

DC VOLUNTEER LAWYERS PROJECT

A voice for victims and children in the DC metro area since 2008

5335 WISCONSIN AVENUE NW, STE. 440 | WASHINGTON, DC 20015
Tel. (202) 885-5542 | Fax (202) 885-5529 | www.dcvlp.org

**Testimony of Robyn Swanson, Supervising Attorney
DC Volunteer Lawyers Project
Before the Committee on Facilities and Family Services of the District of Columbia**

**B25-0464: Grandparent and Caregiver Subsidy Eligibility Amendment Act of 2023
B25-0243: CFSA Investigation Completion Amendment Act of 2023
B25-0043: Losing Outdated, Violent Exceptions Amendment Act of 2023**

Thank you to the Committee for the opportunity to provide testimony today. My name is Robyn Swanson, and I am a Supervising Attorney at the DC Volunteer Lawyers Project. DCVLP is a non-profit organization that was established in 2008 to provide comprehensive, pro bono legal assistance to domestic violence victims, including victims of dating violence, sexual assault, stalking, and gender-based violence. We also represent at-risk children living with abuse, neglect, domestic violence, and other dangerous circumstances.

For 12 years, we have served as court-appointed Guardians *ad litem*, or “GALs,” for vulnerable children in complex custody cases. The children we serve range in age from newborn to 17 years old. Most reside in Wards 5, 7 and 8 and have experienced significant trauma resulting from growing up in homes with violence and neglect.

Our court-appointed GALs conduct a thorough investigation of the child’s life, including meeting with the child at home and at school, and interviewing the child’s parents, family members, teachers, counselors, medical providers, and others involved in the child’s life. The GALs also review educational, medical, mental health, criminal and child welfare records. Throughout the course of the case, the GALs attend hearings to provide updates on their investigation and advocate for the child’s best interest. At the conclusion of their investigation, the GALs advocate with the parties and the Court for a permanent custody and visitation arrangement that is in the child’s best interest.

In 2022, DCVLP attorneys, and the volunteers we supervise, represented 104 at-risk children. Over 90% either witnessed domestic violence, were physically or sexually abused themselves, or both. Many of the families in our cases have a history of CFSA involvement or involve a third-party caregiver.

I’m here today on behalf of our child clients to express our support for the proposed legislation before this Committee.

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I'll start with B25-0464, the Grandparent and Caregiver Subsidy Eligibility Amendment Act of 2023. This legislation is a welcome step forward in expanding the pool of third-party caregivers eligible for financial support. Many of our child clients have parents who are unable to safely care for them due to untreated mental health or substance abuse issues. Time and again we have seen concerned third parties, usually a grandparent or other relative, step up to care for these children, either by filing a third-party complaint for custody, or by intervening in an ongoing custody case between the parents. Often, the third party's involvement comes at great personal and financial sacrifice.

I'd like to highlight one of our recent cases as an example. We were appointed to represent the best interests of two school-aged children in a custody case between their parents. One of the parents had profound untreated mental health issues, the other had chronic housing instability and was not a reliable presence in the children's lives. The children both had special needs and were floundering. Fortunately, the children had a grandmother who was bound and determined to keep her grandchildren "out of the system." As she told the GALs, and then the judge, she saw the path that they were on, and knew it was not good. Despite living on a fixed income in a one-bedroom apartment, with health issues of her own, the grandmother intervened in the custody case. The children are now in her safe and stable care and on a more positive trajectory.

There are selfless helpers like this grandmother throughout our city. We must ensure that third parties who are stepping up to care for the most vulnerable children in our community, particularly those who are already living on the edge of poverty, have the resources they need to succeed. DCVLP applauds any measure that increases support, financial or otherwise, to these caregivers.

DCVLP also supports B25-0243, the CFSA Investigation Completion Amendment Act of 2023. We cannot overstate the importance of thorough yet timely CFSA investigations into credible allegations of abuse and neglect involving our clients. Our GALs routinely rely on CFSA investigative findings to help inform their custody recommendations. If CFSA concludes that an abuse or neglect allegation is substantiated, or that a child is unsafe with a particular caregiver, that conclusion is critical to informing the GAL's custody recommendation.

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To highlight this point, I'd like to share a bit about one of our cases. We were appointed to represent the best interests of a child in a custody case between the parents. Both parents alleged that the child was being mistreated by the other parent. Our volunteer GALs spent over a year investigating the case, getting to know the child, interviewing teachers and family members, reviewing educational and medical records. The GALs were unable to conclusively determine that the child was being abused in either home. Based on their investigation, they made a recommendation to the judge regarding permanent custody, and they were prepared to go to trial to support that recommendation.

Just two weeks before the trial, CFSA received a complaint regarding an incident involving the child and opened their own investigation. The custody case proceedings effectively ground to a halt while the court and the GALs awaited news from CFSA. Trained CFSA investigators eventually concluded that the allegations were substantiated, and that the child had suffered abuse while in the care of one of the parents. That finding led the GALs to alter the course of their own investigation, and eventually change their recommendation regarding permanent custody.

DCVLP supports legislation aimed at providing realistic and achievable deadlines for CFSA to complete their important investigative work.

Finally, DCVLP supports B25-0043, the Losing Outdated, Violent Exceptions Amendment Act of 2023. It is long past time to eliminate broad religious exemptions to our neglect laws. The same neglect standards should apply to all parents in the District of Columbia. CFSA should be able to intervene when children are deprived of life saving medical treatment due to a parents' religious views.

Thank you for your time.