

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend the Prevention of Child Abuse and Neglect Act of 1977 to require certain records to be made available to the Child and Family Services Agency as part of an investigation of suspected child abuse or neglect; and to amend An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children to provide that mandatory reporters of abuse and neglect are not required to report when employed by a lawyer who is providing representation in a criminal, civil, or delinquency matter and the basis for suspicion arises solely in the course of the representation.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Child Abuse and Neglect Investigation Record Access Amendment Act of 2008".

Sec. 2. The Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.02 *et seq.*), is amended by adding a new section 106b to read as follows as follows:

“Sec. 106b. Obtaining records.

“(a) Notwithstanding any other provision of law, upon the Agency’s request, a person who is required to report suspected incidents of child abuse or neglect under section 2 of 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 5, 1966 (80 Stat. 1354; D.C. Official Code § 4-1321.02), shall immediately provide the Agency copies of all records in the possession of the person or the person’s employees of:

“(1) A child who is the subject of an investigation of child abuse or neglect; provided, that the records bear directly on the allegations of abuse or neglect being investigated; and

“(2) Any other child residing in the household where the abuse or neglect is alleged to have occurred when the Agency has a reasonable suspicion that the child’s health, safety, or welfare is at risk; provided, that the records bear directly on the basis of the Agency’s suspicion.

“(b) The Agency shall request the records as needed for its investigation under Title I.

“(c) The Agency shall not be charged a fee for the records.

“(d) If the Agency determines that the report of abuse or neglect is an unfounded report or an inconclusive report, as defined in section 102, the Agency shall immediately destroy all copies of any records it has received under this section.”.

Sec. 3. Section 2(b) of 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. Official Code § 4-1321.02(b)), is amended by striking the phrase “Code § 7-1201.01(11)” and inserting the phrase “Code § 7-1201.01(11)). Such persons are not required to report when employed by a lawyer who is providing representation in a criminal, civil, including family law, or delinquency matter and the basis for the suspicion arises solely in the course of that representation.” in its place.

Amend
§ 4-1321.02

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia