

A PROPOSED BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, the Prevention of Child Abuse and Neglect Act of 1977 to amend the definition of case plan to include additional requirements for any child in foster care whose permanency plan is placement with a relative guardian and receipt of kinship guardianship assistance and to include a plan for ensuring the educational stability of a child in foster care.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Second Prevention of Child Abuse and Neglect Emergency Amendment Act of 2010".

Sec. 2. Section 102(3) of 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(3)), is amended by adding new subparagraphs (F) and (G) to read as follows:

"(F) In the case of a child with respect to whom the permanency plan is placement with a relative and receipt of kinship guardianship assistance payments under D.C. Official Code § 16-2399, a description of the:

"(i) Steps taken to determine that it is not appropriate for the child to be returned home or adopted;

"(ii) Reasons for any separation of siblings during placement;

"(iii) Reasons a permanent placement with a fit and willing relative through a kinship guardianship-assistance arrangement is in the child's best interests;

"(iv) Ways in which the child meets the eligibility requirements for a kinship guardianship-assistance payment;

"(v) Efforts made to discuss adoption by the child's relative foster parent as a more permanent alternative to legal guardianship and, in the case of a relative foster parent who has chosen not to pursue adoption, documentation of the reasons therefore; and

"(vi) Efforts made to discuss with the child's parent the kinship guardianship-assistance arrangement, or the reasons the efforts were not made; and

"(G) A plan for ensuring the educational stability of the child while in foster care, including:

"(i) Assurances that the placement of the child in foster care takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement; and

"(ii)(I) An assurance that the Agency has coordinated with appropriate local educational agencies, as defined under section 601(f) of the Elementary and Secondary Education Act of 1965, approved April 11, 1965 (79 Stat. 27; 20 USC § 7801)), to ensure that the child remains in the school in which the child is enrolled at the time of placement; or

"(II) If remaining in the school the child is enrolled in at the time of placement is not in the best interests of the child, assurances by the Agency and the local educational agencies to provide immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the school."

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director 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. 4. 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), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).