

A BILL 1

18-12 2

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA 3

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To amend the Prevention of Child Abuse and Neglect Act of 1977 to establish that an individual with a certain criminal conviction, or who lives 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 pursuant to court order under section 16-2320 of the District of Columbia Official Code, to identify a list of felony convictions for which an individual, despite a certain conviction, or the conviction of an adult living in the home of the individual, may qualify for approval, licensure, or permission to adopt or foster a child or to otherwise have custody of a child as legal guardian, kinship caregiver, or custodian pursuant to court order under section 16-2320 of the District of Columbia Official Code, if, after a discretionary agency review, a determination is made that the approval, licensure, or permission would be consistent with the health, safety, and welfare of the child, and to establish that in such cases funds that would otherwise be available under Title IV-E of the Social Security Act for adoption-assistance payments or foster-care-maintenance payments shall not be made on behalf of the child; and to amend section 16-308 of the District of Columbia Official Code to permit the court to dispense with an investigation, report, and interlocutory decree, but not a criminal records check, under specified circumstances.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Adoption and Safe Families Amendment Act of 2009".

Sec. 2. Section 506 of the Prevention of Child Abuse and Neglect Act of 1977, effective June 27, 2000 (D.C. Law 13-136; D.C. Official Code § 4-1305.06), is amended as follows:

ENGROSSED ORIGINAL

(a) Subsection (b)(5) is amended by striking the phrase "homicide, assault or battery" and inserting the phrase "or homicide, but not including other physical assault or battery" in its place.

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

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

(A) Strike the phrase ", or an adult residing in the home of the individual,".

(B) Strike the phrase "check that the individual" and insert the phrase "check that the individual, or an adult residing in the home of the individual," in its place.

(2) Paragraph (1) is repealed.

(c) Subsection (d) is amended to read as follows:

"(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."

Sec. 3. Section 16-308 of the District of Columbia Official Code is amended to read as follows:

~~"§ 16-308. Investigations when prospective adoptee is adult or petitioner is spouse or domestic partner of natural parent.~~

~~"(a) The court may dispense with the investigation, report, and interlocutory decree provided for by this chapter when:~~

~~"(1) The prospective adoptee is an adult; or~~

~~"(2) The petitioner is a spouse or domestic partner, as defined 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), of the natural parent of the prospective adoptee and the natural parent consents to the adoption or joins in the petition for adoption.~~

~~"(b) In the circumstances specified in subsection (a)(2) of this section, the petition need not contain the information concerning race and religion specified in § 16-305(4) and (5).~~

~~“(c) Nothing in this section shall be construed to waive the requirements of §§ 4-1305.01 through 4-1305.09, including the requirement of a fingerprint-based criminal records check.”~~

“§ 16-308. Investigations when prospective adoptee is adult or petitioner is spouse or domestic partner of natural parent.

“(a) The court may dispense with the investigation, report, and interlocutory decree provided for by this chapter when:

“(1) The prospective adoptee is an adult; or

“(2) The petitioner is a spouse or domestic partner of the natural parent of the prospective adoptee and the natural parents consents to the adoption or joins in the petition for adoption.

“(b) In the circumstances specified in subsection (a)(2) of this section, the petition need not contain the information concerning race and religion specified by § 16-305(4) and (5).

“(c) For the purposes of this section, the term “domestic partner” shall have the same meaning as provided in § 32-701(3), but shall exclude a domestic partner who is the parent, grandparent, sibling, child, grandchild, niece, nephew, aunt, or uncle of the natural parent.

“(d) Nothing in this section shall be construed to waive the requirements of §§ 4-1305.01 through 4-1305.09, including the requirement of a fingerprint-based criminal records check.”

ENGROSSED ORIGINAL

Sec. 4. Fiscal impact statement. 1

The Council adopts the fiscal impact statement in the committee print as the fiscal impact 2
statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved 3
December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)). 4

Sec. 5. Effective date. 5

This act shall take effect following approval by the Mayor (or in the event of veto by the 6
Mayor, action by the Council to override the veto), a 30-day period of Congressional review as 7
provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 8
24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of 9
Columbia Register. 10