
District of Columbia

Office of the Ombudsperson for Children

2022 Inaugural Annual Report

To Chairman Mendelson and Members of the Council of the District of Columbia:

I am pleased to submit the Inaugural Annual Report for the Office of the Ombudsperson for Children (OFC) serving the District of Columbia. Statutorily, the Ombudsperson is required to submit an annual report to the Council on December 31, 2022 and every December 31 thereafter containing information collected over the course of the prior fiscal year (D.C. Law 23-270, Sec. 108).

However, the Office of Ombudsperson for Children (OFC) is a new agency established through D.C. Law 23-270 effective April 5, 2021 and created as a government agency of the District of Columbia in August 2022. Therefore, this report will serve to provide an update regarding work completed towards implementation of OFC over the five-month period since my coming onboard as the Inaugural Ombudsperson (July 25, 2022 - December 29, 2022).

My sincere thanks to all who have been supportive and instrumental in not only establishing this agency, but who continue to actively partner in ensuring that we stand on a solid foundation. I am excited for the work that the Office of the Ombudsperson for Children will do in partnership with key stakeholders to help strengthen child and family serving systems in the District. Our commitment is to focus on Collaboration, Service and Accountability in order to foster improved outcomes for children and families who are currently or have previously been involved with the Child and Family Services Agency (CFSA).

***Note** – The December 31, 2023 Annual Report submission will be the report that covers the full first year of implementation of the Office of the Ombudsperson for Children (fiscal year 2023). Therefore, December 31, 2023 and every December 31 thereafter an annual report will be submitted containing information collected over the course of the prior fiscal year.

Respectfully Submitted,



Shalonda L. Cawthon
Ombudsperson
Office of the Ombudsperson for Children
District of Columbia

TABLE OF CONTENTS

I.	EXECUTIVE SUMMARY	Page 4
II.	IMPLEMENTATION UPDATES	Page 6
III.	CFSA DATA	Page 8
IV.	CROSSOVER YOUTH DATA	Page 14

EXECUTIVE SUMMARY

D.C. Law 23-270, the “Office of the Ombudsperson for Children Establishment Amendment Act of 2020,” was introduced in the Council and assigned Bill No. 23-437 which was referred to the Human Services. The bill was adopted on first and second readings on Dec. 1, 2020, and Dec. 15, 2020, respectively. After mayoral review, it was assigned Act No. 23-617 on Feb. 2, 2021, and transmitted to Congress for its review. D.C. Law 23-270 became effective Apr. 5, 2021.

The Office of the Ombudsperson for Children was legislatively established as an independent, impartial office responsible to the Council and tasked with improving outcomes for children involved with the Child and Family Services Agency by holding agencies accountable for fulfilling their responsibilities under the law.

Statutorily, the Ombudsperson is required to submit an annual report to the Council on December 31, 2022 and every December 31 thereafter containing information collected over the course of the prior fiscal year (D.C. Law 23-270, Sec. 108). However, this report will serve to provide an update regarding work completed within the first five-months of implementation of OFC (July 25, 2022 - December 29, 2022).

Therefore, the December 31, 2023 Annual Report submission will be the report that covers the full first year of implementation of the Office of the Ombudsperson for Children (fiscal year 2023). Therefore, December 31, 2023 and every December 31 thereafter an annual report will be submitted containing information collected over the course of the prior fiscal year.

Core Duties of the Office of the Ombudsperson for Children

- 1) Facilitate interagency communication and coordination related to issues impacting CFSA children;
- 2) Investigate on the Office’s own initiative:
 - (A) Systemic concerns relating to CFSA children, including issues relating to interagency communication and coordination; or
 - (B) An administrative act of CFSA or a CFSA affiliate, without regard to the finality of the administrative act, that the Office believes to be:
 - (i) Inconsistent with District or federal law, regulation, or policy, or standards of good practice;
 - (ii) Based on mistaken facts or irrelevant considerations;

(iii) Unsupported by an adequate statement of reasons;

(iv) Performed in an unprofessional manner that is detrimental to the safety, permanency, or well-being of a CFSA child or the CFSA child's family; or

(v) Unreasonable, unfair, not aligned with standards of practice and care, or otherwise objectionable, even though in accordance with law;

- 3) Provide recommendations to policies and procedures, staff training, regulations, and strategies based on investigations performed;
- 4) Submit Annual Reports;
- 5) Develop regulations and standard operating procedures;
- 6) Develop and maintain a database that tracks complaints; and
- 7) Create and maintain a website that allows for online submission of complaint.

IMPLEMENTATION UPDATES

Website Creation

Partnering with Office of the Chief Technology Officer (OCTO) team to create website for the Office of the Ombudsperson for Children. Mockup of website design submitted to Ombudsperson for review and feedback on December 28, 2022.

Target January 30, 2023 – Go Live

Database Development

Partnering with Office of the Chief Technology Officer (OCTO) team to develop database for the Office of the Ombudsperson for Children. Database complaint form was made available in test environment to Office of the Ombudsperson on December 21, 2022 to review for feedback, submit test cases and review data samples from test cases. OCTO team projects to provide level of effort for completing the workflow/notifications/back-end before the first of the year 2023.

Target January 30, 2023 – Go Live

Policies and Procedures

In process of reviewing policies and procedures of ombuds offices from other jurisdictions in consideration with enabling legislation for the D.C. Office of the Ombudsperson for Children and the governing standards of the United States Ombudsman Association (USOA). Policies for OFC will be drafted and shared with stakeholders for review and feedback. Target March 2023.

Staffing

Five (5) full time employees were approved and budgeted for the Office of the Ombudsperson for Children. Three of the five positions are prescribed statutorily – Ombudsperson, Chief Deputy Ombudsperson and Deputy CFSA Ombudsperson. The remaining two (2) positions are not specified by title/duty.

- Chief Deputy Ombudsperson (position classification approved October 2022, staff onboarded December 5, 2022).
- Deputy CFSA Ombudsperson position classification pending approval. Target January 6, 2023.
- Assessing priorities for staffing infrastructure needs to determine category of staff for remaining (2) positions. Target February 2023.

Office Space

Partnering with Department of General Services (DGS) to secure office space.
Target February 2023.

United States Ombudsman Association (USOA)

The Ombudsperson and Chief Deputy Ombudsperson are members of the United States Ombudsman Association (USOA) and the Child and Family Chapter of USOA. The Office of the Ombudsperson for Children will uphold the USOA Governmental Ombudsman Standards of independence, impartiality, confidentiality, and credible review process.

Collaboration

Have met with leadership of the Child and Family Services Agency (CFSA), Department of Youth and Rehabilitative Services (DYRS) and Department of Human Services (DHS).

Have met with leadership of the Office of the District of Columbia Auditor (ODCA), Office of the Inspector General for the District of Columbia (OIG) and Family Services and Legal Counsel Divisions of the Office of the Attorney General for the District of Columbia (OAG).

Partnering with CFSA and DYRS to develop and execute data sharing agreement between the two (2) agencies that allows for understanding full scope of the population of youth served by both agencies (dual status), as well as those youth who have prior history with CFSA and have crossed over from one system to the other. Analysis of data will inform outcomes, gaps in services and opportunities for collaboration towards improved outcomes for crossover/dual status youth. Target January 2023.

Meet bi-weekly with CFSA Director, Chief of Staff and Ombudsman. Have also met with CFSA Executive leadership team and presented at CFSA All-Staff meeting.

Meet monthly with Councilmember Nadeau's Office.

Participated in quarterly and ad-hoc child welfare advocates meetings- August 2022 and November 2022.

Presented at the November 2022 Citizen Review Panel meeting.

Have met with key stakeholders from other agencies within District government to introduce myself and the purpose of the Office of the Ombudsperson for Children.

Continue to meet with and develop relationships with other Ombuds from across the nation to learn from their experiences, structures, and processes.

Child Fatality Review and Critical Incidents

CFSA invited Ombudsperson to participate in their scheduled Internal Child Fatality Review meetings beginning October 2022.

Appointment by Council to the District-wide Child Fatality Review Committee is pending.

Critical incident reports are shared by CFSA with the Office of the Ombudsperson for Children as specified in statute.

Legal Services

Legal Counsel Division of the Office of the Attorney General for the District of Columbia (OAG) confirmed on December 19, 2022 that OAG will provide legal services to the Office of the Ombudsperson for Children as does with other District departments and agencies.

CFSA Ombuds

CFSA leadership made decision to transfer their ombudsman function to the Office of the Ombudsperson for Children. Together, we are partnering to ensure smooth transition and communication of this transition which will take effect after the Office of the Ombudsperson for Children has systems in place to receive and respond to complaints from constituents and the Deputy CFSA Ombudsperson has been onboarded. Target February 2023.

CFSA DATA

The Office of the Ombudsperson for Children has a responsibility to monitor the CFSA's performance using data metrics in order to identify areas of strength and areas needing improvement. This responsibility is defined legislatively in D.C. Law 23-270. The legislation outlines the need to specifically monitor the following metrics:

- Placement Stability
- Hospitalizations and placements in residential treatment facilities
- Access to behavioral health services

Placement Stability for Children in Care During FY 2022 as of September 30, 2022¹

Summary by Age Group

Age Group	Number of Placements			
	1	2	3+	Total Children
0-5	115	74	46	235
6-12	61	44	100	205
13-17	36	24	115	175
18+	19	14	145	178
Total	231	156	406	793

The above table indicates that the majority of children between the ages of 0-5 experienced fewer placements during the FY 2022. However, the majority of children above the age of thirteen years old had three or more placements during the 2022 fiscal year, therefore experiencing more placement instability. Placement stability is tracked and assessed during the agency's annual needs assessment and resource planning work conducted by the CFSA.

Also, the CFSA has implemented new reports on placement stability based on the Four Pillars Public Performance Framework, which was introduced in January 2022. These reports look at placement stability based on a cohort system (children served by the foster care system as of the first day of the fiscal year October 1, 2021, and children who enter during the FY by number of placements based on their length of time in care at the end of the fiscal year).

Hospitalizations and placements in residential treatment facilities (for FY 2021 and FY 2022)²

There were six hospital placements in quarter one of each (FY 2021 and FY 2022), with fluctuations in the use of hospital placements during quarters 2-4 of both fiscal years.

Residential treatment was used more frequently than hospital placements during FY 2021 and 2022. Of the residential treatment placements, fewer placements in residential treatment occurred in FY 2022 when compared to FY 2021.

	2021	2022
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¹ 1) The universe of children in this report is an aggregate number of children in placement during the fiscal year and received a room & board service for at least 1 day in the fiscal year. 2) Children exiting care in the fiscal year are included in this report. 3) Placements starting and ending same day are not counted as placements. 4) A placement is counted as respite if: a) the child exited a family-based placement with a reason of respite and the subsequent placement record is a family-based placement: b) there is no gap between the exit and entry dates: c) the child returns to the previous provider. 5) Placement types of Hospital (Non-Paid), Abscondence, College and Respite Care are not included in the count of placements.

² Data on Hospitalizations and placements in residential treatment facilities reported is on the CFSA Data Dashboard at <https://cfsadashboard.dc.gov/> on the placement type table.

	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Hospital	6	5	4	6	6	3	5	3
Residential Treatment	20	19	19	19	16	14	13	14

Access to behavioral health services³

The CFSA is tracking access to behavioral health services by completing an annual needs assessment and resource plan. Areas of focus for providing mental health supports to children include the availability of evening appointments, engaging children and resource parents for recommended services, transportation to appointments, and availability of alternative therapy modalities. Recommended strategies to improve practice include:

- Extending therapy appointment availability to evening hours.
- Conducting in-home therapy
- Working with the resource parent workers once a referral has been initiated.
- Using available options for transportation in order to attend appointments.
- Developing a resource book to assist with locating options for specialized and alternative community based options.

Additional performance data and metrics

D.C. Law 23-370 gives the Office of the Ombudsperson for Children (OFC) the authority to identify other metrics considered necessary and relevant to understanding the outcomes of CFSA children. For this purpose, the OFC has identified additional measures to include in this report to further capture important performance metrics relevant to children who have received services from CFSA. Those additional metrics include:

- Number of entries in to care
- Number of children in care by placement type
- Number of exits from foster care by exit type

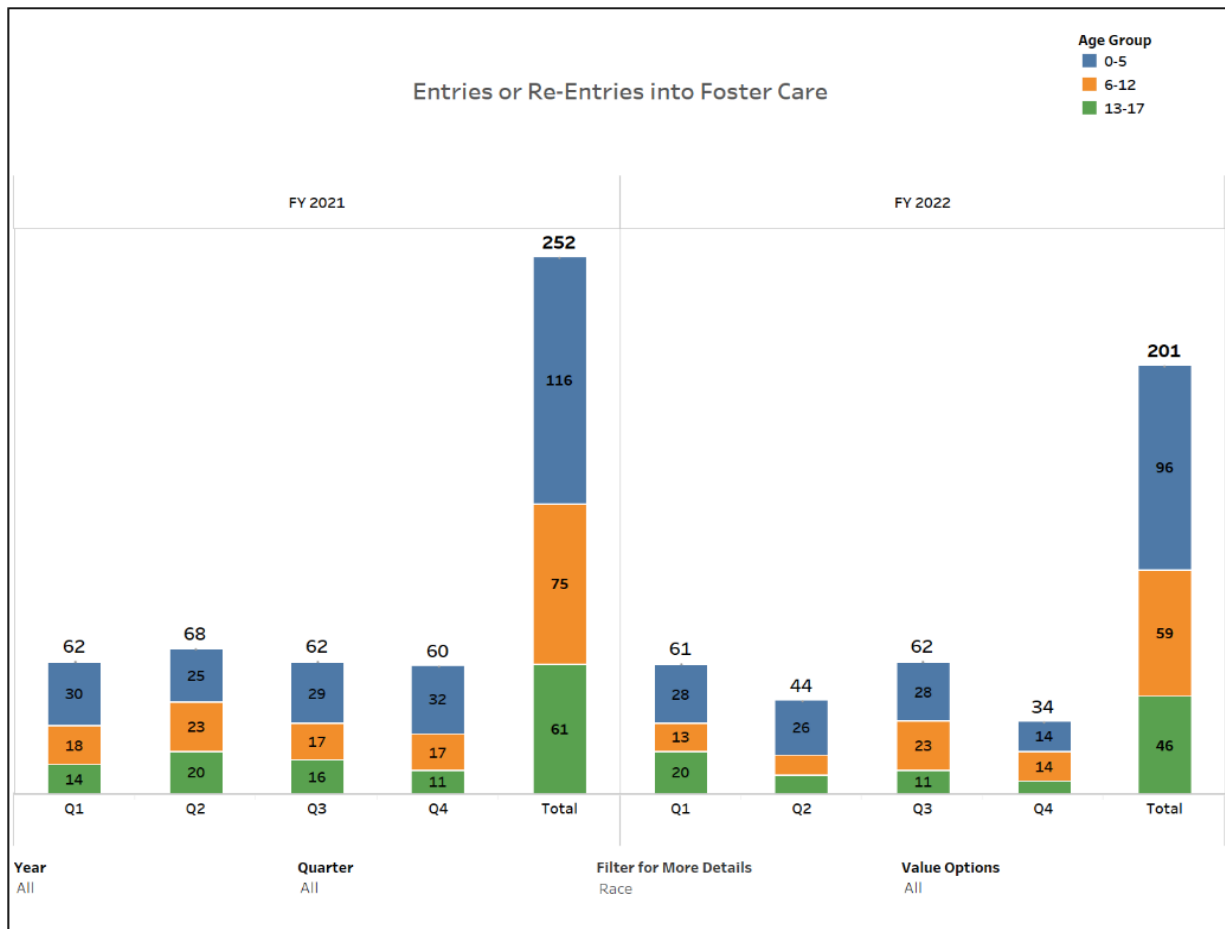
Entries or Re-Entries into Foster Care⁴

The agency’s metric on entries includes children and youth who entered foster care for the first time and spend at least one night in the placement of CFSA; and re-entries into foster care. Duration between the time a child exited foster care and when the child re-enters. In FY 2022, 201 children entered or re-entered foster care: a decrease from 252 children in FY 2021. Most

³ Source of information: Annual needs assessment for FY 2022.

⁴ Data on Entries and Re-entries into Foster Care is reported on the CFSA dashboard at <https://cfsadashboard.dc.gov/>.

of the children entering or re-entering foster care during FY 2021 and FY 2022 were between the ages of zero and five years old.



The following table includes a breakdown of entry data, by initial entry or reentry, from January 2022 to October 2022. May 2022 saw the highest numbers of initial entries (25) and re-entries (10) during this time period.

- Number of entries in to care⁵

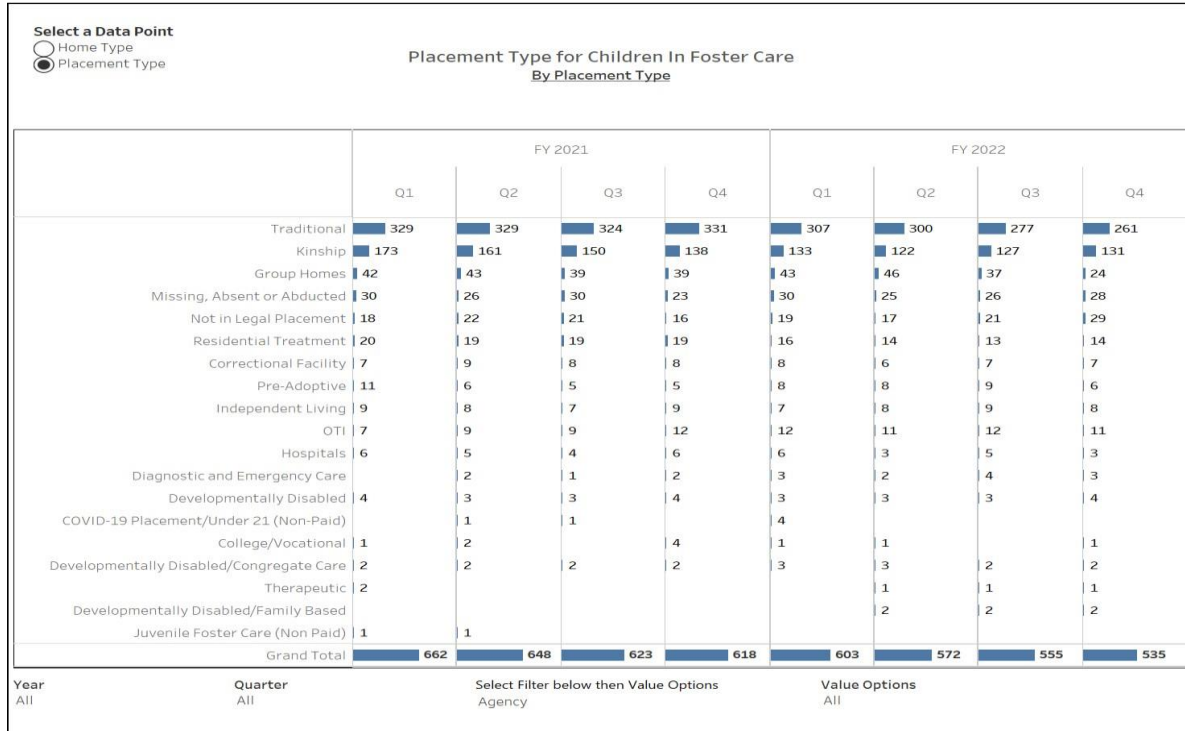
Entry Type	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Total
Initial Entries	11	16	8	10	25	15	11	9	4	11	120
Re-entries	1	3	5	2	10	0	0	6	4	1	32
Total	12	19	13	12	35	15	11	15	8	12	152

Number of Children in Care by Placement Type⁶

⁵ Source: PLC155 (as of November 15th, 2022)

⁶ Data on Number of Children in Care by Placement Type is reported on CFSA’s data dashboard at <https://cfsadashboard.dc.gov/>.

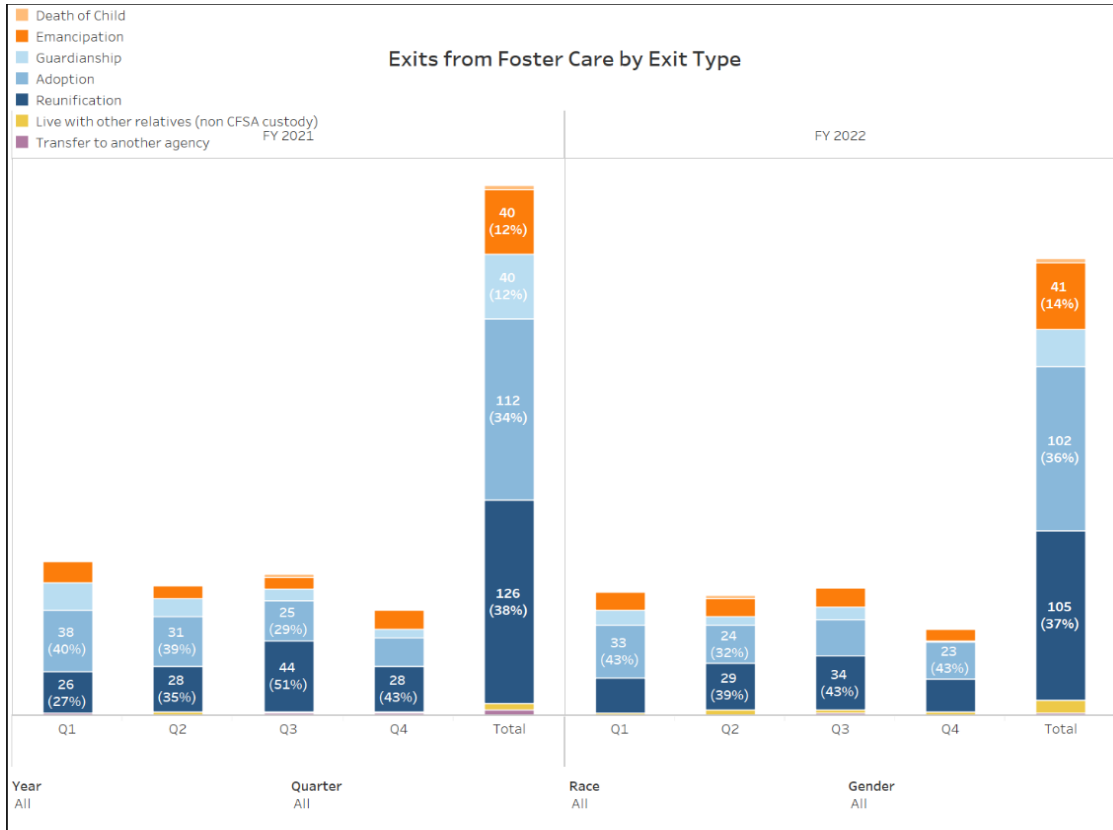
The agency's data on placement type includes a unique count of children in a placement type at the end of each quarter. During each quarter of fiscal years 2021 and 2022, most children in foster care were placed in a traditional foster care placement setting. At the end of the fourth quarter of FY 2022, 261 children were placed in a traditional foster home. The second most used placement type is kinship; with 138 children placed in a kinship placement in the fourth quarter of FY 2021 and 131 in FY 2022.



Number of exits from foster care by exit type⁷

During the District fiscal year beginning on October 1, 2021, through September 30, 2022, 283 children exited custody due to a court decision. This is a decrease from 325 exits during the FY 2021. Most of the exits (105 or 37%) in FY 2022 were due to reunification with family which was a decrease from FY 2021. Thirty-six percent, or 102 children in FY 2022, exited custody to adoption during the 2022 fiscal year which was a decrease from FY 2021. Total number of exits due to the death of a child were three during each fiscal year. Below is a side-by-side comparison of the number of children in foster care by exit type for fiscal years 2021 and 2022.

⁷ Data on the Number of exits from foster care by exit type is reported on CFSA's data dashboard at <https://cfsadashboard.dc.gov/>



CROSS-OVER YOUTH DATA

Statutorily, the crossover youth data section shall include:

- (A)** The number, demographics, and other relevant characteristics of the crossover-youth population;
- (B)** Data, metrics, and trend analyses related to outcomes for crossover youth;
- (C)** Assessment of interagency communication and coordination related to crossover youth and its impact on outcomes for crossover youth; and
- (D)** Any other information the Ombudsperson considers relevant to the outcomes for crossover youth.

As mentioned, OFC is partnering with CFSA and DYRS to develop and execute data sharing agreement between the two (2) agencies that allows for understanding full scope of population of youth served by both agencies (dual status), as well as those youth who have prior history with CFSA and have crossed over from one system to the other. Analysis of data will inform outcomes, gaps in services and opportunities for collaboration towards improved outcomes for crossover/dual status youth.

Reporting for cross-over youth will be included in the December 31, 2023 Annual Report and cover fiscal year 2023.

