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Testimony Before the Council of the District of Columbia

Committee on Facilities and Family Services

**Budget Oversight Hearing
Office of the Ombudsperson for Children
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Good morning, Chairperson Lewis-George and Members of the Committee on Facilities and Family Services. My name is Stephanie McClellan, and I am the Deputy Director of DC KinCare Alliance. Our mission is to support the legal, financial, and related service needs of relative caregivers who step up to raise children in their extended families when the children's parents are not able to care for them. In the six years since our founding, we have helped over 850 relative caregivers raising more than 1,000 DC children. Today I am testifying in support of restoring the funding for the Office of the Ombudsperson for Children ("OFC"). DC KinCare Alliance was one of the original proponents of the OFC and we are pleased that it has been established and is conducting its important work.

Despite its critical mission, the OFC has always faced an uphill battle. The legislation establishing the OFC was opposed by CFSA and vetoed by Mayor Bowser before this Council overrode her veto. Then, Mayor Bowser tried to accomplish with the purse what she could not with her veto and defunded the OFC last year. Again, this Council came through for the children of the District and found a way to fund the OFC. This year, following the old political axiom of never letting a good crisis go to waste, the Mayor has again zeroed out the budget for the OFC. The only thing that has changed is that, this year, the Mayor's office is using the pretext of the budget shortfall to try to drive a stake through the heart of CFSA oversight in general, and the OFC in particular.

I do not pretend that finding a way to fund the OFC will be more difficult in this leaner year, but it can be done. It HAS to be done because District children and families who will have nowhere else to turn when CFSA fails to protect them or acts in a manner that harms them. There is no court monitor in the *LaShawn* case anymore. If the OFC is not funded, for the first time in more than 30 years, there will be no one to oversee CFSA and ensure the safety and wellbeing of our most vulnerable residents, our children. There will be no one to review whether CFSA is complying with its own policies and procedures or to

assess the efficacy and advisability of those policies. If Council oversight of CFSA is to be informed by what is really going on and the impact it is having on District residents, the OFC is absolutely essential.

DC KinCare Alliance sees the impact of CFSA actions and policies every day. We can and do testify about our clients' experiences at performance oversight hearings, but the information we provide to this Committee is limited to those cases that we see and by District law that shields the actions of CFSA in confidentiality. The OFC does not have those same limitations. They can access CFSA records and their internal case management software. That access combined with their investigative authority is critical to providing the Council with timely relevant information. Nowhere is this more important than in the area of child fatalities and near fatalities—an area where CFSA's own reporting and the Child Fatality Review Committee's reporting has been woefully inadequate.

The Council need look no further than the OFC's first annual report, its FY 23 Annual Report, to see the importance of its work. The OFC identified four trends in the course of investigating the complaints they received: 1) CFSA closes relative caregiver cases prior to a comprehensive needs assessment for the family; 2) there exists a deeply-rooted mistrust of CFSA among families that fuels a negative perception in the community it serves; 3) Hotline staff require improved training because community members and the OFC have concerns about cases being screened out that should be investigated, and 4) there needs to be improved communication between DCPS and CFSA in the context of schools not receiving follow up information when they make referrals.

Two of the three case summaries in the Report involve kinship diversion, also known as hidden foster care. CSFA calls it safety planning or informal family planning arrangements. Kinship diversion occurs when a child has been abused or neglected, and CFSA is involved in planning for the child to live with a caregiver who is not a parent or

legal guardian. We have testified many times about this practice and how it can set families and children up for failure.

In discussing these cases, the OFC identifies serious failures by CFSA to ensure the safety of the children at the time of and after the diversion, the lack of support services or follow up for the family, and the closure of the case without following safe closure protocols.

Because of the unique conditions under which CFSA operates, where everything is confidential and not open to public inspection, there must be an independent entity that can oversee and check its operations. This is especially critical when we are talking about the protection and rights of children, who have no voice or vote and need someone else to stand up for them. None of us can expect to ensure fairness, propriety, and improvement if we only review ourselves; we must subject ourselves to some independent assessment. If the OFC is not funded, the Council will have lost its source of independent information about CFSA's operations as well as the ability to conduct meaningful oversight.

Thank you for the opportunity to testify today. I am happy to answer any questions.