

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

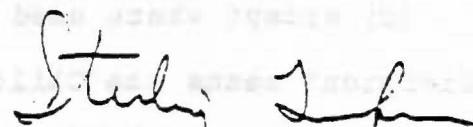
October 4, 1977

D.C LAW 2-22

"Prevention of Child Abuse and Neglect Act of 1977".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act (PL 93-198), the Act, the Council of the District of Columbia adopted Bill No. 2-48 on first and second readings May 17, 1977, and May 31, 1977, respectively. Following the signature of the Mayor on July 6, 1977, this legislation was assigned Act No. 2-53, published in the July 22, 1977, edition of the D.C. Register, and transmitted to both Houses of Congress for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired and, therefore, cites the following legislation as D. C. Law 2-22, effective September 23, 1977.



STERLING TUCKER
Chairman of the Council

AN ACT

2-53

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 6, 1977

To amend existing District of Columbia law with regard to cases of child neglect and abuse, to establish procedures for the termination of parental rights in certain situations, and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,
That this act may be cited as the "Prevention of Child Abuse
and Neglect Act of 1977".

TITLE I

REPORTING - ABUSE AND NEGLECT

Sec. 102. Definitions. For the purposes of this act:

(a) "Child Protection Register" means the confidential index of all reports established pursuant to section 201 of Title II of this act.

(b) "credible evidence" means any evidence which indicates that a child is an abused or neglected child, including the statement of any person worthy of belief.

(c) except where used in Title IV of this act, "Division" means the Child Protective Services Division of the District of Columbia Department of Human Resources.

(d) "guardian ad litem" means an attorney appointed by the Superior Court of the District of Columbia to represent the child's best interests in neglect proceedings.

(e) "Police" means the Metropolitan Police Department of the District of Columbia.

(f) "report" means a report to the Police or the Division of a suspected or known neglected child.

(g) "source" means the person or institution from whom a report originates.

(h) "supported report" means a report, made pursuant to section 103(d) of Title I of this act, which is supported by credible evidence.

(i) "unsupported report" means a report, made pursuant to section 103(d) of Title I of this act, which is not supported by credible evidence.

Sec. 103. Amendments to the Act of November 6, 1966

The act entitled "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. Code, secs. 2-161 through 2-166) is amended as follows:

(a) Subchapter II is retitled "Reports of Neglected Children".

(b) Section 1 (D.C. Code, sec. 2-161) is amended to read as follows:

"(1) It is the purpose of this subchapter to require a report of a suspected neglected child in order to identify neglected children; to assure that protective services will be made available to a neglected child to protect the child and his or her siblings and to prevent further abuse or neglect; and to preserve the family life of the parents and children, to the maximum extent possible, by enhancing the parental capacity for adequate child care.".

(c) Section 2 (D.C. Code, sec. 2-162) is amended to read as follows:

"(2) Notwithstanding section 14-307 of the District of Columbia Code, any person specified in subsection (b) of this section who knows or has reasonable cause to suspect that a child known to him or her in his or her professional or official capacity has been or is in immediate danger of being a mentally or physically abused or neglected child, as defined in D.C. Code, sec. 16-2301(9), shall immediately report or have a report made of such knowledge or suspicion to either the Metropolitan Police Department of the District of Columbia or the Child Protective Services Division of the Department of Human Resources.

"(b) Persons required to report such abuse or neglect shall include every physician, psychologist, medical examiner, dentist, chiropractor, registered nurse, licensed practical nurse, person involved in the care and treatment of patients, law enforcement officer, school official, teacher, social service worker, day care worker, and mental health professional. Whenever a person is required to report in his or her capacity as a member of the staff of a hospital, school, social agency or similar institution, he or she shall immediately notify the person in charge of the institution or his or her designated agent who shall then be required to make the report. The fact that such a notification has been made does not relieve the person who was originally required to report from his or her duty under subsection (a) of this section of having a report made promptly to the Metropolitan Police Department of the District of Columbia or the Child Protective Services Division of the Department of Human Resources.

"(c) In addition to those persons who are required to make a report, any other person may make a report to the Metropolitan Police Department of the District of Columbia or the Child Protective Services Division of the Department of Human Resources.".

(d) Section 3 (D.C. Code, sec. 2-163) is amended to read as follows:

"(3) (a) Each person required to make a report of a known or suspected neglected child shall:

"(1) immediately make an oral report of the case to the Child Protective Services Division of the Department of Human Resources or the Metropolitan Police Department of the District of Columbia and

"(2) make a written report of the case if requested by said Division or Police.

"(b) The report shall include, but need not be limited to, the following information if it is known to the person making the report:

"(1) the name, age, sex, and address of the following individuals:

"(A) the child who is the subject of the report;

"(B) each of the child's siblings; and

"(C) each of the child's parents or other persons responsible for the child's care;

"(2) the nature and extent of the abuse or neglect of the child and any previous abuse or neglect, if known;

"(3) all other information which the person making the report believes may be helpful in establishing the cause of the abuse or neglect and the identity of the person responsible for the abuse or neglect.

"(4) If the source was required to report under this subchapter, the identity and occupation of the source, how to contact the source and a statement of the actions taken by the source concerning the child.".

(e) Section 4 (D.C. Code, sec. 2-164) is amended to read as follows:

"(4) Any person, hospital, or institution participating in good faith in the making of a report pursuant to this subchapter shall have immunity from liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making of the report. Any such participation shall have the same immunity with respect to participation in any judicial proceeding involving the report. In all civil or criminal proceedings concerning the child or resulting from the report good faith shall be presumed unless rebutted.".

(f) Section 5 (D.C. Code, sec. 2-165) is amended to read as follows:

"(5) Notwithstanding the provisions of D.C. Code, secs. 14-306 and 14-307, neither the husband-wife privilege

nor the physician-patient privilege shall be grounds for excluding evidence in any proceeding in the Family Division of the Superior Court of the District of Columbia concerning the welfare of a neglected child: PROVIDED, That a judge of the Family Division of the Superior Court of the District of Columbia determines such privilege should be waived in the interest of justice."

(g) A new section 7 is added to read as follows:

"(7) Any person required to make a report under this subchapter who willfully fails to make such a report shall be fined not more than one hundred dollars (\$100) or imprisoned for not more than thirty (30) days or both. Violations of this subchapter shall be prosecuted by the Corporation Counsel of the District of Columbia or his or her agent in the name of the District of Columbia.".

Sec. 104. Handling of Reports: The Division

(a) Upon the receipt of an oral report, the Division shall immediately inform the Police of the contents of the report, if it alleges a child is or may have been an abused child.

(b) The Division shall commence an investigation of all reports alleging neglect other than abuse within twenty-four (24) hours of the receipt of the report except that when:

(1) a report alleges that a child is left alone or with inadequate supervision, the Division shall commence an investigation immediately. If the Division is unable to dispatch a worker to the child forthwith, it shall inform the Police of the report.

(2) a report indicates the existence of an immediate danger to a child and the immediate removal of the child from his or her surroundings appears necessary despite the available resources, the Division shall inform the Police of the contents of the report and request the Police to investigate. The Division shall immediately commence a social investigation.

(c) In all cases occurring after normal working hours or when it is otherwise deemed necessary, the Division may request the assistance of the Police.

Sec. 105. Handling of Reports: Police

(a) The Police shall, as soon as possible after the receipt of a report of a neglected child other than an abused child, inform the Division of its contents and any action the Police are taking or have taken.

(b) The Police may, upon the receipt of a report of an abused child, inform the Division of its contents and shall, as soon as possible when the report is a supported report,

inform the Division of its contents and any action they are taking or have taken.

(c) The Police shall immediately after a report is received commence an investigation of the circumstances alleged in the report.

(d) The Police shall immediately after a report is received commence an investigation of a case of a neglected child in immediate danger which case was referred from the Division or reported directly to the Police.

(e) Upon the receipt of a report alleging a child is or has been left alone or without adequate supervision, the Police shall respond to the report immediately and shall take such steps as are necessary to safeguard the child until a Division staff member arrives: PROVIDED, HOWEVER, That if the Division does not arrive within a reasonable time, the Police may transport the child to the Division. The transporting of a child to the Division pursuant to this subsection shall not be considered a taking into custody as described in D.C. Code, sec. 16-2309, as amended by this act.

Sec. 106. Investigation

(a) The primary responsibility for the initial investigation is with the Police in cases of an allegedly abused child and with the Division in other cases of an

allegedly neglected child: PROVIDED, However, That the investigation of a report involving acts or omissions of either the Department of Human Resources or the Police shall be conducted by the Department which is not involved.

(b) The purpose of the initial investigation shall be to determine:

- (1) the nature, extent, and cause of the abuse or neglect;
- (2) the identity of the person responsible for the abuse or neglect;
- (3) the name, age, sex, and condition of the abused or neglected child and all other children in the home;
- (4) the conditions in the home at the time of the investigation;
- (5) whether there is any child in the home whose health, safety, or welfare is in jeopardy because of his or her treatment in the home or his or her home environment; and
- (6) whether any child who is in jeopardy because of treatment in the home or his or her home environment should be removed from the home or can be protected by the provision of resources such as those listed in section 304 of Title III of this act.

Sec. 107. Removal of Children

(a) In cases in which a child is alleged to be a neglected, but not an abused, child the Division shall determine whether the child should be removed from the home or can be protected by the provision of services or resources. If in the opinion of the Division the available services or resources are insufficient to protect the child and there is insufficient time to petition for removal, the Division shall request the Police to remove the child pursuant to D.C. Code, sec. 16-2309 (3) or (4), each as amended by this act.

(b) In all cases for which the Police are responsible for the initial investigation but which do not involve an immediate danger to a child, the Police shall seek from the Division and the Division shall provide assistance in the determination of whether the child can be protected by the provision of services or resources or whether removal is necessary. Whenever possible the Division shall dispatch a worker to the scene to provide assistance in this determination.

(c) In all cases for which the Police are responsible for the initial investigation and which do involve an immediate danger to a child and require removal pursuant to D.C. Code, sec. 16-2309(3), as amended by this act, the Police shall immediately notify the Division of the removal

and the latter shall investigate alternative placements for the child.

(d) When, prior to a shelter care hearing, the Division locates a suitable alternative placement pursuant to subsection (c) of this section, the Police may release the child pursuant to D.C. Code, sec. 16-2311(a)(1).

Sec. 108. Photographs and X-Rays

If there is a supported report, any person responsible for the investigation under section 106 of this act may take, or have taken, color photographs of each area of trauma visible on the child or photographs of the conditions surrounding the neglect of the child and, if medically indicated, have radiological examinations performed on the child.

Sec. 109. Social Investigation and Services

(a) If the initial investigation results in a supported report, the information from the initial investigation shall be immediately referred to the Police or the Division, as appropriate. A social investigation shall be commenced immediately by the Intrafamily Branch of the Social Services Division of the Superior Court of the District of Columbia in all cases of an allegedly abused child which are referred for petition to the Family Division of the Superior Court of the District of Columbia and by the Division in all other

cases, except that cases which are or were recently active with the Division may be investigated by the Division. The purpose of the social investigation shall be to determine what services are required by the family to remedy the conditions of abuse or neglect.

(b) If there is a supported report, the agency responsible for the social investigation shall as soon as possible prepare a plan for each child and family for whom services are required on more than an emergency basis and shall forthwith take such steps to ensure the protection of the child and the preservation, rehabilitation and, when appropriate, reunification of the family as may be necessary to achieve the purposes of this act. Such steps may include but need not be limited to:

(1) arranging for necessary protective, rehabilitative, and financial services to be provided to the child and the child's family in a manner which maintains the child in his or her home;

(2) referring the child and the child's family for placement in a family shelter or other appropriate facility;

(3) securing services aimed at reuniting (with his or her family) a child taken into custody;

(4) providing or making specific arrangements for the case management of each case when child protective services are required.

To the maximum extent possible, the resources of the community (public and private) shall be utilized for the provision of services and case management.

(c) A report of the social investigation required under subsection (a) of this section and the plan required under subsection (b) shall be submitted to all counsel at least five (5) days prior to the date of the fact-finding hearing in cases in which a petition was filed pursuant to D.C. Code, section 16-2305: PROVIDED, That nothing added to the report or the plan subsequent to either an initial appearance or shelter care hearing shall be considered by the court prior to the completion of the fact-finding hearing unless the parent, guardian, or custodian alleged to be responsible for the neglect consents to such consideration.

Sec. 110. Amendments to the Acts of December 23, 1963 and July 29, 1970

Title 16 of the District of Columbia Code is amended as follows:

(a) Section 2301 is amended as follows:

(1) subparagraph (9) is amended to read as follows:

"(9) The term 'neglected child' means a child:

"(A) who has been abandoned or abused by his or her parent, guardian, or other custodian; or

"(B) who is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for his or her physical, mental, or emotional health, and the deprivation is not due to the lack of financial means of his or her parent, guardian, or other custodian; or

"(C) whose parent, guardian, or other custodian is unable to discharge his or her responsibilities to and for the child because of incarceration, hospitalization, or other physical or mental incapacity; or

"(D) whose parent, guardian, or custodian refuses or is unable to assume the responsibility for the child's care, control or subsistence and the person or institution which is providing for the child states an intention to discontinue such care; or

"(E) who is in imminent danger of being abused and whose sibling has been abused.

"No child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets

and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall for that reason alone be considered a neglected child for the purposes of this subchapter.";

(2) subparagraph (12) is amended to read as follows:

"(12) The term 'custodian' means a person or agency, other than a parent or legal guardian, to whom the legal custody of a child has been granted by the order of a court or who is acting in loco parentis."; and

(3) by adding to the section the following new subparagraph (23):

"(23) The term 'abused', when used with reference to a child, means a child whose parent, guardian, or custodian inflicts or fails to make reasonable efforts to prevent the infliction of physical or mental injury upon the child, including excessive corporal punishment or an act of sexual abuse or molestation.".

(b) Section 2305 is amended by adding a new last sentence to read as follows:

"Complaints alleging neglect submitted by the Child Protective Services Division of the Department of Human Resources shall be referred directly to the Corporation Counsel of the District of Columbia.".

(c) Section 2309(3) is amended as follows:

(1) subparagraph (3) is amended to read as follows:

"(3) by a law enforcement officer when he or she has reasonable grounds to believe that the child is in immediate danger from his or her surroundings and that the removal of the child from his or her surroundings is necessary."; and

(2) subparagraph (4) is renumbered as subparagraph (5) and the following new subparagraph (4) is added to read as follows:

"(4) by a law enforcement officer after he or she has consulted with the Chief of the Child Protective Services Division of the Department of Human Resources, or his or her designee, pursuant to section 107(b) of the Prevention of Child Abuse and Neglect Act of 1977 when the officer has reasonable grounds to believe that the child is suffering from illness or injury or otherwise is endangered and that the child's removal from his or her surroundings is necessary.".

(d) Section 2311 is amended as follows:

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

(A) subparagraph (2) is amended to read as follows:

"(2) bring a child alleged in need of supervision or delinquent before the Director of Social Services; or";

(B) subparagraph (3) is amended by adding to the end thereof the following language:

"and may order the child retained at the hospital subject to a further order of the Metropolitan Police Department of the District of Columbia, the Chief of the Child Protective Services Division of the Department of Human Resources, or the Superior Court of the District of Columbia; or"; and

(C) a new subparagraph (4) is added to read as follows:

"(4) bring a child alleged to be a neglected child to the Chief of the Child Protective Services Division of the Department of Human Resources.";

(2) subsection (b) is amended as follows:

(A) the present subsection (b) is redesignated as subsection "(b) (1)"; and

(B) a new subsection (b) (2) is added to read as follows:

"(2) when a child is brought before the Chief of the Child Protective Services Division of the Department of Human Resources, the Chief shall review the need for shelter care prior to the admission to shelter

care. If shelter care is required the Chief shall select the most appropriate placement for the child. If the Chief determines that shelter care is not required the Chief may recommend to the Metropolitan Police Department of the District of Columbia the release of the child to his or her parent, guardian or custodian. When a child is being held in a hospital the case shall be reviewed by the Chief. If the Chief determines that shelter care is not required, he or she shall recommend to said Police the release of the child to his or her parent, guardian, or custodian. If the Chief determines there is a need for shelter care but there is not a medical need requiring hospitalization, the Chief shall secure the appropriate shelter care."; and

(3) a new subsection (d) is added to read as follows:

"(d) a person taking a child into custody or a public agency having temporary care pending a detention or shelter care hearing may bring the child to a medical facility if the child appears to require prompt treatment or to require prompt diagnosis for medical, psychiatric, or evidentiary purposes and may authorize such diagnosis or emergency treatment. Routine medical treatment shall not be authorized unless a parent cannot be consulted.".

(e) Section 2316 is amended by redesignating subsections (c) and (d) as subsections (e) and (f) and inserting new subsections (c) and (d) to read as follows:

"(c) Where the petition alleges a child is a neglected child by reason of abuse, evidence of illness or injury to a child who was in the custody of his or her parent, guardian, or custodian for which the parent, guardian or custodian can give no satisfactory explanation shall be sufficient to justify an inference of neglect.

"(d) Where the petition alleges a child is abandoned as referred to in D.C. Code, sec. 16-2301 (9) (A), is amended by this act, the following evidence shall be sufficient to justify an inference of neglect:

"(1) the child is a foundling whose parents have made no effort to maintain a parental relationship with the child and reasonable efforts have been made to identify the child and to locate the parents for a period of at least four (4) weeks since the child was found, or

"(2) the child's parent gave a false identity at the time of the child's birth, since then has made no effort to maintain a parental relationship with the child and reasonable efforts have been made to locate the parent for a period of at least four (4) weeks since his or her disappearance; or

"(3) the child's parent, guardian or custodian is known but has abandoned the child in that he or she has made no reasonable effort to maintain a parental relationship with the child for a period of at least four (4) months.

"It shall not be necessary to prove that the parent, guardian or custodian intended to abandon the child or that he or she is now dead. However, if the judge is satisfied that there was a satisfactory explanation for the abandonment he or she need not enter a finding of neglect.".

(f) Section 2319 is amended by redesignating the present language as subsection (a) and by adding at the end thereof a new subsection (b) to read as follows:

"(b) The social investigation and plan for the family prepared pursuant to section 109 of the Prevention of Child Abuse and Neglect Act of 1977 shall satisfy the requirements of subsection (a) of this section. Such investigation and plan shall be made available to all counsel in the proceedings at least five (5) days prior to the date of trial: PROVIDED, HOWEVER, That the investigation and plan shall not be furnished to or considered by the court prior to the completion of the fact-finding hearing.".

(g) Section 2331(b) is amended by adding the following new subparagraph (6):

"(6) professional employees of the Social Rehabilitation Administration of the Department of Human Resources when necessary for the discharge of their official duties.".

(h) Section 2332(b) is amended by deleting the period after subparagraph (7), inserting in lieu thereof ";and", and adding a new subparagraph (8) to read as follows:

"(8) professional employees of the Social Rehabilitation Administration of the Department of Human Resources when necessary for the discharge of their official duties.".

TITLE II

CHILD PROTECTION REGISTER

Sec. 201. Establishment and Purpose

(a) There is hereby established a Child Protection Register to be maintained by the Division.

(b) The purposes of the Register are to:

(1) maintain a confidential index of cases of abused and neglected children;

(2) assist in the identification and treatment of abused and neglected children and their families; and

(3) serve as a resource for the evaluation, management, and planning of programs and services for abused and neglected children.

(c) The staff of the Department of Human Resources assigned to maintain the Child Protection Register shall maintain twenty-four (24) hour, seven (7) day a week telephone lines which may be combined with the twenty-four (24) hour intake components described in Title III of this act.

(d) Said staff shall:

(1) receive reports and information necessary for the operation of the Child Protection Register and make appropriate entries in such Register as required by section 202(a) of this act; and

(2) release information contained in the Child Protection Register in a manner consistent with this act.

Sec. 202. Information to be Retained

(a) There shall be retained in the Child Protection Register the following information concerning each supported report:

(1) the recipient of the report, the date and the time of the receipt of the report;

(2) the information required in the report pursuant to the Act of November 6, 1966, as amended by this act (80 Stat. 1354; D.C. Code, sec. 2-163);

(3) the census tract and ward in which the child lives and other demographic information concerning the incident referred to in the report;

(4) the agencies to which the report was referred and the date and the time of the referral;

(5) the agency or agencies making the initial investigation, the summary of the results of the initial investigation and the dates and the times the investigations were begun and terminated;

(6) the agency or agencies making the social investigation, the summary of the results of the social investigation, the dates and the times said investigation was begun and terminated, the services offered and when they were offered;

(7) the agency or agencies to which the referrals were made and the services requested, with the dates of the opening and the closing of the case;

(8) the placements of the child and the dates of each placement;

(9) court actions concerning the child and the dates thereof; and

(10) the date the case was closed.

(b) There may be retained in the Child Protection Register other information required for research, planning,

evaluation and management purposes pursuant to rules adopted according to the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1203; D.C. Code, sec. 1-1501).

(c) Information in an unsupported report shall be retained in a separate index in which all information that could identify any person referred to in the unsupported report shall be destroyed.

(d) The staff which maintains the Child Protection Register shall review all open cases every six (6) months to assure that information in said Register is current and shall request updated information from the appropriate agencies as indicated.

(e) The public agencies responsible for receiving reports, making investigations and providing or securing case management shall be responsible for supplying the information required under this section to the Child Protection Register on a timely basis.

Sec. 203. Access to the Register

(a) The staff which maintains the Child Protection Register shall grant access to information contained in said Register only to the following persons:

(1) officers of the Police for the purpose of an investigation of a report;

(2) the Corporation Counsel of the District of Columbia or his or her agent for the purpose of fulfilling his or her official duties concerning cases of an allegedly neglected child;

(3) the personnel of the Division and the Social Services Division of the Superior Court of the District of Columbia for the purpose of investigating a report or providing services to a family or child who is the subject of a report;

(4) the guardian ad litem of a child who is the subject of a report;

(5) each person identified in a report as a person responsible for the neglect of the child or that person's attorney; and

(6) the parent, guardian, custodian or attorney of the child who is the subject of the report.

(b) The investigators of a report may divulge the information obtained from the Child Protection Register to medical professionals for the purpose of obtaining a diagnosis of the child who is the subject of the report.

(c) Each person seeking access to the Child Protection Register shall show identification satisfactory to the staff which maintains said Register before access is allowed.

(d) The staff which maintains the Child Protection Register shall not release to those persons identified in subparagraphs (5) and (6) of subsection (a) of this section any information that identifies the source of a report or the witnesses to the incident referred to in a report unless said staff first obtains permission from the source of the report and/or from the witnesses named in the report.

(e) The staff which maintains the Child Protection Register shall release only that information which is necessary for the purpose of the request and which does not violate the confidentiality of the persons identified in the report.

(f) The staff which maintains the Child Protection Register shall not release the information contained in said Register to another jurisdiction unless:

(1) that jurisdiction has comparable safeguards for ensuring the confidentiality of information regarding persons identified in the report and for withholding the identity of the source of the report; or

(2) the staff obtains permission for the release of the information from each person identified in the report and from the source of the report.

(g) The staff which maintains the Child Protection Register shall maintain a record of each release of

information, which record shall contain the following information:

- (1) the date of the release of the information;
- (2) to whom the information was released and the address of that person or institution; and
- (3) the purpose for which the information was released.

(h) The information in the Child Protection Register shall be released orally only to the Police and to personnel of the Division and of the Social Services Division of the Superior Court of the District of Columbia when they are investigating a report. Any release of information to other persons listed in subsection (a) of this section or pursuant to section 204 of this act shall be preceded by a written request from the person requesting the information.

Sec. 204. Release for Research and Evaluations

The staff which maintains the Child Protection Register may release information from said Register for research and evaluation only upon an order of the Superior Court of the District of Columbia: PROVIDED, HOWEVER, That no information identifying the persons named in a report shall be made available to the researcher or evaluator.

Sec. 205. Notification of Persons Identified in a Report

(a) The staff which maintains the Child Protection Register shall, within seven (7) days from the date that a report is entered in said Register, give notice to each person identified in the report of the fact that the report identifies him or her as responsible for the alleged abuse or neglect of the child who is the subject of the report.

(b) This notice shall include the following information:

(1) the date that the report identifying the person was entered in the Child Protection Register;

(2) the right of the person to review the entire report, except information which identifies other persons mentioned in the report; and

(3) the administrative procedures through which the person may seek the correction of information which he or she alleges is incorrect.

Sec. 206. Challenges to Information in the Child Protection Register

The Mayor shall establish, by rules adopted pursuant to the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1203; D. C. Code, sec. 1-1501) procedures to permit a person identified in the Child Protection Register to challenge information which he or she alleges is incorrect.

Sec. 207. Expungement

(a) The staff which maintains the Child Protection Register shall expunge from each report all information that identifies any person in the report upon:

(1) the eighteenth birthday of the child, if there is no reasonable suspicion or evidence that a younger sibling is being abused or neglected; or

(2) the end of the fifth year after the termination of the social rehabilitation services directed toward the abuse and neglect, whichever occurs first.

(b) The staff which maintains the Child Protection Register shall expunge, pursuant to the rules adopted under section 206 of this act, material successfully challenged as incorrect.

Sec. 208. Penalties for Unauthorized Dissemination of Information from the Child Protection Register

Any staff member of the Child Protection Register who willfully releases information obtained from the Register in violation of this act shall be fined not more than one thousand dollars (\$1,000).

Sec. 209. Prosecution

All violations of this act shall be prosecuted by the Corporation Counsel of the District of Columbia or his or her designee in the name of the District of Columbia.

Sec. 210. Effective Date

(a) This title shall not become effective until funds sufficient to meet the expenses of staffing and operating the Child Protection Register are available and the rules implementing this title are adopted by the Mayor pursuant to the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code, sec. 1-1501).

(b) No later than ten (10) days after the date the requirements of this section have been met, the Mayor shall publish in the District of Columbia Register a notice that this title is in effect.

TITLE III

CHILD PROTECTIVE SERVICES DIVISION

Sec. 301. Establishment and Purpose

(a) There shall be maintained within the Department of Human Resources a separate and distinct Division. The Division shall have as its purposes and functions:

(1) safeguarding the rights and protecting the welfare of children whose parents are unable to do so;

(2) offering highly specialized diagnostic and treatment services to families when there is specific harm to the child's physical or emotional well-being;

(3) ensuring that neglected and abused children are protected from further experiences and conditions detrimental to their healthy growth and development; and

(4) providing services on behalf of the child designed to help parents recognize and remedy the conditions harmful to the child and to fulfill their parental roles more adequately.

(b) The Division shall have no other function which is not directly related to its child protective service purpose, except that the twenty-four (24) hour intake unit may on an emergency basis, after normal office hours, offer crisis assistance to adults.

(c) The Department of Human Resources shall support the purpose and function of the Division by obtaining substitute care for a child whose parents are unable, even with available help, to meet the child's minimum needs and, where appropriate, by providing to the family of such child services which are aimed at reuniting the family as quickly as possible.

Sec. 302. Organization

(a) The Division shall be administered by a full-time Chief who shall be qualified by reason of training and experience to further the purposes of this act.

(b) The Chief of the Division shall be responsible for all child protective services provided by the Department of Human Resources, for monitoring child protective services provided by compact or contract with the Department of Human Resources and for coordinating activities with the Social Services Division of the Superior Court of the District of Columbia.

(c) The Division shall have sufficient staff, supervisory personnel, and resources to accomplish the purposes of this act, including the capacity to provide emergency and continuing service resources to abused and neglected children and their families.

(d) Staff qualifications, caseload levels, and supervision requirements shall be guided by standards set by the Child Welfare League of America or other child welfare organizations, shall be published in the District of Columbia Register for public comments, and shall be reviewed by the Mayor's Interagency Interdepartmental Committee on Abuse and Neglect.

(e) There shall be within the Division a twenty-four (24) hour intake component staffed by workers specially trained in intake and crisis intervention. The unit shall be staffed at all times, twenty-four (24) hours a day, seven (7) days a week. This component shall maintain the capacity

for receiving reports and for responding promptly with investigation and emergency services. This component shall maintain a widely publicized telephone number for receiving reports at all times and shall maintain sufficient telephone lines and qualified staff so that all calls will be answered immediately by a trained worker.

Sec. 303. Duties and Responsibilities

(a) The Chief of the Division shall have the following duties and responsibilities, any of which may be contracted for with private or other public agencies:

(1) to receive and investigate reports of neglect as provided in sections 103, 104 and 106 of this act and to assist in the determination of the need for the removal of an abused child as provided in section 107 of this act;

(2) within ninety (90) days of taking a child into custody pursuant to subparagraph (i) of subsection (c) of section 304 of this act, to return the child to the home or to request the filing of a neglect petition in the Family Division of the Superior Court of the District of Columbia;

(3) to maintain a program of treatment and services for families of neglected and abused children;

(4) to prepare annually a plan for child protective services which shall be reviewed and commented on by the

Mayor's Interagency Interdepartmental Committee on Abuse and Neglect. The plan shall:

(A) describe the Division's implementation of this act, including its organization, staffing, method of operations and financing, and programs and procedures for the receipt, investigation and verification of reports;

(B) describe the provisions for the determination of protective and the treatment of ameliorative service needs, and the provision of such services;

(C) state the guidelines for referrals to the Family Division of the Superior Court of the District of Columbia; and

(D) state the provisions for monitoring, evaluation and planning. The first plan shall be made available to the public within ninety (90) days of the effective date of this act;

(5) to encourage and assist in the formation of child abuse/neglect teams in hospitals, health and mental health clinics and other appropriate facilities in the District of Columbia; and

(6) to take whatever additional actions are necessary to accomplish the purposes of this act.

(b) The Director of the Department of Human Resources, in addition to his or her other responsibilities, shall have

the following duties and responsibilities, any of which may be contracted for with private or other public agencies:

(1) when a child has been adjudicated a neglected child and committed to the Department of Human Resources, to offer rehabilitative services to the child's family;

(2) when rehabilitative services have failed to reunite a committed child and his or her family within a reasonable time, to prepare a permanent plan for the child;

(3) to establish or attempt to secure priority access for protective service clients, by contract or agreement with private organizations, other public agencies, or other Department of Human Resources units to, services necessary for the preservation or reunification of families. These services may include but shall not be limited to:

- (A) emergency financial aid;
- (B) emergency caretakers;
- (C) homemakers;
- (D) family shelters;
- (E) emergency foster homes;
- (F) facilities providing medical, psychiatric or other therapeutic services;
- (G) day care;
- (H) parent aides/lay therapists;

(4) to monitor and evaluate services to and needs of neglected children and their families;

(5) to compile and publish training materials and provide technical assistance on neglect prevention, identification and treatment; and

(6) to prepare and submit to the Mayor, the Council of the District of Columbia and the public an annual report which shall include a description of the specific actions taken to implement this act and an evaluation of the Division's performance. The report shall include a full statistical analysis of case reports received, an evaluation of services offered, recommendations for additional legislation or services needed to fulfill the purposes of this act and the comments submitted by the Mayor's Interagency Interdepartmental Committee on Abuse and Neglect. The first report shall be submitted not later than one (1) year and ninety (90) days after the effective date of this act.

Sec. 304. Authority of the Child Protective Services Division

(a) When an investigation made pursuant to sections 104 or 105 of this act indicates that a child is an abused or neglected child and in need of services, the Chief of the

Division is authorized to provide or secure any necessary services which may include:

- (1) emergency financial aid;
- (2) temporary third-party placement with responsible neighbors or relatives for the child and his or her siblings: PROVIDED, That the person with whom the child is placed shall not be considered an agent of the Department of Human Resources;
- (3) emergency caretaker(s) who enter the home and provide temporary care for the child and his or her siblings in appropriate cases, when the consent of the parent or other custodian cannot be obtained, notwithstanding the provisions of the Act of March 3, 1901, as amended (31 Stat. 1324);
- (4) the placement of homemakers in the home to maintain the child and his or her siblings or to assist the parent or other caretaker in discharging his or her responsibilities to the child;
- (5) day care for the child and his or her siblings;
- (6) counselling services for the child and his or her family;
- (7) medical evaluation and/or emergency treatment of the child by a qualified physician; and

(8) other appropriate services or resources available in the community.

(b) When an investigation indicates that a child has been left alone or with inadequate supervision and a third-party placement cannot be made, the Division is authorized to make a temporary custodial placement of the child:

PROVIDED, That:

(1) notice is left for the parent or custodian which shall state the procedure for reclaiming the child;

(2) efforts continue to locate the parent;

(3) the child is returned forthwith upon the request of the parent or custodian, unless there is additional evidence of immediate danger to the child and Police action is taken pursuant to D.C. Code, secs. 16-2309

(3) or (4), as amended by this act; and

(4) a complaint alleging neglect is filed with the Superior Court of the District of Columbia:

(A) at the end of five (5) days if the parent or custodian fails to claim the child within that time, or

(B) immediately upon the discovery of additional evidence of immediate danger to the child.

(c) When an investigation made pursuant to section 104 or 105 of this act indicates that a child is an abused or a neglected child and when it has been determined that the

child cannot be adequately protected by any of the services set forth in subsections (a) or (b) of this section or by any other services, the Chief of the Division is authorized to:

- (1) remove the child with the consent of the parent, guardian, or other person acting in loco parentis;
- (2) request the Corporation Counsel of the District of Columbia to petition the Family Division of the Superior Court of the District of Columbia for a finding of neglect and, where appropriate, the removal of the child; and
- (3) request the Police to remove the child when the consent of a parent, guardian or other custodian cannot be obtained and the need to protect the child does not allow sufficient time to obtain a court order.

Sec. 305. Authority to Provide Medical Care

When the Department of Human Resources has physical custody of a child pursuant to subsection (b) or (c) of section 304 of this act or pursuant to D.C. Code, sec. 16-2313 or 16-2320, it may:

- (1) authorize a medical and psychiatric evaluation and/or emergency medical, surgical, dental, or psychiatric treatment at any time; and
- (2) authorize non-emergency medical, surgical, dental or psychiatric treatment, or autopsy, when reasonable

efforts to consult the parent have been made but a parent cannot be consulted.

TITLE IV
NEGLECT PROCEEDINGS

Sec. 401. Short Title This title may be cited as the "Neglect Proceedings Amendment Act of 1977".

Sec. 402. Right to Counsel Section 16-2304 of the District of Columbia Code is amended by:

(a) striking the heading and all reference thereto in chapter 23 of title 16 of the District of Columbia Code and inserting in lieu thereof the following:

"Section 16-2304. Right to Counsel; Party Status"

(b) striking subsection (b) and inserting in lieu thereof the following:

"(b) (1) When a child is alleged to be neglected or when the termination of the parent and child relationship is under consideration, the parent, guardian or custodian of the child named in the petition or in a motion to terminate is entitled to be represented by counsel at all critical stages of the proceedings, and, if financially unable to obtain adequate representation, to have counsel appointed in accordance with rules established by the Superior Court of the District of Columbia.

"(2) If the child has been living with a person other than the parent, such person shall receive notice of the neglect or the termination proceedings and, if the child has been with them for twelve (12) months or more, such person(s) may, upon his or her request, be designated a party to the proceedings: PROVIDED, That if the child has been living with such person less than twelve (12) months, upon such person's request the judge may, at his or her discretion, designate the person a party to the proceedings: PROVIDED, Further That such person shall not be a party in those parts of the proceedings which pertain to the determination of neglect as defined in D.C. Code, section 16-2301. If such parent or other person party to the proceedings is financially unable to obtain adequate representation, counsel shall be appointed in accordance with rules established by the Superior Court of the District of Columbia. The Division shall in every case involving a neglected child which results in a judicial proceeding, including the termination of the parent and child relationship pursuant to subchapter III of this chapter, appoint a guardian ad litem who is an attorney to represent the child in such proceedings. The guardian ad litem shall in general be charged with the representation of the child's best interest."

Sec. 403. Visitation Section 16-2310 of the District of Columbia Code is amended by:

(a) deleting the " ." at the end of subsection (b) of such section, adding "and that" in lieu thereof and adding a new subparagraph (3) to read as follows:

"(3) no alternative resources or arrangements are available to the family that would adequately safeguard the child without requiring removal."

(b) adding a new subsection (d) to read as follows:

"(d) Whenever a child has been placed in shelter care, the child's parent, guardian or custodian shall be permitted visitation at least weekly unless it appears to the judge that such visitation rights would create an imminent danger to or be detrimental to the well-being of the child, in which case, the judge shall either prescribe a schedule of visitation rights or order that visitation rights not be allowed."

Sec. 404. Notice and Placement Section 16-2313 of the District of Columbia Code is amended by adding to the end thereof the following new subsection (f):

"(f) The department or agency having custody, pursuant to a shelter care order, of a child alleged to be a neglected child shall give notice, which may be oral, of any

change in the placement of the child to the child's parent, the child's guardian ad litem and the child's foster parent, if any, at least forty-eight (48) hours prior to the change in placement, except that in the case of an emergency, notice shall be given no later than twenty-four (24) hours (excluding Saturdays, Sundays and legal holidays) after the change. Notice need not be given to the parent where the Division has found that visitation would be detrimental to the child or the Division has determined that the parent should not be apprised of the child's location. Upon the request of any person entitled to notice under this subsection, the department or agency having legal custody of the child shall afford an opportunity for an administrative hearing to review the proposed change in the placement of the child, except that the department or agency need not conduct such a hearing if the requestor does not qualify as a party pursuant to D.C. Code, section 16-2304."

Sec. 405. Physical and Mental Examinations Subsection (e) of section 16-2315 of the District of Columbia Code is amended to read as follows:

"(e) (1) At any time following the filing of a petition which alleges a neglected child as defined by D.C. Code, section 16-2301 (9) (C) the Division may, on its own motion or the motion of any party, for good cause shown,

order the mental or physical examination of the parent, guardian, or custodian of the child whose ability to care for the child is at issue.

"(2) Following an adjudication that a child is neglected, the Division may, on its own motion or the motion of any party, order a mental or physical examination of the parent, guardian, or custodian of the child whose ability to care for the child is at issue.

"(3) The Division may order additional mental examinations to be performed by independent experts upon a showing by any party that a prior examination is inadequate.

"(4) The results of the mental or physical examination shall not be admissible evidence in the factfinding hearing unless the allegations contained in the petition set forth facts which support a petition pursuant to D.C. Code, section 16-2301 (9) (C).

"(5) The results of the mental or physical examination shall be admissible at a dispositional hearing.

"(6) The results of the mental or physical examination shall not be admissible as evidence in any criminal proceedings."

Sec. 406. Predisposition Study and Report Section 16-2319 of the District of Columbia Code as amended by the

Prevention of Child Abuse and Neglect Act of 1977, is further amended by adding the following new subsection (c):

"(c) (1) The report to the Division in neglect cases shall include, but not be limited to, the following information:

"(A) the specific harms intervention is designed to alleviate;

"(B) the plans for alleviating these harms including specific services, the proposed providers of the services recommended and the actions the parent, guardian, or custodian should take to alleviate these harms;

"(C) the estimated time in which the goals of intervention may be achieved or in which it will be known that the goals may not be achieved; and

"(D) the criteria to be used to determine that intervention is no longer necessary; and,

"(2) If the removal of the child from his parent, guardian, or custodian is recommended, the report shall also include:

"(A) the recommended type of placement;

"(B) the reasons why the child cannot be protected in his or her home;

"(C) the likely harm the child will suffer as a result of the separation from his or her parent,

guardian, or custodian and recommended steps to be taken to minimize this harm; and

"(D) the plans for maintaining contact between the parent and child through visitation rights in order to maximize the parent-child relationship consistent with the well-being of the child."

Sec. 407. Disposition of Child Who is Neglected, Delinquent, or In Need of Supervision Section 16-2320 of the District of Columbia Code is amended by:

(a) striking the " ." at the end of subparagraph (3) of subsection (a) and adding the following language:

"except that no child shall be ordered placed outside his or her home unless the Division finds the child cannot be protected in the home and there is an available placement likely to be less damaging to the child than the child's own home. It shall be presumed that it is generally preferable to leave a child in his or her own home."

(b) striking subparagraph (5) of subsection (a) and inserting in lieu thereof the following language:

"(5) The Division may make such other disposition as is not prohibited by law and as the Division deems to be in the best interests of the child. The Division shall have the authority to (i) order any public agency of the District of Columbia to provide any service

the Division determines is needed and which is within such agency's legal authority and (ii) order any private agency receiving public funds for services to families or children to provide any such services when the Division deems it is in the best interests of the child and within the scope of the legal obligations of the agency."

(c) adding at the end of subsection (a) the following new subparagraph (6):

"(6) Terminate the parent and child relationship for the purpose of seeking an adoptive placement for the child pursuant to subchapter III of this chapter."

(d) adding to the end thereof new subsections (f) and (g) to read as follows:

"(f) In its dispositional order the Division shall address the matters set forth in section 16-2319 (c) by accepting, modifying, or rejecting the plan submitted pursuant thereto. If the plan is rejected or major modifications are made, the agency charged with service responsibility shall within thirty (30) days submit to the Division and to all parties a plan which addresses the matters delineated in section 16-2319(b). The agency responsible for providing the services shall promptly report to the Division and all parties if it is unable for

whatever reasons to provide the services delineated in the plan. :

"(g) The department or agency to whom the legal custody of a child has been transferred pursuant to subsection (a) of this section shall give notice, which may be oral, of any change in the placement of the child to the child's parent, the child's guardian ad litem and the child's foster parent at least ten (10) days prior to the change in placement, except that in the case of an emergency notice shall be given no later than twenty-four (24) hours (excluding Saturdays, Sundays and legal holidays) after the change. Notice of a change in placement need not be given to the parent when the judge has determined that visitation would be detrimental to the child or the judge has determined that the parent should not be apprised of the child's location. Upon the request of any person entitled to notice under this subsection the department or agency having legal custody of the child shall afford an opportunity for an administrative hearing to review the proposed change in the placement of the child. Except in the case of an emergency, the hearing shall be held and a decision rendered prior to a change in the placement."

Sec. 408. Providing for Review of Dispositional Orders
Subchapter I of chapter 23 of title 16 is amended by:

(a) renumbering sections 16-2323 through 16-2337 as sections 16-2324 through 16-2338, respectively.

(b) adding thereto a new section 16-2323 to read as follows:

"16-2323. Review of Dispositional Orders.

"(a) When a child has been adjudicated neglected and a dispositional order has been entered by the Division, the Division shall hold a review hearing.

"(1) at least every six (6) months for a child under the age of six (6) years who is committed to the custody of an agency, department, or institution;

"(2) at least every six (6) months for a child of any age who is committed to the custody of an agency, department, or institution but has not been committed for longer than two (2) years;

"(3) at least every year for all other children.

"(b) At least ten (10) days prior to each review hearing the Division or the department, agency, or institution responsible for the supervision of the services to the child and his parent, guardian, or custodian shall submit a report to the Division which shall include, but not be limited to, the following information:

"(1) the services provided or offered to the child and his parent, guardian or other custodian;

"(2) any evidence of the exacerbation of the condition which resulted in the finding of neglect and any evidence of new problems which would adversely affect the child;

"(3) an evaluation of the cooperation of the parent, guardian or custodian with the Division or the applicable department, agency, or institution;

"(4) in those cases in which the custody of the child has been vested in a department, agency, institution or person other than the parent --

"(A) the extent to which visitation has occurred and any reasons why visitation has not occurred or has been infrequent,

"(B) the estimated time in which the child can be returned to the home, and

"(C) whether the agency has initiated or intends to initiate the filing by the Corporation Counsel of a motion requesting the termination of the parent and child relationship and any reasons why it does not intend to initiate the filing of such a motion; and

"(5) such other information as may be required by rules of the Superior Court of the District of Columbia.

"(c) A notice of a review hearing under this section shall be given to all parties and their attorneys of record as prescribed by rules of the Superior Court of the District of Columbia.

"(d) If the Division finds that the commitment of the child to a department, agency, institution or person other than the parent is no longer necessary to safeguard the welfare of the child, the Division may order:

"(1) the child returned to the home and the provision of supervision or other services; or

"(2) any other disposition authorized by section 16-2320(a)."

Sec. 409. Court Cost and Expenses Section 16-2325 of the District of Columbia Code is amended to read as follows:

"(a) If, at the dispositional hearing or thereafter, the Division finds, after due notice and a hearing, that the parent or other person legally obligated to care for and support a child subject to proceedings under this subchapter is financially able to pay, the Division may order him or her to pay all of or part of the costs of --

"(1) physical and mental examinations and treatment of the child ordered by the Division;

"(2) except in neglect cases, a reasonable compensation for the services and related expenses of

counsel appointed by the Division to represent the child; and :

"(3) in neglect cases, a reasonable compensation for the services and related expenses of counsel appointed by the Division to represent the parent or person.

"(b) Payment under this section shall be made as prescribed by rules of the Superior Court of the District of Columbia."

Sec. 410. Termination of Parental Rights Chapter 23 of title 16 of the District of Columbia Code is amended by adding to the end thereof a new Subchapter III to read as follows:

"Subchapter III. Proceedings Regarding The Termination of Parental Rights of Certain Neglected Children

"Section 16-2351. Purpose of the Subchapter; Construction of Provisions

"(a) The general purposes of this subchapter are to:

"(1) encourage stability in the lives of certain children who have been adjudicated neglected and have been removed from the custody of their parent by providing judicial procedures for the permanent termination of the parent and child relationship in the circumstances set forth in this subchapter;

"(2) ensure that the constitutional rights of all parties are recognized and enforced in all proceedings conducted pursuant to this subchapter while ensuring that the fundamental needs of children are not subjugated to the interests of others; and

"(3) increase the opportunities for the prompt adoptive placement of children for whom parental rights have been terminated.

"(b) This subchapter shall be liberally construed to promote the general purposes stated in this section.

"Section 16-2352. Definitions

"(a) As used in this subchapter, unless the context otherwise requires:

"(1) 'parent and child relationship' includes all rights, powers, privileges, immunities, duties and obligations existing under law between a parent and child, including rights of inheritance. The words apply equally to every child and every parent regardless of the marital status of the parents of the child.

"(2) 'termination of the parent and child relationship' means the adjudication that a child is free from the custody and control of either or both of his or her living parents by means of a court order that completely severs and extinguishes the parent and child relationship.

"(b) The terms found in this subchapter which are defined in section 16-2301 of this chapter shall be given the same definition herein.

"Section 16-2353. Grounds for Termination of Parent and Child Relationship

"(a) A judge may enter an order for the termination of the parent and child relationship when the judge finds from the evidence presented, after giving due consideration to the interests of all parties, that the termination is in the best interests of the child.

"(b) In determining whether it is in the child's best interests that the parent and child relationship be terminated, a judge shall consider each of the following factors:

"(1) the child's need for continuity of care and caretakers and for timely integration into a stable and permanent home, taking into account the differences in the development and the concept of time of children of different ages;

"(2) the physical, mental and emotional health of all individuals involved to the degree that such affects the welfare of the child, the decisive consideration being the physical, mental and emotional needs of the child;

"(3) the quality of the interaction and interrelationship of the child with his or her parent, siblings, relative and/or caretakers, including the foster parent; and

"(4) to the extent feasible, the child's opinion of his or her own best interests in the matter.

"Section. 16-2354. Motions

"(a) A motion for the termination of the parent and child relationship may be filed by the District of Columbia government or by the child through his or her legal representative.

"(b) A motion for the termination of the parent and child relationship may be filed only when the child who is the subject of the motion has been adjudicated neglected at least six (6) months prior to the filing of the motion and the child is in the court-ordered custody of a department, agency, institution or person other than the parent; except that the motion for termination may be filed immediately --

"(1) upon an adjudication that the child was abandoned; or

"(2) when, despite reasonable efforts, the parent could not be located for the factfinding hearing and during the three (3) months prior to the hearing.

"(c) A motion for the termination of the parent and child relationship shall include but not be limited to:

"(1) the name, sex, date and place of birth, and current placement of the child;

"(2) the name and title of the petitioner;

"(3) the name and address of the child's parent;

"(4) a plain and concise statement of the facts and opinions on which the termination of the parent and child relationship is sought;

"(5) a specification as to the health of the child;

"(6) a statement as to the general prospects for or the barriers, if any, to the adoption of the child; and

"(7) a statement as to the varicous efforts taken by the moving party to locate the parent of the child.

"(d) When any facts required pursuant to subsection (c) of this section are not known to the moving party, if he or she shall so state in the motion, or on a motion by any party, for good cause shown, the judge may direct the filing of a bill of particulars to inform the moving party of the precise nature of the allegations contained in the motion for the termination of the parent and child relationship.

"Section 16-2355. Consideration of Termination of the Parent and Child Relationship at Review Hearings.

"(a) After a child adjudicated neglected by the Division pursuant to this chapter has been committed by the Division to the custody of a department, agency or institution for more than eighteen (18) months and no hearing on a motion for the termination of the parent and child relationship has been held within the preceding twelve (12) months, the Division shall, at a review hearing, determine why a motion to terminate the parent and child relationship has not been filed.

"(b) For each child who remains in custody for three (3) years or more, the Division shall, at each annual review hearing, determine why a motion to terminate the parent and child relationships has not been filed.

"Section 16-2356. Parties

"Parties to a proceeding for the termination of the parent and child relationship shall be the child, the parent of the named child, and the agency having the legal custody of the child. The judge may at his or her discretion, name on his or her own motion or in response to a motion for joinder or intervention, join additional parties to a proceeding to terminate the parent and child relationship.

"Section 16-2357. Notice

"(a) When a motion to terminate the parent and child relationship is filed, a judge shall promptly set a time for an adjudicatory hearing and shall cause notice thereof to be given to all parties.

"(b) A judge shall direct the issuance to and personal service upon the child's parent of a summons together with a copy of the motion to terminate the parent and child relationship.

"(c) When it is appropriate to the proper disposition of the case, a judge may direct the service of a summons upon other persons.

"(d) If a personal service under this section cannot be effected, then notice shall be made constructively pursuant to rules of the Superior Court of the District of Columbia.

"Section 16-2358. Conduct of Hearings

"(a) All hearings and proceedings on a motion to terminate the parent and child relationship shall be held by the judge, without a jury.

"(b) All hearings and proceedings held pursuant to this subchapter shall be recorded by appropriate means.

"(c) Except in hearings to declare a person in contempt of court, the general public shall be excluded from hearings and proceedings arising pursuant to this subchapter. Only persons necessary to such hearings and proceedings shall be

admitted, but a judge may, pursuant to rules of the Superior Court of the District of Columbia, admit such other persons as have a proper interest in the case or the work of the Division on the condition that they refrain from divulging information identifying the child involved in the proceedings or members of his or her family.

"(d) If a judge finds it is in the best interests of the child, he or she may temporarily exclude the child from any proceeding. Under no circumstances, however, may counsel in the case be excluded.

"Section 16-2359. Adjudicatory Hearing

"(a) A judge shall begin the adjudicatory hearing by determining whether all parties are present and whether proper notice of the hearing has been given. If the parent has been given proper notice but has failed to appear the judge may proceed in his or her absence.

"(b) A judge shall hear evidence presented by the moving party and the burden of proof shall rest upon the moving party.

"(c) Every party shall have the right to present evidence, to be heard in his or her own behalf and to cross-examine witnesses called by another party.

"(d) All evidence which is relevant, material, and competent to the issues before the judge shall be admitted.

"(e) Notwithstanding the provisions of D.C. Code, sections 14-306 and 14-307, neither the husband/wife privilege nor the physician/patient privilege shall be a ground for excluding evidence in any proceeding brought under this subchapter.

"Section 16-2360. Disposition After Termination

"(a) If a judge finds that sufficient grounds exist for the termination of the parent and child relationship, the judge shall so order and decree and shall vest the legal custody of the child in a department, agency or institution.

"(b) The department, agency or institution to which a child is committed after the termination of the parent and child relationship pursuant to this subchapter shall be responsible for seeking the prompt adoptive placement of the child and, if an adoptive placement has not been made within three (3) months, the department, agency, or institution shall list the child on all appropriate local, regional and national adoption exchanges. If an adoptive placement has not been made within six (6) months of the termination, a hearing shall be held and within every six (6) months thereafter the department, agency or institution shall report to the Division on its efforts to secure an adoptive placement, including but not limited to the following information:

"(1) the extent to which an adoption has been explored with the child's foster parent and any reasons why an adoption by the foster parent is not appropriate;

"(2) all adoption exchanges with which the child has been listed and the date of each listing; and

"(3) the limitations placed on the families to be considered for the adoption of the child.

"(c) The information provided pursuant to subsection (b) shall be provided to the guardian ad litem at least ten (10) days prior to a review hearing.

"(d) A notice of a review hearing shall be given as prescribed by rules of the Superior Court of the District of Columbia to the child's guardian ad litem. Any person with whom the child has been living for six (6) months or more shall be given notice of hearings and shall upon his or her request be joined as a party to a review hearing.

"(e) If the Division finds that the department, agency or institution vested with the custody of the child is not making sufficient efforts to secure an adoptive placement for the child or that inappropriate limitations have been placed on potential adoptive families, the Division may order such additional efforts as it deems appropriate or may order that the imposition of inappropriate limitations be eliminated or may transfer the power to consent to an

adoption together with the vestment of legal custody to any other licensed child placement agency.

"Section 16-2361. Effect of Termination Decree

"(a) An order terminating the parent and child relationship divests the parent and the child of all legal rights, powers, privileges, immunities, duties and obligations with respect to each other, except the right of the child to inherit from his or her parent. The right of inheritance of the child shall be terminated only by a final order of adoption.

"(b) When an order terminating the parent and child relationship has been issued, the parent whose rights have been terminated shall not thereafter be entitled to notice of proceedings for the adoption of the child by another nor shall such parent have any right to object to the adoption or otherwise to participate in the proceedings.

"Section 16-2362. Decrees

"(a) Every order of the Division terminating the parent and child relationship shall be in writing and shall recite the findings upon which such order is based, including findings pertaining to the court's jurisdiction.

"(b) Notwithstanding the provisions of D.C. Code, section 16-2329 as renumbered by the Prevention of Child Abuse and Neglect Act of 1977, all orders terminating the

parent and child relationship entered pursuant to this subchapter shall not be final and effective until the time for noting an appeal has expired and, if a notice of appeal has been entered, the order shall not become effective until the date of the final disposition of the appeal.

"Section 16-2363. Confidentiality of Records

"The provisions of sections 16-2331 and 16-2332 of this chapter, as renumbered by the Prevention of Child Abuse and Neglect Act of 1977, shall apply to all juvenile case records and juvenile social records as defined therein which are created pursuant to the proceedings under this subchapter.

"Section 16-2364. Unlawful Disclosure

"Whoever willfully discloses, receives, makes use of, or knowingly permits the use of information concerning a child or other person in violation of section 16-2363 of this subchapter shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than two hundred and fifty dollars (\$250) or imprisoned for not more than ninety (90) days, or both. A violation of this section shall be prosecuted by the Corporation Counsel of the District of Columbia.

"Section 16-2365. Termination Decrees of Other Jurisdictions

"If the parent and child relationship has been terminated by judicial decree in another jurisdiction that decree, unless it is against the public policy of the District of Columbia, shall have the same force and effect in the District of Columbia as to matters within the jurisdiction of the District of Columbia court."

Sec. 411. This act shall take effect pursuant to the provisions of section 602(c) of the District of Columbia Self-Government and Governmental Reorganization Act.

Presented to the Mayor: JUN 21 1977Robert W. Wilson
Secretary to the CouncilAction of the Mayor: 8 JUL 1977

Approved: Disapproved;
 Disapproved in part --*Reference
 Document: _____
 *Budget Actions.

Returned Without Action ----- Executive Secretary, D. C.

Enacted without Mayor's Signature ----- Secretary to the Council

Council Reenactment: _____

VOICE VOTE: _____

Secretary to the Council

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	COUNCIL MEMBER	AYE	NAY	N.V.	COUNCIL MEMBER	AYE	NAY	N.V.	ALL
TUCKER				MASON				SPAULDING				
HARDY				MOORE, D.				WILSON				
BARRY				MOORE, L.				WINTER				
CLARKE				ROLARK								
DIXON				SHICKLETON								
I = Indivisible Vote A = Amendable N. V. = Not Voting												

Secretary to the Council

Presented to the President: _____

Secretary to the Council

Action of the President: _____

Reenactment Approved

Mayor's Veto Sustained

President of the U. S.

Submitted to the Congress: _____

Secretary to the Council

Senate Action: _____

House Action: _____

Resolution Number: _____

Resolution Number: _____

Secretary of the Senate

Clerk of the House

Enacted Without Congressional Action:

D. C. Law No. _____ Effective Date _____

Secretary to the Council

RECORD OF OFFICIAL COUNCIL ACTION

Docket No: 2-48

First Reading Action: 5/17/77

VOICE VOTE: Adopted Unanimously

Robert A. Williams
Secretary to the Council

ROLL CALL VOTE:

COUNCIL MEMBER AYE NAY N.V.	COUNCIL MEMBER AYE NAY N.V.	COUNCIL MEMBER AYE NAY N.V.
TUCKER MASON SPAULDING		
HARDY MOORE, D. WILSON		
BARRY MOORE, J. WINTER		
CLARKE ROLARK		
DIKON SACKLETON		

X—Indicates Vote A.Y.E.—Ayes N.V.—Not Voting

Secretary to the Council

Amended First Reading Action: _____

VOICE VOTE: _____

Secretary to the Council

ROLL CALL VOTE:

COUNCIL MEMBER AYE NAY N.V.	COUNCIL MEMBER AYE NAY N.V.	COUNCIL MEMBER AYE NAY N.V.
TUCKER MASON SPAULDING		
HARDY MOORE, D. WILSON		
BARRY MOORE, J. WINTER		
CLARKE ROLARK		
DIKON SACKLETON		

X—Indicates Vote A.Y.E.—Ayes N.V.—Not Voting

Secretary to the Council

Final Reading or Emergency Action: 5/31/77

VOICE VOTE: Adopted Unanimously

Robert A. Williams
Secretary to the Council

ROLL CALL VOTE:

COUNCIL MEMBER AYE NAY N.V.	COUNCIL MEMBER AYE NAY N.V.	COUNCIL MEMBER AYE NAY N.V.
TUCKER MASON SPAULDING		
HARDY MOORE, D. WILSON		
BARRY MOORE, J. WINTER		
CLARKE ROLARK		
DIKON SACKLETON		

X—Indicates Vote A.Y.E.—Ayes N.V.—Not Voting

Secretary to the Council