

**DISTRICT OF COLUMBIA APPROPRIATIONS FOR  
FISCAL YEAR 2004**

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**HEARINGS**

BEFORE A

SUBCOMMITTEE OF THE  
COMMITTEE ON APPROPRIATIONS  
UNITED STATES SENATE  
ONE HUNDRED EIGHTH CONGRESS

FIRST SESSION

ON

**H.R. 2765/S. 1583**

AN ACT MAKING APPROPRIATIONS FOR THE GOVERNMENT OF THE  
DISTRICT OF COLUMBIA AND OTHER ACTIVITIES CHARGEABLE IN  
WHOLE OR IN PART AGAINST THE REVENUES OF SAID DISTRICT FOR  
THE FISCAL YEAR ENDING SEPTEMBER 30, 2004, AND FOR OTHER  
PURPOSES

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**District of Columbia  
District of Columbia Courts  
Foster Care System  
Nondepartmental Witnesses**

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**DISTRICT OF COLUMBIA APPROPRIATIONS  
FOR FISCAL YEAR 2004**

WEDNESDAY, MARCH 12, 2003

U.S. SENATE,  
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,  
*Washington, DC.*

The subcommittee met at 9:35 a.m., in room SD-138, Dirksen Senate Office Building, Hon. Mike DeWine (chairman) presiding.  
Present: Senators DeWine and Landrieu.

DISTRICT OF COLUMBIA

COURTS

**STATEMENT OF ANNICE M. WAGNER, CHIEF JUDGE, DISTRICT OF COLUMBIA COURT OF APPEALS, CHAIRMAN OF THE JOINT COMMITTEE ON JUDICIAL ADMINISTRATION**

**ACCOMPANIED BY ANNE WICKS, EXECUTIVE OFFICER FOR THE D.C. COURTS**

OPENING STATEMENT OF SENATOR MIKE DEWINE

Senator DEWINE. Good morning. The hearing will come to order.

Today I am convening the first fiscal year 2004 budget hearing for the District of Columbia. Just 3 weeks ago, the President signed the fiscal year 2003 omnibus appropriations bill into law. That bill contained, of course, the fiscal year 2003 District of Columbia appropriations bill along with the other ten remaining appropriations bills.

Senator Stevens deserves high praise for completing these bills after taking the Chairman's gavel on January 15. He has recently expressed his desire and his intent to complete Senate action on all 13 appropriations bills by the August recess.

With that charge, we are forging ahead in this subcommittee to review the fiscal year 2004 budget submissions of each Federal agency, as well as Mayor Williams' budget priorities. I want to take this opportunity to commend Senator Landrieu, who will be joining us in just a moment, our subcommittee's Ranking Member and the former chairman of this subcommittee, for her past leadership as the Chairman of the committee, and to recognize her very hard work to make life better for the residents of the District of Columbia.

Over the years, Senator Landrieu and I have worked together to do many things on this subcommittee, but particularly to try to protect the interests of children in this city. And I am sure that we

will continue to reach across the aisle in that endeavor. It is a real pleasure to work with Senator Landrieu. We have operated this subcommittee on a bipartisan basis. She did that when she was the Chairman; and I intend to continue to do that during the time that I am chairman.

Today, as we begin our fiscal year 2004 hearings, I would like to share some Federal funding priorities that I currently see for our Nation's Capital. First, I intend to ensure that the requirements of the Family Court Act, which Senator Landrieu and I sponsored, continue to be aggressively pursued. In fiscal year 2002 and fiscal year 2003, we appropriated a total of \$48 million to support the Family Court. Today we are anxious to hear how the Court has used its fiscal year 2002 funds and how it is planning to use its recently appropriated fiscal year 2003 funds.

Having focused for the past 2 years on the Family Court, this year we intend to turn our attention to an agency with which the Family Court frequently interacts, the Child and Family Services Agency. This is the agency, of course, that is responsible for helping children in the District obtain permanent homes. We plan to hold a series of hearings over the next few months to determine the status of the foster care system in the city and to explore ways to improve adoption opportunities for youngsters in this system.

And let me just say that we have a series of hearings that are planned. We will take whatever time that is necessary during the next several years to fully understand and explore what is going on in this system. This will be the No. 1 priority of the subcommittee for the next 2 years. And we will take the time, and we will put the energy into it, whatever is necessary.

In addition to pursuing the Family Court's objectives and improving the foster care system, I want to ensure that efforts to construct the biodecontamination and quarantine facilities at Children's Hospital and Washington Hospital Center continue to proceed. In last year's budget, Senator Landrieu and I prioritized this and set aside money to work in this area.

In the event of a biological, chemical, or high-yield explosive attack, these two hospitals will provide critical care to children and adults living in and visiting our Nation's Capital. They must be equipped to deal with the consequences of terrorist attacks. We provide resources to begin this activity. We provided resources to begin this activity in fiscal year 2003. And we must make sure that we continue this work.

We also would like to build on the \$50 million fiscal year 2003 Federal investment in the city's combined sewer overflow project. This multi-year project will revamp a system that was constructed at the end of the 19th Century, and which overflows 50 to 60 times every year, dumping raw sewage into the Anacostia River. Given the demands the Federal Government places on this system, we clearly have a responsibility to contribute to its much-needed renovations. If we can share the cost of this project with the city, we would shorten the completion time from 40 to 15 years.

By cleaning up the river, we would expedite the city's proposed waterfront development initiative. This development would ultimately provide recreational and commercial opportunities for D.C. residents and visitors.

Clearly, there are many worthy activities which will place demands on the always limited resources in the D.C. appropriations bill. So today we will begin to discuss those funding needs by listening to testimony from the District of Columbia Courts and the Court Services and Offender Supervision Agency. Under the Capital Revitalization and Self-Government Improvement Act of 1997, of course, the Federal Government is required to finance the District of Columbia Courts and CSOSA.

As I mentioned earlier today, I want to hear how the Family Court has used its fiscal 2002 funds and how it is planning to use its recently appropriated fiscal year 2003 funds. And as we discussed, these have been two very top priorities for both Senator Landrieu and myself.

We would also like to learn what progress the Court is making in meeting its objectives of: (1) implementing one family, one judge; (2) hiring experienced and qualified judicial officers; (3) providing training for judges and all staff; (4) ensuring accountability of attorneys, judges, and staff; (5) providing better technology to cases; (6) initiating alternate dispute resolution; and (7) providing better facilities to provide a safe, family-friendly environment.

The Courts have requested \$193 million for fiscal year 2004. This is \$32 million more than fiscal 2003 enacted levels and \$30 million more than President Bush's budget request. I would like to hear from our witnesses how the Courts plan to use these additional resources and how this increase will contribute to the success of the Family Court, as well as the operations of the Superior Court and the Court of Appeals.

We are particularly interested to learn how the Courts' facilities plan will be implemented and the time line, the time line for completion of these important Capital projects. These Capital projects will play a key role in providing a safe, family-friendly environment, as required by the Family Courts Act.

The Court Services and Offender Supervision Agency has requested \$166.5 million for fiscal year 2004, which is an increase of \$11 million over fiscal year 2003 enacted level and the same as the President's budget request. Again, we would like to hear how these additional resources will be used to further the agencies' mission and goals.

Witnesses will be limited to 5 minutes for their oral remarks. Copies of your written statements will be placed in the record in their entirety.

Let me now turn to the Ranking Member of the committee, a person who I have enjoyed serving with and the former chairman of this committee, Senator Landrieu.

Senator Landrieu.

#### STATEMENT OF SENATOR MARY L. LANDRIEU

Senator LANDRIEU. Thank you, Mr. Chairman. I am looking forward to working with you and starting out this year. And I welcome our witnesses this morning from our Federal agencies, particular the D.C. Courts, the Court Services and Offender Supervision Agency. You all represent the core of the District's appropriations bill and the center of our attention this morning.

As you all know, the subcommittee and the whole Congress exercises a distinct function given the unique position of the District, not being a State and having a special designation as a district. We take that responsibility very seriously. And even with our limited resources, we are going to do our very best in that regard.

I would just like to take a moment, Mr. Chairman, if I could, to briefly review some of the accomplishments of last year and then talk about one or two specific areas of promise that I see in the year ahead.

First of all, I think the Chairman and I worked very well together to help the District to secure emergency preparedness funding in this very difficult time. Every study we have shown and both of our experiences on other committees, particularly my experience as the former chair of the Emerging Threats Subcommittee of Armed Services, leads me to believe that the District is, unfortunately, the No. 1 target in the United States for terrorism. The District of Columbia and New York continue, unfortunately, to hold that designation. And so this committee takes very seriously our responsibility in terms of continuing to try to support the District in its defenses against terrorism and standing up its emergency preparedness.

Strengthening public schools and working with the District to promote more school choice through charters is something I believe that we made a major step and accomplishment in last year, particularly with the Chairman's help supporting our children and families and standing up this Family Court, as we now engage to see where we stand in that effort. That was truly an accomplishment, one we are proud of and one we look forward to continuing to work on as we strengthen the child welfare system in the District as it experiences great challenges, as does almost every major city, and in many communities in the United States.

I also think, as the Chairman just mentioned, of our efforts, as much as we can be supportive, of revitalizing neighborhoods, particularly the Anacostia region with the revitalization of the river. And it is going to take a strong Federal commitment to help the District in that endeavor. But as the Chairman outlined, the economic benefits to this region are pretty substantial and quite exciting.

So I am happy to be working in those four areas. I want to say publicly that I share the Mayor's goal of trying to increase this city's population. I would imagine that every mayor in the country would like to achieve the same, to have every city growing in its population, as opposed to decreasing. And I share his view that one of the keys to growth of a city is the strength and dynamic nature of a school system. And I look forward to working with him through this committee, perhaps, Mr. Chairman, piloting some real creative opportunities to encourage middle-class families to stay in the District. We can use the schools as a real centerpiece to neighborhood revitalization and economic development, as I think is appropriate and, along those lines, continuing to strive for excellence in all of our schools, and really want to commend the school board for their work in beginning their attempts at reforming special education.



I mentioned our support of the Family Court. That commitment remains strong. And I would just like to say, though, on a more pointed note that I was concerned about—and I think the Chairman shares this concern—about the difference in the originally requested amount for the Courts and then the amount that we are considering today. The request for Capital construction was two-thirds less funding from the first documents that we saw until the hearing today.

I think that in order for us to continue to build confidence in the Congress about the Courts' ability to go through this reform plan, to stand up these new buildings, that we have to be very careful.

I am committed to working with you, as I have in the past as the Chairman of this committee, to ensure that every child in the District has access to justice before the court, and families are strengthened, not made more fragile by the system. I am committed to addressing the resources and management issues of the Family Court, so that we can continue to build confidence in our reform efforts.

#### PREPARED STATEMENT

So with that, Mr. Chairman, I will submit the rest of my remarks for the record and thank you for conducting this hearing and I think that we have made quite a few accomplishments in the areas that I outlined and look forward to a very promising year to come.

Thank you.

[The statement follows:]

#### PREPARED STATEMENT OF SENATOR MARY L. LANDRIEU

I would like to welcome the witness from our Federal agencies, the D.C. Courts and the Court Services and Offender Supervision Agency (CSOSA). You are really the core of the D.C. Appropriations bill and the center of our attention. This Subcommittee exercises the "State" oversight function for the District, similar to how other cities and States interact.

The D.C. Appropriations bill, under my chairmanship last year and continuing with Mr. DeWine, has charted a course to support targeted investments in the District. Congress is partnering with the District by enhancing security and emergency preparedness; strengthening schools and education standards; supporting Family Court and child welfare; revitalizing neighborhoods. These three areas support the D.C. Mayor Anthony Williams' goal to increase the population of the city by 100,000 people in the next 10 years. People want good schools and dynamic, safe neighborhoods.

#### ENHANCING SECURITY AND EMERGENCY PREPAREDNESS

In fiscal year 2002 and fiscal year 2003 the Federal Government committed over \$250 million to equipping and training D.C. first responders, creating a first-rate emergency response plan, and effective evacuation plan. Last year, Senator DeWine initiated an effort to preparing area hospitals to respond to bioterrorism, and I look forward to continuing this year.

#### STRENGTHENING SCHOOLS AND EDUCATION STANDARDS

The first accomplishment from fiscal year 2003, and most important in my mind, is the Federal investment in strengthening successful charter schools in the District and supporting school choice (\$17 million). The District is now increasing access to critical financing to help create great facilities. Now we must look to reforming management of schools and providing more technical assistance for facilities and best practices.

This year I would like to explore with Chairman DeWine a partnership with the District to create "community building charter schools". These schools would be a

model for educational advancements and really be a community center for the neighborhood.

#### SUPPORTING THE FAMILY COURT IN THE DISTRICT AND REFORMING CHILD WELFARE

I am proud that this Committee ensured that the District received sufficient funding for the new Family Court. In fiscal year 2002 \$23.3 million was appropriated and fiscal year 2003 followed up with \$29.6 million for new staff and capital improvements. I do have some questions as to how the Courts have implemented the Family Court Act with these funds, but it is clear Congress has vigorously supported this new court.

This year, I understand Chairman DeWine is interested in working on child welfare. I support this endeavor and believe we can use the District as a model for reforming the broken systems in so many other States (e.g. California, New Jersey). Recently, I was discussing how States are adhering to the Adoption and Safe Families Act (ASFA), and the District of Columbia was mentioned as a model for an excellent plan. Now, we must work on implementation and adequate resources.

#### REVITALIZATION OF NEIGHBORHOODS

In fiscal year 2003 we invested in clean-up of the Anacostia River and development of parks and recreation (\$55 million). The development of the waterfront spurs economic development and revitalizes neighborhoods, like SW Waterfront and former D.C. General Hospital campus. I will continue to make a priority of cleaning the river, creating beautiful parks and recreation opportunities, and revitalizing communities.

In this hearing we will discuss the budget requests of the D.C. Courts and CSOSA. I am very concerned about the Courts' ability to budget and manage its resources. The Courts originally requested \$293.2 million for fiscal year 2004; then 2 days before the hearing, the Courts and GSA determined that two-thirds less funding than originally requested for Capital Construction would be necessary. The Courts' revised request reduced the Capital Construction request from \$145.6 million to \$46.9 million. The total revised request is \$194.5 million. The Senate has fought for additional funding for the Courts, especially to improve facilities. I am concerned that the Courts do not know what they need and don't know how to support the request. This approach is not helpful.

I am committed to working hand-in-hand with the Courts and the City to ensure that every child currently in the system benefits from Family Court Reform and does not suffer the fate of too many children that have been failed. Committed to addressing resource and management issues of the Family Court and ensure funding is expended well.

The mission of the Court Services and Offender Supervision Agency is varied, but the purpose is to ensure public safety while also helping District residents re-enter their community. CSOSA supervises approximately 15,900 offenders, 8,000 defendants at any given time. I commend CSOSA for reducing caseloads from over 100, before the Revitalization Act, to current levels of 56 cases under general supervision. Additionally, I encourage the investment to reduce caseloads further to 50 cases per officer in fiscal year 2004. I am also interested in the specific steps the agency is taking to minimizing recidivism, such as the drug treatment options and the Faith-based Initiative.

I am particularly happy to see that the Public Defender Service is continuing your rigorous training program for court-appointed attorneys. I look forward to hearing about representation your agency provides to juveniles with disabilities in the delinquency system. We would appreciate your views on how the special education system serves delinquent juveniles.

I appreciate your attendance today and look forward to your testimony. Thank you.

Senator DEWINE. Senator Landrieu, thank you very much.

Let me introduce very briefly our first panel. Judge Wagner is the Chief Judge of the District of Columbia Court of Appeals and Chair of the Joint Committee on Judicial Administration. Accompanying Chief Judge Wagner for questions is Ms. Anne Wicks, Executive Officer of the D.C. Courts. We welcome both of you today. Thank you very much.

The Honorable Rufus King is the Chief Judge of the Superior Court of the District of Columbia. Accompanying Chief Judge King

for questions today is the Honorable Lee Satterfield, presiding judge of the Family Court of the Superior Court of the District of Columbia. We welcome both of you.

We have received your written testimony. We would ask you just to summarize. And we would ask both of you to confine your opening statement to 5 minutes and just summarize what you think is the most important thing for us to know. As I have said, we do have your written statement, and we will take that into consideration. And then we will go to questions.

Thank you very much.  
Judge Wagner.

STATEMENT OF ANNICE M. WAGNER

Judge WAGNER. Good morning, Mr. Chairman, Senator Landrieu. I want to first of all thank you for allowing us the opportunity to discuss the fiscal year 2004 budget request of the District of Columbia Courts. I am appearing as Chair of the Joint Committee on Judicial Administration which submits the budget and is responsible for that by statute.

Of course, I can only highlight what it is that we want to do. But I think a backdrop is important. Unquestionably, we live in a new environment facing new challenges to our Nation, our Nation's Capital, and our court system. But whatever challenges we face, the fair and effective administration of justice remains crucial to our way of life in America.

The District of Columbia Courts are committed to meeting these new challenges. We have been steadfast in our mission, which is to administer justice fairly, promptly, and effectively. At the same time, we have been enhancing our security systems and emergency preparedness activities in order to protect all people who come in our courts and to ensure continuity of operations in a challenging environment.

We are undergoing significant changes to meet the challenges of new technologies and working to provide the Courts of the jurisdiction with a sound infrastructure. The Courts are committed to continued fiscal prudence and sound fiscal management. Through our strategic goals, the Courts do strive to provide fair, swift, and accessible justice, enhance public safety, and ensure public trust and confidence in our justice system.

I wish to mention that we do appreciate the support that this subcommittee has given us, which makes possible the achievements of our goals for this community.

To support our mission and strategic goals in fiscal year 2004, the D.C. Courts submitted a request for \$293 million for Court operations and Capital improvements. I hasten to add that we have alerted you that there may be a need to revise the Capital improvements request because of new developments with the General Services Administration.

The original amount of our capital budget included the estimated full project costs, because we were originally informed by our partners, GSA, that full funding was required at the beginning of the projects. It is our understanding that this has been altered, the acquisition approach has been altered, thereby changing the cash flow requirements for the next fiscal year.

It was only this past Monday that we were informed that we may no longer require full construction funding in fiscal year 2004. Therefore, it is important for the Courts to have an opportunity to confer with GSA officials and determine the impact of these changes on the cost and the schedule of these projects in order to provide this subcommittee with the best information available. It would be helpful if you would permit us a very brief period to do that and then to get back to you on this particular aspect of our budget request.

To build on past accomplishments and to support essential services to the public in the Nation's Capital, investment in technology, security, infrastructure, and strategic management are essential priorities in 2004. Only by investing in these critical areas will we be in a position to ensure that information technology is capable of meeting today's demands and that the type of security necessary to protect our citizens and our institution are in place and that our facilities are safe, healthy, and reasonably up to date.

The D.C. Courts operate within four separate buildings in Judiciary Square. Maintenance and modernization to these buildings is quite costly. And the Courts' capital budget has not been adequate to meet these needs in the past. Fundamental costs to bring these facilities up to par have been quantified in a recently completed building evaluation report prepared for the Courts by the General Services Administration. The capital budget request would include funds to meet these needs.

The capital budget request does reflect the significant research, analysis, and planning incorporated in the D.C. Courts' first-ever master plan for the D.C. Courts' facilities. In the master plan process, GSA analyzed the Courts' current and future space needs, particularly in light of the significantly increased space needs of the Family Court.

The key element for meeting the Courts' space needs is the restoration of the Old Courthouse to house the D.C. Court of Appeals, which would move out of the Moultrie Building, thereby making additional space available in the Moultrie Courthouse for the Superior Court to accommodate the Family Court and other operations.

I will only mention, and I will not even develop it, but just to say that in addition to our master space plan, on which we are prepared to answer questions, I should mention that our funding is directed toward enhancing public safety, investing in information technology, and investing in accurate and complete trial records. And you have the exact amounts that we are requesting for this. In addition, we have requested funding for attorneys who provide legal services to the indigents to increase their hourly rate to \$90.

#### PREPARED STATEMENT

I will conclude now, Mr. Chairman and Senator Landrieu. We have long enjoyed, at the District of Columbia Courts, a national reputation for excellence. We are proud of the Courts' record of administering justice fairly, accessibly, and in a cost-efficient manner. Adequate funding for the Courts' critical priorities in 2004 is essential if we are to continue to provide high-quality service to the community in the future.

We do look forward to working with you throughout the appropriations process. And thank you for this opportunity to appear before you today. We will be prepared to answer your questions on the items that you mentioned.

[The statement follows:]

PREPARED STATEMENT OF ANNICE M. WAGNER

Mister Chairman, Senator Landrieu, thank you for this opportunity to discuss the fiscal year 2004 budget request of the District of Columbia Courts. I am Annice Wagner, and I am appearing in my capacity as the Chair of the Joint Committee on Judicial Administration in the District of Columbia and Chief Judge of the District of Columbia Court of Appeals. As you know, the Joint Committee is the policy-making body for the District of Columbia Courts. By statute, its responsibilities include, among others, general personnel policies, accounts and auditing, procurement and disbursement, management of information systems and reports and submission of the annual budget request to the President and Congress for our court system. We are a two-tier system comprised of the D.C. Court of Appeals, our court of last resort, and the Superior Court of the District of Columbia, a trial court of general jurisdiction, which includes our Family Court. Administrative support functions for our Courts is provided by what has come to be known as the Court System.

On behalf of the D.C. Courts, the Joint Committee has submitted a detailed request for the budgetary resources essential to the administration of justice in fiscal year 2004. My remarks this morning will summarize the request and highlight our most critical priorities. With me this morning are Chief Judge Rufus King III, the chief judge of our trial court and a member of the Joint Committee, and Ms. Anne Wicks, the Executive Officer for the Courts and Secretary to the Joint Committee. We are prepared to answer questions concerning the budget request for the courts, along with Judge Lee Satterfield, the presiding judge of our new Family Court.

INTRODUCTION

Unquestionably, we live in a new environment, facing new challenges to our Nation, our Nation's capital and our court system. Whatever challenges we face, the fair and effective administration of justice remains crucial to our way of life. The District of Columbia Courts are committed to meeting these new challenges. We have been steadfast in our mission, which is to administer justice fairly, promptly, and effectively. At the same time, we have been enhancing our security systems and emergency preparedness activities in order to protect all of the people who come to our courts and to ensure continuity of operations in a challenging environment. We are undergoing significant changes to meet the challenges of new technologies and working to provide for the courts of this jurisdiction a sound infrastructure. The Courts are committed to continued fiscal prudence and sound fiscal management. Through our strategic goals, the Courts strive to provide fair, swift, and accessible justice; enhance public safety; and ensure public trust and confidence in the justice system. We appreciate the support that this Subcommittee has given us that makes possible the achievement of these goals for this community.

To support our mission and strategic goals in fiscal year 2004, the D.C. Courts submitted a request of \$293 million for court operations and capital improvements. In addition, the Courts request \$44,701,000 for the Defender Services account. The operating budget request includes: \$9,271,000 for the Court of Appeals; \$85,800,000 for the Superior Court; and \$52,520,760 for the Court System. Our original submission for capital improvements was in the amount of \$145,621,000. This amount included the estimated full project costs because we had been advised by the General Services Administration (GSA), our partner for capital projects, that full funding was required at the beginning of the projects. It is our understanding that the GSA has altered its construction acquisition approach, thereby changing the cash flow requirements for the next fiscal year. It was only this past Monday that we were informed that GSA may no longer require full construction funding in fiscal year 2004. Therefore, it important for the Courts to confer with GSA officials and determine the impact of these changes on the cost and schedule of these projects in order to provide the Subcommittee with the best information available. It would be helpful if you would permit us a brief period for that purpose.

The demands on the D.C. Courts require additional resources in fiscal year 2004. To build on past accomplishments and to support essential services to the public in the nation's capital, investment in technology, security, infrastructure, and strategic management are essential priorities. Only by investing in these critical areas will the Courts be in a position to ensure that information technology is capable of meet-

ing today's demands; that the type of security necessary to protect our citizens and our institution are in place; and that our facilities are in a safe and healthy condition and reasonably up-to-date. Focus on these capital areas is particularly critical now to meet each of these needs and to ensure that the quality of justice is not compromised.

The Courts' fiscal year 2004 request is a fiscally responsible budget that continues to build on our achievements. We are particularly proud of our progress with a number of initiatives. These include:

- Implementation of the District of Columbia Family Court Act of fiscal year 2001 (enacted in January 2002). To date, the Courts have developed a detailed implementation plan, hired nine new magistrate judges, initiated space improvements, and transferred the cases of more than 3,000 children to Family Court judges committed to achieving permanent family placements;
- Initiation of the Integrated Justice Information System (IJIS) project, a major capital investment, which will ensure coordinated and efficient case processing and enhance court operations. The IJIS project received a favorable GAO review which included several useful recommendations currently being implemented by the Courts;
- Increased access to justice through community-based initiatives, including the Criminal Division's Community Court and the Domestic Violence Unit's satellite intake office in Southeast Washington. I believe Chief Judge King will be providing more information on these very important court community efforts.
- Development of the first Master Plan for D.C. Courts Facilities, which outlines the Courts' space requirements and provides a blueprint for optimal space utilization, both short-term and long-term;
- Recognition of sound fiscal management practices, by receiving from an independent audit firm, an "unqualified" opinion for the third year in a row in accordance with OMB Circular No. A-133 (Audits of States, Local Governments and Non-Profit Organizations);
- Continued enhancements to the Courts' management of the Defender Services account, through expeditious processing of payments to attorneys representing indigent defendants, major revision of the Courts' plan for the provision of indigent defense, and assumption of responsibility for issuing payment vouchers to CJA attorneys from the Public Defender Service to enable accurate estimation of the Courts' future fiscal obligations;
- Conclusion of an independent study of staffing levels by Booz, Allen and Hamilton that provides data to facilitate the most effective deployment of limited staff as well as a software tool to assist in the determination of necessary staffing levels; and
- Expansion of court-wide strategic planning, business process re-engineering, and implementation of key aspects of the Government Performance and Results Act (GPRA) to ensure that the Courts address critical priorities and issues in a strategic manner to achieve specific and measurable results.

#### CRITICAL FISCAL YEAR 2004 BUDGET PRIORITIES

To permit the Courts to continue to meet the needs of the community and the demands confronting the District's judicial branch, adequate resources are essential. The most critical issue facing the D.C. Courts is sufficient capital funding to address the Courts' critical space shortage and deteriorating infrastructure. Unless addressed, the functional capability of the Courts will decline and the quality of justice in the District of Columbia will be compromised. The Courts' fiscal year 2004 request addresses these requirements by:

*Investing in Infrastructure.*—The D.C. Courts operate within four separate buildings in Judiciary Square. Maintenance and modernization to buildings of this age are quite costly, and the Courts' capital budget has not been adequate to meet these needs. Fundamental costs to bring these facilities up to par have been quantified in a recently completed Building Evaluation Report prepared for the Courts by GSA. The capital budget request of the Courts includes funds to meet these needs.

The Courts' capital budget also reflects the significant research, analysis, and planning incorporated in the D.C. Courts' first-ever Master Plan for D.C. Courts' Facilities. In the master plan process, GSA analyzed the Courts' current and future space needs, particularly in light of the significantly increased space needs of the Family Court. A key element to meeting the Courts' space needs is the restoration of the Old Courthouse to house the D.C. Court of Appeals, thereby making additional space available in the Moultrie Courthouse for the Superior Court to accommodate the Family Court and other court operations.

The restoration of the Old Courthouse is projected to total \$84 million. The centerpiece of the historic Judiciary Square area, the Old Courthouse is one of the oldest buildings in the District of Columbia. Inside the Old Courthouse, Daniel Webster and Francis Scott Key practiced law, and John Surratt was tried for his part in the assassination of President Abraham Lincoln. The architectural and historical significance of the Old Courthouse, built from 1821 to 1881, led to its listing on the National Register of Historic Places and its designation as an official project of Save America's Treasures. The structure is uninhabitable in its current condition and requires extensive work to meet health and safety building codes. Restoring this historic landmark will meet the urgent space needs of the Courts and preserve its rich history for future generations.

The Courts' capital budget also includes a total of \$52.3 million for the Moultrie Courthouse Expansion, additions planned for the south side (C Street) and Indiana Avenue entrance of the courthouse. The C Street addition will complete the facilities for the Family Court, providing a separate courthouse entrance for the Family Court, child protection mediation space, increased Child Care Center space, and safe and comfortable family-friendly waiting areas. The addition also will permit the consolidation of Family Court related operations, to include the Social Services Division (the District's juvenile probation operation) and District government social service agencies that provide needed services to families and children in crisis. A portion of the addition will meet critical space needs for Superior Court operations.

*Enhancing Public Security.*—The main courthouse, the Moultrie Building, is one of the busiest in this city. It is reported that as many as 10,000 people come into this building daily. In order to address issues affecting the security of these thousands of individuals in the aftermath of September 11, 2001, the Courts request \$1,025,413 to finance additional operational security measures, and \$6,500,000 in capital funding to finance facility security improvements.

*Investing in Information Technology (IT).*—To achieve the Courts' goal of a case management system that provides accurate, reliable case data across every operating area and of making available appropriate data to the judiciary, the District's child welfare and criminal justice communities and the public, the Courts request \$4,163,347 in operating funds in fiscal year 2004 for IT infrastructure enhancements and operational upgrades and implementation of the disciplined processes GAO recommends for the IJIS project. In addition, the Courts' capital budget request includes an additional \$11 million to continue implementation of IJIS courtwide.

*Expanding Strategic Planning and Management.*—To support long-range strategic planning and targeted organizational performance measurement and assessment at the Courts, \$615,000 is requested for an Office of Strategic Management. This request would enable the Courts to build on the current strategic planning effort by coordinating enterprise-wide projects and enhancing the performance measurement capability of the Courts. The funds would finance performance management software, training of personnel, and staff to collect and analyze performance data, prepare reports, and perform strategic planning, and coordination function.

*Investing in Human Resources.*—To help the Courts attract, develop, and retain highly qualified employees and address the projected retirement of a large proportion of our most experienced personnel (25 percent of the Courts' workforce, and 50 percent of those in top management positions, are eligible to retire within the next 5 years), \$675,000 is requested for succession planning, leadership development, and additional employee benefits.

*Serving the Self-Represented.*—To enhance equal access to justice for the more than 50,000 litigants without lawyers who come to the courthouse each year, \$1,212,000 is requested for staff and space to establish a self-representation service center. This initiative would use best practices and build on plans for informational kiosks, funded in fiscal year 2003, and very limited pro bono services currently available.

*Investing in Accurate and Complete Trial Records.*—The Courts' fiscal year 2004 request includes \$1,624,000 to improve the production of the record of court proceedings. Accurate and complete court records are critical to ensure a fair trial and to preserve a record essential for appeal to the highest level. The request includes \$880,000 to enhance the Courts' digital recording capabilities in the Courts' 80+ courtrooms and \$744,000 for 12 additional court reporters.

*Strengthening Defender Services.*—In recent years, the Courts have devoted particular attention to improving the financial management and reforming the administration of the Defender Services accounts. For example, the Courts significantly revised the Criminal Justice Act (CJA) Plan for representation of indigent defendants and issued Administrative Orders to ensure that CJA claims are accompanied by adequate documentation and that highly qualified attorneys participate in the pro-

gram. The Courts have assumed from the Public Defender Service responsibility for issuing vouchers to attorneys. This will enable the Courts to estimate more accurately program obligations and project budgetary requirements. The Courts request \$88,000 in the fiscal year 2004 operating budget to build on these initiatives and exert greater management control over Defender Services.

In the Defender Services account, the Courts have requested additional funds to increase the hourly rate for attorneys who provide legal services to the indigent. The first rate increase for attorneys in nearly 10 years, to \$65/hour, was implemented in March 2002. In fiscal year 2004 the Courts request an increase from \$65 to \$90 an hour, to keep pace with the rate paid court-appointed attorneys at the Federal courthouse across the street from the D.C. Courts.

Slightly over \$16 million of the fiscal year 2003 enacted level for Defender Services was financed from the account's unobligated balance. Accordingly, the Courts request restoration of the base appropriations, as well as additional funding to finance the attorney compensation increase in fiscal year 2004.

#### APPROPRIATIONS LANGUAGE CHANGES

In the fiscal year 2004 budget submission, the Courts request two language provisions to enhance their ability to serve the public in the Nation's Capital. First, the Courts request limited authority to transfer funds among our four appropriations to enhance financial management of the Federal Payment appropriation. This language is similar to the provision in the D.C. Appropriations Act, 2002, Sec. 109(b) authorizing the District government to transfer local funds. Second, the request includes language to permit the Courts to appoint and compensate counsel in adoption cases to protect the rights of parents and children, to facilitate a careful examination of factors designed to ascertain the best interests of the child, and to ensure the finality and permanency of the adoption.

#### CONCLUSION

Mister Chairman, Senators, the District of Columbia Courts have long enjoyed a national reputation for excellence. We are proud of the Courts' record of administering justice in a fair, accessible, and cost-efficient manner. Adequate funding for the Courts' fiscal year 2004 priorities is critical to our success, both in the next year and as we implement plans to continue to provide high quality service to the community in the future. We look forward to working with you throughout the appropriations process, and thank you for the opportunity to discuss the fiscal year 2004 budget request of the Courts.

Chief Judge King, Judge Satterfield, Anne Wicks, and I would be pleased to address any questions.

Senator DEWINE. Thank you. We will hold our questions until Judge King has a chance to give his statement.

Judge King.



D.C. SUPERIOR COURT

**STATEMENT OF RUFUS KING, III, CHIEF JUDGE, SUPERIOR COURT OF  
THE DISTRICT OF COLUMBIA**

**ACCOMPANIED BY LEE SATTERFIELD, PRESIDING JUDGE, FAMILY  
COURT OF THE DISTRICT OF COLUMBIA**

Judge KING. Thank you. Good morning, Chairman DeWine and Senator Landrieu. I appreciate the opportunity to join Chief Judge Wagner in presenting the D.C. Courts' 2004 budget request to the subcommittee and to review some of the Courts' accomplishments in the last year. At the outset, let me thank both of you and the subcommittee as a whole for your generosity with your time, your consideration, and the necessary funding for a number of shared objectives. It is a pleasure to have such a positive working relationship with the committee.

I want to underscore all that Chief Judge Wagner said about the Courts' needs, especially regarding capital. To function effectively, and especially to implement the Family Court Act in a manner both timely and consistent with its highest purposes, the Court needs to have adequate facilities and a level of information technology that supports its efforts.

I will review just very briefly a couple of things the Court has done. And then I will be happy to answer questions.

On October 30, the Superior Court officially opened the first satellite Domestic Violence Intake Center in the Nation. This center allows domestic violence victims to seek protection in their own neighborhood without saddling us with the crippling cost of operating a duplicate court, by use of video technology. We can video transmit the appearance to the courthouse where the judge can act on the petition for a temporary protective order.

Having reviewed with Court officials the very promising community courts in Manhattan and in Red Hook, New York, we have opened two such courts in the Superior Court, the first for minor misdemeanors and traffic cases. It takes all of those cases and seeks to resolve them at a first court appearance, reducing drastically the need for indigent defense funds for additional court resources and police overtime due to excessive court appearances.

The other community court is one that is based in the Sixth Police District in Anacostia. It serves to address all of the misdemeanors arising in that jurisdiction with some very few exceptions. The Court has partnered with the D.C. Department of Employment Services, the Pretrial Services Agency, and others to fashion remedies which, again, address the causes, the underlying issues and causes, that bring people before a criminal court. That project, which is operating now on a pilot basis, is showing early promise of being very successful.

In the Family Court, the Court has hired all of the new magistrate judges that were specified in the act. We have sought appointment of the three additional judges. They are now pending before the Senate. Judge Satterfield, working with Court officials and stakeholders, has overseen the transfer of more than 3,000 neglect and abuse cases back to judges within that court. He has established new rules, procedures, and attorney practice standards, which I signed into effect several weeks ago. He set up attorney panels for abuse and neglect cases, so that that bar will now be regulated and reviewed more carefully, held numerous training sessions for judges and magistrate judges, and a cross-training for judges, attorneys, social workers, and others involved in the Family Court operations.

We have opened the Mayor's Services Liaison Center to increase coordination of services to children and families and make them more readily available. We have trained new judges and will continue to train new judges. And we have met all deadlines for reporting to Congress which are required under the act.

We have begun implementing a policy of one family, one judge. A Family Court judge handling a neglect or abuse case of one family member also handles all cases involving that family relating to abuse, neglect, custody, guardianship, termination of parental rights, civil/domestic violence, post-adjudication juvenile cases, and adoption cases filed after June 2002. All other family matters involving that family will be heard by the same judge or team at the conclusion of the second phase of implementation, which is now in progress.

The conversion to an integrated justice information system has advanced on schedule. We now are working with a contractor with the first segment set to go live in the Family Court in July of this year. That system will be compatible with all of the other city agencies, so that we can operate effectively with them. I have with me today Mr. Ken Foor, our IT director, in case there are any questions that go beyond my competence.

#### PREPARED STATEMENT

The Family Court Act presents the Court with a rare opportunity to bring about better results for children and families in the District of Columbia, an opportunity that we at the Court enthusiastically welcome.

Mr. Chairman, Senator Landrieu, thank you both for the opportunity to testify here today. We will be happy to answer questions. [The statement follows:]

#### PREPARED STATEMENT OF RUFUS KING, III

Good afternoon Chairman DeWine and Senator Landrieu. I appreciate the opportunity to join Chief Judge Wagner in presenting the D.C. Courts' 2004 budget request to the subcommittee and to review some of the Superior Court's accomplishments over the past year. At the outset, let me thank the subcommittee as a whole, and especially the Chairman and the Ranking Member, for their support of the Courts, our employees, and those we serve. You have been generous with your time, your consideration and the necessary funding for a number of shared objectives. It is a pleasure to have such a positive working relationship.

I want to underscore all that Chief Judge Wagner said about the Courts' needs, especially regarding capital. To function effectively, and especially to implement the Family Court Act in a manner consistent with its highest purposes, the court needs

to have adequate facilities and a level of information technology that supports its efforts.

I would like to review some of the accomplishments of the Superior Court over the past year. We established a first-of-its-kind satellite domestic violence intake center; set up a community court to handle all minor misdemeanor and traffic cases; established a pilot community court for the Sixth Police District to address a broader range of crimes in a more holistic manner; and moved ahead aggressively to implement the Family Court Act. There is still a lot to be done in all these areas, but we have made great strides in making the Superior Court a more open, responsive, effective organization.

#### DOMESTIC VIOLENCE INTAKE CENTER

On October 30, the Superior Court officially opened the first satellite Domestic Violence Intake Center in the Nation, in partnership with police, prosecutors, defense attorneys and victim advocates. The Center allows domestic violence victims to petition for a Temporary Protection Order (TPO) via web-camera to a judge in the courtroom; the judge then issues the TPO by fax. The Center is located in Southeast, where more than 60 percent of those alleging domestic violence reside. Victims are thus able to take the initial step towards protecting themselves—obtaining a TPO—in a location that is close and convenient. We hope that by encouraging more victims to come forward more quickly it will help prevent further violence.

#### COMMUNITY COURT FOR MINOR MISDEMEANORS AND TRAFFIC CASES

One of the goals of the Court's Criminal Division has been to address certain types of cases more comprehensively with less focus on processing of cases. Along with other court leaders, I visited and was impressed with New York's Manhattan and Red Hook Community courts. There and elsewhere across the country courts have modified criminal proceedings to see that services were provided, that community service was done in an effort to see the community "paid back" for the damage done to it, and to engage the court in an effort to reduce recidivist behavior. Criminal Division Presiding Judge Noel Kramer spearheaded this effort, working with prosecutors, police, defense attorneys, service providers, and the Downtown Business Improvement District. Together these groups established a courtroom in which defendants charged with "quality of life crimes," such as panhandling or possessing an open container of alcohol, are given very real diversion opportunities on the first day—alcohol education, for instance—and possibly some community service, in exchange for which their case is dropped. This approach has sharply reduced the need for police appearances in the courtroom, more efficiently used indigent defense resources, and resulted in many fewer continuances of cases. The result: in our first year we saw a drop in the number of abscondances (no shows at court hearings, which lead to bench warrants) of over 50 percent in traffic cases and nearly 45 percent in minor misdemeanors.

#### THE 6D COMMUNITY COURT

In addition to her work with the D.C./Traffic Community Court, Judge Noel Kramer has also established on a pilot basis a community court. In consultation with the Metropolitan Police Department, and the U.S. Attorney's Office, the Court established a community court where Judge Kramer hears all phases—from arraignment to disposition—of all misdemeanors arising in the Sixth Police District. Judge Kramer and I as well other court officials have been to numerous crime-prevention and neighborhood meetings in the community to learn more about the concerns residents have, get ideas for how best to address the crime problems, and make them aware of what the court is doing. Judge Kramer has partnered with the D.C. Department of Employment Services, the PreTrial Services Agency and others to fashion diversion opportunities that provide an accused with alternatives to a life of crime and drugs. So far her work has received much praise—from all those involved in the criminal justice system and from the residents of 6D.

#### FAMILY COURT IMPLEMENTATION

Judge Satterfield has led the Family Court through significant changes and overcome some significant obstacles in implementing the Family Court Act of 2001. The Family Court has overseen the transfer of more than 3,000 neglect and abuse cases back to judges within that court; establish new rules, procedures, and attorney practice standards; set up attorney panels for abuse and neglect cases; held numerous training sessions for judges and magistrate judges and a cross-training for judges, attorneys, social workers and others; received input from relevant stakeholders;

opened the Mayor's Liaison Center to increase coordination of services to children and families; trained new judges; and met all deadlines in reporting to Congress as required by the Act.

We have transferred substantially all the neglect and abuse cases that were in review status with judges outside the Family Court to judicial teams in the Family Court. All other cases will be transferred in time to meet the Act's guidelines. We have begun implementing a policy of "one family/one judge". Phase I is fully implemented, so that the Family Court judge handling a neglect case of one family member also handles all cases involving that family relating to abuse, neglect, custody, guardianship, termination of parental rights, civil domestic violence, post-adjudication juvenile cases, and adoption cases later than June 2002. The next phase will be to consolidate all other Family Court cases involving a family before that same judge, including divorce, mental health, pre-adjudication juvenile, and paternity and child support before the neglect judge or judicial team.

The Family Court Act presents the Court with a rare opportunity to bring about better results for children and families in the District of Columbia. We at the court welcome this opportunity and are doing our best to implement the Act according to its letter and its spirit.

Mr. Chairman, Senator Landrieu, thank you both for the opportunity to testify before you today. I am joined by my colleague Judge Lee Satterfield and we would both be pleased to answer any questions you may have.

#### CAPITAL EXPENDITURE

Senator DEWINE. Judge King, thank you very much.

Judge Wagner, your news about the capital expenditure in the request is certainly disturbing. That is quite a shock. The progress in regard to the Family Court has always been predicated on several things, and one has been the capital restructuring and additional space. And we have always been told that, and everyone has always understood that. And now you are telling us that there is going to be apparently a major delay in that. So I am quite shocked by this, frankly, and very, very deeply disappointed. Maybe you can clarify what is going on. I am not sure that I fully understand what in the world is going on here.

Judge WAGNER. Senator, there is—

Senator DEWINE. This is like a bomb that was just dropped. I mean, do we have to bring in GSA and you and have a hearing together?

Judge WAGNER. Senator, first of all, let me say that there are two plans. One is an interim plan, which is essential because the major construction projects are multi-year projects. Secondly, the interim plan is on schedule. I think that Chief Judge King has photographs of the space as it is planned on an interim basis; and so that the Family Court is separate, as you had envisioned it.

Long term, we had to go through a master plan phasing schedule. We are, as you know, working with a partner, which is the General Services Administration, which does these Federal buildings. That master plan phasing schedule is subject to a number of things that have to be done, including, I guess, the procurement processes to secure, first of all, the design, negotiate the award, plan a construction schedule, go through your National Capital Planning Commission.

Now on Monday, it was just this past Monday that we learned that the approach to securing funding for the project might be different. That is, that you would not have to secure all of the funds in advance in order to go forward with alerting the public that you are interested in procuring services. And we were told that they would first want to get the design.

But neither Judge King nor I have had an opportunity to sit down and talk with the officials at GSA to get a better understanding of how this will impact the long-term plan, which, by its very nature, is necessarily long term, because it does involve moving parts of our court which presently exist to other buildings on a temporary basis or on a long-term basis while they work on the various buildings in Judiciary Square.

Chief Judge King might like to add something.

Senator DEWINE. Judge.

Judge KING. Two things: One, we are not going to delay implementation of the family bill. What will be determined by the outcome of our discussions with GSA and ultimately this committee is whether we do it in the facilities that I think all of us had in mind, or whether we are going to be operating in borrowed courtrooms and even temporary space somewhere that we have to do it. We will keep on schedule in implementing the substantive provisions of the act.

That being said, we do have a longer-term plan. And if it would be of interest to you, I could step to the drawings and show you some things, just to show you how we plan to try to move the project along. That is at your pleasure. If not, I would be happy to just—

Senator DEWINE. Senator Landrieu said she would like to see that. That would be fine.

Judge KING. I would be happy to do that.

Senator DEWINE. Now let me just tell everyone, as far as our total time, we have a lot of ground to cover. We need to be out of this room by 10 minutes after 11:00. So we have 1 hour and 5 minutes.

Judge KING. I will take that as an indication to spend at least 45 seconds.

Let me first—you are all, no doubt, by this time, familiar with the general map of the justice campus. You have it right there. If I might approach, that might—

Senator DEWINE. That will be fine.

Judge KING. I do not know if that is ever done. That is the way we do it in court.

Senator DEWINE. That will be fine.

Judge KING. I would ask to approach.

Senator LANDRIEU. Approach the bench.

Senator DEWINE. Keep in mind you have an audience out there who might like to see some things as well though.

Judge KING. I will make it—if I can show you on your map there. The current facilities are in the Moultrie Building. Perhaps you could maybe even track it there. We are moving part of our operations, the landlord-tenant and small claims operation, to Building B. That is underway now. They are now doing the demolition there and beginning the construction. I think that will be occupied by October of this year.

When that is done, the space that is vacated in the Moultrie Building will then be used to add three additional courtrooms and four hearing rooms to round out what we need in the Family Court. Although we do not have any detailed designs at this point, the architects have given us a sort of suggestion of the type of building

we might look for for that. Again, at the end of the long corridor on the JM level in the Moultrie Building will be an entrance way, sort of a pavilion and an information center, which you can see across here, where all the clerks who would address any issue in Family Court will be located. So there will be one place that people come to do that. This is another view from that clerk station, looking back across to the one we just saw here.

I will put these up on the outside over here.

This is another here which shows the children's wing there, which will provide a children-friendly area, a whole host of things. And then over on the other side here will be the referral center where people can go for a referral for services.

Farther along, the additions in space to the Moultrie Building that you heard about in Judge Wagner's testimony, this is a—again, it may not look exactly like this, because this is not a published diagram. They have not designed it this way. This is a quick computer mock-up of how it might look, the kind of things they are talking about doing with the building.

So those are in the interim—the schedule is to have the construction on the Moultrie levels done and occupy them by October of 2004. And that will allow us to begin operating. The final construction of this, which will bring all of the functions back together, it is going to take a little longer. It is estimated at 2005 or early 2006.

We are now operating in courtrooms outside the facility. As it is now, we have to operate in courtrooms in different buildings in order to—

Senator DEWINE. Well, I wonder if we could get back to—and I appreciate that, Judge. I wonder if we could get back, though, to the 2004 capital request, and what does this new information do to your capital request? It is my understanding that this is going to push it back; this new information is going to push back your construction date. And it is going to change, dramatically change, your numbers.

Judge WAGNER. Mr. Chairman, what I am informed is that the change that was mentioned on Monday will change the dollars, when the dollars are needed. It does not actually change the construction schedule. This is what I am informed. But again, neither of us have had an opportunity to sit down with the GSA officials. And that is what we would like you to give us an opportunity to do.

The second thing I want to make sure that is clear is that, as Chief Judge King said, the Family Court construction is fully on schedule. And major renovation on the JM level will be completed by the fall of 2004. So if we get an opportunity to sit with GSA, we are going to provide you with a full and complete presentation on the impact that the change in the funding stream—

Senator DEWINE. Okay. Well, I am hearing two things. I am hearing one thing is that you need to get back to us, which is fine. And we need that, you know, sooner rather than later, because we need the dollar figures as far as what your request is.

Judge WAGNER. Exactly.

Senator DEWINE. But I am also hearing from Judge King that this will change your plan with the Family Court. I thought I

heard Judge King say that we will stay on the same schedule with the Family Court. Basically, we will move in a different direction. We will fulfill the obligation of the Family Court. Instead of doing it the way we wanted to do it with basically a more permanent long-term plan, we are going to go in another direction.

Now is that not what I heard, Judge King?

Judge KING. No. If I gave that impression, I perhaps misspoke. We will keep schedule by doing temporary arrangements that will allow us to continue to move. We do not plan to change the ultimate direction.

Senator DEWINE. Well, but temporary arrangements always cost money.

Judge KING. That is exactly true.

Senator DEWINE. That is always a waste of money.

Judge KING. That is exactly true.

Senator DEWINE. And we do not have—you do not have the money to waste is the problem.

Judge KING. That we have, of course, no control over. The two sources of—

Senator DEWINE. Well, maybe we do.

Judge KING. The two sources of difficulty that we see is: If we delay the access to funds, it can have—it can lead to two sources of delay. First, the—putting out the bids for the actual construction has to be done when it is known that there is money available. Otherwise you cannot really work the market, as I am told. And you cannot really—you cannot have a solid bidding process.

The other thing is that a lump sum that seems unpalatable now is going to get worse if, by not putting funds into the project this year, you wait until next year when other parts come due. So it is sort of like if you have a gas bill due today and you do not pay it and you wait until next month, now you have two gas bills to pay. And it is just a bigger lump.

So we are watchful about those processes. But what I wanted to assure you is that we will do the best we can however this funding issue is resolved. We will keep the schedule to operate the Court. Obviously, I would like to have all the money on schedule and be able to do exactly what—

Senator DEWINE. Well, I am going to turn this over to Senator Landrieu at this point. It seems to me that, out of necessity, we are going to have to have another hearing on the capital issues.

So, Senator Landrieu.

Senator LANDRIEU. Okay. Thank you, Mr. Chairman.

There seems to be some confusion, and maybe it is warranted. But let me just review what was my understanding. And maybe there was a different view by the Chairman or maybe by the panel. But I thought that we were in the beginning of engaging on a master construction plan, one that would use the current building that everyone is in for the Family Court and move some of the judges to the Old Courthouse, the other judges to that building because it is empty, and it is a beautiful building and most certainly worthy of being preserved. But it takes a long time. And so we were always going to have some sort of temporary transition time.

The problem is that there were some dollar figures associated with that, and they have seemed to change. And there is some con-

fusion. And maybe that is because the GSA decided recently that not all the money was necessary up front, which actually, Mr. Chairman, is good news, if we can spread it out over several years instead of having to come up with such a large chunk in the beginning.

Now I had expressed a year ago the concern that I did not think that the Chairman and I, after putting so much effort with you and with your help and your full cooperation and your great skill, having to reform the Family Court, we did not want it to basically be the last to come on line. We wanted to make sure that the reforms that we had helped to implement would go into effect as soon as possible, whether in temporary quarters or whether in the current quarters while construction was ongoing. In other words, we did not want the Family Court to be last on the totem pole.

Am I hearing that what I have outlined is still pretty much the direction that we are going in, right, or has that changed? Because if that has changed, then I am as confused as the Chairman is.

Judge WAGNER. Well, I think that that is the direction we are going in. And secondly, the interim plan is designed to mesh with the long-term plan and minimize waste. On the time schedule for the overall, the long-term plan, the Moultrie Court expansion would be the first—well, would be nearly the first online in terms of the permanent planning. There is a chart over there; and I am not sure if you can see it.

Senator LANDRIEU. We have it. We have it here.

Judge WAGNER. But we—

Senator LANDRIEU [continuing]. And it indicates that the modernization of the Old Courthouse with the garage would be first and then the interim building plan for the Moultrie you said, maybe then the traffic piece will be completed, then the Moultrie Building comes on. And it will be maybe substantially completed by 2007.

Judge WAGNER. Yes.

Senator LANDRIEU. Now, of course, we would all like to see that pushed up, if possible. But I understand the complications of dealing with permitting and sites and designs and selection of architect.

Judge WAGNER. That is correct.

Senator LANDRIEU. It just takes a very long time. But while that is all going on, I think what Senator DeWine and I are saying is: Let us make sure the reforms of the operations of the Court, the cases, the intensive case management is happening in whatever space Judge Satterfield has available. And I think we would like to help you, you know, along that route, realizing it's complicated. The final point I want to make on this is: if that is our understanding, then I think that nothing substantially has changed, except the good news that we do not need all the money up front, and we can spread it out, which I think is very, very good.

But the other point is—and I realize that the designs that you showed us are not final. But I will express this once more publicly, how important I think it is for this Family Court to take the opportunity that is not quite afforded to other Family Courts, whether it is in Cleveland, Ohio, or New Orleans, Louisiana, where we are both familiar with this current state of our Family Courts; but to



take the opportunities of the advantage that is just inherent in being the Family Court of the District, to become a real showplace for the Nation. Why? Because almost every lawyer in the country comes to the District once a year. Why? Because almost every judge in the country comes here. Almost every judge comes here, for various reasons.

Almost all the case workers come here, either for conferences or on the course of their career several times. I would like this Family Court, and I think the Chairman shares this view, to be a real showcase of what a state-of-the-art Family Court should look like.

Now the pictures shown to me, and I do not mean to micro-manage this, but I want it, in my vision, to be a place where, first of all, families feel welcomed, and families feel safe, and families do not feel intimidated; to think about the customers that we are serving.

I do not think it necessarily should look like a college campus or a Supreme Court or a cold vision. I think it should be as warm and as inviting and as unthreatening and as empowering to the families that enter it as possible. That is all I am going to say about it. I am going to leave it up to the professionals to do it.

But since we are the ones supporting the funding for it, I think that, having talked to some of the judges around the country and some of the caseworkers, et cetera, they would want me to express how strongly they feel about a place where children do not feel intimidated and where they get the immediate idea that "The Government is on our side to try to make the best decisions for this child." And that is what I would like the architecture to communicate.

I am finished.

Senator DEWINE. Let me just say this, because I want GSA to clarify exactly what they are going to do and what they are going to require and what they are not going to require, because I am not aware that GSA has changed their policy in regard to having all the money up front. They have not told me that. They have not told my staff that. Now maybe that is a change in plans and change in policy.

But what they have told us is that they have to have all the money up in 2005. So we will see. They told me that, God bless them. And that would be good. But we will move on.

Judge KING. It does not change—and I think we should be very clear, it does not change our goal or our plan to implement the bill in the best way we know how and—

Senator DEWINE. Yes. Well, it makes it a lot easier for us if we do not have to have all the money in 1 year, I can tell you that.

Judge KING. Right. Of course. And I would say that—

Senator DEWINE. But we will find out.

Judge KING [continuing]. What Senator Landrieu just said, as well as any of us could say it, is what the goal is, what we consider the goal to be. For example, we have initiated discussions with the school system to set up a program for kids' art to be available to the courthouse so that we can decorate the family areas with art from the D.C. schools. But we are going to be looking at all those kinds of details to make it feel family-friendly.

Senator DEWINE. Okay. Another hearing, capital.

## CHILDREN ADOPTIONS

Let me move to another area. *Lashawn v. Williams* requires that legal activity to free a child for adoption should be initiated within 30 days after the child's permanency goal has been determined to be adoption. However, in the September 2002 monitor's report on the progress of the District's Child and Family Services Agency, the performance standard of legal activity to free children for adoption not only was not met, but the percentage of children who did receive timely initiation of legal activity decreased from 65 percent in May 2001 to 59 percent in May 2002. Let me ask you what you think is the source of this shortcoming.

And let me also ask, as judges, you are in the position to hold child welfare workers in contempt for not doing their job. Let me ask what your plans are to ensure these children can be offered up for adoption in a timely manner. Where are we?

Judge SATTERFIELD. I think I can answer that.

Senator DEWINE. Sure.

Judge SATTERFIELD. Let me answer that question for you regarding the adoptions. Part of the slowdown in adoptions last year was due to the wonderful tax credit that is going to be provided to families this year. At the end of last year, we had a number of parties who wanted us to slow the process down so that they can benefit from an adoption agreed issue and the tax credit that will be provided.

Senator DEWINE. Now how are we doing this year then?

Judge SATTERFIELD. Well, I think we are going to be on target to meet what we have met in the past. I am going to have—I do not have the exact numbers from what we have done from January to March. I can get that for you. But I know that the slowdown from last year was partly due to that. I only say partly because there are other problems that exist in that process, some of which you are trying to address in the Family Court Act with the ICPC, Interstate Compact Act, always presents a problem.

A lot of our cases are children who are placed with families in Prince George's County, Maryland. And we have substantial problems sometimes getting that process and getting those approvals. We have instances where the city is going to provide adoption subsidies to families, but the determination as to whether they are in ICPC status is based on the financial ability of the family to take care of the child absent the adoption subsidy that was going to be provided. And that slows those cases down.

We are working with the agencies so they can better locate parents who are missing, so that we can move the process along in their diligent search. And then the FBI clearances—and I understand why the FBI is quite busy now—have presented a problem with a slowdown. And that is what the agency is trying to work on, to get better access to the FBI clearances and faster access. All those contribute to that.

Senator DEWINE. I understand all that. But your first reason I am not sure is valid, because the question is not how many adoptions. The question was whether legal activity to free a child for adoption should be initiated within 30 days after the child's perma-

nency goal has been determined. That is not something that the parent does, the prospective parent, is it?

Judge SATTERFIELD. Well, no.

Senator DEWINE. The agency does that.

Judge SATTERFIELD. Well, to initiate the adoption proceeding has to be done by the petitioner, the lawyer. The judges require that they go forth with the adoption once the goal of adoption has been made in the case. And then they monitor that process to make sure that that is carried out by having frequent hearings to make sure that is done.

Senator DEWINE. Well, I am not going to play lawyer with you, but I am not satisfied with the answer. But all right.

Senator LANDRIEU. Can I just follow up?

Senator DEWINE. Go ahead.

Senator LANDRIEU. Let me just add something that might clarify it, because Senator DeWine will remember because he was such a strong supporter of what we tried to fix in Congress which was the unintentional, but serious, consequence of passing an adoption tax credit that basically was available for infant adoptions, but not for special needs adoptions.

And for 2 years in Congress, we struggled to make it clear that our intention was to provide the \$10,000 tax credit for special needs. And we worked very hard, I must say, in the Senate in a bipartisan way. But that effort was stopped in the House.

So I share your pain, because I can most certainly understand a family on the verge of adoption needing and being entitled to the credit that we intended them to get. But because of our—I would not say it was a mistake. It was unfortunately intentional on the part of some members of Congress to not have those go into effect at the same time. It put a—it caused that situation to exist.

Luckily since January of this year, it is finished because they are all—now there are tax credits for all adoptions, not just for infant adoptions, but for special needs adoptions, domestic, and international. So that problem should be erased.

The other problem I want to share your pain with—and, Senator DeWine, some of this is the Court and under their control, but some of it is the way the Federal law is, which I think needs to be changed and actually, I am working on a bill right now to change these laws, because the subsidies in the funding are not following the decisions of the Court as streamlined as is necessary. The Federal funding structures are really inhibiting the faster placement of children through adoption. And it would take me a long time to actually explain that. But just trust me, because I have studied it enough.

So part of it is our problem, and let me just admit that. And then part of it, I think, is, you know, lack of resources and perhaps some management, some management issues. But I will say for the record that I am hoping to lead an effort—and I know that the Senator will be supportive—of trying to get these funding streams basically lined up. So if a judge makes a decision—and I will just finalize this: If a judge says in this country, “Reunification is what we want for this child,” the funding follows that decision.

If the judge says temporary foster care, the money follows that. If the judge says adoption is the permanency plan, then the Fed-

eral funding follows it. But we are a long way from getting to that point to where we are today. It is going to take some time, but we are working on it.

Senator DEWINE. Let me just say that Senator Landrieu is absolutely right. There is a lot that we have to do. I do not want to belabor the point, Mr. Satterfield. But all I was saying, and it is a minor point, all I am saying is, the initiation to release a child to be eligible for adoption is a different thing from the filing of the adoption procedure. That is all I am saying. That is a responsibility of the Court. It is not the responsibility of the parent. It is the action to make the child eligible for adoption.

Judge SATTERFIELD. Can I respond? As I understand your question, you are talking about the filing not of adoptions, but of terminations.

Senator DEWINE. That is correct. And your answer to me was, "We did not do that because the parents did not want us to move ahead because they wanted to get this tax credit." And I am saying that is your responsibility to make the child eligible for adoption. And that is not a correct answer.

Judge SATTERFIELD. I did not understand your question, and I am sorry for that. But as I understand, your question now is: What are you doing in terms of filing a termination—

Senator DEWINE. Why did you not file it?

Judge SATTERFIELD [continuing]. Of parental rights—

Senator DEWINE. Right.

Judge SATTERFIELD [continuing]. In order to do that? I thought we were talking—so I did not understand the question. That is why I gave the answer to a question I thought you asked, but obviously you did not.

Senator DEWINE. Okay. Okay.

Judge SATTERFIELD. But in terms of terminating parental rights, there has been an increase in the Court in the filings of terminations of parental rights, because the Government agency, the Office of Corporation Counsel, now recognizes that it is their responsibility to do that in those cases that warrant it, and they are filing those cases. We have consolidated those cases with a neglect judge handling the case. We expect that number to go up. And we are addressing that number.

We are monitoring the Office of Corporation Counsel to make sure that they file those motions. And we are doing that in our review hearings with them.

Senator DEWINE. So the figures that I cited, of course, are old figures in the sense that they were up to May of 2002.

Judge SATTERFIELD. Well, I think you cited some—

Senator DEWINE. What you are telling me is the figures are better now.

Judge SATTERFIELD. Well, they are going to be better because they were not filing any of those motions in the past, and now they are starting to file those motions. Part of the reason they did not file those motions is that it was more efficient for us to do the terminations through the filing of the adoption case, because it avoided certain appellate circumstances and the delay in appeals. But now they are complying with the statutory mandate and filing

those motions a lot more quickly than they used to, because they were not being filed by the office at all.

Senator DEWINE. Okay.

Anything else you want to get into?

Senator LANDRIEU. I think I will pass on the questions. I have gotten explanations for what I was concerned about. Well, maybe just one. I wanted to go back, because I know we are short on time.

#### DOMESTIC VIOLENCE

Judge King, you said something about a new intake system for domestic violence. Would you take a minute to elaborate on that? Because I think it is a very important issue. And so many of our jurisdictions around the country are really making some great strides in terms of reaching out to victims of domestic violence and realizing that it itself is a core of many of the problems, in terms of fragile families and child self-esteem. And of course, the abuse experienced directly by the victim in most instances, in 99 percent of the cases, is the woman.

So could you just give me a one minute explanation of exactly what you are talking about, to make it easier for the victims to show that they are truly victimized, give the courts expedited either video or testimony so that either restraining orders can be issued or action taken against the abuser?

Judge KING. Yes, I would be happy to. Just very quickly, we are in our sixth year of operating the domestic violence unit, which, when it was organized, was a model in the Nation with two or three others. It brings all of the cases that are related to a domestic violence issue in before one judge and in one branch of the Court.

What we found at the time, was that it reduced the number of places that a victim had to go to tell her story, usually hers, from 19 down to 1. So we made a major accomplishment in simplifying that process. We have advocates and advisors available to them at an intake center at the courthouse.

What we found was that a large number of the victims and those complaining of domestic violence were in Anacostia, which meant that they have to take a bus and a cab, and it is expensive and difficult. And they have to make childcare arrangements and so on. So we opened a satellite unit, which has some of the staff. It gets prohibitively expensive unless you are in New York, where you have a million people everywhere you look. But we have some of the staff there to handle the intake, to do some of the advising, to give them a sense of what they can and what they need to do.

And also, we have a teleconferencing set up so that they can go to a studio in—it is actually located in the Greater Southeast Hospital facility. They go to a studio there, go on the television. A judge sitting at the courthouse can confer with them just as we are doing now, just with a camera, and can sign a temporary restraining order and fax it back to them. So they can go to their neighborhood location, pick up the order and leave and get it served.

We have even had the good fortune of having that turn out to be a convenient place for police officers to get warrants signed. So they are piggy-backing on the domestic violence operation, which means that there is, without any expense to anybody, there is pret-

ty good security supplied there, because police officers are coming and going to get warrants signed.

Senator LANDRIEU. Well, let me just briefly commend you for that. I just think it is just an extraordinary step, and will do what I can. And I know that our committee will support your efforts, because it is a very serious epidemic in this society. And it is not just limited to certain neighborhoods. It is throughout the city.

And as you noted, resources are limited. We could not do this everywhere. But I just cannot tell you how much I appreciate that and look forward to learning more about it so that we can support it.

It is one of the goals of my public career to get the legal system in this country to support the victim and not the abuser from the moment that it starts to the moment that it ends. And whether it is helping the victim, you know, to stay in the home, to protect the children, and have the abuser suffer the consequences of abuse—and too often, our legal system and our court system puts the burden on the one who is abused, which makes no sense whatsoever. The burden should be on the abuser.

So I will look forward to working with you. And also, counseling the abusers for those who can be rehabilitated. Not in every case are we successful, but we should, of course, try to reach out to the abusers as well appropriately.

Thank you.

Senator DEWINE. Well, we thank you all very much. And we look forward to continuing to work with you, particularly in regard to the Family Court. And we will try to have a hearing sometime that is convenient for you all, sometime within the next 2 weeks, where we can bring GSA in and bring you in and see where we are.

Thank you very much.

COURT SERVICES AND OFFENDER SUPERVISION AGENCY

**STATEMENT OF PAUL A. QUANDER, JR., DIRECTOR**

Senator DEWINE. Let me invite our second panel to come up. And as you are coming up, I will introduce the second panel.

The Honorable Paul Quander is the Director of the Court Services and Offender Supervision Agency. Mr. Ronald Sullivan is the Director of the Public Defender Service for the District of Columbia.

We welcome both of our witnesses and thank them for joining us here today. We have received their written testimony. We would invite them both to summarize their testimony and spend maybe about 5 minutes each, if you could. And we will start with whoever wants to start and invite you to go ahead. And then we will have the opportunity to have some questions. You can flip a coin or whatever.

Mr. QUANDER. We just did.

Senator DEWINE. All right. Very good.

Mr. QUANDER. Good morning, Mr. Chairman, Senator Landrieu.

Senator DEWINE. I am not sure that is on. Push the button, and if it lights up, it is on.

Mr. QUANDER. All right. We will try it again. It is on now.

Senator DEWINE. All right. Very good.

Mr. QUANDER. Good morning, Chairman DeWine. And good morning, Senator Landrieu. I am Paul Quander, the Director of the Court Services and Offender Supervision Agency. Thank you for the opportunity to appear before you today in support of the fiscal year 2004 budget request of the Court Services and Offender Supervision Agency for the District of Columbia, or CSOSA.

As you know, CSOSA includes the Pretrial Services Agency, PSA, which provides supervision for pretrial defendants. The Community Supervision Program supervises convicted offenders on probation, parole, or supervised release. Our fiscal year 2004 request reflects our desire to continue implementing the initiatives we have previously presented to you. We strive to allocate resources strategically and effectively so that we can achieve the greatest possible benefit to public safety.

At any given time, CSP supervises approximately 15,000 offenders. PSA supervises or monitors approximately 8,000 defendants. With both populations, our highest priority must be to close the revolving door that leads too many people through repeated incarcerations and periods of supervision. Through accountability, intermediate sanctions, treatment, education, and employment, we are striving to increase the percentages more every year by reducing re-arrest and recidivism among our population. In the 6 years since CSOSA's establishment as trustee and the 3 years since certification as an independent Federal agency, we have achieved a number of significant milestones. With fiscal year 2003 and fiscal year

2004 resources, we expect to meet our target caseload of 50 general supervision offenders per community supervision officer. We have opened 6 field units to locate our offices in areas of the city with high concentrations of offenders, including our newest office at 25 K Street, Northwest.

Since fiscal year 2000, we have increased by 116 percent the number of offenders drug-tested every month. We have placed over 3,500 defendants and offenders in contract treatment in fiscal year 2002. Our multi-denominational faith community partnership embraces more than 25 member institutions. And our volunteer mentor program has matched more than 80 returning offenders with individuals who are committed to helping them stay out of prison.

Our fiscal year 2004 CSOSA requests direct budget authority of \$166,525,000 and 1,357 full-time equivalent positions. Of this amount, \$103,904,000 is for community supervision programs. \$34,411,000 is for the Pretrial Services Agency. And \$25,210,000 is for the Public Defender Service. The District of Columbia Public Defender Service transmits its budget request with CSOSA's.

CSOSA's fiscal year 2004 budget request represents an 8 percent increase over fiscal year 2003 funding. Most of that increase is attributable to adjustments to base that will enable the Community Supervision Program to fully fund community supervision officer positions to be filled in fiscal year 2003. These positions are essential to achieving our target caseload ratio. The Community Supervision Program increase also includes funding to implement our Reentry and Sanctions Center Program, which is based on our current Assessment and Orientation Center, or AOC.

In fiscal year 2002, CSOSA received \$13 million and an authorization for 89 positions to expand the AOC located at Karrick Hall on the grounds of D.C. General Hospital. In September 2002, CSOSA signed a 10-year lease with the District of Columbia for the continued use of Karrick Hall. The planning work is completed, but renovation has been delayed pending approvals required by the District Government.

The Assessment and Orientation Center provides a residential placement for high-risk defendants and offenders with extensive criminal histories and severe substance problems. Among offenders who complete the program, re-arrest decreased by 74 percent in the year following completion. Since its inception, almost 900 defendants and offenders have benefitted from this program. This program is targeted directly at the 30 percent of our population who are most likely to recidivate. And so we believe it is essential to achieving our public safety mission. We request \$3,104,000 to expand the Assessment and Orientation Center to a full-fledged reentry and sanctions center bringing one additional unit online for a total of 39 beds.

#### PREPARED STATEMENT

The Pretrial Services Agency also has one new initiative focusing on enhanced supervision. Since the D.C. Department of Corrections closed their Community Corrections Center Number 4, additional defendants are being released to the community and are being monitored by Pretrial Services officers. The impacts of this have been considerable. To mitigate the stress this has placed on the



Pretrial Services general supervision staff, the Pretrial Services Agency requests \$224,000 to provide vendor management of the agency's electronic monitoring program.

Thank you again for the opportunity to appear before you today. And I will be happy to answer any questions that you may have at the appropriate time.

Senator DEWINE. Thank you very much.

[The statement follows:]

PREPARED STATEMENT OF PAUL A. QUANDER, JR.

Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to appear before you today in support of the fiscal year 2004 budget request of the Court Services and Offender Supervision Agency for the District of Columbia, or CSOSA. As you know, CSOSA includes the Pretrial Services Agency (PSA), which provides supervision for pretrial defendants. Convicted offenders released into the community on probation, parole, or supervised release are supervised by the Community Supervision Program (CSP).

Today marks my first appearance before you as CSOSA's appointed Director. In my first 6 months with the Agency, I have come to appreciate both the complexity of what we are trying to accomplish and the level of support we have received from Congress as we build our capabilities. We greatly appreciate the increased resources we have received since the Revitalization Act was passed in 1997. Our fiscal year 2004 request reflects our desire to continue using those resources effectively and strategically to fully implement the initiatives we have previously presented to you.

At any given time, CSP supervises approximately 15,000 offenders; PSA supervises or monitors approximately 8,000 defendants. To CSOSA, these individuals present the dual challenges of community corrections: reducing risk to public safety while, at the same time, helping thousands of our city's residents to turn their lives around through drug treatment, educational services, and job placement. We believe these challenges complement each other; we strive not only to hold offenders and defendants accountable for their actions, but to provide opportunities that assist them in developing a different, more successful way of life.

While more than 85 percent of arrests in the District of Columbia did not involve offenders under our supervision, our highest priority must be to close the "revolving door" that leads too many people through repeated incarcerations and periods of supervision. To achieve that priority, CSOSA allocates resources to four strategic objectives, or Critical Success Factors: Risk and Needs Assessment, Close Supervision, Treatment and Support Services, and Partnerships. Slightly less than one quarter of our budget is allocated to Risk and Needs Assessment, about one quarter to Treatment activities, and half to our front line Close Supervision activities. Partnership activities receive 5 percent of funding. We believe that success in these four areas will enable us to achieve our mission of public safety and service to criminal justice decision makers.

In the 6 years since CSOSA's establishment as a trusteeship, and the 3 years since certification as an independent Federal agency, we have achieved significant progress toward realizing these objectives. Our milestone achievements include the following:

- Both the Community Supervision Program and the Pretrial Services Agency have implemented automated case management systems that will greatly improve data quality and officer effectiveness.
- We have implemented comprehensive risk assessment for offenders and are now expanding our case planning protocol to include uniform needs assessment.
- With fiscal year 2003 and fiscal year 2004 resources, we expect to meet our target caseload of 50 general supervision offenders per officer.
- We have opened six field units to locate our officers in areas of the city with high concentrations of offenders, including our newest office at 25 K Street. A seventh field location at 800 North Capitol Street will come on line in the next few months.
- Since fiscal year 2000, we have increased by 116 percent the number of offenders drug tested every month.
- We have placed over 3,500 defendants and offenders in contract treatment in fiscal year 2002.
- We are particularly pleased that our partnership activities have expanded to include the city's faith institutions. Our multi-denominational Faith Community Partnership embraces more than 25 member institutions, and our volunteer

mentor program has matched more than 80 returning offenders with individuals who are committed to helping them stay out of prison.

—We continue to explore ways to partner with the Metropolitan Police Department so that offenders are known to the police and our Community Supervision Officers are a visible public safety presence in the city's Police Service Areas. We are particularly proud of joint supervision by MPD and CSOSA officers who together make visits to offenders at their homes and workplaces. These "accountability tours" demonstrate to the community, the offender, and the offender's significant others that the police and CSOSA are collaborating to enforce supervision and prevent criminal activity.

—We are also exploring ways in which offender and defendant accountability can be enforced through technology, such as using Global Positioning System-based electronic monitoring, to maintain ongoing knowledge of the offender's location in order to improve the enforcement of stay-away orders.

For fiscal year 2004, CSOSA requests direct budget authority of \$166,525,000 and 1,357 FTE. Of this amount, \$103,904,000 is for the Community Supervision Program; \$37,411,000 is for the Pretrial Services Agency, and \$25,210,000 is for the Public Defender Service. The District of Columbia Public Defender Service transmits its budget request with CSOSA's. The Director of PDS, Ronald Sullivan, will present it in a separate statement.

CSOSA's fiscal year 2004 budget request represents an 8 percent increase over fiscal year 2003 funding. Most of that increase is attributable to Adjustments to Base that will enable the Community Supervision Program to fully fund Community Supervision Officer positions to be filled in fiscal year 2003. These positions are essential to achieving our target caseload ratio.

The Community Supervision Program increase also includes funding to expand our Close Supervision capabilities. In fiscal year 2002, CSOSA received \$13 million and an authorization for 89 positions to expand the Assessment and Orientation Center into a full Reentry and Sanctions Center. Located at Karrick Hall on the grounds of D.C. General Hospital, the Assessment and Orientation Center provides a residential placement for high-risk defendants and offenders with extensive criminal histories and severe substance abuse problems. The program has proven very effective in increasing the likelihood that these individuals will go on to complete supervision successfully. Among offenders who complete the program, rearrests decreased by 74 percent in the year following treatment. Since its inception, almost 900 defendants and offenders have successfully completed the program.

The Reentry and Sanctions Center will increase the availability of this successful program for the offenders most likely to commit new crimes. We believe that through strategic intervention with this high-risk population, we can achieve a significant decrease in recidivism. The Reentry and Sanctions Center will also increase CSOSA's capacity to implement intermediate sanctions for offenders and defendants who abuse drugs while under supervision, and for whom less intensive options might not be effective. Meaningful intermediate sanctions and increased availability of sanction-based treatment are among our most potent weapons in the fight to reduce recidivism.

In September 2002, CSOSA signed a 10-year lease with the District of Columbia for the continued use of Karrick Hall. Although renovation work has been delayed pending approvals required by the District government, we request \$3,104,000 to expand the Reentry and Sanctions Center to operate one additional unit, for a total of 40 beds. We will also continue to request funding for the program from the Office of National Drug Control Policy's High Intensity Drug Trafficking Area initiative, which has provided \$1.3 million per year.

The Pretrial Services Agency also has one new initiative focusing on enhanced supervision. Since the D.C. Department of Corrections' closure of Community Correctional Center No. 4 in 2002, more high-risk defendants are being released to the community and must be monitored by Pretrial Service Officers. The impact of this has been considerable. Officers must devote more time to every aspect of these cases and must increase the number of face-to-face contacts with these defendants. This increased contact is difficult to maintain with caseloads at their current levels. To mitigate the stress this has placed on the General Supervision staff, the Pretrial Services Agency requests \$224,000 to provide vendor management of the agency's electronic monitoring program.

We at CSOSA are proud of our progress as a Federal agency. We believe that our program model, which applies national best practices to the unique needs of the District of Columbia, will improve the safety of our city and increase the resources available to the offenders and defendants who live here. As we mature as an Agency, I have every confidence that we will be able to present an impressive record of

accomplishments. I believe our success will make CSOSA a national leader in the field of community supervision and a unique model for other jurisdictions.

Thank you again for the opportunity to appear before you today. I will be happy to answer any questions you may have.

## PUBLIC DEFENDER SERVICES

### STATEMENT OF RONALD S. SULLIVAN, JR., DIRECTOR

Senator DEWINE. Mr. Sullivan.

Mr. SULLIVAN. Good afternoon, Mr. Chairman, Senator Landrieu.

On behalf of the Public Defender Service for the District of Columbia, or PDS, I thank you for the opportunity to address you in support of PDS's fiscal year 2004 budget request. As you know, the Public Defender Services provides constitutionally mandated legal representation to indigent people facing a loss of liberty in the District of Columbia.

PDS is the local defender in our Nation's Capital. And it is also a national standard-bearer. Throughout its 30-year history, PDS has maintained its reputation as the best public defender office in the country, local or Federal. We have been able to maintain this reputation because of PDS' innovative approaches that are applied by some of the most talented lawyers and support staff in the country. PDS is an agency that this Congress, this committee, and this community can be proud of.

PDS generally is assigned the most serious resource-intensive and complex cases in the District. With the 100 lawyers on staff, PDS typically represents about 60 percent of the most serious felony charges; and the majority of juveniles facing serious delinquency charges. And consistent with a 2003 initiative, we now represent nearly 100 percent of all people facing parole revocation. The majority of people—we also represent the majority of people in the mental health system who are facing involuntary civil commitment.

With this backdrop, I will address our fiscal year 2004 budget request. For fiscal year 2004, PDS requests \$25,210,000 and 218.5 FTE and direct budget authority, which includes a request for .5 or only one-half new FTE and \$100,000 to support our only new initiative, the Appellate Assistance Response Initiative. The number of constitutionally mandated appellate cases opened by PDS has increased by 50 percent since 1997, while the numbers of attorneys providing these services has remained constant. In order to continue providing this constitutionally mandated service, PDS respectfully requests that this subcommittee approve its very modest budget initiative.

Let me offer a brief example of how the work that we do makes a difference in the lives of real people. Recently, the District of Columbia Court of Appeals contacted PDS after affirming convictions in a two-person appeal. The Court was concerned because the briefs of one of the persons—and I will call her Jane to respect her privacy—looked like it was a verbatim replica of the other appellant's brief, even though the two had conflicting interests.

PDS's Appellate Division accepted Jane's case, convinced the District of Columbia Court of Appeals to reopen the case, wrote new

briefs for Jane, who all along maintained that the conviction was wrong, and, through PDS's advocacy, demonstrated that the evidence was not sufficient to support a conviction. Jane was acquitted. Justice was done.

In another important Appellate Court matter, PDS advanced the position that it is improper and unconstitutional for the Government to exclude people from juries on the basis of religion alone, as religious freedom, in our view, reaches the core of what it means to be an American. Significantly, with the new Executive Branch administration, the Government advised the DCCA that it has changed its position and now agrees with PDS. Religion is an improper basis upon which to exclude jurors. We await the Court's decision.

In other matters, PDS has recently increased the sophistication of its practice. And in light of this subcommittee's interest in and commitment to the children of the District of Columbia, I am proud to announce that we have added services at our organization, such as the special education advocacy for our juvenile clients. We are the only institutional provider, the District of Columbia Special Education Services. And given the disturbing correlation between educational deficiencies and delinquent behavior, this is a much-needed service.

Utilizing the resources from our fiscal year 2003 DNA initiative, we have just litigated an admissibility issue involving a novel and complex DNA matter. Before ruling, the judge in this matter said—and he was referring to PDS and the United States Attorney's Office, and I quote, "I want to say at the outset that you are to be highly commended. These are some of the most impressive pleadings I have seen in my years on the bench. It is a credit to both your institutions that you have been able to marshal all of this in a way that reminds me of two Wall Street firms going at it. I am sure you all are making \$500 an hour."

And for the record, I will not object if this committee decides to compensate us thusly.

#### PREPARED STATEMENT

This judge's recognition is consistent with PDS' model that we provide better services than money can buy. With your support of our appellate initiative and our fiscal year 2004 budget request, I can assure the members of this subcommittee that PDS will continue to look for new and inventive ways to make each tax dollar we receive build a more fair and effective criminal justice system.

My time has expired. I would like to thank you for your time and attention to these matters. And I will be happy to answer any questions you may have.

[The statement follows:]

#### PREPARED STATEMENT OF RONALD S. SULLIVAN, JR.

Good afternoon, Mister Chairman and members of the Subcommittee. My name is Ronald S. Sullivan Jr., and I am the Director of the Public Defender Service for the District of Columbia (PDS). I come before you today in support of the agency's fiscal year 2004 budget request. The agency thanks you for your support of our programs in previous years.

As a result of the National Capital Revitalization and Self-Government Improvement Act of 1997 (the "Revitalization Act"), PDS was established as a federally-

funded, independent District of Columbia agency. In accordance with the Revitalization Act, PDS transmits its budget and receives its appropriation as a transfer through the Court Services and Offender Supervision Agency (CSOSA) appropriation. PDS provides constitutionally-mandated legal representation to people facing a loss of liberty in the District of Columbia who cannot afford a lawyer. In the District of Columbia, PDS and the District of Columbia Courts share the responsibility for providing constitutionally-mandated legal representation to people who cannot pay for their own attorney. Under the District of Columbia's Criminal Justice Act (CJA), the District of Columbia Courts appoint PDS generally to the more serious, more complex, resourceintensive, and time-consuming criminal cases. The Courts assign the remaining, less serious cases and the majority of the misdemeanor and traffic cases to a panel of approximately 350 preselected private attorneys ("CJA attorneys"). Approximately 100 lawyers on staff at PDS are appointed to represent: a significant percentage of people facing the most serious felony charges; the majority of the juveniles facing serious delinquency charges; nearly 100 percent of all people facing parole revocation; and the majority of people in the mental health system who are facing involuntary civil commitment.

In less than 1 week, defense attorneys and others from around the country will mark the 40th anniversary of *Gideon v. Wainwright*,<sup>1</sup> the landmark Supreme Court case that held that a fair trial in non-Federal criminal cases includes the right to an attorney for those who cannot afford one. PDS, like so many other public defender offices, owes its existence to that case. PDS, however, is unique. It is the local defender office for our Nation's capital, and it is the national standard bearer; throughout its history PDS has maintained its reputation as the best public defender office in the country—local or Federal. PDS is an agency this Congress and the District of Columbia can be proud of.

That reputation is no accident. From its beginning in 1971 as the Legal Aid Society, PDS' mission has been to serve as a model public defender organization in providing defense representation to the traditionally underserved indigent population. That mission has led PDS over the past 30+ years to enhance and improve the representation it offers to its clients. While much of our work is devoted to ensuring that no innocent person is ever wrongfully convicted of a crime, we also provide legal representation to people with mental illness who are facing involuntary civil commitment, recovering substance abusers participating in the highly successful Drug Court treatment program, and juveniles in the delinquency system who have learning disabilities and require special educational accommodations under the Individuals with Disabilities in Education Act.<sup>2</sup>

PDS' mission has also led the agency to expand the resources it provides to the criminal justice community at large in the form of training for other District of Columbia defense attorneys and investigators who represent those who cannot afford an attorney and in the form of support to the District of Columbia Courts. In addition, the mission has spurred PDS to develop innovative approaches to representation, from instituting measures to address the problems of clients returning to the community who have been incarcerated to creating a one-of-a-kind electronic case tracking system. As PDS' recently chosen Director—one who previously had the honor of serving as a staff attorney and later as general counsel at PDS—I intend to maintain PDS' tradition of fulfilling the promise of that landmark Supreme Court case by ensuring qualified counsel for the accused in the Nation's capital while continuing to prepare the agency for the challenges it faces in the 21st century.

Our sole fiscal year 2004 requested initiative, the Appellate Assistance Response Initiative, is part of that effort. For fiscal year 2004, PDS requests \$25,210,000 and 218.5 FTE in direct budget authority, which includes a request for .5 new FTE and \$100,000 to support this new initiative. This modest increase in personnel resources and funding is requested in recognition of the President's emphasis on spending for national security.

#### FISCAL YEAR 2004 REQUEST

##### *Appellate Assistance Response Initiative*

PDS applies throughout the agency its innovative approach to providing defense representation to individuals who are unable to pay for their own attorneys, including in its Appellate Division. PDS has become an established resource for the District of Columbia Court of Appeals as the Court has increasingly relied on PDS' Appellate Division for assistance in matters of unusual importance or complexity. PDS renders this assistance through *amicus curiae*, or "friend of the court," briefs while

<sup>1</sup> 372 U.S. 335 (1963).

<sup>2</sup> 20 U.S.C. Sec. 1400, et. seq.

it continues to provide constitutionally-mandated appellate representation to individuals. PDS not only serves the District of Columbia Court of Appeals in this way, but also the District of Columbia Superior Court; PDS has even appeared as amicus curiae in the United States Supreme Court. The Superior Court also turns to PDS with requests for amicus curiae briefs on complex or unusual issues that arise in collateral proceedings such as ineffective assistance of counsel claims.

In part due to the consistent demand for PDS expertise as amicus curiae to the benefit of the criminal justice system, in the 5 years since the passage of the Revitalization Act, the number of constitutionally-mandated appellate cases opened by PDS has increased by 50 percent while the number of attorneys providing these services has remained unchanged. Furthermore, PDS appellate attorneys have additional responsibilities that place demands on their time. Attorneys in the Appellate Division devote a significant amount of time to training both PDS and non-PDS lawyers. Appellate Division attorneys organize and present material for the "appellate track" of the Criminal Practice Institute conference, they conduct several sessions in the yearly summer training series for the CJA bar, and they organize internal training sessions for PDS attorneys. The caseload increase, the requests for amicus curiae briefs, and the training work combined have stretched the Appellate Division's capacity, straining its ability to effectively meet the needs of PDS clients and the Court of Appeals at current funding levels. In order to continue providing constitutionally-mandated appellate legal representation to individuals who cannot afford an attorney and to the District of Columbia Courts, PDS seeks .5 FTE and \$100,000 in increased support.

#### FISCAL YEAR 2003 ACCOMPLISHMENTS

In fiscal year 2003, in addition to handling a variety of criminal, juvenile, parole, mental health, and other legal matters, the agency was very successful in instituting changes to improve the overall quality of the District of Columbia justice system through new approaches to client service, through litigation, and through very successful collaborations with other criminal justice and social service organizations. PDS' success in these areas was recently recognized by the Legal Aid Society of the District of Columbia, an organization that exists to make pro bono legal representation available to those who can least afford the services of an attorney.

The Legal Aid Society selected PDS as one of its two honorees for 2003 "who have demonstrated unswerving dedication and achievement in providing access to all persons, regardless of income, to representation before the District of Columbia courts and agencies." Almost all past honorees, who include Justice Thurgood Marshall, the Honorable Eric Holder, Jr., and Charles Ruff, have been individual attorneys. Significantly, this year the Legal Aid Society decided to select an agency for this honor instead. This award pays tribute to PDS' effort to ensure that each and every client receives representation at the highest level of professional competence. This goal has always been—and will continue to be—the lodestar that guides this agency.

#### FISCAL YEAR 2003 INITIATIVES

In fiscal year 2003, Congress passed as a bill, and the President signed into Law, a new program increase for PDS totaling 6 positions, 6 FTE, and \$874,000 in support of two new initiatives. PDS' DNA Sample Collection Act initiative received 2 positions, 2 FTE, and \$427,000. The agency's Parole Revocation Defense Initiative received 4 positions, 4 FTE, and \$447,000. The enacted law was further amended under H.J. Res. 2 to decrease the total funding available in fiscal year 2003 in support of these new initiatives by a rescission of .65 percent, or 2 positions, 1 FTE, and \$149,955.

#### DNA SAMPLE COLLECTION RESPONSE INITIATIVE

As anticipated when PDS submitted its fiscal year 2003 budget request, the District of Columbia Council passed the Innocence Protection Act, which requires the government to retain all evidence containing DNA material to assist in establishing or refuting post-conviction claims of actual innocence. This Act, along with the District of Columbia's DNA Sample Collection Act and the Federal DNA Analysis Backlog Elimination Act,<sup>3</sup> has led to an increased need within the District of Columbia criminal justice system for expertise in the use of DNA as evidence. To implement its fiscal year 2003 DNA Sample Collection Response Initiative, PDS is generating the internal and external training necessary to develop attorneys with the knowl-

<sup>3</sup>Both of these Acts require that the Court Services and Offender Supervision Agency collect DNA samples from D.C. Code offenders for comparative analysis by the FBI in unsolved crimes.

edge and skills to engage in cutting edge litigation involving the ever-changing landscape of DNA evidence. A Superior Court judge deciding a PDS matter that involved some of the most controversial and technically sophisticated scientific issues of this type recently acknowledged the value to the criminal justice system of expert litigators. The judge thanked the agency for its extraordinary pleadings and the caliber and stature of the expert witnesses who had been presented to the court. The judge also noted that the quality of the parties' advocacy and pleadings was on par with that of Wall Street firms charging \$500 per hour.

Our recent investment in this rapidly developing area, combined with the commitment of the team of PDS lawyers involved in this effort, has taken the agency to the forefront of this field. We are already leveraging this expertise to share it with our colleagues on the CJA attorney panel. Thanks to the added assistance of Federal grants, PDS has committed to planning and hosting a free forensic science conference for court-appointed defense attorneys in the District of Columbia in June of this year. The conference will provide the most up-to-date knowledge concerning the use of forensic evidence to conference participants. We have already obtained appearance commitments from a number of nationally recognized speakers.

As has been PDS' custom, we will continue to develop the agency's expertise in new scientific methods and then seek to promptly disseminate and share that expertise to the benefit of all persons charged with offenses in the District of Columbia who cannot afford an attorney.

#### PAROLE REVOCATION DEFENSE INITIATIVE

PDS' Special Litigation Division has handled an average of 75 parole revocation cases per month in the first 4 months of fiscal year 2003. This is consistent with the estimate of 70 to 100 cases per month PDS estimated in its fiscal year 2003 budget request, and it represents a 50 percent increase in the number of the Division's new case referrals from the same period last year. This underscores the need for the additional resources provided by the fiscal year 2003 budget. The Division continued to provide constitutionally-mandated parole representation in nearly 100 percent of all parole revocation cases involving D.C. Code offenders before the U.S. Parole Commission, a service PDS assumed responsibility for providing after the Revitalization Act was passed. The Division has recruited students from local law schools to represent District of Columbia parolees at their revocation hearings in order to leverage the agency's existing resources and provide litigation training to the students. The students, whose work is supervised by PDS attorneys, have relieved some of the strain on the agency's resources.

#### COMMUNITY RE-ENTRY INITIATIVE

In fiscal year 2002, PDS received 10 positions, 9 FTE, and \$1,019,000 in support of its Community Re-entry Initiative. PDS, ever exploring new, effective methods to meet the needs of its clientele, has established a Community Re-entry Project to help smooth the path that leads incarcerated individuals back into the community and to support them upon their arrival. The Project, PDS' sole fiscal year 2002 initiative, continues to make great strides toward becoming fully functional. In fiscal year 2003, the Project<sup>4</sup> focused on addressing the needs of children involved in the District of Columbia's juvenile delinquency system. The Community Re-entry Project developed a program to monitor the progress of children placed through the juvenile delinquency system in residential facilities and to provide support to prepare them for returning to their home communities. The Project also developed a "Street Law" program for children placed in the District of Columbia's juvenile detention facility to improve their decision-making; this program will be expanded to include children placed in District of Columbia group homes. The Community Re-entry Project is also working with local public and private school students to develop peer mentor relationships between those students and children placed in the juvenile detention facility; the relationships will provide additional resources upon the children's return to their home communities.

Also, working with local Hispanic families, the Community Re-entry Project assists in making resources available in their own neighborhoods to children returning from the District of Columbia's juvenile detention facility. The Project creates links between the returning children and a local neighborhood collaborative to identify and provide community support resources. The Project will expand this program by replicating it with other neighborhood collaboratives throughout the city to develop a network of support resources for children being released from the facility. The Project is developing an anti-truancy program in collaboration with the District of

<sup>4</sup>For children, the Community Re-entry Project operates as PDS' Juvenile Services Program.



Columbia public schools system, the D.C. Bar, and the District of Columbia Superior Court to address truancy issues in recognition of their observed correlation with delinquent behavior.

PDS will continue to develop the Project this year by addressing the needs of adults for re-entry services and support. The Project has established contact with some social services organizations and is seeking others to assist in easing the transition from incarceration to release with educational, employment, training, counseling resources and other effective tools to increase opportunities for success and decrease chances of recidivism.

#### GENERAL PROGRAM ACCOMPLISHMENTS

##### *Criminal Justice System Reforms*

In accordance with PDS' many efforts to find new, effective means of implementing its mission to provide representation to those in the District of Columbia criminal justice system who cannot afford an attorney, PDS' Appellate and Special Litigation Divisions have litigated cases that have direct impact on services and processes of other local and Federal Government entities within and outside of the criminal justice system that affect our clients. PDS' successful advocacy in such cases has led to the equitable provision of public services to all recipients—not just PDS clients—ensuring that the rights of all people are protected and that critical support services necessary for incarcerated individuals' successful transition back into the community are available.

*Ensuring adequate representation.*—The District of Columbia Court of Appeals solicited PDS' assistance after observing questionable behavior by a non-PDS appellate attorney in that Court. A woman and her codefendant had separately appealed their convictions for unauthorized use of a vehicle, each arguing that the evidence was insufficient to support the conviction. In reviewing the coappellants' cases, the Court noted that the woman's brief, filed by the appellate attorney, was an almost verbatim replica of the earlier filed brief of the woman's coappellant. After affirming both convictions, the Court contacted PDS and appointed the agency as the woman's new appellate counsel. The Court accepted PDS' argument that the first appellate attorney's performance was so deficient and prejudicial as to be tantamount to the complete absence of counsel on appeal, and allowed the woman to pursue her direct appeal again. In briefing the direct appeal, PDS pursued the same sufficiency-of-the-evidence argument advanced before. However, for the new brief, PDS was able to distinguish legal and factual arguments applicable to the woman's case that had been obscured by the first appellate attorney's approach of apparently copying the coappellant's brief. The Court held that the woman was entitled to a judgment of acquittal, as a direct result of PDS' involvement.

*Support for the District of Columbia Family Court's authority.*—PDS has been at the forefront of litigation designed to ensure that judges of the newly created Family Court in the District of Columbia maintain the ability to exercise the responsibility and power Congress envisioned when it created that Court and sought to guarantee the existence of a cadre of judges with expertise in matters pertaining to children. Specifically, PDS has been involved in extensive litigation, both in the Superior Court and in the Court of Appeals, with the District of Columbia to resolve whether the Department of Human Services (DHS), a District of Columbia executive branch agency, or Family Court judges should have the power to determine what facility is best suited to meet the needs of troubled youth. According to DHS, once a judge determines that a delinquent child should be committed to DHS, the judge loses all authority to determine what institution or facility best meets that child's needs. PDS' position is that Congress has invested judges, in particular the specially trained Family Court judges, with the power and responsibility to determine those placements and not simply to hand the children to DHS and hope for the best.

*Fairness in jury selection.*—PDS has been advancing the position for several years that striking a prospective juror on the basis of that juror's religious affiliation is unconstitutional in the same way that striking a juror on the basis of race or gender violates the Constitution. In our view, striking a juror on the grounds of religious affiliation alone—without a demonstrated basis that the juror's religious affiliation will interfere with the juror's ability to be impartial—violates the Equal Protection Clause and the First Amendment's Religion Clauses. Following the most recent change in administration, the Federal Government switched its position and notified the District of Columbia Court of Appeals that it now agrees with PDS that it would be unconstitutional to strike a juror on the basis of religious affiliation alone. If the Court agrees, this will be an important step in protecting religious liberty.

*Excessive detention.*—PDS assisted a client who had been held at the District of Columbia Jail for a parole hearing based on a new criminal charge that was subse-

quently dismissed. Because the jail failed to act on the U.S. Parole Commission's detainer after the dismissal, the client waited unnecessarily for over a year to be brought before the Commission for his parole hearing. PDS' Special Litigation Division sought relief in Federal court; shortly before a hearing in the case, the client's illegal detention was terminated, and he was released from the jail.

*Rehabilitation of youthful offenders.*—PDS challenged the failure of the Bureau of Prisons to comply with a requirement of the District of Columbia's Youth Rehabilitation Act that individuals sentenced under the Act be housed separate from adults. One of the Bureau's prison facilities placed each of 29 youthful offenders from the District of Columbia with an adult cellmate. Shortly after the PDS challenge was filed, each of the 29 was sharing a cell with another youthful offender.

*Timely parole hearings.*—PDS pursued a class action case challenging the United States Parole Commission's failure to provide timely preliminary and final parole revocation hearings for District of Columbia parolees locally and throughout the country. The parties recently negotiated and signed a consent decree that mandates such timely hearings for the hundreds of affected individuals. The case was resolved after a Federal court agreed that the U.S. Parole Commission's procedures were unconstitutional and ordered the Commission to make critical reforms.

#### CRIMINAL JUSTICE COLLABORATION PROJECT

Just as PDS explores new ways to ensure that it provides quality representation to its clients, PDS explores new opportunities to collaborate with others who seek to improve service to our clients or to the criminal justice system. An example, in addition to the collaborative work engaged in by the Community Re-entry Project as described above, is the OPTIONS Mental Health Treatment Program, developed by PDS to assist individuals in the criminal justice system who can benefit from the intervention of mental health professionals.

OPTIONS continues to serve people with mental illness in collaboration with the Criminal Justice Coordinating Council, the District of Columbia Department of Corrections, the Pretrial Services Agency, the District of Columbia Department of Mental Health, and the District of Columbia Superior Court. The OPTIONS program provides comprehensive treatment and social services to people with mental illness who are charged with non-violent offenses in order to prevent recidivism and promote healthy rehabilitation. No similar service existed before PDS created this program, however, the need for it was significant.

During its year-and-a-half existence, the program has been incredibly successful, assisting nearly 150 people with mental illness by providing counseling, medication, housing, and other critical social services. The participants in the OPTIONS program are individuals who have traditionally been a high risk for successive re-arrests in the absence of effective treatment. Through the comprehensive services provided in the OPTIONS program, the re-arrest rate among program participants has declined. In recognition of its positive impact, this pilot program has now been fully incorporated into the Department of Mental Health and will be a permanent fixture in the District of Columbia criminal justice system to better serve people with mental illness.

#### OTHER PROGRAM ACCOMPLISHMENTS

PDS maintained its strong emphasis on providing representation in novel ways to people who cannot afford attorneys by continuing to implement and build on effective strategies it has already developed. PDS' special education work continues to serve the children who become involved in the juvenile delinquency system, PDS' long-standing mental health practice assumed new responsibilities, and PDS added new topics to its existing training program.

*Special Education Services.*—One of the areas into which PDS has more recently expanded in an effort to meet more of the needs of its clientele is special education advocacy. PDS' Civil Legal Services Unit was established to address issues facing children in the delinquency system that often hinder the child's successful re-integration into the community. The centerpiece of the Unit is the team of attorneys who specialize in advocacy under the federal Individuals with Disabilities in Education Act (IDEA),<sup>5</sup> which mandates special accommodations in public schools for children who cannot be adequately educated in a traditional classroom setting due to a learning disability or other challenge. The Unit's attorneys ensure that children receive an appropriate diagnostic assessment and work with the school system to secure alternative educational programs.

<sup>5</sup> 20 U.S.C. Sec. 1400, et seq.

*Mental health representation.*—Toward the beginning of fiscal year 2003, PDS' Mental Health Division began providing representation in all cases brought under a new District of Columbia statute providing for the involuntary civil commitment of individuals found not competent to stand trial due to mental retardation.<sup>6</sup> The agency took on this responsibility while continuing to play a significant role in representing individuals with mental illness who are subject to civil commitment proceedings in the Superior Court. During the first few months of fiscal year 2003, the Division has been assigned approximately 60 percent of the emergency hospitalization cases filed in the Superior Court.

*Training.*—PDS continues its tradition of providing in-depth training courses for court-appointed CJA attorneys in order to ensure that all counsel are qualified to handle the cases to which they are appointed and to promote the maximum economic efficiency in providing legal representation to people who cannot pay for an attorney.

—PDS coordinated and presented “Hot Topics in Education and Community-based Services for Children with Disabilities,” a training program for attorneys who represent children in juvenile delinquency proceedings. PDS has developed an expertise in this area, and is the only such resource in the District of Columbia.

—The Superior Court has adopted standards for selecting attorneys for membership on a panel the Court will look to for appointment to cases in the juvenile justice system. This parallels the process put in place by the Court for adult cases. PDS is developing training materials and programs to help attorneys obtain the requisite qualifications and skills.

—The Public Defender Service produced the Criminal Practice Institute Practice Manual, a 1,800-page, comprehensive treatise on criminal law in the District of Columbia. Over 600 copies of this manual have been distributed to the judges on the District of Columbia Courts, the United States Attorney's Office, the Bureau of Prisons, area law schools and the private bar.

—The Public Defender Service sponsored the 38th annual Criminal Practice Institute training conference, a 2-day event involving seminars by nationally-known speakers, law professors, legal scholars, local judges and criminal justice practitioners. Approximately 100 participants attended the 2002 conference along with PDS staff.

—As it has done for the past 3 years, PDS has already begun to plan for its annual Summer Series. This is a series of weekly evening seminars in May, June, and July that are provided free of charge to CJA attorneys covering matters specific to practice in the Criminal and Family Divisions of the Superior Court.

—After adopting an investigator training proposal from PDS, the Superior Court implemented a mandatory training requirement for all CJA criminal investigators. Senior PDS investigators and PDS staff attorneys prepared the training materials and coordinated the training sessions on all aspects of criminal investigation. As of the first 5 months of fiscal year 2003, over 120 investigators have been trained and certified, and PDS has already planned training for an additional 20 investigators in the coming month. PDS will then turn its resources toward providing the annual training required of investigators to maintain their certification from year to year. This program is designed to ensure that now, and in the future, there are sufficient qualified investigators to assist CJA attorneys.

#### ADMINISTRATIVE ACCOMPLISHMENTS

PDS' emphasis on innovation is not limited to its program-related work. The agency continually reviews its practices and procedures to improve its operational functions. Particularly now that PDS is a federally-funded agency, it seeks to reach a corresponding level of sophistication in the administration and execution of its responsibilities. Recent improvements made by PDS provide the necessary infrastructure to support our programs and our program staff and increase the potential for greater efficiency and effectiveness in carrying out PDS' mission.

*Information Technology.*—PDS is developing its own case tracking software that provides comprehensive case management functionality for PDS attorneys, staff, and management. PDS demonstrated the software at a conference for defense attorneys, and other public defender organizations across the country have contacted PDS to express an interest in obtaining the software for their own use.

*Government Performance and Results Act.*—PDS made significant progress in developing a 5-year strategic plan similar to the plans required of Federal executive

<sup>6</sup>Civil Commitment of Citizens with Mental Retardation Amendment Act of 2002, Pub. L. No. 14-199 (2002).

agencies under the Government Performance and Results Act. The PDS management staff is reviewing the draft 5-year plan, the related 1-year performance plan will follow shortly, and PDS expects to present a performance-based budget request to Congress for fiscal year 2005.

*Criminal Law Database.*—PDS added to its website a criminal law database that is the most comprehensive, publicly available research tool on District of Columbia criminal law in the country. It allows local practitioners and members of the public to find information about every existing D.C. Code offense, including the potential sentence. The database also contains an explanation of the District of Columbia's preventive detention statute, information on the immigration consequences for non-citizens in the criminal justice system, a description of the possible parole consequences for a parolee charged with a new offense, a parole "salient factor score" calculator, information about juvenile practice in the District of Columbia, a list of recently decided appellate cases, and a variety of important criminal justice links.

*Investigative staff increases.*—Since fiscal year 2001, PDS has more than tripled the number of full-time staff investigators—including five who are fluent in Spanish to serve the growing number of Spanish-speaking clients—and developed a comprehensive professional training program. Every PDS lawyer who handles felony cases now has a full-time staff investigator to assist with case preparation. This allows attorneys to reduce their involvement in time-consuming tasks that could be performed by non-attorneys and focus more on doing purely legal work.

Each of the above reforms and successful collaboration projects has contributed to a better, more efficient criminal justice system and has improved the quality of services provided to people who cannot afford an attorney in the District of Columbia justice system. They serve as examples of the manner in which PDS identifies new ways of serving clients on its own and in successful collaboration with others, all consistent with PDS' goal of providing representation by qualified attorneys to those it is dedicated to serve.

#### CONCLUSION

The right to a qualified attorney for people who cannot afford one is simple and basic, so much so that it has easily woven itself into American culture and into the public's consciousness. PDS has been in the forefront of defining what it means to satisfy the requirements of that right—not only defining it, but also meeting and exceeding that standard. As PDS has matured as an agency, it has increased the sophistication of its practice, adding services such as its special education advocacy and its community re-entry programs, which have the additional benefit of potentially reducing recidivism. PDS has thereby helped to raise the level of practice of the defense bar in the District of Columbia, ensuring that PDS can live up to one accurate description of the agency's work: "better representation than money can buy."

I respectfully request your support of this initiative, and I would like to thank the members of the Committee for your time and attention to these matters and for your support of our work to date. I would be happy to answer any questions the Committee members might have.

Senator DEWINE. Thank you. Good. You both are right on time. Thank you. Appreciate it very much.

Mr. Quander—

Mr. QUANDER. Yes, sir.

Senator DEWINE [continuing]. Am I pronouncing your name close enough?

Mr. QUANDER. You are. It is right on point.

Senator DEWINE. Right on point. Thank you.

You talked about a 50-to-1 ratio.

Mr. QUANDER. Yes.

#### OFFENDERS

Senator DEWINE. How does that compare with what is the national norm or the—I do not want to say the national average, because that is probably not what our goal should be. But what is recommended in your field, in your profession?

Mr. QUANDER. In our field, I believe the—

Senator DEWINE. Excuse me. But considering the nature of the offender that you are dealing with.

Mr. QUANDER. Well, the general population, general supervision, the national recommended goal is essentially 50 to 1. We are very close to reaching that goal. Right now, we are in the area of 56 to 1 for general supervision.

I had the opportunity recently to read an article from a newspaper in Annapolis, and the article spoke of the Maryland system. And in their system for parole and probation, they are averaging in excess of 116 cases per supervision officer. The article concluded by saying that that is nearly impossible to supervise individuals the way that the Court or that the citizens want.

We are trying to reach that goal. And we think we will be able to reach that goal with the appropriations for 2004 so that we can provide all the services that we need to provide. That is the general population.

For specialized individuals, such as sex offenders, domestic violence, traffic and alcohol, mental health, that ratio needs to be lower, needs to be in the area of 35 to 1.

Senator DEWINE. And where are you with the specialized population? I missed that in your testimony. I am sorry. I know you said it.

Mr. QUANDER. In the specialized population, roughly we are averaging about 44 to 1. It is a little closer to, I think, 35 to 1 or 37 to 1 in the sex offense area.

Senator DEWINE. And let me just say, as a former prosecutor and also someone who, as lieutenant governor of the State of Ohio, one of my responsibilities was to oversee our prison system, that the special population worries me more than the other population. And I guess I would be very interested in seeing what this committee could do to help you target that special population and work with you, Senator Landrieu, to try to get those special population numbers to where you want it to be.

Mr. QUANDER. Thank you.

Senator DEWINE. I wonder if we could maybe dialogue with you on that.

Mr. QUANDER. I would like to do that.

Senator DEWINE. I know you want to stay within the President's budget, and we do, too. But that worries me. And you are a little off there. And maybe we could talk about what it would take over the next couple years to move towards hitting that goal of 35 or whatever you think is the right number. You are close to it in the sex offenders, you say—

Mr. QUANDER. Yes.

Senator DEWINE [continuing]. But maybe work towards the other. And I would ask our staff to work and set that as a goal of our committee. Because we are dealing with the safety of the people of the District of Columbia and the visitors to the District of Columbia. And I think it is very important.

Mr. QUANDER. Yes. I would welcome that. One of the things that I would like to share with you is that what we are doing with that special population, and the reason their caseload is lower and why it needs to be lower is that we spend more time actually moni-

toring, supervising, having them come in, testing, all of those things. And actually, we are piloting a global positioning system.

Senator DEWINE. Really?

Mr. QUANDER. And we are going to pilot it for the sex offenders, so that we will attach a bracelet, and we will be able to monitor where that individual is. We will be able to know if he has gone into a specific area where he is not allowed to be.

I have had an opportunity to go down and to take a look at the system that is used by the Florida Department of Corrections, along with our associate director, Tom Williams. And we have had members of our staff actually utilizing it, wearing it, moving throughout the city. So we are getting close to piloting it. And we are looking at piloting it on a special group of the sex offender population.

Senator DEWINE. Well, you know, if there is a target population that is likely to re-offend, it is your target population. And you are the one who—you target them. You figure out who they are. You do it based on your expertise. We do not do it; you do it. And it seems to me that once you do that, that you need to have whatever the assistance is that you need to try to monitor that population and monitor them correctly. And we ought to try to give you the assistance that you need. You are the professional. Your people are the professionals. And we ought to try to give you the help that you need to do that within budget constraints. But we ought to try to bend over backwards to try to give you the help that you need. And we are going to try to do that. So—

Mr. QUANDER. Thank you. We would greatly appreciate it.

Senator DEWINE. So our staff will work with you and maybe over the next couple of years try to do some things that could be of help. Thank you.

Mr. QUANDER. Very well. Thank you.

Senator DEWINE. Senator Landrieu.

Senator LANDRIEU. Thank you. First of all, let me thank both of you for stepping up to the positions that you have been asked to serve in with such enthusiasm. And I understand, Mr. Quander, that you are the first official first-time director of this very new Federal agency.

Mr. QUANDER. Yes.

Senator LANDRIEU. And we are joined today by the interim leader, Mr. Ormond. Are you here, Mr. Ormond?

Mr. QUANDER. Yes, he is.

Senator LANDRIEU. Thank you for the work that you have done over the last couple of years to get us to this point.

Mr. ORMOND. Thank you very much.

#### SUPERVISOR/PRETRIAL DEFENDANTS RATIO

Senator LANDRIEU. And of course, our committee takes very seriously this responsibility because we basically are a direct appropriator to these Federal agencies. And while, again, we do not have the staff and do not ever intend to micro-manage it, we want you to know that we want to be a good resource to both of you to accomplish the goals that you have outlined and to share with us, because we share with you much of your vision.

I understand that you all—Mr. Quander, you have a population of about 16,000 convicted offenders who are released into this community on probation, parole, or supervised released. That would be annually, 16,000 a year?

Mr. QUANDER. Yes, roughly about 15,000.

Senator LANDRIEU. Okay. And then you supervise on an annual basis about 8,000 defendants pretrial.

Mr. QUANDER. That is correct.

Senator LANDRIEU. And you do that all for a budget request of this year \$166.5 million.

Mr. QUANDER. Yes.

Senator LANDRIEU. And Senator DeWine had asked, and I want to just be clear for the record, what is our ratio that we are at today in terms of probation supervisors to the convicted offenders? What is the ratio between the supervisor and the pretrial defendants?

Mr. QUANDER. Certainly. It—

Senator LANDRIEU. And what are our goals?

Mr. QUANDER. The ratio as far as probation and parole and general supervision currently stands at 56 to 1. Our goal is 50 to 1. In the specialized areas that I mentioned, the sex offense, mental health, domestic violence, and traffic and alcohol, our current ratio, I believe, is in the area of 44 to 1. And what we are trying to get is to the area of 35 to 1.

In pretrial services, the Pretrial Service officers, I believe their current caseloads are averaging in excess of 100, maybe 110. And I believe they want to be in the area close to where we are, in the area of like 50 or 60 to 1. Part of the 2004 appropriations request will allow the Pretrial Services Agency to contract out for vendor services for the electronic monitoring program, which will allow them to use the staff that are currently doing that to bring down the caseload.

Our agency, CSOSA, is also assisting with authority, reallocating positions, 10, to help them as they try to reduce their caseload and get it down to a much more manageable level.

Senator LANDRIEU. We would like to work with you on that. We would like to keep these caseloads at a level where actually good work can be done, and the people that are doing the work feel as good about the work as they can, which is extremely difficult and very challenging work. In order to accomplish that, it is not only a reasonable ratio—and I am not sure that 50 to 1 or 56 to 1 or 40 to 1 or 30 to 1, if there is any magic number. But I would also say that managing and minimizing the turnover of your employees is also very important, so that you have trained and skilled people not just moving in and out, but retraining staff.

Could you comment a moment about your turnover in your agency? And could you give us a snapshot? And if not today, maybe present to this committee a snapshot of the turnover of your agency.

Mr. QUANDER. I will be able to provide the exact figures in a subsequent submission. But I can inform you of this: As a new director, I spend a lot of time in the field talking to the workers, the people that actually do the work day in and day out. And the one

constant, as I walk through the agency, is that people, the employees, they still want to save the world.

Senator LANDRIEU. That is good.

Mr. QUANDER. And what they say is, you know, "Mr. Quander, if you can do X, Y, and Z, if you can remove this impediment, I can do even more."

As a director, I mean, I love to hear that because all they are saying to me is "Remove some of these hurdles, make my job a little easier, I want to go out, I want to talk to people, I want to make a difference."

So I do not believe the turnover rate is very high. I believe right now we may have one or two vacancies in our supervision ranks. We have a new class that is coming on board. So we have people, for the most part, who are very involved. They are committed to it. It is extremely difficult for them, because they go to bed at night and they wake up in the morning and they open up the newspaper to see if one of their offenders may have committed a new crime.

Senator LANDRIEU. Right.

Mr. QUANDER. So there is a lot of pressure. But when we talk to them—and recently, Friday, we had our OMB budget analyst and her supervisor to walk through our facilities. And we just laid it out and gave them access to anyone they wanted.

So I think the attitude is still there. They want to work. They just need me to provide a little support, to remove some of the impediments.

Senator LANDRIEU. Well, that is very, very, very encouraging. And we want to be helpful.

And I know I have only a minute left. But, Mr. Sullivan, I want to say that you bring to your job a tremendous background and accomplishments. And I am very impressed with your resume and what you bring to the job and your vision for what you are doing. And I hope that we will continue the good work in the history of your agency and look forward to continued benefit to the community.

I am going to submit, Mr. Chairman, if I could, I have actually a number of very good questions that we are prohibited from pursuing because of our time. But I would like to have answers to these, so that we can get a better grasp of where you are now, where we need to go, so that we can try to be helpful.

Mr. SULLIVAN. Certainly.

Senator DEWINE. Very good. Well, let me thank both of you very much. We appreciate your testimony, appreciate your written testimony, and look forward to working with both of you.

Mr. Quander, we will follow up with you. And we would invite both of you, if you have specific concerns—I know you have submitted your request, but if you have specific concerns, to feel free to contact our staff as we prepare our budget, if there is anything in addition.

And Mr. Quander, we will reach out to you and see what specifically we can do to work on that particular area that I was talking about.

Mr. QUANDER. Thank you.

Senator LANDRIEU. Can I just say one more thing?

Senator DEWINE. Yes, sure, Senator Landrieu.



## FAITH-BASED INITIATIVE

Senator LANDRIEU. I just wanted to mention that there is some opportunity with this new faith-based initiative that is moving its way through Congress in a very bipartisan way and with the President's commitment to involve the District. I think there is a real opportunity for the work that both of you all supervise to try to engage the power of the faith-based community in this community to help and become a real vibrant, dynamic partner in this work.

Some churches are more inclined than others. Some have more experience than others. Some have better success rates than others. But I really challenge you all to think about the way, Mr. Sullivan, you said about stretching those dollars to use the faith-based and volunteer community to accomplish some of our goals.

So I will have a question for the record in that line and look forward to your responses.

Mr. QUANDER. If I can just say one thing: We are actually up and running with that. We have 25 faith-based organizations, churches, that are already signed up. We have in excess of—we have 80 offenders who have actually been matched with the faith-based institutions. So we have one of the few programs that has moved from the drawing board to actual practice. We have mentors who are coming in on a regular basis. So we are up and we are running. We just celebrated our first anniversary in January. And we are moving forward. So—

Senator LANDRIEU. Well, that is great. We will see if these churches really work, you know.

Mr. QUANDER. No doubt.

Mr. SULLIVAN. Similarly, PDS has done the same. Our community defender office has a relationship with a church that we send our juvenile clients to.

Senator LANDRIEU. I think it is an untapped resource in many ways. So I commend you all for that. Thank you.

## ADDITIONAL SUBMITTED STATEMENT AND ADDITIONAL COMMITTEE QUESTIONS

Senator DEWINE. Senator Strauss has submitted a prepared statement. It will be included in the record.

[The information follows:]

## PREPARED STATEMENT OF SENATOR PAUL STRAUSS

Chairman DeWine, Ranking Member Landrieu, and others on this Subcommittee, as the elected United States Senator for the District of Columbia, and an attorney who practices in the family court division of our local courts I would like to state for the record that I fully support the fiscal year 2004 Budget Request for the District of Columbia Courts, Defender Services, and the Offender Supervision Agency. As an elected Senator for the District of Columbia I stand by the Court System of District of Columbia. It is vital that the District of Columbia Court System be fully funded in the amount asked for today.

I respect the positions of all of the witnesses that are here today and know that they and their staffs have worked hard on their budget proposals. I know that the fiscal marks that they are testifying in support of today are what they need in order for the D.C. Court System to continue to operate at full capacity. Since, as the District of Columbia Senator, I myself can not vote on this appropriation I am limited to merely asking you to support their proposals.

The citizens of the District of Columbia deserve a judicial system of the highest quality. Unlike citizens of any other jurisdiction, we lack the legal rights to make these funding decisions internally. Unless the D.C. Courts are fully funded by the

Congress, they will not be fully funded. Our Judges should be selected locally, not by the President. The D.C. voters recently expressed their preference for the principle of a locally elected prosecutor, instead of a Federal U.S. Attorney to prosecute local crimes.<sup>1</sup> This is not just an issue of simply providing funds but it is an issue of justice. The District of Columbia should not have to look to Congress for the sole financial support of its courts. This is just another limit on the District of Columbia's ability to have self-government. I have made the case against these injustices many times before many Committees of this body. I do not intend to belabor them here today because the unfortunate truth is that while this status quo is maintained it is absolutely essential that Congress fully fund the D.C. Court system.

In this regard, I wish to sincerely thank the Subcommittee for holding this hearing. The political reality is that the voters of Ohio or Louisiana will not hold the D.C. Court system high on their list of legislative priorities. For you to take the time and effort to convene this hearing suggests that duty and principle, not politics, in this regard motivate your efforts.

Just like in any other jurisdiction, fully funding the District of Columbia Courts is a critical step in maintaining law, order, and justice. It is vital to our community that our court system has adequate resources for the aforementioned reasons. In addition to the aforementioned reasons, in this day and age of heightened alerts due to security risks.

The District of Columbia Courts' fiscal year 2004 request is a fiscally responsible budget that continues to build on past achievements to meet current and future needs. Some of the needs that will be met by the budget proposal submitted by the D.C. Courts are enhancing public security, investing in human resources, investing in information technology, expanding strategic planning and management, and strengthening services to families.

Moreover, having stated the importance of fully funding the District of Columbia Court System, I would like to emphasize the importance of fully funding the Court's Defender Services line item. In order to provide adequate representation to families in crisis we need to fully fund Defender Services. All of this Committee's good work on Family Court reform is in jeopardy without the resources to back it up. The Family Court is an institution that must protect the District's most vulnerable citizens—its children, as well as provide countless other, more mundane yet important, legal functions common to every jurisdiction. The safety of children should not and will not be compromised due to political agendas or simple lack of funding. Although the budget provides training for new attorneys, experienced advocates best serve these children. We are in danger of losing our most experienced child advocates due to budget cuts.

Once again this year the D.C. Court System asked for an increase in the hourly rate paid to attorneys that provide legal services to the indigent including those attorneys that work hard to represent abused and neglected children and guardians and ad litem in Family Court. The first fee increase in nearly a decade was implemented in March of 2002 when it was increased to the present rate of \$65 per hour. In the fiscal year 2004 request the Courts recommend an incremental increase from the current \$65 an hour to \$75 per hour and eventually to \$90 per hour. The reason that this adjustment is so important, is that the Federal court-appointed lawyers, literally across the street already get paid \$90 an hour to do very similar work. Therefore, the disparity in pay between the two positions creates a disincentive amongst the "experienced" attorneys to work for Defender Services in D.C. Court. I call on this Subcommittee to once again eliminate this disincentive. It was unfortunate that the fiscal year 2003 Appropriations Bill that came out of Conference and was signed into law by the President did not include this raise that this Committee, and full Senate rightly included into their mark up of the bill. I urge this Subcommittee to fully fund the requested increase in the defender services line item in the bill for fiscal year 2004 just like they did for fiscal year 2003, and then fight vigorously to defend that mark if a conference becomes necessary.

Senator Landrieu, you have stated that the District of Columbia Family Court should be a "showcase" for the whole country. I firmly agree with that statement and add that as an attorney who practices regularly in the D.C. Family Court, I believe that it is, thankfully, on its way toward being that "showcase". However, there is continued need for improvement. I know that this Subcommittee has been firmly committed to the D.C. Family Court. On behalf of my constituents I thank you for all your hard work and dedication and I look forward to your continued cooperation. There has been strong bipartisan support in this Subcommittee for the

<sup>1</sup>D.C. Ref.: Establishment of an office of the District Attorney for the District of Columbia. On November 5th, 2002 85,742 or 82 percent voted in favor while 18,558 or 17 percent voted against. Source: District of Columbia Board of Elections and Ethics.

D.C. Family Court. In particular, I commend Senators DeWine and Landrieu for all the great work that they have done on this important issue. Both of them have treated the D.C. Family Court as if it were a court in their own States.

As a District resident, I look forward to the day when the District of Columbia does not have to look to Congress for the financial support of its courts. This is just another limit on the District of Columbia's ability to govern itself. However, if the status quo remains then it is absolutely essential that Congress fully fund the D.C. Court system.

In conclusion, I would like to thank the Subcommittee for holding this important hearing. I urge this Subcommittee to take the budget proposals submitted today into strong consideration. Finally, let me take this opportunity to thank Matt Helfant of my staff for his assistance in preparing this statement. I look forward to further hearings on this topic and I am happy to respond to any requests for additional information.

QUESTIONS SUBMITTED TO THE DISTRICT OF COLUMBIA COURTS

QUESTIONS SUBMITTED BY SENATORS MIKE DEWINE AND MARY L. LANDRIEU

CAPITAL QUESTIONS

*Question.* How much is allocated in fiscal year 2003 for the Old Courthouse?

*Answer.* For fiscal year 2003, \$7 million is allocated for the Old Courthouse.

*Question.* For the underground garage?

*Answer.* Because NCPC required an urban design master plan for judiciary before commencing work on the underground garage, the underground garage has been included in the overall Old Courthouse restoration project, as had been envisioned by earlier studies for the project. GSA has advised the Courts that the advantage of separating the garage, which was saving time by using a design-build contractor, was negated by the master plan requirement.

Accordingly, the \$7 million allocated for the Old Courthouse will finance design for both the garage and the restoration. We expect the garage to be first in the construction phase of the overall project.

*Question.* How much was provided in the Fiscal Year 2003 Mil Con bill for the Military Court's share of the garage?

*Answer.* Our understanding from the Court of Appeals for the Armed Forces (CAAF), is that \$2.5 million was appropriated for construction costs of the garage in fiscal year 2002. In addition, the CAAF has paid GSA \$850,000 for their share of the design costs. The costs of the garage have been divided between the D.C. Courts and the CAAF based on the share of parking spaces to be allocated to each.

*Question.* How much has been provided for what could be considered Family Court improvements (in fiscal year 2002 and fiscal year 2003)? How much requested in fiscal year 2004 and fiscal year 2005 for these purposes?

D.C. COURTS CAPITAL REQUEST TO SUPPORT FAMILY COURT ACT

	Fiscal Year 2002	Fiscal Year 2003	Fiscal Year 2004 Request	Fiscal Year 2005 Request
Original Request .....	\$18,643,000	\$16,068,000	\$37,084,000	\$2,830,000
Revised GSA figures .....	18,643,000	16,068,000	11,410,000	29,294,000

In fiscal year 2002 and fiscal year 2003, the costs reflect mainly (1) implementation of the Interim Plan (detailed in the April 5, 2002 Transition Plan) to provide efficient, family-friendly facilities for the Family Court and (2) the Integrated Justice Information System (IJIS).

For fiscal year 2004 and fiscal year 2005, the costs reflect (1) continuing IJIS throughout the Courthouse (which will give judicial decision-makers the most complete information on which to base decisions in children's cases) and (2) two-thirds of the estimated cost of the Moultrie Courthouse expansion project, approximately two-thirds of which will renovate or provide additional space for permanent, state-of-the-art, family-friendly facilities for the Family Court.

QUESTIONS SUBMITTED TO THE COURT SERVICES AND OFFENDER SUPERVISION  
AGENCY

## QUESTIONS SUBMITTED BY SENATORS MIKE DEWINE AND MARY L. LANDRIEU

*Question.* The funds to renovate Karrick Hall were appropriated in fiscal year 2002, but the renovation work has not yet begun. What are the circumstances surrounding the delay? What is your schedule for adding additional capacity?

*Answer.* The use of CSOSA's renovation funds, as well as any District funds for similar purposes, was predicated upon the Mayor's submission to the of a Master Plan for the future use of the DC General Hospital campus (known as Reservation 13) to the DC Council by March 31, 2002. Although the Mayor's plan was submitted by this deadline, it only provided for CSOSA's Reentry and Sanctions program to function in Karrick Hall for an "interim" period. The length of that period was not defined, and there was no provision made for the program's permanent location.

Therefore, in the spirit of public safety partnerships and collaborations, CSOSA initiated another planning project with the City to identify alternatives to renovating Karrick Hall, including new construction, and make recommendations. That additional planning effort concluded in October 2002 that the renovation of Karrick Hall is the only viable alternative to provide a Re-entry and Sanctions program on the grounds of D.C. General, within the funding provided by Congress. The time for completing the renovation work is estimated at 12 months after construction begins. Construction is expected to begin within 6 months of City approval to proceed with the renovation. During construction, the current program must be relocated and also allow for expansion of one additional 18 bed unit.

Despite the findings of the joint planning effort, the City's planning staff is still holding to the Master Plan's long-term vision of tearing down Karrick Hall, and all of the other existing buildings on and campus, and commercially developing much of the property along a stretch identified as "Massachusetts Avenue extended." However, the \$13 million that has been provided to CSOSA is about \$10 million short of what is required for a new building. In addition, various land siting, planning and construction issues would require approximately 36 months to build a new building.

CSOSA is anxious to complete work on Karrick Hall and bring the Re-entry and Sanctions program online because of its proven potential as a tool to reduce recidivism. A study by the University of Maryland, Institute for Behavior and Health dated May 31, 2002 found that offenders who participated in the Washington/Baltimore HIDTA drug treatment program, currently operated in Karrick Hall, were less likely to commit crimes. Overall the arrest rate for Washington/Baltimore HIDTA treatment participants dropped 51.3 percent. The Washington AOC participants experienced a 75 percent decrease.

*Question.* CSOSA's annual treatment funding has increased by 100 percent since fiscal year 2000. Is this funding sufficient to meet the demand for treatment? What is being done to ensure that these resources are used most effectively?

*Answer.* CSOSA's increased treatment funding has enabled us to make more placements and meet more demand. In fiscal year 2000, CSOSA (including PSA) made 1,692 treatment placements. This increased to 1,875 placements in fiscal year 2001 and 3,510 placements in fiscal year 2002. (This includes substance abuse, sex offender, and domestic violence programming.) As funding has increased, the number of placements has increased proportionately.

Even with the increased resources, however, CSOSA has not been able to place all offenders and defendants who need treatment. Approximately 2,900 offenders received multiple positive drug tests in fiscal year 2002. During the same period, CSOSA placed 1,665 offenders in substance abuse treatment. This means the Community Supervision Program can meet approximately 57 percent of the need for substance abuse treatment.

If treatment is a condition of probation or parole, the offender's placement receives priority. For placements made by CSOSA, an assessment process determines what type of treatment would be most beneficial to the offender. We have also developed in-house treatment readiness and sanctions groups that help the offender develop the commitment necessary to complete treatment. Approximately 600 offenders attend these groups at any given time.

Our Reentry and Sanction Center initiative is a critical element of our ability to use treatment resources effectively. The Reentry and Sanctions Center will increase the availability of intensive assessment and sanctions-based treatment for the high-risk substance-abusing offender.

We are also in the early stages of research that should help us refine our treatment assessment process to use resources more efficiently. We have worked with

vendors to develop a range of short- and longer-term residential programs, as well as a transitional housing program. Research will enable us to tell which programs have the greatest benefit and how much treatment an offender needs to complete before a positive behavioral change can be sustained.

*Question.* You have repeatedly stated that your target caseload is 50 offenders per officer in general supervision. Your testimony indicates that you feel that target can be reached with the resources requested last year and this year. What about high risk cases, such as sex offenders and mental health cases? What are you doing to manage the offenders most likely to pose a risk to public safety or to need special services?

*Answer.* CSOSA has implemented several strategies to manage high-risk cases. First, we assess the risk of every offender entering supervision. This assessment considers the current offense, criminal history, and community stability. Based on the results, we assign a supervision level that determines how often the offender will meet with his or her supervision officer. In addition, all offenders entering supervision for at least 30 days begin a program of drug testing that begins with very intensive testing and gradually relaxes as the offender demonstrates abstinence.

Cases classified as needing "intensive" supervision are presented to the Metropolitan Police Department at a meeting in the Police Service Area where the offender lives. This presentation includes a photo of the offender. These cases are also targeted for joint CSOSA/MPD site visits—called Accountability Tours—to raise the offender's awareness of the need to comply with conditions of supervision.

In addition to these procedures applying to all offenders, some categories of offenders are assigned to specialized caseloads. Sex offenders, domestic violence cases, and offenders with active mental health issues constitute special supervision categories. These caseloads are lower than the general supervision caseloads. At present, the average special supervision caseload is 44 offenders per officer. Officers managing specialized cases receive additional training in the needs and characteristics of this type of offender. In future years, CSOSA anticipates lowering these specialized caseloads further.

Finally, CSOSA is exploring ways in which technology can assist officers in managing high-risk offenders. We are researching Global Positioning System-based electronic monitoring that would enable us to track the offender's exact location at any time. We are looking at biometric technologies that will enable us to track the offender's attendance at work, treatment, or other required activities.

*Question.* You have repeatedly stated that rearrests have decreased since your supervision officers began working with offenders in D.C. Halfway Houses. Where are rearrests at this time?

*Answer.* Our latest statistics indicate that parole rearrests were fairly stable throughout fiscal year 2002 (approximately 95 per month). While this is a slight increase from last year, it is still substantially below the level experienced in May 1998, when CSOSA began working with parolees in halfway houses. At that time, the monthly parolee rearrest rate had reached 158.

As our ability to obtain and analyze data has increased, we have been able to develop more accurate rearrest statistics for the entire population, including probationers. In fiscal year 2002, 2,809 probationers were rearrested. Overall, 18 percent of the total supervised population was arrested. This is a slight increase (2 percentage points) over fiscal year 2001.

It is important to view offender rearrest in the overall context of total arrests. MPD arrested an average of 2,630 individuals per month in fiscal year 2002. Of these, 328 were individuals under CSOSA supervision. CSOSA's clients make up approximately 13 percent of MPD's monthly arrests.

*Question.* How does the halfway house situation in the District affect your officers' ability to work with offenders prior to the start of supervision?

*Answer.* Halfway house placement is an important element of successful parole supervision. It provides a transitional environment in which the offender can begin to cope with post-incarceration stress. He or she can obtain employment, finalize living arrangements, and formulate a plan to address the many issues that accompany re-entry into the community.

Unfortunately, only about half of the parolees entering CSOSA supervision are placed in halfway houses. Bureau of Prisons (BOP) policy limits the type of offender who is recommended for placement; moreover, recently the BOP has moved toward strict enforcement of sentencing rules that limit halfway house placement to no more than 10 percent of the sentence. For many parole violators and short-term felons, this effectively eliminates halfway house placement as an option. CSOSA has consistently recommended that the halfway house stay be at least 90, and preferably 120, days.

At this time, that length of stay is not being achieved for most placements. Shorter halfway house stays reduce CSOSA's ability to work with the offender on an effective transition to community supervision.

*Question.* Offender reentry has received a lot of attention from the media recently. How many offenders return to the District of Columbia? Do you anticipate that the number of offenders returning to the District will increase over the next few years?

*Answer.* In fiscal year 2002, 2,148 offenders returned from prison to CSOSA supervision. This has held fairly constant over the past several years. CSOSA does not project a significant increase in the 2 years for which projections have been completed. Overall, we expect an increase of about 2 percent in the parolee population in the next 2 years.

*Question.* What is CSOSA doing in the area of offender reentry?

*Answer.* CSOSA's reentry program begins in the halfway house, where supervision officers assess the offender and develop an interim supervision plan that remains in effect for the first 90 days post-release. For offenders who do not transition through halfway houses, assessment and case planning occur at the start of supervision.

In fiscal year 2002, CSOSA engaged in significant efforts to begin linking returning offenders to community-based resources. We are working with Mayor Williams' Reentry Steering Committee on implementation of a comprehensive city-wide reentry strategy. This strategy will increase the returning offender's access to a wide range of services—not just supervision and treatment, but health care, job training, housing, official identification, and all the other services that a returning resident would need.

Our Faith Community Partnership also connects returning offenders to the community. Research tells us that strong, positive relationships are essential to successful reentry, particularly during the initial stages of the process. We approached the city's faith institutions to provide this sort of guidance and role modeling through volunteer mentoring. Since the initiative was first announced in January 2002, response has been overwhelming. Over a hundred volunteer mentors have come forward to be trained. Offenders are hearing about the program while in prison and are asking to be part of it. We are currently working with the Bureau of Prisons to extend the program to the Rivers Correctional Facility in North Carolina, which houses about one thousand District of Columbia inmates.

To date, about 80 offenders have received mentors. While the program is still very new, we have received strong anecdotal evidence that the participants are benefiting from the support and involvement of mentors. We recently held a citywide assembly to commemorate the program's first anniversary. At this event, two participating offenders gave testimony to the positive difference their mentors have made.

In this second year of the Faith Community Partnership, we intend to continue the mentoring component and also focus on bringing the services of the faith community to returning offenders. Many faith institutions provide job training, housing, family counseling, and other resources which would greatly benefit our offenders. We are working with our member institutions to develop referral protocols and locate resources that can be used to increase program capacity.

*Question.* You testified that 85 percent of arrests in the District do not involve offenders under CSOSA supervision, yet most crimes are committed by repeat offenders. What is CSOSA doing to reduce recidivism? What level of success have you achieved?

The reduction of recidivism is CSOSA's most important priority. We recognize that our involvement in an individual's life is relatively brief. The average term of probation lasts about 20 months; the average parole, 5 years. An offender's criminal career can last much longer than CSOSA's window of opportunity to end that career.

That is the main reason why our program model combines accountability with opportunity. Accountability lasts as long as an officer is there to enforce it. Opportunity lasts long past CSOSA's involvement. If we can help offenders develop positive ties to the community, they will be less likely to injure that community through crime. If we can help offenders understand and overcome their substance abuse, they will no longer commit crimes to support a drug habit.

The primary mechanism for enforcing accountability is sanctions. In fiscal year 2002, over 900 instances of sanctioning were entered into the Community Supervision Program's case management system. We have put in place a sanctions matrix that identifies specific consequences for non-compliant behaviors. Sanctions range from verbal reprimand to short-term residential placement—called halfway back. We believe that our sanctions system will contain and correct non-compliant behaviors before they develop into full-fledged criminal activity.

Our strategic plan identifies five intermediate outcomes that contribute to a reduction in recidivism: decreased rearrest, decreased drug use, decreased instance of revocation, increased employment and job retention, and increased education levels. We have begun tracking the results of each of these intermediate steps. We are confident these results will lead to a significant reduction in recidivism.

*Question.* In your testimony, you discussed CSOSA's partnership with the Metropolitan Police Department. Does CSOSA partner with any other criminal justice agencies?

*Answer.* CSOSA is an active member of the District of Columbia and Federal criminal justice communities. We believe that collaboration is essential to our success, and we are constantly seeking new opportunities to work with our colleagues in the field. CSOSA participates in the District's Criminal Justice Coordinating Council. We have conducted cross-training with the United States Parole Commission to improve staff communication between the agencies. We have developed a Memorandum of Understanding with the Federal Bureau of Prisons to place our officers in BOP-operated halfway houses, and with the city's Department of Employment Services to obtain targeted employment assistance. We are also collaborating with the BOP in an effort to increase public understanding of the vital role of halfway houses in the criminal justice system. CSOSA works continually to improve our coordination with our criminal justice partners and to provide a valuable public safety presence in the District of Columbia.

SUBCOMMITTEE RECESS

Senator DEWINE. Thank you.

[Whereupon, at 11 a.m., Wednesday, March 12, the subcommittee was recessed, to reconvene subject to the call of the Chair.]





## **DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 2004**

**WEDNESDAY, APRIL 2, 2003**

U.S. SENATE,  
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,  
*Washington, DC.*

The subcommittee met at 10 a.m., in room SD-138, Dirksen Senate Office Building, Hon. Mike DeWine (chairman) presiding.  
Present: Senators DeWine and Landrieu.

### **FOSTER CARE SYSTEM**

#### **OPENING STATEMENT OF SENATOR MIKE DEWINE**

Senator DEWINE. Good morning. The hearing will come to order.

Today, on what fittingly is being recognized as the National Day of Hope for Abused Children, we are convening the first of what will be a series of hearings regarding the foster care system in our Nation's capital. I am honored to have, as our lead witness, Congressman Tom Davis, Chairman of the House Committee on Government Reform.

Chairman Davis and I share a long-standing concern and commitment to children in our home States, in the District, and across our Nation, as of course has Senator Landrieu. Chairman Davis has held several oversight hearings regarding the receivership of Child and Family Services Agency, commonly referred to as CFSA. In addition, Chairman Davis and I worked closely together to get the D.C. Family Court Reform Act of 2001 signed into law.

As the new chairman of the House Committee on Government Reform, Chairman Davis has elevated the oversight of the District of Columbia to the full committee. He truly has demonstrated his concern for and commitment to our Nation's capital.

Chairman Davis requested that the GAO review CFSA's performance and progress. And in our hearing today, we will examine and discuss the preliminary findings of that review, some of which are very disturbing. Our witnesses will describe the problems that have led to the current crisis in the District's foster care system and what CFSA has been doing and is doing to protect the lives of the District's children.

Let me commend Congressman Davis for requesting this GAO review. It was a great step, something that is long overdue, and has provided this committee and this Congress and the District of Columbia some very, very important information.

Candidly, this is not the first time that this Congress has looked at this issue, nor the first time that this committee has looked at

this. This is not the first time that we, as a subcommittee, have heard testimony from witnesses describing the sorry state of the District's child welfare system. This is not the first time we have discussed the errors and the unbelievable lapses in judgment and the unquestionable and inexcusable breakdowns in the system, breakdowns that have led to the loss of at least 229 children's lives between 1993 and the year 2000.

In fact, in a hearing all too similar to this one today, a hearing that we held in March 2001 about the state of foster care in the District, a hearing that this subcommittee held, we listened to vivid and tragic testimony detailing the complete collapse of the child welfare system in the District of Columbia. And at that hearing, I made it very clear that protecting the health and welfare of the District's children is our number one priority and how that, too, should be the number one priority of the District of Columbia.

We put the CFSA on warning and said that enough was enough and that we were not going to allow blatantly irresponsible acts of incompetence to continue anymore. Further, we explained how this subcommittee has a responsibility, an obligation, to review the District's resource needs and budget proposals with close Congressional scrutiny. We have an obligation to ensure that any dollars that flow into the child welfare system are used for the proper protection of the children involved.

So the question is: What has changed in these past 2 years? The preliminary GAO findings would suggest that very little has in fact changed. But before we get to the specifics of the GAO report, I would like to make something very clear. Whether we are talking about a child here in the District of Columbia or one in Cincinnati or one in Richmond or New Orleans or anywhere in the United States, I think we all would agree that every child in this country deserves to live in a safe, stable, loving and permanent home with loving and caring adults. Yet the reality is that tonight more than half a million children in this country will go to bed in homes that are not their own. And many of these children are tragically at risk.

I first learned about this nearly 30 years ago in the early 1970's, when I was serving as an assistant county prosecutor in my home county in Ohio, Green County, when I was a young county prosecuting attorney. One of my duties was to represent the Green County Children's Services in cases where children were going to be removed from their parents' custody. I witnessed then that too many of these cases drag endlessly, leaving children trapped in temporary foster care placements, which often entail multiple moves from foster home to foster home to foster home for years and years and years.

It would appear that children in this city, in our Nation's capital, are at even more risk because of the systemic dysfunction within the District's child welfare bureaucracy. Let me explain.

Over 10 years ago, the District's child welfare system was considered among the worst in the Nation. In 1989, the American Civil Liberties Union filed a class action lawsuit against the city, *LaShawn A. v. Barry*. And they argued that the District was failing to protect neglected and abused children.

In 1991, the case went to trial where the Court ultimately found the District liable. Following this decision, the parties involved in the case developed a remedial action plan. The Court used this plan as the basis for its modified final order, which required the District to correct the vast deficiencies in its child welfare system.

By 1995, however, little had changed, prompting U.S. District Judge Thomas F. Hogan to install a receiver to oversee the system and appoint a court monitor to review the District's performance. On June 15, 2001, the receivership ended. And responsibility was transferred to a newly established Cabinet-level Child and Family Services Agency. The order terminating the receivership created a probationary period that would end when the District demonstrated progress on a series of performance indicators.

Today, the court monitor will present her findings and testify as to whether or not to end the probationary period for CFSA. It is my understanding that the court monitor will recommend ending that probationary period. I will say bluntly that from reading the GAO's testimony, which will be presented shortly, I have some grave concerns about CFSA's abilities. I am curious to see how the court monitor's recommendations comports with the disturbing picture that GAO's findings paint.

For example, the GAO has determined that CFSA is not, is not, meeting the most crucial requirements of the Adoption and Safe Families Act. This law, which I helped sponsor and which has been in effect since November 1997, includes a number of very specific provisions that require States to change policies and practices to better promote children's safety and adoption or other permanent options, or other permanency options.

In fact, since this law has been in effect, adoptions have increased nearly by 40 percent nationwide. According to the GAO, though, while some improvements have been made, the CFSA has not adopted some key policies and procedures for ensuring the safety and permanent placement of children. Furthermore, caseworkers have not consistently implemented or documented some of the policies and procedures that have been adopted. In fact, CFSA is not meeting the Adoption and Safe Families Act standards in the following ways:

Number one, initiating proceedings to terminate parental rights for children in foster care for 15 of the most recent 22 months; number two, notifying parents of reviews and hearings; number three, requiring mandatory annual permanency hearings every 12 months for a child in foster care.

Another troubling finding that the GAO will elaborate on further is the District's inability to track its children in foster care. In fact, data is not even available for 70 percent of the District's children in foster care. This is true even though the District has invested resources in a new automated information system that has been operational for over 3 years. How can we track these children and determine their well-being when they are not even entered into this automated system? How can the court monitor be sure that CFSA is meeting its standards if CFSA cannot even electronically track the children in its own care?

I am very interested to hear the testimony of Anne Schneiders, chairman of the National Association of Counsel for Children, who

has said that children wait for months, for weeks or months, before foster care placement is available. Some older children wait at group homes or even overnight at CFSA offices. They are often placed in whatever home has a vacancy, irrespective of the needs of the child or the preference of the family.

In addition to the new GAO findings, other studies and newspaper investigations paint equally disturbing pictures. For example, according to a recent study by the U.S. Department of Health and Human Services, District children were in foster care an average of 65 months before they achieved a permanency plan. That is over 5 years in foster care before a plan is even determined.

And, of course, none of us can forget the tragic and troubling accounts detailed in the September 2001 Washington Post's Pulitzer Prize winning investigative series on the state of the District's child welfare system. But even after that series ran, the Post identified additional cases of abuse and neglect. In a December 2001 story, the newspaper reported that at least 10 children under District protection died between June 2001 and December 2001, and that in one case an infant died of starvation after a city social welfare worker failed to visit his family for 7 months.

Then, an August 2002 story reported that it took the CFSA nearly 3 months to remove an 11-year-old mentally retarded child from a District group foster care home after he reported being sexually abused by a 15-year-old fellow resident. In this particular case, the District social worker learned of the incident on April 9, 2002, but did not actually report it until July 2, 2002. And furthermore, when police finally interviewed the 11-year-old boy, they found out his 12-year-old roommate also had been sexually assaulted.

These kinds of reports make us all sick. And the CFSA needs to understand we are not going anywhere, none of us are going anywhere. This committee is not backing off in any way until these children are protected. We have made the welfare and safety of these children our top priority.

And as chairman of this subcommittee, I am going to continue to have hearings. And we are going to keep digging for facts and findings. And we are going to do everything we possibly can to save these children.

Now I recognize that the District's child welfare system did not collapse overnight. And we are well aware that it will not be fixed overnight. However, 1 month, let alone 65 months, or 5 five years is a very long time in a child's life. It is an eternity for a child. How many more months and years can we ask these children and teens to wait until they have a safe and loving home?

#### PREPARED STATEMENT

When we look at the District's child welfare system in its totality, we must not view its reform in a vacuum. The reform of this system is about a lot of things. This is about, we know, resource needs. This is about proper management of those resources and the services provided. It is also, of course, about accountability. And ultimately, and most importantly, it is about putting the safety and the health and well-being of thousands of children first, above all else.

I know that Chairman Davis shares these concerns and is standing ready and willing to work together to make life better for these children. I thank him for requesting the GAO report. And I look forward to hearing his testimony.

[The statement follows:]

PREPARED STATEMENT OF SENATOR MIKE DEWINE

Good morning. This hearing will come to order. Today, on what fittingly is being recognized as the National Day of Hope for Abused Children, I am convening the first of what will be a series of hearings regarding the foster care system in the District of Columbia.

I am honored to have as our lead witness, Congressman Tom Davis, Chairman of the House Committee on Government Reform. Chairman Davis and I share a long-standing concern and commitment to children in our own home States, in the District, and across the Nation. Chairman Davis has held several oversight hearings regarding the receivership of the Child and Family Services Agency, commonly referred to as CFSA. In addition, Chairman Davis and I worked closely together to get the DC Family Court Reform Act of 2001 signed into law.

As the new Chairman of the House Committee on Government Reform, Chairman Davis has elevated the oversight of the District of Columbia to the full committee. He truly has demonstrated his concern for and commitment to our Nation's capital.

Chairman Davis requested that the GAO review CFSA's performance and progress, and in our hearing today, we will examine and discuss the preliminary findings of that review—some of which are very disturbing. Our witnesses will describe the problems that have led to the current crisis in the District's foster care system and what CFSA has been and is doing to protect the lives of the District's children.

But candidly, this is not the first time we've done this. This is not the first time that we, as a subcommittee, have heard testimony from witnesses describing the sorry state of the District's child welfare system. This is not the first time we've discussed the errors, and the unbelievable lapses in judgment, and the unquestionable and inexcusable breakdowns in the system—breakdowns that have led to the loss of at least 229 children's lives between 1993 and 2000.

In fact, in a hearing—all too similar to this one today—a hearing that we held in March 2001 about the state of foster care in the District—we listened to vivid and tragic testimony detailing the complete collapse of the child welfare system. And at that hearing, I made it unequivocally clear that protecting the health and welfare of the District's children is my No. 1 priority—and how that, too, should be the No. 1 priority of the District of Columbia. I put the CFSA on warning and said that enough was enough—that we were not going to allow blatantly irresponsible acts of incompetence to continue any more. Furthermore, I explained how this subcommittee has a responsibility—an obligation—to review the District's resource needs and budget proposals with close congressional scrutiny. We have an obligation to ensure that any dollars that flow into the child welfare system are used for the proper protection of the children involved.

So, what has changed in these past 2 years? The preliminary GAO findings would suggest that very little has, in fact, changed. But, before we get to the specifics of the GAO report, I want to make something very clear.

Whether we are talking about a child here in the District, or one in Cincinnati, or in Richmond, or in New Orleans, or anywhere else in America—every child deserves to live in a safe, stable, loving, and permanent home, with loving and caring adults.

Yet, the reality is that tonight, more than a half-million children in this country will go to bed in homes that are not their own. Many of these children are at risk. I first learned this nearly 30 years ago in the early 1970's when I was serving as an assistant county prosecutor in Greene County, Ohio. One of my duties was to represent the Greene County Children Services in cases where children were going to be removed from their parents' custody. I witnessed then that too many of these cases drag on endlessly, leaving children trapped in temporary foster care placements, which often entail multiple moves from foster home to foster home to foster home—for years and years and years.

It would appear that children in this city—in our Nation's capital—are at even more risk because of the systemic dysfunction within the District's child welfare bureaucracy. Let me explain.

Over 10 years ago, the District's child welfare system was considered among the worst in the Nation. In 1989, the American Civil Liberties Union filed a class-action

lawsuit against the city—*LaShawn A. v. Barry*—arguing that the District was failing to protect neglected and abused children. In 1991, the case went to trial, where the court ultimately found the District liable. Following this decision, the parties involved in the case developed a remedial action plan. The court used this plan as the basis for its modified final order, which required the District to correct the vast deficiencies in its child welfare system.

By 1995, however, little had changed, prompting U.S. District Judge Thomas F. Hogan to install a Receiver to oversee the system and appoint a Court Monitor to review the District's performance.

On June 15, 2001, the Receivership ended and responsibility was transferred to a newly-established Cabinet-level Child and Family Services Agency. The Order terminating the Receivership created a probationary period that would end when the District demonstrated progress on a series of performance indicators.

Today, the Court Monitor will present her findings and testify as to whether or not to end the probationary period for CFSA. It is my understanding that the Court Monitor will recommend ending that probationary period. I will say, bluntly, that from reading the GAO's testimony, which will be presented shortly, I have some grave concerns about CFSA's abilities. I am curious to see how the Court Monitor's recommendation comports with the disturbing picture that GAO's findings paint.

For example, the GAO has determined that CFSA is not meeting the most crucial requirements of the Adoption and Safe Families Act. This law—which I sponsored and which has been in effect since November 1997—includes a number of specific provisions that require States to change policies and practices to better promote children's safety and adoption or other permanency options. In fact, since this law has been in effect, adoptions have increased by nearly 40 percent!

According to the GAO, though, while some improvements have been made, the CFSA has not adopted some key policies and procedures for ensuring the safety and permanent placement of children.

Furthermore, caseworkers have not consistently implemented or documented some of the policies and procedures that have been adopted. In fact, CFSA is not meeting the Adoption and Safe Family Act standards in the following ways: (1) initiating proceedings to terminate parental rights for children in foster care for 15 of the most recent 22 months; (2) notifying parties of reviews and hearings; and (3) requiring mandatory annual permanency hearings every 12 months for a child in foster care.

Another troubling finding that the GAO will elaborate on further is the District's inability to track its children in foster care. In fact, data is not even available for 70 percent of the District's children in foster care. This is true even though the District has invested resources in a new automated information system that has been operational for over 3 years! How can we track these children and determine their well-being when they are not even entered into an automated system? How can the Court Monitor be sure that CFSA is meeting its standards if CFSA cannot even electronically track the children in its own care?

I am very interested to hear the testimony of Anne Schneiders, Chair of the National Association of Counsel for Children, who has said that children wait weeks or months before a foster care placement is available. Some older children wait at group homes or overnight at CFSA offices. They are often placed in whatever home has a vacancy—irrespective of the needs of the child or the preference of the family.

In addition to the new GAO findings, other studies and newspaper investigations paint equally disturbing pictures. For example, according to a recent study by the U.S. Department of Health and Human Services, District children were in foster care an average of 65 months before they achieved a permanency plan! That is over 5 years in foster care before a plan is even determined!

And, of course, none of us can forget the tragic and troubling accounts detailed in the September 2001 Washington Post's Pulitzer Prize winning investigative series on the state of the District's child welfare system. But, even after that series ran, the Post identified additional cases of abuse and neglect.

In a December 2001 story, the newspaper reported that at least 10 children under District protection died between June 2001 and December 2001, and that in one case, an infant died of starvation after a City social worker failed to visit his family for 7 months.

Then, an August 2002 story reported that it took the CFSA nearly 3 months to remove an 11-year-old mentally retarded boy from a District group foster care home after he reported being sexually abused by a 15-year-old fellow resident. In this particular case, the District social worker learned of the incident on April 9, 2002, but didn't actually report it until July 2, 2002! And furthermore, when police finally interviewed the 11-year-old boy, they found out that his 12-year-old roommate also had been sexually assaulted.

These kinds of reports make me sick. And, the CFSA needs to understand that I am not going anywhere until these kids are protected.

I have made the welfare and safety of these children my top priority, and as Chairman of this subcommittee, I'm going to keep having hearings, and we're going to keep digging for facts and findings, and we're going to do everything we possibly can to save these children.

I recognize that the District's child welfare system did not collapse over night. And, we are well aware that it will not be fixed over night. However, one month—let alone 65 months or 5 years—is a very long time in a child's life. How many more months and years can we ask these infants and children and teens to wait until they have a safe and loving home?

When we look at the District's child welfare system in its totality, we must not view its reform in a vacuum. The reform of this system is about a lot of things. This is about resource needs. This is about proper management of those resources and the services provided. This is about accountability. And ultimately and most importantly, this is about putting the safety and health and well-being of thousands of children first—above all else.

I know that Chairman Davis shares these concerns and is standing ready and willing to work together to help make life better for these children. I thank him for requesting the GAO report and welcome now his testimony.

Senator DEWINE. Let me turn to the Ranking Member of this committee, who has been a real partner in this effort and who cares passionately about the children of the District of Columbia, Senator Landrieu.

#### STATEMENT OF SENATOR MARY L. LANDRIEU

Senator LANDRIEU. Thank you, Mr. Chairman. And I am going to be very brief and submit a statement for the record, because I am anxious to hear from our partner in the House on this issue. And I also have any number of questions that will follow up some of the more disturbing findings in this report.

#### PREPARED STATEMENT

But let me just say that I appreciate this work. I want to associate myself with your remarks, Mr. Chairman, and understand that we have made some progress. But according to this report, there is a tremendous amount of work that is yet to be done. And this work is extremely important. And there is an urgency about this work. So I will submit the rest of my statement in writing. And thank you, Mr. Chairman.

[The statement follows:]

#### PREPARED STATEMENT OF SENATOR MARY L. LANDRIEU

I would like to join Chairman DeWine in welcoming our witnesses from the District as well as Chairman Tom Davis from the House Government Reform Committee. I appreciate Chairman Davis taking the time to share his insight into the District, as a representative from Virginia, and the GAO report which he initiated.

It has been two years since Chairman DeWine and I convened our first hearing on this subcommittee to discuss child welfare in the District. At that time we met with some of you and some of your predecessors. We are happy that Judith Meltzer is on the panel again, and that her expertise has provided a thread of continuity in the reform of child welfare in the District. However, over the two years that have passed, we are still in the planning phase of reform.

The receivership of the Child and Family Services Agency ended in June of 2001 after certain criteria were achieved by the city, such as, protecting CFSA from agency budget or personnel reductions; reform of the Family Court and coordination; implementation of memoranda of understanding with the Department of Health and the Commission on Mental Health Services for providing mental health and substance abuse services. These benchmarks have improved the direction of this agency, but not the results so far.

Now this subcommittee is meeting with the leaders on child welfare again and we understand that the agency's probationary period, which has seen child welfare through the last 21 months, was terminated in January. I understand that the District has met 75 percent of 20 best practice benchmarks during probation. I would be interested to learn more specifically about the benchmarks met and those where the agency fell short.

The two main guidebooks to reform of CFSA are a court order (the implementation plan of the LaShawn Decree) and the Federal law (the Adoption and Safe Families Act). GAO has aptly reviewed the District's strengths and weaknesses in these areas. The federal court will maintain oversight of the agency as it implements the standards set in the. Yet another component must be considered: the citizens of the District; as identified in Judith Meltzer's written testimony.

I remain concerned that there is a grave difference between checking the box of criteria and impacting the lives of children. I have worked in this field for 20 years as an advocate for children, and I know that there are small things that can be done to make children safer, while the administrative arm of the agency is trying to stand up their processes. I do not want the District to lose sight of this fact. We must be achieving safety and permanency for every child on a day to day basis. We cannot wait until the administration of the agency is strong enough to do its job every day.

Each of your different perspectives (as an advocate of children; as an administrator of an agency; and as the monitor to ensure compliance with court mandates) can provide insight.

This morning, I would like to know from each of you: How can we move beyond "we're working on it"? When is this agency going to remove the "Under Construction" sign and replace it with a sign reading, "Now Operating"? We are not talking about widgets. We are talking about the safety and future of children.

I hope that you all will be open with the subcommittee on the critical needs that exist and how we can address the necessary resources in the city. I appreciate the time of each of our witnesses and hope that we can begin a constructive dialogue on the future of the Child and Family Services Agency.

Senator DEWINE. Thank you.

Congressman Davis, again, thank you for requesting this very revealing report. We are very grateful to you for doing this. And we look forward to your testimony. Thank you. Please proceed, and take as much time as you would like.

**STATEMENT OF HON. TOM DAVIS, U.S. REPRESENTATIVE FROM VIRGINIA**

Mr. DAVIS. Thank you very much. And good morning, Mr. Chairman and Senator Landrieu. And let me thank you for your partnership and your leadership, both of you, in this as well. And thank you for inviting me to testify today.

As you know, I have a longstanding interest in the Child and Family Services Agency and all the reform efforts it is undertaking to provide adequate services to vulnerable children and families in the District.

When I served as chairman of the House Government Reform Subcommittee on the District, we held numerous hearings to examine CFSA's operations under Federal court-ordered receivership. At the time, CFSA was plagued by deep-rooted management problems that impacted the safety of children in its care and hindered the agency's delivery of services.

The systematic problems identified were widespread and included agency operations, staffing, budget, and fiscal management, procurement, and quality assurance monitoring. The CFSA has since worked to address many of these problems and fulfill the criteria for terminating the probationary period.

To complement the reforms in CFSA, Congress worked with the D.C. Superior Court officials, Government, and community leaders



to craft the Family Court Act. The act established management principles to better address the needs of the children in the system, increased the number of Family Court judges, and created the position of magistrate judge to help eliminate the backlog of cases and ensure that cases were managed in a timely manner. The Family Court reforms emphasized the importance of communication between the Court and the CFSA, including the establishment of an on-site liaison office in the Family Court to better inform judges of the availability of social services in the city.

The occurrence of highly publicized incidents last year, including the placement of underage children in group homes, reminded us that many areas of CFSA's operations had yet to be reformed and that children were paying the price for agency mistakes. Therefore, then-D.C. subcommittee Chairwoman Connie Morella and I requested a follow-up GAO study to examine CFSA's performance measures and compliance with the Adoption and Safe Families Act, the implementation of key foster care policies, and the relationship between the agency and the Family Court.

Based on GAO's initial results, I am pleased that CFSA is showing some progress in a number of areas. Specifically, we are encouraged by CFSA's efforts to develop written plans to help it comply with some of AFSA's requirements and performance measures. We are also pleased to note the agency's development of numerous foster care policies.

Furthermore, CFSA's efforts to lower the number of underage children who are placed in group homes is commendable. However, I question why the number remains so high—GAO reports that 70 children were still in group homes at the end of February 2003—and whether the District has an adequate number of foster families.

The relationship between CFSA and the Family Court is improving. And the two entities are working collaboratively. But I understand that hearing conflicts and staffing problems remain.

While the agency's progress is encouraging, I admit that GAO's findings leave me with more questions than answers. I still have concerns about the many challenges that lay ahead. For instance, there are remaining AFSA requirements that the agency has not met regarding the termination of parental rights and permanency hearings. I understand that many of the delays in these areas are likely due to staffing shortages. I know that social service agencies nationwide face a shortage of social workers.

So what has to be done to attract a larger number of qualified and competent social workers to CFSA? Mr. Chairman, I understand that you are examining this issue and looking for potential ways to provide a financial incentive to qualified applicants, including loan forgiveness and scholarships. Our counterpart, the House Committee on Government Reform, stands ready to provide the necessary support for innovative recruitment and retention efforts.

As you know, Mr. Chairman, the incidents that prompted me to request the GAO report occurred in group homes. One of several issues that emerged included the delayed reporting of abuse allegations. I remain concerned that CFSA has been slow to improve staff training and clarify the incident reporting requirements so that employees understand their responsibilities.

GAO also found that critical data about children's cases are not always entered into the FACES automatic case management system in a timely fashion. This limits a social worker's ability to provide the Family Court with the most accurate, relevant, and timely information so that the judge may make an educated decision to ensure the safety and well-being of the child. All components of the child welfare system need to work together to provide children with safe homes and any social and medical services that they may require. Since the information stored in the FACES system serves a variety of purposes within the agency, it is imperative that it is updated as quickly as possible. I hope that CFSA will discuss their IT improvement plans this morning.

Furthermore, the data in the FACES system should ideally keep track of a child's assignment to a foster family, including those in Maryland. I continue to be concerned that the District of Columbia may not have an accurate tally of the number of children currently placed in Maryland foster homes. I have also received reports that the computers are often down, further exacerbating the database challenges.

So what needs to happen in order to address the critical shortfalls identified by GAO? Does the answer lie in more staff, better management, better IT services, more money? How successful has CFSA been at targeting their resources to resolve management, staffing, and other operational challenges? These are questions that our committees must continue to ask as we pursue our respective roles. And I certainly hope that today's hearing will identify CFSA's advances and pinpoint its needs as it continues to institute reform.

I understand that the process is slow. If only the system could be fixed overnight for the benefit of the children it serves. Unfortunately, the reality is that a comprehensive overhaul of an agency's infrastructure and the implementation of new policies and procedure, it takes time, it takes money and some patience.

#### PREPARED STATEMENT

The House committee will hold an oversight hearing in May to further examine these issues. As we move forward with our oversight responsibility, I look forward to working together, as we examine the progress of the agency's reforms, determine what assistance Congress can provide as CFSA completes the development and improvement of its policies and procedures.

That concludes my remarks, Mr. Chairman. Again, I appreciate the leadership of both of you on this issue.

[The statement follows:]

#### PREPARED STATEMENT OF REPRESENTATIVE TOM DAVIS

Good morning, Mr. Chairman and Members of the Subcommittee. Thank you for inviting me to testify today about the District of Columbia Child and Family Services Agency (CFSA). As you know, I have a longstanding interest in CFSA and the reform efforts it is undertaking to provide adequate services to vulnerable children and families in the District.

When I served as Chairman of the House Government Reform Subcommittee on the District of Columbia, we held numerous hearings to examine CFSA's operations under Federal court-ordered receivership. At the time, CFSA was plagued by deep-rooted management problems that impacted the safety of children in its care and hindered the agency's delivery of services. The systemic problems identified at CFSA

were widespread and included agency operations, staffing, budget and fiscal management, procurement, and quality assurance monitoring. The CFSA has since worked to address many of these problems and fulfill the criteria for terminating the probationary period.

To complement the reforms in CFSA, Congress worked with D.C. Superior Court officials, government, and community leaders to craft the Family Court Act. The Act established management principles to better address the needs of the children in the system, increased the number of Family Court judges, and created the position of magistrate judge to help eliminate the backlog of cases and ensure that cases are managed in a timely manner. The Family Court reforms emphasized the importance of communication between the Court and CFSA, including the establishment of an on-site liaison office in the Family Court to better inform judges of the availability of social services in the city.

The occurrence of highly publicized incidents last year, including the placement of underage children in group homes, reminded us that many areas of CFSA's operations had yet to be reformed and that children were paying the price for agency mistakes. Therefore, then-D.C. Subcommittee Chairwomen Connie Morella and I requested a follow-up GAO study to examine CFSA's performance measures and compliance with the Adoption and Safe Families Act (ASFA), the implementation of key foster care policies, and the relationship between the agency and the Family Court.

Based on GAO's initial results, I am pleased that CFSA is showing progress in a number of areas. Specifically, I am encouraged by CFSA's efforts to develop written plans to help it comply with some of the ASFA requirements and performance measures. I am also pleased to note the agency's development of numerous foster care policies. Furthermore, CFSA's efforts to lower the number of underage children who are placed in group homes is commendable. However, I question why that number remains so high (GAO reports that 70 children were still in group homes at the end of February 2003), and whether the District has an adequate number of foster families. The relationship between CFSA and the Family Court is improving and the two entities are working collaboratively, but I understand that hearing conflicts and staffing remain problems.

While the agency's progress is encouraging, I must admit that GAO's findings leave me with more questions than answers. I still have concerns about the many challenges that lay ahead. For instance, there are remaining ASFA requirements that the agency has not met regarding the termination of parental rights and permanency hearings. I understand that many of the delays in these areas are likely due to staffing shortages. I know that social services agencies nationwide face a shortage of social workers. So, what must be done to attract a larger number of qualified and competent social workers to CFSA? Mr. Chairman, I understand that you are examining this issue and looking for potential ways to provide a financial incentive to qualified applicants, including loan forgiveness and scholarships. The House Committee on Government Reform stands ready to provide the necessary support for innovative recruitment and retention efforts.

As you know, Mr. Chairman, the incidents that prompted me to request the GAO report occurred in group homes. One of several issues that emerged included the delayed reporting of abuse allegations. I remain concerned that CFSA has been slow to improve staff training and clarify the incident reporting requirement so that employees understand their responsibilities.

GAO also found that critical data about children's cases are not always entered into the FACES automated case management system in a timely fashion. This limits a social worker's ability to provide the Family Court with the most accurate and relevant information so that the judge may make an educated decision to ensure the safety and well-being of the child. All components of the child welfare system need to work together to provide children with safe homes and any social and medical services they may require. Since the information stored in the FACES system serves a variety of purposes within the agency, it is imperative that it is updated as quickly as possible. I hope that CFSA will discuss their IT improvement plans this morning.

Furthermore, the data in the FACES system should ideally keep track of a child's assignment to a foster family, including those in Maryland. I continue to be concerned that the District of Columbia may not have an accurate tally of the number of children currently placed in Maryland foster homes. I have also received reports that the computers are often down, further exacerbating the database challenges.

So what needs to happen in order to address the critical shortfalls identified by GAO? Does the answer lie in more staff, better management, better IT services, more money? How successful has CFSA been at targeting their resources to resolve management, staffing, and other operational challenges? These are questions that our committees must continue to ask as we pursue our respective roles. And I cer-

tainly hope that today's hearing will identify CFSA's advances and pinpoint its needs as it continues to institute reform.

I understand that the process is slow. If only the system could be fixed overnight for the benefit of the children it serves. The unfortunate reality is that a comprehensive overhaul of an agency's infrastructure, and the implementation of new policies and procedures take time, money, and patience.

The House Committee on Government Reform will hold an oversight hearing in May to further examine these issues. As we move forward with our oversight responsibility, I look forward to working together as we examine the progress of the agency's reforms, and determine what assistance Congress can provide as CFSA completes the development and improvement of its policies and procedures.

That concludes my remarks, Mr. Chairman. I am available to answer any questions you may have.

Senator DEWINE. Well, Mr. Chairman, we look forward to working with you. We just appreciate your interest and again thank you for requesting this GAO report. And I think it is going to provide us, both of us, with a great deal of information to help the District improve and work together on our common goal, to really help the children of the District of Columbia.

Mr. DAVIS. Thank you.

Senator DEWINE. Senator Landrieu?

Senator LANDRIEU. I just want to thank you for your testimony and acknowledge that these problems are quite severe in the District. And we have every intention of continuing to work with you to improve and to find workable solutions. I will note that the District, of course, which I always feel compelled to point out, is not the only place in the United States where these problems exist. But they exist in a more acute way here—the numbers just seem overwhelming to some of us who do this work all throughout the country. The District of Columbia is not alone, but it does seem to have some persistent problems that are just very tough to address.

So I thank you for your effort and look forward to working with you.

Mr. DAVIS. Thank you very much.

Senator DEWINE. Thank you very much.

I would invite our second panel now to come forward.

Dr. Olivia Golden is the Director of the District of Columbia's Child and Family Services Agency. Ms. Judith Meltzer is the court-appointed monitor for the Child and Family Service Agency. Ms. Cornelia Ashby is the Director of Education, Workforce, and Income Security Issues at the General Accounting Office. And Anne Schneiders is the chair and founder of the Washington Chapter of the National Association of Counsel for Children.

I think we will start with you, Dr. Golden. And we will take just a brief 5-minute opening statement, if you would like to make one. And then we will just go right down. And then we will have questions.

**STATEMENT OF DR. OLIVIA A. GOLDEN, DIRECTOR, CHILD AND FAMILY SERVICES AGENCY, DISTRICT OF COLUMBIA**

Dr. GOLDEN. Thank you. Good morning, Chairman DeWine, Senator Landrieu, District of Columbia Subcommittee. I am Olivia Golden, the Director of the Child and Family Services Agency for the District of Columbia. And I appreciate your deep commitment to the District and to children.

Less than 2 years ago, in June of 2001, Federal Court receivership of CFSA terminated. And I had the opportunity to become the

first director of CFSA in its new form as a cabinet-level agency of the District of Columbia. The legislation that created this new agency laid out for CFSA a whole set of responsibilities and authorities that had never been unified in one place in the District before, creating for the first time the opportunity for true reform.

The pace of change since then has been extraordinary. It has only been 18 months since October of 2001 that the District has had a unified child abuse and neglect agency at all. Before then, CFSA investigated reports of neglect only, while the Metropolitan Police Department investigated reports of abuse and services to children who had experienced abuse were split between court social services and CFSA.

In this fragmented system, the obstacles to such basic elements of child welfare services as prompt and high-quality investigation and timely movement to permanence were overwhelming. Both our own sense of urgency and the Federal Court's framework required us to create real change for children at the same time we were re-engineering the whole legal and institutional framework for child welfare in the District, building the District's first real safety net for children.

After our first year, as Senator DeWine mentioned, the court monitor in the *LaShawn* lawsuit reported that we had met 75 percent of 20 exacting performance goals, measuring progress from the end of the receivership. As a result, Federal Judge Hogan signed the order ending the probationary period in January of 2002. Among the probationary period accomplishments that have the most direct impact on children are the dramatic reduction in the backlog of investigations open more than 30 days, sharp reductions in the use of group care for young children, a sharp reduction in the number of children in residential care more than 100 miles from the District, and a 20 percent increase in finalized adoptions.

This is a critical juncture for reform and for the *LaShawn* lawsuit. The District has demonstrated its capacity to mobilize and maintain momentum for change. Yet the end of CFSA's probation does not mean the end of the lawsuit. We are now committed to several years of hard work to meet the ambitious goals we have set for ourselves and the requirements of the Court's modified final order. We have been closely working with the court monitor and plaintiffs in developing the implementation plan that will set out benchmarks for this process.

CFSA's multi-year timetable for reform is consistent with the national experience. Our national advisory panel, which includes leaders who have transformed child welfare in other jurisdictions, such as William Bell from New York, Judge Ernestine Gray from New Orleans, and Judith Goodhand from Cleveland, Ohio, has suggested that we think of change in a major urban child welfare system as a 5- to 10-year process. As William Bell wrote of New York's ambitious child welfare reform, "Everyone involved had to accept that real reform was a multi-year, multi-faceted undertaking."

In my written testimony, I describe in detail how far we have come and the reform that still lies ahead in staff recruitment, retention, and training, in licensing, in contract reform, in foster care and adoptive parent recruitment, in information systems, and in

partnerships with other agencies. In this oral summary, I would like to highlight just three additional accomplishments.

First, because manageable social worker caseloads are key to quality services for children, we have brought the average ongoing caseload down from about the mid-30's last year at this time to 23 as of last week.

Second, our substantial progress in building a reliable and timely automated data system has been key to our accomplishments for children. I would love to talk about that more during questions. This month FACES, our system, will receive an award from Computer World Magazine for being a national leader in automating child welfare case management. And I would like to correct some of the comments made earlier, if we have time in the question period, because we do have a very complete and timely automated system. But there is old data from 1998 and 1999 that GAO found, because of the state of the system then, the old data was not all on it.

Third, just 1 year ago, we began reforming legal support by collocating a dramatically expanded team of attorneys with CFSA. Today, social workers have legal representation in 97 percent of all hearings. Our legal staff has been reorganized to work with Family Court judicial teams. And each lawyer is shifting to vertical prosecution, which means seeing a case through from initial hearing to permanence.

#### PREPARED STATEMENT

In conclusion, we are at an extraordinary moment in the District's child welfare system, a moment of early accomplishment, of great hope, and yet of fragility. I am deeply grateful for the subcommittee's past support and leadership and for both Senator Landrieu and Senator DeWine's work at a national level where I had the chance to work with you as well.

My written testimony suggests several areas for the subcommittee's continued involvement, which I look forward to discussing today or in the future.

Thank you.

[The statement follows:]

#### PREPARED STATEMENT OF OLIVIA A. GOLDEN

Good morning Chairman DeWine, Senator Landrieu, and Members of the District of Columbia Subcommittee of the Senate Appropriations Committee. I am Olivia Golden, the Director of the Child and Family Services Agency (CFSA) for the District of Columbia, and I am grateful for the opportunity to testify today regarding the progress of child welfare reform in the District of Columbia. I appreciate the deep commitment of Senator DeWine, Senator Landrieu, and other Subcommittee members to the District's well-being and to the child welfare agenda of safety, permanence, and well-being.

Less than 2 years ago, in June 2001, Federal Court Receivership of CFSA terminated, and I had the opportunity to become the first Director of CFSA in its new form as a cabinet-level agency of the District of Columbia. The legislation that created this new cabinet-level agency laid out for CFSA a whole set of responsibilities and authorities that had never been unified in one place in the District before, creating for the first time the opportunity for true reform. The pace of change since then has been extraordinary. For example, it has only been about 18 months, since October of 2001, that the District has had a unified child abuse and neglect agency. Before then, CFSA investigated reports of neglect only, while the Metropolitan Police Department investigated reports of abuse, and services to children who had experienced abuse were split between Court Social Services at the Superior Court and

CFSA. In this fragmented system, the obstacles to such basic elements of child welfare services as prompt and high-quality investigation and timely movement to permanence were overwhelming. To take another example, after 15 years when the District's statute regarding licensing of foster homes, group homes, and independent living facilities had never been implemented, this authority was given to CFSA in the April 2001 legislation and was implemented through regulations in 2001 and early 2002. Just weeks ago, we accomplished the District's first-ever licensing of these facilities, meeting the regulatory deadline of January 1, 2003.

But there was no time to wait for this dramatic institutional change to be complete: both our own sense of urgency and the Federal Court's framework for measuring progress required us to create real change for children at the very same time we were re-engineering the whole statutory and institutional framework for child welfare in the District. After our first year, the Court Monitor in the *LaShawn* lawsuit reported that we had met 75 percent of 20 exacting performance goals measuring progress from the baseline at the end of Receivership, thus ending the probationary period under *LaShawn*. Judge Hogan signed the order ending the probationary period in January 2002.

Among the probationary period accomplishments that have the most direct impact on children are:

- reduction in the backlog of investigations open more than 30 days from over 800 in May of 2001 to under 300 in May of 2002 (and under 100 today);
- sharp reductions in the use of congregate care for young children—for example, a reduction in the number of children under 6 in group care from 99 in May of 2001 to 47 in May of 2002 and under 40 as of February 28, 2003;
- a sharp reduction in the number of children in residential care more than 100 miles from the District to 56 as of February 2003. This is a sharp decline from a total of 83 in May of 2001 and 65 in May of 2002;
- a 20 percent increase in finalized adoptions from the year ending in May of 2001 to the year ending in May of 2002; and
- improvements in the proportion of cases with current case plans, the building block for permanence for children.

I want to acknowledge the leadership and commitment demonstrated by Mayor Williams, Deputy Mayor Graham, the Council of the District of Columbia and Delegate Eleanor Holmes Norton, in making such dramatic change possible in less than 2 years.

It has been an extraordinary personal opportunity for me to be part of these 2 years of fundamental reform in the District. In my previous role as Assistant Secretary for Children and Families at the Federal level, I had the opportunity to work on both the Adoption and Safe Families Act and the Federal Child and Family Service Reviews, in order to better align the Nation's child welfare system with three critical goals: keeping children safe, enabling every child to grow up in a permanent family, and supporting the well-being of the most vulnerable children and most fragile families. It is these same three goals that have shaped our work for the past 2 years in the District.

In today's testimony, I would like to give you a sense of how far we have come in this very brief but very intense period of reform and of the continued, major reform that still lies ahead. Four key themes summarize where we have been and where we are going:

- 1. *After less than 2 years out of receivership, we are at a critical juncture for reform and for the LaShawn lawsuit.*—We have accomplished major milestones, by completing the statutory reform sketched above and achieving the milestones that ended the probationary period; at the same time, we have ahead of us a several-year plan to accomplish the vision for reform laid out in the *LaShawn* Modified Final Order.
- 2. *This timetable for reform is consistent with the national experience about reform of major urban child welfare systems, an experience we draw on through our National Advisory Panel and a wide variety of other expertise.*—We are about 2 years into a reform process that the national experience suggests will take 5 to 10 years of sustained, committed effort.
- 3. *CFSA's progress has required both major institutional changes—such as new legislation, new regulations, and new intergovernmental agreements—and improvements in basic, day-to-day practice leading to better results for children.*—In the first year we transformed the statutory and institutional framework and tore down barriers to reform at the same time that we achieved early results for children, including the achievement of 75 percent of the performance standards to end the probationary period. In the second year, we are continuing the rapid pace of change, accelerating the improvements for children and the development of core processes, and strengthening emerging partnerships.

—4. *We have ahead of us an ambitious multi-year program to build in quality and transform results.*—We expect that the road map to this ambitious reform agenda will be the Implementation Plan currently being completed by the Federal Court Monitor after intensive discussions with the District and the *LaShawn* plaintiffs. We believe that the support of the whole community will be necessary to achieve this ambitious agenda, and we are grateful for the continuing support of the Subcommittee and the opportunity to suggest how the Subcommittee can help from here on.

Before turning to these specific themes, I would like to illustrate the impact of reform on children's lives with one real example: 17-year-old Anna has experienced at least 15 psychiatric hospitalizations since becoming involved with CFSA at age 12. Her father and grandmother love Anna, but they are worn out from dealing with her bi-polar and behavioral disorders, seizures, verbal and physical violence, substance abuse, and running away. They wanted Anna placed in a residential treatment facility. Anna's CFSA caseworker hoped to keep Anna in the community and in contact with her family, so she referred Anna's case to Multi-Agency Placement Team (MAPT). Through MAPT, Anna has been able to stay in the community with intensive, coordinated, multi-agency support. These services include: placement in a foster home that can meet her needs, intensive case management, referral to a local psychiatrist, involvement with a mentor, enrollment in an education-based day treatment program, and a part-time job. The difference for Anna is that her family and the agencies worked together to coordinate services for her. This is very different than hasty assembly of fragmented services in the past. Anna's difficulties are severe, and she may or may not be able to remain in the community. But for now, MAPT has provided access to intensive, coordinated local services; Anna has been diverted from a restrictive residential placement; and she is engaged in school and with the providers and not running away.

#### STATUS OF THE LASHAWN LAWSUIT

We are now at a very important point in the *LaShawn* lawsuit. The Receivership and the probationary period that followed it have terminated, as a result of the District's successful enactment of key legislative reforms as well as the accomplishment of 75 percent of the 20 performance goals. In January, Federal Judge Hogan of the U.S. District Court certified CFSA's completion of probation, which successfully demonstrates the District's capacity to mobilize and maintain momentum for change.

At the same time, the end of CFSA's probation does not mean the end of the lawsuit. We are now facing several years of hard work to meet the ambitious goals we have set for ourselves and the requirements of the Modified Final Order, which is the original consent decree the District signed in 1993, and other remedial orders. Now, the District must substantially comply with requirements in these orders to end Federal Court involvement.

The vision of reform laid out in the Modified Final Order not only has legal force but offers a compelling vision of safety, permanence, and well-being for abused and neglected children. It envisions a District where:

- prompt, thorough, quality investigations protect children at risk and screen them appropriately for health and mental health issues;
- a broad range of services in the community help children remain at or return home safely—or, when those options are not possible, grow up in nurturing adoptive families;
- support is readily available to help foster, kinship, and adoptive parents meet children's health, mental health, and other needs;
- children almost always live with families and only rarely in group settings;
- foster children have as much continuity and stability as possible, including opportunities to live with their brothers and sisters, to bond with one foster or kinship family rather than move among many placements, and to see their parents often as long as reunification is the goal; and
- social worker caseloads are low enough that both CFSA and private-partner social workers routinely provide quality case management while expanding their skills through pre-service and in-service training.

For several months, the District, Federal Court Monitor, and plaintiffs have been negotiating an Implementation Plan designed to improve the key areas of local child welfare in keeping with this vision. As you will hear today from the Court Monitor, we are optimistic that the final Implementation Plan will be submitted to the Court very soon. This final Implementation Plan will mandate and direct continued reform of CFSA over the next several years. It will mean meeting measurable benchmarks within specific time frames. And it will mean achieving substantial compliance of



the Modified Final Order, so that Federal court oversight will terminate and further legal action will be avoided.

I expect the final Implementation Plan will challenge us to move beyond our achievements to date to develop a well functioning urban child welfare system. I also expect that CFSA will need to continue, and perhaps even increase, the fast-paced rate of change we have struggled to establish over the past 2 years. However, with continued reform inside our agency and sustained support from outside, the District now has two unprecedented opportunities: first, to establish the strong public child protection program local children and families deserve and second, to end the *LaShawn* lawsuit. The challenge will be great, the demands high, and the time frame extended over several years. But the time is right to continue our momentum and achieve significant positive outcomes for children, families, and the city. This payoff is clearly well worth all our best efforts and support.

#### THE NATIONAL CONTEXT FOR CHILD WELFARE REFORM

To inform and sustain this dramatic pace of reform at CFSA, we have drawn on a range of national expertise in the reform of urban child welfare systems. The October 2000 consent order that led to the end of the Receivership envisioned a National Advisory Panel, to be supported by private funding and to provide expertise and advice to the Director of CFSA. With support from the Annie Casey Foundation, we have established this National Panel, which includes academic experts as well as leaders who have transformed child welfare systems in other jurisdictions—such as William Bell, current Commissioner of the Administration for Children's Services in New York, Judge Ernestine Gray from New Orleans who is the Immediate Past President of the National Council of Juvenile and Family Court Judges, and Judith Goodhand who formerly led child welfare in Cleveland, Ohio.

These national leaders have provided us with a range of advice, support, and technical assistance, ranging from informal training activities to an on-site team review of all of CFSA's placement functions, with a report to follow shortly. One common theme to all of their advice, however, has been to think of change in a major urban child welfare system as a 5- to 10-year process. As William Bell, Commissioner of New York City's child welfare agency, wrote of New York's ambitious child welfare reform (New York Times Op-ed dated January 21, 2003), "a desire for quick fixes had to be resisted. Everyone involved had to accept that real reform was a multi-year, multi-faceted undertaking."

#### CFSA: A SNAPSHOT OF PROGRESS

Before moving on to the details of our reform process, I would now like to take a moment to provide a snapshot of our progress for children. Our goal is to achieve safety, permanence, and well being not just for one, or a dozen, or a hundred but for the thousands of children who need the District's protection every year. To provide a context for the scale of the task ahead, in fiscal year 2002, our 24-hour line for reporting child abuse and neglect received an average of 640 calls monthly. About 440—or 69 percent—of those calls met the criteria for abuse or neglect and were referred for investigation. In an average month, CFSA served some 3,119 children in paid placements, and about 2,301 families with children at home. At the end of fiscal year 2002, we had 1,803 children adopted from our foster care program and living in adoptive homes, with support from the District's subsidized adoptions program.

In every area where we are assessing progress, we see a balance of important positive changes yet a great deal left to do. Key highlights include:

—*Improved staffing and reduced caseloads per social worker, yet more to do to reach our goals.*—Because manageable caseloads are key to high quality services for children, we have placed a top priority on bringing down and equalizing caseloads, to reduce both the average caseload and the caseloads carried by our most over burdened workers. As a result of our aggressive recruitment (described below) as well as a focus on assigning and managing cases more equitably, we have brought the average ongoing caseload down from about the mid-30's last year at this time to 23 as of last week. At the top end, we have gone from 18 workers carrying more than 50 cases last August to none at that level now, and we expect to bring all caseloads below 40 within the next few weeks. However, we have much more to do: under the MFO, we will need to bring all ongoing caseloads below 20, with some targeted for 17 and 12 cases depending on the child and family circumstances. At the front end of the system, our investigators are very close to the MFO caseload levels: at the end of February, 45 of 55 investigators had caseloads below the MFO level of 12 investigations. We intend to meet the MFO level in investigations by the end of the fiscal year.

Recruitment and retention of child welfare staff are national challenges and not unique to the District of Columbia. The Child Welfare League of America and the American Public Human Services Association, among others have reported on the problem and proposed remedies. With support from the Annie E. Casey Foundation, we are hoping to build on this knowledge and add new lessons from our experience that may assist other jurisdictions.

—*Timely investigations.*—As indicated above, we have made important progress in reducing the backlog of investigations open more than 30 days, from a backlog of more than 800 in May of 2001 to under 300 in May of 2002 to under 139 today. The proportion of open investigations that have been open 30 days or less is currently 70 percent. We have been able to accomplish these improvements even while adding new responsibilities, such as the new area of institutional investigations—investigations of settings such as group homes, foster homes, and day care centers—which in many States are seen as more complex and time-consuming than individual abuse and neglect investigations. Our next steps in investigations will require us to focus intensively on quality, in order to meet the ambitious standards in the MFO.

—*Continued reductions in reliance on congregate care.*—Sadly, the District's history involves far too great a reliance on group care rather than families for children who cannot live safely at home. We have already made important changes in this historic practice and anticipate further progress over the coming years. In addition to the dramatic reduction in the number of very young children—under age 6—in congregate care highlighted above, we have also focused on reducing the number of children age 12 and under in congregate care. This number has dropped from 130 as of May 31, 2002 to 70 as of February 28, 2003 of whom approximately 40 are under the age of 6.

Understanding the stories of the young children who have moved from group care to families helps make clear how much difference this change can make to their lives. Just to take one example: In CFSA's drive to replace group homes with family settings, especially for children age 6 and under, Michael posed several challenges. He has been blind and mute from birth, with his father as his primary caretaker. When a family crisis temporarily overwhelmed his father, Michael entered a group home at age 4. Two years later, Father was stable, but Michael remained in group care. Everyone, including Father, recognized that Michael had made progress through specialized services while in the group home—for example, enrollment in a school for blind children. So the challenge was to connect Father to services that would support him in meeting Michael's special needs. Among services CFSA located and put in place are: a home health aide to provide respite for Father, an introduction to Michael's pediatrician of 2 years, a visiting nurse, individual and family therapy to help Father learn how to interact with Michael more fully, and referrals to local sources of Braille materials and special toys. Last month, Michael went home with his father. For now, he continues to attend the school for blind children. Someday, with accommodations, he may be able to attend a mainstream classroom.

—*Improving the timeliness of adoption and guardianship for children who cannot return to their birth homes.*—In fiscal year 2002, CFSA finalized 313 adoptions, representing approximately a 20 percent increase from last year. Key elements of this accomplishment were close collaboration with the Superior Court, improved legal support for CFSA, and emphasis on tracking progress. In fiscal year 2003, we anticipate improving further our process for ensuring that children who cannot live with their birth parents are able to grow up with a loving family. Next steps include holding immediate permanency staffings as soon as the court determines a child cannot go home, further improvements in legal support and filings to terminate parental rights, and award of a contract for an Adoption Resource Center to support adoptive parents.

In addition, there are currently 60 relatives in the process of obtaining subsidized guardianship. Thirty relatives have completed the process awaiting judge's order, as did two last year. The subsidized guardianship program is an effective approach to achieving permanence for a child when a relative is prepared to make a lifetime commitment but not to terminate parental rights.

#### THE FIRST YEAR OF REFORM

A key first step in achieving these changes for children was the tremendously ambitious set of institutional reforms that the District accomplished in the months just before and just after CFSA's June 2001 return from Receivership, reforms that were focused on dismantling the structural and legal barriers that for so long stood in the way of safety, permanence, and well-being for the District's abused and ne-

glected children. The consent order provided a framework for the structural reforms to achieve a major overhaul of child welfare in the District of Columbia, including the following elements:

- enabling legislation that established CFSA as a Cabinet level agency under the Mayor with independent personnel and procurement authority, licensing 13 authority for foster homes and group homes, and responsibility for the Interstate Compact on the Placement of Children;
- unification under CFSA of the responsibility for abuse and neglect investigation and services, a provision of the enabling legislation which was implemented effective October 1, 2001, thus ending the fragmentation that had been a key barrier to serving families effectively;
- promulgation of the District’s first licensing regulations for group homes (September 21, 2001) and foster homes (July 28, 2001); and publication of the first regulations to govern independent living facilities, (February 22, 2002); and
- reform of the legal support provided to CFSA social workers, including almost tripling the number of attorneys so social workers can always be represented in court, and restructuring legal services to enable much closer coordination between attorneys and social workers and provide for an attorney-client relationship with CFSA.

Each of these institutional changes has required many hours of work to implement, requiring fundamental change in the nature of work, training, staffing assignments, and policies. At the same time, the benefits have been far-reaching. For example, the extraordinary partnership between the Corporation Counsel and CFSA has reformed legal support for our agency. A little less than 1 year ago, we co-located a dramatically expanded team of attorneys with CFSA and began reforming attorney support of social workers. Today, social workers have legal representation in 97 percent of all hearings. Our legal staff has been reorganized to work in teams with Superior Court judicial teams. Each lawyer is currently shifting to “vertical prosecution,” which means seeing a case through from initial hearing all the way to permanency, with the goal of more timely and better decision-making on behalf of children.

A final key element of structural reform was the Family Court legislation passed by the Congress in 2001, with important contributions by members of this Subcommittee, and signed by the President in January 2002. We have already seen major improvements in the relationships among the key systems and in the processes for managing children’s cases as a result of this legislation, and early indicators are promising in terms of the results for children. In the past, poor relationships among CFSA, Superior Court, and the Corporation Counsel had created problems for children and families in the system. But today, as the Council for Court Excellence reported last October, we are working together towards the same goals:

“The major public stakeholders in the DC child welfare system—the DC Superior Court, the Child and Family Services Agency (CFSA), and the Office of the Corporation Counsel (OCC)—are working collaboratively to make major structural changes that will position the city to achieve dramatically improved outcomes for children.”

Our goal is to continue working closely with the Family Court to achieve better outcomes for children through teamwork among the legal and social work professionals involved with a child’s case, through scheduling that allows social workers to be out in the field visiting children and families, through clear accountability and outcome measures, and through shared knowledge and professional development. I meet regularly with Presiding Judge Lee Satterfield to identify issues that we need to tackle jointly to benefit children. Last fall, CFSA participated actively in the design and implementation of the first cross-training, hosted by the Family Court, on systems of care. Also in the fall, CFSA worked closely with the Court to design the best way to transfer cases to the new teams of magistrate and associate judges in the Family Court. This activity for the last 1,200 cases, is happening in a phased in manner over several months to guard against the disruption of the casework continuity with a social worker. We provided automated systems support so that cases from one of CFSA’s administrations would be assigned to just two or three teams of judges. This would enable judges, attorneys, and CFSA social workers to develop shared expectations and to work together more closely. In partnership with the Courts, we have successfully designed a schedule that will ensure social workers some time without court appearances, freeing them to make visits and conduct other work. Finally, we are collaborating closely with the Court in the area of information systems. We have just initiated a project to scan court orders into our automated system so that everyone involved at CFSA has complete and accurate information. Our most recent success in the field of automation is that we have developed the functionality in FACES that enables us to interface with the Court’s Information

System and are now able to show by social worker and supervisor the court hearing dates, times and locations for all children who are in our custody. This is an enormous achievement because it greatly improves our ability to manage social worker and attorney time more efficiently and improve the court experiences of children and families.

These institutional changes were critical, because they positioned us to achieve dramatically improved outcomes for children and families: to keep children safe, ensure that children grow up in permanent families, and promote the well-being of the most vulnerable children and most fragile families.

#### THE SECOND YEAR OF REFORM

Building on these institutional changes and the early results reflected by the probationary period standards, CFSA is moving ahead on a range of improvements in practice, in the systems that support our work, and in our partnerships with public and private agencies. The goal of all of these changes is to accelerate even further the improvements in children's lives. Yet we know that in many areas, we have a great deal still to do. This section offers only a sampling of the many major reforms now underway.

##### *Staff Recruitment / Retention*

Recruitment and retention of a full complement of qualified social workers are essential to reducing individual caseloads, which, as suggested above, will vastly improve child protection. Currently, CFSA has approximately 270 licensed masters- and bachelors-level social workers. This represents a net increase of 30 social workers over the past year and falls slightly short of our goal of 300 social workers, total, in fiscal year 2002. (If we had counted both licensed social workers and social work graduates in trainee positions pending licensure, we would have exceeded the goal, with a total of 304 social workers at the end of fiscal year 2002. However, since District law does not allow unlicensed social workers to carry cases, we do not count our unlicensed trainees until they pass the licensing exam.)

In fiscal year 2003, our goal is to end the year with a total of 310 licensed social workers. While we have made important progress towards this goal and believe we can meet it, it will not be easy, nor will it be easy to continue progress into fiscal year 2004 and future years, in order to meet and maintain the MFO caseload standards. To achieve the goal of 310 total licensed social workers, even with a retention rate that is a little better than the national average, we anticipate having to hire more than 160 social workers and trainees during the course of this year to achieve our targeted increase of 40–50 licensed social workers on board at the end of the year. We have an aggressive recruiting strategy—including outreach to both local and selected distant colleges and universities with schools of social work, participation in major conferences in the social work field, increased advertising, and targeting bi-lingual candidates—and our retention of social workers is consistent with the experience of other child welfare agencies nationwide. For all licensed social workers at CFSA, the turnover rate was 17 percent—or slightly below the annual average of 20 percent for State child welfare agencies. We continue to work on improving retention through strategies such as reducing caseloads, upgrading training, and providing more support for doing a tough job. We are very appreciative of the Committee's interest in the broad issue of social worker recruitment and retention and would like to highlight the District's interest in participating as a pilot site in your work in areas such as scholarships, stipends, and loan forgiveness for social workers.

##### *Training*

CFSA's major improvements in training are key to both recruitment and retention, as well as being an important underpinning to the quality of services. We are proud to report that our recruiters have heard from candidates that word has spread about our new training units, which enable new workers to learn how to handle the pace and intensity of CFSA's work with close guidance. These new units are a drawing card for CFSA compared to other organizations.

We now coordinate our training through an in-house Training Academy that is set up to offer pre-service and in-service training to our staff. Under the requirements of the Modified Final Order, Pre-Service Training is a competency-based, 4-month program of classroom and on-the-job training designed to prepare new social workers and supervisors for effective delivery of child welfare services. It includes theoretical, skill building, and practical learning experiences. In addition, trainees receive intensive supervision in a training unit. They learn about CFSA's structure, goals, and mission and about legal aspects of child welfare.

During the past year, the CFSA Training Academy has offered the following courses for the first time: joint training of foster parents and social workers, orientation for non-social work staff, and training for the magistrate judges of the Family Court in conjunction with the Corporation Counsel. In the year ahead, we will continue to strengthen and expand the design of the training office to ensure that our efforts impact the quality of practice and staff development critical to improving outcomes for children in care.

#### *Improved Service Quality*

Ensuring children's safety, providing opportunities for them to grow up in stable families, and supporting well-being of both children and families require quality services. We are working to raise the bar for services provided by our contracted and community partners through two different but complementary strategies:

- implementation of the new licensing authority assigned to CFSA in 2001, and
- an aggressive and proactive program of contract reform.

#### *Licensing and Monitoring*

Licensing of Youth Residential Facilities has been in the making for 15 years following passage of the Youth Residential Licensure Act of 1986. The group home regulations became final in September, 2001; the foster home regulations became final in July, 2001; and the Independent Living Program regulations became final in February, 2002.

Last spring and summer, the Office of Licensing and Monitoring within CFSA began the process of licensing providers who operate group homes and independent living facilities. Throughout the process, CFSA provided technical assistance to help facilities get licensed and inspected all facilities. CFSA met the deadlines for licensing of all 26 independent living and group home providers. The standards have already made a significant difference in the quality of facilities where our young people live, including repairs, renovations, and in some cases a shift to new space.

#### *Contract Reform*

Our contract reform is a bold initiative designed to ensure that CFSA's performance-based posture and best practices in modern child welfare are reflected in the services we buy. It is a vehicle for stimulating increased availability of community-based services in the District, reducing reliance on group homes, making providers accountable for delivering positive outcomes for children and families, offering incentives for outstanding results, and ensuring good use of public funds to meet community needs.

Last August, CFSA met with providers to announce the contract reform initiative and involve them in the process. During the fall, we gathered provider input through focus groups. In January, we circulated draft Requests for Information. The deadline for comments just passed about a month ago. We appreciate the extensive, valuable feedback we received from providers, Superior Court, the Federal Court Monitor and plaintiffs, and community members, and we are now reviewing all comments with care. The next step will involve drafting three new global Requests for Proposals that will seek an expanded range of quality offerings in the areas of Congregate Care, Family-based Care, and Community-based Care and Preventive Services. We expect to put these RFP's out for bid this spring and to launch the new contracts in late summer.

#### *Foster, Adoptive, and Kin Parent Recruitment*

Our vision is to increase our numbers of resource family homes in the District of Columbia of foster, adoptive, or kin homes. Currently we have 150 traditional foster homes, 350 kin homes and 4 proctor homes within the District. We are committed to placing children in the neighborhoods and communities from which they are removed to minimize the trauma and the significant losses that children experience as a result of placement in foster care. We are focusing therefore on geographically sensitive recruitment to increase numbers of resource parents in those wards from which more children are being removed, as well as child specific recruitment activities. We are also expanding our Proctor Parent program and building capacity for them to meet the needs of the behaviorally challenged children and the medically fragile population, and we have successfully negotiated a contractual arrangement with the Foster Parent Association of D.C. to offer several key services to our resource families, including identifying members to co-facilitate training and facilitate support groups. We anticipate that foster parents themselves are an excellent resource for recruitment as we can move towards ensuring that the needs of current parents are met.

### *Information Systems and Data Collection and Tracking*

Our substantial progress in building a reliable and timely automated data system has been key to our accomplishments for children. In the last year and a half, we have built a collaboration between staff from FACES (our automated information system), top management from all parts of the agency, and our line social work and supervisory staff that has dramatically improved the quality and timeliness of data entry and the user-friendliness and relevance of the automated FACES reports and screens. As a result, staff at all levels from social workers to supervisors and top managers are now able to count on FACES as a tool for their work, to rely on FACES reports as a means of tracking performance and results for children, and to use FACES information for planning—whether planning for one child or for the agency as a whole. In the key area of safety, a close collaboration between FACES and our intake and investigations staff has yielded not only full and timely data but reporting screens that enable supervisors to manage investigations better. For ongoing supervisors, a key piece of information for ensuring safety is social worker visitation, which supervisors can now track through CFSA's automated system. For example, each supervisor can access reports that track social worker visits to children in the last month. These management reports are updated daily and available to supervisors through a few clicks of the mouse.

Similarly, there have been major improvements in the key data needed to achieve permanence:

- Case plan information is now much more complete on the automated system, in part because of major improvements in the case plan automated format implemented as a result of social worker feedback.
- Court reports can now be completed and reviewed by supervisors and program managers as part of FACES.
- Information from the Court regarding permanency hearings, while still incomplete, is just at the point of major improvement as a result of the new automated feed to our system from the Court's data.
- Automated linkages to other agencies are supporting our work in both safety and permanence. For example, access to the District's criminal justice information system helps our investigators locate missing parents quickly—a critical step in the adoption process.

We are proud that the improvements in our FACES system have begun to receive national recognition. Last fall, the Court Monitor noted improvements in the quality of FACES in her report. This month, FACES will receive an award from Computerworld magazine for being a leader in automating child welfare case management. Our Chief Information Officer, Harold Beebout, was one of the first five CIO's in the District to receive certification from the District's Office of the Chief Technology Officer through a rigorous process where senior information technology officials from several jurisdictions probed the technical and strategic preparedness of the District's top information managers.

### *Partnerships*

Almost all the performance achievements I've been describing are the result of partnerships: with foster and adoptive parents, providers, Family Court, other agencies, and many others. The strong local safety net children and families deserve will ultimately be woven through partnerships. The child welfare function is essential, but it is only one component among a vast array of services that abused and neglected children need to overcome their difficulties and thrive. Other public and private agencies and community members have important roles to play. CFSA's status as a cabinet-level agency has opened the door to improved working relationships with other District agencies. On behalf of those we serve, we are working to exploit this wonderful opportunity.

A prime example is CFSA's developing links with the Department of Mental Health. As we conduct clinical staffings and review cases at CFSA, over and over we see mental health needs that must be met if children are to be safe, grow up in stable families, and thrive. Children need counseling to rise above abuse and neglect. Parents need mental health services to overcome their own crises and keep their children safe. Foster parents need access to emergency help when a foster child has a crisis in the middle of the night. Social workers need expert mental health consultation to assess the risks of a child's return home.

To access more and better mental health services for those we serve, CFSA is developing a strong collaboration with the District's Department of Mental Health. The timing is perfect because DMH is under its own court deadlines and is just as intent as CFSA on strengthening the local safety net for children and families. Senior members of our two agencies met for a day-long retreat a few weeks ago and

developed a detailed work plan that focuses on access to services, development of provider capacity, service definition, Medicaid reimbursement, and other issues.

CFSA's partnership with the Healthy Families/Thriving Communities Collaboratives continues to provide services that strengthen, provide support to children in foster care in the communities where they live and support efforts to reunite children in foster care with their families. During the past year, CFSA and the Collaboratives built upon its partnership by taking a more targeted approach in examining ways to strengthen service delivery for children and families in the District. As a result of this concentrated effort, in 2002 two Collaboratives have instituted Emergency Assessment programs, providing intensive preventive services to families in their own communities and diverting families from ongoing involvement with the child welfare system. In addition, we have entered into new partnership agreements with the Collaboratives in three distinct areas—preventative, supportive and aftercare. Services offered within these targeted areas include case management; visitation; housing assistance; parent, caregiver, and foster parent support; support for family visitation; and information and referral. Our partnership throughout the years with the Collaboratives has shown that family-centered, culturally competent practice that provides integrated community based services truly makes a difference in the lives of children and families entering and exiting the child welfare system.

#### NEXT STEPS

While we have made an important and vigorous beginning on the agenda of safety, permanence, and well-being for the District's children, we have ahead of us an ambitious multi-year program to build in quality and transform results. We expect that the road map to this ambitious reform will be the Implementation Plan currently being completed by the Federal Court Monitor after intensive discussions with the District and the *LaShawn* plaintiffs. In order to accomplish the goals of the plan, we know that we will be continuing the intense pace of change. And because of the District's unique role as both a local and a State child welfare agency, we will be continuing this intense pace of change both in our daily services to the children who come through our doors and in our reforms of policy, institutions, and infrastructure. That is, at one and the same time, we will be:

- improving our services to the hundreds of children who come to our attention each month through new investigations;
- providing strong clinical support and staffing to ensure that the thousands of children now on our caseload achieve the permanent families they deserve, either through reunification, guardianship, or adoption;
- building new services and resources for children and new supports for foster, kin, and adoptive families, both through our own contract reforms and through new and strengthened partnerships with agencies across District government;
- strengthening prevention and neighborhood-based services for families;
- under-girding the services we provide both internally and through our partners with the critical infrastructure to support quality, such as training, quality assurance, policy development, licensing and monitoring;
- recruiting and retaining high quality, well-trained social workers;
- recruiting and retaining foster, kin, and adoptive parents who can meet the needs of the District's children and providing those resource parents with the training and supports they need; and
- continuing our efforts to build in stronger partnerships with the metropolitan jurisdictions and with the Superior Court, in order to promote children's safety, permanence, and well-being.

Achieving these goals will require continued commitment from the whole community. The District's financial investments in CFSA, even through difficult financial times, have been critical to achieving the progress so far, and stabilizing this commitment into the future will be essential to continuing progress from here. We very much appreciate the support of the Subcommittee, for a key next step in maintaining this momentum: the District's proposal to correct an inequity in the current statutory framework for Federal reimbursement for Title IVE, by raising the Title IVE Federal reimbursement rate to 70 percent, which would make it the same as Medicaid, as it is in all other jurisdictions. We also very much appreciate the leadership of the Subcommittee in ensuring that the District, Maryland, and Virginia continue collaborating to develop metropolitan agreements that will benefit children, and in promoting the continued close collaboration of CFSA and the Superior Court, and we urge a continued focus in both of these very promising areas.

Beyond these critical areas for the Subcommittee's continued leadership, we appreciate the invitation to identify additional areas for potential investment. We offer the following ideas for further discussion, because they link closely to the next steps

in the Federal Court's Implementation Plan and the needs of the District's children. We are eager to provide additional information in any of these areas that interest the Committee:

- Prevention and Integrated Services for Families.*—A major issue for the District's children and families is the availability of early and integrated services that could prevent placement or make reunification possible. We are working closely with our community-based collaborative partners in this area, as well as developing expanded partnerships with other District agencies such as the Department of Mental Health, Addiction Prevention and Recovery Administration, and the Department of Housing and Community Development. These are issues across the country yet they are particularly difficult to address in the District, with the intensive needs that children and families may have and the gaps in resources. We believe that there are opportunities here for the Federal Government to pilot ideas of great interest nationally as well as to make a major difference for the District's children.
- Adoption.*—Because of the intensive work that we are currently doing to identify the specific needs of children who are awaiting placement, we would be very interested in collaborating with the Subcommittee on a project that focuses on recruitment for these children. In general, our children who are awaiting adoption are ages 7–13 and part of sibling groups; in addition, we would like to focus on a number of children who are medically fragile and will need adoptive homes prepared to meet those needs.
- Piloting of National Initiatives Regarding Social Worker Recruitment, Retention, and Training.*—We are interested in working closely with the Subcommittee on piloting in the District key initiatives to recruit and retain social workers to do public child welfare work that could be valuable for national policy. We are interested in discussing strategies such as loan forgiveness, stipends and scholarships for bachelors-level social workers interested in continuing their education, and scholarships for paraprofessionals interested in becoming social workers.
- Joint Initiatives with the Court, such as Training and Information Systems.*—We are currently engaged in a range of activities with the Superior Court and see ambitious next steps ahead, particularly as the Court's new information system is implemented. The District's side of these joint activities could be enhanced through further support.

#### CONCLUSION

We are at an extraordinary moment in the District's child welfare system: a moment of early accomplishment, of great hope, and yet of fragility. If we maintain our commitment and our investment for several more years, building on the major institutional reforms, promising partnerships, and early results for children that we have already seen, we will achieve the vision of safety, permanence, and well-being that our children deserve. On the other hand, if we are unable to maintain this level of continued commitment to change, we risk failing our community and our children. I am deeply grateful for the Subcommittee's past support and leadership on behalf of the District and our most vulnerable children, and I know the District can count on your continued support and leadership in the future. Thank you, and I look forward to any questions.

Senator DEWINE. Ms. Ashby.

#### STATEMENT OF CORNELIA M. ASHBY, DIRECTOR OF EDUCATION, WORKFORCE, AND INCOME SECURITY ISSUES, GENERAL ACCOUNTING OFFICE

Ms. ASHBY. Mr. Chairman and Senator Landrieu, I am pleased to be here today to discuss the preliminary findings from our study of the D.C. Child and Family Services Agency, done at the request of Representative Tom Davis, Chairman of the House Committee on Government Reform. We will issue our final report next month.

My comments are based primarily on our analysis of data in the District's automated child welfare information system, known as FACES. We verified the accuracy of the data. But for some of the data elements we needed, CFSA had not entered into FACES information for about two-thirds of its active cases. Consequently, we obtained and analyzed information from paper case files to supple-



ment FACES information for some cases. Most, but not all, of the cases with incomplete data originated prior to FACES going online in October 1999. Top CFSA managers told us that including data in FACES for active cases that originated prior to FACES is not an agency priority. In my full statement, we discuss the importance of having accurate, timely, and complete automated case management data for all cases.

In summary, CFSA has addressed various AFSA requirements and met several of the selected performance criteria, adopted child protection and foster care policies, and enhanced its working relationship with the D.C. Family Court. However, much remains to be done.

CFSA addressed six of the nine AFSA requirements and met or exceeded four of the eight performance criteria. For example, CFSA signed a border agreement to achieve timelier placement of District children in Maryland, which addresses the AFSA requirement to use cross-jurisdictional resources to facilitate timely permanent placements of children. However, CFSA did not meet AFSA requirements involving proceedings to terminate the rights of parents in certain situations, annual permanency review hearings or notice of reviews and hearings. One of the selected performance criteria requires 60 percent of children in foster care to be placed with one or more of their siblings. As of November 2002, 63 percent of children had such placements.

The criteria for which CFSA's performance fell short included social worker visitation with children in foster care, placement of children in foster homes with valid licenses, progress toward permanency, and parental visits with children in foster care who have a goal of returning home. For example, none of the 144 children placed in foster care during the 2-month period prior to November 30, 2002, received required weekly visits by a CFSA caseworker. CFSA has written plans to address 2 of the 3 unmet AFSA requirements and 3 of the 4 unmet performance criteria.

CFSA has adopted child protection and foster care placement policies that are comparable to most, but not all of those recommended by organizations that develop standards for child welfare programs. However, caseworkers did not consistently implement the six policies we examined.

CFSA has policies for investigating allegations of child abuse, developing plans, and estimating permanency goals for foster children. In addition, it has policies for managing cases. CFSA has, in addition to its policies for managing cases, policies for licensing and monitoring group homes, plans for training staff in group homes, and a goal to reduce the number of young children in group homes. However, CFSA lacks some recommended policies, namely written time frames for arranging needed services for children and families, limits on the number of cases assigned to a caseworker, and procedures for providing information about planned services for children.

For three of the six policies we examined, FACES data indicated that the percentage of foster care cases for which a policy was implemented ranged from 13 to 73. This variation is due in part to the incomplete data in FACES. In addition, information related to

the other three policies was not routinely recorded in FACES, and we had to review case files to assess their implementation.

One policy requires caseworkers to complete a case plan within 30 days of a child's entry into foster care. However, case plans were not routinely completed within 30 days. Another policy requires administrative review hearings every 6 months. But such hearings were rescheduled often. The third policy requires caseworkers to arrange for services. It was difficult to determine whether services were actually provided. CFSA officials told us that they recently made changes to help improve the implementation of some of these policies.

#### PREPARED STATEMENT

CFSA has improved its working relationship with the Family Court with its commitment to promoting improved communication and by expanding the support services it provides for court activities. However, CFSA officials and Family Court judges noted several hindrances that constrained their working relationships. The hindrances they noted included scheduling conflicts between court and CFSA, the insufficient number of caseworkers, caseworkers who were unfamiliar with cases that had been transferred to them, and the unclear roles and responsibilities of attorneys, judges, and CFSA caseworkers.

This concludes my statement. I would be glad to answer any questions.

[The statement follows:]

#### PREPARED STATEMENT OF CORNELIA M. ASHBY

##### ISSUES ASSOCIATED WITH THE CHILD AND FAMILY SERVICES AGENCY'S PERFORMANCE AND POLICIES

Mr. Chairman and Members of the Subcommittee: I am pleased to be here today to discuss preliminary findings from our study of the District of Columbia's Child and Family Services Agency (CFSA), done at the request of Representative Tom Davis, Chairman of the House Committee on Government Reform. My testimony will focus on the extent to which CFSA has (1) taken actions to address the requirements of the Adoption and Safe Families Act of 1997 (ASFA) and met selected performance criteria, (2) adopted and implemented child protection and foster care placement policies that are comparable to those generally accepted in the child welfare community, and (3) enhanced its working relationship with the D.C. Family Court.

My comments today are based primarily on our analysis of the information in the District's automated child welfare information system, known as FACES, which CFSA is to use to manage child welfare cases and report child abuse and neglect, foster care, and adoption information to the Department of Health and Human Services (HHS). We analyzed cases in FACES that were at least 6 months old as of November 2002 and verified the accuracy of its data. However, CFSA had not entered into FACES detailed information on the data elements we needed for our analysis with respect to about two-thirds of the District's active foster care cases—mostly cases that originated prior to FACES going on-line in October 1999. Consequently, we also obtained and analyzed information from paper case files to supplement FACES information for some cases. We also interviewed District officials, CFSA managers, judges, and child welfare experts, and we analyzed Federal and District laws and regulations, related court documents, and child welfare policies. Our final report will be issued in May 2003. We conducted our work between September 2002 and March 2003 in accordance with generally accepted government auditing standards.

In summary, CFSA has taken actions to address various ASFA requirements and met several selected performance criteria,<sup>1</sup> enacted child protection and foster care placement policies and procedures, and enhanced its working relationship with the D.C. Family Court; however, much remains to be done. CFSA met two-thirds of the ASFA requirements and half of the selected foster care performance criteria we used, and developed written plans to address two of the three unmet ASFA requirements and three of the four unmet performance criteria. In addition, CFSA has adopted child protection and foster care placement policies and procedures that are comparable to most, but not all, of those recommended by organizations that develop standards applicable to child welfare programs. However, CFSA has not adopted some key policies and procedures for ensuring the safety and permanent placement of children, and caseworkers have not consistently implemented or documented some of the policies and procedures that have been adopted. For example, CFSA has developed an automated child welfare data system to help manage its caseload, but detailed information for the data elements related to the policies reviewed had not been entered into the system for about 70 percent of its foster care cases. Further, CFSA has improved its working relationship with the Family Court through improved communication and top management support; however, both CFSA and the Family Court still need to overcome barriers that continue to constrain this relationship.

#### BACKGROUND

CFSA is responsible for protecting thousands of foster care children who have been at risk of abuse and neglect and ensuring that critical services are provided for them and their families. However, many children in CFSA's care languished for extended periods of time due to managerial shortcomings and long-standing organizational divisiveness. As a result of these deficiencies, the U.S. District Court for the District of Columbia issued a remedial order in 1991 to improve the performance of the agency. In 1995, lacking sufficient evidence of program improvement, the agency was removed from the District's Department of Human Services and placed in general receivership. Under a modified final order (MFO) established by the court, CFSA was directed to comply with more than 100 policy and procedural requirements. The efforts CFSA made during the receivership to improve its performance included establishing an automated system, FACES, to manage its caseload. The U.S. District Court ended the receivership in 2000, established a probationary period, and identified performance standards CFSA had to meet in order to end the probationary period. The court appointed the Center for the Study of Social Policy as an independent monitor to assess CFSA's performance and gave them the discretion to modify the performance standards. However, in the summer of 2002, abuses of two children placed in group homes were reported, indicating that CFSA's operations and policies, especially those regarding foster care cases, may still need improvement.

Additionally, several Federal laws, local laws, and regulations established goals and processes under which CFSA must operate. ASFA, with its goal to place children in permanent homes in a timelier manner, placed new responsibilities on all child welfare agencies nationwide. ASFA introduced new time periods for moving children toward permanent, stable care arrangements and established penalties for noncompliance. For example, it requires States to hold a permanency planning hearing—during which the court determines the future plans for a child, such as whether the State should continue to pursue reunification with the child's family or some other permanency goal—not later than 12 months after the child enters foster care. The D.C. Family Court Act of 2001, established the District's Family Court and placed several requirements on the District's Mayor and various District agencies, including CFSA and the Office of Corporation Counsel (OCC).<sup>2</sup> The Family Court Act requires the Mayor, in consultation with the Chief Judge of the Superior Court, to ensure that D.C. government offices that provide social services and other related

<sup>1</sup>These performance criteria were among those included in the performance standards that CFSA had to meet in order to end the probationary period following the general receivership. We selected those performance criteria that in our judgment most directly relate to the safety and permanent placement of children.

<sup>2</sup>The D.C. Family Court Act of 2001, established the Family Court as part of the D.C. Superior Court. The Family Court replaced the D.C. Superior Court's former Family Division. Among other responsibilities, the Family Court handles child abuse and neglect cases and court hearings and other proceedings for the District's foster children and their families. OCC provides legal support for CFSA caseworkers during their appearances before the Family Court.

services to individuals served by the Family Court, including CFSA, provide referrals to such services on site at the Family Court.

CFSA operates in a complex child welfare system.<sup>3</sup> The agency relies on services provided by other District government agencies. For example, both the Fire Department and the Health Department inspect facilities where children are placed, and D.C. Public Schools prepare individual education plans for children in care. In addition, CFSA works with agencies in Maryland, Virginia, and other States to arrange the placement of District children in those States and also works with private agencies to place children in foster and adoptive homes.

The management of foster care cases involves several critical steps. Typically, these cases begin with an allegation of abuse or neglect reported to the CFSA child abuse hot line. CFSA staff are required to investigate the allegation through direct contact with the reported victim. If required, the child may be removed from his or her home, necessitating various court proceedings handled by the District's Family Court. CFSA case workers are responsible for managing foster care cases by developing case plans, visiting the children, participating in administrative hearings, attending court hearings, and working with other District government agencies. CFSA case workers are also responsible for documenting the steps taken and decisions made related to a child's safety, well-being, and proper placement. In addition, CFSA is responsible for licensing and monitoring organizations with which it contracts, including group homes that house foster care children.

HHS is responsible for setting standards and monitoring the Nation's child welfare programs. The monitoring efforts include periodic reviews of the operations, known as Child and Family Services Reviews,<sup>4</sup> and of the automated systems, known as Statewide Automated Child Welfare Information System (SACWIS) Reviews, in the States and the District of Columbia. HHS last reviewed CFSA's child welfare information system in 2000 and its overall program in 2001.

CFSA UNDERTOOK ACTIONS TO ADDRESS MOST ASFA REQUIREMENTS REVIEWED AND MET HALF OF THE SELECTED PERFORMANCE CRITERIA

CFSA took actions to address six of the nine ASFA requirements and met or exceeded four of the eight performance criteria we included in our study. Although ASFA includes other requirements, we only included those directly related to the safety and well-being of children. The performance criteria were among those performance standards that CFSA had to meet in order to end the probationary period following the general receivership. We selected those that, in our judgment, most directly relate to the safety and permanent placement of children in foster care. For example, CFSA signed a border agreement to achieve timelier placement of District children in Maryland, which addresses the ASFA requirement to use cross-jurisdictional resources to facilitate timely adoptive or permanent placements for waiting children. However, CFSA did not meet three requirements involving (1) proceedings to terminate the rights of parents whose children are in foster care, (2) annual hearings to review permanency goals for children and (3) notice of reviews and hearings. Table 1 summarizes the ASFA requirements directly related to the safety and well-being of children and identifies whether CFSA met them.

TABLE 1.—SUMMARY OF ASFA REQUIREMENTS RELATING DIRECTLY TO THE SAFETY AND WELL-BEING OF CHILDREN

ASFA Requirements Met	ASFA Requirements Not Met
1. Include the safety of the child in State case planning and in a case review system.	1. Initiate or join proceedings to terminate parental rights for certain children in foster care—such as those who have been in foster care for 15 of the most recent 22 months of care.
2. Comply with requirements for criminal background clearances and have procedures for criminal record checks.	2. Provide family members a notice of reviews and hearings and an opportunity to be heard.
3. Develop a case plan for a child for whom the State's goal is adoption or other permanent living arrangement.	3. Conduct mandatory annual permanency hearings every 12 months for a child in foster care.

<sup>3</sup>We issued several GAO reports that addressed CFSA operations and program plans. For more information see related GAO products.

<sup>4</sup>Child and Family Services Reviews, conducted by HHS, cover a range of child and family service programs funded by the Federal Government, including child protective services, foster care, adoption, independent living, and family support and preservation services. The 2001 review evaluated seven specific safety, permanency, and well-being outcomes for services delivered to children and families served by CFSA.

TABLE 1.—SUMMARY OF ASFA REQUIREMENTS RELATING DIRECTLY TO THE SAFETY AND WELL-BEING OF CHILDREN—Continued

ASFA Requirements Met	ASFA Requirements Not Met
4. Develop plans for the effective use of cross-jurisdictional resources to facilitate timely adoptive or permanent placements for waiting children. 5. Provide for health insurance coverage for children with special needs in State plans for foster care and adoption assistance. 6. Incorporate standards to ensure quality services for children in foster care in State plans.	

Source: ASFA and HHS' CSFR and GAO analysis.

We analyzed automated data related to eight selected performance criteria and found that CFSA met or exceeded four of them. For example, one of the criteria requires 60 percent of children in foster care to be placed with one or more of their siblings; we found that as of November 30, 2002, 63 percent of children were placed with one or more siblings. The areas in which CFSA's performance fell short included criteria related to (1) social worker visitation with children in foster care, (2) placement of children in foster homes with valid licenses, and (3) progress toward permanency for children in foster care and (4) parental visits with children in foster care who had a goal of returning home. For example, none of the 144 children placed in foster care during the 2-month period prior to November 30, 2002, received required weekly visits by a CFSA caseworker. In addition, 52 of 183 foster care children (32 percent), for whom CFSA had not met the progress towards permanency goal, had been in foster care without returning home for 36 months or more. Twenty-two of these children had been in foster care 5 or more years without returning home. A complete list of the performance criteria and our analysis is shown in appendix I.

CFSA has written plans to address two of the three unmet ASFA requirements and three of the four unmet performance criteria we selected for our study. One of CFSA's plans includes actions to address one criterion for which the agency fell short—parental visits. This plan, the Interim Implementation Plan, includes measures that were developed to show the agency's plans for meeting the requirements of the MFO issued by the court. The plan states that, for new contracts, CFSA will require its contactors to identify sites in the community for parental visits to help facilitate visits between parents and their children. However, CFSA does not have written plans that address other unmet criteria, such as reducing the number of children in foster care who, for 18 months or more, have had a permanency goal to return home. CFSA has also not implemented the ASFA requirement to provide foster parents, relative caregivers, and pre-adoptive parents the opportunity to be heard in any review or hearing held with respect to the child. Without complete plans for improving on all measures, CFSA's ability to comply with the ASFA requirements and meet the selected performance criteria may be difficult. Furthermore, unless these requirements and criteria are met the child's safety may be jeopardized, the time a child spends in foster care may be prolonged, or the best decisions regarding a child's future well-being may not be reached.

Agency officials cited external demands, including court-imposed requirements, staffing shortages, and high caseloads, as factors that hindered CFSA's ability to fully meet the ASFA requirements and the selected performance criteria. For example, program managers and supervisors said that the new court-imposed mediation process intended to address family issues without formal court hearings places considerable demands on caseworkers' time. The time spent in court for mediation proceedings, which can be as much as 1 day, reduces the time available for caseworkers to respond to other case management duties, such as visiting with children in foster care. Furthermore, managers and supervisors reported that staffing shortages have contributed to delays in performing critical case management activities, such as filing for the termination of parental rights. Staffing shortages are not a unique problem to CFSA. We recently reported that caseworkers in other States said that staffing shortages and high caseloads had detrimental effects on their abilities to make well-supported and timely decisions regarding children's safety. We also reported that as a result of these shortages, caseworkers have less time to establish relationships with children and their families, conduct frequent and meaningful home visits,

and make thoughtful and well-supported decisions regarding safe and stable permanent placements.<sup>5</sup>

CFSFA HAS ESTABLISHED MANY FOSTER CARE POLICIES BUT LACKS OTHERS, AND THE EXTENT OF IMPLEMENTATION AND DOCUMENTATION VARIES

CSFA has established many foster care policies but, caseworkers did not consistently implement the six we examined. In addition, CFSA’s automated system lacked data on policy implementation for 70 percent of its foster care cases. When CFSA’s caseworkers are not consistently implementing the policies essential steps are not always being taken for all children in a timely manner. As a result, children may be subject to continued abuse and neglect or efforts to achieve permanent and safe placements may be delayed. Furthermore, without information on all cases, caseworkers do not have a readily available summary of the child’s history needed to make future decisions and managers do not have information needed to assess and improve program operations.

CSFA HAS ESTABLISHED MANY FOSTER CARE POLICIES BUT CASEWORKERS DID NOT CONSISTENTLY IMPLEMENT THEM

While we previously reported in 2000<sup>6</sup> that CFSA lacked some important child protection and foster care placement policies, CFSA has now established many such policies and most are comparable to those recommended by organizations that develop standards applicable to child welfare programs. For example, CFSA has policies for investigating allegations of child abuse, developing case plans, and establishing permanency goals for foster children. In addition, one policy is more rigorous than suggested standards. Specifically, CFSA’s policy requires an initial face-to-face meeting with children within 24 hours of reported abuse or neglect, while the suggested standard is 48 hours or longer in cases that are not high risk. However, CFSA still lacks some that are recommended, namely (1) written time frames for arranging needed services for children and families (e.g., tutoring and drug treatment for family members); (2) limits on the number of cases assigned to a caseworker, based on case complexity and worker experience; and (3) procedures for providing advance notice to each person involved in a case about the benefits and risks of services planned for a child and alternatives to those services.

CFSA did not consistently implement the six policies we examined. We selected policies that covered the range of activities involved in a foster care case, but did not duplicate those examined in our review of the AFSA requirements or the selected performance criteria. For three of the six policies, data in FACES on all foster care cases indicate that the extent to which caseworkers implemented them varied considerably. Table 2 summarizes these three policies and the percentage of cases for which the data indicated the policy was implemented.

TABLE 2.—THE EXTENT OF IMPLEMENTATION OF SELECTED FOSTER CARE POLICIES

Policy	Percent of Foster Care Cases for Which the Policy Was Implemented (N=943)
Initiate face-to-face investigation of alleged child abuse or neglect within 24 hours of receiving an allegation on CFSA’s child abuse hotline .....	26
Complete a safety assessment within 24 hours of face-to-face contact with the child .....	13
Complete a risk assessment within 30 days of receiving an allegation on the hotline .....	73

Source: FACES data and GAO analysis.

In some cases, it took CFSA caseworkers considerably longer than the required time to initiate an investigation or complete safety and risk assessments. In 93 cases, CFSA caseworkers took more than 10 days to initiate the investigation and in 78 cases, it took caseworkers longer than 100 days to complete a risk assessment, more than three times longer than the 30-day requirement.

<sup>5</sup>U.S. General Accounting Office, Child Welfare: HHS Could Play a Greater Role in Helping Child Welfare Agencies Recruit and Retain Staff, GAO-03-357 (Washington, DC: Mar. 31, 2003).

<sup>6</sup>U.S. General Accounting Office, District of Columbia Child Welfare: Long-Term Challenges in Ensuring Children’s Well-Being, GAO-01-191 (Washington, DC: Dec. 29, 2000), and U.S. General Accounting Office, Foster Care: Status of the District of Columbia’s Child Welfare System Reform Efforts, GAO/HEHS-00-109 (Washington, DC: May 5, 2000).

For the other three policies, we reviewed case files and examined related data from FACES for 30 cases, because officials told us that the information related to these policies was not routinely recorded in FACES. One policy requires caseworkers to complete a case plan within 30 days of a child's entry into foster care. Our analysis and file review found that case plans were not routinely completed within 30 days. Another policy requires conducting administrative review hearings every 6 months. These reviews ensure that key stakeholders are involved in permanency planning for the child. We found that administrative review hearings were rescheduled for a variety of reasons, such as the caseworker had to appear at a hearing for another case or the attorney was not available. The third policy requires caseworkers to identify and arrange for services for children and their families. It was difficult to determine whether services recommended by caseworkers were approved by supervisors or if needed services were provided. Managers said that sometimes services are arranged by telephone and the results not entered into FACES.

Officials said that several factors affected the implementation of some of the policies we reviewed. Agency officials explained that, in part, the data on implementation of the initial investigations and safety assessment reflected that the District's Metropolitan Police Department was responsible for the initial investigation of child abuse cases until October 2001 and that data was not entered into FACES. CFSA now has responsibility for both child abuse and neglect investigations. Further, program managers and supervisors said that several factors contribute to the time frames required to initiate face-to-face investigations, including difficulty in finding the child's correct home address, contacting the child if the family tries to hide the child from investigators, and even obtaining vehicles to get to the location. Caseworkers' supervisors and managers explained that generally, the policies were not always implemented because of limited staff and competing demands and the policies were not documented because some caseworkers did not find FACES to be user friendly.

CFSA officials said they recently made changes to help improve the implementation of some of the policies we reviewed. CFSA has focused on reducing its backlog of investigations and reduced the number of investigations open more than 30 days from 807 in May 2001 to 263 in May 2002. CFSA officials said that they anticipate a reduction in the number of administrative review hearings that are rescheduled. The responsibility for notifying administrative review hearing participants when a hearing is scheduled was transferred from caseworkers to the staff in the administrative review unit, and notification will be automatically generated well in advance of the hearings. Additionally, another official said that CFSA has begun testing a process to ensure that all needed services are in place within 45 days.

However, without consistently implementing policies for timely investigations and safety and risk assessments, a child may be subject to continued abuse and neglect. Delaying case plans and rescheduling administrative review hearings delay efforts to place children in permanent homes or reunite them with their families. Further, without knowing whether children or families received needed services, CFSA cannot determine whether steps have been taken to resolve problems or improve conditions, which also delays moving children toward their permanency goals.

In addition to its policies for managing cases, CFSA has policies for licensing and monitoring group homes, plans for training staff in group homes, and a goal to reduce the number of young children in group homes. CFSA's policies for group homes are based primarily on District regulations that went into effect July 1, 2002. According to a CFSA official, the agency was precluded from placing children in an unlicensed group home as of January 1, 2003. As of March 2003, all CFSA group homes were licensed, except one, and CFSA was in the process of removing children from that home. In the future, CFSA plans to use requirements for licensing group homes as well as contractual provisions as criteria for monitoring them. CFSA also plans to provide training to group home staff to make it clear that, as District regulations require, any staff member who observes or receives information indicating that a child in the group home has been abused must report it. Further, CFSA has a goal to reduce the number of children under 13 who are placed in group homes. CFSA has reduced the number of children under 13 in group homes from 128 in August 2002, to 70 as of February 2003; and, has plans to reduce that number even further by requiring providers of group home care to link with agencies that seek foster care and adoptive families.

#### CFSA'S AUTOMATED SYSTEM LACKED DATA ON MANY FOSTER CARE CASES

While CFSA's policies with regard to its automated child welfare information system—FACES—were not among the six policies we initially selected for examination, in our efforts to assess CFSA's implementation of the selected foster care policies,

we determined that FACES lacked such data for about 70 percent of its active foster care cases. Of the population of foster care cases at least 6 months old as of November 30, 2002—2,510 cases—data on the initial investigation and safety and risk assessment policies were not available for 1,763 of them. CFSA officials explained that all of these cases predated FACES and the previous system was used primarily to capture information for accounting and payroll purposes, not for case management. Top agency managers said that CFSA does not currently plan to make it an agency priority to include data in FACES for these pre-FACES cases. Additionally, FACES reports showed that data was not available on many of the more recent foster care cases. For example, complete data on the initiation of investigations and safety assessments were not available for about half of the 943 cases that entered the foster care system after FACES came on line. Officials explained that their plans are to focus on improving a few data elements at a time for current and future actions.

Complete and accurate data is an important aspect of effective child welfare systems. HHS requires all States and the District of Columbia to have an automated child welfare information system. These systems, known as Statewide Automated Child Welfare Information Systems (SACWIS), must be able to record key child welfare functions, such as intake management, case management, and resource management. However, in its review of FACES, HHS found the system to be in non-compliance with several requirements, including the requirements to prepare and document service/case plans and to conduct and record the results of case reviews.<sup>7</sup> In addition to the standards and requirements established by HHS for all child welfare systems, the MFO requirements stress the importance of an automated system for CFSA. Many of the requirements the MFO imposed on CFSA direct CFSA to produce management data. For example, the MFO requires that CFSA be able to produce management data showing (1) how many children who need medical reports received them within 48 hours after the report of neglect or abuse was supported, (2) the caseload figures by worker for all workers conducting investigations of reports of abuse or neglect, and (3) the number of supervisors with at least 3 years of social work experience in child welfare.

It is very important to have accurate and timely automated case management data for all cases. An expert from a child welfare organization stated that there is a great need to transfer information from old case records to new automated systems in a systematic way. Without such a transfer, paper records with important information may be lost. She said that records of older teens have been lost, and, with them, valuable information such as the identity of the child's father, has also been lost. Without data in FACES, if caseworkers need missing data they will have to look for paper records in the case files, some of which are voluminous. This file review effort is much more time consuming than reviewing an automated report and requires more time for caseworkers to become familiar with cases when cases are transferred to new caseworkers. Complete, accurate, and timely case management data enables caseworkers to quickly learn about new cases, supervisors to know the extent that caseworkers are completing their tasks, and managers to know whether any aspects of the agency's operations are in need of improvement.

CFSA HAS ENHANCED ITS WORKING RELATIONSHIP WITH THE D.C. FAMILY COURT BY  
WORKING COLLABORATIVELY, BUT HINDRANCES REMAIN

CFSA has enhanced its working relationship with the Family Court through its commitment to promoting improved communication and by expanding its legal support services for court activities. CFSA participates in various planning committees with the Family Court, such as the Implementation Planning Committee, and assists in providing service referrals on site at the Family Court. Since 2002, attorneys from the OCC have been located at CFSA and work closely with caseworkers. This co-location has improved the working relationship between CFSA and the Family Court because CFSA caseworkers and the attorneys are better prepared for court appearances. Additionally, training sessions have been held that included CFSA caseworkers, OCC attorneys, and Family Court judges. Furthermore, frequent dialogue between top management at CFSA and the Family Court and top management support have been key factors in improving these relationships.

However, CFSA officials and Family Court judges noted several hindrances that constrain their working relationships. These hindrances include scheduling conflicts between the court and CFSA, an insufficient number of caseworkers, caseworkers who are unfamiliar with cases that have been transferred to them, and the unclear

<sup>7</sup> HHS completed its SACWIS assessment review of FACES in June 2000. The purpose of this review is to assess whether the child welfare information system performs functions that are important to meeting the minimal requirements.



roles and responsibilities of CFSA caseworkers, attorneys, and judges. For example, CFSA officials said that Family Court judges often override caseworker recommendations that affect children and families. Family Court judges told us that they believe caseworkers do not always recommend appropriate services for children and their families. As a result of these conflicting perspectives, court officials said that appropriate decisions affecting children and families might not be reached in a timely manner.

CONCLUSIONS

While CFSA has met several procedural ASFA requirements and other performance criteria, developed essential policies, and enhanced its working relationship with the Family Court, it needs to make further improvement in order to ensure the protection and proper and timely placement of all of the District's children. To improve outcomes for foster care children, CFSA needs a comprehensive set of policies; effective implementation of all policies; complete, accurate, and timely automated data on which to base its program management; and an effective working relationship with the D.C. Family Court. However, gaps in its foster care policies, inconsistent policy implementation, and incomplete automated data may hinder CFSA's ability to protect and improve the outcomes for the District's children. We expect to have recommendations in our final report that will address these issues and strengthen CFSA's operations. Mr. Chairman, this concludes my prepared statement. I will be happy to respond to any questions that you or other Subcommittee Members may have.

APPENDIX I.—GAO'S ANALYSIS OF SELECTED PERFORMANCE CRITERIA

Performance Criteria		GAO Analysis
1. Current case plans for foster care cases: Forty-five percent of foster care cases have current case plans.	Met .....	As of September 30, 2002, 46 percent of foster care cases had current case plans.
2. Visitation between children in foster care and their parents: Thirty-five percent of cases in which children have a goal of returning home have parental visits at least every 2 weeks.	Not met .....	As of November 30, 2002, 1 percent of children with a return home goal had parental visits at least every 2 weeks.
3. Social worker visitation with children in foster care: Twenty-five percent of children in foster care have weekly visits with caseworkers in their first 8 weeks of care; 35 percent of all children in foster care have at least monthly visits with a social worker.	Not met .....	As of November 30, 2002, no children had weekly visits; 0.3 percent had at least monthly visits with a social worker.
4. Appropriate legal status for children in foster care: No child in emergency care (legal status) for more than 90 days.	Met .....	As of November 30, 2002, no children in emergency care more than 90 days.
5. Current and valid foster home licenses: Seventy-five percent of children are placed in foster home with valid licenses.	Not met .....	As of November 30, 2002, 47 percent of children were in foster homes with valid licenses.
6. Progress toward permanency: No more than 10 percent of children in foster care have a permanency goal of return home for more than 18 months.	Not met .....	As of November 30, 2002, 30 percent of children had a permanency goal of return home for more than 18 months.
7. Foster care placement with siblings: Sixty percent of children in foster care are placed with one or more of their siblings.	Met .....	As of November 30, 2002, 63 percent of children were placed with one or more siblings.
8. Placement stability: No more than 25 percent of children in foster care as of May 31, 2002, have had three or more placements.	Met .....	As of November 30, 2002, 21 percent of children in care since August 1, 2001, had three or more placements.

Source: GAO analysis.

Senator DEWINE. Thank you very much. Ms. Schneiders.

**STATEMENT OF ANNE E. SCHNEIDERS, CHAIR AND FOUNDER, WASHINGTON CHAPTER, THE NATIONAL ASSOCIATION OF COUNSEL FOR CHILDREN**

Ms. SCHNEIDERS. Good morning, Senator DeWine and Senator Landrieu. I come before you as the Chair of the Washington Chapter of the National Association of Counsel for Children, which is a national advocacy organization for children.

Senator DEWINE. You might want to pull that mike close. Thank you.

Ms. SCHNEIDERS. I am a practicing attorney and a clinical social worker, licensed in D.C., Maryland, and New York, and practiced child welfare/foster care for 25 years before going to law school. I am pleased to have this opportunity to address this committee on the status of Child and Family Services from the perspective of one who must interface with this agency on behalf of abused and neglected children as guardian ad litem for almost 200 children over the years.

The rise and fall of statistics does not interest me, as numbers can say whatever you want them to to make a point. My concern is the impact of policy decisions on children, as too many children who have been cared for by CFSA leave the system angry, resentful, and no better off than when they entered. Let me cite such a few policies.

First is placement. Children brought into the system are too often made to wait weeks or months before a placement is available. Children 14 and older are made to wait in group home facilities until a placement is identified. Many are then placed in whatever home has a vacancy, regardless of the needs of the child or the expressed preference of a family. There is little matching of a child to the family.

The result is a negative experience for both and the ultimate removal of the child. Some children are moved two, three, and four times before finding an appropriate placement. This is true of both CFSA foster homes and the private agencies with whom CFSA contracts. Some children abscond from the group homes before a foster home is located. Some act up to the point of requiring psychiatric hospitalization. Thus the trauma of the abuse, coupled with the trauma of removal from the birth parents, are compounded three and fourfold by the actions of Child and Family Services.

CFSA needs to invest in active and aggressive recruitment of therapeutic foster homes so that it has a pool of families with whom to place children. Children should be matched with families, so that there is at least a reasonable expectation that the placement will be effective. It should not take 4 to 6 weeks to put a child in a foster home.

Secondly, the lack of adequate support services. There is a disturbing punitive climate emerging in the agency that seems to view the child as the culprit in the abuse and neglect cases. Services are not readily available to counter the effects of abuse and neglect. Tutors are limited to 1 month of service with repeated requests for renewal. Little can be done in 1 month. Mentors are only available for 3 months at a time, with a need to justify renewal. The purpose of a mentor is to afford the child a meaningful relationship. To ter-

minate such a relationship in 3 months only serves to have the child experience yet another loss.

Teenagers are denied admission to independent living programs until they are 18, regardless of the need and the child's readiness at 16 or 17. Specialized evaluations and therapy are limited to whatever Medicaid will pay, regardless of the child's need or the availability of competent clinicians. GALs are frequently told by social workers to request a court order or the service will not be provided, thus making the court manage the case. There is no similar policy restricting services to parents, who immediately get referrals for therapy, parenting, anger management, drug treatment, and whatever else they may need.

CFSA needs to have a police that guarantees every child the services which the Court identifies as needed to counter the effects of abuse and neglect and prepare them more quickly for permanency or emancipation.

The preparation for emancipation. Most of the children who age out of foster care are young people whose problems or age have precluded adoption or whose family failed to improve sufficiently for them to return home. They have serious academic deficits, emotional problems, mental limitations, none of which are their fault. They lack self-confidence and self-help skills. They are immature and vulnerable. They are ill-prepared to jump into the mainstream of life.

CFSA discharges the children without secure housing, employment, or healthcare. This month alone I have had two children I represent age out at 21. One mildly retarded, emotionally disturbed youngster is currently homeless. The other, a teen mother of two, was given a list of city shelters to which to apply the day after her 21st birthday. There is no farewell, no emancipation celebration, no assurance that if you get stuck, you can come back for help, just a message that your case has been closed.

CFSA receives an allocation of Section 8 housing vouchers from the Federal Government that are carefully doled out to selected parents who have abused and neglected their children and who are seeking reunification. At the same time, CFSA sends its own young people, the victims of the abuse and neglect, out of the system at age 21 telling them where to find the nearest shelter. None of the vouchers in the hands of CFSA can be given to its own children for whom it has served as surrogate parent.

To make matters worse, CFSA is now proposing to reduce the age of emancipation of 18 instead of the current 21, because they claim that children do not appreciate the services offered. Very few children even of stable families are ready to leave home at 18. Intact, stable families send their children to college in the hopes that they will mature during those years. It is incredible to think that CFSA expects abused and neglected children, who have had very little nurturing and stability and who have too often bounced around the foster care system, are mature enough to manage on their own at age 18. All that is available to them is the street or a city shelter. Discharging these children at age 18 will force them to survive on the street, selling drugs or their bodies for enough money to buy food. This is not the way the District of Columbia should handle its children.

Current legislation which provides that these very vulnerable young people remain in care until age 21 is both humane and responsible and should not be altered as a means of balancing the budget. The decision as to whether a child is prepared for independent living prior to age 21 should continue to be left with the Family Court who has oversight of the case and should not be made as the result of an arbitrary and capricious policy based on finances.

CFSA needs to develop a policy and method of providing appropriate housing for children that emancipate from the system each year and not just send them to the city shelters to apply for TANF and food stamps. None of us would treat our own children that way. CFSA needs to design an integrated program of services staffed with persons who can engage young adults in meaningful activities and in which the young people are active participants in their own development. CFSA should create an after-care department to assist youngsters who spent their childhood in foster care and need a home to return to for occasional assistance during stressful times, especially as they try to get started on their own.

Finally, it is intriguing to hear CFSA boast about the reduction in staff turnover when workers continue to leave, cases remain uncovered or covered by a supervisor. Social workers continue to complain about high case loads, routinely put in for transfers to non-case carrying positions, or work late into the night to get reports to the Court on time. I spoke to a social worker yesterday at midnight who was still trying to finish a report for the Court today.

Cases are still counted as families without regard to the number of children in that family. Social workers are often responsible for up to 50 children at a time because of the way cases are counted, making it impossible to get to IEP meetings, treatment team meetings, or other significant events in the child's life. Cases have as many as three or more workers at a time and far more during the life of the case. A worker is assigned to the case on one day, the goal is changed to adoption, and the case is transferred to a recruitment worker. A family is recruited, and the case is transferred to an adoption worker. At the same time, a sibling goes to independent living and is assigned a teen services worker. Another sibling is placed with a contract agency and is given a different worker. I represent a set of twins, who each have different workers.

Such a practice precludes the formation of beneficial relationships.

Senator DEWINE. Twins who have different workers?

Ms. SCHNEIDERS. Pardon?

Senator DEWINE. Twins who have different workers?

Ms. SCHNEIDERS. Yes. One happens to be in residential treatment, and therefore gets a worker through that unit. And the other is in a foster home and has a worker with that unit. And no one knows who has case responsibility for that.

CFSA needs to develop a one case-one worker policy similar to the Court's one family-one judge system, with a maximum of 15 to 20 children per worker, regardless of the number of families. Social workers need to get to know the case so that services are not duplicated, facts are not lost, progress is not overlooked, goals are not

changed. And the continual reorganization of the agency is counter-productive in pursuit of this goal.

PREPARED STATEMENT

Success should be measured when children in the care of Child and Family Services Agency feel safe and protected, loved and cared for, and achieve permanence early or are prepared to face the world on their own at age 21, not when the statistics prove that numbers have gone up or down.

Thank you.

[The statement follows:]

PREPARED STATEMENT OF ANNE E. SCHNEIDERS, ESQ., LISW

Good morning, Senator DeWine, and all members of the Appropriations Committee.

My name is Anne Schneiders, and I come before you as the Chair and Founder of the Washington Chapter of the National Association of Counsel for Children, a national advocacy organization for children. I am a proud resident of the District of Columbia; a practicing attorney at D.C. Superior Court; and a clinical social worker licensed in the District of Columbia, Maryland and New York. I spent 25 years as a social worker and administrator in foster care before going to law school.

I am pleased to have this opportunity to address this Committee on the status of Child and Family Services from the perspective of one who must interface with this agency on behalf of abused and neglected children as a Guardian ad litem for almost 200 children over the years.

Dr. Olivia Golden has certainly brought an element of professionalism to the table, and her reports to you and other bodies reflect considerable progress and improvement. The reality, however, from my perspective, as an advocate for the children entrusted to CFSA and their families, is that while Dr. Golden is masterful at conceptualizing programs and services, policies and procedures, structures and organizations, she is so far removed from the daily delivery of services to the children and their families, that she is unaware that the concepts she espouses are not effectuated on the front lines. In this testimony I will address specific issues and provide some concrete examples of the difficulties those of us trying to represent children and families encounter in working with CFSA. This agency is still in dire need of improvement, and in spite of all the rhetoric about progress and improvement, much of it remains on paper and has not made it to the level of practice on a daily basis.

The rise and fall of statistics does not interest me, as numbers can say whatever you want them to say to make a point. My concern is the impact of policy decisions on children as too many children who have been "cared for" by CFSA leave the system angry, resentful and no better off than when they entered. Let me cite a few such policies:

DIVERSION OF REPORTS OF ABUSE AND NEGLECT

Advocates for children and families are very concerned with the apparent diversion of neglect and abuse cases away from the Superior Court's Family Court. Children must be represented by counsel to be adequately protected. During the year (2002), only about 900 neglect and abuse cases were petitioned, while in previous years between 1,700–1,900 per year were petitioned. We are under no illusion that community based services are this effective!! Children are being placed with D.C. family members in what are called "third party placements" in order to avoid the ICPC difficulties of placing children over State lines, without ascertaining the criminal and child abuse histories of these potential caretakers. While obtaining criminal and abuse clearances is sometimes a cumbersome process, it is essential to protect children from further abuse. In these cases, we welcome what CFSA refers to as "bureaucratic barriers" that serve to protect children.

*Recommendation*

—There should be an outside review of the reports of abuse and neglect that get diverted to community based services to determine the appropriateness of these referrals, and to see how many of them eventually come before the court in a more severe state than at the initial identification.

## LACK OF PROSECUTION

We are also very concerned that perpetrators of sexual abuse and physical abuse of children are not prosecuted in the District of Columbia. Most attorneys will tell you that none of the perpetrators of the abuse of children before the court have been prosecuted, yet we continue to make reunification the primary goal in abuse cases. While CFSA has taken all of the Corporation Counsel attorneys under its umbrella—and even into its building—there has been no significant improvement in the government's pursuit of justice for children. Recently, the mother in a case petitioned in 1999 for physical abuse was arrested. The children had already been removed, reunified, and have recently had to be removed again for repeated physical and emotional abuse. Had proper steps been taken to prosecute the initial criminal child abuse case, these children would not have been re-abused. Another severely retarded, cerebral palsy child was abused at home; brought into care; abused physically and sexually in group homes prior to placement in a foster home. None of these instances were pursued because he was deemed not a reliable witness. Again, over a 3-year period 3 children were removed from one parent. One child had been burned and shot; the third child was scalped at the age of 6 weeks. No one was ever prosecuted for these crimes because the victims were young! If these 3 cases are on my caseload, I am sure there are hundreds of others throughout the system.

*Recommendation*

—CFSA must be required to pursue justice for children and criminal prosecution of those who physically and sexually abuse children.

## PLACEMENT POLICIES

Children brought into the system are too often made to wait weeks or months before a placement is available. Young children still are retained at 400 6th Street overnight or until a placement is available. Children 14 and older are made to wait in group home facilities until a placement is identified. Many are then placed in whatever home has a vacancy regardless of the needs of the child or the expressed preference of the family. There is little matching of child to family. The result is a negative experience for both and the ultimate removal of the child. Some children are moved 2, 3, 4 times before finding an appropriate placement. This is true of both CFSA foster homes and the private agencies with whom CFSA contracts for services. Some children abscond from the group home before a foster home is located. Some act up to the point of requiring psychiatric hospitalization. Thus, the trauma of the abuse coupled with the trauma of removal from the birth parents are compounded 3- and 4-fold by the actions of Child and Family Services Agency.

As recently as last week a 15-year-old child who had spent a year in a group home requested a foster home in January, and the Judge ordered CFSA to identify a home for him. In March the matter was brought back to court because no referral had yet been made. When the Judge asked for an explanation, CFSA came up with a home—reportedly the only home available in the system. No match was made; the child never met the foster family. He was just placed in the home. It lasted less than a week before the child ran away. The child remains in the group home being told there is no other foster home in the system. He must just wait!

The same is true of the process for placing children in residential treatment programs. Last year I represented two 14-year-old children who spent extended periods of time in the Psychiatric Institute of Washington waiting for the process of identifying a residential treatment program to progress. These children wasted 2-3 months of their childhood sitting in a hospital waiting for meetings to be scheduled; papers to be exchanged; and transportation to be arranged before they could begin the treatment process.

*Recommendation*

—CFSA needs to invest in active and aggressive recruitment of therapeutic foster homes so that it has a pool of families with whom to place children. Children should be matched with families so that there is at least a reasonable expectation that the placement will be effective. It should not take 4-6 weeks to place a child in a foster home, nor 6-8 weeks for admission to a residential setting.

## LACK OF ADEQUATE SUPPORT SERVICES

There is a disturbing punitive climate emerging in the agency that seems to view the child as the culprit in abuse and neglect cases. Services are not readily available to counter the effects of abuse and neglect.

—Tutors are limited to 1 month of service with repeated requests for renewal. Little tutoring can be effective in 1 month. The request for renewal on a monthly

basis is a serious waste of time on the part of social workers. Judges need to order such simple services as tutoring to be sure that this service is not interrupted, and re-started with a new tutor. Children cannot adjust that readily to new faces and styles of teaching.

- Mentors are only available for 3 months at a time with the need to justify renewal for longer periods. The purpose of a mentor is to afford the child a meaningful relationship. To terminate such a relationship in 3 months only serves to have the child experience yet another loss. CFSA has contracts with various firms who pay the mentors for the time invested in the child. Because of this expense, they limit the time given to any child to 12 hours/month with the maximum amount, if justified, to 24 hours/month. This time includes transportation to and from the child's place of residence. Volunteers for Abused and Neglected Children (formerly CASA) have trained volunteers who do not get paid. All CFSA has to do is enter into a contract for administrative services, but has failed to do so. It is difficult to understand the rationale for this decision.
- Teenagers are denied admission to independent living programs until they are 18 regardless of the need and the child's readiness at 16 or 17. This leaves some children in inappropriate settings waiting for the magical age of 18 for admission to an appropriate program. No one has yet explained the rationale for this decision.
- Specialized evaluations and therapy are limited to whatever medicaid will pay for regardless of the child's need or the availability of competent clinicians. Every child removed from the birth parent is traumatized by this event, or those leading up to removal. Too often the multiple moves of CFSA from shelter care to multiple foster homes only compounds the emotional stress these children experience. The inability to secure specialized forms of therapy is serious. Young children require therapy to deal with sexual trauma, physical abuse, attachment disorders, and depression, while adolescents become angry, defiant, aggressive and act out sexually or use drugs. Identifying quality mental health care for these children is extremely difficult given CFSA's policy that only providers who take medicaid can be used unless there is a court order for a specific type of therapy or therapist. This process is lengthy and delays by weeks or months the initiation of therapy for very troubled children and often puts both home and school in jeopardy. Payment to vendors, while better than previously, continues to be problematic and keeps the pool of available clinicians limited. This is one of the most serious shortcomings of CFSA given the fact that virtually every child in care needs therapy.

GAL's are frequently told by social workers to request a court order or the service will not be provided, thus making the court manage the case. There is no similar policy restricting services to parents who immediately get referrals for therapy, parenting, anger management programs, drug treatment, and whatever else they need, regardless of whether they take advantage of it or not.

The same problem exists for other evaluations and therapies ordered by the court—i.e. psychiatric and psychological evaluations of both children and parents. The one place where it was possible to get top quality, comprehensive evaluations of children and their parents was the Youth Forensic Services. This agency, however, has been virtually dismantled by the Commission on Mental Health so that Youth Forensics now has no psychiatrist, 2 psychologists one of whom is unlicensed, and 3 social workers.

#### *Recommendations*

- CFSA needs to have a policy that guarantees every child the services which the court identifies as needed to counter the effects of abuse and neglect, and prepare them more quickly for permanency or emancipation. There needs to be an identified roster of qualified clinicians who can be accessed readily so as not to delay the initiation of therapy for traumatized children. Adoption is often delayed because a child has not been provided therapy, mentoring, tutoring or other needed services to counter the negative effects of prior physical/sexual abuse or severe neglect.
- Some oversight committee needs to revisit the logic of dismantling Youth Forensic Services which was one of the best resources available to CFSA. There is no comparable service available in the District of Columbia which understands the needs of the court; the type of comprehensive evaluations needed; and the impact of court decisions on children and families.

#### PREPARATION FOR EMANCIPATION

Most of the children who "age out" of foster care are young people whose problems or age have precluded adoption, or whose family failed to improve sufficiently for

them to return home. They have serious academic deficits, emotional problems, mental limitations, none of which are their fault. They lack self confidence and self-help skills. They are immature and very vulnerable. They are ill prepared to jump into the mainstream of life.

CFSA discharges these children without secure housing, employment, or health care. This month alone I have had two children I represent age out at 21. One mildly retarded, emotionally disturbed youngster is currently homeless; the other, a teen mother of two was given a list of city shelters to which to apply the day after her 21st birthday. There is no farewell; no emancipation celebration; no assurance that if you get stuck you can come ask for help; just a message that "Your case is now closed." Adoptive families are assured of post-adoption services; teens are given no such assurance.

CFSA receives an allocation of Section 8 vouchers from the Federal Government that are carefully doled out to selected parents who have abused or neglected their children and who are seeking reunification. At the same time, CFSA sends its own young people, the victims of the abuse or neglect, out of the system at age 21 by telling them where to find the nearest shelter. None of the vouchers in the hands of CFSA can be given to its own children for whom it has served as surrogate parent.

To make matters worse, CFSA is now proposing to reduce the age of emancipation to 18 instead of the current age of 21 because they claim the children don't appreciate the services offered. Very few children even of stable families are ready to leave home at age 18. Intact, stable families send their children to college in the hopes that they will mature during those 4 years. It is incredible to think that CFSA expects abused and neglected children, who have had very little nurturance and stability, and who have too often bounced around the foster care system are mature enough to manage on their own at age 18. All that is available to them is the street or a city shelter. Discharging these children at age 18 will force them to "survive" on the street selling drugs or their bodies for enough money to buy food. This is not the way the District of Columbia should handle its children.

#### *Recommendations*

- Current D.C. legislation which provides that these very vulnerable young people remain in care until age 21 is both humane and responsible and should not be altered as a means of balancing the budget. The decision as to whether a child is prepared for independent living prior to age 21 should continue to be left with the Family Court judge who has oversight of the case, and should not be made as the result of an arbitrary and capricious policy based on finances.
- CFSA needs to develop a policy and method of providing appropriate housing for the children that emancipate from the system each year, and not just send them to city shelters, and to apply for TANF and food stamps. None of us would treat our own children in this manner!
- CFSA needs to design an integrated program of services, staffed with persons who can engage young adults in meaningful activities and in which the young people are active participants in their own development.
- CFSA should create an after-care department to assist youngsters who spent their childhood in foster care and need a "home" to return to for occasional assistance during stressful times, especially as they try to get started on their own.

#### STAFF RETENTION AND ASSIGNMENT

It is intriguing to hear CFSA boast about the reduction in staff turnover, when workers continue to leave; cases remain uncovered or "covered" by a supervisor. Social workers continue to complain about the high caseloads; routinely put in for transfers to non-case carrying positions; or work late into the night to get reports to the court on time. Cases are still counted as "families" without regard for the number of children in that family. Social workers are often responsible for up to 50 children at a time, making it impossible to get to IEP meetings, treatment team meetings, or other significant events in a child's life.

Cases have as many as 3 or more workers at a time and far more during the life of the case. A worker is assigned to a case on one day; then the goal is changed to adoption and the case is transferred to a "recruitment" worker; a family is recruited and the case is transferred to an "adoption" worker. At the same time a sibling goes to independent living and is assigned a "teen services" worker; another sibling is placed in a contract agency and is given a different worker. I represent a set of twins who each have different workers. Such a practice precludes the formation of beneficial relationships that support the family and children—and delay progress.



*Recommendation*

—CFSA needs to develop a “one case/one worker” policy similar to the court’s “one family/one judge” system, with a maximum of 15–20 children per worker regardless of the number of families. Social workers need to get to know the case so that services are not duplicated, facts lost, progress overlooked. The continual “re-organizing” of the agency is counter productive.

Success should be measured when children in the care of Child and Family Services Agency feel safe and protected, loved and cared for, and achieve permanence early or are prepared to face the world on their own at age 21.

I thank you for this opportunity and look forward to improved relationships between CFSA and the community.

Senator DEWINE. Thank you very much. Very interesting.

Ms. Meltzer.

**STATEMENT OF JUDITH W. MELTZER, DEPUTY DIRECTOR, CENTER FOR THE STUDY OF SOCIAL POLICY, AND COURT-APPOINTED MONITOR, CHILD AND FAMILY SERVICES AGENCY**

Ms. MELTZER. Thank you. Good morning, Senator DeWine, Senator Landrieu. Thank you for this opportunity to testify and for your continuing leadership.

I am Judith Meltzer, Deputy Director of the Center for the Study of Social Policy, which is the court-appointed monitor to U.S. District Court Judge Thomas Hogan for the *LaShawn A. v. Williams* lawsuit.

The *LaShawn* modified order is a comprehensive decree dating to 1994, mandating comprehensive reform of the District’s child welfare system. The Center is the monitor with responsibility for development of implementation plans and for ongoing assessment of the District’s progress.

The recent history of *LaShawn* begins with the termination of the receivership in June 2001 and the launching of a probationary period. The probationary period was to end only when the District demonstrated sufficient progress on a series of very incremental benchmarked performance standards. The District did that. Attached to this testimony is a copy of our report of September 30, 2002, which was based on an independent review last summer of over 1,000 CFSA case records.

In doing that review, we looked at both the automated records on the FACES information system, as well as paper records for every case, because you could not rely on the automated system to get complete information. We did find that the District met 75 percent of the targets, which was the basis for recommending a termination of the probationary period.

This is an accomplishment, and a significant one for the District. And I do not want to underestimate it. But I also want you to know that it does not mean that the District’s child welfare system is consistently functioning at an acceptable level of performance or that the District achieved compliance with the *LaShawn* Order.

I want to emphasize this in response to your earlier remarks, Chairman DeWine. The probationary standards were set as very incremental markers to demonstrate that the city had the capacity to administer this agency. In other words, the end of probation gives the responsibility for administration back to the District of Columbia from the U.S. District Court. And that was really the question that was resolved by the termination of the probationary period. We are now at a point of developing the implementation

plan for going forward, because the Court has determined that the administration can continue to make progress on these standards.

As Court Monitor, I am currently responsible for the development of this implementation plan in collaboration with the parties. The Implementation Plan is designed to address the deficiencies we found, the deficiencies found by GAO, and the deficiencies identified by the field and by advocates such as Ms. Schneiders.

Since January, Dr. Golden and her staff, the Office of Corporation Counsel of the Mayor's office, plaintiffs and I have been working intensively to reach consensus on a plan. That discussion is near completion—and I will be submitting a plan to the Court by mid-April. The implementation will set ambitious yet, I believe, feasible targets between now and December 2006 for District performance. Among the most important are continued improvement in the timeliness and quality of investigations of child abuse and neglect; high-quality social work and supervisory practice related to assessment, case planning and supervision of placement; wider availability of community-based supports; enhanced service provision; increased visits by social workers; an expanded range of high-quality family placement options in the District; reliable and accessible supports for foster parents; consistent access to mental health services, substance abuse services, and comprehensive medical, psychological and educational services; and permanent homes for the 1,110 children currently in the foster care system with a permanency goal of adoption.

The implementation plan also requires steady and measurable improvement in several key infrastructure areas, including aggressive hiring of social workers. This job cannot be done unless there are enough social workers who are well trained to do it. The Plan also requires implementation of a high-quality training program for CFSA staff and for private agency workers; revamping contract policies and procedures to establish clear and enforceable performance expectations; full implementation and enforcement of the new licensing standards for foster homes, group homes, and independent living facilities; revamping the agency's administrative case review system; continued work with the new Family Court to achieve AFSA timelines and outcomes, and completion of work on the automated information system, FACES, so that the agency has access to timely, accurate, and complete data on the children and families it serves.

I believe that the Implementation Plan, with its ambitious yet sequenced targets, can be successfully completed. And my optimism is in part based on the excellent leadership that has been provided in the last 2 years by the Mayor, Dr. Golden, and her staff.

In addition to a degree that far exceeds anything that I witnessed in the prior history of *LaShawn*, the child welfare agency is finally working constructively with other agencies in the District Government, including the Mental Health Agency. Also Superior Court, under the leadership of Judge Rufus King and presiding Judge Lee Satterfield, is working collaboratively and constructively with the child welfare agency.

There are five actions that the subcommittee can take to help accelerate positive change. I will list them only now, although my written testimony provides some additional detail.

First, I think the Congress can provide incentives for the creation of a qualified and stable workforce, either through educational stipends or loan forgiveness programs and through expanding the applicability of Title IV-E training reimbursement to private agency workers, court staff, and other public agency partners.

Second, I think there can be additional financial support for targeted prevention efforts that will allow the District to expand the provision of comprehensive neighborhood-based services to families at risk of entering the child welfare system.

Third, I believe there should be targeted efforts to achieve permanency for the 1,110 children in the foster care system who have a permanency goal of adoption. This is one-third of the current caseload.

Fourth, I think there can be assistance for the development of additional foster and adoptive families within the District of Columbia, including foster families for children who are entering the system without exceptional needs, as well as those who have severe behavioral and therapeutic needs.

Fifth, there needs to be intensive efforts to create assets and supports for those leaving the foster care system, as Ms. Schneiders has just testified to. There are currently 1,028 youths over the age of 14 in the foster care system. Again, that is almost a third of the caseload. And it is a higher proportion of older children than other systems. This reflects, I think, the many years in which the system did not move children to permanency in a timely fashion. But much more has to be done to provide these children with the supports they need, so that when they exit the foster care system, they can lead healthy and independent lives.

#### PREPARED STATEMENT

Members of the subcommittee, I want to conclude by emphasizing the importance of continuing support for the work of the District's child welfare system. I know it is frustrating. It has been extremely frustrating for me. It is frustrating for everybody that this reform has taken so long. But this is a multi-year effort. The Implementation Plan that the Court will order will chart ambitious steps for finally bringing the District's child welfare agency to an acceptable level of performance. This requires changes in practice, policy, and structure, as well as additional resources.

With our continued efforts and shared commitment, I look forward to a day in the not-too-distant future when we can celebrate full compliance with *LaShawn* order and the end of Federal Court oversight of the system.

Thank you.

[The statement follows:]

#### PREPARED STATEMENT OF JUDITH W. MELTZER

Senator DeWine and other distinguished members of the Subcommittee, thank you for the opportunity to testify this morning about the progress of the District of Columbia's Child and Family Services Agency (CFSA). I am Judith Meltzer, Deputy Director of the Center for the Study of Social Policy. I serve as the Court-appointed Monitor to U.S. District Court Judge Thomas Hogan for the *LaShawn A. v. Williams* lawsuit. The *LaShawn* Modified Order is a comprehensive decree, dating to 1994. The Order includes expectations for child welfare performance in the District across the full range of programmatic and administrative functions that are necessary to achieve the safety, permanency and well-being of children who are at risk

of and experience child abuse and neglect. The *LaShawn* Order appointed the Center for the Study of Social Policy as the independent Court Monitor with responsibility for the development of implementation plans and for the ongoing assessment of the District's progress in complying with the Federal court orders.

The recent history of *LaShawn* begins with the leadership of Mayor Anthony Williams and the establishment of the Child and Family Services Agency in June 2001, with Dr. Olivia Golden as its Director. On that date, the Federal court terminated the Receivership of the District's child welfare system and launched a probationary period, which would end only when the District demonstrated sufficient progress on a series of 20 benchmarked performance standards. The District was to achieve agreed-upon performance targets for 75 percent of the standards by October 31, 2001, which was later extended to May 31, 2002. The standards were designed as incremental measures of progress and covered, among other things, the timeliness of investigations of abuse and neglect; the development of current case plans for family services cases and children in foster care; reducing the number of children in emergency and congregate care; increasing the numbers of children adopted; and improving the appropriateness and stability of foster care placement for children in the District's custody. Attached to this testimony is a copy of my report to the Court dated September 30, 2002, on the District's progress in meeting the Probationary Period Performance Standards based on our review last summer of over 1,000 case records. The District met performance targets for 75 percent of the standards and, based on those results, I was able to recommend that the probationary period be terminated. On January 7, 2003, U.S. District Court Judge Hogan formally terminated the probationary period, thus ending the Federal court Receivership of the District's child welfare agency, although Federal court oversight under *LaShawn* remains in place.

The ending of the Receivership reflects real improvement in the system and is a significant and positive accomplishment for the District of Columbia. It does not, however, mean that the District's child welfare system is consistently functioning at an acceptable performance level or that the District has achieved compliance with the *LaShawn* Order. This Subcommittee hearing comes at a very important time for the Child and Family Services Agency as it works to create a child welfare system that meets not only the Court's expectations for performance, but more importantly a system that meets the expectations of the citizens of the District of Columbia.

As Court Monitor, I am currently responsible for the development, in collaboration with the parties, of a binding Implementation Plan that identifies the steps and tasks necessary to achieve compliance, the timelines for task accomplishment and the resources (including staff, personnel, contracts and other resources) necessary for implementation. This Implementation Plan is to be submitted to the Court and will become an enforceable order of the Federal court under the *LaShawn* Order. The expectations of the *LaShawn* Order and the Implementation Plan are consistent with the District's efforts to comply with the Federal and District Adoption and Safe Families Act (ASFA) and with community and professional standards of acceptable child welfare practice.

Since January, I have been working intensively and constructively with Dr. Golden and her staff, the Office of Corporation Counsel, Grace Lopes from the Mayor's Office and representatives from plaintiffs (Children's Rights, Inc.), to reach consensus on an Implementation Plan. Our negotiations ended last week and I expect to make final decisions and submit an Implementation Plan to the Court by no later than April 15th. At that time, I will be glad to submit the proposed Plan to this Subcommittee for inclusion in the record of this hearing.

The Implementation Plan will set ambitious, yet I believe, feasible targets between now and December 2006 for District performance across the spectrum of child welfare practices and services. Among the most important are:

- Continued improvement in the timeliness and quality of investigations of child abuse and neglect.
- High quality social work and supervisory practice with children and families in the areas of assessment case planning, and supervision of placement.
- Wider availability of community-based supports for families to prevent children and families from entering the child welfare system.
- Enhanced services provision so that children will enter foster care placement only when their own families cannot be assisted to provide them with safe and stable homes.
- Increased visits by social workers to children in placement and to families with children at home with current child protective services cases.
- Development of an expanded range of high quality family placement options in the District of Columbia to continue progress to reduce the numbers of children,

especially young children, who are cared for in group settings. The Implementation Plan will most likely include a provision that requires the District to end any overnight placement in its in-house Intake Center by June 2003 and to have fewer than 50 children under age 12 in congregate settings by December 31, 2004.

- Providing reliable and accessible foster parent supports so that placement disruptions decline and children experience fewer placement moves while they are in foster care.
- Consistent access to resources that children and families need, especially mental health services, substance abuse services and comprehensive medical, psychological and educational services.
- Locating adoptive families or permanent kinship families for the 1,100 children in foster care with a permanency goal of adoption, and completing the necessary adoption subsidy/guardianship agreements and other legal actions to provide these children permanent homes.

In order to achieve the programmatic and practice goals that I listed, the Implementation Plan also requires steady and measurable improvement in several key infrastructure areas, including:

- Aggressive hiring of social workers through improved recruitment and retention strategies leading to rapidly declining caseloads for all workers. The Implementation Plan is anticipated to require complete achievement of *LaShawn* caseload standards for workers and supervisors by the end of 2004.
- Implementation of a high quality training program for CFSA staff and private agency workers that is geared to improving practice skills and achieving defined practice competencies.
- Revamping the contract policies and procedures to establish clear and enforceable expectations for performance by private agencies related to achieving safety, permanency and well-being outcomes for children.
- Full implementation of new licensing standards for foster homes, group homes and independent living facilities and consistent and effective enforcement of licensing standards.
- Revamping the Agency's administrative case review system to provide consistent and meaningful review of case progress and achievement of permanency goals.
- Continued work with the new Family Court to make sure that the entire system works together to achieve ASFA permanency expectations and timelines.
- Implementation of comprehensive quality assurance processes, including routine case and supervisory reviews, special incident reviews, external fatality reviews and quantitative/qualitative assessment of case process and outcomes.
- Completion of work on CFSA's automated management information system (FACES) so that the Agency has access to timely, accurate and complete data on the children and families it serves.

In making decisions about the Implementation Plan, I have worked with the District and the plaintiffs to achieve a balance between the urgent needs of children and families and the desire to quickly produce results, with the District government's appropriate concern about successfully sequencing and managing multiple and demanding requirements for change. I believe that the Implementation Plan, with its ambitious yet sequenced performance targets, can be successfully completed. My optimism is, in part, based on the excellent leadership provided by Dr. Golden and the hard working CFSA staff. Dr. Golden has assembled an enthusiastic team of competent child welfare professionals and has mobilized the diverse talents of many staff within the Agency and from a broad range of private agency and community partners. In addition, to a degree that far exceeds anything I have witnessed in the prior history of *LaShawn*, the child welfare agency is working constructively with other agencies in the District government, most importantly, the Department of Mental Health, the Office of Corporation Counsel, and the Metropolitan Police Department. This collaborative effort is greatly enhanced by the support of the Mayor. Finally, the Superior Court, under the leadership of Chief Judge Rufus King and Presiding Judge Lee Satterfield, is working with the child welfare agency to ensure children's safety and to provide meaningful and timely judicial review of children's progress toward permanency. The serious difficulties of providing appropriate services, supports and stable living situations for children remain, but I believe there is an improved level of trust and commitment from the various parts of the system to work together in new ways to solve these complex problems.

There are five actions that the Subcommittee can take to help accelerate positive change. They include:

- 1. Provide incentives for the creation of a qualified and stable workforce.*—This can be done in two ways: first, provide financial incentives for recruitment and

retention of social workers through loan forgiveness, new stipends or loans for education in return for defined, time-limited commitments to child welfare work in the District; and second, by provide additional funding, either through extending the applicability of Title IV-E training reimbursement or through other means, to provide intensive skill building and family-centered practice training for workers in the public child welfare agency and for staff in private provider agencies and partner agencies, such as mental health, substance abuse, and the Courts.

- 2. *Provide additional financial support for targeted prevention efforts that would allow the District to expand the provision of comprehensive neighborhood-based services to families at risk of entering the child welfare system.*—For the past 2 years, the District was able to use TANF funds to support services provided by the eight Healthy Families, Thriving Communities Collaboratives, including their innovative use of Family Team Decision Making, which bring family, extended family and community supports together with public agency workers to develop and implement plans of care to ensure safety and permanency for children. In fiscal year 2004, the District will have to use local funds to replace the TANF resources for this work and currently does not have additional funding available for any expansion of these important efforts.
- 3. *Support targeted efforts to achieve permanency for the 1,100 children in foster care who have a permanency goal of adoption.*—This can be done in one of several ways: first, providing fiscal incentives for achieving permanency through adoption or subsidized guardianship for children currently in foster care. Bonus funds could be available for specialized recruitment for sibling groups, young teens and/or children with individualized needs, or to pay for additional services and supports to allow a foster family or kin provider to securely commit to adoption or permanent guardianship. Second, funds could be provided to allow the District child welfare agency to enter into contracts with private child placing agencies to engage in child-specific recruitment and placement with families for currently waiting children.
- 4. *Assist with the development of foster and adoptive families within the District of Columbia.*—One of the barriers to District families wishing to become licensed foster parents is the presence of lead paint in much of the District's older housing stock. Some potential families cannot be approved as foster parents or kin providers until they secure lead paint abatement, which is frequently beyond their financial means. Funding to pay for lead paint abatement for these District families, who are otherwise qualified to be licensed foster or kinship homes or approved adoptive families, could be made available.
- 5. *Support intensive efforts to create assets and supports for youth leaving foster care.*—As of December 31, 2002, one-third of the children in foster care (1,028 children) were age 14 and over. The District has a higher percentage of older children in its foster care system than nationally, in part reflecting the many years in which the District failed to make timely decisions on permanency for children. Despite current efforts, many of these older children will not achieve permanency before they leave the foster care system, and much more needs to be done to ensure that they are equipped to survive as independent adults when they do leave. Congress could help by providing additional support for educational stipends, work experience and career coaching for these children; for additional mental health and substance abuse services; for assistance with housing when they leave foster care and for the creation of Individual Development Accounts (IDA's) that would allow teens in foster care to build assets.

Members of the Subcommittee, I conclude by emphasizing the importance of continuing support for the work of the District's child welfare agency. The Implementation Plan that the Court will order will chart ambitious steps for finally bringing the District's child welfare agency to an acceptable level of performance. This will require changes in practice, policy and structure as well as additional resources. Achieving the desired results also will require clarity and tenacity about accountability and consistent review of performance data to measure progress and take corrective action. As external Monitor, the Center for the Study of Social Policy will prepare periodic progress reports for the Court, the District government, the Congress and the public, and we will work with the Agency to improve their internal quality assurance and results monitoring. With our continued efforts and shared commitment, I look forward to a day, in the not too distant future, when we will celebrate full compliance with the *LaShawn* Order and the end of Federal court oversight of the District of Columbia child welfare system.

Thank you and I will be pleased to take questions.

Senator DEWINE. Thank you all very much.

Let me start, Dr. Golden, I saw sometimes you nodding your head yes and sometimes you nodding your head no. And so maybe we should start with clarifying for the record how much of the GAO report you agree with and what you do not agree with.

Dr. GOLDEN. Well, we have talked at great length. And I really appreciate—

Senator DEWINE. I want to get that on the record, though, so we all know here—

Dr. GOLDEN. Okay.

Senator DEWINE [continuing]. How much of the GAO report is in dispute. And I know we do not have the final report.

Dr. GOLDEN. Right.

Senator DEWINE. But I would like to know, at least going into the report, how much do you think is not correct—

Dr. GOLDEN. I really—

Senator DEWINE [continuing]. And which is correct.

Dr. GOLDEN. Sure.

Senator DEWINE. And then we can go and argue about what it means.

Dr. GOLDEN. Well, I have not seen a late draft. It sounds to me as though most of the issues about which we discussed, the methodology, have been addressed. I think that the one set of things that would be worth our talking about more is that some of the GAO information is historical information; that is, in a number of areas, because they looked at a sample of cases in the fall of 2002, that entered the system anywhere from 1998 on, some of the information is historical. And that is very valuable to us, because it tells us where we came from. But it is different currently. And as we have been working it through with GAO, we have been discussing that.

Senator DEWINE. I do not know what you mean.

Dr. GOLDEN. Excuse me?

Senator DEWINE. I do not know what you are talking about.

Dr. GOLDEN. Okay. Shall I give you what—

Senator DEWINE. Yes.

Dr. GOLDEN. Okay.

Senator DEWINE. Explain it to a lay person who is not in the system.

Dr. GOLDEN. Okay.

Senator DEWINE. I do not do this every day. What does it mean?

Dr. GOLDEN. Sure. Sure.

Senator DEWINE. What do you mean, historical?

Dr. GOLDEN. Well, remember that FACES was created in 2000. The receivership ended in 2001. And the system was unified, meaning that CFSA had responsibility for all cases in about October of 2001. So the system changed very dramatically over those years.

Senator DEWINE. All right.

Dr. GOLDEN. What—for a number of GAO's findings, for example, case plans submitted in the first 30 days, which is an area where we know we need to do lots of work—

Senator DEWINE. All right.

Dr. GOLDEN [continuing]. As I understand it, the methodology was to look at cases in the fall of 2002, and then go back and look at whenever they came into the system, whether many years ago

or recently. And for me, as I think about—I am very eager to use all the information GAO has in our reform plans. For me, that is a different piece of information, because that is about how cases were investigated versus the information they have provided me that is more current.

So when I am providing you and the Court with information, I am focusing a lot on the change, where things were in 2001, when we had a deeply fragmented system, and what has changed. And some of GAO's information is about that, and some of it is longer ago.

Senator DEWINE. Okay. But these kids are still in the system, though.

Dr. GOLDEN. That is right.

Senator DEWINE. These are not kids that are gone.

Dr. GOLDEN. That is right.

Senator DEWINE. I mean, let us make sure we understand. When I think historic, when I heard you say historic, I thought you meant a kid that was gone, in other words, a kid that was, you know, 22 and out of the system and we are not worried about anymore. But we are still worrying about these kids.

Dr. GOLDEN. Right. And we are still trying to improve our practices.

Senator DEWINE. Okay.

Dr. GOLDEN. And so some of the GAO information tells me about my caseworkers' practices now.

Senator DEWINE. So this is not ancient history.

Dr. GOLDEN. That is right.

Senator DEWINE. These are still kids. And we are still worrying about them. And we still have a responsibility for them.

Dr. GOLDEN. And we are focusing really intently on changing how we serve those children.

Senator DEWINE. Okay. And the fact is, what about the statistic that 70 percent of the current cases are not in the system? Now what about that statistic?

Dr. GOLDEN. I believe—

Senator DEWINE. That kind of grabs you.

Dr. GOLDEN. Right. And that—

Senator DEWINE. Is that right or wrong?

Dr. GOLDEN. It is wrong stated as you stated it. I do not think GAO would state it that way.

Senator DEWINE. Okay. State it correctly then. I am wrong. Tell me how I should state it.

Dr. GOLDEN. Okay. Right now we know where all of our children are and who they are. We know a whole lot of other information about them. For those children currently in our caseload who came into care before FACES or who came into care through the Metropolitan Police Department before we were doing it, there is information about their early months that exists in a hard copy case file but is not in our system.

Senator DEWINE. Okay. GAO—

Dr. GOLDEN. Is that right?

Senator DEWINE [continuing]. How would you say it? I want to get it right now.



Ms. ASHBY. Okay. I think that is true. And I think perhaps the issue is the significance of that. It is true that in some of the analyses we did, we—in fact, what we did is look at active cases in November of 2002, because that is at the point we were doing our field work. And we took cases that were at least 6 months old at that point. And we tried to determine certain things about those cases.

In some instances, the particular things we were looking at, particularly with regard to initial investigations, safety assessments and so forth, we could not get that information consistently from the automated system, although it should have been there. And even in some cases where these cases were initiated after FACES went online, the information was missing.

Senator DEWINE. Which is pretty shocking.

Ms. ASHBY. It is surprising. And in not just a few—

Senator DEWINE. I mean, that is surprising.

Ms. ASHBY. Not just a few cases.

Senator DEWINE. I mean, if the case started after the system started, you really do not have any excuse for not having it in then, it seems to me.

Ms. ASHBY. Right. About half, in some cases. In some instances, for specific pieces of information, specific data elements or fields, the information was missing for up to half of the cases.

Dr. GOLDEN. If it would be helpful to offer some examples of those fields and the timing, because one of the things that I know, Senator DeWine, it may be important to you to know is how do we compare to other operational information systems around the country, and what is it that means that we are getting an award or we are in the top half, giving that we are missing some fields.

And just to give you a couple of examples, because with an information system it always takes time over the years, some of the big changes, when I came in 2 years ago, even though FACES was operational, we did not have good data entry. We did not know which cases went with which workers. We did not know how to count worker caseloads. We did not know which homes were licensed. We were not easily tracking worker visitation. And we did not have good information on court hearings.

Today we have good information on all those things currently. Some of them are really recent. The court hearing information, we just got our automated feed from the Court 3 weeks ago. So over this 2-year period what we have been doing is improving the implementation bit by bit. And I think the reason our FACES system is getting that national award is partly about where we have gotten to now.

I absolutely agree that if you look at where we were a couple of years ago, there is a lot of improvement that we have had to do.

Ms. ASHBY. Well, I would agree there has been improvement. And I would also suspect that if you only looked at the last year, for example, the numbers would look better. But of course, what we were asked to do was, for current cases, to look to see what the status of things were. And to only look at the last year where there have been improvements would not be a correct picture either.

With respect to the data itself and the data, or elements within the data, for children who entered the system prior to October 1999

when FACES went online, much of that information could still be relevant. These are active cases. And if you do not know the history, or you cannot readily obtain the history—I will not say you cannot know it, because there are case files, although we and perhaps others would like to address this as well. We found problems with the case files as well. Those are not complete either.

But much of the data, or some of the data, with respect to currently active cases, if that information is not readily available to the current caseworker, then that worker does not necessarily know what has gone on in terms of prior services to that child or that family. Perhaps there has been medical interventions that may be lost. It is much more—it is much more difficult to use paper case files than it is to use an automated system. I mean, that is the difference between the first half of the 20th century and the 21st century. Certainly an automated system is what you need. With an automated system you can do various analyses that you cannot do otherwise.

For example, it was mentioned the possibility of not knowing where a child is, if a child might be in Maryland, in a foster home in Maryland, and the system might not know it. Well, unless you have a name or an I.D. number to go to a case file, you really could not find that out. In an automated system, perhaps you could do a search, and you could locate the child. So I think it is the significance that we are disagreeing on in terms of that earlier data.

Dr. GOLDEN. And I think it is a challenge in all the systems around the country. Because all the SACWIS systems have been—I mean, ours is one of the newer ones, so we are pleased about where are, given when it was implemented. But only 21 States have them operational. We are one of those.

So for all the States that either are as new as we are or even newer, they do—everybody faces that challenge of whether, when you are looking at something several years back, that social worker is going to work from the hard copy record and focus their data entry on current or look back.

Senator DEWINE. Let me just ask a simple question. And again, I am kind of an outsider here. Obviously, I am an outsider. But how long would it take to enter all just the current data? You do not have any intention of entering the current data. I mean, that is what you are telling me.

Dr. GOLDEN. I am sorry, Senator. I think we do have the current data. I am not understanding.

Senator DEWINE. Well, that is not—I am sorry. That is not what Ms. Ashby just told me. She said she has found cases where you do not have the current data in there.

Dr. GOLDEN. Well—

Senator DEWINE. She said she found a case where you did not have the current data in there.

Ms. ASHBY. And I think we need to define current.

Senator DEWINE. Well, current, what you told me is after the system came up—

Ms. ASHBY. That is correct.

Senator DEWINE [continuing]. Online, you found cases where all the data was not in there.

Ms. ASHBY. That is correct.

Senator DEWINE. That is current to me.

Dr. GOLDEN. Well, we—

Senator DEWINE. I draw the line when the system came into effect.

Dr. GOLDEN. Right. Well, let me give you a couple of examples. And they would probably be ones we would work on. One example of data that would not be in there even for a few months ago would be full and complete data from the Court about hearings. Because we are very excited. We worked out with the Court how to get that feed from them. And so that automated data we would not have been complete until we got it started.

In some cases, we do go back. In other cases, we work from paper records and focus on current.

Another example would be visits, where we have done a huge amount of work in the past few months, because we are managing visits very much every week. We are focusing on that. And there it is a matter, both with our social workers internally and with our contracted agencies, focusing a lot of training on getting that into the system.

There is a tradeoff for those social workers, both in our agency and in the contracted agencies, about being up to date versus going back and trying to transfer information from their paper records for the past. We usually focus on what we think is most urgent for improving our practice for children. But there is often a tradeoff.

And I think, again, other jurisdictions that have SACWIS systems may not have as many elements as we do current or some may have more, some may have fewer. Everybody is making a judgment call on how much you can effectively use the automated system.

Senator DEWINE. Okay. I think I have beat this enough. I am going to turn to Senator Landrieu. I am going to come back. I have a lot of questions.

Senator LANDRIEU. Thank you, Mr. Chairman. I can sense your frustration. And I share some of that, because we do want to just try to be as clear as we can, so that we can push forward these reforms and continue to try to be supportive.

Let me start with a bigger picture. Could somebody, maybe Ms. Golden, clarify for us the universe of children we are talking about today? I have read your statement, and it is just not clear to me. And maybe I am not reading it correctly. But we are talking about 3,119 children currently in placement, plus 2,301 children in families.

Dr. GOLDEN. Those are end of 2002 point-in-time numbers. They are pretty—they have been pretty stable. That is right.

Senator LANDRIEU. Well, I just want to clarify that if I add those two numbers, that is all the children we are talking about. That is it, the total?

Dr. GOLDEN. Well, the other—that is the number at any given point. It is the number of children in placement and the number of families we are supervising in their homes. That is right. Every month we get about—

Senator LANDRIEU. Okay. So just—I do not—

Dr. GOLDEN. I apologize.

Senator LANDRIEU. I just need a number. What is the number? It is 31 plus 23 is 54, approximately 5,400.

Dr. GOLDEN. The number of cases. That is right.

Senator LANDRIEU. 5,400 cases.

Dr. GOLDEN. That is right.

Senator LANDRIEU. Now that would be multiple children per case?

Dr. GOLDEN. The way that—

Senator LANDRIEU. Yes or no?

Dr. GOLDEN. In the families, family cases, we count the family, when children are at home. But when children are in placement, we count every child.

Senator LANDRIEU. I am just trying to get a number. I am just trying to get a number of the children that we are talking about.

Dr. GOLDEN. Yes.

Senator LANDRIEU. So give me an estimate, or a real number. If it is 5,400 cases, how many children would you say that we are monitoring, either monitoring because they are in an out-of-home paid placement or monitoring children that are still in their families—

Dr. GOLDEN. Right.

Senator LANDRIEU [continuing]. But are being monitored because of abuse and neglect allegations?

Dr. GOLDEN. As you said, Senator, it is about—

Senator LANDRIEU. So would I raise this number to 6,500? Would it be that many?

Dr. GOLDEN. The number—the children in the families, as I said, we count the children in placement, as do most States. In families, I actually can get you the exact number.

Senator LANDRIEU. Could I get that?

Dr. GOLDEN. I would say look at an average of about two to three children per family. I think our total—those are children who are all in the home. If any child is in placement, we count that child separately.

Senator LANDRIEU. Okay. The reason I am pressing for this number is because I am then going to ask you how many social workers you have on staff. And I am going to divide the number of social workers and children and come up with the actual caseload that we are talking about.

Dr. GOLDEN. Okay.

Senator LANDRIEU. Because there are ways that you can determine the caseload, you know, say the caseload is X or say the caseload is Y. But the way that I would think would be the best way is to take the number of children and divide by the current payroll of social workers. So first of all, we know whether we are talking about a caseload of 15 to 1, 25 to 1, 50 to 1, or 75 to 1.

Dr. GOLDEN. I can tell you that approximately, and then we can follow up with a division, if that would be useful.

Senator LANDRIEU. Okay. What is it?

Dr. GOLDEN. The caseload, which does include families for children at home—that is the way the modified final order counts it, and most places do—and children in placement is about 23. The—

Senator LANDRIEU. Okay. Then I am going to take that number, 23 to 1. But I am going to do the division this other way and see if there is a discrepancy.

Dr. GOLDEN. Right.

Senator LANDRIEU. The reason I push this number is that I do not think we can get much other reform done unless you get that caseload down. Because we are depending on the social workers, I would imagine—

Dr. GOLDEN. Absolutely.

Senator LANDRIEU [continuing]. To execute the imputing of the data, the visitation, the permanency plans. And so it is very important, I would suggest to the chairman, that our committee focus—

Dr. GOLDEN. Absolutely.

Senator LANDRIEU [continuing]. On the funding and recruitment, or funding necessary and then recruitment, for the caseworkers, so that the caseworkers remain, hopefully, permanent and not turnover, get a handle on their cases, both the back log of the historical cases, as you have talked about, and the current, and then try to, you know, manage the reform that way.

Dr. GOLDEN. If it would be helpful—I agree completely with that. I think that that is a key area for us. In working with the Federal Court on the implementation plan, we have some standards that frame our work and a workload study coming up to refine those standards. So I would be glad either now or after to share with you, we have standards for children in placement, we have standards for families in the home, and we have standards for investigators, which we are very close to, about 12 investigations a month. And we have—we have a plan, and we have a workload study plan to fine tune that. So that would be a wonderful fit with the strategies of the committee.

Senator LANDRIEU. Well, I look forward to working with you. Now following that up just a moment, because I appreciate Ms. Schneiders's testimony so much and was pleased that last year this committee actually appropriated \$1.5 million for the guardian ad litem program, which supports a lot of the work that you and some of the other attorneys in the area do. And we are very proud of that, because we want to step up the advocacy as an independent voice, you know, helping us all to really stay focused on the reforms. And we really appreciate the contribution that advocates are making.

But based on the testimony given, are you in a position to change the policy that we were talking about, so that it turns out to be one child per caseworker, and that children are not moved from one type of caseworker to another? Could you comment on that? And are you committed to the one child-one worker system? And if so, when will it be implemented? And if not, why not?

Dr. GOLDEN. Let me tell you about all the work we have been doing that, because that is key. And I just want to note that Ms. Schneiders is on our local advisory board. And we had a bit of this conversation the other night. And I was hoping we would follow up with the names of some of the workers, so I could work on the specific cases. So that is still ahead for us.

But let me tell you a little bit about where we stared and what we have done in terms of the one worker-one child.

Senator LANDRIEU. That would be fine, except my time is just so short.

Dr. GOLDEN. I apologize.

Senator LANDRIEU. I just want you, Dr. Golden, if you could—

Dr. GOLDEN. Yes.

Senator LANDRIEU [continuing]. To say do you agree with the policy of one social worker per child? And if so, when is that going to be implemented for the—have we gotten a number? Are we talking about 5,000 children, the 5,000 approximately? I will just say 5,000 children under care.

Dr. GOLDEN. I think that the—I agree not only with a worker for a child. But I think Ms. Schneiders' point was also to try to make sure that, where possible, siblings have the same worker. And so we are focusing on both those things. We do—and we have made changes in our structure to make that happen. Children used to move back and forth when they went from a family to out-of-home care. And we have put together in-home and reunification units with a goal of addressing that.

We do still anticipate that when the child's goal becomes adoption, it often will be better to have that child's case moved to an adoption worker. Jurisdictions around the country do that different ways. But I think the experience suggests that that really works well, because that way you move the child towards placement more fully. But that is one of the very specific examples.

Senator LANDRIEU. I am not—I just want to say that I am not sure that I agree with that.

Dr. GOLDEN. Okay.

Senator LANDRIEU. That is why I want to press this point. I am just looking for a time line. As the manager of this agency, what is the time line that you have in mind for making sure that each of the 5,000 children under your care have one worker per child or one worker per sibling group? Do you think you will reach that goal in 12 months or 24 months or do you have a time line in mind?

Dr. GOLDEN. Well, each child having one worker, I actually do want to find out where the problems are now, because that should be consistent now. Sibling groups, I think—

Senator LANDRIEU. But you are testifying that currently today it should be a policy of a child having the same worker, today?

Dr. GOLDEN. From the point where their case is—where their investigation is completed, because we have separate investigators who would handle that child's case, who would do that the first 30 days, and then hand that child's case to an ongoing worker. From that point either until permanence or until adoption—now there are lots of reasons why that does not happen in terms of turnover of that individual worker. But I think, as I understand the question, you are asking if our policy is to have a child develop bonds with a social worker over that whole period, from investigation until the point of adoption.

Senator LANDRIEU. Until either reunification or adoption.

Ms. Schneiders, maybe you could comment about what your experiences are. Is that happening? Or do you find—you testified that you have a set of twins that each have a different worker.

Dr. GOLDEN. Right. Siblings we have to work on.

Ms. SCHNEIDERS. The problem, as I see it, is that every time the child makes a move, there is a—because of the way the agency is configured—there is a teen unit, there is an adoption unit, there is a reunification unit, there is a this unit and that unit. So if one child is moving through these units, so they have a worker, the goal is adoption. Immediately we refer to the adoption unit. The adoption unit then has a recruiter. So then the child interacts with the recruiter and goes on Wednesday's Child and all that.

Once the family is found, the recruiter is gone, and the child gets an adoption worker. And then—but the siblings can be doing another thing. The sibling can be in a teen unit. The sibling can be in residential.

So what we are proposing is that the family be given a worker, who can work with that family, so that—

Senator LANDRIEU. Absolutely.

Ms. SCHNEIDERS [continuing]. Around these different issues there can be sibling visitation, the parent knows who to call, and they are not calling five different workers because this child is here and another child is there. And that when a child makes some progress, the worker knows the progress and the struggles to that progress and can benefit from that and move the child to the next level.

Every time a worker changes, they go back to square one, to try to learn the case and learn the facts. And they come to court and say: I have only had the case for 3 months. I do not know anything about it.

Senator LANDRIEU. That is what we are determined to end. Let me just state that now. I know the chairman has additional goals—we are going to end that system in the District and, as much as we can, throughout the child welfare agencies around the country. We are going to move to a system where there is one worker either per child or one worker per family, that knows the child, knows the family, knows the history, and stays with it, creating that kind of system.

I am going to end with this. We are going to minimize the number of group homes that exist, maximize the number of real families, not to underestimate the contribution that foster families make, but to make therapeutic real families for children to move into temporarily. And they are either going to move back to the family that they came from or move into an adoptive family.

So the business of foster care is going to be eliminated over a short period of time. Children will be in real families. And the case work has to get down to a manageable level for the caseworkers with consistency.

So I will end on that. Let us continue to pursue with this GAO report, Mr. Chairman. It is very disturbing in the sense that I know we have made a lot of progress, but this outlines a tremendous amount of work that has to be done.

Dr. GOLDEN. Absolutely.

Senator LANDRIEU. This committee is prepared to provide resources and guidance and assistance. What I am not prepared to do is to wait another 5 years for some of these changes to take place. They are too important, and they are too critical. And there are children's lives that are in the balance.

So thank you very much.

Senator DEWINE. Thank you.

Ms. Ashby, you state in your testimony that many caseworkers find the FACES database difficult to use. In your research, did you find that this was due to the system actually being difficult to navigate, or what was the problem?

Ms. ASHBY. I do not—

Senator DEWINE. Or was it a lack of training for the caseworkers or—you know, look, the only reason you go to a system like this—I am stating the obvious. But the only reason you go to a system like this and put the money into it is so that your caseworkers have more time to be caseworkers.

Ms. ASHBY. Right.

Senator DEWINE. And, you know, the same with policemen. You have technology so a policeman can be a policeman. And you want the caseworker to be a caseworker. And you want him or her to have more information at his or her fingertips about the client, about the child and about the child's family and get that information so you can serve that child better.

Ms. ASHBY. Correct.

Senator DEWINE. Now if the system is getting in the way of that or if the caseworker cannot use the system or if the caseworker is working around the system, we have a problem. And I get the impression we have a problem. So what is the deal here?

Ms. ASHBY. All right. I cannot give you a definitive answer. I suspect that it is all of the above, that in some cases, perhaps, a caseworker is intimidated by an automated system. That is not unusual.

Senator DEWINE. Yes. I get that. I understand.

Ms. ASHBY. There is training available, as I understand it. And there is actually, I think, up to 3 days training. So I find it hard to believe the training is an issue. Time may be, the time it takes to gather the information and put it in the system. I do not know if access to computers—and I do not know if every caseworker has a desktop computer or not. Dr. Golden is indicating that that is the case. So access to the computer is probably not the problem.

Maybe it is culture. I do not know. If you have an organization that is saying that historical data is not important because that was last year or 2 years ago or 3 years ago, maybe that is interpreted to mean, well, maybe today's data is not that important either, because a year from now, 2 years from now, that will be historical. I do not know. We did not look at FACES in terms of the technical aspects of it or inputting data, per se.

Senator DEWINE. Well, let me ask this, and let me again be more provocative here, Dr. Golden: When you are—is that a problem when your organization is not putting a premium on historical information, because you are not putting it in? And you are not putting a premium on it, and, therefore, the caseworker says: My organization is not paying the money to put it in or is not mandating it be put in, and therefore maybe it is not important to be put in.

Dr. GOLDEN. Senator, what—

Senator DEWINE. You are looking me in the eye, and you are basically telling me it is never going to go get put in. That is the im-



pression, because you have never answered me whether it is ever going to be put in.

Dr. GOLDEN. Senator, let me—

Senator DEWINE. Now have you, Doctor?

Dr. GOLDEN. I think what I focused on, and it sounds as though—

Senator DEWINE. Doctor?

Dr. GOLDEN [continuing]. I am giving you the wrong answer, sir.

Senator DEWINE. Have you ever told me it is going to be put in? Please give me a yes or no.

Dr. GOLDEN. I—

Senator DEWINE. No. I take it as a no.

Dr. GOLDEN. Right. I mean, I think—

Senator DEWINE. It is never going to be put in.

Dr. GOLDEN [continuing]. Data from 1998 hard copy records, you are—

Senator DEWINE. It is never going to be put in. So that caseworker is never going to have that information about this child.

Dr. GOLDEN. The caseworker has the information in a hard copy record.

Senator DEWINE. Has to go get the hard copy, which—

Dr. GOLDEN. Senator, I am glad to go back and talk to staff about this issue. But I wonder—what I want to tell you is what we have learned, because we have hugely changed social workers' use of FACES. And I actually, in my management meeting the other day preparing for this hearing, asked people why they thought there had been a huge transformation and culture change. Because we are—and we are doing that not only with our own workers, but with the private agency workers. Because it is right, that in the past people did not use it.

What has transformed that is that not only are we now managing it every week, but we have made it easier for social workers. We have had a group that meet regularly, that seeks to change, for example, the investigations screens, the case plan screens, so they are useful to the worker. So we have just transformed people's use of it currently.

I hear, Senator, your concern about whether in our intense focus on having people use this system in an up-to-date way so it is helpful to them, we have neglected something that we should have gone back and done. And I will go back and ask that question. But what I really want you to know is that the current culture of using the system and of the focus on data at every level is just transformed. And our private agencies, we have cases managed by our private agencies, when we started managing the data, they were looking behind. And they did not like to look behind. They think of themselves as doing a good job. They discovered that they had big FACES training issues. And we went out and did all of that work.

So I think we have transformed that. And I will certainly go back and find out whether, in our haste to really reform the current, there is something we should have done differently in the past.

Senator DEWINE. Well, if your answer to me would have been, Senator, it just costs too darn much money to do it, I might understand it. I might not agree with you. But I do not even hear that.

Dr. GOLDEN. I do not think it ever—

Senator DEWINE. I mean, I am not even sure I understand what you are even telling me. I am not—I did get a good night's sleep last night. I mean, I just do not get.

Dr. GOLDEN. Well, perhaps I am just hearing wrong somehow. I think—

Senator DEWINE. Here is what I am hearing, and take me through this. And, look, this is only part of the problem. And we have about another hour here.

Dr. GOLDEN. Right. Of course.

Senator DEWINE. So everybody just relax. We are going to have a long time.

Dr. GOLDEN. Of course.

Senator DEWINE. What I am hearing you tell me is, we have a new system. It is a Cadillac system. And it is going to give our caseworkers the information they need, which is part of what is going to make my caseworkers do their job.

Dr. GOLDEN. Right. It helps them do their job better and help us hold them accountable.

Senator DEWINE. And there is training. And there is a lot of things that will make caseworkers do their job better. One is training. One is ratio. So that, as Senator Landrieu talked about—

Dr. GOLDEN. Absolutely.

Senator DEWINE [continuing]. So we do not—the casework ratio. Supervision. There are a lot of things that would go into it. But one would be a computer system that gives me the—I can download the information.

Dr. GOLDEN. Absolutely.

Senator DEWINE. Okay. So we are only talking about one thing, but it is important, one thing. And what I am hearing you say is that I have a new system, but I am only going to use part of the system. Each child is only—I am only going to retrieve part of the information about that child. And then the rest of the information will not be available to me. Now it will be available to me, if I go back and look at the file. It just seems so inefficient. I do not quite get it.

Dr. GOLDEN. Well—

Senator DEWINE. And I am not hearing any answer to why you are doing it that way. And I would really like to move on. I would just like to give you an answer.

Dr. GOLDEN. Right. I mean I can give you the best answer I can. Then I will go back and look. I do not think that it ever—as with any system implementation, I do not think it ever occurred to us that—we have the basic information about 1998, for example, that lets us check past reports. I do not think, because I do not think it typically happens when you implement a system, that going back, collecting those hard copy records, and, if they have information about things like whether there was a—how soon the person contacted the child, which may or may not be in there. It may or may not be in there systematically. We do now know the quality. I do not think it occurred to us to try to collect all those records and fill in that specific information—

Senator DEWINE. How about if the child—

Dr. GOLDEN [continuing]. Because we are so—

Senator DEWINE. How about if the child had more—how about more basic things? How about more significant—not procedural things, but how about basic facts about the child?

Dr. GOLDEN. Those should be there. Everything about—I should not say anything, because, again, it depends on the quality—

Senator DEWINE. Would those be the system?

Dr. GOLDEN. Those should be in the system, yes. I mean, again—

Senator DEWINE. Where the child was physically.

Dr. GOLDEN. That should be there, if it was accurately kept at that time. We do not know the quality of work in 1998 or 1999. So if that is anywhere—but yes, where the child was, the age.

Senator DEWINE. Well, I mean, if it is in your hard file.

Dr. GOLDEN. Right. That should be there.

Senator DEWINE. That is there.

Dr. GOLDEN. That should be there, unless it was—

Senator DEWINE. That would be in your computer system.

Dr. GOLDEN. That should be there, if it was in the hard copy.

Senator DEWINE. If the child received some sort of treatment, that would be in there?

Dr. GOLDEN. I do not think treatment information would be likely to have been very well collected—

Senator DEWINE. Whoa.

Dr. GOLDEN [continuing]. In 1998 or 1999.

Senator DEWINE. Whoa. Is that not important? I mean, I can see—

Dr. GOLDEN. Right.

Senator DEWINE [continuing]. Notification being important. That is procedure.

Dr. GOLDEN. Right.

Senator DEWINE. But if the child—let us say the child has been sexually abused.

Dr. GOLDEN. Right.

Senator DEWINE. And the child went to see a psychiatrist.

Dr. GOLDEN. Right.

Senator DEWINE. Okay. Would that not be important?

Dr. GOLDEN. It would be important. It may or may not be in the hard copy record.

Senator DEWINE. Oh, my lord.

Dr. GOLDEN. It may or may not have been done in 1998.

Senator DEWINE. You are kidding me.

Dr. GOLDEN. Right. That is an area where we have had to make huge reforms, the whole area of mental health services and the way—

Senator DEWINE. You are telling me that is not even in the hard copy.

Dr. GOLDEN. It would depend on the quality of the work. At that point, sexual abuse investigation—

Senator DEWINE. If it was in the hard copy, would it have been transferred to the computer?

Dr. GOLDEN. I do not know if service information as well transferred to the computer, probably not.

Senator DEWINE. Okay. Now that is what I find shocking. Now here, let us get to what I find shocking.

Dr. GOLDEN. Yes.

Senator DEWINE. If it is in a hard copy and it is in a file about Jim Smith, a little boy who has been sexually abused, I would expect a caseworker to be able to pull that up on a computer and to know that the child has been sexually abused and has had a psychiatrist talk to him, or whoever the counselor was or whatever it was.

Dr. GOLDEN. Right.

Senator DEWINE. That to me is important. It is not important that historically 3 years ago, there was a court notification, et cetera.

Dr. GOLDEN. Right, which is the kind of information that we are not updating.

Senator DEWINE. Right. I am not worried about that, historically.

Dr. GOLDEN. Right.

Senator DEWINE. Okay? What I am worried about is that that caseworker, who is dealing with that child, knows that that child has been sexually abused and knows that that child went through a treatment with Dr. So-and-So, so he could pick up the phone and call Dr. So-and-So and find out about this child, if he needed to do that.

Now would we agree that that is important?

Dr. GOLDEN. I would agree that that is important.

Senator DEWINE. And would we agree that that all be in that computer?

Dr. GOLDEN. I agree that if we had that information, it should be in the computer. The concern I am expressing is that that is an area where I think that the problems back in 1998 and 1999 went way deeper than the computer system.

Senator DEWINE. Okay. But what you just told me—

Dr. GOLDEN. I agree.

Senator DEWINE [continuing]. It might be, might be, in the hard copy. But what you just also told me is, even if it was in the hard copy, it might not have been transferred to the computer. That is what I find offensive and alarming. And I think you ought to fix it.

Dr. GOLDEN. Thank you, sir.

Senator DEWINE. Okay. We are going to—and I apologize to everyone on the panel. We are going to have to stop. We are going to have to recess this for about 10 minutes.

I have a press conference on missing and exploited children in this same building. I am going to try to get to the press conference, get back from the press conference. We are going to stop this panel. We are going to come back here in about 10 minutes, as soon as I can get back. And I apologize for that. And I will come right back. But it will be at least 10 minutes. You can take a break, whatever you want to do.

Thank you very much. One of the GAO conclusions that I have listed here shows only 1 percent of children with the goal of reunification had a parental visit at least every 2 weeks. Now I find that to be a shocking statistic. Only 1 percent of children who had a goal of reunification had a parental visit at least every 2 weeks. So that means we have a child, all these children, who have a goal of

reunification. And yet only 1 percent of them are seeing a parent every 2 weeks.

How could that be? How can you reunify a child with a parent, and only 1 percent of them are seeing the parent every 2 weeks?  
Dr. Golden?

Dr. GOLDEN. That is a huge issue for us. The number that we have from the court monitor's report is about 12 percent. So that is the court monitor's finding from her review. It was an improvement for the year before, but it is clearly completely untenable. I agree with you completely.

What we are doing about it is three or four different strategies. One big obstacle was a history in the agency of not having community sites for visitation and the logistics of parents coming into town and into our building. We have put in our contracts with all our community-based partners to facilitate and supervise visitation. So we are working a lot on community-based sites.

A second piece of it is engaging the family early. Because one of the things that can happen, in the agency's past, we did not reach out to family members early on. And that made it much harder to engage them later. We are moving towards, though we have a long way to go, early case conferences.

And we are focusing much more in our—both in our work with our community partners and with our own social workers on building on—once you have all the family members involved, then you have to do the visitation. I expect we are also going to learn a lot about scheduling, what we need to do to accommodate parents' work schedules. I think there is a whole set of things. I agree completely that that is an area where we have to keep working very hard.

Senator DEWINE. Anybody else on the panel want to discuss that issue?

Ms. SCHNEIDERS. From a practitioner's point of view, when a case comes in, there is an automatic goal of reunification for the child for a period of time until, you know, we work through that. And in those cases where there is an automatic goal, not a plan goal, but just because it is a new case, it is a goal of reunification, sometimes the parents simply do not show up. They are still very heavily involved in drugs. So you may schedule a visit, but it does not occur. So it constitutes as no visit.

Senator DEWINE. Sure. Although—I understand why—you know, you have many cases. But 1 percent is an unbelievable figure, or even 12. I mean—

Ms. SCHNEIDERS. Right. I was—

Senator DEWINE. Even if it is only 12 percent. I mean, it is still unbelievably low to me. But—

Ms. MELTZER. In our study, 66 percent of the children actually had no visit over the period, the first 8 weeks in foster care, that we looked at that. So it is a critically important issue. It is critically important that the family get involved right away with the agency on the development of the case plan. And in your own State, Ohio, there is really good experience, particularly I know in Cleveland, where they have implemented Family-to-Family. For any child coming into placement, the agency convenes a family team meeting, with the family and the extended family, within 24

hours of that decision or before the decision is made. They have found that that is a very helpful strategy, because you use that meeting to make sure that the placement is one that is the best match to the child's needs. You sometimes can avert the placement by working with family members to identify family resources. And then you set up, at that early point, the visitation schedule with the family.

It is one of the things that we have been talking to the District about, either implementing something like that or at least convening a family meeting within the first 7 days of a child entering foster care, which is the requirement under the *LaShawn* order.

Senator DEWINE. Now I have another statistic here that says that 46 percent of foster children have current case plans. Could that be right? It is from the GAO report, 46 percent of foster children have current case plans. What does that mean?

Dr. GOLDEN. The court monitor study shows approximately doubling on that number over the year, from—to reach a number of about half from May 31 of 2001, when 25 percent of foster care children and 9 percent of kinship and family services children had current case plans, to about 50 percent May 31, 2002. That is an enormous issue for us which we are working on in several different ways.

One way is the improvements in automation. So both with our own staff and with the social workers in our contracted agencies, we have really improved the case plan screens so that they are very user friendly.

A second piece of that is the work we are doing to bring down the caseload ratios that we discussed with Senator Landrieu. A key part of that is not just addressing the average, but addressing the issues of the workers who are most overwhelmed that Ms. Schneiders described. And so we focused on having no one at the top end.

And the third issue is with the Court in terms of our scheduling and work with them. So that sounds about accurate, about where we are. We have raised our quality standards at the same time. And that is one that we have very ambitious goals for ourselves for improving over the next year.

Senator DEWINE. I would like to go through, if we could, Ms. Schneiders's recommendations. And the way I would like to do it is for her to take about 30 seconds on each one of them. She has already done it, but I would like to get us back into it. And then I would like Dr. Golden, if you could respond to each one of them.

Ms. Schneiders, you want to do that? I have your written testimony. I could read them, but I think it would probably be more effective if you just explained each one of them from your written testimony. You have nine recommendations. I would like to go through each one them.

Ms. SCHNEIDERS. The first one refers to the need for active and aggressive recruitment of therapeutic foster homes so that there is a pool of families with whom to place children. And the children need to be matched with the family.

I can give an example. Just recently, I have a child who requested of the judge in January for a family. The judge ordered that a family be found for this child, who was 15 years old. Nothing happened until—

Senator DEWINE. Excuse me. I want to make sure I have——

Ms. SCHNEIDERS. It is on page 3 in italics.

Senator DEWINE. Okay. I am looking at a different——

Ms. SCHNEIDERS. I think——

Senator DEWINE. I am looking at your apparently original—I do not care how you proceed. But I have your original one. And actually, it starts with outside review of reports of abuse and neglect that get diverted to community-based services. So I do not care which one you go from, but——

Ms. SCHNEIDERS. Okay. I was going from the oral one. And the one that I think is in circulation——

Senator DEWINE. Okay. How many do you have in your oral one?

Ms. SCHNEIDERS. Pardon?

Senator DEWINE. How many recommendations do you have in your oral one? Are they the same?

Ms. SCHNEIDERS. They are the same. There are a few more in the full——

Senator DEWINE. All right. You do it however you want to do it.

Ms. SCHNEIDERS. All right.

Senator DEWINE. You proceed however you——

Ms. SCHNEIDERS. I will take the ones that are in the report that everybody has, just so it will make it easier.

Senator DEWINE. It does not matter. You do it however you want. I just want to make sure we are literally on the same page here.

Ms. SCHNEIDERS. Well, in the full report there was reference to the number of diversion of reports, which I did not address orally. So that is problematic.

Senator DEWINE. Okay. Let us do it.

Ms. SCHNEIDERS. That is on page 4 of the full report. The concern that those of us who are advocating for children is the number of abuse and neglect reports that come into the agency that get diverted to the community. They do not go directly to the court. They are not papered, as they say in the court system. They go back to the community for community service and then very frequently will come back to the court at a later date when there is a more severe incident of abuse, where the community services were inadequate to address that.

And we are recommending that somebody look at a 6-month period or 12-month period and find out, of those abuse and neglect reports that came in, that got diverted to the community, how many of those came in in worse shape than they were originally when the first report was made. And that if the community agencies are not able to really respond to and support these families at that level, and the children are getting re-abused or more severely abused, then we need to look at that diversion strategy to—it is an effort to keep children in their families. And I understand the rationale for it. But it——

Senator DEWINE. I am not sure I understand. Give me an example. What happens?

Ms. SCHNEIDERS. 10:30 at night, a call comes in, a child who has been, you know, abused, sexually abused, physically abused, whatever. The case, which normally would have been brought to the court the next morning and papered or petitioned as a neglect case,

brought into the system and followed the normal route. The decisions that are being made at the front end that a collaborative, a community-based, service agency could handle that case. So the case then gets sent the following morning back to the community, to a community collaborative, a community-based program, to say we have a report of abuse, go see this family, look into it and see, you know, can you provide family services or can you provide, you know, something else.

The decision making as to how serious the report was and how serious the—or how much service is needed is left at the front end of the referral process. So the case goes back. It may stay in the community for another 3, 4, 5, 6 months. And then we get it back again with a more severe incident of abuse. And then it gets put into the court system and into the foster care system.

Senator DEWINE. So your recommendation is what?

Ms. SCHNEIDERS. My recommendation is that there be, whether the GAO or somebody look at all of the referrals that are coming in and being diverted back to the community before they are brought to court, to see if in fact this is an effective strategy to divert them to the community or are children suffering greater harm than is necessary, if they had been brought in to the court, looked at it, monitored it for a few months, and reunified.

And that that effort that we are doing right now of bring it in, petition it for the court, let a judge take a look at it and have, you know, some advocacy there, and reunify the family quickly through the strategies that we have, may be safer for the child than one worker in the intake department making that decision on his or her own, sending it to the community, and we—

Senator DEWINE. So the current system is—my background is a criminal justice background. The current system is what, sort of a diversion system?

Ms. SCHNEIDERS. It is a front end diversion.

Senator DEWINE. I mean, it diverts it out and never gets into the system.

Ms. SCHNEIDERS. That is right. That is right. It keeps it at the community. So maybe some of those families that are being counted where there are services being provided in the community to the family, which is a good thing—I am not saying we should not provide services to families at the community level.

Senator DEWINE. Right.

Ms. SCHNEIDERS. But there needs—we need to look at who is making the decision about the safety of the child in determining that the case does not need to go to court.

Senator DEWINE. Well, who is the best person to monitor that, though?

Ms. SCHNEIDERS. Well, I do not know. I do not know who is monitoring it now. I mean, I know the authority to make the diversion is at the point of intake. I do not know if there is a case review or a strategy. I know that the cases are not—

Senator DEWINE. Dr. Golden, how do we know that is working?

Dr. GOLDEN. I guess two things. The first—

Senator DEWINE. Who monitors that?

Dr. GOLDEN. Who monitors how we do our intake and investigation and those choices would, I think, be two or three different



places. One would be the supervisory chain. That is, the intake worker making that decision with their supervisor and their program manager. In many cases, there is a—they have a risk assessment. And they are also trying—this goes to what the court monitor said a moment ago about actually, I think, probably our problem in the District compared to other jurisdictions is that we do less of that than many places, rather than more.

So we are trying to draw in the community and the family. In many cases, though, rather than divert right away, we would have that community, we would have that meeting with the community and the family. And then our worker has to make the judgment about the seriousness. They are making it within ACC, typically with a corporation counsel. So there is that piece.

In addition, we are doing a variety of outside reviews. We obviously have our court monitor, who looks at our practice. We have just had a look at our placement practice in general by some of the national experts, including Judith Goodhand from Cleveland. So I actually—I think that their overall advice is actually going to be that the District has been behind on getting support in early. But I will note that concern and make sure we look at both sides of it.

Ms. MELTZER. I am not sure that I actually agree with the description of what is happening that Ms. Schneiders has presented. My understanding of the emergency assessment program that is in place is that the only cases that are being diverted are cases that do not rise to the level of substantiated abuse and neglect. They are diverting cases that are the borderline cases, trying to get some community services in place to support the family to prevent some of these cases which otherwise might have come into the system.

Senator DEWINE. Oh, okay.

Ms. MELTZER. Now the bigger question, I think, that is raised, is the importance of looking over time at repeat reports. These include cases that have been served by the system and then are closed and then you have a repeat incidence of maltreatment, as well as cases where that was never substantiated and you have a repeat maltreatment report. Looking at repeat reports and cases is work that the agency has to do through its own quality assurance process. And it is a part of the work that we will do in monitoring the quality of investigative practice.

Senator DEWINE. Well, would you agree with that, Dr. Golden?

Dr. GOLDEN. Yes. And I think that we are in fact, as Ms. Meltzer has highlighted, we divert without our involvement where we think it does not meet the threshold. We also are trying to get community supports in, even if we are going to keep going with it, because we might, for example, identify a family member who could be a caretaker for that child. And I agree with those ways of monitoring.

Senator DEWINE. What is your system to go back and figure out how many of those cases that you made a mistake on? And you are bound to make mistakes. I mean, everybody makes mistakes. I mean, this is an art. This is not an exact science.

Dr. GOLDEN. Yes.

Senator DEWINE. I mean, you make a judgment call that this is not a—that it does not rise to an abuse case. This is not an abuse case. This was not an abuse case. And you go back and look and you say, well, obviously it was.

Dr. GOLDEN. Let me tell you about——

Senator DEWINE. We missed that one.

Dr. GOLDEN. Right. I think there are several pieces to that process. And some of them are not finished yet, which is why in all of these I am telling about a work in progress. Because, remember, up until 18 months ago, we did not even do the abuse investigations. Those were with the police. And now we do.

The first thing is that in any abuse case where there is a concern that it might rise to also having a criminal side, we would be jointly investigating with the police. So that is important to note. But second, in a case where, in terms of how we are doing and are we making mistakes, the initial review is the supervisor signing off and the program manager and the work with the attorney. Then there has to be the quality assurance look and review, where we are both looking at data and going back and looking at a sample of cases. We are in the process of picking across everything we do in the agency, where are the most important places to focus that.

I think the other key safety net is that for those cases where someone in the community is involved, we are also constantly talking with them in terms of if they see something that is getting worse, that they need to bring back to us. So I think you always having to be looking at both sides in order to make it better.

Senator DEWINE. Do you want to proceed to No. 2 of the recommendations?

Ms. SCHNEIDERS. The second recommendation refers to the need for CFSA to pursue justice for children through criminal prosecution of those children who are physically and sexually abused. I can speak to any number of children that I represent where the child has been physically abused in the home. I have one case where there are three children in the home. One was sexually, was burned and shot. The third child was scalped. And there had been no criminal prosecution of those cases at all.

There was another retarded child that was sexually abused in one foster home, sexually abused in a group home. And we finally got him into a therapeutic foster home. There has been no prosecution of that case. And the rationale is they are young, they are retarded. And so—and it is difficult to do.

But that CFSA has all of these corporation counsel within their building even under their control, I think injustice to children, there needs to be more prosecution of these cases and more aggressive, you know, digging for the facts that can actually prove that this child was in fact harmed. The staff get fired, and they go off into the sunset, and nothing is done to prosecute any of the people who are responsible for these abuses.

Senator DEWINE. Dr. Golden?

Dr. GOLDEN. I would very much like to see those examples, because it is very distressing to me if the police or the U.S. Attorney's Office were not proceeding to prosecute. We, I think, would be comfortable advocating with them. I really feel our relationship with both the police and the U.S. Attorney's Office, which does prosecutions, is quite strong now. So I would like to see those examples.

Ms. SCHNEIDERS. Because in the 10 years that I have been practicing with this system, I have never had a case of physical or sexual abuse prosecution by corporation counsel.

Dr. GOLDEN. Well, the prosecution is not by the corporation counsel. It is by the U.S. attorney. But I have been in—because now with the stronger relationships that exist, DCAC, the Joint Advocacy Center exists to go to address all of those cases where prosecution is potential. I actually, from my experience of observing that, had the sense that the issues that there might have been with the police and the U.S. attorney, in terms of making sure we coordinated well, were better. So I need to know about those cases. And we will find out if we need to advocate for them.

Ms. SCHNEIDERS. Well, the two cases that I cited were both seen by the Children's Advocacy Center. The children were interviewed. And the case was closed.

Senator DEWINE. Are these current?

Ms. SCHNEIDERS. Pardon?

Senator DEWINE. How long ago were these cases?

Ms. SCHNEIDERS. These are still active cases. These are—

Senator DEWINE. I mean, how long ago did the criminal act occur?

Ms. SCHNEIDERS. In the child that was scalped, she is now 3. It happened when she was 6 weeks old. So it is within a 2- to 3-year period.

Senator DEWINE. Okay.

Dr. GOLDEN. So it would be useful to know—

Senator DEWINE. But what Dr. Golden is—what I am hearing her say is that she believes that the relationship between her office and the U.S. Attorney's Office is better.

Is that what you are telling me, Dr. Golden?

Dr. GOLDEN. Yes. So I would want the information, to understand why they did not choose to prosecute or what the issues were. It would help us to have that information.

Ms. SCHNEIDERS. The third recommendation is that CFSA needs to invest in active and aggressive recruitment of therapeutic foster homes. And I started to give the example of the youngster in January who asked for a foster home. The Court ordered the foster home in January. In March, we were told that there were no homes in the system that this child could go to. The judge issued a show cause. CFSA came to court and said, "We have one home with one bed in it. And we're going to put him there."

And I raised the question as to whether this was a good match, should this child be in this home, did they even want a 15-year-old. In looking at it, they didn't want a 15-year-old, but they were kind of pressured to take the child because they had the only available bed. The child ran away within 4 days and is currently back in a group home facility in April. And there is no home available.

And, you know, with the number of children coming into care, I think we really need to have a pool of homes available so that we can find the right home for the right child and hope that one placement will be all that is needed and not two or three bounces before we get to a match.

Senator DEWINE. Doctor?

Dr. GOLDEN. I agree that recruitment of foster homes that can meet the needs of our children and support of those homes is really critical. My testimony has an example where that has made a big difference for a child, because we have been really focusing on fos-

ter homes, rather than group care, which is the past history for many years at the agency.

And the example in my testimony was a child who had been in many residential and psych hospital placements. And through a new process that draws in the Department of Mental Health we were able to stabilize her in a foster home. And you and I have talked about following up on this case.

But I agree completely. And I think that the successes we have had in sharply reducing the number of young children in group care come in part from supporting foster homes better, though I think they also come for identifying kin support. So this is a very important area for us to keep working on.

Senator DEWINE. How many foster families do you need?

Dr. GOLDEN. We actually are working this year on a target with the District—this is just in the District. We also have a lot of children in homes in Maryland—by the end of this fiscal year between 50 and 100 additional families in traditional. That is not counting the therapeutic we are talking about here. And we will learn, as we go through that process, we probably need more than that over time. We now have—

Senator DEWINE. Well, that many more or how many do you have altogether?

Dr. GOLDEN. Our total right now—the numbers in my testimony are in the District. And then I can give you broader ones. The District numbers are about 150 traditional foster homes, more than 300 kin homes. And just as a side point, the other point in my testimony, the other story, is about having greater success as we work with families earlier at identifying kin who will care for children.

But if you look totally in the District and Maryland, both within our agency and contracted, it is 900 to 1,000 foster homes, including all the kinds.

Senator DEWINE. And how would that breakout be between the District and Maryland?

Dr. GOLDEN. Let us see. It is about half and half, a little bit—I am looking at which of these are active, but roughly half and half between the District and Maryland in terms of our number of foster homes. We are working very hard to recruit in the District. That is why I told you our target for increases in the District, because we think it is generally better for children to be in homes in their community. But we have also, as I think you heard in the GAO's testimony, signed an interim agreement with Maryland, which actually helps both the jurisdictions. It is about both making sure that we are able to have them do what we need them to do in terms of support in Maryland about meeting their needs and the children's needs while children are in Maryland.

Senator DEWINE. And you have no agreement with Virginia?

Dr. GOLDEN. We actually had a terrific meeting with Virginia in the fall. And for a variety of reasons, in terms of their timetable, our next meeting is now set up for several weeks from now. We have a meeting scheduled for later this month. And with Virginia, they are interested in expanding the interim agreement with Maryland, which focuses on foster care placement, on criminal record checks of potential foster and kin placements, and on an abuse and

neglect investigation. I think with Virginia we are also interested in talking about some adoption-related issues.

Senator DEWINE. Ms. Schneiders, do you want to continue?

Ms. SCHNEIDERS. The fourth recommendation refers to the need for services for children. Children coming into foster care as abused and neglected children are almost universally in need of therapy to deal with the loss of the parent, the abuse that they suffered. They also are very frequently children who are behind academically, who need tutors.

At the present moment, we can get a tutor for 1 month. And then it has to be renewed for the next month and renewed for the next month. And we do this on a monthly basis, which delays time. It disrupts the tutoring, because the tutor is not available while the referral process is going on.

Mentors are only allowed on a 3-month basis. So a child forms a relationship, and the mentor either has to leave or be renewed. I know it is an effort in monitoring costs and all the rest of it, but it is very disruptive to the services for the children. And unless—I now know that I immediately ask the Court for an order for a 6-month tutor or a semester for a tutor. Because if I get it in a court order, I will get it. But if you just simply ask the agency for a tutor, you get it on a monthly basis. If you ask for a mentor—I ask for a mentor now for a year. But it has to be done by court order in order to get it, rather than getting it through the agency. And I think the agency needs to acknowledge that these children need the services and leave it to the judgment of the social worker as to whether the tutor needs to be for a semester or a year.

Because this is where some of the problem comes with the workers and the amount of time they spend doing these perfunctory types of re-referrals month after month after month. And yet we know the children need the services. And we know 1 month of a tutor is not going to do any good. And the recommendation basically is that services be readily available to these children on a consistent basis and not in the fragmented way in which we are currently doing it.

Dr. GOLDEN. Let me comment on the overall recommendation for services, and then specifically on mentoring and tutoring. We have talked a little bit. There is a set of very particular contractor issues there.

In terms of overall services for children, one of the things that was most clear to me when I came and that I think is clear as we develop the implementation plan for the modified final order is that the District's history of not having services for children and families has been pervasive across a range of services, including in terms of dramatic needs of our children's mental health, because the District has not had a child and family mental health system.

That agency is coming back from receivership, did come back for receivership at the very same time as we have. And we have pushed intensively with them to build that network and have it be there for our children. And again, there are some examples for particular children in my testimony.

We know and they know that we have a long way to go. For example, one of the things we really focus on is having a child be able to have an appointment for therapy regarding the trauma that they

experienced during their abuse as quickly as possible. And what we are finding, as we start tracking that and looping back to the Department of Mental Health is that sometimes there are process steps they can do, but sometimes there is just issues of capacity, of having the person available. So that is an area that we are working on with them very intensively.

In terms of mentoring and tutoring and other services, we are doing a big contract reform. We are trying to get more of our dollars into the front end services for children and families. Specifically in mentoring and in tutoring, we have had contracts with a relatively small number of companies. We are trying to enlarge and broaden, increase the use of volunteers in some of those areas. And we have also had concerns from some about quality and appropriateness. So we are trying to review them better.

We had a lot of comments on our draft proposals. I have not had the chance, I do not think, to see any comments from Ms. Schneiders. And I would like to seek you out after this and make sure we have those. But our general direction there is that we are trying to broaden the range of possibilities, include volunteer as well as paid, and make sure that the mentoring is appropriate and that we are looking at it to make sure that it is good quality.

Ms. SCHNEIDERS. That does not address the issue, though, of needing to get a tutor and then re-get a tutor and re-get a tutor, whether having a tutor for a month and having a mentor for 3 months, which is a current policy, is really in the best interest of the children. Because once the tutor stops and we do the reapplication, you may get another tutor. And then that one stops, and you get another tutor. So the disruption and the fragmentation is very problematic to the children that are trying to use these people.

Senator DEWINE. All right.

Ms. SCHNEIDERS. The fifth recommendation regarding the—it may not be within the purview of this committee. And that is the dismantling of youth forensic services, which was an excellent service for children and for the Family Court, where we had trained people who understood the court system, understood child development. And that whole unit right now has no psychiatrist, one unlicensed psychologist and one licensed, and three social workers. So it is virtually useless in terms of getting quality assessments of children.

The current problem with Child and Family of getting current assessments is finding people who are qualified to evaluate young children.

Senator DEWINE. Excuse me. That unit is under what?

Ms. SCHNEIDERS. I think it was under the Commission for Mental Health. But Child and Family used it through the court system rather extensively. And we got very good, comprehensive evaluations of children and their parents. And now we are just scattered all over. And the people that are currently evaluating children very often have no knowledge of child development and the types of therapy that children benefit most from.

And as I said, I am not sure that the family has any control over that. But it is a serious concern.

The sixth recommendation and the ones that follow all relate to the whole issue of the adolescent. And I think this is a population

that is very badly neglected in the Child and Family Services. A lot of emphasis has been placed on adoption and reunification of young children. But the child who gets past the adoptable age and the child who gets into the adolescent age because their parents are not ready to, or have not made the progress, and so they end up at 14 up to 21 really children in limbo in this city.

They are youngsters—currently, the legislation says that children can be or should be kept in care until age 21, although they may be emancipated at 18, if in fact they are ready. That is a very human and responsible and necessary element of our law that needs to be kept in place. Trying to reduce it to age 18 is unconscionable. These children—our own children are not ready at 18. And I think if we did a poll of people in this room who had children 18, they are still at home, they are college hoping they will grow up, they are in—they may be there until they are 25 or 30. And they have had good nurturing homes.

To say that a child who has been abused and neglected and bounced around foster family to group home to residential treatment to psychiatric hospital are somehow going to be ready at 18, or even 21, to then go out and be independent is just—it is a myth. And the children who leave the system are not generally prepared to do so.

I had one youngster who joined the Marines. And she has done very well. And I watch for her on television every day now, as we proceed through this war. But two youngsters this month, one, as I said, is currently homeless. She called me two nights ago to say, “Ms. Schneiders, where can I?” We knew she had no place to go. But she was 21. Her case was closed and nothing was done to guarantee that she had housing or a means of support.

The other youngster has two children. She was given the Salvation Army Shelter and a list of city shelters to go to. She is, you know, currently staying back with her abusive father until she can get into the shelter.

The housing situation is critical for these youngsters. And CFSA does get a handful of vouchers, I think it is like 100 a year, from the Federal Government. And that is referred to in one of the recommendations where the—the vouchers that are given to CFSA right now are all allocated to parents who are trying to reunify, which is a good thing. I am not negating that. But we should not take the parents who have abused these children and give them housing and take the children who have been abused and put them on the street. There is something wrong with that logic.

And we do not have a mechanism and Child and Family for guaranteeing that our children who emancipate are safely cared for at that point. And I would ask that a serious look be made at how they are emancipated, what the housing situation is and the employment. We do not help them get jobs at the point of emancipation to make sure they have an income. We send them to TANF. We tell them how to get food stamps. And I think that is, you know, just an unacceptable way of emancipating our children.

Senator DEWINE. Dr. Golden.

Dr. GOLDEN. At our last local advisory board meeting, we talked about the fact that we all think we need to be working in stronger ways with adolescents. One of the effects of the past history of this

system and of the District's very broad policy is that compared to other States we have a very large proportion of young adults. We have about 13 percent of all the children in our caseload are young adults 18 to 21. And we talked about asking Ms. Schneiders and others to help us work on that system. And I know I appreciate her commitment to do that.

The District—we are supporting the current law, which continues services to children until 21. We are very unusual compared to other States. Most States have some kind of voluntary commitment arrangement between 18 and 21. And at one point, we were talking about that. We got input that, given the history of our young people, having that arrangement from 18 to 21, being voluntary and not court supervised would be a bad thing to do here. And so we heard that feedback.

I think the issue for me is that we are—again, it is looking at the effects of all of these years and of the District's absence of services as a whole. We have to do better for the young people coming into the system, so we do not have as many young people who are 18 and have spent 2 years, 10 years, in the system. And at the same time, that is one of the challenges of this moment in reform, we have to be changing the front end, and we have to be taking seriously the needs of the young adults in the system at a time when the District as a whole faces a lot of big problems that really hit them hard, like housing.

And I know, Senator DeWine, in your focus on the District's appropriation as a whole, a lot of these are about the pieces that we need in place. What we are working on right now is trying to improve the years 15 to 17, independent living and skills and support for young people. And I think we are also planning to staff several months before aging out, young people who are about to turn 21. We are planning to work with the collaboratives and our community partners on what they can do.

But I think this is a hard one. And I really want Ms. Schneiders and community help as we think it through.

Ms. SCHNEIDERS. When I think of the vouchers that the agency gets from the Federal Government, a percentage of them need to be reserved for the children who need them, as well as for the parents who need them. I do not think 100 percent of them need to go to the parents solely. I think we need to say, these are our children, we are the surrogate parent, and we need to allocate a percentage of those for the children. Not all the children need them, but some really do need that front end help. And that is referred to in recommendation 7.

Senator DEWINE. Let me just interrupt a minute, because I want to make sure I understand the testimony.

Dr. Golden, Ms. Schneiders in her written testimony she says, "CFSa is now proposing to reduce the age of emancipation to 18 instead of the current age of 21." Is that true or not?

Dr. GOLDEN. It is no longer true. As we had let her and others know—

Senator DEWINE. That is no longer true. Okay.

Dr. GOLDEN [continuing]. We had discussed that idea, because we felt as though some kind of voluntary arrangement might work



better. We got feedback from Ms. Schneiders and others saying it was a bad idea. And we are no longer proposing it.

Senator DEWINE. Okay. So that is not true anymore.

Dr. GOLDEN. It is not true anymore.

Senator DEWINE. Okay. Got it.

Ms. SCHNEIDERS. In recommendation 8 we are recommending that CFSA design an integrated program of services that are staffed with persons who know how to engage young adults in meaningful activities and to include the young people in participation in this. I think we need to have a mechanism from hearing from these 18- to 21-year-old youngsters of what do they need, what do they find helpful, and what will get them ready. There currently is no mechanism, although I have proposed it on other occasions that there be a task force of young adults in the system as to what they need in order to be prepared to leave the system. And we still would strongly recommend that they be involved in that process.

Dr. GOLDEN. I have been meeting, though not as regularly as a task force forum, with a group of young people in our system. And I agree very much that their perspectives are very useful in shaping where we go.

Ms. SCHNEIDERS. And then the final recommendation in this section is that there be some form of an aftercare department for these youngsters. They do go out at 21. They think they are ready. They try to do something. And then everything falls apart. And then end up on the street. They end up in a shelter or nowhere. And they need to be able to come home.

If they have lived their childhood, as some of these children have, at Child and Family Services, they should be able to come home to Child and Family and ask for help in an aftercare type of arrangement, just as adoptive parents very often do. There is an aftercare for adoption. Adoptive parents think they know what they got into when they adopted. They run into trouble. They can come back and ask for help. And our children should also have some place, some department, where they can come back and say I am stuck, I need help, you know, to get me out of the predicament at this point in time. And I would strongly recommend that that be considered.

Dr. GOLDEN. I mean, it is interesting, because I think about that recommendation a little bit from my experience at the national level. And I remember how much difficulty we had. I mean, many States just go through 18. Other States do the voluntary involvement between 18 and 21. The District is one of I think not very many that support all children through 21. There is not Federal reimbursement for that period from 18 to 21, which is another issue the committee may want to consider.

So I think the question of what we can do after 21 and how to do it is a hard issue for us and a hard issue everywhere. We are trying to—I mean, in some ways the only answer in the long run is that children need to be in families. And we need to not have children aging out. So that is, I think, the longer run answer. But for these young people, where we are going right now is trying to build those links to the community better, having it in our contracts with our collaborative partners, “aftercare,” as you described,

building mentor and family relationships in the community that will endure.

So that is the direction that I have been thinking about. I do not know if there is any more formalized direction. And as I say, I do think that there is an issue nationally even in getting support in a voluntary process beyond age 18. So I think we have to fix it so kids do not get to that age in that situation. And at the very least, we have to build community connections.

Ms. SCHNEIDERS. The final recommendation is one that Senator Landrieu also referred to, the one case-one worker policy and the reduction of the number of children. And I keep emphasizing that we need to count children, not families. Because families can range from one child to eight and ten children in a family. So I do not think it is justified to say one case-one family, so much as we need to count the children that these workers are responsible for.

And I think if we can get that policy in place with the reduction of the number, that no worker should have more than 20 children that they are responsible for, then we might get the data into the computer that we were talking about. But right now, when they are carrying 30 and 40 and 50 cases and doing IUPs and treatment team meetings, they are not getting data into the computer, even for current data, let alone any back data.

Senator DEWINE. I am intrigued by your comment, the continual reorganizing of the agency is counterproductive. What do you mean by that?

Ms. SCHNEIDERS. It seems as if there is a continual process. Like about 2 months ago, the agency reorganized everybody in the building on a given day, changed places, changed locations, changed phone numbers, changed supervisors, changed, you know, units, changed everything. The elimination of one unit and its consolidation with another, it simply causes confusion. And you call a worker and then you find out that, well, I am no longer the worker because I am now in this unit versus that unit. And you ask for the rationale for it, and it is just: Well, we are reorganizing. We are, you know, eliminating this department, adding this department.

There is no notice to the other service providers. You find that there is no way to reach people with phone numbers. I mean it is—foster parents, generally they call me to say: I do not even know who my worker is anymore because I got—you know, I called and the message says she is not the worker anymore; she got moved to another unit.

I do not know the rationale. I hope maybe the last reorganization may be the final one, but I am not overly hopeful that is going to be the case.

Senator DEWINE. Dr. Golden?

Dr. GOLDEN. I am really sorry, Ms. Schneiders, that we did not have a chance to talk when you had that concern, because that definitely sounds like something we should have explained more fully. Each of the—solving each of these problems, moving towards one worker-one case, unifying abuse and neglect, correcting our placement process has required that we have made changes. We have created a whole new department of clinical practice so that we have support for our workers. We have created for the first time ever in the District an institutional abuse unit. So we are able to

look into reports of abuse and neglect. We have created a whole new licensing process, which was not—we did not have as a—did not exist in the District before.

We have just improved our placement process for exactly the set of reasons that you have highlighted, because we want to make sure that children go to families. So we have changed that. And we did because we have also been hiring social workers so fast, we did find ourselves in a situation where we needed to do a move so people could be physically lined up with their units, because we are squeezed into our building, and we did have to do that.

So I guess what I would say is that I think the amount of change we have to do is very great. And I think that that requires in some cases structural change, as well as hiring and support for families. And we—I mean, I think that the pace of change—and that is probably what my testimony highlighted. Partly, I think, what you are experiencing, I am experiencing, our staff, our foster parents, is that to meet the standards we have for ourselves, the court, and the committee have for us, it has been a phenomenal pace of change in 18 months. It has been creating an agency where there were fragmented pieces before.

And the question of whether that will slow down or whether the amount of change we still have to do is going to be an equal pace actually is something I am reflecting on now. And we have been having lots of dialogue with the court monitor's office on the implementation plan. But I think that our big goal has been to make sure that each of those new responsibilities, that we are able to carry it out.

So that is kind of core to me in terms of which steps we take, in which order, and at which pace.

Senator DEWINE. Do you want to comment about Ms. Schneiders's goal in regard to children versus families?

Dr. GOLDEN. Sure. And I might ask the court monitor to come in after that. I think that the reason both we in many jurisdictions focus on children in placements, and families in the home, is because the social workers work when a child in placement involves visiting and working with that child very intensively. When they are supervising a family, their goal is really for what we hope is a relatively short period of time to strengthen that family so that the parent can take back their role.

So that is, I think, the reason behind it. We do—one of the things that goes with that is that you do not want workers to have a lot of family cases. And the standard—because they are very demanding. And so the standard in the modified final order is very strict for how many cases a worker ought to have. I think that we have the chance over the next year, as we bring down caseloads, to do a workload study and try to see if there is a better way to count.

But I think the big headline, which I think is probably the most important one, is that the way we are getting a handle on what has been a huge issue for years is by working every week with a count of cases and workers working directly with the social worker and the supervisor and focusing first on the ones who are at the top end, so that we had a few months ago had got down to nobody over 50 this week to nobody over 40. And so we are focusing on the peo-

ple who are most overwhelmed to try to make an impact there first.

I do not know, Judy, if you want to——

Ms. MELTZER. The modified *LaShawn* Order has caseload standards which are based on the Child Welfare League of America standards. And they are: 1 worker to 20 children for children in foster care, although they are 1 to 12 for children with special needs. They are 1 to 17 for families, when the children are in their own homes with their families. And they are 1 to 12 for investigations. Those are the standards that the District has to comply with. And the hiring has to match so that they can get caseloads down to those caseload standards.

I personally think that when you are doing work with families, you want the caseloads organized around the families. But what you want to do is have the caseloads low enough so that the worker can deal with both the needs of the individual children in that family and the whole family.

The place where caseworkers complain the most is when one child is in placement. So it counts as one case on their caseload, if they are a foster care worker. But there may be three or four children in the home with the family that, for reasons that may or may not make sense, they are not in foster care or they are not being served. And it is those situations where I think caseworkers feel the most burdened.

The answer for me is caseloads that are low enough so that workers can individualize the services to the needs of those children and families.

Dr. GOLDEN. And actually, one important step in terms of just counting in a way that feels more responsive to our workers is that in that situation you have just describe with the child in foster care and a family at home, for a long time that was a big issue with our union and our workers that we were not counting the family work. Now we do, because that worker is responsible for a child in placement and for reunification. So they have to be doing work with that family. And that should count. So we do count that.

Senator DEWINE. Ms. Schneiders?

Ms. SCHNEIDERS. What we need to keep in mind is that when we have one child in placement and three at home, the three at home obviously something was amiss in that family which brought one child into care. And therefore, that family needs closer monitoring. With the three children at home, you know, it can run the range of disability or need for service. They can be in different schools. They can be—one needs therapy. They can be different ages. You can have a disabled child at home, even though it is not brought into care.

So I think there has to be some look at what is asked for in that family, what is needed in that family, not just a numerical count that meets a standard. So that when workers are complaining at the amount of work they have to do with the family, it can be three children in a family or eight children in a family, as we have any number of families with large numbers in them. And it counts as one. And I think there has to be some method for looking at what it is we are asking the worker to do. How many children are we

asking that worker to be responsible for in the provision of services?

Senator DEWINE. All right. Dr. Golden, let me ask you for your comment about this report. I am referring to the Child and Family Services review, District of Columbia, from the U.S. Department of Health and Human Services, dated February 2002. I am 7. "A little evidence was found in the cases reviewed that showed the agency as consistently petitioning to terminate the parental rights of parents whose children have been in foster care for 15 of the last 22 months. Of the foster care cases reviewed, 54 percent of the children who were in care longer than 15 months did not have parental rights terminated. And the compelling reasons for not terminating parental rights were not documented in the case plan or court order. Children in the sample were in care an average of approximately 65 months before they achieved their permanency plan or were still in placement as of July 29, 2001 review."

Now I understand that is July 29, 2001. And so what I would like to do is just give you the opportunity to update that for me.

Dr. GOLDEN. Okay. That report—and as you know, Senator, because I think you and I worked together when I was at HHS and designed the child and family reviews. That was an experience for me of having the Federal review right as I moved to the District that I had previously worked on designing the framework at the Federal Government. And I felt as though it was extremely useful to us. It gave us the baseline, looking at the past system that we then needed to use to move forward. So it was extremely helpful.

One of the things, as you know, that is highlighted there about the history of the system is that there was never a focus on TPRs in the District. And that is—well, let me tell you what we are doing about it. But then I want to give you just a little more history, because it will help you understand what has to happen to move forward.

There are really three parts to what we are doing. One is an aggressive legal strategy. Last year for the first time, we filed more than 100 TPRs, or the corporation counsel's office did, more than many previous years all added together. And this year we have expectations in our performance agreements with our attorneys of filing many more.

A second piece is changing, improving our social work casework, because another piece of it is making our decisions earlier. It is about what we were talking about earlier, engaging the family earlier so we can make up our mind whether that is working or not, and having much prompter permanency staffings and administrative reviews.

A third piece is working with the Court on the legal framework for terminating parental rights. And Judge Satterfield and I actually just talked about that this week, about moving ahead on that.

The history in the District is that there is a second way of terminating the rights of a parent in an adoption, which in the past was used almost exclusively instead of TPR. And that is terminating the rights during the adoption petition through a show cause. I am not a lawyer, but it happens at the point where there is an adoptive home identified. And it only terminates rights for that home.

That approach, which was historic in the District, has big disadvantages for children where it delays timeliness or makes it harder to recruit adoptive homes. So the Court is now—we are both being more aggressive. And the Court is very open to working with us so that we continue to move forward on that. So those are the pieces of our strategy.

Senator DEWINE. Okay. I appreciate that. I thank you for that. Where are we now, though? Are these figures still accurate, 65 months? It says children in the sample were in care an average of approximately 65 months before they achieved their permanency plan.

Dr. GOLDEN. Was that a sample—

Senator DEWINE. Is that about right now?

Dr. GOLDEN. It is not right if it is all children. If it is children with a goal of adoption, I do not know. The numbers I have right now, in terms of permanency, are that our median across all of our open cases is a little under 3 years, which is way too high. But that is for sort of all of our open cases. We have done a little research work looking at a sample of cases at the point they close. And it is clearly in the 2- to 5-year range.

I do not know. Typically around the country, if you look at the sample that closes for adoption, it is even higher. So I guess the main thing I would say to you is that I know that time until a case closes is too high. It is—that number, it is not as high as that number, but it is definitely higher than it should be. And that is part of what we have to work on.

And part of it—this may be more than you want to know about the measurement of it. We do have—part of having so many older young people and the history of the system's earlier failures is that we are going to continue to have young people who will be aging out at the same time we are trying to change the experience of children who come in.

Senator DEWINE. Doctor, with all due respect, if I was in your position—and thank God, I am not. You have the toughest job anybody has—I would want to know that.

Dr. GOLDEN. Yes. Well, we just asked—

Senator DEWINE. Why would you not want to know that?

Dr. GOLDEN. I actually just asked for a study. So I appreciate that.

Senator DEWINE. You have to know that. You have to know each different category. You have to know, you know, each—I would want it broken down of each type kid.

Dr. GOLDEN. Absolutely.

Senator DEWINE. Because it is a measurement of—how are you going to hold everybody accountable on your team? Are you going to back and say: Look, we have to do better than this? And you are going to break it down. You are absolutely right. Kids in the certain age category, you know, where are they? And the kids in a certain age category, where are they? And there is going to be reasons why some of them are going to be where they are.

Dr. GOLDEN. Absolutely.

Senator DEWINE. But for you to come in front of this committee, or it is not just this committee, but in front of the public, in a public meeting or anyplace, and not be able to answer that basic ques-

tion is a real problem. Do you not understand that? It is just a horrible, horrible problem. How can you run your department and not know that?

Dr. GOLDEN. And the specific question is, not know the median time to closure for cases.

Senator DEWINE. Oh, it is not the—yes. But that is just one question.

Dr. GOLDEN. Right.

Senator DEWINE. I would want to know the range.

Dr. GOLDEN. Absolutely.

Senator DEWINE. I would want to know—

Dr. GOLDEN. Absolutely. Well, let me tell you what we are doing about it. Because I agree. When I came to this agency, the fact that there was no data available was a huge issue. Now we have, as the court monitor will testify, data on dozens of indicators. But I agree completely that the ones about permanency, we know the average time to closure. We know the average time cases have been open. That is that, I believe it was, about 2.8 years. And we have actually just had some graduate students work with us to analyze our data in more detail. And that is where the information that I just gave you came from.

So I think that that is exactly right. It is also an area that we are working with the Court on, because they also have an interest in tracking their data. And as we work on exchange of data, we are making that more consistent.

Senator DEWINE. And the universe is what? And Senator Landrieu asked you this. But how many total cases are we talking about?

Dr. GOLDEN. Our total number of cases—the conversation she and I were having was about the family cases and whether to count the children.

Senator DEWINE. Okay. How many kids are we talking about?

Dr. GOLDEN. Right. And the number of children is about 8,000. The number of cases is about 5,000, because—of the family cases. So that is about the total number. And we track every month, not only those overall caseloads, but age breakdowns, geographic breakdowns, information about the investigations that come in every month and what percent are substantiated, the children who have left our caseload but are being supported by adoption subsidies. So all of those things we regularly track.

Senator DEWINE. But, I mean, I really would want to know how long these kids were in care before they got a permanency plan. I mean, that is just so basic.

Dr. GOLDEN. Yes.

Senator DEWINE. I mean, if they were not getting a permanency plan, I have a problem, right?

Dr. GOLDEN. Absolutely.

Senator DEWINE. A permanency plan is kind of a—

Dr. GOLDEN. Well, until a plan, we do know. We know from the court monitor's report and the court data about the permanency hearing. We know that about 75 percent meet the AFSA standards in terms of the permanency hearing, met it in 2001. And we have to keep building on that.

Senator DEWINE. Wait a minute. You do know what? I missed that.

Dr. GOLDEN. The share of children who achieve the permanency hearing within the AFSA time line.

Senator DEWINE. Okay.

Dr. GOLDEN. I am sorry. I thought that was——

Senator DEWINE. You know that.

Dr. GOLDEN. Right.

Senator DEWINE. But you do not know how many actually have a plan in place, because that is what the quote is.

Dr. GOLDEN. I am sorry. I thought you were——

Senator DEWINE. Well, let me just read it again to you. I am just reading directly from the report.

Dr. GOLDEN. Okay.

Senator DEWINE. “Children in the sample were in care an average of approximately 65 months before they achieved their permanency plan.”

Dr. GOLDEN. Right. So that means until they either went home or were adopted. Right? That is until the closing of the case. Right. And that is something that we know how long cases have been in care, and the information that you are just asking me for at the point of closure for different categories, we have just had a special study done that looks at some pieces of that. And I will be happy to share the more detailed information with you.

#### SUBCOMMITTEE RECESS

Senator DEWINE. Anybody have any other comments?

Well, I thank you all for your patience very much. I think it has been a very helpful hearing. As I said at the beginning, this committee will continue to have hearings on these issues. We think it is very, very important. We want to work with you. We want to try to be of assistance to you. And again, we thank you very much. You each have contributed a great deal. And there is nothing more important, I think, than what is going on in the District than to work with our children.

Thank you very much.

Dr. GOLDEN. Thank you.

Senator LANDRIEU. Thank you.

[Whereupon, at 1:05 p.m., Wednesday, April 2, the subcommittee was recessed, to reconvene subject to the call of the Chair.]



**DISTRICT OF COLUMBIA APPROPRIATIONS  
FOR FISCAL YEAR 2004**

**WEDNESDAY, APRIL 30, 2003**

U.S. SENATE,  
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,  
*Washington, DC.*

The subcommittee met at 10 a.m., in room SD-138, Dirksen Senate Office Building, Hon. Mike DeWine (chairman) presiding.  
Present: Senator DeWine.

**DISTRICT OF COLUMBIA COURTS**

**STATEMENTS OF:**

**ANNICE M. WAGNER, CHAIR, JOINT COMMITTEE ON JUDICIAL ADMINISTRATION IN THE DISTRICT OF COLUMBIA**  
**DOUG NELSON, DIRECTOR, PROPERTY DEVELOPMENT DIVISION, PUBLIC BUILDINGS SERVICE, NATIONAL CAPITAL REGION, GENERAL SERVICES ADMINISTRATION**

**ACCOMPANIED BY:**

**RUFUS KING III, CHIEF JUDGE, SUPERIOR COURT OF THE DISTRICT OF COLUMBIA, AND MEMBER, JOINT COMMITTEE ON JUDICIAL ADMINISTRATION IN THE DISTRICT OF COLUMBIA**  
**ANNE WICKS, EXECUTIVE OFFICER, D.C. COURTS AND SECRETARY, JOINT COMMITTEE ON JUDICIAL ADMINISTRATION IN THE DISTRICT OF COLUMBIA**

**OPENING STATEMENT OF SENATOR MIKE DEWINE**

Senator DEWINE. Good morning. This hearing will come to order. Today we are convening a second hearing regarding the fiscal year 2004 budget for the District of Columbia Courts. At our first hearing last month, there was some confusion as to capital funds required for fiscal year 2004.

My understanding is that since that hearing the courts have worked closely with GSA to determine their actual capital requirements for the next 2 years. According to the court's written testimony, \$244.8 million is being requested for fiscal year 2004. This is an increase of \$38.5 million above the fiscal year 2003 enacted budget, and \$36.6 million more than the President's budget request.

We would like to hear the witnesses today as to how they plan to use these additional resources and how this increase would work, including the success of the Family Court, as well as the operations of the Superior Court. We are also interested to learn how the court's facilities plan will be implemented in a time line for completion of these important capital projects.

These capital projects will play a key role in providing a safe family friendly environment as is required by the Family Court Act.

Today our GSA witness will describe the important role his agency will have as a project manager for the renovation and construction of court facilities.

I'm also curious to hear how the time lines of the D.C. Courts' construction plans compare to other courthouse constructions in other jurisdictions.

Given the constraints of the recently passed budget resolution, frankly, it's going to be difficult for this subcommittee to provide the increases above the President's request for the courts. I would like to hear from Judge Wagner how the President's proposed budget level, which is \$36.6 million below the court's request is going to affect the court's operations.

Also, I recognize that the most significant construction costs will occur in fiscal year 2005. I urge the courts to meet with officials from OMB as soon as possible to ensure that the capital costs are requested in the President's fiscal year 2005 budget request.

The witnesses will be limited to 5 minutes for opening remarks, and copies of your written statements will be placed in the record in their entirety.

Senator Strauss has submitted a written statement to be included in the record.

[The statement follows:]

PREPARED STATEMENT OF SENATOR PAUL STRAUSS

As the elected United States Senator for the District of Columbia, and an attorney who practices in the family court division of our local courts I would like to state for the record that I fully support the fiscal year 2004 Budget Request for the District of Columbia Courts. As an elected Senator for the District of Columbia, I stand by the Court System of District of Columbia. It is vital that the District of Columbia Court System be fully funded in the amount asked for today.

I respect the positions of all of the witnesses that are here today and especially know that Judges King, Wagner, and their staff have worked hard on their budget proposal. I know that the fiscal marks that he is testifying in support of today are what we need in order for the D.C. Court System to continue to operate at full capacity. Since, as the D.C. Senator, I myself cannot vote on this appropriation I am limited to merely asking you to support his proposal.

In this hearing, the witnesses have presented the fiscal marks that they request regarding capitol improvements requirements of the D.C. Courts in fiscal year 2004. With the cooperation of and significant input from General Services Administration, the D.C. Courts have come up with a Master Plan for Facilities. This plan incorporates significant research, analysis, and planning. I support this plan and am happy that this subcommittee supports it as well.

However, as much as I appreciate having the support from this subcommittee on the Master Plan for Facilities, I respectfully state that this matter is not in the Office of Management and Budget or the President's hands. I know that I need not remind you that Congress has the final say over how much money is spent and it is very unlikely that the President will veto the entire bill if more money is appropriated on this project than is written into the President's budget. Of course, that does not mean that Judges Wagner, King, and their staff should not take the advice of Chairman DeWine and strongly advocate for this project to OMB. It is still very important to have this project written into the President's fiscal year 2005 Budget. Having it in there will of course make it more likely that the money will be appropriated for the project.

The District of Columbia Courts' fiscal year 2004 request is a fiscally responsible budget that continues to build on past achievements to meet current and future needs. Some of the needs that will be met by the budget proposal submitted by the D.C. Courts are enhancing public security, investing in human resources, investing

in information technology, expanding strategic planning and management, and strengthening services to families.

Moreover, having stated the importance of fully funding the District of Columbia Court System, I would like to emphasize the importance of fully funding the Court's Defender Services line item. In order to provide adequate representation to families in crisis we need to fully fund Defender Services. All of this Committee's good work on Family Court reform is in jeopardy without the resources to back it up. The Family Court is an institution that must protect the District's most vulnerable citizens—its children, as well as provide countless other, more mundane yet important, legal functions common to every jurisdiction. The safety of children should not and will not be compromised due to political agendas or simple lack of funding. Although the budget provides training for new attorneys, these children are best served by experienced advocates. We are in danger of losing our most experienced child advocates due to budget cuts.

Once again this year the D.C. Court System asked for an increase in the hourly rate paid to attorneys that provide legal services to the indigent including those attorneys that work hard to represent abused and neglected children ad guardia and ad litem in Family Court. The first fee increase in nearly a decade was implemented in March of 2002 when it was increased to the present rate of \$65 per hour. In the fiscal year 2004 request the Courts recommend an incremental increase from the current \$65 an hour to \$75 per hour and eventually to \$90 per hour. The reason that this adjustment is so important is that the Federal court-appointed lawyers, literally across the street already get paid \$90 an hour to do very similar work. Therefore, the disparity in pay between the two positions creates a disincentive amongst the "experienced" attorneys to work for Defender Services in D.C. Court. I call on this Subcommittee to once again eliminate this disincentive. It was unfortunate that the fiscal year 2003 Appropriations Bill that came out of Conference and was signed into law by the President did not include this raise that this Committee, and full Senate rightly included into their mark up of the bill. I urge this Subcommittee to fully fund the requested increase in the defender services line item in the bill for fiscal year 2004 just like they did for fiscal year 2003, and then fight vigorously to defend that mark if a conference becomes necessary.

Senator Landrieu has stated that the District of Columbia Family Court should be a "showcase" for the whole country. I firmly agree with that statement and add that as an attorney who practices regularly in the D.C. Family Court, I believe that it is thankfully on its way toward being that "showcase". However, there is continued need for improvement. I know that this Subcommittee has been firmly committed to the D.C. Family Court. On behalf of my constituents I thank you for all your hard work and dedication and I look forward to your continued cooperation. There has been strong bipartisan support in this Subcommittee for the D.C. Family Court. In particular, I commend Senators DeWine and Landrieu for all the great work that they have done on this important issue. Both of them have treated the D.C. Family Court as if it were a court in their own States.

In the long term, a family-friendly showcase state-of-the-art Family Court with its own identity and a separate entrance is included in the Master Plan that the D.C. Courts and GSA have compiled. I am also happy to see that the Master Plan takes into account the transition from the Family Court of today to the Family Court we will see in the future. The two-pronged approach that includes the transition, the final step means that this plan is well thought out, and they are ready for the money to be appropriated for this important project.

In conclusion, I would like to thank the Subcommittee for holding this important hearing and Judges Wagner and King as well as Mr. Doug Nelson, Director-Property Development, GSA for working hard on the Master Plan for Facilities and testifying today. I urge this Subcommittee to take the budget proposals submitted today into strong consideration. Finally, let me take this opportunity to thank Matt Helfant of my staff for his assistance in preparing this statement. I look forward to further hearings on this topic and I am happy to respond to any requests for additional information.

Senator DEWINE. Judge Wagner is, of course, the Chief Judge of the District of Columbia Court of Appeals. We are also joined by Mr. Doug Nelson, Director of the Property Development Division, Public Building Services, National Capital Region, General Services Administration. And of course also on the panel is Judge King, who we welcome back again as well.

Mr. Nelson, why don't we just start with you, and just tell us where you think we are, what do we need to know.

STATEMENT OF DOUGLAS NELSON

Mr. NELSON. Thank you, Mr. Chairman, Senators. Thank you for this opportunity to discuss the fiscal year 2004 capital budget request for the District of Columbia Courts. I'm Doug Nelson and I am appearing here in my capacity of the Director of the GSA National Capital Region's Property Development Division. The Property Development Division is part of the GSA Public Building Service, and we provide program and project management services for major new construction, modernization, lease construction, renovations, and repair and alteration projects for Federal facilities.

Development of large, complex and technically challenging projects of historical significance is not only part of our Nation's legacy, but also GSA's. Our projects stand as a testimony to the outstanding level of quality and service we deliver to our customers.

GSA is pleased that the D.C. Courts have turned to us to provide project management services for their projects arising from the District of Columbia Family Court Act of 2001. GSA has been supporting D.C. Courts' projects ranging in scope from planning to minor repairs and alterations to major renovation and new construction. We are now directly involved with projects encompassing three existing buildings and a new parking garage, all of which are located in and around Judiciary Square.

The projects consist of the Family Court Interim Plan, interior renovation of Building B to house, among others, the Small Claims Court, the Landlord-Tenant Court, and administrative offices. It also includes the partial renovation of approximately 30,000 occupiable square feet of the Moultrie Courthouse John Marshall level to house part of the Family Court; the renovation and adaptive reuse of the historic 1820's old D.C. Courthouse to house the D.C. Court of Appeals, including the new construction of the underground parking garage; and expansion of the Moultrie Courthouse to meet the space needs of the Superior Court to provide state of the art facilities for the Family Courts.

These projects are related to one another, since room for the Family Court is being created within the Moultrie Courthouse by a combination of relocation of the Court of Appeals to the Old Courthouse, the movement of the current Moultrie occupants to Building B, and the Moultrie John Marshall level renovation. Presently, all projects that I have identified are underway, although each are at different stages of completion.

The current status of each project: An 8(a) contractor has been awarded a design-build contract for the Building B interior renovations. The project is in the demolition phase of construction and occupancy is scheduled for December of 2003.

The Moultrie Courthouse John Marshall level renovation and creation of new courtrooms for the Family Court is being designed by the architectural firm Oudens and Knoop.

The architectural firm of Beyer, Blinder, Belle, architects and planners, has recently been selected for the Old Courthouse and

the parking garage, and we are using GSA's Design Excellence program for that selection.

The architectural firm of Gensler has been recently selected for the Moultrie Courthouse expansion utilizing the Design Excellence program.

For your information, I have provided individual fact sheets for the Building B project, the Old Courthouse and garage project, and the Moultrie Courthouse expansion project. These fact sheets provide more detailed information on each of the projects.

In addition to the construction projects I have described, GSA is also working with the D.C. Courts to prepare a master plan for Judiciary Square at the request of the National Capital Planning Commission. A draft of this plan is scheduled for presentation to the Commission early this summer, and approval of this plan is essential for continued progress of the projects.

#### PREPARED STATEMENT

Mr. Chairman and Senators, we look forward to working with you throughout the appropriate appropriations process, and I thank you for the opportunity to discuss the fiscal year 2004 capital budget request of the Courts as it relates to these projects. I would be pleased to answer any questions.

[The statement follows:]

#### PREPARED STATEMENT OF DOUG NELSON

Mister Chairman, Senators, thank you for this opportunity to discuss the fiscal year 2004 capital budget request of the District of Columbia Courts. I am Doug Nelson, and I am appearing in my capacity as the Director of the GSA National Capital Region Property Development Division. The Property Development Division is part of the GSA Public Buildings Service and we provide program and project management services for major new construction, modernization, lease construction, renovations, and repair and alteration projects for Federal facilities.

Development of large, complex and technically challenging projects of historical significance is not only part of our Nation's legacy, but also GSA's. Our projects stand as testimony to the outstanding level of quality and service we deliver to our customers.

GSA is pleased that the D.C. Courts have turned to us to provide project management services for their projects arising from the District of Columbia Family Court Act of 2001. GSA has been supporting D.C. Courts' projects ranging in scope from planning to minor repairs and alterations to major renovation and new construction. We are now directly involved with projects encompassing three existing buildings and a new parking garage, all of which are located in and around Judiciary Square.

The projects consist of:

—Family Court Interim Plan:

- Interior renovation of Building "B" to house, among others, the Small Claims Court, the Landlord-Tenant Court, and administrative offices;
- Partial renovation of approximately 30,000 occupiable square feet of the Moultrie Courthouse John Marshall level to house part of the Family Court;
- Renovation and adaptive reuse of the historic 1820's Old D.C. Courthouse to house the D.C. Court of Appeals, including the construction of a new underground parking garage; and
- Expansion of the Moultrie Courthouse to meet the space needs of the Superior Court and to provide state of the art facilities for the Family Court.

These projects are related to one another, since room for the Family Court is being created within the Moultrie Courthouse by a combination of the relocation of the Court of Appeals to the Old Courthouse, the movement of current Moultrie occupants to Building "B", and the Moultrie John Marshall level renovation. Presently, all of the projects that I have identified are underway, although each is at a different stage of completion.

The current status of each project is:

- An 8(a) contractor has been awarded a design-build contract for the Building “B” interior renovations. The project is in the demolition phase of construction and occupancy is scheduled for December 2003;
- The Moultrie Courthouse John Marshall level renovation and creation of new courtrooms for the Family Court is being designed by the architectural firm Oudens and Knoop;
- The architectural firm Beyer Blinder Belle has recently been selected for the Old Courthouse and the parking garage utilizing GSA’s Design Excellence program; and
- The architectural firm Gensler has recently been selected for the Moultrie Courthouse expansion utilizing the Design Excellence program.

For your information, I have prepared individual fact sheets for the Building “B” project, the Old Courthouse and garage project, and the Moultrie Courthouse expansion project. These fact sheets provide more detailed information on each of the projects.

In addition to the construction projects I have described, GSA is also working with the D.C. Courts to prepare a Master Plan for Judiciary Square at the request of the National Capital Planning Commission. A draft of this plan is scheduled for presentation to the Commission early this summer. Approval of this plan is essential to the continued progress of the projects.

Mister Chairman, Senators, we look forward to working with you throughout the appropriations process, and I thank you for the opportunity to discuss the fiscal year 2004 capital budget request of the Courts as it relates to these projects. I would be pleased to address any questions.

FACT SHEET.—D.C. COURTS BUILDING “B” INTERIOR RENOVATIONS

*Background*

This project is on behalf of the D.C. Courts in accordance with the Family Court Act of 2001. The scope of work is the renovation of the interior of Building “B”, located on 4th Street, NW, between E and F Streets. Building “B” has three above-grade floors and an occupiable basement totaling 68,000 OSF. Renovation of the building is being carried out in two phases, with the building remaining partially occupied during each phase. When the renovation project is complete, Building “B” will house the Landlord-Tenant Court and the Small Claims Court, as well as other Superior Court offices.

*Current Status*

The first phase of the project is currently underway. A design-build contract was awarded to Dalco, Inc., an 8(a) construction contractor working in conjunction with the architectural firm of Leo A Daly. The demolition portion of the first phase is nearing completion. The design of the new work is scheduled for completion in April 2003, with construction to commence immediately thereafter.

—*Construction Manager.*—A Construction Management (CM) contract was awarded by GSA in February 2003 for the D.C. Courts projects, including the Building “B” renovation. This contract includes management of the design and construction phases of the project.

—*Design.*—Design is scheduled for completion in April 2003.

—*Construction.*—Construction is ongoing, with the first phase new construction scheduled to commence in April 2003.

*Milestones*

*Award (Design-Build).*—December 2002.

*Design Complete.*—April 2003.

*Occupancy.*—December 2003.

*Cost*

*Design & Construction.*—\$13,500,000 (fiscal year 2003).

*M&I.*—\$1,500,000 (fiscal year 2003).

*Total Budget.*—\$15,000,000 (fiscal year 2003).

*Contact*

Doug Nelson, Director, GSA–NCR Property Development Division.

FACT SHEET.—D.C. COURTS OLD D.C. COURTHOUSE AND PARKING GARAGE

*Background*

This project is on behalf of the D.C. Courts and includes the restoration and adaptive reuse of the historic Old D.C. Courthouse in Judiciary Square in Washington, DC. The project also includes a new underground parking garage adjacent

to the Old Courthouse with space for approximately 250 vehicles, which will be shared with the U.S. Court of Appeals for the Armed Forces (USCAAF). Designed in 1820, the Old Courthouse currently comprises 96,000 SF. An additional 37,000 SF addition to the Old Courthouse is planned as part of this project, bringing the completed total square footage to 133,000. When complete, the building will house the D.C. Court of Appeals.

#### *Current Status*

The project is currently in the design procurement phase. An Architect/Engineer (A/E) has been selected utilizing GSA's Design Excellence program, and it is anticipated that the design will commence upon award in June 2003.

—*Master Plan.*—A D.C. Courts Judiciary Square Master Plan is being developed at the request of the National Capital Planning Commission (NCPC). The draft report is planned for a June 6, 2003 submission to NCPC. NCPC approval of this plan is critical to the continued progress of the project.

—*Construction Manager.*—A Construction Management (CM) contract was awarded by GSA in February 2003 for the D.C. Courts projects, including the Court of Appeals and the parking garage. This contract includes management of the design and construction phases of the project.

—*Design.*—An A/E has been selected based on technical merit, and cost negotiations are planned to commence in early May 2003. A single design contract will be awarded, but the A/E will produce separate sets of construction documents for the garage and the Courthouse.

—*Construction.*—The parking garage and the Old Courthouse are to be constructed utilizing separate construction contracts. Construction of the parking garage is planned to commence in September 2004, with completion planned in December 2005. The Old Courthouse construction is scheduled to begin in March 2005 and is scheduled for occupancy in March 2007.

#### *Milestones*

*Design Award.*—June 2003.

*Design Complete.*—Garage: February 2004; Courthouse: August 2004.

*Construction Award.*—Garage: September 2004; Courthouse: March 2005.

*Garage Complete.*—December 2005.

*Courthouse Occupancy.*—March 2007.

#### *Remaining Cost*

GSA has received fiscal year 2003 and prior year funds from the D.C. Courts for this project. In addition, part of the garage cost is to be funded by the USCAAF. A summary of the total projected D.C. Courts project costs is as follows, with the remaining funds required from the D.C. Courts:

*Design.*—Courthouse & Garage \$5.4M (fiscal year 2003).

*M&I.*—Courthouse & Garage \$7.3M (\$1.7M in fiscal year 2003; \$0.7M in fiscal year 2004; \$4.9 in fiscal year 2005).

*Construction.*—Courthouse & Garage \$66.5M (\$8.8M in fiscal year 2004; \$57.7M in fiscal year 2005).

*Total Cost.*—\$79.2M (\$7.1M in fiscal year 2003; \$9.5M in fiscal year 2004; \$62.6M fiscal year 2005).

*Remaining D.C. Courts Funding.*—\$74.1M (\$2.0M in fiscal year 2003; \$9.5M in fiscal year 2004; \$62.6M fiscal year 2005).

#### *Contact*

Doug Nelson, Director, GSA–NCR Property Development Division.

FACT SHEET.—D.C. COURTS MOULTRIE COURTHOUSE EXPANSION

#### *Background*

This project is on behalf of the D.C. Courts in accordance with the Family Court Act of 2001. The scope of work is the expansion of the H. Carl Moultrie I Courthouse building to provide more room for the Superior Court's Family Court and to provide space for a new Family Services Center. The Moultrie Courthouse is located on the south side of Judiciary Square facing Indiana Avenue, NW. The project consists of a 74,000 SF expansion of the building consisting of a 64,000 SF addition along the building's south side and a new 10,000 SF pavilion located on the north side. Related projects in Judiciary Square arising from the Family Court Act include interior renovation of D.C. Courts Building "B" and the partial renovation of the Moultrie Courthouse John Marshall level.

*Current Status*

The project is currently in the design procurement phase. An Architect/Engineer (A/E) has been selected utilizing GSA's Design Excellence program, and it is anticipated that the design will commence upon award in August 2003.

—*Master Plan*.—A D.C. Courts Judiciary Square Master Plan is being developed at the request of the National Capital Planning Commission (NCPC). The draft report is planned for a June 6, 2003 submission to NCPC. NCPC approval of this plan is critical to the continued progress of the project.

—*Construction Manager*.—A Construction Management (CM) contract was awarded by GSA in February 2003 for the D.C. Courts projects, including the Moultrie Courthouse expansion. This contract includes management of the design and construction phases of the project.

—*Design*.—An A/E has been selected based on technical merit, and cost negotiations are planned to commence in July 2003.

—*Construction*.—Construction is planned to commence in May 2005.

*Milestones*

*Design Award*.—August 2003.

*Design Complete*.—September 2004.

*Construction Award*.—May 2005.

*Occupancy*.—June 2009.

*Remaining Cost*

*Design*.—\$3,600,000 (fiscal year 2003).

*M&I*.—\$1,200,000 (fiscal year 2003).

*M&I*.—\$4,800,000 (fiscal year 2005).

*M&I*.—\$950,000 (fiscal year 2008).

*Construction*.—\$44,000,000 (fiscal year 2005).

*Construction*.—\$7,700,000 (fiscal year 2008).

*Total Remaining*.—\$62,300,000 (\$4.8M in fiscal year 2003; \$48.9M in fiscal year 2005; \$8.6M in fiscal year 2008).

*Contact*

Doug Nelson, Director, GSA–NCR Property Development Division.

Senator DEWINE. Mr. Nelson, thank you very much. You set a new record. You only took 4 minutes to testify.

Judge Wagner, you do not have to follow that precedent. We will give you his extra minute. Judge Wagner, go ahead.

## STATEMENT OF ANNICE M. WAGNER

Chief Judge WAGNER. Good morning, Mr. Chairman, and Senators. Thank you so much for this opportunity to address further our capital improvement requirements for the District of Columbia Courts in fiscal year 2004. For the record, I am Annice Wagner, and I am the Chair of the Joint Committee on Judicial Administration in the District of Columbia, which is the policy-making body for the District of Columbia Courts.

With me is Chief Judge Rufus King III, who is a member of our Joint Committee and who is the chief judge of our trial court, the Superior Court of the District of Columbia. We also have other staff members present with us. We have Anne Wicks, our Executive Officer, and secretary to the Joint Committee, and Mr. Joseph Sanchez, the Courts' Administrative Officer. They are here to provide detailed information to the committee.

The Courts' capital funding requirements are significant, as we know. That is because they include funding for projects critical to maintaining, preserving and building safe and functional courthouse facilities which are essential to meeting the heavy demands of the administration of justice in our Nation's capital.

Since we appeared before you, we have held several, or a series of productive meetings with the General Services Administration,



which as you know, is the program and project manager for the Courts' construction and renovation projects. As with any complex construction project, we are informed that ongoing refinement of the design, acquisition, and construction plans have led to changes in project approaches, which affect the Courts' capital funding request for fiscal year 2004.

Two points should be emphasized about these changes at the outset. First, these changes do not change the timing for the completion of the adaptation of the Old Courthouse for use by the D.C. Court of Appeals, the Moultrie Courthouse expansion, or the interim and final Family Court plans which will be discussed more fully later. And second, they merely shift capital costs from fiscal year 2004 to fiscal year 2005. The shift in timing of funding has had no impact on the construction time line, as you have heard, and all capital projects remain on schedule, at least as of today.

Recent studies by GSA have shown the Courts' space needs, which will occur over the next decade, and indeed show a current shortfall in space. To meet these needs, we have three major approaches.

First, renovation of the Old Courthouse for readaptive use will provide space for the District's court of last resort, the District of Columbia Court of Appeals, and this will free space in the Moultrie Courthouse for trial court operations, including our Family Court. Second, construction of an addition on the Moultrie Courthouse, a major portion of which will be developed as a separately accessible state of the art Family Court facility. And third, the future occupation of Building C, which is adjacent to the Old Courthouse.

The readaptive use of the Old Courthouse is critical to meeting the space needs of the entire court system. Investment will improve efficiencies by co-locating the offices and support facilities and provide 37,000 square feet of critically needed space in the Moultrie building. As you know, the Moultrie building is uniquely designed to meet the needs of the trial court particularly, because of its secure corridors through which many many prisoners have to go each day to the various courtrooms within the building. It's well suited to that.

It is also well suited to the planned addition for the Family Court, which will be facilitated through the master plan. This addition allows for development on C Street of a separate Family Court entrance, with its own name appearing on the building, which will provide a welcoming facility for families coming to the Court in the most difficult times of their lives, no doubt.

The Moultrie building was built in 1978 for 44 trial judges, and today it is strained beyond its capacity in order to accommodate 62 trial judges and 24 magistrate judges, and 9 appellate judges, as well as senior judges and support staff for the two courts.

I would like to take the time to mention the historical and architectural significance of Judiciary Square, which lends dignity to the important business conducted by the Courts. The National Capital Planning Commission is requiring the Courts to develop a master plan for Judiciary Square, essentially an urban design plan, before construction can begin. The D.C. Courts are working with several stakeholders on the plan, including the United States Court of Ap-

peals for the Armed Forces, the National Law Enforcement Museum, the Newseum, and the Metropolitan Police Department.

The Old Courthouse is the centerpiece of Judiciary Square and is one of the oldest buildings in the District of Columbia. The architectural and historic significance of the building, which was built from 1821 to 1881, led to its listing on the National Register of Historic Places. Since it has been vacated, thanks to the support of Congress, we have been able to take steps to prevent its further deterioration and to begin planning for its readaptive use.

The project will not only meet the critical needs of the Courts by serving as the new site for the Court of Appeals, it will also impart new life to one of the most significant historic buildings in Washington, DC. It will meet the needs of the Courts and it will benefit the community through an approach of strengthening a public institution, restoring a historic landmark, and stimulating the neighborhood's economic activities.

There are a number of other buildings such as Buildings A, B and C, which are in our master plan. Work is underway to move the Superior Court's two highest volume courtrooms, small claims and landlord-tenant, into Building B by this year's end. This move will free much needed space in the Moultrie building, for the development of a Family Court, which will include three new courtrooms, three new hearing rooms, a centralized intake facility, a family friendly waiting area, and District of Columbia government liaison offices for Family Court matters.

The Courts are pleased to be working with GSA on these projects, and Mr. Nelson has explained some of them to you. As we embark on projects of the large scope envisioned by the Master Plan for D.C. Courts Facilities, we are particularly pleased to have GSA's expert guidance and the guidance of the experts whom they have hired. The master plan incorporates significant research, analysis and planning by expert architects, engineers and design planning.

I know that my time is short here, but there are two key features that I want to mention about the interim Family Court plan. During 2002, the Courts constructed and reconfigured space in the Moultrie Courthouse to accommodate the nine new Family Court magistrate judges and their support staff. The Court also constructed four new hearing rooms for Family Court magistrates hearing child abuse and neglect cases, and renovated space for the mayor's social services liaison office.

A key element of the Family Court interim plan is the JM level construction in the Moultrie Courthouse of three new courtrooms and three new hearing rooms, a centralized Family Court intake center, a family friendly child waiting area, and a new Family Court entrance on the John Marshall Plaza. The JM level construction will be complete in the latter part of 2004. We are pleased to be able to report that.

There is a long-term Family Court plan, as you know. I won't get into it right now, but I will await your questions. It is addressed in my written testimony to the committee.

Unless these infrastructure needs are addressed, the functional capability of the Courts will decline and the quality of justice in the District of Columbia will be compromised. For fiscal year 2004, we

ask for \$52,889,000 for capital projects, and as you know, the bulk of the funding needed for the master space plan will come in fiscal year 2005.

PREPARED STATEMENT

Again, thank you for the opportunity to discuss the Courts' capital budget request, and we look forward to working with you throughout the appropriations process. Chief Judge King and I would be pleased to address any questions.

[The statement follows:]

PREPARED STATEMENT OF ANNICE M. WAGNER

Mister Chairman, Senator Landrieu, thank you for this opportunity to address further the capital improvement requirements of the District of Columbia Courts in fiscal year 2004. For the record, I am Annice Wagner, and I am appearing in my capacity as the Chair of the Joint Committee on Judicial Administration in the District of Columbia. The Joint Committee, as the policy-making body for the District of Columbia Courts, has responsibility, for, among other matters, space and facilities issues in the District of Columbia's court system.

With me this morning are Chief Judge Rufus King III, a member of the Joint Committee and the chief judge of our trial court, the Superior Court of the District of Columbia, Ms. Anne Wicks, the Executive Officer of the Courts and Secretary to the Joint Committee, and Mr. Joseph E. Sanchez, Jr., the Courts' Administrative Officer.

The Courts' capital funding requirements are significant because they include necessary funding for projects critical to maintaining, preserving and building safe and functional courthouse facilities essential to meeting the heavy demands of the administration of justice in our Nation's Capital. Since appearing before you on March 12, 2003, the Courts have had a series of productive meetings with representatives of the General Services Administration (GSA), the agency serving as program and project managers for the Courts' construction and renovation projects. As with any complex construction project, we are informed that on-going refinement of the design, acquisition and construction plans have led to changes in project approaches which affect the Courts' capital funding requirements in fiscal year 2004 for these multi-year projects. Two points should be emphasized about these changes at the outset. First, these changes do not change the timing for the completion of the re-adaptation of the Old Courthouse for use by the District of Columbia Court of Appeals, the Moultrie Courthouse expansion, or the interim and final Family Court plans, which will be discussed more fully later. Second, the changes provided to us by GSA for fiscal year 2004 merely shift some capital costs from fiscal year 2004 to fiscal year 2005. The total cost of these projects and the GSA requirement for full funding at the beginning of construction remain. The shift in the timing of funding requirements has had no impact on the construction timeline, and all capital projects remain on schedule.

FACILITIES OVERVIEW

Let me begin by outlining an inventory of the Courts' major facilities and key features of our Master Space Plan for their use. To administer justice in our Nation's Capital, the D.C. Courts presently maintain 645,000 occupiable square feet of space in Judiciary Square. Specifically, the Courts are responsible for four buildings in the square: the Old Courthouse at 451 Indiana Avenue, the Moultrie Courthouse at 500 Indiana Avenue, N.W., and Buildings A and B, which are located between 4th and 5th Streets and E and F Streets, N.W. In addition, when the District government's payroll office vacates Building C, the old Juvenile Court, we anticipate that it will be returned to the Courts' inventory. Recent studies by the General Services Administration have documented the D.C. Courts' severe space shortage. In 2002, the Courts were short approximately 48,000 square feet for operations, with a shortfall of 134,000 square feet projected in the next decade.

A recently completed Master Plan for D.C. Court Facilities secured by the GSA defined the 134,000 square foot space shortfall facing the Courts and proposed to meet that need through three mechanisms: (1) renovation of the Old Courthouse for readaptive use by this jurisdiction's court of last resort, the District of Columbia Court of Appeals, which will to free space in the Moultrie Courthouse for trial court operations; (2) construction of an addition to the Moultrie Courthouse, a major por-

tion of which will be developed as a separately accessible Family Court facility; and (3) the future occupation of Building C, adjacent to the Old Courthouse.

The restoration and readaptive use of the Old Courthouse for the District of Columbia's highest court, the Court of Appeals, is pivotal to meeting the space needs of the court system. Investment in the restoration of the Old Courthouse will improve efficiencies by co-locating the offices that support the Court of Appeals and by providing 37,000 square feet of critically needed space for Superior Court and Family Court functions in the Moultrie Courthouse. The Moultrie Courthouse is uniquely designed to meet the needs of a busy trial court. It has three separate and secure circulation systems—for the judges, the public, and the large number of prisoners present in the courthouse each day. Built in 1978 for 44 trial judges, today it is strained beyond capacity to accommodate 62 trial judges and 24 magistrate judges in the trial court and 9 appellate judges, as well as senior judges and support staff for the two courts. Essential District criminal justice and social service agencies also occupy office space in the Moultrie Courthouse. It is needless to say that the Courts have outgrown the space available in the Moultrie building. The space is inadequate for this high volume court system to serve the public in the heavily populated metropolitan area in and around our Nation's Capital. The Courts require well-planned and adequate space to ensure efficient operations in a safe and healthy environment.

The historical and architectural significance of Judiciary Square lends dignity to the important business conducted by the Courts and at the same time complicates somewhat any efforts to modernize or alter the structures. Judiciary Square is of keen interest to the Nation's Capital. The National Capital Planning Commission is requiring that the Courts develop a Master Plan for Judiciary Square—essentially, an urban design plan—before construction can be commenced in the area. The D.C. Courts are working with all stakeholders on the Plan, including the United States Court of Appeals for the Armed Forces, the National Law Enforcement Museum, the Newseum, and the Metropolitan Police Department.

The Old Courthouse, the centerpiece of the historic Judiciary Square, is one of the oldest buildings in the District of Columbia. Inside the Old Courthouse, Daniel Webster and Francis Scott Key practiced law, and John Surratt was tried for his part in the assassination of President Abraham Lincoln. The architectural and historical significance of the Old Courthouse, built from 1821 to 1881, led to its listing on the National Register of Historic Places and its designation as an official project of Save America's Treasures. The structure is uninhabitable in its current condition and requires extensive work to meet health and safety building codes and to readapt it for use as a courthouse. Since it has been vacated, thanks to the support of Congress, we have been able to take steps to prevent its further deterioration. This project will not only meet the critical needs of the Courts by serving as the new site for the Court of Appeals; it will also impart new life to one of the most significant historic buildings in Washington, DC. It will meet the needs of the Courts and benefit the community through an approach that strengthens a public institution, restores a historic landmark, and stimulates neighborhood economic activity.

Buildings A, B, and C, dating from the 1930's, are situated symmetrically along the view corridor comprised of the National Building Museum, the Old Courthouse, and John Marshall Park and form part of the historic, formal composition of Judiciary Square. These buildings have been used primarily as office space in recent years, with a number of courtrooms in operation in Building A. Work is underway to move the Superior Court's two highest volume courtrooms, Small Claims and Landlord and Tenant, into Building B by year's end. This move will free much needed space in the Moultrie Building for development of the Family Court, which will include three new courtrooms, three new hearing rooms, a centralized intake facility, a family-friendly waiting area and District liaison offices for Family Court matters.

The H. Carl Moultrie I Courthouse, built in the 1970's, while not historic, is also located along the view corridor and reinforces the symmetry of Judiciary Square through its similar form and material to the municipal building located across the John Marshall Plaza. Currently the Moultrie Courthouse provides space for most Court of Appeals, Superior Court, and Family Court operations and clerk's offices, as previously described.

The Courts have been working with GSA on a number of our capital projects since fiscal year 1999, when we assumed responsibility for our capital budget from the District's Department of Public Works. In 1999, GSA produced a study for the renovation and readaptive use of the Old Courthouse. Later, in 2001, GSA prepared Building Evaluation Reports that assessed the condition of the D.C. Courts' facilities. These projects culminated in the development of the first Master Plan for D.C.

Courts Facilities, which delineates the Courts' space requirements and provides a blueprint for optimal space utilization, both in the near and long term.

As we embark on projects of the large scope envisioned by the Master Plan for Facilities, we are particularly pleased to have the General Services Administration and its teams of construction and procurement experts working with us. We appreciate GSA's presence and participation this morning to provide detailed information on these projects that are so important to the administration of justice in our Nation's Capital.

#### MASTER PLAN FOR FACILITIES

The Master Plan for D.C. Courts Facilities incorporates significant research, analysis, and planning by experts in architecture, urban design and planning. During this study GSA analyzed the Courts' current and future space requirements, particularly in light of the significantly increased space needs of the Family Court. The Master Plan examined such critical issues as: alignment of court components to meet evolving operational needs and enhance efficiency; the impact of the D.C. Family Court Act of 2001 (Public Law Number 107-114); accommodation of space requirements through 2012; and planning to upgrade facilities, including, for example, security, telecommunications, and mechanical systems. The Plan identified a space shortfall for the Courts over the next decade of 134,000 occupiable square feet, and proposed to meet that need through three approaches: (1) renovation of the Old Courthouse for readaptive use by the D.C. Court of Appeals, which will free space in the Moultrie Courthouse for trial court operations; (2) construction of an addition to the Moultrie Courthouse, to meet the needs of the Family Court; and (3) reoccupation of Building C, adjacent to the Old Courthouse. In addition, the Plan determined that other court facilities must be modernized and upgraded to meet health and safety standards and to function more efficiently.

#### FAMILY COURT IN THE MASTER PLAN

##### *Interim Family Court Space Plan*

The Master Plan incorporates an Interim Space Plan for the Family Court that provides the facilities necessary to fully implement the Family Court Act, as well as a long term plan that optimizes space and programmatic enhancements for the Family Court. The Interim Space Plan for Family Court will be complete in the fall of 2004. As this Interim Space Plan proceeds towards completion, procedural changes have been implemented within the Family Court to meet the requirements of the Family Court Act. I believe Mr. Nelson from GSA plans to describe the status of the Interim Plan, which was detailed in the Family Court's April 5, 2002 Transition Plan. Therefore, I will mention only briefly the essential components of the Interim Plan.

—During fiscal year 2002 the Courts constructed and reconfigured space in the Moultrie Courthouse to accommodate the nine new Family Court magistrate judges and their support staff. The Courts also constructed four new hearing rooms for Family Court magistrate judges hearing child abuse and neglect cases, and renovated space for the Mayor's Services Liaison Office.

—A key element of the Family Court Interim Space Plan is the JM-level construction in the Moultrie Courthouse of three new courtrooms, three new hearing rooms, the Mayor's Services Liaison Office, a Centralized Family Court Filing and Intake Center, a family-friendly child waiting area, and a new Family Court entrance from the John Marshall Plaza to the Moultrie Courthouse. In addition, the corridors and hallways along the courthouse's JM-level will be re-designed and upgraded to create family-friendly seating and waiting areas.

As stated previously, the JM-level construction will be complete in the latter part of 2004, marking the implementation of the Interim Plan. When the renovation of the first floor of Building B is complete (fall 2003), the Small Claims and Landlord & Tenant courts and clerk's offices will be relocated from the JM level of the Moultrie Courthouse to Building B, and Family Court construction will begin on the JM level.

##### *Long Term Plan*

The long term plan includes expansion of the Moultrie Courthouse. Once complete, it will provide a state-of-the-art, family-friendly facility for Family Court operations, with its own identity and separate entrance, which will be a model for the Nation. We envision a safe facility designed to alleviate the inevitable stresses on the families who come to the courthouse seeking justice. We want the Family Court to be inviting and welcoming to families with small children, to families with teenagers, to all families. We envision a customer-friendly facility that incorporates the

“one-stop” concept by locating all related court units in one place and making it easier for families to access needed social services from D.C. government agencies. The interim Family Court plans are designed to transition smoothly into this long term plan and to maximize the efficient use of time and money.

CAPITAL FUNDING IN FISCAL YEAR 2004

To permit the Courts to continue to meet the needs of the community and the demands confronting the District’s judicial branch, adequate resources are essential. The most critical issue we face today is sufficient capital funding to address the Courts’ severe space shortage and aging infrastructure. Only by investing in these critical areas will the Courts be in a position to ensure that the type of security necessary to protect our citizens and our institution is in place, and that our facilities are in a safe and healthy condition and reasonably up-to-date. Unless infrastructure needs are addressed, the functional capability of the Courts will decline and the quality of justice in the District of Columbia will be compromised.

Based on figures from GSA, which reflect the current approach to our major construction projects, the Courts’ capital budget request for fiscal year 2004 is \$52,889,000, comprised of the following projects:

Courtrooms and Judges Chambers .....	\$1,950,000
HVAC, Electrical and Plumbing Upgrades .....	16,220,000
Restoration of Old Courthouse (complete garage construction) .....	4,519,000
Restroom Improvements .....	1,100,000
Elevator and Escalator .....	2,000,000
Fire and Security Alarm Systems .....	6,500,000
General Repair Projects .....	7,740,000
Moultrie Courthouse Expansion .....	1,200,000
Master Plan Implementation—Development Studies .....	550,000
Integrated Justice Information System .....	11,110,000
<b>Total .....</b>	<b>52,889,000</b>

GSA has been working with us on the two major, multi-year projects to provide the majority of the additional space needed to meet the 134,000 occupiable square feet deficit identified in the Master Plan for facilities: Restoration of the Old Courthouse and Expansion of the Moultrie Courthouse. Over the next 2 fiscal years, 2004 and 2005, these projects will require \$117 million. As both projects are currently in the design procurement phase, GSA will require the majority of these funds in fiscal year 2005, when the major construction contracts are finalized. In addition, to implement future projects required by the Master Plan, development studies will be needed in fiscal year 2004; these have been added to our capital budget request. I understand that Mr. Nelson from GSA plans to provide more detail on the current status of these projects.

Restoration of the Old Courthouse will provide space for the D.C. Court of Appeals, the District’s court of last resort. Restoring this historic landmark will help meet the urgent space needs of the appellate court and the entire court system and will preserve the rich history of this building for future generations. When the Court of Appeals vacates its current space in the Moultrie Courthouse, approximately 37,000 square feet will become available for Superior Court and Family Court operations. The Old Courthouse project includes: restoration of the Greek Revival building; construction of additional underground office and courtroom space, and a new entrance to the north on E Street; and, as authorized by Public Law 106–492, construction of a secure parking facility to be shared with and connected to the U.S. Court of Appeals for the Armed Forces, which is adjacent to the Old Courthouse.

The Moultrie Courthouse Expansion is comprised mainly of additions presently planned for the south side (C Street) and Indiana Avenue entrance of the courthouse. The C Street addition will result in the expansion of five floors in the Moultrie building. The ground level floors of the addition will enhance the Family Court by providing a new courthouse entrance solely for Family Court, additional child protection mediation space, increased Child Care Center space, and safe and comfortable family-friendly waiting areas. The C Street addition also will permit the Courts to consolidate family-related operations in one central location, including juvenile probation functions and District government social service agencies that provide needed services to families and children in crisis. The upper level floors of the addition will meet critical space needs for other Superior Court operations.

The remainder of the Courts’ fiscal year 2004 capital budget request includes funding to: continue the implementation of the Integrated Justice Information Sys-

tem (IJIS); enhance the security, health and safety of the public using court facilities; and maintain our deteriorating infrastructure. These important projects were discussed in my March 12th testimony, and their funding requirements remain as originally submitted.

#### CONCLUSION

Mister Chairman, Senators, again, thank you for this opportunity to discuss the Courts' capital budget request. We look forward to working with you throughout the appropriations process. Chief Judge King, Ms. Wicks, Mr. Sanchez, and I would be pleased to address any questions.

Senator DEWINE. Judge, thank you very much. Let me start by asking, to carry out this plan, you've got a real spike up in costs next year, 2005, and this is just not going to happen, frankly, unless the President puts it in his budget. We all know that. What has been your communication with OMB about this?

Chief Judge WAGNER. Good question. While I have not have had any recent communication with OMB about this, what I was told was, it is not a question of whether funding will be recommended for one of the first phases, which is the readaptive use of 451 Indiana Avenue, the Old Courthouse, but a question of when. We have shared our master plan in a full briefing in May, I mean our staff has done that. In terms of the principals meeting with the leadership of OMB, that's a different matter. They are always made aware of our budget requests and what the purpose of the capital funding is, and our staff briefed them in a full briefing in May.

Senator DEWINE. What kind of reaction did your staff get?

Chief Judge WAGNER. Well, that's a good question, and I might ask Ms. Wicks to respond to that. But the reaction that I've gotten has always been it's not a question of if, it's a question of when, and we know that the country has other needs, but this country always preserves its historic treasures, its symbols of its democracy, and in this case it can be used for that purpose. So if that phase gets off the ground, we have the Family Court support, I think that we can all accomplish this if we work together over the next few years.

Senator DEWINE. Why don't you step up and identify yourself for the record.

Ms. WICKS. I am Anne Wicks, the Courts' Executive Officer. We briefed the Congressional staff in May, a full briefing of our plans. We also, in October, did our fiscal year 2004 budget submission to OMB, and did a full briefing.

Senator DEWINE. That was when?

Ms. WICKS. In October of this past year. At that time, OMB felt that we weren't quite far enough along in the planning and study for the capital projects. Since that time, as you all are aware, we have completed the D.C. Courts' Master Plan for Facilities, at the first of this year, which has been provided to OMB. We are now at the point where we are nearly complete with the Judiciary Square Master Plan, the first draft of that plan will actually be presented in part tomorrow to the National Capital Planning Commission.

So we're at the point now where OMB should have information so that they feel we are very far along, and we are setting up a meeting with OMB and GSA representatives to go through and show them that we do have detailed plans at this point.

Senator DEWINE. That's going to be at what level?

Ms. WICKS. Well, we will be meeting with Mark Schwartz, who is the branch chief, and then after we brief him, I would hope that he would help us set up something, as far as meetings which will help us with this.

Senator DEWINE. Well, I can't say this in—there aren't strong enough words for me to urge you, Judge Wagner, Judge King, you're going to have to go sell this. It is not going to happen unless OMB is on board. It does not make me particularly happy that they have that much power, but that is what the facts are. If the Administration does not come forward next year with this in their budget, it will not happen. This is a chunk of money.

Now, I happen to support it, I think it's very important, I think you have a plan, I think it's a viable plan, I think it's essential for the future of the District of Columbia, the court system. But if you don't sell it to OMB and sell it to the Administration, it will not happen. Would you like to comment on that?

Chief Judge WAGNER. That's an excellent reminder, Senator, and I appreciate that, and I guess my experience in the past has been consistent with what you just stated, and we will make every effort to make that happen at the executive branch.

Senator DEWINE. Okay. I mean, it's just not going to happen, GSA can't make it happen, and unless it comes up to the level in that budget, it's just not going to happen. So, it needs to come up here with the Administration strongly behind it for it to have any chance of being done.

#### FISCAL YEAR 2005 FUNDING REQUIREMENTS

And you know, that's where we have a major thrust on this, I believe is 2005, isn't it? We're talking about how much money in 2005, Mr. Nelson?

Mr. NELSON. Yes, in fiscal year 2005 for the D.C. courthouse project, we're looking at \$62.6 million, and for the Moultrie Courthouse expansion, we're looking at \$48.9 million, for fiscal year 2005.

Senator DEWINE. Now if you don't get that, what happens?

Chief Judge WAGNER. For the capital budget request?

Senator DEWINE. Right, what Mr. Nelson just said.

Chief Judge WAGNER. Well, I don't think that, if you're talking about for 2004, I'd like to—

Senator DEWINE. I'm talking about 2005. I mean, what I'm saying is you have to be worried, I'm worried about 2004, but I'm also saying, they're thinking about 2005 now. They have already submitted 2004. You know, you need to be on dual tracks, you need to be worried about 2004, but you also need to be worried with OMB about 2005, and unless you start to make the case with people at OMB who are going to be ultimately deciding your fate and unless somebody—you know, you need to get out there, you need to be traveling around with them, you need to be showing them around. You need them to see your vision and unless they get it, it's pretty easy to say well, that's just a lot of money and we can't do it.

Chief Judge WAGNER. Senator, we're going to work on that, and I'm glad you reminded us. We have done this type of strategy be-



fore, and I think that we can get support from the White House and OMB.

Senator DEWINE. Well, I pray that you can but I just want to put it into perspective. \$118 million would be one-fourth of the entire District of Columbia Subcommittee, our subcommittee's allocation. Now think about that. Now I'm for you, I am for it. You don't have to sell Mike DeWine and I don't think you have to sell Mary Landrieu. Don't spend your time worrying about us.

Go talk to the Administration. Go talk to OMB. Spend a lot of time talking to them.

Chief Judge WAGNER. We will do that, and we appreciate your support.

Senator DEWINE. I'm for you, it has to get done. If it doesn't get done now, it will have to get done later. We have kids to worry about, we have projects to deal with, it has to get done, but you have to go sell them.

Let me move to a more immediate problem, and that is soon enough, but let me move to a more immediate problem. Given that the President's budget request is \$36.6 million less than what you are requesting, what are we going to do, or what are you going to do if we can't deliver that money for you and if you end up with, this subcommittee and this Congress ends up giving you exactly what the President has requested? And that, let me just tell you, is a distinct possibility. I'm not happy to tell you that.

Judge King, Judge Wagner, let's just assume that you get what the President says you should get. So that's 36, by my calculation, \$36.6 million less than you want, or maybe a better way of saying that is less than you requested. I'm sure you want more than that, but less than you requested. So what gets cut?

Chief Judge WAGNER. Well, I am saying it would have a significant impact on some critical areas.

Senator DEWINE. Well, tell me what.

Chief Judge WAGNER. The Moultrie building has about 10,000 people coming through it every day. Since September 11th everyone has been concerned about safety and security, as we have. A part of the funding that we have requested, which we would not be able to do if the President's numbers were enacted would be to increase the number of court security officers for our court building. We would not be able to finance other facilities, security improvements, which are detailed in our study, that is the monitors, the audio-video devices, the types of things that you need to upgrade security in these kind of uncertain times.

We need to invest in our implementation of the IJIS system, Integrated Justice Information System, and some \$4 million we would not have in order to do that. We wouldn't be able to enhance our strategic planning which is going to guide our progress over the next 5 years. We wouldn't be able to invest further in accurately creating trial records, which is critical to a court of record. We asked for \$1,624,000 to improve the record of court proceedings. Those are just some of the items that we have requested that I think are critical to our functioning in the next fiscal year.

Senator DEWINE. Well, I think it would be helpful for this subcommittee if you prepared—I know we have just hit you with this orally, but I think today—well, you have obviously seen the Presi-

dent's budget before today, but we're going to need from you, and if we are able to see if this is what you end up with, we need to see a more detailed description of where you're going to go.

Chief Judge WAGNER. I'm sorry?

Senator DEWINE. I need to see a more detailed description of where you want to go, assuming that's what you end up with.

Chief Judge WAGNER. We will be glad to submit that.

Senator DEWINE. Why don't you submit that for us please.

What were your discussions with OMB in regard to your, the 2004 budget preparation? I'm looking at this pretty significant cut. What were your discussions with OMB?

Chief Judge WAGNER. I think Ms. Wicks could answer that.

Senator DEWINE. I would be interested in what kind of input they had from you.

Ms. WICKS. We provided them with a full budget submission as we provided to Congress, detailing all of our budgetary needs. We also provided them with studies and reports that supported various parts of our budget request.

Senator DEWINE. Did you have face-to-face contact with them? Did you do interviews with them? I'm interested in the process.

Ms. WICKS. I understand. I can't recall specifically this past October, whether we did sit down with and meet with them and walk through the budget. We had done face to face meetings with them over the summer for the capital request and the space planning. I can't recall, once we hit the fall and submitted the full request. I believe at the time OMB had already started the process; I think the President had speeded up the process for them this year because of other issues, and so I think they were very far along by the time we met with them.

Senator DEWINE. Who would they have dealt with, you?

Ms. WICKS. They would have dealt with me and our Fiscal Officer and staff in our offices.

Senator DEWINE. Well, you would have remembered if they had talked to you, wouldn't you?

Ms. WICKS. Well, I have so many meetings in a day, I don't recall sitting down face to face with them at the time we submitted the budget, but I do recall face to faces prior to that.

Senator DEWINE. Do you recall talking to them on the phone?

Ms. WICKS. Absolutely.

Senator DEWINE. What were they interested in?

Ms. WICKS. They were interested in more detailed plans and reports on the facilities issues. We had several telephone conversations in October trying to appeal the President's budget and talking through what we felt were priority issues for the year for reconsideration on appeal. Our focus was security issues, facility issues primarily, for the courthouse. We sent over security studies, the U.S. Marshals Service had done surveys and studies of our building because they provide primary security in the building. And we provided as much information as we could—we sent over a box of reports and information during the appeal process. We tried to talk through with them what we felt about the importance of the issues.

And we actually, I recall being advised by them that the Courts should consider themselves lucky because we did get a slight increase in the President's budget compared to the 2003 level, where

other agencies got nothing or got cut, so that was their response to us.

Senator DEWINE. Well, as I said, Judge, I'm interested in getting from you a summary, at least, of where you would make your cuts in regard to your proposal versus the President's funding level.

Chief Judge WAGNER. We will submit that for you, Mr. Chairman.

[The information follows:]

D.C. COURTS CAPITAL REQUEST, FISCAL YEAR 2004—PRELIMINARY ADJUSTMENTS FROM COURTS' REQUEST TO PRESIDENT'S RECOMMENDATION

	Courts' Request	Preliminary Adjustments	President's Recommendation
Courtrooms and Judges Chambers .....	\$1,950,000	.....	\$1,950,000
HVAC, Electrical and Plumbing Upgrades .....	16,220,000	(\$7,450,000)	8,770,000
Restoration of Old Courthouse at 451 Indiana Avenue .....	4,519,000	.....	4,519,000
Restroom Improvements .....	1,100,000	.....	1,100,000
Elevator and Escalator .....	2,000,000	(1,000,000)	1,000,000
Fire and Security Alarm Systems .....	6,500,000	(6,500,000)	.....
General Repair Projects .....	7,740,000	.....	7,740,000
Moultrie Courthouse Expansion .....	1,200,000	(1,200,000)	.....
Master Plan Implementation—Development Studies .....	550,000	.....	550,000
Integrated Justice Information System .....	11,110,000	(5,088,000)	6,022,000
Total .....	52,889,000	(21,238,000)	31,651,000

COMPARISON OF COURTHOUSE CONSTRUCTION PLANS

Senator DEWINE. Thank you. Mr. Nelson, let me ask you, if you look at construction plans for the Courts in the District of Columbia, how does that compare with the courthouse construction plans in other States or other cities? Is that possible to compare them? I know this is kind of maybe in some respects more complex, at least to me it looks complex.

Mr. NELSON. That's a good question, and it depends how complex the courts projects are, but in the size that we're dealing with, a design time frame for court projects usually is about 14 to 18 months, and then construction depending on the size, is about 24 months to 36 months, 2 years to 3 years for construction.

This is complex for the Moultrie Courthouse because of the additions that we're doing. You have an occupied building that we will be dealing with. We tried to work on the schedules for the projects so we could fine tune them where we get them done as quickly as we could, because they were stressing the need that they needed for the project, and I think we have a realistic schedule for the design for the Old D.C. Courthouse and for the Moultrie Courthouse.

PHASING OF CONSTRUCTION FUNDS

Senator DEWINE. So the summary, though, would be what? This doesn't look out of the ordinary?

Mr. NELSON. No, it does not look out of the ordinary. For the renovation work for D.C. Courts, it looks like it fits in line with what we would be doing for a renovation projects. And then for the additions that we're doing for Moultrie, they look in line with the time frame for other projects.

Senator DEWINE. This looks like a big chunk in one year. Why is that? Why is there such a big chunk in 2005? Can that be dealt with in some other way or is that just the way, is that the way that it's preferred to deal with? Explain that to me. Who prefers to deal with it that way, is that the courts or is that you?

Mr. NELSON. I think it's how the master plan has been laid out.

Senator DEWINE. But why was it laid out that way, is my question. Whose preference is it?

Mr. NELSON. Well, it's the Courts' preference for how they're going to be moving people while the renovation gets completed, and then when the work gets done in Moultrie Courthouse, so there is a domino effect between those two buildings for moving people around.

Senator DEWINE. Maybe I wasn't clear. Could you spread that money out over time, is my question. For budget purposes, could you spread that out?

Mr. NELSON. For awarding construction projects, you have to have all your construction funds in the fiscal year that you make the award. And right now, both of those projects are scheduled.

Senator DEWINE. Is that your rule?

Mr. NELSON. It is a requirement in OMB Circular A-11, instructions for preparing the budget.

Senator DEWINE. OMB's rule.

So that's what we're dealing with?

Mr. NELSON. Yes.

Senator DEWINE. So you have to have funds before you start the project?

Mr. NELSON. Yes.

Senator DEWINE. That's not your problem, it's our problem.

Mr. NELSON. Yes.

Senator DEWINE. And then they have to live with that basically.

Mr. NELSON. Yes.

Senator DEWINE. All right, thank you all very much. Does anybody have any other comments? Judge Wagner.

Chief Judge WAGNER. I just want to thank you again for your support, for holding this hearing, for working with us on this, and we will try to work on that other branch to get help.

#### SUBCOMMITTEE RECESS

Senator DEWINE. Well, you work on them. Go sell.

Mr. NELSON. Thank you.

Senator DEWINE. Thank you all very much.

[Whereupon, at 10:50 a.m., Wednesday, April 30, the subcommittee was recessed, to reconvene subject to the call of the Chair.]

## **DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 2004**

**WEDNESDAY, MAY 14, 2003**

U.S. SENATE,  
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,  
*Washington, DC.*

The subcommittee met at 10 a.m., in room SD-138, Dirksen Senate Office Building, Hon. Mike DeWine (chairman) presiding.  
Present: Senators DeWine and Landrieu.

### **NONDEPARTMENTAL WITNESSES**

#### **STATEMENT OF SISTER ANN PATRICK CONRAD, ASSOCIATE PROFESSOR, NATIONAL CATHOLIC SCHOOL OF SOCIAL SERVICE, THE CATHOLIC UNIVERSITY OF AMERICA**

##### **OPENING STATEMENT OF SENATOR MIKE DEWINE**

Senator DEWINE. Good morning. The hearing will come to order. Today we begin the subcommittee's second hearing within 6 weeks regarding the foster care system in the District of Columbia. On April 2 we heard testimony that revealed a number of serious problems and shortcomings with the District's Child and Family Services Agency.

It is imperative that CFSA address these problems and protect the lives of this city's children. Clearly, the paramount reason for exposing CFSA's failures is to discover ways to make lives better for the most vulnerable and precious of citizens, our children. That's why today's hearing will focus on ways that this subcommittee can target resources towards new initiatives aimed at improving the foster care system in the District of Columbia.

Before we hear from today's panel, I think some of the points that were raised at our earlier hearing bear repeating, so briefly: First, the General Accounting Office has determined that CFSA is not meeting the official requirements of the Adoption and Safe Families Act. This law, which I helped pass and get signed into law in November of 1997, includes a number of very specific provisions. It requires States to change policies and practices, of course also the District of Columbia, to better promote children's safety and adoption, or other permanency options.

In fact since this law has been in effect, adoptions have increased by nearly 40 percent nationwide. But, according to the GAO, CFSA is not meeting the important requirements of the Adoption and Safe Families Act.

Another troubling finding that the GAO testified about is the District's inability to track its children in foster care. In fact, data is not even available for 70 percent of the District's children in foster care. This is true even though the District has invested resources in a new automated information system that has been operational now for over 3 years. How can we track these children and determine their well-being if they are not even entered into an automated system, or certainly not fully entered into that system?

In addition, the chairman of the National Association of the Council for Children testified that children wait weeks or months before a foster care placement is available. Some more of the children are waiting at group homes or overnight at CFSA offices. They are often placed in whatever home has a vacancy, irrespective of the needs of that particular child or the preference of the family.

With the findings from last month's hearing as our backdrop, I will now turn to today's panel. These witnesses will describe their experiences with CFSA and will provide ideas about ways that we can better protect our children. Tragically, most children in this system have been traumatized by neglect and/or abuse. Then add separation from their caregivers. We should see to it that they do not experience additional, and I might say avoidable traumas, because of a failed foster care system. I look forward to hearing our witnesses describe ways that we can work together to fix this system.

Witnesses will be limited to 5 minutes for oral remarks; however, we do have your written statements in front of us, which will be made a part of the record. Let me just say that the 5-minute rule we have, but we will be a little lenient in regard to that, as we have some excellent witnesses and are very anxious to hear your testimony.

Let me introduce the entire panel and then we will begin to hear from all of you. Judith Sandalow is executive director of the Children's Law Center. The Children's Law Center is a nonprofit organization that provides free legal services to children, their families, and foster and kinship caregivers in the District of Columbia. We welcome you and thank you very much for being with us.

Marilyn Egerton is the deputy director of the Foster and Adoptive Parents Advocacy Center. This center assists foster, kinship, and adoptive parents in the District of Columbia secure supportive services. Thank you very much for being a witness.

Sister Ann Patrick Conrad is an associate professor with the National Catholic School of Social Service at The Catholic University. NCSS is one of the top 20 schools of social service in the Nation. Currently, 3,500 NCSS alumni are serving in the fields of child welfare, mental health, social policy, social justice and social work education. Sister, thank you for joining us.

Jacqueline Bowens is the vice president for Government and Public Affairs at Children's Hospital, and is also joined by Dr. Joseph Wright, who is the medical director for Advocacy and Community Affairs at the hospital. Children's is the only hospital in the area dedicated exclusively to children's health. The hospital currently runs the DC KIDS program, which provides comprehensive healthcare services for children in D.C. foster care. We thank both of you for joining us here this morning.

Damian Miller is a 20-year-old student at Hampton University. He has been in and out of D.C. foster care most of his life, having lived in a total of, I believe, seven foster and group homes. Damian has accepted an internship at the State Department this summer. Damian, thank you very much for being with us today.

In no particular order, we will start with—Sister, do you want to start first, and we will just go from right to left?

Sister CONRAD. Thank you.

Senator DeWine and members of the subcommittee, I want to thank you for the opportunity to provide testimony about some options that I feel are available to the subcommittee to enhance services in the District. I speak as a former dean of the School of Social Service, as an experienced health and family service worker, as the chair of the board of Catholic Charities of the Archdiocese of Washington, and also as a board member of the Council on Accreditation of Child and Family Services in New York.

I want to commend the members of the subcommittee for your interest in the children of the District. It can really be said that the mark of a truly compassionate civilization is the way we treat our least fortunate, and so clearly, the children of the District in need of substitute families through foster care and adoption are among the persons who should be considered as part of this group, whom we sometimes refer to as the real human resources for the future.

Most recently, as I'm sure many have had the opportunity to speak and talk with persons who have been in foster care and adoption, I know we are going to have this opportunity today, but one of the things that I think we want to be very aware of is that the potential of persons who are in care is something that we want to capture as a society and to grow and to develop. I have had the opportunity to review the hearings of the April meeting and I find that certainly the road to change for the District has been a slow and arduous path, but one of the things that is a serious and grave concern today is that childhood is a very short experience, and it leaves a lasting imprint, and this is particularly true for disadvantaged children.

So for this reason, it is urgent that the future path be directed toward quality service, and the point that I want to make strongly is sustainability of the services, lest any child be lost in the system.

At the School of Social Service we have worked over the years to provide a sound curriculum in the field of child welfare, and many of our students do go into this field. We have also joined with our social work education colleagues in this metropolitan area in providing continuing education and ongoing training for social workers who are already in the field.

A point that I want to make is that what our graduates and what our students often find is that although they come into child welfare with a real passion to meet the needs of children and their families they serve, and they are deeply interested in the clinical well-being of the children, very often what they experience is that the responsibilities sometimes of excessive documentation, support services, transportation, crisis intervention, leave them little time to engage in some of the really best practices that we attempt to

teach them in the School of Social Service. So this makes a real tension for them.

Some feel that there is actually minimal or no public recognition for a job well done, yet at the same time they have a tremendous fear of the sense of sensationalism in the public arena with little or no shared responsibility when deficiencies do arise. So a major point, I think a major recommendation that I think that we can do in the future is to truly affirm the positive examples of competent foster care and adoption services and to provide ways that there is public recognition for our child welfare workers. I think this is a very basic.

At the same time, speaking from my experience with the Catholic Charities of the Archdiocese of Washington, we've sat down in the past couple of days and we have had telephone conferences as late as yesterday. As I'm sure you know, Catholic Charities in the Archdiocese is one of the largest nonprofit providers, service providers in the District, and the Charities contract with CFSA for foster homes for children, many of which become adoptive homes, and also for independent living services for young men and women, as well as for teenage mothers and their children.

For the most part, the staff reports that their working relationship with CFSA has improved tremendously over the years. Now you have to remember that we're talking about people that remember the days when the District did not make its payments for foster care parents and when all of our budgets had such tremendous deficits that we began to say, can we really contract with the District. So with that perspective in mind and with the perspective in mind that staff had often tremendous problems in communication and in collaboration with CFSA, what they find now is that CFSA, they feel is very appropriately demanding an increased accountability. For example, with case plans that require identified goals, service plans for children and families, and timelines to be made available.

But as was brought out in the earlier testimony, the data system, the basic data system is often down, or just not available to their use. And what they're finding is that it's only very recently that they've been able to get a real technological responsiveness in this regard. But I want to make the point that that responsiveness does seem to be coming.

The other point that seemed to be very, very important in my talking with the staff is that in the amount of change that has taken place in CFSA, there are, as one would expect, infrastructure disruptions. But what has been happening more recently that they do find helpful is the strengthening in communications. There are now monthly meetings that allow CFSA to provide information, and also that allow the contractors to be able to ask questions as they need them.

A point of major concern, and I know it was discussed before but I wanted to reiterate, the fact that it's taking as long as 90 days to complete the licensing of foster homes and this, the staff finds very, very difficult in them being able to move children into a care system.

Based on all of this then, I think it's important that we recognize that foster care was initially developed in our country as a re-



sponse to children who were orphaned either as a result of a mother's death, accident, a father's dying in the war, physical health problems. The children were generally, they were fairly healthy and well adjusted experiences, and they could fit into foster homes much more readily.

However, the current situation is not the case. Children now come into foster care because of abuse, family violence, community violence, drug situations, substance abuse, many other problems. So the children who come are already traumatized. As was pointed out, what we find is that in many ways the health care, the mental health care in the District, all of the social workers described the mental health care, what we find is that the mental health services that really could deal with the trauma that the children experience are particularly overwhelmed in the District. And so a second recommendation that we feel, and I think much more work could be done on this to flush it out even more fully, is that the District really needs to develop specialized mental health services, staffed by professionals who are experienced in meeting the special and differential needs of young and older children who are in need of care.

Many of the judges, as you know, order mental health evaluations, and yet, sometimes the staff available or the services available leave children on a waiting list, they tell me, for as long as a month. Now this is not acceptable in trauma situations.

So in the older days of foster care, we had such things as the child guidance clinic or the child mental health clinic, that was truly tied in specifically with foster care and adoption, and understood those services in a special way. This seems to be very imperative for the District to move much more rapidly and strongly in this direction.

The final area that I want to point out is that some gains have been made during the period from child welfare receivership and beyond. We can identify a number of directors who each have made their own contribution. Yet at the same time, we know for any system when there is frequent and rapid change, it's very possible to move to a burnout or what many of the social work professionals are calling today, the mental health professionals are referring to as compassion fatigue.

What I would like to bring to our attention is the fact that it becomes very, very important to think about the future of the services and to begin to talk about the fact that across the country, many agencies have moved into the area of accreditation. I served and have been involved in the development of the Council on Accreditation of Family and Child Services for a number of years, and we have been very strong advocates that the D.C. metropolitan area move into this accreditation process.

If you're not familiar with this particular process, it was formed in 1977 at a time when the Child Welfare League of America, the Family Services of America, and a number of the church-sponsored or faith-based organizations were really experiencing a tremendous desire to begin to set standards for child welfare organizations. At the current time, COA, the Council on Accreditation, accredits more than 1,400 public and private organizations that serve children and families. And the advantage of this is that this is a na-

tional organization that sets national goals, it readily updates the standards for child care, and they hold accountable in an objective way the staff from an administrative point of view, as well as from a services point of view.

Most organizations that move into the process, it's a stage process, that requires first an application process, a self study and the self study in itself has the organizations look very carefully at their own processes, what needs to be done, how do they have strong quality assurance programs. And these are monitored, and there are standards set for how this can happen. My recommendation is that the District move into this accreditation process and that they contract with service providers who are also accredited. This is happening across the country. Many States and local jurisdictions are given a timeframe by which they require that the agencies that they work with have some form of accreditation, and have moved in that area.

To the best of my knowledge, only three agencies in the District have been accredited by this process. These are the Family and Child Services of Washington, Lutheran Social Services of the National Capital Area, and Progressive Life Center. And currently, Catholic Charities is in this process and will move toward it.

We feel that the advantage of an accreditation process for the District is that it will assure that all CFSA children and families receive confident and holistic care based on regularly updated standards regardless of who the service provider is. It would certify that CFSA and provider agencies adhere to highest standard of management practices regardless of administration or staff turnover.

#### PREPARED STATEMENT

Several years ago at Catholic University, the National Association of Social Workers sponsored a conference on child welfare and at this time there was some of the early moves to move away from the formal receivership. At that time the receiver who was in office at that point in 1998 committed herself to moving toward an accreditation process and to contracting with accredited organizations. Unfortunately, it's my understanding—

Senator DEWINE. Excuse me, Sister. You are way over time. I'm liberal, but not that liberal.

Sister CONRAD. Thank you. Much more is in the written material.

[The statement follows:]

#### PREPARED STATEMENT OF SR. ANN PATRICK CONRAD

Senator DeWine and Members of the Subcommittee, I thank you for the opportunity to provide testimony about the options available to the Subcommittee to enhance child and family services in the District of Columbia. I speak as an experienced child and family service social worker; as former Dean of the National Catholic School of Social Service (NCSSS), The Catholic University of America; as current Chairperson of the Board of Directors of Catholic Charities of the Archdiocese of Washington; and as a member of the Board of Directors of the Council on Accreditation of Child and Family Services, New York. I want to commend the members of the Subcommittee on your interest in and commitment to the children and families of the District of Columbia who are vulnerable and in need of our special support and concern. It can be said that the mark of a truly compassionate civilization is the way we treat those who are least fortunate. Clearly, the District children in

need of substitute families through foster care and adoption are among the persons who should be considered as part of this group and whom we sometimes refer to as the human resources of the future.

Most recently I had the opportunity to meet the family of a former Catholic Charities' foster child who was later adopted by his foster family. They reminisced over their experience of foster care and adoption, pointing out how very proud they are of their adopted son, now a married adult and father of a growing family. He completed his education, served in the Gulf War and currently serves as a career Federal civil servant. This family continues to sustain a close and supportive relationship with each other that benefits not only the immediate family members and their offspring but also the community in which they live. In many ways, this is an exemplar of the outcomes that quality professional child and family service can produce when a social service agency, foster families, and the community work together.

I have had the opportunity to review former testimony provided to the Subcommittee in your April hearings and have followed the various transitions in the District of Columbia Child and Family Service Agency since the LaShawn Order. There is no question that the path to change over the subsequent years has been slow and arduous. However, the experience of childhood is short and leaves a lasting imprint—particularly so for our Nation's poor and disadvantaged children. For this reason, it is urgent that the future path be directed toward quality service and sustainability, lest any child be lost in the system. Therefore, my comments are directed to these ends: quality service and sustainability.

Our School of Social Service at Catholic University has had a continual interest in the welfare of children and have worked to provide a sound curriculum in child and family service that prepares social workers to pursue careers in the complex and changing field of Child Welfare. We have also joined with our social work education colleagues in the Washington Metropolitan area to provide training and continuing education for social workers in this field. It has been our experience that child abuse, family violence, and the drug culture are among the many social phenomena that require heroic efforts on the part of today's caseworkers and case managers. Many have a real passion to meet the needs of the children and families whom they serve and are deeply interested in the clinical well-being of the children. Yet the responsibilities of extensive documentation and support services such as transportation, crisis intervention and the like leave them hard pressed to find the time to engage in best practices. Some feel that there is minimal to no public recognition for a job well done, yet they fear extensive sensationalism in the public arena with little or no shared responsibility when there are deficiencies. As a start, we need to affirm positive examples of competent foster care and adoption services and to provide public recognition for our child welfare workers.

As you most likely know, Catholic Charities of the Archdiocese of Washington is among the largest private non-profit social service providers in the District. Our financial audit shows that 85 cents of every dollar goes into client service. The agency contracts with the Child and Family Service Agency (CFSA) to provide Foster Home Care for children—many of which become Adoptive homes—and Independent Living Services for young men and women as well as teenage mothers and their children. For the most part, staff report that their working relationship with CFSA is good and mutually supportive and that increased accountability to CFSA is being appropriately demanded. An example is that case plans which contain identified goals, service plans for children and families, and time lines are to be made available in a timely manner through the automated FACES data base. Unfortunately, the system has been frequently "down" and it is only recently that workers are experiencing greater responsiveness to their difficulties in this regard. They describe other infrastructure disruptions such as lack of information about whom to contact for particular types of needs, but note that they are encouraged by CFSA to report these problems when they occur. To address the issues and strengthen communication, CFSA holds monthly provider meetings which allow agencies the opportunity to raise issues and concerns as well as to provide a vehicle for CFSA to transmit necessary information to the service agencies. Additionally, Charities staff find that the process of licensing of foster homes has been lengthy—taking as long as 90 days to complete, because CFSA has been short of staff to carry out the review process. These concerns are not new and have been discussed in previous hearings. In summary, the Catholic Charities staff find that communication and coordination with CFSA are in transition from a crisis orientation to a more consistent working relationship.

It is important to recognize that foster care was initially developed in an earlier century as a response to children who were orphaned as a result of a mother's death in childbirth, the father's death in a war, or caretaker deaths from pneumonia, tuberculosis, polio, accidents, etc. The children were generally healthy, adjusted chil-

dren who fit easily into a family where the mother was at home and the father was the sole breadwinner. This is not the case today! Children of this century come into foster care as a result of physical or sexual abuse, domestic violence, community violence, substance abuse, severe neglect, abandonment, and other social problems. These children are frequently not healthy, happy children who simply need a home. They are traumatized children in need of many more supports. They are traumatized first by the neglect and/or abuse they have experienced; then by separation from the primary caretaker; again by placement with strangers; and yet again by re-placement for troubled behavior when the initial placement threatens to disrupt. Too often, our child care system ignores the initial mental health stresses and compounds them with further forms of trauma such as movement from one home to another, often more harmful than the initial trauma. Although judges frequently order psychiatric evaluations in emergencies, the services are described by social workers as "overwhelmed" and so backed-up that foster children can be a month or longer on the waiting list.

Compliance with current Federal Law (the Adoption and Safe Families Act) requires that children be returned to families or placed for adoption within a year. While basically sound in terms of permanency planning, this requirement places intense psychological stress on children and on the child care system. We need to make the assumption, then, that long waiting periods for mental health care are unacceptable and need to be remediated. The District needs to develop a specialized mental health service staffed by professionals who are experienced in meeting the special and differential needs of young and older children who are in our care.

Finally, and very importantly, there is the issue of strengthening and sustaining the gains that have been made. We need to recognize that during the period of the Child Welfare Receivership and beyond there have been at least five directors whom I can identify. At NCSSES, we reached out and collaborated with them all. Each brought important gifts and talents to the table and in his and her own way moved the system along. However, with each change there was ambiguity and disruption for the workers, the children, the families and the community as the environment and expectations changed. While a certain amount of challenge is useful for any system, continual transitions can lead to burnout and what is known today as "compassion fatigue." Over the years, I and several of my colleagues have been involved in the development and work of the Council on Accreditation of Family and Child Services (COA) and have been strong advocates that the foster care and adoptions services in the Metropolitan area and the agencies with whom they contract engage in this process. We see this as a way of stabilizing the gains that have been made while at the same time placing the responsibility for long-term oversight in the hands of experienced professionals.

The Council on Accreditation was founded in 1977 through the combined efforts of the Child Welfare League of America, the Family Service Association of America as well as Jewish Family Services, Catholic Charities U.S.A., Lutheran Family Services and other experienced family and child serving agencies. Their purpose was to promote standards of care based on best practices that could be used across the United States and Canada. Today, more than 1,400 public and private organizations serving over six million individuals, children and families are accredited. With its recent international thrust, family and child care agencies in the Philippines and other underdeveloped countries struggling for financial and human resources have become interested in the process. They see accreditation as a way of sustaining the transformative efforts they have undertaken. COA provides standards for agency administration as well as for service provision in 60 unique service areas. The process includes four basic phases: First, an application is submitted by the applying organization. Eligibility criteria require that the organization provide at least one of the services for which COA has accreditation standards; that it be in operation for at least one year at the time of the on-site review; that it hold all applicable licenses or certifications required to operate; and that it demonstrate sufficient autonomy and independence to permit review as a separate entity. Second, a self study is completed which addresses all areas of organizational management as well as service standards. During the self study, the agency undergoes a systematic quality improvement process and strives to demonstrate to COA and to the peer review team that it is in compliance with all standards. The self-study process takes between four and eight months and involves participatory self-study and change where needed. Next, a site visit is made by a team of peer reviewers knowledgeable and experienced in the accreditation process. In the final phase, an accreditation decision is made by the COA Accreditation Commission. Most organizations complete the entire accreditation process within 12 months but an organization facing an internally or externally imposed deadline may opt for an accelerated time line.

To the best of my knowledge, only three agencies in the District have been accredited. These are Family and Child Services of Washington, Lutheran Social Services of the National Capital Area, and Progressive Life Center. Currently, Catholic Charities of the Archdiocese of Washington is in the final stages of the process. This means that although they may be in compliance with current legal requirements, neither CFSA nor many of its contractor agencies have been systematically evaluated against national standards of best practice.

You may already be aware that at a conference on child welfare held at Catholic University in 1998 sponsored by the Metropolitan Chapter of the National Association of Social Workers and co-chaired by Dean Richard English of Howard University School of Social Work and myself, a former CFSA Receiver committed her administration to work toward accreditation. Some staff work in this regard was begun. Unfortunately, it has been my understanding that work toward compliance with the law eventually took precedence and I am not aware that accreditation has been pursued since that time.

However, in light of the continual and increasingly complex challenges to competent and responsible child welfare today—the challenges of physical and sexual abuse, domestic and community violence, substance abuse, etc.—and in spite of the strides that have been made through receivership and beyond, it is imperative that an objective and experienced system of oversight such as that provided by the Council on Accreditation be required for the District of Columbia which holds CFSA and its contractors to clear and measurable national standards within a three to four year time line. This provision will serve the District of Columbia by:

- Assuring that all CFSA children and families receive competent and holistic care based on regularly updated standards, regardless of service provider;
- Certifying that CFSA and provider agencies adhere to high standards of management practices regardless of administration and staff turnover;
- Providing a work environment that is safe and supportive of on-going professional development for all staff; and,
- Ensuring that on-going oversight of the child and family services of the District is carried out by an experienced and committed professional organization, thus reducing the amount of time and direct action needed by government officials such as Congress and the Appropriations Committee.

Failure of the Appropriations Committee to act in this regard and to provide the needed resources could compromise the future progress and sustainability needed to meet today's child welfare challenges. The District of Columbia needs and deserves to be on a par with national standards of foster care and adoption as well as other child and family services.

Thank you for the opportunity to address this very important issue—the future of our vulnerable and neglected children in the District of Columbia. With appropriate resources and systems, they, like the former foster child I described earlier, can and will become an integral part of our human resources of the future.

Senator DEWINE. Thank you. Miss Egerton. You're next. We have been joined by Senator Landrieu.

**STATEMENT OF MARILYN R. EGERTON, DEPUTY DIRECTOR, FOSTER & ADOPTIVE PARENT ADVOCACY CENTER**

Ms. EGERTON. Good morning, Senators. My name is Marilyn Egerton. I am a D.C. foster kinship and adoptive parent. In addition, I am the deputy director of the Foster and Adoptive Parent Advocacy Center, commonly known as FAPAC. We are very appreciative of your inclusion of foster parents' voices into these hearings and thank you for inviting us to participate and to share our experiences with the reform efforts of the D.C. child welfare system.

In the 12 years that my husband and I have been foster parents, we have fostered over 25 children, had well over 50 social workers, and I have been active as a member of foster parent leadership through three changes in administration.

I would like to start my testimony by pointing out some of the positive changes that have happened during this administration. These changes include the successful closure of the respite center in the CFSA building. This was a place where children were living,

often for days at a time, while placement workers tried to find a home for them. As additional success, the majority of these children are going into individual foster homes as opposed to congregate care facilities.

Also at the insistence of the foster parent leadership, a CFSA mandate requiring all staff to give the name and number of their supervisor on their outgoing voice mail message enables us to immediately go up the chain of command when we cannot reach our social workers. This is a huge accomplishment for us. We've worked very hard and very long to get it.

Third, the accessibility of upper level management to both the foster parent leadership and the individual foster parents has been extremely commendable.

Fourth, the development of a new placement information packet through a joint effort of foster parents and staff to address a serious issue of the lack of information given when children are placed in their homes. The packet has been developed and when CFSA workers actually begin using them, this will be another major improvement.

Fifth, the introduction of disruption conferences, which utilize clinical expertise to try to prevent disruptions.

And sixth, principal deputy director Leticia Lacomba's creation of joint working groups of foster parents and staff to revise and impact policy and practice guidelines.

Despite the good intentions and real improvement we have seen, the tasks ahead for CFSA regarding its foster parent community are still great. There are many areas in which the support and services we receive are inadequate to meet the needs of our children. These areas include, one, the need for the infrastructure of CFS to improve to accommodate the changes being made at the upper level. As a result of this process, problem resolution often goes around in circles. Hours that could be appropriately spent parenting are often spent in frustrating efforts to seek problem resolution.

Second, the reliance on social workers for routine tests that could be accomplished by administrative support like looking up a Medicaid number or Social Security number. Quite frankly, I'm perplexed that the agency does not utilize administrative support for these clerical tasks within the social work unit, freeing the social workers to actually practice social work.

Third, although the responsiveness and inclusiveness of the upper level has been real and significant, the attitudes of true partnership have not yet reached the front line. Workers often invalidate our experience and when it comes to the right to make a decision, they exclude, ignore and/or rebuff the foster parent's input.

For all the children currently living in my home, I have been invited to participate in a total of one administrative review, at which parenting plans and progress are to be discussed. We have been assured very recently that the technological and logistical barriers to notification have been resolved and that consistent notification of administrative review will now be implemented. We hope to see evidence of this in the immediate future and we trust that our notification of court reviews will be next.

Fourth, the inability of social workers to consistently access resources both within CFSA and from the community. We recommend that social workers receive training in this area.

Fifth, the lack of sufficient numbers of infant daycare slots in the District of Columbia. It is an issue and it is a barrier to particularly working families fostering infants in the city.

Sixth, the lack of quality and timely mental health services. Our children are wounded. Many have suffered emotional and sometimes physical abuse and all have suffered much loss by the mere fact that they have been torn away from everything that they are familiar with. It is outrageous that their mental health needs have been addressed in such an inadequate manner. We do not know the answer, I don't know what it is, but it is a problem that is so paramount that it cannot go unaddressed. And just to say that we understand that the mental health, Department of Mental Health has control over the mental health stuff, but we don't think it's enough for the agency to just say okay, that's their responsibility. And much like special ed, it may fall on the DCPS, but if our children are not getting what they need from those agencies, then we feel it is the responsibility of CFSA to find a way to get it for them.

Seventh, the lack of adequate Medicaid numbers and cards, this creates barriers to health care for our children.

Eighth, the lack of an operating medical consent to treat policy leaves us as well as the hospitals confused about who can sign for what treatments.

And ninth, the lack of availability of and access to respite care. All parents need a break from their children at some time. Biological parents have the option of sending their children to spend a weekend with their relatives or family friends, or to visit a classmate for the weekend. As foster parents, we don't have that option unless those parents can meet many criteria, including obtaining all the clearances that we as foster parents have to obtain.

This puts us in a very tough position. Not only are we asked to parent without significant breaks, we are parenting children who often have serious issues. And I can say that I know placements that have disrupted, I have experienced personally a placement disruption in my home because of a lack of respite care. And when I requested respite for a child who was having very severe emotional and mental health issues, I was told respite did not exist, but I know of foster parents who get it. But I was told it was unavailable and did not exist.

And so, the crisis in my home escalated to a point where the placement disrupted and that child was moved to what is called a therapeutic home, where once a month—where in a therapeutic home they receive respite every other weekend, they get in-home counseling, they have a staff available around the clock. Needless to say, CFSA is paying exorbitant amounts of money to have this child parented in that home when all I asked for was respite once a month, and then he would not have been torn away from his brothers, who are still with me, and he would not have had the experience of yet another move and an introduction into yet another family.

I believe that many seeds have been planted under this administration which can lead to very positive change for foster families

at CFSA, but many have not yet blossomed into actual day-to-day improvement. Responsiveness, accessibility and inclusiveness of the upper level's response to foster parents have been real and beyond rhetoric. However, we have much further to go with the infrastructure in CFSA to implement the philosophy of the upper levels for the principles of best practice.

PREPARED STATEMENT

In closing, we do think that the agency is on the right path. We believe that. However, we must acknowledge and support the necessity for them to develop an infrastructure that will facilitate the kinds of changes essential for our children to receive the care that they deserve. I appreciate the opportunity to speak to foster parent concerns at this hearing as an individual foster parent as well as the deputy director of FAPAC. I will continue to be available to assist in system reform in any way that I can, and to work with CFSA to develop its partnership with this foster parent community. Thank you, Senator.

[The statement follows:]

PREPARED STATEMENT OF MARILYN EGERTON

Good morning. My name is Marilyn Egerton, and I am a D.C. foster, kinship and adoptive parent. In addition, I am the Deputy Director of the Foster & Adoptive Parent Advocacy Center, commonly known as FAPAC, an organization that assists foster, kinship and adoptive parents of children in the D.C. child welfare system to secure services and help to create system change.

We are very appreciative of your inclusion of foster parent voices into these hearings and thank you for inviting us to participate and to share our experiences with the reform efforts of the D.C. child welfare system.

In the 12 years that my husband and I have been foster parents, we have fostered over 25 children, had well over 50 social workers, and I have been active as a member of the foster parent leadership through 3 changes in administrations. Currently living in my home are my foster grandson, the infant son of one of my older boys who has "aged out" of the system, my foster teenage son and my three adopted school aged children. In addition, we continue to parent four young adults who were raised in foster care. They have aged out of the system and now live nearby and although they no longer live in our home they are still very much a part of the family. With this perspective of history, I feel qualified to discuss changes we are currently experiencing under the administration of the Director, Olivia Golden, and the Principal Deputy Director, Leticia Lacomba.

Although everyone agrees that there is still a tremendous amount of work to be done at CFSA, I think it only fair to point out some of the positive changes that have happened during this administration which have brought, and have the potential to bring many more, significant changes in the lives of children in the D.C. child welfare system and their foster/kin/adoptive families.

Over the last two years, this administration and staff in partnership with the foster parent community has been able to close down the respite center that was located on the first floor of the CFSA building. This was a place where children were living, often for days at a time, while placement workers tried to find a home for them. Can you imagine being a child who was just recently removed from all that is familiar to you—your family, your friends and your community? Only to spend those crucial first few days sleeping in an office building and not in the comfort and safety of the loving home and arms of foster parents trained and willing to help them through this most difficult time. This is a very personal issue for me. As a member of Foster Parents United for Support and Change, a local foster parent support group, I worked very hard to combat this situation. In previous years and during previous administrations, at the end of our monthly meetings, members who had vacancies in their homes would go down to the respite center to see if there were any children we could take home who were sleeping at the agency. It was tragic and poignant to see children of all ages who could not be placed anywhere else living for days in an office building. To have lessened the need for this center so much so, that it could be eliminated all together is quite an achievement. When we add



to this the fact that not only are children being placed without having to spend the night at CFSA, but that most children are being placed in actual homes with loving foster and kinship families, and not in congregate care, it is clear to us that this is an amazing accomplishment.

Another major problem we have had for years and years has been the lack of accessibility of our social workers, supervisors and administrators. In fact, it was so bad that many foster parents were convinced that once caller ID went into the agency, their calls were actually being screened out by workers. At the request of foster parents, CFSA has mandated that each staff member have an outgoing voice message that reflects the name and number of their supervisor so that if we cannot reach our worker we can immediately go up the chain of command. This may sound like a small innocuous change to many, but I, like most foster parents whom I know, have been in situations with my own children over the years when I have called and left many messages for my children's social worker(s) to request vital information like a Medicaid number, options for therapy for my child(ren), shot records or daycare requests. And, because I didn't know who the social worker's supervisor was, or I didn't know the supervisor's number, my only options were to sit and wait days and sometimes weeks for a social worker to get back to me or for my husband or me to take a day off of work and go down to CFSA and act ugly until someone helped us. Having this information readily available on the outgoing voicemail message has been very helpful for those situations in which accessing services are contingent upon the ability to reach our workers in an expedient fashion. In addition, the accessibility of upper level management's to both foster parent leadership and individual foster parents has been extremely commendable.

Another extremely serious problem we have had absolutely forever has been the lack of information given to foster parents about the children we are taking into our homes. Children have historically been placed without our being told imperative medical, psychological, and behavioral information, because that information was not communicated intra-agency to the placement workers. Imagine being a foster parent who takes a child into your home and finds out that the child sets fires, but you were not told. Because of this, children were often placed into homes that were not prepared for them, and the placements broke apart, or as we say, "disrupted." In the last few months foster parents and staff have worked together on the development of a new "Placement Information Package". The agency has promised to uphold the expectation that all relevant information available to the agency will be passed onto foster parents through this package so they can make appropriate decisions about placements in their homes. When CFSA workers actually begin using them, this will be another major improvement.

In these last years, as a member of the foster parent leadership, I have spent much time at CFSA. My current experience is that there is active and diligent work being done towards improvement and reform. Staff, administration and foster parent leadership have put in many hours working on systemic issues. Foster parents have experienced significantly improved appreciation and inclusion from the upper level and a more acute consciousness of what we need to care for our children. We have seen much more energy spent on trying to address the issues of multiple placements, such as the introduction of Disruption conferences, which utilize clinical expertise to try to prevent the disruption of placements. We hope that these clinical interventions will be increased to include wrap-around services that will permit a "traditional" foster parent to maintain a child they love in their home instead of having to transfer them to a much more expensive higher end therapeutic home to get services, as has been the case. We specifically recognize Clinical Services Administration, under Dr. Roque Gerald, for work in these areas.

One of the major issues for the District of Columbia's foster parents, and indeed nationwide, is the lack of inclusion in decision-making. This decision-making exclusion is two-fold and includes decisions about the individual children in your home as well as decisions about agency policy, regulation and practice. Nationwide, this lack of inclusion is sited as one of the major reasons that foster parents quit fostering. When a system can not retain its foster parents, any recruitment efforts, no matter how successful, are like recruiting into a bucket that has a hole in the bottom.

To address the concern about lack of inclusion into agency policy and practice, Ms. Leticia Lacomba, Principle Deputy Director, began to work directly with joint working groups of foster parents and staff to revise and impact policy and practice guidelines. Involving foster parents in true partnership with staff and administration in this way has been a tremendous step forward and we want to acknowledge her for this accomplishment.

Unfortunately, inclusion into the professional team for the children in our home has not been yet achieved, and will be discussed as we move into the discussion of the many challenges still ahead.

Despite the good intentions and real improvement we have seen, the tasks ahead for CFSA regarding its foster parent community are still great. There are many areas in which the support and services we receive are inadequate to meet the needs of our children.

Although we applaud the accessibility of the upper level administration to its foster parent community, many of the issues brought up to that level should have been resolved at lower and middle levels. What we see is that the infrastructure of CFSA has not yet improved to accommodate the changes being made at the upper level. As a result, balls are still always dropping on the lower and middle levels, problem resolution often goes around in circles, and the person who needs help gets bounced from one staff or unit to another. In addition, units themselves are often out of alignment with each other in the information they give to our families and in the processes they create. This causes much confusion to anyone trying to access services. Hours more appropriately spent parenting is spent in frustrating efforts to seek problem resolution. It is our recommendation that communication between units as well as internal to units be acknowledged as important job functions of program administrators and time be allotted for this purpose.

Another infrastructure issue I would like to comment on is the reliance on social workers for routine tasks that could be accomplished by administrative support staff. When foster parents have to call social workers for something as simple as a birth certificate number, they may have to call over and over to reach a worker. This in turn clogs up the worker's voice mail which may make them less accessible to others. I can not tell you the countless times that I have had to call a social worker to get a social security number for one of my children. Quite frankly I am perplexed that the agency does not utilize administrative support for these clerical tasks within the social work unit, freeing the social workers to actually practice social work. It is our recommendation that CFSA assign one administrative assistant per (X) number of social workers for this purpose.

In addition, although the responsiveness and inclusiveness of the upper level has been real and significant, the attitudes of true partnership have not yet reached the front lines. Many of the District of Columbia's foster parents have been operating as caseworkers themselves for years, handling all on their own the daunting tasks of finding resources for their children. Many have had no regular visits from workers, no phone calls, no help, no after hours support at all, and as such stand alone. Despite that, workers often invalidate that experience and when it comes to the right to make decisions, exclude, ignore and/or rebuff the foster parent's input.

It is this inclusiveness into case planning for the children in our homes that is seriously lacking. In my own experience, for all the children currently living in my home, I have been invited to participate in a total of ONE administrative review, at which permanency plans and progress are to be discussed. Since these reviews are supposed to be happening every six months, either they are not happening at all or they are happening without my presence, input or feedback. In my ENTIRE experience as a foster parent, I have never been informed about a court hearing from my social workers, although I regularly attend due to notification from our children's GAL's. The agency is out of compliance with The Adoption and Safe Families Act (ASFA) on both of these forms of notification. We have been assured very recently that the technological and logistical barriers to notification have been resolved and that consistent notification of Administrative Reviews will now be implemented. We hope to report back to you on the successful intervention of this assurance. We trust that our notifications of court reviews will be next.

There is much work ahead to address the complicated issues of real partnership between line workers and foster parents. We acknowledge that the agency has taken a first step by inviting us to participate in the training that new workers receive. I am personally very excited about the possibility of participating in these trainings. I think it is vital to a successful working relationship that the worker have a real understanding of how what s/he does or says may effect the foster parent's ability to open up to them and trust them, thus impacting the quality of care our children receive. It is imperative that social workers understand that they must give foster parents the same respect that they give the other professionals involved in the care and treatment of our children. We are the ones who are caring for these children day in and day out. Although I am very excited about these trainings, it is my hope that this is just the beginning. It is my hope that we will get to the point where we can expand this training to allow us to work also with those social workers who have been around for a while. After all, it was a veteran social worker with many years of experience who told my husband and me that we were too strict with my

17-year-old son when we put him on restriction for constantly acting out in school and having multiple suspensions. She recommended that he go into independent living. When we objected, saying that we had been parenting him since he was 11 years old and that we were 100 percent sure that he was not mature enough to handle the freedom that comes with an independent living program, she pushed for it and got it anyway. From the moment he entered the program my son went on a downward spiral that landed him in a psychiatric facility. There it was determined that he needed a more structured environment and we were asked if he could come back home to us. Although this particular incident occurred under a previous administration, lack of input into decisions about our children still continues. I feel this is a good example of the danger that can happen to our children when decisions are made by people who see them at the most once a month, and often much less, without taking into serious consideration the input of those of us who are parenting them every day.

I think that it would be beneficial if we also recommend that social workers be given more training on how to access resources, both within CFSA itself and from the community. Access to resources remains a big problem for us. There is a lot of inconsistency in this area. Securing resources often depends upon the knowledge, workload and sometimes even personal feelings of your workers. A strong example of this lack of resource consistency is day care. Foster parents who live in the District of Columbia are entitled to day care services through the Office of Early Childhood Development. However, some workers can access it fast, some have to be taught by their foster parents or GAL's how to access it at all, and in fact one private agency has told their families that day care is not even available! Again this is a personal issue for me. My foster grandson was placed with us at the ripe old age of two months old and in spite of many, many phone calls and inquiries from both my husband and me, our little Jay was seventeen months old before daycare was secured. Had it not been for the untiring help of family and friends, as well as compassion and flexibility of my husband's and my employers we would not have been able to continue to parent this child who has known us as his grandparents since the day he was born.

One resource is so very absent from the fabric of this city that it demands separate mention of its own. That resource is quality and timely mental health services. Our children are wounded; many have suffered emotional and sometimes physical abuse and all have suffered much loss. It is outrageous that their mental health needs have been addressed in such an inadequate manner. We do not know the answer, however, this problem is so paramount that it cannot go unaddressed.

Another huge issue for us is Medicaid. Medicaid numbers may not be given to us until our child has been in our home for weeks or months. This creates a very serious situation when we need prescriptions filled. In addition, our numbers often become inactive, creating the inability to access services. Many of us have been at doctor's offices or pharmacies when the numbers have become inactive and we have had to leave without the services we need for our children. In addition, the lack of an operating Medical Consent to Treat Policy leaves us as well as the hospitals confused about who needs to sign for what treatments. We have been trying to get the agency to develop and implement a medical consent policy for over a year and a half, but to our knowledge there has been no significant progress made. This is of utmost urgency to us, because sooner or later a child will die because of the confusion surrounding what foster parents can or cannot consent to.

Another issue for foster parents is the lack of availability of respite care. All parents need a break from parenting sometimes. Biological parents have the option of sending to their child(ren) to spend the weekend with a relative or family friend, or to visit with a classmate at his/her home. As foster parents, we don't have that option unless those persons can meet many criteria, including obtaining all the clearances that foster parents are required. This puts us in a very tough position. Not only are we asked to parent without significant breaks, we are parenting children who often have serious issues. Can you imagine all of a sudden the number of children in your family increasing by four? It happened to me three years ago. I got a call about a sibling group of four boys, ages 6, 8, 10, and 12. This was quite an undertaking as I am sure you can imagine. As delightful as the boys were, we began to notice almost immediately that one of our children had some pretty severe emotional problems and we began to seek out help for him. When it was all said and done he was diagnosed with severe depression and intermittent explosive disorder. It took about a year and a half for him to be diagnosed and for the doctors to determine the proper medications in the proper doses to help stabilize him. During that time our home was in constant turmoil with crisis after crisis involving him, while we were still trying to effectively parent his three siblings and my adopted daughter. When we asked for respite once a month so that we could regroup and

be better able to parent our children we were told that respite was not available. The situation escalated to the point that the placement disrupted and he was placed in a "Therapeutic" home where the city not only pays significantly more for his care, but the therapeutic foster parents get respite every other weekend. This was very traumatic for all of us. He was not only separated from us, but also from his siblings who had been the only constant in his life. Mine is not the only story. Many foster parents can tell of situations where they feel access to respite would have enabled them to continue fostering a child rather than having the placement disrupt. I really believe that respite can be a big part of decreasing the number of disruptions as well as increasing foster parent retention. And a foster parent who is happy and wants to remain a foster parent is more likely to actively recruit other potential foster parents for the agency. Providing respite for foster parents is a win/win situation for all involved.

In conclusion, I believe that we are seeing many seeds which have been planted under this administration which will lead to very positive change for foster families at CFSA, but many of those seeds have not yet blossomed into actual day-to-day improvement. There is still a great deal of work to do. Responsiveness, accessibility and inclusiveness of the upper level to its foster parents have been real and beyond rhetoric, as demonstrated by the cutting edge partnership lead by Ms. Lacomba. We have come very far in these ways. However, we have much farther to go before the infrastructure of CFSA supports and implement the philosophy of the upper level or the principles of best practice. To summarize, some specific areas we need to see improvement in are:

- After hours crisis intervention for foster families outside of the general hotline;
- Quality and timely mental health evaluations and therapy;
- Consistently active Medicaid numbers and cards;
- Easily and consistently accessible emergency and planned respite care for foster parents;
- Timely day care;
- Operating Medical consent to treat policy;
- Increased team building efforts between social workers and foster parents as well as between birth parents and foster parents;
- Training of all social work staff on resource availability;
- Strengthening communication between units so that information given to families is both accurate and consistent;
- Clear and consistent systems for problem resolution which free up foster parents to spend our time and energy parenting our children instead of going around in circles fighting for services.

Again, in closing we do believe that the agency is on the right path, but we must acknowledge the great need for them to develop an infrastructure that will allow for the kinds of changes necessary to give our children the care they deserve. I appreciate the opportunity to speak to foster parent concerns at this hearing. As an individual foster parent as well as the Deputy Director of FAPAC I will continue to be available to assist in system reform in any way I can, and to work with CFSA to develop its path of partnership with its foster parent community.

Senator DEWINE. Thank you very much. Ms. Sandalow.

**STATEMENT OF JUDITH SANDALOW, EXECUTIVE DIRECTOR, CHILDREN'S LAW CENTER**

Ms. SANDALOW. Good morning, Senator DeWine, Senator Landrieu. Thank you for giving me the opportunity to speak today about the solutions to problems facing abused and neglected children in the District of Columbia.

As you know, the Children's Law Center helps at-risk children in the District of Columbia find safe and permanent homes, and the education, health and social services they need to flourish, and provides comprehensive legal services to children, their families and foster, kinship and adoptive parents. My testimony today is focused on remedies that involve the Child and Family Services Agency, and that can be accomplished with targeted and specific Federal funding.

The first days in foster care often determine the outcome of a child's life. When a child is injured in a car accident, an ambulance

rushes the child to a hospital where a team of doctors and nurses drop everything to save that child's life. We all recognize that without this extraordinary effort, a child could die or be permanently disabled. That same urgency and those same resources should attend to the removal of adduced and neglected children from their homes.

In fact, every day in the District of Columbia, children are permanently scarred because we don't treat these first days in foster care as an emergency. What is right for children is also right for the D.C. budget. Early and intensive intervention on behalf of children will speed reunification and it will speed adoption and it will prevent the financial and human costs of increased homelessness, incarceration and welfare dependence that is found among adults who spend their childhoods in foster care.

I propose that Congress fund a pilot project within CFSA to provide early and intensive intervention for children as soon as abuse or neglect is reported. What you might ask, should such an emergency team do? On the first day that a child is removed from her home, an emergency team of social workers should be interviewing the child, their siblings, their parents, their neighbors, to find the nearest relative, a person who is appropriate to be a temporary caregiver while that family is restored. The emergency team should have access to a flexible fund to buy beds, clothes and if necessary, food, to ensure their relative can bring a child into their home immediately.

One of our clients, a grandmother, has been waiting 45 days for benefits, while CFSA will not provide emergency funding for her to feed the grandchildren who she has taken into her home on an emergency case basis. The emergency team should provide drug treatment, homemaker services, parenting classes immediately for children and families so they can be reunified. All of these tasks and many more that I highlight in my written testimony, must be done within the very first few days that a child is removed from her home.

Just as we staff the emergency room 24 hours a day and we would never consider closing it after business hours, we must have a child welfare emergency team 24 hours a day. Where a child is removed from her family, she needs an opportunity to visit her brothers and sisters and her parents in order to enhance the chance of reunification, but also to help her with that transition as she moves away from her birth family. But last week, a social worker said in open court at the District of Columbia's Family Court to a mother who was begging to see her children, that she and her children could only visit together 1 hour a week, and the reason that she gave was because CFSA didn't have the resources to staff a visitation center for longer hours that would provide more frequent visits.

Can we really tell a child that she can't see her brothers, sisters and parents more than 1 hour a week because she has to give other little children the chance to see their families? Get in line, little girl, behind all the other children who need to see their families. I urge the committee to appropriate funds to CFSA to build and staff visitation centers in the community.

Each center should be staffed by a social worker trained to work with parents on their parenting skills. And most important of all, the center should be open in the evenings and on weekends so that children don't have to miss school to see their families, and that parents can maintain employment so that they can bring the children back to live with them.

Forty percent of all foster children in the District of Columbia are teenagers. Despite this staggering figure, unfortunately, CFSA has a woefully inadequate program to help teenagers prepare for adulthood. Today I would like to focus on one particular issue, which is helping teenagers find jobs, and that may be important to me because I am the parent of teenage boys who came to me out of the foster care system when they were in their preteen years, and I know how important it is for their development that they be able to find jobs. In part, they will have me as a safety net but other foster children won't have that kind of safety net.

How is it that CFSA can help teenagers find jobs and give them the jobs skills necessary to make them productive citizens? One very simple option is to partner with local businesses to provide a job coach just like they do for developmentally disabled adults, to ease that new foster child into a job. I am confident that there are corporations in this city that would partner with CFSA. I understand that in California they reserve a certain number of government jobs for foster children entering the system to help them meet that transition. Well, they're part of our government family, so they save some jobs for them. Those are both very simple solutions, I think.

But no matter how many programs are available or what philosophy there is in the child welfare system, the quality of the individual social worker is successful to the successful system.

Senator DeWine has introduced legislation to provide loan forgiveness for lawyers and social workers who serve children. The Children's Law Center strongly supports this legislation and believes that it will increase the pool of highly qualified lawyers and social workers.

Talented well-trained social workers, frequent family visits and early intervention won't help children if there are no services to help children heal, to rehabilitate parents and to support families. The District of Columbia has an extremely limited number of mental health providers. There are very few drug treatment beds. Homemaker and intensive in-home services are almost nonexistent. CFSA should be clamoring at your door asking for the funding to provide these services. They should have a comprehensive plan for developing and funding service providers.

Although I applaud their recent efforts to evaluate the quality of service providers, and I understand that they are vigorously evaluating the outcomes of the service providers that they do have, I am disturbed by their silence regarding increasing the availability of services.

#### PREPARED STATEMENT

A foster child is by law in the legal custody of the government. The government therefore has the right and the responsibility to parent that foster child, to meet the needs of every child as if she

were our own child. I thank each of you in particular for taking that responsibility seriously, and for calling for supporting measures that will give every foster child the promise of a safe and loving home.

[The statement follows:]

PREPARED STATEMENT OF JUDITH SANDALOW

Good morning, Chairperson DeWine, Senator Landrieu and members of the Committee. My name is Judith Sandalow, and I am the Executive Director of The Children's Law Center here in Washington, DC. The Children's Law Center helps at-risk children in the District of Columbia find safe, permanent homes and the education, health and social services they need to flourish by providing comprehensive legal services to children, their families and foster, kinship and adoptive parents.

Thank you for the opportunity to speak with you today about solutions to the problems facing abused and neglected children in the District of Columbia. At The Children's Law Center, we serve as the voice for many children. They share their fears and their hopes with us. Because the solutions I propose today are informed by these children and their experiences, I would like to start by sharing with you some of their stories.

Sam, Tony and Terry were removed from their mother's home on a Friday evening and placed in a temporary group home. The very next day their aunt came to court and offered to have them live with her. Understandably, she did not have three beds in her home, nor did she have the money to pay for them. The CFSA social worker told the judge it would take three weeks to buy beds for the aunt and, until then, suggested that the boys stay in a group home. Only because The Children's Law Center purchased beds for the boys that afternoon were they able to be with their family and avoid spending three weeks in a group home.

Seven-year-old DeMarco and nine-year-old Shawn were taken from their mother's home by the D.C. Child and Family Services Agency when it was discovered that their mother physically abused them. Despite the fact that Shawn and DeMarco have a loving and capable grandmother, CFSA put Shawn and DeMarco in a foster home. Only after their grandmother contacted The Children's Law Center were the children allowed to see their grandmother and, with more advocacy by The Children's Law Center, were the children allowed to live with her. The CFSA social worker admitted that she had not interviewed the children to find out if they had relatives nearby. DeMarco and Shawn spent a month living with strangers during the most traumatic moment of their lives, when they could have been with the grandmother they had known and loved all their lives.

Federal assistance can have an important, direct and measurable impact on the District of Columbia's abused and neglected children. My testimony is focused on remedies involving the Child and Family Services Agency that will make a difference to Shawn, DeMarco, Sam, Tony and Terry and that can be accomplished with targeted and specific funding.

EARLY AND INTENSIVE INTERVENTION

When a child is injured in a car accident, medical personnel have no qualms about stopping traffic to get an ambulance to the scene. A helicopter or an ambulance rushes the child to the hospital where a team of doctors and nurses drop everything to save a child's life or prevent permanent disability. A social worker contacts the parents, provides counseling and helps the family plan for the child's convalescence. We all recognize that without this extraordinary effort, a child will die or be permanently disabled.

The same urgency and the same resources should attend the removal of abused and neglected children from their homes. In fact, every day in the District of Columbia children are permanently scarred and irrevocably deprived of their childhoods, their emotional well-being and their chance to become productive citizens because we do not treat these first moments, these first days in foster care as an emergency.

What is right for children is also right for the D.C. budget. Early and intensive intervention on behalf of children will speed reunification and adoption, will reduce the number of children who languish in foster care at great cost to our city and will prevent the financial and human cost of increased homelessness, incarceration and welfare dependence that are found among adults who spent their childhoods in foster care.

I propose that Congress fund a pilot project within CFSA to provide early and intensive intervention for children as soon as abuse or neglect is reported.

What would such an emergency team do? There are three things that must be accomplished quickly: (1) find the best home for the child as fast as possible; (2) provide services and support to the child to repair the damage caused by abuse and to reduce the trauma of being separated from her family; and (3) provide the entire family with the services necessary to reunify them.

How would an emergency team accomplish these goals?

- On the day a child is removed from her home, social workers should interview the child, his or her siblings, neighbors and relatives to find an appropriate temporary caregiver for the child. Frequently, grandparents, aunts, uncles and cousins don't learn that a child is in foster care for weeks or months.
- Quickly conduct criminal records checks, review the child abuse registry and do a home study of the caregiver's home so that the child can move in immediately.
- Have access to a flexible fund to buy beds, clothes and if necessary food to ensure that a relative can bring a child into her home immediately, without forcing the child to stay—scared and alone—in a group home or foster home while the relative finds the money to prepare her home.
- Convene a meeting of the child's family within 24 or 48 after removal to see what resources the extended family can provide. Often, family members can step in to assist an overwhelmed parent, can arrange visits in their home for the child or can even bring a child to live with them while the parent is in recovery.
- Provide transportation to the child's home school, so that she is not further traumatized by having to adjust to a new school and a new home at the same time.
- Gather medical records from the child's pediatrician and area hospitals to ensure that medical treatment and medication are not disrupted.
- Provide drug treatment, homemaker services, parenting classes and other services a birth parent needs so that a child can be safely reunited with her parents.
- Do thorough medical and mental health assessments of children and provide mental health services to assist children during this traumatic time.
- Arrange for a child to talk on the phone with brothers, sisters and other family members during the initial, traumatic hours and days after removal.
- Provide transportation for frequent visits between children, their siblings and important family members to reduce the trauma of removal and maintain the familial bonds in preparation for reunification.

All of these tasks must be done within the first few days after a child is removed from her home. Just as we staff an emergency room around the clock and not only during business hours, we must staff a child welfare emergency team 24 hours a day.

#### MAINTAINING FAMILY TIES THROUGH VISITATION

In 1989, when the ACLU was preparing to file a class action lawsuit against the District of Columbia to address the needs of abused and neglected children, they interviewed local child advocates. One of these advocates who had worked with neglected children for years and was a founding member of The Children's Law Center, asked for only one thing. She said, "if you can get family visits for foster children so that they can visit their brothers and sisters and their parents and if you can get those visits to happen on weekends and in the evenings so that children don't have to miss school to visit their families, then I will believe that your lawsuit made a difference."

Fourteen years later, this simple wish has not been granted. Fourteen years later—in fact just last week—a social worker said in open court to a mother who was begging to see her children that she and her children could only visit together one hour each week because CFSA didn't have the resources or the staff to have longer or more frequent visits.

Can we really tell a child that she can't see her brothers, sister and parents more than one hour a week because she has to give other children the chance to see their families?

I urge the committee to appropriate funds to the Child and Family Services Agency to build and staff visitation centers in the community so that children can see their brothers, sisters and parents as often as is necessary for them to maintain their family bonds.

Today, just like 14 years ago, foster children visit with their parents in partially furnished offices—artificial environments that are a far cry from the apartments and houses in which families usually interact.



I envision visitation centers that feel like a real apartment, with a living room that has games, books, a television and a radio. I picture a kitchen or at least a microwave oven, so that parents could show their love the way most parents do—by cooking a meal for their children. I imagine children playing in the center's backyard, a backyard that has a swing set and a basketball hoop. With an opportunity to visit in this home-like setting, parents could work on parenting skills and children could enjoy their brothers and sisters.

Each center should be staffed by a social worker trained to work with parents on their parenting skills. Most important of all, the centers should be open in the evenings and on weekends so that children do not have to miss school and parents can maintain their employment.

#### PREPARING TEEN FOSTER CHILDREN FOR ADULTHOOD

Forty percent of all foster children in the District of Columbia are teenagers. Despite this staggering figure and the additional Federal funding that has been made available by the Chafee Act, CFSA has a woefully inadequate program to help teenagers prepare for adulthood. Today, I would like to focus on addressing one particularly important issue—helping teenagers find and hold jobs.

CFSA social workers do not help teen find work, they do not help teens fill out job applications and they certainly do not create job opportunities for teenagers.

How can CFSA help teenagers learn the basic job skills necessary to make them productive citizens? CFSA need look no further than their back door for a solution. The See Forever Foundation, started by David Domenici, son of Senator Pete Domenici, and by James Forman, Jr., owns several businesses that are run by teenagers, including a catering business and a print shop. The teenagers handle all aspects of the business, from marketing, to accounting to preparing and delivering the product.

A business run by foster children would give these young people the training they need to become successful and independent adults.

A simpler option that might help more teens more quickly would be for CFSA to partner with local businesses to guarantee that there were jobs available to teen foster children. If CFSA hired a job coach who worked with teens during their first weeks on the job—in a manner similar to job coaches for developmentally disabled adults—I believe that many employers would commit to hiring foster children.

There are many other areas in which CFSA fails teen foster children. I am pleased to announce that beginning this Fall, The Children's Law Center will be able to devote more of its resources to advocating for teens. Because of the generosity of the Equal Justice Works Foundation and the Public Welfare Foundation, we have hired a lawyer who will help to train social workers and other child advocates about strategies for helping teen foster children make the transition to independence and adulthood.

#### RETAINING AND TRAINING CAPABLE SOCIAL WORKERS

No matter how many programs are available or what philosophy governs a child welfare agency, the quality of the individual social workers is critical to a successful system. The April 2003 report by the GAO on the challenges confronting child welfare workers supports the observations of The Children's Law Center's staff. Repeatedly, the best social workers tell us that they are leaving CFSA because they have extraordinary administrative burdens with no secretarial support, that their caseloads are so high that they are worried about making mistakes that will jeopardize children's safety and health and that the quality of supervision they receive is extremely poor.

CFSA Director Olivia Golden testified before this committee just last month that she was working to reduce caseloads for social workers. Reducing caseloads by hiring high quality social workers must continue to be a top priority for Ms. Golden. She must also focus on retaining and training social workers. This committee may be able to assist Ms. Golden by proposing legislation and targeting funding toward initiatives that will increase social worker retention.

Senator DeWine has introduced legislation to provide loan forgiveness to lawyers who represent children. The Children's Law Center strongly supports this legislation and believes it will increase the pool of highly qualified lawyers who serve children. Similar legislation to provide loan forgiveness to child welfare workers would help ease the financial burden on these dedicated individuals.

I also urge the Committee to consider providing funds to CFSA targeted toward providing administrative support to the social workers who work directly with children and families. Social workers spend a tremendous amount of time completing paperwork. As recently as last Fall, social workers were required to fill out requests

in triplicate to renew each child's Medicaid eligibility. In addition, social workers have little assistance in transporting foster children to evaluations, doctors' appointments, family visits and therapy.

#### SERVICES FOR CHILDREN AND FAMILIES

Talented, well-trained social workers, frequent family visits and early intervention won't help children if there are no services to help children heal, to rehabilitate parents and to support families. The District of Columbia has an extremely limited number of mental health providers. There are very few drug treatment beds. Homemaker and intensive in-home services are almost non-existent. CFSA should be clamoring at your door, asking for more funding to provide these services. They should have a comprehensive plan for developing and funding service providers. Although I applaud their recent efforts to evaluate the quality of service providers, I am disturbed by their silence regarding increasing the availability of services.

The short-term cost of providing services may be great, but the long-term benefit in personal and financial savings is extraordinary. For one D.C. family, it made all the difference. After the death of his wife, a father of three children was extremely depressed. He managed to hold down a full-time job, get dinner on the table and was available to his children every evening after work. For some reason, however, he couldn't manage to get the children dressed and ready for school in the morning and so the children missed school frequently. Rather than provide limited early morning homemaker services, CFSA sought to remove the children from his home. Only after the father's lawyer intervened did CFSA agree to provide services to the family. Obviously, the emotional and financial cost of splitting up this family pales in comparison to the short-term cost of helping them through this crisis.

The Children's Law Center receives dozens of calls each year from relative caregivers and foster parents who want to keep a child in their home, but cannot handle the extreme behavioral and emotional needs of their child without assistance that CFSA refuses to provide. One foster mother called The Children's Law Center distraught because she had been trying to get services for her foster children for months. At the end of her rope, she had asked the social worker to remove the children unless CFSA gave her some in-home support and respite care. Three days later, she couldn't bear to hear them crying on the phone. The children had been with her for a year, called her Mommy, and were begging to come back to her. She wanted them home, but needed in-home mental health services to address their extreme behavioral problems. Only after intervention by The Children's Law Center were the services provided and the children returned to the foster mother they had come to love.

#### CONCLUSION

A foster child is, by law, in the legal custody of the government. The government, therefore, has the legal right and responsibility to parent that foster child. To me, this means that we must treat every foster child as if she or he is our own child.

Thank you for taking that responsibility seriously and for calling for and supporting measures that will give every foster child the promise of a safe, permanent and loving home.

Senator DEWINE. Thank you very much, very helpful. Miss Bowens.

#### STATEMENTS OF:

**JACQUELINE BOWENS, VICE PRESIDENT FOR GOVERNMENT AND PUBLIC AFFAIRS, CHILDREN'S NATIONAL MEDICAL CENTER**

**DR. JOSEPH WRIGHT, MEDICAL DIRECTOR FOR ADVOCACY AND COMMUNITY AFFAIRS, CHILDREN'S NATIONAL MEDICAL CENTER**

Ms. BOWENS. Good morning, Senator DeWine and Senator Landrieu. Thank you very much for providing us with this opportunity to address the committee today about our role in caring for children in Washington, DC's foster care system. I'm Jacqueline Bowens, Vice President of Government and Public Affairs at Children's Hospital, and joining me this morning is Dr. Joseph Wright, who is the medical director of Advocacy and Community Affairs, as well as the medical director of the DC KIDS program. I'm going to spend a quick few moments giving you some background on the DC

KIDS program, and turn it over to Dr. Wright to speak to some of the challenges we face in our vision for the future.

The District of Columbia Kids Integrated Delivery System, DC KIDS, is a collaborative effort between CFSA and Children's Hospital to provide comprehensive health care services to the children in foster care in the District of Columbia. The arrangement allows for this vulnerable population of children to be evaluated and treated in a child-friendly pediatrics specific environment and provides for support, information and navigation of the complex systems of care for foster parents and their foster children. There is no paper work to complete and no cost to the foster parents of child. All children under the age of 21 and under the care of CFSA living with a foster family or in a group home are eligible for enrollment in the program.

The agreement between CFSA and Children's Hospital provides coordination of ongoing healthcare services for children in foster care. First a child is brought to Children's DC KIDS assessment center for an initial screening before their first foster family placement. This initial screening is done by dedicated staff who complete a medical portfolio on each child before certifying that they are healthy enough for placement to a foster home. In addition, each time that a child's placement is disrupted, they return to Children's for a new assessment before being sent to their new placement.

The child is enrolled in DC KIDS at the time of the initial assessment. Within 10 days, the DC KIDS program arranges for a comprehensive physical examination and a mental health evaluation to identify necessary services for the child and family. These may include early and periodic screening, diagnosis and treatment of illnesses, inpatient specialty care, and prescription services. From that point forward, the DC KIDS staff assists the foster families in navigating the complex health care system to provide for ongoing treatment for their foster child, everything from scheduling and confirming appointments to arrangement of transportation for specialty and follow-up services. The DC KIDS outreach coordinators are available to educate foster parents, social workers, in-service providers.

We are again, very proud of the relationship that we've had in the DC KIDS program, and I'd like to just quickly talk about some of our successes since taking on the program. We each feel that we've come a long way since our first days on the job with DC KIDS. We have increased enrollment by over 400 percent. When we first assumed the program, there were less than 1,000 children actively enrolled in the program; now we care for over 4,000. Since May 2001, we have had 3,053 children come through our assessment center, and 1,870 children have returned for visits due to a disruption in their placement.

We're also proud of the new technology we've developed to make the process easier for social workers. We provide computer terminals for the social workers on-site with all their required forms online and readily accessible to them. This way they can make productive use of their time while waiting for their child's medical assessment to be completed. And we get the information we need to accurately enroll the children in the program. We work very hard

to minimize the time that the social worker spends on this process, reaching our goal of 90 percent or more of the cases triaged in less than 2 hours by July 2002.

Also, upon our assumption of the program, Children's also requested the creation of a new system to provide foster families with the prescriptions and other pharmaceutical items they needed in order to care for their children once they left our care. Working with CFSA, we developed a new electronic prescription pad that creates a voucher that is now accepted at a network of pharmacies throughout the city, allowing families to have 24-hour access to prescription services.

These are just a few of our achievements with the program. At this point I would like to turn it over to Dr. Wright, who can address some of the challenges and our vision for the future.

STATEMENT OF DR. JOSEPH WRIGHT

Dr. WRIGHT. Again, Senator, we would like to thank you for allowing us to testify this morning. Jackie has already told you about some of the successes that we have achieved in the first almost 2 years of involvement with this program and I will address some of the specific challenges that we face.

One that you have heard repeatedly this morning is in the area of mental health. This is a struggle citywide due to the lack of capacity for mental health services. There are simply not enough providers, beds and programs to adequately serve the children in this region, and not just the kids enrolled in DC KIDS, but for all children. As you might imagine, the DC KIDS population is especially vulnerable in this area. More than 50 percent of these children require some type of mental or behavioral health intervention, and most on an ongoing basis.

Children's Hospital has a 12-bed inpatient psychiatric unit which cannot absorb all the needs of this population. Further, our facilities are not equipped with the quiet rooms and restraints necessary to primarily treat severely mentally ill and out of control patients. As a result, we have tried to establish partnerships and collaborations with other community providers to whom we can refer DC KIDS when we are unable to primarily provide services. In this regard we serve as the coordination point, managing the care that these children require.

The same situation exists with dental services. There is a nationwide shortage of pediatric dentists and we feel the shortage in the District as well. Many of the DC KIDS requiring dental care are children with special health care needs and must be seen by dentists who are appropriately trained. In order to address this problem, Children's has purchased half the time of two pediatric dentists who work at Sharpe and Mamie D. Lee, the District's two public schools dedicated to the special needs population. These dentists are dedicated to provide dental services to our DC KIDS population. While this arrangement has helped, it is insufficient.

Let me address briefly court-ordered mental treatment. Children's works hand-in-hand with the judges in the Family Court to ensure appropriate health care services are provided to this vulnerable population. However, there are no better advocates for these children than the judges. Their sensitivities to these children's

needs demand their strict attention, which they provide. However, a growing concern for our institution and the DC KIDS program is the amount and nature of court-ordered medical treatment that we are experiencing.

As cases are adjudicated, specific medical treatment or therapy is frequently ordered without any physician consultation. As the medical provider for these children, we are forced to comply with the court order even if it is medically inappropriate. Unfortunately, such court-ordered referrals are continuing to grow. From October 2002 to April 2003, the number of court-ordered outpatient referrals grew from 10 percent of our referrals to nearly 20 percent. We have begun to educate the judges about the difficulty of these very specific orders for medical care, but we have a long ways to go.

Now, I want to make it very clear. We realize that the judges are passionate advocates for these children. In the best interests of these most vulnerable kids in our population, we simply feel that it is our obligation to help educate all involved in their care, including the Family Court, about the best ways to work together.

Lastly, an internal challenge that we face is the appointment no-show rate. In some areas, this is as high as 50 percent. Even though we coordinate transportation services for these families, it does not help. This results in a negative domino effect. Children are not getting necessary care, frustrated physicians who block out sessions to treat DC KIDS only to have none of them show. The problem is then compounded by other needy children in the community who may be waiting several weeks for an appointment.

Now at Children's Hospital we continuously strive to make things better, and I would be remiss if we didn't offer some ideas and potential solutions for the problems that I have identified. Jackie has already alluded to our ideas in the area of information technology and we envision an assessment program that will be a model for the rest of the country. This assessment process will build on the foundation already established.

The first step will be complete integration of the CFSA computer system with our system in the DC KIDS program. Currently, as we enroll children at the time of their initial assessment, this often occurs before CFSA has confirmed placement. As a result, it requires a DC KIDS staff member to contact the social worker or CFSA to locate the child in order to make their follow-up appointments. This causes a tremendous bottleneck in waiting for the address and contact information. If we were fully integrated with the CFSA system, we could simply log on to the child's file and see the placement immediately after it is entered into the system by the social worker. This would save immeasurable time.

We also envision a program that makes health care for foster children as accessible as possible to the foster family. Transportation is one of the biggest barriers for our foster families, and we know that it contributes substantially to the aforementioned no-show rate. We believe that if we owned a DC KIDS shuttle and driver that were dedicated solely to providing transportation to foster families and children for their appointments, more foster children would receive their care in a timely manner.

I have already mentioned our dental facilities. Currently we do not have the facilities or space to cover all the needs of children

at Children's Hospital. We are land-locked and do not have room for expansion. Our vision for the future, however, includes a system of community-based partners to provide all services needed by the DC KIDS children. We are making strides towards that goal with the recent awarding of a State innovations grant from the Department of Health and Human Services that we will be implementing in conjunction with the D.C. Department of Health to develop state-of-the-art community-based dental programs at the District's two special needs schools.

Lastly and clearly the most difficult clinical element in managing the DC KIDS program is the mental health capacity issue. The number of patients seeking acute care for mental health problems has exploded at our institution over the past 2 years. The volume for such crisis has more than tripled since the closure of the emergency psychiatric facility on the campus of D.C. General in 2001.

Because of the aforementioned physical limitations at our institution, we know that we must develop partnerships with other community providers, but there are some things that can be done immediately as well. For example, we are planning new programs to operate a mental health urgent care center at Children's Hospital in the evenings and on the weekends. We believe this will help alleviate some of the strain that is being felt by our emergency department. We believe this mental health urgent care center will help to redirect patients currently occupying beds in the ER that are needed for children with medical and surgical emergencies.

Our proposal is currently being considered by the D.C. Department of Mental Health and they have agreed to provide funding for a psychiatric social worker. However, ideally, funding is needed to support three social workers, a security guard, a disposition staff, and one full-time position in order to properly support such a program. Above all, the DC KIDS population needs stability. What is best for these children is a comprehensive health system that addresses their emotional, medical and educational needs.

#### PREPARED STATEMENT

It is critical that they involve stable foster families and consistency among providers when they seek this treatment. Children that face disruption in placement as well as fragmented medical care will have their baseline problems further compromised.

I would like to thank you for the opportunity to testify and will be happy to answer questions at the end of the panel.

[The statement follows:]

#### PREPARED STATEMENT OF JACQUELINE D. BOWENS AND DR. JOSEPH WRIGHT

Mr. Chairman, thank you very much for the opportunity to address the committee today about our role in caring for the children in Washington, DC's foster care system. I am Jacqueline D. Bowens, Vice President of Government and Public Affairs at Children's Hospital. Joining me today is Dr. Joseph Wright, who is the Medical Director of Advocacy and Community Affairs, as well as the Medical Director of the DC KIDS program.

#### BACKGROUND ON CHILDREN'S HOSPITAL

Children's Hospital is a 279-bed pediatric inpatient facility located in the District of Columbia. For over 130 years, we have served as the only provider dedicated exclusively to the care of infants, children, and adolescents in this region. It is our

mission to be preeminent in providing health care services that enhance the well-being of children regionally, nationally, and internationally.

The Children's system includes a network of five primary care health centers located throughout the city, and a number of pediatrician practices throughout the region, providing stable medical homes for thousands of children. We also operate numerous regional outpatient specialty centers in Maryland and Virginia, providing access to high quality specialty care right in the communities that we serve. We are proud to be the region's only Level I pediatric trauma center.

Children's Hospital serves as the Department of Pediatrics for George Washington University medical school, and runs a highly-respected pediatric residency program, providing education and experience to the next generation of pediatricians, pediatric specialists, and pediatric researchers. We also conduct significant research within Children's Research Institute, with funds from the National Institutes of Health, the Health Resources Services Administration, the Department of Defense, and countless private funders. Our researchers have received national recognition for recent breakthroughs including identification of the gene associated with metastasizing brain tumors, and discoveries related to muscle development for muscular dystrophy patients.

Recently Children's Hospital was named as one of the nation's "Top Ten" pediatric institutions in the country by Child Magazine, based on stringent quality and outcomes measures. Our Hematology/Oncology program was ranked fourth in the nation. We are the only such facility in the region to receive this honor.

Locally, we also work in collaboration with the District of Columbia Department of Health to operate the District's School Health program, employing all the school nurses in the public schools, including 21 charter schools. And we are very proud of our affiliation with the District's Child and Family Services Agency (CFSA), in which we work in conjunction to operate the medical program for children in foster care called DC KIDS.

#### BACKGROUND ON THE DC KIDS PROGRAM

The District of Columbia Kids Integrated Delivery System (DC KIDS), is a collaborative effort between CFSA and Children's Hospital to provide comprehensive health care services to the children in foster care in the District of Columbia.

The DC KIDS program was first established by CFSA as a medical management model. The initial contract went to the former Public Benefits Corporation and DC General Hospital. Prior to the closure of DC General Hospital and the PBC in early 2001, CFSA approached Children's to absorb the program on an emergency basis "as is," with the intent of eventually establishing a more formal long-term relationship—which we did. Children's assumed the DC KIDS program on May 1, 2001 after a rapid transition. Our current agreement runs through December 31, 2003.

The arrangement allows for this vulnerable population of children to be evaluated and treated in a child friendly, pediatric-specific environment. It provides each child with a continuous and coordinated system of services. DC KIDS supports, informs and navigates the complex systems of care for foster parents and their foster children. There is no paperwork to complete, and no cost to the foster parent or child. All children under 21 years of age and under the care of CFSA, living with a foster family or in a group home, are eligible for enrollment in the program.

The agreement between CFSA and Children's Hospital provides coordination of ongoing health care services for children in foster care. First, a child is brought to the Children's DC KIDS assessment center for an initial assessment, before their first foster family placement. This initial screening is done by dedicated staff who complete a medical protocol on each child before certifying that they are healthy enough for placement into a foster home. In addition, each time that a child's placement is disrupted, they return to the Children's for a new assessment before being sent to their new placement.

The child is enrolled in DC KIDS at the time of the initial assessment. Within 10 days, the DC KIDS program will arrange for a comprehensive and thorough physical examination and a behavioral/mental health evaluation. Once completed, necessary services for the child and family are identified, such as:

- early and periodic screening
- diagnosis and treatment of illnesses
- dental services
- immunizations
- eye care
- hearing services
- mental health services
- substance abuse services

- developmental services
- in-home services
- inpatient and specialty care
- prescription services

From that point forward, DC KIDS assists the foster families in navigating the complex health care system to provide for ongoing treatment for their foster child. The DC KIDS team schedules and confirms appointments, and arranges for families to receive care at the Children's Health Center and therapists located in close proximity to their neighborhoods. When that is not possible, the staff arranges for transportation—this occurs most often for specialty and follow-up services. DC KIDS outreach coordinators are available to educate foster parents, social workers and service providers by answering questions about enrollment and eligibility.

#### OUR SUCCESSES

##### *Increased Enrollment*

We at Children's Hospital feel that we have come a long way since our first days on the job with DC KIDS. We have increased enrollment by over 400 percent. When we first assumed the program, there were less than 1,000 children actively enrolled in the program—we now care for over 4,000. Since May 2001 we have had 3,053 children come through our assessment center, and 1,870 children have returned for visits due to a disruption in their placement.

##### *Enhanced Technology*

We are proud of the new technology we have developed to make the process easier for the social workers. We provide a computer terminal for the social workers on site, with all their required forms on line. This way they can make productive use of their time while waiting for the child's medical assessment to be completed, and we get the information we need to accurately enroll the children in the program. We have worked very hard to minimize the time that the social worker spends in this process, reaching our goal of 90 percent or more of the cases triaged in less than 2 hours by July, 2002.

##### *Pharmacy Vouchers*

Upon our assumption of the program, Children's also requested the creation of a new system to provide foster families with the prescriptions and other pharmaceutical items they needed in order to care for these children once they left our care. Working with CFSA, we created a new electronic prescription pad that creates a "voucher" that is now accepted at a network of pharmacies throughout the city—allowing our foster families to receive both prescription and over-the-counter products for their new foster child.

#### DC KIDS CHALLENGES

While we are very proud of these achievements, we acknowledge that there is so much more that needs to be done to overcome the challenges that Children's, CFSA, and the entire system faces.

##### *Mental Health*

One challenge that is a struggle city-wide is the lack of capacity for mental health services. There simply are not enough providers, beds, services and programs to adequately serve the children of this region—not just children enrolled in DC KIDS, but for all children.

The DC KIDS population is a very vulnerable one. More than 50 percent of these children require some type of mental or behavioral health service, most on an ongoing basis. Children's Hospital has a 12 bed inpatient psychiatric unit, which cannot absorb all of the needs of this population. Children's Hospital does not have the facilities such as quiet rooms and restraints that are needed to treat the severely mentally ill; patients needing that type of care must be treated elsewhere. As a result, we have tried to establish partnerships and collaborations with other community providers to refer our DC KIDS population when we are unable. We serve as the coordination point, because we simply cannot provide all of the services needed. More of this collaboration needs to be done.

##### *Dental Services*

The same situation exists with dental services. There is a nation-wide shortage of pediatric dentists, and we feel that shortage in the District as well. Many of the DC KIDS that need specialized dental care are "special needs" children, and must be seen by a dentist that is appropriately trained. In order to address this problem, Children's has purchased half the time of two pediatric dentists who work at two



of the District's special needs schools. These dentists are dedicated to provide dental services to our DC KIDS population. While this arrangement has helped, it is insufficient.

One recent strategy has developed with the award of \$450,000 in funding from the Department of HHS, through a State Innovations Grant to the District of Columbia. The District was one of five states to receive this grant, which is intended to spur states into finding new and innovative ways to improve access to health care. Children's partnered with the DC Department of Health to create a program with two state-of-the-art dental clinics in schools for children with special health care needs. The centers will use telemedicine tools to link patients with pediatric dentists and hygienists. This will allow us to focus on the provision of dental services to the most vulnerable children, a population which includes many foster children. It is one step towards a comprehensive ongoing strategy in this area.

#### *Focus on Young Children*

Another challenge that Children's faces with this population is the orientation of our facility primarily on younger children, as the only acute care facility solely dedicated to pediatrics in this region. Although we are licensed to treat patients up to age 21, and do so, we have met challenges in providing for the unique needs of the older DC KIDS population. As with mental health, to meet this challenge, we have had to build partnerships and collaborations with outside community providers, serving as the coordinator of those services instead of the primary provider.

#### *Court-ordered Medical Treatment*

Children's works hand-in-hand with the judges and the Family Court to assure appropriate health care services are provided to this vulnerable population. There are no better advocates for these children than the judges. Their sensitivities to these children's needs demand their strict attention, which they provide. But a growing concern for our institution and the DC KIDS program is the amount and nature of court-ordered medical treatment. As these cases get adjudicated, often times a specific medical treatment or therapy will be ordered without any physician consultation. As the medical provider for these children, we are forced to comply with a court order, even if it is medically inappropriate for the child. Our physicians have great difficulty in treating a child in a manner they feel is unnecessary, regardless of whether the court has ordered it or not. For example:

- It is common to receive an order to admit child for an inpatient psychiatric stay for a specified number of days. The child may not need to be admitted for that period of time—they may be appropriately released in half the time. But because of the order, the child may be required to remain in the inpatient psychiatric unit for the full number of days prescribed in the court order. These types of social admissions are not always in the best interest of the child.
- Another example is a court order for occupational therapy within 14 days. But an occupational therapist cannot treat a child without a physician's order. So DC KIDS must first arrange a visit with a physician for an evaluation before an appropriate occupational therapist can be scheduled. It is usually extremely difficult to accomplish this within the short time frame usually ordered by the courts.

Unfortunately, such court-ordered referrals are continuing to grow. From October, 2002 to April, 2003, the number of court-ordered outpatient referrals grew from about 10 percent of our load to nearly 20 percent. We have begun to educate the judges about the difficulty of these very specific orders for medical care, but we have a long way to go.

We want to make it very clear—the judges are passionate advocates for these children. They demand the very best of service and care, with the children as their number one priority. Our task is to educate CFSA, the judges and the Family Court, social workers and families about the best ways to work together.

#### *Transportation Problems*

Another internal challenge we have with this population is the high rate of “no-shows” we encounter. We make every effort to expedite and facilitate appropriate medical care for these very vulnerable and needy children—but it is to no avail if the foster family does not bring them to their appointments. Even though we coordinate transportation services for them, it often does not help. The result is a negative domino effect: children, who are not getting necessary medical care; frustrated physicians, who block out entire days or afternoons to treat this population, only to have none of their appointments show up; and other needy children in the community who may be waiting several weeks for an appointment. We've got to find a better way.

## OUR VISION FOR THE FUTURE

At Children's Hospital we continually strive to make things better. We have ideas and solutions for which we are searching for ways to implement.

*Information Integration*

We envision an assessment program that could be a model for the rest of the country. This assessment process would build on the foundation we have created. The first step would be complete integration with the CFSA computer system.

Right now, when we enroll the children at the time of their initial assessment, often this is before CFSA has confirmed their family placement. This requires a DC KIDS staff member to contact the social worker or CFSA to locate the child in order to make their follow-up appointments and comply with the 10-day window to complete the physical and mental health assessment. Waiting for address and contact information creates a major bottleneck in the system. If we were fully integrated with the CFSA system, we could simply log into the child's file and see the placement immediately after it is entered into the system by the social worker. It would save immeasurable time.

In addition, integration would eliminate duplication of effort. Right now, we keep the medical records and CFSA keeps the complete record. The medical information gets entered in at Children's, and then has to be manually re-entered into the CFSA system. Placement information gets entered into the CFSA file, and then has to be manually re-entered into the medical record. There is a lot of exchanging of information and data that could be completely eliminated if the two systems were integrated.

*Dedicated Transportation Service*

We also can envision a program that makes health care for foster children as easy and convenient as possible for the foster family. Transportation is one of the biggest barriers for our foster families, and we know that it contributes substantially to our "no-show" rate. If a foster parent is unable to get the foster child to a scheduled appointment, it is a delay in care for that child. Although the DC KIDS program helps make transportation arrangements, it is an ongoing problem. We believe that if we owned a DC KIDS shuttle and driver that was dedicated solely to providing free transportation for foster families and children to their medical appointments, more foster children would receive their care in a more timely manner.

*Education and Training*

We also believe there would be great benefit and improvement of the system if there were opportunities for outreach and education—to families, to judges, to social workers, and other partners who touch the lives of these children. Annual training for all these groups, we are certain, would go a long way.

*Mental Health Models*

One of the most difficult pieces of this is the mental health capacity issue. Because of our physical limitations at our institution, we know that we must develop partnerships with other community providers. But there are some things that could be done immediately as well. For example, we are planning to pilot a new program to operate a mental health urgent care center at Children's Hospital for nights and weekends. It would be housed in the outpatient psychiatric department as a mental health urgent care center in the off hours. We believe this will help alleviate some of the strain that is being felt by our emergency room. When St. Elizabeth's closed, we were told to anticipate an increase of about 10 percent in our emergency room. Instead, emergency room visits for mental health crisis have tripled in the last ten months. We believe this mental health urgent care center will help to redirect patients that are currently occupying medical/surgical beds in the emergency room that are needed for children with physical issues. Our proposal is currently being considered by the DC Department of Mental Health, and they have agreed to provide funding for one social worker. But the rest we are scraping together for this pilot, to see whether or not it would be beneficial for the patients and for the facility. Ideally we need funding for three social workers, a security officer, a disposition staffer, and one full-time physician to operate an ideal program.

We also would support the expansion of the DC Department of Mental Health 24-hour access help line and mobile teams. This would allow patients to contact DMH directly, and receive care right in their community. Not every child needs to come to the hospital—they do now because that is the only place they know to get services. But expansion of community services like the mobile teams could be very helpful.

Another component that is lacking for the DC KIDS population is a day treatment program. Often a child is not in need of hospitalization, but they also need more structure and care than weekly therapy. A day treatment program is a structured “in-between” step that could be very valuable for those children who are in between hospitalization and less rigorous treatment they can receive in the community.

Above all, the DC KIDS population needs stability. They come to us with developmental issues, and problems with attachment and trust. What is best for this kind of vulnerable population is a comprehensive mental health system that addresses their emotional, medical, and educational needs. It is critical to have the involvement of stable foster families, and consistency with the providers that they see for treatment. Those children that face disruption in their placement, coupled with fragmented care that shuffles them from provider to provider, only worsens their problems with attachment and trust. Stability is key.

Children’s hopes to utilize current research that suggests more targeted cognitive behavior psychotherapy, carefully re-evaluated every 3–4 months, will lead to better outcomes—better resilience, better social skills, and better adjustment in the future.

#### *Dental Care*

Our current facilities will not cover all the dental needs of the children. We are land-locked, and have no room for expansion. Our vision of the future of dental services includes a system of community based partnerships to provide all the services needed by DC KIDS children.

Thank you very much for the opportunity to testify before you today. We are very proud of our efforts in caring for this vulnerable population, and look forward to even greater successes with the DC KIDS program in the future.

We would be happy to answer any questions you may have.

Senator DEWINE. Doctor, thank you very much. Mr. Miller.

#### **STATEMENT OF DAMIAN MILLER, STUDENT, HAMPTON UNIVERSITY**

Mr. MILLER. Good morning, Senator Landrieu and Senator DeWine, and distinguished guests, for the privilege of allowing me to address the committee on concerns that I have and things that need to be improved, as well as the positives of the D.C. foster care program. First, let me say, my name is Damian Miller. I am a rising senior at Hampton University. I have been part of the D.C. foster care program since the age of 7 on and off. I have had a very unique experience, to say the least, with some positives and some negative things.

First, let me focus on the areas that I feel need improvement, starting, I would like to say that I think the training for many parents should be more intense and with this training, I think that there should be an emphasis on treating the kids like they are part of the family. I know in many homes that I have been in, I found that things like family picnics, we were not included in. Also, other youths of my age were not included in things like that, simple things like allowing the kids to play with other kids in the house and use the refrigerator, and just do things that are part of the family. I think that is definitely essential and a part of making them feel like they are in the family and that you really care about them.

Also, I think that the training should encourage the parents to attend PTA meetings and reward you for good behavior and, you know, academic achievement. I feel that I was always punished when I did bad, but when I came home with good grades, I wasn’t rewarded, and I think that with any child, you should definitely reward them, you know, not just always hound them, and I think that should be an important part of the training.

Also, I think it’s important that we rid the system of parents that are in it for the money. I think that there are many parents

that I have been with that I feel are definitely in the system, you know, for a check. And even good foster parents, I remember being in good foster homes, and I would have good parents, but the fact that the agency would allow them to bring in three or four extra kids, they were doing a good job with me but when you brought in three or four other kids, I mean, can they really handle that? And it definitely, you know, played a negative effect on my placement with them.

I think that workers should make sure that the funds are actually used for the kids. A lot of the clothing allowances and things of that nature, I missed out on, and other youth that were in the home with me, they didn't receive adequate funds to go clothing shopping, an allowance, you know, and teaching them good economics, that wasn't something that was taught to me in these homes. And I think social workers should really go out of their way to make sure that these funds are really being used to better the youth and not just for the parents.

And part of that, I think that there should be a limit on how many kids that a person can get, and not just based upon home size. Just because they have four bedrooms, you know, doesn't mean that they should have four or five or six kids. It should be based upon, you know, are they working well with two kids, you know, should you put this third kid in. I think that that's something that should be looked at and not just the size of the house.

Also, I think that recordkeeping is something that's very important, and I know one of the panelists touched on that. Social Security cards, birth certificates and things of that nature, I cannot tell the committee how many times I have tried to apply for summer jobs and things of that nature, and a simple copy of my Social Security card could not be found or a birth certificate or things of that nature. I think vital recordkeeping is essential and definitely something that needs to be improved within CFSA.

I think that one thing that should be expanded is family visitation time. Agencies like For Love of Children provide once-a-month time when foster kids are allowed to see their parents. I think that that's a very positive thing and I think that should be expanded to all agencies, because as Senator Hillary Clinton's book says, it takes a village to raise a child, and I think their families should be included in that village.

I think that helping better the relationship with the families is definitely a must. I think that these sessions were always great to me because I would meet uncles and cousins that were coming, encouraging me with better grades, and like I said, I think the visitation thing is very important and should be expanded.

The positive areas that I think should be expanded and the great improvement I have seen, programs like CFSA's Keys for Life has been extremely positive for me. In this program youth are encouraged to excel academically and given money to pursue a higher education. Like I said, it has been a very positive experience, and in fact I would call it the most positive out of my years in the D.C. foster care system. It has given me an unbelievable opportunity to attend college and definitely encouraged me along with many other youths to better ourselves and our future.

The first semester at Hampton University during my freshman year I didn't do so well, and Keys for Life really stayed on me and kept me focused to better myself, and since then, I'm a rising senior now and I have been on the dean's list ever since. So programs like Keys for Life are definitely essential and a great way to help youth.

I think that one thing I have seen improvement in over the years is that social workers today are not as swamped with caseloads like they used to be when I first came into the system. It was very hard to even talk to my social worker, but now that's something that has improved and I think that it's critical that it improves even more, because when you have a social worker that's not swamped with caseload, they can give the youth individualized attention which definitely is always a positive.

And I think something that's also important is mentors. I have had mentors over my years in CFSA and they have helped me a great deal, and I think that should be something that should be mandatory for all youth if possible, that they be given a mentor or someone to look up to and provide guidance to them.

And also, lastly, I would like to mention programs like the Orphan Foundation. Providing internships on Capitol Hill for youth this summer, CFSA will be providing internships because of the Orphan Foundation, and programs like that are positive.

Thank you for allowing me to come and testify.

Senator LANDRIEU [presiding]. Thanks to all the panelists today for coming here and presenting well-put-together presentations, and for concentrating on some of the positive efforts that are being made, and still being forthright in pointing out some of the weaknesses that still need to be addressed.

Senator DeWine will be back with us. He had to make a quorum for another committee, but he does have questions, so I will take the first round and he will be back shortly.

Damian, just start with you. For the record, if you can remember, how many foster care placements and social workers have you had since the age of 7?

Mr. MILLER. Sure. Approximately nine placements and maybe eight to nine social workers also.

Senator LANDRIEU. Okay. I wanted to get it on the record and I want to thank Damian for being here and sharing his experience and his commitment to advocate for the 9,000 children or so that are within the universe of this discussion this morning, and as well as the 500,000 children in the country today that are in the foster care system. Without leaders like Damian, we would have an even harder time trying to figure out some of the solutions. Obviously one of the goals of our work is to try to achieve one placement, at the most two per child and one social worker for each child, to give him or her the consistency over time. There will be turnover, so one is not always going to be possible, but that ideally would be our goal, one case worker, one placement, one judge, one permanency plan, and that is what I would like us to keep in mind as we think about Damian's future and how hard he has worked and how much he has achieved under these difficult circumstances.

Senator DeWine and I are very pleased to be part of the agencies and offices that will be offering internships. Damian, I might spe-

cifically request you, since I have met you now, but we are not supposed to pick our young people for the summer. But both Senator DeWine and I look forward, given our experience this last summer, of having these interns come into our office.

Let me ask just a couple of questions. One, there are so many, but one I would like to pursue is this seemingly model that's developing here with Children's Hospital. Ms. Sandalow, I think the car accident analogy that you referred to is an excellent one. We would not leave a family involved in a car wreck on the highway and not give them immediate attention. This is exactly the same kind of thing that happens when there is basically a breakdown or a wreck in a family, and that emergency care, the first 24 to 48 hours is crucial for the health and development of either that group of individuals or one individual that has been the victim of such an accident. It seems as though we're developing a fairly good model here with Children's Hospital and with DC KIDS to do that early evaluation.

My question is, you were saying that you have seen 4,000 children. I think there are 9,000 in the universe. Am I looking at the right number? What is preventing, or what is stopping the system or slowing it down for all the children that are removed from the home to get to this evaluation center where a lot of wonderfully good things could be done in the first 24 or 48 hours? Medical records could be compiled, an evaluation could be conducted, a social worker or case worker could make a fairly quick assessment of the appropriate temporary placement, preferably a kinship placement, which is what we always like to reach to, a kinship placement or a neighbor, until an appropriate maybe interim placement can be made, and then the work begins to try to move that child either back to reunification with the family, or on to a permanent adoption. In the new Federal law it refers to temporary foster care of no more than 18 months.

So let's talk about what might be a barrier for setting that as a model, maybe Miss Bowens and all of you could comment. Is that the model we're trying to achieve, and what are the barriers?

Dr. WRIGHT. Let me just start by saying the point of entry for children into the DC KIDS program is either an initial or a change of placement, so that the universe of children who are in stable homes and represent perhaps the 5,000 that represents the gap between the 4,000 that we have enrolled and the universe of children, are not accessible to us through the DC KIDS model. However, let me also say that the full universe of children in foster care is a population in which we are very interested and would very much like to access those children for the purposes of some of the things that Damian has validated for us, which is very encouraging to see, to hear, that we're interested in education, we're very much interested in mentorship and working with the families in the foster care system, the entire foster care system and not just the ones that enter into the DC KIDS program because there has been a change in placement.

And one of the barriers that I alluded to in my testimony was from the standpoint of information technology, we have access only to the kids in the DC KIDS database, and there is not an interface there.

Senator LANDRIEU. Thank you for your clarification. Did I understand you correctly that after the initial placement that every child that has come into the D.C. system has to be evaluated at your center?

Ms. BOWENS. No. We only have access to the children since we assumed the program, and that would only be under the assumption that they were still in the homes that they were in when they first came into our care. Any children that have been enrolled prior to, we don't have access. The bottom line is that we don't have the information on the foster care family. What would be great is actually to have the list of all the foster care families, so that we could outreach to them and provide them with information and education about DC KIDS. For example, issues about Medicaid numbers and things like that, many of the families are not even aware that the program exists. So if we had access to them and were able to educate them, some of the things that were mentioned earlier probably could be minimized.

Senator LANDRIEU. I may be misunderstanding, maybe I heard the testimony wrong, but I'm trying to determine when the car accident occurs, are the children in the car accident brought to you?

Ms. BOWENS. No.

Senator LANDRIEU. That's what I'm trying to figure out. I thought you testified that was an early initial evaluation.

Ms. BOWENS. No. When children first go to CFSA, then CFSA will bring, the social worker will bring children to Children's Hospital for an initial assessment.

Senator LANDRIEU. Right, an initial assessment sometime after that car accident.

Ms. BOWENS. Yes, exactly. I'm sorry. Very, very quickly, within 24 hours, those children will come in for an initial assessment. We don't have any idea of where they're going, it's just kind of the social worker is there with them, we'll do an initial assessment just to make sure that they are healthy enough to be placed. We then work diligently to work with CFSA to find out where those families are then located, so that we can provide their follow-up primary care visit and a mental health evaluation.

Senator LANDRIEU. But in that stop, do you do a comprehensive evaluation of the child's general situation so that you could provide foster parents with some meaningful information about a general initial evaluation of their physical health, maybe some of their initial experiences, the reasons they were—you know, a packet that would be helpful to what Mrs. Egerton said about having some information as a child comes into a foster care home, do you provide this information?

Ms. BOWENS. We don't, we would love to. I mean, we have actually reached out to the agency, because many of our physicians get extremely frustrated because the children come in, we have no medical record information, no background information, so we are not poised right now to be able to do that, because like many of the other panelists have said, we're chasing after information to be able to make those appropriate assessments. But our initial assessments when they first come in, again under that label of assessment, are to just make sure that the child is healthy enough to be placed, and then we provide the follow-up comprehensive evalua-

tion. But then the struggle there is, we don't have the requisite information.

Senator LANDRIEU. It's a very limited evaluation of the child.

Ms. BOWENS. The initial, that's correct.

Senator LANDRIEU. Ms. Sandalow, would you like to comment, or Miss Egerton, if we could help develop this system, would that be helpful? We want to create systems that are simple, streamlined and work, and not add any other bureaucratic layers. Can you comment on that system as it exists today and what you would like to see?

Ms. EGERTON. Well, that actually happens prior to the child being placed with me. It would be divine, and we have been fighting for a very long time to get adequate information on our children when they come to us. The realities though, in all fairness to CFSA, is that they're chasing down the information as well. When they go into a home to take a child out in the middle of the night and the parent is in opposition, the parent isn't standing there saying, well, wait a minute, let me get you the Social Security card and Medicaid card. That doesn't happen, and so CFSA is chasing the information down also.

The evaluation happens before the child is placed with me, so I really can't speak to the evaluation itself, but we would like a situation where they go to that evaluation and from that evaluation come to us with a full medical screening, with a mental health evaluation, with all of the pertinent medical and mental health information available to us, absolutely. And if we can figure out a way to do that, that would be beautiful.

Ms. SANDALOW. But we need the combination of the medical/mental health screening. We need adequate social worker resources at the very beginning to pull that together. The Foster and Adoptive Parents Advocacy Center, which I'm proud to be on the board of, has done an extraordinary job in their efforts to put together the concept of a placement passport, which would carry that information. If a child comes to your home who is HIV-positive, we want to know so we can give adequate medication. That has been a struggle.

So there is a medical and mental health piece that comes, but there are also things as simple as has the child been in the system before. It is common for a child to be returned home and then he will come to you 2 years later and you are not told that. My own children have been in and out of care twice. It took 2 years for me to figure that out, until they were emotionally able to unlock that. I didn't learn it from CFSA. Those kinds of records could be pulled in.

And I think most important is to focus CFSA on adequate social worker resources in the first few days, to pull together family. We had a case recently where we represented a child who had been living half-time with her father in a normal split custody situation and CFSA did not know that there was a father involved. And we figured it out and we had to tell them. So here's a child who could have moved straight to her father, and it took an outsider to tell. So that kind of intensive interview of the family members and the neighbors, and a family caucus, it is a model being used around the country.



Senator LANDRIEU. I would like to follow that up for a minute. I know Senator DeWine has questions, but I think this is a very important component to obtain this initial placement assessment by getting the general information from family and neighbors, so an accurate assessment can be made. The hospitals need this, the foster care parents need this, and the judges need this information eventually so that they can make good determinations for the children.

Could we comment about what exists now? Is there any model in the District of that group social worker intensive evaluation? If so, where is it working? If not, how could this committee help to get that initial assessment, which I think, that and the technology piece are the two things that we perhaps could be most helpful with.

Ms. SANDALOW. I think that the funding assets should go to CFSA as a targeted type of project. I shared my testimony with a few people who—yesterday, who said this emergency team, shouldn't that be true for every child? And you'd think that the goal would be for CFSA to be given some pilot money to develop it internally, because obviously our hope is, if it works, if they can make it work and they have the funds to do it, that they can expand that even more for all the kids.

I don't think it's happening in any of the private agencies right now. Our structure is that when a child comes into the system, it is CFSA who touches them first. So I think that they need to be focused on that job.

Senator LANDRIEU. Let's take one minute, if you would, to describe in 30 seconds what this team would look like. How many people would be on it, would there be a team leader? Does anybody have a comment?

Ms. SANDALOW. I'm a lawyer, so I don't think I'm the expert you want, but it is—I can tell you what we do. In essence, we step in and act like what we call the SWAT team that we're hoping to, and we do it ourselves. And we have one lawyer working tirelessly around the clock. I think two or three social workers. The important thing is passing the information on. That needs to happen. And you can go to hospitals after hours and get medical records, we can coordinate that. What we're talking about is a team of social workers who have the time as well as, and I think this is very important, flexible funding.

I think you mentioned, Senator, we should try to place children with relatives. Most of the relatives are not well off, they can't absorb extra children in their home without some assistance. Grandmothers who may be on SSI are wonderful caregivers, but they need some flexible funds to ease the transition. So it needs to be social workers with access to some flexible funds, access to the resources of Children's Hospital.

Senator LANDRIEU. Mr. Chairman, could I ask one more question, and I want each of you to comment for the record. Do you think it would be a wise policy for us to try to put these evaluation teams together for the first initial assessment with the medical evaluation coming as close to an assessment as possible, more comprehensive than just the physical well-being of the child to, if we could identify a relative or neighbor, to make an emergency 30-day

placement based on the recommendation of at least two certified social workers, if that would be the best, for at least 30 days until we can find a more—not to say more appropriate, that may have been a very appropriate placement, but a certified foster home, assuming none of these relatives have been certified for foster care, most of the neighbors are not certified for foster care. But yet, they may be the best short-term placement for these children until a more—and I want an answer yes or no, a short comment, because this is a big issue in trying to loosen up, if you want to use the word loosen up, but make a greater pool of placement opportunities that would help to ease this traumatic time for a child. Or should we stick to the policy of you can't place a child unless they're a certified family? Sister.

Sister CONRAD. I would certainly support the idea of as much flexibility as possible. The one area that strikes me immediately in your question is the notion of neighbor, and in many cases this would seem to be appropriate. However, if the child is being removed from a dangerous situation, if we're talking about the neighbor next door or down the street, we may simply be endangering the neighbor as well as the child themselves. And so in a very broad sense, yes, but with that notion, that our concern is safety in care, that perhaps a neighbor would be much further away than down the street.

Senator LANDRIEU. Miss Egerton?

Ms. EGERTON. I actually have to agree with that. I think that's a real concern for—that's a real concern for foster parents. Even trying to keep children in their same neighborhood, if the child or children have been pulled out of very dangerous situations, and those parents can see that child going back and forth to that particular home, it can be an issue.

I think that there needs to be some room left for flexibility. It sounds wonderful, right off the top it sounds like a wonderful thing, but you would put the agency in a position of monitoring unlicensed homes if you do that, which brings in a whole other dynamic. And as a foster parent, I would say it isn't always a bad thing for that emergency placement to come to me. The reality is, I raised six kids to adulthood who came to me as emergency placements who were only supposed to stay with me 4 weeks, and they stayed with me from 11 or 12 years old to adulthood. I have one who came in at 17 and was only supposed to stay a month, who stayed until he aged out.

So, they called me not specifically because I could, you know, everything matched up or this was the child I wanted, or I matched the needs of the child, or because I would be able to answer the phone in the middle of the night. So it's not always a horrible thing either. I just think there definitely needs to be some room for flexibility.

Ms. SANDALOW. Unequivocally yes, with the additional problem that the District of Columbia has, which is a lot of those people live in Maryland, so anything that we can do to address the problem, because many of our extended families are in Maryland.

Ms. BOWENS. Not to be redundant, but I agree. I think that that would be great, but I think we do have to retain the flexibility because emergencies will happen and we don't want to have a situa-

tion where we again have a backlog of children waiting while we search out neighborhoods and families, and so there will be that ongoing need for emergency placement. So I think what ultimately the other panelists have said as well, but again, we need flexibility.

Dr. WRIGHT. Just to echo the flexibility mantra, but I would also like to address your question about the composition. I think that you have alluded to the fact that any such team would need to be multidisciplinary, because these children and families present with a multitude of issues, and the model that I alluded to in regard to emergency or urgent mental health assessment is one that suggests the need for several disciplines to be involved and a point of contact.

Mr. MILLER. I do agree with the rest of the panelists. I feel that if you can place a child in an emergency placement with a relative, that would be great, but that relative should not be in that community, and they should be—like you talked to about the economic burden, maybe grandparents are not able to support an extra child and things of that nature. So I think that if it's possible and reasonable, I think we should work to do that, because that would ease the transition.

Senator LANDRIEU. Was there a relative you could have been placed with?

Mr. MILLER. I think that with economic help, I think that that would have been definitely possible, and it would have eased my transition to be with relatives.

Senator LANDRIEU. Would you have liked that?

Mr. MILLER. Yes, I would have, Senator. I very definitely would have.

Senator LANDRIEU. Thank you, Mr. Chairman.

Senator DEWINE [presiding]. Let me apologize to all of you. I had to attend another hearing actually, we call it a Senate markup, we were moving a poison control bill that we passed out of committee just a few minutes ago. So that's where I was and now I'm back, so I may ask some of the same questions that Senator Landrieu asked, because I obviously did not hear some of your answers.

I would like to get into an area that I know has been covered a little bit, and that is the question of Children's Hospital contract between, a medical contract between Children's Hospital and CFSA, and make sure I understand the nature of that contract.

How do you deal with a child that has a chronic medical problem such as, let's say asthma, and how do you know that kid has asthma, for example? How does that child get in to you? In other words, you know, we know that asthma is a preventable problem, and unless that child ends up in your emergency room, asthma is something that you try to keep he or she out of your emergency room, and if it's something that's severe enough, you're dealing with every day, that child is taking medication every day. How do you know that child who maybe has been in the system for a long time, how do you reach out and get that kid in so that kid is being seen by your specialists or whoever he needs to be seen by?

Dr. WRIGHT. Well again, I will reiterate that the point of entry into our system only occurs with initial placement or change of placement. So provided that that has occurred, we as part of our screening do inquire about the presentation of chronic illness. And

actually as we speak, we are developing a pilot program for the DC KIDS program within which we have identified a physician who would specifically work with those children who have complex medical conditions. In other words, this individual would be the primary physician for that cohort of children who have asthma as an example, or who might have any host of medical conditions that are actually more predominant in this population than in the population at large. This individual, as I said, we are piloting this right now, and this individual would be identified as the follow-up physician from the point of assessment, and then be involved in the care of—the ongoing care of that child through specialty care or whatever care the child needs. But we are sensitive and recognize that that is an issue and a problem that we want to identify as early on as possible, and that's the reason why we are instituting this pilot program right now.

Senator DEWINE. But the big picture is that you have—how many children do you currently have, what I would call open case files?

Dr. WRIGHT. Four thousand, five hundred that are enrolled in the DC KIDS program.

Senator DEWINE. Those are foster children.

Dr. WRIGHT. That's right.

Senator DEWINE. And that's out of a total of how many kids that are in the foster care program?

Dr. WRIGHT. I believe we heard this morning that the universe is somewhere between 8,000 and 9,000.

Senator DEWINE. Okay. So instantly we know that we have a problem, right? I know I'm repeating what has been said, but to me this is a real problem.

Ms. GOODE. No.

Senator DEWINE. Okay. We do have a problem or we don't have a problem. Who's saying we don't have a problem?

Senator LANDRIEU. They're saying they don't have that number.

Senator DEWINE. Okay, step up to the microphone and identify yourself for the record please.

Ms. GOODE. Good morning, Senator.

Senator DEWINE. Good morning.

Ms. GOODE. I am Brenda Goode, Public Information Officer for Child and Family Services. Let's help get these numbers straight. There are 3,200 paid placements in foster care.

Ms. SANDALOW. But many more children under the supervision of the Court.

Ms. GOODE. That's correct, but 3,200 paid foster care placements and about 8,000 children in the system total. So, a number of those children are being monitored in their homes with their parents.

Senator DEWINE. Well now, what does all that mean?

Ms. GOODE. Eight thousand children in the system, of which 3,200 are paid foster care placements. And then we have the remainder of the kids who are being monitored at home with their parents.

Ms. SANDALOW. But other kids are placed with kinship caregivers.

Senator LANDRIEU. It would be very helpful if you all could give us for the record today, I would appreciate this, literally just a

record of the universe, okay? Because we need to have those numbers.

Senator DEWINE. Well, I'm getting apples and oranges now. The point is, the public policy issue is how many, as a matter of public policy, should we be providing medical care for. Isn't that the public policy issue?

Ms. BOWENS. All of them.

Senator DEWINE. All of what universe? I'm getting an 8,000 number or a 3,200 number?

Ms. GOODE. Right, the 8,000 is the entire universe of children that we have cases open on at the current time, but 3,200 is the number who are placed in foster care. So right now, DC KIDS only serves our children who are in foster care.

Ms. BOWENS. But we also serve the children who are under the jurisdiction of child protection as well, so we serve both.

Ms. GOODE. All right. So you serve all the court-involved kids.

Ms. BOWENS. Correct.

Ms. GOODE. We have a number of kids in the system for other cases in court.

Ms. SANDALOW. I understand from the Family Court that it's slightly over 5,000 children who are court involved.

Senator DEWINE. That includes the foster kids?

Ms. SANDALOW. That includes children in foster care and it includes children who are still, there's an open court case but they may have returned home to their parents or whatever but they didn't close the Court's involvement, and the children who are with relative caregivers who are not licensed paid providers.

Senator DEWINE. So, are we all agreeing that that's the universe, that as a matter of public policy, the District of Columbia has agreed that we want to take care of their health needs?

Ms. SANDALOW. Most of the children—

Senator DEWINE. Hold on. I want to get her. Since you represent the CFSA, would you like to answer that?

Ms. GOODE. What was the question?

Senator DEWINE. My question is, do we agree as a matter of public policy, CFSA had said that that is the number that you want to provide medical care for, and that is 5,000, whatever the figure was.

Ms. GOODE. Yes. But we also provide Medicaid services for other kids, so that if you're not part of DC KIDS or not court-involved, we still provide medical services for the families who are involved with us.

Senator DEWINE. But if I have a 5,000 figure, and what's the figure, 5,000 what?

Ms. GOODE. Five thousand court-involved kids.

Senator DEWINE. Five thousand court-involved kids, and you've got, the hospital has open files for how many?

Ms. BOWENS. About 4,000 children year to date, we have been tracking and following.

Senator DEWINE. All right. So we are missing a thousand. Do you agree with that?

Senator LANDRIEU. One of the issues, Mr. Chairman, is that they only have files for kids that have had a change in their placement.

Ms. BOWENS. And since we took over the program, there are many more children—

Senator LANDRIEU. They're not really lost, it's just that they didn't come into the system because they are in a stable place now, but I understand that your enrollment in DC KIDS is about 4,000; is that correct?

Ms. BOWENS. That is correct. We only track those children who have had an initial placement or a change since 2001 basically, so any children who may have been in a home for many, many years and did not have to come for an initial assessment through us would not necessarily be in the program. Now we've done some significant outreach working with the agency to bring more in, but there is obviously a large group of folks we do not have access to.

Senator DEWINE. And I'm not finding fault with Children's.

Ms. BOWENS. I understand that.

Senator DEWINE. All I'm simply saying is, does that mean that those children are not getting medical care?

Ms. BOWENS. No, it does not mean that.

Senator DEWINE. What does it mean?

Ms. BOWENS. It means that we are not coordinating all of their health care services and they then are left to kind of navigate on their own. So the foster family may have to work to get the Medicaid card, to schedule appointments. We are able to kind of fully manage the care for these children.

Senator DEWINE. Let me ask it this way then.

Ms. BOWENS. Okay.

Senator DEWINE. Would we all agree as a matter of public policy that it would be better if those thousand were picked up?

Ms. BOWENS. Yes, and I think the agency would agree with that as well.

Senator DEWINE. Well, let me ask the agency. Does the agency agree with that?

Ms. GOODE. Yes.

Senator DEWINE. Okay. Then why can't we get it done?

Ms. GOODE. You're asking me—you started out by saying that you didn't understand the contract between CFSA—

Senator DEWINE. Yeah, and now I'm asking a different question. Can you answer that question?

Ms. GOODE. I know that's a contracting issue, and I don't know the answer off the top of my head.

Senator DEWINE. I'm not sure it is a contracting issue.

Ms. BOWENS. No, it's not a contracting issue. Part of the issue is that we need to do a better job of outreaching and accessing the families, and being able to educate them that the service is available to them. I mean, that is the largest obstacle.

Senator DEWINE. Well, my only point is, if we have decided, you have decided that this is a good way to provide medical care and you're doing it for four-fifths of these kids, why don't you figure out a way to do it for the other fifth of these kids? That's all I'm saying. I didn't devise the system, I didn't say it was the best system, but it seems to me as an outside lay person, you as the experts decide it is the best system, and it seems to me it is the best system, it looks like we have the experts here who are doing it, and why do you just say we've got a fifth of these kids and we're just not going

to worry about them? And it seems to me, I worry about them. I don't get it, why don't you worry about them?

Ms. GOODE. And I simply don't know the answer off the top of my head.

Senator DEWINE. My only point is why?

Ms. GOODE. I will be happy to take that message back.

Senator DEWINE. Thank you. If these are the best folks that we've got, and I think it's good you have a contract with them, and I just think if we get the rest of these kids in the system so they can get kind of the holistic approach to health care, and we know it's good and it's particularly good with kids, and we can get prevention in there and get somebody paying attention to them, that's the way we want to treat these kids, and if we're missing some of them, we want to get them into the system. That's all.

Let me turn to Miss Egerton, if I could, and you made some interesting comments, and I appreciate the fact that you said that things are getting better. And I think that was, you put it in perspective and I think those of us who can be critical up here need to understand that, so I appreciate you saying that.

But I am intrigued by some of the things you said, and I want to read from your written testimony. You say, social workers often invalidate our experience, and when it comes to the right to make decisions, exclude, ignore and/or rebuff the foster parent's input. I wonder given your vast experience, if you can give me an example. And obviously, don't use names, and obviously don't use anything that we could tie them to any one person, but could you give me an example?

Ms. EGERTON. I could give you some examples. One major example is the fact that there is supposed to be these administrative reviews that happen every 6 months, and in my history of fostering, I think I have been to 2 or 3, in 12 years. And even, you know, as much as things have gotten better over time, even recently, I have not been invited to an administrative review.

Senator DEWINE. Why is that, do you think? You know the system as well as anybody.

Ms. EGERTON. I know the system pretty well and I am not sure if that is because they are not happening or if that is because they are happening without me; either way it's a travesty.

Another example, a very personal example would be, I have a son who at 17 was having some very serious behavioral issues in school, and we were putting him on restriction. And so his social worker came in, and this is a child who I have been parenting since he was 11 years old, who had been in 8 homes in the 18 months prior to coming to me and was only supposed to be there for a couple of days while they got a residential placement for him, and he ended up there. And he's my baby today, and he's aged out.

But he at 17 years old went through some serious stuff, and his social worker just came in and said we were too strict, and that he should be in an independent living program, he didn't need the kind of restrictions we were putting on him. And I said you cannot do that, he is not mature enough to cope with the independent living programs that we have out there. And she fought me, she won, she got him into the independent living program. The moment he went in there, he went on a downward spiral, he ended up in a psy-

chiatric facility for an extended amount of time. And when they did release him from that facility, they would not release him back into an independent living program. They called us and asked us if he could be released back to us, and we would not take him back because of the structure—or if we would not take him back, then they weren't going to release him until they found a setting with the kind of structure that he needed.

Senator DEWINE. Well, at least they learned.

Ms. EGERTON. But the fight was put up by the social worker who did not see my son even once a month, okay? And I was parenting him every single day.

Senator DEWINE. So you had all your years of experience.

Ms. EGERTON. And my husband and I were saying you cannot do this, you cannot do this. We asked them for certain supports for him. My son went down to his social worker, sat at her desk and asked for certain support and said okay, I have some real problems and I know it, and I have to get it together, and the solution that they came up with was to put him in independent living in spite of our protests.

And I think that that example, though I will point out that that particular example did not happen under this administration, it is a classic example of how absolutely dangerous it can be to ignore the input of the person who is parenting these children every day all day.

Senator DEWINE. I think that's a great summary. I mean, it's a scary thing. You also tell us that although this incident occurred under a previous administration, the lack of input in decisions about our children still continues.

Ms. EGERTON. Absolutely.

Senator DEWINE. And that's even more frightening. Why do you think that is?

Ms. EGERTON. In my position as an employee of FAPAC, and also as an active member of a local foster parent support group, I interact with a lot of foster parents going through a lot of issues and they are brought to me constantly. Foster parents will tell me that a particular child is therapeutic and they need more services for this child, and they have a social worker telling them that child is not therapeutic, you don't know what you're talking about, we're just going to take the child away from you. I can't tell you how many foster parents I have had call me with that issue where the social worker just absolutely rebuffs what they say their child needs, and they feel that very often the social worker's personal feelings are involved and that the social workers sometimes make judgments about the underlying motivation for a foster parent requesting more services for their child, yet you know, ultimately that foster parent is just working toward a larger check.

And let me say that I have worked with some fabulous social workers, so this is not a blanket statement to say that all CFSA social workers are lousy, it's not that at all. I have had some social workers use some of their skills to get me calmed down in some situations, so my hat's off to them, there are some wonderful ones. But there are still some social workers out there who are not accepting the fact that we do know what we're talking about and that when we say our children need certain services, the answer is not



to decide that you just want to put yourself in a position to get more money for that child. The answer is to hear what I have to say and to act on getting those services for those children.

Senator DEWINE. Do you think that sometimes the problem is that they don't have those services?

Ms. EGERTON. I think absolutely, I think sometimes the problem is the services are not available, but I also think that sometimes the problem is that the social worker doesn't know that the services are available or have access to those services for my child. I have been in situations where I have known about services that would help my child and the social worker did not, and I had to school that social worker. And I know lots of foster parents, particularly those who have been it a long time, who have been in that situation.

Senator DEWINE. Mary?

Senator LANDRIEU. Is there an annual evaluation of foster parents that is conducted by CFSA?

Ms. EGERTON. We have to get recertified every year and we have a support group that used to be called monitors, the terminology for a support worker assigned to us who visits us periodically throughout the year and regularly at yearly intervals takes us through the motions of getting recertified, so we go through all the clearances again and the medical evaluations, we go through a stack of paper work discussing what we can and cannot do.

Senator LANDRIEU. You have been through this evaluation now, and as one of our outstanding foster parents, what would you recommend to either streamline that process and make everybody, save everybody a lot of time, but also get the job accomplished? Because what we want, I think, the purpose is to identify the foster parents who are doing a very good job and recommend that they be continued, and then to eliminate those that are not doing a good job. So, I don't know if you would know how many foster parents are eliminated each year.

Ms. EGERTON. I don't know.

Senator LANDRIEU. If anybody in the audience knows, I would like to know, if possible, how many foster families are eliminated every year through that evaluation process. And Ms. Egerton, what would you recommend, one or two or three things that could be done differently that would make that process work better for you, better for the system, that you would like to share with us?

Ms. EGERTON. Wow, that's a good question. I think that for one, if there were more consistent and regular interaction between the social workers or the support workers and the foster parents, it may be a lot easier for the workers to know what kind of job we're doing. I think that maybe, you know—I'm not really sure, honestly I'm not sure. I think that it would probably be a good thing if we had some kind of evaluation where they talk to us about our strengths and weaknesses, and we talk to them about our strengths and weaknesses.

As it stands, we do, we are required to do a certain amount of training all year, 15 hours of training throughout the year, but what does not happen is nobody sits down with me and says okay, here is what we see as your strengths, here are what we see as

your weaknesses, what do you think about that, what training can we get.

Senator LANDRIEU. In all of your years of foster care, no one has sat down and done that?

Ms. EGERTON. No.

Senator LANDRIEU. And when they evaluate you as a foster parent, do they focus on your parenting skills, your relationship with the children, or do you find that their evaluation is concerned more about, you know, the home, the physical environment, or your recordkeeping capabilities, and what kind of records you are required to show them year after year after year?

Ms. EGERTON. They very seldom come to my house, truthfully. When I was trained I was told that I was required to keep a list of the children who come into my home who are placed with me, when they are placed, and their social worker. We are encouraged to give social workers copies of children's report cards, copies of health evaluations, although we don't get written copies of health evaluations, just so you all know. And any, you know, any other printed information we get, we are encouraged to give our children's social workers copies of that. I keep copies of it all. I keep a file on my children. I don't know that I have ever been told beyond that list that I'm supposed to.

Senator LANDRIEU. Have you had the same monitor every year?

Ms. EGERTON. I had the same monitor for a very long time and I recently, I think the last 2 years, I got a different one.

Senator LANDRIEU. Can somebody in the audience tell me how many monitors we have? We have 3,000 foster homes; how many monitors do we have?

Ms. SANDALOW. But I think it's important, Senator, that CFSA does not monitor Maryland homes, that Maryland monitors Maryland homes, and I think 60 percent of our children are in Maryland homes.

Senator LANDRIEU. Of these 3,000 homes, for just homes where D.C. children reside, how many of them are in the District?

A VOICE FROM AUDIENCE. About 250 homes.

Senator LANDRIEU. Only 250 homes are in the District of Columbia, and the rest of the homes of those 3,000 are either in Maryland or Virginia?

A VOICE FROM AUDIENCE. No, we don't have 3,000 homes. I will have to get back to you with accurate numbers.

Senator LANDRIEU. Mr. Chairman, I'm going to have to have these numbers to do any of this work.

Senator DEWINE. You will.

Senator LANDRIEU. Mr. Chairman, before this meeting is over, someone has to take responsibility to provide at least to me and to my staff an accurate accounting of the universe of what children we're talking about. We would really like to help, but we're having a very difficult time, and I don't want to take the time in a public meeting, but in 24 hours I have to have on my desk what the universe of the 8,000 children under the jurisdiction of CFSA is, and I'm going to ask them to give me this universe. How many children are under the jurisdiction of the courts, how many do you have that aren't under the jurisdiction of the courts? How many that are under the jurisdiction of the courts are living in traditional homes,

how many are living in group homes, how many are living in therapeutic homes, I think those are the three categories, and if there's a fourth one, please add that. And of those homes, where are the homes? Are they in the District of Columbia, are they in Maryland, are they in Virginia?

And we need these numbers before we can sign off on—the chairman and I agree that we spend—at least I spend half of my time trying to figure out that's not the number, that's not the number, and I'm tired of doing that. I want to focus on the solutions to the problems. So being able to provide an accurate list of that would be very illuminating to me, to begin with, and I'm getting very different information. So with that said, I have to have that in 24 hours, but this has been very helpful.

One of the things we want to do is recruit more foster parents in the District of Columbia. This is a major problem that has been identified, and while I, and I think the chairman believes that we have want to have regional cooperation, if there are children who can be well placed in Maryland, we don't want to deprive them of the opportunities to have placements with relatives or good parenting homes just because they happen to live outside the concentrated and very artificial district that was created for totally other purposes, for the benefit of the Nation, so we should not hold children responsible for that, but to improve foster care to what some experienced foster care parents do, and we could recruit more, do better evaluations, et cetera, et cetera.

Ms. EGERTON. I think that, if I can just say this, that if we could retain more of our foster parents, your recruitment efforts would be—

Senator LANDRIEU. Less than a third.

Ms. EGERTON. Absolutely, because we would actively recruit. Right now today, I have to say, I'm a little more willing to recruit today than I have been in years. And I for a long time absolutely refused to, and not only absolutely refused to recruit, but had made up in my mind, when the children I was fostering aged out, I was quitting, because the system was so horrible and because I felt so unsupported and unappreciated. As we see CFSA begin to give us the tools to do the things that we need to quality parent our children, we will recruit for you. I am a District of Columbia resident, have been my entire life, I'm one of those few native Washingtonians, and I would recruit. And I would guarantee that the people I bring in would be just like me and would be great foster parents.

Senator LANDRIEU. That's what we want to hear.

Ms. EGERTON. But you have to take care of some of the issues that we are fighting. We must have care for our kids, we must have adequate healthcare for our children, we must be at the decisionmaking table for our children, and when those things happen, we will go out and recruit.

#### ADDITIONAL SUBMITTED STATEMENTS

[CLERK'S NOTE.—Additional submitted statements were received by the subcommittee and are included here as part of the formal hearing record. The statements follow:]

## PREPARED STATEMENT OF SENATOR PAUL STRAUSS

Chairman DeWine, Senator Landrieu, and others on this subcommittee, as the United States Senator for the District of Columbia I wish to express my support for this Committee's examination of the D.C. Foster Care System. The foster children of the District of Columbia deserve quality care and service, services that can only be provided with your support.

I respect the positions of all of the witnesses that are here today and acknowledge the testimony they have given. When faced with the challenge of reforming the Child and Family Services Agency not only did they step up to make the changes necessary, they did so to the best of their ability. However, it is the continuing need for change that brings us here today.

Though we are all United States citizens, the residents of the District of Columbia are not afforded the same rights as their neighboring States. Therefore, we must rely on Congress to provide needed support to the D.C. Foster Care System. Ideally, the District of Columbia should not have to look to Congress for supervision. This is just another example of the injustice the American citizens residing in the District must suffer. While we will continue to fight to achieve full rights as celebrated by those in surrounding areas, I urge you to consider the needs of our D.C. Foster Care System as you would any issue that affects your own constituents, including respect for local sovereignty.

All Americans must care about all American children. However, we must acknowledge the fact that to Ohio and Louisiana constituents the D.C. Foster Care system is not a high priority. For that reason I appreciate this committee taking the time to hear the needs of the District of Columbia's Child and Family Services Agency. We must come together and make effective judgments based on the needs of this community, and despite the inconvenience of having to go through Congress to make decisions about District spending, we welcome your input on matters that affect the interests of our children.

Over the months since the end of Federal Court Receivership, the District has made substantial progress in reforming Child welfare and meeting the Federal Courts expectations. The witnesses who testified here today, not only provided suggestions for improvement but also justification to those suggestions. Several key issues must be taken into consideration. The development of a team of social workers whose primary goal is assessment and placement and an in-depth focus on permanent one-time placements are essential. Additionally an extension of the DC KIDS program as well as increased communication between foster parents and social workers are resources that should not be denied to the children of the foster care system.

In many foster care cases, the Child and Family Services Agency has to make quick emergency placements. Often these placements are disruptive to the child and the foster family. At times placements are not available which can result in the child staying in group or intake homes. Ideally, the Child and Family Services Agency would have the funding available to create a team of social workers whose primary goal is assessment and placement. This team of social workers would be able to investigate different placements quickly in order to find the one most suited to the child's needs. Kinship or extended family placements can be more readily taken advantage of. In order to ease the transition into a new home flexible funding would also be available for emergency supplies such as beds, food, and clothes. These resources are fundamental in ensuring that the foster child receives the best care within the first few days of transitioning from the biological home to the foster home.

Furthermore, the Child and Family Services Agency has a commitment to ensuring that children grow up in permanent homes. These homes are a necessary step in encouraging a healthy and normal lifestyle. They should have the means to devote more time in keeping siblings together and placing foster children with family members. Attention should be focused on one permanent placement rather than moving children from home to home. Foster children are taken from a traumatic home-life and have to work to build trusting relationships with a new family only to have to start all over again. The focus should be on finding the best placement, not just on placement as quickly as possible.

The Children's National Medical Center already has a strong foundation for quality health care being providing to the District's foster children. With its DC KIDS program, foster children who have recently been placed in foster homes are given premium health care. However, the DC KIDS program does not help those kids who were placed in foster care prior to 2001. The need to be able to reach those children is great. With the development of the FACES program, a computerized database of all foster children, medical records and medical histories can be easily accessible to

health professionals and social workers. Often foster parents, social workers and medical staff do not have adequate records that are needed for the care of the child. The DC KIDS program should be more integrated with the FACES database. This would not only enhance the DC KIDS program but would increase the reliability of the Child and Family Services Agency. The foster children of the District would receive quality care and there would be accurate medical histories and data on record for the children in the system.

The Child and Family Services Agency's commitment to bringing up the services standard for all children can be met if the communication between its social workers and foster parents was at a more productive level. Currently social workers are overloaded with cases and are not able to visit the children on a regular basis. They can not provide important information, such as programs and opportunities, that the foster parent and child can take advantage of because there is no time. An increase in staff would not only solve administrative headaches but could also lessen the workload on current social workers. Face-to-face meetings should be arranged between social workers and foster parents so that some sort of feedback session can be accomplished. Policy changes frequently are not told to foster parents or even social workers. These administrative hiccups need to end. Only with the available resources can the Child and Family Services Agency become a valuable asset to our community.

Senator Landrieu as you stated we would not leave a child involved in a car wreck stranded without emergency care. So why do we continue to leave the District's foster children stranded in this equally critical time? The answer is a lack of resources. The District Foster Care Services Agency must be given the resources it needs to take care of foster children. Most children are taken from a hostile environment, homes that can be both physically and mentally abusive. We need to do all we can to ensure the next home is one that will promote a healthy lifestyle so children of the next generation will not go through the same vicious cycle. The Child and Family Services Agency has a deep commitment to strong management and maximization of the quality of care. They have dealt with strained relations among agencies, increasing permanency placements, and have built a foundation of an improving organization. Adequate resources are a critical part of maintaining this momentum. The Child and Family Services Agency is on the right path and as long as we continue to improve, the organization will become a better place. Again I would like to thank Chairman DeWine, Senator Landrieu, members of the subcommittee for listening to the needs of the Child and Family Services Agency. I would also like to thank the witnesses who gave testimony effectively expressing the requirements necessary to care for the District's foster children. I trust the members of this subcommittee will go out of their way to ensure they have all the information that is required for this tough decision. I look forward to further hearings on this topic and am happy answer any questions. In closing, let me thank Ms. Adrienne Goffigan of my staff, for her valuable assistance in preparing this testimony.

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PREPARED STATEMENT OF CASA OF THE DISTRICT OF COLUMBIA

Children being abused, neglected or not receiving mandated services while under court ordered supervision is an unacceptable crisis. When children become lost in the system that was put in place to protect them, the abuse of these children becomes an overwhelming tragedy. CASA of DC, Court Appointed Special Advocates of the District of Columbia is a nationally accredited program to ensure that no child gets lost in the system. CASA of DC's mission is to recruit, train and supervise volunteers from diverse cultural and ethnic backgrounds to assist the court in protecting the best interests of abused and neglected children by advocating for a safe and permanent home for every child. Our mission is to provide stability and hope to abused and neglected children by being a powerful voice in their lives. By matching trained community volunteers with children under court supervision, we can ensure that the needs and best interests of the foster children in the District of Columbia are met and can improve the decision-making ability of judges in the Family Court system by providing an independent evaluation that is geared to the best interest of the child.

CASA of DC, Court Appointed Special Advocates for children of the District of Columbia is the ONLY accredited CASA program operating in the District of Columbia. Not only is the program the only program recognized and supported by the National CASA Association, the program receives technical and financial support from National CASA. In order to make CASA of DC the showcase program for the Nation, the program was designed from the bottom-up to ensure strict compliance with the National Standards established by Judge David Soukup in 1977. In 1990 with

the inclusion of the CASA Program in the Victims of Child Abuse Act, Congress affirmed the use of volunteers in the otherwise closed juvenile court systems and made provisions for the growth of the CASA volunteer movement nationwide. CASA of DC is also recognized and supported by foundations such as the Freddie Mac Foundation, the Gannet Foundation and Microsoft.

Because the Metro D.C. area is unique, CASA of DC is working in collaboration with CASA programs both in Maryland and Virginia and have formed a working group entitled "METRO DC CASA COLLABORATIVE". The purpose of the group is to work together to address the problems of the Metropolitan area in the areas of abuse and neglect. In addressing the regional issues of child abuse and neglect, the Metro DC CASA Collaborative is working to ensure that no child falls between the cracks because of jurisdictional issues.

In the District of Columbia, the Child and Family Services Agency, [CFSA] was removed from six years of Federal receivership established by the U.S. District Court in 1995 under the LaShawn A. v. Williams decree. However, social workers continue to carry large case loads and do not have time to provide the detailed, one-on-one attention that every child in the dependency system deserves. The office remains understaffed and children are not receiving the much needed services once they enter the system. Children continue to have multiple placements, few visits from the social worker and even fewer sibling visitations. Additionally, court orders are often times not implemented. Children in the system spend a median of 3½ years in foster care. Thirty-two percent of the children spend from 4–9 years in foster care.

Under a court ordered plan by Federal Court under the LaShawn decree, CFSA must meet specific performance measures including:

- Compliance with ASFA (Adoption and Safe Families Act).
- Increased visitation: Increase the number of visits children receive from their social worker. (As of 2/2003, children in foster care were only visited monthly by their social worker in one-third of the cases).
- Reduce the numbers of placements.
- Children should be placed in the least restrictive environment.

CASA programs fill the void left by an overburdened system. Social workers and attorneys carrying large caseloads. In this jurisdiction there remains a high staff turnover rate, so caseworker effectiveness remains low. Because of budget cuts and low salaries, many jurisdictions face serious difficulties in recruiting qualified motivated caseworkers. We continue to see child welfare workers who are overworked, have less time, and are doing a less effective job for children.

A CASA advocate will only carry one case at a time and advocate for all children in that family.

The CASA program, historically has proven to be able to:

- Reduce the number of children in foster care.
- Reduce the amount of time a children remain in foster care.
- Ensures that court orders are implemented so that the child receives medical, mental and educational services.

In the District of Columbia, approximately 1,500 new abuse and neglect cases are brought before the Family Court each year. This compounds the number of children already in the system which is approximately 4,000. The goal of the CASA of DC program is to have a trained CASA advocate for every child in the system. Each volunteer advocate represents one family representing approximately 1–3 children per family ranging from birth to 18 years of age.

Why volunteers? CASA of DC trained and certified volunteers act as a multiplier for professional program supervisors. Volunteers work on only one case at a time. This one on one ability provides closer monitoring than can be cost effectively provided directly by professional staff. CASA volunteers focus gives them the ability to see and do more on behalf of the children that they represent. CASA of DC volunteers receive extensive, ongoing training and close supervision from the professional program staff. By the very nature of their "volunteerism" they empower themselves through their commitment of time and energy. They stay with the case from beginning to end and serve the program an average of 30 months.

Volunteers are also independent of bureaucratic constraints that often keep those employed by our local institutions playing by rules that frequently are too rigid or outdated to serve the best interest of the children in foster care. Certainly CASA volunteers do not work in a vacuum. It takes the strong support and guidance of local program staff to facilitate their work. Careful screening, training, supervision, and retention are essential to assure high quality volunteer advocacy. Although paid staff play an integral role in the coordination and management of the program, the traditional role of staff does not include routinely working cases. The CASA Advocate will have closer and more consistent contact with the children than the social

worker or the attorney. Another reason to have CASA advocates is its cost-effectiveness. It is certainly more cost-effective to have one staff person coordinating 30 volunteers serving 75 children as opposed to one staff person carrying 25 cases with 60 children. Still, cost-effectiveness is only a small component of our commitment to the use of volunteers.

Volunteers bring a much needed outside perspective to our court and child welfare systems. Their lack of past experience in the system not only brings a fresh perspective to what we do, it opens our doors to the community and helps raise public awareness of the plight of our community's abused and neglected children.

To a child, having a volunteer working for them can make all the difference. Hundreds of children across the country have been moved when understanding the notion, "you don't get paid to do this?" It shows to them the level of concern and commitment being made by the volunteer. No, it's not part of their "job." Volunteers are ordinary citizens, doing extraordinary work for children, and along the way bringing such passion, dedication, and effort to their work. In the period from January, 2003-March, 2003, over 463 volunteer hours were given to the children of our community. The significant achievements by the advocates for the children represented includes but is not limited to:

- Finding and retaining proper school assignment,
- Obtaining clothing,
- Obtaining school supplies,
- Locating tutoring services,
- Requesting child support and follow up with court and family,
- Ensuring dental appointment completed,
- Helping with housing,
- Monitoring the appropriate placements,
- Helping parents locate substance abuse program,
- Requesting an IEP in compliance with court orders,
- Assisting in locating summer camps,
- Ensuring medical and dental appointments are kept,
- Assisting in preventing the expulsion of a child,
- Locating therapy for the children,
- Informing the court regarding improper group home facility,
- Locating Saturday classes,
- Locating dance school,
- Locating GED classes,
- Locating independent living skills programs,
- Locating vocational training programs,
- Locating summer programs,
- Locating mentoring programs,
- Locating after school care, and
- Locating a more compatible foster placement.

In 1988, CSR, Inc., under contract with the U.S. Department of Health and Human Services, published the results of a study entitled, National Evaluation of Guardians Ad Litem [CASA] in Child Abuse or Neglect Judicial Proceedings. After analyzing five types of CASA models the study found that:

"CASA volunteers are excellent investigators and mediators, remain involved in the case and fight for what they think is right for the child." The study concluded, "We give the CASA models our highest recommendation."

As advocates for children, there are no phrases such as "it cannot be done" because when it is in the best interest of that child, our volunteers will zealously advocate for those interests no matter what barriers come before them. There is a story about a man who was walking on the beach and saw hundreds of starfishes dying on the sand so he began to throw them into the sea one starfish at a time. Another man was walking and saw the man's futile attempts to save the starfish when he said to the man, "You will never save them all." The man replied, "Oh, but it does matter even if I save one starfish." And so, the CASA program will continue to make a difference, one child at a time.

We thank the committee for allowing us to submit this written testimony.

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PREPARED STATEMENT OF THE COUNCIL FOR COURT EXCELLENCE

The Council for Court Excellence ("CCE") is an independent, nonprofit, non-partisan organization dedicated to improving the administration of justice in the local and Federal courts and related agencies in the Washington metropolitan area. While the Council for Court Excellence is proud to have a number of judges among

its active and dedicated board members, it is important to note that no judicial members of the Council participated in the preparation of this testimony.

For more than 3 years, CCE has been privileged to work with the key public agencies in the D.C. child welfare system—the Family Court of the D.C. Superior Court, the Child and Family Services Agency (“CFSA”), the Office of Corporation Counsel (“OCC”)—and others, to reform the city’s child welfare system so that every abused or neglected child in the District of Columbia has a safe and permanent home within the time frame established by the Federal and D.C. Adoption and Safe Families Acts (“ASFA”). To assist the agencies in meeting these goals, CCE has been tracking and measuring progress in child abuse and neglect cases filed since February 1, 2000, the date the city began implementing ASFA. In October 2002, we were pleased to issue a public report summarizing the many early successes of the D.C. child welfare system reform effort. This statement is intended to explain how far the system reform effort has come and how much further there is to go.

#### WHERE WE WERE

When CCE began its work with the agency leaders in late 1999, CFSA was under Federal court receivership, relations among the agencies were strained, and there was little awareness of ASFA’s permanency requirements. As reported on July 15, 1999, by the Federal court-appointed Monitor of CFSA:

“Significant interagency issues remain unresolved . . . Relationships between CFSA, the Office of Corporation Counsel, and the Superior Court also remain problematic; each agency is highly critical of the other’s failings. OCC currently is understaffed to meet the need for timely processing of abuse and neglect and termination of parental rights petitions and CFSA’s staffing and practice problems contribute to friction between the agencies. The structure and resources available in the Family division of the Superior Court make it difficult for the court to provide timely legal action for children and families. (1998 *Assessment of the Process of the District of Columbia’s Child and Family Services Agency in Meeting the Requirements of LaShawn A. v. Williams*, Center for the Study of Social Policy, July 15, 1999).”

#### WHERE WE ARE

##### *Structural Improvements*

There has been dramatic improvement since those early days. Perhaps the most dramatic of improvements is CFSA’s emergence from receivership and establishment as a cabinet-level agency of the District of Columbia. Other important structural reforms are: 1) the selection of a new agency director, Dr. Olivia Golden, and a new management team; 2) the agency’s assumption of responsibility for child abuse cases in addition to child neglect cases; 3) the publication of licensing regulations for foster and group homes; and 4) the increased used and usefulness of the agency’s FACES data system.

##### *Improvement in Agency Relations*

There also is a new spirit of collaboration and cooperation among agency leaders. CCE facilitates monthly “Child Welfare Leadership Team Meetings” among the agency leaders, i.e., Dr. Olivia Golden, CFSA director; Judge Lee Satterfield, Presiding Judge of the Family Court; and Arabella Teal, Interim Corporation Counsel; and many others including the leaders of the Department of Mental Health, the Department of Human Services, D.C. Public Schools, etc. As trust and communication among these leaders has grown, these meetings have become more and more productive with team members identifying multi-agency issues and setting-up work groups to address them.

For example, the enormous task of transferring to the Family Court over 3,500 child abuse and neglect cases that were pending before judges assigned to divisions outside the Family Court was accomplished by a work group consisting of CFSA, the Family Court, the Department of Mental Health, and OCC. Together they identified cases appropriate for transfer and closure, and they prioritized the sequence for transfers. In addition, CFSA is a member of several of the Family Court’s multi-agency committees on Family Court Act implementation. CFSA also is a member of the Family Court’s Training Committee which is organizing monthly and annual interdisciplinary training sessions for judges, social workers, and lawyers. It also is one of several agencies with an on-site service representative in the Family Court’s Service Center.

In addition to the monthly Child Welfare Leadership Team Meetings, Judge Satterfield and CFSA director Dr. Golden meet on a regular basis to discuss issues affecting both agencies. Together they worked out a schedule that would allow social



workers to spend more time with their clients and less time in court. Relations between CFSA and the Family Court are perhaps the best they have ever been.

Relations between CFSA and OCC have improved significantly. OCC attorneys and CFSA social workers are now co-located at the offices of the agency so that they may work more closely together in preparing child abuse and neglect cases for court. What is more, OCC attorneys are providing CFSA with legal representation in cases from filing of the abuse/neglect petition through the permanency hearing stage. Before the city made the commitment to increase OCC staffing, CFSA social workers were represented only through the trial and disposition stages of a child abuse and neglect case.

IMPROVEMENT IN ASFA COMPLIANCE AND MEASURING ASFA COMPLIANCE

The agency leaders have made steady measurable progress in complying with ASFA and they are keenly aware of the need to track case data to measure ASFA compliance. One of ASFA's most important requirements is that a permanency hearing be held within 14 months (425 days) of a child's removal from home to decide the child's permanency goal, i.e., reunification with family, adoption, or guardianship, and set a timetable for achieving it. Data collected by CCE for cases filed since 2000, shows significant and growing improvement with ASFA's permanency hearing requirement:

COMPLIANCE WITH 425-DAY PERMANENCY HEARING DEADLINE <sup>1</sup>

[For Children Removed from the Home]<sup>2</sup>

Year Cases Filed	Compliance Rate (percent)
2000 .....	32
2001 .....	43
2002 .....	<sup>3</sup> [54]

<sup>1</sup> CCE's data is calculated through the third quarter of 2002 only. The Court took over the responsibility of data tracking from CCE in the fourth quarter of 2002.

<sup>2</sup> 80 percent of children in abuse and neglect cases filed in the past three years were removed from their homes. Thus, this data reflects approximately 80 percent of child abuse and neglect cases filed in each of these years.

<sup>3</sup> We obtained this 2002 figure from the Family Court's first annual report filed with Congress on March 31, 2003. The Court's permanency hearing compliance rates for 2000 and 2001 were significantly higher than CCE's. This 2002 compliance rate appears reasonable and more reliable.

Data from the past three years also shows that the length of time from filing of the abuse/neglect petition to trial or a stipulation has decreased consistently. Indeed, data reported by the Court in its Annual Report shows that the city is now in compliance with the trial deadline established by D.C. ASFA, i.e., 105 days from filing of the petition. The city also has made consistent progress in reducing the amount of time from filing to disposition—the court proceeding focused on remedying the conditions of abuse or neglect determined by trial or stipulation to be true.

Through its FACES automated data system, CFSA has been successful at compiling additional types of information that are relevant to permanency. It tracks the number of entries into and exits out of foster care, the reasons for exiting care, and the permanency goals of children in care. It also tracks information on legal action toward adoption and finalized adoptions. In an effort to improve communication with the Family Court, CFSA has developed a function within FACES to access information on the dates, times, and locations of court hearings on child abuse and neglect cases. CFSA also is able to scan abuse and neglect court orders into its FACES system. In addition, CFSA is one of the most frequent users of JUSTIS, the District of Columbia's criminal justice information system, which can be used, among other things, to locate missing parents.

WHERE WE ARE HEADED

Much additional information is needed to properly monitor compliance with ASFA. Because cases filed prior to 2000 are a large part of the child abuse and neglect caseload, the city must obtain permanency hearing information for these cases as it has done for cases filed since 2000. Also, the city needs information on how many children actually achieve permanency each year and how long it takes them to achieve it. Indeed, the city should know how long it takes children to achieve permanency for each permanency goal, i.e., reunification with family, adoption, or guardianship. In addition, it will need information on the rate of children re-entering the child welfare system after the original petition is closed. This information is essential to understanding and resolving the problems that delay permanency.

Both CFSA and the Family Court are working to improve their individual automated information systems so that they can access information that will enable them to implement as well as monitor compliance with ASFA. The Court's new automated system is expected to be in place by July 2003. CFSA is revising its monthly data monitoring as part of its plan to implement the final order in the LaShawn lawsuit. In addition, the D.C. Mayor is working to create an automated system that will integrate the individual systems of the Family Court, CFSA, and the other child welfare agencies.

#### CONCLUSION

While there is much more work to be done, the D.C. child welfare system is on the road to reform. It is headed in the right direction and is moving at a quick pace. We have witnessed extraordinary commitment of the city's child welfare system leaders, including Dr. Golden, over the more than three years we have been involved in their work. We can now document improving performance trends, which make us optimistic that in the future the city's abused and neglected children will be better protected, better served, and will spend less time in foster care.

We have attached a copy of the Council for Court Excellence's District of Columbia Child Welfare System Reform Progress Report to this statement.

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#### PREPARED STATEMENT OF KATE DESHLER GOULD, ESQ., NATIONAL ASSOCIATION OF COUNSEL FOR CHILDREN, WASHINGTON, DC CHAPTER

My name is Kate Gould. I am an attorney and a mediator. I am one of about 250 attorneys who are appointed by D.C. Superior Court to represent children, parents and caretakers in child welfare cases. I have been doing this work since 1994 and have represented many children in the foster care system over the years. In my work I interact daily with the Child and Family Services Agency and advocate regularly for children in the foster care system.

#### SUGGESTION FOR IMPROVEMENT

I would like to share my perspective and some ideas for a plan that could help to shorten the length of time children are in care and cut down on multiple placements and failed adoptive placements. My organization, the local chapter of the National Association of Counsel for Children, is proposing the formation of a new type of mental health clinic dedicated to the needs of foster children. It would serve the children from the point of the traumatic removal through the closure of the case, if necessary. It would be a resource for the child to work together therapeutically to support reunification with the biological family, as well as to promote stabilization of foster and adoptive placements. It would save money in the long run by helping to stabilize children and families sooner, enabling successful case closure at an earlier date. Such a program is needed to replace the existing patchwork system of delay, insufficient services and poor quality services.

#### PROBLEMS WITH CURRENT SYSTEM

In order to present the proposed solutions, I first need to describe the problems with the current system. The Child and Family Services Agency uses a program called DC KIDS for all its medical referrals, including mental health referrals. I have heard few complaints about the medical functions of DC KIDS. The mental health services provided by DC KIDS are another story.

Referrals for mental health services do not run smoothly. I have cases where there are very long delays before a therapist is identified. In one case, it took two months to identify a therapist. After another two months had passed, I learned that therapy had not begun because the therapist had met once with the children to do an assessment, had to write a report, which then had to be reviewed by DC KIDS in order for services to be set up. In this case, not only had therapy been court ordered months before, but had also been recommended in psychiatric and psychological assessment reports. I was calling and threatening court action. The requirement for the therapist to assess and report only served to delay the onset of badly needed services. I worry about what the time frame would have been like without my advocacy.

In another recent instance, a child for whom I serve as Guardian ad Litem told me that in order to reschedule her therapy appointment, she would have to contact DC KIDS. I checked with the social worker and was informed that DC KIDS does indeed do the scheduling for psychotherapy. This is an unnecessary encumbrance.

## TRAUMATIZED CHILDREN BENEFIT FROM MENTAL HEALTH SERVICES

Psychotherapeutic services are not routinely offered as part of the services to the children removed, and yet, are universally needed. As the Guardian ad Litem, I routinely ask for court orders to provide these services. I have even been in the position of having to file a motion in order for therapy to be provided to a very needy child. These are not services that should have to be court-ordered in order to occur.

Children who are in foster care or placed with relatives frequently exhibit many signs of emotional disturbance. They may be aggressive, oppositional, anxious, very needy, and they frequently have low self-esteem. The reasons are obvious. They have been removed from their parent and their home. They may have been traumatized by physical, sexual or mental abuse or neglect that has precipitated the removal. Next, they are nearly always traumatized by the removal itself. I have never had a child removed from his or her parent, no matter how deplorable the abuse or the conditions of the home, who did not desperately want to return to the parent. Further, because of their own behaviors as a result of all this trauma, these children can be hard to live with and frequently do things such as steal or damage property which make them unwelcome in the foster home. Consequently, we see the additional trauma of multiple placements. Sadly, some children never recover from this trauma and spiral down into a life of residential treatment or juvenile delinquency.

## MENTAL HEALTH SERVICES REDUCE PLACEMENT DISRUPTION

If a child removed from his or her parent were guaranteed the services of a licensed psychotherapist as soon as the case comes in, we would have a better prognosis for adjustment to the foster home or relative's home, making placement disruption less likely.

There are other critical points when availability of good mental health services is crucial. Many children come into the system with a background that suggests the possibility of developmental delays or educational problems. The patchwork of services that now exists provides uneven quality of psychiatric, psychological and psycho educational reports. These almost routinely have to be court ordered in order to occur, and very often there is delay in obtaining these services and the necessary reports. This information is essential to getting the help that these children need in order to address the problems that may be identified.

Good mental health services are particularly needed upon removal from the home and for the adjustment period of about the first 90 days. In order to effectuate reunification of the child with the biological parent, family therapy may play an important role. If efforts toward reunification with the biological family are exhausted and the goal is made adoption, the child will need support and therapy to help to process feelings of grief and loss. Another critical point is when a pre-adoptive family is identified, and the child and family need help to establish trust, and to bond.

## MENTAL HEALTH SERVICES EASE ADJUSTMENT IN ADOPTION PLACEMENT

I have had several cases where a pre-adoptive placement failed. It is very sad to see a child removed from the home that all had hoped would be that child's permanent family at last. In these cases, as Guardian ad Litem, I have advocated for family therapy and supportive services that simply did not exist. Child and Family Services certainly does not have a program that routinely provides the kind of support a family would truly need to adopt an emotionally fragile child from foster care. In these sad cases of mine, the families have told me they felt that they were left hanging with very little support to face this enormous adjustment.

## A CLINIC MODEL WOULD IMPROVE QUALITY AND AVAILABILITY OF SERVICES

Even if DC KIDS were to improve its service model, another problem exists. Well-qualified psychotherapists are not now widely available for foster children in the District of Columbia. There is frequent turnover among therapists, just as with social workers. I have had instances in my cases of therapists not showing up for scheduled appointments, dropping out of sight without a final session to give closure for the child, and failing to return telephone messages from the Guardian ad Litem or social worker. While in some of my cases, I have had excellent therapists who helped the child tremendously, in general the agencies which currently provide mental health services to foster children in the District of Columbia are doing an inadequate job.

The Agency's position is that they are limited for the most part to providers who will accept what D.C. Medical Assistance pays. D.C. Medical Assistance pays a very low rate, and as a result, we find rapid turnover, and poorly qualified therapists. Licensed psychotherapists who will accept payment from D.C. Medicaid are very

hard to find. Frequently after long waits for identification of a therapist, a child is assigned an intern. The problem with interns is that they are on the job for a short term, usually only a period of three or four months. Part of the therapeutic process involves trusting and building a relationship with the therapist. Children with behavioral difficulties resulting from neglect, removal and multiple placements frequently are diagnosed with attachment disorder, or at least have issues with attachment. This means that they reject others so they will not suffer rejection, which leads to huge behavioral problems in the foster home, at school, and with peers. The last thing most foster children need is a therapist who will leave after a short period of time.

SEPARATE MEDICAL SERVICES FROM MENTAL HEALTH SERVICES

DC KIDS should separate out the mental health function from the provision of medical services to the foster children, and a new agency should be formed or contracted with to provide comprehensive mental health services to the foster children of the District of Columbia. It should have psychotherapists on staff who are licensed and well-trained to work with children and families. Funds should be allocated to cover salaries that are reasonable, which means significantly more than the amount paid by D.C. Medicaid.

CONCLUSION: A MENTAL HEALTH CLINIC WOULD BE COST-EFFECTIVE

If funds for this purpose were reallocated from another function, it would be cost-effective. A comprehensive mental health program for foster children would save money by reducing the length of time spent in foster care, and reducing the need for expensive services such as residential treatment.

I appreciate your consideration of my suggestions.

SUBCOMMITTEE RECESS

Senator DEWINE. We'll end on that very positive note. Thank you very much for your commitment to the children, and we thank all of you for what you do for kids. We will continue to hold hearings on our foster care system, this was the second and we will have more in the future. Thank you.

[Whereupon, at 11:27 a.m., Wednesday, May 14, the subcommittee was recessed, to reconvene subject to the call of the Chair.]

**DISTRICT OF COLUMBIA APPROPRIATIONS  
FOR FISCAL YEAR 2004**

**WEDNESDAY, JUNE 11, 2003**

U.S. SENATE,  
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,  
*Washington, DC.*

The subcommittee met at 10:07 a.m., in room SD-192, Dirksen Senate Office Building, Hon. Mike DeWine (chairman) presiding.  
Present: Senators DeWine and Landrieu.

**DISTRICT OF COLUMBIA**

**STATEMENTS OF:**

**HON. ANTHONY A. WILLIAMS, MAYOR**

**LINDA W. CROPP, CHAIRMAN, COUNCIL OF THE DISTRICT OF CO-  
LUMBIA**

**NATWAR M. GANDHI, CHIEF FINANCIAL OFFICER**

**OPENING STATEMENT OF SENATOR MIKE DEWINE**

Senator DEWINE. Good morning. This hearing will come to order. Today we will hear testimony regarding the District of Columbia's fiscal year 2004 local budget request. Mayor Williams, Council Chairman Cropp, and Chief Financial Officer Gandhi will present the city's budget and will discuss the District's requests for Federal resources.

I want to first note that this past Friday, the General Accounting Office released the results of its 18-month long review of the financial health of the District. This important study presents a troubling picture of the long-term structural imbalance of the District's economy. This imbalance represents a gap between the District's ability to raise revenue at reasonable tax rates and its ability to provide services of reasonable quality to its residents.

I recognize that the structural imbalance is driven by expenditure requirements and revenue restrictions which are beyond the control of the District's leadership. Clearly, the city's revenue capacity would be larger without constraints on its taxing authority, such as its inability to tax Federal property or the income of non-residents.

I agree that the city faces a troubling problem in the long term. This report is the catalyst for serious discussions here on Capitol Hill about how the Federal Government should protect the financial health of our Nation's capital. Indeed, many of the problems facing the city result from it being the seat of the Federal Government. Therefore, to do nothing is not acceptable. As chairman of

this subcommittee, I will work hard to ensure that we start exploring ways to avoid a financial catastrophe for the District.

Now, let me turn to the District's fiscal year 2004 budget. Before introducing our distinguished panel, I want to discuss some of my priorities for this bill. First, I hope to provide resources to improve the city's foster care system so that more children have the opportunity to enjoy safe, permanent, and loving homes. The hearings we have held this year on the foster care problem have highlighted ways that we can help improve the situation. I know that the Mayor and Ranking Member Landrieu share this desire and I look forward to partnering with them on this initiative.

Also, I would like to continue a Federal investment in the city's Combined Sewer Overflow project. This multi-year project will revamp a system that was constructed at the end of the 19th Century and which overflows 50 to 60 times every year, dumping raw sewage into the Anacostia River. Given the demands the Federal Government places on this system, we clearly have a responsibility to contribute to its much-needed renovations. By cleaning up the Anacostia River, we will expedite the Mayor's proposed Anacostia waterfront development initiative, which I wholeheartedly support. This development will ultimately provide recreational and commercial opportunities for D.C. residents and visitors.

I also want to ensure that efforts to construct biodecontamination and quarantine facilities at Children's Hospital and Washington Hospital Center continue to proceed.

These are a few of my priorities for this bill. Now I look forward to hearing what the District's priorities are for Federal funding and how the city has used the funds we recently provided in the fiscal year 2003 appropriations bill.

Clearly, there are many worthy activities which will place demands on the always-limited resources in the D.C. Appropriations Bill. But I look forward to working with these city leaders to continue to make life better for all who live, work, and visit this capitol city.

Witnesses will be limited to 5 minutes for their oral remarks. Copies of your written statements will be placed in the record in their entirety.

Senator Landrieu, would you like to make an opening statement?

STATEMENT OF SENATOR MARY L. LANDRIEU

Senator LANDRIEU. Thank you, Mr. Chairman. I would like to welcome our witnesses, and thank Chairman DeWine for calling the annual hearing on the District's local funds budget. I look forward to hearing from the city on the status of the District's economy, current Federal funding priorities, and a summary of the fiscal year 2004 local funds budget.

At this time, almost every city in the country is struggling to maintain a balanced budget, much less deliver adequate or even good services to their citizens. I am pleased to see that the District has been careful to look ahead and address looming budget pressures while maintaining priority services. The city is in good fiscal standing, and I trust that this environment will continue. However, long-term outstanding economic pressures on the city and contin-

ued service challenges in such areas as public education and child welfare will require a new partnership with the District.

Under the temporary State fiscal relief package included in the tax cut passed last month, the District will receive \$94 million over 2 years. Considering current spending pressures of approximately \$50 million, I would be interested to learn how the city is planning to spend these new funds.

In addition, substantial Federal funding was provided to the District in fiscal year 2002 and fiscal year 2003 (\$122 million in direct response to requests made by the Mayor, out of a total \$512 million in the D.C. appropriations bill for Federal responsibilities). The last 2 years have been unprecedented in the amount of discretionary Federal dollars that have gone to the city, as well as an increase in congressional confidence in local leadership, resulting in increased autonomy for the District of Columbia. Fiscal year 2004 has a much more conservative outlook as the committee attempts to reconcile a weak economy, few proposed increases for Federal discretionary programs and growing needs across the Nation, as well as in the District. Chairman DeWine and I share a commitment to the restoration of the Anacostia Waterfront, assistance for charter schools, and enhanced security this year. In this hearing, I hope we can identify the city's main priorities and how best to address them with very limited funding.

A more broad challenge was confirmed last week when the General Accounting Office released a landmark report finding that the city faces an annual deficit of \$400 million to \$1 billion between their revenue capacity and cost of providing average services. The report, requested by Congresswoman Norton and myself, found the underlying reason for the structural imbalance in the city's budget is due to the high cost of providing services in the District of Columbia.

The District is uniquely situated and requires a unique relationship with the Federal Government; however, right now, I am not convinced that more money is the answer. Many options for funding have been discussed: a renewed Federal payment, changing the tax collection ability of the District, or funding directed to specific infrastructure in the District of Columbia.

In this hearing I would like to discuss how to maximize the benefit of existing Federal funding, such as Medicaid and education. As I stated last week, we need to create a new partnership with the District. We must examine the underlying issues that create an imbalance and take a multifaceted approach to addressing it, before the District goes back to years of deficit.

One major benefit for the District, with no budgetary impact, endorsed by President Bush, is to release the local budget from annual Congressional approval. The concept of budget autonomy for the District's local budget is building momentum on the Hill and I hope it will be approved this year. These are funds derived from locally generated tax dollars. The last word on how the city's budget is expended should be made by locally elected leaders, just like any other city. I urge my colleagues to examine the benefits of this proposal as legislation makes its way through Congress.

I would like for the Mayor and Council Chairman to comment on how current and future general provisions—limitations on spend-

ing local and Federal funds—will be addressed under budget autonomy. I respect the city leaders' diligence in implementing and upholding these "social riders" through the years, against local pressure. I expect this same degree of respect for the law will be maintained in the future. There are legitimate means for Congress to provide guidance to the city; however, it is my hope that at some point in the future congressional interest in imposing riders will wane.

The committee has also held hearings this year on child welfare in the District and discovered disturbing gaps in service and care. Through Chairman DeWine's leadership I hope we can discuss options for addressing this area as well. I appreciate your attendance today and look forward to continuing our partnership for growth and success of the city. The General Accounting Office released a landmark report finding the city faces an annual deficit, a structural imbalance, of \$400 million to \$1 billion. This amount is the difference between the city's revenue capacity and the cost of producing average services. The GAO report outlines definitively that there is, in fact, a structural imbalance of the management and efficiencies of the District. They are still constraints beyond what is in your control to solve it, so I want to support the chairman's concepts that he outlined this morning, whether we have an internal study group or an external group, to come up with some specific solutions. There are some ideas that have been presented, but I hope that in your testimony this morning perhaps you all would have some suggestions, and then we could follow the chairman's lead in establishing a more specific commission to come up with some solutions that Congress could indeed take up.

I also want to support the chairman's efforts as we work together to enhance and strengthen the foster care system. As Mr. Mayor, you know, are I think painfully aware that the District of Columbia is not the only entity by far in the Nation that is struggling with this tremendous challenge. Just yesterday there was a front page article in the New York Times about the deplorable conditions of the New Jersey child welfare system. I have to say that in Louisiana this is a tremendous challenge for our State Government to keep the finances and the management of a foster care system in a way that temporarily removes children from homes so that they can be safe and secure, and then re-engage or place them back with those families or to move them to a permanent home through adoption or through a foster family that looks as much like a real family as possible, and that is something that the chairman and I are firmly committed to working with you all, and we have had several good hearings.

The only other two things I would mention briefly, I am very interested in how we proceed in the future to provide every child in this District with an excellent education. There are any number of ideas that have come forward, work that is underway, progress that has been made, but challenges that remain. It is going to be a key focus of mine, Mr. Chairman, as we move forward to see what the options are in providing an excellent education system for every child, and to have the Federal Government live up and stand up and step up to its responsibilities in that regard. Again, the District of Columbia is not in many instances that different from other



cities and States struggling to do the same, but I want to stay focused on that.

And finally, parks and recreation does not always receive the attention, and perhaps in some people's minds, in the scheme of things relative to economic development and education and health care it does not always take the priority that I think it should deserve, because we have got to give our young people something to say yes to, and it really underlines the quality of life issue for the District, and while we have more green space here than in many cities, and we are fortunate because of the Federal Government, we still, I think, lack some recreational opportunities for children, for young people, and for adults that the suburbs in this area seem to have in abundance, and I think that is a real problem when it comes to economic development, attracting people back to the city, keeping children and families engaged and productive in positive expenditures of their time, so I want to continue—I am glad the chairman agreed with me, and we invested some direct Federal dollars to work with your local dollars in that regard, but it is not just throwing more money, it is the management and the way that the parks system will provide recreational opportunities for children.

So I thank you, Mr. Chairman, and I am going to give you your seat back and go find—

Senator DEWINE. You can stay there if you want to.

Senator LANDRIEU. All right. Well, I will stay here then.

Senator DEWINE. Just don't get too—

Senator LANDRIEU. I won't get too—well, look, it's so comfortable, I mean—

Senator DEWINE. Don't get too comfortable there or too accustomed to that.

I am glad I got the gavel back.

Senator LANDRIEU. You got the gavel back, and the chair. Thank you.

Senator DEWINE. Let me introduce our panel. Anthony Williams was inaugurated as the fourth Mayor of the District of Columbia on January 4, 1999. This past January, of course, Mayor Williams began serving his second term in office.

Linda Cropp was sworn in on August 8, 1997 as the first woman to chair the Council of the District of Columbia after serving on the council for 7 years.

Dr. Gandhi is the Chief Financial Officer for the District of Columbia, and is responsible for the city's finances, including his \$5.4 billion operating budget and bond obligations.

Mayor, why don't you start off.

#### STATEMENT OF HON. ANTHONY A. WILLIAMS

Mr. WILLIAMS. First of all, I want to thank you, Mr. Chairman, and thank the Ranking Minority Member Landrieu, and thank the other members of the committee for this opportunity to testify on the District's 2004 budget and financial plan, and wherever possible I will try to abbreviate my remarks, recognizing that they have been submitted in whole in the record.

This subcommittee has been a partner in our city's revitalization over the last few years, and as Mayor, I think I represent all of our citizens in saying that we are gratified for the support and en-

couragement offered by the previous chair and other Members, and certainly are pleased now to be working with you, Mr. Chairman. Your support and encouragement for our efforts to make our city shine are deeply appreciated and, in particular, your devotion to our children at risk has been both a consistent and long feature of your service, and it's a welcome signal of Congress' joint bipartisan commitment in this important area, recognizing Senator Landrieu's commitment in this area as well.

In fact, this committee's members bring very valuable experience in State-level management, and that gives you all a unique appreciation for the challenges and constraints under which the District must operate. I think we can rest assured of a strong and vibrant relationship with you.

As you know, many cities and States across the Nation are facing their worst budgetary challenge of the last 60 years, and the District is no exception. Due to the economic downturn, we experienced a decline in revenues of almost \$370 million in the first half of fiscal year 2003. This decline equates to a 10 percent loss in our local operating budget. Because the economy has not yet recovered, these challenges have continued, as you know, into the 2004 fiscal year, and we began formulation of the budget with a projected gap of \$114 million.

In facing these challenges, we not only continued our record of sound fiscal management, we achieved, I think, a level of responsible and conservative budgeting found only among the most fiscally prudent governments in our country. As a result, the fiscal year 2004 budget transmitted today is balanced in current and future years. I am not saying it is pretty, but it is balanced, and we can talk about that.

More notably, the District's leaders balanced this budget entirely through budget reductions. No tax increases were adopted, and not one dollar of the \$250 million in cash reserves, one of the strongest ratios of cash reserves in the country, was used. In many instances, we were able to reduce spending by using existing funds more wisely. In many other areas, however, significant sacrifices were required. Most notable among these is a deferral of key infrastructure investments.

In making these sacrifices, we preserved existing funding for existing schools and libraries, but could allocate no new funding for the next phase of modernization. As a result, current 10-year plans for renovating neglected schools and libraries must be scaled back dramatically, leaving major challenges in the education of our children. This sacrifice, coupled with even greater reductions in roads, bridges, and other buildings to me presents one of the greatest challenges that we face today, and have not addressed, as you have mentioned in your opening remarks, Mr. Chairman, in the foreseeable future. In short, we have a significant problem.

Now, the Federal Government requires that the District provide services like a State, but unlike every other State in the Nation, we are prohibited by Congress from collecting a nonresident income tax. This takes a tremendous percentage of our potential tax base offline. As a result, the District must fund expenditures far greater than the revenues provided through a reasonable level of taxation.

As you put it, it is very, very difficult to maintain a reasonable level of service at a reasonable rate of taxation.

Faced with this clash between needs and revenue capacity, we have maintained a balanced budget through overtaxing of our citizens and a deferral of critical investments which continues to damage the viability of the District as a place to live and operate a business, and I might add by way of operating a business, the disproportionate taxation of our businesses is actually far larger than the disproportionate rate of taxation of our citizens, not to say that that is acceptable, either, but for businesses it is particularly stark.

In specific terms, the amount of the structural imbalance is between \$400 million and \$1.1 billion per year. This estimate has been thoroughly analyzed and documented by the Rivlin Commission, the Brookings Institution, and McKinsey & Company. To independently assess this matter, the Members of Congress, including Ranking Member Landrieu of this subcommittee, requested that GAO conduct a full-scale analysis. I would like to quote as Mayor several key findings that are particularly significant to me.

1. The District faces a substantial structural deficit in that the cost of providing an average level of public services exceeds the amount of revenue we could devise by average tax rates.

2. The District's per capita total revenue capacity is higher than all State fiscal systems, but not to the same extent that costs are higher. In addition, our revenue capacity would be larger without the constraints on our taxing authority, such as the inability to tax Federal property or the income of nonresidents.

3. Addressing management problems, which we are committed to doing, would not offset the District's underlying structural imbalance, because this imbalance, as the Ranking Member has said and you have said, Mr. Chairman, is determined by factors beyond our direct control.

And finally, again as you have mentioned, if this imbalance is to be addressed in the next term, it may be necessary to change Federal policies to expand the District's tax base or to provide additional financial support or some combination thereof.

Through these findings that the independent—I want to stress, independent—GAO has confirmed that the District cannot compete, or—well, we cannot compete in the long term, and we certainly cannot complete our financial recovery under our own power. Instead, we must somehow address the Federal policies that could force the District back into insolvency, which I think would be a tragedy of just overwhelming proportions.

Congresswoman Eleanor Holmes Norton has introduced the Federal Fair Compensation Act, which I believe would go a long—well, which I believe would address the situation, and I believe that, as Congress moves through this study, it ought to look first to the Federal Fair Compensation Act as a way to address the problem.

Now, of course, the city must do its part in terms of better management of existing resources. Special education and Medicaid present two areas that need concentrated attention. The subcommittee I think should be pleased to know that we are making some headway, along with city councilman and chair of the Education Committee on the Council Kevin Chavous, I am chairing a

Special Education Task Force that brought together all the Government entities that have a role in special education.

After intensive meetings over several months, we were able to agree on a cost-reduction plan that the CFO certifies will yield \$20 million in savings in fiscal year 2004, while at the same time improving the educational experience offered to children in special ed.

Last month, I appointed the first Government-wide Medicaid czar who will bring similar direction and unity of purpose on how we draw down Medicaid funds. In addition to this matter of finances, we also face a procedural barrier in the Federal appropriations process. I will not go into a long list of details, but I would urge this committee's support for budget autonomy legislation that is now emerging in the Congress. We certainly welcome the partnership with this committee. We certainly welcome and certainly endorse wholeheartedly the oversight by this committee of Federal funds, but we believe that, like every other State and city in the country, we should have the autonomy and have the discretion to use our own funds as they are developed and derived from local sources.

There are specific funding requests in the fiscal 2004 budget before the committee. As I have shared with you, Mr. Chairman, and also with the Ranking Member, I am alarmed that the President's overall request for the D.C. appropriations bill in 2004 is 17 percent below the 2003 level. A cut of this magnitude jeopardizes ongoing projects already funded by the subcommittee, many of which both of you have mentioned. In particular, Congress allocated \$50 million for the CSO, Combined Sewage Overflow Project, which was matched with local funds. This was a very welcome down payment on a billion-dollar-plus multi-year project for an antiquated, outdated system, as you have mentioned.

Updating this system, which was built originally by the Federal Government, pollution of which is—I think a majority of which is from the Federal Government, is an integral part of our Waterfront Initiative. Therefore, we are seeking that additional \$50 million. The President's budget includes \$15 million for this purpose and another \$10 million for the bike trail. I strongly urge this subcommittee to accept the President's proposal, but add the additional dollars to match last year's commitment.

In 2003, Congress provided \$4 million for a family literacy program. Since receiving this payment just 3 months ago, we have an ambitious program under way that will soon have at least 20 literacy leaders dispatched around the city to help community-based providers, Government agencies, the faith-based community expand the network of adult learners.

We also have a training symposium this summer to begin to train the trainers. With an additional \$4 million in fiscal year 2004, this subcommittee can sustain this effort. This is in a city where 40 percent of our city has a learning challenge and is reading at below adequate level.

Because education for our children is so critical, I strongly urge the Congress to add new funding beyond last year's level to support our public schools and expand opportunities for parents to consider nonpublic education settings. We believe that this three-sector approach will allow the city to leverage its best assets among the

public schools, the public charter schools, and the private parochial schools. We are strongly committed to expanding the menu of school settings for our children both within the public system and outside of that system, but all as part of a coordinated effort.

And on a related matter, I want to acknowledge the concerns that have been raised by this subcommittee regarding Child and Family Services in the District. As a former child in foster care, this is important to me, and I know it is important to both of you and the members of this committee. Historically, this whole Child Welfare System has been extremely troubled and although I believe substantial progress has been made, including the creation of the family court and the newly unified agency, there still remain, undoubtedly, challenges that we must continue to address. The CSA Director and I are redoubling our efforts to complete the reform process in serving our most vulnerable youth, including a more seamless approach in how we relate to children at risk.

The subcommittee's ongoing interest in supporting efforts to recruit social workers, promote early intervention in case work for children and families, support foster parents, is all part of this effort.

#### PREPARED STATEMENT

I might add, Mr. Chairman, that my appointment of a Senate nomination to the council, of a new corporation counsel, one of the key factors in my mind in sending the nomination to the Council of Robert Spagnoletti was his experience in the U.S. Attorney's Office in bringing together and getting on the right track domestic abuse in the U.S. Attorney's Office, and he evinced a strong interest in doing the same thing as it relates to child support and core council support for all these family matters, and I believe that he will help us accelerate and promote the efforts that I know you want to see, and we are committed to.

In short, we welcome this committee's partnership and oversight, and look forward to working with you in the days and months ahead in the challenges facing our city.

[The statement follows:]

#### PREPARED STATEMENT OF ANTHONY A. WILLIAMS

Thank you Chairman DeWine, Ranking Minority Member Landrieu, Senator Hutchison, Senator Brownback, and Senator Durbin for this opportunity to testify on the District's fiscal year 2004 budget and financial plan. This subcommittee has been a partner in our city's renaissance over the last few years. As Mayor, I am grateful for the support and encouragement offered by the previous chair and others members, and I am pleased to now be working even more closely with Senator DeWine. His support and encouragement for our efforts to make our city shine are deeply appreciated. In particular, his devotion to our children at-risk has been both consistent and strong, and is a welcome signal of the Congress' commitment in this area.

This committee's members bring very valuable experience in State-level management, and that gives you a unique appreciation for the challenges and the constraints under which the District must operate. The citizens of our national capital can rest assured that the city's relationship with this subcommittee continues to be strong and will serve us well as we strive together to address the pressing needs of the District.

Specifically, this session of Congress could be pivotal in the evolution of the Federal-District relationship:

—fiscal challenges posed by the serious structural imbalance are becoming more acute, and there are a number of proposals to help address the issue;

- the disruption of service delivery caused by problems with the congressional approval process can hopefully come to an end through proposed legislation;
- the education of our children can be enhanced through new partnerships between the District and Federal Governments; and
- important infrastructure projects are at critical junctures that require additional Federal support. These include the Combined Sewer Overflow system, the Unified Communications Center, and the Forensics Laboratory.

With all these advances hopefully in our grasp, it is indeed a time of great opportunities and great challenges. As you know, cities and States across the Nation are facing the worst budgetary challenge of the last 60 years, and the District is no exception. Due to the national economic downturn, the District experienced a decline in revenues of approximately \$370 million in the first half of fiscal year 2003. This decline equates to a 10 percent loss in our local operating budget. Because the economy has not yet recovered, these challenges continued into fiscal year 2004, and the District began formulation of that budget with a projected gap of \$114 million.

In facing these challenges, however, the District not only continued its record of sound fiscal management, we achieved a level of responsible and conservative budgeting found only among the most financially prudent governments. As a result, the fiscal year 2004 budget transmitted today is balanced in the current and future years. More notably, the District's leaders balanced this budget entirely through budget reductions. No tax increases were adopted, and not one dollar of the \$250 million in cash reserves was used.

Just as significant is the fact that this budget protects core services. In times of tight resources, some would set their goals aside in order to weather the storm, but I believe the opposite must be done: in these difficult times we must focus on our goals more than ever so that we may protect them and continue making forward progress.

The proposed fiscal year 2004 budget reflects this approach by focusing resources in the areas of highest priorities for our residents. These are (1) education programs, including early childhood education, school choice, and adult literacy; (2) public safety, which includes providing greater police presence in neighborhoods and a vastly improved 911 emergency communications system; and (3) opportunity for all, which includes the housing, job-readiness, and health care needed for all residents to become productive and healthy members of the community and economy.

In order to protect these priorities, however, some reductions had to be made in other areas of the budget.

#### SACRIFICES MADE TO PRESERVE BUDGETARY BALANCE

In many instances the District was able to reduce spending by using existing funds more wisely. In many other areas, however, significant sacrifices were required. Most notable among these is the deferral of key infrastructure investments. In fiscal year 2003 the District eliminated funding for \$250 million in approved capital construction, including transportation investments, recreation facilities, and important technology investments. An additional \$87 million of funding for such projects was eliminated in fiscal year 2004.

In making these sacrifices the District preserved existing funding for schools and libraries, but could allocate no new funding for the next phase of modernization. As a result, current 10-year plans for renovating neglected schools and libraries must be scaled back dramatically, leaving a major challenge for the education of our children. This sacrifice, coupled with even greater reductions in roads, bridges, and buildings, present one of the greatest challenges that the District faces today and, if not addressed, into the foreseeable future.

Is this challenge purely the result of our national economic woes? In fact, it is not. Even during times of economic growth, the District's can not support the level of investment required to compensate for the many decades of neglect from which our infrastructure has suffered. This is true not because of any factor under the District's control, however, but because of the uniquely unfair constraints placed on the District's tax base by the Federal Government.

#### FEDERAL CONSTRAINTS ON REVENUE COLLECTION RESULTING IN STRUCTURAL IMBALANCE

The Federal Government requires that the District provide services like a State, but unlike every other State in the Nation, the District is prohibited by the Congress from collecting a non-resident income tax. As a result, the District must fund expenditures far greater than the revenues provided through a reasonable level of taxation. Faced with this clash between expenditure needs and revenue capacity,

the District has maintained a balanced budget through several strategies that have provided solvency in the short term, but cannot be maintained. These strategies are:

—*Producing service improvements within existing constraints.*—The District has aggressively improved service delivery through more focused use of existing resources. Having capitalized on the major opportunities for such efficiencies, however, the District cannot expect to solve its structural imbalance through this strategy.

—*Taxing local residents and businesses at high levels.*—With a severely limited tax base, the District has had no choice but to rely on local residents and businesses to provide revenues for government services, resulting in many tax rates that far exceed those of surrounding jurisdictions. This translates into additional hurdles to attracting and retaining residents and businesses that could help stabilize our fragile economic base.

—*Deferring spending on critical infrastructure and services.*—At present, the District is deferring each year hundreds of millions of dollars in critical investments. These include funding for school buildings, transportation systems, water and sewer projects, economic development, and social services.

Although these strategies have temporarily addressed the imbalance between expenditures and revenues, they cannot be employed much longer. The overtaxing of our citizens and deferral of critical investments continue to damage the viability of the District as a place to live and operate a business. As a result, the financial and operational recovery underway will falter and the District will lose the important ground that it and its Federal partners have worked to gain.

In specific terms, the amount of the structural imbalance is between \$400 million and \$1.1 billion per year. This estimate has been thoroughly analyzed and documented by the Rivlin Commission, the Brookings Institute, and McKinsey and Co. To independently assess this matter, the members of Congress, including Senator Landrieu of this committee, requested that the U.S. General Accounting Office (GAO) conduct a full-scale analysis, which was released just last week.

I would like to quote several key findings from this report:

1. “The District faces a substantial structural deficit in that the cost of providing an average level of public services exceeds the amount of revenue it could raise by applying average tax rates.”

2. “The District’s per capital total revenue capacity is higher than all state fiscal systems, but not to the same extent that its costs are higher. In addition, its revenue capacity would be larger without constraints on its taxing authority, such as its inability to tax federal property or the income of nonresidents.”

3. “Addressing management problems would not offset the District’s underlying structural imbalance because this imbalance is determined by factors beyond the District’s direct control.”

4. “If this imbalance is to be addressed, in the near term, it may be necessary to change federal policies to expand the District’s tax base or to provide additional financial support.”

Through these findings, the independent GAO has confirmed that the District can not complete its financial recovery alone. Instead, we must somehow address the Federal policies that could force the District into insolvency. Congresswoman Eleanor Holmes Norton will shortly introduce the “Federal Fair Compensation Act” which would go a long way to addressing the situation. Congress ought to move this legislation or an alternative quickly.

Of course, the city must do its part in terms of better management of existing resources. Special Education and Medicaid represent two areas that need concentrated attention. The subcommittee should be pleased to know that we are making some headway. Along with the City Council, I am chairing a special education task force that brought together all the government entities who have a role in special education. After intensive meetings over several months, we were able to agree on a cost reduction plan that the Chief Financial Officer (CFO) certifies will yield \$20 million savings in fiscal year 2004, while at the same time improving the educational experience offered to children in special education. Last month I appointed the first government-wide “Medicaid Czar” who will bring similar direction and unity of purpose to how we draw down Medicaid dollars.

In addition to this matter of finances, the District also faces a procedural barrier in the Federal appropriations process.

#### DISRUPTIONS RESULTING FROM FEDERAL REVIEW OF THE DISTRICT’S BUDGET

Unlike any other State or local jurisdiction in the Nation, the District must have its locally-raised revenues appropriated to it through an act of Congress. Aside from the obvious issues related to government by consent of the governed, this process

creates major disruptions in the delivery and improvement of basic government services. Specifically, there are several key reasons why the President and Congress should change the current process:

- The current system denies the District the capacity to adapt quickly to changing needs for front line services. The Federal Government requires the District to formulate its budget a year in advance in order to accommodate the Federal review process.
- Congressional delays disrupt critical new improvements.*—Virtually every year, Congress fails to approve the District's budget by the beginning of the fiscal year, most recently more than 3 months later.
- Mid-year budget reallocations require an act of Congress, and disrupt service delivery.*—As discussed, local governments need the flexibility to respond to rapid changes in their needs.
- The city must "use or lose" funding at the end of each year.*—Congressional approval for spending expires at the end of the year, which punishes program managers who save funds by not allowing the city to carry them over for one-time uses.

Last January, the President's statement in favor of budget autonomy for the District was transmitted to the Congress, and is greatly appreciated by the District. At present, the House and Senate oversight committees on the District of Columbia are developing legislation that would begin reforming the Federal approval process for the District's budget. Of course, the process for Federal funds for the city and relevant oversight would be unchanged. As Congress pursues passage of this legislation, the District looks to you for leadership in affecting this change that will relieve the impediments to the District's continued financial and operational recovery.

#### CRITICAL FEDERAL FINANCIAL SUPPORT

There are several specific funding requests in the fiscal year 2004 budget before this committee. I am alarmed that the President's overall fiscal year 2004 request for the DC appropriations bill is 17 percent below the fiscal year 2003 level. A cut of this magnitude jeopardizes ongoing projects already funded by this subcommittee. In particular, last year Congress allocated \$50 million for the Combined Sewer Overflow (CSO) project, which was matched with local funds. This was a very welcomed down payment on a billion-dollar-plus multi-year project. Updating our antiquated sewer system, which was built originally by the Federal Government, is an integral part of our Anacostia Waterfront Initiative. Therefore we are seeking an additional \$50 million in fiscal year 2004. The President's budget includes \$15 million for this purpose and another \$10 million for the Anacostia Bike Trail. I strongly urge the subcommittee to accept the President's proposal, and add \$35 million to the sewer project to match last year's commitment.

The President has also included \$15 million for the Public Safety Event Fund, which reimburses the city for various security costs of demonstrations and other events related to our status as the Nation's capital. This fund helps shift the unfair burden of covering these costs from District taxpayers and allows the District to better balance our duties to protect residential neighborhoods and the Nation's capital. I strongly urge the subcommittee to provide these important resources.

In addition, thanks to the generosity of this subcommittee, the Tuition Assistance Grant Program has provided thousands of District residents with tremendously expanded options for post-secondary education. Indeed, many of these people might not have otherwise attended college. In fiscal year 2003, the program will use all its allotted funding and will require an additional \$17 million in fiscal year 2004.

In fiscal year 2003 Congress provided \$4 million for a family literacy program. Since receiving this payment just 3 months ago, we have an ambitious program underway that will soon have at least 20 Literacy Leaders dispatched around the city to help community-based providers, government agencies, and the faith-based community expand the network of adult learners. We will also have a training symposium this summer to "train the trainers". My goal is to reverse the city's destiny in this area by transforming ourselves from a city with a shockingly high rate of adult literacy challenges to a city where the right to read is sacred. Adults will have a harder time fulfilling opportunities for health care, employment, and stable family life as long as they lack basic reading skills. It is time that the stigma associated with adult learning challenges be eradicated and all of Washington make this a priority. With an additional \$4 million in fiscal year 2004 the subcommittee can sustain our efforts.



## SUPPORTING CHILDREN IN THE DISTRICT

Because quality education for our children is a critical priority for the city, I strongly urge the Congress to add new funding beyond last year's levels to support our public schools and expand opportunities for parents to consider nonpublic educational settings. This 3-sector approach will allow the city to leverage its best assets among public schools, public charter schools, and private/parochial schools.

The District of Columbia Public School system is making headway in reform, including the very promising Transformation initiative for 15 low-performing schools. It also has a liberal out-of-boundary program that affords parents opportunities to consider public schools across the city. Our robust charter school system is a national model for public school choice whose expansion is limited largely by a lack of adequate facilities. In addition, dozens of private and parochial schools are assets for our children. Consequently, I want to reiterate my support for school choice—both within the public system and between public and private schools. I urge the Congress to be both bold in supporting school choice in DC through a 3-sector approach.

On a related matter, I want to acknowledge the concerns that have been raised by this subcommittee regarding child and family services in the District. Historically, the whole child welfare service system has been extremely troubled, and although major progress has been made, including creation of the Family Court and a newly unified Child and Family Services Agency, there still remain challenges that we must continue to address. Our capable CFSA director and I are redoubling our efforts to complete the reform process in serving our most vulnerable youth, including a more seamless approach in how government agencies relate to children at risk. The subcommittee's ongoing interest in supporting efforts to recruit social workers, promote early intervention in case work for children and families, and support foster parents who take on this difficult work is very encouraging.

And finally, before I conclude this testimony there are several specific points that must be made clear for the record. First, I ask that the District's appropriation be passed without the undemocratic "riders" that are sometimes included. These non-budgetary provisions subvert the will of District citizens and their only elected representatives. If the elected leadership of the city has decided to use local funds for various purposes, we ask only for you to grant us the same prerogatives and liberties that cities in your own districts enjoy.

In addition, I would also like to note for the committee that the city continues to be vigilant in its emergency preparedness responsibilities and is expeditiously drawing down on Federal funds provided for this purpose. We are making great progress working with surrounding jurisdictions and Federal agencies in developing effective regional responses. Similarly, working with local hospitals, our capacities in the areas of preventing and responding to bioterrorism are greatly expanded. Through partnership with the Federal Government, the District is rapidly becoming one of the best prepared jurisdictions in the Nation.

And finally, no discussion of District-Federal partnership is complete without a discussion of voting representation in Congress. The District is the capital of the world's greatest democracy, and it is the ultimate hypocrisy that its citizens suffer from the exact disenfranchisement this Nation was founded to end. Like all of us in this hearing room, I was filled with great pride and gratitude watching the young men and women of our armed forces help bring democracy closer to the people of Iraq. At the same time, however, I was struck with the irony that those among them who hail from our great city do not enjoy full democracy here.

Again, Senator DeWine and members of the subcommittee, I thank you for your support of the District and I thank you for this opportunity to testify before you today. After the testimony of Chairman Cropp and Dr. Gandhi, I will gladly answer any questions you may have.

Senator DEWINE. Mr. Mayor, thank you very much.

Ms. Cropp.

## STATEMENT OF HON. LINDA W. CROPP

Ms. CROPP. Good morning, Chairman DeWine and Ranking Minority Member Landrieu. It is a pleasure to be before you today to testify on behalf of the District of Columbia. Let me thank you, Mr. Chairman and Senator Landrieu, for your comments with regard to the GAO report, and there is a nexus between the structural imbal-

ance and our ability to serve the needs of our young people, comments that you also made.

The fiscal year 2004 budget, another in a series of fiscally sound and responsible budgets, marks another important stride in our city's home rule. It fully illustrates that the Mayor and the council can work together and put together a good spending plan that continues to make the District a better place to live, to work, to raise a family, and to visit. It also is a reflection of our resolve to stand as one good government that will remain fiscally prudent and, most importantly, responsible.

Fiscal discipline. This has always been and will be a top priority on our legislative agenda. We not only demand it of the executive branch, we practice it. The various forms of fiscal discipline, from rainy day funds to financial safeguards, insurance and investment policies, economic triggers to pay-as-you-go funds that we have demanded of and imposed on ourselves in the past several years have yielded significant returns for the District of Columbia.

Case in point, the council insisted that the Government limit the growth of our spending in fiscal year 2004 while ensuring that all basic municipal needs were met. Instead of increasing taxes to address declining revenues for fiscal year 2004, the council, with the mayor, limited the rate of growth in our spending to under 5 percent. Again, this was done without any detriment to the District of Columbia residents who receive services and benefits from important programs.

The \$323 million-plus revenue shortfall in fiscal year 2003 budget on the very first day of our new fiscal year, October 1, 2002, was dealt with very quickly by the Mayor and the council. On April 1, 6 months into the fiscal year, the council took emergency action, as recommended by the mayor, on another \$134 million that was a hole in this year's budget. Our counterparts in Maryland and Virginia and all across the country, of course, face similar challenges because of the economy in our Nation, although we think that the District has acted more quickly, effectively, and responsibly to take the actions necessary to bring our budget in balance.

Finally, it is important to note that, due to the city's fiscal discipline and our hard work, we have a positive image fostered by the partnership of locally elected leadership in our business community. We have finally been recognized and rewarded on Wall Street, where the District Government bond rating has been upgraded from stable to positive. Moreover, the city's bond rating is expected to be further upgraded while other jurisdictions' ratings are being downgraded during this economic period.

As the council continues its work during the fiscal year 2003 and 2004 legislative session, we will remain vigilant about maintaining fiscal discipline that we have imposed on the executive branch and ourselves, and we will also focus on other important goals set forth in our legislative agenda. These goals include the revitalization of our neighborhoods, investment in our youth, protection of our vulnerable residents, oversight of executive performance and service delivery, promotion of continued economic stability and growth, and expansion of home rule and democracy, our priorities, put together with a fiscally sound and responsible spending plan, is good for the District.

The operating budget funds basic city services and programs. The capital budget, as a result of stringent oversight, was realigned. Funds were redirected and targeted for projects with higher priorities and critical needs such as schools for children, improving blighted properties in our neighborhoods, and enhancing existing facilities, better public-council interaction.

I have provided copies of the committee reports from all of our council's committees for the record, and I believe that it will be good reading and will also provide you good information with regard to the status of many things in the District of Columbia.

Senator DEWINE. Those will be made a part of the record. Thank you very much.

Ms. CROPP. Thank you. An integral part of the council's budget process is public input. As such, many hearings on the fiscal 2004 budget were held. This gives the council and the Mayor an opportunity to hear from our citizens. The process gave citizens and our workforce the opportunity to comment and critique programmatic and funding needs and agency performance and their impact. The feedback is invaluable, because it contributed and culminated in decisions and recommendations of each committee in the mark-up process.

At the end of this public process—translated into 54 public hearings or about 289 hours—we incorporated the findings from that public hearing process, from our residents and our employees, into the budget. On May 6, the council approved the \$6.6 billion spending plan that provides adequate funding for basic city services, in keeping with the seven goals of our legislative agenda. All of this was done, including full funding of our police department, without a tax increase. In fact, we are continuing with the portions of the tax reduction associated with the Tax Parity Act as passed by the council in 1999, which were already in place. The council action will bring our taxes more in line with our neighbors' over a 5-year period. We believe this has contributed to the economic renaissance that our city is experiencing.

Historically, the relationship between the District and the Federal Government has been a unique political and financial arrangement. Between 1879 and 1920, the Federal Government provided assistance by paying half of all of the District's expenditures. Subsequently, given the various Federal prohibitions on taxing non-residents' incomes, Federal properties, Federal purchase of goods and services, the District would receive a direct payment. This payment was stopped in 1997, when the Federal Government expropriated the cost of the contributions for the police, firefighters, teachers, and retirement plans, and various court services.

It is worth recalling that in 1997 the Revitalization Act was passed. One recommendation was that since the District no longer receives the Federal payment, that the District should not have its local budget portion come before Congress, just like other States. I join with the Mayor in asking that you support budget autonomy for the District of Columbia. Although the District may be solely responsible for its local spending, it's not responsible for the structural imbalance that exists in its spending needs and its revenue generation capacity.

The District, not unlike any other major urban city in this country, has a population that is older, sicker, and poorer. The big difference, and it is a major and important difference with the District and other large urban cities, is, we help support Baltimore and Richmond, because most of our income leaves the city and goes out to help support our suburban economies, totally a reversal from where it is in the rest of the country, where in most instances, the suburban jurisdictions help to offset the high cost of what is going on in the district. That is a huge structural imbalance unlike anything else. The GAO report is very clear, the imbalance ranges between \$470 million and \$1.1 billion a year. The cost of providing public services is just much higher in the District than in other areas.

Mr. Chairman, you had asked if we had some suggestions. The Mayor certainly outlined the Federal Fair Compensation Act that our Congresswoman has introduced that we would hope that we could start discussions around that. I would like to also call your attention to the fact that in 1997, Congress recognized that the District paid an inordinate amount of Medicaid funds. We were the only city in the country, in this entire United States, that paid 50 percent of the cost of Medicaid. You recognized that that was an imbalance, and we changed the payment to 70 percent Federal and 30 percent District of Columbia. That is another area where you can look.

The Federal Government pays a higher proportion of Medicaid than many other jurisdictions. It seems only fair and just, and a way to deal with the structural imbalance, that we at least get the same rate as other States may get for just the city, when no other city has to pay a Medicaid cost.

Another area is our whole Metro payment. That certainly is a benefit to us, as we serve, as the capital city, our suburban jurisdictions. While we have Metro and we have our suburban areas that sit on the Metro board, their States pay the cost of Metro, so Montgomery County and Fairfax, Arlington, Prince George's, they do not even have to pay part of their Medicaid cost, while the District of Columbia once again, in a highly structurally imbalanced way, must bear the brunt of our Metro cost, so that is another area where we could look.

Finally, as you consider our appropriations request, we ask that you support and pass the budget in time for the start of a new fiscal year and before adjournment of the 108th Congress. It really is telling that while our budget period started in October we did not have an approved budget until January. In some instances, we needed to reduce the cost of our Government to deal with our economy. It is important to remember that at the end of the budget process, both the Mayor and the council found themselves in sync and approved a budget that invests in service delivery and basic programs. We urge you to pass the budget as is without any riders.

This much-anticipated 2004 budget is important, because it shows again that the Mayor and the council coexist and underscore our commitment to make Washington, D.C. one of the best-governed cities in the world. The council will continue to oversee our operations and expenditures, sometimes to the chagrin of the

Mayor, but I think both of us agree that it is for the good of the city as a whole.

PREPARED STATEMENT

We will be responsive to our constituents who call the District their home. We will work with the Mayor, with you and Congress and our surrounding Governments to achieve mutually shared goals. Together with the Mayor, we will produce good, responsible budgets that invest dollars for the District and leave a legacy for our future generations. Granted, we do not always agree, but we are always at the table to assert ourselves as an institution and work for the betterment and the future of our citizens.

Thank you very much for this opportunity.  
[The statement follows:]

PREPARED STATEMENT OF LINDA W. CROPP

Good morning, Chairman DeWine and Ranking Minority Member Landrieu, and members of the Senate Appropriations Subcommittee on the District of Columbia. I am pleased to be here with my colleagues to testify on the District's budget for fiscal year 2004.

INTRODUCTION

The fiscal year 2004 budget—another in a series of fiscally sound and responsible budgets—marks another important stride in our city's history of home rule. This is the second budget that the locally elected leaders have crafted entirely within the Home Rule process. It fully illustrates that the Council and the Mayor can work together and put together a good spending plan that continues to make the District a better place in which to live, to work, to raise a family, and to visit. It is also a reflection of our resolve to stand as one good government that will remain fiscally prudent and most importantly responsible.

This past February, the Mayor and Council received the annual Comprehensive Annual Financial Report, which certified that the District's fiscal year 2002 budget that ended on September 30, 2002 was our sixth consecutive balanced or surplus budget.

*Fiscal Discipline.*—This has always been and will always be a TOP PRIORITY on our legislative agenda. We not only demand it of the executive branch, we practice it. The various forms of fiscal discipline—from rainy day savings, financial safeguards, insurance and investment policies, economic triggers to PAY-AS-YOU-GO funds—that we have demanded of, and imposed on ourselves in the past several years, have yielded significant returns to the District of Columbia.

Case in point . . . The Council insisted that the government limit the growth of spending in fiscal year 2004, while ensuring that all basic municipal needs were met. Instead of increasing taxes to address declining revenues for fiscal year 2004, the Council resolved to limit the rate of spending to under 5 percent. Again, this was done without detriment to the District residents who receive services and benefits from important programs.

This reflects a continuation of the same fiscal discipline strategies that the Council applied to the budget shortfalls that have occurred during fiscal year 2003. The Council took the lead and made tough decisions with the Mayor in closing a \$323-million-dollar-plus revenue shortfall in this year's fiscal year 2003 budget on the very first day of the fiscal year—October 1, 2002. On April 1st, 6 months into the fiscal year, the Council took emergency action to close another \$134 million hole in this year's budget. Our counterparts in Maryland and Virginia and all across the country of course face similar challenges, although we think that the District has acted more quickly, effectively and responsibly to take the actions necessary to keep our budget in balance.

Finally, it is important to note that due to the city's fiscal discipline, our Congressional counterparts, as well as the hard work and positive image fostered by the partnerships of the locally elected leadership and our business community, we have finally been recognized and rewarded on Wall Street, where the DC government's bond rating has been upgraded from "stable" to "positive." Moreover, the city's bond rating is expected to be further upgraded, while other jurisdictions ratings are being downgraded at this time.

## COUNCIL PERIOD XV

As the Council continues its work during the fiscal year 2003 and fiscal year 2004 legislative sessions, we will remain vigilant about maintaining the fiscal discipline that we have imposed on the Executive Branch, and ourselves. Also, we will focus on other important goals set forth in our legislative agenda. These include:

- Revitalization of our Neighborhoods;
- Investment in our Youth;
- Protection of our Vulnerable Residents;
- Oversight of Executive Performance and Service Delivery;
- Promotion of Continued Economic Stability and Growth; and
- Expansion of Home Rule and Democracy.

## THE COUNCIL/MAYOR BUDGET PROCESS

In December of last year, the Council passed the fiscal year 2004 Budget Submission Requirements Resolution of 2002. It established March 17 as the date by which the Mayor shall submit to the Council the proposed budget. The Mayor transmitted his budget on March 17 and the Council acted on it within the 50 days as required by the Home Rule Charter. During this 50-day period, the Council worked diligently with the Mayor in aligning both sets of priorities and, put together a fiscally sound and responsible spending plan. The operating budget funds basic city services and programs. The capital budget, as a result of stringent oversight by the Council, was realigned. For example, funds were redirected and targeted for projects with higher priority and critical needs, such as schools for the children, improving blighted properties in the neighborhoods, and enhancing existing facilities for better public/Council interaction.

I have provided copies of the Council's committee reports and the fiscal year 2004 Budget and I would ask that they be made part of the record.

When the Mayor submitted the budget to us on March 17, he had proposed a local budget of \$3.8 billion, an increase of \$195.5 million or 5.4 percent above the revised fiscal year 2003 budget, as amended by the fiscal year 2003 Amendment Act of 2002 and later approved by the Congress.

## THE COUNCIL/PUBLIC CITIZEN BUDGET PROCESS

An integral part of the Council budget process is public input and, as such, many hearings on the fiscal year 2004 budget were held. The process gave the citizens and our workforce an opportunity to comment and critique programmatic and funding needs and agency performances that impact them. This feedback is invaluable because it contributed and culminated in the decisions and recommendations of each committee in the mark-up of the budgets. Following a review of the committee marks, the Committee of the Whole made additional recommendations in order to bring the budget into balance. At the end of this public process—which translated into 54 public hearings or about 289.15 hours—we incorporated findings from our residents and employees into the budget.

## HIGHLIGHTS OF THE FISCAL YEAR 2004 BUDGET

On May 6, the Council approved the \$6.6 billion spending plan that provides adequate funding for basic city services and programs. In keeping up with the seven goals on our legislative agenda, schools continue to receive full funding. To protect our vulnerable residents, the Council found \$4 million to fund the Interim Disability Assistance program for disabled adults. In the area of public safety, the Council provided the funding needed to increase the number of active policemen in the Metropolitan Police Department (MPD) to 3,800 by the end of fiscal year 2004. The Council accomplished this by separating the dollars needed to fund this initiative from the rest of the MPD budget by placing the dollars into Pay Go funding. To invest for future generations, capital and operating dollars were added for our young children to improve their studying environments and broaden their academic and vocational skills. We continued the District's effort to collect Medicaid reimbursement for local expenditures that are eligible for such Federal reimbursement.

All of this was done without any general tax increase. In fact, we are continuing with the portions of tax reductions associated with the Tax Parity Act passed by the Council in 1999, which are already in place. This Council action will bring our taxes more in-line with our neighbors over a 5-year period. We believe this has contributed to the economic renaissance that our city is experiencing.

## FEDERAL CONTRIBUTION

Historically, the relationship between the District and the Federal Government has been a unique political and financial arrangement. Between 1879 and 1920, the Federal Government would provide assistance by paying half of all District expenditures. Subsequently, given the various Federal prohibitions on taxing nonresident incomes, Federal properties, Federal purchase of goods and services, the District would receive a direct payment. This payment was stopped in 1997 when the Federal Government expropriated the cost of the contributions for the police, fire-fighters, and teachers retirement plans and various Court services.

It is worth recalling that when the 1997 Revitalization Act was passed, one recommendation was that since the District no longer receives any Federal payments, Congress would not need to review or approve its budget. At a minimum, Congress should no longer approve the local portion of the District's budget. Just like the other 50 States, the District would be solely responsible for approving its own local spending.

Although the District government may be solely responsible for its local spending, it is not responsible for "the structural imbalance" that exists between its spending needs and its revenue generation capacity. Just recently, the General Accounting Office (GAO) released a report regarding this imbalance. Some of the significant conclusions of this report include:

- The imbalance ranges between \$470 million and \$1.1 billion per year;
- The cost of providing public services is much higher in the District than it is in the average State due to a relatively large poverty population, poor health indicators, high crime, and the high cost of living;
- Although the District has a very high revenue capacity, we are already taxing toward the upper limit of our revenue capacity, thereby creating a punitive tax structure.

In order to solve the problem of structural imbalance, the General Accounting Office suggests that the Congress consider one of the following: (1) Relax current taxing restrictions on the District; or (2) Compensate the District for its special status as a capital city.

## CONCLUSION

Finally, as you consider our appropriations request, we ask that you support and pass the budget in time for the start of the new fiscal year and before the adjournment of the 108th Congress. It is important to remember that at the end of the budget process, both the Council and the Mayor found themselves in sync and approved a budget that invests in service delivery and basic programs. Furthermore, we urge you to pass the budget as is, without any extraneous riders. This much anticipated fiscal year 2004 budget is important because it shows that the Mayor and the Council can co-exist together and underscores our commitment to make Washington, DC one of the best governed cities in the world.

Nonetheless, the Council will continue to oversee executive operations and expenditures. We will be responsive to our constituents who call the District their home. We will work with the Mayor, Congress, and the surrounding governments to achieve mutually shared goals. Together with the Mayor, we will produce good responsible budgets that invest dollars for the District and leave a legacy for future generations. Granted we do not always agree from time to time, but we will be at the table to assert ourselves as an institution and work for the betterment and future of our citizens.

Senator DEWINE. Thank you very much. Doctor.

## STATEMENT OF DR. NATWAR GANDHI

Dr. GANDHI. Good morning, Mr. Chairman, Senator Landrieu, Congresswoman Norton. As the Chief Financial Officer, my primary responsibility is to ensure the overall financial viability of the District at all times. In the past year, we have enjoyed some notable successes, including the sixth consecutive balanced budget. Overall, the city ended fiscal year 2002 with a general fund surplus of \$27.4 million, and a positive general fund balance of \$865 million. In fiscal 1996, there was a negative fund balance of \$518 million, so we have witnessed a turnaround of over \$1.3 billion since

then. This in itself is clear evidence the District is qualified for Home Rule and ready for budget autonomy.

I believe we are in a good position to continue this progress. We instituted several changes in financial systems that will give us a much better picture of our financial posture as we go through the year.

During fiscal year 2003, we began to implement standardized spending plans and to report actual performance against those plans, using a new online financial management tool for controlling agency budgets. At the end of fiscal year 2001, we had \$100 million in cash reserves. This amount grew to about \$248.7 million by the end of fiscal year 2002, and will increase to nearly \$254 million by the end of fiscal year 2003, to remain at 7 percent of total local expenditures. These reserves were fully funded 5 years before the designated deadline.

Along with the fund balance noted earlier, these steps solidified the District's bond rating and led Moody's to upgrade their outlook on the District's \$3 billion in general obligation bonds from "stable" to "positive". This is particularly significant at a time when rating agencies are downgrading or looking negatively at numerous States and localities. We hope our positive outlook will lead to a ratings upgrade later this year, as Chairman Cropp expected, which will contribute to even lower borrowing costs in the future.

For the fiscal year 2003 financial outlook, through the leadership and cooperation of our elected officials, the District made the necessary tough decisions to assure a balanced budget for fiscal year 2003. As of early June, the remaining spending pressure for fiscal year 2003 is estimated at about \$50 million, primarily driven by the high utilization cost for the health care safety net. These amounts will be addressed. I am confident that we will end the year with a balanced budget.

For the fiscal year 2004 budget request, in local funds, which comprise about two-thirds of the total budget, the 2004 budget request is about \$3.8 billion, an increase of about \$230 million over the approved 2003 level. The total number of positions funded with the local fund is about \$26,245, a decrease of 150 positions, or less than 1 percent.

As you will see, the budget projects positive net operating margins through fiscal year 2007. This projection shows a positive financial picture, and is based on revenue forecasts that use realistic economic and demographic assumptions generally accepted by the forecasting community and the Federal Government. However, a close examination of the data suggests that the District is operating on a slim financial margin indeed. Fortunately, we expect local revenues to begin to grow in fiscal year 2004, after the decline and stagnation of the past 2 fiscal years, but the growth that can be expected is nothing like the 7 percent annual change between fiscal year 1999 and fiscal year 2001.

The District now faces a more slowly rising revenue curve, as financial and real estate markets return to more normal patterns, generating revenues that are expected to grow at around 4½ percent per year. We believe that it will be challenging for this revenue to sustain our current level of services, and there is no room for consideration of additional program initiatives, significant infra-



structure investment, or tax cuts. For these reasons, the city and its elected leadership will face difficult program and financial decisions in the years to come.

One of the reasons for the difficulty is the structural imbalance in the District's budget that needs to be addressed. Chairman Cropp and the Mayor already have talked about the structural imbalance issue, so I will not dwell on that any further. I appreciate your leadership and Senator Landrieu's leadership in our appropriations, and it is my hope that the current GAO report would help Congress and the District move beyond the questions of whether there is a structural imbalance to questions of how the Federal Government and District Government can work together to address this problem. This problem must be addressed with urgency to ensure the long-term financial viability of the Nation's capital city.

#### PREPARED STATEMENT

Mr. Chairman, this concludes my prepared remarks. I request that this testimony be made part of the record. I will be pleased to answer any questions you may have. Thank you.

[The statement follows:]

#### PREPARED STATEMENT OF NATWAR M. GANDHI

Good morning, Mr. Chairman, Senator Landrieu, and members of the subcommittee. I am Natwar M. Gandhi, Chief Financial Officer for the District of Columbia, and I am here today to testify on the District's fiscal year 2004 budget request to the Congress. My remarks will briefly touch on the fiscal year 2003 financial outlook, the fiscal year 2004 request, and the structural imbalance that threatens the District's long-term financial viability.

#### OVERVIEW

As the Chief Financial Officer, my responsibility is to ensure the overall financial viability of the District of Columbia in the short-, mid-, and long-term. In the past year, we have enjoyed some notable successes, including the sixth consecutive "unqualified" (or clean) opinion from the city's independent auditors, with the fiscal year 2002 Comprehensive Annual Financial Report (CAFR) completed ahead of time and with a balanced budget. Overall, the city ended fiscal year 2002 with a general fund surplus of \$27.4 million, and a positive general fund balance of \$865.3 million. In fiscal year 1996, there was a negative fund balance of \$518 million, so we have witnessed a turnaround of over \$1.3 billion since then. Even allowing for the restatements necessary to conform our financial reporting to the new requirements of Governmental Accounting Standards Board (GASB) Statement Number 34, this result is clear evidence that the District is qualified for Home Rule.

I believe we are in a good position to continue this progress. We instituted several changes in financial systems that will give us a much better picture of our financial posture as we go through the year. We successfully implemented GASB 34 on time with minimal outside assistance. During fiscal year 2003, we began to implement standardized spending plans and to report actual performance against those plans using CFOSource, a new online financial management tool for controlling agency budgets. At the end of fiscal year 2001, we had \$100.9 million in cash reserves; this amount grew to \$248.7 million by the end of fiscal year 2002, and will increase to nearly \$254 million by the end of fiscal year 2003 to remain at 7 percent of total local expenditures. These reserves were fully funded 5 years before the legislative deadline. Along with the fund balance noted earlier, these steps solidified the District's bond ratings and led Moody's to upgrade their outlook on the District's \$3 billion in general obligation bonds from "stable" to "positive". This is particularly significant at a time when rating agencies are downgrading or looking negatively at numerous States and localities. We hope our positive outlook will lead to a ratings upgrade later this year, which would contribute to even lower borrowing costs in the future.

We have made progress on other fronts as well. This year, for the second time, the District of Columbia's "Comprehensive Financial Management Policy" appears as an appendix of the budget submission. This policy, required annually by the fiscal year 2001 District of Columbia Appropriations Act, Public Law 106-522, is actually a compilation of policies in key areas and a financial management tool that codifies current policies and procedures. It is updated annually.

Effective with the fiscal year 2003 budget development process, we began the transition to performance-based budgeting. With the active support of the Office of the City Administrator, seven large operating agencies, including the OCFO, submitted performance-based budgets based on agency strategic business plans aligned with the mayor's citywide strategic plan. For the fiscal year 2004 budget process, we worked with another 27 agencies (the remainder of the Mayor's cabinet) to convert them to performance-based budgeting.

A long-term replacement strategy for the District's payroll systems and their integration with other administrative systems has been developed as part of the Administrative Services Modernization Program (ASMP), spearheaded by the Office of the Chief Technology Officer. Over the next 2 to 3 years, all of the District's administrative systems—personnel, payroll, procurement, property management, and budget—will be upgraded and integrated with the System of Accounting and Reporting (SOAR). For the first time, this will give the District a top quality, integrated information system with which to manage District operations. Now that we have 3 years of operating experience with SOAR, we are utilizing more of its capabilities. We already have an Integrated Tax System, rated as among the best in the country by the Federation of Tax Administrators, and the District is the first city to offer free online tax filing and the only city to provide account balances via the Web.

#### FISCAL YEAR 2003 FINANCIAL OUTLOOK

Through the leadership and cooperation of our elected officials, the District made the necessary tough decisions to assure a balanced budget for fiscal year 2003.

As of early June, remaining spending pressures for fiscal year 2003 are estimated at \$50 million, primarily driven by higher utilization costs for the Health Care Safety Net. This amount will be addressed. I am confident we will end the year with a balanced budget.

I want to thank you, Mr. Chairman, and you, Senator Landrieu, and the subcommittee members and staff for your leadership and support on the District's portion of the fiscal year 2003 budget supplemental that was enacted in April of this year.

#### FISCAL YEAR 2004 BUDGET REQUEST

The Council of the District of Columbia voted to approve the consensus fiscal year 2004 budget request on May 6. Copies of the budget documents have been distributed, and CD-ROMs will be made available shortly. I would like to briefly summarize some of the key points in the request.

In total, the District's gross fund operating request for fiscal year 2004 is \$5.69 billion, which represents an increase of about \$119 million, or 2.1 percent, over approved fiscal year 2003 levels. The total number of positions in fiscal year 2004 from all funding sources is 33,867, which represents an increase of 233 positions, or less than 1 percent.

In local funds, which comprise about two-thirds of the total budget, the fiscal year 2004 budget request is about \$3.83 billion, an increase of about \$230 million, or 6.4 percent, over approved fiscal year 2003 levels. The total number of positions funded with local funds is 26,245, a decrease of 150 positions, or less than 1 percent.

Over the 4-year period from fiscal year 1998 to fiscal year 2002, the District's local fund expenditures increased by 6.1 percent annually, or a total of \$741 million over this period, from \$2.768 billion in fiscal year 1998 to \$3.509 billion in fiscal year 2002. Of this \$741 million increase, \$621 million (nearly 84 percent) came in two areas: \$316 million in the D.C. Public Schools and the Public Charter Schools, and \$305 million in the Departments of Human Services, Mental Health, and Health, and the Child and Family Services Agency (all of which were part of the Department of Human Services in 1997). At these six agencies, expenditures increased at a rate of 11.1 percent annually over the past 4 years. Expenditures in all other District agencies combined increased by \$120 million, or 1.8 percent annually, over the same period.

As you will see, the budget projects positive net operating margins through fiscal year 2007. This projection shows a positive financial picture and is based on revenue forecasts that use realistic economic and demographic assumptions generally accepted by the forecasting community and the Federal Government.

However, a close examination of the data suggests that the District is operating on a slim financial margin. Fortunately, we expect local revenues to begin to grow in fiscal year 2004, after the decline and stagnation of the past 2 fiscal years. But the growth that can be expected is nothing like the 7.4 percent annual change between fiscal year 1999 and fiscal year 2001. The District now faces a more slowly rising revenue curve, as financial and real estate markets return to more normal patterns, generating revenues that are expected to grow around 4.5 percent per year. We believe that it will be challenging for this revenue to sustain our current level of service, and there is no room for consideration of additional program initiatives, significant infrastructure investments, or tax cuts. For these reasons, the city and its elected leadership will face difficult program and financial decisions in the years to come. One of the reasons for the difficulty is a structural imbalance in the District's budget that needs to be addressed.

#### STRUCTURAL IMBALANCE IN THE DISTRICT'S BUDGET

Over the past several years, the District has submitted balanced and responsible budgets during periods of increasing as well as stagnating and declining revenues. Our restrained budgeting in the good years helped us work through some of the hard times in fiscal year 2002 and fiscal year 2003. For fiscal year 2004, the District is submitting a balanced budget in a particularly challenging economic environment, a testament to the ability of the District's elected leaders to manage through difficult times. However, despite this balanced budget, and despite the surpluses the District has generated over the past 6 years, the District has a serious long-term financial problem—a structural imbalance that transcends short-term challenges and cyclical revenue fluctuations. This structural imbalance is a long-term gap between the District's ability to raise revenue at reasonable tax rates and the District's ability to provide services of reasonable quality to its residents. It is driven by expenditure requirements and revenue restrictions that are beyond the control of District leadership.

Several outside assessments of the District's financial condition have affirmed the presence of this imbalance. In March 2002, a McKinsey & Company report funded by the Federal City Council stated, among other things, that Federal constraints impose an annual opportunity cost of at least \$500 to \$600 million. In October 2002, Alice Rivlin and Carol O'Clairacain of the Brookings Institution assessed the District's relationship with the Federal Government and concluded that a strong rationale exists for additional Federal financial assistance to the District. And just last week, the General Accounting Office (GAO) released its final report, thoroughly assessing the District's financial structure and corroborating the existence of a structural deficit in the District's finances.

Economic changes have led other jurisdictions to begin identifying structural issues as well, and the District shares in the breadth and depth of problems facing most States and localities. In addition, however, the District's structural imbalance is more extreme, driven by the unique set of services provided by the District and the unique set of restrictions that limit the District's revenue raising capacity. I have testified to these requirements and restrictions on several occasions. In the District, we provide city services, State services, county services and even the services of a school district; we provide public safety and public works services to the Federal Government itself. We do all this with an artificially constrained tax base. We cannot tax the income of people working in the District and living elsewhere, a restriction faced by no State. We cannot tax 42 percent of the property value within the city because it is owned by the Federal Government. We cannot count on high-density property to make up for our limited taxable property because of the height restrictions on District buildings.

The cumulative effect of these requirements and restrictions is that the District faces a long-term structural imbalance, whereby it is unlikely that we can provide a standard quality and range of services to our citizens, even with tax burdens that exceed those elsewhere. This imbalance manifests itself in many ways:

- The District's per capita expenditure requirements are very high. We face high per capita expenditure requirements because we provide public services in a market with high labor costs; we provide services to a large commuter population; and we have many residents with high service needs. On top of these cost drivers, the District provides about \$500 million in services of a State-like nature, and we provide millions of dollars of services as host to the Nation's capital. Although the District certainly has the potential to improve the efficiency of operations, the District's higher costs are determined by factors beyond our control and cannot be offset entirely by improved service delivery.

- The District compensates for its very high expenditure requirements with taxes that are very high. The District's tax effort is among the highest, if not the highest, in the Nation. The need for high taxes is driven further by restrictions on the District's ability to tax income earned in the District and a significant portion of the property within the District.
- The structural imbalance is not just a reality facing the District's operating budget. The imbalance contributes to a significant capital budget and infrastructure problem as well. The District faces an accumulated infrastructure backlog of \$2.5 billion, which has not been funded in recent capital improvement plans. The District continues to defer capital investment to avert the operating costs associated with debt service. The problem is acute because additional borrowing could raise outstanding debt to levels that adversely affect the District's credit rating.

When it comes to addressing the structural imbalance, we have few options. Increasing the tax burden on District businesses and residents even further could have an adverse impact on total receipts, because it could influence potential and current residents or businesses to locate in adjacent, lower-tax States. Given the structural imbalance, the District must choose between tax levels that are even higher than the national average, service levels that are lower than the national average, or combinations of both.

An alternative solution is Federal compensation for the District's unique relationship with the Federal Government. Not only does the District provide unreimbursed services to the Federal Government and fund itself with a federally restricted tax base, but the Federal Government has a strong interest in a fiscally secure District of Columbia. Ultimately, the long-term solution to the structural imbalance is a matter to be addressed by District and congressional policy-makers. A dialogue must continue that revisits the Federal/local partnership and arrives at a long-term solution for equitable support of District services.

It is my hope that the GAO report helps Congress and the District move beyond questions of whether there is a structural imbalance to questions of how the Federal Government and District government can work together to address this problem. And this problem must be addressed with urgency to ensure the long-term financial viability of the Nation's capital city.

#### CONCLUSION

Mr. Chairman, this concludes my prepared remarks. I request that this testimony be made part of the record. I will be pleased to answer any questions you or the other members may have.

Senator DEWINE. Good, thank you very much.

Senator Landrieu.

Senator LANDRIEU. Thank you, Mr. Chairman. I really appreciate the overview provided by each one of you, and particularly the points of your focus.

#### EDUCATION

Mr. Mayor, maybe I should start with an issue that has been in the news a great deal, an issue that probably needs some clarifying, and we are going to spend some time working on this issue here, and that is the issue of education and choices and opportunities that we have to improve the educational opportunities for children not just here in the District. As you know, it has been a major focus of Congress with the passage of "Leave No Child Behind" as well as other efforts of funding and reforming special education.

It has been a real focus of Congress to try to figure a new way to work in partnership with local Governments and State Governments to enhance the quality of education for all children, and it is a contentious debate at times, because there are a variety of different approaches. There seems to be some consensus emerging at least on the subject of providing more options than what exist now, but as you know, there is not tremendous support, and I agree with that, for abandoning the public school system, even though I know

that people would contend that this is not what some people are attempting to do. Some evidence would suggest that some people have maybe completely given up on the public school system and want to go elsewhere. I am not one of those.

So given this debate, could you just express to us, as clearly as you can, about what your views are. You have talked about a three-sector approach when this subject comes up, could you just clarify that issue for us? I realize that the school budget is not part of the District's Federal budget—though the school board is not here, I would like your views, Mr. Mayor. Many Mayors are now stepping up to try to help their cities navigate this issue of school choice, and your voice is one that we listen to a great deal, could you clarify what some of your thoughts are about that issue, and then I will come back to some others that you outlined.

Mr. WILLIAMS. Well, I think, Senator Landrieu, that education is really critical to the future of the city. It is critical to have any kind of workforce and talent pool that our businesses need. It is critical in terms of having in the future the civic leadership that any city needs, let alone our Nation's capital, and if you look at a lot of literature about cities right now, people will tell you that more and more employers are looking to come to cities for the sense of energy and creativity, energy that a city is about.

Well, clearly you are not going to have that energy and creativity if a good part of your city is really not fully part of the mainstream educationally, in terms of literacy and otherwise, so education is vitally important, and what we have tried to do is certainly in the first instance put a major emphasis on education over, if you look at the budgets over the last 4 or 5 years that I have introduced to the council, you know, major increases have really gone to either human services or they have gone to education. Everything else has pretty much been flat—education, some 42 percent increase in education.

As we face this looming structural, well, present and looming structural imbalance in the capital budget, we have had to basically cut out of the capital budget \$250 million in order to preserve capital dollars for school programs, so schools have been, are, and will continue to be, the public schools, a major part of our emphasis, because they are clearly the major part of the lifting and the delivery system for our children, and in that regard, the program that I have supported, calling for additional dollars for a choice program, or additional dollars above and beyond the dollars that we are investing in our schools.

To the extent that children leave our regular public schools under this program, we would hold our regular public schools harmless, so in any event, regular public schools would have additional dollars to devote to better class sizes, other kinds of initiatives.

Above and beyond that, we are proposing as part of this three-sector strategy provision of dollars, I would like to see in the order of magnitude of \$50 million ongoing funding to relieve the funds of State costs that they can then invest, State costs borne by our District, no other State, or not other city, certainly, that can go into teachers, learning, and other kinds of enrichment.

The second part of this program, in addition to these ongoing dollars for the public schools, would involve \$50 million matched by the private sector for school modernization for our charter schools. Right now, the demand far outstrips the supply for our charter schools. One of the big issues, as you know, is facilities in our charter schools. This will go a long way toward helping our charter schools meet and satisfy that gap.

And then finally, certainly there is a choice component here for the third sector. We believe that it ought to be devoted to children who are right now trapped in our low-performing schools, our lowest-income children, their ability to go to schools in the District, schools that would agree to accept nondiscriminatory policies, and certainly—and I am pleased that the Cardinal has already evinced support for this, certainly one leader in the private parochial area—that there be a common accountability mechanism, so that—you know, one of the things I am seeing right now as we enter into this debate is there is so much fury, inflammatory rhetoric about what can or will happen if we do this, but not a lot of it is based on real, empirical data.

What we are talking about here is a pilot. We are talking about experimenting, and we are talking about doing a study under the Department of Education, Federal Department of Education, so that 4 or 5 years from now, we can look and say, okay, the outcomes were better, or maybe the outcomes are the same, or maybe they are no different, in which case we ought to try something new. And that is what I am proposing, and that is what I strongly support.

I think we have tried one model for a long, long time. We are not abandoning that model, but if we can help 2,000 or 3,000 children as part of a multisector approach, I think we ought to do it.

#### SCHOOL CHOICE

Senator LANDRIEU. Well, just to conclude, and then I have got a couple of questions on different subjects. Regarding school choice, perhaps an approach would be a limited pilot, as you have described, but that would include not just the District, but several other cities, but quite limited, and the parameters quite secure. One of the reasons that I hesitate to even be more supportive at this point is because of the experience we just went through with “Leave No Child Behind”, where funding was promised, but it was not forthcoming, and so I guess that there are many Members of Congress on both the Democratic and I would say some on the Republican side, that are wondering how we even move forward from here. There were commitments of funding levels made to schools across the country, and in my position the chairman may disagree, but those levels were not—whoever’s fault it was, we could argue—but those levels were not maintained, and so entering into any kind of arrangement without some security of the funding that follows whatever arrangements is something I think we should be very careful about, and again, having an approach that might include other regions of the country as well, if we were going to pursue it.

But finally, I do want to, Mr. Mayor, commend you for being at least open. I think in this debate we have to be open to new ap-

proaches, but your efforts and the council's efforts particularly on expanding charter school options and choices in the District is very commendable. There are not many cities, Mr. Chairman—and I think now almost 17 percent of the students have a choice for charter schools. There are many cities that have much more limited choices, so the District has made a lot of progress in their charter school movement, and now having quality charter schools and accountability.

But when you move into other areas beyond that, this issue of what children will be tested, what tests they will agree to, the private sector, as you know, holds very dearly their freedom to either not have tests, have whatever kinds of tests they want—of course, they do not have public funds involved, so they have that freedom, but adopting a new system would require private and independent schools to maybe adopt certain criteria that they might not feel is appropriate.

So we are not going to resolve it today, but I just want to commend you for being open, but I guess caution that we proceed very slowly because of some of the things that I outlined.

Go ahead.

Ms. CROPP. If I may just for a moment add to that, the council shares in your concern with regard to funding for unfunded mandates. With "No Child Left Behind", the District is looking right now for millions of dollars to try to pay for that. We have the issue of our transformation schools that we are still dealing with.

I would just like to put on the record for discussion not only in the District, but I think nationally, the real issue and concern with education is with the hard-core child who is having problems. The District has probably the largest charter school population of any city, any State in the country almost, or we are probably up there in the highest rank. Normally, those who go to charter schools, it is a certain culture, or a certain belief from the parents starting out with the children, but we still are not really tapping into that hard-core, uneducated child, and no matter what of the pilots that we are talking about now, until we touch into this hard-core group of those who are undereducated, I do not think we are going to achieve what we want to achieve.

And the District of Columbia has really done exceptionally well, I think, over the past several years, but the area, if I had to select an area where I think we have the greatest need in growth it is with education and with our young people, and I would hope, as everyone, the District, nationally, other jurisdictions, as we look at it, we do not just look at those individuals who are going to make it. You know, with the charter schools, the parents obviously have a care for education. With school of choice, the parents obviously are trying to seek a higher level of education for their children, but it is that hard core that is in the public schools around this country, that if we do not address them, we are not going to resolve the problem at all.

Senator LANDRIEU. Well, I thank the councilwoman, and I am not going to take any more time, but only to say that many of those hard-core children, as you are describing them, and perhaps that is a good term, are special needs children, and the Federal Government said they would pick up 40 percent of the tab of special

needs, and the Federal Government is only picking up 8 percent for jurisdictions all over the country, so that would have to be addressed as one of the founding building blocks of this new proposal, that discrepancy in funding, before we would proceed.

Mr. Chairman.

#### BOND RATING

Senator DEWINE. Dr. Gandhi, what is the outlook on Wall Street for the city's bond rating, and do you think that the recent GAO report will affect the bond rating?

Dr. GANDHI. Sir, let's say my hope is that next time we go to Wall Street—which will be another month or two—that we would see an upgrade. That is my hope.

Senator DEWINE. An upgrade?

Dr. GANDHI. Upgrade, sir, but let me say there are two fundamental issues here. The people on Wall Street are looking at, first, how well the city is managing its fiscal affairs, and I think the elected leaders have proved that, in the 2003 and 2004 budgets, they have done heavy lifting and have done monumental work in terms of making sure that our budget is balanced. It is balanced without raising any taxes. They were able to provide realistic remedies to solving problems without using any tricks—no one-time revenues, no accounting mechanism that others have used. We have not done that.

The second issue here is that they do look at our structural problem. There is no way of going around that. That does affect us, and they look at our long-term economic viability. Unless the Congress resolves this fundamental issue, we do have some problem, but as far as the city's fiscal credibility, I think we have proved on Wall Street that we can manage the city, and manage in a very fiscally prudent and financially responsible manner.

The last thing I would say, sir, is that we now have roughly 25 percent of our fund balance, and until the year 2007, every year we will have more than half, up to 60 percent of our fund balance, in cash. No other State, except perhaps Mississippi, that has a requirement of putting 7 percent of fund expenditure in general fund cash reserve. We have that.

Further, and I will end with this, the replenishment requirement that we have is rather—how shall I put this?—very strict; so basically, that fund is untouchable, and that gives a lot of assurance to the people on Wall Street that that money is always there, and there in cash, so I am very hopeful.

Mr. WILLIAMS. If I could add, Mr. Chairman—

Senator DEWINE. Good. Mr. Mayor, go ahead.

Mr. WILLIAMS. Because of my experience as CFO, I think that it actually helps, because when we go up and talk to them, one of their major issues is this issue of the imbalance, and the Federal relationship, and to the extent that a recognized authority like GAO has pointed this out, and that there are statements from you as Chairman and the Ranking Member on this, and certainly our Congresswoman, I think that that actually—I think Wall Street sees that as supportive, as opposed to counterproductive.



Another thing, as I just said, I am proud of the fact that from the time of our fiscal insolvency until now—and you are talking about a swing probably of, what, around \$1 billion?

Dr. GANDHI. \$1.3 billion, yes, sir.

Mr. WILLIAMS. Right, in liability, to now a fund balance, we never financed our debt. So we basically worked that debt down year by year, managing—you know, like the family managing the MasterCard, we just managed it down the very, very old-fashioned, hard way. And I think that is to our credit, over these last 7, 8 years.

Dr. GANDHI. And Mr. Chairman I would add, just to supplement the Mayor's point, that when the tobacco money came to us, we securitized that, and that substantially lowered our debt by \$1/2 billion.

Senator DEWINE. You did what, Doctor?

Dr. GANDHI. Securitized our tobacco debt, and consequently we do not have to now rely upon lower tobacco consumption and lower tobacco input into the fund. We are basically free of that obligation, so I think it was a very wise fiscal move on the part of the elected leadership, and it established our credibility on Wall Street even further.

#### COMBINED SEWER OVERFLOW PROJECT UPGRADES

Senator DEWINE. Mr. Mayor, in fiscal year 2003, our subcommittee provided \$50 million to begin these urgently needed upgrades to the city's Combined Sewer Overflow Project. Do you want to give us an update on the status of the project?

And also, with Federal cost-sharing, how will you be able to reduce the time for the project completion, and also maybe tell us a little bit about, if the funding level goes down? In other words, if the numbers we are able to give you will go down to, say, \$10–15 million, what does that mean to you?

Mr. WILLIAMS. Right. Well, Mr. Chair, first of all the project, as you know, has three phases. There is the Anacostia phase, the Potomac phase, and the Rock Creek phase. All of them, particularly the Anacostia and Rock Creek, are particularly polluted.

The most urgent and complicated of these is the Anacostia River phase, which as you have mentioned is \$1 billion. The contribution of \$50 million so far has been matched by a \$90 million contribution from WASA, which will go to completing early work. There remains, however, a need of \$800 million for this Anacostia phase. There are several projects that are already underway, pumping capacity, targeted separation, an initiative to maximize storage in the existing system. Were we to receive reliable funding—in other words, if we were to know we were going to receive reliable funding over a period of years, we would then be able to finance the project properly and start the project in all of its phases and get it done over a reasonable period of time.

Senator DEWINE. Reliable means what?

Mr. WILLIAMS. Pardon me?

Senator LANDRIEU. Dedicated.

Mr. WILLIAMS. Dedicated, reliable, recurring funding.

Senator DEWINE. At what level, though? It means at a certain level, I assume.

Mr. WILLIAMS. Well, I do not want to—I could get you the exact number, but I would believe that if we were able to receive the level of funding we have already received on a reliable basis, recurring basis, we could then take that to the markets and package the project and get it done in a timely fashion.

Senator DEWINE. Sure.

Mr. WILLIAMS. Were we not to receive this, I do not see a way that we can rely on our taxpayers and our businesses to shoulder the total cost of doing this project, and I think the results are just tragic, because it would grossly undermine the overall effort to revitalize the river, revitalize the city's waterfront here in our Nation's capital, what is it, ten blocks from the U.S. Capitol.

And I might mention that the sewage system is antiquated. It was built in the last century. The major issue is, as you know, storm separation. This is the old, quote-unquote old city, south of Florida, here in Washington, D.C. The Federal Government probably has got about a 60 percent share of that old city, so it really is—it is not just a Federal issue because we are the Nation's capital. It is a Federal issue because our largest employer or major corporate partner here has got to do its share.

#### METRO COMMITMENT

Senator DEWINE. Let me move to another area. You are requesting Federal support to help the District meet its commitment to Metro. Do you want to explain why you feel this Federal commitment is so important?

Mr. WILLIAMS. Well, Metro is certainly important to our city's economic livelihood, because our city has probably the second-largest in the country, I believe it is, ingress-egress of commuters of any city in the country. We have—like many cities in the country, we are in the top tier in terms of transportation congestion. This has been exacerbated by Federal actions, however well-intentioned, whether they are up here at the Capitol, but certainly down with the executive agencies, and most prominently, the White House. We have got Pennsylvania Avenue closed.

I do applaud the effort to begin work on studying a tunnel, but we are way behind in getting the circulator moving, which will help free up traffic, so here you are trying to revitalize the city. We have seen \$27 billion of investment in the city, and yet we have got this transportation congestion, coagulation, which is really hampering that effort to bring in additional business. The tractor man was a great example of how one little hiccup in the system can ricochet all over the region.

Another example, if the Pentagon decides they are going to change how they register employees as they come in, or change how they do business—I remember this happened shortly after 9/11. We had traffic backed up for miles all over the place, so we really need Metro.

Now, Metro, the District's share of Metro is disproportionately higher than the surrounding jurisdictions, even though we do not have the tax base to support it, so our share is disproportionately higher, and we are paying that share, as Chairman Cropp has mentioned, unlike our partners in Montgomery County, Fairfax County, and the like.

Dr. GANDHI. If I may supplement the Mayor—

Ms. CROPP. If I may add to that?

Senator DEWINE. Sure.

Ms. CROPP. What the mayor just articulated, with the share that we are paying, our capital dollars are being spent, and we are almost at a very high level. The infrastructure of the city as a whole needs to be repaired. The Mayor, the council, we have aggressively been trying to do that, fix our streets and do other things. With limited capital dollars, and with such a large share having to go to Metro, at some point the city is going to have to make a decision.

Remember, we are talking about our taxpayers' dollars, and our taxpayers are saying, we want our parks and recreation that you are talking about, and the fact that we cannot even keep our parks, our recreation facilities, but we are going to help to pay and offset a disproportionate share of Metro for people outside of the District of Columbia, once again, a structural imbalance where the people who are paying for it are not even getting their dollars' worth.

Mr. WILLIAMS. That is an excellent point. In 2005, I believe, the Metro share climbs up to \$200 million, so you are already cutting the capital budget tremendously in order to meet the kind of per capita debt ratio that is going to satisfy Wall Street, and you have to cut it tremendously in order to just maintain ground with the schools, yet we have got to face this \$200 million of Metro that is going to further crowd out, as the chairman is saying, needed investments.

Senator DEWINE. Doctor.

Dr. GANDHI. If I may just supplement by some numbers here the Council Chairman and the Mayor's point—if you really look at this formula, which is really antiquated, we are now paying around 39 percent of the subsidies, while we hold only about 6 percent of the real property valuation in the region, and only about 20 percent of the workforce is the riders who are on Metro. Any working day, the majority of the people riding Metro are basically regional people, and any working hour, especially in rush hours, the majority of the riders are Federal workers.

Senator DEWINE. Senator Landrieu.

Senator LANDRIEU. Let me ask—and I really appreciate the discussion on Metro, because I think there might be some opportunities there for us to pursue some of the suggestions that all of you have made, Dr. Gandhi, some of us debated within this recent tax relief an opportunity, although it never came to fruition, to allow our cities to save through refinancing, because there are some Federal restrictions right now on refinancing. We did not opt to do that, which I think we should have, because we could have, at no cost to the taxpayer, saved our city some money.

Would that be applicable to you in terms of, if we allowed some refinancing options, and I am not talking about reamortizing the debt, stretching it out, I am just talking about a refinancing to take advantage of potentially lower rates. Have you looked at that to see—

Dr. GANDHI. I appreciate your concern, Senator Landrieu, and I think currently we are exploring every available opportunity to refinance our debt. We want to be absolutely sure that as we refinance, that roughly 15 percent of the total current outstanding

debt should be the limit by which we have new issue of additional general obligation. We also want to make sure that our debt services do not rise above the limits that we have imposed upon ourselves in terms of the overall revenues.

But our fundamental problem, as the Mayor and Mrs. Cropp have pointed out, is that our per capita debt now is among the highest in the country, and we are neck and neck with New York.

Senator LANDRIEU. And what is that? What is your per capita debt?

Dr. GANDHI. That is around, roughly in 2004 it is likely to be around \$5,000 per capita. That is a lot of per capita debt, because we are carrying the debt of the municipality, county, and the State.

Senator LANDRIEU. Correct. It is a combined debt that you are carrying.

Dr. GANDHI. Senator, the chairman had asked me a question about the viability of having an upgrade in the bond rating, but this is one of the things they look at, what is your per capita debt. In per capita debt, we are very high.

Senator LANDRIEU. Well, explore—and if you have any Federal restrictions that are not allowing you to refinance to take advantage of lower rates, let us know, because it may be something that our committee could help you with, because some of us had that idea to allow all the cities to do it in the tax package. It did not make it in the final package.

And finally—I know we have a vote—Mr. Mayor, we are committed, as the chairman, under his leadership, to help on this Anacostia piece. I think it is very important, to find out what the surrounding areas are contributing, because as I think about it, even if we would redo the sewer system here in the District, there are lots of other States or counties that drain into this basin. I should be more clear as to what Maryland and some of the other jurisdictions are doing in terms of their nonpoint pollution source and revitalization of their infrastructure, or is their infrastructure already where it needs to be?

Mr. WILLIAMS. Well, certainly I would say that—and I applaud Senator Sarbanes, the former Governor, the current Governor, county executives, Prince George's and Montgomery County have all pledged their support to the Anacostia Waterfront Initiative, and indeed some steps have been taken certainly on a cosmetic level, although that is important, too, just the trash traps on some on the tributaries up in Maryland, so we at least do not have just huge amounts of floating debris on the top of the river, but above and beyond that, a firm commitment on real dollars to the water clean-up is still forthcoming.

But I think that, you know, were there to be the kind of commitment by this Congress, I think—and certainly there is a commitment here at the local level—we are able to leverage that and get that commitment up there as well.

Senator LANDRIEU. So to do this project, you would need Maryland, primarily, participating. Any other State?

Mr. WILLIAMS. Well, you are talking about three rivers again. You are talking about Potomac, Anacostia, and Rock Creek.

Senator LANDRIEU. So you would need Virginia, Maryland—

Mr. WILLIAMS. The two most polluted, Rock Creek and Anacostia River, you are talking primarily Maryland. When you get into the Potomac, obviously you are talking about ultimately up into West Virginia and Virginia, in the watershed.

Senator LANDRIEU. Okay. Thank you.

PREPARED STATEMENT OF SENATOR PAUL STRAUSS

Senator DEWINE. Senator Strauss has prepared a statement for the record, which will be included.

[The statement follows:]

PREPARED STATEMENT OF SENATOR PAUL STRAUSS

Chairman DeWine, Senator Landrieu and distinguished members of the Senate Subcommittee. I am Paul Strauss, the Shadow United States Senator elected by the voters of the District of Columbia.

I appreciate the opportunity to provide this statement on behalf of my constituents in the District of Columbia. Today I would like to address the District's fiscal year 2004 local budget request to Congress. I would like to state for the record that the locally raised portion District of Columbia budget should not have to go through this process. The fact that there is a congressional hearing devoted to our budget is fundamentally wrong. These hearings have been held in the D.C. Council and the District should not have to submit this purely local portion of the budget to Congress at all.

It is essential to the District of Columbia that Congress pass this budget in time for the new fiscal year 2003. You must avoid getting the local District of Columbia budget held up in Continuing Resolutions. The consequences are severe enough when the Federal Budgets get held up in Continuing Resolutions but the consequences are far worse when applied to the budget of the District of Columbia. When the District of Columbia's budget is held up, needed spending adjustments increases are not allowed to be implemented and the cost of debt services increases. Our local governmental services suffer greatly every new day that our budget is held up.

An easy solution to the dilemma of our budget being held up every year is budget autonomy. The budget autonomy bill in the House of Representatives allows the District Budget to be separated from the Federal Appropriations Process. That is a good step in the right direction but it does not go far enough. Our local budget should have nothing to do with Congress. Since fiscal year 1996, the District of Columbia has continuously provided Congress with a balanced budget. The District of Columbia has demonstrated itself as a competent, governing body, which should allow the District right to reject all policy interference and social riders attempting to regulate the government within the District. It should be the privilege and priority of the government of the District of Columbia, not Congress, to make the District's economic decisions. Although it is a present constitutional prerogative of Congress to exercise oversight of the District and its budgetary needs, it is not always appropriate.

The District of Columbia has submitted a budget that calls for serious investments in education and public services. Mayor Williams, Chair Cropp, and Chief Financial Officer Gandhi have explained the specifics in great detail and I support their efforts in the budgetary requests of the District of Columbia.

I do not mean to suggest that there is no role for Congress in the D.C. Budget process. This committee should focus on resolving the structural imbalance faced by the District of Columbia. The structural imbalance faced by the District of Columbia is one of the major problems concerning the budget. The gap between the District's ability to raise revenue at reasonable tax rates and the District's ability to provide services of reasonable quality to its residents jeopardizes the District's ability to retain residents. Instead of being penalized for residing in the District, they should receive the same constitutional rights as all American citizens.

The government of the District of Columbia needs to be fairly compensated by Congress for the services it provides to Federal agencies. This compensation would provide a solution to the structural imbalance within the District's budget. The District's government represents the citizens of the most unique city in the Nation. The District has repeatedly provided Congress with a budget that has proved to be both sensible and attainable. The outlook for the current fiscal year 2003 budget is being projected as balanced with a surplus. The government of the District has proven

itself to be the best determiner of the expenditures within the District itself. This reoccurring record of balanced and responsible budget management during times of economic hardships and declining revenues is yet another fact that proves the District's elected officials can govern the District. Not allowing the District to have complete control over its spending only increases the structural imbalance in the District which continues to discourage its citizens.

The elected officials of the District work hard to ensure the District is able to attain the locally raised revenue needed to fund various local interests such as public service and education. The city should be able to utilize its tax dollars in a more flexible manner. Allowing the District's government flexibility with its tax dollars would give them an opportunity to provide the community grater benefit from that revenue. Flexible use of locally raised revenue within the District of Columbia would provide the proper funding would ensure the community's public service departments remain secure and stable entities within the city. My constituents have the right to receive needed revenue to meet their children's educational needs. I urge you to approve the proposed budget, as it will be necessary in aiding the improvement of our District's schools. The District submitted a timely budget so Congress has appropriate time to approve it. I again ask that Congress pass this budget before the beginning of the fiscal year. It is unfair the District and its constituents suffer Congressional delays that often disrupt critical improvements such as these within the local government.

I would like to thank you, Chairperson DeWine for the opportunity to present this statement. This budget was carefully drafted in order to benefit the citizens of the District of Columbia. I support this prompt passage without amendment. In closing, let me thank two members of my legislative staff, Matt Helfant and Tricia Torok, for their assistance in preparing my testimony this morning.

#### SUBCOMMITTEE RECESS

Senator DEWINE. Well, we thank you very much.

Mr. WILLIAMS. Thank you, Mr. Chairman.

Senator DEWINE. I think it has been a very helpful hearing.

Mr. WILLIAMS. Thank you.

Senator DEWINE. Thank you.

[Whereupon, at 11:23 a.m., Wednesday, June 11, the subcommittee was recessed, to reconvene subject to the call of the Chair.]

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