

**Testimony before the District of Columbia Council
Committee on Health and Human Services
David Catania, Chairperson
Tommy Wells, Chairperson
Hearing**

**Re: "Jacks-Fogle Family Preservation Case Coordination Authorization Act of 2009,"
Bill 18-356**

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On behalf of the Legal Aid Society of the District of Columbia, I testify here today in support of what we presume to be some of the concepts underlying the "Jacks-Fogle Family Preservation Case Coordination Authorization Act of 2009," Bill 18-356 – i.e., preventing unnecessary tragedies to our most vulnerable residents – while strongly opposing this bill as currently drafted. The bill is ostensibly intended to assist families in crisis to obtain the help they need and not fall through the cracks. However, this bill, as drafted, is overly broad, overly expensive and could actually cause harm than good to these vulnerable families.

Without purporting to do an in-depth analysis in this written testimony, we make the following points:

1. We urge the Council not to rush to judgment on this bill but instead to establish a deliberative process to develop appropriately-tailored statutory language.

The bill as drafted is confusing and overly broad – even broader, we believe, than the Administration intended. The confidentiality provisions in the bill implicate a complex area of competing rights and interests involving numerous statutes. Amending all of these statutes should be approached carefully and deliberatively. Narrow, carefully-tailored fixes are better than sweeping ones which might carry significant, unintended negative consequences. We urge both Committees to conduct a careful, deliberative process – not simply rush through a bill simply because of the way the bill is captioned. Rushing through a bill could harm the very DC residents the bill is presumably designed to assist.

¹ The Legal Aid Society was formed in 1932 to "provide legal aid and counsel to indigent persons in civil law matters and to encourage measures by which the law may better protect and serve their needs." Legal Aid is both the oldest and largest general civil legal services program in the District of Columbia. Legal Aid's primary issue areas are family law / domestic violence, housing, public benefits, and consumer law. Over the last 75 plus years, tens of thousands of the District's most vulnerable residents have been served by Legal Aid staff and volunteers.

2. We urge the Council to adopt a client-centered approach that would give applicants the choice whether to have their personal, confidential information shared among agencies.

In conversations with the Administration, the Administration appears to agree that there needs to be a consent provision so that survivors of domestic violence can be assured that their confidentiality will be respected. Yet it is difficult to see how to craft such a provision without requiring government employees to ask every applicant for assistance whether he or she is a victim of domestic violence – an intrusive and possibly self-defeating line of questioning. A far better approach would be to craft a strong consent provision, allowing families to opt into the joint database system if one is to be created. If the crisis intervention team is to work as the Administration intends – getting much needed resources to our most vulnerable families – consent should not be difficult to obtain. Allowing clients to either opt in or opt out of this system will dramatically reduce our concerns regarding this bill.

Moreover, at times the Administration has seemed to recognize that crisis intervention of the type apparently contemplated by the bill will only really work with the engagement and participation of families – allowing for consent will ensure that the Administration can target its assistance on those who will benefit the most. It will also substantially reduce the likelihood of unintended consequences: forcing domestic violence survivors to re-unite with their abusers rather than seek assistance or forcing the most at-risk families to avoid the system rather than engage with it. We therefore strongly urge the Council to adopt a consent provision along the lines drafted by the Children’s Law Center.

3. We urge the Council to closely scrutinize the costs associated with this bill and consider whether this money could be better spent preserving the social safety net for low-income families.

The fiscal impact of this bill is disturbing, particularly in light of the Administration’s recently-announced deep cuts to the homeless services budget, cuts that would directly affect the families covered by this bill. We urge the Council to carefully scrutinize whether adding this new level of bureaucracy will provide sufficient benefit to justify the costs. Moreover, the Administration should be urged to provide a detailed plan as to how it is improving services to our most vulnerable residents and how it is responding to other recommendations in the Inspector General’s report before receiving the funding for this bill.

4. We urge the Council to favorably consider the proposals urged by the Washington Clinic for the Homeless in separate testimony.

In particular, in order to actually help avoid tragedies in the future, it is important that the bill:

- a. Limit access to the data base to DHS case coordinators only rather than the 1500 people contemplated by the Fiscal Impact Statement.
- b. Limit the amount of personal information entered into the database to basic information such as names, contact information and the existence of a relationship with an agency.

- c. Remove DCPS, OSSE, and CFSA from the bill.
- d. Create a definition in the bill of “risk factor” that will limit the identification of families who come into contact with multiple agencies due to poverty and disabilities as opposed to actual risk factors for child abuse and neglect.
- e. Amend the bill to ensure that every homeless family receive appropriate assessments and services while awaiting and receiving shelter, appropriate follow-up after exiting shelter, and timely and appropriate case management services in all supportive housing programs.

Further details regarding these recommendations are contained in the testimony of the Washington Clinic for the Homeless; we strongly support these recommendations.

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As explained above, the Legal Aid Society joins much of the advocacy community in being deeply concerned about B18-356 as currently drafted. We remain happy to work with the Council to enact positive legislation that would benefit DC’s most vulnerable families. Thank you for your attention to this important matter.