

**Testimony before the  
District of Columbia Council  
Committee on Human Services**

**Public Hearing on the Adoption and Safe Families Amendment Act of  
2009, B18-0012**

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Good morning, Chairman Wells and members of the Committee on Human Services. My name is Margie Chalofsky, and I am the Director of the Foster and Adoptive Parent Advocacy Center in Washington, D.C, commonly known as FAPAC. I am also a former DC foster parent and current adoptive parent of a terrific 15 year old son.

I appreciate the opportunity to testify before you today about The Adoption and Safe Families Amendment Act of 2009, and bringing the District of Columbia into compliance with the federal Adam Walsh Child Protection and Safety Act of 2006.

As you well know, Chairman Wells, FAPAC is a grass-roots organization that is focused on serving foster, kinship and adoptive families and on training and organizing our families to be active stakeholders in the systemic reform of the District child welfare system. FAPAC staff members are not attorneys, and we are confident that our colleagues in the legal community can provide you with comprehensive legal analysis of this proposed bill. Therefore we will focus our brief testimony on the significant impact that decisions made about this legislation could have on families, specifically on kinship families who are stepping forward to care for the children of their relatives as well as foster families who foster older youth.

The bill before you today may bring the District into compliance with the Adam Walsh Act, but in our opinion it goes too far in a direction that would in some cases unnecessarily deny children from being placed with loving and caring relatives or even their siblings. To be clear, the Adam Walsh act limits federal reimbursements to states in cases of children placed with individuals with certain types of criminal convictions, but it does not prohibit those placements. This is a very important distinction when crafting the District law. We are certainly not advocating that as a common practice children should be placed in the homes of family members who have these convictions in their history. We do, however, believe that there are specific situations where the social worker's best clinical judgment would lead to placing a child in a home with a relative who might have one of these convictions in their past, perhaps even as a youth. Or, it might lead to placing a child in a home with a relative who has another family member as a frequent visitor, who might have one of these convictions in their past. Or it might lead to placing a child in a home that is also home to their older sibling, who might have one of these convictions, perhaps more recently. Or it might lead to placing a child with a foster parent who already fosters or has adopted a District youth who has one of these convictions. In fact, as currently written, if there is an older foster child in a home who is arrested and convicted, the foster parent could be prevented not only from caring for siblings or other children, but also from caring **for that same child who has the conviction by making the home unable to be licensed because of the charge!!**

Chairman Wells, if City Council passes this legislation as proposed, workers' hands in these situations would be tied and children could be denied their best chance at a life with loving relatives.

The District could build into its legislation the commitment to judge people on their own merit and each case as unique by one simple change to this proposed legislation. If we could put back into the legislation the ability previously held by the CFSA Director to review each situation individually with the option to grant a waiver for such purposes, we would be assuring that workers could choose the best situation for each child based on individual need. There would be no requirement for the Director to grant any waivers at all; it would just be that the option would be possible when appropriate and in the best interest of a particular child. Significantly, we would be acknowledging that people are capable of changing for the better. If we do not believe this basic assumption, then we really have no right to be doing this work.

Chairman Wells, over these past eight years, we have talked in depth with hundreds of foster, kinship and adoptive families about the issues that create barriers for them in providing the best care for the District's children in their homes. Additionally we have talked extensively with social workers and administrators. One thing we have consistently seen that brings us great consternation is the tendency of the District to agree upon positive and exciting philosophical directions and then shoot ourselves in the foot by building barriers that prevent us from meeting those same mandates we have agreed upon.

The District recognizes the value of kinship foster care. Recent practice initiatives such as Family Team Meetings, Emergency Licenses, and the Grandparents Subsidy Program appropriately increase options for children to be placed with their relatives, both before of (and hopefully instead of) entering the foster care system as well as for foster care and permanency placements.

There are enough walls that stand in the way of our progress as a child welfare system. These walls get built inadvertently, or through the decisions of others outside of our system. Let us not now make the mistake of being the builder of our own walls. Let us not be the ones to put up barriers that sabotage our own declared philosophies, goals, and commitments.

Thank you for the chance to testify today.

