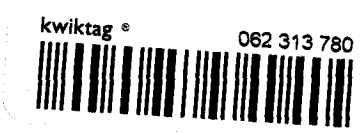


# ENROLLMENT(S)



COUNCIL OF THE DISTRICT OF COLUMBIA


NOTICE

D.C. LAW 10-154

Evidence of Intrafamily Offenses in Child Custody  
Cases Act of 1994".

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. 10-7 on first and second readings, June 7, 1994, and June 21, 1994, respectively. Following the signature of the Mayor on July 8, 1994, this legislation was assigned Act No. 10-270, and published in the July 22, 1994, edition of the D.C. Register (Vol.41 page 4870) and transmitted to Congress on July 14, 1994 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 10-154 effective August 25, 1994.

  
DAVID A. CLARKE  
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

July 14,15,18,19,20,21,22,25,26,27,28,29

August 1,2,3,4,5,8,9,10,11,12,15,16,17,18,19,22,23,24

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 8, 1994

To amend title 16 of the District of Columbia Code to specifically allow the admission of evidence of an intrafamily offense in child custody cases and to provide that the court shall make specific findings which support a determination that awarding custody or granting visitation to a contestant for custody who has committed an intrafamily offense is in the child's best interest.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Evidence of Intrafamily Offenses in Child Custody Cases Act of 1994".

Sec. 2. Title 16 of the District of Columbia Code is amended as follows:

(a) Section 16-911 is amended as follows:

Section 16-911

(1) Subsection (a) is amended as follows:

(A) By striking the period at the end of subparagraph (E) and inserting the phrase ", and" in its place; and (B) By adding a new paragraph (5)(F) to read as follows:

"(F) evidence of an "intrafamily offense" as defined in section 16-1001(5)."

(2) A new subsection (a-1) is added to read as follows:

"(a-1) For the purposes of this section, if the judicial officer finds by a preponderance of evidence that a contestant for custody has committed an intrafamily offense, any determination that custody or visitation is to be granted to the abusive parent shall be supported by a written statement by the judicial officer specifying factors and findings which support that determination. In determining visitation arrangements, if the judicial officer finds that an intrafamily offense has occurred, the judicial officer shall only award visitation if the judicial officer finds that the child and custodial parent can be adequately protected from harm inflicted by the other party. The party found to have committed an intrafamily offense has the burden of proving that visitation will not endanger the child or significantly impair the child's emotional development."

(b) Section 16-914 is amended as follows:

Section 16-914

(1) Subsection (a) is amended as follows:

(A) By striking the period at the end of paragraph (5) and inserting the phrase ", and" in its place; and

(B) By adding a new paragraph (6) to read as follows:

"(6) evidence of an "intrafamily offense" as defined in section 16-1001(5)."

(2) A new subsection (a-1) is added to read as follows:

"(a-1) For the purposes of this section, if the judicial officer finds by a preponderance of evidence that a contestant for custody has committed an intrafamily offense, any determination that custody or visitation is to be granted to the abusive parent shall be supported by a written statement by the judicial officer specifying factors and findings which support that determination. In determining visitation arrangements, if the judicial officer finds that an intrafamily offense has occurred, the judicial officer shall only award visitation if the judicial officer finds that the child and custodial parent can be adequately protected from harm inflicted by the other party. The party found to have committed an intrafamily offense has the burden of proving that visitation will not endanger the child or significantly impair the child's emotional development."

(c) Section 16-1005 is amended by adding a new subsection (c-1) to read as follows:

Section  
6-1005

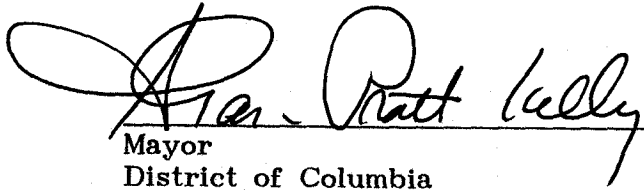
"(c-1) For the purposes of subsection (c)(6) and (7) of this section, if the judicial officer finds by a preponderance of evidence that a contestant for custody has committed an intrafamily offense, any determination that custody or visitation is to be granted to the abusive parent shall be supported by a written statement by the judicial officer specifying factors and findings which support that determination. In determining visitation arrangements, if the judicial officer finds that an intrafamily offense has occurred, the judicial officer shall only award visitation if the judicial officer finds that the child and custodial parent can be adequately protected from harm inflicted by the other party. The party found to have committed an intrafamily offense has the burden of proving that visitation will not endanger the child or significantly impair the child's emotional development."

Sec. 3. 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.



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED: July 8, 1994



COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Ten

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: Bill 10-7

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 6-7-94

VOICE VOTE: Approved

Recorded vote on request

Absent: Chavous

ROLL CALL VOTE: - RESULT

Table with 15 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. and 15 rows of member names (CHMN. CLARKE, BARRY, BRAZIL, CHAVOUS, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, RAY, SMITH, JR., THOMAS, SR.)

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

CERTIFICATION RECORD

Signature of Secretary to the Council

Date: June 22, 1994

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 6-21-94

VOICE VOTE: Approved

Recorded vote on request

Absent: Barry, Lightfoot and Smith

ROLL CALL VOTE: - RESULT

Table with 15 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. and 15 rows of member names (CHMN. CLARKE, BARRY, BRAZIL, CHAVOUS, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, RAY, SMITH, JR., THOMAS, SR.)

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

CERTIFICATION RECORD

Signature of Secretary to the Council

Date: June 22, 1994

Item on Consent Calendar

ACTION & DATE:

VOICE VOTE:

Recorded vote on request

Absent:

ROLL CALL VOTE: - RESULT

Table with 15 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. and 15 rows of member names (CHMN. CLARKE, BARRY, BRAZIL, CHAVOUS, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, RAY, SMITH, JR., THOMAS, SR.)

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

CERTIFICATION RECORD

Secretary to the Council

Date