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Council of the District of Columbia

Good morning Committee Chairman Wells and members of the Human Services Committee. My name is Margie Chalofsky, and I am the Director of the Foster & Adoptive Parent Advocacy Center, commonly known as FAPAC. In addition, I am a DC adoptive parent. As you know, FAPAC's mission is "to improve the quality of life for the children in the District child welfare system by empowering their foster, kinship and adoptive parents to advocate for their needs and by assuring the inclusion of these voices at every relevant table." In that capacity, we work closely with CFSA in the dual role of advocacy and partnership. I am here to speak today about the performance of CFSA in this past year since the last oversight hearing and in this light will update the Council on a few of our most significant concerns from last year.

- 1)** Last year we were deeply concerned about the lack of long-term leadership in the CFSA Director's position. We thank the Council and the Mayor for their movement forward on that issue; we support the leadership of Dr. Sharlynn Bobo, and we are grateful to the Mayor's office for the inclusive process of her selection.
- 2)** We have had an ongoing critical concern about the city's lack of quality mental health services for our children. This remains a very

serious concern in which we have not seen significant progress.

- 3) In 2001, in our very first testimony and in most every one since, we have been crying out about the lack of Medicaid cards for our children. We are pleased to announce that this is one issue in which we have seen significant progress, and applaud CFSA for finally getting a hold on this problem.

It is now with a sense of burning urgency that I speak to the current reality of the DC child welfare system. The Jacks tragedy has riveted this city's attention. We cannot judge whether the firing of the six workers was the right or wrong action for the city to take, but we don't believe this action has made children safer. We understand that the message the administration wanted to send was that government workers must be accountable for their actions; as advocates we certainly would agree with this premise. However, we believe that another very disturbing message was also sent -- that somehow child welfare workers can prevent all deaths and will be held responsible for doing so. However, there is no parallel liability for social workers who remove a child who does not really require removing. And yet, the harm to children who are removed from their families is real and must be considered.

Since the Jacks tragedy, CFSA is experiencing a monumental increase in hotline calls due to increased awareness and sense of responsibility throughout the community. Positive as that sense of awareness might be, it is critical that our city leaders face the potential devastating unintentional consequences of this flood, and choose its actions very carefully. Already we have seen that increased calls have stretched CFSA resources to the limits. We have seen that workers are terrified that they might be the one to make the next mistake and cannot feel safe to make the hard, but necessary, decisions that are part of their job. We have seen that more children are being removed, and placed into an already overwhelmed foster care system.

When children are removed who could be served safely with their birth families, it not only traumatizes that individual child and family; it additionally places a burden on a foster care system which is designed to accommodate only those children who really do need to be removed and which is already at maximum capacity. It is predicted that if the increase in removals continues at the current rate, virtually all openings in current foster homes will be filled, many without adequate matching. New homes take many months to recruit, license and train. Where will the children go?

Other jurisdictions before us have gone through similar tragedies. We implore the city to listen to some of the words of wisdom gained from those experiences. I would like to quote a few excerpts from an article called "The Price of Panic" from the website of the Child Welfare Organizing Project, in New York City. At this moment, these words seem eerily prophetic.

### **THE PRICE OF PANIC**

*Such panics are common in child welfare systems after the highly publicized death of a child known to the system. Over and over they occur in the name of child safety. And over and over they have made children less safe.*

*The panic in New York City took place after the death of Elisa I., which was late in 1995. After Elisa died, every child who became known to ACS was seen as a potential Elisa, a potential national embarrassment. Every poor African-American or Latina mother was seen as a potential killer. A notorious mission statement (was put out) which said: "Any ambiguity regarding the safety of the child will be resolved in favor of removing the child from harm's way."*

*Terrified workers were afraid to leave any child in his or her own homes. One worker's impressions were quoted as stating: "The obsessive concern with liability quickly overshadows the reasonable criteria [workers] have been taught for identifying abuse and neglect. Most quickly learn to abandon their training and to do what it takes to survive".*

*By 1998, the height of the foster care panic, the number of children taken from their parents in a year had soared 50 percent compared with 1995.*

*Though the foster-care panic was begun and perpetuated in order to prevent more cases like Elisa I. the panic backfired. Deaths of children previously known to the system didn't decline – instead they soared 50 percent between 1996 and 1998. And City officials had every reason to know it would happen, since similar foster care panics in Illinois in 1993 and Connecticut in 1995 had produced similar results.*

***The more a foster care system is overwhelmed with children who don't need to be there, the less safe it becomes.***

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The leadership of The District must now come together to focus its actions on clear decisions that will actually have a chance to improve the lives of children. If we keep going as we are now, we believe that the actions of the administration will have made children less safe since the Jacks tragedy than before. We must take a serious look at what we are expecting CFSA and private agency leadership, staff and foster parents to do and whether we have placed everyone in an impossible situation. Should we "over-place" our current homes leading to situations where individual children's needs may not be met? Should we open more group homes? Should we place children in unlicensed homes? Should we go back to orphanages? Should we have children sleeping in the agencies?

If the answer is "no" to the above, which we emphatically believe it should be, then we must come back to reality and take an approach of collective responsibility to find answers that speak to accountability while at the same time does not destroy the very children we seek to keep safe.

Thank you.