

AN ACT

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*Codification  
District of  
Columbia  
Code  
2002 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend the Prevention of Child Abuse and Neglect Act of 1977 to establish the Child and Family Services Agency as a separate Cabinet-level agency, to describe the functions and responsibilities of the Agency, to provide for the appointment of the Director of the Agency and to describe the Director's duties and powers; to amend Title 16 of the District of Columbia Code, the District of Columbia Government Comprehensive Merit Personnel Act of 1978, the District of Columbia Procurement Practices Act of 1985, the Interstate Compact on the Placement of Children Authorization Act of 1989 to make conforming amendments; and to amend Title 47 of the District of Columbia Code to consolidate the issuance of master business licenses for certain Youth Residential Facilities and Child-Placing Agencies in the Child and Family Services Agency.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Child and Family Services Agency Establishment Amendment Act of 2000".

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

(a) Section 102 is amended as follows:

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

"(2A) Except where used in Title IV of this act, "Agency" means the Child and Family Services Agency established by section 301a."

(2) Paragraph (6) is amended to read as follows:

"(6) "Director" means the Director of the Child and Family Services Agency established by section 301a."

(b) Section 104 is amended by striking the word "Division" wherever it appears and inserting the word "Agency" in its place.

(c) Section 105 is amended by striking the word "Division" wherever it appears and inserting the word "Agency" in its place.

(d) Section 106 is amended as follows:

(1) Strike the word "Division" and insert the word "Agency" in its place.

(2) Strike the phrase "Department of Human Services" and insert the word

“Agency” in its place.

(e) Section 106a is amended by striking the word “Division” wherever it appears and inserting the word “Agency” in its place.

(f) Section 107 is amended as follows:

(1) Strike the word “Division” wherever it appears and insert the word “Agency” in its place.

(2) Strike the phrase “Chief of the” wherever it appears and insert the phrase “Director of the” in its place.

(g) Section 109 is amended as follows:

(1) Strike the word “Division” wherever it appears and insert the word “Agency” in its place.

(2) Strike the phrase “Intrafamily Branch of the Social Services Division of the Superior Court of the District of Columbia” in subsection (a) and insert the word “Agency” in its place.

(h) Section 110 is amended as follows:

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

(A) Strike the word “Division” and insert the word “Agency” in its place.

(B) Strike the phrase “or the Child Abuse Unit of the Social Services Division of the Superior Court of the District of Columbia, whichever is responsible for making determinations or providing services to the child and family”.

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

(A) Strike the word “Division” and insert the word “Agency” in its place.

(B) Strike the phrase “or the Child Abuse Unit of the Social Services Division of the Superior Court, whichever is responsible for providing services to the child and family,”.

(3) Subsection (d) is amended as follows:

(A) Strike the word “Division” and insert the word “Agency” in its place.

(B) Strike the phrase “and the Child Abuse Unit of the Social Services Division of the Superior Court”.

(i) Section 203 is amended as follows:

(1) Strike the word “Division” wherever it appears and insert the word “Agency” in its place.

(2) Strike the phrase “Department of Human Services” in subsection (a)(7) and insert the word “Agency's” in its place.

(j) Title III is amended by striking the title heading "CHILD PROTECTIVE SERVICES DIVISION" and inserting the phrase "CHILD AND FAMILY SERVICES AGENCY" in its place.

(k) Section 301 is repealed.

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(l) A new section 301a is added to read as follows:

“Sec. 301a. Establishment and purposes of Child and Family Services Agency.

“(a) There is established as a separate Cabinet-level agency, subordinate to the Mayor, the Child and Family Services Agency.

“(b) The Agency shall have as its functions and purposes:

“(1) Providing services that prevent family dissolution or breakdown, to avoid the need for protective services or out-of-home placements;

“(2) Encouraging the reporting of child abuse and neglect;

“(3) Receiving and responding to reports of child abuse and neglect;

“(4) Removing children from their homes or other places, when necessary;

“(5) Conducting a social service investigation of child abuse and neglect cases, immediately notifying the Metropolitan Police Department when the commission of a crime is suspected or when any person has been physically injured or placed at risk for physical injury, and cooperating with the criminal investigation;

“(6) Safeguarding the rights and protecting the welfare of children whose parents, guardians, or custodians are unable to do so;

“(7) Offering appropriate, adequate, and, when needed, highly specialized, diagnostic and treatment services and resources to children and families when there has been a supported finding of abuse or neglect;

“(8) Ensuring the protection of children who have been abused or neglected from further experiences and conditions detrimental to their healthy growth and development;

“(9) Providing parenting classes or family counseling and other services on behalf of the child designed to help parents recognize and remedy the conditions harmful to the child and to fulfill their parental roles more adequately;

“(10) Obtaining substitute care for a child whose parents are unable, even with available help, to meet the child’s minimum needs and, where appropriate, providing services to the family of such a child that are aimed at safely reuniting the family as quickly as possible; and

“(11) Ensuring the timely permanent placement of the child consistent with the concurrent or alternative plan where reunification is not possible.

“(c) Not later than January 15, 2002, the Mayor shall recommend to the Council a new name for the Agency other than Child and Family Services Agency.

(m) Section 302 is repealed.

(n) A new section 302a is added to read as follows:

“Sec. 302a. Organization and authority of Child and Family Services Agency.

“(a) The Agency shall be administered by a full-time Director appointed by the Mayor and confirmed by the Council. The Director shall be qualified by experience and training to carry out the purposes of this act.

“(b) The Director shall report directly to the Mayor.

“(c) The Director shall be responsible for all child and family services provided by the

Agency, and for monitoring child and family services provided by contract or compact with the Agency.

“(d) The Agency shall have sufficient staff, supervisory personnel, and resources to accomplish the purposes of this act, including the capacity to provide emergency and continuing service resources to the children and families covered by this act.

“(e) Staff qualifications, caseload levels, and supervision requirements of the Agency in the public and private delivery of services shall be guided by nationally accepted standards of best practice, such as those developed by the Child Welfare League of America, and shall be published in the District of Columbia Register for public comment.

“(f) The Agency shall be the successor in interest to the Child and Family Services Agency under receivership in the case of *LaShawn A., et al. v. Anthony Williams, et al.*, C. A. No. 89-1754 (TFH), in the United States District Court for the District of Columbia. All real and personal property, Career Service and Management Supervisory Service positions, assets, records, and obligations, and all unexpended balances of appropriations, allocations, and other funds available or to be made available relating to the powers, duties, functions, operations, and administration of the Child and Family Services Agency under receivership in *LaShawn A., et al. v. Anthony Williams, et al.*, shall become the property of the Agency on the date of termination of the receivership. The provisions of this act are intended to be consistent with all outstanding orders of the United States District Court in the *LaShawn A., et al. v. Anthony Williams, et al.*, case.

“(g) All real and personal property, positions, assets, records, and obligations, and all unexpended balances of appropriations, allocations, and other funds available or to be made available relating to the powers, duties, functions, and operations of the Department of Human Services as the “appropriate authority,” under section 3 of the Interstate Compact on the Placement of Children Authorization Act of 1989 for children who have been abused or neglected, shall become the property of the Agency by October 1, 2001.

“(h) All real and personal property, positions, assets, records, and obligations, and all unexpended balances of appropriations, allocations, and other funds available or to be made available relating to the powers, duties, functions, and operations of the Department of Health in regulating child placement agencies and foster and group homes for children who have been abused or neglected shall be transferred to the Agency by October 1, 2001.

“(i) All records and agreed-upon positions, obligations, and unexpended balances of appropriations, allocations, and other funds available or to be made available relating to the powers, duties, functions and operations of the Social Services Division of the Superior Court of the District of Columbia concerning children who have been abused or neglected shall, subject to any approvals required of the United States Congress, be transferred to the Agency in accordance with the terms and conditions provided in any memorandum of understanding between the Mayor and the Chief Judge of the Superior Court of the District of Columbia. This transfer shall be completed on or before October 1, 2001, if possible.”

(o) Section 303 is amended as follows:

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

"Sec. 303. Duties and powers of the Director."

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

(A) The lead-in sentence is amended to read as follows:

"(a) The Director of the Agency shall have the following duties and powers, any of which may be contracted for, as appropriate, with private or other public agencies:"

(B) Paragraph (4)(A)(i) is amended by striking the word "Division's" and inserting the word "Agency's" in its place.

(C) New paragraphs (7) through (15) are added to read as follows:

“(7) To provide services to families and children who are eligible for such services, consistent with the requirements of this act, through programs of services to families with children, child protective services, foster care, and adoption;

“(8) To maintain a 24-hour, 7-days-a-week intake component to receive reports of suspected child abuse or neglect. The intake component shall be staffed at all times by workers specially trained in intake and crisis intervention and shall maintain:

“(A) The capacity for receiving reports and for responding promptly with investigation and emergency services;

“(B) A widely publicized telephone number for receiving reports at all times; and

“(C) Sufficient telephone lines and qualified staff so that all calls will be answered immediately by a trained worker;

“(9) To receive reports of suspected child abuse and neglect;

“(10) To conduct a social service investigation of alleged child abuse and neglect cases, including joint investigation with the Metropolitan Police Department;

“(11) To provide and maintain, for families of children who have been abused or neglected, a program of treatment and services designed to promote the safety of children, reunification of families, and timely permanent placements;

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

“(13) To provide protective service clients appropriate services necessary for the preservation of families, or to contract with private or other public agencies for the purpose of carrying out this duty. These services may include:

“(A) Emergency financial aid;

“(B) Emergency caretakers;

“(C) Homemakers;

“(D) Family shelters;

“(E) Emergency foster homes;

“(F) Facilities providing medical, psychiatric, and other therapeutic services;

“(G) Day care;

“(H) Parent aides;

“(I) Lay therapists; and

“(J) Respite care;

“(14) To offer rehabilitative services to the child’s family in an effort to reunify the family when a child has been adjudicated a neglected child and placed in foster care; and

“(15) To immediately, upon court direction, implement the concurrent or alternative plan for the permanent placement of a child when time-limited family reunification services, as defined in section 102(20), have failed to reunite a child in foster care with his or her family or when D.C. Code § 16-2354 applies.”.

(3) A new subsection (a-1) is added to read as follows:

“(a-1) The Director of the Agency shall have the following additional duties and powers:

“(1) To take into custody and place in shelter care, in accordance with subchapter I of Chapter 23 of Title 16 of the District of Columbia Code, children who have been abused or neglected;

“(2) To develop and test innovative models of practice consistent with the purposes of this act;

“(3) To develop programs that deliver a broad range of child and family services, including programs that involve the participation of community and neighborhood-based groups in prevention and intervention services;

“(4) To facilitate:

“(A) Permanent placement of a child, including reunification with original caretakers where such placement is consistent with the child’s safety;

“(B) Permanent placement with relatives; and

“(C) Adoptive placement, as appropriate;

“(5) To facilitate meetings for a child in foster care with extended family members;

“(6) To provide other programs and services that are consistent with the purposes of this act;

“(7) To monitor and evaluate services to and needs of abused and neglected children and their families;

“(8) To be the personnel authority for all employees of the Agency, including the exercise of full authority to hire, retain, and terminate personnel, consistent with the District of Columbia Government Comprehensive Merit Personnel Act of 1978;

“(9) By delegation from the Mayor, and independent of the Office of Contracting and Procurement, to exercise procurement authority to carry out the purposes of the Agency, including contracting and contract oversight, consistent with the District of Columbia

Procurement Practices Act of 1985, except sections 105(a), (b), (c), and (e) of that act;

“(10) Starting not later than October 1, 2001, and notwithstanding the licensing powers and responsibilities given to other District agencies and officials in subchapters I-A and I-B of Chapter 28 of Title 47, to be the exclusive agency to regulate foster and group homes for children who have been abused or neglected and to regulate child placement agencies for these children. For the purposes of this paragraph, the term “regulate” means all licensing, and related functions, except fire inspections and the issuance of certificates of occupancy and all inspections relating to those certificates;

“(11) Starting not later than October 1, 2001, to be the “appropriate authority,” under section 3 of the Interstate Compact on the Placement of Children Authorization Act of 1989 for children who have been abused or neglected;

“(12) To adopt regulations to carry out the purposes of this act, in accordance with the District of Columbia Administrative Procedure Act; and

“(13) To take whatever additional actions are necessary to accomplish the purposes of this act.”.

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

(A) The lead-in sentence is amended by striking the phrase "Director of the Department of Human Services, or the person or agency the department contracts with" and inserting the phrase "Agency, or the person or agency the Agency contracts with" in its place.

(B) Paragraph (2) is amended by striking the phrase "Department of Human Services" and inserting the word "Agency" in its place.

(C) Paragraph (4) is amended by striking the phrase "Department of Human Services" and inserting the word "Agency" in its place.

(D) Paragraph (10)(E) is amended by striking the word "Division's" and inserting the word "Agency's" in its place.

(5) Subsection (c) is amended by striking the phrase "Chief of the Division and the Director of the Department of Human Services" wherever it appears and inserting the phrase "Director of the Agency" in its place.

(6) Subsection (d) is amended as follows:

(A) Strike the phrase "Department of Human Services" and insert the word "Agency" in its place.

(B) Strike the phrase "and the Child Abuse Unit of the Social Services Division of the Superior Court of the District of Columbia".

(p) Section 304 is amended as follows:

(1) Subsection (a) is repealed.

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

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

(A) Strike the phrase “subsection (a) or (b) of this section” and insert the

phrase “section 303(a)(7) of this act or subsection (b) of this section” in its place.

(B) Strike the phrase “Chief of the Division” and insert the phrase “Director of the Agency” in its place.

(C) Paragraph (2) is amended by striking the word “neglect” and inserting the phrase “abuse or neglect” in its place.

(q) Section 305 is amended as follows:

(1) The lead-in sentence is amended by striking the phrase “Department of Human Services has physical custody of a child pursuant to subsection (b) or (c) of section 304” and inserting the phrase “Agency has physical custody of a child pursuant to section 303” in its place.

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

“(1) Authorize a medical evaluation or emergency medical, surgical, or dental treatment, or authorize an outpatient psychiatric evaluation or emergency outpatient psychiatric treatment, at any time; and”.

(3) Paragraph (2) is amended by adding the word “outpatient” before the word “medical”.

(r) Section 321 is amended as follows:

(1) A new paragraph (1A) is added to read as follows:

“(1A) “Agency” means the Child and Family Services Agency established by section 301a.”.

(2) Paragraph (5) is repealed.

(s) Section 322 is amended as follows:

(1) Strike the word “Department” wherever it appears and insert the word “Agency” in its place.

(2) Strike the word “Division” in paragraph (3) and insert the word “Agency” in its place.

(t) Section 323(a) is amended as follows:

(1) The lead-in sentence is amended as follows:

(A) Strike the word “Department” and insert the word “Agency” in its place.

(B) Strike the phrase “, the Child Abuse Unit of the Social Services Division of the Superior Court of the District of Columbia,”.

(2) Paragraph (1) is amended as follows:

(A) Strike the word “Department” and insert the word “Agency” in its place.

(B) Strike the phrase “, the Child Abuse Unit,”.

(u) Section 324 is amended by striking the word “Department” wherever it appears and inserting the word “Agency” in its place.

(v) Section 325 is amended as follows:



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(1) Strike the word “Department” wherever it appears and insert the word “Agency” in its place.

(2) Strike the phrase “or the Child Abuse Unit of the Social Services Division of the Superior Court of the District of Columbia”.

(3) Strike the phrase “or the Child Abuse Unit”.

(w) Section 327(a) is amended by striking the word “Department” and inserting the word “Agency” in its place.

(x) Section 328 is amended as follows:

(1) Strike the word “Department” wherever it appears in subsections (a) and (b) and insert the word “Agency” in its place.

(2) Strike the phrase “Department, the Division” in subsection (c) and insert the word “Agency” in its place.

**Sec. 3. Conforming amendments.**

(a) Chapter 23 of Title 16 of the District of Columbia Code is amended as follows:

(1) Section 16-2301 is amended by adding a new paragraph (29) to read as follows:

“(29) The term “Agency” means the Child and Family Services Agency established by section 6-2121.1.”.

(2) Section 16-2305(a) is amended as follows:

(A) Strike the first three sentences and insert new sentences in their place to read as follows:

“Complaints alleging delinquency or need of supervision shall be referred to the Director of Social Services, and complaints alleging neglect shall be referred to the Director of the Child and Family Services Agency, each of whom shall conduct a preliminary inquiry to determine whether the best interests of the child or the public require that a petition be filed. If judicial action appears warranted, under intake criteria established by rule of the Superior Court of the District of Columbia, the Director of Social Services, or the Director of the Agency shall recommend that a petition be filed. If the Director of Social Services, in the case of a complaint alleging delinquency or need of supervision, decides not to recommend the filing of a petition, the complainant shall have a right to have that decision reviewed by the Corporation Counsel. The Director of Social Services, in the case of a complaint alleging delinquency or need of supervision, shall notify the complainant of such right of review.”.

(B) Strike the phrase “Child Protective Services Division of the Department of Human Services” and insert the word “Agency” in its place.

(3) The second sentence of section 16-2305(c) is amended by striking the phrase “If the Director of Social Services has refused to recommend the filing of a delinquency or neglect petition” and inserting in its place the phrase “If the Director of Social Services has refused to recommend the filing of a delinquency petition, or if the Director of the Agency has

refused to recommend the filing of a neglect petition” in its place.

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

(A) Strike the phrase “Chief of the Child Protective Services Division of the Department of Human Services” wherever it appears and insert the phrase “Director of the Agency” in its place.

(B) Subsection (a)(3) is amended by striking the phrase “a law enforcement officer” and inserting the phrase “any employee of the Agency authorized to do so, or a law enforcement officer,” in its place.

(C) Subsection (a)(4) is amended as follows:

(i) Strike the phrase "a law enforcement officer" and insert the phrase “any employee of the Agency authorized to do so, or a law enforcement officer”.

(ii) Strike the phrase "§ 6-2105 when" and insert the phrase "§ 6-2105, when the employee or" in its place.

(5) Section 16-2311(a)(4) is amended by striking the phrase “Chief of the Child Protective Services Division of the Department of Human Services” and inserting the phrase “Director of the Agency” in its place.

(6) Section 16-2317(c)(2) is amended by adding after the phrase “Director of Social Services” the phrase “(in delinquency or need of supervision cases) or of the Director of the Child and Family Services Agency (in neglect cases) as”.

(7) The first sentence of section 16-2319(a) is amended by adding after the phrase “Director of Social Services” the phrase “(in delinquency or need of supervision cases) or the Director of the Child and Family Services Agency (in neglect cases)”.

(8) Section 16-2337 is amended as follows:

(A) Strike the comma between the word “delinquent” and the phrase “in need of supervision” and insert the word “or” in its place.

(B) Strike the phrase “or neglected,”.

(9) Section 16-2354 is amended as follows:

(A) Subsection (f) is amended by striking the phrase “Department of Human Services” and inserting the word “Agency” in its place.

(B) Subsection (g) is amended by striking the phrase “Department of Human Services” and inserting the word “Agency” in its place.

(b) The District of Columbia Government Comprehensive Merit Personnel Act of 1978 is amended as follows:

(1) Section 301(q) is amended as follows:

(A) Strike the word “and” at the end of paragraph (48).

(B) Strike the period at the end of paragraph (49) and insert the phrase “; and” in its place.

(C) A new paragraph (50) is added to read as follows:

“(50) Child and Family Services Agency.”.

(2) Section 406(b) is amended as follows:

(A) Strike the word “and” at the end of paragraph (15).

(B) Strike the period at the end of paragraph (16) and insert the phrase “; and” in its place.

(C) A new paragraph (17) is added to read as follows:

“(17) For employees of the Child and Family Services Agency, the personnel authority is the Director of the Child and Family Services Agency.”.

(c) Section 320 of the District of Columbia Procurement Practices Act of 1985 is amended by adding a new subsection (n) to read as follows:

“(n) Notwithstanding section 105(a), (b), (c), and (e), the Director of the Child and Family Services Agency shall exercise procurement authority to carry out the purposes of the Agency, including contracting and contract oversight, consistent with the other provisions of this act.”.

(d) Section 3 of the Interstate Compact on the Placement of Children Authorization Act of 1989 is amended to read as follows:

“Sec. 3. Definitions.

“The term “appropriate authority” as used in this compact means, with reference to the District of Columbia, the Director of the Child and Family Services Agency for children who have been abused or neglected and the Director of the Department of Human Services for all other children.”.

(e) Section 47-2851.3a(k)(3)(B) of the District of Columbia Code is amended by adding a new sentence at the end to read as follows:

"For Youth Residential Facilities that are Foster Homes or Group Homes, and for Child-Placing Agencies, both this endorsement and the master business license shall be issued by the Child and Family Services Agency.".

Sec. 4. Applicability.

(a) Except as provided in subsections (b) and (c) of this section, all provisions of this act shall apply upon the termination of the receivership in the case of *LaShawn A., et al. v. Anthony Williams, et al.*, C.A. No. 89-1754 (TFH), in the United States District Court for the District of Columbia.

(b) The following sections of this act relating to the Social Services Division of the Superior Court of the District of Columbia shall apply in accordance with the terms and conditions provided in any memorandum of understanding between the Mayor and the Chief Judge of the Superior Court of the District of Columbia, or on or before October 1, 2001, if possible: 2(g)(2), 2(h)(1)(B), 2(h)(2)(B), 2(h)(3)(B), 2(o)(6)(B), 2(t)(1)(B), 2(t)(2)(B), 2(v)(2), 2(v)(3), 3(a)(2)(A), 3(a)(3), 3(a)(4), 3(a)(5), and 3(a)(6).

(c) Section 3(d) shall apply as of October 1, 2001.

Sec. 5. Appropriations.

This act shall be subject to the availability of appropriations.

Sec. 6. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(3)).

Sec. 7. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia