

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Child and Family Services Agency**



Public Hearing on  
**Bill 23-0437, the “Child Safety and Well-Being Ombudsperson  
Establishment Act of 2019”**

Testimony of  
**Marianna Abraham**  
Ombudsman

Before the  
Committee on Human Services  
The Honorable Brianne Nadeau, Chairperson

Council of the District of Columbia  
Room 412  
John A. Wilson Building,  
1350 Pennsylvania Avenue, NW  
Washington, D.C. 20004

October 28, 2019  
10:00 a.m.

Good morning, Chairwoman Nadeau and members of the Committee on Human Services. I am Marianna Abraham, Ombudsman of the D.C. Child and Family Services Agency (“CFSA” or the “Agency”). I am testifying on Bill 23-437, the “Child Safety and Well-Being Ombudsperson Establishment Act of 2019.” This bill, if enacted, will create an independent Ombudsperson’s office that I believe will encounter significant challenges managing relationships with constituents, CFSA, and the Agency’s partners.

The work of a child welfare ombudsman is unique in that the Agency, through its mission of keeping children safe, is often viewed as being at odds with the very constituents it is trying to serve. This can make the work of an ombudsman challenging; particularly with biological families whose relationship with the Agency may be strained from the beginning of an engagement.

Sixty percent of the complaints and inquiries I received from January to September of this calendar year were from biological families. Often, there is no impetus for these complaints, besides fear and unfamiliarity with the entire system. For these families, and all complainants, I function by listening, providing and receiving information, identifying and reframing issues, and developing a range of responsible options. I am impartial and maintain the confidentiality of the complainant or anyone who contacts my office. However, with the complainant’s permission and with discretion, I may engage others when third-party intervention may be necessary for appropriate resolution. I am qualified to analyze issues and matters of law, administration, and policy. My office provides an opportunity for families to get more information about an often complicated and emotional process. I am here if they feel they have been treated unjustly or if they are not comfortable moving up the Agency chain of command. I facilitate communication and, when possible, help develop new ways to solve problems between CFSA and its stakeholders. I also investigate complaints when necessary. This is how I serve families within the District, and how I believe any ombudsman can best serve CFSA-involved families. It is a collaborative, thoughtful process that takes the cooperation of all parties.

The proposed legislation, as drafted, would create an ombudsman’s office that will operate in a combative and litigious manner, which goes against the very spirit of an ombudsman office and works against the conflict resolution process.

The proposed bill establishes an ombudsman office that is demanding and bureaucratic, with the ability to change the rules by which it operates at any time; to make the unilateral decision to charge Agency employees with crimes; and to operate in an environment where the ombudsman’s authority is unchecked. Put simply, this bill, as proposed, puts the ombudsman in a position to replace CFSA’s system and to override months, and sometimes years, of clinical work with a family. That is not an ombudsman’s role. An ombudsman should supplement the system and give constituents an opportunity to evaluate possible resolutions to concerns and inquiries.

I have spent the last two years building trust and partnerships with clients, stakeholders, and CFSA staff. Many of the situations brought to me are fluid and depend on access to clinicians and subject matter experts for me to address them expeditiously. On average, I receive 30 complaints and inquiries a quarter - the majority of which stem from CPS investigations. I have had many successes. I have also had instances where all parties were not pleased with the outcome, or with Agency practice and policy. Those complaints and inquiries provide an opportunity for me to help CFSA identify and address systemic issues. My findings are presented quarterly to CFSA management and published in an annual report submitted to the Mayor and Council, pursuant to the “Foster Youth Statement of Rights and Responsibilities Amendment Act of 2012” and the “Foster Parents Statements of Rights and Responsibilities Amendment Act of 2016.”

We have had many positive initiatives come out of my office, policy and practice recommendations, as well as more information sharing and relationships building with our partners. For example, I have assisted families in obtaining additional food cards, clothing vouchers, and housing. I have helped constituents connect with the CFSA’s Grandparents Program and Fair Hearings, when appropriate. I have coordinated numerous meetings between supervisors and clients to discuss ongoing concerns. I have also helped ensure daycare service providers were paid on time and assisted in youths’ requests for placement changes. This past week, I helped a youth in care get a warm coat for the recent change in weather and helped a family identify alternative visitation options for when they cannot come to CFSA.

A number of inquiries from our public education partners helped me identify a gap in information that was causing confusion for educators, and creating challenges with CFSA-involved families. As a result, I developed multiple informational guides for our school partners and have presented on CFSA practices to school-based mental health professionals. I have also worked with CFSA’s In-Home team to create an informational guide aimed at addressing the questions families have when they call my office. I have also collaborated with the Parent Advisory Committee on a Placement Transition Protocol, which has recently been implemented, and a Youth Allowance Policy, which is in the process of being drafted.

An ombudsman is not a decision-maker, nor are they meant to mandate policies or formally adjudicate issues as this bill would demand. An ombudsman helps people develop new ways to solve problems themselves. And that is what I do. A child welfare ombudsman is tasked with assisting clinical staff with providing valuable services and care to families in need, and that should remain the focus of any ombudsman.

As the Committee moves forward with consideration of this legislation, I recommend a workgroup so our families, foster parents, community partners, my office, and subject matter experts can provide input to create legislation that embodies best practices to enhance CFSA’s child welfare practice.

Thank you for the opportunity to testify on this bill. I look forward to addressing any questions you may have.