

## MEMORANDUM

TO: Director Brenda Donald, DC Child and Family Services Agency  
DATE: May 4, 2020  
RE: Accommodations During COVID-19 Public Health Emergency to Protect DC Grandparent and Close Relative Caregiver Program Applicants

We are a group of advocates for the city’s most vulnerable residents – grandparents and other close relatives who seek to apply for the Grandparent and Close Relative Caregiver Programs (“Caregiver Programs”). To that end, we want to ensure that relative caregivers are protected to the greatest extent possible when trying to obtain Caregiver Program subsidies during and after the COVID-19 public health emergency. Pursuant to the COVID-19 Response Emergency Amendment Act of 2020 (“COVID Act”), the Mayor has authority during the public health emergency and for 60 days thereafter to “take such other actions as the Mayor determines appropriate to support continuity of, and access to, any public benefit program.”<sup>1</sup>

Our recommendations below provide a framework for ensuring that relative caregivers and the children they raise do not have to leave their homes to apply for and receive the Caregiver Program subsidies, while also protecting Child and Family Services Agency (CFSA) workers:

- **Implement Telephone Completion of Caregiver Program Applications and Subsidy Agreements.** We understand that CFSA is working on an online application process but, in the meantime during the public health emergency, relative caregivers can download, print, sign, and then mail or email their applications to CFSA, as well as sign the subsidy agreements via DocuSign. However, many relative caregivers have limited or no access to computers, the internet, or scanner/printers.<sup>2</sup> Therefore, their only option for submission of a Caregiver Program application or signing a subsidy agreement would be in-person at CFSA. To protect relative caregivers and CFSA staff, we are requesting that CFSA workers complete applications with relative caregivers over the telephone, accept attestations via adequate case narration in place of wet or electronic signatures, and then permit relative caregivers to mail in or email any required documentation. Once approved, workers should call relative caregivers and accept an attestation over the telephone for the subsidy agreement in place of a wet or electronic signature. This accommodation would further CFSA’s stated intention to “limit face-to-face contact” with children and families during the public health emergency.<sup>3</sup> It is also consistent with the Children’s Bureau’s April 15,

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<sup>1</sup> Section 303 of the COVID-19 Response Emergency Amendment Act of 2020 (March 17, 2020), D.C. Act 23-247, 67 D.C. Reg. 3093.

<sup>2</sup> According to the Urban Institute, 45-48% of households in Wards 7 and 8 have no broadband internet. See <https://greaterdc.urban.org/blog/new-data-reveal-digital-divides-across-dc-neighborhoods>. This constituency relies heavily on public libraries to access computers, the internet, and printing/scanning, and the libraries are closed during the public health emergency.

<sup>3</sup> See CFSA Operating Status During COVID-19 Emergency (March 16, 2020), available at <https://cfsa.dc.gov/release/update-dc-child-and-family-services-agency-cfsa-operating-status-during-covid-19-emergency>.

2020 guidance to allow state and local child welfare agencies to use video conferencing to meet the requirement for caseworker visits in the child’s home.<sup>4</sup>

- **Waive Fingerprinting Requirements.** Requiring Caregiver Program applicants to provide their fingerprints for criminal background checks during the public health emergency puts relative caregivers and CFSA workers at substantial risk of infection. Not only does fingerprinting require applicants to take off any protective gloves they may be wearing, but also entails close physical contact between a CFSA worker and relative caregiver to ensure the fingerprints are properly read. Such close contact is contrary to CFSA’s COVID-19 policy limiting “face-to-face contact,” with children and families. Moreover, waiving the fingerprint requirement is permitted by the COVID Act and consistent with federal guidance in analogous situations. Specifically, the Children’s Bureau has provided flexibility to states and localities in meeting the federal fingerprint-based criminal background checks during the COVID-19 public health emergency to conduct “all available name-based criminal background checks for prospective foster parents, adoptive parents, legal guardians, and adults working in child care institutions, and complete the fingerprint-based checks . . . as soon as it can safely do so, in situations where only name-based checks were completed.”<sup>5</sup>
- **Mail Caregiver Program Subsidy EBT Cards to Recipients.** In conformity with the other benefit programs DC administers for its residents, such as TANF, SNAP, and foster care, CFSA should mail EBT cards to Caregiver Program recipients’ addresses on file, rather than requiring them to come into the CFSA offices to sign for them. This change should be implemented permanently but, at minimum, during the public health emergency.
- **Update Website to Include COVID-19 Procedures for Caregiver Programs.** While CFSA has provided some COVID-19 related policy updates on its website, none apply to the Caregiver Programs. CFSA should ensure all policy updates are conspicuously posted on its website, comply with language access rules, and are communicated in languages other than just English.

Thank you for your support of our most vulnerable residents in this time of crisis.

Respectfully,

Advocates for Justice and Education  
Children’s Law Center  
DC KinCare Alliance  
First Shift Justice Project  
Legal Counsel for the Elderly

Positive Force DC  
We Are Family Senior Outreach Network  
Marie Cohen, Child Welfare Monitor  
Patricia DeFerrari, Ward 4 Resident  
Katherine Landfield, MSW, LICSW

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<sup>4</sup> Letter from Jerry Milner, Associate Commissioner, Children’s Bureau, U.S. Department of Health and Human Services, to Child Welfare Leaders (April 15, 2020) at p. 2, *available at* [https://www.acf.hhs.gov/sites/default/files/cb/stafford\\_act.pdf](https://www.acf.hhs.gov/sites/default/files/cb/stafford_act.pdf).

<sup>5</sup> *Id.*