

AN ACT

*Codification
District of
Columbia
Official Code*

2001 Edition

2011 Winter
Supp.

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Prevention of Child Abuse and Neglect Act of 1977 to include in the definition of case plan additional requirements for any child in foster care whose permanency plan is placement with a relative guardian and receipt of kinship guardianship assistance, to amend the definition of case plan to include a plan for ensuring the educational stability of a child in foster care, and to establish a presumption that, prior to a determination by the Family Court of the Superior Court of the District of Columbia, a child removed from the home and placed in shelter care will attend the same school he or she attended prior to removal unless it is not in the best interests of the child; and to amend section 16-2312 of the District of Columbia Official Code to establish a presumption that, following a determination by the Family Court of the Superior Court of the District of Columbia, a child will attend the same school he or she attended prior to removal unless it is not in the best interests of the child.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Prevention of Child Abuse and Neglect Amendment Act of 2010”.

Sec. 2. The Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.01 *et seq.*), is amended as follows:

(a) Section 102(3) (D.C. Official Code § 4-1301.02(3)) is amended by adding new subparagraphs (F) and (G) to read as follows:

Amend
§ 4-1301.02

“(F) In the case of a child with respect to whom the permanency plan is placement with a relative and receipt of kinship guardianship assistance payments under D.C. Official Code § 16-2399, a description of the:

“(i) Steps taken to determine that it is not appropriate for the child to be returned home or adopted;

“(ii) Reasons for any separation of siblings during placement;

“(iii) Reasons a permanent placement with a fit and willing relative through a kinship guardianship-assistance arrangement is in the child's best interests;

“(iv) Ways in which the child meets the eligibility requirements

ENROLLED ORIGINAL

for a kinship guardianship-assistance payment;

“(v) Efforts made to discuss adoption by the child's relative foster parent as a more permanent alternative to legal guardianship and, in the case of a relative foster parent who has chosen not to pursue adoption, documentation of the reasons therefore; and

“(vi) Efforts made to discuss with the child's parent the kinship guardianship-assistance arrangement, or the reasons the efforts were not made; and

“(G) A plan for ensuring the educational stability of the child while in foster care, including:

“(i) Assurances that the placement of the child in foster care takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement; and

“(ii)(I) An assurance that the Agency has coordinated with appropriate local educational agencies, as defined under section 9101(26) of the Elementary and Secondary Education Act of 1965, approved January 8, 2002 (115 Stat. 1425; 20 U.S.C. § 7801(26)), to ensure that the child remains in the school in which the child is enrolled at the time of placement; or

“(II) If remaining in the school the child is enrolled in at the time of placement is not in the best interests of the child, assurances by the Agency and the local educational agencies to provide immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the new school.”.

(b) Section 303(b) (D.C. Official Code § 4-1303.03(b)) is amended by adding a new paragraph (11) to read as follows:

**Amend
§ 4-1303.03**

“(11) At all stages of a neglect case, the presumption shall be that a child will attend the same school that he or she would have attended but for the child's removal from his or her home, unless the Agency determines that it is not in the child's best interest to do so. The Agency shall determine the child's best interest in consultation with parents, when feasible, the child, resource providers, guardian ad litem, and other significant persons.”.

Sec. 3. Section 16-2312 of the District of Columbia Official Code is amended by adding a new subsection (k) to read as follows:

**Amend
§ 16-2312**

“(k) A presumption shall exist that a child will attend the same school that he or she would have attended but for the child's entry into shelter care, unless it is determined that it is not in the child's best interest to do so.”.

Sec. 4. 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. Official Code § 1-206.02(c)(3)).

Sec. 5. 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), 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. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia