

**DISTRICT OF COLUMBIA**  
**OFFICIAL CODE**

**TITLE 4.**  
**PUBLIC CARE SYSTEMS.**

**CHAPTER 13.**  
**CHILD ABUSE AND NEGLECT.**

**2001 Edition**

**DISTRICT OF COLUMBIA OFFICIAL CODE**  
**CHAPTER 13. CHILD ABUSE AND NEGLECT.**

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# **CHAPTER 13. CHILD ABUSE AND NEGLECT.**

## **SUBCHAPTER I. PREVENTION OF CHILD ABUSE AND NEGLECT.**

### **PART A. REPORTING ABUSE AND NEGLECT.**

#### **§ 4-1301.01. [RESERVED]**

#### **§ 4-1301.02. DEFINITIONS.**

For the purposes of this subchapter:

(1) "Abused", when used in reference to a child, shall have the same meaning as is provided in § 16-2301(23).

(2) "Adoption promotion and support services" means services and activities designed to encourage more adoptions of committed children, when such adoptions promote the best interest of the children, including such activities as pre-and post-adoptive services and activities designed to expedite the adoption process and support adoptive families.

(2A) Except where used in title IV of this act, "Agency" means the Child and Family Services Agency established by § 4-1303.01a.

(2A-i) "Behavioral health" means a person's overall social, emotional, and psychological well-being and development.

(2A-ii) "Behavioral health assessment" means a more thorough and comprehensive examination by a mental health professional of all behavioral health issues and needs identified during an initial behavioral health screening by which the mental health professional shall identify the type and extent of the behavioral health problem and make recommendations for treatment interventions.

(2A-iii) "Behavioral health screening" means a brief process designed to identify youth who are at risk of having behavioral health disorders that warrant immediate attention, or intervention, or to identify the need for further assessment with a more comprehensive examination.

(2B) "CAC" means Safe Shores, the District of Columbia's Children's Advocacy Center.

(3) "Case plan" means a written document concerning a child that includes at least the following:

(A) A description of the type of home or institution in which the child is to be placed, including a discussion of the safety and appropriateness of the placement and how the agency that is responsible for the child plans to carry out the voluntary placement agreement or judicial determination made with respect to the child;

(B) A plan for assuring that the child receives safe and proper care and that services are available to the parents, child, and foster parents in order to improve conditions in the parents' home, facilitate return of the child to his or her own safe home or to the child's permanent placement, and address the child's needs while a committed child, including the appropriateness of services provided to the child under the plan;

(C) To the extent available and accessible, the child's health and education records;

(D) Where appropriate, for a child 16 years of age or over, a written description of the programs and services which will help the child prepare for the transition from being a committed child to independent living; and

(E) If the child's permanent plan is adoption or placement in another permanent home, documentation of the steps (including child specific recruitment efforts) taken to accomplish the following:

- (i) Find an adoptive family or other permanent living arrangement, such as with a legal custodian, with a kinship caregiver, or in independent living;
- (ii) Place the child with an adoptive family, a kinship caregiver, a legal custodian, or in another planned permanent living arrangement; and
- (iii) Finalize the adoption or legal custody or guardianship.

(F) In the case of a child with respect to whom the permanency plan is placement with a relative and receipt of kinship guardianship assistance payments under § 16-2399, a description of the:

- (i) Steps taken to determine that it is not appropriate for the child to be returned home or adopted;
- (ii) Reasons for any separation of siblings during placement;
- (iii) Reasons a permanent placement with a fit and willing relative through a kinship guardianship-assistance arrangement is in the child's best interests;
- (iv) Ways in which the child meets the eligibility requirements for a kinship guardianship-assistance payment;
- (v) Efforts made to discuss adoption by the child's relative foster parent as a more permanent alternative to legal guardianship and, in the case of a relative foster parent who has chosen not to pursue adoption, documentation of the reasons therefore; and
- (vi) Efforts made to discuss with the child's parent the kinship guardianship-assistance arrangement, or the reasons the efforts were not made; and

(G) A plan for ensuring the educational stability of the child while in foster care, including:

- (i) Assurances that the placement of the child in foster care takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement; and
- (ii)(I) An assurance that the Agency has coordinated with appropriate local educational agencies, as defined under section 9101(26) of the Elementary and Secondary Education Act of 1965, approved January 8, 2002 (115 Stat. 1425; 20 U.S.C. § 7801(26)), to ensure that the child remains in the school in which the child is enrolled at the time of placement; or
  - (II) If remaining in the school the child is enrolled in at the time of placement is not in the best interests of the child, assurances by the Agency and the local educational agencies to provide immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the new school.

(4) "Child Protection Register" means the confidential index of all reports established pursuant to § 4-1302.01.

(4A) "Consumer reporting agency" means a person or entity that assembles or evaluates consumer credit information or other information on consumers for the purpose of furnishing consumer reports and the disclosure of file information to third parties.

(5) "Credible evidence" means any evidence that indicates that a child is an abused or neglected child, including the statement of any person worthy of belief.

(6) "Director" means the Director of the Child and Family Services Agency established by § 4-1302.01.

(6A) "Domestic partnership" shall have the same meaning as provided in § 32-701(4).

(7) "Drug" shall have the same meaning as the term "controlled substance" has in § 48-901.02(4).

(8) "Drug-related activity" means the use, sale, distribution, or manufacture of a drug or drug paraphernalia without a legally valid license or medical prescription.

(9) "Entry into foster care" means the earlier of:

- (A) The date of the first judicial finding that the child has been neglected; or
- (B) The date that is 60 days after the date on which the child is removed from the home.

(9A) "Family assessment" means an evaluation, for the purpose of developing a service plan, to determine:

- (A) A family's strengths and needs;
- (B) The safety of any children in the home, including assessing whether there exists a risk of abuse or neglect of any child, but excludes a determination as to whether a report of abuse or neglect is substantiated, inconclusive, or unfounded;
- (C) A family's ability to function as a cohesive unit; and
- (D) A family's access to resources.

(10) "Family preservation services" means services for children and families who are at risk of abuse or neglect, or in crisis, including:

(A) Services designed to help children return to families from which they have been removed, or be placed for adoption, where safe and appropriate, with a legal guardian, or, if adoption or legal guardianship is determined not to be safe and appropriate for a child, in another permanent living arrangement;

(B) Replacement prevention services;

(C) Services which provide follow-up care to families to whom a child has returned after commitment;

(D) Respite care services; and

(E) Services designed to improve parenting skills and abilities.

(11) Family support services' means community-based services to promote the safety and well-being of children and families, and designed to:

(A) Increase family strength and stability;

(B) Increase parent confidence and competence;

(C) Afford children safe, stable, and supportive family environments; and

(D) Otherwise enhance child development.

(12) "God parent" means an individual identified by a relative of the child by blood, marriage, domestic partnership, or adoption, in a sworn affidavit, to have close personal or emotional ties with the child or the child's family, which pre-dated the child's placement with the individual.

(13) "Guardian ad litem" means an attorney appointed by the Superior Court of the District of Columbia to represent the child's best interests in neglect proceedings.

(13A) "Inconclusive report" means a report, made pursuant to § 4-1321.03, which cannot be proven to be either substantiated or unfounded.

(14) "Kinship caregiver" means an individual who:

(A) Is approved by the Division to provide kinship care;

(B) Is at least 21 years of age;

(C) Is providing, or is willing to provide for, the day-to-day care of a child; and

(D) Either:

(i) Is a relative of the child by blood, marriage, domestic partnership, or adoption; or

(ii) Is a godparent of the child.

(15) "Law enforcement officer" means a sworn officer of the Metropolitan Police Department of the District of Columbia.

(15A) "Neglected child" shall have the same meaning as is provided in § 16- 2301(9).

(15B) "Panel" means the Citizen Review Panel established by § 4-1303.51.

(15C) "Placement disruption" means an unplanned move necessary to protect the safety and well-being of the youth.

(16) "Police" means the Metropolitan Police Department of the District of Columbia.

(17) "Report" means a report to the police or the Agency of a suspected or known neglected child.

(18) Repealed.

(19) "Source" means the person or institution from whom a report originates.

(19A) "Substantiated report" means a report, made pursuant to § 4-1321.03, which is supported by credible evidence and is not against the weight of the evidence.

(20) "Time-limited family reunification services" means services and activities provided to a committed child and to the child's parent, guardian, or custodian in order to facilitate the safe, appropriate, and timely reunification of the child during the 15 months following the child's entry into foster care. Time-limited family reunification services include:

(A) Individual, group, and family counseling;

(B) Inpatient, residential, or outpatient substance abuse treatment services;

(C) Mental health services;

(D) Assistance to address domestic violence;

(E) Services designed to provide temporary child care and therapeutic services for families; and

(F) Transportation to or from any of the services and activities described in this paragraph.

(20A) "Unfounded report" means a report, made pursuant to § 4-1321.03, which is made maliciously or in bad faith or which has no basis in fact.

(21) Repealed.

(22) "Youth" means an individual under 18 years of age residing in the District and those classified as youth in the custody of the Agency who are 21 years of age or younger.

(Sept. 23, 1977, D.C. Law 2-22, title I, § 102, 24 DCR 3341; Mar. 15, 1990, D.C. Law 8-87, § 3(a), 37 DCR 50; June 27, 2000, D.C. Law 13-136, § 201(a), 47 DCR 2850; Apr. 4, 2001, D.C. Law 13-277, § 2(a), 48 DCR 2043; Oct. 19, 2002, D.C. Law 14-206, § 2(a), 49 DCR 7815; Apr. 12, 2005, D.C. Law 15-341, § 2(a), 52 DCR 2315; Apr. 13, 2005, D.C. Law 15-354, § 96, 52 DCR 2638; Mar. 2, 2007, D.C. Law 16-191, § 20, 53 DCR 6794; Sept. 12, 2008, D.C. Law 17-231, § 12, 55 DCR 6758; May 27, 2010, D.C. Law 18-162, § 2(a), 57 DCR 3029; Sept. 24, 2010, D.C. Law 18-228, § 2(a), 57 DCR 6926; Mar. 12, 2011, D.C. Law 18-312, § 2(a), 57 DCR 12398; June 7, 2012, D.C. Law 19-141, § 505(a), 59 DCR 3083.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 6-2101.

1973 Ed., § 6-2101.

##### *Effect of Amendments*

D.C. Law 13-136 rewrote this section, which formerly read:

"For the purposes of this act:

"(1) 'Child Protection Register' means the confidential index of all reports established pursuant to § 6-2111.

"(2) 'Credible evidence' means any evidence which indicates that a child is an abused or neglected child, including the statement of any person worthy of belief.

"(3) Except where used in title IV of this act, 'Division' means the Child Protective Services Division of the District of Columbia Department of Human Services.

"(4) 'Guardian ad litem' means an attorney appointed by the Superior Court of the District of Columbia to represent the child's best interests in neglect proceedings.

"(5) 'Police' means the Metropolitan Police Department of the District of Columbia.

"(6) 'Report' means a report to the police or the Division of a suspected or known neglected child.

"(7) 'Source' means the person or institution from whom a report originates.

"(8) 'Supported report' means a report, made pursuant to § 2-1353, which is supported by credible evidence.

"(9) 'Unsupported report' means a report, made pursuant to § 2-1353, which is not supported by credible evidence.

"(10) 'Drug' shall have the same meaning as the term 'controlled substance' has in § 33-501(4).

"(11) 'Drug-related activity' means the use, sale, distribution, or manufacture of a drug or drug paraphernalia without a legally valid license or medical prescription.

"(12) 'Law enforcement officer' means a sworn officer of the Metropolitan Police Department of the District of Columbia.

"(13) 'Abused,' when used with reference to a child, means a child whose parent, guardian or custodian inflicts or fails to make reasonable efforts to prevent the infliction of physical or mental injury upon the child, including excessive corporal punishment, an act of sexual abuse, molestation, or exploitation, or an injury that results from exposure to drug-related activity."

D.C. Law 13-277 added par. (2A) and rewrote par. (6) which had read:

"(6) 'Division' means the Child Protective Services Division of the District of Columbia Department of Human Services."

D.C. Law 14-206 rewrote par. (1); added pars. (12A), (14A), (18A), and (19A); and repealed pars. (17) and (20). Pars. (1), (17), and (20) had read as follows:

"(1) 'Abused', when used in reference to a child, means a child whose parent, guardian, or custodian inflicts, or fails to make reasonable efforts to prevent the infliction of, physical or mental injury upon the child, including excessive corporal punishment, an act of sexual abuse, molestation, or exploitation, or an injury that results from exposure to drug-related activity.

"(17) 'Report' means a report to the police or the Agency of a suspected or known neglected child.

"(20) 'Time-limited family reunification services' means services and activities provided to a committed child



and to the child's parent, guardian, or custodian in order to facilitate the safe, appropriate, and timely reunification of the child during the 15 months following the child's entry into foster care. Time-limited family reunification services include:"

D.C. Law 15-341 added pars. (2B) and (15B).

D.C. Law 15-354, in pars. (13A), (15A), (18), (19A), (20A), and (21), validated previously made technical corrections.

D.C. Law 16-191, in par. (15B), validated a previously made technical correction.

D.C. Law 17-231 added par. (6A); and, in pars. (12) and (14)(D)(i), substituted "marriage, domestic partnership," for "marriage,".

D.C. Law 18-162 added par. (4A).

D.C. Law 18-228 added par. (9A).

D.C. Law 18-312 added pars. (3)(F) and (G).

D.C. Law 19-141 added pars. (2A-i), (2A-ii), (2A-iii), (15C), and (22).

*Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 3 of Prevention of Child Neglect Temporary Amendment Act of 1993 (D.C. Law 10-61, November 20, 1993, law notification 40 DCR 8454).

For temporary (225 day) amendment of section, see § 201(a) of Adoption and Safe Families Temporary Amendment Act of 1999 (D.C. Law 13-56, March 7, 2000, law notification 47 DCR 1978).

For temporary (225 day) amendment of section, see § 2(a) of Adoption and Safe Families Compliance Temporary Amendment Act of 2000 (D.C. Law 13-193, October 21, 2000, law notification 47 DCR 8983).

For temporary (225 day) amendment of section, see § 3(b) of Improved Child Abuse Investigations Technical Temporary Amendment Act of 2002 (D.C. Law 14- 240, March 25, 2003, law notification 50 DCR 2753).

Section 2 of D.C. Law 18-136, in par. (3), added subpars. (F) and (G) to read as follows:

"(F) In the case of a child with respect to whom the permanency plan is placement with a relative and receipt of kinship guardianship assistance payments under D.C. Official Code § 16-2399, a description of the:

"(i) Steps taken to determine that it is not appropriate for the child to be returned home or adopted;

"(ii) Reasons for any separation of siblings during placement;

"(iii) Reasons a permanent placement with a fit and willing relative through a kinship guardianship-assistance arrangement is in the child's best interests;

"(iv) Ways in which the child meets the eligibility requirements for a kinship guardianship-assistance payment;

"(v) Efforts made to discuss adoption by the child's relative foster parent as a more permanent alternative to legal guardianship and, in the case of a relative foster parent who has chosen not to pursue adoption, documentation of the reasons therefore; and

"(vi) Efforts made to discuss with the child's parent the kinship guardianship-assistance arrangement, or the reasons the efforts were not made; and

"(G) A plan for ensuring the educational stability of the child while in foster care, including:

"(i) Assurances that the placement of the child in foster care takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement; and

"(ii)(I) An assurance that the Agency has coordinated with appropriate local educational agencies, as defined under section 601(f) of the Elementary and Secondary Education Act of 1965, approved April 11, 1965 (79 Stat. 27; 20 USC § 7801)), to ensure that the child remains in the school in which the child is enrolled at the time of placement; or

"(II) If remaining in the school the child is enrolled in at the time of placement is not in the best interests of the child, assurances by the Agency and the local educational agencies to provide immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the school.".

Section 4(b) of D.C. Law 18-136 provides that the act shall expire after 225 days of its having taken effect.

Section 2 of D.C. Law 18-298 added pars. (3)(F) and (G) to read as follows:

"(F) In the case of a child with respect to whom the permanency plan is placement with a relative and receipt of kinship guardianship assistance payments under D.C. Official Code § 16-2399, a description of the:

"(i) Steps taken to determine that it is not appropriate for the child to be returned home or adopted;

"(ii) Reasons for any separation of siblings during placement;

"(iii) Reasons a permanent placement with a fit and willing relative through a kinship guardianship-assistance arrangement is in the child's best interests;

"(iv) Ways in which the child meets the eligibility requirements for a kinship guardianship-assistance payment;

"(v) Efforts made to discuss adoption by the child's relative foster parent as a more permanent alternative to legal guardianship and, in the case of a relative foster parent who has chosen not to pursue adoption, documentation of the reasons therefore; and

"(vi) Efforts made to discuss with the child's parent the kinship guardianship-assistance arrangement, or the reasons the efforts were not made; and

"(G) A plan for ensuring the educational stability of the child while in foster care, including:

"(i) Assurances that the placement of the child in foster care takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement; and

"(ii)(I) An assurance that the Agency has coordinated with appropriate local educational agencies, as defined under section 601(f) of the Elementary and Secondary Education Act of 1965, approved April 11, 1965 (79 Stat. 27; 20 USC § 7801)), to ensure that the child remains in the school in which the child is enrolled at the time of placement; or

"(II) If remaining in the school the child is enrolled in at the time of placement is not in the best interests of the child, assurances by the Agency and the local educational agencies to provide immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the school."

Section 4(b) of D.C. Law 18-298 provides that the act shall expire after 225 days of its having taken effect.

#### *Emergency Act Amendments*

For temporary amendment of section, see § 3 of the Prevention of Child Neglect Emergency Amendment Act of 1993 (D.C. Act 10-100, August 9, 1993, 40 DCR 6141).

For temporary amendment of section, see § 3 of the Prevention of Child Neglect Emergency Amendment Act of 1994 (D.C. Act 10-288, July 22, 1994, 41 DCR 4992).

For temporary (90-day) amendment of section, see § 201(a) of the Adoption and Safe Families Emergency Amendment Act of 1999 (D.C. Act 13-117, July 28, 1999, 46 DCR 6558).

For temporary (90-day) amendment of section, see § 201(a) of the Adoption and Safe Families Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13- 178, November 2, 1999, 46 DCR 9714).

For temporary (90-day) amendment of section, see § 201(a) of the Adoption and Safe Families Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-240, January 11, 2000, 47 DCR 556).

For temporary (90-day) amendment of section, see § 2 of the Adoption and Safe Families Compliance Emergency Amendment Act of 2000 (D.C. Act 13-383, July 24, 2000, 47 DCR 6700).

For temporary (90 day) amendment of section, see § 2(a) of the Adoption and Safe Families Compliance Congressional Review Emergency Amendment Act of 2000 (D.C. Act 13-451, November 7, 2000, 47 DCR 9399).

For temporary (90 day) delay of the applicability of provisions changing the manner in which the Child and Family Services Agency will process reports of child abuse and neglect, see § 3 of Improved Child Abuse Investigations Technical Emergency Amendment Act of 2002 (D.C. Act 14-494, October 23, 2002, 49 DCR 9781).

For temporary (90 day) delay of the applicability of provisions changing the manner in which the Child and Family Services Agency will process reports of child abuse and neglect, see § 3 of Improved Child Abuse Investigations Technical Congressional Review Emergency Amendment Act of 2002 (D.C. Act 14- 603, January 7, 2003, 50 DCR 687).

For temporary (90 day) amendment of section, see § 2 of Prevention of Child Abuse and Neglect Emergency Amendment Act of 2009 (D.C. Act 18-259, January 4, 2010, 57 DCR 337).

For temporary (90 day) amendment of section, see § 2 of Prevention of Child Abuse and Neglect Emergency Amendment Act of 2010 (D.C. Act 18-586, October 20, 2010, 57 DCR 10136).

For temporary (90 day) repeal of section 3 of D.C. Law 18-228, see § 109 of Fiscal Year 2013 Budget Support Technical Clarification Emergency Amendment Act of 2012 (D.C. Act 19-482, October 10, 2012, 59 DCR 12478).

#### *Legislative History of Laws*

Law 2-22, the "Prevention of Child Abuse and Neglect Act of 1977," was introduced in Council and assigned Bill No. 2-48, which was referred to the Committee on Human Resources and Aging and the Committee on the Judiciary. The Bill was adopted on first and second readings on May 17, 1977, and May 31, 1977, respectively. Signed by the Mayor on July 6, 1977, it was assigned Act No. 2-53 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 8-87, see Historical and Statutory Notes following § 4-1301.06a.

Law 13-136, the "Adoption and Safe Families Amendment Act of 2000," was introduced in Council and assigned Bill No. 13-214, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on February 1, 2000, and March 7, 2000, respectively. Signed by the Mayor on March 31, 2000, it was assigned Act No. 13-315 and transmitted to both Houses of Congress for its review. D.C. Law 13-136 became effective on June 27, 2000.

Law 13-277, the "Child and Family Services Agency Establishment Amendment Act of 2000", was introduced in Council and assigned Bill No. 13-796, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on December 5, 2000, and December 19, 2000, respectively. Signed by the Mayor on January 24, 2001, it was assigned Act No. 13-590 and transmitted to Both Houses of Congress for its review. D.C. Law 13-277 became effective on April 4, 2000.

Law 14-206, the "Improved Child Abuse Investigations Amendment Act of 2002", was introduced in Council and assigned Bill No. 14-372, which was referred to Committee on the Judiciary and the Committee on Human Services. The Bill was adopted on first and second readings on June 18, 2002, and July 2, 2002, respectively. Signed by the Mayor on July 23, 2002, it was assigned Act No. 14-440 and transmitted to both Houses of Congress for its review. D.C. Law 14- 206 became effective on October 19, 2002.

Law 14-310, the "Criminal Code and Miscellaneous Technical Amendments Act of 2002", was introduced in Council and assigned Bill No. 14-954, which was referred to the Committee on Whole. The Bill was adopted on first and second readings on December 3, 2002, and December 17, 2002, respectively. Signed by the Mayor on January 22, 2003, it was assigned Act No. 14-622 and transmitted to both Houses of Congress for its review. D.C. Law 14-310 became effective on June 12, 2003.

Law 15-341, the "Child in Need of Protection Amendment Act of 2004", was introduced in Council and assigned Bill No. 15-389 which was referred to the Committee on Judiciary and the Committee on Human Services. The Bill was adopted on first and second readings on December 7, 2004, and December 21, 2004, respectively. Signed by the Mayor on January 19, 2005, it was assigned Act No. 15-758 and transmitted to both Houses of Congress for its review. D.C. Law 15-341 became effective on April 12, 2005.

For Law 15-354, see notes following § 4-204.55.

For Law 16-191, see notes following § 4-204.61.

Law 17-231, the "Omnibus Domestic Partnership Equality Amendment Act of 2008", was introduced in Council and assigned Bill No. 17-135, which was referred to the Committee on Public Safety and the Judiciary. The Bill was adopted on first and second readings on April 1, 2008, and May 6, 2008, respectively. Signed by the Mayor on June 6, 2008, it was assigned Act No. 17-403 and transmitted to both Houses of Congress for its review. D.C. Law 17-231 became effective on September 12, 2008.

Law 18-162, the "Foster Care Youth Identity Protection Amendment Act of 2010", was introduced in Council and assigned Bill No. 18-449, which was referred to the Committee on Human Services. The bill was adopted on first and second readings on February 2, 2010, and March 2, 2010, respectively. Signed by the Mayor on April 2, 2010, it was assigned Act No. 18-354 and transmitted to both Houses of Congress for its review. D.C. Law 18-162 became effective on May 27, 2010.

Law 18-228, the "Families Together Amendment Act of 2010", was introduced in Council and assigned Bill No. 18-667, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on June 1, 2010, and June 15, 2010, respectively. Signed by the Mayor on July 7, 2010, it was assigned Act No. 18-472 and transmitted to both Houses of Congress for its review. D.C. Law 18-228 became effective on September 24, 2010.

Law 18-312, the "Prevention of Child Abuse and Neglect Amendment Act of 2010", was introduced in Council and assigned Bill No. 18-579, which was referred to the Committee on Human Services, Public Safety and the Judiciary. The Bill was adopted on first and second readings on November 9, 2010, and November 23, 2010, respectively. Signed by the Mayor on December 13, 2010, it was assigned Act No. 18-633 and transmitted to both Houses of Congress for its review. D.C. Law 18-312 became effective on March 12, 2011.

Law 19-141, the "South Capitol Street Memorial Amendment Act of 2012", was introduced in Council and assigned Bill No. 19-211, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on March 6, 2012, and March 20, 2012, respectively. Signed by the Mayor on April 10, 2012, it was assigned Act No. 19-344 and transmitted to both Houses of Congress for its review. D.C. Law 19-141 became effective on June 7, 2012.

#### *References in Text*

"Title IV of this act", referenced in par. (2A), is title IV of Law 2-22, which is codified to 16-2304, 16-2310, 16-2313, 16-2315, 16-2319, 16-2320, 16-2323 to 16-2338, and 16-2351 to 16-2365.

#### *Miscellaneous Notes*

For applicability of D.C. Law 13-277, see note following § 4-1303.01a.

Application of Law 14-206: Section 16(b) of D.C. Law 14-310 provides that section 2(a)(2), (4), (5), (6), and (7), (b), (c), (d), (e), (h), (i), (j), (k), and (l) of D.C. 14-206 shall apply as of October 1, 2003.

Section 3 of D.C. Law 18-228 provides:

"Sec. 3. Applicability.

"This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan."

The Budget Director of the Council of the District of Columbia has determined, as of February 15, 2012, that the fiscal effect of Law 18-228 has not been included in an approved budget and financial plan. Therefore, the provisions of this section, enacted by Law 18-228, are not in effect.

The Budget Director of the Council of the District of Columbia has determined, as of October 10, 2012, that the fiscal effect of Title III of Law 18-228 has been included in an approved budget and financial plan. Therefore, the provisions of this section, enacted by Law 18-228, are in effect. Section 109 of Emergency Act 19-482 repealed section 3 of Law 18-228.

### **§ 4-1301.03. [RESERVED]**

### **§ 4-1301.04. HANDLING OF REPORTS--BY AGENCY.**

(a)(1) The Agency shall conduct a thorough investigation of a report of suspected child abuse or neglect to protect the health and safety of the child or children.

(2) For all other reports of suspected child abuse or neglect, the Agency, directly or through a contractor or another appropriate District agency, shall conduct either a thorough investigation or a family assessment. A family's cooperation with the family assessment and its acceptance of services offered pursuant to the assessment shall be voluntary; provided, that there are no child-safety concerns.

(3) If at any time the Agency determines that a report referred for family assessment should be re-referred for an investigation, the Agency shall commence an investigation pursuant to subsections (b), (c), and (d) of this section and the requirements of this subchapter.

(4) If the family assessment determines that the family needs services, the Agency, directly or through a contractor or another appropriate District agency, shall assist the family in obtaining these services.

(5) The family assessment shall commence as soon as possible, but no later than 5 days after the Agency's receipt of the report, and shall include seeing the child and all other children in the household within that 5-day period; provided, that the report does not involve a child who is at imminent risk of or has experienced abuse or neglect that the Agency determines to be severe, in which case the report shall be referred for investigation.

(6) If at any time the Agency finds, through an evaluation, that the time period of 5 days to commence a family assessment is not serving the best interest of families and children, it shall re-evaluate its practices regarding commencement and implementation of the family assessment, comparing its practices with national standards and best practices. The Agency shall report the conclusions of any re-evaluation to the Council, along with recommendations, if any, for legislative initiatives that address the conclusions of the report.

(b) The investigation shall commence:

(1) Immediately upon receiving a report of suspected abuse or neglect or a referral for investigation following a family assessment indicating that the child's safety or health is in immediate danger; and

(2) As soon as possible, and at least within 24 hours, upon receiving any report or a referral for investigation following a family assessment not involving immediate danger to the child.

(c) The initial phase of the investigation shall:

(1) Be completed within 24 hours of its commencement;

(2) Include notification and coordination with the Metropolitan Police Department when there is indication of a crime, including sexual or serious physical abuse; and

(3) Include:

(A) Seeing the child and all other children in the household outside of the presence of the caretaker or caretakers;

(B) Conducting an interview with the child's caretaker or caretakers;

(C) Speaking with the source of the report;

(D) Assessing the safety and risk of harm to the child from abuse or neglect in the place where the child lives;

(E) Deciding on the safety of the child and of other children in the household; and

(F) Deciding on the safety of other children in the care or custody of the person or persons alleged to be abusing or neglecting the child;

(G) A finding as to whether the report of abuse or neglect is substantiated, inconclusive, or unfounded, unless at any time during the investigation the Director determines it appropriate to refer the family for a family assessment and suspends the investigation to complete a family assessment in accordance with rules issued pursuant to § 4-1306.01(d).

(d) The Agency may request the assistance of the Metropolitan Police Department to assist in the investigation or to ensure the safety of Agency staff.

(e)(1) Repealed.

(2) On or before December 15, 2011, the Agency shall submit a written report to the Council's Committee on Human Services detailing the Agency's progress toward using family assessments as authorized by this section, which shall include:

(A) A detailed review of the steps taken to phase in full implementation of this alternative to investigation;

(B) An evaluation of the strengths and needs of the implementation process; and

(C) Whether additional funding will be needed in fiscal year 2013 for expanded implementation.

(Sept. 23, 1977, D.C. Law 2-22, title I, § 104, 24 DCR 3341; Apr. 4, 2001, D.C. Law 13-277, § 2(b), 48 DCR 2043; Apr. 12, 2005, D.C. Law 15-341, § 2(b), 52 DCR 2315; Sept. 24, 2010, D.C. Law 18-228, § 2(b), 57 DCR 6926; Sept. 14, 2011, D.C. Law 19-21, § 5052(a), 58 DCR 6226.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 6-2102.

1973 Ed., § 6-2102.

##### *Effect of Amendments*

D.C. Law 13-277 substituted "Agency" for "Division" throughout the section.

D.C. Law 15-341 rewrote the section which had read as follows:

"(a) Upon the receipt of an oral report, the Agency shall immediately inform the police of the contents of the report, if it alleges a child is or may have been an abused child.

"(b) The Agency shall commence an investigation of all reports alleging neglect other than abuse within 24 hours of the receipt of the report except that when:

"(1) A report alleges that a child is left alone or with inadequate supervision, the Agency shall commence an investigation immediately. If the Agency is unable to dispatch a worker to the child forthwith, it shall inform the police of the report;

"(2) A report indicates the existence of an immediate danger to a child and the immediate removal of the child from his or her surroundings appears necessary despite the available resources, the Agency shall inform the police of the contents of the report and request the police to investigate. The Agency shall immediately commence a social investigation.

"(c) In all cases occurring after normal working hours or when it is otherwise deemed necessary, the Agency may request the assistance of the police."

D.C. Law 18-228 rewrote the section, which had read as follows:

"(a) The Agency shall conduct a thorough investigation of a report of suspected child abuse or neglect to protect the health and safety of the child or children.

"(b) The investigation shall commence:

"(1) Immediately upon receiving a report of suspected abuse or neglect indicating that the child's safety or health is in immediate danger; and

"(2) As soon as possible, and at least within 24 hours, upon receiving any report not involving immediate danger to the child.

"(c) The initial phase of the investigation shall:

"(1) Be completed within 24 hours of its commencement;

"(2) Include notification and coordination with the Metropolitan Police Department when there is indication of a crime, including sexual or serious physical abuse; and

"(3) Include:

"(A) Seeing the child and all other children in the household outside of the presence of the caretaker or caretakers;

- "(B) Conducting an interview with the child's caretaker or caretakers;
- "(C) Speaking with the source of the report;
- "(D) Assessing the safety and risk of harm to the child from abuse or neglect in the place where the child lives;
- "(E) Deciding on the safety of the child and of other children in the household; and
- "(F) Deciding on the safety of other children in the care or custody of the person or persons alleged to be abusing or neglecting the child.

"(d) The Agency may request the assistance of the Metropolitan Police Department to assist in the investigation or to ensure the safety of Agency staff."

D.C. Law 19-21 repealed subsec. (e)(1); and, in subsec. (e)(2), substituted "December 15, 2011" for "October 1, 2010" in the lead-in language, substituted "to phase in full implementation of this alternative to investigation;" for "toward full implementation of this alternative to investigation; and" in subpar. (A), substituted "process; and" for "process." in subpar. (B), and added subpar. (C). Prior to repeal, subsec. (e)(1) read as follows:

"(e)(1) The use of family assessments, where appropriate, shall be fully implemented within 365 days of September 24, 2010."

#### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 5022(a) of Fiscal Year 2012 Budget Support Emergency Act of 2011 (D.C. Act 19-93, June 29, 2011, 58 DCR 5599).

For temporary (90 day) repeal of section 3 of D.C. Law 18-228, see § 109 of Fiscal Year 2013 Budget Support Technical Clarification Emergency Amendment Act of 2012 (D.C. Act 19-482, October 10, 2012, 59 DCR 12478).

#### *Legislative History of Laws*

For legislative history of D.C. Law 2-22, see Historical and Statutory Notes following § 4-1301.02.

For D.C. Law 13-277, see note following § 4-1301.02.

For Law 15-341, see notes following § 4-1301.02.

For Law 18-228, see notes following § 4-1301.02.

For history of Law 19-21, see notes under § 4-204.07.

#### *Miscellaneous Notes*

For applicability of D.C. Law 13-277, see note following § 4-1303.01a.

Section 3 of D.C. Law 18-228 provides:

"Sec. 3. Applicability.

"This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan."

The Budget Director of the Council of the District of Columbia has determined, as of February 15, 2012, that the fiscal effect of Law 18-228 has not been included in an approved budget and financial plan. Therefore, the provisions of this section, enacted by Law 18-228, are not in effect.

The Budget Director of the Council of the District of Columbia has determined, as of October 10, 2012, that the fiscal effect of Title III of Law 18-228 has been included in an approved budget and financial plan. Therefore, the provisions of this section, enacted by Law 18-228, are in effect. Section 109 of Emergency Act 19-482 repealed section 3 of Law 18-228.

Short title: Section 5051 of D.C. Law 19-21 provided that subtitle F of title V of the act may be cited as "Families Together Amendment Act of 2011".

### **§ 4-1301.05. HANDLING OF REPORTS--BY POLICE.**

- (a) The police shall, as soon as possible after the receipt of a report of a neglected child other than an abused child, inform the Agency of its contents and any action the police are taking or have taken.
- (b) The police may, upon the receipt of a report of an abused child, inform the Agency of its contents and shall, as soon as possible when the report is a substantiated report, inform the Agency of its contents and any action they are taking or have taken.
- (c) The police shall immediately after a report is received commence an investigation of the circumstances alleged in the report.
- (d) The police shall immediately after a report is received commence an investigation of a case of a neglected child in immediate danger which case was referred from the Agency or reported directly to the

police.

(e) Upon the receipt of a report alleging a child is or has been left alone or without adequate supervision, the police shall respond to the report immediately and shall take such steps as are necessary to safeguard the child until a Agency staff member arrives: Provided, however, that if the Agency does not arrive within a reasonable time, the police may transport the child to the Agency. The transporting of a child to the Agency pursuant to this subsection shall not be considered a taking into custody as described in § 16-2309.

(Sept. 23, 1977, D.C. Law 2-22, title I, § 105, 24 DCR 3341; Apr. 4, 2001, D.C. Law 13-277, § 2(c), 48 DCR 2043; Oct. 19, 2002, D.C. Law 14-206, § 2(b), 49 DCR 7815.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 6-2103.

1973 Ed., § 6-2103.

##### *Effect of Amendments*

D.C. Law 13-277 substituted "Agency" for "Division" throughout the section.

D.C. Law 14-206, in subsec. (b), substituted "substantiated report" for "supported report".

##### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 3(b) of Improved Child Abuse Investigations Technical Temporary Amendment Act of 2002 (D.C. Law 14- 240, March 25, 2003, law notification 50 DCR 2753).

##### *Emergency Act Amendments*

For temporary (90 day) delay of the applicability of provisions changing the manner in which the Child and Family Services Agency will process reports of child abuse and neglect, see § 3 of Improved Child Abuse Investigations Technical Emergency Amendment Act of 2002 (D.C. Act 14-494, October 23, 2002, 49 DCR 9781).

For temporary (90 day) delay of the applicability of provisions changing the manner in which the Child and Family Services Agency will process reports of child abuse and neglect, see § 3 of Improved Child Abuse Investigations Technical Congressional Review Emergency Amendment Act of 2002 (D.C. Act 14- 603, January 7, 2003, 50 DCR 687).

##### *Legislative History of Laws*

For legislative history of D.C. Law 2-22, see Historical and Statutory Notes following § 4-1301.02.

For D.C. Law 13-277, see notes following § 4-1301.02.

For Law 14-206, see notes following § 4-1301.02.

Law 14-310, the "Criminal Code and Miscellaneous Technical Amendments Act of 2002", was introduced in Council and assigned Bill No. 14-954, which was referred to the Committee on Whole. The Bill was adopted on first and second readings on December 3, 2002, and December 17, 2002, respectively. Signed by the Mayor on January 22, 2003, it was assigned Act No. 14-622 and transmitted to both Houses of Congress for its review. D.C. Law 14-310 became effective on June 12, 2003.

##### *Miscellaneous Notes*

For applicability of D.C. Law 13-277, see note following § 4-1303.01a.

Application of Law 14-206: Section 16(b) of D.C. Law 14-310 provides that section 2(a)(2), (4), (5), (6), and (7), (b), (c), (d), (e), (h), (i), (j), (k), and (l) of D.C. Law 14-206 shall apply as of October 1, 2003.

## **§ 4-1301.06. INVESTIGATION.**

(a) The full investigation shall be completed no more than 30 days after the receipt of the first notice of the suspected abuse or neglect.

(b) The investigation shall determine:

- (1) The nature, extent, and cause of the abuse or neglect, if any;
- (2) If mental injury, as defined in § 16-2301(31), is suspected, an assessment of the suspected mental injury by a physician, a psychologist, or a licensed clinical social worker;
- (3) If the suspected abuse or neglect is determined to be substantiated:
  - (A) The identity of the person responsible for the abuse or neglect;
  - (B) The name, age, sex, and condition of the abused or neglected child and all other children in the home;

- (C) The conditions in the home at the time of the alleged abuse or neglect;
- (D) Whether there is any child in the home whose health, safety, or welfare is at risk; and
- (E) Whether any child who is at risk should be removed from the home or can be protected by the provision of resources, such as those listed in §§ 4-1303.03 and 4-1303.03a.

(c)(1) Within 5 business days after the completion of the investigation, the Agency shall complete a final report of its findings.

(2) The Agency shall provide a copy of a report regarding suspected abuse or neglect that addresses possible criminal activity to the Metropolitan Police Department, the Office of the Attorney General, and the United States Attorney for the District of Columbia.

(d) If the Agency determines that a report was made in bad faith, the Agency shall refer the report to the Office of the Attorney General, which shall determine whether prosecution of the person making the report in bad faith is warranted.

(e) Nothing in this section shall be read as abrogating the responsibility of the Metropolitan Police Department for criminal investigations.

(Sept. 23, 1977, D.C. Law 2-22, title I, § 106, 24 DCR 3341; Apr. 4, 2001, D.C. Law 13-277, § 2(d), 48 DCR 2043; Apr. 12, 2005, D.C. Law 15-341, § 2(c), 52 DCR 2315.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 6-2104.

1973 Ed., § 6-2104.

##### *Effect of Amendments*

D.C. Law 13-277, in subsec. (a), substituted "with the Agency" for "with the Division" and substituted "either the Agency" for "either the department of Human Services".

D.C. Law 15-341 rewrote the section which had read as follows:

"(a) The primary responsibility for the initial investigation is with the police in cases of an allegedly abused child and with the Agency in other cases of an allegedly neglected child: Provided, however, that the investigation of a report involving acts or omissions of either the Agency or the police shall be conducted by the department which is not involved.

"(b) The purpose of the initial investigation shall be to determine:

"(1) The nature, extent, and cause of the abuse or neglect;

"(2) The identity of the person responsible for the abuse or neglect;

"(3) The name, age, sex, and condition of the abused or neglected child and all other children in the home;

"(4) The conditions in the home at the time of the investigation;

"(5) Whether there is any child in the home whose health, safety, or welfare is in jeopardy because of his or her treatment in the home or his or her home environment; and

"(6) Whether any child who is in jeopardy because of treatment in the home or his or her home environment should be removed from the home or can be protected by the provision of resources such as those listed in § 4-1303.04."

##### *Legislative History of Laws*

For legislative history of D.C. Law 2-22, see Historical and Statutory Notes following § 4-1301.02.

For D.C. Law 13-277, see notes following § 4-1301.02.

For Law 15-341, see notes following § 4-1301.02.

##### *Miscellaneous Notes*

For applicability of D.C. Law 13-277, see note following § 4-1303.01a.

## **§ 4-1301.06A. EXPOSURE OF CHILDREN TO DRUG-RELATED ACTIVITY.**

(a) Upon receipt of a report that a child (1) is born addicted or dependent on a controlled substance or has a significant presence of a controlled substance in his or her system at birth; (2) has a controlled substance in his or her body as a direct and foreseeable consequence of the acts or omissions of the child's parent, guardian, or custodian; or (3) is regularly exposed to illegal drug-related activity in the home, the Agency shall:



- (1) Commence an initial investigation in accordance with §§ 4-1301.04(b) and 4-1301.06;
  - (2) Determine whether the child should be removed temporarily from the home environment or can be protected in the home environment in accordance with § 4-1301.07(a); and
  - (3) Commence a social investigation and provide social services in accordance with § 4-1301.09(b), if the initial investigation results in a substantiated report.
- (b) A social investigation pursuant to paragraph (a)(3) of this section shall include:
- (1) A determination of whether there is reasonable evidence that any member of the child's home environment uses drugs illegally, is dependent on drugs, or needs drug abuse treatment;
  - (2) A determination of whether there is reasonable evidence that the child is exposed regularly to drug use in the home environment;
  - (3) A determination of whether there is reasonable evidence that the distribution or sale of illegal drugs or drug paraphernalia occurs in the child's home environment; and
  - (4) A determination of whether there is reasonable evidence that drug-related activity has contributed to or is likely to contribute to violent conduct within the child's home environment.
- (c) The social services required by paragraph (a)(3) of this section shall include:
- (1) Provision of drug treatment to any member of the child's home environment who is determined to be in need of drug treatment according to Chapter 12 of Title 44;
  - (2) Measures to facilitate action by the child's family, with the assistance of the Agency and the police, if necessary, to eliminate the child's exposure to drug use or to the distribution or sale of illegal drugs or drug paraphernalia in the home environment; and
  - (3) Any other service authorized or required by this subchapter or other applicable laws or rules of the District.

(Sept. 23, 1977, D.C. Law 2-22, title I, § 106a, as added Mar. 15, 1990, D.C. Law 8-87, § 3(b), 37 DCR 50; Apr. 18, 1996, D.C. Law 11-110, § 13(a), 43 DCR 530; Apr. 4, 2001, D.C. Law 13-277, § 2(e), 48 DCR 2043; Oct. 19, 2002, D.C. Law 14-206, § 2(c), 49 DCR 7815.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 6-2104.1.

##### *Effect of Amendments*

D.C. Law 13-277 substituted "Agency" for "Division" throughout the section.

D.C. Law 14-206, in subsec. (a), rewrote the lead-in language, and in par. (3), substituted "substantiated report" for "supported report". The lead-in language of subsec. (a) had read as follows:

"(a) The Agency shall, upon receipt of a report from a law enforcement officer or a health professional that a child is abused as a result of inadequate care, control, or subsistence due to exposure to drug-related activity in the home environment:"

##### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 3(b) of Improved Child Abuse Investigations Technical Temporary Amendment Act of 2002 (D.C. Law 14- 240, March 25, 2003, law notification 50 DCR 2753).

##### *Emergency Act Amendments*

For temporary (90 day) delay of the applicability of provisions changing the manner in which the Child and Family Services Agency will process reports of child abuse and neglect, see § 3 of Improved Child Abuse Investigations Technical Emergency Amendment Act of 2002 (D.C. Act 14-494, October 23, 2002, 49 DCR 9781).

For temporary (90 day) delay of the applicability of provisions changing the manner in which the Child and Family Services Agency will process reports of child abuse and neglect, see § 3 of Improved Child Abuse Investigations Technical Congressional Review Emergency Amendment Act of 2002 (D.C. Act 14- 603, January 7, 2003, 50 DCR 687).

##### *Legislative History of Laws*

Law 8-87, the "Protection of Children from Exposure to Drug-Related Activity Amendment Act of 1989," was introduced in Council and assigned Bill No. 8-139, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on November 21, 1989, and December 5, 1989, respectively. Signed by the Mayor on December 21, 1989, it was assigned Act No. 8-137 and transmitted to both Houses of Congress for its review.

Law 11-110, the "Technical Amendments Act of 1996," was introduced in Council and assigned Bill No. 11-

485, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 5, 1995, and January 4, 1996, respectively. Signed by the Mayor on January 26, 1996, it was assigned Act No. 11-199 and transmitted to both Houses of Congress for its review. D.C. Law 11-110 became effective on April 18, 1996.

For D.C. Law 13-277, see notes following § 4-1301.02.

For Law 14-206, see notes following § 4-1301.02.

Law 14-310, the "Criminal Code and Miscellaneous Technical Amendments Act of 2002", was introduced in Council and assigned Bill No. 14-954, which was referred to the Committee on Whole. The Bill was adopted on first and second readings on December 3, 2002, and December 17, 2002, respectively. Signed by the Mayor on January 22, 2003, it was assigned Act No. 14-622 and transmitted to both Houses of Congress for its review. D.C. Law 14-310 became effective on June 12, 2003.

#### *Miscellaneous Notes*

For applicability of D.C. Law 13-277, see note following § 4-1303.01a.

Application of Law 14-206: Section 16(b) of D.C. Law 14-310 provides that section 2(a)(2), (4), (5), (6), and (7), (b), (c), (d), (e), (h), (i), (j), (k), and (l) of D.C. Law 14-206 shall apply as of October 1, 2003.

### **§ 4-1301.06B. OBTAINING RECORDS.**

(a) Notwithstanding any other provision of law, upon the Agency's request, a person who is required to report suspected incidents of child abuse or neglect under § 4-1321.02 shall immediately provide the Agency copies of all records in the possession of the person or the person's employees of:

(1) A child who is the subject of an investigation of child abuse or neglect; provided, that the records bear directly on the allegations of abuse or neglect being investigated; and

(2) Any other child residing in the household where the abuse or neglect is alleged to have occurred when the Agency has a reasonable suspicion that the child's health, safety, or welfare is at risk; provided, that the records bear directly on the basis of the Agency's suspicion.

(b) The Agency shall request the records as needed for its investigation under this part.

(c) The Agency shall not be charged a fee for the records.

(d) If the Agency determines that the report of abuse or neglect is an unfounded report or an inconclusive report, as defined in § 4-1301.02, the Agency shall immediately destroy all copies of any records it has received under this section.

(Sept. 23, 1977, D.C. Law 2-22, § 106b, as added July 18, 2008, D.C. Law 17-198, § 2, 55 DCR 6283; Mar. 25, 2009, D.C. Law 17-353, § 240(a), 56 DCR 1117.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Effect of Amendments*

D.C. Law 17-353 validated a previously made technical correction in subsec. (b).

##### *Temporary Addition of Section*

For temporary (225 day) addition, see § 2 of Child Abuse and Neglect Investigation Record Access Temporary Amendment Act of 2006 (D.C. Law 16-213, March 6, 2007, law notification 54 DCR 2764).

For temporary (225 day) addition, see § 2 of Child Abuse and Neglect Investigation Record Access Temporary Amendment Act of 2007 (D.C. Law 17-93, January 29, 2008, law notification 55 DCR 3400).

##### *Emergency Act Amendments*

For temporary (90 day) addition, see § 2 of Child Abuse and Neglect Investigation Record Access Emergency Amendment Act of 2006 (D.C. Act 16-487, October 18, 2006, 53 DCR 8673).

For temporary (90 day) amendment of section, see § 2 of Child Abuse and Neglect Investigation Record Access Congressional Review Emergency Amendment Act of 2006 (D.C. Act 16-670, December 28, 2006, 54 DCR 1150).

For temporary (90 day) addition, see § 2 of Child Abuse and Neglect Investigation Record Access Emergency Amendment Act of 2007 (D.C. Act 17-166, October 19, 2007, 54 DCR 10972).

For temporary (90 day) addition, see § 2 of Child Abuse and Neglect Investigation Record Access Congressional Review Emergency Amendment Act of 2007 (D.C. Act 17-246, January 23, 2008, 55 DCR 1249).

##### *Legislative History of Laws*

Law 17-198, the "Child Abuse and Neglect Investigation Record Access Amendment Act of 2008", was

introduced in Council and assigned Bill No.17-247 which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on April 1, 2008, and May 6, 2008, respectively. Signed by the Mayor on May 23, 2008, it was assigned Act No. 17-395 and transmitted to both Houses of Congress for its review. D.C. Law 17-198 became effective on July 18, 2008.

Law 17-353, the "Technical Amendments Act of 2008", was introduced in Council and assigned Bill No. 17-994 which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 2, 2008, and December 16, 2008, respectively. Signed by the Mayor on January 15, 2009, it was assigned Act No. 17-687 and transmitted to both Houses of Congress for its review. D.C. Law 17-353 became effective on March 25, 2009.

## **§ 4-1301.07. REMOVAL OF CHILDREN.**

(a) In cases in which a child is alleged to be a neglected, but not an abused, child the Agency shall determine whether the child should be removed from the home or can be protected by the provision of services or resources. If in the opinion of the Agency the available services or resources are insufficient to protect the child and there is insufficient time to petition for removal, the Agency shall request the police to remove the child pursuant to § 16-2309(a)(3) or (a)(4).

(b) In all cases for which the police are responsible for the initial investigation but which do not involve an immediate danger to a child, the police shall seek from the Agency and the Agency shall provide assistance in the determination of whether the child can be protected by the provision of services or resources or whether removal is necessary. Whenever possible the Agency shall dispatch a worker to the scene to provide assistance in this determination.

(c) In all cases for which the police are responsible for the initial investigation and which do involve an immediate danger to a child and require removal pursuant to § 16-2309(a)(3), the police shall immediately notify the Agency of the removal and the latter shall investigate alternative placements for the child.

(d) When, prior to a shelter care hearing, the Agency locates a suitable alternative placement pursuant to subsection (c) of this section, the police may release the child pursuant to § 16-2311(a)(1).

(e) The Director of the Agency or his or her designee shall take custody of a child and remove the child from a hospital pending further custody proceedings if:

(1) The Director of the Agency receives written notification from the chief executive officer of a hospital located in the District of Columbia that a child has resided in the hospital for at least 10 days following the birth of the child, despite a medical determination that the child is ready for discharge; and

(2) The parent, guardian, or custodian of the child, as established by the hospital admission records, has not taken any action nor made any effort to maintain a parental, guardianship, or custodial relationship or contact with the child.

(Sept. 23, 1977, D.C. Law 2-22, title I, § 107, 24 DCR 3341; June 8, 1990, D.C. Law 8-134, § 3, 37 DCR 2613; Apr. 4, 2001, D.C. Law 13-277, § 2(f), 48 DCR 2043.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 6-2105.

1973 Ed., § 6-2105.

#### *Effect of Amendments*

D.C. Law 13-277 substituted "Agency" for "Division" throughout the section; and, in subsec. (e), substituted "Director of the " for "Chief of the".

#### *Legislative History of Laws*

For legislative history of D.C. Law 2-22, see Historical and Statutory Notes following § 4-1301.02.

Law 8-134, the "Infant and Child Abandonment Prevention Amendment Act of 1990," was introduced in Council and assigned Bill No. 8-404, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on March 13, 1990, and March 27, 1990, respectively. Signed by the Mayor on April 13, 1990, it was assigned Act No. 8-190 and transmitted to both Houses of Congress for its review.

For applicability of D.C. Law 13-277, see note following § 4-1303.01a.

For D.C. Law 13-277, see notes following § 4-1301.02.

#### *Miscellaneous Notes*

For applicability of D.C. Law 13-277, see note following § 4-1303.01a.

## **§ 4-1301.08. PHOTOGRAPHS AND RADIOLOGICAL EXAMINATION.**

As part of the investigation required by this part, any person responsible for the investigation may take, or have taken, photographs of each area of possible trauma on the child or photographs of the conditions surrounding the suspected abuse or neglect of the child, and if medically indicated, have radiological examinations, including full skeletal x-rays, performed on the child.

(Sept. 23, 1977, D.C. Law 2-22, title I, § 108, 24 DCR 3341; Oct. 19, 2002, D.C. Law 14-206, § 2(d), 49 DCR 7815; Apr. 12, 2005, D.C. Law 15-341, § 2(d), 52 DCR 2315.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 6-2106.

1973 Ed., § 6-2106.

#### *Effect of Amendments*

D.C. Law 14-206 substituted "substantiated report" for "supported report".

D.C. Law 15-341 rewrote the section which had read as follows:

"If there is a substantiated report, any person responsible for the investigation under § 4-1301.06 may take, or have taken, color photographs of each area of trauma visible on the child or photographs of the conditions surrounding the neglect of the child and, if medically indicated, have radiological examinations performed on the child."

#### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 3(b) of Improved Child Abuse Investigations Technical Temporary Amendment Act of 2002 (D.C. Law 14- 240, March 25, 2003, law notification 50 DCR 2753).

#### *Emergency Act Amendments*

For temporary (90 day) delay of the applicability of provisions changing the manner in which the Child and Family Services Agency will process reports of child abuse and neglect, see § 3 of Improved Child Abuse Investigations Technical Emergency Amendment Act of 2002 (D.C. Act 14-494, October 23, 2002, 49 DCR 9781).

For temporary (90 day) delay of the applicability of provisions changing the manner in which the Child and Family Services Agency will process reports of child abuse and neglect, see § 3 of Improved Child Abuse Investigations Technical Congressional Review Emergency Amendment Act of 2002 (D.C. Act 14- 603, January 7, 2003, 50 DCR 687).

#### *Legislative History of Laws*

For legislative history of D.C. Law 2-22, see Historical and Statutory Notes following § 4-1301.02.

For Law 14-206, see notes following § 4-1301.02.

Law 14-310, the "Criminal Code and Miscellaneous Technical Amendments Act of 2002", was introduced in Council and assigned Bill No. 14-954, which was referred to the Committee on Whole. The Bill was adopted on first and second readings on December 3, 2002, and December 17, 2002, respectively. Signed by the Mayor on January 22, 2003, it was assigned Act No. 14-622 and transmitted to both Houses of Congress for its review. D.C. Law 14-310 became effective on June 12, 2003.

For Law 15-341, see notes following § 4-1301.02.

#### *Miscellaneous Notes*

Application of Law 14-206: Section 16(b) of D.C. Law 14-310 provides that section 2(a)(2), (4), (5), (6), and (7), (b), (c), (d), (e), (h), (i), (j), (k), and (l) of D.C. Law 14-206 shall apply as of October 1, 2003.

## **§ 4-1301.09. SOCIAL INVESTIGATION; SERVICES; REPORT.**

(a) If the initial investigation results in a substantiated report, the information from the initial investigation shall be immediately referred to the police or the Agency, as appropriate. A social investigation shall be commenced immediately by the Agency in all cases of an allegedly abused child which are referred for petition to the Family Agency of the Superior Court of the District of Columbia and by the Agency in all other cases, except that cases which are or were recently active with the Agency may be investigated by the Agency. The purpose of the social investigation shall be to determine what services are required by the family to remedy the conditions of abuse or neglect.

(b) If there is a substantiated report, the agency responsible for the social investigation shall, as soon as possible, prepare a plan for each child and family for whom services are required on more than an

emergency basis and shall forthwith take such steps to ensure the protection of the child and the preservation, rehabilitation and, when safe and appropriate, reunification of the family as may be necessary to achieve the purposes of this subchapter. Such steps may include, but need not be limited to:

- (1) arranging for necessary protective, rehabilitative and financial services to be provided to the child and the child's family in a manner which maintains the child in his or her home;
- (2) referring the child and the child's family for placement in a family shelter or other appropriate facility;
- (3) securing services aimed at reuniting (with his or her family) a child taken into custody, including but not limited to parenting classes and family counseling;
- (4) providing or making specific arrangements for the case management of each case when child protective services are required; and
- (5) referring the family to drug treatment services in the event of neglect or abuse that results from drug-related activity. To the maximum extent possible, the resources of the community (public and private) shall be utilized for the provision of services and case management.

(c) A report of the social investigation required under subsection (a) of this section and the plan required under subsection (b) of this section shall be submitted to all counsel at least 5 days prior to the date of the fact-finding hearing in cases in which a petition was filed pursuant to § 16-2305; provided, that nothing added to the report or the plan subsequent to either an initial appearance or shelter care hearing shall be considered by the court prior to the completion of the fact-finding hearing unless the parent, guardian, or custodian alleged to be responsible for the neglect consents to such consideration.

(d) As part of its activities under this section, the agency responsible for the social investigation shall assure:

- (1) That each child has a case plan designed to achieve the child's placement in a safe setting that is the least restrictive and most appropriate setting available, and is consistent with the best interests and special needs of the child; and
- (2) If the child is placed outside of the home pursuant to § 16-2320(a)(3), that the child's status is reviewed periodically during an administrative review.

(e)(1) The periodic review required by subsection (d)(2) of this section shall determine the safety of the child, the continuing necessity for and appropriateness of the placement, the extent of compliance with the case plan, and the extent of progress which has been made toward alleviating or mitigating the causes necessitating placement outside the home, and to project a date, not exceeding 14 months from the date of removal from the home, by which the child may be returned to and safely maintained in the home or placed for adoption or other permanent placement.

(2) The child and the following individuals, if there are any for the child, and their attorneys, shall be provided notice of, and an opportunity to be heard during, the administrative review required by subsection (d)(2) of this section:

- (A) The child's parents;
- (B) The child's guardian or legal custodian;
- (C) The child's current foster parent;
- (D) The child's current preadoptive parent;
- (E) The child's current kinship caregiver;
- (F) The child's attorney;
- (G) The child's guardian ad litem;
- (H) The child's therapist; and
- (I) A relative or other individual with whom the child is currently placed pursuant to § 16-2320(a)(3)(C).

(Sept. 23, 1977, D.C. Law 2-22, title I, § 109, 24 DCR 3341; Mar. 15, 1990, D.C. Law 8-87, § 3(c), 37 DCR 50; Mar. 16, 1995, D.C. Law 10-227, § 2(a), 42 DCR 4; June 27, 2000, D.C. Law 13-136, § 201(b), 47 DCR 2850; Apr. 4, 2001, D.C. Law 13-277, § 2(g), 48 DCR 2043; Oct. 19, 2002, D.C. Law 14-206, § 2(e), 49 DCR 7815.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 6-2107.

1973 Ed., § 6-2107.

##### *Effect of Amendments*

D.C. Law 13-136 in subsec. (b) in the first sentence, inserted "safe and" prior to "appropriate"; and added

subsecs. (d) and (e).

D.C. Law 13-277 substituted "Agency" for "Division" throughout the section; and, in subsec. (a), substituted "Agency" for "Intrafamily Branch of the Social Services Division of the Superior Court of the District of Columbia".

D.C. Law 14-206, in subsecs. (a) and (b), substituted "substantiated report" for "supported report".

#### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 201(b) of Adoption and Safe Families Temporary Amendment Act of 1999 (D.C. Law 13-56, March 7, 2000, law notification 47 DCR 1978).

For temporary (225 day) amendment of section, see § 3(b) of Improved Child Abuse Investigations Technical Temporary Amendment Act of 2002 (D.C. Law 14- 240, March 25, 2003, law notification 50 DCR 2753).

#### *Emergency Act Amendments*

For temporary (90-day) amendment of section, see § 201(b) of the Adoption and Safe Families Emergency Amendment Act of 1999 (D.C. Act 13-117, July 28, 1999, 46 DCR 6558).

For temporary (90-day) amendment of section, see § 201(b) of the Adoption and Safe Families Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13- 178, November 2, 1999, 46 DCR 9714).

For temporary (90-day) amendment of section, see § 201(b) of the Adoption and Safe Families Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-240, January 11, 2000, 47 DCR 556).

For temporary (90 day) delay of the applicability of provisions changing the manner in which the Child and Family Services Agency will process reports of child abuse and neglect, see § 3 of Improved Child Abuse Investigations Technical Emergency Amendment Act of 2002 (D.C. Act 14-494, October 23, 2002, 49 DCR 9781).

For temporary (90 day) delay of the applicability of provisions changing the manner in which the Child and Family Services Agency will process reports of child abuse and neglect, see § 3 of Improved Child Abuse Investigations Technical Congressional Review Emergency Amendment Act of 2002 (D.C. Act 14- 603, January 7, 2003, 50 DCR 687).

#### *Legislative History of Laws*

For legislative history of D.C. Law 2-22, see Historical and Statutory Notes following § 4-1301.02.

For legislative history of D.C. Law 8-87, see Historical and Statutory Notes following § 4-1301.06a.

Law 10-227, the "Parental Responsibility Amendment Act of 1994," was introduced in Council and assigned Bill No. 10-634, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on November 1, 1994, and December 6, 1994, respectively. Signed by the Mayor on December 27, 1994, it was assigned Act No. 10-368 and transmitted to both Houses of Congress for its review. D.C. Law 10-227 became effective on March 16, 1995.

For Law 13-136, see notes following § 4-1301.02.

For D.C. Law 13-277, see notes following § 4-1301.02.

For Law 14-206, see notes following § 4-1301.02.

Law 14-310, the "Criminal Code and Miscellaneous Technical Amendments Act of 2002", was introduced in Council and assigned Bill No. 14-954, which was referred to the Committee on Whole. The Bill was adopted on first and second readings on December 3, 2002, and December 17, 2002, respectively. Signed by the Mayor on January 22, 2003, it was assigned Act No. 14-622 and transmitted to both Houses of Congress for its review. D.C. Law 14-310 became effective on June 12, 2003.

#### *Miscellaneous Notes*

For applicability of D.C. Law 13-277, see note following § 4-1303.01a.

Application of Law 14-206: Section 16(b) of D.C. Law 14-310 provides that section 2(a)(2), (4), (5), (6), and (7), (b), (c), (d), (e), (h), (i), (j), (k), and (l) of D.C. Law 14-206 shall apply as of October 1, 2003.

### **§ 4-1301.09A. REASONABLE EFFORTS.**

(a) In determining and making reasonable efforts under this section, the child's safety and health shall be the paramount concern.

(b)(1) Except as provided in subsection (c) of this section, reasonable efforts shall be made to preserve and reunify the family by the Agency .

(2) These reasonable efforts shall be made prior to the removal of a child from the home in order to prevent or eliminate the need for removing the child, unless the provision of services would put the child

in danger.

(3) Reasonable efforts shall be made to make it possible for the child to return safely to the child's home.

(c) If reasonable efforts as required by subsection (b) of this section are determined to be inconsistent with the child's permanency plan, the Agency shall make reasonable efforts to place the child in accordance with the child's permanency plan and to complete whatever steps are necessary to finalize the child's permanent placement.

(d) The Agency shall not be required to make reasonable efforts to preserve and reunite the family with respect to a parent if:

(1) A court of competent jurisdiction has determined that the parent:

(A) Subjected the child who is the subject of a petition before the Family Court of the Superior Court of the District of Columbia ("Family Court"), a sibling of the child, or another child to cruelty, abandonment, torture, chronic abuse, or sexual abuse;

(B) Committed the murder or voluntary manslaughter of a sibling of the child who is the subject of a petition before the Family Court or another child, or of any other member of the household of the parent;

(C) Aided, abetted, attempted, conspired, or solicited to commit the murder or voluntary manslaughter of the child who is the subject of a petition before the Family Court, a sibling of the child, or another child, or of any other member of the household of the parent; or

(D) Committed an assault that constitutes a felony against the child who is the subject of a petition before the Family Court, a sibling of the child, or another child;

(2) The parent's parental rights have been terminated involuntarily with respect to a sibling; or

(3) A court of competent jurisdiction has determined that the parent is required to register with a sex offender registry under section 113(a) of the Adam Walsh Child Protection and Safety Act of 2006, approved July 27, 2006 (120 Stat. 593; 42 U.S.C. 16913(a)).

(e) If reasonable efforts are not made pursuant to subsection (d) of this section:

(1) A permanency hearing conducted pursuant to § 16-2323 shall be held for the child within 30 days after the determination that reasonable efforts are not required; and

(2) Reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child.

(f) Reasonable efforts to place a child for adoption, with an approved kinship caregiver, with a legal custodian or guardian, or in another permanent placement may be made concurrently with the reasonable efforts required by subsection (b) of this section.

(Sept. 23, 1977, D.C. Law 2-22, title I, § 109a, as added June 27, 2000, D.C. Law 13-136, § 201(c), 47 DCR 2850; Apr. 4, 2001, D.C. Law 13-277, § 2(h), 48 DCR 2043; Apr. 12, 2005, D.C. Law 15-341, § 2(e), 52 DCR 2315; July 13, 2012, D.C. Law 19-164, § 2, 59 DCR 6185.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Effect of Amendments*

D.C. Law 13-277, in par. (1) of subsec. (b), substituted "Agency" for "Division" and deleted "or the Child Abuse Unit of the Social Services Division of the Superior Court of the District of Columbia, whichever is responsible for making determinations providing services to the child and family," following "by the Division"; in subsec. (c), substituted "Agency" for "Division" and deleted "or the Child Abuse Unit of the Social Services Division of the Superior Court of the District of Columbia, whichever is responsible for providing services to the child and family," following "the Division"; and, in subsec. (d), substituted "Agency" for "Division" and deleted "and the Child Abuse Unit of the Social Services Division of the Superior Court of the District of Columbia" following "The Division".

D.C. Law 15-341, in subpars. (B) and (C) of par. (1) of subsec. (d), substituted "child, or of any other member of the household of the parent" for "child".

D.C. Law 19-164, in the lead-in language of subsec. (d), substituted ""efforts to preserve and reunite the family" for "efforts"; in subsec. (d)(1)(A), substituted "the child who is the subject of a petition before the Family Court of the Superior Court of the District of Columbia ("Family Court"), a sibling of the child, or another child" for "a sibling or another child"; in subsec. (d)(1)(B), substituted ""a sibling of the child who is the subject of a petition before the Family Court" for "a sibling"; in subsec. (d)(1)(C), substituted "the child who is the subject of a petition before the Family Court, a sibling of the child, or another child" for "a sibling or another child"; in subsec. (d)(1)(D), substituted "Family Court, a sibling of the child, or another child;" for "Family Division of the Superior Court, a sibling of such a child, or another child; or"; in subsec. (d)(2), substituted "sibling; or" for "sibling."; and added subsec. (d)(3).

*Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 201(c) of Adoption and Safe Families Temporary Amendment Act of 1999 (D.C. Law 13-56, March 7, 2000, law notification 47 DCR 1978).

Section 2 of D.C. Law 19-64, in subsecs. (d)(1)(A) and (C), substituted "child who is the subject of a petition before the Family Division of the Superior Court, a sibling of such child, or another child" for "sibling or another child"; in subsec. (d)(1)(C), deleted "and" at the end; and added subsec. (d)(1)(E) to read as follows:

"(E) Is required to register with a sex offender registry under section 113(a) of the Adam Walsh Child Protection and Safety Registry, approved July 27, 2006 (120 Stat. 593; 42 U.S.C. § 16913(a)); or".

Section 5(b) of D.C. Law 19-64 provides that the act shall expire after 225 days of its having taken effect.

*Emergency Act Amendments*

For temporary (90-day) addition of § 4-1301.09a, see § 201(c) of the Adoption and Safe Families Emergency Amendment Act of 1999 (D.C. Act 13-117, July 28, 1999, 46 DCR 6558).

For temporary (90-day) addition of § 4-1301.09a, see § 201(c) of the Adoption and Safe Families Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-178, November 2, 1999, 46 DCR 9714).

For temporary (90-day) addition of § 4-1301.09a, see § 201(c) of the Adoption and Safe Families Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-240, January 11, 2000, 47 DCR 556).

For temporary (90 day) amendment of section, see § 4(a) of the Adoption and Safe Families Compliance Congressional Review Emergency Amendment Act of 2000 (D.C. Act 13-451, November 7, 2000, 47 DCR 9399).

For temporary (90 day) amendment of section, see § 4(a) of Adoption and Safe Families Compliance Emergency Amendment Act of 2001 (D.C. Act 14-65, June 6, 2001, 48 DCR 5721).

For temporary (90 day) amendment of section, see § 2 of Child Abuse Prevention and Treatment Emergency Amendment Act of 2011 (D.C. Act 19-165, October 11, 2011, 58 DCR 8896).

*Legislative History of Laws*

For Law 13-136, see notes following § 4-1301.02.

For D.C. Law 13-277, see notes following § 4-1301.02.

For Law 15-341, see notes following § 4-1301.02.

Law 19-164, the "Child Abuse Prevention and Treatment Amendment Act of 2012", was introduced in Council and assigned Bill No. 19-466, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on April 17, 2012, and May 1, 2012, respectively. Signed by the Mayor on May 17, 2012, it was assigned Act No. 19-374 and transmitted to both Houses of Congress for its review. D.C. Law 19-164 became effective on July 13, 2012.

*Miscellaneous Notes*

For applicability of D.C. Law 13-277, see note following § 4-1303.01a.

## **PART A-I. MULTIDISCIPLINARY INVESTIGATION TEAM; CONFIDENTIALITY.**

### **§ 4-1301.51. MANDATORY INVESTIGATION OF CHILD ABUSE AND NEGLECT CASES BY MULTIDISCIPLINARY TEAM.**

(a) Every instance of sexual abuse of a child shall be reviewed and investigated by a multidisciplinary investigation team ("MDT"), which shall focus, first, on the needs of the child, and, second, on the law enforcement, prosecution, and related civil proceedings. The MDT may handle other instances of child abuse and neglect as identified in the protocol provided in subsection (b) of this section.

(1) A MDT shall consist of one or more representatives of the:

- (A) Metropolitan Police Department;
- (B) Child and Family Services Agency; and
- (C) Office of the Corporation Counsel.

(2) The Office of the United States Attorney and the Children's Advocacy Center shall be requested to designate one or more representatives to serve on a MDT, and those designated representatives shall be included on the MDT.

(3) A MDT may also include:



- (A) A representative of the District of Columbia Public Schools;
- (B) Licensed mental health practitioners;
- (C) Medical personnel;
- (D) Child development specialists;
- (E) Victim counselors; and
- (F) Experts in the assessment and treatment of substance abuse.

(b) The MDT shall adopt a written child abuse protocol to ensure coordination and cooperation among all agencies investigating and prosecuting cases arising from alleged child abuse or neglect to increase the efficiency and effectiveness of the agencies handling the cases and to facilitate the provision of services to children and families. The protocol shall:

- (1) Define additional categories of abuse and neglect cases, in addition to sexual abuse, which will be handled by the MDT;
- (2) Outline in detail the procedures to be used in investigating and prosecuting cases arising from alleged child abuse or neglect; and
- (3) Outline in detail the methods to be used in coordinating treatment programs and other services to the child, the family, and the perpetrator.

(c) Repealed.

(Sept. 23, 1977, D.C. Law 2-22, title I-A, § 151, as added Oct. 19, 2002, D.C. Law 14-206, § 2(f), 49 DCR 7815; June 12, 2003, D.C. Law 14-310, § 6, 50 DCR 1092; Mar. 13, 2004, D.C. Law 15-105, § 34(b), 51 DCR 881.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Effect of Amendments*

D.C. Law 14-310, in subsec. (a), validated a previously made technical correction; and repealed subsec. (c) which had read as follows:

"(c) Subsections (a) and (b) of this section shall apply as of October 1, 2003."

D.C. Law 15-105, in subsec. (a), validated a previously made technical correction.

##### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 2 of Improved Child Abuse Investigations Technical Temporary Amendment Act of 2002 (D.C. Law 14-240, March 25, 2003, law notification 50 DCR 2753).

##### *Emergency Act Amendments*

For temporary (90 day) addition of § 4-1301.51, see § 2 of Improved Child Abuse Investigations Technical Emergency Amendment Act of 2002 (D.C. Act 14-494, October 23, 2002, 49 DCR 9781).

For temporary (90 day) amendment of section, see § 2 of Improved Child Abuse Investigations Technical Congressional Review Emergency Amendment Act of 2002 (D.C. Act 14-603, January 7, 2003, 50 DCR 687).

##### *Legislative History of Laws*

Law 14-206, the "Improved Child Abuse Investigations Amendment Act of 2002", was introduced in Council and assigned Bill No. 14-372, which was referred to Committee on the Judiciary and the Committee on Human Services. The Bill was adopted on first and second readings on June 18, 2002, and July 2, 2002, respectively. Signed by the Mayor on July 23, 2002, it was assigned Act No. 14-440 and transmitted to both Houses of Congress for its review. D.C. Law 14-206 became effective on October 19, 2002.

Law 14-310, the "Criminal Code and Miscellaneous Technical Amendments Act of 2002", was introduced in Council and assigned Bill No. 14-954, which was referred to the Committee on Whole. The Bill was adopted on first and second readings on December 3, 2002, and December 17, 2002, respectively. Signed by the Mayor on January 22, 2003, it was assigned Act No. 14-622 and transmitted to both Houses of Congress for its review. D.C. Law 14-310 became effective on June 12, 2003.

For Law 15-105, see notes following § 4-204.08.

## **§ 4-1301.52. CONFIDENTIALITY OF INFORMATION AND RECORDS OF THE CHILDREN'S ADVOCACY CENTER.**

(a)(1) Except as permitted by paragraph (2) of this subsection, all information and records in the possession of Safe Shores, the District of Columbia's Children's Advocacy Center, relating to victims or witnesses of alleged child abuse, neglect, or any alleged crime committed against a child shall not be

subject to subpoena, discovery, inspection, or disclosure in any court proceeding.

(2) A party may obtain information and records in the possession of the CAC that are covered by paragraph (1) of this subsection, and use such materials in a court proceeding, only upon making a particularized showing that:

(A) The outcome of the proceeding probably would be different if the requested information and records were not disclosed;

(B) The CAC is the only source of the requested information and records;

(C) The requested information and records would be subject to disclosure in the proceeding if they were in the possession of the government; and

(D) Disclosure of the requested information and records would not violate any other applicable law, rule, or regulation.

(3)(A) No subpoenas shall be served upon the CAC. The particularized showing required by paragraph (2) of this subsection may be made only by formal, written motion submitted to the court, supported by an affidavit based upon personal knowledge, demonstrating strong prima facie evidence that the moving party has satisfied the requirements of paragraph (2) of this subsection.

(B) If, after conducting an initial review of the motion and the supporting evidence, the court determines that the requisite prima facie showing has not been made, the court shall deny the motion.

(C) If the court determines that the requisite prima facie showing has been made, the court shall notify the CAC of the preliminary ruling and afford the CAC an opportunity to oppose the motion within 10 days after the CAC's receipt of the notice, or, for good cause shown, a longer period of time to be determined by the court.

(4) If a party seeking access to information and records protected by paragraph (1) of this subsection prevails on its motion, the CAC shall submit the requested information and records to the court for an in camera review. The court shall permit disclosure only with respect to factual information for which the moving party has requested access and made a particularized showing of need pursuant to paragraph (2) of this subsection. All other information shall be redacted or otherwise protected from disclosure. Under no circumstances shall mental impressions, conclusions, opinions, or theories contained in protected CAC records be subject to disclosure.

(5) The limitations imposed by this subsection do not apply to disclosures of protected CAC information and records to representatives of a multidisciplinary investigation team established under § 4-1301.51, or their respective agents, for use in the performance of their official duties.

(b) For the purposes of this section, the CAC is not an "agency," as that term is defined in § 2-539, and its records are not subject to the disclosure requirements of § 2-532.

(Sept. 23, 1977, D.C. Law 2-22, title 1-A, § 152, as added Apr. 12, 2005, D.C. Law 15-341, § 2(f), 52 DCR 2315.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Legislative History of Laws*

For Law 15-341, see notes following § 4-1301.02.

## **PART B. CHILD PROTECTION REGISTER.**

### **§ 4-1302.01. DUTIES AND RESPONSIBILITIES.**

(a) There is hereby established a Child Protection Register to be maintained by the Agency.

(b) The purposes of the Register are to:

(1) Maintain, in print or in a database, a confidential index of cases of abused and neglected children;

(2) Assist in the identification and treatment of abused and neglected children and their families; and

(3) Serve as a resource for the evaluation, management, and planning of programs and services for abused and neglected children.

(c) The staff of the Agency assigned to maintain the Child Protection Register shall maintain 24-hour, 7 day-a-week telephone lines which may be combined with the 24-hour intake components described part C of this subchapter.

(d) Said staff shall:

(1) Receive reports and information necessary for the operation of the Child Protection Register and make appropriate entries in such Register as required by § 4-1302.02(a); and

(2) Release information contained in the Child Protection Register in a manner consistent with this subchapter.

(e) The Mayor shall submit a report to the Council on the Agency's plan for implementation of the provisions of this part, as amended by D.C. Law 14-206, no later than January 31, 2003.

(Sept. 23, 1977, D.C. Law 2-22, title II, § 201, 24 DCR 3341; Oct. 19, 2002, D.C. Law 14-206, § 2(g), 49 DCR 7815.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 6-2111.

1973 Ed., § 6-2111.

##### *Effect of Amendments*

D.C. Law 14-206, in subsec. (a), substituted "Agency" for "Division"; in subsec. (b)(1), substituted "Maintain, in print or in a database," for "Maintain"; in subsec. (c), substituted "Agency" for "Department of Human Services"; and added subsec. (e).

##### *Legislative History of Laws*

For legislative history of D.C. Law 2-22, see Historical and Statutory Notes following § 4-1301.02.

For Law 14-206, see notes following § 4-1301.02.

##### *References in Text*

D.C. Law 14-206, referred to in subsec. (e), is the Improved Child Abuse Investigations Amendment Act of 2002, Oct. 19, 2002, 49 DCR 7815.

## **§ 4-1302.02. INFORMATION TO BE RETAINED.**

(a) There shall be retained in the Child Protection Register the following information concerning each substantiated and inconclusive report:

- (1) The recipient of the report, the date and the time of the receipt of the report;
- (2) The information required in the report pursuant to § 4-1321.03;
- (3) The census tract and ward in which the child lives and other demographic information concerning the incident referred to in the report;
- (4) The agencies to which the report was referred and the date and the time of the referral;
- (5) The agency or agencies making the initial investigation, the summary of the results of the initial investigation and the dates and the times the investigations were begun and terminated;
- (6) The agency or agencies making the social investigation, the summary of the results of the social investigation, the dates and the times said investigation was begun and terminated, the services offered and when they were offered;
- (7) The agency or agencies to which the referrals were made and the services requested, with the dates of the opening and the closing of the case;
- (8) The placements of the child and the dates of each placement;
- (9) Court actions concerning the child and the dates thereof; and
- (10) The date the case was closed.

(b) There may be retained in the Child Protection Register other information required for research, planning, evaluation and management purposes pursuant to rules adopted according to § 2-501 et seq.

(c) Repealed.

(d) The staff which maintains the Child Protection Register shall review all open cases every 6 months to assure that information in said Register is current and shall request updated information from the appropriate agencies as indicated.

(e) The public agencies responsible for receiving reports, making investigations and providing or securing case management shall be responsible for supplying the information required under this section to the Child Protection Register on a timely basis.

(Sept. 23, 1977, D.C. Law 2-2, title II, § 202, 24 DCR 3341; Oct. 19, 2002, D.C. Law 14-206, § 2(h), 49 DCR 7815.)

#### *HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 6-2112.

1973 Ed., § 6-2112.

*Effect of Amendments*

D.C. Law 14-206, in subsec. (a), substituted "concerning each substantiated and inconclusive report:" for "concerning each supported report:"; and repealed subsec. (c). Prior to repeal, subsec. (c) had read as follows:

"(c) Information in an unsupported report shall be retained in a separate index in which all information that could identify any person referred to in the unsupported report shall be destroyed."

*Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 3(b) of Improved Child Abuse Investigations Technical Temporary Amendment Act of 2002 (D.C. Law 14- 240, March 25, 2003, law notification 50 DCR 2753).

*Emergency Act Amendments*

For temporary (90 day) delay of the applicability of provisions changing the manner in which the Child and Family Services Agency will process reports of child abuse and neglect, see § 3 of Improved Child Abuse Investigations Technical Emergency Amendment Act of 2002 (D.C. Act 14-494, October 23, 2002, 49 DCR 9781).

For temporary (90 day) delay of the applicability of provisions changing the manner in which the Child and Family Services Agency will process reports of child abuse and neglect, see § 3 of Improved Child Abuse Investigations Technical Congressional Review Emergency Amendment Act of 2002 (D.C. Act 14- 603, January 7, 2003, 50 DCR 687).

*Legislative History of Laws*

For legislative history of D.C. Law 2-22, see Historical and Statutory Notes following § 4-1301.02.

For Law 14-206, see notes following § 4-1301.02.

Law 14-310, the "Criminal Code and Miscellaneous Technical Amendments Act of 2002", was introduced in Council and assigned Bill No. 14-954, which was referred to the Committee on Whole. The Bill was adopted on first and second readings on December 3, 2002, and December 17, 2002, respectively. Signed by the Mayor on January 22, 2003, it was assigned Act No. 14-622 and transmitted to both Houses of Congress for its review. D.C. Law 14-310 became effective on June 12, 2003.

*Miscellaneous Notes*

Application of Law 14-206: Section 16(b) of D.C. Law 14-310 provides that section 2(a)(2), (4), (5), (6), and (7), (b), (c), (d), (e), (h), (i), (j), (k), and (l) of D.C. Law 14-206 shall apply as of October 1, 2003.

**§ 4-1302.03. ACCESS TO REGISTER; RELEASE OF INFORMATION GENERALLY.**

(a) The staff which maintains the Child Protection Register shall grant access to information contained in said Register only to the following persons:

- (1) Officers of the police for the purpose of an investigation of a report;
- (2) The Corporation Counsel of the District of Columbia or his or her agent for the purpose of fulfilling his or her official duties concerning investigating and prosecuting cases of an allegedly abused or neglected child;
- (2A) The United States Attorney for the District of Columbia, or his or her agent, for the purpose of fulfilling his or her official duties concerning investigating and prosecuting cases involving an allegedly abused or neglected child.
- (3) The personnel of the Agency and the Social Services Agency of the Superior Court of the District of Columbia for the purpose of investigating a report or providing services to a family or child who is the subject of a report;
- (4) The guardian ad litem of a child who is the subject of a report;
- (5) Each person identified in a report as a person responsible for the neglect of the child or that person's attorney;
- (6) The parent, guardian, custodian, or attorney of the child who is the subject of the report;
- (7) A child-placing agency licensed in the District of Columbia or the Agency's staff who makes child placements for the purpose of checking a proposed foster care or adoptive placement for a report of

abuse or neglect, upon submission of a signed consent for release of information pursuant to § 4-1407.01;

(8) The Child Fatality Review Committee, for the purpose of examining past events and circumstances surrounding child deaths in the District of Columbia and deaths of children who were either residents or wards of the District of Columbia, in an effort to reduce the number of preventable child deaths, especially those deaths attributable to child abuse and neglect and other forms of maltreatment. The Child Fatality Review Committee shall be granted, upon request, access to information contained in the files maintained on any deceased child or on the parent, guardian, custodian, kinship caregiver, day-to-day caregiver, relative/godparent caregiver, or sibling of a deceased child; and

(9) Any member of a multidisciplinary investigation team ("MDT") established pursuant to Part A-i of this subchapter for purposes of an investigation or review conducted by the MDT.

(a-1)(1) Except as provided in paragraph (3) of this subsection, the staff which maintains the Child Protection Register shall grant access to substantiated reports to the chief executive officers or directors of day care centers, schools, or any public or private organizations working directly with children, for the purpose of making employment decisions regarding employees and volunteers or prospective employees and volunteers, if:

(A) The request is made in writing and clearly articulates the basis for the request; and

(B) The request is accompanied by a notarized consent for release of information from the Child Protection Register signed by the employee or volunteer or prospective employee or volunteer.

(2) Information provided pursuant to this subsection shall be limited to information pertaining to the nature and disposition of the report of abuse or neglect and shall not include any identifying information regarding any person other than the employee or volunteer, or prospective employee or volunteer.

(3) The Agency shall not release any information pursuant to this subsection pertaining to a substantiated report that was received prior to the October 19, 2002.

(b) The investigators of a report may divulge the information obtained from the Child Protection Register to medical professionals for the purpose of obtaining a diagnosis of the child who is the subject of the report.

(c) Each person seeking access to the Child Protection Register shall show identification satisfactory to the staff which maintains said Register before access is allowed.

(d) The staff which maintains the Child Protection Register shall not release to those persons identified in paragraphs (5), (6), and (7) of subsection (a) of this section any information that identifies the source of a report or the witnesses to the incident referred to in a report unless said staff first obtains permission from the source of the report or from the witnesses named in the report.

(e) The staff which maintains the Child Protection Register shall release only that information which is necessary for the purpose of the request and which does not violate the confidentiality of the persons identified in the report, except as is necessary to meet the requirements of subsection (a) of this section.

(f) The staff which maintains the Child Protection Register shall not release the information contained in said Register to another jurisdiction unless:

(1) That jurisdiction has comparable safeguards for ensuring the confidentiality of information regarding persons identified in the report and for withholding the identity of the source of the report; or

(2) The staff obtains permission for the release of the information from each person identified in the report and from the source of the report.

(g) The staff which maintains the Child Protection Register shall maintain a record of each release of information, which record shall contain the following information:

(1) The date of the release of the information;

(2) To whom the information was released and the address of that person or institution; and

(3) The purpose for which the information was released.

(h) The information in the Child Protection Register shall be released orally only to the Metropolitan Police Department, to the Office of the Attorney General, and to personnel of the Agency and of the Social Services Agency of the Superior Court of the District of Columbia when they are investigating a report. Any release of information to other persons listed in subsection (a) of this section or pursuant to § 4-1302.04 shall be preceded by a written request from the person requesting the information.

(Sept. 23, 1977, D.C. Law 2-22, title II, § 203, 24 DCR 3341; Aug. 21, 1982, D.C. Law 4-141, § 3, 29 DCR 2867; Mar. 15, 1990, D.C. Law 8-87, § 3(d), 37 DCR 50; Apr. 18, 1996, D.C. Law 11-110, § 13(b), 43 DCR 530; Apr. 4, 2001, D.C. Law 13-277, § 2(i), 48 DCR 2043; Oct. 3, 2001, D.C. Law 14-28, § 4617, 48 DCR 6981; Oct. 19, 2002, D.C. Law 14-206, § 2(i), 49 DCR 7815; Apr. 12, 2005, D.C. Law 15-341, § 2(g), 52 DCR 2315.)

*Prior Codifications*

1981 Ed., § 6-2113.

1973 Ed., § 6-2113.

*Effect of Amendments*

D.C. Law 13-277 substituted "Agency" for "Division" throughout the section; and, in par. (7) of subsec. (a), substituted "Agency's" for "Department of Human Services".

D.C. Law 14-28, in subsec. (a), made nonsubstantive changes in pars. (6) and (7), and added par. (8).

D.C. Law 14-206, in subsec. (a), substituted "concerning investigating and prosecuting cases of an allegedly abused or neglected child;" for "concerning cases of an allegedly neglected or abused child;" in par. (2), added pars. (2A) and (9), and made nonsubstantive changes in pars. (7) and (8); and added subsec. (a-1).

D.C. Law 15-341, in subsec. (h), substituted "Metropolitan Police Department, to the Office of the Attorney General," for "police".

*Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 17 of Child Fatality Review Committee Establishment Temporary Act of 2001 (D.C. Law 14-20, September 6, 2001, law notification 48 DCR 9090).

For temporary (225 day) amendment of section, see § 3(b) of Improved Child Abuse Investigations Technical Temporary Amendment Act of 2002 (D.C. Law 14- 240, March 25, 2003, law notification 50 DCR 2753).

*Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 17 of Child Fatality Review Committee Establishment Emergency Act of 2001 (D.C. Act 14-40, April 25, 2001, 48 DCR 5917).

For temporary (90 day) amendment of section, see § 17 of Child Fatality Review Committee Establishment Legislative Review Emergency Act of 2001 (D.C. Act 14- 82, July 9, 2001, 48 DCR 6355).

For temporary (90 day) delay of the applicability of provisions changing the manner in which the Child and Family Services Agency will process reports of child abuse and neglect, see § 3 of Improved Child Abuse Investigations Technical Emergency Amendment Act of 2002 (D.C. Act 14-494, October 23, 2002, 49 DCR 9781).

For temporary (90 day) delay of the applicability of provisions changing the manner in which the Child and Family Services Agency will process reports of child abuse and neglect, see § 3 of Improved Child Abuse Investigations Technical Congressional Review Emergency Amendment Act of 2002 (D.C. Act 14- 603, January 7, 2003, 50 DCR 687).

*Legislative History of Laws*

For legislative history of D.C. Law 2-22, see Historical and Statutory Notes following § 4-1301.02.

Law 4-141, the "District of Columbia Child Placing Authority Act Amendments Act of 1982," was introduced in Council and assigned Bill No. 4-164, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on May 25, 1982, and June 8, 1982, respectively. Signed by the Mayor on June 30, 1982, it was assigned Act No. 4-207 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 8-87, see Historical and Statutory Notes following § 4-1301.06a.

For legislative history of D.C. Law 11-110, see Historical and Statutory Notes following § 4-1301.06a.

For D.C. Law 13-277, see notes following § 4-1301.02.

For Law 14-28, see notes following § 4-344.01.

For Law 14-206, see notes following § 4-1301.02.

Law 14-310, the "Criminal Code and Miscellaneous Technical Amendments Act of 2002", was introduced in Council and assigned Bill No. 14-954, which was referred to the Committee on Whole. The Bill was adopted on first and second readings on December 3, 2002, and December 17, 2002, respectively. Signed by the Mayor on January 22, 2003, it was assigned Act No. 14-622 and transmitted to both Houses of Congress for its review. D.C. Law 14-310 became effective on June 12, 2003.

For Law 15-341, see notes following § 4-1301.02.

*Miscellaneous Notes*

For applicability of D.C. Law 13-277, see note following § 4-1303.01a.

Application of Law 14-206: Section 16(b) of D.C. Law 14-310 provides that section 2(a)(2), (4), (5), (6), and (7), (b), (c), (d), (e), (h), (i), (j), (k), and (l) of D.C. Law 14-206 shall apply as of October 1, 2003.

**§ 4-1302.04. RELEASE OF INFORMATION FOR RESEARCH AND**

## EVALUATION.

The staff which maintains the Child Protection Register may release information from said Register for research and evaluation only upon an order of the Superior Court of the District of Columbia; provided, however, that no information identifying the persons named in a report shall be made available to the researcher or evaluator.

(Sept. 23, 1977, D.C. Law 2-22, title II, § 204, 24 DCR 3341.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 6-2114.

1973 Ed., § 6-2114.

#### *Legislative History of Laws*

For legislative history of D.C. Law 2-22, see Historical and Statutory Notes following § 4-1301.02.

## **§ 4-1302.05. NOTIFICATION OF PERSONS IDENTIFIED IN A REPORT.**

(a) The staff which maintains the Child Protection Register shall, within 7 days from the date that a report is entered in said Register, give notice to each person identified in the report of the fact that the report identifies him or her as responsible for the alleged abuse or neglect of the child who is the subject of the report.

(b) This notice shall include the following information:

- (1) The date that the report identifying the person was entered in the Child Protection Register;
- (2) The right of the person to review the entire report, except information which identifies other persons mentioned in the report; and
- (3) The administrative procedures through which the person may seek to correct information which he or she alleges is incorrect or to establish that the report is unfounded.

(Sept. 23, 1977, D.C. Law 2-22, title II, § 205, 24 DCR 3341; Oct. 19, 2002, D.C. Law 14-206, § 2(j), 49 DCR 7815.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 6-2115.

1973 Ed., § 6-2115.

#### *Effect of Amendments*

D.C. Law 14-206 rewrote subsec. (b)(3) which had read as follows:

"(3) The administrative procedures through which the person may seek the correction of information which he or she alleges is incorrect."

#### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 3(b) of Improved Child Abuse Investigations Technical Temporary Amendment Act of 2002 (D.C. Law 14- 240, March 25, 2003, law notification 50 DCR 2753).

#### *Emergency Act Amendments*

For temporary (90 day) delay of the applicability of provisions changing the manner in which the Child and Family Services Agency will process reports of child abuse and neglect, see § 3 of Improved Child Abuse Investigations Technical Emergency Amendment Act of 2002 (D.C. Act 14-494, October 23, 2002, 49 DCR 9781).

For temporary (90 day) delay of the applicability of provisions changing the manner in which the Child and Family Services Agency will process reports of child abuse and neglect, see § 3 of Improved Child Abuse Investigations Technical Congressional Review Emergency Amendment Act of 2002 (D.C. Act 14- 603, January 7, 2003, 50 DCR 687).

#### *Legislative History of Laws*

For legislative history of D.C. Law 2-22, see Historical and Statutory Notes following § 4-1301.02.

For Law 14-206, see notes following § 4-1301.02.

Law 14-310, the "Criminal Code and Miscellaneous Technical Amendments Act of 2002", was introduced in

Council and assigned Bill No. 14-954, which was referred to the Committee on Whole. The Bill was adopted on first and second readings on December 3, 2002, and December 17, 2002, respectively. Signed by the Mayor on January 22, 2003, it was assigned Act No. 14-622 and transmitted to both Houses of Congress for its review. D.C. Law 14-310 became effective on June 12, 2003.

*Miscellaneous Notes*

Application of Law 14-206: Section 16(b) of D.C. Law 14-310 provides that section 2(a)(2), (4), (5), (6), and (7), (b), (c), (d), (e), (h), (i), (j), (k), and (l) of D.C. Law 14-206 shall apply as of October 1, 2003.

## **§ 4-1302.06. CHALLENGES TO INFORMATION IN REGISTER.**

The Mayor shall establish, by rules adopted pursuant to § 2-501 et seq., procedures to permit a person identified in the Child Protection Register to challenge information which he or she alleges is incorrect or establish that a report is unfounded.

(Sept. 23, 1977, D.C. Law 2-22, title II, § 206, 24 DCR 3341; Oct. 19, 2002, D.C. Law 14-206, § 2(k), 49 DCR 7815.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 6-2116.

1973 Ed., § 6-2116.

*Effect of Amendments*

D.C. Law 14-206 substituted "incorrect or establish that a report is unfounded" for "incorrect".

*Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 3(b) of Improved Child Abuse Investigations Technical Temporary Amendment Act of 2002 (D.C. Law 14- 240, March 25, 2003, law notification 50 DCR 2753).

*Emergency Act Amendments*

For temporary (90 day) delay of the applicability of provisions changing the manner in which the Child and Family Services Agency will process reports of child abuse and neglect, see § 3 of Improved Child Abuse Investigations Technical Emergency Amendment Act of 2002 (D.C. Act 14-494, October 23, 2002, 49 DCR 9781).

For temporary (90 day) delay of the applicability of provisions changing the manner in which the Child and Family Services Agency will process reports of child abuse and neglect, see § 3 of Improved Child Abuse Investigations Technical Congressional Review Emergency Amendment Act of 2002 (D.C. Act 14- 603, January 7, 2003, 50 DCR 687).

*Legislative History of Laws*

For legislative history of D.C. Law 2-22, see Historical and Statutory Notes following § 4-1301.02.

For Law 14-206, see notes following § 4-1301.02.

Law 14-310, the "Criminal Code and Miscellaneous Technical Amendments Act of 2002", was introduced in Council and assigned Bill No. 14-954, which was referred to the Committee on Whole. The Bill was adopted on first and second readings on December 3, 2002, and December 17, 2002, respectively. Signed by the Mayor on January 22, 2003, it was assigned Act No. 14-622 and transmitted to both Houses of Congress for its review. D.C. Law 14-310 became effective on June 12, 2003.

*Miscellaneous Notes*

Application of Law 14-206: Section 16(b) of D.C. Law 14-310 provides that section 2(a)(2), (4), (5), (6), and (7), (b), (c), (d), (e), (h), (i), (j), (k), and (l) of D.C. Law 14-206 shall apply as of October 1, 2003.

## **§ 4-1302.07. EXPUNGEMENT.**

(a) Notwithstanding any other provision of law, substantiated reports shall not be expunged from the Child Protection Register.

(b) The staff which maintains the Child Protection Register shall expunge from each inconclusive report all information that identifies any person in the inconclusive report upon the first occurrence of either:

- (1) The 18th birthday of the child who is the subject of the report, if there is no reasonable suspicion or evidence that another child living in the same household or under the care of the same parent, guardian, or custodian has been abused or neglected; or



(2) The end of the 5th year after the termination of the social rehabilitation services directed toward the abuse and neglect.

(c) The staff which maintains the Child Protection Register shall expunge:

(1) Any unfounded report immediately upon such classification by the Agency; and

(2) Any material successfully challenged as incorrect pursuant to the rules adopted under § 4-1302.06.

(Sept. 23, 1977, D.C. Law 2-22, title II, § 207, 24 DCR 3341; Oct. 19, 2002, D.C. Law 14-206, § 2(l), 49 DCR 7815; Mar. 13, 2004, D.C. Law 15-105, § 35, 51 DCR 881.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 6-2117.

1973 Ed., § 6-2117.

##### *Effect of Amendments*

D.C. Law 14-206 rewrote the section which had read as follows:

"§ 4-1302.07. Expungement.

"(a) The staff which maintains the Child Protection Register shall expunge from each report all information that identifies any person in the report upon:

"(1) The 18th birthday of the child, if there is no reasonable suspicion or evidence that a younger sibling is being abused or neglected; or

"(2) The end of the 5th year after the termination of the social rehabilitation services directed toward the abuse and neglect, whichever occurs first.

"(b) The staff which maintains the Child Protection Register shall expunge, pursuant to the rules adopted under § 4-1302.06, material successfully challenged as incorrect."

D.C. Law 15-105, in subsec. (b)(1), substituted "the child who is the subject of the report" for "that child".

##### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 3(b) of Improved Child Abuse Investigations Technical Temporary Amendment Act of 2002 (D.C. Law 14- 240, March 25, 2003, law notification 50 DCR 2753).

##### *Emergency Act Amendments*

For temporary (90 day) delay of the applicability of provisions changing the manner in which the Child and Family Services Agency will process reports of child abuse and neglect, see § 3 of Improved Child Abuse Investigations Technical Emergency Amendment Act of 2002 (D.C. Act 14-494, October 23, 2002, 49 DCR 9781).

For temporary (90 day) delay of the applicability of provisions changing the manner in which the Child and Family Services Agency will process reports of child abuse and neglect, see § 3 of Improved Child Abuse Investigations Technical Congressional Review Emergency Amendment Act of 2002 (D.C. Act 14- 603, January 7, 2003, 50 DCR 687).

##### *Legislative History of Laws*

For legislative history of D.C. Law 2-22, see Historical and Statutory Notes following § 4-1301.02.

For Law 14-206, see notes following § 4-1301.02.

Law 14-310, the "Criminal Code and Miscellaneous Technical Amendments Act of 2002", was introduced in Council and assigned Bill No. 14-954, which was referred to the Committee on Whole. The Bill was adopted on first and second readings on December 3, 2002, and December 17, 2002, respectively. Signed by the Mayor on January 22, 2003, it was assigned Act No. 14-622 and transmitted to both Houses of Congress for its review. D.C. Law 14-310 became effective on June 12, 2003.

For Law 15-105, see notes following § 4-204.08.

##### *Miscellaneous Notes*

Application of Law 14-206: Section 16(b) of D.C. Law 14-310 provides that section 2(a)(2), (4), (5), (6), and (7), (b), (c), (d), (e), (h), (i), (j), (k), and (l) of D.C. Law 14-206 shall apply as of October 1, 2003.

## **§ 4-1302.08. PENALTY FOR UNAUTHORIZED RELEASE OF INFORMATION.**

Any staff member of the Child Protection Register who willfully releases information obtained from the Register in violation of this subchapter shall be fined not more than \$1,000.

(Sept. 23, 1977, D.C. Law 2-22, title II, § 208, 24 DCR 3341.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 6-2118.

1973 Ed., § 6-2118.

*Legislative History of Laws*

For legislative history of D.C. Law 2-22, see Historical and Statutory Notes following § 4-1301.02.

**§ 4-1302.09. PROSECUTION.**

All violations of this subchapter shall be prosecuted by the Corporation Counsel of the District of Columbia or his or her designee in the name of the District of Columbia.

(Sept. 23, 1977, D.C. Law 2-22, title II, § 209, 24 DCR 3341.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 6-2119.

1973 Ed., § 6-2119.

*Legislative History of Laws*

For legislative history of D.C. Law 2-22, see Historical and Statutory Notes following § 4-1301.02.

**PART C. CHILD AND FAMILY SERVICES AGENCY.**

**§ 4-1303.01. ESTABLISHMENT AND PURPOSES.[REPEALED]**

(Sept. 23, 1977, D.C. Law 2-22, title III, § 301, 24 DCR 3341; Mar. 16, 1995, D.C. Law 10-227, § 2(b), 42 DCR 4; Apr. 4, 2001, D.C. Law 13-277, § 2(k), 48 DCR 2043.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 6-2121.

1973 Ed., § 6-2131.

*Emergency Act Amendments*

For temporary (90 day) enactments, see §§ 5192, 5193 of Fiscal Year 2007 Budget Support Emergency Act of 2006 (D.C. Act 16-477, August 8, 2006, 53 DCR 7068).

For temporary (90 day) enactments, see §§ 5192, 5193 of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2006 (D.C. Act 16-499, October 23, 2006, 53 DCR 8845).

For temporary (90 day) enactments, see §§ 5192, 5193 of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2007 (D.C. Act 17-1, January 16, 2007, 54 DCR 1165).

*Legislative History of Laws*

For legislative history of D.C. Law 2-22, see Historical and Statutory Notes following § 4-1301.02.

For legislative history of D.C. Law 10-227, see Historical and Statutory Notes following § 4-1301.09.

For D.C. Law 13-277, see notes following § 4-1301.02

*Miscellaneous Notes*

For applicability of D.C. Law 13-277, see note following § 4-1303.01a.

Short title: Section 5192 of D.C. Law 16-192 provided that subtitle M of title V of the act may be cited as the "Assessment of District Programs to Prevent Child Abuse and Neglect Act of 2006".

Sections 5192 and 5193 of D.C. Law 16-192 provided:

"Sec. 5192. Definitions.

"For the purposes of this subtitle, the term:

"(1) 'Primary prevention' means activities and services provided to families that are designed to prevent or reduce the prevalence of child abuse and neglect before signs of abuse or neglect may be present.

"(2) 'Secondary prevention' means activities and services provided to persons identified by etiological studies because of their propensity to abuse or neglect children in their care. Secondary prevention strategies target children who are identified as being at risk of abuse or neglect and are designed to intervene at the earliest warning signs of abuse or neglect.

"Sec. 5193. Status of abuse and neglect prevention programs.

"(a) The Mayor shall convene a working group to assess child abuse and neglect prevention programs in the District. The working group shall:

"(1) Take an inventory of all current public and private programs for the prevention of child abuse and neglect, including:

"(A) All primary prevention programs servicing the District;

"(B) All secondary prevention programs servicing the District;

"(C) All sources of local, federal, and private funding for each program; and

"(D) A determination of whether each program's services are evaluated for effectiveness; and

"(2) Perform a gap analysis to identify where these programs are:

"(A) Meeting, or failing to meet, the primary prevention needs of the District;

"(B) Meeting, or failing to meet, the secondary prevention needs of the District; and

"(C) Duplicating services identified in the inventory.

"(b) The inventory and gap analysis shall be completed, submitted to the Council, and made available to the public no later than December 31, 2006."

*Delegation of Authority*

Delegation of authority pursuant to title XXIII (Section 2352(a)) of Public Law 97-35, the "Omnibus Budget Reconciliation Act, to Deliver Social Services Block Grant Funded Homemaker Services for Individuals and Families who are in Need of or Receiving Protective Services", see Mayor's Order 97-101, May 28, 1997 (44 DCR 3529).

**§ 4-1303.01A. ESTABLISHMENT AND PURPOSES OF CHILD AND FAMILY SERVICES AGENCY.**

(a) There is established as a separate Cabinet-level agency, subordinate to the Mayor, the Child and Family Services Agency.

(b) The Agency shall have as its functions and purposes:

(1) Providing services that prevent family dissolution or breakdown, to avoid the need for protective services or out-of-home placements;

(2) Encouraging the reporting of child abuse and neglect;

(3) Receiving and responding to reports of child abuse and neglect;

(3A) Assessing child and family strengths and needs in response to reports of abuse and neglect;

(4) Removing children from their homes or other places, when necessary;

(5) Conducting a social service investigation of child abuse and neglect cases, immediately notifying the Metropolitan Police Department when the commission of a crime is suspected or when any person has been physically injured or placed at risk for physical injury, and cooperating with the criminal investigation;

(6) Safeguarding the rights and protecting the welfare of children whose parents, guardians, or custodians are unable to do so;

(7) Offering appropriate, adequate, and, when needed, highly specialized, diagnostic and treatment services and resources to children and families when there has been a supported finding of abuse or neglect;

(8) Ensuring the protection of children who have been abused or neglected from further experiences and conditions detrimental to their healthy growth and development;

(9) Providing parenting classes or family counseling and other services on behalf of the child designed to help parents recognize and remedy the conditions harmful to the child and to fulfill their parental roles more adequately;

(10) Obtaining substitute care for a child whose parents are unable, even with available help, to meet

the child's minimum needs and, where appropriate, providing services to the family of such a child that are aimed at safely reuniting the family as quickly as possible; and

(11) Ensuring the timely permanent placement of the child consistent with the concurrent or alternative plan where reunification is not possible.

(c) Repealed.

(Sept. 23, 1977, D.C. Law 2-22, title III, § 301a, as added Apr. 4, 2001, D.C. Law 13-277, § 2(l), 48 DCR 2043; Apr. 12, 2005, D.C. Law 15-341, § 2(h), 52 DCR 2315.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Effect of Amendments*

D.C. Law 15-341, in subsec. (b), added par. (3A); and repealed subsec. (c), which had read as follows:

"(c) Not later than January 15, 2002, the Mayor shall recommend to the Council a new name for the Agency other than Child and Family Services Agency."

##### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 2 of Child and Family Services Agency Personnel Transfer Emergency Act of 2001 (D.C. Act 14-123, August 3, 2001, 48 DCR 7716).

##### *Legislative History of Laws*

For D.C. Law 13-277, see notes following § 4-1301.02.

For Law 15-341, see notes following § 4-1301.02.

##### *Miscellaneous Notes*

Section 4 of D.C. Law 13-277 provides:

"Sec. 4. Applicability.

"(a) Except as provided in subsections (b) and (c) of this section, all provisions of this act shall apply upon the termination of the receivership in the case of *LaShawn A., et al. v. Anthony Williams, et al.*, C.A. No. 89-1754 (TFH), in the United States District Court for the District of Columbia."

"(b) The following sections of this act relating to the Social Services Division of the Superior Court of the District of Columbia shall apply in accordance with the terms and conditions provided in any memorandum of understanding between the Mayor and the Chief Judge of the Superior Court of the District of Columbia, or on or before October 1, 2001, if possible: 2(g)(2), 2(h)(1)(B), 2(h)(2)(B), 2(h)(3)(B), 2(o)(6)(B), 2(t)(1)(B), 2(t)(2)(B), 2(v)(2), 2(v)(3), 3(a)(2)(A), 3(a)(3), 3(a)(4), 3(a)(5), and 3(a)(6).

"(c) Section 3(d) shall apply as of October 1, 2001."

## **§ 4-1303.02. ORGANIZATION.[REPEALED]**

(Sept. 23, 1977, D.C. Law 2-22, title III, § 302, 24 DCR 3341; Apr. 4, 2001, D.C. Law 13-277, § 2(m), 48 DCR 2043.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 6-2122.

1973 Ed., § 6-2132.

##### *Legislative History of Laws*

For legislative history of D.C. Law 2-22, see Historical and Statutory Notes following § 4-1301.02.

For D.C. Law 13-277, see notes following § 4-1301.02

##### *Miscellaneous Notes*

For applicability of D.C. Law 13-277, see note following § 4-1303.01a.

## **§ 4-1303.02A. ORGANIZATION AND AUTHORITY OF CHILD AND FAMILY SERVICES AGENCY.**

(a) The Agency shall be administered by a full-time Director appointed by the Mayor and confirmed by the Council. The Director shall be qualified by experience and training to carry out the purposes of this subchapter.

(b) The Director shall report directly to the Mayor.

(c) The Director shall be responsible for all child and family services provided by the Agency, and for monitoring child and family services provided by contract or compact with the Agency.

(d) The Agency shall have sufficient staff, supervisory personnel, and resources to accomplish the purposes of this subchapter, including the capacity to provide emergency and continuing service resources to the children and families covered by this subchapter.

(e) Staff qualifications, caseload levels, and supervision requirements of the Agency in the public and private delivery of services shall be guided by nationally accepted standards of best practice, such as those developed by the Child Welfare League of America, and shall be published in the District of Columbia Register for public comment.

(f) The Agency shall be the successor in interest to the Child and Family Services Agency under receivership in the case of *LaShawn A., et al. v. Anthony Williams, et al.*, C. A. No. 89-1754 (TFH), in the United States District Court for the District of Columbia. All real and personal property, Career Service and Management Supervisory Service positions, assets, records, and obligations, and all unexpended balances of appropriations, allocations, and other funds available or to be made available relating to the powers, duties, functions, operations, and administration of the Child and Family Services Agency under receivership in *LaShawn A., et al. v. Anthony Williams, et al.*, shall become the property of the Agency on the date of termination of the receivership. The provisions of this subchapter are intended to be consistent with all outstanding orders of the United States District Court in the *LaShawn A, et al. v. Anthony Williams, et al.*, case.

(g) All real and personal property, positions, assets, records, and obligations, and all unexpended balances of appropriations, allocations, and other funds available or to be made available relating to the powers, duties, functions, and operations of the Department of Human Services as the "appropriate authority," under § 4-1421 for children who have been abused or neglected, shall become the property of the Agency by October 1, 2001.

(h) All real and personal property, positions, assets, records, and obligations, and all unexpended balances of appropriations, allocations, and other funds available or to be made available relating to the powers, duties, functions, and operations of the Department of Health in regulating child placement agencies and foster and group homes for children who have been abused or neglected shall be transferred to the Agency by October 1, 2001.

(i) All records and agreed-upon positions, obligations, and unexpended balances of appropriations, allocations, and other funds available or to be made available relating to the powers, duties, functions and operations of the Social Services Division of the Superior Court of the District of Columbia concerning children who have been abused or neglected shall, subject to any approvals required of the United States Congress, be transferred to the Agency in accordance with the terms and conditions provided in any memorandum of understanding between the Mayor and the Chief Judge of the Superior Court of the District of Columbia. This transfer shall be completed on or before October 1, 2001, if possible.

(j) Expired.

(Sept. 23, 1977, D.C. Law 2-22, title III, § 302a, as added Apr. 4, 2001, D.C. Law 13-277, § 2(n), 48 DCR 2043; Mar. 19, 2002, D.C. Law 14-94, § 2, 49 DCR 658.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Effect of Amendments*

D.C. Law 14-94 added subsec. (j).

##### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 2 of Child and Family Services Agency Licensure Exemption of Certain Court Personnel Emergency Amendment Act of 2001 (D.C. Act 14-150, October 23, 2001, 48 DCR 10200).

For temporary (90 day) amendment of section, see § 2 of Child and Family Services Agency Licensure Exemption of Certain Court Personnel Legislative Review Emergency Amendment Act of 2002 (D.C. Act 14-239, January 28, 2002, 49 DCR 1022).

##### *Legislative History of Laws*

For D.C. Law 13-277, see notes following § 4-1301.02.

Law 14-94, the "Child and Family Services Agency Licensure Exemption of Certain Court Personnel Amendment Act of 2001", was introduced in Council and assigned Bill No. 14-379, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on December 4, 2001, and December 18, 2001, respectively. Signed by the Mayor on January 8, 2002, it was assigned Act No. 14-223 and transmitted to both Houses of Congress for its review. D.C. Law 14-94 became effective on March 19, 2002.

Pursuant to its own terms, subsec. (j) expired on October 1, 2004.

For applicability of D.C. Law 13-277, see note following § 4-1303.01a.

Section 7038 of D.C. Law 17-219 repealed section 3 of D.C. Law 14-94.

### **§ 4-1303.03. DUTIES AND POWERS OF THE DIRECTOR.**

(a) The Director of the Agency shall have the following duties and powers, any of which may be contracted for, as appropriate, with private or other public agencies:

(1) Receive and investigate reports of abuse or neglect as provided in subchapter II of this chapter, § 4-1301.04 and § 4-1301.06 and assist in the determination of the need for the removal of an abused or neglected child as provided in § 4-1301.07;

(2) Within 90 days of taking a child into custody pursuant to § 4-1303.04(c)(1), return the child to the home or to request that the Office of the Attorney General file a neglect petition in the Family Division of the Superior Court of the District of Columbia;

(3) To maintain a program of treatment and services for families of neglected and abused children including services designed to help children, where safe and appropriate, return to families from which they have been removed;

(4)(A) To prepare annually a plan for child protective services, which shall be reviewed and commented on by the Mayor's Committee on Child Abuse and Neglect, and which shall:

(i) Describe the Agency's implementation of the Adoption and Safe Families Amendment Act of 2000, effective June 27, 2000 (D.C. Law 13-136; 47 DCR 2850), including its organization, staffing, method of operations and financing, and programs and procedures for the receipt, investigation and verification of reports;

(ii) Describe the provisions for the determination of protective services and the treatment of ameliorative service needs, and the provision of such services;

(iii) State the guidelines for referrals to the Family Division of the Superior Court of the District of Columbia; and

(iv) State the provisions for monitoring, evaluation, and planning.

(B) The first plan shall be made available to the public within 90 days of June 27, 2000;

(5) To encourage and assist in the formation of child abuse and neglect teams in hospitals, health and mental health clinics, and other appropriate facilities in the District of Columbia; and

(6) To take whatever additional actions are necessary to accomplish the purposes of the Adoption and Safe Families Amendment Act of 2000, effective June 27, 2000 (D.C. Law 13-136; 47 DCR 2850).

(7) To provide services to families and children who are eligible for such services, consistent with the requirements of this subchapter, through programs of services to families with children, child protective services, foster care, and adoption;

(8) To maintain a 24-hour, 7-days-a-week intake component to receive reports of suspected child abuse or neglect. The intake component shall be staffed at all times by workers specially trained in intake and crisis intervention and shall maintain:

(A) The capacity for receiving reports and for responding promptly with investigation and emergency services;

(B) A widely publicized telephone number for receiving reports at all times; and

(C) Sufficient telephone lines and qualified staff so that all calls will be answered immediately by a trained worker;

(9) To receive reports of suspected child abuse and neglect;

(10) To conduct a social service investigation of alleged child abuse and neglect cases, including joint investigation with the Metropolitan Police Department;

(11) To provide and maintain, for families of children who have been abused or neglected, a program of treatment and services designed to promote the safety of children, reunification of families, and timely permanent placements;

(12) Repealed.

(13) To provide protective service clients appropriate services necessary for the preservation of families, or to contract with private or other public agencies for the purpose of carrying out this duty.

These services may include:

- (A) Emergency financial aid;
- (B) Emergency caretakers;
- (C) Homemakers;
- (D) Family shelters;
- (E) Emergency foster homes;
- (F) Facilities providing medical, psychiatric, and other therapeutic services;
- (G) Day care;
- (H) Parent aides;
- (I) Lay therapists; and
- (J) Respite care;

(14) To offer rehabilitative services to the child's family in an effort to reunify the family when a child has been adjudicated a neglected child and placed in foster care;

(15) To immediately, upon court direction, implement the concurrent or alternative plan for the permanent placement of a child when time-limited family reunification services, as defined in § 4-1301.02(19), have failed to reunite a child in foster care with his or her family or when D.C. Code § 16-2354 applies;

(16)(A) To request from a consumer reporting agency that compiles and maintain files on consumers on a nationwide basis and is nationally ranked among the top 3 such agencies, the disclosure of file information pursuant to section 609 of the federal Fair Credit Reporting Act, approved October 26, 1970 (84 Stat. 1131; 15 U.S.C. § 1681g), on behalf of a ward of the Agency under the age of 18 years to determine whether identify theft has occurred, when:

- (i) An adoption petition has been filed in the Superior Court of the District of Columbia;
- (ii) A motion for guardianship has been filed in the Superior Court of the District of Columbia; or
- (iii) The Agency anticipates that the jurisdiction of the Family Court of the Superior Court of the District of Columbia will be terminated.

(B) The Agency shall provide the disclosed file information to the ward's guardian ad litem within 30 days of obtaining the results.

(C) For a ward over the age of 18 years, the Agency shall assist the ward if the ward wants to obtain disclosure of file information prior to the termination of the jurisdiction of the Family Court of the Superior Court of the District of Columbia.

(D) If the Agency determines that disclosed file information indicates that identity theft may have occurred, the Agency shall refer the ward to an approved organization that provides credit counseling to victims of identity theft; provided, that the Agency shall not be responsible for providing assistance beyond a referral.

(E) Within 120 days of May 27, 2010, the Mayor, pursuant to subchapter I of Chapter 5 of Title 2, shall issue rules to implement the provisions of this paragraph. The proposed rules shall be submitted to the Council for a 30-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within the 30-day review period, the proposed rules shall be deemed approved; and

(17) To establish and maintain the Voluntary Foster Care Registry, established pursuant to § 4-1303.08 as a post-care service, for individuals 18 years or older who were or currently are respondents in a child abuse or neglect case under Chapter 23 of Title 16 and for their immediate birth family members, as defined in § 4-1303.08(g).

(a-1) The Director of the Agency shall have the following additional duties and powers:

(1) To take into custody and place in shelter care, in accordance with subchapter I of Chapter 23 of Title 16, children who have been abused or neglected;

(2) To develop and test innovative models of practice consistent with the purposes of this subchapter;

(3) To develop programs that deliver a broad range of child and family services, including programs that involve the participation of community and neighborhood-based groups in prevention and intervention services;

(3A)(A) To issue grants to community and neighborhood-based groups for programs that deliver prevention and intervention services; provided, that the Director submits an annual report to the Council that includes the recipient, amount, purpose, and term of each grant issued, and a description of outcomes to be achieved and an evaluation of whether or not those outcomes have been achieved

for each grant issued.

(B) A grant in excess of \$1 million shall be submitted to the Council for approval in accordance with § 1-204.51.

(4) To facilitate:

(A) Permanent placement of a child, including reunification with original caretakers where such placement is consistent with the child's safety;

(B) Permanent placement with relatives; and

(C) Adoptive placement, as appropriate;

(5) To facilitate meetings for a child in foster care with parents, siblings, relatives, and extended family members;

(6) To provide other programs and services that are consistent with the purposes of this subchapter;

(7) To monitor and evaluate services to and needs of abused and neglected children and their families;

(8) To be the personnel authority for all employees of the Agency, including the exercise of full authority to hire, retain, and terminate personnel, consistent with Chapter 6 of Title 1;

(9) By delegation from the Mayor, and independent of the Office of Contracting and Procurement, to exercise procurement authority to carry out the purposes of the Agency, including contracting and contract oversight, consistent with Chapter 3A of Title 2; except, that § 2-352.01(a) shall not apply;

(10) Starting not later than October 1, 2001, and notwithstanding the licensing powers and responsibilities given to other District agencies and officials in subchapters I-A and I-B of Chapter 28 of Title 47, to be the exclusive agency to regulate foster and group homes for children who have been abused or neglected and to regulate child placement agencies for these children. For the purposes of this paragraph, the term "regulate" means all licensing, and related functions, except fire inspections and the issuance of certificates of occupancy and all inspections relating to those certificates;

(11) Starting not later than October 1, 2001, to be the "appropriate authority," under § 4-1421 for children who have been abused or neglected;

(12) To adopt regulations to carry out the purposes of this subchapter, in accordance with Chapter 5 of Title 2; and

(13) To take whatever additional actions are necessary to accomplish the purposes of this subchapter.

(b) The Agency, or the person or agency the Agency contracts with, shall:

(1) When a child is at risk of being removed from his or her home because of child abuse or neglect, provide family preservation services designed to help the child remain safely with his or her family;

(2) When a child has been adjudicated a neglected child and committed to the Agency, offer rehabilitative services to the child's family including time-limited family reunification services designed to help child, where safe and appropriate, return to the family from which he or she has been removed;

(3) When time-limited family reunification services have failed to reunite a committed child and his or her family, take steps to implement a permanent plan of adoption or an alternative permanent plan for the child;

(4) Establish or attempt to secure priority access for protective service clients, by contract or agreement with private organizations, other public agencies, or other Agency units, to services necessary for the preservation or reunification of families which may include, but not be limited to:

(A) Emergency financial aid;

(B) Emergency caretakers;

(C) Homemakers;

(D) Family shelters and housing assistance;

(E) Emergency foster homes;

(F) Mental health services, including facilities providing medical, psychiatric, or other therapeutic services;

(G) Day care;

(H) Parent aides and lay therapists;

(I) Domestic violence services;

(J) Respite care; and

(K) Substance abuse assessment and treatment;

(5) Monitor and evaluate the services to, and the needs of, neglected children and their families;



- (6) Compile and publish training materials; and
- (7) Provide technical assistance on neglect prevention, identification, and treatment;
- (8) Develop and implement, as soon as possible, standards that provide for quality services that protect the safety and health of children, for children who are removed from their homes;
- (9) Develop and operate programs of family preservation services, family support services, time-limited family reunification services, and adoption promotion and support services;
- (9A) Offer meeting facilitation services for extended family members when appropriate to meet permanency and safety goals as established by the Adoption and Safe Families Amendment Act of 2000, effective June 27, 2000 (D. C. Law 13- 136; 47 DCR 2850);
- (9B) Develop procedures and practices for cooperation and joint activities with the Metropolitan Police Department; and
- (10) Prepare and submit to the Mayor, the Council, and the public a report to be submitted no later than February 1 of each year; which shall include:

- (A) A description of the specific actions taken to implement the Adoption and Safe Families Amendment Act of 2000, effective June 27, 2000 (D.C. Law 13-136; 47 DCR 2850);

- (B) A full statistical analysis of cases including:

- (i) The total number of children in care, their ages, legal statuses, and permanency goals;
- (ii) The number of children who entered care during the previous year (by month), their ages, legal statuses, and the primary reasons they entered care;
- (iii) The number of children who have been in care for 24 months or longer, by their length of stay in care, including:
  - (I) A breakdown in length of stay by permanency goal;
  - (II) The number of children who became part of this class during the previous year; and
  - (III) The ages and legal statuses of these children;
- (iv) The number of children who left care during the previous year (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; and
- (v) The number of children who left care during the previous year, by permanency goal; their length of stay in care, by permanency goal; the number of children whose placements were disrupted during the previous year, by placement type; and the number of children who re-entered care during the previous year;

- (C) An analysis of any difficulties encountered in reaching the goal for the number of children in care established by the District;

- (D) An evaluation of services offered, including specific descriptions of the family preservation services, community-based family support services, time-limited family reunification services, and adoption promotion and support services including:

- (i) The service programs which will be made available under the plan in the succeeding fiscal year;
- (ii) The populations which the program will serve; and
- (iii) The geographic areas in which the services will be available;

- (E) An evaluation of the Agency's performance;

- (F) Recommendations for additional legislation or services needed to fulfill the purpose of the Adoption and Safe Families Amendment Act of 2000, effective June 27, 2000 (D.C. Law 13-136; 47 DCR 2850); and

- (G) The comments submitted by a multidisciplinary committee that works to prevent child abuse and neglect and which the Mayor designates to receive and comment on the report.

(11) At all stages of a neglect case, the presumption shall be that a child will attend the same school that he or she would have attended but for the child's removal from his or her home, unless the Agency determines that it is not in the child's best interest to do so. The Agency shall determine the child's best interest in consultation with parents, when feasible, the child, resource providers, guardian ad litem, and other significant persons.

(c) The Director of the Agency shall implement the Protection of Children from Exposure to Drug-related Activity Amendment Act of 1989, effective March 15, 1990 (D.C. Law 8-87; 37 DCR 50). The Chief of the Division and the Director of the Department of Human Services shall provide the services authorized pursuant to this section to a child who is abused as a result of inadequate care, control, or diminished subsistence due to exposure to drug-related activity.

(d) The safety of the children being served shall be the paramount concern of the Agency in administering and conducting its duties and responsibilities under this section.

(Sept. 23, 1977, D.C. Law 2-22, title III, § 303, 24 DCR 3341; Mar. 15, 1990, D.C. Law 8-87, § 3(e), 37 DCR 50; June 27, 2000, D.C. Law 13-136, § 201(d), 47 DCR 2850; Apr. 4, 2001, D.C. Law 13-277, § 2(o), 48 DCR 2043; Oct. 26, 2001, D.C. Law 14-42, § 13, 48 DCR 7612; Apr. 12, 2005, D.C. Law 15-341, § 2(i), 52 DCR 2315; Apr. 13, 2005, D.C. Law 15-354, § 95, 52 DCR 2638; July 18, 2008, D.C. Law 17-199, § 2, 55 DCR 6285; May 27, 2010, D.C. Law 18-162, § 2(b), 57 DCR 3029; Sept. 24, 2010, D.C. Law 18-230, § 301(a), 57 DCR 6951; Mar. 12, 2011, D.C. Law 18-312, § 2(b), 57 DCR 12398; July 13, 2012, D.C. Law 19-162, § 2, 59 DCR 5713; Sept. 26, 2012, D.C. Law 19-171, §§ 35, 208, 59 DCR 6190.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 6-2123.

1973 Ed., § 6-2133.

##### *Effect of Amendments*

D.C. Law 13-136 rewrote this section, which previously read:

"(a) The Chief of the Division shall have the following duties and responsibilities, any of which may be contracted for with private or other public agencies:

"(1) To receive and investigate reports of neglect as provided in § 103 of this act, and §§ 6-2102 and 6-2104 and to assist in the determination of the need for the removal of an abused child as provided in § 6-2105;

"(2) Within 90 days of taking a child into custody pursuant to paragraph (1) of subsection (c) of § 6-2124, to return the child to the home or to request the filing of a neglect petition in the Family Division of the Superior Court of the District of Columbia;

"(3) To maintain a program of treatment and services for families of neglected and abused children;

"(4) To prepare annually a plan for child protective services which shall be reviewed and commented on by the Mayor's Committee on Child Abuse and Neglect. The plan shall:

"(A) Describe the Division's implementation of this act, including its organization, staffing, method of operations and financing, and programs and procedures for the receipt, investigation and verification of reports;

"(B) Describe the provisions for the determination of protective and the treatment of ameliorative service needs, and the provision of such services;

"(C) State the guidelines for referrals to the Family Division of the Superior Court of the District of Columbia; and

"(D) State the provisions for monitoring, evaluation and planning. The 1st plan shall be made available to the public within 90 days of September 23, 1977;

"(5) To encourage and assist in the formation of child abuse/neglect teams in hospitals, health and mental health clinics and other appropriate facilities in the District of Columbia; and

"(6) To take whatever additional actions are necessary to accomplish the purposes of this act.

"(b) The Director of the Department of Human Services, in addition to his or her other responsibilities, shall have the following duties and responsibilities, any of which may be contracted for with private or other public agencies:

"(1) When a child has been adjudicated a neglected child and committed to the Department of Human Services, to offer rehabilitative services to the child's family;

"(2) When rehabilitative services have failed to reunite a committed child and his or her family within a reasonable time, to prepare a permanent plan for the child;

"(3) To establish or attempt to secure priority access for protective service clients, by contract or agreement with private organizations, other public agencies, or other Department of Human Services units, to services necessary for the preservation or reunification of families. These services may include but shall not be limited to:

"(A) Emergency financial aid;

"(B) Emergency caretakers;

"(C) Homemakers;

"(D) Family shelters;

"(E) Emergency foster homes;

"(F) Facilities providing medical, psychiatric or other therapeutic services;

"(G) Day care;

"(H) Parent aides/lay therapists;

"(4) To monitor and evaluate services to and needs of neglected children and their families;

"(5) To compile and publish training materials and provide technical assistance on neglect prevention, identification and treatment; and

"(6) To prepare and submit to the Mayor, the Council of the District of Columbia, and the public an annual report which shall include a description of the specific actions taken to implement this act and an evaluation of the Division's performance. The report shall include a full statistical analysis of case reports received, an evaluation of services offered, recommendations for additional legislation or services needed to fulfill the purposes of this act and the comments submitted by the Mayor's Interagency Interdepartmental Committee on Abuse and Neglect. The 1st report shall be submitted not later than 1 year and 90 days after September 23, 1977.

"(c) The Chief of the Division and the Director of the Department of Human Resources shall implement the Protection of Children from Exposure to Drug-related Activity Amendment Act of 1989. The Chief of the Division and the Director of the Department of Human Services shall provide the services authorized pursuant to this section to a child who is abused as a result of inadequate care, control, or subsistence due to exposure to drug-related activity."

D.C. Law 13-277 rewrote the section heading which had read: "Duties and Responsibilities"; in subsec. (a), rewrote the lead-in sentence which had read: "The Chief of the Division, or the person or agency that contracts with the department for these services shall:", in par. (4)(A)(i), substituted "Agency's" for "Division's", and added pars. (7) to (15); added subsec. (a-1); in subsec. (b), in the lead-in sentence, substituted "Agency, or the person or agency the Agency contracts with" for "Director of the Department of Human Services, or the person or agency the department contracts with", in pars. (2) and (4), substituted "Agency" for "Department of Human Services", and in par. (10)(E), substituted "Agency's" for "Division's"; in subsec. (c), substituted "Director of the Agency" for "Chief of the Division and the Director of the Department of Human Services"; and, in subsec. (d), substituted "Agency" for "Department of Human Services", and deleted "and the Child Abuse Unit of the Social Services Division of the Superior Court of the district of Columbia" preceding "in administering".

D.C. Law 14-42 validated a previously made technical correction in subsec. (d).

D.C. Law 15-341, in subsec. (a)(1), substituted "abuse or neglect" for "neglect" and substituted "abused or neglected" for "abused"; in subsec. (a)(2), substituted "that the Office of the Attorney General file" for "the filing of"; rewrote subssecs. (a-1)(5), (b)(4)(D), and (b)(4)(F); deleted 'and' from the end of (b)(4)(G); added subssecs. (b)(4)(I), (J), and (K); deleted 'and' from the end of (b)(9); added subssecs. (b)(9A) and (9B); rewrote subsec. (b)(10)(B)(iii); deleted 'and' from the end of subsec. (b)(10)(B)(iv); and added subsec. (b)(10)(B)(v). Prior to amendment, subssecs. (a-1)(5), (b)(4)(D), (b)(4)(F), and (b)(10)(B)(iii) read as follows:

"(5) To facilitate meetings for a child in foster care with extended family members;"

"(D) Family shelters;"

"(F) Facilities providing medical, psychiatric, or other therapeutic services;"

"(iii) 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 year, and the ages and legal statuses of these children; and"

D.C. Law 15-354 repealed par. (12) of subsec. (a) which had read as follows:

"(12) To encourage and assist in the formation of child abuse and neglect teams in hospitals, health and mental health clinics, and other appropriate facilities in the District of Columbia;"

D.C. Law 17-199, in subsec. (a-1), added par. (3A).

D.C. Law 18-162, in subsec. (a), deleted "and" from the end of par. (14); substituted "; and" for a period at the end of par. (15), and added par. (16).

D.C. Law 18-230, in subsec. (a), deleted "and" from the end of par. (15); substituted "; and" for a period at the end of par. (16), and added par. (17).

D.C. Law 18-312 added subsec. (b)(11).

D.C. Law 19-162 added subssecs. (a)(18) and (19).

D.C. Law 19-171 validated previously made technical corrections in the designation of subssecs. (a)(15), (16), and (17); and, in subsec. (a-1)(9), substituted "consistent with Chapter 3A of Title 2; except, that § 2-352.01(a) shall not apply" for "consistent with unit A of Chapter 3 of Title 2, except § 2-301.05(a), (b), (c), and (e)".

#### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 201(d) of Adoption and Safe Families Temporary Amendment Act of 1999 (D.C. Law 13-56, March 7, 2000, law notification 47 DCR 1978).

For temporary (225 day) amendment of section, see § 2 of Child and Family Services Grant-making

Temporary Amendment Act of 2006 (D.C. Law 16-193, March 2, 2007, law notification 54 DCR 2491).

For temporary (225 day) amendment of section, see § 2 of Child and Family Services Grant-making Temporary Amendment Act of 2007 (D.C. Law 17-105, February 2, 2008, law notification 55 DCR 4257).

#### *Emergency Act Amendments*

For temporary provisions transferring to the Mayor the discretionary authority for creating monetary obligations and approving expenditures in the District of Columbia's Aid to Families With Dependent Children, Medicaid, and child abuse and neglect/foster care programs that Reorganization Plan No. 2 of 1979, Reorganization Plan No. 3 of 1986, and the Prevention of Child Abuse and Neglect Act of 1977 vested in the Department of Human Services, see § 2 of the Reorganization No. 2 of 1995 to Transfer to the Mayor Certain Discretionary Authority Vested in the Department of Human Services Emergency Act of 1995 (D.C. Act 11-103, July 21, 1995, 42 DCR 4012).

For temporary (90-day) amendment of section, see § 201(d) of the Adoption and Safe Families Emergency Amendment Act of 1999 (D.C. Act 13-117, July 28, 1999, 46 DCR 6558).

For temporary (90-day) amendment of section, see § 201(d) of the Adoption and Safe Families Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13- 178, November 2, 1999, 46 DCR 9714).

For temporary (90-day) amendment of section, see § 201(d) of the Adoption and Safe Families Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-240, January 11, 2000, 47 DCR 556).

For temporary (90 day) amendment of section, see § 4(b) of the Adoption and Safe Families Compliance Congressional Review Emergency Amendment Act of 2000 (D.C. Act 13-451, November 7, 2000, 47 DCR 9399).

For temporary (90 day) amendment of section, see § 4(b) of Adoption and Safe Families Compliance Emergency Amendment Act of 2001 (D.C. Act 14-65, June 6, 2001, 48 DCR 5721).

For temporary (90 day) amendment of section, see § 13 of Technical Amendments Emergency Act of 2001 (D.C. Act 14-108, August 3, 2001, 48 DCR 7622).

For temporary (90 day) amendment of section, see § 2 of Child and Family Services Grant-making Emergency Amendment Act of 2006 (D.C. Act 16-450, July 21, 2006, 53 DCR 6493).

For temporary (90 day) amendment of section, see § 2 of Child and Family Services Grant-making Congressional Review Emergency Amendment Act of 2006 (D.C. Act 16-522, October 27, 2006, 53 DCR 9120).

For temporary (90 day) amendment of section, see § 2 of Child and Family Services Grant-making Congressional Review Emergency Amendment Act of 2006 (D.C. Act 16-668, December 28, 2006, 54 DCR 1144).

For temporary (90 day) amendment of section, see § 2 of Child and Family Services Grant-making Emergency Amendment Act of 2007 (D.C. Act 17-167, October 19, 2007, 54 DCR 10976).

For temporary (90 day) amendment of section, see § 2 of Child and Family Services Grant-making Congressional Review Emergency Amendment Act of 2008 (D.C. Act 17-247, January 23, 2008, 55 DCR 1251).

For temporary (90 day) repeal of section 701 of D.C. Law 18-230, see § 110 of Fiscal Year 2013 Budget Support Technical Clarification Emergency Amendment Act of 2012 (D.C. Act 19-482, October 10, 2012, 59 DCR 12478).

#### *Legislative History of Laws*

For legislative history of D.C. Law 2-22, see Historical and Statutory Notes following § 4-1301.02.

For legislative history of D.C. Law 8-87, see Historical and Statutory Notes following § 4-1301.06a.

For Law 13-136, see notes following § 4-1301.02.

For D.C. Law 13-277, see notes following § 4-1301.02.

Law 14-42, the "Technical Correction Amendment Act of 2001", was introduced in Council and assigned Bill No. 14-216, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on June 5, 2001, and June 26, 2001, respectively. Signed by the Mayor on July 24, 2001, it was assigned Act No. 14-107 and transmitted to both Houses of Congress for its review. D.C. Law 14-42 became effective on October 26, 2001.

For Law 15-341, see notes following § 4-1301.02.

For Law 15-354, see notes following § 4-204.55.

Law 17-199, the "Child and Family Services Grant-Making Amendment Act of 2008", was introduced in Council and assigned Bill No.17-250 which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on April 1, 2008, and May 6, 2008, respectively. Signed by the Mayor on May 23, 2008, it was assigned Act No. 17-396 and transmitted to both Houses of Congress for its review.

D.C. Law 17-199 became effective on July 18, 2008.

For Law 18-162, see notes following § 4-1303.03.

For Law 18-230, see notes following § 4-301.

For history of Law 18-312, see notes under § 4-1301.02.

Law 19-162, the "Foster Care Youth Employment Amendment Act of 2012", was introduced in Council and assigned Bill No. 19-691, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on April 17, 2012, and May 1, 2012, respectively. Signed by the Mayor on May 16, 2012, it was assigned Act No. 19-372 and transmitted to both Houses of Congress for its review. D.C. Law 19-162 became effective on July 13, 2012.

For history of Law 19-171, see notes under § 4-205.19m.

#### *References in Text*

The "Protection of Children from Exposure to Drug-related Activity Amendment Act of 1989", referred to in (c), is D.C. Law 8-87.

#### *Delegation of Authority*

Delegation of Authority to the Child and Family Services Agency under Section 303(a)(16)(E) of the Prevention of Child Abuse and Neglect Act of 1977, see Mayor's Order 2010-154, September 17, 2010 (57 DCR 8543).

#### *Miscellaneous Notes*

Directives and Redelegation of Authority to Assure the Continued Operation of the Aid to Families with Dependent Children, Medicaid and Child Abuse-and-Neglect/Foster Care Programs During Fiscal Year 1995: See Mayor's Order 95- 115, August 31, 1995.

For applicability of D.C. Law 13-277, see note following § 4-1303.01a.

Section 701 of D.C. Law 18-230 provides:

"Sec. 701. Applicability.

"Title III of this act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan."

The Budget Director of the Council of the District of Columbia has determined, as of February 15, 2012, that the fiscal effect of Title III of Law 18-230 has not been included in an approved budget and financial plan. Therefore, the provisions of this section, enacted by title III of Law 18-230, are not in effect.

The Budget Director of the Council of the District of Columbia has determined, as of October 10, 2012, that the fiscal effect of Title III of Law 18-230 has been included in an approved budget and financial plan. Therefore, the provisions of this section, enacted by title III of Law 18-230, are in effect. Section 110 of Emergency Act 19-482 repealed section 701 of Law 18-230.

### **§ 4-1303.03A. PROVISION OF NEIGHBORHOOD-BASED SERVICES; PARTNERSHIPS WITH NEIGHBORHOOD GROUPS.**

(a) To implement the Director's authority to deliver child and family services pursuant to § 4-1303.03(a-1)(3), the Agency may financially support, in cooperation with other public and private agencies, a program of neighborhood-based services to families with children to meet permanency and safety goals set forth in the Adoption and Safe Families Amendment Act of 2000, effective June 27, 2000 (D.C. Law 13-136; 47 DCR 2850).

(b) Any program of neighborhood-based services to families with children that the Agency supports shall:

(1) Give communities, through neighborhood-based collaboratives or other organizations, the maximum opportunity to design and deliver, or arrange for the delivery of, child welfare services consistent with:

(A) The health and safety of the child;

(B) The policies and programs of the Agency; and

(C) The implementation plan in the *LaShawn v. Williams* case while it is in effect; and

(2) Contain measurable performance outcomes by which the programs will be evaluated in conjunction with data provided by the Agency, including:

(A) The numbers of children and families referred for services;

(B) The number of children and families provided services, along with a breakdown of the particular services provided;

(C) Subsequent referrals of children and families served by neighborhood-based programs to the

Agency's child abuse and neglect reporting line; and

(D) Subsequent foster care placements for children served by neighborhood-based programs.

(3) The performance outcomes required by paragraph (2) of this subsection shall be included in the annual report to the Mayor, Council, and public required by § 4-1303.03(b)(10), and shall be incorporated into any contract between the Agency and a neighborhood-based service provider.

(c) For the purposes of this section, the term "services to families with children" means:

(1) Assistance to help a family resolve a crisis that is brought on by catastrophe, crime, death, economic deprivation, desertion, domestic violence, lack of shelter, physical or mental illness, or substance abuse, and threatens the safety and welfare of the child;

(2) Family interventions:

(A) To resolve marital and relationship conflict, family conflict, and parent-child relationship problems; and

(B) To teach parenting, and child care and development skills;

(3) Information and referral services to teach families how to locate and use community services, including health care and legal services; and

(4) Home management services to teach the management of household duties and responsibilities, including budgeting skills.

(d) In implementing partnerships with neighborhood groups, the Agency may:

(1) Report to the Mayor and Council on specific services needed but not available in sufficient number to prevent child endangerment;

(2) To the extent possible:

(A) Coordinate for families with children the delivery of day care, health, education, mental health, employment, housing, domestic violence, and other services provided by public and private agencies;

(B) Deliver services through organizations based in the neighborhoods in which the recipients live;

(C) Consult with families served by the Agency to determine appropriate services; and

(3) Share information regarding its program with the Mayor's Advisory Committee on Child Abuse and Neglect and the Mayor's Commission on Violence Against Women.

(e) The Mayor, in consultation with the Agency and in accordance with Chapter 5 of Title 2, may issue rules to implement neighborhood-based programs under this section.

(Sept. 23, 1977, D.C. Law 2-22, title III, § 303a, as added Apr. 12, 2005, D.C. Law 15-341, § 2(j), 52 DCR 2315.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Legislative History of Laws*

For Law 15-341, see notes following § 4-1301.02.

### **§ 4-1303.03B. SINGLE REPORTING LINE.**

(a) The Agency shall establish a single reporting line to receive reports of suspected child abuse and neglect.

(b) The single reporting line shall be maintained by the Agency, with the assistance and support of the Metropolitan Police Department, and shall be staffed 24 hours a day, 7 days a week.

(c) Upon receiving reports on the single reporting line, the Agency shall:

(1) Review and screen the reports to collect relevant information from the source of the report; and

(2) Transmit the reports to the entity with responsibility under the laws of the District of Columbia, or the appropriate governmental entity in another jurisdiction, for investigation or provision of services.

(d) The Agency shall provide quarterly summaries to the Mayor and Council regarding the number and types of reports made to the single reporting line.

(e) The Mayor, with the assistance and support of the Agency and the Metropolitan Police Department and in accordance with of Chapter 5 of Title 2, shall issue rules for operating the single reporting line. The rules shall include:

(1) The mechanics and logistics of the single reporting line, including location, staffing, and equipment;

(2) The process for receiving calls, including forms and methods for the recording of information;

(3) The process for the immediate transmittal of calls to the governmental entity responsible for investigation or provision of services;

(4) Procedures for preserving the confidentiality of information and the retention of records; and

(5) Training requirements for persons staffing the single reporting line.

(Sept. 23, 1977, D.C. Law 2-22, title III, § 303b, as added Apr. 12, 2005, D.C. Law 15-341, § 2(k), 52 DCR 2315.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For Law 15-341, see notes following § 4-1301.02.

**§ 4-1303.03C. CHILD AND FAMILY SERVICES AGENCY TRANSPORTATION FUND.[REPEALED]**

(Sept. 23, 1977, D.C. Law 2-22, § 303c as added Mar. 3, 2010, D.C. Law 18-111, § 5151, 57 DCR 181; Sept. 14, 2011, D.C. Law 19-21, § 9065, 58 DCR 6226.)

*HISTORICAL AND STATUTORY NOTES*

*Emergency Act Amendments*

For temporary (90 day) addition, see § 5151 of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

For temporary (90 day) addition, see § 5151 of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

*Legislative History of Laws*

For Law 18-111, see notes following § 4-205.19b.

For history of Law 19-21, see notes under § 4-204.07.

*Miscellaneous Notes*

Short title: Section 5150 of D.C. Law 18-111 provided that subtitle P of title V of the act may be cited as the "Child and Family Services Transportation Fund Amendment Act of 2009".

**§ 4-1303.03D. RAPID HOUSING PROGRAM ASSISTANCE.**

(a) The Agency shall track and publicly report the number of emancipating youth and families who apply for or are referred for assistance under the Rapid Housing Program, the number of youth and families who are eligible for assistance, and the number of youth and families who receive assistance.

(b) The Agency shall maintain a waiting list of emancipating youth and families who are eligible but cannot receive assistance due to insufficient funds.

(Sept. 23, 1977, D.C. Law 2-22, § 303d as added Mar. 3, 2010, D.C. Law 18-111, § 5181, 57 DCR 181; Sept. 26, 2012, D.C. Law 19-171, § 36, 59 DCR 6190.)

*HISTORICAL AND STATUTORY NOTES*

*Effect of Amendments*

D.C. Law 19-171 validated a previously made technical correction in the section designation.

*Emergency Act Amendments*

For temporary (90 day) addition, see § 5181 of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

For temporary (90 day) addition, see § 5181 of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

*Miscellaneous Notes*

Short title: Section 5180 of D.C. Law 18-111 provided that subtitle S of title V of the act may be cited as the "Child and Family Services Rapid Housing Assistance Amendment Act of 2009".

*Legislative History of Laws*

For Law 18-111, see notes following § 4-205.19b.

For history of Law 19-171, see notes under § 4-205.19m.

### **§ 4-1303.03E. BEHAVIORAL HEALTH SCREENING AND ASSESSMENT REQUIREMENTS.**

(a) All children in the custody of the Agency shall, to the extent that it is not inconsistent with a court order, receive a behavioral health screening and, if necessary, a behavioral health assessment within 30 days of initial contact with the Agency or a placement disruption. Through rulemaking, the Mayor may reduce the number of days within which a behavioral health screening and behavioral health assessment are required.

(b) The Agency shall connect all children who are assessed as being in need of behavioral health care to an appropriate behavioral health service.

(c) The Agency shall provide the behavioral health resource guide for parents and legal guardians and the behavioral health resource guide for youth created pursuant to § 7-1131.18 to families of children in Agency custody.

(Sept. 23, 1997, D.C. Law 2-22, § 303e, as added June 7, 2012, D.C. Law 19-141, § 505(b), 59 DCR 3083.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Emergency Act Amendments*

For temporary (90 day) amendment of section 601 of D.C. Law 19-141, see § 7004 of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) amendment of section 601 of D.C. Law 19-141, see § 7004 of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

##### *Legislative History of Laws*

For history of Law 19-141, see notes under § 4-1301.02.

##### *Miscellaneous Notes*

Section 601 of D.C. Law 19-141, as amended by section 7004 of D.C. Law 19-168, provides:

"Sec. 601. Applicability.

"Sections 302(b)(1), 304, and 502(a) shall apply upon the inclusion of their fiscal effect in an approved budget and financial plan."

Section 7016 of D.C. Law 19-168 provides:

"Sec. 7016. Sections 7001, 7004, 7007, 7009, 7011, and 7015 shall apply as of the effective date of the Fiscal Year 2013 Budget Support Emergency Act of 2012, passed on emergency basis on June 5, 2012 (Enrolled version of Bill 19- 796)."

### **§ 4-1303.04. SERVICES AUTHORIZED; CUSTODIAL PLACEMENT; REMOVAL OF CHILD.**

(a) Repealed.

(b) When an investigation indicates that a child has been left alone or with inadequate supervision, the Agency is authorized to make a temporary custodial placement of the child; provided, that:

(1) Notice is left for the parent or custodian which shall state the procedure for reclaiming the child;

(2) Efforts continue to locate the parent;

(3) The child is returned forthwith upon the request of the parent or custodian, unless there is additional evidence of immediate danger to the child and police action is taken pursuant to § 16-2309(3) or (4); and

(4) A complaint alleging neglect is filed with the Superior Court of the District of Columbia:

(A) At the end of 5 days if the parent or custodian fails to claim the child within that time; or

(B) Immediately upon the discovery of additional evidence of immediate danger to the child.

(c) When an investigation made pursuant to § 4-1301.04 or § 4-1301.05 indicates that a child is an abused or a neglected child and when it has been determined that the child cannot be adequately protected by any of the services set forth in § 4-1303.03(a)(7) or (b) of this section or by any other services, the Director of the Agency is authorized to:

(1) Remove the child with the consent of the parent, guardian, or other person acting in loco parentis;



(2) Request the Corporation Counsel of the District of Columbia to petition the Family Division of the Superior Court of the District of Columbia for a finding of abuse or neglect and, where appropriate, the removal of the child; and

(3) Request the police to remove the child when the consent of a parent, guardian or other custodian cannot be obtained and the need to protect the child does not allow sufficient time to obtain a court order.

(Sept. 23, 1977, D.C. Law 2-22; title III, § 304, 24 DCR 3341; Mar. 16, 1995, D.C. Law 10-227, § 2(c), 42 DCR 4; Apr. 4, 2001, D.C. Law 13-277, § 2(p), 48 DCR 2043; Apr. 12, 2005, D.C. Law 15-341, § 2(l), 52 DCR 2315.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 6-2124.

1973 Ed., § 6-2134.

##### *Effect of Amendments*

D.C. Law 13-277 repealed subsec. (a); in subsec. (b), substituted "Agency" for "Division"; in subsec (c), substituted "§ 4-1303.03(a)(7) or (b) of this section" for "subsection (a) or (b) of this section", substituted "Director of the Agency" for "Chief of the Division", and in par. (2), substituted "abuse or neglect" for "neglect". Prior to repeal subsec. (a) read:

"(a) When an investigation made pursuant to §§ 4-1301.04 and 4-1301.05 indicates that a child is an abused or neglected child and in need of services, the Chief of the Division is authorized to provide or secure any necessary services which may include:

"(1) Emergency financial aid;

"(2) Temporary 3rd-party placement with responsible neighbors or relatives for the child and his or her siblings: Provided, that the person with whom the child is placed shall not be considered an agent of the Department of Human Services;

"(3) Emergency caretaker(s) who enter the home and provide temporary care for the child and his or her siblings in appropriate cases, when the consent of the parent or other custodian cannot be obtained, notwithstanding the provisions of the Act of March 3, 1901, as amended (31 Stat. 1324);

"(4) The placement of homemakers in the home to maintain the child and his or her siblings or to assist the parent or other caretaker in discharging his or her responsibilities to the child;

"(5) Day care for the child and his or her siblings;

"(6) Counselling services for the child and his or her family;

"(7) Medical evaluation and/or emergency treatment of the child by a qualified physician; and

"(8) Other appropriate services or resources available in the community including, but not limited to, parenting classes and family counseling."

D.C. Law 15-341, in subsec. (b), substituted "inadequate supervision" for "inadequate supervision and a 3rd-party placement cannot be made".

##### *Legislative History of Laws*

For legislative history of D.C. Law 2-22, see Historical and Statutory Notes following § 4-1301.02.

For legislative history of D.C. Law 10-227, see Historical and Statutory Notes following § 4-1301.09.

For D.C. Law 13-277, see notes following § 4-1301.02.

For Law 15-341, see notes following § 4-1301.02.

##### *Miscellaneous Notes*

For applicability of D.C. Law 13-277, see note following § 4-1303.01a.

## **§ 4-1303.05. MEDICAL TREATMENT AUTHORIZED.**

When the Agency has physical custody of a child pursuant to § 4-1303.03 or pursuant to § 16-2313 or § 16-2320, it may:

(1) Authorize a medical evaluation or emergency medical, surgical, or dental treatment, or authorize an outpatient psychiatric evaluation or emergency outpatient psychiatric treatment, at any time; and

(2) Authorize non-emergency outpatient medical, surgical, dental or psychiatric treatment, or autopsy, when reasonable efforts to consult the parent have been made but a parent cannot be consulted.

(Sept. 23, 1977, D.C. Law 2-22, title III, § 305, 24 DCR 3341; Apr. 4, 2001, D.C. Law 13-277, § 2(q), 48 DCR 2043.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 6-2125.

1973 Ed., § 6-2135.

*Effect of Amendments*

D.C. Law 13-277, in the lead-in sentence, substituted "Agency has physical custody of a child pursuant to § 4-1303.03" for "Department of Human Services has physical custody of a child pursuant to subsection (b) or (c) of § 4-1303.04"; rewrote par. (1); and, in par. (2), inserted "outpatient". Prior to amendment, par. (1) read:

"(1) Authorize a medical and psychiatric evaluation and/or emergency medical, surgical, dental, or psychiatric treatment at any time; and"

*Legislative History of Laws*

For legislative history of D.C. Law 2-22, see Historical and Statutory Notes following § 4-1301.02.

For D.C. Law 13-277, see notes following § 4-1301.02.

*Miscellaneous Notes*

For applicability of D.C. Law 13-277, see note following § 4-1303.01a.

## **§ 4-1303.06. CONFIDENTIALITY OF RECORDS AND INFORMATION.**

(a) Information acquired by staff of the Child and Family Services Agency that identifies individual children reported as or found to be abused or neglected or which identifies other members of their families or other persons shall be considered confidential and may be released or divulged only for:

- (1) Purposes relating to the identification of abuse or neglect;
- (2) The identification of service needs or resources;
- (3) The securing or provision of treatment or direct services for the child or individual identified;
- (4) The investigation or review of child fatalities by representatives of the Child Fatality Review Committee, established pursuant to § 4-1371.03; or
- (5) For the purposes of and in accordance with Chapter 2A of Title 7.

(b) Persons or agencies who are not covered by confidentiality requirements comparable to those in subsection (a) of this section, to whom information is released pursuant to this section, § 4-1302.03, or § 4-1302.04 must sign a statement that they will not divulge such confidential information for purposes unrelated to the purposes of treatment, identification or evaluation.

(c) Repealed.

(Sept. 23, 1977, D.C. Law 2-22, title III, § 306, as added Oct. 18, 1979, D.C. Law 3-29, § 2, 26 DCR 678; June 27, 2000, D.C. Law 13-136, § 201(e), 47 DCR 2850; Oct. 3, 2001, D.C. Law 14-28, § 4618, 48 DCR 6981; Feb. 13, 2002, D.C. Law 14-69, § 2(a), 48 DCR 11072; Dec. 4, 2010, D.C. Law 18-273, § 202, 57 DCR 7171.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 6-2126.

1973 Ed., § 6-2136.

*Effect of Amendments*

D.C. Law 13-136 added subsec. (c).

D.C. Law 14-28, in subsec. (a), inserted "or the investigation or review of child fatalities by representatives of the Child Fatality Review Committee, established pursuant to § 4-1317.03".

D.C. Law 14-69 repealed subsec. (c) which had read:

"(c) Notwithstanding subsection (a) of this section, the Mayor or the Director of the designated Child and Family Services Agency may disclose to the public the findings or information about a case of child abuse or neglect which has resulted in a child's fatality or near fatality. Nothing may be disclosed that would likely endanger the life, safety, or physical or emotional well-being of a child or the life or safety of any other person or which may compromise the integrity of a Mayor's investigation or a civil or criminal investigation or judicial

proceeding. If the Mayor denies access to specific information on this basis, the requesting entity may seek disclosure of the information through the Superior Court. The name or any other information identifying the person or entity who referred the child to the Department of Human Services shall not be released to the public."

D.C. Law 18-273 rewrote subsec. (a), which had read as follows:

"(a) Information acquired by staff of the Social Rehabilitation Administration of the Department of Human Services which identifies individual children reported as or found to be abused or neglected or which identifies other members of their families or other persons or other individuals shall be considered confidential and may be released or divulged only for purposes relating to the identification of abuse or neglect, the identification of service needs or resources, the securing or provision of treatment or direct services for the child or individual identified, or the investigation or review of child fatalities by representatives of the Child Fatality Review Committee, established pursuant to § 4-1371.03."

#### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 18 of Child Fatality Review Committee Establishment Temporary Act of 2001 (D.C. Law 14-20, September 6, 2001, law notification 48 DCR 9090).

#### *Temporary Repeal of Section*

For temporary (225 day) repeal of section, see § 2(a) of Public Disclosure of Findings and Information in Cases of Child Fatality or Near Fatality Temporary Amendment Act of 2000 (D.C. Law 13-215, April 3, 2001, law notification 38 DCR 3457).

#### *Emergency Act Amendments*

For temporary (90-day) amendment of section, see § 2(a) of the Public Disclosure of Findings and Information in Cases of Child Fatality or Near Fatality Emergency Amendment Act of 2000 (D.C. Act 13-428, August 14, 2000, 47 DCR 7451).

For temporary (90 day) repeal of section, see § 2(a) of the Public Disclosure of Findings and Information in Cases of Child Fatality or Near Fatality Legislative Review Emergency Amendment Act of 2000 (D.C. Act 13-491, December 18, 2000, 48 DCR 57).

For temporary (90 day) amendment of section, see § 2(a) of Public Disclosure of Findings and Information in Cases of Child Fatality or Near Fatality Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-6, February 13, 2001, 48 DCR 2479).

For temporary (90 day) amendment of section, see § 18 of Child Fatality Review Committee Establishment Emergency Act of 2001 (D.C. Act 14-40, April 25, 2001, 48 DCR 5917).

For temporary (90 day) amendment of section, see § 18 of Child Fatality Review Committee Establishment Legislative Review Emergency Act of 2001 (D.C. Act 14- 82, July 9, 2001, 48 DCR 6355).

For temporary (90 day) amendment of section, see § 2(a) of Public Disclosure of Findings and Information in Cases of Child Fatality or Near Fatality Second Emergency Amendment Act of 2001 (D.C. Act 14-191, November 29, 2001, 48 DCR 11233).

For temporary (90 day) amendment of section, see § 2(a) of Public Disclosure of Findings and Information in Cases of Child Fatality or Near Fatality Congressional Review Emergency Amendment Act of 2002 (D.C. Act 14-286, February 25, 2002, 49 DCR 2317).

For temporary (90 day) amendment of section, see § 202 of Data-Sharing and Information Coordination Emergency Amendment Act of 2010 (D.C. Act 18-530, August 6, 2010, 57 DCR 8099).

For temporary (90 day) amendment of section, see § 202 of Data-Sharing and Information Coordination Congressional Review Emergency Amendment Act of 2010 (D.C. Act 18-582, October 20, 2010, 57 DCR 10118).

#### *Legislative History of Laws*

Law 3-29, the "Confidentiality and Disclosure of Records on Abused and Neglected Children Act of 1979," was introduced in Council and assigned Bill No. 3-159, which was referred to the Committee on Human Resources. The Bill was adopted on first and second readings on July 17, 1979 and July 31, 1979, respectively. Signed by the Mayor on August 1, 1979, it was assigned Act No. 3-78 and transmitted to both Houses of Congress for its review.

For Law 13-136, see notes following § 4-1301.02.

For Law 14-28, see notes following § 4-344.01.

Law 14-69, the "Public Disclosure of Findings and Information in Cases of Child Fatality or Near Fatality Amendment Act of 2001", was introduced in Council and assigned Bill No. 14-181, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on June 26, 2001, and July 10, 2001, respectively. Signed by the Mayor on November 19, 2001, it was assigned Act No. 14-182 and transmitted to both Houses of Congress for its review. D.C. Law 14-69 became effective on February 27,

2002.

For Law 18-273, see notes following § 4-209.04.

### **§ 4-1303.07. UNAUTHORIZED DISCLOSURE OF RECORDS.**

Whoever willfully discloses, receives, makes use of or knowingly permits the use of confidential information concerning a child or individual in violation of this subchapter shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000. A violation of this section shall be prosecuted by the Corporation Counsel of the District of Columbia.

(Sept. 23, 1977, D.C. Law 2-22, title III, § 307, as added Oct. 18, 1979, D.C. Law 3-29, § 2, 26 DCR 678.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 6-2127.

1973 Ed., § 6-2137.

##### *Temporary Addition of Section*

For temporary (225 day) addition of section, see § 2(b) of Public Disclosure of Findings and Information in Cases of Child Fatality or Near Fatality Temporary Amendment Act of 2000 (D.C. Law 13-215, April 3, 2001, law notification 38 DCR 3457).

##### *Emergency Act Amendments*

For temporary (90-day) addition of § 6-2128 [1981 Ed.], see § 2(b) of the Public Disclosure of Findings and Information in Cases of Child Fatality or Near Fatality Emergency Amendment Act of 2000 (D.C. Act 13-428, August 14, 2000, 47 DCR 7451).

For temporary (90 day) addition of § 4-1303.08, see § 2(b) of the Public Disclosure of Findings and Information in Cases of Child Fatality or Near Fatality Legislative Review Emergency Amendment Act of 2000 (D.C. Act 13-491, December 18, 2000, 48 DCR 57).

For temporary (90 day) addition of § 4-1303.08, see § 2(b) of Public Disclosure of Findings and Information in Cases of Child Fatality or Near Fatality Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-6, February 13, 2001, 48 DCR 2479).

##### *Legislative History of Laws*

For legislative history of D.C. Law 3-29, see Historical and Statutory Notes following § 4-1303.06.

### **§ 4-1303.08. VOLUNTARY FOSTER CARE REGISTRY.**

(a) For the purposes of this section, the term:

(1) "Immediate birth family member" means a person 18 years of age or older who is the birth mother, father, or sibling of a registrant.

(2) "Registrant" means an individual, 18 years of age or older, who was, or currently is, a respondent in a child abuse or neglect case under Chapter 23 of Title 16 or his or her immediate birth family member.

(3) "Registry" means the Voluntary Foster Care Registry established by subsection (b) of this section.

(b) Within 180 days of September 24, 2010, the Agency shall establish the Voluntary Foster Care Registry ("Registry") for a registrant who seeks to reconnect with his or her immediate birth family member to place otherwise personal confidential information in the Registry to aid in that endeavor.

(c) To use the Registry, an applicant shall:

(1) Complete a registration form, which shall include:

(A) Proof that the applicant qualifies as a registrant, as defined in subsection (a) of this section, including the following information, to the extent known, pertaining to both the applicant and the individual being sought:

(i) Name;

(ii) Previous name;

(iii) Address;

(iv) Telephone number;

(v) Name of adoptive parents, if applicable; and

- (vi) Name of birth mother and father;
  - (B) The name and address of the child placement agency that placed the child for adoption, if applicable; and
  - (C) A statement of consent to be identified to other registrants who are matched as immediate birth family members, including a statement whether the registrant consents to be identified to any immediate birth family member who registers or only to specific immediate birth family members. If the registrant consents to be identified only to specific immediate birth family members, the statement shall indicate by name or relationship which immediate birth family members for whom the consent is valid;
- (2)(A) Except as provided in subparagraph (B) of the paragraph, pay a one-time fee, to be established by rule, which may be waived or reduced for individuals with verified income at or below the national poverty level.
- (B) A registrant who, at the time he or she registers, is the respondent in an open neglect case under Chapter 23 of Title 16 shall not be required to pay a fee.
- (d) A registrant shall provide changes in the information in the Registry occurring after registration to the Agency. The Agency shall timely input the updated information in the Registry.
- (e) A registrant may withdraw from the Registry at any time by submitting a notarized affidavit to the Agency that contains the registrant's name and a request to be removed from the Registry.
- (f)(1) Upon receipt of a completed registration and the applicable fee, the Agency, or its designee, shall search the Registry for potential matching immediate birth family members.
- (2) In addition to the Registry search, the Agency may inquire into the records of:
    - (A) Child placement agencies;
    - (B) Local departments of social services;
    - (C) The court, which shall grant the Agency access to the court record upon receipt of a petition from the Agency that provides proof of consent of the parties to disclosure of the information, as evidenced in the registration forms, and states that review of the record is needed to make a match or to provide matching information; and
    - (D) The Vital Records Division of the Department of Health.
- (3) Prior to releasing any identifying information to a registrant, the Agency shall verify that the registrant consents to have his or her identifying information released to a immediate birth family member who is a registrant. The Agency shall also obtain substantiation of a familial relationship from a reliable, independent third-party source, as established by rule and upon whom the Agency did not rely in conducting its search. A third-party independent source may include:
- (A) The child placement agency that placed the child for adoption;
  - (B) The Vital Records Division of the Department of Health; or
  - (C) The Family Court of the Superior Court of the District of Columbia.
- (4) A match shall be ascertained between the child and an immediate birth family member if:
- (A) The child and the child's birth mother and birth father are registrants;
  - (B) The child and one or more birth siblings are registrants; or
  - (C) The child and only one birth parent are registrants.
- (5) Information shall be provided regarding only those immediate birth family members who are registrants.
- (g)(1) The Registry shall retain information and documents collected until the date specified by the registrant or for 99 years, whichever occurs first.
- (2)(A) Registry documents and information shall be destroyed in accordance with the District procedure for disposal of confidential information.
    - (B) Information in the Registry may not be disclosed except as provided by this subchapter or regulations issued pursuant to this subchapter, or pursuant to a court order.
- (h) The Mayor, pursuant to subchapter I of Chapter 5 of Title 2, shall issue rules to implement the provisions of this section.

(Sept. 23, 1977, D.C. Law 2-22, § 308, as added Sept. 24, 2010, D.C. Law 18-230, § 301(b), 57 DCR 6951.)

*HISTORICAL AND STATUTORY NOTES*

*Emergency Act Amendments*

For temporary (90 day) repeal of section 701 of D.C. Law 18-230, see § 110 of Fiscal Year 2013 Budget

Support Technical Clarification Emergency Amendment Act of 2012 (D.C. Act 19-482, October 10, 2012, 59 DCR 12478).

*Legislative History of Laws*

For Law 18-230, see notes following § 4-301.

*Miscellaneous Notes*

Section 701 of D.C. Law 18-230 provides:

"Sec. 701. Applicability.

"Title III of this act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan."

The Budget Director of the Council of the District of Columbia has determined, as of February 15, 2012, that the fiscal effect of Title III of Law 18-230 has not been included in an approved budget and financial plan. Therefore, the provisions of this section, enacted by title III of Law 18-230, are not in effect.

The Budget Director of the Council of the District of Columbia has determined, as of October 10, 2012, that the fiscal effect of Title III of Law 18-230 has been included in an approved budget and financial plan. Therefore, the provisions of this section, enacted by title III of Law 18-230, are in effect. Section 110 of Emergency Act 19-482 repealed section 701 of Law 18-230.

### **§ 4-1303.09. VOLUNTARY FOSTER CARE REGISTRY FUND.**

(a) There is established as a nonlapsing fund the Voluntary Foster Care Registry Fund ("VFCR Fund"), into which shall be deposited all fees collected pursuant to § 4-1303.08(c)(2)(A) and any gift or appropriation intended to assist in the funding of the Voluntary Foster Care Registry, which shall be solely used to cover the costs of administering the Voluntary Foster Care Registry.

(b) All funds deposited into the VFCR Fund, and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the purpose set forth in subsection (a) of this section without regard to fiscal year limitation, subject to authorization by Congress.

(Sept. 23, 1977, D.C. Law 2-22, § 309, as added Sept. 24, 2010, D.C. Law 18-230, § 301(b), 57 DCR 6951.)

*HISTORICAL AND STATUTORY NOTES*

*Emergency Act Amendments*

For temporary (90 day) repeal of section 701 of D.C. Law 18-230, see § 110 of Fiscal Year 2013 Budget Support Technical Clarification Emergency Amendment Act of 2012 (D.C. Act 19-482, October 10, 2012, 59 DCR 12478).

*Legislative History of Laws*

For Law 18-230, see notes following § 4-301.

*Miscellaneous Notes*

Section 701 of D.C. Law 18-230 provides:

"Sec. 701. Applicability.

"Title III of this act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan."

The Budget Director of the Council of the District of Columbia has determined, as of February 15, 2012, that the fiscal effect of Title III of Law 18-230 has not been included in an approved budget and financial plan. Therefore, the provisions of this section, enacted by title III of Law 18-230, are not in effect.

The Budget Director of the Council of the District of Columbia has determined, as of October 10, 2012, that the fiscal effect of Title III of Law 18-230 has been included in an approved budget and financial plan. Therefore, the provisions of this section, enacted by title III of Law 18-230, are in effect. Section 110 of Emergency Act 19-482 repealed section 701 of Law 18-230.

## **PART C-I. PUBLIC DISCLOSURE OF FINDINGS AND INFORMATION IN CASES OF CHILD FATALITY OR NEAR FATALITY.**

### **§ 4-1303.31. DEFINITIONS.**

For the purposes of this part, the term:

(1)(A) "Agency" shall have the same meaning provided in § 2-502(3), except that the term "agency" shall include:

- (i) The Social Services Division of the Superior Court of the District of Columbia; and
- (ii) The Child and Family Services Agency, whether under the administrative control of the Mayor or the court-appointed receiver.

(B) The term "agency" does not include the executive branch of the federal government, its agencies, officials, and employees, or the Child Fatality Review Committee.

(2) "Child fatality" means:

(A) The death of a child as a result of child abuse, neglect, or maltreatment, as certified by a physician, or the Chief Medical Examiner of the jurisdiction in which the child died or where the autopsy was performed; or

(B) The death of a child where the Chief Medical Examiner cannot rule out child abuse, neglect, or maltreatment as contributing to the cause of death.

(3) "Disclosing official" means:

(A) The Mayor or such other official or officials of the District as the Mayor may from time to time designate in writing to perform the functions under this part; and

(B) The Director of the Child and Family Services Agency.

(4) "District" means the District of Columbia.

(5) "Findings and information related to a child fatality or near fatality" means:

(A) All public records in the possession of any officer or agency of the District that pertain to a child fatality or near fatality, or that are compiled, received, or created in the course of any investigation, assessment, or review conducted in connection with a child fatality or near fatality; and

(B) A written summary that includes, to the extent possible, all of the following information pertaining to a child fatality or near fatality:

(i) The name of the child, except that the name of the child shall not be disclosed in a case of a near fatality unless the name has otherwise previously been disclosed;

(ii) The name of the parent or other person legally responsible for the child, except that the name of the parent or other person legally responsible for the child shall not be disclosed in a case of a near fatality unless the name has otherwise previously been disclosed;

(iii) Confirmation of the receipt of all reports, accepted or not accepted, by an agency of the District for investigation or assessment of suspected child abuse, neglect, or maltreatment, including confirmation that investigations or assessments were conducted; the results of the investigations or assessments; a description of the conduct of the most recent investigation or assessment and the services rendered; and a statement of the basis for the agency's determination;

(iv) The basis for any finding of either abuse or neglect, including the results of any review of a community child protection team or any public agency;

(v) Identification of child protective or other services provided to or any actions taken by any agency regarding the child, including the dates, outcomes, and results of any services provided and any actions taken;

(vi) Any actions taken by any agency in response to reports or allegations of abuse or neglect of the child, including the dates, outcomes, and results of any actions taken; and

(vii) Other pertinent information concerning the circumstances of any abuse or neglect of the child and the investigation of such abuse or neglect.

(6) "Near fatality" means a child in serious or critical medical condition as a result of child abuse, neglect, or maltreatment, as certified by a physician.

(7) "Personal or private information" means information about an individual's personal relationships, sexual preference or conduct, economic or financial needs or status, physical or mental health, substance use or abuse, work or school records, religious beliefs, or political opinions, unless such personal or private information is related to the cause of the child fatality or near fatality.

(8) "Public record" shall have the same meaning provided in § 2-502(18).

(Sept. 23, 1977, D.C. Law 2-22, title IIIA, § 331, as added Feb. 13, 2002, D.C. Law 14-69, § 2(b), 48 DCR 11072; Mar. 13, 2004, D.C. Law 15-105, § 34(c), 51 DCR 881.)

*HISTORICAL AND STATUTORY NOTES*

*Effect of Amendments*

D.C. Law 15-105 validated previously made technical corrections.

*Emergency Act Amendments*

For temporary (90 day) addition of this section, see section 2(b) of Public Disclosure of Findings and Information in Cases of Child Fatality or Near Fatality Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-6, February 13, 2001, 48 DCR 2479).

For temporary (90 day) addition of section, see § 2(b) of Public Disclosure of Findings and Information in Cases of Child Fatality or Near Fatality Second Emergency Amendment Act of 2001 (D.C. Act 14-191, November 29, 2001, 48 DCR 11233).

For temporary (90 day) addition of section, see § 2(b) of Public Disclosure of Findings and Information in Cases of Child Fatality or Near Fatality Congressional Review Emergency Amendment Act of 2002 (D.C. Act 14-286, February 25, 2002, 49 DCR 2317).

*Legislative History of Laws*

For Law 14-69, see notes following § 4-1303.06.

For Law 15-105, see notes following § 4-204.08.

### **§ 4-1303.32. DISCLOSURE OF FINDINGS AND INFORMATION.**

(a)(1) Notwithstanding any other provision of law, a disclosing official shall upon written request by any person, and may upon his or her own initiative, disclose to the public the findings and information related to a child fatality or near fatality, except as provided in paragraph (2) of this subsection.

(2) Paragraph (1) of this subsection shall not apply to the disclosure of any portion of the findings or information if disclosure of that portion would likely:

- (A) Endanger the life, physical safety, or physical or emotional well-being of the child who is the subject of the findings and information or a child who is a sibling of such child or has shared the same household as such child;
- (B) Endanger the life or physical safety of any person;
- (C) Interfere with an ongoing law enforcement investigation or proceeding pertaining to the child fatality or near fatality;
- (D) Deprive a person of a right to a fair trial or an impartial adjudication;
- (E) Disclose the identity of any person who reported suspected abuse, neglect, or maltreatment to the Metropolitan Police Department or the Child and Family Services Agency, or the identity of any confidential law enforcement source in a criminal proceeding pertaining to the child fatality or near fatality;
- (F) Disclose the identity of a birth parent of a child, if the child has been adopted and there has been no contact between the child and the birth parent immediately prior to the fatality or near fatality; or
- (G) Disclose personal or private information.

(3) Any reasonably segregable portion of a public record shall be provided to any person requesting such record after deletion of those portions which may be withheld from disclosure under paragraph (2) of this subsection.

(b)(1) The disclosing official shall either make the requested findings or information related to a child fatality or near fatality accessible to the person making the request or send the person a letter of denial explaining the disclosing official's determination to withhold all or any portion of the requested findings or information within 10 days (excluding Saturdays, Sundays, and legal public holidays) of receipt of the request by the disclosing official. A letter of denial shall contain at least the following:

- (A) The specific reasons and legal authority for the denial or decision to withhold;
- (B) Notification to the requestor of any right to appeal; and
- (C) A description of the documents withheld by the disclosing official.

(2) In unusual circumstances, the time limit provided in paragraph (1) of this subsection may be extended by written notice to the person making the request setting forth the reasons for extension and expected date for determination. The extension shall not exceed 10 days (excluding Saturdays, Sundays, and legal public holidays). For purposes of this subsection, and only to the extent necessary for processing of the particular request, "unusual circumstances" are limited to:

- (A) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or
- (B) The need for consultation, which shall be conducted with all practicable speed, with another



agency having a substantial interest in the determination of the request.

(3) Except as provided in paragraph (2) of this subsection, any failure on the part of the disclosing official to comply with a request under this section within the time provision of paragraph (1) of this subsection shall be deemed a denial of the request, and the person making the request shall be considered to have exhausted his or her administrative remedies with respect to that request.

(Sept. 23, 1977, D.C. Law 2-22, title IIIA, § 332, as added Feb. 13, 2002, D.C. Law 14-69, § 2(b), 48 DCR 11072.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Emergency Act Amendments*

For temporary (90 day) addition of this section, see section 2(b) of Public Disclosure of Findings and Information in Cases of Child Fatality or Near Fatality Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-6, February 13, 2001, 48 DCR 2479).

For temporary (90 day) addition of section, see § 2(b) of Public Disclosure of Findings and Information in Cases of Child Fatality or Near Fatality Second Emergency Amendment Act of 2001 (D.C. Act 14-191, November 29, 2001, 48 DCR 11233).

For temporary (90 day) addition of section, see § 2(b) of Public Disclosure of Findings and Information in Cases of Child Fatality or Near Fatality Congressional Review Emergency Amendment Act of 2002 (D.C. Act 14-286, February 25, 2002, 49 DCR 2317).

##### *Legislative History of Laws*

For Law 14-69, see notes following § 4-1303.06.

### **§ 4-1303.33. CIVIL ACTION TO COMPEL DISCLOSURE.**

(a) Any person who has submitted a request to the disclosing official to release findings and information under § 4-1303.32, and whose request has been denied in whole or in part, may bring a civil action in the Superior Court of the District of Columbia ("Superior Court") to compel the disclosing official to release the findings and information as requested.

(b) A suit filed under this section shall be set for hearing by the Superior Court at the earliest practicable time and shall be given all possible expedited treatment.

(c) In any suit filed under this section, the Superior Court may order the production of any findings or information improperly withheld from the person seeking disclosure.

(d) The burden is on the disclosing official to sustain his or her action. The court shall determine the matter de novo, and may examine the contents of the requested findings and information in camera to determine whether the findings and information, or any part thereof, shall be withheld under § 4-1303.32(a)(2).

(e) If a person seeking the right to inspect or to receive a copy of findings and information prevails in whole or in part in a civil action filed under this section, he or she may be awarded reasonable attorney fees and other costs of litigation.

(Sept. 23, 1977, D.C. Law 2-22, title IIIA, § 333, as added Feb. 13, 2002, D.C. Law 14-69, § 2(b), 48 DCR 11072.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Emergency Act Amendments*

For temporary (90 day) addition of this section, see section 2(b) of Public Disclosure of Findings and Information in Cases of Child Fatality or Near Fatality Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-6, February 13, 2001, 48 DCR 2479).

For temporary (90 day) addition of section, see § 2(b) of Public Disclosure of Findings and Information in Cases of Child Fatality or Near Fatality Second Emergency Amendment Act of 2001 (D.C. Act 14-191, November 29, 2001, 48 DCR 11233).

For temporary (90 day) addition of section, see § 2(b) of Public Disclosure of Findings and Information in Cases of Child Fatality or Near Fatality Congressional Review Emergency Amendment Act of 2002 (D.C. Act 14-286, February 25, 2002, 49 DCR 2317).

##### *Legislative History of Laws*

For Law 14-69, see notes following § 4-1303.06.

### **§ 4-1303.34. IMMUNITY.**

The District, the disclosing official, and any agencies, committees, officials, officers, employees, or attorneys of the District authorized by the disclosing official to assist the disclosing official with his or her responsibilities and duties under this part shall have full immunity from any civil or criminal liability relating to a decision made in good faith to disclose findings and information related to a child fatality or near fatality under this part.

(Sept. 23, 1977, D.C. Law 2-22, title IIIA, § 334, as added Feb. 13, 2002, D.C. Law 14-69, § 2(b), 48 DCR 11072.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Emergency Act Amendments*

For temporary (90 day) addition of this section, see section 2(b) of Public Disclosure of Findings and Information in Cases of Child Fatality or Near Fatality Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-6, February 13, 2001, 48 DCR 2479).

For temporary (90 day) addition of section, see § 2(b) of Public Disclosure of Findings and Information in Cases of Child Fatality or Near Fatality Second Emergency Amendment Act of 2001 (D.C. Act 14-191, November 29, 2001, 48 DCR 11233).

For temporary (90 day) addition of section, see § 2(b) of Public Disclosure of Findings and Information in Cases of Child Fatality or Near Fatality Congressional Review Emergency Amendment Act of 2002 (D.C. Act 14-286, February 25, 2002, 49 DCR 2317).

##### *Legislative History of Laws*

For Law 14-69, see notes following § 4-1303.06.

### **§ 4-1303.35. FREEDOM OF INFORMATION ACT REQUESTS.**

Nothing in this part shall limit or restrict any right of access or disclosure that any person may have under subchapter II of Chapter 5 of Title 2 ("Freedom of Information Act"). Section 4-1303.06 shall not provide a basis for denying any request under the Freedom of Information Act for any public record pertaining to a child fatality or near fatality.

(Sept. 23, 1977, D.C. Law 2-22, title IIIA, § 335, as added Feb. 13, 2002, D.C. Law 14-69, § 2(b), 48 DCR 11072.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Emergency Act Amendments*

For temporary (90 day) addition of this section, see section 2(b) of Public Disclosure of Findings and Information in Cases of Child Fatality or Near Fatality Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-6, February 13, 2001, 48 DCR 2479).

For temporary (90 day) addition of section, see § 2(b) of Public Disclosure of Findings and Information in Cases of Child Fatality or Near Fatality Second Emergency Amendment Act of 2001 (D.C. Act 14-191, November 29, 2001, 48 DCR 11233).

For temporary (90 day) addition of section, see § 2(b) of Public Disclosure of Findings and Information in Cases of Child Fatality or Near Fatality Congressional Review Emergency Amendment Act of 2002 (D.C. Act 14-286, February 25, 2002, 49 DCR 2317).

##### *Legislative History of Laws*

For Law 14-69, see notes following § 4-1303.06.

### **§ 4-1303.36. RULES.**

The Mayor shall, pursuant to subchapter I of Chapter 5 of Title 2, issue rules to implement the provisions of this part. The rules issued pursuant to this section shall be transmitted to the Council within 30 days of February 13, 2002, for a 45-day period of Council review (excluding days of Council recess). If the Council does not approve or disapprove the rules by resolution within the 45-day review period, the rules shall be deemed approved.

(Sept. 23, 1977, D.C. Law 2-22, title IIIA, § 336, as added Feb. 13, 2002, D.C. Law 14-69, § 2(b), 48 DCR 11072.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Emergency Act Amendments*

For temporary (90 day) addition of this section, see section 2(b) of Public Disclosure of Findings and

Information in Cases of Child Fatality or Near Fatality Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-6, February 13, 2001, 48 DCR 2479).

For temporary (90 day) addition of section, see § 2(b) of Public Disclosure of Findings and Information in Cases of Child Fatality or Near Fatality Second Emergency Amendment Act of 2001 (D.C. Act 14-191, November 29, 2001, 48 DCR 11233).

For temporary (90 day) addition of section, see § 2(b) of Public Disclosure of Findings and Information in Cases of Child Fatality or Near Fatality Congressional Review Emergency Amendment Act of 2002 (D.C. Act 14-286, February 25, 2002, 49 DCR 2317).

*Legislative History of Laws*

For Law 14-69, see notes following § 4-1303.06.

## **PART C-II. CITIZEN REVIEW PANEL.**

### **§ 4-1303.51. ESTABLISHMENT OF THE CITIZEN REVIEW PANEL; PURPOSES; DUTIES.**

(a) There is hereby established the Citizen Review Panel, whose purpose is to serve as an external, independent oversight body for the District's child welfare system, evaluating the strengths and weaknesses of District government agencies involved in child protection as well as neighborhood-based services provided by vendors.

(b) The Panel shall examine the policies, practices, and procedures of the Agency and any other District government agency that provides services to children at risk of abuse and neglect, or to children under the care of the Agency, including, as appropriate, the review of specific child cases. Based on this examination, the Panel shall evaluate the extent to which agencies serving children at risk of abuse or neglect, or children under the care of the Agency, are effectively discharging their child protection responsibilities in accordance with:

(1) The State plan required by section 106(b) of the Child Abuse Prevention and Treatment Act, approved April 25, 1988 (102 Stat. 110; 42 U.S.C. § 5106A(b));

(2) The child protection standards set forth in section 106(b) of the Child Abuse Prevention and Treatment Act, approved April 25, 1988 (102 Stat. 110; 42 U.S.C. § 5106A(b)); and

(3) Any other criteria that the Panel deems important to ensure the protection of children.

(c) The Panel shall solicit public outreach and comment in order to assess the impact of current policies, practices, and procedures of the child welfare system on children and families in the District of Columbia.

(d)(1) The Panel shall submit a report, no later than April 30th of each year, to the Mayor, Council, and Agency, summarizing the Panel's activities and findings during the prior calendar year, containing recommendations on how to improve child welfare services and outcomes in the District of Columbia, and providing information on the progress the District government is making in implementing the recommendations of the Panel.

(2) The Agency shall make the annual report available to the public by providing access to it on its Internet site.

(3) Not later than 6 months after the Panel publishes the annual report, the Agency shall provide a written response that describes whether or how the Agency, in coordination with other government agencies, will implement the Panel's recommendations in order to make measurable progress in improving the child welfare system.

(Sept. 23, 1977, D.C. Law 2-22, title III B, § 351, as added Apr. 12, 2005, D.C. Law 15-341, § 2(m), 52 DCR 2315.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

Law 15-341, the "Child in Need of Protection Amendment Act of 2004", was introduced in Council and assigned Bill No. 15-389 which was referred to the Committee on Judiciary and the Committee on Human Services. The Bill was adopted on first and second readings on December 7, 2004, and December 21, 2004, respectively. Signed by the Mayor on January 19, 2005, it was assigned Act No. 15-758 and transmitted to both Houses of Congress for its review. D.C. Law 15-341 became effective on April 12, 2005.

### **§ 4-1303.52. PANEL MEMBERSHIP.**

(a) The Panel shall be comprised of 15 members to be appointed as follows:

- (1) Eight members shall be appointed by the Mayor, and
  - (2) Seven members shall be appointed by the Council by resolution.
- (b)(1) Panel members shall be residents of the District.
- (2) None of the members shall be employed by the District government.
  - (3) No more than 2 members appointed by the Mayor, and no more than 2 members appointed by the Council, shall serve as an officer, director, partner, employee, consultant, or contractor with an organization that provides services to the Agency.
- (c) In making their appointments, the Mayor and Council shall establish a Panel that is broadly representative of the community and includes members who have expertise in the prevention and treatment of child abuse and neglect. The Mayor and Council shall seek to include a diversity of professional backgrounds on the panel, such as children's attorneys, child advocates, parents, foster parents, and other consumer representatives, social workers, educators, and health and mental health professionals who are familiar with the child welfare system.
- (d) The Mayor's initial 8 appointments shall include 3 members appointed to 3-year terms that begin on April 12, 2005, 3 members appointed to 2-year terms that begin on April 12, 2005, and 2 members appointed to one year terms that begin on April 12, 2005. All subsequent appointments by the Mayor shall be for 3-year terms.
- (e) The Council's initial 7 appointments shall include 3 members appointed to 3-year terms that begin on April 12, 2005, 2 members appointed to 2-year terms that begin on April 12, 2005, and 2 members appointed to one-year terms that begin on April 12, 2005. All subsequent appointments by the Council shall be for 3-year terms.
- (f)(1) Vacancies in membership shall be filled in the same manner in which the original appointment was made, with the newly appointed member serving the unexpired term of his or her predecessor.
- (2) Members may be reappointed to the Panel.
- (g) The Mayor shall designate the Chairperson of the Panel and the Council shall designate the Vice Chairperson of the Panel.

(Sept. 23, 1977, D.C. Law 2-22, title III B, § 352, as added Apr. 12, 2005, D.C. Law 15-341, § 2(m), 52 DCR 2315.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For Law 15-341, see notes following § 4-1303.51.

#### **§ 4-1303.53. PANEL PROCEDURES: MEETINGS: STAFF SUPPORT.**

- (a)(1) A quorum shall consist of 8 members and the Panel shall develop written bylaws, with the approval of a majority of Panel members, to establish other procedural requirements it considers necessary, including the designation of additional officers.
- (2) The Panel may establish such committees as it considers necessary, according to rules set forth in the bylaws.
  - (3) The Panel may establish written protocols to guide its work in evaluating the policies, practices, procedures, and performance of the child welfare system.
- (b)(1) The Panel shall meet not less than once every 3 months, in appropriate meeting space provided by the Agency, at no cost.
- (2) Panel meetings shall be open to the public, except that the Panel shall meet in closed session when it is reviewing specific child cases.
  - (3) Any resolution, rule, act, regulation, or other official action is effective only if it is taken, made, or enacted at an open meeting as defined in § 1-207.42.
- (c)(1) The Panel shall receive staff support from one or more employees of the Agency, as designated by the Director of the Agency.
- (2) The Agency shall include in its annual performance-based budget submission to the Mayor and Council, beginning in Fiscal Year 2007, an activity-level line item for the Panel, which will include personal services and non-personal services funding.

(Sept. 23, 1977, D.C. Law 2-22, title III B, § 353, as added Apr. 12, 2005, D.C. Law 15-341, § 2(m), 52 DCR 2315.)

*HISTORICAL AND STATUTORY NOTES*

For Law 15-341, see notes following § 4-1303.51.

#### **§ 4-1303.54. ACCESS TO INFORMATION AND CONFIDENTIALITY.**

(a) The Panel shall have access to data on children and families maintained by District government agencies, including the Agency, the Department of Human Services, the Department of Health, the Department of Mental Health, the Metropolitan Police Department, the Office of the Chief Medical Examiner, and the D.C. Public Schools. The Panel shall also have access to data kept by any private agency or organization that provides or arranges for services or out-of-home placements for children residing in the District of Columbia.

(b) For the purposes of specific case review, the Panel shall have access to:

- (1) Police investigative data;
- (2) Autopsy records and other medical examiner investigative data;
- (3) Hospital, public health, or other medical records of the child;
- (4) Hospital and other medical records of the child's parent that relate to prenatal care;
- (5) Records created by human or social service agencies, including the Agency, that provided or provide services to the child or family; and
- (6) Personnel data related to an employee's performance in discharging child protection responsibilities.

(c)(1) All information and records generated by the Panel, including statistical compilations and reports, and all information and records acquired by, and in the possession of, the Panel are confidential.

(2) Panel information and records may be disclosed only as necessary to carry out the Panel's duties and purposes.

(3) Statistical compilations and reports of the Panel that contain information that would reveal the identity of any person, other than a person who has consented to be identified, are not public records or information.

(4) Each person attending a Panel meeting shall sign a confidentiality agreement at the beginning of each meeting of the Panel.

(d) Findings and recommendations on the child welfare system required by § 4-1303.51(d) shall be available to the public on request.

(e) Except as permitted by this section, information and records of the Panel shall not be disclosed voluntarily, pursuant to a subpoena, in response to a request for discovery in any adjudicative proceeding, or in response to a request made under subchapter II of Chapter 5 of Title 2, nor shall it be introduced into evidence in any administrative, civil, or criminal proceeding.

(f)(1) Whoever discloses, receives, makes use of, or knowingly permits the use of information in violation of this section shall be subject to a fine of not more than \$1,000.

(2) Violations of this section shall be prosecuted by the Attorney General, or his or her designee, in the name of the District of Columbia.

(3)(A) The Mayor may remove any of his or her appointees from the Panel for violating this section.

(B) The Council may remove, by resolution, any of its appointees from the Panel for violating this section.

(Sept. 23, 1977, D.C. Law 2-22, title III B, § 354, as added Apr. 12, 2005, D.C. Law 15-341, § 2(m), 52 DCR 2315.)

#### *HISTORICAL AND STATUTORY NOTES*

For Law 15-341, see notes following § 4-1303.51.

#### **§ 4-1303.55. CONFLICT OF INTEREST.**

Panel members shall be subject to the conflict of interest and disclosure requirements established by §§ 1-1162.23 and 1-1162.24. Any member affiliated with an organization providing services to children or families, as an officer, director, partner, employee, consultant, or contractor, shall recuse himself or herself from any discussion of specific cases that involve the organization, and shall also recuse himself or herself from any discussion of findings or recommendations that involve the organization.

(Sept. 23, 1977, D.C. Law 2-22, title III B, § 355, as added Apr. 12, 2005, D.C. Law 15-341, § 2(m), 52 DCR 2315; Apr. 27, 2012, D.C. Law 19-124, § 501(j), 59 DCR 1862.)

*HISTORICAL AND STATUTORY NOTES*

*Effect of Amendments*

D.C. Law 19-124 substituted "§§ 1-1162.23 and 1-1162.24" for "§§ 1-1106.01 and 1-1106.02".

*Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 401(j) of Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Emergency Amendment Act of 2012 (D.C. Act 19-298, January 29, 2012, 59 DCR 683).

*Legislative History of Laws*

For Law 15-341, see notes following § 4-1303.51.

Law 19-124, the "Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011", was introduced in Council and assigned Bill No. 19-511, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on December 6, 2011, and December 20, 2011, respectively. Signed by the Mayor on February 27, 2012, it was assigned Act No. 19-318 and transmitted to both Houses of Congress for its review. D.C. Law 19-124 became effective on April 27, 2012.

## **PART D. [RESERVED]**

## **PART E. CRIMINAL RECORDS CHECK.**

### **§ 4-1305.01. DEFINITIONS.**

For the purposes of this part:

- (1) "Adult" means an individual who is at least 18 years of age.
- (1A) "Agency" means the Child and Family Services Agency established by § 4- 1303.01a.
- (2) "Applicant" means a person applying for a criminal records check under this part.
- (3) "Conviction" means a plea or verdict of guilty or a plea of nolo contendere.
- (4) "Criminal record check" means a search of criminal records to determine whether an individual has a criminal conviction that is performed by the Federal Bureau of Investigation of national records, and by:
  - (A) The Metropolitan Police Department, if the individual as an adult has resided, worked, or attended school in the District at any time in the past 5 years; or
  - (B) The state's law enforcement agency, if the individual as an adult has resided, worked, or attended school outside of the District at any time in the past 5 years.
- (5) Repealed.
- (6) "Foster family home" means a home described in subchapter XVII of Chapter 2 of this title, or another foster family home in the District of Columbia.
- (6A) "Information form" means a written statement in a form established by the Agency that:
  - (A) Is signed by the individual under penalty of perjury;
  - (B) Identifies each state in which the individual has resided, worked, or attended school at any time in the past 5 years;
  - (C) Identifies each felony for which the individual has been convicted as an adult, and the date and state of that conviction;
  - (D) Identifies each state in which the individual is currently on parole or probation; and
  - (E) Includes any other information required by the Agency.
- (7) "Licensed child-placing agency" means an individual or entity defined as such in § 4-1402.
- (8) "Police" means the Metropolitan Police Department of the District of Columbia.

(Sept. 23, 1977, D.C. Law 2-22, title V, § 501, formerly § 321, as added June 27, 2000, D.C. Law 13-136, § 201(f), 47 DCR 2850; Apr. 4, 2001, D.C. Law 13-277, § 2(r), 48 DCR 2043; Apr. 12, 2005, D.C. Law 15-341, § 2(n), 52 DCR 2315; renumbered Mar. 2, 2007, D.C. Law 16-191, § 22(a)(2), 53 DCR 6794; Apr. 24, 2007, D.C. Law 16-306, § 202(a), 53 DCR 8610.)

## HISTORICAL AND STATUTORY NOTES

### *Effect of Amendments*

D.C. Law 13-277 added par. (1A); and repealed par. (5) which had read:

"(5) 'Department' means the District of Columbia Department of Human Services."

D.C. Law 15-341 rewrote par. (4) which had read as follows:

"(4) 'Criminal records check' means a search of criminal records, in order to determine whether an individual has a criminal conviction, conducted by the following agencies:

"(A) The Federal Bureau of Investigation, for national searches;

"(B) The police if the individual resides in the District; and

"(C) Any state law enforcement agency, if the individual resides outside of the District."

D.C. Law 16-191 renumbered the section.

D.C. Law 16-306 rewrote par. (4); and added par. (6A). Prior to amendment, par. (4) read as follows:

"(4) 'Criminal records check' means a search of criminal records to determine whether an individual has a criminal conviction that is performed by the Federal Bureau of Investigation of national records, and by:

"(A) The Metropolitan Police Department, if the individual resides in the District; or

"(B) The state's law enforcement agency, if the individual resides outside of the District; and

"(C) The state law enforcement agency of any state in which the individual may have resided or worked, or is believed to have had another connection as an adult."

### *Emergency Act Amendments*

For temporary (90-day) addition of §§ 6-2109.1 to 6-2109.9 [1981 Ed.], see § 201(e) of the Adoption and Safe Families Emergency Amendment Act of 1999 (D.C. Act 13-117, July 28, 1999, 46 DCR 6558).

For temporary (90-day) addition of §§ 6-2109.1 to 6-2109.9 [1981 Ed.], see § 201(e) of the Adoption and Safe Families Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-178, November 2, 1999, 46 DCR 9714).

For temporary (90-day) addition of §§ 6-2109.1 to 6-2109.9 [1981 Ed.], see § 201(e) of the Adoption and Safe Families Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-240, January 11, 2000, 47 DCR 556).

For temporary (90 day) amendment of section, see § 202(a) of Omnibus Public Safety Emergency Amendment Act of 2006 (D.C. Act 16-445, July 19, 2006, 53 DCR 6443).

For temporary (90 day) amendment of section, see § 202(a) of Omnibus Public Safety Congressional Review Emergency Amendment Act of 2006 (D.C. Act 16-490, October 18, 2006, 53 DCR 8686).

For temporary (90 day) amendment of section, see § 202(a) of Omnibus Public Safety Congressional Review Emergency Act of 2007 (D.C. Act 17-10, January 16, 2007, 54 DCR 1479).

For temporary (90 day) amendment of section, see § 202(a) of Omnibus Public Safety Second Congressional Review Emergency Amendment Act of 2007 (D.C. Act 17-25, April 19, 2007, 54 DCR 4036).

### *Legislative History of Laws*

Law 13-136, the "Adoption and Safe Families Amendment Act of 2000," was introduced in Council and assigned Bill No. 13-214, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on February 1, 2000, and March 7, 2000, respectively. Signed by the Mayor on March 31, 2000, it was assigned Act No. 13-315 and transmitted to both Houses of Congress for its review. D.C. Law 13-136 became effective on June 27, 2000.

For D.C. Law 13-277, see notes following § 4-1301.02.

For Law 15-341, see notes following § 4-1303.51.

For Law 16-191, see notes following § 4-204.61.

Law 16-306, the "Omnibus Public Safety Amendment Act of 2006", was introduced in Council and assigned Bill No. 16-247, which was referred to Committee on the Judiciary. The Bill was adopted on first and second readings on June 6, 2006, and October 3, 2006, respectively. Signed by the Mayor on October 17, 2006, it was assigned Act No. 16-482 and transmitted to both Houses of Congress for its review. D.C. Law 16-306 became effective on April 24, 2007.

### *Miscellaneous Notes*

For applicability of D.C. Law 13-277, see note following § 4-1303.01a.

## **§ 4-1305.02. CRIMINAL RECORDS CHECK REQUIRED FOR CERTAIN INDIVIDUALS.**

The following individuals shall apply for a criminal records check under this part:

- (1) An individual who seeks to be approved or licensed as an adoptive parent by the Agency or by any licensed child-placing agency;
- (2) An individual who seeks to be approved or licensed as a foster parent by the Agency or by any licensed child-placing agency;
- (3) An individual who seeks to be approved as a kinship caregiver or legal guardian by the Agency;
- (4) Except as provided in paragraph (1) of this section, an individual who seeks to become an adoptive parent of a child under Chapter 3 of Title 16;
- (5) Upon order of a judicial officer, an individual with whom a child is placed under § 16-2320(a)(2) or § 16-2320(a)(3)(C); and
- (6) An adult residing in the home of an individual described in paragraphs (1), (2), (3), or (4) of this section or, upon order of a judicial officer, an adult who resides in the home of an individual described in paragraph (5) of this section.

(Sept. 23, 1977, D.C. Law 2-22, title V, § 502, formerly § 322, as added June 27, 2000, D.C. Law 13-136, § 201(f), 47 DCR 2850; Apr. 4, 2001, D.C. Law 13-277, § 2(s), 48 DCR 2043; renumbered Mar. 2, 2007, D.C. Law 16-191, § 22(a)(3), 53 DCR 6794.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Effect of Amendments*

D.C. Law 13-277 substituted "Agency" for "Department" throughout the section; and, in par. (3), substituted "Agency" for "Division".

D.C. Law 16-191 renumbered the section.

#### *Emergency Act Amendments*

For temporary (90-day) addition of section, see notes following § 4-1305.01.

#### *Legislative History of Laws*

For Law 13-136, see notes following § 4-1305.01.

For D.C. Law 13-277, see notes following § 4-1301.02.

For Law 16-191, see notes following § 4-204.61.

#### *Miscellaneous Notes*

For applicability of D.C. Law 13-277, see note following § 4-1303.01a.

## **§ 4-1305.03. APPLICATION FOR CRIMINAL RECORDS CHECK; TIMING.**

(a) Within the time stated in subsection (b) of this section, an applicant shall apply for a criminal records check by submitting to the Agency, licensed child-placing agency, or the police:

- (1) A complete set of legible fingerprints taken on standard fingerprint cards by the Agency or the police;
- (2) Payment of the fees and costs of the criminal records check as described in § 4-1305.04;
- (3) The completed information form; and
- (4) Any documentation required to conduct a criminal records check by a state identified in the completed information form.

(b) The application for a criminal records check shall be made:

- (1) For an individual described in § 4-1305.02(1), (2), or (3), and for every adult residing in the home of an individual described in § 4-1305.02(1), (2), or (3), as part of the approval or licensure process;
- (2) For an individual described in § 4-1305.02(4) and for every adult residing in the home of an individual described in § 4-1305.02(4), before the filing of the petition for adoption, pursuant to D.C. Official Code § 16-305;
- (3) For an individual described in § 4-1305.02(5) and for every adult residing in the home of an individual described in § 4-1305.02(5), within 2 business days of entry of the judicial order placing the child in the home;
- (4) For every adult who becomes a resident of the home of an individual described in § 4-1305.02(1),



(2), (3), or (5) after the child is placed in the home, within 10 calendar days after the adult becomes a resident of the home; and

(5) For every adult who becomes a resident of the home of an individual described in § 4-1305.02(4) after the filing of the petition for adoption, within 10 calendar days after the adult becomes a resident of the home.

(Sept. 23, 1977, D.C. Law 2-22, title V, § 503, formerly § 323, as added June 27, 2000, D.C. Law 13-136, § 201(f), 47 DCR 2850; Apr. 4, 2001, D.C. Law 13-277, § 2(t), 48 DCR 2043; Apr. 12, 2005, D.C. Law 15-341, § 2(o), 52 DCR 2315; renumbered Mar. 2, 2007, D.C. Law 16-191, § 22(a)(4), 53 DCR 6794; Apr. 24, 2007, D.C. Law 16-306, § 202(b), 53 DCR 8610.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Effect of Amendments*

D.C. Law 13-277, in subsec. (a), in the lead-in sentence, substituted "Agency" for "Department", and deleted "the Child Abuse Unit of the Social Services Division of the Superior Court of the district of Columbia," preceding "the police".

D.C. Law 15-341, in subsec. (a), deleted "and" from the end of par. (1), substituted "; and" for a period at the end of par. (2), and added par. (3).

D.C. Law 16-191 renumbered the section.

D.C. Law 16-306 rewrote subsec. (a), which had read as follows:

"(a) Within the time stated in subsection (b) of this section, an applicant shall apply for a criminal records check by submitting to the Agency or the police:

"(1) A complete set of legible fingerprints taken on standard fingerprint cards by the Agency or the police;

"(2) Payment of the fees and costs of the criminal records check as described in § 4-1305.04; and

"(3) A written statement, in a form established by the Agency, that includes the individual's current and prior residences and employment addresses as an adult, and that authorizes the Agency to obtain the individual's criminal records from a state in which the individual resided, worked, or is believed to have had another connection as an adult."

##### *Emergency Act Amendments*

For temporary (90-day) addition of section, see notes following § 4-1305.01.

For temporary (90 day) amendment of section, see § 2(b) of the Adoption and Safe Families Compliance Congressional Review Emergency Amendment Act of 2000 (D.C. Act 13-451, November 7, 2000, 47 DCR 9399).

For temporary (90 day) amendment of section, see § 2(a) of Adoption and Safe Families Compliance Emergency Amendment Act of 2001 (D.C. Act 14-65, June 6, 2001, 48 DCR 5721).

For temporary (90 day) amendment of section, see § 202(b) of Omnibus Public Safety Emergency Amendment Act of 2006 (D.C. Act 16-445, July 19, 2006, 53 DCR 6443).

For temporary (90 day) amendment of section, see § 202(b) of Omnibus Public Safety Congressional Review Emergency Amendment Act of 2006 (D.C. Act 16-490, October 18, 2006, 53 DCR 8686).

For temporary (90 day) amendment of section, see § 202(b) of Omnibus Public Safety Congressional Review Emergency Act of 2007 (D.C. Act 17-10, January 16, 2007, 54 DCR 1479).

For temporary (90 day) amendment of section, see § 202(b) of Omnibus Public Safety Second Congressional Review Emergency Amendment Act of 2007 (D.C. Act 17-25, April 19, 2007, 54 DCR 4036).

##### *Legislative History of Laws*

For Law 13-136, see notes following § 4-1305.01.

For D.C. Law 13-277, see notes following § 4-1301.02.

For Law 15-341, see notes following § 4-1303.51.

For Law 16-191, see notes following § 4-204.61.

For Law 16-306, see notes following § 4-1305.01.

##### *Miscellaneous Notes*

For applicability of D.C. Law 13-277, see note following § 4-1303.01a.

## **§ 4-1305.04. PAYMENT OF PROCESSING FEES AND COSTS.**

(a) A person who is required to have a criminal records check under this part shall pay for:

(1) The mandatory processing fee required by the Federal Bureau of Investigation for conducting the national criminal records check;

(2) Reasonable administrative costs to the police for accessing the District criminal records history; and

(3) Reasonable administrative costs to the Agency.

(b) The Agency or a licensed child-placing agency may pay for processing fees and costs.

(Sept. 23, 1977, D.C. Law 2-22, title V, § 504, formerly § 324, as added June 27, 2000, D.C. Law 13-136, § 201(f), 47 DCR 2850; Apr. 4, 2001, D.C. Law 13-277, § 2(u), 48 DCR 2043; renumbered Mar. 2, 2007, D.C. Law 16-191, § 22(a)(5), 53 DCR 6794.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Effect of Amendments*

D.C. Law 13-277 substituted "Agency" for "Department" throughout the section.

D.C. Law 16-191 renumbered the section.

##### *Emergency Act Amendments*

For temporary (90-day) addition of section, see notes following § 4-1305.01.

##### *Legislative History of Laws*

For Law 13-136, see notes following § 4-1305.01.

For D.C. Law 13-277, see notes following § 4-1301.02.

For Law 16-191, see notes following § 4-204.61.

##### *Miscellaneous Notes*

For applicability of D.C. Law 13-277, see note following § 4-1303.01a.

## **§ 4-1305.05. PROCESSING THE CRIMINAL RECORDS CHECK.**

(a) The Agency or licensed child-placing agency shall forward complete sets of legible fingerprints taken on standard fingerprints cards by the Agency or licensed child-placing agency to the police or state law enforcement agency.

(b) The police shall:

(1) Access the District criminal records history maintained by the District government;

(2) Transmit all complete sets of legible fingerprints on standard fingerprint cards to the Federal Bureau of Investigation; and

(3) Request the Federal Bureau of Investigation to conduct a national criminal records check and return the results to the police or state law enforcement agency.

(c)(1) Except as provided in paragraph (2) of this subsection, the Agency or licensed child-placing agency shall request the law enforcement agency of each state identified in the completed information form to conduct a state criminal records check and return the results to the Agency or licensed child-placing agency, as appropriate.

(2) If the Agency or licensed child-placing agency has already determined that an individual has a disqualifying conviction, it is not required to make further requests to additional states.

(3) The Agency or licensed child-placing agency may also use interstate databases or systems to conduct a single check for multiple states.

(Sept. 23, 1977, D.C. Law 2-22, title V, § 505, formerly § 325, as added, June 27, 2000, D.C. Law 13-136, § 201(f), 47 DCR 2850; Apr. 4, 2001, D.C. Law 13-277, § 2(v), 48 DCR 2043; Apr. 12, 2005, D.C. Law 15-341, § 2(p), 52 DCR 2315; renumbered Mar. 2, 2007, D.C. Law 16-191, § 22(a)(6), 53 DCR 6794; Apr. 24, 2007, D.C. Law 16-306, § 202(c), 53 DCR 8610.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Effect of Amendments*

D.C. Law 13-277 rewrote subsec. (a) which prior thereto read:

"(a) The Department or the Child Abuse Unit of the Social Services Division of the Superior Court of the District of Columbia shall forward complete sets of legible fingerprints taken on standard fingerprint cards by the Department or the Child Abuse Unit to the police."

D.C. Law 15-341 added subsec. (c).

D.C. Law 16-191 renumbered the section.

D.C. Law 16-306 rewrote subsecs. (a) and (c), which read as follows:

"(a) The Agency shall forward complete sets of legible fingerprints taken on standard fingerprint cards by the Agency to the police."

"(c)(1) Except as provided in paragraph (2) of this subsection, the Agency shall request the law enforcement agency of each state in which the individual resided, worked, or is believed to have had another connection as an adult to conduct a state criminal records check and return the results to the Agency.

"(2) If the Agency has already determined that an individual has a disqualifying conviction, it is not required to make further requests to additional states.

"(3) The Agency may also use interstate databases or systems to conduct a single check for multiple states in which the individual resided, worked, or is believed to have had another connection as an adult."

*Emergency Act Amendments*

For temporary (90-day) addition of section, see notes following § 4-1305.01.

For temporary (90 day) amendment of section, see § 202(c) of Omnibus Public Safety Emergency Amendment Act of 2006 (D.C. Act 16-445, July 19, 2006, 53 DCR 6443).

For temporary (90 day) amendment of section, see § 202(c) of Omnibus Public Safety Congressional Review Emergency Amendment Act of 2006 (D.C. Act 16-490, October 18, 2006, 53 DCR 8686).

For temporary (90 day) amendment of section, see § 202(c) of Omnibus Public Safety Congressional Review Emergency Amendment Act of 2007 (D.C. Act 17-10, January 16, 2007, 54 DCR 1479).

For temporary (90 day) amendment of section, see § 202(c) of Omnibus Public Safety Second Congressional Review Emergency Amendment Act of 2007 (D.C. Act 17-25, April 19, 2007, 54 DCR 4036).

*Legislative History of Laws*

For Law 13-136, see notes following § 4-1305.01.

For D.C. Law 13-277, see notes following § 4-1301.02.

For Law 15-341, see notes following § 4-1303.51.

For Law 16-191, see notes following § 4-204.61.

For Law 16-306, see notes following § 4-1305.01.

*Miscellaneous Notes*

For applicability of D.C. Law 13-277, see note following § 4-1303.01a.

## **§ 4-1305.06. RESULTS OF THE CRIMINAL RECORDS CHECK.**

(a) The provisions of this section shall apply to an individual who seeks to be:

- (1) Approved or licensed as an adoptive or foster parent, a legal guardian, or a kinship caregiver;
- (2) Permitted to become an adoptive parent under Chapter 3 of Title 16; or
- (3) Permitted to have a child placed in the individual's custody upon order of a judicial officer, under § 16-2320(a)(2) or § 16-2320(a)(3)(C).

(b) Except as provided in subsection (d) of this section, an individual shall not be approved, licensed, or permitted as set forth in subsection (a) of this section if it is determined from the criminal records check that the individual, or an adult residing in the home of the individual, has a felony conviction for any of the following offenses or their equivalents:

- (1) Child abuse;
- (2) Child neglect;
- (3) Intrafamily offense, as defined in § 16-1001(8);
- (4) A crime against children, including child pornography; or
- (5) A crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery.

(c) Except as provided by subsection (d) of this section, an individual shall not be approved, licensed, or permitted as set forth in subsection (a) of this section if it is determined from the criminal records check that the individual, or an adult residing in the home of the individual, has a felony conviction for any of the following offenses or their equivalents committed within the past 5 years:

- (1) Repealed;

- (2) Physical assault;
- (3) Battery; or
- (4) A drug-related offense.

(d) Notwithstanding the requirements of subsections (b) and (c) of this section, an individual may be approved, licensed, or permitted as set forth in subsection (a) of this section if:

(1) The individual has a felony conviction for any of the offenses listed in subsections (b) and (c) of this section and, after a discretionary agency review of the conviction and current circumstances, it is determined that an approval, licensure, or permission would be consistent with the health, safety, and welfare of children; provided, that any adoption-assistance payments or foster-care-maintenance payments made on behalf of a child to an individual pursuant to this paragraph shall not be made with federal funds provided through Title IV-E of the Social Security Act, approved June 17, 1980 (94 Stat. 500; 42 U.S.C. § 670 *et seq.*); or

(2) An adult residing in the home of the individual, but not the individual who seeks to be approved, licensed, or permitted as set forth in subsection (a) of this section, has a felony conviction for any of the offenses listed in subsections (b) and (c) of this section and, after a discretionary agency review of the conviction and current circumstances, it is determined that an approval, licensure, or permission would be consistent with the health, safety, and welfare of children.

(Sept. 23, 1977, D.C. Law 2-22, title V, § 506, formerly § 326, as added June 27, 2000, D.C. Law 13-136, § 201(f), 47 DCR 2850; Apr. 12, 2005, D.C. Law 15-341, § 2(q), 52 DCR 2315; renumbered Mar. 2, 2007, D.C. Law 16-191, § 22(a)(7), 53 DCR 6794; Mar. 25, 2009, D.C. Law 17-368, § 4(b), 56 DCR 1338; Sept. 11, 2009, D.C. Law 18-47, § 2, 56 DCR 4960.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Effect of Amendments*

D.C. Law 15-341, in subsec. (b)(3), substituted "Intrafamily abuse, as defined in § 16-1001(5)" for "Spousal abuse".

D.C. Law 16-191 renumbered the section.

D.C. Law 17-368, in subsec. (b)(3), substituted "offense, as defined in § 16-1001(8)" for "abuse, as defined in § 16-1001(5)".

D.C. Law 18-47, in subsec. (b)(5), substituted "or homicide, but not including other physical assault or battery" for "homicide, assault or battery" and inserting the phrase "; in subsec. (c), in the lead-in language, deleted ", or an adult residing in the home of the individual," following "an individual", and inserted ", or an adult residing in the home of the individual," and repealed par. (1); and rewrote subsec. (d). Prior to amendment, subsecs. (a)(1) and (d) read as follows:

"(1) Fraud;"

"(d) Notwithstanding the requirements of subsections (b) and (c) of this section, an individual may be approved, licensed, or permitted as set forth in subsection (a) of this section if, after a review of the conviction and the current circumstances, it is determined that such approval, licensure, or permission would be consistent with the health, safety, and welfare of children."

##### *Temporary Amendments of Section*

Section 2 of D.C. Law 17-133, in subsec. (b), in the lead-in language, substituted "An" for "Except as provided in subsection (d) of this section, an", and in par. (5), substituted "or homicide, but not including other physical assault or battery" for "homicide, assault or battery"; in subsec. (c), in the lead-in language, deleted ", or an adult residing in the home of the individual," and substituted "check that the individual, or an adult residing in the home of the individual," for "check that the individual", and repealed par. (1); and amended subsec. (d) to read as follows:

"(d) Notwithstanding the requirements of subsection (c) of this section, an individual may be approved, licensed, or permitted as set forth in subsection (a) of this section if:

(1) The individual has a felony conviction for any of the offenses listed in subsection (c) of this section and, after a discretionary agency review of the conviction and current circumstances, it is determined that an approval, licensure, or permission would be consistent with the health, safety, and welfare of children; provided, that any adoption-assistance payments or foster-care-maintenance payments made on behalf of a child to an individual pursuant to this paragraph shall not be made with federal funds provided through Title IV-E of the Social Security Act, approved June 17, 1980 (94 Stat. 500; 42 U.S.C. § 670 *et seq.*); or

(2) An adult residing in the home of the individual, but not the individual who seeks to be approved, licensed, or permitted as set forth in subsection (a) of this section, has a felony conviction for any of the offenses listed in subsection (c) of this section and, after a discretionary agency review of the conviction and current circumstances, it is determined that an approval, licensure, or permission would be consistent with the health, safety, and welfare of children."

Section 5(b) of D.C. Law 17-133 provides that the act shall expire after 225 days of its having taken effect.

Section 2 of D.C. Law 17-297, in subsec. (b), substituted "An" for "Except as provided in subsection (d) of this section, an" in the lead-in language, substituted "or homicide, but not including other physical assault or battery" for "homicide, assault or battery" in par. (5); in subsec. (c), deleted ", or an adult residing in the home of the individual," and substituted "check that the individual, or an adult residing in the home of the individual," for "check that the individual" in the lead-in language, and repealed par. (1); and rewrote subsec. (d) to read as follows:

"(d) Notwithstanding the requirements of subsection (c) of this section, an individual may be approved, licensed, or permitted as set forth in subsection (a) of this section if:

"(1) The individual has a felony conviction for any of the offenses listed in subsection (c) of this section and, after a discretionary agency review of the conviction and current circumstances, it is determined that an approval, licensure, or permission would be consistent with the health, safety, and welfare of children; provided, that any adoption-assistance payments or foster-care-maintenance payments made on behalf of a child to an individual pursuant to this paragraph shall not be made with federal funds provided through Title IV-E of the Social Security Act, approved June 17, 1980 (94 Stat. 500; 42 U.S.C. § 670 *et seq.*); or

"(2) An adult residing in the home of the individual, but not the individual who seeks to be approved, licensed, or permitted as set forth in subsection (a) of this section, has a felony conviction for any of the offenses listed in subsection (c) of this section and, after a discretionary agency review of the conviction and current circumstances, it is determined that an approval, licensure, or permission would be consistent with the health, safety, and welfare of children."

Section 5(b) of D.C. Law 17-297 provides that the act shall expire after 225 days of its having taken effect.

#### *Emergency Act Amendments*

For temporary (90-day) addition of section, see notes following § 4-1305.01.

For temporary (90 day) amendment of section, see § 2 of Adoption and Safe Families Emergency Amendment Act of 2007 (D.C. Act 17-232, December 27, 2007, 55 DCR 233).

For temporary (90 day) amendment of section, see § 2 of Adoption and Safe Families Congressional Review Emergency Amendment Act of 2008 (D.C. Act 17- 317, March 19, 2008, 55 DCR 3415).

For temporary (90 day) amendment of section, see § 2 of Adoption and Safe Families Continuing Compliance Emergency Amendment Act of 2008 (D.C. Act 17- 559, October 27, 2008, 55 DCR 12010).

For temporary (90 day) amendment of section, see § 2 of Adoption and Safe Families Continuing Compliance Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-2, January 23, 2009, 56 DCR 1622).

#### *Legislative History of Laws*

For Law 13-136, see notes following § 4-1305.01.

For Law 15-341, see notes following § 4-1303.51.

For Law 16-191, see notes following § 4-204.61.

Law 17-368, the "Intrafamily Offenses Act of 2008", was introduced in Council and assigned Bill No. 17-55 which was referred to the Committee on Public Safety and Judiciary. The Bill was adopted on first and second readings on December 2, 2008, and December 16, 2008, respectively. Signed by the Mayor on January 22, 2009, it was assigned Act No. 17-703 and transmitted to both Houses of Congress for its review. D.C. Law 17-368 became effective on March 25, 2009.

Law 18-47, the "Adoption and Safe Families Amendment Act of 2009", was introduced in Council and assigned Bill No. 18-12, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on May 5, 2009, and June 2, 2009, respectively. Signed by the Mayor on June 22, 2009, it was assigned Act No. 18-122 and transmitted to both Houses of Congress for its review. D.C. Law 18-47 became effective on September 11, 2009.

## **§ 4-1305.07. EFFECT OF FAILURE TO REQUEST A CRIMINAL RECORDS CHECK.**

(a) If an individual described in § 4-1305.02(1), (2), or (3), or any adult residing in the home of an individual described in § 4-1305.02(1), (2), or (3), fails to request a criminal records check as required by this part, the Agency may deny approval or licensure.

(b) If an individual described in § 4-1305.02(4), or any adult residing in the home of an individual described in § 4-1305.02(4), fails to request a criminal records check as required by this part, the Family Division of the Superior Court of the District of Columbia may dismiss the petition for adoption.

(c) If an individual described in § 4-1305.02(5), or an adult residing in the home of an individual described in § 4-1305.02(5), fails to request a criminal records check as required by this part, the Family Division of

the Superior Court of the District of Columbia may refuse to place the child in the individual's home, may remove the child from the home, or may take other appropriate action to ensure the health, welfare, and safety of the child.

(Sept 23, 1977, D.C. Law 2-22, title V, § 507, formerly § 327, as added June 27, 2000, D.C. Law 13-136, § 201(f), 47 DCR 2850; Apr. 4, 2001, D.C. Law 13-277, § 2(w), 48 DCR 2043; renumbered Mar. 2, 2007, D.C. Law 16-191, § 22(a)(8), 53 DCR 6794.)

*HISTORICAL AND STATUTORY NOTES*

*Effect of Amendments*

D.C. Law 13-277, in subsec. (a), substituted "Agency" for "Department".

D.C. Law 16-191 renumbered the section.

*Emergency Act Amendments*

For temporary (90-day) addition of section, see notes following § 4-1305.01.

For temporary (90 day) amendment of section, see § 2(c) of the Adoption and Safe Families Compliance Congressional Review Emergency Amendment Act of 2000 (D.C. Act 13-451, November 7, 2000, 47 DCR 9399).

For temporary (90 day) amendment of section, see § 2(b) of Adoption and Safe Families Compliance Emergency Amendment Act of 2001 (D.C. Act 14-65, June 6, 2001, 48 DCR 5721).

*Legislative History of Laws*

For Law 13-136, see notes following § 4-1305.01.

For D.C. Law 13-277, see notes following § 4-1301.02.

For Law 16-191, see notes following § 4-204.61.

*Miscellaneous Notes*

For applicability of D.C. Law 13-277, see note following § 4-1303.01a.

## **§ 4-1305.08. CONFIDENTIALITY.**

(a) Information obtained pursuant to a criminal records check shall be confidential. It shall be disseminated only to:

- (1) The individual who is the subject of the criminal records check;
- (2) The Agency for the purpose of receiving and screening the results of a criminal records check to determine an applicant's suitability for approval or licensure;
- (2A) The Office of the Attorney General for the purpose of recommending an appropriate placement under Chapter 3 of Title 16 and § 16-2320(a)(2) or § 16-2320(a)(3)(C); or
- (3) The Family Division of the Superior Court of the District of Columbia for the purpose of determining the appropriateness of a placement under Chapter 3 of Title 16 and § 16-2320(a)(2) or § 16-2320(a)(3)(C).

(b) Nothing in this section shall be interpreted as prohibiting the Agency from providing to a licensed child-placing agency a summary indicating whether an applicant has been convicted of or is under pending indictment for a crime that bears upon the applicant's fitness for approval, licensure, or permission.

(c) No employee of the Family Division of the Superior Court of the District of Columbia, the Agency, or any other agency of the District of Columbia shall disclose information obtained as a result of an application submitted pursuant to § 4-1305.02 to any unauthorized individual or entity.

(d) This part shall not authorize the disclosure of information concerning an individual who was not an adult, or was not prosecuted as an adult, at the time to which the information pertains if the disclosure of such information is prohibited by law.

(Sept. 23, 1977, D.C. Law 2-22, title V, § 508, formerly § 328, as added June 27, 2000, D.C. Law 13-136, § 201(f), 47 DCR 2850; Apr. 4, 2001, D.C. Law 13-277, § 2(x), 48 DCR 2043; Apr. 12, 2005, D.C. Law 15-341, § 2(r), 52 DCR 2315; renumbered Mar. 2, 2007, D.C. Law 16-191, § 22(a)(9), 53 DCR 6794.)

*HISTORICAL AND STATUTORY NOTES*

*Effect of Amendments*

D.C. Law 13-277, in subsecs. (a) and (b), substituted "Agency" for "Department"; and, in subsec. (c), substituted "Agency" for "Department, the Division".

D.C. Law 15-341, in subsec. (a), deleted "or" from the end of par. (2), and added par. (2A).

D.C. Law 16-191 renumbered the section.

*Emergency Act Amendments*

For temporary (90-day) addition of section, see notes following § 4-1305.01.

*Legislative History of Laws*

For Law 13-136, see notes following § 4-1305.01.

For D.C. Law 13-277, see notes following § 4-1301.02.

For Law 15-341, see notes following § 4-1303.51.

For Law 16-191, see notes following § 4-204.61.

*Miscellaneous Notes*

For applicability of D.C. Law 13-277, see note following § 4-1303.01a.

## **§ 4-1305.09. PENALTIES FOR VIOLATION OF CONFIDENTIALITY.**

(a) An individual who discloses confidential information in violation of § 4-1305.08 shall be guilty of a criminal offense and, upon conviction, shall be subject to a fine of not more than \$1,000 or a term of incarceration of not more than 180 days, or both.

(b) An individual who fails to disclose all of the residences and addresses required by § 4-1305.03(a)(3) shall be guilty of a criminal offense and, upon conviction, shall be subject to a fine of not more than \$1,000, a term of imprisonment of not more than 180 days, or both.

(c) Violations of this section shall be prosecuted by the Attorney General for the District of Columbia, or his or her designee, in the name of the District of Columbia.

(Sept. 23, 1977, D.C. Law 2-22, title V, § 509, formerly § 329, as added June 27, 2000, D.C. Law 13-136, § 201(f), 47 DCR 2850; Apr. 12, 2005, D.C. Law 15-341, § 2(s), 52 DCR 2315; renumbered Mar. 2, 2007, D.C. Law 16-191, § 22(a)(10), 53 DCR 6794.)

*HISTORICAL AND STATUTORY NOTES*

*Effect of Amendments*

D.C. Law 15-341 designated the existing text as subsec. (a); and added subsecs. (b) and (c).

D.C. Law 16-191 renumbered the section.

*Emergency Act Amendments*

For temporary (90-day) addition of section, see notes following § 4-1305.01.

*Legislative History of Laws*

For Law 13-136, see notes following § 4-1305.01.

For Law 15-341, see notes following § 4-1303.51.

For Law 16-191, see notes following § 4-204.61.

## **PART F. RULES.**

### **§ 4-1306.01. RULES.**

(a) The Mayor may, pursuant to subchapter I of Chapter 5 of Title 2, issue rules to implement the provisions of this subchapter within 90 days of June 27, 2000. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed approved.

(b) All existing rules and regulations promulgated pursuant to this subchapter shall remain in effect until the rules promulgated pursuant to subsection (a) of this section become effective.

(c) Notwithstanding subsection (a) of this section, the Mayor shall have full authority to enforce the provisions of subchapter.

(d)(1) Within 180 days of June 29, 2011, the Mayor, pursuant to subchapter I of Chapter 5 of Title 2, shall issue rules to implement the Families Together Amendment Act of 2010, effective September 24, 2010 (D.C. Law 18-228; 57 DCR 6926).

(2) The proposed rules shall be submitted to the Council for a 30-day period of review, excluding

Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within the 30-day review period, the proposed rules shall be deemed approved.

(Sept. 23, 1977, D.C. Law 2-22, title VI, § 601, formerly § 341, as added June 27, 2000, D.C. Law 13-136, § 201(g), 47 DCR 2850; renumbered Mar. 2, 2007, D.C. Law 16-191, § 22(b), 53 DCR 6794; Sept. 24, 2010, D.C. Law 18-228, § 2(c), 57 DCR 6926; Sept. 14, 2011, D.C. Law 19-21, § 5052(b), 58 DCR 6226.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Effect of Amendments*

D.C. Law 16-191 renumbered the section.

D.C. Law 18-228 added subsec. (d).

D.C. Law 19-21 rewrote subsec. (d)(1), which formerly read:

"(d)(1) Within 180 days of September 24, 2010, the Mayor, pursuant to subchapter I of Chapter 5 of Title 2, shall issue rules to implement D.C. Law 18-228."

##### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 2(e), (f) of Adoption and Safe Families Temporary Amendment Act of 1999 (D.C. Law 13-56, March 7, 2000, law notification 47 DCR 1978).

##### *Emergency Act Amendments*

For temporary (90-day) addition of §§ 6-2109.1 to 6-2109.9 [1981 Ed.], see § 201(f) of the Adoption and Safe Families Emergency Amendment Act of 1999 (D.C. Act 13-117, July 28, 1999, 46 DCR 6558).

For temporary (90-day) addition of §§ 6-2109.1 to 6-2109.9 [1981 Ed.], see § 201(f) of the Adoption and Safe Families Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-178, November 2, 1999, 46 DCR 9714).

For temporary (90-day) addition of §§ 6-2109.1 to 6-2109.9 [1981 Ed.], see § 201(f) of the Adoption and Safe Families Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-240, January 11, 2000, 47 DCR 556).

For temporary (90 day) amendment of section, see § 5022(b) of Fiscal Year 2012 Budget Support Emergency Act of 2011 (D.C. Act 19-93, June 29, 2011, 58 DCR 5599).

For temporary (90 day) repeal of section 3 of D.C. Law 18-228, see § 109 of Fiscal Year 2013 Budget Support Technical Clarification Emergency Amendment Act of 2012 (D.C. Act 19-482, October 10, 2012, 59 DCR 12478).

##### *Legislative History of Laws*

For Law 13-136, see notes following § 4-1305.01.

For Law 16-191, see notes following § 4-204.61.

For Law 18-228, see notes following § 4-1301.02.

For history of Law 19-21, see notes under § 4-204.07.

##### *References in Text*

'Families Together amendment', referenced in subsection (d)(1) of the section, is D.C. Law 18-228.

##### *Miscellaneous Notes*

Section 3 of D.C. Law 18-228 provides:

"Sec. 3. Applicability.

"This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan."

The Budget Director of the Council of the District of Columbia has determined, as of February 15, 2012, that the fiscal effect of Law 18-228 has not been included in an approved budget and financial plan. Therefore, the provisions of this section, enacted by Law 18-228, are not in effect.

The Budget Director of the Council of the District of Columbia has determined, as of October 10, 2012, that the fiscal effect of Title III of Law 18-228 has been included in an approved budget and financial plan. Therefore, the provisions of this section, enacted by Law 18-228, are in effect. Section 109 of Emergency Act 19-482 repealed section 3 of Law 18-228.

## **SUBCHAPTER II. REPORTS OF NEGLECTED CHILDREN.**



## **§ 4-1321.01. PURPOSE.**

It is the purpose of this subchapter to require a report of a suspected neglected child in order to identify neglected children; to assure that protective services will be made available to a neglected child to protect the child and his or her siblings and to prevent further abuse or neglect; and to preserve the family life of the parents and children, to the maximum extent possible, by enhancing the parental capacity for adequate child care.

(Nov. 6, 1966, 80 Stat. 1354, Pub. L. 89-775, § 1; Sept. 23, 1977, D.C. Law 2-22, title I, § 103(b), 24 DCR 3341.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 2-1351.

1973 Ed., § 2-161.

#### *Legislative History of Laws*

Law 2-22, the "Prevention of Child Abuse and Neglect Act of 1977," was introduced in Council and assigned Bill No. 2-48, which was referred to the Committee on Human Resources and Aging and the Committee on the Judiciary. The Bill was adopted on first and second readings on May 17, 1977, and May 31, 1977, respectively. Signed by the Mayor on July 6, 1977, it was assigned Act No. 2-53 and transmitted to both Houses of Congress for its review.

## **§ 4-1321.02. PERSONS REQUIRED TO MAKE REPORTS; PROCEDURE.**

(a) Notwithstanding § 14-307, any person specified in subsection (b) of this section who knows or has reasonable cause to suspect that a child known to him or her in his or her professional or official capacity has been or is in immediate danger of being a mentally or physically abused or neglected child, as defined in § 16-2301(9), shall immediately report or have a report made of such knowledge or suspicion to either the Metropolitan Police Department of the District of Columbia or the Child and Family Services Agency.

(a-1) [Not funded]

(a-2) [Not funded]

(b) Persons required to report such abuse or neglect shall include Child and Family Services Agency employees, agents, and contractors, and every physician, psychologist, medical examiner, dentist, chiropractor, registered nurse, licensed practical nurse, person involved in the care and treatment of patients, law-enforcement officer, humane officer of any agency charged with the enforcement of animal cruelty laws, school official, teacher, athletic coach, Department of Parks and Recreation employee, public housing resident manager, social service worker, day care worker, human trafficking counselor as defined in § 14-311(2), domestic violence counselor as defined in § 14-310(a)(2), and mental health professional as defined in § 7-1201.01(11). Such persons are not required to report when employed by a lawyer who is providing representation in a criminal, civil, including family law, or delinquency matter and the basis for the suspicion arises solely in the course of that representation. Whenever a person is required to report in his or her capacity as a member of the staff of a hospital, school, social agency or similar institution, he or she shall immediately notify the person in charge of the institution or his or her designated agent who shall then be required to make the report. The fact that such a notification has been made does not relieve the person who was originally required to report from his or her duty under subsection (a) of this section of having a report made promptly to the Metropolitan Police Department of the District of Columbia or the Child and Family Services Agency.

(c) In addition to those persons who are required to make a report, any other person may make a report to the Metropolitan Police Department of the District of Columbia or the Child and Family Services Agency.

(d) In addition to the requirements in subsections (a) and (b) of this section, any health professional licensed pursuant to Chapter 12 of Title 3, or a law enforcement officer, humane officer of any agency charged with the enforcement of animal cruelty laws, except an undercover officer whose identity or investigation might be jeopardized, shall report immediately, in writing, to the Child and Family Services Agency, that the law enforcement officer or health professional has reasonable cause to believe that a child is abused as a result of inadequate care, control, or subsistence in the home environment due to exposure to drug-related activity. The report shall be in accordance with the provisions of § 4-1321.03.

(e) Notwithstanding § 14-307, any person specified in subsection (b) of this section who knows or has reasonable cause to suspect that a child known to him or her in his or her professional or official capacity has been, or is in immediate danger of being, the victim of "sexual abuse" or "attempted sexual abuse" prohibited by Chapter 30 of Title 22; or that the child was assisted, supported, caused, encouraged, commanded, enabled, induced, facilitated, or permitted to become a prostitute, as that term is defined in

§ 22- 2701.01(3); or that the child has an injury caused by a bullet; or that the child has an injury caused by a knife or other sharp object which has been caused by other than accidental means, shall immediately report or have a report made of such knowledge, information, or suspicion to the Metropolitan Police Department or the Child and Family Services Agency.

(f) A health professional licensed pursuant to Chapter 12 of Title 3, who in his or her own professional or official capacity knows that a child under 12 months of age is diagnosed as having a Fetal Alcohol Spectrum Disorder, shall immediately report or have a report made to the Child and Family Services Agency.

(Nov. 6, 1966, 80 Stat. 1354, Pub. L. 89-775, § 2; Sept. 23, 1977, D.C. Law 2-22, title I, § 103(c), 24 DCR 3341; Mar. 15, 1990, D.C. Law 8-87, § 2(a), 37 DCR 50; Mar. 2, 2007, D.C. Law 16-204, § 2, 53 DCR 9059; Apr. 24, 2007, D.C. Law 16-306, § 203(a), 53 DCR 8610; July 18, 2008, D.C. Law 17-198, § 3, 55 DCR 6283; Dec. 5, 2008, D.C. Law 17-281, § 102, 55 DCR 9186; Mar. 25, 2009, D.C. Law 17-353, §§ 173(a), 193, 240(b), 56 DCR 1117; Oct. 23, 2010, D.C. Law 18-239, § 202, 57 DCR 5405; Oct. 26, 2010, D.C. Law 18-242, § 2, 57 DCR 7555; July 13, 2012, D.C. Law 19-164, § 3, 59 DCR 6185.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 2-1352.

1973 Ed., § 2-162.

##### *Effect of Amendments*

D.C. Law 16-204, in subsec. (b), substituted "domestic violence counselor as defined in § 14-310(a)(2), and mental health professional as defined in § 7- 1201.01(11)" for "and mental health professional".

D.C. Law 16-306, in subsec. (a), substituted "Child and Family Services Agency" for "Child Protective Services Division of the Department of Human Services"; in subsec. (b), inserted "Child and Family Services Agency employees, agents, and contractors, and" following "include", and inserted "athletic coach, Department of Parks and Recreation employee, public housing resident manager," following "teacher,"; in subsecs. (b), (c) and (d), substituted "Child and Family Services Agency" for "Child Protective Services Division of the Department of Human Services"; and added subsec. (e).

D.C. Law 17-198, in subsec. (b), inserted "Such persons are not required to report when employed by a lawyer who is providing representation in a criminal, civil, including family law, or delinquency matter and the basis for the suspicion arises solely in the course of that representation."

D.C. Law 17-281, in subsecs. (b) and (d), substituted "law-enforcement officer, humane officer of any agency charged with the enforcement of animal cruelty laws," for "law-enforcement officer,".

D.C. Law 17-353 validated previously made technical corrections in subsec. (b).

D.C. Law 18-239, in subsec. (b), substituted "day care worker, human trafficking counselor as defined in § 14-311(2)," for "day care worker,".

D.C. Law 18-242 added subsecs. (a-1) and (a-2).

D.C. Law 19-164 added subsec. (f).

##### *Temporary Amendments of Section*

Section 3 of D.C. Law 19-64 added subsec. (f) to read as follows:

"(f) A health professional licensed pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*), who in his or her own professional or official capacity knows that a child under 12 months of age is diagnosed as having a Fetal Alcohol Spectrum Disorder shall immediately report or have a report made to the Child and Family Services Agency."

Section 5(b) of D.C. Law 19-64 provides that the act shall expire after 225 days of its having taken effect.

##### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 203(a) of Omnibus Public Safety Emergency Amendment Act of 2006 (D.C. Act 16-445, July 19, 2006, 53 DCR 6443).

For temporary (90 day) amendment of section, see § 203(a) of Omnibus Public Safety Congressional Review Emergency Amendment Act of 2006 (D.C. Act 16-490, October 18, 2006, 53 DCR 8686).

For temporary (90 day) amendment of section, see § 203(a) of Omnibus Public Safety Congressional Review Emergency Amendment Act of 2007 (D.C. Act 17-10, January 16, 2007, 54 DCR 1479).

For temporary (90 day) amendment of section, see § 203(a) of Omnibus Public Safety Second Congressional Review Emergency Amendment Act of 2007 (D.C. Act 17-25, April 19, 2007, 54 DCR 4036).

For temporary (90 day) amendment of section, see § 3 of Child Abuse Prevention and Treatment Emergency

Amendment Act of 2011 (D.C. Act 19-165, October 11, 2011, 58 DCR 8896).

*Legislative History of Laws*

For legislative history of D.C. Law 2-22, see Historical and Statutory Notes following § 4-1321.01.

Law 8-87, the "Protection of Children from Exposure to Drug-related Activity Amendment Act of 1989," was introduced in Council and assigned Bill No. 8-139, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on November 21, 1989, and December 5, 1989, respectively. Signed by the Mayor on December 21, 1989, it was assigned Act No. 8-137 and transmitted to both Houses of Congress for its review.

Law 16-204, the "Domestic Violence Amendment Act of 2006", was introduced in Council and assigned Bill No. 16-466, which was referred to the Committee on Judiciary. The Bill was adopted on first and second readings on July 11, 2006, and October 3, 2006, respectively. Signed by the Mayor on October 25, 2006, it was assigned Act No. 16-504 and transmitted to both Houses of Congress for its review. D.C. Law 16-204 became effective on March 2, 2007.

For Law 16-306, see notes following § 4-1305.01.

For Law 17-198, see notes following § 4-1301.06b.

Law 17-281, the "Animal Protection Amendment Act of 2008", was introduced in Council and assigned Bill No. 17-89 which was referred to the Committees on Health and Public Safety and Judiciary. The Bill was adopted on first and second readings on July 1, 2008, and July 15, 2008, respectively. Signed by the Mayor on August 4, 2008, it was assigned Act No. 17-493 and transmitted to both Houses of Congress for its review. D.C. Law 17-281 became effective on December 5, 2008.

For Law 17-353, see notes following § 4-1301.06b.

For history of Law 18-239, see notes under § 4-501.

Law 18-242, the "Safe Children and Safe Neighborhoods Educational Neglect Mandatory Reporting Amendment Act of 2010", was introduced in Council and assigned Bill No. 18-529, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on June 15, 2010, and July 13, 2010, respectively. Signed by the Mayor on July 30, 2010, it was assigned Act No. 18-493 and transmitted to both Houses of Congress for its review. D.C. Law 18-242 became effective on October 26, 2010.

For history of Law 19-164 see notes under § 4-1301.09a.

*Miscellaneous Notes*

Section 4 of D.C. Law 18-242 provides:

"Sec. 4. Applicability.

"Section 2 shall apply as follows:

"(1) Subsection (a) shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

"(2) Subsection (b) shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan."

The Budget Director of the Council of the District of Columbia has determined, as of February 15, 2012, that the fiscal effect of section 2(a) and (b) of Law 18-242 has not been included in an approved budget and financial plan. Therefore, the provisions of this section, enacted by Law 18-242, are not in effect.

## **§ 4-1321.03. NATURE AND CONTENTS OF REPORTS.**

(a) Each person required to make a report of a known or suspected neglected child shall:

(1) Immediately make an oral report of the case to the Child and Family Services Agency or the Metropolitan Police Department of the District of Columbia; and

(2) Make a written report of the case if requested by said Division or Police or if the abuse involves drug-related activity.

(b) The report shall include, but need not be limited to, the following information if it is known to the person making the report:

(1) The name, age, sex, and address of the following individuals:

(A) The child who is the subject of the report;

(B) Each of the child's siblings and other children in the household; and

(C) Each of the child's parents or other persons responsible for the child's care;

(2) The nature and extent of the abuse or neglect of the child and any previous abuse or neglect, if known;

(3) All other information which the person making the report believes may be helpful in establishing the cause of the abuse or neglect and the identity of the person responsible for the abuse or neglect; and

(4) If the source was required to report under this subchapter, the identity and occupation of the source, how to contact the source and a statement of the actions taken by the source concerning the child.

(Nov. 6, 1966, 80 Stat. 1354, Pub. L. 89-775, § 3; Sept. 23, 1977, D.C. Law 2-22, title I, § 103(d), 24 DCR 3341; Mar. 15, 1990, D.C. Law 8-87, § 2(b), 37 DCR 50; Apr. 12, 2005, D.C. Law 15-341, § 3, 52 DCR 2315; Apr. 24, 2007, D.C. Law 16-306, § 203(b), 53 DCR 8610.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 2-1353.

1973 Ed., § 2-163.

##### *Effect of Amendments*

D.C. Law 15-341 rewrote subsec. (b)(1)(B) which had read as follows:

"(B) Each of the child's siblings; and"

D.C. Law 16-306, in subsec. (a)(1), substituted "Child and Family Services Agency" for "Child Protective Services Division of the Department of Human Services".

##### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 203(b) of Omnibus Public Safety Emergency Amendment Act of 2006 (D.C. Act 16-445, July 19, 2006, 53 DCR 6443).

For temporary (90 day) amendment of section, see § 203(b) of Omnibus Public Safety Congressional Review Emergency Amendment Act of 2006 (D.C. Act 16-490, October 18, 2006, 53 DCR 8686).

For temporary (90 day) amendment of section, see § 203(b) of Omnibus Public Safety Congressional Review Emergency Amendment Act of 2007 (D.C. Act 17-10, January 16, 2007, 54 DCR 1479).

For temporary (90 day) amendment of section, see § 203(b) of Omnibus Public Safety Second Congressional Review Emergency Amendment Act of 2007 (D.C. Act 17-25, April 19, 2007, 54 DCR 4036).

##### *Legislative History of Laws*

For legislative history of D.C. Law 2-22, see Historical and Statutory Notes following § 4-1321.01.

For legislative history of D.C. Law 8-87, see Historical and Statutory Notes following § 4-1321.02.

For Law 15-341, see notes following § 4-1303.51.

For Law 16-306, see notes following § 4-1305.01.

### **§ 4-1321.04. IMMUNITY FROM LIABILITY.**

Any person, hospital, or institution participating in good faith in the making of a report pursuant to this subchapter shall have immunity from liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making of the report. Any such participation shall have the same immunity with respect to participation in any judicial proceeding involving the report. In all civil or criminal proceedings concerning the child or resulting from the report good faith shall be presumed unless rebutted.

(Nov. 6, 1966, 80 Stat. 1354, Pub. L. 89-775, § 4; Sept. 23, 1977, D.C. Law 2-22, title I, § 103(e), 24 DCR 3341.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 2-1354.

1973 Ed., § 2-164.

##### *Legislative History of Laws*

For legislative history of D.C. Law 2-22, see Historical and Statutory Notes following § 4-1321.01.

### **§ 4-1321.05. PRIVILEGES; WAIVER.**

Notwithstanding the provisions of §§ 14-306 and 14-307, neither the spouse or domestic partner privilege nor the physician-patient privilege shall be grounds for excluding evidence in any proceeding in the Family Division of the Superior Court of the District of Columbia concerning the welfare of a neglected child;

provided, that a judge of the Family Division of the Superior Court of the District of Columbia determines such privilege should be waived in the interest of justice.

(Nov. 6, 1966, 80 Stat. 1355, Pub. L. 89-775, § 5; July 29, 1970, 84 Stat. 577, Pub. L. 91-358, title I, § 159(a); Sept. 23, 1977, D.C. Law 2-22, title I, § 103(f), 24 DCR 3341; Sept. 12, 2008, D.C. Law 17-231, § 13, 55 DCR 6758.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 2-1355.

1973 Ed., § 2-165.

##### *Effect of Amendments*

D.C. Law 17-231 substituted "spouse or domestic partner" for "husband-wife".

##### *Legislative History of Laws*

For legislative history of D.C. Law 2-22, see Historical and Statutory Notes following § 4-1321.01.

For Law 17-231, see notes following § 4-1301.02.

### **§ 4-1321.06. EXCEPTIONS FOR TREATMENT SOLELY BY SPIRITUAL MEANS.**

Notwithstanding any other provision of this subchapter, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall, for that reason alone, be considered to have been neglected within the purview of this subchapter.

(Nov. 6, 1966, 80 Stat. 1355, Pub. L. 89-775, § 6.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 2-1356.

1973 Ed., § 2-166.

##### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 2 of Prevention of Child Neglect Temporary Amendment Act of 1993 (D.C. Law 10-61, November 20, 1993, law notification 40 DCR 8454).

##### *Emergency Act Amendments*

For temporary amendment of section, see § 2 of the Prevention of Child Neglect Emergency Amendment Act of 1993 (D.C. Act 10-100, August 9, 1993, 40 DCR 6141).

For temporary amendment of section, see § 2 of the Prevention of Child Neglect Emergency Amendment Act of 1994 (D.C. Act 10-288, July 22, 1994, 41 DCR 4992).

### **§ 4-1321.07. FAILURE TO MAKE REPORT.**

Any person required to make a report under this subchapter who willfully fails to make such a report shall be fined not more than \$300 or imprisoned for not more than 90 days or both. Violations of this subchapter shall be prosecuted by the Corporation Counsel of the District of Columbia or his or her agent in the name of the District of Columbia.

(Nov. 6, 1966, Pub. L. 89-775, § 7; Sept. 23, 1977, D.C. Law 2-22, title I, § 103(g), 24 DCR 3341; Apr. 24, 2007, D.C. Law 16-306, § 203(c), 53 DCR 8610.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 2-1357.

1973 Ed., § 2-167.

##### *Effect of Amendments*

D.C. Law 16-306 substituted "\$300" for "\$100"; and substituted "90" for "30".

*Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 203(c) of Omnibus Public Safety Emergency Amendment Act of 2006 (D.C. Act 16-445, July 19, 2006, 53 DCR 6443).

For temporary (90 day) amendment of section, see § 203(c) of Omnibus Public Safety Congressional Review Emergency Amendment Act of 2006 (D.C. Act 16-490, October 18, 2006, 53 DCR 8686).

For temporary (90 day) amendment of section, see § 203(c) of Omnibus Public Safety Congressional Review Emergency Amendment Act of 2007 (D.C. Act 17-10, January 16, 2007, 54 DCR 1479).

For temporary (90 day) amendment of section, see § 203(c) of Omnibus Public Safety Second Congressional Review Emergency Amendment Act of 2007 (D.C. Act 17-25, April 19, 2007, 54 DCR 4036).

*Legislative History of Laws*

For legislative history of D.C. Law 2-22, see Historical and Statutory Notes following § 4-1321.01.

For Law 16-306, see notes following § 4-1305.01.

## **SUBCHAPTER III. CHILD ABUSE AND NEGLECT PREVENTION CHILDREN'S TRUST FUND.**

### **§ 4-1341.01. DEFINITIONS.**

For the purposes of this subchapter, the term:

- (1) "Child" means a person under 18 years of age.
- (2) "Child abuse" means harm or threatened harm to a child's health or welfare by a person responsible for the child's health or welfare, which occurs through the intentional infliction of physical or emotional injury or an act of sexual abuse, which includes a violation of any provision of subchapter of this chapter.
- (3) "Child neglect" means harm to a child's health or welfare which occurs through the failure to provide adequate food, clothing, shelter, education, or medical care.
- (4) "Prevention program" means a program designed to prevent child abuse or child neglect including a community-based program that:
  - (A) Focuses on child abuse or child neglect;
  - (B) Focuses on public awareness;
  - (C) Focuses on prenatal care, perinatal bonding, child development, basic child care, care of children with special needs or coping with family stress;
  - (D) Provides aid to parents who potentially may abuse or neglect their children, child abuse or child neglect counseling, support groups for parents who potentially may abuse or neglect their children, and support groups for their children, or early identification of families in which there is a potential for child abuse or child neglect;
  - (E) Trains and places volunteers in programs that focus on child abuse or child neglect prevention; or
  - (F) Develops and makes available to the District of Columbia Board of Education curricula and educational material on basic child care and parenting skills, or trains educators.

(Oct. 5, 1993, D.C. Law 10-56, § 2, 40 DCR 7222.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 6-2131.

*Emergency Act Amendments*

For temporary addition of subchapter IV, see §§ 2-9 of the Child Abuse and Neglect Prevention Children's Trust Fund Emergency Act of 1993 (D.C. Act 10-87, August 4, 1993, 40 DCR 6067) and §§ 2-9 of the Child Abuse and Neglect Prevention Children's Trust Fund Congressional Recess Emergency Act of 1993 (D.C. Act 10-133, October 27, 1993, 40 DCR 7600).

*Legislative History of Laws*

D.C. Law 10-56, the "Child Abuse and Neglect Prevention Children's Trust Fund Act of 1993" was introduced in Council and assigned Bill No. 10-114, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on July 13, 1993, and September 21, 1993, respectively. Signed

by the Mayor on October 1, 1993, it was assigned Act No. 10-109 and transmitted to both Houses of Congress for its review. D.C. Law 10-56 became effective on November 20, 1993.

## **§ 4-1341.02. ESTABLISHMENT OF THE CHILD ABUSE AND NEGLECT PREVENTION CHILDREN'S TRUST FUND.**

(a) There is established in the District of Columbia a private nonprofit corporation which shall be known as the Child Abuse and Neglect Prevention Children's Trust Fund ("Trust Fund"). The sole purpose of the Trust Fund is to encourage child abuse and child neglect prevention programs.

(b) The Trust Fund may accept appropriations from the District and shall accept gifts, bequests and grants from persons, organizations, corporations and foundations.

(c) The Trust Fund shall accept federal funds granted by Congress or Executive Order.

(d) Repealed.

(d-1) The Trust Fund may hold and distribute funds for other organizations. Auditing procedures shall be established by the Board.

(e) Repealed.

(f) Repealed.

(g) The Trust Fund shall supplement but not replace services provided by District agencies.

(h) The Trust Fund shall not provide funding to District government agencies.

(Oct. 5, 1993, D.C. Law 10-56, § 3, 40 DCR 7222; June 28, 1994, D.C. Law 10-134, § 7, 41 DCR 2597; Apr. 20, 1999, D.C. Law 12-233, § 2(a), 46 DCR 564.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 6-2132.

#### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 3 of South Africa Sanctions Repeal Act 1993 (D.C. Law 10-75, March 8, 1994, law notification 41 DCR 1518).

For temporary (225 day) amendment of section, see § 2(a) of Child Abuse and Neglect Prevention Children's Trust Fund Temporary Amendment Act of 1997 (D.C. Law 12-51, February 27, 1998, law notification 45 DCR ).

#### *Emergency Act Amendments*

For temporary addition of subchapter, see notes to § 4-1341.01.

For temporary amendments of section, see § 7 of the South Africa Sanctions Emergency Repeal Act of 1993 (D.C. Act 10-127, October 25, 1993, 40 DCR 7583) and § 7 of the South Africa Sanctions Congressional Recess Emergency Repeal Act of 1994 (D.C. Act 10-176, January 25, 1994, 41 DCR 512).

For temporary amendment of section, see § 2(a) of the Child Abuse and Neglect Prevention Children's Trust Fund Emergency Amendment Act of 1997 (D.C. Act 12- 141, August 12, 1997, 44 DCR 4854), see § 2(a) of the Child Abuse and Neglect Prevention Children's Trust Fund Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-182, October 30, 1997, 44 DCR 6956), and see § 2(a) of the Child Abuse and Neglect Prevention Children's Trust Fund Congressional Recess Emergency Amendment Act of 1998 (D.C. Act 12-252, January 29, 1998, 45 DCR 901).

For temporary amendment of section, see § 2(a) of the Child Abuse and Neglect Prevention Children's Trust Fund Emergency Amendment Act of 1998 (D.C. Act 12- 484, October 8, 1998, 45 DCR 8030), and § 2(a) of the Child Abuse and Neglect Prevention Children's Trust Fund Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-618, January 22, 1999, 46 DCR 1337).

#### *Legislative History of Laws*

For legislative history of D.C. Law 10-56, see Historical and Statutory Notes following § 4-1341.01.

Law 10-134, the "South Africa Sanctions Repeal Act of 1994," was introduced in Council and assigned Bill No. 10-427, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on March 1, 1994, and April 12, 1994, respectively. Signed by the Mayor on April 28, 1994, it was assigned Act No. 10-234 and transmitted to both Houses of Congress for its review. D.C. Law 10-134 became effective on June 28, 1994.

Law 12-233, the "Child Abuse and Neglect Prevention Children's Trust Fund Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-380, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on November 10, 1998, and December 1, 1998,

respectively. Signed by the Mayor on December 16, 1998, it was assigned Act No. 12-553 and transmitted to both Houses of Congress for its review. D.C. Law 12-233 became effective on April 20, 1999.

### **§ 4-1341.03. ESTABLISHMENT OF BOARD OF DIRECTORS.**

(a) A self-perpetuating Board of Directors is established to manage the affairs of the Trust Fund. The Board of Directors shall have 15 members. The D.C. Treasurer and the Director of the Department of Human Services shall serve as members of the Board of Directors. The remaining 13 members shall have a demonstrated knowledge in the area of child abuse and child neglect prevention and shall reflect a diversity of gender and ethnicity. Each ward in the District shall be represented on the Board of Directors. Through its by-laws, the Board of Directors may expand the number of members of the Board to include a business representative.

(b) The D.C. Treasurer and the Director of the Department of Human Services shall serve terms as members of the Board of Directors for the same duration as the terms of their offices.

(c) The 12 initial nongovernmental members shall serve the following terms: 3 members shall serve 3 years; 5 members shall serve 2 years; and 4 members shall serve 1 year.

(d) The 12 initial nongovernmental members shall be appointed by resolution of the Council.

(e) In the event that 1 of the 12 initial nongovernmental members is unable to serve or is removed, the remaining members shall select a replacement member according to the representational requirements of subsection (a) of this section.

(f) The Board of Directors shall appoint nongovernmental replacement members so that subsequent Board of Directors meet the representational requirements of subsection (a) of this section and the bylaws adopted by the Board of Directors. A succeeding member shall serve the balance of the term of the member that he or she succeeds if the term is unexpired. A succeeding member who succeeds a member whose term has expired shall serve a term of 3 years.

(g) Members shall be compensated only for out-of-pocket expenses incurred from the accomplishment of their responsibilities as members of the Board of Directors.

(h) The Board of Directors shall elect a chairperson from among the members. The Board of Directors may elect other officers and form committees as it considers appropriate.

(Oct. 5, 1993, D.C. Law 10-56, § 4, 40 DCR 7222; Apr. 20, 1999, D.C. Law 12-233, § 2(b), 46 DCR 564; Apr. 12, 2000, D.C. Law 13-91, § 140, 47 DCR 520.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 6-2133.

##### *Effect of Amendments*

D.C. Law 13-91, in the fourth sentence of subsec. (a), substituted "13" for "12".

##### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 2(b) of Child Abuse and Neglect Prevention Children's Trust Fund Temporary Amendment Act of 1997 (D.C. Law 12-51, February 27, 1998, law notification 45 DCR ).

##### *Emergency Act Amendments*

For temporary addition of subchapter, see notes to § 4-1341.01.

For temporary amendment of section, see § 2(b) of the Child Abuse and Neglect Prevention Children's Trust Fund Emergency Amendment Act of 1997 (D.C. Act 12- 141, August 12, 1997, 44 DCR 4854), see § 2(b) of the Child Abuse and Neglect Prevention Children's Trust Fund Legislative Review Emergency Amendment Act of 1997 (D.C. Act 12-182, October 30, 1997, 44 DCR 6956), and see § 2(b) of the Child Abuse and Neglect Prevention Children's Trust Fund Congressional Recess Emergency Amendment Act of 1998 (D.C. Act 12-252, January 29, 1998, 45 DCR 901).

For temporary amendment of section, see § 2(b) of the Child Abuse and Neglect Prevention Children's Trust Fund Emergency Amendment Act of 1998 (D.C. Act 12- 484, October 10, 1998, 45 DCR 8030), and § 2(b) of the Child Abuse and Neglect Prevention Children's Trust Fund Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-618, January 22, 1999, 46 DCR 1337).

##### *Legislative History of Laws*

For legislative history of D.C. Law 10-56, see Historical and Statutory Notes following § 4-1341.01.

For legislative history of D.C. Law 12-233, see Historical and Statutory Notes following § 4-1341.02.



Law 13-91, the "Technical Amendments Act of 1999," was introduced in Council and assigned Bill No. 13-435, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 2, 1999, and December 7, 1999, respectively. Signed by the Mayor on December 29, 1999, it was assigned Act No. 13-234 and transmitted to both Houses of Congress for its review. D.C. Law 13-91 became effective on April 12, 2000.

#### **§ 4-1341.04. POWERS AND RESPONSIBILITIES OF THE BOARD OF DIRECTORS.**

(a) The Board of Directors shall:

- (1) Administer the Trust Fund;
- (2) File such papers as may be required by the Recorder of Deeds of the District of Columbia;
- (3) Have the power to adopt, amend, or repeal bylaws for operation of the Trust Fund;
- (4) Remove a member by a 2/3rd vote of the remaining members of the Board of Directors;
- (5) Meet not less than quarterly at a time to be determined;
- (6) Assess service needs and gaps relative to child abuse and child neglect prevention programs in the District;
- (7) Develop and implement program recommendations in order to address identified service needs;
- (8) Develop and implement proposal solicitation and establish criteria for the awarding of grants to meet identified service needs;
- (9) Review, approve, and monitor the expenditure of the Trust Fund and child abuse and child neglect prevention programs;
- (10) Assist in providing information to the public about the purpose and work of the Trust Fund;
- (11) Hire and monitor an executive director of the Trust Fund; and
- (12) Invite comments and recommendations at least annually from interested child advocacy coalitions and community organizations to review the Trust Fund's program plans.

(b) Administrative expenses shall not exceed 10% of the funds available in the Trust Fund.

(c) One year after its original formation, the Board of Directors shall develop a District-wide plan for the distribution of funds from the Trust Fund. The plan shall be developed annually. The plan shall assure a distribution of funds to services that reach children in all geographic areas of the District. The plan shall be transmitted to the Mayor and Chairman of the Council.

(Oct. 5, 1993, D.C. Law 10-56, § 5, 40 DCR 7222.)

##### *HISTORICAL AND STATUTORY NOTES*

###### *Prior Codifications*

1981 Ed., § 6-2134.

###### *Emergency Act Amendments*

For temporary addition of subchapter, see notes to § 4-1341.01.

###### *Legislative History of Laws*

For legislative history of D.C. Law 10-56, see Historical and Statutory Notes following § 4-1341.01.

#### **§ 4-1341.05. SERVICE OF PROCESS.**

The Trust Fund shall maintain a designated agent to accept service of process for the Trust Fund. Notice to or service upon the agent is notice or service upon the Trust Fund.

(Oct. 5, 1993, D.C. Law 10-56, § 6, 40 DCR 7222.)

##### *HISTORICAL AND STATUTORY NOTES*

###### *Prior Codifications*

1981 Ed., § 6-2135.

###### *Emergency Act Amendments*

For temporary addition of subchapter, see notes to § 4-1341.01.

###### *Legislative History of Laws*

For legislative history of D.C. Law 10-56, see Historical and Statutory Notes following § 4-1341.01.

#### **§ 4-1341.06. CORPORATE POWERS.**

The Trust Fund may exercise those powers conferred upon a nonprofit corporation pursuant to Chapters 1 and 4 of Title 29 .

(Oct. 5, 1993, D.C. Law 10-56, § 7, 40 DCR 7222; July 2, 2011, D.C. Law 18-378, § 3(b), 58 DCR 1720.)

##### *HISTORICAL AND STATUTORY NOTES*

###### *Prior Codifications*

1981 Ed., § 6-2136.

###### *Effect of Amendments*

D.C. Law 18-378 substituted "Chapters 1 and 4 of Title 29" for "subchapter I of Chapter 3 of Title 29".

###### *Emergency Act Amendments*

For temporary addition of subchapter, see notes to § 4-1341.01.

###### *Legislative History of Laws*

For legislative history of D.C. Law 10-56, see Historical and Statutory Notes following § 4-1341.01.

Law 18-378, the "District of Columbia Official Code Title 29 (Business Organizations) Enactment Act of 2009", was introduced in Council and assigned Bill No. 18-500, which was referred to the Committee on Public Services and Consumer Affairs. The Bill was adopted on first and second readings on December 7, 2010, and December 21, 2010, respectively. Signed by the Mayor on February 27, 2011, it was assigned Act No. 18-724 and transmitted to both Houses of Congress for its review. D.C. Law 18-378 became effective on July 2, 2011.

#### **§ 4-1341.07. DISSOLUTION.**

Except as otherwise provided in a contract or legacy transferring or loaning property to the Trust Fund, upon dissolution of the Trust Fund as a corporation, all remaining assets shall be transferred to the Mayor of the District of Columbia. The Mayor shall make every effort to use the assets for the prevention of child abuse and child neglect as provided in this subchapter.

(Oct. 5, 1993, D.C. Law 10-56, § 8, 40 DCR 7222.)

##### *HISTORICAL AND STATUTORY NOTES*

###### *Prior Codifications*

1981 Ed., § 6-2137.

###### *Emergency Act Amendments*

For temporary addition of subchapter, see notes to § 4-1341.01.

###### *Legislative History of Laws*

For legislative history of D.C. Law 10-56, see Historical and Statutory Notes following § 4-1341.01.

#### **§ 4-1341.08. TAX STATUS.**

The Trust Fund may engage in such activities that make it eligible for treatment as an organization described in § 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. § 501(c)(3)) which may be exempt from federal taxation under § 501(a) of the Internal Revenue Code (26 U.S.C. § 501(a)).

(Oct. 5, 1993, D.C. Law 10-56, § 9, 40 DCR 7222.)

##### *HISTORICAL AND STATUTORY NOTES*

###### *Prior Codifications*

1981 Ed., § 6-2138.

###### *Emergency Act Amendments*

For temporary addition of subchapter, see notes to § 4-1341.01.

###### *Legislative History of Laws*

For legislative history of D.C. Law 10-56, see Historical and Statutory Notes following § 4-1341.01.

*Miscellaneous Notes*

Establishment of juvenile curfew: For temporary provisions establishing a curfew for juveniles under the age of 17 years in the District of Columbia, parental responsibility for implementation of the act, and exceptions to the act, see §§ 2 through 4 of the Juvenile Curfew Emergency Act of 1995 (D.C. Act 11-86, July 6, 1995, 42 DCR 3612).

## **SUBCHAPTER III-A. INTEGRATED FUNDING AND SERVICES FOR AT-RISK CHILDREN, YOUTH, AND FAMILIES.**

### **§ 4-1345.01. DEFINITIONS.**

For the purposes of this subchapter, the term:

(1) "At-risk child or youth" means an individual who is less than 18 years of age and exhibits, is characterized by, or is subject to one or more of the following conditions:

- (A) Abuse or neglect, as described in § 16-2301(9) and (23);
- (B) Developmental disability, as that term is defined in § 21-1201(3);
- (C) Delinquency, as described in § 16-2301(6);
- (D) Homelessness, as described in § 4-751.01(18);
- (D-i) Intellectual disability, as that term is defined in § 21-1201(4A).
- (E) Mental illness, as that term is defined in § 21-501(5);
- (F) Repealed.
- (G) Poverty, as defined by the income eligibility guidelines set by the United States Department of Agriculture for the school lunch and school breakfast programs;
- (H) Probation, as that term is defined in § 16-2301(18);
- (I) School dropout, defined as not attending school without graduating from high school or completing an approved education program;
- (J) Substance abuse, as that term is defined in § 7-3002(12);
- (K) Teenage pregnancy; or
- (L) Truancy, defined as 10 or more unexcused absences during a school semester.

(2) "At-risk family" means a family that exhibits, is characterized by, or is subject to one or more of the following conditions:

- (A) Abuse or neglect, as described in § 16-2301(9) and (23);
- (B) Homelessness, as described in § 4-751.01(18);
- (C) Incarceration of a parent;
- (D) Intrafamily violence, as described in § 16-1001(7);
- (E) Mental illness, as that term is defined in § 21-501(5), of a parent or caregiver;
- (F) Poverty, as defined by the income eligibility guidelines set by the United States Department of Agriculture for the school lunch and school breakfast programs;
- (G) Substance abuse, as that term is defined in § 7-3002(12), of a parent or caregiver; or
- (H) Teenage parenthood.

(3) "Child" means an individual who is less than 18 years of age.

(4) "Domestic partnership" shall have the same meaning as provided in § 32- 701(4).

(5) "Family" means an adult or adults who share a residence with at least one child and are related by blood, legal custody, marriage, or domestic partnership.

(6) "Fund" means the Integrated Services Fund for At-Risk Children, Youth, and Families.

(7) "Local funding" means funding appropriated from tax and non-tax revenue raised by the District of Columbia government and not earmarked for a particular purpose.

(8) "Youth" means an individual who is at least 13 years of age and less than 18 years of age.

(Mar. 2, 2007, D.C. Law 16-192, § 5202, 53 DCR 6899; Mar. 25, 2009, D.C. Law 17-368, § 4(c), 56 DCR 1338; Sept. 26, 2012, D.C. Law 19-169, § 10, 59 DCR 5567.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Effect of Amendments*

D.C. Law 17-368, in par. (2)(D), substituted "§ 16-1001(7)" for "§ 16-1031".

D.C. Law 19-169 repealed par. (1)(F); and added par. (1)(D-i). Prior to repeal, par. (1)(F) read as follows:  
"(F) Mental retardation, as that term is defined in § 21-1201(7);"

##### *Emergency Act Amendments*

For temporary (90 day) addition, see § 5202 of Fiscal Year 2007 Budget Support Emergency Act of 2006 (D.C. Act 16-477, August 8, 2006, 53 DCR 7068).

For temporary (90 day) addition, see § 5202 of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2006 (D.C. Act 16-499, October 23, 2006, 53 DCR 8845).

For temporary (90 day) addition, see § 5202 of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2007 (D.C. Act 17-1, January 16, 2007, 54 DCR 1165).

##### *Legislative History of Laws*

Law 16-192, the "Fiscal Year Budget Support Act of 2006", was introduced in Council and assigned Bill No. 16-679, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 9, 2006, and June 6, 2006, respectively. Signed by the Mayor on August 8, 2006, it was assigned Act No. 16-476 and transmitted to both Houses of Congress for its review. D.C. Law 16-192 became effective on March 2, 2007.

For Law 17-368, see notes following § 4-1305.06.

For history of Law 19-169, see notes under § 4-114.

##### *Miscellaneous Notes*

Short title: Section 5201 of D.C. Law 16-192 provided that subtitle N of title V of the act may be cited as the "Integrated Funding and Services for At-Risk Children, Youth, and Families Act of 2006".

## **§ 4-1345.02. INTEGRATED SERVICES FUND FOR AT-RISK CHILDREN, YOUTH, AND FAMILIES.**

(a) There is established the Integrated Services Fund for At-Risk Children, Youth, and Families, which shall be a nonlapsing fund separate from the General Fund of the District of Columbia and used to implement initiatives, programs, and services to meet the needs of at-risk children, youth, and their families in a holistic, interdisciplinary manner pursuant to § 4-1345.03.

(b) The Mayor, or his or her designee, may transfer to the Fund up to one percent of the local funding appropriated in the District of Columbia's annual financial plan and budget for each of the following agencies, or any successor agencies:

- (1) The Child and Family Services Agency;
- (2) The Department of Employment Services;
- (3) The Department of Health, excluding local funding appropriated or authorized for the Medicaid program authorized by Title XIX of the Social Security Act, approved July 30, 1965 (79 Stat. 343; 42 U.S.C. § 1396 *et seq.*);
- (4) The Department of Human Services;
- (5) The Department of Mental Health; and
- (6) The Department of Youth Rehabilitation Services.

(c) The Mayor may also designate federal or private grant funds to be deposited into the Fund if the designation of funds is consistent with the terms of the federal or private grant.

(d) Funds deposited into the Fund shall not revert to the General Fund of the District of Columbia at the end of any fiscal year or at any other time, but shall be continually available for the uses and purposes set forth in § 4-1345.03, subject to authorization by Congress.

(e) The Chief Financial Officer shall provide the necessary administrative and management support to pool the funds described in subsections (a) and (b) of this section into the Fund, and shall maintain systems of accounting and control that provide the Mayor with financial information needed for management purposes and ensure accountability for the use of the Fund's resources.

(f) The Mayor shall submit a budget and spending plan for the Fund as part of the annual budget that he or she transmits to the Council. The plan shall include:

- (1) The amount proposed to be transferred from each agency;
- (2) The effect, if any, on programs in the agencies from which the funds are being transferred; and
- (3) A listing of each program and its financing through the Fund.

(Mar. 2, 2007, D.C. Law 16-192, § 5203, 53 DCR 6899.)

*HISTORICAL AND STATUTORY NOTES*

*Emergency Act Amendments*

For temporary (90 day) addition, see § 5203 of Fiscal Year 2007 Budget Support Emergency Act of 2006 (D.C. Act 16-477, August 8, 2006, 53 DCR 7068).

For temporary (90 day) addition, see § 5203 of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2006 (D.C. Act 16-499, October 23, 2006, 53 DCR 8845).

For temporary (90 day) addition, see § 5203 of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2007 (D.C. Act 17-1, January 16, 2007, 54 DCR 1165).

*Legislative History of Laws*

For Law 16-192, see notes following § 4-1345.01.

### **§ 4-1345.03. SCOPE AND DESIGN OF PROGRAMS AND SERVICES.**

(a) The Mayor shall use the funds described in § 4-1345.02 to support policies, programs, and services for at-risk children, youth, and families that:

- (1) Offer a broad spectrum of assistance and support tailored to the needs of at-risk children, youth, and families, such as child abuse prevention, child care, domestic violence prevention, job training, maternal and child health, mental health counseling, mentoring, parent education, respite care, and substance abuse treatment;
- (2) Cross agency and professional boundaries, using an interdisciplinary approach and employing techniques such as case management, co-location of programs and staff, and inter-agency case conferences to ensure that services are coordinated and accessible to at-risk children, youth, and families;
- (3) Build on family strengths and view the needs of the child or youth in the context of his or her family;
- (4) Respect cultural diversity and promote family involvement;
- (5) Adopt flexible approaches to service delivery, such as home visits, and ensure that essential supports, such as transportation, are in place so that at-risk children, youth, and families can use available services;
- (6) Promote access and continuity by offering assistance, when possible, in non-traditional settings such as the home, school, or community, and at convenient times, including evening and weekend hours, and by reducing complex eligibility and paperwork requirements;
- (7) Reduce barriers to essential programs and services by reducing complex eligibility and paperwork requirements and providing referrals to programs and services offered by private organizations;
- (8) Are of sufficient intensity and duration to help children, youth, and families who are most at risk or in need, as reflected by multiple risk factors or chronic poverty;
- (9) Are provided by skilled and committed individuals with experience and demonstrated effectiveness in serving at-risk children, youth, and families; and
- (10) Support, to the greatest extent possible, in-home and community care for children and youth in the child welfare or juvenile justice systems, or at risk of referral to those systems, while reducing reliance on out-of-home or institutional care.

(b) The Mayor shall establish performance measures and goals for the programs and services financed by the Fund. The measures and goals shall focus on high-priority outcomes for at-risk children, youth, and families, and shall reflect the impact, effectiveness, and quality of the programs and services. The Mayor shall include the measures and goals in the performance plans and reports required by subchapter XIV-A of Chapter 6 of Title 1.

(Mar. 2, 2007, D.C. Law 16-192, § 5204, 53 DCR 6899.)

*HISTORICAL AND STATUTORY NOTES*

*Emergency Act Amendments*

For temporary (90 day) addition, see § 5204 of Fiscal Year 2007 Budget Support Emergency Act of 2006 (D.C. Act 16-477, August 8, 2006, 53 DCR 7068).

For temporary (90 day) addition, see § 5204 of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2006 (D.C. Act 16-499, October 23, 2006, 53 DCR 8845).

For temporary (90 day) addition, see § 5204 of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2007 (D.C. Act 17-1, January 16, 2007, 54 DCR 1165).

*Legislative History of Laws*

For Law 16-192, see notes following § 4-1345.01.

## **SUBCHAPTER IV. ADOPTION IMPROVEMENT.**

### **§ 4-1361. DATABASE.**

The District of Columbia Child and Family Services Agency (referred to as "CFSA") shall maintain an accurate database listing and tracking any child found by the Family Division of the District of Columbia Superior Court to be abused or neglected and who is in the custody of the District of Columbia, including any child with the goal of adoption or legally free for adoption.

(Oct. 21, 1998, 112 Stat. 2681-146, Pub. L. 105-277, § 157(b).)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 6-2141.

*Miscellaneous Notes*

District of Columbia Adoption Improvement Act of 1998: Section 157(a) of Pub. L. 105-277, 112 Stat. 2681-146, provided that the subchapter may be cited as the "District of Columbia Adoption Improvement Act of 1998."

### **§ 4-1362. CONTRACTING WITH PRIVATE SERVICE PROVIDERS.**

(a) *Private contracts.* -- Not later than September 30, 1999, CFSA shall enter into contracts with private service providers to perform some of the adoption recruitment and placement functions of CFSA, which may include recruitment, homestudy, and placement services.

(b) *Competitive bidding.* -- Any contract entered into pursuant to subsection (a) of this section shall be subject to a competitive bidding process when required by CFSA contracting policies and procedures.

(c) *Performance-based compensation.* --

(1) *In general.* -- Any contract entered into pursuant to subsection (a) of this section shall compensate the winning bidder pursuant to subsection (b) of this section upon completion of contract deliverables.

(2) *Contract deliverables.* -- In identifying contract deliverables, CFSA shall consider:

(A) In the case of recruitment, receipt of a list of potential adoptive families;

(B) In the case of homestudies, receipt of a completed home-study in a form specified in advance by CFSA; or

(C) In the case of placements, the child is placed in an adoptive home approved by CFSA or the adoption is finalized.

(d) *Types of contracts.* -- Nothing in this section shall be construed to prevent CFSA from entering into contracts that provide for multiple deliverables or conditions for partial payment.

(e) *Removal of barriers to adoption.* -- CFSA shall meet with contractors to address issues identified during the term of a contract entered into pursuant to this subchapter, including issues related to barriers to timely adoptions.

(Oct. 21, 1998, 112 Stat. 2681-146, Pub. L. 105-277, § 157(c).)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 6-2142.

# **SUBCHAPTER V. CHILD FATALITY REVIEW COMMITTEE.**

## **§ 4-1371.01. SHORT TITLE.**

This subchapter may be cited as the "Child Fatality Review Committee Establishment Act of 2001".  
(Oct. 3, 2001, D.C. Law 14-28, § 4601, 48 DCR 6981.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Legislative History of Laws*

For Law 14-28, see notes following § 4-344.01.

## **§ 4-1371.02. DEFINITIONS.**

For the purposes of this subchapter, the term:

(1) "Child" means an individual who is 18 years of age or younger, or up to 21 years of age if the child is a committed ward of the child welfare, intellectual and developmental disabilities, or juvenile systems of the District of Columbia.

(2) "Committee" means the Child Fatality Review Committee.

(Oct. 3, 2001, D.C. Law 14-28, § 4602, 48 DCR 6981; Sept. 26, 2012, D.C. Law 19-169, § 11(a), 59 DCR 5567.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Effect of Amendments*

D.C. Law 19-169, in par. (1), substituted "intellectual" for "mental retardation".

#### *Temporary Addition of Section*

For temporary (225 day) addition of section, see § 2 of Child Fatality Review Committee Establishment Temporary Act of 2001 (D.C. Law 14-20, September 6, 2001, law notification 48 DCR 9090).

#### *Emergency Act Amendments*

For temporary (90 day) addition of section, see § 2 of Child Fatality Review Committee Establishment Emergency Act of 2001 (D.C. Act 14-40, April 25, 2001, 48 DCR 5917).

For temporary (90 day) addition of section, see § 2 of Child Fatality Review Committee Establishment Legislative Review Emergency Act of 2001 (D.C. Act 14- 82, July 9, 2001, 48 DCR 6355).

#### *Legislative History of Laws*

For Law 14-28, see notes following § 4-344.01.

For history of Law 19-169, see notes under § 4-114.

## **§ 4-1371.03. ESTABLISHMENT AND PURPOSE.**

(a) There is established, as part of the District of Columbia government, a Child Fatality Review Committee. Facilities and other administrative support may be provided in a specific department or through the Committee, as determined by the Mayor.

(b) The Committee shall:

(1) Identify and characterize the scope and nature of child deaths in the jurisdiction, particularly those that are violent, accidental, unexpected, or unexplained;

(2) Examine past events and circumstances surrounding child deaths by reviewing the records and other pertinent documents of public and private agencies responsible for serving families and children, investigating deaths, or treating children in an effort to reduce the number of preventable child fatalities and shall give special attention to child deaths that may have been caused by abuse, negligence, or other forms of maltreatment;

(3) Develop and revise as necessary operating rules and procedures for the review of child deaths, including identification of cases to be reviewed, coordination among the agencies and professionals involved, and improvement of the identification, data collection, and record keeping of the causes of child death;

(4) Recommend systemic improvements to promote improved and integrated public and private systems serving families and children;

(5) Recommend components for prevention and education programs; and

(6) Recommend training to improve the investigation of child deaths.

(Oct. 3, 2001, D.C. Law 14-28, § 4603, 48 DCR 6981.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Temporary Addition of Section*

For temporary (225 day) addition of section, see § 2 of Child Fatality Review Committee Establishment Temporary Act of 2001 (D.C. Law 14-20, September 6, 2001, law notification 48 DCR 9090).

##### *Emergency Act Amendments*

For temporary (90 day) addition of section, see § 3 of Child Fatality Review Committee Establishment Emergency Act of 2001 (D.C. Act 14-40, April 25, 2001, 48 DCR 5917).

For temporary (90 day) addition of section, see § 3 of Child Fatality Review Committee Establishment Legislative Review Emergency Act of 2001 (D.C. Act 14- 82, July 9, 2001, 48 DCR 6355).

##### *Legislative History of Laws*

For Law 14-20, see notes following § 4-1302.03.

##### *Delegation of Authority*

Delegation of Authority Pursuant to DC Act 14-40, the Child Fatality Review Committee Establishment Emergency Act of 2001, see Mayor's Order 2001-119, August 9, 2001 (48 DCR 7810).

## **§ 4-1371.04. COMPOSITION OF THE CHILD FATALITY REVIEW COMMITTEE.**

(a) The Mayor shall appoint a minimum of one representative from appropriate programs providing services to children within the following public agencies:

- (1) Department of Human Services;
- (2) Department of Health;
- (3) Office of the Chief Medical Examiner;
- (4) Child and Family Services Agency;
- (5) Metropolitan Police Department;
- (6) Fire and Emergency Medical Services Department,
- (7) D.C. Public Schools;
- (8) Department of Housing and Community Development; and
- (9) Office of the Corporation Counsel.

(b) The Mayor shall appoint, or request the designation of, members from federal, judicial, and private agencies and the general public who are knowledgeable in child development, maternal and child health, child abuse and neglect, prevention, intervention, treatment or research, with due consideration given to representation of ethnic or racial minorities and to geographic areas of the District of Columbia. The appointments shall include representatives from the following:

- (1) Superior Court of the District of Columbia;
- (2) Office of the United States Attorney for the District of Columbia;
- (3) District of Columbia hospitals where children are born or treated;
- (4) College or university schools of social work; and
- (5) Mayor's Committee on Child Abuse and Neglect.

(c) The Mayor, with the advice and consent of the Council, shall appoint 8 community representatives, none of whom shall be employees of the District of Columbia.

(d) Governmental appointees shall serve at the will of the Mayor, or of the federal or judicial body designating their availability for appointment. Community representatives shall serve for 3-year terms.

(e) Vacancies in membership shall be filled in the same manner in which the original appointment was made.

(f) The Committee shall select co-chairs according to rules set forth by the Committee.



(g) The Committee shall establish quorum and other procedural requirements as it considers necessary. (Oct. 3, 2001, D.C. Law 14-28, § 4604, 48 DCR 6981; Mar. 13, 2004, D.C. Law 15-105, § 36, 51 DCR 881; Apr. 13, 2005, D.C. Law 15-354, § 85(c), 52 DCR 2638.)

*HISTORICAL AND STATUTORY NOTES*

*Effect of Amendments*

D.C. Law 15-105, in subsec. (f), validated a previously made technical correction.

D.C. Law 15-354, in subsec. (f), validated a previously made technical correction.

*Temporary Addition of Section*

For temporary (225 day) addition of section, see § 2 of Child Fatality Review Committee Establishment Temporary Act of 2001 (D.C. Law 14-20, September 6, 2001, law notification 48 DCR 9090).

*Emergency Act Amendments*

For temporary (90 day) addition of section, see § 4 of Child Fatality Review Committee Establishment Emergency Act of 2001 (D.C. Act 14-40, April 25, 2001, 48 DCR 5917).

For temporary (90 day) addition of section, see § 4 of Child Fatality Review Committee Establishment Legislative Review Emergency Act of 2001 (D.C. Act 14- 82, July 9, 2001, 48 DCR 6355).

*Legislative History of Laws*

For Law 14-28, see notes following § 4-344.01.

For Law 15-105, see notes following § 4-204.08.

For Law 15-354, see notes following § 4-204.55.

## **§ 4-1371.05. CRITERIA FOR CASE REVIEW.**

(a) The Committee shall be responsible for reviewing the deaths of children who were residents of the District of Columbia and of such children who, or whose families, at the time of death:

(1) Or at any point during the 2 years prior to the child's death, were known to the juvenile justice or intellectual disability or developmental disabilities systems of the District of Columbia; and

(2) Or at any point during the 4 years prior to the child's death, were known to the child welfare system of the District of Columbia.

(b) The Committee may review the deaths of nonresidents if the death is determined to be accidental or unexpected and occurs within the District.

(c) The Committee shall establish, by regulation, the manner of review of cases, including use of the following approaches:

(1) Multidisciplinary review of individual fatalities;

(2) Multidisciplinary review of clusters of fatalities identified by special category or characteristic;

(3) Statistical reviews of fatalities; or

(4) Any combination of such approaches.

(d) The Committee shall establish 2 review teams to conduct its review of child fatalities. The Infant Mortality Review Team shall review the deaths of children under the age of one year and the Child Fatality Review Team shall review the deaths of children over the age of one year. Each team may include designated public officials with responsibilities for child and juvenile welfare from each of the agencies and entities listed in § 4-1371.04.

(e) Full multidisciplinary/multi-agency reviews shall be conducted, at a minimum, on the following fatalities:

(1) Those children known to the juvenile justice system;

(2) Those children who are known to the intellectual or developmental disabilities systems;

(3) Those children for which there is or has been a report of child abuse or neglect concerning the child's family;

(4) Those children who were under the jurisdiction of the Superior Court of the District of Columbia (including protective service, foster care, and adoption cases);

(5) Those children who, for some other reason, were wards of the District; and

(6) Medical Examiner Office cases.

(Oct. 3, 2001, D.C. Law 14-28, § 4605, 48 DCR 6981; Apr. 12, 2005, D.C. Law 15-341, § 4, 52 DCR 2315; Sept. 26, 2012, D.C. Law 19-169, § 11(b), 59 DCR 5567.)

*HISTORICAL AND STATUTORY NOTES*

*Effect of Amendments*

D.C. Law 15-341 rewrote subsec. (a) which had read as follows:

"(a) The Committee shall be responsible for reviewing the deaths of children who were residents of the District of Columbia and of such children who, or whose families, at the time of death, or at any point during the 2 years prior to the child's death, were known to the child welfare, juvenile justice, or mental retardation or developmental disabilities systems of the District of Columbia."

D.C. Law 19-169, in subsec. (a)(1), substituted "intellectual disability" for "mental retardation"; and, in subsec. (e)(2), substituted "intellectual or developmental disabilities systems" for "mental retardation/developmental disabilities system".

*Temporary Addition of Section*

For temporary (225 day) addition of section, see § 2 of Child Fatality Review Committee Establishment Temporary Act of 2001 (D.C. Law 14-20, September 6, 2001, law notification 48 DCR 9090).

*Emergency Act Amendments*

For temporary (90 day) addition of section, see § 5 of Child Fatality Review Committee Establishment Emergency Act of 2001 (D.C. Act 14-40, April 25, 2001, 48 DCR 5917).

For temporary (90 day) addition of section, see § 5 of Child Fatality Review Committee Establishment Legislative Review Emergency Act of 2001 (D.C. Act 14- 82, July 9, 2001, 48 DCR 6355).

*Legislative History of Laws*

For Law 14-28, see notes following § 4-344.01.

For Law 15-341, see notes following § 4-1303.51.

For history of Law 19-169, see notes under § 4-114.

## **§ 4-1371.06. ACCESS TO INFORMATION.**

(a) Notwithstanding any other provision of law, immediately upon the request of the Committee and as necessary to carry out the Committee's purpose and duties, the Committee shall be provided, without cost and without authorization of the persons to whom the information or records relate, access to:

(1) All information and records of any District of Columbia agency, or their contractors, including, but not limited to, birth and death certificates, law enforcement investigation data, unexpurgated juvenile and adult arrest records, intellectual and developmental disabilities records, medical examiner investigation data and autopsy reports, parole and probation information and records, school records, and information records of social services, housing, and health agencies that provided services to the child, the child's family, or an alleged perpetrator of abuse which led to the death of the child.

(2) All information and records (including information on prenatal care) of any private health-care providers located in the District of Columbia, including providers of mental health services who provided services to the deceased child, the deceased child's family, or the alleged perpetrator of abuse which led to the death of the child.

(3) All information and records of any private child welfare agency, educational facility or institution, or child care provider doing business in the District of Columbia who provided services to the deceased child, the deceased child's immediate family, or the alleged perpetrator of abuse or neglect which led to the death of the child.

(4) Information made confidential by §§ 4-1302.03, 4-1303.06, 7-219, 7-1203.02, 7-1305.12, 16-2331, 16-2332, 16-2333, 16-2335, and 31-3426.

(b) The Committee shall have the authority to seek information from entities and agencies outside the District of Columbia by any legal means.

(c) Notwithstanding subsection (a)(1) of this section, information and records concerning a current law enforcement investigation may be withheld, at the discretion of the investigating authority, if disclosure of the information would compromise a criminal investigation.

(d) If information or records are withheld under subsection (c) of this section, a report on the status of the investigation shall be submitted to the Committee every 3 months until the earliest of the following events occurs:

(1) The investigation is concluded;

(2) The investigating authority determines that providing the information will no longer compromise the investigation; or

(3) The information or records are provided to the Committee.

(e) All records and information obtained by the Committee pursuant to subsections (a) and (b) of this section pertaining to the deceased child or any other individual shall be destroyed following the preparation of the final Committee report. All additional information concerning a review, except statistical data, shall be destroyed by the Committee one year after publication of the Committee's annual report.

(Oct. 3, 2001, D.C. Law 14-28, § 4606, 48 DCR 6981; Sept. 26, 2012, D.C. Law 19-169, § 11(c), 59 DCR 5567.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Effect of Amendments*

D.C. Law 19-169, in subsec. (a)(1), substituted "intellectual" for "mental retardation".

##### *Temporary Addition of Section*

For temporary (225 day) addition of section, see § 2 of Child Fatality Review Committee Establishment Temporary Act of 2001 (D.C. Law 14-20, September 6, 2001, law notification 48 DCR 9090).

##### *Emergency Act Amendments*

For temporary (90 day) addition of section, see § 6 of Child Fatality Review Committee Establishment Emergency Act of 2001 (D.C. Act 14-40, April 25, 2001, 48 DCR 5917).

For temporary (90 day) addition of section, see § 6 of Child Fatality Review Committee Establishment Legislative Review Emergency Act of 2001 (D.C. Act 14- 82, July 9, 2001, 48 DCR 6355).

##### *Legislative History of Laws*

For Law 14-28, see notes following § 4-344.01.

For history of Law 19-169, see notes under § 4-114.

## **§ 4-1371.07. SUBPOENA POWER.**

(a) When necessary for the discharge of its duties, the Committee shall have the authority to issue subpoenas to compel witnesses to appear and testify and to produce books, papers, correspondence, memoranda, documents, or other relevant records.

(b) Except as provided in subsection (c) of this section, subpoenas shall be served personally upon the witness or his or her designated agent, not less than 5 business days before the date the witness must appear or the documents must be produced, by one of the following methods, which may be attempted concurrently or successively:

(1) By a special process server, at least 18 years of age, designated by the Committee from among the staff of the Committee or any of the offices or organizations represented on the Committee; provided, that the special process server is not directly involved in the investigation; or

(2) By a special process server, at least 18 years of age, engaged by the Committee.

(c) If, after a reasonable attempt, personal service on a witness or witness' agent cannot be obtained, a special process server identified in subsection (b) of this section may serve a subpoena by registered or certified mail not less than 8 business days before the date the witness must appear or the documents must be produced.

(d) If a witness who has been personally summoned neglects or refuses to obey the subpoena issued pursuant to subsection (a) of this section, the Committee may report that fact to the Superior Court of the District of Columbia and the court may compel obedience to the subpoena to the same extent as witnesses may be compelled to obey the subpoenas of the court.

(Oct. 3, 2001, D.C. Law 14-28, § 4607, 48 DCR 6981.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Temporary Addition of Section*

For temporary (225 day) addition of section, see § 2 of Child Fatality Review Committee Establishment Temporary Act of 2001 (D.C. Law 14-20, September 6, 2001, law notification 48 DCR 9090).

##### *Emergency Act Amendments*

For temporary (90 day) addition of section, see § 7 of Child Fatality Review Committee Establishment Emergency Act of 2001 (D.C. Act 14-40, April 25, 2001, 48 DCR 5917).

For temporary (90 day) addition of section, see § 7 of Child Fatality Review Committee Establishment Legislative Review Emergency Act of 2001 (D.C. Act 14- 82, July 9, 2001, 48 DCR 6355).

For Law 14-28, see notes following § 4-344.01.

#### **§ 4-1371.08. CONFIDENTIALITY OF PROCEEDINGS.**

(a) Proceedings of the Committee shall be closed to the public and shall not be subject to § 1-207.42, when the Committee is discussing cases of individual child deaths or where the identity of any person, other than a person who has consented to be identified, can be ascertained. Persons other than Committee members who attend any Committee meeting which, pursuant to this section, is not open to the public, shall not disclose what occurred at the meeting to anyone who was not in attendance, except insofar as disclosure is necessary for that person to comply with a request for information from the Committee. Committee members who attend meetings not open to the public shall not disclose what occurred with anyone who was not in attendance (except other Committee members), except insofar as disclosure is necessary to carry out the duties of the Committee. Any party who discloses information pursuant to this subsection shall take all reasonable steps to ensure that the information disclosed, and the person to whom the information is disclosed, are as limited as possible.

(b) Members of the Committee, persons attending a Committee meeting, and persons who present information to the Committee may not be required to disclose, in any administrative, civil, or criminal proceeding, information presented at or opinions formed as a result of a Committee meeting, except that nothing in this subsection may be construed as preventing a person from providing information to another review committee specifically authorized to obtain such information in its investigation of a child death, the disclosure of information obtained independently of the Committee, or the disclosure of information which is public information.

(c) Information identifying a deceased child, a member of the child's immediate family, the guardian or caretaker of the child, or an alleged or suspected perpetrator of abuse or neglect upon the child, may not be disclosed publicly.

(d) Information identifying District of Columbia government employees or private health-care providers, social service agencies, and educational, housing, and child-care providers may not be disclosed publicly.

(e) Information and records which are the subject of this section may be disclosed upon a determination made in accordance with rules and procedures established by the Mayor.

(Oct. 3, 2001, D.C. Law 14-28, § 4608, 48 DCR 6981.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Temporary Addition of Section*

For temporary (225 day) addition of section, see § 2 of Child Fatality Review Committee Establishment Temporary Act of 2001 (D.C. Law 14-20, September 6, 2001, law notification 48 DCR 9090).

##### *Emergency Act Amendments*

For temporary (90 day) addition of section, see § 8 of Child Fatality Review Committee Establishment Emergency Act of 2001 (D.C. Act 14-40, April 25, 2001, 48 DCR 5917).

For temporary (90 day) addition of section, see § 8 of Child Fatality Review Committee Establishment Legislative Review Emergency Act of 2001 (D.C. Act 14- 82, July 9, 2001, 48 DCR 6355).

#### *Legislative History of Laws*

For Law 14-28, see notes following § 4-344.01.

#### **§ 4-1371.09. CONFIDENTIALITY OF INFORMATION.**

(a) All information and records generated by the Committee, including statistical compilations and reports, and all information and records acquired by, and in the possession of, the Committee are confidential.

(b) Except as permitted by this section, information and records of the Committee shall not be disclosed voluntarily, pursuant to a subpoena, in response to a request for discovery in any adjudicative proceeding, or in response to a request made under subchapter II of Chapter 5 of Title 2, nor shall it be introduced into evidence in any administrative, civil, or criminal proceeding.

(c) Committee information and records may be disclosed only as necessary to carry out the Committee's duties and purposes. The information and records may be disclosed by the Committee to another child fatality review committee if the other committee is governed by confidentiality provisions which afford the same or greater protections as those provided in this subchapter.

(d) Information and records presented to a Committee team during a child fatality review shall not be immune from subpoena or discovery, or prohibited from being introduced into evidence, solely because

the information and records were presented to a team during a child death review, if the information and records have been obtained through other sources.

(e) Statistical compilations and reports of the Committee that contain information that would reveal the identity of any person, other than a person who has consented to be identified, are not public records or information, and are subject to the prohibitions contained in subsection (a) of this section.

(f) The Committee shall compile an Annual Report of Findings and Recommendations which shall be made available to the Mayor, the Council, and the public, and shall be presented to the Council at a public hearing.

(g) Findings and recommendations on child fatalities defined in § 4- 1371.05(e) shall be available to the public on request.

(h) At the direction of the Mayor and for good cause, special findings and recommendations pertaining to other specific child fatalities may be disclosed to the public.

(i) Nothing shall be disclosed in any report of findings and recommendations that would likely endanger the life, safety, or physical or emotional well-being of a child, or the life or safety of any other person, or which may compromise the integrity of a Mayor's investigation, a civil or criminal investigation, or a judicial proceeding.

(j) If the Mayor or the Committee denies access to specific information based on this section, the requesting entity may seek disclosure of the information through the Superior Court of the District of Columbia. The name or any other information identifying the person or entity who referred the child to the Department of Human Services or the Metropolitan Police Department shall not be released to the public.

(k) The Mayor shall promulgate rules implementing the provisions of §§ 4- 1371.07 and 4-1371.08. The rules shall require that a subordinate agency director to whom a recommendation is directed by the Committee shall respond in writing within 30 days of the issuance of the report containing the recommendations.

(l) The policy recommendations to a particular agency authorized by this section shall be incorporated into the annual performance plans and reports required by subchapter XIV-A of Chapter 6 of Title 1.

(Oct. 3, 2001, D.C. Law 14-28, § 4609, 48 DCR 6981.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Temporary Addition of Section*

For temporary (225 day) addition of section, see § 2 of Child Fatality Review Committee Establishment Temporary Act of 2001 (D.C. Law 14-20, September 6, 2001, law notification 48 DCR 9090).

##### *Emergency Act Amendments*

For temporary (90 day) addition of section, see § 9 of Child Fatality Review Committee Establishment Emergency Act of 2001 (D.C. Act 14-40, April 25, 2001, 48 DCR 5917).

For temporary (90 day) addition of section, see § 9 of Child Fatality Review Committee Establishment Legislative Review Emergency Act of 2001 (D.C. Act 14- 82, July 9, 2001, 48 DCR 6355).

##### *Legislative History of Laws*

For Law 14-28, see notes following § 4-344.01.

## **§ 4-1371.10. IMMUNITY FROM LIABILITY FOR PROVIDING INFORMATION TO COMMITTEE.**

Any health-care provider or any other person or institution providing information to the Committee pursuant to this subchapter shall have immunity from liability, administrative, civil, or criminal, that might otherwise be incurred or imposed with respect to the disclosure of the information.

(Oct. 3, 2001, D.C. Law 14-28, § 4610, 48 DCR 6981.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Temporary Addition of Section*

For temporary (225 day) addition of section, see § 2 of Child Fatality Review Committee Establishment Temporary Act of 2001 (D.C. Law 14-20, September 6, 2001, law notification 48 DCR 9090).

##### *Emergency Act Amendments*

For temporary (90 day) addition of section, see § 10 of Child Fatality Review Committee Establishment Emergency Act of 2001 (D.C. Act 14-40, April 25, 2001, 48 DCR 5917).

For temporary (90 day) addition of section, see § 10 of Child Fatality Review Committee Establishment

Legislative Review Emergency Act of 2001 (D.C. Act 14- 82, July 9, 2001, 48 DCR 6355).

*Legislative History of Laws*

For Law 14-28, see notes following § 4-344.01.

**§ 4-1371.11. UNLAWFUL DISCLOSURE OF INFORMATION; PENALTIES.**

Whoever discloses, receives, makes use of, or knowingly permits the use of information concerning a deceased child or other person in violation of this subchapter shall be subject to a fine of not more than \$1,000. Violations of this subchapter shall be prosecuted by the Corporation Counsel or his or her designee in the name of the District of Columbia. Subject to the availability of an appropriation for this purpose, any fines collected pursuant to this section shall be used by the Committee to fund its activities.

(Oct. 3, 2001, D.C. Law 14-28, § 4611, 48 DCR 6981.)

*HISTORICAL AND STATUTORY NOTES*

*Temporary Addition of Section*

For temporary (225 day) addition of section, see § 2 of Child Fatality Review Committee Establishment Temporary Act of 2001 (D.C. Law 14-20, September 6, 2001, law notification 48 DCR 9090).

*Emergency Act Amendments*

For temporary (90 day) addition of section, see § 11 of Child Fatality Review Committee Establishment Emergency Act of 2001 (D.C. Act 14-40, April 25, 2001, 48 DCR 5917).

For temporary (90 day) addition of section, see § 11 of Child Fatality Review Committee Establishment Legislative Review Emergency Act of 2001 (D.C. Act 14- 82, July 9, 2001, 48 DCR 6355).

*Legislative History of Laws*

For Law 14-28, see notes following § 4-344.01.

**§ 4-1371.12. PERSONS REQUIRED TO MAKE REPORTS; PROCEDURE.**

(a) Notwithstanding, but in addition to, the provisions of any law, including § 14-307 and Chapter 12 of Title 7, any person or official specified in subsection (b) of this section who has knowledge of the death of a child who died in the District of Columbia, or a ward of the District of Columbia who died outside the District of Columbia, shall as soon as practicable but in any event within 5 business days report the death or cause to have a report of the death made to the Registrar of Vital Records.

(b) Persons required to report child deaths pursuant to subsection (a) of this section shall include every physician, psychologist, medical examiner, dentist, chiropractor, qualified developmental disability professional, registered nurse, licensed practical nurse, person involved in the care and treatment of patients, health professional licensed pursuant to Chapter 12 of Title 3, law-enforcement officer, school official, teacher, social service worker, day care worker, mental health professional, funeral director, undertaker, and embalmer. The Mayor shall issue rules and procedures governing the nature and contents of such reports.

(c) Any other person may report a child death to the Registrar of Vital Records.

(d) The Registrar of Vital Records shall accept the report of a death of a child and shall notify the Committee of the death within 5 business days of receiving the report.

(e) Nothing in this section shall affect other reporting requirements under District law.

(Oct. 3, 2001, D.C. Law 14-28, § 4612, 48 DCR 6981; Sept. 26, 2012, D.C. Law 19-169, § 11(d), 59 DCR 5567.)

*HISTORICAL AND STATUTORY NOTES*

*Effect of Amendments*

D.C. Law 19-169, in subsec. (b), substituted "developmental disability" for "mental retardation".

*Temporary Addition of Section*

For temporary (225 day) addition of section, see § 2 of Child Fatality Review Committee Establishment Temporary Act of 2001 (D.C. Law 14-20, September 6, 2001, law notification 48 DCR 9090).

*Emergency Act Amendments*

For temporary (90 day) addition of section, see § 12 of Child Fatality Review Committee Establishment Emergency Act of 2001 (D.C. Act 14-40, April 25, 2001, 48 DCR 5917).

For temporary (90 day) addition of section, see § 12 of Child Fatality Review Committee Establishment Legislative Review Emergency Act of 2001 (D.C. Act 14- 82, July 9, 2001, 48 DCR 6355).

*Legislative History of Laws*

For Law 14-28, see notes following § 4-344.01.

For history of Law 19-169, see notes under § 4-114.

### **§ 4-1371.13. IMMUNITY FROM LIABILITY FOR MAKING REPORTS.**

Any person, hospital, or institution participating in good faith in the making of a report pursuant to this subchapter shall have immunity from liability, administrative, civil, and criminal, that might otherwise be incurred or imposed with respect to the making of the report. The same immunity shall extend to participation in any judicial proceeding involving the report. In all administrative, civil, or criminal proceedings concerning the child or resulting from the report, there shall be a rebuttable presumption that the maker of the report acted in good faith.

(Oct. 3, 2001, D.C. Law 14-28, § 4613, 48 DCR 6981.)

*HISTORICAL AND STATUTORY NOTES*

*Temporary Addition of Section*

For temporary (225 day) addition of section, see § 2 of Child Fatality Review Committee Establishment Temporary Act of 2001 (D.C. Law 14-20, September 6, 2001, law notification 48 DCR 9090).

*Emergency Act Amendments*

For temporary (90 day) addition of section, see § 13 of Child Fatality Review Committee Establishment Emergency Act of 2001 (D.C. Act 14-40, April 25, 2001, 48 DCR 5917).

For temporary (90 day) addition of section, see § 13 of Child Fatality Review Committee Establishment Legislative Review Emergency Act of 2001 (D.C. Act 14- 82, July 9, 2001, 48 DCR 6355).

*Legislative History of Laws*

For Law 14-28, see notes following § 4-344.01.

### **§ 4-1371.14. FAILURE TO MAKE REPORT.**

Any person required to make a report under § 4-1371.12 who willfully fails to make the report shall be fined not more than \$100 or imprisoned for not more than 30 days, or both. Violations of § 4-1371.12 shall be prosecuted by the Corporation Counsel of the District of Columbia, or his or her agent, in the name of the District of Columbia.

(Oct. 3, 2001, D.C. Law 14-28, § 4614, 48 DCR 6981.)

*HISTORICAL AND STATUTORY NOTES*

*Temporary Addition of Section*

For temporary (225 day) addition of section, see § 2 of Child Fatality Review Committee Establishment Temporary Act of 2001 (D.C. Law 14-20, September 6, 2001, law notification 48 DCR 9090).

*Emergency Act Amendments*

For temporary (90 day) addition of section, see § 14 of Child Fatality Review Committee Establishment Emergency Act of 2001 (D.C. Act 14-40, April 25, 2001, 48 DCR 5917).

For temporary (90 day) addition of section, see § 14 of Child Fatality Review Committee Establishment Legislative Review Emergency Act of 2001 (D.C. Act 14- 82, July 9, 2001, 48 DCR 6355).

*Legislative History of Laws*

For Law 14-28, see notes following § 4-344.01.