

AN ACT

Bill 19-1102

Emergency
Declaration
Res. 19-757
20 DCStat 566Codification
District of
Columbia
Official Code
2001 Edition

To amend, on an emergency basis, the Prevention of Child Abuse and Neglect Act of 1977 to clarify the definition of “youth”; require the Mayor to issue rules to consolidate existing foster youth rights and state that a youth in foster care (if that youth is under 18 years of age) has the right to receive and have the youth’s caregivers and guardians ad litem receive certain information before leaving care; and to require the Child and Family Services Agency to inform youth of their rights upon entrance to the agency, provide copies of the Statements of Rights and Responsibilities to youth currently in foster care, incorporate the Statements of Rights and Responsibilities into scheduled trainings to social workers and other affected staff, develop an implementation plan on the dissemination of the Statements of Rights and Responsibilities for youth in foster care and a mechanism for receiving and handling concerns, and outline annual reporting and data-sharing requirements to the Council and public on concerns and outcomes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Foster Youth Statements of Rights and Responsibilities Emergency Amendment Act of 2012”.

Foster Youth
Statements of
Rights and
Responsi-
bilities
Emergency
Amendment
Act of 2012

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 by adding a new Title III-C to read as follows:

“TITLE III-C

“STATEMENTS OF RIGHTS AND RESPONSIBILITIES FOR YOUTH IN FOSTER CARE

“Sec. 371. Definitions.

“For the purposes of this title, the term “Youth” means an individual under 21 years of age who is in the care of the Agency.

“Sec. 372. Statements of Rights and Responsibilities.

“(a) Within 90 days of the effective date of this title, the Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall amend existing rules governing youth in foster care, namely, 29 DCMR §§ 6004, 6203, and 6303, (Statement of Rights and Responsibilities for youth in foster homes, group homes, and independent living programs), to:

“(1) Incorporate existing rights for youth in foster care provided by local law, federal law, local regulations, agency administrative issuances, and other policy documents; and

“(2) State that a youth in foster care has the right to receive and have the youth’s caregivers and guardians ad litem receive, if the youth is under 18 years of age, at least 30 days before leaving care, copies of the youth’s:

“(A) Birth certificate;

“(B) Original social security card;

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- “(C) State and District identification cards;
- “(D) Immunization records;
- “(E) Medical insurance information;
- “(F) Education portfolios and health records;
- “(G) Immigration documents; and
- “(H) Other personal information as the Mayor deems appropriate.

“(b) The Statements of Rights and Responsibilities required by subsection (a) of this section (“Statements of Rights and Responsibilities”) shall guarantee that each youth will receive the following:

- “(1) A printed copy of the Statements of Rights and Responsibilities in readily understandable language;
- “(2) An explanation of each youth’s right to be informed of all decisions made on the youth’s behalf by the Agency;
- “(3) An explanation of each youth’s right to report violations of the youth’s rights to the Agency;
- “(4) The process for reporting rights violations to the Agency; and
- “(5) An explanation of the process for contacting the Agency to make concerns about care, placement, and services.

“(c) Proposed rules to implement this title shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within the 45-day review period, the proposed rules shall be deemed disapproved.

“Sec. 373. Dissemination of rights and responsibilities information.

“(a) When a youth comes under the care of the Agency, the Agency shall inform the youth of their rights and disseminate to the youth and the appropriate care providers the Statements of Rights and Responsibilities.

“(b) The Agency shall disseminate the Statements of Rights and Responsibilities and related information to youth and individuals who entered care before the effective date of this title.

“(c) The Agency shall incorporate the Statements of Rights and Responsibilities into scheduled trainings for social workers and other affected partners, including providers, foster parents, and other persons who are associated with the care of youth.

“Sec. 374. Implementation plan.

“(a) Within 90 days of the effective date of this title, the Agency shall develop an implementation plan for the dissemination of the Statements of Rights and Responsibilities and a mechanism for receiving and handling complaints or concerns made by youth or on behalf of youth and provide a mechanism to resolve issues related to their care, placement, and services through the Agency.

“(b) The Agency shall have the following responsibilities regarding the implementation of this title:

- “(1) Investigate and attempt to promptly resolve concerns made by youth or on

behalf of youth;

“(2) Document the number, general sources and origins, and nature of the communication;

“(3) Beginning January 31, 2014, and every January 31st thereafter, through the Agency’s Director, make available to the Council a report containing data collected over the course of the prior year that includes the following information:

“(A) The number of contacts made to the Agency by telephone, website address, or otherwise;

“(B) The number of concerns made, including the type and general sources of those concerns;

“(C) The number of investigations performed;

“(D) The number of pending concerns; and

“(E) The trends and issues that arose in the course of investigating concerns and outcomes of the investigations conducted; and

“(4) Post the report required by paragraph (3) of this subsection on the Agency’s website so that it is readily available to the public.”.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Foster Youth Statements of Rights and Responsibilities Amendment Act of 2012, passed on 2nd reading on December 18, 2012 (Enrolled version of Bill 19-803), 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.

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), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).