

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

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

**CHAPTER 3.**  
**ADOPTION PROGRAMS.**

**2001 Edition**

# DISTRICT OF COLUMBIA OFFICIAL CODE

## CHAPTER 3. ADOPTION PROGRAMS.

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### TABLE OF CONTENTS

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#### **Subchapter I. General.**

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- § 4-301. Adoption subsidy payments.
- § 4-302. Powers of Mayor regarding custody, placement and adoption of dependent children.

#### **Subchapter II. Interstate Compact on Adoption and Medical Assistance.**

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- § 4-321. Definitions.
- § 4-322. Findings.
- § 4-323. Purposes.
- § 4-324. Medical assistance.
- § 4-325. Compacts authorized.
- § 4-326. Contents of compacts.
- § 4-327. Optional contents of compacts.
- § 4-328. Federal participation.

#### **Subchapter III. Incentive Program and Special Funds.**

---

- § 4-341. Legislative findings.
- § 4-342. Definitions.
- § 4-343. Establishment of the Adoption Incentive Program; purpose.
- § 4-344. Establishment of the Adoption Voucher Fund.
- § 4-344.01. Establishment of the Adoption Support Fund.
- § 4-345. Benefits.
- § 4-346. Administration of the Adoption Incentive Program and the Adoption Voucher Fund.

#### **Subchapter IV. Post-Adoption Contact Agreements.**

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- § 4-361. Post-adoption contact agreement.

# **CHAPTER 3. ADOPTION PROGRAMS.**

## **SUBCHAPTER I. GENERAL.**

### **§ 4-301. ADOPTION SUBSIDY PAYMENTS.**

(a) Except as provided in subsection (f) of this section, the Mayor may conclude arrangements with persons or institutions at such rates as may be agreed upon.

(b)(1) The Mayor may make adoption subsidy payments to an adoptive family (irrespective of the state of residence of the family), as needed, on behalf of a child with special needs, where such child would in all likelihood go without adoption except for the acceptance of the child as a member of the adoptive family, and where the adoptive family has the capability of providing the permanent family relationships needed by such child in all areas except financial, as determined by the Mayor. Subsidy payments may be made under this section only pursuant to a subsidy payment agreement entered into by the Mayor and the adoptive parents concerned prior to completion of the adoptive process, but subsidy payments may be made before such adoption becomes final.

(2) For the purposes of this subsection:

(A) The term "child with special needs" includes any child who is difficult to place in adoption because of age, race, or ethnic background, physical or mental condition, or membership in a sibling group which should be placed together. A child for whom an adoptive placement has not been made within 6 months after he is legally available for adoptive placement shall be considered a child with special needs within the meaning of this section.

(B) The term "adoptive family" includes single persons.

(c) Any public agency or licensed child-placing agency, having a child with special needs in foster care or institutional care, or any foster parent having such a child in his home may recommend to the Mayor a subsidy for the adoption of such child, and may include in the recommendation advice as to the appropriate level of payments and any other information likely to assist the Mayor in carrying out the provisions of this section. The Mayor shall make the determination as to whether or not an appropriate adoptive home exists for the child, but in so doing the Mayor shall refer to the recommendations of the referring agency. If the Mayor concludes that the child referred is a child with special needs within the meaning of this section, and that an appropriate adoptive home exists for the child, the Mayor is authorized to enter into a tentative adoption subsidy agreement with the prospective adoptive family, and upon entering into such an agreement, the Mayor may accept a transfer of relinquishment of parental rights from the referring agency pursuant to § 4- 1406.

(d) If a child in the custody of the Mayor or a licensed child-placing agency has been in foster care or institutional care for at least 6 months after the child is considered legally available for adoptive placement, the Mayor or agency shall inform the family or institution providing care of the possibility of financial aid for adoption under this section. If the family caring for the prospective adoptee applies to the Mayor for adoption of the child, and if it appears to the Mayor after study that the family would be an appropriate adoptive family for the child but for the family's economic inability to meet the child's needs, the Mayor shall enter into a tentative agreement with the family concerning the amount and duration of a proposed subsidy in the event the child is placed for adoption with that family. Thereafter the Mayor may accept a transfer of relinquishment of parental rights from the referring agency in appropriate cases. The Mayor shall in all cases take all steps necessary to assist the family in completing the legal and procedural requirements necessary to effectuate the adoption, including payment for legal fees and court costs.

(e)(1) The amount and duration of adoption subsidy payments may vary according to the special needs of the child, and may include maintenance costs, medical, dental, and surgical expenses, psychiatric and psychological expenses, and other costs necessary for his care and well-being. A subsidy may be paid on a long-term basis to help a family whose income is limited and is likely to remain so; on a time-limited basis to help a family meet the cost of integrating a child into the family over a specified period of time; or on a special services basis to help a family meet a specific anticipated expense or expenses when no other resource appears to be available. Except as provided in paragraph (2) of this subsection, eligibility for payments shall continue until the child reaches 18 years of age.

(2) For adoptions that are finalized on or after May 7, 2010, eligibility for payments shall continue until the child reaches 21 years of age.

(f)(1) A child who was eligible for adoption assistance payments under this section during an initial adoption, which occurred on or after October 1, 1997, is eligible for the subsidy in a subsequent adoption if the initial adoption was disrupted because:

- (A) The parental rights of the adoptive parents have been terminated or relinquished; or
- (B) The adoptive parents have died.

(2) The Mayor is authorized to make payments under this section from appropriations for the care of children in foster homes and institutions, and to seek and accept funds from other sources including federal, private, and other public funding sources, to carry out the purposes of this section. The amount expended by the Mayor for any subsidy may not exceed the highest amount the Mayor would be authorized to spend in providing or securing support and special services for the child if a child were in the legal custody or guardianship of the Mayor.

(3) There are authorized to be appropriated such sums as are necessary to carry out the purposes of this section.

(g) No adoption subsidy payment shall be made on behalf of any child with respect to whom an adoption decree has been entered by the Superior Court of the District of Columbia, pursuant to Chapter 3 of Title 16, prior to April 2, 1974.

(h) Once during each calendar year the Mayor shall review the need for continuing each family's subsidy. At the time of such review and at other times during the year when changed conditions, including variations in medical opinions, prognosis, and costs are deemed by the Mayor to warrant such action, appropriate adjustments in payments shall be made based upon changes in the needs of the child. Any parent who is a party to a subsidy agreement may at any time in writing request, for reasons set forth in the request, a review of the amount of any payment or the level of continuing payments. Such review shall be begun not later than 30 days from the receipt of the request. Any adjustment may be made retroactive to the date the request was received by the Mayor. If the request is not acted on within 30 days after it has been received by the Mayor, or if the Mayor modifies or terminates an agreement without the concurrence of all parties, any party to the agreement shall be entitled to a hearing under the applicable provisions of subchapter I of Chapter 5 of Title 2.

(i)(1) The Mayor shall keep such records as are necessary to evaluate the effectiveness of adoption subsidy as a means of encouraging and promoting the adoption of children with special needs. The Mayor shall make an annual progress report which shall be open to public inspection. The report shall include, but not be limited to:

- (A) The number of children placed in adoptive homes under subsidy agreements during the year preceding the annual report and the major characteristics of the children placed; and
- (B) The number of children currently in foster care with the Mayor for 6 months or more, and the legal status of those children.

(2) The Mayor shall disseminate information to prospective adoptive families as to the availability of adoptable children and of the existence of aid to families who qualify for a subsidy under this section.

(j) All rules and regulations adopted by the Mayor pursuant to §§ 4-116, 4-117, 4-301 and 4-302 shall be published in the District of Columbia Register as required by § 2-505.

(July 26, 1892, 27 Stat. 269, ch. 250, § 3; Jan. 2, 1974, 87 Stat. 1058, Pub. L. 93-241, § 1(a)(2); June 27, 2000, D.C. Law 13-136, § 101, 47 DCR 2850; Sept. 24, 2010, D.C. Law 18-230, § 501, 57 DCR 6951.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 3-115.

1973 Ed., § 3-115.

##### *Effect of Amendments*

D.C. Law 13-136 rewrote subsec. (f), which formerly read:

"The Mayor is authorized to make payments under this section from appropriations for the care of children in foster homes and institutions, and to seek and accept funds from other sources including federal, private, and other public funding sources, to carry out the purposes of this section. The amount expended by the Mayor for any subsidy may not exceed the highest amount the Mayor would be authorized to spend in providing or securing support and special services for the child if the child were in the legal custody of the Mayor. There are authorized to be appropriated such sums as are necessary to carry out the purposes of this section."

D.C. Law 18-230, in subsec. (e), designated the existing text as par. (1); in subsec. (e)(1), substituted "Except as provided in paragraph (2) of this subsection, eligibility for payments" for "Eligibility for payments"; and added subsec. (e)(2).

#### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 101 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 18-208, in subsec. (e), designated the existing text as par. (1); in subsec. (e)(1), substituted "Except as provided in paragraph (2) of this subsection, eligibility for payments" for "Eligibility for payments"; and added subsec. (e)(2) to read as follows:

"(2) For adoptions that are finalized on or after the effective date of the Adoption and Guardianship Subsidy Emergency Amendment Act of 2010, passed on emergency basis on April 20, 2010 (Enrolled version of Bill 18-759), eligibility for payments shall continue until the child reaches 21 years of age."

Section 5(b) of D.C. Law 18-208 provides that the act shall expire after 225 days of its having taken effect.

#### *Emergency Act Amendments*

For temporary amendment of section, see § 101 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 § 101 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 § 101 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 § 101 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 Adoption and Guardianship Subsidy Emergency Amendment Act of 2010 (D.C. Act 18-393, May 7, 2010, 57 DCR 4346).

#### *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.

Law 18-230, the "Adoption Reform Act of 2010", was introduced in Council and assigned Bill No. 18-547, 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 12, 2010, it was assigned Act No. 18-547 and transmitted to both Houses of Congress for its review. D.C. Law 18-230 became effective on September 24, 2010.

#### *Change in Government*

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

### **§ 4-302. POWERS OF MAYOR REGARDING CUSTODY, PLACEMENT AND ADOPTION OF DEPENDENT CHILDREN.**

The Mayor may:

- (1) Accept for care, custody, and guardianship dependent or neglected children whose custody or parental control has been transferred to the Mayor, and to provide for the care and support of such children during their minority or during the term of their commitment, including the initiation of adoption proceedings and the provision of subsidy in appropriate cases under § 4-301;
- (2) With respect to all children accepted by him for care, place them in private families either without expense or with reimbursement for the cost of care, or in appropriate cases to place them in private families under an adoption subsidy agreement concluded under § 4-301 or to place them in institutions willing to receive them either without expense or with reimbursement for the cost of care; and
- (3) Consent to, arrange for, or initiate court proceedings for the adoption of all children committed to

the care of the Mayor whose parents have been permanently deprived of custody by court order, or whose parents have relinquished a child to the Mayor or to a licensed child-placing agency which has transferred the relinquishment to the Mayor under § 4-1406.

(July 26, 1892, 27 Stat. 269, ch. 250, § 5; Mar. 19, 1906, 34 Stat. 73, ch. 960, § 8; Mar. 16, 1926, 44 Stat. 210, ch. 58, § 11; Jan. 12, 1942, 55 Stat. 883, ch. 649, § 3; Jan. 2, 1974, 87 Stat. 1060, Pub. L. 93-241, § 1(b).)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 3-117.

1973 Ed., § 3-117.

##### *Change in Government*

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

## **SUBCHAPTER II. INTERSTATE COMPACT ON ADOPTION AND MEDICAL ASSISTANCE.**

### **§ 4-321. DEFINITIONS.**

As used in this subchapter, unless the context otherwise requires:

- (1) "Adoption assistance state" means the state that is signatory to an adoption assistance agreement in a particular case.
- (2) "Department" means the District of Columbia Department of Human Services.
- (3) "Residence state" means the state where the child is living.
- (4) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, or a Territory or Possession of or administered by the United States.

(June 27, 2000, D.C. Law 13-136, § 401, 47 DCR 2850.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *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.

##### *Complementary Legislation*

Ala.—Code 1975, §§ 26-10B-1 to 26-10B-10.

Ark.—A.C.A. § 9-29-301.

Colo.—West's C.R.S.A. §§ 24-60-2401 to 24-60-2405.

Conn.—C.G.S.A. § 17a-116d.

Del.—31 Del.C. §§ 5401 to 5406.

D.C.—D.C. Official Code, 2001 Ed. §§ 4-321 to 4-328.

Fla.—West's F.S.A. §§ 409.406, 409.407.

Hawaii—H R S §§ 350C-1 to 350C-7.

Idaho—I.C. §§ 39-7501 to 39-7505.

Ill.--S.H.A. 45 ILCS 17/5-1 to 17/5-99.  
 Ind.--West's A.I.C. 31-19-29-1 to 31-19-29-6.  
 Iowa--I.C.A. § 600.23.  
 Kan.--K.S.A. 38-335 to 38-340.  
 La.--LSA-Ch.C. arts. 1601 to 1607.  
 Maine--22 M.R.S.A. §§ 4171 to 4176.  
 Md.--Code, Family Law, §§ 5-4A-01 to 5-4A-08.  
 Miss.--Code 1972, §§ 93-17-101 to 93-17-109.  
 Mo.--V.A.M.S. §§ 453.500, 453.503.  
 Nev.--N.R.S. 127.400 to 127.420.  
 N.H.--RSA 126-D:1 to 126-D:7.  
 N.M.--NMSA 1978, §§ 40-7B-1 to 40-7B-6.  
 N.C.--G.S. §§ 7B-3900 to 7B-3906.  
 N.D.--NDCC 50-28-01 to 50-28-05.  
 Okl.--10 Okl.St.Ann. §§ 7510-3.1 to 7510-3.3.  
 Ore.--ORS 417.090 to 417.105.  
 R.I.--Gen.Laws. 1956, §§ 15-7.1-1 to 15-7.1-4.  
 S.C.--Code 1976, §§ 63-9-2000 to 63-9-2050.  
 Tenn.--T.C.A. §§ 36-1-201 to 36-1-206.  
 Tex.--V.T.C.A., Family Code §§ 162.201 to 162.206.  
 U.S.--42 U.S.C.A. § 670 et seq.  
 Va.--Code 1950, §§ 63.2-1401 to 63.2-1405.  
 W.Va.--Code, 49-2C-1 to 49-2C-4.

## **§ 4-322. FINDINGS.**

The Council of the District of Columbia finds that:

- (1) Finding adoptive families for children, for whom state assistance is desirable pursuant § 4-301, and assuring the protection of the interests of children affected during the entire assistance period, require special measures when the adoptive parents move to other states or are residents of another state.
- (2) Provision of medical and other necessary services for children, with state assistance, encounters special difficulties when the provision of services takes place in other states.

(June 27, 2000, D.C. Law 13-136, § 402, 47 DCR 2850.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Legislative History of Laws*

For D.C. Law 13-136, see notes following § 4-321.

## **§ 4-323. PURPOSES.**

The purposes of this subchapter are to:

- (1) Provide procedures for interstate children's adoption assistance payments, including medical payments; and
- (2) Authorize the Mayor to enter into interstate agreements with agencies of other states for the protection of children on behalf of whom adoption assistance is being provided by the District.

(June 27, 2000, D.C. Law 13-136, § 403, 47 DCR 2850.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Legislative History of Laws*

For D.C. Law 13-136, see notes following § 4-321.

## **§ 4-324. MEDICAL ASSISTANCE.**

(a) A child with special needs who is resident in the District and who is the subject of an adoption assistance agreement with another state shall be entitled to receive a medical assistance identification from the District upon the filing with the Department of a certified copy of the adoption assistance agreement obtained from the adoption assistance state. In accordance with regulations of the Department, the adoptive parents shall be required at least annually to show that the agreement is still in force or has been renewed.

(b) The Department shall consider the holder of a medical assistance identification pursuant to this section as any other holder of a medical assistance identification under the laws of the District and shall process and make payment on claims on account of such holder in the same manner and pursuant to the same conditions and procedures as for other recipients of medical assistance.

(c)(1) The Department shall provide coverage and benefits for a child who is in another state and who is covered by an adoption assistance agreement made by the Department for the coverage or benefits, if any, not provided by the residence state. To this end, the adoptive parents acting for the child may submit evidence of payment for services or benefit amounts not payable in the residence state and shall be reimbursed therefore. However, there shall be no reimbursement for services or benefit amounts covered under any insurance or other third party medical contract or arrangement held by the child or the adoptive parents.

(2) The additional coverage and benefit amounts provided pursuant to this subsection shall be for the cost of services for which there is no federal contribution, or which, if federally aided, are not provided by the residence state.

(3) The Mayor shall make regulations implementing this subsection. The regulations shall include procedures to be followed in obtaining prior approvals for services in those instances where required for the assistance.

(d) The submission of any claim for payment or reimbursement for services or benefits pursuant to this section or the making of any statement in connection therewith, which claim or statement the maker knows or should know to be false, misleading or fraudulent shall be punishable as perjury and shall also be subject to a fine not to exceed \$10,000 or imprisonment for not to exceed 30 days, or both. A violation of this subsection shall be prosecuted by the Corporation Counsel of the District of Columbia.

(e) The provisions of this section shall apply only to medical assistance for children under adoption assistance agreements from states that have entered into a compact with the District under which the other state provided medical assistance to children with special needs under adoption assistance agreements made by the District. All other children entitled to medical assistance pursuant to adoption assistance agreements entered into by the District shall be eligible to receive it in accordance with the laws and procedures applicable thereto.

(June 27, 2000, D.C. Law 13-136, § 404, 47 DCR 2850.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 4(c) of Adoption and Safe Families Compliance Temporary Amendment Act of 2000 (D.C. Law 13-193, October 21, 2000, law notification 47 DCR 8983).

#### *Emergency Act Amendments*

For temporary (90-day) amendment of section, see § 4(c) of the Adoption and Safe Families Compliance Emergency Amendment Act of 1999 (D.C. Act 13-383, July 24, 2000, 47 DCR 6700).

For temporary (90 day) amendment of section, see § 4(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 § 4(c) 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 D.C. Law 13-136, see notes following § 4-321.

## **§ 4-325. COMPACTS AUTHORIZED.**

The Mayor is authorized to develop, participate in the development of, negotiate, and enter into one or more interstate compacts on behalf of the District with other states to protect children on behalf of whom adoption assistance is being provided by the District and to provide procedures for interstate children's



adoption assistance payments, including medical payments. When so entered into, and for so long as it shall remain in force, the compact shall have the force and effect of law.

(June 27, 2000, D.C. Law 13-136, § 405, 47 DCR 2850.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For D.C. Law 13-136, see notes following § 4-321.

## **§ 4-326. CONTENTS OF COMPACTS.**

A compact entered into pursuant to the authority conferred by this subchapter shall have the following content:

- (1) A provision making it available for joinder by all states.
- (2) A provision or provisions for withdrawal from the compact upon written notice to the parties, but with a period of one year between the date of the notice and the effective date of the withdrawal.
- (3) A requirement that the protections afforded by or pursuant to the compact continue in force for the duration of the adoption assistance and be applicable to all children and their adoptive parents who on the effective date of the withdrawal are receiving adoption assistance from a party state other than the one in which they are resident and have their principal place of abode.
- (4) A requirement that each instance of adoption assistance to which the compact applies be covered by an adoption assistance agreement in writing between the adoptive parents and the state child welfare agency of the state which undertakes to provide the adoption assistance, and further, that any such agreement be expressly for the benefit of the adopted child and enforceable by the adoptive parents, and the state agency providing the adoption assistance.
- (5) Such other provisions as may be appropriate to implement the proper administration of the compact.

(June 27, 2000, D.C. Law 13-136, § 406, 47 DCR 2850.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For D.C. Law 13-136, see notes following § 4-321.

## **§ 4-327. OPTIONAL CONTENTS OF COMPACTS.**

A compact entered into pursuant to this subchapter may contain the following provisions in addition to those required pursuant to § 4-326.

- (1) Provisions establishing procedures for and entitlement to medical and other necessary social services for the child in accordance with applicable laws, even though the child and the adoptive parents are in a state other than the one responsible for or providing the services or the funds to defray part or all of the costs thereof; and
- (2) Any other provisions as may be appropriate or incidental to the proper administration of the compact.

(June 27, 2000, D.C. Law 13-136, § 407, 47 DCR 2850.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For D.C. Law 13-136, see notes following § 4-321.

## **§ 4-328. FEDERAL PARTICIPATION.**

Consistent with federal law, the Department, in connection with the administration of this subchapter and any compact pursuant hereto, shall include in any state plan made pursuant to the Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272), Titles IV(E) and XIX of the Social Security Act, and any other applicable federal laws, the provision of adoption assistance and medical assistance for which the federal government pays some or all of the cost. The Department shall apply for and administer all relevant federal aid in accordance with law.

(June 27, 2000, D.C. Law 13-136, § 408, 47 DCR 2850.)

For D.C. Law 13-136, see notes following § 4-321.

## **SUBCHAPTER III. INCENTIVE PROGRAM AND SPECIAL FUNDS.**

### **§ 4-341. LEGISLATIVE FINDINGS.**

(a) The long term needs of District of Columbia children who are in foster care are not being served. Although the Adoption and Safe Families Amendment Act of 2000 shortens the time in which children may remain in foster care, many of these children require additional assistance in order to be adopted.

(b) The financial costs associated with maintaining the 3,000 foster children are high. In addition to the monthly payments to foster parents, the Child and Family Services Agency must supervise and staff each case, the Superior Court of the District of Columbia must pay attorneys and judges to review each case, and the Office of Corporation Counsel must staff and review each case.

(c) Even more critical are the tragic human costs associated with allowing children to languish in foster care. The most recent study on the fate of foster children who "age out" of the child welfare system without finding a permanent home found that 12 to 18 months after they left foster care, just half were employed, one-third were receiving public assistance, one-fifth of the girls had given birth, and more than one-quarter of the boys had been incarcerated.

(d) Many of the children in foster care have foster parents desirous of adopting them but are unable to do so because of the costs associated with adoption.

(e) Providing these foster parents with a one-time financial assistance package in the form of vouchers would facilitate adoptions. Financial assistance would consist of vouchers to cover the costs of the necessary homestudies, compilation of information on the foster children's backgrounds and special needs, and attorneys' fees.

(f) The Congress has appropriated, in the District of Columbia Appropriations Act, 2000, approved November 29, 1999 (Pub. L. No. 106-113; 113 Stat. 1501), a \$5 million payment, to remain available until September 30, 2001, to the District of Columbia to create incentives to promote the adoption of children in the District's foster care system.

(Oct. 19, 2000, D.C. Law 13-172, § 3802, 47 DCR 6308.)

HISTORICAL AND STATUTORY NOTES

*Emergency Act Amendments*

For temporary (90-day) addition of section, see § 3802 of the Fiscal Year 2001 Budget Support Emergency Act of 2000 (D.C. Act 13-376, July 24, 2000, 47 DCR 6574).

For temporary (90-day) addition of section, see § 3802 of the Fiscal Year 2001 Budget Support Emergency Act of 2000 (D.C. Act 13-376, July 24, 2000, 47 DCR 6574).

For temporary (90-day) addition of section, see § 3802 of the Fiscal Year 2001 Budget Support Emergency Act of 2000 (D.C. Act 13-376, July 24, 2000, 47 DCR 6574).

For temporary (90 day) amendment of section, see §§ 3802 to 3807 of the Fiscal Year 2001 Budget Support Congressional Review Emergency Act of 2000 (D.C. Act 13-438, October 20, 2000, 47 DCR 8740).

*Legislative History of Laws*

For D.C. Law 13-172, see notes following § 4-501.

### **§ 4-342. DEFINITIONS.**

For the purpose of this subchapter, the term:

(1) "Attorneys' fees" means the legal costs and expenses which are directly related to the adoption of a foster child or foster children.

(2) "Foster care" means 24 hour substitute care for children placed away from their parents or guardians for whom the Child and Family Services Agency has placement care and responsibility.

(3) "Foster child" and "foster children" mean a child, or children, who comes under the jurisdiction of the Superior Court of the District of Columbia pursuant to § 16-2320 or whose parents' rights have been relinquished pursuant to § 4-1406.

- (4) "Foster parent" means an individual with whom a foster child is legally placed.
- (5) "Homestudy" means the "investigation, report and recommendation" required by § 16-307.
- (6) "Related sibling group" means a group of siblings with at least one parent in common, residing together in the home of a foster parent.

(Oct. 19, 2000, D.C. Law 13-172, § 3803, 47 DCR 6308.)

*HISTORICAL AND STATUTORY NOTES*

*Emergency Act Amendments*

For temporary (90-day) addition of section, see § 3803 of the Fiscal Year 2001 Budget Support Emergency Act of 2000 (D.C. Act 13-376, July 24, 2000, 47 DCR 6574).

For temporary (90 day) amendment of section, see §§ 3802 to 3807 of the Fiscal Year 2001 Budget Support Congressional Review Emergency Act of 2000 (D.C. Act 13-438, October 20, 2000, 47 DCR 8740).

*Legislative History of Laws*

For D.C. Law 13-172, see notes following § 4-341.

#### **§ 4-343. ESTABLISHMENT OF THE ADOPTION INCENTIVE PROGRAM; PURPOSE.**

There is established the Adoption Incentive Program ("Program"). The purpose of the Program is to provide foster parents with access to a one-time financial assistance package to assist them with the expenses associated with attorneys' fees and the homestudy relating to the adoption of a foster child, subject to the availability of funds in the Adoption Voucher Fund.

(Oct. 19, 2000, D.C. Law 13-172, § 3804, 47 DCR 6308.)

*HISTORICAL AND STATUTORY NOTES*

*Emergency Act Amendments*

For temporary (90-day) addition of section, see § 3804 of the Fiscal Year 2001 Budget Support Emergency Act of 2000 (D.C. Act 13-376, July 24, 2000, 47 DCR 6574).

For temporary (90 day) amendment of section, see §§ 3802 to 3807 of the Fiscal Year 2001 Budget Support Congressional Review Emergency Act of 2000 (D.C. Act 13-438, October 20, 2000, 47 DCR 8740).

*Legislative History of Laws*

For D.C. Law 13-172, see notes following § 4-341.

#### **§ 4-344. ESTABLISHMENT OF THE ADOPTION VOUCHER FUND.**

(a) There is established the Adoption Voucher Fund ("Fund"). The Fund shall be comprised of \$2 million of the \$5 million appropriated in the District of Columbia Appropriations Act, 2000, approved November 29, 1999 (Pub. L. No. 106-113; 113 Stat. 1501), and additional funds in their entirety which Congress may appropriate from time to time for the purpose of providing incentives for foster parents to adopt District children.

(b) Monies in the Fund shall be used only for the payment of homestudies and attorneys' fees, as well as any administrative costs directly associated with the implementation of this subchapter. The Fund shall be the sole source of payments under the Program.

(c) Funds deposited in the Fund shall not revert to the General Fund of the District of Columbia at the end of the fiscal year or at any other time, but shall remain available until expended for the purposes set forth in subsection (b) of this section, subject to authorization by Congress in an appropriations act.

(Oct. 19, 2000, D.C. Law 13-172, § 3805, 47 DCR 6308; Dec. 7, 2004, D.C. Law 15-205, § 5302, 51 DCR 8441.)

*HISTORICAL AND STATUTORY NOTES*

*Effect of Amendments*

D.C. Law 15-205 added subsec. (c).

*Emergency Act Amendments*

For temporary (90-day) addition of section, see § 3805 of the Fiscal Year 2001 Budget Support Emergency Act of 2000 (D.C. Act 13-376, July 24, 2000, 47 DCR 6574).

For temporary (90 day) amendment of section, see §§ 3802 to 3807 of the Fiscal Year 2001 Budget Support Congressional Review Emergency Act of 2000 (D.C. Act 13-438, October 20, 2000, 47 DCR 8740).

For temporary (90 day) amendment of section, see § 5302 of Fiscal Year 2005 Budget Support Emergency Act of 2004 (D.C. Act 15-486, August 2, 2004, 51 DCR 8236).

For temporary (90 day) amendment of section, see § 5302 of Fiscal Year 2005 Budget Support Congressional Review Emergency Act of 2004 (D.C. Act 15-594, October 26, 2004, 51 DCR 11725).

#### *Legislative History of Laws*

For D.C. Law 13-172, see notes following § 4-341.

For Law 15-205, see notes following § 4-204.61.

#### *Miscellaneous Notes*

Short title of subtitle C of title V of Law 15-205: Section 5301 of D.C. Law 15-205 provided that subtitle C of title V of the act may be cited as the Adoption Voucher Fund Amendment Act of 2004.

### **§ 4-344.01. ESTABLISHMENT OF THE ADOPTION SUPPORT FUND.**

(a) There is established the Adoption Support Fund ("Support Fund"). The Support Fund shall be comprised of \$3 million of the \$5 million appropriated in the District of Columbia Appropriations Act, 2000, approved November 29, 1999 (Pub.L. No. 106-113; 113 Stat. 1501), and additional funds in their entirety which Congress may appropriate from time to time for the purpose of providing support incentives for foster parents who adopt District of Columbia children and enhancing recruitment and support of prospective adoptive families.

(b) Monies in the Support Fund shall be used only for the following purposes:

- (1) \$1 million to establish a scholarship fund to support postsecondary education and training for adopted children;
- (2) \$1 million to create an Adoption Resource Center with post-adoption service capacity; and
- (3) \$1 million to enhance recruitment and support of prospective adoptive families.

(c) The Child and Family Services Agency shall administer the Support Fund.

(Oct. 19, 2000, D.C. Law 13-172, § 3805a, as added Oct. 3, 2001, D.C. Law 14-28, § 2202, 48 DCR 6981.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Emergency Act Amendments*

For temporary (90 day) addition of section, see § 2002 of Fiscal Year 2002 Budget Support Emergency Act of 2001 (D.C. Act 14-124, August 3, 2001, 48 DCR 7861).

#### *Legislative History of Laws*

Law 14-28, the "Fiscal Year 2002 Budget Support Act of 2001", was introduced in Council and assigned Bill No. 14-144, which was referred to the Committee Of the Whole. The Bill was adopted on first and second readings on May 1, 2001, and June 5, 2001, respectively. Signed by the Mayor on June 29, 2001, it was assigned Act No. 14-85 and transmitted to both Houses of Congress for its review. D.C. Law 14-28 became effective on October 3, 2001.

### **§ 4-345. BENEFITS.**

(a) A foster parent may receive the following:

- (1) A voucher for the payment of \$1,500 for a homestudy for each foster child or related sibling group; and
- (2) A voucher for the payment of \$5,000 for attorneys' fees for each foster child or related sibling group; provided that, the voucher may only be applied to attorney's fees charged at an hourly rate of not more than \$125 per hour and related expenses billed at actual cost.

(b) Nothing in this subchapter shall be construed to create an entitlement to financial assistance for the adoption of a foster child, or foster children, if no funds remain available in the Adoption Voucher Fund.

(c) Vouchers issued pursuant to this section shall be in addition to, and may not limit the amount of, money available to a foster parent under § 4-301.

(Oct. 19, 2000, D.C. Law 13-172, § 3806, 47 DCR 6308.)

#### *HISTORICAL AND STATUTORY NOTES*

For temporary (90-day) addition of section, see § 3806 of the Fiscal Year 2001 Budget Support Emergency Act of 2000 (D.C. Act 13-376, July 24, 2000, 47 DCR 6574).

For temporary (90 day) amendment of section, see §§ 3802 to 3807 of the Fiscal Year 2001 Budget Support Congressional Review Emergency Act of 2000 (D.C. Act 13-438, October 20, 2000, 47 DCR 8740).

For D.C. Law 13-172, see notes following § 4-341.

## **§ 4-346. ADMINISTRATION OF THE ADOPTION INCENTIVE PROGRAM AND THE ADOPTION VOUCHER FUND.**

(a) The Child and Family Services Agency ("CFSA") shall administer the Program and the Fund. CFSA shall:

(1) Within 180 days of October 19, 2000, identify children whose permanency plans are adoption, for as long as funds are available from the Fund;

(2) Obtain a document signed by the foster parents stating their intent to adopt within 180 days of identifying the children pursuant to paragraph (1) of this subsection; and

(3) Upon obtaining the signed document required by paragraph (2) of this subsection, immediately provide a voucher for attorneys' fees and a voucher for the homestudy to the foster parent.

(b) Vouchers issued pursuant to this section shall contain a statement describing the benefits to the adopting foster parents under the program, as well as the terms and conditions for the use of the vouchers.

(c) Adopting foster parents shall present the vouchers to their attorney and licensed agency hired to perform the homestudy.

(d) An attorney hired by a foster parent shall submit a voucher for attorneys' fees with his or her first bill to CFSA, which shall set up an account with a \$5,000 balance. Thereafter, the attorney shall submit his or her bills quarterly to CFSA. CFSA shall pay the attorney within 30 days with funds from the account.

(e) The licensed agency hired to perform the homestudy shall submit its bill and the voucher for the homestudy to CFSA after the homestudy is complete for payment within 30 days.

(Oct. 19, 2000, D.C. Law 13-172, § 3807, 47 DCR 6308.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Emergency Act Amendments*

For temporary (90-day) addition of section, see § 3807 of the Fiscal Year 2001 Budget Support Emergency Act of 2000 (D.C. Act 13-376, July 24, 2000, 47 DCR 6574).

For temporary (90 day) amendment of section, see §§ 3802 to 3807 of the Fiscal Year 2001 Budget Support Congressional Review Emergency Act of 2000 (D.C. Act 13-438, October 20, 2000, 47 DCR 8740).

#### *Legislative History of Laws*

For D.C. Law 13-172, see notes following § 4-341.

## **SUBCHAPTER IV. POST-ADOPTION CONTACT AGREEMENTS.**

### **§ 4-361. POST-ADOPTION CONTACT AGREEMENT.**

(a)(1) A prospective adoptive parent or an adoptive parent ("adoptive parent") and the birth parent or other birth relative of a prospective adoptee or adoptee ("adoptee") may enter into a written post-adoption contact agreement ("PAC agreement") to allow contact, after the adoption, between the adoptee and a birth parent or other birth relative of the adoptee; provided, that written consent to the PAC agreement is obtained from an adoptee who is 14 years of age or older.

(2) The decision to enter into a PAC agreement shall be at the sole discretion of the adoptive parent.

(3) Failure to comply with a condition of the PAC agreement shall not be grounds for revoking consent to, or setting aside an order for, adoption.

(b)(1) The Family Court of the Superior Court of the District of Columbia ("Family Court") shall enforce a PAC agreement made in accordance with this section if the Family Court finds that enforcement of the PAC agreement is in the best interest of the adoptee.

(2) In enforcing a PAC agreement, the court shall take into consideration the written consent to the agreement of an adoptee who is 14 years of age or older.

(3) For cases involving an adoptee who is a respondent in a child abuse or neglect case under Chapter 23 of Title 16, the court finalizing the adoption shall review and approve any PAC agreement based on whether it is in the best interest of the adoptee prior to finalizing the adoption.

(c) If a party moves to modify a PAC agreement and satisfies the court that the modification is in the best interest of the adoptee, the court shall order that the PAC agreement be modified accordingly.

(d) If a dispute arises between the parties to a PAC agreement, the parties shall certify that they have participated, or attempted to participate, in good faith, in mediation or other appropriate dispute resolution proceedings to resolve the dispute prior to seeking judicial resolution. The mediator shall be selected by the adoptive parent.

(Sept. 24, 2010, D.C. Law 18-230, § 101, 57 DCR 6951.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Legislative History of Laws*

Law 18-230, the "Adoption Reform Act of 2010", was introduced in Council and assigned Bill No. 18-547, 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 12, 2010, it was assigned Act No. 18-547 and transmitted to both Houses of Congress for its review. D.C. Law 18-230 became effective on September 24, 2010.