

AN ACT

*Codification
District of
Columbia
Code
2001 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on a temporary basis, the Prevention of Child Abuse and Neglect Act of 1977 to delete the definition of a godparent, to amend the definition of kinship caregiver, to delete the requirement of disclosure of information in cases of child fatality or near fatality, and to make technical amendments; to amend section 16-2316.1 of the District of Columbia Code to set timelines for factfinding and dispositional hearings; to repeal Chapter 50 of Title 16 of the D.C. Code; and to make technical amendments to the Adoption and Safe Families Amendment Act of 2000.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Adoption and Safe Families Compliance Temporary Amendment Act of 2000".

Sec. 2. The Prevention of Child Abuse and Neglect Act of 1977 is amended as follows:

(a) Section 102(12) is amended as follows:

(1) Paragraph (12) is repealed.

(2) Paragraph (13)(D) is amended to read as follows:

"(D) Is a relative of the child by blood, marriage, or adoption within the fifth degree of kinship to the dependent child."

(b) Section 323 is amended by striking the number "321" wherever it appears, and inserting the number "322" in its place.

(c) Section 327 is amended by striking the number "321" wherever it appears, and inserting the number "322" in its place.

Sec. 3. Title 16 of the D.C. Code is amended as follows:

(a) Section 16-2316.1 is amended to read as follows:

"§ 16-2316.1. Scheduling of factfinding and dispositional hearings for children alleged to be neglected.

" (a) Factfinding hearings for children alleged to be neglected shall commence within 90

days of the date of entry into foster care, where a child is removed from the home, or within 90 days from the date of the initial petition, where the child is not removed from the home.

“(b) Dispositional hearings shall be held as soon as practicable after the conclusion of the factfinding hearing, but in any event shall commence within 30 days thereafter, provided that a sufficient report pursuant to sections 6-2107 or 16-2319, as applicable, has been received by counsel and the Court.

“(c) No child shall be dismissed from the jurisdiction of the Court solely based on the inability of the government, parties, or Court to commence a factfinding hearing within 90 days.

“(d) Litigation of child abuse and neglect cases shall be subject to the following and any other relevant provisions for time computation and continuances.

“(1) In all proceedings in the Division, the Division shall reasonably construe time limitations for the safety or best interests of the children.

“(2) The following periods shall be excluded in computing the time limits established for proceedings under this subchapter:

“(A) The period of time resulting from other proceedings concerning the child, including but not limited to, examinations to determine the mental competency or physical capacity of the child or of a parent, guardian, or custodian;

“(B) The period of time resulting from any interlocutory or expedited appeal;

“(C) The period of time resulting from the absence or unavailability of any essential witness or the child (for the purposes of this subparagraph, an essential witness shall be considered absent when his or her whereabouts are unknown or cannot be determined by due diligence, and shall be considered unavailable when his or her presence for the hearing cannot be obtained by due diligence);

“(D) The period of time resulting from the completion of medical examinations, drug tests, or other scientific tests necessary to the factfinding and dispositional process;

“(E) The period of time resulting from any pretrial motion, from the filing of the motion through the conclusion of the hearing on, or other prompt disposition of, such motion; and

“(F) The period of time resulting from consideration by the Court of a proposed agreement to be entered into by the parties.

“(3) Upon motion of any party, for good cause shown, the factfinding or dispositional hearing of a child alleged to be neglected may be continued, and, as applicable, the child continued in shelter care, for an additional 30 days, if the judge granting such continuance determines that the safety or the best interest of the child is served. In determining whether good cause for a continuance has been shown, the Division shall take into account the cause asserted as well as:

“(A) Any period of time as provided in paragraph (2) of this subsection;

and

“(B) Whether the case is so unusual or complex, due to the nature of the action, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate preparation for pretrial proceedings, factfinding hearings, or dispositional hearings within the time limits established by this section.”.

(b) Chapter 50 is repealed.

Sec. 4. The Adoption and Safe Families Amendment Act of 2000 is amended as follows:

(a) Section 201(c) is amended by striking the number “110” wherever it appears and inserting the number “109a” in its place.

(b) Section 201(d) is amended by striking the number “201” wherever it appears and inserting the number “303” in its place.

(c) Section 404(c)(2) is amended by deleting the first sentence.

Sec. 5. The Council adopts the fiscal impact statement in the Committee Report of the Adoption of Safe Families Amendment Act of 2000 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. Code § 1-233(c)(3)).

Sec. 6. (a) 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), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

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December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

Chairman
Council of the District of Columbia

Mayor
District of Columbia