

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 4.
PUBLIC CARE SYSTEMS.

CHAPTER 1.
PUBLIC WELFARE SUPERVISION.

2001 Edition

DISTRICT OF COLUMBIA OFFICIAL CODE

CHAPTER 1. PUBLIC WELFARE SUPERVISION.

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CHAPTER 1. PUBLIC WELFARE

SUPERVISION.

§ 4-101. BOARD OF CHARITIES, BOARD OF CHILDREN'S GUARDIANS, AND NATIONAL TRAINING SCHOOL FOR GIRLS ABOLISHED.[OMITTED]

HISTORICAL AND STATUTORY NOTES

Omission of text

The provisions of former § 4-101 have been omitted as obsolete, the Boards referred to herein having been abolished. The former Board of Charities, Board of Children's Guardians, and the Board of Trustees of the National Training School for Girls were abolished upon the appointment and organization of the Board of Public Welfare pursuant to the Act of March 16, 1926, 44 Stat. 208, ch. 58, § 1. The Board of Public Welfare was subsequently abolished. See notes to § 4-102.

§ 4-102. BOARD OF PUBLIC WELFARE--CREATED; SUCCESSOR TO ABOLISHED BOARDS; EMPLOYEES TRANSFERRED.[OMITTED]

HISTORICAL AND STATUTORY NOTES

Omission of text

The provisions of former § 4-102 have been omitted as obsolete, the Board referred to herein having been abolished.

Board of Public Welfare abolished

The Board of Public Welfare was abolished and the functions thereof transferred to the Board of Commissioners of the District of Columbia by Reorganization Plan No. 5 of 1952. Reorganization Order No. 58, as amended, redesignated as Organization Order No. 140 and amended, established, under the direction and control of a Commissioner, a Department of Public Welfare, headed by a Director with the purpose of planning, implementing, and directing public welfare programs. Reorganization Order No. 58 provided that the previously existing Board of Public Welfare would be abolished. That Order also transferred specified functions of the former Board to the Department of Public Health and the Department of Public Welfare. Functions of the Department of Public Welfare and of the Department of Public Health, as set forth in Organization Order Nos. 140 and 141, respectively, were transferred to 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.

§ 4-103. BOARD OF PUBLIC WELFARE--COMPOSITION; APPOINTMENT; TERM OF OFFICE; VACANCIES; RESIDENCY REQUIREMENT; REMOVAL; COMPENSATION.[OMITTED]

HISTORICAL AND STATUTORY NOTES

Omission of text

The provisions of former § 4-103 have been omitted as obsolete, the Board referred to herein having been abolished. See Historical and Statutory notes following § 4-102.

§ 4-104. BOARD OF PUBLIC WELFARE--OFFICERS; MEETINGS; AUTHORITY TO MAKE RULES, REGULATIONS, AND ORDERS.[OMITTED]

Omission of text

The provisions of former § 4-104 have been omitted as obsolete, the Board referred to herein having been abolished. See Historical and Statutory notes following § 4-102.

§ 4-105. DIRECTOR OF PUBLIC WELFARE.

The Mayor of the District of Columbia, upon the nomination of the Board, is hereby authorized to appoint a Director of Public Welfare, which position is hereby authorized and created, who shall be the chief executive officer of the Board and shall be charged, subject to its general supervision, with the executive and administrative duties provided for in this act. The Director shall be a person of such training, experience, and capacity as will especially qualify him or her to discharge the duties of the office. The Director of Public Welfare may be discharged by the Mayor of the District of Columbia upon recommendation of the Board. The Mayor of the District of Columbia is authorized, upon the nomination of the Board, to appoint such personnel as may be necessary for the efficient performance of the duties of the Board.

(Mar. 16, 1926, 44 Stat. 209, ch. 58, § 5; Dec. 20, 1941, 55 Stat. 849, ch. 605, § 1; Mar. 3, 1979, D.C. Law 2-139, § 3205(ss), 25 DCR 5740.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-105.

1973 Ed., § 3-105.

Legislative History of Laws

Law 2-139, the "District of Columbia Government Comprehensive Merit Personnel Act of 1978," was introduced in Council and assigned Bill No. 2-10, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on October 17, 1978 and October 31, 1978, respectively. Signed by the Mayor on November 22, 1978, it was assigned Act No. 2-300 and transmitted to both Houses of Congress for its review.

References in Text

"This act," referred to at the end of the first sentence in this section, means the Act of March 16, 1926, 44 Stat. 209, ch. 58.

Board of Public Welfare abolished: See note to § 4-102.

Change in Government

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

§ 4-106. INSTITUTIONS PLACED UNDER CONTROL OF BOARD.

The Board shall have complete and exclusive control and management of the following institutions of the District of Columbia:

- (1) The workhouse at Occoquan in the State of Virginia;
- (2) The reformatory at Lorton in the State of Virginia;
- (3) The Washington Asylum and Jail;
- (4) The National Training School for Girls, in the District of Columbia and at Muirkirk in the State of Maryland;
- (5) The Gallinger Municipal Hospital;
- (6) The Tuberculosis Hospital;

- (7) The Home for the Aged and Infirm;
- (8) The Municipal Lodging House;
- (9) The Industrial Home School;
- (10) Industrial Home School for Colored Children; and
- (11) Forest Haven in Anne Arundel County, in the State of Maryland.

(Mar. 16, 1926, 44 Stat. 209, ch. 58, § 6.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-106.

1973 Ed., § 3-106.

References in Text

Board of Public Welfare abolished: See note to § 4-102.

The District Training School was redesignated as Forest Haven by § 1(1) of the Act of October 22, 1970, 84 Stat. 1087, Pub. L. 91-490.

Statutory provisions for both the National Training School for Girls and the Industrial Home School for Colored Children were formerly codified in D.C. Code, § 32-901 to 32-913 [1981 Ed.]. These provisions were omitted from codification as obsolete in the 1973 Edition of the D.C. Code in light of the Act of August 3, 1951, 62 Stat. 154, ch. 291, § 1, which provided that no new commitments to the National Training School for Girls should be made after August 3, 1951.

Transfer of Functions

Management and regulation of the workhouse at Occoquan in the State of Virginia, the reformatory at Lorton in the State of Virginia, and the Washington Asylum and Jail was vested in the Department of Corrections by the Act of June 27, 1946, 60 Stat. 320, ch. 507, § 2. The Department of Corrections was abolished and another Department of Corrections established under direction and control of a Commissioner and headed by a Director to take care of persons committed to the workhouse, Lorton Reformatory, Women's Reformatory and the D.C. Jail.

The direction and control of the Gallinger Municipal Hospital and the Tuberculosis Hospital had been transferred to the Health Department of the District of Columbia by the Act of June 29, 1937, 50 Stat. 376, ch. 403, § 1. Reorganization Order No. 57, as amended, redesignated as Organization Order No. 141 and amended, established, under the direction and control of a Commissioner, a Department of Public Health headed by a Director, for the purpose of planning, implementing, and directing public health and hospital care programs, and for performing certain other allied medical functions. Prior to its redesignation the Order abolished the previously existing Gallinger Municipal Hospital and transferred all of its positions and functions to the new Department. It further provided that within the Department the District of Columbia General Hospital performs all functions previously performed by Gallinger Municipal Hospital. Functions of the Department of Public Welfare and of the Department of Public Health as set forth in Organization Order Nos. 140 and 141, respectively, 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.

§ 4-107. INSTITUTIONAL PERSONNEL UNDER SUPERVISION OF BOARD; DUTIES OF SUPERINTENDENT; APPOINTMENT AND DISCHARGE OF PERSONNEL.

The superintendents and all other employees engaged in the operation of the institutions enumerated in § 4-106 shall be subject to the supervision of the Board. Each superintendent shall have the management and control of the institution to which he is appointed and shall be subordinate to the Director of Public Welfare. The superintendent and all other employees of each of the institutions enumerated in § 4-106 shall be appointed by the Mayor of the District of Columbia upon nomination by the Board and shall be subject to discharge by the Mayor upon recommendation of the Board.

(Mar. 16, 1926, 44 Stat. 209, ch. 58, § 7.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-107.

1973 Ed., § 3-107.

Board of Public Welfare abolished: See note to § 4-102.

Change in Government

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

§ 4-108. RULES AND REGULATIONS RELATING TO ADMISSIONS OF PERSONS AND ADMINISTRATION OF INSTITUTIONS.

It shall be the duty of the Council of the District of Columbia to make such rules and regulations relating to the admission of persons to, and it shall be the duty of the Mayor to make such rules and regulations relating to the administration of, the institutions hereinbefore referred to, as will promote discipline and good conduct of inmates and employees and efficiency and economy in the operation of these institutions.

(Mar. 16, 1926, 44 Stat. 209, ch. 58, § 9.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-108.

1973 Ed., § 3-108.

Change in Government

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 402(81) of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to the District of Columbia Council, subject to the right of the Commissioner as provided in § 406 of the Plan. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-20.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

§ 4-109. REGISTRATION RECORDS; SYSTEM OF ACCOUNTS.

Under the authority herein granted, the Board may prescribe forms of record keeping to secure accuracy and completeness in the registration of persons under care and the services rendered in their behalf. The Board may recommend to the Comptroller General of the United States, and the Comptroller General may prescribe, so far as practicable, a uniform system of accounts to record receipts and disbursements and to determine comparative costs of operation.

(Mar. 16, 1926, 44 Stat. 209, ch. 58, § 9.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-109.

1973 Ed., § 3-109.

References in Text

Board of Public Welfare abolished: See note to § 4-102.

§ 4-110. POWERS OF BOARD OF CHARITIES TRANSFERRED.

The following powers and duties prior to March 16, 1926, imposed by law upon the Board of Charities shall be vested in the Board, and the unexpended balance of all appropriations made for the purpose of discharging such powers and duties shall become available to the Board:

- (1) To provide for the transportation to their respective places of residence of nonresident indigent persons, and to provide for indigent persons, who are legal residents of the District of Columbia, medical care and treatment when necessary, under contracts with such hospitals as are or may be designated by law;
- (2) To provide for the transportation to their respective places of residence of nonresident persons with mental illness and to afford hospital care for indigent persons with mental illness who are legal residents of the District of Columbia in such hospital or hospitals as are or may be designated by law; and
- (3) To provide for all other aged, infirm, or needy persons, in the manner authorized by law or by appropriations enacted by the Congress.

(Mar. 16, 1926, 44 Stat. 210, ch. 58, § 10; Oct. 1, 1976, D.C. Law 1-87, § 5, 23 DCR 2544; Apr. 24, 2007, D.C. Law 16-305, § 15, 53 DCR 6198.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-110.

1973 Ed., § 3-110.

Effect of Amendments

D.C. Law 16-305 substituted "persons with mental illness" for "insane persons", throughout the section.

Legislative History of Laws

For legislative history of D.C. Law 1-87, see Historical and Statutory Notes following § 1-1210.

Law 16-305, the "People First Respectful Language Modernization Act of 2006", was introduced in Council and assigned Bill No. 16-664, which was referred to Committee on the Whole. The Bill was adopted on first and second readings on June 20, 2006, and July 11, 2006, respectively. Signed by the Mayor on July 17, 2006, it was assigned Act No. 16-437 and transmitted to both Houses of Congress for its review. D.C. Law 16-305 became effective on April 24, 2007.

References in Text

Board of Public Welfare abolished: See note to § 4-102.

§ 4-111. SUPERVISION OVER INSTITUTIONS SUPPORTED BY CONGRESSIONAL APPROPRIATIONS.

The said Board of Public Welfare shall visit, inspect, and maintain a general supervision over all institutions, societies, or associations of a charitable, eleemosynary, correctional, or reformatory character which are supported in whole or in part by appropriations of Congress, made for the care or treatment of residents of the District of Columbia; and no payment shall be made to any such charitable, eleemosynary, correctional, or reformatory institution for any resident of the District of Columbia who is not received and maintained therein pursuant to the rules established by such Board of Public Welfare, except in the case of persons committed by the courts, or abandoned infants needing immediate care.

(June 6, 1900, 31 Stat. 664, ch. 807; Mar. 16, 1926, 44 Stat. 210, ch. 58, § 10.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-111.

1973 Ed., § 3-111.

References in Text

Board of Public Welfare abolished: See note to § 4-102.

§ 4-112. SUBMISSION OF PLANS FOR NEW INSTITUTIONS; INVESTIGATION OF INSTITUTIONS.

All plans for new institutions shall, before adoption of the same, be submitted to the Board of Public Welfare for suggestion and criticism. The Mayor of the District of Columbia may at any time order an investigation by the Board, or a committee of its members, of the management of any penal, charitable, or reformatory institution in the District of Columbia; and said Board, or any authorized committee of its members, when making such investigation, shall have power to send for persons and papers and to administer oaths and affirmations; and the report of such investigation, with the testimony, shall be made to the Mayor.

(June 6, 1900, 31 Stat. 664, ch. 807; Mar. 16, 1926, 44 Stat. 210, ch. 58, § 10.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-112.

1973 Ed., § 3-112.

References in Text

Board of Public Welfare abolished: See note to § 4-102.

Change in Government

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

§ 4-113. MEMBERS AND EMPLOYEES TO HAVE NO INTEREST IN CONTRACTS.

No member or employee of said Board shall be either directly or indirectly interested in any contract for building, repairing, or furnishing any institution which by this chapter the Board of Public Welfare is authorized to investigate and supervise.

(June 6, 1900, 31 Stat. 665, ch. 807; Mar. 16, 1926, 44 Stat. 210, ch. 58, § 10.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-113.

1973 Ed., § 3-113.

References in Text

Board of Public Welfare abolished: See note to § 4-102.

§ 4-114. POWERS OF MAYOR OVER DEPENDENT CHILDREN.

(a) The Mayor of the District of Columbia (hereinafter referred to as the "Mayor") may:

- (1) Make temporary provision for the care of children pending investigation of their status;
- (2) Have the care and legal guardianship, including the power to consent to or arrange for adoption in appropriate cases, of:
 - (A) Children who may be committed to the Mayor as wards of the District of Columbia by courts of competent jurisdiction; and
 - (B) Children who are relinquished by their parents to the Mayor or whose relinquishment is transferred to the Mayor by a licensed child-placing agency under § 4-1406;
- (3) Make such provisions for the care and maintenance of such children in private homes, under contract, including adoption subsidy pursuant to § 4-301, or in public or private institutions, as the welfare of such children may require; and
- (4) Provide care and maintenance for children with substantial intellectual disabilities who may be

received upon application or upon court commitment, in institutions or homes or other facilities equipped to receive them, within or without the District of Columbia.

(b) The Mayor shall cause the wards of the District of Columbia placed out under temporary care to be visited as often as may be required to safeguard their welfare.

(c) The Mayor may, where appropriate, secure an assignment of rights from a parent whose child is in the custody of a person or agency receiving foster care maintenance payments under Part E in Subchapter IV of the Social Security Act (42 U.S.C. § 670 et seq.).

(Mar. 16, 1926, 44 Stat. 210, ch. 58, § 11; Jan. 2, 1974, 87 Stat. 1057, Pub. L. 93-241, § 1(a)(1); Feb. 24, 1987, D.C. Law 6-166, § 33(e), 33 DCR 6710; Sept. 26, 2012, D.C. Law 19-169, § 8, 59 DCR 5567.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-114.

1973 Ed., § 3-114.

Effect of Amendments

D.C. Law 19-169, in subsec. (a)(4), substituted "children with substantial intellectual disabilities" for "substantially retarded children" .

Legislative History of Laws

Law 6-166, the "D.C. Child Support Enforcement Amendment Act of 1985," was introduced in Council and assigned Bill No. 6-134, which was referred to the Committee on Human Services and reassigned to the Committee on the Judiciary. The Bill was adopted on first and second readings on July 8, 1986 and September 23, 1986, respectively. Signed by the Mayor on October 9, 1986, it was assigned Act No. 6-212 and transmitted to both Houses of Congress for its review.

Law 19-169, the "People First Respectful Language Modernization Amendment Act of 2012", was introduced in Council and assigned Bill No. 19-189, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on March 6, 2012, and April 17, 2012, respectively. Signed by the Mayor on May 15, 2012, it was assigned Act No. 19-361 and transmitted to both Houses of Congress for its review. D.C. Law 19-169 became effective on September 26, 2012.

Change in Government

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Government Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

Delegation of Authority

Delegation of authority pursuant to Law 6-166, see Mayor's Order 87-273, December 10, 1987.

§ 4-115. LIMITATION IN NUMBER OF DEPENDENT CHILDREN.

(a) The number of children who have been in care pursuant to § 4-114(a)(2) for a period of 2 years or more, should be:

- (1) Not more than 1,283 children as of September 30, 1984;
- (2) Not more than 965 children as of September 30, 1985;
- (3) Not more than 1,113 children as of September 30, 1986;
- (4) Not more than 920 children as of September 30, 1987;
- (5) Not more than 62% of the total number of children in foster care as of September 30, 1992;
- (6) Not more than 60% of the total number of children in foster care as of September 30, 1993; and
- (7) Not more than 58% of the total number of children in foster care as of September 30, 1994.

(b) The following steps will be taken to achieve these goals:

- (1) Increase the number of children referred for adoption services through purchase of service

contracts;

(2) Conduct permanency planning for all children in foster care, including an annual administrative review for each child;

(3) Provide for decreased caseloads and intensive services with emphasis on prevention of placements or early reunification of families;

(4) Repealed; and

(5) Strengthen programs to assist teenage youth in preparing for independent living.

(c) During the fiscal years ending September 30, 1992, September 30, 1993, and September 30, 1994, the Director of the Department of Human Services ("Director") shall report quarterly to the Council of the District of Columbia ("Council") regarding:

(1) The total number of children in care, their ages, legal statuses, and goals;

(2) The number of children who entered care during the previous quarter (by month), their ages, legal statuses, and the primary reasons they entered care;

(3) The number of children who have been in care for 24 months or longer, the number of children who became part of this class during the previous quarter (by month), and the ages and legal statuses of these children; and

(4) The number of children who left care during the previous quarter (by month), the number of children in this class who had been in care for 24 months or longer, the ages and legal statuses of these children, and the reasons for their removal from care.

(d) On November 1 of each year, the Director shall submit to the Council a summary of the cases terminated during the previous fiscal year and any difficulties encountered in reaching the goal stated in subsection (a) of this section.

(May 17, 1983, D.C. Law 5-4, § 3, 30 DCR 1576; Oct. 8, 1983, D.C. Law 5-30, § 2, 30 DCR 3876; Sept. 26, 1984, D.C. Law 5-107, § 2, 31 DCR 3388; Apr. 11, 1986, D.C. Law 6-104, § 2, 33 DCR 1160; Oct. 1, 1992, D.C. Law 9-166, § 2, 39 DCR 5819.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-114.1.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(a) of Foster Care Goals Act Temporary Amendment Act of 1992 (D.C. Law 9-84, March 20, 1992, law notification 39 DCR 2124).

Emergency Act Amendments

For temporary amendment of section, see § 2 of the Foster Care Goals Act of 1983 Emergency Amendment Act of 1991 (D.C. Act 9-130, January 9, 1992, 39 DCR 327).

Legislative History of Laws

Law 5-4, the "Foster Care Goal Temporary Act of 1983," was introduced in Council and assigned Bill No. 5-94, which was retained by Council. The Bill was adopted on the first and second readings on February 15, 1983, and March 15, 1983, respectively. Signed by the Mayor on March 24, 1983, it was assigned Act No. 5-18 and transmitted to both Houses of Congress for its review.

Law 5-30, the "Foster Care Goals Act of 1983," was introduced in Council and assigned Bill No. 5-199, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on June 28, 1983, and July 12, 1983, respectively. Signed by the Mayor on July 21, 1983, it was assigned Act No. 5-52 and transmitted to both Houses of Congress for its review.

Law 5-107, the "Foster Care Goals Act Amendment Act of 1984," was introduced in Council and assigned Bill No. 5-404, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on June 12, 1984, and June 26, 1984, respectively. Signed by the Mayor on June 29, 1984, it was assigned Act No. 5-149 and transmitted to both Houses of Congress for its review.

Law 6-104, the "Foster Care Goals Act Amendment Act of 1985," was introduced in Council and assigned Bill No. 6-239, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on January 14, 1986 and January 28, 1986, respectively. Approved without the signature of the Mayor on February 14, 1986, it was assigned Act No. 6-133 and transmitted to both Houses of Congress for its review.

Law 9-166, the "Foster Care Goals Act of 1983 Amendment Act of 1992," was introduced in Council and assigned Bill No. 9-373, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on June 2, 1992, and July 7, 1992, respectively. Signed by the Mayor on July 23, 1992, it was assigned Act No. 9-264 and transmitted to both Houses of Congress for its review. D.C. Law 9-

166 became effective on October 1, 1992.

Miscellaneous Notes

Reports required by Director of Department of Human Services: Section 2 of D.C. Law 5-4 provided that the Director of the Department of Human Services shall report to the Council of the District of Columbia monthly regarding the number of foster care cases that have been terminated during the previous month and number of children entering care during the previous month, and that on October 1 of each year, the Director shall submit a summary report of the cases terminated during the prior fiscal year and any difficulties encountered in reaching the goal stated in § 3 of D.C. Law 5-4. Section 4(b) of D.C. Law 5-4 provided that the act shall expire on the 180th day after May 17, 1983.

§ 4-116. CHILDREN OVER WHOM BOARD SHALL HAVE SUPERVISION.

Said Board of Public Welfare shall have the care and supervision of the following classes of children:

- (1) All children committed under § 44-1509;
- (2) All children who are destitute of suitable homes and adequate means of earning an honest living, all children abandoned by their parents or guardians, all children of habitually drunken or vicious or unfit parents, all children habitually begging on the streets or from door to door, all children kept in vicious or immoral associations, all children known by their language or life to be vicious or incorrigible whenever such children may be committed to the care of the Board by the Family Division of the Superior Court; provided, that the laws regulating the commitment of children to the training schools of the District shall not be deemed to be repealed in any part by this section;
- (3) Such children as the Board of Trustees of the National Training School for Boys may, in their discretion, commit to the Board of Public Welfare, and power is hereby given the Board of Trustees of the said School to commit any inmate thereof to the said Board of Public Welfare, conditionally upon the good behavior of the child so committed;
- (4) Under the rules to be established by the Council of the District of Columbia children may be received and temporarily cared for pending investigation or judgment of the court.

(July 26, 1892, 27 Stat. 269, ch. 250, § 4; Mar. 19, 1906, 34 Stat. 73, ch. 960, § 8; May 27, 1908, 35 Stat. 380, ch. 200; Mar. 16, 1926, 44 Stat. 210, ch. 58, § 11; July 29, 1970, 84 Stat. 577, Pub. L. 91-358, title I, § 159(b).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-116.

1973 Ed., § 3-116.

References in Text

Board of Public Welfare abolished: See note to § 4-102.

The Board of Trustees of the National Training School for Boys, referred to in paragraph (3) of this section, was abolished and the School and its functions, including the functions of the Board of Trustees, were transferred to the Department of Justice by Reorganization Plan No. 2 of 1939. The School was operated until May 15, 1968, when it was closed pursuant to an order of the Attorney General.

Change in Government

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 402(82) of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to the District of Columbia Council, subject to the right of the Commissioner as provided in § 406 of the Plan. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

§ 4-117. INVESTIGATION OF CHILDREN; CONFIDENTIALITY OF RECORDS; STUDY OF PHYSICAL AND MENTAL CONDITIONS.

The antecedents, character, and condition of life of each child received by the Board shall be investigated

as fully as possible, and the facts learned entered in permanent records, in which shall also be noted the subsequent history of each child, so far as it can be ascertained. Such records shall be confidential but may be made available in the discretion of the Board. Provision shall be made for study of the physical and mental conditions of children received for care in order that care for each child may be planned to meet his particular physical and mental needs.

(July 26, 1892, 27 Stat. 269, ch. 250, § 6; Mar. 16, 1926, 44 Stat. 210, ch. 58, § 11; Jan. 12, 1942, 55 Stat. 883, ch. 649, § 4.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-118.

1973 Ed., § 3-118.

References in Text

Board of Public Welfare abolished: See note to § 4-102.

**§ 4-118. COMMITMENTS BY FAMILY DIVISION OF SUPERIOR COURT;
PLACEMENT BY BOARD.**

The judges of the Family Division of the Superior Court of the District of Columbia are hereby authorized and empowered, at their discretion, to commit to the custody and care of the Board of Public Welfare of the District of Columbia children under 17 years of age who shall be convicted of petty crimes or misdemeanors which may be punishable with fine or imprisonment; and said Board of Public Welfare shall place, under contract, such children in such suitable homes, institutions, or training schools for the care of children as it may deem wise and proper.

(Mar. 3, 1901, 31 Stat. 1095, ch. 847, § 1; Mar. 19, 1906, 34 Stat. 73, ch. 960, § 8; Mar. 16, 1926, 44 Stat. 210, ch. 58, § 11; July 29, 1970, 84 Stat. 577, Pub. L. 91-358, title I, § 159(c).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-119.

1973 Ed., § 3-120.

References in Text

Board of Public Welfare abolished: See note to § 4-102.

§ 4-119. COMMITMENT OF CHILDREN UNDER 17 YEARS OF AGE.

No court shall commit a child under 17 years of age, charged with or convicted of a petty crime or misdemeanor punishable by a fine or imprisonment, to a jail, workhouse, or police station, but if such child be unable to give bail or pay a fine, it may be committed to the Board of Public Welfare temporarily or permanently, in the discretion of the court, and said Board shall make some suitable provision for said child outside the inclosure of any jail, workhouse, or police station, or said court may commit such child to the National Training School under the laws now providing for such commitment.

(Mar. 3, 1901, 31 Stat. 1095, ch. 847, § 2; Mar. 16, 1926, 44 Stat. 210, ch. 58, § 11.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-120.

1973 Ed., § 3-121.

References in Text

Board of Public Welfare abolished: See note to § 4-102.

Statutory provisions for the National Training School for Boys and the National Training School for Girls were formerly codified in Chapters 13 and 14 of Title 44, respectively. These provisions were omitted from codification as obsolete in the 1973 Edition of the D.C. Code. As regards the National Training School for Boys, the School and its functions were transferred to the Department of Justice by Reorganization Plan No. 2 of 1939. The School was operated until May 15, 1968, when it was closed pursuant to an order of the Attorney General. As regards the National Training School for Girls, the Act of August 3, 1951, 62 Stat. 154, ch. 291, § 1, provided that no new commitments to the School should be made after August 3, 1951.

§ 4-120. DUTIES OF TRUSTEES OF NATIONAL TRAINING SCHOOL FOR GIRLS TRANSFERRED.

The duties prior to March 16, 1926, imposed by law upon the Board of Trustees of the National Training School for Girls concerning the admission, care, parole, and discharge of inmates shall be vested in the Board.

(Mar. 16, 1926, 44 Stat. 210, ch. 58, § 12.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-121.

1973 Ed., § 3-122.

References in Text

Board of Public Welfare abolished: See note to § 4-102.

Statutory provisions for the National Training School for Girls were formerly codified in D.C. Code, §§ 32-901 to 32-913. These provisions were omitted from codification as obsolete in the 1973 Edition of the D.C. Code in light of the Act of August 3, 1951, 62 Stat. 154, ch. 291, § 1, which provided that no new commitments to the School should be made after August 3, 1951.

§ 4-121. ANNUAL BUDGET; REPORT OF ACTIVITIES; RECOMMENDATIONS; STUDY OF SOCIAL AND ENVIRONMENTAL CONDITIONS.

It shall be the duty of the Board to prepare and submit to the Mayor of the District of Columbia, in such manner as he shall require, an annual budget itemizing the appropriations necessary to the proper discharge of the duties imposed by law upon the Board and for the support and maintenance of the institutions under its management. The Board shall also submit to the Mayor an annual report of its activities and the work carried on under its direction, together with its recommendations for securing more efficient and humane care for all persons in need of public assistance. The Board shall study from time to time the social and environmental conditions of the District of Columbia and shall incorporate in its reports the results thereof and recommendations designed to further safeguard the interests and well-being of the children of the District of Columbia and to diminish and ameliorate poverty and disease and to lessen crime. Except in the placement of children in institutions under the public control, the Board shall when practicable place them in institutions or homes of the same religious faith as the parents; provided, that whenever the Board shall for any reason place the child with any organization, institution, or individual other than of the same religious faith as that of the parents of the child, the Board shall set forth the reason for such action in the record of the case. Inmates of public institutions shall be given the fullest opportunity for the practice of their religion.

(Mar. 16, 1926, 44 Stat. 210, ch. 58, § 13.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-122.

1973 Ed., § 3-123.

References in Text

Board of Public Welfare abolished: See note to § 4-102.

Change in Government

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

§ 4-122. VISITATION OF WARDS.

A ward placed outside the District of Columbia and the States of Virginia and Maryland shall be visited not less than once a year by a voluntary agent or correspondent of the Board of Public Welfare.

(Mar. 2, 1927, 44 Stat. 1323, ch. 271.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-123.

1973 Ed., § 3-124.

References in Text

Board of Public Welfare abolished: See note to § 4-102.

§ 4-123. DISCHARGE FROM GUARDIANSHIP.

The Board of Public Welfare shall have power, upon proper showing, in its discretion, to discharge from guardianship any child committed to its care.

(Mar. 2, 1927, 44 Stat. 1323, ch. 271.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-124.

1973 Ed., § 3-125.

References in Text

Board of Public Welfare abolished: See note to § 3-102.

§ 4-124. DUTIES AND RESPONSIBILITIES OF BOARD.

The Board of Public Welfare of the District of Columbia established by § 4- 102, shall, in addition to the other duties and responsibilities imposed upon it by law, have the following duties and responsibilities:

- (1) To investigate the circumstances affecting children handicapped by dependency, neglect or mental defect, or who may be in danger of becoming delinquent, and to provide such services for the protection and care of such children as will assist in conserving satisfactory home life;
- (2) To safeguard the welfare of children born out of wedlock, by providing services for their mothers and fathers and in caring for and in obtaining support for such children;
- (3) To assume responsibility for the care and support of dependent or neglected children under the age of 18 years needing public care away from their own homes, when such need has been determined by careful investigation and is requested by the parent or parents or any person or agency responsible for the care of such children;
- (4) To make suitable provision for the reception and care of children in need of detention pending court action, or who are temporarily detained under court order, or who are temporarily homeless; and
- (5) Upon proper showing, in its discretion, to discharge from custody or guardianship any child committed to its care.

(Jan. 12, 1942, 55 Stat. 882, ch. 649, § 1; Oct. 1, 1976, D.C. Law 1-87, § 6, 23 DCR 2544.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-125.

1973 Ed., § 3-126.

Legislative History of Laws

Law 1-87, the "Anti-Sex Discriminatory Language Act of 1976," was introduced in Council and assigned Bill No. 1-36, which was referred to the Committee on the Judiciary and Criminal Law. The Bill was adopted on first and second readings on June 15, 1976 and June 29, 1976, respectively. Signed by the Mayor on July 27,

1976, it was assigned Act No. 1-143 and transmitted to both Houses of Congress for its review.

References in Text

Board of Public Welfare abolished: See note to § 4-102.

§ 4-125. ASSISTING CHILD TO LEAVE INSTITUTION WITHOUT AUTHORITY; CONCEALING SUCH CHILD; DUTY OF POLICE.

Any person who shall entice or attempt to entice, away from any home or institution, any child legally committed to the Board of Public Welfare and placed by said Board in such home or institution, or any person who shall assist or attempt to assist any such child to leave without permission such home or institution, knowing such child to be an inmate of such institution or to have been placed in such home, or any person who shall harbor, conceal, or aid in harboring or concealing any such child who shall be absent without leave from a home or institution in which he has been placed by the Board of Public Welfare, shall, upon conviction thereof, be deemed guilty of a misdemeanor and shall pay a fine of not less than \$10 nor more than \$100; and any policeman shall have power, and it is hereby made his duty, to take into custody any child, when in his power to do so, who shall be absent without leave from a home or institution in which he has been placed and return him thereto or to the Receiving Home.

(Jan. 12, 1942, 55 Stat. 883, ch. 649, § 2.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 3-126.

1973 Ed., § 3-127.

Emergency Act Amendments

For temporary (90 day) addition, see § 5039 of Fiscal Year 2009 Budget Support Emergency Act of 2008 (D.C. Act 17-468, July 28, 2008, 55 DCR 8746).

References in Text

Board of Public Welfare abolished: See note to § 4-102.

§ 4-126. ASSISTANCE APPLICATION FORM STANDARDIZATION.

(a) All District government assistance application forms ("AAF") for assistance from the District government, or leading to federal or private assistance, shall:

- (1) Require the applicant to state whether he or she is a veteran; and
- (2) Provide contact information for the Office of Veterans Affairs, established by § 49-1002.

(b)(1) An agency that receives AAFs shall establish a procedure to retain AAFs that indicate that the applicant is a veteran separately from AAFs that do not so indicate.

- (2) An agency that receives an AAF that indicates that the applicant is a veteran shall forward this information to the Office of Veterans Affairs for its use and record retention.

(c) Upon August 16, 2008, all agencies shall meet the requirements of this section by providing the required information on the AAF or as an attachment to the AAF.

(Aug. 16, 2008, D.C. Law 17-219, § 5039, 55 DCR 7598.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

Law 17-219, the "Fiscal Year 2009 Budget Support Act of 2008", was introduced in Council and assigned Bill No. 17-678, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 13, 2008, and June 3, 2008, respectively. Signed by the Mayor on June 26, 2008, it was assigned Act No. 17-419 and transmitted to both Houses of Congress for its review. D.C. Law 17-219 became effective on August 16, 2008.

Miscellaneous Notes

Short title: Section 5038 of D.C. Law 17-219 provided that subtitle Q of title V of the act may be cited as the "Assistance Application Form Standardization Act of 2008".