family Court entrance to the Courthouse. The redesign increased usable space and created a familiar, friendlier and ADA-compliant entrance while maintaining the required level of security;
- Developed the Balanced and Restorative Justice Drop-In Center for juveniles in Southeast D.C. and completed Phase I of the Northeast Center. The Center has facilities for pro-social activities such as tutoring, mentoring, peer mediation, and recreation; and
- Completed revision of all informational materials including pamphlets and forms in the Marriage Bureau. All are now readily accessible on the court's website for Spanish speaking and bi-lingual citizens.

Long term strategic planning to ensure compliance with the Adoptions and Safe Families Act of 1997 and the District of Columbia Adoption and Safe Families Act.

The District of Columbia Adoption and Safe Families Act (D.C. ASFA) (D.C. Official Code Sections 16-2301 et seq., (2000 Ed.)) establishes timelines for the completion of the trial and disposition hearing in abuse and neglect cases. The timelines vary depending on whether the child was removed from his or her home. The statute sets the time between filing of the petition and trial or stipulation at 45 days for a child not removed from the home and at 105 days for a child removed from the home. The statute requires that trial and disposition occur on the same day whether the child has been removed or not, but permits the court 15 additional days to hold a disposition hearing for

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good cause shown. Both D.C. ASFA and federal ASFA require the Court to hold a permanency hearing for each child who has been removed from home within 12 months of the child's entry into foster care. Entry into foster care is defined as 60 days after removal from the home, resulting in a net requirement for a permanency hearing 14 months after a child is removed from his or her home.

Since enactment of the Family Court Act, the Court has made significant progress in completing trials, stipulations, disposition hearings and permanency hearings within the established timelines for children removed from home. In addition to improving the rate of compliance with the statutory timeline requirements, the Court has also shown significant improvement in reducing the median time it takes for a case to reach a specified hearing. Federal ASFA addresses the timeliness and quality of permanency hearings, by requiring that at the first permanency hearing the Family Court set a specific goal (reunification, adoption, guardianship, custody, or another planned living arrangement), a date for achievement of that goal and raise the issue of identified barriers to the permanency goal.

To ensure compliance with ASFA and to assist Family Court judges in ensuring that the content and structure of the permanency hearing are consistent with best practices, the Chief Judge issued an administrative order requiring all judicial officers to use a standardized form of court order for all initial hearings, pre-trial hearings, disposition hearings and permanency hearings. The use of these standard forms continues to contribute to an increase in compliance with best practices and legal requirements. In its ongoing effort to ensure that the structure and content of permanency hearing orders, as well as other orders remain consistent with best practices, the Family

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Court Implementation Committee through its Abuse and Neglect Subcommittee, is reviewing and modifying, if appropriate, all standard orders. This process is expected to be completed by summer 2010. To further assist in this effort, the Abuse and Neglect Subcommittee developed the *Family Court Abuse and Neglect Bench Book.* The Bench Book was designed to be a comprehensive document to guide judicial officers in the handling of dependency cases in a manner consistent with federal and District of Columbia laws, and in accordance with national best practice standards for handling abuse and neglect cases.

A second initiative undertaken that has yielded great success was the creation of the attorney advisor position within the Family Court. Attorney advisors review all cases coming from initial hearing to ensure that all future events have been scheduled in a timely manner. If events are not scheduled timely, the assigned judge and the presiding judge of Family Court are notified, and the assigned judge is asked to reset the case within the timelines or to explain in writing why the hearing cannot take place within the timeline. The presiding judge monitors those cases that are set outside the timeline. In addition, attorney advisors also review each case after a permanency hearing to determine if a specific goal has been set, as well as a goal achievement date. If not, the assigned judicial officer and the presiding judge of Family Court are notified that the hearing was deficient and recommendations for bringing the case into compliance are made. Finally, the Court recognizes that the early identification of barriers to permanency leads to more focused attention and earlier resolution of issues that have caused significant delays in the past. To ensure the Court has access to this information when making decisions, attorney advisors review the court's case management data to determine if identified barriers to

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specified goals are captured and entered into the database. Since implementing this review process barriers still exist, although the periods of delay that result from those barriers has decreased.

As another vehicle to monitor compliance with ASFA the Family Court has been involved in a court-wide initiative, led by the Chief Judge of the Superior Court, to develop and implement court performance measures. The measures, which include clearance rates, trial date certainty, time to disposition, and age of pending caseload, once fully developed will allow the Family Court to meet its obligations under the Family Court Act to measure compliance with established timelines for case processing in all Family Court case types at both the local and national level. In addition to court-wide performance measures, the Family Court has continued to develop and monitor six of the nine abuse and neglect performance measures identified by the Child Welfare Collaborative established by the U.S. Department of Health and Human Services (HHS) for courts receiving court improvement grant funds and expects to continue development of the remaining measures in 2010. Measures here include time to adjudication, time to first permanency hearing, time to termination of parental rights, time to permanent placement, achievement of child permanency, and child safety after release from court jurisdiction. Court performance on these measures is contained in our annual reports submitted to Congress.

Last, but not least, the Child Welfare Leadership team has been instrumental in keeping the issue of compliance with ASFA in the forefront of our work. Through quarterly meetings, the Agency presents data on the status of all children in care and the Court presents data on ASFA compliance. The expected outcome of these discussions is

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that children in the District are beginning to achieve permanency sooner through elimination of identified obstacles.

Partnerships with the D.C. Child and Family Services Agency and the Office of the Attorney General to improve the entire adoption process.

The Child Welfare Leadership Team (CWLT) facilitated by the Council for Court Excellence is a multi-agency taskforce assembled to address the issues confronting children and families involved in the District's foster care system. At CWLT quarterly meetings, CFSA and the Family Court present and exchange data on the number of TPRs and adoptions filed and disposed, the timeliness of dispositions, and the status of pending cases. In addition, the Family Court presents information on the time between filing of the TPR petition and the original neglect petition and the Agency presents information on all children with a goal of adoption and their current status including such information as their current placement. The CWLT then discusses the data and makes recommendations that are expected to result in improved permanency outcomes for children with a goal of adoption. To assist the CWLT in its discussions the Center for the Study of Social Policy prepared a discussion paper on termination of parental rights. The paper entitled *Criteria and Procedures for Determining a "Compelling Reason" Not to File a TPR: Discussion Paper and Recommendations* has been of great assistance to the team in identifying barriers to adoption.

As is the case in most jurisdictions there is no simple answer to the adoption question. However, several common barriers have been identified, including children who are not free for adoption, licensing and Interstate Compact on the Placement of Children (ICPC) issues, timely adoption for children under the age of two, lack of adoptive resources, difficulty placing sibling groups, relationship between youth and

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foster parents who are not interested in adoption, children who do not want to be adopted and more than a quarter of new referrals to the Family Court in the area of abuse and neglect involve children 13 years old and older at the time of referrals.

Considerable work has been done to address the issues related to termination of parental rights. First in 2005, after implementation of the voluntary guidelines on compelling reasons not to file a TPR, the OAG, working with CFSA and the Family Court, using the compelling reasons document as a guide, completed a detailed review of all cases in which the child had been in an out of home placement for more than 15 of the most recent 22 months. In each case reviewed, the OAG made a decision as to whether to file a motion for a TPR or document acceptable compelling reasons for not filing. The review led to almost 250 TPR motions being filed. In addition, a process was put in place to prevent future delays in the filing of TPR motions. The OAG now tracks the permanency goals of children more closely once they are removed from the home. In addition, as indicated earlier the CWLT monitors the number and status of TPR cases identified by both the court and the OAG at each of its quarterly meetings. This collaborative review process has resulted in a reduction of pending TPR motions from 361 at the end of 2008 to 253 at the end of 2009, a 30% reduction in the pending caseload. In addition to progress in reducing the number of pending TPR motions, there was also a significant increase in the number of abuse and neglect cases closed to adoption during the same period. In 2008, 95 abuse and neglect cases were closed by adoption compared to 127 cases closed by adoption in 2009, a 34% increase. This increase is attributable to the increased focus on adoptions at both CFSA and the Court.

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While the Court recognizes the important role TPRs play in moving cases to adoption sooner, we also recognize that work must continue on several levels if we are to be successful in moving children to permanency sooner through adoption. Both CFSA and the Court continue to prioritize the barriers to permanency and expects to make significant improvements in the coming year.

Examination of the policies and practices related to the use of the permanency goal Another Planned Permanent Living Arrangement (APPLA).

Federal law identifies APPLA as the least preferred permanency goal which may be set in a child welfare case. Federal law or regulations do not specifically define "another planned permanent living arrangement" (APPLA) but do provide some limited guidance for its use. According to federal law, a permanency goal of APPLA may only be set if: "the State agency has documented to the State court a compelling reason for determining that it would not be in the best interests of the child to return home, be referred for termination of parental rights, or be placed for adoption, with a fit and willing relative, or with a legal guardian." In November 2006, the Center for the Study of Social Policy, on behalf of the CWLT, undertook an analysis of the use of APPLA as a goal in jurisdictions around the country. Their report entitled *Guidelines and Procedures for Determining When to Use the Goal of "Alternative Planned Permanent Living Arrangement": Discussion Paper and Recommendations for the District of Columbia* served as a foundation for discussion in the CWLT on how to approach the issue of the large numbers of children in the District with a goal of APPLA. At the time of the study more than 800 children under the supervision of the Family Court had a goal of APPLA. Two major recommendations came out of the report. The first recommendation required

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agency approval for recommending a goal of APPLA at the program administrator level of CFSA rather than the social work supervisor level. The second recommendation required that all cases with a goal of APPLA be reviewed every six months to ensure that the conditions that led to the designation of APPLA remained relevant.

In 2008, to get a better understanding of the circumstances of the children that led to the designation of the APPLA goal, the Family Court partnered with CFSA to conduct a thorough review of all APPLA cases. The study was designed to validate the number and the profile of children with this goal. At the conclusion of the study it was determined that approximately 750 children had a goal of APPLA and that there was the possibility that several children with the goal might be able to have their goals changed to a more appropriate permanency option. As a result of the findings, CFSA promulgated an Administrative Issuance that restricted the number of new APPLA cases by requiring that the Director of CFSA sign off on all new cases in which a goal of APPLA would be recommended to the Court. While the Administrative Issuance did not require a retroactive approval of the APPLA goal for those children whose current goal was APPLA, it was designed to serve as a gate-keeping mechanism to reduce the number of children who would receive the goal in the future. To address the needs of the children with a goal of APPLA, the Permanency Connection Workgroup was formed. This workgroup was charged with examining the cases of those children currently with the goal of APPLA to determine if in fact all other permanency options had been ruled out or if circumstances in the case had changed so that revisiting the goal was appropriate. To implement the work of the group, a pilot study of 60 APPLA cases were reviewed to determine how many children, if any, could have their goals modified as a result of

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changed circumstances in their cases. The goal of the pilot study, which was achieved, was to have 30 of the 60 youth permanency goals changed from APPLA to a new non-APPLA permanency option. As a result of this preliminary work, CFSA expects to significantly reduce the number of children with a goal of APPLA over the next year or so.

In addition to addressing these issues, the Family Court has undertaken two initiatives to ensure that youth with a goal of APPLA have increased success after aging-out of the foster care system. Both programs, designed for youth with a goal of APPLA, were designed to address the lack of preparation for the challenges of emancipation, as well as the lack of information and coordination of services necessary to assist in their transition to independence. Overall the goal is to reduce the number of young people who emancipate from the system ill-equipped for independent living. The *Preparing Youth for Adulthood Initiative* was developed in collaboration with the D.C. Court Appointed Special Advocates (CASA of D.C.) program. This initiative began in 2007 because more than 800 children in the D.C. child abuse and neglect system and under the jurisdiction of the Family Court were age 15 and older and had a goal of APPLA. While it is clear to the Court that some of these youth will attend college or secure vocational skills, obtain employment and locate stable housing, far too many will not have even graduated from high school, established a savings account, or obtained the daily living skills they need by their 21st birthdays. More importantly, many will not have established positive permanent connections with caring and responsible adults that will continue to exist after their emancipation from the child welfare system. This program is designed to ensure that youth nearing emancipation do in fact get the services they need and are

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encouraged and guided in the process of establishing lasting relationships with caring adults. To assist in this effort, the Court appoints CASA volunteers, specially trained in working with older youth, to youth who have an open neglect case and are transitioning to independence.

CASA volunteers work to ensure that all necessary services are accessible and provided in a timely manner in accordance with the youth's transition plan. In so doing, they work closely and cooperatively with other parties in the case. CASA volunteers also provide the Court with independent and objective information regarding, among other things: appropriateness of services and supports received or needed; whether services and supports are resulting in positive outcomes for the youth; youth and service provider compliance with court-ordered services and supports; parent/caregiver compliance with court-ordered obligations, services and supports; and the youth's progress toward and preparation for independence.

While the CASA volunteer is not responsible for providing direct services to the youth, s/he is responsible for seeing that court-ordered services and supports are provided, that they are fulfilling their objectives, and that proper and effective coordination among participating agencies is taking place. To ensure that volunteer advocates meet these requirements, the CASA program mandates that all CASA volunteers meet with their assigned youth a minimum of two times per month. Most CASA volunteers exceed this requirement and in addition to visits, many maintain close and consistent relationships through frequent phone calls, text messages, and emails with their assigned youth, as well as, through collateral contacts they make with other stakeholders involved with youth. As a result of their high level of involvement, CASA

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volunteers continue to ensure that youth receive the services they need. To date three youth have emancipated from the program. Due to the support and diligence of the CASA volunteers who follow up with recommended services for the youth and provide support, the three youth have successfully transitioned and left care in a safe and stable manner. Each youth successfully found a safe and secure living situation before emancipation. One youth went on to the Job Corps program, another went to a fashion design school and the last youth found employment. More importantly, all had established a connection with a supportive adult who will remain in their lives after emancipation.

The second initiative, begun in 2009, was the development and finalization of a handbook on the court process, permanency outcomes and aging out of foster care system for older youth in the child welfare system, specifically those with a goal of APPLA, entitled *Pathway to the Future: Your Journey from Adolescence to Adulthood.* This handbook was developed to help youth understand the issues involved in transitioning from foster care to living independent lives. While acknowledging that the process is difficult, the handbook is designed as a guide and "how to" book to address many of the issues they will face during the transition process. The objective of the handbook is to provide youth with a ready reference that provides at minimum a starting point from which to tackle the myriad of issues they are likely to confront, but more importantly its goal is to empower youth with the knowledge and understanding they will need to be strong advocates for themselves now and in the future.

Long term strategic plan to ensure complete implementation of a comprehensive case management and tracking system.

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The Superior Court has made significant progress in implementing a comprehensive case management and tracking system. Begun in 2003, the first phase of the court-wide integrated justice information system (IJIS) was the development of a fully functional system for the Family Court to perform all aspects of case processing, such as Case Management, Financial Accounting, Case Initiation, Scheduling, Management Reporting and Docketing.

Implementation of IJIS within Family Court

In August 2003, the Family Court began using IJIS to process adoptions cases, abuse and neglect cases, and juvenile delinquency cases. In addition, juvenile probation cases in the Family Court Social Services Division and mediation cases in support of Family Court operations in the Court's Multi-Door Dispute Resolution Division began to be processed in IJIS. In December 2003, additional Family Court case types --including domestic relations, mental health and mental retardation, the Marriage Bureau and the Council for Child Abuse and Neglect-- began processing cases in IJIS. In August 2004, the Court incorporated paternity and support cases into IJIS completing the implementation of IJIS within the Family Court.

Goals of the new case management system included monitoring the implementation of the One Family One Judge case management model to ensure that all cases involving a child, his family and household members were heard by one judicial officer or judicial team. The premise underlying the model is to allow judges to gain familiarity with a family so that the judge is able to make more informed and effective decisions. The model also reduces the risk of conflicting court orders and avoids the necessity of multiple court appearances by members of the same family.

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Electronic Data Exchange with the Child and Family Services Agency and the Office of the Attorney General

Beginning in 2003, the Family Court began electronically exchanging data on a limited basis with CFSA. Each night the Court provides scheduling data for abuse and neglect cases to CFSA. Data is extracted from IJIS and provided to CFSA through a secure File Transfer Protocol server. The Court is prepared to provide similar data on adoption cases when the Agency is technologically able to accept it.

In addition, the Family Court is in the process of expanding its capacity to electronically exchange information in abuse and neglect cases with CFSA and OAG, utilizing funds from the Court Improvement Project (CIP). The data exchange program under development has three phases: electronic case initiation with CFSA; electronic submission of subsequent filings, including the petition, with the OAG; and electronic transmission of court orders to CFSA.

Beginning in late 2007 and continuing through 2009, the Court's Information Technology Division facilitated a series of meetings between Family Court staff, CFSA program staff, CFSA IT staff, and CourtView Justice Solutions (CVJS) to clarify requirements and formulate a design which would address the business needs and functional requirements of phase I of the data exchange system. Following finalization of the functional and business requirements, CVJS constructed a comprehensive design specification that outlined the architecture and technical requirements necessary to develop, configure, and ultimately test the application that will automate the abuse and neglect case initiation process. In addition to receiving data from CFSA, the data

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exchange will produce automated complaints as an output of the case management process. The CFSA IT team also completed modifications to the agency's FACES program, a case management application that had been previously identified as a critical component of the automated case initiation process. The overall goal of Phase I is to create a more accurate and expeditious process for the creation of complaints and legal cases for all participating agencies. Full implementation of the automated case initiation process is anticipated by mid 2010.

Although the focus during 2009 was primarily on completing Phase I of the project, the Court also began initial work on Phases II and III of the project, which call for further automation of the case filing and document sharing process, including submission of subsequent filings, including the petition, with OAG and electronic transmission of court orders to CFSA. The court, CFSA, and the CVJS teams have scheduled meeting during the first quarter of 2010 to further define the functional requirements for the subsequent phases that are scheduled for completion in 2011.

Identity Consolidation

During 2004, to improve its compliance with the One Family One Judge mandate, the Family Court undertook the task of consolidating thousands of individual electronic identifications that were a product of the previous case management systems. That work continues and procedures have been developed to ensure that identities in new cases coming into the system are screened against existing identities and consolidated when appropriate. The processes and procedures established by the Family Court for identity consolidation are serving as a model for other divisions of the court.

Family Identity Number Assignment

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Starting with Abuse and Neglect cases the Court's IT Division facilitated the identification of business rules and procedures to correct inconsistent "family" identity numbers in the IJIS system created in 2003, during the conversion of data from the courts legacy system to its new integrated case management system. These business rules are designed to identify members of the same family unit and assign a unique Family Identifier to each family member to ensure that cases involving all family members are assigned to one judicial officer. During 2010, the rule set will be applied to all of the case types in Family Court including juvenile delinquency, adoption, domestic relations, mental health, mental retardation, and paternity and support.

Recommendations for Congress regarding areas where action is needed to support the Family Court and increase the efficiency of the foster care adoption process.

There are three areas where action is needed. First, there are still barriers related to the implementation of the ICPC that impacts the Family Court's ability to permanently place children in homes of people in neighboring jurisdictions. Second, in order to encourage more foster parents to adopt, more resources are needed to support adoptive parents. And, third, because a quarter of the referrals to the Family Court in the area of neglect and abuse are children 13 years and older, more resources are needed to prepare children for emancipation and for life after leaving the child welfare system.

Mr. Chairman, Senator Voinovich, Senator Landrieu, again I thank you for the opportunity to testify on these important issues. We appreciate the support you have shown in the past for our Family Court. I am pleased to have had the opportunity to present some of our achievements and outline some of our goals. I would be pleased to answer any questions you may have now, or may submit later in writing. Thank you.

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Committee on Homeland Security and Governmental Affairs
Subcommittee on Oversight of Government Management,
the Federal Workforce, and the District of Columbia
Assessing Foster Care and Family Services in the District of Columbia:
Challenges and Solutions
Tuesday, March 16, 2010
Testimony of Judith Meltzer
Center for the Study of Social Policy

Good morning Chairman Akaka and members of the Subcommittee, thank you for inviting me to testify today on the issue of permanency for children in foster care in the District of Columbia. I am Judith Meltzer, the Deputy Director of the Center for the Study of Social Policy.[1] I serve as the Federal Court-appointed Monitor for the *LaShawn A. v. Fenty* class action lawsuit.

Over the years, I have had the advantage of working closely with a number of child welfare systems across the country. This allows me to understand the nuances of a particular state or local system, as well as to assess an individual system in context with others in the nation. I have had the great privilege of learning a great deal about the strengths and weaknesses of child welfare policy and practice and the importance of permanency for children and youth in foster care. I have also had the opportunity to learn in-depth about the experiences of foster children in the District of Columbia. As a result, I know that there are opportunities to improve the child welfare system in the District of Columbia that can result in improved outcomes for the children in their care.

The Importance of Permanency
All children – regardless of age, race or ethnicity – need and deserve a safe, nurturing family to protect and guide them. This should go without saying, but for children and youth involved in the child welfare system, it is extremely important. Within the child welfare field, *permanence* means that a child will have a family that can provide for their safety and healthy development and that the family will be there for the child for a lifetime. Permanency can be achieved

[1] The Center for the Study of Social Policy is a non-profit organization that promotes policies and practices that improve the living conditions and opportunities of low-income and other disadvantaged persons. The Center partners with communities, and all levels of government to shape new ideas for public policy; provides technical assistance to states and communities; and develops and leads networks of innovators. The Center believes that families have a right to opportunities for improved living conditions and better futures for their children; that the diversity in our nation and within states, communities and neighborhoods is a strength and a powerful force for productive change; and that positive change for children and families is possible and can be promoted and sustained by government working in partnership with community and families. See www.cssp.org.

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through a number of different avenues: safe family reunification is the preferred choice, but permanency also includes kinship/guardianship and adoption.

Research shows that children who exit foster care to a positive permanent family have better outcomes than those who exit care to emancipation without family connections. The statistics paint a stark picture, with emancipated youth more likely to be homeless, to drop out of school, to become teen parents and to be unemployed.[2] On the other hand, youth who leave foster care to permanency are more likely to be stable, have health insurance, attend school and be resilient.[3] We now know that an attachment to a supportive adult, related or unrelated, can be one of the key variables to ensure resilient children who are more likely to succeed in school, exhibit leadership and overcome adversity.[4]

In addition, national data point to the overrepresentation of families of color, particularly African American and Native American families, in the child welfare system. These groups generally experience higher rates of out-of-home care and worse permanency outcomes.[5]

Permanency v. Stability
It is important not to mistake stability for permanency and decide that stability alone is an acceptable outcome for children in foster care. While stability for a child, meaning not moving to multiple foster homes and continually having to change schools, is vitally important to children in foster care, it is not sufficient. Making a choice for stability over permanency is, in my view, short-sighted because it too often leads to bleak outcomes for children. While a child who has been placed with a foster family for a significant period may have an intact stable relationship in the moment, this does not necessarily mean that the family is committed to be involved throughout the youth's life as he or she goes to college or takes a job, becomes an independent adult and sometimes becomes a parent. You will hear in later testimony today about the significant and often painful challenges that youth face when they grow up without a family. While there are clearly instances where systemic barriers make foster care without permanency an understandable alternative in a particular case, as a policy direction, it shortchanges the futures of too many children.

Fostering Connections
In 2008, Congress passed and the President signed into law the *Fostering Connections to Success and Increasing Adoptions Act* (Fostering Connections) in an attempt to increase focus on permanency for children. Fostering Connections is an important step to helping States improve permanency outcomes for children in foster care. Fostering Connections promotes permanency by requiring notice to relatives when children enter care, by subsidizing

[2] Casey Family Programs (2008). Improving Outcomes for Older Youth in Foster Care. Retrieved from http://www.casey.org/Resources/Publications/pdf/WhitePaper_ImprovingOutcomesOlderYouth_FR.pdf

[3] Seigel, G.L. (2009). Permanency and Child Well-Being: An Examination of Preliminary Data from the Minnesota Permanency Demonstration. Retrieved from http://www.iarstl.org/papers/MNPermanencyEffects.pdf

[4] Charles, K. & Nelson, J. (2000). Permanency Planning: Creating Life Long Connections: What Does it Mean for Adolescents. Retrieved from http://www.nrcys.ou.edu/yd/resources/publications/monographs/mono.pdf.

[5] Dunbar, K., & Barth, R. (2007). Racial disproportionality, race disparity, and other race-related findings in published works derived from the national survey of child and adolescent well-being. Retrieved from http://www.f2f.ca.gov/res/pdf/RDDOtherRelated.pdf

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guardianship payments for relatives and by incentivizing adoption. Additionally, Fostering Connections provides continued support to youth who turn 18 without a permanent connection and requires that States ensure children and youth attend school and when placed in foster care, remain in their same school where appropriate or get help transferring promptly to a new school. However, many of the provisions of the Act are optional and require the commitment of new state resources and legislative changes to existing state or DC law.

District of Columbia Data

Despite many improvements in child welfare services in the District of Columbia and at the Child and Family Services Agency (CFSA) in the past ten years, progress in reducing the length of stay in foster care and in ensuring a permanent home for every child has not been achieved. As of the end of fiscal year 2008, 60% of children in foster care in the District of Columbia had been in out-of-home placement for 24 months or more. Since 2005, there has been a *decline* in the total number of children and youth exiting care by achieving positive permanency outcomes with lifelong caring adults. Too many children remain in the custody of the District far too long with insufficient progress toward permanency with a family, despite timeframes that are established in federal law, District law and best practice standards. The District is below the national median and is not meeting the national CFSR standards on all permanency measures used to evaluate state performance.

As seen in Figure 1 below, the number of children entering out-of-home placement has been declining with 1010 children entering or re-entering foster care in 2005 and 516 children entering or re-entering foster care in 2009. The total number of children in out-of-home placement has also declined, but not as significantly, from 2588 children in foster care as of December 31, 2005 to 2104 children in foster care as of December 31, 2009.

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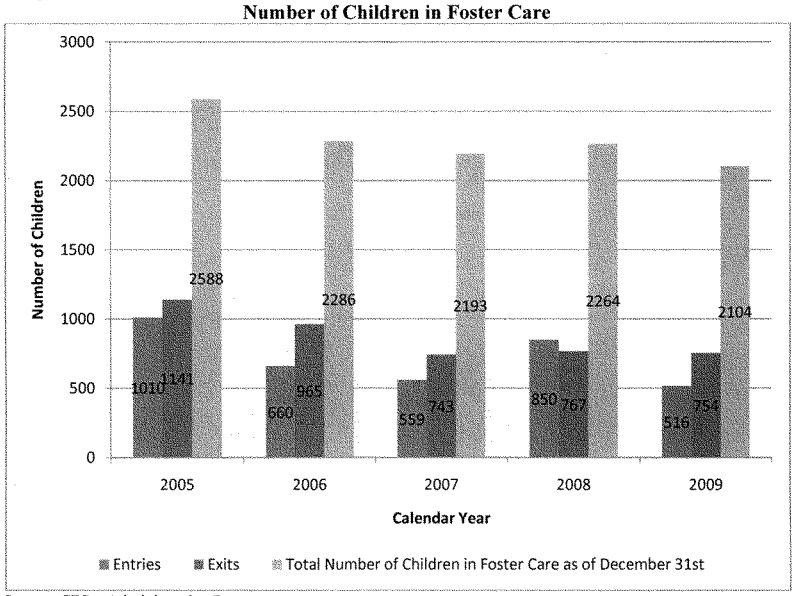
Figure 1: Number of Children Entering and Exiting Foster Care by Calendar Year and Number of Children in Foster Care



Source: CFSA Administrative Data

While the majority of children exiting foster care return home to their families, with 341 children exiting to reunification in calendar year 2009, the large number of children who annually exit foster care to emancipation (meaning leaving foster care without a permanent home) has remained virtually unchanged since 2005 and the number of children exiting care to adoption and guardianship has significantly declined (see Figure 2).

As seen in Figure 2 below, there was an increase in adoptions from calendar year 2008 to calendar year 2009 (from 95 adoptions in 2008 to 128 adoptions in 2009) and 176 children exited to emancipation in 2009. The total number of finalized adoptions is still far below 2005 and 2006 performance and in 2009 accounts for only 28% of the children in foster care with a goal of adoption and only 11% of the children in foster care with a goal of adoption or alternative planned permanent living arrangement (APPLA) which often leads to emancipation. (See Figure 2). Even when you look at the combined totals of exits to adoption and guardianship, the performance remains unacceptably low.

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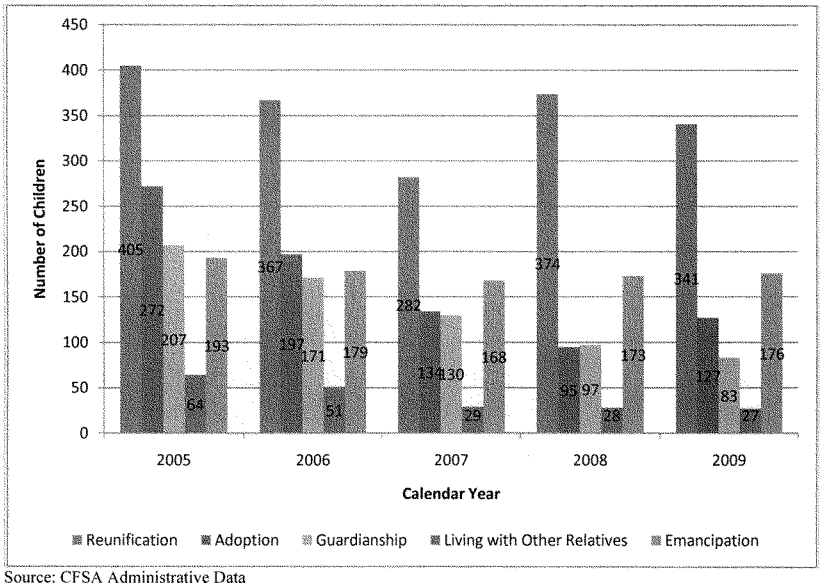
Additionally, the vast majority of the children who were adopted or exited to guardianship in calendar year 2009 were under the age of twelve (167 or 80%). This means that far too many youth over the age of twelve in the District's custody remain in care until they are 18 to 21 years old when they emancipate, often, as you will hear from the youth, without the necessary connections to family of financial supports.

Figure 2: Exits from Foster Care by Calendar Year and Type



Source: CFSA Administrative Data

The welcome increase in finalized adoptions in calendar year 2009 came in part in response to increasing public concern that we raised in our monitoring role, that Children's Rights, Inc. (the *LaShawn* plaintiffs) raised in their legal filings and that advocates throughout the city emphasized, as evidenced by the article in the Washington Post on July 20, 2009, *D.C. Adoptions Drop Sharply, Causing Dismay*.[6] This public concern lead to an intensified effort by CFSA leadership and the Family Court to complete adoptions for children whose adoptions had previously been stalled due to outstanding issues such as subsidy negotiation, hearing scheduling and paperwork finalization. The fact that this joint work was able to produce results is good news. A continued close working partnership between CFSA and the Family Court is essential to ensure that the modest 2009 gains are sustained and improved upon this year and in the future.

[6] Cauvin, H. (2009, July 20). D.C. Adoptions Drop Sharply, Causing Dismay: City Agency is Not Doing Enough For Foster Children, Critics Say. *The Washington Post*, pp. B1, B6.

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Barriers and Recommendations

Lack of a Shared Vision about the Importance and Urgency of Permanency for Children's Success

Current practice in the District of Columbia does not reflect a shared understanding or commitment among the various parties working with children in foster care (including CFSA, the Family Court and the city-wide community of attorneys appointed as Guardians ad litem) to shorten timeframes to achieve permanency for children and youth. Without a shared commitment to the same goal, CFSA, the Family Court and all other stakeholders have trouble consistently working together to help children find permanent lifelong connections as soon as it is determined that they cannot be safely reunited with their birth families. Additionally, without greater clarity about the need to make decisions fairly, openly and with a sense of urgency, CFSA and its partners have not created shared benchmarks by which to measure progress to permanency and to hold themselves mutually accountable.

- Recommendation: CFSA and the Family Court need to develop and act on a shared agreement and operational protocols for CFSA staff, contracted private agency staff, Family Court judges, and guardian ad litems regarding the process and timeframes for achieving permanency. Part of doing this will require that CFSA actively recruit study and approve permanent families for the approximately 400 children currently in the system with a goal of adoption and an unknown number of the children who currently have a permanency goal of Another Planned Permanent Living Arrangement (APPLA) who also should be given an opportunity for permanency. We know from experience in other states that there are families willing and able to adopt older children and those with significant needs.

  Additionally, CFSA and the Family Court must agree on and regularly track not only the process measures such as timely filing of termination of parental rights petitions but also adherence to timeframes to schedule and resolve those petitions and then to timely process and finalize adoption and guardianship agreements. CFSA should also institute a child-specific review process involving both social workers and Office of the Attorney General lawyers to make the system accountable for results for every child – meaning achieving permanency for children through reunification, guardianship or adoption within agreed upon timeframes.

The Lack of a Consistent Permanency Practice Model and Policy

Under the leadership of three different CFSA Directors since 2006, many initiatives and special projects regarding how to work with children and families to achieve permanency have been instituted, but none of the initiatives have been followed through to consistent implementation and completion. As a result, permanency practice at CFSA has been unstable. At this point, despite efforts to understand, I am not fully certain where the responsibility, particularly with the private agencies who case manage over half of the children's cases in the District, lies for ensuring that case planning and decision-making moves children to permanency.

With the inconsistency of permanency practice at CFSA, the Agency has not finalized or issued policy which aligns and clarifies the various components of current permanency practice. To our knowledge, there continues to be ambiguity in the roles of permanency specialists and specialized adoptions workers and since 2004, the Agency has been operating without a

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finalized adoption policy which clearly articulates the ways in which social workers should practice and will be accountable with regard to ensuring permanency through adoption.

- Recommendation: CFSA should clearly articulate its organizational structure and protocols for its own workers and with the private agencies with regard to permanency practice. This will require clearly defining the roles and responsibilities of all staff involved with a child and family and fully implementing the myriad of programs in place to find children permanent connections. CFSA must engage all relevant members of a child's team to concurrently plan from the moment a child comes to the attention of the Agency to ensure that every child achieves a positive permanency outcome within expected timeframes.

- Recommendation: CFSA should issue policy to align its adoptions and guardianship structure and practice with the rest of the Agency's work. These policies must include:
  - mandating that all young people leave foster care with a family connection or discharged to a relative or a committed, caring adult;
  - providing subsidized legal guardianship and kinship care as viable options for permanency;
  - providing older youth with options for re-engaging birth parents or relatives who are safe resources;
  - providing a variety of living arrangements as options for young people 18-21, including remaining with foster parents, kinship/guardianship placements, and independent living, and allowing young people to return to foster care or a supervised living setting at any time up to age 21;
  - requiring that young people lead the development of their case planning, including permanency planning and transition planning that addresses education and employment goals, and is finalized during the 90 day period immediately prior to leaving care;
  - streamlining the way in which families who want to be permanent resources for children and youth are recruited, studied, approved and supported; and
  - tracking permanency outcomes by race and ethnicity and implementing plans to reduce the racial disparities in outcomes.

- Recommendation: CFSA should implement and sustain an effective permanency practice model. CFSA has launched a number of nationally recognized programs to help improve permanency practice including its current work with Adoptions Together and its work on Family Finding. Unfortunately, none of these programs have been provided with the full and continuous support needed to successfully implement and sustain them. Both the Family Finding and Permanency Teaming programs have been shown to increase permanency options for children and youth and more quickly move them to positive permanency outcomes. CFSA and child welfare systems nationwide should be encouraged to fully implement these programs and maintain fidelity to their models.

- Recommendation: The District of Columbia, to include CFSA, the Family Court and other partner agencies should set explicit outcome standards and consistently track progress towards them and widely share the data with the public. In order to be more transparent, explicit benchmarks and outcomes must be set and shared with the public

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regularly. This can be done by publishing performance data to the CFSA and Family Court websites on a quarterly or semi-annual basis.

Financing and Funding Problems
Fostering Connections requires states to change their laws in order to be eligible for the increased opportunities the Act provides. This is only the first step. Once a state is eligible to draw down the funds they must do so accurately and expeditiously, as governed by federal regulations. If the states have internal capacity issues related to submitting accurate and timely claims for federal funding, they must fix the internal processes preventing them from drawing down the funds available.

In the District of Columbia, much work remains to take advantage of federal funding opportunities that extend beyond changing their own law. In April 2009, due to disallowances of previous claims, the District stopped claiming for Medicaid reimbursement and shifted a portion of the Medicaid claiming[7] to the Foster Care federal grant.[8] Almost a year later, the District is still in the process of hiring a consultant to help fix the problems with the goal of reinstituting Medicaid claiming (originally targeted to begin again by January 2010). This lapse in maximizing federal claims due to internal capacity problems has resulted in a potentially large funding shortfall.

- Recommendation: CFSA must immediately retain expert assistance to resolve their Medicaid and IVE claiming problems. In order to improve permanency practice and overall work with children and families, the District must be adequately funded. There are many experts in the field who have successfully worked with other jurisdictions to resolve capacity issues and increase claiming. These experts are able to pinpoint the issues and provide the analysis for how to move forward. CFSA should be encouraged to hire someone with expertise in working with federal funding programs and with negotiating with CMS to expeditiously resolve the issues and begin to submit for federal reimbursement.

- Recommendation: The District should pass legislation to extend adoption and guardianship subsidies to families until a child turns twenty-one. Fostering Connections promotes extension of guardianship payments to children until they turn 21 years old. There is legislation that has been introduced in the District of Columbia Council by Councilman Wells which will extend adoption and guardianship subsidies until age 21 and in doing so provide the financial means and other supportive services that families considering adoption and guardianship require. The Mayor should support prompt passage and implementation of this legislative change.

[7] This was related to Targeted Case Management and Rehabilitative Services.

[8] Title IV-E.

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Additional Recommendations

Fostering Connections has provided an important foundation for improving outcomes for children in the child welfare system but a number of key areas were left unaddressed. Most importantly the current federal accountability structure needs to be strengthened. Currently the data collected by the federal government is insufficient to track outcomes for children over time and the performance review process does not allow for comparisons across and between states. As a result, it becomes difficult for jurisdictions to determine if the progress they are making is consistent with national trends or not.

- Recommendation: The Adoption and Foster Care Analysis and Reporting System (AFCARS) needs to be constructed to measure longitudinal performance.

Conclusion

In the past decade, the District of Columbia has moved, sometimes with fits and starts and often without institutionalizing previous gains made, toward establishing a well functioning child welfare system which can provide for children's safety and assist children and families in achieving permanency and lifelong connections. While there has been real progress in some areas, progress on achieving permanent families for children and youth has not been sufficient. There remains much to do and it must be done now so that another decade does not go by with hundreds of children growing up in foster care, forced to leave the system at age 18 or 21 without the lifelong support of a loving family.

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United States Senate
Committee on Homeland Security and Government Affairs
Subcommittee on Oversight of Government Management, Federal Workforce, and the District of Columbia

Assessing Foster Care and Family Services in the District of Columbia: Challenges and Solutions

March 16, 2010

Testimony of Judith Sandalow
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Good afternoon, Chairman Akaka, Senator Voinovich, and members of the U.S. Senate Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia. Thank you for the opportunity to testify today. I am Judith Sandalow, the executive director of Children's Law Center (CLC),[1] the largest non-profit legal services organization in the District of Columbia and the only such organization devoted to a full spectrum of children's legal services. Every year, CLC represents 1,200 low-income children and families, including 500 children in foster care and several hundred foster parents and relatives of children in foster care.

Any serious discussion of fixing DC's child welfare system – and assessing its capacity to ensure that children leave foster care to legally permanent homes – begins with a review of its capacity to prevent abuse and neglect, and continues through several critical moments of a child's involvement in the child welfare system. At the beginning – before courts and lawyers are involved – the District government is charged with preventing abuse and neglect so that children's permanent relationships with their birth families never need be disturbed. The Child and Family Services Agency (CFSA) is charged with deciding whether to remove a child and file a case in court or whether a child can remain safely at home with prevention services. Once a child is in foster care, the entire foster care system must ensure her needs are met. Research shows that children do better when they live with extended family, and when child welfare agencies ensure their well-being is protected. When a child remains in foster care and it is clear that she cannot return home, the system must work to move the child to a new, legally permanent home, so the child can receive the same benefits that stable families provide for other children.

[1] Children's Law Center envisions a future for the District of Columbia in which every child has a safe home, a meaningful education and a healthy mind and body. We work toward this vision by providing free legal services to 1,200 children and families each year and by using the knowledge we gain from representing our clients to advocate for changes in the law. Children's Law Center is the largest non-profit legal services organization in the District of Columbia and the only organization providing comprehensive representation to children.

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There is good news to report about the District's progress at some of these stages. But, unfortunately, at each step deep problems remain, and these problems lead to the large number of District children who are growing up in foster care. In short, too little abuse and neglect is prevented, too many removal decisions are made poorly, too few foster children live with kin, the placement array for children in foster care is limited, efforts to ensure children's well-being while in care are too weak, and permanency occurs too infrequently.

Federal legislation passed in 2008, the Fostering Connections to Success and Increasing Adoptions Act (Fostering Connections), has provided some assistance in improving long-standing problems. I will use my testimony both to describe the District of Columbia's implementation of Fostering Connections and to note those areas where better federal agency guidance would help the District improve.

I. Preventing Child Abuse and Neglect

Child abuse and neglect is a tremendous problem in the District of Columbia. In 2007 (the year with the most recent public data based on reports to the federal government), CFSA determined that 2,757 children were victims of abuse or neglect.[2] This number has remained stubbornly high for several years[3] and likely underestimates the true extent of abuse and neglect because many cases are never reported. In a city with about 115,000 children, this is an incredibly disturbing statistic.

The harm that abuse and neglect causes children, by itself, demands strong efforts to prevent it. It also has a direct link to CFSA's ability to care for its foster children and to find legally permanent homes for them because the large numbers of abused and neglected children puts

[2] U.S. Department of Health and Human Services, Administration for Children and Youth, Children's Bureau, *Child Maltreatment 2007* at 33 (2009), http://www.acf.hhs.gov/programs/cb/pubs/cm07/cm07.pdf.
[3] CFSA found 2759 children to be victims of abuse or neglect in 2006, and 2840 in 2005. *Child Maltreatment 2006* at 34 (2008), http://www.acf.hhs.gov/programs/cb/pubs/cm06/cm06.pdf; *Child Maltreatment 2005* at 16 (2007), http://www.acf.hhs.gov/programs/cb/pubs/cm05/cm05.pdf.

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tremendous strain on the District's foster care system. The District has a limited supply of foster homes, specialized services, funding, and everything else that foster children need. A system overstressed by too many instances of abuse and neglect is not a system that will serve foster children well. Therefore, to protect children from abuse and neglect and, secondarily, to prevent abuse and neglect from overburdening the foster care system, a strong prevention plan is essential.

To its credit, in 2006, CFSA called for a "prevention plan that is comprehensive, adequately resourced, and that determines the appropriate level and mix of services to address the District's prevention needs."[4] A truly comprehensive plan would require the involvement of several government agencies, including the Departments of Health and Mental Health and the DC Public Schools. It would also require the participation of businesses, non-profits and individuals. For this reason, its development and implementation must be led at the Mayoral level, not by CFSA. Unfortunately, four years later, the District still lacks a plan of this detail. We continue to urge the District government to develop a plan with sufficient details and resources to match the scope of the need.

If the District chooses to pursue such a prevention plan, it will have several proven programs from which to choose. For instance, home visiting programs for parents at high risk of abusing their young children can cut abuse and neglect nearly in half[5] and save $5.70 for every dollar spent.[6] Even in difficult financial times, the District cannot afford to not invest in such programs.

II. Ongoing Problems with CFSA's Removal Decisions

Child welfare work must recognize that removing children from their homes – even abusive or neglectful homes – is an inherently traumatizing action. This trauma is often avoidable because in

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[4] District of Columbia Government, Child and Family Services Agency, The Assessment of District Programs to Prevent Child Abuse and Neglect at 7 (2006), http://cfsa.dc.gov/cfsa/frames.asp?doc=/cfsa/lib/cfsa/canprevent_final.pdf.
[5] Nurse-Family Partnership, Research Evidence, http://www.nursefamilypartnership.org/content/index.cfm?fuseaction=showContent&contentID=4&navID=4.
[6] Rand Corporation, Early Childhood Interventions: Proven Results, Future Promise, summary at xxvi, www.rand.org/pubs/monographs/MG34.

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most situations children can stay safely with their families – even when their families are struggling.[7] These traumatic removals should only occur as a last resort, when prevention and support services are unable to prevent children from being harmed in their homes. CFSA has taken some steps in recent years to avoid separating children from their families unnecessarily, in particular holding "family team meetings" to achieve resolutions that do not require removal or court intervention.

Still, our lawyers represent too many children whom CFSA should never have removed. The good news is that in many – but not all – of these cases, CFSA realizes its mistake and returns children home fairly quickly. But the trauma caused by the unnecessary removal cannot be erased and the diversion of resources is harmful.

A child being quickly returned after a removal is often a sign that the removal was unnecessary. CFSA data shows that quick returns after removal are common. In recent years, anywhere from one fifth to one third or more of all children that CFSA removes return home within four months, and most of these children return home in less than one month.[8] Most situations that

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[7] Indeed, nationally, about three times as many children were deemed to have been maltreated as were removed from their homes. U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau, *Child Maltreatment 2007* at 24, 79 (2009) (noting child welfare agencies determined 794,000 children were victims of abuse or neglect but removed only 269,000 from their homes), http://www.acf.hhs.gov/programs/cb/pubs/cm07/cm07.pdf. The hundreds of thousands of maltreated children were left in their homes precisely because they could remain safely with their families and because the harm of removing them was unnecessary.

[8] In FY 2009, 221 children left foster care in less than four months, and 123 in less than one month – compared with only 661 children who entered foster care. Government of the District of Columbia, Child and Family Services Agency, Fiscal Year 2009 Annual Report at 30, 34 (2010), http://cfsa.dc.gov/cfsa/frames.asp?doc=/cfsa/lib/cfsa/reports_and_assessments/2009_apr_final.pdf. In percentage terms, 18.6 percent of all children removed were returned in less than one month, and 33.4 percent of all children removed were returned in less than four months. That is, more than a third of children who entered care left care in less than four months, and nearly one-fifth of all children brought into care left in less than one month. In FY 2008, 204 children left foster care in less than four months, and 134 in less than one month – compared with only 765 children who entered foster care. Government of the District of Columbia, Child and Family Services Agency, Fiscal Year 2008 Annual Report at 28, 31 (2009), http://cfsa.dc.gov/cfsa/frames.asp?doc=/cfsa/lib/cfsa/pdf/fy_2008_annual_public_report.pdf. In percentage terms, 17.5 percent of all children removed were returned in less than one month, and 26.7 percent were returned in less than four months. In FY 2007, 179 children left foster care in less than four months of entry, and 119 in less than one month – compared with 632 children who entered foster care. Government of the District of Columbia, Child and Family Services Agency, Fiscal Year 2007 Annual Report at 19, 22 (2008), http://cfsa.dc.gov/cfsa/frames.asp?doc=/cfsa/lib/cfsa/pdf/final_mayor_annual_report_2007[1].pdf. In percentage terms, 18.8 percent of all children removed were returned in less than one month, and 28.3 percent were returned in less than four months. In FY 2006, 237 children left foster care in less than four months, and 96 in less than one month –

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are severe enough to warrant removing a child are not situations that can be resolved this quickly. One month – and even four months – is too short of a time to address chronic abuse or neglect and the complex substance abuse, untreated mental health conditions, and other problems that frequently accompany it. Four months is the time it takes for a neglect trial and disposition to occur,[9] not the time it takes to address complex family needs. The mere fact that more than a quarter of all CFSA cases involve children leaving foster care in that time period suggests a significant problem that both traumatizes many children and diverts resources away from strengthening the family and toward the cost of foster care.

CLC's experience corroborates this conclusion. More than one-fifth of our child clients' cases close within four months, with the largest cluster of cases closing within 10 days. The vast majority of these cases involve children who never should have been removed from their families. These children would have been better served if CFSA had left them in their home and provided services. By removing them unnecessarily, CFSA both traumatized the children by the unnecessary separation and poisoned its relationship with the family, limiting its ability to help the family address whatever real problems may remain. In many cases, we can help rectify these errors by working to reunify children quickly. But in some cases, children who never should have been removed from home languish in foster care unnecessarily.

We know how hard a job CFSA has – erring on the side of not removing children can be just as harmful as erring on the side of removing children. But the degree of difficulty is no reason

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compared with 686 children who entered foster care. Government of the District of Columbia, Child and Family Services Agency, Fiscal Year 2006 Annual Report at 17, 20 (2007), http://cfsa.dc.gov/cfsa/frames.asp?doc=/cfsa/lib/cfsa/pdf/annual_public_report_2006.pdf. In percentage terms, 14.0 percent of all children removed were returned in less than one month, and 34.5 percent were returned in less than four months.

[9] Under D.C. law, trials must occur within 45 days of the child's "entry into foster care," which is defined as 60 days following the date on which CFSA removed the child. D.C. Code §§ 16-2301(28), 16-2316.01(b)(1). In other words, a trial must occur within 105 days of when CFSA removes a child. A dispositional hearing must occur within 15 days of the completion of a trial. D.C. Code § 16-2316.01(b)(3). Trial and disposition, therefore, occur within 120 days of removal.

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not to be forthright about current challenges. CFSA must take strong and deliberative action, including improved training of child protective services workers and supervisors, to improve its child removal and court petitioning decision making.

III. Failure to Place Children with Family Members

Nationally, more and more foster children live with family members in "kinship care." Kinship care facilitates more frequent parent-child visitation,[10] increases foster children's placement stability, reduces the time children spend in foster care, reduces the risk of abuse or neglect by a foster parent or group home[11] and enhances the likelihood that children will be placed with siblings[12] – all of which lead to better outcomes for children. In the District of Columbia, kinship care placements are three or four times as stable as placements in non-kinship foster homes.[13] Living in kinship foster care makes a child more than 30 percent more likely to leave foster care to a permanent family, rather than growing up in foster care.[14]

Recognizing the value of kinship care, Fostering Connections included several provisions designed to support more kinship care placements. In particular, Congress required state foster care agencies to notify all adult relatives when a child has been removed and inform relatives of their

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[10] Robert M. Gordon, *Drifting Through Byzantium: The Promise and Failure of the Adoption and Safe Families Act of 1997*, 83 Minn. L. Rev. 637, 658 (1999).

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

[12] Richard P. Barth, *et al. Kinship Care and Nonkinship Foster Care: Informing the New Debate*, in *Child Protection: Using Research to Improve Policy and Practice* at 187 (Ron Haskins *et al. eds.* 2007).

[13] Government of the District of Columbia, Child and Family Services Agency, Fiscal Year 2009 Annual Report at 37 (2010), http://cfsa.dc.gov/cfsa/frames.asp?doc=/cfsa/lib/cfsa/reports_and_assessments/2009_apr_final.pdf. In FY 2009, the ratio of placement disruptions to placements was 0.17 to 1 for kinship placements and 0.57 to 1 for nonkinship foster care – that is, kinship placements were about three and a half times more stable than regular foster homes. *Id.* In FY 2008, the ratio of placement disruptions to placements was 0.64 to 1 for non-kinship foster care and 0.17 to 1 for kinship care. Government of the District of Columbia, Child and Family Services Agency, Fiscal Year 2008 Annual Report, at 34 (2009), http://cfsa.dc.gov/cfsa/frames.asp?doc=/cfsa/lib/cfsa/pdf/fy_2008_annual_public_report.pdf. In FY 2007, 1919 children lived in non-kinship foster care and had 1227 placement disruptions – a ratio of 0.64 to 1 – while 662 children lived in kinship care and had 101 disruptions – a ratio of 0.15 to 1. Government of the District of Columbia, Child and Family Services Agency, Fiscal Year 2007 Annual Report, at 25 (2008), http://cfsa.dc.gov/cfsa/frames.asp?doc=/cfsa/lib/cfsa/pdf/final_mayor_annual_report_2007[1].pdf.

[14] Mary Eschelbach Hansen & Josh Gupta-Kagan, Extending and Expanding Adoption and Guardianship Subsidies for Children and Youth in the District of Columbia Foster Care System: Fiscal Impact Analysis at 9, Table 1 (2009).

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opportunity to become kinship caregivers.[15] To make kinship placements easier bureaucratically, Congress also permitted states to waive foster care licensing rules for relatives when those rules do not directly relate to a child's safety.[16]

We give CFSA credit for setting a goal of placing children with kin – a recent CFSA document explains, for instance, "that children's emotional and psychological needs are best met when placed with kin" and that doing so "is the Agency's primary objective."[17] CFSA also issued a new policy and an administrative issuance in December recognizing the federal requirement to notify adult relatives within 30 days of removal and providing instructions on how to locate relatives.[18] CFSA, however, still has significant work to do to embrace the tools provided by Fostering Connections and increase placement with kin. DC is far behind the national average of 24% of foster children live with kin.[19] At the end of FY 2009, only 322 of 2143 foster children – or 15% – lived in kinship foster care.[20] We are additionally concerned that the Agency appears to have dropped any goals regarding kinship placements from its performance plan. After failing to meet the goal set out in its FY 2009 performance plan, CFSA's FY 2010 performance plan is silent on kinship placements.[21]

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[15] Pub. L. 110-351, § 103, *codified at* 42 U.S.C. § 471(a)(29).
[16] Pub. L. 110-351, § 104, *codified at* 42 U.S.C. § 471(a)(10).
[17] Government of the District of Columbia, Child and Family Services Agency, 2009 Needs Assessment at 38, http://cfsa.dc.gov/cfsa/frames.asp?doc=/cfsa/lib/cfsa/reports_and_assessments/2009_needs_assessment_-_final_document.pdf (2010).
[18] CFSA, Policy: Diligent Search, December 1, 2009, http://cfsa.dc.gov/cfsa/frames.asp?doc=/cfsa/lib/cfsa/policymanualpdffiles/policies/program_-_diligent_search_%28final%29.pdf. CFSA Administrative Issuance 09-26, Notice of Removal to Adult Relatives of Children and Youth Entering Foster Care, http://cfsa.dc.gov/cfsa/frames.asp?doc=/cfsa/lib/cfsa/policymanualpdffiles/ais/ai_-_notice_of_removal_to_adult_relatives_of_children_and_youth_entering_foster_care__final_.pdf.
[19] U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau, *The AFCARS Report: Preliminary FY 2008 Estimates as of October 2009*, at 1, http://www.acf.hhs.gov/programs/cb/stats_research/afcars/tar/report16.pdf.
[20] Government of the District of Columbia, Child and Family Services Agency, 2009 Needs Assessment at 31 (noting 2143 children were in foster care as of Sept. 30, 2009) & 40 (noting 322 children in kinship foster care).
[21] CFSA in its 2009 performance plan set a goal of increasing the percentage of children in kinship care to 20% in FY 2009, 22% in FY 2010, and 25% in FY 2011. CFSA FY 2009 Performance Plan at 2, 4, http://capstat.oca.dc.gov/Pdf.aspx?pdf=http://capstat.oca.dc.gov/docs/fy09/CFSA.pdf. The 2010 plan is silent on

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CFSA should begin to address this problem with better implementation of the tools Congress provided through Fostering Connections. First, CFSA should implement a policy or regulation regarding flexibility for issuing foster care licenses to kin, as Fostering Connections permits. Making clear what licensing rules CFSA will waive for kin would remove a key barrier to kin placement. Many relatives are dissuaded from becoming kinship caregivers by the complex licensing process. Second, CFSA should more aggressively identify potential kinship placements. All too often, CLC attorneys identify kin of whom CFSA is not aware – in a better functioning system, CFSA social workers would know of kin before our attorneys do. Hopefully, the new policies issued in December will help; however, effective implementation is essential. CFSA must focus on its internal practice and create an expectation that all social workers make concerted outreach to relatives throughout a child's stay in foster care and especially when a child first enters foster care.

IV. Inadequate Focus on Well-being While in Foster Care

Children's well-being is essential to positive permanency outcomes. If a child is experiencing emotional difficulty and displaying behavioral problems, any permanency option will be more difficult to achieve. It is therefore a foster care agency's job to help children heal from the abuse or neglect they have suffered and from the trauma of separation from their families so that they can handle the emotionally fraught challenges posed by reunifying with their family or creating a new legally permanent family.

a. School stability

A foster child's well-being encompasses many different factors – such as their mental health, educational achievement and the continuity of their relationships with siblings. I will focus on one factor that Congress emphasized in Fostering Connections and on which CFSA, unfortunately, has

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this goal. CFSA FY 2010 Performance Plan, http://capstat.oca.dc.gov/Pdf.aspx?pdf=http://capstat.oca.dc.gov/docs/fy10/CFSA.pdf.

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much room for improvement – foster children's success at school and, in particular, their ability and even legal right to have school stability.

School stability is essential to foster children's academic success. Youths who had even one fewer school placement change per year were almost twice as likely to graduate high school.[22] In contrast, multiple school placement changes add up to years of lost educational growth.[23] As one scholar concluded, "Perhaps the single most important thing that each of us can do to improve the educational outcomes for foster children is to ensure that their school placement remains stable."[24]

Congress included several provisions in Fostering Connections designed to help more foster children have school stability. Fostering Connections requires state foster care agencies to have case plans that "ensur[e] the educational stability of the child while in foster care."[25] Fostering Connections also provides federal funding for "reasonable travel" from a child's foster care placement to his school.[26]

Unfortunately, CFSA has not implemented these provisions effectively and foster children are still denied their right to school stability. CFSA did propose legislation that was passed on an emergency basis in December 2009 to change the District's definition of "case plan" to include the Fostering Connections requirements.[27] CFSA has just begun to implement this new law – but that implementation suffers from limited resources to transport children from foster placements to their

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[22] Casey Family Programs, Educating Children in Foster Care: The McKinney Vento and No Child Left Behind Acts, at 5 (2007).
[23] National Working Group on Foster Care and Education, Educational Outcomes for Children and Youth in Foster and Out-of-Home Care (2006).
[24] Casey Family Programs, A Road Map for Learning: Improving Educational Outcomes in Foster Care, at 9 (2004) (quoting Heybach, L. and Winter W., Improving educational services for foster children: An Advocates Guide (1999)).
[25] Pub. L. 110-351, § 204(a)(1), *codified at* 42 U.S.C. § 475(1)(G).
[26] Pub. L. 110-351, § 204(a)(2), *codified at* 42 U.S.C. § 475(4)(A).
[27] D.C. Act 18-298, enacted as temporary legislation, incorporated the language from the federal law into D.C. Code § 1301.02(3)'s definition of a "case plan." http://www.dccouncil.us/lims/legislation.aspx?LegNo=B18-0578&Description=+%22PREVENTION+OF+CHILD+ABUSE+AND+NEGLECT+TEMPORARY+AMENDMENT+ACT+OF+2010%22.%0d%0a+&ID=23485. Permanent legislation with identical provisions is now pending. Bill 18-579, http://www.dccouncil.us/lims/legislation.aspx?LegNo=B18-0579&Description=%22PREVENTION+OF+CHILD+ABUSE+AND+NEGLECT+AMENDMENT+ACT+OF+2009%22.&ID=23486.

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schools. CFSA has exacerbated this problem by not taking effective advantage of federal financial assistance to transport children from their foster placements to their schools. To make a commitment to school stability CFSA needs to adequately fund transportation to keep children in their school of origin. We are unaware of CFSA requesting any specific reimbursements for foster care maintenance payments made available to assist with school stability by Fostering Connections and these funds were not included in CFSA's FY 2010 budget. Similarly, we are unaware of CFSA requesting any Title IV-E "administrative costs" funding for school transportation.[28] With increasingly limited local funds, CFSA needs to maximize the federal dollars to support its efforts.

The federal government can assist in these efforts by revising problematic guidance issued in late 2008. That guidance limits federal school stability transportation assistance to a much narrower set of cases than Congress intended. Congress's language covers transporting children to schools in which they were "enrolled at the time of placement,"[29] and Congress did not limit this provision to a child's first placement or any other type of placement. But the 2008 guidance limits the available federal assistance to transportation a child was attending prior to the child's "placement in foster care."[30] Those three little words – "in foster care" – contradict the plain language of the statute and Congress's intent by limiting federal assistance to transportation to prevent possible disruptions caused by the child's removal into foster care. But school stability matters throughout a foster care case. If a foster child shifts to his foster home's neighborhood school and thrives there, then he should be able to continue attending that school even if that foster placement disrupts.

We urge members of the Committee to raise this issue. We are optimistic that if the new administration focuses on this issue, it will remove this restriction on school stability funding.

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[28] U.S. Dep't of Health and Human Services, Administration for Children and Families, Children's Bureau, Child Welfare Policy Manual section 8.1B Question 27, http://www.acf.hhs.gov/j2ee/programs/cb/laws_policies/laws/cwpm/questDetail.jsp?QAId=1803.
[29] Pub. L. 110-351, § 204(a)(2), *codified at* 42 U.S.C. § 475(4)(A).
[30] ACYF-CB-PI-08-05, at 8, http://www.acf.hhs.gov/programs/cb/laws_policies/policy/pi/2008/pi0805.pdf.

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b. Foster parent recruiting and retention

An essential element of foster children's well-being is their living arrangement while in foster care. To ensure that each foster child has the best placement possible, CFSA needs to have an adequate array of foster placements. A critical mass of placements will permit CFSA to match each individual foster child with an appropriate home. Especially for children with a particularly high level of need, the right placement can mean the difference between thriving in the community or living in an institution. For children who cannot reunify with their birth families, the most likely people to become adoptive parents or permanent guardians are the foster parents who have cared for them and with whom the children have bonded – so the better CFSA can match children with foster homes, the better the chances that CFSA can find a permanent home. CFSA has acknowledged this by adopting a "first placement – best placement" approach.

CFSA has made some recent progress in this area. The total number of foster homes has increased[31] and the number of foster children sent to live in "residential treatment centers" – mental institutions for youth – has decreased.[32] The frequency of placement disruptions from non-kinship foster homes has improved, but is still far too high – there are still more than five placement disruptions for every 10 placements.[33] Too many of our child clients still bounce from foster home to foster home. CFSA still struggles to make appropriate placements, has an inadequate array of placements and fails to provide adequate support and services to foster parents.

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[31] Government of the District of Columbia, Child and Family Services Agency, Fiscal Year 2009 Annual Report at 16-17 (2010), http://cfsa.dc.gov/cfsa/frames.asp?doc=/cfsa/lib/cfsa/reports_and_assessments/2009_apr_final.pdf.
[32] *Dixon v. Fenty*, No. 74-285, Court Monitor's January 2010 Report at 33 (noting decline in the number of foster children in residential facilities from 132 in 2006 to 88 in January 2010).
[33] The ratio of placement disruptions to non-kinship foster placements was 0.57 to 1 in FY 2009. Government of the District of Columbia, Child and Family Services Agency, Fiscal Year 2009 Annual Report at 37 (2010), http://cfsa.dc.gov/cfsa/frames.asp?doc=/cfsa/lib/cfsa/reports_and_assessments/2009_apr_final.pdf. That ratio decreased from 0.64 to 1 in FY 2008. Government of the District of Columbia, Child and Family Services Agency, Fiscal Year 2008 Annual Report, at 34 (2009), http://cfsa.dc.gov/cfsa/frames.asp?doc=/cfsa/lib/cfsa/pdf/fy_2008_annual_public_report.pdf.

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CFSA needs to expand it's the range of placements, particularly for high needs children. Recently CFSA significantly reduced the amount of money it provides private agencies for board and care payments to therapeutic foster families. We are concerned that this will lead to disruption and further limit the number of foster families who can accept children with the most complex needs. Our child clients with the greatest needs require an adult to whom they can turn at all times – when they have a mental health crisis or an incident at school, for example – and who is not constrained by work obligations. In our experience, these clients do best when placed in homes with one stay-at-home parent, and the best way to increase the number of such placements is to pay a higher subsidy for a particular category of foster parents who can serve high-needs children. Such subsidies may be expensive – but they will lead to results that are better for children and more affordable for the government than the alternative – group home placements or residential treatment center institutionalization.

CFSA also needs to provide better support to its foster parents or continue to struggle with retention. Foster parents continue to report that adequate services and supports are not being provided to the children in their care – and the failure to do so affects both the well-being of children and retention of foster families.[34] Even simple information, such as Medicaid numbers, Medicaid cards and placement packets are not being provided.[35]

A recent study by the Center for the Study of Social Policy found for more than one third of children, foster parents did not receive the required placement packet when a child was placed in their home. These placement packets include basic information about the child's history and

[34] Assessment of the District of Columbia's Child Welfare System Practices to Support Children Who Enter,Re-enter or are Re-placed While in Foster Care, Center for the Study of Social Policy, 23 (November 2009).
[35] *Id.* at 17.

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medical and behavioral needs.[36] It is difficult and frustrating and can even be harmful to care for a child without the basic information necessary to make good decisions.

To improve legal permanency and stability CFSA must to a better job of recruiting and retaining a diverse array of family-based placements.

c. Placement of teens

Placement of teens is a particular challenge. In 2009, 56% of children in the District's foster care system were ages 13- 21.[37] Youth who age out of foster care are at much higher risk than other young adults for many troubling outcomes, such as substance abuse, homelessness, dropping out of school, incarceration, teen pregnancy, unemployment and using public benefits.[38] CFSA must both do a better job of recruiting foster homes for teenagers and adapting to the reality that a traditional foster home and goals of adoption and guardianship are not realistic for some youth.

A special focus is required on recruiting and retaining an adequate array of foster homes for teenagers. Fostering a teenager is very different from fostering a young child, the recruitment, training and support of these foster parents must look very different.

CFSA also needs to find ways to support the connections older youth have outside the child welfare system. Whether an older youth "ages out" of care or finds a legally permanent new home, it is important to respect and strengthen the relationships that exist outside the formal system. Frequently, our teenager clients have family members with whom they are connected and with whom they are likely to live when they turn 21. Indeed, CFSA's examination of APPLA cases found what those of us working directly with these youth already knew – that most of these youth already have a lifelong connection with some adult, but their relationship with that adult may not neatly fall

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[36] *Id.*
[37] Government of the District of Columbia, Child and Family Services Agency, Fiscal Year 2009 Annual Report at 29 (2010), http://cfsa.dc.gov/cfsa/frames.asp?doc=/cfsa/lib/cfsa/reports_and_assessments/2009_apr_final.pdf.
[38] Ruth Massinga & Peter J. Pecora, *Providing Better Opportunities for Older Children in the Child Welfare System*, The Future of Children, Vol. 14, No. 1, 151, 153, 154 (Winter 2004)

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into one of the boxes marked "legal permanency." Sometimes these adults are not able or willing to become licensed foster parents. While these family members may not be perfect caregivers, they are often the people closest to the teenager and best able to provide a loving home and a sense of family – something no group home or independent living program can provide. Moreover, they are often the person with whom everyone in the case acknowledges the young adult is going to live when he or she leaves CFSA custody – they are even listed as "lifelong connections" on CFSA "youth transition plan" forms. CFSA should recognize the role of the adults in their lives and design a system in which these youth can live with the adults who will be their lifelong connections. To make such a system work, CFSA would need to provide some modest financial support as well as supplemental coaching in areas in which these adults are not fully capable of helping the youth build the necessary life skills.

V. Legal Permanency

I know that the Committee is particularly concerned with the District of Columbia's track record of moving children from foster care to legally permanent families. CLC expertise in this area comes from representing 500 children in abuse and neglect cases and several hundred caregivers of foster children every year.[39] I want to focus first on two steps the federal government can take to help the District move more children to legally permanent homes, then address the District's recent performance and some long-standing challenges and solutions to those challenges.

a. The federal government can help by providing all of the guardianship assistance promised by Fostering Connections

The District of Columbia deserves credit for being one of the first jurisdictions to create the legal option of guardianship in 2001.[40] CLC is proud to have played a role in drafting the District's

[39] Through its Family Permanency Project, Children's Law Center provides free counsel to foster parents and relatives seeking to provide legally permanent homes to DC's foster care. Lawyers from more than 70 area law firms receive training and mentoring from CLC and, in turn, donate more than $7 million in free legal services to these families.
[40] D.C. Code § 16-2381 *et seq.*

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guardianship legislation that has enabled hundreds of children to leave foster care to permanent families.

The federal government now recognizes the value of guardianship, placing relative guardianship in federal law through Fostering Connections and providing federal funding to support guardianship subsidies.[41] Just one month ago, the Department of Health and Human Services reversed a previous decision and issued new guidance making Fostering Connections funds available for guardianships entered into before Fostering Connections took effect. CFSA may now obtain federal support for guardianships finalized prior to Fostering Connections.[42] We trust that CFSA will begin doing so promptly.

Additional federal guidance that ensures a broad definition of relative guardianship would also improve permanency outcomes for children. Fostering Connections provides federal financial support for guardianship subsidies for children living with "relatives,"[43] but does not define the term "relative." HHS has not yet offered any clarifying regulations or guidance for this term. The definition matters because many of our clients have family members with whom they are very close but who might not qualify under a restrictive definition of "relative." A step-grandparent, the father or paternal relative of a child's half-sibling, or a godparent all lack a formal connection by blood or marriage, but can nonetheless have a familial relationship. The same federal financial support should be available for children living with these family members as for children living with grandparents.

Congressional support for guidance defining the term "relatives" broadly – ideally as broadly as District law defines it[44] – would help move children into legally permanent homes.

b. Recent increases in adoption numbers

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[41] Pub. L. 110-351, § 101, *codified at* 42 U.S.C. §§ 671(a)(28), 673(d).
[42] ACYF-CBPI-10-01 (Feb. 18, 2010).
[43] 42 U.S.C. §§ 671(a)(28), 673(d).
[44] D.C. Code § 4-1301.02(12) & (14).

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We are delighted to see recent increases in the number of adoptions of DC foster children, an increase of about 25 in from 2008 to 2009.[45] Considered historically, however, the 2009 figures are in line with an historical downward trend in the number of adoptions and guardianships.[46] Moreover, Dr. Gerald has explained that much of the recent increase was from removing administrative barriers such as CFSA social workers completing final adoption reports more quickly.[47] Making the bureaucracy move more efficiently is a significant accomplishment, but it does not resolve the deeper challenges that prevent foster children from becoming part of legally permanent families.

c. The District must address deeper barriers to adoption and guardianship

The District now needs to address the deeper problems that have left far too many children growing up in foster care. Three of these issues deserve special mention today.

i. Adoption and guardianship subsidy barriers

Existing District law governing adoption and guardianship subsidies impose specific barriers to adoption and guardianship. Both adoption and guardianship subsidies currently end when a child turns 18.[48] This contrasts with District law which permits children to remain in foster care – and

[45] District of Columbia Government, Child and Family Services Agency, A Priceless Gift for District Children: Home: CFSA Meets Goal of 125 Adoptions in 2009.

[46] CFSA finalized 125 adoptions in calendar year 2009[46] as compared with 160 in fiscal year 2007 and 186 in fiscal year 2006. *See* District of Columbia Government, Child and Family Services Agency, A Priceless Gift for District Children: Home: CFSA Meets Goal of 125 Adoptions in 2009. District of Columbia Government, Child and Family Services Agency, Fiscal Year 2007 Annual Report at 23 (2008), http://cfsa.dc.gov/cfsa/frames.asp?doc=/cfsa/lib/cfsa/pdf/final_mayor_annual_report_2007[1].pdf. District of Columbia Government, Child and Family Services Agency, Fiscal Year 2006 Annual Report at 21 (2007), http://cfsa.dc.gov/cfsa/frames.asp?doc=/cfsa/lib/cfsa/pdf/annual_public_report_2006.pdf. *See also* Mary Eschelbach Hansen & Josh Gupta-Kagan, Extending and Expanding Adoption and Guardianship Subsidies for Children and Youth in the District of Columbia Foster Care System: Fiscal Impact Analysis at 12-13 (2009). Reviewing adoption and guardianship data from 2004 through 2008, Professor Hansen projected that 194 adoptions and guardianships would occur in 2009. CFSA reports 125 adoptions and 77 guardianships in 2009 – a total of 202, barely above Professor Hansen's projection. District of Columbia Government, Child and Family Services Agency, A Priceless Gift for District Children: Home: CFSA Meets Goal of 125 Adoptions in 2009.

[47] Dr. Gerald shared this information at a meeting of community stakeholders in late 2009.

[48] D.C. Code §§ 4-301(e) (adoption) & 16-2399(d) (guardianship).

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foster parents to continue receiving foster care subsidies – until they turn 21.[49] This disparity leads foster parents, especially foster parents of older youth, to keep children in foster care and not seek adoption or guardianship. Few 18 year olds are truly financially independent of their families and many foster children face additional challenges. Foster children, for example, have disproportionately high rates of educational delays, mental illness, and special needs.[50]

In addition, current law does not provide good options for children who want to live with their foster parents while maintaining birth family connections. Some children, especially older children, understand that they are better off living with foster parents rather than their birth families. But they maintain significant contact with and their identity remains tied to their birth families. Foster parents who become guardians give foster children permanency without severing the legal tie to the birth family – thus presenting a legal option to serve these children's best interests. But DC law does not currently allow guardianship subsidies to non-kinship foster parents, effectively closing off this option to many children.[51]

The good news is that the District is on the verge of removing these two barriers to permanency. CLC teamed with CFSA and American University Professor Mary Eschelbach Hansen to study the impact removing these subsidy barriers would have. Professor Hansen's analysis, using data from CFSA, projects that removing these barriers to adoption and guardianship will lead to dramatic improvements in the number of adoptions.[52] The District's Chief Financial Officer – whose fiscal impact studies are the District equivalent to the Congressional Budget Office – has

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[49] D.C. Code § 16-2303. Similarly district law provides that a parent's child support obligations continue until age 21. *Butler v. Butler*, 496 A.2d 621 (D.C. 1985).
[50] Peter Pecora *et al.*, *Improving family foster care: Findings from the Northwest Foster Care Alumni Study* 32-34, http://www.casey.org/Resources/Publications/NorthwestAlumniStudy.htm; Mary Bruce Webb *et al.*, *Addressing the Educational Needs of Children in Child Welfare Services*, in Child Protection: Using Research to Improve Policy and Practice 253 (2007).
[51] D.C. Code § 16-2399(b)(3).
[52] Mary Eschelbach Hansen & Josh Gupta-Kagan, Extending and Expanding Adoption and Guardianship Subsidies for Children and Youth in the District of Columbia Foster Care System: Fiscal Impact Analysis (2009).

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concluded that by moving children out of foster care, these subsidy changes will result in $3.9 million in savings over the next four years.[53]

As a result of this work, the DC Council held a hearing on March 4, 2010 on the Adoption Reform Amendment Act, which includes provisions extending adoption and guardianship subsidies to age 21 and expanding guardianship subsidies to include non-kin. We are pleased that these provisions have broad support in the community – including from CFSA, foster parents, and other children's advocates. We are optimistic that these provisions will pass quickly and look forward to these statutory changes and the new adoptions and guardianships that will result.

ii. Kinship placements need dramatic improvement.

Second, CFSA must improve its record of kinship placements. District of Columbia children in kinship care are more than 30 percent more likely to leave foster care to a permanent family that children living in other placements.[54] Yet far too few District foster children live with kin. To achieve a dramatic increase in positive permanency outcomes, CFSA must first improve its poor record of kinship placements, as I discussed earlier.

iii. CFSA's pursuit of legal permanency must not unduly sacrifice children's stability

While it is generally better for children to leave foster care for legally permanent families than to remain in foster care, there are times when it is not in a child's best interest. Let me provide an example:

A CLC lawyer is the guardian *ad litem* for two foster children who have been in foster care for more than five years. These siblings are among the lucky ones – they have lived in the same foster home for their entire stay in foster care. They both want to remain exactly where they are,

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[53] Natwar M. Gandhi, Chief Financial Officer, Fiscal Impact Statement, Adoption and Guardianship Expansion Act of 2009, http://app.cfo.dc.gov/services/fiscal_impact/pdf/spring09/B18-453_.pdf.

[54] Mary Eschelbach Hansen & Josh Gupta-Kagan, Extending and Expanding Adoption and Guardianship Subsidies for Children and Youth in the District of Columbia Foster Care System: Fiscal Impact Analysis at 9, Table 1 (2009). This conclusion rests on five years of CFSA data analyzed by American University Professor Mary Eschelbach Hansen.

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with the family that they have come to know as their own, while maintaining a relationship with their birth family, especially their mother. Their foster parents want to raise them, but are hesitant to adopt. The foster parents are concerned about the significant medical costs for one child's chronic medical condition and steep mental health costs stemming from both children's severe abuse and neglect. The ideal result for these children would be for CFSA to guarantee that these children will have access to the same medical and mental health care after adoption as they receive while they are in foster care. Then, the children could keep the stability that they currently have with this loving family as well as the certainty that comes with legal permanence. However, if CFSA is not able to guarantee this result, then these children's well-being is best served by the stability of their current family without legal permanence.

CLC has fought to keep these children where they want to be – in their stable foster home. If these barriers to permanency remain, we will advocate for them to remain with their foster parents in long term foster care with a permanency goal of "Another Planned Permanent Living Arrangement," or APPLA. To provide stability, maintain the continuity of placement and recognize the reality that these children have formed a lifelong connection with this family means this is the right goal for these children. To seek any other goal means ripping them from the home they have known for more than five years and placing them with strangers, an unnecessarily harmful and even cruel result.

We all hope that children will maintain the stability and continuity that comes from long-lasting, strong attachments with foster and kinship parents. Legal permanence through adoption and guardianship is usually the final step in cementing these relationships. Providing the support to foster and kinship families that allow them to move from stable homes to legally permanent homes is the right way to reach higher adoption and guardianship targets. However, if pursuit of higher

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adoption and guardianship numbers involves disrupting these bonds and ignoring the individual needs of a child, then children are ill-served and reaching numerical targets should not be celebrated.

Foster care law explicitly recognizes the appropriateness of APPLA to protect lifelong connections that will not become adoption or guardianship. Federal regulations recognize that cases like the one I describe present "compelling circumstances" which justify a goal of APPLA.[55] Legal permanency and continuity are often the same thing – but not always. In looking at outcomes and metrics it is hard, if not impossible, to capture the nuances of the best interests of each child. I fear that a focus on increasing the number of adoptions and guardianships may lose the nuance that foster care law – and foster children themselves – require. I trust that we will be able to work with our colleagues at the Agency and on the Court to find the right result for each individual child and not merely try to increase certain outcome measures.

CONCLUSION

The District's foster care system faces serious, complex, and deeply rooted challenges. The good news, however, is that with concerted focus and cooperation between different entities, we can make significant progress. The best example is the pending legislation – developed between CLC, CFSA and the Council – to extend and expand adoption and guardianship subsidies and thus help hundreds more children leave foster care to permanent families. I look forward to future successes and to this Committee playing a constructive role in helping achieve them. Thank you again for the opportunity to testify.

[55] 45 C.F.R. § 1356.21(h)(3).

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1328 Florida Ave NW Suite 2000, Washington, DC 20009 202.332.3399

March 26, 2010

Chief Judge, Lee F. Satterfield
Superior Court of DC
Moultrie Courthouse
500 Indiana Avenue, N.W.,
John Marshall Level, East Wing, JM 520
Washington, D.C. 20001

Dear Judge Satterfield:

Hello. I am writing about Sarah Ocran's testimony before the U.S. Senate Committee on Homeland Security and Governmental Affairs, Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia for the *Assessing Foster Care and Family Services in the District of Columbia: Challenges and Solutions* hearing on March 16, 2010.

Sarah has been a youth staff member at the Young Women's Project's Foster Care Campaign (FCC) for the past year. FCC develops foster youth leaders and advocates so that they can improve the system. Each year, we develop 25-35 youth staff (most of whom are foster youth) as leaders, advocates, peer educators and organizers though a year-long program. They work side by side adult staff to develop and move an ambitious agenda that seeks to advance foster youth well-being in seven critical areas: education, employment, health, permanence, self-reliance, safety net services, and self advocacy.

FCC's adult staff members worked with Sarah for weeks to develop and present her Senate testimony. As part of this process and in an effort to ensure the accuracy of her testimony -- we had many hours talking with Sarah to help her articulate her experience and had several long conversations with Sarah's Godmother, GAL, and group home staff. We thought that the testimony accurately reflected the facts of the case --- and -- Sarah's feelings about permanence and her experience in the DC foster care system.

Last week, CFSA Director Dr. Gerald called to let us know that Sarah's version of the facts of her recent court hearing (mainly whether she was asked her opinion by her judge) did not square with the transcripts. At that point, we consulted one of the adult hearing participants who confirmed that Sarah's hearing statement that she was not asked by Judge Breslow for her opinion -- was incorrect. Sarah was asked her opinion and she did participate in the discussion. We apologize for this inaccuracy.

Please understand that Sarah did not purposely try to misrepresent what happened in her hearing or to reflect negatively on Judge Breslow. Rather Sarah was trying to communicate how she felt about the process of seeking (and not getting) a permanent home with her godmother and the decision by CFSA to change Sarah's status from Legal Guardianship to APPLA her sense of confusion and anxiety about the situation. She felt voiceless and was not able to get the support she needed to really process and understand the choice that was facing her. Although Sarah's social worker and GAL did discuss the APPLA decision with her, they did not get to the root of the issue and Sarah remained anxious.

This situation is one where a private meeting with the Judge might have helped her to understand the situation, communicate her feelings about it, and work with the Judge to identify work through the problems and identify solutions.

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Young Women's Project 1328 Florida Ave NW Suite 2000, Washington, DC 20009 202.332.3399

Sarah is in the process of writing her own letter to you to explain her Senate testimony – which will hopefully be completed later this week. She (and we) will also send a letter to Presiding Judge Jackson, Magistrate Judge Breslow, and Senators Akaka and Landrieu.

We would welcome the opportunity to talk more with you or Judges Jackson and Breslow about the struggles older youth have in making decisions about permanence and how the court hearing process could better support their decision making. And – if there is anything else we can do to clarify or correct Sarah's Senate testimony reference to her court hearing --- please let us know. We appreciate your leadership and all you have done to improve the DC foster care system and the DC Superior Court. We would also welcome the opportunity to work with the Court to improve outcomes for older youth and their full participation in the decisions that shape their lives. Thanks again. Take care.

Sincerely,

Nadia Moritz
Executive Director

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Testimony to the U.S. Senate Committee on Homeland Security and Governmental Affairs, Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia

Assessing Foster Care and Family Services in the District of Columbia: Challenges and Solutions

Ms. Sarah M. Ocran
Vice President Foster Care Campaign
Young Women's Project

March 16, 2010

Good morning, members of Congress and every one here today. My name is Sarah Ocran. I am 18 and have been part of the DC foster care system for the past two years. I also attend Cesar Chavez Public Policy Charter High School in Washington, DC. Today I want to share my story about trying to get placed in a permanent family. I would also like to voice my opinion about permanency and its connection to living in group care.

Permanency is important to me because I want to have a network of people that I can depend on to love and support me for the rest of my life. Being in foster care has taken that away. For two years now, I have desired to live with my Godmother -- who is someone that is loving and supportive of me. The environment she creates is stress-free. My Godmother has a two bedroom apartment and she is willing to move so that I would have my own room. My Godmother is very stable to take care of me.

The reason why I'm not with my Godmother is because my old social worker never called my Godmother back and there was a lot of miss communication going on. So my Godmother became very frustrated with Child and Family Services Agency (CFSA). Because I cannot live with my Godmother, I do not want to go off to college. I want to stay local because I'm scared that when I come back from school, I will not have a permanent place to call my home. When my Godmother first started the process to be licensed so I could live with her, I was never told how long it would take for me to transition to her house.

I currently live in a Supervised Independent Living Program (ILP), before then I lived in a group home for about a year. The ILP has both pros and cons. Living in my ILP has made it harder for me to focus on important things, such as college. I want to go out of state to college at North Carolina A&T. But I am afraid that when I return from my winter and summer breaks, I will not have a permanent place to call my home. If I was with my Godmother, I would not have to worry about where I would live when I come back from school breaks. The stress that I have now would be gone, because I can count on her to support and love me the way a teenager should be cared for.

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Being in foster care takes away the opportunities I should have as a teenager. At my ILP I have to work, come home, cook dinner, and still do homework for school. I shouldn't have to do all of this. When we have new girls come to our ILP for overnight stays, things in my apartment tend to come up missing. Sometimes I hate the fact that staff are in our apartment because they try to tell us how to live and what to do. But at my ILP I am able to have a room to myself. Having my own room means a lot to me because I am able to have my privacy and some alone time. And I don't have to worry about anyone stealing my things from my room which happens when youth are living in group homes. I also have a good deal of responsibility that will prepare me for the "real world". I like living in my apartment, but I don't have the support I would have if I was living with my Godmother.

I feel that my time in the system is winding down and I'm not able to live my life the way that I want to. I'm growing up to fast. When I went to court on February 2, 2010, everyone said how much progress I had made. The judge, GAL, and social worker said that I exemplify a great level of independence and my judge changed my permanency goal from guardianship with my Godmother to APPLA.

During the past couple months – I've had some time to reflect on my experience in the system and trying to find a permanent home. I contemplated on how my social worker and I never talked once about what my permanency options are and if legal guardianship was something that I really wanted. I waited for a long time to move in with my Godmother. But as time passed by, I felt as though it wasn't going to happen.

I had begun to think what if I move in with my Godmother and we get into a really bad argument and she decides to put me out. I wondered what would happen if she wouldn't give me the money she received for me. I also thought what if she puts me out because I don't fit in to her life style anymore. All of this was going though my mind and I didn't know who to deal with it. I didn't know how to communicate to my Godmother and tell her exactly what I was thinking. I didn't want her to feel like I was wasting her time by making her go through the licensing process and for me to not even end up being there with her. I tried to find out what was going on from my social worker and by writing to CFSA's Office of Youth empowerment – but my social worker could not even provide me with information to let me know why I was not approved to live with my Godmother and why I'm still not there.

I don't communicate with my Godmother that much anymore. Our communication has become some timey because I feel like I put her though all of this to get me and I'm not even there at her house. I also began to think maybe the judge was right and being with my Godmother was never a good place for me to live. I

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also lost hope because of the procrastination from CFSA. I now think that maybe my ILP is the best place for me because it feels like everyone gave up on me. I have been told that if I do well in my current ILP placement -- I will get my own apartment and I would eventually have a permanent apartment. I was given an option to move into my own apartment last month, but I didn't feel I was ready so I said no because I know I need to stay focused on graduating from high school. Having my own apartment now sounds okay since I was scared about moving with my Godmother.

The time is slowly approaching for me to age out and I do not have stability. I turned 18 in December so I have less than three years until I age out of the DC system. It hurts because I really wanted to be with my Godmother but the system made it hard for me to be there.

I have three recommendations that I would like to share with the Senate that could help foster youth like me.

1) Social workers should be more experienced in all aspects of foster care.

2) There should be an extension on the age when youth age out because there are youth like myself who are lost and don't know who to turn to for help but the streets.

3) Foster youth should have a transition center that will provide foster youth with resources like safety nets, education and permanency that should be funded by money given to CFSA.

4) CFSA should develop goals and better practice and organization for their work on permanence. If they were organized and tried harder -- they would be able to get youth like me into permanent homes when they have the chance. I feel like I had the chance last year to make the transition but because CFSA could not get it's act together -- that chance was squandered and now it may not be an option.

Thank you for your time

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Testimony of Dominique Davis

Good morning Chairman Akaka, Ranking Member Voinovich and members of the subcommittee. I appreciate the opportunity to talk about my experience of being adopted from the Child and Family Services Agency.

My name is Dominique Davis. I am sixteen years old and in the eleventh grade. I like to play softball and spend time with my friends and family. After high school, I would like to go to college and then become a computer specialist or work for the FBI.

I was in foster care since I was four years old. When I was eleven years old I went to live with my foster mother, Ms. Davis. Ms. Davis adopted me on November 21, 2009. Adoptions Together helped finalize the adoption and made sure that it went smoothly.

Having a permanent home is very important to me, especial changing my name so I know I belong to that family. Other kids should want to be adopted because everyone needs a family to support their future. I would also like to say that adults should adopt teenagers and not just young children because they need families too. Without that support, teenagers cannot succeed and sometimes end up on the streets.

Thank you again for the opportunity to tell you my story. I would be happy to answer your questions.

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BACKGROUND
ASSESSING FOSTER CARE AND FAMILY SERVICES IN THE DISTRICT OF COLUMBIA: CHALLENGES AND SOLUTIONS
MARCH 16, 2010

Background

Current efforts to reform the District's child welfare system trace back to the 1989 filing of a class action on behalf of abused and neglected children residing in the District.[1] The U.S. District Court for the District of Columbia found the child welfare system violated Federal law, District Law, and the Constitutional rights of the children in the plaintiff class.[2] The U.S. Court of Appeals for the District of Columbia upheld this decision.[3]

Following the ruling, the District Court issued a Modified Final Order, which required the District implement specific reforms and appointed the Center for the Study of Social Policy (CSSP) to assist in developing an Implementation Plan (IP), in addition to reporting on the progress of the defendants' towards compliance.[4] The District continues to operate under court supervision,[5] and must achieve the standards and outcomes laid out in the February 2007 Amended Implementation Plan (AIP).[6]

Child Welfare System in the District

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[1] The American Civil Liberties Union filed the class action suit, *LaShawn A. v. Barry,* against the following defendants: the Mayor of the District, the Director of the Department of Human Services, the Commissioner of Social Services, the Acting Administrator of the Family Services Administration, and the Chief of the Family Services Division. *See LaShawn A. v. Barry*, at pp. 7-8 (Compl. June 1989), *available at* http://www.childrensrights.org/wp-content/uploads/2008/06/1989-6-20_dc_lashawn_complaint.pdf; *see also* Government Accountability Office, *Foster Care: Status of the District of Columbia's Child Welfare System Reform Efforts* (May 2000), GAO-T-HEHS-00-109, at pp. 2-3, *available at* http://www.gao.gov/archive/2000/he00109t.pdf.
[2] *See LaShawn A. v. Dixon*, 762 F. Supp. 959 (D. D.C. 1991).
[3] *See LaShawn A. v. Kelly*, 990 F.2d 1319 (D.C. Cir. 1993).
[4] *See LaShawn A. v. Dixon* Modified Final Order (D. D.C. 1993), at pp. 75-82, *available at* http://www.childrensrights.org/wp-content/uploads/2008/06/1993-11-18_dc_final_order.pdf.
[5] In July 2008, the defendants filed a motion to return the child welfare system to the District's full control within a year. *See LaShawn A. v. Fenty* Defendant's Motion to Establish a Definitive Timeline for Termination of the Consent Decree, at p. 1, *available at* http://graphics8.nytimes.com/packages/pdf/national/20091020-motion-terminate.pdf. *See also LaShawn A. v. Fenty*, Plaintiff's Opposition to the Motion of the District of Columbia for Approval of Its Six-Month Plan, *available at* http://www.childrensrights.org/wp-content/uploads//2009/02/2009-02-03_pls_mem_in_opposition_to_defs_motion_for_approval_of_six-month_plan.pdf. A decision is pending.
[6] *See LaShawn A. v. Fenty*, Amended Implementation Plan, *available at* http://cfsa.dc.gov/cfsa/lib/cfsa/lashawn_v_fenty/lashawn_a_v_fenty_amended_implementation_plan_feb_2007.pdf.

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Primary responsibility for reforming the District's child welfare system resides with the Child and Family Services Agency (CFSA).[7] The Family Court of the D.C. Superior Court (Family Court) plays a significant role in reform efforts, due to its exclusive dedication to matters concerning the District's children and families.[8]

Child and Family Services Agency

CFSA operations are divided into four core functions:

1. Child Protective Services - protecting children from abuse and neglect;
2. Supportive Family Services – delivery of social services to troubled families;
3. Foster Care – providing a temporary safe location for children removed from their homes; and
4. **Permanence** – finding permanent loving homes for foster children through the following permanence goals:
    - Reunification
    - Guardianship
    - Adoption
    - Life-long Connections
    - *Alternative Planned Permanent Living Arrangement (APPLA) – a relatively new goal supported by the Children's Law Center as a legitimate permanence option, but viewed by CFSA and the Family Court as a non-permanence option.

This hearing will focus primarily on the core function of permanency, addressing CFSA's specific partnerships and initiatives currently underway to increase the number of foster children reaching permanence. Many of these programs have been initiated within the past year, and there is little empirical data with which to evaluate their performance.

In general, key challenges to permanency include:

1. Overcoming barriers to permanency for older children, particularly those who cannot be returned to their parents but do not wish to be considered for any permanency option;
2. Overcoming children's disabilities such as significant emotional impairment and serious anti-social behavior;

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[7] The creation of CFSA in 2001 was one of many reforms the District agreed to adopt in exchange for termination of receivership. For the complete timeline *see Fact Sheet* (January 2009), *available at* http://www.childrensrights.org/wp-content/uploads//2009/01/2009-01-21_dc_case_fact_sheet.pdf.

[8] *See* Government Accountability Office, *D.C. Family Court: Progress Has Been Made in Implementing Its Transition* (January 2004), GAO-04-234, at pp. 6-44, *available at* http://www.gao.gov/new.items/d04234.pdf, for a review of the transition from the Family Division into a Family Court.

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3. When reunification is the permanency goal, frequently the primary barrier is a parent's disability, including the need for substance abuse treatment; and
4. The need for children to receive additional services while in independent living situations.

Additional key challenges for CFSA specifically include:

1. Increasing public awareness about adoption opportunities in the District;
2. Establishing a continuum of services for adoptive parents before, during, and after the adoption process;
3. Instilling a strong commitment within CFSA to attaining permanency for older children; and
4. Resource constraints resulting from CFSA's $10 million budget shortfall, a consequence of the Agency's decision to stop seeking Medicaid reimbursements in January 2009.[9]

The D.C. Family Court

The Family Court's mission is to protect and support children brought before it, strengthen families in trouble, provide **permanency** for children, and decide disputes involving families fairly and expeditiously while treating all parties with dignity and respect.[10] The Family Court's goals and objectives to fulfill this mission include making child safety and prompt permanency the primary considerations in decisions involving children.[11]

The efficiency of the permanency process is dependent upon the Court's performance holding timely hearings, selecting appropriate permanency goals, and establishing suitable deadlines for achieving them. Key challenges to permanency for the Family Court include procedural impediments such as delays in the filing and processing of Termination of Parental Rights motions.[12] The Family Court also lacks a fully integrated information technology case management and tracking system to ensure each child's adoption petition is given the requisite attention in a timely manner.

Potential Solutions

The Subcommittee requested that each witness present recommendations for improving the child welfare system in the District. The following topics are expected to be addressed at the hearing:

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[9] *See* Henri E. Cauvin, "D.C. agency struggles to master Medicaid reimbursement," *The Washington Post* (Jan. 11, 2010), at B01, *available at* http://www.washingtonpost.com/wp-dyn/content/article/2010/01/10/AR2010011002633.html.
[10] *See* Family Court 2008 Annual Report (March 2009), at p. 2, *available at* http://www.dccourts.gov/dccourts/docs/family/family_annualreport2009.pdf.
[11] *See id.* at pp. 2-3.
[12] *See id.* at pp. 55-57, 69-76 for a general discussion of the challenges to permanency.

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- Progress in implementing and monitoring initiatives to increase the number of foster children achieving permanence through adoption, particularly programs designed for children 15 years of age or older;
- Assessing CFSA's long-term strategic plan to reform permanence efforts and ensure all core functions receive a consistent level of attention;
- Assessing the Family Court's long-term strategic plan to ensure complete implementation of a comprehensive case management and tracking system;
- CFSA's current initiatives, in partnership with the Department of Health Care Finance, to overhaul its Medicaid program and resume seeking reimbursements;
- Training, recruitment, and retention efforts to increase CFSA's capacity to target potential adoptive parents or guardians; and
- CFSA's partnership with Adoptions Together to increase the number of children achieving permanence through adoption.

Relevant Legislation

Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351) – An Act to amend parts B and E of title IV of the Social Security Act to connect and support relative caregivers, improve outcomes for children in foster care, provide for tribal foster care and adoption access, improve incentives for adoption, and for other purposes.

District of Columbia Family Court Act of 2001 (Public Law 107-114) – An Act to amend title 11, District of Columbia Code, to redesignate the Family Division of the Superior Court of the District of Columbia as the Family Court of the Superior Court, to recruit and retain trained and experienced judges to serve in the Family Court, to promote consistency and efficiency in the assignment of judges to the Family Court and in the consideration of actions and proceedings in the Family Court, and for other purposes.

Adoption and Safe Families Act of 1997 (Public Law 105-89) – An Act to promote the adoption of children in foster care.

Additional Resources

CFSA website, http://cfsa.dc.gov.

D.C. Family Court website, which provides links to its Annual Reports to Congress, http://www.dccourts.gov/dccourts/superior/family/index.jsp.

Center for the Study of Social Policy, archived annual reports webpage, http://www.cssp.org/major_initiatives/litigation_details.html#dc.

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Children's Law Center, Adoption and Guardianship webpage, http://www.childrenslawcenter.org/issues/adoption-and-guardianship.

Young Women's Project, Foster Care Campaign webpage, http://www.youngwomensproject.org/fcc.

Children's Rights, *LaShawn A. v. Fenty* resources webpage, http://www.childrensrights.org/reform-campaigns/legal-cases/district-of-columbia-lashawn-a-v-fenty.

Center for the Study of Social Policy and the Urban Institute, *Intentions and Results: A Look Back at the Adoption and Safe Families Act* (December 2009), *available at* http://www.cssp.org/uploadFiles/IntentionsResults%202.pdf.

Congressional Research Service, *Youth Transitioning from Foster Care: Background and Federal Programs* (January 25, 2010), Order Code RL34499.

Congressional Research Service, *Tax Benefits for Families: Adoption* (April 27, 2009), Order Code RL33633.

Congressional Research Service, *Child Welfare: The Fostering Connections to Success and Increasing Adoptions Act of 2008* (October 9, 2008), Order Code RL34704.

U.S. Government Accountability Office, *District of Columbia: Federal Funds for Foster Care Improvements Used to Implement New Programs but Challenges Remain*, GAO-05-787, July 2005.

U.S. Government Accountability Office, *D.C. Child and Family Services Agency: More Focus Needed on Human Capital Management Issues for Caseworkers and Foster Parent Recruitment and Retention*, GAO-04-1017, September 2004.

U.S. Government Accountability Office, *D.C. Family Court: Progress Has Been Made in Implementing Its Transition*, GAO-04-234, January 2004.

U.S. Government Accountability Office, *D.C. Child and Family Services Agency: Better Policy Implementation and Documentation of Related Activities Would Help Improve Performance*, GAO-03-646, May 2003.

U.S. Government Accountability Office, *District of Columbia: Issues Associated with the Child and Family Services Agency's Performance and Policies*, GAO-03-611T, April 2003.

U.S. Government Accountability Office, *District of Columbia: More Details Needed on Plans to Integrate Computer Systems With the Family Court and Use Federal Funds*, GAO-02-948, August 2002.

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Statement of

Paul Strauss

Shadow Senator

District of Columbia

Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia:

Assessing the Foster Care and Family Services in the District of Columbia

March 16, 2010

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Chairman Akaka, Ranking Member Voinovich and distinguished members on the Subcommittee, I am Paul Strauss, and in addition to serving as the Shadow Senator for the District of Columbia, I am a former Social Services Representative, and lawyer with extensive experience before our Family Court. In all of those capacities, I thank you for the opportunity to present this statement for the record on the District of Columbia's Foster Care System.

While I respect the positions of the other witness who spoke here today, we must begin by acknowledging that when it comes to our Foster Care system, as with other areas, this is yet another, in a host of instances, where because of our lack of State rights, we continue to lack State resources. The result is that the most vulnerable residents of the District of Columbia continue to be disenfranchised.

The District's foster care system, unlike every other state's, is a unique institution, with its own special challenges. Although many of the issues which confront our system have been addressed recently by the Council of the District of Columbia, problems due to lack of adequate federal financial support continue to exist. One area which Congress has only recently corrected was the increase in pay for court appointed attorneys representing children and families in the Family Court system. No other jurisdiction needs the permission of Congress to adjust the pay for the court appointed lawyers who practice in the family court.

To my knowledge, this marks the first meaningful inquiry into the DC Foster Care System by a US Senate Committee since the DC Appropriations Subcommittee examined the issue in May of 2003.

Since that time, a number of positive changes have been made that increase the system's efficiency in addition to easing the burdens of the families and the children of those families in three key areas: welfare professionals, dependency courts and legislative improvements.

The attention of professional workers is our society's first line of defense in protecting children from harmful environments and taking decisive measures to assure their safety is no longer compromised. The District's long history of committed professionals who persevere through the foster care system despite its challenges is one that I cannot state enough.

Given the importance of the professionals who operate the District's foster care and adoption agencies, the District has moved to end the practice of capping adoption fees and instead, establish a sliding fee scale for adoptions. As adoption fee caps exist nowhere else in the US, the District has acknowledged the need to allow for greater freedoms of the men and women that execute permanency amongst the children in the District's Foster Care System.

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The primary goal of the District's Foster Care System, as with most systems across the country, is to reunite children with their birth families whenever possible. When this is not possible however, the Child Family Service Agency moves forward with other permanent plans – foster care and eventual permanence through adoption. These decisions often lie solely in the hands of the federally funded courts. The courts decide whether the children will return home, join a new family through adoption, become placed with relatives, or remain in foster care until aged out of the system. Our locally funded Child and Family Service Agency has directly benefited from the District Family Court's adoption and implementation of three major improvements over the past four years including: The court's increased collaboration with child welfare agencies to determine the best choice for the child, better and readily available data systems, and most importantly, the direct representation of children in the court.

While the DC Social Service professionals and federally appointed Judges together carry out the necessary functions of the District's Foster Care System, the legislative process provides the foundation for these two pieces of the system to operate. To this end, the District is making fundamental changes to its Adoption Code which aims to expand the services that the District's Foster Care System can provide. The Council of the District of Columbia introduced in 2009 and is slated to pass the "Adoption Reform Amendment Act of 2010." The Act includes, but isn't limited to: the implementation of a Post Adoption Agreement and a Voluntary Adoption Registry, in addition to the extension of subsidies for adopted children up through 21 years of age and the removal of caps on agency fees.

The Post Adoption Agreement will eliminate a portion of the process that many see as an impediment to the move from foster care to permanency through adoption. The agreement provides a meaningful place for all voices of the participating parties in the adoption process. It eases the tension of birth parents and sometimes children who are often reluctant to move ahead with adoption for fear of involuntary termination of parental rights. The set roles provided through the Post Adoption agreement assure that a solid, lifetime commitment is fostered and permanency is achieved more often.

Another step towards permanency lies in the Voluntary Adoption Registry which establishes a method of communication amongst the child, birth parents and adoptive parents. With the onset of a readily available forum of all the necessary information in adoption with the children looking to be adopted while providing an outlet for parents who have adopted-out children.

Without provisions made in the "Adoption Reform Amendment Act of 2010," subsidies are currently limited and only provided to children aged 21 years who are still in the foster care system. Subsidies for adopted children stop once the child aged 18 years. Within this three year gap, the financial incentives tip in favor of long-term foster care, and against adoption as a permanency goal. Studies have shown that children who age out of the foster care system without

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achieving some form of familial permanency are less likely to become productive members of society and in fact often fall victim to drugs, violence and teen pregnancy. Extending the adopted-age subsidies to 21 years will turn the tide back towards adoption as a permanency goal, giving the children under Court supervision a greater chance for success in adult life.

The DC Child and Family Services Agency has performed outstanding feats of success in the past and given the improvements that have been listed in the "Adoption Reform Amendment Act of 2010" the agency will continue to build on its successes. Again I would like to thank Chairman Akaka, Ranking Member Voinovich and members of the subcommittee for listening today and I hope you will look into additional ways to meet the needs of the Child and Family Services Agency. I trust the member of this subcommittee will go out of their way to ensure they have all the information that is required for any outcome of this hearing.

I trust that any future hearings on this topic will focus on what resources the Federal government can provide and minimize interference with the functions of our government.

In closing, let me thank Ms. Jenna Kohler, a member of my legislative staff, for her valuable assistance in preparing this testimony. I would welcome the opportunity to answer any questions this committee might have.

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U.S. Senate Committee on Homeland Security and Governmental Affairs
Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia

"Assessing Foster Care and Family Services in the District of Columbia: Challenges and Solutions"
March 16, 2010

Statement for the Record
Nadia Moritz, Executive Director
Tosin A. Ogunyoku, Senior Program Coordinator,
Foster Care Campaign, Young Women's Project

We at the Young Women's Project thank you for the opportunity to present written testimony as part of this important hearing. This testimony is intended to compliment the personal story of Sarah Ocran, our youth staff member who is presenting her experience of trying to gain permanence in the DC foster care system. In addition to permanence, the testimony highlights several critical issues facing older youth in the DC foster care system.

We are both staff members of the Young Women's Project and have worked since 1999 to develop the leadership and voice of young people in the DC foster care system.

The Young Women's Project (YWP) is a multicultural organization that builds and supports DC teen women and girl leaders so that they can improve their lives and transform their communities. Since 1999, YWP has worked to expand the rights, opportunities, and leadership development of DC foster youth through the Foster Care Campaign (FCC). Each year, we develop 25-35 youth staff (most of whom are foster youth) as leaders, advocates, peer educators and organizers though a year-long program. They work side by side with adult staff to develop and move an ambitious agenda that seeks to advance foster youth well-being in seven critical areas: education, employment, health, permanence, self-reliance, safety net services, and self advocacy.

We've cultivated dozens of FCC youth leaders, training 100s of foster youth, delivered numerous testimonies to City Council, convened 100s of youth and adults in Leadership Institutes, released two youth-created Handbooks and a documentary, and sponsored several successful youth-led campaigns. In our first campaign in 2000, we worked with the Deputy Mayor=s office to write and advocate for foster care group home regulations which became law in September 2001. These regulations created a legal floor for improving the quality of life and enforcing the rights of teens in group homes.

FCC's work is focused primarily on the unmet needs of older youth in the foster care system. Older youth are more than half of the youth in care population. Any meaningful system reform must address the needs of this group. CFSA's inability to meet the basic needs of this group – in terms of providing supportive placements, connecting them to permanent homes, and preparing them to assume the responsibilities of adulthood -- is glaring evidence of its failure to meet its responsibilities as an agency.

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Overview

As of 12.31.09, there were 2,103 children in CFSA's care; 1,186 (or 56%) of them are ages 13-21. About a third of these older youth reside in congregate care: 159 in group homes, 162 in Independent Living Programs, and 88 in Residential Treatment Centers. Currently, 683 of these youth have the permanency goal of APPLA (Alternative Planned Permanent Living Arrangement) which positions them to emancipate from foster care without a permanent legal relationship like guardianship, adoption, or reunification. Each year, between 150-200 of these youth turn 21 and age out of the system.

Despite their numbers, older youth are not getting much attention. They are not part of the LaShawn Order, which has largely defined the strategic approach and activities of the agency. Older youth in the system do not demand the same level of oversight as younger children. Before they turn 21, they may not be in crisis. But that situation changes when they turn 21. Only 14% of youth aging out have all the necessary resources to support themselves. As a result, many youth face homelessness, incarceration, and a lifetime of reliance on public assistance.

Right now we are putting all of our attention and resources into keeping youth safe before they turn 21 – and doing very little to make sure that they can survive and thrive after 21.

The Good News

In working to improve the care and futures of older youth in the DC foster care system, there is a strong foundation of opportunity and many reasons to be hopeful:

- ✓ We have youth who have persevered through incredible odds to accomplish so much – graduating from high school, enrolling in college, holding down jobs, and being responsible.
- ✓ We have examples of incredible social workers who are providing excellent support for their youth in care.
- ✓ We have great models of residential care who are preparing their youth for independence. Some of them are here today: Sasha Bruce, Latin American Youth Center.
- ✓ We have CFSA leaders who are passionate about improving services for older youth.
- ✓ We have money. DC taxpayers have proven themselves willing to spend more on our older youth in care than most states.
- ✓ And we have time. DC is one of a handful of states that keeps its young people in the system until age 21. This gives us several years after high school graduation to get youth on the road to viability and self sufficiency

Further, Dr. Gerald and his staff have worked hard to improve the agency and have made progress in many areas. We appreciate CFSA staff's accessibility, their commitment to older youth, and their willingness to meet, answer questions, and respond to the individual problems that we've brought to their attention. For example -- A number of the problems that were raised by

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individual youth in their testimonies during the Yes Youth Can Hearing on Older Youth organized by YWP with this Committee in January have been acknowledged and in some cases addressed by CFSA staff. We appreciate this effort.

At the same time we are gravely concerned about the inadequacy of CFSA's response to the issues and challenges faced by the majority of older youth (and especially the ones who are not on TV or in committee hearings talking about their issues) who are aging out of the system at 21 without the knowledge, skills, permanent relationships, and supports they need to be self-sufficient, successful adults. To address these problems, we need data, goals, benchmarks, good program design, evaluation, and ultimately results. We also need a commitment to a meaningful public dialogue.

In order to begin to address our failures to prepare older youth, we must shift the way that we think about our investment in foster youth and their potential and the way we communicate it to them. Establishing expectations and goals are essential. One of the most striking and discouraging issues that our teen staff have run into again and again in their research and preparation is that CFSA does not have goals and benchmarks for older youth in several important areas including education, employment, preparing to age out, and developing permanent relationships. The absence of goals sends a very troubling message to our youth. It says we that we don't think they can accomplish much. We need to change that message. They need to know we believe in their abilities.

Of course, there is the Cap Stat website and the CFSA performance indicators. While these include important information about investigations and social worker visits – the focus is on minutia. We have a system that is driven by box checking – and—at least in theory—holds itself accountable for checking those boxes. But it is missing the larger purpose. The real performance indicators for CFSA should be how many children are in permanent homes and what happens to foster youth when they age out at 21. Those are the only success indicators that have any real meaning. Box checking ducks our fundamental responsibility to prepare these children for life after they age out at 21.

We are asking CFSA, the DC Committee on Human Services, and the child welfare community to take a step back and rethink the way we are approaching our work with older youth in the child welfare system. We have several suggestions about local DC legislative and regulatory initiatives that will help us do that.

Education and Employment

Education—and specifically college—is probably the single most effective strategy for increasing the life prospects and well-being for foster youth. Yet education seems to be absent from agency goals and data collection. After three months of inquiries (including data requests for our Older Youth Hearing) – we have no significant data or information about the education that older youth are receiving.

What we do know is that the rates of college enrollment are low. In May 2009, CFSA reported that 82 youth ages 18-23 were enrolled in college (community or 4-year programs): that's about 8-10% of the total older youth population. This number is low compared to national foster youth enrollment rates of 13%, a DC youth enrollment rates of 29%, and national youth enrollment

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rates of 48%.[1] What's more troubling is that foster youth graduation rates are close to DC youth high school graduation rates (43% and 40% respectively). But college enrollment rates differ significantly: 29% for DC youth and 8-10% for foster youth.

Further, foster youth face many placement-related school barriers: When youth change placements -- 44% do once a year – they change schools and usually lose 3 to 6 months of their education.[2] Group home rules and strict curfews often prohibit youth from taking part in after school activities. Further, most group homes and ILPs offer little educational support for youth residents. Although CFSA does not have data available on these issues, a 2007 study by the Bay Area Social Service Consortium found that foster youth experience reduced levels of engagement, increase expulsion and discipline problems and that 40-41% of foster youth repeat grades.[3]

Currently, CFSA has one program in place to address the educational and employment needs of older youth. Center for Keys for Life (CKL—which is now called the Office of Youth Empowerment) receives $1.1 million in federal grants through the Chafee program. CKL keeps a low profile. There are few materials, no website, little outreach, and limited accessibility. Youth have to be referred by their social workers. As a result, CKL reaches only a fraction of the older youth who need their services. In 2007 reports to Children's Bureau, CKL reported serving 35 youth to achieve their academic goals; 30 in 2008;[4] 30 in 2009. That's 3% of the older youth population.

The performance oversight questions asked as part of this hearing included inquires about goals, benchmarks, and outcomes for CKFL. There were none provided. CFSA did provide the total number of youth receiving educational services (30) and the total number receiving life skills training (436). However, there was no information about how many hours of training youth actually received, what they learned, or how they used it. Were the 436 youth participants in conferences or outreach activities or did they actually achieve some kind of outcome through the program. CFSA has not provided any kind of schedule of training or detailed description of training objectives, or any kind of comprehensive plan for this program.

Recommendation: Ten years of mismanagement is long enough. We fully support Chairman Wells proposal to reclassify the Center for Keys for Life as a community based program funded through a competitive RFP process for $1,091,992 in Chafee grant money. To ensure high quality youth-focused programming, the RFP will set a new precedent with a number of requirements including: 1) youth decision making; 2) community involvement; 3) youth-focused outcomes; 4) bi-annual collection and public sharing of youth outcome data; and 5) providing matching funds of 20% of the budget. An effective education-employment program for foster youth could be the foundation of a transition center that would provide additional support in these areas to youth aging out.

The Education and Training Voucher (ETV) is a federal grant program that provides up to $5,000 to foster youth enrolled in college, university and vocational training programs to support a range of educational needs. Administered by CKFL, this program received $207,052 in federal grants distributed to 123 youth in college and trade school for 2008. For many youth, especially those in vocational school, the ETV is the only source of financial aid that they have access to.

Based on our experience with our own youth staff and dozens we've interviewed – this program is being administered in a way that undercuts youth's attempts to further their education and violates

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federal guidelines. The program has no publically accessible guidelines, application procedures or website and has created a number of obstacles that discourage youth from seeking funding. Most youth we interviewed are not unaware ETV even exists and are misinformed about having to attend CKFL in order to receive funds. Youth who have tried to apply have been discouraged, rejected, and misinformed about deadlines and what is covered. One young woman who received the ETV and other financial aid complained about being harassed by a collection agency because her bills were not paid by CKFL. One young man we worked with was denied an application and advised by CKFL to sell drugs instead of going to school because he could make more money. One young woman who was denied an application for cosmetology school was not able to get approval before aging out and never had a chance to go to school. She is struggling to make ends meet with a child and no job. The list goes on…

Recommendation: Like CKFL, ETV should be run by an organization and staff whose intention is to get as many foster youth into school as possible. We recommend that the program be reclassified as a community based program funded through a competitive RFP process. To ensure high quality youth-focused programming, the RFP will set a new precedent with a number of requirements including: 1) youth and community involvement; 2) youth-focused goals and outcomes; 3) bi-annual collection and public sharing of youth outcome data; and 4) publically accessible guidelines and operating procedures.

Quality and Resource Allocation in Congregate Care

About a third of older youth reside in congregate care: 159 in group homes, 162 in Independent Living Programs, and 88 in Residential Treatment Centers. Currently, CFSA contracts with 22 group home providers, 9 independent living program providers, and 33 residential treatment centers. Although there has been some improvement in congregate care quality since the regulations were passed in 2001, in general these contractors continue to be overcompensated and underperforming.

According to the 2008 Auditor's report on congregate care, the median contract payout rate ranges from $73,000 to $174,000 per youth per year.[5] This payout level is among the highest in the country. Since FCC started our work in 1999, contract award levels have doubled. Yet, facilities are not required to meet specific outcomes or contribute to youth development (personal, academic, employment) or well being, keep data, or even commit to keeping teen residents in care. During a time of budget cuts, it is essential to take a hard look at our contract rates and the quality of services we are getting and make a transition to performance based contracts. Further, resource allocation is in many cases is grossly disproportionate, with funds going to support large, expensive staffs while minimal resources are provided for youth. Staffing models seem to be based on a juvenile justice group home system that requires higher staff to resident ratios and an emphasis on security.

Although data on group home operations and impact is hard to come by, many of our teen staff and members complain of a range of quality of life issues. Meals are often skipped. Food is locked up and of poor nutritional quality. Transportation is inadequate. Allowance is often withheld when teens have jobs and provided at a minimal level (average is $10 a week) when they don't. Disciplinary guidelines are inconsistently and unfairly enforced. Staff are often poorly trained, petty, and frequently violate youth confidentiality. Facilities lack basic infrastructure like

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hot water, fully working toilets, and rodent free kitchens. Further, youth do not have the financial support to buy clothes, get hair care, buy hygiene products, or buy school supplies.

Further, teens residing in residential care report very little development support. Counselors are rarely available. Youth training is sporadic and poorly delivered. Working computers with internet are rare as are tutors or academic support. Staff are unaware of youth rights or house regulations, are not adequately screened, and do not seem to be emotionally prepared to work with youth. Further, teens report frequent disruptions of privacy, no protection from theft or violent house mates, and unfair allowance withholding.

Recommendations: There are several issues that need to be addressed here.

First, the overall quality and orientation of group homes and ILPs need to be addressed and the transition made from a profit maximization (and so provide as little care as possible) model to proven, evaluated, results-oriented programs that can prepare our youth for college, employment, and self-sufficiency. We have a few successful youth development focused models (LAYC, Catholic Charities, and Sasha Bruce are three who we've worked with). We need to replicate and expand our existing models, attract new models to DC, and shut down the programs that are not producing positive outcomes.

Next, contractors need to be held to much more rigorous standards performance based outcomes, consistent and detailed financial statements, and collecting and sharing data with the public. We were glad to read in the Oversight Responses that the Human Care Agreements are moving forward but they have been for two years now. When will they actually be implemented? As of October 1, 2010 – CFSA will be required by federal mandate collect data for the National Youth in Transition Database (NYTD) on each youth who receives independent living services and to collect demographic and outcome information on a specific cohort who they will follow through surveys at 17, 19, and 21. It's critical that these data collection provisions are part of the congregate care contracts.

Finally, youth support needs must be addressed. We recommend expanding the scope of group home and ILP regulations (Chapter 62 and 63) to ensure that adequate resources are being devoted to youth care and development specifically in the areas of financial support, academic strengthening, and increased youth development support. These expanded regulations must focus on four main areas:

1) Require that group homes spend minimal percentages of budget resources directly on youth

2) Increase the resources allocated directly to youth for material needs and savings through a Mandatory Allowance Program (MAP) that would provide the following:
   - ✓ Monthly allowance via direct deposit to all qualifying youth living in group homes
   - ✓ 15-16 year olds receive $300; 17 and older receive $350 as long as they meet program standards for grades, school attendance, and enrichment program participation
   - ✓ All youth receive a base allowance of $150 a month regardless of MAP participation
   - ✓ All youth receive a mandatory savings allotment of $50

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3) Increase the quality and quantity of youth development and life skills training and support. In particular, MAP would support teaching of financial skills essential to youth as they age out.

4) Improve academic support and resources for youth

Confronting the Challenges of Aging Out

The real performance indicators for CFSA – which don't appear anywhere on the Cap Stat website -- are what happens to foster youth after they age out at 21. Are they in permanent families? In college? Making a livable wage? Are they living on the street? Couch hopping? In jail?

According to Child and Family Service's own 2008 Quality Service Review about DC foster youth transitioning out of care, at the time of discharge from the system:[6]

- ✓ Only 14% have all the necessary resources to support themselves
- ✓ 66% suffer from mental illness or substance abuse
- ✓ 34% are pregnant or parenting
- ✓ 40% have their high school diploma
- ✓ 10% are enrolled in college

- ✓ 37% had identified an adult connection that would support them after leaving the system.
- ✓ 34% were living in independent apartments when they emancipated.
- ✓ 14% had documented physical medical needs requiring long-term attention.
- ✓ 59% had insufficient funds to cover their living expenses,
- ✓ 46% were unemployed

Although DC does not keep data on youth aging out, a 2007 study by the University of Chicago focused on foster youth in the Midwest found that 68% of men and 46% of women are arrested within one year of aging out and that the average earnings of a foster care youth during the first year after aging out is $7,000.[7] The 88 youth who reside in residential treatment centers (RTCs) face even more significant burdens since they are cut off geographically from family and community support and then at age 21 sent back to DC to live on their own.

Right now, CFSA funds two programs to support older youth during their 21st year, as they age out. For the past five years, the Community Collaboratives have been contracted to provide services to transitioning youth. We learned by reading the Oversight Responses that 6 Collaboratives were being paid $250,700 to serve 100 youth in 2009. This was news to YWP (and many of the Collaboratives) who told us that there were actually three Collaboratives (North Capitol, South Washington West of the River, Far Southwest) providing services to 55 youth during 2009. Our interviews with staff and leadership at these programs indicate that the Collaborative Aftercare program is pretty much a referral service. Youth come in and meet with staff or volunteers – who refer them to other organizations for services. There is no follow up, no tracking, no benchmarks, and little data available about outcomes or what youth learned or how they used the referrals.

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Housing is a major obstacle for youth aging out of care – the majority of whom end up couch surfing or homeless. Currently, CFSA has one housing support program. Rapid Housing, administered by the Collaboratives, provides housing assistance for families with children and youth aging out of care through a $5,000 rental subsidy available to youth employed full-time or enrolled in school and working part-time to qualify for funds. For FY08, $750,000 was allocated, and 79 emancipating youth were served, along with 49 families. Although this program is important – it does not serve the neediest youth who are unlikely to have full time livable-wage jobs.

Recommendations: YWP supports the creation of a community-based, adult-youth run DC Foster Youth Transition Center (YTC) that would provide intensive training and support services for youth ages 15-25 in a nurturing environment that offered a range of services and training in life skills, academic strengthening, employment preparation and placement, housing, health, and relationship building. Built on a foundation of youth development programming, the Center would provide:

- Individualized support services for finishing high school and enrolling in college, connections to jobs and housing, financial management, and health care access.
- Group trainings that allow for peer-to-peer and interactive learning and build youth skills in self advocacy, leadership, health and wellness, and life skills.
- Youth-accessible hours as well as a hotline youth can call for quick help.
- Genuine commitment to youth by involving them on YTC staff and boards

Such a Center could be created and financially supported by consolidating several ineffective CFSA programs and contracts – mainly CKFL and the Collaborative Aftercare program. The Center would be awarded through a rigorous RPF process to a community based organization (or collaboration) with a record of successful youth outcomes, expertise in employment, education and youth development, and engaging youth as leaders and staff.

We also support the expansion of Rapid Housing to include the neediest transitioning youth who may not have full time employment. We are heartened to find out that CFSA is considering working with Covenant House to create more housing options for youth aging out. We urge them to pursue this.

Understanding and Enforcing Youth Rights

Right now – there is no one place where all youth rights – as they are stated in case law, CFSA policy, group home and ILP regulations and other places – are listed and explained. Youth don't know what they are entitled to so they can't self advocate. Adult advocates are also missing key information. For the few youth who do know their rights -- when there is a violation, there is no consistent, neutral place to report. Understanding and enforcing youth rights is an essential first step in improving their lives in the system.

Recommendation: YWP supports DC legislation to create a DC Foster Youth Bill of Rights. We were pleased to read in the Oversight Responses that CFSA has been working on a Youth Bill of Rights and that it will be completed by May. Our youth have also been working on a similar project. Because this project – and having it completed ASAP – is so important, we would like to work on parallel tracks. Since CFSA's Youth Advisory Board is taking the lead on this, it's a great opportunity for our youth to work together. There are many great models for this work and many

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states (Massachusetts, Arizona, California, Texas, Nebraska and others) which have legislation already in place.

Improving Data collection and Public Reporting

The inability of CFSA to collect and share data and information in a consistent and accessible way is a significant obstacle to effective advocacy, good program design, public engagement, and quality services. The most consistent, reliable source of information any of us have about what is going on at CFSA are the reports from Center for the Study of Social Policy. These reports are essential to inform oversight efforts and advocacy work. The data situation has to be addressed asap. It creates a bad dynamic. We are spending all of our time trying to get data and information rather than problem solving. Our organizational experience trying to get information and data during the past three months, as we worked on developing the Yes Youth Can hearing in January was especially frustrating. We submitted a data and information request with about 50 items and received responses for 5.

Recommendation: We are recommending the CFSA be required to start collecting and publically sharing data and information on critical areas impacting older youth well being including education, employment, aging out, permanent relationships, health, and the quality of congregate care. This data should be shared through three website accessible report cards that are updated quarterly. We were happy to hear Dr. Gerald mention that the Young Advisory Board was putting together a congregate care report card as part of this work. This is an excellent idea and very much needed.

Soon, CFSA will be required by federal law to start collecting data on older youth. As of October 1, 2010 – CFSA will be required by federal mandate collect data for the National Youth in Transition Database (NYTD) on each youth who receives independent living services, surveying youth on the following outcomes: 1) financial self-sufficiency; 2) experience with homelessness; 3) educational attainment; 4) positive connections with adults; 5) high-risk behavior; and 6) access to health insurance. We recommend that the data they are collecting as part of this federal requirement be made available on their website and updated annually.

Permanency for Older Youth

We are concerned that CFSA is not making meaningful progress toward improving permanency outcomes – especially for older youth. CFSA's ability to achieve timely permanency for children and youth should be an important measure of the agency's performance. Although APPLA numbers are decreasing, they're only decreasing because youth are aging out of the system; not because they're gaining permanence. In 2009, 172[8] youth emancipated from District care. Based on current population numbers of youth goaled APPLA in District care, over 550 more youth will age out of DC foster care system between 2010 and 2013[9].

Currently, CFSA has a permanency target of 48 percent, a 7.4 increase from 2008. Yet, only 24.6 percent of children achieved permanency[10]. Data obtained from CFSA between August to October 2009 shows that out of almost 1,200 youth aged 13 and older, only 15 exited care through adoption, 21 through guardianship, and 93 through reunification (a total of 12%)[11]. Thus, CFSA did not achieve any this permanency performance indicator for older youth[12]. In the DC CFSA Oversight Hearing last week, several child welfare stakeholders testified about this problem.

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In regards to older youth, currently, minimal efforts have been made to address the barriers of achieving permanence for this population, thus costing the District millions for high cost care which is not supported by positive youth outcomes. Adopting practices to address the issues of older youth permanence in the District can save hundreds of youth from the perils which await them when they exit District care without permanent supports while ensuring the District is taking fiscally responsible measures to improve agency performance.

The failure to find permanent homes for older youth has lead to a steady stream of young people who are on the path to emancipate from care. Here are some of their stories. Youth who emancipate from District care are more likely to end up homeless, in jail, and on public assistance because they are not connected to a permanent family support network. In 2009, 172 youth emancipated from the District's foster care system. In the January Youth Roundtable, we heard from Dax Jasper, who emancipated in October, speak of his struggles since losing his job but was fortunate to be spared from homelessness by residing with his friend's family. Janice Watts, who emancipated in August with her son, spoke of how she was also spared from homelessness with support from Catholic Charities and after-care support from Sasha Bruce. Erica McCard, who emancipated in July, spoke of her success in a computer technology program despite having to sleep on her friend's couch after she emancipated. Then there are those who were not present nor were not as fortunate.

Since joining YWP in 2008, I have had the privilege of working with about 33 DC foster youth who were staff members of our program. The majority of these youth had the permanency goal of APPLA (Alternative Planned Permanent Living Arrangement) and five have since emancipated from care. The day to day struggles of these youth –most of whom do not have permanent homes or adults to support them –have inspired FCC to take on permanency as part of our five point agenda. Last year, as a documentary film maker, I set out to identify the best practices in permanence and through this project hoped to find solutions to provide youth permanent homes. Unfortunately, after 17 hours of footage, I was unable to identify standardized best practices to ensure older youth in the District gain permanence; instead we found the standard practice of preparing youth to age out.

Two of our former FCC youth staff who emancipated this year continue to deal with life-threatening obstacles. One young man, who emancipated in February 2009, left his decade-long foster home placement to become homeless and incarcerated in less than one year. Another was hospitalized with a life threatening illness and was helped by the efforts of his former ILP – who helped him to reestablish a permanent connection. The most tragic case is a friend of several of our teen staff members -- Dominique Curtis, mother of two, who left her independent living program in April 2009, was found murdered several weeks after her emancipation. These stories illustrate the reality of what youth are faced with after aging out of the DC foster care system without permanent and reliable connections to adults to support them and provide them with permanent homes. Accounting for more than half of the CFSA out-of-home population, a greater number of older youth 13 and up are on the path to emancipate from foster care rather than being placed in permanent homes.

Minimal efforts have been made to ensure older youth will achieve permanence beyond those required through the October 2008 federal court stipulated order. In following with a provision of the court order to complete reviews of all children with the permanency goal of APPLA (Alternative Planned Permanent Living Arrangement) for inclusion in the 2009 Strategy

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Plan, CFSA reviewed 722 out of more than 800 APPLA cases[13]. According to Dr. Gerald's January, 22nd 2010 Youth Roundtable testimony, these reviews revealed 80 percent (578) of the youth already had an established or potential lifelong connection with at least one stable, caring adult and that 29 percent (167) of the adults confirmed those relationships. While 26 percent (178) have incorporated case plans with specific actions to solidify permanent or connected relationships, only 5 percent (36) of the reviewed youth achieved permanence. Little has been specified on how the agency will address continuing to work to identify permanent connections for youth who have been identified as not having any.

CFSA's standard practice with older youth is to prepare them to age out even as viable permanency options may still be available. Examples of this were demonstrated during the January Youth Roundtable as we heard from youth goaled APPLA, despite the availability of caring adults who could provide them a permanent home. Sarah Ocran was given the goal of APPLA despite her Godmother's interest and efforts to have her placed in her home. Trey Jones hasn't had any specific action incorporated in his case plan to place him among the numerous family members he has. A 2008 CFSA study, on youth aging out of the DC foster care system addresses the lack of focus on older youth permanence by raising the question on whether the child welfare system continually assessed family circumstances and consistently queried parents/guardians about other relatives who might have provided permanency for youth[14].

Kinship placements are essential to maintaining family connections and increase the likelihood of permanence. Yet CFSA's kinship placements have steadily declined -- from 19.8 percent in 2006 to 15.7 in 2009[15]. CFSA fell short of its 2009 performance target to expand kinship placements by 20 percent.[16] 1[17] The CFSA 2010 fiscal year performance plan does not prioritize improving kinship placements as a key performance indicator[18]. Nationally kinship placements account for about 24 percent of placements for children and youth in foster care[19]. DC's 2009 rate was about 7%: 47 out of the 696 DC foster youth goaled APPLA were placed in kinship homes[20].

CFSA has identified kinship care a priority strategy for permanency planning for older youth. Yet the majority of older APPLA youth are placed in foster homes (many without an intention to continue as a resource parent after emancipation) and high-cost congregate care settings[21]. Foster homes may provide stability while youth are in care, however many foster parents do not provide youth the permanent homes youth need through adulthood. Congregate Care placements are expensive and not required to contribute to permanence in any way. Utilizing kinship placements as a more conventional and economically feasible means to achieve permanence for youth would greatly improve outcomes.

The agency's 2010 performance plan does not address the systemic barriers to permanency for DC foster youth. One initiative outlined in the plan is to increase and expedite youth permanency through contracting with Permanency Opportunities Program (POP), a program of Adoptions Together[22]. This promising model has shown that with concerted permanency planning, permanent outcomes for children and youth can be achieved. But the program only reaches 45 children. Older youth permanence however, has been addressed in the 2010 performance plan through the refinement of existing youth services model[23]; however it is unclear how those existing models relate to improved permanency outcomes for youth. The Ansell-Casey Life Skills Assessment (ACLSA) tool, indicated in the performance plan as a permanency

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initiative, is a tool to help young people prepare for adulthood not a tool to support youth to achieve permanence.

It is important that CFSA develop a strategic plan to improve permanency outcomes and ensure adequate funding to support those efforts. National and local models reflect that positive permanency outcomes can be achieved when agencies are willing to invest the time and money to address the barriers which keep older youth from permanent homes. We agree with the recommendation by the Foster and Adoptive Parent Advocacy Center (FAPAC) study – that social workers should receive permanency training[24]. This may be one strategic method of ensuring case carrying workers have the knowledge and tools to navigate youth through the permanency process without CFSA needing to rely on contracting this work out of the agency. Family Search and Engagement (FSE) a practice developed by the National Resource Center for Family Centered Practice and Permanency Planning at the Hunter School of Social Work has demonstrated permanent outcomes for youth and cost-savings for jurisdictions which adopt this practice model[25]. Fostering Connections may provide 55 to 75 percent federal reimbursement for this type of training to public and private agency staff and a number of other stakeholders.

CFSA should have a standardized practice that supports older youth to gain permanence. We have not seen evidence that this issue is being prioritized or that there is a strategy in place to address this problem. Youth 13 and up account for about 55 percent of the CFSA out-of-home population. The majority (58 percent) of these youth have a permanency goal of APPLA[26]; 74 percent of older youth have been in care for more than 24 months[27]. These youth are the least likely to be adopted or matched with legal guardians and thus have limited options for permanence. On the issue of older youth lingering in care, Dr. Gerald stated during the 2010 CFSA Performance Oversight Hearing that, "Once you have the youth in care, it is much more difficult to get older youth out of care, and easier to really keep them in care." We would like to know how the Agency plans to address this challenge. The lack of permanence for emancipated youth creates significant barriers to youth becoming well functioning adults and further exacerbates barriers their in education, employment, as well as mental and physical long-term well being.

Recommendations: We have three recommendations for improving permanency outcomes for older youth in the DC foster care system:

1) Establish programs that support older youth to gain permanence: Currently youth understanding of how permanence benefits them as young adults is limited. Many are under the impression that they should have all the knowledge, skills, and tools to be successfully independent at 21. This false impression of adulthood should be addressed through education. At FCC, most of our foster youth staff learned about permanence at YWP rather than from their caseworkers. FCC programs support youth understanding of the importance of permanence and how not having permanent supports can negatively impact youth in the long-run. One youth stated that he thought it would be embarrassing for a youth to rely on adults after 21, but now he realizes it is normal. Providing youth outlets to process the normalcy of significant adult support beyond 21 is important to removing barriers to explore legal permanence options for older youth.

Promising practices show older youth can achieve permanence when practice is centered on the needs of this population. Some of these practices involve education of youth, adults, greater focus on teen specific recruitment strategies, etc. One model program, Voices to Permanency/ Teens2Homes in Ohio improves permanency outcomes for older youth through peer groups,

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summer camps, circles of support, mentors, and trainings for child welfare support workers and family members[28]. Through this program older youth have become more open to permanence and several have gained permanence. The Tennessee Youth Advisory Council (TYAC) utilizes foster youth alumni peer advocates to educate and mentor youth currently in care. The Advocates attend meetings to ensure foster youth understand their options and are able to advocate for what they need. The current District pilot program, Permanency Opportunities Project (POP), is already working to make permanence a realization for 65 children and youth for the 2010 fiscal year and another 45 children and youth in the 2011 fiscal year. POP is utilizing best practice case mining and other permanence related efforts to identify youth connections. POP has been able to get around permanency barriers social workers have been unable to resolve.

2) Build youth relational skills: Older youth need the knowledge and skills to explore their permanence options. Due to the many fragmented relationships foster youth endure, youth often lack the skills necessary to build healthy support networks. A 2008 study on relational permanence from the University of Chicago, Chapin Hall, states that relational skills are some of the most crucial assets threatened by a childhood experience of trauma and abuse, separation from biological family, and ambiguous ties to a family system[29]. There are few structured educational opportunities to support youth needs to build relational skills in the District. For example, the Ansell-Casey curriculum currently used the Office of Youth Empowerment to provide life skills training to youth in care has a limited focus on relationship building and provides no curriculum focusing on permanency.

3) Educate and train workers: In order to support permanency for older youth, workers must be trained and educated on how to best work with children and resource parents to meet the long term permanency needs of youth. The 2009 study conducted by Foster and Adoptive Parent Advocacy Center (FAPAC) identified resolving children's concerns around permanency as one of the greatest barriers social workers face in the permanency process[30]. According to the CFSA Office of Training Services report, there are few trainings provided to District child welfare workers on permanence and none on permanence for older youth[31].

YWP supports the FAPAC study recommendation to provide social worker training to address children's adoption related concerns and fears. As the front line staff who have the most contact with youth, it is imperative workers have the skills needed to steer youth towards permanence; rather than support youth to make decisions about their long term well-being based on youth desire to be independent from caretakers and therefore placed in Independent Living Programs. Permanency related trainings for District child welfare workers can be supported through Title IV-E federal funding.

We hope the Senate Subcommittee found this information insightful and will look further into our recommendations. Thank you for this opportunity to present testimony and we hope to continue to serve as a resource for you.

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Statement for the Hearing Record by the Council for Court Excellence to the United States Senate Committee on Homeland Security and Government Affairs Subcommittee on Oversight of Government Management, Federal Workforce, and the District of Columbia

"Assessing Foster Care and Family Services in the District of Columbia: Challenges and Solutions"

March 18, 2010

The Council for Court Excellence (CCE) is a local, non-partisan civic organization that works to improve the administration of justice in the District of Columbia. For 28 years, the Council for Court Excellence has been a unique resource for this city, bringing together members of the civic, legal, business, and judicial communities to work in common purpose to improve the administration of justice in the courts and related agencies. As is our policy, no judicial member of the Council for Court Excellence board of directors participated in preparing this statement.

Since October 1999, the Council for Court Excellence has been privileged to facilitate the work of the DC Child Welfare Leadership Team. This voluntary group is comprised of the leaders of the Child and Family Services Agency, the Office of the DC Attorney General, the DC Superior Court Family Court, the Department of Mental Health, and others, including the Court-appointed Monitor under the *LaShawn* litigation. Because all the listed public agencies share responsibility for the quality of the District's child welfare system, the Child Welfare Leadership Team (CWLT) functions to set compliance and performance goals and coordinate their respective agencies' efforts to meet those goals. Chief Judge Lee Satterfield's testimony at this hearing discussed some of the accomplishments of the CWLT since 1999.

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Since the Child Welfare Leadership Team formed, CCE has published reports in 2002, 2004, and 2006 on the performance of the District's child welfare system, including a comprehensive, Congressionally-funded research report to the Congress in May 2004.

The child welfare system's broad goals are to provide for the safety, permanency, and well-being of the children who come to its attention. This statement will focus on the fact that the District's child welfare system is doing far less well than it needs to on the goal of permanency: that is, finding permanent families for all foster children and doing so with a sense of urgency and speed.

Since fiscal year 2004, the good news is that the number of DC children in foster care has declined by nearly 700, from 2,824 to 2,144. One might expect that the lower caseload in foster care would permit all the professionals in the system to work with more speed to achieve permanency for the children who remain. However, the results do not bear that out. **Permanency appears to have slowed down for far too many DC foster children since CCE last reported to the Congress in 2004:**

- Of the 2,824 DC children in foster care at the end of **fiscal 2004, only 36% had been in care for more than two years. Now, 58%** of the 2,144 foster children **have been in care for more than two years and 36%** (777 of 2,144) **have been in care for more than <u>four</u> years.**

We can't emphasize too strongly that **delays in permanency for DC foster children are the responsibility of the entire system** -- including the Family Court, all the private attorneys appointed by the Family Court to represent children and indigent adults, and the Office of the DC Attorney General -- and they should not be placed solely at the doorstep of the Child and Family Services Agency.

There are various ways neglected children can achieve permanent families. Listed below are disturbing data for each permanency option, drawn (as were the statistics above) from CFSA's published annual reports:

- First, stabilizing a family so that their children can remain at home, avoiding foster care, or return home from foster care is, and should remain, the principal goal of the child welfare system. In fiscal 2009, 358 foster children were reunified with their primary caregiver and thus left the foster care system. However, 121 or 34% of the 358

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reunifications occurred within one month of the child's removal from home. It would be a good idea to review these cases to determine if CFSA made the ASFA-required reasonable efforts to prevent the trauma of removal by providing in-home services to the at-risk families.

- Second, adoptions have declined significantly each of the past six fiscal years: 420 in 2004, 279 in 2005, 198 in 2006, 161 in 2007, 119 in 2008, and 108 in 2009. With only 108 adoptions in fiscal 2009 and 491 other foster children with that court-approved permanency goal at the end of fiscal 2009, **at the current rate of speed it could take nearly five more years to complete adoptions for those 491 children**, which should not be acceptable to anyone.

  We emphasize here that CFSA is responsible for finding the adoptive families and promptly providing necessary documentation and subsidy agreements, but private attorneys and the Family Court, not CFSA or the Office of the DC Attorney General, handle the adoption legal work. It is commendable that CFSA and the Family Court made a special effort in fall 2009 to expedite some adoptions that had been stalled, and we hope that they will continue that partnership and commitment to expedite pending adoptions throughout fiscal 2010 and beyond.
- Third, guardianships, which usually involve a member of the foster child's biological family, have also declined over the past few years. There were only 88 in fiscal 2009 and 108 in fiscal 2008, compared to 203 in 2004 and 218 in 2005. With only 88 guardianships in fiscal 2009 and 284 other foster children with that court-approved permanency goal at the end of fiscal 2009, **at the current rate of speed it could take more than three more years to complete guardianships for those 284 children**. This also should not be acceptable to anyone.
- Fourth, 700 or 32% of the 2,144 children in foster care at the end of fiscal 2009 had a court-approved permanency goal of Alternative Planned Permanent Living Arrangement, or APPLA. When a judge approves the APPLA goal, it means that the District's child welfare system has given up on finding that child a permanent family, and is instead trying to help them prepare to live without formal ties to a family but to forge an informal connection with a caring adult by the time they lose the support of the foster care system

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at age 21 or earlier. 90% of those 700 APPLA children have been in foster care for more than two years, and 68% have been in foster care for more than four years. The District's child welfare system is failing them.

- Finally, 175 DC children did age out of the foster care system in fiscal 2009 or chose to leave before age 21, without achieving permanency.

For the past eight years, the DC Superior Court Family Court has been making a prompt decision, within ASFA's 14-month deadline, on what a foster child's permanency goal is. But as the data above make quite clear, **all parts of the District's child welfare system are taking far too long to implement that permanency decision** (perhaps at least partly because ASFA sets no deadline for implementation). There seems to be little shared understanding among all the professionals in the District's child welfare system of how urgent it is for a child to achieve actual legal permanency in a timely fashion with their birth family or another family. Otherwise, it is difficult to explain the District's lack of progress on permanency over the past six years despite reduced caseloads.

We commend CFSA's director, Dr. Roque Gerald, for the important steps he has taken over the past 18 months to make it far more difficult to consign any foster child to the permanency goal of APPLA and to help those 700 children who do have that goal to develop informal connections to a caring adult that will outlast their stay in foster care. Those are good starts, but the District still must move far more quickly to achieve real and permanent families for most children in foster care.

Finally, we urge this committee to provide close oversight of the performance of the District's child welfare system, for which Congress is the principal funder, and we urge you to pay special attention to the issue of prompt permanency for all of the District's foster children.

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Post-Hearing Questions for the Record
Submitted to Director Roque R. Gerald
From Senator Daniel K. Akaka

"Assessing Foster Care and Family Services in the District of Columbia: Challenges and Solutions"
March 16, 2010

1. In your testimony you stated: "throughout much of the last decade CFSA made significant progress in expediting a backlog of stalled adoptions. However, by 2008, adoptions began to decline. While some of this was attributable to the decline in the District's foster care population, it is clear that barriers to timely permanency existed and needed to be addressed."

   Please provide the Subcommittee with:

   a. Data on the progress CFSA made during the last decade in expediting the backlog of adoptions.

Fiscal Year	# Of Adoption Exits	# Of Children with Goal	Percent
FY 2003	277	1439	19.25%
FY 2004	373	1249	29.86%
FY 2005	332	1053	31.53%
FY 2006	185	853	21.69%
FY 2007	154	695	22.16%
FY 2008	110	609	18.06%
FY 2009	108	592	18.24%

The table above shows that CFSA's highest number of adoptions took place in Fiscal Years 2004 and 2005. With the exception of those two years, the percentage of children with the goal of adoption who exited to adoption was in the 19-22% range.

   b. Since 2005, the number of children adopted largely has followed a downward trend. Please explain the reasoning behind the identification of 2008 as the year adoptions began to decline.

Please see table above. FY 2008 saw the lowest percentage of children with the goal of adoption exiting to adoption since FY 2003.

   c. The reasoning for attributing some of the decline in adoptions to the decline in the District's foster care population, including data on the percentage of children in foster care with adoption as a permanency goal who were adopted each year from 2005 through 2009.

Please see table above.

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d. Please explain other factors that contributed to the downward trend in the number of adoptions and guardianships being finalized since 2005.

As the table provided in response to question 1a demonstrates, while the number of adoptions has declined, the percentage of children with the goal of adoption who are exiting to final adoptions declined slightly (with the exception of spikes in 2004 and 2005). This trend in the District is similar to the national trend related to adoptions, which was the result of implementing the Adoption and Safe Families Act (ASFA).

Further, through child welfare reforms, CFSA has made significant progress in reducing the number of children in foster care and increasing the number of children that are served safely in their home. Children that remain in care tend to be older, part of large sibling groups, have complex issues and/or face multiple barriers to permanency. Please see the responses to question 3 and 4 for information on how CFSA is addressing these issues.

2. Please explain how CFSA set 125 as the 2009 adoption target. If CFSA used a formula to derive the numerical target, please describe the formula, including what factors are included, and how they are weighted.

For CY 2009, CFSA set a goal of finalizing adoptions for 25% (125) of children/youth with the goal of adoption (an approximate 7% increase over CY 2008). CFSA exceeded this goal by achieving 128 finalized adoptions.

3. What is CFSA's 2010 adoption goal? Is there a strategic plan to ensure the adoption goal is met? If yes, please attach the plan along with your responses.

For 2010, CFSA set a goal of finalizing adoptions for 26.5% (132) of children/youth with the goal of adoption.

CFSA's Out of Home Practice Model (the Practice Model)[1] *serves as the Agency's strategic plan for permanency which encompasses adoption. CFSA prioritizes the goals of reunification, adoption by kin, permanent guardianship by kin, and non-kin adoption (in this order) because these goals best serve children and families, and align with the Agency's mission.*

The Practice Model guides practice for CFSA and its private partners and institutionalizes the use of teaming through the case planning process. The Model is built upon a core team comprised of the social worker, nurse care manager and the family support worker. Families, relatives, foster parents, neighbors and other professionals are important in ensuring the all children have the appropriate permanence solution that meets their specific needs and that all resources necessary to expedite permanence for children are in place.

[1] To access the practice model, please visit http://www.cfsa.dc.gov/cfsa/frames.asp?doc=/cfsa/lib/cfsa/reports_and_assessments/out_home_practice_model.pdf.

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There are two strategic efforts that are key to the implementation of the Practice Model. First, the Permanency Opportunity Project (POP) is a strategic effort that brings the public and private sector under one umbrella of practice that identifies and remedies barriers that delay the finalization of adoption for children currently in adoptive homes and expedites the identification of prospective adoptive homes for children not yet in one.

Second, the Office of Youth Empowerment is a partnership between public and private child welfare agencies, families, youth and community that identifies customized permanence solution for older youth. In all cases youth are connected to a lifelong connection and provided access to services and resources that support their successful transition to adulthood.

Finally, all of these efforts are supported by closely partnering with the Family Court to ensure that all children and youth achieve safe and timely permanency.

4. As you know, it is particularly challenging to achieve permanency for older foster children. How does CFSA plan to increase the percentage of foster children above the age of twelve who achieve permanence through adoption or guardianship?

As mentioned in the response to question 3, the Office of Youth Empowerment (OYE) is a strategic effort that focuses on achieving permanency for older youth, identifying lifelong connections, and ensuring that youth are prepared to make successful transitions to adulthood. OYE accomplishes this by:

- *Engaging youth and their families/support networks to push for permanence, maintain safety and well being;*
- *Providing life skills and educational and vocational supports; and*
- *Providing intensive case management services.*

Further, OYE is supported by the Permanency Opportunities Project which provides assistance with expediting adoptions and consultation to OYE staff.

It is also important to note that the Council of the District of Columbia recently passed a law which extends the adoption and guardianship subsidy to age 21. We believe this will have a positive impact on older youth exiting to adoption and guardianship.

5. In her testimony, Ms. Meltzer suggested that absence of a long-term strategic plan has hindered CFSA efforts aimed at improving permanency outcomes. At the hearing, you stated that CFSA does have a strategic plan to fully implement current promising permanency practice models. Please provide the Subcommittee with this strategic plan.

CFSA's strategic plan for permanency is described in the response to question 3.

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6. Does CFSA have plans to integrate adoptdckids.org into the official Agency website? Does the official DC CFSA website have an easy-to-find link to adoptdckids.org?

   The CFSA home page does not currently link to adoptdckids.org. The agency is currently in the process of a website re-design that will be completed in June 2010. The adoptdckids.org site will be featured on the newly re-designed site.

7. In the Agency's 2009 performance plan, CFSA set the goal to increase the percentage of children in kinship care to 20 percent in Fiscal Year 2009, 22 percent in Fiscal Year 2010, and 25 percent in Fiscal Year 2011.

   a. At the end of Fiscal Year 2009, 322 of 2143 foster children, or 15 percent, lived in kinship care. Please identify the barriers that prevented the Agency from reaching its goal of 20 percent.

      There are a variety of circumstances contributing to a lower percentage of children living in kinship care than was initially targeted. In some instances, children were reunified with their natural family, ameliorating the need for placement in a kinship home. In other cases, kinship care resources were not easily identified, or did not readily come forth to serve as kinship care providers.

      Potential kinship resources often face barriers to licensure which prevent them from being a placement option. Some of the barriers include passing a criminal background check and/or Child Protection clearances or having insufficient income. In addition, many homes located in the District of Columbia have high levels of lead-based paint barring licensure of these homes.

      To enhance kinship care opportunities, CFSA implemented two programs: the Emergency Temporary Kinship License program; and the Maryland Emergency Temporary License program. CFSA also employed specialized units to train and license kinship providers, and both Saturday and one-on-one trainings were facilitated to accommodate family members unable to attend the group training due to their work schedules or other conflicts.

   b. Fostering Connections permits the waiving of foster care licensing rules for relatives when those rules do not directly relate to a child's safety (Pub. L. 110-351, § 104, *codified at* 42 U.S.C. §471(a) (10)). Has CFSA utilized this flexibility to make the kinship placement process more efficient?

      Yes, CFSA has utilized this flexibility to make the kinship placement process more efficient through the use of a formalized waiver process for non-safety related issues.

   c. Did CFSA include these kinship care performance benchmarks in the 2010 performance plan? If not, please explain.

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This goal was not included in the agency's FY 2010 performance plan because the format of the plan changed significantly to reflect the agency's division-based structure and new key performance indicators assigned to the new divisions. CFSA is still working diligently to increase kinship placements though the measure is not in the FY 2010 plan.

8. The Congress has recognized the important role school stability plays in ensuring a foster child achieves academic success, and Federal funding is available for "reasonable travel" from a child's foster care placement to his or her school. Has CFSA sought these payments?

CFSA will seek reimbursement through Title IV-E for transportation services. We recently implemented the necessary modifications to our management information system, FACES.net, to support federal claiming for costs associated with transporting Title IV-E eligible children to their "schools of origin", as is allowable under the Fostering Connections Legislation. We plan to pursue federal reimbursement for this education-related transportation by the end of FY 2010.

9. As of April 8, 2010, the CFSA website states that the Adoption Services Policy is currently undergoing revision and the Permanency Planning Policy is currently under development.

   a. When does CFSA plan to issue the revised Adoption Services Policy?

      The Permanency Planning Policy will be inclusive of adoptions.

   b. When does CFSA plan to complete the Permanency Planning Policy?

      The Permanency Planning Policy is scheduled for release in July 2010.

10. In 2009, CFSA, in partnership with the Department of Health Care Finance (DHCF), determined claiming for Medicaid case management would best be accomplished through the nurse care manager model, as opposed to Targeted Case Management (TCM). The State Plan Amendment (SPA) that was submitted by DHCF on February 4, 2010, reflects this decision, with claiming Medicaid reimbursements shifting from a social worker activity to one provided by nurses and solely for providing health and medical care management. On March 3, 2010, CFSA awarded Sivic Solutions Group the contract.

    a. Why did CFSA switch from TCM to the nurse care manager model? Please discuss the advantages and disadvantages of this change.
       Please see full response below.

    b. Why did CFSA change Medicaid claiming from being a social worker activity to solely a nurse activity?
       Please see full response below.

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CFSA and DHCF have been working closely to build the infrastructure required to accurately and effectively claim Medicaid Services. Also, to ensure that CFSA has effective internal oversight of our federal claiming, in the summer of 2009, the Director created a new position within the agency – Deputy Director for Revenue Operations.

When CFSA became aware of the disallowances in 2008, we immediately began working with the Department of Health Care Finance (DHCF) to develop corrective action plans which include randomized audits of case files, remediation of case records that are found to be deficient and training of social workers on appropriate documentation of Medicaid services. Despite these efforts, we reached the conclusion that future disallowances would more than likely occur unless there was a substantial change in our overall approach to claiming Medicaid, particularly in light of recent federal regulations. In consultation with DHCF and the Office of the City Administrator, CFSA therefore stopped claiming Medicaid as of January 31, 2009.

During FY 2009 our work with DHCF focused on ensuring compliance with District and federal regulations with the goal to return to claiming Targeted Case Management (TCM) by January 2009. Federal guidelines that were issued in the fall of 2009 made it clear that CFSA would not be able to return to TCM claiming under the current State Plan. Ultimately, CFSA determined that claiming for Medicaid case management would be best accomplished through the nurse care manager model. CFSA and DHCF collaborated on this project and developed and submitted a SPA to CMS on February 4, 2010. Pending CMS approval, the nurse care manager model will be implemented on July 1, 2010.

Through the nurse care manager model, registered nurses and/or other healthcare professionals will ensure that children in foster care receive necessary health care services to improve their well-being and overall health by serving as the primary coordinators of all aspects of health services for children in foster care.
Though returning to TCM claiming was the primary goal, CFSA and DHCF have also been working diligently toward the implementation of several other approaches to Medicaid claiming and/or cost avoidance:

- ⇒ *Nurse Care Management - registered nurses and/or other health care professionals ensure that children in foster care receive necessary health care services to improve their well-being and overall health by serving as the primary coordinators all aspects of health services for children in foster care.*
- ⇒ *CFSA Clinic (Healthy Horizons) - provides initial or pre-placement health assessments for children and youth entering out-of-home care, or changing to a different placement, as well as comprehensive health screenings. A team of two medical professionals—a nurse practitioner and a medical assistant—are on duty at Healthy Horizons Assessment Center at all times. Nurse practitioners are licensed and fully qualified to conduct pre-placement and comprehensive health screenings. Medical assistants provide both clinical and administrative support.*

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⇒ *RTC – CFSA is working closely with DHCF and DMH to assist current facilities (i.e. Residential Treatment, Long Term Care, ICF/MR) in which children in foster care are placed with Medicaid providers. When facilities are unsuccessful enrolling as Medicaid providers, CFSA is seeking alternative Medicaid placements where appropriate.*

⇒ *Behavioral Health – CFSA and DHCF are collaboratively redesigning CFSA's Behavioral Health service delivery and claiming system, formerly known as Rehabilitative Option. Children with behavioral health problems will be served primarily through our contracted therapeutic group homes, which will provide crisis prevention and intervention services, individual or group mental health counseling/psychotherapy services, and medication management services, among other services.*

⇒ *Purchased Services – CFSA is working closely with DHCF to enroll its contracted clinical services providers as Medicaid providers. CFSA is also working closely with DMH to enhance the services, as well as the process through which children are referred for mental health services through DMH.*

11. Proper training of the entire District child welfare workforce, in addition to effective training for foster and adoptive parents, is critical to ensuring CFSA is able to carry out its mission in an effective and efficient manner.

    Does CFSA have a comprehensive system to reliably track and monitor the training experience of the Agency's child welfare workforce, in addition to the training of foster and adoptive parents?

    Workforce Training
    The agency has historically tracked training registration and completion through a combination of records in its automated information system, FACES, and manual records. While this system had previously been viewed as useful in capturing the most comprehensive information, more recently, the complexity of reconciling the two sets of records has outweighed the usefulness of this system. In addition, the maintenance of two separate systems has allowed a number of opportunities for staff to miss duplications and input errors. Specific challenges have also been identified with accurately tracking and monitoring the training of private agency staff and privately contracted foster parents.

    Under the newly structured CFSA Training Academy, CFSA has strengthened its tracking and monitoring system to address and prevent the challenges mentioned above. Most significantly, the frequency and intensity of quality assurance activities will increase to ensure that input and/or systemic errors are caught and resolved more quickly. In addition, there will be monthly quality assurance reviews of training registration and completion documents. Finally, the Agency will work to move to a completely automated tracking system. The new training academy model, inclusive of the revamped tracking and monitoring system, was introduced in March 2010 and will be fully implemented by October 2010.

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Foster and Adoptive Parent Training
Pre-service training for kinship/foster/adoptive parents is scheduled monthly, and the enrollment and disposition (status of completion) is tracked in the FACES system. FACES generates a monthly reporting of the foster parent training completed.

12. Does CFSA solicit feedback from foster children and youth regarding social worker performance?

If this is done:

a. How is information collected?

Giving youth in foster care a voice in determining their own case goals and action steps reinforces personal accountability in case planning and leads to improvements in case-specific outcomes. CFSA is committed to providing youth a forum and venue to voice their concerns (at both the case-specific level as well as the macro level) and to utilizing youth's feedback and insights to strengthen programs and services. Youth are regular participants in CFSA's ongoing programmatic review and planning efforts.

It is one of the Agency's teaming principles to include the youth in foster care in our discussions on what is needed to improve our service to the children and families in the District. Building on the experience of previous bi-annual Needs Assessments, CFSA's 2009 Needs Assessment[2] included youth focus groups to gain insight on the strengths and challenges for CFSA-involved youth, and to identify specific areas of need. Their participation and feedback is integral to the Agency's ongoing self-assessment and program improvement efforts. Focus group protocols were developed and multiple focus groups were held throughout 2009 as part of the information gathering process, including youth in independent living programs, youth in group homes and parenting teens.[3] The forthright responses and frank reactions of youth force us to look at areas where we may have presupposed a measure of achievement that has not been experienced by all youth in our care. CFSA willingly takes that risk with the confidence that our youth will help guide us through their responses to provide for their needs.

Further, the CFSA Director's Youth Advisory Board (DYAB) was established to change the face of foster care to ensure stability, preparation, and connectedness for the District's foster youth through unity of voice, shared strengths, leadership and

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[2] CFSA's *2009 Needs Assessment* is a self-evaluation tool that includes insights into the experience of out-of-home care from the multiple perspectives of children, families, providers, and social workers. The full report is available online:
http://www.cfsa.dc.gov/cfsa/frames.asp?doc=/cfsa/lib/cfsa/reports_and_assessments/2009_needs_assessment_-_final_document.pdf

[3] After each focus group, notes and audiotapes were reviewed by research staff for content analysis to identify major themes in and across groups. An electronic database, *NVivo* qualitative software, was used to organize and code the data for analysis.

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empowerment. The youth on the DYAB represent all youth in foster care within the District and members have a range of perspectives based on varied experiences within the child welfare system. The DYAB works with the Agency Director and senior leadership to advice on matters which impact youth in foster care. Members of the Board meet regularly with the Agency Director and reach out to other youth to discuss important matters of permanency, youth development needs, concerns with care, strong youth leadership development and shared voice, and understanding how to support youth to successfully exit the foster care system.

b. What specific metrics are used to measure performance?

CFSA conducts annual performance reviews on all employees per District guidelines. Performance plans are jointly created with employee and supervisor input. Reviews are conducted on a mid-year and annual basis by the employee's supervisor. The District's Department of Human Resources monitors the overall performance management process via PeopleSoft (ePerformance) applications.

The District's Department of Human Resources also provides training to leaders on various aspects of performance management. Supervisors are encouraged to address performance gaps with employees via coaching, development and performance improvement process. Employees unable to meet performance expectations after appropriate time and coaching are subject to the disciplinary process up to and including dismissal.

13. If the Rapid Housing and Grandparent Caregiver Programs are scaled back or eliminated in Fiscal Year 2011 due to budget cuts, how does CFSA plan to mitigate the negative impact on children and families currently relying on these programs?

The FY 2011 proposed budget includes a reduction to the Grandparent Caregiver Program. The average subsidy will be reduced but no families will be eliminated from the program. CFSA will make every effort to connect these families to other resources and supports should the need arise.

The FY 2011 proposed budget eliminates the Rapid Housing Program. CFSA will mitigate this by working with youth that are emancipating youth to ensure that they have transition plans in place.

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Post-Hearing Questions for the Record
Submitted to Dr. Roque R. Gerald, Director, D.C. Child and Family Services Agency
From Senator Mary L. Landrieu

"Assessing Foster Care and Family Services in the District of Columbia: Challenges and Solutions"
March 16, 2010

1. **What specific steps is CFSA taking to increase public awareness about adoption opportunities in the District?**

The Child and Family Services Agency (CFSA) has two recruitment units that conduct "general recruitment", which includes public awareness, attending community events, marketing and advertising, and using a variety of strategies to bring in potential foster and adoptive parents. In addition, these units also find homes for specific children who have a goal of adoption but no identified resource – this is called "child-specific recruitment".

Regular recruitment functions:

- CFSA partners with faith based organizations to present to their congregations about the need for Resource Parent homes.
- CFSA also partners with the Lesbian, Gay, Bisexual, Transgender, and Questioning (LGBTQ) community through the Human Rights Campaign, to educate them about the child welfare system and recruit at their events.
- CFSA actively partners with the *Heart Gallery* to display professional photographs and profiles of children in need of adoption at venues across the region.
- Throughout the year CFSA participates in community events such as the Hospital for Sick Children Annual Fair, LGBTQ Annual Parade, Black Family Reunion, Annual Stone Soul Picnic and many others.
- CFSA also partners with the Freddie Mac Foundation to showcase children that are awaiting adoption on their "Wednesday's Child" segment on NBC Channel 4

Special recruitment projects:

- In May 2009, CFSA launched an extensive 3-week media campaign featuring rapper Run DMC. The campaign was launched after extensive research about what prospective resource parents want to hear and where they may live in the District. A website was created, www.todaysfostercare.org, to provide more information on the process along with monthly newsletters.

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- The Run DMC commercial will be shown multiple times at all theatres in Gallery Place – Chinatown during May 2010.

- In May 2010 CFSA will be initiating a radio campaign to attract Resource Parents

- CFSA is approaching corporations/non-profit organizations to introduce the concept of recruitment to their employees (e.g. Kaiser Permanente, YMCA).

- CFSA is partnering with local jurisdictions (through the Council of Governments) to develop a joint recruitment campaign funded by Freddie Mac. CFSA has developed a brochure with information from all jurisdictions that is being given out at larger events (e.g. NBC4 Health Expo). Additionally, the 2010 Foster Parents of the Year for all jurisdictions are being videotaped by a professional documentary producer and the video will air on local television stations during May 2010.

- CFSA will participate in the Adoption Expo (funded by Freddie Mac) in fall/winter of 2010.

- Last year, CFSA launched a website, www.adoptdckids.org, which provides information about the need for resource homes and how to start the process of becoming a foster parent. This website also allows CFSA to match children waiting for adoption with potential licensed families.

2. **What post-adoptive services are available for parents after a child leaves the system? Are they evidence-based and have the services been evaluated?**

The Post-Permanency Family Center (a partnership of Child and Family Services Agency and Adoptions Together) provides support, guidance, and information to the adoption/guardianship community in the Washington, DC metropolitan area. Families who have come together through kinship care, guardianship and adoption are supported and empowered to fulfill their roles as the single most important influence in the life of their child.

Families are made aware of the services during the orientation and training period and are linked prior to finalization when social workers accompany families to the Center to familiarize them with the staff and service components. Lastly, all families are provided with a letter detailing the services of the Center and its operating hours.

Additionally, two CFSA post-permanency social workers support the staff and families who require assistance with locating and linking to resources post permanency.

Post-Permanency Family Center Services:

- Individual, family and group counseling;
- Support groups every month for adults, teens and children;

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- Topical psycho-educational support groups such as "Coming of Age" for young girls aged 11-14;
- Parent trainings
- Case Management and Advocacy;
- Crisis Intervention Services 24 hours a day/7days a week; and
- Professional Trainings.

Adoptions Together has an internal evaluation process that includes:

- Client feedback survey that all participants complete after any service and/or training
- Quality Assurance Committee that oversees all program services and trainings

These components are used to ensure effectiveness in program delivery, program enhancements and to ensure that participant needs are being met.

3. **Walk me through what permanency planning looks like for an older child. How does CFSA measure its performance in terms of both permanency planning and outcomes?**

CFSA measures performance based on the number of children that achieve permanency in each of the permanency areas, as well as the timeliness in reaching their permanency goal.

The following is an overview of the permanency planning process:

When a child is removed from his or her home, a social worker works with the family, through the case planning process, to consider the most appropriate permanency goal based on the child's best interests. The permanency decision for every child is so important, however, that it should be discussed with a multidisciplinary team to ensure that the child's safety and best interests are fully considered. CFSA, through the assigned Assistant Attorney General (AAG), then makes a recommendation to the Court and the Court establishes the child's permanency goal.

Administrative Review is the primary review process in the Child and Family Services Agency and part of its focus is to determine the appropriateness of the child's permanency goal. During every Administrative Review, a social worker presents the recommendation for permanency determined with the family. Through the Administrative Review process, CFSA decides on an appropriate permanency goal for every child and whether termination of parental rights is appropriate based on the child's best interests.

Appropriate permanency goals are chosen with the child's best interest as the guiding principle. CFSA prioritizes the goals of reunification, adoption by kin, permanent

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guardianship by kin, and non-kin adoption (in this order) because these goals best serve children and families and align with the Agency's mission.

4. In your testimony, you mentioned high-impact teams.

a. Does every child with the goal of permanency have a high-impact team?

No. While expert consultation from the Out of Home and Permanency Administration is available for all cases, High Impact Teams were initiated as part of the Stipulated Order in 2008. The success of this effort resulted in the finalization of 128 adoptions in CY 2009, a 27 percent increase over CY 2008. The practices are now incorporated into the standard operations of the Out of Home and Permanency Administration. The High Impact Teams continue to identify children and youth that require concerted efforts to ensure permanency. High Impact Team members are aligned with CFSA and private agency staff to identify and address systemic barriers to permanency and to facilitate permanency action within CFSA, private agencies and the court system. The teams routinely monitor reports for children entering care and reaching pivotal permanency milestones. Team members reach out to social workers to initiate or facilitate a timely permanency process throughout the child welfare system in the District.

b. How many people serve on this team and what are their day-to-day tasks?

- 1 Administrator (CFSA – provides project management oversight)
- 1 Executive Director (Adoptions Together – provides co-project management oversight)
- 1 Project Manager (Adoptions Together)
- 1 Program Manager (CFSA - provides day to day oversight to both teams)
- 1 Supervisor (CFSA)
- 4 Permanency Specialists (CFSA)
- 2 Social Workers (Adoptions Together)
- 1 Recruiter (CFSA)

An additional team of permanency specialists was added in June 2009 to focus on ensuring timely permanency for all CFSA children and youth (internally/externally). Permanency specialists are assigned specific areas of responsibility, acting as consultants and teaming with social workers in the In Home & Out of Home Administrations, OYE (Office of Youth Empowerment) and the private agencies providing permanency-related consultation and training to improve permanency case practice.

- 1 Supervisor (CFSA)
- 5 Permanency Specialists (CFSA)

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Strategies (Day to Day):

The two (2) teams work in collaboration and support CFSA and private partner social workers by:

- Conducting permanency-related assessment and planning activities
- Case Mining
- Facilitating child preparation activities
- Identifying and preparing prospective permanency resources
- Preparing families and children for placement
- Attending Family and Administrative Review Meetings
- Attending court hearings as requested/needed
- Preparing Life Books
- Completing all adoption/guardianship reports
- Informing families about post permanency supports

The Out of Home and Permanency Administration, in collaboration and cooperation with the private sector, provide permanency specialists ongoing training, guidance, direction, support and supervision.

c. Do they have to meet certain benchmarks?

CFSA measures performance based on the number of children that achieve permanency in each of the permanency areas, as well as the timeliness in reaching their permanency goal. The High Impact Team supports these performance measures.

5. Addressing the processes that take place after an adult is found as a possible permanent placement of a child:

a. What steps does the agency take to determine suitability?

Foster parents, adoptive parents and guardians must be licensed in accordance with Title 29 of the District of Columbia Municipal Regulations (DCMR), which set forth guidelines for the District's foster care system. Once an individual is identified as a prospective permanent resource for a child, the "applicant" is enrolled in a nationally recognized training program known as PS-MAPP (Partnering for Safety- Model Approach to Partnerships in Parenting) to prepare individuals and families to make an informed decision about becoming a foster or adoptive family. The training is also designed to help develop the skills needed to foster and/or adopt as well as to provide the agency with an opportunity to assess the applicant in a classroom setting, their interaction with others and their ability to process information delivered.

Upon completion of MAPP training, an applicant's suitability is further assessed in several one-on-one interviews conducted by a licensed, master's level social worker who prepares a comprehensive home study on the individual/family. The

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home study provides detailed background information on the candidate, their upbringing, lifestyle, beliefs, judgment and willingness to partner with the agency to become a permanent resource for a child.

b. How quickly does that process move?

According to DCMR Title 29 (Foster Home Regulations), the standard for the completion of home licensure is 120 days.

c. Are there different metrics to determine whether an adult and their home is a suitable place for an older child versus a younger child?

Throughout the training and during the home study assessment, the social worker assesses the applicant's suitability for older versus younger children. This may include observations of the applicant's temperament, willingness, flexibility, availability, personal attributes and support systems as well as the candidate's own desirable age range. Additionally, the make-up of the applicant's home including the lay-out, environmental safety, and particular information regarding other existing household members, including age and sex, are specific factors considered when licensing an applicant for an older versus a younger child.

6. CFSA has determined that 80 percent of its older youth have already established, or had the potential for, a lifelong connection with an adult. Please provide a detailed explanation addressing how CFSA defines a lifelong connection with an adult.

CFSA identifies a lifelong connection for youth with an adult through its team meeting processes with youth and their families. In 2009 CFSA began formally exploring and identifying lifelong connections for youth through the Administrative Review process. When a youth's case planning and permanency goals are reviewed in their Administrative Review, youth and their social workers identify adults in the youth's life who may serve as a lifelong support for that youth. A lifelong connection is defined as:

> A relationship with a committed adult who is safe, stable and able to provide the following components of a supportive relationship: 1) physical, emotional, social, cognitive, and spiritual well being; 2) respect for racial and ethnic heritage and traditions; 3) respect for maintaining natural bonds with the birth family; and 4) lifelong support, guidance and supervision to the youth as the youth transitions from foster care to self-sufficiency.

Once an established lifelong connection has been identified, the social worker and the team supporting the youth begin to explore formal methods of memorializing and celebrating the relationship(s) and their commitment to one another. Social workers team with these established lifelong connections to support the youth in setting goals for transition from care, and beyond.

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7. **Private agencies manage about half of the children's cases – how are they integrated into the Agency's permanency plans and how are they incorporated into your metrics?**

CFSA contracts with a group of private agencies for provision of family based foster care and case management services. These agencies are held to the same standards and expectations for achievement of permanency outcomes for children as cases managed internally by CFSA Social Workers. CFSA currently issues a monthly "Provider Scorecard" that measures each provider's performance on a set of practice indicators that include case management activities to facilitate permanency. With the implementation of performance based contracting, each provider will be also be expected to maintain its own Quality Assurance system that collects data pertaining to the three overarching outcome areas: Safety, Permanence, and Well Being.

CFSA provides additional support to its contracted agencies in their permanency efforts via an assigned Permanency Specialist that can conduct more intensive casework activities aimed at achieving permanency goals. Performance by the Private Agencies on permanency, as well as safety and well being, are incorporated into CFSA's collective performance as a child welfare agency in these outcome areas.

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Post-Hearing Questions for the Record
Submitted to Chief Judge Lee F. Satterfield
From Senator Daniel K. Akaka

"Assessing Foster Care and Family Services in the District of Columbia: Challenges and Solutions"
March 16, 2010

1. **In 2009, CFSA reviewed the cases of 722 youth who had the permanency goal of "Another Planned Permanent Living Arrangement," also known as APPLA. Director Gerald noted that these reviews revealed 80 percent of youth assigned APPLA had already established, or had a potential, life-long connection with at least one stable, caring adult.**

   Based on your extensive experience working within the D.C. Child Welfare System, how do you define a "stable, caring adult?" Do you believe there are specific characteristics or standards that should be applied to determine whether an individual should be considered a "life-long" connection to a foster youth?

   As I mentioned in my written testimony, the preferred permanency options for youth in foster care are reunification, adoption, guardianship or legal custody. Only after those options have been ruled out should a youth receive a goal of APPLA. The Court supports CFSA in its determination to ensure that each youth with a goal of APPLA establish a life long connection with at least one committed adult who is safe, stable, and able to provide the following components of a supportive relationship: 1) physical, emotional, social, cognitive, and spiritual well-being; 2) respect for racial and ethnic heritage and traditions; 3) respect for maintaining natural bonds with the birth family; and 4) lifelong support guidance and supervision to the youth as the youth transitions from foster care to self-sufficiency.

2. **In your testimony, you identified issues related to the implementation of the Interstate Compact on the Placement of Children (ICPC) as a major barrier to permanency. What specific actions can Congress take to improve ICPC implementation?**

   I would urge Congress to take action to encourage/incentivize states to adopt the revised proposed ICPC, so that the process of drafting uniform standards and requirements for performance of homestudies and for uniform deadlines for homestudy completion and other critical events can begin. The Interstate Commission (rule making body) cannot be convened and begin its work under the new compact until at least 35 states have signed the compact. Rule making should address uniform processes and deadlines for mediating differences between states including administrative and judicial reviews of denials, uniform application procedures and deadlines, as well as sanctions for violations. The rule making process should be scrutinized closely to ensure that deadlines for completion of homestudies and resolving applications are drastically shortened and consistent with

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the best interests of children. It is clear and all states are in agreement that the current ICPC is not meeting the needs of children who await placement with family in other jurisdictions.

I would also urge Congress to allocate funding to eliminate the tedious and time-consuming paper application and approval processes that currently exist. Automation would save both time and money, both crucial to the child welfare system. Creation of a national ICPC website and database to provide an electronic means of exchanging and approving ICPC applications available to all states would enable approvals to occur within days (one state using an electronic application process claimed to complete its approval within hours) rather than months, as shown by those states who have used electronic document transmission in some limited capacity. In addition, a national site could provide case tracking opportunities similar to the SACWIS systems that all jurisdictions currently use to track their child welfare data.[1]

3. **In your testimony, you noted the Family Court is a member of the Child Welfare Leadership Team (CWLT) and exchanges Termination of Parental Rights (TPR) data with CFSA and the OAG at quarterly meetings.**

   Does the CWLT track adherence to timeframes to schedule TPR hearings and resolve TPR petitions, and the timeframes to finalize adoption and guardianship agreements?

   Yes, the Child Welfare Leadership Team tracks adherence to timeframes to schedule TPR hearings. Federal and local law require that when a child has been placed outside of the home for 15 of the most recent 22 months, a motion for termination of parental rights (TPR) be filed or that an exception be documented in the court record. In the Family Court's 2009 Annual Report to Congress, we report on the level of compliance with the requirement to file and schedule TPR hearings in a timely manner for the period of 2005-2009[2]. Data indicates that the median number of days between filing of the original neglect petition in a case and the subsequent filing of a TPR motion in that case declined 47% from 2005 (1,059 days) through 2009 (562 days). Moreover, half of the TPR motions filed in 2006 through 2009 were filed within the 22 months time-frame. On the other hand, the report also indicates a need for continued improvement since in many cases the TPR motion was filed after the case had been open for more than 3 years. The Court, CFSA, and the OAG continue to work collaboratively to address issues related to the timely filing and scheduling of TPR motions.

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[1] These issues have previously been reported to Congress by the Children's Bureau of the Department of Health and Human Services based on a survey of the 50 States. For more detailed information see "Interjurisdictional Placement of Children in the Child Welfare System: Improving the Process" by Research Triangle Institute, September 2006; "A Report to Congress on Interjurisdictional Adoption of Children in Foster Care" by the U.S. Department of Health and Human Services, Children's Bureau, 2006; and the American Public Human Services Association's (APHSA) website http://www.aphsa.org/Home/home_news.asp .

[2] See Table 10 in the "Family Court 2009 Annual Report to Congress" submitted by Chief Judge Lee Satterfield, March 31, 2010.

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Yes, the CWLT monitors the time it takes to resolve TPR motions once they have been filed. Although, the time required to dispose of a TPR motion has declined considerably there remains room for improvement[3]. To further improve performance in this area, I issued Administrative Order 09-12 in October 2009, which established case processing performance standards in TPR cases. The standard requires that 75% of motions be resolved within 9 months and 90% within 12 months of filing. During 2010, the Court will monitor compliance with this new performance measure.

Additionally, the CWLT monitors the time between filing and disposition of an adoption petition for youth in foster care. The length of time required to finalize an adoption for petitions filed during the period of 2005 – 2009 has also shown improvement over the period[4]. The Family Court Presiding Judge has already begun to establish case processing standards for adoptions of youth in foster care. We anticipate having those standards in place during 2010.

Currently, the Court does not monitor the time required to finalize guardianship agreements.

4. **At the end of 2009, there were 253 pending TPR motions. Although this was a 30 percent reduction from the number of pending TPR cases at the end of 2008, 253 is still a significant number of unresolved TPR petitions.**

    a. **Does the Family Court, working as part of the CWLT, plan to continue the collaborative review process to make further gains in reducing the number of pending TPR motions?**

    Yes, the Family Court intends to continue working collaboratively with the CWLT to ensure that all TPR motions are filed timely, reviewed, and processed in an expeditious manner based on the issues in the case. I believe this process will ultimately result in a reduction of the number of pending TPR cases.

    b. **Has the Family Court, or the CWLT, identified a numerical TPR reduction target for 2010?**

    No, neither the Family Court nor the Child Welfare Leadership Team has identified a numerical reduction target for 2010. However, the Family Court and the OAG continue to monitor each case to determine if there are barriers to its resolution and when appropriate take steps to remove those barriers. At present, it

[3] See Table 12 in "Family Court 2009 Annual Report to Congress" submitted by Chief Judge Lee Satterfield, March 31, 2010.
[4] See Table 15 in "Family Court 2009 Annual Report to Congress" submitted by Chief Judge Lee Satterfield, March 31, 2010.

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is important to note that there were 224 pending TPR motions as of March 31, 2010.

c. **In terms of long-term strategic planning, is the CWLT seeking to eliminate the backlog of pending TPR motions that remain unresolved for a period of longer than 9 months? Does the Court have a final target that it would consider an acceptable amount of time to process a TPR motion?**

As mentioned above, to address the time required to dispose of a TPR motion, I issued Administrative Order 09-12 in October 2009 which established case processing performance standards in termination of parental rights cases. The standard requires that 75% of motions be resolved within 9 months and 90% within 12 months. During 2010, the Court will monitor compliance with this performance measure.

d. **In 2010, the Family Court began to monitor compliance with the case processing performance standards in TPR cases, established in October 2009. Does the Court plan to publish the results from this monitoring, and if so, where will they be posted?**

The Court's report on its compliance with case processing standards in TPR cases will be included in the Family Court's Annual Report to Congress, the Superior Court's Annual Report, as well as shared with the CWLT on a quarterly basis.

5. **Are specific steps taken by the Family Court to ensure the court proceedings occur in a youth-friendly environment, where foster youth feel comfortable expressing their feelings and preferences? Would you support allowing foster youth and their guardian ad litem to meet privately with the judge, to discuss permanency goals in a more intimate, informal setting?**

Since the passage of the Family Court Act of 2001, the Court has remodeled the Family Court area to include a family waiting area with a television screen playing family movies, comfortable couches, and children's books. The walls of the Family Court hallway are covered with original works of art by District of Columbia children. Family Court courtrooms all contain book cases with books for children of different ages. The Court also created a children's story/coloring book to be distributed to children to help explain some of the court processes. The members of the Court's Abuse and Neglect Subcommittee have recently completed an illustrated reference book for teens that will provide them with an understanding of the options and services available to them, an explanation of their rights, definitions of legal terms, discussions of the different hearings and how to be their own best advocates and ensure their voices are heard. The Court has instituted a program called the Preparing Youth for Adulthood Initiative, in which youth are encouraged to attend hearings and direct the future of their cases, their services and plan for their emancipation. In this program youth not only receive a Guardian *Ad Litem*,

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but also a Court Appointed Special Advocate (CASA) to assist them in achieving their goals.

The Court recognizes the importance of youth participating in the process leading to their emancipation from the neglect system. During the time that youth are under Court supervision, the judgment and communication skills they will need after they leave Court supervision must be nurtured and developed. Active participation in the hearing process is both a learning experience and contributes to the youth's confidence. Participation at hearings provides youth with a sense of control over their future and their opinions should be considered as part of the decision making process.

The determination of whether a meeting between a youth, his or her GAL and the judge outside of the courtroom is appropriate should be made on a case by case basis, taking into consideration the youth's needs, the circumstances of the case, and the relative positions of the parties. Although, District of Columbia case law and the Judicial Canons of Ethics permit such meetings where they do not infringe on the due process rights of the parties, such as where the parties consent or an audio record of the meeting is available, a proceeding of this type is the exception rather than the rule.

In order to best support the due process and other legal rights of all parties, the Court focuses on ensuring that the courtroom is an appropriate forum for expression of all opinions at each hearing. This provides each party with an opportunity to understand the issues raised and address them before the Judge. Guardians *Ad Litem* are expected to discuss all matters with the youth in advance of each hearing so that they can be prepared to advocate effectively on the youth's behalf. Advance preparation, highly trained professionals and a courtroom atmosphere that welcomes open communication ensure that all views are heard and the best interests of the child are respected.

6. **As you know, the disparity between foster care subsidies, which continue until a child turns 21, and adoption and guardianship subsidies, which end when a child turns 18, may prevent foster parents from becoming adoptive parents or guardians.**

   Have Family Court judges reported feeling compelled to choose APPLA over adoption or legal guardianship because subsidies end at age 18?

   No, Family Court judges have not felt compelled to choose APPLA over other more appropriate permanency options for youth because of issues related to subsidies. When making the decision to accept the recommendation of APPLA as a goal, Family Court judicial officers rely on established guidelines for APPLA, including the requirement that all other permanency options be ruled out or not be in the child's best interest.

7. **Do you believe achieving legal guardianship carries benefits for youth who have reached the age of 18?**

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Yes, I believe that every child, regardless of age, is entitled to have a safe and permanent home. As such, the decision to place a child with a legal guardian is not predicated on the age of the child but rather the best interests of the child.

8. **The Family Court Act of 2001 requires a judge assigned to the Family Court of the Superior Court of the District of Columbia to serve a five-year term. When you appeared before this Subcommittee on October 25, 2001, at the hearing "Promoting the Best Interests of Children: Proposals to Establish a Family Court in the District of Columbia Superior Court," you expressed the concern of the Court that a five-year term requirement might have a negative impact on recruitment and retention of Family Court judges.**

   Almost a decade has passed since the Family Court Act was signed into law. Have any of the Court's concerns surrounding the five-year term requirement been borne out over this time period, and if so, do you believe a better alternative exists in regards to length of tenure for Family Court judges?

Eight years into implementation the District of Columbia Family Court Act of 2001 (the Act), the Superior Court has made great strides in providing a more family-friendly environment, expanding the number of judicial officers to increase the time they can devote to abuse and neglect cases, and ensuring that one judge handles all cases involving one family, with due process needs met. The Family Court has made great strides in these years, and I think the children and families of the District are far better served because of the legislation that you and your colleagues drafted and saw to enactment.

There is one change, however, that would enhance our ability to recruit and retain Family Court associate judges. Currently, under the Act the term of service for an associate judge appointed to the Superior Court bench before the enactment of the Act is 3 years and the term for those appointed after the enactment of the Act is 5 years. I am requesting that legislation be introduced setting a 3 year term for all associate judges assigned to the Family Court.

Each fall, as I begin the process of assigning associate judges to calendars for the following years, I talk to them about the divisions in which they are interested in serving. The requirement of a 5 year term in Family Court is a deterrent to some and makes it more challenging to assign associate judges appointed after the Act to the Family Court especially since under the Act associate judges must volunteer to serve in the Family Court. Often new associate judges are seeking diverse experiences during their early years, experiences which the Superior Court offers because it is a court of general jurisdiction. Thus, some are hesitant to volunteer for Family Court during their early years because of the 5 year requirement. Other associate judges who have already served a 5 year term in Family Court are not likely to volunteer again for another 5 year term. As a result, we lose the valuable experience of judges who have received the extensive training and education provided to Family Court judicial officers during their term of service.

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Additionally, a change in the term requirement will not have any impact on the manner in which the Court handles cases of neglected children. As you may recall, how the Court handled such cases was a major concern of Congress when the Act was passed. One of the concerns was that there were multiple judges who would handle different matters relating to one family. In our Family Court, the substantial majority of cases involving neglected children are handled by magistrate judges under the 'one judge/one family' case management approach that is set forth in the Family Court Act. The magistrate judges serve four year terms in Superior Court. Due to the resources provided by Congress to the Court under the Act, the Court has ten magistrate judges handling neglect matters. On average, the magistrate judges who have handled neglect matters serve in the Family Court for over four years, several since they were appointed in 2002. Therefore, we are meeting the goal of the Family Court Act by providing consistency and continuity in cases involving neglected children and their families and the proposed change would have no impact on our ability to provide families and children in the District of Columbia with the necessary attention, expertise and consistency needed to achieve positive outcomes for them.

For these reasons, I believe that a term of 3 years for associate judges would serve the goals of the Family Court Act. In fact, I believe that the majority of associate judges in Family Court will still serve more than three years. However, the lower initial commitment will help encourage them to request a Family Court assignment earlier in their judicial career and should help encourage judges who have already served a 5 year term, to return to the Family Court after serving in other Divisions of the Court.

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Superior Court of the District of Columbia
Responses to Post-Hearing Questions for the Record
Submitted to Chief Judge Lee F. Satterfield
By Senator Mary L. Landrieu

Assessing Foster Care and Family Services in the District of Columbia: Challenges and Solutions
March 16, 2010

1. According to your testimony "Another Planned Permanent Living Arrangement," also known as APPLA, is to be used only in cases where no other permanency option is feasible.

1a. Please explain further why 678 cases are currently in APPLA?

The Family Court and CFSA continue to work diligently to reduce the number of youth with the goal of APPLA and to achieve permanency for all youth in foster care. An important part of this work is the continued review of all youth with a goal of APPLA. However, there are 678 cases currently in APPLA because none of the other permanency goals for those children were found by the Court to be appropriate or in the child's best interest. There are many reasons why reunification, adoption, guardianship and custody cannot be achieved, particularly in the cases of older children.

- One frequent barrier has been the lack of an adoption subsidy or guardianship subsidy for children who are nearing the age of 18. Without financial assistance, some potential adoptive parents or guardians are simply not able to take on the responsibility of raising the child until he or she is truly independent. If CFSA is successful in its efforts under the Fostering Connections legislation to expand the subsidies until age 21, we should see more guardianships and adoptions occur for older youth.
- Another frequent reason for APPLA goals are the large number of youth with severe emotional and behavioral issues. Finding permanency resources for these children (some of whom become involved in the juvenile delinquency or adult criminal justice systems) remains a challenge for CFSA.
- Additionally, there are a significant number of youth who simply reject any other permanency option, often because of continued feelings of attachment and loyalty to their birth parents or other family members, but these family members are either unable or unwilling to get licensed for placement.
- There is an extremely high rate of teen pregnancy among teenaged girls who are in foster care. Once a teenager becomes a mother, it becomes more difficult to pursue adoption, as relatives and non-relatives who might have served as adoptive placements before might not be willing to provide care for the teenager and her baby.
- Finally, a provision of DC law that requires cases of foster children to remain open until the child reaches 21, rather than 18 as in most states, increases the relative number of older youth in care many of whom have a goal of APPLA. As a result, 4 out of 10 youth under court supervision are 15 years of age or older, and more than 50% of youth under court supervision (53%) are 13 years of age or older. In 2009, nearly a quarter (24%) of new abuse and neglect referrals involved children 13 years of age or older at the time of the referral.

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1b. What steps do the Family Court and CFSA take to determine no feasible permanency options exist for a child, prior to placing a child in APPLA?

As I discussed in my written testimony, the Adoptions and Safe Families Act (ASFA) created "another planned permanent living arrangement" (APPLA) as a permanency option available for children when all other options are not available to the child or not in the child's best interest. According to ASFA, a permanency goal of APPLA may only be set if: "the State agency has documented to the State court a compelling reason for determining that it would not be in the best interests of the child to return home, be referred for termination of parental rights, or be placed for adoption, with a fit and willing relative, or with a legal guardian." To ensure that the APPLA goal is ordered only for children who meet the strict criteria, at each permanency hearing the judge conducts a thorough inquiry of the Agency to be sure that all other options have been explored and are continuing to be explored. For all cases, the permanency process begins early, with the Court reviewing and evaluating the measures taken by the Agency to assess the child's and family's needs and provide timely and case specific services at each hearing. The Court's examination includes inquiry of the parties, including the government, to evaluate the strengths and weaknesses of each potential permanency goal and ensure that all permanency options are fully considered. The Court requires the Agency to set forth the efforts made to identify a permanent placement, including the child's age and preferences, whether the child has special needs and what services are being provided and the relationship of those findings to possible permanency options, and whether the agency's efforts to identify relative resources has been exhausted. These factors form the compelling reasons that dictate that a more preferred permanency option is not available and this is documented in the Court's orders. Finally after those inquiries, the judge will often order the agency to conduct a Family Team Meeting or other permanency planning meeting before changing the goal to APPLA. The purpose of the meeting is to explore any/all possible family resources before resorting to APPLA as a goal.

If the youth or another member of the team requests a goal change to APPLA, a Listening to Youth and Family as Experts (LYFE) Conference is required before a goal can be changed to APPLA. During these conferences, all stakeholders, including the family and adult connections discuss the possibility of changing the goal to adoption, guardianship, or reunification. If it is determined during the conference that APPLA is the appropriate goal, then the social worker must seek approval from all levels of supervision and the CFSA Director. All of the above-mentioned documentation must be submitted to the court by the case worker.

2. You also mentioned a pilot study of 60 APPLA cases conducted by the Permanency Working Group, to determine whether all of them were beyond any other permanency options. The Group found that only 30 of those cases had no other permanency options. How do you plan to expand those efforts to the other 618 APPLA cases?

The expansion of the pilot study has already occurred. The aforementioned pilot study provided both the framework and the process for the initial review of 719 APPLA cases. That review resulted in the immediate identification of revised permanency options for 40 youth. During 2009, CFSA then conducted an enhanced administrative review, LYFE Conference, or Transitional Youth Meeting for the remaining 679 youth with a goal of APPLA to get a better

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understanding of their needs and to determine what the Agency needed to do to support their achievement of permanence, including identifying and securing permanent, legal relationships. The purpose of the review was twofold, one to determine if any other permanency option (reunification, adoption, guardianship, custody) was viable and if not to identify next steps needed to help the youth establish and maintain permanent life long relationships that would last beyond the youth's involvement with the agency. CFSA completed 673 APPLA reviews. At the conclusion of these reviews, the administrative reviewers and the social workers agreed on one of five permanency action categories:

- **Goal Change – 8% of youth;**
  Case was recommended for a goal change to reunification, adoption, guardianship or custody.
- **Established Lifelong Connection – 16% of youth;**
  Youth has identified and established a lifelong connection with at least one adult. The relationship has been described by both the youth and adult as a supportive, permanent connection that will last for life.
- **Potential Lifelong Connection – 27% of youth;**
  Youth has identified at least one adult who may serve as a supportive, permanent, lifelong connection but the relationship has not been confirmed by the other adult or the relationship is questioned by a team member (e.g. social worker, GAL). Where appropriate, CFSA and private providers are assisting those youth with the potential life long connections to nurture and cement the relationships with the identified appropriate permanence option.
- **Youth Transition Plan – 12% of youth;**
  Youth is 20 or older and will follow the YTP process which includes quarterly reviews to plan for transition from care.
- **High Impact Team – 1% of youth;**
  There were no appropriate and/or willing permanency resources identified during the APPLA review.
- **Undetermined– 36% of youth.**
  According to CFSA, these are cases with insufficient information to be placed in one of the above categories. The agency has said that these cases will undergo further review to identify and explore potential adult candidates to serve as a life long connection for the foster youth.

To ensure that APPLA cases are monitored and evaluated on an ongoing basis, CFSA intends to continue the APPLA review process during 2010. Information collected in the Administrative Review, LYFE and Transition Conferences is collected in a centralized data base to track youth progress and outcomes. The restructuring of CFSA's Office of Youth Development to the Office of Youth Empowerment (OYE) provides both CFSA and private agency social workers with consultation services that will initiate the preparation for transition at the age of 17.5 rather than 20 and accelerate the identification of life long connections long before the youth exits care.

Finally, to ensure that APPLA remains an appropriate goal for youth in care, the Court will continue to revisit the issue of the appropriateness of the goal at each permanency hearing. Recognizing that people and situations change over time, the Court will ensure that the Agency

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continually explores family resources available for placement by requiring that the Agency set forth the efforts it has undertaken to identify viable relatives or god parents throughout the life of a case.

3. What metrics and benchmarks are you using for permanency planning, to ensure that APPLA is not overused, and what sorts of evaluation measures are you using to assess outcomes?

CFSA measures performance based on the number of children that achieve permanency in each of the permanency areas below, as well as the timeliness in reaching their permanency goal, which include:

1. Reunification: Whenever possible, the permanency goal shall be to safely reunify children and families. When reunification is the goal, the Child and Family Services Agency and its contracted agencies shall work to identify the obstacles to reunification, develop a strategy to resolve those issues, and maintain familial connections as appropriate. The case plan shall give parents the opportunity to build on their strengths and learn needed skills to provide for safe, nurturing homes.
2. Adoption by Kin: When reunification is not in a child's best interest, adoption by kin shall be considered as a permanency goal. Permanency with kin is a means of facilitating positive familial connections for children. Adoption requires the termination of parental rights, and places parental rights and responsibilities with the adoptive parent.
3. Permanent Guardianship with Kin: Kin may choose to adopt related children, but they may also have legitimate reasons for not adopting. In such cases, permanent guardianship—a judicially created relationship in which certain parental rights and responsibilities are placed with the permanent guardian, while the parent retains other parental rights and responsibilities—shall be considered as a permanency goal.
4. Non-Kin Adoption: Adoption by non-kin is an alternative permanency option for when the above permanency goals are not in the child's best interests. When a non-kin adoption is a child's permanency goal, the child's foster family shall be considered as an adoptive resource first.
5. Only in rare situations when the four prioritized permanency goals have been determined not to be in the best interests of the child, case planning may involve considering the goals of alternative planned permanent living arrangement (i.e., independent living) or legal custody, but in all cases a life long connection to an appropriate adult must be identified and cemented.

While the Court has not established specific metrics or benchmarks with respect to APPLA overuse, we are nevertheless vigilant in our practices and mandates with respect to its application. For example, our judges continue to require the Agency to set forth detailed compelling reasons for recommending a goal of APPLA, including those inquiries referenced in item 1b such as efforts that have been made to achieve other preferred permanency options and a review of the child's age and preference. In addition, the Court will continue to review all cases

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with a goal of APPLA every six months to ensure that the conditions that led to the designation of APPLA remain relevant.

While there are no formal evaluative measures, the Family Court, including judges and administrators regularly review statistical information that tracks a variety of case criteria, including the number of cases with APPLA goals. All court personnel receive training concerning permanency and APPLA and are aware of the relevant broad policy issues as well as the importance of appropriate permanency planning that best meets the needs of each child. Training on permanency and APPLA is provided to the *Guardians ad Litem* and other attorneys so that clients can receive zealous representation. The Court is committed to working toward providing the best opportunity for youth to leave the neglect system and move into adulthood to lead healthy successful lives and will continue to implement best practices to that end.

The Court supports CFSA's promulgation of an Administrative Issuance that ensures the Agency recommends the goal of APPLA only after a thorough review of the case involving multiple layers of supervision and documented meaningful efforts to secure other placement options. The administrative issuance requires the Director of CFSA or the CEO of private agencies contracted to CFSA to sign off on all new cases in which a goal of APPLA would be recommended to the Court. While the Administrative Issuance does not require a retroactive approval of the APPLA goal for those children whose current goal was APPLA, it is designed to serve as a gate-keeping mechanism to reduce the number of children who receive the goal in the future.

Through our "Preparing Youth for Adulthood Initiative," the Court will monitor outcomes for youth aging out of foster care with a goal of APPLA. Like the APPLA review conducted by CFSA, the success of the initiative is largely determined by the number of youth exiting care who have developed a lifelong adult connection with an adult committed to the benefit of the youth.

Thank you for this added opportunity to share information with you about the Court's – and CFSA's – efforts to address the needs of youth in foster care in the District of Columbia.

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Post-Hearing Questions for the Record
Submitted to Ms. Judith Meltzer
From Senator Daniel K. Akaka

"Assessing Foster Care and Family Services in the District of Columbia: Challenges and Solutions"
March 16, 2010

1. In your testimony, you recommended the D.C. Child and Family Services Agency (CFSA) and the Family Court develop and act on a shared agreement and operational protocols for CFSA staff, contracted private agency staff, Family Court judges, and guardian ad litems regarding the process and timeframes for achieving permanency.

   Could you elaborate on the specific steps that would be required to effectively implement your recommendation?

First and foremost, CFSA and its partners (the Family Court, the Attorney General's office, attorneys representing parents and children, contracted private agency staff, foster parents and service providers) must develop and adhere to a common definition of the desired and expected permanency outcomes for children of all ages. They must also have a shared commitment to the urgency of actions needed to achieve permanency for all children. This common definition and shared sense of urgency must include understanding that placement stability is not permanency.

Secondly, CFSA and its stakeholders must agree on measurable processes, timelines and outcomes to evaluate how well they are doing to achieve permanency for children and youth. As suggested in my written testimony, among other outcomes, the District must track adherence to timeframes to schedule and resolve termination of parental rights petitions followed by a timely process to finalize adoption and guardianship agreements. CFSA must agree with its legal partners on how these timeframes will be communicated to families. Joint accountability mechanisms for the Family Court, CFSA and other partners must be established to ensure timeframes are met. The District should institute a child-specific review process involving making the system accountable for results for every child – meaning achieving permanency for children through reunification, guardianship or adoption within agreed upon timeframes.

After establishing a shared definition of permanency and agreed-upon processes, outcomes and timeframes, this information should be disseminated publicly to all stakeholders working with children and families. . Tracking these processes, outcomes and timeframes would allow for the identification of barriers so that the entire child welfare system can make necessary adjustments as warranted. Additionally, CFSA must ensure that all stakeholders are knowledgeable about the availability of post-permanency services and supports to help achieve legal permanency as this is a known barrier to permanency in the District.

As a part of the tracking and adjustment process, CFSA should set and meet permanency targets for specific groups of children and youth, most importantly the almost 700 youth with a goal of Alternative Planned Permanent Living Arrangement (APPLA) and the almost 200 children and

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youth with a goal of adoption who do not have pre-adoptive resources. It is reasonable to expect that CFSA take immediate action to reduce the number of children with an APPLA goal and the number of children with a goal of adoption who do not have an adoptive resource. Sharing publicly and regularly their progress toward a specific target allows for heightened attention to this most pressing need.

2. In your statement, you recommend CFSA immediately retain expert assistance to resolve their Medicaid and I-VE claiming problems. In 2009, CFSA, in partnership with the Department of Health Care Finance (DHCF), determined claiming for Medicaid case management would best be accomplished through the nurse care manager model, as opposed to Targeted Case Management (TCM). The State Plan Amendment (SPA) that was submitted by DHCF on February 4, 2010, reflects this change, with Medicaid claiming shifting from a social worker activity to one provided by nurses and solely for providing health and medical care management. On March 3, 2010, CFSA awarded Sivic Solutions Group the contract.

    a. Do you believe CFSA is taking the correct steps that will lead to successfully taking advantage of Federal funding opportunities?

I continue to believe that the District of Columbia's government should have taken quicker action to properly claim Title XIX reimbursement through Targeted Case Management. I am unable to comment, at this time, as to whether CFSA and its District government partners are proceeding to ensure that they take full advantage of all Federal funding opportunities. Doing so would require greater collaboration and shared work plans with the District's Department of Health Care Finance.

    b. Do you support the change from TCM to the nurse care manager model?

I support the hiring of nurse case managers, but do not view this as a substitute for proper Medicaid Targeted Case Management (TCM) claiming.

    c. Is switching Medicaid claiming from being a social worker activity to solely a nurse activity in line with the best practices of high-performing child welfare agencies? Please elaborate on the advantages and disadvantages of this change.

I believe that it is possible to both employ and claim Medicaid reimbursement for nurse case managers and properly claim for the Medicaid Targeted Case Management work of other frontline staff. These do not need to be mutually exclusive as long as there is documentation and the agency is not double-billing for the same work. The goal for the District is to use the available financing mechanisms that will provide maximum federal support for their work.

3. At the hearing, you suggested that the Adoption and Foster Care Analysis and Reporting System (AFCARS) could be modified to measure longitudinal performance. Please provide additional details on this recommendation.

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The federal Adoption and Foster Care Analysis and Reporting System (AFCARS) only collects cross-sectional point-in-time data at six month intervals. As explained in greater detail in a March 2008 report by the Children and Family Research Center at the University of Illinois School of Social Work, AFCARS inability to track children from foster care entry to exit limits accurate measurement of state performance and can distort the assessment of performance trends.[1]

As indicated by the referenced report, leading child welfare researchers believe that AFCARS data, as currently collected, do not present the most accurate picture of state performance. I would suggest that the Administration of Children, Youth and Families at the Department of Health and Human Services convene a task force of researchers who are well versed in the technicalities of both AFCARS and longitudinal data to come to a consensus on the best way to collect, analyze, and measure child welfare data.

4. As you know, the disparity between foster care subsidies, which continue until a child turns 21, and adoption and guardianship subsidies, which end when a child turns 18, may prevent foster parents from becoming adoptive parents or guardians. You testified that you support extending adoption and guardianship subsidies to families until a child turns 21.

    a. If this legislation is signed into law, do you foresee any potential barriers that might hinder implementation, and if so, are there specific actions Congress can take to ensure the implementation process is efficient and effective?

    b. Please describe any post-adoption support services you believe are necessary to overcome barriers to foster parents becoming adoptive parents or guardians.

The legislation in question has already passed as an emergency bill in the DC Council and I expect it to pass in its entirety in the next month. With the new guidance on Fostering Connections, which makes federal reimbursement for guardianship subsidies for children who meet the federal criteria retroactive, I do not anticipate a financial barrier to the implementation of the extension of guardianship subsidies to families until a child turns 21 given that the District has submitted a plan to the Administration for Children and Families.

The barriers that will remain are those previously mentioned in this document: a lack of a common definition of permanency and no shared sense of urgency with regard to permanency, a lack of operational protocols, agreed-upon outcomes and targets, and a collective understanding of the post-permanency services and supports available. If CFSA and its partners implement the recommendations outlined in the answer to the first question in this document combined with the passage of the legislation extending guardianship subsidies, many of the barriers should be eliminated.

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[1] Testa, M., Koh, E., & Poertner, J. (2008). Can AFCARS Be Rescued?: Fixing the Statistical Yardstick that Measures State Child Welfare Performance. Retrieved from: http://www.cfrc.illinois.edu/pubs/pdf.files/CAN_AFCARS_BE_RESCUED_final.pdf

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It is likely that an expansion of post-permanency resources will be needed to support the additional youth achieving permanency as a result of these changes.

5. Do you believe the Fiscal Year 2011 proposed budget for CFSA devotes adequate resources to the following: policy, planning and data analysis, and quality assurance?

At this point, I am unable to assess the proposed FY2011 budget for CFSA with regard to these specific areas. I am, however, concerned that the budget is inadequate in several other relevant areas. The budget includes proposed cuts to foster parent board rates, the Healthy Family Thriving Communities Collaboratives, as well as an elimination of funding to the grandparent subsidy program and the birth family advocacy center. However, I cannot tell from the detail provided by CFSA what affect the restructuring plan inherent in the proposed FY2011 budget will have specifically on policy, planning and data analysis, and quality assurance.

6. Proper training of the entire District child welfare workforce, in addition to effective training for foster and adoptive parents, is critical to ensuring CFSA is able to carry out its mission in an effective and efficient manner.

   Do you believe CFSA has implemented a comprehensive system to reliably track and monitor the training of the child welfare workforce, in addition to the training of foster and adoptive parents? If not, do you have specific suggestions for how such a system should be structured and what metrics should be utilized?

No, CFSA has not implemented a system to reliably track and monitor the training provided to the child welfare workforce or that of foster and adoptive parents.

As Monitor, we have requested data from CFSA on training for several years and have been unable to obtain consistently reliable information about the training of its workforce, foster and adoptive parents, and that of the staff in contracted private agencies. CFSA must build the capacity to electronically and reliably track both the pre-service and in-service training activities of every staff person and all foster and adoptive parents. The training requirements currently in place (e.g. pre-service training requirements and annual in-service training requirements articulated in the *LaShawn A.* Amended Implementation Plan) are appropriate but CFSA has no reliable mechanisms to track the receipt of training or to individualize training plans for staff and parents in order to target training to specified competencies needed. CFSA has stated that a training plan will be released in the next few weeks to address these issues. If so, I am hopeful that this will address the deficient tracking practices and will ensure that training requirements are being comprehensively tracked and met.

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Post-Hearing Questions for the Record
Submitted to Ms. Judith Meltzer
From Senator Mary L. Landrieu

"Assessing Foster Care and Family Services in the District of Columbia: Challenges and Solutions"
March 16, 2010

1. In your testimony, you spoke about the choice between permanency and stability, and expressed your belief that permanency is the better option. Please provide a detailed description of specific steps CFSA and the Family Court can take to ensure a child achieves stability through permanency?

Jurisdictions, particularly the District of Columbia, often act in ways that prioritize the stability of a child's placement at the expense of permanency or "case closure." Stability without permanency regularly leads to bleak outcomes for children; whereas children who achieve stability through permanence are more likely to be secure, have health insurance, attend school and be resilient.[1] There are a number of steps that CFSA and the Family Court can take to ensure that a child achieves stability through permanency. First, the District can increase supports and services to more quickly reunify children with their parents. In cases where reunification is not appropriate, the District must increase its use of kinship placements and support these placements to permanency.[2] It is important that the post-permanency supports available are comparable to those provided to foster parents. This will ensure that post-permanence, families are able to provide the same benefits to a child that they would have been able to if the child remained in foster care. Services and supports include facilitating access to necessary educational, health, mental health and respite care both pre- and post-permanency.

Secondly, CFSA and the Family Court must develop a shared sense of urgency in achieving permanency. The District's proposed FY 2011 budget for the Office of the Attorney General (OAG) provides an explicit example of the lack of focus on a common practice necessary to achieve permanency for all children. The performance measures in the OAG's proposed FY 2011 budget will require OAG to track the percentage of cases in which a termination of parental rights is filed "within 60 days of identification of an appropriate adoptive parent." This measure is inconsistent with good practice because it encourages CFSA and its legal partners to wait for identification of a permanent resource prior to filing for termination, and it is also contrary to the Adoption and Safe Families Act (ASFA) timeframes for termination of parental rights. This performance measure is inconsistent with CFSA's goals to engage in concurrent planning to achieve permanency for all children.

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[1] Seigel, G.L. (2009). Permanency and Child Well-Being: An Examination of Preliminary Data from the Minnesota Permanency Demonstration. Retrieved from http://www.iarstl.org/papers/MNPermanencyEffects.pdf

[2] Research shows that placement with kin is the most stable out-of-home placement option. See, Berrick, J.D., Barth, R.P., & Needell, B. (1994). A comparison of kinship foster homes and foster family homes: Implications for kinship foster care as family preservation. *Children and Youth Services Review, 16,* 33-63.

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Finally, it is critical that CFSA put greater emphasis on creating and adhering to more responsive timelines. It is important that when doing this, CFSA develop a consistent practice that emphasizes the inclusion of family and caretakers as integral members of the team. Including family and caregivers throughout the decision-making process will provide opportunities to build consensus which will facilitate moving toward permanence in a more timely way. CFSA and the Family Court must regularly track the entire process toward permanency. It is not enough to track only some process measures (such as the timely filing of termination of parental rights motions). CFSA and its legal partners must also track adherence to timeframes on scheduling and resolving those motions, and finalizing adoption and guardianship agreements in a timely way. CFSA should also institute and hold each party accountable for an action-oriented child-specific review process involving both social workers and Office of the Attorney General lawyers to ensure the system achieves positive results for every child – meaning achieving permanency for children through reunification, guardianship or adoption within agreed upon and shortened timeframes.

2. In your view, what specifically can DC to do ensure that it is complying with the permanency features of the Fostering Connections law?

Fostering Connections has four provisions that address permanency: a requirement to identify and provide notice to relatives within 30 days of a child's placement into foster care; the option to use Title IV-E funds for kinship guardianship payments until a child "ages out;" the ability for states to waive non-safety related licensing standards when licensing a relative's home; and a requirement that states inform all adoptive parents about the adoption tax credit.

I will address each separately:

- *Identification of and notice to relatives of a child's placement into foster care* – CFSA's diligent search policy appears to be in line with the requirements of Fostering Connections; however its practice should be improved and expanded. Currently, a small number of CFSA staff have been trained to use the Family Finding model to mine a child's records and to identify potential relative resources, but we do not think this capacity is sufficient. It is unclear how comprehensively CFSA's use of Family Finding adheres to the original model or whether, and to what extent, the private agencies also use this method of diligent search. CFSA and the private agencies should expand their use of Family Finding, applying it to cases from the very beginning of involvement and throughout a child's movement towards permanency, to help increase the use of kinship care and to help find family members who could be permanency options for children in foster care. Depending on the federal guidance from ACF on Fostering Connections, CFSA may need to begin providing and documenting their adherence to the "written" notice provisions.
- *Use of Title IV-E funds for kinship guardianship payments until a child "ages out"* – The District currently provides guardianship subsidies to families until a child is 18 years old. Legislation has been introduced in the District of Columbia Council that would extend adoption and guardianship subsidies until age 21 and in doing so provide the financial means and other supportive services that families considering adoption and guardianship

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require. CFSA and the Mayor should advocate for and support prompt passage and implementation of this legislative change.

- *Waiver of non-safety related licensing standards* – CFSA has policy that allows for waiver of non-safety related licensing standards on a case-by-case basis. To our knowledge, these waivers are rarely used. It is not clear the extent to which Agency leadership is promoting the use of waivers to increase kinship care and whether workers have been given clear guidance as to what standards can be waived and under what circumstances so that they know when to request a waiver. We suggest that CFSA assess its current waiver practice in order to determine how to increase its use. We also recommend that frontline workers and licensing staff be given a practice guide that details the situations when waivers would be appropriate.
- *Outreach on the adoption tax credit* – CFSA must develop and implement consistent protocols to ensure all families considering adoption are informed about the availability of the adoption tax credit.

Finally, it is important that the District of Columbia implement a practice model that clearly defines the roles and responsibilities of all staff, from CFSA and the private agencies, working with children and families. In doing so, CFSA and the private agencies must engage all relevant members of a child and family's team, particularly relatives and caregivers. This will allow for concurrent planning from the moment a child comes to the attention of the Agency, and will aid in ensuring that every child achieves a positive permanency outcome within expected timeframes.

3. CFSA seems to be engaging in a variety of initiatives aimed at increasing permanency. How can they better ensure that these efforts are systemic, comprehensive and coordinated with other entities, including private agencies, to ensure success?

The key to ensuring that CFSA's efforts are systemic, comprehensive and coordinated is the full implementation of a solid case practice model. The implementation of the practice model should focus on engaging all of the relevant stakeholders, assessing the issues, planning to address them, and adjusting those plans as necessary for each and every child and family involved with the Agency. In order to successfully implement the practice model, the leadership at CFSA must be committed to doing so, educate all relevant team and community members, establish clear expectations, and hold themselves accountable for meeting the outcomes set by the team. All stakeholders, including the Family Court, need the understanding and skills necessary to support implementation of the practice model.

Historically, CFSA has identified and begun work on new initiatives and then frequently let them linger without implementing them to scale, or in the scope necessary, to achieve success. This approach has confused both frontline workers and private agencies about how to move forward with initiatives, specifically with those in regard to permanency. In addition, there has been limited agreement and consensus among stakeholders at large with regard to achieving permanency, in particularly with older youth and children with special needs.

CFSA should clearly articulate its organizational structure, policies, protocols and practice for its own workers and for the private agencies regarding permanency. At the same time, CFSA should issue policy to align its adoptions and guardianship structure and practice with the rest of the Agency's work and require, through performance based contracts, that the private agencies follow suit.

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Post-Hearing Questions for the Record
Submitted to Ms. Judith Sandalow
From Senator Daniel K. Akaka

"Assessing Foster Care and Family Services in the District of Columbia: Challenges and Solutions"
March 16, 2010

1. In her testimony, Judith Meltzer recommended the D.C. Child and Family Services Agency (CFSA) and the Family Court develop and act on a shared agreement and operational protocols for CFSA staff, contracted private agency staff, Family Court judges, and guardian ad litems, regarding the process and timeframes for achieving permanency.

   As the Executive Director of the Children's Law Center (CLC), an organization that maintains a robust guardian ad litem (GAL) program, do you agree with Ms. Meltzer's recommendation?

   If you do agree, are there specific operational protocols or aspects of a shared agreement CLC would strongly support?

The Children's Law Center supports ongoing conversations between CFSA, private foster care agencies, the Family Court, and lawyers for children and parents. These discussions can lead to shared understandings and expectations about the importance of legal permanency, the circumstances when particular legal steps – like terminating parental rights – are and are not in children's best interests, and, most importantly, how to remove the most significant barriers to permanency.

Such conversations can be especially valuable in creating a more coordinated approach to removing barriers to permanency. In some cases, all parties and the judge want to reunify a child with his parent, but some barrier remains, such as the need for supportive housing for the parent. In other cases, CFSA, guardians *ad litem*, and the Family Court judge all want a child to be adopted by her current foster parents, but the adoption would jeopardize the child's special education placement.[1] Situations such as these call for creative solutions so children can leave foster care and have permanency in a timely manner. Judges, lawyers and social works should identify specific barriers to permanency in individual cases. CFSA can then work to remove the barrier, with the assistance of the parties when appropriate. As a final step, CFSA can report back to the Court and the parties on its progress toward removing the barriers. In current practice, unfortunately, such efforts are haphazard, and communication between the agencies, families, lawyers and the Family

[1] This problem arises because many foster children attend private special education schools because of significant disabilities and most of the District's foster homes are in Maryland. Maryland foster parents of children who need private special education schools cannot become adoptive parents or permanent guardians without jeopardizing the child's special education school placement. While in foster care, the child remains a legal resident of the District of Columbia and educational responsibility falls on the District's school system. But upon adoption or guardianship, the child becomes a Maryland resident and a Maryland school district will assume responsibility for his education. That school district may not be willing to send him to the same school causing significant disruption for the child and potential educational delays.

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Court is often lacking. Conversations between the Court, CFSA, private agencies, and attorneys could help develop a system for identifying these barriers and a process for removing them.

We must caution that it is difficult for the Family Court or attorneys to agree to "protocols" for handling cases. Under both federal and District of Columbia law, each child and each family is entitled to an individualized determination of the child's best interests. Each child in Family Court has a unique situation and nuanced factual differences may call for different legal actions in superficially similar cases. Any protocol that prevented judges from doing what is best for individual children would violate the law and would not serve children's interests.

Nonetheless, we agree with Ms. Meltzer that much value could come from ongoing conversations of the sort she has suggested, and we are confident that the protocols envisioned would not interfere with the appropriate handling of individual cases.

2. In your testimony, you raised the prospect that CFSA's pursuit of legal permanency could have unintended consequences - such as the disruption of longstanding bonds that develop between a foster child and his or her foster family - can be harmful to a child.

   Are there specific steps CFSA and the Family Court can take to ensure this type of harm does not occur?

Yes. CFSA and the Family Court must ensure a properly individualized decision is made for each and every child in foster care. While we agree that for most children legal permanency is preferable to remaining in foster care for years, we also recognize that there are exceptions to every rule and this general principle cannot dictate results in all cases. When CFSA and the Family Court consider the appropriate permanency goal for children, they must consider all factors with an open-mind and should avoid imposing any arbitrary rules. CFSA and the Family Court must consider all permanency options that the law allows and decide which option is best for each individual child.

CFSA and the Family Court can take more specific steps regarding children who cannot return home and who live with – and are deeply bonded to -- long-term foster parents, such as the children about whom I testified. When foster parents for children like these say that they will not seek legal permanency, it is often the case that some barrier to permanency exists. As discussed in reference to question 1, CFSA and the Court can act creatively and, hopefully, collaboratively so that they can remove the barriers to permanency for that family – rather than remove the child from that family.

3. If legislation extending adoption and guardianship subsidies to families until a child turns 21 is signed into law, do you foresee any potential barriers that might hinder implementation, and if so, are there specific actions Congress can take to ensure the implementation process is efficient and effective?

We believe that enacting and implementing legislation extending and guardianship subsidies until age 21 and expanding guardianship subsidies to all foster parents will remove the most significant legal barriers to adoption and guardianship. Funding start-up costs for implementing this legislation could present a problem for effective implementation, especially in the difficult fiscal

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circumstances that the District of Columbia, like all other states, now confronts. The District's Chief Financial Officer (the equivalent of the Congressional Budget Office) has projected that the legislative change will lead to millions of dollars in long-term savings, but will face initial start-up costs.[2] Congress could assist by appropriating $670,741 in funds to the District in fiscal year 2011 to support implementation of this legislation. That funding would cover the initial start-up costs through fiscal year 2011, including the one-time costs of a necessary upgrade to CFSA child welfare database.

4. CFSA is facing significant spending pressures, and will be forced to make difficult choices. CLC has expressed concern that both the Rapid Housing and Grandparent Caregiver Programs may experience significant budget cuts. Please elaborate on the practical ramifications of curtailing these initiatives.

The Mayor's proposed fiscal year 2011 budget eliminates Rapid Housing and cut the Grandparent Caregiver Program by 44 percent.[3] If the District of Columbia Council adopts these proposed cuts, the impact for hundreds of District children would be dire. These programs keep children safely out of foster care, help foster children quickly and safely reunify with their families, and help youth emancipating from foster care find stable housing rather than enter a life of adult homelessness.

Rapid Housing helps families on the verge of homelessness and youth emancipating from foster care transition to adequate and stable rental housing by providing time-limited financial assistance to pay security deposits and the first several months rent – at a modest cost of $5,000 per family. Rapid Housing has helped hundreds of children to reunify quickly and stay out of foster care,[4] and is the only District program that provides housing specifically for families at risk of foster care due to inadequate housing. The program is also "by far . . . the most used resource" by emancipating youth to help them transition to independence.[5] If this program is eliminated as proposed in the Mayor's budget, scores, if not hundreds of children will enter and remain in foster care when they should be living with their family and will not be able to live independently after emancipating from foster care.

Rapid Housing is cost effective – for every $5,000 Rapid Housing spends keeping a child out of foster care, the District saves more than $40,000 – the average cost in local funds of one year of

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[2] Government of the District of Columbia, Chief Financial Officer, Fiscal Impact Statement: Adoption and Guardianship Expansion Act of 2009, http://app.cfo.dc.gov/services/fiscal_impact/pdf/spring09/B18-453_.pdf.
[3] See http://cfo.dc.gov/cfo/lib/cfo/budget/fy2011/operating-hhs/2_rl0_e-human_support_svcsqxd.pdf.
[4] Government of the District of Columbia, Child and Family Services Agency, Implementing the Adoption and Safe Families Amendment Act of 2000 in the District of Columbia, http://cfsa.dc.gov/cfsa/frames.asp?doc=/cfsa/lib/cfsa/pdf/final_mayor_annual_report_2007[1].pdf (reporting that Rapid Housing served families with 164 children in FY'07); Testimony of Uma S. Ahluwalia, Interim Director. Performance Oversight Hearing. Committee on Human Services, February 15, 2007, http://newsroom.dc.gov/file.aspx/release/10619/21407FY0607_Hearing.pdf (noting that Rapid Housing served families with 155 children in FY'06).
[5] Government of the District of Columbia, Child and Family Services Agency, Quality Improvement Administration, "Youth Who Transitioned from D.C.'s Foster Care System: A Study of Their Preparation For Adulthood," at 17 (2008), http://cfsa.dc.gov/cfsa/frames.asp?doc=/cfsa/lib/cfsa/scorecards/youth_who_transitioned_from_dcs_foster_care_system_a_study_of_their_preparation_for_adulthood.pdf.

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care.[6] Funding Rapid Housing thus saves CFSA more than eight times its cost – and much more when multiple children are involved, as is usually the case.[7] If restored to its FY 2010 funding level of $1.19 million, we estimate that it will save at least $6.6 million[8] in FY 2011 alone.

The Grandparent Caregiver Program provides financial support to impoverished grandparents who are raising their grandchildren outside of foster care. When parents cannot raise their children, it is often best for grandparents to step in to do so – the children stay with family and the intrusive intervention of foster care becomes unnecessary. The Grandparent Caregiver Program provides essential financial assistance to such grandparents who would have great difficulty in raising their grandchildren without some support.

The Mayor has proposed cutting this program by 44 percent[9] along with a statutory change that would permit CFSA to reduce the Grandparent Caregiver Program subsidy to from 95 to 50 percent of the guardianship subsidy rate.[10] If this drastic cut is approved, either hundreds of children and their grandparents will lose the financial support on which they have depended, or hundreds of children and their grandparents will see the amount of their benefits cut nearly in half. Either scenario would lead to significant hardship for these families and, for some children, would likely lead to an unnecessary entry into foster care.

Children's Law Center has advocated for the restoration of these proposed cuts and will continue to do so as vigorously as possible.

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[6] The proposed budget for child placement activity, teen services activity, and out of home and permanency includes $79,955,000, $2,321,000, and $2,614,000 in local funds, respectively, for a total of $84,890,000. CFSA Proposed Budget, Schedule 30-PBB. With about 2100 children in foster care, CFSA will spend an average of $40,423 for each child in foster care. This estimate is conservative because it excludes costs for foster care agency contract monitoring, foster home and facility licensing, permanency subsidies, and in home and permanency units 1 and 2 – all of which have costs associated with foster are placements. We do not include the costs of those services in our estimate due to the difficulty in projecting their average cost. We also do not include the significant federal funds to support foster children that supplement these local dollars.

[7] The average number of children per family served through Rapid Housing was 3.1 in FY'08, Rapid Housing Report: FY 2008 (201 children in 65 families), 2.2 in FY'07, Rapid Housing Report: FY 2007 (164 children in 74 families), and 3.0 in FY'06. Rapid Housing Report: FY 2006 (236 children in 78 families).

[8] Restoring full funding would provide enough Rapid Housing funds to serve 150 families. The number of children per family served by Rapid Housing ranged from 2.2 in FY'07 to 3.1 in FY'08. *See supra* note 37. One year in foster care costs an average of more than $40,000 per child; we conservatively assumed an average stay in foster care of six months, or a cost of $20,000 per child. 150 families multiplied by 2.2 children per family multiplied by $20,000 per child equals $6,600,000. That estimate conservatively uses a low estimate of the average number of children per family – the lowest figure in the range of recent experience.

[9] The Mayor proposes cutting $2.769 from a fiscal year 2010 budget of $6.309 million.

[10] Mayor's proposed Fiscal Year 2011 Budget Support Act, Title V, Subtitle K, § 5081.

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Post-Hearing Questions for the Record
Submitted to Ms. Judith Sandalow
From Senator Mary L. Landrieu

"Assessing Foster Care and Family Services in the District of Columbia: Challenges and Solutions"
March 16, 2010

1. In your testimony, you stated over one-third of children removed from their families are returned within four months or less. Can you explain why this is a concern and how it affects children?

Children should be raised by their families whenever possible. The Constitution recognizes this principle; parents have a right to the custody of their children barring a showing that they are unfit. Further, the law recognizes that separating children from their families is an inherently damaging and traumatic action. A pillar of child welfare work – as stated by leading practitioners Joseph Goldstein, Albert Solnit, Sonja Goldstein, and Anna Freud – is that separating children from their families "is likely to be detrimental."[1]

Removals must only occur as a last resort, when necessary to protect children from harm that is greater than the harm caused by removals themselves. That is a hard burden to meet because leaving children at home – even when home life is far from perfect – is often a better option than removing children. Removal is traumatic for children and families. Two recent studies of more than 15,000 children compared outcomes for children in similar situations, some of whom were removed from their families and placed in foster care and some of whom were left at home. Children left at home had far better outcomes than those removed – they are two to three times less likely to be arrested, convicted and imprisoned for crimes when they become adults,[2] less likely to engage in delinquent acts as juveniles, less likely to become pregnant as teenagers, and have higher earnings as adults.[3]

The best option for children who have suffered some form of neglect but do not face an imminent risk of short term harm is often to stay at home and for their families to receive voluntary services to help them stay safely together. The right services provided on a voluntary basis is the best way to help vulnerable children. That is why children who remain at home and whose families receive

[1] *The Best Interest of the Child: The Least Detrimental Alternative*, 90 (1996 ed. with *Beyond the Best Interests of the Child*, *Before the Best Interests of the Child*, and *In the Best Interests of the Child* in one volume).
[2] Joseph J. Doyle, *Child Protection and Adult Crime: Using Investigator Assignment to Estimate Causal Effects of Foster Care*, 116 J. of Pol. Econ. 746 (2008), *available at* http://www.mit.edu/~jjdoyle/doyle_jpe_aug08.pdf.
[3] Joseph J. Doyle, *Child Protection and Child Outcomes: Measuring the Effects of Foster Care*, 97 Amer. Econ. Rev. 1583 (Dec. 2007), *available at* http://www.mit.edu/~jjdoyle/fostercare_aer.pdf.

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voluntary services are safer in the short and long runs than children who are subject to traditional child welfare investigations and, occasionally, removals.[4]

Given the significant harm of unnecessary removals every effort should be made by the agency to avoid them. A quick return of a child to a home is very often a sign that the removal was unnecessary.[5] When a situation at home is so severe that removing a child is necessary to protect the child's safety, significant work is required to resolve that situation. In our experience, such work cannot occur in a matter of days or weeks.

My testimony used a four month benchmark because that is the length of time from a child's removal to a trial on the government's neglect allegations. In our cases, when a child returns home in that time period, it is usually because CFSA should not have removed the child in the first place. The child's return home reflects pressure from the upcoming trial date, and not any resolution to deep-seated problems at home. If the situation can be resolved by providing services in this short period of time, then more often than not CFSA should have provided those services without removing the child.

These unnecessary removals are not only inherently traumatic and damaging to a child and family, but also poison CFSA's relationship with families, limiting the agency's ability to help address whatever real issues may exist. In addition, unnecessary removals are costly to the foster care system. Children unnecessary separated from their families take up some of the District's limited

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[4] Institute of Applied Research, *Extended Follow-Up Study of Minnesota's Family Assessment Response: Final* Report, 6, 28-31 (2006), http://www.iarstl.org/papers/FinalMNFARReport.pdf

[5] The phenomenon of CFSA quickly returning many children is consistently reported by CFSA in its annual public reports, as noted in on page 4 and footnote 8 of my written testimony. Footnote 8 stated: In FY 2009, 221 children left foster care in less than four months, and 123 in less than one month – compared with only 661 children who entered foster care. Government of the District of Columbia, Child and Family Services Agency, Fiscal Year 2009 Annual Report at 30, 34 (2010), http://cfsa.dc.gov/cfsa/frames.asp?doc=/cfsa/lib/cfsa/reports_and_assessments/2009_apr_final.pdf. In percentage terms, 18.6 percent of all children removed were returned in less than one month, and 33.4 percent of all children removed were returned in less than four months. That is, more than a third of children who entered care left care in less than four months, and nearly one-fifth of all children brought into care left in less than one month. In FY 2008, 204 children left foster care in less than four months, and 134 in less than one month – compared with only 765 children who entered foster care. Government of the District of Columbia, Child and Family Services Agency, Fiscal Year 2008 Annual Report at 28, 31 (2009), http://cfsa.dc.gov/cfsa/frames.asp?doc=/cfsa/lib/cfsa/pdf/fy_2008_annual_public_report.pdf. In percentage terms, 17.5 percent of all children removed were returned in less than one month, and 26.7 percent were returned in less than four months. In FY 2007, 179 children left foster care in less than four months of entry, and 119 in less than one month – compared with 632 children who entered foster care. Government of the District of Columbia, Child and Family Services Agency, Fiscal Year 2007 Annual Report at 19, 22 (2008), http://cfsa.dc.gov/cfsa/frames.asp?doc=/cfsa/lib/cfsa/pdf/final_mayor_annual_report_2007[1].pdf. In percentage terms, 18.8 percent of all children removed were returned in less than one month, and 28.3 percent were returned in less than four months. In FY 2006, 237 children left foster care in less than four months, and 96 in less than one month – compared with 686 children who entered foster care. Government of the District of Columbia, Child and Family Services Agency, Fiscal Year 2006 Annual Report at 17, 20 (2007), http://cfsa.dc.gov/cfsa/frames.asp?doc=/cfsa/lib/cfsa/pdf/annual_public_report_2006.pdf. In percentage terms, 14.0 percent of all children removed were returned in less than one month, and 34.5 percent were returned in less than four months.

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foster care placements. These placements – and the significant amount of money necessary to support them – should be reserved for those situations that truly require them.

2. Why does CFSA remove these children from their home, only to return them within a few months? Please identify the Agency's reasons for engaging in this practice.

We do not believe that CFSA intends to remove children and then return them home quickly. Rather, CFSA makes a poor removal decision which is soon reversed through some of the various checks imposed by the process of filing a petition alleging neglect in Family Court and the due process checks from the Court and individual lawyers.

When CFSA social workers remove a child, CFSA has 72 hours before its lawyers must file a neglect petition, and in some cases CFSA can extend that timeline an additional five days. In the interim, several steps happen: The CFSA assistant attorney general reviews the case and must determine whether it can be petitioned. A guardian *ad litem* (GAL) is appointed, and the GAL begins investigating the case. A family team meeting is held at which the parents, the child (if appropriate) and other family members discuss the situation. All of these factors can, and often do, convince CFSA or its attorneys that the removal was unjustified.

Second, lawyers for children and parents often uncover good reasons that children should never have been removed. The judicial process – which, in the first four months, includes an initial hearing, mediation, and preparation for trial on the government's neglect allegations – works to test the government's reasons for removing children. This process often reveals unnecessary removals and prompts the government to either drop cases or to support the child living at home while the case continues.

The quick return rate indicates the need for better procedures and practices to be put in place before a child is removed.

3. What are the primary barriers preventing older children from achieving permanence?

The biggest barriers to adoption and guardianship for older foster children relate to disparities in adoption and guardianship subsidies. First, adoption and guardianship subsidies end at age 18 under current law, even though former foster children (like all children) continue to depend on parents and guardians after they turn 18, and even though families can continue to receive subsidies if they choose to remain in the foster care system until the child turns 21. Second, guardianship subsidies are not available to non-kinship foster parents, making an important permanency option for older

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youth financially untenable. We remain optimistic that the D.C. Council will soon remove these barriers through legislation.[6]

Remaining barriers to permanency include the District's poor record of helping foster youth live with kin. Foster children in kinship placements are far more likely than other foster children to leave foster care to a positive permanency outcome. But the District continues to place a low percentage of foster children with kin, especially when compared with the national average; only 15 percent of District foster children live with kin,[7] while the national average is 24 percent.[8] CFSA has not acted aggressively to improve its kinship placement record; it has not issued a policy or regulations to take advantage of flexibility in federal law for licensing kinship foster homes, and in our experience, CFSA does not effectively engage potential kinship resources early in a case.

Finally, the loss of certain services available to foster parents but not to adoptive parents or permanent guardians – such as a special education school, or a therapist – create barriers to adoption and guardianship. To provide an example, many foster children attend private special education schools because of significant disabilities. Most of the District's foster homes are in Maryland. Maryland foster parents of children who need private special education schools cannot become adoptive parents or permanent guardians without jeopardizing the child's special education school placement. While in foster care, the child remains a legal resident of the District of Columbia and educational responsibility falls on the District's school system. But upon adoption or guardianship, the child becomes a Maryland resident and a Maryland school district will assume responsibility for his education. That school district may not be willing to send him to the same school causing significant disruption for the child and potential educational delays.

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[6] Bill 18-547, the Adoption Reform Amendment Act, would remove these barriers. The bill was co-sponsored by all 13 members of the District of Columbia Council, and a hearing was held on it on March 4, 2010. The bill may be found at http://www.dccouncil.us/images/00001/20091203162020.pdf.

[7] Government of the District of Columbia, Child and Family Services Agency, 2009 Needs Assessment at 31, 40, http://cfsa.dc.gov/cfsa/frames.asp?doc=/cfsa/lib/cfsa/reports_and_assessments/2009_needs_assessment_-_final_document.pdf (2010).

[8] U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau, *The AFCARS Report: Preliminary FY 2008 Estimates as of October 2009*, at 1, http://www.acf.hhs.gov/programs/cb/stats_research/afcars/tar/report16.pdf.

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Post-Hearing Questions for the Record
Submitted to Ms. Sarah M. Ocran
From Senator Daniel K. Akaka

"Assessing Foster Care and Family Services in the District of Columbia: Challenges and Solutions"
March 16, 2010

1. Have your social workers relied exclusively on phone calls to contact you, or have some utilized other forms of communication, such as texting, email, online chatting, or social networking sites?

   There was one time when my social worker texted and emailed me but then slowly that began to stop occurring. Then all commutation had stopped because my social worker stop doing check ups and when I called her I did not receive a call back.

   If yes, were these social workers easier to contact or more responsive than those who relied solely on phone calls?

   Currently I have a decent social worker. He is very dedicated and tries his best to follow up with the communication. He calls periodically and when I leave messages with him he is good with calling me back.

2. Has the D.C. Child and Family Services Agency (CFSA) asked you whether you are happy with your social worker's performance?

   No, I have not been asked if I liked my social worker or not. But they would definitely know if there was a problem with something.

3. Do you have regular contact with your Guardian Ad Litem (GAL), and if so, how often do you speak with him or her? Has your GAL taken the time to understand *your* preferred permanency goal, and do you believe he or she respects your decision?

   No I do not have regular contact with my GAL. Once I did. But there was one time where we would email each other to communicate daily about what I was doing and what I needed help with but all of that has stopped. Yes my GAL respects and help me to better understand my decision on what my goal is. But I think that mainly she believes that I have my best interest at heart, so she agrees with me.

4. When your permanency goal was set, were the adults involved responsive to your needs and preferences? Did someone involved explain the various permanency options in simple, plain language? Were you asked whether you understood and were comfortable with the decision being made?

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The adults where very ok with my goal. But everyone is not giving me the proper help only two people. Yes there was an adult who took the time to talk to me about all of the goals and explain them in layman terms. Yes I was asked that.

5. Are there aspects of the life conference and Family Court proceedings you would change to make it easier for you and other youth to express your permanency preferences?

   Yes because I do not like how families are broken up because of the process that the child has to go though just to find stability. I believe that the courts should work with the family, instead of holding up the time that they could be spending together. When it comes to family conference it is fun depending who the monitor is because it gives the youth a chance to show/tell the people they love what they believe is best for their life.

6. Why do you believe your permanency goal was changed from legal guardianship to Another Planned Permanent Living Arrangement?

   I believe that it was changed to APPLA because the lack of communication between my social worker, God mother and me. Also the doubt that I had because the process was taking too long and I began to have doubts that it was not going to happen and not only that but every one was telling me that I could have my own apartment so that sounded better , because what I wanted was taking to long.

7. Since you have reached the age of 18, are you still interested in pursuing legal guardianship? If so, please discuss why.

   No , but I am interested in adoption because I want to belong to a family and not for one second think that I do not belong with a family that loves and will support me for a long period of time.

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Post-Hearing Questions for the Record
Submitted to Ms. Sarah M. Ocran
From Senator Mary L. Landrieu

"Assessing Foster Care and Family Services in the District of Columbia: Challenges and Solutions"
March 16, 2010

1. **In your testimony, you mentioned your permanency goal was recently switched from guardianship to APPLA, despite your stated your objections to this change. Could you describe how you were notified that your goal was changed from guardianship to APPLA?**

We were sitting in court. The judge was talking and so was my social. They were saying how I am showing a great deal of responsibility and how my goal should be change to APPLA. Then I was asked if I had any questions and if I agreed or not about my goal changing to APPLA. I said no, I didn't have any questions.

2. **In your view, what specific barriers have prevented you from being placed in a permanent home?**

Communications was a big barrier that kept me from being with my god mother. Another barrier was that my social worker was just checking the boxes and not really looking out for what my best interest was at heart. The only thing right that she was doing was seeing me twice a month.

3. **Do you feel that your social worker is available when you need to speak with her?**

No, the only time I was able to speak to her was when she came to see me. Then to make things worse she never worked on Fridays. Then when she went on vacation, I would never know that she was gone. I called down to CFSA and found out that she was on administrative leave and that she was no longer my social worker.

   a. **On average, how often do you speak to your social worker?**

Twice a month because she was just checking the boxes. Meaning she was making sure that she did her job by seeing me twice a month.

   b. **How often has the topic of permanency come up?**

Never. My social worker and I just talked about school and about my brother.

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4. **In your testimony, you mentioned that you felt you weren't ready to live on your own. Could you elaborate?**

When I moved from my group home on 57th St SE to the ILP on 5041 C St , I was not ready to move. I was told that I had to move because I was 17 years old. But I was just finishing up my junior year in school. I just feel like this move was not thoroughly thought about. That is because, I was 17 I had no other choice but to move into an ILP. I am not ready to live by myself because it's hard. Some times I go to bed and not even have dinner or forget to wash my uniform because I had an excessive amount of home work to do.

5. **Based on your experience within the system, and working at the Foster Care Campaign, what are your top three recommendations for reforming the system so it works better for older youth?**

1) Better Organization within the foster care system. This is important because if they had better organization youth like me would not still be in the foster care system when long ago I identified a family and could have been already living in a home.

2) Better social workers. This is important because the social workers need to be trained in every aspect of permanency and why it is important. The social worker needs to be able to communicate with the youth about the different goals and be able to explain them to the youth. Also the social worker needs to help the youth find permanency.

3) A youth transitions center that would help youth after they have aged out of the system with safety net, education, and permanency if they do not already have it. This is important because many youth are aging out of the system and are becoming homeless because they do not have anyone to support them or they may not have the resources that they need.

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Post-Hearing Questions for the Record
Submitted to Ms. Dominique Davis
From Senator Daniel K. Akaka

"Assessing Foster Care and Family Services in the District of Columbia: Challenges and Solutions"
March 16, 2010

1. You testified Adoptions Together helped finalize your adoption and facilitated a smooth process. Please describe the actions Adoptions Together took to help your adoption process go smoothly and any differences you noticed when Adoptions Together started helping you.

   They visited us regularly to make sure we were doing okay and made sure that all of the things that needed to get done to the finalize the adoption happened.

2. During your twelve years within the D.C. Child Welfare System, how many homes and schools were you placed in?

   I have lived with my mom (Ms. Davis) since I was 11 years old. Before that I had been in 8 different placements. I changed elementary schools once because of a placement change. After I lived with my mom, I changed schools several times to find a school that better met my educational needs.

3. When your permanency goal was determined, were the adults involved responsive to your needs and preferences? Did someone involved explain the various permanency options in simple, plain language? Were you asked to confirm that you understood and were comfortable with the decision being made?

   My goal was adoption when I was placed with Ms. Davis. Before that, no one asked me those questions. It took 4 years to finalize my adoption. On the last attempt, the adults involved, including the attorneys and the judge, asked me those questions regularly and made sure I was comfortable with the decision being made.

4. Are there any aspects of the adoption process that you would change?

   Before I was adopted, on several occasions, workers lost important paperwork that prevented me from being adopted quickly. Families should only have to submit paperwork once.

5. In your statement, you discussed the value of having a permanent home, especially for teenagers. Please elaborate on how you have benefited from being adopted into a family and why you believe permanence is important for teenagers.

   Being adopted is important because everyone needs a family – especially teenagers because we get in trouble a lot and families keep us in line.

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