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A BILL  
22-154

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend the Department on Disability Services Establishment Act of 2006 to require the Department on Disability Services to establish a process for the resolution of formal complaints, including formal complaints filed with a provider, establish a peer support pilot program to assist people with intellectual disabilities throughout the formal complaint process, and publish an annual report regarding the peer support pilot program, to require that a formal complaint filed with the Department on Disability Services receive a prompt review by the Director or the Director’s designee, to require the Department to refer formal complaints to an external reviewer in accordance with rules issued by the Department on Disability Services, to authorize any person aggrieved by an action of the Department on Disability Services relating to a formal complaint to appeal the action of the Department on Disability Services to the Office of Administrative Hearing, to provide that if a person files a formal complaint with the Department on Disability Services that is substantially similar to a case that the person previously initiated in the Superior Court of the District of Columbia or the Office of Administrative Hearings, the Department on Disability Services shall deny the formal complaint, to require the Mayor to issue rules, which shall be subject to Council review, to implement provisions relating to formal complaints; to amend the Office of Administrative Hearings Establishment Act of 2001 to expand the jurisdiction of the Office of Administrative Hearings to includes appeals of formal complaints filed with the Department on Disability Services; to amend the Citizens with Intellectual Disabilities Constitutional Rights and Dignity Act of 1978 to repeal provisions relating to admissions, to prohibit new commitments other than commitments of persons found incompetent in a criminal case, to provide that decisions of the Superior Court ordering commitment of a person with an intellectual disability, other than a decision of the Court ordering commitment of a person found incompetent in a criminal case, that was issued before the effective date of this act shall be reviewed in a Court hearing annually, to provide that a commitment entered into before the effective date of this act, other than a commitment of a person found incompetent in a criminal case, shall be terminated unless the person committed, or a person close to the committed person, provides informed consent to continue the commitment; to amend Title 21 of the District of Columbia Official Code to authorize the Department on Disability Services to petition the Superior Court to remove a limited guardian or a general guardian, to change every reference to an “individual” with a

42 disability to a “person” with a disability, and to make conforming amendments; to amend  
43 the Nursing Home and Community Residence Facility Residents’ Protections Act of  
44 1985 to make conforming amendments; to allow a supported person and a supporter to  
45 enter into a supported decision-making agreement that authorizes a supporter to provide  
46 supported decision-making, be present during the supported decision-making process,  
47 when requested by the supported person, or, in the presence of the supported person,  
48 assist the supported person in obtaining information that is relevant to a given life  
49 decision and communicating the supported person’s decisions to others, to require a  
50 person or a District agency who receives a supported-decision making agreement to give  
51 certain notices to the supporter and to rely on the supported decision-making agreement,  
52 to provide that neither a person nor a District agency shall be subject to criminal or civil  
53 liability, nor shall a person be considered to have engaged in professional misconduct, for  
54 an act or omission done in good faith and in reasonable reliance on a supported decision-  
55 making agreement, to require a District employee or a caregiver, who is aware of the  
56 existence of a supported decision-making agreement and has a reasonable belief that the  
57 supported person is an adult in need of protected services, to report the alleged abuse,  
58 neglect, or exploitation, and to require the Mayor to issue rules to implement provisions  
59 relating to supported decision-making agreements; to provide that title II shall apply 90  
60 days after the effective date of this act.

61  
62 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
63 act may be cited as the “Disability Services Reform Amendment Act of 2017”.

64 **TITLE I. FORMAL COMPLAINTS RELATING TO THE DEPARTMENT ON**  
65 **DISABILITY SERVICES**

66 Sec. 101. The Department on Disability Services Establishment Act of 2006, effective  
67 March 14, 2007 (D.C. Law 16-264; D.C. Official Code § 7-761.01 *et seq.*), is amended as  
68 follows:

69 (a) Section 102 (D.C. Official Code § 7-761.02) is amended by adding new paragraphs  
70 (5A) and (5B) to read as follows:

71 “(5A) “External reviewer” means a person, selected by the Director to provide  
72 review and resolution of formal complaints, who has:

73 “(A) Extensive experience in alternative dispute resolution;

74 “(B) Experience working with people with intellectual disabilities; and

75 “(C) An understanding of DDS.

76 “(5B)(A) “Formal complaint” means a statement by a person of his or her  
77 dissatisfaction with DDS or a provider, including the denial of any services and supports under  
78 this act or other applicable law.

79 “(B) For the purposes of this paragraph, the term “provider” shall have the  
80 same meaning as provided in section 113(e).”.

81 (b) Section 109 (D.C. Official Code § 7-761.09) is amended by adding a new subsection  
82 (a-2) to read as follows:

83 “(a-2)(1) Within 45 days after the effective date of the Disability Services Reform  
84 Amendment Act of 2017, the Mayor, pursuant to Title I of the District of Columbia  
85 Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code §  
86 2-501 *et seq.*), shall issue rules to implement the provisions of section 113.

87 “(2) The proposed rules shall be submitted to the Council for a 45-day period of  
88 review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council  
89 does not approve or disapprove the proposed rules, in whole or in part, by resolution, within this  
90 45-day period of review, the proposed rules shall be deemed approved.”.

91 (c) A new section 113 is added to read as follows:

92 “Sec. 113. Formal complaints.

93 “(a) The Department shall:

94                   “(1) Establish a process for the resolution of formal complaints, including formal  
95 complaints filed with a provider, which shall include, at a minimum:

96                   “(A) The opportunity for any person, or a third party with the person’s  
97 consent, to file a formal complaint with DDS or a provider;

98                   “(B) Assistance for a person who needs help in filing his or her formal  
99 complaint, orally or in writing;

100                   “(C) The right of the person to be assisted by a family member, friend,  
101 attorney, or any other representative throughout the formal complaint process;

102                   “(D) Definite time frames for each stage of the formal complaint  
103 resolution process;

104                   “(E) A requirement that services and supports continue without limitation,  
105 reduction, or termination pending the resolution of a formal complaint regarding those services  
106 or supports;

107                   “(F) Requirements for education and assistance to persons, provider staff,  
108 and third parties about individual rights and the formal complaint resolution system;

109                   “(G) An explanation of the appeal process available if the person is  
110 dissatisfied with the outcome of the formal complaint process; and

111                   “(H) Prohibitions on retaliatory actions such as reprisal, restraint,  
112 interference, coercion, or discrimination by DDS or a provider against a person who file formal  
113 complaints;

114                   “(2) Establish a peer support pilot program to assist people with intellectual  
115 disabilities throughout the formal complaint process; and

116                   “(3) Publish an annual report regarding the peer support pilot program described  
117 in paragraph (1) of this subsection, which shall include recommendations regarding how  
118 to improve the peer support pilot program.

119                   “(b)(1) Any formal complaint filed with DDS shall receive a prompt review by Director,  
120 or the Director's designee, who shall refer the formal complaint to an external reviewer in  
121 accordance with rules issued pursuant to section 109(a-2).

122                   “(2) If a formal complaint is referred to an external reviewer, the external  
123 reviewer shall:

124                                 “(A) Facilitate informal resolution of the formal complaint; or

125                                 “(B) If such informal resolution is not possible, determine:

126   “(i) Whether the Director should sustain or deny the formal  
127 complaint; and

128   “(ii) If the external reviewer determines that the Director should  
129 sustain the formal complaint, how DDS should remedy any problems raised in the formal  
130 complaint.

131                   “(3) After completing a timely examination of a formal complaint, the external  
132 reviewer shall submit a written report to the Director and the person who filed the formal  
133 complaint describing the outcome of the external review process.

134           “(c) Nothing in this section shall be construed to restrict or limit the rights, procedures,  
135 and remedies available under federal or District law protecting the rights of persons receiving  
136 services through DDS or a provider.

137           “(d) Any person aggrieved by an action of DDS taken pursuant to this section may appeal  
138 the action of DDS to the Office of Administrative Hearings pursuant to section 6(a) of the Office  
139 of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-  
140 76; D.C. Official Code § 2-1831.02(a)). If a person files a formal complaint with DDS pursuant  
141 to this section that is substantially similar to a case that the person previously initiated in the  
142 Superior Court of the District of Columbia or the Office of Administrative Hearings, DDS shall  
143 deny the formal complaint.

144           “(e) For the purposes of this section, the term “provider” means an entity that is  
145 responsible for providing residential or day services to people supported by the Developmental  
146 Disabilities Administration of DDS.”.

147           Sec. 102. Section 6 of the Office of Administrative Hearings Establishment Act of 2001,  
148 effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03), is amended by  
149 adding a new subsection (b-15) to read as follows:

150           “(b-15) In addition to those cases described in subsections (a), (b), (b-1), (b-2), (b-3), (b-  
151 4), (b-5), (b-6), (b-7), (b-8), (b-9), (b-10), (b-11), (b-12), (b-13), and (b-14), this act shall apply  
152 to all adjudicated cases involving a formal complaint filed pursuant to section 113 of the  
153 Department on Disability Services Establishment Act of 2007, approved by the Committee on  
154 Human Services on December 12, 2017 (Committee print of Bill 22-154).”.

155           **TITLE II. ENDING ADMISSIONS AND NEW COMMITMENTS BY PETITION**  
156 **OF PARENT OR GUARDIAN**

157           Sec. 201. The Citizens with Intellectual Disabilities Constitutional Rights and Dignity  
158 Act of 1978, effective March 3, 1979 (D.C. Law 2-137; D.C. Official Code § 7-1301.01 *et seq.*),  
159 is amended as follows:

160           (a) The title heading is amended to read as follows:

161           “TITLE III. COMMITMENTS.”.

162           (b) Section 102(b) (D.C. Official Code § 7-1301.02(b)) is amended as follows:

163                   (1) Paragraph (1) is amended by striking the word “individual” and inserting the  
164 word “person” in its place.

165                   (2) Paragraph (4) is amended by striking the word “Individuals” and inserting the  
166 word “Persons” it its place.

167           (c) Section 103 (D.C. Official Code § 7-1301.03) is amended as follows:

168                   (1) Paragraph (1) is repealed.

169                   (2) Paragraph (1A) is redesignated as paragraph (1B).

170                   (3) Paragraph (1B) is redesignated as paragraph (1C).

171                   (4) A new paragraph (1A) is added to read as follows:

172                   “(1A) “Adult” means a person who is at least 18 years of age.”.

173                   (5) Paragraph (2A) is amended as follows:

174                           (A) Subparagraph (B) is amended by striking the word “customer’s” and  
175 inserting the word “person’s” in its place.

176 (B) Subparagraph (C) is amended by striking the word “customer” and  
177 inserting the word “person” in its place.

178 (C) Subparagraph (E) is amended by striking the word “customer’s” and  
179 inserting the word “person’s” in its place.

180 (6) Paragraph (2B)(B) is amended by striking the word “customer” and inserting  
181 the word “person” in its place.

182 (7) Paragraph (2C) is amended by striking the word “individual’s” and inserting  
183 the word “person’s” in its place.

184 (8) Paragraph (3) is amended by striking the word “customers” and inserting the  
185 word “residents” in its place.

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

187 “(3A) “Close friend” means any adult who has exhibited significant care and  
188 concern for the person, and has maintained regular contact with the person so as to be familiar  
189 with his or her activities, health, and religious and moral beliefs.”.

190 (10) Paragraph (4) is amended to read as follows:

191 “(4) “Commitment” means the process whereby a person becomes a ward of the  
192 District through Court proceedings under this act.”.

193 (11) Paragraph (8B) is repealed.

194 (12) Paragraph (9) is repealed.

195 (13) Paragraph (14A) is amended by striking the word “individuals” and inserting  
196 the word “persons” in its place.



197 (14) Paragraph (14C) is amended as follows:

198 (A) Strike the word “Individual” and insert the word “Person” in its place.

199 (B) Strike the phrase “an individual” and insert the phrase “a person” in its  
200 place.

201 (15) Paragraph (16) is amended as follows:

202 (A) By striking the phrase “an individual’s” and inserting the phrase “a  
203 person’s” in its place.

204 (B) By striking the phrase “an individual” and inserting the phrase “a  
205 person” in its place.

206 (16) A new paragraph (21A) is added to read as follows:

207 “(21A) "Religious superior" means a bishop or a member of a religious order  
208 who, under the approved constitution, laws, statutes, bylaws, or rules of the religious order or  
209 community, exercises authority over the particular community or unit of the religious order to  
210 which the member of the religious order or community belongs.”.

211 (17) Paragraph (23) is repealed.

212 (18) Paragraph (24) is repealed.

213 (19) Paragraph (24C) is amended by striking the word “customer” both times it  
214 appears and inserting the word “person” in its place.

215 (20) Paragraph (26) is amended by striking the phrase “an individual” and  
216 inserting the phrase “a person” in its place.

217 (c) Section 301 (D.C. Official Code § 7-1303.01) is amended as follows:

218 (1) Subsection (a) is repealed.

219 (2) Subsection (b) is amended as follows:

220 (A) Strike the phrase “an individual” and insert the phrase “a person” in its  
221 place.

222 (B) Strike the word “individual’s” and insert the word “person’s” in its  
223 place.

224 (d) Section 302 (D.C. Official Code § 7-1303.02) is repealed.

225 (e) Section 303 (D.C. Official Code § 7-1303.03) is repealed.

226 (f) Section 304 (D.C. Official Code § 7-1303.04) is amended as follows:

227 (1) Subsection (a) is repealed.

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

229 “(a-1)(1) Except as provided in subsection (b-1) of this section, no person shall be newly  
230 committed under this act on or after the effective date of the Disability Services Reform  
231 Amendment Act of 2017, as approved by the Committee on Human Services on December 12,  
232 2017 (Committee Print of Bill 22-154).

233 “(2) For a person committed by written petition of a parent or guardian before the  
234 effective date of the Disability Services Reform Amendment Act of 2017, as approved by the  
235 Committee on Human Services on December 12, 2017 (Committee Print of Bill 22-154), the  
236 continued commitment of the person shall be governed by section 411(a).”.

237 (3) Subsection (b) is repealed.

238 (4) Subsection (b-1) is amended as follows:

239 (1) Strike the phrase “an individual” and insert the phrase “a person” in its  
240 place.

241 (2) Strike the phrase “the individual” and insert the phrase “the person” in  
242 its place.

243 (g) Section 305 (D.C. Official Code § 7-1303.05) is repealed.

244 (h) Section 306 (D.C. Official Code § 7-1303.06) is repealed.

245 (i) Section 307 (D.C. Official Code § 7-1303.07) is repealed.

246 (j) Section 308 (D.C. Official Code § 7-1303.08) is repealed.

247 (k) Section 309 (D.C. Official Code § 7-1303.09(b)) is repealed.

248 (l) Section 310 (D.C. Official Code § 7-1303.10) is repealed.

249 (m) Section 311 (D.C. Official Code § 7-1303.11) is repealed.

250 (n) Section 312 (D.C. Official Code § 7-1303.12) is amended by striking the phrase  
251 “committed to a facility” and inserting the word “committed” in its place.

252 (o) Section 312a (D.C. Official Code § 7-1303.12a) is amended as follows:

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

254 (A) Strike the phrase “an individual” and insert the phrase “a person” in its  
255 place.

256 (B) Strike the phrase “the individual” and insert the phrase “the person” in  
257 its place.

258 (2) Subsection (b) is repealed.

259 (3) Subsection (c) is amended as follows:

260 (A) Strike the phrase “the individual” both times it appears and insert the  
261 phrase “the person” in its place.

262 (B) Strike the word “individual’s” and insert the word “person’s” in its  
263 place.

264 (4) Subsection (d) is amended as follows:

265 (A) Strike the phrase “the individual” wherever it appears and insert the  
266 phrase “the person” in its place.

267 (B) Strike the word “individual’s” both times it appears and insert the  
268 word “person’s” in its place.

269 (p) Section 313 (D.C. Official Code § 7-1303.13) is amended as follows:

270 (1) Strike the phrase “an individual” and insert the phrase “a person” in its place.

271 (2) Strike the word “individual’s” and insert the word “person’s” in its place.

272 (q) Section 314 (D.C. Official Code § 7-1303.14) is repealed.

273 (r) Section 401 (D.C. Official Code § 7-1304.01) is amended to read as follows:

274 “Proceedings for the commitment of a person found incompetent in a criminal case shall  
275 be commenced by the filing of a written petition by the District with the Court in a manner and  
276 form prescribed by the Court. A copy of the petition shall be served on the person, the person’s  
277 counsel, and the person’s guardian, if any.”.

278 (s) Section 402 (D.C. Official Code § 7-1304.02) is amended to read as follows:

279 “Persons who have been committed, or whose commitment is sought pursuant to section  
280 304(b-1), have the right to be represented by counsel, retained or appointed by the Court, in any

281 proceeding held before the Court in accordance with this act, and they shall be informed by the  
282 Court of this right. The Court shall appoint counsel to represent the person. Whenever possible,  
283 counsel shall be appointed who has had experience in the intellectual disability area. Counsel  
284 appointed to represent persons who are unable to pay for such counsel shall be awarded  
285 compensation by the Court for his or her services in an amount determined by the Court to be  
286 fair and reasonable.”.

287 (t) Section 403 (D.C. Official Code § 7-1304.03) is amended as follows:

288 (1) Subsection (b)(1) is amended by striking the phrase “individual or respondent”  
289 and inserting the word “person” in its place.

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

291 (A) The lead-in language is amended by striking the phrase “shall be  
292 developed by the same persons who conduct the comprehensive evaluation (except where the  
293 comprehensive evaluation has been performed by persons not geographically accessible to the  
294 District) working jointly with the person who is the subject of the plan, and such person’s parent  
295 or guardian who petitioned for the commitment. In cases where the comprehensive evaluation  
296 has been performed by persons not geographically accessible to the District, the Court shall  
297 designate other appropriate and professionally qualified persons to develop the plan. The plan  
298 shall” and inserting the word “shall” in its place.

299 (B) Paragraph (6) is amended by striking the phrase “, including criteria  
300 for discharge and a projected date for discharge if commitment is recommended by the plan.”  
301 and inserting a period in its place.

302 (3) Subsection (d) is amended as follows:

303 (A) Strike the phrase “individual or respondent” and insert the word  
304 “person” in its place.

305 (B) Strike the phrase “counsel, and to the parent or guardian if the petition  
306 was filed under section 304 or section 306” and inserting the word “counsel” in its place.

307 (C) Strike the phrase “shall be provided to the respondent” and insert the  
308 phrase “shall be provided to the person” in its place.

309 (u) Section 404 (D.C. Official Code § 7-1304.04) is repealed.

310 (v) Section 405(a) (D.C. Official Code § 7-1304.05(a)) is repealed.

311 (w) Section 406 (D.C. Official Code § 7-1304.06) is amended as follows:

312 (1) Strike the phrase “Individuals whose admission has been questioned or  
313 respondents” and insert the phrase “Persons who have been committed, or whose commitment is  
314 sought pursuant to section 304(b-1)” in its place.

315 (2) Strike the phrase “of the respondent” and insert the phrase “of the person” in  
316 its place.

317 (3) Strike the phrase “that the respondent” both times it appears and insert the  
318 phrase “that the person” in its place.

319 (x) Section 406a (D.C. Official Code § 7-1304.06a) is amended as follows:

320 (1) Subsection (a) is amended by striking the phrase “an individual” and inserting  
321 the phrase “a person” in its place.

322                   (2) Subsection (c) is amended by striking the word “individual” wherever it  
323 appears and inserting the word “person” in its place.

324                   (3) Subsection (d) is amended as follows:

325                           (A) Strike the word “individual” wherever it appears and insert the word  
326 “person” in its place.

327                           (B) Strike the word “individual’s” wherever it appears and insert the word  
328 “person’s” in its place.

329                   (x) Section 407 (D.C. Official Code § 7-1304.07) is amended as follows:

330                           (1) Subsection (a) is repealed.

331                           (2) Subsection (b) is amended by striking the word “respondent” and inserting the  
332 phrase “person whose commitment is sought” in its place.

333                   (y) Section 409 (D.C. Official Code § 7-1304.09) is repealed.

334                   (z) Section 411(D.C. Official Code § 7-1304.11) is amended as follows:

335                           (1) Subsection (a) is amended to read as follows:

336                                   “(a)(1) Any decision of the Court ordering commitment of a person with  
337 an intellectual disability, other than a decision of the Court ordering commitment of a person  
338 found incompetent in a criminal case to DDS pursuant to section 406a, that was issued before the  
339 effective date of the Disability Services Reform Amendment Act of 2017, as approved by the  
340 Committee on Human Services on December 12, 2017 (Committee Print of Bill 22-154), shall be  
341 reviewed in a Court hearing annually. The commitment shall be terminated unless there is a  
342 finding of the following:

343                   “(A) The Court determines that the person with an intellectual disability  
344 has benefited from the habilitation;

345                   “(B) DDS demonstrates that continued residential rehabilitation is  
346 necessary for the habilitation program;

347                   “(C) The person with an intellectual disability is a resident of the District;  
348 and

349                   “(D) The Court determines beyond a reasonable doubt that:

350                         “(i) Based on a comprehensive evaluation of the person performed  
351 within one year prior to the hearing, the person has at least a moderate intellectual disability and  
352 requires habilitation; and

353                         “(ii) DDS is capable of providing the required habilitation; and

354                   “(E) The person with an intellectual disability, or an individual authorized  
355 pursuant to paragraph (2) of this subsection, provides informed consent to continue his or her  
356 commitment.

357                   “(2) If a person with an intellectual disability does not have capacity to give  
358 informed consent to continue his or her commitment, the following individuals, in the order of  
359 priority set forth below, shall be authorized to consent on behalf of the person with an  
360 intellectual disability to the continued commitment of the person with an intellectual disability  
361 pursuant to paragraph (1)(E) of this subsection:

362                   “(A) A court-appointed general guardian or limited guardian of the person



363 with an intellectual disability whose scope of appointment includes the authority to consent to  
364 the continued commitment of the person;

365                   “(B) A court-appointed conservator whose scope of appointment includes  
366 the authority to consent to the continued commitment of the person;

367                   “(C) The spouse or domestic partner of the person;

368                   “(D) An adult child of the person;

369                   “(E) A parent of the person;

370                   “(F) An adult sibling of the person;

371                   “(G) A religious superior of the person, if the person is a member of a  
372 religious order or a diocesan priest;

373                   “(H) A close friend of the person;

374                   “(I) The nearest-living, adult relative of the person; or

375                   “(J) A guardian *ad litem* appointed by the Mental Health and Habilitation  
376 Branch of the Court for the sole purpose of consenting to the continued commitment of the  
377 person.

378                   “(3) A decision by an individual authorized pursuant to paragraph (2) of this  
379 subsection to consent to the continued commitment of a person pursuant to paragraph (1)(E) of  
380 this subsection shall be based on the expressed wishes of the person or, if the wishes of the  
381 person are unknown and cannot be ascertained, on a good faith belief as to the best interests of  
382 the person.

383                   “(4) If no individual in a prior category of individuals listed in paragraph (2) of

384 this subsection is reasonably available, mentally capable, and willing to act, authority to consent  
385 to the continued commitment of a person shall rest with the next reasonably available, mentally  
386 capable, and willing individual on the priority list.

387 “(5) Any individual listed in paragraph (2) of this subsection shall have legal  
388 standing to challenge in the Court any decision made by an individual of higher priority listed in  
389 paragraph (2) of this subsection.

390 “(6) The order of priority established in paragraph (2) of this subsection creates a  
391 presumption that may be rebutted if an individual of lower priority is found to have better  
392 knowledge of the wishes of the person, or, if the wishes of the patient are unknown and cannot  
393 be ascertained, is better able to demonstrate a good-faith belief as the interests of the person.

394 “(7) Nothing in this section shall be construed to change DDS’s responsibility to  
395 provide services and supports pursuant to section 105(1) of the Department on Disability  
396 Services Establishment Act of 2006, effective March 14, 2007 (D.C. Law 16-264; D.C. Official  
397 Code § 7-761.05(1)).

398 “(8) For the purposes of this subsection, a prior court decision to commit a person  
399 shall not be determinative of whether the person has capacity to give informed consent to  
400 continue his or her commitment pursuant to paragraph (1)(E) of this subsection.”.

401 (2) Subsection (a-1) is amended as follows:

402 (A) Strike the phrase “an individual” and insert the phrase “a person” in its  
403 place.

404 (B) Strike the phrase “the individual” and insert the phrase “the person” in  
405 its place.

406 (C) Strike the phrase “The individual” and insert the phrase “The person”  
407 in its place.

408 (3) Subsection (b) is amended by striking the phrase “an individual” and inserting  
409 the phrase “a person” in its place.

410 (z) Section 413 (D.C. Official Code § 7-1304.13) is amended as follows:

411 (1) Subsection (a) is amended by striking the phrase “Persons with an intellectual  
412 disability who admit themselves to a facility under section 302, and persons with an intellectual  
413 disability whose commitment is sought under section 304 or section 306,” and inserting the  
414 phrase “Persons with an intellectual disability who have been committed and persons whose  
415 commitment is sought under section 304(b-1)” in its place.

416 (2) Subsection (b) is amended by striking the phrase “Upon receipt of the petition  
417 for commitment or notification of admission as provided in section 302, section 304 and section  
418 306 of this act, the” and inserting the word “The” in its place.

419 (3) Subsection (h) is amended by striking the phrase “for individuals” and  
420 inserting the phrase “for persons” in its place.

421 (aa) Section 501 (D.C. Official Code § 7-1305.01) is amended as follows:

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

423 (A) Strike the word “individual” and insert the word “person” in its place.

**ENGROSSED ORIGINAL**

424 (B) Strike the word “individual’s” wherever it appears and insert the word  
425 “person’s” in its place.

426 (2) Subsection (c) is amended by striking the word “individual” and inserting the  
427 word “person” in its place.

428 (3) Subsection (d) is amended by striking the phrase “an individual” and inserting  
429 the phrase “a person” in its place.

430 (ab) Section 502 (D.C. Official Code § 7-1305.02) is amended as follows:

431 (1) Strike the word “Individuals” wherever it appears and insert word “Persons”  
432 in its place.

433 (2) Strike the phrase “the individual” and insert the phrase “the person” in its  
434 place.

435 (3) Strike the word “individual’s” and insert the word “person’s” in its place.

436 (4) Strike the phrase “an individual” and insert the phrase “a person” in its place.

437 (ac) Section 503 (D.C. Official Code § 7-1305.03) is amended as follows:

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

439 (A) Strike the word “Individuals” and insert the word “Persons” in its  
440 place.

441 (B) Strike the word “individuals” and inserting the word “persons” in its  
442 place.

443 (2) Subsection (b) is amended as follows:

**ENGROSSED ORIGINAL**

444 (A) Strike the phrase “an individual” and insert the phrase “a person” in its  
445 place.

446 (B) Strike the phrase “the individual” and insert the phrase “the person” in  
447 its place.

448 (C) Strike the phrase “the individual’s” wherever it appears and insert the  
449 phrase “the person’s” in its place.

450 (ad) Section 504 (D.C. Official Code § 7-1305.04) is amended as follows:

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

452 (A) Paragraph (1) is amended to read as follows:

453 “(1) Before each person’s commitment under this act, the person shall receive,  
454 pursuant to section 403, a comprehensive evaluation or screening and an individual habilitation  
455 plan.”.

456 (B) Paragraph (2)(A) is amended by striking the word “individual” and  
457 inserting the word “person” in its place.

458 (C) Paragraph (3) is amended as follows:

459 (i) Strike the phrase “the individual” both times it appears and  
460 insert the phrase “the person” in its place.(ii) Strike the word “individual’s” and insert the word  
461 “person’s” in its place.

462 (D) Paragraph (4) is mended by striking the word “individual’s” and  
463 inserting the word “person’s” in its place.

464 (2) Subsection (b) is amended as follows:

465 (A) Strike the phrase “section 403, or within 30 days of admission  
466 pursuant to section 302, the facility, the facility’s sponsoring agency, or” and insert the phrase  
467 “section 403,” in its place.

468 (B) Strike the phrase “an individual’s” both times it appears and insert the  
469 phrase “a person’s” in its place.

470 (3) Subsection (c) is amended to read as follows:

471 “(c) To the extent of funds appropriated for the purposes of this chapter, each person shall  
472 receive habilitation, care, or both consistent with the recommendations included in the person’s  
473 individual habilitation plan. The Department on Disability Services shall set standards for  
474 habilitation and care provided to such persons, consistent with standards set by the Council on  
475 Quality and Leadership, including staff-person and professional-person ratios.”.

476 (ae) Section 505 (D.C. Official Code § 7-1305.05) is amended as follows:

477 (1) Subsection (a) is amended by striking the word “individual” wherever it  
478 appears and inserting the word “person” in its place.

479 (2) Subsection (b) is amended as follows:

480 (A) Strike the word “individual’s” and insert the word “person’s” in its  
481 place.

482 (B) Strike the phrase “The individual” both times it appears and insert the  
483 phrase “The person” in its place.

484 (C) Strike the phrase “An individual” and insert the phrase “A person” in  
485 its place.

486 (3) Subsection (c) is amended as follows:

487 (A) Strike the word “individual” and insert the word “person” in its place.

488 (B) Strike the word “Individuals” and insert the word “Persons” in its  
489 place.

490 (4) Subsection (d) is amended as follows:

491 (A) Strike the word “individual” and insert the word “person” in its place.

492 (B) Strike the word “individual’s” and insert the word “person’s” in its  
493 place.

494 (5) Subsection (e) is amended by striking the word “individual” and insert the  
495 word “person” in its place.

496 (6) Subsection (f) is amended by striking the word “individual” and insert the  
497 word “person” in its place.

498 (7) Subsection (g) is amended by striking the word “individual” and insert the  
499 word “person” in its place.

500 (8) Subsection (h) is amended as follows:

501 (A) Strike the word “individuals” and insert the word “persons” in its  
502 place.

503 (B) Strike the word “individual” and insert the word “person” in its place.

504 (C) Strike the word “individual’s” and insert the word “person’s” in its  
505 place.

506 Section 506a (D.C. Official Code § 7-1305.06a) is amended as follows:

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

508 (A) Strike the word “individual” both times it appears and insert the word  
509 “person” in its place.

510 (B) Strike the word “individual’s” and insert the word “person’s” in its  
511 place.

512 (2) Subsection (b) is amended as follows:

513 (A) Strike the phrase “the individual” both times it appears and insert the  
514 phrase “the person” in its place.

515 (B) Strike the word “individual’s” both times it appears and insert the  
516 word “person’s” in its place.

517 (3) Subsection (c) is amended as follows:

518 (A) The lead-in language is amended by striking the word “individual”  
519 and inserting the word “person” in its place.

520 (B) Paragraph (1) is amended as follows:

521 (i) Strike the word “individual” and insert the word “person” in its  
522 place.

523 (ii) Strike the word “individual’s” and insert the word “person’s”  
524 in its place.

525 (C) Paragraph (3) is amended as follows:

526 (i) Strike the phrase “an individual” and insert the phrase “a  
527 person” in its place.



528 (ii) Strike the phrase “the individual” and insert the phrase “the  
529 person” in its place.

530 (iii) Strike the word “individual’s” and insert the word “person’s”  
531 in its place.

532 (af) Section 506b (D.C. Official Code § 7-1305.06b) is amended as follows:

533 (1) Subsection (a) is amended by striking the word “individuals” and inserting the  
534 word “persons” in its place.

535 (2) Subsection (b) is amended by striking the phrase “the individual” and inserting  
536 the phrase “the person” in its place.

537 (3) Subsection (c) is amended as follows:

538 (A) Strike the word “individual” wherever it appears and insert the word  
539 “person” in its place.

540 (B) Strike the word “individual’s” and insert the word “person’s” in its  
541 place.

542 (4) Subsection (d) is amended by striking the word “individual” and inserting the  
543 word “person” in its place.

544 (5) Subsection (e) is amended by striking the word “individual’s” both times it  
545 appears and inserting the word “person’s” in its place.

546 (6) Subsection (f) is amended as follows:

547 (A) Strike the phrase “For individuals” and insert the phrase “For persons”  
548 in its place.

549 (B) Strike the phrase “the individual” and insert the phrase “the persons”  
550 in its place.

551 (7) Subsection (g) is amended as follows:

552 (A) Strike the word “individuals” and insert the word “persons” in its  
553 place.

554 (B) Strike the word “individual” both times it appears and insert the word  
555 “person” in its place.

556 (C) Strike the word “individual’s” and insert the word “person’s” in its  
557 place.

558 (8) Subsection (h) is amended by striking the word “individual’s” and inserting  
559 the word “person’s” in its place.

560 (ag) Section 506c (D.C. Official Code § 7-1305.06c) is amended as follows:

561 (1) Subsection (a) is amended by striking the word “individuals” and inserting the  
562 word “persons” in its place.

563 (2) Subsection (b) is amended by striking the word “individual” and inserting the  
564 word “person” in its place.

565 (3) Subsection (c) is amended by striking the word “individuals” and inserting the  
566 word “persons” in its place.

567 (4) Subsection (d) is amended as follows:

568 (A) Paragraphs (1) is amended by striking the word “individuals” and  
569 inserting the word “persons” in its place.

570 (B) Paragraph (2) is amended by striking the word “individuals” both  
571 times it appears and inserting the word “persons” in its place.

572 (C) Paragraph (3) is amended by striking the word “individual” and  
573 inserting the word “person” in its place.

574 (5) Subsection (e) is amended by striking the word “individual” both times it  
575 appears and inserting the word “person” in its place.

576 (6) Subsection (f) is amended as follows:

577 (A) Strike the word “individual’s” both times it appears and insert the  
578 word “person’s” in its place.

579 (B) Strike the word “individual” and insert the word “person” in its place.

580 (7) Subsection (g) is amended by striking the phrase “an individual” and inserting  
581 the phrase “a person” in its place.

582 (8) Subsection (h) is amended as follows:

583 (A) The lead-in language is amended by striking the word “individual’s”  
584 and inserting the word “person’s” in its place.

585 (B) Paragraph (1) is amended by striking the word “individual” and  
586 inserting the word “person” in its place.

587 (C) Paragraphs (2) is amended by striking the word “individual’s” and  
588 inserting the word “person’s” in its place.

589 (D) Paragraphs (3) is amended by striking the word “individual’s” and  
590 inserting the word “person’s” in its place.

591 (E) Paragraphs (4) is amended by striking the word “individual’s” and  
592 inserting the word “person’s” in its place.

593 (F) Paragraphs (5) is amended by striking the word “individual’s” and  
594 inserting the word “person’s” in its place.

595 (G) Paragraphs (6) is amended by striking the word “individual’s” and  
596 inserting the word “person’s” in its place.

597 (ah) Section 507a (D.C. Official Code § 7-1305.07a) is amended as follows:

598 (1) Subsection (a) is amended by striking the word “individual” both times it  
599 appears and inserting the word “person” in its place.(2) Subsection (b) is amended as follows:

600 (A) The lead-in language is amended by striking the word “individuals”  
601 and inserting the word “persons” in its place.

602 (B) Paragraph (2) is amended by striking the word “individuals” both  
603 times it appears and inserting the word “persons” in its place.

604 (ai) Section 508 (D.C. Official Code § 7-1305.08) is amended by striking the word  
605 “individual” and inserting the word “person” in its place.

606 (aj) Section 509 (D.C. Official Code § 7-1305.09) is amended as follows:

607 (1) Strike the word “Individuals” and insert the word “Persons” in its place.

608 (2) Strike the word “individual” both times it appears and insert the word “person” in its  
609 place.

610 (3) Strike the word “individual’s” and insert the word “person’s” in its place.

611 (ak) Section 510 (D.C. Official Code § 7-1305.10) is amended as follows:

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

613 (A) Strike the phrase “any individual” and insert the phrase “any person”  
614 in its place.

615 (B) Strike the phrase “an individual” and insert the phrase “a person” in its  
616 place.

617 (C) Strike the word “individual’s” and insert the word “person’s” in its  
618 place.

619 (2) Subsection (b) is amended by striking the phrase “An individual” and inserting  
620 the phrase “A person” in its place.

621 (3) Subsection (c) is amended by striking the word “individual” and inserting the  
622 word “person” in its place.

623 (4) Subsection (d) is amended by striking the phrase “an individual” and inserting  
624 the phrase “a person” in its place.

625 (5) Subsection (e) is amended as follows:

626 (A) Strike the word “individual” and insert the word “person” in its place.

627 (B) Strike the word “individual’s” and insert the word “person’s” in its  
628 place.

629 (6) Subsection (f) is amended as follows:

630 (A) Strike the phrase “An individual’s” and insert the phrase “A person’s”  
631 in its place.

632 (B) Strike the phrase “an individual’s” and insert the phrase “a person’s”  
633 in its place.

634 (al) Section 511 (D.C. Official Code § 7-1305.11) is amended as follows:

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

636 (A) Strike the word “individual” and insert the word “person” in its place.

637 (B) Strike the word “individuals” and insert the word “persons” in its  
638 place.

639 (2) Subsection (b) is amended by striking the word “individual” and inserting the  
640 word “person” in its place.

641 (3) Subsection (c) is amended by striking the word “individual” and inserting the  
642 word “person” in its place.

643 (am) Section 512 (D.C. Official Code § 7-1305.12) is amended as follows:

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

645 (A) The lead-in language is amended as follows:

646 (i) Strike the word “individual” wherever it appears and insert the  
647 word “person” in its place.

648 (ii) Strike the phrase “an individual’s” and insert the phrase “a  
649 person’s” in its place.

650 (iii) Strike the phrase “the individual’s” wherever it appears and  
651 insert the phrase “the person’s” in its place.

652 (B) Paragraph (1) is amended striking the word “individual’s” and  
653 inserting the word “person’s” in its place.

654 (C) Paragraph (2) is amended by striking the word “individual’s” and  
655 inserting the word “person’s” in its place.

656 (D) Paragraph (3) is amended by striking the word “individual’s” and  
657 inserting the word “person’s” in its place.

658 (E) Paragraph (4) is amended by striking the word “individual’s” and  
659 inserting the word “person’s” in its place.

660 (F) Paragraph (6) is amended by striking the word “individual’s” and  
661 inserting “person’s” in its place.

662 (G) Paragraph (9) is amended by striking the phrase “an individual” and  
663 inserting the phrase “a person” in its place.

664 (H) Paragraph (10) is amended by striking the phrase “individual’s” both  
665 times it appears and inserting the word “person’s” in its place.

666 (I) Paragraph (11) is amended by striking the phrase “individual’s” both  
667 times it appears and inserting the word “person’s” in its place.

668 (J) Paragraph (13) is amended as follows:

669 (i) Strike the word “individual” and insert the word “person” in its  
670 place.

671 (ii) Strike the word “individual’s” and insert the word “person’s”  
672 in its place.

673                   (2) Subsection (b) is amended by striking the phrase “an individual’s” and  
674 inserting the phrase “a person’s” in its place.

675                   (an) Section 513 (D.C. Official Code § 7-1305.13) is amended as follows:

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

677                               (i) Strike the phrase “Any individual” and insert the phrase “Any person”  
678 in its place.

679                               (ii) Strike the phrase “said individual” and insert the phrase “said person”  
680 in its place.

681                               (iii) Strike the word “individual’s” and insert the word “person’s” in its  
682 place.

683                   (2) Subsection (d) is amended by striking the word “individual” and inserting the  
684 word “person” in its place.

685                   (ao) Section 515 (D.C. Official Code § 7-1305.15) is amended as follows:

686                               (1) Strike the phrase “an individual” both times it appears and insert the phrase “a  
687 person” in its place.

688                               (2) Strike the phrase “the individual” wherever it appears and insert the phrase  
689 “the person” in its place.

690                               (3) Strike the phrase “committed individual” and insert the phrase “committed  
691 person” in its place.

692                   Sec. 202. Title 21 of the District of Columbia Official Code is amended as follows:



693 (a) Section 21-2047.01(4) is amended by striking the phrase “or Chapter 13 of Title 7;”  
694 and inserting a semicolon in its place.

695 (b) Section 21-2049(a)(3) is amended by striking the phrase “On petition of the ward or  
696 any interested person” and inserting the phrase “On petition of the ward, the Department on  
697 Disability Services (“Department”) if the ward is receiving services from the Department, or any  
698 interested person” in its place.

699 (c) Section 21-2210(h) is amended by striking the phrase “for those persons committed or  
700 admitted to receive habilitation” and inserting the phrase “for those persons committed to receive  
701 habilitation” in its place.

702 Sec. 203. Section 312 of the Nursing Home and Community Residence Facility  
703 Residents’ Protections Act of 1985, effective April 18, 1986 (D.C. Law 6-108; D.C. Official  
704 Code § 44-1003.12), is repealed.

705 **TITLE III. SUPPORTED DECISION-MAKING AGREEMENTS**

706 Sec. 301. Definitions.

707 For the purposes of this title, the term:

708 (1) “Adult” means a person who is at least 18 years of age.

709 (2) “Caregiver” shall have the same meaning as provided in section 2(4) of the  
710 Adult Protective Services Act of 1984, effective March 14, 1985 (D.C. Law 5-156; D.C. Official  
711 Code § 7-1901(4)).

712 (3) “Covered education agreement” means a supported decision-making  
713 agreement that is entered in to for the sole purpose of providing supported decision-making  
714 related to the supported person’s education and:

715 (A) The Individuals with Disabilities Education Act, approved April 13,  
716 1970 (84 Stat. 175; 20 U.S.C. § 1400 *et seq.*); or

717 (B) Section 504 of the Rehabilitation Act of 1973, approved September  
718 26, 1973 (87 Stat. 394; 29 U.S.C. § 794).

719 (4) “Disability” means a physical or mental impairment that substantially limits  
720 one or more major life activities of a person.

721 (5) “Educational records” includes educational records under the Family  
722 Educational Rights and Privacy Act of 1974, approved August 21, 1974 (88 Stat. 571; 20 U.S.C.  
723 § 1232g).

724 (6) “Information that is relevant to a life decision” includes medical records,  
725 psychological records, financial records, educational records, and treatment records.

726 (7) “Life decisions” includes decisions related to:

727 (A) Where and with whom an adult with a disability wants to live;

728 (B) What services, supports, and medical care the adult with a disability  
729 wants to receive; and

730 (C) Where the adult with a disability wants to work.

731 (8) “Medical records” includes protected health information under the Health  
732 Insurance Portability and Accountability Act of 1996, approved August 21, 1996 (Pub. L. No.  
733 104-191; 110 Stat. 1936).

734 (9) “Relative” means a parent, other ancestor, brother, sister, uncle, aunt, or one  
735 who has been lawful custodian at some prior time.

736 (10) “Supported decision-making” means a process of supporting and  
737 accommodating an adult with a disability in order to:

738 (A) Assist the adult with a disability in understanding the options,  
739 responsibilities, and consequences of life decisions; and

740 (B) Enable the adult with a disability to make life decisions, without  
741 impeding the self-determination of the adult with a disability or making decisions for the adult  
742 with a disability.

743 (11) “Supported decision-making agreement” means an agreement between a  
744 supported person and a supporter entered into pursuant to this title.

745 (12) “Supported person” means an adult with a disability who has entered into a  
746 supported decision making-agreement with a supporter.

747 (13) “Supporter” means an adult who has entered into a supported decision-  
748 making agreement with a supported person.

749 Sec. 302. Executing a supported decision-making agreement.

750 (a) The following individuals, except if the individual is the supported person’s relative,  
751 may not be a supporter:

752 (1) An individual who provides physical, mental, or behavioral healthcare  
753 services or disability services to the supported person, or the owner or operator of the entity  
754 providing the healthcare services or disability services to the supported person; or

755 (2) An individual who works for a government agency that is financially  
756 responsible for the supported person's care.

757 (b)(1) An individual shall not be a supporter if:

758 (A) There is or has been a finding by a government agency that the  
759 individual:

760 (i) Abused, neglected, or exploited the supported person; or

761 (ii) Inflicted harm upon a child, elderly individual, or person with a  
762 disability; or

763 (B) The individual is or has been convicted of any of the following  
764 criminal offenses, or their equivalent in any other state or territory, within 7 years before entering  
765 the supported decision-making agreement:

766 (i) Any sexual offense prohibited in title II of the Anti-Sexual  
767 Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3002 *et*  
768 *seq.*), where the victim was a child, elderly individual, or person with a disability;

769 (ii) Aggravated assault, as described in section 806a of An Act To  
770 establish a code of law for the District of Columbia, effective August 20, 1994 (D.C. Law 10-  
771 151; § 22-404.01), where the victim was a child, elderly individual, or person with a disability;

772 (iii) Fraud, as described in section 121 of the District of Columbia  
773 Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C.  
774 Official Code § 22-3221);

775 (iv) Theft in the first degree, as that term is used in section 112 of  
776 the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1,  
777 1982 (D.C. Law 4-164; D.C. Official Code § 22-3212(a));

778 (v) Forgery, as described in section 141 of the District of Columbia  
779 Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C.  
780 Official Code § 22-3241); or

781 (vi) Extortion, as described in section 151 of the District of  
782 Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-  
783 164; D.C. Official Code § 22-3251).

784 (2) Paragraph (1) of this subsection shall not apply to a covered education  
785 agreement.

786 (c) A supported decision-making agreement must be signed by the adult with a disability  
787 and the supporter in the presence of 2 adult witnesses or a notary public.

788 (d) Except for a covered education agreement, a supported decision-making agreement  
789 shall be in substantially the following form:

790 "SUPPORTED DECISION-MAKING AGREEMENT

791 "Appointment of Supporter

792 "I, (name of supported person), make this agreement of my own free will.

793

794 "I agree to designate the following person as my supporter:

795 "Name:

796 "Address:

797 "Phone Number:

798 "E-mail Address:

799 "My supporter may help me with making everyday life decisions relating to the

800 following:

801 "Y/N applying for and maintaining supports and services including District government

802 assistance

803 "Y/N obtaining food, clothing, and shelter

804 "Y/N taking care of my physical health

805 "Y/N taking care of my mental/behavioral health

806 "Y/N managing my financial affairs

807 "Y/N managing real property transactions

808 "Any other duties as listed below:

809 " \_\_\_\_\_

810 " \_\_\_\_\_

811 "NOTHING IN THIS DOCUMENT GIVES MY SUPPORTER PERMISSION TO

812 "MAKE DECISIONS FOR ME.

813 “Nothing in this document prevents my supporter from also serving as a power of  
814 attorney or as a healthcare decision-maker.

815 “To help me with decisions, my supporter may:

816 “Y/N Help me obtain information that is relevant to a decision, including medical,  
817 psychological, financial, educational, or treatment records;

818 “Y/N When requested by me, be present to help me make my own decisions;

819 “Y/N Help me understand my options so that I can make an informed decision; and

820 “Y/N Help me communicate my decision to appropriate persons.

821 “Releases

822 “Y/N A release allowing my supporter to see and obtain protected health information  
823 under the Health Insurance Portability and Accountability Act of 1996 is attached.

824 “Y/N A release allowing my supporter to see and obtain educational records under the  
825 Family Educational Rights and Privacy Act of 1974 is attached.

826 “Effective Date of Supported Decision-Making Agreement

827 “This supported decision-making agreement is effective immediately and will continue  
828 until (insert date) or until the agreement is terminated by my supporter or me or by operation of  
829 law.

830 “Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

831 “Consent and Attestation of Supporter

**ENGROSSED ORIGINAL**

832 “I, (name of supporter), consent to act as a supporter under this agreement and affirm that

833 “1. I have not been found to have abused, neglected, or exploited (name of supported  
834 person) by a government agency;

835 “2. I have not been found to have inflicted harm upon a child, elderly individual, or  
836 person with a disability by a government agency;

837 “3. In the last 7 years, I have not been convicted of any sexual offense where the  
838 victim was a child, elderly individual, or person with a disability;

839 “4. In the last 7 years, I have not be convicted of aggravated assault where the victim  
840 was a child, elderly individual, or person with a disability; and

841 “5. In the last 7 years, I have not been convicted of fraud, theft in the first degree,  
842 forgery, or extortion.

843 “Signature of Supporter Printed Name of Supporter

844 “Signature of Supported Person

845 “I, (name of supported person), consent to have (name of supporter) act as my supporter  
846 under this agreement.

847 “My signature Printed Name of Supported Person

848 “Signature of Two Witnesses

849 “Signature of Witness Printed Name of Witness (1)

850 “Signature of Witness Printed Name of Witness (2)

851 “This document was acknowledged before me on this \_\_\_\_ day of (insert month and  
852 year) by (name of person supported) and (name of supporter).



853 “Signature of Notary Public and notary seal, if any.

854 “Printed Name of Notary Public

855 “My commission expires:

856 “WARNING: PROTECTION FOR PERSON SUPPORTED

857 “IF A PERSON WHO RECIVES A COPY OF THIS AGREEMENT OR IS AWARE OF

858 THE EXISTENCE OF THIS AGREEMENT HAS CAUSE TO BELIEVE THAT THE ADULT

859 NAMED AS A SUPPORTED PERSON IS BEING ABUSED, NEGLECTED, OR EXPLOITED

860 BY THE SUPPORTER, THE PERSON MAY REPORT THE ALLEGED ABUSE, NEGLECT,

861 OR EXPLOITATION TO THE CITYWIDE CALL CENTER AT 311, METROPOLITAN

862 POLICE DEPARTMENT AT 911, ADULT PROTECTIVE SERVICES AT (202) 541-3950.”.

863 (e) A supported decision-making agreement may be terminated at any time by the

864 supported person or the supporter.

865 Sec. 303. Supported decision-making agreements.

866 (a) An adult with a disability may voluntarily enter into one or more supported decision-

867 making agreements under which the adult with a disability may authorize a supporter to do any

868 of the following:

869 (1) Provide supported decision-making;

870 (2) Be present during the supported decision-making process, when requested by

871 the supported person; or

872 (3) In the presence of the supported person, assist the supported person in:

873 (A) Obtaining information that is relevant to a given life decision from any  
874 person; provided, that the supporter shall keep any information obtained under this paragraph  
875 confidential; or

876 (B) Communicating the supported person's decisions to others.

877 (b) A supporter acting pursuant to a supported decision-making agreement may exercise  
878 only the authority expressly granted to the supporter in the supported decision-making  
879 agreement.

880 (c)(1) If a law or regulation requires a person or a District agency to give notice to a  
881 supported person, and the person or District agency that is required to give the notice has  
882 received a supported decision-making agreement from the supported person, the person or  
883 District agency shall also provide the supporter with a copy of the notice required by law or  
884 regulation to be given to the supported person, unless the person or District agency has  
885 substantial cause to believe that the supported person is an adult in need of protected services, as  
886 that term is defined in section 2(2) of the Adult Protective Services Act of 1984, effective March  
887 14, 1985 (D.C. Law 5-156; D.C. Official Code § 7-1901(2)).

888 (2) If a law or regulation requires a person or District agency to give notice to a  
889 supported person that contains information protected by federal or District law, such as medical  
890 records or educational records, paragraph (1) of this subsection shall not apply unless the  
891 supported decision-making agreement contains a release authorizing the supporter to obtain the  
892 protected information.

893 (d) A person or a District agency who receives a supported decision-making agreement  
894 shall rely on the agreement, unless the person or District agency has substantial cause to believe  
895 that the supported person is an adult in need of protected services, as that term is defined in  
896 section 2(2) of the Adult Protective Services Act of 1984, effective March 14, 1985 (D.C. Law 5-  
897 156; D.C. Official Code § 7-1901(2)).

898 (e) Neither a person nor a District agency shall be subject to criminal or civil liability, nor  
899 shall a person be considered to have engaged in professional misconduct, for an act or omission  
900 done in good faith and in reasonable reliance on a supported decision-making agreement.

901 (f) If a District employee or a caregiver, who is aware of the existence of a supported  
902 decision-making agreement, has a reasonable belief that the supported person is an adult in need  
903 of protected services, as that term is defined in section 2(2) of the Adult Protective Services Act  
904 of 1984, effective March 14, 1985 (D.C. Law 5-156; D.C. Official Code § 7-1901(2)), the  
905 District employee or caregiver shall report the alleged abuse, neglect, or exploitation to the  
906 Citywide Call Center at 311, Metropolitan Police Department at 911, Adult Protective Services  
907 at (202) 541-3950, or a District agency where the supported person receives services.

908 Sec. 304. Rules.

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

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914           **TITLE IV. APPLICABILITY, FISCAL IMPACT, EFFECTIVE DATE**

915           Sec. 401. Applicability.

916           Title II shall apply 90 days after the effective date of this act.

917           Sec. 402. Fiscal impact statement.

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

921           Sec. 403. Effective date.

922           This act shall take effect following approval by the Mayor (or in the event of veto by the  
923 Mayor, action by the Council to override the veto), a 30-day period of congressional review as  
924 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
925 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1), and publication in the District of  
926 Columbia Register.