

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 21.
FIDUCIARY RELATIONS AND PERSONS
WITH MENTAL ILLNESS.

CHAPTER 11.
COMMITMENT AND MAINTENANCE OF PERSONS
WITH MODERATE INTELLECTUAL DISABILITIES.

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CHAPTER 11. COMMITMENT AND MAINTENANCE
OF PERSONS WITH MODERATE INTELLECTUAL
DISABILITIES.

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CHAPTER 11. COMMITMENT AND MAINTENANCE OF PERSONS WITH MODERATE INTELLECTUAL DISABILITIES.

§ 21-1101. FOREST HAVEN DEFINED.[REPEALED]

(Sept. 14, 1965, 79 Stat. 766, Pub. L. 89-183, § 1; July 29, 1970, 84 Stat. 568, Pub. L. 91-358, title I, § 150(g)(1)(A); Oct. 22, 1970, 84 Stat. 1088, Pub. L. 91-490, § 2(a)(4); Mar. 3, 1979, D.C. Law 2-137, § 604(a)(5), 25 DCR 5094; Sept. 26, 2012, D.C. Law 19-169, § 21(e)(3), 59 DCR 5567.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 21-1101.

1973 Ed., § 21-1101.

Legislative History of Laws

Law 2-137, the "Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978," was introduced in Council and assigned Bill No. 2-108, which was referred to the Committee on Human Resources and Aging. The Bill was adopted on first and second readings on September 19, 1978, and October 3, 1978, respectively. Signed by the Mayor on November 8, 1978, it was assigned Act No. 2-297 and transmitted to both Houses of Congress for its review.

For history of Law 19-169, see notes under § 21-501.

Miscellaneous Notes

Section 35 of D.C. Law 19-169 provides:

"Sec. 35. No provision of this act shall impair any right or obligation existing under law."

§§ 21-1102 TO 21-1108A. PERSONS RECEIVED IN FOREST HAVEN; AGE LIMIT; PETITION AS TO SUBSTANTIAL RETARDATION; CONTENTS; VERIFICATION; NOTICE; PROCESS; SUMMONS; CONTENTS; ANSWER NOT REQUIRED; RETURN DAY; SERVICE; APPOINTMENT AND QUALIFICATIONS OF PHYSICIANS; EXAMINATION; CERTIFICATE; WARRANT TO TAKE INTO CUSTODY; DETENTION OR TEMPORARY GUARDIANSHIP; PLACE OF DETENTION; HEARING; CONTINUANCES; CHARACTER OF PROOFS; JURY TRIAL; DISMISSAL AND DISCHARGE, OR PLACEMENT IN FOREST HAVEN; CONTROLLING CONSIDERATIONS; VOLUNTARY ADMISSION TO FOREST HAVEN.[REPEALED]

(Mar. 3, 1979, D.C. Law 2-137, § 604a1, 25 DCR 5094.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., §§ 21-1102 to 21-1108A.

§ 21-1109. PRIVATE AND PUBLIC PATIENTS; BOND FOR SUPPORT AND MAINTENANCE; SUFFICIENCY AND JUSTIFICATION OF SURETIES.[REPEALED]

(Sept. 14, 1965, 79 Stat. 768, Pub. L. 89-183, § 1; July 29, 1970, 84 Stat. 568, Pub. L. 91-358, title I, § 159(g)(5); Oct. 22, 1970, 84 Stat. 1087, Pub. L. 91-490, § 2(a)(2); Sept. 26, 2012, D.C. Law 19-169, § 21(e)(4), 59 DCR 5567.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 21-1109.

1973 Ed., § 21-1109.

Legislative History of Laws

For history of Law 19-169, see notes under § 21-501.

§ 21-1110. LIABILITY OF ESTATE OF PUBLIC PATIENT FOR MAINTENANCE.[REPEALED]

(Sept. 14, 1965, 79 Stat. 769, Pub. L. 89-183, § 1; July 29, 1970, 84 Stat. 568, Pub. L. 91-358, title I, § 150(g)(1)(A); Oct. 22, 1970, 84 Stat. 1087, Pub. L. 91-490, § 2(a)(1), (2), (5); Sept. 26, 2012, D.C. Law 19-169, § 21(e)(5), 59 DCR 5567.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 21-1110.

1973 Ed., § 21-1110.

Legislative History of Laws

For history of Law 19-169, see notes under § 21-501.

§ 21-1111. PROCEEDINGS TO CHARGE RELATIVES LEGALLY RESPONSIBLE FOR MAINTENANCE OF PUBLIC PATIENT; COLLECTION OF MAINTENANCE PAYMENTS; ENFORCEMENT OF ORDER; LIABILITY OF DECEDENT'S ESTATE.[REPEALED]

(Sept. 14, 1965, 79 Stat. 769, Pub. L. 89-183, § 1; July 29, 1970, 84 Stat. 568, Pub. L. 91-358, title I, § 150(g)(1)(A), (6); Oct. 22, 1970, 84 Stat. 1087, Pub. L. 91-490, § 2(a)(1), (2), (6); Mar. 24, 1998, D.C. Law 12-81, § 14(m), 45 DCR 745; Sept. 26, 2012, D.C. Law 19-169, § 21(e)(6), 59 DCR 5567.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 21-1111.

1973 Ed., § 21-1111.

Legislative History of Laws

Law 12-81, the "Technical Amendments Act of 1998," was introduced in Council and assigned Bill No. 12-408, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 4, 1997, and December 4, 1997, respectively. Signed by the Mayor on December 22, 1997, it was assigned Act No. 12-246 and transmitted to both Houses of Congress for its review. D.C. Law 12-81 became effective on March 24, 1998.

For history of Law 19-169, see notes under § 21-501.

§ 21-1112. PUBLIC PATIENTS MAY BECOME PRIVATE PATIENTS BY FILING BOND AND PAYING ADVANCE.[REPEALED]

(Sept. 14, 1965, 79 Stat. 770, Pub. L. 89-183, § 1; Oct. 22, 1970, 84 Stat. 1087, Pub. L. 91-490, § 2(a)(2); Sept. 26, 2012, D.C. Law 19-169, § 21(e)(7), 59 DCR 5567.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 21-1112.

1973 Ed., § 21-1112.

Legislative History of Laws

For history of Law 19-169, see notes under § 21-501.

§ 21-1113. RESTRICTIONS ON DISCHARGE; PETITION FOR DISCHARGE; CAUSES FOR DISCHARGE; SUPERINTENDENT TO BE NOTIFIED; NOTICE OF VARIATION OF ORDER; DENIAL ON PETITION NOT A BAR TO ANOTHER.[REPEALED]

(Mar. 3, 1979, D.C. Law 2-137, § 604(a)(1), 25 DCR 5094.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 21-1113.

Legislative History of Laws

For legislative history of D.C. Law 2-137, see Historical and Statutory Notes following § 21-1101.

§ 21-1114. PROCEEDING WHEN CHILD BROUGHT BEFORE THE FAMILY DIVISION APPEARS TO HAVE AT LEAST A MODERATE INTELLECTUAL DISABILITY.

When a child is brought before the Family Division of the Superior Court upon allegations that he is delinquent, neglected, or in need of supervision, and it appears to the court, on the testimony of a physician or psychologist or other evidence, that the child has at least a moderate intellectual disability as defined in the Citizens with Intellectual Disabilities Constitutional Rights and Dignity Act of 1978 (D.C. Official Code, § 7-1301.01 et seq.), the court may adjourn the proceedings, other than proceedings on a motion to transfer pursuant to section 16-2307, and direct the child's parent or a guardian appointed by the court to file a petition under that act. The court may order that, pending the preparation, filing, and hearing of the petition, the child be detained in a place of safety, or be placed under the guardianship of a suitable person, if that person enters into a recognizance for his appearance.

(Sept. 14, 1965, 79 Stat. 771, Pub. L. 89-183, § 1; July 29, 1970, 84 Stat. 568, Pub. L. 91-358, title I, § 150(g)(7); Oct. 22, 1970, 84 Stat. 1087, Pub. L. 91-490, § 2(a)(1), (12); Mar. 3, 1979, D.C. Law 2-137, § 604(a)(2), 25 DCR 5094; Mar. 24, 1998, D.C. Law 12-81, § 14(n), 45 DCR 745; Apr. 24, 2007, D.C. Law 16-305, § 35(b)(2), 53 DCR 6198; Sept. 26, 2012, D.C. Law 19-169, § 21(e)(8), 59 DCR 5567.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 21-1114.

1973 Ed., § 21-1114.

Effect of Amendments

D.C. Law 16-305, in the section name line, substituted "Proceeding when child brought before Family Division appears to have at least moderate mental retardation" for "Proceeding when child brought before Family Division appears at least moderately mentally retarded".

D.C. Law 19-169, in the section heading, substituted "a moderate intellectual disability" for "moderate mental retardation"; substituted "child has at least a moderate intellectual disability" for "child is at least moderately mentally retarded"; and substituted "Citizens with Intellectual Disabilities" for "Mentally Retarded Citizens".

Legislative History of Laws

For legislative history of D.C. Law 2-137, see Historical and Statutory Notes following § 21-1101.

For legislative history of D.C. Law 12-81, see Historical and Statutory Notes following § 21-1111.

Cited in *In re W.A.F.*, App. D.C., 573 A.2d 1264 (1990).

For Law 16-305, see notes following § 21-501.

For history of Law 19-169, see notes under § 21-501.

§ 21-1115. INQUIRY UNDER THIS CHAPTER IF PERSON CONVICTED OF

OFFENSE.

(a) On the conviction by a court of record of competent jurisdiction of a person of an offense, or of a violation of an ordinance which is in whole or in part a violation of a statute of the District of Columbia, the court when satisfied on the testimony of a physician or a psychologist or other evidence that the person has at least a moderate intellectual disability as defined in the Citizens with Intellectual Disabilities Constitutional Rights and Dignity Act (D.C. Official Code, § 7-1301.01 et seq.), may suspend sentence, or suspend the entering of an order sending the person to a jail, prison, or reformatory, or to a training or industrial school, and direct that a parent or guardian appointed by the court file a petition under that act.

(b) When the court directs a petition to be filed pursuant to subsection (a) of this section, it may order that, pending the preparation, filing and hearing of the petition, the person be detained in a place of safety, or be placed under the guardianship of a suitable person, if that person enters into a recognizance for his appearance.

(c) Where, upon the hearing of a petition filed pursuant to this section or pursuant to a subsequent hearing under this chapter, the person is found not to have at least a moderate intellectual disability, the court shall impose sentence.

(Sept. 14, 1965, 79 Stat. 771, Pub. L. 89-183, § 1; July 29, 1970, 84 Stat. 568, Pub. L. 91-358, title I, § 150(g)(1)(A); Oct. 22, 1970, 84 Stat. 1087, Pub. L. 91-490, § 2(a)(1); Mar. 3, 1979, D.C. Law 2-137, § 604(a)(3), (4), 25 DCR 5094; Mar. 24, 1998, D.C. Law 12-81, § 14(o), 45 DCR 745; Sept. 26, 2012, D.C. Law 19-169, § 21(e)(9), 59 DCR 5567.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 21-1115.

1973 Ed., § 21-1115.

Effect of Amendments

D.C. Law 19-169, in subsec. (a), substituted "person has at least a moderate intellectual disability" for "person is found not to be at least moderately mentally retarded" and "Citizens with Intellectual Disabilities" for "Mentally Retarded Citizens"; and, in subsec. (c), substituted "person is found not to have at least a moderate intellectual disability" for "person is found not to be at least moderately mentally retarded".

Legislative History of Laws

For legislative history of D.C. Law 2-137, see Historical and Statutory Notes following § 21-1101.

For legislative history of D.C. Law 12-81, see Historical and Statutory Notes following § 21-1111.

For history of Law 19-169, see notes under § 21-501.

References in Text

The Mentally Retarded Citizens Constitutional Rights and Dignity Act, referred to in subsection (a) of this section, is codified in § 7-1301.01 et seq. in the 2001 Edition of the D.C. Official Code.

§§ 21-1116 TO 21-1118. TRANSFER TO SAINT ELIZABETHS HOSPITAL WHEN PERSON BECOMES INSANE; SEPARATE DOCKET OF CASES BROUGHT UNDER SECTION 21-1103; REPORTS OF COMMISSIONS; TRANSFER OF SUBSTANTIALLY RETARDED FROM NATIONAL TRAINING SCHOOLS FOR BOYS OR GIRLS.[REPEALED]

(Mar. 3, 1979, D.C. Law 2-137, § 604a1, 25 DCR 5094.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., §§ 21-1116 to 21-1118.

§ 21-1119. REMOVAL FROM SCHOOL OF NONRESIDENTS OF THE DISTRICT OF COLUMBIA.[REPEALED]

(Sept. 14, 1965, 79 Stat. 772, Pub. L. 89-183, § 1; Oct. 22, 1970, 84 Stat. 1087, Pub. L. 91-490, § 2(a)(2); Sept. 26, 2012, D.C. Law 19-169, § 21(e)(10), 59 DCR 5567.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 21-1119.

1973 Ed., § 21-1119.

Legislative History of Laws

For history of Law 19-169, see notes under § 21-501.

Transfer of Functions

Functions of the Department of Public Welfare were transferred to the Director of the Department of Human Resources by Commissioner's Order No. 69-96, dated March 7, 1969, as amended by Commissioner's Order No. 70-83, dated March 6, 1970. The Department of Human Resources was replaced by the Department of Human Services by Reorganization Plan No. 2 of 1979, dated February 21, 1980.

§§ 21-1120 TO 21-1123. PAROLES; CONDITIONS; EXPENSE; DISCRETION OF SUPERINTENDENT; VIOLATION; RETURN; CITATION, ORDER, OR PROCESS ON PATIENTS TO BE SERVED ONLY BY SUPERINTENDENT; APPROVAL OF PATIENTS' CONTRACTS, ETC., BY COURT; OFFENSES AND PENALTIES.[REPEALED]

(Mar. 3, 1979, D.C. Law 2-137, § 604a1, 25 DCR 5094.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., §§ 21-1120 to 21-1123.