



# Office of the Ombudsman Annual Report

Foster Youth and Foster Parent Statements of  
Rights and Responsibilities

**Annual Status Report 2021**

Submitted to the Council of the District of Columbia  
February 28, 2022

**Contents**

**Executive Summary .....2**

- Introduction and Overview of Concerns Received in CY 2021 ..... 2
- Role of the Ombudsman at CFSA..... 2
- Mission..... 2
- What Matters Are Outside the Scope of the Office of the Ombudsman? ..... 3
- A Note on COVID-19 ..... 3

**Accomplishments During CY 2021 .....5**

**Ombudsman’s Office Data .....6**

- Who We Serve ..... 6
- Complaint and Inquiry Resolution ..... 7
- Complaint and Inquiry Themes..... 8

**Findings and Recommendations .....9**

- Safety and Risk ..... 9
- Custody ..... 10
- Case Management..... 11
- Communication and Customer Service ..... 12
- Youth Concerns ..... 13

## Executive Summary

### Introduction and Overview of Concerns Received in CY 2021

The 2021 Foster Youth and Foster Parent Statements of Rights and Responsibilities Annual Status Report details the findings from and resolution of complaints and inquiries (“concerns”) received by the Child and Family Services Agency’s (“CFSA” or “Agency”) Office of the Ombudsman (the “Ombudsman”) from youth in foster care, licensed resource parents, birth parents, and concerned parties (collectively, “complainants”).<sup>1</sup> In response to concerns relating to CFSA, the Office of the Ombudsman performs independent informal investigations and facilitates resolutions.

In calendar year (“CY”) 2021, the Ombudsman received 138<sup>2</sup> concerns from a range of complainants. This report details the types of issues addressed and the source of reports to the Ombudsman. The report also includes the Ombudsman’s recommendations to address observations made throughout CY 2021.

### Role of the Ombudsman at CFSA

In the context of CFSA, the role of the Ombudsman is to provide conflict resolution for issues that affect CFSA families by supplementing – though not replacing – CFSA’s formal dispute and complaint resolution channels. The Office applies the characteristics and standards discussed above to create an accountability mechanism by conducting an investigation of concerns, identifying and evaluating options for resolution, encouraging effective communication between parties, offering referrals to other resources, and consulting with CFSA management about observed issues and trends. Specifically, the Ombudsman is charged with fielding and reviewing concerns regarding the District’s child welfare system and making recommendations for internal Agency improvements or interagency systemic change.

### Mission

- Address immediate concerns relating to CFSA families
- Act as a mechanism for early detection of emerging Agency-wide issues
- Prevent recurring problems and improve existing processes by collaborating with CFSA teams and stakeholders to effect systemic changes

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<sup>1</sup> The District’s *Foster Youth Statement of Rights and Responsibilities Act of 2012* (D.C. Law 19-276; D.C. Official Code § 4-1303.71 *et seq.*); and the *Foster Parents Statements of Rights and Responsibilities Amendment Act of 2016* (D.C. Law 21-217; D.C. Official Code § 4-1303.81 *et seq.*) requires the submission of this annual report, which must include concerns reported by youth and licensed foster parents in addition to the outcomes of the resulting investigations.

<sup>2</sup> Two fewer than CY 2020.

## **What Matters Are Outside the Scope of the Office of the Ombudsman?**

Because of the informal, neutral, confidential, and independent positioning of CFSA's Office of the Ombudsman, the Ombudsman does not engage in the following activities:

- Making decisions for complainants, Agency staff, or other individuals,
- Offering legal advice,
- Offering psychological counseling,
- Participating in formal investigations or playing any role in formal judicial or administrative proceedings,
- Overturning clinical decisions, or
- Addressing concerns that are outside of CFSA's jurisdiction.

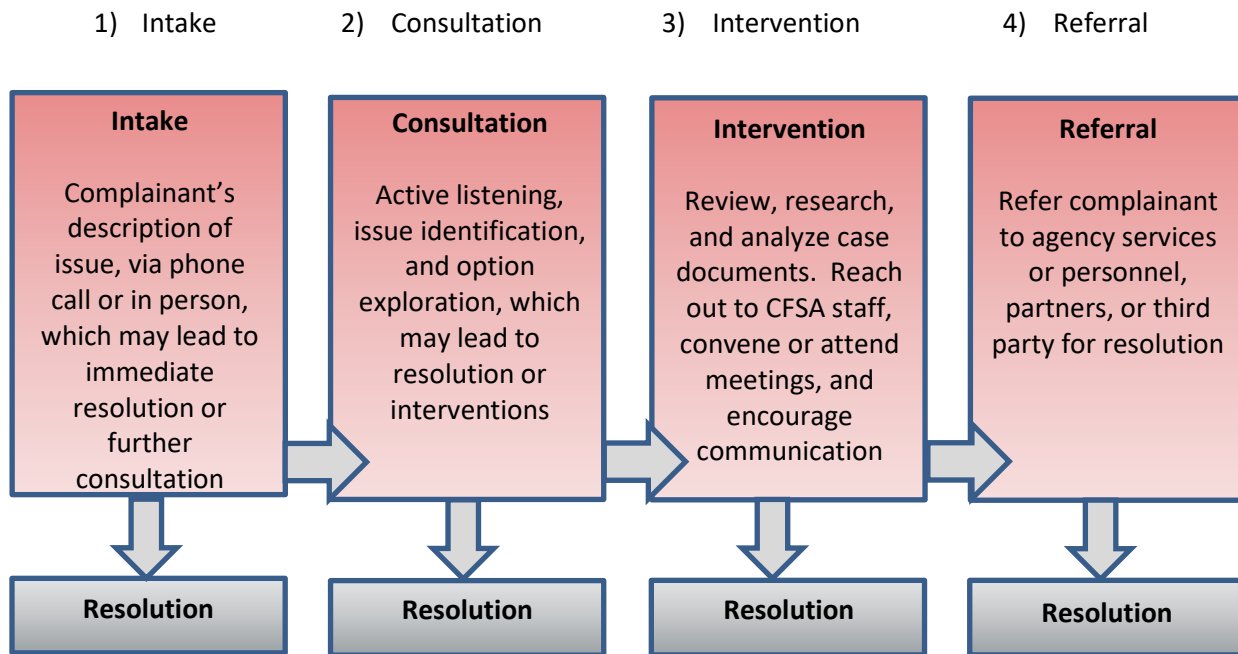
## **A Note on COVID-19**

The ongoing nature of the COVID-19 pandemic continued to have a significant impact on District children and families in CY 2021. With social distancing remaining in place for much of the first half of CY 2021, the impacts of isolation and stress continued to trickle into many aspects of family life. The network of public services, schools, after-school programs, and health care providers that weaves together a safety net for children was significantly altered by the impacts of the COVID-19 pandemic, which placed a strain on the child welfare system. In the face of the ongoing challenges of the pandemic, the Ombudsman worked diligently to address concerns and support families during this challenging year. And although COVID-19 was an exacerbating factor, it did not significantly change the types of concerns raised to the Ombudsman.

Due to the highly transmissible and pathogenic nature of the virus, CFSA had to adjust many practices through CY 2021 that affected CFSA families and complainants. The Ombudsman worked closely with CFSA staff to address issues on a case-by-case basis and come up with resolutions that at times departed from previous procedures. The Ombudsman helped families navigate the pandemic's challenges, such as coordinating safe, socially distant visitations between multiple households and identifying mental health supports for youth and families experiencing grief and loss. The Ombudsman will remain a resource and support for District residents and CFSA families as we navigate the unique health and safety concerns of the times.

## Ombudsman Case Process

The Ombudsman's case process<sup>3</sup> has four steps, though some may repeat, and resolution can be reached during any step of the process:



All individuals are strongly encouraged to first address concerns with their assigned social worker or CFSA contact as soon as the issue arises. If a concern has not been adequately addressed, the individual is encouraged to reach out to the managerial supervisory chain of command. If the individual still feels the concern has not been adequately addressed, then it is appropriate to seek help from the Ombudsman. Notwithstanding this standard operating procedure, the Ombudsman has an open door and takes concerns from complainants at any level of engagement with CFSA.

The Ombudsman receives concerns regarding youth, birth parents, and resource parents through the following pathways:

- Email: [Marianna.Abraham@dc.gov](mailto:Marianna.Abraham@dc.gov)
- Office Phone: (202) 727 – 2111
- Cell Phone: (202) 246 – 9364
- Direct contact or a visit to the Ombudsman at 200 I St. SE and at CFSA's Office of Youth Empowerment when offices are open to the public

<sup>3</sup> Adapted from Washington State Office of the Education Ombudsman. (2011). *Ombudsman Resource Manual*.

## Accomplishments During CY 2021

- Closed 132 of 138 concerns received in CY 2021<sup>4</sup>
- Continued to partner with the Department of Human Services' Strengthening Teens Enriching Parents Program (STEP) to provide immediate outreach and assessment to youth reported missing
- Continued to provide relevant CFSA data to the Executive Office of the Mayor's Family and Survivor Support Services (formerly Community Stabilization Protocol)
- Provided relevant data to D.C.'s new Gun Violence Prevention Emergency Operations Center
- Co-Chaired Parent Advisory Committee meetings attended by CFSA staff, resource parents, kin care providers, community advocates, and youth
- Conducted exit interviews for foster parents who closed their home in 2021
- Digitized and streamlined the resource parent exit interview process
- Participated in CFSA's Internal Child Fatality Review Committee meetings

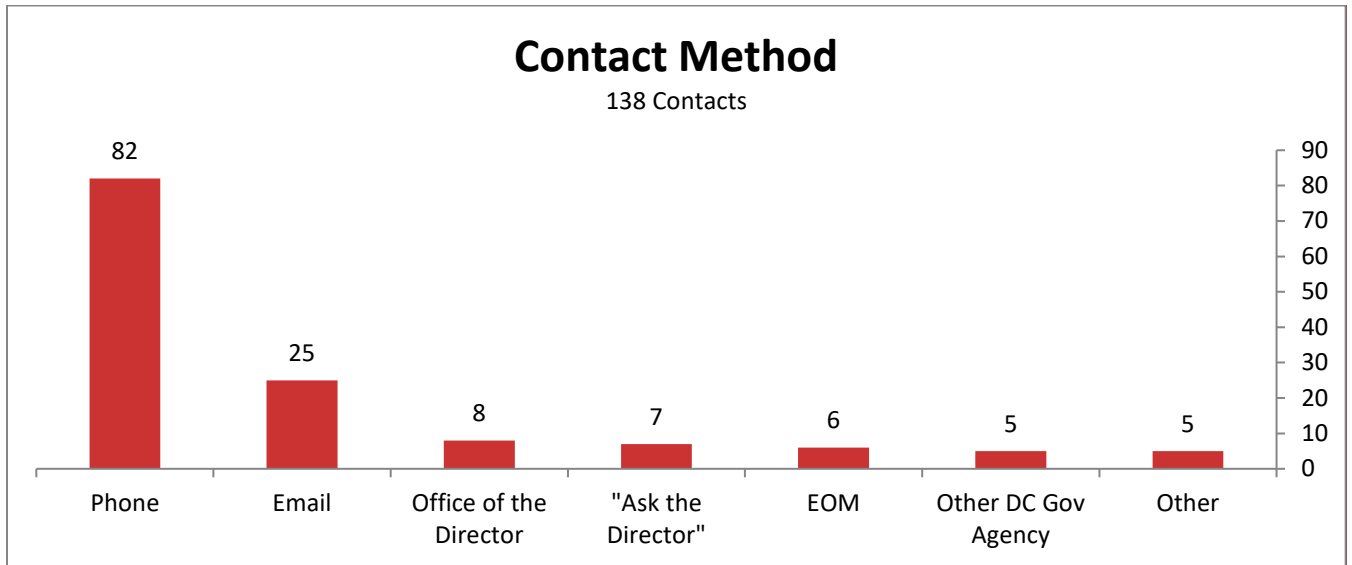


<sup>4</sup> Six concerns brought to the Ombudsman in December 2021 were still pending closure at the time of this report.

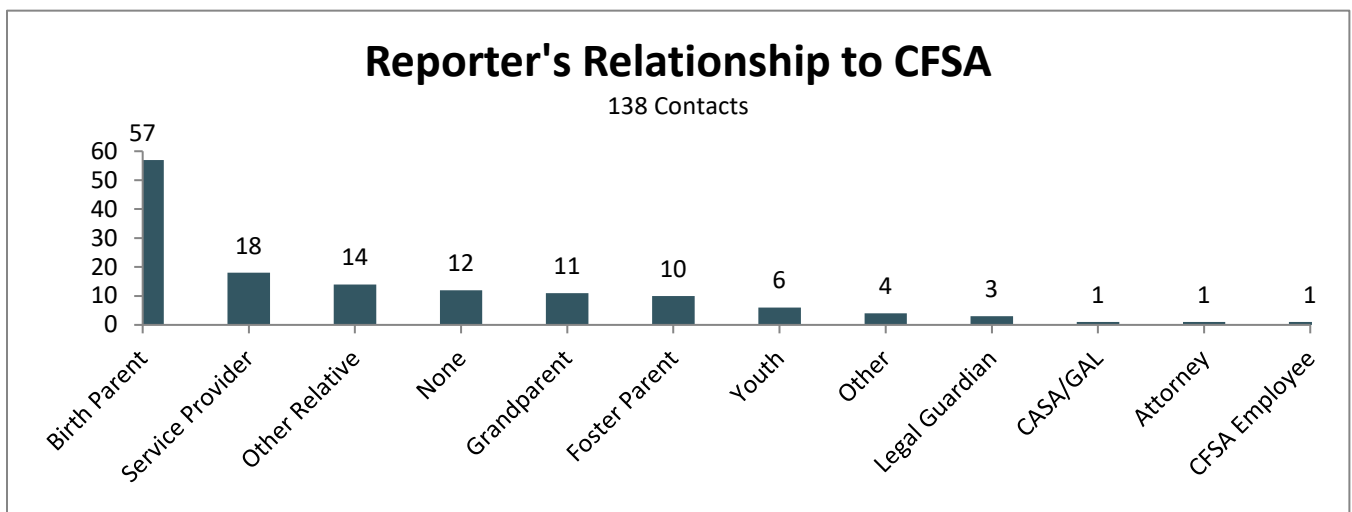
## Ombudsman's Office Data

### Who We Serve

More than half of concerns (60%) received in CY 2021 began with a phone call to the Office of the Ombudsman. E-mail accounted for 18% of the concerns received and 5% of concerns were referred from the Office of the Director. Other referral sources included the "Ask the Director" inbox, the Executive Office of the Mayor or the Office of the Deputy Mayor for Health and Human Services (collectively "EOM"), and other D.C. government agencies.



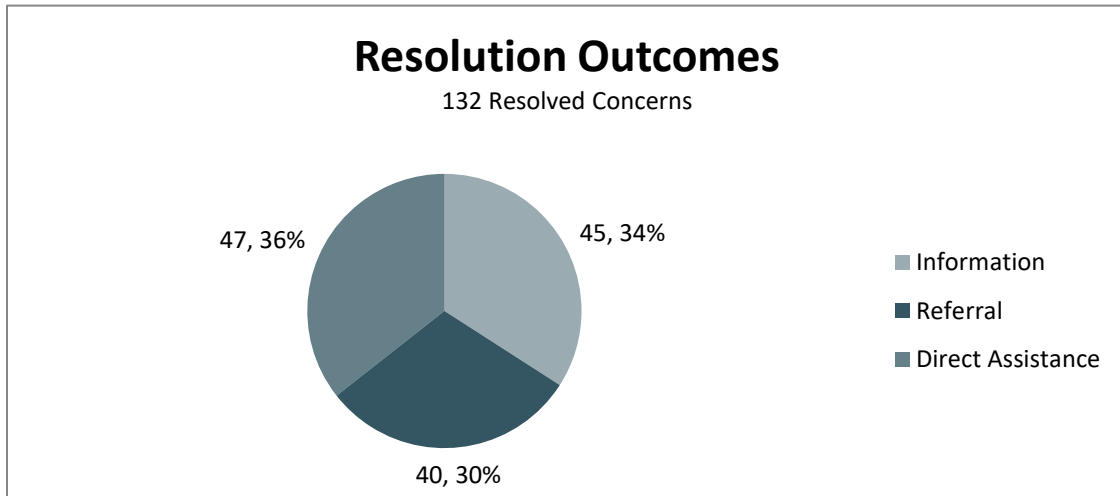
The largest percentage of complainants were birth parents (41%); and a significant number of contacts were from service providers and community professionals (13%), as well as family members (18%)<sup>5</sup>.



<sup>5</sup> Percentage is the combined total of grandparents and child's other relative.

## Complaint and Inquiry Resolution

Of the 132 completed issues in CY 2021, 45 were resolved by educating the complainant on CFSA policies or by providing information that would allow the individual to make an informed decision. The Ombudsman also received 47 concerns that required direct assistance or intervention through mediation, negotiation, or the facilitation of dialogue. The remaining 40 concerns resulted in referrals to internal or external parties.

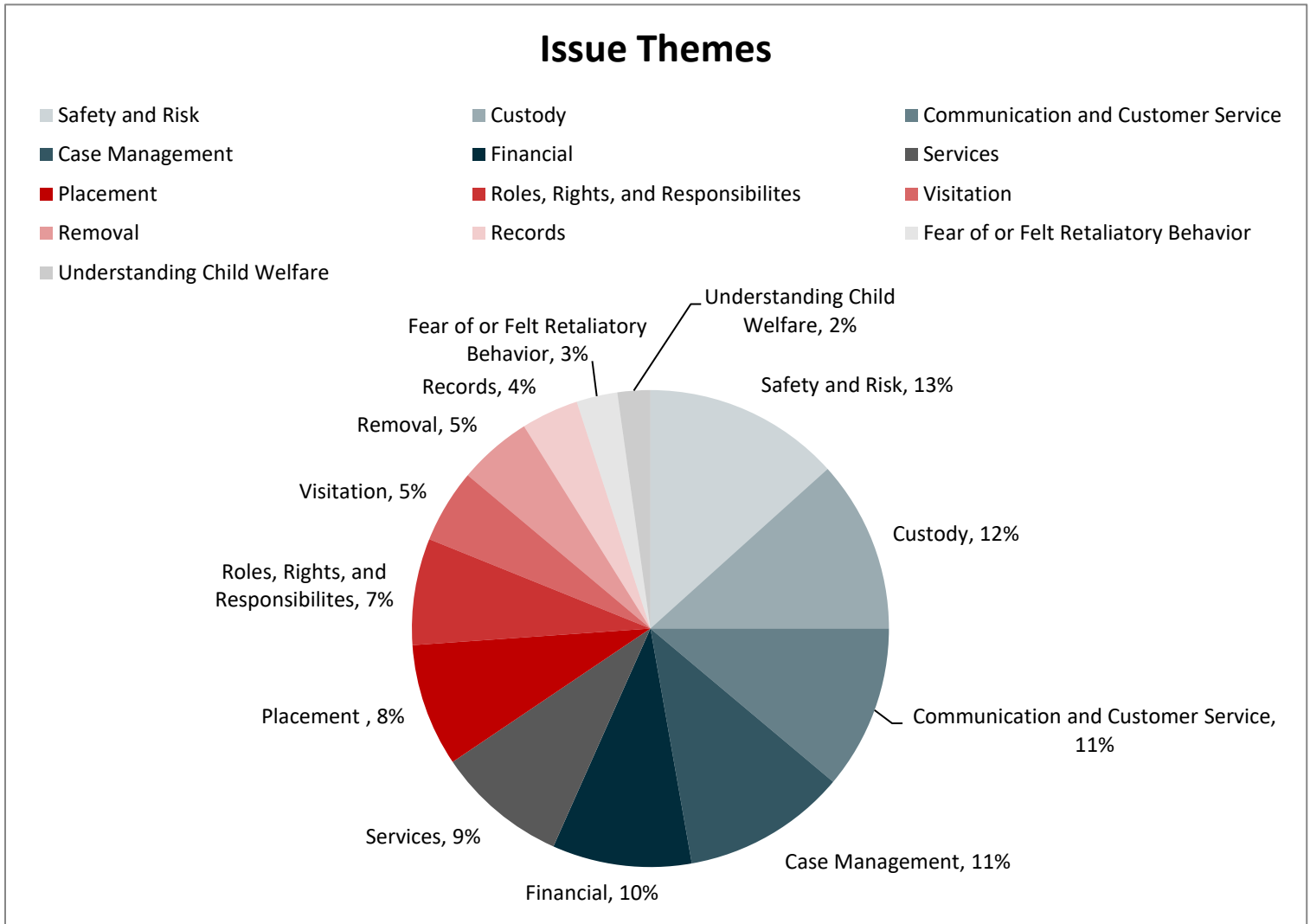




## Complaint and Inquiry Themes

There were 18 complaint and inquiry theme categories<sup>6</sup> which the Ombudsman used to track issue trends. The majority of concerns fell into four categories:

1. Safety and Risk
2. Custody
3. Communication and Customer Service
4. Case Management



Based on these themes, the Ombudsman makes findings and recommendations.

<sup>6</sup> Complaint and Inquiry Themes:

Case management; Communication and customer service; Custody; Emancipation and transition from care; Fear of retaliatory behavior; Financial; Medical; Permanency or goal change; Placement; Records; Removal; Roles, rights and responsibilities; Safety and risk; Services; Teen parent; Understanding child welfare; Vetting of kin; and Visitation.

## Findings and Recommendations

### Safety and Risk

**Summary of Concern:** The combination of health risks posed by COVID-19 and the related safety precautions and challenges (such as social distancing, remote learning, and telehealth) led to growing concerns relating to child safety and risk.

#### **Observations:**

In CY 2021, the Ombudsman received higher numbers of complaints and inquiries from educators and school social workers concerned about student safety. Extended school closures due to COVID-19 left many educators feeling that some students were forced out of view and potentially into distress. In each of these instances, the Ombudsman elevated the safety concern to the case supervisor, investigative supervisor, or hotline supervisor depending on the families' Agency involvement.

Additional concerns relating to safety and risk primarily fell under one of three categories. The first category included concerns that had been previously shared with CFSA but that the complainant felt had not been addressed appropriately. Many of the complainants were birth parents who were concerned for their child's safety when the child was with another caregiver (often the other birth parent). These complainants were often also involved in a custody battle that augmented their concerns and influenced their assessment of the child's safety. Sometimes, complainants were specifically looking for responses or resolutions from CFSA that would benefit their custody case or other family court matter. To address these concerns, the Ombudsman reviewed whether there were any safety concerns with the hotline supervisor or elevated the concern to an assigned social worker, if the family was actively involved with CFSA.

Other complainants felt that CFSA either exaggerated or underestimated a threat to child safety. Many complainants wanted CFSA to either close an investigation or pursue it further. These complainants included birthparents, family members, and service providers such as educators and medical professionals. In each instance, the Ombudsman collaborated with the social work team to encourage increased communication and understanding between the complainant and the social work team. If the complainant did not have a point of contact at CFSA, the Ombudsman shared relevant CFSA policies and information about the reporting process and CPS investigations generally.

#### **Recommendations:**

- CFSA's Entry Services Administration, In-Home Administration, and the Office of Out of Home Support should continue to circulate information regarding new practices and protocols relating to COVID-19 and update guidance documents that could assist families in need during this time of heightened concern for safety and well-being.
- CFSA should continue to partner with the education system and community service providers to develop appropriate safety protocols during the COVID-19 pandemic.

- CFSA should continue to host virtual public engagement sessions where District residents may learn more about the child welfare system and CFSA’s many entry points. CFSA should continue to have open and frequent communication with education providers so they are aware of CFSA’s posture around absences and remote learning. The pandemic and CFSA’s responses to it have created uncertainty in this arena.

## Custody

**Summary of Concern:** Court closures due to COVID-19 led more caregivers to CFSA for questions and concerns relating to custody.

In CY 2021, the number of complainants engaged in an active custody dispute increased. Many complainants shared their frustrations around CFSA’s role in custody hearings<sup>7</sup>. Often, the complainant was a parent or caregiver who felt that their child should not be with their other caregiver. Complaints regarding custody were frequently raised to the Ombudsman after the complainant had reported the situation to the hotline. In some cases, CFSA had conducted a full CPS investigation, but the complainant was unhappy with the outcome of the investigation. In other instances, the complainant was contacting the Ombudsman to request CFSA’s participation in an upcoming custody hearing. In these instances, the Ombudsman explained CFSA’s limited role in custody issues and made referrals to D.C. courts and legal services.

Additional complaints came from family members caring for children who came into their care before, and during, the CFSA CPS investigative stage. This form of care is a way for the family to voluntarily provide a safe environment for a child and avoids the child coming into the CFSA system and under the full care of the Agency. These family members were often unsure as to how to establish temporary custody or secure services. Additionally, complainants sometimes stated that they were not aware that CFSA would discontinue engagement with the care and monitoring of the child(ren). For resolution, the Ombudsman provided a warm hand-off to internal program areas such as the Kinship Caregivers Program and external service providers. The Ombudsman also reviewed case notes and followed up with the investigative team to determine what guidance was provided when a child was diverted to another family member for temporary care.

### **Recommendations:**

- CFSA should increase the distribution of information internally and externally regarding Agency responsibilities, authority, and limitations so that there is a clear, universal knowledge of CFSA’s roles, rights, and responsibilities.
- CFSA should continue to distribute informational pamphlets and guides that have already been created, including resource lists to families before investigations and cases are closed.
- CFSA should create pamphlets or one-pagers for clients explaining subsidies and eligibility requirements for CFSA programming and resources.

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<sup>7</sup> The issue theme of custody almost always corresponded with concerns of safety and risk

## Case Management

**Summary of Concern:** Some complainants want to be more involved in case management and decision making, particularly when it comes to substantiations and removals.

### **Observations:**

All the complaints and inquiries relating to case management reflected concern or disagreement with CFSA's clinical decisions and occasionally with the clinical decision-making process. The situations varied, as did the complainant's relationship with the Agency. However, many concerns relating to case management were from birthparents and other family members who did not agree with CFSA's decision to either remove or not remove a child from their caregiver. The Ombudsman shared information about the Program Administrator's Review and Fair Hearing process for birth parents looking to appeal a substantiation and subsequent removal of a child. If the caregiver shared interest in pursuing these options, the Ombudsman facilitated a warm handoff to CFSA's Fair Hearing Coordinator for scheduling.

When a family member questioned why a child hadn't been removed, the Ombudsman would elevate the concerns and confer with the assigned social work team. In most of these cases, CFSA was already aware of the family member's concerns and was either working with the current caregiver to address the issue or had previously discussed the concern with the family member. Unfortunately, the social work team was often restricted from discussing the details of a case (including remedies and services in response to complainant concerns) with a family member because of confidentiality laws and regulations.

Additionally, in CY 2021, there were concerns from principals and school personnel experiencing challenges enforcing in-person educational requirements once remote learning ceased. Some educators shared that they felt there were no "consequences" for parents and caregivers who were not ready for their children to return to in-person learning. To address these concerns, the Ombudsman partnered with In-Home, the Hotline, and CPS teams to support education partners and CFSA families as they created unique plans and solutions to balance caregiver concerns around COVID-19 with schools' responsibility to children's education.

### **Recommendations:**

- CFSA's Office of Out of Home Support and In-Home Administrations should increase clinical supervision for cases that are in transition or have stagnated. It is important for families and social work teams to feel cases are being managed well and that progress is being made, whether in the form of services or steps to meet permanency goals.
- CFSA's Office of Out of Home Support should continue facilitating team meetings and family team meetings to increase trust and understanding between case stakeholders so all are aware of what is needed for positive permanency.
- Team functioning and decision-making processes should be consistent with the principle of family-centered practice and integrated services. The Office of the Ombudsman has made this recommendation in the past and will continue to encourage a family-centered practice in the future.

## Communication and Customer Service

**Summary of Concern:** Some complainants reported challenges with partnering with their assigned social worker, while others felt CFSA staff were not in touch regularly or responsive enough to their concerns.

### **Observations:**

Complainants raised concerns about their belief that CFSA did not adhere to the District-wide customer service standards concerning responsiveness and communication. In many instances, the complainant felt that they could not continue working with their assigned social worker, either because they felt at odds with the social worker or did not work well with their social worker's communication style. The Ombudsman collaborated with the social work team to encourage increased communication and understanding between CFSA staff and the complainants to address these issues.

Communication issues often arose from the fact that the child welfare space can be difficult to navigate, and the process is often emotional, stressful, and frustrating for families. In most cases, the social worker's supervisor was already aware of the communication challenges. When the complainant refused to speak with the assigned social worker, the Ombudsman worked with the supervising social worker to identify another point of contact for the complainant to ensure regular communication between the Agency and family. Additionally, the Ombudsman suggested alternate forms of communication (such as text and email) and would facilitate dialogue between the social work team and complainant when necessary. In instances where CFSA clients requested a new social worker, the Ombudsman discussed the request with the assigned chain of command to determine whether a change in social worker was appropriate.

In some cases, complainants reached out to the Ombudsman to report that they did not receive timely communications from a CFSA staff member. Upon investigation, the Ombudsman discovered the lack of communication was sometimes due to a change in the complainant's relationship with CFSA. Often, a complainant would try to connect with a worker that was no longer assigned to them. To address these concerns, the Ombudsman would determine why the complainant was trying to reach their past social worker and either provide the information they were requesting, connect them with their new CFSA point of contact (often an ongoing case worker), or refer them to a resource.

In certain instances, complainants were under the impression that CFSA workers intentionally ignored or blocked their calls. In each of these instances, the Ombudsman assisted the complainant with their immediate need. Then, the Ombudsman circled back to the CFSA staff member or the assigned supervisor to determine whether there had been a lapse in communication with the complainant and, if so, how to remedy it. Lastly, some complainants felt that CFSA staff were either rude or did not provide regular updates on issues concerning the complainant. The Ombudsman worked towards resolving those concerns by elevating these instances to supervisors and providing information and updates to the complainant directly when possible.

### **Recommendations:**

- CFSA’s Office of Out of Home Support, In-Home Administration, and Entry Services should continue to encourage timely, clear, concise, and consistent communication regarding case management and clinical decisions, particularly at times of crisis or transition. This is a recurring recommendation from the Office of the Ombudsman, as it is essential for CFSA families and partners to feel respected as valuable members of the team.
- CFSA’s Child Welfare Training Academy may want to consider providing opportunities for joint training between resource parents and CFSA staff to bridge the experiential divide and establish stronger relationships between staff and stakeholders.
- CFSA’s Entry Services should begin providing Agency contact information to families for follow-up after a CPS investigation is closed.
- CFSA generally should provide training on District-wide customer service standards for all external-facing staff members.
- CFSA should streamline transitioning clients between case workers by providing families with new and backup contact information.

## Youth Concerns

**Summary of Concern:** Some youth in care have concerns relating to finances, placement, and members of their social work team.

### Observations:

Six youth contacted the Office of the Ombudsman this year. Of those six youth, four called the Ombudsman more than once and frequently used the office as a supplement to the supports and resources offered by their team. The three most common themes discussed with youth were related to comfort in their placement, allowance, and challenges with their assigned social worker.

Rules and conflict within the home were the most common reasons youth complainants reported feeling uncomfortable in their placement. When there was conflict between youth and a foster parent or group home staff member, it was often due to a disagreement over house rules or recurring behavioral issues. COVID-19 and the associated precautionary safety measures created additional challenges in many homes. There were also instances where youth had strained relationships with other youth living in the same foster or group home. To immediately address these concerns, the Ombudsman connected with the social work team and OYE leadership to determine whether CFSA was aware of the conflict or incident and discuss the youth’s request to move to another placement. In some instances, the Ombudsman met with the social work team, Guardian ad Litem (“GAL”), Assistant Attorney General (“AAG”), and youth to determine how to stabilize an active placement.

To address youth concerns relating to lost belongings, the Ombudsman worked with social work teams, CFSA’s Donation Center, and private donors to support youth in obtaining belongings that had been lost or stolen. Additionally, the Ombudsman explained the importance of remaining in an approved placement – a requirement to receive an allowance.

Lastly, the Ombudsman received concerns from youth who did not want to continue working with their assigned social worker. The Ombudsman discussed the youth's situation with the social worker's chain of command in each instance. In some cases, the Ombudsman served as the youth's point of contact while the team identified additional supports. In all these cases, the Ombudsman tried to assist youth in identifying different team members that they may be able to connect with, including their GAL, mentors, and service providers.

**Recommendations:**

- The Office of Youth Empowerment should review policies and processes with resource providers and youth so that they understand their role in the distribution of allowance and the need for communication when withholding youth allowance.
- Youth teams (including social workers, placement providers, GALs, and AAGs) should continue to encourage youth to practice social distancing and take COVID-19 health precautions seriously to keep themselves and the people in their home safe.



**Conclusion – Looking Ahead**

The Office of the Ombudsman considers it a privilege to have helped so many CFSA families and complainants identify and resolve a varied range of concerns through collaboration and partnership with CFSA administrators and staff over the course of CY 2021. The year brought continuing challenges, but District families and CFSA staff worked hard to navigate the new normal. In CY 2022, CFSA and the Office of the Ombudsman will continue to partner with the D.C. Council on issues that support strengthening children and families in the District. The Ombudsman will also continue to remain a resource and support for families when they need it and will continue to support and improve the systems families depend on.