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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 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. 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.