



# CATHOLIC UNIVERSITY LAW REVIEW

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SUMMER 1985

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with *Jaycees*

*Neal E. Devins*

f Columbia's Architects' and Builders' Statute of  
Application and Need for Amendment

*Gerald W. Heller*

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DISTRICT OF COLUMBIA SURVEY

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**THE DISPOSITIONAL PHASE OF  
THE JUVENILE JUSTICE SYSTEM IN  
THE DISTRICT OF COLUMBIA:  
THE IMPLICATIONS OF  
IN RE A.A.I.**

The juvenile justice system in the District of Columbia has evolved around the doctrine of "parens patriae."<sup>1</sup> Under this doctrine the district government acts as the ultimate parent when proper care and supervision of a child is lacking in his or her home. Essential to this philosophy is the concept that a child, unlike an adult, has a right "not to liberty but to custody."<sup>2</sup> In fact, the commitment of a child to an agency of the District of Columbia is viewed simply as the exercise of parental restraint.<sup>3</sup> This parental orienta-

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1. The concept of "parens patriae" derives from the time of the chancery courts in England and surfaced in America in the early nineteenth century. See P. PRESCOTT, *THE CHILD SAVERS* 52-54 (1981). It is a legal provision that allows the state to assume custody over, and provide protection for, a child in the event of parental default. *Id.* at 52.

In the landmark decision, *In re Gault*, 387 U.S. 1 (1967), Justice Fortas said of the doctrine of parens patriae, "[t]he Latin phrase proved to be a great help to those who sought to rationalize the exclusion of juveniles from the constitutional scheme . . . . [I]ts meaning is murky and its historical credentials are of dubious relevance." *Gault*, 387 U.S. at 16. However, instead of abandoning the concept, he limited it by saying, "[T]he admonition to function in a 'parental' relationship is not an invitation to procedural arbitrariness . . . . [T]here is no place in our system of law for reaching a result of such tremendous consequences without ceremony . . . . [T]he [adjudicatory] hearing must measure up to the essentials of due process and fair treatment." *Id.* at 30 (quoting *Kent v. United States*, 383 U.S. 541, 544-55, 562 (1966)).

2. *Gault*, 387 U.S. at 17. The *Gault* decision recognized that the constitutional guarantees of due process apply to juveniles as well as adults. Justice Fortas, speaking for the majority, concluded that departures from constitutional procedures in juvenile courts have not enhanced the child's chance of rehabilitation but instead have resulted in arbitrariness. *Id.* at 18-21. *Gault* gave to children who are adjudicated delinquent six fundamental rights that have long applied in adult proceedings. They are the right to notice of charges, the right to counsel, the right to confront and cross-examine witnesses, the privilege against self-incrimination, the right to a transcript of the proceedings, and the right to appellate review. The Supreme Court has also extended to juveniles the requirement that guilt be shown beyond a reasonable doubt, declaring that the old civil court standard of a preponderance of the evidence was insufficient in delinquency proceedings. *In re Winship*, 397 U.S. 358 (1970). However, the Court refused to extend to juveniles the right to trial by jury. See *McKeiver v. Pennsylvania*, 403 U.S. 528 (1971).

3. The concept of the state as ultimate guardian and protector was expressed in *Gault*. There, Justice Fortas, in a recapitulation of the history of the juvenile justice system, recited the basic philosophy that, "[i]f [the child's] parents default in effectively performing their custodial functions—that is, if the child is 'delinquent'—the state may intervene. In doing so, it

tion toward, and governmental interest in, preserving and promoting the welfare of the child is most evident and important in the dispositional phase of a delinquency case.<sup>4</sup>

In the District of Columbia, the Family Division of the Superior Court (the Division) handles juvenile delinquency proceedings. If the court finds that the child has committed a delinquent act or is in need of supervision and that care and rehabilitation is required,<sup>5</sup> then the Division can impose an appropriate "disposition" or sentence.<sup>6</sup> The court can place the child on probation<sup>7</sup> or transfer legal custody of the child to the District of Columbia Department of Human Services (DHS),<sup>8</sup> the public agency responsible for

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does not deprive the child of any rights, because he has none. It merely provides the 'custody' to which the child is entitled." *Gault*, 387 U.S. at 17.

In 1984, the Supreme Court in *Schall v. Martin*, 104 S. Ct. 2403 (1984), echoed the above philosophy recited by Justice Fortas in *Gault*. Justice Rehnquist, speaking for the majority, stated that a juvenile's interest in freedom from institutional restraints "must be qualified by the recognition that juveniles, unlike adults, are always in some form of custody." *Schall*, 104 S. Ct. at 2410.

4. The terminology used in juvenile court was devised to reflect the parental orientation of the system. To reflect the theoretically nonadversarial nature of proceedings, cases are captioned "In the Matter of . . ." rather than "District of Columbia versus . . ." An accused child is called the "respondent" rather than the "defendant" and a "petition" is filed "in his behalf," instead of an "information" or an "indictment" being handed down. A child is charged with committing a "delinquent act" rather than a "crime" or "offense." Instead of being "tried" a "fact-finding hearing" is held where the child may be "adjudicated" delinquent instead of "convicted." This is followed by a "disposition hearing" instead of a "sentencing" where a child could be ordered "committed" instead of "incarcerated."

5. D.C. CODE ANN. § 16-2320(c) (1981). A delinquent act is defined in § 16-2301(7) of the D.C. Code as "an act designated as an offense under the law of the District of Columbia, or of a State if the act occurred in a State, or under Federal law. Traffic offenses shall not be deemed delinquent acts unless committed by an individual who is under the age of sixteen." *Id.* D.C. CODE ANN. § 16-2301(8) (1981) also defines the term "child in need of supervision" as one who is habitually truant from school; has done an act which because of his status as a "child" is considered an offense; or "is habitually disobedient of the reasonable and lawful commands of his parent, guardian, or other custodian and is ungovernable; and is in need of care and rehabilitation." *Id.* The term "child" refers to a person under eighteen years of age. D.C. CODE ANN. § 16-2301(3) (1981).

6. *See supra* note 4.

7. D.C. CODE ANN. § 16-2320(c)(3) (1981).

8. D.C. CODE ANN. § 16-2320(c)(2) (1981). If a child is found to be delinquent, the Division has several other dispositional options in addition to probation and commitment. The Division could permit the child to remain with his parent or guardian subject to such conditions and limitations as the Division may prescribe, D.C. CODE ANN. § 16-2320(a)(1) (1981), or the Division could place the child under protective supervision, D.C. CODE ANN. § 16-2320(a)(2) (1981), whereby the child is permitted to remain in his home under supervision but subject to return to the Division during the proscribed period. D.C. CODE ANN. § 16-2301(19) (1981). The Division could also transfer legal custody of the child to a private organization or to a relative or other individual who the Division finds to be qualified to receive and care for the child. D.C. CODE ANN. § 16-2320(a)(3)(B)-2320(a)(3)(c) (1981). The child could be committed on an in-patient basis for medical, psychiatric, or other treatment. The Division

caring for delinquent children.

In recent years, the District of Columbia Court of Appeals has been confronted with the question of how much authority and continuing jurisdiction the Division can exercise over a child once it has ordered that DHS take legal custody. The most recent case dealing with this issue, *In re A.A.I.*,<sup>9</sup> came before the court of appeals on November 14, 1984. The issue on appeal was whether the Division had the authority to issue a new commitment order after DHS failed to execute the conditions of the original commitment order placing the juvenile in the legal custody of DHS.<sup>10</sup> Judge Yeagley, writing for the majority, upheld the action of the Division and affirmed the second commitment.<sup>11</sup> He acknowledged that the Division relinquishes its authority over a child once legal custody vests in DHS, but held that this vesting occurs only upon DHS' execution of the conditions of the Division's initial disposition order.<sup>12</sup>

This Note will demonstrate the significance of *In re A.A.I.* in light of the previous case law in this area. This Note will also discuss the tension that exists between the Division and DHS over the custody of a child after commitment. It will discuss the extent to which *In re A.A.I.* alleviates this tension and suggest that the decision may, in fact, aggravate it. Finally, this Note will close with the observation that perhaps the emphasis in the juvenile justice system should be on the child's liberty rather than on the state's custody interest.

## I. LIMITATIONS ON JUDICIAL AUTHORITY

The definitive authority on the subject of the Division's post-disposition jurisdiction is *In re J.M.W.*<sup>13</sup> In that case, a juvenile, J.M.W., was ordered

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can also make any other disposition "not prohibited by law and deemed to be in the best interest of the child." D.C. CODE ANN. § 16-2320(a)(5) (1981). Finally, the Division can seek adoptive placement of the child. D.C. CODE ANN. § 16-2320(a)(6) (1981).

9. 483 A.2d 1205 (D.C. 1984).

10. *Id.* at 1206. The initial disposition order for A.A.I. was issued on June 10, 1983. It transferred custody to DHS and ordered DHS to find residential placement in a rehabilitative facility for A.A.I., with a specific request for the Community Advocate for Youth Foster Home (CAY) or the Youth Advocate Program (YAP). *Id.* The order specifically provided that Cedar Knoll would not be an appropriate placement. See *infra* note 16. In spite of the order, DHS placed A.A.I. at Cedar Knoll when CAY Foster Homes rejected him. *A.A.I.*, 483 A.2d at 1207. DHS never sought placement with the Youth Advocate Program. On August 17, 1983 the Division issued a second disposition order placing A.A.I. in the Martin Pollack Project located in Annapolis, Maryland. *Id.* at 1208. The Pollack Project is a community based residential and educational service for children who have been unsuccessful in other programs and have been determined to be beyond rehabilitation.

11. *A.A.I.*, 483 A.2d at 1206.

12. *Id.* at 1208.

13. 411 A.2d 345 (D.C. 1980).

committed to the custody of DHS for an indeterminate period not to exceed two years with release into immediate aftercare status, in effect continuing the aftercare status in which he had been placed previously.<sup>14</sup> Approximately two months later, while on aftercare, J.M.W. was arrested and, upon a motion of the Corporation Counsel to the Division, J.M.W.'s aftercare status was revoked.<sup>15</sup> The Division remanded the child to the custody of DHS and ordered placement at the Oak Hill Youth Center.<sup>16</sup> J.M.W. contested the Division's exercise of authority in the District of Columbia Court of Appeals.

In ruling in favor of the child, the court held that the Division was without statutory power to intervene after it committed a child to the legal custody of DHS and accordingly vacated the order revoking the child's aftercare status.<sup>17</sup> The court noted that while section 16-2327 of the D.C. Code gives the Division the authority to modify or revoke probation upon petition by the Corporation Counsel, no such provision is provided in commitment cases.<sup>18</sup> In fact, by statute, the legal custodian has the power to determine where and with whom the child shall live.<sup>19</sup> It also has the authority to release the child from its custody at its own discretion.<sup>20</sup>

The *J.M.W.* decision caused a great deal of uncertainty among judges, attorneys and DHS regarding the Division's authority to intervene after

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14. *Id.* at 346. Aftercare in the juvenile system is the functional equivalent of parole in the adult criminal system. Like parole, aftercare status can be revoked and the child can be given a more restrictive placement if the conditions placed on his aftercare status are violated. Unlike the adult system, in the juvenile system there is no correlation between the type of offense committed and the penalty imposed. Under D.C. law, the penalty, regardless of the offense, is "an indeterminate period not exceeding two years," D.C. CODE ANN. § 16-2322(a)(1) (1981), that "may be extended for additional periods of one year, upon motion of the department, agency, or institution to which the child was committed." D.C. CODE ANN. § 16-2322(b) (1981). A child, however, cannot be held, regardless of the offense, beyond his twenty-first birthday. D.C. CODE ANN. § 16-2322(f) (1981).

15. *In re J.M.W.*, 411 A.2d at 347. The revocation was based on two curfew violations.

16. *Id.* Oak Hill Youth Center and Cedar Knoll School together are known as the Children's Center and are located in Laurel, Maryland. They are residential facilities run by DHS for juveniles who are either detained prior to trial or committed following disposition. Cedar Knoll is a minimum security facility for boys and girls, while Oak Hill is a maximum security facility housing only boys.

17. *Id.* at 348.

18. *Id.*

19. D.C. CODE ANN. § 16-2301(21) (1981). This provision defines the term "legal custody."

20. D.C. CODE ANN. § 16-2322(a)(1) (1981). There is a proviso in this section that qualifies the agency's authority to release. The authority cannot be exercised if the original disposition order vesting legal custody in a department or agency specifies that release is permitted only by order of the Division, thereby restrictively committing a child. See *infra* note 32.

commitment. A similar case, *In re J.J.*,<sup>21</sup> demonstrates this confusion. There, the Division, uncertain of the impact of *In re J.M.W.*, and upon a determination of delinquency, refused to commit J.J. to the custody of DHS but instead retained him on probation.<sup>22</sup> The Division reasoned that by retaining legal custody of the child, it could follow through and supervise the placement which, in light of *In re J.M.W.*, it could not do if it granted legal custody of J.J. to DHS.<sup>23</sup> The Division then ordered the Commissioner of Social Services of DHS to pay for the special education the Division determined was necessary.<sup>24</sup>

The Commissioner appealed this decision, claiming that the Family Division can only order services from DHS pursuant to a transfer of legal custody to the agency.<sup>25</sup> The court of appeals, holding in appellant's favor, stated that the scope of the Division's power over DHS is in part defined by the statutory authority granted to the agency.<sup>26</sup> The court noted, in particular, "that the agency has *no* obligation to provide services, unless and until the court vests legal custody of the child with that agency."<sup>27</sup> Once custody is transferred, "the court relinquish[es] its authority to determine the appropriate measures needed to insure rehabilitation . . . . [T]he agency . . . [has] exclusive supervisory responsibility over the juvenile . . . absent a fresh delinquency determination."<sup>28</sup>

The court of appeals pointed out that, rather than circumventing *J.M.W.*, the Division could have reached virtually the same result statutorily. Under section 16-2320(c)(1) of the District of Columbia Code, in conjunction with section 16-2320(a)(5)(i), the Division can both transfer custody to DHS and specify a particular placement it deems to be in the best interests of the child, provided that it is not beyond the authority of DHS.<sup>29</sup> In *J.M.W.*, the appeals court restricted the Division's authority to intervene once a child is

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21. 431 A.2d 587 (D.C. 1981).

22. *Id.* at 589.

23. *Id.*

24. *Id.* The trial court ordered that J.J. be placed in the New Dominion School in Dillwyn, Virginia, which already had accepted J.J.

25. *Id.* at 588. Audrey Rowe, the Commissioner of Social Services of DHS, refused to comply with the order and was held in contempt. *Id.*

26. *Id.* at 590. D.C. CODE ANN. § 16-2320(a)(5) (1981) states in part that "[t]he Division shall have the authority to (i) order any public agency of the District of Columbia to provide any service the Division determines is needed and which is within such agency's legal authority . . . ."

27. *In re J.J.*, 431 A.2d at 591.

28. *Id.* (quoting *In re J.M.W.*, 443 A.2d at 349).

29. *In re J.J.*, 431 A.2d at 591. Section 16-2320(c)(1) allows the Division to order any disposition which is authorized by subsection (a) (other than paragraph (3)(A) thereof, which deals with neglected children). Paragraph (5) of subsection (a) allows the Division to order a disposition not prohibited by law and deemed to be in the best interests of the child. This



committed to an agency, but said nothing about the Division's authority to play an integral part in the commitment process by designating a specific placement in the commitment order.<sup>30</sup> Therefore, by taking this statutory approach, the Division would not be circumventing *J.M.W.*

## II. THE STRUGGLE TO RETAIN POST-DISPOSITIONAL JUDICIAL AUTHORITY

While the combination of *J.J.* and *J.M.W.* established the Division's power to select a particular placement at the time of commitment of the child to DHS, these decisions left open important questions regarding the Division's jurisdiction subsequent to the issuance of a disposition order. These issues surfaced and became the focus of judicial controversy in the case of *In re J.A.G.*<sup>31</sup>

In *J.A.G.*, the Division ordered a second placement of the child at the expense of DHS two years after the issuance of its original disposition order, when the child was already on aftercare status.<sup>32</sup> The court of appeals reversed, but the two judges in the majority, Chief Judge Newman and Judge Ferren, employed radically different rationales in reaching that result. Chief Judge Newman concluded that the Division loses all power over the child after custody has been transferred to DHS.<sup>33</sup> Judge Ferren, however, expressed the view that the Division has continuing jurisdiction to review and to intervene after disposition.<sup>34</sup> This includes the power to modify or terminate placements when the initial placement proves inappropriate.<sup>35</sup>

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includes ordering any public agency to provide any service the Division determines is necessary and within the agency's legal authority. *See supra* note 26.

30. *J.J.*, 431 A.2d at 591 n.9.

31. 443 A.2d 13 (D.C. 1982).

32. *Id.* at 15. The Division granted custody of J.A.G. to DHS, specifying placement at Highland Hospital in its initial disposition order issued June 8, 1979. The Division also directed that DHS release J.A.G. on aftercare when, in DHS's opinion, he was sufficiently rehabilitated. *Id.* at 14. The Division, therefore, chose not to retain a veto power over release provided for under D.C. CODE ANN. § 16-2322(a)(1) (1981). *See supra* note 20. After the issuance of the initial order, the Division tried two times to reassert jurisdiction over J.A.G. First, on May 5, 1980, the Division issued an order "authorizing" DHS to release J.A.G. from Highland. This was not considered a modification but merely a reiteration of the initial disposition order of June 8, 1979. *J.A.G.*, 443 A.2d at 15 n.6. Second, on October 9, 1980, the Division held an ex parte review hearing at which J.A.G. requested placement at Gables Academy in Atlanta, Georgia, at the expense of DHS. *J.A.G.*, 443 A.2d at 15. It is this second attempt at intervention that the court of appeals held was beyond the Division's jurisdiction. *Id.*

33. *J.A.G.*, 443 A.2d at 16.

34. *Id.* at 21. On the basis of *J.M.W.*, Judge Ferren concurred in the judgment of reversal. He did not, however, concur in the opinion.

35. Judge Ferren claimed that no provision of the D.C. Code abrogates the general grant, to the Division, of continuing post-dispositional jurisdiction found in § 16-2303 of the Code.

Judge Ferren also proposed that the Division may not lose jurisdiction to the child's legal custodian if, in the original commitment order, it specifically lists all the supervisory authority it intends to retain during the period between disposition and outright release.<sup>36</sup> Although *In re J.J.* unquestionably established the Division's authority to specify a particular placement in its order to DHS,<sup>37</sup> Judge Ferren's opinion raised the possibility of the Division extending this authority to encompass the power to monitor the child's progress in the placement.<sup>38</sup>

### III. POSTPONING THE TRANSFER OF CUSTODY: A VICTORY FOR THE DIVISION

The difficult question of whether the Division or DHS has continuing jurisdiction was addressed recently in *In re A.A.I.*<sup>39</sup> The *A.A.I.* decision appears to focus Judge Ferren's approach and adds a needed proviso to *J.M.W.*<sup>40</sup> The court of appeals in *A.A.I.* granted the Division continuing jurisdiction over the juvenile during the period between the issuance of the disposition order and the point when the agency entrusted with the legal custody actually effectuates the placement in accordance with the Division's order.<sup>41</sup> The court points out that the concerns expressed in *J.M.W.*, *J.J.* and *J.A.G.*, over the extent of judicial authority, would not even be reached

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*J.A.G.* 443 A.2d at 20. This provision states, in part, that "jurisdiction obtained by the Division in the case of a child shall be retained by it until the child becomes twenty-one years of age . . . ." D.C. CODE ANN. § 16-2303 (1981). The court of appeals had found this argument unpersuasive two years earlier in *J.M.W.* There, it held that § 16-2303 does not allow the court "to exercise its authority in a manner which is inconsistent with or broader than statutory mandate." *J.M.W.*, 411 A.2d at 348. The *J.M.W.* court further noted that "to hold that this section provides for judicial modification of a commitment order would extend the powers of the court far beyond that which is expressly delegated by statute." *Id.*

Judge Ferren disagreed with *J.M.W.* that the express grant of authority to the Division in § 16-2327 of the D.C. Code to modify or revoke a probation order negates the Division's continuing jurisdiction over a commitment order. *J.A.G.*, 443 A.2d at 21. *See supra* notes 13-20 and accompanying text. He also believes that the correct interpretation of § 16-2322(a)(1) of the Code, giving the Division the authority to retain a veto power over release, is that it gives the Division continuing jurisdiction over the child up to the point of ultimate release. *J.A.G.*, 443 A.2d at 21. He stated further that the fact that the legal custodian can release a child without permission of the Division if no veto power is retained should be interpreted as "merely a legislative recognition of the custodian's presumptive expertise and good judgment," *Id.* at 21, and not as a congressional denial of authority in the Division to intervene. *Id.*

36. *J.A.G.*, 443 A.2d at 22.

37. *J.J.*, 431 A.2d at 591.

38. *J.A.G.*, 443 A.2d at 22.

39. 483 A.2d 1205 (D.C. 1984). *See supra* notes 9-12 and accompanying text.

40. *See supra* notes 13-20 and accompanying text.

41. *A.A.I.*, 483 A.2d at 1208.

in this interim period.<sup>42</sup> The court's opinion reformulates the rule of *J.M.W.* regarding the moment when custody vests. It holds that it is not at the issuance of the disposition order but at its implementation by DHS that the Division relinquishes its authority to order a new disposition.<sup>43</sup> Custody will vest in DHS only upon implementation and execution of the conditions of the order and only then can DHS assume exclusive supervisory authority over the juvenile.<sup>44</sup> The court of appeals reasoned that the statutory authority, recognized in *J.J.*, of the Division to designate a particular placement would be rendered meaningless if mere inaction of an agency could be allowed to thwart the Division's dispositional schemes.<sup>45</sup>

It appears from *A.A.I.* that the Division has gained some leverage in deciding the fate of a juvenile through judicial intervention. That intervention is sanctioned, at least up until the newly created point at which custody vests in DHS.

#### IV. POST *IN RE A.A.I.*: UNRESOLVED ISSUES AND UNCERTAIN IMPACTS

The *A.A.I.* court left several issues unresolved. It did not address the issue of what limitations, if any, are placed on the Division in making its initial disposition order. Beyond the Division specifying a particular placement and retaining a veto power over release, there still remains the unanswered question whether the Division can retain the power to monitor a child once DHS has placed him as ordered. Judge Ferren interpreted the Division's authority to retain a veto power over a child's release from DHS to be a confirmation of continuing jurisdiction over the child up to the point of ultimate release.<sup>46</sup> Judge Ferren's opinion supports a view of section 16-2322(a)(1) that permits the Division to supervise the treatment of the child while the child is under the custody of DHS.

The validity of the Ferren interpretation of section 16-2322(a)(1) has yet to be tested. The onus is on the Division, when ordering a restrictive commitment under section 16-2322(a)(1), to demonstrate its parental interest over the treatment and rehabilitation of the child. This can be done by initiating a system that will monitor the child at the institution to which he is

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42. *Id.* at 1209. The court of appeals in *A.A.I.* noted that *J.M.W.*, *J.J.* and *J.A.G.* all involved situations where only after placement was effected, in accordance with the Division's order, did the Division attempt to intervene to reassert its authority. *Id.* In *A.A.I.*, DHS had not even begun to execute the Division's placement scheme, when the Division intervened. *Id.*

43. *A.A.I.*, 483 A.2d at 1208.

44. *Id.*

45. *Id.*

46. See *supra* note 35 and accompanying text.

committed. As the legislative history of section 16-2322(a)(1) indicates, it was the goal of the drafters to "end the situation in which a child is, after the original disposition, 'lost' insofar as the court is concerned. Children change rapidly and it is important that disposition orders not be permitted to drift on without specific review."<sup>47</sup>

The Ferren interpretation of section 16-2322(a)(1) will help to alleviate an atrocious situation. It is common for a child to sit out his commitment, which generally runs from six months to two years, at an institution that provides inadequate educational or vocational services, psychological or psychiatric counseling, medical or health services, and drug or family counseling.

The *A.A.I.* court also may have created new uncertainties and potential areas of dispute between the Division and DHS in the process of creating this new point of vesting. First, the *A.A.I.* court did not provide a rule regarding the extent to which DHS must implement the conditions of the order, before it would find that custody has transferred. Secondly, the Division gave no guidance as to how soon the conditions must be implemented after the issuance of the order. It is often the case that a child is placed temporarily at Cedar Knoll or Oak Hill while awaiting an opening in a special residential placement or educational program. These two open questions allow for a great deal of discrepancy in judicial approaches and are prime targets for future litigation.

Ultimately, the question remains whether the District is adequately preserving and promoting the welfare of a child, in its role as ultimate parent, by allowing for such uncertainty in the dispositional phase of a case where a child's "right to custody" is at stake. Perhaps a greater concern for the liberty interest of a child would rid the juvenile justice system of the in-fighting that currently exists over his custody.

## V. CONCLUSION

Despite its potential for controversy, *A.A.I.* can be the means by which to provide alternative placements and to ensure their effective implementation. The emphasis then will be on rehabilitation rather than on punishment and the goal will be to return the child to the liberty to which he is entitled rather than to perpetuate his custody.

*Amy Gallicchio*

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47. *Crime in the Nation's Capital: Juvenile Court Procedures: Hearings on S. 2981 Before the Senate Comm. on the District of Columbia*, 91st Cong., 1st Sess. 1806 (1969) (statement of Deputy Attorney General Santarelli).