DOMESTIC VIOLENCE LAWS
IN THE DISTRICT OF COLUMBIA

2000-2012

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LAW SUMMARIES

Temporary Assistance for Needy Families Time Extension Amendment Emergency Amendment Act of 2012 **DC LEGIS ACT A19-0450**

Voting Record Approved: September 20, 2012

Statute Effective: September 20, 2012

- Amends the District of Columbia Public Assistance Act of 1982 to extend the time period for the scheduled reduction of Temporary Assistance for Needy Family payments from October 1, 2012 until April 1, 2013
- $4.36 million in debt savings funds were previously reprogrammed to DHS.
- Of these funds, $2.93 million is available to cover the delay. The remaining $1.4 million will be used by DHS to provide assessments, case management, and other services to TANF recipients.

Immigration Detainer Compliance Amendment Act of 2012 **DC LEGIS ACT 19-0442**

Voting Record Approved: August 08, 2012

Statute Effective: Projected December 12, 2012

- The bill limits the instances in which the Department of Corrections will honor Immigration & Customs Enforcement (ICE) detainer requests
- Detainer requests are limited to adults who were convicted of an enumerated list of crimes
- The District is not allowed to provide ICE agents with any use of a facility or equipment to perform an inquiry of inmates and ICE agents cannot speak to inmates without the inmate having the opportunity to have counsel present.

Youth Bullying Prevention Act of 2012 **DC LEGIS ACT A19-0384**

Voting Record Approved: Friday, June 22, 2012

Statute Effective: September 14, 2012

- Established within District of Columbia Public Schools, District of Columbia Public Charter Schools, the Department of Parks and Recreation, District of Columbia Public Library, and the University of the District of Columbia policies to prohibit harassment, intimidation, and bullying, including by means of electronic communication; and to establish bullying prevention policies
- Requires the mayor to establish a bully prevention task force
- Requires the Mayor to review the effectiveness of this act every 2 years and to submit the findings to the Council

Firearms Amendment Act of 2011 **DC LEGIS ACT A19-0366**

Voting Record Approved: May 15, 2012

Statute Effective: Projected October 31, 2012

- Amends the Firearms Control Regulations Act of 1975
- Defines "firearm instructor" and allow a person to temporarily possess a firearm while participating in a firearms training and safety course

- Repealed the requirement that each pistol be submitted for ballistic identification as part of the registration process

Uniform Collaborative Law Act of 2012 **DC LEGIS 19-0125**

Voting Record Approved: March 01, 2012

Statute Effective: May 09, 2012

- Provides a statutory basis for an alternative dispute resolution procedure by which civil law disputes may be resolved expeditiously
- Initiation of any protective order proceeding against one party, in accordance with the District's definition of eligible petitioners, would terminate the collaborative process
- The statute prevents the mediation process from proceeding if there is a determination that there is the existence of a violent or coercive relationship between the parties absent consent and the collaborative lawyer determines it is safe to continue.

Criminal Code Amendment Act of 2010 **DC LEGIS ACT 18-0722**

Voting Record Approved: February 2, 2011

Statute Effective: projected June 9, 2011

- Establishes that a judgment of restitution or reparation is enforceable in the same manner as a civil judgment, and may be enforced by the United States Attorney, the Attorney General for the District of Columbia, as well as the victim and other beneficiaries
- Adds language regarding animal cruelty in intrafamily offenses
- Clarifies that that gun offenders convicted at any time, must register with the gun offenders registry
- Establishes a criminal penalty for arranging for a sexual act of contact with a real or fictitious child
- increases the financial thresholds for the offenses of destruction of property, receiving stolen property, and theft of property
- Establishes a warrantless arrest for the offense of misdemeanor sexual abuse

Fiscal Year 2011 Supplemental Budget Support Act of 2010 **DC LEGIS 18-0370**

Voting Record Approved: January 27, 2011

Statute Effective: April 8, 2011

- Reduces the maximum benefit for an individual receiving Temporary Assistance to Needy Families ("TANF") benefits
- Transfers funds from certain special purpose and dedicated revenue accounts to unrestricted balance of the General Fund

Homeless Services Reform Amendment Act of 2010 **DC LEGIS 18-0367**

Voting Record Approved: January 27, 2011

Statute Effective: April 8, 2011

- Clarifies the criteria for demonstrating District residency, to provide that certain third parties may verify the residency of an individual or family seeking severe weather shelter
- Requires that individuals and families seeking severe weather shelter be residents of the District, excluding only low-barrier shelters and victims of domestic abuse, sexual assault and human trafficking
- Authorizes the Mayor to place families in non-apartment-style severe weather shelters

TANF Educational Opportunities and Accountability Act of 2010 **DC LEGIS 18-0366**

Voting Record Approved: January 27, 2011

Statute Effective: April 8, 2011

- Expands the definitions of acceptable educational opportunities available under the TANF Employment Program in accordance with the federal 2005 Deficit Reduction Act, to
- Requires the use of standardized initial assessment for all TANF participants and to require more robust and transparent outcome measurements from TANF vendors, including the utilization of domestic violence services.

Reasonable Health Insurance Ratemaking and Health Care Reform Act of 2010 **DC LEGIS 18-0360**

Voting Record Approved: January 20, 2011

Statute Effective: April 8, 2011

- Protects victims of domestic violence from discrimination in the provision of insurance
- Prohibits rate variation in health insurance rate-setting based on the gender or sex of an individual

Expanding Access to Juvenile Records Amendment Act of 2010 **DC LEGIS 18-0284**

Voting Record Approved: November 3, 2010

Statute Effective: March 8, 2011

- Allows information contained in juvenile case records, social records, and law enforcement records pertaining to a child to be disclosed to persons who have a professional interest in the protection, welfare, treatment, and rehabilitation of the child

Data-Sharing and Information Coordination Amendment Act of 2010 **DC LEGIS 18-0273**

Voting Record Approved: July 20, 2010

Statute Effective: December 4, 2010

- Authorizes the sharing of health and human services information for specified purposes

- Authorizes the creation of a single or combined data system, to ensure that disclosure of individually identifiable information is consistent with federal law
- Imposes penalties for unlawful disclosure of certain health and human services information and personally identifiable information

Data-Sharing and Information Coordination Emergency Amendment Act of 2010 — **DC LEGIS ACT 18-0530**

Voting Record — Approved: August 6, 2010

Statute — Expired: November 4, 2010

- Authorizes, on an emergency basis, the sharing of health and human services information for specified purposes
- Authorizes the creation of a single or combined data system, to ensure that disclosure of individually identifiable information is consistent with federal law
- Imposes penalties for unlawful disclosure of certain health and human services information and personally identifiable information.

Community Impact Statement Amendment Act of 2010 — **DC LEGIS 18-0259**

Voting Record — Approved: June 28, 2010

Statute — Effective: November 6, 2010

- Permits the submission of a community impact statement prior to the imposition of sentence
- Requires the Court to consider such statement in determining an appropriate sentence

Safe Children and Safe Neighborhoods Educational Neglect Mandatory Reporting Amendment Act of 2010 — **DC LEGIS 18-0242**

Voting Record — Approved: July 30, 2010

Statute — Effective: October 26, 2010

- Requires persons required to make reports of neglected children to make a neglected child report of any child between the ages of 5 and 13 years of age who has 10 or more days of unexcused absences from school within a school year
- Includes a child between the ages of 5 and 13 years of age who has 10 or more days of unexcused absences from school within a school year in the definition of a neglected child

Prohibition Against Human Trafficking Amendment Act of 2010 — **DC LEGIS 18-0239**

Voting Record — Approved: June 21, 2010

Statute — Effective: October 23, 2010

- Prohibits human trafficking in the District of Columbia
- Establishes a statute of limitations for human trafficking and like cases, include human trafficking in the definition of "dangerous crime"
- amend the Victims of Violence Crime Compensation Act to include human trafficking
- Protects confidential communication between human trafficking counselors and victims
- Requires the executive to collect data concerning human trafficking crimes

Gun Offender Registration Emergency Amendment Act of 2010 — **DC LEGIS ACT 18-0464**

Voting Record — Approved: July 2, 2010

Statute — Expired: September 30, 2010

- Clarifies that the gun offender registry applies to any person convicted of a gun offense who is within the registration period set forth in the statute, regardless of whether the conviction occurred before or after the effective date of the statute.

Fiscal Year 2011 Budget Support Act of 2010 — **DC LEGIS 18-0223**

Voting Record — Approved: July 2, 2010

Statute — Effective: September 24, 2010

- Repeals the sunset date for the Domestic Violence Fatality Review Board.

Unemployment Compensation Reform Act of 2009 — **DC LEGIS 18-1092**

Voting Record — Approved: May 14, 2010

Statute — Effective: July 23, 2010

- Extends the length of time to file an appeal of an initial determination with respect to benefit eligibility
- Enhance the maximum weekly benefit provided
- Expand eligibility to those who had to leave jobs for compelling family reasons, including domestic violence

Domestic Violence Fatality Review Board Emergency Act of 2010 — **DC LEGIS ACT 18-0366**

Voting Record — Approved: April 5, 2010

Statute — Expired: July 4, 2010

- Clarifies that the annual report is permissive
- Repeals the sunset clause for the Domestic Violence Fatality Review Board

Newborn Safe Haven Act of 2009 — **DC LEGIS 18-0158**

Voting Record — Approved: March 25, 2010

Statute — Effective: May 27, 2010

- Provides that a parent may surrender a new-born infant, where there is no actual or suspected abuse, to a hospital, police station, fire station, or emergency medical facility without being charged with abuse, neglect, or abandonment of the new-born infant
- Requires hospitals, police stations, fire stations, and emergency medical facilities to accept a surrendered child
- Provides for further placement with Child and Family Services Agency
- Requires the Mayor to promulgate rules to implement this act and to submit the proposed rules to the Council

Omnibus Public Safety and Justice Amendment Act of 2009 — **DC LEGIS 18-0088**

Voting Record — Approved: August 26, 2009

Statute — Effective: December 10, 2009

- Clarifies that a spouse or domestic partner shall be competent and compellable to testify in civil and/or criminal proceedings involving an intrafamily offense, offense against a child, minor, or vulnerable adult, civil proceedings involving an offense against the child, minor, or vulnerable adult, and crimes that occurred prior to the marriage or domestic partnership

Omnibus Public Safety and Justice Emergency Amendment Act of 2009 — **DC LEGIS ACT 18-0181**

Voting Record — Approved: August 6, 2009

Statute — Expired: November 4, 2009

- Clarifies that a spouse or domestic partners shall be competent and compellable to testify in civil or criminal proceedings involving an intrafamily offense
- Prevents persons convicted of an intrafamily offense from owning, keeping, or having a firearm in his or her possession or under his or her control
- Prevents persons subject to civil protection orders from owning, keeping, or having a firearm in his or her possession or under his or her control
- Repeals the Crime Bill Emergency Amendment Act of 2009

Crime Bill Emergency Amendment Act of 2009 — **DC LEGIS ACT 18-0129**

Voting Record — Approved: June 29, 2009

Statute — Expired: September 27, 2009

- Prevents persons convicted of an intrafamily offense from owning, keeping, or having a firearm in his or her possession or under his or her control
- Prevents persons subject to civil protection orders from owning, keeping, or having a firearm in his or her possession or under his or her control

Adoption and Safe Families Amendment Act of 2009 **DC LEGIS 18-0047**
Voting Record Approved: June 18, 2009
Statute Effective: September 11, 2009

- Establishes that an individual with a certain criminal conviction, or who live with other adults with certain criminal convictions, shall be disqualified from receiving a license, approval or permission to adopt or foster a child or to otherwise have custody of a child as legal guardian, kinship caregiver or custodian
- Excludes certain criminal convictions from those that would disqualify an individual from receiving a license, approval or permission to adopt and/or foster a child or to otherwise have custody of a child as a legal guardian, kinship caregiver or custodian

Newborn Safe Haven Temporary Act of 2009 **DC LEGIS 18-0029**
Voting Record Approved: May 20, 2009
Statute Effective: July 18, 2009
Expired: February 28, 2010

- Provides, on a temporary basis, that a parent may surrender a newborn infant, where there is no actual or suspected abuse or neglect, to an authorized receiving facility without being charged with abuse, neglect, or abandonment of the newborn infant, to require hospitals to accept a surrendered newborn infant
- Provides for further placement with Child and Family Services Agency, to provide for the relinquishment and restoration of parental rights
- Provides immunity to a facility and personnel receiving a surrendered newborn infant
- Requires the Mayor to promulgate rules to implement this act and to submit the proposed rules to the Council for approval

Newborn Safe Haven Emergency Act of 2009 **DC LEGIS ACT 18-0049**
Voting Record Approved: April 29, 2009
Statute Expired: July 26, 2009

- Provides, on an emergency basis, that a parent may surrender a newborn infant, where there is no actual or suspected abuse or neglect, to an authorized receiving facility without being charged with abuse, neglect, or abandonment of the newborn infant
- Requires hospitals to accept a surrendered newborn infant, to provide for further placement with Child and Family Services Agency

- Provide for the relinquishment and restoration of parental rights, to provide immunity to a facility and personnel receiving a surrendered newborn infant
- Requires the Mayor to promulgate rules to implement this act and to submit the proposed rules to the Council for approval

Firearms Control Amendment Act of 2008 — **DC LEGIS 17-0372**

Voting Record — Approved: January 28, 2009

Statute — Effective: March 31, 2009

- Amends the Firearms Control Regulations Act of 1975 to provide that:
- A person who has been convicted of an intrafamily offense within 5 years of application shall be ineligible to register a firearm
- A person who within five years of application has had a history of violence shall be ineligible to register a firearm
- Applicants who have had civil protection or foreign protection orders entered against them shall be ineligible to register a firearm while the order is still in effect

Child Abuse and Neglect Investigation Record Access Amendment Act of 2008 — **DC LEGIS 17-0198**

Voting Record — Approved: May 23, 2008

Statute — Effective: July 18, 2008

- Amends the Prevention of Child Abuse and Neglect Act of 1977 to require certain records to be made available to the Child and Family Services Agency as part of an investigation of suspected child abuse or neglect
- Provides that mandatory reporters of abuse and neglect are not required to report when employed by a lawyer who is providing representation in a criminal, civil, or delinquency matter and the basis for suspicion arises solely in the course of the representation

Intrafamily Offenses Act of 2008 — **DC LEGIS 17-0368**

Voting Record — Approved: January 22, 2009

Statute — Effective: March 25, 2009

- Increases the statute of limitations for civil actions arising out of allegations of incidents of sexual abuse
- Grants minor parents the right to file for custody of their children
- Increases the legal protections available to minor victims of dating and domestic violence
- Holds minor perpetrators accountable and provide them with appropriate interventions
- Compensates minor victims of dating and domestic violence for expenses relating to their abuse; grants minor parents the right to file for custody of their children
- Revises the definitions applicable to intrafamily offenses
- Updates the procedures used in intrafamily proceedings

- Clarifies the roles of various government agencies referenced in these proceedings
- Clarifies the continuing effectiveness of a temporary protection order when a default civil protection order is issued

Emergency Care for Sexual Assault Victims Act of 2008 — **DC LEGIS 17-0346**

Voting Record — Approved: January 12, 2008

Statute — Effective: March 25, 2008

- Requires Department of Heath, in collaboration with the Board of Medicine and Board of Pharmacy, to develop medically and factually accurate written information regarding prophylactic antibiotics for the treatment of sexually transmitted diseases and emergency contraception for the prevention of pregnancy due to sexual assault
- Requires the Department of Health to disseminate the information to all hospitals
- Requires that hospitals provide victims of sexual assault with medically and factually accurate information regarding treatment and provide prophylactic antibiotics and emergency contraception upon request
- Requires that hospitals have written policies regarding the delivery of care to victims of sexual assault
- Requires the Department of Health to determine compliance with this Act

Accrued Sick and Safe Leave Act of 2008 — **DC LEGIS 17-0152**

Voting Record — Approved: March 19, 2008

Statute — Effective: May 13, 2008

- Requires employers in the District to provide paid leave to employees for illness and for absences associated with domestic violence or sexual abuse

Safe and Stable Homes for Children and Youth Act of 2007 — **DC LEGIS 17-0021**

Voting Record — Approved: July 9, 2007

Statute — Effective: September 20, 2007

- Provides jurisdiction for the court to hear and determine third-party custody complaints so as to permit certain persons other than parents to seek custody of a child when the child's best interests so require, while recognizing and enforcing the constitutional rights of parents
- Establishes a process for the court to enter custody orders by consent

Protection from Discriminatory Eviction for Victims of Domestic Violence Amendment Act of 2006 — **DC LEGIS 16-0273**

Voting Record — Approved: December 28, 2006

Statute — Effective: March 14, 2007

- Amends the Rental Housing Act of 1980 to provide protection from eviction to victims of intrafamily offenses
- Provides a release from a lease should an intrafmily offense victim's safety be in jeopardy
- Amends the Human Rights Act of 1977 to prohibit housing discrimination against victims of intrafamily offenses

Public Assistance Confidentiality of Information Act of 2006 **DC LEGIS 16-0178**

Voting Record Approved: July 21, 2006

Statute Effective: November 16, 2006

- Amends the District of Columbia Public Assistance Act of 1982 to provide for confidentiality of information for individuals applying for or receiving public benefits through the Department of Human Services, Income Maintenance Administration
- Authorizes the Mayor to issue rules pertaining to the release and disclosure of such records

Domestic Violence Amendments Act of 2006 **DC LEGIS 16-0204**

Voting Record Approved: October 25, 2006

Statute Effective: March 2, 2007

- Includes "domestic violence counselors" among the professionals to whom the mandatory reporting requirement applies
- Provides for confidentiality of information revealed by a victim of domestic violence to a domestic violence counselor and provides domestic violence counselors with a testimonial privilege
- Requires that temporary protection orders that are scheduled to expire on a day when the Superior Court of the District of Columbia is closed shall continue in effect until the next day that the court is open for regular business

Way to Work Amendment Act of 2006 **DC LEGIS 16-0118**

Voting Record Approved: March 23, 2006

Statute Effective: June 8, 2006

- Requires payment of a living wage by recipients of certain District contracts and government assistance
- Creates a Job Opportunity Bank to increase job opportunities for low-income, skills-deficient District residents
- Amends the First Source Employment Agreement Act of 1984 to expand coverage
- Amends the Displaced Workers Protection Act of 1994 to expand protection to certain security guards

Omnibus Public Safety Act of 2006 **DC LEGIS 16-0306**
Voting Record Approved: October 17, 2006
Statute Effective: April 24, 2007

- Provides for enhanced criminal penalties of up to 1½ times the maximum otherwise provided by law for those adults who commit crimes of violence against minors
- Establishes a criminal offense for disabling a telephone or other communicative device for the purpose of preventing a victim from summoning medical or police assistance, or from reporting acts of child abuse or neglect
- Amends the Prevention of Child Abuse and Neglect Act of 1977 to clarify the requirements of and procedures for criminal background checks for persons who are caring for or residing with children who had been abused or neglected to amend An Act
- Provides for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children to expand the list of individuals who must report child neglect and the circumstances which mandate that a report be made, and to increase penalties for failure to report child neglect
- Amends the Criminal Background Checks for the Protection of Children Act of 2004 to clarify procedures for criminal background checks required of persons working with children or youth, and to establish standards for assessing the information obtained
- Adds stalking and offenses by a person against another who has or has had a relationship with the same individual to the list of intrafamily offenses
- Provides that the court may consider a child's failure to appear at a scheduled juvenile hearing in determining the disposition of a child adjudicated delinquent and requires the court to provide to the Council certain information on juveniles who fail to appear at scheduled hearings in delinquency cases
- Establishes a criminal offense for an enhanced assault that causes significant bodily injury
- Creates the offense of misdemeanor sexual abuse of a child or minor
- Permits either the United States Attorney's Office or the Office of the Attorney General for the District of Columbia to appeal a trial court order granting a new trial after verdict or judgment, or a decision or order denying a motion for revocation of, or modification of, the conditions of release
- Expands the applicable statute of limitations to include offenses that are properly joinable with particular offenses
- Expands the list of offenses that constitute a "crime of violence"

Victims of Domestic Violence Fund Establishment Temporary Act of 2006 **DC LEGIS 16-0114**
Voting Record Approved: March 23, 2006
Statute Effective: June 8, 2006
Expired: January 19, 2007

- Establishes, on a temporary basis, a dedicated fund and grant program for nonprofit providers of emergency shelter to victims of domestic violence

Victims of Domestic Violence Fund Establishment Temporary Act of 2005 **DC LEGIS 16-0013**
Voting Record Approved: May 18, 2005
Statute Effective: July 22, 2005

Expired: March 4, 2006

- Establishes, on a temporary basis, a dedicated fund and grant program for nonprofit providers of emergency shelter to victims of domestic violence

Victims of Domestic Violence Fund Establishment Emergency Act of 2005 — **DC LEGIS ACT 16-0071**

Voting Record — Approved: April 25, 2005
Statute — Effective: April 25, 2005
Expired: July 24, 2005

- Establishes, on an emergency basis, a dedicated fund and grant program for nonprofit providers of emergency shelter to victims of domestic violence

Homeless Services Reform Act of 2005 — **DC LEGIS 16-0035**

Voting Record — Approved: August 3, 2005
Statute — Effective: October 22, 2005

- Reaffirms the District of Columbia's commitment to addressing the problem of homelessness
- Establishes the Interagency Council on Homelessness and describe its members, powers, and duties
- Describes the Continuum of Care for individuals and families who are homeless or at imminent risk of becoming homeless
- Codifies the rights and responsibilities of clients of homeless services providers, and the standards by which the District of Columbia and homeless services providers must deliver services to clients
- Revises the procedures for resolving disputes between clients and providers of homeless services

Unemployment Compensation and Domestic Violence Amendment Act of 2003 — **DC LEGIS 15-0171**

Voting Record — Approved: April 21, 2004
Statute — Effective: June 19, 2004

- Amends the District of Columbia Unemployment Compensation Act to provide for unemployment compensation for eligible individuals who voluntarily or involuntarily leave work due to domestic violence
- Requires documentary proof to establish that a claimant's separation from employment was due to domestic violence
- Provides that benefits payable to a claimant are not chargeable to an employer
- Requires a training program for employees who handle unemployment compensation claims to develop an awareness of domestic violence as it relates to unemployment compensation claims and to learn the procedure for validating a domestic violence claim
- Requires the Director of the Department of Employment Services to report annually to the Mayor the number of individuals who received unemployment benefits based on a domestic violence claim
- Provides additional safeguards on the disclosure of information pertaining to a domestic violence claimant

Domestic Violence Protection Orders Technical Congressional Review Emergency Act of 2004 — **DC LEGIS ACT 15-0328**

Voting Record
Statute

Approved: January 28, 2004
Effective: January 28, 2004
Expired: April 24, 2004

- Provides, on an emergency basis, that communications made by a person located outside the District of Columbia to a person located in the District of Columbia shall be deemed to have been made in the District of Columbia for the purpose of establishing a violation of a domestic violence protection order

Uniform Interstate Enforcement of Domestic Violence Protection Orders Act of 2002 — **DC LEGIS 14-0296**

Voting Record
Statute

Approved: December 23, 2002
Effective: April 11, 2003

- Enacts the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act in the District of Columbia
- Establishes the Domestic Violence Fatality Review Board

Victims of Violent Crime Compensation Amendment Act of 2002, enacted in Fiscal Year 2003 Budget Support Act of 2002 — **DC LEGIS 14-0190**

Voting Record
Statute

Approved: July 3, 2002
Effective: October 1, 2002

- Amends the Victims of Violent Crime Compensation Act of 1996 to establish a Crime Victims Assistance Fund

Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 2001 — **DC LEGIS ACT 14-0005**

Voting Record
Statute

Approved: February 13, 2001
Effective: February 13, 2001
Expired: May 6, 2001

- Requires the Mayor to establish privacy protections and safeguards for victims of domestic violence

Uniform Child Custody Jurisdiction and Enforcement Act of 2000 — **DC LEGIS 13-2093**

Voting Record

Approved: January 26, 2001

[Statute](#) Effective: April 27, 2001

- Enacts the Uniform Child-Custody Jurisdiction and Enforcement Act in the District of Columbia

Child Support and Welfare Reform Compliance Amendment Act of 2000 **DC LEGIS 13-0269**

Voting Record Approved: January 8, 2001

Statute Effective: April 3, 2001

- Requires the Mayor to establish privacy protections and safeguards for victims of domestic violence

Victims of Violent Crime Compensation Amendment Act of 2000, enacted in Fiscal Year 2001 Budget Support Act of 2000 **DC LEGIS 13-0172**

Voting Record Approved: June 26, 2000

Statute Effective: October 19, 2000

- Amends the Victims of Violent Crime Compensation Act of 1996 to clarify, modify and add categories of reimbursable expenses and to expand the definition of victim
- Clarifies the crimes of violence for which compensation is available and clarifies that the receipt of crime victims compensation funds shall not affect eligibility for other public benefits
- Authorizes the transfer at the end of each fiscal year excess amounts from the Crime Victims Compensation Fund to the Executive Office of the Mayor for the purpose of victims' assistance

Adoption and Safe Families Amendment Act of 2000 **DC LEGIS 13-0136**

Voting Record Approved: March 31, 2000

Statute Effective: June 27, 2000

- Amends the Prevention of Child Abuse and Neglect Act of 1977 to create a new definitional section
- Defines programs which the federal Adoption and Safe Families Act requires the District to operate
- Creates a definition of kinship caregiver as a type of permanent placement option that may be made by the Court

VOTING RECORDS

Temporary Assistance for Needy Families Time Extension Amendment Emergency Amendment Act of 2012 **DC LEGIS ACT A19-0450**

Summary
Statute

Bill Number: B19-0901
Act/Resolution Number: A19-0450
Law Number: N/A
Enactment/Action Date: September 20, 2012
Effective Date: September 20, 2012
Introduced by: Mendelson, at request of Mayor Gray
Co-sponsors: None
Date of Vote: September 19, 2012
Chairman: Mendelson

Yes (12)		No (0)	Absent ()
Alexander	Barry		
Brown	Bowser		
Catania	Evans		
Cheh	Mendelson		
Graham	McDuffie		
Orange	Wells		

Immigration Detainer Compliance Amendment Act of 2012 **DC LEGIS ACT A19-0442**

Summary
Statute

Bill Number: B19-0585
Act/Resolution Number: A19-0442
Law Number: N/A
Enactment/Action Date: August 08, 2012
Effective Date: Projected December 12, 2012
Introduced by: Mendelson, Catania, Orange, Evans, Bowser, Wells, Barry, M. Brown, Graham, Cheh, Thomas, Alexander, K. Brown
Co-sponsors: None
Date of Vote: June 05, 2012
Chairman: Mendelson

Yes (13)		No (0)	Absent (1)
Alexander	Evans		
Berry	Graham		
Bowser	M. Brown		
Brown	McDuffie		
Cantania	Mendelson		
Cheh	Orange		
	Wells		

Youth Bullying Prevention Act of 2012 **DC LEGIS ACT A19-0384**

Summary
Statute

Bill Number: B19-0011
Act/Resolution Number: A19-0384
Law Number: N/A
Enactment/Action Date: June 22, 2012
Effective Date: September 14, 2012
Introduced by: Thomas, Graham, M. Brown, Brown
Co-sponsors: Cheh, Catania, Bowser, Wells, Barry, Evans, Alexander
Date of Vote: June 05, 2012
Chairman: K. Brown

Yes (13)		No (0)	Absent (0)
Alexander	Graham		
Barry	M. Brown		
Bowser	McDuffie		
K. Brown	Mendelson		
Catania	Orange		
Cheh	Wells		
Evans			

Firearms Amendment Act of 2011 **DC LEGIS ACT A19-0366**

Summary
Statute

Bill Number: B19-0614
Act/Resolution Number: A19-0366
Law Number: N/A
Enactment/Action Date: May 15, 2012
Effective Date: Projected October 31, 2012
Introduced by: Mendelson
Co-sponsors: Thomas, K. Brown
Date of Vote: March 06, 2012
Chairman: K. Brown

Yes (12)		No (0)	Absent (1)
Alexander	Evans		Thomas (vacant)
Barry	Graham		
K. Brown	Mendelson		
Bowser	M. Brown		
Catania	Orange		
Cheh	Wells		

Uniform Collaborative Law Act of 2012 **DC LEGIS 19-0125**

Summary
Statute

Bill Number: B19-0043
Act/Resolution Number: A19-0319
Law Number: L19-0125
Enactment/Action Date: March 01, 2012
Effective Date: May 09, 2012
Introduced by: Mendelson
Co-sponsors: None
Date of Vote: January 04, 2012
Chairman: K. Brown

Yes (11)		No (0)	Absent (2)
Alexander	Evans		Mendelson
Barry	Graham		Thomas
Bowser	M. Brown		
K. Brown	Orange		
Catania	Wells		
Cheh			

Criminal Code Amendment Act of 2010 **DC LEGIS ACT 18-0722**

Summary
Statute

Bill Number: B18-0963
Act/Resolution Number: A18-0722
Law Number: None
Enactment/Action Date: February 2, 2011
Effective Date: Projected June 9, 2011
Introduced by: Mendelson
Co-sponsors: Cheh, Bowser, Brown, Barry
Date of Vote: December 21, 2010
Chairman: Gray

Yes (11)		No (0)	Absent (2)
Alexander	Evans		Cheh
Barry	Graham		Thomas
Bowser	Gray		
K. Brown	Mendelson		
M. Brown	Wells		
Catania			

Fiscal Year 2011 Supplemental Budget Support Act of 2010 **DC LEGIS 18-0370**

Summary
Statute

Bill Number: B18-1100
Act/Resolution Number: A18-0721
Law Number: L18-0370
Enactment/Action Date: January 27, 2011
Effective Date: April 8, 2011
Introduced by: Gray, at the request of Mayor Fenty
Co-sponsors: None
Date of Vote: December 21, 2010
Chairman: Gray

Yes (10)		No (3)	Absent (0)
Alexander	Evans	Barry	
Bowser	Graham	Catania	
K. Brown	Gray	Mendelson	
M. Brown	Thomas		
Cheh	Wells		

Homeless Services Reform Amendment Act of 2010 **DC LEGIS 18-0367**

Summary
Statute

Bill Number: B18-1059
Act/Resolution Number: A18-0718
Law Number: L18-0367
Enactment/Action Date: January 27, 2011
Effective Date: April 8, 2011
Introduced by: Wells
Co-sponsors: M. Brown, Bowser, Catania
Date of Vote: December 21, 2010
Chairman: Gray

Yes (9)		No (4)	Absent (0)
Alexander	Catania	Cheh	
Barry	Evans	Graham	
Bowser	Gray	Mendelson	
K. Brown	Wells	Thomas	
M. Brown			

TANF Educational Opportunities and Accountability Act of 2010 **DC LEGIS ACT 18-0366**

Summary
Statute

Bill Number: B18-1007
Act/Resolution Number: A18-0717
Law Number: L18-0366
Enactment/Action Date: January 27, 2011
Effective Date: April 8, 2011
Introduced by: M. Brown, Wells
Co-sponsors: Alexander, K. Brown, Cheh, Mendelson, Thomas
Date of Vote: December 21, 2010
Chairman: Gray

Yes (12)		No (0)	Absent (1)
Alexander	Cheh		Thomas
Barry	Evans		
Bowser	Graham		
K. Brown	Gray		
M. Brown	Mendelson		
Catania	Wells		

Reasonable Health Insurance Ratemaking and Health Care Reform Act of 2010 **DC LEGIS 18-0360**

Summary
Statute

Bill Number: B18-0792
Act/Resolution Number: A18-0710
Law Number: L18-0360
Enactment/Action Date: January 20, 2011
Effective Date: April 8, 2011
Introduced by: Bowser, Cheh, Catania
Co-sponsors: Graham, Barry, Brown, Thomas, M. Brown, Mendelson
Date of Vote: December 7, 2010
Chairman: Gray

Yes (13)		No (0)	Absent (0)
Alexander	Evans		
Barry	Graham		
Bowser	Gray		
K. Brown	Mendelson		
M. Brown	Thomas		
Catania	Wells		
Cheh			

Expanding Access to Juvenile Records Amendment Act of 2010 **DC LEGIS 18-0284**

Summary
Statute

Bill Number: B18-0344
Act/Resolution Number: A18-0594
Law Number: L18-0284
Enactment/Action Date: November 3, 2010
Effective Date: March 8, 2011
Introduced by: Graham, Wells
Co-sponsors: Alexander, Barry, Bowser, K. Brown, Cheh, Gray
Date of Vote: October 19, 2010
Chairman: Gray

Yes (13)		No (0)	Absent (0)
Alexander	Evans		
Barry	Graham		
Bowser	Gray		
K. Brown	Mendelson		
M. Brown	Thomas		
Catania	Wells		
Cheh			

Data-Sharing and Information Coordination Amendment Act of 2010 **DC LEGIS 18-0273**

Summary
Statute

Bill Number: B18-0356
Act/Resolution Number: A18-0489
Law Number: L18-0273
Enactment/Action Date: July 20, 2010
Effective Date: December 4, 2010
Introduced by: Gray, at the request of Mayor Fenty
Co-sponsors: None
Date of Vote: June 29, 2010
Chairman: Gray

Yes (12)		No (0)	Absent (1)
Alexander	Cheh		Thomas
Barry	Evans		
Bowser	Graham		
K. Brown	Gray		

M. Brown Catania	Mendelson Wells		

Data-Sharing and Information Coordination Emergency Amendment Act of 2010 **DC LEGIS ACT 18-0530**

Summary
Statute

Bill Number: B18-0902
Act/Resolution Number: A18-0530
Law Number: None
Enactment/Action Date: August 6, 2010
Effective Date: None
Expiration Date: November 4, 2010
Introduced by: Wells
Co-sponsors: None
Date of Vote: July 13, 2010
Chairman: Gray

Yes (12)		No (0)	Absent (1)
Alexander Bowser K. Brown M. Brown Catania Cheh	Evans Graham Gray Mendelson Thomas Wells		Barry

Community Impact Statement Amendment Act of 2010 **DC LEGIS 18-0259**

Summary
Statute

Bill Number: B18-0549
Act/Resolution Number: A18-0446
Law Number: L18-0259
Enactment/Action Date: June 28, 2010
Effective Date: November 6, 2010
Introduced by: Bowser, Evans, Mendelson
Co-sponsors: Graham
Date of Vote: June 1, 2010
Chairman: Gray

Yes (13)		No (0)	Absent (0)
Alexander Barry Bowser	Evans Graham Gray		

K. Brown M. Brown Catania Cheh	Mendelson Thomas Wells		

Safe Children and Safe Neighborhoods Educational Neglect Mandatory Reporting Amendment Act of 2010 **DC LEGIS 18-0242**

Summary
Statute

Bill Number: B18-0529
Act/Resolution Number: A18-0493
Law Number: L18-0242
Enactment/Action Date: July 30, 2010
Effective Date: October 26, 2010
Introduced by: Wells
Co-sponsors: Catania
Date of Vote: July 13, 2010
Chairman: Gray

Yes (13)		No (0)	Absent (0)
Alexander Barry Bowser K. Brown M. Brown Catania Cheh	Evans Graham Gray Mendelson Thomas Wells		

Prohibition Against Human Trafficking Amendment Act of 2010 **DC LEGIS 18-0239**

Summary
Statute

Bill Number: B18-0070
Act/Resolution Number: A18-0444
Law Number: L18-0239
Enactment/Action Date: June 21, 2010
Effective Date: October 23, 2010
Introduced by: Mendelson
Co-sponsors: Alexander, Barry, Bowser, K. Brown, M. Brown, Catania, Cheh, Graham, Gray, Thomas, Wells
Date of Vote: June 1, 2010
Chairman: Gray

Yes (13)		No (0)	Absent (0)
Alexander Barry Bowser K. Brown M. Brown Catania Cheh	Evans Graham Gray Mendelson Thomas Wells		

Gun Offender Registration Emergency Amendment Act of 2010 **DC LEGIS ACT 18-0464**

Summary
Statute

Bill Number: B18-0884
Act/Resolution Number: A18-0464
Law Number: None
Enactment/Action Date: July 2, 2010
Effective Date: None
Expiration Date: September 30, 2010
Introduced by: Mendelson
Co-sponsors: None
Date of Vote: June 29, 2010
Chairman: Gray

Yes (11)		No (0)	Absent (2)
Alexander Barry Bowser Catania Cheh Evans	Graham Gray Mendelson Thomas Wells		K. Brown M. Brown

Fiscal Year 2011 Budget Support Act of 2010 **DC LEGIS 18-0223**

Summary
Statute

Bill Number: B18-0731
Act/Resolution Number: A18-0462
Law Number: L18-0223
Enactment/Action Date: July 2, 2010
Effective Date: September 24, 2010
Introduced by: Gray, at the request of Mayor Fenty
Co-sponsors: None
Date of Vote: June 15, 2010
Chairman: Gray

Yes (11)		No (1)	Absent (1)
Alexander Bowser K. Brown M. Brown Catania Cheh	Graham Gray Mendelson Thomas Wells	Evans	Barry

Unemployment Compensation Reform Amendment Act of 2009 **DC LEGIS 18-0192**

Summary

Statute

Bill Number: B18-0455
Act/Resolution Number: A18-0401
Law Number: L18-0192
Enactment/Action Date: May 14, 2010
Effective Date: July 23, 2010
Introduced by: Barry, M. Brown, Thomas
Co-sponsors: Alexander, K. Brown, Cheh, Evans, Gray, Mendelson
Date of Vote: May 4, 2010
Chairman: Gray

Yes (13)		No (0)	Absent (2)
Alexander Barry K. Brown M. Brown Bowser Catania Cheh	Evans Graham Gray Mendelson Thomas Wells		K. Brown M. Brown

Domestic Violence Fatality Review Board Emergency Act of 2010 **DC LEGIS ACT 18-0366**

Summary

Statute

Bill Number: B18-0706
Act/Resolution Number: A18-0366
Law Number: None
Enactment/Action Date: April 5, 2010
Effective Date: None
Expiration Date: July 4, 2010
Introduced by: K. Brown, Mendelson

Co-sponsors: None
Date of Vote: March 16, 2010
Chairman: Gray

Yes (13)		No (0)	Absent (0)
Alexander	Evans		
Barry	Graham		
Bowser	Gray		
K. Brown	Mendelson		
M. Brown	Thomas		
Catania	Wells		
Cheh			

Newborn Safe Haven Act of 2009 **DC LEGIS 18-0158**
Summary
Statute

Bill Number: B18-0180
Act/Resolution Number: A18-0349
Law Number: L18-0158
Enactment/Action Date: March 25, 2010
Effective Date: May 27, 2010
Introduced by: Catania, Wells
Co-sponsors: Alexander, Bowser, Barry, K. Brown, M. Brown, Cheh, Evans, Gray, Mendelson, Thomas
Date of Vote: February 2, 2010
Chairman: Gray

Yes (11)		No (0)	Absent (2)
Alexander	Evans		Barry
Bowser	Graham		Thomas
K. Brown	Gray		
M. Brown	Mendelson		
Catania	Wells		
Cheh			

Omnibus Public Safety and Justice Amendment Act of 2009 **DC LEGIS 18-0088**
Summary
Statute

Bill Number: B18-0151
Act/Resolution Number: A18-0189
Law Number: L18-0088
Enactment/Action Date: August 26, 2009

Effective Date: December 10, 2009
Introduced by: Mendelson
Co-sponsors: Wells
Date of Vote: July 31, 2009
Chairman: Gray

Yes (13)		No (0)	Absent (0)
Alexander Barry Bowser K. Brown M. Brown Catania Cheh	Evans Graham Gray Mendelson Thomas Wells		

<u>Omnibus Public Safety and Justice Emergency Amendment Act of 2009</u> **DC LEGIS ACT 18-0181**

Summary
Statute

Bill Number: B18-0389
Act/Resolution Number: A18-0181
Law Number: None
Enactment/Action Date: August 6, 2009
Effective Date: None
Expiration Date: November 4, 2009
Introduced by: Mendelson
Co-sponsors: None
Date of Vote: July 14, 2009
Chairman: Gray

Yes (12)		No (0)	Absent (1)
Alexander Barry Bowser K. Brown M. Brown Catania	Cheh Evans Gray Mendelson Thomas Wells		Graham

<u>Crime Bill Emergency Amendment Act of 2009</u> **DC LEGIS ACT 18-0129**

Summary
Statute

Bill Number: B18-0340
Act/Resolution Number: A18-0129

Law Number: None
Enactment/Action Date: June 29, 2009
Effective Date: None
Expiration Date: September 27, 2009
Introduced by: Mendelson
Co-sponsors: None
Date of Vote: June 16, 2009
Chairman: Gray

Yes (10)		**No (3)**	**Absent (0)**
Alexander	Graham	Bowser	
Barry	Gray	Catania	
K. Brown	Mendelson	Evans	
M. Brown	Thomas		
Cheh	Wells		

Adoption and Safe Families Amendment Act of 2009 **DC LEGIS 18-0047**
Summary
Statute

Bill Number: B18-0012
Act/Resolution Number: A18-0122
Law Number: L18-0047
Enactment/Action Date: June 18, 2009
Effective Date: September 11, 2009
Introduced by: Gray, at the request of Mayor Fenty
Co-sponsors: None
Date of Vote: June 2, 2009
Chairman: Gray

Yes (13)		**No (0)**	**Absent (0)**
Alexander	Evans		
Barry	Graham		
Bowser	Gray		
K. Brown	Mendelson		
M. Brown	Thomas		
Catania	Wells		
Cheh			

Newborn Safe Haven Temporary Act of 2009 **DC LEGIS 18-0029**
Summary
Statute

Bill Number: B18-0219
Act/Resolution Number: A18-0080

Law Number: L18-0029
Enactment/Action Date: May 20, 2009
Effective Date: July 18, 2009
Expiration Date: February 28, 2010
Introduced by: Catania, Wells
Co-sponsors: None
Date of Vote: May 5, 2009
Chairman: Gray

Yes (12)		No (0)	Absent (1)
Alexander	Evans		Barry
Bowser	Graham		
K. Brown	Gray		
M. Brown	Mendelson		
Catania	Thomas		
Cheh	Wells		

Newborn Safe Haven Emergency Act of 2009 **DC LEGIS ACT 18-0049**

Summary
Statute

Bill Number: B18-0218
Act/Resolution Number: A18-0049
Law Number: None
Enactment/Action Date: April 27, 2009
Effective Date: None
Expiration Date: July 26, 2009
Introduced by: Catania, Wells
Co-sponsors: None
Date of Vote: April 7, 2009
Chairman: Gray

Yes (12)		No (0)	Absent (1)
Alexander	Evans		Barry
Bowser	Graham		
K. Brown	Gray		
M. Brown	Mendelson		
Catania	Thomas		
Cheh	Wells		

Firearms Control Amendment Act of 2008 **DC LEGIS 17-0372**

Summary
Statute

Bill Number: B17-0843

Act/Resolution Number: A17-0708
Law Number: L17-0372
Enactment/Action Date: January 28, 2009
Effective Date: March 31, 2009
Introduced by: Alexander, Barry, Bowser, Brown, Catania, Cheh, Evans, Graham, Mendelson, Schwartz, Thomas, Wells, Gray
Co-sponsors: None
Date of Vote: December 16, 2008
Chairman: Gray

Yes (13)		No (0)	Absent (0)
Alexander	Graham		
Barry	Gray		
Bowser	Mendelson		
Brown	Schwartz		
Catania	Thomas		
Cheh	Wells		
Evans			

Child Abuse and Neglect Investigation Record Access Amendment Act of 2008 **DC LEGIS 17-0198**

Summary

Statute

Bill Number: B17-0247
Act/Resolution Number: A17-0395
Law Number: L17-0198
Enactment/Action Date: May 23, 2008
Effective Date: July 18, 2008
Introduced by: Gray, at request of Mayor Fenty
Co-sponsors: None
Date of Vote: May 6, 2008
Chairman: Gray

Yes (13)		No (0)	Absent (0)
Alexander	Graham		
Barry	Gray		
Bowser	Mendelson		
Brown	Schwartz		
Catania	Thomas		
Cheh	Wells		
Evans			

Intrafamily Offenses Act of 2008 **DC LEGIS 17-0368**

Summary

Statute

Bill Number: B17-0055
Act/Resolution Number: A17-0703
Law Number: L17-0368
Enactment/Action Date: January 22, 2009
Effective Date: March 25, 2009
Introduced by: Brown, Mendelson, Wells
Co-sponsors: Gray
Date of Vote: December 16, 2008
Chairman: Gray

Yes (12)		No (1)	Absent (0)
Alexander	Graham	Barry	
Bowser	Gray		
Brown	Mendelson		
Catania	Schwartz		
Cheh	Thomas		
Evans	Wells		

Emergency Care for Sexual Assault Victims Act of 2008 **DC LEGIS 17-0346**

Summary
Statute

Bill Number: B17-0323
Act/Resolution Number: A17-0664
Law Number: L17-0346
Enactment/Action Date: January 12, 2008
Effective Date: March 25, 2008
Introduced by: Schwartz, Barry, Thomas, Alexander, Bowser, Brown, Cheh
Co-sponsors: Graham, Mendelson, Wells, Gray
Date of Vote: December 16, 2008
Chairman: Gray

Yes (13)		No (0)	Absent (0)
Alexander	Graham		
Barry	Gray		
Bowser	Mendelson		
Brown	Schwartz		
Catania	Thomas		
Cheh	Wells		
Evans			

Accrued Sick & Safe Leave Act of 2008 **DC LEGIS 17-0152**

Summary
Statute

Bill Number: B17-0197
Act/Resolution Number: A17-0324
Law Number: L17-0152
Enactment/Action Date: March 19, 2008
Effective Date: May 13, 2008
Introduced by: Mendelson, Graham, Brown, Barry, Cheh, Thomas
Co-sponsors: Catania, Evans, Wells, Schwartz, Gray
Date of Vote: March 4, 2008
Chairman: Gray

Yes (11)		**No (2)**	**Absent (0)**
Alexander Barry Bowser Brown Cheh Graham	Gray Mendelson Schwartz Thomas Wells	Catania Evans	

Safe and Stable Homes for Children and Youth Act of 2007 **DC LEGIS 17-0021**
Summary
Statute

Bill Number: B17-0041
Act/Resolution Number: A17-0070
Law Number: L17-0021
Enactment/Action Date: July 9, 2007
Effective Date: September 20, 2007
Introduced by: Wells, Catania, Mendelson
Co-sponsors: Brown, Cheh, Schwartz, Gray
Date of Vote: June 21, 2007
Chairman: Gray

Yes (11)		**No (0)**	**Absent (2)**
Alexander Bowser Brown Catania Cheh Evans	Gray Mendelson Schwartz Thomas Wells		Barry Graham

Protection from Discriminatory Eviction for Victims of Domestic Violence Amendment Act of 2006 **DC LEGIS 16-0273**
Summary
Statute

Bill Number: B16-0703

Act/Resolution Number: A16-0629
Law Number: L16-0273
Enactment/Action Date: December 18, 2006
Effective Date: March 14, 2007
Introduced by: Fenty, Graham
Co-sponsors: Patterson
Date of Vote: December 19, 2006
Chairman: Cropp

Yes (11)		No (0)	Absent (2)
Brown	Gray		Ambrose
Catania	Mendelson		Barry
Cropp	Orange		
Evans	Patterson		
Fenty	Schwartz		
Graham			

<u>Public Assistance Confidentiality of Information Act of 2006</u> **DC LEGIS 16-0178**

Summary
Statute

Bill Number: B16-0571
Act/Resolution Number: A16-0456
Law Number: L16-0178
Enactment/Action Date: July 21, 2006
Effective Date: November 16, 2006
Introduced by: Fenty
Co-sponsors: None
Date of Vote: July 11, 2006
Chairman: Cropp

Yes (13)		No (0)	Absent (0)
Ambrose	Fenty		
Barry	Graham		
Brown	Gray		
Catania	Mendelson		
Cropp	Orange		
Evans	Patterson		
	Schwartz		

<u>Domestic Violence Amendments Act of 2006</u> **DC LEGIS 16-0204**

Summary
Statute

Bill Number: B16-0466

Act/Resolution Number: A16-0504
Law Number: L16-0204
Enactment/Action Date: October 25, 2006
Effective Date: March 2, 2007
Introduced by: Brown, Catania, Patterson, Schwartz
Co-sponsors: Graham, Gray, Orange, Cropp
Date of Vote: October 3, 2006
Chairman: Cropp

Yes (13)		No (0)	Absent (0)
Ambrose	Fenty		
Barry	Graham		
Brown	Gray		
Catania	Mendelson		
Cropp	Orange		
Evans	Patterson		
	Schwartz		

Way to Work Amendment Act of 2006 **DC LEGIS 16- 0118**

Summary
Statute

Bill Number: B16-0286
Act/Resolution Number: A16-0335
Law Number: L16-0118
Enactment/Action Date: March 23, 2006
Effective Date: June 8, 2006
Introduced by: Ambrose
Co-sponsors: None
Date of Vote: March 7, 2006
Chairman: Cropp

Yes (12)		No (0)	Present (1)
Ambrose	Fenty		Schwartz
Barry	Graham		
Brown	Gray		
Catania	Mendelson		
Cropp	Orange		
Evans	Patterson		

Omnibus Public Safety Act of 2006 **DC LEGIS 16-0306**

Summary
Statute

Bill Number: B16-0247
Act/Resolution Number: A16-0482
Law Number: L16-0306
Enactment/Action Date: October 17, 2006
Effective Date: April 24, 2007
Introduced by: Cropp, at the request of Mayor Williams
Co-sponsors: None
Date of Vote: October 3, 2006
Chairman: Cropp

Yes (11)		No (0)	Absent (2)
Ambrose	Gray		Barry
Brown	Mendelson		Evans
Catania	Orange		
Cropp	Patterson		
Fenty	Schwartz		
Graham			

Victims of Domestic Violence Fund Establishment Temporary Act of 2006 **DC LEGIS 16-0114**

Summary
Statute

Bill Number: B16-0618
Act/Resolution Number: A16-0316
Law Number: L16-0114
Enactment/Action Date: March 23, 2006
Effective Date: June 8, 2006
Expiration Date: January 19, 2007
Introduced by: Brown
Date of Vote: March 7, 2006
Chairman: Cropp

Yes (13)		No (0)	Absent (0)
Ambrose	Graham		
Barry	Gray		
Brown	Mendelson		
Catania	Orange		
Cropp	Patterson		
Evans	Schwartz		
Fenty			

Victims of Domestic Violence Fund Establishment Temporary Act of 2005 — **DC LEGIS 16-0013**

Summary
Statute

Bill Number: B16-0225
Act/Resolution Number: A16-0084
Law Number: L16-0013
Enactment/Action Date: May 18, 2005
Effective Date: July 22, 2005
Expiration Date: March 4, 2006
Introduced by: Brown
Date of Vote: April 5, 2005
Chairman: Cropp

Yes (13)		No (0)	Absent (2)
Brown	Gray		Ambrose
Catania	Mendelson		Barry
Cropp	Orange		
Evans	Patterson		
Fenty	Schwartz		
Graham			

Victims of Domestic Violence Fund Establishment Emergency Act of 2005 — **DC LEGIS ACT 16-0071**

Summary
Statute

Bill Number: B16-0223
Act/Resolution Number: A16-0071
Law Number: None
Enactment/Action Date: April 25, 2005
Effective Date: April 25, 2005
Expiration Date: July 24, 2005
Introduced by: Brown
Co-sponsors: None
Date of Vote: April 5, 2005
Chairman: Cropp

Yes (12)		No (0)	Absent (1)
Ambrose	Graham		Barry
Brown	Gray		
Catania	Mendelson		
Cropp	Orange		
Evans	Patterson		
Fenty	Schwartz		

Homeless Services Reform Act of 2005 **DC LEGIS 16-0035**

Summary
Statute

Bill Number: B16-0103
Act/Resolution Number: A16-0169
Law Number: L16-0035
Enactment/Action Date: August 3, 2005
Effective Date: October 22, 2005
Introduced by: Fenty, Graham, Evans, Patterson, Gray, Brown, Barry, Mendelson, Cropp
Co-sponsors: Catania, Schwartz, Orange
Date of Vote: July 6, 2005
Chairman: Cropp

Yes (13)		No (0)	Absent (0)
Allen Ambrose Brazil Catania Chavous Cropp Evans	Fenty Graham Mendelson Orange Patterson Schwartz		

Unemployment Compensation and Domestic Violence Amendment Act of 2003 **DC LEGIS 15-0171**

Summary
Statute

Bill Number: B15-0436
Act/Resolution Number: A15-0418
Law Number: L15-0171
Enactment/Action Date: April 21, 2004
Effective Date: June 19, 2004
Introduced by: Catania
Co-sponsors: Cropp, Allen, Brazil, Orange, Schwartz
Date of Vote: April 6, 2004
Chairman: Cropp

Yes (13)		No (0)	Absent (0)
Allen Ambrose Brazil Catania	Fenty Graham Mendelson Orange		

Chavous Cropp Evans	Patterson Schwartz		

Domestic Violence Protection Orders Technical Congressional Review Emergency Act of 2004 **DC LEGIS ACT 15-0328**

Summary
Statute

Bill Number: B15-0662
Act/Resolution Number: A15-0328
Law Number: None
Enactment/Action Date: January 28, 2004
Effective Date: January 28, 2004
Expiration Date: April 24, 2004
Introduced by: Patterson
Co-sponsors: None
Date of Vote: January 6, 2004
Co-sponsors: None
Chairman: Cropp

Yes (13)		No (0)	Absent (0)
Allen	Fenty		
Ambrose	Graham		
Brazil	Mendelson		
Catania	Orange		
Chavous	Patterson		
Cropp	Schwartz		
Evans			

Uniform Interstate Enforcement of Domestic Violence Protection Orders Act of 2002 **DC LEGIS 14-0296**

Summary
Statute

Bill Number: B14-0212
Act/Resolution Number: A14-0572
Law Number: L14-0296
Enactment/Action Date: December 23, 2002
Effective Date: April 11, 2003
Introduced by: Patterson
Co-sponsors: Ambrose, Brazil, Fenty
Date of Vote: December 3, 2002
Chairman: Cropp

Yes (13)		No (0)	Absent (0)
Allen	Fenty		
Ambrose	Graham		
Brazil	Mendelson		
Catania	Orange		
Chavous	Patterson		

Cropp Evans	Schwartz		

Victims of Violent Crime Compensation Amendment Act of 2002, enacted in Fiscal Year 2003 Budget Support Act of 2002 **DC LEGIS 14-0190**

Summary
Statute

Bill Number: 14-0609
Act/Resolution Number: 14-0403
Law Number: 14-0190
Enactment/Action Date: July 3, 2002
Effective Date: October 1, 2002
Introduced by: Cropp, at request of Mayor Williams
Co-sponsors: None
Date of Vote: June 4, 2002
Chairman: Cropp

Yes (13)		No (0)	Absent (0)
Allen Ambrose Brazil Catania Chavous Cropp Evans	Fenty Graham Mendelson Orange Patterson Schwartz		

Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 2001 **DC LEGIS ACT 14-0005**

Summary
Statute

Bill Number: B14-0018
Act/Resolution Number: A14-0005
Law Number: None
Enactment/Action Date: February 13, 2001
Effective Date: February 13, 2001
Expiration Date: May 6, 2001
Introduced by: Allen
Co-sponsors: None
Date of Vote: January 23, 2001
Chairman: Cropp

Yes (13)		No (0)	Absent (0)
Allen	Fenty		

Ambrose Brazil Catania Chavous Cropp Evans	Graham Mendelson Orange Patterson Schwartz		

Uniform Child Custody Jurisdiction and Enforcement Act of 2000 **DC LEGIS 13-0293**

Summary
Statute

Bill Number: B13-0608
Act/Resolution Number: A13-0600
Law Number: L13-0293
Enactment/Action Date: January 26, 2001
Effective Date: April 27, 2001
Introduced by: Brazil
Co-sponsors: None
Date of Vote: December 19, 2000
Chairman: Cropp

Yes (13)		No (0)	Absent (0)
Allen	Graham		
Ambrose	Jarvis		
Brazil	Mendelson		
Catania	Orange		
Chavous	Patterson		
Cropp	Schwartz		
Evans			

Child Support and Welfare Reform Compliance Act of 2000 **DC LEGIS 13-0269**

Summary
Statute

Bill Number: B13-0254
Act/Resolution Number: A13-0559
Law Number: L13-0269
Enactment/Action Date: January 8, 2001
Effective Date: April 3, 2001
Introduced by: Cropp, at request of Mayor Williams
Co-sponsors: None
Date of Vote: December 5, 2000
Chairman: Cropp

Yes (13)		No (0)	Absent (0)
Allen	Graham		
Ambrose	Jarvis		
Brazil	Mendelson		
Catania	Orange		
Chavous	Patterson		
Cropp	Schwartz		

Evans			

Victims of Violent Crime Compensation Amendment Act of 2000, enacted in Fiscal Year 2001 Budget Support Act of 2000 **DC LEGIS 13-0172**

Summary
Statute

Bill Number: B13-0679
Act/Resolution Number: A13-0375
Law Number: L13-0172
Enactment/Action Date: June 26, 2000
Effective Date: October 19, 2000
Introduced by: Cropp, at request of Mayor Williams
Co-sponsors: None
Date of Vote: June 6, 2000
Chairman: Cropp

Yes (13)		**No (0)**	**Absent (0)**
Allen Ambrose Brazil Catania Chavous Cropp Evans	Fenty Graham Mendelson Orange Patterson Schwartz		

Adoption and Safe Families Amendment Act of 2000 **DC LEGIS 13-0136**

Summary
Statute

Bill Number: B13-0214
Act/Resolution Number: A13-0315
Law Number: L13-0136
Enactment/Action Date: March 31, 2000
Effective Date: June 27, 2000
Introduced by: Cropp, at request of Mayor Williams
Co-sponsors: None
Date of Vote: March 7, 2000
Chairman: Cropp

Yes (12)		**No (0)**	**Absent (1)**
Allen Ambrose Catania	Graham Jarvis Mendelson		Brazil

Chavous Cropp Evans	Orange Patterson Schwartz		

STATUTES

Temporary Assistance for Needy Families Time Extension Amendment Emergency Amendment Act of 2012 **DC LEGIS ACT A19-0450**

Summary Approved: September 20, 2012

Voting Record Effective: September 20, 2012

- Amends the District of Columbia Public Assistance Act of 1982 to extend the time period for the scheduled reduction of Temporary Assistance for Needy Family payments from October 1, 2012 until April 1, 2013
- $4.36 million in debt savings funds were previously reprogrammed to DHS.
- Of these funds, $2.93 million is available to cover the delay. The remaining $1.4 million will be used by DHS to provide assessments, case management, and other services to TANF recipients.

Sec. 2. Section 552(c-3) of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-205.52(c-3)), is amended as follows:

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

"(1) For the time period between April 1, 2013 and September 30, 2013, a reduction of 25% of the fiscal year 2012 amount;".

(b) Paragraph (2) is amended by striking the phrase "amount;" and inserting the phrase "amount as established in paragraph (1) of this subsection;" in its place.

Immigration Detainer Compliance Amendment Act of 2012 **DC LEGIS ACT 19-0442**

Summary
Approved: August 08, 2012

Voting Record
Effective: Projected December 12, 2012

- The bill limits the instances in which the Department of Corrections will honor Immigration & Customs Enforcement (ICE) detainer requests
- Detainer requests are limited to adults who were convicted of an enumerated list of crimes
- The District is not allowed to provide ICE agents with any use of a facility or equipment to perform an inquiry of inmates and ICE agents cannot speak to inmates without the inmate having the opportunity to have counsel present

Sec. 2. An Act To create a Department of Corrections in the District of Columbia, approved June 27, 1946 (60 Stat. 320; D.C. Official Code § 24-211.01 *et seq.*), is amended by adding a new section 7 to read as follows:

"Sec. 7. District compliance with federal immigration detainers.

"(a) The District of Columbia is authorized to comply with civil detainer requests from United States Immigration and Customs Enforcement ("ICE") by holding inmates for an additional 24-hour period, excluding weekends and holidays, after they would otherwise be released, but only in accordance with the requirements set forth in subsection (b) of this section.

"(b) Upon written request by an ICE agent to detain a District of Columbia inmate for suspected violations of federal civil immigration law, the District shall exercise discretion regarding whether to comply with the request and may comply only if:

"(1) There exists a prior written agreement with the federal government by which all costs incurred by the District in complying with the ICE detainer shall be reimbursed;and

"(2) The individual sought to be detained:

"(A) Is 18 years of age or older; and

"(B) Has been convicted of:

"(i) A dangerous crime as defined in D.C. Official Code § 23-1331(3) or a crime of violence as defined in D.C. Official Code § 23-1331(4), for which he or she is currently in custody;

"(ii) A dangerous crime as defined in D.C. Official Code §23-1331(3) or a crime of violence as defined in D.C. Official Code § 23-1331(4) within 10 years of the detainer request, or was released after having served a sentence for such dangerous crime or crime of violence within 5 years of the request, whichever is later; or

"(iii) A crime in another jurisdiction which if committed in the

District of Columbia would qualify as an offense listed in D.C. Official Code § 23-1331(3) or (4); provided, that the conviction occurred within 10 years of the detainer request or the individual was released after having served a sentence for such crime within 5 years of the request,whichever is later.

"(c) Notwithstanding subsection (b)(2)(B)(ii) and (iii) of this section, a detainer request for an individual who has been convicted of a homicide crime, pursuant to An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22-2101 *et seq.*), or a crime in another jurisdiction which if committed in the District of Columbia would qualify as a homicide crime, may be honored regardless of when the conviction occurred.

"(d)(1) The District shall not provide to any ICE agent an office, booth, or any facility or equipment for a generalized search of or inquiry about inmates or permit an ICE agent to conduct an individualized interview of an inmate without giving the inmate an opportunity to have counsel present.

"(2) This subsection shall not be construed to establish a right to counsel that does not otherwise exist in law."

Youth Bullying Prevention Act of 2012 **DC LEGIS ACT A19-0384**

Summary Approved: June 22, 2012

Voting Record Effective: September 14, 2012

- Established within District of Columbia Public Schools, District of Columbia Public Charter Schools, the Department of Parks and Recreation, District of Columbia Public Library, and the University of the District of Columbia policies to prohibit harassment, intimidation, and bullying, including by means of electronic communication; and to establish bullying prevention policies
- Requires the mayor to establish a bully prevention task force
- Requires the Mayor to review the effectiveness of this act every 2 years and to submit the findings to the Council

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Agency" means a District government entity that provides services, activities, or privileges to youth, including the:

(A) Office of the State Superintendent of Education;

(B) Department of Parks and Recreation;

(C) District of Columbia Public Library; and

(D) University of the District of Columbia.

(2)(A) "Bullying" means any severe, pervasive, or persistent act or conduct, whether physical, electronic, or verbal that:

(i) May be based on a youth's actual or perceived race, color, ethnicity, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, intellectual ability, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intrafamily offense, place of residence or business, or any other distinguishing characteristic, or on a youth's association with a person, or group with any person, with one or more of the actual or perceived foregoing characteristics; and

(ii) Can be reasonably predicted to:

(I) Place the youth in reasonable fear of physical harm to his or her person or property;

(II) Cause a substantial detrimental effect on the youth's physical or mental health;

(III) Substantially interfere with the youth's academic performance or attendance; or

(IV) Substantially interfere with the youth's ability to participate in or benefit from the services, activities, or privileges provided by an agency, educational institution, or grantee.

(B) For the purposes of this paragraph, the terms "familial status," "family responsibilities," "gender identity or expression," "genetic information," "intrafamily offense," "marital status," "matriculation," "personal appearance," "political affiliation,""sexual orientation," and "source of income" shall have the same meaning as provided in section 102 of the Human Rights Act of 1977, effective December 13 , 1977 (D.C. Law 13-38; D.C. Official Code § 2-1401.02).

(3) "Educational institution" means any local education agency that receives funds from the District of Columbia.

(4) "Electronic communication" means a communication transmitted by means of an \electronic device, including a telephone, cellular phone, computer, tablet, pager, or video or audio recording.

(5) "Employee" means an individual who performs a function for the District government for an agency, educational institution, or grantee who receives compensation for the performance of that function.

(6) "Grantee" means an entity or a contractor of an entity that, on behalf of the District government or through District funding, provides services, activities, or privileges to youth.

(7) "Human Rights Act" means the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 13-38; D.C. Official Code § 2-1401.01 *et seq.*).

(8) "Party" means a person accused of bullying, a target of bullying, or a parent or guardian of either a person accused of bullying or a target of bullying.

(9) "Youth," depending on the context, means:

(A) An individual of 21 years of age or less who is enrolled in an educational institution or who accesses the services or programs provided by an agency or grantee, or an individual of 22 years of age or less who is receiving special education services from an educational institution; or

(B) Individuals as described in subparagraph (A) of this paragraph considered as a group.

Sec. 3. Bullying prevention task force.

(a) Within 90 days of the effective date of this act, the Mayor shall establish a bullying prevention task force.

(b)(1) The task force shall consist of representatives from a diversity of the educational institutions and agencies that will be affected by this act, as well as community representatives, including:

(A) Teachers;

(B) Administrators from educational institutions and agencies;

(C) School mental health professionals;

(D) Parents, and legal guardians;

(E) Youth;

(F) Direct service providers; and

(G) Advocates.

(2) In constituting this task force, the Mayor shall consider geographic and socioeconomic diversity as well as other forms of diversity.

(c) The task force shall:

(1) Provide guidance to the Mayor on the implementation of this act;

(2) Within 180 days of the effective date of this act, publicize a model policy, which shall contain each of the components required in section 4(b);

(3) Assist educational institutions and agencies with developing policies in accordance with section 4;

(4) Compile, and make available to each agency, educational institution, and grantee, a list of free or low-cost methods for establishing the bullying prevention programs authorized in section 7;

(5) Within 180 days of receipt of the bullying prevention policies submitted pursuant to section 4(c), review each adopted policy for compliance with the requirements of section 4(b); and

(6) Promulgate guidelines to assist the Mayor in evaluating the effectiveness of the bullying prevention policies that have been established.

(d) The task force shall disband 2 years after its initial meeting; provided, that at the discretion of the Mayor, a one-year extension may be granted by the Mayor.

Sec. 4. Bullying prevention policy.

(a) Within 365 days of the effective date of this act, in coordination with the task force established pursuant to section 3, each agency, educational institution, and grantee shall adopt a bullying prevention policy to be enforced:

(1) On its property, including electronic communication on, or with, its property

(2) At sponsored functions;

(3) On its transportation, or transportation sponsored by it; and

(4) Through electronic communication to the extent that it is directed at a youth and it substantially interferes with the youth's ability to participate in or benefit from the services, activities, or privileges provided by the agency, education institution, or grantee.

(b) Each agency, educational institution, and grantee shall control the content of its policy; provided, that each policy includes:

(1) The definition of bullying set forth in section 2(2);

(2) A statement prohibiting bullying;

(3) A statement that the policy applies to participation in functions sponsored by the agency, educational institution, or grantee;

(4) The expected code of conduct;

(5) A list of the consequences that can result from an identified incident of bullying, which are designed to;

(A) Appropriately correct the bullying behavior;

(B) Prevent another occurrence of bullying or retaliation;

(C) Protect the target of the bullying;

(D) Be flexible so that in application they can be unique to the individual incident and varied in method and severity based on the:

(i) Nature of the incident;

(ii) Developmental age of the person bullying; and

(iii) Any history of problem behavior from the person bullying;

(6) A procedure for reporting bullying or retaliation for reporting an act of bullying, including for reporting bullying anonymously; provided, that no formal response shall be taken solely on the basis of an anonymous report;

(7) A procedure for prompt investigation of reports of violations of its policy and of complaints of bullying or retaliation, including the name and contact information of the person responsible for investigating reports;

(8) An appeal process, in accordance with section 5, for a person accused of bullying or a person who is the target of bullying who is not satisfied with the outcome of the initial investigation; and

(9) A statement that prohibits retaliation against any person who reports bullying, including the possible consequences for a person who engages in retaliatory behavior.

(c) Within 365 days of the effective date of this act, each agency, educational institution, and grantee shall submit a copy of its adopted policy to the task force, pursuant to section 3(c)(5).

(d) The requirements of this act and any policy adopted pursuant to this act shall be deemed to constitute health and safety requirements for educational institutions.

(e) Information on the bullying prevention policy shall be incorporated into new employee training.

(f) Each agency, educational institution, and grantee shall develop a plan for how the policy is to be publicized, including the plan for:

(1) Discussing its bullying policy with youth; and

(2) Publicizing that the policy applies to participation in functions sponsored by an agency, educational institution, or grantee.

Sec. 5. Secondary investigation appeal.

(a)(1) A party who is not satisfied with the outcome of the initial investigation conducted pursuant to section 4(b)(7) may request a secondary investigation by submitting a written appeal to the higher-level authority in the agency, educational institution, or grantee designated to hear appeals within 30 days of the conclusion of the investigation conducted pursuant to section 4(b)(7).

(2) The secondary investigation shall be completed within 30 days of receipt of the appeal, unless:

(A) Circumstances require additional time to complete a thorough investigation;

(B) The higher-level authority sets forth those circumstances in writing; and

(C) The additional time does not exceed 15 days.

(b)(1) When an appeal for a secondary investigation is submitted, the agency, educational institution, or grantee shall inform the party about his or her ability to seek further redress under the Human Rights Act.

(2) This section shall not be construed to limit the right of a person to assert or seek redress for a claim arising under the Human Rights Act.

Sec. 6. Retaliation.

(a) An employee, volunteer, or youth shall not retaliate against a victim or witness of bullying or a person who reports bullying.

(b) An employee or volunteer who has witnessed bullying in violation of a bullying prevention policy that is consistent with section 4(a), or has reliable information that a person has been subject to bullying in violation of a bullying prevention policy that is consistent with section 4(a), shall report the incident or information to the person designated by the agency, educational institution, or grantee, in accordance with section 4(b)(7), as responsible for investigating the reports.

(c) An employee, volunteer, or youth who promptly and in good faith reports an incident of, or information on, bullying in compliance with the policy of the agency, educational institution, or grantee shall be immune from a cause of action for damages arising from the making of such report.

Sec. 7. Bullying prevention programs.

Following the adoption of a bullying prevention policy, as required by section 4, each agency, educational institution, and grantee may:

(1) Establish an annual bullying prevention program for youth, which for each educational institution should align with established health-education standards;

(2) Inform youth about their right to be free from discrimination in public accommodations and education, and of the redress available for a violation of their rights under the Human Rights Act; and

(3) Provide training on bullying prevention to all employees and volunteers who have significant contact with youth.

Sec. 8. Reporting requirement.

(a) Each educational institution shall provide to the Mayor, by a date determined by the Mayor, an annual report regarding the aggregate incidents of bullying, and any other information that the Mayor determines is necessary or appropriate.

(b) By September 1, 2014, and biennially thereafter, the Mayor shall:

(1) Review the programs, activities, services, and policies established pursuant to this act of each agency, educational institution, or grantee to determine their effectiveness and whether the agency, educational institution, or grantee is in compliance with this act; and

(2) Report the findings to the Council by December 31 of each year that a report is due, along with an assessment of the current level and nature of bullying in agencies, educational institutions, and grantees and recommendations for appropriate actions to address identified problems.

Sec. 9. Availability of other remedies.

This act does not create a new private right of action or provide a statutory basis for a claim for damages against the District of Columbia or its employees.

Sec. 10. Rules.
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.*), may issue rules to implement the provisions of this act.

<u>Firearms Amendment Act of 2011</u> **DC LEGIS ACT A19-0366**

Summary Approved: May 15, 2012

Voting Record Effective: Projected October 31, 2012

- Amends the Firearms Control Regulations Act of 1975
- Defines "firearm instructor" and allow a person to temporarily possess a firearm while participating in a firearms training and safety course
- Repealed the requirement that each pistol be submitted for ballistic identification as part of the registration process

Sec. 2. The Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 7-2501.01) is amended as follows:

(1) Paragraph (5) is amended to read as follows:

"(5) "Crime of violence" shall have the same meaning as provided in D.C. Official Code § 23-1331(4).".

(2) Paragraph (9A) is redesignated as paragraph (9B).

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

"(9A) "Firearms instructor" means an individual who is certified by the Chief to be qualified to teach firearms training and safety courses.".

(4) Paragraph (13a) is redesignated as paragraph (13A).

(b) Section 201 (D.C. Official Code § 7-2502.01) is amended as follows:

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

(A) Paragraph (2) is amended by striking the word "or" at the end.

(B) Paragraph (3) is amended by striking the period at the end and inserting a semicolon in its place.

(C) New paragraphs (4) and (5) are added to read as follows:

"(4) To a firearms instructor, or to an organization that employs a firearms instructor, for the purpose of conducting firearms training; or

"(5) To a person who complies with, and meets the requirements of, this act.".

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

(A) Paragraph (3) is amended by striking the word "or" at the end.

(B) Paragraph (4) is amended by striking the period at the end and inserting a semicolon followed by the word "or" in its place.

(C) A new paragraph (5) is added to read as follows:

"(5) Any person who temporarily possesses a firearm while participating in a firearms training and safety class conducted by a firearms instructor.".

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

"(c) For the purposes of subsection (b)(3) of this section, the term "recreational firearm-related activity" includes a firearms training and safety class.".

(c) Section 202(a)(4) (D.C. Official Code § 7-2502.02(a)(4)) is amended as follows:

(1) Subparagraph (B) is amended by striking the word "or" at the end.

(2) Subparagraph (C) is amended by adding the word "or" at the end.

(3) A new subparagraph (D) is added to read as follows:
"(D) A firearms instructor, or an organization that employs a firearms instructor, for the purpose of conducting firearms training."

(d) Section 203 (D.C. Official Code § 7-2502.03) is amended as follows:

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

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

"(2) Has not been convicted of a weapons offense (but not an infraction or misdemeanor violation under sections 208, 702, 706, or 807) or a felony in this or any other jurisdiction (including a crime punishable by imprisonment for a term exceeding one year);".

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

(i) Subparagraphs (B), (C), and (D) are amended to read as follows:

"(B) A violation of section 806 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22-404), regarding assaults and threats, or section 2 of An Act To confer concurrent jurisdiction on the police court of the District of Columbia in certain cases, approved July 16, 1912 (37 Stat. 193; D.C. Official Code § 22-407), regarding threats to do bodily harm, or a violation of any similar provision of the law of another jurisdiction;

"(C) Two or more violations of section 10(b) of An Act To provide for the regulation of motor-vehicle traffic in the District of Columbia, increase the number of judges in police court, and for other purposes, approved March 3, 1925 (43 Stat. 1124; D.C. Official Code § 50-2201.05(b)), or, in this or

any other jurisdiction, any law restricting driving under the influence of alcohol or drugs;

"(D) Intrafamily offense punishable as a misdemeanor, including any similar provision in the law of another jurisdiction; or".

(ii) A new subparagraph (E) is added to read as follows:

"(E) Misdemeanor violation pursuant to sections 702 or 706;".

(C) Paragraph (10) is amended to read as follows:

"(10) Has not failed to demonstrate satisfactorily, in accordance with a test prescribed by the Chief, a knowledge of the laws of the District of Columbia pertaining to firearms and, in particular, the requirements of this act, the responsibilities regarding storage, and the requirements for transport; provided, that once this determination is made with respect to a given applicant for a particular firearm, it need not be made again for the same applicant with respect to a subsequent application for a firearm or for the renewal of a registration certificate pursuant to section 207a;".

(D) Paragraph (11) is amended to read as follows:

"(11) Is not blind, as defined in section 8(1) of An Act To enable the blind and the otherwise physically disabled to participate fully in the social and economic life of the District of Columbia, approved October 21, 1972 (86 Stat. 971; D.C. Official Code § 7-1009(1));".

(E) Paragraph (13) is amended as follows:

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

"(A) Has completed a firearms training and safety class provided free of charge by the Chief; or".

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

"(B) Has submitted evidence of any of the following:

"(i) That the applicant has received firearms training in the United States military;

"(ii) A license from another state for which firearms training is required, where the training, as determined by the Chief, is equal to or greater than that provided under subparagraph (A) of this paragraph; or

"(iii) That the applicant has otherwise completed a firearms training or safety course conducted by a firearms instructor that, as

determined by the Chief, is equal to or greater than that conducted under subparagraph (A) of this paragraph; and".

(2) Subsection (d) is repealed.

(e) Section 204 (D.C. Official Code § 7-2502.04) is amended as follows:

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

"(a) The Chief shall require any person applying for a registration certificate to be fingerprinted in order to conduct an efficient and adequate investigation into the matters described in section 203 and to effectuate the purposes of this act. The Chief shall maintain a record of the fingerprints of sufficient quality to enable periodic investigation to ensure compliance with section 203.".

(2) Subsection (b) is amended to read as follows:

"(b) The Chief shall take a digitalized, full-face photograph of each applicant, other than an organization, to be included as part of a person's firearms registration application. The photo shall be taken simultaneously with the filing of the application.".

(f) Section 205 (D.C. Official Code § 7-2502.05) is amended by adding a new subsection (c) to read as follows:

"(c) Any declaration, certificate, verification, or statement made for purposes of firearm registration under this title shall be made under penalty of perjury pursuant to section 401 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-2402). Except as required in section 203(a)(1), no document shall be required to be notarized.".

(g) Section 206(b) (D.C. Official Code § 7-2502.06(b)) is repealed.

(h) Section 207a (D.C. Official Code § 7-2502.07a) is amended as follows:

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

(A) Designate the existing text as paragraph (1) and redesignate paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C) .

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

"(2) The statement submitted pursuant to paragraph (1) of this subsection shall be on a form provided by the Chief that can be submitted online via the Metropolitan Police Department website, by mail, or in person.".

(2) Subsection (d) is repealed.

(3) Subsection (f) is repealed.

(4) Subsection (g) is amended to read as follows:

"(g) The Chief shall establish, by rule, a method for conducting the renewal of registration certificates for all firearms registered before January 1, 2011. This method shall be established before January 1, 2014.".

(5) A new subsection (h) is added to read as follows:

"(h) Notwithstanding subsection (a) of this section, no registration certificate shall expire and no renewal of a registration certificate shall be required earlier than provided in the rule established pursuant to subsection (g) of this section.".

(i) The heading of section 208 (D.C. Official Code § 7-2502.08) is amended to read as follows:

"Sec. 208. Duties of registrants; penalties.".

(j) Section 405(4) (D.C. Official Code § 7-2504.05(4)) is amended by striking the word "unit" and inserting the word "title" in its place.

(k) Section 408(b) (D.C. Official Code § 7-2504.08(b)) is amended by striking the phrase "January 1, 2013" wherever it appears and inserting the phrase "January 1, 2014" in its place.

(l) A new section 410 is added to read as follows:

"Sec. 410. District as federal firearms licensee.

"(a) Whenever there is no active federal firearms licensee in the District of Columbia, the Mayor may seek from federal authorities a license for the District to act as a federal firearms licensee solely for the benefit of any District resident eligible and seeking to obtain a lawful handgun.

"(b) The Mayor shall delegate the authority under subsection (a) of this section to a subordinate agency.

"(c) The District shall act under the license obtained pursuant to subsection (a) of this section only until such time as there is an active federal firearms licensee in the District of Columbia.

"(d) The District may charge a fee to recover the cost of acting as a federal firearms licensee pursuant to subsection (a) of this section by charging $125 or its actual costs, whichever is less, for each handgun.

"(e) For the purposes of this section, the term "active federal firearms licensee" means a person or business that has applied for and received a federal firearms license pursuant to 18 U.S.C. § 923 for the purpose of interstate transfer of handguns, and is operating commercially in the District of Columbia.".

(m) Section 503 (D.C. Official Code § 7-2505.03) is amended as follows:

(1) Subsection (b) is amended by striking the phrase "January 1, 2013" wherever it appears and inserting the phrase "January 1, 2014" in its place.

(2) Subsection (c)(1) is amended as follows:

(A) Strike the phrase "2013 that" and insert the phrase "2014, that" in its place.

(B) Strike the word "unit" and insert the word "act" in its place.

(3) Subsection (e) is amended by striking the phrase "January 1, 2013" wherever it appears and inserting the phrase "January 1, 2014" in its place.

(n) Section 601(a) (D.C. Official Code § 7-2506.01(a)) is amended as follows:

(1) Paragraph (3) is amended to read as follows: "(3) He is the holder of a valid registration certificate for a firearm pursuant to Title II of this act; except, that no such person shall possess restricted pistol bullets;".

(2) Paragraph (4) is amended by striking the period at the end and inserting a semicolon followed by the word "or" in its place.

(3) A new paragraph (5) is added to read as follows: "(5) He temporarily possesses ammunition while participating in a firearms training and safety class conducted by a firearms instructor.".

(o) Section 702 (D.C. Official Code § 7-2507.02) is amended as follows:

(1) The heading is amended to read as follows:

"Sec. 702. Responsibilities regarding storage offirearms; penalties.".

(2) A new subsection (c-1) is added to read as follows: "(c-1) The provisions of section 706 shall not apply to this section.".

(p) Section 706 (D.C. Official Code § 7-2507.06) is amended by striking the phrase "Any person convicted of a violation of any provision of this act" and inserting the phrase "Except as provided in sections 205, 208, 702, and 807, any person convicted of a violation of any provision of this act" in its place.

(q) Section 712 (D.C. Official Code § 7-2507.11) is amended by striking the word "unit" and inserting the word "act" in its place.

(r) Section 801(3) (D.C. Official Code § 7-2508.01(3)) is amended as follows:

(1) Subparagraph (B) is amended by striking the word "or" at the end.

(2) A new subparagraph (B-i) is added to read as follows: "(B-i) A conviction for a firearms-related violation of the provisions in section 804 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22-402) (assault with a dangerous weapon), section 3 of An Act To prohibit the introduction of contraband into the District of Columbia penal institutions, approved December 15, 1941 (55 Stat. 800; D.C. Official Code § 22-2603.02)) (unlawful possession of contraband), or section 811a(b) of An Act To establish a code of law for the District of Columbia, effective May 8, 1993 (D.C. Law 9-270; D.C. Official Code § 22-2803(b)) (carjacking); or".

(3) Subparagraph (C) is amended by striking the phrase “subparagraph (A) or (B)” and inserting the phrase “subparagraphs (A), (B), or (B-i)” in its place.

Sec. 3. An Act To control the possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4501 *et seq*.), is amended as follows:

(a) Section 1(2A) (D.C. Official Code § 22-4501(2A)) is amended as follows:

(1) Strike the paragraph designation “(1)” and insert the subparagraph designation “(A)” in its place.

(2) Strike the paragraph designation “(2)” and insert the subparagraph designation “(B)” in its place.

(3) Strike the paragraph designation “(3)” and insert the subparagraph designation “(C)” in its place.

(b) Section 2(c) (D.C. Official Code § 22-4502(c)) is amended by adding the phrase “or a dangerous crime” after the phrase “a crime of violence”.

(c) Section 3(a)(6) (D.C. Official Code § 22-4503(a)(6)) is amended to read as follows:

“(6) Has been convicted within the past 5 years of an intrafamily offense, as defined in D.C. Official Code § 16-1001(8), punishable as a misdemeanor, or any similar provision in the law of another jurisdiction.”.

(d) Section 4(a) (D.C. Official Code § 22-4504(a)) is amended by striking the phrase “without a license issued pursuant to District of Columbia law,” wherever it appears.

(e) Section 5 (D.C. Official Code § 22-4505) is amended to read as follows:

“Sec. 5. Exceptions.

“(a) The provisions of sections 4(a) and 4(a-1) shall not apply to:

“(1) Marshals, sheriffs, prison or jail wardens, or their deputies, policemen or other duly appointed law enforcement officers, including special agents of the Office of Tax and Revenue, authorized in writing by the Deputy Chief Financial Officer for the Office of Tax and Revenue to carry a firearm while engaged in the performance of their official duties, and criminal investigators of the Office of the Inspector General, designated in writing by the Inspector General, while engaged in the performance of their official duties;

“(2) Special police officers and campus police officers who carry a firearm in accordance with an An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred, and for other purposes, approved March 3, 1899 (30 Stat. 1057; D.C. Official Code § 5 129.02), and rules promulgated pursuant to that act;

"(3) Members of the Army, Navy, Air Force, or Marine Corps of the United States or of the National Guard or Organized Reserves when on duty, or to the regularly enrolled members of any organization duly authorized to purchase or receive such weapons from the United States; provided, that such members are at or are going to or from their places of assembly or target practice;

"(4) Officers or employees of the United States duly authorized to carry a concealed pistol;

"(5) Any person engaged in the business of manufacturing, repairing, or dealing in firearms, or the agent or representative of any such person having in his or her possession, using, or carrying a pistol in the usual or ordinary course of such business; and

"(6) Any person while carrying a pistol, transported in accordance with section 4b, from the place of purchase to his or her home or place of business or to a place of repair or back to his or her home or place of business or in moving goods from one place of abode or business to another, or to or from any lawful recreational firearm-related activity.

"(b) The provisions of section 4(a) with respect to pistols shall not apply to a police officer who has retired from the Metropolitan Police Department, if the police officer has registered a pistol and it is concealed on or about the police officer.

"(c) For the purposes of subsection (a)(6) of this section, the term "recreational firearm-related activity" includes a firearms training and safety class.".

(f) Section 8 (D.C. Official Code § 22-4508) is amended to read as follows:

"Sec. 8. Transfers of firearms regulated.

"No seller shall within the District of Columbia deliver a firearm to the purchaser thereof until 10 days shall have elapsed from the date of the purchase thereof, except in the case of sales to marshals, sheriffs, prison or jail wardens or their deputies, policemen, or other duly appointed law enforcement officers, and, when delivered, said firearm shall be transported in accordance with section 4b. At the time of purchase, the purchaser shall sign in duplicate and deliver to the seller a statement containing his or her full name, address, occupation, date and place of birth, the date of purchase, the caliber, make, model, and manufacturer's number of the firearm and a statement that the purchaser is not forbidden by section 3 to possess a firearm. The seller shall, within 6 hours after purchase, sign and attach his or her address and deliver one copy to such person or persons as the Chief of Police of the District of Columbia may designate, and shall retain the other copy for 6 years. No machine gun, sawed-off shotgun, or blackjack shall be sold to any person other than the persons designated in section 14 as entitled to possess the same, and then only after permission to make such sale has been obtained from the Chief of Police of the District of Columbia. This section shall not apply to sales at wholesale to licensed dealers.".

Sec. 4. Section 23-1331(3)(A) of the District of Columbia Official Code is amended to read as follows:

"(A) Any felony offense under Chapter 45 of Title 22 (Weapons) or Unit A of Chapter 25 of Title 7 (Firearms control);".

DC LEGIS 13-0136

Uniform Collaborative Act of 2012

Summary — Approved: March 31, 2000

Voting Record — Effective: June 27, 2000

- Provides a statutory basis for an alternative dispute resolution procedure by which civil law disputes may be resolved expeditiously
- Initiation of any protective order proceeding against one party, in accordance with the District's definition of eligible petitioners, would terminate the collaborative process
- The statute prevents the mediation process from proceeding if there is a determination that there is the existence of a violent or coercive relationship between the parties absent consent and the collaborative lawyer determines it is safe to continue.

"CHAPTER 40. COLLABORATIVE LAW; UNIFORM ACT

"Section
"16-4001. Short title.
"16-4002. Definitions.
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"16-4005. Beginning and concluding a collaborative law process.
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"16-4008. Approval of agreement by tribunal.
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"16-4018. Waiver and preclusion of privilege.
"16-4019. Limits of privilege.
"16-4020. Authority of tribunal in case of noncompliance.
"16-4021. Uniformity of application and construction.
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"§ 16-4001. Short title.
"This chapter may be cited as the "Uniform Collaborative Law Act".

"§ 16-4002. Definitions.
"For the purposes of this chapter, the term

"(1) "Collaborative law communication" means a statement, whether oral or in a record, or verbal or nonverbal, that:

“(A) Is made to conduct, participate in, continue, or reconvene a collaborative law process; and

“(B) Occurs after the parties sign a collaborative law participation agreement and before the collaborative law process is concluded.

“(2) “Collaborative law participation agreement” means an agreement by persons to participate in a collaborative law process.

“(3) “Collaborative law process” means a procedure intended to resolve a collaborative matter without intervention by a tribunal in which persons:

“(A) Sign a collaborative law participation agreement; and
“(B) Are represented by collaborative lawyers.

“(4) “Collaborative lawyer” means a lawyer who represents a party in a collaborative law process.

“(5) “Collaborative matter” means a dispute, transaction, claim, problem, or issue for resolution, including a dispute, claim, or issue in a proceeding, which is described in a collaborative law participation agreement and arises under the family or domestic relations law of the District of Columbia, including:

“(A) Marriage, divorce, dissolution, annulment, and property distribution;
“(B) Child custody, visitation, and parenting time;
“(C) Alimony, maintenance, and child support;
“(D) Adoption;
“(E) Parentage; and
“(F) Premarital, marital, and post-marital agreements.

“(6) “Family member” means a person:

“(A) With whom an individual shares or has shared a mutual residence; or

“(B) Who is related to an individual by blood, adoption, or legal custody; or

“(C) Who is or was married to, in a domestic partnership with, divorced or separated from, or in a romantic, dating, or sexual relationship with an individual.

“(7) “Law firm” means:

“(A) Lawyers who practice law together in a partnership, professional corporation, sole proprietorship, limited liability company, or association; and
“(B) Lawyers employed in a legal services organization, or the legal department of a corporation or other organization, or the legal department of a government or governmental subdivision, agency, or instrumentality.

“(8) “Nonparty participant” means a person, other than a party and the party’s collaborative lawyer, that participates in a collaborative law process.

"(9) "Party" means a person that signs a collaborative law participation agreement and whose consent is necessary to resolve a collaborative matter.

"(10) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

"(11) "Proceeding" means a proceeding before a tribunal, including related prehearing and post-hearing motions, conferences, and discovery.

"(12) "Prospective party" means a person that discusses with a prospective collaborative lawyer the possibility of signing a collaborative law participation agreement.

"(13) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

"(14) "Related to a collaborative matter" means involving the same parties, transaction or occurrence, nucleus of operative fact, dispute, claim, or issue as the collaborative matter.

"(15) "Sign" means, with present intent to authenticate or adopt a record:

"(A) To execute or adopt a tangible symbol; or

"(B) To attach to or logically associate with the record an electronic symbol, sound, or process.

"(16) "Tribunal" means a court, administrative agency, or other body acting in an adjudicative capacity that, after presentation of evidence or legal argument, has jurisdiction to render a decision affecting a party's interests in a matter.

"§ 16-4003. Applicability.

"This chapter applies to a collaborative law participation agreement that meets the requirements of § 16-4004 signed on or after the effective date of this chapter.

"§ 16-4004. Collaborative law participation agreement; requirements.
"(a) A collaborative law participation agreement shall:
"(1) Be in a record;
"(2) Be signed by the parties;

"(3) State the parties' intention to resolve a collaborative matter through a collaborative law process under this chapter;

"(4) Describe the nature and scope of the matter;

"(5) Identify the collaborative lawyer who represents each party in the process; and

"(6) Contain a statement by each collaborative lawyer confirming the lawyer's representation of a party in the collaborative law process.

"(b) The parties may agree to include in a collaborative law participation agreement

additional provisions not inconsistent with this chapter.

“§ 16-4005. Beginning and concluding collaborative law process.

“(a) A collaborative law process begins when the parties sign a collaborative law participation agreement.

“(b) The tribunal may not order a party to participate in a collaborative law process over that party’s objection.

“(c) A collaborative law process is concluded by:

“(1) The resolution of a collaborative matter as evidenced by a signed record;

“(2) The resolution of a part of the collaborative matter, evidenced by a signed record, in which the parties agree that the remaining parts of the matter will not be resolved in the process; or

“(3) The termination of the process.

“(d) A collaborative law process terminates:

“(1) When a party gives notice to other parties in a record that the process is ended; or

“(2) When a party:

“(A) Begins a proceeding related to a collaborative matter without the agreement of all parties; or

“(B) In a pending proceeding related to the matter:

“(i) Initiates a pleading, motion, order to show cause, or request for a conference with the tribunal;

“(ii) Requests that the proceeding be put on the tribunal’s calendar; or

“(iii) Takes similar action requiring notice to be sent to the parties; or

“(3) Except as otherwise provided by subsection (g) of this section, when a party discharges a collaborative lawyer or a collaborative lawyer withdraws from further representation of a party.

“(e) A party’s collaborative lawyer shall give prompt notice to all parties in a record of a discharge or withdrawal.

“(f) A party may terminate a collaborative law process with or without cause.

“(g) Notwithstanding the discharge or withdrawal of a collaborative lawyer, a collaborative law process continues, if not later than 30 days after the date that the notice of the discharge or withdrawal of a collaborative lawyer required by subsection (e) of this section is sent to the parties:

“(1) The unrepresented party engages a successor collaborative lawyer; and

“(2) In a signed record:

“(A) The parties consent to continue the process by reaffirming the collaborative law participation agreement;

“(B) The agreement is amended to identify the successor collaborative lawyer; and

“(C) The successor collaborative lawyer confirms the lawyer’s representation of a party in the collaborative process.

“(h) A collaborative law process does not conclude if, with the consent of the parties, a party requests the tribunal to approve a resolution of the collaborative matter or any part thereof as evidenced by a signed record.

“(i) A collaborative law participation agreement may provide additional methods of concluding a collaborative law process.

“§ 16-4006. Proceedings pending before tribunal; status report.

“(a) Persons in a proceeding pending before the tribunal may sign a collaborative law participation agreement to seek to resolve a collaborative matter related to the proceeding. The parties shall file promptly with the tribunal a notice of the agreement after it is signed. Subject to subsection (c) of this section and §§ 16-4007 and 16-4008, the filing operates as an application for a stay of the proceeding.

“(b) The parties shall file promptly with the tribunal notice in a record when a collaborative law process concludes. The stay of the proceeding under subsection (a) of this section is lifted when the notice is filed. The notice may not specify any reason for termination of the process.

“(c) The tribunal in which a proceeding is stayed under subsection (a) of this section may require the parties and collaborative lawyers to provide a status report on the collaborative law process and the proceeding. A status report may include only information on whether the process is ongoing or concluded. It may not include a report, assessment, evaluation, recommendation, finding, or other communication regarding a collaborative law process or collaborative law matter.

“(d) The tribunal may not consider a communication made in violation of subsection (c) of this section.

“(e) The court shall provide parties notice and an opportunity to be heard before dismissing a proceeding in which a notice of collaborative process is filed based on delay or failure to prosecute.

“§ 16-4007. Emergency order.

“During a collaborative law process, the tribunal may issue emergency orders to protect the health, safety, welfare, or interest of a party, family member, or other person, in accordance with subchapter I of Chapter 10 of this title.

“§ 16-4008. Approval of agreement by tribunal.

“The tribunal may approve an agreement resulting from a collaborative law process.

“§ 16-4009. Disqualification of collaborative lawyer and lawyers in associated law firm.

“(a) Except as otherwise provided in subsection (c) of this section, a collaborative lawyer is disqualified from appearing before the tribunal to represent a party in a proceeding related to the collaborative matter.

“(b) Except as otherwise provided in subsection (c) of this section and §§ 16-4010 and 16-4011, a lawyer in a law firm with which the collaborative lawyer is associated is disqualified from appearing before the tribunal to represent a party in a proceeding related to the collaborative matter if the collaborative lawyer is disqualified from doing so under subsection (a) of this section.

“(c) A collaborative lawyer or a lawyer in a law firm with which the collaborative lawyer is associated may represent a party:

“(1) To ask the tribunal to approve an agreement resulting from the collaborative law process; or

“(2) To seek or defend an emergency order to protect the health, safety, welfare, or interest of a party, family member, or other person, in accordance with subchapter I of Chapter 10 of this title, if a successor lawyer is not immediately available to represent that person.

“(d) If subsection (c)(2) of this section applies, a collaborative lawyer, or lawyer in a law firm with which the collaborative lawyer is associated, may represent a party or family member only until that person is represented by a successor lawyer or reasonable measures are taken to protect the health, safety, welfare, or interest of the person.

“§ 16-4010. Low-income parties.

“(a) The disqualification of § 16-4009(a) applies to a collaborative lawyer representing a party with or without fee.

“(b) After a collaborative law process concludes, another lawyer in a law firm with which a collaborative lawyer disqualified under § 16-4009(a) is associated may represent a party without fee in the collaborative matter or a matter related to the collaborative matter if:

“(1) The party has an annual income that qualifies the party for free legal representation under the criteria established by the law firm for free legal representation;

“(2) The collaborative law participation agreement so provides; and

“(3) The collaborative lawyer is isolated from any participation in the collaborative matter or a matter related to the collaborative matter through procedures within the law firm that are reasonably calculated to isolate the collaborative lawyer from such participation.

“§ 16-4011. Governmental entity as party.

“(a) The disqualification of § 16-4009(a) applies to a collaborative lawyer representing a party that is a government or governmental subdivision, agency, or instrumentality.

“(b) After a collaborative law process concludes, another lawyer in a law firm with which the collaborative lawyer is associated may represent a government or governmental subdivision, agency, or instrumentality in the collaborative matter or a matter related to the collaborative matter if:

“(1) The collaborative law participation agreement so provides; and

"(2) The collaborative lawyer is isolated from any participation in the collaborative matter or a matter related to the collaborative matter through procedures within the law firm that are reasonably calculated to isolate the collaborative lawyer from such participation.

"§ 16-4012. Disclosure of information.
"Except as provided by law other than this chapter, during the collaborative law process, upon the request of another party, a party shall make timely, full, candid, and informal disclosure of information related to the collaborative matter without formal discovery. A party also shall update promptly previously disclosed information that has materially changed. The parties may define the scope of disclosure during the collaborative law process.

"§ 16-4013. Standards of professional responsibility and mandatory reporting not affected.

"This chapter does not affect:

"(1) The professional responsibility obligations and standards applicable to a lawyer or other licensed professional; or

"(2) The obligation of a person to report abuse, neglect, abandonment, or exploitation of a child or adult under the law of the District of Columbia.

"§ 16-4014. Appropriateness of collaborative law process.

"Before a prospective party signs a collaborative law participation agreement, a prospective collaborative lawyer shall:

"(1) Assess with the prospective party factors the lawyer reasonably believes relate to whether a collaborative law process is appropriate for the prospective party's matter;

"(2) Provide the prospective party with information that the lawyer reasonably believes is sufficient for the party to make an informed decision about the material benefits and risks of a collaborative law process as compared to the material benefits and risks of other reasonably available alternatives for resolving the proposed collaborative matter, such as litigation, mediation, arbitration, or expert evaluation; and

"(3) Advise the prospective party that:

"(A) If, after signing an agreement, a party initiates a proceeding or seeks intervention by the tribunal in a pending proceeding related to the collaborative matter, the collaborative law process terminates;

"(B) Participation in a collaborative law process is voluntary and any party has the right to terminate unilaterally a collaborative law process with or without cause; and

"(C) The collaborative lawyer and any lawyer in a law firm with which the collaborative lawyer is associated may not appear before the tribunal to represent a party in a proceeding related to the collaborative matter, except as authorized by § 16-4009(c), § 16-4010(b), or § 16-4011(b).

"§ 16-4015. Coercive or violent relationship.

"(a) Before a prospective party signs a collaborative law participation agreement, a prospective collaborative lawyer shall make reasonable inquiry whether the prospective party has a history of a coercive or violent relationship with another prospective party.

"(b) Throughout a collaborative law process, a collaborative lawyer reasonably and continuously shall assess whether the party the collaborative lawyer represents has a history of a coercive or violent relationship with another party.

"(c) If a collaborative lawyer reasonably believes that the party the lawyer represents or the prospective party who consults the lawyer has a history of a coercive or violent relationship with another party or prospective party, the lawyer may not begin or continue a collaborative law process unless:

> "(1) The party or the prospective party requests beginning or continuing the process; and
>
> "(2) The collaborative lawyer reasonably believes that the safety of the party or prospective party can be protected adequately during the process.

"§ 16-4016. Confidentiality of collaborative law communication.

"A collaborative law communication is confidential to the extent agreed by the parties in a signed record or as provided by law of the District of Columbia other than this chapter.

"§ 16-4017. Privilege against disclosure for collaborative law communication; admissibility; discovery.

"(a) Subject to §§ 16-4018 and 16-4019, a collaborative law communication is privileged under subsection (b) of this section, is not subject to discovery, and is not admissible as evidence.

"(b) In a proceeding, the following privileges apply:

> "(1) A party may refuse to disclose, and may prevent any other person from disclosing, a collaborative law communication.
>
> "(2) A nonparty participant may refuse to disclose, and may prevent any other person from disclosing, a collaborative law communication of the nonparty participant.

"(c) Evidence or information that is otherwise admissible or subject to discovery does not become inadmissible or protected from discovery solely because of its disclosure or use in a collaborative law process.

"§ 16-4018. Waiver and preclusion of privilege.

"(a) A privilege under § 16-4017 may be waived in a record or orally during a proceeding if it is expressly waived by all parties entitled to claim the privilege at issue and, in the case of the privilege of a nonparty participant, it is also expressly waived by the nonparty participant.

"(b) A person that makes a disclosure or representation about a collaborative law communication that prejudices another person in a proceeding may not assert a privilege under § 16-4017, but this preclusion applies only to the extent necessary for the person prejudiced to

respond to the disclosure or representation.

"§ 16-4019. Limits of privilege.

"(a) There is no privilege under § 16-4017 for a collaborative law communication that is:

"(1) Available to the public under the District of Columbia Public Records Management Act of 1985, effective September 5, 1985 (D.C. Law 6-19; D.C. Official Code § 2-1701 *et seq.*), or made during a session of a collaborative law process that is open, or is required by law to be open, to the public;

"(2) A threat or statement of a plan to inflict bodily injury or commit a crime of violence;

"(3) Intentionally used to plan a crime, commit or attempt to commit a crime, or conceal an ongoing crime or ongoing criminal activity;

"(4) In an agreement resulting from the collaborative law process evidenced by a record signed by all parties to the agreement; or

"(5) A disclosure in a report of suspected domestic violence to an appropriate agency under subchapter I of Chapter 10 of this title.

"(b) The privileges under § 16-4017 for a collaborative law communication do not apply to the extent that a communication is:

"(1) Sought or offered to prove or disprove a claim or complaint of professional misconduct or malpractice arising from or related to a collaborative law process; or

"(2) Sought or offered to prove or disprove abuse, neglect, abandonment, or exploitation of a child or adult, unless the District of Columbia is a party to or otherwise participates in the process.

"(c) There is no privilege under § 16-4017 if the tribunal finds, after a hearing *in camera*, that the party seeking discovery or the proponent of the evidence has shown the evidence is not otherwise available, the need for the evidence substantially outweighs the interest in protecting confidentiality, and the collaborative law communication is sought or offered in:

"(1) A judicial proceeding involving a felony or misdemeanor; or

"(2) A proceeding seeking rescission or reformation of a contract arising out of the collaborative law process or in which a defense to avoid liability on the contract is asserted.

"(d) If a collaborative law communication is subject to an exception under subsection (b) or (c) of this section, only the part of the communication necessary for the application of the exception may be disclosed or admitted.

"(e) Disclosure or admission of evidence excepted from the privilege under subsection (b) or (c) of this section does not make the evidence or any other collaborative law communication discoverable or admissible for any other purpose.

“(f) The privileges under § 16-4017 do not apply if the parties agree in advance in a signed record, or if a record of a proceeding reflects agreement by the parties, that all or part of a collaborative law process is not privileged. This subsection shall not apply to a collaborative law communication made by a person that did not receive actual notice of the agreement before the communication was made.
“§ 16-4020. Authority of tribunal in case of noncompliance.

“(a) If an agreement fails to meet the requirements of § 16-4004, or a lawyer fails to comply with § 16-4014 or § 16-4015, the tribunal may nonetheless find that the parties intended to enter into a collaborative law participation agreement if they:

“(1) Signed a record indicating an intention to enter into a collaborative law participation agreement; and

“(2) Reasonably believed they were participating in a collaborative law process.“(b) If the tribunal makes the findings specified in subsection (a) of this section, and the interests of justice require, the tribunal may:

“(1) Enforce an agreement evidenced by a record resulting from the process in which the parties participated;
“(2) Apply the disqualification provisions of §§ 16-4009, 16-4010, and 16-4011; and
“(3) Apply a privilege under § 16-4017.

“§ 16-4021. Uniformity of application and construction.

“In applying and construing this chapter, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

“§ 16-4022. Relation to Electronic Signatures in Global and National Commerce Act.

“This chapter modifies, limits, or supersedes the federal Electronic Signatures in Global and National Commerce Act, approved June 30, 2000 (114 Stat. 464; 15 U.S.C. § 7001 *et seq*.), but does not modify, limit, or supersede section 101(c) of that act (15 U.S.C. § 7001(c)), or authorize electronic delivery of any of the notices described in § 103(b) of that act (15 U.S.C. § 7003(b)).”.

- Establishes that a judgment of restitution or reparation is enforceable in the same manner as a civil judgment, and may be enforced by the United States Attorney, the Attorney General for the District of Columbia, as well as the victim and other beneficiaries
- Adds language regarding animal cruelty in intrafamily offenses
- Clarifies that that gun offenders convicted at any time, must register with the gun offenders registry
- Establishes a criminal penalty for arranging for a sexual act of contact with a real or fictitious child
- increases the financial thresholds for the offenses of destruction of property, receiving stolen property, and theft of property
- Establishes a warrantless arrest for the offense of misdemeanor sexual abuse

§ 7-2502.03. Qualifications for registration; information required for registration.

(a) No registration certificate shall be issued to any person (and in the case of a person between the ages of 18 and 21, to the person and his signatory parent or guardian) or organization unless the Chief determines that such person (or the president or chief executive in the case of an organization):

. . .

(4) Has not been convicted within 5 years prior to the application of any:
(A) Violation in any jurisdiction of any law restricting the use, possession, or sale of any narcotic or dangerous drug;

(B) A violation of § 22-407, regarding threats to do bodily harm, or § 22-404, regarding assaults and threats, or any similar provision of the law of any other jurisdiction so as to indicate a likelihood to make unlawful use of a firearm;

(C) Two or more violations of § 50-2201.05(b) or, in any other jurisdiction, any law restricting driving under the influence of alcohol or drugs; or

(D) Intrafamily offense, *including any similar provision of the law of any other jurisdiction.*

. . .

§ 16-711.01. Restitution or reparation – enforcement.

(a) An order of restitution or reparation requiring a person convicted of the criminal conduct to pay restitution or reparation constitutes a judgment and lien against all property of a liable defendant for the amount the defendant is obligated to pay under the order and may be recorded in any office for the filing of liens against real or personal property.

(b) A judgment of restitution or reparation may be enforced by the United States Attorney for the District of Columbia, the Attorney General for the District of Columbia, a victim entitled under the order to receive restitution or reparation, a deceased victim's estate, or any other beneficiary of the judgment in the same manner as a civil judgment.

(c) The court shall provide each victim in a criminal case with a notarized and sealed copy of the Order of Restitution or Reparation.

(d) The name and address of the victim shall not be disclosed to the defendant or any representative of the defendant.

§ 16-1005. Hearing; evidence; protection order.

(c) If, after hearing, the judicial officer finds that there is good cause to believe the respondent has committed or threatened to commit a criminal offense against the petitioner *or against petitioner's animal or an animal in petitioner's household*,, the judicial officer may issue a protection order that:

. . .

(10A) Directs the care, custody, or control of a domestic animal that belongs to petitioner or respondent or lives in his or her household;

. . .

§ 22-303. Malicious burning, destruction, or injury of another's property.

Whoever maliciously injures or breaks or destroys, or attempts to injure or break or destroy, by fire or otherwise, any public or private property, whether real or personal, not his or her own, of the value of ~~$200~~ *$1,000* or more, shall be fined not more than $5,000 or shall be imprisoned for not more than 10 years, or both, and ~~if the value of the property be less than $200~~ *if the property has some value* shall be fined not more than $1,000 or imprisoned for not more than 180 days, or both.

22-3010b. Arranging for a sexual contact with a real or fictitious child.

(a) It is unlawful for a person to arrange to engage in a sexual act or sexual contact with an individual (whether real or fictitious) who is or who is represented to be a child at least 4 years younger than the person, or to arrange for another person to engage in a sexual act or sexual contact with an individual (whether real or fictitious) who is or who is represented to be a child of at least 4 years younger than the person. For the purposes of this section, arranging to engage in a sexual act or sexual contact with an individual who is fictitious shall be unlawful only if the arrangement is done by or with a law enforcement officer.

(b) A person who violates subsection (a) of this section shall be imprisoned for not more than 5 years, fined an amount not to exceed $50,000, or both.

§ 22-3011. Defenses to child sexual abuse and sexual abuse of a minor.

(b) Marriage *or domestic partnership* between the defendant and the child *or minor* at the time of the offense is a defense, which the defendant must establish by a preponderance of the evidence, to a prosecution under §§ 22-3008 to 22-3010.01, prosecuted alone or in conjunction with charges under § 22-3018 or § 22-403, involving only the defendant and the child *or minor*.

§ 22-3222. Penalties for fraud.

(a) *Fraud in the first degree.*

(1) Any person convicted of fraud in the first degree shall be fined not more than $5,000 or 3 times the value of the property obtained or lost, whichever is greater, or imprisoned for not more than 10 years, or both, if the value of the property obtained or lost is ~~$250~~ *$1,000* or more; and

(2) Any person convicted of fraud in the first degree shall be fined not more than $1,000 or imprisoned for not more than 180 days, or both, if the value of the property obtained or lost ~~was less than $250~~ *has some value*.

(b) *Fraud in the second degree.*

(1) Any person convicted of fraud in the second degree shall be fined not more than $3,000 or 3 times the value of the property which was the object of the scheme or systematic course of conduct, whichever is greater, or imprisoned for not more than 3 years, or both, if the value of the property which was the object of the scheme or systematic course of conduct was ~~$250~~ *$1,000* or more; and

(2) Any person convicted of fraud in the second degree shall be fined not more than $1,000 or imprisoned for not more than 180 days, or both, if the value of the property which was the object of the scheme or systematic course of conduct ~~was less than $250~~ *has some value*.

§ 22-3227.03. Penalties for identity theft.

(b) *Identity theft in the second degree.* -- Any person convicted of identity theft shall be fined not more than $1,000 or imprisoned for not more than 180 days, or both, if ~~the value of~~ the property obtained, or attempted to be obtained, or the amount of the financial injury, has some value, or if another person is falsely accused of, or arrested for, committing a crime because of the use, without permission, of that person's personal identifying information.

§ 22-3232. Receiving stolen property.

(c)(1) Any person convicted of receiving stolen property shall be fined not more than $5,000 or imprisoned not more than 7 years, or both, if the value of the stolen property is ~~$250~~ *$1,000* or more.

(2) Any person convicted of receiving stolen property shall be fined not more than $1,000 or imprisoned not more than 180 days, or both, ~~if the value of the stolen property is less than $250~~ *if the stolen property has some value*.

§ 22-3233. Altering or removing motor vehicle identification numbers.

(b)(2) Any person who violates subsection (a) of this section shall be guilty of a felony if the value of the motor vehicle or motor vehicle part is ~~$250~~ *$1,000* or more and, upon conviction, shall be imprisoned for not more than 5 years, or fined not more than $5000, or both.

§ 22-3242. Penalties for forgery.

(b) Any person convicted of forgery shall be fined not more than $5,000 or imprisoned for not more than 5 years, or both, if the written instrument is or purports to be:

. . .

(3) A written instrument having a value of ~~$250~~ *$1,000* or more.

§ 23-581. Arrests without warrant by law enforcement officers.

(a-7) A law enforcement officer may arrest a person without a warrant if the officer has probable cause to believe the person has committed the offense of misdemeanor sexual abuse or misdemeanor sexual abuse of a child or minor as provided in sections 22-3006 and 22-3010.01).

- Reduces the maximum benefit for an individual receiving Temporary Assistance to Needy Families ("TANF") benefits
- Transfers funds from certain special purpose and dedicated revenue accounts to unrestricted balance of the General Fund

4-205.11b Reduction in benefits for long-term TANF recipients.

An individual who has received federally or locally funded TANF benefits in the District of Columbia for more than 60 months, whether or not consecutive, shall receive a reduction in his or her maximum benefit in accordance with section 552 and as set forth in rules issued pursuant to section 205.

4-205.11c. Human impact statement.
Within 60 days of the effective date of the Fiscal Year 2011 Supplemental Budget Emergency Act of 2010, passed on emergency basis on December 21, 2010 (Enrolled version of Bill 18-1098), the Auditor shall conduct an assessment of the impact of reductions in assistance pursuant to this act on families and their children and issue a human impact statement, which shall include:

(1) The number of families affected;

(2) The number of children affected in the following age categories;

(A) Infant – 3 years old;

(B) 4-9 year olds;

(C) 10-13 years old; and

(D) 14-18 years old;

(3) A sample of a least 35 families, including a consideration of the children regarding:

(A) Changes in school performance;

(B) Changes in after-school performance;

(C) Changes in health status; and

(D) New interactions with Court Social Services or Department of Youth Rehabilitative Services; and

(4) The number of service providers providing training programs based on specific performance-based measures, including:

(A) A description of programs being offered; and

(B) The enrollment figures in each program.

§ 4-205.18. Child's eligibility

(d)(1) A minor child otherwise eligible for TANF benefits under this section, who has been, or is expected by a parent, guardian, or other caretaker to be absent from the home for more than 90 consecutive days shall be ineligible to receive ~~federally funded~~ TANF benefits unless the Mayor determines, in accordance with rules promulgated by the Mayor, that there is good cause for the child to be absent from the home for more than 90 days and continue to receive TANF benefits.

(2) A parent, guardian, or other caretaker of a minor child shall be determined ineligible to receive ~~federally funded~~ TANF benefits if the parent, guardian, or caretaker fails to notify the Mayor of the absence of the child from the home after the 5-day period beginning with the date on which it becomes clear to the parent, guardian, or caretaker that the child will be absent from the home for more than 90 consecutive days.

§ 4-205.19f. Sanctions.

~~(a) As a sanction pursuant to §§ 4-205.19c(a) and 4-205.19e(a), the Mayor shall not take into account the noncompliant TANF applicant's or recipient's needs in determining the TANF assistance unit's need for assistance and the amount of the TANF payment. The sanction shall remain in place for the following time periods, consistent with subsection (d) of this section:~~

~~(1) Until the applicant or recipient complies with program requirements, or one month, whichever is later, if it is the applicant's or recipient's first sanction;~~

~~(2) Until the applicant or recipient complies with program requirements, or 3 months, whichever is later, if it is the applicant's or recipient's second sanction; or~~

~~(3) Until the applicant or recipient complies with program requirements, or 6 months, whichever is later, if it is the applicant's or recipient's third or subsequent sanction.~~

. . .

(f) If a TANF recipient fails to complete his or her annual review or is otherwise terminated while under sanctions, and makes a new application for benefits, the TANF applicant shall:

(1) Undergo an assessment and orientation pursuant to section 519(b); and

(2) Shall remain under the same level of sanction until in compliance pursuant to subsection (b) of this section.

§ 4-205.51a. TANF Universal Service Delivery Model

(a) By no later than September 30, 2011, the Mayor shall have adopted and fully implemented the TANF Universal Service Delivery Model, as created by the Department of Human Services, which shall:

(1) Address customer needs based on personal and family circumstances, to the extent feasible;

(2) Require orientation and a detailed assessment and referral to an appropriate array of services and supports, which shall be provided through:

(A) Contract job placement;

(B) Education and training vendors, and

(C) District agencies;

(3) Emphasize education, training, and skills enhancement;

(4) Assist customers in addressing and overcoming challenges that are barriers to employment;

(4) Include financial disincentives to customers who without good cause remain unemployed;

(5) Provide for participation with the TEP program;

(6) Provide for an Individual Responsibility Plan for each customer; and

(7) Include a system of sanctions for a customer who fails to participate or complete an Individual Responsibility Plan.

(b) A nonexempt customer who fails to participate or complete an Individual Responsibility Plan shall be subject to a progressive, graduated sanction policy, as established by the Department of Human Services. Each level of sanctions shall reduce further the maximum grant a customer will be eligible to receive.

(c) The Mayor shall submit a draft plan of the TANF Universal Service Delivery Model to the Council for its review by March 1, 2011.

§ 4-205.52. Determination of amount of public assistance payments for assistance unit; standards of assistance enumerated.

(c-2) The level of public assistance payment for assistance units subject to section 511b shall be equal to the current payment level for the assistance unit, established by subsection (d) of this section, less 20% after February 1, 2011.

D.C. Municipal Regulations 29-5814.5

After application of these disregards in subsection 5814.4, the remaining income shall be compared to the Standard of Assistance for a family unit. The Standard of Assistance shall be defined as specified in the District of Columbia Public Assistance Act of 1982, as amended. If less than the Standard of Assistance, the income shall be compared to the payment standard. The payment standard shall be defined as specified in the District of Columbia Public Assistance Act of 1982, as amended. The payment levels set forth in Chapter 72 of Title 29 DCMR shall apply to payments made ~~after October 1, 2007~~ *as of February 1, 2011*.

D.C. Municipal Regulations 29-7200.3

Pursuant to section 552 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-205.52), a TANF recipient who has received TANF benefits for more than 60 months, whether or not consecutive months, shall be eligible to receive no more than the payment levels as set forth in §7200.4.

D.C. Municipal Regulations 29-7200.4

Effective February 1, 2011, the payment levels set forth in this subsection shall apply to recipients who have received TANF benefits for more than 60 months:

Family Size	*Standards of Assistance*	*Payment Level*
1	*$450*	*$216*
2	*$560*	*$269*
3	*$712*	*$342*
4	*$870*	*$418*
5	*$1,002*	*$482*
6	*$1,178*	*$566*
7	*$1,352*	*$650*
8	*$1,494*	*$718*
9	*$1,642*	*$790*
10	*$1,786*	*$858*
11	*$1,884*	*$905*
12	*$2,024*	*$973*
13	*$2,116*	*$1,017*
14	*$2,232*	*$1,072*
15	*$2,316*	*$1,113*
16	*$2,432*	*$1,169*
17	*$2,668*	*$1,282*
18	*$2,730*	*$1,311*
19	*$2,786*	*$1,338*

- Clarifies the criteria for demonstrating District residency, to provide that certain third parties may verify the residency of an individual or family seeking severe weather shelter
- Requires that individuals and families seeking severe weather shelter be residents of the District, excluding only low-barrier shelters and victims of domestic abuse, sexual assault and human trafficking
- Authorizes the Mayor to place families in non-apartment-style severe weather shelters

§ 4-751.01. Definitions.

. . .

(32) Resident of the District" means an individual or family who:

(A) Is not receiving locally administered public assistance from a jurisdiction other than the District;

(B) Is living in the District voluntarily and not for a temporary purpose and who has no intention of presently moving from the District, ~~The term "resident of the District"~~ *which* shall be determined and applied in accordance with section 503 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-205.03); and

(C) Demonstrates residence by providing:

(i) A mailing address in the District, valid within the last 2 years;

(ii) Evidence that the individual or family has applied or is receiving public assistance from the District;

(iii) Evidence that the individual or a family member is attending school in the District; or

(iv) Written verification by a verifier who attests, to the best of the verifier's knowledge, that the individual or family lives in the District voluntarily and not for a temporary purpose and has no intention of presently moving from the District.

. . .

(41A) "Verifier" means a District resident or a provider who knows where an individual or family seeking shelter lives and who produces evidence of his or her employment as a provider in the case of a provider, or own District residency in the case of a District resident by providing a:

(A) Valid District driver's license or nondriver's identification;

(B) District voter registration card;

(C) Valid lease, rental agreement, rent receipt, deed, settlement papers, or mortgage statement for a residence in the District;

(D) Valid homeowner's or renter's insurance policy for a residence in the District;

(E) District property tax bill issued within the last 60 days;

(F) Utility bill for water, gas, electric, oil, cable, or a land-line telephone issued within the last 60 days; or

(G) Pay stub issued within the last 30 days showing a District address and District withholding taxes.

§ 4-753.01. Continuum of Care for individuals and families who are homeless.

. . .

(c)*(1)*Whenever the actual or forecasted temperature, including the wind chill factor, falls below 32 degrees Fahrenheit, or whenever the actual or forecasted temperature or heat index rises above 95 degrees Fahrenheit, the District shall make available appropriate space in District of Columbia public or private buildings and facilities for any ~~resident of~~ *person in* the District who is homeless and cannot access other shelter~~; provided, that the District shall give priority to residents of the District~~.

(2) In ~~doing so~~ *making appropriate space available in District of Columbia public or private buildings and facilities*, the District shall not use District of Columbia Public School buildings currently being used for educational purposes without the prior approval of the ~~Board of Education~~ *Mayor*.

(3)(A) Low-barrier shelters and severe weather shelters operating as low-barrier shelters shall not be required to receive demonstration of residency or prioritize District residents.

(B) The Mayor may determine whether a person seeking shelter by reason of domestic violence, sexual assault, or human trafficking is a resident of the District without receiving demonstration of District residency in accordance with section 2(32).

(4) For the purposes of this subsection the term “cannot access other housing arrangements” means that the homeless person is living in a place not intended as a residence, such as outdoors, in a vehicle, or in a condemned or abandoned building or is living in a situation that is dangerous to the health or safety of the person or of any family member.”.

(d)*(1) Except as provided in paragraph (2) of this subsection,* the Mayor shall not place homeless families in non-apartment-style shelters.

(2) The Mayor is authorized to place homeless families in non-apartment-style shelters that are private rooms only when no apartment-style shelters are available.

§ 4-753.02. Eligibility for services within the Continuum of Care.

(a) An individual or family is eligible to receive services within the Continuum of Care if the individual or family:

(1) Is homeless or at imminent risk of becoming homeless;

(2) Is a resident of the District, as defined by ~~§ 4-205.03~~ *section 2(32), except that low barrier shelters and severe weather shelters operating as low-barrier shelters shall not be required to receive demonstration of residency or prioritize District residents, pursuant to subsection (b) of this section;* and

(3) Meets any additional eligibility requirements that have been established pursuant to § 4-754.31 by the provider from whom services are sought.

(a-1) Notwithstanding subsection (a)(2) of this section, the Mayor may exclude certain services within the Continuum of Care from the residency requirement; provided, that the Mayor publishes which services are excluded from the requirement.

(b) No individual or family may be deemed ineligible for services solely because the individual or family cannot establish proof of homelessness or residency at the time of the individual or family's application for assistance. *The District shall give priority, however, to an individual or family who establishes proof of residency and homelessness at the time of application for assistance.*

. . .

§ 4-753.08a. Grace period for establishing residency.

An individual or family seeking shelter during severe weather conditions may be afforded a 3-day grace period to establish District residency.

§ 4-754.41. Fair hearings.

. . .

(b) A client or client representative may request a fair hearing to:

(1) Appeal an administrative review decision made pursuant to § 4-754.42;

(2) Review any decision of a provider of services~~, other than shelter or supportive housing,~~ to:

(A) Transfer the client to another provider;

(B) Suspend provision of services to the client for a period longer than 10 days; or

(C) Terminate services to the client; or

(D) Deny an application for services; or

(3) Obtain any legally available and practicable remedy for any alleged violation of:

(A) The provider standards listed in part C of this subchapter; or

(B) The client rights listed in §§ 4-754.11 and 4-754.12, including the denial of a request by an individual with a disability for a reasonable accommodation or modification of policies or practices.

. . .

§ 4-754.42(c). Administrative review.

. . .

(c) An administrative review must be completed before the Office of Administrative Hearings shall grant a fair hearing to any client or client representative*; except, that the Office of Administrative Hearings may grant a hearing prior to the completion of the administrative review, on proper notice to all parties, to decide if a notice required by section 19(b) or (c) (other than a notice of an emergency action) has not been given or is invalid on its face*.

. . .

TANF Educational Opportunities and Accountability Act of 2010 | **DC LEGIS 18-0366**

Summary | Approved: January 27, 2011
Voting Record | Effective: April 8, 2011

- Expands the definitions of acceptable educational opportunities available under the TANF Employment Program in accordance with the federal 2005 Deficit Reduction Act, to
- Requires the use of standardized initial assessment for all TANF participants and to require more robust and transparent outcome measurements from TANF vendors, including the utilization of domestic violence services.

§ 4-205.19b. Job search and job readiness requirements for TANF applicants.

Subsection (a) is amended to read as follows:
(a)*(1)* ~~As a condition of eligibility, all TANF applicants shall complete a preliminary assessment of their~~ *Using a standard process and mechanism, the Mayor shall make a detailed assessment of the* skills, prior work experience, employability, and barriers to employment, *including domestic violence, mental health, and substance abuse ("assessment") of each TANF recipient*.

(2) As a condition of eligibility, all TANF applicants shall complete the assessment.

(3) Staff responsible for administering the assessment shall receive specific training regarding the administration of the assessment and the follow-up services and programs available to eligible TANF recipients. Training shall include a focus on identifying barriers to employment, such as issues of domestic violence, mental health, and substance abuse.

(a-1) As a condition of eligibility, all work-eligible TANF applicants shall complete an employment program orientation.

~~(b) Following the preliminary assessment, an applicant in a single-parent assistance unit who is not engaged in paid employment for at least 20 hours per week (or an average of 80 hours per month) during the period of October 1, 1997, through September 30, 1998, at least 25 hours per week (or an average of 100 hours per month) during the period of October 1, 1998, through September 30, 1999, or at least 30 hours per week (or an average of 120 hours per month) after September 30, 1998, and who is not required to meet the school attendance requirements of § 4-205.65 shall be required to sign and comply with an agreement to participate in job search or job readiness activities as a condition of eligibility for TANF benefits, unless the applicant is exempt pursuant to § 4-205.19f. The Mayor shall determine the nature and scope of the activities based on the preliminary assessment. In no event shall the Mayor require the applicant to participate in job search or job readiness activities for more than 35 hours per week.~~

(b)(1) Following the assessment and a positive eligibility determination, a TANF recipient in a single-parent assistance unit shall be required to sign and comply with an agreement to participate in work activities as a condition of continuing eligibility for TANF benefits when the recipient:

(A) Has a child under 6 years of age and is not engaged in paid employment for at least 20 hours per week (or an average of 80 hours per month); or

(B) Has a child 6 years of age and is not engaged in paid employment for at least 30 hours per week (or an average of 120 hours per month).

(2) The Mayor shall determine the nature and scope of the work activities that shall be required based on the person's assessment; provided, that the Mayor shall not require the TANF recipient to participate in work activities for more than 35 hours per week.

(3) This subsection shall not apply to a TANF recipient who is exempt pursuant to section 519g or subject to the school-attendance requirements of section 565.

(c) Following the ~~preliminary~~ assessment, each parent in a 2-parent assistance unit who is not engaged in paid employment for at least 35 hours per week (or an average of 140 hours per month) and who is not required to meet the school attendance requirements of § 4-205.65 shall be required to sign and comply with an agreement to participate in job search or job readiness activities as a condition of eligibility for TANF benefits, unless the ~~applicant~~ *TANF recipient* is exempt pursuant to § 4-205.19f, or the other parent in the family is engaged in paid employment and the 2 parents together work for at least 35 hours per week (or for at least 55 hours per week, if the family receives federally-funded child care and no adult in the family has a disability, or caring for a child disability). The Mayor shall determine the nature and scope of the activities based on the ~~preliminary~~ assessment. In no event shall the Mayor require the ~~applicant~~ *TANF recipient* to participate in job search or job readiness activities for more hours than would be necessary for the combined number of hours of participation of both parents to equal 35 hours per week (or 55 hours per week, if the family receives federally-funded child care and no adult in the family has a disability, or caring for a child with a disability).

…

§ 4-205.19c. Failure to comply with job search and job readiness requirements for TANF applicants.

(a) If a TANF applicant who is not exempt pursuant to § 4-205.19g(a) fails, without good cause, to participate in ~~job search or job readiness~~ *work* activities pursuant to § 4-205.19b, the failure shall result in a sanction pursuant to § 4-205.19f.

(b) The Mayor shall promulgate rules defining what constitutes good cause for failure to participate in ~~job search or job readiness~~ *work* activities, in addition to those circumstances described in subsections (c), (d), and (e) of this subsection. The rules promulgated by the Mayor shall require that notice be provided to TANF applicants of what constitutes good cause for failure to participate in ~~job search or job readiness~~ *work* activities.

(c) The Mayor shall not sanction a TANF applicant based on the failure of an applicant to participate in ~~job search or job readiness~~ *work* activities if the Mayor has failed to make a preliminary assessment

pursuant to § 4-205.19b(a).

(d) The Mayor shall not sanction a TANF applicant based on the failure of a TANF applicant to participate in ~~job search or job readiness~~ *work* activities if the applicant is a single custodial parent caring for a child under 6 years old, and the applicant proves that he or she has a demonstrated inability, as determined by the Mayor, to obtain needed child care for one or more of the following reasons:

(1) Appropriate child care within a reasonable distance from the applicant's home or work site is unavailable;

(2) Informal child care by a relative or under other arrangements is unavailable or unsuitable; or

(3) Appropriate and affordable formal child care arrangements are unavailable.

(e)(1) The Mayor shall not sanction a TANF applicant for failure to participate in ~~job search or job readiness~~ *work* activities if the Mayor controls the availability of placements in those activities and a placement in those activities is not available to the applicant.

(2) This subsection shall not apply if the Mayor makes a placement in another activity available to the applicant, provided that the replacement activity is consistent with the terms of the applicant's agreement to participate in ~~job search or job readiness~~ *work* activities.

(f) Notwithstanding subsection (c), (d), or (e) of this section, the Mayor may sanction a TANF applicant if the applicant quits paid employment without good cause or voluntarily reduces income without good cause within 60 days before the determination of eligibility for TANF.

§ 4-205.19d. Work participation requirements for TANF recipients.

~~(a) The Mayor may make an assessment of the skills, prior work experience, employability, and barriers to employment of each TANF recipient who is an adult or minor head of an assistance unit after the recipient is determined eligible to receive TANF benefits.~~

(a) If the Mayor has assessed a TANF recipient pursuant to section 519b(a), the TANF recipient shall develop an individual responsibility plan with the Mayor that describes the steps the recipient is required to take to achieve self sufficiency and the services that the District shall provide to assist the recipient in attaining self sufficiency. The individual responsibility plan shall be based on the recipient's assessment at application.

~~(a-1) Recipients referred by the Mayor to an employment or education vendor or program shall participate in an assessment.~~

~~(b) If the Mayor has assessed a TANF recipient pursuant to subsection (a) of this section, the TANF recipient shall develop an individual responsibility plan with the Mayor that describes the steps that the recipient is required to take to achieve self-sufficiency, and the services that the District shall provide to~~

~~assist the recipient in attaining self-sufficiency. The individual responsibility plan shall be based on the recipient's preliminary assessment at application and the post-eligibility assessment.~~

(c) Subject to the exemptions listed in § 4-205.19g(b), a recipient who has developed an individual responsibility plan with the Mayor shall be required, as part of that plan, to participate in work activities, which may include one or more of the following:

(1) Unsubsidized employment;

(2) Subsidized private sector employment;

(3) Subsidized public sector employment;

(4) Work experience;

(5) On-the-job training;

(6) Job search and job readiness assistance;

(7) Community service;

(8) Vocational education training;

(9) Job skills training directly related to employment;

(10) Education <u>*directly related to employment*</u>;

<u>*(10A) Satisfactory attendance in a secondary school or in a general equivalence program; or*</u>

(11) Provision of child care services to an individual who is participating in a community service program.

. . .

<u>*(c-1)(1) The following are work activities and are defined as follows:*</u>

<u>*(A) "Job search and job readiness" means the act of seeking or obtaining employment or preparation to seek or obtain employment, including: life skills strategies and soft skills training, budget and credit counseling, substance abuse treatment, domestic violence support or services, mental health activities or rehabilitative activities for individuals who are otherwise employable as defined by the Work Verification Plan. Job search and job-readiness activities may count towards the work participation rates for a total of 6 weeks in a year, or 12 weeks in a year for states who meet the criteria established in section 403(b)(5) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, approved August 22, 1996 (110 Stat. 2123; 42 U.S.C.S § 603(b)(5)).*</u>

(B) "Vocational educational training," not to exceed 12 months, means education programs that are directly related to the preparation of individuals for employment in current or emerging occupations that are provided by an accredited education or training organization such as a vocational-technical school, community college, post secondary institution, or proprietary school. Courses offered by such programs can include adult basic education, English as a Second Language ("ESL"), and literacy courses; provided, that the courses are part of the vocational training curriculum and are directly related to the preparation of individuals for employment in occupations that require training.

(C) "Job skills training directly related to employment" means training or education for job skills required by an employer to provide an individual with the ability to obtain employment or to advance or adapt to the changing demands of the workplace. This activity may include post-secondary education at an accredited university or college that leads to a bachelor's or advanced degree that is directly related to employment.

(D) "Education directly related to employment," in the case of a recipient who has not received a high school diploma or general educational development certificate ("GED") and needs specific employment training, means education directly related to a specific job or job offer. This includes adult basic education, literacy, GED, and ESL activities.

(E) "Satisfactory attendance in secondary school or a general equivalence program" means regular attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate.

(F) "Unsubsidized employment," means full or part-time employment in the public or private sector that is not subsidized by TANF or any other public program.

(G) "Subsidized private sector employment," means employment in the private sector for which the employer receives a subsidy from TANF or other public funds to offset some or all of the wages and costs of employing an individual.

(H) "Subsidized public sector employment," means employment in the public sector for which the employer receives a subsidy from TANF or other public funds to offset some or all of the wages and costs of employing an individual.

(I) "Work experience," including work associated with the refurbishing of publicly-assisted housing, if sufficient private-sector employment is not available means a work activity performed in return for welfare that provides an individual with an opportunity to acquire the general skills, knowledge, and work habits necessary to obtain employment.

(J) "On-the-job training," means training in the public or private sector that is given to a paid employee while he or she is engaged in productive work and that provides knowledge and skills essential to the full and adequate performance of the job.

(K) "Community service programs," mean structured programs and activities in which individuals perform work for the direct benefit of the community under the auspices of public or nonprofit organizations.

(L) "Providing child care services to an individual who is participating in a community service program" means providing child care to enable another TANF or state supplementary payment recipient to participate in a community service program.

*(2) Participation in one of the work activities listed in subparagraphs (I) through (L) of paragraph (1) this subsection shall count towards federal work requirements when combined with participation in a work activities listed in subparagraphs (A) through (H) of paragraph (1) of this subsection for the number of hours specified in 45 C.F.R. §§ 261.31-
261.32.*

§ 4-205.19m. Reporting requirements.

The Mayor shall report and make public the following performance measures annually:

(1) By vendor program:

(A) The number of TANF work-eligible recipients and percentage of the TANF caseload who have participated in the specific vendor program, including the number and percentage of those recipients who have:

(i) Met their work participation requirements for at least one month during the reporting period;

(ii) Completed the education or training program; and

(iii) Have become employed.

(B) Of those who gained employment, the number and percentage of TANF recipients who remain employed and met work participation requirements, by month, for up to 6 months;

(C) Of those who exited TANF due to earnings, the number and percentage of TANF recipients who return to a vendor program after 3 months, 6 months, 12 months, and 18 months;

(2) The number of TANF recipients and percentage of the TANF caseload who:

(A) Have applied for a waiver from job search or job readiness activities, as defined in § 4-205.19b, and work activities, as defined in 519d, due to domestic violence as referenced in 519b(d)(3);

(B) Have been granted a waiver from job search or job readiness activities, pursuant to section 519b, and work activities due to domestic violence as referenced in section 519b(d)(3);

(C) Have been referred to treatment through domestic violence services pursuant to section 519b(d)(2); and

(D) Are receiving domestic violence services through a referral by the Mayor pursuant to section 519b(d)(2);

(3) The number of TANF recipients and percentage of the TANF caseload who have been:

(A) Referred to POWER pursuant to section 573(b);

(B) Approved for POWER; and

(C) Referred to and receive, to the extent such information is accessible and available, treatment services for substance abuse or physical or mental disabilities;

(4) The number of TANF recipients and percentage of the TANF caseload who are participating in each work activity listed in section 519d(c-1), including the number of TANF recipients and percentage of TANF caseload who have reported self-employment as their unsubsidized employment work activity;

(5) For the following activities, a list of organizations, with which TANF recipients have been placed and the number placed with each:

(A) Subsidized private sector employment;

(B) Subsidized public sector employment;

(C) Work experience;

(D) On-the-job-training;

(E) Community service;

(F) Vocational education training; and

(G) Job skills training directly related to employment;

(6) The number of TANF recipients and percentage of the TANF caseload who have:

(A) Been referred to the Tuition Assistance Program Initiative for TANF (“TAPIT”);

(B) Been enrolled in TAPIT; and

(C) Successfully completed TAPIT;

(7) The number of TANF recipients and percentage of the TANF caseload who have:

(A) Been referred to the University of the District of Columbia Paths Program;

(B) Been enrolled in the UDC Paths Program; and

(C) Successfully completed the UDC Paths Program; and

(8) The number of TANF recipients and percentage of the TANF caseload who were not referred to work activities within 6 months and 12 months after a positive eligibility determination.

§ 4-205.19n. Family assessment plan.

Within 180 days of the effective date of the TANF Educational Opportunities and Accountability Amendment Act of 2010, passed on 2nd reading on December 21, 2010 (Enrolled version of Bill 18-1007), the Mayor shall submit to the Council a plan, with timetables and budget requirements, to assess every family and to offer supportive services and job training opportunities for the TANF program, starting with all present and subsequent families that have been on the program beyond 60 months, and to transition all families beyond 60 months from the program within 5 years.

Reasonable Health Insurance Ratemaking and Health Care Reform Act of 2010 **DC LEGIS 18-0360**

Summary Approved: January 20, 2011

Voting Record Effective: April 8, 2011

- Protects victims of domestic violence from discrimination in the provision of insurance
- Prohibits rate variation in health insurance rate-setting based on the gender or sex of an individual

Healthcare Justice for Victims of Domestic Violence Amendment Act of 2010

§ 31-2231.11. Unfair discrimination.

(b) No person shall commit or permit any unfair discrimination between individuals of the same class and of essentially the same hazard in the amount of premium, fees, or rates charged for a *policy or contract of accident or health insurance* ~~policy~~; in the benefits payable under a contract or policy; in any of the terms or conditions of the policy or contract *of health insurance*; or in any other manner. This section shall not prohibit a fee or charge for insurance premium payment plans, regardless of the number of installments involved.

(b-1) For the purposes of subsections (a) and (b) of this section, no person shall inquire, directly or indirectly, as to whether an insured or applicant is, or has been, the victim of an intrafamily offense, sexual assault, dating violence, or stalking, or make use of information as to an insured or applicant's status as a victim of an intrafamily offense, sexual assault, dating violence, or stalking; provided, that this subsection shall not prohibit a person from asking about a medical condition or from using medical information to underwrite or to carry out its duties under a policy, even if the medical information is related to a medical condition that the person knows or has reason to know is related to an intrafamily offense, sexual assault, dating violence, or stalking, to the extent otherwise permitted under this act or applicable law. For purposes of this subsection, the term "intrafamily offense" shall have the same meaning as provided in D.C. Official Code § 16-1001(8).

(c) No person shall refuse to insure, refuse to continue to insure, or limit the amount of coverage available to an individual because of marital status, race, color, personal appearance, sexual orientation, gender identity or expression, matriculation, ~~or~~ political affiliation*, or an individual's status as a victim of an intrafamily offense, sexual assault, dating violence, or stalking*. Nothing in this subsection shall prohibit an insurer from taking marital status into account for the purpose of defining persons eligible for dependent benefits or prohibit or limit the operation of fraternal benefit societies. For the purposes of this subsection, the term "matriculation" shall have the same meaning as in § 2-1401.02(18).

§ 31-2231.24. Judicial review.

If, after any hearing under § 31-2231.23, the Commissioner does not find a violation of this chapter, an aggrieved person may, within 60 days after the decision has been issued, *or later in connection with section 111(a), (b), or (b-1) upon a showing of good cause by a victim of an intrafamily offense, sexual assault, dating violence, or stalking*, appeal the decision of the Commissioner to the District of Columbia

Court of Appeals. In addition, any person subject to an order of the Commissioner under § 31-2231.22 may obtain a review of the order by filing in the District of Columbia Court of Appeals, within 60 days after the order has been issued, a written petition requesting that the order of the Commissioner be set aside. Except as provided above for the time for filing an appeal, appeals shall be made in accordance with § 2-510.

Sec. 203. Application.

This title shall apply to policies and certificates of insurance that are health benefit plans as defined under section 2(4) of the Health Insurance Coverage for Habilitative Services for Children Act of 2006, effective March 2, 2007 (D.C. Law 16-198; D.C. Official Code § 31- 3271(4)), that are issued 90 days after the effective date of this title. This title shall not apply to short-term limited duration health benefit plans.

Healthcare Equality Act of 2010

Sec. 302. Prohibition on gender-based discrimination in rate making.

(a) For the purposes of this section, the term "health benefit plan" shall have the same meaning as provided in section 2(1) of the Diabetes Health Insurance Coverage Expansion Act of 2000, effective October 21, 2000 (D.C. Law 13-175; D.C. Official Code § 31-3001(1)).

(b) An individual health benefit plan offered, sold, issued, or renewed to a District resident shall not have a premium rate, or any other underwriting decision, determined through a method that is in any way based upon the gender or sex of a person covered under the health benefit plan.

(c) Each individual health benefit plan offered, sold, issued, or renewed in the District shall provide hospitalization benefits for childbirth to the same extent as benefits provided in the policy for any covered illness. In addition to the provisions of this subsection and subsection (c) of this section, if a mother is required to remain hospitalized after childbirth for medical reasons and the mother requests that the newborn remain in the hospital, the individual health benefit plan shall pay the cost of additional hospitalization for the newborn for up to 4 days.

(d) Each individual health benefit plan offered, sold, issued, or renewed in the District shall provide coverage for the cost of inpatient hospitalization services for a mother and newborn child for a minimum of:

(1) Forty-eight hours of inpatient hospitalization care after an uncomplicated vaginal delivery; and

(2) Ninety-six hours of inpatient hospitalization care after an uncomplicated cesarean section.

(e) A mother may request a shorter length of stay than that provided in subsection (c) of this section if the mother decides, in consultation with the mother's attending provider, that less time is needed for recovery.

(f)(1) For a mother and newborn child who have a shorter hospital stay than that provided under subsection (c) of this section, the individual health benefit plan shall provide coverage for:

(A) One home visit scheduled to occur within 24 hours after hospital discharge; and

(B) An additional home visit if prescribed by the mother's attending provider.

(2) For a mother and newborn child who remain in the hospital for at least the length of time provided under subsection (c) of this section, the individual health benefit plan shall provide coverage for a home visit if prescribed by the mother's attending provider.

(3) A home visit under paragraph (1) or (2) of this subsection shall:

(A) Be provided in accordance with generally accepted standards of nursing practice for home care of a mother and newborn child;

(B) Be provided by a registered nurse with at least one year of experience in maternal and child health nursing or community health nursing with an emphasis on maternal and child health; and

(C) Include any services required by the mother's attending provider.

Sec. 303. Rules.

The Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this title.

Sec. 304. Application.

This title shall apply to policies and certificates of insurance that are health benefit plans as defined under section 2(4) of the Health Insurance Coverage for Habilitative Services for Children Act of 2006, effective March 2, 2007 (D.C. Law 16-198; D.C. Official Code § 31-3271(4)), that are issued 90 days after the effective date of this title. This title shall not apply to short-term limited duration health benefit plans.

Expanding Access to Juvenile Records Amendment Act of 2010 **DC LEGIS 18-0284**

Summary

Voting Record

Approved: November 3, 2010

Effective: March 8, 2011

- Allows information contained in juvenile case records, social records, and law enforcement records pertaining to a child to be disclosed to persons who have a professional interest in the protection, welfare, treatment, and rehabilitation of the child

§ 2-1515.06. Confidentiality of youth records.

(a)*(1)* Records pertaining to youth in the custody of the Department or contract providers shall be privileged and confidential and shall be released only ~~pursuant to~~ *in accordance with this subsection*.

(2) Juvenile case records shall be released only to persons and entities permitted to inspect those records under D.C. Official Code § 16-2331 and in accordance with the procedures governing the release of records under that section.

(3) Juvenile social records shall be released only to persons and entities permitted to inspect those records under D.C. Official Code § 16-2332 and in accordance with the procedures governing the release of records under that section.

(4) Law enforcement records shall be released only to person and entities permitted to inspect those records under D.C. Official Code § 16-2333 and in accordance with the procedures governing the release of records under that section.

(5) All other Department records pertaining to youth in the custody of the Department shall be released only to persons and entities permitted to inspect juvenile social records under section 16-2332 and in accordance with the procedures governing the release of records under that section.

. . .

(d) Notwithstanding the confidentiality requirements of this section, or any other provision of law, the Metropolitan Police Department is authorized to obtain records pertaining to youth in the custody of the Department, other than juvenile case records as defined in D.C. Official Code § 16-2331 and juvenile social records as defined in D.C. Official Code § 16-2332, for the purpose of investigating a crime allegedly involving a youth in the custody of the Department. The confidentiality of any information disclosed to the Metropolitan Police Department pursuant to this subsection shall be maintained pursuant to D.C. Official Code § 16- 2333.

§ 16-2331. Juvenile case records; confidentiality; inspection and disclosure. is amended to read as follows:

(a) ~~For the purposes of~~ *As used in* this section, the term "juvenile case records" refers to the following records of a case over which the Division has jurisdiction under section 11-1101(13):

(1) Notices filed with the court by an arresting officer pursuant to this subchapter.

(2) The docket of the court and entries therein.

(3) Complaints, petitions, and other legal papers filed in the case.

(4) Transcripts of proceedings before the court.

(5) Findings, verdicts, judgments, orders, and decrees*; and*

(6) Other writings filed in proceedings before the court, other than social records.

Except as otherwise provided in this section and in section 16-2333.01, juvenile case records shall be kept confidential and shall not be open to inspection, nor shall information from records inspected be divulged to unauthorized persons.

(b) *Except as otherwise provided in this section and in section 16-2333.01*, juvenile case records shall be kept confidential and shall not be open to inspection, nor shall information from records inspected be divulged to unauthorized persons ~~but, subject to the limitations of subsection (c) of this section, the inspection of those records shall be permitted to --~~

(c) Subject to the limitations of subsection (f) of this section, the following entities and persons may inspect juvenile case records:

(1) The Courts:

(A) Judges and professional staff of the Superior Court; and

(B) Any court in which the respondent is charged or convicted as a respondent in a delinquency matter, or status offense, or as a defendant in a criminal offense, or the court's probation staff.

(2) Family Court case participants:

(A) The Attorney General and his assistants assigned to the Family Court;

(B) The respondent and any attorney for the respondent without regard to the age of the respondent at the time of the inspection and without regard to the existence of a pending Family Court case;

(C) The parents or guardians and any attorney for them without regard to the age of the respondent at the time of the inspection and without regard to the existence of a pending Family Court case;

(D) Unless the release of the information is otherwise prohibited by law or includes mental health information, each victim, or the immediate family member or custodians of each victim if the victim is a child or is deceased or incapacitated, and their duly authorized attorneys, at the discretion of the Attorney General and when the information relates to:

(i) Release status;

(ii) The level of respondent’s placement;

(iii) Stay-away orders imposed;

(iv) Respondent’s participation in diversion or a consent decree;

(v) The offenses charged in the petition;

(vi) The terms of any plea agreements, findings, or verdicts related to the adjudication of the case; or

(vii) Commitment or probational status;

(E) Unless the release of information is otherwise prohibited by law or includes mental health information, each eyewitness, or the immediate family members or custodians of each eyewitness if the eyewitness is a child or is deceased or incapacitated, and their duly authorized attorneys, at the discretion of the Attorney General or of the respondent’s attorney and when the information relates to:

(i) Release status;

(ii) The level of respondent’s placement;

(iii) Stay-away orders imposed;

(iv) Respondent’s participation in diversion or a consent decree;

(v) The offenses charged in the petition;

(vi) The terms of any plea agreements, findings, or verdicts related to the adjudication of the case; or

(vii) Commitment or probational status; and

(F) Public or private agencies or institutions providing supervision or treatment or having custody of the child, if supervision, treatment, or custody is under order of the Family Court;

(3) Other court case participants and law enforcement:

(A) The United States Attorney for the District of Columbia, his assistants, and any other prosecuting attorneys, or defense attorneys, when necessary for the discharge of their official duties;

(B) Any law enforcement personnel when necessary for the discharge of their official duties;

(C) The Pretrial Services Agency of the District of Columbia when necessary for the discharge of its official duties; and

(D) The Court Services and Offender Supervision Agency for the District of Columbia when necessary for the discharge of its official duties;

(4) Government agencies and entities:

(A) The Mayor in accordance with the Motor Vehicle Operator's Permit Revocation Amendment Act of 1988, effective March 16, 1989 (D.C. Law 7-222; 36 DCR 570);

(B) Authorized personnel in the Mayor's Family Court Liaison, the Department of Health, the Department of Mental Health, the Child and Family Services Agency, the Department of Human Services, and the District of Columbia Public Schools for the purpose of delivery of services to individuals under the jurisdiction of the Family Court, or their families;

(C) The Child Fatality Review Committee for the purposes of examining past events and circumstances surrounding deaths of children in the District of Columbia or of children who are either residents or wards of the District of Columbia, or for the discharge of its official duties;

(D) The Children's Advocacy Center and the public and private agencies and institutions that are members of the multidisciplinary investigation team, for purposes of carrying out their official duties, except that only information contained in the records, and not the records or copies of the records, may be provided pursuant to this subparagraph;

(E) The Child and Family Services Agency, for the purposes of carrying out its official duties; and

(F) The Juvenile Abscondence Review Committee for the purposes of examining circumstances and events surrounding any homicide, assault with intent to kill, and assault with a deadly weapon committed in the District by or to a juvenile in abscondence; and

(5) Other persons having a professional interest in the protection, welfare, treatment, and rehabilitation of the respondent or of a member of the respondent’s family, or in the work of the Superior Court, if authorized by rule or special order of the court.

(d) The prosecuting attorney inspecting records pursuant to subsection (c)(3)(A) of this section may divulge the contents to the extent required in the prosecution of a criminal case, and the United States Attorney for the District of Columbia and his assistants may inspect a transcript of the testimony of any witness and divulge the contents to the extent required by the prosecution of the witness for perjury, without, wherever possible, naming or otherwise revealing the identity of a child under the jurisdiction of the Family Court.

(e) Notwithstanding subsection (b) of this section, the Family Court, upon application of the Attorney General, may order the release of certain information contained in the case record if:

(1) The respondent has escaped from detention or from the custody of the Department of Youth Rehabilitation Services and is likely to pose a danger or threat of bodily harm to another person;

(2) Release of the information is necessary to protect the public safety and welfare; and

(3) The respondent has been charged with a crime of violence as defined in section 23-1331(4).

(f) Notwithstanding subsections (b) and (c) of this section, the Superior Court may by rule or special order provide that particular items or classes of items in juvenile case records shall not be open to inspection except pursuant to rule or special order; but, in dispositional proceedings after an adjudication, no item considered by the judge (other than identification of the sources of confidential information) shall be withheld from inspection:

(1) In delinquency or need of supervision cases, by the attorney for the child; or

(2) In neglect cases, by the attorney for the child and an attorney for the parent, guardian, or other custodian of the child.

(g) The Superior Court may by rule or special order provide procedures for the inspection or copying of juvenile case records by persons entitled to inspect them. No person receiving any record or information pursuant to this section may publish or use it for any purpose other than that for which it was received without a special order of the court.

(h)(1) Notwithstanding subsection (b) of this section, for every respondent against whom the Office of the Attorney General has filed a petition for the following:

(A) A crime of violence (as defined in section 23-1331(4));

(B) A weapons offense;

(C) Unauthorized use of a vehicle;

(D) Theft in the first degree where the property obtained or used is a motor vehicle (as defined in section 22-3215(a)); or

(E) The Office of the Attorney General has filed 3 or more petitions against the respondent, and the respondent is not detained by the Family Court pursuant to section 16-2313(b)(3), the Family Court shall provide, within 48 hours of the decision not to detain the respondent, the following case record information to the Chief of the Metropolitan Police Department ("Chief"):

(i) Respondent's name and date of birth;

(ii) Last known address of the respondent;

(iii) Last known address of respondent's parents, guardians, caretakers, and custodians;

(iv) Address where the respondent will be placed and the name and address of the person into whose custody the respondent will be placed; and

(v) All terms of the placement or conditions of release.

(2) Notwithstanding subsection (b) of this section, the Family Court shall provide the following case record information to the Chief for all cases in which the respondent is not detained by the Family Court pursuant to section 16-2313(b)(3) and cases in which the respondent is placed on probation pursuant to section 16-2320(c)(3):

(A) Respondent's name and date of birth;

(B) All terms or conditions of any stay-away order; and

(C) All terms or conditions of any curfew order.

(3) The Chief shall utilize information obtained from the Family Court and may disclose such information to law enforcement officers or law enforcement entities only as necessary to preserve public safety or the safety of the respondent. The Chief shall not otherwise disclose this information, except as authorized by this section.

(4) If the Chief discloses information pursuant to paragraph (3) of this subsection, the Chief shall notify the recipient that the information may only be re-disclosed to law enforcement officers and only to the extent necessary to preserve public safety or the safety of the respondent. The Chief shall notify the recipient of the information that any other use or disclosure of the information shall be governed by this section and sections 16-2332 and 16-2333, and that unauthorized re-disclosure may be prosecuted under section 16-2336. Any violation of this paragraph will result in an investigation of the violation by the Inspector General of the District of Columbia.

(5) If the petition filed against the juvenile does not result in disposition, the Family Court, within 48 hours of the entry of the decision by the court to dismiss or close the case, or the withdrawal of the petition by the Office of the Attorney General, shall notify the Chief of the Metropolitan Police Department that the case has not resulted in a disposition. The Chief shall, within 48 hours of the notification, destroy and erase from Metropolitan Police Department files the case record information received from the Family Court pursuant to this subsection and shall notify all parties and agencies to which it transmitted case record information pursuant to paragraph (3) of this subsection that the juvenile's case did not result in a disposition and any information that has been transmitted shall be destroyed and erased.

(i) No person shall disclose, inspect, or use records in violation of this section.

§ 16-2332. Juvenile social records; confidentiality; inspection and disclosure.

(a) As used in this section, the term "juvenile social records" ~~refers to~~ *means* all social records made with respect to a child in any proceedings over which the Division has jurisdiction under section 11-1101(13), including preliminary inquiries, predisposition studies, and examination reports.

(b)Except as otherwise provided in this section and in section 16-2333.01, juvenile social records shall be kept confidential and shall not be open to inspection.

(c) Subject to the limitations of subsection (e) of this section, the following persons and entities may inspect juvenile social records:

(1) Courts:

(A) Judges and professional staff of the Superior Court; and

(B) Any court or its probation staff, for purposes of sentencing the child as a defendant in a criminal case;

(2) Family Court case participants:

(A) The Attorney General and his assistants assigned to the Family Court;

(B) The respondent and any attorney for the respondent without regard to the age of the respondent at the time of the inspection and without regard to the existence of a pending Family Court case; and

(C) Public or private agencies or institutions providing supervision or treatment, or having custody of the child, if the supervision, treatment, or custody is under the order of the Family Court;

(3) Other court case participants and law enforcement: Law enforcement officers of the United States, the District of Columbia, and other jurisdictions when a custody order has issued for the respondent, except that such records shall be limited to photographs of the child, a physical description of the child, and any addresses where the child may be found, and the law enforcement officer may not be permitted access to any other documents or information contained in the social file;

(4) Government agencies and entities:

(A) Professional employees of the Department of Youth Rehabilitation Services when necessary for the discharge of their official duties;

(B) The Child and Family Services Agency when necessary for the discharge of its official duties;

(C) The Child Fatality Review Committee for the purposes of examining past events and circumstances surrounding deaths of children in the District of Columbia or of children who are either residents or wards of the District of Columbia, or for the discharge of its official duties;

(D) Authorized personnel in the Mayor's Family Court Liaison, the Department of Health, the Department of Mental Health, the Child and Family Services Agency, the Department of Human Services, and the District of Columbia Public Schools for the purpose of delivery of services to individuals under the jurisdiction of the Family Court, or their families; and

(5) Other persons having a professional interest in the protection, welfare, treatment, and rehabilitation of the respondent or of a member of the respondent's family, or in the work of the Family Court, if authorized by rule or special order of the court.

(d)(1) Except as otherwise provided in this section and in section 16-2333.01, records inspected pursuant to subsection (c) of this section may not be divulged to unauthorized persons.

(2)(A) Notwithstanding paragraph (1) of this subsection, health and human services information contained with juvenile social records may be divulged for the purposes of and in accordance with Title I of the Data-Sharing and Information Coordination Amendment Act of 2010, signed by the Mayor on July 20, 2010 (D.C. Act 18-489; 57 DCR 7171) ("Data Sharing Act").

(B) For the purposes of this paragraph, the term "health and human services information" shall have the same meaning as provided in section 101(3) of the Data- Sharing Act.

(e) Notwithstanding subsections (b) and (c) of this section, the Superior Court may by rule or special order provide that particular items or classes of items in juvenile social records shall not be open to inspection except pursuant to rule or special order; but, in dispositional proceedings after an adjudication, no item considered by the judge (other than identification of the sources of confidential information) shall be withheld from inspection:

(1) In delinquency or need of supervision cases, by the attorney for the child; or

(2) In neglect cases, by the attorney for the child and an attorney for the parent, guardian, or other custodian of the child.

(f) The Superior Court may by rule or special order provide procedures for the inspection or copying of juvenile social records by persons entitled to inspect them. No person receiving any record or information pursuant to this section may publish or use it for any purpose other than that for which it was received without a special order of the court.

(g)(1) Notwithstanding subsections (b), (c), (d), or (e) of this section, for every respondent committed to the Department of Youth Rehabilitation Services ("Department") pursuant to section 16-2320(c)(2) who has been adjudicated of:

(A) A crime of violence (as defined in section 23-1331(4));

(B) A weapons offense;

(C) Unauthorized use of a vehicle;

(D) Theft in the first degree where property obtained or used is a motor vehicle (as defined in section 22-3215(a)); or

(E) Adjudicated 3 or more times, the Mayor may direct the Director of the Department ("Director") to provide notice to the Chief of the Metropolitan Police Department ("Chief)" of any assignment or placement of the respondent in a Department facility or residential or other placement, including any facility operated by a contractor or agent, as soon as practicable prior to the assignment or placement.

(2) Notwithstanding subsections (b), (c), (d), or (e) of this section, for any respondent who is detained or committed to the Department, the Director shall provide notice to the Chief of any respondent who has absconded or escaped from any Department facility, or residential or other placement, including any facility or placement operated by an agent or contractor, within one hour of the absconding or escaping.

(3) Notice issued pursuant to this subsection shall include the following information, as applicable:
(A) Respondent's name and date of birth;

(B) Last known address of the respondent;

(C) Last known address of the respondent's parents, guardians, caretakers, and custodians;

(D) Address to which the respondent will be assigned, placed, or released and the name and address of the person into whose custody the respondent will be placed if the respondent is not placed into a Department facility; and

(E) A recent photograph of the respondent, if available.

(4) The Chief shall utilize information obtained from the Director and may disclose such information to law enforcement persons or law enforcement entities only as necessary to preserve public safety or the safety of the respondent. The Chief shall not otherwise disclose this information, except as authorized by this section.

(5) If the Chief discloses information pursuant to paragraph (4) of this subsection, the Chief shall notify the recipient that the information may only be re-disclosed to law enforcement officers and only to the extent necessary to preserve public safety or the safety of the respondent. The Chief shall notify the recipient of the information that any other use or disclosure of the information shall be governed by this section and sections 16-2331 and 16- 2333, and that unauthorized re-disclosure may be prosecuted under section 16-2336. Any violation of this paragraph will result in an investigation of the violation by the Inspector General of the District of Columbia.

(6) The Chief may make additional case-specific inquiries to the Mayor based on information disclosed under paragraph (1) of this subsection. The Mayor may direct the Director to provide such additional information, when requested by the Chief, but only as necessary to protect public safety or the safety of the respondent.

(h) No person shall disclose, inspect, or use records in violation of this section.

§ 16-2333. Police and other law enforcement records.

(a) Except as otherwise provided in this section and in section 16-2333.01, law enforcement records and files concerning a child shall not be open to public inspection nor shall their contents or existence be disclosed to the public unless:

(1) A charge of delinquency is transferred for criminal prosecution under section 16-2307;

(2) The interest of national security requires; or

(3) The court otherwise orders in the interest of the child.

(b) Inspection of such records and files is permitted by:

(1) Courts:

(A) The Superior Court, having the child currently before it in any proceedings; and

(B) Any court in which respondent is charged or convicted as a respondent in a delinquency matter, or status offense, or as a defendant in a criminal offense, or the court's probation staff, or by officials of rehabilitation or penal institutions and other rehabilitation or penal facilities to which he is committed, or by a parole board in considering his parole or discharge or in exercising supervision over him;

(2) Case participants:

(A) The child and any attorney for the child without regard to the age of the child at the time of the inspection and without regard to the existence of a pending Family Court case;

(B) Parents or guardians of the child and any attorney for them without regard to the age of the child at the time of the inspection and without regard to the existence of a pending Family Court case;

(C) Each eyewitness, victim, or the immediate family members or caretakers of the eyewitness or victim if the eyewitness or victim is a child or is deceased or incapacitated, and their duly authorized attorneys, when the records relate to the incident in which they were an eyewitness or a victim; and

(D) The officers of public and private institutions or agencies to which the child is currently committed, and those professional persons or agencies responsible for the child's supervision after release;

(3) Prosecutors and law enforcement:

(A) Law enforcement officers of the United States, the District of Columbia, and other jurisdictions when necessary for the discharge of their current official duties;

(B) The United States Attorney for the District of Columbia, his assistants, and any other prosecuting attorneys when necessary for the discharge of their official duties;

(4) Government agencies and entities:

(A) Professional employees of the Department of Youth Rehabilitation Services when necessary for the discharge of their official duties;

(B) The Child Fatality Review Committee when necessary for the discharge of its official duties;

(C) Authorized personnel in the Mayor's Family Court Liaison, the Department of Health, the Department Mental Health, the Child and Family Services Agency, the Department of Human Services, and the District of Columbia Public Schools for the purpose of delivery of services to individuals under the jurisdiction of the Family Court, or their families;

(D) The Children's Advocacy Center and the public and private agencies and institutions that are members of the multi-disciplinary investigation team, for purposes of carrying out their official duties, except that only information contained in the records, and not the records of copies of the records, may be provided pursuant to this subparagraph; and

(E) The Juvenile Abscondence Review Committee for the purposes of examining circumstances and events surrounding any homicide, assault with intent to kill, and assault with a deadly weapon committed in the District by or to a juvenile in abscondence; and

(5) Any other person, agency, or institution, by order of the court, having a professional interest in the child or in the work of the law enforcement department.

(c) The Family Court, upon application of the Attorney General and notice and opportunity for respondent or his counsel to respond to the application, may order the release of certain information contained in the law enforcement records if:

(1) The respondent has escaped from detention or from the custody of the Department of Youth Rehabilitation Services and is likely to pose a danger or threat of bodily harm to another person;

(2) Release of such information is necessary to protect the public safety and welfare; and

(3) The respondent has been charged with a crime of violence as defined in section 23-1331(4).

(d) Photographs may be displayed to potential witnesses for identification purposes, in accordance with the standards of fairness applicable to adults.

(e)(1) Certain juvenile crime information (but not records) shall not be confidential and shall be disclosable to the public strictly in accordance with the provisions of this subsection.

(2) The public availability of the information regarding a child shall be limited to:

(A) The child's name;

(B) The fact that the child was arrested;

(C) The charges at arrest;

(D) The charges in the petition filed pursuant to section 16-2305;

(E) Whether the petition resulted in an adjudication and the charges for which the child was found involved; and

(F) If the child was found involved, whether at initial disposition the child was placed on probation or committed to the custody of the Department of Youth Rehabilitation Services.

(3) The information shall be available only regarding:

(A) A juvenile who has been adjudicated delinquent of a crime of violence (as defined in section 23-1331(4)), or any felony offense under Chapter 45 of Title 22 (weapons) or Chapter 23 of Title 6 (Firearms Control);

(B) A juvenile who has been adjudicated delinquent 2 or more times of:

(i) A dangerous crime (as defined in section 23-1331(3)) that is not included in subparagraph (A) of this paragraph;

(ii) Unauthorized use of a vehicle;

(iii) Theft in the first degree where the property obtained or used is a motor vehicle (as defined in section 22-3215(a));

(iv) A assault (as defined in section 22-404(a)(2)); or

(v) Any combination thereof; and

(C) An adult offender (including a juvenile tried as an adult under this chapter) convicted of a felony or of misdemeanor assault; provided, that no more than 3 years have lapsed between the completion of his or her juvenile sentence and the adult conviction.

(4) This subsection permits the limited disclosure of information contained in records and files otherwise protected from disclosure under § 16-2333, but does not authorize disclosure of the records and files.

(5) This subsection shall apply only to individuals adjudicated after January 1, 2011, regardless of when the criminal offense occurred.

(6) Any law enforcement information shared with the public shall comply with Metropolitan Police Regulations that apply to adult criminal records, including the Duncan Ordinance (Chapter 10 of Title 1 of the District of Columbia Municipal Regulations).

(f) Notwithstanding the confidentiality requirements of subsection (b) of this section, the Metropolitan Police Department shall make reports available to the public every 6 months of the number of children arrested in the District by the location of the police service area within which the juvenile suspect lives, and giving the location of the police service area within which the crime occurred, the charges, and the date of the crime.

(g) No person shall disclose, inspect, or use records in violation of this section.

§ 16-2333.01. Permitted disclosures of juvenile information.

(a) An official of the Family Court, the Department of Youth Rehabilitation Services, or the Metropolitan Police Department may disclose information (but not records) about a juvenile otherwise protected from disclosure under sections 16-2331, 16-2332, and 16-2333 in accordance with this section only if:

(1) In the professional judgment of the official, disclosing the information will assist in the protection, welfare, treatment, or rehabilitation of the juvenile;

(2) A professional relationship exists between the official and the juvenile; and

(3) The general nature of the disclosure, and rationale for making the disclosure, is approved by the official's supervisor or agency director.

(b) Information disclosed under this section may be disclosed only to:

(1) A principal, teacher, or counselor at a school that the juvenile attends or has attended; or

(2) A mental health professional as that term is defined in section 7-1201.01(11).

(c) The information that may be disclosed under this section shall be limited to:

(1) The juvenile's name;

(2) Whether the juvenile is or has been on probation or in the custody of the Department;

(3) Whether the juvenile has violated the terms of probation or absconded while in the custody of the Department;

(4) Whether the juvenile has been arrested by the Metropolitan Police Department, or another law enforcement agency, and the charges brought against the juvenile; and

(5) The disposition of the charges brought against the juvenile.

(d) Information disclosed pursuant to this section shall be:

(1) Kept confidential and shall not be disclosed by the recipient to another individual or entity except in accordance with section 16-2331, 16-2332, or 16-2333; and

(2) Limited to the greatest extent possible consistent with its express purpose.

(e) This section permits the limited disclosure of information contained in records and files otherwise protected from disclosure under sections 16-2331, 16-2332, and 16-2333, but does not authorize disclosure of the records and files.

§ 16-2333.02. Juvenile Abscondence Review Committee.

(a) For the purposes of this section, the term "abscondence" means the status of a youth who is in the custody of the Department and:

(1) Has escaped from detention at New Beginnings or the Youth Services Center and for whom the Department has requested a custody order from the court; or

(2) Has violated his or her Community Release Agreement with the Department by not maintaining contact with his or her case manager or by leaving the place of community placement and for whom the Department has requested a custody order from the court.

(b)(1) There is established, as part of the District of Columbia government, a Juvenile Abscondence Review Committee ("Committee"). Facilities and other administrative support may be provided in a specific department or directly to the Committee, as determined by the Mayor.

(2) The Committee shall:

(A) Identify cases in which a homicide, assault with intent to kill, or assault with a deadly weapon (firearm), was committed by or to a juvenile in abscondence;

(B) Examine what steps could have been taken to prevent the juvenile from absconding; and

(C) Recommend systemic improvements to identify and locate high risk youth that are in abscondence and have the propensity to commit or be involved in a homicide, assault with intent to kill, or assault with a deadly weapon.

(c)(1) The following shall be members of the Committee:
(A) The Director of the Department of Youth Rehabilitation Services, or his or her designee;

(B) The Chief of the Metropolitan Police Department, or his or her designee;

(C) The Chief Judge of the Superior Court, or his or her designee;

(D) The United States Attorney for the District of Columbia, or his or her designee; and

(E) A public member, appointed by the Mayor, with advice and consent of the Council, who shall serve a 2-year term.

(2) All members of the Committee (including their designees) shall have expertise in programs providing services to children or in locating high-risk youth who are in abscondence and have the propensity to commit or be involved in a violent crime.

(3) The chairman of the committee of the Council responsible for public safety and the judiciary and the chairman of the committee responsible for oversight of the Department of Youth Rehabilitation Services (but not their designees) shall serve as ex officio members.

(4) Vacancies in membership shall be filled in the same manner in which the original appointment was made.

(5) The Committee shall establish quorum and other procedural requirements as it considers necessary.

(d)(1) Notwithstanding the confidentiality requirements of sections 16-2331 and 16-2333, the Committee shall make a report available to the public of its findings and information related to a juvenile in abscondence within 6 months of the occurrence of the crime for which the juvenile was the victim or the alleged perpetrator.

(2) The report shall include only information that could be released under and in accordance with section 16-2333(e).

(3) The report shall not include any information that:

(A) Interferes with an ongoing law enforcement investigation or proceeding pertaining to the homicide, assault with intent to kill, or assault with a deadly weapon;

(B) Deprives a person of a right to a fair trial or an impartial adjudication;

(C) Endangers the life or safety of any person; or

(D) Is in violation of the Health Insurance Portability and Accountability Act of 1996, approved August 21, 1996 (Pub. L. No. 104-191; 110 Stat. 1936).

§ 16-2335. Sealing of records.

(h) Notwithstanding the availability of information pursuant to section 16-2333(e), a juvenile shall not be required to disclose and shall have the right to refuse disclosure of his or her juvenile delinquency history in an application for employment, education, or housing.

§ 16-2335.01. Motion to vacate adjudication or grant a new factfinding hearing on the ground of actual innocence.

(a) A person adjudicated delinquent in the Superior Court may move the court to vacate the adjudication or to grant a new factfinding hearing on grounds of actual innocence based on new evidence.

(b) Notwithstanding the time limits in any other provision of law, a motion for relief under this section may be made at any time.

(c) The motion shall set forth specific, non-conclusory facts:

(1) Identifying the specific new evidence;

(2) Establishing how that evidence demonstrates that the movant is actually innocent despite having been adjudicated at a new factfinding hearing or having pled guilty; and

(3) Establishing why the new evidence is not cumulative or impeaching.

(d)(1) The motion shall include an affidavit by the movant, under penalty of perjury, stating that movant is actually innocent of the crime that is the subject of the motion, and that the new evidence was not deliberately withheld by the movant for purposes of strategic advantage.

(2) The denial of a motion for relief under this section shall not be admissible in any prosecution based on the filing of a false affidavit.

(e)(1) Unless the motion and files and records of the case conclusively show that the movant is entitled to no relief, the court shall cause notice thereof to be served upon the prosecuting authority, grant a prompt

hearing thereon, determine the issues, and make findings of fact and conclusions of law with respect thereto.

(2) The court may appoint counsel for an indigent movant under this section pursuant to Chapter 26 of Title 11.

(3) The court may entertain and determine the motion without requiring production of the movant at the hearing.

(4) A movant shall be entitled to invoke the processes of discovery available under Superior Court Rules of Juvenile Procedure or Civil Procedure, or elsewhere in the usages and principles of law if, and to the extent that, the judge, in the exercise of the judge's discretion and for good cause shown, grants leave to do so, but not otherwise.

(f) A motion for relief made pursuant to this section may be dismissed if the government demonstrates that it has been materially prejudiced in its ability to respond to the motion by the delay in its filing, unless the movant shows that the motion is based on grounds which the movant could not have raised by the exercise of reasonable diligence before the circumstances prejudicial to the government occurred.

(g)(1) In determining whether to grant relief, the court may consider any relevant evidence, but shall consider the following:

(A) The new evidence;

(B) How the new evidence demonstrates actual innocence;

(C) Why the new evidence is or is not cumulative or impeaching;

(D) If the adjudication resulted from a factfinding hearing, and if the movant asserted a theory of defense inconsistent with the current claim of innocence, the specific reason the movant asserted an inconsistent theory at the factfinding hearing; and

(E) If the adjudication resulted from a guilty plea, the specific reason the movant pleaded guilty despite being actually innocent of the crime.

(2) If, after considering the factors in paragraph (1) of this subsection, the court concludes that it is more likely than not that the movant is actually innocent of the crime, the court shall grant a new factfinding hearing.

(3) If, after considering the factors in paragraph (1) of this subsection, the court concludes by clear and convincing evidence that the movant is actually innocent of the crime, the court shall vacate the adjudication and dismiss the relevant count with prejudice.

(4) If the adjudication resulted from a plea of guilty, and other charges were dismissed as part of a plea agreement, the court shall reinstate any charges of which the respondent has not demonstrated that the respondent is actually innocent.

(h) The court shall not be required to entertain a second or successive motion for similar relief on behalf of the same movant.

(i) An order entered on the motion is a final order for purposes of appeal.

§ 16-2335.02. Sealing of records on ground of actual innocence.

(a) Notwithstanding section 16-2335, a person who has been arrested for violation of the District of Columbia Official Code or the District of Columbia Municipal Regulations, or has been the subject of a petition filed pursuant to section 16-2305 and whose prosecution has been terminated without adjudication may file a motion with the Family Court at any time to seal all of the records of the arrest and related court proceedings on grounds of actual innocence.

(b) The burden is on the movant to establish that:

(1) The violation for which the person was arrested or petitioned did not occur; or

(2) The movant did not commit the offense.

(c) If the motion is filed within 4 years after the prosecution has been terminated, the movant must satisfy the burden described in subsection (b) of this section by a preponderance of the evidence.

(d) If the motion is filed more than 4 years after the prosecution has been terminated, the movant must satisfy the burden described in subsection (b) of this section by clear and convincing evidence.

(e) In determining such motions, the Family Court may, but is not required to, employ a rebuttable presumption that the movant is not entitled to relief if the court finds that the government has been substantially prejudiced in its ability to respond to the motion by the delay in its filing, unless the movant shows that the motion is based on grounds which the person could not have raised by the exercise of reasonable diligence before the circumstances prejudicial to the government occurred.

(f) An acquittal does not establish a presumption that the movant is innocent or entitled to relief pursuant to this section.

(g) A person whose adjudication has been vacated pursuant to section 16-2335.01(g)(2), and whose subsequent prosecution is terminated without adjudication, may file a motion with the Family Court pursuant to subsection (a) of this section or any other provision of law.

(h) A person who is found to be actually innocent pursuant to this section or section 16-2335.01(g)(3) shall be entitled to the following relief with respect to such count or counts:

(1)(A) The Family Court shall summarize in the order the factual circumstances of the challenged arrest and any post-arrest occurrences it deems relevant, and, if the facts support such a conclusion, shall rule as a matter of law that the movant did not commit the offense for which the movant was arrested or that no offense had been committed.

(B) A copy of the order shall be provided to the movant or his or her counsel.

(C) The movant may obtain a copy of the order at any time from the Family Court, upon proper identification, without a showing of need.

(2)(A) In a case involving co-respondents or co-defendants in which the Family Court orders the movant's records sealed, the Family Court may order that only those records, or portions thereof, relating solely to the movant be sealed.

(B) The Family Court shall order that the movant's name be redacted to the extent practicable from records that are not sealed. The Family Court may make an in camera inspection of these records in order to make this determination.

(C) The Family Court need not order the redaction of references to the movant that appear in a transcript of court proceedings involving the co-defendants.

(D) After references to the movant have been redacted as provided for in this paragraph, the Court shall order those records relating to co-defendants returned to the prosecutor or the Clerk of the Superior Court ("Clerk").

(3) The Court shall not order the redaction of the movant's name from any published opinion of the trial or appellate courts that refer to the movant.

(4) The Court shall:

(A) Order the prosecutor, any relevant law enforcement agency, the Department of Youth Rehabilitative Services, and any other public or private agencies or institutions that provided supervision or treatment, or had custody of the person, if the supervision, treatment, or custody was under an order issued by the Family Court to seal any records that identify the movant as having been arrested, prosecuted, or adjudicated;

(B) Order the prosecutor to arrange for any computerized record of the movant's arrest, prosecution, or adjudication to be eliminated except for a restricted-access file that would permit the prosecutor and law enforcement agencies to retrieve sealed records if ordered to do so by the Court; and

(C) Expressly allow the prosecutor and law enforcement agencies to maintain a publicly available record so long as it is not retrievable by the identification of the movant.

(5) The Family Court shall order the prosecutor, any relevant law enforcement agency, the Department of Youth Rehabilitative Services, and any other public or private agencies or institutions that provided supervision or treatment, or had custody of the person, if the supervision, treatment, or custody was under an order issued by the Family Court to file a certification with the Court within 90 days of an order to seal the records that, to the best of its knowledge and belief, all references that identify the movant as having been arrested, prosecuted, or adjudicated have been sealed.

(6) The Family Court shall:

(A) Order the Clerk to collect all Family Court records pertaining to the movant's arrest, record, or adjudication and cause to be purged any computerized record;

(B) Expressly allow the Clerk to maintain a record so long as the record is not retrievable by the identification of the movant; and

(C) Order the Clerk to file under seal all Family Court records retrieved pursuant to this section, together with the certifications filed pursuant to this subsection by the prosecutor, any relevant law enforcement agency, the Department of Youth Rehabilitative Services, and any other public or private agencies or institutions that provided supervision or treatment, or had custody of the person, if the supervision, treatment, or custody was under an order issued by the Family Court, within 7 days after receipt of such records.

(7) The Clerk shall place the records ordered sealed by the Family Court in a special file, appropriately and securely indexed in order to protect its confidentiality. Unless otherwise ordered by the Family Court, the Clerk shall reply in response to inquiries concerning the existence of records which have been sealed pursuant to this chapter that no records are available.

(8) Once notified, any District agency in possession of a person's record shall seal, expunge, and otherwise maintain the record so that the record is in compliance with any order issued by the Family Court pursuant to this section.

(i) The effect of relief pursuant to this section shall be to restore the movant, in the contemplation of the law, to the status he or she occupied before being arrested or charged. No person as to whom such relief has been granted shall be held thereafter under any provision of law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge his or her arrest, or charge, or trial in response to any inquiry made of him or her for any purpose.

(j) A motion to seal filed with the Family Court pursuant to this chapter shall state grounds upon which eligibility for sealing is based and facts in support of the person's claim. It shall be accompanied by a statement of points and authorities in support of the motion, and any appropriate exhibits, affidavits, and supporting documents. A copy of the motion shall be served upon the prosecutor. The prosecutor shall not be required to respond to the motion unless ordered to do so by the Family Court pursuant to subsection (l) of this section.

(k) If it plainly appears from the face of the motion, any accompanying exhibits, affidavits, and documents, and the record of any prior proceedings in the case, that the movant is not eligible for relief or is not entitled to relief, the Family Court may dismiss or deny the motion.

(l) If the motion is not dismissed or denied after initial review, the Family Court shall order the prosecutor to file a response to the motion. The prosecutor shall file the response within 60 days of the issuance of the order except where the arrest was not presented to the prosecutor for a charging decision, in which case the prosecutor shall file the response within 90 days of the issuance of the order.

(m) Upon the filing of the prosecutor's response, the Family Court shall determine whether a hearing is required.

(n) If the Family Court determines that a hearing is required, the hearing shall be scheduled promptly.

(o) At the hearing, the movant and the prosecutor may present witnesses and information by proffer or otherwise. Hearsay evidence shall be admissible.

(p) An order dismissing, granting, or denying the motion shall be in writing and include reasons.

(q) The Family Court shall not be required to entertain a second or successive motion for similar relief on behalf of the same movant regarding the same offenses or arrests unless the previous motion was dismissed or denied without prejudice.

(r) An order dismissing, granting, or denying a motion for sealing is a final order for purposes of appeal.

(s) Records sealed pursuant to this section shall be opened only on order of the Family Court upon a showing of compelling need, except that, upon request, the movant shall be entitled to a copy of the sealed records to the extent that such records would have been available to the movant before relief under this section was granted. A request for access to sealed court records may be made ex parte.

(t) Any person, upon making inquiry of the Family Court concerning the existence of records of arrest, court proceedings, or adjudications involving an individual, shall be entitled to rely, for any purpose under the law, upon the clerk's response that no records are available under subsection (h)(7) of this section with respect to any issue about that person's knowledge of the individual's record.

Sec. 4.
Section 210 of the Data-Sharing and Information Coordination Amendment Act of 2010, signed by the Mayor on July 20, 2010 (D.C. Act 18-489; 57 DCR 7171), is repealed.

Data-Sharing and Information Coordination Amendment Act of 2010 | **DC LEGIS 18-0273**

Summary | Approved: July 20, 2010

Voting Record | Effective: December 4, 2010

- Authorizes the sharing of health and human services information for specified purposes
- Authorizes the creation of a single or combined data system, to ensure that disclosure of individually identifiable information is consistent with federal law
- Imposes penalties for unlawful disclosure of certain health and human services information and personally identifiable information

TITLE I. DATA SHARING
Sec. 101. Definitions.

For the purposes of this title, the term:

(1) "Agency" means an agency, department, unit, or instrumentality of the District of Columbia government.

(2) "Disclosure" means the release, transfer, provision of access to, or distribution of information in any manner by an entity holding the information to a person outside of the entity.

(3) "Health and human services information" means any information that relates to:

(A) The past, present, or future physical or mental health of an individual or family;

(B) The provision of health care or human services, including benefits or supports, to an individual or family; or

(C) The past, present, or future payment for the provision of health care or human services to an individual or family.

(4) "HIPAA" means the Health Insurance Portability and Accountability Act of 1996, approved August 21, 1996 (110 Stat. 1936; 42 U.S.C. § 1320d *et seq.*), and the regulations issued pursuant to it.

(5) "Human services" means programs, assistance, supports, or benefits of any kind to improve quality of life or to meet the social, physical health, housing, and mental health needs of an individual.

(6) "Identified individual" means a natural person to whom health and human services information pertains.

(7) "Individually identifiable health information" shall have the same meaning as it does in HIPAA.

(8) “Person” means a natural person, firm, company, association, corporation, service provider, or government instrumentality or agency.

(9) “Service provider” means an entity that provides health or human services to District residents pursuant to a contract, grant, or other similar agreement with an agency.

(10) “Use” means the sharing, employment, application, utilization, examination, or analysis of health and human services information.

Sec. 102. Use and disclosure of health and human services information.

(a) In accordance with section 103 and without prior consent from the identified individual, an agency or service provider may use and shall disclose to another agency or service provider health and human services information referencing or relating to the identified individual for the following purposes; provided, that the use or disclosure is not specifically prohibited under District or federal law:

(1) To establish the identified individual’s eligibility for, or determine his or her amount and type of:

(A) Treatment;

(B) Services;

(C) Benefits;

(D) Support; or

(E) Assistance;

(2) To coordinate for the identified individual, his or her:

(A) Treatment;

(B) Benefits;

(C) Services;

(D) Support; or

(E) Assistance;

(3) To conduct oversight activities, including:

(A) Management;

(B) Financial and other audits;

(C) Program evaluations;

(D) Planning;

(E) Investigations;

(F) Examinations;

(G) Inspections;

(H) Quality reviews;

(I) Licensure;

(J) Disciplinary actions; or

(K) Civil, administrative, or criminal proceedings or actions; and

(4) To conduct research related to treatment, benefits, services, supports, and assistance; provided, that:

(A) Health and human services information referencing or relating to an identified individual shall not be disclosed in a manner that would permit the identity of the individual to be reasonably inferred by either direct or indirect means; and

(B) The agency or service provider receiving the health and human services information shall affirm in writing that any individually identifiable health information shall be treated in accordance with HIPAA.

(b) A service provider shall disclose health and human services information to an agency upon request by the agency; provided, that the disclosure and use of such information is in accordance with this act.

(c) An agency or service provider shall use or disclose individually identifiable health information in accordance with HIPAA.

(d) When using or disclosing health and human services information, an agency or service provider shall make reasonable efforts to limit such information to the minimum amount necessary to accomplish the purpose of the use or disclosure.

(e) An agency or service provider that discloses health and human services information shall designate an individual responsible for:

(1) Responding to requests for health and human services information from another agency or service provider, who shall:

(A) Respond to a request within 48 hours;
(B) Not unreasonably deny a request; and
(C) Within 5 business days of the date of the request, supply the requested information to the extent such request was approved; and

(2) Ensuring that any health and human services information disclosed pursuant to section 103 is limited to the minimum amount of information necessary to accomplish the purpose of the disclosure.

Sec. 103. Data system.

The Mayor may establish a single or combined data system to store and share health and human services information; provided, that the system meets the security requirements of HIPAA and that individuals with authority to access the system receive training in accordance with HIPAA prior to any use of the system.

Sec. 104. Disclosures to a service provider.

(a) Before an agency or service provider discloses health and human services information to a service provider pursuant to this act, the receiving service provider shall make a written request for the information, describing the health and human services information sought and the purpose for the information.

(b) Regarding requests for health and human services information from a service provider, an agency or service provider must maintain an accurate record, for a reasonable period of time:

(1) Of the date and purpose for any request for the information;

(2) The date on which the information was disclosed; and

(3) A record of to whom the information was disclosed.

Sec. 105. Civil penalties for unlawful use or disclosure.

(a)(1) A person who negligently uses or discloses health and human services information in a manner not authorized by this act or other District law shall be liable in an amount of $500 for each violation.

(2) For the purposes of this subsection, the term “negligently” means that a person guided by ordinary considerations should have known, and by exercising reasonable diligence would have known, that the use or disclosure was not authorized.

(b) A person who willfully uses or discloses health and human services information in a manner not authorized by this act or other District law shall be liable in an amount of $1,000 for each violation.

(c) This section shall not apply to disclosures of information authorized pursuant to other District law or to federal law.

Sec. 106. Criminal penalties for unlawful use or disclosure.

A person who knowingly obtains, uses, or discloses health and human services information in a manner not authorized by this act or other District law shall be guilty of a misdemeanor, and upon conviction, shall be fined not more than $2,500, imprisoned not more than 60 days, or both; except, that if the offense is committed through deception or theft the person shall be guilty of a misdemeanor and shall be fined not more than $5,000, imprisoned for not more than 180 days, or both.

Data-Sharing and Information Coordination Emergency Amendment Act of 2010 | **DC LEGIS ACT 18-0530**
Summary | Approved: August 6, 2010
Voting Record | Expired: November 4, 2010

- Authorizes, on an emergency basis, the sharing of health and human services information for specified purposes
- Authorizes the creation of a single or combined data system, to ensure that disclosure of individually identifiable information is consistent with federal law
- Imposes penalties for unlawful disclosure of certain health and human services information and personally identifiable information.

TITLE I. DATA SHARING
Sec. 101. Definitions.

For the purposes of this title, the term:

(1) "Agency" means an agency, department, unit, or instrumentality of the District of Columbia government.

(2) "Disclosure" means the release, transfer, provision of access to, or distribution of information in any manner by an entity holding the information to a person outside of the entity.

(3) "Health and human services information" means any information that relates to:

(A) The past, present, or future physical or mental health of an individual or family;

(B) The provision of health care or human services, including benefits or supports, to an individual or family; or

(C) The past, present, or future payment for the provision of health care or human services to an individual or family.

(4) "HIPAA" means the Health Insurance Portability and Accountability Act of 1996, approved August 21, 1996 (110 Stat. 1936; 42 U.S.C. § 1320d *et seq.*), and the regulations issued pursuant to it.

(5) "Human services" means programs, assistance, supports, or benefits of any kind to improve quality of life or to meet the social, physical health, housing, and mental health needs of an individual.

(6) "Identified individual" means a natural person to whom health and human services information pertains.

(7) “Individually identifiable health information” shall have the same meaning as it does in HIPAA.

(8) “Person” means a natural person, firm, company, association, corporation, service provider, or government instrumentality or agency.

(9) “Service provider” means an entity that provides health or human services to District residents pursuant to a contract, grant, or other similar agreement with an agency.

(10) “Use” means the sharing, employment, application, utilization, examination, or analysis of health and human services information.

Sec. 102. Use and disclosure of health and human services information.

(a) In accordance with section 103 and without prior consent from the identified individual, an agency or service provider may use and shall disclose to another agency or service provider health and human services information referencing or relating to the identified individual for the following purposes; provided, that the use or disclosure is not specifically prohibited under District or federal law:

(1) To establish the identified individual’s eligibility for, or determine his or her amount and type of:

(A) Treatment;

(B) Services;

(C) Benefits;

(D) Support; or

(E) Assistance;

(2) To coordinate for the identified individual, his or her:

(A) Treatment;

(B) Benefits;

(C) Services;

(D) Support; or

(E) Assistance;

(3) To conduct oversight activities, including:

(A) Management;

(B) Financial and other audits;

(C) Program evaluations;

(D) Planning;

(E) Investigations;

(F) Examinations;

(G) Inspections;

(H) Quality reviews;

(I) Licensure;

(J) Disciplinary actions; or

(K) Civil, administrative, or criminal proceedings or actions; and

(4) To conduct research related to treatment, benefits, services, supports, and assistance; provided, that:

(A) Health and human services information referencing or relating to an identified individual shall not be disclosed in a manner that would permit the identity of the individual to be reasonably inferred by either direct or indirect means; and

(B) The agency or service provider receiving the health and human services information shall affirm in writing that any individually identifiable health information shall be treated in accordance with HIPAA.

(b) A service provider shall disclose health and human services information to an agency upon request by the agency; provided, that the disclosure and use of such information is in accordance with this act.

(c) An agency or service provider shall use or disclose individually identifiable health information in accordance with HIPAA.

(d) When using or disclosing health and human services information, an agency or service provider shall make reasonable efforts to limit such information to the minimum amount necessary to accomplish the purpose of the use or disclosure.

(e) An agency or service provider that discloses health and human services information shall designate an individual responsible for:

(1) Responding to requests for health and human services information from another agency or service provider, who shall:

(A) Respond to a request within 48 hours;

(B) Not unreasonably deny a request; and

(C) Within 5 business days of the date of the request, supply the requested information to the extent such request was approved; and

(2) Ensuring that any health and human services information disclosed pursuant to section 103 is limited to the minimum amount of information necessary to accomplish the purpose of the disclosure.

Sec. 103. Data system.

The Mayor may establish a single or combined data system to store and share health and human services information; provided, that the system meets the security requirements of HIPAA and that individuals with authority to access the system receive training in accordance with HIPAA prior to any use of the system.

Sec. 104. Disclosures to a service provider.

(a) Before an agency or service provider discloses health and human services information to a service provider pursuant to this act, the receiving service provider shall make a written request for the information, describing the health and human services information sought and the purpose for the information.

(b) Regarding requests for health and human services information from a service provider, an agency or service provider must maintain an accurate record, for a reasonable period of time:

(1) Of the date and purpose for any request for the information;

(2) The date on which the information was disclosed; and

(3) A record of to whom the information was disclosed.

Sec. 105. Civil penalties for unlawful use or disclosure.

(a)(1) A person who negligently uses or discloses health and human services information in a manner not authorized by this act or other District law shall be liable in an amount of $500 for each violation.

(2) For the purposes of this subsection, the term "negligently" means that a person guided by ordinary considerations should have known, and by exercising reasonable diligence would have known, that the use or disclosure was not authorized.

(b) A person who willfully uses or discloses health and human services information in a manner not authorized by this act or other District law shall be liable in an amount of $1,000 for each violation.

(c) This section shall not apply to disclosures of information authorized pursuant to other District law or to federal law.

Sec. 106. Criminal penalties for unlawful use or disclosure.

A person who knowingly obtains, uses, or discloses health and human services information in a manner not authorized by this act or other District law shall be guilty of a misdemeanor, and upon conviction, shall be fined not more than $2,500, imprisoned not more than 60 days, or both; except, that if the offense is committed through deception or theft the person shall be guilty of a misdemeanor and shall be fined not more than $5,000, imprisoned for not more than 180 days, or both.

Sec. 107. Relation to other laws.

If a civil or criminal penalty imposed by another law applies to an action that is also subject to a civil or criminal penalty under this act, the greater penalty shall apply.

Community Impact Statement Amendment Act of 2010 | **DC LEGIS 18-0259**

Summary
Approved: June 28, 2010

Voting Record
Effective: November 6, 2010

- Permits the submission of a community impact statement prior to the imposition of sentence
- Requires the Court to consider such statement in determining an appropriate sentence

§ 23-1904. Crime victims' rights at sentencing.

(f)(1) In addition to a crime victim, a representative of a community affected by the crime of which the defendant has been convicted shall have the right to submit, prior to imposition of sentence, a community impact statement and the court shall consider the community impact statement in determining the appropriate sentence to be imposed on the defendant. If more than one community is affected, each may submit a statement pursuant to this paragraph.

(2) Sentencing in a misdemeanor case shall not be continued solely because a community impact statement has not been submitted.

(3) The Chief Judge of the Superior Court shall establish reasonable procedures with respect to time and manner in which community impact statements are submitted to the court.

§ 23-1905. Definitions.

(1) The term "community" means a formal or informal association or group of people living, working, or attending school in the same place or neighborhood and sharing common interests arising from social, business, religious, governmental, scholastic, or recreational associations.

(1A) The term "community impact statement" means a written statement that provides information about the social, financial, emotional, and physical effects of the defendant or crime on the community.

- Requires persons required to make reports of neglected children to make a neglected child report of any child between the ages of 5 and 13 years of age who has 10 or more days of unexcused absences from school within a school year
- Includes a child between the ages of 5 and 13 years of age who has 10 or more days of unexcused absences from school within a school year in the definition of a neglected child

§ 4-1321.02. Persons required to make reports; procedure.

(a-1) A person specified in subsection (b) of this section shall report to the Child and Family Services Agency any child who is age 5 through 13 years and who has 10 or more days of unexcused absences within a school year, as that term is defined in section 1(4) of An Act To provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes, approved February 4, 1925 (43 Stat. 806; D.C. Official Code § 38-201(4)).

(a-2)(1) Each public, independent, private, or parochial school shall report to the Child and Family Services Agency any child who is 5 through 13 years and who has 10 or more days of unexcused absences within a school year, as that term is defined in section 1(4) of An Act To provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes, approved February 4, 1925 (43 Stat. 806; D.C. Official Code§ 38-201(4)); provided, that this provision shall not supersede section 2103.5 of Title 5 of the District of Columbia Municipal Regulations.

(2) A report made pursuant to this subsection shall not be considered a child abuse or neglect report as that term is defined in section 104(17) of the Prevention of Child Abuse and Neglect Act of 1977, approved September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.02(17)) (“Act”), requiring an investigation pursuant to Title I of the Act.

(3) This subsection shall expire upon the applicability of subsection (a-1) of this section, pursuant to section 4 of the Safe Children and Safe Neighborhoods Educational Neglect Mandatory Reporting Amendment Act of 2010, passed on 2nd reading on July 13, 2010 (Enrolled version of Bill 18-529).

Prohibition Against Human Trafficking Amendment Act of 2010 **DC LEGIS 18-0239**

Summary

Voting Record

Approved: June 21, 2010

Effective: October 23, 2010

- Prohibits human trafficking in the District of Columbia
- Establishes a statute of limitations for human trafficking and like cases, include human trafficking in the definition of "dangerous crime"
- amend the Victims of Violence Crime Compensation Act to include human trafficking
- Protects confidential communication between human trafficking counselors and victims
- Requires the executive to collect data concerning human trafficking crimes

TITLE I
Sec. 101. Definitions.

For the purposes of this title, the term:

(1) "Abuse or threatened abuse of law or legal process" means the use or threatened use of law or legal process, whether administrative, civil, or criminal, in any manner or for any purpose for which the law was not designed, to exert pressure on another person to cause that person to take some action or refrain from taking some action.

(2) "Business" means any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, holding company, joint stock, trust, and any legal entity through which business is conducted.

(3) "Coercion" means any one of, or a combination of, the following:

(A) Force, threats of force, physical restraint, or threats of physical restraint;

(B) Serious harm or threats of serious harm;

(C) The abuse or threatened abuse of law or legal process;

(D) Fraud or deception;

(E) Any scheme, plan, or pattern intended to cause a person to believe that if that person did not perform labor or services, that person or another person would suffer serious harm or physical restraint;

(F) Facilitating or controlling a person's access to an addictive or controlled substance or restricting a person's access to prescription medication; or

(G) Knowingly participating in conduct with the intent to cause a person to believe that he or she is the property of a person or business and that would cause a reasonable person in that person's circumstances to believe that he or she is the property of a person or business.

(4) "Commercial sex act" means any sexual act or sexual contact on account of which or for which anything of value is given to, promised to, or received by any person. The term "commercial sex act" includes a violation of section 1 of An Act For the suppression of prostitution in the District of Columbia, approved August 15, 1935 (49 Stat. 651; D.C. Official Code § 22-2701 *et seq.*); section 813 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22-2704); An Act In relation to pandering, to define and prohibit the same and to provide for the punishment thereof, approved June 25, 1910 (36 Stat. 833; D.C. Official Code § 22-2705 *et seq.*); An Act To enjoin and abate houses of lewdness, assignation, and prostitution; to declare the same to be nuisances; to enjoin the person or persons who conduct or maintain the same and the owner or agent of any building used for such purpose; and to assess a tax against the person maintaining said nuisance and against the building and owner thereof, approved February 7, 1914 (38 Stat. 280; D.C. Official Code § 22-2713 *et seq.*); and section 1 of An Act To confer concurrent jurisdiction on the police court of the District of Columbia in certain cases, approved July 16, 1912 (37 Stat.192; D.C. Official Code § 22-2722).

(5) "Debt bondage" means the status or condition of a person who provides labor, services, or commercial sex acts, for a real or alleged debt, where:

(A) The value of the labor, services, or commercial sex acts, as reasonably assessed, is not applied toward the liquidation of the debt;

(B) The length and nature of the labor, services, or commercial sex acts are not respectively limited and defined; or

(C) The amount of the debt does not reasonably reflect the value of the items or services for which the debt was incurred.

(6) "Labor" means work that has economic or financial value.

(7) "Serious harm" means any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue to perform labor, services, or commercial sex acts to avoid incurring that harm.

(8) "Services" means legal or illegal duties or work done for another, whether or not compensated.

(9) "Sexual act" shall have the same meaning as provided in section 101(8) of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3001(8)).

(10) "Sexual contact" shall have the same meaning as provided in section 101(9) of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3001(9)).

(11) “Venture” means any group of 2 or more individuals associated in fact, whether or not a legal entity.

Sec. 102. Forced labor.

(a) It is unlawful for an individual or a business knowingly to use coercion to cause a person to provide labor or services.

(b) It is unlawful for an individual or a business knowingly to place or keep any person in debt bondage.

Sec. 103. Trafficking in labor or commercial sex acts.

It is unlawful for an individual or a business to recruit, entice, harbor, transport, provide, obtain, or maintain by any means a person, knowing, or in reckless disregard of the fact that:

(1) Coercion will be used or is being used to cause the person to provide labor or services or to engage in a commercial sex act; or

(2) The person is being placed or will be placed or kept in debt bondage.

Sec. 104. Sex trafficking of children.

(a) It is unlawful for an individual or a business knowingly to recruit, entice, harbor, transport, provide, obtain, or maintain by any means a person who will be caused as a result to engage in a commercial sex act knowing or in reckless disregard of the fact that the person has not attained the age of 18 years.

(b) In a prosecution under subsection (a) of this section in which the defendant had a reasonable opportunity to observe the person recruited, enticed, harbored, transported, provided, obtained, or maintained, the government need not prove that the defendant knew that the person had not attained the age of 18 years.

Sec. 105. Unlawful conduct with respect to documents in furtherance of human trafficking.

It is unlawful for an individual or business knowingly to destroy, conceal, remove, confiscate, or possess any actual or purported government identification document, including a passport or other immigration document, or any other actual or purported document, of any person to prevent or restrict, or attempt to prevent or restrict, without lawful authority, the person’s liberty to move or travel in order to maintain the labor or services of that person.

Sec. 106. Benefitting financially from human trafficking.

It is unlawful for an individual or business knowingly to benefit, financially or by receiving anything of value, from voluntarily participating in a venture which has engaged in any act in violation of sections

102, 103, 104, or 105, knowing or in reckless disregard of the fact that the venture has engaged in the violation.

Sec. 107. Penalties.

(a) (1) Except as provided in paragraph (2) of this subsection, whoever violates sections 102, 103, or 104 shall be fined not more than $200,000, imprisoned for not more than 20 years, or both.

(2) Whoever violates sections 102, 103, or 104 when the victim is held or provides services for more than 180 days shall be fined not more than 1 1/2 times the maximum fine authorized for the designated act, imprisoned for not more than 1 1/2 times the maximum term authorized for the designated act, or both.

(b) Whoever violates section 105 shall be fined not more than $5,000, imprisoned for not more than 5 years, or both.

(c) Whoever violates section 106 shall be fined or imprisoned up to the maximum fine or term of imprisonment for a violation of each referenced section.

(d) Whoever attempts to violate sections 102, 103, 104, 105, or 106 shall be fined not more than 1/2 the maximum fine otherwise authorized for the offense, imprisoned for not more than 1/2 the maximum term otherwise authorized for the offense, or both.

(e) No person shall be sentenced consecutively for violations of sections 103 and 104 for an offense arising out of the same incident.

Sec. 108. Forfeiture.

(a) In imposing sentence on any individual or business convicted of a violation of this act, the court shall order, in addition to any sentence imposed, that the individual or business shall forfeit to the District of Columbia:

(1) Any interest in any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of the violation; and

(2) Any property, real or personal, constituting or derived from any proceeds that the individual or business obtained, directly or indirectly, as a result of the violation.

(b) The following shall be subject to forfeiture to the District of Columbia and no property right shall exist in them:

(1) Any property, real or personal, used or intended to be used to commit or to facilitate the commission of any violation of this act.

(2) Any property, real or personal, which constitutes or is derived from proceeds traceable to any violation of this act.

Sec. 109. Reputation or opinion evidence.

In a criminal case in which a person is accused of trafficking in commercial sex, as prohibited by section 103, sex trafficking of children, as prohibited by section 104, or benefitting financially from human trafficking, as prohibited by section 106, reputation or opinion evidence of the past sexual behavior of the alleged victim is not admissible. Evidence of an alleged victim's past sexual behavior other than reputation or opinion evidence also is not admissible, unless such evidence other than reputation or opinion evidence is admitted in accordance with section 302(b) of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3022(b)), and is constitutionally required to be admitted.

Sec. 110. Civil action.

(a) An individual who is a victim of an offense prohibited by sections 102, 103, 104, 105, or 106 may bring a civil action in the Superior Court of the District of Columbia. The court may award actual damages, compensatory damages, punitive damages, injunctive relief, and any other appropriate relief. A prevailing plaintiff shall also be awarded attorney's fees and costs. Treble damages shall be awarded on proof of actual damages where a defendant's acts were willful and malicious.

(b) Any statute of limitation imposed for the filing of a civil suit under this section shall not begin to run until the plaintiff knew, or reasonably should have known, of any act constituting a violation of section 102, 103, 104, 105, or 106, or until a minor plaintiff has reached the age of majority, whichever is later.

(c) If a person entitled to sue is imprisoned, insane, or similarly incapacitated at the time the cause of action accrues, so that it is impossible or impracticable for him or her to bring an action, then the time of the incapacity is not part of the time limited for the commencement of the action.

(d) A defendant is estopped to assert a defense of the statute of limitations when the expiration of the statute is due to conduct by the defendant inducing the plaintiff to delay the filing of the action.

Sec. 111. Data collection and dissemination.

(a) For the purposes of this section, the term:

(1) "Persons engaged in human trafficking or human trafficking-related crimes" includes:

(A) Any person who attempts to recruit, entice, harbor, transport, provide, or obtain, or successfully recruits, entices, harbors, transports, provides, or obtains, by any means, another person, intending or knowing that the person will be subjected to forced labor or services; and

(B) Any person who purchases or receives the benefits of commercial sex acts, sexual performance, labor, or services by victims of human trafficking or human trafficking related crimes.

(2) “Human trafficking-related crimes” means pimping, pandering, procuring, operating a house of prostitution, keeping a bawdy or disorderly house, possessing a sexual performance by a minor, visa fraud, document fraud, and assisting in unlawful entry into the United States, as well as violations of sections 102, 103, 104, 105, and 106.

(3) “Victim” means any person who has suffered a physical, mental, or emotional injury as a direct or indirect result of human trafficking or a human trafficking-related crime.

(b) The District, in cooperation with appropriate criminal justice agencies, shall collect statistical data related to human trafficking. The data shall include:

(1) Numbers of investigations, arrests, prosecutions, and convictions of traffickers and those committing human trafficking-related crimes;

(2) Numbers of and demographic characteristics of persons engaged in human trafficking or human trafficking-related crimes, including age, race, sex;

(3) Numbers of and demographic characteristics of victims, including age, race, sex, national origin, and current citizenship; and

(4) Human trafficking routes and patterns in and out of the District of Columbia.

(c) The Mayor shall elicit the cooperation and assistance of other government agencies, and non-government organizations as appropriate, to assist in the data collection required under subsection (b) of this section. The appropriate authorities in each agency shall make best efforts to collect information relevant to tracking progress on human trafficking.

(d) The District shall publish, periodically and not less than once every 36 months, a report of all current statistical data described in subsection (b) of this section.

(e) This section shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

TITLE II
§ 4-501(6). Definitions.

(6) "Crime of violence" or "crime" means the offense of, or the attempt to commit the offense of, an act of terrorism, use, dissemination, or detonation of a weapon of mass destruction, manufacture or possession of a weapon of mass destruction, arson, assault, assault with a dangerous weapon, aggravated assault, assault on a police officer, assault with intent to kill, assault with intent to commit any offense, burglary, stalking, threats, negligent homicide, sexual abuse, kidnapping, maliciously disfiguring another, manslaughter, murder, mayhem, riot, robbery, carjacking, cruelty to children, unlawful use of an

explosive, *forced labor, benefitting financially from human trafficking, using a minor in a sexual performance, promoting a sexual performance by a minor, attending or possessing a sexual performance by a minor, trafficking in labor or commercial sex acts, sex trafficking of children, a felony violation of an act codified in Chapter 27 of Title 22, where a person was compelled to engage in prostitution or was a minor; a violation of an act codified in Title 50 that resulted in death or bodily injury to a person*, including these offenses when motivated by bias as provided by Chapter 37 of Title 22, or any violation of §§ 50-2201.04 and 50-2201.05, notwithstanding that the offender lacked the capacity to commit the offense by reason of infancy, insanity, intoxication, or otherwise. These terms include an offense where the perpetrator and victim are members of the same family or household, an offense whether prosecuted under the District of Columbia Official Code or the United States Code, and a terrorist act or act of mass violence as defined in 18 U.S.C. 2331, committed in the District of Columbia against any person or outside of the United States against a resident of the District of Columbia. A crime occurs whether or not any person is identified, arrested, prosecuted, or convicted. Unless an application for rehearing, appeal, or petition for certiorari is pending or a new trial or hearing has been ordered, the conviction of a person whose acts gave rise to the claim is conclusive evidence that a crime was committed.

§ 4-508. Disqualifications and reductions.

(a) The Court shall not award compensation if the:

(1) Claimant knowingly or willingly participated in the commission of the crime which forms the basis for the claim; *provided, that a claimant who was a minor and a victim of sex trafficking of children, may be awarded compensation*; or

(2) Injury or death for which compensation is sought was caused by the victim's consent, substantial provocation, or substantial incitement.

§ 4-1321.02. Persons required to make reports; procedure.

(b) Persons required to report such abuse or neglect shall include Child and Family Services Agency employees, agents, and contractors, and every physician, psychologist, medical examiner, dentist, chiropractor, registered nurse, licensed practical nurse, person involved in the care and treatment of patients, law-enforcement officer, humane officer of any agency charged with the enforcement of animal cruelty laws, school official, teacher, athletic coach, Department of Parks and Recreation employee, public housing resident manager, social service worker, day care worker, *human trafficking counselor as defined in § 14-311(2)*, domestic violence counselor as defined in § 14- 310(a)(2), and mental health professional as defined in § 7-1201.01(11). Such persons are not required to report when employed by a lawyer who is providing representation in a criminal, civil, including family law, or delinquency matter and the basis for the suspicion arises solely in the course of that representation. 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 and Family Services Agency.

§ 14-307. Physicians and mental health professionals.

(a) In the Federal courts in the District of Columbia and District of Columbia courts a physician or surgeon or mental health professional as defined by § 7-1201.01(11) or a domestic violence counselor as *defined in § 14-310(a)(2), or a human trafficking counselor as defined in § 14-311(a)(2)* may not be permitted, without the consent of the client, or of his legal representative, to disclose any information, confidential in its nature, that he has acquired in attending a client in a professional capacity and that was necessary to enable him to act in that capacity, whether the information was obtained from the client or from his family or from the person or persons in charge of him.

§ 14-311. Human trafficking counselors.

(a) For the purposes of this section, the term:

(1) "Confidential communication" means information exchanged between a victim and a human trafficking counselor during the course of the counselor providing counseling, support, and assistance to a victim, including all records kept by the counselor and the human trafficking program concerning the victim and services provided to the victim.

(2) "Human trafficking counselor" means an employee, contractor, or volunteer of a human trafficking program who:

(A) Is rendering support, counseling, or assistance to a victim;

(B) Has undergone not less than 40 hours of human trafficking counselor training conducted by a human trafficking program that includes dynamics of human trafficking, trauma resulting from human trafficking, crisis intervention, personal safety, risk management, criminal and civil court processes, and resources available to victims; and

(C)(i) Is or is under the supervision of a licensed social worker, nurse, physician, psychologist, or psychotherapist; or

(ii) Is or is under the supervision of a person who has a minimum of 5 years of experience rendering support, counseling, or assistance to persons against whom severe emotional abuse or a criminal offense has been committed or is alleged to have been committed, of which at least 2 years of experience involves human trafficking victims.

(3) "Human trafficking offense" means abducting or enticing a child from his or her home for purposes of prostitution § 22-2704); harboring such child (§ 22-2704); pandering (§ 22-2705); inducing or compelling an individual to engage in prostitution (§ 22-2705); compelling an individual to live life of prostitution against his or her will (§ 22-2706); causing spouse to live in prostitution (§ 22-2708); sexual performance using minors (§ 22-3102); forced labor as prohibited by section 102 of the Prohibition Against Human Trafficking Amendment Act of 2010, passed on 2nd reading on June 1, 2010 (Enrolled

version of Bill 18-70) (“Human Trafficking Act”); trafficking in labor or commercial sex as prohibited by section 103 of the Human Trafficking Act; sex trafficking of children as prohibited by section 104 of the Human Trafficking Act; unlawful conduct with respect to documents in furtherance of human trafficking as prohibited by section 105 of the Human Trafficking Act; or benefitting financially from human trafficking, as prohibited by section 106 of the Human Trafficking Act.

(4) “Human trafficking program” means a nonprofit, non-governmental organization that supports, counsels, and assists victims of human trafficking.

(5) “Intrafamily offense” shall have the same meaning as provided in § 16- 1001(8).

(6) “Victim” means a person against whom a human trafficking offense has been committed or is alleged to have been committed.

(b)(1) A human trafficking counselor shall not disclose a confidential communication except:

(A) As required by statute or by a court of law;

(B) As voluntarily authorized in writing by the victim;

(C) To other individuals employed at the human trafficking program and third party providers when and to the extent necessary to facilitate the delivery of services to the victim;

(D) To the Metropolitan Police Department or other law enforcement agency to the extent necessary to protect the victim or another individual from a substantial risk of imminent and serious physical injury or kidnapping;

(E) To compile statistical or anecdotal information, without personal identifying information, for research or public information purposes; or

(F) For any confidential communications relevant to a claim or defense if the victim files a lawsuit against a human trafficking counselor or a human trafficking program.

(2) Unless the disclosure is public, confidential communications disclosed pursuant to paragraph (1) of this subsection shall not be further disclosed by the recipient except as authorized in paragraph (1) of this subsection.

(3) Confidential communications are not waived by the presence of a sign language or foreign language interpreter. Such an interpreter is subject to the same disclosure limitations set forth in paragraph (1) of this subsection and the same privilege set forth in subsection (c) of this section.

(c)(1) Except as provided in paragraph (2) of this subsection, when a victim is under 12 years of age, has been adjudicated incompetent by a court of competent jurisdiction for the purpose of asserting or waiving

the privilege established by this section, or is deceased, the victim's parent, guardian, or personal representative may assert or waive the privilege.

(2) If the parent, guardian, or personal representative of a victim described in paragraph (1) of this subsection has been charged with an intrafamily offense or has had a protection order or a neglect petition entered against him or her at the request of or on behalf of the victim, or otherwise has interests adverse to those of the victim with respect to the assertion or waiver of the privilege, the court shall appoint an attorney for purposes of asserting or waiving the privilege.

(d) The assertion of any privilege under this section is not admissible in evidence.".

§ 22-3009c. First degree sexual abuse of a secondary education student.

Any teacher, counselor, principal, coach, or other person of authority in a secondary level school who engages in a sexual act with a student under the age of 20 years enrolled in that school or school system, or causes that student to engage in a sexual act, shall be imprisoned for not more than 10 years, fined in an amount not to exceed $100,000, or both.

§ 22-3009d. Second degree sexual abuse of a secondary education student.

Any teacher, counselor, principal, coach, or other person of authority in a secondary level school who engages in sexual conduct with a student under the age of 20 years enrolled in that school or school system, or causes that student to engage in sexual conduct, shall be imprisoned for not more than 5 years, fined in an amount not to exceed $50,000, or both.".

§ 22-3101. Definitions.

(2) "Minor" means any person under ~~16~~ *18* years of age.

(6) "Sexual performance" means any performance or part thereof which includes sexual conduct by a person under ~~16~~ *18* years of age.

§ 22-3102. Prohibited acts.

(a) It shall be unlawful in the District of Columbia for a person knowingly to use a minor in a sexual performance or to promote a sexual performance by a minor.

(1) A person is guilty of the use of a minor in a sexual performance if knowing the character and content thereof, he or she employs, authorizes, or induces a person under ~~16~~ *18* years of age to engage in a sexual performance or being the parent, legal guardian, or custodian of a minor, he or she consents to the participation by a minor in a sexual performance.

(2) A person is guilty of promoting a sexual performance by a minor when, knowing the character and content thereof, he or she produces, directs, or promotes any performance which includes sexual conduct

by a person under ~~16~~ *18* years of age.

(b) It shall be unlawful in the District of Columbia for a person, knowing the character and content thereof, to attend, transmit, or possess a sexual performance by a minor.

(c) If the sexual performance consists solely of a still or motion picture, then this section:

(1) Shall not apply to the minor or minors depicted in a still or motion picture who possess it or transmit it to another person unless at least one of the minors depicted in it does not consent to its possession or transmission; and

(2) Shall not apply to possession of a still or motion picture by a minor, or by an adult not more than 4 years older than the minor or minors depicted in it, who receives it from a minor depicted in it unless the recipient knows that at least one of the minors depicted in the still or motion picture did not consent to its transmission.

(d) For the purposes of subsections (b) and (c) of this section, the term:

(1) "Possess," "possession," or "possessing" requires accessing the sexual performance if electronically received or available.

(2) "Still or motion picture" includes a photograph, motion picture, electronic or digital representation, video, or other visual depiction, however produced or reproduced.

(3) "Transmit" or "transmission" includes distribution, and can occur by any means, including electronically.

§ 22-3104. Affirmative defenses.

(a) Under this chapter it shall be an affirmative defense that the defendant in good faith reasonably believed the person appearing in the performance was ~~16~~ *18* years of age or over.

. . .

(c) It shall be an affirmative defense to a charge under § 22-3102 that the defendant:

(1) Possessed or accessed less than 6 still photographs or one motion picture, however produced or reproduced, of a sexual performance by a minor; and

(2) Promptly and in good faith, and without retaining, copying, or allowing any person, other than a law enforcement agency, to access any photograph or motion picture:

(A) Took reasonable steps to destroy each such photograph or motion picture; or

(B) Reported the matter to a law enforcement agency and afforded that agency access to each such photograph or motion picture.

23-113. Limitations on actions for criminal violations.

(a) *Time Limitations.*

(3) A prosecution for the following crimes and any offense that is properly joinable with any of the following crimes is barred if not commenced within ten (10) years after it is committed:

(J) Trafficking in labor or commercial sex and sex trafficking of children as prohibited by [§§ 22-1833 and 22-1834];

(K) Section [22-2704];

(L) Section [22-2705]; and

(M) Sections [22-2706 and 22-2708].

(d) *Suspension of period of limitation.*

(2) The period of limitation shall not begin to run until the victim reaches 21 years of age for the following offenses:

(F) Sections [22-3009.01 and 22-3009.02];

(G) Section [22-2704];

(H) Section [22-2705];

(I) Section 22-2706, where the victim is a minor; and

(J) Forced labor, trafficking in labor or commercial sex, sex trafficking of children, and benefitting financially from human trafficking as prohibited by the Human Trafficking Act [D.C. Law 18-239], where the victim is a minor.

(5) The period of limitation shall not begin to run for forced labor, trafficking in labor or commercial sex, sex trafficking of children, and benefitting financially from human trafficking until the victim is no longer subject to the means used to obtain or maintain his or her labor or services or commercial sex acts.

§ 23-1331. Definitions.

(3) The term "dangerous crime" means:

(A) Any felony offense under Chapter 45 of Title 22 (Weapons) or Chapter 23 of Title 6 (Firearms Control);

(B) Any felony offense under Chapter 27 of Title 22 (Prostitution, Pandering);

(C) Any felony offense under Unit A of Chapter 9 of Title 48 (Controlled Substances);

(D) Arson or attempted arson of any premises adaptable for overnight accommodation of persons or for carrying on business;

(E) Burglary or attempted burglary;

(F) Cruelty to children;

(G) Robbery or attempted robbery;

(H) Sexual abuse in the first degree, or assault with intent to commit first degree sexual abuse; or

(I) Any felony offense established by the Prohibition Against Human Trafficking Amendment Act of 2010 [D.C. Law 18-239], or any conspiracy to commit such an offense.

§ 23-1901. Crime victims' bill of rights.

(b) A crime victim has the right to:

(9) Be notified of any available victim advocate or other appropriate person to develop a safety plan and appropriate services.

Gun Offender Registration Emergency Amendment Act of 2010 | **DC LEGIS ACT 18-0464**

Summary
Voting Record

Approved: July 2, 2010
Expired: September 30, 2010

- Clarifies that the gun offender registry applies to any person convicted of a gun offense who is within the registration period set forth in the statute, regardless of whether the conviction occurred before or after the effective date of the statute.

§ 7-2508.01. Definitions.

For the purposes of this subchapter, the term:

(2) "Gun offender" means a person:

(A) Convicted *at any time* of a gun offense in the District;

(B) Convicted *at any time* of a gun offense who resides in the District within the registration period established pursuant to § 7-2508.02; or

(C) Who has as a mandatory condition of release a registration requirement in the District pursuant to § 7-2508.04(f).

§ 7-2508.04. Certification duties of the Superior Court of the District of Columbia.

(d)(1) For a person who has not been required to comply with the requirements of this title as set forth in subsections (a) and (c) of this section, but who nevertheless qualifies and is within the period for which registration is required by this act, the Court may, upon motion of the government, enter an order certifying that a person convicted of a gun offense is a gun offender and issue an order requiring the gun offender to register and to comply with the provisions of this act.

- Repeals the sunset date for the Domestic Violence Fatality Review Board.

SUBTITLE D. DOMESTIC VIOLENCE FATALITY REVIEW BOARD
Sec. 3032.

Section 16-1059 of the District of Columbia Official Code is repealed.

- Extends the length of time to file an appeal of an initial determination with respect to benefit eligibility
- Enhances the maximum weekly benefit provided
- Expands eligibility to those who had to leave jobs for compelling family reasons, including domestic violence

§ 51-107. Determination of amount and duration of benefits.

(f-1) For claims for benefit years commencing after August 9, 2009, and before January 1, 2011, in addition to benefits payable under subsections (a) through (e) of this section, each eligible individual who is unemployed in any week shall be paid with respect to that week $15 for each dependent relative, but no more than $50 or 1/2 of the individual's weekly benefit amount, whichever is less, with respect to any 1 week of unemployment. The amount of the dependent's allowance paid to an individual shall not be charged to the individual account of an employer. The number of dependents of an individual shall be determined as of the day with respect to which the individual first files a valid claim for benefits in any benefit year and shall remain fixed for the duration of the benefit year. The dependent's allowance shall not be taken into consideration in the total amount of benefits calculated pursuant to subsection (d) of this section.

§ 51-110. Disqualification for benefits.

(d)(4) Compensation shall not be denied to any otherwise eligible individual who leaves his or her most recent work to accompany his or her spouse or domestic partner to a place from which it is impractical to commute to the place of employment. For the purposes of this paragraph, the term "domestic partner" shall have the same meaning as provided in section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9- 114; D.C. Official Code § 32-701(3)).

(5) Compensation shall not be denied to any otherwise eligible individual who leaves his or her most recent work to care for an ill or disabled family member. For the purposes of this paragraph, the term "family member" shall have the same meaning as provided in section 102(11B) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.02(11B)).

(j)(1) Notwithstanding any other provision of this act, an individual who is unemployed within the meaning of this act, has exhausted all regular unemployment benefits provided under this act, including any extensions of benefits, and who is enrolled in and making satisfactory progress in a District-approved training program or in a job training program authorized under the Workforce Investment Act of 1998, approved August 7, 1998 (112 Stat. 936; 29 U.S.C. § 2822), shall be eligible for training extension benefits if the Director determines that the following criteria are met:

(A) The training program will prepare the claimant for entry into a high-demand occupation;

(B) The claimant was separated from employment in a declining occupation or has been involuntarily and indefinitely separated from employment as a result of a permanent reduction of operations at the claimant's place of prior employment;

(C) The claimant is making satisfactory progress towards completion of the training as determined by the Director, including the submission of written statements from the training program provider; and

(D) The claimant is not receiving similar stipends or other training allowances for non-training costs.

(2) For the purposes of paragraph (1) of this subsection, the term:

(A) “Declining occupation” shall be defined by the Director based upon currently available labor market information.

(B) “High-demand occupation” shall be defined by the Director based upon currently available labor market information.

(C) "Similar stipends" means an amount provided under a program with similar goals, such as providing training to increase employability, and in similar amounts. Similar stipends of non-training cost allowances shall be treated as "earnings" as defined in section 1(4).

(3) A claimant who is eligible for a training extension pursuant to this subsection shall be enrolled in training and making satisfactory progress as the Director may determine will increase the employability of the claimant in the District labor market.

(4) The weekly training extension benefit amount payable to the eligible individual shall be equal to the claimant's weekly benefit amount for the most recent benefit year less any deductible or income as determined pursuant to this act. The total amount of training extension benefits payable to a claimant shall not exceed 26 times the claimant’s weekly benefit amount of the most recent benefit year.

(5) If the claimant completes the training program, ceases to be making satisfactory progress, or stops attending the training program, the claimant shall not be eligible for further training extension benefits unless the Director determines that the claimant has resolved the impediment.

(6) A claimant seeking training extension benefits may apply for the benefits at any time prior to the end of the claimant's initial benefit year or the end of any period of extended benefits.

(7) No training extension benefits paid pursuant to this act shall be charged to individual employer accounts.

§ 51-111. Determination of claims; hearing; appeal; witness fees.

(b) Promptly after an individual has filed a claim for benefits, an agent of the Director designated by it for

such purpose shall make an initial determination with respect thereto which shall include a determination with respect to whether or not such benefit may be payable, and if payable, the week with respect to which payments will commence, the maximum duration thereof, and the weekly benefit amount, except that in any case in which the payment or denial of benefits will be determined by the provisions of § 51-110(e), the agent shall promptly transmit such claim to an appeal tribunal which shall make a decision thereon after such investigation as it deems necessary, and after affording the parties opportunity for fair hearing in accordance with subsection (e) of this section, and the claimant and interested parties shall be given notice thereof and permitted to appeal therefrom to the Director and the courts as is provided in this subchapter for notice of, and appeals from, decisions of appeal tribunals. An initial determination may, for good cause, be reconsidered. The claimant and other parties to the proceedings shall be promptly notified of the initial determination or any amended determination and the reasons therefor. Benefits shall be denied or, if the claimant is otherwise eligible, paid promptly in accordance with such initial determination except as hereinafter otherwise provided. The Director shall promptly notify the claimant and any party to the proceeding of its determination, and such determination shall be final within ~~10~~ *15 calendar* days after the mailing of notice thereof to the party's last-known address or in the absence of such mailing, within ~~10~~ *15 calendar* days of actual delivery of such notice. *The 15- day appeal period may be extended if the claimant or any party to the proceeding shows excusable neglect or good cause. The exception for good cause or excusable neglect shall apply to all claims pending on July 23, 2010, including those in which an appeal has been filed in the Office of Administrative Hearings or in which a petition for review has been filed in the District of Columbia Court of Appeals.* If an appeal tribunal affirms an initial determination allowing benefits, such benefits shall be paid regardless of any appeal which may thereafter be taken. If, subsequent to such initial determination, benefits with respect to any week for which a claim has been filed are denied for reasons other than matters included in the initial determination, the claimant shall be promptly notified of the denial and the reasons therefor, and may appeal therefrom in accordance with the procedure herein described for appeals from initial determinations.

§ 51-131. Separation from employment due to domestic violence.

(a) Notwithstanding any other provision of this act, no otherwise eligible individual shall be denied benefits for any week because the individual was separated from employment by discharge or voluntary or involuntary resignation due to domestic violence against the individual or any member of the individual's immediate family, unless the individual was the perpetrator of the domestic violence.

(b) For the purposes of this title, the term “domestic violence” shall have the same meaning as “intrafamily offense”, as defined in D.C. Official Code § 16-1001(8).

- Clarifies that the annual report is permissive
- Repeals the sunset clause for the Domestic Violence Fatality Review Board

§ 16-1052. Establishment and purpose.

(d) The Board ~~shall~~ *may* prepare an annual report of findings, recommendations, and steps taken to implement recommendations. The report shall not contain information identifying any victim of domestic violence, or the victim's family members, or an alleged or suspected perpetrator of abuse upon a victim. The annual report shall be submitted to the public, the Mayor, and the Council on July 1 of each year, and shall be presented to the Council at a public hearing.

~~**§ 16-1059. Sunset**~~

~~This subchapter shall expire 7 years after its effective date.~~

Newborn Safe Haven Act of 2009 **DC LEGIS 18-0158**

Summary Approved: March 25, 2010

Voting Record Effective: May 27, 2010

- Provides that a parent may surrender a new-born infant, where there is no actual or suspected abuse, to a hospital, police station, fire station, or emergency medical facility without being charged with abuse, neglect, or abandonment of the new-born infant
- Requires hospitals, police stations, fire stations, and emergency medical facilities to accept a surrendered child
- Provides for further placement with Child and Family Services Agency
- Requires the Mayor to promulgate rules to implement this act and to submit the proposed rules to the Council

TITLE I. SAFE HAVEN.
Sec. 101. Definitions.

For the purposes of this act, the term:

(1) "Authorized Receiving Facility" means a hospital, or other place authorized by the Mayor, by rule, to accept a newborn for surrender pursuant to this act.

(2) "CFSA" means the Child and Family Services Agency.

(3) "Newborn" means an infant whose parent refuses or is unable to assume the responsibility for the infant's care, control, and subsistence and who is surrendered by that parent and who a licensed physician or other person authorized to accept the surrender reasonably believes is 14 days old or less.

(4) "Surrender" means to bring a newborn to an Authorized Receiving Facility during its hours of operation and to leave the newborn with personnel of the Authorized Receiving Facility.

Sec. 102. Surrender.

(a) Except when there is actual or suspected child abuse or neglect, a custodial parent who is a resident of the District of Columbia may surrenders a newborn in accordance with this act and shall have the right to remain anonymous and to leave the place of surrender at any time and shall not be pursued by any person at the time of surrender or prosecuted for the surrender of the newborn.

(b) To surrender a newborn in accordance with this act, and rules promulgated pursuant to this act, shall not, by itself, constitute a basis for a finding of abuse, neglect, or abandonment.

(c) The Authorized Receiving Facility personnel receiving the surrendered newborn shall make a reasonable effort to obtain family and medical history from the surrendering parent, including personal information such as both of the parents' identities, and shall provide to the surrendering parent information on adoption and counseling services.

(d) The Authorized Receiving Facility personnel receiving the surrender of a newborn shall file a written statement with the CFSA, on or before the time CFSA assumes physical custody of the newborn, that includes the:

(1) Date of the surrender;

(2) Time of the surrender;

(3) Circumstances of the surrender; and

(4) Personal information obtained, if any.

Sec. 103. Signage.

The Mayor shall develop and post uniform signage with a toll-free number to call for further information in a conspicuous place on the exterior of each Authorized Receiving Facility that states in plain terms that a newborn may be surrendered at the facility in accordance with this act.

Sec. 104. Placement.

(a) After the surrender of a newborn, an Authorized Receiving Facility that is not a hospital shall transport the newborn to the nearest hospital as soon as transportation can be arranged.

(b)(1) The act of surrender shall constitute implied consent for the hospital to which the newborn is surrendered or transported and the hospital's medical personnel to treat and provide care for the newborn and arrange for further placement with CFSA and, through CFSA, with a preadoptive home whenever possible.

(2) Hospital personnel shall immediately contact CFSA to report the surrender of the newborn and arrange for transport of the newborn to CFSA. The CFSA shall assume physical custody of the newborn within 23 hours of the surrender.

Sec. 105. Parental rights.

(a) Notwithstanding section 6(b) of An Act To regulate the placing of children in family homes, and for other purposes, approved April 22, 1944 (58 Stat. 193; D.C. Official Code § 4- 1406(b)) ("placement act"), there shall be no 72-hour waiting period prior to relinquishment of parental rights under this act. A relinquishment of parental rights shall take place upon surrender. Upon CFSA's receipt of the statement required by section 102(d) and assuming physical custody, CFSA shall assume immediate care, custody, and control of the surrendered newborn.

(b) A relinquishment of parental rights under this act may be revoked and parental rights restored in accordance with section 6(c) and (d) of the placement act; provided, that:

(1) The parent agrees to genetic testing to establish maternity or paternity;

(2) The genetic test establishes that the surrendering parent is the biological parent of the newborn; and

(3) A risk assessment is conducted to determine if a further investigation is necessary or that the family needs to be referred for support services and is so referred.

(c)(1) A relinquishment of parental rights and any revocation of the relinquishment shall be recorded and filed by CFSA in a properly sealed file in the Family Court of the Superior Court for the District of Columbia, along with a copy of the statement required by section 102(d), within 20 days after the expiration of the 10-day revocation period in section 6(c) of the placement act.

(2) The seal of the relinquishment file shall not be broken except for good cause shown and upon the written order of a judge.

(d)(1) No later than 90 days after surrender, CFSA shall attempt to identify, locate, and notify the non-surrendering parent by performing a missing-child search and publishing notice of the surrender of the newborn in accordance with paragraph (2) of this subsection.

(2) The notice required by paragraph (1) of this subsection shall, at a minimum, include:

(A) In regard to the surrender, the:

(i) Place;

(ii) Date; and

(iii) Time;

(B) In regard to the newborn, the:

(i) Sex;

(ii) Race;

(iii) Approximate age;

(iv) Any identifying marks; and

(v) Any other identifying information CFSA considers necessary; and

(C) A statement that the non-surrendering parent's failure to notify CFSA, or other contact as set forth in the notice, of the intent to exercise his or her parental rights and responsibilities within 20 days of

publication of this notice shall be deemed to be the non-surrendering parent's irrevocable consent to the termination of all parental rights and his or her irrevocable waiver of any right to notice of, or opportunity to participate in, any termination of parental rights proceeding involving the surrendered newborn.

(3) The court may grant a petition for adoption without consent following relinquishment of parental rights and the termination of parental rights pursuant to this section and D.C. Official Code § 16-304(g).

Sec. 106. Immunity from liability.

(a) An Authorized Receiving Facility and the personnel of an Authorized Receiving Facility shall be immune from civil or criminal liability for the good-faith performance of the reporting and placement responsibilities under this act, including liability for the failure to file a report that might otherwise be incurred or imposed on a person required to report suspected incidents of child abuse or neglect under section 2 of An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children, approved November 5, 1966 (80 Stat. 1354; D.C. Official Code § 4-1321.02).

(b) In any civil or criminal proceeding brought under this act concerning the surrender of a newborn, good faith shall be presumed unless rebutted.

Sec. 107. Status report.

The Mayor shall submit a status report by January 1, 2011, and on January 1 of each year thereafter, to the Council, which shall include the:

(1) Number of newborns surrendered;

(2) Services provided to surrendered newborns;

(3) Outcome of the care provided for each surrendered newborn; and

(4) Number and disposition of cases of surrendered newborns.

Sec. 108. Rules.

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 issue rules to implement the provisions of this act. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding days of Council recess. If the Council does not approve or disapprove the proposed rules, by resolution, within the 45-day review period, the proposed rules shall be deemed approved.

- Clarifies that a spouse or domestic partner shall be competent and compellable to testify in civil and/or criminal proceedings involving an intrafamily offense, offense against a child, minor, or vulnerable adult, civil proceedings involving an offense against the child, minor, or vulnerable adult, and crimes that occurred prior to the marriage or domestic partnership

§ 14-306. Spouse or domestic partner.

(b-1) Notwithstanding subsections (a) and (b) of this section, a spouse or domestic partner is both competent and compellable to testify against his or her spouse or domestic partner as to both confidential communications made by one to the other during the marriage or domestic partnership and any other matter in:

(1) A criminal or delinquency proceeding where one spouse or domestic partner is charged with committing:

(A) Intimate partner violence as defined in § 16-1001(7) if the spouse or domestic partner has previously refused to testify in a criminal or delinquency proceeding against the same spouse or domestic partner for an offense against him or her; or

(B) An offense against a child, minor, or vulnerable adult who is:

(i) In the custody of or resides temporarily or permanently in the household of one of the spouses or domestic partners; or

(ii) Related by blood, marriage, domestic partnership, or adoption to one of the spouses or domestic partners;

(2) A civil proceeding involving the abuse, neglect, abandonment, custody, or dependency of a child, minor, or vulnerable adult who is:

(A) In the custody of or resides temporarily or permanently in the household of one of the spouses or domestic partners; or

(B) Related by blood, marriage, domestic partnership, or adoption to one of the spouses or domestic partners; or

(3) A criminal or delinquency proceeding where one spouse or domestic partner is charged with committing a crime jointly with the other spouse or domestic partner.

(b-2) Notwithstanding subsections (a) and (b) of this section, when one spouse or domestic partner is charged with committing a crime that occurred prior to the marriage of the spouses or prior to the filing of a domestic partnership agreement, the other spouse or domestic partner is both competent and compellable to testify against his or her spouse or domestic partner as to the crime, communications made by one to the other, and any other matter that occurred prior to the marriage of the spouses, or prior to the filing of the domestic partnership agreement.

(b-3) The burden is upon the person asserting a privilege under this section to establish that it exists.

(c)(3) “Refused to testify” means that the witness spouse or domestic partner has:

(A) Submitted an affidavit or other writing stating that she or he will not testify before a grand jury or in court;

(B) Taken the stand in the grand jury or in any court proceeding and asserted his or her privilege under this section not to testify; or

(C) Intentionally failed to appear in response to a subpoena.

- Clarifies that a spouse or domestic partners shall be competent and compellable to testify in civil or criminal proceedings involving an intrafamily offense
- Prevents persons convicted of an intrafamily offense from owning, keeping, or having a firearm in his or her possession or under his or her control
- Prevents persons subject to civil protection orders from owning, keeping, or having a firearm in his or her possession or under his or her control
- Repeals the Crime Bill Emergency Amendment Act of 2009

§ **14-306. Spouse or domestic partner.**

(b-1) Notwithstanding subsections (a) and (b) of this section, a spouse or domestic partner is both competent and compellable to testify against his or her spouse or domestic partner as to both confidential communications made by one to the other during the marriage or domestic partnership and any other matter in:

(1) A criminal or delinquency proceeding where one spouse or domestic partner is charged with committing:

(A) Intimate partner violence as defined in § 16-1001(7) if the spouse or domestic partner has previously refused to testify in a criminal or delinquency proceeding against the same spouse or domestic partner for an offense against him or her; or

(B) An offense against a child, minor, or vulnerable adult who is:

(i) In the custody of or resides temporarily or permanently in the household of one of the spouses or domestic partners; or

(ii) Related by blood, marriage, domestic partnership, or adoption to one of the spouses or domestic partners;

(2) A civil proceeding involving the abuse, neglect, abandonment, custody, or dependency of a child, minor, or vulnerable adult who is:

(A) In the custody of or resides temporarily or permanently in the household of one of the spouses or domestic partners; or

(B) Related by blood, marriage, domestic partnership, or adoption to one of the spouses or domestic partners; or

(3) A criminal or delinquency proceeding where one spouse or domestic partner is charged with committing a crime jointly with the other spouse or domestic partner.

(b-2) Notwithstanding subsections (a) and (b) of this section, when one spouse or domestic partner is charged with committing a crime that occurred prior to the marriage of the spouses or prior to the filing of

a domestic partnership agreement, the other spouse or domestic partner is both competent and compellable to testify against his or her spouse or domestic partner as to the crime, communications made by one to the other, and any other matter that occurred prior to the marriage of the spouses, or prior to the filing of the domestic partnership agreement.

(b-3) The burden is upon the person asserting a privilege under this section to establish that it exists.

(c)(3) “Refused to testify” means that the witness spouse or domestic partner has:

(A) Submitted an affidavit or other writing stating that she or he will not testify before a grand jury or in court;

(B) Taken the stand in the grand jury or in any court proceeding and asserted his or her privilege under this section not to testify; or

(C) Intentionally failed to appear in response to a subpoena.

§ 22-4502. Additional penalty for committing crime when armed.

(a) Any person who commits a crime of violence, or a dangerous crime in the District of Columbia when armed with or having readily available any pistol or other firearm (or imitation thereof) or other dangerous or deadly weapon (including a sawed-off shotgun, shotgun, machine gun, rifle, dirk, bowie knife, butcher knife, switchblade knife, razor, blackjack, billy, or metallic or other false knuckles):

(1) May, if such person is convicted for the first time of having so committed a crime Search Term End of violence, or a dangerous crime in the District of Columbia, be sentenced, in addition to the penalty provided for such crime, to a period of imprisonment which may be up to, and including, 30 years for all offenses except first degree murder while armed, second degree murder while armed, first degree sexual abuse while armed, and first degree child sexual abuse while armed, and shall, if convicted of such offenses while armed with any pistol or firearm, be imprisoned for a mandatory-minimum term of not less than 5 years; and

(2) Shall, if such person is convicted more than once of having so committed a crime of violence, or a dangerous crime in the District of Columbia, *or an offense in any jurisdiction that would constitute a crime of violence or dangerous crime if committed in the District of Columbia*, be sentenced, in addition to the penalty provided for such crime, to a period of imprisonment of not less than 5 years and, except for first degree murder while armed, second degree murder while armed, first degree sexual abuse while armed and first degree child sexual abuse while armed, not more than 30 years, and shall, if convicted of such second offense while armed with any pistol or firearm, be imprisoned for a mandatory-minimum term of not less than 10 years.

(3) Shall, if such person is convicted of first degree murder while armed, second degree murder while armed, first degree sexual abuse while armed, or first degree child sexual abuse while armed, be sentenced, in addition to the penalty provided for such crime, to a period of imprisonment of not less than the minimum and mandatory minimum sentences required by subsections (a)(l), (a)(2), (c) and (e) of this section and § 22-2104, and not more than life imprisonment or life imprisonment without possibility of

release as authorized by § 24-403.01(b-2); § 22-2104; § 22-2104.01; and §§ 22-3002, 22-3008, and 22-3020.

(4) For purposes of imprisonment following revocation of release authorized by § 24-403.01(b)(7), the offenses defined by this section are Class A felonies.

§ 22-4503. Unlawful possession of firearm.

(a) No person shall own or keep a firearm, or have a firearm in his or her possession or under his or her control, within the District of Columbia, if the person:

(1) Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

(2) Is not licensed under section 10 to sell weapons, and the person has been convicted of violating this act;

(3) Is a fugitive from justice;

(4) Is addicted to any controlled substance, as defined in section 102(4) of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-901.02(4));

(5) Is subject to a court order that:

(A)(i) Was issued after a hearing of which the person received actual notice, and at which the person had an opportunity to participate; or

(ii) Remained in effect after the person failed to appear for a hearing of which the person received actual notice;

(B) Restrains the person from assaulting, harassing, stalking, or threatening the petitioner or any other person named in the order; and

(C) Requires the person to relinquish possession of any firearms (as provided in D.C. Official Code § 16-1005(c)(10));

(6) Has been convicted of an intrafamily offense, as defined in D.C. Official Code § 16-1001, or a substantially similar offense in another jurisdiction;

(b)(1) A person who violates subsection (a)(1) of this section shall be sentenced to imprisonment for not more than 10 years and shall be sentenced to imprisonment for a mandatory-minimum term of 1 year, unless she or he has a prior conviction for a crime of violence other than conspiracy, in which case she or

he shall be sentenced to imprisonment for not more than 15 years and shall be sentenced to a mandatory-minimum term of 3 years.

(2) A person sentenced to a mandatory-minimum term of imprisonment under paragraph (1) of this subsection shall not be released from prison or granted probation or suspension of sentence prior to serving the mandatory-minimum sentence.

(c) A person who violates subsection (a)(2) through (a)(6) of this section shall be sentenced to not less than 2 years nor more than 10 years, fined not more than $15,000, or both.

(d) For the purposes of this section, the term:

(1) "Crime of violence" shall have the same meaning as provided in D.C. Official Code § 23-1331(4), or a crime under the laws of any other jurisdiction that involved conduct that would constitute a crime of violence if committed in the District of Columbia, or conduct that is substantially similar to that prosecuted as a crime of violence under the District of Columbia Official Code.

(2) "Fugitive from justice" means a person who has:

(A) Fled to avoid prosecution for a crime or to avoid giving testimony in a criminal proceeding; or

(B) Escaped from a federal, state, or local prison, jail, halfway house, or detention facility or from the custody of a law enforcement officer.".

Sec. 701.

The Crime Bill Emergency Amendment Act of 2009, effective June 29, 2009
(D.C. Act 18-129; 55 DCR ___), is repealed.

- Prevents persons convicted of an intrafamily offense from owning, keeping, or having a firearm in his or her possession or under his or her control
- Prevents persons subject to civil protection orders from owning, keeping, or having a firearm in his or her possession or under his or her control

§ 22-4501. Definitions

(2B) "Fugitive from justice" means a person who:

(A) Knows that there is a warrant outstanding for his or her arrest;

(B) Was served with notice to appear in court as a defendant or witness and willfully failed to appear as required; or

(C) Has escaped from a federal, state, or local prison, jail, halfway house, or detention facility or from the custody of a law enforcement officer.

§ 22-4502. Additional penalty for committing crime when armed.

(a) Any person who commits a crime of violence, or a dangerous crime in the District of Columbia when armed with or having readily available any pistol or other firearm (or imitation thereof) or other dangerous or deadly weapon (including a sawed-off shotgun, shotgun, machine gun, rifle, dirk, bowie knife, butcher knife, switchblade knife, razor, blackjack, billy, or metallic or other false knuckles):

(1) May, if such person is convicted for the first time of having so committed a crime Search Term End of violence, or a dangerous crime in the District of Columbia, be sentenced, in addition to the penalty provided for such crime, to a period of imprisonment which may be up to, and including, 30 years for all offenses except first degree murder while armed, second degree murder while armed, first degree sexual abuse while armed, and first degree child sexual abuse while armed, and shall, if convicted of such offenses while armed with any pistol or firearm, be imprisoned for a mandatory-minimum term of not less than 5 years; and

(2) Shall, if such person is convicted more than once of having so committed a crime of violence, or a dangerous crime in the District of Columbia, *or an offense in any jurisdiction that would constitute a crime of violence or dangerous crime if committed in the District of Columbia*, be sentenced, in addition to the penalty provided for such crime, to a period of imprisonment of not less than 5 years and, except for first degree murder while armed, second degree murder while armed, first degree sexual abuse while armed and first degree child sexual abuse while armed, not more than 30 years, and shall, if convicted of such second offense while armed with any pistol or firearm, be imprisoned for a mandatory-minimum term of not less than 10 years.

(3) Shall, if such person is convicted of first degree murder while armed, second degree murder while armed, first degree sexual abuse while armed, or first degree child sexual abuse while armed, be sentenced, in addition to the penalty provided for such crime, to a period of imprisonment of not less than the minimum and mandatory minimum sentences required by subsections (a)(l), (a)(2), (c) and (e) of this section and § 22-2104, and not more than life imprisonment or life imprisonment without possibility of release as authorized by § 24-403.01(b-2); § 22-2104; § 22-2104.01; and §§ 22-3002, 22-3008, and 22-3020.

(4) For purposes of imprisonment following revocation of release authorized by § 24-403.01(b)(7), the offenses defined by this section are Class A felonies.

§ 22-4503. Unlawful possession of firearm.

(a) No person shall own or keep a firearm, or have a firearm in his or her possession or under his or her control, within the District of Columbia, if such person:

(1) Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

(2) Is not licensed under section 10 to sell weapons, and such person has been convicted of violating this act;

(3) Is a fugitive from justice;

(4) Is an unlawful user of or addicted to any controlled substance (as defined in D.C. Official Code Title 48, Subchapter II);

(5) Has been adjudicated incompetent;

(6) Has been civilly committed after having been found likely to injure self or others if not immediately hospitalized or committed;

(7) Has been found or pled not guilty by reason of insanity to any offense;

(8) Has been committed to or placed with the Department of Mental Health, the Department on Disability Services, an equivalent public agency in another jurisdiction, or any private provider of services to persons with mental illness or developmental disabilities;

(9) Has been discharged from the Armed Forces under dishonorable conditions;

(10) Is subject to a court order that:

(A) (i) Was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate; or

(ii) Remained in effect after such person failed to appear for a hearing of which such person received actual notice; and

(B) Restrains such person from assaulting, harassing, stalking, or threatening the petitioner or any

other person named in the order; or

(C) Has been convicted of an intrafamily offense (as defined in D.C. Code § 16-1001) or a substantially similar offense in another jurisdiction.

(b)(1) A person who violates subsection (a)(1) of this section shall be sentenced to imprisonment for not more than 10 years and shall be sentenced to imprisonment for a mandatory-minimum term of 1 year, unless she or he has a prior conviction for a crime of violence other than conspiracy, in which case she or he shall be sentenced to imprisonment for not more than 15 years and shall be sentenced to a mandatory-minimum term of 3 years.

(2) A person sentenced to a mandatory-minimum term of imprisonment under paragraph (1) of this subsection shall not be released from prison or granted probation or suspension of sentence prior to serving the mandatory-minimum sentence.

(c) A person who violates subsection (a)(2) through (a)(10) of this section shall be sentenced to not less than 2 years nor more than 10 years, fined not more than $15,000, or both.

(d) For the purposes of this section, the term “crime of violence” shall have the same meaning as provided in D.C. Official Code § 23-1331(4), or a crime under the laws of any other jurisdiction that is defined as a crime of violence in that jurisdiction, or that involved conduct that would constitute a crime of violence if committed in the District of Columbia , or conduct that is substantially similar to that prosecuted as a crime of violence under the District of Columbia Official Code.

- Establishes that an individual with a certain criminal conviction, or who live with other adults with certain criminal convictions, shall be disqualified from receiving a license, approval or permission to adopt or foster a child or to otherwise have custody of a child as legal guardian, kinship caregiver or custodian
- Excludes certain criminal convictions from those that would disqualify an individual from receiving a license, approval or permission to adopt and/or foster a child or to otherwise have custody of a child as a legal guardian, kinship caregiver or custodian

§ 4-1305.06. Results of the criminal records check.

(b) Except as provided in subsection (d) of this section, an individual shall not be approved, licensed, or permitted as set forth in subsection (a) of this section if it is determined from the criminal records check that the individual, or an adult residing in the home of the individual, has a felony conviction for any of the following offenses or their equivalents:

(1) Child abuse;

(2) Child neglect;

(3) Intrafamily offense, as defined in § 16-1001(8);

(4) A crime against children, including child pornography; or

(5) A crime involving violence, including rape, sexual assault, ~~homicide, assault or battery~~ *or homicide, but not including other physical assault or battery*.

(c) Except as provided by subsection (d) of this section, an individual~~, or an adult residing in the home of the individual,~~ shall not be approved, licensed, or permitted as set forth in subsection (a) of this section if it is determined from the criminal records check that the individual*, or an adult residing in the home of the individual,* has a felony conviction for any of the following offenses or their equivalents committed within the past 5 years:

(1) ~~Fraud;~~

(2) Physical assault;

(3) Battery; or

(4) A drug-related offense.

(d) Notwithstanding the requirements of subsections *(b) and* (c) of this section, an individual may be approved, licensed, or permitted as set forth in subsection (a) of this section if:

(1) The individual has a felony conviction for any of the offenses listed in subsections *(b) and* (c) of this section and, after a discretionary agency review of the conviction and current circumstances, it is

determined that an approval, licensure, or permission would be consistent with the health, safety, and welfare of children; provided, that any adoption-assistance payments or foster-care-maintenance payments made on behalf of a child to an individual pursuant to this paragraph shall not be made with federal funds provided through Title IV-E of the Social Security Act, approved June 17, 1980 (94 Stat. 500; 42 U.S.C. § 670 *et seq.*); or

(2) An adult residing in the home of the individual, but not the individual who seeks to be approved, licensed, or permitted as set forth in subsection (a) of this section, has a felony conviction for any of the offenses listed in subsections *(b) and* (c) of this section and, after a discretionary agency review of the conviction and current circumstances, it is determined that an approval, licensure, or permission would be consistent with the health, safety, and welfare of children.

Newborn Safe Haven Temporary Act of 2009 **DC LEGIS 18-0029**

Summary

Voting Record

Approved: May 20, 2009
Effective: July 18, 2009
Expired: February 28, 2010

- Provides, on a temporary basis, that a parent may surrender a newborn infant, where there is no actual or suspected abuse or neglect, to an authorized receiving facility without being charged with abuse, neglect, or abandonment of the newborn infant, to require hospitals to accept a surrendered newborn infant
- Provides for further placement with Child and Family Services Agency, to provide for the relinquishment and restoration of parental rights
- Provides immunity to a facility and personnel receiving a surrendered newborn infant
- Requires the Mayor to promulgate rules to implement this act and to submit the proposed rules to the Council for approval

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) “Authorized Receiving Facility” means a hospital, or other place authorized by the Mayor, by rule, to accept a newborn for surrender pursuant to this act.

(2) “CFSA” means the Child and Family Services Agency.

(3) “Newborn” means an infant that a licensed physician or other person authorized to accept the surrender reasonably believes is 7 days old or less.

(4) "Surrender " means to bring a newborn to an Authorized Receiving Facility during its hours of operation, and to leave the newborn with personnel of the Authorized Receiving Facility.

Sec. 3. Surrendering.

(a) Except when there is actual or suspected child abuse or neglect, a parent who surrenders a newborn shall have the right to remain anonymous and to leave the place of surrendering at any time and shall not be pursued by any person at the time of surrender or prosecuted for surrendering the newborn.

(b) Surrendering a newborn in accordance with this act, and rules promulgated pursuant to this act, shall not, by itself, constitute a basis for a finding of abuse, neglect, or abandonment of a newborn.

(c) The Authorized Receiving Facility personnel receiving the surrendered newborn shall make a reasonable effort to obtain family and medical history from the surrendering parent, on an anonymous basis, without seeking personal information, such as the identity or address, and to provide to the surrendering parent information on adoption and counseling services.

(d) The Authorized Receiving Facility personnel receiving the surrendered newborn shall file a written statement with the CFSA, on or before the time CFSA assumes physical custody of the newborn, that includes the date, time, and circumstances of the surrender.

Sec. 4. Signage.

An Authorized Receiving Facility shall post a sign in a conspicuous place on the exterior of the facility that states in plain terms that a newborn may be surrendered at the facility in accordance with this act.

Sec. 5. Placement.

(a) After the surrendering of a newborn, an Authorized Receiving Facility that is not a hospital shall transport the newborn to the nearest hospital as soon as transportation can be arranged.

(b)(1) The act of surrendering shall constitute implied consent for the hospital to which the newborn is surrendered, or to which the newborn is transported, and the hospital's medical personnel and physicians, to treat and provide care for the newborn and arrange for further placement with CFSA.

(2) Hospital personnel shall immediately contact CFSA to report the surrender of the newborn and arrange for transport of the newborn to CFSA, which shall take place within 23 hours.

Sec. 6. Parental rights.

(a) Notwithstanding section 6(b) of An Act To regulate the placing of children in family homes, and for other purposes, approved April 22, 1944 (58 Stat. 193; D.C. Official Code § 4- 1406(b)) ("placement act"), there shall be no 72-hour period prior to relinquishment under this act. A relinquishment of parental rights shall take place upon surrender. Upon CFSA's receipt of the statement required by section 3(d), CFSA shall take immediate care, custody, and control of the surrendered newborn.

(b) A relinquishment of parental rights under this act may be revoked and parental rights restored in accordance with section 6(c) and (d) of the placement act.

(c) Within 20 days after the expiration of the 10-day revocation period provided for in section 6(c) of the placement act, CFSA shall file a form acknowledging the surrender, along with a copy of the statement required by section 3(d), with the Family Court of the Superior Court of the District of Columbia.

Sec. 7. Immunity from liability.

(a) An Authorized Receiving Facility and the personnel of an Authorized Receiving Facility shall be immune from civil or criminal liability for the good faith performance of responsibilities under this act, including liability for the failure to file a report that might otherwise be incurred or imposed on a person required to report suspected incidents of child abuse or neglect under section 2 of An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children, approved November 5, 1966 (80 Stat. 1354; D.C. Official Code § 4-1321.02).

(b) In any civil or criminal proceeding brought under this act concerning a surrendered newborn, good faith shall be presumed unless rebutted.

Sec. 8. Rules.

The Mayor shall issue rules to implement the provisions of this act. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding days of Council recess. If the Council does not approve or disapprove the proposed rules, by resolution, within the 45-day review period, the proposed rules shall be deemed approved.

Newborn Safe Haven Emergency Act of 2009 **DC LEGIS ACT 18-0049**

Summary Approved: April 29, 2009

Voting Record Expired: July 26, 2009

- Provides, on an emergency basis, that a parent may surrender a newborn infant, where there is no actual or suspected abuse or neglect, to an authorized receiving facility without being charged with abuse, neglect, or abandonment of the newborn infant
- Requires hospitals to accept a surrendered newborn infant, to provide for further placement with Child and Family Services Agency
- Provide for the relinquishment and restoration of parental rights, to provide immunity to a facility and personnel receiving a surrendered newborn infant
- Requires the Mayor to promulgate rules to implement this act and to submit the proposed rules to the Council for approval

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Authorized Receiving Facility" means a hospital, or other place authorized by the Mayor, by rule, to accept a newborn for surrender pursuant to this act.

(2) "CFSA" means the Child and Family Services Agency.

(3) "Newborn" means an infant that a licensed physician or other person authorized to accept the surrender reasonably believes is 7 days old or less.

(4) "Surrender " means to bring a newborn to an Authorized Receiving Facility during its hours of operation, and to leave the newborn with personnel of the Authorized Receiving Facility.

Sec. 3. Surrendering.

(a) Except when there is actual or suspected child abuse or neglect, a parent who surrenders a newborn shall have the right to remain anonymous and to leave the place of surrendering at any time and shall not be pursued by any person at the time of surrender or prosecuted for surrendering the newborn.

(b) Surrendering a newborn in accordance with this act, and rules promulgated pursuant to this act, shall not, by itself, constitute a basis for a finding of abuse, neglect, or abandonment of a newborn.

(c) The Authorized Receiving Facility personnel receiving the surrendered newborn shall make a reasonable effort to obtain family and medical history from the surrendering parent, on an anonymous basis, without seeking personal information, such as the identity or address, and to provide to the surrendering parent information on adoption and counseling services.

(d) The Authorized Receiving Facility personnel receiving the surrendered newborn shall file a written statement with Child and Family Services Agency, on or before the time CFSA assumes physical custody of the newborn, that includes the date, time, and circumstances of the surrender.

Sec. 4. Signage.

An Authorized Receiving Facility shall post a sign in a conspicuous place on the exterior of the facility that states in plain terms that a newborn may be surrendered at the facility in accordance with this act.

Sec. 5. Placement.

(a) After the surrendering of a newborn, an Authorized Receiving Facility that is not a hospital shall transport the newborn to the nearest hospital as soon as transportation can be arranged.

(b)(1) The act of surrendering shall constitute implied consent for the hospital to which the newborn is surrendered, or to which the newborn is transported, and the hospital's medical personnel and physicians, to treat and provide care for the newborn and arrange for further placement with CFSA.

(2) Hospital personnel shall immediately contact CFSA to report the surrender of the newborn and arrange for transport of the newborn to CFSA, which shall take place within 23 hours.

Sec. 6. Parental rights.

(a) Notwithstanding section 6(b) of An Act To regulate the placing of children in family homes, and for other purposes, approved April 22, 1944 (58 Stat. 193; D.C. Official Code § 4-1406(b)) ("placement act"), there shall be no 72-hour period prior to relinquishment under this act. A relinquishment of parental rights shall take place upon surrender. Upon CFSA's receipt of the statement required by section 3(d), CFSA shall take immediate care, custody, and control of the surrendered newborn.

(b) A relinquishment of parental rights under this act may be revoked and parental rights restored in accordance with section 6(c) and (d) of the placement act.

(c) Within 20 days after the expiration of the 10-day revocation period provided for in section 6(c) of the placement act, CFSA shall file a form acknowledging the surrender, along with a copy of the statement required by section 3(d), with the Family Court of the Superior Court of the District of Columbia.

Sec. 7. Immunity from liability.

(a) An Authorized Receiving Facility and the personnel of an Authorized Receiving Facility shall be immune from civil or criminal liability for the good faith performance of responsibilities under this act, including liability for the failure to file a report that might otherwise be incurred or imposed on a person required to report suspected incidents of child abuse or neglect under section 2 of An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children, approved November 5, 1966 (80 Stat. 1354; D.C. Official Code § 4-1321.02).

(b) In any civil or criminal proceeding brought under this act concerning a surrendered newborn, good faith shall be presumed unless rebutted.

Sec. 8. Rules.

The Mayor shall issue rules to implement the provisions of this act. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding days of Council recess. If the Council does not approve or disapprove the proposed rules, by resolution, within the 45-day review period, the proposed rules shall be deemed approved.

Firearms Control Amendment Act of 2008 | **DC LEGIS 17-0372**

Summary | Approved: January 28, 2009

Voting Record | Effective: March 31, 2009

- Amends the Firearms Control Regulations Act of 1975 to provide that:
- A person who has been convicted of an intrafamily offense within 5 years of application shall be ineligible to register a firearm
- A person who within five years of application has had a history of violence shall be ineligible to register a firearm
- Applicants who have had civil protection or foreign protection orders entered against them shall be ineligible to register a firearm while the order is still in effect

§ **7-2501.01**. **Definitions**

As used in this unit the term:

(9A) "Intrafamily offense" shall have the same meaning as provided in § 16-1001(8).

§ **7-2502.03. Qualifications for registration; information required for registration**

(a) No registration certificate shall be issued to any person (and in the case of a person between the ages of 18 and 21, to the person and his signatory parent or guardian) or organization unless the Chief determines that such person (or the president or chief executive in the case of an organization):

(4) Has not been convicted within 5 years prior to the application of any:

(D) Intrafamily offense;

(6A) Within the 5 years immediately preceding the application, has not had a history of violent behavior.

(12) (A) Has not been the respondent in an intrafamily proceeding in which a civil protection order was issued against the applicant pursuant to § 16-1005; provided, that an applicant who has been the subject of such an order shall be eligible for registration if the applicant has submitted to the Chief a certified court record establishing that the order has expired or has been rescinded for a period of 5 years or more; or

(B) Has not been the respondent in a proceeding in which a foreign protection order, as that term is defined in § 16-1041, was issued against the applicant; provided, that an applicant who has been the subject of such an order shall be eligible for registration if the applicant has submitted to the Chief a certified court record establishing that the order has expired or has been rescinded for a period of 5 years;

Child Abuse and Neglect Investigation Record Access Amendment Act of 2008 | **DC LEGIS 17-0198**

Summary

Voting Record

Approved: May 23, 2008
Effective: July 18, 2008

- Amends the Prevention of Child Abuse and Neglect Act of 1977 to require certain records to be made available to the Child and Family Services Agency as part of an investigation of suspected child abuse or neglect
- Provides that mandatory reporters of abuse and neglect are not required to report when employed by a lawyer who is providing representation in a criminal, civil, or delinquency matter and the basis for suspicion arises solely in the course of the representation

§ 4-1301.06b. Obtaining records

(a) Notwithstanding any other provision of law, upon the Agency's request, a person who is required to report suspected incidents of child abuse or neglect under § 4-1321.02 shall immediately provide the Agency copies of all records in the possession of the person or the person's employees of:

(1) A child who is the subject of an investigation of child abuse or neglect; provided, that the records bear directly on the allegations of abuse or neglect being investigated; and

(2) Any other child residing in the household where the abuse or neglect is alleged to have occurred when the Agency has a reasonable suspicion that the child's health, safety, or welfare is at risk; provided, that the records bear directly on the basis of the Agency's suspicion.

(b) The Agency shall request the records as needed for its investigation under this part.

(c) The Agency shall not be charged a fee for the records.

(d) If the Agency determines that the report of abuse or neglect is an unfounded report or an inconclusive report, as defined in § 4-1301.02, the Agency shall immediately destroy all copies of any records it has received under this section.

§ 4-1321.02. Persons required to make reports; procedure

(b) Persons required to report such abuse or neglect shall include Child and Family Services Agency employees, agents, and contractors, and every physician, psychologist, medical examiner, dentist, chiropractor, registered nurse, licensed practical nurse, person involved in the care and treatment of patients, law-enforcement officer, humane officer of any agency charged with the enforcement of animal cruelty laws, school official, teacher, athletic coach, Department of Parks and Recreation employee, public housing resident manager, social service worker, day care worker, and domestic violence counselor as defined in § 14-310(a)(2), and mental health professional as defined in § 7-1201.01(11). *Such persons*

are not required to report when employed by a lawyer who is providing representation in a criminal, civil, including family law, or delinquency matter and the basis for the suspicion arises solely in the course of that representation. 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 and Family Services Agency.

- Increases the statute of limitations for civil actions arising out of allegations of incidents of sexual abuse
- Grants minor parents the right to file for custody of their children
- Increases the legal protections available to minor victims of dating and domestic violence
- Holds minor perpetrators accountable and provide them with appropriate interventions
- Compensates minor victims of dating and domestic violence for expenses relating to their abuse; grants minor parents the right to file for custody of their children
- Revises the definitions applicable to intrafamily offenses
- Updates the procedures used in intrafamily proceedings
- Clarifies the roles of various government agencies referenced in these proceedings
- Clarifies the continuing effectiveness of a temporary protection order when a default civil protection order is issued

§ 12-301. Limitation of time for bringing actions

Except as otherwise specifically provided by law, actions for the following purposes may not be brought after the expiration of the period specified below from the time the right to maintain the action accrues:

(11) for the recovery of damages arising out of sexual abuse that occurred while the victim was a minor -- 7 years from the date that the victim attains the age of 18, or 3 years from when the victim knew, or reasonably should have known, of any act constituting abuse, whichever is later.

§ 16-914. Custody of children

(a-3) (1) A minor parent, or the parent, guardian, or other legal representative of a minor parent on the minor parent's behalf, may initiate a custody proceeding under this chapter.

(2) For the purposes of this subsection, the term "minor" means a person under 18 years of age.

§ 16-1001. Definitions

For the purposes of this subchapter, the term:

(1) "Attorney General" means the Attorney General for the District of Columbia.

(2) "Court" means the Superior Court of the District of Columbia.

(3) "Custodian" shall have the meaning as provided in § 16-2301(12).

(4) "Domestic partnership" shall have the same meaning as provided in § 32-701(4).

(5) "Domestic Violence Unit" means any subdivision of the court designated by court rule, or by order of the Chief Judge of the court, to hear proceedings under this subchapter.

(6) "Interpersonal violence" means an act punishable as a criminal offense that is committed or threatened to be committed by an offender upon a person:

(A) With whom the offender shares or has shared a mutual residence; or

(B) Who is or was married to, in a domestic partnership with, divorced or separated from, or in a romantic, dating, or sexual relationship with another person who is or was married to, in a domestic partnership with, divorced or separated from, or in a romantic, dating, or sexual relationship with the offender.

(7) "Intimate partner violence" means an act punishable as a criminal offense that is committed or threatened to be committed by an offender upon a person:

(A) To whom the offender is or was married;

(B) With whom the offender is or was in a domestic partnership; or

(C) With whom the offender is or was in a romantic, dating, or sexual relationship.

(8) "Intrafamily offense" means interpersonal, intimate partner, or intrafamily violence.

(9) "Intrafamily violence" means an act punishable as a criminal offense that is committed or threatened to be committed by an offender upon a person to whom the offender is related by blood, adoption, legal custody, marriage, or domestic partnership, or with whom the offender has a child in common.

(10) "Judicial officer" means the Chief Judge, an Associate Judge, or a Magistrate Judge of the court.

(11) "Minor" means a person under 18 years of age.

(12) "Petitioner" means any person who alleges, or for whom is alleged, that he or she is the victim of interpersonal, intimate partner, or intrafamily violence, stalking, sexual assault, or sexual abuse.

(13) "Respondent" means any person 12 years of age or older against whom a petition for civil protection is filed under this subchapter.

§ 16-1002. Complaint of criminal conduct

A petitioner has a right to seek relief under this subchapter. This right does not depend on the decision

of the Attorney General, the United States Attorney for the District of Columbia, or a prosecuting attorney in any jurisdiction to initiate or not to initiate a criminal or delinquency case or on the pendency or termination of a criminal or delinquency case involving the same parties or issues. Testimony of the respondent in any civil proceedings under this subchapter shall be inadmissible as evidence in a criminal trial or delinquency proceeding except in a prosecution for perjury or false statement.

§ 16-1003. Petition for civil protection

(a) A petitioner, or a person authorized by this section to act on petitioner's behalf, may file a petition for civil protection in the Domestic Violence Unit against a respondent who has allegedly committed or threatened to commit one or more criminal offenses against the petitioner; provided, that:

(1) If the petitioner is a minor, the petitioner's parent, guardian, custodian, or other appropriate adult may file a petition for civil protection on the petitioner's behalf;

(2) A minor who is 16 years of age or older may file a petition for civil protection on his or her own behalf;

(3) A minor who is at least 12 but less than 16 years of age and a victim of intimate partner violence may file a petition for civil protection and participate in a hearing to seek a temporary protection order without a parent, guardian, custodian, or other appropriate adult acting on his or her behalf, but, under these circumstances, the court may appoint an attorney for the minor in accordance with section 16-1005(a-1)(3), if necessary, and if doing so will not unduly delay the issuance or denial of a temporary protection order;

(4) A minor who is at least 12 but less than 16 years of age and a victim of interpersonal or intrafamily violence may petition for civil protection only if his or her parent, guardian, or custodian files the petition on his or her behalf;

(5) A minor who is less than 12 years of age may petition for civil protection only if his or her parent, guardian, or custodian files the petition on his or her behalf; and

(6) A custodial parent, guardian, or custodian of a minor may not file a petition for civil protection against the minor.

(b) The Attorney General may provide individual legal representation to a petitioner, or person authorized by this section to act on petitioner's behalf, who files a petition in accordance with subsection (a) of this section. Whenever the Attorney General represents a petitioner under subsection (a) of this section, the representation shall continue until the civil protection order terminates or the Attorney General withdraws his or her appearance, whichever is earlier.

(c) If a petitioner is unable to file a petition on his or her own behalf or with the assistance of a parent, guardian, custodian, or other appropriate adult in accordance with subsection (a) of this section, the Attorney General may file a petition for civil protection on the petitioner's behalf at the request of the

petitioner, the petitioner's representative, or a government agency. When proceeding on a petition filed under this subsection, the Attorney General represents the interests of the District of Columbia.

§ 16-1004. Petition; notice; temporary order

(a) Upon a filing of a petition for civil protection, the Domestic Violence Unit shall set the matter for hearing, consolidating it, where appropriate, with other matters before the court involving members of the same family.

(b) (1) If, upon the filing of a petition under oath, a judicial officer finds that the safety or welfare of the petitioner or a household member is immediately endangered by the respondent, the judicial officer may issue, ex parte, a temporary protection order.

(2) An initial temporary protection order shall not exceed 14 days except, if the last day falls on a Saturday, Sunday, a day observed as a holiday by the court, or a day on which weather or other conditions cause the court to be closed, the temporary protection order shall extend until the end of the next day on which the court is open. The court may extend a temporary protection order in additional 14 day increments, or longer increments with the consent of the parties, as necessary until a hearing on the petition is completed.

(3) If a respondent fails to appear for a hearing on a petition for civil protection after having been served in accordance with the Rules of the Superior Court of the District of Columbia, and a civil protection order is entered in accordance with § 16-1005, the temporary protection order shall remain in effect until the respondent is served with the civil protection order or the civil protection order expires, whichever occurs first.

(c) A temporary protection order issued pursuant to this section shall include a notice explaining that:

(1) If the day on which the temporary protection order is set to expire is a Saturday, Sunday, a day observed as a holiday by the court, or a day on which the weather or other conditions cause the court to be closed, the temporary protection order shall remain in effect until the end of the next day on which the court is open; and

(2) If the respondent fails to appear for a hearing on a petition for civil protection after having been served, and a civil protection order is entered, the temporary protection order will remain in effect until the respondent is served with the civil protection order or the civil protection order expires, whichever occurs first.

(d) Pursuant to the Rules of the Superior Court of the District of Columbia, the respondent, and in cases where the respondent is a minor, the respondent's custodial parent, guardian, or custodian, shall be served with notice of the hearing and an order to appear, a copy of the petition, and a temporary protection order, if entered. The court may also cause notice to be served on others whose presence at the hearing is necessary to the proper disposition of the matter.

(e) If a minor has filed a petition for civil protection without a parent, guardian, or custodian, and if the minor is residing with a parent, guardian, or custodian, the court shall send a copy of any order issued pursuant to subsection (b)(1) of this section and notice of the hearing to that parent, guardian, or custodian, unless, in the discretion of the court, notification of that parent, guardian, or custodian would be contrary to the best interests of the minor. If the court does not send notice to the parent, guardian, or custodian with whom the minor resides, the court may, in its discretion, send notice to any other parent, guardian, custodian, or other appropriate adult.

§ 16-1005. Hearing; evidence; protection order

(a) Individuals served with notice in accordance with § 16-1004 shall appear at the hearing.

(a-1) (1) In a case where the Attorney General files the petition on behalf of a petitioner pursuant to § 16-1003(c), the petitioner is not a required party.

(c) If, after hearing, the judicial officer finds that there is good cause to believe the respondent has committed or threatened to commit a criminal offense against the petitioner, the judicial officer may issue a protection order that:

(1) Directs the respondent to refrain from committing or threatening to commit criminal offenses against the petitioner and other protected persons;

(2) Requires the respondent to stay away from or have no contact with the petitioner and any other protected persons or locations;

(3) Requires the respondent to participate in psychiatric or medical treatment or appropriate counseling programs;

(4) Directs the respondent to refrain from entering, or to vacate, the dwelling unit of the petitioner when the dwelling is:

(A) Marital property of the parties;

(B) Jointly owned, leased, or rented and occupied by both parties; provided, that joint occupancy shall not be required if the respondent's actions caused the petitioner to relinquish occupancy;

(C) Owned, leased, or rented by the petitioner individually; or

(D) Jointly owned, leased, or rented by the petitioner and a person other than the respondent;

(5) Directs the respondent to relinquish possession or use of certain personal property owned jointly by the parties or by the petitioner individually;

(6) Awards temporary custody of a minor child or children of the parties;

(7) Provides for visitation rights with appropriate restrictions to protect the safety of the petitioner;

(8) Awards costs and attorney fees;

(9) Orders the Metropolitan Police Department to take such action as the judicial officer deems necessary to enforce its orders;

(10) Directs the respondent to relinquish possession of any firearms;

(11) Directs the respondent to perform or refrain from other actions as may be appropriate to the effective resolution of the matter; or

(12) Combines 2 or more of the preceding provisions.

(d) A protection order issued pursuant to this section shall be effective for such period up to one year as the judicial officer may specify, but the *judicial officer* may, upon motion of any party to the original proceeding, extend, rescind, or modify the order for good cause shown.

(f) Violation of any temporary or final order issued under this subchapter, or violation in the District of Columbia of any valid foreign protection order, as that term is defined in subchapter IV of this chapter, *or* respondent's failure to appear as required by *subsection (a) of this section*, shall be punishable as contempt. Upon conviction, criminal contempt shall be punished by a fine not exceeding $ 1,000 or imprisonment for not more than 180 days, or both.

(g-1) Enforcement proceedings under subsections (f) and (g) of this section in which the respondent is a child as defined by § 16-2301(3) shall be governed by subchapter I of Chapter 23 of this title.

(i) Orders entered with the consent of the respondent but without an admission that the conduct occurred shall be punishable under subsection (f), (g), *or (g-1)* of this section.

§ 16-1006. Jurisdiction

A petitioner may file a petition for protection under this subchapter if:

(1) The petitioner resides, lives, works, or attends school in the District of Columbia:

(2) The petitioner is under the legal custody of a District government agency; or

(3) The underlying offense occurred in the District of Columbia.

Emergency Care for Sexual Assault Victims Act of 2008 **DC LEGIS 17-0346**

Summary — Approved: January 12, 2008

Voting Record — Effective: March 25, 2008

- Requires Department of Heath, in collaboration with the Board of Medicine and Board of Pharmacy, to develop medically and factually accurate written information regarding prophylactic antibiotics for the treatment of sexually transmitted diseases and emergency contraception for the prevention of pregnancy due to sexual assault
- Requires the Department of Health to disseminate the information to all hospitals
- Requires that hospitals provide victims of sexual assault with medically and factually accurate information regarding treatment and provide prophylactic antibiotics and emergency contraception upon request
- Requires that hospitals have written policies regarding the delivery of care to victims of sexual assault
- Requires the Department of Health to determine compliance with this Act

§ 7-2121. Definitions

For the purposes of this chapter, the term:

(1) "Emergency contraception" means a drug or drug regimen approved by the U.S. Food and Drug Administration to prevent pregnancy when administered after sexual contact, including oral contraceptive pills.

(2) "Hospital" means a facility that provides 24-hour inpatient care, including diagnostic, therapeutic, and other health-related services, for a variety of physical or mental conditions, and may, in addition, provide outpatient services, particularly emergency care.

§ 7-2122. Information about emergency care

(a) The Department of Health, in collaboration with the Board of Medicine and the Board of Pharmacy, shall develop medically and factually accurate written information regarding prophylactic antibiotics for the treatment of sexually transmitted diseases and emergency contraception for the prevention of pregnancy due to sexual assault.

(b) The Department of Health shall disseminate the written information produced pursuant to subsection (a) of this section to all hospitals in the District.

§ 7-2123. Access to emergency care for victims of sexual assault

All hospitals that provide emergency care to victims of sexual assault shall:

(1) Provide each victim of sexual assault written information developed pursuant to § 7-2122;

(2) Provide each victim of sexual assault an oral explanation of the written information distributed

pursuant to paragraph (1) of this section;

(3) Orally inform each victim of sexual assault in a language he or she understands of the option to be provided by the hospital prophylactic antibiotics for the treatment of sexually transmitted diseases and emergency contraception for the prevention of pregnancy; and

(4) Consistent with accepted medical practice and protocols, immediately provide prophylactic antibiotics for the treatment of sexually transmitted diseases and emergency contraception for the prevention of pregnancy to each victim of sexual assault, if the victim requests it and if the requested treatment is not medically contraindicated.

§ 7-2124. Personnel training

Hospitals shall have written policies and procedures to ensure that all personnel who provide care or information to a victim of sexual assault:

(1) Are trained to provide medically and factually accurate and objective information about prophylactic antibiotics for the treatment of sexually transmitted diseases and emergency contraception for the prevention of pregnancy to a victim of sexual assault;

(2) Actually provide that information to a victim of sexual assault; and

(3) Ensure immediate access to prophylactic antibiotics for the treatment of sexually transmitted diseases and emergency contraception for the prevention of pregnancy to each victim of sexual assault, if requested and such treatment is not medically contraindicated.

§ 7-2125. Compliance

The Department of Health shall determine compliance with the requirements of this chapter. The failure to comply with the requirements of this chapter may result in a civil fine to be determined by the Mayor.

Accrued Sick and Safe Leave Act of 2008 | **DC LEGIS 17-0152**

Summary | Approved: March 19, 2008

Voting Record | Effective: May 13, 2008

- Requires employers in the District to provide paid leave to employees for illness and for absences associated with domestic violence or sexual abuse

§ 32-131.01. Definitions

For the purposes of this chapter, the term:

(1) "Domestic violence" means an intrafamily offense as defined in § 16-1001(5) [now (8)].

(2) (A) "Employee" shall have the same meaning as provided in § 32-501(1).

(B) The term "employee" shall not include:

(i) An independent contractor;

(ii) A student;

(iii) Health care workers who choose to participate in a premium pay program; or

(iv) Restaurant wait staff and bartenders who work for a combination of wages and tips.

(3) (A) "Employer" means a legal entity (including a for-profit or nonprofit firm, partnership, proprietorship, sole proprietorship, limited liability company, association, or corporation), or any receiver or trustee of an entity (including the legal representative of a deceased individual or receiver or trustee of an individual), who employs an employee.

(B) The term "employer" shall include the District government.

(4) "Family member" means:

(A) (i) A spouse, including the person identified by an employee as his or her domestic partner, as defined in § 32-701(3);

(ii) The parents of a spouse;

(iii) Children (including foster children and grandchildren);

(iv) The spouses of children;

(v) Parents;

(vi) Brothers and sisters; and

(vii) The spouses of brothers and sisters.

(B) A child who lives with an employee and for whom the employee permanently assumes and discharges parental responsibility; or

(C) A person with whom the employee shares or has shared, for not less than the preceding 12 months, a mutual residence and with whom the employee maintains a committed relationship, as defined in § 32-701(1).

(5) "Paid leave" means accrued increments of compensated leave provided by an employer for use by an employee during an absence from employment for any of the reasons specified in § 32-131.02(b).

(6) "Premium pay program" means a plan offered by an employer pursuant to which an employee may elect to receive extra pay in lieu of benefits.

(7) "Sexual abuse" means any offense described in § 22-3001 et seq.

(8) "Student" means an employee who:

(A) (i) Is a full-time student, as defined by an accredited institution of higher education;

(ii) Is employed by the institution at which the student is enrolled;

(iii) Is employed for less than 25 hours per week; and

(iv) Does not replace an employee subject to this chapter; or

(B) Is employed as part of the Year Round Program for Youth, as established by the Department of Employment Services.

§ 32-131.02. Provision of paid leave

(a) (1) An employer with 100 or more employees shall provide for each employee not less than one hour of paid leave for every 37 hours worked, not to exceed 7 days per calendar year.

(2) An employer with at least 25, but not more than 99, employees shall provide for each employee not less than one hour of paid leave for every 43 hours worked, not to exceed 5 days per calendar year.

(3) An employer with 24 or fewer employees shall provide not less than one hour of paid leave for every 87 hours worked, not to exceed 3 days per calendar year.

(4) For the purposes of paragraphs (1) through (3) of this subsection, the number of employees of an employer shall be determined by the average monthly number of full-time equivalent employees for the prior calendar year. The average monthly number shall be calculated by adding the total monthly full-time equivalent employees for each month and dividing by 12.

(5) In the case of employees who are exempt from overtime payment under 29 U.S.C.S. § 201 et seq., employees shall not accrue leave for hours worked beyond a 40-hour work week.

(b) Paid leave accrued under this section may be used by an employee for any of the following:

(1) An absence resulting from a physical or mental illness, injury, or medical condition of the employee;

(2) An absence resulting from obtaining professional medical diagnosis or care, or preventive medical care, for the employee, subject to the requirement of subsection (d) of this section;

(3) An absence for the purpose of caring for a child, a parent, a spouse, domestic partner, or any other family member who has any of the conditions or needs for diagnosis or care described in paragraph (1) or (2) of this subsection; or

(4) An absence if the employee or the employee's family member is a victim of stalking, domestic violence, or sexual abuse; provided, that the absence is directly related to social or legal services pertaining to the stalking, domestic violence, or sexual abuse, to:

(A) Seek medical attention for the employee or the employee's family member to recover from physical or psychological injury or disability caused by domestic violence or sexual abuse;

(B) Obtain services from a victim services organization;

(C) Obtain psychological or other counseling;

(D) Temporarily or permanently relocate;

(E) Take legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from the domestic violence or sexual abuse; or

(F) Take other actions to enhance the physical, psychological, or economic health or safety of the employee or the employee's family member or to enhance the safety of those who associate or work with the employee.

(c) (1) Paid leave under this section shall accrue in accordance with the employer's established pay period. An individual shall accrue paid leave when he or she qualifies as an employee.

(2) An employee's unused paid leave accrued during a 12-month period shall carry over annually. An employee shall not use in one year more than the maximum hours as allowed in subsection (a)(1), (2), and

(3) of this section, unless the employer chooses otherwise. Unused paid leave accrued under this chapter shall not be reimbursed upon the termination or resignation of any employee.

(3) Repealed.

(4) Upon mutual consent by the employee and the employer, an employee who chooses to work additional hours or shifts during the same or next pay period in lieu of hours or shifts missed, shall not use paid leave; provided, that the employer does not require the employee to work such additional hours or shifts.

(d) An employee shall make a reasonable effort to schedule paid leave under subsection (b) of this section in a manner that does not unduly disrupt the operations of the employer.

(e) If an employee does not suffer a loss of income when absent from work, for the number of days up to the days of paid leave provided for in subsection (a)(1), (2), and (3) of this section, an employer shall not be required to provide paid leave for such employee in accordance with this chapter. Notwithstanding the foregoing sentence, the provisions of § 32-131.08 shall apply to employees who do not suffer a loss of income when absent from work.

(f) If employees of beauty, hair, and nail salons are paid by commission (whether commission only or base wage plus commission), the sick leave rate of pay shall be calculated as follows: divide the employee's total earnings in base wages and commissions for the prior calendar year by the total hours worked as a commissioned employee during the prior calendar year. If employees do not have a prior calendar year's work history, divide the employee's total earnings in base wages and commissions since the employee's date of hire by the total hours worked as a commissioned employee since that date.

§ 32-131.03. Notification

Paid leave shall be provided upon the written request of an employee upon notice as provided in this section. The request shall include a reason for the absence involved and the expected duration of the paid leave. If the paid leave is foreseeable, the request shall be provided at least 10 days, or as early as possible, in advance of the paid leave. If the paid leave is unforeseeable, an oral request for paid leave shall be provided prior to the start of the work shift for which the paid leave is requested. In the case of an emergency, the employer shall be notified prior to the start of the next work shift or within 24 hours of the onset of the emergency, whichever occurs sooner.

§ 32-131.04. Certification

(a) (1) An employer may require that paid leave under § 32-131.02(b) for 3 or more consecutive days be supported by reasonable certification.

(2) Reasonable certification may include:

(A) A signed document from a health care provider, as defined in § 32-501(5), affirming the illness of

the employee;

(B) A police report indicating that the employee was a victim of stalking, domestic violence, or sexual abuse;

(C) A court order; or

(D) A signed statement from a victim and witness advocate, or domestic violence counselor, as defined in § 14-310(a)(2), affirming that the employee is involved in legal action related to stalking, domestic violence, or sexual abuse.

(3) If certification is required by an employer, the employee shall provide a copy of the certification to the employer upon the employee's return to work.

(b) (1) This chapter shall not require a health care professional to disclose information in violation of 42 U.S.C.S. § 1320d-6, or the regulations promulgated pursuant to 42 U.S.C.S. § 1320d-2, note).

(2) All information provided to the employer under § 32-131.02 shall not be disclosed by the employer, except to the extent that the disclosure is:

(A) Requested or consented to by the employee;

(B) Ordered by a court or administrative agency; or

(C) Otherwise required by applicable federal or local law.

§ 32-131.05. Current paid leave policies

(a) An employer with a paid leave policy providing paid leave options, such as a paid time-off program or universal leave policy, shall not be required to modify such policy if the policy offers an employee the option, at the employee's discretion, to accrue and use leave under terms and conditions that are at least equivalent to the paid leave prescribed in this chapter.

(b) The terms and conditions of an employer's policy shall be presumed equivalent if they allow an employee to:

(1) Access and accrue paid leave at least at the same rate as or greater than the hours of paid leave provided in § 32-131.02(a)(1), (2), and (3); or

(2) Use the paid leave for the same purposes as those set forth in § 32-131.02(b), including unscheduled leave.

§ 32-131.06. Effect on existing employment benefits

(a) This chapter shall not diminish the obligation of an employer to comply with any contract, collective bargaining agreement, or any employment benefit program or plan that provides greater paid leave rights to employees than the rights established under this chapter.

(b) The paid leave requirements under this chapter shall not be waived for less than 3 paid leave days by the written terms of a bona fide collective bargaining agreement.

§ 32-131.07. Encouragement of more generous paid leave policies

This chapter shall not prevent an employer from the adoption or retention of a paid leave policy more generous than the one required by this chapter.

§ 32-131.08. Prohibited acts

(a) A person shall not interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right provided by this chapter.

(b) An employer shall not discharge or discriminate in any manner against an employee because the employee:

(1) Opposes any practice by an employer made unlawful by this chapter;

(2) Pursuant or related to this chapter:

(A) Files or attempts to file a charge;

(B) Institutes or attempts to institute a proceeding; or

(C) Facilitates the institution of a proceeding;

(3) Gives any information or testimony in connection with an inquiry or proceeding related to this chapter; or

(4) Uses paid leave provided under this chapter.

(c) Nothing in this chapter shall prohibit an employer from establishing and enforcing a lawful policy relating to improper use of paid leave or from seeking more frequent certifications from an employee if there is evidence of a pattern of abuse of paid leave.

§ 32-131.09. Posting requirement

(a) The Mayor shall prescribe, and the Mayor shall provide to employers, and an employer shall post and maintain in a conspicuous place, a notice that sets forth excerpts from or summaries of the pertinent provisions of this chapter and information that pertains to the filing of a complaint under this chapter. The

notice shall be published in all languages spoken by 3% of or 500 individuals in the District of Columbia population, whichever is less.

(b) (1) An employer who willfully violates this section shall be assessed a civil penalty not to exceed $ 100 for each day that the employer fails to post the notice; provided, that the total penalty shall not exceed $ 500.

(2) No liability for failure to post notice will arise under this section if the Mayor has failed to provide to the business the notice required by this section.

(c) An employer shall post the notice in English and all languages spoken by employees with Limited or no-English Proficiency, as defined in § 2-1931(5).

(d) Employers shall be furnished copies or summaries of this chapter prepared by the Mayor on request.

§ 32-131.10. Administration

This chapter shall be administered by the Department of Employment Services.

§ 32-131.11. Effect on other laws

This chapter shall not:

(1) Supersede any provision of law or contract that provides greater employee paid leave rights than the rights established under this chapter; or

(2) Modify or affect any federal or District law prohibiting discrimination on the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, family responsibilities, genetic information, disability, matriculation, or political affiliation.

§ 32-131.12. Penalties

Except as provided in § 32-131.09(b), an employer who willfully violates the requirements of this chapter shall be subject to a civil penalty of $ 500 for the 1st offense, $ 750 for the 2nd offense, and $ 1000 for the 3rd and each subsequent offense.

§ 32-131.13. Rules

The Mayor, pursuant to subchapter I of Chapter 5 of Title 2, may issue rules to implement the provisions of this chapter within 60 days after May 13, 2008. If rules are promulgated, the Mayor shall submit the proposed rules to the Council for a 30-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 this 30-day review period, the proposed rules shall be deemed approved.

§ 32-131.14. Hardship exemption

The Mayor shall exempt, by rule, businesses that can prove hardship as a result of this chapter. The Mayor shall submit the proposed hardship exemption rules to the Council for a 45-day period of review, excluding Saturdays, Sunday, 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.

§ 32-131.15. Report by the District of Columbia Auditor

The District of Columbia Auditor shall prepare and submit to the Mayor and Council, annually, a report of this chapter's economic impact on the private sector. Among other things, the District of Columbia Auditor shall audit a sample of District businesses to determine:

(1) The compliance level of businesses with the posting requirements; and

(2) Whether companies are utilizing staffing patterns to circumvent the intention of this chapter.

§ 32-131.16. Applicability

(a) This chapter shall apply 6 months after May 13, 2008.

(b) In the case of a collective bargaining agreement in effect on May 13, 2008, this chapter shall apply on the earlier of the date of the termination of the agreement or the date that occurs 18 months after May 13, 2008.

Safe and Stable Homes for Children and Youth Act of 2007 | **DC LEGIS 17-0021**

Summary | Approved: July 9, 2007

Voting Record | Effective: September 20, 2007

- Provides jurisdiction for the court to hear and determine third-party custody complaints so as to permit certain persons other than parents to seek custody of a child when the child's best interests so require, while recognizing and enforcing the constitutional rights of parents
- Establishes a process for the court to enter custody orders by consent

§ 16-831.01. Definitions

For the purposes of this chapter, the term:

(1) "De facto parent" means an individual:

(A) Who:

(i) Lived with the child in the same household at the time of the child's birth or adoption by the child's parent;

(ii) Has taken on full and permanent responsibilities as the child's parent; and

(iii) Has held himself or herself out as the child's parent with the agreement of the child's parent or, if there are 2 parents, both parents; or

(B) Who:

(i) Has lived with the child in the same household for at least 10 of the 12 months immediately preceding the filing of the complaint or motion for custody;

(ii) Has formed a strong emotional bond with the child with the encouragement and intent of the child's parent that a parent-child relationship form between the child and the third party;

(iii) Has taken on full and permanent responsibilities as the child's parent; and

(iv) Has held himself or herself out as the child's parent with the agreement of the child's parent, or if there are 2 parents, both parents.

(2) "Intrafamily offense" shall have the same meaning as provided in § 16-1001(8).

(3) "Legal custody" means legal responsibility for a child, including the right to:

(A) Make decisions regarding the child's health, education, and general welfare;

(B) Access the child's educational, medical, psychological, dental, or other records; and

(C) Speak with and obtain information regarding the child from school officials, health care providers, counselors, or other persons interacting with the child.

(4) "Physical custody" means a child's living arrangements. The term "physical custody" includes a child's residency or visitation schedule.

(5) "Third party" means a person other than the child's parent or de facto parent.

§ 16-831.02. Action for custody of child by a third party

(a) (1) A third party may file a complaint for custody of a child or a motion to intervene in any existing action involving custody of the child under any of the following circumstances:

(A) The parent who is or has been the primary caretaker of the child within the past 3 years consents to the complaint or motion for custody by the third party;

(B) The third party has:

(i) Lived in the same household as the child for at least 4 of the 6 months immediately preceding the filing of the complaint or motion for custody, or, if the child is under the age of 6 months, for at least half of the child's life; and

(ii) Primarily assumed the duties and obligations for which a parent is legally responsible, including providing the child with food, clothing, shelter, education, financial support, and other care to meet the child's needs; or

(C) The third party is living with the child and some exceptional circumstance exists such that relief under this chapter is necessary to prevent harm to the child; provided, that the complaint or motion shall specify in detail why the relief is necessary to prevent harm to the child.

(2) A third party who is employed by the child's parent to provide child care duties for that child may not file, under this chapter, a complaint for custody of that child or intervene in any existing action under this chapter involving custody of that child.

(b) (1) At any time after the filing of a third-party complaint for custody or a motion to intervene, a parent may move to dismiss an action filed by a third party on the grounds that the third party has committed an intrafamily offense against the child, the child's parent, or any other member of the child's family, or that the third party does not meet the characteristics set forth in subsection (a) of this section.

(2) The court shall dismiss the action within 30 days of receiving proof that a court of competent jurisdiction has found that the third party has committed an intrafamily offense against the child, the child's parent, or any other member of the child's family.

(3) Whenever the parent alleges that the plaintiff has committed an intrafamily offense against the child, the child's parent, or any other member of the child's family, but no previous adjudication has been issued, the court shall schedule a hearing on the motion to dismiss within 30 days of receiving the allegation.

(c) (1) The court may decide a third-party complaint or motion to intervene filed under this chapter notwithstanding any other matters pending before the court involving the child, except that any complaint or motion filed under this chapter involving a child who is the subject of a pending action brought under Chapter 23 of Title 16 shall be consolidated with that pending action for resolution by the judicial officer there presiding.

(2) In a proceeding under this chapter consolidated with a neglect or termination of parental rights proceeding under Chapter 23 of Title 16, the parent of the child is entitled to be represented by counsel at all critical stages of the proceeding, and, if financially unable to obtain adequate representation, to have counsel appointed in accordance with § 16-2304(b) and the rules established by the Superior Court of the District of Columbia.

(3) The court, in its discretion, may appoint counsel for the third party.

§ 16-831.03. Action for custody of a child by a de facto parent

(a) A de facto parent may file a complaint for custody of a child or a motion to intervene in any existing action involving custody of the child.

(b) An individual who establishes that he or she is a de facto parent by clear and convincing evidence shall be deemed a parent for the purposes of §§ 16-911, 16-914, 16-914.01, and 16-916, and for the purposes of this chapter if a third party is seeking custody of the child of the de facto parent.

(c) (1) All proceedings involving a parent and a de facto parent, including an action for child support, shall be governed by §§ 16-911, 16-914, 16-914.01, and 16-916.

(2) A custody proceeding involving a third party and a de facto parent shall be governed by the provisions of this chapter.

§ 16-831.04. Third-party custody orders

(a) A custody order entered under this chapter may include any of the following:

(1) Sole legal custody to the third party;

(2) Sole physical custody to the third party;

(3) Joint legal custody between the third party and a parent;

(4) Joint physical custody between the third party and a parent; or

(5) Any other custody arrangement the court determines is in the best interests of the child.

(b) An order granting relief under this chapter shall be in writing and shall recite the findings upon which the order is based.

§ 16-831.05. Parental presumption

(a) Except when a parent consents to the relief sought by the third party, there is a rebuttable presumption in all proceedings under this chapter that custody with the parent is in the child's best interests.

(b) If the court grants custody of the child to a third party over parental objection, the court order shall include written findings of fact supporting the rebuttal of the parental presumption.

§ 16-831.06. Award of custody to third party

(a) The court shall award custody of the child to the third party upon determining:

(1) The presumption in favor of parental custody has been rebutted; and

(2) Custody with the third party is in the child's best interests.

(b) The third party seeking custody shall bear the burden of rebutting the parental presumption by clear and convincing evidence.

(c) In any proceeding under this chapter, the court may appoint counsel for the parent of the child should the court deem it appropriate in the interest of justice. The court also may appoint a guardian ad litem for the child and counsel for the third party.

(d) (1) Notwithstanding any other provision of this chapter, the court shall enter an order for any custody arrangement that is agreed to by the parents and the proposed custodian or custodians, including custody based on revocable parental consent, unless clear and convincing evidence indicates that the arrangement is not in the best interests of the child.

(2) If one parent agrees and the other parent does not timely object after having been properly served with process and the proposed arrangement, the arrangement shall be deemed to be agreed to by the parents.

(3) In any proceeding to assess a proposed arrangement under this subsection, the proposed custodian or custodians shall be full parties.

(e) If custody is awarded under this chapter to a third party, the court shall issue an order that provides for

frequent and continuing contact between the parents and the child and encouraging love, affection, and contact between the child and the parents, unless the court determines that such an order is not in the best interest of the child.

§ 16-831.07. Findings necessary to rebut the parental presumption by clear and convincing evidence

(a) To determine that the presumption favoring parental custody has been rebutted, the court must find, by clear and convincing evidence, one or more of the following factors:

(1) That the parents have abandoned the child or are unwilling or unable to care for the child;

(2) That custody with a parent is or would be detrimental to the physical or emotional well-being of the child; or

(3) That exceptional circumstances, detailed in writing by the court, support rebuttal of the presumption favoring parental custody.

(b) The court shall not consider a parent's lack of financial means in determining whether the presumption favoring parental custody has been rebutted.

(c) The court shall not use the fact that a parent has been the victim of an intrafamily offense against the parent in determining whether the presumption favoring parental custody has been rebutted.

(d) If the court concludes that the parental presumption has not been rebutted by clear and convincing evidence, the court shall dismiss the third-party complaint and enter any appropriate judgment in favor of the parent. The court shall only address the factors set forth in § 16-808 [§ 16-831.08] once the presumption favoring parental custody has been rebutted.

§ 16-831.08. Factors to consider in determining best interests of child

(a) In determining whether custody with a third party, pursuant to this chapter, is in the child's best interests, the court shall consider all relevant factors, including:

(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 each 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, relatives, and caretakers, including the third-party complainant or movant; and

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

(b) There shall be a rebuttable presumption that granting custody to a third party who has committed an intrafamily offense is not in the best interest of the child.

§ 16-831.09. Pendente lite relief

(a) (1) During the pendency of any proceeding under this chapter, the court may determine, in accordance with the provisions of this chapter, the custody of the child pending final determination of that issue.

(2) The pendente lite hearing shall be held no later than 30 days after a party requests a pendente lite custody determination by the court.

(3) The court may enter any appropriate pendente lite relief pursuant to the provisions of this chapter.

(4) Except when all parties consent to the pendente lite order, the court shall issue written findings.

(b) (1) Unless the parties agree otherwise, any pendente lite order shall include a date certain for trial on the complaint or motion, not to exceed 120 days from issuance of the pendente lite order.

(2) Extensions of the trial date will not be routinely granted. Only upon motion of a party or on the court's own motion and a showing of good cause may the trial date be extended. Any order extending the trial date shall be accompanied by written findings.

§ 16-831.10. Effect of a third-party custody order

An order awarding physical or legal custody of a child to a third party shall not terminate the parent and child relationship, including:

(1) The right of the child to inherit from his or her parent;

(2) The Parent's right to visit or contact the child, except as limited by court order;

(3) The parent's right to consent to the child's adoption;

(4) The parent's right to determine the child's religious affiliation; and

(5) The parent's responsibility to provide financial, medical, and other support for the child.

§ 16-831.11. Modification or termination of orders

(a) An award of custody to a third party under this chapter may be modified or terminated upon the motion of any party, or on the court's own motion, upon a determination that there has been a substantial

and material change in circumstances and that the modification or termination is in the best interests of the child.

(b) When a motion to modify an award of custody to a third party under this chapter is filed, the burden of proof is on the party seeking a change, and the standard of proof shall be by a preponderance of the evidence.

(c) Any award of custody based on revocable parental consent entered pursuant to the agreement of all parties under § 16-806(d) [§ 16-831.06(d)] shall be immediately vacated and of no further effect upon the filing of a revocation by the consenting parent or the third party.

§ 16-831.12. Jurisdiction

The court shall retain jurisdiction to enforce, modify, or terminate a custody order issued under this chapter, subject to the provisions of Chapter 46 of this title, until the child reaches 18 years of age.

§ 16-831.13. Other actions for custody not abolished, diminished, or preempted

Nothing in this chapter shall be construed to limit the ability of any person to seek custody of a child under any other statutory, common law, or equitable cause of action or to preempt any authority of the court to hear and adjudicate custody claims under the court's common law or equitable jurisdiction.

Protection from Discriminatory Eviction for Victims of Domestic Violence Amendment Act of 2006 **DC LEGIS 16-0273**

Summary Approved: December 28, 2006

Voting Record Effective: March 14, 2007

- Amends the Rental Housing Act of 1980 to provide protection from eviction to victims of intrafamily offenses
- Provides a release from a lease should an intrafmily offense victim's safety be in jeopardy
- Amends the Human Rights Act of 1977 to prohibit housing discrimination against victims of intrafamily offenses

§ 42-3505.01. Evictions [Formerly § 45-2551]

(c-1) (1) It shall be a defense to an action for possession under subsections (b) or (c) of this section that the tenant is a victim, or is the parent or guardian of a minor victim, of an intrafamily offense or actions relating to an intrafamily offense, as defined in § 16-1001(8), if the Court determines that the intrafamily offense, or actions relating to the intrafamily offense, are the basis for the notice to vacate.

(2) If, as a result of the intrafamily offense or the actions relating to the intrafamily offense that is the basis for the notice to vacate, the tenant has received a temporary or civil protection order ordering the respondent to vacate the home, the court shall not enter a judgment for possession.

(3) If, as a result of the intrafamily offense or the actions relating to the intrafamily offense that is the basis for the notice to vacate, the tenant provides to the court a copy of a police report written within the preceding 60 days or has filed for but has not received a temporary or civil protection order ordering the respondent to vacate the home, the court shall have the discretion not to enter a judgment for possession under this subchapter.

§ 42-3505.07. Notice of lease termination by tenant who is a victim of an intrafamily offense

(a) For purposes of this section, the term "qualified third party" means any of the following persons acting in their official capacity:

(1) A law enforcement officer, as defined in § 4-1301.02(14);

(2) A sworn officer of the D.C. Housing Authority Office of Public Safety;

(3) A health professional, as defined in § 3-1201.01(8); or

(4) A domestic violence counselor as defined [in] § 14-310(a)(2).

(b) If a tenant, who is a victim, or who is the parent or guardian of a minor victim, of an intrafamily offense or actions relating to an intrafamily offense, as defined in § 16-1001(8), provides a housing provider with a copy of an order under § 16-1005 in response to a petition filed by or on behalf of the

tenant, the tenant shall be released from obligations under the rental agreement.

(c) If a tenant who is a victim, or who is the parent or guardian of a minor victim, of an intrafamily offense or actions relating to an intrafamily offense, as defined in § 16-1001(8), provides a housing provider with documentation signed by a qualified third party showing that the tenant has reported the intrafamily offense to the third party acting in his or her official capacity, the tenant shall be released from obligations under the rental agreement.

(d) The release from a rental agreement shall be effective upon the earlier of:

(1) Fourteen days after the housing provider receives:

(A) Written notice of the lease termination under this section; and

(B) Documentation pursuant to subsection (b) or (c) of this section; or

(2) Upon the commencement of a new tenancy for the unit.

(e) Any request by the tenant for termination of the rental agreement under this section shall be made within 90 days of the reported act, event, or circumstance that was cited in the petition or reported to a qualified third party.

(f) Notwithstanding any penalty provided under a rental agreement, a tenant who is released from the rental agreement under this section shall be liable only for his or her rental payment obligation, pro-rated to the earlier of:

(1) The date the housing provider rents the unit to a new tenant or party who succeeds to the tenant's rights under the original agreement; or

(2) Fourteen days after the request for the release.

(g) This section shall not affect section 2908 of the Housing Regulations of the District of Columbia, effective August 11, 1955 (C.O. 55-1503; 14 DCMR §§ 308 through 311), or the tenant's liability for delinquent, unpaid rent, or other sums owed to the housing provider before the lease was terminated by the tenant under this section.

§ 42-3505.08. Victims of an intrafamily offense protection -- Change locks and notice

(a) Upon the written request of a tenant who is the victim of an intrafamily offense, as defined in § 16-1001(8), a housing provider shall change the locks to all entrance doors to that tenant's unit within 5 business days; provided, that if the perpetrator of the intrafamily offense is a tenant in the same dwelling unit as the tenant who makes the request, the tenant who makes the request shall provide the landlord with a copy of a protective order issued pursuant to § 16-1005 ordering the perpetrator to stay away from, or avoid, the tenant who makes the request, any other household member, or the dwelling unit. If the

perpetrator of the intrafamily offense is not, or is no longer, a tenant in the same dwelling unit as the tenant who makes the request, no documentation of the intrafamily offense shall be required.

(b) The housing provider shall pay the cost of changing the locks. No later than 45 days after the housing provider provides the tenant who makes the request with documentation of the cost of changing the locks, the tenant shall reimburse the housing provider for such cost and any associated fee; provided, that the fee shall not exceed the fee imposed on any other tenant for changing the locks under any other circumstances.

(c) Upon receipt of a copy of the court order pursuant to subsection (a) of this section, unless the court orders that the perpetrator be allowed to return to the unit for some purpose, the housing provider shall not provide the perpetrator with keys to the unit or otherwise permit the perpetrator access to the unit or to property within the unit.

(d) The housing provider shall not be liable to the perpetrator for any civil damages as a result of actions the housing provider takes to comply with this section.

§ 2-1401.01. Intent of Council [Formerly § 1-2501]

It is the intent of the Council of the District of Columbia, in enacting this chapter, to secure an end in the District of Columbia to discrimination for any reason other than that of individual merit, including, but not limited to, discrimination by reason of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, _*status as a victim of an intrafamily offense*_, and place of residence or business.

§ 2-1401.02. Definitions [Formerly § 1-2502]

The following words and terms when used in this chapter have the following meanings:

(14A) "Intrafamily offense" means an offense as defined in § 16-1001(8).

§ 2-1402.21. Prohibitions [Formerly § 1-2515]

(a) General. -- It shall be an unlawful discriminatory practice to do any of the following acts, wholly or partially for a discriminatory reason based on the actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, disability, matriculation, political affiliation, source of income, _*status as a victim of an intrafamily offense*_, or place of residence or business of any individual:

(1) To interrupt or terminate, or refuse or fail to initiate or conduct any transaction in real property; or to require different terms for such transaction; or to represent falsely that an interest in real property is not available for transaction;

(2) To include in the terms or conditions of a transaction in real property, any clause, condition or restriction;

(3) To appraise a property, refuse to lend money, guarantee a loan, purchase a loan, accept residential real property as security for a loan, accept a deed of trust or mortgage, or otherwise refuse to make funds available for the purchase, acquisition, construction, alteration, rehabilitation, repair or maintenance of real property; or impose different conditions on such financing; or refuse to provide title or other insurance relating to the ownership or use of any interest in real property;

(4) To refuse or restrict facilities, services, repairs or improvements for a tenant or lessee;

(5) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to a transaction, or proposed transaction, in real property, or financing relating thereto, which notice, statement, or advertisement unlawfully indicates or attempts unlawfully to indicate any preference, limitation, or discrimination based on race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, disability, matriculation, political affiliation, source of income, or place of residence or business, of any individual;

(6) To discriminate in any financial transaction involving real property, on account of the location of residence or business (i.e. to "red-line"); or

(7) To limit access to, or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting residential real estate, or to discriminate against any person in terms or conditions of access, membership or participation in any organization, service or facility.

(b) Subterfuge. -- It shall further be an unlawful discriminatory practice to do any of the above said acts for any reason that would not have been asserted but for, wholly or partially, a discriminatory reason based on the actual or perceived: race, color, religion, national origin, sex, sexual orientation, gender identity or expression, familial status, family responsibilities, disability, matriculation, political affiliation, source of income, *status as victim of an intrafamily offense*, or place of residence or business of any individual.

…

(f) Victims of intrafamily offenses.

(1) For purposes of this subsection, the term "record" means documentation produced by a law enforcement officer, as defined in § 4-1301.02(14), or a court order pursuant to § 16-1005.

(2) It shall be an unlawful discriminatory practice to do any of the acts prohibited in subsections (a) and (b) of this section wholly or partially based on the fact that a person residing, or intending to reside, in the dwelling is, has a record of being, a victim of an intrafamily offense, as defined in § 16-1001(8).

(3) It shall be an unlawful discriminatory practice to do any of the following additional acts, for purposes of this subsection, wholly or partially based on the fact that a person residing, or intending to reside, in the dwelling is, or has a record of being, a victim of an intrafamily offense, as defined in § 16-1001(8):

(A) Refusing to make a reasonable accommodation in restoring or improving security and safety measures beyond the housing provider's duty of ordinary care and diligence, the costs of which the housing provide may charge to the tenant, when an accommodation is necessary to ensure the person's security and safety;

(B) Refusing to permit a person to terminate the lease of the premises early, without penalty, upon notice to the landlord and upon a showing that the person is a victim of an intrafamily offense, pursuant to § 42-3505.07;

(C) (i) Barring or limiting the right of a person to call for police or emergency assistance, which right, for purposes of this subsection, shall not be waivable; or

(ii) Imposing any penalty for calling police or emergency assistance.

<u>Public Assistance Confidentiality of Information Act of 2006</u> **DC LEGIS 16-0178**

Summary
Voting Record

Approved: July 21, 2006
Effective: November 16, 2006

- Amends the District of Columbia Public Assistance Act of 1982 to provide for confidentiality of information for individuals applying for or receiving public benefits through the Department of Human Services, Income Maintenance Administration
- Authorizes the Mayor to issue rules pertaining to the release and disclosure of such records

§ **4-209.04. Confidentiality of information [Formerly § 3-209.4]**

(a) For the purposes of this section, the term:

(1) "Administering" means running public benefits programs in a manner that complies with District of Columbia or federal laws, rules, or regulations.

(2) "Applicant" means an individual who has submitted an application for services under one or more IMA programs.

(3) "Disclosure" means the release, transfer, provision of, provision of access to, or distribution of information in any manner by an entity holding the information to a person outside of the entity.

(4) "Health Insurance Portability and Accountability Act" means the Health Insurance Portability and Accountability Act of 1996, approved August 21, 1996 (Pub. L. 104-191; 110 Stat. 1936), and the regulations issued thereunder, 45 C.F.R. Parts 160 and 164, enacted for the primary purpose of safeguarding the privacy of an individual's protected health information by restricting the use or disclosure of the information to certain limited circumstances, such as treatment by medical providers, payment of medical bills, or health care operations.

(5) "IMA" means the Income Maintenance Administration within the Department of Human Services.

(6) "IMA programs" means public benefit programs, including TANF, POWER, Medical Assistance (including Medicaid), Food Stamps, Interim Disability Assistance, Burial Assistance, Refugee Resettlement Assistance, General Assistance for Children, and programs under titles I, V-A, IV-D, XVI, or XIX of Title 21 of the Social Security Act, approved August 14, 1935 (49 Stat. 757; 42 U.S.C. § 301 et seq.).

(7) "Individual's representative" means a person authorized in writing to review or copy an applicant's or recipient's record, or submit or receive information on behalf of the applicant or recipient by:

(A) The applicant or recipient;

(B) A court of competent jurisdiction; or

(C) A person otherwise authorized by law to make decisions on behalf of the applicant or recipient, including decisions related to health care, such as the custodial parent, legal guardian, or personal representative, as set forth at 45 C.F.R. § 164.502(g).

(8) "Personal notes" means:

(A) Mental health information regarding an applicant or recipient disclosed to a mental health professional in confidence by other persons on condition that such information not be disclosed to the applicant or recipient, or to other persons; and

(B) A mental health professional's speculations about the applicant or recipient.

(9) "Personal representative" means a person who:

(A) Under applicable law, has the authority to act on behalf of an individual who is an adult or an emancipated minor in making decisions related to health care;

(B) Is an executor, administrator, or other person who, under applicable law, has authority to act on behalf of a deceased individual or the individual's estate; or

(C) Is a parent, guardian, or other person acting in loco parentis who may have the authority to act on behalf of an unemancipated minor, as more fully set forth at 45 C.F.R. § 164.502(g).

(10) "Protected health information" means any individually identifiable information, whether oral or recorded, in any form or medium, that is created or received and relates to the past, present, or future physical or mental health condition of an applicant or recipient, or to the payment for health care for an applicant or recipient.

(11) "Recipient" means an applicant who meets the eligibility requirements and has been determined eligible to receive services through an IMA program.

(12) "Record" or "applicant's or recipient's record" means any hard copy or electronic item, collection, or grouping of information, which includes protected health information, relating to an applicant or recipient that is maintained, collected, used, or disseminated for the purpose of administering an IMA program. The term "record" or "applicant's or recipient's record" includes information that the government of the District of Columbia collects and stores by the operation or administration of computerized public benefits eligibility screening tools.

(b) IMA shall keep records to document information about applicants and recipients relating to IMA programs. The information shall be privileged and confidential and shall only be used or disclosed in accordance with this section.

(1) The applicant or recipient has a right to privacy and shall be provided with a written notice about

IMA's privacy practices and the conditions governing inspection of records. A copy of the notice shall be maintained in the applicant's or recipient's record.

(2) IMA shall secure the written authorization of the applicant, recipient, or individual's representative pursuant to the requirements of 45 C.F.R. § 164.508 before requesting or disclosing information about the applicant or recipient to or from other agencies or individuals. A copy of the authorization shall be maintained in the applicant's or recipient's record.

(3) An applicant or recipient shall submit a verbal or written request and an individual's representative shall submit a written request to access information in an applicant's or recipient's record, including protected health information. Except for pyschotherapy and personal notes, and information compiled in reasonable anticipation of, or for use in, a civil, criminal, or administrative action or proceeding, the IMA shall make all information in the applicant's or recipient's record available to the applicant, recipient, or the individual's representative.

(A) IMA shall permit inspection or provide a copy of the information no later than 30 days after receiving the written request if the information is available on-site unless the applicant or recipient is under investigation pursuant to any provisions of subsection (c) of this section. If the written request is for information that is not maintained by or accessible to IMA on-site and IMA has knowledge of the information and its location, IMA must permit inspection or provide a copy of the information no later than 60 days after receiving the written request.

(B) If IMA authorizes disclosure to a third party, other than the applicant or recipient's individual representative, pursuant to a valid authorization, the disclosure shall be limited to the information specifically identified in a written authorization from the applicant, recipient, or the individual's representative.

(4) An applicant, recipient, or individual's representative who believes that information in an applicant's or recipient's record is inaccurate or misleading may request that IMA amend the information by submitting a written request for amendment setting forth the reason for the change, including documentation, where appropriate. Within 60 days after it receives the request, the IMA shall make a determination on the request and either make amendments to the record or deny the request.

(A) The IMA may deny a request for amendment if the information sought to be amended:

(i) Was not created by IMA, unless the individual requesting the amendment provides a reasonable basis to believe that the originator of the protected health information or the information in the record is no longer available to act on the requested amendment;

(ii) Is not part of the record;

(iii) Is not available for inspection as provided in paragraph (3) of this subsection; or

(iv) Is accurate and complete.

(B) If the request for amendment is denied, the IMA shall provide the applicant, recipient, or the individual's representative with a written response setting forth the reason for denying the request for amendment and the procedures on how to request reconsideration of the decision, including a statement that the applicant, recipient, or individual's representative has a right to submit a written statement disagreeing with the denial of all or part of a requested amendment and the basis of such disagreement.

(C) If the request for amendment is granted, the IMA shall notify the applicant, recipient, or individual's representative of the decision and how to obtain authorization concerning persons to be notified of the amendment.

(D) All documentation generated from a request for amendment shall be included in the record of the applicant or recipient.

(c) All information and records regarding an applicant or recipient provided to or created by the IMA, its representatives, or its employees, in the course of the administration of IMA programs, shall be privileged and confidential and shall only be disclosed:

(1) To the applicant, recipient, or individual's representative, in accordance with subsection (b) of this section;

(2) To a third party, with a written authorization signed by the applicant, the recipient, or the individual's representative authorizing disclosure of the specific record, or specific parts of the record; or

(3) Without consent for one of the following purposes:

(A) To administer IMA programs;

(B) To aid in any investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of IMA programs;

(C) To administer any federal or federally-assisted program, which provides assistance, in cash or in-kind, or services directly to individuals on the basis of need;

(D) To verify a state employment services agency for the purposes of providing information about a public assistance recipient's eligibility for employer tax credits, except that protected health information shall not be disclosed to such agency;

(E) For an audit or similar activity, such as review of expenditure reports or financial review, conducted in connection with the administration of any public assistance program by any governmental entity which is authorized by law to conduct such audit or activity;

(F) To administer the unemployment compensation program for the District of Columbia or any other state unemployment compensation program, except that protected health information shall not be

disclosed to such agency or program;

(G) To report to the Metropolitan Police Department information on known or suspected instances of physical or mental injury, sexual abuse, or exploitation, or to report to the appropriate authority charged with investigating such allegations information on known or suspected instances of negligent treatment or maltreatment of a child or vulnerable adult receiving aid under circumstances which indicate that the child's or vulnerable adult's health or welfare is threatened; or

(H) To comply with a court order (a subpoena being insufficient) issued by a court of competent jurisdiction to compel disclosure of an applicant's or recipient's record or testimony of any Mayor's representative concerning an applicant or recipient for purposes directly related to the purposes listed in subparagraphs (A) through (G) of this paragraph.

(d) (1) The administrator of the IMA shall approve each request for disclosure of a record made pursuant to subsection (c)(3) of this section before the IMA releases the record, or any portion thereof. For each disclosure of a record pursuant to subsection (c)(3) of this section, the IMA shall:

(A) Record the disclosure in the applicant's or recipient's record;

(B) Disclose only the information minimally necessary to satisfy the purpose of the request; and

(C) Maintain a central log accounting for disclosures of protected health information.

(2) An accounting for an approved disclosure shall contain, at minimum, the following:

(A) The date of the disclosure;

(B) The name of the person or entity that received the information and, if known, the address of the entity or person;

(C) A brief description of the information disclosed; and

(D) A brief statement of the purpose of the disclosure that states the exact basis for disclosure or, in lieu of that statement, a copy of the written request for disclosure.

(3) Accounting is not required if the information is disclosed:

(A) To administer IMA programs, or to carry out treatment, payment, and health care operations;

(B) To persons involved in the applicant's or recipient's care;

(C) For national security or intelligence purposes;

(D) To correctional institutions or law enforcement officials; or

(E) Prior to April 14, 2003.

(e) The IMA shall review a requestor's credentials to verify the requestor's identity and authority before disclosing records to an applicant, recipient, or individual's representative, or to a person requesting disclosure of records pursuant to subsection (c)(3) of this section.

(f) The IMA shall implement appropriate procedures to ensure the security of records and to minimize inadvertent disclosures of confidential records, including protected health information.

(g) The IMA shall retain all information in an applicant's and recipient's record for at least 3 years after the case is closed. A request for a disclosure of information under subsection (c)(3) of this section, along with the supporting documentation for each such request that the IMA is required to maintain under subsection (d) of this section, shall be retained by the IMA for at least 6 years, and shall be disclosed to an applicant, recipient, or individual representative upon written request.

(h) The IMA shall ensure that IMA employees are trained on the provisions of this section and are aware that unauthorized use or disclosure of records may constitute cause for adverse or corrective personnel action.

(i) The Mayor, pursuant to subchapter I of Chapter 5 of Title 2, may issue rules to implement the provisions of this section.

Domestic Violence Amendments Act of 2006 | **DC LEGIS 16-0204**
Summary | Approved: October 25, 2006
Voting Record | Effective: March 2, 2007

- Includes "domestic violence counselors" among the professionals to whom the mandatory reporting requirement applies
- Provides for confidentiality of information revealed by a victim of domestic violence to a domestic violence counselor and provides domestic violence counselors with a testimonial privilege
- Requires that temporary protection orders that are scheduled to expire on a day when the Superior Court of the District of Columbia is closed shall continue in effect until the next day that the court is open for regular business

§ 4-1321.02. Persons required to make reports; procedure [Formerly § 2-1352]

(b) Persons required to report such abuse or neglect shall include Child and Family Services Agency employees, agents, and contractors, and every physician, psychologist, medical examiner, dentist, chiropractor, registered nurse, licensed practical nurse, person involved in the care and treatment of patients, law-enforcement officer, humane officer of any agency charged with the enforcement of animal cruelty laws, school official, teacher, athletic coach, Department of Parks and Recreation employee, public housing resident manager, social service worker, day care worker, *and domestic violence counselor as defined in § 14-310(a)(2)*, and mental health professional as defined in § 7-1201.01(11). Such persons are not required to report when employed by a lawyer who is providing representation in a criminal, civil, including family law, or delinquency matter and the basis for the suspicion arises solely in the course of that representation. 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 and Family Services Agency.

§ 14-307. Physicians and mental health professionals

(a) In the Federal courts in the District of Columbia and District of Columbia courts a physician or surgeon or mental health professional as defined by § 7-1201.01(11) *or a domestic violence counselor as defined in § 14-310(a)(2)* may not be permitted, without the consent of the client, or of his legal representative, to disclose any information, confidential in its nature, that he has acquired in attending a client in a professional capacity and that was necessary to enable him to act in that capacity, whether the information was obtained from the client or from his family or from the person or persons in charge of him.

§ 14-310. Domestic violence counselors

(a) For the purposes of this section, the term:

(1) "Confidential communication" means information exchanged between a victim and a domestic

violence counselor during the course of the counselor providing counseling, support, and assistance to a victim, including all records kept by the counselor and the domestic violence program concerning the victim and services provided to the victim.

(2) "Domestic violence counselor" means an employee, contractor, or volunteer of a domestic violence program who:

(A) Is rendering support, counseling, or assistance to a victim;

(B) Has undergone not less than 40 hours of domestic violence counselor training conducted by a domestic violence program that includes dynamics of domestic violence, trauma resulting from domestic violence, crisis intervention, personal safety, risk management, criminal and civil court processes, and resources available to victims; and

(C) (i) Is or is under the supervision of a licensed social worker, nurse, physician, psychologist, or psychotherapist; or

(ii) Is or is under the supervision of a person who has a minimum of 5 years of experience rendering support, counseling, or assistance to persons against whom severe emotional abuse or a criminal offense has been committed or is alleged to have been committed, of which at least 2 years of experience involves victims.

(3) "Domestic violence program" means a nonprofit, non-governmental organization that supports, counsels, and assists victims, including domestic violence hotlines, domestic violence shelters, and domestic violence intake centers.

(4) "Intrafamily offense" shall have the same meaning as provided in § 16-1001(8).

(5) "Victim" means a person against whom severe emotional abuse or an intrafamily offense has been committed or is alleged to have been committed.

(b) (1) A domestic violence counselor shall not disclose a confidential communication except:

(A) As required by statute or by a court of law;

(B) As voluntarily authorized in writing by the victim;

(C) To other individuals employed at the domestic violence program and third party providers when and to the extent necessary to facilitate the delivery of services to the victim;

(D) To the Metropolitan Police Department or other law enforcement agency to the extent necessary to protect the victim or another individual from a substantial risk of imminent and serious physical injury;

(E) To compile statistical or anecdotal information, without personal identifying information, for

research or public information purposes; or

(F) For any confidential communications relevant to a claim or defense if the victim files a lawsuit against a domestic violence counselor or a domestic violence program.

(2) Unless the disclosure is public, confidential communications disclosed pursuant to paragraph (1) of this subsection shall not be further disclosed by the recipient except as authorized in paragraph (1) of this subsection.

(3) Confidential communications are not waived by the presence of a sign language or foreign language interpreter. Such an interpreter is subject to the same disclosure limitations set forth in paragraph (1) of this subsection and the same privilege set forth in subsection (c) of this section.

(c) (1) Except as provided in paragraph (2) of this subsection, when a victim is under 12 years of age, has been adjudicated incompetent by a court of competent jurisdiction for the purpose of asserting or waiving the privilege established by this section, or is deceased, the victim's parent, guardian, or personal representative may assert or waive the privilege.

(2) If the parent, guardian, or personal representative of a victim described in paragraph (1) of this subsection has been charged with an intrafamily offense or has had a protection order or a neglect petition entered against him or her at the request of or on behalf of the victim, or otherwise has interests adverse to those of the victim with respect to the assertion or waiver of the privilege, the court shall appoint an attorney for purposes of asserting or waiving the privilege.

(d) The assertion of any privilege under this section is not admissible in evidence.

§ 16-1004. Petition; notice; temporary order

****NOTE: This language is NOT CURRENT and was revised by the Intrafamily Offenses Act of 2008.****

(2) If the Superior Court of the District of Columbia is closed on the day that a temporary protection order is scheduled to expire, the temporary protection order shall continue in effect until the next day that the Court is open for regular business. In that situation, a temporary protection order may extend for more than 14 days. Language explaining the fact that court closure extends a temporary protection order as a matter of law shall be contained in all temporary protection orders issued by the Court.

Way to Work Amendment Act of 2006 — **DC LEGIS 16-0118**

Summary — Approved: March 23, 2006

Voting Record — Effective: June 8, 2006

- Requires payment of a living wage by recipients of certain District contracts and government assistance
- Creates a Job Opportunity Bank to increase job opportunities for low-income, skills-deficient District residents
- Amends the First Source Employment Agreement Act of 1984 to expand coverage
- Amends the Displaced Workers Protection Act of 1994 to expand protection to certain security guards

Living Wage Act of 2006

§ 2-220.01. Short title

This subchapter may be cited as the "Living Wage Act of 2006."

§ 2-220.02. Definitions

For purposes of this subchapter, the term:

(1) "Affiliated employee" means any individual employed by a recipient who received compensation directly from government assistance or a contract with the District of Columbia government ("District Government"), including any employee of a contractor or subcontractor of a recipient who performs services pursuant to government assistance or contract.

(2) "Contract" means a written agreement between a recipient and the District government.

(3) "Government assistance" means a grant, loan, or tax increment financing that results in a financial benefit from an agency, commission, instrumentality, or other entity of the District government.

(4) "Living wage" means an hourly wage rate of $ 11.75 per hour, regardless of whether health care benefits are provided.

(5) "Recipient" means any individual, sole proprietorship, partnership, association, joint venture, limited liability company, corporation, or any other form of business that enters into a contract with or receives government assistance from the District government.

§ 2-220.03. Living wage payment

(a) All recipients of contracts or government assistance in the amount of $ 100,000 or more shall pay their affiliated employees no less than the living wage. All subcontractors of recipients of these contracts that receive funds of $ 15,000 or more shall pay their affiliated employees no less than the living wage;

provided, that this receipt of funds is from the contract funds received by the recipient from the District government. All subcontractors of recipients of government assistance shall pay their affiliated employees the living wage if the subcontractor receives $ 50,000 or more from a recipient; provided, that this receipt of funds is from government assistance received by the recipient from the District of Columbia.

(b) The living wage shall be paid to employees of the District government commencing March 1, 2006; provided, that the wage of any such employee established under an existing collective bargaining agreement or by the recipients of a federal law or grant shall continue as long as that agreement, law, or grant remains in effect.

(c) The Department of Employment Services shall adjust this rate for the previous calendar year, on an annual basis by the annual average increase, if any, in the Consumer Price Index for all Urban Consumers in the Washington Metropolitan Statistical Area published by the Bureau of Labor Statistics of the United States Department of Labor up to 3%. This adjustment shall begin the 1st of January occurring at least one year following June 8, 2006. The Department shall calculate the adjustment to the nearest multiple of $.05 and shall publish the adjusted rate not later than March 1 of each year. Any annual adjustment in excess of 3% shall be approved by the Mayor.

(d) The Mayor shall publish any adjustment to the living wage rate in the District of Columbia Register no later than 45 days after the rate is adjusted.

(e) Repealed.

§ 2-220.04. Contents of contract; notice to subcontractors

(a) All contracts and government assistance subject to this subchapter shall include the requirements under §§ 2-220.03, 2-220.06, 2-220.07, and 2-220.08.

(b) Each recipient of a contract or government assistance shall notify each subcontractor subject to this subchapter of the requirements as provided under subsection (a) of this section. The notification shall be in writing.

§ 2-220.05. Exemptions

The following types of contracts, government assistance, and employment shall be exempt from the requirement of this subchapter:

(1) Contracts or other agreements that are subject to higher wage level determinations required by federal law;

(2) Existing and future collective bargaining agreements, provided, that the future collective bargaining agreement results in the employee being paid no less than the established living wage;

(3) Contracts for electricity, telephone, water, sewer or other services delivered by a regulated utility;

(4) Contracts for services needed immediately to prevent or respond to a disaster or eminent imminent threat to public health or safety declared by the Mayor;

(5) Contracts or other agreements awarded to recipients that provide trainees with additional services including, but not limited to, case management and job readiness services; provided, that the trainees do not replace employees subject to this subchapter;

(6) An employee under 22 years of age employed during a school vacation period, or enrolled as a full-time student, as defined by the respective institution, who is in high school or at an accredited institution of higher education and who works less than 25 hours per week; provided, that he or she does not replace employees subject to this subchapter;

(7) Tenants or retail establishments that occupy property constructed or improved by receipt of government assistance from the District of Columbia; provided, that the tenant or retail establishment did not receive direct government assistance from the District;

(8) Employees of nonprofit organizations that employ not more than 50 individuals and qualify for taxation exemption pursuant to 26 U.S.C.S. § 501(c)(3);

(9) Medicaid provider agreements for direct care services to Medicaid recipients; provided, that the direct care service is not provided through a home care agency, a community residence facility, or a group home for mentally retarded persons, as those terms are defined in § 44-501; and

(10) Contracts or other agreements between managed care organizations and the Health Care Safety Net Administration or the Medicaid Assistance Administration to provide health services.

§ 2-220.06. Notice

Each recipient and subcontractor of a recipient shall provide to each affiliated employee covered by this subchapter a fact sheet concerning the payment and enforcement requirements under §§ 2-220.03 and 2-220.08, and shall also post a notice concerning these requirements in a conspicuous site in its place of business. The Mayor shall provide the fact sheet and notice to each recipient which shall include:

(1) Notice of the living wage hourly rate;

(2) A summary of the requirements under §§ 2-220.03 and 2-220.07; and

(3) Information concerning the enforcement of this subchapter including the name, address, and telephone number of the individual or entity to which complaints of noncompliance should be made.

§ 2-220.07. Records

All recipients and subcontractors shall retain payroll records created and maintained in the regular

course of business under District of Columbia law for a period of at least 3 years from the payroll date for employees subject to § 2-220.03.

§ 2-220.08. Enforcement

The payment of wages required under this subchapter shall be consistent with and subject to the provisions of Chapter 13 of Title 32.

§ 2-220.09. Waiver

The Mayor may exempt a recipient from the requirements of this subchapter, subject to approval by the Council. Any entity requesting a waiver shall be required to demonstrate that the provisions of this subchapter will pose a significant financial hardship on the recipient that will result in the layoff of a substantial number of employees, substantial downsizing, or the inability to meet payroll. All requests for waivers shall be written and state the rationale for the request. Any waiver granted by the Mayor shall be subject to Council review and approval, by act.

§ 2-220.10. Rules

The Mayor shall issue rules to implement the provisions of this subchapter.

§ 2-220.11. Applicability

(a) The requirements of this subchapter shall apply to contracts and agreements for government assistance ("agreement") entered into after June 8, 2006, and shall not apply to any existing agreement entered into prior to that date. Where an agreement is renewed or extended after that date, that renewal or extension shall be deemed a new agreement and shall trigger coverage under this subchapter if the terms of the renewed or extended agreement otherwise meet the requirements for coverage under this subchapter.

(b) Notwithstanding the requirements of § 2-220.05(9), a home care agency, community residence facility, or group home for mentally retarded persons shall not be required to pay a living wage until implementing rules are published in the District of Columbia Register and any necessary state plan amendments are approved.

Job Opportunity Bank Establishment Act of 2006

§ 32-751. Definitions

For purposes of this chapter, the term:

(1) "Director" means the Director of the Department of Employment Services.

(2) "Grantee" means any person or entity that receives a grant from the District to provide workforce

development services.

(3) "Job skills-deficient resident" means an individual resident of the District whose employment opportunities are restricted by deficiencies in education, work experience, work training, work skills, or the loss of certain occupations or industries from the economy of the District or the Washington Metropolitan Area and whose job skills deficiencies and residence is determined and certified by the Director.

(4) "Low-income District resident" means an individual resident of the District whose personal or family income in the previous 6 months on an annualized basis does not exceed 200% of the lower living standard income level and whose income and residence is certified by the Director.

(5) "Workforce Investment Council" means the body created pursuant to § 32-1603.

§ 32-752. Establishment and administration of the Job Opportunity Bank

(a) There is established a Job Opportunity Bank for the purpose of providing grants and other forms of financial assistance to increase job opportunities for low-income District residents to upgrade their job skills and provide customized skills training for new and incumbent workers employed by District employers.

(b) The Job Opportunity Bank shall be subject to the general policy guidance and direction of the Workforce Investment Council.

(c) The Workforce Investment Council shall serve in an advisory capacity to the Mayor and the Director in matters pertaining to the operation and administration of the Job Opportunity Bank.

(d) The Job Opportunity Bank shall be funded by annual appropriations.

(e) The funds shall be administered by the Deputy Mayor for Planning and Economic Development.

(f) The Deputy Mayor for Planning and Economic Development may fund applications for grants or other assistance as may be recommended by the Director under the provisions of this chapter.

§ 32-753. Eligibility for grants

The following individuals and groups shall be eligible to receive grants or other assistance from the Job Opportunity Bank:

(1) Low-income District residents;

(2) Job skills-deficient residents;

(3) District businesses, business coalitions, or nonprofit organizations partnered with District businesses

or business coalitions seeking to hire low-income District residents or job skills-deficient residents and develop a workforce from those individuals; or

(4) District businesses, business coalitions, or nonprofit organizations partnered with District businesses or business coalitions seeking to upgrade the skills of their current workforce, composed of at least 51% District residents, in order to maintain the employment of the current workforce.

§ 32-754. Grant applications and priorities

(a) Grant applications shall be made at the time and in the manner designated by the Director.

(b) Grant applications shall include a detailed budget, cost benefit analysis, identifiable performance benchmarks, and a general description of the employment benefits to be derived by the recipient.

(c) The Director shall accept simplified grant applications from District residents seeking basic employment or job training skills.

(d) Grant applications made by District businesses, business coalitions and partnered-nonprofit organizations shall also include a proposed workforce development program model demonstrating an effective approach to increasing the employability of program participants or the retention of their current workforce and which is directly linked to existing or anticipated employment opportunities. Applications made pursuant to this subsection may be utilized to significantly enhance the skill levels and career opportunities of current employees who are residents of the District.

(e) In evaluating grant applications for decisions as to funding, the Director shall give priority to those applications which the Director determines best serve low-income District residents or job skills-deficient residents in the following categories:

(1) Youths between 18 and 21 years of age;

(2) Recipients of Temporary Assistance to Needy Families;

(3) Dislocated workers;

(4) Ex-offenders;

(5) Veterans; and

(6) District residents deficient in job skills.

(f) In determining whether to fund grant applications, the Director shall consider, in addition to the criteria set forth in subsections (d) and (e) of this section, the following:

(1) The amount of funds available in the Job Opportunity Bank;

(2) Available and reliable information concerning the current and future labor market;

(3) Non-duplication of funding available through 29 U.S.C.S. § 2822 and other federal, state, or local job development and job training programs; and

(4) Any prior experience of the applicant with job training or workforce development programs.

§ 32-755. Grant agreements

Each grantee shall, as a condition for the receipt of funds from the Job Opportunity Bank, enter into a grant agreement with the Director, the form and contents of which shall be specified by the Director, which shall at least contain the following:

(1) The name, address, and telephone number of any individual grant recipient;

(2) The name, address, telephone number, and identity of the corporate officers, principal owners, and registered agent of any incorporated grantee; and

(3) Acknowledgment by the recipient of the right of the Director to:

(A) Monitor expenditure of funds;

(B) Require reports from recipients regarding expenditures, progress, or performance in meeting identified benchmarks, and any other financial or operational information deemed necessary by the Director;

(C) Inspect the recipient's records to obtain the identified information; and

(D) Acknowledgment by the recipient that the Director may curtail or cancel payment of funds from the Job Opportunity Bank if the recipient does not comply with the requirements of this section.

§ 32-756. Grantee performance evaluation

(a) The Director shall monitor and evaluate the performance of grantees. The Director may terminate or modify grant agreements if the Director determines that a grantee's performance is not in accordance with the grant. Grantees that have their grants cancelled or modified may appeal the Director's action pursuant to § 2-510.

(b) The Mayor shall issue rules to implement this chapter. The rules shall be issued within 120 days of June 8, 2006.

First Source Employment Agreement Amendment Act of 2006

§ **2-219.01.** Definitions [Formerly § 1-1161]

For the purposes of this part, the term:

(1) "Beneficiary" means:

(A) The signatory to a contract executed by the Mayor which involves any District of Columbia government funds, or funds which, in accordance with a federal grant or otherwise, the District government administers, or the successful applicant for any street or alley closing pursuant to Chapter 2 of Title 9, and which details the number and description of all jobs created by a government-assisted project for which the beneficiary is required to use the First Source Register;

(B) A beneficiary of a District government economic development action including contracts, grants, loans, tax abatements, land transfers for public redevelopment, or tax increment financing that results in a financial benefit of $ 100,000 or more from an agency, commission, instrumentality, or other entity of the District government, including a financial or banking institution which serves as the repository for $ 1 million or more of District of Columbia funds.

(C) A retail or commercial tenant that is a direct beneficiary of a District government economic development action, including contracts, grants, loans, tax abatements, land transfers for public redevelopment, or tax increment financing in excess of $ 100,000; provided, that obligations imposed by this part shall apply only for 5 years following the commencement of the tenant's initial lease date of the real estate. Developers of a government-assisted project with retail and commercial tenants that directly benefitted from that assistance shall require those tenants to sign an agreement stating that the tenants will adhere to the requirements of this part for 5 years following the commencement of the tenant's initial lease date.

§ 2-219.03a. Special hiring agreements

(a) Whenever the Mayor determines that the goal of increasing employment opportunities for District residents may be better served by establishing hiring goals in specific job categories for specific government-assisted projects, the Mayor may enter into agreements with beneficiaries or their contractors and subcontractors to provide for increased hiring in specific job categories. Compliance with this agreement shall be deemed compliance with the requirements of this part. Non-compliance with this agreement shall be treated in the same manner as a violation of any other requirement of this part.

(b) The Mayor may direct the Director of each District agency, the Chief Procurement Officer, or each District contracting officer to develop and report on performance goals for each District agency in furtherance of the objectives of this part.

Displaced Workers Protection Amendment Act of 2006

§ 32-101. Covered employees [Formerly § 36-1501]

(4) Employees hired by a contractor to perform security services in an office building, institution, or similar establishment; provided, that special police officers who are armed, and employees hired by a contractor to perform security services for the Board of Education or a public charter school shall not be included.

Omnibus Public Safety Act of 2006 **DC LEGIS 16-0306**

Summary — Approved: October 17, 2006

Voting Record — Effective: April 24, 2007

- Provides for enhanced criminal penalties of up to 1½ times the maximum otherwise provided by law for those adults who commit crimes of violence against minors
- Establishes a criminal offense for disabling a telephone or other communicative device for the purpose of preventing a victim from summoning medical or police assistance, or from reporting acts of child abuse or neglect
- Amends the Prevention of Child Abuse and Neglect Act of 1977 to clarify the requirements of and procedures for criminal background checks for persons who are caring for or residing with children who had been abused or neglected to amend An Act
- Provides for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children to expand the list of individuals who must report child neglect and the circumstances which mandate that a report be made, and to increase penalties for failure to report child neglect
- Amends the Criminal Background Checks for the Protection of Children Act of 2004 to clarify procedures for criminal background checks required of persons working with children or youth, and to establish standards for assessing the information obtained
- Adds stalking and offenses by a person against another who have or have had a relationship with the same individual to intrafamily offenses
- Provides that the court may consider a child's failure to appear at a scheduled juvenile hearing in determining the disposition of a child adjudicated delinquent and requires the court to provide to the Council certain information on juveniles who fail to appear at scheduled hearings in delinquency cases
- Establishes a criminal offense for an enhanced assault that causes significant bodily injury
- Creates the offense of misdemeanor sexual abuse of a child or minor
- Permits either the United States Attorney's Office or the Office of the Attorney General for the District of Columbia to appeal a trial court order granting a new trial after verdict or judgment, or a decision or order denying a motion for revocation of, or modification of, the conditions of release
- Expands the applicable statute of limitations to include offenses that are properly joinable with particular offenses
- Expands the list of offenses that constitute a "crime of violence"

Sec. 102. Enhanced penalties for crimes against minors.

(a) Any adult, being at least 2 years older than a minor, who commits a crime of violence against that minor may be punished by a fine of up to 1 ½ times the maximum fine otherwise authorized for the offense and may be imprisoned for a term of up to 1 ½ times the maximum term of imprisonment otherwise authorized for the offense, or both.

(b) It is an affirmative defense that the accused reasonably believed that the victim was not a minor at the time of the offense. This defense shall be established by a preponderance of the evidence.

(c) For the purposes of this section, the term:
(1) "Adult" means a person 18 years of age or older at the time of the offense.
(2) "Crime of violence" shall have the same meaning as provided in D.C. Official Code § 23- 1331(4).

(3) “Minor” means a person under 18 years of age at the time of the offense.

Sec. 107. Obstructing, preventing, or interfering with reports to or requests for assistance from law enforcement agencies, medical providers, or child welfare agencies.

(a) It shall be unlawful for a person to knowingly disconnect, damage, disable, temporarily or permanently remove, or use physical force or intimidation to block access to any telephone, radio, computer, or other electronic communication device with a purpose to obstruct, prevent, or interfere with:
(1) The report of any criminal offense to any law enforcement agency;
(2) The report of any bodily injury or property damage to any law enforcement agency;
(3) A request for ambulance or emergency medical assistance to any governmental agency, or any hospital, doctor, or other medical service provider; or
(4) The report of any act of child abuse or neglect to a law enforcement or child welfare agency.

(b) A person who violates subsection (a) of this section shall be fined not more than $1,000 or imprisoned not more than 180 days, or both.

§ **4-1305.01. Definitions** [Formerly § 6-2130.1]

(4) "Criminal record check" means a search of criminal records to determine whether an individual has a criminal conviction that is performed by the Federal Bureau of Investigation of national records, and by:

(A) The Metropolitan Police Department, if the individual as an adult has resided, worked, or attended school in the District at any time in the past 5 years; or

(B) The state's law enforcement agency, if the individual as an adult has resided, worked, or attended school outside of the District at any time in the past 5 years.

….

(6A) "Information form" means a written statement in a form established by the Agency that:

(A) Is signed by the individual under penalty of perjury;

(B) Identifies each state in which the individual has resided, worked, or attended school at any time in the past 5 years;

(C) Identifies each felony for which the individual has been convicted as an adult, and the date and state of that conviction;

(D) Identifies each state in which the individual is currently on parole or probation; and

(E) Includes any other information required by the Agency.

§ **4-1305.03. Application for criminal records check; timing** [Formerly § 6-2130.3]

(a) Within the time stated in subsection (b) of this section, an applicant shall apply for a criminal records check by submitting to the Agency, licensed child-placing agency, or the police:

(1) A complete set of legible fingerprints taken on standard fingerprint cards by the Agency or the police;

(2) Payment of the fees and costs of the criminal records check as described in § 4-1305.04;

(3) The completed information form; and

(4) Any documentation required to conduct a criminal records check by a state identified in the completed information form.

…

§ **4-1305.05. Processing the criminal records check** [Formerly § 6-2130.5]

(a) The Agency or licensed child-placing agency shall forward complete sets of legible fingerprints taken on standard fingerprints cards by the Agency or licensed child-placing agency to the police or state law enforcement agency.

…

(c) (1) Except as provided in paragraph (2) of this subsection, the Agency or licensed child-placing agency shall request the law enforcement agency of each state identified in the completed information form to conduct a state criminal records check and return the results to the Agency or licensed child-placing agency, as appropriate.

(2) If the Agency or licensed child-placing agency has already determined that an individual has a disqualifying conviction, it is not required to make further requests to additional states.

(3) The Agency or licensed child-placing agency may also use interstate databases or systems to conduct a single check for multiple states.

§ 4-1321.02. Persons required to make reports; procedure [Formerly § 2-1352]

(a) Notwithstanding § 14-307, 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 § 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 and Family Services Agency*.

(b) Persons required to report such abuse or neglect shall include *Child and Family Services Agency employees, agents, and contractors*, and every physician, psychologist, medical examiner, dentist, chiropractor, registered nurse, licensed practical nurse, person involved in the care and treatment of patients, law-enforcement officer, humane officer of any agency charged with the enforcement of animal cruelty laws, school official, teacher, *athletic coach, Department of Parks and Recreation employee, public housing resident manager*, social service worker, day care worker, and domestic violence counselor as defined in § 14-310(a)(2), and mental health professional as defined in § 7-1201.01(11). Such persons are not required to report when employed by a lawyer who is providing representation in a criminal, civil, including family law, or delinquency matter and the basis for the suspicion arises solely in

the course of that representation. 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 and Family Services Agency.

(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 and Family Services Agency*.

(d) In addition to the requirements in subsections (a) and (b) of this section, any health professional licensed pursuant to Chapter 12 of Title 3, or a law-enforcement officer, [or] humane officer of any agency charged with the enforcement of animal cruelty laws, except an undercover officer whose identity or investigation might be jeopardized, shall report immediately, in writing, to the *Child and Family Services Agency*, that the law-enforcement officer or health professional has reasonable cause to believe that a child is abused as a result of inadequate care, control, or subsistence in the home environment due to exposure to drug-related activity. The report shall be in accordance with the provisions of § 4-1321.03.

(e) Notwithstanding § 14-307, 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, the victim of "sexual abuse" or "attempted sexual abuse" prohibited by § 22-3001 et seq.; or that the child was assisted, supported, caused, encouraged, commanded, enabled, induced, facilitated, or permitted to become a prostitute, as that term is defined in § 22-2701.01(3); or that the child has an injury caused by a bullet; or that the child has an injury caused by a knife or other sharp object which has been caused by other than accidental means, shall immediately report or have a report made of such knowledge, information, or suspicion to the Metropolitan Police Department or the Child and Family Services Agency.

§ 4-1321.03. Nature and contents of reports [Formerly § 2-1353]

(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 and Family Services Agency* 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 or if the abuse involves drug-related activity.

§ 4-1321.07. Failure to make report [Formerly § 2-1357]

Any person required to make a report under this subchapter who willfully fails to make such a report shall be fined not more than *$ 300* or imprisoned for not more than *90* days or both. Violations of this subchapter shall be prosecuted by the Attorney General for the District of Columbia or his or her agent in the name of the District of Columbia.

§ 4-1501.05. Procedure for criminal background checks

(c) The Mayor or the appropriate personnel authority shall conduct a criminal background check once the applicant, employee, or volunteer has provided:

(5) A signed affirmation stating whether or not the applicant, employee, or volunteer has been convicted of a crime, has pleaded nolo contendere, is on probation before judgment or placement of a case upon a stet docket, or has been found not guilty by reason of insanity, for any sexual offenses or intrafamily offenses in the District of Columbia or their equivalent in any other state or territory, or for any of the following felony offenses or their equivalent in another state or territory:

(A) Murder, attempted murder, manslaughter, or arson;

(B) Assault, assault with a dangerous weapon, mayhem, malicious disfigurement, or threats to do bodily harm;

(C) Burglary;

(D) Robbery;

(E) Kidnapping;

(F) Illegal use or possession of a firearm;

(G) Sexual offenses, including indecent exposure; promoting, procuring, compelling, soliciting, or engaging in prostitution; corrupting minors (sexual relations with children); molesting; voyeurism; committing sex acts in public; incest; rape; sexual assault; sexual battery; or sexual abuse; but excluding sodomy between consenting adults;

(H) Child abuse or cruelty to children; or

(I) Unlawful distribution of or possession with intent to distribute a controlled substance;

§ 4-1501.05a. Assessment of information obtained from criminal background check

(a) The information obtained from the criminal background check shall not create a disqualification or presumption against employment or volunteer status of the applicant unless the Mayor determines that the applicant poses a present danger to children or youth. In making this determination, the Mayor shall consider the following factors:

(1) The specific duties and responsibilities necessarily related to the employment sought;

(2) The bearing, if any, the criminal offense for which the person was previously convicted will have on his or her fitness or ability to perform one or more of such duties or responsibilities;

(3) The time which has elapsed since the occurrence of the criminal offense;

(4) The age of the person at the time of the occurrence of the criminal offense;

(5) The frequency and seriousness of the criminal offense;

(6) Any information produced by the person, or produced on his or her behalf, regarding his or her rehabilitation and good conduct since the occurrence of the criminal offense; and

(7) The public policy that it is beneficial generally for ex-offenders to obtain employment.

(b) The Mayor and covered child or youth services providers shall not employ or permit to serve as an unsupervised volunteer an applicant who has been convicted of, has pleaded nolo contendere to, is on probation before judgment or placement of a case on the stet docket because of, or has been found not guilty by reason of insanity for any sexual offenses involving a minor.

(c) If an application is denied because the applicant presents a present danger to children or youth, the Mayor shall inform the applicant in writing and the applicant may appeal the denial to the Commission on Human Rights within 30 days of the date of the written statement.

§ 16-1005. Definitions

****NOTE: This language is NOT CURRENT and was revised by the Intrafamily Offenses Act of 2008.****

(5) The term "intrafamily offense" means an act punishable as a criminal offense committed by an offender upon a person:

(A) To whom the offender is related by blood, legal custody, marriage, domestic partnership, having a child in common, or with whom the offender shares or has shared a mutual residence;

(B) With whom the offender maintains or maintained a romantic relationship not necessarily including a sexual relationship; provided, that a person seeking a protection order under this subparagraph shall reside in the District of Columbia or the underlying intrafamily offense shall have occurred in the District of Columbia;

(C) Who was or is married to, a domestic partner of, divorced or separated from, or in a romantic relationship, not necessarily including a sexual relationship, with a person who was or is married to, a domestic partner of, divorced or separated from, or in a romantic relationship, not necessarily including a sexual relationship, with the offender; or

(D) Who had been stalked or is being stalked by the offender.

§ 16-2317. Hearings, findings; dismissal

(d)(5) In determining whether a child is in need of care and rehabilitation, the Division *may consider the child's failure to appear at a scheduled hearing* and shall:

(A) Consider any victim impact statement submitted to the Division;

(B) Hear from any eyewitnesses and victims, or the immediate family members of any eyewitnesses or victims when the eyewitness or victim is a child or when the eyewitness or victim is deceased or incapacitated, that wish to be heard and appear before the court; and

(C) Consider if the dismissal of the case is in the interest of the public welfare and the protection of the public security.

§ 16-2320. Disposition of child who is neglected, delinquent, or in need of supervision

(c-3) When determining what disposition shall be ordered under subsection (a) of this section, the Division may consider a child's failure to appear at a scheduled hearing.

§ 16-2325.02. Report on failure of respondents to appear in delinquency cases

The Chief Judge of the Superior Court of the District of Columbia shall submit to the Council a semiannual report detailing the number of respondents in delinquency cases who fail to appear before any court or judicial official as required and the percentage that represents of those adjudicated. For each failure to appear, the report shall include the age of the respondent, the underlying offense with which the respondent was charged, and whether the respondent had previously failed to appear.

§ 22-404. Assault or threatened assault in a menacing manner; stalking [Formerly § 22-504]

(a) (1) Whoever unlawfully assaults, or threatens another in a menacing manner, shall be fined not more than $ 1,000 or be imprisoned not more than 180 days, or both.

(2) Whoever unlawfully assaults, or threatens another in a menacing manner, and intentionally, knowingly, or recklessly causes significant bodily injury to another shall be fined not more than $ 3,000 or be imprisoned not more than 3 years, or both. For the purposes of this paragraph, the term "significant bodily injury" means an injury that requires hospitalization or immediate medical attention.

§ 22-3001. Definitions [Formerly § 22-4101]

(5A) "Minor" means a person who has not yet attained the age of 18 years.

(10) "Significant relationship" includes:

(A) A parent, sibling, aunt, uncle, or grandparent, whether related by blood, marriage, *domestic partnership*, or adoption;

(B) A legal or de facto guardian or any person, more than 4 years older than the victim, who resides intermittently or permanently in the same dwelling as the victim;

(C) The person or the spouse, *domestic partner*, or paramour of the person who is charged with any duty or responsibility for the health, welfare, or supervision of the victim at the time of the act; and

(D) *Any employee or volunteer of a school, church, synagogue, mosque, or other religious institution, or an educational, social, recreational, athletic, musical, charitable, or youth facility, organization, or program, including a teacher, coach, counselor, clergy, youth leader, chorus director, bus driver, administrator, or support staff, or any other person in a position of trust with or authority over a child or a minor.*

§ 22-3009.01. First degree sexual abuse of a minor

Whoever, being 18 years of age or older, is in a significant relationship with a minor, and engages in a sexual act with that minor or causes that minor to engage in a sexual act shall be imprisoned for not more than 15 years and may be fined in an amount not to exceed $ 150,000, or both.

§ 22-3009.02. Second degree sexual abuse of a minor

Whoever, being 18 years of age or older, is in a significant relationship with a minor and engages in a sexual contact with that minor or causes that minor to engage in a sexual contact shall be imprisoned for not more than 7 1/2 years and may be fined in an amount not to exceed $ 75,000, or both.

§ 22-3010. Enticing a child or minor [Formerly § 22-4110]

(a) Whoever, being at least 4 years older than a child or being in a significant relationship with a minor, (1) takes that child or minor to any place for the purpose of committing any offense set forth in §§ 22-3002 to 22-3006 and 22-3008 to 22-3009.02, or (2) seduces, entices, allures, convinces, or persuades or attempts to seduce, entice, allure, convince, or persuade a child or minor to engage in a sexual act or contact shall be imprisoned for not more than 5 years or may be fined in an amount not to exceed $ 50,000, or both.

(b) Whoever, being at least 4 years older than the purported age of a person who represents himself or herself to be a child, attempts (1) to seduce, entice, allure, convince, or persuade any person who represents himself or herself to be a child to engage in a sexual act or contact, or (2) to entice, allure, convince, or persuade any person who represents himself or herself to be a child to go to any place for the purpose of engaging in a sexual act or contact shall be imprisoned for not more than 5 years or may be fined in an amount not to exceed $ 50,000, or both.

(c) No person shall be consecutively sentenced for enticing a child or minor to engage in a sexual act or sexual contact under subsection (a)(2) of this section and engaging in that sexual act or sexual contact with that child or minor; provided, that the enticement occurred closely associated in time with the sexual act or sexual contact.

§ 22-3010.01. Misdemeanor sexual abuse of a child or minor

(a) Whoever, being 18 years of age or older and more than 4 years older than a child, or being 18 years of age or older and being in a significant relationship with a minor, engages in sexually suggestive conduct with that child or minor shall be imprisoned for not more than 180 days, or fined in an amount not to exceed $ 1,000, or both.

(b) For the purposes of this section, the term "sexually suggestive conduct" means engaging in any of the following acts in a way which is intended to cause or reasonably causes the sexual arousal or sexual gratification of any person:

(1) Touching a child or minor inside his or her clothing;

(2) Touching a child or minor inside or outside his or her clothing close to the genitalia, anus, breast, or buttocks;

(3) Placing one's tongue in the mouth of the child or minor; or

(4) Touching one's own genitalia or that of a third person.

§ 22-3019. No immunity from prosecution for spouses or domestic partners [Formerly § 22-4119]

No actor is immune from prosecution under any section of this subchapter because of marriage, domestic partnership, or cohabitation with the victim; provided, that marriage or the domestic partnership of the parties may be asserted as an affirmative defense in prosecution under this subchapter where it is expressly so provided.

§ 22-3024. Privilege inapplicable for spouses or domestic partners [Formerly 22-4124]

Laws attaching a privilege against disclosure of communications between spouses or domestic partners are inapplicable in prosecutions under subchapter II of this chapter where the defendant is or was married to the victim, or is or was a domestic partner of the victim, or where the victim is a child.

§ **22-4501. Definitions** [Formerly 22-3201]

For the purposes of this chapter, the term:

(1) "Crime of violence" shall have the same meaning as provided in § 23-1331(4).

§ **23-104. Appeals by United States and District of Columbia**

(d-1) In a criminal or delinquency case, the United States or the District of Columbia may appeal an order of a trial court granting a new trial after verdict or judgment, as to any one or more counts, or any part thereof, except that no appeal shall lie where the double jeopardy clause of the United States Constitution prohibits further prosecution.

(d-2) In a criminal or delinquency case, the United States or the District of Columbia may appeal a decision or order entered by the trial court granting the release of a person charged with, or convicted or adjudicated delinquent of an offense, the denial of a motion for revocation of release, or modification of the conditions of release.

(e) Any appeal taken pursuant to this section either before or during trial shall be expedited. If an appeal is taken pursuant to subsection (b), (d), *(d-1), or (d-2)* during trial, the appellate court shall hear argument on such appeal within forty-eight hours of the adjournment of the trial pursuant to that subsection shall dispense with any requirement of written briefs other than the supporting materials previously submitted to the trial court, shall render its decision within forty-eight hours of argument on appeal, and may dispense with the issuance of a written opinion in rendering its decision. Such appeal and decision shall not affect the right of the defendant, in a subsequent appeal from a judgment of conviction, to claim as error reversal by the trial court on remand of a ruling appealed from during trial.

(f) Pending the prosecution and determination of an appeal taken pursuant to this section, the defendant shall be detained or released in accordance with Chapter 13 of this title and a juvenile respondent shall be detained or released in accordance with Chapter 23 of Title 16.

§ **23-113. Limitations on actions for criminal violations**

(2) A prosecution for the following crimes *and any offense that is properly joinable with any of the following crimes* is barred if not commenced within fifteen (15) years after it is committed:

(A) first degree sexual abuse (§ 22-3002);

(B) second degree sexual abuse (§ 22-3003);

(C) first degree child sexual abuse (§ 22-3008); and

(D) second degree child sexual abuse (§ 22-3009).

(3) A prosecution for the following crimes *and any offense that is properly joinable with any of the following crimes* is barred if not commenced within ten (10) years after it is committed:

(A) third degree sexual abuse (§ 22-3004);

(B) fourth degree sexual abuse (§ 22-3005);

(C) enticing a child for the purpose of committing felony sexual abuse (§ 22-3010);

(D) first degree sexual abuse of a ward (§ 22-3013);

(E) second degree sexual abuse of a ward (§ 22-3014);

(F) first degree sexual abuse of a patient or client (§ 22-3015);

(G) second degree sexual abuse of a patient or client (§ 22-3016);

(H) using a minor in a sexual performance or promoting a sexual performance by a minor (§ 22-3102); and

(I) incest (§ 22-1901).

§ 23-1331. Definitions

As used in this subchapter:

(4) The term "crime of violence" means aggravated assault; act of terrorism; arson; assault on a police officer (felony); assault with a dangerous weapon; assault with intent to kill, commit first degree sexual abuse, commit second degree sexual abuse, or commit child sexual abuse; assault with intent to commit any other offense; burglary; carjacking; armed carjacking; child sexual abuse; cruelty to children in the first degree; extortion or blackmail accompanied by threats of violence; gang recruitment, participation, or retention by the use or threatened use of force, coercion, or intimidation; kidnapping; malicious disfigurement; manslaughter; manufacture or possession of a weapon of mass destruction; mayhem; murder; robbery; sexual abuse in the first, second, or third degrees; use, dissemination, or detonation of a weapon of mass destruction; or an attempt or conspiracy to commit any of the foregoing offenses.

Victims of Domestic Violence Fund Establishment Temporary Act of 2006 — **DC LEGIS 16-0114**

Summary

Voting Record

Approved: March 23, 2006
Effective: June 8, 2006
Expired: January 19, 2007

- Establishes, on a temporary basis, a dedicated fund and grant program for nonprofit providers of emergency shelter to victims of domestic violence

Domestic Violence Fund

(a) There is hereby established within the general fund of the District of Columbia a segregated, nonlapsing dedicated fund, known as the Victims of Domestic Violence Fund ("Fund'). Moneys shall be deposited into the Fund from sources identified pursuant to District law. Moneys may also be deposited from the District's Victims Services Fund, any federal grant or other federal funds, or from any other sources, both private and public, that may be used for the purposes of the Fund.

(b) The Fund shall be administered by the Director of the Department of Human Services. At the end of each fiscal year, the Director shall make a grant of the full amount of the Fund in equal allotments, to licensed nonprofit providers of emergency shelter housing for victims of domestic violence in the District of Columbia.

Victims of Domestic Violence Fund Establishment Temporary Act of 2005 — **DC LEGIS 16-0013**

Summary

Voting Record

Approved: May 18, 2005
Effective: July 22, 2005
Expired: March 4, 2006

- Establishes, on a temporary basis, a dedicated fund and grant program for nonprofit providers of emergency shelter to victims of domestic violence

Victims of Domestic Violence Fund

(a) There is hereby established within the general fund of the District of Columbia a segregated, nonlapsing dedicated fund, known as the Victims of Domestic Violence Fund ("Fund"). Moneys shall be deposited into the Fund from sources identified pursuant to District law. Moneys may also be deposited from the District's Victims Services Fund, any federal grant or other federal funds, or from any other sources, both private and public, that may be used for the purposes of the Fund.

(b) The Fund shall be administered by the Director of the Department of Human Services. At the end of each fiscal year, the Director shall make a grant of the full amount of the Fund in equal allotments, to licensed nonprofit providers of emergency shelter housing for victims of domestic violence in the District of Columbia.

Victims of Domestic Violence Fund Establishment Emergency Act of 2005 **DC LEGIS ACT 16-0071**

Summary

Voting Record

Approved: April 25, 2005
Effective: April 25, 2005
Expired: July 24, 2005

- Establishes, on an emergency basis, a dedicated fund and grant program for nonprofit providers of emergency shelter to victims of domestic violence

Victims of Domestic Violence Fund.

(a) There is hereby established within the general fund of the District of Columbia a segregated, nonlapsing dedicated fund, known as the Victims of Domestic Violence Fund ("Fund"). Moneys shall be deposited into the Fund from sources identified pursuant to District law. Moneys may also be deposited from the District's Victims Services Fund, any federal grant or other federal funds, or from any other sources, both private and public, that may be used for the purposes of the Fund.

(b) The Fund shall be administered by the Director of the Department of Human Services. At the end of each fiscal year, the Director shall make a grant of the full amount of the Fund in equal allotments, to licensed nonprofit providers of emergency shelter housing for victims of domestic violence in the District of Columbia.

Homeless Services Reform Act of 2005 | **DC LEGIS 16-0035**

Summary | Approved: August 3, 2005

Voting Record | Effective: October 22, 2005

- Reaffirms the District of Columbia's commitment to addressing the problem of homelessness
- Establishes the Interagency Council on Homelessness and describe its members, powers, and duties
- Describes the Continuum of Care for individuals and families who are homeless or at imminent risk of becoming homeless
- Codifies the rights and responsibilities of clients of homeless services providers, and the standards by which the District of Columbia and homeless services providers must deliver services to clients
- Revises the procedures for resolving disputes between clients and providers of homeless services

§ 4-751.01. Definitions.

For the purposes of this chapter, the term:

(1) "Administrative Procedure Act" or "APA" means Chapter 5 of Title 2.

(2) "Adult" means any individual who:

(A) Has reached the age of majority under District law as defined in § 46-101; or

(B) Qualifies as an emancipated minor under District law.

(3) "Apartment style" means a housing unit with:

(A) Separate cooking facilities and other basic necessities to enable families to prepare and consume meals;

(B) Separate bathroom facilities for the use of the family; and

(C) Separate sleeping quarters for adults and minor children in accordance with the occupancy standards of Title 14 of the District of Columbia Municipal Regulations (Housing).

(4) "Appropriate permanent housing" means permanent housing that does not jeopardize the health, safety, or welfare of its occupants, meets the District's building code requirements, and is affordable for the client.

(5) "Appropriately trained and qualified" means having received specialized training designed to teach the skills necessary to successfully perform one's job and to work compassionately with individuals and families who are homeless or at imminent risk of becoming homeless.

(6) "Basic necessities" means a dinette set, refrigerator, stove, exhaust fan or window, storage cabinets, cookware, flatware, and tableware.

(7) "Client" means an individual or family seeking, receiving, or eligible for services from a program covered by § 4-754.01.

(8) "Continuum of Care" means the comprehensive system of services for individuals and families who are homeless or at imminent risk of becoming homeless and designed to serve clients based on their individual level of need. The Continuum of Care may include crisis intervention, outreach and assessment services, shelter, transitional housing, permanent supportive housing, and supportive services.

(9) "Crisis intervention" means assistance to prevent individuals and families from becoming homeless, which may include, but need not be limited to, cash assistance for security deposits, rent or mortgage payments, utility assistance, credit counseling, mediation with landlords, and supportive services.

(10) "Culturally competent" means the ability of a provider to deliver or ensure access to services in a manner that effectively responds to the languages, values, and practices present in the various cultures of its clients so the provider can respond to the individual needs of each client.

(11) "Day program" means a facility that provides open access to structured activities during set hours of the day to meet the supportive services needs of individuals and families who are homeless or at imminent risk of becoming homeless.

(12) "Department" means the Department of Human Services.

(13) "District" means the District of Columbia government, its agents, or its designees.

(14) "Drop-in center" means a facility that delivers supportive services that may include food, clothing, showers, medical services, and employment services.

(15) "Drug" means a controlled substance as defined in § 48-901.02(4) or 21 U.S.C.S. § 801 et seq.

(16) "Family" means:

(A) A group of individuals with at least one minor or dependent child, regardless of blood relationship, age, or marriage, whose history and statements reasonably tend to demonstrate that they intend to remain together as a family unit; or

(B) A pregnant woman in her third trimester.

(16A) "Gender identity or expression" shall have the same meaning as provided in § 2-1401.02(12A).

(17) "Group home" means a housing unit with:

(A) Sleeping quarters that may be shared;

(B) Shared cooking and bathroom facilities; and

(C) Other basic necessities to enable individuals or families to prepare and consume meals.

(18) "Homeless" means:

(A) Lacking a fixed, regular residence that provides safe housing, and lacking the financial means to acquire such a residence immediately; or

(B) Having a primary nighttime residence that is:

(i) A supervised publicly or privately operated shelter or transitional housing facility designed to provide temporary living accommodations; or

(ii) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

(19) "Housing First" means a program that provides clients with immediate access to independent permanent housing and supportive services without prerequisites for sobriety or participation in psychiatric treatment. Clients in Housing First programs may choose the frequency and type of supportive services they receive and refusal of services will have no consequence for their access to housing or on continuation of their housing and supportive services.

(20) "Hyperthermia shelter" means a public or private building that the District shall make available, for the purpose of providing shelter to individuals or families who are homeless and cannot access other shelter, whenever the actual or forecasted temperature or heat index rises above 95 degrees Fahrenheit. The term "hyperthermia shelter" does not include overnight shelter.

(21) "Hypothermia shelter" means a public or private building that the District shall make available, for the purpose of providing shelter to individuals or families who are homeless and cannot access other shelter, whenever the actual or forecasted temperature, including the wind chill factor, falls below 32 degrees Fahrenheit.

(22) "Individual with a disability" means a person with a physical or mental impairment that substantially limits the major life activities of the person.

(23) "Imminent risk of becoming homeless" means the likelihood that an individual's or family's circumstances will cause the individual or family to become homeless in the absence of prompt government intervention.

(24) "Imminent threat to the health or safety" means an act or credible threat of violence on the grounds of a shelter or supportive housing facility.

(25) "Interagency Council" means the Interagency Council on Homelessness established pursuant to § 4-752.01.

(26) "Low barrier shelter" means an overnight housing accommodation for individuals who are homeless, provided directly by, or through contract with or grant from, the District, for the purpose of providing shelter to individuals without imposition of identification, time limits, or other program requirements;

(27) "Member agency" or "member agencies" means the District agencies or divisions thereof represented on the Interagency Council pursuant to § 4-752.01(b).

(27A) "Office" means the Office of Shelter Monitoring established pursuant to § 4-754.51.

(28) "Permanent supportive housing" means supportive housing for an unrestricted period of time for individuals and families who were once homeless and continue to be at imminent risk of becoming homeless, including persons with disabilities as defined in 24 C.F.R. § 582.5, for whom self-sufficient living may be unlikely and whose care can be supported through public funds.

(29) "Program Rules" means the set of provider rules, client rights, and complaint and appeal procedures, including those enumerated in this chapter, proposed by a particular provider for the purpose of governing the behavior and treatment of its clients and approved by the Mayor subject to § 4-754.32.

(30) "Provider" means an individual or entity within the Continuum of Care that operates a program covered by § 4-754.01.

(31) "Public assistance" means government-funded payments in or by money, medical care, remedial care, shelter, goods or services to, or for the benefit of, needy persons.

(32) "Resident of the District" means an individual or family who is living in the District voluntarily and not for a temporary purpose and who has no intention of presently moving from the District. The term "resident of the District" shall be interpreted and applied in accordance with § 4-205.03.

(32A) "Safe housing" means housing that does not jeopardize the health, safety, or welfare of its occupants and that permits access to electricity, heat, and running water for the benefit of occupants.

(33) "Sanction" means an adverse action taken by a provider affecting the delivery of services to a client, and may include loss of privileges or denial, reduction, delay, transfer for inappropriate or punitive reasons, suspension, or termination of services.

(34) "Service plan" means a written plan collaboratively developed and agreed upon by both the provider and the client, consisting of time-specific goals and objectives designed to promote self-sufficiency and attainment of permanent housing and based on the client's individually assessed needs, desires, strengths, resources, and limitations.

(35) "Severe weather conditions" means the outdoor conditions whenever the actual or forecasted temperature, including the wind chill factor or heat index, falls below 32 degrees Fahrenheit or rises above 95 degrees Fahrenheit.

(36) "Severe weather shelter" means hyperthermia shelter or hypothermia shelter.

(37) "Shelter" means severe weather shelter, low barrier shelter, and temporary shelter.

(38) "Supportive housing" means transitional housing and permanent supportive housing.

(39) "Supportive services" means services addressing employment, physical health, mental health, alcohol and other substance abuse recovery, child care, transportation, case management, and other health and social service needs which, if unmet, may be barriers to obtaining or maintaining permanent housing.

(40) "Temporary shelter" means:

(A) A housing accommodation for individuals who are homeless that is open either 24 hours or at least 12 hours each day, other than a severe weather shelter or low barrier shelter, provided directly by, or through contract with or grant from, the District, for the purpose of providing shelter and supportive services; or

(B) A 24-hour apartment-style housing accommodation for individuals or families who are homeless, other than a severe weather shelter, provided directly by, or through contract with or grant from, the District, for the purpose of providing shelter and supportive services.

(41) "Transitional housing" means a 24-hour housing accommodation, provided directly by, or through contract with or grant from, the District, for individuals and families who:

(A) Are homeless;

(B) Require a structured program of supportive services for up to 2 years or as long as necessary in order to prepare for self-sufficient living in permanent housing; and

(C) Consent to a case management plan developed collaboratively with the provider.

(42) "Weapon" means any pistol or other firearm (or imitation thereof), or other dangerous or deadly weapon, including a sawed-off shot gun, shot gun, machine gun, rifle, dirk, bowie knife, butcher knife, switch blade knife, razor, black jack, billy club or metallic or other false knuckles, as referenced in § 22-4502, and any air gun, air rifle, canon, torpedo, bean shooter, sling, projectile, dart, BB gun, spring gun, blow gun, other dangerous missile or explosive, or other dangerous weapon or ammunition of any character, as referenced in Chapter 23 of Title 24 of the District of Columbia Municipal Regulations.

§ 4-752.01. Establishment of Interagency Council on Homelessness.

(a) There is established in the District the Interagency Council on Homelessness for the purpose of facilitating interagency, cabinet-level leadership in planning, policymaking, program development, provider monitoring, and budgeting for the Continuum of Care of homeless services.

(b) The Interagency Council is composed of:

(1) The City Administrator, who shall serve as chairperson of the Interagency Council;

(2) The administrative head of each of the following entities or divisions thereof:

(A) Department of Human Services;

(B) Department of Mental Health;

(C) Child and Family Services Agency;

(D) Department of Housing and Community Development;

(E) Department of Health;

(F) District of Columbia Housing Authority;

(G) Department of Corrections;

(H) Department of Employment Services;

(I) Office of the State Superintendent of Education;

(J) Homeland Security and Emergency Management Agency;

(K) Office of Property Management; and

(L) Metropolitan Police Department;

(3) A representative of any private entity designated to approve or allocate any grants or contracts, on behalf of the Mayor, for services within the Continuum of Care;

(4) A representative from a minimum of 4 and a maximum of 10 organizations that are providing services within the Continuum of Care;

(5) A minimum of 2 and a maximum of 5 homeless or formerly homeless individuals;

(6) A minimum of 2 and a maximum of 5 advocates for the District of Columbia's homeless population;

(7) The Chairman of the Council, or his or her designee, and the Chairman of the committee of the Council having purview over homeless services, or his or her designee, both of whom shall be non-voting members; and

(8) The administrative head of the Office of Shelter Monitoring, who shall be a non-voting member.

(c) All non-government members of the Interagency Council described in subsections (b)(4)-(6) of this section shall be nominated for appointment by the Mayor and approved by the Council. The Mayor shall transmit to the Council, within 90 days of October 22, 2005, nominations of each non-government member of the Interagency Council for a 60-day period of review, excluding days of Council recess. If the Council does not approve or disapprove a nomination by resolution within the 60-day review period, the nomination shall be deemed approved.

§ 4-752.02. Powers and duties of the Interagency Council.

(a) The Interagency Council shall provide leadership in the development of strategies and policies that guide the implementation of the District's policies and programs for meeting the needs of individuals and families who are homeless or at imminent risk of becoming homeless.

(b) In fulfilling the responsibility described in subsection (a) of this section, the Interagency Council shall:

(1) Coordinate an annual, community-wide needs-assessment and planning process to identify, prioritize, and target needs for services within the Continuum of Care. The needs-assessment shall take into account existing data and include input from at least one public hearing, which shall be held at least once each year;

(2) At least every 5 years, prepare and publish a strategic plan for services within the Continuum of Care that takes into account existing data and community input;

(3) Prepare an annual plan detailing how the District intends to provide or arrange for services within the Continuum of Care that takes into account existing data and community input;

(4) Review on a regular basis the efforts of each member of the Interagency Council to fulfill the goals and policies of the annual plan prepared pursuant to paragraph (3) of this subsection, including a review of the number and nature of contracts and grants entered into by each agency to provide services within the Continuum of Care;

(5) Prepare and submit to the Mayor an annual written report evaluating the efforts of each member agency of the Interagency Council to meet the goals and policies of the annual plan prepared pursuant to paragraph (3) of this subsection;

(6) Direct the Office of Property Management to identify vacant public buildings or tax-foreclosed

buildings to be used as shelter and supportive housing facilities;

(7) Provide input into the District's planning and application for federal funds for services within the Continuum of Care. All applications for federal funds shall take into account the strategic plan developed by the Interagency Council prepared pursuant to paragraph (2) of this subsection;

(8) Have access to data collected and generated by a computerized information system as set up by the Mayor pursuant to § 4-753.02(d). The data may include the number of beds or units available in the District's shelter and supportive housing facilities, the availability of supportive services in the District, and the current usage of and unmet demand for such beds, units, and services;

(9) By September 1 of each year, develop a plan, consistent with the right of clients to shelter in severe weather conditions, describing how member agencies will coordinate to provide hypothermia shelter and identifying the specific sites that will be used as hypothermia shelters; and

(10) Review reports of the fair hearings and administrative reviews requested or received by clients within the Continuum of Care, which shall include the provider party to the appeal, the subject matter of the appeal, and the final disposition of the appeal.

(c) The Mayor shall, no later than February 1 of each year, make available to all Interagency Council members the District's proposed budget breakdown of each agency's appropriations for services within the Continuum of Care. The Interagency Council shall give comments to the Mayor regarding the proposed budget.

(d) Each member agency of the Interagency Council shall:

(1) Conduct or commission an annual audit of any private entity designated by the agency to approve or allocate any grants or contracts, on behalf of the Mayor, for services within the Continuum of Care, and make available a report of the audit to all Interagency Council members;

(2) Offer training and technical assistance to its employees who directly provide services within the Continuum of Care and to any providers with which the member agency or its designee contracts to deliver the services; and

(3) Report to the Interagency Council on a quarterly basis currently available data on the number of individuals and families that applied for homeless services and the number of homeless individual or families that were served by the agency and its contractors.

§ 4-752.03. Operation of the Interagency Council.

(a) The Interagency Council shall meet not less than quarterly. All meetings of the Interagency Council shall comply with the following requirements:

(1) A quorum of one-third of the appointed representatives of member agencies, one-third of appointed

representatives of providers of homeless services, and one-third of the appointed homeless or formerly homeless individuals or advocates must be present in order to conduct the business of the Interagency Council;

(2) The meetings of the Interagency Council, and the meetings of any committees it shall establish pursuant to subsection (c) of this section, shall be subject to the open meeting provisions of § 1-207.42; and

(3) The Interagency Council shall provide a reasonable opportunity at the beginning of each meeting during which members of the public may comment on matters relevant to the work of the Interagency Council.

(b) The Interagency Council shall enact rules of procedure or bylaws to guide the regular operation of the Interagency Council. The rules of procedure or bylaws shall be made available to the public upon request.

(c) The Interagency Council may establish committees to aid in conducting its business. No meeting of a committee of the Interagency Council shall qualify as a meeting of the Interagency Council for purposes of fulfilling the requirements in subsection (a) of this section.

(d) The Mayor shall, within 30 days of October 22, 2005, designate an existing department or agency to provide staff assistance and support to the Interagency Council.

§ 4-753.01. Continuum of Care for individuals and families who are homeless.

(a) The District's provision of homeless services shall be based on a Continuum of Care that offers a comprehensive range of services through various member agencies and is designed to meet the specific, assessed needs of individuals and families who are homeless or at imminent risk of becoming homeless. The District shall respond to the changing needs of individuals and families by ensuring that transfer between and among services within the Continuum of Care is fluid and allows clients to modify the intensity of services they receive to meet their needs, preferences, and changing circumstances.

(b) The Continuum of Care may include the following range of services:

(1) Crisis intervention for the purpose of preventing homelessness by enabling individuals and families at imminent risk of becoming homeless to remain in or access permanent housing; provided, that the Mayor shall not offer crisis intervention services authorized by this paragraph until the Chief Financial Officer has certified the availability of fiscal year 2006 funding pursuant to D.C. Law 16-33, § 1016(5);

(2) Outreach and assessment, including the operation of a hotline, for the purpose of identifying the housing and supportive service needs of individuals and families who are homeless or at imminent risk of becoming homeless and linking them to appropriate services;

(3) Shelter to meet the housing needs of individuals and families who are homeless through the provision of:

(A) Severe weather shelter for the purpose of protecting lives in extreme hot and cold weather;

(B) Low barrier shelter for individuals for the purpose of sheltering and engaging individuals who avoid temporary shelter because of identification, time limit, or other program requirements; and

(C) Temporary shelter for individuals and families for the purpose of meeting short-term housing needs and other supportive service needs;

(4) Supportive housing to meet the longer-term housing needs of individuals and families who are homeless through the provision of:

(A) Transitional housing for the purpose of providing eligible individuals and families who are homeless with long-term housing and supportive services in order to prepare them for self-sufficient living in permanent housing; and

(B) Permanent supportive housing for the purpose of providing eligible individuals and families who are homeless or at imminent risk of becoming homeless with housing and supportive services;

(C) Housing First for the purpose of providing eligible individuals and families who are homeless with housing and supportive services;

(5) Supportive services for the purpose of providing individuals and families who are homeless or at imminent risk of becoming homeless with services that address their housing, employment, physical health, mental health, alcohol and other substance abuse recovery, child care, case management, transportation, and other health and social service needs which, if unmet, may be barriers to obtaining or maintaining permanent housing. These services may, but need not, be delivered through day programs, drop-in centers, shelters, and transitional and permanent supportive housing providers, or through referrals to other appropriate service providers.

(c) Whenever the actual or forecasted temperature, including the wind chill factor, falls below 32 degrees Fahrenheit, or whenever the actual or forecasted temperature or heat index rises above 95 degrees Fahrenheit, the District shall make available appropriate space in District of Columbia public or private buildings and facilities for any person in the District who is homeless and cannot access other shelter. In doing so, the District shall not use District of Columbia Public School buildings currently being used for educational purposes without the prior approval of the Board of Education.

(d) The Mayor shall not place homeless families in non-apartment style shelters.

(e) Pursuant to § 4-756.02, the Mayor shall issue rules on the administration of emergency assistance grants offered as crisis intervention services to individuals and families in need of cash assistance for mortgage, rent, or utility bills in arrears or for a security deposit or first month's rent.

§ 4-753.02. Eligibility for services within the Continuum of Care.

(a) An individual or family is eligible to receive services within the Continuum of Care if the individual or family:

(1) Is homeless or at imminent risk of becoming homeless;

(2) Is a resident of the District, as defined by § 4-205.03; and

(3) Meets any additional eligibility requirements that have been established pursuant to § 4-754.31 by the provider from whom services are sought.

(b) No individual or family may be deemed ineligible for services solely because the individual or family cannot establish proof of homelessness or residency at the time of the individual or family's application for assistance.

(c) (1) The Mayor shall operate at least one central intake center for families for the purposes of:

(A) Assessing the eligibility of families for services within the Continuum of Care and making appropriate referrals for those services; and

(B) Serving as a resource center for families who are seeking information about the availability of services within the Continuum of Care.

(1A) The Mayor shall operate an intake center specializing in crisis intervention services and located in close proximity to the Landlord and Tenant Branch of the Superior Court of the District of Columbia.

(2) Families who are eligible for services within the Continuum of Care shall receive appropriate referrals to the first available provider based on the chronological order in which they apply for assistance, consistent with any additional eligibility requirements established pursuant to § 4-754.32 by the provider from whom services are sought.

(3) Any family who is determined to be eligible for services pursuant to subsection (c)(1)(A) of this section, but who is not immediately served due to lack of capacity, shall be placed on one or more waiting lists for the services sought and shall be served in the order in which appropriate referrals become available.

(4) Notwithstanding paragraph (2) of this subsection, in determining what is an "appropriate referral," the Mayor shall consider relevant factors, including prior receipt of services, disability, family size, affordability of housing and age, and may use these factors to prioritize a family's placement in shelter or other service.

(5) The Mayor shall not impose or apply eligibility criteria that exclude or tend to exclude an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any services

within the Continuum of Care, unless such criteria are shown to be necessary for the provision of the services.

(d) The Mayor shall operate a computerized information system to collect, maintain, and distribute up-to-date information regarding the number of beds or units available in shelter and supportive housing in the District, the availability of supportive services, and the current usage and unmet demand for such beds, units, and services.

§ 4-754.01. Application.

(a) The provisions in this subchapter shall apply to:

(1) Each program within the Continuum of Care offered by the District of Columbia or by a provider receiving funding for the program from either the District of Columbia or the federal government, if such funds are administered, whether by grant, contract, or other means, by the Department of Human Services or its designee; and

(2) Clients of programs covered under paragraph (1) of this subsection.

(b) In multi-program agencies, the provisions in this subchapter shall only apply to those programs that meet the criteria in subsection (a) of this section and clients of those programs.

(c) This section shall not be construed to expand or limit the requirements of any other provision of this chapter.

§ 4-754.11. Client rights.

Clients served within the Continuum of Care shall have the right to:

(1) At all times, be treated by providers and the Department with dignity and respect;

(2) Access services within the Continuum of Care free from discrimination on the basis of race, color, religion, national origin, language, culture, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, disability, and source of income, and in accordance with Unit A of Chapter 14 of Title 2, the Americans with Disabilities Act of 1990, approved July 26, 1990 (104 Stat. 328; 42 U.S.C.S. § 12101 et seq.), the Rehabilitation Act of 1973, approved August 7, 1998 (112 Stat. 1095; 29 U.S.C.S. § 701 et seq.), Title II of the Civil Rights Act of 1964, approved July 2, 1964 (78 Stat. 243; 42 U.S.C.S. § 2000a et seq.), and subchapter II of Chapter 19 of Title 2 [§ 2-1931 et seq.];

(3) Receive reasonable modifications to policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the client's provider demonstrates that the modifications would fundamentally alter the nature of the services;

(4) Access services within the Continuum of Care free from verbal, emotional, sexual, financial, and physical abuse and exploitation;

(5) Shelter in severe weather conditions;

(6) At a reasonable time and with reasonable prior notice, view and copy, or have an authorized representative view and copy, all records and information that are related to the client and maintained by the client's provider, including any relevant personal, social, legal, financial, educational, and medical records and information, subject to the provisions of paragraph (7) of this subsection;

(7) Confidential treatment by the Department and providers of personal, social, legal, financial, educational, and medical records and information related to a client or any member of a client's family, whether obtained from the client or from any other source, in a manner consistent with the confidentiality requirements of District and federal law;

(8) Engage in or abstain from the practice of religion, including the religion of a particular provider or other clients;

(9) Upon request, be told the name and job title of any provider staff member delivering services;

(10) Provide input and feedback to providers on their delivery of services;

(11) File complaints with, testify before, or provide information to a provider or the Mayor regarding the provider's delivery of services or treatment of the client;

(12) Participate actively in development of any service plan for the client, be told of the progress made toward the goals of that service plan, and receive a review of the service plan upon request;

(13) Be free from testing for drugs or alcohol except when:

(A) Program guidelines prohibit intoxication and a licensed social worker with experience identifying indications of drug or alcohol use or a certified addiction counselor determines that there is reasonable cause to believe that the client is engaging in drug or alcohol use; or

(B) A client consents to drug or alcohol testing as part of the client's case management plan developed in accordance with paragraph (12) of this subsection;

(14) Meet and communicate privately with attorneys, advocates, clergy, physicians, and other professionals;

(15) Timely notice, where required by § 4-754.33, of any decision by the Department or a provider that adversely affects the client's receipt of services within the Continuum of Care;

(16) Appeal, where permitted by §§ 4-754.41 and 4-754.42, of any decision by the Department or a

provider that adversely affects the client's receipt of services within the Continuum of Care;

(17) Be free from retaliation, punishment, or sanction for exercising any rights provided under this chapter; and

(18) Continuation of shelter and supportive housing services without change, other than transfer pursuant to § 4-754.34 or emergency transfer, suspension, or termination pursuant to § 4-754.38, pending the outcome of any fair hearing requested within 15 calendar days of receipt of written notice of a suspension or termination.

§ 4-754.12. Additional rights for clients in temporary shelter or supportive housing.

Clients residing in temporary shelter or supportive housing shall have the right to:

(1) Receive visitors in designated areas of the shelter or housing premises during reasonable hours and under such reasonable conditions as specified in the provider's Program Rules established pursuant to § 4-754.32;

(2) Leave and return to the shelter or housing premises within reasonable hours as specified by the Program Rules established pursuant to § 4-754.32;

(3) Reasonable prior notice specifying the date and time of any inspections of a client's living quarters and of the provider staff member authorized to perform the inspection, except when, in the opinion of the provider's executive or program director, there is reasonable cause to believe that the client is in possession of a substance or object that poses an imminent threat to the health and safety of the client or any other person on the provider's premises and such reasonable cause is documented in the client's record;

(4) Be present or have an adult member of the family present at the time of any inspection unless, in the opinion of the provider's executive or program director, there is reasonable cause to believe that the client is in possession of a substance or object that poses an imminent threat to the health and safety of the client or any other person on the provider's premises and such reasonable cause is documented in the client's record;

(5) Reasonable privacy in caring for personal needs and in maintaining personal living quarters; and

(6) Conduct their own financial affairs, subject to the reasonable requirements of Program Rules established pursuant to § 4-754.32 or to a service plan pursuant to § 4-754.11(12).

§ 4-754.13. Client responsibilities.

(a) Clients receiving services within the Continuum of Care shall:

(1) Seek appropriate permanent housing or Housing First, except when the client is residing in severe

weather and low barrier shelter;

(2) Seek employment, education, or training when appropriate, except when the client is residing in severe weather and low barrier shelter;

(3) Refrain from the following behaviors while on a provider's premises:

(A) The use or possession of alcohol or illegal drugs;

(B) The use or possession of weapons;

(C) Assaulting or battering any individual, or threatening to do so; and

(D) Any other acts that endanger the health or safety of the client or any other individual on the premises;

(4) Ensure that children within the client's family and physical custody are enrolled in school, where required by law;

(5) Ensure that the client's minor children receive appropriate supervision while on the provider's premises;

(6) Utilize child care services when necessary to enable the adult client to seek employment or housing or to attend school or training, unless the client meets any of the exemptions of § 4-205.19g, or section 5809.4(b)-(e) of Title 29 of the District of Columbia Municipal Regulations, including any subsequent revisions.

(7) Respect the safety, personal rights, and private property of provider staff members and other clients;

(8) Maintain clean sleeping and living areas, including bathroom and cooking areas;

(9) Use communal areas appropriately, with attention to cleanliness and respect for the interests of other clients;

(10) Be responsible for one's own personal property; and

(11) Follow all Program Rules established by a provider pursuant to § 4-754.32.

(b) Clients residing in temporary shelter and transitional housing shall participate in the provider's assessment and case management services.

§ 4-754.21. Common standards for all providers.

Providers shall:

(1) Ensure staff members are appropriately trained, qualified, and supervised;

(2) Maintain safe, clean, and sanitary facilities that meet all applicable District health, sanitation, fire, building, and zoning codes;

(3) Assist clients to prepare for living in permanent housing, as deemed appropriate by the provider and the client;

(4) Collaborate and coordinate with other service providers to meet the client's needs, as deemed appropriate by the provider and the client;

(5) Receive and utilize client input and feedback for the purpose of evaluating and improving the provider's services;

(6) Establish procedures for the provider's internal complaint procedures;

(7) Provide clients with copies of printed information describing the range of services within the Continuum of Care;

(8) In accordance with § 4-753.02(c) and as openings occur, inform all clients of services for which they may be eligible;

(9) Deliver or provide access to culturally competent services and language assistance for clients with limited English proficiency;

(10) Provide services free from discrimination on the basis of race, color, religion, national origin, language, culture, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, disability, and source of income, and in accordance with Unit A of Chapter 14 of Title 2, the Americans with Disabilities Act of 1990, approved July 26, 1990 (104 Stat. 328; 42 U.S.C.S. § 12101 et seq.), the Rehabilitation Act of 1973, approved August 7, 1998 (112 Stat. 1095; 29 U.S.C.S. § 701 et seq.), and Title II of the Civil Rights Act of 1964, approved July 2, 1964 (78 Stat. 243; 42 U.S.C.S. § 2000a et seq.);

(11) Provide reasonable modifications to policies, practices, and procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the provider demonstrates that making the modifications would fundamentally alter the nature of the services;

(12) Ensure confidential treatment of the personal, social, legal, financial, and medical records and information related to a client or any member of a client's family, whether obtained from the client or from any other source, consistent with the confidentiality requirements of District and federal law;

(13) Establish Program Rules in accordance with § 4-754.32;

(14) Provide notice of its Program Rules in accordance with § 4-754.33;

(15) Collect, record, and annually report to the Mayor all complaints, including requests for fair hearings or administrative reviews, made against or related to the provider during the year; and

(16) Establish procedures to revise practices and policies as may be necessary to ensure that clients may access services free from discrimination on the basis of disability.

§ 4-754.22. Additional standards for providers of severe weather shelter.

In addition to the standards in § 4-754.21, providers of severe weather shelter shall provide:

(1) When severe weather conditions continue overnight, a clean bed with clean linens, pad, and blanket for each bed;

(2) Basic needs, such as food and clothing and other supportive services, or information about where to obtain such basic needs and supportive services;

(3) 24-hour, properly functioning toilet facilities;

(4) Cool water, available via water cooler, fountain, or other means; and

(5) Properly functioning heating and cooling systems during the appropriate seasons.

§ 4-754.23. Additional standards for providers of low barrier shelter.

In addition to the requirements in §§ 4-754.21 and 4-754.22, providers of low barrier shelter shall provide:

(1) Case management services with an appropriately trained, qualified, and supervised case manager, which shall include the development of a service plan;

(2) Hot shower facilities; and

(3) Personal hygiene supplies.

§ 4-754.24. Additional standards for providers of temporary shelter and supportive housing.

In addition to the requirements in §§ 4-754.21, 4-754.22, and 4-754.23, providers of temporary shelter and supportive housing shall provide:

(1) Assessment by an appropriately trained, qualified, and supervised case manager in order to identify each client's service needs;

(2) Direct provision of, or referral to, appropriate supportive services to enable the client to fulfill the goals and requirements in the client's service plan;

(3) Mail and phone services, or procedures for handling mail and phone messages, that enable the client to receive mail and messages without identifying the client as residing in temporary shelter or supportive housing;

(4) Private, secure space for the temporary storage of personal belongings;

(5) Access to laundry facilities in the immediate vicinity of the shelter or supportive housing facility when all of the units are in one location;

(6) Reasonable access to phones during reasonable hours and during emergencies;

(7) The opportunity to establish a voluntary savings or escrow account; and

(8) In supportive housing and temporary shelters for families, access to immediate indoor or outdoor areas equipped with basic facilities for exercise and play for use by minor children.

§ 4-754.25. Additional standards for providers of transitional housing.

In addition to the requirements of §§ 4-754.21, 4-754.22, 4-754.23, and 4-754.24, all providers of transitional housing shall provide:

(1) Follow-up supportive services, for a minimum of 6 months, for clients who have transferred to permanent housing from their program, unless the client is receiving such supportive services from another provider;

(2) An apartment-style or group home housing accommodation; and

(3) Access to private space and personal time.

§ 4-754.31. Monitoring and inspections.

(a) The Mayor shall monitor and evaluate the services delivered by all programs covered by § 4-754.01.

(b) The Mayor shall inspect the premises of all providers operating programs covered by § 4-754.01. Except for inspections of shelters monitored by the Office of Shelter Monitoring pursuant to § 4-754.52, inspections shall be conducted:

(1) At least once during each calendar year;

(2) Whenever the Mayor has reason to believe that a provider is not in compliance with the applicable standards established in this chapter or with other requirements or agreements; and

(3) In a reasonable manner and during the regular hours of operation of the provider.

(c) During any inspection conducted pursuant to subsection (b) of this section, the provider shall make available for examination any records or other materials related to the delivery of its services, including records relating to clients and to internal complaints, in accordance with the confidentiality requirements of § 4-754.11(7).

(d) The Mayor shall not delegate the responsibilities of this section to any agency or entity that serves as a provider of services covered by § 4-754.01.

§ 4-754.32. Program Rules.

(a) Pursuant to the limitations of subsections (b) and (c) of this section, providers may establish Program Rules related to the specific goals of their programs. The Program Rules shall include:

(1) Any applicable special eligibility requirements for the purpose of limiting entry into the program to individuals or families exhibiting the specific challenges that the program is designed to address, except in severe weather shelter and low barrier shelter;

(2) Rules regarding client responsibilities, including those listed in § 4-754.13;

(3) A list of client rights, including those listed in § 4-754.11, and where appropriate, § 4-754.12;

(4) A description of the internal complaint procedures established by the provider for the purpose of providing the client with an opportunity to promptly resolve complaints;

(5) A description of the procedures by which an individual with a disability may request a reasonable modification of policies or practices that have the effect of limiting the right to access services free from discrimination on the basis of disability as established by § 4-754.11(2).

(6) A description of the procedures and notice requirements of any internal mediation program established by the provider pursuant to § 4-754.39;

(7) A description of any schedule of sanctions that a provider may apply to clients who are in violation of the Program Rules, as authorized by §§ 4-754.34 through 4-754.38; and

(8) A description of a client's right to appeal any decision or action by the provider that adversely affects the client's receipt of services through fair hearing proceedings pursuant to § 4-754.41 and administrative review proceedings pursuant to § 4-754.42.

(b) Any Program Rules established by a provider shall be submitted to the Mayor for approval in accordance with the following requirements:

(1) Within 90 days of October 22, 2005;

(2) On a yearly basis thereafter, with any proposed changes clearly identified; and

(3) Whenever a provider seeks approval to change its eligibility criteria, the rules of its internal mediation program or complaint procedures, or its schedule of sanctions.

(c) No provider may enforce any provision within its Program Rules, other than those requirements or protections specifically enumerated by this chapter, unless:

(1) The Program Rules were in existence before October 22, 2005, and less than 180 days has passed since October 22, 2005; or

(2) The Mayor has approved the Program Rules pursuant to subsection (b) of this section.

§ 4-754.33. Notice.

(a) (1) All providers shall give prompt and effective notice of their Program Rules by:

(A) Posting a copy of their Program Rules on the provider's premises in a location easily accessible to clients and visitors; and

(B) Giving every new client written notice of the provider's Program Rules, and reading and explaining the written notice to the client.

(2) The client and the provider staff member delivering the notice pursuant to paragraph (1)(B) of this subsection shall both sign a statement acknowledging the client's receipt of the notice and indicating the client's awareness, understanding, and acceptance of the Program Rules.

(b) All providers shall give to any client to whom they have denied services oral and written notice of the right to appeal the denial, including information about how to request a fair hearing pursuant to § 4-754.41 and administrative review pursuant to § 4-754.42.

(c) All providers shall give written and oral notice to clients of their transfer to another provider or of their suspension or termination from services at least 15 days prior to the effective date of the transfer, suspension, or termination, except:

(1) When the sanction results from the client's imminent threat to the health or safety of someone on the premises of the provider in accordance with § 4-754.38; or

(2) When the sanction is a suspension of supportive services for a period shorter than 10 days.

(d) Any notice issued pursuant to subsection (b) or (c) of this section must be mailed or served upon the client and shall include:

(1) A clear statement of the sanction or denial;

(2) A clear and detailed statement of the factual basis for the sanction or denial, including the date or dates on which the basis or bases for the sanction or denial occurred;

(3) A reference to the statute, regulation, policy, or Program Rule pursuant to which the sanction or denial is being implemented;

(4) A clear and complete statement of the client's right to appeal the sanction or denial through fair hearing proceedings pursuant to § 4-754.41 and administrative review proceedings pursuant to § 4-754.42, including the appropriate deadlines for instituting the appeal; and

(5) A statement of the client's right, if any, to continuation of benefits pending the outcome of any appeal, pursuant to § 4-754.11(18).

(e) Providers shall establish procedures to provide effective notice of rights, rules, sanctions, and denials to clients with special needs, including those who may be mentally impaired or mentally ill, or who may have difficulty reading or have limited English proficiency.

§ 4-754.34. Transfer.

(a) A provider may transfer a client to another provider to ensure the client receives the most appropriate services available within the Continuum of Care whenever:

(1) The client consents to the transfer; or

(2) The provider identifies and secures for the client a placement with another provider that more appropriately meets the client's medical, mental health, behavioral, or rehabilitative service needs in accordance with the client's service plan.

(b) In addition to the circumstances under which a client may be transferred as described in subsection (a) of this section, a provider may transfer a client when a client fails or refuses to comply with the provider's Program Rules and the client responsibilities listed in § 4-754.13, or engages in any of the behaviors listed in § 4-754.36(2); provided, that:

(1) The client has received proper notice of the Program Rules, client responsibilities, and prohibited behaviors, as required by § 4-754.33; and

(2) The provider has made a good-faith effort to enable the client to comply with the Program Rules so that the client is able to continue receiving services without a transfer.

(c) Transfers of clients under this section can be made through direct arrangements with other providers

within the Continuum of Care or through coordination with the central intake center established pursuant to § 4-753.02(c)(1). Such efforts shall be documented by the provider in the client's records.

§ 4-754.35. Suspension.

(a) If a client fails or refuses to comply with the provider's Program Rules and the client responsibilities listed in § 4-754.13, or engages in any of the behaviors listed in § 4-754.36(2), the provider may suspend services to the client for an appropriate period of time in light of the severity of the act or acts leading to the suspension, but in no case for any period longer then 30 days. The suspension may be implemented only when:

(1) The client has received proper notice of the Program Rules, client responsibilities, and prohibited behaviors, as required by § 4-754.33; and

(2) The provider has made a good-faith effort to enable the client to comply with the Program Rules so that the client is able to continue receiving services without suspension.

(b) Prior to suspension of services, the provider shall make a reasonable effort, given the severity of the situation, to transfer the client to another provider within the Continuum of Care, in accordance with § 4-754.34.

(c) A provider may not suspend adult individuals or adult family members in a manner that results in minor children or dependent adults being left unattended in a shelter or supportive housing unit.

§ 4-754.36. Termination.

A provider may terminate its delivery of services to a client only when:

(1) The provider documents that it has considered suspending the client in accordance with § 4-754.35 or has made a reasonable effort, in light of the severity of the act or acts leading to the termination, to transfer the client in accordance with § 4-754.34;

(2) The client:

(A) Possesses a weapon on the provider's premises;

(B) Possesses or sells illegal drugs on the provider's premises;

(C) Assaults or batters any person on the provider's premises;

(D) Endangers the client's own safety or the safety of others on the provider's premises;

(E) Intentionally or maliciously vandalizes, destroys, or steals the property of any person on the provider's premises;

(F) Fails to accept an offer of appropriate permanent housing or supportive housing that better serves the client's needs after having been offered 2 appropriate permanent or supportive housing opportunities; or

(G) Knowingly engages in repeated violations of a provider's Program Rules; and

(3) In the case of terminations pursuant to subparagraphs (2)(F) and (2)(G) of this section, the provider has made reasonable efforts to help the client overcome obstacles to obtaining permanent housing.

§ 4-754.37. Alternative sanctions.

(a) A provider may employ lesser sanctions as alternatives to the transfer, suspension, or termination of services authorized in §§ 4-754.34 through 4-754.36.

(b) Any alternative sanction applied shall be authorized in the schedule of sanctions included in the provider's Program Rules and may include loss of special privileges and imposition of additional responsibilities.

§ 4-754.38. Emergency transfers, suspensions, or terminations.

(a) Whenever a client presents an imminent threat to the health or safety of the client or any other person on a provider's premises, the provider, in light of the severity of the act or acts leading to the imminent threat, may immediately transfer, suspend, or terminate the client, without providing prior written notice of the transfer, suspension, or termination as required by § 4-754.33(c).

(b) The provider shall endeavor to provide written notice, consistent with the requirements of § 4-754.33(d), to any client transferred, suspended, or terminated pursuant to subsection (a) of this section at the time that the action is taken. If it is not possible or safe to provide written notice at the time of the action, a subsequent written notice shall be provided to the client within 15 days, or, if the client's whereabouts are unknown, upon request within 90 days of the transfer, suspension, or termination. The time period during which the client may request fair hearing proceedings to appeal the transfer, suspension, or termination pursuant to § 4-754.41 shall not begin until the client has received the subsequent written notice.

(c) No client transferred, suspended, or terminated pursuant to subsection (a) of this section shall have the right to request mediation of the action from the provider pursuant to § 4-754.39 or to continue to receive shelter or supportive housing services without change pending appeal pursuant to § 4-754.11(18).

(d) Whenever a provider transfers, suspends, or terminates a client pursuant to subsection (a) of this section, the provider shall immediately notify the Department of the action. The notification shall include the following information:

(1) The identity of the client who was transferred, suspended, or terminated;

(2) The nature, date, and time of the action taken by the provider;

(3) The provider staff member authorizing the transfer, suspension, or termination; and

(4) The act or acts leading to the transfer, suspension, or termination.

(e) Whenever the Department receives a notification pursuant to subsection (d) of this section, the Department shall issue a written finding of whether the emergency transfer, suspension, or termination order complies with the requirements of this section. The notification shall be issued within 24 hours of receipt of the notification by the Department. If the Department finds that the order was improperly issued, the Department shall reinstate the client's access to the services received prior to the issuance of the order, pending the outcome of a hearing pursuant to §§ 4-754.41 and 4-754.42.

§ 4-754.39. Mediation.

(a) Providers are strongly encouraged to establish internal mediation programs to resolve disputes with clients.

(b) Any provider who chooses to establish an internal mediation program shall offer mediation services to any client of the provider, or the client's representative, who requests them.

(c) Upon receiving an oral or written request for mediation, the provider shall provide the client or the client's representative with reasonable written notice of:

(1) The time and place of any mediation proceedings; and

(2) The client's right to request a fair hearing for formal review of his or her complaint pursuant to § 4-754.41 and his or her right to request administrative review pursuant to § 4-754.42.

(d) The provider shall allow the client or the client's representative to review its records of the client prior to the mediation proceeding.

(e) The provider shall allow the client to be accompanied by a legal or other representative of the client's choosing in any mediation proceedings.

(f) Upon conclusion of the mediation proceedings, the provider shall notify the client of his or her right to request a fair hearing pursuant to § 4-754.41, and the deadline for making such a request, if he or she is not satisfied with the outcome of the mediation.

(g) No member of the provider's staff who was involved in the incident or incidents at issue in the mediation shall serve as a mediator during the proceedings.

§ 4-754.41. Fair hearings.

(a) The Office of Administrative Hearings shall grant a fair hearing to any client or client representative who wishes to appeal a decision listed in subsection (b) of this section and who requests such a hearing, orally or in writing, within 90 days of receiving written notice of the adverse action. A request for a fair hearing shall be made to the client's provider, the Department, the Mayor, or the Mayor's designee. If the request is made orally, the individual receiving the request shall promptly acknowledge the request, reduce it to writing, and file the request for a fair hearing with the Office of Administrative Hearings.

(b) A client or client representative may request a fair hearing to:

(1) Appeal an administrative review decision made pursuant to § 4-754.42;

(2) Review any decision of a provider of services, other than shelter or supportive housing, to:

(A) Transfer the client to another provider;

(B) Suspend provision of services to the client for a period longer than 10 days; or

(C) Terminate services to the client; or

(3) Obtain any legally available and practicable remedy for any alleged violation of:

(A) The provider standards listed in §§ 4-754.21 -- 4-754.25; or

(B) The client rights listed in §§ 4-754.11 and 4-754.12, including the denial of a request by an individual with a disability for a reasonable accommodation or modification of policies or practices.

(c) The Mayor shall treat a fair hearing request made by a client representative in the same manner as it would be treated if it were made directly by the client; provided, that the Mayor subsequently receives written documentation authorizing the client representative to act on behalf of the client in accordance with the requirements of § 4-210.05.

(d) In accordance with § 4-754.11(18), any client who requests a fair hearing within 15 days of receipt of written notice of a suspension or termination of shelter or supportive housing shall continue to receive shelter or supportive housing pending a final decision from the fair hearing proceedings. This right to continuation of shelter or supportive housing pending appeal shall not apply in the case of an emergency suspension or termination pursuant to § 4-754.38.

(e) Upon receipt of a fair hearing request, the Mayor or the Mayor's designee shall offer the client or client representative an opportunity for an administrative review by the Department of the decision that is the subject of the fair hearing request.

(f) All fair hearings shall be conducted in the following manner:

(1) In accordance with the requirements for the review of contested cases as provided in Chapter 5 of Title 2;

(2) In accordance with § 2-1831.01 et seq.; and

(3) In accordance with the following additional requirements:

(A) The hearing shall be held within a reasonably short time following the request, such time not to exceed 15 days following the initial request for hearing;

(B) If a party fails to appear, the Administrative Law Judge designated to conduct the hearing may enter a default decision in favor of the party present. The default may be set aside only for good cause shown, and upon equitable terms and conditions; and

(C) The Administrative Law Judge shall issue a final decision within 15 days of the completion of the hearing.

(g) Materials and documents filed with the Office of Administrative Hearings during fair hearing proceedings shall be maintained in compliance with § 2-1831.13(d), the Health Insurance Portability and Accountability Act of 1996, approved August 21, 1996 (Pub. L. No. 104-191; 110 Stat. 1936), and any other District or federal law pertaining to confidentiality of records.

(h) The Mayor or the Mayor's designee shall maintain a file of final fair hearing and administrative review decisions, indexed by issue, with identifying information redacted. The file shall be accessible to clients, their representatives, and other persons upon request to the Mayor or the Mayor's designee.

§ 4-754.42. Administrative review.

(a) The purpose of the administrative review shall be to enable the Department to ascertain the legal validity of the decision that is the subject of the fair hearing request, and, if possible, achieve an informal resolution of the appeal.

(b) Any administrative review conducted pursuant to subsection (a) of this section shall be completed within 15 days of the receipt of the administrative review request, except upon showing of good cause as to why such deadline cannot be met. If good cause is shown, a decision shall be rendered as soon as possible thereafter. If an extension of time for review is required for good cause, written notice of the extension shall be provided to the client or client representative prior to the commencement of the extension.

(c) An administrative review must be completed before the Office of Administrative Hearings shall grant a fair hearing to any client or client representative.

(d) All administrative reviews shall be conducted in the following manner:

(1) In accordance with the administrative review procedures described in § 4-210.07; and

(2) In accordance with the following additional requirements:

(A) The client or client representative shall have the right to submit issues and comments in writing to the Department; and

(B) The client or the client representative shall have the right to review provider's records regarding the client, or the records of other related service providers regarding the client, prior to the administrative review proceeding;

(C) The administrative review shall be conducted by an employee of the Department;

(D) The administrative review decision shall be issued in writing, in a manner readily understood by the client, and shall include:

(i) A clear and detailed statement of the factual basis supporting the administrative review decision;

(ii) A clear and detailed statement of the actions proposed to be implemented, including any sanctions, probationary periods, or any denial, transfer, suspension, or termination of services to be imposed;

(iii) A reference to the statute, regulation, Program Rule, or policy pursuant to which the administrative review decision is made;

(iv) Notice that the client's request for a hearing shall be considered formally withdrawn upon submission of a signed statement confirming such withdrawal; and

(v) A statement that if the client is not satisfied with the administrative review decision, the fair hearing shall be held.

§ 4-755.01. No entitlement to services.

(a) No provision of this chapter shall be construed to create an entitlement (either direct or implied) on the part of any individual or family to any services within the Continuum of Care, other than shelter in severe weather conditions as authorized by § 4-754.11(5).

(b) No provision of this chapter shall be construed to require the District to expend funds for individuals or families who are eligible for services within the Continuum of Care, beyond the level of the District's annual appropriation for services within the Continuum of Care.

§ 4-755.02. Limitation on use of District monies.

(a) No public funds shall be used for payment of goods or services from any vendor or organization that engages in discriminatory practices.

(b) No District funds shall be used to support the delivery of services that are not authorized by this chapter or by rules issued pursuant to this chapter.

(c) All District funds appropriated to fund or support services within the Continuum of Care shall be used in accordance with District contract and procurement regulations and District grant regulations.

(d) After the fiscal year ending September 30, 2007, the District may not enter into agreements with third parties to execute its shelter monitoring duties set forth in this chapter.

§ 4-756.01. Contracting authority

(a) The Mayor may execute contracts, grants, and agreements as necessary to implement the provisions of this chapter.

(b) Pursuant to §§ 6-203(17) and 6-225, the Mayor, or his designee, shall have the authority to enter into an agreement with the District of Columbia Housing Authority to allocate available unexpended funds to meet the purposes of this chapter and §§ 6-226 and 6-227.

(c) Contracted case-management services authorized pursuant to the Housing First program shall include contracted case-management services to assist homeless women and working adults residing at the Federal City Shelter.

§ 4-756.02. Rulemaking authority.

The Mayor, pursuant to subchapter I of Chapter 5 of Title 2, may issue rules to implement the provisions of this chapter. The proposed rules 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 this 45-day review period, the proposed rules shall be deemed approved.

Unemployment Compensation and Domestic Violence Amendment Act of 2003 **DC LEGIS 15-0171**

Summary

Voting Record

Approved: April 21, 2004

Effective: June 19, 2004

- Amends the District of Columbia Unemployment Compensation Act to provide for unemployment compensation for eligible individuals who voluntarily or involuntarily leave work due to domestic violence
- Requires documentary proof to establish that a claimant's separation from employment was due to domestic violence
- Provides that benefits payable to a claimant are not chargeable to an employer
- Requires a training program for employees who handle unemployment compensation claims to develop an awareness of domestic violence as it relates to unemployment compensation claims and to learn the procedure for validating a domestic violence claim
- Requires the Director of the Department of Employment Services to report annually to the Mayor the number of individuals who received unemployment benefits based on a domestic violence claim
- Provides additional safeguards on the disclosure of information pertaining to a domestic violence claimant

§ 51-131. Separation from employment due to domestic violence.

Notwithstanding any other provision of this subchapter, no otherwise eligible individual shall be denied benefits for any week because the individual was separated from employment by discharge or voluntary or involuntary resignation due to domestic violence. For the purposes of this part, the term "domestic violence" means an intrafamily offense as defined in D.C. Code § 16-1001(8).

§ 51-132. Supporting evidence required to support payment of benefits due to domestic violence.

A claimant may be eligible to receive benefits for separation from employment due to domestic violence provided that one of the following is submitted to support the claim of domestic violence:

(1) A police report or record;

(2) A governmental agency or court record, such as a court order, a Petition for a Civil Protection Order, or a record or report from Child Services; or

(3) A written statement, which affirms that the claimant has sought assistance for domestic violence from the signatory, from a:

(i) Shelter official;

(ii) Social worker;

(iii) Counselor;

(iv) Therapist;

(v) Attorney;

(vi) Medical doctor; or

(vii) Cleric.

§ 51-133. Employer liability.

Benefits paid pursuant to this part shall not be charged to the experience rating accounts of employers, except that this section shall not apply to employers who have elected to make payments in lieu of contributions under § 51-103(f) and (h).

§ 51-134. Employee awareness training.

(a) Within 180 days of June 19, 2004, and pursuant to § 51-113, the Director shall institute a program for the training and development of employees who have been designated by the Director to make the initial determination whether benefits may be payable to a claimant. The training shall focus on the nature of domestic violence, with the goal of increasing employee awareness of its ramifications on unemployment, and on the procedure for handling claims based on domestic violence. The training shall seek to ensure that employees who interact with claimants have the knowledge necessary to handle domestic violence claims and the skills to provide equitable treatment to all claimants.

(b) The training shall be offered annually. Persons newly hired or assigned to make the initial determination whether benefits may be payable shall attend the next available training subsequent to their hire or assignment.

§ 51-135. Reporting requirement.

The Director shall each year submit to the Mayor, for inclusion in the Mayor's report to the Council, as required by § 51-113(c), the number of individuals who received benefits for separation from employment due to domestic violence.

§ 51-136. Disclosure of information pertaining to domestic violence claimant.

The release of information pertaining to a domestic violence claimant, in addition to the requirements of § 51-113, shall require that:

(1) The Director notify the claimant prior to the release of any information;

(2) The Director shall take reasonable actions to prevent the unnecessary disclosure of personal identifiers, such as the claimant's address, from information otherwise required to be disclosed by law;

and

(3) Further dissemination of the information released shall be prohibited.

Domestic Violence Protection Orders Technical Congressional Review Emergency Act of 2004

DC LEGIS ACT 15-0328

Summary

Voting Record

Approved: January 28, 2004
Effective: January 28, 2004
Expired: April 24, 2004

- Provides, on an emergency basis, that communications made by a person located outside the District of Columbia to a person located in the District of Columbia shall be deemed to have been made in the District of Columbia for the purpose of establishing a violation of a domestic violence protection order

§ 16-1005. Hearing; evidence; protection order.

(h) For purposes of establishing a violation under subsections *(f) and* (g) of this section, an oral or written statement made by a person located outside the District of Columbia to a person located in the District of Columbia by means of telecommunication, mail, or any other method of communication shall be deemed to be made in the District of Columbia.

Uniform Interstate Enforcement of Domestic Violence Protection Orders Act of 2002 **DC LEGIS 14-0296**

Summary

Voting Record

Approved: December 23, 2002

Effective: April 11, 2003

- Enacts the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act in the District of Columbia
- Establishes the Domestic Violence Fatality Review Board

§ 16-1005. Hearing; evidence; protection order

(f) Violation of any temporary or final order issued under this subchapter, or violation in the District of Columbia of any valid foreign protection order, as that term is defined in subchapter IV of this chapter, or respondent's failure to appear as required by subsection (a) of this section, shall be punishable as contempt. Upon conviction, criminal contempt shall be punished by a fine not exceeding $ 1,000 or imprisonment for not more than 180 days, or both.

(g) Any person who violates any protection order issued under this subchapter, or any person who violates in the District of Columbia any valid foreign protection order, as that term is defined in subchapter IV of this chapter, shall be chargeable with a misdemeanor and upon conviction shall be punished by a fine not exceeding $ 1,000 or by imprisonment for not more than 180 days, or both.

…

(h) For purposes of establishing a violation under subsections (f) and (g) of this section, an oral or written statement made by a person located outside the District of Columbia to a person located in the District of Columbia by means of telecommunication, mail, or any other method of communication shall be deemed to be made in the District of Columbia.

(i) Orders entered with the consent of the respondent but without an admission that the conduct occurred shall be punishable under subsection (f), (g), or (g-1) of this section.

§ 16-1041. Definitions

For purposes of this subchapter, the term:

(1) "District" means the District of Columbia.

(2) "Foreign protection order" means a protection order issued by a tribunal of another State.

(3) "Issuing State" means the State whose tribunal issues a protection order.

(4) "Mutual foreign protection order" means a foreign protection order that includes provisions in favor of both the protected individual seeking enforcement of the order and the respondent.

(5) "Protected individual" means an individual protected by a protection order.

(6) "Protection order" means an injunction or other order, whether temporary or final, issued by a tribunal for the purpose of preventing violent or threatening acts or harassment against, contact or communication with, or physical proximity to, another individual.

(7) "Respondent" means the individual against whom enforcement of a protection order is sought.

(8) "State" means a State of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term "State" includes an Indian tribe or band that has jurisdiction to issue protection orders.

(9) "Tribunal" means a court, agency, or other entity authorized by law to issue or modify a protection order.

§ 16-1042. Judicial enforcement of order

(a) A person authorized by the law of the District to seek enforcement of a protection order may seek enforcement of a valid foreign protection order in a tribunal of the District. The tribunal shall enforce the terms of the order, including terms that provide relief that a tribunal of the District would lack power to provide but for this section. The tribunal shall enforce the order, whether the order was obtained by independent action or in another proceeding, if it is an order issued in response to a complaint, petition, or motion filed by or on behalf of or for the benefit of an individual seeking protection. In a proceeding to enforce a foreign protection order, the tribunal shall follow the procedures of the District for the enforcement of protection orders.

(b) Except for cases brought under § 16-1005(f) or (g), a tribunal of the District may not enforce a foreign protection order issued by a tribunal of a State that does not recognize the standing of a protected individual to seek enforcement of the order.

(c) A tribunal of the District shall enforce the provisions of a valid foreign protection order that governs custody and visitation, if the order was issued in accordance with the jurisdictional requirements governing the issuance of custody and visitation orders in the issuing State.

(d) A foreign protection order is valid if it:

(1) Identifies the protected individual and the respondent;

(2) Is currently in effect or was in effect at the time of the violation;

(3) Was issued by a tribunal that had jurisdiction over the parties and subject matter under the law of the issuing State; and

(4) Was issued after the respondent was given reasonable notice and had an opportunity to be heard before the tribunal issued the order or, in the case of an ex parte order, the respondent was given notice and has had or will have an opportunity to be heard within a reasonable time after the order was issued, in a manner consistent with the rights of the respondent to due process.

(e) A foreign protection order valid on its face is prima facie evidence of its validity.

(f) Absence of any of the criteria for validity of a foreign protection order is an affirmative defense in an action seeking enforcement of the order.

(g) A tribunal of the District may enforce provisions of a mutual foreign protection order which favor a respondent only if:

(1) The respondent filed a written pleading seeking a protection order from the tribunal of the issuing State; and

(2) The tribunal of the issuing State made specific findings in favor of the respondent.

§ 16-1043. Nonjudicial enforcement of order

(a) A law enforcement officer, upon determining that there is probable cause to believe that a valid foreign protection order exists and that the order has been violated, shall enforce the order as if it were the order of a tribunal of the District. Presentation of a protection order that identifies both the protected individual and the respondent and, on its face, is currently in effect constitutes probable cause to believe that a valid foreign protection order exists. For the purposes of this section, the protection order may be inscribed on a tangible medium or may have been stored in an electronic or other medium if it is retrievable in perceivable form. Presentation of a certified copy of a protection order is not required for enforcement.

(b) If a foreign protection order is not presented, a law enforcement officer may consider other information in determining whether there is probable cause to believe that a valid foreign protection order exists.

(c) Registration or filing of an order in the District is not required for the enforcement of a valid foreign protection order pursuant to this subchapter.

§ 16-1044. Registration of order

(a) The Superior Court of the District of Columbia is authorized, subject to appropriations, to create a registry in the District of Columbia for foreign protection orders and protection orders issued in the District of Columbia.

(b) Any individual may register a foreign protection order in the District. To register a foreign protection order, an individual shall:

(1) Present a certified copy of the order to the Superior Court; and

(2) File an affidavit by the protected individual stating that, to the best of the protected individual's knowledge, the order is currently in effect.

(c) When a registry is created pursuant to subsection (a) of this section, upon receipt of a foreign protection order, the Superior Court shall register the order in accordance with this section. After the order is registered, the Superior Court shall furnish to the individual registering the order a certified copy of the registered order. The Superior Court shall not notify or require notification of the respondent that the protection order has been registered in the District unless requested to do so by the party protected by the order.

(d) The Superior Court shall register an order upon presentation of a copy of a protection order that has been certified by the issuing State. A registered foreign protection order that is inaccurate or is not currently in effect shall be corrected or removed from the registry in accordance with the law of the District.

(e) A foreign protection order registered under this subchapter may be entered in any existing state or federal registry of protection orders, in accordance with applicable law.

(f) A fee may not be charged for the registration of a foreign protection order, nor may a fee be charged for service of a foreign order in the District of Columbia.

§ 16-1045. Immunity

The District and its officers and employees, a law enforcement officer, prosecuting attorney, clerk of court, or any state or local governmental official acting in an official capacity, is immune from civil and criminal liability for conduct arising out of the registration or enforcement of a foreign protection order or the detention or arrest of an alleged violator of a foreign protection order if the conduct was done in good faith in an effort to comply with this subchapter.

§ 16-1046. Other remedies

A protected individual who pursues remedies under this subchapter is not precluded from pursuing other legal or equitable remedies against the respondent.

§ 16-1047. Uniformity of application and construction

In applying and construing this Uniform Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among States that enact it.

§ 16-1048. Transitional provision

This subchapter applies to protection orders issued before the effective date of this subchapter and to continuing actions for enforcement of foreign protection orders commenced before the effective date of this subchapter. A request for enforcement of a foreign protection order made on or after the effective date of this subchapter for violations of a foreign protection order occurring before the effective date of this subchapter is governed by this subchapter.

§ **16-1051. Definitions**

For purposes of this subchapter, the term:

(1) "Board" means the Domestic Violence Fatality Review Board.

(2) "District" means the District of Columbia.

(3) "Domestic violence fatality" means:

(A) A homicide under any of the following circumstances:

(i) The alleged perpetrator and victim resided together at any time;

(ii) The alleged perpetrator and victim have a child in common;

(iii) The alleged perpetrator and victim were married, divorced, separated, or had a romantic relationship, not necessarily including a sexual relationship;

(iv) The alleged perpetrator is or was married to, divorced, or separated from, or in a romantic relationship, not necessarily including a sexual relationship, with a person who is or was married to, divorced, or separated from, or in a romantic relationship, not necessarily including a sexual relationship, with the victim;

(v) The alleged perpetrator had been stalking the victim;

(vi) The victim filed a petition for a protective order against the alleged perpetrator at any time;

(vii) The victim resided in the same household, was present at the workplace of, was in proximity of, or was related by blood or affinity to a person who experienced or was threatened with domestic violence by the alleged perpetrator; or

(viii) The victim or the perpetrator was or is a child, parent, sibling, grandparent, aunt, uncle, or cousin of a person in a relationship that is described within this subsection.

(B) A suicide of an individual where there were implications that the individual was the victim of domestic violence prior to his or her suicide, including the following circumstances:

(i) The victim had applied for or received a protection order within the 2-year period preceding the suicide;

(ii) The victim had undergone counseling or treatment as a result of being the victim of domestic violence within the 2-year period preceding the suicide; or

(iii) The victim had reported to the police that he or she had been the victim of domestic violence within the 2-year period preceding the suicide.

(4) "Protection order" means an injunction or other order, whether temporary or final, issued by a tribunal for the purpose of preventing violent or threatening acts or harassment against, contact or communication with, or physical proximity to, another individual.

§ 16-1042. Judicial enforcement of order

(a) A person authorized by the law of the District to seek enforcement of a protection order may seek enforcement of a valid foreign protection order in a tribunal of the District. The tribunal shall enforce the terms of the order, including terms that provide relief that a tribunal of the District would lack power to provide but for this section. The tribunal shall enforce the order, whether the order was obtained by independent action or in another proceeding, if it is an order issued in response to a complaint, petition, or motion filed by or on behalf of or for the benefit of an individual seeking protection. In a proceeding to enforce a foreign protection order, the tribunal shall follow the procedures of the District for the enforcement of protection orders.

(b) Except for cases brought under § 16-1005(f) or (g), a tribunal of the District may not enforce a foreign protection order issued by a tribunal of a State that does not recognize the standing of a protected individual to seek enforcement of the order.

(c) A tribunal of the District shall enforce the provisions of a valid foreign protection order that governs custody and visitation, if the order was issued in accordance with the jurisdictional requirements governing the issuance of custody and visitation orders in the issuing State.

(d) A foreign protection order is valid if it:

(1) Identifies the protected individual and the respondent;

(2) Is currently in effect or was in effect at the time of the violation;

(3) Was issued by a tribunal that had jurisdiction over the parties and subject matter under the law of the issuing State; and

(4) Was issued after the respondent was given reasonable notice and had an opportunity to be heard before the tribunal issued the order or, in the case of an ex parte order, the respondent was given notice and has had or will have an opportunity to be heard within a reasonable time after the order was issued, in

a manner consistent with the rights of the respondent to due process.

(e) A foreign protection order valid on its face is prima facie evidence of its validity.

(f) Absence of any of the criteria for validity of a foreign protection order is an affirmative defense in an action seeking enforcement of the order.

(g) A tribunal of the District may enforce provisions of a mutual foreign protection order which favor a respondent only if:

(1) The respondent filed a written pleading seeking a protection order from the tribunal of the issuing State; and

(2) The tribunal of the issuing State made specific findings in favor of the respondent.

§ 16-1043. Nonjudicial enforcement of order

(a) A law enforcement officer, upon determining that there is probable cause to believe that a valid foreign protection order exists and that the order has been violated, shall enforce the order as if it were the order of a tribunal of the District. Presentation of a protection order that identifies both the protected individual and the respondent and, on its face, is currently in effect constitutes probable cause to believe that a valid foreign protection order exists. For the purposes of this section, the protection order may be inscribed on a tangible medium or may have been stored in an electronic or other medium if it is retrievable in perceivable form. Presentation of a certified copy of a protection order is not required for enforcement.

(b) If a foreign protection order is not presented, a law enforcement officer may consider other information in determining whether there is probable cause to believe that a valid foreign protection order exists.

(c) Registration or filing of an order in the District is not required for the enforcement of a valid foreign protection order pursuant to this subchapter.

§ 16-1044. Registration of order

(a) The Superior Court of the District of Columbia is authorized, subject to appropriations, to create a registry in the District of Columbia for foreign protection orders and protection orders issued in the District of Columbia.

(b) Any individual may register a foreign protection order in the District. To register a foreign protection order, an individual shall:

(1) Present a certified copy of the order to the Superior Court; and

(2) File an affidavit by the protected individual stating that, to the best of the protected individual's knowledge, the order is currently in effect.

(c) When a registry is created pursuant to subsection (a) of this section, upon receipt of a foreign protection order, the Superior Court shall register the order in accordance with this section. After the order is registered, the Superior Court shall furnish to the individual registering the order a certified copy of the registered order. The Superior Court shall not notify or require notification of the respondent that the protection order has been registered in the District unless requested to do so by the party protected by the order.

(d) The Superior Court shall register an order upon presentation of a copy of a protection order that has been certified by the issuing State. A registered foreign protection order that is inaccurate or is not currently in effect shall be corrected or removed from the registry in accordance with the law of the District.

(e) A foreign protection order registered under this subchapter may be entered in any existing state or federal registry of protection orders, in accordance with applicable law.

(f) A fee may not be charged for the registration of a foreign protection order, nor may a fee be charged for service of a foreign order in the District of Columbia.

§ 16-1045. Immunity

The District and its officers and employees, a law enforcement officer, prosecuting attorney, clerk of court, or any state or local governmental official acting in an official capacity, is immune from civil and criminal liability for conduct arising out of the registration or enforcement of a foreign protection order or the detention or arrest of an alleged violator of a foreign protection order if the conduct was done in good faith in an effort to comply with this subchapter.

§ 16-1046. Other remedies

A protected individual who pursues remedies under this subchapter is not precluded from pursuing other legal or equitable remedies against the respondent.

§ 16-1047. Uniformity of application and construction

In applying and construing this Uniform Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among States that enact it.

§ 16-1048. Transitional provision

This subchapter applies to protection orders issued before the effective date of this subchapter and to continuing actions for enforcement of foreign protection orders commenced before the effective date of this subchapter. A request for enforcement of a foreign protection order made on or after the effective

date of this subchapter for violations of a foreign protection order occurring before the effective date of this subchapter is governed by this subchapter.

§ 16-1051. Definitions

For purposes of this subchapter, the term:

(1) "Board" means the Domestic Violence Fatality Review Board.

(2) "District" means the District of Columbia.

(3) "Domestic violence fatality" means:

(A) A homicide under any of the following circumstances:

(i) The alleged perpetrator and victim resided together at any time;

(ii) The alleged perpetrator and victim have a child in common;

(iii) The alleged perpetrator and victim were married, divorced, separated, or had a romantic relationship, not necessarily including a sexual relationship;

(iv) The alleged perpetrator is or was married to, divorced, or separated from, or in a romantic relationship, not necessarily including a sexual relationship, with a person who is or was married to, divorced, or separated from, or in a romantic relationship, not necessarily including a sexual relationship, with the victim;

(v) The alleged perpetrator had been stalking the victim;

(vi) The victim filed a petition for a protective order against the alleged perpetrator at any time;

(vii) The victim resided in the same household, was present at the workplace of, was in proximity of, or was related by blood or affinity to a person who experienced or was threatened with domestic violence by the alleged perpetrator; or

(viii) The victim or the perpetrator was or is a child, parent, sibling, grandparent, aunt, uncle, or cousin of a person in a relationship that is described within this subsection.

(B) A suicide of an individual where there were implications that the individual was the victim of domestic violence prior to his or her suicide, including the following circumstances:

(i) The victim had applied for or received a protection order within the 2-year period preceding the suicide;

(ii) The victim had undergone counseling or treatment as a result of being the victim of domestic violence within the 2-year period preceding the suicide; or

(iii) The victim had reported to the police that he or she had been the victim of domestic violence within the 2-year period preceding the suicide.

(4) "Protection order" means an injunction or other order, whether temporary or final, issued by a tribunal for the purpose of preventing violent or threatening acts or harassment against, contact or communication with, or physical proximity to, another individual.

§ 16-1052. Establishment and purpose

(a) There is established, as part of the District of Columbia government, a Domestic Violence Fatality Review Board. Facilities and other administrative support may be provided in a specific department or through the Board, as determined by the Mayor.

(b) The purpose of the Board is to prevent domestic violence fatalities by improving the response of individuals, the community, and government agencies to domestic violence.

(c) The Board shall:

(1) Identify and characterize the scope and nature of domestic violence fatalities in the District of Columbia;

(2) Describe and record any trends, data, or patterns that are observed surrounding domestic violence fatalities;

(3) Examine past events and circumstances surrounding domestic violence fatalities by reviewing records and other pertinent documents of public and private agencies responsible for investigating deaths or treating victims;

(4) Develop and revise, as necessary, operating rules and procedures for review of domestic violence fatalities, including identification of cases to be reviewed, coordination among the agencies and professionals involved, and improvement of the identification, data collection, and record keeping of the causes of domestic violence fatalities;

(5) Recommend systemic improvements to promote improved and integrated public and private systems serving victims of domestic violence;

(6) Recommend components for prevention and education programs; and

(7) Recommend training to improve the identification and investigation of domestic violence fatalities.

(d) The Board shall prepare an annual report of findings, recommendations, and steps taken to implement

recommendations. The report shall not contain information identifying any victim of domestic violence, or the victim's family members, or an alleged or suspected perpetrator of abuse upon a victim. The annual report shall be submitted to the public, the Mayor, and the Council on July 1 of each year, and shall be presented to the Council at a public hearing.

§ 16-1053. Composition of the Board; procedural requirements

(a) The Mayor shall appoint one representative from each of the following District agencies:

(1) Metropolitan Police Department;

(2) Office of the Chief Medical Examiner;

(3) Office of the Attorney General;

(4) Department of Corrections;

(5) Fire and Emergency Medical Services Department;

(6) Addiction Prevention and Recovery Administration;

(7) Department of Health;

(8) Child and Family Services Agency; and

(9) Mayor's Commission on Violence Against Women.

(b) The Mayor shall appoint, or request the designation of, members from federal, judicial, and private agencies or entities with expertise in domestic violence, to include one representative from each of the following:

(1) Superior Court of the District of Columbia;

(2) Office of the Unites States Attorney for the District of Columbia;

(3) District of Columbia hospitals;

(4) University legal clinics;

(5) Domestic violence shelters; and

(6) Domestic violence advocacy organizations.

(c) The Mayor, with the advice and consent of the Council, shall appoint 8 community representatives,

none of whom shall be employees of the District of Columbia.

(d) Governmental appointees shall serve at the will of the Mayor, or of the federal or judicial body designating their availability for appointment. Community representatives shall serve for 3-year terms.

(e) Vacancies in membership shall be filled in the same manner in which the original appointment was made.

(f) The Board shall select a Chairman according to rules set forth by the Board.

(g) The Board shall establish quorum and other procedural requirements as it considers necessary.

§ 16-1054. Access to information

(a) Notwithstanding any other provision of law, immediately upon the request of the Board and as necessary to carry out the Board's purpose and duties, the Board shall be provided, without cost and without authorization of the persons to whom the information or records relate, access to:

(1) All information and records of any District of Columbia agency, or their contractors, including, but not limited to, birth and death certificates, law enforcement investigation data, unexpurgated juvenile and adult criminal records, mental retardation and developmental disabilities records, autopsy reports, parole and probation information and records, school records, and information records of social services, housing, and health agencies that provided services to the victim, the victim's family, or an alleged perpetrator of domestic violence which led to the death of the victim;

(2) All information and records of any private health-care providers located in the District of Columbia, including providers of mental health services who provided services to the deceased victim, the deceased victim's family, or the alleged perpetrator of domestic violence which led to the death of the victim;

(3) All information and records of any private child welfare agency, educational facility or institution, or child care provider doing business in the District of Columbia who provided services to the victim, the victim's immediate family, or the alleged perpetrator of domestic violence which led to the death of the victim; and

(4) Information made confidential by §§ 4-1302.03, 4-1303.06, 7-219, 7-1203.02, 7-1305.12, 16-2331, 16-2332, 16-2333, 16-2335, and 31-3426.

(b) The Board shall have the authority to seek information from entities and agencies outside the District of Columbia by any legal means.

(c) Notwithstanding subsection (a)(1) of this section, information and records concerning a current law enforcement investigation may be withheld, at the discretion of the investigating authority, if disclosure of the information would compromise a criminal investigation or prosecution.

(d) If information or records are withheld under subsection (c) of this section, a report on the status of the investigation shall be submitted to the Board by the investigating authority every 3 months until the earliest of the following events occurs:

(1) The investigation is concluded;

(2) The investigating authority determines that providing the information will no longer compromise the investigation; or

(3) The information or records are provided to the Board.

(e) All records and information obtained by the Board pursuant to subsections (a) and (b) of this section pertaining to the deceased victim or any other individual shall be destroyed immediately following the preparation of the Board's annual report. All additional information concerning a review, except statistical data, shall be destroyed by the Board one year after publication of the Board's annual report.

§ 16-1055. Subpoena power

(a) When necessary for the discharge of its duties, the Board shall have the authority to issue subpoenas to compel witnesses to appear and testify and to produce books, papers, correspondence, memoranda, documents, or other relevant records.

(b) Except as provided in subsection (c) of this section, subpoenas shall [see Editor's Note] be served personally upon the witness or his or her designated agent, not less than 5 business days before the date the witness must appear or the documents must be produced, by one of the following methods, which may be attempted concurrently or successively:

(1) By a special process server, at least 18 years of age, designated by the Board from among the staff of the Board or any of the offices or organizations represented on the Board; provided, that the special process server is not directly involved in the investigation; or

(2) By a special process server, at least 18 years of age, engaged by the Board.

(c) If, after a reasonable attempt, personal service on a witness or witness' agent cannot be obtained, a special process server identified in subsection (b) of this section may serve a subpoena by registered or certified mail not less than 8 business days before the date the witness must appear or the documents must be produced.

(d) If a witness who has been personally summoned neglects or refuses to obey the subpoena issued pursuant to subsection (a) of this section, the Board may report that fact to the Superior Court of the District of Columbia and the court may compel obedience to the subpoena to the same extent as witnesses may be compelled to obey the subpoenas of the court.

§ 16-1056. Confidentiality of information and proceedings; penalty for unlawful disclosure of information

(a) Except as provided in this section, information and records obtained or created by the Board are confidential and not subject to civil discovery or to disclosure pursuant to subchapter II of Chapter 5 of Title 2.

(b) Information and records presented to the Board for review shall not be immune from subpoena, discovery, or prohibited from being introduced into evidence solely because they were presented to or reviewed by the Board if the information and records have been obtained through other sources.

(c) Information required to be reported under §§ 4-1321.02 and 4-1321.03 shall be disclosed by the Board to the Child and Family Services Agency.

(d) An individual who appears before or participates in the Board's review of domestic violence cases shall sign a confidentiality agreement acknowledging that any information provided to the Board is confidential.

(e) Board meetings are closed to the public and are not subject to § 1-207.42.

(f) Information identifying a victim of domestic violence or that person's family members, or an alleged perpetrator of abuse upon the victim, shall not be disclosed in any report that is available to the public.

(g) (1) Whoever discloses, receives, makes use of, or knowingly permits the use of information concerning a victim or other person in violation of this section shall be subject to a fine of not more than $ 1,000.

(2) Violations of this section shall be prosecuted by the Office of the Attorney General in the name of the District of Columbia.

(3) Subject to appropriation for this purpose, any fines collected pursuant to this section shall be used by the Board to fund its activities.

§ 16-1057. Immunity

(a) Any health-care provider or any other person or institution providing information to the Board pursuant to this subchapter shall have immunity from liability, administrative, civil, or criminal, that might otherwise be incurred or imposed with respect to the disclosure of information.

(b) If acting in good faith, without malice, and within the parameters of the protocols established by this subchapter, representatives of the Board are immune from civil liability for an activity related to reviews of domestic violence fatalities.

§ 16-1058. Rules

The Mayor shall issue rules implementing the provisions of this subchapter. The rules shall require that a subordinate agency director to whom a recommendation is directed by the Board shall respond in writing within 30 days of the issuance of the report containing the recommendations.

§ 16-1059. Sunset

This subchapter shall expire 7 years after its effective date.

Victims of Violent Crime Compensation Amendment Act of 2002, enacted in Fiscal Year 2003 Budget Support Act of 2002 **DC LEGIS 14-0190**

Summary

Voting Record

Approved: July 3, 2002

Effective: October 1, 2002

- Amends the Victims of Violent Crime Compensation Act of 1996 to establish a Crime Victims Assistance Fund

§ 4-515. Crime Victims Compensation Fund [Formerly § 3-435]

(d) Any unobligated balance existing in the Fund as of the end of each fiscal year (beginning with fiscal year 2000) may be used only in accordance with a plan developed by the District of Columbia which is submitted to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate, except that under such plan:

(1) 50 percent of such balance shall be used for direct compensation payments to crime victims through the Fund under this section and in accordance with this chapter; and

(2) 50 percent of such balance shall be transferred from the Fund to the *Crime Victims Assistance Fund established by § 4-515.01* and shall be used without fiscal year limitation for outreach activities designed to increase the number of crime victims who apply for such direct compensation payments.

§ 4-515.01. Crime Victims Assistance Fund

(a) There is established as a nonlapsing, interest-bearing, revolving fund the Crime Victims Assistance Fund into which shall be deposited the funds described in § 4-515(d)(2). The Crime Victims Assistance Fund shall be separate from the General Fund of the District of Columbia and administered by the Office of Victim Services.

(a-1) The Office of the Chief Financial Officer shall calculate the amount of interest earned by funds accounted for in the Crime Victims Assistance Fund for fiscal year 2003 through fiscal year 2007 and shall deposit that amount in the fund on or before October 1, 2007.

(b) All amounts deposited in the Crime Victims Assistance Fund shall be appropriated without fiscal year limitation to make payments as authorized by subsection (d) of this section pursuant to an act of Congress. All amounts deposited in the Crime Victims Assistance Fund shall not revert to the General Fund of the District of Columbia at the end of any fiscal year or at any other time, but shall be continually available for the uses and purposes set forth in subsection (d) of this section, subject to authorization by Congress in an appropriations act.

(c) Not more than 5% of the total amount of monies in the Crime Victims Assistance Fund in any given fiscal year may be used to pay administrative costs necessary to implement the requirements of this section in accordance with § 4-515(d)(2).

(d) The balance of the Crime Victims Assistance Fund shall be used for outreach activities designed to:

(1) Increase the number of crime victims who apply for direct compensation payments, including victims of sexual assault, domestic violence, or child abuse (abuse counseling, health and mental health services, child advocacy centers, emergency housing, emergency child care, transportation, hospital-based informational and referral services, and family support); and

(2) Improve the intake, assessment, screening, and investigation of reports of child abuse and neglect, and domestic violence.

(e) A plan for spending the funds deposited in the Crime Victims Assistance Fund shall be submitted to the Council for approval before funds are expended.

Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 2001

DC LEGIS ACT 14-0005

Summary
Voting Record

Approved: February 13, 2001
Effective: February 13, 2001

Expired: May 6, 2001

- Requires the Mayor to establish privacy protections and safeguards for victims of domestic violence

§ 16-925. Privacy protection for victims of domestic violence.

(a) The Mayor shall promulgate rules and establish procedures to implement safeguards, applicable to all confidential information handled by the IV-D agency or executive branch agencies in cooperative agreements with the IV-D agency, to protect the privacy rights of parties in IV-D agency proceedings. These safeguards shall include the following:

(1) Prohibitions against the unauthorized use or disclosure of information relating to paternity, support, or custody actions in IV-D agency proceedings;

(2) Prohibitions against the release of information concerning the whereabouts of one party or a child to another party, if a protection order has been entered (in the District or in another jurisdiction) to protect the party or the child whose whereabouts are being sought from the party seeking disclosure;

(3) Prohibitions against release of information concerning the whereabouts of one party or a child to another party if the Mayor has reason to believe that the release of the information may result in physical or emotional harm to the party or the child whose whereabouts are being sought;

(4) Requirements to notify the Secretary of the U.S. Department of Health and Human Services when:

(A) The Mayor has reasonable evidence of domestic violence or child abuse against a party or a child; or

(B) The disclosure of information concerning the whereabouts of the party or the child could be harmful to the party or the child; and

(5) In cases where the Secretary of the U.S. Department of Health and Human Services ("Department") has informed the IV-D agency that the Department has been notified that there is reasonable evidence of domestic violence or child abuse, requirements to determine whether disclosure of information concerning a party's or child's whereabouts to any other person would be harmful to a party or the child, and if so, to prohibit the disclosure.

(b) The Superior Court shall establish procedures to implement safeguards, applicable to all confidential information possessed by the Superior Court, to protect the privacy rights of parties in paternity or support proceedings. These safeguards shall include:

(1) Prohibitions against unauthorized use or disclosure of information relating to paternity, support, or custody actions in Superior Court proceedings;

(2) Prohibitions against the release of information concerning the whereabouts of one party or a child to

another party, if a protection order has been entered (in the District or in another jurisdiction) to protect the party or the child whose whereabouts are being sought from the party seeking disclosure;

(3) Prohibitions against release of information concerning the whereabouts of one party or a child to another party if the Superior Court has reason to believe that the release of information may result in physical or emotional harm to the party or the child whose whereabouts are being sought;

(4) Requirements to notify the Secretary of the U. S. Department of Health and Human Services when:

(A) The Superior Court has reasonable evidence of domestic violence or child abuse against a party or a child; or

(B) The disclosure of information concerning the whereabouts of the party or the child could be harmful to the party or the child; and

(5) In cases where the Secretary of the U.S. Department of Health and Human Services ("Department") has informed the Superior Court that the Department has been notified that there is reasonable evidence of domestic violence or child abuse, requirements to determine whether disclosure of information concerning a party's or child's whereabouts to any other person would be harmful to a party or the child, and if so, to prohibit the disclosure.

Uniform Child Custody Jurisdiction and Enforcement Act of 2000 **DC LEGIS 13-2093**

Summary

Voting Record

Approved: January 26, 2001

Effective: April 27, 2001

- Enacts the Uniform Child-Custody Jurisdiction and Enforcement Act in the District of Columbia

§ 16-4601.01. Definitions [Formerly § 16-4601.1]

For the purposes of this chapter, the term:

(1) "Abandoned" means left without provision for reasonable and necessary care or supervision.

(2) "Child" means an individual who has not attained 18 years of age.

(3) "Child-custody determination" means a judgment, decree, or other order of a court providing for the legal custody, physical custody, or visitation with respect to a child. The term includes a permanent, temporary, initial, and modification order. The term does not include an order relating to child support or other monetary obligation of an individual.

(4) "Child-custody proceeding" means a proceeding in which legal custody, physical custody, or visitation with respect to a child is an issue. The term includes a proceeding for divorce, separation, neglect, abuse, dependency, guardianship, adoption, paternity, termination of parental rights, and protection from domestic violence, in which the issue may appear. The term does not include a proceeding involving juvenile delinquency, contractual emancipation, or enforcement under subchapter III of this chapter.

(5) "Commencement" means the filing of the first pleading in a proceeding.

(6) "Court" means an entity authorized under the law of a state to establish, enforce, or modify a child-custody determination.

(7) "District" means the District of Columbia.

(8) "Home state" means the state in which a child lived with a parent or a person acting as a parent for at least 6 consecutive months immediately before the commencement of a child-custody proceeding. In the case of a child less than 6 months of age, the term means the state in which the child lived from birth with any of the persons mentioned. A period of temporary absence of any of the mentioned persons is part of the period.

(9) "Initial determination" means the first child-custody determination concerning a particular child.

(10) "Issuing court" means the court that makes a child-custody determination for which enforcement is sought under this chapter.

(11) "Issuing state" means the state in which a child-custody determination is made.

(12) "Modification" means a child-custody determination that changes, replaces, supersedes, or is otherwise made after a previous determination concerning the same child, whether or not it is made by the

court that made the previous determination.

(13) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, or instrumentality, public corporation, or any other legal or commercial entity.

(14) "Person acting as a parent" means a person, other than a parent, who:

(A) Has physical custody of the child or has had physical custody for a period of 6 consecutive months, including any temporary absence, within one year immediately before the commencement of a child-custody proceeding; and

(B) Has been awarded legal custody by a court or claims a right to legal custody under the law of the District.

(15) "Physical custody" means the physical care and supervision of a child.

(16) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(17) "Warrant" means an order issued by a court authorizing law enforcement officers to take physical custody of a child.

§ 16-4601.02. Proceedings governed by other law [Formerly § 16-4601.2]

This chapter does not govern a proceeding pertaining to the authorization of emergency medical care for a child.

§ 16-4601.03. Application to Indian tribes [Formerly § 16-4601.3]

A child-custody proceeding that pertains to an Indian child as defined in the Indian Child Welfare Act of 1978, approved November 8, 1978 (92 Stat. 3069; 25 U.S.C.S. § 1901 et seq.), is not subject to this chapter to the extent that it is governed by the Indian Child Welfare Act of 1978.

§ 16-4601.04. International application of chapter [Formerly § 16-4601.4]

(a) A court of the District shall treat a foreign country as if it were a state of the United States for the purpose of applying subchapters I and II of this chapter.

(b) Except as otherwise provided in subsection (c) of this section, a child-custody determination made in a foreign country under factual circumstances in substantial conformity with the jurisdictional standards of this chapter must be recognized and enforced under subchapter III of this chapter.

(c) A court of the District need not apply this chapter if the child custody law of a foreign country violates fundamental principles of human rights.

§ 16-4601.05. Effect of child-custody determination [Formerly § 16-4601.5]

A child-custody determination made by a court of the District that had jurisdiction under this chapter binds all persons who have been served in accordance with the laws of the District or notified in accordance with § 16-4601.07 or who have submitted to the jurisdiction of the court, and who have been given an opportunity to be heard. As to those persons, the determination is conclusive as to all decided issues of law and fact except to the extent the determination is modified.

§ 16-4601.06. Priority [Formerly § 16-4601.6]

If a question of existence or exercise of jurisdiction under this chapter is raised in a child-custody proceeding, the question, upon request of a party, must be given priority on the calendar and handled expeditiously.

§ 16-4601.07. Notice to persons outside the District [Formerly § 16-4601.7]

(a) Notice required for the exercise of jurisdiction when a person is outside the District may be given in a manner prescribed by the law of the District for service of process or by the law of the state in which the service is made. Notice must be given in a manner reasonably calculated to give actual notice, but may be by publication if other means are not effective.

(b) Proof of service may be made in the manner prescribed by the law of the District or by the law of the state in which the service is made.

(c) Notice is not required for the exercise of jurisdiction with respect to a person who submits to the jurisdiction of the court.

§ 16-4601.08. Appearance and limited immunity [Formerly § 16-4601.8]

(a) A party to a child-custody proceeding, including a modification proceeding, or a petitioner or respondent in a proceeding to enforce or register a child-custody determination, is not subject to personal jurisdiction in the District for another proceeding or purpose solely by reason of having participated, or of having been physically present for the purpose of participating, in the proceeding.

(b) A person who is subject to personal jurisdiction in the District on a basis other than physical presence is not immune from service of process in the District. A party present in the District who is subject to the jurisdiction of another state is not immune from service of process allowable under the laws of that state.

(c) The immunity granted by subsection (a) of this section does not extend to civil litigation based on acts unrelated to the participation in a proceeding under this chapter committed by an individual while present in the District.

§ 16-4601.09. Communication between courts [Formerly § 16-4601.9]

(a) A court of the District may communicate with a court in another state concerning a proceeding arising under this chapter.

(b) The court may allow the parties to participate in the communication. If the parties are not able to participate in the communication, they must be given the opportunity to present facts and legal arguments before a decision on jurisdiction is made.

(c) Communication between courts on schedules, calendars, court records, and similar matters may occur without informing the parties. A record need not be made of the communication.

(d) Except as otherwise provided in subsection (c) of this section, a record must be made of a communication under this section. The parties must be informed promptly of the communication and granted access to the record.

(e) For the purposes of this section, the term "record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

§ 16-4601.10. Taking testimony in another state.

(a) In addition to other procedures available to a party, a party to a child-custody proceeding may offer testimony of witnesses who are located in another state, including testimony of the parties and the child, by deposition or other means allowable in the District for testimony taken in another state. The court on its own motion may order that the testimony of a person be taken in another state and may prescribe the manner in which and the terms upon which the testimony is taken.

(b) A court of the District may permit an individual residing in another state to be deposed or to testify by telephone, audiovisual means, or other electronic means before a designated court or at another location in that state. A court of the District shall cooperate with courts of other states in designating an appropriate location for the deposition or testimony.

(c) Documentary evidence transmitted from another state to a court of the District by technological means that do not produce an original writing may not be excluded from evidence on an objection based on the means of transmission.

§ 16-4601.11. Cooperation between courts; preservation of records.

(a) A court of the District may request the appropriate court of another state to:

(1) Hold an evidentiary hearing;

(2) Order a person to produce or give evidence pursuant to procedures of that state;

(3) Order that an evaluation be made with respect to the custody of a child involved in a pending proceeding;

(4) Forward to the court of the District a certified copy of the transcript of the record of the hearing, the evidence otherwise presented, and any evaluation prepared in compliance with the request; and

(5) Order a party to a child-custody proceeding or any person having physical custody of the child to appear in the proceeding, with or without the child.

(b) Upon request of a court of another state, a court of the District may hold a hearing or enter an order described in subsection (a) of this section.

(c) Travel and other necessary and reasonable expenses incurred under subsections (a) and (b) of this section may be assessed against the parties according to the law of the District.

(d) A court of the District shall preserve the pleadings, orders, decrees, records of hearings, evaluations, and other pertinent records with respect to a child-custody proceeding until the child attains 18 years of age. Upon appropriate request by a court or law enforcement official of another state, the court shall forward a certified copy of those records.

§ 16-4602.01. Initial child-custody jurisdiction [Formerly § 16-4602.1]

(a) Except as otherwise provided in § 16-4602.04, a court of the District has jurisdiction to make an initial child-custody determination only if:

(1) The District is the home state of the child on the date of the commencement of the proceeding, or was the home state of the child within 6 months before the commencement of the proceeding and the child is absent from the District, but a parent or person acting as a parent continues to live in the District;

(2) A court of another state does not have jurisdiction under paragraph (1) of this subsection, or a court of the home state of the child has declined to exercise jurisdiction on the ground that the District is the more appropriate forum under §§ 16-4602.07 or 16-4602.08, and:

(A) The child and the child's parents, or the child and at least one parent or a person acting as a parent, have a significant connection with the District other than mere physical presence; and

(B) Substantial evidence is available in the District concerning the child's care, protection, training, and personal relationships;

(3) All courts having jurisdiction under paragraph (1) or (2) of this subsection have declined to exercise jurisdiction on the ground that a court of the District is the more appropriate forum to determine the custody of the child under §§ 16-4602.07 or 16-4602.08; or

(4) No court of any other state would have jurisdiction under the criteria specified in paragraph (1), (2), or (3) of this subsection.

(b) Subsection (a) of this section is the exclusive jurisdictional basis for making a child-custody determination by a court of the District.

(c) Physical presence of, or personal jurisdiction over, a party or a child is not necessary or sufficient to make a child-custody determination.

§ 16-4602.02. Exclusive, continuing jurisdiction [Formerly § 16-4602.2]

(a) Except as otherwise provided in § 16-4602.04, a court of the District which has made a child-custody determination consistent with §§ 16-4602.01 or 16-4602.03 has exclusive, continuing jurisdiction over the determination until:

(1) A court of the District determines that neither the child, nor the child and one parent, nor the child and any person acting as a parent have a significant connection with the District and that substantial evidence is no longer available in the District concerning the child's care, protection, training, and personal relationships; or

(2) A court of the District or a court of another state determines that the child, the child's parents, and any person acting as a parent do not presently reside in the District.

(b) A court of the District which has made a child-custody determination and does not have exclusive, continuing jurisdiction under this section may modify that determination only if it has jurisdiction to make an initial determination under § 16-4602.01.

§ 16-4602.03. Jurisdiction to modify determination [Formerly § 16-4602.3]

Except as otherwise provided in § 16-4602.04, a court of the District may not modify a child-custody determination made by a court of another state unless a court of the District has jurisdiction to make an initial determination under § 16-4602.01(a)(1) or (2) and:

(1) The court of the other state determines it no longer has exclusive, continuing jurisdiction under § 16-4602.02 or that a court of the District would be a more convenient forum under § 16-4602.07; or

(2) A court of the District or a court of the other state determines that the child, the child's parents, and any person acting as a parent do not presently reside in the other state.

§ 16-4602.04. Temporary emergency jurisdiction [Formerly § 16-4602.4]

(a) A court of the District has temporary emergency jurisdiction if the child is present in the District and the child has been abandoned or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse.

(b) If there is no previous child-custody determination that is entitled to be enforced under this chapter and a child-custody proceeding has not been commenced in a court of a state having jurisdiction under §§ 16-4602.01 through 16-4602.03, a child-custody determination made under this section remains in effect until an order is obtained from a court of a state having jurisdiction under §§ 16-4602.01 through 16-4602.03. If a child-custody proceeding has not been or is not commenced in a court of a state having jurisdiction under §§ 16-4602.01 through 16-4602.03, a child-custody determination made under this section becomes a final determination, if it so provides, and the District becomes the home state of the child.

(c) If there is a previous child-custody determination that is entitled to be enforced under this chapter, or a child-custody proceeding has been commenced in a court of a state having jurisdiction under §§ 16-4602.01 through 16-4602.03, any order issued by a court of the District under this section must specify in the order a period that the court considers adequate to allow the person seeking an order to obtain an order from the state having jurisdiction under §§ 16-4602.01 through 16-4602.03. The order issued in the District remains in effect until an order is obtained from the other state within the period specified or the period expires.

(d) A court of the District which has been asked to make a child-custody determination under this section, upon being informed that a child-custody proceeding has been commenced in, or a child-custody determination has been made by, a court of a state having jurisdiction under §§ 16-4602.01 through 16-4602.03, shall immediately communicate with the other court. A court of the District which is exercising jurisdiction pursuant to §§ 16-4602.01 through 16-4602.03, upon being informed that a child-custody proceeding has been commenced in, or a child-custody determination has been made by, a court of another state under a statute similar to this section shall immediately communicate with the court of that state to resolve the emergency, protect the safety of the parties and the child, and determine a period for the duration of the temporary order.

§ 16-4602.05. Notice; opportunity to be heard; joinder [Formerly § 16-4602.5]

(a) Before a child-custody determination is made under this chapter, notice and an opportunity to be heard in accordance with the standards of § 16-4601.07 must be given to all persons entitled to notice under the law of the District as in child-custody proceedings between residents of the District, any parent whose parental rights have not been previously terminated, and any person having physical custody of the child.

(b) This chapter does not govern the enforceability of a child-custody determination made without notice or an opportunity to be heard.

(c) The obligation to join a party and the right to intervene as a party in a child-custody proceeding under this chapter are governed by the law of the District as in child-custody proceedings between residents of the District.

§ 16-4602.06. Simultaneous proceedings [Formerly § 16-4602.6]

(a) Except as otherwise provided in § 16-4602.04, a court of the District may not exercise its jurisdiction under this subchapter if, at the time of the commencement of the proceeding, a proceeding concerning the custody of the child has been commenced in a court of another state having jurisdiction substantially in conformity with this chapter, unless the proceeding has been terminated or is stayed by the court of the other state because a court of the District is a more convenient forum under § 16-4602.07.

(b) Except as otherwise provided in § 16-4602.04, a court of the District, before hearing a child-custody proceeding, shall examine the court documents and other information supplied by the parties pursuant to § 16-4602.09. If the court determines that a child-custody proceeding has been commenced in a court in another state having jurisdiction substantially in accordance with this chapter, the court of the District shall stay its proceeding and communicate with the court of the other state. If the court of the state having jurisdiction substantially in accordance with this chapter does not determine that the court of the District is a more appropriate forum, the court of the District shall dismiss the proceeding.

(c) In a proceeding to modify a child-custody determination, a court of the District shall determine whether a proceeding to enforce the determination has been commenced in another state. If a proceeding to enforce a child-custody determination has been commenced in another state, the court may:

(1) Stay the proceeding for modification pending the entry of an order of a court of the other state enforcing, staying, denying, or dismissing the proceeding for enforcement;

(2) Enjoin the parties from continuing with the proceeding for enforcement; or

(3) Proceed with the modification under conditions it considers appropriate.

§ 16-4602.07. Inconvenient forum [Formerly § 16-4602.7]

(a) A court of the District which has jurisdiction under this chapter to make a child-custody determination may decline to exercise its jurisdiction at any time if it determines that it is an inconvenient forum under the circumstances and that a court of another state is a more appropriate forum. The issue of inconvenient forum may be raised upon motion of a party, the court's own motion, or request of another court.

(b) Before determining whether it is an inconvenient forum, a court of the District shall consider whether it is appropriate for a court of another state to exercise jurisdiction. For this purpose, the court shall allow the parties to submit information and shall consider all relevant factors, including:

(1) Whether domestic violence has occurred and is likely to continue in the future and which state could best protect the parties and the child;

(2) The length of time the child has resided outside the District;

(3) The distance between the court in the District and the court in the state that would assume jurisdiction;

(4) The relative financial circumstances of the parties;

(5) Any agreement of the parties as to which state should assume jurisdiction;

(6) The nature and location of the evidence required to resolve the pending litigation, including testimony of the child;

(7) The ability of the court of each state to decide the issue expeditiously and the procedures necessary to present the evidence; and

(8) The familiarity of the court of each state with the facts and issues in the pending litigation.

(c) If a court of the District determines that it is an inconvenient forum and that a court of another state is a more appropriate forum, it shall stay the proceedings upon condition that a child-custody proceeding be promptly commenced in another designated state and may impose any other condition the court considers just and proper.

(d) A court of the District may decline to exercise its jurisdiction under this chapter if a child-custody determination is incidental to an action for divorce or another proceeding while still retaining jurisdiction over the divorce or other proceeding.

§ 16-4602.08. Jurisdiction declined by reason of conduct [Formerly § 16-4602.8]

(a) Except as otherwise provided in § 16-4602.04, if a court of the District has jurisdiction under this chapter because a person seeking to invoke its jurisdiction has engaged in unjustifiable conduct, the court shall decline to exercise its jurisdiction unless:

(1) The parents and all persons acting as parents have acquiesced in the exercise of jurisdiction;

(2) A court of the state otherwise having jurisdiction under §§ 16-4602.01 through 16-4602.03 determines that the District is a more appropriate forum under § 16-4602.07; or

(3) No court of any other state would have jurisdiction under the criteria specified in §§ 16-4602.01 through 16-4602.03.

(b) If a court of the District declines to exercise its jurisdiction pursuant to subsection (a) of this section, it may fashion an appropriate remedy to ensure the safety of the child and prevent a repetition of the unjustifiable conduct, including staying the proceeding until a child-custody proceeding is commenced in a court having jurisdiction under §§ 16-4602.01 through 16-4602.03.

(c) If a court dismisses a petition or stays a proceeding because it declines to exercise its jurisdiction

pursuant to subsection (a) of this section, it shall assess against the party seeking to invoke its jurisdiction necessary and reasonable expenses, including costs, communication expenses, attorney's fees, investigative fees, expenses for witnesses, travel expenses, and child care during the course of the proceedings, unless the party from whom fees are sought establishes that the assessment would be clearly inappropriate. The court may not assess fees, costs, or expenses against the District unless authorized by law other than this chapter.

§ 16-4602.09. Information to be submitted to court [Formerly § 16-4602.9]

(a) In a child-custody proceeding, each party, in its first pleading or in an attached affidavit, shall give information, if reasonably ascertainable, under oath as to the child's present address or whereabouts, the places where the child has lived during the last 5 years, and the names and present addresses of the persons with whom the child has lived during that period. The pleading or affidavit must state whether the party:

(1) Has participated, as a party or witness or in any other capacity, in any other proceeding concerning the custody of or visitation with the child and, if so, identify the court, the case number, and the date of the child-custody determination, if any;

(2) Knows of any proceeding that could affect the current proceeding, including proceedings for enforcement and proceedings relating to domestic violence, protective orders, termination of parental rights, and adoptions and, if so, identify the court, the case number, and the nature of the proceeding; and

(3) Knows the names and addresses of any person not a party to the proceeding who has physical custody of the child or claims rights of legal custody or physical custody of, or visitation with, the child and, if so, the names and addresses of those persons.

(b) If the information required by subsection (a) of this section is not furnished, the court, upon motion of a party or its own motion, may stay the proceeding until the information is furnished.

(c) If the declaration as to any of the items described in subsection (a) (1) through (3) of this section is in the affirmative, the declarant shall give additional information under oath as required by the court. The court may examine the parties under oath as to details of the information furnished and other matters pertinent to the court's jurisdiction and the disposition of the case.

(d) Each party has a continuing duty to inform the court of any proceeding in this or any other state that could affect the current proceeding.

(e) If a party alleges in an affidavit or a pleading under oath that the health, safety, or liberty of a party or child would be jeopardized by disclosure of identifying information, the information must be sealed and may not be disclosed to the other party or the public unless the court orders the disclosure to be made after a hearing in which the court takes into consideration the health, safety, or liberty of the party or child and determines that the disclosure is in the interest of justice.

§ 16-4602.10. Appearance of parties and child.

(a) In a child-custody proceeding in the District, the court may order a party to the proceeding who is in the District to appear before the court in person, with or without the child. The court may order any person who is in the District and who has physical custody or control of the child to appear in person with the child.

(b) If a party to a child-custody proceeding whose presence is desired by the court is outside the District, the court may order that a notice given pursuant to section 16-4601.07 include a statement directing the party to appear in person, with or without the child, and informing the party that failure to appear may result in a decision adverse to the party.

(c) The court may enter any orders necessary to ensure the safety of the child and of any person ordered to appear under this section.

(d) If a party to a child-custody proceeding who is outside the District is directed to appear under subsection (b) of this section or desires to appear personally before the court, with or without the child, the court may require another party to pay reasonable and necessary travel and other expenses of the party so appearing and of the child.

§ 16-4603.01. Definitions [Formerly § 16-4603.1]

For the purposes of this subchapter, the term:

(1) "Petitioner" means a person who seeks enforcement of an order for return of a child under the Hague Convention on the Civil Aspects of International Child Abduction or enforcement of a child-custody determination.

(2) "Respondent" means a person against whom a proceeding has been commenced for enforcement of an order for return of a child under the Hague Convention on the Civil Aspects of International Child Abduction or enforcement of a child-custody determination.

§ 16-4603.02. Enforcement under Hague Convention [Formerly § 16-4603.1]

Under this subchapter, a court of the District may enforce an order for the return of the child made under the Hague Convention on the Civil Aspects of International Child Abduction as if it were a child-custody determination.

§ 16-4603.03. Duty to enforce [Formerly § 16-4603.3]

(a) A court of the District shall recognize and enforce a child-custody determination of a court of another state if the latter court exercised jurisdiction in substantial conformity with this chapter or the determination was made under factual circumstances meeting the jurisdictional standards of this chapter and the determination has not been modified in accordance with this chapter.

(b) A court of the District may utilize any remedy available under other law of the District to enforce a child-custody determination made by a court of another state. The remedies provided in this subchapter are cumulative and do not affect the availability of other remedies to enforce a child-custody determination.

§ 16-4603.04. Temporary visitation [Formerly § 16-4603.4]

(a) A court of the District which does not have jurisdiction to modify a child-custody determination may issue a temporary order enforcing:

(1) A visitation schedule made by a court of another state; or

(2) The visitation provisions of a child-custody determination of another state that does not provide for a specific visitation schedule.

(b) If a court of the District makes an order under subsection (a)(2) of this section, it shall specify in the order a period that it considers adequate to allow the petitioner to obtain an order from a court having jurisdiction under the criteria specified in subchapter II of this chapter. The order remains in effect until an order is obtained from the other court or the period expires.

§ 16-4603.05. Registration of child-custody determination [Formerly § 16-4603.5]

(a) A child-custody determination issued by a court of another state may be registered in the District, with or without a simultaneous request for enforcement, by sending to the Superior Court of the District of Columbia:

(1) A letter or other document requesting registration;

(2) Two copies, including one certified copy, of the determination sought to be registered, and a statement under penalty of perjury that to the best of the knowledge and belief of the person seeking registration the order has not been modified; and

(3) Except as otherwise provided in § 16-4602.09, the name and address of the person seeking registration and of any parent or person acting as a parent who has been awarded custody or visitation in the child-custody determination sought to be registered.

(b) On receipt of the documents required by subsection (a) of this section, the registering court shall:

(1) Cause the determination to be filed as a foreign judgment, together with one copy of any accompanying documents and information, regardless of their form; and

(2) Serve notice upon the persons named pursuant to subsection (a)(3) of this section and provide them with an opportunity to contest the registration in accordance with this section.

(c) The notice required by subsection (b)(2) of this section must state that:

(1) A registered determination is enforceable as of the date of the registration in the same manner as a determination issued by a court of the District;

(2) A hearing to contest the validity of the registered determination must be requested within 20 days after service of the notice; and

(3) Failure to contest the registration will result in confirmation of the child-custody determination and preclude further contest of that determination with respect to any matter that could have been asserted.

(d) A person seeking to contest the validity of a registered order must request a hearing within 20 days after service of the notice. At that hearing, the court shall confirm the registered order unless the person contesting registration establishes that:

(1) The issuing court did not have jurisdiction under subchapter II of this chapter;

(2) The child-custody determination sought to be registered has been vacated, stayed, or modified by a court having jurisdiction to do so under subchapter II of this chapter; or

(3) The person contesting registration was entitled to notice, but notice was not given in accordance with the standards of § 16-4601.07, in the proceedings before the court that issued the order for which registration is sought.

(e) If a timely request for a hearing to contest the validity of the registration is not made, the registration is confirmed as a matter of law and the person requesting registration and all persons served must be notified of the confirmation.

(f) Confirmation of a registered order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration.

§ 16-4603.06. Enforcement of registered determination [Formerly § 16-4603.6]

(a) A court of the District may grant any relief normally available under the law of the District to enforce a registered child-custody determination made by a court of another state.

(b) A court of the District shall recognize and enforce, but may not modify, except in accordance with subchapter II of this chapter, a registered child-custody determination of a court of another state.

§ 16-4603.07. Simultaneous proceedings [Formerly § 16-4603.7]

If a proceeding for enforcement under this subchapter is commenced in a court of the District and the

court determines that a proceeding to modify the determination is pending in a court of another state having jurisdiction to modify the determination under subchapter II of this chapter, the enforcing court shall immediately communicate with the modifying court. The proceeding for enforcement continues unless the enforcing court, after consultation with the modifying court, stays or dismisses the proceeding.

§ 16-4603.08. Expedited enforcement of child-custody determination [Formerly § 16-4603.8]

(a) A petition under this subchapter must be verified. Certified copies of all orders sought to be enforced and of any order confirming registration must be attached to the petition. A copy of a certified copy of an order may be attached instead of the original.

(b) A petition for enforcement of a child-custody determination must state:

(1) Whether the court that issued the determination identified the jurisdictional basis it relied upon in exercising jurisdiction and, if so, what the basis was;

(2) Whether the determination for which enforcement is sought has been vacated, stayed, or modified by a court whose decision must be enforced under this chapter and, if so, identify the court, the case number, and the nature of the proceeding;

(3) Whether any proceeding has been commenced that could affect the current proceeding, including proceedings relating to domestic violence, protective orders, termination of parental rights, and adoptions and, if so, identify the court, the case number, and the nature of the proceeding;

(4) The present physical address of the child and the respondent, if known;

(5) Whether relief in addition to the immediate physical custody of the child and attorney's fees is sought, including a request for assistance from the Metropolitan Police Department or other law enforcement officials and, if so, the relief sought; and

(6) If the child-custody determination has been registered and confirmed under § 16-4603.05, the date and place of registration.

(c) Upon the filing of a petition, the court shall issue an order directing the respondent to appear in person, with or without the child, at a hearing and may enter any order necessary to ensure the safety of the parties and the child. The hearing must be held on the next judicial day after service of the order unless that date is impossible. In that event, the court shall hold the hearing on the first judicial day possible. The court may extend the date of hearing at the request of the petitioner.

(d) An order issued under subsection (c) of this section must state the time and place of the hearing and advise the respondent that at the hearing the court will order that the petitioner may take immediate physical custody of the child and the payment of fees, costs, and expenses under § 16-4603.12, and may schedule a hearing to determine whether further relief is appropriate, unless the respondent appears and establishes that:

(1) The child-custody determination has not been registered and confirmed under § 16-4603.05 and that:

(A) The issuing court did not have jurisdiction under subchapter II of this chapter;

(B) The child-custody determination for which enforcement is sought has been vacated, stayed, or modified by a court having jurisdiction to do so under subchapter II of this chapter;

(C) The respondent was entitled to notice, but notice was not given in accordance with the standards of § 16-4601.07, in the proceedings before the court that issued the order for which enforcement is sought; or

(2) The child-custody determination for which enforcement is sought was registered and confirmed under § 16-4603.04, but has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under subchapter II of this chapter.

§ 16-4603.09. Service of petition and order [Formerly § 16-4604.9]

Except as otherwise provided in §§ 16-306 (adoptions), 16-2306 (neglect proceedings), 16-2357 (termination of parental rights), and 16-4603.11 (custody under emergency circumstances), the petition and order must be served upon respondent and any person who has physical custody of the child by any method authorized for the service of complaints under the rules for domestic relations proceedings adopted by the Board of Judges of the Superior Court of the District of Columbia.

§ 16-4603.10. Hearing and order.

(a) Unless the court issues a temporary emergency order pursuant to section 16-4602.04, upon a finding that a petitioner is entitled to immediate physical custody of the child, the court shall order that the petitioner may take immediate physical custody of the child unless the respondent establishes that:

(1) The child-custody determination has not been registered and confirmed under section 16-4603.05 and that:

(A) The issuing court did not have jurisdiction under subchapter II of this chapter;

(B) The child-custody determination for which enforcement is sought has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under subchapter II of this chapter; or

(C) The respondent was entitled to notice, but notice was not given in accordance with the standards of section 16-4601.07, in the proceedings before the court that issued the order for which enforcement is sought; or

(2) The child-custody determination for which enforcement is sought was registered and confirmed under section 16-4603.05 but has been vacated, stayed, or modified by a court of a state having

jurisdiction to do so under subchapter II of this chapter.

(b) The court shall award the fees, costs, and expenses authorized under section 16-4603.12 and may grant additional relief, including a request for the assistance of the Metropolitan Police Department or other law enforcement officials, and set a further hearing to determine whether additional relief is appropriate.

(c) If a party called to testify refuses to answer on the ground that the testimony may be self-incriminating, the court may draw an adverse inference from the refusal.

(d) A privilege against disclosure of communications between spouses and a defense of immunity based on the relationship of husband and wife or parent and child may not be invoked in a proceeding under this subchapter.

§ 16-4603.11. Warrant to take physical custody of child.

(a) Upon the filing of a petition seeking enforcement of a child-custody determination, the petitioner may file a verified application for the issuance of a warrant to take physical custody of the child if the child is imminently likely to suffer serious physical harm or be removed from the District.

(b) If the court, upon the testimony of the petitioner or other witness, finds that the child is imminently likely to suffer serious physical harm or be removed from the District, it may issue a warrant to take physical custody of the child. The petition must be heard on the next judicial day after the warrant is executed unless that date is impossible. In that event, the court shall hold the hearing on the first judicial day possible. The application for the warrant must include the statements required by section 16-4603.08(b).

(c) A warrant to take physical custody of a child must:

(1) Recite the facts upon which a conclusion of imminent serious physical harm or removal from the jurisdiction is based;

(2) Direct law enforcement officers to take physical custody of the child immediately; and

(3) Provide for the placement of the child pending final relief.

(d) The respondent must be served with the petition, warrant, and order immediately after the child is taken into physical custody.

(e) A warrant to take physical custody of a child is enforceable throughout the District. If the court finds on the basis of the testimony of the petitioner or other witness that a less intrusive remedy is not effective, it may authorize law enforcement officers to enter private property to take physical custody of the child. If required by exigent circumstances of the case, the court may authorize law enforcement officers to make a forcible entry at any hour.

(f) The court may impose conditions upon placement of a child to ensure the appearance of the child and the child's custodian.

§ 16-4603.12. Costs, fees, and expenses.

(a) The court shall award the prevailing party, including a state, necessary and reasonable expenses incurred by or on behalf of the party, including costs, communication expenses, attorney's fees, investigative fees, expenses for witnesses, travel expenses, and child care during the course of the proceedings, unless the party from whom fees or expenses are sought establishes that the award would be clearly inappropriate.

(b) The court may not assess fees, costs, or expenses against a state unless authorized by law other than this chapter.

§ 16-4603.13. Recognition and enforcement.

A court of the District shall accord full faith and credit to an order issued by a court of another state and consistent with this chapter which enforces a child-custody determination by a court of another state unless the order has been vacated, stayed, or modified by a court having jurisdiction to do so under subchapter II of this chapter.

§ 16-4603.14. Appeals.

An appeal may be taken from a final order in a proceeding under this subchapter. The appeal shall be considered on an expedited basis. Unless the court enters a temporary emergency order under section 16-4602.04, the enforcing court may not stay an order enforcing a child-custody determination pending appeal.

§ 16-4603.15. Role of Attorney General for the District of Columbia

(a) In a case arising under this chapter or involving the Hague Convention on the Civil Aspects of International Child Abduction, the Attorney General for the District of Columbia may take any lawful action, including resort to a proceeding under this subchapter or any other available civil proceeding, to locate a child, obtain the return of a child, or enforce a child-custody determination if there is:

(1) An existing child-custody determination;

(2) A request to do so from a court in a pending child-custody proceeding;

(3) A reasonable belief that a criminal statute has been violated; or

(4) A reasonable belief that the child has been wrongfully removed or retained in violation of the Hague Convention on the Civil Aspects of International Child Abduction.

(b) A member of the Office of the Attorney General for the District of Columbia acting under this section acts on behalf of the court and may not represent any party.

§ 16-4603.16. Role of law enforcement.

At the request of a member of the Office of the Attorney General for the District of Columbia acting under section 16-4603.15, a member of the Metropolitan Police Department or other law enforcement officer may take any lawful action reasonably necessary to locate a child or a party and assist the Office of the Attorney General for the District of Columbia with responsibilities under section 16-4603.15.

§ 16-4603.17. Costs and expenses.

If the respondent is not the prevailing party, the court may assess against the respondent all direct expenses and costs incurred by the Office of the Attorney General for the District of Columbia and Metropolitan Police Department or other law enforcement officers under section 16-4603.15 or section 16-4603.16.

§ 16-4604.01. Short title

This subchapter may be cited as the "Uniform Child Abduction Prevention Act".

§ 16-4604.02. Definitions

A motion or other request for relief made in a child-custody proceeding or to enforce a child-custody determination which was commenced before the effective date of this chapter is governed by the law in effect at the time the motion or other request was made.

§ 16-4604.03. Cooperation and communication among courts

Sections 16-4601.10, 16-4601.11, and 16-4601.12 apply to cooperation and communications among courts in proceedings under this subchapter.

§ 16-4604.04. Actions for abduction prevention measures

(a) A court on its own motion may order abduction prevention measures in a child-custody proceeding if the court finds that the evidence establishes a credible risk of abduction of the child.

(b) A party to a child-custody determination or another individual or entity having a right under the law of this state or any other state to seek a child-custody determination for the child may file a petition seeking abduction prevention measures to protect the child under this subchapter.

(c) The Attorney General for the District of Columbia may seek a warrant to take physical custody of a child under § 16-4604.09 or other appropriate prevention measures.

§ 16-4604.05. Jurisdiction

(a) A petition under this subchapter may be filed only in a court that has jurisdiction to make a child-custody determination with respect to the child at issue under §§ 16-4601.01 to 16-4604.02.

(b) A court of this state has temporary emergency jurisdiction under § 16-4602.04 if the court finds a credible risk of abduction.

§ 16-4604.06. Contents of petition

A petition under this subchapter shall be verified and include a copy of any existing child-custody determination, if available. The petition shall specify the risk factors for abduction, including the relevant factors described in § 16-4604.07. Subject to § 16-4602.09(e), if reasonably ascertainable, the petition shall contain:

(1) The name, date of birth, and gender of the child;

(2) The customary address and current physical location of the child;

(3) The identity, customary address, and current physical location of the respondent;

(4) A statement of whether a prior action to prevent abduction or domestic violence has been filed by a party or other individual or entity having custody of the child, and the date, location, and disposition of the action;

(5) A statement of whether a party to the proceeding has been arrested for a crime related to domestic violence, stalking, or child abuse or neglect, and the date, location, and disposition of the case; and

(6) Any other information required to be submitted to the court for a child-custody determination under § 16-4602.09.

§ 16-4604.07. Factors to determine risk of abduction

(a) In determining whether there is a credible risk of abduction of a child, the court shall consider any evidence that the petitioner or respondent:

(1) Has previously abducted or attempted to abduct the child;

(2) Has threatened to abduct the child;

(3) Has recently engaged in activities that may indicate a planned abduction, including:

(A) Abandoning employment;

(B) Selling a primary residence;

(C) Terminating a lease;

(D) Closing bank or other financial management accounts, liquidating assets, hiding or destroying financial documents, or conducting any unusual financial activities;

(E) Applying for a passport or visa or obtaining travel documents for the respondent, a family member, or the child; or

(F) Seeking to obtain the child's birth certificate or school or medical records;

(4) Has engaged in domestic violence, stalking, or child abuse or neglect;

(5) Has refused to follow a child-custody determination;

(6) Lacks strong familial, financial, emotional, or cultural ties to the state or the United States;

(7) Has strong familial, financial, emotional, or cultural ties to another state or country;

(8) Is likely to take the child to a country that:

(A) Is not a party to the Hague Convention on the Civil Aspects of International Child Abduction and does not provide for the extradition of an abducting parent or for the return of an abducted child;

(B) Is a party to the Hague Convention on the Civil Aspects of International Child Abduction but:

(i) The Hague Convention on the Civil Aspects of International Child Abduction is not in force between the United States and that country;

(ii) Is noncompliant according to the most recent compliance report issued by the United States Department of State; or

(iii) Lacks legal mechanisms for immediately and effectively enforcing a return order under the Hague Convention on the Civil Aspects of International Child Abduction;

(C) Poses a risk that the child's physical or emotional health or safety would be endangered in the country because of specific circumstances relating to the child or because of human rights violations committed against children;

(D) Has laws or practices that would:

(i) Enable the respondent, without due cause, to prevent the petitioner from contacting the child;

(ii) Restrict the petitioner from freely traveling to or exiting from the country because of the petitioner's gender, nationality, marital status, or religion; or

(iii) Restrict the child's ability legally to leave the country after the child reaches the age of majority because of a child's gender, nationality, or religion;

(E) Is included by the United States Department of State on a current list of state sponsors of terrorism;

(F) Does not have an official United States diplomatic presence in the country; or

(G) Is engaged in active military action or war, including a civil war, to which the child may be exposed;

(9) Is undergoing a change in immigration or citizenship status that would adversely affect the respondent's ability to remain in the United States legally;

(10) Has had an application for United States citizenship denied;

(11) Has forged or presented misleading or false evidence on government forms or supporting documents to obtain or attempt to obtain a passport, a visa, travel documents, a Social Security card, a driver's license, or other government-issued identification card, or has made a misrepresentation to the United States government;

(12) Has used multiple names to attempt to mislead or defraud; or

(13) Has engaged in any other conduct the court considers relevant to the risk of abduction.

(b) In the hearing on a petition under this subchapter, the court shall consider any evidence that the respondent believed in good faith that the respondent's conduct was necessary to avoid imminent harm to the child or respondent and any other evidence that may be relevant to whether the respondent may be permitted to remove or retain the child.

§ 16-4604.08. Provisions and measures to prevent abduction

(a) If a petition is filed under this subchapter, the court may enter an order that shall include:

(1) The basis for the court's exercise of jurisdiction;

(2) The manner in which notice and opportunity to be heard were given to the persons entitled to notice of the proceeding;

(3) A detailed description of each party's custody and visitation rights and residential arrangements for

the child;

(4) A provision stating that a violation of the order may subject the party in violation to civil and criminal penalties; and

(5) Identification of the child's country of habitual residence at the time of the issuance of the order.

(b) If, at a hearing on a petition under this subchapter or on the court's own motion, the court after reviewing the evidence finds a credible risk of abduction of the child by a preponderance of the evidence, the court shall enter an abduction prevention order. The order shall include the provisions required by subsection (a) of this section and measures and conditions, including those in subsections (c), (d), and (e) of this section, that are reasonably calculated to prevent abduction of the child, giving due consideration to the custody and visitation rights of the parties. The court shall consider:

(1) The age of the child;

(2) The potential harm to the child from an abduction;

(3) The legal and practical difficulties of returning the child to the jurisdiction if abducted; and

(4) The reasons for the potential abduction, including evidence of domestic violence, stalking, or child abuse or neglect.

(c) An abduction prevention order may include one or more of the following:

(1) An imposition of travel restrictions that require that a party traveling with the child outside a designated geographical area provide the other party with the following:

(A) The travel itinerary of the child;

(B) A list of physical addresses and telephone numbers at which the child can be reached at specified times; and

(C) Copies of all travel documents;

(2) A prohibition of the respondent directly or indirectly:

(A) Removing the child from this state, the United States, or another geographic area without permission of the court or the petitioner's written consent;

(B) Removing or retaining the child in violation of a child-custody determination;

(C) Removing the child from school or a child-care or similar facility; or

(D) Approaching the child at any location other than a site designated for supervised visitation;

(3) A requirement that a party register the order in another state as a prerequisite to allowing the child to travel to that state;

(4) With regard to the child's passport:

(A) A direction that the petitioner place the child's name in the United States Department of State's Child Passport Issuance Alert Program;

(B) A requirement that the respondent surrender to the court or the petitioner's attorney any United States or foreign passport issued in the child's name, including a passport issued in the name of both the parent and the child; and

(C) A prohibition upon the respondent from applying on behalf of the child for a new or replacement passport or visa;

(5) As a prerequisite to exercising custody or visitation, a requirement that the respondent provide:

(A) To the United States Department of State Office of Children's Issues and the relevant foreign consulate or embassy, an authenticated copy of the order detailing passport and travel restrictions for the child;

(B) To the court:

(i) Proof that the respondent has provided the information in subparagraph (A) of this paragraph; and

(ii) An acknowledgment in a record from the relevant foreign consulate or embassy that no passport application has been made, or passport issued, on behalf of the child;

(C) To the petitioner, proof of registration with the United States Embassy or other United States diplomatic presence in the destination country and with the Central Authority for the Hague Convention on the Civil Aspects of International Child Abduction, if that Convention is in effect between the United States and the destination country, unless one of the parties objects; and

(D) A written waiver under 5 U.S.C.S. § 552a with respect to any document, application, or other information pertaining to the child authorizing its disclosure to the court and the petitioner; and

(6) Upon the petitioner's request, a requirement that the respondent obtain an order from the relevant foreign country containing terms identical to the child-custody determination issued in the United States.

(d) In an abduction prevention order, the court may impose conditions on the exercise of custody or visitation that:

(1) Limit visitation or require that visitation with the child by the respondent be supervised until the court finds that supervision is no longer necessary and order the respondent to pay the costs of supervision;

(2) Require the respondent to post a bond or provide other security in an amount sufficient to serve as a financial deterrent to abduction, the proceeds of which may be used to pay for the reasonable expenses of recovery of the child, including reasonable attorneys fees and costs if there is an abduction; and

(3) Require the respondent to obtain education on the potentially harmful effects to the child from abduction.

(e) To prevent imminent abduction of a child, a court may:

(1) Issue a warrant to take physical custody of the child under § 16-4604.09 or the law of this state other than this subchapter;

(2) Direct the use of law enforcement to take any action reasonably necessary to locate the child, obtain return of the child, or enforce a custody determination under this subchapter or the law of this state other than this subchapter; or

(3) Grant any other relief allowed under the law of this state other than this subchapter.

(f) The remedies provided in this subchapter are cumulative and do not affect the availability of other remedies to prevent abduction.

§ 16-4604.09. Warrant to take physical custody of child

(a) If a petition under this subchapter contains allegations, and the court finds that there is a credible risk that the child is imminently likely to be wrongfully removed, the court may issue an ex parte warrant to take physical custody of the child.

(b) The respondent on a petition under subsection (a) of this section shall be afforded an opportunity to be heard at the earliest possible time after the ex parte warrant is executed, but not later than the next judicial day unless a hearing on that date is impossible. In that event, the court shall hold the hearing on the first judicial day possible.

(c) An ex parte warrant under subsection (a) of this section to take physical custody of a child shall:

(1) Recite the facts upon which a determination of a credible risk of imminent wrongful removal of the child is based;

(2) Direct law enforcement officers to take physical custody of the child immediately;

(3) State the date and time for the hearing on the petition; and

(4) Provide for the safe interim placement of the child pending further order of the court.

(d) If feasible, before issuing a warrant and before determining the placement of the child after the warrant is executed, the court may order a search of the relevant databases of the National Crime Information Center system and similar state databases to determine if either the petitioner or respondent has a history of domestic violence, stalking, or child abuse or neglect.

(e) The petition and warrant shall be served on the respondent when or immediately after the child is taken into physical custody.

(f) A warrant to take physical custody of a child, issued by this state or another state, is enforceable throughout this state. If the court finds that a less intrusive remedy will not be effective, it may authorize law enforcement officers to enter private property to take physical custody of the child. If required by exigent circumstances, the court may authorize law enforcement officers to make a forcible entry at any hour.

(g) If the court finds, after a hearing, that a petitioner sought an ex parte warrant under subsection (a) of this section for the purpose of harassment or in bad faith, the court may award the respondent reasonable attorney's fees, costs, and expenses.

(h) This subchapter does not affect the availability of relief allowed under the law of this state other than this subchapter.

§ 16-4604.10. Duration of abduction prevention order

An abduction prevention order remains in effect until the earliest of:

(1) The time stated in the order;

(2) The emancipation of the child;

(3) The child's attaining 18 years of age; or

(4) The time the order is modified, revoked, vacated, or superseded by a court with jurisdiction under §§ 16-4602.01 to 16-4602.03.

§ 16-4605.01. Uniformity of application and construction. [Formerly § 16-4604.1]

In applying and construing this uniform act, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

§ 16-4605.02. Relation to Electronic Signatures in Global and National Commerce Act

This chapter modifies, limits, and supersedes the Electronic Signatures in Global and National Commerce Act, approved June 30, 2000 (114 Stat. 464; 15 U.S.C. § 7001 et seq.), but does not modify, limit, or supersede section 101(c) of that act (15 U.S.C. § 7001(c)), or authorize electronic delivery of any of the notices described in section 103(b) of that act (15 U.S.C. § 7003(b)).

§ 16-4605.03. Transitional provision. [Formerly § 16-4604.2]

A motion or other request for relief made in a child-custody proceeding or to enforce a child-custody determination which was commenced before April 27, 2001 is governed by the law in effect at the time the motion or other request was made.

Child Support and Welfare Reform Compliance Amendment Act of 2000
Summary

DC LEGIS 13-0269

Approved: January 8, 2001

Voting Record Effective: April 3, 2001

- Requires the Mayor to establish privacy protections and safeguards for victims of domestic violence

§ 16-925. Privacy protection for victims of domestic violence.

(a) The Mayor shall promulgate rules and establish procedures to implement safeguards, applicable to all confidential information handled by the IV-D agency or executive branch agencies in cooperative agreements with the IV-D agency, to protect the privacy rights of parties in IV-D agency proceedings. These safeguards shall include the following:

(1) Prohibitions against the unauthorized use or disclosure of information relating to paternity, support, or custody actions in IV-D agency proceedings;

(2) Prohibitions against the release of information concerning the whereabouts of one party or a child to another party, if a protection order has been entered (in the District or in another jurisdiction) to protect the party or the child whose whereabouts are being sought from the party seeking disclosure;

(3) Prohibitions against release of information concerning the whereabouts of one party or a child to another party if the Mayor has reason to believe that the release of the information may result in physical or emotional harm to the party or the child whose whereabouts are being sought;

(4) Requirements to notify the Secretary of the U.S. Department of Health and Human Services when:

(A) The Mayor has reasonable evidence of domestic violence or child abuse against a party or a child; or

(B) The disclosure of information concerning the whereabouts of the party or the child could be harmful to the party or the child; and

(5) In cases where the Secretary of the U.S. Department of Health and Human Services ("Department") has informed the IV-D agency that the Department has been notified that there is reasonable evidence of domestic violence or child abuse, requirements to determine whether disclosure of information concerning a party's or child's whereabouts to any other person would be harmful to a party or the child, and if so, to prohibit the disclosure.

(b) The Superior Court shall establish procedures to implement safeguards, applicable to all confidential information possessed by the Superior Court, to protect the privacy rights of parties in paternity or support proceedings. These safeguards shall include:

(1) Prohibitions against unauthorized use or disclosure of information relating to paternity, support, or custody actions in Superior Court proceedings;

(2) Prohibitions against the release of information concerning the whereabouts of one party or a child to

another party, if a protection order has been entered (in the District or in another jurisdiction) to protect the party or the child whose whereabouts are being sought from the party seeking disclosure;

(3) Prohibitions against release of information concerning the whereabouts of one party or a child to another party if the Superior Court has reason to believe that the release of information may result in physical or emotional harm to the party or the child whose whereabouts are being sought;

(4) Requirements to notify the Secretary of the U. S. Department of Health and Human Services when:

(A) The Superior Court has reasonable evidence of domestic violence or child abuse against a party or a child; or

(B) The disclosure of information concerning the whereabouts of the party or the child could be harmful to the party or the child; and

(5) In cases where the Secretary of the U.S. Department of Health and Human Services ("Department") has informed the Superior Court that the Department has been notified that there is reasonable evidence of domestic violence or child abuse, requirements to determine whether disclosure of information concerning a party's or child's whereabouts to any other person would be harmful to a party or the child, and if so, to prohibit the disclosure.

Victims of Violent Crime Compensation Amendment Act of 2000, enacted in Fiscal Year 2001 Budget Support Act of 2000 **DC LEGIS 13-0172**

Summary
Voting Record

Approved: June 26, 2000
Effective: October 19, 2000

- Amends the Victims of Violent Crime Compensation Act of 1996 to clarify, modify and add categories of reimbursable expenses and to expand the definition of victim
- Clarifies the crimes of violence for which compensation is available and clarifies that the receipt of crime victims compensation funds shall not affect eligibility for other public benefits
- Authorizes the transfer at the end of each fiscal year excess amounts from the Crime Victims Compensation Fund to the Executive Office of the Mayor for the purpose of victims' assistance

§ 4-501. Definitions [Formerly § 3-421]

For the purposes of this chapter the term:

(1) "Board" means the Crime Victims Compensation Appeals Board.

(2) "Claimant" means a person who makes a claim for compensation under this chapter and who is a:

(A) Victim;

(B) Secondary victim; or

(C) Person acting on behalf of a victim or a secondary victim, but not including a provider of services.

(3) "Collateral source" means a source of benefits or compensation available to a claimant for economic loss resulting from a crime of violence. This term includes payments or benefits from:

(A) The offender;

(B) The United States, District of Columbia, a state or territory of the United States or its political subdivisions, or an agency of the foregoing, including Social Security, Medicare, Medicaid, Workers' Compensation, Public Employees' Disability Compensation**,** *the Department of Human Services, the Department of Health, the Child and Family Services Agency, and Court Social Services*;

(C) A wage continuation program of an employer;

(D) A contract of life, health, disability, liability, or fire and casualty insurance, or a contract providing prepaid hospital or health care benefits;

(E) Proceeds of a lawsuit brought as a result of the crime; or

(F) Life insurance proceeds of more than $ 50,000.

(4) "Commission" means the Crime Victims Compensation Advisory Commission.

(5) "Court" means the Superior Court of the District of Columbia.

(6) "Crime of violence" or "crime" means the offense of, or the attempt to commit the offense of, an act of terrorism, use, dissemination, or detonation of a weapon of mass destruction, manufacture or possession of a weapon of mass destruction, arson, assault, *assault with a dangerous weapon, aggravated assault, assault on a police officer, assault with intent to kill, assault with intent to commit any offense, burglary, stalking, threats*, negligent homicide, sexual abuse, kidnapping, maliciously disfiguring another, manslaughter, murder, mayhem, riot, robbery, carjacking, cruelty to children, unlawful use of an explosive, including these offenses when motivated by bias as provided by Chapter 37 of Title 22, or any violation of §§ 50-2201.04 and 50-2201.05, notwithstanding that the offender lacked the capacity to commit the offense by reason of infancy, insanity, intoxication, or otherwise. These terms include an offense where the perpetrator and victim are members of the same family or household, an offense whether prosecuted under the District of Columbia Code or the United States Code, and a terrorist act or act of mass violence as defined in 18 U.S.C.S. 2331, committed in the District of Columbia against any person or outside of the United States against a resident of the District of Columbia. A crime occurs whether or not any person is identified, arrested, prosecuted, or convicted. Unless an application for rehearing, appeal, or petition for certiorari is pending or a new trial or hearing has been ordered, the conviction of a person whose acts gave rise to the claim is conclusive evidence that a crime was committed.

(7) (A) "Economic loss" means:

(i) Reasonable medical expenses incurred, whether provided in the District of Columbia or elsewhere;

(ii) Reasonable funeral and burial expenses, including the reasonable cost of cremation or other chosen method of interment;

(iii) The reasonable cost of temporary emergency food and housing not exceeding 120 days;

(iv) Loss of income or support incurred as a direct or indirect result of an injury or death;

(v) Loss of a victim's services by a secondary victim, including housekeeping and child care services;

(vi) In the case of secondary victims, reasonable psychiatric, psychological, or mental health counseling expenses incurred as a direct result of the crime;

(vii) Reasonable expenses incurred by the victim for physical or occupational therapy and rehabilitation;

(viii) The reasonable cost of cleaning the crime scene;

(ix) Unless the victim is deceased, the replacement value of the victim's clothing that is held for evidentiary purposes;

(x) The reasonable cost of replacing doors, windows, locks or other items to secure the victim's home or other place of residence;

(xi) The reasonable cost of a rental car for the period of time that an automobile is being held by the police as evidence or to collect evidence;

(xii) Reasonable moving expenses where necessary for health or safety; and

(xiii) Reasonable transportation expenses incurred by the victim or secondary victim to participate in court proceedings, to participate in the investigation or prosecution of the case, or to obtain the services described in sub-subparagraphs (i), (vi), or (vii) of this subparagraph, or paragraph (9) of this subsection, or to obtain any other services required as a direct result of the crime.

(B) "Economic loss" does not mean:

(i) Pain and suffering;

(ii) The value of any property damaged or taken during the crime; or

(iii) Any services not described in subparagraph (A) of this paragraph.

(8) "Fund" means the Crime Victims Compensation Fund.

(9) "Medical expenses" include:

(A) Ambulance, hospital, surgical, medical, nursing, dental, optometric, ophthalmologic, chiropractic, podiatric, in-patient mental health, and pregnancy-related care;

(B) Medical, dental, hearing, and surgical supplies;

(C) Crutches and prosthetic devices taken, lost, or destroyed during the commission of the crime, as well as new prosthetic devices which became necessary as a direct result of the crime and training in their use; and

(D) Out-patient mental health counseling expenses which became necessary as a direct result of the crime and which are provided by a:

(i) Licensed psychiatrist or psychologist;

(ii) Licensed social worker; or

(iii) Licensed marriage, family, or child counselor practicing within the scope of licensure.

(10) "Personal injury" means physical injury, emotional trauma, or both.

(11) "Program" means the Crime Victims Compensation Program.

(12) "Provider of services" means a person or entity providing services pursuant to paragraphs (7) and (9) of this subsection.

(13) "Secondary victim" means a:

(A) Victim's spouse, children, including *biological*, step, and adopted, grandchildren, parents, stepparents, siblings, half siblings, or spouse's parents;

(B) Person who resides in the victim's household at the time of the crime or at the time of the discovery of the crime;

(C) Person who is a survivor of a victim and who was wholly or partially dependent upon the victim for care and support at the time of the commission of the crime upon which the claim is based, including a child of the victim born after the victim's death;

(D) Person who legally assumes the obligation, or who voluntarily pays the medical expenses, or in the event of death caused by the crime, funeral and burial expenses, incurred as a direct result thereof;

(E) Person with close ties to the victim; or

(F) Person who witnessed the crime.

(14) "Victim" means a person who suffers personal injury or death in the District of Columbia, a person who is a resident of the District of Columbia and suffers personal injury or death as a result of a terrorist act or act of mass violence committed outside of the United States, or a person who is a resident of the District of Columbia and who suffers personal injury or death outside the District of Columbia in a state that does not have a crime victims compensation program that is eligible for funding under the Victims of Crime Act of 1984 (98 Stat. 2170; 42 U.S.C.S. § 10601 et seq.), as a direct result of:

(A) A crime;

(B) Assisting lawfully to apprehend a person reasonably suspected of committing or attempting to commit a crime;

(C) Assisting a person against whom a crime has been committed or attempted, if the assistance was rendered in a reasonable manner;

(D) Attempting to prevent the commission of a crime; or

(E) A violation of §§ 50-2201.04 and 50-2201.05, or a comparable state law regarding driving infractions.

(15) "Victims assistance grants agency" means the District of Columbia agency that is responsible for the administration of federal funds received for crime victims assistance under the Victims of Crime Act of 1984, approved October 12, 1984 (98 Stat. 2170; 42 U.S.C.S. § 10601 et seq.).

§ 4-506. Eligibility for compensation [Formerly § 3-426]

(a) A victim or secondary victim is eligible to receive compensation under this chapter if he or she:

(1) Suffered personal injury as a result of a crime;

(2) Filed a claim under this chapter within 1 year after the crime occurred or 1 year after learning of the Program with an adequate showing that the delay in learning of the Program was reasonable; and

(3) Reported the crime to a law enforcement office within 7 days of its occurrence. If the crime cannot be reasonably reported within that time period, the crime must be reported within 7 days from the time a report can reasonably be made.

(b) The offender shall not be unjustly enriched by an award of compensation to the claimant, except that this requirement may be waived in cases involving extraordinary circumstances where the interests of justice so require.

(c) Notwithstanding subsection (a)(3) of this section, a victim who has been sexually abused or subjected to unlawful sexual conduct, *domestic violence, or cruelty to children* and who does not report the crime to the local police department, may:

(1) In the case of domestic *violence* victims, satisfy the reporting requirement by seeking a civil protection order from the Corporation Counsel of the District of Columbia;

(2) In the case of sexual assault victims, satisfy the reporting requirement by seeking a sexual assault examination from a medical treatment facility; and

(3) In the case of a victim of cruelty to children, satisfy the reporting requirement by the filing of a neglect petition by the District of Columbia in the Superior Court.

(d) The time limit requirements of this section may be waived for good cause shown, including compelling health or safety concerns.

§ 4-507. Awards of compensation [Formerly § 3-427]

(a) The Court shall award compensation in an amount equal to the claimant's economic loss, decreased

by the amount available to the claimant from collateral sources.

(b) The Court shall not award compensation in an amount exceeding $ 25,000 *per victimization*.

(c) The Court shall calculate awards in a fair and equitable manner.

(d) The payment of compensation may provide for apportionment, the holding of the compensation or any part thereof in trust, payment in a lump sum or periodic installments, or payment directly to the provider of medical services or economic loss expenses.

(e) An award is not subject to enforcement, attachment, or garnishment, except that an award may be subject to a claim of a creditor if the cost of products, services, or accommodations included in the award were covered by the creditor.

(f) If a claimant is awarded compensation prior to the sentencing of an offender convicted of the crime which was the subject of the claim, the Court shall notify the sentencing judge of the amount of the award, notwithstanding that the files and records of the claim remain otherwise confidential as provided in § 4-511. Restitution ordered for an offense that was the basis for an award under this chapter, up to the amount of the award, shall be payable directly to the Fund as provided in § 4-509.

(g) Eligibility for public benefits shall not be affected by the receipt of crime victims compensation funds.

§ 4-515. Crime Victims Compensation Fund [Formerly § 3-435]

(a) A fund is established to be administered by the Court and to be known as the Crime Victims Compensation Fund ("Fund") for the purpose of accounting for the financial operations of this chapter. The Fund shall be maintained as a separate fund in the Treasury of the United States. All amounts deposited to the credit of the Fund are appropriated without fiscal year limitation to make payments as authorized under subsection (e) of this section.

(b) [Repealed.]

(c) Monies in the Fund shall consist of all funds transferred from the Department of Human Services on April 9, 1997, any appropriations to the Fund under § 4-518, assessments imposed under § 4-516, monies recovered through subrogation or repayment under §§ 4-509, 4-510 and 4-513, costs assessed under the Victims of Violent Crime Compensation Act of 1981 that are collected after April 9, 1997, any other fines, fees, penalties, or assessments that the Court determines necessary to carry out the purposes of the Fund, and monies received from the federal government or other public or private sources for the purpose of the Fund.

(d) Any unobligated balance existing in the Fund as of the end of each fiscal year (beginning with fiscal year 2000) may be used only in accordance with a plan developed by the District of Columbia which is submitted to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Government Reform of the House of Representatives, and the Committee on

Governmental Affairs of the Senate, except that under such plan:

(1) 50 percent of such balance shall be used for direct compensation payments to crime victims through the Fund under this section and in accordance with this chapter; and

(2) 50 percent of such balance shall be transferred from the Fund to the Crime Victims Assistance Fund established by § 4-515.01 and shall be used without fiscal year limitation for outreach activities designed to increase the number of crime victims who apply for such direct compensation payments.

(d-1) (1) In Fiscal Year 2001, the first $ 200,000 of the unobligated balance shall be transferred to the Executive Office of the Mayor to fund staff support for the District of Columbia Commission on Violence Against Women.

(2) The remaining funds shall be made available for victims assistance in accordance with a plan developed by the Executive Office of the Mayor and submitted to the Council, excluding days of Council recess. If the Council does not disapprove the proposed plan in whole or in part, by resolution within this 30-day period, the plan shall be deemed approved.

(3) The Mayor shall submit an annual report to the Council which details the amount of funds transferred pursuant to this subsection, and all expenditures or disbursements of funds, no later than 90 days after the end of each fiscal year.

(4) For the purposes of this section "unobligated balance" does not include the amount of claims pending at the end of a fiscal year which have been filed but for which awards have not been made, based on an estimated average cost of each award.

(e) All compensation payments and attorneys' fees awarded under this chapter shall be paid from, and subject to, the availability of monies in the Fund. Not more than 5 percent of the total amount of monies in the Fund may be used to pay administrative costs necessary to carry out this chapter.

(f) The Superior Court of the District of Columbia shall arrange for an annual independent audit of the Fund. The audit shall include:

(1) The number of claims satisfied in each fiscal year and the respective amounts awarded;

(2) The number and status of all pending claims;

(3) The unexpended balance in the Fund to be transferred to the victims assistance grants agency pursuant to subsection (d) of this section; and

(4) The number of personnel positions and amount of personnel funding and other administrative costs of the Crime Victims Compensation Program.

§ 4-517.01. Crime victims assistance

(a) The victims assistance grants agency shall have the authority to use the funds transferred pursuant to § 4-515 to award grants and contracts to private nonprofit organizations and to transfer funds to government entities which provide assistance to crime victims.

(b) Repealed.

Adoption and Safe Families Amendment Act of 2000 | **DC LEGIS 13-0136**

Summary | Approved: March 31, 2000

Voting Record | Effective: June 27, 2000

- Amends the Prevention of Child Abuse and Neglect Act of 1977 to create a new definitional section
- Defines programs which the federal Adoption and Safe Families Act requires the District to operate
- Creates a definition of kinship caregiver as a type of permanent placement option that may be made by the Court

§ **4-1301.02. Definitions** [Formerly § 6-2101]

For the purposes of this subchapter:

(1) "Abused", when used in reference to a child, shall have the same meaning as is provided in § 16-2301(23).

(2) "Adoption promotion and support services" means services and activities designed to encourage more adoptions of committed children, when such adoptions promote the best interest of the children, including such activities as pre-and post-adoptive services and activities designed to expedite the adoption process and support adoptive families.

(2A) Except where used in Part D, "Agency" means the Child and Family Services Agency established by § 4-1303.01a.

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

(3) "Case plan" means a written document concerning a child that includes at least the following:

(A) A description of the type of home or institution in which the child is to be placed, including a discussion of the safety and appropriateness of the placement and how the agency that is responsible for the child plans to carry out the voluntary placement agreement or judicial determination made with respect to the child;

(B) A plan for assuring that the child receives safe and proper care and that services are available to the parents, child, and foster parents in order to improve conditions in the parents' home, facilitate return of the child to his or her own safe home or to the child's permanent placement, and address the child's needs while a committed child, including the appropriateness of services provided to the child under the plan;

(C) To the extent available and accessible, the child's health and education records;

(D) Where appropriate, for a child 16 years of age or over, a written description of the programs and services which will help the child prepare for the transition from being a committed child to independent living; and

(E) If the child's permanent plan is adoption or placement in another permanent home, documentation of the steps (including child specific recruitment efforts) taken to accomplish the following:

(i) Find an adoptive family or other permanent living arrangement, such as with a legal custodian, with a kinship caregiver, or in independent living;

(ii) Place the child with an adoptive family, a kinship caregiver, a legal custodian, or in another planned permanent living arrangement; and

(iii) Finalize the adoption or legal custody or guardianship.

(4) "Child Protection Register" means the confidential index of all reports established pursuant to § 4-1302.01.

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

(6) "Director" means the Director of the Child and Family Services Agency established by § 4-1303.01a.

(6A) "Domestic partnership" shall have the same meaning as provided in § 32-701(4).

(7) "Drug" shall have the same meaning as the term "controlled substance" has in § 48-901.02(4).

(8) "Drug-related activity" means the use, sale, distribution, or manufacture of a drug or drug paraphernalia without a legally valid license or medical prescription.

(9) "Entry into foster care" means the earlier of:

(A) The date of the first judicial finding that the child has been neglected; or

(B) The date that is 60 days after the date on which the child is removed from the home.

(10) "Family preservation services" means services for children and families who are at risk of abuse or neglect, or in crisis, including:

(A) Services designed to help children return to families from which they have been removed, or be placed for adoption, where safe and appropriate, with a legal guardian, or, if adoption or legal guardianship is determined not to be safe and appropriate for a child, in another permanent living arrangement;

(B) Replacement prevention services;

(C) Services which provide follow-up care to families to whom a child has returned after commitment;

(D) Respite care services; and

(E) Services designed to improve parenting skills and abilities.

(11) "Family support services" means community-based services to promote the safety and well-being of children and families, and designed to:

(A) Increase family strength and stability;

(B) Increase parent confidence and competence;

(C) Afford children safe, stable, and supportive family environments; and

(D) Otherwise enhance child development.

(12) "God parent" means an individual identified by a relative of the child by blood, marriage, domestic partnership, or adoption, in a sworn affidavit, to have close personal or emotional ties with the child or the child's family, which pre-dated the child's placement with the individual.

(13) "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.

(13A) "Inconclusive report" means a report, made pursuant to § 4-1321.03, which cannot be proven to be either substantiated or unfounded.

(14) "Kinship caregiver" means an individual who:

(A) Is approved by the Division to provide kinship care;

(B) Is at least 21 years of age;

(C) Is providing, or is willing to provide for, the day-to-day care of a child; and

(D) Either:

(i) Is a relative of the child by blood, marriage, domestic partnership, or adoption; or

(ii) Is a godparent of the child.

(15) "Law enforcement officer" means a sworn officer of the Metropolitan Police Department of the District of Columbia.

(15A) "Neglected child" shall have the same meaning as is provided in § 16-2301(9).

(15B) "Panel" means the Citizen Review Panel established by § 4-1303.51.

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

(17) "Source" means the person or institution from whom a report originates.

(18) Repealed.

(19) "Source" means the person or institution from whom a report originates.

(19A) "Substantiated report" means a report, made pursuant to § 4-1321.03, which is supported by credible evidence and is not against the weight of the evidence.

(20) "Time-limited family reunification services" means services and activities provided to a committed child and to the child's parent, guardian, or custodian in order to facilitate the safe, appropriate, and timely reunification of the child during the 15 months following the child's entry into foster care. Time-limited family reunification services include:

(A) Individual, group, and family counseling;

(B) Inpatient, residential, or outpatient substance abuse treatment services;

(C) Mental health services;

(D) Assistance to address domestic violence;

(E) Services designed to provide temporary child care and therapeutic services for families; and

(F) Transportation to or from any of the services and activities described in this paragraph.

(20A) "Unfounded report" means a report, made pursuant to § 4-1321.03, which is made maliciously or in bad faith or which has no basis in fact.

(21) Repealed.