

AN ACT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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*Codification  
District of  
Columbia  
Official Code*

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To amend, on a temporary basis, Chapter 23 of Title 16 of the District of Columbia Official Code to require that the court find by clear and convincing evidence that a juvenile who has pled or been found guilty of an offense is not in need of care or rehabilitation before the court can dismiss the matter at disposition, to confirm that a case may not be dismissed only on the grounds that a child is receiving care and rehabilitation in another case, and to require the involvement and participation of a parent, guardian, or other person with whom a child resides, in the rehabilitation process.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Juvenile Justice Temporary Act of 2004”.

Sec. 2. Chapter 23 of Title 16 of the District of Columbia Official Code is amended as follows:

(a) Section 16-2309 is amended as follows:

Note,  
§ 16-2309

(1) Paragraph (7) is amended by striking the word “or” at the end.

(2) Paragraph (8) is amended by striking the period at the end and inserting the phrase “; or” in its place.

(3) A new paragraph (9) is added to read as follows:

“(9) by a law enforcement officer when the officer has reasonable grounds to believe that the child has violated a court order.”.

Note,  
§ 16-2317

(b) Section 16-2317(c)(2) is amended by striking the phrase “In the absence of evidence to the contrary, a finding of the commission of an act which would constitute a criminal offense if committed by an adult is sufficient to sustain a finding of need for care or rehabilitation in delinquency and need of supervision cases.” and inserting the phrase “There shall be a rebuttable presumption that a finding of the commission of an act which would constitute a criminal offense if committed by an adult is sufficient to sustain a finding of need for care or rehabilitation in delinquency and need of supervision cases.” in its place.

(c) Section 16-2317(d) is amended to read as follows:

Note,  
§ 16-2317

“(d)(1) If the Division finds that the child is not in need of care and rehabilitation, it shall terminate the proceedings and discharge the child from detention, shelter care, or other restriction previously ordered.

“(2) Determinations of whether a child is in need of care or rehabilitation may only be made at the dispositional hearing.

“(3) To overcome the presumption of a need for care or rehabilitation in subsection (c)(2) of this section, the Division must find by clear and convincing evidence at the dispositional hearing that the child is not in need of care or rehabilitation before it may terminate proceedings.

“(4) The fact that a child is receiving care or rehabilitation in another case shall not be the only grounds for dismissal.”.

(d) Section 16-2325.01 is amended as follows:

Note,  
§ 16-2325.01

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

(A) Strike the word “may” and insert the word “shall” in its place.

(B) Strike the period at the end and insert the phrase “, unless the court determines that such an order is not in the best interest of the child.” in its place.

(2) Subsection (b) is amended by striking the word “may” and inserting the word “shall” in its place.

(3) Subsection (c) is amended by striking the phrase “an order of participation” and inserting the phrase “an order issued under this section” in its place.

### Sec. 3. Fiscal impact statement.

The Council adopts the attached fiscal impact statement 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. 4. Effective date.

(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), 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. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

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

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia