

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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Columbia
Official Code*

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To amend the Prevention of Child Abuse and Neglect Act of 1977 to provide definitions for the District’s Children’s Advocacy Center and the Citizen Review Panel, to require an investigation of alleged child abuse and neglect to commence within 24 hours of a report, to require an initial investigation to be completed within 24 hours of its commencement and to establish the mandatory aspects of the initial investigation, to require a full investigation to be completed within 30 days and to establish the mandatory aspects of the full investigation, to authorize photographs and radiological examinations of a child who is the subject of an abuse or neglect investigation, to establish that the Child and Family Services Agency (“Agency”) does not need to make reasonable efforts to preserve and reunify a family if a parent committed the murder or voluntary manslaughter of anyone living in his or her household, or if the parent aided, abetted, attempted, conspired, or solicited to commit the murder or voluntary manslaughter of anyone living in his or her household, to provide for the confidentiality of information and records in the possession of the Children’s Advocacy Center, subject to certain exceptions, to clarify that the Agency Director has the authority to investigate reports of both abuse and neglect, to clarify that the Agency Director has the authority to determine if a child should be removed from the home after investigating a report of abuse or neglect, to require the Agency Director to collect and report more detailed caseload and demographic data on the length of stay of children in foster care and the number of children who exited foster care into different types of placements, to provide more detailed guidance on the community and neighborhood-based services the Agency may support financially and to establish accountability and reporting requirements for community and neighborhood-based programs, to require the Agency to operate a single reporting line for cases of child abuse and neglect, to eliminate the Agency’s authority to place children in unlicensed, informal third-party placements, to codify the establishment, composition, purpose, and duties of the Citizen Review Panel, to require that prospective adoptive and foster parents obtain criminal records checks from the Metropolitan Police Department and the law enforcement agency of any jurisdiction where he or she lived or worked as an adult, to establish that the Attorney General is responsible for prosecuting an individual’s failure to provide all of the addresses required for a criminal records check, to authorize the Attorney General to receive

information obtained in the criminal records check in order to recommend an appropriate placement for a child, to clarify that the Attorney General is responsible for prosecuting the unlawful release of criminal history information, and to mandate that any report of an abused or neglected child include the names of all children who reside in the same household where the alleged abuse or neglect took place; to amend the Child Fatality Review Committee Establishment Act of 2001 to require the Child Fatality Review Committee to review any child deaths if the child or his or her family was known to the child welfare system within the prior 4 years; to amend Title 16 of the District of Columbia Official Code to require the appointment of a guardian ad litem within 24 hours of a child being taken into custody due to a substantiated allegation of abuse or neglect, to require that a shelter care hearing commence within 72 hours after a child has been taken into custody, to authorize the Agency to convene a family team meeting within the 72-hour period to solicit the assistance of family members, relatives, social service workers, and the guardian ad litem in developing a safety plan for a child, and to require independent evaluations 6 months, 18 months, and 30 months after the effective date of this act to assess the impact of the 72-hour time frame and the family team meetings.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Child in Need of Protection Amendment Act of 2004".

Sec. 2. The Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.01 *et seq.*), is amended as follows:

(a) Section 102 (D.C. Official Code § 4-1301.02) is amended as follows:

Amend
§ 4-1301.02

(1) A new paragraph (2B) is added to read as follows:

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

(2) A new paragraph (15A) is added to read as follows:

"(15A) "Panel" means the Citizen Review Panel established by section 351."

(b) Section 104 (D.C. Official Code § 4-1301.04) is amended to read as follows:

Amend
§ 4-1301.04

"Sec. 104. Handling of reports – By Agency.

"(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."
- (c) Section 106 (D.C. Official Code § 4-1301.06) is amended to read as follows:
 - "Sec. 106. 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 D. C. Official Code § 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 sections 303 and 303a.
 - "(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.

Amend
§ 4-1301.06

"(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."

(d) Section 108 (D.C. Official Code § 4-1301.08) is amended to read as follows:

Amend
§ 4-1301.08

"Sec. 108. Photographs and radiological examination.

"As part of the investigation required by this title, 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."

(e) Section 109a(d)(1) (D.C. Official Code § 4-1301.09a(d)(1)) is amended as follows:

Amend
§ 4-1301.09a

(1) Subparagraph (B) is amended by striking the word "child" and inserting the phrase "child, or of any other member of the household of the parent" in its place.

(2) Subparagraph (C) is amended by striking the word "child" and inserting the phrase "child, or of any other member of the household of the parent" in its place.

(f) A new section 152 is added to read as follows:

"Sec. 152. 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 section 151, 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 section 209 of the District of Columbia Administrative Procedure Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-539) (“APA”), and its records are not subject to the disclosure requirements of section 202 of the APA (D.C. Official Code § 2-532).”

(g) Section 203(h) (D.C. Official Code § 4-1302.03(h)) is amended by striking the word “police” and inserting the phrase “Metropolitan Police Department, to the Office of the Attorney General,” in its place.

Amend
§ 4-1302.03

(h) Section 301a (D.C. Official Code § 4-1303.01a) is amended as follows:

Amend
§ 4-1303.01a

(1) Subsection (b) is amended by adding a new paragraph (3A) to read as follows:

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

(2) Subsection (c) is repealed.

(i) Section 303 (D.C. Official Code § 4-1303.03) is amended as follows:

Amend
§ 4-1303.03

(1) Subsection (a) is amended as follows:

(A) Paragraph (1) is amended as follows:

(i) Strike the word “neglect” and insert the phrase “abuse or neglect” in its place.

(ii) Strike the word “abused” and insert the phrase “abused or neglected” in its place.

(B) Paragraph (2) is amended by striking the phrase “the filing of” and inserting the phrase “that the Office of the Attorney General file” in its place.

(2) Subsection (a-1)(5) is amended to read as follows:

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

(3) Subsection (b) is amended as follows:

(A) Paragraph (4) is amended as follows:

(i) Subparagraph (D) is amended to read as follows:

“(D) Family shelters and housing assistance;”.

(ii) Subparagraph (F) is amended to read as follows:

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

(iii) Subparagraph (G) is amended by striking the word “and” at the end.

(iv) New subparagraphs (I), (J), and (K) are added to read as follows:

“(I) Domestic violence services;

“(J) Respite care; and

“(K) Substance abuse assessment and treatment;”.

(B) Paragraph (9) is amended by striking the word “and” at the end.

(C) New paragraphs (9A) and (9B) are added to read as follows:

“(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”.

(D) Paragraph (10)(B) is amended as follows:

(i) Sub-subparagraph (iii) is amended to read as follows:

“(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;”.

(ii) Sub-subparagraph (iv) is amended by adding the word “and” at the end.

(iii) A new sub-subparagraph (v) is added to read as follows:

“(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;"

(j) A new section 303a is added to read as follows:

"Sec. 303a. Provision of neighborhood-based services; partnerships with neighborhood groups.

"(a) To implement the Director's authority to deliver child and family services pursuant to section 303(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 section 303(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 the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement neighborhood-based programs under this section."

(k) A new section 303b is added to read as follows:

"303b. 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 the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), 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."

(l) Section 304(b) (D.C. Official Code § 4-1303.04(b)) is amended by striking the phrase "and a 3rd-party placement cannot be made".

(m) A new Title III-B is added to read as follows:

“TITLE III-B.

“CITIZEN REVIEW PANEL.

“Sec. 351. 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.

“Sec. 352. 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 the effective date of the Child in Need of Protection Amendment Act of 2004, passed on 2nd reading on December 21, 2004 (Enrolled version of Bill 15-389) (“Act”), 3 members appointed to 2-year terms that begin on the effective date of the Act, and 2 members appointed to one year terms that begin on the effective date of the Act. 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 the effective date of the Act, 2 members appointed to 2-year terms that begin on the effective date of the Act, and 2 members appointed to one-year terms that begin on the effective date of the Act. 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.

“Sec. 353. 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 section 742 of the District of Columbia Home Rule Act, effective December 24, 1973 (87 Stat. 831; D.C. Official Code § 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.

“Sec. 354. 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 section 351(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 Title II of the District of Columbia Administrative Procedure Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*), 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.”

“Sec. 355. Conflict of interest.

“Panel members shall be subject to the conflict of interest and disclosure requirements established by sections 601 and 602 of An Act To regulate certain political campaign finance practices in the District of Columbia, and for other purposes, approved August 14, 1974 (88 Stat. 465; D.C. Official Code §§ 1-1106.01 and 1-1106.02). 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.”

(n) Section 501(4) (D.C. Official Code § 4-1305.01(4)) is amended to 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

Amend
§ 4-1305.01

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.”.

(o) Section 503(a) (D.C. Official Code § 4-1305.03(a)) is amended as follows:

Amend
§ 4-1305.03

(1) Paragraph (1) is amended by striking the word “and” at the end.

(2) Paragraph (2) is amended by striking the period at the end and inserting the phrase “; and” in its place.

(3) A new paragraph (3) is added to read as follows:

“(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.”.

(p) Section 505 (D.C. Official Code § 4-1305.05) is amended by adding a new subsection (c) to read as follows:

Amend
§ 4-1305.05

“(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.”.

(q) Section 506(b)(3) (D.C. Official Code § 4-1305.06(b)(3)) is amended by striking the phrase “Spousal abuse” and inserting the phrase “Intrafamily abuse, as defined in D.C. Official Code § 16-1001(5)” in its place.

Amend
§ 4-1305.06

(r) Section 508(a) (D.C. Official Code § 4-1305.08(a)) is amended as follows:

(1) Paragraph (2) is amended by striking the word “or” at the end.

Amend
§ 4-1305.08

(2) A new paragraph (2A) is added to read as follows:

“(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”.

(s) Section 509 (D.C. Official Code § 4-1305.09) is amended as follows:

Amend
§ 4-1305.09

(1) Designate the existing language as subsection (a).

(2) New subsections (b) and (c) are added to read as follows:

“(b) An individual who fails to disclose all of the residences and addresses required by section 503(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.”.

Sec. 3. Section 3(b)(1)(B) of An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children, approved November 6, 1966 (80 Stat. 1354; D.C. Official Code § 4-1321.03(b)(1)(B)), is amended to read as follows:

Amend
§ 4-1321.03

“(B) Each of the child’s siblings and other children in the household; and”.

Sec. 4. Subsection 4605(a) of the Child Fatality Review Committee Establishment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 4-1371.05(a)), is amended to read as follows:

Amend
§ 4-1371.05

“(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 mental retardation 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.”.

Sec. 5. Chapter 23 of Title 16 of the District of Columbia Official Code is amended as follows:

(a) Section 16-2312 is amended as follows:

(1) Subsection (a) is amended to read as follows:

Amend
§ 16-2312

“(a)(1) When a child is not released as provided in section 16-2311 and the child is alleged to be abused or neglected:

“(A) A *guardian ad litem* shall be appointed to represent the child’s best interest within 24 hours (excluding Sundays) of the child having been taken into custody;

“(B) A shelter care hearing shall be commenced not later than 72 hours (excluding Sundays) after the child has been taken into custody; and

“(C) A petition shall be filed at or prior to the shelter care hearing.

“(2) When a child is not released as provided in section 16-2311 and the child is alleged to be delinquent or a child in need of supervision:

“(A) A detention hearing shall be commenced not later than the next day (excluding Sundays) after the child has been taken into custody or transferred from another

court as provided by section 16-2302; and

“(B) A petition shall be filed at or prior to the detention hearing.”.

(2) A new subsection (a-1) is added to read as follows:

“(a-1)(1) During the 72-hour period authorized in subsection (a)(1) of this section, the Agency may convene a family team meeting to solicit the input of family members, relatives, and others concerned with the welfare of the child to develop a safety plan approved by the Agency. At a minimum, the Agency shall invite parents, relatives, caregivers, community representatives, service providers, and the *guardian ad litem* appointed to represent the child’s best interest to attend a family team meeting.

“(2) The Agency shall summarize the discussion from a family team meeting and record the safety plan approved by the Agency in the appropriate electronic database, and distribute a copy of the plan to all participants of the family team meeting. The safety plan shall clearly outline the roles and responsibilities of each participant and the target dates for each action set forth in the plan.”.

(b) A new section 16-2312a is added to read as follows:

“Sec. 16-2312a. Evaluation of family team meetings and 72-hour time period for commencement of shelter care hearing.

“At intervals no later than 6 months, 18 months, and 30 months after the effective date of the Child in Need of Protection Emergency Act of 2004, passed on emergency basis on December 21, 2004 (Enrolled version of Bill 15-1170), the Agency shall commission an independent process and impact evaluation of the family team meetings authorized in section 16-2312(a-1) and the 72-hour period authorized in section 16-2312(a)(1). Each evaluation shall, at a minimum, assess the following processes and outcomes of the family team meetings:

“(1) Rates of participation in the meetings for different types of participants, including parents, children, and relatives;

“(2) Demographic information about children and families who participated in the meetings;

“(3) The percentage of meetings resulting in approved safety plans;

“(4) The supports and services included in approved safety plans;

“(5) The extent to which supports and services included in approved safety plans actually were provided;

“(6) The percentage of meetings that resulted in the filing of a petition in the Family Court to remove a child from the home, and the percentage of meetings that resulted in a decision not to file a petition in Family Court;

“(7) The placement outcomes for children who were the subject of the meetings, including:

“(A) The percentage of children living with parents;

“(B) The percentage of children living with relatives;

“(C) The percentage of children who have been adopted;

“(D) The percentage of children living in foster care; and

New
§ 16-2312a

“(E) Other applicable placements;

“(8) The percentage of children who received a permanent placement and whose cases were closed;

“(9) The percentage of children who were the subject of subsequent reports to the Agency’s abuse and neglect reporting line; and

“(10) The effect of the 72-hour time frame for the commencement of a Family Court hearing on families’ legal protections and due-process rights.”.

Sec. 6. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 7. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia