

AN ACT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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*Codification  
District of  
Columbia  
Official Code*

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Publisher**

To provide for a post-adoption contact agreement between an adoptive parent and the birth parent; to amend An Act To regulate the placing of children in family homes, and for other purposes to replace the obsolete reference to the Department of Human Services and replace it with the Department of Health, to establish a sliding-fee scale for adoptions, to repeal the authority for a rules committee, to repeal the prohibition against relinquishment of parental rights within 72 hours of a child's birth, and to extend from 10 days to 14 days the time that a relinquishment by a parent may be revoked; to amend the Prevention of Child Abuse and Neglect Act of 1977 to establish the Voluntary Foster Care Registry and to establish the Voluntary Foster Care Registry Fund; to amend Chapter 3 of Title 16 of the District of Columbia Official Code to clarify the recognition of the foreign adoption process; to amend An act to provide for the care of dependent children in the District of Columbia and to create a board of children's guardians and Chapter 23 of Title 16 of the District of Columbia Official Code to extend subsidies for a child from 18 years of age to 21 years of age; to amend the Newborn Safe Haven Amendment Act of 2010 to reflect the change in time from 10 days to 14 days during which a relinquishment by a parent may be revoked under An Act To regulate the placing of children in family homes, and for other purposes; to amend the Vital Records Act of 1981 to clarify the procedure for issuing a new certificate of birth for an adoptee born outside of the United States; and to amend section 16-309 of the District of Columbia Official Code to exempt a prospective adoptee who is 18 years of age or older from a certain 6-month waiting period.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Adoption Reform Amendment Act of 2010".

**TITLE I. POST-ADOPTION CONTACT AGREEMENT.**

**Sec. 101. Post-adoption contact agreement.**

(a)(1) A prospective adoptive parent or an adoptive parent ("adoptive parent") and the birth parent or other birth relative of a prospective adoptee or adoptee ("adoptee") may enter into a written post-adoption contact agreement ("PAC agreement") to allow contact, after the

adoption, between the adoptee and a birth parent or other birth relative of the adoptee; provided, that written consent to the PAC agreement is obtained from an adoptee who is 14 years of age or older.

(2) The decision to enter into a PAC agreement shall be at the sole discretion of the adoptive parent.

(3) Failure to comply with a condition of the PAC agreement shall not be grounds for revoking consent to, or setting aside an order for, adoption.

(b)(1) The Family Court of the Superior Court of the District of Columbia (“Family Court”) shall enforce a PAC agreement made in accordance with this section if the Family Court finds that enforcement of the PAC agreement is in the best interest of the adoptee.

(2) In enforcing a PAC agreement, the court shall take into consideration the written consent to the agreement of an adoptee who is 14 years of age or older.

(3) For cases involving an adoptee who is a respondent in a child abuse or neglect case under Chapter 23 of Title 16, the court finalizing the adoption shall review and approve any PAC agreement based on whether it is in the best interest of the adoptee prior to finalizing the adoption.

(c) If a party moves to modify a PAC agreement and satisfies the court that the modification is in the best interest of the adoptee, the court shall order that the PAC agreement be modified accordingly.

(d) If a dispute arises between the parties to a PAC agreement, the parties shall certify that they have participated, or attempted to participate, in good faith, in mediation or other appropriate dispute resolution proceedings to resolve the dispute prior to seeking judicial resolution. The mediator shall be selected by the adoptive parent.

## TITLE II. ADOPTION FEE CAP.

Sec. 201. An Act To regulate the placing of children in family homes, and for other purposes, approved April 22, 1944 (58 Stat. 193; D.C. Official Code § 4-1401 *et. seq.*), is amended as follows:

(a) Section 3 (D.C. Official Code § 4-1403) is repealed.

(b) Section 4 (D.C. Official Code § 4-1404) is amended as follows:

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

(A) Strike the phrase “Department of Human Services” and insert the phrase “Department of Health” in its place.

(B) Strike the phrase “the Department” and insert the phrase “the Department of Health” in its place.

(C) Strike the phrase “said Department” and insert the phrase “the Department of Health” in its place.

(2) Subsection (b) is amended by striking the phrase “Department of Human Services” and inserting the phrase “Department of Health” in its place.

(c) Section 6 (D.C. Official Code § 4-1406) is amended as follows:

Repeal  
§ 4-1403  
Amend  
§ 4-1404

Amend  
§ 4-1406

(1) Subsection (b) is repealed.

(2) Subsection (c) is amended as follows:

(A) Strike the number "10" both times it appears and insert the number "14" in its place.

(B) Strike the phrase "10<sup>th</sup> day" and insert the phrase "14<sup>th</sup> day" in its place.

(d) Section 9 (D.C. Official Code § 4-1409) is amended by striking the phrase "Department of Human Services" and inserting the phrase "Department of Health" in its place.

Amend  
§ 4-1409

(e) Section 12 (D.C. Official Code § 4-1410) is amended to read as follows:

Amend  
§ 4-1410

"Sec. 12. (a)(1) Except as provided in paragraph (2) of this subsection, neither the Mayor nor a child-placing agency authorized to perform services in connection with placement of a child in a family home for adoption may make or receive any charge or compensation for these services.

"(2) A child-placing agency may charge an adoptive parent a reasonable fee if the child-placing agency is operating in the District of Columbia exclusively for religious purposes or as a nonprofit organization, pursuant to section 501(c) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(c)), and no part of its net earnings inure to the benefit of any private shareholder or individual.

"(b)(1) A child-placing agency providing domestic or international adoption services that is authorized to charge a fee pursuant to subsection (a) of this section shall develop a sliding-fee scale based on the per capita income of the applicant and provide each applicant with:

"(A) Its fee and refund policy;

"(B) An estimate of the agency's maximum fee for specific services;

"(C) Information regarding available public and private subsidies;

"(D) Its sliding income fee scale; and

"(D) A complete list of the services that it will provide at each stage of the adoption process.

"(2) If a child-placing agency that charges a fee fails to implement and to maintain a sliding-fee scale as required by this act, or rules issued pursuant to this act, the failure shall be grounds for suspension or revocation of its license.

"(c) Except for a reasonable, nonrefundable administrative fee, a child-placing agency shall not retain the fee paid by an adoptive parent unless the child-placing agency has provided the service.

"(d) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this section, including the process for suspension and revocation of the license required to maintain a child-placing agency."

TITLE III. VOLUNTARY FOSTER CARE REGISTRY.

Sec. 301. The Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.01 *et seq.*), is amended as follows:

(a) Section 303(a) (D.C. Official Code § 4-1303.03(a)) is amended as follows:

Amend  
§ 4-1303.03

(1) Paragraph (14) is amended by striking the word “and” at the end.

(2) Paragraph (15) is amended by striking the phrase “applies.” and inserting the phrase “applies; and” in its place.

(3) A new paragraph (16) is added to read as follows:

“(16) To establish and maintain the Voluntary Foster Care Registry, established pursuant to section 308 as a post-care service, for individuals 18 years or older who were or currently are respondents in a child abuse or neglect case under Chapter 23 of Title 16 and for their immediate birth family members, as defined in section 308(g).”

(b) New sections 308 and 309 are added to read as follows:

“Sec. 308. Voluntary Foster Care Registry.

“(a) For the purposes of this section, the term:

“(1) “Immediate birth family member” means a person 18 years of age or older who is the birth mother, father, or sibling of a registrant.

“(2) “Registrant” means an individual, 18 years of age or older, who was, or currently is, a respondent in a child abuse or neglect case under Chapter 23 of Title 16 or his or her immediate birth family member.

“(3) “Registry” means the Voluntary Foster Care Registry established by subsection (b) of this section.

“(b) Within 180 days of the effective date of the Adoption Reform Amendment Act of 2010, passed on 2<sup>nd</sup> reading on June 15, 2010 (Enrolled version of Bill 18-547), the Agency shall establish the Voluntary Foster Care Registry (“Registry”) for a registrant who seeks to reconnect with his or her immediate birth family member to place otherwise personal confidential information in the Registry to aid in that endeavor.

“(c) To use the Registry, an applicant shall:

“(1) Complete a registration form, which shall include:

“(A) Proof that the applicant qualifies as a registrant, as defined in subsection (a) of this section, including the following information, to the extent known, pertaining to both the applicant and the individual being sought:

“(i) Name;

“(ii) Previous name;

“(iii) Address;

“(iv) Telephone number;

“(v) Name of adoptive parents, if applicable; and

“(vi) Name of birth mother and father;

“(B) The name and address of the child placement agency that placed the

child for adoption, if applicable; and

“(C) A statement of consent to be identified to other registrants who are matched as immediate birth family members, including a statement whether the registrant consents to be identified to any immediate birth family member who registers or only to specific immediate birth family members. If the registrant consents to be identified only to specific immediate birth family members, the statement shall indicate by name or relationship which immediate birth family members for whom the consent is valid;

“(2)(A) Except as provided in subparagraph (B) of the paragraph, pay a one-time fee, to be established by rule, which may be waived or reduced for individuals with verified income at or below the national poverty level.

“(B) A registrant who, at the time he or she registers, is the respondent in an open neglect case under Chapter 23 of Title 16 shall not be required to pay a fee.”.

“(d) A registrant shall provide changes in the information in the Registry occurring after registration to the Agency. The Agency shall timely input the updated information in the Registry.

“(e) A registrant may withdraw from the Registry at any time by submitting a notarized affidavit to the Agency that contains the registrant’s name and a request to be removed from the Registry.

“(f)(1) Upon receipt of a completed registration and the applicable fee, the Agency, or its designee, shall search the Registry for potential matching immediate birth family members.

“(2) In addition to the Registry search, the Agency may inquire into the records of:

“(A) Child placement agencies;

“(B) Local departments of social services;

“(C) The court, which shall grant the Agency access to the court record upon receipt of a petition from the Agency that provides proof of consent of the parties to disclosure of the information, as evidenced in the registration forms, and states that review of the record is needed to make a match or to provide matching information; and

“(D) The Vital Records Division of the Department of Health.

“(3) Prior to releasing any identifying information to a registrant, the Agency shall verify that the registrant consents to have his or her identifying information released to a immediate birth family member who is a registrant. The Agency shall also obtain substantiation of a familial relationship from a reliable, independent third-party source, as established by rule and upon whom the Agency did not rely in conducting its search. A third-party independent source may include:

“(A) The child placement agency that placed the child for adoption;

“(B) The Vital Records Division of the Department of Health; or

“(C) The Family Court of the Superior Court of the District of

Columbia.

“(4) A match shall be ascertained between the child and an immediate birth

family member if:

- registrants;
  - “(A) The child and the child's birth mother and birth father are
  - “(B) The child and one or more birth siblings are registrants; or
  - “(C) The child and only one birth parent are registrants.
- “(5) Information shall be provided regarding only those immediate birth family members who are registrants.

“(g)(1) The Registry shall retain information and documents collected until the date specified by the registrant or for 99 years, whichever occurs first.

“(2)(A) Registry documents and information shall be destroyed in accordance with the District procedure for disposal of confidential information.

“(B) Information in the Registry may not be disclosed except as provided by this act or regulations issued pursuant to this act, or pursuant to a court order.

“(h) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this section.

“Sec. 309. Voluntary Foster Care Registry Fund.

“(a) There is established as a nonlapsing fund the Voluntary Foster Care Registry Fund (“VFCR Fund”), into which shall be deposited all fees collected pursuant to section 308(c)(2)(A) and any gift or appropriation intended to assist in the funding of the Voluntary Foster Care Registry, which shall be solely used to cover the costs of administering the Voluntary Foster Care Registry.

“(b) All funds deposited into the VFCR Fund, and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the purpose set forth in subsection (a) of this section without regard to fiscal year limitation, subject to authorization by Congress.”.

TITLE IV. FOREIGN ADOPTION.

Sec. 401. Chapter 3 of Title 16 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding at the end the phrase “16-317. Recognition of foreign adoptions and elective petitions for District adoption.”.

(b) A new section 16-317 is added to read as follows:

“§ 16-317. Recognition of foreign adoptions and elective petitions for District adoption.

“(a)(1) A final judgment of adoption granted by a judicial, administrative, or executive body of a jurisdiction or country other than the United States shall have the same force and effect in the District as that given to a judgment of adoption entered by the Superior Court of the District of Columbia, without additional proceedings or documentation if the:

“(A) Adopting parent is a resident of the District of Columbia; and

New  
§ 16-317

“(B) Validity of the foreign adoption has been verified by the granting of an IR-3 immigrant visa, or a successor immigrant visa, for the child by the United States Citizenship and Immigration Services.

“(2) The foreign adoption that meets the requirement of paragraph (1) of this subsection shall be considered final under the laws of the District of Columbia and, notwithstanding any other provision of law to the contrary, no further petition for an adoption decree shall be required in the Superior Court of the District of Columbia.

“(3) The Department of Health shall issue a birth certificate for the child upon:

“(A) Request by the adoptive parent;

“(B) Presentation of evidence that the adoptive parent is a resident of the District of Columbia; and

“(C) Presentation of evidence that the child was granted an IR-3 immigrant visa, or a successor immigrant visa, by the United States Citizenship and Immigration Services.

“(b)(1) Notwithstanding subsection (a) of this section, an adoptive parent may elect to file a petition for a District adoption decree with the Superior Court of the District of Columbia.

“(2) If the foreign adoption meets the requirements of subsection (a) of this section, notwithstanding any other provision of law to the contrary, the court shall issue:

“(A) A finding of fact on the foreign adoption, including the:

“(i) Name of the adoptive parent;

“(ii) Name or names of the child;

“(iii) Reported birth date of the child;

“(iv) Country of the child's birth;

“(v) Country and the date of the foreign adoption; and

“(vi) Date and issuance of an IR-3 immigrant visa, or a successor immigrant visa, for the child by the United States Citizenship and Immigration Services; and

“(B) An adoption decree to the petitioner.

“(3) A petition for a District adoption decree pursuant to this subsection may be combined with a petition for a name change.

“(4) A petition for an adoption decree issued pursuant to this subsection shall be placed on an expedited calendar to ensure minimal expense of time and money to the petitioning party in attaining a adoption decree.”.

TITLE V. ADOPTION AND GUARDIAN SUBSIDY EXTENSION

Sec. 501. Section 3(e) of An act to provide for the care of dependent children in the District of Columbia and to create a board of children’s guardians, approved July 26, 1892 (27 Stat. 269; D.C. Official Code § 4-301(e)), is amended as follows:

(a) The existing text is designated paragraph (1).

(b) The newly designated paragraph (1) is amended by striking the phrase “Eligibility for payments” and inserting the phrase “Except as provided in paragraph (2) of this

Amend  
§ 4-301

subsection, eligibility for payments” in its place.

(c) A new paragraph (2) is added to read as follows:

“(2) For adoptions that are finalized on or after May 7, 2010, eligibility for payments shall continue until the child reaches 21 years of age.”.

Sec. 502. Chapter 23 of Title 16 of the District of Columbia Official Code is amended as follows:

(a) Section 16-2390 is amended to read as follows:

“§ 16-2390. Jurisdiction.

“(a) Subject to subsection (b) of this section, the court shall have jurisdiction to enter guardianship order and shall retain jurisdiction to enforce, modify, or terminate a guardianship order until a child reaches 21 years of age; provided, that when the child reaches 18 years of age, the child consents and the court finds it is in the best interest of the child.

New  
§ 16-2390

“(b) A child who exits foster care to guardianship may not reenter foster care after age 18.”.

(b) Section 16-2399 is amended as follows:

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

(A) Paragraph (2) is amended by adding the word “and” at the end.

(B) Paragraph (3) is repealed.

New  
§ 16-2399

(2) Subsection (d) is amended as follows:

(A) Designate the existing text as paragraph (1).

(B) The newly designated paragraph (1) is amended by striking the phrase “Eligibility for subsidy” and inserting the phrase “Except as provided in paragraph (2) of this subsection, eligibility for subsidy” in its place.

(C) A new paragraph (2) is added to read as follows:

“(2) For guardianships that are finalized on or after May 7, 2010, eligibility for subsidy payments under this section shall continue during the period of the guardianship order until the child reaches 21 years of age.”.

#### TITLE VI. CONFORMING AMENDMENTS.

Sec. 601. Section 105(c)(1) of the Newborn Safe Haven Amendment Act of 2010, effective March 25, 2010 (D.C. Law 18-158; D.C. Official Code § 4-1451.05(c)(1)), is amended by striking the phrase “10-day” and inserting the phrase “14-day” in its place.

Amend  
§ 4-1451.05

Sec. 602. Section 11(a-1) of the Vital Records Act of 1981, effective October 8, 1981 (D.C. Law 4-34; D.C. Official Code § 7-210(a-1)), is amended to read as follows:

New  
§ 7-210

“(a-1)(1) The Registrar shall establish a new certificate of birth for an adoptee born outside of the United States upon receipt of a request of the adoptive parent or the adoptee, if the adoptee is 18 years of age or older, and receipt of either:

“(A) An adoption form prepared according to section 10; or



- “(B)(i) A copy of the foreign adoption decree;
- “(ii) A certified translation of the foreign adoption decree; or if birth information is not already included in the foreign adoption decree, evidence as to the child's birth date and birthplace, which may be evidenced by:
  - “(I) An original birth certificate;
  - “(II) A post-adoption birth certificate issued by the foreign jurisdiction, including a certified copy, extract, or translation; or
  - “(III) Other equivalent document, such as a record of the U.S. Citizenship and Immigration Services or the U.S. Department of State; and
  - “(iii) Evidence of IR-3 immigrant visa status, or successor immigrant visa status, for the child by the U.S. Citizenship and Immigration Services.
- “(2) Following review by the Registrar, all adoption documents issued by the foreign jurisdiction shall be returned to the adoptive parent or adoptee, whichever is applicable.
- “(3) Subsections (f) and (g) of this section shall not apply to this subsection.”.

Sec. 603. Section 16-309(c) of the District of Columbia Official Code is amended to read as follows:

New  
§ 16-309

“(c)(1) Except as provided in paragraph (2) of this subsection, a final decree of adoption may not be entered unless the prospective adoptee has been living with the petitioner for at least 6 months (“6-month requirement”).

“(2) A prospective adoptee shall be exempt from the 6-month requirement if he or she is 18 years of age or older.”.

## TITLE VII. APPLICABILITY, FISCAL IMPACT STATEMENT, AND EFFECTIVE DATE.

### Sec. 701. Applicability.

Title III of this act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

### Sec. 702. 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. 703. 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

**ENROLLED ORIGINAL**

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.

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia