

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Councilmembers \_\_\_\_\_ introduced the following bill, which was referred to the Committee on \_\_\_\_\_.

DEVELOPMENTAL DISABILITIES REFORM ACT OF 2008

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23  
24 To ...[INSERT LONG TITLE HERE]

25  
26        BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That

27 this act may be cited as the “Developmental Disabilities Reform Act of 2008”.

28        **TITLE I. DEVELOPMENTAL DISABILITIES RIGHTS AND SERVICES.**

29        Sec. 101. Short title.

30        This act may be cited as the “Developmental Disabilities Rights and Services Act of  
31 2008”.

32        Sec. 102. Findings and purpose.

33        (a) The Council finds that:

34                (1) It is the policy of the District that residents with developmental disabilities  
35 have all the civil and legal rights enjoyed by all other residents of the District and the United  
36 States;

1           (2) For 30 years, the Mentally Retarded Citizens Constitutional Rights and  
2 Dignity Act of 1978, effective March 3, 1979 (D.C. Law 2-137; D.C. Official Code § 7-1301.02  
3 *et seq.*) has required the voluntary admission or involuntary commitment of persons with  
4 developmental disabilities to residential facilities through the Superior Court. However, this  
5 process no longer reflects the structure of the District’s service system, the requirements under  
6 federal laws and programs, state and national best practices, and contemporary knowledge of the  
7 rights, abilities, and preferences of persons with developmental disabilities;

8           (3) All District residents benefit when persons with developmental disabilities  
9 live with independence and dignity in the most inclusive and most integrated community setting  
10 possible and have the freedom and opportunity to fully participate in the cultural, economic,  
11 educational, political, and social fabric of their communities;

12           (4) Residents with developmental disabilities are effective advocates who speak  
13 up on their own behalf and should be engaged as active partners by District government, service  
14 providers, and community members;

15           (5) Residents with developmental disabilities are best able to determine their own  
16 needs and should be afforded all the information, opportunities, support, and reasonable  
17 accommodations required to make meaningful choices about where they live, work, and play  
18 and, to the greatest extent possible, to control the design and delivery of their services;

19           (6) Residents with developmental disabilities are capable of making and verbally,  
20 nonverbally, and behaviorally communicating decisions about their personal care, health care,  
21 legal matters, financial affairs, business, assets, and all other aspects of their lives; and

22           (7) Families, by far, provide the greatest quantity and, in many instances, quality  
23 of services and support for their family members with developmental disabilities.

1 (b) The Council therefore declares that the District shall implement a model system of  
2 effective, quality supports and services for residents with developmental disabilities and for their  
3 families, which:

4 (1) Fully recognizes the person’s rights, abilities, and preferences;

5 (2) Is rooted in best practices, ongoing innovation, and standards of excellence;

6 (3) Removes universal requirements for admission or commitment to residential  
7 services through the Superior Court;

8 (4) Seeks to maintain a high quality of life and encourages the maximum  
9 development of the ability and potential of each person;

10 (5) Offers flexibility and a full range of service options, including comprehensive  
11 family support throughout the life of the person;

12 (6) Adopts an individualized, person-centered approach that is responsive to the  
13 unique strengths, abilities, needs, culture, values, and preferences of each person and family;

14 (7) Builds familial and community support and ensures that each person has  
15 meaningful opportunities to develop and maintain relationships with family, friends, coworkers,  
16 and others;

17 (8) Offers multiple options for problem resolution and expands access to the  
18 Superior Court and to Court-appointed advocates and counsel;

19 (9) Is delivered by a diverse workforce that is well-qualified, highly motivated,  
20 receives ongoing training, demonstrates necessary skills, and regularly uses best practices; and

21 (10) Is distributed with fairness and equity and produces measurable results that  
22 demonstrate that the supports and services have met the goals and needs of, and satisfied, each  
23 person and family.

1 (c) It is the intent of the Council that this act shall provide an orderly process for persons  
2 who were admitted or committed to a facility pursuant to the Mentally Retarded Citizens  
3 Constitutional Rights and Dignity Act of 1978 to transition to the new model system of rights  
4 and effective, quality supports and services provided under this act. It is the intent of the Council  
5 that this transition process shall be complete by 18 months after the effective date of this act and  
6 shall include:

7 (1) Notification and education of persons with developmental disabilities and  
8 their families of the changes under this act;

9 (2) Development and implementation of the program of Superior Court-  
10 appointed advocates established under section 108; and

11 (3) Development and implementation of the system of legal services and access  
12 to the Superior Court established under section 118.

13 Sec. 103. Definitions.

14 For the purposes of this act:

15 (1) “Administrative Procedure Act” or “APA” means Chapter 5 of Title 2.

16 (2) “Advanced practice registered nurse” includes a nurse-practitioner or a clinical nurse  
17 specialist, licensed pursuant to D.C. Official Code § 3-1202.04 and Chapter 59 or Chapter 60 of  
18 Title 17 of the District of Columbia Municipal Regulations, who has been certified as a specialist  
19 in psychiatry and mental health.

20 (3) “Advocate” means a member of the group of advocates appointed by the Superior  
21 Court pursuant to section 108.

22 (4) “Behavior support plan” means a written plan that, at a minimum:

23 (A) Identifies challenging or problematic behavior;

1 (B) States the working hypothesis about the cause of the person’s behavior and  
2 uses the working hypothesis as the basis for the selected intervention;

3 (C) Identifies strategies to teach or encourage the person to adopt adaptive  
4 behavior as an alternative to the challenging or problematic behavior;

5 (D) Considers the potential for environmental or programmatic changes that  
6 could have a positive impact on challenging or problematic behaviors; and

7 (E) Addresses the person’s need for additional technological or supervisory  
8 assistance to adapt or cope with day to day activities.

9 (5) “Best interests” means promoting personal well-being by assessing:

10 (A) The reason for the proposed action, its risks and benefits, and any alternatives  
11 considered and rejected; and

12 (B) The least intrusive, least restrictive, and most normalizing course of action  
13 possible to provide for the needs of the person.

14 (6) “Capacity” means the ability, with support, to make and carry out a decision by  
15 means of mental ability, behavior, or both regarding the situation or subject matter involved.

16 (7) “Cause injury to others as a result of the person’s intellectual disability” means cause  
17 injury to others as a result of deficits in adaptive functioning associated with intellectual  
18 disability.

19 (8) “CFSA” means the Child and Family Services Agency established by § 4-1303.01a.

20 (9) “Civil commitment” means the commitment to the care of the DDA, pursuant to a  
21 court order, of a person found incompetent in a criminal case at the request of the District.

22 (10) “Comprehensive screening” means the comprehensive screening conducted in  
23 accordance with section 107.

1 (11) "Court" means the Superior Court of the District of Columbia.

2 (12) "Crime of violence" has the same meaning as in § 23-1331(4).

3 (13) "Criminal background check" means the investigation of an individual's criminal  
4 history through the record systems of the Federal Bureau of Investigation and the Metropolitan  
5 Police Department.

6 (14) "DCPS" means the District of Columbia Public Schools.

7 (15) "DDA" means the Developmental Disabilities Administration of the Department on  
8 Disability Services.

9 (16) "DDS" means the Department on Disability Services established by § 7-761.03.

10 (17) (A) "Developmental disability" means, in general, a severe chronic disability of a  
11 person that:

12 (1) Is attributable to a physical or mental impairment, other than the sole  
13 diagnosis of mental illness, or to a combination of mental and physical impairments;

14 (2) Is manifested before the person attains the age of 22;

15 (3) Is likely to continue indefinitely;

16 (4) Results in substantial functional limitations in 3 or more of the  
17 following areas of major life activity:

18 (i) Self-care;

19 (ii) Receptive and expressive language;

20 (iii) Learning;

21 (iv) Mobility;

22 (v) Self-direction;

23 (vi) Capacity for independent living; and

1 (vii) Economic self-sufficiency; and

2 (5) Reflects the person’s need for a combination and sequence of special,  
3 interdisciplinary, or generic services, individualized supports, or other forms of assistance that  
4 are of lifelong or extended duration and are individually planned and coordinated.

5 (B) A person from birth to age 9, inclusive, who has a substantial developmental  
6 delay or specific congenital or acquired condition, may be considered to have a developmental  
7 disability without meeting 3 or more of the criteria described in clauses (1) through (5) of  
8 subparagraph (A) of this paragraph if the person, without supports and services, has a high  
9 probability of meeting those criteria later in life.

10 (18) “DHCF” means the Department of Health Care Finance established by § 7-771.02  
11 and responsible for administering the District’s Medical Assistance Program.

12 (19) “DHS” means the Department of Human Services.

13 (20) “DOH” means the Department of Health.

14 (21) “DSM-IV” means the most recent version of the Diagnostic and Statistical Manual  
15 of Mental Disorders.

16 (22) “DSM-IV ‘V’ Codes” means “V” codes as defined in the most recent version of the  
17 Diagnostic and Statistical Manual of Mental Disorders.

18 (23) “DYRS” means the Department of Youth Rehabilitation Services established by §  
19 2-1515.02.

20 (24) “Employee” means an individual who is employed on a full-time, part-time,  
21 temporary, or contractual basis by the DDA or a provider.

22 (25) “Family” means:

1 (A) A group of individuals that includes a person with a developmental disability  
2 and that:

3 (1) Is related by blood, marriage, domestic partnership, adoption, or legal  
4 custody; or

5 (2) Considers themselves a family based upon bonds of affection, which,  
6 for the purposes of this act, means enduring ties that do not depend upon the existence of an  
7 economic relationship; or

8 (B) Any other family unit as the DDS may define in rules.

9 (26) “Family support services” means services, resources, and other forms of assistance  
10 that help families to support their members who have developmental disabilities to live in the  
11 family home or to maintain family unity.

12 (27) “FBI” means the Federal Bureau of Investigation.

13 (28) “Grievance” means a description of a person’s dissatisfaction with his or her  
14 supports and services, including denials of or failures to provide supports and services,  
15 conditions or incidents, or violations or limitations of rights of the person involving programs,  
16 personnel, supports, or services.

17 (29) “Human Rights Advisory Committee” or “HRAC” means the committee of the  
18 DDA which provides guidance and oversight regarding matters pertaining to the human rights of  
19 persons receiving supports and services and reviews allegations of human rights violations, or its  
20 successor entity.

21 (30) “ICD-9-CM” means the most recent version of the International Classification of  
22 Diseases Code Manual.

1           (31) “Individual support plan” or “ISP” means a document that identifies and authorizes  
2 the supports and services to comprehensively meet the person’s assessed needs in accordance  
3 with the person’s expressed preferences, goals, and decisions concerning his or her life in the  
4 community.

5           (32) “Informed consent” means consent voluntarily given, in writing, with sufficient  
6 knowledge and comprehension of the subject matter involved to enable the person giving  
7 consent to make an understanding and enlightened decision, without any element of force, fraud,  
8 deceit, duress, or other form of constraint or coercion.

9           (33) “Intellectual disability” or “persons with intellectual disability” means a substantial  
10 limitation in capacity that manifests before 18 years of age and is characterized by significantly  
11 subaverage intellectual functioning, existing concurrently with 2 or more significant limitations  
12 in adaptive functioning.

13           (34) “Job applicant” means an individual who has filed a written application for  
14 employment with the DDA or a provider.

15           (35) “Medical Assistance Program” and “Medicaid Program” mean the program  
16 described in the Medicaid State Plan and administered by the Department of Health Care Finance  
17 pursuant to § 1-307.02(b), and Title XIX of the Social Security Act, approved July 30, 1965 (79  
18 Stat. 343; 42 U.S.C. § 1396 *et seq.*).

19           (36) “Mental illness” means a diagnosable mental, behavioral, or emotional disorder  
20 (including those of biological etiology) which substantially impairs the mental health of the  
21 person or is of sufficient duration to meet diagnostic criteria specified within the DSM-IV or its  
22 ICD-9-CM equivalent (and subsequent revisions) with the exception of DSM-IV “V” codes,

1 substance abuse disorders, developmental disorders, or seizure disorders, unless those exceptions  
2 co-occur with another diagnosable mental illness.

3 (37) “Minor” means a person under 18 years of age, but does not include a person who is  
4 an emancipated minor or who is married.

5 (38) “Most integrated setting” means a setting that enables persons with disabilities to  
6 interact with persons without disabilities to the fullest extent possible.

7 (39) “MPD” means the Metropolitan Police Department.

8 (40) “Nurse Aide Abuse Registry” means a record, maintained by the District in  
9 accordance with section 4211 of the Omnibus Budget Reconciliation Act of 1987, approved  
10 December 22, 1987 (101 Stat. 1330-182; 42 U.S.C.S. § 1396r), and 29 DCMR § 3250-3254,  
11 containing names of individuals who worked as nurse aides and were determined to have abused  
12 or neglected, or misappropriated the property of, a nursing home resident.

13 (41) “ODR” means the Office of Disability Rights established by § 2-1431.03.

14 (42) “OHR” means the Office of Human Rights established by § 2-1411.01.

15 (43) “Office on Aging” means the Office on Aging established by § 7-503.01.

16 (44) “Parent” means:

17 (A) A person’s natural, adoptive, or foster parent; or

18 (B) With respect to a minor, an individual acting in the place of a natural or  
19 adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives,  
20 or an individual who is legally responsible for the child's welfare.

21 (45) “Person” means an individual who has requested an eligibility determination under  
22 this act or is receiving supports and services under this act, and is meant to include all terms that

1 may be used to refer to such an individual including “applicant”, “client”, “consumer”,  
2 “customer”, “recipient”, and “ward”.

3 (46) “Person found incompetent in a criminal case” means a person who:

4 (A) Has at least moderate intellectual disability as defined in the DSM-IV;

5 (B) Is charged with a crime of violence or sex offense;

6 (C) Has been found incompetent to stand trial, or to participate in sentencing or  
7 transfer proceedings; and

8 (D) Has been found not likely to gain competence in the foreseeable future.

9 (47) “Protection and advocacy agency” means the designated state protection and  
10 advocacy agency for the District established pursuant to the Developmental Disabilities  
11 Assistance and Bill of Rights Act of 2000, approved October 30, 2000 (114 Stat. 1712; 42 U.S.C.  
12 § 15041 *et seq.*), and section 509 of the Rehabilitation Act of 1973, approved October 29, 1992  
13 (106 Stat. 4430; 29 U.S.C. § 794e).

14 (48) “Provider” means an individual or entity that:

15 (A) Is duly licensed or certified to provide supports and services; or

16 (B) Has entered into an agreement with the DDA to provide supports and  
17 services.

18 (49) “Psychotropic medication” means a medication prescribed for the treatment of  
19 symptoms of mental or emotional disorders or to influence and modify behavior, cognition, or  
20 affective state. The term “psychotropic medication” includes the following categories of  
21 medications:

22 (A) Antipsychotics or neuroleptics;

23 (B) Antidepressants;

1 (C) Agents for control of mania or depression;

2 (D) Antianxiety agents;

3 (E) Sedatives, hypnotics, or other sleep-promoting drugs; and

4 (F) Psychomotor stimulants.

5 (50) “Resident of the District of Columbia” means a person who maintains his or her  
6 principal place of abode in the District, including a person who would be a resident of the  
7 District of Columbia if the person had not been placed in an out-of-state setting by the District. A  
8 person with a developmental disability who is under 21 years of age shall be deemed to be a  
9 resident of the District of Columbia if the custodial parent of the person is a resident of the  
10 District of Columbia.

11 (51) “Respite services” means temporary overnight supports and services provided to a  
12 person, upon application of a person, parent, guardian, or family member, for the temporary  
13 relief of such parent, guardian, or family member, who normally provides for supports and  
14 services for the person or for the temporary relief of the person.

15 (52) “Respondent” means the person whose civil commitment or continued civil  
16 commitment is being sought in any proceeding under this act.

17 (53) “Restraint” means either a physical restraint or a drug that is being used as a  
18 restraint.

19 (54) “Seclusion” means any involuntary confinement of a person alone in a room or an  
20 area from which the person is either physically prevented from leaving or from which the person  
21 is led to believe he or she cannot leave at will.

22 (55) “Support coordination” means a set of activities that provides a person, and the  
23 person’s family where appropriate, with continuous access to assistance as needed to:

- 1 (A) Plan, obtain, and coordinate supports and services;
- 2 (B) Review and monitor the delivery of supports and services; and
- 3 (C) Promptly address issues encountered by the person in community living.

4 (56) “Supports and services” means all supports and services provided, funded,  
5 regulated, or coordinated by the DDA for the purpose of meeting the needs of persons with  
6 developmental disabilities and their families.

7 (57) “Sex offenses” means offenses in Chapter 30 of Title 22, but does not include any  
8 offense described in § 22-4016(b).

9 (58) “Substituted judgment” means making a decision that conforms as closely as  
10 possible with the decision that the person would have made, based upon knowledge of the  
11 beliefs, values, and preferences of the person.

12 (59) “Transfer proceedings” means the proceedings pursuant to § 16-2307 to transfer an  
13 individual less than 18 years of age from Family Court to Criminal Court in the Superior Court  
14 of the District of Columbia to face adult criminal charges.

15 (60) “Unsupervised” means an employee or volunteer who is not under the direct  
16 supervision, at all times, of an employee or a volunteer who has received a current, satisfactory  
17 criminal background check.

18 (61) “Volunteer” means an individual who works without any monetary or any other  
19 financial compensation for the DDA or a provider.

20 (62) “Volunteer applicant” means an individual who has made an affirmative effort  
21 through a written application or a verbal request to serve in a volunteer position with the DDA or  
22 a provider.

23 Sec. 104. Rights.

1           (a) Persons with developmental disabilities shall be presumed to have legal capacity and  
2 shall have all the civil and legal rights guaranteed all other persons by the Constitution and laws  
3 of the United States and of the District.

4           (b) Persons who have been found eligible for supports and services under this act shall  
5 have rights including the following:

6                   (1) A right to receive supports and services in the least restrictive, most inclusive  
7 and most integrated setting. Supports and services shall be directed toward the achievement of  
8 the most independent, productive, and typical lives possible;

9                   (2) A right to personal liberty, dignity, respect, and privacy, and a right to be free  
10 from harm;

11                   (3) A right to receive supports and services promptly;

12                   (4) A right to exercise control and choice over personal living arrangements,  
13 relationships with people in the community, education, employment, leisure, recreation, the  
14 pursuit of a personal future, the selection of a support coordinator, the selection and  
15 implementation of supports and services, and all other aspects of daily life; and

16                   (5) A right to all information, opportunities, supports, and reasonable  
17 accommodations needed to exercise control and to freely make and express choices through  
18 verbal, nonverbal, and behavioral means.

19           (c) The right of persons with developmental disabilities to exercise choice and control in  
20 their own lives requires that all public and private agencies receiving District funds for the  
21 purpose of serving persons with developmental disabilities shall:

22                   (1) Respect the choices made by the person;

1           (2) Afford the person all information, opportunities, supports, and reasonable  
2 accommodations needed to freely make and express choices and exercise control in all aspect of  
3 daily life;

4           (3) Communicate with the person in writing and in any other method or language  
5 needed to maximize the person’s understanding and communication;

6           (4) Insure that the person can voice grievances, concerns, and suggestions  
7 without interference or fear of reprisal; and

8           (5) Seek to resolve grievances and concerns in a timely fashion.

9           (d) The rights provided under subsections (a), (b), and (c) of this section shall be  
10 exercised on behalf of a minor by the minor’s parent or guardian.

11           (e) All staffs of public and private agencies receiving District funds for the purpose of  
12 serving persons with developmental disabilities shall receive initial and annual training on the  
13 rights of persons with developmental disabilities.

14           (f) All public and private agencies receiving District funds for the purpose of serving  
15 persons with developmental disabilities shall provide the person who is receiving supports or  
16 services, the parent of a minor, the person’s guardian, and any other individual identified by an  
17 adult person, with information regarding:

18           (1) The person’s rights under this act, including grievance rights and contact  
19 information for the office authorized to resolve grievances for the DDA, the protection and  
20 advocacy agency, any external advocacy agency designated by the DDA, any sources for  
21 obtaining counsel and advocates, and the abuse and neglect hotline; and

22           (2) Supports and services provided by the DDA.

1 (g) Unless a person, a parent of a minor, or a person’s guardian consents or unless  
2 exigent circumstances exist, the District shall not move a person from a less restrictive setting to  
3 a more restrictive setting without providing advance notice of the move and the opportunity to  
4 request a hearing pursuant to Section 118. Such moves include movement from more to less  
5 structured living, from larger to smaller living arrangements, from group to individual  
6 residences, from segregated from the community to integrated with community living, and from  
7 dependent to independent living. The District must prove by clear and convincing evidence that  
8 such a move is appropriate and in the best interests of the person.

9 (h) In accordance with the District of Columbia Administrative Procedure Act, approved  
10 October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), the Director of the DDS  
11 shall issue regulations to implement this section, which shall include standards for restricted  
12 procedures, in accordance with best practices and recommendations by the Council on Quality  
13 Leadership, and shall prohibit:

14 (1) Any procedure that is used as a means of coercion, discipline, convenience, or  
15 retaliation by staff;

16 (2) Corporal punishment;

17 (3) Denial of food or liquids that are a part of the person’s nutritionally adequate  
18 diet;

19 (4) Experimental treatment or behavior modification techniques that cause pain  
20 or trauma or involve deprivation of rights;

21 (5) Forced exercise;

22 (6) Noxious or aversive stimuli;

23 (7) Standing orders and as-needed orders for psychotropic medications;

1 (8) Prone restraint and standing orders for restraint; and

2 (9) Seclusion.

3 (i) The DDS shall identify violations of this section and take appropriate enforcement  
4 action regarding these violations.

5 Sec. 105. Comprehensive Developmental Disabilities Services Task Force.

6 (a) There is established a Comprehensive Developmental Disabilities Services Task  
7 Force (“Task Force”) to develop a comprehensive plan for the District to meet the current and  
8 future community living supports and services needs of residents of all ages with developmental  
9 disabilities and their families in a manner most likely to promote the findings and achieve the  
10 purposes stated in section 102.

11 (b) The Task Force shall:

12 (1) Include no more than 15 voting members, of whom one shall also be a  
13 member of the Family Support Council established under section 113, 50% shall be residents  
14 with developmental disabilities, 30% shall be parents and other family members of residents with  
15 developmental disabilities, and 20% shall be representatives of community groups and experts;

16 (2) Include non-voting agency directors appointed by the Mayor to represent  
17 agencies that currently or potentially serve residents with developmental disabilities and their  
18 families. The agency directors shall attend all regular Task Force meetings; and

19 (3) Be co-chaired by the Director of the DDS, a person with a developmental  
20 disability, and a family member of a person with a developmental disabilities. The person and  
21 family member shall be selected by the Task Force members.

22 (c) The Task Force members shall be appointed by the Mayor with the advice and  
23 consent of the Council. The Mayor shall transmit to the Council, within 30 days of the effective

1 date of this act, proposed resolutions to approve the appointment of each member of the Task  
2 Force for a 30-day period of review, excluding days of Council recess. If the Council does not  
3 approve or disapprove a resolution within a 30-day period, the resolution shall be deemed  
4 approved.

5 (d) The DDS shall provide staff assistance and support to the Task Force.

6 (e) The Task Force may sponsor public forums, conduct focus groups, create committees  
7 and take other steps to obtain widespread public input. The Task Force shall enact rules of  
8 procedure or bylaws to guide its operation, which shall include quorum requirements.

9 (f) Task Force rules, bylaws, agendas, minutes, meeting transcripts, and reports shall be  
10 made readily available to the public. Task Force meetings shall be subject to the open meeting  
11 provisions of § 1-207.42, except that meetings of a committee established by the Task Force  
12 shall not be subject to the transcript or transcription requirements of § 1-207.42(b).

13 Sec. 106. Comprehensive Developmental Disabilities Services Plan.

14 (a) The Comprehensive Developmental Disabilities Services Task Force (“Task Force”)  
15 shall consider the following goals and policy objectives when developing the Comprehensive  
16 Developmental Disabilities Services Plan:

17 (1) The findings and objectives stated in section 102;

18 (2) The design, phase in, and delivery of new supports and services to meet the  
19 unmet needs of children, youth, and adults with developmental disabilities who prior to the  
20 effective date of this act were not eligible for DDA services, including persons with autism,  
21 persons with developmental disabilities living with aging parents, and persons with  
22 developmental disabilities that are primarily physical in nature;

1           (3) The design, phase in, and delivery of new supports and services to meet the  
2 unmet needs of families of children, youth, and adults with developmental disabilities; and

3           (4) The strengthening and expansion of supports and services for persons who  
4 were eligible for DDA services prior to the effective date of this act, including persons who have  
5 co-occurring behavioral health needs.

6           (b) The Comprehensive Developmental Disabilities Services Plan shall include:

7           (1) A profile of District residents with developmental disabilities and their  
8 families which shall include data on the current and projected prevalence, disability and  
9 demographic characteristics, living arrangements, resources, and unmet needs of such residents  
10 over the next one year, 5 years, 10 years, and 20 years;

11           (2) A clear and concise description of the successes and challenges faced by the  
12 District in meeting the needs of residents with developmental disabilities and their families;

13           (3) Recommendations for how the DDA can best:

14           (A) During the first 12 months after the effective date of this act, meet the  
15 community living supports and services needs of residents with intellectual disability and their  
16 families;

17           (B) For the period beginning 12 months through 24 months after the  
18 effective date of this act, expand eligibility and implement new supports and services to meet the  
19 unmet needs of recommended populations of children, youth, and adults with developmental  
20 disabilities; and

21           (C) Beginning 24 months after the effective date of this act, meet the  
22 current and future community living supports and services needs of residents with the full range  
23 of developmental disabilities and their families;

1 (4) A comprehensive array of action steps for the District to:

2 (A) Build the District's capacity to meet the needs of residents with  
3 developmental disabilities and their families over the next 10 years;

4 (B) Meet current and future unmet needs for community supports and  
5 services in the most effective, efficient, fair and financially sustainable manner;

6 (C) Ameliorate and eliminate barriers to supports and services;

7 (D) Build on strengths that exist in the system while creating systemic  
8 improvements, innovation, coordination, interagency data sharing, and other systemic reforms;

9 (E) Continuously identify and integrate best practices into the system as it  
10 evolves; and

11 (F) Make maximum use of federal funding streams to fund these  
12 activities;

13 (5) Recommendations for how the District can best:

14 (A) Manage waiting lists for services to assure that persons on waiting  
15 lists begin to receive supports and services at a reasonable pace that is based on a fair, equitable,  
16 and consistent method of adjusting support and service levels based on the intensity and  
17 immediacy of the needs of the person, the person's family, and other relevant circumstances  
18 affecting the support of the person; and

19 (B) Administer waiting lists in a transparent manner, subject to the  
20 confidentiality requirements of section 120, that assures that persons and their families are kept  
21 up on date on when they can expect to begin to receive supports and services; and

22 (6) Any other information requested by the Mayor or Council.

1 (c) Each action step identified under subsection (b)(4) shall identify the agencies  
2 responsible for the action step and discuss the commitments that each agency has made.

3 (d) The Task Force shall issue the following documents:

4 (1) By 6 months after the effective date of this act, the Task Force shall issue a  
5 draft Comprehensive Developmental Disabilities Services Plan;

6 (2) By 9 months after the effective date of this act, the Task Force shall present  
7 the final Comprehensive Developmental Disabilities Services Plan to the Mayor and Council.

8 (e) The Task Force shall widely disseminate the documents required under subsection (c)  
9 of this section in a variety of accessible and readily understandable formats. The Task Force shall  
10 sponsor public forums and other activities to obtain comment on the draft plan from District  
11 residents with developmental disabilities, their families, community organizations, providers,  
12 and the public.

13 (f) In accordance with the District of Columbia Administrative Procedure Act, approved  
14 October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), the Director of the DDS  
15 shall issue regulations and shall take any other actions necessary to implement the expansions of  
16 eligibility, supports, and services recommended by the Task Force pursuant to subsection  
17 (b)(3)(B) for the period of between 12 months and 24 months after the effective date of this act.

18 (g) By 5 years after the Task Force presents the initial Comprehensive Developmental  
19 Disabilities Services Plan to the Council and Mayor, and in 5 year increments thereafter, the  
20 Mayor shall appoint a task force or request the DDS to update the Comprehensive  
21 Developmental Disabilities Services Plan.

22 Sec. 107. Eligibility.

1 (a) A request for the DDA to determine eligibility for supports and services shall be  
2 made by the person, who may be accompanied and supported in making the request by any  
3 individual that the person chooses. For a minor, the request for eligibility determination may be  
4 initiated by a parent or guardian. If the person is age 18 or older, the request for eligibility  
5 determination may be initiated by the person's guardian, if the request for eligibility  
6 determination falls under the scope of the guardianship. A request for eligibility determination is  
7 not:

- 8 (1) A health-care decision subject to Chapter 22 of Title 21; or
- 9 (2) A decision that requires an adult person to be represented by a guardian,  
10 advocate, family member, counsel, or other representative.

11 (b) For a period of 12 months after the effective date of this act, a person shall be eligible  
12 for supports and services under this act if the person:

- 13 (1) Is a resident of the District of Columbia; and
- 14 (2) Has a comprehensive screening that finds that an intellectual disability that  
15 also meets the definition of a developmental disability is present.

16 (c) For a period of between 12 months and 24 months after the effective date of this act,  
17 a person shall be eligible for supports and services under this act if the person:

- 18 (1) Is a resident of the District of Columbia; and
- 19 (2) Has a comprehensive screening that finds that:
  - 20 (A) An intellectual disability that also meets the definition of a  
21 developmental disability is present; or
  - 22 (B) The person meets other eligibility criteria that have been established  
23 through rulemaking by the Director of the DDS.

1 (d) Beginning 24 months after the effective date of this act, a person shall be eligible for  
2 supports and services under this act if the person:

3 (1) Is a resident of the District of Columbia; and

4 (2) Has a comprehensive screening that finds that a developmental disability is  
5 present or, if the person is under the age of 22, has a comprehensive screening that finds that:

6 (A) A developmental disability is present; or

7 (B) A disability is present that is attributable to a physical or mental  
8 impairment, other than the sole diagnosis of mental illness, or to a combination of mental and  
9 physical impairments, but the scope of functional limitations is inconclusive or it cannot be  
10 determined whether the disability will continue indefinitely.

11 (e) Within 30 calendar days of receiving a request for eligibility determination, the DDA  
12 shall complete a comprehensive screening of the person. A professional experienced in assessing  
13 developmental disabilities shall conduct the comprehensive screening process. The  
14 comprehensive screening process shall elicit information directly from the person and, with the  
15 person's consent, individuals who know the person well, and shall include the use of  
16 standardized assessment tools. The comprehensive screening process shall:

17 (1) Determine the nature, scope, and expected duration of the person's disability;

18 (2) Identify the type and intensity of support needs in functional life areas;

19 (3) Identify the potential need for assistive technology; and

20 (4) Identify whether the person:

21 (A) Has the capacity to grant, refuse, or withdraw consent to any ongoing  
22 medical treatment;

1 (B) Has executed or could execute a durable power of attorney in  
2 accordance with D.C. Official Code § 21-2205; or

3 (C) Has an individual reasonably available, mentally capable, and willing  
4 to provide substituted consent pursuant to D.C. Official Code § 21-2210.

5 (f) For the purpose of eligibility determination, the DDA shall accept information from  
6 sources outside the DDA that establishes residency or helps complete any part of the  
7 comprehensive screening process required under paragraphs (1) through (4) of subsection (d) of  
8 this section. Upon authorization by the person, the parent of a minor, or the person's guardian the  
9 DDA shall gather such information on behalf of the person.

10 (g) Within 10 business days of receiving documentation of residency and completing the  
11 comprehensive screening, the DDA shall make an eligibility determination and shall provide the  
12 person, the parent of a minor, the person's guardian, and any other individual identified by an  
13 adult person with a letter stating the determination of eligibility, the legal and factual basis for  
14 the determination including citation of the applicable law or policy, and a contact person at the  
15 DDA. The letter shall be accompanied by information on:

16 (1) The person's rights under this act;

17 (2) Grievance procedures under this act, including the right to appeal a denial of  
18 eligibility;

19 (3) Telephone numbers for the protection and advocacy agency, any external  
20 advocacy agency designated by the DDA, and any sources for obtaining counsel and advocates;  
21 and

22 (4) If the DDA has found the person to be eligible:

23 (A) Supports and services provided by the DDA;

1 (B) Upcoming orientation sessions and trainings on rights, supports and  
2 services, and grievances under this act;

3 (C) The ISP process and how to select or change a support coordinator;  
4 and

5 (D) Contact information for the office authorized to resolve grievances  
6 for the DDA and the abuse and neglect hotline.

7 (h) If the DDA finds the person is not eligible, the DDA shall use the information  
8 gathered during the comprehensive screening process to refer and connect the person to other  
9 agencies.

10 (i) If the DDA finds the person is not eligible, the person, the parent of a minor, the  
11 person's guardian, or any other individual chosen by an adult person may:

12 (1) Appeal a denial of eligibility in accordance with the procedures established  
13 under section 117. An appeal may include a request for a new comprehensive screening, if the  
14 individual filing the appeal believes that the initial comprehensive screening failed to comply  
15 substantially with accepted professional standards and that sound professional judgment was not  
16 exercised in the performance of the screening; and

17 (2) Request a new eligibility determination if new information becomes available  
18 regarding the person's diagnosis, age of onset of the disability, severity of the disability, or  
19 residency. A denial of a request for a new eligibility determination may be appealed using the  
20 same procedures for appealing a denial of eligibility established under section 117.

21 (j) An assessment required for a comprehensive screening under this section shall be at  
22 the District's expense if the cost of the assessment cannot otherwise be paid by a federal, local,  
23 or private insurance program.

1 (k) The DDA may provide supports and services prior to the completion of the  
2 comprehensive screening and eligibility determination:

3 (A) If the person is homeless or at imminent risk of becoming homeless as these  
4 terms are defined in § 4-751.01;

5 (B) If there is an expectation that the person is in imminent danger or will be  
6 subject to abuse or neglect if the person does not receive supports or services; or

7 (C) Pursuant to court order, if the person has been found incompetent in a  
8 criminal case.

9 (l) In accordance with the District of Columbia Administrative Procedure Act, approved  
10 October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), the Director of the DDS  
11 shall issue regulations to implement this section which shall include guidance on information  
12 which the DDA will accept for the purposes of eligibility determination if written documentation  
13 of the age of onset of a person's disability is not available.

14 Sec. 108. Notification of the Court; appointment of advocates.

15 (a) When the DDA has determined a person to be eligible for supports and services  
16 under section 107, the DDA shall within 10 business days notify the Court; however, an adult  
17 person, the parent of a minor, or the person's guardian may knowingly reject court notification  
18 and shall be so advised by the DDA. If an adult person, a parent of a minor, or a person's  
19 guardian who has rejected court notification at any time withdraws the rejection, the DDA shall  
20 within 10 business days make the person known to the Court.

21 (b) A person made known to the Court in accordance with this section shall have the  
22 services of an advocate; however, an adult person, the parent of a minor, or the person's guardian  
23 may knowingly reject the services of an advocate and shall be so advised by the Court. If an

1 adult person, a parent of a minor, or a person's guardian who has rejected the services of an  
2 advocate at any time withdraws the rejection, the Court shall appoint an advocate for the person  
3 in accordance with subsection (c) of this section. An advocate whose services have been rejected  
4 shall not have the rights set forth in subsections (e), (f), (g), and (l) of this section.

5 (c) Upon notification by the DDA that the DDA has determined a person to be eligible  
6 for supports and services under section 107, the Court shall within 10 business days appoint a  
7 qualified advocate selected from a list of such advocates it maintains and shall notify the person,  
8 the parent of a minor, and the person's guardian of the appointment and the person's right to  
9 reject the services of the advocate.

10 (d) A person, the parent of a minor, or the person's guardian may at any time request and  
11 receive a change in the person's assigned advocate.

12 (e) An advocate shall have the following powers and duties with respect to the person to  
13 whom the advocate has been assigned:

14 (1) To inform the person of the person's rights under the law and to ensure by all  
15 means, including referral to counsel, that the person is afforded all rights under the law;

16 (2) To become and remain personally acquainted with the person and to maintain  
17 sufficient contact with the person to know of the person's needs, preferences, goals, and  
18 communication methods;

19 (3) To consult with the person's family, providers, and others concerned with the  
20 person's supports and services;

21 (4) To advocate on the basis of the expressed preferences of the person or, if the  
22 person's preferences cannot be determined or if the person is a minor, to advocate on the basis of  
23 the person's best interests;

1           (5) To support the person in such a manner as to encourage self-reliance and to  
2 enable the person to exercise rights, to communicate needs, preferences, and goals, and to  
3 participate to the greatest extent possible in the planning and delivery of supports and services;

4           (6) To monitor and report to the Court on implementation of the person’s ISP and  
5 related court orders; and

6           (7) To advocate for the person’s preferences in the community by bringing  
7 concerns regarding the person’s well-being to the appropriate professionals.

8           (f) If so authorized by the Court, the advocate shall be permitted to grant, refuse, or  
9 withdraw consent on behalf of an adult person to whom the advocate has been assigned with  
10 respect to the provision of any health-care service, treatment, or procedure, consistent with the  
11 provisions of Chapter 22 of Title 21 of the District of Columbia Official Code.

12           (g) Unless an adult person, the parent of a minor, or the person’s guardian objects, an  
13 advocate shall:

14           (1) Receive notice and have the right to participate in all meetings, conferences,  
15 or other proceedings relating to any matter affecting provision of supports and services to the  
16 person to whom the advocate has been assigned, including the ISP, and any petitions and  
17 hearings before the Court related to the person’s rights, supports, and services;

18           (2) Have access to all records, reports, and documents affecting the person to  
19 whom the advocate has been assigned; and

20           (3) Have access to all personnel and providers responsible for providing supports  
21 and services to the person to whom the advocate has been assigned.

22           (h) Advocates shall complete a pre-employment screening, a criminal background check,  
23 and a training course in accordance with standards established by the Court.

1 (i) An advocate shall limit his or her caseload to a size that permits the advocate to fulfill  
2 the duties of the advocate established in this section, and to maintain regular and reasonable  
3 contact with each person, including a minimum of one visit per month, unless otherwise  
4 specified by the Court based on the expressed preferences of the person.

5 (j) Advocates shall be provided directly by the Court or by a contract with individuals or  
6 organizations; however, the Court shall ensure that contracts and other arrangements for  
7 selection and provision of advocates provide that each advocate shall be independent of any  
8 public or private agency that provides supports and services under this act.

9 (k) Advocates shall be awarded hourly compensation for services by the Court at rates  
10 established by the Court. Advocates shall have supervision and shall be provided with facilities  
11 and other support services sufficient to enable them to carry out their duties under this act.

12 (l) All communication between an advocate and the person to whom the advocate has  
13 been assigned shall remain confidential and privileged as if between counsel and client.

14 Sec. 109. Support and service planning.

15 (a) (1) All supports and services shall be voluntary. A person who has been found  
16 eligible for supports and services under this act shall be afforded all information, opportunities,  
17 supports, and reasonable accommodations needed to exercise control and to freely make and  
18 express choices through verbal, nonverbal, and behavioral means. A person's way of  
19 communicating with others is not grounds for deciding that he or she is incapable of making  
20 choices about his or her supports and services. A request to receive a support or service is not:

21 (A) A health-care decision subject to Chapter 22 of Title 21; or

22 (B) A decision that requires an adult person to be represented by a  
23 guardian, advocate, family member, counsel, or other representative.

1           (2) A parent or guardian may make choices on behalf of a minor who has been  
2 found eligible for supports and services under this act, and shall be afforded all information and  
3 opportunities needed to act in this capacity.

4           (b) Each person who receives supports and services shall have an ISP.

5           (c) The initial ISP shall be based on the comprehensive screening process completed for  
6 eligibility determination as set forth in section 107. The ISP shall include:

7           (1) A description of the person’s strengths, needs, interests, preferences,  
8 communication methods, capacities, disabilities, relationships, and connections or needed  
9 connections to natural supports;

10           (2) A description of opportunities for the person to learn of and exercise the  
11 rights provided under this act, including the right of the person to become known to the Court;

12           (3) A description of the person’s resources including financial resources and  
13 connections or needed connections to supports and services;

14           (4) Information on whether the person has rejected Court notification or the  
15 services of an advocate under section 108;

16           (5) Information on whether an adult person has the capacity to grant, refuse, or  
17 withdraw consent to any ongoing medical treatment and whether the person:

18           (A) Has executed or could execute a durable power of attorney in  
19 accordance with D.C. Official Code § 21-2205. A current durable power of attorney shall be  
20 included in the ISP. In the absence of a durable power of attorney, the ISP shall include  
21 documentation that the person has been offered an opportunity to execute a durable power of  
22 attorney pursuant to D.C. Official Code § 21-2205 and has declined; or

1 (B) Has an individual reasonably available, mentally capable, and willing  
2 to provide substituted consent pursuant to D.C. Official Code § 21-2210;

3 (6) A description of intermediate- and long-range service and support outcomes  
4 chosen by the person, a projected timetable for outcome attainment, and measurable objectives  
5 that constitute progress toward the identified outcomes;

6 (7) A detailed list of supports and services to be provided and the amount,  
7 frequency, and duration of each service and support necessary to address the person's needs,  
8 preferences, and goals. The list of supports and services shall include identification and  
9 justification of all mental health services, including psychotropic medications, behavior support  
10 plans, and any other psychiatric treatments;

11 (8) Specification of providers to furnish each service and support;

12 (9) An explanation of monitoring procedures, including timelines and designation  
13 of persons or agencies responsible for regular monitoring of the ISP; and

14 (10) Recommendations for supports and services which meet the standard of  
15 most integrated setting.

16 (d) The DDA and any agencies listed in the ISP shall be responsible for ensuring that a  
17 person's ISP is implemented.

18 (e) The DDA shall keep waiting lists of all persons who are eligible for supports and  
19 services under this act, but for whom a requested support or service has not been provided for  
20 any reason. The DDA shall ensure that:

21 (1) Persons on waiting lists begin to receive supports and services at a reasonable  
22 pace that is based on a fair, equitable, and consistent method of adjusting support and service

1 levels based on the intensity and immediacy of the needs of the person, the person’s family, and  
2 other relevant circumstances affecting the support of the person; and

3 (2) Persons on waiting lists are kept up to date on when they can expect to begin  
4 to receive supports and services.

5 (f) In accordance with the District of Columbia Administrative Procedure Act, approved  
6 October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), the Director of the DDS  
7 shall issue rules for developing and implementing ISPs in accordance with this section.  
8 Rulemaking shall be informed by best and emerging practices or the standards for practice  
9 established by The Council on Quality and Leadership.

10 (g) Nothing in this section shall be construed as requiring any adult person to execute a  
11 durable power of attorney for health care or to have a guardian.

12 Sec. 110. Support coordination.

13 (a) A person who has been found eligible for supports and services under this act shall  
14 choose a support coordinator to help design the person’s ISP, with the participation of any other  
15 individual the person chooses. A person, or the parent or guardian of a minor, may choose a  
16 different support coordinator at any time. The DDA shall implement a request for a new support  
17 coordinator within 21 calendar days.

18 (b) The support coordinator shall help the person to:

- 19 (1) Understand the person’s rights under this act;  
20 (2) Identify and communicate the person’s needs, preferences, and goals;  
21 (3) Select supports and services to meet the person’s needs, preferences, and  
22 goals and maximize the person’s ability to exercise the person’s rights;  
23 (4) Visit, evaluate, and choose among potential providers;

- 1 (5) Develop and design the ISP;
- 2 (6) Review and monitor the delivery of supports and services; and
- 3 (7) Promptly address issues encountered by the person in community living.

4 (c) The support coordinator shall notify the Office of the Attorney General if the support  
5 coordinator:

6 (1) Believes that a guardian of an adult person is failing to conform as closely as  
7 possible to a standard of substituted judgment or to include the person in the decision-making  
8 process to the maximum extent of the person’s ability, pursuant to section 21-2047(a)(6) or 21-  
9 2047b(b)(2); or

10 (2) Believes that an advocate appointed by the Court in accordance with section  
11 108 is failing to perform the duties of an advocate required under this act.

12 (d) The support coordinator shall develop and implement the ISP within 60 calendar  
13 days after the initial eligibility determination.

14 (e) The support coordinator shall review and make changes to the ISP as follows:

15 (1) At least quarterly, the support coordinator shall review the ISP with the  
16 person, the parent of a minor, the person’s guardian, and any other individual an adult person  
17 chooses.

18 (2) Annually, the support coordinator shall review and update the ISP with the  
19 person, the parent of a minor, the person’s guardian, and any other individual an adult person  
20 chooses. For an adult person, the annual review shall include a review and update on whether the  
21 person:

22 (A) Is known to the Court and is receiving the services of an advocate in  
23 accordance with section 108, or has rejected Court notification or the services of an advocate;

1 (B) Has the capacity to grant, refuse, or withdraw consent to any ongoing  
2 medical treatment and whether the person:

3 (i) Has executed or could execute a durable power of attorney in  
4 accordance with D.C. Official Code § 21-2205;

5 (ii) Has been offered an opportunity to execute a durable power of  
6 attorney pursuant to D.C. Official Code § 21-2205 and has declined; or

7 (iii) Has an individual reasonably available, mentally capable, and  
8 willing to provide substituted consent pursuant to D.C. Official Code § 21-2210.

9 (3) Whenever a review is requested or whenever there is a change in the person's  
10 needs, preferences, goals or any other element of the ISP, the support coordinator shall review  
11 the ISP with the person, the parent of a minor, the person's guardian, and any other individual an  
12 adult person chooses. A review may be requested by the person, the parent of a minor, the  
13 person's guardian, the person's advocate, the person's counsel, any individual chosen by the  
14 person to participate in the ISP, any provider listed in the ISP, or the DDA.

15 (f) Within 3 business days of developing the initial ISP or making changes to the ISP, the  
16 support coordinator shall provide copies of the ISP to the person, the parent of a minor, the  
17 person's guardian, the person's advocate, the person's counsel, any individual the person  
18 chooses, and any provider listed in the ISP. Along with a copy of the ISP, the support  
19 coordinator shall provide to the person, the parent of a minor, and the person's guardian,  
20 information on:

21 (1) The person's rights under this act;

22 (2) Grievance procedures under this act, including the right to pursue a grievance  
23 if the person is unsatisfied with any part of the ISP;

1           (3) Telephone numbers for the office authorized to resolve grievances for the  
2 DDA, the protection and advocacy agency, any external advocacy agency designated by the  
3 DDA, any sources for obtaining counsel and advocates, and the abuse and neglect hotline;

4           (4) Information on upcoming trainings on rights, supports and services, and  
5 grievance procedures under this act; and

6           (5) Information on the ISP process and how to select or change a support  
7 coordinator.

8           (g) Nothing in this section shall be construed as requiring any adult person to execute a  
9 durable power of attorney for health care or to have a guardian.

10          (h) In accordance with the District of Columbia Administrative Procedure Act, approved  
11 October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), the Director of the DDS  
12 shall issue rules for this section which shall include timeframes for activities required for the  
13 support coordinator to develop and implement an ISP.

14          Sec. 111. Supports and services.

15          (a) The DDA shall develop, administer, coordinate, monitor, and evaluate a  
16 comprehensive, coordinated system of supports and services for persons who have been found  
17 eligible for supports and services under this act. The comprehensive, coordinated system of  
18 supports and services shall make maximum use of all available federal funds.

19          (b) For persons age 18 and older the comprehensive, coordinated system of supports and  
20 services shall include:

21                 (1) Support coordination and information and referral services;

22                 (2) Transition planning to facilitate successful transitions from one agency  
23 service system to another across the lifespan of the person;

1                   (3) Supports and services delivered in the community to help persons live as  
2 independently as possible in the least restrictive and most integrated setting;

3                   (4) Supports and services to assist persons to obtain and maintain employment in  
4 work settings available to the general work force that maximize community and social  
5 integration and provide job opportunities that meet the person’s career potential and interest;

6                   (5) Supports and services to facilitate access to recreation and social  
7 opportunities in the community;

8                   (6) Professional services including medical, psychological, vocational, social,  
9 educational, and rehabilitative supports and services;

10                  (7) Informational, educational, and community outreach services to promote  
11 awareness and knowledge of developmental disabilities and the supports and services offered by  
12 the DDA among persons with developmental disabilities and their families, the general public,  
13 and lay and professional groups; and

14                  (8) Any other assistance that the DDA considers necessary to provide a  
15 comprehensive, coordinated continuum of supports and services for persons with developmental  
16 disabilities across the lifespan.

17                  (c) The DDA shall provide regular orientation sessions and trainings for persons who  
18 have been found eligible for supports and services under this act on supports and services,  
19 service planning, rights, grievance procedures, and any additional information that the DDA  
20 believes may promote the ability of persons to access supports and services, participate in their  
21 service planning, exercise their rights, and pursue grievances.

1 (d) Subject to the availability of an appropriation for these purposes, the DDA shall  
2 develop and administer, either directly or in collaboration with other District agencies, federal  
3 agencies, or the private sector:

4 (1) Pilot programs to develop, replicate or expand on best practices in supports  
5 and services; and

6 (2) Research initiatives on supports and services and on the incidence, causes,  
7 and prevention of developmental disabilities.

8 (e) Supports and services under this section shall not replace or reduce other public  
9 benefits to persons with developmental disabilities and their families, or be considered as  
10 resources or income in any eligibility determination or sliding fee scale.

11 Sec. 112. Family support services.

12 (a) The DDA shall develop, administer, coordinate, monitor, and evaluate a  
13 comprehensive, coordinated system of family support services for families of persons who have  
14 been found eligible for supports and services under this act. The comprehensive, coordinated  
15 system of family support services shall make maximum use of all available federal funds.

16 (b) The comprehensive, coordinated system of family support services shall include:

17 (1) Support coordination and information and referral services;

18 (2) Transition planning to facilitate successful transitions from one agency  
19 service system to another across the lifespan of the person;

20 (3) Family support services, including:

21 (A) Respite services;

22 (B) Family training and counseling;

23 (C) Temporary supports and services;

1 (D) One-time cash assistance;

2 (E) Home modifications; and

3 (F) Funding of items or equipment;

4 (4) In-home supports to help persons live independently in the family home and  
5 participate fully in the community; and

6 (5) Any other assistance that the DDA considers necessary to provide a  
7 comprehensive, coordinated continuum of family support services across the lifespan of the  
8 person.

9 (c) The DDA shall provide regular orientation sessions and trainings for families on  
10 supports and services, service planning, rights, grievance procedures, and any additional  
11 information that the DDA believes may promote the ability of families to support persons to  
12 access supports and services, participate in their service planning, exercise their rights, and  
13 pursue grievances.

14 (d) Family support services under this section shall not replace or reduce other public  
15 benefits to persons with developmental disabilities and their families, or be considered as  
16 resources or income in any eligibility determination or sliding fee scale.

17 Sec. 113. Family Support Council.

18 (a) There is established a Family Support Council to assist the DDA and other agencies  
19 that administer or fund family support services to act in concert and, within available  
20 appropriations, to:

21 (1) Establish a comprehensive, coordinated system of family support services that  
22 is responsive to the needs, hopes, and preferences of families of persons with the full range of  
23 developmental disabilities;

1           (2) Use existing local and other resources efficiently and effectively as  
2 appropriate for such supports and services, and

3           (3) Identify and address supports and services that are needed for families of  
4 children, youth, and adults with developmental disabilities.

5           (b) The Family Support Council shall consist of no more than 35 members including:

6           (1) A minimum of 20 parents, siblings, and other family members of persons  
7 with developmental disabilities, and persons with developmental disabilities, of all ages;

8           (2) The Deputy Director of the DDA;

9           (3) The Chancellor of the DCPS;

10          (4) The Executive Director of the DC Public Charter School Board;

11          (5) The State Superintendent of Education;

12          (6) The Director of the DHCF;

13          (7) The Director of the DOH;

14          (8) The Director of the CFSA;

15          (9) The Director of the DYRS;

16          (10) The Director of the DMH;

17          (11) The Director of the DHS;

18          (12) The executive director of the protection and advocacy agency;

19          (13) The chairperson of the Interagency Coordinating Council, as established  
20 pursuant to § 7-863.03(b);

21          (14) The chairperson of the Developmental Disabilities Council; and

22          (15) One or more representatives of community organizations that provide  
23 advocacy, supports, or services to families of residents with developmental disabilities.

1 (c) The Family Support Council shall be co-chaired by the Deputy Director of the DDA  
2 and a family member of a person with a developmental disability who shall be selected by the  
3 Family Support Council members;

4 (d) The Family Support Council members shall be appointed by the Mayor with the  
5 advice and consent of the Council. The Mayor shall transmit to the Council, within 30 days of  
6 the effective date of this act, proposed resolutions to approve the appointment of each member of  
7 the Task Force for a 45-day period of review, excluding days of Council recess. If the Council  
8 does not approve or disapprove a resolution within a 45-day period, the resolution shall be  
9 deemed approved. Members shall serve 3-year staggered terms. A vacancy on the Family  
10 Support Council shall be filled in the same manner as the original appointment.

11 (e) The DDA shall provide staff assistance and support to the Family Support Council.

12 (f) The Family Support Council may sponsor public forums, conduct focus groups,  
13 create committees and take other steps to obtain widespread public input. The Family Support  
14 Council shall meet at least quarterly. The Family Support Council shall enact rules of procedure  
15 or bylaws to guide its operation, which shall include quorum requirements.

16 (g) Family Support Council rules, bylaws, agendas, minutes, meeting transcripts, and  
17 reports shall be made readily available to the public. Family Support Council meetings shall be  
18 subject to the open meeting provisions of § 1-207.42, except that meetings of a committee  
19 established by the Family Support Council shall not be subject to the transcript or transcription  
20 requirements of § 1-207.42(b).

21 (h) The Family Support Council shall:

22 (1) Gather input and develop a vision and guidelines for family support services;

1           (2) Review existing program policies, procedures, and funding mechanisms for  
2 conformity to the guidelines and make appropriate recommendations;

3           (3) Monitor the implementation of the guidelines and recommendations;

4           (4) Report to the Mayor and Council on an annual basis regarding the status of  
5 family support services, including the implementation of the guidelines and recommendations;

6           (5) Advocate for family support services in accordance with the guidelines;

7           (6) Compile and distribute information on family support services within public  
8 and private agencies and to the general public; and

9           (7) Perform other duties as are related to the advancement of family centered  
10 supports, policies and services.

11           (i) The DDA shall consider recommendations from the Family Support Council in  
12 developing and implementing family support services, including the development of  
13 administrative rules. The DDA shall regularly report to the Family Support Council on the status  
14 of each program and any actions planned or taken by the DDA related to each program.

15           Sec. 114. Informed consent; health-care decisions.

16           (a) It shall be the policy of the District that:

17           (1) Every adult person with a developmental disability is presumed to be capable  
18 of making decisions about his or her personal care, health care, legal matters, financial affairs,  
19 business, assets, and all other aspects of the person's life;

20           (2) A person who has requested an eligibility determination or has been found  
21 eligible for supports and services under this act shall be afforded all information, opportunities,  
22 supports, and reasonable accommodations needed to exercise control and to freely make and  
23 express choices through verbal, nonverbal, and behavioral means. A person's way of

1 communicating with others is not grounds for deciding that the person is incapable of providing  
2 informed consent and making health-care decisions;

3 (3) An adult person who has been found eligible for supports and services under  
4 this act shall have the opportunity to execute a durable power of attorney pursuant to D.C.  
5 Official Code § 21-2205 and to identify one or more individuals who are reasonably available,  
6 mentally capable, and willing to provide substituted consent pursuant to D.C. Official Code § 21-  
7 2210, if the person were to become certified as incapacitated to make a health-care decision in  
8 accordance with D.C. Official Code § 21-2204; and

9 (4) Nothing in this act shall be construed as requiring any adult person to execute  
10 a durable power of attorney for health care or to have a guardian.

11 (b) A request for eligibility determination or a request to receive supports and services  
12 under this act is not:

13 (1) A health-care decision subject to Chapter 22 of Title 21; or

14 (2) A decision that requires an adult person to be represented by a guardian,  
15 advocate, family member, counsel, or other representative.

16 (c) Except in accordance with the procedures described in subsections (e) and (f) of this  
17 section, in D.C. Official Code § 21-2212, or as otherwise provided by law, no person shall be  
18 given supports and services under this act without the informed consent of the person or the  
19 parent or guardian of a minor. In seeking informed consent, the provider or the DDA shall  
20 provide the person or the parent or guardian of a minor with all needed supports, with available  
21 options, and all material information necessary to make the decision, including information about  
22 the proposed service, potential benefits and risks of the proposed service, potential benefits and  
23 risks of no service, side effects, and information about feasible alternative services, if any.

1 (d) If the provider or the DDA reasonably believes that an adult person lacks the capacity  
2 to provide informed consent for a health-care decision, the provider or the DDA promptly shall  
3 seek a determination of the person’s capacity in accordance with D.C. Official Code § 21-2204.  
4 If the person is certified as incapacitated for health-care decisions in accordance with D.C.  
5 Official Code § 21-2204, the DDA or the provider shall promptly seek the provision of  
6 substituted consent from the person’s attorney-in-fact pursuant to D.C. Official Code § 21-2206  
7 or, if no attorney-in-fact has been authorized pursuant to D.C. Official Code § 21-2205 or is  
8 reasonably available, mentally capable, and willing to act, from an individual authorized to  
9 provide substituted consent pursuant to D.C. Official Code § 21-2210.

10 (e) If an adult person is certified as incapacitated and unable to consent to a health-care  
11 decision in accordance with D.C. Official Code § 21-2204, and no attorney-in-fact or person  
12 listed in D.C. Official Code § 21-2210(a) is reasonably available, mentally capable, and willing  
13 to act:

14 (1) Except for decisions relating to psychotropic medications, the District shall  
15 petition the Court for appointment of a guardian pursuant to Chapter 20 of Title 21. The  
16 District’s petition shall request the form of guardianship that is least restrictive to the  
17 incapacitated person in duration and scope, taking into account the incapacitated person’s current  
18 mental and adaptive limitations or other conditions warranting the procedure. This subsection  
19 does not preclude any other party from petitioning the Court for appointment of a guardian; or

20 (2) For decisions relating to psychotropic medications, the provider may  
21 administer medication only when the administration of medication is accompanied by a behavior  
22 support plan and only after receiving approval from an independent panel appointed by the DDA  
23 pursuant to section 115. In an emergency in which a person is experiencing a mental health crisis

1 and in which the immediate provision of mental health treatment including medication is, in the  
2 written opinion of the attending physician, necessary to prevent serious injury to the individual  
3 or others, the provider may administer medication without seeking the person's prior informed  
4 consent.

5 Sec. 115. Independent panel for administration of psychotropic medications.

6 (a) The DDA shall establish an independent panel to review all proposals to administer  
7 psychotropic medications to a person who has been certified as incapacitated and unable to  
8 consent to the proposed medication in accordance with D.C. Official Code § 21-2204, and who  
9 has no attorney-in-fact or person listed in D.C. Official Code § 21-2210(a) who is reasonably  
10 available, mentally capable, and willing to act.

11 (b) The independent panel shall be comprised of 3 members. The members of the panel  
12 and their employers shall be immune from suit for any claim arising from any good faith act or  
13 omission under this section. The members of the panel shall not be affiliated with the person, the  
14 provider, or the physician seeking to administer the medication, but shall include:

15 (1) A board-certified psychiatrist, subject to the availability of funds, or an  
16 advanced practice registered nurse;

17 (2) A licensed professional; and

18 (3) A person who receives supports and services under this act, or, if unavailable,  
19 an advocate appointed under section 108 or a community member.

20 (c) In accordance with the District of Columbia Administrative Procedure Act, approved  
21 October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), the Director of the DDS  
22 shall issue rules to establish administrative procedures for the independent panel that shall  
23 include:

1 (1) A meeting of the panel no later than one week after the DDA receives a  
2 request for consent;

3 (2) Written and oral notice to the person not less than 48 hours prior to when the  
4 panel will meet;

5 (3) The right of the person to be present when the panel meets and to have a  
6 representative present during any such meeting;

7 (4) The opportunity, at the meeting of the panel, for the person and his or her  
8 representative to present information and to discuss the wishes of the person;

9 (5) The issuance of a written decision by the panel no later than one week after  
10 the meeting of the panel, to be provided to the person, the person's representative, and the  
11 provider; and

12 (6) The right of the person to request that the HRAC review the decision of the  
13 panel.

14 (d) If the person requests a review by the HRAC before the decision of the independent  
15 panel has been implemented, the decision shall not be implemented until after the HRAC  
16 responds to the requested review. The HRAC shall conduct the review at its next meeting or no  
17 later than 30 days after the request, whichever is earlier, and shall issue a response within 5  
18 business days.

19 (e) The independent panel shall issue a written decision which may grant, refuse, or  
20 withdraw consent to the prescription of the proposed psychotropic medication. The panel shall  
21 seek to conform as closely as possible to a standard of substituted judgment or, if the person's  
22 wishes are unknown and remain unknown after reasonable efforts to discern them, make the

1 decision on the basis of the person’s best interests. If the panel grants consent, the consent shall  
2 be granted for a limited period of time and shall last no longer than 9 consecutive months.

3 (f) For a person for whom the independent panel has granted, refused, or withdrawn  
4 consent, the DDA shall offer the person the opportunity to execute a durable power of attorney in  
5 accordance with D.C. Official Code § 21-2205 and shall continue to seek to identify one or more  
6 individuals listed in D.C. Official Code § 21-2210(a) who may be reasonably available, mentally  
7 capable, and willing to act.

8 (g) For a person for whom the independent panel has provided consent for 3 or more  
9 consecutive months, and for whom there is a reasonable likelihood that no decision-maker will  
10 become available and that the person will not achieve capacity during the next 6 months to make  
11 decisions regarding psychotropic medications on his or her own behalf, the District shall petition  
12 the Court for appointment of a guardian pursuant to Chapter 20 of Title 21 of the District of  
13 Columbia Official Code. The District’s petition shall request the type of guardianship that is least  
14 restrictive to the incapacitated person in duration and scope, taking into account the  
15 incapacitated person’s current mental and adaptive limitations or other conditions warranting the  
16 procedure. This subsection does not preclude any other party from petitioning the Court for  
17 appointment of a guardian.

18 (h) Refusal to consent to psychotropic medications shall not be used as evidence of a  
19 person’s incapacity.

20 (i) Refusal to consent to services on the basis of a valid religious objection shall not be  
21 overridden absent a specific court order requiring the provision of services.

22 Sec. 116. Grievances.

1           (a) A person who has been found eligible for supports and services under this act shall  
2 have the right to:

- 3                   (1) File a grievance with the person’s support coordinator;
- 4                   (2) File a grievance with the DDS; and
- 5                   (3) Request a hearing, pursuant to section 118, the APA, and federal regulations.

6           (b) A grievance or a request for a hearing may include:

7                   (1) A statement that a person is not satisfied with his or her support coordinator,  
8 ISP, or the availability, quality, or responsiveness of the person’s supports and services;

9                   (2) An allegation that the person’s rights or protections provided under this act  
10 have been violated;

11                   (3) An allegation that the District has not provided the person with the person’s  
12 choice of home and community-based services as an alternative to institutional care;

13                   (4) An allegation that the District has denied the person the supports and services  
14 of the person’s choice or the provider of the person’s choice; or

15                   (3) An allegation that the District has denied, suspended, reduced, or terminated  
16 supports and services authorized by this act.

17           (c) A person who has been found eligible for supports and services is not required to use  
18 the grievance procedures offered by the DDS and may use other mechanisms for resolving a  
19 grievance, including raising the grievance directly with the Mayor, the DDS Director, the DHCF,  
20 District employees, the ODR, the OHR, a provider, filing a request for a fair hearing in  
21 accordance with federal and District laws, regulations, and procedures established for fair  
22 hearings and appeals for the Medicaid Program, or by petitioning the Court. Nothing in this act  
23 shall be construed to require a person to exhaust administrative remedies, established in this act

1 or otherwise, prior to petitioning litigation concerning a person's rights. However, a person  
2 cannot concurrently use separate mechanisms for resolving a grievance.

3 (d) A person who has been found eligible for supports and services, the parent of a  
4 minor, the person's guardian, the person's advocate, the person's counsel, the person's family  
5 member, an employee of a provider, an employee of the DDA, or an interested person may file a  
6 grievance on behalf of the person with the person's support coordinator or the DDS.

7 (e) The parent or guardian of a minor shall exercise the grievance rights provided under  
8 this act and shall make all choices relating to grievances on behalf of the minor.

9 (f) No individual, agency, or provider shall retaliate against a person who files a  
10 grievance or requests a hearing.

11 Sec. 117. Internal grievance system; appeals of ineligibility.

12 (a) The District shall establish an internal grievance system within the DDS to provide a  
13 fair and efficient mechanism for receiving, investigating, and resolving grievances under this act.

14 The internal grievance system shall include:

15 (1) The opportunity for a person who has been found eligible for supports and  
16 services to file a grievance with the DDS orally, by telephone, in writing, or electronically;

17 (2) Assistance for a person or the parent of a minor who needs help in filing a  
18 grievance;

19 (3) The right to be represented throughout the grievance process;

20 (4) Definite time frames for each phase of the grievance process;

21 (5) An expedited review for any grievance alleging abuse or neglect;

1           (6) A requirement that supports and services that are the subject of a grievance  
2 shall continue without change, limitation, reduction, or termination pending resolution of the  
3 grievance, if the purpose of the grievance is to oppose a limitation, reduction, or termination;

4           (7) A requirement for education and assistance to persons who have been found  
5 eligible for supports and services and their families, provider staff, and DDA staff about persons'  
6 rights and the grievance system; and

7           (8) A prohibition on retaliatory actions by the DDA or providers against persons  
8 who file grievances.

9           (b) The District shall establish an office within the DDS that is authorized to resolve  
10 grievances for the DDA.

11           (c) On receipt of a grievance, the office that is authorized to resolve grievances for the  
12 DDA shall:

13           (1) Provide a copy of the grievance to the relevant parties, as defined by the DDS  
14 in implementing regulations;

15           (2) Attempt to resolve the grievance by informal communication with any party  
16 necessary to resolve the grievance within 5 business days of receipt of the grievance, unless the  
17 person does not consent to this informal communication; and

18           (3) If informal communication fails to resolve the grievance, or if the person does  
19 not consent to informal communication, attempt to resolve the grievance through alternative  
20 dispute resolution techniques by:

21           (A) Holding a meeting with the relevant parties within 5 business days;

1                   (B) Ensuring that the meeting in subparagraph (A) of this paragraph is  
2 attended by a DDA representative with the authority to bind the DDA, the person, the person’s  
3 support coordinator, and any other party necessary to resolve the grievance; and

4                   (C) At the request of the parties, drafting a written agreement between the  
5 parties to address the person’s grievance which shall be signed by the DDS Director or the  
6 Director’s designee.

7                   (d) The office that is authorized to resolve grievances on behalf of the DDA shall report  
8 any individual, agency, or provider that retaliates against a person who files a grievance or  
9 requests a hearing to the Office of the Inspector General.

10                  (e) Upon reasonable belief that a person who has filed a grievance or on whose behalf a  
11 grievance has been filed is at imminent risk of serious harm, the DDA shall immediately take all  
12 steps necessary to protect the person.

13                  (f) If the time period provided in this section or in the implementing rules for completion  
14 of any action or step by the office authorized to resolve grievances for the DDA, the DDA, or  
15 other agency lapses without the action or step having been completed, the action or step shall be  
16 deemed as occurred and the person shall have the option of proceeding to the next step of the  
17 grievance process without waiting for completion of the action or step.

18                  (g) A denial or termination of eligibility shall not be subject to the grievance procedures  
19 under subsections (a), (b), (c), and (f) of this section. If the DDA finds a person not eligible for  
20 supports and services under this act:

21                         (1) The person, the parent of a minor, the person’s guardian, or any other  
22 individual chosen by the person may appeal a denial of eligibility to the Deputy Director of the  
23 DDA;

1           (2) The Deputy Director of the DDA shall ensure that the eligibility criteria and  
2 comprehensive screening process required under section 107 were applied in accordance with  
3 this act and with regulations issued by the DDS, and shall issue a written response to the person's  
4 appeal within 10 business days;

5           (3) The person, the parent of a minor, the person's guardian, or any other  
6 individual chosen by the person may appeal the DDA Deputy Director's decision to the DDS  
7 Director; and

8           (4) The DDS Director shall ensure that the eligibility criteria and comprehensive  
9 screening process required under section 107 were applied in accordance with this act and with  
10 regulations issued by the DDS, and shall issue a written response to the person's appeal within  
11 10 business days. This action constitutes a final agency decision for the purposes of the APA.

12           (h) Nothing in this section shall affect:

13           (1) The procedures for mediation of, or procedures for review through an  
14 impartial due process hearing of, determinations made by personnel of the District that affect the  
15 provision of vocational rehabilitation services to applicants or eligible individuals as required  
16 under the Rehabilitation Act of 1973, as amended, approved August 7, 1998 (112 Stat. 1116; 29  
17 U.S.C.S. § 720 *et seq.*); or

18           (2) The procedures for fair hearings and appeals for the Medicaid Program.  
19           Sec. 118. Legal services and access to the Court.

20           (a) A person who is known to the Court pursuant to section 108, the parent of a minor,  
21 the person's guardian, the person's advocate, or other interested party may file a grievance with  
22 the Court for any reason including the reasons specified in section 116(b). Within 5 business

1 days of receipt of the grievance, the Court shall appoint counsel to represent the person in  
2 seeking resolution of the grievance.

3 (b) In addition to appointment of counsel pursuant for reasons specified in subsection (a)  
4 of this section, the Court may appoint counsel to represent a person known to the Court pursuant  
5 to section 108, if the person, the person's advocate, or other interested person requests that  
6 counsel be appointed due to a reasonable belief that:

7 (1) The person is at risk of harm without the court's intervention; and

8 (2) The DDS has failed to act to keep the person safe.

9 (c) Counsel appointed under subsections (a) and (b) of this section shall be provided by  
10 the Court and be compensated in an amount determined to be fair and reasonable by the Court.

11 (d) The Court shall appoint counsel to represent the person on the issue brought to the  
12 Court's attention. If counsel, through the course of representation, discovers other areas of  
13 concern that require legal representation, counsel shall notify the Court. Counsel shall not  
14 represent the person on such issues without approval by the Court.

15 (e) The Court shall consider the preference of the person or the parent or guardian of a  
16 minor when appointing counsel to represent the person.

17 (f) Counsel appointed by the Court shall seek to resolve the person's grievance or  
18 concern informally or may seek a hearing before the Court. Upon filing of the request for a  
19 hearing, the Court shall promptly conduct a hearing in accordance with the procedures set forth  
20 in this section. Counsel shall work with the person's advocate, if the person is receiving the  
21 services of an advocate appointed by the Court under section 108.

22 (g) Counsel appointed by the Court shall continue to represent the person until such time  
23 that the Court determines that the person's grievance or concern has been resolved.

1           (h) Hearings before the Court shall be conducted in as informal a manner as may be  
2 consistent with orderly procedure. Hearings shall be closed to the public unless the person, the  
3 parent or guardian of a minor, or the person’s counsel requests that the hearing be open to the  
4 public.

5           Sec. 119. Initiation of action to compel rights; civil remedy; sovereign immunity barred;  
6 defense to action; payment of expenses.

7           (a) Any individual shall have the right to initiate an action in the Court to compel the  
8 rights afforded persons with developmental disabilities under this act.

9           (b) Any person who has been found eligible for supports and services under this act shall  
10 have the right to a civil remedy in an amount not less than \$25 per day from the District for each  
11 day on which said person is not provided with adequate supports and services pursuant to the  
12 person’s ISP. These supports and services shall be those that significantly affect the quality of  
13 life of the person.

14           (c) Sovereign immunity shall not bar an action under this section.

15           (d) Reasonable attorneys’ fees and court costs shall be available for actions brought  
16 under this section.

17           Sec. 120. Records.

18           (a) The DDA shall maintain complete records for each person receiving supports and  
19 services. Records shall at a minimum include information identifying the person and information  
20 pertaining to the person’s eligibility determination, the person’s ISP, the person’s personal funds  
21 if controlled by a public or private agency, and any extraordinary incident or accident involving  
22 the person including any reports of investigations of abuse or neglect of the person.

1 (b) (1) All information obtained and any records prepared by the DDA or a provider in  
2 the course of determining eligibility or planning and providing supports and services to a person  
3 shall be considered privileged and confidential and may be disclosed only:

4 (A) To professionals and staff workers who are directly involved with the  
5 person;

6 (B) To the person, the parent of a minor, the person's guardian, the  
7 person's counsel, the person's advocate, and any individual authorized by the person in writing;

8 (C) To the extent necessary to make claims on behalf of the person for  
9 aid, insurance, or medical assistance to which the person may be entitled;

10 (D) Pursuant to court order or to an independent external monitoring  
11 entity designated by the DDA;

12 (E) To the Court when a petition to establish guardianship for the person  
13 is filed pursuant to Title 21; and

14 (F) To qualified personnel, if necessary, for the purpose of conducting  
15 scientific research or management audits, financial audits, or program evaluation; provided, that  
16 the personnel have demonstrated and provided assurances, in writing, of their ability to insure  
17 compliance with the requirements of this section. Such personnel shall not identify, directly or  
18 indirectly, a person in any reports of such research, audit, or evaluation, or otherwise disclose a  
19 person's identity in any manner.

20 (2) The individual to whom information about a person has been released under  
21 paragraph (1) of this subsection shall be prohibited from using or releasing the information  
22 except in the proper performance of his or her duties.

1 (c) In the event that a person, the parent of a minor, the person’s guardian, the person’s  
2 counsel, the person’s advocate, or any individual authorized by the person in writing questions  
3 the accuracy or completeness of the person’s records, he or she may request an amendment to the  
4 person’s record. Within 15 days after receiving a request for an amendment, the DDA shall  
5 approve or disapprove the request and notify the person and, where applicable, the individual  
6 who requested the amendment.

7 (d) In accordance with the District of Columbia Administrative Procedure Act, approved  
8 October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), the Director of the DDS  
9 shall issue rules establishing standards for the records maintained by the DDA and providers,  
10 including standards for the content of records and procedures for maintaining, updating,  
11 amending, protecting the confidentiality of, and disclosing records in accordance with this  
12 section and with all applicable District and federal laws.

13 (e) Nothing in this section shall prohibit the DDA from producing and sharing aggregate  
14 data that do not directly or indirectly identify a person.

15 (f) Nothing in this section shall be deemed to limit access by a person receiving supports  
16 and services to the person’s records, or to limit any rights established under federal or local law.

17 Sec. 121. Quality standards and monitoring.

18 (a) The DDA shall be the lead agency responsible for developing and implementing a  
19 comprehensive quality management and improvement system which at a minimum discovers  
20 evidence to determine if supports and services ensure the health and safety of persons supported and  
21 achieve desired outcomes. The DDA and partner agencies shall continually review data to identify  
22 potential concerns and opportunities for service improvement. As the lead agency, the DDA shall:

1 (1) Provide prompt written notification of incidents and patterns of concerns and  
2 deficiencies that require corrective action to providers, persons receiving supports and services,  
3 and parents and guardians of persons receiving supports and services where appropriate; and

4 (2) Ensure that providers take prompt, appropriate corrective actions to address  
5 incidents and patterns of concerns and deficiencies, and to protect persons from harm.

6 (b) The District shall develop and implement a protocol for interagency sharing of critical  
7 information regarding provider performance that could affect the safety and well-being of persons  
8 receiving supports and services, and for cooperative enforcement efforts between agencies  
9 responsible for provider oversight. The DDA shall be the lead agency for implementation of the  
10 protocol. The protocol shall ensure:

11 (1) Coordination of actions to address systemic problems with other responsible  
12 agencies including the DOH, the DHCF, the DHS, the DMH, and the Office on Aging;

13 (2) Establishment of timelines for providing notice of concerns and the development  
14 of corrective action plans;

15 (3) Implementation of corrective or enforcement actions when necessary including  
16 making changes in supports and services, providing additional training or technical assistance to  
17 staff, levying fines, revoking provider licenses or certifications, terminating provider contracts, or  
18 other changes to provider licenses, certifications, and contracts to ensure the safety of person; and

19 (4) Prompt investigation of abuse, neglect, exploitation, and death; and

20 (5) Implementation of all relevant District and federal laws, regulations and  
21 policies.

22 (c) The DDA shall include persons receiving supports and services and their families in  
23 ongoing systemic quality management and improvement activities for:

1 (1) Assessment of ISP implementation; and

2 (2) Evaluation of satisfaction with supports and services.

3 (d) In accordance with the District of Columbia Administrative Procedure Act, approved  
4 October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), the Director of the DDS  
5 shall issue rules to implement this section that shall include standards that define incidents, patterns  
6 of concerns, and deficiencies that require corrective action.

7 Sec. 122. Checks of criminal background, abuse and neglect registries, and traffic record.

8 (a) It shall be the policy of the District to require that every employee of the DDA or a  
9 provider, and every unsupervised volunteer of the DDA or a provider who has direct contact with  
10 persons with developmental disabilities, shall complete a criminal background check, a check  
11 against all District registries of substantiated abuse and neglect, and a traffic record check where  
12 applicable. To the extent that this act conflicts with any other District law, the requirements of  
13 this act shall supersede any other District law, except that this law shall not apply to foster  
14 parents.

15 (b) (1) Except as provided in paragraph (2) of this subsection, the requirements of this  
16 section shall apply to:

17 (A) Applicants for paid employment with the DDA or a provider;

18 (B) Applicants for voluntary service in a position at the DDA or a  
19 provider that will involve direct, unsupervised contact with persons with developmental  
20 disabilities;

21 (C) Employees of the DDA or a provider; and

22 (D) Volunteers who serve the DDA or a provider in a position that  
23 involves direct, unsupervised contact with persons with developmental disabilities.

1           (2) Job applicants, volunteer applicants, employees, and volunteers who have an  
2 active federal security clearance shall not be required to submit to a criminal background check.

3           (c) The DDA and providers shall not hire any job applicant or volunteer applicant who is  
4 subject to the requirements of this section without:

5                 (1) Checking the applicant's name against the DDA registry of former employees  
6 terminated because of substantiated acts of abuse or neglect established in section 117;

7                 (2) Checking the applicant's name against the Nurse Aide Abuse Registry and  
8 any other registries of substantiated abuse and neglect maintained by the District;

9                 (3) Conducting a traffic record check, if the applicant will be required to drive a  
10 motor vehicle to transport persons with developmental disabilities in the course of performing  
11 his or her duties; and

12                 (4) Requiring the applicant to provide a copy of a Federal criminal history record,  
13 obtained pursuant to the Federal Bureau of Investigation appropriation of Title II of Public Law  
14 92-544, 86 Stat 1115, that is not more than 30 days old.

15           (d) A job applicant or volunteer applicant who is required to apply for a criminal  
16 background check in accordance with this section may be offered the position contingent upon  
17 receipt of a satisfactory background check, and may begin working in a setting that does not  
18 involve direct contact with persons with developmental disabilities prior to receiving the results.

19           (e) At the time of application, the DDA and providers shall provide written notice of the  
20 requirements of this section to all job applicants and volunteer applicants who are subject to the  
21 requirements of this section.

1 (f) Before any job applicant or volunteer applicant who is subject to the requirements of  
2 this section may be offered a compensated position or an unsupervised volunteer position, the  
3 DDA or provider shall require the job applicant or volunteer applicant to:

4 (1) Provide a copy of a Federal criminal history record that is not more than 30  
5 days old, or provide:

6 (A) A complete set of fingerprints in a form approved by the FBI which  
7 may be submitted by the MPD to the FBI for Federal criminal history information pursuant to the  
8 Federal Bureau of Investigation appropriation of Title II of Public Law 92-544, 86 Stat 1115.  
9 Fingerprinting for the purposes of this section may be conducted by any individual authorized to  
10 do so by the Mayor or the FBI;

11 (B) Written authorization for the Mayor to conduct a criminal background  
12 check;

13 (C) Written confirmation that the job applicant or volunteer applicant has  
14 been informed by the DDA or provider that the Mayor is authorized to conduct a criminal  
15 background check on the job applicant or volunteer applicant;

16 (D) Any additional identification that is required for the criminal  
17 background check, including name, social security number, birth date, and gender; and

18 (E) Written acknowledgment that the DDA or provider has notified the  
19 job applicant or volunteer applicant of his or her right to receive the original criminal  
20 background check report and to challenge the accuracy and completeness of the report;

21 (2) Provide a signed affirmation stating whether or not the job applicant or  
22 volunteer applicant has been convicted of a crime, has pleaded nolo contendere, is on probation  
23 before judgment or placement of a case upon a stet docket, or has been found not guilty by

1 reason of insanity, for any sexual offenses or intrafamily offenses in the District or their  
2 equivalent in any other state or territory, or for any of the following felony offenses or their  
3 equivalent in another state or territory:

4 (A) Murder, attempted murder, or manslaughter;

5 (B) Arson;

6 (C) Assault, assault with a dangerous weapon, mayhem, malicious  
7 disfigurement, or threats to do bodily harm;

8 (D) Burglary;

9 (E) Robbery;

10 (F) Kidnapping;

11 (G) Theft, fraud, forgery, extortion, or blackmail;

12 (H) Illegal use or possession of a firearm;

13 (I) Sexual offenses, including indecent exposure; promoting, procuring,  
14 compelling, soliciting, or engaging in prostitution; corrupting minors (sexual relations with  
15 children); molesting; voyeurism; committing sex acts in public; incest; rape; sexual assault;  
16 sexual battery; or sexual abuse; but excluding sodomy between consenting adults;

17 (J) Child abuse or cruelty to children; or

18 (K) Unlawful distribution of or possession with intent to distribute a  
19 controlled substance;

20 (3) Provide a signed affirmation stating whether or not the job applicant or  
21 volunteer applicant has ever been terminated or separated from employment as a result of  
22 substantiated abuse or neglect; and

1           (4) Provide written acknowledgment that the DDA or provider may choose to  
2 deny the applicant employment or a volunteer position, or to terminate an employee or volunteer,  
3 based on the outcome of the criminal background check, registry checks, and traffic record check  
4 if applicable.

5           (g) All employees and volunteers who are subject to the requirements of this section  
6 shall submit to periodic criminal background checks and checks against all registries of abuse  
7 and neglect maintained by the District. Criminal background checks shall be conducted using the  
8 same procedures for job applicants and volunteer applicants described in subsection (f) of this  
9 section.

10          (h) The DDA and providers shall not employ or permit to serve as a volunteer in an  
11 unsupervised position that involves direct contact with persons with developmental disabilities  
12 an individual who, in the District or in any other state or territory of the United States where such  
13 individual has resided, has been convicted of, has pleaded nolo contendere to, is on probation  
14 before judgment or placement of a case on the stet docket because of, or has been found not  
15 guilty by reason of insanity for any of the felony offenses listed in subsection (f)(2) of this  
16 section within the 7 years preceding a criminal background check conducted pursuant to this  
17 section. In accordance with the District of Columbia Administrative Procedure Act, approved  
18 October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), the DDS may issue rules  
19 describing any other offenses that shall disqualify or potentially disqualify a job applicant,  
20 volunteer applicant, employee, or volunteer from employment with the DDA or a provider,  
21 which may consider the following factors:

22           (1) The specific duties and responsibilities necessarily related to the employment  
23 sought;

1           (2) The bearing, if any, the criminal offense for which the individual was  
2 previously convicted will have on his or her fitness or ability to perform one or more of such  
3 duties or responsibilities;

4           (3) The time that has elapsed since the occurrence of the criminal offense;

5           (4) The age of the individual at the time of the occurrence of the criminal offense;

6           (5) The frequency and seriousness of the criminal offense;

7           (6) Any information produced by the individual, or produced on his or her behalf,  
8 regarding his or her rehabilitation and good conduct since the occurrence of the criminal offense;  
9 and

10           (7) The public policy that it is beneficial generally for ex-offenders to obtain  
11 employment.

12           (i) If based on a criminal background check a job applicant or volunteer applicant has  
13 been denied employment, or an employee or volunteer has been terminated, the DDA or provider  
14 shall provide written notice and the job applicant, volunteer applicant, employee or volunteer  
15 may appeal the denial to the Commission on Human Rights within 30 days of the date of the  
16 written statement.

17           (j) A volunteer may use the same criminal background check for a period of 2 years  
18 when applying to volunteer for multiple positions, if the volunteer provides a signed affirmation  
19 that he or she has not been convicted of a crime, has not pleaded nolo contendere, is not on  
20 probation before judgment or placement of a case upon a stet docket, and has not been found not  
21 guilty by reason of insanity, for any sexual offenses or intra-family offenses in the District or  
22 their equivalent in any other state or territory, or for any of the felony offenses listed in

1 subsection (f)(2) of this section, or their equivalent in any other state or territory, since the date  
2 of the most recent criminal background check conducted on him or her.

3 (k) The DDA and each provider shall maintain a list of the positions at the DDA or the  
4 provider that are subject to the requirements of this section, and shall update the list by  
5 December 1 of each year.

6 (l) All criminal background records received by the Mayor shall be confidential and are  
7 for the exclusive use of making employment-related determinations under this act. The records  
8 shall not be released or otherwise disclosed to any individual except when:

9 (1) Required as one component of an application for employment or voluntary  
10 service with the DDA or a provider under this act;

11 (2) Requested by the Mayor, or his or her designee, during an official inspection  
12 or investigation;

13 (3) Ordered by a court;

14 (4) Authorized by the written consent of the individual being investigated; or

15 (5) Used for a corrective, adverse, or administrative action in a personnel  
16 proceeding.

17 (m) A job applicant, volunteer applicant, employee, or volunteer with the DDA or a  
18 provider who intentionally provides false information that is material to the application in the  
19 course of applying for the position shall be subject to prosecution pursuant to § 22-2405.

20 (n) An individual who discloses confidential information in violation of subsection (l) of  
21 this section is guilty of a criminal offense and, upon conviction, shall be fined not more than  
22 \$1,000 or imprisoned for not more than 180 days, or both.

1 (o) Prosecutions for violations of this section shall be brought in the Court by the Office  
2 of the Attorney General.

3 (p) In accordance with the District of Columbia Administrative Procedure Act, approved  
4 October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), the Mayor shall issue rules  
5 to implement the provisions of this section. The rules shall include:

6 (1) A timeline for the implementation of this section as it applies to current  
7 employees and volunteers of the DDA and providers on the effective date of this act;

8 (2) The location of the office in which applications for criminal background  
9 checks are to be made;

10 (3) Procedures for a job applicant, volunteer applicant, employee, or volunteer to  
11 challenge allegations that he or she committed a proscribed offense; and

12 (4) A description of the corrective or adverse actions that may be taken against  
13 any provider that, or any employee of the DDA or a provider who, is found to have violated the  
14 provisions of this section.

15 Sec. 123. Registry of former employees terminated because of substantiated acts of  
16 abuse or neglect and convictions.

17 (a) The DDA shall establish and maintain a registry of individuals who have been  
18 terminated or separated from employment by the DDA or a provider as a result of substantiated  
19 abuse or neglect by the DDS or the Department of Human Services, Adult Protective Services.  
20 The registry may include individuals who have been terminated or separated from employment  
21 by the DDA or a provider as a result of a criminal conviction of or nolo contendere plea to abuse  
22 or neglect. The DDA shall, for the purposes of maintaining the registry, be capable of responding  
23 to inquiries in accordance with subsection (c) of this section as to whether an individual has been

1 terminated or separated from employment as a result of substantiated abuse or neglect, or a  
2 criminal conviction for or nolo contendere plea to abuse or neglect. Such capability may include  
3 response by telephone voice mail or other automated response for initial inquiries.

4 (b) The registry shall include:

5 (1) The names, addresses, and social security numbers or alien identification  
6 numbers of those individuals terminated or separated from employment by a provider as a result  
7 of substantiated abuse or neglect;

8 (2) The date of termination or separation;

9 (3) The type of abuse or neglect;

10 (4) The type of criminal charge or nolo contendere plea, if any; and

11 (5) The name of any employer or authorized protective services agency

12 requesting information from the registry, the reason for the request, and the date of the request.

13 (c) The DDA shall make information in the registry available only to:

14 (1) Authorized protective services agencies, for the purpose of protective service  
15 determinations;

16 (2) Providers who employ individuals to provide supports and services to persons  
17 with developmental disabilities; and

18 (3) Private persons who are seeking to hire a self-employed health caregiver.

19 (d) The DDA shall limit responses to requests for identifying information from the  
20 registry established under this section to:

21 (1) Identification of the individual terminated or separated from employment for  
22 substantiated abuse or neglect or a criminal conviction for or a nolo contendere plea to abuse or  
23 neglect; and

1           (2) The type of abuse or neglect and whether the abuse or neglect was  
2 substantiated or resulted in a criminal conviction, or plea of nolo contendere.

3           (e) Not later than 5 business days following receipt of written notification by the DDA or  
4 the Department of Human Services, Adult Protective Services of the substantiation of, criminal  
5 conviction for, or plea of nolo contendere to abuse or neglect by an employee who has been  
6 terminated or separated from employment for such abuse or neglect, an employer shall submit to  
7 the DDA the name of such employee and such other information as the DDA may request. Upon  
8 receipt of notification of a termination or separation due to substantiated abuse or neglect, the  
9 DDA shall conduct a hearing in accordance with § 2-509. The DDA shall not place the name of  
10 an individual terminated due to substantiated abuse or neglect on the registry until the DDA has  
11 completed the hearing and the hearing has resulted in a decision to place the individual's name  
12 on the registry.

13           (f) The DDA shall remove an individual's name from the registry if an arbitration or a  
14 legal proceeding results in a finding that the individual was unfairly terminated from  
15 employment or the criminal conviction was overturned.

16           (g) (1) No employer shall be liable in any civil action for damages brought by an  
17 employee or a job applicant whose name appears on the registry established by this section  
18 arising out of the conduct of the employer in:

19                           (A) Making any report in good faith pursuant to subsection (e) of this  
20 section;

21                           (B) Testifying under oath in any administrative or judicial proceeding  
22 arising from such report;

1 (C) Refusing to hire or to retain any individual whose name appears on  
2 the registry established under this section, or

3 (D) Taking any other action to conform to the requirements of this  
4 section.

5 (2) The immunity provided in this subsection shall not apply to gross negligence  
6 or to wilful or wanton misconduct.

7 Sec. 124. Services for persons found incompetent in a criminal case.

8 (a) For a person found incompetent in a criminal case as a result of intellectual disability,  
9 the District may file a written petition with the Court for a civil commitment of the person to the  
10 care of the DDA. The District shall have no more than 30 days from the date on which the Court  
11 finds that the person is incompetent and not likely to gain competence in the foreseeable future in  
12 which to file a petition. For extraordinary cause shown, the Court may extend the period of time  
13 within which the petition must be filed.

14 (b) While awaiting the District's decision pursuant to subsection (a) of this section and  
15 during the pendency of any resultant civil commitment proceedings, the Court may order the  
16 person placed with the DDA in a setting that the DDA preliminarily determines can provide  
17 supports and services consistent with the person's needs, and supervision or security sufficient to  
18 prevent the person from causing injury to others as a result of his or her intellectual disability.

19 (c) Proceedings for the civil commitment of a person found incompetent in a criminal  
20 case pursuant to this section shall be commenced by the District filing a written petition with the  
21 Court in the manner and form prescribed by the Court. A copy of the petition shall be served on  
22 the person, the person's counsel, the person's guardian, and the person's advocate.

1 (d) Upon the filing of the petition, the Court shall promptly conduct a status hearing in  
2 accordance with the procedures set forth in this section.

3 (e) Respondents shall be represented by counsel in any proceeding before the Court, and  
4 shall be so informed by the Court. If a person requests the appointment of counsel or if a  
5 respondent fails or refuses to obtain counsel, the Court shall appoint counsel to represent the  
6 person or respondent. Whenever possible, counsel shall be appointed who has had experience  
7 working with persons with intellectual disability. Counsel appointed to represent respondents and  
8 persons who are unable to pay for such counsel, shall be awarded compensation by the Court for  
9 his or her services in an amount determined by the Court to be fair and reasonable.

10 (f) At least 10 days prior to the hearing the DDA shall submit to the Court a written  
11 report based on a comprehensive screening which has been performed in accordance with section  
12 107(e) within the 6 months prior to the hearing, and a copy of an ISP which has been prepared  
13 within 30 days of the filing of the petition. If a petition filed in accordance with subsection (a) of  
14 this section is not accompanied by such documents, the Court shall immediately order that a  
15 comprehensive screening be conducted, and an ISP and a report be written. The written report  
16 shall indicate:

- 17 (1) Whether or to what degree the person or respondent has intellectual disability;  
18 (2) What supports and services the person needs; and  
19 (3) The record of supports and services provided to the person, if any.

20 (g) The DDA shall provide a copy of the written report, the comprehensive screening,  
21 and the ISP to the person or respondent and his or her counsel at least 10 days prior to the  
22 hearing. If the petition was accompanied by a written report, comprehensive screening, or ISP,

1 the DDA shall provide copies of such documents to the respondent and his or her counsel within  
2 3 days of the filing of the petition.

3 (h) If the respondent demonstrates that a comprehensive screening of a person failed to  
4 comply substantially with accepted professional standards and that sound professional judgment  
5 was not exercised in the performance of the evaluation, the Court, upon a motion of the  
6 respondent, may order an independent comprehensive screening of the person at the District's  
7 expense if the person is unable to pay.

8 (i) Except as provided in subsection (j) of this section, hearings shall be conducted in as  
9 informal a manner as may be consistent with orderly procedure. The presence of the respondent  
10 may be waived only if the Court finds that the respondent has knowingly and voluntarily waived  
11 his or her right to be present, or if the Court determines that the respondent is unable to be  
12 present by virtue of his or her disability.

13 (j) A person may demand a jury trial, and shall be so informed of this right. The demand  
14 shall be made at the status hearing. If a timely demand for jury trial is not made, the Court shall  
15 serve as the factfinder at the hearing. A hearing by the Court or jury shall be accorded with all  
16 reasonable speed.

17 (k) The person shall have the right to be present during the trial or hearing and to testify,  
18 but shall not be compelled to testify, and shall be so advised by the Court. The person shall have  
19 the right to be represented by counsel, retained or appointed by the Court, in any hearing or trial,  
20 and shall be so informed by the Court of this right. The person shall have the right to call  
21 witnesses and present evidence, and to cross-examine opposing witnesses.

22 (l) If the Court or jury finds that the person does not have intellectual disability or that  
23 the person is not likely to cause injury to others as a result of the person's intellectual disability if

1 allowed to remain at liberty, the Court shall dismiss the petition. If the Court or jury finds that  
2 the person has intellectual disability and is likely to cause injury to others as a result of the  
3 person's intellectual disability if allowed to remain at liberty, the Court shall order civil  
4 commitment to the care of the DDA for supports and services that are least restrictive to the  
5 person's liberty while preventing the person from causing injury to others as a result of the  
6 person's intellectual disability.

7 (m) The District shall present clear and convincing evidence that shows that the  
8 respondent is likely to cause injury to others as a result of intellectual disability if allowed to  
9 remain at liberty.

10 (n) Hearings shall be closed to the public unless the person, or his or her counsel,  
11 requests that a hearing be open to the public.

12 (o) Any civil commitment order of the Court may be appealed in a like manner as other  
13 civil actions.

14 (p) Within 10 business of the civil commitment of a person to the care of the DDA, the  
15 Court shall appoint a qualified advocate selected from a list of such advocates it maintains and  
16 shall notify the person, the parent of a minor, and the person's guardian of the appointment and  
17 the person's right to reject the services of the advocate. The services of the advocate shall be  
18 delivered in accordance with the advocacy provisions of section 108.

19 (q) A decision of the Court ordering civil commitment of a person shall be reviewed in a  
20 court hearing annually. The person shall not be discharged if the Court finds that the person is  
21 likely to cause injury to others as a result of his or her intellectual disability if allowed to regain  
22 his or her liberty. Notice of a proposed discharge shall be served on the person, the person's  
23 guardian, the person's counsel, the person's advocate, and the District at least 30 days prior to

1 the proposed discharge. If the person, the person's guardian, the person's counsel, the person's  
2 advocate, or the District objects to the discharge, he or she, or the District, may file a petition  
3 with the Court requesting a hearing in accordance with the procedures set forth in this section.  
4 Any objecting party shall file the petition requesting a hearing with the Court within 10 days of  
5 receiving the notice. The hearing, if one is requested, shall be held on or before the discharge  
6 date. The person shall not be discharged prior to the hearing.

7 (r) If a person is discharged in accordance with the provisions of subsection (q) of this  
8 section but continues to evidence the need for supports and services, it shall be the responsibility  
9 of the DDA to arrange for suitable services for the person.

10 (s) Costs and expenses of all proceedings held under this section shall be paid as follows:

11 (1) To expert witnesses designated by the Court, an amount determined by the  
12 Court;

13 (2) To attorneys appointed under this section, fees as authorized under the  
14 Criminal Justice Act (§ 11-2601 *et seq.*);

15 (3) To other witnesses, the same fees and mileage as for attendance at Court to be  
16 paid upon the approval of the Court.

17 (t) Nothing in this section is intended to abridge the rights of persons civilly committed  
18 to the care of the DDA by order of the Court in a criminal proceeding. No person civilly  
19 committed to the care of the DDA in accordance with this section shall be denied supports and  
20 services suited to the person's needs. The DDA shall provide a person who has been civilly  
21 committed with supports and services that will maximize the person's abilities, enhance the  
22 person's ability to cope with the person's environment, and create a reasonable opportunity for  
23 progress toward the goal of independent living. The DDA shall provide a written certification to

1 the Court, before civil commitment to the DDA is ordered, that the supports and services  
2 indicated by the person's ISP will be implemented.

3 (u) If a person is civilly committed by the Court to the care of the DDA or is committed  
4 by the Court to the DMH pursuant to subchapter IV of Chapter 5 of Title 21, or if a person is  
5 temporarily placed with the DDA pursuant to subsection (b) of this section during the pendency  
6 of civil commitment proceedings, and the DDA or the DMH has reason to believe that the  
7 committed person or the person temporarily placed with the DDA has been dually diagnosed  
8 with both mental illness and intellectual disability or developmental disability, the DDA and the  
9 DMH shall collaborate in assessing the person and shall jointly provide appropriate supports and  
10 services for the person.

11 Sec. 125. Legislative review and reporting.

12 (a) By January 1 of each year, the Mayor shall submit to the Council a comprehensive  
13 report on all activities carried out under this act during the previous fiscal year. The report shall  
14 include:

15 (1) A profile of all persons and families served under this act, which shall include  
16 monthly and annual demographic data and a discussion of recent trends and projected changes in  
17 the demographic data and the needs and preferences of such persons and families;

18 (2) A narrative description of the activities carried out under each section of this  
19 act;

20 (3) A report card on the Mayor's implementation of the Comprehensive  
21 Developmental Disabilities Services Plan;

1           (4) A description of each type of support and service provided by the DDA and  
2 the monthly and annual numbers of persons and families receiving each type of support or  
3 service;

4           (5) A plan for how the DDA will comply with sections 114 and 115 during the  
5 upcoming fiscal year and the following aggregate statistics with regard to persons receiving  
6 supports and services from the DDA during the previous fiscal year:

7                   (A) The numbers of persons who:

8                           (i) Have a general guardian, a limited guardian, a health-care  
9 guardian, or an emergency guardian as of the end of the prior fiscal year;

10                           (ii) At any time during the prior fiscal year, had an emergency  
11 guardian authorized to make health-care decisions or a health-care guardian;

12                           (iii) Have executed a durable power of attorney in accordance  
13 with D.C. Official Code § 21-2205;

14                           (iv) Have been offered an opportunity to execute a durable power  
15 of attorney pursuant to D.C. Official Code § 21-2205 and declined;

16                           (v) Have a person identified as reasonably available, mentally  
17 capable, and willing to provide substituted consent pursuant to D.C. Official Code § 21-2210; or

18                           (vi) Lack any available substitute health-care decision-maker;

19                   (B) The numbers of persons taking psychotropic medications as of the  
20 end of the previous fiscal year, and an assessment of the degree to which health-care decision-  
21 making support for the prescription of psychotropic medication may be required for these  
22 persons;

1 (C) The number of requests for consent referred to the independent panel  
2 authorized in section 115 and an analysis of outcomes, monthly and yearly trends, and requests  
3 for review by the HRAC of decisions made by the independent panel; and

4 (D) The number of petitions filed by the District with the Court for an  
5 emergency guardian, a health-care guardian, a general guardian, or a limited guardian and:

6 (i) A profile of the categories of health-care needs and medical  
7 treatments that led the District to petition the Court for each type of guardian;

8 (ii) The average time elapsed between the filing of a petition and  
9 the appointment of each type of guardian; and

10 (iii) An analysis of the statistics described in this paragraph,  
11 identification of yearly and multiyear trends, and a plan for remedial measures to be taken when  
12 the statistics identify process or service deficiencies;

13 (6) (A) The monthly, annual, and year-end number of grievances filed with the  
14 DDS under section 117 of this act, and aggregate data on the nature and disposition of those  
15 grievances; and

16 (B) The monthly, annual, and year-end number of complaints brought  
17 against the DDS with regard to the rights, supports, and services provided under this act before  
18 the Office of Administrative Hearings and the Court, and aggregate data on the nature and  
19 disposition of those complaints;

20 (7) A report on the DDA's quality management improvement system, which  
21 presents and analyses aggregate data that assess the effectiveness of supports and services,  
22 quality enhancement activities, and interagency agreements under this act and identifies any  
23 need for related system improvements, targeted monitoring, and enhancements;

1 (8) A report on all waiting lists, which for each list shall:

2 (A) Explain how a person is placed on the waiting list and what criteria  
3 determine rank on the list;

4 (B) Provide a demographic profile of persons on the waiting list;

5 (C) Identify the level of need, preferences, and requested supports and  
6 services of persons on the waiting list, discuss the reasons for the lack of supports and services,  
7 and project the annual cost to meet these needs and preferences;

8 (D) Identify the minimum, maximum, average, and median number of  
9 days that persons have been on the waiting list and state the numbers of persons on the list for  
10 less than 3 months, between 3 and 6 months, between 6 months and one year, and by 6-month  
11 increments thereafter;

12 (E) Identify how many persons were removed from the waiting list during  
13 the previous fiscal year, why they were removed from the list, and how many days they had been  
14 on the list;

15 (F) Describe any supports and services offered to persons and families  
16 while they are on the waiting list; and

17 (G) Outline a method to reduce the waiting list during the current fiscal  
18 year and subsequent fiscal year and to ensure a maximum waiting period of no more than 90  
19 days;

20 (9) A discussion of supports and services that are needed but not currently  
21 provided and identification of any legislative or regulatory changes which may be required to  
22 address unmet service needs;

23 (10) Recommendations for any needed changes to this act; and

1           (11) Recommendations for any needed revisions to the current fiscal year budget  
2 and subsequent fiscal year budget.

3           (b) The DDA shall produce a quarterly report on all substituted consent activities  
4 pursuant to section 114 and 115 until October 2010. Quarterly reports shall be complete by the  
5 15th day of October, January, April, and July and shall include:

6           (1) Statistics describing:

7                   (A) Petitions filed by the District with the Court for an emergency  
8 guardian, a health-care guardian, a general guardian, or a limited guardian;

9                   (B) The nature of the health-care needs and medical treatments that led  
10 the District to file each petition; and

11                   (C) The time elapsed between each filing and the appointment of a  
12 guardian; and

13           (2) An analysis of the statistics described in this subsection, and a plan for  
14 remedial measures to be taken, when the statistics identify process delays.

15       Sec. 126. Plans and reports written in plain language; made available to the public.

16       (a) All plans and reports required under this act shall be written in plain language.

17       (b) The Mayor shall submit all plans and reports required under this act to:

18                   (1) The Council;

19                   (2) The protection and advocacy agency; and

20                   (3) Any external advocacy agency designated by the DDA.

21       (c) The DDS shall make all plans and reports required under this act available on its  
22 website within one business day of publication, and shall provide copies to the public upon  
23 request.

1           Sec. 127. Rulemaking.

2           (a) The Director of the DDS, in accordance with the District of Columbia Administrative  
3 Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*),  
4 shall have the authority to issue rules as necessary to implement the provisions of this act, except  
5 that the Mayor shall issue rules to implement the provisions of section 122.

6           (b) Initial proposed rulemaking to implement the provisions of this act shall be issued by  
7 6 months after the effective date of this act; however, initial proposed rulemaking for sections  
8 117 and 121 shall be published by 3 months after the effective date of this act.

9           Sec. 128. Repeal of Mentally Retarded Citizens Constitutional Rights and Dignity Act.

10          The Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978, effective  
11 March 3, 1979 (D.C. Law 2-137; D.C. Official Code § 7-1301.01 *et seq.*), is repealed.

12          Sec. 129. Transition from admission and commitment processes and procedures.

13          (a) It is the intent of the Council that this section shall provide an orderly process to  
14 transition, by 18 months after the effective date of this act, all persons who were admitted or  
15 committed to a facility pursuant the Mentally Retarded Citizens Constitutional Rights and  
16 Dignity Act of 1978 to the new comprehensive system of rights, supports and services provided  
17 under this act.

18          (b) For purposes of this section “admission”, “commitment”, and “facility” shall have  
19 the meanings established in the Mentally Retarded Citizens Constitutional Rights and Dignity  
20 Act of 1978, as follows:

21                 (1) “Admission” means the voluntary entrance by an individual who has at least  
22 moderate intellectual disability into an institution or residential facility.

1           (2) “Commitment” means the placement in a facility, pursuant to a court order, of  
2 an individual who has at least moderate intellectual disability at the request of the individual’s  
3 parent or guardian without the consent of the individual or of an individual found incompetent in  
4 a criminal case at the request of the District; except it shall not include placement for respite  
5 care.

6           (3) “Facility” means a public or private residence, or part thereof, which is  
7 licensed by the District as a skilled or intermediate care facility or a community residential  
8 facility (as defined in D.C. Regulation 74-15, as amended) and also includes any supervised  
9 group residence for persons with intellectual disability under 18 years of age. For persons  
10 committed, the term "facility" may include a physically secure facility or a staff-secure facility,  
11 within or without the District of Columbia. The term "facility" does not include a jail, prison,  
12 other place of confinement for persons who are awaiting trial or who have been found guilty of a  
13 criminal offense, or a hospital for persons with mental illness within the meaning of § 24-501.

14           (c) After the effective date of this act, no person shall be admitted or committed to a  
15 facility pursuant to the admission and commitment processes and procedures established in titles  
16 III and IV of the Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978.

17           (d) For any person who was admitted or committed to a facility pursuant to the  
18 admission processes and procedures established in titles III and IV of the Mentally Retarded  
19 Citizens Constitutional Rights and Dignity Act of 1978, the admission or commitment shall  
20 become void on the effective date of this act; however, persons who have their admission status  
21 or commitment status voided shall retain their substantive and procedural rights to supports and  
22 services under the Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978.

1           (e) No person who was committed to a facility pursuant to the commitment processes  
2 and procedures established in titles III and IV of the Mentally Retarded Citizens Constitutional  
3 Rights and Dignity Act of 1978 shall be denied supports and services suited to the person's  
4 needs, regardless of the person's age, or the degree or type of the person's disability. The DDA  
5 shall provide such a person with supports and services that will maximize the person's human  
6 abilities, enhance the person's ability to cope with the person's environment, and create a  
7 reasonable opportunity for progress toward the goal of independent living.

8           (f) After the effective date of this act, a person who was admitted or committed to a  
9 facility pursuant to the admission or commitment processes and procedures established in titles  
10 III and IV of the Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978 shall  
11 be made known to the Court, unless the person knowingly rejects Court notification. By 3  
12 months after the effective date of this act, the DDA shall provide written notification to all such  
13 persons of their right to reject Court notification. Persons found eligible for supports and services  
14 under section 107 after the effective date of this act shall be made known to the Court in  
15 accordance with section 108.

16           (g) For a period not to exceed 18 months after the effective date of this act, a person who  
17 was committed to a facility pursuant to the commitment processes and procedures established in  
18 titles III and IV of the Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978  
19 shall be entitled to counsel in accordance with the Superior Court Rules for Mental Retardation  
20 Proceedings, promulgated by the Court on the 18<sup>th</sup> day of October of 2005. Such a person may  
21 request a hearing with the Court in accordance with section 118.

22           (h) By 3 months after the effective date of this act, the Court shall:

1           (1) Publish a plan for the Court to develop and implement the system of Court-  
2 appointed advocates established under section 108 and to provide counsel and access to the court  
3 in accordance with section 118; and

4           (2) Establish a work group to advise the Court on the development and  
5 implementation of the plan required under paragraph (1) of this subsection. The work group shall  
6 meet monthly for not less than 18 months after the effective date of this act and shall consist of  
7 between 10 and 20 members including persons with developmental disabilities, family members,  
8 court-appointed advocates, court-appointed attorneys, representatives of community  
9 organizations, and representatives of the Mayor and Council.

10           (i) The Court shall publish a written status report on the implementation the plan  
11 required under subsection (h)(1) of this section at 6 months, 9 months, 12 months and 18 months  
12 after the effective date of this act.

13           (j) The Court shall provide copies of the plan required under subsection (h)(1) of this  
14 section and the written status report required under subsection (i) of this section to the Council,  
15 the Mayor, the protection and advocacy agency, and any monitoring entity established by court  
16 order or identified by the DDA.

17           (k) Nothing in this section shall be construed to void the commitment for a person who  
18 has been found incompetent in a criminal case, who is not likely to gain competency in the  
19 foreseeable future, and who has been committed to the care of the DDA by the Court for  
20 placement in a facility consistent with the person's ISP, the person's needs, and supervision or  
21 security sufficient to prevent the person from causing injury to others as a result of his or her  
22 intellectual disability. After the effective date of this act, processes and procedures for periodic

1 review of such persons' commitment, discharge, and transfer shall be conducted pursuant to  
2 section 124.

3 TITLE II. AMENDMENTS TO THE DEPARTMENT ON DISABILITY SERVICES  
4 ESTABLISHMENT ACT.

5 Sec. 201. Short title.

6 This act may be cited as the "Department on Disability Services Establishment  
7 Amendment Act of 2008".

8 Sec. 202. The Department on Disability Services Establishment Act of 2006, effective  
9 March 14, 2007 (D.C. Law 16-264; D.C. Official Code § 7-761.01 *et seq.*), is amended as  
10 follows:

11 (a) Section 102 is amended by inserting a new paragraph (2A) to read as follows:

12 "(2A) "DDA" means the Developmental Disabilities Administration of the DDS."

13 (b) Section 104 is amended by inserting a new subsection (c) to read as follows:

14 "(c) The Department shall at a minimum have the following administrations:

15 "(1) The Developmental Disabilities Administration; and

16 "(2) The Rehabilitation Services Administration."

17 (c) Section 105 is amended as follows:

18 (1) Paragraph (1)(A) is amended to read as follows: "(1)(A) The Developmental  
19 Disabilities Rights and Services Act of 2008."

20 (2) A new paragraph (4A) is inserted to read as follows: "(4A) Identify  
21 violations of section 104 and section 116 of the Developmental Disabilities Rights and Services  
22 Act of 2008 and take appropriate enforcement action regarding these violations;"

23 (d) Section 106 is amended by adding a new subsection (c1) to read as follows:

1           “(c1) The Director shall have the authority to implement the Developmental Disabilities  
2 Rights and Services Act of 2008, including the authority to make grants and provide one-time  
3 cash assistance.”.

4           (e) A new section 106a is inserted to read as follows:

5           “Sec. 106a. Interagency coordination.

6           “(a) The DDA shall be the point of entry and lead agency for supports and services for  
7 persons with developmental disabilities and their families.

8           “(b) To ensure coordination, the DDS shall develop interagency agreements with at a  
9 minimum the Department of Mental Health, the Health Regulation and Licensing  
10 Administration, the Department of Health Care Finance, the District of Columbia Public  
11 Schools, the District of Columbia Public Charter Schools, the Child and Family Services  
12 Administration, the Office of the State Superintendent of Education, the Office on Aging, and  
13 the Department of Youth Rehabilitation Services.

14           “(c) The interagency agreements required under subsection (b) of this section shall:

15                   “(1) Promote interagency service needs assessment and planning;

16                   “(2) Promote coordinated service delivery for persons with developmental  
17 disabilities and their families;

18                   “(3) Clarify the responsibilities for the different agencies providing supports and  
19 services to persons with developmental disabilities; and

20                   “(4) Enhance the efficiency and effectiveness of expenditure of public funds.

21           “(d) The interagency agreements shall include:

22                   “(1) Goals and expected outcomes against which progress will be measured;

23                   “(2) Eligible populations;

1           “(3) Covered supports and services;

2           “(4) Procedures for coordination;

3           “(5) Joint monitoring; and

4           “(6) Data and information sharing.

5           “(e) The interagency agreements may provide for the expenditures of appropriated funds  
6 to facilitate coordination between the agencies jointly responsible for providing supports and  
7 services to persons with developmental disabilities. These agreements shall not, however,  
8 conflict with the DDA’s primary responsibility to persons with developmental disabilities  
9 regardless of whether such persons also have a mental illness or other disability.

10           “(f) The Department of Mental Health (“DMH”) and the DDS shall collaborate in  
11 assessing persons dually diagnosed with both a developmental disability and a mental illness and  
12 shall jointly provide appropriate supports and services to such persons. The DDS and the DMH  
13 shall develop and implement a program that encourages the establishment of sufficient numbers  
14 and types of living arrangements as necessary to meet the needs to persons dually diagnosed with  
15 both an intellectual and developmental disability and a mental illness.

16           “(g) The authority for the operation of home and community-based waivers for persons  
17 with developmental disabilities, including the certification of waiver providers, shall be  
18 transferred from the Department on Health Care Finance to the DDS.

19           “(h) The DDS shall participate in the coordination of transition services for students with  
20 developmental disabilities enrolled in the District of Columbia Public Schools and District of  
21 Columbia Public Charter Schools by:

22           “(1) Providing the parent or guardian with information about supports and  
23 services available through the DDS and how to request an eligibility determination;

1                   “(2) Ensuring that a representative of the DDS is present at Individual Plan  
2 Meetings starting at age 14;

3                   “(3) Identifying available post-school services, supports, and programs in the  
4 District that will ease the transition from school to adult life in the community;

5                   “(4) Providing support coordination to facilitate the transition from school to  
6 work or other post-school activities and services; and

7                   “(5) Making information, resources, and training available to students, families  
8 and educators.”.

9                   (f) Section 109 is amended to read as follows:

10                   “(a) The Director of the DDS, pursuant to subchapter I of Chapter 5 of Title 2, may issue  
11 rules as necessary to implement the provisions of this chapter and of the Developmental  
12 Disabilities Rights and Services Act of 2008, except that the Mayor shall issue rules to  
13 implement the provisions of section 122 of the Developmental Disabilities Rights and Services  
14 Act of 2008.

15                   “(b) Pursuant to Unit A of Chapter 3 of Title 2, the DDS may execute contracts, grants,  
16 and other legally binding documents to implement the provisions of this chapter and of the  
17 Developmental Disabilities Rights and Services Act of 2008.”.

18                   **TITLE III. CONFORMING AMENDMENTS.**

19                   Sec. 301. Section 2 of the People First Respectful Language Modernization Act of 2006,  
20 effective September 29, 2006 (D.C. Law 16-169; D.C. Official Code § 2-632) is amended as  
21 follows:

22                   (a) Paragraph (a)(1) is amended to read as follows: “Avoid any use of the following  
23 terms, except as required by any law or regulation: “afflicted,” “cripple,” “crippled,” “defective,”

1 “feeble-minded,” “handicapped,” “handicap,” “idiot,” “lunatic,” “imbecile,” “insane,” “invalid,”  
2 “maimed,” “mental retardation,” “mentally retarded,” “moron,” “retarded,” “suffering,”  
3 “wheelchair user,” or “wheelchair bound.””.

4 (b) A new paragraph (a)(3) is added to read as follows:

5 “(3) Use “intellectual disability” instead of “mental retardation.””.

6 (c) A new paragraph (a1) is added to read as follows:

7 “(a1) On or after the effective date of this act:

8 (1) Where the District used the term “mental retardation”, it shall use the term  
9 “intellectual disability”;

10 (2) Where the District used the term “intermediate care facility for persons with  
11 mental retardation”, it shall use the term “intermediate care facility for persons with intellectual  
12 disability”;

13 (3) Where the District used the term “qualified mental retardation professional”,  
14 it shall use the term “qualified intellectual disability professional”; and

15 (4) Where the District used the term “at least moderately mentally retarded” it  
16 shall use the term “at least moderate intellectual disability”.

17 Sec. 302. Section 4(a)(1) of the Adult Protective Services Act of 1984, effective  
18 December 7, 1984 (D.C. Law 5-156; D.C. Official Code § 7-1903(a)(1)) is amended by striking  
19 the phrase “court-appointed mental retardation advocate, ”.

20 Sec. 303. Chapter 20 of Title 21 of the District of Columbia Official Code is amended as  
21 follows:

22 (a) Section 21-2002 is amended by striking the phrase “Chapter 5 of Title 21, or the  
23 Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978, effective November

1 8, 1978 (D.C. Law 2-137; D.C. Code, § 7-1301.01 *et seq.*)” and inserting the phrase “section 124  
2 of the Developmental Disabilities Rights and Services Act of 2008” in its place.

3 (b) Section 21-2047(c)(4) is amended by striking the phrase “except that a guardian may  
4 function as a petitioner for the commitment consistent with the requirements of Chapter 5 of  
5 Title 21 or the Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978,  
6 effective November 8, 1978 (D.C. Law 2-137; D.C. Code § 7-1301.01 *et seq.*)”.

7 (c) Section 21-2049(a)(3) is amended by striking the phrase “On petition of the ward or  
8 any interested person” and inserting the phrase “On petition of the ward, the Department on  
9 Disability Services if the ward is receiving services from such agency, or any interested person”  
10 in its place.

11 Sec. 304. The Incompetent Defendants Criminal Commitment Act of 2004, effective  
12 May 24, 2005 (D.C. Law 15-358; D.C Official Code § 24-531.01 *et seq.*) is amended as follows:

13 (a) Section 101 (D.C. Official Code § 24-531.01) is amended as follows:

14 (1) Paragraph (6)(C) is amended to read as follows: “(6)(C) Any physically  
15 secure or staff-secure intermediate care facility or community residential facility (as defined in  
16 D.C. Regulation 74-15, as amended) providing supports and services to persons with intellectual  
17 disability, within or without the District, not including a jail, prison, other place of confinement  
18 for persons who are awaiting trial or who have been found guilty of a criminal offense, or a  
19 hospital for persons with mental illness within the meaning of § 24-501.”.

20 (2) Paragraph (7) is amended to read as follows: “(7) “DDA” means the  
21 Developmental Disabilities Administration of the Department on Disability Services.”.

22 (3) Paragraph (10) is amended as follows:

1 (A) Strike the phrase “Mental Retardation and Developmental Disabilities  
2 Administration” and insert the word “DDA” in its place.

3 (B) Strike the word “MRDDA” and insert the word “DDA” in its place.

4 (C) Strike the word “habilitation” and insert the phrase “supports and  
5 services” in its place.

6 (b) Section 102(d) (D.C. Official Code § 24-531.02(d)) is amended to read as follows:  
7 “(d) Nothing in this title shall be construed to prevent the District from petitioning the court for  
8 involuntary commitment pursuant to section 124 of the Developmental Disabilities Rights and  
9 Services Act of 2008.”.

10 (c) Section 105(a)(3) (D.C. Official Code § 24-531.05(a)(3)) is amended by striking the  
11 word “MRDDA” and inserting the word “DDA” in its place.

12 (d) Section 106(c)(4) (D.C. Official Code § 24-531.06(c)(4)) is amended to read as  
13 follows: “(c)(4) If the court finds the defendant is incompetent pursuant to paragraph (1)(B)(ii)  
14 of this subsection, the court shall either order the release of the defendant or, where appropriate,  
15 enter an order for treatment pursuant to section 105(a) for up to 30 days pending the filing of a  
16 petition for commitment pursuant to section 124 of the Developmental Disabilities Rights and  
17 Services Act of 2008. The court also may order treatment pursuant to section 107(a)(2) for such  
18 period as is necessary for the completion of the civil commitment proceeding.”.

19 (e) Section 107 is amended as follows:

20 (1) Subsection (a) is amended to read as follows: “(a) Thirty days after the court  
21 has ordered extended treatment pursuant to section 106(c)(4), the court shall hold a status  
22 hearing to determine whether civil commitment proceedings have been initiated pursuant to D.C.

1 Official Code § 21-541 or section 124 of the Developmental Disabilities Rights and Services Act  
2 of 2008.”.

3 (2) Subsection (b)(1) is amended to read as follows: “(b)(1) If the court orders  
4 the release of a person in the criminal case or transfer proceeding who has been committed to an  
5 inpatient treatment facility, and a petition for civil commitment has been filed pursuant to section  
6 124 of the Developmental Disabilities Rights and Services Act of 2008, the court shall remand  
7 the person to the inpatient treatment facility and the inpatient treatment facility may detain the  
8 person pending a hearing on the petition conducted pursuant to section 124 of the Developmental  
9 Disabilities Rights and Services Act of 2008.”.

10 (3) Subsection (d) is amended to read as follows: “(d) If the court orders  
11 the release of a defendant in the criminal case or transfer proceeding who has been committed to  
12 an inpatient treatment facility, and a petition for civil commitment has not been filed pursuant to  
13 D.C. Official Code § 21-541 or section 124 of the Developmental Disabilities Rights and  
14 Services Act of 2008, the court may stay the defendant’s release for a period not to exceed 48  
15 hours and remand the person to Saint Elizabeths Hospital or other inpatient treatment facility for  
16 the period of the stay so that the DMH or the DDA, or both, may, where appropriate, file a  
17 petition for the defendant’s involuntary commitment to either the DMH or to the DDA, or both.”.

18 Sec. 305. Section 3(b) of the State Education Office Establishment Act of 2000, effective  
19 October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2602(3)(b)), is amended by adding  
20 a new paragraph (10A) to read as follows: “(10A) Promote coordination between public and  
21 public charter schools and agencies that provide supports and services for children and youth  
22 with disabilities.”.

23 TITLE IV: FISCAL IMPACT STATEMENT

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

4           TITLE V: EFFECTIVE DATE

5           This act shall take effect following approval by the Mayor (or in the event of veto by the  
6 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as  
7 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
8 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1), and publication in the District of  
9 Columbia Register.