

Child and Family Services Agency Foster Youth Rights and Responsibilities Annual Status Report CY 2016



Overview and Analysis of Referrals CY 2016

Submitted to the Committee on Human Services

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Introduction

This is the fourth annual report prepared by the DC Child and Family Services Agency (CFSA). The report reflects the findings and resolution of concerns received by the Office of the Ombudsman (or the “Office”) from youth in foster care or by a concerned party (“constituents”) on behalf of foster youth. The District’s *Foster Youth Statement of Rights and Responsibilities Amendment Act of 2012* requires the submission of this annual report, which must include: the number of foster youth and constituent contacts made to the Agency, the number of concerns reported by foster youth and constituents, the number of investigations conducted, the number of pending concerns that are awaiting resolution, the trends and issues that arose, and the outcomes of the investigations.

Report Highlights

In Calendar Year (CY) 2016, 742 contacts were made to the Office by foster youth or constituents on behalf of foster youth. Of the 742 contacts, 238 of those contacts concerned current and former District foster youth. Those contacts included:

- 192 foster youth-related contacts (youth ages 0 to 20 years old), of which seven are pending final resolution; and
- 46 contacts regarding former foster youth who achieved permanency or aged out of CFSA’s care.

Of the 742 contacts, 421 general inquiries and 83 inquiries regarding youth who were never in CFSA’s care were received.

A. Mission

CFSA established the Youth Ombudsman position in January 2013, recognizing that youth might not feel comfortable addressing concerns directly to social workers, or that they may not know where to go if they had questions or encountered problems concerning their foster caregiver. The Youth Ombudsman was implemented pursuant to the District of Columbia’s *Foster Youth Statement of Rights and Responsibilities Amendment Act of 2012*. In 2016, the Youth Ombudsman joined CFSA’s Ombudsman in the Office of the Ombudsman. This led to a significant increase in the number of concerns and inquiries reported by CFSA for CY 2016.¹

1. The Office of the Ombudsman

The Office provides impartial consultation to children, youth, birth parents, foster parents, kinship caregivers, guardians, adoptive parents and other external parties who have concerns they would like addressed by CFSA. The Office responds to inquiries by providing information and education; communicating the policy and practice of CFSA; working with the clinical team and/or investigating concerns by completing a fact-finding review; working with and providing recommendations for resolution to the chain of command; advising on practice issues; referring foster youth and constituents to the appropriate internal and external entities for assistance; or by bringing parties together to discuss concerns ultimately for resolution. The Office identifies systemic issues through analysis of concerns and

¹The CY 2015 Youth Ombudsman Report addressed concerns and inquiries regarding foster youth ages 15 to 20. In CY 2015, the Youth Ombudsman received 42 complaints and 32 general inquiries from foster youth ages 15 to 20. This report addresses concerns received by CFSA regarding foster youth ages 0 to 20 years old.

inquires received, educates constituents about the child welfare process, and refers them to resources as appropriate.

The Office also engages in outreach efforts to ensure that all youth in care are aware of their rights and that CFSA has dedicated staff available to address foster youth concerns and inquiries.

All foster youth and constituents are encouraged to communicate their concerns to their social worker, legal representative, or through the social worker supervisory chain of command to resolve issues. If this process is unsuccessful, or the youth or constituents are not comfortable addressing their concerns with the social worker or their legal representative, they may seek help from the Office.

The Office receives youth concerns and inquiries regarding foster youth in care through the following pathways:

- Email: Yo.Bud@dc.gov
- YO BUD hotline: (855) 874-3273
- Be Heard! Website: <http://cfsa.dc.gov/service/be-heard-for-youth> and <http://cfsa.dc.gov/service/be-heard>
- Direct contact or a visit with the Office of the Ombudsman
- Other avenues, i.e. an Agency cell phone, desk phone, or other agency representatives

B. Number of Contacts and Contact Method

In CY 2016, there were approximately 1399 youth in foster care. During that same period, CFSA was contacted 238 times by foster youth and constituents regarding foster youth-related concerns. Half of the contacts were received by the Office through Agency email (Table 1).

Method	Number of Contacts
Agency Email	119
Phone Call	89
In Person	26
Agency Mail	4
Total	238

C. Number of Concerns, Type of Concerns and General Sources

Of the 238 contacts received in CY 2016, 192 – or 81% – were regarding foster youth in care while 46 – or 19% – were regarding former foster youth who achieved permanency or aged out of foster care. Of the 192 contacts regarding foster youth in care, 136 – or 71% – resulted in investigations; 6 – or 3% – were researched and closed due to lack of responsiveness of the concerned party as additional information was required to research and review the concerns; 8 – or 4% – were duplicate concerns already being handled by the Office; and 42 – or 22% – were resolved informally through educating, researching, linking, alerting and/or referring foster youth and constituents to internal or external parties. The 192 contacts represent concerns about foster youth from 120 families that were serviced by CFSA. It is common for foster youth and constituents who contacted the Office to present multiple concerns. Foster youth-related concerns were reported to CFSA through a number of different sources (Table 2).

D. Number of Investigations and Pending Concerns

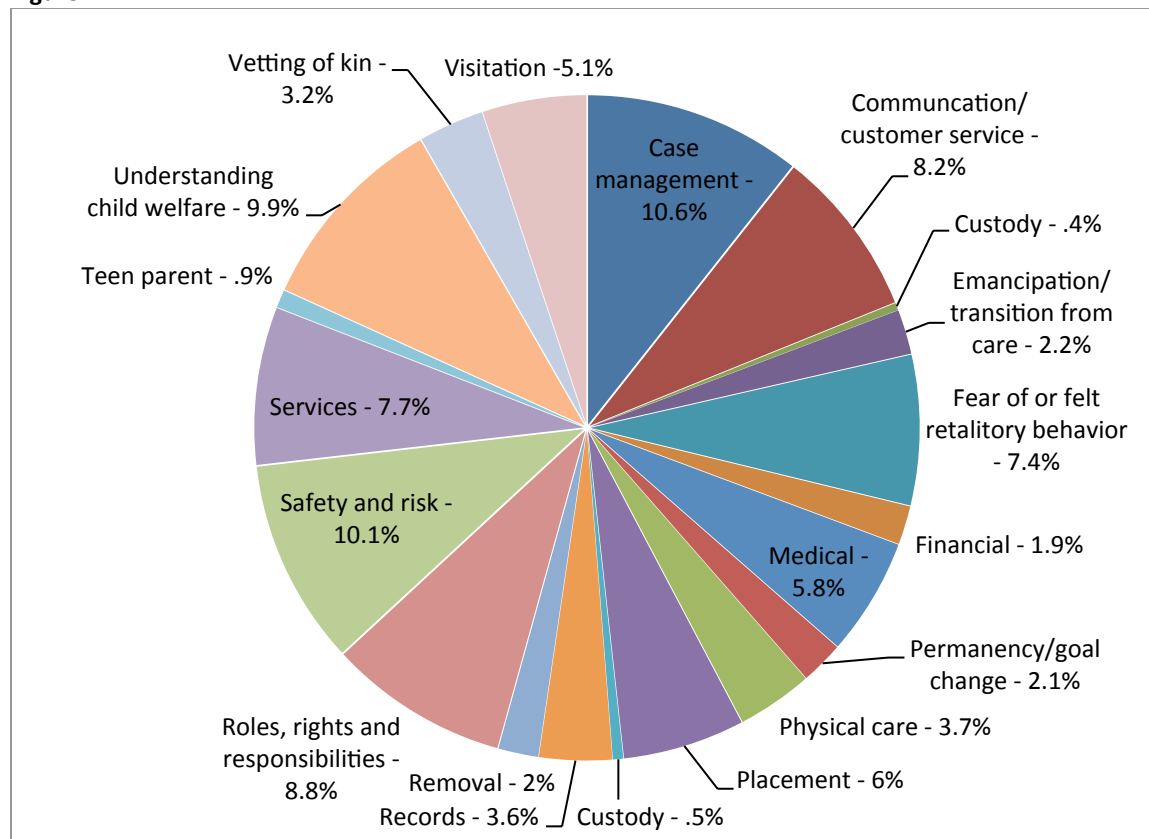
In CY 2016, the Office informally resolved 42 of the 192 contacts made by foster youth and constituents through education, research, alerts and/or referrals. In the same period of time, the Office conducted 136 investigations, of which seven are pending final resolution.

E. Trends, Issues and Systemic Findings

The 192 foster youth and constituents who contacted the Office reported approximately 1,372 concerns and issues. (Figure A). The Office analyzed the data collected and identified trends and issues that arose from the multiple and overlapping concerns that were reported to CFSA in CY 2016. Those fell into five systemic finding categories: understanding of child welfare; roles, rights and responsibilities; safety and risk; case management; and placement and permanency.

Sources	Number Of Contacts
Mayor's Office (EOM)	23
Constituents	93
"Ask the Director"	14
DC City Council	15
Office of the Director	28
Agency representatives	23
CFSA@dc.gov	19
Mail to the President	1
Organization representatives	9
Government representatives	7
Legal representatives	5
Sen. Tim Kaine's office	1
Total	238

Figure A.



1. Understanding of Child Welfare

Finding: CFSA's jurisdiction and authority is not always understood or communicated appropriately internally and externally.

A significant number of concerns that were reported to CFSA were due to a lack of understating of child welfare, its limitations, and its various partnerships in the District of Columbia. The misunderstanding of child welfare was further complicated by inconsistent and inaccurate communication by external and internal parties to foster youth and constituents navigating the child welfare system. Agency representatives who are highly specialized in areas of practice sometimes lacked universal knowledge of CFSA's jurisdiction and authority, which sometimes led to role confusion as it related to the constituent's legal role; the youth's legal status; the legal requirements of mandated reporters – individuals who frequently work with children, such as teachers and physicians, who are legally mandated to report child abuse and neglect; and CFSA's administrative role. The Office researched and educated parties as appropriate.

A number of foster youth and constituents² raised concerns about CFSA's responsiveness that they believed did not adhere to the District-wide customer service standards. They viewed themselves as being an active team member and shared their desire for more timely, clear, concise and consistent communication from the clinical team regarding case management and being kept informed of clinical decisions affecting the foster youth, even if that meant engaging in difficult conversations. Sometimes there was a hesitancy to engage in difficult conversations in regard to clinical decisions that were made about constituent's personal lives out of concern for the foster youth's personal wellbeing. The Office resolved those concerns by sharing policy and procedure with constituents and recommended that the clinical teams contact the constituents directly to discuss case management and clinical decisions. The Office also recommended refresher training to reinforce District customer service standards as necessary.

It is recommended that CFSA:

- Publicize information internally and externally regarding CFSA's child welfare jurisdiction, authority and limitations so that there is a clear universal knowledge of child welfare.
- Embed an introduction about CFSA's jurisdiction, authority and limitations into its mandated reporter training.
- Remind all Agency representatives of CFSA's and the District's customer service standards and invest in training for "difficult conversations."
- Maintain timely communication when there are changes to the social work team, placement, or if there is an unusual incident.

2. Roles, Rights and Responsibilities

Finding: Roles, Rights, and Responsibilities of stakeholders were not always clearly defined or understood.

At times, the rights and responsibilities of various parties such as the foster parents, biological parents, foster youth and CFSA overlap when it comes to consent, confidentiality, records, decision and actions. The parties did not always understand their respective roles, rights and responsibilities. For example,

² The constituents who raised these concerns included, but were not limited to, foster youth, foster parents, biological parents, caregivers and legal representatives.

when it came to medical concerns, involved parties were not clear about the legal limitations of the Agency as the “legal custodian,” residual parental rights and responsibilities, and the foster youth’s right to consent to medical care independent of the caregiver. As a result of this confusion, concerns were raised when parties unintentionally withheld or released information that directly impacted the foster youth’s right to confidentiality, diagnosis, treatment and management of medical needs. The Office was able to resolve many of those concerns by educating parties as to CFSA’s policy, reviewing foster youth case files and providing recommendations to the clinical team.

It is recommended that CFSA:

- Review policy and training to determine if there is a need for more guidance with respect to the parties’ roles, rights, responsibilities and role limitations.
- Include the use of the Agency’s social media accounts in promoting its confidentiality policy.
- Give attention and support for clarity regarding medical consent and ensure all parties are aware of medical consent limitations.

3. Safety and Risk

Finding: Inconsistent reporting of abuse and neglect allegations by mandated reporters was found.

The Office resolved numerous concerns about immediate safety, removal of children from the biological home or foster home, custody orders and inadequate or improper safety plans. Many of those concerns were the result of differing definitions and the understanding of what was meant by safety and risk. As a result of the differing definitions and understanding of safety and risk, when a foster parent incorrectly believes a mere risk issue is a safety concern, they expect an urgent response from CFSA and may escalate the situation. Conversely, sometimes true safety concerns are viewed as only a risk and the appropriate action is not taken. For example, a foster parent may not report that a youth threatened serious violence against him or herself until the following morning. This would be considered a safety concern and the foster parent would be expected to have immediately contacted the social work team, Child and Adolescent Mobile Psychiatric Service (CHAMPS) and/or taken the youth to the hospital for an evaluation. The scenario presented in this example can also be complicated if the social work team incorrectly views that same issue as a risk and does not provide crisis support or make a safety plan. The Office was able to resolve many of these kinds of concerns through education to ensure that the parties had the same understanding of safety and risk to support the safety of the youth through appropriate policies and procedures.

Physical discipline was another concern that fell under the category of safety and risk. In the District, physical discipline is not illegal. However, it is illegal to subject a foster youth to physical discipline. The Office reported 22 abuse and neglect concerns to CFSA’s Hotline at 202-671-SAFE or 7233, reminded stakeholders of their mandated reporter obligations and provided mandated reporter training when necessary.

The Office also received concerns about agency responsiveness regarding seven issues about alleged assaults and three issues about bullying of foster youth. The Office worked with parties to ensure that the foster youth received proper medical treatment, the incidents were documented, notifications of the unusual incident report were received and referrals were made.

It is recommended that CFSA:

- Remind mandated reporters of dual reporting standards and their duty to report as mandated reporters, ensuring that all representatives understand that clinical relationships do not supersede civil and criminal investigations of abuse and neglect.
- Report suspicion and allegations of known abuse or neglect to the CFSA Hotline at 202-671-SAFE.
- Report allegations of an assault to the Hotline to alert the Metropolitan Police Department (MPD) as the appropriate investigatory authority along with an unusual incident/critical event report.

4. Case Management

Finding: Discrepancies were found regarding allowance disbursement procedures and lack of documentation when allowance is withheld.

Finding: Records were not always released in a manner that is consistent with CFSA policy.

Allowance and stipend issues continued to be a trend in 2016. During CY 2016, approximately 447 foster youth were eligible to receive allowances or stipends.³ The Office handled 26 concerns that dealt with foster youth financial issues. Of the 26, 11 involved allowance and stipend concerns. Allowance concerns fell within three primary areas: discrepancy in the allowance requirements with foster homes, group homes, and independent living programs (ILPs), the distribution of allowances to foster youth, and the enforcement of the allowance policy when funds are withheld. Teen parents also raised concerns because stipends sometimes varied greatly between foster homes and ILPs. Extended visitation with the biological parent prior to protective supervision also led to dialogue about the disbursement of funds for the youth's food, personal items, transportation, clothing and/or allowance. The Office found that there is no clear oversight or system that tracks when a foster home, group home or ILP⁴ withholds the foster youth's allowance. A tracking system would ensure the proper distribution of allowance during the placement and would also ensure the release of all withheld allowance funds upon replacement, achieving permanency or emancipation. The Office worked with the parties to resolve allowance discrepancies and recommended to the chain of command that the agencies, foster homes, group homes and ILPs create and maintain a formal tracking system. The Office recommended that clear case management support should address any financial obstacles.

It is recommended that CFSA:

- Review the stipend and allowance policies to identify discrepancies in amounts and distribution procedures.
- Remind staff that youth are entitled to a copy of their entire record.
- Distribute the stipend and/or allowance policies internally and externally if it is revised.
- Create a standard system for documentation and distribution of allowances and stipends on a monthly basis.
- Designate a specific program that would be responsible for tracking the distribution of allowances and stipends.

³ Foster youth ages 15 to 20 years old are eligible to receive allowances or stipends.

⁴ Usually, a foster home, group home or ILP is permitted to withhold a foster youth's allowance if the youth breaks rules. However, if the allowance is not given to the youth, the allowance should be set aside in a saving account and returned to the youth upon replacement, permanency or emancipation.

- Provide foster youth and the placement with clear information regarding financial expectations within 24 hours of entering a placement.

5. Placement and Permanency

Finding: At times, kin were not always vetted.

Placement and vetting of kin issues arose as a result of removals, placement or the replacement of youth when a placement change was necessary. A change in the permanency goal is a time during which known and unknown relatives may present themselves as it becomes clear that the custodial relative is unable or unwilling to satisfy the court order for reunification. The Office worked with constituents and the case management teams in 31 cases to share information that permitted the prompt vetting and the completion of the comprehensive clinical assessments of kin who could potentially serve as a proper placement option for related youth in care.

As youth have become more vocal regarding their placement preferences, concerns arose when an identified placement did not meet the foster youth's preference. The Office determined that in a number of instances, the foster youth's placement preference was directly related to the rules regarding curfew, passes, restrictions and violations in the varying foster homes, group homes and ILPs. The lack of universal rules led to confusion, distress, and/or non-compliance by the foster youth, especially during times of transition. The Office worked with the parties to help support and stabilize the youth. The Office researched conflict resolution trainings for youth and agency representatives and recommended that CFSA explore incorporating conflict resolution training for its clinical team, foster parents and agency representatives.

It is recommended that CFSA:

- Review and re-engage efforts to identify and vet kin when goals change.

F. Outreach

The Office serves as a resource to the community to field and answer questions about how child welfare functions within the community and in partnership with other government entities and community resources. This is accomplished through answering inquiries, education and engaging in youth outreach.

1. General Inquiries

When appropriate, the Office will communicate with a youth or constituent that establishes contact regarding any general inquiry. In 2016, the Office received 421 general inquiries. The inquiries primarily originated from five general sources: agency representatives, constituents, government representatives, mandated reporters and organization representatives. When a general inquiry was received, the Office educated the requestor and/or referred them to the appropriate responsive entity or the CFSA Hotline when appropriate.

2. Outreach Activities

A function of the Office is youth and community engagement. The Office provides in-person mandated reporter training. In 2016, the Office trained 410 mandated reporters from the DC Department of Human Services (DHS), the Office of the State Superintendent of Education (OSSE) and other community

entities. The Office continues to engage youth through Peer Plug, the Youth Ombudsman's peer-to-peer mentorship initiative. Its mission is to serve as a vehicle for peer-to-peer mentorship as well as a platform for youth to advocate for themselves and for their voices to be heard throughout the Agency and the greater community. In its collaboration with CFSA's Alumni Board, Peer Plug serves in an advisory capacity for the Youth Ombudsman to create recommendations for Agency improvement.

The Office has participated in several events throughout 2016. The Office organized a youth voter registration event. The Youth Ombudsman helped plan and participated in "We Matter," a relationship-building event that brought together youth from Peer Plug, current and potential foster and adoptive parents, community stakeholders and CFSA staff in a successful effort to provide the opportunity for perspective sharing and genuine dialogue regarding life in and out of foster care. The Office and Peer Plug participated in the CFSA Placement Administration's local radio event with WPGC 95.5, which provided an opportunity to spread awareness about child welfare.

Also in 2016, Peer Plug member actively volunteered and participated in several Agency initiatives. The Youth Ombudsman has facilitated youth focus groups, served as a guest facilitator in CFSA trainings, and supported the recent youth block party at the Office of Youth Empowerment (OYE)⁵, which was an opportunity for youth to indulge in fun while exploring their educational and vocational interests. The Youth Ombudsman has assisted youth in preparing for various speaking engagements, including the youth panel that provided testimony in support of CFSA's work with youth before the DC Council at CFSA's 2016 Performance Oversight Hearing. In addition, the Youth Ombudsman served as a member of the recent White House Presidential Innovation Fellows workgroup. The chief goal of the event was to ensure that youth had a framework to assist them in successfully navigating the child welfare system.

Finally, and in the spirit of the December 2016 holiday season, the Youth Ombudsman participated in the Foster and Adoptive Parent Advocacy Center (FAPAC) Circles of Love shared parenting holiday event by dressing as Santa Claus for the children and families in attendance.

⁵ OYE is located at 3350 9th Street, NE, Washington, DC 20017 and offers a host of services and growth experiences for District teens and young adults in foster care.