

ENROLLMENT(S)

5



COUNCIL OF THE DISTRICT OF COLUMBIA

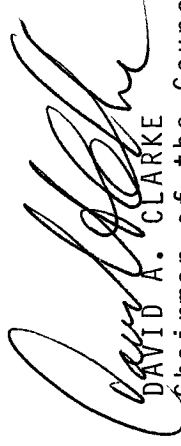
NOTICE

D.C. LAW 8-87

"Protection of Children from Exposure to Drug-related Activity Amendment Act of 1989".

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. 8-139 on first and second readings, November 21, 1989, and December 5, 1989, respectively. Following the signature of the Mayor on December 21, 1989, this legislation was assigned Act No. 8-137, published in the January 5, 1990, edition of the D.C. Register, (Vol. 37 page 50) and transmitted to Congress on January 23, 1990 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 8-87, effective March 15, 1990.


DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January 23,24,25,26,29,30,31

February 1,2,5,6,7,8,20,21,22,23,26,27,28

March 1,2,5,6,7,8,9,12,13,14

AN ACT

D.C. ACT 8 - 197

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DEC 21 1989

To require a law enforcement officer or health professional in the District of Columbia to report the presence of a child living in a home environment where illegal drug-related activity takes place; and to require that the Child Protective Services Division of the District of Columbia Department of Human Services investigate these reports, provide treatment for and counseling to families involved in drug-related activity, and initiate any other necessary proceedings to protect the best interest of the child.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Protection of Children from Exposure to Drug-related Activity Amendment Act of 1989".

Sec. 2. An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children, approved November 6, 1966 (80 Stat. 1354; D.C. Code, sec. 2-1351 et seq.), is amended as follows:

(a) By amending section 2 (D.C. Code, sec. 2-1352) by adding a new subsection (d) to read as follows: 2-1352

"(d) In addition to the requirements in subsections (a) and (b) of this section, any health professional licensed pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Code, sec. 2-3301.1 et seq.), or a law enforcement officer, except an undercover officer whose identity or investigation might be jeopardized, shall report immediately, in writing, to the Child Protective Services Division of the Department of Human Services, that the law enforcement officer or health professional has reasonable cause to believe that a child is abused as a result of inadequate care, control, or subsistence in the home environment due to exposure to drug-related activity. The

report shall be in accordance with the provisions of section 3 of this act.";

(b) By amending section 3(a)(2) (D.C. Code, sec. 2-1353(a)(2)) by adding the phrase "or if the abuse involves drug-related activity" after the word "Police".

2-1353

Sec. 3. The Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Code, sec. 6-2101 et seq.), is amended as follows:

(a) By amending section 102 (D.C. Code, sec. 6-2101) by adding the following new subsections to read as follows:

6-2101

"(j) "Drug" shall have the same meaning as the term "controlled substance" has in section 102(4) of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Code, sec. 33-501).

"(k) "Drug-related activity" means the use, sale, distribution, or manufacture of a drug or drug paraphernalia without a legally valid license or medical prescription.

"(l) "Law enforcement officer" means a sworn officer of the Metropolitan Police Department of the District of Columbia.

"(m) "Abused", when used with reference to a child, means a child whose parent, guardian or custodian inflicts or fails to make reasonable efforts to prevent the infliction of physical or mental injury upon the child, including excessive corporal punishment, an act of sexual abuse, molestation, or exploitation, or an injury that results from exposure to drug-related activity.";

(b) By adding a new section 106a to read as follows:

New
6-2104.1

"Sec. 106a. (a) The Division shall, upon receipt of a report from a law enforcement officer or a health professional that a child is abused as a result of inadequate care, control, or subsistence due to exposure to drug-related activity in the home environment:

"(1) Commence an initial investigation in accordance with sections 104(b) and 106 of this act;

"(2) Determine whether the child should be removed temporarily from the home environment or can be protected in the home environment in accordance with section 107(a) of this act;

"(3) Commence a social investigation and provide social services in accordance with section 109(b) of this act, if the initial investigation results in a supported report.

"(b) A social investigation pursuant to paragraph (a)(3) of this section shall include:

"(1) A determination of whether there is reasonable evidence that any member of the child's home

environment uses drugs illegally, is dependent on drugs, or needs drug abuse treatment;

"(2) A determination of whether there is reasonable evidence that the child is exposed regularly to drug use in the home environment;

"(3) A determination of whether there is reasonable evidence that the distribution or sale of illegal drugs or drug paraphernalia occurs in the child's home environment; and

"(4) A determination of whether there is reasonable evidence that drug-related activity has contributed to or is likely to contribute to violent conduct within the child's home environment.

"(c) The social services required by paragraph (a)(3) of this section shall include:

"(1) Provision of drug treatment to any member of the child's home environment who is determined to be in need of drug treatment according to the District of Columbia Substance Abuse Treatment and Prevention Act of 1989, passed on 2nd reading on October 31, 1989 (Enrolled version of Bill 8-403);

"(2) Measures to facilitate action by the child's family, with the assistance of the Division and the Police, if necessary, to eliminate the child's exposure to drug use or to the distribution or sale of illegal drugs or drug paraphernalia in the home environment; and

"(3) Any other service authorized or required by this act or other applicable laws or rules of the District.";

(c) By amending section 109(b) (D.C. Code, sec. 6-2107(b)) as follows:

6-2107

(1) By amending subparagraph (4) by striking the period and inserting the phrase "; and" in its place; and

(2) By adding a new subparagraph (5) to read as follows:

"(5) referring the family to drug treatment services in the event of neglect or abuse that results from drug-related activity.";

(d) By amending section 203(a)(2) (D.C. Code, sec. 6-2113(a)(2)) by adding the phrase, "or abused" after the phrase "allegedly neglected"; and

(e) By amending section 303 (D.C. Code, sec. 6-2123) by adding a new subsection (c) to read as follows:

"(c) The Chief of the Division and the Director of the Department of Human Resources shall implement the Protection of Children from Exposure to Drug-related Activity Amendment Act of 1989. The Chief of the Division and the Director of the Department of Human Services shall provide the services authorized pursuant to this section to a child who is abused

as a result of inadequate care, control, or subsistence due to exposure to drug-related activity."

Sec. 4. Title 16 of the District of Columbia Code is amended as follows:

(a) By amending section 16-2301(23) to read as follows:

16-2301

"(23) The term "abused", when used with reference to a child, means a child whose parent, guardian, or custodian inflicts or fails to make reasonable efforts to prevent the infliction of physical or mental injury upon the child, including excessive corporal punishment, an act of sexual abuse, molestation, or exploitation, or an injury that results from exposure to drug-related activity in the child's home environment."; and

(b) By amending section 16-2353(b) as follows:

16-2353

(1) By amending paragraph (3) by striking the word "and";


(2) By amending paragraph (4) by striking the period and inserting the phrase "; and" in its place; and

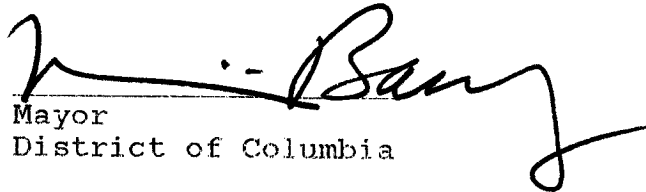
(c) By adding a new paragraph (5) to read as follows:

"(5) Evidence that drug-related activity continues to exist in a child's home environment after intervention and services have been provided pursuant to section 106(a) of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Code, sec. 6-2101 et seq.). Evidence of continued drug-activity shall be given great weight.

Sec. 5. 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, sec. 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.



Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED: December 21, 1989



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Eight

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: Bill 8-139

Item on Consent Calendar

ACTION & DATE: Adopted First Reading 11-21-89

VOICE VOTE: Approved

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					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

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

CERTIFICATION RECORD

Russell Smith
 Secretary to the Council

12-13-89
 Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 12-5-89

VOICE VOTE: Approved

Recorded vote on request

Absent: Thomas

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					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

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

CERTIFICATION RECORD

Russell Smith
 Secretary to the Council

12-13-89
 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					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

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

CERTIFICATION RECORD

Secretary to the Council

Date