

AN ACT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Prevention of Child Abuse and Neglect Act of 1977 to authorize the Child and Family Services Agency to refer a family for a family assessment in lieu of investigation in response to certain reports of abuse and neglect, to provide for a re-referral for investigation when warranted, to require the Child and Family Services Agency to submit a progress report on the implementation of the use of family assessments to the Council’s Committee on Human Services, and to require the Mayor to issue rules to implement the provisions of this act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Families Together 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 (D.C. Official Code § 4-1301.02) is amended by adding a new paragraph (9A) to read as follows:

Amend
§ 4-1301.02

“(9A) “Family assessment” means an evaluation, for the purpose of developing a service plan, to determine:

“(A) A family’s strengths and needs;

“(B) The safety of any children in the home, including assessing whether there exists a risk of abuse or neglect of any child, but excludes a determination as to whether a report of abuse or neglect is substantiated, inconclusive, or unfounded;

“(C) A family’s ability to function as a cohesive unit; and

“(D) A family’s access to resources.”.

(b) Section 104 (D.C. Official Code § 4-1301.04) is amended as follows:

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

Amend
§ 4-1301.04

(A) The existing text is designated as paragraph (1).

(B) The newly designated paragraph (1) is amended by striking the phrase “or children.” and inserting the phrase “or children when a report involves a child fatality, suspected sex abuse, or the Agency suspects a child is at imminent risk of or has experienced abuse or neglect that the Agency determines to be severe.” in its place.

(C) New paragraphs (2), (3), (4), (5), and (6) are added to read as follows:

“(2) For all other reports of suspected child abuse or neglect, the Agency, directly or through a contractor or another appropriate District agency, shall conduct either a thorough investigation or a family assessment. A family’s cooperation with the family assessment and its acceptance of services offered pursuant to the assessment shall be voluntary; provided, that there are no child-safety concerns.

“(3) If at any time the Agency determines that a report referred for family assessment should be re-referred for an investigation, the Agency shall commence an investigation pursuant to subsections (b), (c), and (d) of this section and the requirements of this act.

“(4) If the family assessment determines that the family needs services, the Agency, directly or through a contractor or another appropriate District agency, shall assist the family in obtaining these services.

“(5) The family assessment shall commence as soon as possible, but no later than 5 days after the Agency’s receipt of the report, and shall include seeing the child and all other children in the household within that 5-day period; provided, that the report does not involve a child who is at imminent risk of or has experienced abuse or neglect that the Agency determines to be severe, in which case the report shall be referred for investigation.

“(6) If at any time the Agency finds, through an evaluation, that the time period of 5 days to commence a family assessment is not serving the best interest of families and children, it shall re-evaluate its practices regarding commencement and implementation of the family assessment, comparing its practices with national standards and best practices. The Agency shall report the conclusions of any re-evaluation to the Council, along with recommendations, if any, for legislative initiatives that address the conclusions of the report.”.

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

(A) Paragraph (1) is amended by striking the phrase “or neglect” and inserting the phrase “or neglect or a referral for investigation following a family assessment” in its place.

(B) Paragraph (2) is amended by striking the phrase “any report” and inserting the phrase “any report or a referral for investigation following a family assessment” in its place.

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

(A) Subparagraph (E) is amended by striking the word “and” at the end.

(B) Subparagraph (F) is amended by striking the period and inserting the phrase “; and” in its place.

(C) A new subparagraph (G) is added to read to read as follows:

“(G) A finding as to whether the report of abuse or neglect is substantiated, inconclusive, or unfounded, unless at any time during the investigation the Director determines it appropriate to refer the family for a family assessment and suspends the

investigation to complete a family assessment in accordance with rules issued pursuant to section 601(d).”.

(4) A new subsection (e) is added to read as follows:

“(e)(1) The use of family assessments, where appropriate, shall be fully implemented within 365 days of the effective date of the Families Together Amendment Act of 2010, passed on 2nd reading on June 15, 2010 (Enrolled version of Bill 18-667).

“(2) On or before October 1, 2010, the Agency shall submit a written report to the Council’s Committee on Human Services detailing the Agency’s progress toward using family assessments as authorized by this section, which shall include:

“(A) A detailed review of the steps taken toward full implementation of this alternative to investigation; and

“(B) An evaluation of the strengths and needs of the implementation process.”.

(c) Section 601 (D.C. Official Code § 4-1306.01) is amended by adding a new subsection (d) to read as follows:

Amend
§ 4-1306.01

“(d)(1) Within 180 days of the effective date of the Families Together Amendment Act of 2010, passed on 2nd reading on June 15, 2010 (Enrolled version of Bill 18-667) (“Families Together amendment”), 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 Families Together amendment.

“(2) The proposed rules shall be submitted 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 the 30-day review period, the proposed rules shall be deemed approved.”.

Sec. 3. Applicability.

This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

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

ENROLLED ORIGINAL

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