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jonetta rose barras: Money, politics and an ombudsperson in DC

By [jonetta rose barras](#) on Apr 1, 2022 Last updated Apr 1, 2022

The opening salvo in the anticipated fight over the executive's fiscal year 2023 budget and financial plan came quickly.

On March 16, seated inside the auditorium of the newly renovated Martin Luther King Jr. Memorial Library, Mayor Muriel Bowser had just completed her initial

presentation. DC Council Chair Phil Mendelson was calling on his members to raise any initial questions they had.



(Photo by Kate Oczypok)

When Ward 1 Council member Brianne Nadeau's turn came, she praised Bowser for funding programs and services that address the needs of the immigrant population, among other things. Then Nadeau, who chairs the Committee on Human Services, asked whether she had read correctly: Had the \$935,000 the council set aside for the Office of the Ombudsperson for Children (OOC) been cut entirely from the 2023 budget?

The council voted unanimously in late 2020 to establish the OOC after intense lobbying by advocates and child welfare experts. As initially conceived, the ombudsperson was to have citywide authority, navigating any agency serving children, reviewing records, resolving complaints and conflicts, and – if necessary – going to court to ensure its access and authority.

While the **final bill** downsized advocates' more global aspiration by focusing the work of the ombudsperson mostly on the Child and Family Services Agency (CFSA), there is little doubt among its supporters of the importance of the office. Among other things, the ombudsperson would be responsible for "improving outcomes for children involved with, previously involved with, or otherwise known to the [CFSA]." Further, the office would have "access [to] information contained in the Child Protection Register and from staff of [CFSA] that identifies individual children reported as or found to be abused or neglected or which identifies other members of their families or other persons otherwise considered

confidential.” The office would also have subpoena powers enforceable in DC Superior Court.

Unsurprisingly, Bowser vetoed the bill, arguing the legislative branch was intruding on the prerogatives of the executive branch. In February 2021, the council overrode that veto.

Little more than a year later, Bowser hadn’t altered her position, though the council is in the midst of recruiting a director for the new office. She told Nadeau that there already was an ombudsperson in the Child and Family Services Agency (CFSA); it didn’t need another. The OOC is an independent agency under the auspices of the council – not part of CFSA or the executive branch.

Bowser has proposed a \$222,241,704 budget for CFSA in FY 2023. Close to \$160.8 million of that comes from local revenues, and roughly \$60.5 million is from federal funds; about \$1.5 million comes from private and other funds.

Anyone who has watched Bowser during her nearly two terms in office knows she is protective of her authority in a city where the mayor has enormous power. She plays a hard political game. If it’s not quite a blood sport, she’s shown she can take it to the edge. She pushes her opponents as far as she can, essentially daring them to push back.

Think about that battle last year over the **Medicaid managed care contracting**, for example. She essentially refused to follow the order of the city’s Contract Appeals Board about reevaluating the bids and realigning the scores. She attempted to get legislation approved that would have waived the rules. When that didn’t work, she created a fake health emergency. Then, worried about the potential disruption in health care for the city’s most vulnerable residents in the midst of the ongoing pandemic, the council cried uncle, approving emergency legislation that cleared the way for the administration’s favored contractor.

With that as context, it’s no surprise that Bowser didn’t drop the fight over the ombudsperson for children even after the council overrode her veto. Now she has come back to advance her position – this time using the budget and financial plan as her weapon of choice.

“We don’t think that is the best way to serve children. Given that we are in the final stages of hiring a person, we will be restoring those funds,” Nadeau said that day. Later, she released a **statement** to the press, and a member of her office sent an email to various advocates and nonprofit organizations.

Bowser understands that finding the money – even in a \$19.5 billion budget – to restore the ombudsperson is easier said than done. Nadeau won’t be searching for just \$935,000. She would need money for FY 2023, 2024, 2025 and 2026 – the entire financial plan. That amounts to nearly \$4 million.

Back in April 2021, when the bill cleared congressional review after the council’s override vote, it took effect **subject to appropriations** – meaning it wouldn’t *really* take effect until the necessary funding was put into the budget. Then-Chief Financial Officer Jeffrey DeWitt had determined the council needed \$577,000 for fiscal 2021 and \$3 million for the entire financial plan. That money wasn’t available at the time.

Now, with the mayor defunding the agency, the council is back to square one. This time the price tag is higher.

Mendelson told me earlier this week that the mayor hadn’t done anything “illegal” by removing the funds the council had appropriated for the ombudsperson. “It’s in her power to eliminate positions.”

However, “politically, she’s challenging the council,” he continued, as we walked through the executive’s actions and a couple of other items in the budget.

“The challenge now is for Council member Nadeau to find the money in the budget,” Mendelson added. When an agency or program comes up short, it’s typically the responsibility of the committee chair with oversight to determine how to resolve that problem. That’s generally achieved by squeezing funds from another agency under its purview or taking a cup and making the rounds to other committees.

That task becomes more difficult in an election year, when legislators are pushing their own agendas or trying to respond to special-interest groups. That can mean other council members are already on their own individual hunts for additional funds.

This year, several council members are reaching for a high rung to elevate their career. Others are running for reelection and facing serious challenges – including Nadeau, who faces Salah Czapary and Sabel Harris in the Democratic primary. Both candidates have produced more than enough signatures to make it onto the June 21 ballot. While Nadeau has won some key endorsements, some political observers consider her vulnerable.

If, however, the mayor is challenging the council as an institution, why should the burden be solely Nadeau's? Maybe because Nadeau dragged her feet on setting up the agency, notwithstanding **her spin** that it was appropriate to take the time necessary to find the right “visionary leader” to launch the new office.

The council approved the \$935,000 for the office in the current fiscal year, which began Oct. 1. By late November, advocates were worried that nothing had been done. Once again, they sprang into action, providing Nadeau's office with the names of recruitment firms that could help with recommending individuals for the job.

Advocates and child welfare experts seem willing to let bygones be bygones. They have asserted that the issue is too critical. After Nadeau put out the word that the mayor had cut the budget, a group of them **circulated a petition** asking the council to fund the office. As of Wednesday afternoon, they reported having 178 signatures.

“There is no investigatory entity in [DC] that enforces children's rights, especially foster children's rights, despite how urgent and vital the need to our community,” said Christian Greene, a child welfare expert and licensed independent clinical social worker based in DC who helped create the original design of the OOC.

The petition lays out the stakes: “The importance of this position for DC's children and families is particularly critical now, as the LaShawn class action litigation is coming to a close along with the Court Monitor's oversight of the Child and Family Services Agency's (CFSA's) operations.”

Greene said failing to ensure the office becomes a “living and breathing entity” would leave CFSA – historically a troubled agency – without “independent confidential, impartial, credible review [and] oversight in place.”

“[That’s] a treacherous waiting game for the next tragedy [involving] the lives of children,” added Greene.

Stephanie McClellan, a co-founder of DC KinCare Alliance, a nonprofit organization created to support relatives who care for children outside of the traditional foster care system, shared Greene’s perspective on the importance of the OOC.

DC KinCare is one of the leaders of the petition drive. McClellan seemed optimistic when I spoke with her earlier this week about their efforts and about Nadeau’s leadership. She called the OOC important to the work that Nadeau’s committee does. “It is part of oversight. I think she will be responsible for [finding the money]; she’ll make it happen,” added McClellan.

Time will tell whether she’s right.

During the recent budget hearing, CFSA Director Robert Matthews outlined planned changes that anyone concerned about the plight of vulnerable children in this city should consider. The agency is moving to a child and family well-being system under which many of its responsibilities could be offloaded to other agencies and community organizations, making it difficult to track their activities or inactivity. Meanwhile, social workers’ caseloads have increased.

Further, Bowser’s budget proposes cuts to child protective services, which won’t help the problem. This entity within CFSA is responsible for conducting investigations into allegations of abuse and neglect. In February, Matthews told the committee that CFSA had a backlog of more than 100 investigations; less funding will only compound that problem. In previous years, when the agency was under court order, the investigations it did manage to conduct were frequently botched; too often children died, having been left in unsafe homes.

Advocates hope the ombudsperson may be able to save a life or two. That result may prove difficult to realize if the mayor continues to use the office to plant her political flag.

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