

COUNCIL OF THE DISTRICT OF COLUMBIA

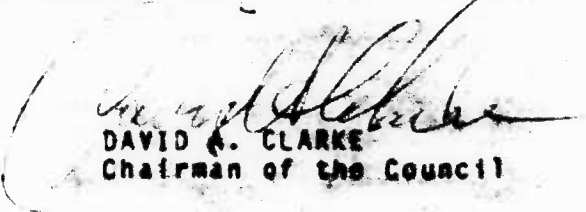
NOTICE

D.C. LAW 5-72

"District of Columbia Relinquishment for Adoption Reform Act of 1983".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-193, "the Act", the Council of the District of Columbia adopted Bill No. 5-135 on first and second readings, January 3, 1984 and January 31, 1984, respectively. Following the signature of the Mayor on February 16, 1984, this legislation was assigned Act No. 5-107, published in the February 24, 1984 edition of the D.C. Register, (Vol. 31 page 732) and transmitted to Congress February 22, 1984 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 5-72, effective April 4, 1984.


DAVID A. CLARKE
Chairman of the Council

Dates Covered by the 30-day Congressional Review Period:

February	21, 22, 23, 24, 27, 28, 29
March	1, 2, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30
April	2, 3

D.C. LAW 5 - 72

AN ACT

Enrolled Copy

EFFECTIVE
DATE APR 04 1984

D.C. ACT 5-107

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEB 16 1984

To amend An Act To regulate the placing of children in family homes, and for other purposes, to grant birth parents a limited automatic right to withdraw their consent to the relinquishment of parental rights and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the "District of Columbia Relinquishment for Adoption Reform Act of 1983".

Sec. 2. Sec. 6 of An Act To regulate the placing of children in family homes, and for other purposes, approved April 22, 1944 (58 Stat. 194; D.C. Code, sec. 32-1007(a)), is amended by striking subsection (a) in its entirety and inserting in lieu thereof the following new subsections:

D.C. Code,
sec. 32-1007
(1981 ed.)

"(a)(1) Whenever a licensed child-placing agency shall have been given the permanent care and guardianship of any child and the rights of the parent or parents of such child have been terminated by order of the court of competent jurisdiction or by a legally executed relinquishment of parental rights, the agency is vested with parental rights and may consent to the adoption of the child pursuant to the statutes regulating adoption procedure. Minority of a natural parent shall not be a bar to such parent's relinquishment to a licensed agency.

"(2) For purposes of this section, 'licensed

child-placing agency' shall mean any child-placing agency licensed pursuant to this chapter or any child-placing agency licensed or authorized by any state, territory, or possession of the United States, by the Commonwealth of Puerto Rico, or by any foreign country or any state, province or other governmental division of any foreign country for the care and placement of minors.

"(b) No relinquishment of parental rights shall be made within the first seventy-two hours after birth. Prior to any relinquishment any corporation, association, or public agency that conducts a licensed child-placing agency shall provide counseling by a professional social worker, to the relinquishing parent regarding the alternative services available in addition to psychological and emotional counseling to both the parent and the child.

"(c) Any relinquishment of parental rights executed by a single natural parent or by both natural parents, other than by court order as provided in this subsection may be automatically revoked by a verified writing executed by the single parent or both parents respectively and submitted to the agency within ten calendar days of executing a legal relinquishment. Where both natural parents execute a relinquishment of parental rights, other than by court order, either parent may automatically revoke his or her relinquishment of parental rights by executing a verified writing submitted to the agency within ten calendar days of executing the relinquishment. The rights of the parent not seeking custody shall be terminated and such parent shall

not have the power to obstruct the revocation. If the tenth controlled Original day falls on a Saturday, Sunday, or legal holiday, the deadlines for filing the revocation shall be extended to the next working day. No relinquishment of parental rights shall be considered final until the revocation period has expired with no revocation having been made by the natural parent. Automatic revocation of relinquishment can be exercised only once.

"(d) A waiting period of thirty days from the date of revocation of the first relinquishment shall expire before a second relinquishment can be executed. A relinquishment, if exercised a second time, shall be irrevocable, unless an additional right to revoke is granted by court order upon a finding by the court that the relinquishment was not given voluntarily, e.g., the relinquishment was induced by fraud, coercion, material mistake or other factors that bear on a determination of voluntariness.

"(e) Any relinquishment of parental rights and revocation thereof may be transferred from one licensed child-placing agency to another child-placing agency in which case the second agency shall assume all the rights and duties of the first agency.

"(f) Except in proceedings for adoption, no parent may voluntarily assign or otherwise transfer to another his rights and duties with respect to the permanent care and control of a child under 16 years of age, unless such relinquishment of parental rights is made to a licensed child-placing agency. Such relinquishment of parental

rights shall be a statement in writing signed by the person relinquishing such parental rights who shall subscribe his name thereto and acknowledge the same before a representative of the licensed child-placing agency in the presence of at least 1 witness. Each transfer or relinquishment of parental rights and any revocation of said relinquishment shall be recorded and filed by the child-placing agency in a properly sealed file in the Family Division of the Superior Court for the District of Columbia within 30 days after the expiration of the revocation period. Any subsequent relinquishment shall be filed by the child-placing agency in a properly sealed file in the Family Division of the Superior Court of the District of Columbia within 30 days after the date of relinquishment. The seal of said file shall not be broken except for good cause shown and upon the written order of a judge of said Court.

"(g) The relinquishment form used by the child-placing agency shall contain the following notice to the parent in clear and conspicuous language:

"1) notice to the relinquishing parent of the parent's automatic right of revocation within 10 calendar days from the date of relinquishment;

"2) notice that a relinquishment if exercised a second time shall be irrevocable;

"3) notice that the child-placing agency has a statutory obligation to file all notices of the relinquishment and revocation thereof with the Superior Court for the District of Columbia.

"(h) Relinquishing parents shall be orally advised of ~~enrolled~~ Original their rights as described in subsection (g). The child-placing agency shall orally advise the relinquishing parent as to the nature and consequences resulting from the execution of the relinquishment document prior to relinquishment."

Sec. 3. Redesignate subsection (b) as subsection (1) accordingly.

D.C. Code,
sec. 32-1007
(1981 ed.)

Sec. 4. Severability

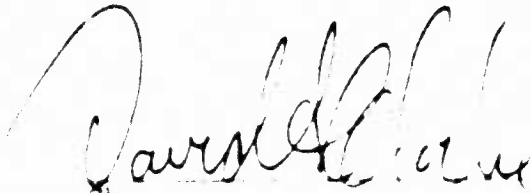
If any provision of this act or the application thereof to any person or circumstances is held to be unconstitutional or beyond the statutory authority of the Council of the District of Columbia, or otherwise invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Note, D.C.
Code, sec. 32-
1007
(1981 ed.)

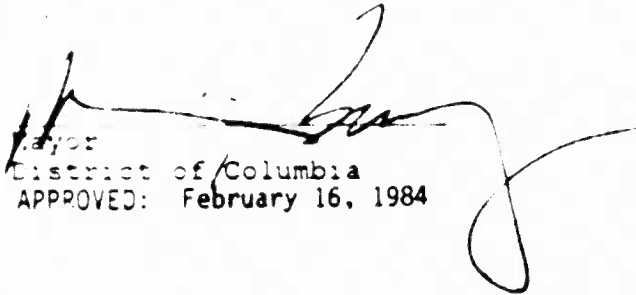
Sec. 5. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor. In the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 513; D.C. Code,

Enrolled Original.

sec. 1-233(c)(1)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED: February 16, 1984



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Five - Second Session

RECORD OF OFFICIAL COUNCIL VOTE

CKET NO. B 5-135

X Item on Consent Calendar

X ACTION & DATE Adopted First Reading, 1-3-84

X VOICE VOTE Unanimous

Recorded vote on request

Absent Smith

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. CLARKE					MOORE JR.					SPAULDING				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SHACKLETON									
MASON					SMITH JR.									

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

CERTIFICATION RECORD

Secretary to the Council

2/2/84
Date

X Item on Consent Calendar

X ACTION & DATE Adopted Final Reading, 1-31-84

X VOICE VOTE Unanimous

Recorded vote on request

Absent all present

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. CLARKE					MOORE JR.					SPAULDING				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SHACKLETON									
MASON					SMITH JR.									

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

CERTIFICATION RECORD

Secretary to the Council

2/3/84
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. CLARKE					MOORE JR.					SPAULDING				
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KANE					SHACKLETON									
MASON					SMITH JR.									

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CERTIFICATION RECORD