

  
Councilmember Adrian Fenty

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend Chapter 23 of Title 16 of the District of Columbia Official Code to insert a purpose clause, to change the definition of the term “child” to include persons under the age of 18 except those over the age of 16 and charged with a traffic offense, to remove the presumption of guilt from hearings on the transfer of juveniles to criminal court, to require a transfer hearing and a judicial order for the transfer of a juvenile to a criminal court, to direct the Mayor to appoint persons responsible for monitoring the safety of children placed in homes or shelters, to direct the Youth Services Administration to develop individualized treatment plans for committed juveniles, to release non-delinquent children in need of supervision to their parents or legal guardians whenever appropriate, to provide for periodic evaluations of children under the custody of the Youth Services Administration, to allow the Youth Services Administration or a child, parent, or guardian to petition for modification of a dispositional order; to direct the Mayor to close the Oak Hill Youth Center and plan for the transfer of operations to smaller facilities reflecting best practices for juvenile detention centers; to establish a Parental Advisory Group to advise the Youth Services Administration and the Mayor on juvenile justice programming.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Blue Ribbon Juvenile Justice and Youth Rehabilitation Act of 2004".

Sec. 2. Title 16 of the D.C. Official Code is amended as follows:

(a) The table of contents of Chapter 23 of Title 16 of the D.C. Official Code is amended by inserting “16-2300. Purpose” as the first item under subchapter I.

(b) Title 16 of the D.C. Official Code is amended by adding a new Section 2300 to read 1  
as follows: 2

“§ 16-2300. Purpose. 3

“The Council, in accordance with the Blue Ribbon Commission on Youth Safety and 4  
Juvenile Justice Reform, recognizes the need for a juvenile justice system that is capable of 5  
dealing with juvenile delinquency and treats children as children while maintaining sensitivity to 6  
the needs of communities and victims alike. To that end, the following goals for the juvenile 7  
justice system are adopted: 8

“(1) To guarantee the right of juveniles to due process of law; 9

“(2) To reduce the rate of recidivism with proactive intervention to stem youth 10  
violence; 11

“(3) To develop meaningful prevention strategies to address delinquent behavior; 12

“(4) To preserve and strengthen families whenever possible; 13

“(5) To hold delinquent youth responsible for their actions; 14

“(6) To remain committed to the rehabilitation of children; 15

“(7) To recognize the ability to promote the rehabilitation of children who are 16  
substance abusers; 17

“(8) To provide services in neighborhoods whenever possible and appropriate; 18

“(9) To provide all services in the least restrictive settings possible; 19

“(10) To hold government accountable for the provision of reasonable 20  
rehabilitation; 21

“(11) To provide for the safety of the public at large; and 22

“(12) To recognize the need to provide services to victims of crimes committed by juveniles.”.

(c) Paragraph 16-2301(3) is amended to read as follows:

“(3) The term “child” means an individual who is under 18 years of age, except that the term “child” does not include an individual who is 16 years of age or older and charged with a traffic offense. For the purposes of this subchapter the term “child” also includes a person under the age of 21 who is charged with a criminal act and is alleged to have committed the act before the age of 18.”

(d) Section 16-2307 is amended as follows:

(1) Section 16-2307 is amended by striking subsections (e-1) and (e-2).

(2) Section 16-2307 is amended by inserting a new subsection (i) to read as follows:

“(i) No individual who is charged with a delinquent act committed while under 18 years of age shall be transferred for criminal prosecution, except as ordered by a judge under the provisions of this section.”.

(e) Section 16-2313 is amended by inserting new a subsection (g) to read as follows:

“(g)(1) The safety of all youth placed in shelters and group homes as provided in subsections (a) and (b) of this section shall be monitored by individuals appointed by the Mayor. Individuals responsible for monitoring the safety of children in shelters and group homes shall

notify the child’s parent or guardian and the child’s legal representative whenever a child is 1  
injured in a shelter or group home. 2

“(2) The safety of children at Oak Hill Youth Center (“Oak Hill”) during all hours 3  
of operation shall be monitored on-site by individuals appointed by the Mayor. Individuals 4  
responsible for monitoring the safety of children at Oak Hill shall notify the child’s parent or 5  
guardian and the child’s legal representative whenever a child is injured at Oak Hill. This 6  
paragraph shall remain in effect until the Oak Hill Youth Center has been closed, pursuant to 7  
section 3 of this act.”. 8

(f) D.C. Official Code § 16-2319 is amended by adding new subsections (d) through (g) 9  
to read as follows: 10

“(d) When a child has been adjudicated delinquent and the Division has entered, under § 11  
16-2317 and § 16-2320, a dispositional order transferring legal custody of a child to the Youth 12  
Services Administration, the Youth Services Administration shall conduct an evaluation of the 13  
child to determine the services appropriate to the child’s needs and to develop an individualized 14  
treatment plan for the child. 15

“(e) The Youth Services Administration shall examine the child and investigate all 16  
pertinent circumstances in the child’s background that will contribute to the development of the 17  
treatment plan. 18

“(f) The Youth Services shall obtain the child’s social file from the Director of Court 19  
Services and shall develop the individualized treatment plan within 3 days of taking legal custody 20  
of the child. The Youth Services Administration shall develop the individualized treatment plan 21

within 14 days of completing the initial assessment of the child. If the Youth Services Administration does not receive the social file within 2 days of the disposition order, the Division shall order the Director of Court Services to immediately produce the social file.

“(g) The Division, in its discretion, may remove from the custody of the Youth Services Administration any child who has not been promptly assessed according to subsection (f) of this section.”.

(g) Subsection 16-2320(d) is amended to read as follows:

“(d) No child alleged to be or found in need of supervision, as defined by D.C. Official Code § 16-2301(8), unless also found delinquent, shall be detained, committed, or placed in an institution or facility for delinquent children, but shall be released to the child’s parent, guardian, or custodian. If the return of the child will result in placement in, or return to, an abusive situation, or if the child’s parent, guardian or custodian is unwilling or unable to care for or supervise the child, then Corporation Counsel shall file a neglect petition.”.

(h) Section § 16-2323 is amended by adding new subsections (g) and (h) to read as follows:

“(g) When a child has been adjudicated delinquent and a dispositional order has been entered by the Division pursuant to D.C. Official Code § 16-2320 that transfers legal custody of the child to the Youth Service Administration, the Youth Services Administration shall conduct monthly evaluations of the child to:

“(1) Determine if rehabilitative progress has been made and if the services

provided to the child have been effective; 1

“(2) Determine, in conjunction with the child, the child’s attorney and a 2  
judge, a plan for services that will promote the rehabilitation and welfare of the child and the 3  
safety of the public. 4

“(h) Not more than once in a 6-month period, the child, or the child’s parent or 5  
guardian, may petition the Division to modify a dispositional order, issued pursuant to D.C. 6  
Official Code § 16-2320, on the grounds that the Youth Services Administration is not providing 7  
or cannot provide appropriate services or level of care.”. 8

Sec. 3. Detention and Commitment Facilities. 9

(a) The Mayor shall develop a plan to close the Oak Hill Youth Center no later than 545 10  
days after the effective date of this act and transfer operations to facilities included as part of a 11  
new rehabilitation and treatment model. The development and implementation of the plan shall 12  
be consistent with the following requirements: 13

(1) No facility shall house more than 30 committed or detained children, except 14  
that no facility for smaller sub-populations such as females and sex-offending youth shall house 15  
more than 10 children; 16

(2) Plans for the operation of facilities shall incorporate best practices for the 17  
provision of rehabilitative and other services and the safety of children in model facilities outside 18  
the District of Columbia; 19

(3) The safety of children housed in facilities during all hours of operation shall be 20  
monitored on-site by individuals appointed by the Mayor; 21

(b) The Mayor shall assess current community-based providers, initiate a capacity- 1  
building effort to expand the ability of current service providers and potential new service 2  
providers to provide programming and supervision for youth under the District’s care and 3  
supervision, and implement an adequate range of alternatives to incarceration and secure 4  
programming within the District consistent with observed best practices for youth development 5  
and juvenile justice programs. 6

Sec. 4. Parent Advisory Group. 7

The Mayor shall establish a Parent Advisory Group composed of parents and guardians of 8  
children in the juvenile justice system to advise on juvenile justice programming. The Parent 9  
Advisory Group shall report to the Youth Services Administration and the Mayor. 10

Sec. 5. Fiscal impact statement. 11

The Council adopts the fiscal impact statement in the committee report as the fiscal 12  
impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, 13  
approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-233(c)(3)). 14

Sec. 6. Effective date. 15

This act shall take effect following approval by the Mayor (or in the event of veto by the 16  
Mayor, action by the Council to override the veto), a 30-day period of Congressional review as 17  
provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 18  
24, 1973 (87 Stat. 813; D.C. Official Code § 1-233(c)(1)), and publication in the District of 19

