

**Statement of
June B. Kress, Executive Director
of the Council for Court Excellence
before the
DC Council Committee on Human Services
Concerning Oversight of the
Child and Family Services Agency**

February 24, 2006

Good morning, Chairman Fenty and members of the Committee. I am pleased to be here on behalf of the Council for Court Excellence, which is a local non-partisan civic organization that works to improve the administration of justice in our city. For 24 years, the Council for Court Excellence has been a unique resource for our 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. Let me stress that no judicial member of the Council for Court Excellence has participated in the preparation of today's testimony.

Since October 1999, the Council for Court Excellence has been privileged to facilitate and staff the work of the DC Child Welfare Leadership Team. This voluntary group is comprised of leaders of the Child and Family Services Agency; the Office of the Attorney General; the DC Superior Court Family Court; the Office of the Deputy Mayor for Children, Youth, Families and Elders; and others, including the Monitor of CFSA under the *LaShawn* litigation.

As you know, Mr. Chairman, the Child and Family Services Agency is not solely responsible for the performance of the city's child protection and foster care system. That legal responsibility is shared by all of the agencies I mentioned. The Leadership Team formed in 1999 in order to collaborate on and coordinate their respective agencies' efforts to successfully implement the Adoption and Safe Families Act (ASFA) and the DC Family Court Act.

In our opinion, the documented improved overall performance of the District's child welfare system since 2001 is attributable to several factors, each of which has been crucial to the success so far:

- Stable, superior leadership from 2002 to 2005 of the responsible DC governmental agencies, especially CFSA and the Family Court;
- The collaboration among the DC Child Welfare Leadership Team - especially CFSA, the Office of the Attorney General, and the Family Court - that has led to joint planning and synchronized implementation of the three agencies' system reforms;
- Substantial increases in funding to all three of those entities, which for the first time has provided each with adequate resources to discharge their responsibilities; and
- A shared commitment among system leaders to routinely measure performance against statutory and other legal benchmarks.

Without in any way minimizing the numerous performance challenges that continue to face the Child and Family Services Agency, the Council for Court Excellence's testimony today will focus on three accomplishments by the Agency in 2005, which we know about directly through our work with the DC Child Welfare Leadership Team. Each was identified as a major priority of the Team for 2005, and each was part of the Team's 2005 focus on expediting the achievement of permanency for the District's foster children. The three accomplishments are:

- First, coming into compliance with ASFA's Termination of Parental Rights requirement;
- Second, improving case management for those children with a legal goal of adoption; and
- Third, conducting Family Team Meetings for new cases involving the removal of a child from home.

I will discuss each of these accomplishments more fully.

1. TPRs. The 1997 Adoption and Safe Families Act, known as ASFA, requires that, whenever a child has been in foster care for 15 of the preceding 22 months, the city must file a petition in Family Court to terminate the parental rights of the child's birth parents, unless there are compelling reasons not to do so. The purpose of this "TPR" provision is to get children out of foster care limbo and free them for adoption. Prior to fall 2004, the District had not implemented this provision of ASFA, and the Child Welfare Leadership Team set compliance as a priority for 2005.

CFSA and the Office of the Attorney General (OAG) worked together to identify the 448 children who fit the 15-of-22-months criterion for TPR filing. Simultaneously, CFSA, OAG, and the Family Court, working as the Child Welfare Leadership Team with the strong research and drafting support of the Center for the Study of Social Policy, crafted and published a joint policy on what all agreed would constitute appropriate “compelling reasons” not to file a TPR.

The CFSA/OAG team then did a joint case-by-case review of the 448 children, and they identified and documented 230 cases of the 448 which had a compelling reason not to terminate parental rights. In 47 cases, CFSA and OAG helped the child achieve legal permanency without a TPR filing. In the remaining 171 children’s cases, CFSA worked with OAG to prepare the cases for TPR, and the OAG filed all 171 TPRs in Family Court by June 2005, completely eliminating the TPR backlog and bringing the city into compliance with ASFA.

CFSA and OAG also worked together to establish a system to prevent any current or future case from missing the TPR-filing deadline, and the OAG filed an additional 73 TPR petitions in Family Court in 2005 for such current cases. The OAG/CFSA team prevailed in 43 of the 44 TPR cases that reached trial in 2005 and resolved an additional 15 cases without going to trial.

This successful joint undertaking on the part of CFSA and the Office of the Attorney General is the result of priority attention and commitment of resources by the agency leaders and then exceptional effort by agency staff members. The Family Court also deserves praise for preparing for, accommodating, and expediting the increased caseload.

2. Adoptions. In a further effort to expedite permanency for DC foster children, the Child Welfare Leadership Team placed high priority in 2005 on more aggressively tracking the cases of children with a permanency goal of adoption. Beginning in late 2004, CFSA performed a case-by-case review of the 987 children its FACES computer records showed having adoption as their permanency goal. By March 2005 after completing that review, the 987 number had been reduced to 836 adoption-goal children. By year-end 2005, the number had been reduced to 583 children. Adoptions were completed for 272 children in 2005. Of the 583 children still awaiting adoption, 404 are living with either a pre-adoptive family or a foster parent who is considering adoption, and the remaining 179 need CFSA to find them an adoptive home.

Many steps must be completed to achieve permanency for the 583 adoption-goal children, and it is important that this remain a high agency and system-wide priority.

Nonetheless, CFSA deserves praise for the impressive gains it has made for this group of DC's foster children since CFSA reported to the Center for the Study of Social Policy in May 2004 that 1,089 DC foster children had a goal of adoption and 35% (about 380) were not in pre-adoptive homes.

3. Family Team Meetings. One key to achieving good and prompt permanent solutions for children who must be removed from their homes for safety reasons is "front-loading" the process, which includes doing everything possible as early as possible to find relatives or family friends who are willing to help. As you know, the DC Council passed the Child in Need of Protection Amendment Act of 2004, which permitted the initial Family Court hearing in child removal cases to be held within 72 hours of removal rather than within 24 hours, which had been the deadline previously. The intent of this delay was to permit CFSA to convene a family team meeting during the 72 hours to solicit the assistance of family members, relatives, social service workers, and the child's guardian ad litem in developing a safety plan for the child.

CFSA worked closely with the Family Court prior to the effective date of the new statute to coordinate their implementation of its provisions, aiming to have guardians ad litem participate in a high percentage of family team meetings. Having better information, gathered through a family team meeting, about the child's and parents' situation, and about the identity of the extended family and their ability to help protect the child should permit better quality decisions to be made at the initial court hearing than was possible when the deadline was 24 hours.

Through June 2005, the latest statistics CCE has, CFSA had held 165 initial-removal family team meetings in the first five months of the new initiative. Of those 165, 138 (or more than 80%) were able to be held within 72 hours of the child's removal, and most succeeded in identifying a suitable relative or in-home placement plan. This is a good record by CFSA for the first stages of implementing a new law and procedure. In that same five-month period, children's guardians ad litem attended just under one half of the family team meetings, and CFSA and the Family Court have worked closely to develop procedures that would yield higher GAL participation.

Such intensive early work should eventually yield more placement stability for children, which is highly important to children's healthy development and which remains a significant performance challenge for CFSA.

We commend CFSA for the progress it has made on the permanency-related initiatives we have mentioned, and we urge the agency to sustain that progress in 2006. We also urge CFSA to restore its performance in other areas where its record has slipped. Finally, we note that there are a number of critical areas where CFSA performance must be improved this year. High on our priority list for improvement are the issues of:

- not initiating or completing investigations in a timely manner, which places children at great risk; and
- having too many children who experience placement disruptions, which impairs the children's ability to develop normally, and which impairs the agency's relations with the foster parents on whom it depends.

Thank you, Mr. Chairman, for the opportunity to testify at today's oversight hearing.