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**Statement of  
the Council for Court Excellence  
to the  
DC Council Committee on Human Services  
Concerning Oversight of the  
Child and Family Services Agency**

February 3, 2011

The Council for Court Excellence is a local, non-partisan civic organization that works in a variety of ways to improve the administration of justice in our city. For 29 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. 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 has been 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.



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.

Between fiscal years 2004 and 2009, the good news is that the number of DC children in foster care 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 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. At the end of fiscal 2009, 58% of the 2,144 foster children had been in care for more than two years and 36% (777 of 2,144) had been in care for more than four 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. Cited below are disturbing DC data for each permanency option that is permitted by federal law.** The data are drawn (as were those above) from fiscal 2009 and earlier annual reports from CFSA and the Family Court, the most recent published data:

- First, stabilizing a family so that their children can remain at home, thus 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 reunifications occurred within one month of the child's removal from home. It would be a good idea to review such quick-reunification cases to determine if CFSA made the



reasonable efforts required by federal and local law 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 2009 rate of speed it would take nearly five more years to complete adoptions for those 491 children**, which should not be acceptable to anyone.

Thus, it is commendable that the city has now pledged through the December 2010 *LaShawn* Implementation and Exit Plan to significantly expedite the adoption placement and court process. 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. Cross-agency collaboration is essential to improve the District's performance.

- 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 2009 rate of speed it would 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 (APPLA). APPLA is the last-resort option that is least-favored by federal law, and the District's use of APPLA is very high by national standards. 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 the child prepare to live without legal ties to any family but to forge an informal connection with a caring adult by



COUNCIL FOR COURT EXCELLENCE

the time he or she loses the support of the foster care system at age 21 or earlier. Ninety percent of the District's 700 APPLA children had been in foster care for more than two years, and 68% had been in foster care for more than four years. The District's child welfare system has failed to find them the legal permanency that is a primary goal of the system. In fiscal 2009, 175 DC children did age out of the foster care system 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 the federal Adoption and Safe Families Act'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.** 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.

Finally, we urge this committee and the full DC Council to continue to provide close oversight of the performance of the District's child welfare system, and **we urge you to pay special attention to the issue of prompt permanency for all of the District's foster children.**