

# ENROLLMENT(S)



COUNCIL OF THE DISTRICT OF COLUMBIA

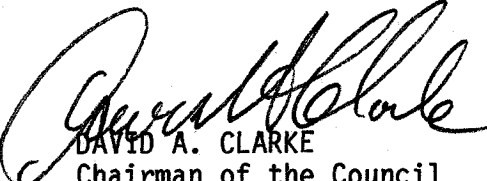
NOTICE

D.C. LAW 10-56

"Child Abuse and Neglect Prevention Children's  
Trust Fund Act of 1993".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 10-114 on first and second readings, July 13, 1993, and September 21, 1993, respectively. Following the signature of the Mayor on October 1, 1993, pursuant to Section 404(e) of "the Act", and was assigned Act No. 10-109, published in the October 15, 1993, edition of the D.C. Register, (Vol. 40 page 7222) and transmitted to Congress on October 5, 1993 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 10-56, effective November 20, 1993.

  
DAVID A. CLARKE  
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

October 5,6,7,12,13,14,15,18,19,20,21,22,25,26,27,28,29  
November 1,2,3,4,5,8,9,10,15,16,17,18,19

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCT. 1, 1993

New Subchapter IV,  
Chapter 21, Title 6

To establish the Child Abuse and Neglect Prevention Children's Trust Fund as a private nonprofit corporation whose resources will be used to stimulate innovative programs directed toward the prevention of child abuse and child neglect and other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Child Abuse and Neglect Prevention Children's Trust Fund Act of 1993".

Sec. 2. Definitions.

For the purposes of this act, the term:

New, Section  
6-2131

(1) "Child" means a person under 18 years of age.

(2) "Child abuse" means harm or threatened harm to a child's health or welfare by a person responsible for the child's health or welfare, which occurs through the intentional infliction of physical or emotional injury or an act of sexual abuse, which includes a violation of any provision of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Code § 6-2101 *et seq.*).

(3) "Child neglect" means harm to a child's health or welfare which occurs through the failure to provide adequate food, clothing, shelter, education, or medical care.

(4) "Prevention program" means a program designed to prevent child abuse or child neglect including a community-based program that:

(A) Focuses on child abuse or child neglect;

(B) Focuses on public awareness;

(C) Focuses on prenatal care, perinatal bonding, child development, basic child care, care of children with special needs or coping with family stress;

(D) Provides aid to parents who potentially may abuse or neglect their children, child abuse or child neglect counseling, support groups for parents who potentially may abuse or neglect their children, and support groups for their children, or early identification of families in which there is a potential for child abuse or child neglect;

(E) Trains and places volunteers in programs that focus on child abuse or child neglect prevention; or

(F) Develops and makes available to the District of Columbia Board of Education curricula and educational material on basic child care and parenting skills, or trains educators.

Sec. 3. Establishment of the Child Abuse and Neglect Prevention Children's Trust Fund.

New, Section  
6-2132

(a) There is established in the District of Columbia a private nonprofit corporation which shall be known as the Child Abuse and Neglect Prevention Children's Trust Fund ("Trust Fund"). The sole purpose of the Trust Fund is to encourage child abuse and child neglect prevention programs.

(b) The Trust Fund may accept appropriations from the District and shall accept gifts, bequests and grants from persons, organizations, corporations and foundations.

(c) The Trust Fund shall accept federal funds granted by Congress or Executive Order.

(d) All funds of the Trust Fund shall be held in trust by the Foundation for the National Capital Region ("Foundation"), a private nonprofit 501(c)(3) foundation whose Employer Identification Number is 23-7343119. In the event the Foundation is unable or unwilling to hold the funds, the Trust Fund shall designate an alternate trustee.

(e) The Foundation or alternate trustee shall not invest any funds held in trust for the Trust Fund in any financial institution or private enterprise which has an outstanding loan to or any business activity with the Republic of South Africa, Namibia, or a national corporation of or other corporation organized under the laws of the Republic of South Africa or Namibia.

(f) Until the total amount of assets in the Trust Fund exceeds \$5,000,000, not more than 75% of the funds contributed to the Trust Fund each year, plus the earnings credited to the Trust Fund during the previous year, shall be available for disbursement upon the authorization of the Board of Directors of the Trust Fund. After the Foundation or alternate trustee certifies that the assets in the Trust Fund exceed \$5,000,000, there shall be available for disbursement upon authorization of the Board of Directors, all earnings credited to the Trust Fund and other funds contributed to or received by the Trust Fund; provided, however, that the assets in the Trust Fund shall not be reduced below \$5,000,000.

(g) The Trust Fund shall supplement but not replace services provided by District agencies.

(h) The Trust Fund shall not provide funding to District government agencies.

Sec. 4. Establishment of Board of Directors.

New, Section  
6-2133

(a) A self-perpetuating Board of Directors is established to manage the affairs of the Trust Fund. The Board of Directors shall have 15 members. The D.C. Treasurer, Director of the Department of Human Services and the Director of the Mayor's Youth Initiatives Office shall serve as members of the Board of Directors. The remaining 12 members shall have a demonstrated knowledge in the area of child abuse and child neglect prevention and shall reflect a diversity of gender and ethnicity. Each ward in the District shall be represented on the Board of Directors.

(b) The D.C. Treasurer, the Director of the Department of Human Services and the Director of the Mayor's Youth Initiatives Office shall serve terms as members of the Board of Directors for the same duration as the terms of their office.

(c) The 12 initial nongovernmental members shall serve the following terms: 3 members shall serve 3 years; 5 members shall serve 2 years; and 4 members shall serve 1 year.

(d) The 12 initial nongovernmental members shall be appointed by resolution of the Council.

(e) In the event that 1 of the 12 initial nongovernmental members is unable to serve or is removed, the remaining members shall select a replacement member according to the representational requirements of subsection (a) of this section.

(f) The Board of Directors shall appoint nongovernmental replacement members so that subsequent Board of Directors meet the representational requirements of subsection (a) of this section and the bylaws adopted by the Board of Directors. A succeeding member shall serve the balance of the term of the member that he or she succeeds if the term is unexpired. A succeeding member who succeeds a member whose term has expired shall serve a term of 3 years. No member shall serve more than 2 consecutive terms whether partial or full.

(g) Members shall be compensated only for out-of-pocket expenses incurred from the accomplishment of their responsibilities as members of the Board of Directors.

(h) The Board of Directors shall elect a chairperson from among the members. The Board of Directors may elect other officers and form committees as it considers appropriate.

Sec. 5. Powers and responsibilities of the Board of Directors.

(a) The Board of Directors shall:

- (1) Administer the Trust Fund;
  - (2) File such papers as may be required by the Recorder of Deeds of the District of Columbia;
  - (3) Have the power to adopt, amend, or repeal bylaws for operation of the Trust Fund;
  - (4) Remove a member by a 2/3rd vote of the remaining members of the Board of Directors;
  - (5) Meet not less than quarterly at a time to be determined;
  - (6) Assess service needs and gaps relative to child abuse and child neglect prevention programs in the District;
  - (7) Develop and implement program recommendations in order to address identified service needs;
  - (8) Develop and implement proposal solicitation and establish criteria for the awarding of grants to meet identified service needs;
  - (9) Review, approve, and monitor the expenditure of the Trust Fund and child abuse and child neglect prevention programs;
  - (10) Assist in providing information to the public about the purpose and work of the Trust Fund;
  - (11) Hire and monitor an executive director of the Trust Fund;
- and
- (12) Invite comments and recommendations at least annually from interested child advocacy coalitions and community organizations to review the Trust Fund's program plans.

New, Section  
6-2134

(b) Administrative expenses shall not exceed 10% of the funds available in the Trust Fund.

(c) One year after its original formation, the Board of Directors shall develop a District-wide plan for the distribution of funds from the Trust Fund. The plan shall be developed annually. The plan shall assure a distribution of funds to services that reach children in all geographic areas of the District. The plan shall be transmitted to the Mayor and Chairman of the Council.

Sec. 6. Service of process.

The Trust Fund shall maintain a designated agent to accept service of process for the Trust Fund. Notice to or service upon the agent is notice or service upon the Trust Fund.

New, Section  
6-2135

Sec. 7. Corporate powers.

The Trust Fund may exercise those powers conferred upon a nonprofit corporation pursuant to the District of Columbia Nonprofit Corporation Act, approved August 6, 1962 (76 Stat. 265; D.C. Code § 29-1001 *et seq.*).

New, Section  
6-2136''

Sec. 8. Dissolution.

Except as otherwise provided in a contract or legacy transferring or loaning property to the Trust Fund, upon dissolution of the Trust Fund as a corporation, all remaining assets shall be transferred to the Mayor of the District of Columbia. The Mayor shall make every effort to use the assets for the prevention of child abuse and child neglect as provided in this act.

New, Section  
6-2137

Sec. 9. Tax status.

The Trust Fund may engage in such activities that make it eligible for treatment as an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. § 501(c)(3)) which may be exempt from federal taxation under Section 501(a) of the Internal Revenue Code (26 U.S.C. § 501(a)).

New, Section  
6-2138

Sec. 10. Conforming amendments.

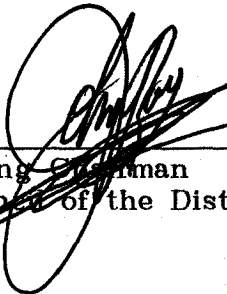
The District of Columbia Drug Prevention and Children at Risk Tax Check-off Amendment Act of 1990, effective March 8, 1991 (D.C. Law 8-246; D.C. Code §§ 47-1812.11a and 47-4001 to 47-4005) is amended by striking the word "Trust" wherever it appears and inserting the word "Fund" in its place.

Sections  
47-1812.11a  
and  
47-4001  
thru  
47-4005

Sec. 11. Effective date.

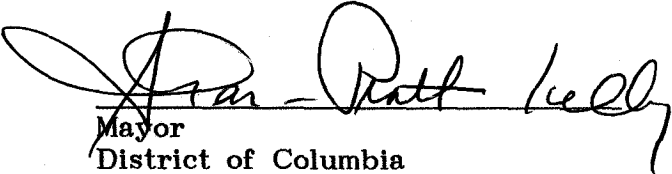
This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and

publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.



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Acting Chairman  
Council of the District of Columbia



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Mayor  
District of Columbia

APPROVED: October 1, 1993



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD TEN

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: Bill 10-114

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 7-13-93

VOICE VOTE: Approved

Recorded vote on request

Absent: Chavous

ROLL CALL VOTE: -- RESULT ( / / )

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. RAY					EVANS					SMITH, JR.				
BARRY					JARVIS					THOMAS, SR.				
BRAZIL					LIGHTFOOT									
CHAVOUS					MASON									
CROPP					NATHANSON									

X -- Indicates Vote A.B. -- Absent N.V. -- Present, not voting

CERTIFICATION RECORD

*Deje Jones*  
Secretary to the Council

*September 22, 1993*  
Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 9-21-93

VOICE VOTE: Approved

Recorded vote on request

Absent: Barry and Evans

ROLL CALL VOTE: -- RESULT ( / / )

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. RAY					EVANS					SMITH, JR.				
BARRY					JARVIS					THOMAS, SR.				
BRAZIL					LIGHTFOOT									
CHAVOUS					MASON									
CROPP					NATHANSON									

X -- Indicates Vote A.B. -- Absent N.V. -- Present, not voting

CERTIFICATION RECORD

*Deje Jones*  
Secretary to the Council

*September 22, 1993*  
Date

Item on Consent Calendar

ACTION & DATE:

VOICE VOTE:

Recorded vote on request

Absent:

ROLL CALL VOTE: -- RESULT ( / / )

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. RAY					EVANS					SMITH, JR.				
BARRY					JARVIS					THOMAS, SR.				
BRAZIL					LIGHTFOOT									
CHAVOUS					MASON									
CROPP					NATHANSON									

X -- Indicates Vote A.B. -- Absent N.V. -- Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date