A BILL

25-826

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the District of Columbia Auditor Subpoena and Oath Authority Act of 2004 to require the D.C. Auditor to regularly monitor and **publicly** report on Department of Youth Rehabilitation Services facilities and the **~~implementation~~** **completeness and timeliness** of individualized rehabilitation plans; to amend the Department of Youth Rehabilitation Services Establishment Act of 2004 to expressly provide for the Department of Youth Rehabilitation Service’s (“Department”) duties to include developing and updating individualized rehabilitation plans, monitoring and ensuring safety of contracted facilities, and conducting oversight of facility compliance; to amend Title 16 of the District of Columbia Official Code to increase accountability and oversight of the Department and to reform the Department’s supervision and intervention practices, to require the Department, prior to a dispositional hearing, to develop and complete an individualized rehabilitation plan to aid in decreased risk of recidivism, implement the plan **upon commitment and placement** **~~within 3 days after entry of the order~~**, and regularly update the plan as necessary, **~~to require the Department to provide services to those in a secure placement within 30 days of entry of a disposition order, except for good cause shown,~~** to require the Department to develop a discharge and reentry plan **~~upon~~** **within 60 days of** a child’s admittance into a placement outside the child’s family’s, guardian’s, or custodian’s home, and to allow a petition to modify a dispositional order to be filed no more frequently than every **4~~3~~** months if the child is not receiving appropriate services or placement designed to reduce recidivism based on the individualized rehabilitation plan; **~~and~~** to require the Mayor to submit to the Council a plan to create a unified juvenile justice system in the District of Columbia by no later than January 1, 2026**; and to require the Mayor to submit a report to the Council evaluating the feasibility of constructing and operating a Psychiatric Residential Treatment Facility by no later than January 1, 2027**.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Recidivism Reduction **~~and Oversight~~** at DYRS Amendment Act of 2024”.

Sec. 2. The District of Columbia Auditor Subpoena and Oath Authority Act of 2004, effective April 22, 2004 (D.C. Law 15-146; D.C. Official Code § 1-301.171 *et seq*.), is amended by adding a new section 4d to read as follows:

“Sec. 4d. Oversight of Juvenile Justice Facilities.

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

“(1) “Consent Decree” means the consent decree approved on July 24, 1986 in Jerry M. v. District of Columbia, Civ. Action No. 1519-85 (IFP) (D.C. Super. Ct.).

“(2) “Department” means the Department of Youth Rehabilitation Services established by section 102 of the Department of Youth Rehabilitation Services Establishment Act of 2004, effective April 12, 2005 (D.C. Law 15-335; D.C. Official Code § 2-1515.02).

“(3) “Facilities” means any youth residential facility, group home, foster home, shelter, secure residential or institutional placement owned by, operated by, under contract with, or otherwise used by the Department to place a child outside the child’s parent’s or guardian’s residence.

“(4) “Work Plan” means the Final Approved Amended Comprehensive Work Plan approved by order dated December 12, 2007, as subsequently modified, in *Jerry M. v. District of Columbia*, Civ. Action No. 1985-CA-001519 (D.C. Super. Ct.).

“(b) The Office of the D.C. Auditor shall:

“(1) Regularly monitor and publicly report on the durability of the reforms implemented by the Department of Youth Rehabilitation Services achieved under the Work Plan and Consent Decree negotiated to resolve *Jerry M. et al. v. District of Columbia et al.*, Superior Court of the District of Columbia Civil Action No. 151985, and the Department’s progress in achieving work plan goals, including critical work plan indicators, that the Department did not achieve prior to January 6, 2021, which may include providing housing for discrete populations, meeting standards to ensure all facilities are safe and humane, and providing free and appropriate education; and

“(2) Monitor and **publicly** report on the **~~implementation~~** **completeness and timeliness, based on a prima facie review,** of individualized rehabilitation plans developed by the Department of Youth Rehabilitation Services pursuant to section 16-2319 of the District of Columbia Official Code.”.

Sec. 3. The Department of Youth Rehabilitation Services Establishment Act of 2004, effective April 12, 2005 (D.C. Law 15-335; D.C. Official Code § 2-1515.01 *et seq*.), is amended as follows:

(a) Section 101 (D.C. Official Code § 2-1515.01) is amended as follows:

(1) Paragraph (9B) is redesignated as paragraph (9C).

(2) A new paragraph (9B) is added to read as follows:

“(9B) “Individualized rehabilitation plan” means a written plan, developed and completed pursuant to section 16-2319 of the District of Columbia Official Code, with clearly identified goals that are based upon a review of all pertinent circumstances in the child’s background, including:

“(A) The child’s criminal risk factors and criminogenic needs as identified and evaluated through a validated risk and needs assessment;

“(B) The child’s rehabilitative goals;

“(C) Rehabilitative services that should be provided for the child as needed, which may include those to address family engagement, education, disability, trauma history, mental and behavioral health, physical health, economic and housing needs; and

“(D) The level of placement and placement options.”.

“(4) A new paragraph (10A) is added to read as follows:

“(10A) “Predisposition meeting” means a meeting conducted pursuant to section 16-2319 of the District of Columbia Official Code to review a child’s validated risk and needs assessment and **to begin the development of** **~~develop~~** an individualized rehabilitation plan for the child at which the Department shall:

“(A) Allow the child, the child’s attorney, the child’s parent, guardian, or custodian, the Department pre-commitment worker, a Court Social Services representative, a Child and Family Services Agency representative, if relevant, or any other individual requested **~~by the child or~~** by the Department the opportunity to participate; and

“(B) Review all pertinent circumstances in the child’s background and shared with participants **to begin the development of** **~~develop~~** the individualized rehabilitation plan.”.

(5) Paragraph (11) is amended to read as follows:

“(11) “Rehabilitative services” means services designed to reduce the risk of recidivism and assist youth in acquiring, retaining, and improving their socialization, behavioral, and generic competency skills.”.

(6) A new paragraph (11B) is added to read as follows:

“(11B) “Validated risk and needs assessment” means an instrument demonstrated by scientific research to be accurate and reliable in assessing the criminal risk factors and criminogenic needs of a child that, if addressed, should reduce the child’s likelihood of reoffending.”.

(b) Section 104 (D.C. Official Code § 2-1515.04) is amended as follows:

(1) Paragraph (9) is amended by striking the phrase “and facilities;” and inserting the phrase “and facilities, including monitoring the conditions of Department-contracted community facilities, including shelter homes, group homes, residential facilities, and therapeutic foster care placements, whether within or outside the District, and those facilities’ obligation to provide for the health, safety, and welfare of youth;” in its place.

(2) Paragraph (12) is amended by striking the phrase “and the rehabilitative needs of youth in the juvenile justice system;” and inserting the phrase “and the rehabilitative needs of youth in the juvenile justice system, including by conducting regular oversight of the program and facility compliance;” in its place.

(3) Paragraph (17) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(5) Paragraph 18(C) is amended by striking the period at the end and inserting a semicolon in its place.

(6) New paragraphs (19) and (20) are added to read as follows:

“(19) Performing validated risk and needs assessments, convening predisposition meetings, and developing, completing, and regularly updating individualized rehabilitation plans, pursuant to sections 16-2319 and 16-2323 of the District of Columbia Official Code; and

“(20) Cooperating with all reasonable requests of the D.C. Auditor including by providing access to all facilities and youth confined in facilities, through unannounced and scheduled visits, subject to legitimate institutional needs based on safety considerations.”.

(c) Section 105 (D.C. Official Code § 2-1515.05) is amended by adding new a subsection (j-1) to read as follows:

“(j-1) The Department shall not discipline or otherwise retaliate against a person who is or was previously detained by, in the custody of, or committed to the Department solely because the person provided information to the D.C. Auditor that the person reasonably believed to be true.”.

Sec. 4. Title 16 of the District of Columbia Official Code is amended as follows:

(a) Section 16-2301 is amended by adding new paragraphs (47), (48), (49), (50), and (51)

to read as follows:

“(47) The term “hardware secure facility” shall have the same meaning as provided in section 101(9A) of the Department of Youth Rehabilitation Services Establishment Act of 2004, effective April 12, 2005 (D.C. Law 15-335; D.C. Official Code § 2-1515.01(9A)).

“(48) The term “staff secure facility” shall have the same meaning as provided in section 101(11A) of the Department of Youth Rehabilitation Services Establishment Act of 2004, effective April 12, 2005 (D.C. Law 15-335; D.C. Official Code § 2-1515.01(11A)).

“(49) The term “individualized rehabilitation plan” shall have the same meaning as provided in section 101(9B) of the Department of Youth Rehabilitation Services Establishment Act of 2004, effective April 12, 2005 (D.C. Law 15-335; D.C. Official Code § 2-1515.01(9B)).

“(50) The term “predisposition meeting” shall have the same meaning as provided in section 101(10A) of the Department of Youth Rehabilitation Services Establishment Act of 2004, effective April 12, 2005 (D.C. Law 15-335; D.C. Official Code § 2-1515.01(10A)).

“(51) The term “validated risk and needs assessment” shall have the same meaning as provided in section 101(11B) of the Department of Youth Rehabilitation Services Establishment Act of 2004, effective April 12, 2005 (D.C. Law 15-335; D.C. Official Code § 2-1515.01(11B)).”.

(b) Section 16-2319 is amended as follows:

(1) Subsection (d) is amended to read as follows:

“(d) Following Court Social Services’ or the Office of the Attorney General’s notice to the Division of its recommendation to commit a child to the Department of Youth Rehabilitation Services (“Department”), and the Department receiving such notice, the Department shall:

“(1) For a child detained or in shelter care pending the disposition hearing:

“(A) Within 10 days (excluding Sundays and legal holidays), perform a validated risk and needs assessment;

“(B) Prior to the predisposition meeting required by subparagraph (C) of this paragraph, **make reasonable efforts to** notify the child, the child’s attorney, the child’s parent, guardian, or custodian, a Department representative, Court Social Services representative, a Child and Family Services Agency representative, if relevant, and any other individual requested **~~by the child or~~** by the Department, of the date, time, and location of the predisposition meeting;

“(C)**(i)** Convene a predisposition meeting to review the validated risk and needs assessment and any information on the child that the Department deems necessary, including evaluations, to **begin the development of** **~~develop~~** an individualized rehabilitation plan for the child; **~~and~~**

**“(ii) In the event that there are court ordered evaluations that have not been conducted and which the Department has not received prior to the convening of the predisposition meeting, the Department may delay the convening of the predisposition meeting until receipt of the evaluations; and**

“(D) No later than 2 days (excluding Sundays and legal holidays) before the dispositional hearing, provide the completed individualized rehabilitation plan to the Division, the Office of the Attorney General, Court Social Services, the child, the child’s attorney, and the child’s parent, guardian, or custodian.

“(2) For a child in the community pending the disposition hearing:

“(A) Within 10 days (excluding Sundays and legal holidays), perform a validated risk and needs assessment;

“(B) No later than 5 days (excluding Sundays and legal holidays) before the predisposition meeting required by subparagraph (C) of this paragraph, **make reasonable efforts to** notify the child, the child’s attorney, the child’s parent, guardian, or custodian, a Department representative, a Court Social Services representative, a Child and Family Services Agency representative, if relevant, and any other individual requested **~~by the child or~~** by the Department, of the date, time, and location of the predisposition meeting;

“(C)(i) Within 25 days (excluding Sundays and legal holidays) **or when all court ordered evaluations have been conducted and received by the Department,** convene a predisposition meeting to review the validated risk and needs assessment and any information on the child that the Department deems necessary, including evaluations, to **begin the development of** **~~develop~~** an individualized rehabilitation plan for the child; and

“(D) No later than 2 days (excluding Sundays and legal holidays) before the dispositional hearing, provide the completed individualized rehabilitation plan to the Division, the Office of the Attorney General, Court Social Services, the child, the child’s attorney, and the child’s parent, guardian, or custodian.”.

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

“(d-1) For the validated risk and needs assessment required by subsection (d) of this section, the Department shall use a culturally and gender-informed instrument that identifies and evaluates:

“(1) The static and dynamic risk factors that inform the likelihood that the child will continue to engage in delinquent acts or criminal offenses over a specific period of time;

“(2) The protective factors relating to the child or their environment that reduce the likelihood that the child will continue to engage in delinquent acts or criminal offenses over a specific period of time;

“(3) The criminogenic and non-criminogenic needs factors that, if identified, targeted, and properly treated, reduce the likelihood that the child will continue to engage in delinquent acts or criminal offenses over a specific period of time; and

“(4) Any other factors that may bear on the nature, duration, components, and objectives of an individualized rehabilitation plan.”.

(3) Subsections (e), (f), and (g) are amended to read as follows:

“(e) At the predisposition meeting required by subsection (d) of this section, the Department shall:

“(1) Allow the child, the child’s attorney, the child’s parent, guardian, or custodian, the Department representative, a Court Social Services representative, a Child Family Services Agency representative, if relevant, and any other individual requested **~~by the child or~~** by the Department an opportunity to participate; and

“(2) Review all pertinent circumstances in the child’s background and shared by participants to **begin the development of** **~~develop~~** the individualized rehabilitation plan.

“(f) When a child has been adjudicated delinquent and a dispositional order has been entered by the Division under sections 16-2317 and 16-2320 transferring legal custody of a child of the Department**, or a change in placement has been made pursuant to Chapter 12 of Title 29 of the District of Columbia Municipal Regulations or any other provision of law,** the Department shall implement the individualized rehabilitation plan required by subsection (d) of this section upon **~~commitment and~~** placement.

“(g) The Division may, on its own motion, the motion of any party, or at the request of the Department, for good cause shown, extend the time periods set forth in subsections (d) and (f) of this section for completion of the validated risk and needs assessment and the individualized rehabilitation plan.”.

(c) Section 16-2320 is amended by adding new subsection**~~s~~** (i) **~~and (j)~~** to read as follows:

**~~“(i) A child who has been adjudicated delinquent or in need of supervision and who is committed to the Department of Youth Rehabilitation Services shall not be continued in a secure placement that does not provide the services specified in the child’s individualized rehabilitation plan in excess of 30 days after entry of a dispositional order pursuant to this section or a change in placement pursuant to Chapter 12 of Title 29 of the District of Columbia Municipal Regulations or any other provision of law, except for good cause shown. If a child is continued in a secure placement, the child may petition the Division for a post-disposition hearing to review whether there is good cause for the continued placement.~~**

“(**i~~j~~**) For a child adjudicated delinquent and committed to the Department of Youth Rehabilitation Services, the Department of Youth Rehabilitation Services shall **begin to** develop a discharge and reentry plan **~~upon~~** **within 60 days of** the child’s admittance into a hardware secure facility, residential treatment facility, psychiatric residential treatment facility, staff secure facility, therapeutic foster care placement through the Department of Youth Rehabilitation Services, or any other placement outside the child’s family’s, guardian’s, or custodian’s residence through the Department of Youth Rehabilitation Services.”.

(d) Section 16-2323 is amended as follows:

(1) Subsections (g) and (h) are amended to read as follows:

“(g) When a child has been adjudicated delinquent and a dispositional order has been entered by the Division pursuant to section 16-2320, the Director of Court Social Services or the Department of Youth Rehabilitation Services, whichever is responsible for supervision of the disposition order, shall conduct periodic assessments of the child, and at least once every 90 days in the case of the Department of Youth Rehabilitation Services, to:

“(1) Determine if rehabilitative progress has been made and if the services provided to the child have been effective;

“(2) Determine, in conjunction with the child, the child’s attorney, and the Office of the Attorney General, what steps, if any, should be taken to ensure the rehabilitation and welfare of the child and the safety of the public; and

“(3) Update the child’s individualized rehabilitation plan completed pursuant to section 16-2319 as necessary.”.

“(h)(1) Not more than once in a **4-month period** **~~3-month period~~**, the child, or the child’s parent, guardian, or custodian may petition the Division to modify a dispositional order, issued pursuant to section 16-2320, on the grounds that the child is not receiving appropriate services or level of placement.

“(2) If the Division finds that the child is not receiving appropriate services or level of placement, the Division may specify a plan for services that will promote the rehabilitation and welfare of the child and the safety of the public, except that the Division may not specify the treatment provider or facility.

“(3) For a child adjudicated delinquent and committed to the Department of Youth Rehabilitation, the Division may consider whether the child is receiving appropriate services or level of placement consistent with the individualized rehabilitation plan developed pursuant to section 16-2319.”.

Sec. 5. Unified Juvenile Justice System Plan.

(a) No later than **one year after the applicable date of the Recidivism Reduction at DYRS Amendment Act of 2024** **~~January 1, 2026~~**, the Mayor shall submit to the Council a proposed plan to create a unified juvenile justice system in the District of Columbia. The plan shall include:

(1) A list and detailed explanation of recommended actions that would enable the Department of Youth Rehabilitation Services to perform the intake, evaluation, predisposition supervision, and probation duties currently performed by the Court Social Services Division of the Superior Court of the District of Columbia;

(2) A timeline for when the Department of Youth Rehabilitation Services could reasonably implement the actions listed pursuant to paragraph (1);

(3) A detailed list of resources necessary that would enable the Department of Youth Rehabilitation Services to perform the intake, evaluation, predisposition supervision, and probation duties currently performed by the Court Social Services Division of the Superior Court of the District of Columbia, including additional personnel, equipment, assessments, office space, and other material resources; and

(4) Any statutory changes necessary to enable the Department of Youth Rehabilitation Services to perform the intake, evaluation, predisposition supervision, and probation duties currently handled by the Court Social Services Division of the Superior Court of the District of Columbia.

(b) In developing the plan required pursuant to subsection (a) of this section, the Mayor shall consult with and consider any recommendations of the Superior Court of the District of Columbia, the Office of the Attorney General, and the Public Defenders Service for the District of Columbia. The plan shall include, as an attachment, any written recommendations submitted by these agencies and organizations.

**Sec. 6. Psychiatric Residential Treatment Facility Feasibility Study.**

**(a) No later than two years after the effective date of the Recidivism Reduction at DYRS Amendment Act of 2024, the Mayor shall submit to the Council a report evaluating the feasibility of constructing and operating a Psychiatric Residential Treatment Facility for children in the District of Columbia. The feasibility study shall include:**

**(1) A list and detailed explanation of recommended actions that would enable the District of Columbia to construct and operate a Psychiatric Residential Treatment Facility for children with associated timelines;**

**(2) A detailed breakdown of the costs and the resources necessary to construct a Psychiatric Residential Treatment Facility for children in the District of Columbia; and**

**(3) Any statutory changes necessary to enable the District of Columbia to construct and operate a Psychiatric Residential Treatment Facility for children.**

Sec. **7~~6~~**. Applicability.

(a) This act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan and provide notice to the Budget Director of the Council of the certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

Sec. **8~~7~~**. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. **9~~8~~**. Effective date.

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